

7:00 p.m. Board of Review Interview Session

7:30 p.m. Call to Order.

Invocation: Pastor Ryan Doyle of Cherry Creek Community Church.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Approval of City Council Meeting Minutes.

1. Pre-Council Meeting Minutes of February 8, 2016.
2. Approval of the Regular Meeting Minutes of February 9, 2016.
3. Pre-Council Meeting Minutes of February 22, 2016.

\* B. Approval of Consent Agenda Motions.

\* C. Accounts Payable Register:

1. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of February 23, 2016 as presented.

D. Public Hearings:

1. Communication from the City Manager recommending that City Council adjourn the public hearing for Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King Jr. Drive Reconstruction Project #998-R to the March 22, 2016 City Council meeting.

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

- \* 1. Communication from the City Manager recommending that City Council approve the Final Plan for Whisper Rock (Phase 1) at 2275 West Centre Avenue, subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of detailed engineering plan.
- \* 2. Communication from the City Manager recommending that City Council approve the Height Modification for Trade Centre III, 650 Trade Centre Way, to allow construction of a five-story building to a maximum height of 78-feet.
- \* 3. Communication from the City Manager recommending that City Council:
  1. accept Rezoning Application #15/16-2 for first reading and set a public hearing for March 22, 2016; and
  2. subsequent to the public hearing, approve Rezoning Application #15/16-2 as follows:
    - 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential;
    - 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one family residential;
    - 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one family residential; and
    - 6979 South Westnedge Avenue: rezone from I-1, light industrial and RM-1, multiple family residential, to R-1A, one family residential (except the western portion which is to remain zoned B-2, community business).

\* 4. Communication from the City Manager recommending that City Council:

1. accept Rezoning Application #15/16-4 for first reading and set a public hearing for March 22, 2016, and
2. subsequent to the public hearing, approve Rezoning Application #15/16-4 and rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential, and OS-1, office service, to PD, planned development, consistent with the submitted tentative plan/narrative, and approve the requested modification from Section 42-374C (mixture of two housing types) with a finding that the modification satisfies the criteria outlined in Section 42-375L.

\* 5. Communication from the City Manager recommending that City Council:

1. accept for first reading an ordinance amendment to grant Selinon Park Limited Dividend Housing Association Limited Partnership a tax exemption and establish a Payment in Lieu of Taxes for Selinon Park, a proposed 74-unit multiple-family residential development to be constructed at 1521, 1603 and 1615 East Centre Avenue, and
2. take final action on March 22, 2016.

\* 6. Communication from the City Manager recommending that City Council approve the annual VMWare maintenance and support contract renewal with CDW-G at a total cost of \$22,600 and authorize the City Manager to execute all documents related to this action on behalf of the city.

\* 7. Communication from the City Manager recommending that City Council establish April 19 and May 3, 2016, from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2016-2017 Budget.

\* 8. Communication from the City Manager recommending that City Council adopt the Resolution setting the dates and times for the 2016 March Board of Review sessions.

\* 9. Communication from the City Manager regarding the January 2016 Environmental Report - Information Only.

G. Communications:

1. Presentation by Linda Teeter, Chair, Kalamazoo County Transportation Authority, with an update regarding the transit millage.

H. Unfinished Business:

1. Communication from the City Manager recommending that City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for March 8, 2016.

\* I. Minutes of Boards and Commissions Meetings:

1. Portage Zoning Board of Appeals of December 14, 2015
2. Portage Senior Citizen Advisory Board of December 15, 2015, and January 20, 2016
3. Portage Youth Advisory Committee of January 11, 2016
4. Portage District Advisory Council of January 21, 2016
5. Portage Planning Commission of February 4, 2016

J. Council Committee Reports:

K. New Business:

L. Bid Tabulations:

M. Other City Matters:

1. Statements of Citizens.
2. From City Council and City Manager.

\* 3. Reminder of Meetings:



- a. Thursday, February 25, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
- b. Wednesday, March 2, 8:15 a.m., Historic District Commission, City Hall Room No. 2.
- c. Wednesday, March 2, 6:30 p.m., Park Board, Stuart Manor at Celery Flats.
- d. Wednesday, March 2, 7:00 p.m., Austin Lake Governmental Lake Board, City Hall room No. 1.
- e. Thursday, March 3, 6:30 p.m., Human Services Board, City Hall Room No. 1.
- f. Thursday, March 3, 7:00 p.m., Planning Commission, Council Chambers.

\* N. Materials Transmitted.

- 1. Department Monthly Reports.
- 2. Materials Transmitted of February 5, 2016.
- 3. Materials Transmitted of February 9, 2016.

Adjournment.

**MINUTES OF THE SPECIAL PRE-MEETING  
OF THE PORTAGE CITY COUNCIL  
OF FEBRUARY 8, 2016**

Mayor Strazdas called the meeting to order at 9:02 a.m. The following Councilmembers were present: Councilmember Jim Pearson, Councilmember Claudette Reid via the conference phone line and Mayor Peter Strazdas. Those not present were: Councilmembers Nasim Ansari, Richard Ford, Patricia Randall and Terry Urban. Councilmember Patricia Randall arrived at 9:14 a.m. Also in attendance were Deputy City Manager Rob Boulis and City Clerk James Hudson.

There being no quorum, Mayor Strazdas explained that the purpose of the meeting was to hear any questions of Council regarding the Agenda of the Regular City Council Meeting of February 9, 2016, and proceeded with questions from those present.

Mayor Strazdas asked for an update on the questions received by Councilmember Reid earlier via e-mail regarding Item F.7, Acquisition of 6033 Oakland Drive, and Deputy City Manager Rob Boulis indicated that the answers are being researched with a projected time of this afternoon for an answer, or at least by first thing tomorrow morning. He noted that the documents that were requested are in hand as of five or ten minutes ago.

Using the information provided in the Agenda Packet, Councilmember Reid indicated that Fire Station No. 2 appeared to be in pretty bad condition and asked whether it is anticipated that it would be totally rebuilt or will the current building be retained and expanded. Mayor Strazdas responded with a summary of the question as it relates to her question regarding the purchase of the property received earlier via e-mail.

Mayor Strazdas reviewed the Agenda Outline, and Councilmember Pearson read the definition included in Item F.1, Amendment to Code of Ordinances – Discharge of Firearms, Sec. 50-81. – Discharge of firearms and pneumatic guns, Subsection (b) (5). He asked that the definition of “pneumatic” be reviewed as this can include a children’s toy that is spring-loaded and shoots a projectile 15 feet which then drops to the ground. He indicated that “pneumatic” needs to be defined using physics. He cited Newton’s Second Law and indicated a need for the definition to include “force times mass” or “foot, pounds, seconds.” He summed up saying that a more specific definition of “pneumatic” should include the speed of the projectile, and explained that the definition should disclose what a “pneumatic” device is (with more specificity). He restated that he does not want a plastic toy that shoots a little plastic pellet twenty feet, then drops to the ground, to be included as a pneumatic gun. Mayor Strazdas concurred with Councilmember Pearson and asked that the City Attorney check State Law to make sure that no conflict results with any proposed changes or additions.

Mayor Strazdas continued to review the Agenda Outline and asked that, even though there are no upfront costs under Item F.5, Martin Luther King Jr. Drive Reconstruction

Project #998-R, the documentation include that there would be ongoing maintenance costs for the General Fund in the future.

Councilmember Patricia Randall arrived at 9:14 a.m. and Mayor Strazdas opened the meeting with a quorum of City Council.

Mayor Strazdas continued to review the Agenda Outline, and revealed that no writing was provided for Item G.1, Legislative Update from State Representative Brandt Iden, as it was understood that it would be verbal only.

In answer to Councilmember Randall, Mayor Strazdas pinpointed the specific location of the land in question in Item F.7, and explained an experience he had as a Planning Commissioner regarding a proposed development before the recession.

Councilmember Pearson indicated that there was once an offer to purchase the two properties on the Southeast corner of Oakland Drive and Milham Avenue. In answer to Councilmember Pearson, Deputy City Manager Boulis indicated that there are no plans to change the boundaries, sell or develop this property if City Council approves the acquisition. He explained that the property is necessary for the proposed improvements in the Capital Improvement Project Profile included in the Agenda Packet. Also, he indicated that the purchase of this property does not affect the other two lots owned by the City on the Southeast corner of Oakland Drive and Milham Avenue. Mayor Strazdas offered his view that that this location is a “tough” spot and Councilmember Pearson indicated that he recalled that someone wanted to purchase the property for development a couple of years ago. Mayor Strazdas mentioned the difficulties faced by the Planning Commission regarding this location owing to traffic safety.

Mayor Strazdas and Councilmember Pearson reviewed the earlier discussion regarding Item F.1, Amendment to Code of Ordinances – Discharge of Firearms, Sec. 50-81. – Discharge of firearms and pneumatic guns, Subsection (b) (5) for Councilmember Randall.

**ADJOURN:** Mayor Strazdas adjourned the meeting at 9:20 a.m.

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James Hudson, City Clerk

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**ADJOURN:** Mayor Strazdas adjourned the meeting at 9:20 a.m.

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James Hudson, City Clerk

## CITY COUNCIL MEETING MINUTES FROM FEBRUARY 9, 2016

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God of Portage gave the invocation and a Brownie Troop and a Boy Scout Troop, who were present, led City Council and the audience in the Pledge of Allegiance and wished Mayor Betty Lee Ongley a Happy Birthday. Discussion followed.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Jim Pearson, Patricia M. Randall, Claudette Reid and Terry Urban, Mayor Pro Tem Nasim Ansari and Mayor Peter Strazdas. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

**PROCLAMATIONS:** State Senator Margaret O'Brien and State House Representative Brandt Iden presented a Proclamation to The Honorable Betty Lee Ongley in honor of her 90<sup>th</sup> Birthday.

District Librarian Christine Klien and District Library Board President Alisha Siebers presented a Proclamation to The Honorable Betty Lee Ongley in honor of her 90<sup>th</sup> Birthday.

Former Mayor Pro Tem Ted W. Vlieg and Former Mayor Pro Tem Ed Sackley wished a happy birthday to The Honorable Betty Lee Ongley in honor of her 90<sup>th</sup> Birthday and expressed their appreciation for all of her many, many contributions to the Community over her extensive political life in Portage.

City Council also wished a happy birthday to The Honorable Betty Lee Ongley and presented her with a plaque commemorating her contributions to Portage which will be housed in City Hall.

**APPROVAL OF MINUTES:** Motion by Ford, seconded by Ansari, to approve the January 26, 2016 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

As Councilmember Urban was unable to review the minutes of the Pre-Council Session of February 8, 2016, City Council chose to hold consideration of approval until the February 23, 2016 Regular City Council Meeting.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Ansari to read the Consent Agenda. Councilmember Reid asked that Items F.3, Annual Microsoft Licensing Renewals, and Item F.7, Acquisition of 6033 Oakland Drive, be removed from the Consent Agenda. Councilmember Urban asked that Item F.4, City Council Policy for Pre-Council Meetings, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 9, 2016:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of February 9, 2016. Upon a roll call vote, motion carried 7 to 0.

### PUBLIC HEARINGS:

**SOUTH SHORE DRIVE SANITARY SEWER PROJECT #416-S - RESOLUTION NO. 5:** Mayor Strazdas introduced this item and City Manager Shaffer deferred to Transportation & Utility Director Chris Barnes for a short presentation regarding the installation of sanitary sewer on South Shore Drive from West End Drive to South Westnedge Avenue. Mr. Barnes noted that this is the confirmation of the Special Assessment roll for the project and includes both the sanitary sewer and six inch laterals for each of the properties on South Shore Drive. He reviewed the Special Assessment

process, including the public hearing for the Necessity of the project on January 12, 2016, and the public hearing tonight on the Special Assessment Roll. He stressed the importance of the project, including the reconstruction of the road in conjunction with the placement of the sanitary sewer. He reviewed City Council Policy that was set April 21, 1991, including the cost to the eleven parcels that were capped at 80 feet in accordance with the Policy, and presented the Special Assessment Roll for Council and the audience that has already been presented to the property owners. Discussion followed.

Mayor Strazdas opened the public hearing to the audience and, hearing no comment, motion by Reid, seconded by Randall, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Randall, to adopt Resolution No. 5 confirming the Special Assessment Roll for the South Shore Drive Sanitary Sewer Project #416-S. Upon a roll call vote, motion carried 7 to 0.

## REPORTS FROM THE ADMINISTRATION:

**AMENDMENT TO CODE OF ORDINANCES – DISCHARGE OF FIREARMS:** Mayor Strazdas introduced this item and explained that the State Legislature passed an amendment last year to the State Firearms Act which allowed pneumatic guns references to be included in the local gun law ordinances. Councilmember Urban offered a clarification that the State is not adding pneumatic guns to the law since pneumatic guns were always under the definition of a firearm and were regulated just as any other firearm. He said that the State Law removed pneumatic guns from the definition of Firearms in the State Firearms Act and gave pneumatic guns their own regulation, which is lesser than the Firearms regulation. As a result, he indicated that the amendment is more permissive and the ordinance as presented is more permissive than the State law. Discussion followed.

Mayor Strazdas deferred to City Manager Shaffer, who indicated he had a meeting with City Attorney Randy Brown and Public Safety Director Richard White and advised that it makes sense to ask City Council to table the first reading of the amendment to Chapter 50 until the February 23, 2016 Regular City Council Meeting to allow the opportunity to provide further information regarding the potential impacts of this ordinance. He suggested City Council table this issue until the February 23, 2016 Regular City Council Meeting to provide time to complete the research on this. Discussion followed.

Councilmember Reid reflected on a conversation she had with a police officer from another municipality who advised that these kinds of things are changing very quickly and to keep the language open so as to be able to address it in the future and cited Sec. 50-81 (b) (8), *Other device capable of expelling a projectile*, as an example where this is the case. Councilmember Urban pointed out that this language was in the previous ordinance under Sec. 50-81 (b) (3), *Definition of Firearms*, of the strike-out version. He indicated he brought this forward to the Administration when State law changed since it removed and added guns from the definition of Firearms and gave them their own less restrictive regulations. He said that the Portage Ordinance needed to be in compliance with State Law making it more permissible than it was. He indicated that now people can shoot a pneumatic firearm and explained his disagreement with State Law because there are pneumatic guns that can be used to hunt big game that are as powerful as firearms under the definition and explained. He disagreed with tabling the matter because Council is regulating things that were regulated more severely previously, and the Council is simply making the City Ordinance in compliance with State Law.

Councilmember Pearson noted that City Council received this draft on Friday, and referenced the Pre-Council Meeting held on Monday for questions from Councilmembers. He cited the definition under Sec. 50-81 (b) (5), *Pneumatic gun*, as problematic owing to the difficulty faced by the police officer to identify what a pneumatic gun is under this definition for devices that are between a toy gun and one that can be used to hunt big game. He referred to his request at the Pre-Council Meeting where he had asked that the definition of “pneumatic” be reviewed as this can include a children’s toy that is spring-loaded and shoots a projectile 15 feet which then drops to the ground. He indicated a need for the definition to include “force times mass” or “feet per second.”

Motion by Pearson to table the first reading of the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for February 23, 2016, to allow staff to investigate the ambiguity of the proposed language. Discussion followed. Motion seconded by Ansari. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Ford, Pearson, Randall, Reid, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Urban. Mayor Strazdas asked that anyone with questions or concerns with this item to present them to the City Manager.

**\* COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE:**

Motion by Urban, seconded by Reid, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority (MMRMA) at a total cost not to exceed \$484,971 for the period of March 1, 2016, to March 1, 2017, 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.

**ANNUAL MICROSOFT LICENSING RENEWALS:** Mayor Strazdas deferred to Councilmember Reid, who reviewed the request. In answer to Councilmember Reid, Director of Technology Services Devin Mackinder indicated that the license renewal contract includes a per unit cost for upgrades and that the cost is based on approximately 250 licenses which is based on the number of users and not the number of computers and explained. He indicated that he would provide a breakdown for Council and this information will be a part of the item next time and explained that, as a result of their research, there is no increase in cost and that this represents government pricing.

Motion by Reid, seconded by Ansari, to approve the annual Microsoft licensing renewals with CDW-G at a total cost of \$50,388.13 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.

**PROPOSED CITY COUNCIL POLICY FOR PRE-COUNCIL MEETINGS:** Mayor Strazdas deferred to Councilmember Urban, who indicated he did not find the minutes to the February 8, 2016 Pre-Council Meeting Minutes in his e-mail, on the Pre-Council Meeting segment on the Portage Home Page or under Boardsync and questioned whether a paper copy was ever issued. He found them in the February 9, 2016 Boardsync Packet and did not anticipate that that document would be changed. City Clerk Hudson offered to post the minutes in all places on the website to make them easier to find.

Next, Councilmember Urban asked that “discussion followed” not be used in the Pre-Council Meeting Minutes as this is not contemplated by the proposed City Council Policy for Pre-Council Meetings. Recognizing that challenges can take place with electronic transmission of documents, Mayor Strazdas asked the Administration make sure a paper copy can be distributed to Councilmembers and the Library.

In answer to Councilmember Pearson, City Clerk Hudson indicated that the meeting was legally posted and discussion followed. Motion by Pearson, seconded by Randall, to adopt the proposed City Council Policy for Pre-Council Meetings. Discussion followed.

Councilmember Urban asked whether “discussion followed” was inappropriately used in the Pre-Council Meeting Minute under these guidelines. Through Mayor Strazdas, City Attorney Brown indicated that there is nothing prohibiting City Council from having a Special Meeting on Mondays and talk about whatever it desires to talk about; however, the intent of the Pre-Council Meeting is to severely limit that type of discussion and only have a question and answer session such that questions are addressed to the City Manager, which only have to do with the Council Agenda, and that the answer is then given. He said he understood that under the Policy, Council would not have discussion between or among Councilmembers regarding those issues. So, to the extent that the discussion referred to by Councilmember Urban included some type of discussion that went further than the question and the answer, Mr. Brown agreed with him that it would not follow the rule. However, he pointed out that discussion can mean a “question and an answer.”



## DRAFT

Councilmember Pearson indicated that there was no substantive discussion at the meeting, and also cautioned the use of “discussion followed” at these meetings. Mayor Strazdas concurred.

Councilmember Urban indicated that he fully expects these meetings will not have a quorum, but he still expects there to be minutes of these meetings because all of Council needs to know what questions were asked. Discussion followed and City Attorney Brown indicated that if the Policy is adopted, meeting minutes will be required. Discussion followed. Mayor Pro Tem Ansari called for the question and upon a roll call vote, motion carried 7 to 0.

**\* MARTIN LUTHER KING JR. DRIVE RECONSTRUCTION PROJECT #998-R:**

Motion by Urban, seconded by Reid, to adopt Resolution No. 4 for the Martin Luther King Jr. Drive Reconstruction Project #998-R, setting a public hearing on the assessment roll for February 23, 2016, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0.

**\* REZONING APPLICATION #15/16-3 (328 AND 414 WEST MILHAM AVENUE):**

Motion by Urban, seconded by Reid, to accept Rezoning Application #15/16-3 for first reading and set a public hearing for March 8, 2016, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, approve Rezoning Application #15/16-3 and rezone the northern 75 feet of 328 West Milham Avenue and the northern 100 feet of 414 West Milham Avenue from R1-A, one family residential, to OS-1, office service. Upon a roll call vote, motion carried 7 to 0.

**ACQUISITION OF 6033 OAKLAND DRIVE:** Mayor Strazdas deferred to Councilmember Reid, who indicated that she provide her questions regarding the acquisition of 6033 Oakland Drive as early as she could, but did not have time to review the answers provided by City Manager Shaffer. In answer to Councilmember Reid, Mr. Shaffer indicated that the number of calls from Fire Station No. 2 are equal to those for Fire Station No. 1; that Fire Station No. 2 has functional obsolescence, is one of the oldest city buildings and is deteriorating; the site is heavily encumbered and the drainage system makes it difficult to expand deeper into the lot; the proposed acquisition is bracketed by two other City properties; acquiring this 1.8 acre parcel allows for the assemblage of 6.2 acres creating value north and south (instead of east and west); and, if it is decided that from a functional perspective and an economic perspective, a new facility is more feasible for the future, this parcel affords the opportunity to build a new Fire Station while continuing to operate Fire Station No. 2 without any encumbrance whatsoever. He pointed out that this property has been appraised at \$147,000, has been looked at for 10 years, and the purchase price of \$105,000 is down from an asking price of \$330,000 when City Manager Michael Stampfler first looked at it.

T&U Director Barnes explained the problems with the drainage system and the need to expand it; the sidewalk issues; the need to better manage the Milham Avenue and Oakland Drive intersection; and some of the access issues associated with the property. Discussion followed.

In answer to Councilmember Urban, Community Development Director Vicki Georgeau indicated that for the property to be considered as park land, an amendment to the Comprehensive Plan would be necessary and in answer to Councilmember Ansari, she said the property is zoned OS-1, Office. Discussion followed.

Motion by Pearson, seconded by Ansari, to approve the city acquisition of 6033 Oakland Drive, owned by Chris & Sam, LLC, for the amount of \$105,000 and authorize the City Manager to execute the Real Estate Purchase Agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 1. Yeas: Councilmembers Ford, Pearson, Randall, Urban, Mayor Pro Tem Ansari and Mayor Strazdas. No: Councilmember Reid.

**\* CONTRACT BETWEEN THE CITY OF PORTAGE AND SOUTHWEST MICHIGAN**

**FIRST:** Motion by Urban, seconded by Reid, to receive the contract between the City of Portage and Southwest Michigan First as information only. Upon a roll call vote, motion carried 7 to 0.

**COMMUNICATIONS:**

**LEGISLATIVE UPDATE FROM STATE REPRESENTATIVE BRANDT IDEN:** Mayor Strazdas explained that State House Representative Brandt Iden had to leave and would need to come back at a later meeting to provide a Legislative update.

\* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the following Boards and Commissions:

Portage Board of Education Regular of December 7 and Special of December 15, 2015.  
Portage Human Services Board of January 21, 2016.  
Portage Planning Commission of January 21, 2016.

**COUNCIL COMMITTEE REPORTS:**

**PRESENTATION BY COUNCILMEMBER RANDALL REGARDING A DISCOVER KALAMAZOO MEETING:** Councilmember Randall discussed a presentation at an early Discover Kalamazoo meeting by Mary McCormick of the Gilmore International Keyboard Festival which will take place April 26 through May 14, 2016, and explained. She reviewed some of the planned performances and stressed the economic boost experienced in the area by these kinds of events.

Motion by Reid, seconded by Ford, to receive the presentation from Councilmember Randall regarding a Discover Kalamazoo meeting. Upon a roll call vote, motion carried 7 to 0.

**KALAMAZOO COUNTY TRANSIT AUTHORITY (KCTA) AND THE CENTRAL COUNTY TRANSIT AUTHORITY (CCTA) MEETING:** Councilmembers Pearson and Urban discussed the expanded routes being considered by the Kalamazoo County Transit Authority and the Central County Transit Authority, the new routes planned for Metro County Connect on Sundays and the efforts of the Route Committee of Transit Employees to provide better service and an increase in routes.

Motion by Ford, seconded by Reid, to receive the presentation from Councilmembers Pearson and Urban regarding the Kalamazoo County Transit Authority and the Central County Transit Authority Meeting. Upon a roll call vote, motion carried 7 to 0.

**NEW BUSINESS:**

**RESIGNATION OF JAY WOODHAMS FROM THE BOARD OF REVIEW:** Motion by Ford, seconded by Ansari, to accept the resignation of Jay Woodhams from the Board of Review, and direct the City Clerk to advertise for someone to fill the vacancy. Upon a roll call vote, motion carried 7 to 0.

**MATERIALS TRANSMITTED:**

\* **MATERIALS TRANSMITTED OF FRIDAY, JANUARY 26, 2016:** Motion by Urban, seconded by Reid, to receive the Materials Transmitted of Friday, January 26, 2016. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

# DRAFT

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Urban indicated that the proposals for the location of the new football stadiums, swimming pools, etc. is the responsibility of Portage Public Schools and all questions should be directed to them.

Councilmember Reid indicated she attended a Wear Red for Women Luncheon, that February is Heart Health Month, that one out of four women get heart disease and one out 3 die from it, and asked everyone to support women and become aware of the risk factors.

Councilmember Randall indicated that Guys and Dolls performed at Portage Central is outstanding and mentioned that Portage will celebrate the birthday of Martin Luther King Jr. on February 26<sup>th</sup> when the Central Ohio Choir, which recently performed for the White House, will perform at Portage Northern High School at no charge.

Mayor Strazdas reflected on his recent appointment to the Star Awards Committee of United Way where the best volunteers in the Community will be selected.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:28 p.m.

James R. Hudson, City Clerk

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

**MINUTES OF THE SPECIAL PRE-MEETING  
OF THE PORTAGE CITY COUNCIL  
OF FEBRUARY 22, 2016**

Mayor Pro Tem Ansari called the meeting to order at 9:02 a.m. The following Councilmembers were present: Councilmember Jim Pearson and Councilmember Claudette Reid via the conference phone line and Mayor Pro Tem Nasim Ansari. Those not present were: Councilmembers Richard Ford, Patricia Randall and Terry Urban and Mayor Peter Strazdas. Also in attendance were City Manager Larry Shaffer, Deputy City Manager Rob Boulis and City Clerk James Hudson. There being no quorum, the meeting did not rise to the level of a Special Meeting of City Council.

Since the purpose of the meeting was to hear any questions of Council regarding the Agenda of the Regular City Council Meeting of February 23, 2016, and at the request of Councilmember Pearson, Mayor Pro Tem Ansari asked City Manager Shaffer to answer questions from those present.

In answer to Councilmember Pearson, Mr. Shaffer indicated that the City Attorney is working with Josh Weiner's Attorney on the many cross easements issued in connection with Item D.1, Martin Luther King Jr. Drive Reconstruction Project #998-R, and gave his assurances that they will be extinguished. He also indicated that the City finances are not affected at all; in fact, with Resolution 5, the City does not accept all of the responsibility for the road, including winter repairs and service, until construction is completed.

In answer to Councilmember Pearson, Mr. Shaffer indicated that granting the height modification request in Item F.2, Height Modification for Trade Centre III Office, 650 Trade Centre Way, sets a precedent, and noted that one reason why staff recommends approval is because the buildings provide a sound barrier from the highway since these buildings add to the sound absorption for the neighborhoods. He indicated that the square footage is roughly equal to the other two office complexes, except the footprint is smaller because the height is higher, and is commensurate with the overall goal of getting to a 100,000 square foot in office space. He then pointed out that the Downtown Development Authority (DDA) is "under water" \$100,000 per year, and this structure adds \$3.5 million taxable value which will be used to cover the bonds and pay back the City General Fund loan given to the DDA.

Councilmember Reid asked for a description of the topography as the residential neighborhood to the north is higher, and Mr. Shaffer offered to provide an explanation in writing to the full Council as he does not have specifics on this. Mr. Shaffer answered in the affirmative regarding her question of whether the residential neighborhoods were informed regarding this modification and offered that the neighbors learned that the unintended consequences of erecting these buildings has been a reduction in sound from the highway.

In answer to Councilmember Pearson and his question regarding Item F.5, Tax Exemption (Payment in Lieu of Taxes), Mr. Shaffer indicated that the standard rate for payment in lieu of taxes (PILOT) is 6%, and Ms. Georgeau was able to negotiate 6 ½ % (as this is in line with more recent PILOT ordinance amendments). In answer to Councilmember Reid, Mr. Shaffer agreed that Item F.5 is contingent upon the passage of Item F.4, Rezoning Application #15/16-4 (1521, 1603 and 1615 East Centre Avenue), and, if F.4 does not pass, the process will take more time until the zoning issues have been dismissed or addressed.

Mr. Shaffer indicated that neither he nor staff had heard from other Councilmembers regarding Item F.7, Fiscal Year 2016-2017 Proposed Budget Review Schedule. In answer to Councilmember Pearson, City Clerk Hudson indicated he had no firm commitments from applicants to the Board of Review as yet, so there is only one pod at this time with one alternate to be determined by a vote of City Council. In answer to Councilmember Reid, who noted a gradual reduction of appeals, Mr. Boulis said that it may be possible to get an idea of the number of appeals for Council as a part of the response from the City Manager. Mr. Shaffer said City Assessor Ed VanderVries mentioned that the number of appeals was down from last year, and that internally staff discussed whether to recommend reducing the number of pods to only one pod for this year. However, he opted not to make that recommendation as it would be wise to give Ed and his new staff one more year with two pods and wait until next year to make that recommendation.

In answer to Mayor Pro Tem Ansari, Mr. Shaffer noted that the days of the Board of Review are set by State Statute, that the proposed dates fall within the statutory requirement, and these dates and times are now being submitted to City Council for adoption by Resolution. Deputy City Manager Boulis pointed out that this information is on the notice to the property owners and that the Board of Review Members receive communications as the process starts to unfold.

Councilmember Reid asked if G.2, Presentation by Vern Johnson and Jennifer Kosak, is a status report, or are there changes to the program? Mr. Shaffer indicated that the City of Portage is trying to forge a tighter bond with the Household Hazardous Waste Program, and the plan is to work more collaboratively with the paint recycling program and the program to pick up electronic items, particularly televisions, TV Screens and monitors. Councilmember Pearson indicated that he is the Chair of the County Environmental Health Advisory Council, and indicated that he would be giving a short introduction to Mr. Johnson and Ms. Kosak.

Councilmember Pearson indicated that he had asked that Item H.1, Amendment to Code of Ordinances – Discharge of Firearms, be tabled to give time for a discussion of the definition of a pneumatic gun, as it may range from a child's Nerf device to a high powered big game device, and inquired whether velocity or distance was considered into the definition. Mr. Shaffer said he discussed the Ordinance with Public Safety Director Richard White and City Attorney Randy Brown as this is a recent effort by the State to separate the definition of pneumatic weapons, sling shots, bows & arrows and cross-bows from State Statute. He mentioned that he conveyed what he thought were Councilmember Pearson's principle concerns: regulated devices that emit a projectile

that under no circumstances could be construed as being threatening or harmful to human beings. He noted that Chief White and City Attorney Brown tried very hard to impress upon him the difficulty of being able to discern devices that could be harmful and devices that could not be harmful; therefore, the theory is to cast a wide net and let the Police, utilizing their judgment, to be able to stop, for example, any one in our parks with a pneumatic weapon and prevent them from firing that weapon. Conversely, he cited the example of a children with Nerf guns with sponge balls, and said that the Police are not going to interfere with them. He concluded by saying their discussion regarding these conditions took about an hour, and he was ultimately impressed afterwards that this makes the most sense. He pointed out that this Ordinance is a step back from where the State was on this issue since the State Statute wrapped up under firearms all of these devices, pneumatic weapons, Nerf guns, sling shots, bows & arrows and cross-bows; so, at least this Ordinance, is a reflection of what the State Statute reads and differentiates these devices.

At the request of Mayor Pro Tem Ansari, Mr. Shaffer agreed to ask Public Safety Director Richard White to attend the meeting.

Councilmember Pearson offered his understanding that because the State did not want to put in the definition (of these devices), the City Attorney didn't want to put the definition into a City Ordinance. Mr. Shaffer concurred, cited the sovereignty of the State and because the State has no definition, the City can't have a definition that will work.

Councilmember Pearson also asked that City Attorney Brown be alerted that he will be asking this line of questions, and Mr. Shaffer provided his assurances.

With regard to Item I, Minutes of Boards and Commissions, Councilmember Pearson asked that the Austin Lake Governmental Lake Board Notice and Minutes be posted on the City website, and that they be e-mailed with the notice to him so it can be posted on the Kalamazoo County website. Mr. Shaffer indicated he would be happy to make that happen.

In response to Councilmember Reid, Mr. Shaffer indicated that he would call Council, e-mail them and probably text them regarding whether there is an early meeting for an interview with Board of Review applicants at 7:00 p.m.

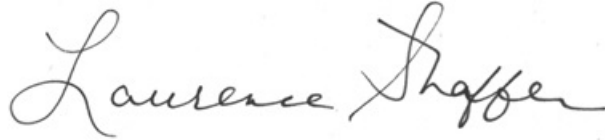
**ADJOURN:** Mayor Pro Tem Ansari adjourned the meeting at 9:29 a.m.

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James Hudson, City Clerk

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Accounts Payable Register

**SUPPORTING PERSONNEL:** William Furry, Finance Director

**ACTION RECOMMENDED:** That City Council approve the Accounts Payable Register of February 23, 2016 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks and auto-pay payments. The attached Accounts Payable Register covers the period January 31, 2016 through February 14, 2016 and notes \$72,512.48 in automated clearing house payments, \$408,403.79 in paper checks and \$16,459.74 in auto-pay payments for a grand total of \$497,376.01.

**FUNDING:** N/A

**Attachments:** 1. Accounts Payable Register

## CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/31/2016 To: 2/14/2016

| Check Date | Check            | Vendor Name                         | Amount           |
|------------|------------------|-------------------------------------|------------------|
| 02/01/16   | 4778(A)          | WOLVERINE POWER SYSTEMS             | 35,640.00        |
| 02/12/16   | 4779(A)          | AIRGAS GREAT LAKES                  | 114.65           |
| 02/12/16   | 4780(A)          | AMERICAN SAFETY & FIRST AID         | 75.51            |
| 02/12/16   | 4781(A)          | ANIMAL REMOVAL SERVICE, LLC         | 150.00           |
| 02/12/16   | 4782(A)          | APPROVED PROTECTION SYSTEMS         | 360.00           |
| 02/12/16   | 4783(A)          | ARISTA TRUCK SYSTEMS                | 47.24            |
| 02/12/16   | 4784(A)          | ARROW UNIFORM RENTAL                | 50.75            |
| 02/12/16   | 4785(A)          | C C I SOUTH, INC.                   | 101.20           |
| 02/12/16   | 4786(A)          | C D W GOVERNMENT, INC.              | 854.77           |
| 02/12/16   | 4787(A)          | CAPITAL ADVANTAGE LEASING           | 8,527.20         |
| 02/12/16   | 4788(A)          | EG WORKFORCE SOLUTIONS              | 816.95           |
| 02/12/16   | 4789(A)          | ENGINEERED PROTECTION SYSTEMS, INC. | 293.01           |
| 02/12/16   | 4790(A)          | FIRE SERVICE MANAGEMENT             | 1,160.37         |
| 02/12/16   | 4791(A)          | GLOBAL TELEMATIC SOLUTIONS LLC      | 800.00           |
| 02/12/16   | 4792(A)          | GREAT LAKES CHLORIDE, INC.          | 5,086.80         |
| 02/12/16   | 4793(A)          | GRIFFIN PEST SOLUTIONS, INC.        | 100.00           |
| 02/12/16   | 4794(A)          | HOWARD PRINTING                     | 3,088.00         |
| 02/12/16   | 4795(A)          | HURST MECHANICAL, INC.              | 867.69           |
| 02/12/16   | 4796(A)          | J-AD GRAPHICS, INC                  | 2,103.00         |
| 02/12/16   | 4797(A)          | JAROTH, INC                         | 303.00           |
| 02/12/16   | 4798(A)          | KIMBALL MIDWEST                     | 338.25           |
| 02/12/16   | 4799(A)          | LAND & RESOURCE ENGINEERING, INC    | 500.00           |
| 02/12/16   | 4800(A)          | M & M CUSTOM FABRICATING INC.       | 57.35            |
| 02/12/16   | 4801(A)          | MATERIALS RESOURCES                 | 1,267.71         |
| 02/12/16   | 4802(A)          | MAURER'S TEXTILE RENTAL SERVICES    | 501.65           |
| 02/12/16   | 4804(A)          | MEEKHOF TIRE SALES & SERVICE INC.   | 448.00           |
| 02/12/16   | 4805(A)          | MEJEUR ELECTRIC LLC                 | 80.00            |
| 02/12/16   | 4806(A)          | MICHIGAN LAUNDRY MACHINERY SERVICE  | 278.69           |
| 02/12/16   | 4807(A)          | MONIFA A. JUMANNE, PH.D.            | 900.00           |
| 02/12/16   | 4808(A)          | ONE WAY PRODUCTS                    | 258.23           |
| 02/12/16   | 4809(A)          | PECKELS, CHRISTINE                  | 180.00           |
| 02/12/16   | 4810(A)          | PERCEPTIVE CONTROLS, INC.           | 1,100.00         |
| 02/12/16   | 4811(A)          | PETERS CONSTRUCTION CO.             | 1,058.00         |
| 02/12/16   | 4812(A)          | ROAD EQUIPMENT PARTS CENTER         | 295.39           |
| 02/12/16   | 4813(A)          | ROTO-ROOTER SEWER & DRAIN SERV      | 326.80           |
| 02/12/16   | 4814(A)          | S B F ENTERPRISES, INC.             | 650.20           |
| 02/12/16   | 4815(A)          | SAFETY SERVICES, INC.               | 424.16           |
| 02/12/16   | 4816(A)          | TERMINAL SUPPLY CO.                 | 2,535.17         |
| 02/12/16   | 4817(A)          | THOMPSON, HELENE                    | 648.00           |
| 02/12/16   | 4818(A)          | TRUCK & TRAILER SPECIALTIES         | 124.74           |
|            | <b>SUBTOTAL:</b> | <b>40 CHECKS</b>                    | <b>72,512.48</b> |



## CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

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Check Dates From: 1/31/2016 To: 2/14/2016

| Check Date | Check  | Vendor Name                        | Amount     |
|------------|--------|------------------------------------|------------|
| 02/01/16   | 296596 | MICHIGAN TOWNSHIPS ASSOCIATION     | 1,151.40   |
| 02/01/16   | 296597 | U S POSTAL SERVICE (PORTAGE)       | 1,000.00   |
| 02/12/16   | 296598 | 20TH CIRCUIT COURT                 | 600.00     |
| 02/12/16   | 296599 | 57TH DISTRICT COURT                | 300.00     |
| 02/12/16   | 296600 | 57TH DISTRICT COURT                | 315.00     |
| 02/12/16   | 296601 | A T & T                            | 2,608.82   |
| 02/12/16   | 296602 | ADP, INC.                          | 15,917.00  |
| 02/12/16   | 296603 | AEG DEVELOPMENT LLC                | 129.05     |
| 02/12/16   | 296604 | ALL-PHASE ELECTRIC SUPPLY CO.      | 340.60     |
| 02/12/16   | 296605 | ALLEGRA PRINT & IMAGING            | 1,768.87   |
| 02/12/16   | 296606 | APPLIED IMAGING                    | 1,650.00   |
| 02/12/16   | 296607 | ARBOR DAY FOUNDATION               | 15.00      |
| 02/12/16   | 296608 | ARROWHEAD SCIENTIFIC, INC.         | 338.13     |
| 02/12/16   | 296609 | ASSOCIATED GOVERNMENT SERVICES INC | 1,450.00   |
| 02/12/16   | 296610 | ASSOCIATION CAREER NETWORK         | 440.00     |
| 02/12/16   | 296611 | AUTOZONE STORES, INC.              | 106.46     |
| 02/12/16   | 296612 | B S & A SOFTWARE                   | 12,395.00  |
| 02/12/16   | 296613 | BAIRD, ANNE                        | 110.00     |
| 02/12/16   | 296614 | BASIC CORPORATE                    | 2,124.05   |
| 02/12/16   | 296615 | BECKER ARENA PRODUCTS, INC.        | 1,057.23   |
| 02/12/16   | 296616 | BEL-AIRE HEATING & AIR CONDITI     | 3,640.00   |
| 02/12/16   | 296617 | BERGER CHEVROLET                   | 113,592.00 |
| 02/12/16   | 296618 | BESCO WATER TREATMENT, INC.        | 3.05       |
| 02/12/16   | 296619 | BOARDSYNC, INC.                    | 6,587.00   |
| 02/12/16   | 296620 | CAMPBELL AUTO SUPPLY               | 52.06      |
| 02/12/16   | 296621 | CAWLEY-NASH, JEANNETTE             | 150.00     |
| 02/12/16   | 296622 | CENTRAL TILE & TERRAZZO CO.        | 938.00     |
| 02/12/16   | 296623 | CHARTER COMMUNICATIONS             | 616.34     |
| 02/12/16   | 296624 | CHESSIES RESTAURANT                | 250.00     |
| 02/12/16   | 296625 | CHICAGO TITLE OF MICHIGAN, INC.    | 150.00     |
| 02/12/16   | 296626 | COBRA RESOURCES                    | 177.00     |
| 02/12/16   | 296627 | COLE CENTURY BUICK PONTIAC GMC     | 718.19     |
| 02/12/16   | 296628 | CONSUMERS ENERGY                   | 34,485.28  |
| 02/12/16   | 296629 | COSTAR REALTY INFORMATION, INC.    | 294.68     |
| 02/12/16   | 296630 | CROSSROADS CAR WASH                | 14.00      |
| 02/12/16   | 296631 | CURTIS, CAROLYN                    | 27.00      |
| 02/12/16   | 296632 | DEMERLY, NICOLE                    | 100.00     |
| 02/12/16   | 296633 | DOSTER, KYLE                       | 616.17     |
| 02/12/16   | 296634 | DUST & HUMPHREYS P.C.              | 227.50     |
| 02/12/16   | 296635 | ED & TED'S EXCELLENT ADVENTURES    | 39,002.00  |
| 02/12/16   | 296636 | EMERGENCY VEHICLE PRODUCTS         | 19,925.22  |
| 02/12/16   | 296637 | ERICA EKLOV                        | 349.18     |
| 02/12/16   | 296638 | FADER EQUIPMENT, INC.              | 30.00      |

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|------------|--------|-------------------------------------|-----------|
| 02/12/16   | 296639 | FLETCHER ENTERPRISES                | 3,340.00  |
| 02/12/16   | 296640 | FORTIS GROUP                        | 675.00    |
| 02/12/16   | 296641 | GIPSON, TERESA                      | 427.20    |
| 02/12/16   | 296642 | GORDON WATER SYSTEMS                | 51.75     |
| 02/12/16   | 296643 | GUEST SERVICES, INC.                | 167.32    |
| 02/12/16   | 296644 | HANNAR, CRAIG                       | 458.47    |
| 02/12/16   | 296645 | HARMON AUTOGLASS                    | 208.57    |
| 02/12/16   | 296646 | HOME DEPOT                          | 1,270.66  |
| 02/12/16   | 296647 | I C M A MEMBERSHIP RENEWALS         | 1,166.88  |
| 02/12/16   | 296648 | INGERSOLL, WATSON, MCMACHEN         | 235.00    |
| 02/12/16   | 296649 | INT'L ASSOC CHIEFS OF POLICE        | 150.00    |
| 02/12/16   | 296650 | INT'L PUBLIC MGT ASSOC FOR HR       | 423.70    |
| 02/12/16   | 296651 | K S S ENTERPRISES                   | 158.40    |
| 02/12/16   | 296652 | KALAMAZOO COUNTY HEALTH & COMMUNITY | 4,673.43  |
| 02/12/16   | 296653 | KALAMAZOO COUNTY TREASURER          | 6,690.77  |
| 02/12/16   | 296654 | KALAMAZOO COUNTY TREASURER          | 5,104.24  |
| 02/12/16   | 296655 | KALAMAZOO COUNTY TREASURER'S ASSOC  | 10.00     |
| 02/12/16   | 296656 | KALAMAZOO NATURE CENTER, INC.       | 165.00    |
| 02/12/16   | 296657 | KLINGELSMITH, KENDALL               | 800.00    |
| 02/12/16   | 296658 | KLOOSTER, FRAN                      | 163.36    |
| 02/12/16   | 296659 | KZOO TIRE COMPANY                   | 2,189.65  |
| 02/12/16   | 296660 | LACOSTA FACILITY SUPPORT SERVICES   | 3,360.79  |
| 02/12/16   | 296661 | LAWSON PRODUCTS, INC                | 735.86    |
| 02/12/16   | 296662 | LEWIS PAPER PLACE, INC.             | 113.23    |
| 02/12/16   | 296663 | LITTLE TYKES LEARNING CENTER        | 162.40    |
| 02/12/16   | 296664 | LOEBIG, ELIZABETH                   | 154.00    |
| 02/12/16   | 296665 | MACOMB COMMUNITY COLLEGE            | 750.00    |
| 02/12/16   | 296666 | MCDONALD'S TOWING & RESCUE, INC.    | 87.00     |
| 02/12/16   | 296667 | MENARD'S (WEST MAIN)                | 3,936.63  |
| 02/12/16   | 296668 | MICH LAW ENFORCEMENT TRAINING ASSOC | 250.00    |
| 02/12/16   | 296669 | MICH MUNICIPAL POLICE & FIRE REPAIR | 721.12    |
| 02/12/16   | 296670 | MICHIGAN ASSOC OF MUNICIPAL CLERKS  | 20.00     |
| 02/12/16   | 296671 | MIDWEST CIVIL ENGINEERS             | 8,214.00  |
| 02/12/16   | 296672 | MIGALA CARPET ONE, INC.             | 1,018.60  |
| 02/12/16   | 296673 | MITSCHER, DAVID A.                  | 556.71    |
| 02/12/16   | 296674 | MLIVE MEDIA GROUP                   | 1,036.57  |
| 02/12/16   | 296675 | MONEY MAGAZINE                      | 10.00     |
| 02/12/16   | 296676 | MULDERS LANDSCAPE SUPPLIES INC      | 17,224.00 |
| 02/12/16   | 296677 | NASON, RICHARD                      | 123.17    |
| 02/12/16   | 296678 | NATIONAL BUSINESS FURNITURE LLC     | 387.00    |
| 02/12/16   | 296679 | NEW FRESH CLEANING SERVICE          | 1,530.00  |
| 02/12/16   | 296680 | NYE UNIFORMS                        | 2,713.21  |
| 02/12/16   | 296681 | O'REILLY AUTO PARTS                 | 523.55    |
| 02/12/16   | 296682 | OFFICE DEPOT, INC.                  | 2,492.48  |

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|------------|--------|------------------------------------|-----------|
| 02/12/16   | 296685 | ONSTAFF USA INC                    | 10,228.77 |
| 02/12/16   | 296686 | OUTERWEARS, INC.                   | 541.67    |
| 02/12/16   | 296687 | P K CONTRACTING, INC.              | 1,700.00  |
| 02/12/16   | 296688 | PAAM/PAAC                          | 100.00    |
| 02/12/16   | 296689 | PETERMAN CONCRETE CO.              | 690.25    |
| 02/12/16   | 296690 | PETTY CASH-CITY MANAGER            | 414.92    |
| 02/12/16   | 296691 | PETTY CASH-FIRE                    | 172.23    |
| 02/12/16   | 296692 | PETTY CASH-PARKS                   | 161.73    |
| 02/12/16   | 296693 | QUALITY INN                        | 377.78    |
| 02/12/16   | 296694 | R P M MACHINERY, LLC               | 399.32    |
| 02/12/16   | 296695 | RATHCO SAFETY SUPPLY, INC.         | 2,182.60  |
| 02/12/16   | 296696 | RED THE UNIFORM TAILOR             | 859.06    |
| 02/12/16   | 296697 | REMAX ADVANTAGE                    | 206.27    |
| 02/12/16   | 296698 | REPUBLIC SERVICES OF WEST MICHIGAN | 651.00    |
| 02/12/16   | 296699 | RIDGE AUTO NAPA                    | 2,915.94  |
| 02/12/16   | 296700 | ROBERTS, BETTY                     | 145.00    |
| 02/12/16   | 296701 | ROSE, VICTORIA                     | 454.97    |
| 02/12/16   | 296702 | ROWE, MARY LOU                     | 1,676.54  |
| 02/12/16   | 296703 | ROWLEY BROTHERS, INC.              | 1,717.56  |
| 02/12/16   | 296704 | S A MORMAN & CO.                   | 1,700.00  |
| 02/12/16   | 296705 | SCOTT, JANICE                      | 1,473.39  |
| 02/12/16   | 296706 | SERVPRO OF EAST KALAMAZOO          | 12,274.64 |
| 02/12/16   | 296707 | SHERMAN TOOL / CORNWELL TOOLS      | 1,136.46  |
| 02/12/16   | 296708 | SMITH, TERRELL                     | 216.00    |
| 02/12/16   | 296709 | STACY FRENCH                       | 335.25    |
| 02/12/16   | 296710 | STATE SYSTEMS RADIO, INC           | 684.00    |
| 02/12/16   | 296711 | STEENSMA LAWN & POWER EQUIPMENT    | 58.86     |
| 02/12/16   | 296712 | STEFFES, KAREN                     | 92.00     |
| 02/12/16   | 296713 | SUZANNE GERNAAT                    | 315.00    |
| 02/12/16   | 296714 | T-MOBILE USA INC                   | 29.99     |
| 02/12/16   | 296715 | TELVENT DTN, INC.                  | 813.00    |
| 02/12/16   | 296716 | TRACTOR SUPPLY CORP.               | 49.40     |
| 02/12/16   | 296717 | TYLER TECHNOLOGIES                 | 2,065.00  |
| 02/12/16   | 296718 | TYLER TECHNOLOGIES                 | 1,790.00  |
| 02/12/16   | 296719 | U S POSTAL SERVICE                 | 4,000.00  |
| 02/12/16   | 296720 | U S POSTMASTER                     | 8,000.00  |
| 02/12/16   | 296721 | UNION STREET HYDRAULICS            | 492.68    |
| 02/12/16   | 296722 | UNITED PARCEL SERVICE              | 539.45    |
| 02/12/16   | 296723 | UNITED PARCEL SERVICE              | 13.86     |
| 02/12/16   | 296724 | VERIZON WIRELESS SERVICES, LLC     | 48.34     |
| 02/12/16   | 296725 | WATER STREET COFFEE JOINT, INC.    | 488.50    |
| 02/12/16   | 296726 | WEST MICHIGAN REALTORS TITLE CO    | 37.07     |
| 02/12/16   | 296727 | WESTERN MICHIGAN UNIVERSITY        | 384.30    |
| 02/12/16   | 296728 | WESTERN MICHIGAN UNIVERSITY        | 500.00    |

## CITY OF PORTAGE ACCOUNTS PAYABLE REGISTER

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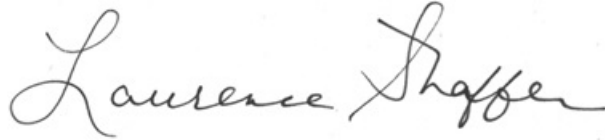
Check Dates From: 1/31/2016 To: 2/14/2016

| Check Date | Check               | Vendor Name                  | Amount            |
|------------|---------------------|------------------------------|-------------------|
| 02/12/16   | 296729              | WOLVERINE LAWN SERVICE, INC. | 4,454.12          |
| 02/12/16   | 296730              | XEROX CORPORATION            | 405.87            |
|            | <b>SUBTOTAL:</b>    | <b>133 CHECKS</b>            | <b>408,403.79</b> |
| 02/01/16   | 2716                | Consumers Auto-Pay           | 12.50             |
| 02/05/16   | 2759                | Consumers Auto-Pay           | 4,190.93          |
| 02/11/16   | 2785                | Consumers Auto-Pay           | 9,479.74          |
| 02/12/16   | 2788                | Consumers Auto-Pay           | 2,776.57          |
|            | <b>SUBTOTAL:</b>    | <b>4 CHECKS</b>              | <b>16,459.74</b>  |
|            | <b>GRAND TOTAL:</b> | <b>177 CHECKS</b>            | <b>497,376.01</b> |

\*\* (A) DENOTES ACH PAYMENTS

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Martin Luther King Jr. Drive Reconstruction Project #998-R

**SUPPORTING PERSONNEL:** W. Christopher Barnes, Director of Transportation and Utilities  
James Hudson, City Clerk

**ACTION RECOMMENDED:** That City Council adjourn the public hearing for Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King Jr. Drive Reconstruction Project #998-R to the March 22, 2016 City Council meeting.

Attached is Special Assessment Resolution No. 5 for the Martin Luther King Jr. (MLK) Project #998-R. Previous City Council action relating to this project includes:

- On December 15, 2015, City Council adopted Resolution No. 1 for this project, accepted the City Manager Report dated December 2, 2015, and requested preparation of Resolution No. 2.
- On January 12, 2016, City Council adopted Resolution No. 2 for this project, setting a public hearing of necessity on January 26, 2016.
- On January 26, 2016, City Council adopted Resolution No. 3 for this project, directing the preparation of the special assessment roll.
- On February 9, 2016, City Council adopted Resolution No. 4 for this project, setting a public hearing on the Assessment Roll on February 23, 2016.

However, as part of the original construction of MLK Drive as a private street, the underlying and adjoining property owners entered into several easements. These easements typically related to cross access agreements for traffic, a pro rata share of the maintenance and repair costs for the street and other private property issues. As part of the current Development agreement, the owner of MLK Drive, Village Green Properties, LLC (Meyer C. Weiner Company), is required to discharge or remove the easements before the city can take ownership. Ownership of the property under MLK Drive is necessary for the establishment and completion of the special assessment process. Meyer C. Weiner Company are working diligently on the removal of these easements, but regrettably, they will not have this task complete before the scheduled February 23, 2016 Council meeting.

Therefore, it is recommended that City Council adjourn the public hearing for Resolution No. 5 confirming the Special Assessment Roll for the Martin Luther King Jr. Drive Reconstruction Project #998-R to the March 22, 2016 City Council meeting. Subsequent to the public hearing at the March

22 meeting, barring any public comment, City Council can adopt Resolution No. 5.

**FUNDING:** As per the Development Agreement, the city will not incur costs with the proposed street reconstruction project. After the street is dedicated to and accepted by the city, long-term maintenance costs will be incurred by the city and will be incorporated into the Department of Public Services departmental budget.

**Attachments:**

1. Resolution No. 5 for MLK Jr. Drive - No. 998-R
2. Assessment Roll for 998-R

CITY OF PORTAGE  
SPECIAL ASSESSMENT RESOLUTION NO. 5  
MARTIN LUTHER KING, JR. RECONSTRUCTION PROJECT #998-R

At a regular meeting of the Council for the City of Portage, Kalamazoo County, Michigan, held at the City Hall Building in said City on the \_\_\_\_ day of \_\_\_\_\_, 2016, at 7:30 o'clock \_\_\_\_ p.m., Prevailing Local Time.

PRESENT: \_\_\_\_\_

ABSENT: \_\_\_\_\_

The following resolution was offered by:

Councilmember: \_\_\_\_\_, and seconded by:

Councilmember: \_\_\_\_\_

WHEREAS, the City Council of the City of Portage, Kalamazoo County, Michigan, after due and legal notice has reviewed the Special Assessment Roll No. 998-R prepared for the reconstruction of Martin Luther King Jr, Drive from Constitution Boulevard to Ring Road. Said Special Assessment District shall consist of all of the following described lots and parcels of land;

Commencing at the East quarter post of Section 9, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan and running thence North 00 deg. 08 min. 00 sec. West along the East line of said Section, 662.92 feet to the South line of Mall Drive; thence North 89 deg. 56 min. 30 sec. West along said line 1641.61 feet; thence South 00 deg. 08 min. 00 sec. East 583.82 feet; thence North 89 deg. 56 min. 30 sec. West 298.74 feet; thence South 00 deg. 01 min. 30 sec. East 457.00 feet to the point of beginning of this description; thence continuing South 00 deg. 01 min. 30 sec. East 36.00 feet; thence North 89 deg. 41 min. 56 sec. West 970.36 feet; thence 104.71 feet along the arc of a curve to the right, having a radius of 343.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing North 80 deg. 58 min. 19 sec. West 104.30 feet; thence North 72 deg. 14 min. 41 sec. West 66.95 feet; thence North 75 deg. 40 min. 42 sec. West 49.98 feet to the Easterly right of way of Constitution Boulevard; thence along said right of way 41.48 feet along the arc of a curve to the left having a radius of 1050.00 feet, a central angle of 02 deg. 15 min. 48 sec. and a chord bearing North 19 deg. 05 min. 03 sec. East 41.48 feet; thence South 69 deg. 21 min. 12 sec. East 48.99 feet; thence South 72 deg. 14 min. 41 sec. East 66.95 feet; thence 93.74 feet along the arc of a curve to the left having a radius of 307.72 feet, a central angle of 17 deg. 27 min. 15 sec. and a chord bearing South 80 deg. 58 min. 19 sec. East 93.38 feet; thence South 89 deg. 41 min. 56 sec. East 970.15 feet to beginning.

WHEREAS, the cost of said improvement is \$474,898.00, the share of the Special Assessment District is \$224,898.00, and the share of the other financing is \$250,000.00.

WHEREAS, The City Council deems said Special Assessment Roll to be fair and equitable, and the assessments recorded therein to be in proportion to the benefits derived or to be derived:

NOW, THEREFORE, BE IT RESOLVED:

1. That the other financing shall be borne by Portage Centre Limited Partnership and Village Green Properties, Ltd. In accordance with the "Development Agreement Concerning The Reconstruction and Dedication of Martin Luther King, Jr. Drive, Portage Michigan" (Agreement") dated December 9, 2015 between said parties and the City of Portage.

2. That said Special Assessment Roll No. 998-R in the amount of \$224,898, as prepared, filed and presented to the City Council, may be and the same hereby is confirmed.

3. That said Special Assessment Roll shall be divided into ten (10) equal installments, the first installment to be due August 1, 2016 to August 31, 2016 inclusive. The remaining nine (9) installments, with accrued interest thereon, shall be due and payable August 1<sup>st</sup> to August 31<sup>st</sup> each year thereafter and shall be spread upon the city tax roll for the year in which the same becomes due and payable. No interest shall be charged on the first installment or the total amount if paid in full by August 31, 2016. On September 1, 2016, interest at a rate not to exceed one percent (1%) above the average interest cost on the bonds sold to finance the improvements shall begin on the deferred installments and any unpaid balance of the first installment.

4. The assessments made in said Special Assessment Roll are hereby ordered and directed to be collected and the City Clerk shall deliver said Special Assessment Roll to the City Treasurer with his warrant attached commanding the Treasurer to collect the assessments



therein in accordance with the direction of this resolution with respect thereto, and the treasurer is directed to collect the amounts assessed as the same become due.

5. All resolutions and parts of resolutions insofar as they conflict with the provisions of this resolution are hereby rescinded.

YEAS: Councilmember: \_\_\_\_\_

NAYS: Councilmember: \_\_\_\_\_

ABSENT: Councilmember: \_\_\_\_\_

RESOLUTION DECLARED ADOPTED:

\_\_\_\_\_  
JAMES R. HUDSON, City Clerk

STATE OF MICHIGAN       )  
                                      )ss  
COUNTY OF KALAMAZOO   )

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
JAMES R. HUDSON, City Clerk

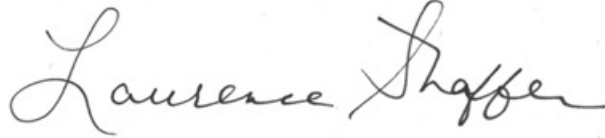
Prepared by:  
Randall L. Brown  
Portage City Attorney  
1662 East Centre Avenue  
Portage, Michigan 49002

Approved as to Form:  
Date: 2/19/16  
By: [Signature]  
City Attorney

| <b>Martin Luther King Drive Project - Constitution Blvd to Ring Road</b>                       |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
|------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------|----------------|--------------|---------------|-----------------|--------------------|-------------|-------------------|-----------------|-------------------|-------------------------|
| <b>Estimated Reconstruction    Project Costs for Property Assessments</b>                      |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
| <b>Commercial Assessment Rate of \$88.70 per front foot plus concrete driveway @ \$1960.00</b> |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
|                                                                                                | <b>Street</b>                                                                                      |                   |                |              |               | <b>Actual</b>   | <b>Benefitting</b> |             | <b>Frontage</b>   | <b>Driveway</b> | <b>Total</b>      | <b>Estimated Annual</b> |
| <b>Owner</b>                                                                                   | <b>Address</b>                                                                                     | <b>Parcel No.</b> | <b>Use</b>     | <b>Class</b> | <b>Zoning</b> | <b>Frontage</b> | <b>Frontage</b>    | <b>Rate</b> | <b>Assessment</b> |                 | <b>Assessment</b> | <b>Payment</b>          |
| VILLAGE GREEN PROPERTIES LTD                                                                   | 6601 CONSTITUTION (north)                                                                          | 00009-045-H       | VACANT         | 202          | B-2           | 310.00          | 310.00             | \$ 88.70    | \$27,497.00       |                 | \$27,497.00       | \$3,453.71              |
| VILLAGE GREEN PROPERTIES LTD                                                                   | 6601 CONSTITUTION (south)                                                                          | 00009-045-H       | VACANT         | 202          | RM-1          | 322.00          | 322.00             | \$ 88.70    | \$28,561.40       |                 | \$28,561.40       | \$3,587.10              |
| PORTAGE CENTER LTD PARTNERSHIP                                                                 | 879 MALL DR                                                                                        | 00009-015-E       | VACANT-MENARDS | 201          | B-2           | 178.00          | 178.00             | \$ 88.70    | \$15,788.60       | \$5,880.00      | \$21,668.60       | \$2,721.65              |
| PORTAGE CENTER LTD PARTNERSHIP                                                                 | 6500 RING ROAD                                                                                     | 00009-015-F       | VACANT         | 202          | B-2           | 447.00          | 447.00             | \$ 88.70    | \$39,648.90       |                 | \$39,648.90       | \$4,980.03              |
| JACKSON ENTERTAINMENT, LLC                                                                     | 6600 RING ROAD                                                                                     | 00009-015-D       | CINEMA         | 201          | B-2           | 870.00          | 870.00             | \$ 88.70    | \$77,169.00       | \$3,920.00      | \$81,089.00       | \$10,185.04             |
| SIZZLIN FIVE, LLC                                                                              | 700 MARTIN LUTHER KING                                                                             | 00009-015-N       | BRANN'S        | 201          | B-2           | 262.00          | 262.00             | \$ 88.70    | \$23,239.40       |                 | \$23,239.40       | \$2,918.94              |
| GENERAL GROWTH PROPERTIES LP                                                                   | 6650 S.WESTNEDGE                                                                                   | 00009-180-O       | MALL           | 201          | B-2           | 36.00           | 36.00              | \$ 88.70    | \$3,193.20        |                 | \$3,193.20        | \$401.08                |
|                                                                                                |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
|                                                                                                |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
| <b>7 Properties</b>                                                                            |                                                                                                    |                   |                |              |               | 2,425.00        | 2,425.00           |             |                   |                 | 224,897.50        |                         |
|                                                                                                |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
|                                                                                                |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
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|                                                                                                |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
| Last Updated 11/8/15                                                                           |                                                                                                    |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |
|                                                                                                | <b>Parcel 00009-045-H :</b> This Parcel will be split into 2 parcels after MLK become public road. |                   |                |              |               |                 |                    |             |                   |                 |                   |                         |

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Final Plan for Whisper Rock (Phase I), 2275 West Centre Avenue

**SUPPORTING PERSONNEL:** Vicki Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council approve the Final Plan for Whisper Rock (Phase I) at 2275 West Centre Avenue, subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of detailed engineering plans.

A final plan has been submitted by AVB II, LLC to construct the first phase of the residential portion of the Oakland Hills at Centre Planned Development (PD) project, known as Whisper Rock. Phase I of Whisper Rock will include an internal network of private streets and 45 attached residential condominium units divided among 18 two-unit buildings and three, three-unit buildings. The approximate 14.6 acre site is zoned PD, planned development, and is located along the south side of West Centre Avenue west of Oakland Drive.

Consistent with the January 2016 approved tentative plan amendment for the Oakland Hills at Centre PD, the residential condominium buildings will maintain a minimum 20-foot setback from the outer perimeter of the property, a minimum 25-foot setback from internal private streets and a minimum 15-foot separation between buildings. Access to the site will be provided through the existing West Centre Avenue full service driveway that is shared with the Hospice facility and the other Oakland Hills at Centre development projects. Construction of a new full service driveway from Oakland Drive is also planned with this phase of development. Storm water, with the exception of storm water from the area nearest Oakland Drive, will be collected and conveyed to a retention basin/water feature located in the center of the project area. An overflow discharge to the wetland to the south is also planned. Storm water from the area near Oakland Drive will be collected and conveyed to an underground system. An internal network of concrete sidewalks is planned and a five-foot wide concrete sidewalk will also be installed along the Oakland Drive frontage.

In a Department of Community Development report dated January 29, 2016, staff recommends approval of the Final Plan for Whisper Rock (Phase I) at 2275 West Centre Avenue, subject to MDEQ approval of grading and storm water overflow discharge into the wetland area, and finalization of the detailed engineering plans. At the February 4, 2016 meeting, the Planning Commission reviewed and recommended to City Council approval of the Final Plan subject to the same conditions.

**FUNDING:** Not Applicable

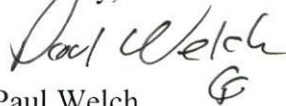
- Attachments:**
1. February 12, 2016 Planning Commission transmittal
  2. February 4, 2016 (draft) Planning Commission minutes
  3. January 29, 2016 Community Development staff report with attachments

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** February 12, 2016  
**SUBJECT:** Final Plan for Phase I of Whisper Rock, 2275 West Centre Avenue

During the February 4, 2016 meeting, the Planning Commission reviewed and discussed the Final Plan for the above captioned development project. Mr. Jack Gesmundo, representing AVB II, LLC, was present to support the application and explain the development history of the Oakland Hills at Centre Planned Development. No citizens spoke regarding the proposed project.

The final plan for Whisper Road (Phase I) has been designed in substantial conformance with the approved tentative plan/narrative for the Oakland Hills at Centre Planned Development. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to recommend to City Council that the Final Plan for Phase I of Whisper Rock, 2275 West Centre Avenue, be approved subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of the detailed engineering plans. The motion was unanimously approved 7-0.

Sincerely,

  
Paul Welch  
Chairman

## PLANNING COMMISSION

 **DRAFT**

February 4, 2016

The City of Portage Planning Commission meeting of February 4, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 10 citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Bosch (yes), Dargitz (yes), Somers (no), Schimmel (yes), and Richmond (yes). A motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the role excusing Commissioners Felicijan and Somers. The motion was unanimously approved 7-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the January 21, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 7-0.

Commissioner Somers arrived at approximately 7:25 p.m.

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

1. Final Plan: Whisper Rock (Phase I), 2275 West Centre Avenue. Mr. West summarized the staff report dated January 29, 2016 regarding a request from AVB II, LLC to construct Phase I of Whisper Rock within the Oakland Hills at Centre Planned Development (PD). Mr. West stated Phase I includes the construction of a private internal street network and 45 attached residential condominium units divided among 18 two-unit attached buildings and three, three-unit attached buildings. Mr. West stated that City Council approved a tentative plan amendment for the Oakland Hills at Centre PD in January 2016 and the final plan for Whisper Rock (Phase I) has been designed in substantial conformance with the approved tentative plan/narrative. Mr. West summarized the project including proposed access, sidewalks, storm water management and the location of wetlands along the south and east portions of the property. Mr. West stated staff was recommending approval of the final plan subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of the detailed engineering plans.

Mr. Jack Gesmundo, representing AVB, LLC, was present to support the application and explain the development history of the Oakland Hills at Centre PD. No citizens spoke regarding the proposed project. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to recommend to City Council that the Final Plan for Phase I of Whisper Rock, 2275 West Centre Avenue, be approved subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of the detailed engineering plans. The motion was unanimously approved 7-0.



**TO:** Planning Commission**DATE:** January 29, 2016**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Final Plan for Phase 1 of Whisper Rock, 2275 West Centre Avenue**I. INTRODUCTION:**

A final plan has been submitted by Hurley & Stewart, to construct Whisper Rock, the first phase of the residential portion of the Oakland Hills at Centre Planned Development project. Whisper Rock will include 45 attached residential units divided among 18, two unit buildings and three, three unit buildings. The approximate 14.6 acre site is zoned PD, planned development and located along the south side of West Centre Avenue west of Oakland Drive. Whisper Rock represents the fourth development project within the Oakland Hills at Centre Planned Development. Two office buildings, Cole-Galvas and 1<sup>st</sup> Source Bank, were the first two projects, a wireless communication tower (mono-pine) was the third.

**II. OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT:**

The following is a brief history of the Oakland Hills at Centre Planned Development:

July 2006: City Council approved a zoning change from OTR, office technology and research to PD, planned development along with the tentative plan for the Oakland Hills at Centre Planned Development project. The tentative plan included a mix of office and attached residential development on an approximate 47.6 acre tract of land.

February 2009: City Council approved an extension to the previously approved tentative plan with minor changes including updated dates for each phase of the development and a slight boundary line/acreage change between the office and residential portions of the development project. City Council also approved the final plan for Cole Galvas, 2401 West Centre Avenue, which was the first development project.

June 2012: City Council approved a tentative plan amendment that included the addition of a wireless telecommunications tower within the office portion of the PD along Oakland Drive, revisions to the residential portion including a reduction in the total number of dwelling units from 116 to 107, revisions to the layout of the office portion of the PD and an updated phasing timeline.

August 2012: City Council approved the final plan for the Verizon wireless telecommunications tower.

October 2014: City Council approved the final plan for the 1<sup>st</sup> Source Bank.

January 2016: City Council approved a tentative plan amendment that included another reduction in the number of residential dwelling units from 107 to between 85 and 100; a reduction in the perimeter setback from 40 feet to 25 feet; and a reduction in the setback between buildings from 20 feet to 15 feet. The tentative plan was also updated to include previous development projects.

A copy of the 2016 amended tentative plan for the Oakland Hills at Centre PD is attached for Commission reference.

### **III. FINAL PLAN**

The final plan for Whisper Rock Phase 1 has been designed in substantial conformance with the approved tentative plan/narrative. Access to the site will be provided through the existing West Centre Avenue full service driveway that is shared with Hospice facility and the other Oakland Hills at Centre development projects. A shared/cross access agreement with the adjacent property owners involving the West Centre Avenue driveway have been executed and recorded with the Kalamazoo County Register of Deeds. Access to Oakland Drive is also being provided with this phase of development. Oakland Drive will be widened to accommodate a left turn lane similar to the Oakland Hills project located to the south on Oakland Drive.

Wetland area exists near the south and east ends of the project area. This wetland boundary is delineated on the final plan. No grading or other activity will occur in this area without approval from the Michigan Department of Environmental Quality (MDEQ). Storm water, with the exception of the area nearest Oakland Drive, will be collected and conveyed to a retention basin/water feature located in the center of the project area. An overflow discharge to the wetland to the south is also planned. The applicant is in communication with the MDEQ to obtain approval for this overflow discharge. The storm water from the area near Oakland Drive will be collected and conveyed to an underground system. An internal network of concrete sidewalks is planned consistent with the approved tentative plan. A five foot wide concrete sidewalk will also be installed along the Oakland Drive frontage. Municipal water and sanitary sewer will serve the proposed development and all outdoor lighting units will conform to applicable ordinance standards. Finally, limited grading activities will occur off site and impact property located at 8100 Oakland Drive (existing single-family dwelling), 2255 West Centre Avenue (Hospice) and 2401 West Centre (Cole-Galvas). The applicant has received approvals from the owners of 2255 West Centre Avenue and 8100 Oakland Drive. The applicant has indicated approval from the owner of 2401 West Centre will be obtained prior to Planning Commission review/recommendation.

### **IV. RECOMMENDATION:**

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the final plan for Phase 1 of Whisper Rock, 2275 West Centre Avenue, be approved subject to MDEQ approval of grading and storm water overflow discharge into the wetland area, and finalization of the detailed engineering plans.

Attachments: Final Plan Sheets  
Approved 2016 Tentative Plan for the Oakland Hills at Centre Planned Development



(35)

## AVB

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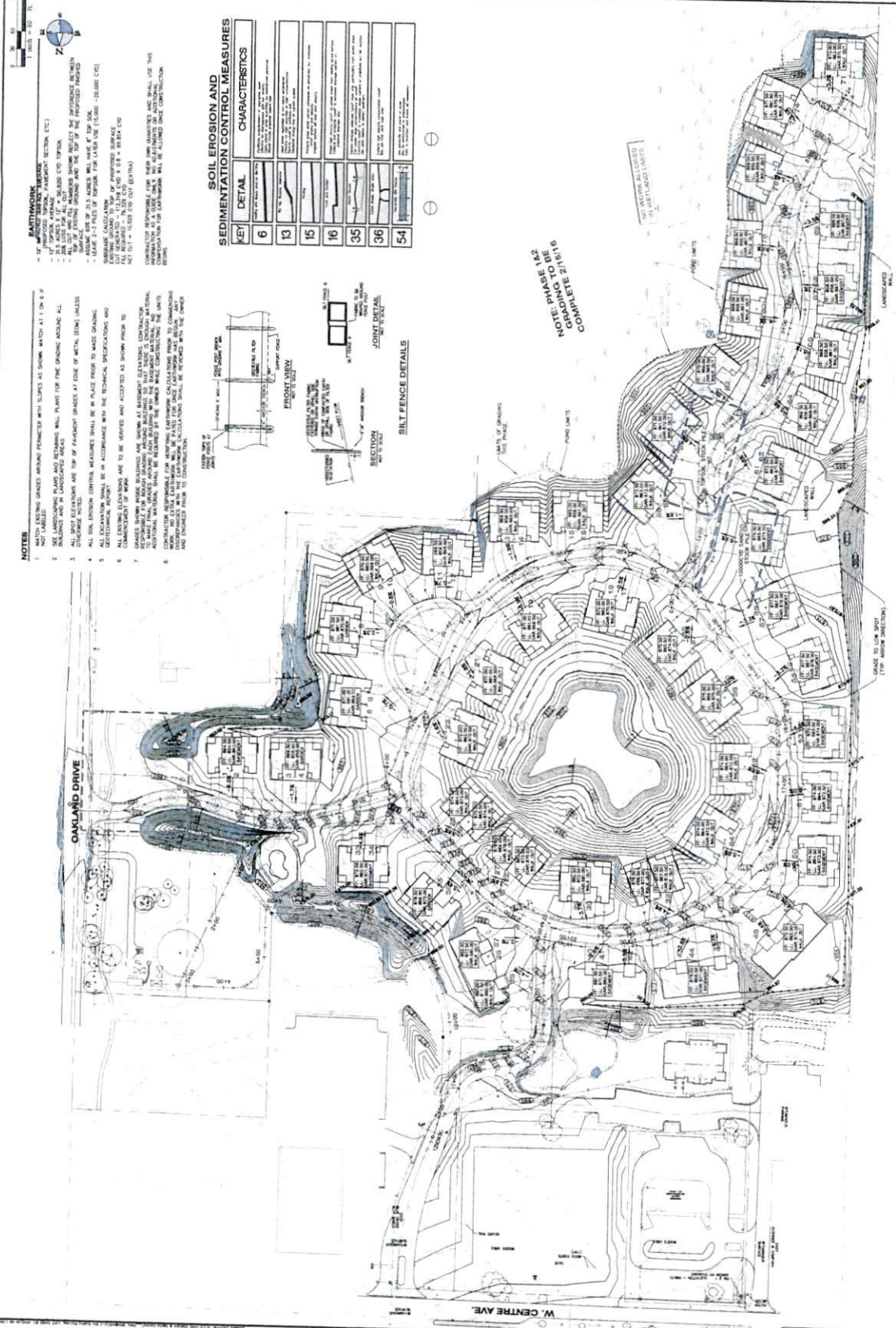
AVB, LLC  
4200 W. CENTRE AVENUE  
PORTAGE, MI 49024  
269.323.2022







SITE GRADING & SESC PLAN  
WHISPER ROCK  
AVB



| KEY | DETAIL                       | CHARACTERISTICS                                                                                                      |
|-----|------------------------------|----------------------------------------------------------------------------------------------------------------------|
| 6   | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 13  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 15  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 16  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 35  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 36  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |
| 54  | <p>100x, 100µm scale bar</p> | <p>Grains are small, rounded, and uniform in size. The matrix is dense and granular. The sample is a silty sand.</p> |

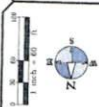
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WATER PLAN  
WHISPER ROCK  
AVB

[illegible]

Burke & Stewart, Inc.  
2502 South 11th Street  
Kalamazoo, Michigan 49008  
269 592 4960 Fax 269 592 4961  
www.burkystewart.com

AVB, LLC  
4200 W. CENTRE AVENUE  
PORTAGE, MI 49024  
269.323.2022

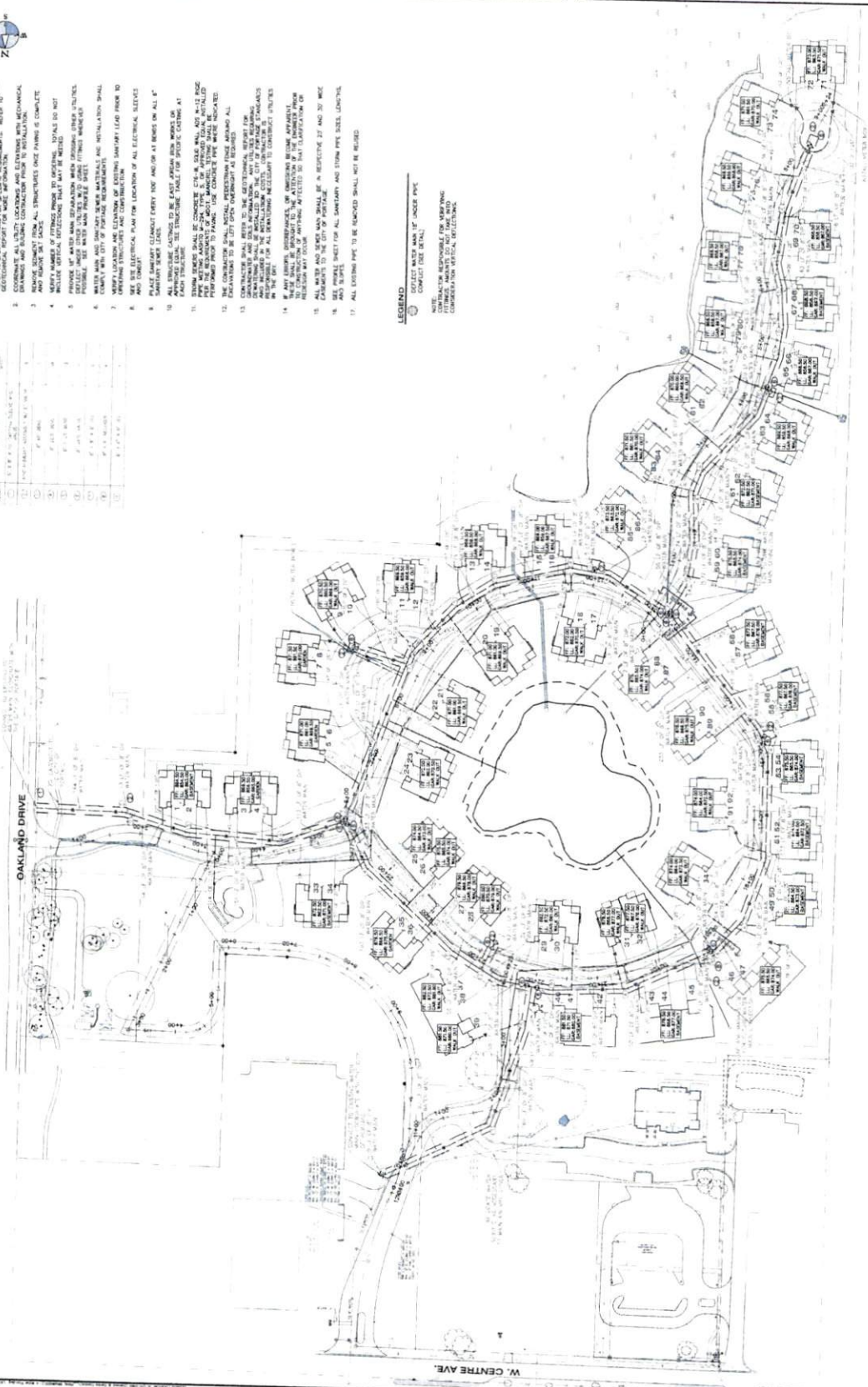
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**LEGEND**

 DEFECT WATER MAIN 18" UNDER PIPE  
CONFLICT (SEE DETAIL)

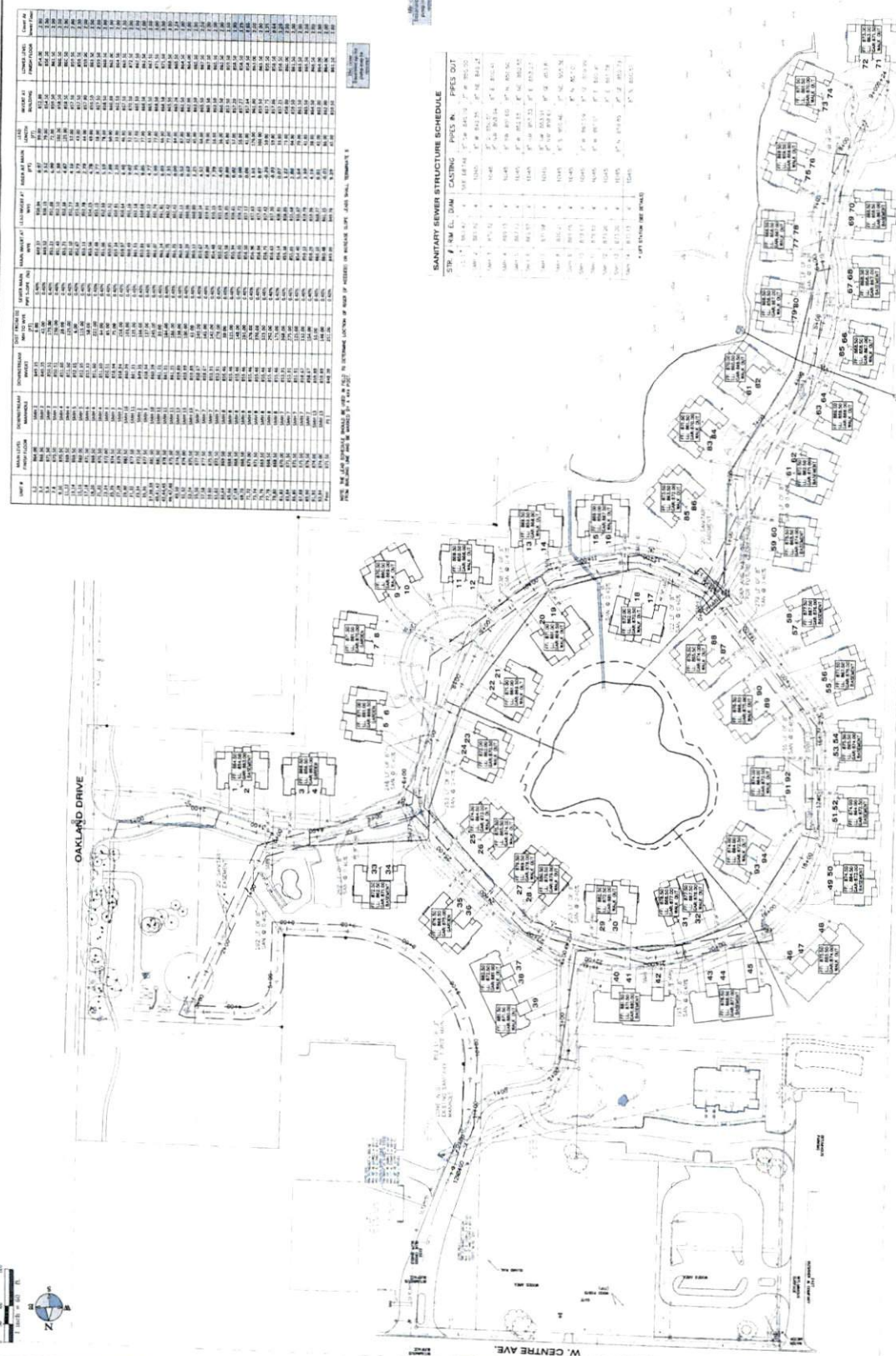
**NOTE:**  
CONTRACTOR RESPONSIBLE FOR VERIFYING  
FITTINGS. AMOUNTS DO NOT TAKE INTO  
CONSIDERATION VERTICAL DEFLECTIONS.



SEE PLAN/PROFILES FOR  
1"=20' SCALE (SHOW UP VIEW)







Know what's below.  
Call before you dig.

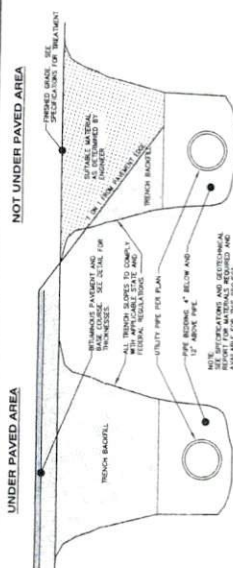
FIELD WORK PERFORMED BY:  
MICHON PROFESSIONAL SURVEYING



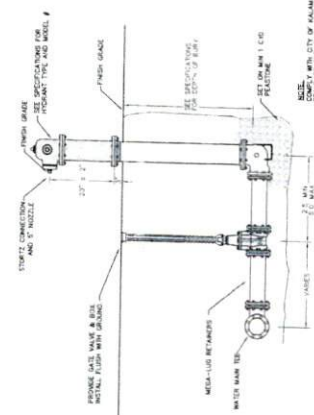




NOT UNDER PAVED AREA



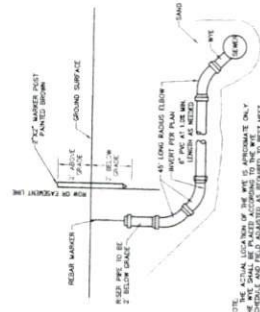
UNDER PAVED AREA



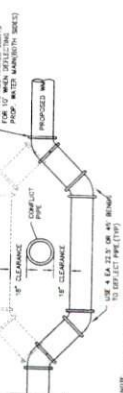
## HYDRANT ASSEMBLY DETAIL



## TRENCH DETAILS



### SANITARY LEAD DETAIL



## WATER MAIN DEFLECTION DETAIL



SANITARY CLEANOUT DETAIL



### TEACHING BASIN DETAIL



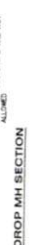
## STONE TRENCH DETAIL



MMH OVER EX. SANITARY SEWER



## DROPPING SECTION



### SANITARY MANHOLE DETAILS

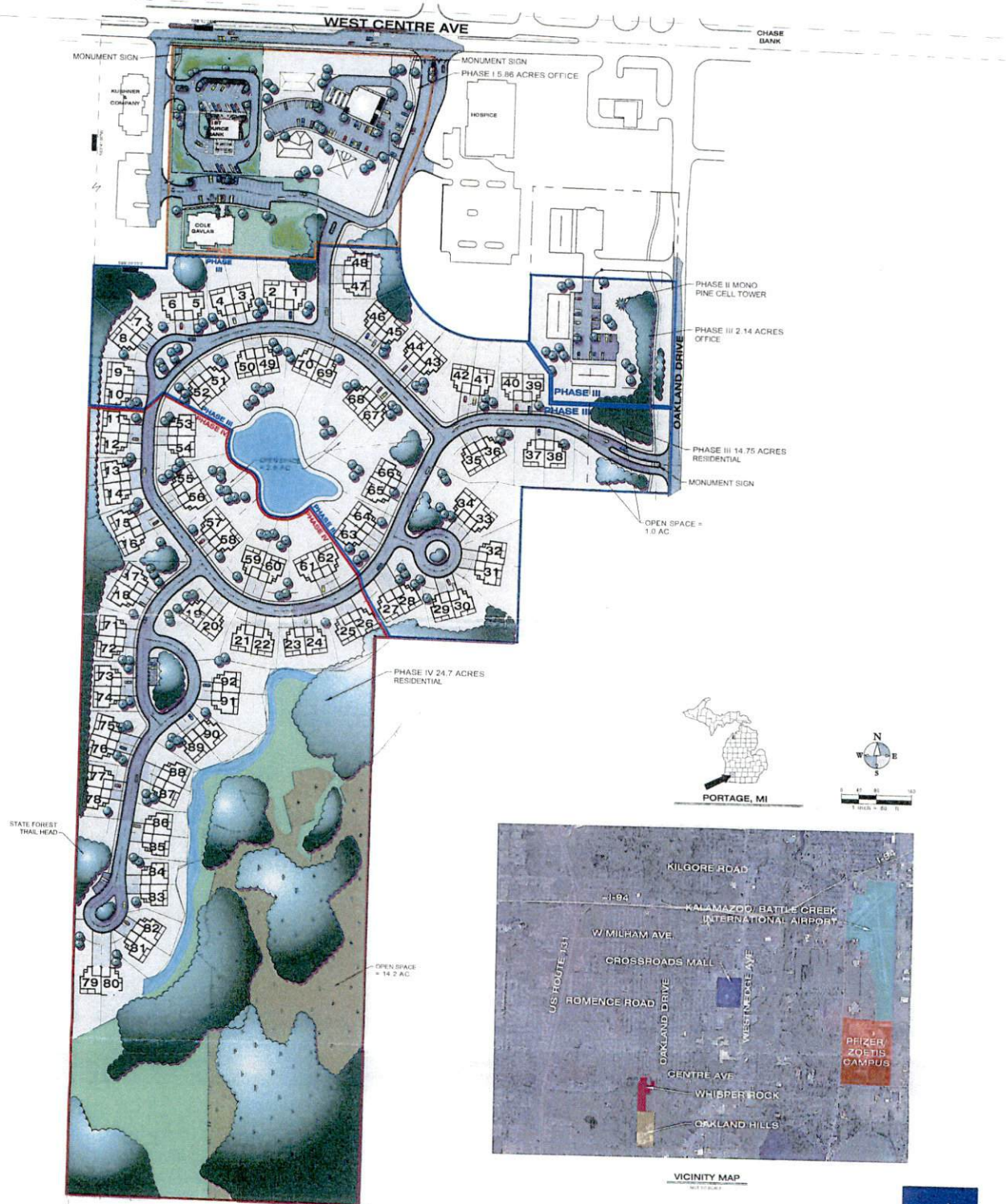


### CATCH BASIN DETAIL



## STANDARD MH SECTION





# MIXED USE AND RESIDENTIAL DEVELOPMENT **WHISPER ROCK**

**avb**

BUILD SOMETHING BETTER

4200 WEST CENTRE AVENUE

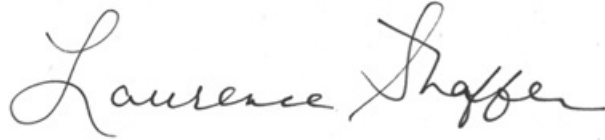
PORTAGE, MI 49004

(269)323-2022

OCTOBER 27, 2015

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Height Modification for Trade Centre III Office, 650 Trade Centre Way

**SUPPORTING PERSONNEL:** Vicki Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council approve the Height Modification for Trade Centre III, 650 Trade Centre Way, to allow construction of a five-story building to a maximum height of 78-feet.

A height modification application has been submitted by H & G, LLC requesting to construct a five-story, 78-foot tall office building at 650 Trade Centre Way. The property is zoned CPD, commercial planned development, and part of the larger 20-acre Trade Centre Commercial Planned Development.

In August 2012, City Council approved a Conceptual Plan Amendment for the Trade Centre Commercial Planned Development that included a height modification to construct a four-story, 65-foot-tall Trade Centre III office building. Based on the success of the two previously approved multi-story office buildings, the applicant is now requesting to add an additional story, which will increase the total building height from 65-feet to 78-feet, as measured to the top of the wall intended to screen the mechanical equipment mounted on the roof.

The property (650 Trade Centre Way) is situated adjacent to the approximate 50-acre City of Kalamazoo wellfield property to the north which is characterized by natural wetlands, floodplain, Portage Creek, mature trees and vegetation. The nearest single family residences (located on Dukeshire Avenue) are situated in excess of 600-feet from the proposed office building and approximately 30-35 feet higher in elevation. The proposal to construct the five-story, 78-foot-tall office building is consistent and compatible with the existing three-story, 50-foot-tall Trade Centre I and four-story, 65-foot Trade Centre II office buildings located to the west and the two four-story, 55-foot-tall hotel buildings to the east.

In the Department of Community Development report dated January 29, 2016, staff recommends approval of the Height Modification for the Trade Centre III office building at 650 Trade Centre Way, to five-stories and a maximum height of 78-feet (measured to the top of the wall screening the mechanical equipment). The proposed Trade Centre III office building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. At its February 4, 2016 meeting, the Planning Commission convened a public hearing, reviewed the application and recommended City Council approval of the Height Modification with the same findings.

**FUNDING:** Not Applicable

**Attachments:**

1. February 12, 2016 Planning Commission transmittal
2. February 4, 2016 (draft) Planning Commission minutes
3. January 29, 2016 Community Development staff report with attachments



**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

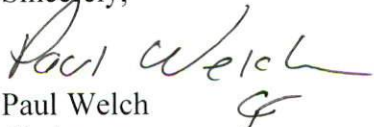
**DATE:** February 12, 2016

**SUBJECT:** Height Modification for the Trade Centre III Office Building, 650 Trade Centre Way

During the February 4, 2016 meeting, the Planning Commission convened a public hearing and discussed the Height Modification application submitted by H & G, LLC to construct a five-story, 78-foot tall (to the top of mechanical screening wall) office building at 650 Trade Centre Way. In August 2012, City Council approved a Conceptual Plan Amendment for the Trade Centre Commercial Planned Development that included a height modification to construct the Trade Centre III office building to four-stories and a maximum height of 65-feet (top of the mechanical screening wall). Mr. Greg Dobson, representing H & G, LLC, was present to support the application and explain the development history of the Trade Centre Commercial Planned Development. No citizens spoke during the public hearing.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The motion included a finding that the Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. The motion was unanimously approved 7-0.

Sincerely,

  
Paul Welch  
Chairman

**PUBLIC HEARINGS:**

1. Height Modification: Trade Centre III Office Building, 650 Trade Centre Way. Mr. West summarized the staff report dated January 29, 2016 regarding a request from H & G, LLC to construct a five-story office building at 650 Trade Centre Way to a height of 78-feet (measured at the top of the mechanical screening wall). Mr. West discussed the 2012 conceptual plan amendment for the Trade Centre Commercial Planned Development, which included a height modification to construct a four-story Trade Centre III Office building with a maximum height of 65-feet. Mr. West stated that applicant was now requesting approval to construct the building one-story and 13-feet higher than the 2012 approval. Mr. West discussed previous developments along Trade Centre Way including the three-story and four-story office buildings to the west and the two four-story hotel buildings to the east, the presence of the City of Kalamazoo wellfield site to the north and setback and elevation differences between the proposed office building and single family residence located to the north and west. Mr. West indicated staff was recommending approval of the height modification with a finding that the request satisfies requirements contained in Section 42-350(B)(6) and Section 42-414.G.

Mr. Greg Dobson, representing H & G, LLC, was present to support the application and explain the development history of the Trade Centre Commercial Planned Development. Mr. Dobson discussed the proposed building elevation and the setback distances and elevation differences between the proposed building and the nearest single family residences located in excess of 600-feet away. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed height modification. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The motion included a finding that the Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. The motion was unanimously approved 7-0.

2. Final Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street. Mr. Forth summarized the final staff report dated January 29, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth discussed the original request from Mr. Chad Scott to rezone 480 Admiral Avenue, the petition signed by several Dorset Street property owners to rezone seven Dorset Street lots and the previous Planning Commission discussions regarding this application and the decision to expand the rezoning consideration. Mr. Forth briefly discussed the existing zoning, existing land use and Future Land Use Map designations and then explained the staff recommendation regarding the rezoning and the rationale for the recommended zoning arrangement. Mr. Forth referred the Commission to a communication and attachments from Mr. Chad Scott (owner/applicant, 480 Admiral Avenue) that was included in the final agenda packet.

Chairman Welch reconvened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mrs. Patricia Dueweke (606 Dorset); and 3) Mr. Bryan Cederberg (612 Dorset). Mr. Radd discussed the applicant's voluntary request to down-zone the property from I-1/RM-1 to R-1T in order to construct one to two duplexes along the northern portion of the property. Mr. Radd reaffirmed the presence of wetlands and poor soils along the southern portion of the parcel and the restated development was only planned for the northern portion of the property, at the east end of Cameo Avenue.



**TO:** Planning Commission **DATE:** January 29, 2016  
**FROM:** Vicki Georgeau, Director of Community Development  
**SUBJECT:** Height Modification: Trade Centre III Office, 650 Trade Centre Way

## **I. INTRODUCTION/BACKGROUND:**

An application has been submitted by H & G, LLC requesting a height modification to construct the Trade Centre III Office Building at 650 Trade Centre Way to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The subject property is zoned CPD, commercial planned development and part of the larger 20 acre Trade Centre Commercial Planned Development located north of Interstate 94 and west of West Fork Crossing.

In August 2012, City Council approved a Conceptual Plan Amendment for the Trade Centre Commercial Planned Development that included an updated development plan and revised phasing schedule. In addition to the two multi-story office buildings that were already present at 750 and 950 Trade Centre Way (Trade Centre I Office and Trade Centre II Office), the amended conceptual plan proposed construction of two four-story hotel buildings ranging between 50,000-60,000 square feet each, one four-story, 110,000 square foot office building (Trade Centre III Office) and three restaurant/retail buildings ranging between 5,000-12,000 square feet in size. The conceptual plan amendment also included approval of three ordinance modifications/waivers regarding the height/number of stories for the two hotel buildings and Trade Centre III office building, building setbacks for the two hotel buildings and a waiver from the conflicting land use screening requirement along the northern portion of the overall development site. As information for the Commission, the two four-story hotel buildings have since been constructed. A copy of the previously approved 2012 conceptual plan and narrative is attached for Commission review.

In regard to the Trade Centre III office building, the 2012 conceptual plan amendment approval included a height modification that allowed construction of this office building to four-stories and a maximum height of 65-feet. Based on the success of the two previously approved four-story office buildings, the applicant is now requesting approval to construct the Trade Centre III office building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). A copy of the height modification request, preliminary site plan and building renderings for the Trade Centre III office building are attached for Commission review. The applicant has indicated the formal specific/site plan will be submitted for Planning Commission review at either the February 18<sup>th</sup> or March 3, 2016 meeting.

## **II. ZONING CODE REQUIREMENTS:**

Section 42-350(B)(6) of the Land Development Regulations establishes a building height standard of 25-feet and one-story when the zoning lot abuts a single family residential zoning district, which can be increased with City Council approval. In granting building height modifications, the Commission/Council "...shall require that all yards shall be at least equal in their depth to the height of the structure." Furthermore, the Commission/Council must determine that the "...topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses."



### III. ANALYSIS:

The approximate 20 acre CPD zoning lot, which includes parcels addressed as 400, 420, 500, 650 and 750 Trade Centre Way, is currently occupied by a three-story, 50-foot tall office building and related improvements (Trade Centre I Office) constructed in 2003; a four-story, 55-foot tall hotel building and related improvements (Marriot Courtyard) constructed in 2012; and a four-story, 55-foot tall hotel building and related improvements (Hilton Homewood Suites) constructed in 2014. A four-story, 65-foot tall office building (Trade Centre II Office) and related improvements constructed in 2005 is also located to the west, at 950 Trade Centre Way. This Trade Centre II office building received approval in 2005 and was developed under a separate conceptual plan/narrative and specific/ site plan. The zoning lot is bordered to the north by the City of Kalamazoo wellfield, to the south by Trade Centre Way and Interstate 94 and to the east by West Fork Crossing and various commercial developments.

The portion of the CPD development addressed as 650 Trade Centre Way is situated adjacent to the approximate 50-acre City of Kalamazoo wellfield property to the north which is characterized by natural wetlands, floodplain, Portage Creek, mature trees and associated vegetation. While the wellfield property is zoned residential (RS-5: Residential, single-dwelling) under the City of Kalamazoo Zoning Ordinance, it has been exclusively utilized as a municipal wellfield and natural area. Single family residences, situated within the City of Portage, are located west of the City of Kalamazoo wellfield property. However, the nearest single family residences (located along Dukeshire Avenue) will be situated in excess of 600-feet from the proposed office building. Additionally, the single family residences located to the northwest of the CPD site are situated approximately 30-35 feet higher than the proposed office building.

With regard to the proposed height modification and the request to increase the height of the Trade Centre III office building by one-story and 13-feet above what was previously approved with the 2012 amended conceptual plan, the presence of the 50-acre City of Kalamazoo wellfield to the north, combined with the setback distances, elevation differences and the presence of the Portage Creek and associated natural area (trees/wetlands) will mitigate any potential impacts to the existing single family residences situated northwest of the CPD site. Additionally, the proposal to construct the five-story, 78-foot tall office building is consistent and compatible with the existing three-story, 50-foot tall Trade Centre I and four-story, 65-foot Trade Centre II office buildings located to the west and the two four-story, 55-foot tall hotel buildings to the east.

For the above stated reasons, staff is supportive of the requested building height modification. Consistent with Section 42-350(B)(6), the Trade Centre III office building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to northwest consistent with Section 42-350(B)(6). Additionally, the height modification satisfies Section 42-414.G (Authority to waive or modify standards) and will be consistent with the commercial planned development as a whole and will not be detrimental to the public welfare or injurious to other surrounding properties.

Per statutory requirements, residents/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 placed in the local newspaper.

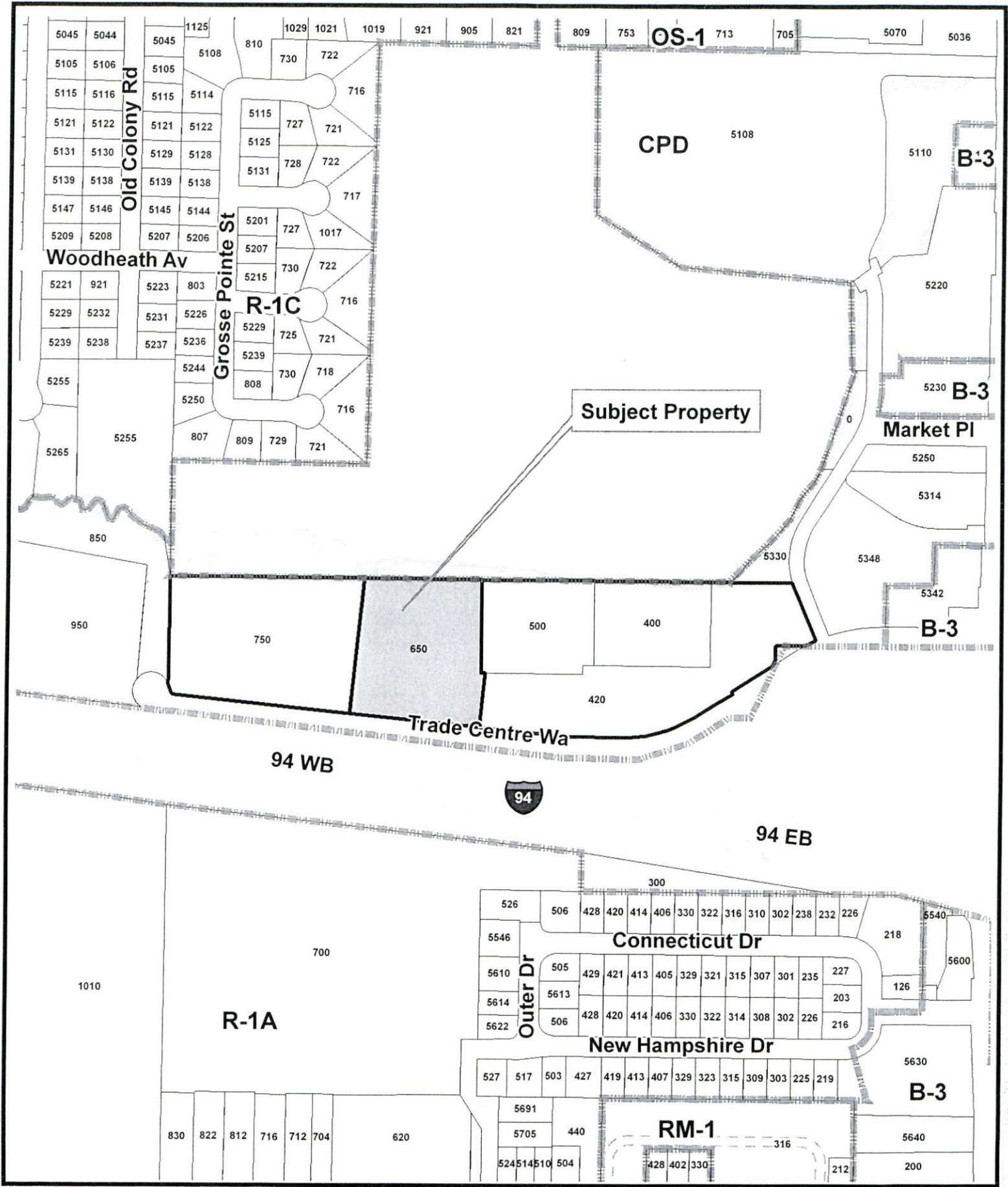
#### **IV. RECOMMENDATION:**

Subject to any public comment received and based on the above information provided by the applicant and foregoing analysis, the Planning Commission is advised to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations.

Attachments: Vicinity/Zoning Map  
Aerial Photo Map  
Communication from Mr. Greg Dobson (H & G, LLC) dated January 28, 2016  
Preliminary Site Plan and Trade Centre III Office Building Renderings  
2012 Approved Conceptual Plan and Narrative

S:\Commdev\2015-2016 Department Files\Board Files\Planning Commission\PC Reports\Height Modifications\2016 01 29 Trade Centre III Office, 650 Trade Centre Way (height modification).doc





**Legend**

- 650 Trade Centre Way
- Zoning Lot
- Zoning Boundary

# Height Modification (Trade Centre III Office) 650 Trade Centre Way



1 inch = 400 feet







## H & G, LLC

January 14, 2016

RECEIVED  
JAN 14 2016  
COMMUNITY DEVELOPMENT

Mr. Christopher Forth  
Deputy Director of Planning, Development & Neighborhood Services  
City of Portage  
7900 South Westnedge Avenue  
Portage, Michigan 49002

**RE: Conceptual Plan for 650 on Behalf of Trade Center G, L.L.C. and Trade Center G, L.L.C.**

Dear Chris:

Please accept the following request for revision to the Planned Development Conceptual Plan for the Trade Centre development located at the northwest corner of I-94 and Westnedge Ave. The requested revision is relative to the height and stories for a planned office building to be located east of the two existing office buildings and west of the two existing hotel. The building and site will be called 650 Trade Centre Way, carrying on the tradition of the three-story 750 Trade Centre Way and the four-story 950 Trade Centre Way office building to the west.

The developer is H & G, L.L.C. of 4200 W. Centre Avenue, Portage, MI, 49024. H & G, LLC is owned by local developers Joe Gesmundo and Roger Hinman of AVB and The Hinman Co. respectively. The land owners are Trade Center H., L.L.C. of 750 Trade Centre Way, Suite 100, Portage, MI 49002 and Trade Center G, L.L.C. of 4200 W. Centre Avenue, Portage, Michigan, 49024 as tenants in common.

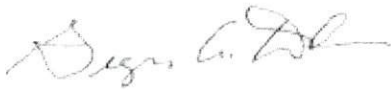
The building will be marketed as Class A office space. The building will be five stories and approximately 78 feet tall. This height is one-story more and approximately 13' 4" feet taller than what was previously proposed by us and approved by the City of Portage in 2012.

The success of the previous two office buildings and the two hotels is motivating us to move forward on this third office building. The additional height is being requested to allow us to make the best possible use of key parcel of land in our development.

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 a five-story building to a height not to exceed 78 feet.

Please contact me directly with any question or concerns.

Sincerely,

A handwritten signature in cursive script, appearing to read "Greg Dobson".

Greg Dobson

C: Joseph L. Gesmundo  
Roger E. Hinman  
Rich MacDonald

# NOTES

1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS.
3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
4. SEE LANDSCAPE PLANS FOR HARDSCAPE, DETAILED GRADING IN LANDSCAPED AREAS AND SIGNAGE.
5. SEE ARCHITECTURAL PLANS FOR MORE DETAILS ON TRUCK DOCK WALLS, STAIRS, AND RAMPS.
6. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM. CONDITIONS VARY THROUGHOUT PROJECT.
7. ALL SIGNAGE AND STRIPING SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
8. PLACE FIRE HYDRANT AND "NO PARKING THIS SIDE OF STREET" SIGNS AT EACH HYDRANT LOCATION AND A "NO PARKING THIS SIDE OF STREET" SIGN MIDWAY BETWEEN HYDRANTS.
9. LIGHT STANDARDS AND UTILITY POLES TO BE LOCATED A MINIMUM OF FIVE FEET FROM BACK-OF-CURB.
10. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2003 EDITION, AND CITY OF PORTAGE STANDARDS SPECIFICATIONS.
11. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
12. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
13. ALL EXTERIOR CONCRETE SHALL BE MOIST CURE P1 (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.

## ZONING REQUIREMENTS

**ZONING**  
THE SITE IS ZONED CPO - COMMERCIAL PLANNED DEVELOPMENT

**PROPOSED USE**  
PROFESSIONAL OFFICE BUILDING  
CONSTRUCTION TYPE B-II

**PARKING**  
TOTAL PARKING REQUIRED CURRENT ORDINANCE = 1 SPACE / 200 SFT UFA  
TOTAL PARKING REQUIRED PROPOSED ORDINANCE = 63,162 UFA/200 SFT = 316 SPACES  
TOTAL PARKING PROVIDED = 213 SPACES  
TOTAL BANKED SPACES = 162 SPACES  
TOTAL FUTURE SPACES = 374 SPACES  
BARRIER FREE SPACES = 8 PROVIDED  
ALL BARRIER FREE SPACES DESIGNED PER ADA REQUIREMENTS  
TYPICAL PARKING SPACE DIMENSION = 8'x18'

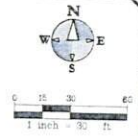
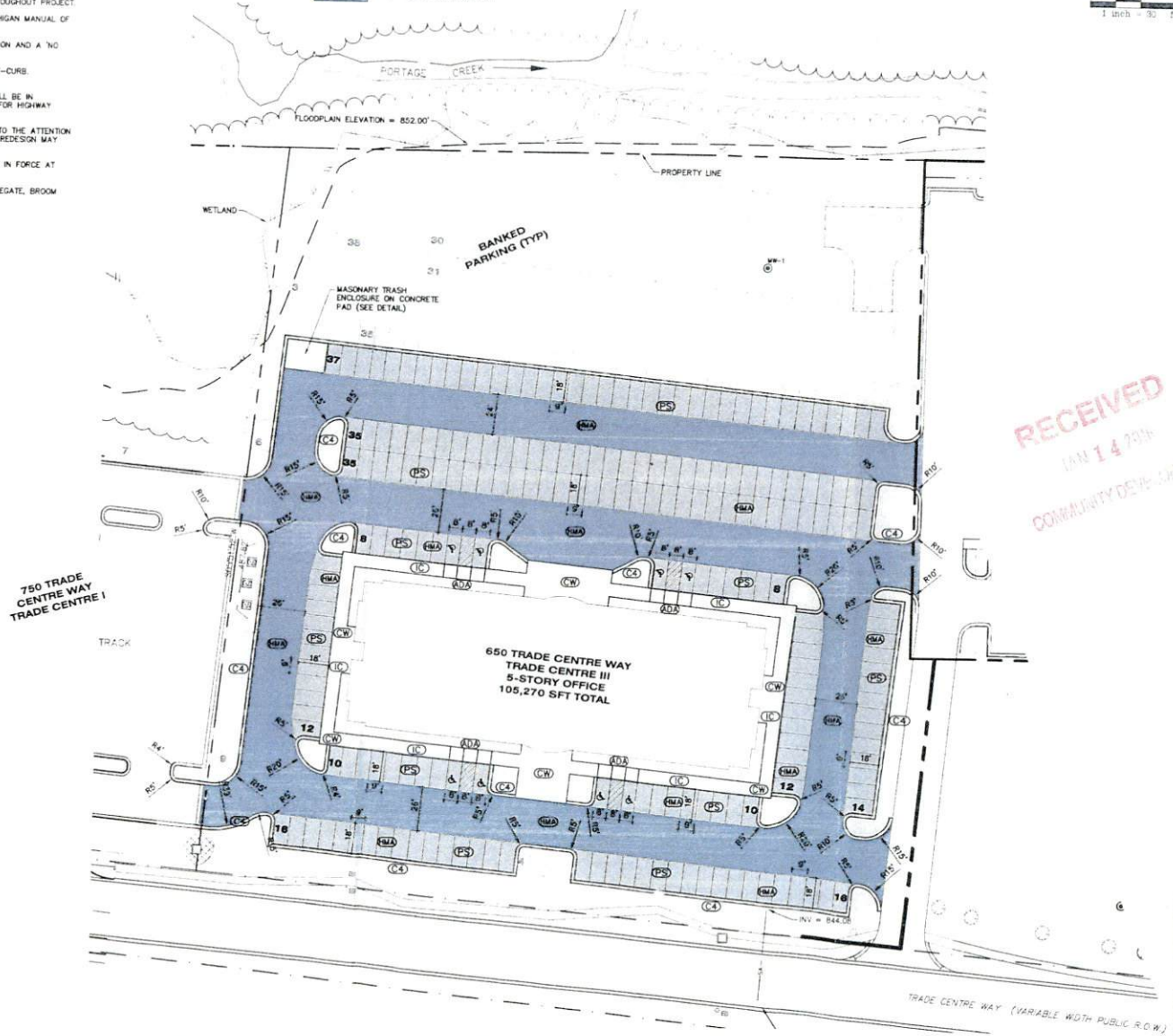
**BUILDING AREA**  
THE BUILDING IS 5-STORIES WITH A TOTAL AREA OF 105,270 SFT  
USEABLE FLOOR AREA OF 608 (63,162 SFT).

## SITE LEGEND

- (HMA) HMA PAVEMENT
- (C4) C4 CURB AND GUTTER
- (IC) INTEGRAL CURB WALK
- (CW) CONCRETE WALK
- (CS) CONCRETE SURFACE
- (PS) PARKING STRIPING (8'x18')
- (AR) ADA RAMP

## LEGEND

- PROPOSED CONCRETE SIDEWALK
- PROPOSED CONCRETE CURB AND GUTTER
- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT



Hurley & Stewart, Inc.  
2000 Lakeshore Drive  
Kalamazoo, Michigan 49009  
269.552.4860 Fax 269.552.4861  
www.hurleystewart.com



DATE: 12/31/15  
PROJECT: PRELIMINARY SITE LAYOUT PLAN  
CLIENT: H&G, LLC  
DESIGNED BY: [Signature]  
CHECKED BY: [Signature]  
APPROVED BY: [Signature]

**SITE LAYOUT PLAN**  
**TRADE CENTRE III**  
**H&G, LLC**

Sheet Title  
Project  
Client

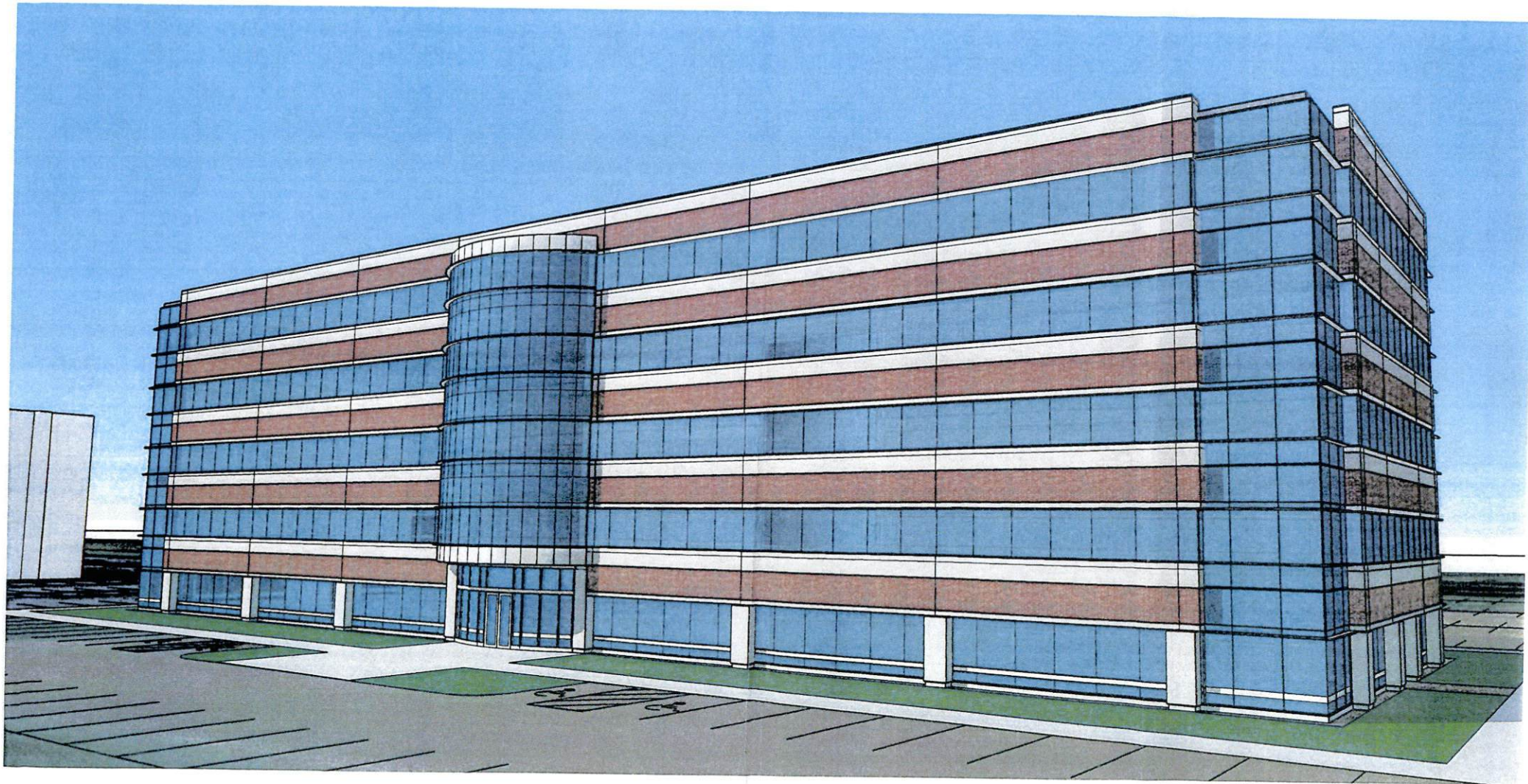
12/31/15  
Sheet

**C-2**



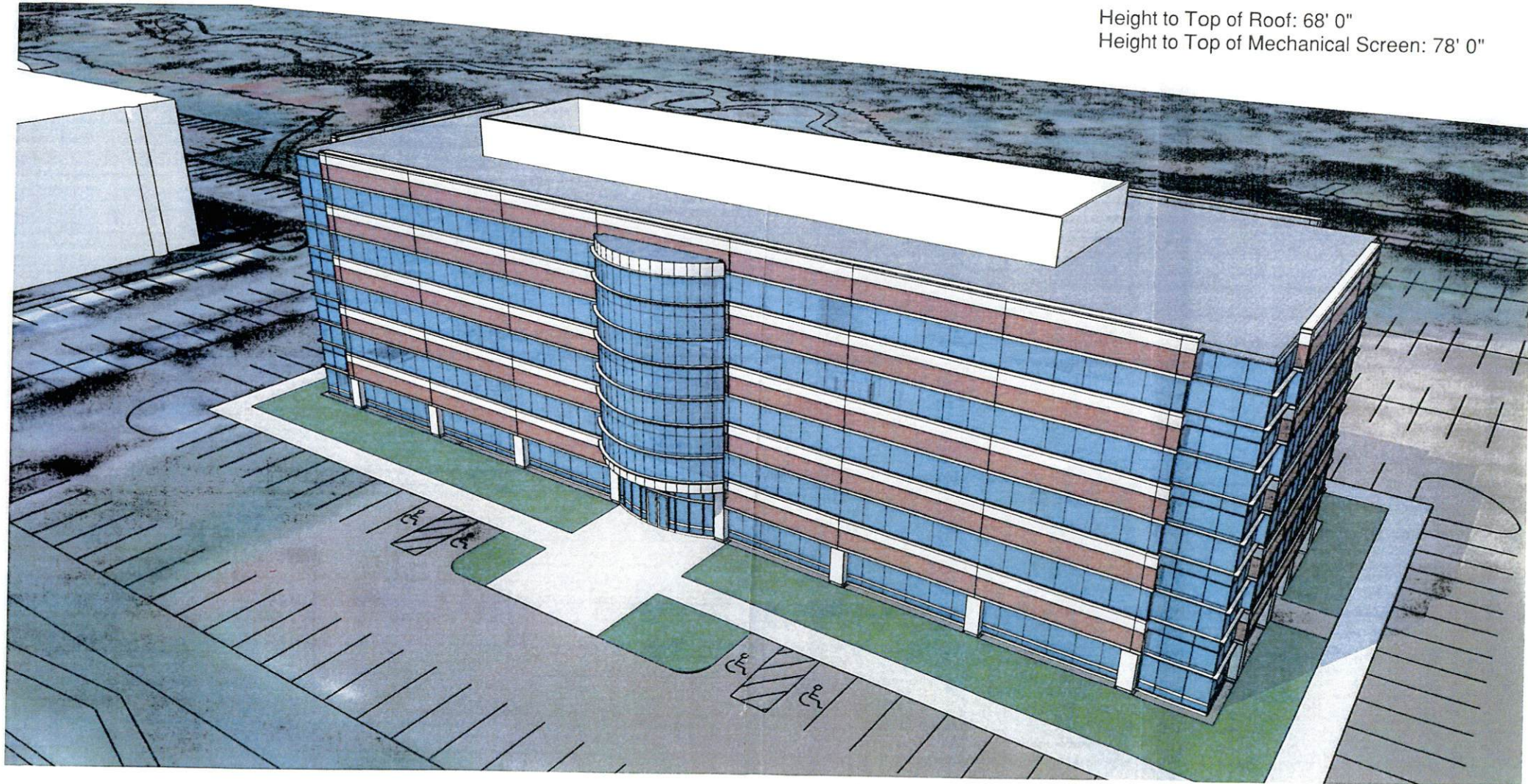
Height to Top of Roof: 68' 0"

Height to Top of Mechanical Screen: 78' 0"





Height to Top of Roof: 68' 0"  
Height to Top of Mechanical Screen: 78' 0"





avb  
construction | development

June 26, 2012

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

**RE: Conceptual Plan for 420 Trade Center Way-Trade Centre Holdings, LLC**

Dear Mike:

What follows is our revision to the conceptual plan for the 20.00 acre +/- property which includes 420 and 750 Trade Centre Way. The original conceptual plan was approved by Portage City Council in 2002. Interestingly, at that time, the developers Furniture Row, LLC had envisioned the property for hotel, restaurant and retail use-three uses we still proposed today. Further, they planned for an Extended Stay America hotel and had requested modifications for screening, setbacks and heights – all to accommodate the Extended Stay America hotel.

Since this time, significant progress has been made in relation to this conceptual plan. Importantly, in 2003, the property was sold to H & G, LLC a 50/50 partnership of local developers Roger Hinman from the Hinman Company and Joe Gesmundo from AVB – paving the way for new development to actually commence on the property. Very shortly thereafter, a 83,000 square foot, Class A office building was developed and is 100% occupied on the conceptual plan property. In addition, in 2006/07, the property to the west, which is not part of this conceptual plan, was developed as a 110,000 square foot Class A office building.

This property is comprised of the 750 Trade Centre Way office building, and the currently vacant property which sits at the at the east end of Trade Center Way west of West Fork Crossing and east of 750 Trade Centre Way. The information contained in this narrative is intended to be used in connection with the concept plan. Within this document we are requesting three modifications, the same ones requested in 2002- a height modification request, a rear setback modification request, and a screening modification in accordance with City of Portage Land Development Regulations.

Statement of Purpose: The purpose of this conceptual plan 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 Center development. Specifically, we are requesting to revise the Commercial Planned Development conceptual plan for the Trade Centre as noted herein.

General Development Plan: The concept plan indicates one additional four-story office building along with two four story hotels and three one to two-story restaurants. While the actual mix of office to hotel to restaurant may change, we are working to develop a cohesive development with a well-developed sense of place. While this plan is conceptual in nature and name, we expect the following approximate sizes and square footages for each use. The 110,000 square foot +/- office building will occupy between five and six acres, the 5,000 to 12,000 square foot restaurants will occupy pad sites between one and two acres and the 50,000 to 60,000 square foot hotel buildings will occupy between two and three acre sites each. The buildings 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 concrete or unit masonry materials such as 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 in for architectural diversity. The color schemes for the primary



building surfaces will be limited to those that integrate positively with the existing Trade Center office buildings and the masses of the larger hotel and office buildings will be broken with banding, or 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 entity is Trade Centre Holdings, LLC of 750 Trade Centre Way, Portage, MI, 49024. Both entities, H & G, L.L.C. and Trade Centre Holdings, LLC, are owned 50/50 by Joe Gesmundo and Roger Hinman.

Holdings: A Warranty Deed showing this property is owned by Trade Centre Holdings, LLC is included in this package. Please note that two properties are owned by the City of Portage as shown on the attached concept plan. The easternmost holding is a street vacation which will be deeded to Trade Centre Holdings shortly. The southernmost holding will be retained by the City of Portage, but an easement will be given to Trade Centre Holdings, LLC for off street parking. Both properties are being conveyed, as noted above, according to a development agreement between the City of Portage and Trade Centre Holdings, LLC.

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. All of these utilities are in place and ready to serve this portion of the development.

Topography: The topography is also shown on the conceptual plan.

Use, Height & Setbacks: The Class A office building will be four stories and will not exceed 65 feet tall to the top of the screen wall (tallest point on the building). The hotel buildings will be four stories and will not exceed 59 feet tall. The Class A office building is the same height as the existing 950



Trade Centre Way office building which was granted the same modification we are requesting herein.

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 an office building to a height not to exceed 65 feet above the existing elevation of the land and hotel buildings not to exceed 59 feet above the existing grade. We ask that when considering this request you note the following factors which mitigate the impact of the height of this building.

- The property immediately north of these buildings is an approximately 50 acre natural area, owned by the City of Kalamazoo, presently used a well field.
- The property to the north and west contains a significant number of mature trees that will further screen the homes to the west from our proposed building. Further the residential property to the north and west is 30 to 35 feet higher in grade higher than the conceptual plan property.
- The nearest proposed building itself will be approximately 525 feet from the nearest residential property line, located on Dukeshire, to the north and approximately 600 feet from the nearest home to the north.
- Expert testimony, 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 hereby requesting a rear set-back modification to 30' for the easterly hotel and 10' for the westerly hotel. These setback modifications are necessary owing to the following important factors:

- The property is wide (east to west) and fairly shallow in depth (north to south)
- Our goal with this plan is to allow for smooth vehicular circulation which requires drive aisles to be coordinated between the hotel sites, the restaurant pad sites and the 650 Trade Centre Way proposed office site
- Further, we desired to the best-looking front elevations front on I-94
- The westerly hotel proto-type requires a north and south orientation while the easterly hotel proto-type requires an east west orientation
- The general alignment of the hotels allows for a symmetrical repetition of the of the restaurant pads

These factors combined require the two hotel buildings to be pushed further to the north than normal and hence the requested set-back medication.

We are also requesting a waiver from the screening requirement from the adjacent City of Kalamazoo well field. It is our desire to allow the hotel guests and users to overlook the natural adjacent wetland properties. The easterly hotel is being designed with an outdoor open space and plaza to specifically orient to the natural views. As the property to the immediate north is a combination of wetlands and floodplain and presently serves as the City of Kalamazoo well field, we do not see that our requested waiver will create any negative impact on the property to the north.

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

- Hotel Building #1 – Summer 2013 to Fall 2014
- Hotel Building #2 – Summer 2014 to Fall 2015
- Restaurant #1 – Summer 2013 to Fall of 2015
- Restaurant #2 – Summer 2014 to Fall of 2016
- Restaurant #3 – Summer 2015 to Fall of 2017
- 650 Trade Centre Way Office Building –Summer of 2015 to Fall of 2017



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. As such the buildings rely on being designed around an integrated architectural theme. Additionally the buildings will be benefited by a REA (Reciprocal Easement Agreement) to allow for the integrated development of the area as a whole. As such, common drives are shared, utility corridors and connections are ensured, and each parcel requires at least one vehicular and pedestrian connection to each adjacent parcel.

Common Open Space: The common open space within the Trade Centre 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 storm retention area west of 750 Trade Centre Way. Additionally, for aesthetics, the Trade Centre mows the I-94 right of way between I-94 and the decorative fence (which is also owned and maintained as common space). This common area maintenance program would be one of many common areas that have been maintained by the developer successfully over the last 35 years. These common areas facilitate a natural and well-maintained feel to the entire development and is a unifying theme for the entire 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 is worthy of particular note as that it is a bit unusual and relates directly to the permit that we have received from the MDEQ which is attached to this submission for reference. We presently anticipate maintaining all storm water 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 substantially similar to the storm water area between the 750 and 950 Trade Centre Way buildings. These 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: The traffic will be routed to the development along the newly constructed Trade Center Way, West Fork Crossing and Westnedge Avenue. As these roads have been recently constructed, we assume they have been designed in anticipation of the approved 2002 conceptual plan. Therefore we expect that this road has been designed to handle exactly the traffic that is proposed for it. The width of the street is 32 feet which can also be seen on the attached conceptual plan. Parking will all be accommodated around the buildings as can be seen on the attached conceptual plan.

For your information, we provide the below table showing the anticipated traffic flows, based on the ITE Trip Generation Manual.

### ***Future Traffic Impacts***

| Use           | Amount          | Trips Ends/Day |
|---------------|-----------------|----------------|
| Hotels        | 180 Rooms       | 1250           |
| 3 Restaurants | 30,000 sq. ft.  | 2700           |
| Office*       | 193,000 sq. ft. | 1850           |
|               | Total           | 5800           |

\*number includes 83,000 sq. ft. from the existing 750 Trade Centre Way building.

Covenants, Restrictions, Easements: As mentioned previously, the property will be developed subject to the REA (Reciprocal Easement Agreement). This document will ensure that the property is developed in a cohesive manner and is maintained properly into the future.

Natural Features: The property is bordered on the west by the natural storm water detention area, on the north by the City of Kalamazoo well field, on the east by West Fork Crossing and on the South by Trade Centre Way and I-94. As such the property is exposed to a significant amount of visual inspection on a daily basis and the main natural features have either been created in our re-development of this property or 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 our hotels and the 650 Trade Centre office building to overlook the natural wet lands of the City of Kalamazoo well fields to the north and we think this is an especially appealing feature of these properties which are positioned so closely to I-94.

Over the last several years we have employed two highly regarded consultants to help us revise the current location of the floodplain line by filing a Letter of Map Amendment with FEMA. The Michigan Department of Environmental Quality has granted H & G the required permits to relocate a portion of the wetland that was in conflict with our proposed development. The permit includes a FEMA letter of map amendment to redefine the floodplain line and allows the relocation of the existing wetlands on our property. This is a particularly interesting and innovative project which is a cooperative venture between Trade Centre Holdings and The Nature Centre. The project features mitigating this wetland from the Trade Centre to downtown Kalamazoo as part of a larger Kalamazoo Nature Center rehab project.

This proposed concept plan is fully in compliance with the MDEQ permit, including the manner in which storm water is handled on site with controlled releases to the West Fork of the Portage Creek in volumes that are controlled by said permit.

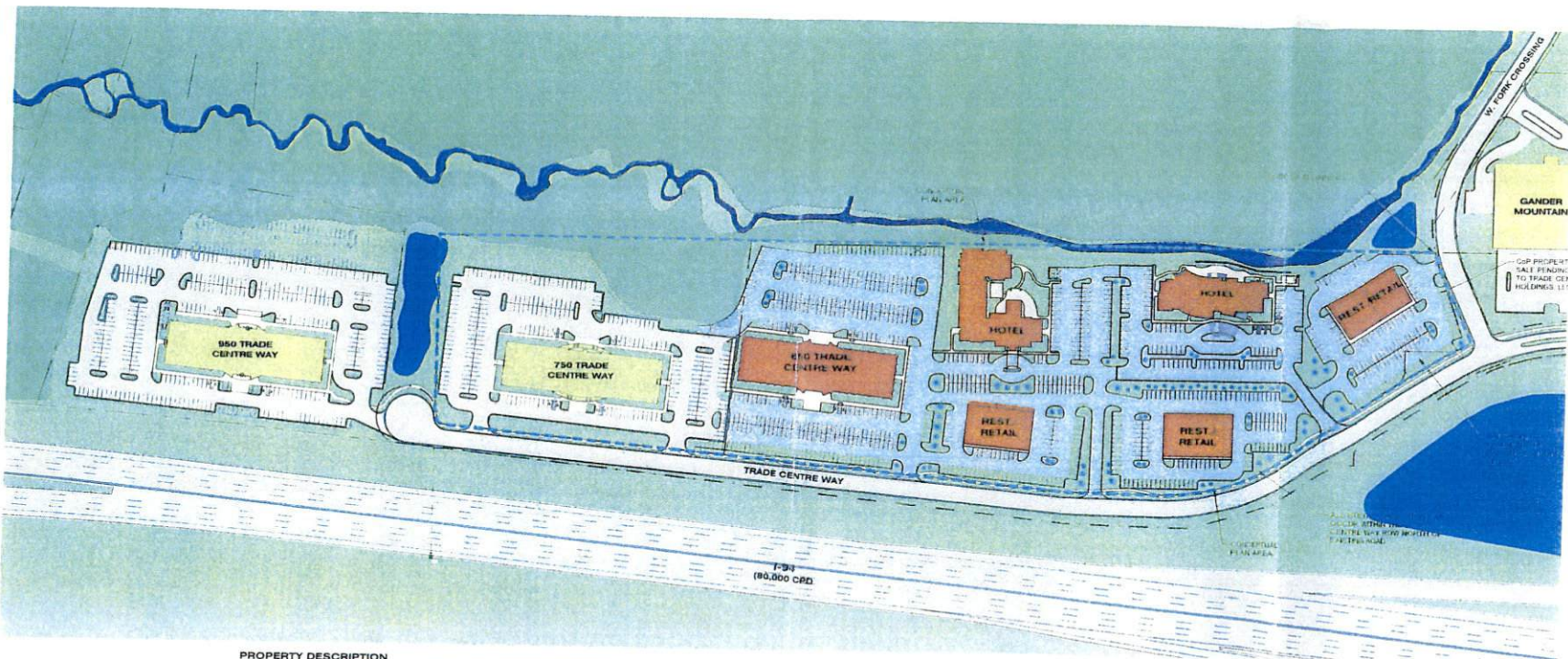
In summary we at H & G look forward to working with both the City of Portage and our neighbors in a positive manner. Please direct any questions to me at (269) 329-3636 or [gdobson@avbinc.com](mailto:gdobson@avbinc.com).

Sincerely,

A handwritten signature in dark ink, appearing to read "Greg Dobson", with a horizontal line extending to the right.

Greg Dobson

C: Joseph L. Gesmundo  
Roger E. Hinman  
Rich MacDonald



#### PROPERTY DESCRIPTION

COMMENCING AT THE EAST 1/4 POST OF SECTION 4 T 33 S R 11 W, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, THENCE NORTH 30°10'00" EAST ALONG THE EAST LINE OF SAID SECTION, 650.00 FEET (RECORDED AS 20010227E, 650.43 FEET); TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBORH HOMESTEAD ACRES, AS RECORDED IN LIBER 14 OF PLATS ON PAGE 6, KALAMAZOO COUNTY RECORDS, THENCE N89°55'30"W ALONG SAID NORTH LINE, 669.22 FEET TO THE WESTERLY RIGHT-OF-WAY OF WEST FORK CROSSING AS RELOCATED, AND THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED, THENCE S00°10'00"E ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY, 59.90 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 200.00 FEET AND A CHORD BEARING S18°13'13"E, 59.79 FEET; THENCE S24°20'23"E, 135.92 FEET TO THE NORTHERLY RIGHT-OF-WAY OF TRADE CENTRE WAY AS RELOCATED, THENCE S00°39'18"E ALONG THE NORTHERLY LINE OF SAID RIGHT-OF-WAY, 38.95 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 535.00 FEET AND A CHORD BEARING S63°25'45"W, 38.34 FEET TO THE NORTHEAST CORNER OF LAND DIVIDED BY THE CITY OF PORTAGE, THENCE N89°55'11"W ALONG THE NORTH LINE OF SAID LAND, 34.20 FEET; THENCE S00°39'18"E ALONG THE WEST LINE OF SAID LAND, 45.15 FEET; THENCE S24°15'00"W, 164.06 FEET; THENCE S32°44'38"E, 7.53 FEET; THENCE S57°47'49"W, 146.55 FEET (RECORDED AS S57°48'12"W, 163.83 FEET); THENCE S00°39'18"E ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 424.00 FEET AND A CHORD BEARING S74°14'07"W, (RECORDED AS S74°15'16"W), 241.15 FEET; THENCE N89°18'02"W, (RECORDED AS N89°17'40"W), 181.89 FEET; THENCE N84°43'37"W, (RECORDED AS N84°43'14"W), 688.21 FEET; THENCE N00°51'28"E, (RECORDED AS N00°51'51"E), 433.28 FEET TO THE NORTH LINE OF SAID PLAT EXTENDED, THENCE S89°55'00"E ALONG SAID NORTH LINE, 1.364.71 FEET TO THE PLACE OF BEGINNING, CONTAINING 14.97 ACRES.

ALSO INCLUDING 750 TRADE CENTRE WAY DESCRIBED AS PART OF THE N 1/2 OF SEC 4 T 33 S R 11 W, COMMENCING AT THE E 1/4 POST OF SD SEC 4 THENCE N30°10'32"E ON THE E LINE OF SD SEC 4 A DISTANCE OF 650.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBORH HOMESTEAD ACRES, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE NORTH 1/2 OF THE NORTH 1/2 OF SAID SECTION 4, THENCE N89°55'30"W ON SAID NORTH PLAT LINE AND ON AN EXTENSION OF SAID NORTH PLAT LINE, 224.23 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED, THENCE S00°51'51"W, 433.28 FEET; THENCE N84°43'37"W, 688.21 FEET; THENCE N00°51'28"E, 22.16 FT ON A 14.00 FT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS N42°23'53"W, 20.20 FT; THENCE N00°51'28"E, 19.75 FT ON A 60.00 FT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N09°30'27"W, 19.96 FT TO THE NORTH AND SOUTH 1/4 LINE ON SAID SECTION 4 THENCE N30°07'48"E ON SAID NORTH AND SOUTH 1/4 LINE, 345.01 FT TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID DEBORH HOMESTEAD ACRES, THENCE S89°55'00"E ON SAID NORTH LINE, EXTENDED 618.44 FT TO THE POINT OF BEGINNING.

#### OWNER

Trade Centre Holdings, LLC  
750 Trade Center Way  
Suite 100  
PO Box 50751  
Kalamazoo, MI 49005

#### DEVELOPER

H&G, LLC  
750 Trade Center Way  
Suite 100  
PO Box 50751  
Kalamazoo, MI 49005

1 inch = 100 feet



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATIONS NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

### AMENDED & REVISED CONCEPT PLAN 2012 TRADE CENTRE H&G, LLC

Sheet Title: Project Client: 9-21-12 Sheet 1

Burley & Stewart, LLC  
2800 South 11th Street  
Kalamazoo, Michigan 49009  
269-552-9960 FAX 269-552-1962  
www.burleyandstewart.com

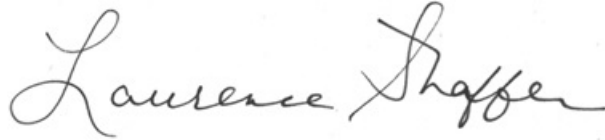


DATE: 9-21-12  
BY: J. BURLEY  
CHECKED BY: J. BURLEY  
IN CHARGE: J. BURLEY  
SCALE: AS SHOWN  
PROJECT: 750 TRADE CENTRE WAY  
SHEET: 1 OF 1  
DRAWN BY: J. BURLEY  
DATE: 9-21-12



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Rezoning Application #15/16-2 (Admiral Avenue/Dorset Street)

**SUPPORTING PERSONNEL:** Vicki Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council:

1. accept Rezoning Application #15/16-2 for first reading and set a public hearing for March 22, 2016, and
2. subsequent to the public hearing, approve Rezoning Application #15/16-2 as follows:
  - 480 Admiral Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential to R-1A, one family residential;
  - 514, 520, 526, 532, 606, 612 and 618 Dorset Street: rezone from R-1T, attached residential, to R-1A, one family residential;
  - 6843, 422 and 426 Dorset Street (rear portions): rezone from I-1, light industrial, to R-1A, one family residential, and
  - 6979 South Westnedge Avenue: rezone from I-1, light industrial, and RM-1, multiple family residential, to R-1A, one family residential (except the western portion which is to remain zoned B-2, community business).

Rezoning Application #15/16-2 was originally submitted by Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential (southern portion) and I-1, light industry (northern portion) to R-1T, attached residential to facilitate construction of one to three two-family attached residential dwellings (duplexes) along the northern portion of the property. The property is currently a vacant parcel. A public hearing to consider this request was convened by the Planning Commission during its November 19 and December 3, 2015 meetings. After receiving public comment, and as recommended by staff, the Commission voted unanimously to adjourn the rezoning application until the January 21, 2016 meeting to further evaluate the application, including consideration to expand the rezoning area. During the December 17, 2015 meeting, the Planning Commission expanded the rezoning application to also consider the following properties:

1. 502-618 Dorset Street: These properties are occupied by single-family detached homes. While



- 502 and 508 Dorset are zoned R-1A, single-family residential consistent with the existing land use, 514-618 Dorset Street are zoned R-1T, attached residential.
2. 6843, 422 and 426 Dorset: These lots are occupied by nonconforming duplexes, but the front portions are zoned R-1A, one family residential and the rear portions are zoned I-1, light industry.
  3. 6979 South Westnedge: This vacant city-owned property is part of Bicentennial Park and the current zoning is a combination of RM-1, multiple family residential, B-2 community business and I-1, light industry.

The Comprehensive Plan designates 480 Admiral Avenue, along with the single family and multiple family residential properties located along Dorset Street, Cameo Avenue and Admiral Street, for Single-Family Detached Medium Density Residential (SFD-MD) land use. The vacant city-owned property addressed as 6979 South Westnedge Avenue is primarily identified for Park/Recreation land use, with the exception of the western portion designated for Regional Business land use. The SFD-MD land use designation is intended to provide for greater diversity in single-family housing development at higher densities (up to 6 units per acre) than allowed under the Low Density Residential designation (1-4 units per acre). Areas planned for SFD-MD land use are often located adjacent to higher intensity uses, such as the Regional Business area and generally correspond to the R-1A, one family residential and PD, planned development zoning districts.

In a report dated January 29, 2016, the Department of Community Development recommended the following:

1. 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
2. 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
3. 502 and 508 Dorset Street remain zoned R-1A, one family residential;
4. 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. The front portions of these properties remain zoned R-1A; and
5. 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remain zoned B-2, community business.

The staff rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While Mr. Scott's original request for R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. This recommendation allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-

owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street is recommended by staff, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood.

The Planning Commission convened a public hearing to formally consider the expanded rezoning application during its January 21 and February 4, 2016 meetings. Mr. Chad Scott (owner/applicant, 480 Admiral), Mr. Greg Radd (Nederveld Associates, representing Mr. Scott), Mr. and Mrs. Rick and Patricia Dueweke (606 Dorset) and Mr. and Mrs. Bryan and Alishia Cederberg (612 Dorset) were present and spoke in regards to the expanded rezoning consideration. Mr. Scott and Mr. Radd spoke in support of the original request to rezone 480 Admiral to R-1T, while Mr. and Mrs. Dueweke and Mr. and Mrs. Cederberg spoke in opposition to the R-1T zoning and indicated they support the staff recommendation of R-1A zoning for the 480 Admiral parcel and the several Dorset Street lots.

Written communications from Mr. Scott, Mr. Cederberg and Ms. Karen Gadson (520 Cameo), and a petition signed by five Dorset Street property owners have also been received in support of rezoning the 7 lots on Dorset from R-1T to R-1A. At the conclusion of the February 4, 2016 meeting, the Commission voted 6-2 to recommend to City Council approval of Rezoning Application #15/16-2 with the same zoning changes recommended by the Department of Community Development.

**FUNDING:** Not Applicable

**Attachments:**

1. February 12, 2016 Planning Commission transmittal
2. November 19, December 3 and 17, 2015 and January 21 and February 4, 2016 Planning Commission minutes
3. January 29, 2016 Community Development report with attachments
4. Citizen Communications Received
5. Ordinance Amendment

**TO:** Honorable Mayor and City Council

**FROM:** Planning Commission

**DATE:** February 12, 2016

**SUBJECT:** Rezoning Application #15/16-2 (expanded), Admiral Avenue-Dorset Street

The Planning Commission convened a public hearing during the January 21<sup>st</sup> and February 4<sup>th</sup>, 2016 meetings to consider expanded Rezoning Application #15/16-2, which includes properties addressed as 480 Admiral Avenue; 6979 South Westnedge Avenue; 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street. Mr. Chad Scott (owner/original applicant, 480 Admiral Avenue), Mr. Greg Radd (Nederveld Associates, representing Mr. Scott), Mr. Rick and Mrs. Patricia Dueweke (606 Dorset) and Mr. Bryan and Mrs. Alishia Cederberg (612 Dorset) were present and spoke in regards to the expanded rezoning consideration. Mr. Scott and Mr. Radd spoke in support of the original request to rezone 480 Admiral to R-1T, while Mr. and Mrs. Dueweke and Mr. and Mrs. Cederberg spoke in opposition to the R-1T zoning and indicated they support the staff recommendation of R-1A zoning for the 480 Admiral parcel and the several Dorset Street lots. Written communications from Mr. Scott, Mr. Cederberg and Ms. Karen Gadson (520 Cameo), and a petition signed by five Dorset Street property owners have also been received.

After careful consideration, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 the following:

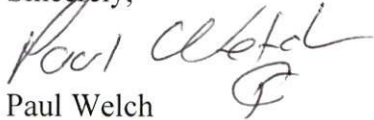
- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential;
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A;
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is



recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Welch", with a stylized flourish at the end.

Paul Welch  
Chairman

preserving the environment and creating a natural feel for its residents that would continue with construction of Phase V.

After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Somers, to recommend to City Council that the Final Plan for Greenspire Apartments (Phase V), 8615 Tozer Court, be approved subject to finalization of the storm water design, and approval by the MDEQ to discharge into the wetland area. The motion was unanimously approved 7-0.

### **PUBLIC HEARINGS:**

1. **Preliminary Report; Rezoning Application #15/16-2, 480 Admiral Avenue.** Mr. West summarized the preliminary staff report dated November 13, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. Mr. West indicated the applicant was requesting the rezoning to facilitate construction of a four-unit attached residential building along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. West discussed the Future Land Use Map designation of single-family detached-medium density residential of the subject parcel and adjacent properties, along with the surrounding zoning and land use pattern. Mr. West then reviewed the split zoning of the subject parcel (RM-1, south portion and I-1, north portion), the irregular shape of the property, access limitations and the presence of potential wetland areas and poor soils, particularly along the southern portion of the property. Mr. West briefly discussed the I-1 zoning designation of the adjacent city owned parcel to the east and south and the rear portion of three parcels on Dorset Street and the inconsistency with the Future Land Use Map and existing zoning/land use pattern. In an effort not to delay the applicant, Mr. West stated it was recommended that the Planning Commission consider a possible rezoning of these properties at a later date, consistent with the approved Work Program.

Mr. Chad Scott (applicant/property owner) and Mr. Greg Radd of Nederveld Associates (applicant's consultant) were present to support the zoning change and to discuss the proposed four-unit attached residential building planned along the northern portion of the property. Mr. Radd stated a preliminary wetland delineation was performed several years ago and the southern portion of the property was found to be wetlands. Mr. Radd stated this delineation would be updated and development would be concentrated to the northern portion of the property, where higher ground and better soils are present. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to adjourn the public hearing for Rezoning Application #15/16-2, 480 Admiral Avenue, to the December 3, 2015 meeting. The motion was unanimously approved 7-0.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

None.

### **STATEMENT OF CITIZENS:**

None.

### **ADJOURNMENT:**

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

Respectfully submitted,

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



## **PLANNING COMMISSION**

**December 3, 2015**

The City of Portage Planning Commission meeting of December 3, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Fifteen citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the roll and the following Commissioners were present: Richmond (yes), Schimmel (yes), Somers (yes), Dargitz (yes), Felicijan (yes), Welch (yes), Stoffer (yes), and Bosch (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the November 19, 2015 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from the vote since she was not present at the November 19, 2015 meeting. A motion was made by Commissioner Somers, seconded by Commissioner Richmond, to approve the minutes as submitted. The motion was unanimously approved 7-0-1.

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

None

### **PUBLIC HEARINGS:**

1. **Final Report; Rezoning Application #15/16-2, 480 Admiral Avenue.** Mr. Forth summarized the staff report dated November 25, 2015 regarding a request from Chad Scott to rezone 480 Admiral Avenue from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of 1-3 duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Forth summarized the Future Land Use Map designation, existing zoning pattern, surrounding land uses and several inconsistencies. Mr. Forth also mentioned environmental features that may limit development such as the presence of wetlands and organic soils. Mr. Forth noted the applicant has changed the original proposal of constructing one, 4-unit building to 1-3 duplex units. Mr. Forth also noted that the Zoning Code requires at least one property line abut a major thoroughfare to permit a 4-unit building and this parcel does not meet that requirement. Mr. Forth indicated the R-1A zoning district is most consistent with the Plan designation but the R-1T district requested by the applicant can also be considered generally consistent with the Plan and surrounding area.

Ms. Kelly Cavanaugh, Nederveld Associates (applicant's consultant), was present to support the zoning change and to discuss the proposal to construct 1-3 duplex units. Commissioner Dargitz asked Ms. Cavanaugh to further explain the wetland report that had been prepared. Ms. Cavanaugh indicated a formal wetland delineation study had been prepared approximately five years ago by another company and they were requested to show the wetland boundary on a site plan. Nederveld Associates does not have a copy of



the formal report. Ms. Cavanaugh noted the wetland boundary changes where the elevation changes. Commissioner Dargitz indicated the National Wetlands Inventory map shows the entire area encumbered by wetlands. Ms. Cavanaugh indicated those maps show an assumed wetland area and showed the Commission a map of the wetland boundary prepared approximately five years ago. Ms. Cavanaugh reiterated the north end of the property is developable.

The public hearing was opened. Mr. Rick Dueweke, 606 Dorset, was present to speak against the proposed zoning change. Mr. Dueweke mentioned he has been a resident of the area for 24 years, lives close to the access point for the proposed duplex units, and is familiar with the subject property. Mr. Dueweke also mentioned the berm that was constructed to the north and the wetland area created when Romence Road Parkway was extended. The subject property borders a single-family neighborhood and multi-family uses would not be appropriate. Mr. Dueweke noted his property and several others on Dorset Street are currently zoned R-1T, but this zoning is not correct. Bryan Cedarberg, 612 Dorset, was also present to oppose the rezoning application. Mr. Cedarberg explained that when he purchased the property, he preferred the location away from the existing apartments located on Admiral Street. Mr. Cedarberg does not believe these existing apartments are very well maintained and negatively affect the value of the neighborhood. Mr. Cedarberg doesn't believe it is appropriate to construct multi-family units in an area of the neighborhood occupied by only single-family residential units. Mr. Cedarberg was concerned about an increase in noise, traffic, trash, crime and a negative impact on property values. Mr. Cedarberg also agreed with Mr. Dueweke that his property and the others that are currently zoned R-1T is not correct and should be changed to single-family residential. Ms. Theresa Rowlerhens was present to speak on behalf of her sister, Christine Rohr who lives at 619 Cameo. Ms. Rowlerhens stated Ms. Rohr is opposed to the rezoning. She mentioned her sister experiences periodic flooding in her basement which suggests the area is a wetland. Ms. Rowlerhens expressed concerns about decrease in property values and safety. Ms. Rowlerhens also mentioned a desire to purchase a portion of the adjacent property.

There being no further public comment, the public hearing was closed. Commissioner Felicijan asked if there was wetland restoration completed when Romence Road was extended. Mr. Forth stated that a wetland mitigation area was created and noted this area on the map. Commissioner Bosch asked if the triangular portion of the existing RM-1 zoned property located at the south end would remain. Mr. Forth indicated it would remain since it is located on property owned by the city that is not part of the rezoning application. Mr. Forth mentioned there are inconsistencies between the existing land uses, zoning classifications and future land use designations that should be reviewed. Commissioner Stoffer asked if the single-family home lots on Dorset were rezoned from R-1T to R-1A, would they be conforming. Mr. Forth stated the lots would be conforming if rezoned to R-1A. Commissioner Dargitz asked if any part of 480 Admiral were part of the Romence Road or Sam's Club wetland mitigation area. Mr. Forth indicated it was not impacted by Sam's Club and to his knowledge, it was not part of the Romence Road wetland mitigation area. Commissioner Dargitz also asked if the city should be considering this rezoning application without knowing if the area is in fact a designated wetland area. Mr. Forth stated the matter before the Commission involves the use of the land and whether or not the zoning the applicant is requesting is an appropriate use at this location. Mr. Forth indicated that before any development occurs on this site, either under the current I-1/RM-1 zoning districts or some other zoning district, an official wetland delineation report will need to be submitted. The developer has indicated the wetland report is approximately five years old but will have it updated. Commissioner Dargitz asked if the National Wetland Inventory (NWI) maps on the city's website might be more accurate than a five year old wetland study. Mr. Forth stated the NWI maps generally show where potential wetlands may exist and further investigative research needs to be completed. Commissioner Schimmel asked if the lots on Dorset currently zoned R-1T could be redeveloped with duplex units. Mr. Forth stated an existing dwelling could be modified into a duplex or one or more dwellings razed and a new duplex units constructed. Commissioner Stoffer asked if the three duplex units located at the south end of Dorset are conforming. Mr. Forth responded they are nonconforming since they are zoned R-1A. Chairman Welch asked Attorney Brown if the wetland designation should be an issue as part of the rezoning



consideration. Attorney Brown stated he concurs with Mr. Forth's previous comment that this is a land use issue and the developer will need to address the wetland matter with the State of Michigan. Commissioner Dargitz suggested that perhaps the city should acquire the subject property in exchange for property on Romence Road Parkway. In response to the comment about exchanging land with the developer, Mr. Forth indicated the Open Space and Recreation Plan designates the city property as parkland and the City Charter prohibits the sale of designated property without voter approval.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #15/16-2 be approved and 480 Admiral Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1T, attached residential. The proposed zoning change is generally consistent with the Comprehensive Plan. Commissioner Stoffer stated it was difficult to conclude the proposed zoning change is consistent with the neighborhood by changing the density and won't be supporting the motion. Commissioner Stoffer said he would support a motion changing the zoning from I-1 and RM-1 to R-1A. Commissioners Dargitz and Schimmel said they would support that motion as well. Commissioner Bosch stated he agrees with Commissioner Stoffer to a certain extent. Commissioner Bosch noted that although there are single-family dwellings located in the R-1T district, the proposed R-1T district is consistent with the adjacent R-1T district. Commissioner Dargitz asked for clarification on the history of the current zoning pattern. Mr. Forth noted there is an original 1965 zoning map and believed the neighborhood was zoned R-1A in 1965 but without further research, couldn't comment on more recent changes.

Mr. Forth suggested that given the amount of discussion at the meeting which was absent at the November 19<sup>th</sup> meeting and not considered as part of the staff recommendation, the Commission could table the application and complete a more comprehensive review of this area, including the inconsistencies that exist between existing land uses, zoning classifications and Future Land Use Plan designations. Commissioner Felicijan didn't believe that tabling this matter is necessary since the Commission would likely be voting on one of two zoning districts, either R-1A or R-1T. Commissioner Dargitz commented that she believes it is important to understand the zoning history of the area and would like to look at this entire area. A zoning change should not be based on what might be an archaic zoning district. Commissioner Somers supported tabling the rezoning application based on the public comments received and the discussion among Commissioner members. Commissioner Felicijan withdrew his previous motion. Commissioner Bosch supported the withdrawal. Commissioner Felicijan then offered a motion to table Rezoning Application #15/16-2 until the January 21, 2016 meeting and that

the Commission meet on December 17, 2015 to further discuss this matter. The motion was unanimously approved 8-0.

#### **OLD BUSINESS:**

None.

#### **NEW BUSINESS:**

1. Land Division Involving Public Improvements for Martin Luther King Jr. Drive, 6601 Constitution Boulevard. Mr. Forth summarized the report involving an application submitted by the Meyer C. Weiner Company to divide the property at 6601 Constitution Boulevard into three new parcels: one parcel defining the boundaries of Martin Luther King Jr. Drive (MLK), which is currently a private street; one new parcel to the north; and one new parcel to the south of MLK. The purpose of this project to facilitate the reconstruction of MLK Drive according to public street standards and upon completion, it is proposed that MLK Drive be accepted by the City of Portage as a public street. Mr. Forth summarized the existing conditions of the MLK Drive, proposed improvements, and method to finance the project. Mr. Forth also noted the building front yard setback will change from 30 feet to 75 feet and the property owners are aware of this change and the impact it will have on future development projects. Finally, Mr. Forth noted four

## **PLANNING COMMISSION**

**December 17, 2015**

The City of Portage Planning Commission meeting of December 17, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the roll and the following Commissioners were present: Bosch (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Somers (yes), Schimmel (yes), and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the roll excusing Commissioner Patterson. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the December 3, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 8-0.

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

None.

### **PUBLIC HEARINGS:**

None

### **NEW BUSINESS:**

None.

### **OLD BUSINESS:**

1. **Rezoning Application #15/16-2, 480 Admiral Avenue – expanded rezoning consideration.** Mr. Forth summarized the staff report dated December 11, 2015 and the Planning Commission decision at the December 3, 2015 meeting to consider additional areas for rezoning consideration under Rezoning Application #15/16-2. Mr. Forth discussed the original rezoning application submitted by Mr. Chad Scott for 480 Admiral Avenue and also reviewed various maps of the surrounding area that depicted existing zoning, existing land use and future land use designations. Mr. Forth indicated the Future Land Use Map designations were intended to serve as a general guide for future development and specific zoning district boundaries need to be determined on a case-by-case basis considering several other factors. Mr. Forth reviewed the historic development pattern of the single family and multiple family residential uses located along Admiral Avenue, Cameo Avenue and Dorset Street and also discussed three rezoning decisions that occurred in this area in 1968. Mr. Forth then summarized the three specific areas identified in the staff report where additional rezoning of properties could be considered by the Commission.



Chairman Welch asked for further direction and clarification of Planning Commission expectations regarding the expanded rezoning consideration. Mr. Forth stated the original rezoning request involving 480 Admiral Avenue has been adjourned to the January 21, 2016 meeting and, if desired by the Commission, the additional properties identified in the staff report could be added to the application and noticed for joint consideration during the January 21, 2016 meeting. Attorney Brown advised the Commission to focus tonight's discussion on the additional properties that could be considered for rezoning and not specifically discuss the original rezoning request involving 480 Admiral Avenue. The Commission and staff discussed various aspects of expanding the rezoning to include other properties such as the historic development/zoning patterns in the area, nonconforming duplex properties on Dorset Street, Future Land Use Map designations and other factors.

Three people spoke in regard to the expanded rezoning consideration: Mr. Rick Dueweke (606 Dorset), Ms. Kelly Cavanaugh (Nederveld Associates, representing the applicant of 480 Admiral Avenue rezoning request) and Mr. Bryan Cedarberg (612 Dorset Street). Mr. Dueweke presented a petition signed by the owners of 514, 532, 606, 612 and 618 Dorset Street requesting the seven properties located on Dorset Street be rezoned from R-1T to R-1A. Ms. Cavanaugh discussed the historic development/zoning pattern within the neighborhood and stated she believes the purpose and intent of these past decisions was to encourage a mixed use development with commercial land use along South Westnedge Avenue and then a transition from multiple family apartments, four-unit attached residential buildings, two-unit attached residential dwellings to single family detached residential dwellings as you move inward along Admiral Avenue, Dorset Street and Cameo Avenue. Ms. Cavanaugh stated the current I-1 zoning of the northern portion of 480 Admiral Avenue was not consistent with the surrounding neighborhood and the requested down zoning of the property to R-1T and construction of two-unit attached residential dwellings would be consistent and compatible with the surrounding development/zoning pattern. Ms. Cavanaugh also restated the southern portion of 480 Admiral Avenue was identified wetlands and not planned for development. Mr. Cedarberg stated that he disagrees with Ms. Cavanaugh's statements and indicated duplexes constructed at the end of Cameo Avenue would not be compatible with adjacent single family detached residential dwellings and would change the character of the neighborhood. Mr. Cedarberg stated he would not have purchased his home if he knew duplexes would be constructed at the end of Cameo Avenue and also expressed concerns about possible negative impacts on property values in the neighborhood.

The Commission discussed potential areas for inclusion in an expansion rezoning consideration. Commissioner Felicijan suggested retaining the existing R-1T zoning on the seven lots located on Dorset Street and including the five lots to the south (including the three existing duplex lots) in an expanded rezoning consideration to R-1T to create a consistent R-1T zoning pattern along the east side of Dorset Street. Commissioner Felicijan also suggested including the city-owned parcel addressed as 6979 South Westnedge Avenue in an expanded application to change the zoning from I-1, B-2 and RM-1 to R-1A. Commissioner Bosch stated he agrees with Commissioner Felicijan. Commissioner Dargitz stated she disagrees with Commissioners Felicijan and Bosch and believes the seven R-1T zoned lots located on the east side of Dorset Street should be considered for rezoning to R-1A to more accurately reflect the single family detached residential development pattern that occurred following the 1968 rezoning. Commissioner Dargitz also stated she agrees with Mr. Cedarberg and believes an R-1T zoning and construction of duplexes at the end of Cameo Avenue would not be consistent with the surrounding single family detached residential dwellings. Commissioner Dargitz stated a R-1T zoning district involving the three duplex units located at the south end of Dorset would be consistent with the existing land use and would create a transition into the multi-family residential along Admiral Street.

Following further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Felicijan, to expand Rezoning Application #15/16-2 to consider rezoning 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street from R-1A, R-1T and I-1, to R-1A and/or R-1T and a set a public hearing for January 21, 2016. The motion was unanimously approved 8-0. A motion was then made by Commissioner Bosch, seconded by Commissioner Felicijan, to expand Rezoning Application #15/16-2



to consider rezoning 6979 South Westnedge Avenue from I-1, RM-1 and B-2, to R-1A and a set a public hearing for January 21, 2016. The motion was unanimously approved 8-0.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

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

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## **PLANNING COMMISSION**

**January 21, 2016**

The City of Portage Planning Commission meeting of January 21, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 15 citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Dargitz (yes), Schimmel (yes), and Richmond (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the roll excusing Commissioners Bosch, Somers and Felicijan. The motion was unanimously approved 6-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the January 7, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved 6-0.

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

None.

### **PUBLIC HEARINGS:**

1. **Preliminary Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street.** Mr. Forth summarized the preliminary staff report dated January 15, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth summarized previous Planning Commission discussions regarding this application that occurred on November 19<sup>th</sup>, December 3<sup>rd</sup> and December 17<sup>th</sup> and the decision to expand the consideration beyond the original request to rezone 480 Admiral Avenue. Mr. Forth then discussed the existing zoning, existing land use and Future Land Use Map designations for the 14 properties subject to the rezoning consideration, along with surrounding properties. Mr. Forth then summarized the preliminary analysis for the rezoning area and also referred the Commission to an email communication from Mr. Bryan Cederberg (612 Dorset Street) that was included in the final agenda packet.

Chairman Welch then opened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mr. Rick Dueweke (606 Dorset); 3) Mrs. Alishia Cederberg (612



Dorset Street); 4) Mr. Bryan Cederberg (612 Dorset Street) and 5) Mr. Chad Scott (applicant/owner of 480 Admiral). Mr. Radd discussed the existing I-11/RM-1 zoning of 480 Admiral and the original request to rezone the property to R-1T in order to construct two duplexes along the northern portion. Mr. Radd restated the presence of wetlands and poor soils along the southern portion of the parcel and the intent to only develop the extreme northern portion of the property, at the east end of Cameo Avenue. Mr. Dueweke discussed the existing R-1T zoning of the seven Dorset Street lots and the previously submitted petition to rezone these lots to R-1A to reflect the historic single family detached residential development pattern. Mr. Dueweke also reviewed the Future Land Use Map designation of these Dorset Street lots and adjacent 480 Admiral Avenue parcel stated the R-1A zoning district is most consistent with the Future Land Use Map designation of Single-Family Detached Medium Density Residential. Ms. Cederberg discussed the existing zoning/land use arrangement along the east side of Dorset Street and stated that she believes the existing R-1T zoning is inconsistent with the established single family neighborhood. Ms. Cederberg discussed potential impacts associated with multiple family residential zoning and development and stated she supports rezoning the seven Dorset Street lots and 480 Admiral to R-1A. Mr. Cederberg read from his email communication provided to the Planning Commission in the final agenda packet and stated duplexes at the end of Cameo Avenue would change the character of the single family detached neighborhood. Mr. Cederberg stated development of the 480 Admiral Avenue parcel would eliminate the tree buffer adjacent the train tracks and would disrupt wildlife in the area. Mr. Cederberg discussed concerns and potential impacts associated with duplex development at the end of Cameo Avenue including increase traffic, speeding, devaluation of property values, trash, crime, etc. Mr. Cederberg stated he supports rezoning the seven Dorset lots and the 480 Admiral Avenue parcel from R-1T to R-1A consistent with the established single family detached neighborhood. Mr. Scott spoke in support of his original request to rezone 480 Admiral Avenue to R-1T and responded to citizen concerns regarding planned duplex development on the northern portion of the property. Mr. Scott indicated the duplexes would be approximately 1,600 square feet in size with three bedrooms and attached garages and rent for between \$1,200-\$1,400/month. Mr. Scott stated the duplexes would be constructed as condos and could be sold in the future. Mr. Scott indicated the duplexes would be occupied by families or young professionals and would be compatible with the existing neighborhood while enhancing adjacent property values.

After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Schimmel, to adjourn the public hearing for Rezoning Application #15/16-2, Admiral Avenue/Dorset Street, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

2. Final Report: Rezoning Application #15/16-3, 328 and 414 West Milham Avenue. Mr. West summarized the final staff report dated January 15, 2016 regarding a request to rezone the northern portions of 328 and 414 West Milham Avenue from R-1A, one family residential to OS-1, office service. Mr. West discussed the split zoning of the two properties and the historic use of the northern portions for office related parking. Mr. West reviewed the Comprehensive Plan and Future Land Use Map designations, the surrounding land use/zoning pattern and discussed the suitability of the existing R-1A zone and impacts of the proposed OS-1 zone. Mr. West stated staff was supportive of the proposed rezoning and the request was consistent with the Comprehensive Plan, Future Land Use Map and surrounding zoning/land use pattern and would eliminate the nonconforming status of the existing parking lots, while allowing for future office development/redevelopment flexibility and options.

Mr. Dan Jaqua (applicant/property owner) was present to support the rezoning application. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414



## **PUBLIC HEARINGS:**

1. Height Modification: Trade Centre III Office Building, 650 Trade Centre Way. Mr. West summarized the staff report dated January 29, 2016 regarding a request from H & G, LLC to construct a five-story office building at 650 Trade Centre Way to a height of 78-feet (measured at the top of the mechanical screening wall). Mr. West discussed the 2012 conceptual plan amendment for the Trade Centre Commercial Planned Development, which included a height modification to construct a four-story Trade Centre III Office building with a maximum height of 65-feet. Mr. West stated that applicant was now requesting approval to construct the building one-story and 13-feet higher than the 2012 approval. Mr. West discussed previous developments along Trade Centre Way including the three-story and four-story office buildings to the west and the two four-story hotel buildings to the east, the presence of the City of Kalamazoo wellfield site to the north and setback and elevation differences between the proposed office building and single family residence located to the north and west. Mr. West indicated staff was recommending approval of the height modification with a finding that the request satisfies requirements contained in Section 42-350(B)(6) and Section 42-414.G.

Mr. Greg Dobson, representing H & G, LLC, was present to support the application and explain the development history of the Trade Centre Commercial Planned Development. Mr. Dobson discussed the proposed building elevation and the setback distances and elevation differences between the proposed building and the nearest single family residences located in excess of 600-feet away. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed height modification. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The motion included a finding that the Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. The motion was unanimously approved 7-0.

2. Final Report: Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street. Mr. Forth summarized the final staff report dated January 29, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth discussed the original request from Mr. Chad Scott to rezone 480 Admiral Avenue, the petition signed by several Dorset Street property owners to rezone seven Dorset Street lots and the previous Planning Commission discussions regarding this application and the decision to expand the rezoning consideration. Mr. Forth briefly discussed the existing zoning, existing land use and Future Land Use Map designations and then explained the staff recommendation regarding the rezoning and the rationale for the recommended zoning arrangement. Mr. Forth referred the Commission to a communication and attachments from Mr. Chad Scott (owner/applicant, 480 Admiral Avenue) that was included in the final agenda packet.

Chairman Welch reconvened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mrs. Patricia Dueweke (606 Dorset); and 3) Mr. Bryan Cederberg (612 Dorset). Mr. Radd discussed the applicant's voluntary request to down-zone the property from I-1/RM-1 to R-1T in order to construct one to two duplexes along the northern portion of the property. Mr. Radd reaffirmed the presence of wetlands and poor soils along the southern portion of the parcel and the restated development was only planned for the northern portion of the property, at the east end of Cameo Avenue.



Mrs. Dueweke discussed the Future Land Use Map designation of the Dorset Street lots and adjacent 480 Admiral Avenue parcel and stated she supports the staff recommendation of R-1A for these properties since that zoning designation is most consistent with the Future Land Use Map and established single family residential neighborhood. Mr. Cederberg indicated he also supports the staff recommendation and the R-1A zoning best represents the established single family detached residential land use pattern in the adjacent neighborhood. No additional citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

3. Final Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue. Mr. Forth summarized the final staff report dated January 29, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development. Mr. Forth summarized the proposed tentative plan for Selinon Park that would consist of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and stated the Historic District Commission met yesterday (February 3<sup>rd</sup>) and is supportive of the



**TO:** Planning Commission

**DATE:** January 29, 2016

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

**SUBJECT:** Final Report: Rezoning Application #15/16-2 (expanded), 480 Admiral Avenue; 6979 South Westnedge Avenue; 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street

## I. INTRODUCTION:

An application has been received from Mr. Chad Scott requesting that 480 Admiral Avenue be rezoned from RM-1, multiple family residential and I-1, light industry to R-1T, attached residential. According to the applicant, the rezoning would facilitate construction of one (1) to three (3) two-family residential dwellings (duplexes) along the northern portion of the property, at the eastern terminus of Cameo Avenue.

The Planning Commission initially convened a public hearing during the November 19<sup>th</sup> and December 3<sup>rd</sup>, 2015 meetings to discuss the proposed rezoning of 480 Admiral Avenue. After receiving public comment, and as recommended by staff, the Commission voted unanimously to adjourn the rezoning application until the January 21, 2016 meeting to further evaluate the application, including consideration to expand the rezoning area. During the December 17<sup>th</sup> meeting, the Planning Commission reviewed the surrounding area and decided to expand the rezoning application to also consider rezoning 6979 South Westnedge Avenue from I-1, light industry, RM-1, multiple family residential and B-2 community business to R-1A, one family residential; and 6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612 and 618 Dorset Street from R-1A, one family residential, R-1T, attached residential and I-1, light industry to R-1A, one family residential and/or R-1T, attached residential. A summary of the properties included in the expanded rezoning application is provided in the table below.

| Applicant           | Property Address            | Parcel Number | Zoning       |              |
|---------------------|-----------------------------|---------------|--------------|--------------|
|                     |                             |               | Existing     | Proposed     |
| Chad Scott          | 480 Admiral Avenue          | 00010-260-O   | I-1/RM-1     | R-1T         |
| Planning Commission | 6979 South Westnedge Avenue | 00010-256-A   | I-1/RM-1/B-2 | R-1A         |
| Planning Commission | 6843 Dorset Street          | 06840-044-O   | R-1A/I-1     | R-1T or R-1A |
| Planning Commission | 422 Dorset Street           | 06840-042-O   | R-1A/I-1     | R-1T or R-1A |
| Planning Commission | 426 Dorset Street           | 06840-041-O   | R-1A/I-1     | R-1T or R-1A |
| Planning Commission | 502 Dorset Street           | 06840-040-O   | R-1A         | R-1T         |
| Planning Commission | 508 Dorset Street           | 06840-039-O   | R-1A         | R-1T         |
| Planning Commission | 514 Dorset Street           | 06840-038-O   | R-1T         | R-1A         |
| Planning Commission | 520 Dorset Street           | 06840-037-O   | R-1T         | R-1A         |
| Planning Commission | 526 Dorset Street           | 06840-036-O   | R-1T         | R-1A         |
| Planning Commission | 532 Dorset Street           | 06840-035-O   | R-1T         | R-1A         |
| Planning Commission | 606 Dorset Street           | 06840-034-O   | R-1T         | R-1A         |
| Planning Commission | 612 Dorset Street           | 06840-033-O   | R-1T         | R-1A         |
| Planning Commission | 618 Dorset Street           | 06840-032-O   | R-1T         | R-1A         |
| 14 parcels/lots     |                             |               |              |              |



## **II. EXISTING CONDITIONS (ZONING, EXISTING AND FUTURE LAND USE):**

Attached are several maps that depict the existing zoning pattern, existing land use pattern and Future Land Use Map designations for the properties included in the expanded rezoning consideration and surrounding area. Commercial land use/zoning (B-2, B-3) is present along the South Westnedge Avenue frontage properties and the west end of Admiral Avenue, while multiple family residential land use/zoning (apartments and four-unit attached buildings zoned RM-1) is present along the north and south sides of Admiral Avenue. Properties located along Cameo Avenue and Dorset Street are primarily single-family detached residential homes zoned R-1A and R-1T, with the exception of three, two-family attached dwellings (duplexes) located along the southeast side of Dorset Street. Commercial and industrial land use/zoning (B-2 and I-1) including the Portage Crossings Shopping Center, Home Depot and Consumers Energy substation are situated north and west of the homes on Cameo Avenue. The original rezoning parcel at 480 Admiral Avenue is vacant with the southern portion zoned RM-1 and the northern portion zoned I-1. Vacant land zoned I-1 and RM-1 and owned by the City of Portage and part of the Bicentennial Park is located east of 480 Admiral Avenue and south of four-unit attached dwellings on Admiral Avenue.

The Future Land Use Map component of the Comprehensive Plan identifies the commercial properties located along South Westnedge Avenue and west/north of the homes on Cameo Avenue as appropriate for Regional Business land use. The vacant city-owned property located east of the homes on Dorset Street and south of the four-unit attached dwellings on Admiral Avenue is primarily identified for Park/Recreation land use. A portion of this land south of 200 and 280 Admiral Avenue is designated for Regional Business land use. Multiple family and single family residential properties located along Admiral Avenue, Cameo Avenue and Dorset Street are designated for Single-Family Detached Medium Density Residential (SFD-MD) land use. The SFD-MD land use designation is intended to provide for a greater diversity in single-family housing development at higher densities (up to 6 units per acre) than allowed under the Low Density Residential designation (1-4 units per acre). Areas planned for SFD-MD land use are often located adjacent to higher intensity uses, such as the Regional Business area, and generally correspond to the R-1A, one family residential and PD, planned development zoning districts. Based on Zoning Code requirements, the R-1A district allows for a maximum residential development density of 4-5 units/acre (detached), while the PD district allows for up to 7 units/acre (combined single-family and multi-family units). For comparison purposes, the R-1T district allows for a maximum residential development density of 7 units/acre (attached).

While Future Land Use Map designations are intended to serve as a general guide for future development and rezoning considerations, they are not necessarily intended to be property line and/or parcel specific. Specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors.

Furthermore and as cited in Chapter 4 of the Comprehensive Plan, the Future Land Use Plan is a representation of general physical features/land use activities in the city when fully developed and does not imply that all of the changes will or should occur in the near term. Development and redevelopment will proceed in a manner consistent with policies on the environment, transportation and infrastructure capacity, as examples, and other matters which help determine the appropriate timeframe. Also, zoning decisions should, over time, produce changes that gradually establish greater conformity between the Zoning Map and the Future Land Use Plan. Importantly, deviations from the Future Land Use Map and Comprehensive Plan may be appropriate when justified by more detailed information, changes to conditions, or in the case where a deviation is not contrary to the overall intent and purpose of the Plan.



### **III. HISTORICAL RESIDENTIAL DEVELOPMENT/ZONING PATTERN:**

Development of the multiple-family and single family residential uses located along Admiral Avenue, Cameo Avenue and Dorset Street began with approval of the Ramey Park Plat in 1958 (see attached plat map). The Ramey Park Plat includes the lots located along the north side of Admiral Avenue and along both sides of Cameo Avenue and Dorset Street. Subsequently, single family detached residential home construction began in the late 1950's and concluded in the mid-1970's. According to available city records, the three, two-family attached residential dwellings (duplexes) located at 6843, 422 and 426 Dorset Street were constructed in 1965 prior to the comprehensive rezoning of the city. Prior to the 1965 rezoning, the property was zoned "B Residence" that permitted both single-family and two-family dwellings. The 1965 zoning change to R-1A made these three duplexes nonconforming.

In 1968, City Council approved three rezoning applications (see attached map) that established the current zoning pattern and eventually facilitated construction of the apartment building located at 135 Admiral Avenue and the four-unit attached residential dwellings located along the south side of Admiral Avenue. Application #68-1 rezoned 280, 310, 340, 370, 400 and 430 Admiral Avenue from R-1A to RM-1 and 440 and 450 Admiral Avenue from I-1 to RM-1. The Woodside Ridge No. 1 plat was subsequently created in 1976, and construction of the four-unit attached residential buildings occurred in the late 1970s. Application #68-4 rezoned 135 Admiral Avenue from B-2 to RM-1 and subsequent construction of the apartment building occurred in approximately 1974. Application #68-3 rezoned 514, 520, 526, 532, 606, 612 and 618 Dorset from R-1A to R-1T, however, subsequent construction of single family detached residences occurred in the early 1970s. Application #68-3 also rezoned the rear portion of the subject rezoning parcel (480 Admiral Avenue) and a small triangular-shaped piece of the city-owned parcel located at 6979 South Westnedge Avenue from I-1 to RM-1, however, these properties have remained undeveloped.

### **IV. PUBLIC HEARING/COMMENTS:**

The Planning Commission convened a public hearing to consider the expanded rezoning application during the January 21, 2016 meeting. Mr. Rick Dueweke (606 Dorset), Mrs. Alishia Cederberg (612 Dorset Street) and Mr. Bryan Cederberg (612 Dorset Street) spoke in opposition to the request to rezone 480 Admiral Avenue to R-1T for development of duplexes and stated that 480 Admiral Avenue and the seven existing Dorset Street lots, also zoned R-1T, should be rezoned to R-1A to reflect the historic single family detached residential development pattern of the neighborhood. Mr. Dueweke stated the R-1A zoning district is most consistent with the Future Land Use Map designation and Mr. and Mrs. Cederberg discussed potential negative impacts associated with multiple family residential zoning including increase traffic, speeding, devaluation of property values, trash, noise and crime. Mr. Chad Scott (original applicant/owner of 480 Admiral) and Mr. Greg Radd (Nederveld Associates, representing Mr. Scott) were present to support the original rezoning request of 480 Admiral Avenue to R-1T. Mr. Scott responded to citizen concerns regarding his plans to construct two duplex units along the northern portion of the property, at the eastern terminus of Cameo Avenue. Mr. Scott discussed specifics of the project and stated the duplexes would be occupied by families or young professionals and would be compatible with the existing neighborhood while enhancing adjacent property values.

### **V. FINAL ANALYSIS:**

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



480 Admiral Avenue (original rezoning request)

- Existing Land Use: Vacant
- Existing Zoning: I-1, light industry (northern portion), RM-1, multiple family residential (southern portion)
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: In 1968, the southern portion of this parcel was rezoned from I-1 to RM-1, in conjunction with the rezoning of the seven lots on Dorset Street from R-1A to R-1T (see below). While the current zoning permits a mix of industrial and multi-family residential land uses, the property has remained vacant largely due to location, accessibility and environmental limitations.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing I-1 zone along the northern portion of parcel and potential future industrial development would not be compatible with adjacent residential neighborhood. A zoning change to R-1T as requested by the applicant would constitute a “down zoning” and a reduction in the intensity of the land use currently allowed under the existing I-1/RM-1 zoning. However, a zoning change to R-1A would be most consistent with the Future Land Use Map designation and the historic single family detached residential development pattern in the adjacent neighborhood.

514, 520, 526, 532, 606, 612 and 618 Dorset Street

- Existing Land Use: single-family detached residential homes
- Existing Zoning: R-1T, attached residential
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: In 1968, these seven lots were rezoned from R-1A to R-1T. While two-family attached dwellings (duplexes) could have been constructed on these lots, single-family detached homes were subsequently constructed in the late 1960’s/early 1970’s.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing R-1T zoning is not necessary to support the long-term use of these properties as single family detached homes. A zoning change from R-1T to R-1A would not create nonconformities at these properties. However, possible future conversion of these homes to duplexes or redevelopment of these lots with duplexes would not be permitted at these properties under an R-1A zoning designation. The R-1A zoning district also more accurately reflects the historic use of these properties and is most consistent with the Future Land Use Map designation.

502 and 508 Dorset Street

- Existing Land Use: single-family detached residential homes
- Existing Zoning: R-1A, one-family residential
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: The single-family detached residential homes on these two lots were constructed in the early 1970s consistent with the R-1A zoning district.
- Suitability of Existing Zoning/Impacts of Zoning Change: The existing R-1A zoning for these two lots is consistent with the established single-family detached residential land use pattern and the neighborhood. While a zoning change to R-1T could be considered, it is not necessary to support the existing single-family detached residential homes. The R-1T district would not be entirely consistent with the Future Land Use Map and would allow for future conversion of these homes to duplexes, or redevelopment of the lots with duplexes. Retention of the R-1A zoning is consistent with the existing land use pattern and the Future Land Use Map.



6843, 422 and 426 Dorset Street

- Existing Land Use: two-family attached dwellings (duplexes)
- Existing Zoning: R-1A, one-family residential and I-1, light industrial (rear portions)
- Future Land Use Map: Single-Family Detached-Medium Density Residential
- History: According to city records, duplexes on these three properties were constructed in 1965 prior to the adoption of the City of Portage comprehensive zoning ordinance and map. When these three duplexes were developed, the property was zoned "B Residence", which permitted single-family and two-family residential uses. Following the comprehensive update of the city zoning ordinance and map in 1965, these three duplexes are lawfully nonconforming and governed by the nonconforming use regulations of the Zoning Code. The rear portions of these properties, which are currently zoned I-1 and vacant, appear to be a result of a lot line adjustment that occurred sometime in the 1970's.
- Suitability of Existing Zoning/Impacts of Zoning Change: Retention of the existing R-1A zoning for the front portion of these three parcels would continue the historical nonconforming status of the existing duplexes. A zoning change from I-1 to R-1A for the rear portions of these properties would be consistent with the current R-1A zoning of the front portion and the Future Land Use Map. Since the rear portions of these properties are currently vacant, a zoning change to R-1A would not affect the status of the existing duplexes located on the front portions of these properties. Alternatively, a zoning change from R-1A/I-1 to R-1T for the entirety of these properties could also be considered, which would eliminate the nonconforming use status of the duplexes on these three properties. However, and as stated previously, the R-1A zoning is most consistent with the Future Land Use Map designation of Single-Family Detached-Medium Density Residential.

6979 South Westnedge Avenue

- Existing Land Use: vacant, city owned property which is part of Bicentennial Park
- Existing Zoning: I-1, light industrial, RM-1, multiple family residential, B-2, community business
- Future Land Use Map: Park/Recreation and Regional Business (extreme western portion)
- History: This approximate 20 acre parcel is L-shaped paralleling the west side of the Grand Elk railroad tracks and fronting the north side of Romence Road Parkway with approximately 1,450 feet of frontage (a small area of this parcel is also located on the south side of Romence Road Parkway, which is zoned R-1A). The property is designated for recreation and park and is part of the Bicentennial Park system. As such, the property cannot be sold and privately developed without a change in the park designation and/or a referendum vote by the residents of Portage.
- Suitability of Existing Zoning/Impacts of Zoning Change: Given the city ownership of the property and park designation, a zoning change from I-1, RM-1 and B-2 to R-1A, or a similar low intensity residential district, could be considered and would be more consistent with the Comprehensive Plan, but would not affect future use or designation of this land area. Modifying the zoning pattern adjacent to the existing commercial/multiple family residential land uses located along South Westnedge Avenue and Admiral Avenue may impact land use restrictions related to screening, setbacks and building height apply when adjacent to single family residential zoning. To address this issue, the western portion of the parcel currently zoned B-2 could be retained.



## **VI. RECOMMENDATION:**

Following the first public hearing involving only 480 Admiral Avenue on November 19, 2015 staff could support a zoning change to either R-1A or R-1T. Prior to or during the November 19<sup>th</sup> public hearing, no public comment had been received. As a result, staff provided the Commission with a recommendation to rezone 480 Admiral Avenue to R-1T. Although not as consistent with the Comprehensive Plan designation of Single-Family Detached-Medium Density Residential as the R-1A district, the R-1T district is a lower intensity attached residential zoning district and represents a down-zoning of the property from I-1, light industrial and RM-1, multi-family residential that would permit higher intensity land uses. During the second and what would have been the final public hearing held on December 3, 2015, several neighborhood residents attended the meeting and expressed concerns and opposition to the proposed zoning change.

In the preliminary staff report dated November 13, 2015, staff noted there were other inconsistencies between the Future Land Use Plan Map and current zoning in this area and suggested the Commission consider these inconsistencies at a later date so as not to delay the applicant. However, during the December 3<sup>rd</sup> public hearing, these other zoning inconsistencies were discussed in relation to the 480 Admiral Avenue rezoning application. Two Dorset Street residents indicated the zoning of their property and several others along Dorset Street was incorrect and should be changed. After additional discussion, the Planning Commission voted to adjourn the rezoning application until the January 21, 2016 meeting to further evaluate the application, including consideration to expand the rezoning area. During the December 17<sup>th</sup> meeting, the Planning Commission reviewed the surrounding area and accepted public comment from the applicant and neighborhood residents. A petition was submitted by five of seven Dorset Street property owners requesting their lots be rezoned from R-1T to R-1A. At the conclusion of the discussion, the Commission voted to expand the rezoning application to include several additional properties adjacent to 480 Admiral Avenue and set a public hearing on January 21, 2016.

After evaluating the entire area (current zoning/land use patterns and future land use designations) and consideration of public input from both the applicant and neighborhood residents, staff is advising the Planning Commission, subject to any additional comments that may be received during the public hearing, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480

Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood.

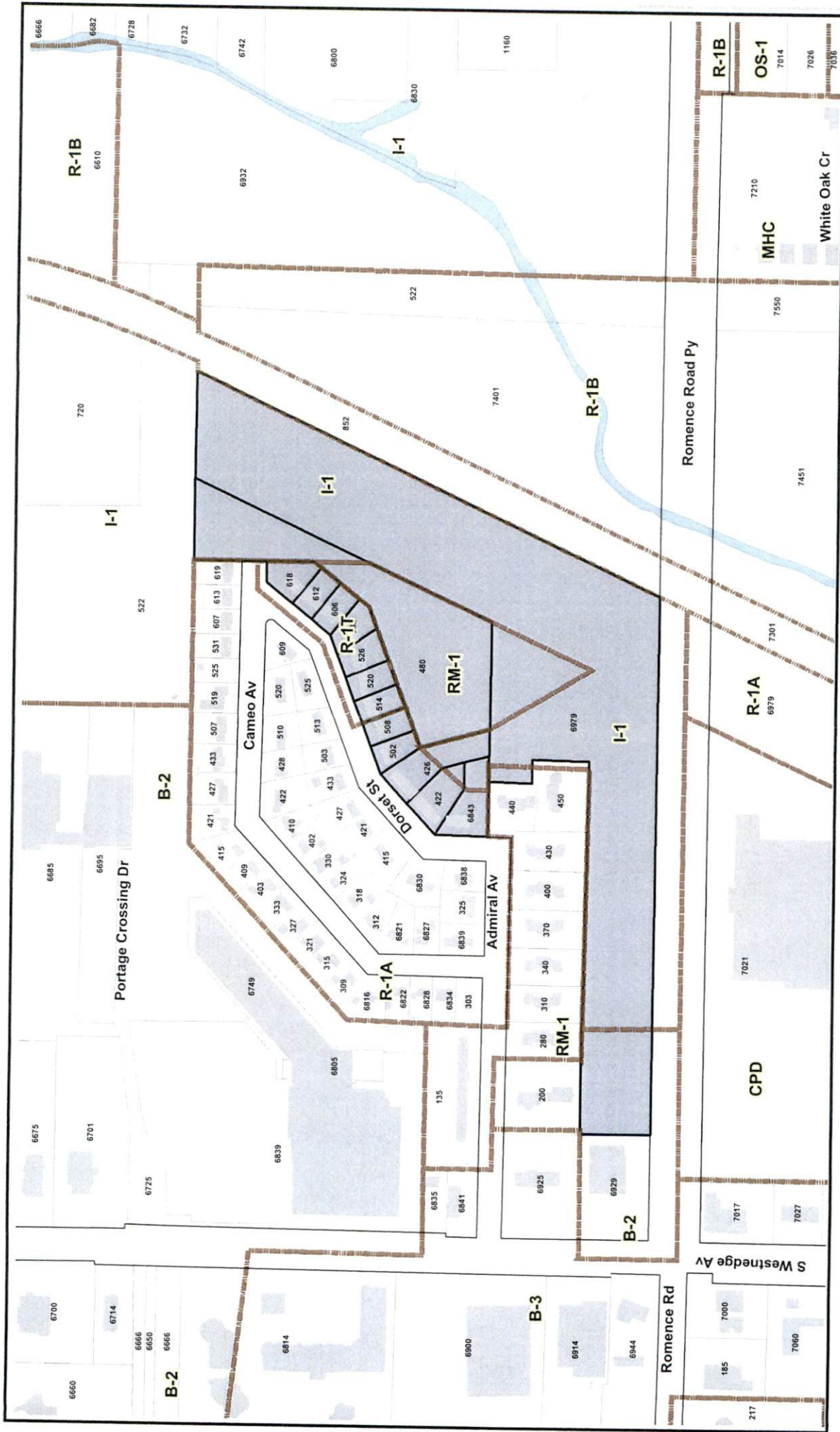
Attachments: Aerial Photograph Map  
Existing Zoning Map  
Existing Land Use Map  
Future Land Use Map  
Previous Rezoning Map (1968 rezonings)  
Residential Structure Map (approximate construction periods)  
Plat Maps (Ramey Park and Woodside Ridge No. 1)  
Original Rezoning Application and Supporting Material (Chad Scott, 480 Admiral)  
Expanded Rezoning Application (Planning Commission)  
Citizen communications received

S:\Commdev\2015-2016 Department Files\Board Files\Planning Commission\PC Reports\Rezoning\2016 01 29 Rezoning Application #15-16-2 (expanded). Admiral-Dorset (final).doc







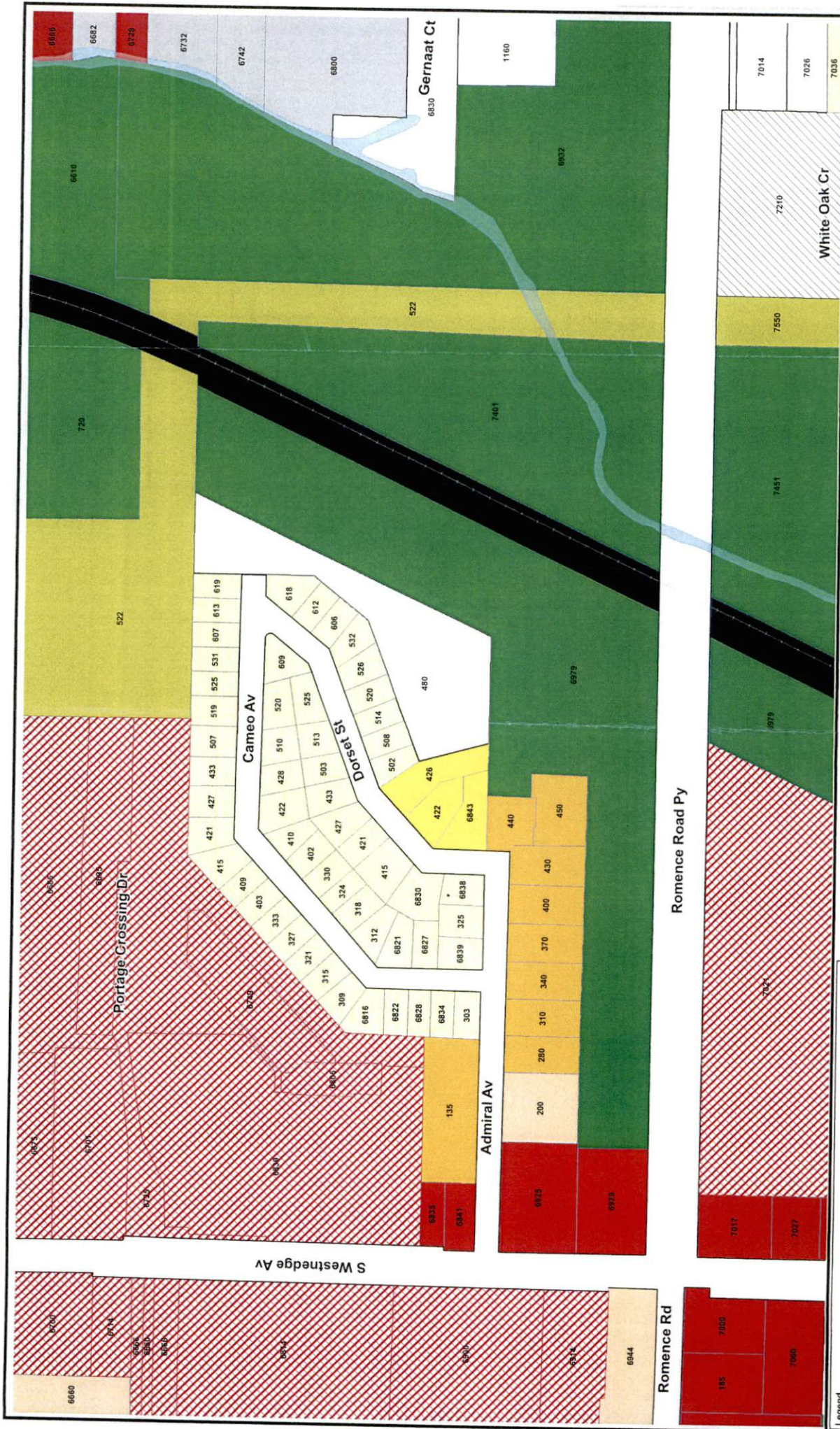


Rezoning Application #15/16-02 (expanded)  
 480 Admiral, 6979 South Westnedge Avenue,  
 6843,422,426,502,508,514,520,526,532,606,612,618 Dorset Street



1 inch = 233 feet





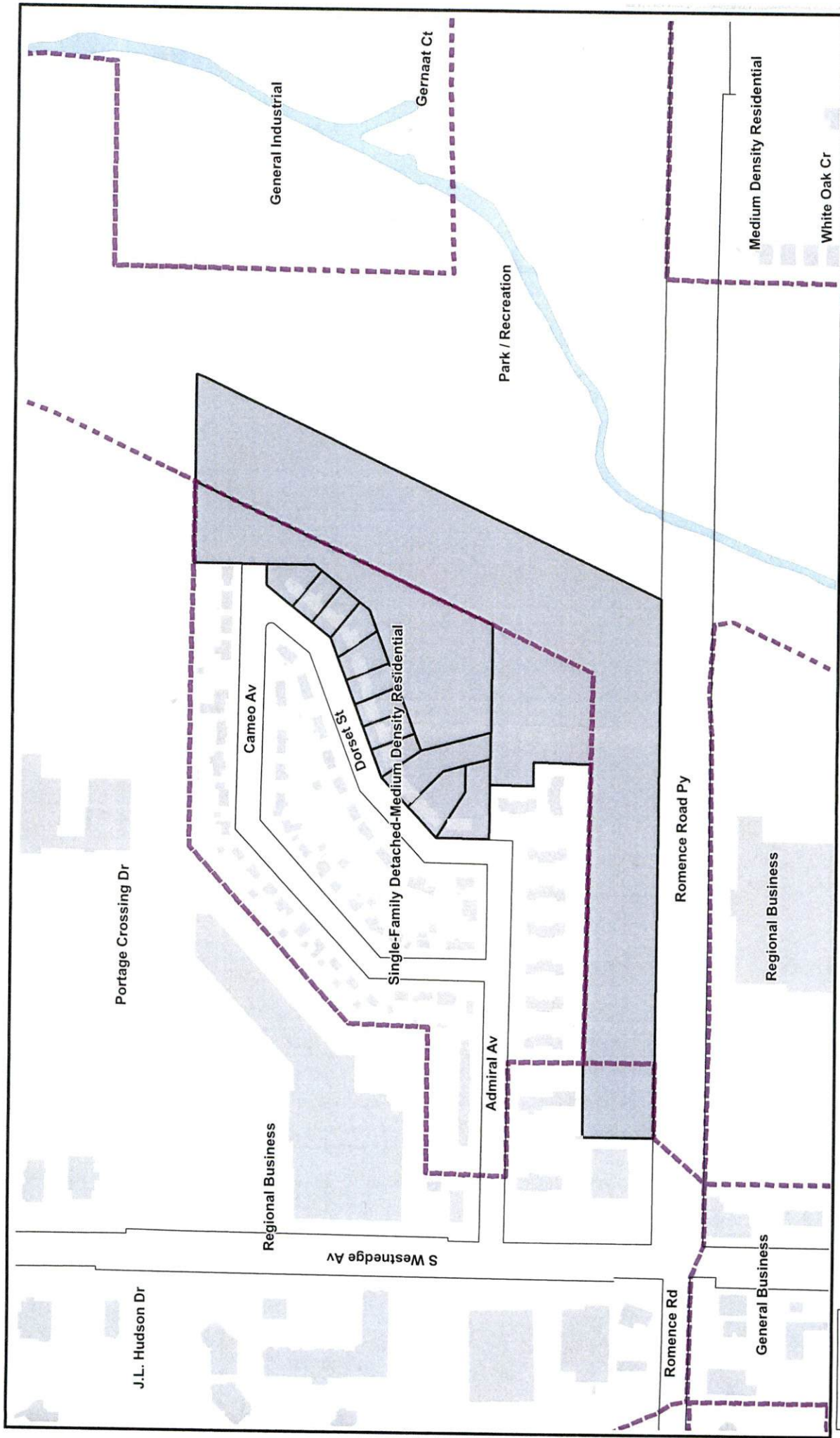
- Legend**
- Single Family
  - Two-Family
  - MHP - Manufactured Home Park
  - MFMD - Multi Family Medium Density
  - MFHD - Multi Family High Density
  - LI - Local Business
  - GB - General Business
  - OF - Office
  - CP - Regional Business
  - LIND - Light Industrial
  - HI - Heavy Industrial
  - AG - Agriculture
  - AG-INT - Agriculture Intensive
  - Utility
  - PR - Public Institutional
  - Vacant/Undeveloped
  - PRVREC - Private Recreation
  - PUBREC - Public Recreation
  - ROW

## Existing Land Use Map

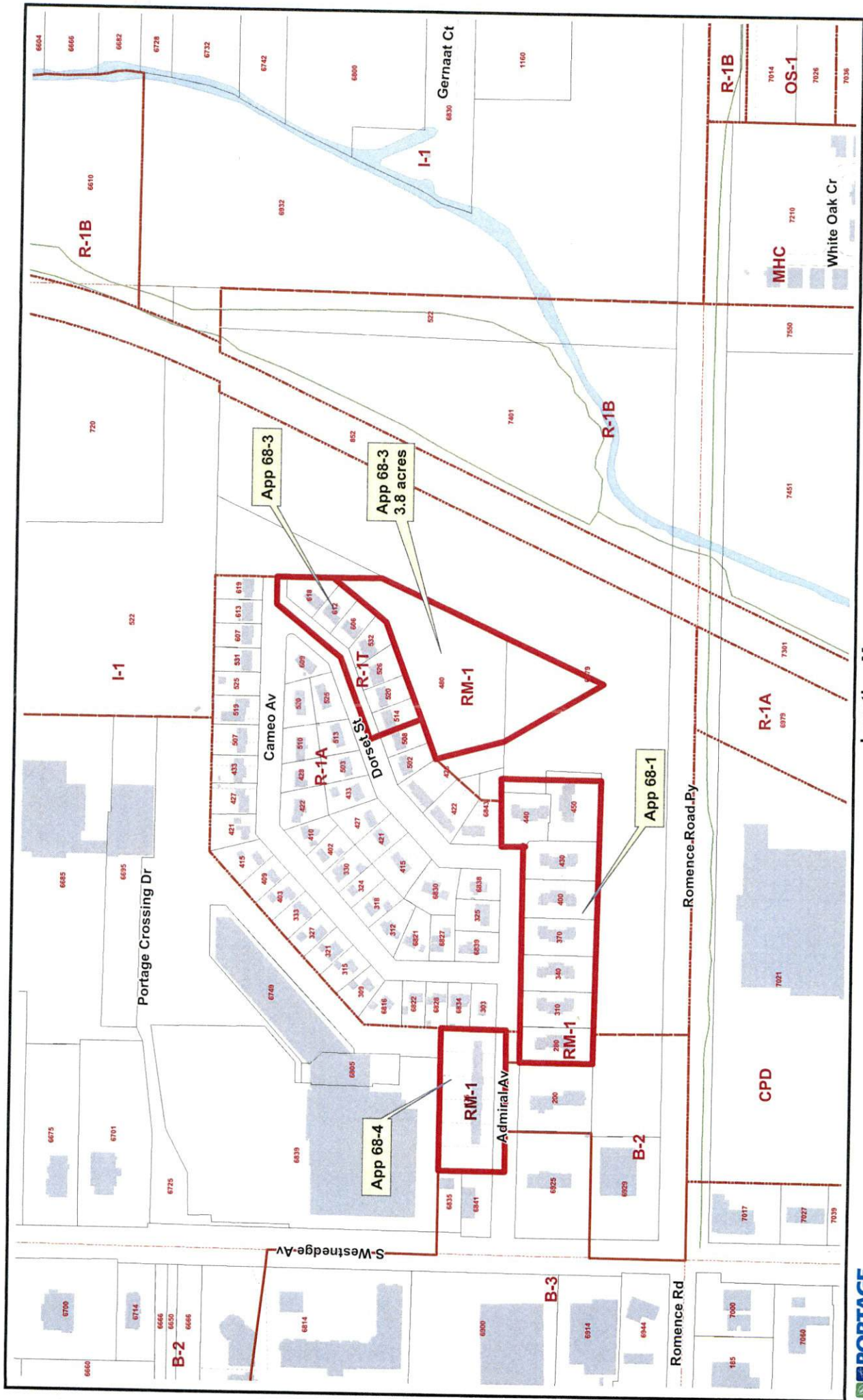


1 inch = 233 feet





Future Land Use Map







# Structure Year Built

Data disclaimer: Specific construction dates taken from available city records and are considered approximate.





# PLAT OF "RAMEY PARK"

SECTION 10, T35, R11W  
TOWNSHIP OF PORTAGE, COUNTY OF KALAMAZOO  
MICHIGAN

SCALE ONE INCH EQUALS 40 FEET

ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF

## DEDICATION

KNOW ALL MEN BY THESE PRESENTS, That we, Harold J. Early and Wilhelmine Early, his wife, and Richard DeBruin and Mary DeBruin, his wife, as proprietors, have caused to be hereunto recorded this plat of land, to wit: a certain lot or lots of land, situated in the Township of Portage, County of Kalamazoo, Michigan, Range 11 West, Township of Portage, County of Kalamazoo, Michigan, Section 10, T35, R11W, and that portion of Westnedge Avenue, Dorset Avenue, and that portion of Westnedge Avenue as shown on said plat are hereby dedicated to the use of the public.

Signed and Sealed in the Presence of:

Ruby E. Smith  
RUBY E. SMITH  
James H. Renwick  
JAMES H. RENWICK  
John Everts  
JOHN EVERTS  
Joan Everts  
JOAN EVERTS  
Ruby E. Smith  
RUBY E. SMITH  
James H. Renwick  
JAMES H. RENWICK

## ACKNOWLEDGMENT

STATE OF MICHIGAN ) ss  
County of Kalamazoo )

On this 23rd day of DECEMBER, 1955, before me, a Notary Public, in and for said county, personally came the above named Harold J. Early and Wilhelmine Early, his wife, Richard DeBruin and Mary DeBruin, his wife, and Richard P. Smith, his wife, known to me to be the persons who executed the above dedication, and acknowledged the same to be their free act and deed.

My Commission expires: January 7, 1957  
Ruby E. Smith  
Notary Public, Kalamazoo County  
Michigan

## SURVEYOR'S CERTIFICATE

I hereby certify that the plat herein delineated is a correct one and that permanent metal monuments consisting of brass conical markers and 15 inch iron rods were placed at the corners of the lot or lots shown and at all angles in the boundary lines shown thereon, as the intersection of Adams Avenue with Westnedge Avenue, Dorset Avenue, and at the intersection of Dorset Avenue and Westnedge Avenue with the boundaries of the plat, as shown on said plat.

Robert W. Gove  
Registered Civil Engineer #1544

## CERTIFICATE OF APPROVAL BY BOARD OF COUNTY ROAD COMMISSIONERS

This plat has been examined and was approved on the 9 day of 1955, by the Kalamazoo County Board of Road Commissioners.

W. A. G. G. G. Chairman  
W. A. G. G. G. Member  
W. A. G. G. G. Member  
W. A. G. G. G. Member

## CERTIFICATE OF TOWNSHIP APPROVAL

This plat was approved by the Portage Township Board at a meeting held on the 9 day of 1955, and the ditch of lots is in compliance with requirements of Section 30, Act 122, of 1929, as amended.

W. A. G. G. G. Township Clerk

## CERTIFICATE OF APPROVAL BY COUNTY PLAT BOARD

This plat was approved on the 9 day of 1955, by the Kalamazoo County Plat Board.

Donald J. Peltier, Jr. Chairman  
Donald J. Peltier, Jr. Register of Deeds, County Clerk  
Anthony Starns County Clerk  
Anthony Starns County Clerk

## COUNTY TAX CERTIFICATE

Office of County Treasurer, Kalamazoo County, Michigan

I hereby certify that there are no tax liens or claims held by the State on the lands described herein, and that there are no taxes due by the individuals on said lands, for the five years preceding the day of records of this office.

This certificate does not apply to taxes, if any, now in process of collection by township, city or village collecting officers.

Donald Klontz County Treasurer

## CERTIFICATE AS TO STATE TRUNK LINE OR FEDERAL AID ROAD

We hereby certify that said plat appears to include land located on a state trunk line or federal aid road.

Donald J. Peltier, Jr. Register of Deeds, Chairman  
Donald J. Peltier, Jr. County Treasurer  
Anthony Starns County Clerk

APPROVED  
1955  
1955







**RECEIVED**  
OCT 16 2015

### APPLICATION FOR ZONING AMENDMENT

Application number #15/16-2

Date 10-16-15

#### APPLICATION INFORMATION:

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

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

#### TO THE PLANNING COMMISSION:

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

#### **ZONING MAP AMENDMENT**

##### 1. a. Platted Land:

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

##### b. Unplatted Land:

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

480 Admiral Avenue, Portage, MI 49002      00010-260-O      Approx. 3.86 acres

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

b. Name of the owner of the property to be rezoned: Chad Scott

Address 6325 East V Ave, Vicksburg, MI 49097

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Property owner desires to build ~~one (1)~~ four (4) unit single family, attached homes  
1 to 3 2 unit duplexes

4. CURRENT ZONING: Split I-1 and RM-1 PROPOSED ZONING: R1-T

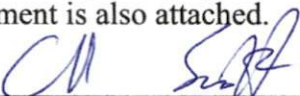
**ZONING TEXT AMENDMENT**

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

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

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

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

|                                                                                            |                                                                                            |
|--------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------|
| <u></u> | <u></u> |
| (Signature of Applicant)                                                                   | (Signature of Applicant)                                                                   |
| <u>6425 East V Ave</u>                                                                     | <u></u>                                                                                    |
| (Address) <u>Vicksburg 49097</u>                                                           | (Address)                                                                                  |
| <u>(269) 720-7729</u>                                                                      | <u></u>                                                                                    |
| (Phone)                                                                                    | (Phone)                                                                                    |

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



**ZONE CHANGE DESCRIPTION**  
480 ADMIRAL AVENUE

RECEIVED  
DEC 02 2015  
COMMUNITY DEVELOPMENT

The zone change request at 480 Admiral Avenue would result in the proposed development one (1) to three (3) two-family dwellings (duplexes). The zone change request is necessary as the current site is split zoned I-1 Light Industrial on the north end of the site and RM-1 Multiple Family Residential on the south end of the site. Due to significant wetlands on the site, there is only a small, unaffected pocket at the northern end of the site, however, since that area is currently zoned I-1 Light Industrial, residential of any kind is not allowed.

In determining the most appropriate zoning district to request, many factors were considered including the impact of the wetlands on developability of the site, the Master Plan and future land use map and existing zoning trends and districts on adjacent properties. The development area of 480 Admiral is actually a small pocket of land on the Northern portion of the site off the East end of Cameo Ave. With the natural impacts and property configuration this small Northern portion is the only likely developable area. Therefore, although the property is future planned to be medium density, detached single family dwellings, the developable area of this site limits this type of development from taking place on the site at the master plan density. The southern end of the site is currently zoned RM-1, Multiple Family Residential, and other RM-1 zoned property exists west of the site. However, rezoning the entire parcel to RM-1 is least consistent with the Master Plan. Adjacent to the currently zoned I-1 portion of the site is property zoned R1-T. The R1-T zone is a down-zone from both of the current classifications of RM-1 and I-1 however more consistent with the surrounding area. Therefore, the R1-T Attached Residential zoning district was determined to be the most consistent, compatible and appropriate for maintaining property rights.

The R1-T Attached Residential zoning district allows for the construction one-family, two-family or one-family attached dwellings subject to provisions of Section 42-202, which would maximize the available developable space. In maximizing the available developable space, the property owner's rights to construct single family dwellings on the property is maintained. The R1-T is a down-zone from the current zoning classifications. Lastly, the requested zoning district is consistent and compatible with existing zoning as adjacent property to the west is currently zoned R1-T.



**PROJECT LOCATION**  
480 ADMIRAL AVENUE

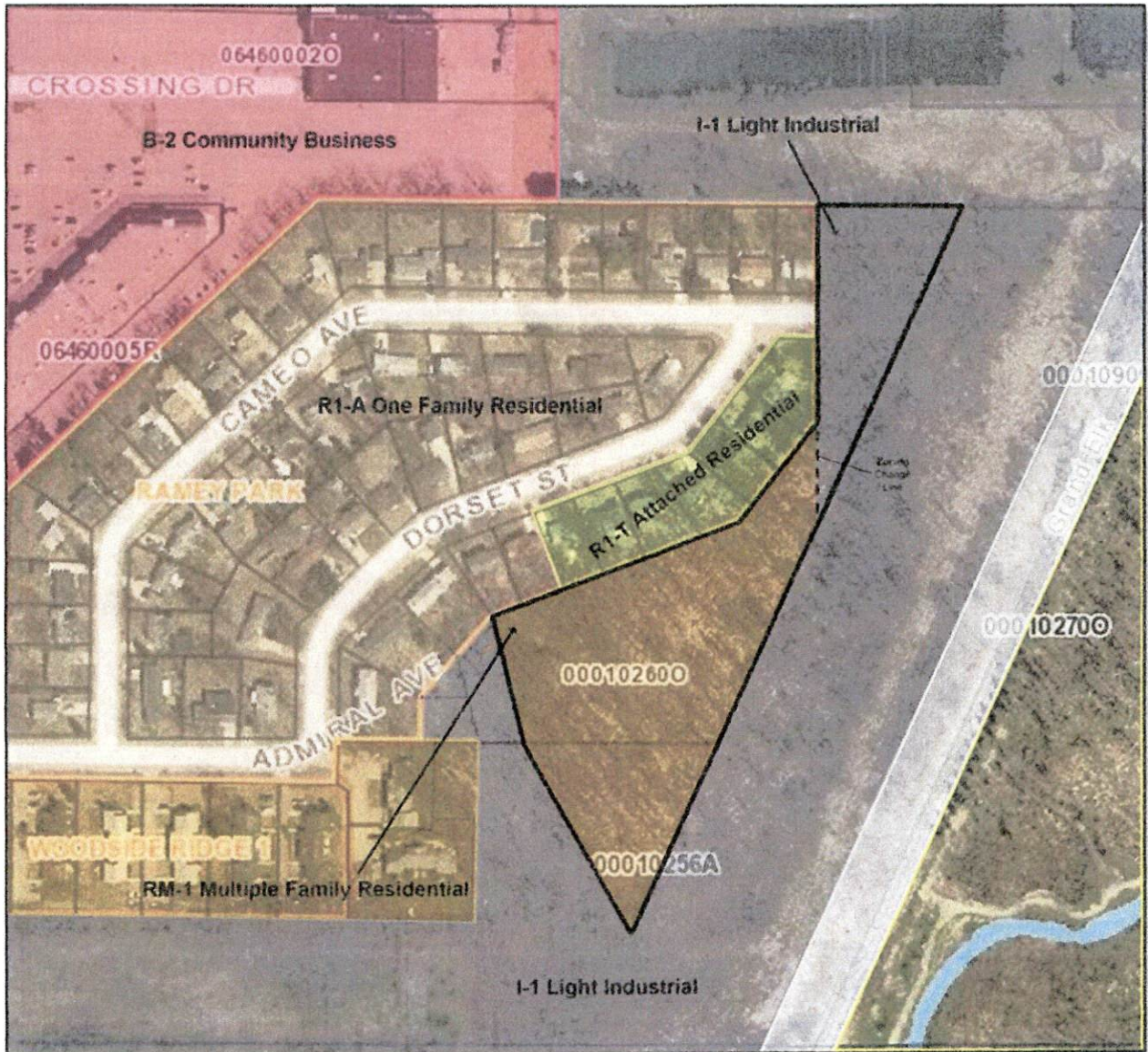


**LEGAL DESCRIPTION**  
480 ADMIRAL AVENUE

SEC 10-3-11 BEG AT NE COR LOT 31 RECD PLAT OF RAMEY PARK TH S ALG E LI SD PLAT 320 FT TH S  
37 DEG 52 MIN W 190 FT TH S 68 DEG 52 MIN W 420 FT TH SE 192.61 FT TH E 294.88 FT TH N 24 DEG  
15 MIN E 869.4 FT TH S 89 DEG 13 MIN W 180 FT TO PL OF BEG.

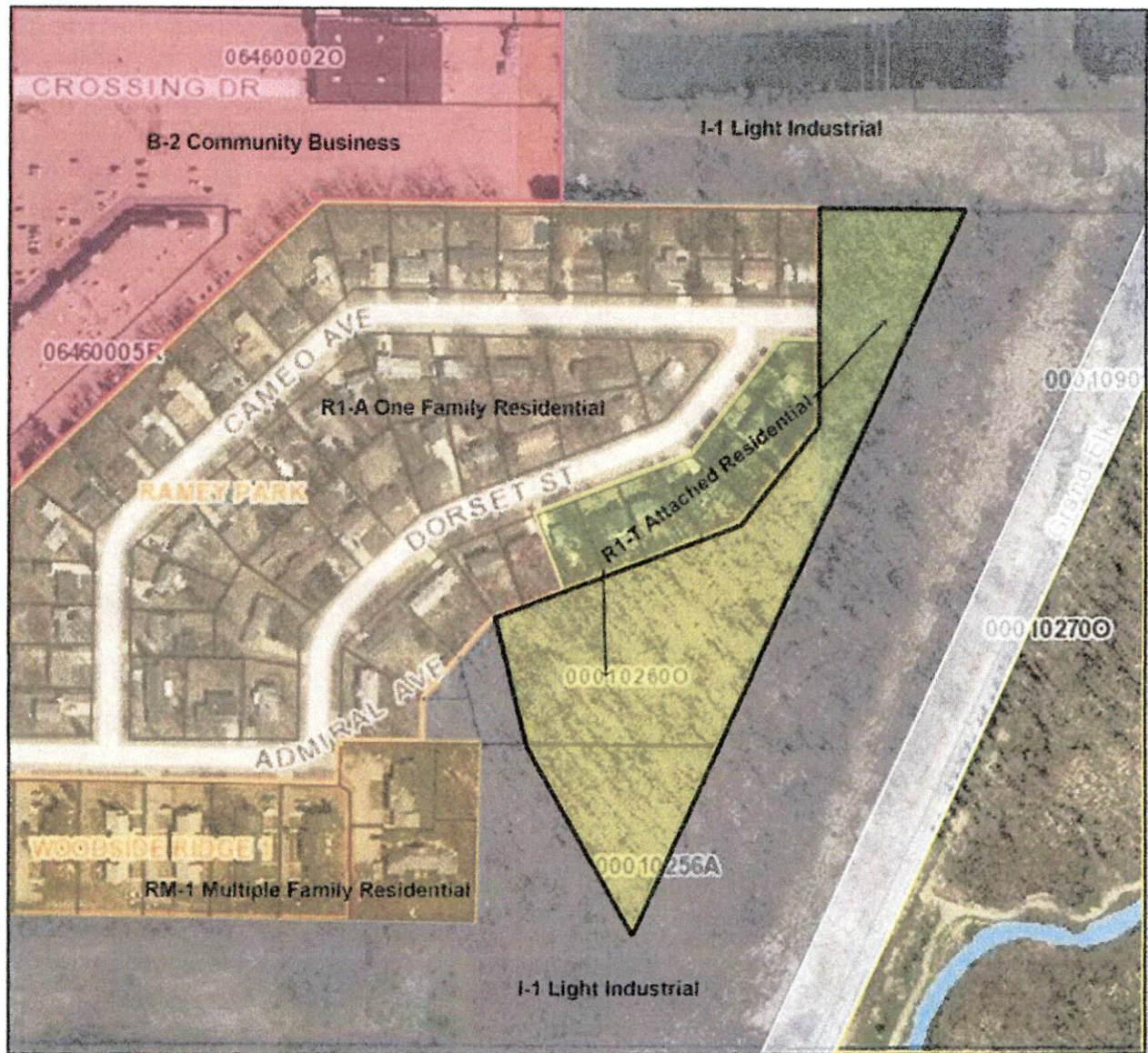


EXISTING ZONING EXCERPT  
480 ADMIRAL AVENUE





**PROPOSED ZONING EXCERPT**  
480 ADMIRAL AVENUE



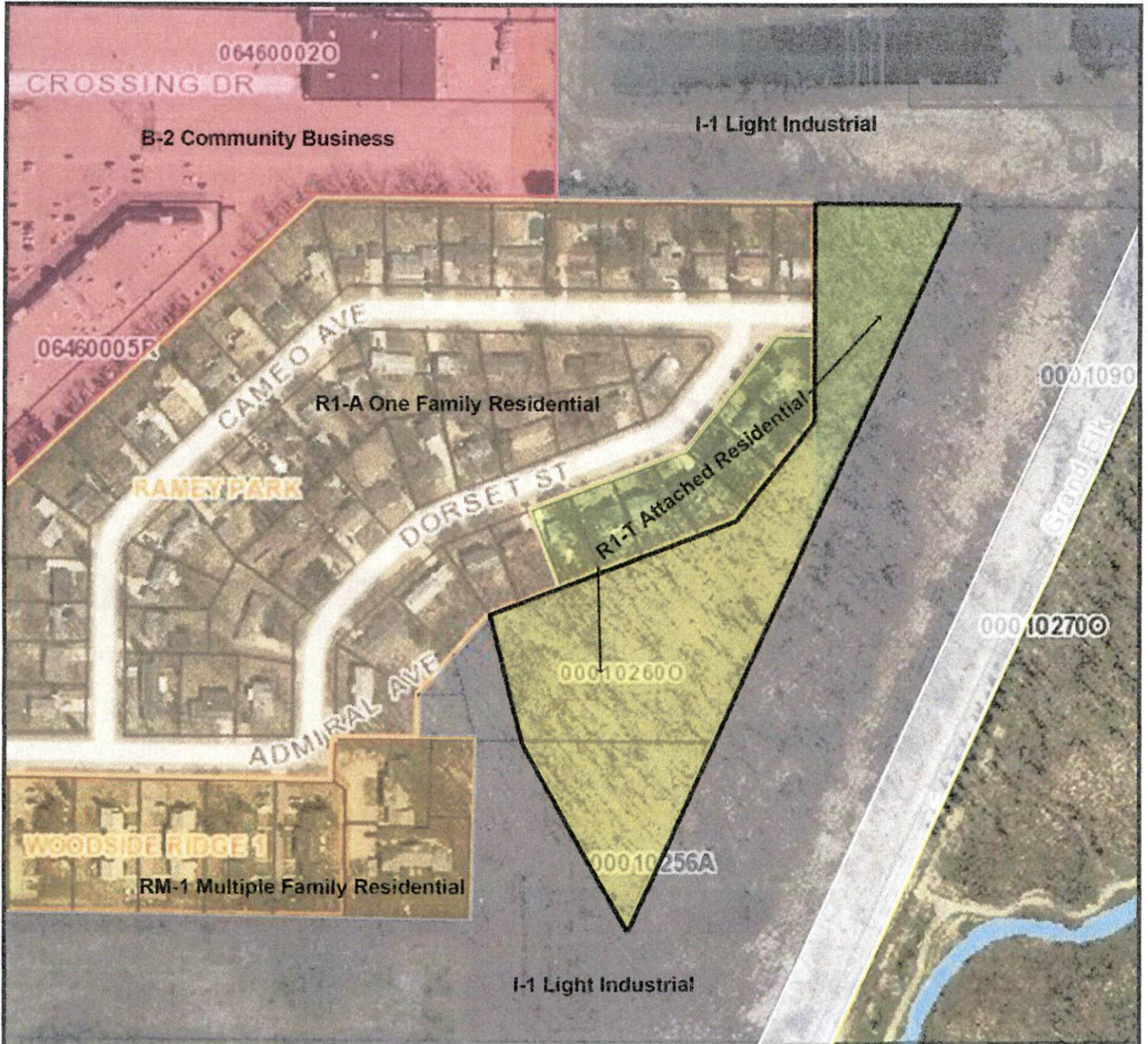


**480 ADMIRAL AVENUE**  
ZONING AMENDMENT REQUEST

**RECEIVED**

OCT 16 2015

COMMUNITY DEVELOPMENT





## APPLICATION FOR ZONING AMENDMENT

Application number #15/16-2 (amended)

Date December 17, 2015

### APPLICATION INFORMATION:

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

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

### TO THE PLANNING COMMISSION:

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

### **ZONING MAP AMENDMENT**

#### 1. a. Platted Land:

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

#### b. Unplatted Land:

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

13 parcels/lots (see attached list)



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

b. Name of the owner of the property to be rezoned: \_\_\_\_\_

Address \_\_\_\_\_ (see attached list)

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Review existing zoning pattern for consistency with Future Land Use Map

4. CURRENT ZONING: I-1/B-2/RM-1/R-1A/R-1T PROPOSED ZONING: R-1A/R-1T

### **ZONING TEXT AMENDMENT**

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

N/A

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

N/A

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

N/A

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

City of Portage Planning Commission

(Signature of Applicant)

(Signature of Applicant)

7900 South Westnedge Avenue, Portage, MI 49002

(Address)

(Address)

(269) 329-4477 (Community Development Department)

(Phone)

(Phone)

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

## Rezoning Application #15/16-2 (expanded)

(Planning Commission Expanded Rezoning Consideration – 13 properties)

| Address                                                                            | Parcel ID   | Existing Zoning                                                                     | Proposed Rezoning *                                              |
|------------------------------------------------------------------------------------|-------------|-------------------------------------------------------------------------------------|------------------------------------------------------------------|
| 6979 South Westnedge Avenue                                                        | 00010-256-A | I-1, light industry<br>RM-1, multiple family residential<br>B-2, community business | R-1A, one family residential                                     |
| 6843 Dorset Street                                                                 | 06840-044-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential<br>or<br>R-1A, one family residential |
| 422 Dorset Street                                                                  | 06840-042-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential<br>or<br>R-1A, one family residential |
| 426 Dorset Street                                                                  | 06840-041-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential<br>or<br>R-1A, one family residential |
| 502 Dorset Street                                                                  | 06840-040-O | R-1A, one family residential                                                        | R-1T, attached residential                                       |
| 508 Dorset Street                                                                  | 06840-039-O | R-1A, one family residential                                                        | R-1T, attached residential                                       |
| 514 Dorset Street                                                                  | 06840-038-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 520 Dorset Street                                                                  | 06840-037-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 526 Dorset Street                                                                  | 06840-036-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 532 Dorset Street                                                                  | 06840-035-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 606 Dorset Street                                                                  | 06840-034-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 612 Dorset Street                                                                  | 06840-033-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| 618 Dorset Street                                                                  | 06840-032-O | R-1T, attached residential                                                          | R-1A, one family residential                                     |
| * Proposed zoning designation or any other zoning classification permitted by law. |             |                                                                                     |                                                                  |

## Michael West

---

**From:** Christopher Forth  
**Sent:** Thursday, January 21, 2016 3:50 PM  
**To:** 'Bryan Cederberg'  
**Cc:** Victoria Georgeau; Michael West  
**Subject:** RE: Rezoning Application No. 15/16-2, 480 Admiral  
**Attachments:** [Untitled].pdf

Good afternoon Mr. Cedarberg:

As you requested, your e-mail will be provided to the Planning Commission at tonight's public hearing. In regard to the Notice of Hearing (attached), I wanted to reiterate what you and I talked about approximately two weeks ago concerning the proposed zoning district for 480 Admiral Avenue. The applicant has requested the zoning be changed to R-1T, attached residential and the notice correctly reflects this request. The notice also includes a footnote that states " \*Proposed zoning designation, or any other classification permitted by law." This language allows the Planning Commission and City Council to consider R-1T, R-1A or any other designation for 480 Admiral Avenue and the other properties now included in the rezoning application.

If you have any further questions, please contact me at your earliest convenience.

Sincerely,

Christopher Forth, AICP  
Deputy Director of Planning, Development & Neighborhood Services  
City of Portage Department of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002  
269.329.4474  
[www.portagemi.gov](http://www.portagemi.gov)

**From:** Bryan Cederberg [mailto:CederbergB@comstockps.org]  
**Sent:** Thursday, January 21, 2016 11:33 AM  
**To:** Christopher Forth <forthc@portagemi.gov>  
**Subject:** Re: Rezoning Application No. 15/16-2, 480 Admiral

RE: Zoning Meeting Tonight

Hello,

On the Notice of Public Hearing and Public Hearing Information I noticed that the Proposed Rezoning for 480 Admiral is listed as *R-1T, attached residential*. This is incomplete. It was my understanding, given the discussion at the last meeting, that it should read *R-1T, attached residential or R-1A, one family residential*. The zoning of the whole area was to be taken into consideration.

Our Dorset Street addresses are listed as *R-1T, attached residential or R1A, one family residential*. The 480 Admiral address should be the same.



At the meeting, R-1A was mentioned as the most appropriate designation for properties similar to 480 Admiral Avenue. If the Dorset Street homes are rezoned R1-A, as desired by the neighborhood (because it is the best designation given the build pattern), wouldn't an R1-T designation for 480 Admiral be a form of spot zoning given that the designation would only be in place to justify building multi-family units in the middle of single-family homes?

My concern with the zoning process is that any designation decided will be used to justify future building projects and will also pull attention away from the reality/build pattern on the ground.

Also, I think it is important that the zoning is made right this time. Sort of right doesn't do it for me. One person's will shouldn't override the will of the neighborhood. Everyone has admitted that the most proper designation would be R1-A for the Dorset Street homes and also for 480 Admiral. I'm not understanding why this process has been drawn out as long as it has given that there hasn't been one person who lives in the neighborhood who has spoken in favor of the R-1T zoning/proposed building at 480 Admiral. On the contrary, many have spoken against it and have provided a number of reasons as to how it will devalue the neighborhood and our quality of life.

I'm worried that business concerns could take precedent over neighborhood concerns. Shouldn't the people living in an area have more say than one person who is pursuing an opportunity to make money? I'm all for people making a living, but not at the expense of the quality of life in our neighborhood, our property values/equity, and . When we moved to Portage we made the best informed decision we could given the information available to us (DEQ and City of Portage maps). A change at this point feels like a bait and switch and as a Portage resident I'm disheartened. Who is protecting my investment?

There seem to be a couple people on the Commission who I suspect are trying to ram the proposal through in favor of Mr. Scott. When the arguments during meetings support the neighborhood positions it almost feels like things are then delayed in the hope that we stop fighting. I'm not saying that's the case, but this has been a stressful and tiring process, and I'd prefer to not keep having to free up time to make the same argument over and over.

I also feel that any decision that is made needs to be paired with an explanation of why the decision was made. I haven't heard one argument explaining how the proposed zoning/multi unit development will bring value to the neighborhood. And when I have mentioned that our houses and quality of life will be negatively affected I'm not receiving any sort of feedback. We deserve an explanation for a decision regardless of which direction things might go.

Thank you,  
Bryan Cederberg



# **FIRST READING AND NOTICE OF HEARING CITY OF PORTAGE, MICHIGAN NOTICE**

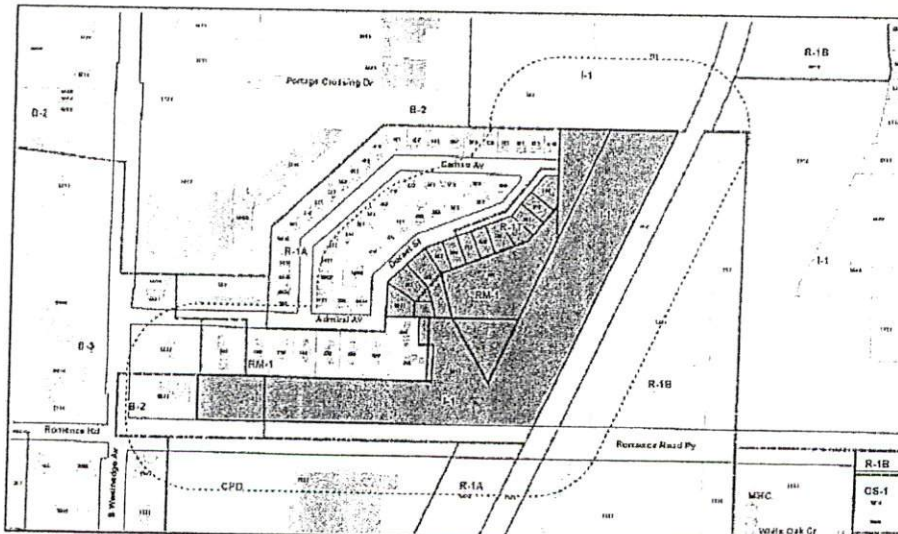
**TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL INTERESTED PERSONS.**

NOTICE IS HEREBY GIVEN that there is before the Planning Commission of the City of Portage, Michigan, an Ordinance to amend the Code of Ordinances of the City of Portage, Michigan, amending Article 4 - Zoning of Chapter 42 of the Codified Ordinances of Portage, Michigan. The changes to be considered are presented below:

A tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as the following parcels:

| Address                     | Parcel ID   | Existing Zoning                                                                     | Proposed Rezoning *                                           |
|-----------------------------|-------------|-------------------------------------------------------------------------------------|---------------------------------------------------------------|
| 480 Admiral Avenue          | 00010-260-O | I-1, light industry<br>RM-1, multiple family residential                            | R-1T, attached residential                                    |
| 6979 South Westnedge Avenue | 00010-256-A | I-1, light industry<br>RM-1, multiple family residential<br>B-2, community business | R-1A, one family residential                                  |
| 6843 Dorset Street          | 06840-044-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential or<br>R-1A, one family residential |
| 422 Dorset Street           | 06840-042-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential or<br>R-1A, one family residential |
| 426 Dorset Street           | 06840-041-O | R-1A, one family residential<br>I-1, light industry                                 | R-1T, attached residential or<br>R-1A, one family residential |
| 502 Dorset Street           | 06840-040-O | R-1A, one family residential                                                        | R-1T, attached residential                                    |
| 508 Dorset Street           | 06840-039-O | R-1A, one family residential                                                        | R-1T, attached residential                                    |
| 514 Dorset Street           | 06840-038-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 520 Dorset Street           | 06840-037-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 526 Dorset Street           | 06840-036-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 532 Dorset Street           | 06840-035-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 606 Dorset Street           | 06840-034-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 612 Dorset Street           | 06840-033-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |
| 618 Dorset Street           | 06840-032-O | R-1T, attached residential                                                          | R-1A, one family residential                                  |

\* Proposed zoning designation or any other zoning classification permitted by law.



Rezoning Application #15/16-02 (expanded)  
480 Admiral, 6979 South Westnedge Avenue,  
6843, 422, 426, 502, 508, 514, 520, 526, 532, 606, 612, 618 Dorset Street

**NOTICE IS FURTHER GIVEN** that a public hearing on the proposed amendment will be held on **Thursday, January 21, 2016** commencing at 7:00 p.m. or as soon after as may be heard in the City Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan, at which time the proposed amendment will be heard. A copy of the proposed amendment is on file and available for public inspection at the Department of Community Development during regular business hours.

Dated: January 6, 2016

Rezoning Application #15/16-2 (expanded)



# Portage Planning Commission

## Portage, Michigan

Petition to rezone 7 lots on north end of Dorset St, east side of street.

We, the undersigned residents of the affected properties, petition the city of Portage to correct the zoning of the 7 lots with single family homes, incorrectly zoned R-1T (multi family) to R-1A (single family). All the surrounding single family homes are on lots zoned R-1A contiguous to these incorrectly zoned lots. Please preserve the single family residence environment of this neighborhood by correcting this decades old zoning mistake.

| Resident Name             | Address                   | Signature                                         | Date                 |
|---------------------------|---------------------------|---------------------------------------------------|----------------------|
| Richard/Patricia Dueweke  | 606 Dorset St Portage, MI | <i>Richard Dueweke</i><br><i>Patricia Dueweke</i> | 12/10/15<br>12/10/15 |
| Steven R Schrick          | 532 Dorset St             | <i>Steven R Schrick</i>                           | 12/13/15             |
| Pamela L (Thomas) Schrick | 532 Dorset St             | <i>Pamela L Schrick</i>                           | 12/13/15             |
| Whippie                   | 618 Dorset                |                                                   | 12/13/2015           |
| Melissa Newton            | 514 Dorset                |                                                   | 12/13/15             |
| Alisha Cederberg          | 612 Dorset                | <i>Alisha Cederberg</i>                           | 12/13/15             |
| Bryan Cederberg           | 612 Dorset                | <i>Bryan Cederberg</i>                            | 12/13/15             |
|                           |                           |                                                   |                      |
|                           |                           |                                                   |                      |
|                           |                           |                                                   |                      |
|                           |                           |                                                   |                      |



1-12-16

Planning Commission

In regards 480 Admiral rezoning  
I really don't want a property built there

520 Camie

Karen Holson

RECEIVED

FEB 13 2016

COMMUNITY DEVELOPMENT

# DO YOU KNOW????????

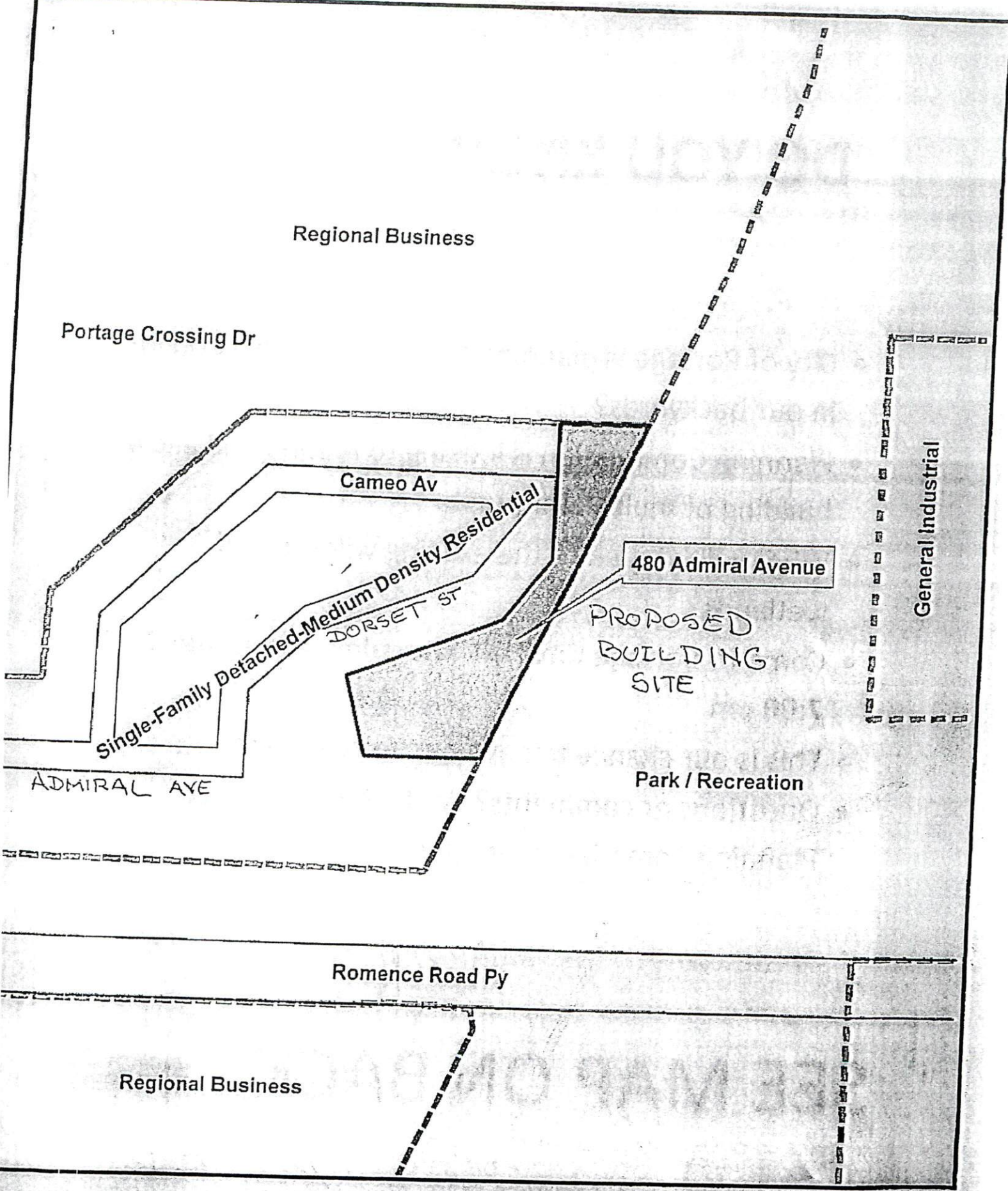
- City of Portage is planning on rezoning the wood lot in our backyards?
- Planning Commission is looking to rezone and allow building of multi-family units
- What will happen to the existing wildlife and wetlands?
- Come to Portage City Hall **Thursday, December 3, at 7:00 pm**
- This is our chance to have our voices heard!
- Questions or comments? Contact Portage City Planning Commission at (269)329-4477.

SEE MAP ON BACK



*Karen Gadsen  
520 Cameo*





**Legend**

Future Land Use

Subject Property

# Future Land Use Map 480 Admiral Avenue

1 inch = 300 feet





**TeScott**  
CONSTRUCTION

6425 East V Ave Vicksburg MI 49097  
269-720-7729 cell 269-679-2831 Fax

February 1, 2016

City of Portage

480 Admiral

To whom it may concern:

My name is Chad Scott. I am the builder trying to develop the condo's at 480 Admiral.

The following bullet points are facts and thoughts about the property.

- I am trying to build only (1) 2-Unit building for now with a possibility to build (1) additional 2-Unit building in the future. The additional unit would sit next to the first unit.
- The development when finished will take up less than 2% of the entire property. This includes parking. Both buildings together are smaller than a typical ranch style house footprint.
- Only 2 properties in the neighborhood will have any sight lines of the units. I have included pictures of the properties in your pamphlet. The reason I did this was to show that the buildings being built will not drive down their property values. The homes in question have mold growing on the siding. I believe that would be cleaned up if pride of neighborhood/community was really an issue.

RECEIVED  
FEB 01 2016  
COMMUNITY DEVELOPMENT

- People who spend \$1200 to \$1400 on rent typically aren't a burden to neighborhoods. (They don't "speed down the roads" "leave trash everywhere" or "deal and consume drugs" like some of the members of the community are stating.
- If I do get the multiple family zoning I am requesting, I can assure you I will not touch any of the trees or properties behind any of the homes in question. I will also address the city's continued use of my land as a spill through for all of the neighborhoods street rain water.
- If I do not get the multiple family zoning I am requesting, I will be forced to clear cut the trees to get back money I have spent during this process. I will also need to address the fact that the city uses my land for all street water. Please don't see this as a threat. It will be something I will have to do. Nobody wants this option but it will happen if it needs to.
- Nothing is being built in wetlands. If you want to hire an engineer to state otherwise then proceed. If not, I think we should trust the engineers I hired.
- I don't think any council member that has not made a neighborhood site visit should be voting on this matter. I think the homeowners need to be told they are all downgrading their lot to single family. In essence, they are hurting their property values. In addition, Romence Road frontage should never be anything but commercial property. It is virtually useless if not.

Thank you for your time,

Chad Scott

























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

**THE CITY OF PORTAGE ORDAINS:**

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

Parcel of land described as follows:

Tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

| <u>Street Address</u> | <u>Parcel ID Numbers</u> |
|-----------------------|--------------------------|
| 480 Admiral Avenue    | 00010-260-O              |

From I-1, light industry and RM-1, multiple family residential to R-1T, attached residential.

|                   |             |
|-------------------|-------------|
| 502 Dorset Street | 06840-040-O |
| 508 Dorset Street | 06840-039-O |

No change.

|                   |             |
|-------------------|-------------|
| 514 Dorset Street | 06840-038-O |
| 520 Dorset Street | 06840-037-O |
| 526 Dorset Street | 06840-036-O |
| 532 Dorset Street | 06840-035-O |
| 606 Dorset Street | 06840-034-O |
| 612 Dorset Street | 06840-033-O |
| 618 Dorset Street | 06840-032-O |

From R-1T, attached residential to R-1A, one family residential.

|                                   |             |
|-----------------------------------|-------------|
| 6843 Dorset Street (rear portion) | 06840-044-O |
| 422 Dorset Street (rear portion)  | 06840-042-O |
| 426 Dorset Street (rear portion)  | 06840-041-O |

From I-1, light industry to R-1A, one family residential.

|                             |             |
|-----------------------------|-------------|
| 6979 South Westnedge Avenue | 00010-256-A |
|-----------------------------|-------------|

From I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

\_\_\_\_\_  
Peter J. Strazdas, Mayor

STATE OF MICHIGAN     )  
                                  ) SS  
COUNTY OF KALAMAZOO )

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
James R. Hudson, City Clerk

(App #15/16-2)

Approved as to Form:

Date: 2/12/16

By: [Signature]

City Attorney



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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on \_\_\_\_\_, 2016, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on \_\_\_\_\_, 2016, at 7:30 p.m. or as soon thereafter as may be heard.

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

**THE CITY OF PORTAGE ORDAINS:**

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

Parcel of land described as follows:

Tract of land located in Section 10, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

| <u>Street Address</u> | <u>Parcel ID Numbers</u> |
|-----------------------|--------------------------|
| 480 Admiral Avenue    | 00010-260-O              |

From I-1, light industry and RM-1, multiple family residential to R-1T, attached residential, or any other classification allowed by law.

|                   |             |
|-------------------|-------------|
| 502 Dorset Street | 06840-040-O |
| 508 Dorset Street | 06840-039-O |
| 514 Dorset Street | 06840-038-O |
| 520 Dorset Street | 06840-037-O |
| 526 Dorset Street | 06840-036-O |
| 532 Dorset Street | 06840-035-O |
| 606 Dorset Street | 06840-034-O |
| 612 Dorset Street | 06840-033-O |
| 618 Dorset Street | 06840-032-O |

From R-1T, attached residential and R-1A, one family residential to R-1A, one family residential and/or R-1T, attached residential, or any other classification allowed by law.

|                                   |             |
|-----------------------------------|-------------|
| 6843 Dorset Street (rear portion) | 06840-044-O |
| 422 Dorset Street (rear portion)  | 06840-042-O |
| 426 Dorset Street (rear portion)  | 06840-041-O |

From I-1, light industry to R-1A, one family residential, or any other classification allowed by law.

|                             |             |
|-----------------------------|-------------|
| 6979 South Westnedge Avenue | 00010-256-A |
|-----------------------------|-------------|

From I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business, or any other classification allowed by law.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
James R. Hudson, City Clerk

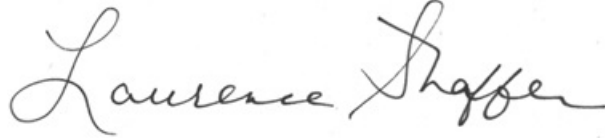
(App #15/16-2)

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**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Rezoning Application #15/16-4 (1521, 1603 and 1615 East Centre Avenue)

**SUPPORTING PERSONNEL:** Vicki Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council:

1. accept Rezoning Application #15/16-4 for first reading and set a public hearing for March 22, 2016, and
2. subsequent to the public hearing, approve Rezoning Application #15/16-4 and rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development consistent with the submitted tentative plan/narrative, and approve the requested modification from Section 42-374C (mixture of two housing types) with a finding that the modification satisfies the criteria outlined in Section 42-375L.

A rezoning application and associated tentative plan/narrative have been submitted by Full Circle Communities requesting to rezone an approximate 10.7-acre tract of land that includes 1521, 1603 and 1615 East Centre Avenue. A change from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development is requested. Full Circle Communities proposes to construct Selinon Park, a multiple family residential development consisting of 74 affordable apartment units in three buildings. According to the applicant, one third of the units will be for residents with physical and sensory impairments and other special needs; one-third will be for under-housed, working families that are burdened with housing costs; and the remaining one-third of the units will be for households whose annual income is between 30%-60% of the area median income. The development will provide one, two, three and four bedroom units. Local, state and federal funding sources are proposed to finance the project.

The single-family residential dwelling located at 1521 East Centre Avenue is located in a Portage Historic District and the applicant intends to use the dwelling as the manager residence. Site design elements have intentionally minimized encroachment onto this historic district property. On February 3, 2016, the Historic District Commission reviewed the proposed development and is supportive of the project subject to some minor conditions.

In conjunction with the PD rezoning/tentative plan approval process, the applicant has requested a modification from Section 42-374C of the Zoning Code that requires a mixture of at least two housing

types: one-family attached or detached, two-family or multi-family. The proposed plan does not include a mixture of housing types, with the exception of the historic house located at 1521 East Centre Avenue, and could be developed under either a RM-1 or RM-2 zoning designation.

The southernmost building located nearest East Centre Avenue includes a single-story component that will incorporate community and property management space and has been designed to appear as an office building consistent with the office corridor designation of East Centre Avenue. All buildings propose varied rooflines and other building materials intended to add interest and also reflect local design. Buildings will also be constructed of high-quality, durable materials including brick, masonry and fiber cement siding in various colors and textures intended to reduce maintenance and replacement costs.

Access to the development site will be provided through a single East Centre Avenue driveway. The existing driveway to the historic home at 1521 East Centre Avenue will be retained and improved with gravel to maintain the existing character. Storm water runoff associated with the project will be collected and conveyed to a private storm water retention basin located on the north end of the site. An internal pedestrian circulation network will be provided and will connect to the existing East Centre Avenue sidewalk and proposed “East Central Trailway” planned to be constructed along the Consumers Energy transmission line located to the northeast if an easement can be obtained. Finally, a significant amount of open space (approximately 62%) is being retained by the applicant that can be used by the residents for active and passive recreation.

In a report dated January 29, 2016, the Department of Community Development recommends approval of the PD rezoning request, tentative plan/narrative and requested modification. The PD district and proposed land use is appropriate in this area of the city, is consistent with the Comprehensive Plan and will provide assurances to surrounding property owners on the specific type of development that will be built while providing design flexibility to the developer. Finally, the requested modification from Section 42-374C (mixture of at least two housing types) is also recommended with a finding that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city as outlined in Section 42-375L.

The Planning Commission convened a public hearing during its January 21, 2016 and February 4, 2016 meetings to consider the rezoning request and tentative plan/narrative. Mr. Carl Kunda, Full Circle Communities, was present to support the request. No citizens spoke during these two meetings and no citizen communications have been received regarding the proposed rezoning. At the conclusion of the February 4, 2016 meeting, the Commission voted 8-0 to recommend to City Council approval of Rezoning Application #15/16-4 with the same findings contained in the staff report.

**FUNDING:** Not Applicable

**Attachments:**

1. Ordinance Amendment
2. February 12, 2016 Planning Commission transmittal
3. February 4, 2016 and January 21, 2016 Planning Commission Minutes
4. January 29, 2016 Community Development report
5. January 3, 2016 DRAFT Historic District Commission Meeting Minutes



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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on \_\_\_\_\_, 2015, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on \_\_\_\_\_, 2015, at 7:30 p.m. or as soon thereafter as may be heard.

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

**THE CITY OF PORTAGE ORDAINS:**

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

Parcel of land described as follows:

Tract of land located in Section 13, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

| <u>Street Address</u>   | <u>Parcel ID Numbers</u> |
|-------------------------|--------------------------|
| 1521 East Centre Avenue | 00015-570-O              |
| 1603 East Centre Avenue | 00015-575-O              |
| 1615 East Centre Avenue | 00015-580-O              |

From R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development, or any other classification allowed by law.

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

Dated: \_\_\_\_\_

\_\_\_\_\_  
James R. Hudson, City Clerk

(App #15/16-4)

Z:\JODY\PORTAGE\ORD\REZONE\15-16-4.012516.DOCX

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

**THE CITY OF PORTAGE ORDAINS:**

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

Parcel of land described as follows:

Tract of land located in Section 13, Township 3 South, Range 11 West, City of Portage, County of Kalamazoo, State of Michigan, and further described as follows:

| <u>Street Address</u>   | <u>Parcel ID Numbers</u> |
|-------------------------|--------------------------|
| 1521 East Centre Avenue | 00015-570-O              |
| 1603 East Centre Avenue | 00015-575-O              |
| 1615 East Centre Avenue | 00015-580-O              |

From R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

\_\_\_\_\_  
Peter J. Strazdas, Mayor

STATE OF MICHIGAN       )  
                                      ) SS  
COUNTY OF KALAMAZOO )

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
James R. Hudson, City Clerk

(App #15/16-4)

Approved as to Form:

Date: 1-28-16

By: CRB

City Attorney

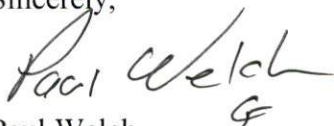


**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** February 12, 2016  
**SUBJECT:** Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue

The Planning Commission convened a public hearing during the January 21<sup>st</sup> and February 4<sup>th</sup>, 2016 meetings to consider the PD rezoning application submitted by Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development. The Commission also reviewed the proposed development plan for the Selinon Park PD as detailed in the tentative plan and written narrative. Mr. Carl Kunda, Full Circle Communities, was present at both meetings to support the proposed application and explain the development project. No citizens spoke at the two meetings and no citizen communications have been received regarding the proposed rezoning.

After careful consideration, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-4 be approved and 1521, 1603 and 1615 East Centre Avenue be rezoned from R-1B, one family residential, RM-1, multiple family and OS-1, office service to PD planned development. The motion also included a recommendation to approve the requested modification from Section 42-374.C (mixture of at least two housing types) with a finding that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city as outlined in Section 42-375.L. The motion also included a finding that the PD district and proposed land use is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by Full Circle Communities for the Selinon Park Planned Development is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along East Centre Avenue and will provide affordable housing options for residents with low incomes, physical and sensory impairments and other special needs. The motion was unanimously approved 8-0.

Sincerely,

A handwritten signature in dark ink, appearing to read "Paul Welch", with a stylized flourish underneath.

Paul Welch  
Chairman

Mrs. Dueweke discussed the Future Land Use Map designation of the Dorset Street lots and adjacent 480 Admiral Avenue parcel and stated she supports the staff recommendation of R-1A for these properties since that zoning designation is most consistent with the Future Land Use Map and established single family residential neighborhood. Mr. Cederberg indicated he also supports the staff recommendation and the R-1A zoning best represents the established single family detached residential land use pattern in the adjacent neighborhood. No additional citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

3. **Final Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue.** Mr. Forth summarized the final staff report dated January 29, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development. Mr. Forth summarized the proposed tentative plan for Selinon Park that would consist of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and stated the Historic District Commission met yesterday (February 3<sup>rd</sup>) and is supportive of the



project subject to some minor conditions. Mr. Forth then reviewed the final analysis section of the report and indicated staff was recommending approval of the PD zoning and associated tentative plan/narrative and requested modification from Section 42-374.C (mixture of at least two housing types).

Mr. Carl Kunda, Full Circle Communities, was present to support the rezoning application and explain the planned development project. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-4 be approved and 1521, 1603 and 1615 East Centre Avenue be rezoned from R-1B, one family residential, RM-1, multiple family and OS-1, office service to PD planned development. Additionally, the requested modification from Section 42-374.C (mixture of at least two housing types) also be approved with a finding that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city as outlined in Section 42-375.L. The motion also included a finding that the PD district and proposed land use is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by Full Circle Communities for the Selinon Park Planned Development is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along East Centre Avenue and will provide affordable housing options for residents with low incomes, physical and sensory impairments and other special needs. The motion was unanimously approved 8-0.

**OLD BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**NEW BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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

West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service. The motion was unanimously approved 6-0.

**3. Preliminary Report; Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue.**

Mr. Forth summarized the preliminary staff report dated January 15, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from OS-1, office service, RM-1, multiple family residential and R-1B, one family residential to PD, planned development. Mr. Forth discussed the two-step PD process involving the rezoning/tentative plan review and then the subsequent final/site plan review. Mr. Forth stated the PD rezoning would facilitate construction of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and then summarized the proposed tentative plan design, layout and features and also discussed the one modification being requested from the mixture of housing type provision of the ordinance. Mr. Forth reviewed the preliminary analysis section of the report including the Comprehensive Plan/Future Land Use Plan designations and the suitability of the existing zoning and impacts of the proposed PD zoning.

Mr. Carl Kunda (applicant, Full Circle Communities) was present to support the rezoning application and explain the planned development project. Mr. Kunda stated that 1/3 of the units will be for residents with physical and sensory impairments and other special needs, and 1/3 of the units will be for households whose annual income is between 30-60% of the area median income. Mr. Kunda presented samples of building materials planned for the project and also explained the amount of needed off-street parking spaces in response to Commissioner Schimmel's inquiry.

The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Patterson, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue, to the February 4, 2016 meeting. The motion was unanimously approved 6-0.

**OLD BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

8:15 p.m. - The Commission took a short recess.

8:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 2

**NEW BUSINESS:**

1. **2016-2026 DRAFT Capital Improvement Program.** Mr. Forth discussed the modified Capital Improvement Program (CIP) process for this fiscal year that began in September 2015 with extensive public outreach, a CIP web page, an on-line citizen survey and a CIP Open House. Mr. Forth referred the Commission to the results of the on-line citizen survey which were included with the January 15, 2016 Department of Community Development staff report. Mr. Forth stated that over 80% of the citizens who completed the survey indicated support for directing capital funds toward Complete Streets and local street enhancement efforts. Mr. Forth then summarized the initial draft CIP document that included a Summary Table of projected revenues and expenditures over the 10-year period, Project Summary Tables that outline proposed projects by category, Project Funding Source Tables that outline funding sources by category and Project Profiles that summarize each proposed project. Mr. Forth stated a final draft of the 2016-2026 CIP



**TO:** Planning Commission

**DATE:** January 29, 2016

**FROM:** Vicki Georgeau, <sup>13</sup>Director of Community Development

**SUBJECT:** Final Report: Rezoning Application #15/16-4 for Full Circle Communities, 1521, 1603 and 1615 East Centre Avenue

## I. APPLICATION INFORMATION:

A PD, planned development rezoning application has been received from Full Circle Communities involving a 10.7 acre tract of land that includes property located at 1521, 1603 and 1615 East Centre Avenue. Full Circle Communities has entered into tentative sales agreements to purchase the three properties and construct a multi-family residential development project. Attached is the rezoning application, narrative and tentative plan.

| Applicant                 | Property Address        | Parcel Number | Zoning      |          |
|---------------------------|-------------------------|---------------|-------------|----------|
|                           |                         |               | Existing    | Proposed |
| Full Circle Communities   | 1521 East Centre Avenue | 15-570-O      | OS-1 & RM-1 | PD       |
|                           | 1603 East Centre Avenue | 15-575-O      | R-1B        |          |
|                           | 1615 East Centre Avenue | 15-580-O      | R-1B        |          |
| Three parcels: 10.7 acres |                         |               |             |          |

## II. EXISTING CONDITIONS:

The table below summarizes the existing conditions in this general area.

|                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Existing Land Use/<br>Zoning | <ul style="list-style-type: none"> <li>• <u>Rezoning Site</u>: All three parcels of land are currently occupied by a single-family residential dwelling and detached accessory buildings. The property at 1521 East Centre Avenue is designated as a Historic District and has a single family dwelling. Although each parcel has 1,287 feet of depth, the dwelling unit and accessory buildings are situated near East Centre Avenue as shown on the attached aerial photograph.</li> <li>• <u>North</u>: Vacant property and a Consumers Energy transmission line zoned R-1B, one family residential.</li> <li>• <u>South (across East Centre Avenue)</u>: Gilden Woods Child Care &amp; Pre-school zoned R-1B, one family residential and Former Main Street Portraits/Randall L. Brown &amp; Associates zoned OS-1, office service.</li> <li>• <u>West</u>: Nonconforming single-family residence and Centre Meadows Apartments zoned OS-1 (south 450 feet) and RM-1 (north 837 feet).</li> <li>• <u>East</u>: Vacant parcel and Corstange Greenhouses zoned R-1B.</li> </ul> |
| Zoning History               | <ul style="list-style-type: none"> <li>• Recent zoning changes in this area of East Centre Avenue involved the south 450 feet and north 837 feet of 1405, 1419, 1425, 1503, 1511 and 1521 that were rezoned from R-1B to OS-1 and RM-1, respectively, in 2005 and 2006.</li> </ul>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Public Streets               | East Centre Avenue is classified as a 5-lane major arterial roadway with a 2011 average daily traffic count of 20,233 vehicles. The capacity of this section of East Centre Avenue is 37,100 vehicles per day (level of service "D").                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Public Utilities             | Sanitary sewer and municipal water are available within the East Centre Avenue to serve the proposed development project.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

### **III. ZONING CODE/PLANNED DEVELOPMENT PROCEDURES/REGULATIONS:**

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review and final plan review for each phase of the development. The applicant is required to submit a tentative plan which outlines the development concept (phases) for the entire project. Although conceptual in nature, specific statements, proposals, plans and a schedule for development of the site are required. The tentative plan is scheduled for Planning Commission review and a public hearing. The submission of both written and graphic information constitutes a tentative plan.

The Planning Commission will provide a recommendation to City Council regarding the tentative plan. If approved, the planned development must proceed in accordance with the tentative plan. Approval of the tentative plan by Council constitutes rezoning of the land to PD and allows the submission of a final plan for Administrative, Planning Commission and City Council review. A final plan is submitted in detailed form and is subject to a review process similar to a site plan. If no final plan for development is submitted within two years from the date of approval of the tentative plan, Council may either extend the approval for a period not to exceed two years or immediately initiate rezoning proceedings to re-designate the property to an alternate zoning classification. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, will require formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations contains the PD district development standards. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. The planned development is required to provide public water, public sanitary sewer and a pedestrian system. The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types. The overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Single family “lots” cannot average less than 6,500 square feet with a minimum of 5,000 square feet. Building setbacks, building height, open space and screening are also regulated under the ordinance.

### **IV. PROPOSED TENTATIVE PLAN:**

As indicated by the applicant in the attached written narrative, the planned development project involves the construction of 74 affordable apartment units within three buildings. The density (units per acre) will not exceed seven units per acre as required by the Planned Development ordinance. The building nearest East Centre Avenue will primarily consist of three stories and 48 units. The southern portion of this building, nearest the East Centre Avenue frontage, will be one story in design and will provide community and property management areas with a design intended to evoke office on the southern facade. Two additional townhouse buildings to the north will be two-story containing 13 units per building. Finally, the single-family historic home at 1521 East Centre Avenue will be retained and used as the on-site manager residence. According to the applicant, one third of the units will be for residents with physical and sensory impairments and other special needs that require barrier free units; one third for under-housed, working families that are burdened with housing costs; and the remaining one third of the units will be for households whose annual income is between 30%-60% of the area median income. The development will provide one, two, three and four bedroom units. Local, state and federal funding sources will be utilized to help finance the project.



In conjunction with the plan approval process, the applicant is requesting a modification regarding the types of uses. Section 42-374.C requires the applicant to demonstrate the project cannot be developed under other sections of the Zoning Code or provide a mixture of at least two housing types: One-family attached or detached, two-family or multi-family. The proposed plan does not include a mixture of housing types, with the exception of the historic house located at 1521 East Centre Avenue that will be the manager's residence, and could be developed under either a RM-1 or RM-2 zoning designation. Section 42-375.L allows the City Council to modify standards, based on information provided by the applicant that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city. Within the narrative, the applicant has indicated the reasons for selecting the PD district, as opposed to an alternative zoning classification. In summary, the PD district and proposed land use is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer.

Other features of the proposed planned development project include:

- Pedestrian Walkway/Trailway – An internal pedestrian circulation network consisting of concrete sidewalks will be provided that will connect the buildings to one another and the existing sidewalk along the north side of East Centre Avenue. Also proposed is a path that will connect the residents with the proposed “East Central Trailway” planned to be constructed along the Consumers Energy transmission line located to the northeast. The applicant is aware an easement would need to be obtained from the owner of the parcel (1629 East Centre Avenue) that separates the Selinon Park project from the Consumers Energy property.
- Historic Residential Dwelling – The dwelling located at 1521 East Centre Avenue is located in a Portage Historic District. As noted previously, the applicant intends to use the dwelling as the manager residence. The applicant is aware a Certificate of Appropriateness is needed from the Portage Historic District Commission before the start of construction. Encroachment onto this historic district property has intentionally been minimized. Also, the historic barn that was accessory to dwelling recently collapsed and was subsequently removed. There is a similar type barn located on 1603 East Centre Avenue that the applicant may relocate to 1521 East Centre Avenue. Alternatively, the applicant has reserved space for a future building where the prior barn existed, with design features similar to the historic barn. As additional information, the Historic District Commission will review the narrative and tentative plan prior to the February 4<sup>th</sup> public hearing.
- Open Space – A significant amount of open space is being retained by the applicant that can be used by the residents for active and passive recreation. Included is a proposed playground, courtyard with picnic pavilions and internal pathways and a wooded area on the north end of the site. Only 8% of the property is covered by the buildings and approximately 62% of the site will be preserved as open space.
- Building Design – As noted earlier, the project involves the construction of three residential apartment buildings. Attached for Commission review are preliminary building elevations. The southern building nearest East Centre Avenue includes a single story component that will incorporate community and property management space and has been designed to appear as an office building consistent with the office corridor designation of East Centre Avenue. The buildings include varied rooflines and other building materials intended to add interest and also reflect local design. The buildings will be constructed of high-quality, durable materials intended to reduce maintenance and replacement costs. Exterior materials will include brick, masonry and fiber cement siding in various colors and textures.



- Off-Street Parking – Section 42-523 requires the applicant to provide a minimum of 150 parking spaces (i.e. two spaces per unit). Since the development is intended to serve residents with physical or sensory impairments who will likely utilize alternative transportation, and residents with lower incomes that are less likely to own more than one vehicle, the applicant has provided information that satisfactorily documents the need for only 92 off-street parking spaces. The tentative plan includes 92 off-street parking spaces but also includes designated/“deferred” areas where additional parking spaces could be added in the future, if necessary. The Zoning Code allows deferred parking to reduce unnecessary off-street parking and impervious surfaces.
- Setbacks – The southern, three-story building will be setback approximately 80 feet from East Centre Avenue and 136 feet from the historic dwelling located at 1521 East Centre Avenue. From the east property line, the single-story portion of the building will be setback 49 feet and the three-story portion 69 feet. The northern buildings will be setback approximately 60 feet from the east property line and the off-street parking lot 10 feet. From the west property line, the parking lot will be setback approximately 70 feet and the building 119 feet.
- Storm Water Management - Storm water runoff associated with the project will be collected and conveyed to a private storm water retention basin located on the north end of the site. Additional information concerning the design of the storm water system will be submitted with the final (site) plan.
- Vehicular Access – Access to the development site will be provided through a single East Centre Avenue driveway that will be aligned with an existing shared driveway on the south side of East Centre Avenue. All interior drives will be at least 26 feet in width and will maintained, together with the off-street parking spaces, by the property owner. The existing driveway to the historic home at 1521 East Centre Avenue will be retained and improved with gravel to maintain the historic character.
- Phasing – The project will be developed in one phase. Once financing has been secured, construction is expected to begin in March 2017 and conclude in March 2018.

## **V. PUBLIC HEARING/COMMENTS:**

The Planning Commission convened a public hearing to consider the PD rezoning and tentative plan/narrative during the January 21, 2016 meeting. Mr. Carl Kunda (applicant, Full Circle Communities) was present to support the rezoning application and explain the planned development project. No citizens spoke regarding the proposed PD rezoning and development and no citizen communications have been received.

## **VI. FINAL ANALYSIS:**

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



### Comprehensive Plan

Prior to recommending a zoning amendment, a determination that the proposed change is consistent with the Comprehensive Plan is appropriate. In the case of a rezoning, consistency is evaluated based on the Future Land Use Plan Map and also the Development Guidelines.

**Future Land Use Plan Map --** The Future Land Use Plan Map component of the Comprehensive Plan designates the properties being considered for rezoning as appropriate for office (southern portion) and high density residential (northern portion). This same future land use designation exists on the properties to the east and west. To the north, the property is designated for park/recreation (Consumers Energy property) and to the south across East Centre Avenue, the property is also designated for office use.

Although the East Centre Avenue frontage is designated for office use, the Comprehensive Plan suggests that high density residential development projects and non-residential uses be located on higher street classes (e.g. major or minor arterial roadways). If designed properly, desirable land use relationships can be created thereby making residential and non-residential uses more compatible and promoting complementary land uses. In keeping with the office corridor designation, the applicant designed the building with office and community room uses near East Centre Avenue, with a building façade to appear more office-like. The proposed PD district and planned multi-family residential development is not inconsistent with the split high density residential and office designations involving these parcels.

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

### Suitability of Existing R-1B, OS-1, RM-1 Zones/Impacts of Proposed PD Zone

As mentioned previously, the 1521 East Centre Avenue parcel and other parcels to the west, were rezoned in 2005/2006 from R-1B to OS-1/RM-1. While redevelopment has not yet occurred on some of these parcels, the split OS-1/RM-1 zoning pattern is still suitable for this portion of East Centre Avenue. Consistent with these previous rezoning applications that were considered in 2005/2006, the suitability of the existing R-1B zone for the 1603 and 1615 East Centre Avenue parcel should be carefully considered due to 1) increasing traffic volumes along East Centre Avenue and 2) the existing multi-family residential, office and commercial land use pattern along the East Centre Avenue corridor.

Residential development density is calculated differently in the RM-1 zoning district than in the PD, planned development zoning district. In the RM-1 zone, maximum permitted development density is calculated as specified in Section 42-350.B.(7). This section establishes a sliding scale of units per acre depending on the size (number of rooms) of each unit. Based on the number and type of apartment units proposed by the applicant, 8.8 acres would be needed if developed in the RM-1 district. The PD zone and the ordinance establishes an overall development density of 7 units/acre, with no individual phase exceeding 12 units/acre

regardless of the size of units. As a result, the number of apartment units that could be developed on this 10.7 acre tract of land is limited to 75, which reduces associated impacts such as noise, lighting and traffic. Additionally, more open space is proposed to be preserved by the applicant for the benefit of the residents and community. Finally, the proposed PD zone offers flexibility for the applicant and assurances to the community on how the property will be developed (i.e. types of land uses, density, location and so forth).

#### Traffic Considerations

The ITE Trip Generation Manual, Eighth Edition, indicates that a 74-unit multiple-family residential development would generate a projected 572 vehicle trips vehicles on an average weekday (24 hour period). For Commission information, each car that visits a site is counted twice, once for entering and once for exiting. Therefore, the total number of vehicles over a 24-hour period is one-half vehicle trips (286). However, given the needs of the proposed residents, less vehicles per day is anticipated. East Centre Avenue can accommodate this slight increase in vehicular traffic.

#### Environmental Impacts

The City of Portage Natural Resources Map indicates that the rezoning site is not situated within any designated wetland and/or floodplain areas.

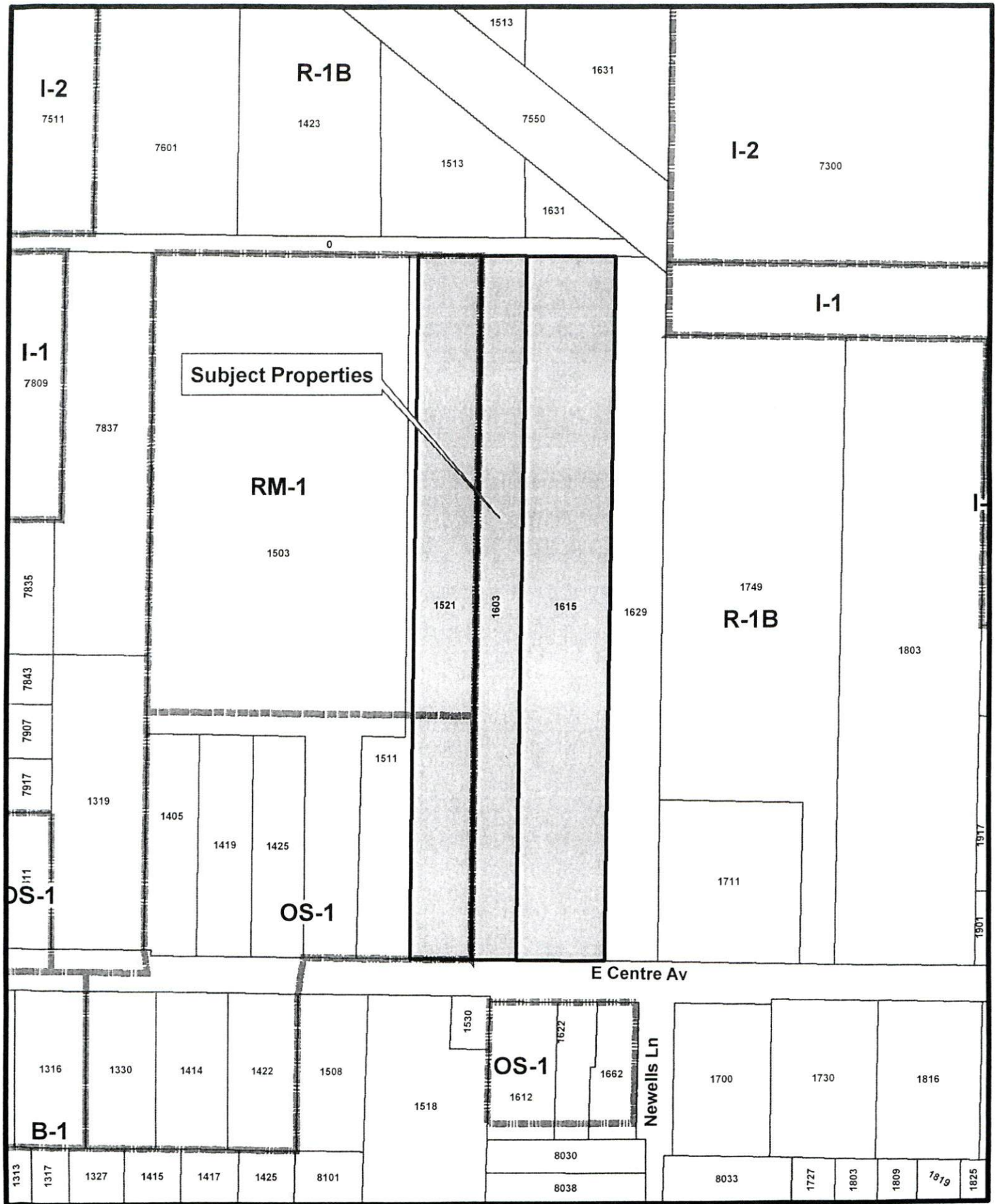
### **VII. RECOMMENDATION:**

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #15/16-4 be approved and 1521, 1603 and 1615 East Centre Avenue be rezoned from R-1A, one family residential, RM-1, multiple family and OS-1, office service to PD planned development. Additionally, the requested modification from Section 42-374.C (mixture of at least two housing types) is also recommended to be approved with a finding that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city as outlined in Section 42-375.L.

The PD district and proposed land use is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by Full Circle Communities for the Selinon Park Planned Development is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along East Centre Avenue and will provide affordable housing options for residents with low incomes, physical and sensory impairments and other special needs.

Attachments: Zoning Map  
Future Land Use Map  
Aerial Photo Map  
Development Guidelines Table (PD)  
Rezoning Application  
Narrative and tentative plan layout received January 15, 2016





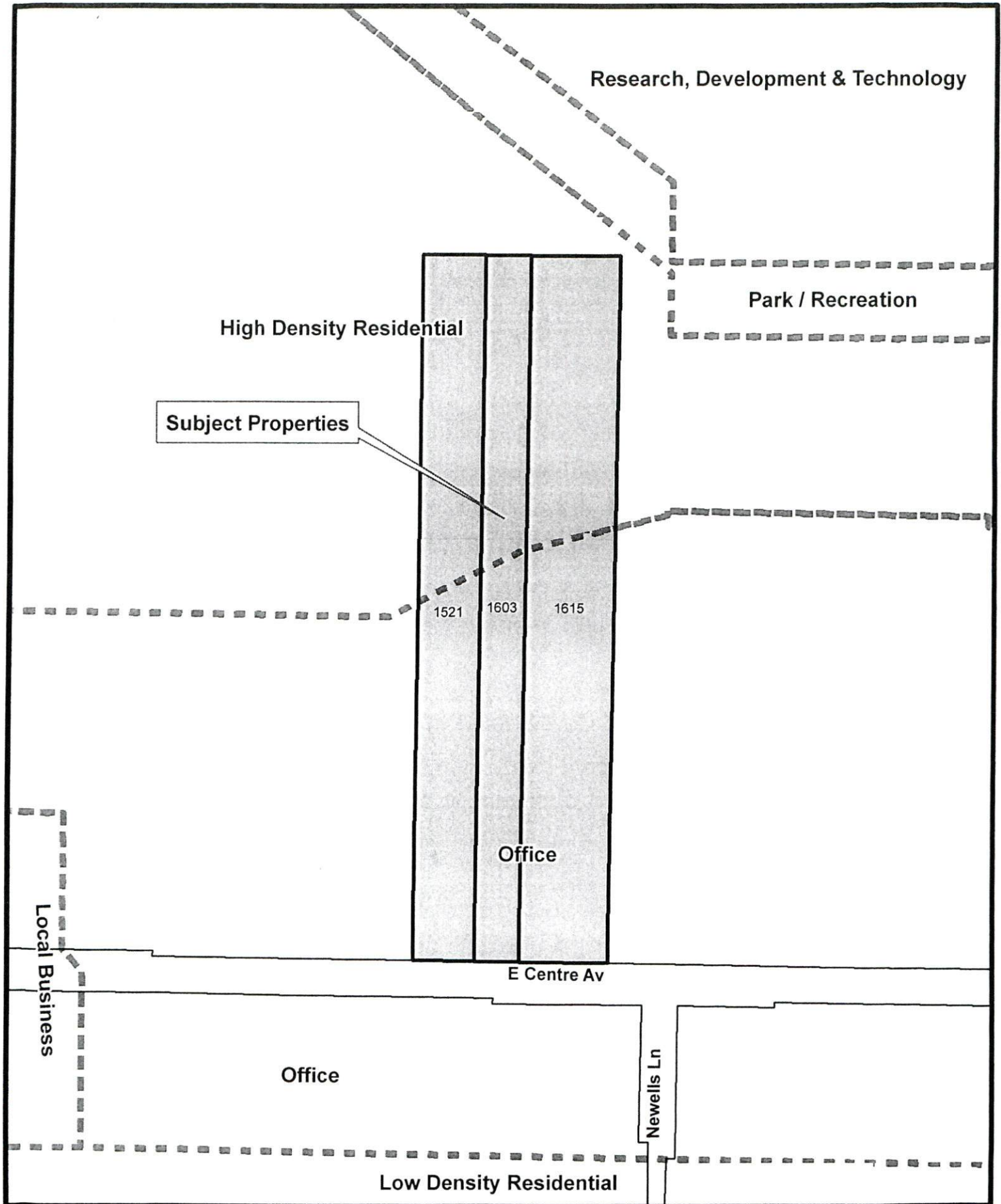
 Zoning Boundary  
 Subject Properties

## Rezoning 15/16-04

### 1521, 1603, 1615 East Centre Avenue



1 inch = 233 feet



 Future Land Use  
 Subject Properties

# Future Land Use Map

## 1521, 1603, 1615 East Centre Avenue



1 inch = 233 feet





 Subject Properties

# Aerial Photo 1521,1603,1615 East Centre Avenue



1 inch = 150 feet  
(147)



# DEVELOPMENT GUIDELINES

## Rezoning Application #15/16-04 (Planned Development, PD)

| Guideline        | Description                                    | Consistent     | Comments                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------|------------------------------------------------|----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Rezoning – 1     | Rezoning Request                               | See<br>Comment | Future Land Use Map designates rezoning site and adjacent properties situated to the east and west as appropriate for office land use (southern portion) and high density residential land use (northern portion). The proposed PD zone and associated tentative plan/narrative is not inconsistent with these designations. The Comprehensive Plan suggests that high density residential development projects and nonresidential land use be located on higher street classes (major and minor arterial roadways). If designed properly, desirable land use relationships can be created making residential and nonresidential use more compatible. Applicant is designing the East Centre Avenue building façade to appear more office-like. |
| Residential – 1  | Protection of Residential Neighborhoods        | N/A            | The Selinon Park PD multiple family residential project is not situated adjacent to a residential neighborhood.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Residential – 2  | Residential Development along Arterial Roadway | Yes            | The Selinon Park PD multiple family residential project will be situated along East Centre Avenue (major arterial) with access provided from East Centre Avenue.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Residential – 3c | Locational Criteria for Residential Uses       | Yes            | Rezoning site has locational criteria consistent with the high density residential category: Overall development density for the Selinon Park PD will be approximate 7 units/acre with access from a major arterial roadway, municipal water/sanitary sewer and underground private utilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Residential – 4  | Compatibility with Adjacent Land Use           | Yes            | The Selinon Park PD multiple family residential project is consistent and compatible in size and scale with the adjacent Centre Meadows Apartments located immediately to the west. The Selinon Park PD is also consistent and compatible with other existing multiple family, office and commercial land use pattern along East Centre Avenue.                                                                                                                                                                                                                                                                                                                                                                                                 |
| Residential – 5  | Open Space and Natural Resource Protection     | Yes            | The Selinon Park PD will preserve approximately 6.5 acres (62%) of the overall site in open space including existing wooded areas located along the northern portion of the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Residential – 6  | Streets and Pedestrian Systems                 | Yes            | Access will be provided from East Centre Avenue, a major arterial street. An internal pedestrian circulation network of concrete sidewalks will be provided that connects the three buildings to one another and the existing sidewalk along East Centre Avenue. Additionally, a future path that will connect the project to the proposed East Central Trailway planned along the Consumers Energy property to the north is also proposed by the applicant.                                                                                                                                                                                                                                                                                    |



| <b>Guideline</b>                    | <b>Description</b>                   | <b>Consistent</b>  | <b>Comments</b>                                                                                                                                                                                                                                                                                                                                                                                                 |
|-------------------------------------|--------------------------------------|--------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential – 9                     | Residential Planned Unit Development | <b>Yes</b>         | The Selinon Park PD will provide affordable housing options for residents with low incomes, physical and sensory impairments and other special needs. No nonresidential uses are proposed with the PD.                                                                                                                                                                                                          |
| Natural & Historic Resources – 1    | Environmental Protection             | <b>Yes</b>         | The City of Portage Natural Resources Map indicates the PD site is not situated within any designated wetland, floodplain or other environmental sensitive area. The Selinon Park PD will preserve a large portion of the existing wooded area along the northern portion of the site as open space for use and enjoyment by the residents.                                                                     |
| Natural & Historic Resources – 2    | Floodplain                           | <b>N/A</b>         | The rezoning site is not encumbered by floodplain areas.                                                                                                                                                                                                                                                                                                                                                        |
| Natural & Historic Resources – 3    | Water Quality                        | <b>Yes</b>         | Storm water from the planned development will be collected and conveyed to a detention basin proposed along the north side of two-story apartment buildings.                                                                                                                                                                                                                                                    |
| Natural & Historic Resources - 4    | Noise                                | <b>N/A</b>         | The rezoning site is not situated near excessive noise generators such as the Kalamazoo/Battle Creek International Airport or major freeway arteries.                                                                                                                                                                                                                                                           |
| Natural & Historic Resources - 5    | Historic Resource Preservation       | <b>See comment</b> | The 1521 East Centre Avenue parcel is part of a Portage Historic District. The existing dwelling is proposed to be used as a manager residence and site design for the Selinon Park PD has minimized encroachment onto this historic property. The applicant is aware that a Certificate of Appropriateness will be needed from the Portage Historic District Commission prior to commencement of construction. |
| Natural & Historic Resources – 6    | Open Space Preservation              | <b>Yes</b>         | See Residential – 5 comment above                                                                                                                                                                                                                                                                                                                                                                               |
| Transportation – 1                  | Transportation Systems               | <b>Yes</b>         | East Centre Avenue is a 5-lane major arterial street with 20,233 vehicles per day (2011) and a capacity of 37,100 vehicles per day (level of service D). Anticipated traffic generation from Selinon Park PD can be accommodated.                                                                                                                                                                               |
| Transportation – 2                  | Street Design                        | <b>Yes</b>         | Access to the development will be provided through a single full-service driveway from East Centre Avenue that will align with an existing shared driveway located along the south side of East Centre Avenue. Final design will be further evaluated with the final/site plan submittal.                                                                                                                       |
| Transportation – 3                  | Access Management                    | <b>Yes</b>         | See Transportation – 1 and Transportation – 2 above.                                                                                                                                                                                                                                                                                                                                                            |
| Transportation – 4                  | Non Motorized Travel                 | <b>Yes</b>         | See Residential – 6 above.                                                                                                                                                                                                                                                                                                                                                                                      |
| Municipal Facilities & Services – 1 | Sound Fiscal Growth                  | <b>Yes</b>         | Existing and proposed public infrastructure is adequate to accommodate planned development.                                                                                                                                                                                                                                                                                                                     |
| Municipal Facilities & Services – 2 | Sanitary Service                     | <b>Yes</b>         | Sanitary sewer is available and will serve the planned development.                                                                                                                                                                                                                                                                                                                                             |
| Municipal Facilities & Services – 3 | Underground Utilities                | <b>Yes</b>         | Underground utilities will serve the planned development.                                                                                                                                                                                                                                                                                                                                                       |



# Department of Community Development

RECEIVED

## APPLICATION FOR ZONING AMENDMENT

DEC 29 2015

Application number #15/16-4

COMMUNITY DEVELOPMENT

Date 12/29/15

### APPLICATION INFORMATION:

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

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

### TO THE PLANNING COMMISSION:

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

### ZONING MAP AMENDMENT

#### 1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 1521-1615 E. Centre Ave. between Lovers Ln. Street and Portage Rd Street on the North side of the street, and is known as Lot Number(s)        of        Plat (Subdivision). It has a frontage of 363 feet and a depth of 1287 feet.

(1521) 000155700  
(1603) 000155750  
(1615) 000155800

#### b. Unplatted Land:

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

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

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

(1521) Anthony Davis, 2221 Ports'de Ave, Portage, MI 49002  
Address (1603) Mary B. Kindt c/o Orville Smith RE/MAX Advantage, 7127 South Westnedge, Portage, MI 49002  
(1615) Stephen P. Nuss c/o Orville Smith RE/MAX Advantage, 7127 South Westnedge, Portage, MI 49002  
**7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477**  
**www.portagemi.gov**



3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment:  
Development of quality multifamily rental property for low-income families.

4. CURRENT ZONING: (1521 E Centre) OS-1 and RM-1 (1603 and 1615 E Centre) R-1B  
PROPOSED ZONING: PD

#### ZONING TEXT AMENDMENT

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

NA

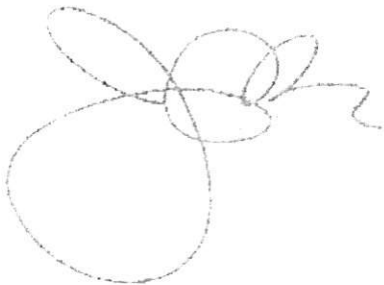
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.

NA

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

NA

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



(Signature of Applicant)

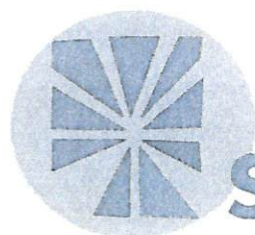
Joshua Wilmoth  
Vice President  
Full Circle Communities, Inc.  
310 S Peoria Street, Suite 500  
Chicago, IL 60607  
847-849-5307

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

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FEB 15 2016

COMMUNITY DEVELOPMENT



# SELINON PARK

## Planned Development Application

Submitted to the City of Portage  
by Full Circle Communities, Inc. a 501(c)(3) developer and manager of affordable housing

Project Architect: Hooker DeJong Architects & Engineers  
Project Engineer: Callen Engineering, Inc.



## Introduction

Selinon Park is a proposed affordable rental housing Planned Development (PD) within the City of Portage. Selinon Park provides a range of accessible housing options unified within a community-based development plan designed to maximize pedestrian circulation and maintain open spaces. This narrative responds to the requirements and conditions set forth in Sections 42-375.C., 42-374.C and 42-374.G of the City of Portage Zoning Ordinance as amended, and the City of Portage Land Development Regulations.

### 1. *Community Need:*

Selinon Park responds to a demonstrated need for accessible, affordable housing in the City of Portage. Portage has a long history of inclusive, affordable housing options for low-income individuals and families, and for persons with disabilities or other complex health conditions. The City's Analysis of Impediments to Fair Housing (2011), completed as part of their 2011-2015 Consolidated Plan, however, states that there is an unmet demand for housing for populations with special needs, with over 1,100 households reporting both a disability and housing problem. Furthermore, data from the 2009-2013 American Community Survey (ACS) shows that 11.32% of the Portage's population (nearly 5,300 people) reported a disability, with over 770 of them living within the project's Census tract.

Over 50% of Portage's renters are rent burdened, spending more than 30% of their income on housing. Over 1,200 renters in this rent burdened group earn between \$20,000 and \$50,000 a year. While this is below the City's median household income of \$55,035, these wages ought to provide the foundation upon which workers, particularly young families, can achieve lasting economic stability - eventually saving enough to attain homeownership. But research has shown that housing cost burden can significantly delay younger families from accumulating assets, and puts some families at risk for housing insecurity or homelessness.

Portage is a community of choice; supporting excellent schools, convenient access to several major regional and national employers, and strong institutional and healthcare anchors within the City and in neighboring Kalamazoo. Selinon Park envisions a rental community that provides vital linkages to these deep community resources, and builds resiliency through integrated supportive services and thoughtful design.

### *Necessity for Planned Development (PD):*

Selinon Park will be located at 1521-1615 E Centre Ave. The City has identified this area in its Future Land Use Map for office development (OS-1) along E Centre Ave, with high-density residential (RM-1) to the north. This zoning configuration precludes development of the project under other sections of the City's zoning ordinance. While the RM-1 multifamily designation would satisfy the programmatic residential use of the site, it allows for a greater density than the city's Comprehensive Plan indicates in the Future Land Use plan. The PD process creates a legally binding mechanism that provides a project-specific rezoning that is conditioned upon

satisfying a rigorous approval process. The PD ensures conformity with the City's design and durability standards, and planning goals for this section of Portage.

*Compatibility with City of Portage Comprehensive Plan:*

The 2014 Comprehensive Plan guides the future growth and development for the City of Portage and identifies goals and implementation strategies in the areas of community, transportation, and land use. Selinon Park supports goal LU1.4 which calls for municipal cooperation in expanding housing opportunities for disadvantaged populations including people with disabilities and low-income families. Additionally, the project is in line with the Future Land Use Map referenced in the plan, which designates the area around the project's location to be a mix of office and high-density residential uses, rather than its underlying R1-B (low density, single-family residential) zoning. The project has been designed with a single-story community and property management space designed to appear like offices along Centre Ave. Higher density residential uses are recessed deeper into the site. The site plan is pedestrian-oriented, creating extensive internal pathways that link the project's three buildings and outdoor recreations spaces. The project also includes a recreational trail that will traverse the site, connecting existing sidewalks along E. Centre Ave, and winding through wooded open spaces at the northerly end of the project, to the proposed extension of the Bicentennial Trail at the northeast corner of the property. FCC will pursue an easement to be able to connect to this trail when it is created. The project's three buildings have been clustered to evoke an urban village. Parking has been intentionally tucked out of view from E. Centre Ave, and behind the townhouses to prioritize pedestrian circulation and reflect urbanist design principles. The townhouses look out onto a common green, which will foster community interaction. Following early feedback from the City, the amount of off-street parking has been reduced. The design of the buildings incorporates high-quality materials and thoughtful design, to ensure a long-term value to the City, and to catalyze future development along E. Centre Ave.

*Project Description:*

Selinon Park will be developed on an approximately 10.72 acre site, and will include 74 units in three residential buildings, at a density of 7 units per acre. There will be 92 parking spots, several pedestrian and recreation paths, landscaped common areas, an outdoor recreation area for children, and an existing historic home, designated by the Portage Historic District Commission. Over 4.5 acres of the site will be preserved as open space, with a strong emphasis on native vegetation.

E. Centre Avenue is an excellent location for this development, due to its proximity to community amenities and transit. The project is located within a mile and a half of several full-service grocery stores; under a mile from workforce training, youth development, and other community resources at the Portage Community Center; medical services; many rich retail and employment options in Portage; several schools; and outdoor recreation.



Selinon Park will provide affordable rental apartments designed to serve an integrated supportive housing population. All units will serve persons earning 30%, 50%, or 60% of Area Median Income (AMI). A third of the units will target Portage residents with physical and sensory impairments, and other special needs that require accessible, barrier-free units with features that allow for independent living. Another third of the units will target “under-housed” families, a term that describes rent burdened households that cope with housing costs by doubling up with other families or relatives, often in cramped conditions. Under-housed families lack stability, and are at high risk for experiencing homelessness. The remaining third of the project’s units will provide affordable housing to residents without specific needs, but could benefit from additional quality affordable units in Portage. Our tenant selection plan and outreach efforts will reflect these preferences. The property manager will reside onsite, in the historic home located at 1521 E. Centre Ave.

#### *Project Benefits:*

Selinon Park provides many benefits to the community. The completed project will deliver a \$15.35 MM well-constructed property, revitalizing under-utilized land. The project will create an estimated 3 permanent jobs and 90 construction jobs. The buildings will be Enterprise Green Communities certified, incorporating energy efficient design, HVAC system, and Energy Star appliances, water conserving plumbing fixtures, low- or no-VOC paints and coatings, radon mitigation, integrated pest management, and landscaping that reflects species native or adapted to the region.

The project’s integrated supportive housing model delivers high-quality housing without creating an institutionalized setting for residents with disabilities or special needs, nor a cloistered environment for working families. Full Circle Communities is committing at least \$550,000 up front to provide on-site services at no additional cost to residents. Many persons with disabilities do not need the full-time, around-the-clock support of an assisted living facility, but would benefit from housing that incorporates some supportive services or unit features that allow them to live independently. Full Circle typically employs a Case Manager to coordinate the service, transportation and health needs of residents. Working families do not require the same level of case management, but can benefit from the linkages to resources or programs that teach financial literacy, job training, and youth development. As a result, FCC is reducing the burden on local public services and the healthcare system. A Case Manager and tenant services are budgeted for the lifetime of this project.

#### *Project Funding Sources:*

Selinon Park will rely on equity raised through the allocation of Low Income Housing Tax Credits (LIHTCs) from the Michigan State Housing Development Authority (MSDHA), leveraged with a grant from the Federal Home Loan Bank’s Affordable Housing Program (AHP), and conventional debt. The feasibility of the project is also contingent upon the receipt of Project-Based Rental Assistance on a portion of the units from MSDHA, and tax abatement in the form of a Payment

In Lieu of Taxes (PILOT) agreement, negotiated with the City of Portage. The PILOT application will be submitted under separate cover from this PD application.

2. Selinon Park will be developed on a 10.72 acre site consisting of three parcels (1521 E. Centre Ave, 1603 E. Centre Ave, and 1615 E. Centre Ave). 1603 and 1615 E. Centre Ave are currently zoned R-1B, single family residential. 1521 E Centre Ave has an OS-1, office service, and RM-1, multifamily residential, designation. The proposed zoning for the entire site is PD.

Each parcel currently has a single-family home and some accessory structures, with open space consisting mainly of wooded areas to the north. The proposed development will demolish the homes on 1603 and 1615 E. Centre Ave, while retaining the historic property at 1521 E. Centre Ave as a residence for the property manager. The site has been carefully designed to preserve much of the open space at the northern end of the parcel. Most of the wooded areas will remain undisturbed except for the purposes of storm water management.

The site orients the majority of the project on the southern end of the property to allow for a clustered design that reflects urbanist principles, and will foster a strong sense of community. The layout of the buildings also capitalizes on the natural topography and vegetation of the property, augments recreational opportunities with pedestrian and bike trails, and maximizes wooded views from the apartments.

3. The construction of Selinon Park will take place in a single phase over an approximate 12 month period, more fully described in the table below. The project's primary financial support will come in the form of equity raised through the allocation of low income housing tax credits (LIHTC) from the Michigan State Housing Development Authority (MSHDA). The so-called 9% LIHTCs are awarded through a competitive application process. The next funding round is due in April 2016, with award announcements made over the summer. The Federal Home Loan Bank system operates a competitive grant program, the Affordable Housing Program (AHP) that is included in the schedule. Site control agreements with the three property owners include provisions to account for this schedule.
4. The following timetable anticipates a successful award of LIHTCs in the April 2016 funding round.

| Date     | Milestone                             |
|----------|---------------------------------------|
| 04/01/16 | MSHDA LIHTC application due           |
| 04/27/16 | FHLB Indianapolis application due     |
| 07/01/16 | MSHDA LIHTC notification              |
| 08/03/16 | FHLB Indianapolis notification        |
| 03/31/17 | Closing, construction start           |
| 03/31/18 | End construction and initial lease up |
| 07/31/18 | Substantial occupancy                 |



5. Selinon Park is well integrated into the existing development pattern and the City's Future Land Use Plan. To the west of the site is Centre Meadows Apartments, a large multifamily rental development. There are also a small number of single-family homes. To the east is a commercial greenhouse facility and Centre Street Village, another multi-family rental development. To the south is a diverse mix of commercial and office uses and a small number of single family homes. To the north is open green space and a proposed extension of the Bicentennial Trail. The Future Land Use Plan Map shows the area to be a mix of offices along East Centre and with high-density residential to the north. Selinon Park was designed to account for the existing and proposed development pattern. The exterior design of the community and service space of the project in the one-story section of the southernmost building has urbanist design elements. The northern portion of the site plan shows green space and pedestrian connections to the proposed trail extension, connecting residents with Portage's extensive pedestrian and bicycle network.
6. The project site is located at 1521, 1603, and 1615 East Centre Avenue in Portage on the north side of the street, in between Lovers Lane and Portage Road. Full Circle has executed letters of intent with each of the three owners, respectively: Anthony and Lin Davis, Mary Kindt, and Stephen Nuss. The property owners are in support of the PD application for the project. Upon successful receipt of LIHTCs from MSHDA, Full Circle Communities, Inc. will utilize the proceeds to purchase the land and develop the property according to this plan, pending final approval from the City.
7. The project proposes 74 new construction rental units, and a single unit in an existing home for the property's manager. The property is approximately 10.72 acres, with a residential density of 7 units per acre. The footprint of the buildings will cover 39,570 SF, or approximately 8% of the site. Landscaped community open space and preserved wooded open spaces together will comprise approximately 62% of the site.
8. Open space is located along the perimeter of the site, with significant wooded areas preserved in the central and northern portions of the site. Residents will be able to enjoy interconnectivity between residential and community space and a potential connection to the proposed extension of Bicentennial Trail for pedestrians and cyclists along the northern edge of the site. FCC will work with the City of Portage to obtain an easement to access this important recreation resource. FCC will also work with the City to provide secure access to the pedestrian paths that connect the trail system to E. Centre Ave. FCC will ensure quality management and maintenance of landscaped open spaces.
9. Selinon Park includes three, new construction multifamily apartment buildings, and preserves an historic single family home. The three new construction buildings have been designed by the award-winning, Michigan-based firm, Hooker DeJong. The building evokes an office appearance along E. Centre Ave, with building features echoed in the design of two townhome buildings located on the northerly portion of the site. The buildings include varied rooflines and building treatments that reflect the local context and inspire visual interest, along with efficient building features. The buildings will be constructed of high-quality, durable materials to provide long-term value to residents and the City of Portage, and to reduce maintenance and replacement

costs. Exterior materials include resilient fiber cement siding (Hardie board) in various colors and textures, and masonry veneer. The interior treatments reflect Full Circle Communities' firm commitment to delivering affordable housing that is equivalent or superior in terms of quality, energy-efficiency, and durability to the market. The buildings are connected via pedestrian footpaths. FCC will include street lights and other lighting features for security and safety, and to compensate for the lack of street lighting near the property on E. Centre Ave.

A three-story, elevator-served building is situated at the southern portion of the site. The southernmost section of the building includes a single story component incorporating community and property management space that has been intentionally designed to appear like offices along E Centre Ave. The building's footprint is 22,296 SF, with a total of 59,256 SF across all three floors. The building is 35 feet 5.5 inches as measured to the midpoint of the roof, and 26 feet 9.25 inches to the eave. The peak of the roof is 43 feet 5 inches. The front setback of the building is approximately 80 inches to the curb of E. Centre Ave. It is 49 feet from the single story component of the building to the eastern property line, and 69 feet from the three-story component of the building to the eastern property line. The building is 136 feet from the historic home at 1521 E. Centre Ave.

The building includes 24 one-bedroom units (averaging 731 SF), 22 two-bedroom units (averaging 947 SF), and 2 three-bedroom units (averaging 1,105 SF). All of the units will be visitable, and portion of the units will be barrier-free or adaptable. 46 parking spaces and a covered bicycle rack will serve this building. The building will include community spaces, a community kitchen, library, resource center and computer lab, and laundry room.

Twin, two-story, townhome buildings are located to the north of the three-story building. The three buildings are connected via pedestrian paths. The footprint of each townhome building is 8,637 SF, with a total of 17,274 SF per building, and 34,548 SF between the two buildings. The buildings are setback approximately 450 feet from E Centre Ave, with a minimum of 64 feet to the eastern property line, and minimum 119 feet to the western property line. The buildings face a shared a common green, set 97-111 feet from each other. The buildings are 23 feet 4.75 inches from the midpoint to the roof, and 17 feet 11.75 inches to the eave.

The buildings include 16 three-bedroom units (averaging 1,118 SF), and 10 four-bedroom townhomes (average 1,285 SF). The three-bedroom units are designed to resemble townhomes, but each second floor walk-up unit has private, enclosed stair access. The buildings overlook a landscaped common green with integrated pedestrian paths. 23 parking spots are located in the rear of each of the townhome buildings. A paved drive connects the two parking areas to conform to provisions in the City's fire code. The front of the townhomes have varied setbacks to the common green to increase visual interest. A covered bicycle rack will serve these buildings. All units will include in-unit laundry. All ground floor three-bedroom units will have accessible or barrier-free or adaptable unit features. All four-bedroom townhomes will include a visitable bedroom and bathroom on the ground floor.

1521 E. Centre Ave has a two-story single family historic home, designated by the Portage Historic District Commission. The property will be maintained as a residential dwelling for the property manager. Space for an accessory historic barn will be preserved behind the home, and a pedestrian and bike path will skirt the building. FCC will install fresh gravel to improve the



existing driveway access to E. Centre Ave. A Certificate of Appropriateness from the Historic District Commission (HDC) will be requested and must be obtained prior to receiving the requested rezoning, final approval from the City of Portage, and prior to the start of construction. FCC is committed to working with the HDC on this approval process, in maintaining the historic home, and restoring the historic barn.

10. Public Sanitary Sewer (8-inch) is available to the site, located in East Centre Avenue, and also available at the rear of the property (27-inch). We anticipate extending 8-inch public sanitary sewer in a 20-ft wide public easement to service all of the proposed buildings. We anticipate connecting to the existing sanitary manhole located in E. Centre Avenue, and extending northerly as needed to service all buildings. In the event the sanitary sewer in E. Centre Avenue is not deep enough to serve the northerly buildings, new sanitary sewer will connect to the existing 27-inch sanitary sewer that bisects the northerly portion of the property to serve the northerly buildings. FCC will repair or replace pavement in either scenario following guidelines from the City.

Storm drainage, designed to capture building and parking lot runoff, will be conveyed via a combination of storm sewer and drainage swales and directed to a shallow depth retention and detention area located north of the proposed building areas. Based on the soil types encountered during the geotechnical analysis, the area will be sized and graded to provide for passive recreational uses. Preliminary analysis of the site revealed clean sandy soils that promote infiltration suitable for this method of storm water management. If geotechnical analysis reveal soils unsuitable for this type of storm water management, the size of the site accommodates an engineered solution, sized and graded to provide for a constructed wetland, with controlled-rate offsite discharge at the pre-development runoff rate, directed to areas that currently accept runoff from the site.

Public water main is available to the site. A 12-inch water main is located in E. Centre Avenue, on the south side of the street. New 8-inch ductile iron water main will extend northerly into the site, loop around the proposed buildings and re-connect in E. Centre Avenue. At minimum, four new hydrants, with an average spacing of 400 feet, and located to ensure adequate fire protection will be provided at accessible locations. The as-built for plans will be submitted to the Portage Department of Public Safety, Fire Division, and Fire Marshall prior to final project approvals.

Alternatively, the 8-inch water main may be extended to the existing 8-inch water main located west of the subject property, in lieu of reconnecting to E. Centre Avenue. This method is preferred, and FCC will work with the owners of 1511 E. Centre Ave and Centre Meadow Apartments to obtain the necessary easements.

11. All public utilities will be located in public utility easements, utilizing standard City of Portage easement grant forms. Additional easement documents will be prepared for storm water management and any other easements required. All easements will be illustrated and described on the final plans provided to the City.

12. Selinon Park will be accessed through an entrance off of East Centre Ave. The entryway has been positioned directly across from a driveway to an office property on the southern side of E Centre Ave.

All parking for the project is located off-street, and will conform to design and accessibility requirements established in Section 42-521. Section 42-523 stipulates a minimum of two parking spaces per dwelling unit, for a total of 150 parking spots. Selinon Park reflects a reduction in total parking to satisfy early feedback from the City at 92 spots. The parking reduction allows urbanist principles to be incorporated into the project's design. The following calculation draws on Full Circle's property management experience of similar projects, and local and national best practices to develop an informed parking ratio reduction.

*Elevator-served building:*

24 one-bedrooms x 0.75 stall = 18 stalls

22 two-bedrooms x 1 stall = 22 stalls

2 three-bedrooms x 1.75 stalls = 3 stalls

*Townhomes:*

16 three-bedrooms x 1.75 stalls = 28 stalls

10 four-bedrooms x 1.75 stalls = 18 stalls

*Subtotal Elevator-served = 43 stalls*

*Subtotal townhomes = 46 stalls*

*Employee parking = 3 stalls*

**TOTAL = 92 stalls**

The target population of the elevator-served building are residents with physical or sensory impairments. This population often relies on specialized transport or paratransit access, rather than personal vehicles. The site plan includes a drop-off area at the entrance to the building to accommodate a range of vehicles. The building also targets low-income individuals without special needs. Residents with incomes between 30%-60% AMI are less likely to own more than one personal vehicle, and often carpool or rely on public transit more than higher income groups. The proximity to transit, pedestrian walkways, and bicycling opportunities justify a reduction in the parking ratio below 2:1 for the non-special needs, and family units. FCC is confident that 92 parking spots are more than adequate to address the parking needs of the project.

The site plan indicates several areas where the full parking requirement has been banked ("Potential Future Parking"), and could be expanded in the future, in accordance with Section 42-520.N. Although the overall ratio is 1.23 per dwelling unit, these 58 deferred parking spots can be constructed should the need arise in the future, and in consultation with the City.

An access road connects the two townhome parking lots in order to comply with fire code regulations. It is preferable that pervious pavement, or partially-vegetated pavers be used *in lieu*



of impervious pavement in this area so that it can have a dual function as open space and as an emergency vehicle access route.

13. The project includes four buildings, a three-story apartment building, twin townhome buildings, and a historic home. Although the historic home is a single-family detached dwelling, the new construction buildings are classified as attached residential. We seek a waiver from the requirement to provide a mixture of housing types as specified in Section 42-374(C). Detached residential would not provide the type of housing appropriate for the intended populations, or the plan to deliver integrated services to residents in the on-site community and case management spaces. The inclusion of smaller apartment units and townhomes provides variety within the attached residential classification.

Although the project will not include an office use, the design has sacrificed some building efficiency to create an office-type building face along E Centre Ave, to conform to the Future Land Use Plan. This site plan is only possible through a Planned Development rezoning.

14. The project is anticipated to close in Spring 2017 with construction to begin shortly after, contingent upon successful allocation of LIHTCs from the state. Final approvals will be received prior to closing. Construction will be completed within 12 months in compliance with MSHDA regulations.
15. The project relies on competitive funding sources such as the LIHTC and AHP programs. The project will receive commitments for equity providers and conventional debt in advance of the April 2016 MSHDA application deadline. The project also requires tax abatement in the form of a PILOT from the City of Portage. An application for the PILOT request has been submitted to the City under a separate cover.

## Summary

This PD proposal utilizes a thoughtful design to delivery much needed accessible, affordable housing to the City of Portage, and revitalizes and underutilized section of East Centre Ave. The site design emphasizes pedestrian networks, community interaction, and recreation opportunities. A tenant selection model which integrates families and persons with special needs creates a diverse and dynamic community that responds to demonstrated need in the community. Supportive services, funded through Full Circle Communities' innovative development model, will ensure the highest level of independent living, and can promote income mobility, potentially towards long-term homeownership in Portage. The project cannot be developed under any of the existing zoning designations, and the PD rezoning provides the flexibility to deliver a high-quality development that could spur additional investment along the East Centre Ave corridor. The development team looks forward to working with the City to deliver a signature, inclusive development with Selinon Park.

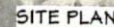




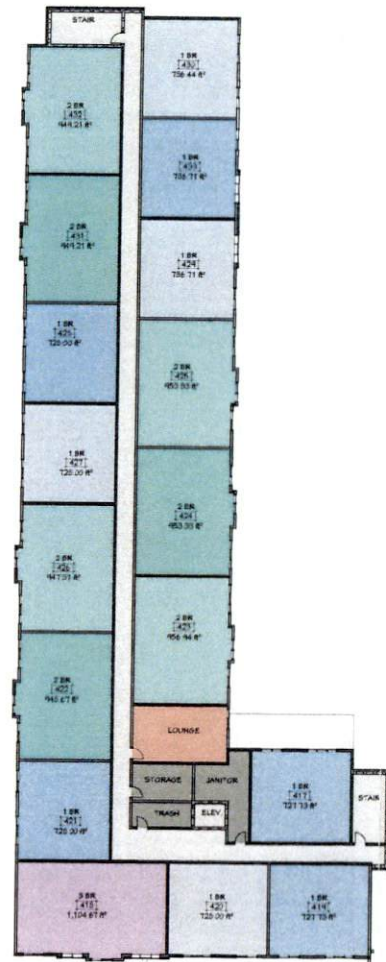
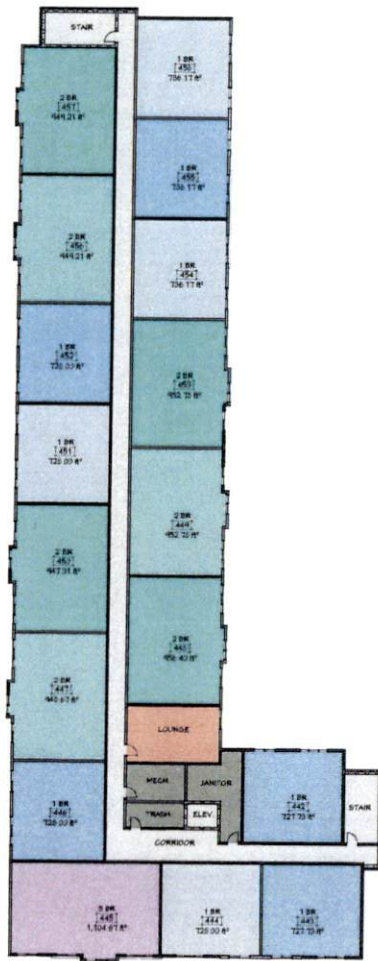




DTE ADDRESS: 101 CENTRE AVE  
DTE ADDRESS (COORDINATE): DTE ADDRESS (ADDRESS SP)  
BUILDING INFORMATION  
FLOORING: FLOORS COVERED: 3, 660 SF (18%)  
TOTAL FLOORS: 18 (55 SF / FL)  
TOTAL FLOOR AREA: 1,188 SF (24%)  
TOTAL FLOOR AREA: 1,188 SF (24%)  
FLOORS PROVIDED: 12 SPACES  
FLOORS PROVIDED WITH POTENTIAL FUTURE AS  
FLOORS: 12 SPACES  
BUILDING INFORMATION  
2 STORY APARTMENTS  
FLOOR FLOOR: 22,226 SF  
SECOND FLOOR: 1,850 SF  
THIRD FLOOR: 1,850 SF  
TOTAL FLOOR: 25,926 SF  
2 STORY TOWNHOMES (TOTAL)  
FLOOR FLOOR: 3,651 SF  
SECOND FLOOR: 1,851 SF  
TOTAL PER BUILDING: 12,754 SF  
GROSS AREA: 10,254 SF  
LIMIT INFORMATION  
2 STORY APARTMENTS (TOTAL)  
FLOOR FLOOR: 22,226 SF  
SECOND FLOOR: 1,850 SF  
THIRD FLOOR: 1,850 SF  
TOTAL FLOORING LIMITS: 25,926 SF  
2 STORY TOWNHOMES - PLATS  
FLOOR FLOOR: 3,651 SF  
SECOND FLOOR: 1,851 SF  
TOTAL PER BUILDING: 12,754 SF  
TOTALS TOTAL







| UNIT | TYPE | SQ. FT. |
|------|------|---------|
| 101  | 1BR  | 736.44  |
| 102  | 1BR  | 736.44  |
| 103  | 1BR  | 736.44  |
| 104  | 1BR  | 736.44  |
| 105  | 1BR  | 736.44  |
| 106  | 1BR  | 736.44  |
| 107  | 1BR  | 736.44  |
| 108  | 1BR  | 736.44  |
| 109  | 1BR  | 736.44  |
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| 195  | 1BR  | 736.44  |
| 196  | 1BR  | 736.44  |
| 197  | 1BR  | 736.44  |
| 198  | 1BR  | 736.44  |
| 199  | 1BR  | 736.44  |
| 200  | 1BR  | 736.44  |





VIEW FROM PARKING



VIEW FROM CENTRE AVE



SOUTH ELEVATION  
352' x 11'-0"



EAST ELEVATION  
352' x 11'-0"

**H DJ** HOOKER | DE JONG  
ARCHITECTS & ENGINEERS



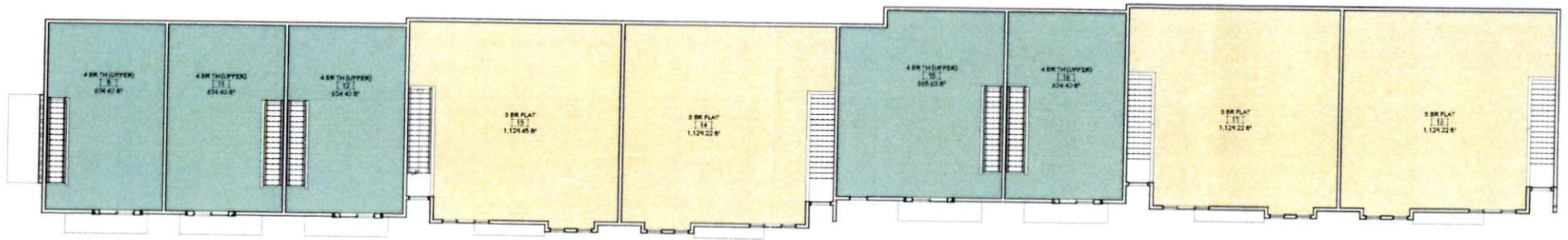
FULLCIRCLE  
communities

**SELINON PARK**

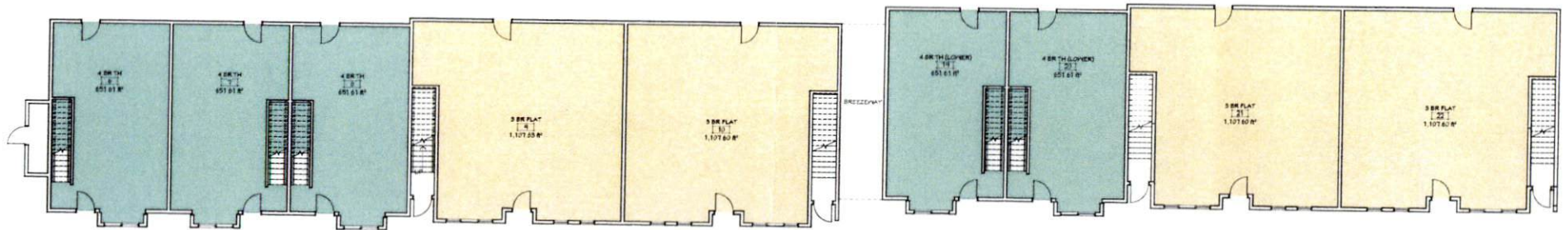
PRELIMINARY  
NOT FOR  
CONSTRUCTION

PR-4  
Sheet # 4-0861  
Date 1/19/19

EXTERIOR ELEVATIONS - 3 STORY  
FULLCIRCLE COMMUNITIES  
1675 CENTRE STREET  
PORTLAND, ME 04102



SECOND FLOOR PLAN



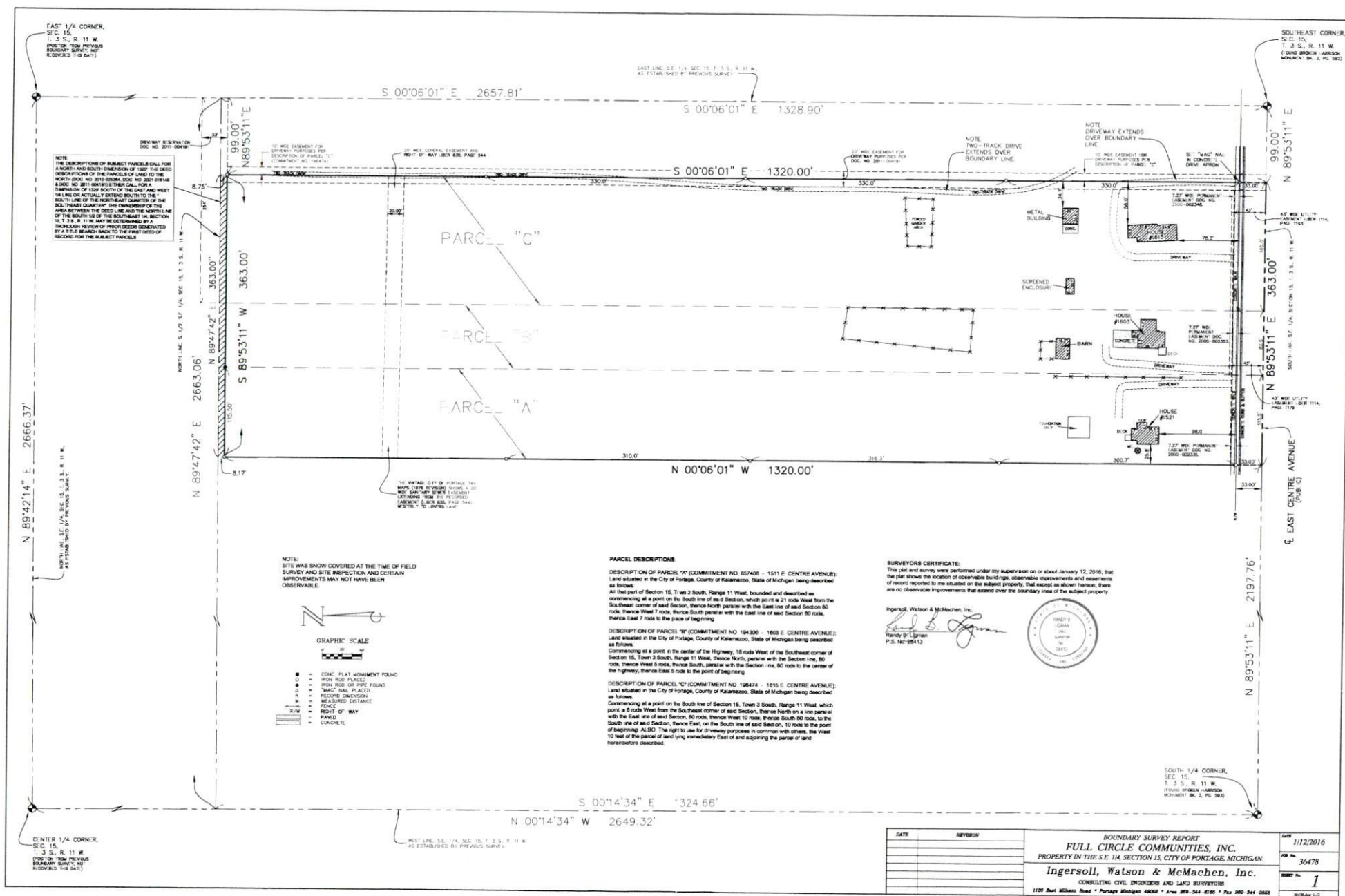
FIRST FLOOR PLAN





FRONT PERSPECTIVE







## DRAFT

City of Portage – Historic District Commission  
Wednesday- February 3, 2016  
Portage City Hall – Conference Room #2

Meeting Called to Order at 8:30 AM

**Present:** Katie VanLonkhuyzen, Suzanne Nemeth, Collin Forrest, John Lotz, Jessie Duniphin, Erica Eklov, Martha Maytnier

**Absent:** Russell Randall, James Ebert, Fred Grunert

**Guests:** Carl Kunda and Jordan Bartle from Full Circle Communities

### Old Business:

Minutes from regular meeting of January 6, 2016 approved without changes.

### New Business:

Presentation and discussion of Selinon Park, a new development proposed by Full Circle Communities that includes properties located at 1521, 1603, and 1605 E. Centre.

- **1521 East Centre Avenue is a single-family historic home. It is proposed that this home will be retained and used as the on-site manager residence.**
- Local, state and federal funding sources will be used to provide for residents with (1) physical and sensory impairments and other special needs that require barrier free units, (2) for under-housed, working families burdened with housing costs, and (3) for households with annual incomes between 30-60% of area median income.
- The building nearest East Centre Avenue frontage will be three stories and consist of 48 units. The southern portion of this building will be one-story and provide community and property management areas. In addition, the one-story portion of the building incorporating the community and property management space has been designed to appear as an office building to be consistent with the office corridor designation of East Centre Avenue.
- Two additional townhouse buildings to the north will be two-story and contain 13 units per building.
- All buildings include varied rooflines and other building materials intended to add interest and also reflect local design.
- Buildings will be constructed of high-quality, durable materials designed to reduce maintenance and replacement costs.
- Exterior materials will include brick, masonry, and fiber cement siding in various colors and textures.
- **The project will be developed in one phase. It is expected that construction will begin in March 2017 and conclude in March 2018.**

### **1521 East Centre Avenue Historic Residential Building and Barn**

- Applicant is aware that a Certificate of Appropriateness is needed from the Portage Historic District Commission before the start of construction.
- Encroachment onto this historic property has intentionally been minimized.
- Applicant is aware that in addition to the home, an historic barn accessory to the property recently collapsed and has been removed from the property.
- Prior to this proposal from Full Circle Communities, HDC was negotiating replacement of the barn with the current property owner.
- Applicant is aware that receiving a Certificate of Appropriateness from the Historic District Commission is contingent on replacement of the prior barn with a structure similar in design to the original structure or the possible relocation to the historic property of a barn currently located at 1603 East Centre Avenue that is of the appropriate age and design of the barn that has been removed from the property.

### **Old Business:**

3221 W. Milham (Nieuwenhuis)/ barn:

- On January 30, 2016, a letter was sent to the Nieuwenhuis' outlining items of concern and clarification that were discussed during a conference call to Matt Nieuwenhuis at the December 16<sup>th</sup>, 2015 HDC meeting.
- HDC has nothing to review, there has been no further communication from the property owners.

5720 Oakland (Vergunst)/barn and outbuildings:

- Noted that property owners had removed a pool, fence and poured concrete foundation to the property.
- No further communication about the barn and outbuildings.

2663 Mandigo (Kiley)/ house & outbuildings:

- Code enforcement still on-going.

8007 Cox Drive (Kasten)/ building designation

- No news

### **New Business:**

10234 East Shore (Giem) / property status

- Nothing has been done.
- Airstream still parked on property.
- Windmill needs maintenance.
- Original house is gone. Current house using the foundation.
- Entire barn is NOT original. Only the part facing the house. The Garage and silo were added to original structure.



#### Train Barn (on same property)

- City Manager toured the property to explore how the concept could be preserved.
- There has been no public access to the barn for 7-8 years.
- Downstairs there is a retail shop with merchandise stock still in place. Upstairs there are model train displays.
- Structure is not compatible with ADA access guidelines.
- There has been some slight damage to the building that would need repairs, and other possible safety issues.
- If the city were to take over the project, code infringements would have to be addressed.
- Question about whether the property could be run privately without adherence to current codes under the “grandfather” designation.

#### Non-historic Property Development Inquiry

- 12 acres
- House is historical but does not have an HDC designation. (Note\* about 16 properties originally identified by the HDC – not part of original designation.)
- Owned by trust – owner passed.
- Property owners would like to move the house.
- Property has a barn built in the 1880’s.
- Property also has several other out-buildings that may have historic value. Fellow district property owners might be interested in possibly moving some of the out-buildings to their properties.

#### **Other Business:**

##### On-going discussions:

- Should HDC have a newsletter?
- Should HDC hold an annual event highlighting something to do with historic preservation?
- Property assignments for committee members to be on the agenda for March meeting.
- Proposed amendment to 1970 Public Act 169, the law that allows local Michigan communities to protect their history throughout local historic districts.

On January 27, 2016, the Michigan Historic Preservation Network issued a press release informing citizens that Rep. Chris Afendoulis, R-Grand Rapids and Sen. Peter McGregor, R-Rockford, planned to introduce legislation that would weaken protection afforded to Michigan’s historic districts.

Significantly, the proposed amendment would: (1) dispose of current process for dissolving historic districts, allowing local legislative bodies to eliminate local historic districts without guidelines or justification or community input. (2) Change the appeals

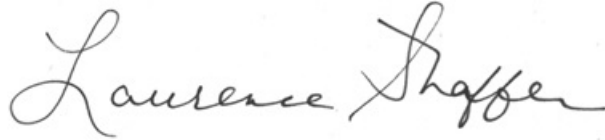
process for an aggrieved property owner within a district, removing review by a third party, the State Historic Preservation Review Board. (3) Automatically dissolves historic districts after 10 years.

A letter **against** support for this amendment was sent (on behalf of the City Manager) to Senator Margaret O'Brien and Representative Brandt Iden.



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Tax Exemption (Payment in Lieu of Taxes) for Selinon Park Apartments

**SUPPORTING PERSONNEL:** Vicki Georgeau, Director of Community Development

**ACTION RECOMMENDED:** That City Council:

1. accept for first reading an ordinance amendment to grant Selinon Park Limited Dividend Housing Association Limited Partnership a tax exemption and establish a Payment in Lieu of Taxes for Selinon Park, a proposed 74-unit multiple-family residential development to be constructed at 1521, 1603 and 1615 East Centre Avenue, and
2. take final action on March 22, 2016.

Full Circle Communities has an option to purchase 1521, 1603 and 1615 East Centre Avenue and has concurrently requested a rezoning (Rezoning #15/16-4) of these properties from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development, which must be approved prior to final action on the requested Payment in Lieu of Taxes (PILOT). As shown on the attached tentative plan, the development will provide one, two, three and four bedroom units. Local, state and federal funding sources are proposed to finance the development.

As background information, Portage offers a wide variety of housing opportunities for residents, and consistent with the 2014 Comprehensive Plan and Community Development Block Grant (CDBG) Program 2011-2015 Consolidated Plan, the City of Portage has acknowledged a need to facilitate affordable housing for persons with disabilities and/or low income households. As a result the city has approved several tax exemptions over the years to facilitate such housing in the form of a PILOT for various apartment developments. Specifically, PILOT ordinances have been adopted for the Spring Manor, the Hearthside, The Crossings II, Centre Street Village, Barrington Woods, Milham Meadows and a single-family affordable rental dwelling at 1506 Schuring Road (owned by the Kalamazoo Family Non-Profit Housing Corporation).

As outlined in the correspondence from Full Circle Communities, the development will involve the construction of an approximate \$12 million, 74-unit affordable supportive housing development within three buildings (with the use of the existing historic house at 1521 East Centre Avenue for the residence of an on-site manager). One hundred percent of the housing units will be rented at affordable rates and rents will be restricted to no more than 30% of household income. In particular, 32 housing units will be made available to households with an income at or below 30% of the Area Median Income (AMI), and 42 units will be made available to households with incomes between 30-60% of the AMI. The 48-unit three-story building will be constructed with barrier-free access and universal

design features. Within the two townhome buildings, the four-bedroom units will include a first-floor accessible bedroom and bathroom, with the remaining first floor units incorporating designs that are visitable and adaptable for persons with disabilities. Full Circle Communities estimates that one-third of the units will be occupied for persons with disabilities and other special needs. While the housing will provide independent living options, Selinon Park will provide an on-site case manager to provide links to community-based services and assistance.

The primary funding source for the proposed development will be derived from the Low Income Housing Tax Credit (LIHTC) Program administered by the Michigan State Housing Development Authority (MSHDA). In addition, a \$500,000 Affordable Housing Program Grant from the Federal Home Loan Bank of Indianapolis is proposed, and if the LIHTC is awarded by MSHDA, additional Project Based Rental Assistance from MSHDA is anticipated. Finally, to demonstrate financial feasibility for the competitive LIHTC program, MSHDA requires a PILOT from the local unit of government, which has been requested by Full Circle Communities, Inc.

As background information, tax exemptions such as PILOTS are authorized by PA 346 of 1966 for certain housing developments. Act 346 stipulates that: 1) a tax exemption granted for eligible housing developments remains in effect for as long as the authority or federally-aided mortgage is outstanding; 2) any payments in lieu of taxes received by the city must be distributed to the affected taxing units in the same proportion as the property tax in the previous calendar year; and 3) the city establish a service charge to be paid in lieu of taxes in order to implement the tax exemption for the eligible housing development. The service charge is negotiable, but may not exceed the property tax that would be paid without a service charge.

Consistent with other, more recent PILOT ordinance amendments, the city requested and the applicant has agreed to an increased PILOT of 6.5% of annual shelter (contract) rents with a minimum annual PILOT payment of \$34,071. The proposed PILOT is for 35-years, which will coincide with the term of the federally-aided mortgage (MSHDA LIHTC award) and associated “affordability period” for the rental housing units reserved for low income persons and households.

### **Project Benefits and Costs**

- The proposal will fulfill goals of the 2011-2015 Consolidated Plan approved by City Council, as part of the Community Development Block Grant program;
- The proposal will fulfill the goal to partner with for-profit and non-profit developers by providing a Payment in Lieu of Taxes incentive to help meet financing requirements for affordable housing;
- Approval of the proposal will demonstrate the continued commitment on the part of the city to enhance the range of housing choices for low income and special needs residents;
- Based on data included in the Consolidated Plan, approximately 4,350 low income households in Portage have a housing cost burden, are paying over 30 percent of their income on housing expenses. Among low income renters, 60 percent of these households have a housing cost burden;
- The proposal is consistent with the Comprehensive Plan and the development represents a \$12 million investment, which will also create and retain jobs.



Based on information submitted by Full Circle Communities, the City Assessor has estimated the annual taxes without the requested PILOT in comparison to the proposed PILOT. The table below provides the estimated annual foregone tax revenue for all taxing units, compared to the average revenue (over 35 years) that would be received from the proposed PILOT.

| Taxing Unit                                                                                                                                                                                                                                                                             | Estimated Annual Taxes Without Tax Exemption/PILOT | Estimated Average Annual PILOT Payment <sup>1</sup> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------|-----------------------------------------------------|
| City of Portage                                                                                                                                                                                                                                                                         | \$13,575                                           | \$8,495                                             |
| State Education                                                                                                                                                                                                                                                                         | \$7,455                                            | \$4,665                                             |
| School Operating                                                                                                                                                                                                                                                                        | \$22,365                                           | \$13,995                                            |
| School Building/Debt                                                                                                                                                                                                                                                                    | \$7,206                                            | \$4,510                                             |
| Portage District Library                                                                                                                                                                                                                                                                | \$1,864                                            | \$1,166                                             |
| KVCC                                                                                                                                                                                                                                                                                    | \$3,496                                            | \$2,188                                             |
| KRESA                                                                                                                                                                                                                                                                                   | \$7,960                                            | \$4,981                                             |
| Kalamazoo County                                                                                                                                                                                                                                                                        | \$7,624                                            | \$4,771                                             |
| County Transit                                                                                                                                                                                                                                                                          | \$497                                              | \$311                                               |
| County Juvenile                                                                                                                                                                                                                                                                         | \$314                                              | \$197                                               |
| County Housing Fund                                                                                                                                                                                                                                                                     | \$124                                              | \$78                                                |
| Total                                                                                                                                                                                                                                                                                   | \$72,479                                           | \$45,356                                            |
| <sup>1</sup> It is noted that over the 35-year period of the PILOT, the average payment to all taxing jurisdictions is estimated at \$45,356, while the minimum PILOT payment would be \$34,071. The PILOT payment is projected to increase to \$59,950 by the end of the PILOT period. |                                                    |                                                     |

The City Administration has carefully reviewed the application with the applicant and the City Attorney. In addition, the City Attorney has approved the proposed ordinance amendment establishing a tax abatement and PILOT for City Council review and consideration. A tax exemption with a 6.5% PILOT is recommended as referenced in the attached amendment to Chapter 70, Article 2, Division 12 of the Code of Ordinances. The proposed ordinance, if adopted, would become effective only after the acquisition of the property by Full Circle Communities and receipt/closure of the federally-aided mortgage.

Therefore, it is recommended that City Council accept for first reading an ordinance amendment to grant Selinon Park Limited Dividend Housing Association Limited Partnership a tax exemption and establish a Payment in Lieu of Taxes for Selinon Park, a proposed 74-unit multiple-family residential development to be constructed at 1521, 1603 and 1615 East Centre Avenue, and take final action on March 22, 2016.

**FUNDING:** Tax exemption and minimum annual PILOT of \$34,071.

**Attachments:**

1. Aerial Photo Map
2. Tentative Plan
3. PILOT Ordinance Amendment
4. Correspondence from Full Circle Communities





 Subject Properties

# Aerial Photo

## 1521, 1603, 1615 East Centre Avenue

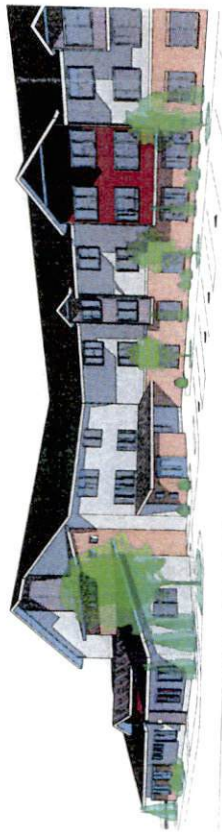


1 inch = 150 feet  
(176)





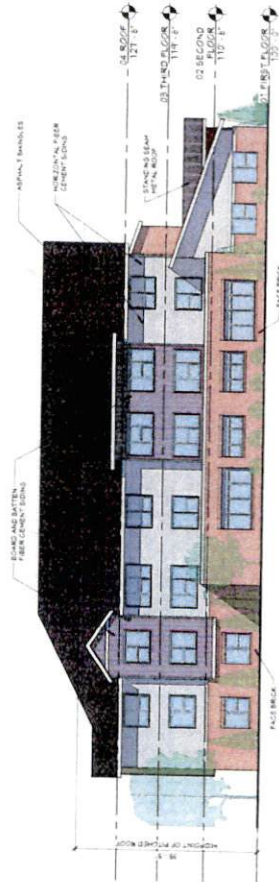




VIEW FROM PARKING



VIEW FROM CENTRE AVE



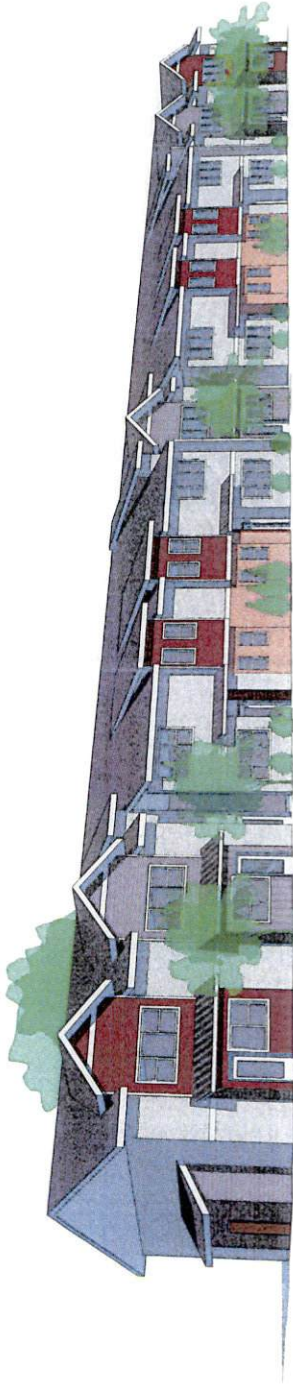
SOUTH ELEVATION



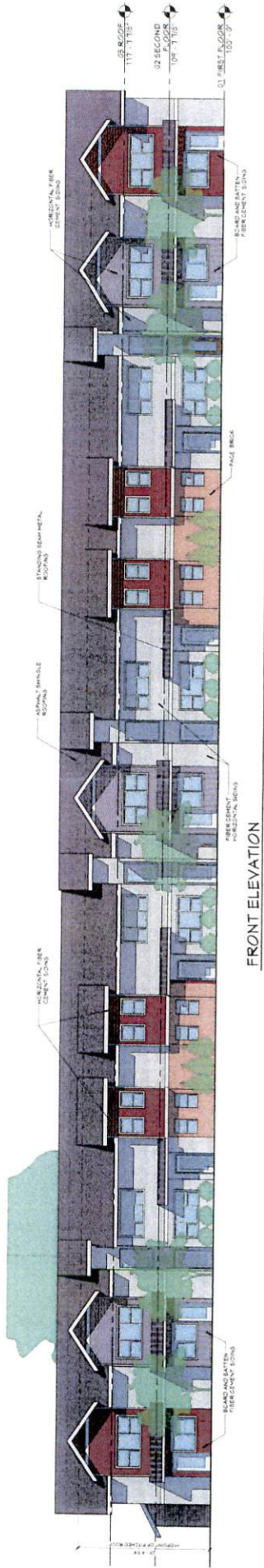
EAST ELEVATION







FRONT PERSPECTIVE



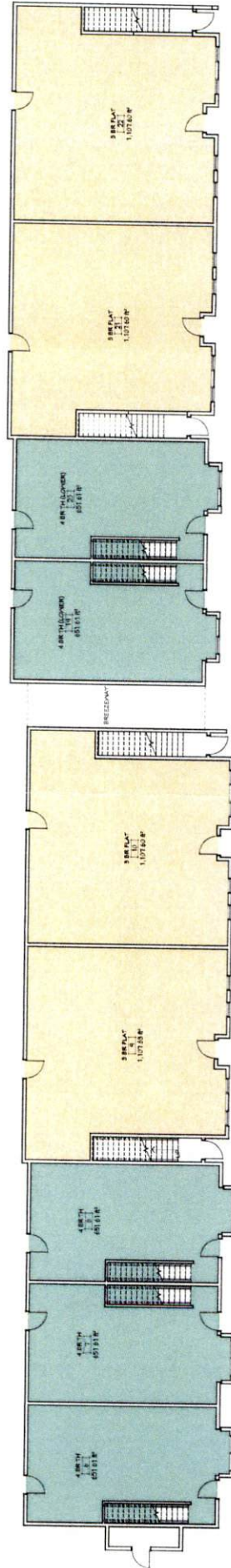
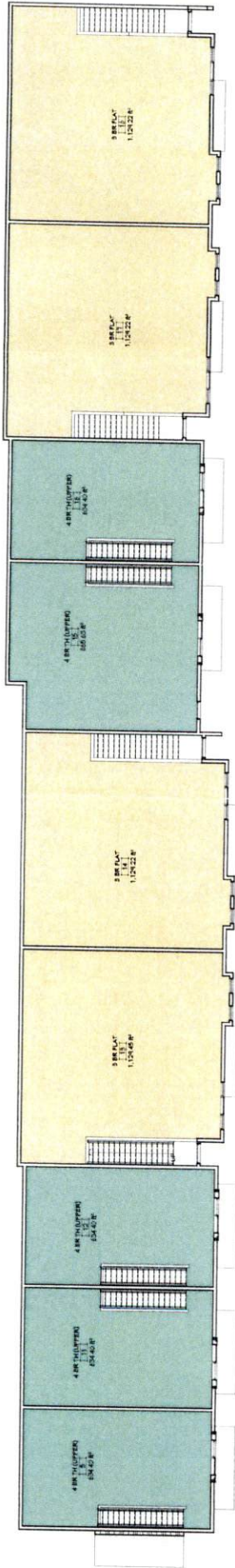
FRONT ELEVATION  
13' x 112'



# SELINON PARK



**H DJ** HOOKER | DE JONG  
ARCHITECTS & ENGINEERS



**ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 2 OF CHAPTER 70, TAXATION, TO ADD DIVISION 12, SELINON PARK PROVIDING FOR A SERVICE CHARGE IN LIEU OF TAXES**

**THE CITY OF PORTAGE ORDAINS:**

That Article 2 of Chapter 70, Taxation, is hereby amended to add Division 12, Selinon Park:

**Sec. 70-300. - Preamble and intent.**

- (a) It is acknowledged that it is a proper public purpose of the State of Michigan and its political subdivisions to provide housing for its citizens of low income and to encourage the development of such housing by providing for a service charge in lieu of property taxes in accordance with the Act. The City of Portage is authorized by this Act to establish or change the service charge to be paid in lieu of taxes by any or all classes of housing exempt from taxation under this Act at any amount it chooses, not to exceed the taxes that would be paid but for the Act. It is further acknowledged that such housing for low income persons and families is a public necessity, and as the City will be benefited and improved by such housing, the encouragement of the same by providing real estate tax exemption for such housing is a valid public purpose. It is further acknowledged that the continuance of the provisions of this Ordinance for tax exemption and the service charge in lieu of all *ad valorem* taxes during the period contemplated in this Ordinance are essential to the determination of economic feasibility of the housing projects that are constructed or rehabilitated with financing extended in reliance on such tax exemption.
- (b) The City of Portage acknowledges that Selinon Park Limited Dividend Housing Association Limited Partnership ("Sponsor") has offered, subject to receipt of an allocation under the LIHTC Program by the Michigan State Housing Development Authority, to acquire and construct, own and operate a housing development identified as Selinon Park on certain property located at 1521-1615 E Centre Avenue in the City of Portage to serve persons or families of low income, and that the Sponsor has offered to pay the City on account of this housing development an annual service charge for public services in lieu of all *ad valorem* property taxes.

**Sec. 70-301. - Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Act* means the State Housing Development Authority Act of 1966, as amended, (1966 PA 346) being (MCL 125.1401 et. seq.).

*Contract Rents* means the total contract rents (as defined by the U.S. Department of Housing and Urban Development in regulations promulgated pursuant to Section 8 of the U.S. Housing Act of 1937, as amended) received in connection with the operation of a housing project during an agreed annual period, exclusive of Utilities.

*Authority* means the Michigan State Housing Development Authority.



*Housing development* means a development which contains a significant element of housing for persons of low and moderate income and such elements of other housing, commercial, recreational, industrial, communal and educational facilities as the Authority determines improve the quality of the development as it relates to housing for persons of low and moderate income.

*LIHTC Program* means the Low Income Housing Tax Credit program administered by the Authority under Section 42 of the Internal Revenue Code of 1986, as amended.

*Mortgage Loan* means a loan that is Federally-Aided (as defined in Section 11 of the Act) or a loan or grant made or to be made by the Authority to the Sponsor for the construction, rehabilitation, acquisition and/or permanent financing of a housing project, and secured by a mortgage on the housing project.

*Persons of low income or families* shall mean households which are at or below 60 percent of area median income ("AMI") eligible to move into a housing development. With respect to this housing development 74 units will be reserved for persons or families of low income. Specifically, 32 units for households at or below 30 percent of AMI, and 42 units for households at or below 60 percent of AMI, in all instances adjusted for household size.

*Property* means the real property described commonly known as 1521, 1603 and 1615 E. Centre Avenue, Portage, MI 49002, being tax ID numbers 00015-570-O, 00015-575-O, 00015-580-O and legally described as follows:

Property located in the City of Portage, Kalamazoo County, State of Michigan, described as:

All that part of Section 15, Town 3 South, Range 11 West, bounded and described as commencing at a point on the South line of said Section, which point is 21 rods West from the Southeast corner of said Section, thence North parallel with the East line of said Section 80 rods; thence West 7 rods; thence South parallel with the East line of said Section 80 rods; thence East 7 rods to the place of beginning.

And commencing at a point in the center of the Highway, 16 rods West of the Southeast corner of Section 15, Town 3 South, Range 11 West; thence North, parallel with the Section line, 80 rods; thence West 5 rods; thence South, parallel with the Section line, 80 rods to the center of the highway; thence East 5 rods to the point of beginning.

And commencing at a point on the South line of Section 15, Town 3 South, Range 11 West, which point is 6 rods West from the Southeast corner of said Section; thence North on a line parallel with the East line of said Section, 80 rods; thence West 10 rods; thence South 80 rods to the South line of said Section; thence East on the South line of said Section, 10 rods to the point of beginning. ALSO, the right to use for the driveway purposes in common with others, the West 10 feet of the parcel of land lying immediately East of and adjoining the parcel of land hereinbefore described.

*Sponsor* means Selinon Park Limited Dividend Housing Association Limited Partnership, its successors in interest, which has applied (or is about to apply) to the authority for a mortgage loan (an allocation of Low Income Housing Tax Credits) to finance the housing development.

*Utilities* means charges for fuel, water, sanitary sewer service, and electrical service which are paid by the housing development, during the calendar year.

Sec. 70-302. - Exemption of low income housing developments only.

It is hereby determined that the class of housing developments to which the tax exemption shall apply and for which a service charge shall be paid in lieu of such taxes shall be housing for persons and families of low income, which are financed or assisted pursuant to the Act. With respect to the property, a total of 74 units will be reserved for persons of low income or families and, specifically 32 units for households at or below 30 percent of AMI, and 42 units for households at or below 60 percent of AMI, in all instances adjusted for household size. It is further determined that Selinon Park is of this class.

Sec. 70-303. - Amount of service charge.

The housing project identified as Selinon Park and the property on which it will be located shall be exempt from all *ad valorem* property taxes from and after the commencement of construction. The City acknowledges that the Sponsor and the Authority have established the economic feasibility of the housing development in reliance upon the enactment and continuing effect of this division and the qualification of the housing development for exemption from all property taxes and a payment in lieu of taxes as established in this division. In consideration of the Sponsor's acquisition of the property and offer to construct and operate the housing development, the City hereby agrees to accept the payment of an annual service charge for public services in lieu of all property taxes. The annual service charge shall be equal to 6.5% of the annual contract rents for 15 years of operation after the acquisition of the property, its receipt of an allocation of low income housing tax credits from the Authority and its commencement of its proposed construction but in any event not less \$34,071.00. Thereafter, for the 16<sup>th</sup> through 35<sup>th</sup> year, the annual service charge and minimum payment stated in this section shall be reviewed, and if the mortgage loan is still in effect and the housing development remains subject to income and rent restrictions under the LIHTC program, the annual service charge and minimum payment stated in this section shall not change.

Sec. 70-304. - Payment of service charge.

The service charge in lieu of taxes, as determined according to this division, shall be payable, enforceable and, if not paid timely, collectible in the same manner as general property taxes are payable to the City, except that the annual payment for each operating year shall be made as follows:

- (1) The minimum payment of \$34,071.00 is due on or before December 31 of each year.
- (2) All additional amounts owing from the December 31 payment of the previous year, as determined to be owing based on an audit, is due on or before by July 1 of each year.

Sec. 70-305. - Verification of contract rent.

The Sponsor shall verify annual contract rent revenues to the City with a statement of profit and loss as reported to the Authority or other form of financial deemed suitable to the City.



Sec. 70-306. - Effective period of division.

This division shall:

- (1) Become effective only after Sponsor acquires the property and receives and closes a mortgage loan; and
- (2) Shall remain in effect and shall not terminate so long as a mortgage loan remains outstanding and unpaid, and the housing development remains subject to income and rent restrictions under the LIHTC program, but not to exceed thirty-five (35) years.

Sec. 70-307. - Contractual effect of division.

Notwithstanding the provisions of Section 15(a)(5) of the Act (MCL 125.1415a(5), to the contrary, a contract between the City and the State Housing Development Authority with the Sponsor as third party beneficiary under the contract to provide tax exemption and accept payments in lieu of taxes, as described in this division is effectuated by enactment of this division.

Sec. 70-308. – Limitation on the Payment of Annual Service Charge

Notwithstanding Section 70-303, the service charge to be paid each year in lieu of taxes for the part of the housing project that is tax exempt but which is occupied by other than low income persons or families shall be equal to the full amount of the taxes which would be paid on that portion of the housing project if the housing project were not tax exempt.

Sec. 70-309. - Severability.

The various sections and provisions of this division shall be deemed to be severable, and should any section or provision of this division be declared by any court of competent jurisdiction to be unconstitutional or invalid the same shall not affect the validity of the division as a whole or any section or provision of this division, other than the section or provision so declared to be unconstitutional or invalid.

Sec. 70-310. – Inconsistent ordinances.

All divisions or parts of divisions inconsistent or in conflict with the provisions of this division are repealed to the extent of such inconsistency or conflict.

---

Peter J. Strazdas, Mayor

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

**CERTIFICATION:**

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
James R. Hudson, City Clerk

Approved as to Form:

Date: 2/17/2016  
[Signature]

\_\_\_\_\_  
City Attorney

Z:\Jody\PORTAGE\ORDINONZONE\PILOT Selinon Park.021116.docx





FULL CIRCLE  
communities

RECEIVED

FEB 11 2016

COMMUNITY DEVELOPMENT

Ms. Victoria Georgeau  
Director, Department of Community Development  
City of Portage  
7900 S Westnedge Avenue  
Portage, MI 49002

**Re: PILOT Ordinance Request – Selinon Park**

Dear Ms. Georgeau:

The following summarizes the general framework between Full Circle Communities, Inc. or its affiliate (“FCC”) and City of Portage (“Portage”) for Payment in Lieu of Taxes (“PILOT”) Ordinance for the proposed Selinon Park apartment project (“Project”), in accordance with guidelines established by the Michigan State Housing Development Authority (“MSHDA”).

- Project:** The proposed Project would entail the construction of a 75-unit multi-family, integrated supportive housing in Portage, MI.
- Ownership Structure:** The owner of the Project (“Owner”) will be a limited dividend housing association limited partnership (LDHA LP). The non-member manager of the Owner will be FCC.
- Developer:** FCC will be the developer for the Project and will be entitled to receive any developer fee, and will be utilized as outlined below in “Available Service Funds”.
- Population Served:** The Project has been designed to serve an integrated population, with an intentional design that responds to the needs of residents with special needs and working families.
- Supportive Services:** FCC will dedicate funding to provide services at the Project including a Case Manager to coordinate access to services for residents of the Project. FCC will work in coordination with property management to ensure sustainable service delivery and occupancy.
- Available Service Funds:** FCC will use a minimum of 75% of all developer fees in excess of \$250,000 that FCC receives from the Project to fund a Service Reserve. FCC will use a minimum of 75% of all cash flow distributed to it to fund tenant services and case management.
- Requested Assistance:** PILOT exemption set at the greater of 6.5% of Contract Rents or the minimum payment, as established with the City, for a period of 35 years, in compliance with MSHDA standards.

## Executive Summary

Selinon Park is a proposed new construction, 100% affordable apartment project that will be developed on a large, wooded site along East Centre Ave in Portage, Michigan. The Project will include 74 units in three residential buildings, with pedestrian and recreation paths, landscaped common areas, an outdoor recreation area for children, and an existing historic home, maintained as a residence for the Property Manager.

Selinon Park will provide affordable rental apartments designed to serve an integrated supportive housing population. In response to perceived community need, the buildings have been designed to serve a diverse population. Selinon Park provides a flexible continuum of housing and services to both individuals with special needs and working families through a unique combination of one-, two- and three-bedroom units and four-bedroom townhomes.

The project's primary funding source will be tax credit equity from the Low Income Housing Tax Credit (LIHTC) program, managed by the Michigan State Housing Finance Agency (MSHDA). The LIHTC program has strict guidelines for affordability. Tenants of LIHTC-funded projects must have verified incomes that comply with the program's income restrictions. 13 of the units (17%) will be at 50% of Area Median Income (AMI). 29 units (40%) will be at 60% AMI. 32 of the units (43%) will be income restricted to 30% AMI. The LIHTC program requires rents to be set at no more than 30% of household income (for 30%, 50% and 60% income thresholds, respectively).

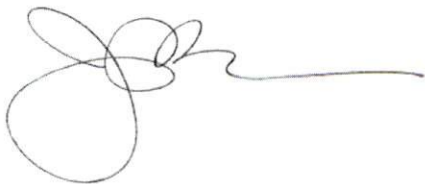
At the heart of Full Circle's mission is the understanding that housing and supportive and social services are intertwined. As a result, FCC commits at least 75% of cash flow and developer's fee to the provision of services for our residents. This service-rich housing model provides stability and independence to residents, and serves as the foundation for opportunity and enrichment.

Act 346 of the Michigan State Housing Development Authority (MSHDA) Act of 1966 recognizes the "payment in lieu of taxes" exemption (PILOT) as an important tool that facilitates the development of affordable housing for persons with low- to moderate-incomes and special needs. A PILOT provides eligible affordable housing projects with an annual service charge, calculated as a percentage of annual contract rents, *in lieu* of standard property taxes. The PILOT is designed to reduce the tax burden on the property owner, creating operational savings that enables the project to support reduced rents. MSHDA anticipates municipal support to LIHTC projects in the form of a PILOT exemption, and includes it in their program criteria. A project which does not receive a PILOT exemption is at a significant disadvantage in receiving a LIHTC award through the competitive funding process.

annua

As there are no other municipal or county funding sources available to the project, and given the income restrictions on the property, Selinon Park is not financially feasible without a PILOT. Financial feasibility has been modeled following underwriting guidelines established by MSHDA. We respectfully request a PILOT set at the greater of 6.5% of Contract Rents, or the minimum payment for a period of 35 years.

Sincerely,



Joshua Wilmoth  
Vice President



## Community Need

### *Special Needs*

Selinon Park responds to the demonstrated need for accessible, affordable housing in the City of Portage. Portage has a long history of inclusive, affordable housing options for low-income residents and families, and for persons with disabilities and other complex health conditions. The City's Analysis of Impediments to Fair Housing (2011), completed as part of their 2011-2015 Consolidated Plan, however, states that there is an unmet demand for housing for populations with special needs, with over 1,100 households reporting both a disability and housing problem. Furthermore, data from the 2009-2013 American Community Survey (ACS) shows that 11.32% of the Portage's population (nearly 5,300 people) reported a disability, with over 770 of them living within the project's Census tract.

Historically, people with physical disabilities lived at home as long as their parents were able to care for them. These people were routinely institutionalized in state-funded facilities when it became too difficult for family to care for them. Market rate housing stock often has an inadequate design to accommodate independent living, and there is also an insufficient stock of affordable options. The result is a strain on accessible living solutions of any kind, which leads many people into the last alternative of state-run or funded institutions.

The population of disabled adults is not homogenous. Some disabled adults can function relatively independently in an apartment with minimal physical accommodations like grab bars, wider doorways, and lower light switches and electrical outlets that can be reached by a person in a chair. These people are able to transfer into bed or onto a toilet independently and can live in an ADA compliant, affordable properties where physical adaptations allow them to thrive in their units. Other disabled adults who cannot transfer into or out of a bed, toilet or wheelchair independently need housing units with more customized adaptations. Many need lifts operated with remote controls that allow them to get themselves out of bed and into a wheelchair, or specialized features such as roll-in showers. Because most seriously disabled adults have difficulty engaging in the work force, many depend on social security for their basic needs. They require a housing solution that is both accessible and affordable. Selinon Park is a vastly superior and cost effective solution for low-income adults with special needs who need and want some level of personal care and can direct their own care.

### *Rent Burdened Families*

Selinon Park also addresses the needs of working families in Portage through the provision of affordable, larger units. There are numerous reasons that families, particularly those just starting out, have lingering financial problems despite the improvement in the economy. The legacy of the housing crisis can still be felt, and many households have lived and worked their way through foreclosures and reduced housing prices. As a result, the demand for affordable rental housing has grown. Furthermore, young families, many of them recent college graduates, have more student debt than any generation in history. This additional financial stress may disqualify many younger workers from taking on mortgage debt.

According to Census data, over 50% of Portage's renters are rent burdened, spending more than 30% of their income on housing. Over 1,200 renters in this rent burdened group earn between \$20,000 and \$50,000 a year. While this is below the City's median household income of \$55,035, these wages ought to provide the foundation upon which workers, particularly young families, can achieve lasting economic stability - eventually saving enough to attain homeownership. Research has shown that housing cost burden can significantly delay young working families from accumulating assets, and puts some families at risk for housing insecurity or homelessness. Moreover, the housing stock has not had time to adjust to these new



trends. According to the Census, less than 19% of the rental stock in Portage are units with three bedrooms or more, while Kalamazoo County has 25%, and Michigan has 30%.

### Project Design and Marketing

Selinon Park's flexible design and tenant selection preferences create a diverse and inclusive community. Often persons with special needs end up in secluded living situations. Their lives are maintained, but their isolation limits the amount they can be enriched. FCC's philanthropic development model will provide integrated case management and targeted services for the project's tenants that responds to their health needs, as well as their financial, educational, and career goals.

The project envisions a dynamic community where roughly a third of the units will be targeted for persons with physical, mobility or sensory impairments and other special needs. Another third of the units will target working families that struggle to find affordable accommodations or are "under-housed", a term used to identify conditions where families double-up with other families or relatives, or have other temporary housing situations that put them at risk for homelessness. This group will have incomes ranging from 30-60% AMI and will benefit from the larger units. The final third of the units will be affordable for persons making 30-60% of AMI and impart flexibility to the project's marketing preferences. This model has been developed from Supportive Housing best practices, namely research from the national nonprofit, the Corporation for Supportive Housing (CSH). The Illinois Director of CSH is a director on the FCC Board, and the organization provides technical assistance to supportive housing projects across the county. These preferences will be further articulated in our tenant selection plan, and will conform to fair housing rules.

Selinon Park provides in-unit features that allow independent living for adults with special needs, particularly mobility impairments. The project includes 48 units in a three-story, elevator-served building. All of these units will be visitable, and significant portion will be barrier-free or adaptable, and will include universal design elements and customized features like roll-in showers and adjustable height countertops. The two townhome buildings will include ground floor three-bedroom units that are visitable and adaptable. The four-bedroom townhomes will include an accessible bedroom and bathroom on the first floor. The inclusion of accessible units across three buildings on the Selinon Park campus seamlessly integrates the supportive housing population into the larger project. It also adds much needed affordable rental stock to the community, particularly the 28 units (almost 40% of the total project) that are three or four bedrooms.

### Service-rich Housing

#### *Full Circle Communities*

Full Circle Communities is a nonprofit developer, owner, and manager of affordable housing, headquartered in Chicago, IL. Like other affordable housing developers, FCC creates and preserves affordable housing. But FCC's mission goes deeper, recognizing that building a community requires a "full circle" of possibilities for its residents: not only decent, safe, affordable housing, but an array of services through which the residents can improve their access to opportunity and enhance their independence. In providing housing and services, low-income and special needs populations are empowered; not just through writing a check, but through physical sites and support networks through which they can be strengthened, and in turn strengthen others.

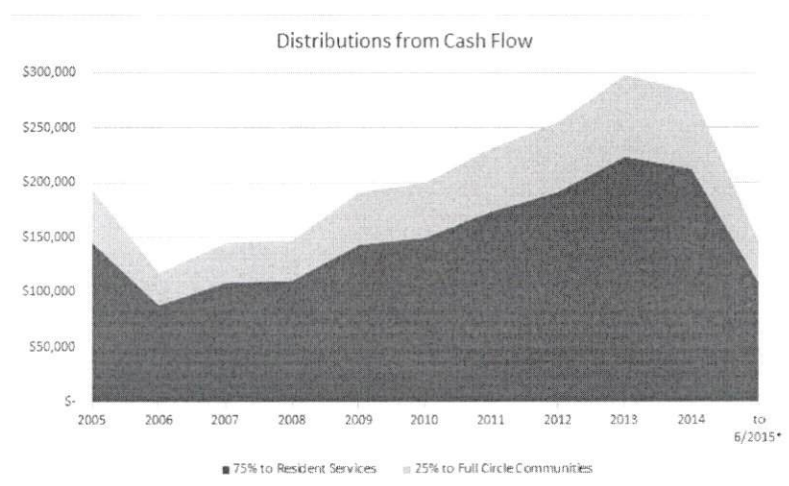
Full Circle was formed in 1999, and in 2002 acquired a 250-unit, affordable apartment community for persons 62 years of age or older, located in Naples, Florida. The model worked: where once seniors were homebound, or isolated from the larger community, they now had access to free van and transportation



services. An on-site service Case Manager paired residents with needed services like housekeeping, meal delivery, medical screenings, and physical and social recreation activities, all at little or no cost to the residents. And where the need for more affordable rents were most pressing, Full Circle committed its own funds to keeping residents in place. The company now owns more than 715 units in three states. FCC recently completed construction on 32 units of supportive housing in partnership with the Over the Rainbow Association in Chicago. In 2016, FCC will be under construction on three projects in Illinois and Iowa. Selinon Park will be Full Circle's first project in Michigan.

### *Service Funding Model*

Full Circle employs a model where 75% of the net Developer Fee, and 75% of ongoing cash flow goes towards providing services for residents. Typically that upfront portion generated by the net Developer Fee would go towards establishing what we call a Service Reserve. Some or all of the Service Reserve will be invested in interest-bearing accounts. Full Circle will also commit at least 75% of distributed cash flow at the property. Between these two sources the Case Manager's salary and additional services (e.g. financial literacy classes, health screenings, parent training, youth development) are included in the annual service budget. As currently projected, the project supports a full-time Case Manager for the life of the project. Exhibit A. provides a sample of this distribution model. The following graph shows the actual distributions over the past ten years from one of our larger properties.



### *Case Management*

FCC has developed the service model in concert with research from the Corporation for Supportive Housing (CSH) and in partnership with the Over the Rainbow Association, a nonprofit Illinois company that provides services, case management, and housing options for persons with mobility and sensory impairments and other special needs. FCC envisions a partnership with Over the Rainbow Association to staff the full-time Case Manager at the project. FCC will build other connections in the community to service providers and resources such as the Portage Community Center, and service providers that are part of the Kalamazoo County Continuum of Care.

The Case Manager will provide advocacy, service linkages and support for the residents. Where households are already receiving community-based services or assistance, the Case Manager may work in conjunction with the existing service partner to provide additional support or linkages. Services are voluntary, and are not a condition of residency. However, the Case Manager can be a valuable tool for residents. Every applicant for the proposed development will be invited to an intake interview, where the household can

meet with the Case Manager and together come up with a service plan. This plan will guide the services and referrals that we will offer, and will be revised as often as is necessary to ensure the success of the household.

Through on-site staff and community referrals, the Case Manager can provide the residents with services including but not limited to:

- Advocacy
- Case Management
- Coordinating Primary Care Attendants
- Medicare/Medicaid and Social Security assistance
- Meals
- Reasonable Modifications or Accommodations
- Transportation
- TANF and LIHEAP
- Health Awareness

The Case Manager can coordinate community linkage and transportation, which will allow the residents to shop, attend theaters, concerts or sporting events, or visit friends and neighbors as they please. They can take classes at local community colleges, attend churches or temples or volunteer in their community. The Case Manager will be responsive to the Selinon Park's integrated population. Residents with special needs will be well served by the service plan, but families can expect the same level of attention and support from the Case Manager. Family services are anticipated to focus on financial literacy, parenting, youth development, and job skills.

#### *Public Savings through Service-Rich Housing*

Many people with significant physical disabilities have the capacity and the desire to live self-reliant, self-directed lives. The Over the Rainbow Association estimates that the average cost to taxpayers for the integrated housing and service model for a tenant with special needs is approximately \$32,791 per year.<sup>1</sup> This figure represents the sum of the annual cost of the rent subsidy and the approximately 34.5 hours of personal care a week. Although it varies dependent on the type and degree of impairment, and by state, state-funded institutions or private facilities can cost in excess of \$140,000 per year.<sup>2</sup> Many disabled people do not need nor want the full-time, around-the-clock support offered by a nursing home, but rely on that more costly system because there are few affordable, independent housing options. There are also tremendous costs associated with families at risk for homelessness. Families forced into homelessness cost the system as much as \$20,000 for first time users, according to a HUD-sponsored report from 2010. The report found that in Kalamazoo, the average cost was \$3,184 per family.<sup>3</sup>

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<sup>1</sup> Estimate from Over the Rainbow Association. Available from [http://www.otrassn.org/docs/OTR\\_Marketing\\_Piece.pdf](http://www.otrassn.org/docs/OTR_Marketing_Piece.pdf).

<sup>2</sup> State of Illinois. 2009. Report of the Tax Payer Action Board. <http://www3.illinois.gov/PressReleases/Documents/TAB%20Report%20FINAL.pdf>.

<sup>3</sup> Spellman, B., Khadduri, J., Sokol, B., Leopold, J., and Abt Associates. 2010. Prepared for the U.S. Department of Housing and Urban Development. Costs Associated With First-Time Homelessness for Families and Individuals. Available from [http://www.huduser.gov/publications/pdf/Costs\\_Homeless.pdf](http://www.huduser.gov/publications/pdf/Costs_Homeless.pdf).



| SOURCES                     | 11% Capitalization Rate<br>50% Assessment Ratio | 9.5% Capitalization Rate<br>50% Assessment Ratio | With PILOT (6.5%)    |
|-----------------------------|-------------------------------------------------|--------------------------------------------------|----------------------|
| Maximum Conventional Debt   | \$ 2,500,000                                    | \$ 2,415,000                                     | \$ 2,775,000         |
| FHLB Indianapolis AHP Grant | \$ 500,000                                      | \$ 500,000                                       | \$ 500,000           |
| Tax Credit Equity           | \$ 12,075,996                                   | \$ 12,075,960                                    | \$ 12,082,438        |
| <b>TOTAL</b>                | <b>\$ 15,075,996</b>                            | <b>\$ 14,990,960</b>                             | <b>\$ 15,357,438</b> |

| USES              | 11% Capitalization Rate<br>50% Assessment Ratio | 9.5% Capitalization Rate<br>50% Assessment Ratio | With PILOT (6.5%)    |
|-------------------|-------------------------------------------------|--------------------------------------------------|----------------------|
| Acquisition       | \$ 866,000                                      | \$ 866,000                                       | \$ 866,000           |
| Hard Costs        | \$ 11,227,300                                   | \$ 11,227,300                                    | \$ 11,227,300        |
| Soft Costs        | \$ 808,471                                      | \$ 808,471                                       | \$ 808,471           |
| Financing Costs   | \$ 220,634                                      | \$ 219,776                                       | \$ 223,413           |
| Interest Expense  | \$ 431,169                                      | \$ 431,200                                       | \$ 431,328           |
| Operating Reserve | \$ 301,842                                      | \$ 305,517                                       | \$ 300,926           |
| Developer Fee     | \$ 1,500,000                                    | \$ 1,500,000                                     | \$ 1,500,000         |
| <b>TOTAL</b>      | <b>\$ 15,355,416</b>                            | <b>\$ 15,358,264</b>                             | <b>\$ 15,357,438</b> |

|            |              |              |      |
|------------|--------------|--------------|------|
| <b>GAP</b> | \$ (279,420) | \$ (367,304) | \$ - |
|------------|--------------|--------------|------|

Table 1. Estimated Sources and Uses. The value of the project was estimated using the income capitalization method, relying on capitalization rates (cap rate), the 2015 millage rate, and the assessment ratio used by the Portage City Assessor to evaluate multifamily apartment buildings. In this example two scenarios were explored for the value of the property without the PILOT exemption, utilizing the range of cap rates described by the City Assessor for similar projects.

## Need for PILOT

### *Project Finance*

*Table 1* shows estimated sources and uses for Selinon Park. The majority of the project will be financed through equity raised through the allocation of Low Income Housing Tax Credits (LIHTC) through a competitive application from MSHDA. Full Circle will apply for LIHTCs for Selinon Park in the April 2016 funding round. Awards for the project should be announced over the summer. If the project receives an award, the due diligence, environmental review, and closing period should be completed by the spring of 2017. Construction will begin upon project close with an anticipated 12 month construction period. The project will be placed in service at the end of 2017 or the beginning of 2018.

The LIHTC program includes many requirements that restrict the amount of income a project can generate, and the amount of debt a developer can support, along with intensive environmental reviews which extend the closing period well beyond market rate developments. Projects must be financially feasible according to underwriting criteria provided by MSHDA. The period of the exemption, 35 years, accounts for any debt financing that MSHDA may contribute to the deal, once tax credits have been awarded to the project.

A \$500,000 Affordable Housing Program (AHP) grant from the Federal Home Loan Bank (FHLB) of Indianapolis, which covers Michigan, is included in the project's sources. AHP grants are awarded through a separate competitive process.

### *Maximum Debt Payments*

As *Table 1* indicates, without a PILOT exemption, the project will require additional soft funding sources. The "gap" has been estimated utilizing underwriting guidelines from MSHDA and the tax credit equity provider (most likely the National Equity Fund [NEF]). The operating expenses, of which real estate taxes are a significant part, constrain the amount of debt a project can support. As operating expenses increase, the ability to cover debt payments with the income from the project decreases. The project cannot support as much conventional mortgage debt in the two scenarios representing estimated *ad valorem* real estate taxes.

### *Long-term Predictability*

MSHDA requires the project underwrite a 5% increase in annual tax payments to be financially feasible. This form of "stress testing" the project is standard for most housing finance agencies. The PILOT exemption has been structured to increase along with the project's income, as shown in *Table 3*. MSHDA strongly encourages developers to pursue this source of municipal support because of this predictability, ensuring better project underwriting at the project's inception. Projects that do not receive the PILOT exemption are not only at a financial disadvantage, but also receive less points in the competitive review criteria MSHDA uses in order to allocate this scarce resource.



| Development Proforma                                    |          |                                           |  | Total             | Per Unit       |
|---------------------------------------------------------|----------|-------------------------------------------|--|-------------------|----------------|
| <b>ACQUISITION COSTS</b>                                |          |                                           |  |                   |                |
| Land Cost                                               |          |                                           |  | 856,000           | 11,413         |
| Legal Fees - Acquisition                                |          |                                           |  | 10,000            | 133            |
| <i>Subtotal Acquisition</i>                             |          |                                           |  | <i>866,000</i>    | <i>11,547</i>  |
| <b>HARD COSTS</b>                                       |          |                                           |  |                   |                |
| New Construction Costs                                  |          |                                           |  | 9,461,632         | 126,155        |
| General Requirements                                    | 6% of    | New Construction Costs                    |  | 567,698           | 7,569          |
| General Contractor's Profit and Overhead                | 5.5% of  | New Construction Costs                    |  | 553,813           | 7,384          |
| Construction Permits and Fees                           |          |                                           |  | 40,000            | 533            |
| FFE                                                     |          |                                           |  | 75,000            | 1,000          |
| Construction Contingency                                | 5% of    | Hard Costs Above                          |  | 529,157           | 7,055          |
| <i>Subtotal Hard Costs</i>                              |          |                                           |  | <i>11,227,300</i> | <i>149,697</i> |
| <b>SOFT COSTS</b>                                       |          |                                           |  |                   |                |
| Architect's Fee - Design & Supervision                  | 4.25% of | Hard Costs Less Permits and Contingency   |  | 452,971           | 6,040          |
| Legal                                                   |          |                                           |  | 75,000            | 1,000          |
| Engineering                                             |          |                                           |  | 25,000            | 333            |
| Accounting                                              |          |                                           |  | 35,000            | 467            |
| Survey                                                  |          |                                           |  | 15,000            | 200            |
| Appraisal                                               |          |                                           |  | 5,000             | 67             |
| Marketing Study                                         |          | MSHDA Standard                            |  | 6,000             | 80             |
| Environmental Report (Phase I, Sound, Radon Assessment) |          |                                           |  | 13,000            | 173            |
| Lender's Cost Estimate                                  |          |                                           |  | 4,000             | 53             |
| Lender's Architectural Review/Inspections               |          |                                           |  | 20,000            | 267            |
| Green Certification                                     |          |                                           |  | 25,000            | 333            |
| Materials Testing                                       |          |                                           |  | 20,000            | 267            |
| Title & Recording                                       |          |                                           |  | 22,500            | 300            |
| Marketing and Leasing                                   |          |                                           |  | 40,000            | 533            |
| Contingency                                             |          |                                           |  | 50,000            | 667            |
| <i>Subtotal Soft Costs</i>                              |          |                                           |  | <i>808,471</i>    | <i>10,780</i>  |
| <b>FINANCING COSTS</b>                                  |          |                                           |  |                   |                |
| Loan Origination Fees - Construction                    | 1.00% of | Construction Loan                         |  | 99,975            | 1,333          |
| Loan Origination Fees - Permanent                       | 1.00% of | Permanent Loan                            |  | 27,750            | 370            |
| Tax Credit Application Fee                              |          | MSHDA Standard for projects over 55 units |  | 2,500             | 33             |
| Tax Credit Reservation Fee(s)                           | 6.00% of | Anticipated Credit Award                  |  | 73,188            | 976            |
| Lender's Legal Fees (Construction)                      |          |                                           |  | 20,000            | 267            |
| <i>Subtotal Financing Costs</i>                         |          |                                           |  | <i>223,413</i>    | <i>2,979</i>   |
| <b>INTEREST COSTS</b>                                   |          |                                           |  |                   |                |
| Construction Period Interest                            |          |                                           |  | 386,328           | 5,151          |
| Construction Period Real Estate Taxes                   |          | Estimate from Current Tax Bills           |  | 10,000            | 133            |
| Construction Period Insurance                           |          |                                           |  | 35,000            | 467            |
| <i>Subtotal Interest Costs</i>                          |          |                                           |  | <i>431,328</i>    | <i>5,751</i>   |
| <b>RESERVES</b>                                         |          |                                           |  |                   |                |
| Real Estate Tax Escrow                                  | 55% of   | annual PILOT payment                      |  | 23,785            | 317            |
| Insurance Escrow                                        | 105% of  | annual Insurance Cost                     |  | 23,625            | 315            |
| Rent-Up Reserve/IOD                                     | 1        | month's Operating Expenses and Debt       |  | 50,703            | 676            |
| Operating Reserve (Multifamily)                         | 4        | months' Operating Expenses and Debt       |  | 202,813           | 2,704          |
| <i>Subtotal Reserves</i>                                |          |                                           |  | <i>300,926</i>    | <i>4,012</i>   |
| <b>DEVELOPER FEE</b>                                    |          |                                           |  |                   |                |
| 9% Developer Fee                                        |          | MSHDA Standard Calculation                |  | 1,500,000         | 20,000         |
| <b>TOTAL DEVELOPMENT COSTS</b>                          |          |                                           |  | <b>15,357,438</b> | <b>204,766</b> |

Table 2. Development Proforma. Construction Debt is estimated at 4%, and Conventional Debt at 6% for 30 years based on current market rates. The credit pricing is a net cent raise of \$0.99, quoted by NEF.

| <b>Operating Proforma (Year 1)</b>                 | <b>Total</b>     | <b>Per Unit</b> |
|----------------------------------------------------|------------------|-----------------|
| Gross Potential Rent                               | 665,304          | 8,871           |
| Laundry                                            | 4,992            | 67              |
| Vacancy Loss (7%)                                  | (53,624)         | (715)           |
| <i>Effective Gross Income</i>                      | <i>616,672</i>   | <i>8,222</i>    |
| Administrative                                     | (60,400)         | (805)           |
| Management Fee                                     | (49,334)         | (658)           |
| Operating Expenses                                 | (7,095)          | (95)            |
| Maintenance                                        | (73,640)         | (982)           |
| Utilities                                          | (92,500)         | (1,233)         |
| PILOT            6.5% of            Contract Rents | (34,071)         | (454)           |
| Insurance                                          | (22,500)         | (300)           |
| LIHTC Compliance Fee*                              | (35,625)         | (475)           |
| Replacement Reserve                                | (22,500)         | (300)           |
| <i>Total Annual Expenses</i>                       | <i>(397,665)</i> | <i>(5,302)</i>  |
| <b>Net Operating Income</b>                        | <b>219,007</b>   | <b>2,920</b>    |
| Debt Service                                       | (201,601)        | (2,688)         |
| <b>Cash Flow After Debt Service</b>                | <b>17,406</b>    | <b>232</b>      |

Table 3. Operating Proforma. Contract Rent is calculated as the Effective Gross Income - Utilities. Utilities are subtracted because FCC covers utilities, rather than the tenants. 7% Vacancy Loss is the required underwriting guideline from NEF.



| Year  | Gross Potential Rents | Other Residential Income (Laundry) | Vacancy Loss (7 %) | Site Utility Costs | Net Shelter Rents | 6.5% PILOT Payment | (per unit) |
|-------|-----------------------|------------------------------------|--------------------|--------------------|-------------------|--------------------|------------|
| 1     | 665,304               | 4,992                              | (53,624)           | (92,500)           | 524,172           | 34,071             | 454        |
| 2     | 671,957               | 5,042                              | (47,390)           | (95,275)           | 534,334           | 34,732             | 463        |
| 3     | 678,677               | 5,092                              | (47,864)           | (98,133)           | 537,772           | 34,955             | 466        |
| 4     | 685,463               | 5,143                              | (48,342)           | (101,077)          | 541,187           | 35,177             | 469        |
| 5     | 692,318               | 5,195                              | (48,826)           | (104,110)          | 544,577           | 35,398             | 472        |
| 6     | 706,164               | 5,299                              | (49,802)           | (107,233)          | 554,428           | 36,038             | 481        |
| 7     | 720,288               | 5,405                              | (50,798)           | (110,450)          | 564,444           | 36,689             | 489        |
| 8     | 734,693               | 5,513                              | (51,814)           | (113,763)          | 574,628           | 37,351             | 498        |
| 9     | 749,387               | 5,623                              | (52,851)           | (117,176)          | 584,983           | 38,024             | 507        |
| 10    | 764,375               | 5,735                              | (53,908)           | (120,692)          | 595,511           | 38,708             | 516        |
| 11    | 779,663               | 5,850                              | (54,986)           | (124,312)          | 606,214           | 39,404             | 525        |
| 12    | 795,256               | 5,967                              | (56,086)           | (128,042)          | 617,096           | 40,111             | 535        |
| 13    | 811,161               | 6,086                              | (57,207)           | (131,883)          | 628,157           | 40,830             | 544        |
| 14    | 827,384               | 6,208                              | (58,351)           | (135,839)          | 639,401           | 41,561             | 554        |
| 15    | 843,932               | 6,332                              | (59,518)           | (139,915)          | 650,831           | 42,304             | 564        |
| 16    | 860,810               | 6,459                              | (60,709)           | (144,112)          | 662,449           | 43,059             | 574        |
| 17    | 878,027               | 6,588                              | (61,923)           | (148,435)          | 674,256           | 43,827             | 584        |
| 18    | 895,587               | 6,720                              | (63,161)           | (152,888)          | 686,257           | 44,607             | 595        |
| 19    | 913,499               | 6,854                              | (64,425)           | (157,475)          | 698,453           | 45,399             | 605        |
| 20    | 931,769               | 6,991                              | (65,713)           | (162,199)          | 710,848           | 46,205             | 616        |
| 21    | 950,404               | 7,131                              | (67,027)           | (167,065)          | 723,443           | 47,024             | 627        |
| 22    | 969,412               | 7,274                              | (68,368)           | (172,077)          | 736,241           | 47,856             | 638        |
| 23    | 988,801               | 7,419                              | (69,735)           | (177,240)          | 749,245           | 48,701             | 649        |
| 24    | 1,008,577             | 7,568                              | (71,130)           | (182,557)          | 762,457           | 49,560             | 661        |
| 25    | 1,028,748             | 7,719                              | (72,553)           | (188,033)          | 775,881           | 50,432             | 672        |
| 26    | 1,049,323             | 7,873                              | (74,004)           | (193,674)          | 789,518           | 51,319             | 684        |
| 27    | 1,070,310             | 8,031                              | (75,484)           | (199,485)          | 803,372           | 52,219             | 696        |
| 28    | 1,091,716             | 8,192                              | (76,994)           | (205,469)          | 817,445           | 53,134             | 708        |
| 29    | 1,113,550             | 8,355                              | (78,533)           | (211,633)          | 831,739           | 54,063             | 721        |
| 30    | 1,135,821             | 8,522                              | (80,104)           | (217,982)          | 846,257           | 55,007             | 733        |
| 31    | 1,158,537             | 8,693                              | (81,706)           | (224,522)          | 861,002           | 55,965             | 746        |
| 32    | 1,181,708             | 8,867                              | (83,340)           | (231,257)          | 875,977           | 56,939             | 759        |
| 33    | 1,205,342             | 9,044                              | (85,007)           | (238,195)          | 891,184           | 57,927             | 772        |
| 34    | 1,229,449             | 9,225                              | (86,707)           | (245,341)          | 906,626           | 58,931             | 786        |
| 35    | 1,254,038             | 9,409                              | (88,441)           | (252,701)          | 922,305           | 59,950             | 799        |
| TOTAL | 32,041,451            | 240,418                            | (2,266,434)        | (5,592,743)        | 24,422,693        | 1,587,475          | 21,166     |

Table 4. Estimated PILOT Payment. MSHDA and NEF set underwriting guidelines for vacancy loss, and the rate at which expenses and income increases for the life of the project. Gross Potential Rents in this calculation include an estimated number of units that will receive Project Based Rental Assistance (PBRA) from MSHDA. The amount of PBRA will not be known until after the project has received an allocation of LIHTCs. The project must demonstrate financial feasibility without the PBRA at the time of application. It must also reserve against the possibility that PBRA no longer receives funding from the state or HUD.

# PROPERTY INFORMATION

|                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |              |                               |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|-------------------------------|
| <b>Location:</b>            | Selinon Park is located along Centre Avenue between Lovers Lane and Portage Road, one mile east of central Portage and six miles south of central Kalamazoo.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |              |                               |
| <b>Property Type:</b>       | 74 units of quality, service-rich affordable rental housing in three new construction buildings. Units will be targeted to low-income families and individuals along with people with special needs. There is an additional manager's unit located in an existing historic home.                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                               |
| <b>Address:</b>             | 1521-1615 East Centre Avenue<br>Portage, MI 49002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |              |                               |
| <b>Site Description:</b>    | The project site is on approximately 10.7 acres in a mixed residential/commercial neighborhood with convenient access to transportation and retail. Selinon Park is well integrated into the existing development pattern and the City's Future Land Use Plan. To the west of the site is Centre Meadows Apartments, a large multifamily rental development. There are also a small number of single family homes. To the east is a commercial greenhouse facility and Centre Street Village, another multifamily rental development. To the south is a diverse mix of commercial uses and a small number of single family homes. To the north is open green space and a proposed extension of the Bicentennial Trail. |              |                               |
| <b>Construction:</b>        | Selinon Park will be constructed with wood framing on a concrete slab foundation. Exteriors will be masonry and fiber cement siding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                               |
| <b>Site Layout:</b>         | A three-story, elevator-served building is situated at the southern portion of the site. The southernmost section of the building includes a single story component incorporating community and property management space. Twin, two-story, townhome buildings are located to the north of the three-story building. The three buildings are connected via pedestrian paths. An existing two-story single family historic home is located in the southwest portion of the site and will be maintained as the manager's unit.                                                                                                                                                                                           |              |                               |
| <b>Building Components:</b> | Foundation – Concrete<br>Framing – Wood construction<br>Exterior – Masonry and fiber cement siding<br>Roofing – Architectural asphalt roof shingles<br>Parking Surface – Asphalt and permeable pavers                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |              |                               |
| <b>Unit Mix:</b>            | <b>Unit Mix</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Units</b> | <b>Average Square Footage</b> |
|                             | 1 Bed/1 Bath (Apartment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 24           | 731                           |
|                             | 2 Bed/1 Bath (Apartment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 22           | 947                           |
|                             | 3 Bed/1 Bath (Townhome)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 16           | 1,118                         |
|                             | 3 Bed/1 Bath (Apartment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 2            | 1,105                         |
|                             | 4 Bed/2 Bath (Townhome)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 10           | 1,285                         |
|                             | Manager's Unit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 1            | *existing historic property   |
|                             | <b>Total</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | <b>75</b>    |                               |
| <b>Flood Zone:</b>          | Zone X – outside floodplain area                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |              |                               |
| <b>Square Footage:</b>      | Total – 466,092 SF (10.7 acres)<br>New Construction Buildings – 39,570 SF footprint, 93,804 SF total                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |              |                               |



|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                           | Parking/Walks – 73,866 SF<br>Undisturbed – 116,100 SF                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| <b>Project Amenities:</b> | Amenities include: <ul style="list-style-type: none"> <li>• Community room with kitchen</li> <li>• Case management offices</li> <li>• Storage space for residents</li> <li>• Computer room</li> <li>• Library and Resource Center</li> <li>• Laundry room</li> <li>• Bike racks</li> <li>• Playground</li> <li>• Picnic area</li> <li>• Abundant green and open space</li> <li>• Pedestrian and bike trail system</li> </ul>                                                                                                                                                                                                                                       |
| <b>Unit Amenities:</b>    | Amenities include: <ul style="list-style-type: none"> <li>• In-unit laundry (townhomes only)</li> <li>• Barrier-free, accessible, or visitable design features             <ul style="list-style-type: none"> <li>○ All doorways greater than 32” clear</li> <li>○ Minimum 5’ radius in all rooms</li> <li>○ Roll-up / roll-under kitchen cabinets, cook tops and appliances</li> <li>○ Roll-in showers</li> <li>○ Transfer lifts in each bedroom and living room, as needed</li> <li>○ Outlets and switches at wheelchair accessible heights</li> <li>○ Auditory or lighting signals</li> </ul> </li> <li>• Furnished appliances</li> <li>• Central AC</li> </ul> |

*Exhibit A.*

**Sample Service Budget Distribution:**

For a hypothetical deal with a \$650,000 developer fee and \$40,000 per year in distributable cash flow:

|                               |                     |                                                |
|-------------------------------|---------------------|------------------------------------------------|
| Paid Developer Fee:           | \$ 650,000          | (excluding deferred fee paid out of cash flow) |
| Less Initial FCC Fee:         | <u>(\$ 250,000)</u> | (costs of guarantees and development staff)    |
| Net Developer Fee:            | <u>\$ 400,000</u>   |                                                |
| 75% split to Service Reserve: | \$ 300,000          |                                                |

FCC would encourage that some or all of the Service Reserve be invested in interest-bearing accounts, or reinvested in other development opportunities as an above-market interest loan. Assume that at least 50% of the Reserve is invested at an average of 7% return:

|                   |            |
|-------------------|------------|
| Service Reserve:  | \$ 300,000 |
| 50% reinvestment: | \$ 150,000 |
| 7% annual return: | \$ 10,500  |

FCC will also commit at least 75% of distributed cash flow for services at the property:

|                               |                                                   |
|-------------------------------|---------------------------------------------------|
| Cash Flow distributed to FCC: | \$ 40,000                                         |
| 75% for services:             | <u>\$ 30,000</u>                                  |
| Total annual service dollars: | \$ 40,500 (includes investment return from above) |

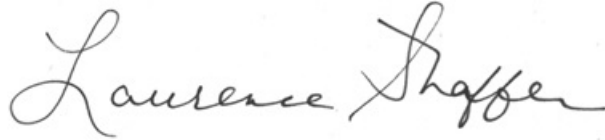
These service dollars will be paid to the Over the Rainbow Association and other community service providers in the Kalamazoo County Continuum of Care for services and market-based administration costs associated with said service provision.

While it should be understood that these service dollars will not cover the entire cost of service provision, by working with FCC, the service provision partners can ensure that they have a capable partner, and will still receive a significant portion of the project economics to use for service provision.



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Annual VMWare Maintenance and Support Renewal

**SUPPORTING PERSONNEL:** Devin Mackinder, Director of Technology Services

**ACTION RECOMMENDED:** That City Council approve the annual VMWare maintenance and support contract renewal with CDW-G at a total cost of \$22,600 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The city technology infrastructure includes 44 servers to support the numerous emergency and non-emergency software applications and appliances. To maximize server usage and minimize equipment costs, the Technology Services Department has virtualized all 44 servers with the VMWare solution. Essentially, virtualization allows for running multiple virtual machines on a single physical machine with each virtual machine sharing the resources of that one physical computer across multiple environments. This type of server architecture conserves server space through consolidation and maximizes data redundancy, among other technical advantages which make network administration more efficient and reliable. Virtualization continues to be a top technology priority of state IT departments according to the National Association of State Chief Information Officers.

The Technology Services Department procured discounted pricing for a maintenance and support contract in the amount of \$22,600 from CDW-G through the National IPA Technology Solutions Contract. As the preferred reseller of VMWare products and services, CDW-G is the only reseller to receive the discounted government pricing on behalf of the city. As verification, a second quote was procured directly from VMWare in the amount of \$23,320.97 confirming the CDW-G special discount pricing. This one-year pricing is significantly lower than the previous year's pricing of \$36,798 due to recent modifications to the city server infrastructure.

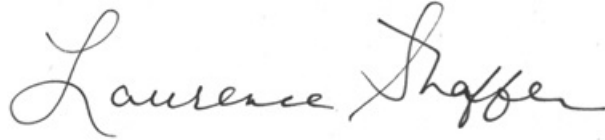
Therefore, it is recommended that City Council approve the annual VMWare maintenance and support contract renewal through CDW-G in the amount of \$22,600 and authorize the City Manager to execute all documents related to this action on behalf of the city.

**FUNDING:** Funds are available in the Technology Services 2015-16 Fiscal Year operating budget.

**Attachments:** 1. N/A

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Fiscal Year 2016-2017 Proposed Budget Review Schedule

**SUPPORTING PERSONNEL:** William Furry, Finance Director

**ACTION RECOMMENDED:** That City Council establish April 19 and May 3, 2016 from 4:30 to 8:30 p.m. as the dates for review of the proposed Fiscal Year 2016-2017 Budget.

City Council will receive the proposed Fiscal Year 2016-2017 budget on April 12, 2016. The budget review schedule has been developed to permit review of all budget aspects. Budget review sessions are proposed for Tuesday, April 19 and Tuesday, May 3 at 4:30 p.m. on each of the proposed dates in Conference Room #1 of Portage City Hall. A tentative schedule of 2016-2017 budget review activity is attached.

Further, a public hearing on the proposed budget will be held during the May 10, 2016 regular meeting of City Council, with formal adoption scheduled for May 24, 2016. As in the past, the review sessions, public hearing and other Council meetings will provide ample opportunity for public comment and analysis.

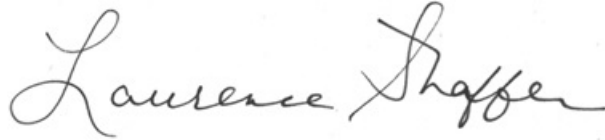
**FUNDING:** N/A

**Attachments:** 1. N/A



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** 2016 March Board of Review Session

**SUPPORTING PERSONNEL:** Edward VanderVries, City Assessor

**ACTION RECOMMENDED:** That City Council adopt the Resolution setting the dates and times for the 2016 March Board of Review sessions.

The Board of Review meets annually in March for the purpose of hearing current-year property assessment appeals. The attached Resolution has been prepared to set the meeting dates for the first session of the Board of Review on March 14, 15, 16 and 17, 2016, and for the second session on March 29, 2016, in accordance with the City Charter. The 2016 residential assessment change notices were mailed to property owners on February 15, 2016, providing residential property owners notification approximately 28 in advance of the upcoming Board of Review.

Board of Review members attended training held by the Michigan Townships Association and will attend a session regarding commercial property hosted by David Rice, Edward Rose & Sons in the near future.

It is recommended that the Resolution setting the dates and times for the 2016 March Board of Review sessions be adopted by City Council.

**FUNDING:** N/A

**Attachments:** 1. Resolution Regarding the March Board of Review

## CITY OF PORTAGE

### 2016 BOARD OF REVIEW RESOLUTION

Moved by Council Member

Supported by Council Member

**WHEREAS**, the City Charter of the City of Portage, Section 8.6, requires that the City Council set the date, time of day, and place for the meeting of the first and second sessions of the Board of Review.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Review shall convene in its first session on Monday, March 14, 2016, at 9:00 am for the organizational meeting in Conference Room 1 located at City Hall, Portage, Michigan and shall continue for appointments on Tuesday, March 15, 2016 in Conference Room 1 and Conference Room 2 at the same location, commencing at 12:00 Noon to 5:00 PM and from 6:00 PM to 7:30 PM, and shall continue in session on Wednesday, March 16, 2016, from 12:00 Noon to 5:00 PM and 6:00 PM to 7:30 PM, and shall continue in session on Thursday, March 17, 2016 from 9AM to 12:00 Noon and 1:00 PM to 4:00 PM, and on such additional days as may be required to hear all persons who have given notice of desire to be heard.

**BE IT FURTHER RESOLVED** that the Board of Review shall convene in its second session on Tuesday, March 29th, 2016, from 9:00 AM until all interested parties have been heard, but not less than 6 hours.

**BE IT FURTHER RESOLVED** that members of the Board of Review shall be compensated each at the rate of \$100.00 per day for each day or portion thereof as they may be legally in session pursuant to the discharge of their duties.

**BE IT FURTHER RESOLVED** that notice of the times and place of the sessions of the Board of Review shall be published in a newspaper of general circulation in the City not less than ten (10) days prior to the first meeting of the Board of Review in three (3) successive issues of the newspaper.

Appointments are available by calling the City Assessor's Office.

ADOPTED:        YEAS:  
  
                     NAYS:  
  
                     ABSENT:

\_\_\_\_\_  
James R. Hudson, City Clerk

### CERTIFICATE

I certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of the City of Portage held on the 23th day of February 2016, the original of which resolution is on file in my office.

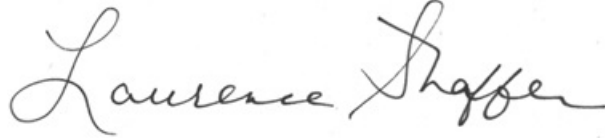
APPROVED AS TO FORM  
DATE 2/10/16  
\_\_\_\_\_  
CITY ATTORNEY

\_\_\_\_\_  
James R. Hudson, City Clerk



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** January Environmental Summary Report

**SUPPORTING PERSONNEL:** W. Christopher Barnes, Director of Transportation and Utilities

**ACTION RECOMMENDED:** Information Only

Attached please find the January 2016 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes, P.E. New material or material of specific interest to City Council is presented in italics.

City Council has a quality of environment goal to “enhance environmental quality and protect natural resources.” The summary report is intended for informational purposes and to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

**FUNDING:** N/A

**Attachments:** 1. January 2016 Environmental Summary Report

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
January 2016 (*updates in italics*)

| <b><u>Project/Activity</u></b>             | <b><u>Description</u></b>                                                                                                                                                           | <b><u>Status</u></b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|--------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Portage City Landfill                      | Ongoing groundwater monitoring of former municipal landfill.                                                                                                                        | -Beginning in 1991, South Westnedge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 <sup>nd</sup> year of AHC's contract is underway with annual testing ongoing. |
| Site Inspection/Development Project Review | Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed. | -Coordination with property owners and City or State agencies ongoing.<br><i>-Review of 7 site/building plan and/or plats completed in January 2016.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Sewer Connection Program                   | Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.                                                                         | <i>-Sanitary sewer hookup permits issued in January 2016: 6 residential; 0 commercial.</i>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| West Lake Management Program               | Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.                                | -Five Year Lake Management Assessment District process was approved by City Council. The West Lake Improvement association has completed a five year plan for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. The Association has selected to use                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |



Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application completed in mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The 2015 weed treatment bids were received on February 24, 2015. City Council approved weed treatment contract with Professional Lake Management Company on April 10, 2015. Weed treatment was completed in June. The Association has requested to renew the contract with Restorative Lake Science for 2016.

|                                                          |                                                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|----------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Retention Basin Sampling Program (Groundwater Elevation) | Investigation regarding potential impact of retention basins on groundwater levels.                                          | -Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in October 2014 and July 2015. Monthly sampling at two retention basins continues. Current findings show groundwater levels of approximately the same as 2015 levels.                                                                                                         |
| Wellhead Protection Program (WHPP)                       | Development of program to protect City well fields and surrounding area from contamination resulting from improper land use. | -Current Wellhead Protection was approved March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation was submitted to the Michigan Department of Environmental Quality for review and approval. Letter of approval received from MDEQ on June 15, 2015. Program implementation is ongoing. |
| Leaf Compost Monitoring Program                          | Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.                                           | - City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in                                                                                                                                                                                                                                      |

2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2015, with report submitted. No significant change in groundwater impacts.

National Pollution  
Discharge Elimination  
System (NPDES)  
Permit Implementation

Five year plan to implement the  
current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. New permit application was submitted in March 2015. Semi-annual report submitted to MDEQ on December 21, 2015. Implementation is ongoing.

National Pollution  
Discharge Elimination  
System (NPDES)  
Permit Implementation

Kalamazoo River Mainstream  
Watershed Management Plan

- Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.



Portage River Watershed  
Management Plan

-Original proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conversation District. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

Plan to implement and maintain an  
Illicit Discharge Elimination Program  
(IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary report received. Report submitted to MDEQ as part of the annual report. Next report due in June 2016.

|                                                     |                                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Garden Lane Arsenic Removal Facility                | <i>Native Prairie Restoration</i>                                                                                                              | Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational signs are complete and maintenance is ongoing. Native prairie burn is being planned for 2016.                                                                                                                                                                                                                                                                                 |
| Environmental Incident/Spill Clean Up Notification  | Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.                           | Emergency spill response contract for 2014-15 with Terra Contracting has been renewed. <i>The number of environmental incident/spill investigations performed in January – 0. Number of environmental cleanups in January– 0.</i>                                                                                                                                                                                                                                                                                                                                                               |
| Southwest Michigan Regional Sustainability Covenant | Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability. | On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments. |



## How to Ride

Reservations are required and can be made by calling 350-2970 between 8:00 a.m. and 5:00 p.m. Sunday through Friday. Reservations can be made up to seven days in advance and no later than the previous day by 5:00 p.m. There is no Sunday service, but the reservation line is open. Same day service is on a space available basis.

To become certified to ride at a reduced fare, you must request and complete an application and professional verification. The application forms will be reviewed by the ADA Coordinator.

## ADA Access Service

ADA Access is available for people who are unable, as a result of a disability, to use the fixed-route accessible bus service some or all of the time. Access provides origin-to-destination service and is assured under the Americans with Disabilities Act (ADA). After an application for Access service is received by the Metro County Connect coordinator, certification can take up to 21 days. You will be notified in writing.

## Tips for Riding

- Metro County Connect is for anyone traveling within Kalamazoo County.
- Fares vary according to qualifications and use.
- More detailed information and applications for reduced fare are available online at [www.kmetro.com](http://www.kmetro.com) or by calling 337-8222.
- Reservations are made by calling 350-2970.
- All vehicles are accessible for people with disabilities.
- The service is provided by the Kalamazoo County Transportation Authority.



## Public Transportation Demand/Response Service



**Serving Kalamazoo County**

**[www.kmetro.com](http://www.kmetro.com)  
337-8222**

Effective: 1/1/14



## Metro County Connect

Metro County Connect is a shared ride origin-to-destination public transit service that travels throughout Kalamazoo County. Metro County Connect is open to all residents of Kalamazoo county and offers a discounted fare for individuals certified as having a disability and seniors who are 62 years of age or older.

## Hours of Operation

Metro County Connect service is provided from 6:00 a.m. to 10:15 p.m. Monday through Saturday. No Sunday service is provided. Metro County Connect operates the same days as Metro Transit, with no service on major holidays. In the event of bad weather, service may be temporarily suspended.

## Service Area

Metro County Connect Demand/Response service covers all of Kalamazoo County and the VA Hospital in Battle Creek.

## Detailed Information

More detailed information is available online at [www.kmetro.com](http://www.kmetro.com) or by calling 337-8477 and requesting a Rider's Guide.

## Fares

Fares for a one-way trip vary according to an individual's eligibility. The fares are:

**\$12.00 Cash Fare**—person not registered as either a senior or passenger with a disability.

**\$14.00 Cash Subscription Fare**—person not registered as a senior or passenger with a disability for a Subscription.

**\$4.00 Reduced Fare Demand/Response**—certified senior or passenger with a disability for a demand/response trip.

**\$6.00 Demand/Response Subscription Trip**—for a routine ride for a medical, employment or education trip.

**\$3.00 Access Fare**—person certified as ADA eligible traveling within the Access service area. Access Subscription Service fare is also \$3.00.

**\$10.00 Child Fare**—a child more than 48 inches tall. Children under 48 inches tall ride for free when accompanied by an adult.

## Seniors

People 62 years or older are eligible to ride Metro County Connect at a reduced fare of \$4.00 with certification.

To become certified to ride at the reduced fare, please visit the Metro Transit customer service booth at the Kalamazoo Transportation Center, 459 North Burdick in Kalamazoo with an ID proof of your age.

Applications are available online at [www.kmetro.com](http://www.kmetro.com) or by calling 337-8222.

## People with Disabilities

A person with a disability can ride at a reduced fare of \$4.00 with certification. A person with a disability who is ADA certified and traveling within the Access service area of 3/4 mile beyond a Metro Transit bus route can ride for \$3.00.

Please request an application for certification at 337-8477 or print it from the web at [www.kmetro.com](http://www.kmetro.com).



| KCTA Millage Projection - Millage Rate of 0.315 |                     |                     |                     |                     |                     |
|-------------------------------------------------|---------------------|---------------------|---------------------|---------------------|---------------------|
| Revenues                                        | 2017 Projected      | 2018 Projected      | 2019 Projected      | 2020 Projected      | 2021 Projected      |
| <b>Operating Revenues</b>                       |                     |                     |                     |                     |                     |
| KCTA Millage - 0.315                            | \$ 2,508,188        | \$ 2,508,188        | \$ 2,508,188        | \$ 2,508,188        | \$ 2,508,188        |
| Federal Grants - 5307                           | \$ 729,494          | \$ 744,083          | \$ 758,965          | \$ 774,144          | \$ 789,627          |
| Federal Grants - 5311                           | \$ 13,573           | \$ 13,573           | \$ 13,573           | \$ 13,573           | \$ 13,573           |
| State Grants                                    | \$ 1,644,828        | \$ 1,703,580        | \$ 1,764,433        | \$ 1,845,261        | \$ 1,929,856        |
| State Grant - Reimbursement                     | \$ 51,000           | \$ 51,000           | \$ 51,000           | \$ 51,000           | \$ 51,000           |
| MCC Fares                                       | \$ 630,000          | \$ 642,600          | \$ 655,452          | \$ 668,561          | \$ 681,932          |
| Special                                         | \$ 10,112           | \$ 10,112           | \$ 10,112           | \$ 10,112           | \$ 10,112           |
| Inter City Commission                           | \$ 31,350           | \$ 31,350           | \$ 31,350           | \$ 31,350           | \$ 31,350           |
| Interest                                        | \$ 1,500            | \$ 1,500            | \$ 1,500            | \$ 1,500            | \$ 1,500            |
| Miscellaneous                                   | \$ 32,288           | \$ 32,288           | \$ 32,288           | \$ 32,288           | \$ 32,288           |
| Sales of Assets                                 | \$ 200              | \$ 200              | \$ 200              | \$ 200              | \$ 200              |
| <b>Operating Revenues</b>                       | <b>\$ 5,652,532</b> | <b>\$ 5,738,474</b> | <b>\$ 5,827,061</b> | <b>\$ 5,936,177</b> | <b>\$ 6,049,626</b> |
|                                                 |                     |                     |                     |                     |                     |
|                                                 |                     |                     |                     |                     |                     |
| Expenditures                                    | 2017 Projected      | 2018 Projected      | 2019 Projected      | 2020 Projected      | 2021 Projected      |
| <b>Operating Expenditures</b>                   |                     |                     |                     |                     |                     |
| KCTA/CCTA Administration                        | \$ 50,000           | \$ 52,000           | \$ 54,080           | \$ 56,243           | \$ 58,493           |
| Administration Less Depreciation                | \$ 1,000,823        | \$ 1,038,644        | \$ 1,077,873        | \$ 1,118,562        | \$ 1,160,763        |
| Maintenance                                     | \$ 243,169          | \$ 251,680          | \$ 260,488          | \$ 269,606          | \$ 279,042          |
| Operations                                      | \$ 215,333          | \$ 222,869          | \$ 230,670          | \$ 238,743          | \$ 247,099          |
| Metro County Connect                            | 3,692,358           | 3,821,591           | 3,955,347           | 4,153,114           | 4,360,770           |
| Kalamazoo Transportation Center                 | \$ 245,037          | \$ 253,613          | \$ 262,490          | \$ 271,677          | \$ 281,185          |
| Community Service Van                           | \$ 36,040           | \$ 38,202           | \$ 40,495           | \$ 42,924           | \$ 45,500           |
| <b>Operating Expenditures</b>                   | <b>\$ 5,482,759</b> | <b>\$ 5,678,599</b> | <b>\$ 5,881,443</b> | <b>\$ 6,150,869</b> | <b>\$ 6,432,853</b> |
| Less Depreciation                               |                     |                     |                     |                     |                     |
| Less Net OPEB                                   |                     |                     |                     |                     |                     |
| <b>Net Operating Position</b>                   | <b>\$ 169,773</b>   | <b>\$ 59,875</b>    | <b>\$ (54,382)</b>  | <b>\$ (214,692)</b> | <b>\$ (383,226)</b> |
| Starting MCC/Specialized Services Fund Balance  | \$ 1,575,385        | \$ 1,635,260        | \$ 1,580,878        | \$ 1,366,186        | \$ 982,960          |
| Ending Fund Balances                            | \$ 1,745,158        | \$ 1,805,033        | \$ 1,750,651        | \$ 1,535,959        | \$ 1,152,733        |
|                                                 |                     |                     |                     |                     |                     |
| Fund Balance %                                  | 31.83%              | 31.79%              | 29.77%              | 24.97%              | 17.92%              |
| Target Fund Balance - Exceed 25%                | \$ 1,370,690        | \$ 1,419,650        | \$ 1,470,361        | \$ 1,537,717        | \$ 1,608,213        |
| Amount Over/Under 25% Fund Balance              | \$ 374,468          | \$ 385,383          | \$ 280,290          | \$ (1,758)          | \$ (455,480)        |



REVISED 1/8/16

# Metro County Connect

## 2015 Jurisdictional Report

| <i>Municipality</i>        | JAN                   | FEB    | MAR    | APR                   | MAY    | JUNE   | JULY                  | AUG    | SEPT   | OCT                   | NOV    | DEC    | ANNUAL TOTAL      |
|----------------------------|-----------------------|--------|--------|-----------------------|--------|--------|-----------------------|--------|--------|-----------------------|--------|--------|-------------------|
| Alamo Township             | 83                    | 89     | 102    | 94                    | 86     | 95     | 90                    | 88     | 100    | 109                   | 103    | 105    | 1,144             |
| Augusta Village            | 50                    | 25     | 14     | 24                    | 26     | 9      | 0                     | 9      | 9      | 2                     | 3      | 2      | 173               |
| Brady Township             | 5                     | 2      | 0      | 2                     | 6      | 0      | 7                     | 6      | 8      | 27                    | 60     | 20     | 143               |
| Charleston Township        | 62                    | 45     | 66     | 68                    | 55     | 70     | 80                    | 76     | 36     | 72                    | 60     | 38     | 728               |
| Climax Township            | 29                    | 39     | 61     | 29                    | 42     | 37     | 35                    | 36     | 45     | 50                    | 66     | 104    | 573               |
| Climax Village             | 32                    | 32     | 43     | 40                    | 40     | 41     | 42                    | 37     | 38     | 44                    | 39     | 23     | 451               |
| Comstock Township          | 587                   | 590    | 695    | 676                   | 622    | 559    | 623                   | 594    | 599    | 710                   | 605    | 587    | 7,447             |
| Cooper Township            | 773                   | 745    | 949    | 951                   | 886    | 846    | 862                   | 809    | 841    | 882                   | 771    | 682    | 9,997             |
| Galesburg City             | 87                    | 91     | 80     | 100                   | 91     | 93     | 94                    | 73     | 93     | 97                    | 90     | 81     | 1,070             |
| Kalamazoo Twp              | 935                   | 965    | 1,123  | 1,123                 | 1,080  | 1,137  | 1,143                 | 1,184  | 1,202  | 1,315                 | 1,243  | 1,172  | 13,622            |
| Kalamazoo City             | 3,913                 | 3,985  | 4,428  | 4,479                 | 4,123  | 4,420  | 4,214                 | 4,001  | 4,337  | 4,679                 | 4,118  | 3,788  | 50,485            |
| OCC (Out County Transfers) | 63                    | 53     | 57     | 66                    | 35     | 47     | 33                    | 20     | 24     | 19                    | 22     | 25     | 464               |
| Oshtemo Township           | 1,203                 | 1,169  | 1,367  | 1,241                 | 1,098  | 1,292  | 1,282                 | 1,190  | 1,301  | 1,289                 | 1,120  | 1,132  | 14,684            |
| Parchment City             | 157                   | 155    | 155    | 149                   | 160    | 140    | 118                   | 127    | 137    | 172                   | 144    | 135    | 1,749             |
| Pavilion Township          | 239                   | 190    | 306    | 296                   | 269    | 232    | 214                   | 196    | 209    | 262                   | 201    | 170    | 2,784             |
| Portage City               | 2,373                 | 2,502  | 2,913  | 2,891                 | 2,702  | 2,807  | 2,796                 | 2,646  | 2,828  | 3,087                 | 2,694  | 2,445  | 32,684            |
| Prairie Ronde Township     | 84                    | 79     | 89     | 90                    | 82     | 90     | 92                    | 82     | 95     | 97                    | 83     | 85     | 1,048             |
| Richland Township          | 141                   | 141    | 156    | 127                   | 93     | 90     | 81                    | 110    | 104    | 81                    | 79     | 91     | 1,294             |
| Richland Village           | 0                     | 0      | 0      | 0                     | 0      | 0      | 0                     | 0      | 25     | 32                    | 28     | 19     | 104               |
| Ross Township              | 64                    | 78     | 92     | 95                    | 91     | 78     | 86                    | 71     | 56     | 54                    | 52     | 50     | 867               |
| Schoolcraft Township       | 268                   | 243    | 346    | 299                   | 274    | 330    | 301                   | 313    | 318    | 325                   | 210    | 230    | 3,457             |
| Schoolcraft Village        | 23                    | 21     | 32     | 28                    | 34     | 23     | 33                    | 24     | 19     | 28                    | 16     | 33     | 314               |
| Texas Township             | 424                   | 445    | 465    | 433                   | 366    | 453    | 455                   | 438    | 437    | 508                   | 453    | 355    | 5,232             |
| Vicksburg Village          | 287                   | 297    | 358    | 350                   | 293    | 337    | 369                   | 335    | 371    | 412                   | 381    | 358    | 4,148             |
| Wakeshma Township          | 4                     | 3      | 8      | 6                     | 0      | 2      | 4                     | 2      | 6      | 4                     | 2      | 4      | 45                |
| <b>MONTHLY TOTALS</b>      | 11,886                | 11,984 | 13,905 | 13,657                | 12,554 | 13,228 | 13,054                | 12,467 | 13,238 | 14,357                | 12,643 | 11,734 | 154,707           |
| <b>2015</b>                | 37,775<br>1st Quarter |        |        | 39,439<br>2nd Quarter |        |        | 38,759<br>3rd Quarter |        |        | 38,734<br>4th Quarter |        |        | 154,707<br>Annual |



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Amendment to Code of Ordinances - Discharge of Firearms

**SUPPORTING PERSONNEL:** Richard White, Director of Public Safety - Police / Fire Chief

**ACTION RECOMMENDED:** That City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for first reading and set a second reading for March 8, 2016.

In the spring of 2015, the Michigan Legislature passed an amendment to the Firearms and Ammunition Act (MCL 123.1101) to revise the state law to include "pneumatic guns" in local gun control laws. In light of this amendment, the City Attorney and the Public Safety Department reviewed Section 50-81 of the City of Portage Code of Ordinances, which prohibits the discharge of firearms. The City Attorney has advised that the current city ordinance be amended to eliminate the existing vague and overly broad language and to reflect the update in the state legislation. The principal difference between the state amendment and the City Ordinance is that the state amendment outlines a distinction between what are termed "firearms" and "pneumatic guns," and places certain restrictions on the regulation of pneumatic guns by local ordinance.

This first reading of this ordinance amendment was tabled for further discussion at the February 9, 2016 City Council meeting in order to allow the City Administration to provide Council further information regarding the potential impacts of this ordinance. The attached communication dated February 10, 2016 is offered as supplementary information to Council.

The proposed amendment to the city ordinances updates the statutory definitions of "firearm" and "pneumatic gun," amongst others. With this update, firearms can still be regulated in the manner and to the degree specified in the city ordinance. Additionally, in accordance with the amendment to MCL 123.1101 the proposed city ordinance amendment requires adult supervision for possession of pneumatic guns by persons under 16 years of age (except on private property when authorized by their parent or guardian and the owner or person in possession of the property) and prohibits "brandishing" firearms to induce fear or shooting in a heavily populated area (with stipulations).

Therefore, it is recommended that City Council accept the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms, for the first reading and set a second reading for March 8, 2016.

**FUNDING:** N/A

**Attachments:**

1. Ordinance Amendment - Discharge of Firearms
2. February 10, 2016 Communication from Director White





**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 3, OFFENSES AGAINST  
PUBLIC SAFETY, SECTION 50-81, DISCHARGE OF FIREARMS, OF CHAPTER 50,  
OFFENSES AND MISCELLANEOUS PROVISIONS**

**THE CITY OF PORTAGE ORDAINS:**

**That Chapter 50 shall be amended as follows:**

**CHAPTER 50. OFFENSES AND MISCELLANEOUS PROVISIONS.**

**ARTICLE 3. – OFFENSES AGAINST PUBLIC SAFETY.**

**Sec. 50-81. - Discharge of firearms and pneumatic guns.**

- (a) *Purpose.* The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the city by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile in the city and the approval of pistol and other firearms ranges.
- (b) *Definitions.* As used in this section:
1. *Approved range* means a range for the shooting of pistols and other firearms, constructed in such manner as to prevent the projectile from any weapon so fired on such range from exceeding the physical limits of such range.
  2. *Building, structure and edifice* mean a space within walls and usually, but not necessarily, covered with a roof.
  3. *Firearm* means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
  4. *Pistol* means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
  5. *Pneumatic gun* means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.
  6. *Bow* means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.
  7. *Crossbow* means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.
  8. *Other device capable of expelling a projectile* means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.
- (c) *Discharge of pistols and other firearms prohibited; exceptions.* No person shall discharge a pistol or other firearm in or into the city except as follows:

- (1) An authorized officer of the law may discharge a pistol or other firearm in the performance of his official duties.
  - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
  - (3) A person may discharge a shotgun with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the council for such purpose.
  - (4) A person may discharge a shotgun for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
  - (5) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (d) *Firearms ranges.* No pistol or other firearms practice range may be used in the city unless approved by the council upon the recommendation of the director of the department of public safety; provided, however, that such range is so constructed as to prevent the discharge of a shotgun with a load of shot shell from exceeding the limits of such range. Use of a firearm other than a shotgun with a load of shot shell shall be grounds for withdrawal of the approval for such range.
  - (e) *Minors.* No person under the age of 17 years shall discharge a pistol or other firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such minor and prevent him from violating or attempting to violate any of the provisions of this section.
  - (f) *Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 16.* An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 16 may possess a pneumatic gun on or within private property within the city if the individual below the age of 16 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.
  - (g) *Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions.* The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the city that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the city at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.



- (h) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or, other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual within the city.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Peter J. Strazdas, Mayor

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

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
James R. Hudson, City Clerk

PREPARED BY:  
Charles R. Bear (P34107)  
Portage City Attorney  
1662 East Centre Avenue  
Portage, MI 49002  
(269) 323-8812

Approved as to Form:

Date: 2-2-16  
CRB  
\_\_\_\_\_  
City Attorney

z:\jody\portage\ord\nonzone\firearm ord amend sec 50-81 final.01111.docx

## CITY OF PORTAGE

## COMMUNICATION

**TO:** Laurence Shaffer, City Manager

**DATE:** February 10, 2016

**FROM:** Richard J. White, Public Safety Director – Police/Fire Chief *RJW*

**SUBJECT:** Amendment to Portage Code 50-81

*RECEIVED*  
FEB 11 2016  
CITY MANAGER'S OFFICE  
PORTAGE, IN

The current City of Portage Code of Ordinances, Chapter 50, Section 81, Subsection 'b' defines a firearms as follows:

*Firearm* means a weapon or device from which is propelled a missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of springs, rubber, levers or other mechanical devices.

Subsection 'c' of the same section and chapter prohibits the discharge of a firearm in or into the city with the following exceptions:

- 1) An authorized officer of the law may discharge a firearm in the performance of his official duties.
- 2) When permitted by law, a person may discharge a firearm for the protection of a human life.
- 3) A person may discharge a shotgun with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the council for such purpose.
- 4) A person may discharge a shotgun for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
- 5) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).

The last section of this same ordinance, Section 1 governs discharge of a firearm as follows:

- (e) *Minors.* No person under the age of 17 years shall discharge a firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such



minor and prevent him from violating or attempting to violate any of the provisions of this section.

Literally interpreted, our ordinance could apply to Nerf guns, paintball guns, water balloon launchers, baseball/tennis ball machines, T-shirt launchers, and a variety of children's toys identifying them as firearms. A 14-year-old playing with a Nerf ball gun could be in violation of our code, as would an adult discharging a paintball gun in our city.

Our city code mirrored state law until July 1, 2015, when MCL 123.1101 was amended. It is believed that the legislature recognized that the definition of firearm was overly broad. The Michigan statute now reads as follows:

**FIREARMS AND AMMUNITION (EXCERPT)**  
**Act 319 of 1990**

123.1101 Definitions.

Sec. 1

As used in this act:

- a) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
- b) "Local unit of government" means a city, village, township, or county.
- c) "Pistol" means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
- d) "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

As noted by the amendment to this law, this definition has been made very narrow for firearm. Additionally, a definition has been provided for pneumatic gun.

Section 2 of the new act identifies prohibitions on local units of government pertaining to firearms, pistols, and pneumatic guns. These prohibitions are identified as follows:

123.1102 Regulation of pistols, other firearms, pneumatic guns, or ammunition.

Sec. 2.

A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

Section 3 of the law allows local units of government to do the following:

- a) Prohibiting or regulating conduct with a pistol, other firearm, or pneumatic gun that is a criminal offense under state law.
- b) Prohibiting or regulating the transportation, carrying, or possession of pistols, other firearms, or pneumatic guns by employees of that local unit of government in the course of their employment with that local unit of government.
- c) Regulating the possession of pneumatic guns within the local unit of government by requiring that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an ordinance shall not regulate possession of a pneumatic gun on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.
- d) Prohibiting an individual from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

A similar group of regulations that a local unit of government may also enact can be found in Section 4 as follows:

Sec. 4.

This act does not prohibit a city or a charter township from doing any of the following:

- a) Prohibiting the discharge of a pistol or other firearm within the jurisdiction of that city or charter township.
- b) Prohibiting the discharge of pneumatic guns in any area within the jurisdiction of the city or charter township that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that an ordinance shall not prohibit the discharge of pneumatic guns at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.



The proposed amendment to City Ordinance Article 3, Chapter 50, Section 50-81 follows the amended state laws and accomplishes:

- Firearms are now more narrowly defined.
- Removes the possibility that a child's toy, such as a Nerf ball gun, could be identified as a firearm.
- Now permits the discharge of pneumatic guns on private property if reasonable care is given to prevent the projectile from leaving the confines of the property.
- Now permits an individual 16 or younger to possess a pneumatic gun or other device capable of expelling a projectile on private property if authorized by a parent or guardian.

Based upon the behavior now permitted by the proposed code amendment, unless a toy can expel a projectile by action of an explosion, it cannot be classified as a firearm. Toys may be pneumatic guns; however, the proposed ordinance puts in place reasonable guidelines.

RJW:jh

# Legislative Analysis



## PNEUMATIC GUN

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 85 as passed by the Senate without amendment**

**Sponsor: Sen. Dave Hildenbrand**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Revised on 4-20-15**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

The bill would amend Public Act 319 of 1990, which prohibits local units of government from taxing or regulating the ownership of pistols or other firearms, to do the following:

- ❖ Extend the authority of the act to include pneumatic guns.
- ❖ Define the terms "firearm" and "pneumatic gun."
- ❖ Expand current provisions regarding the authority of local units of government over pistols or firearms to include pneumatic guns.
- ❖ Allow a local government to require a minor be under parental supervision when using a pneumatic gun (unless the minor has permission to do so on private land).
- ❖ Allow a local government to prohibit brandishing a pneumatic gun.
- ❖ Allow a city or charter township to prohibit the discharge of a pneumatic gun in heavily populated areas.

The bill would take effect 90 days after enactment.

Senate Bill 85 is part of a larger package of bills to align the definition of "firearm" in various state statutes with each other and with federal law and to no longer treat pneumatic guns and pellet guns as firearms. House Bills 4151-4156 have passed the House and are pending Senate floor action. See the analysis of those bills at:

<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4151-BC81FBB9.pdf>

### Definitions

"Firearm" would mean any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

### Regulation by local governments

Currently, the act prohibits a local unit of government (defined as a city, village, township, or county) from imposing special taxation on, enacting or enforcing any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except



as allowed by federal law or Michigan law. Senate Bill 85 would apply this provision also to pneumatic guns.

The act allows a local unit of government to prohibit or regulate conduct with a pistol or other firearm that is a criminal offense under state law or the transportation, carrying, or possession of pistols and other firearms by employees of a local government in the course of employment with that local government. The bill would apply these provisions to a pneumatic gun, as well.

The bill would also allow a local unit of government to require, within its jurisdiction, that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, guardian, or an individual 18 years of age or older. An ordinance could not, however, regulate possession of a pneumatic gun on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.

The local unit of government could also prohibit an individual from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

#### Regulation by a city or charter township

A city or charter township could prohibit the discharge of pneumatic guns in any area within its jurisdiction that is so heavily populated as to make that conduct dangerous to the inhabitants of the area. However, an ordinance could not prohibit the discharge of pneumatic guns at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

MCL 123.1101 et al.

#### **FISCAL IMPACT:**

Senate Bill 85 would not have a significant fiscal impact on the state or local units of government.

Legislative Analyst: Susan Stutzky  
Fiscal Analyst: Paul Holland

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

# Legislative Analysis



## PNEUMATIC GUN

Phone: (517) 373-8080  
<http://www.house.mi.gov/hfa>

**Senate Bill 85 as passed by the Senate without amendment**

**Sponsor: Sen. Dave Hildenbrand**

**House Committee: Judiciary**

**Senate Committee: Judiciary**

**Complete to 4-13-15**

Analysis available at  
<http://www.legislature.mi.gov>

## SUMMARY:

The bill would amend Public Act 319 of 1990, which prohibits local units of government from taxing or regulating the ownership of pistols or other firearms, to do the following:

- ❖ Extend the authority of the act to include pneumatic guns.
- ❖ Define the terms "firearm" and "pneumatic gun."
- ❖ Expand current provisions regarding the authority of local units of government over pistols or firearms to include pneumatic guns.
- ❖ Allow a local government to require a minor be under parental supervision when using a pneumatic gun (unless the minor has permission to do so on private land).
- ❖ Allow a local government to prohibit brandishing a pneumatic gun.
- ❖ Allow a city or charter township to prohibit the discharge of a pneumatic gun in heavily populated areas.

The bill would take effect 90 days after enactment.

Senate Bill 85 is part of a larger package of bills to align the definition of "firearm" in various state statutes with each other and with federal law and to no longer treat pneumatic guns and pellet guns as firearms. House Bills 4151-4156 have passed the House and are pending Senate floor action. See the analysis of those bills at:

<http://www.legislature.mi.gov/documents/2015-2016/billanalysis/House/pdf/2015-HLA-4151-BC81FBB9.pdf>

### Definitions

"Firearm" would mean any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive. "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

### Regulation by local governments

Currently, the act prohibits a local unit of government (defined as a city, village, township, or county) from imposing special taxation on, enacting or enforcing any ordinance or regulation pertaining to, or regulating in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms, except



as allowed by federal law or Michigan law. Senate Bill 85 would apply this provision also to pneumatic guns.

The act allows a local unit of government to prohibit or regulate conduct with a pistol or other firearm that is a criminal offense under state law or the transportation, carrying, or possession of pistols and other firearms by employees of a local government in the course of employment with that local government. The bill would apply these provisions to a pneumatic gun, as well.

The bill would also allow a local unit of government to require, within its jurisdiction, that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, guardian, or an individual 18 years of age or older. An ordinance could not, however, regulate possession of a pneumatic gun on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.

The local unit of government could also prohibit an individual from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

#### Regulation by a city or charter township

A city or charter township could prohibit the discharge of pneumatic guns in any area within its jurisdiction that is so heavily populated as to make that conduct dangerous to the inhabitants of the area. However, an ordinance could not prohibit the discharge of pneumatic guns at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

MCL 123.1101 et al.

### **FISCAL IMPACT:**

Senate Bill 85 is linked to a series of House bills, all of which are tie-barred to Senate Bill 85 and depend on the definition of "pneumatic gun" found in the bill. Some of those bills exclude the use of pneumatic guns from certain offenses while others would newly include the use of pneumatic guns under certain offenses (including both misdemeanor and felony offenses). For the fiscal impact of the package of bills as a whole, see the link to the HFA analysis provided above.

Legislative Analyst: Susan Stutzky

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.

Act No. 29  
Public Acts of 2015  
Approved by the Governor  
May 12, 2015  
Filed with the Secretary of State  
May 12, 2015  
EFFECTIVE DATE: August 10, 2015

**STATE OF MICHIGAN  
98TH LEGISLATURE  
REGULAR SESSION OF 2015**

Introduced by Senator Hildenbrand

**ENROLLED SENATE BILL No. 85**

AN ACT to amend 1990 PA 319, entitled "An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols or other firearms, ammunition for pistols or other firearms, or components of pistols or other firearms," by amending the title and sections 1, 2, 3, and 4 (MCL 123.1101, 123.1102, 123.1103, and 123.1104).

*The People of the State of Michigan enact:*

**TITLE**

An act to prohibit local units of government from imposing certain restrictions on the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms.

Sec. 1. As used in this act:

- (a) "Firearm" means any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.
- (b) "Local unit of government" means a city, village, township, or county.
- (c) "Pistol" means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.
- (d) "Pneumatic gun" means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

Sec. 2. A local unit of government shall not impose special taxation on, enact or enforce any ordinance or regulation pertaining to, or regulate in any other manner the ownership, registration, purchase, sale, transfer, transportation, or possession of pistols, other firearms, or pneumatic guns, ammunition for pistols or other firearms, or components of pistols or other firearms, except as otherwise provided by federal law or a law of this state.

Sec. 3. This act does not prohibit a local unit of government from doing any of the following:

- (a) Prohibiting or regulating conduct with a pistol, other firearm, or pneumatic gun that is a criminal offense under state law.
- (b) Prohibiting or regulating the transportation, carrying, or possession of pistols, other firearms, or pneumatic guns by employees of that local unit of government in the course of their employment with that local unit of government.



(c) Regulating the possession of pneumatic guns within the local unit of government by requiring that an individual below the age of 16 who is in possession of a pneumatic gun be under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an ordinance shall not regulate possession of a pneumatic gun on or within private property if the individual below the age of 16 is authorized by a parent or guardian and the property owner or legal possessor to possess the pneumatic gun.

(d) Prohibiting an individual from pointing, waving about, or displaying a pneumatic gun in a threatening manner with the intent to induce fear in another individual.

Sec. 4. This act does not prohibit a city or a charter township from doing any of the following:

(a) Prohibiting the discharge of a pistol or other firearm within the jurisdiction of that city or charter township.

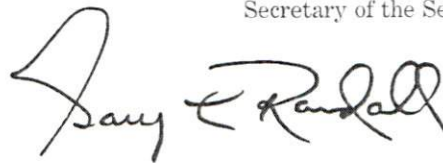
(b) Prohibiting the discharge of pneumatic guns in any area within the jurisdiction of the city or charter township that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that an ordinance shall not prohibit the discharge of pneumatic guns at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.

Enacting section 1. This amendatory act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved

Governor

# CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 14, 2015

The City of Portage Zoning Board of Appeals meeting was called to order by Phillip Schaefer at 7:00 p.m. in the Council Chambers. Five people were in the audience.

**MEMBERS PRESENT:** John Byrnes, Phillip Schaefer, Glenn Smith, Chadwick Learned, Lowell Seyburn, Randall Schau, and Alexander Philipp.

**MEMBERS EXCUSED:** Michael Robbe, Jeffrey Bright.

**IN ATTENDANCE:** Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney.

**APPROVAL OF THE MINUTES:** Learned moved and Schaefer seconded a motion to approve the November 9, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

## **NEW BUSINESS:**

**ZBA #15-8, Bruce Sperling, 425 Brittany Drive:** Mais summarized the variance request to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor area of the dwelling by 120 square feet. Mr. Sperling was present to answer questions. Learned noted the applicant had provided no practical difficulty in the application and asked if the applicant had anything to add at this time. Mr. Sperling stated no.

The public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Seyburn, seconded by Schau to deny a variance to retain an existing 120 square-foot detached accessory building, that when combined with the area of the existing attached garage and recent garage addition, exceeds the ground floor area of the dwelling by 120 square feet for the following reasons: There are no exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as increasing the ground floor living area; the immediate practical difficulty causing the need for the variance request was created by the applicant; and the variance would materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Byrnes-Yes, Seyburn-Yes, Smith-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

**ZBA #15-07, Pfizer Inc., 7171 Portage Road:** Mais summarized the requests for: a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area in a required front yard. Tome Kaste, Project Manager, explained the new warehouse addition is needed to accommodate increased production. The applicant explained the warehouse must be located at the north end of building 41 to accommodate the logistical flow, as raw materials enter from south and end up as finished products ready to ship at the north end of building. Mr. Kasten stated constructing a separate warehouse building in a conforming location was not an option as federal regulations prohibit finished products from leaving the building until they are shipped directly to market, and no other practical conforming locations for a warehouse addition were available. Mr. Kasten added the proposed addition would have landscaping in front of both the building addition and the loading dock areas and the addition would be very unlikely to impact any neighbors negatively as the nearest building would be about 400 feet away on the north side of Romence Road East. Learned noted no manufacturing activities were proposed in the addition but wondered if that could change in the future. Mr. Kasten stated Pfizer had no such plans. Learned inquired of staff if it could happen with a future owner. Mais responded the possibility exists. Byrnes noted the addition would be removing parking spaces along the north side of the facility and wondered if more parking would be added elsewhere. Mr. Kasten stated yes.



A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Seyburn, seconded by Smith, to grant: a) a variance to construct a 97,500 square-foot industrial warehouse addition 50 feet from the front (north) property line where a minimum 100-foot front setback is required; and b) a variance to locate a loading area in a required front yard, with the condition that 8-foot tall evergreens obscuring the view of the loading area be placed every 20 lineal feet beginning at a point parallel to the northeast corner of the proposed addition and extending 220 feet east along Romence Road East (except the driveway) for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include federal regulatory requirements and the location of previously constructed buildings; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to continue to manufacture and ship pharmaceutical products; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting material, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Philipp-Yes, Byrnes-Yes, Seyburn-Yes, Smith-Yes, Learned-Yes, Schau-Yes, Schaefer-Yes. The motion passed 7-0.

**OTHER BUSINESS:** Seyburn stated he would not be available to attend the January meeting.

**STATEMENT OF CITIZENS:** None.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 7:34 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Jeff Mais", with a small "ma" monogram to the right.

Jeff Mais  
Zoning & Codes Administrator

## **Portage Senior Citizens Advisory Board**

### **Meeting Minutes - December 15, 2015**

Present: Bill Wieringa, Art Roberts, Ruth Ann Meyer, Ann Perkins, Kathy Mishler, Trudy (Riker), Ali Arif (youth participant)

Absent Excused: Sharon White, Gloria Padilla-Carlson, Monifa Jumanne

Absent Unexcused: None

Guest: None

Staff: -Kim Phillips, PSC Manager

Chair Bill Wieringa called the meeting to order at 2:30p.m. Bill informed the Board that the meetings were being recorded to make it easier to record the minutes. Intent for this date is to have a shorter meeting than normal, followed by a holiday gathering.

The chair asked for approval of the November minutes. The minutes were approved with the following amendments: Correction of Art Roberts and Ruth Ann Meyers names in attendance, change wording to "seconded" under approval of meeting minutes. Trudy moved to approve the minutes, seconded by Art Roberts.

Kim informed group that she was taking minutes due to Sharon's absence.

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#### **ITEMS FOR INFORMATION**

##### **Management (Kim)**

- Kim referred Board to the printed manager's report.
- Kim made the announcement that the new Program Coordinator position has been filled by Sonya Evans, to start at the PSC on January 4. Sonya has a diverse background and staff feels she will be a good fit with the position. Ann Perkins asked if Sonya had any travel experience, the concern echoed by Trudy. Kim stated that none of the candidates had group travel experience but she was confident in Sonya's ability to learn the role.
- Total active membership for November is 1,280

##### **Program Highlights:**

- "Day of the Dead" program was well-received
- November Thanksgiving lunch had an attendance of 76 members
- November evening meal featured musical entertainment and 40 people participated



**Programs and Services:** Gloria was absent, no report made for this area.

**Travel Program:** Trudy reported on three trips that went out – Pippin, Callaway Gardens, Texas Tenors and Beautiful: The Musical. Trudy noted that there was a large number of non-members who were participating in the travel program. Ann Perkins mentioned that she participated in Beautiful, and it was a good trip. Bill Wieringa was on the Texas Tenors trip, and had a good experience as well. Ann and Bill were both complimentary of their trip escorts.

Upcoming trips - New Year's Eve on the River. No other pending trips as there are not many trips during winter because of potential weather challenges. Art mentioned that the spring trip preview was coming up.

**Friends of PSC Board Update: (Trudy)**

- Friends have been focusing on audits and financial controls and put new procedures in place
- A discussion occurred regarding changing the by-laws, updates to come
- The cost of the fall appeal was discussed, almost \$6,000 had been raised to-date
- The Friends will repeat the "It's in the Bag" purse sale. Donations are welcome. Sale will be expanded to include scarves, jewelry and men's ties. Event will be April 16.
- Trudy mentioned that Friends had not requested specific help from the Advisory Board, but she encouraged members to consider volunteering to support their activities.
- Friends will be holding their annual retreat in January to set goals for the coming year. Trudy will not be attending. Tom Vance will be facilitating their retreat. They are trying to work to make sure goals are more specific and measurable.
- Kim told the Friends that the Accreditation materials had been mailed.
- Ruth Ann asked about the golf outing. Kim said she would send the information out to the Board as she couldn't remember when it was. Trudy reminded them it will be an 18 hole outing at Gull Lake Country Club.

**Legislative Update (Ruth Ann):**

- Ruth Ann didn't have any to report as there hadn't been many legislative movement. Trudy mentioned that she'd heard about tax relief for a new tech company trying to move into Grand Rapids. Ruth Ann did remind members to contact their legislators if they had any concerns; not to be afraid to get in touch with them. Art mentioned he had received a response from Brandt Iden to a letter he had sent.

**OLD BUSINESS:** None

**NEW BUSINESS:**

Kathy Mishler asked about having an anti-filibuster rule to reduce allowing any one person only ten minutes to speak to prevent a person from talking for a majority of the meeting. Since it was only a

one-hour meeting, she wondered about the possibility of having a “sergeant at arms” to track times. Bill asked the board for discussion. Ann stated that when it does happen, she thinks it is the chair’s responsibility to intervene. Art said that before the agenda had listed times allotted for discussion. Kim noted that is the format the Friends use and wondered if the board wanted that. Ann said the board had utilized that format before and it didn’t really work. She felt the important factor was the board be respectful of time. Bill said that while the meeting would usually run for an hour, we should plan on having occasionally going until four if more in-depth discussions need to take place. Jean stated that she liked to opportunity for the meeting to be flexible, to adapt to discussion topics if needed. Trudy asked Kathy if she felt there had been issues. Kathy explained that she had experienced one person taking a majority of the time for their personal concerns. Bill stated he would work to monitor that.

Kim mentioned that Senior Services of Southwest Michigan would be discontinuing lunch service at the PSC as of the end of January. The December Holiday lunch would be their last special event. PSC staff is working to look at alternative meal options. Kim stated this was not a surprise decision as attendance at the current lunches had been steadily declining. This is an opportunity to look at alternatives that might have wider appeal.

#### **ACTIVITIES REMINDER:**

Art reminded the board about the Indoor Farmers Market taking place at the PSC on December 20. Kim confirmed that information, and stated this was a test market. The outdoor market, starting in May, was almost confirmed.

- Holiday Lunch – December 17, 11:30AM
- Countdown to Kwanzaa – December 17, 1:15PM
- Diversity 101: What’s your GPA? – January 7, 1:30PM

#### **Advisory Board Comments:**

Jean asked if any thought had been given to vending machines as a meal alternative. Kim said all alternatives were being researched. Art stated that it has been a great year working with the board and wished everyone a Merry Christmas and a Happy New Year.

**Citizen Comments:** None.

With no more discussion, a motion to adjourn was made so that the group could enjoy Holiday festivities. Meeting Adjourned, 2:30PM

**The next PSC Advisory Board meeting will be held on Wednesday, January 20, 2016 at 2:30p.m. Reminder: If you are unable to attend an Advisory Board meeting. Please call or e-mail the Chairperson.**

Submitted by Kim Phillips



## **Portage Senior Citizens Advisory Board**

### **Meeting Minutes – January 20, 2016**

Present: Bill Wieringa, Art Roberts, Monifa A. Jumanne, Ruth Ann Meyer, Gloria Padilla-Carlson, Ann Perkins, Kathy Mishler, Trudy Riker, Sharon White, Jean Wenz, Sonya Evans, Mary Lou Petrulio

Absent Excused: Ali Arif

Guest: N/A

Staff: Kim Phillips, PSC Manager

Chair Bill Wieringa called the meeting to order at 2:30p.m. The chair asked for approval of the December minutes. Ruth Ann moved and Art seconded the motion that the minutes be approved. The minutes were approved with the following amendments – Gloria is listed in both absent and attending (was absent), Art Roberts & Ruth Ann Meyer names to be corrected.

#### **Management (Kim):**

- Introduced the new Trip/Program coordinator Sonya Evans. Sonya may fill in at Advisory Board meetings if Kim is ever not available.
- Numbers are strong given winter weather - Total active membership for December is 1,911.
- The membership is down slightly but typical for this time of year, tends to increase later in the spring.
- Kim stated that Grandparents and Santa program was well received by everyone.
- Reminder that the special holiday lunches will still go on with the help of Medilodge across the street (details still being worked out).
- Eight people attended the Kwanzaa program.
- Kim stated PSC adopted a family from PCC during the Holiday.

Trudy asked if a daily luncheon will come back. Kim stated they are still researching that option with Medilodge to see if they could provide one meal per week. Trudy was curious if people were looking to participate in a daily lunch event.

Art asked about an upcoming cooking demonstration. Chef Roger from Medilodge will be offering a “Mystery” Cooking Demonstration.

**Program and Service:** Since she’s been out, Gloria had nothing to report.

**Travel Program (Art & Trudy):** Recent trips:

- 12/4 Texas tenors (32) was in attendance

- 12/20 Beautiful: Carol King (well received)
- New Year's Eve on the River – positive feedback from those that attended

Upcoming trips:

- Working on June trip to Baseball & Bingo at the White Caps in Grand Rapids
- Texas Tenors is being offered again due to popularity of original trip
- Tigers Games are being planned – June 8 and September 25
- Cubs vs. Brewers – overnight trip

Please note: The next newsletter will cover information regarding payments for trips. The overnight trip money can be paid in installments and day trips have to be paid in full at the time of registration. Early registration is important to fulfil ticket commitments.

Jean asked if there was flexibility in bus sizes. Trudy indicated there was. Discussion followed regarding purchasing tickets and what happens when trips need to be cancelled.

**Friends of PSC Board Update:** Trudy had nothing to report as Friends had their annual strategic planning session. As board chair, Bill Wieringa went to the meeting and gave a presentation. He didn't stay for the full meeting, but there was a presentation from the Kalamazoo Community Foundation. Kim noted that she would normally attend, but did not attend this year due to an unscheduled trip. Friends is working hard to be dialed in on their goals to financially support the PSC. Trudy reminded the board that it is important to support the Friends activities.

**Legislative Update (Ruth Ann):** Ruth Ann didn't have anything to report as there hadn't been many legislative movements on aging and stated she was disappointed about that, because of the fact she was concerned about the health issue for the elderly. Kim mentioned that she will be attending a Professionals Focused on Aging meeting and they anticipated an announcement from the Area Agency on Aging. Trudy mentioned she had recently seen Fred Upton, and to be willing to communicate your concerns to him. Brandt Iden will be hosting public coffee events: 2/5 Rykses on Stadium Dr. (9:00-10:30a.m.) and 2/19 Biggby Coffee in Schoolcraft (9:30-11:00). Information will be sent to the board via e-mail.

Monifa mentioned that Daisy Elliott, a civil rights pioneer in the State of Michigan, had passed away recently.

#### **Old Business:**

- Bill passed out a signup sheet for new members and to anyone who didn't sign and turn the sheet in for the duties of the advisory board.



- Kwanzaa 2015 – Monifa stated that the program was wonderful. Mayor Pro-Tem Ansari attended as well as several members of the Advisory Board. Everyone had a great time.

### **New Business:**

- Kim - New Member Breakfast for new members will be offered quarterly. Allow new folks to socialize with other members. Has a sponsor that will be providing breakfast. Bill asked what defines a “new member.” Kim indicated anyone could self-select as a new member but invites had been mailed to anyone who had joined in the previous six months.
- Kim – asked about feelings regarding introducing a new ‘free fragrance’ policy in the building, due to the possible health impacts for members. She distributed a draft policy and is asking for board input. Discussion followed. Kim asked that members bring feedback and suggestions to next meeting. Trudy indicated a concern for the ability to enforce a policy. Jean indicated that how it is presented might have an impact.
- Jean Wenz brought up a concern for crossing the street safely for the elderly and the handicapped people. Lights change before slower paced individuals can fully cross the street. Wondered if there was anything the Advisory Board could do and who could we bring in to talk about this issue. A member of the Transportation & Utilities will be invited to another meeting. Discussion supported bringing in someone to discuss this topic. She also mentioned that due to the Rotary meetings (Wednesdays), parking is sometimes a concern and wondered some people had the ability to park further away from the building. Kim mentioned that parking is top member complaint and they are aware it is a problem.
- Monifa asked about the protocol for putting an item on the Advisory Board agenda. Kim mentioned that agenda has to go out seven days ahead, so Bill asked for items to be submitted nine days ahead in order to get the agenda written. It was also mentioned that approved minutes need to be posted to the website.
- Monifa also wanted to announce that the City of Portage was bringing in the Central State University Choir. She will email information to the Advisory Board. Concert will be at Portage Northern High School. Concert will be free and open to the public. Monifa asked if anyone was interested in assisting to let her know.
- Monifa also distributed MLK bookmarks to the Advisory Board created by her granddaughter.

### **ACTIVITES REMINDER:**

- 2/4 Mystery cooking @ 1p.m.
- 2/4 Methamphetamine Information Session with Portage Public Safety @ 1p.m.
- 2/8 Big Screen Movie @ 1:15p.m.
- 2/9 Teen Tech @ 3:30p.m.
- 2/16 Black History Month Dinner & Celebration @ 5:00p.m.

- 2/18 Valentine's Day Lunch @ 11:30a.m.
- 2/23 Travelling with Mr. Lincoln @ 6:30p.m.
- 2/26 Central State University Chorus @ 6:30p.m. (Free admission)

Ann asked if the Purse Sale was coming back. Kim said the 2<sup>nd</sup> annual sale will be on April 16. Donations are currently being collected.

**Advisory Board Comments:**

- Art Roberts stated that Metro County Connect is now running seven days a week starting Feb 7th.
- Monifa commented regarding Advisory Board discussions on how we were honoring Dr. King and Black History Month. A number of changes have been made in the past year. She felt negative attitudes after bringing the topic up. She thanked the board for helping to make changes.

**Citizen comment:** None

Next meeting is February 16, 2016 at 2:30PM.



## YAC Meeting Minutes: January 11<sup>th</sup> 2016

- I. Call to Order
  - a. Meeting called to order at 6:35 pm
- II. Introductions and Attendance
  - a. Name, grade, and what you would do with \$1.3 billion
- III. Motion to Approve the Minutes of Last Meeting
  - a. The date of the last meeting was corrected
  - b. Motion approved
- IV. Youth Liaison Report
  - a. Ali Thomas spoke on behalf of the Substance Abuse Task force and their upcoming event “Sticker Shock” which is running a sticker design campaign.
  - b. Molly Ryan spoke on behalf of the Parks Board and their upcoming event “Art in the Park” which will be hosting a children’s category this year.
  - c. Lindy spoke on the Human Resource Board, which is currently working on collecting funding.
  - d. Ali spoke on behalf of the Senior Citizens Board.
- V. Snow Party
  - a. Poster design and possible funding for a poster was discussed
  - b. Connection was made with the Chocolatea employee who worked the event last year, she indicated probable interest from the store to work the event again
  - c. Time and Date:
    - i. Saturday, January 30<sup>th</sup> from 12:00 to 3:30
  - d. YAC and event attendees have permission to park at Shamrock Montessori
  - e. Music for the event was discussed
  - f. Fire permit was obtained for a bonfire
  - g. Events: Sledding, snow sculpture building, sled design contest
  - h. Advertising of the event discussed: flyers, Facebook and *The Portager*
- VI. Annual Report to City Council
  - a. Updated report to City Council was discussed and finalized
  - b. Motion to approve the report
    - i. Motion Approved
- VII. Future Events
  - a. Greenathon – 8<sup>th</sup> annual
    - i. Planned for April 23<sup>rd</sup> at Celery Flats
    - ii. Discussion of vendors
  - b. Movie Night(s)
    - i. Discussion of how to go about selecting a movie
- VIII. Upcoming YAC Meeting
  - a. 6:30 pm

Meeting Date: January 21, 2016

**DISTRICT ADVISORY COUNCIL**  
**REPORTING FORM**

Present: Mark Bielang, Rita Briggs, Shelli Candey, Sara Della-Coletta, Andrew DeVisser, Carolyn Fitzmaurice, Adam Herringa, Tammy Karmon-Hoffman, Michelle Karpinski, Christy Klien, Amy Lehman, Rachel Markel, Jill Meyle, Terri Novaria, Mike Proos, Mary Rogers and Dawn Sylvester

Unable to Attend: Cindy Baranowski, Hyun Berkley, Esther Bouwman, Heather Carlson, John Crouch, Robert Jordan, Rose Kirsch, Sharon Longman, Gayle McPhilamy, Kate Overheul, Joel Shaffer, Liz Shotwell, Matt Swanson, Matt Tabor, Stacey Vogl, Kent White and Katie Williams

Attend As Needed: Ron Herron, Larry Killips, Jeanine Mattson-Gearhart, Eric VerHey and Dan Vomastek

Copy: PTO Presidents, Administrators and Building Principals, Board of Education

**NOTES**

Jill called the meeting to order at 4:32 p.m. in Conference Room 1 at the Administration Building.

A motion was offered by Andrew DeVisser, seconded by Adam Herringa, to approve the minutes of the November 18, 2015, meeting. The minutes were approved unanimously.

Jill introduced the new Community Relations Manager, Michelle Karpinski.

Mark updated Council members on Bond related activities that have taken place since the November DAC meeting. The Board hired the architectural firm C2AE/Stantec in December. He noted this is actually two firms combined that has a local presence with expertise in the field of K-12 educational buildings, pools and stadiums. While there is a joint operating agreement with both, the District's contract is with C2AE. Mark noted the approval of Construction Management Services is on the Agenda for Board consideration on Monday, January 25. The Administration is recommending Owen Ames Kimball (OAK) be awarded the position based on their local presence, long standing relationships with other districts that have utilized their services and their match to the Portage District values, cultures, philosophies and practices. Mark shared background on the District's utilization of Owner Representation Services on previous Bond projects. He noted it is in the best interest of the District to again use some level of owner representation services during this complex project. The District does not have adequate "on-staff" personnel to devote to numerous projects of this scope and Requests For Proposals (RFP's) are currently being evaluated. Mark commented that a Bond Underwriter had been identified to sell the District's Bonds. We plan to issue Bonds for 60% of the \$144 million authorized by voters and the remaining Bonds will be issued a couple years later. We anticipate that the first issue will occur this spring and the District will continue to be advised by our Financial Advisor and Bond Underwriter as to the best time and manner to conduct this sale. In order to make certain that the District continues with the same levels of engagement and transparency that have served us well to this point, a Bond Implementation Steering Committee has been formed (chart attached). Mark discussed utilizing the DAC as well as community engagement during the planning phase of fitting the facilities on the sites. The next step is the campus master plan which is due the end of March. This is critical as it determines the project sequencing in order to allow the continuation of educational programs. Then schematic designs will be created and the District hopes to have projects out for bids by the November or December 2016 timeframe. The District will continue updating and disseminating information on the



District web site. Michelle will be working on a process to respond to questions. Mark shared plans for traffic studies and planned work with the City of Portage to analyze options. The Board will be reviewing Policies that pertain to the naming of facilities as well as LEED Certification. He discussed the additional costs for LEED (Leadership in Energy and Environmental Design) Certification versus building to those specifications but not pursuing the certification. Michelle asked staff members to let her know if they have a preferred way to get information out to parents and the public. As she builds a communications plan, she wants to know details like if Facebook should be increased or perhaps Snapchat or other social media should be used. Michelle also asked Council members to forward any questions to her that they might be hearing in the community. Michelle can be e-mailed at [mkarpinski@portageps.org](mailto:mkarpinski@portageps.org) or you can call her at 323-5162. Members offered the following feedback: elementary parents respond better to printed information like the school newsletter; the *Portager* Newsletter reaches all local residents; and a request to make information easy to access on the District website.

Mark provided a legislative update pertaining to opposition to Public Act 269. Governor Snyder signed PA 269 into law which prohibits a public body, or a person acting for a public body, from using public funds or resources for the purpose of communicating any information to the electorate regarding a local ballot question that is to appear on the ballot, within 60 days of an election. The Governor sent this back to the legislators for amendment and the Board will consider adopting a Resolution on Monday, January 25 in opposition to PA 269 and repealing some wording relative to the 60 day “gag order”. Mark urged members to contact your local legislators (Brandt Iden and Margaret O’Brien) to voice your opinion. Adam and Christy also shared concerns from the City Clerk’s Office and District Library regarding PA 269 limitations.

Rita discussed the November presentation by Larry Killips regarding class sizes and scheduling. She noted it was reassuring to know this process was in place and details about what was happening in this regard. She asked Council members to contact her if they have ideas for future presentations or if they simply have questions. Shelli noted she would be interested in learning more about the M-STEP results.

Adam mentioned that City Hall has a public art display wall and would be willing to host District art for a 30 or 60 day period. Please contact Adam at [herringa@portagemi.gov](mailto:herringa@portagemi.gov) to inquire further.

Rita reminded members that the next meeting was February 18<sup>th</sup> at 4:30 p.m. Several elementary teachers acknowledged this conflicted with conferences. There was discussion of changing the meeting date however it will remain on Thursday, February 18.

The meeting adjourned at 5:19 p.m.

**Please note: The next meeting will be held on February 18, 2016, at 4:30 p.m. in Conference Room 1 at the Administration Building.**

## **PLANNING COMMISSION**

**February 4, 2016**

The City of Portage Planning Commission meeting of February 4, 2016 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 10 citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

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

### **IN ATTENDANCE:**

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

### **ROLL CALL:**

Mr. Forth called the role and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Bosch (yes), Dargitz (yes), Somers (no), Schimmel (yes), and Richmond (yes). A motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the role excusing Commissioners Felicijan and Somers. The motion was unanimously approved 7-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the January 21, 2016 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved 7-0.

Commissioner Somers arrived at approximately 7:25 p.m.

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

1. Final Plan: Whisper Rock (Phase I), 2275 West Centre Avenue. Mr. West summarized the staff report dated January 29, 2016 regarding a request from AVB II, LLC to construct Phase I of Whisper Rock within the Oakland Hills at Centre Planned Development (PD). Mr. West stated Phase I includes the construction of a private internal street network and 45 attached residential condominium units divided among 18 two-unit attached buildings and three, three-unit attached buildings. Mr. West stated that City Council approved a tentative plan amendment for the Oakland Hills at Centre PD in January 2016 and the final plan for Whisper Rock (Phase I) has been designed in substantial conformance with the approved tentative plan/narrative. Mr. West summarized the project including proposed access, sidewalks, storm water management and the location of wetlands along the south and east portions of the property. Mr. West stated staff was recommending approval of the final plan subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of the detailed engineering plans.

Mr. Jack Gesmundo, representing AVB, LLC, was present to support the application and explain the development history of the Oakland Hills at Centre PD. No citizens spoke regarding the proposed project. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to recommend to City Council that the Final Plan for Phase I of Whisper Rock, 2275 West Centre Avenue, be approved subject to MDEQ approval of the grading and storm water overflow into the wetland area and finalization of the detailed engineering plans. The motion was unanimously approved 7-0.

**PUBLIC HEARINGS:**

1. Height Modification: Trade Centre III Office Building, 650 Trade Centre Way. Mr. West summarized the staff report dated January 29, 2016 regarding a request from H & G, LLC to construct a five-story office building at 650 Trade Centre Way to a height of 78-feet (measured at the top of the mechanical screening wall). Mr. West discussed the 2012 conceptual plan amendment for the Trade Centre Commercial Planned Development, which included a height modification to construct a four-story Trade Centre III Office building with a maximum height of 65-feet. Mr. West stated that applicant was now requesting approval to construct the building one-story and 13-feet higher than the 2012 approval. Mr. West discussed previous developments along Trade Centre Way including the three-story and four-story office buildings to the west and the two four-story hotel buildings to the east, the presence of the City of Kalamazoo wellfield site to the north and setback and elevation differences between the proposed office building and single family residence located to the north and west. Mr. West indicated staff was recommending approval of the height modification with a finding that the request satisfies requirements contained in Section 42-350(B)(6) and Section 42-414.G.

Mr. Greg Dobson, representing H & G, LLC, was present to support the application and explain the development history of the Trade Centre Commercial Planned Development. Mr. Dobson discussed the proposed building elevation and the setback distances and elevation differences between the proposed building and the nearest single family residences located in excess of 600-feet away. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed height modification. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 7-0. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to recommend to City Council that the Height Modification for Trade Centre III Office Building, 650 Trade Centre Way, be approved to allow construction of the building to five-stories and a maximum height of 78-feet (top of mechanical screening wall). The motion included a finding that the Trade Centre III Office Building will be setback at least 78-feet from the outer boundaries of the zoning lot and the location, setback distances and topographic differences will mitigate potential impacts on adjacent single family residentially zoned properties to north consistent with Section 42-350(B)(6) and Section 42-414.G of the Land Development Regulations. The motion was unanimously approved 7-0.

2. Final Report; Rezoning Application #15/16-2 (expanded), Admiral Avenue/Dorset Street. Mr. Forth summarized the final staff report dated January 29, 2016 involving the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street. Mr. Forth discussed the original request from Mr. Chad Scott to rezone 480 Admiral Avenue, the petition signed by several Dorset Street property owners to rezone seven Dorset Street lots and the previous Planning Commission discussions regarding this application and the decision to expand the rezoning consideration. Mr. Forth briefly discussed the existing zoning, existing land use and Future Land Use Map designations and then explained the staff recommendation regarding the rezoning and the rationale for the recommended zoning arrangement. Mr. Forth referred the Commission to a communication and attachments from Mr. Chad Scott (owner/applicant, 480 Admiral Avenue) that was included in the final agenda packet.

Chairman Welch reconvened the public hearing and the following citizens spoke in regard to the expanded rezoning consideration: 1) Mr. Greg Radd (Nederveld Associates, representing the applicant of the 480 Admiral rezoning request); 2) Mrs. Patricia Dueweke (606 Dorset); and 3) Mr. Bryan Cederberg (612 Dorset). Mr. Radd discussed the applicant's voluntary request to down-zone the property from I-1/RM-1 to R-1T in order to construct one to two duplexes along the northern portion of the property. Mr. Radd reaffirmed the presence of wetlands and poor soils along the southern portion of the parcel and the restated development was only planned for the northern portion of the property, at the east end of Cameo Avenue.



Mrs. Dueweke discussed the Future Land Use Map designation of the Dorset Street lots and adjacent 480 Admiral Avenue parcel and stated she supports the staff recommendation of R-1A for these properties since that zoning designation is most consistent with the Future Land Use Map and established single family residential neighborhood. Mr. Cederberg indicated he also supports the staff recommendation and the R-1A zoning best represents the established single family detached residential land use pattern in the adjacent neighborhood. No additional citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that Rezoning Application #15/16-2 be approved with the following changes:

- 480 Admiral Avenue be rezoned from I-1, light industrial and RM-1, multiple family residential to R-1A, one family residential;
- 514, 520, 526, 532, 606, 612 and 618 Dorset Street be rezoned from R-1T, attached residential to R-1A, one family residential;
- 502 and 508 Dorset Street remain zoned R-1A, one family residential (No change);
- 6843, 422 and 426 Dorset Street (rear portions) be rezoned from I-1, light industry to R-1A, one family residential. Front portions of properties remain zoned R-1A (No change);
- 6979 South Westnedge Avenue be rezoned from I-1, light industry and RM-1, multiple family residential to R-1A, one family residential and the western portion of the parcel remaining zoned B-2, community business.

The motion included a finding that the rezoning recommendation establishes a zoning pattern that is most consistent with the Comprehensive Plan/Future Land Use Map designations and that best reflects the historic land use pattern within the Cameo Avenue/Dorset Street single family detached residential neighborhood. The recommended R-1A zoning for 514, 520, 526, 532, 606, 612 and 618 Dorset Street would not create any nonconformities and would most accurately reflect the historic use of these properties as single family detached residences. A rezoning of 480 Admiral Avenue from I-1 and RM-1 is appropriate as the current zoning is not compatible with the neighborhood, nor consistent with the Comprehensive Plan. While the requested R-1T zoning can be considered appropriate given the existing zoning pattern and would result in a reduction in intensity of land uses, R-1A zoning is recommended. The recommended R-1A zoning for this parcel allows the property owner future single family development options, consistent with the adjacent single family detached residential land use pattern, and is most consistent with the Comprehensive Plan. The recommended R-1A/B-2 zoning pattern for the city-owned parcel at 6979 South Westnedge Avenue would better reflect the park/recreation designation of this property while protecting adjacent commercial and office uses from additional land use restrictions related to screening, setbacks and building height. Finally, no change to the R-1A zoning for 502 and 508 Dorset Street, and a zoning change to R-1A for the rear portions of 6843, 422 and 426 Dorset Street would reaffirm the predominant single family detached residential zoning and land use pattern within the Cameo Avenue/Dorset Street neighborhood. The motion was approved 6-2 with Commissioners Bosch and Schimmel voting in opposition.

3. Final Report: Rezoning Application #15/16-4, 1521, 1603 and 1615 East Centre Avenue. Mr. Forth summarized the final staff report dated January 29, 2016 regarding a request from Full Circle Communities to rezone 1521, 1603 and 1615 East Centre Avenue from R-1B, one family residential, RM-1, multiple family residential and OS-1, office service to PD, planned development. Mr. Forth summarized the proposed tentative plan for Selinon Park that would consist of 74 affordable apartment units within three buildings across the property. Mr. Forth discussed the historic district house and property located at 1521 East Centre Avenue and stated the Historic District Commission met yesterday (February 3<sup>rd</sup>) and is supportive of the

project subject to some minor conditions. Mr. Forth then reviewed the final analysis section of the report and indicated staff was recommending approval of the PD zoning and associated tentative plan/narrative and requested modification from Section 42-374.C (mixture of at least two housing types).

Mr. Carl Kunda, Full Circle Communities, was present to support the rezoning application and explain the planned development project. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was then made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that Rezoning Application #15/16-4 be approved and 1521, 1603 and 1615 East Centre Avenue be rezoned from R-1B, one family residential, RM-1, multiple family and OS-1, office service to PD planned development. Additionally, the requested modification from Section 42-374.C (mixture of at least two housing types) also be approved with a finding that the standard is not in the best interest of the residents of the PD and is not inconsistent with the interests of the entire city as outlined in Section 42-375.L. The motion also included a finding that the PD district and proposed land use is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by Full Circle Communities for the Selinon Park Planned Development is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along East Centre Avenue and will provide affordable housing options for residents with low incomes, physical and sensory impairments and other special needs. The motion was unanimously approved 8-0.

**OLD BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

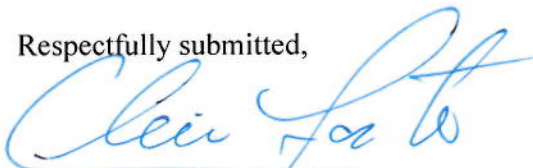
**NEW BUSINESS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,



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

# *City of Portage*

## **MONTHLY REPORTS** **January 2016**

**Assessing Department**  
**City Clerk's Office**  
**City Manager's Office**  
**Community Development Department**  
**Finance Department**  
**Human Resources Department**  
**Parks, Recreation and Senior Citizen Services**  
**Public Safety**  
**Public Services Department**  
**Purchasing Department**  
**Technology Services**  
**Transportation & Utilities Department**



## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Laurence Shaffer, City Manager

**DATE:** February 1, 2016

**FROM:** John Baumann, Deputy City Assessor



**SUBJECT:** January 2016 Department Operations Report

The following information summarizes the operations of the City Assessor's Office during January 2016:

- **2016 Assessment Roll Preparation:** The Assessor's office is currently in the final stage of preparation of the 2016 assessment roll. On February 15th, all residential real estate assessment change notices will be mailed to property owners. Following the completion of entering all personal property returns the remaining Commercial, Industrial, and Personal Property notices will be sent out to property owners. Between that time and the March 14th commencement of the Board of Review, assessing staff are available to receive calls from citizens that have questions or require explanations of their assessments. They are also welcome to make an appointment to meet with assessing staff to review their assessment prior to making a Board of Review appointment.

Regarding the 2016 valuation changes, commercial assessments increased an average of 5%-7%, residential assessment saw a similar increase of 5%-7%, while industrial assessments remained stable with little change. The overall assessment changes were based on the assessment ratio studies provided by the Kalamazoo County Equalization Department and approved by the State Tax Commission

The Consumers Price Index (CPI) which will be used to establish 2016 Taxable Values has been determined by the State Tax Commission to be 1.003%. This means that any property that has an Assessed Value (SEV) that is higher than the Taxable Value will receive up to a 1.003% Taxable Value increase for 2016. Of the 17,200 real estate parcels, approximately 1800 (or 10%) have an Assessed Value and Taxable Value that are equal, which means that the 2016 Taxable Value for these properties will NOT increase at all.

- **Personal Property Tax Returns:** On January 10<sup>th</sup> personal property returns were sent to all 1900 business. As of February 12th approximately 400 of the 1,800 (or 22%) personal property tax returns have been received and processed by assessing staff. On February 23rd, those returns that have not been received by the statutory, February 22th deadline will have the 2016 assessment estimated as required by statute.
- **Customer Service:** The staff of the City Assessor's Office provided a high level of customer service during the month of January. Prompt and courteous service was

provided in response to the numerous telephone calls and personal visits from realtors, developers, private appraisers, title companies and taxpayers. Our office is committed to courteously serving our citizens and business owners with information, explanations and assistance regarding how to prepare and present their concerns and issues before the Board.

Please contact me if you have any questions concerning the information presented above.

## CITY OF PORTAGE

## COMMUNICATION

**TO:** Laurence Shaffer, City Manager

**DATE:** February 16, 2016

**FROM:** James R. Hudson, City Clerk

**SUBJECT:** January Monthly Report

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FEB 17 2016

CITY MANAGER'S OFFICE  
PORTAGE, MI

### CITIZEN ASSISTANCE AND PUBLIC INFORMATION

Deputy City Clerk Adam Herringa planned and made final preparations for the Youth Advisory Committee Snow Party. Assisted Youth Advisory Committee with their update of the Youth Advisory Committee activities.

Attended a meeting of the Portage Public Schools District Advisory Council.

Conducted Swearing-in Ceremonies to three (3) new employees for the Public Safety Department.

Coordinated Freedom of Information Act (FOIA) and liquor license requirements with the various departments.

Provided help to citizens for over-the-counter requests including guidance to appropriate departments, miscellaneous assistance and voter questions. Responded to requests for Notary service.

Prepared transmittals for documents, resolutions, ordinances, etc. to be sent to the City Attorney and citizens. Performed research for city departments on a variety of topics.

### RECORDS

Added approved minutes of Council meetings to the Document Collection in Clerk's Index as well as Clerk folder on Sharecop and filed contracts and legal notices.

Responded to request(s) from Public Safety Department for copies of Police Reports required during an investigation (reports are on microfilm).

Retrieved documents for various departments and assisted with the research and printing of various file and microfilm documents. Responded to request(s) from Police Department for copies of Police Reports required during an investigation (reports are on microfilm).

Continued implementation of the Michigan State approved citywide revised Document Retention Schedules. Reviewed recently scanned and microfilmed documents for completeness and accuracy.



## **ELECTIONS AND QUALIFIED VOTER FILE**

Sent the QVF information to Michigan Election Resources for processing, mailed approximately 3,300 applications to voters on the Permanent Absentee Voter List and assisted Human Resources with letters to solicit Election Officials for the March 8, 2016 Presidential Primary Election.

Processed absentee ballot applications, issued the ballots for those who responded to the permanent absentee voter list and provided applications and ballots to those requesting them by telephone, e-mail and at the counter for a total of over 2,000 absentee voters. Sent out the Military Ballots.

Continued processing additions, changes, deletions from the QVF In-Box, for new voters and continued process of manually recording QVF changes/updates (addresses, DOB, ID numbers, etc.) on in-house Master Voter Cards and filing.

Continued the process of printing Master Cards and Voter ID Cards for all new registrations and changes and continued review of voter follow-up cards that need to be individually checked against city voter records. Processed notices to voters for whom ID cards have been returned, no signature was received at Secretary of State Offices, etc.

## **AGENDA PREPARATION AND FOLLOW-UP**

Assisted with the preparation of the January City Council Meeting Agendas using Boardsync. Prepared the Agenda items, the Summary and the Minutes of the two January City Council Meetings and uploaded them on the website.

Uploaded the City Council Agenda Packets to the City Website, and distributed Final Agenda Outlines and Suggested Motions to City Council for City Council Meetings.

Prepared Minutes and Resolutions of the Council Meetings for permanent records and indexed Approved Minutes of City Council Meetings. Provided follow-up communications, Resolutions and Ordinances on Agenda items passed by City Council.

Prepared the Special Meeting to Interview Applicants for the Boards and Commissions agenda packets, invitation letters, follow-up responses and spread sheet. Conducted the swearing-in of new Board and Commission Members.

Provided follow-up communications, Resolutions and Ordinances on Agenda items passed by City Council at the January City Council Meetings.

## **PUBLICATIONS**

Published public and legal notices in the *Kalamazoo Gazette* as necessary for meetings and public hearings.

## **CEMETERIES**

Made arrangements for four (4) grave openings/closings, including the preparation of invoices and Burial Rights Certificates and entry on the BS&A Cemetery Software module. Researched availability of lots for citizens in conjunction with the Department of Public Services and assisted with burials. Completed the quarterly review of the cemetery maps and updated them as necessary. Assisted individuals with genealogical research.

## CITY OF PORTAGE

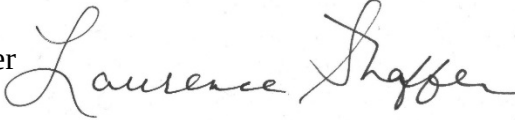
## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** February 1, 2016

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** Monthly Report – January 2016

The following summarizes some of the activities in which staff of the Office of the City Manager were involved during the month of January 2016.

### 1. City Council:

- Coordinated and/or prepared agenda and other materials for the following meetings:
  - City Council Regular Meetings on January 12 and 26.
  - Board and Commission interview on January 12.
  - City Council Goal Setting Session on January 22.

### 2. Represented the City of Portage in the following activities, among others:

- Met with a concerned resident on January 6.
- Met with Councilmember Randall on January 7.
- Met with a resident regarding a senior citizen activity center on January 7.
- Met with the Mayor and Mayor Pro Tem on January 7 to plan for the City Council Goal Retreat.
- Met with a representative of H&G, LLC on January 8.
- Attended a police officer swearing-in on January 8 and a firefighter swearing-in on January 13.
- Met with Portage Public Schools Superintendent Mark Bielang on January 14.
- Met with Southwest Michigan First regarding matters of mutual concern on January 14.
- Attended the Kalamazoo County Consolidated Dispatch Authority Board meeting on January 14.
- Met with Dr. Monifa Jumanne on January 8 and 15 regarding the February 2016 event.
- Attended the Martin Luther King Jr. Day closing events on January 18.
- Met with Councilmember Ford on January 19.
- Met with Mayor Pro Tem Ansari on January 21.
- Met with the owner of the Train Barn for a site visit on January 25.



- Met with a representative from the Michigan DNR and the chair of the Environmental Board regarding the city's deer population on January 29.
- Met with BOR member Jay Woodhams on January 29.

### **3. Projects - Completed and Ongoing:**

- Began oversight and planning for the 2016-2026 Capital Improvement Program and 2016-17 FY Budget.
- Facilitated staff and Councilmembers for the Southwest Michigan First Catalyst University session.
- Continued planning for replacement program for the city's ReportIt system – SeeClickFix.
- Continued oversight of planning, design and construction for various city projects and developments.
- Consulted with city staff regarding Information Technology projects as well as current Community Development, Finance, Transportation & Utility and Assessing matters.
- Fully launched the new electronic agenda software, including City Council implementation.
- Prepared for the Historic District Commission monthly meeting and the additional special study committee meeting on January 6.

### **4. Public Information and Citizen Assistance:**

- Coordinated production of the February *Portager* newsletter.
- Continued oversight of the PortageAlert system and notifications for those who registered through the portal for updates.
- Coordinated responses to citizen concerns/requests regarding a variety of matters, including the Quarterly Brush Pickup, lead water levels and snow removal.
- Updated and approved changes to the city website and city publications.
- Provided informational packets on Portage to citizens, realtors and businesses, as requested.
- Continued to collect and monitor Citizen Comment Card responses and submissions to the Online Customer Service Survey.

**TO:** Laurence Shaffer, City Manager**DATE:** February 12, 2016**FROM:** Vicki Georgeau, <sup>VA</sup>Director of Community Development**SUBJECT:** Monthly Customer Service Report for January 2016

Staff performed research, conducted reviews, and developed recommendations and information necessary for the efficient and effective delivery of community planning and development services, construction permitting and neighborhood programs. All areas involved considerable commitment of staff resources necessary to ensure appropriate customer service, the protection of the public health, safety and welfare and the provision of community development programs. These services were provided together with processing and responding to citizen information requests performed on a continuous basis.

**PLANNING, DEVELOPMENT AND NEIGHBORHOOD SERVICES**Planning Commission

January 7, 2016 meeting:

1. Approved a Special Land Use Permit for Angel Works Photography, 865 Lenox Avenue.
2. Convened a public hearing regarding a request to rezone the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue from R-1A, one family residential to OS-1, office service.

January 21, 2016 meeting:

1. Convened a public hearing regarding the Planning Commission expanded rezoning consideration of 480 Admiral Avenue, 6979 South Westnedge Avenue and 12 properties located along the east side of Dorset Street.
2. Recommend to City Council that Rezoning Application #15/16-3 be approved and the northern 75-feet of 328 West Milham Avenue and the northern 100-feet of 414 West Milham Avenue be rezoned from R-1A, one family residential to OS-1, office service.

Zoning Board of Appeals

The Zoning Board of Appeals did not meet in January 2016.

Human Services Board

January 7, 2016 meeting:

1. The Board started the process to review the applications for FY 2016-2017 Human/Public Service funding. Presentations were made by Catholic Charities, Goodwill Industries, Gryphon Place, Housing Resources, Lending Hands of Michigan, YWCA, and Portage Community Center.

January 21, 2016 meeting:

1. Conducted a public hearing involving the Needs Assessment section of the 2016-2020 Consolidated Plan.
2. The Board completed an initial review of scores/ranking submitted for the FY 2016-2017 applications for Human/Public Service funding.
3. Received an update concerning the Kalamazoo Transit Authority.

### OTHER BOARD ACTIVITIES

- Local Development Finance Authority - The Authority did not meet in January 2016.
- Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority - The Authority did not meet in January 2016.
- Downtown Development Authority - The Authority did not meet in January 2016.

### Citizen Information Requests:

During the month of January 2016, a total of 226 cases/violations were inspected or identified in response to citizen service requests or staff field observations: 172 sidewalk snow; 14 vehicle parked in yard; 11 inoperable vehicles; 10 signs; 9 debris/refuse; 7 building maintenance; 2 property maintenance; 1 safety, sanitation and health.

### BUILDING AND HOUSING SERVICES

Construction Board of Appeals: The Board did not meet in January 2016.

Issued permits and conducted required building, electrical, plumbing and mechanical inspections to ensure compliance with local codes/ordinances. The following list shows major permits:

| Type of Permit/Application                                                                                             | Number of Permits | Project Valuations |
|------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|
| Single-family Houses Detached                                                                                          | 2                 | \$765,612          |
| Single-family Houses Attached                                                                                          | 4                 | \$1,058,858        |
| Residential Additions, Interior Remodels, Garages, Sheds, etc.                                                         | 9                 | \$242,096          |
| Commercial Additions, Interior Remodels, etc.                                                                          | 8                 | \$249,365          |
| Permits Not on Report (i.e., demolition, electrical, plumbing, mechanical, driveway, sign, water use/sewer use, etc.). | 120               | N/A                |
| <b>Totals</b>                                                                                                          | <b>143</b>        | <b>\$2,315,931</b> |

### CDBG Housing Assistance Programs

| CDBG PROGRAMS                    |                        |               |                  |                         |
|----------------------------------|------------------------|---------------|------------------|-------------------------|
| Activity                         | Housing Rehabilitation | Water / Sewer | Emergency Repair | Down Payment Assistance |
| New Applications                 | 1                      | 0             | 0                | 1                       |
| Applications Approved            | 0                      | 0             | 0                | 1                       |
| New Loan Closings                | 2                      | 0             | N/A              | 0                       |
| Monthly Projects Completed       | 1                      | 0             | 0                | 0                       |
| Projects Underway                | 3                      | 0             | 0                | 0                       |
| <b>FY YTD Projects Completed</b> | <b>5</b>               | <b>0</b>      | <b>0</b>         | <b>0</b>                |



## CITY OF PORTAGE

## COMMUNICATION

**TO:** Laurence Shaffer, City Manager

**DATE:** February 15, 2016

**FROM:** William Furry, Director of Finance 

**SUBJECT:** Monthly Report-January 2016

*RECEIVED*

FEB 15 2016

CITY MANAGER'S OFFICE  
PORTAGE, MI

### ACCOUNTING /PAYROLL

- Issued 323 accounts payable paper checks, totaling \$1,531,506.81, and made 97 vendor payments via electronic funds transfer payments totaling \$357,329.35, for a total monthly outlay of \$1,888,836.18.
- Completed Form 1099 processing, printed and mailed 172 Forms 1099-Misc to appropriate vendors covering \$1,742,273.49 in reportable payments.
- Processed 2 payrolls, creating 468 checks and deposit advices for 233 employees, with a total monthly payroll expenditure of \$942,626.17.
- Processed new calendar year changes for United Way deductions and reset annual goal limits for calendar year based employee deductions.
- 2015 W-2's were mailed or distributed to 431 employees on January 14.
- Completed entry of applicable overtime hours for annual Fair Labor Standards Act (FLSA) overtime adjustment, in preparation for final review in February. FLSA payments are made in second pay of February.
- Completed State of Michigan Quarterly Contribution Report for Unemployment Compensation Group Account to MML for the quarter ended 12/31/15.
- Updated 1617 Budget Form B document with current/projected positions and appropriate salary and wage adjustments as requested by individual departments.
- Performed test payroll with information from a select group of employees, to move hours in ADP electronic system to payroll, for verification against actual check payments made on the 1/21/16 payroll. Continue to work with ADP implementation team on resolutions of identified issues.

### TREASURY

- Continued to collect 2015 winter taxes without penalty and interest along with 2015 summer tax bills with appropriate penalty and interest.
- Treasury Supervisor attended Kalamazoo County Treasurer's Assn quarterly meeting.
- Treasury Specialist took 1 case to small claims court to attempt to collect delinquent personal property taxes.
- Issued 88 miscellaneous receivable statements for unpaid invoices.
- Mailed 44 final bill delinquent notices to utility customers, and 49 final bill delinquent notices to property owners.

- Prepared and issued the following utility billing statements:
  - 5,578 regular quarterly bills (cycle 1 and 4)
  - 85 final billing notices (various cycles)
- Prepared and issued the following utility billing delinquency notices:
  - 710 delinquent notices (cycle 3)
  - 439 disconnect notices (cycle 3)
  - Shut off 35 customers on January 6, 2016 for non-payment (extended from December due to the holidays) and shut off 41 customers on January 27, 2016 for non-payment.
- Sent 114 accounts for “pre-note” related to the direct debit program.
- Processed 136 requests to initiate or terminate water/sewer services to residences and businesses in Portage. Staff averages 10 such setups per business day.
- Staff assisted customers by answering 1,138 phone calls during January 2016. Since July 1, 2015, a total of 8,114 phone calls have been handled, averaging 54 per business day.
- During January 2016, staff worked with 80 customers at the Treasury counter to whom receipts were not issued. Staff averages 6 such encounters each business day.

### FINANCE/BUDGET

- Cashed in maturing investments, analyzed cash position and reinvested called bonds.
- Prepared monthly investment scorecard, input investment activity and balances into SymPro software and generated monthly SymPro reports for the investment committee.
- Responded to numerous questions from departments regarding budget preparation for 2016/2017.
- Budget data entry was completed by departments in BS&A system.
- Collected completed budget Form C (Additional Personnel), D (Promotions & Additional Hours), F (Capital Outlay) and Vehicle forms from departments from 2016/2017 budget, and answered related questions.
- Prepared cell phone forms and distributed to applicable departments heads.
- Analyzed and input the Finance Department’s budget into BS&A.
- Reviewed Dues & Membership and Training Plan forms and compared to department’s entry into BS&A.
- Rolled over departmental budgets input from “original request” to “working draft” in BS&A and commenced review of detail entry.
- Began update of payroll allocation work papers for 2016/2017 budget.
- Computed debt service requirements for the operating budget and entered in BS&A.
- Prepared revenue estimates for the 2016/2017 operating budget.
- Continued Capital Improvement Program review team meetings to prepare the 2016-2026 Capital Improvement Program.
- Gathered information for and began preparation of the financial section of the annual utility rate study.
- Worked on budgets for utilities, insurance, gasoline/diesel, and telephones.
- Presented finished CAFR copies to City Council.
- Met with Director of Parks, Recreation and Senior Citizen Services on questions with the 2016/2017 budget and changes to general ledger account structure.



- Met with Senior Deputy Police/Fire Chief and Communications Supervisor regarding accounting for the ETSC (Emergency Telephone Service Committee) Training Grant funding.
- Met with Director of Transportation and Utilities on questions relating to a sidewalk CIP project and worked on related budget amendments.
- Met with Parks, Recreation and Senior Citizen Services and Public Services departments on the 2015/2016 budget status.
- Prepared and filed IRS Form 720, Quarterly Federal Excise Tax Return (the City is only required to file annually) related to the Patient-Centered Outcomes Research Fee on applicable self-insured health plans.
- Deputy Director of Accounting & Budget attended the Southwest Michigan First Catalyst University at Wings Event Center.
- Approved accounts payable invoices and invoices with a purchase order prior to payment.
- Prepared and posted various budget amendments.
- Handled various questions and requests from departments.

### **BENEFITS/COMPENSATION**

- Continued to monitor, research, and implement requirements of the Affordable Care Act (ACA).
- Compiled and submitted data to comply with Employer-Provided Health Insurance Offer and Coverage reporting as required under the ACA.
- Continued to track city share of health insurance premium limits as provided for by PA-152.
- Calculated health insurance taxes and fees required under the ACA.
- Calculated and approved monthly payments for employee fringe benefit plans (medical, vision, dental, life and long-term disability insurance, flexible spending accounts, pension contributions, etc.).
- Completed preparation of city-wide benefit budget for FY 2016/2017.
- Continued to administer Defined Benefit Plan, including locating and coordinating benefit payments for terminated vested participants.
- Continued preparations to establish UAW Retiree Health Savings Plan as provided for in the labor agreement.
- Prepared and submitted IRS required restatement for the Department Head and Non-Union 401(a) Plans.
- Completed 2016 health insurance renewal process for Blue Cross Blue Shield of Michigan and Blue Care Network.
- Administered contractual wage adjustments per applicable labor agreements.
- Administered contractual bonus payments per applicable labor agreements.
- Responded to various employment verifications for employees.



**WORKERS' COMPENSATION**

- Continued with aggressive case management on a number of work related injury claims. Special attention continues to be directed toward high reserve cases. Focus also directed toward lost-time cases with emphasis placed on returning employees to restricted duty assignments.
- Continued to assist supervisory personnel with employees in restricted duty assignments.
- Provided information to the city third party administrator for the processing of workers' compensation claims.
- Provided direction to third party administrator in regard to workers' compensation claims.
- Updated the OSHA 300 Log.

## CITY OF PORTAGE

## COMMUNICATION

**TO:** Larry Shaffer, City Manager

**DATE:** February 11, 2016

**FROM:** Robert Sames, Acting Director of Human Resources Department

**SUBJECT:** Human Resources Department Monthly Report – January 2016

RECEIVED

FEB 11 2016

CITY MANAGER'S OFFICE  
PORTAGE, MI

### RECRUITING

The following positions were filled in January:

- Senior Citizen Program Coordinator (FT)
- Police Officers (FT) (3)
- Firefighters (2)
- Firefighter (Bubble) (1)
- Administrative Assistant – Assessor's Office

The following positions have candidates identified:

- Police Reserve Officers (7 in backgrounds)
- Umpire Coordinator
- Police Records Clerk (PT)
- Park Ranger (3)
- Administrative Fire Division Chief Training/Safety

The following positions are open and/or recruitment efforts are ongoing:

- Property Appraiser
- Police Officer (PT)
- Director of Human Resources
- Deputy Director Human Resources
- Adult Softball Coordinator
- Seasonal Recreation Attendant (2)
- Lifeguards/Senior Lifeguards (11)
- Ramona Park Supervisors (3)
- On-Call Firefighters
- Dispatch/Radio Operators
- Election Workers (122)

Employment applications, assessments and recruitment activities:

- 278 Applications processed and screened
- 76 In person and phone interviews conducted
- 0 Testing and other assessments conducted

## **SAFETY, TRAINING AND DEVELOPMENT**

December activities to promote the education, development, training and safety of employees included the following:

- Randomly tested 2 participants for drug testing program.
- Conducted annual written test for Police Division Detective candidates.
- Conducted orientation sessions for 8 new employees.
- Human Resources coordinated and participated in the combined Streets & Equipment, Parks, Recreation & Senior Citizen Services and Transportation & Utilities departments Safety Committee meeting.

## **HEALTH MANAGEMENT PROGRAM**

- Continued to administer Health Management Program (HMP) for Department Head, Non-Union, PPCOA, PPOA and UAW employee groups.

## **BENEFITS**

- Provided benefit consultation to employees terminating, retiring and beginning employment with the city.
- Prepared and distributed Benefit Open Enrollment materials to active employees, COBRA participants and retirees. Conducted Open Enrollment from January 4, 2016 through January 15, 2016. Processed all changes received during open enrollment including insurance enrollments, changes and terminations for active employees, processed waivers of medical insurance for active employees and retirees.
- Assisted employees and retirees with various benefit matters, including claim resolution and dependent eligibility.
- Processed benefit changes as necessary, including calculation and submission of payroll deductions including changes made during open enrollment.
- Began making benefit changes and wage updates to 4myBenefits on-line web-based benefit site based on open enrollment information.
- Issued retiree health insurance invoices to 8 retirees and 2 unions.
- Monitored Flexible Spending Account (FSA) reimbursements processed by Kushner & Company for 24 participants for the 2015-2016 plan year. Processed enrollments for 2016-2017 FSA plan year for 25 participants.
- Performed administrative requirements to meet legal compliance in regard to the Family Medical Leave Act (FMLA). Processed 11 notifications for employees.



- Performed administrative requirements to meet legal compliance in regards to the Consolidated Omnibus Budget Reconciliation Act (COBRA). Processed COBRA initial notices for 8 new full-time employees and COBRA continuation for 3 terminating employees.
- Documented and monitored sick leave usage.

## CITY OF PORTAGE

## COMMUNICATION

RECEIVED

**TO:** Laurence Shaffer, City Manager

**DATE:** February 12, 2016

FEB 12 2016

**FROM:** Kendall Klingelsmith, CPRP, Director of Parks, Recreation and Senior Citizen Services

CITY MANAGER'S OFFICE

PORTAGE, MI

**SUBJECT:** Monthly Operations Report for January 2016

### PARKS & RECREATION:

#### **PARK RESERVATIONS**

Schrier Park

1  
Total: 1

#### **RECREATION EVENTS**

Downhill Ski or Snowboard lessons

11 Participants

Snowshoe Hike

25 Participants

Winter Snow Party

202 Participants

### SENIOR CITIZEN SERVICES:

#### **ATTENDANCE AND ACTIVITIES**

Total participations for the month of January were 1,846.

#### **MEMBERSHIP**

Total active memberships for the month of January were 1,290. There were 20 new members who signed up in January, and 94 membership renewals.

#### **VOLUNTEERISM**

Total numbers of PSC volunteer hours for January were 1,531 representing the contributions of 135 volunteers whose combined work is valued at over \$33,188.

#### **JANUARY PROGRAM HIGHLIGHTS**

- Appointments for AARP Tax Assistance began in January.
- A nutritional Cooking demonstration was put on by WMU students.

#### **TRAVEL PROGRAM**

- Total Participation for travel was light due to the winter season. During the month of January, one trip was offered, *New Year's on the River*, and thirteen people participated.

#### **FUNDRAISING**

Income for the month of January was \$8,120 and includes transportation donations, memberships, newsletter advertising and rentals.

## CITY OF PORTAGE

## COMMUNICATION

**TO:** Laurence Shaffer, City Manager

**DATE:** February 15, 2016

**FROM:** Richard J. White, Public Safety Director – Police/Fire Chief *RW*

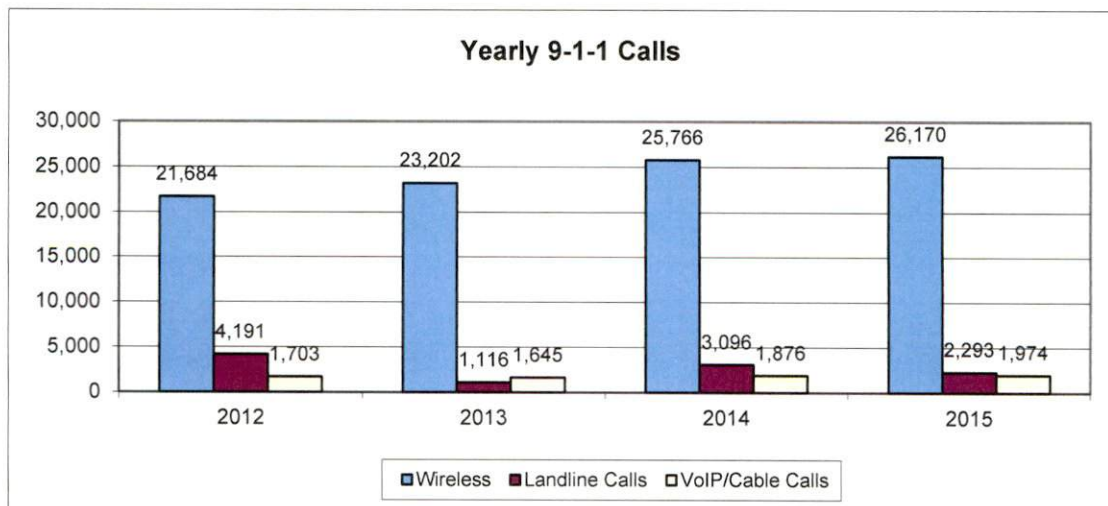
**SUBJECT:** Monthly Report for January 2016

*RECEIVED*  
FEB 15 2016  
CITY MANAGER'S OFFICE  
PORTAGE, MI

Portage dispatchers are responsible for answering 15 incoming telephone lines, three of which are 9-1-1 lines. When a 9-1-1 call is placed from a conventional landline telephone, the public safety answering point (PSAP) automatically receives the call-back number and address of the caller. The caller's location plots on a map in the Communications Center. As technology changes, fewer people are maintaining their landline service.

Cellular or wireless calls pose a different challenge. The longitude and latitude of the cell phone tower is relayed to the PSAP. If the cell phone has GPS, the call can be "rebid" by the dispatcher, and, in a few seconds, the caller's location will plot on the map. The caller's location on the map may vary from several feet to a tenth of a mile, depending on the wireless carrier, cell tower location, and terrain. Consequently, it takes the dispatcher a longer time to handle a 9-1-1 cell call than a landline 9-1-1 call. Approximately 86% of all 9-1-1 calls are cellular/wireless.

Voice over Internet Protocol (VoIP) is the technology that allows calls to be made using a broadband Internet connection instead of a regular (or analog) phone line. However, using the phone to call 9-1-1 with a mobile computer or laptop from a location other than its "home" can provide erroneous information. If the caller is on vacation in California, using a VoIP phone, and no pre-arrangements are made with the Internet service provider, the 9-1-1 call will still be received in Portage for an emergency that is occurring in California.





## **POLICE DIVISION STATISTICAL SUMMARY**

|                               |       |
|-------------------------------|-------|
| Police Incidents Dispatched:  | 1,609 |
| Fire Incidents Dispatched:    | 401   |
| Gun Registrations:            | 140   |
| Warrants Obtained:            | 95    |
| Expressway Incidents Handled: | 98    |
| 9-1-1 Calls Received          | 2,152 |

### **ARRESTS**

Total Adult Arrests: 330

Major Charges:

Felony Death From Fleeing  
Armed Robbery  
Possession of Methamphetamine  
Criminal Sexual Conduct

Total Juvenile Arrests: 28

Major Charges:

Threat to Bomb  
Larceny  
Resisting Officer  
Burglary

### **DECEMBER CRIME STATISTICS**

|                     |     |
|---------------------|-----|
| Violent Crimes:     | 72  |
| Non-Violent Crimes: | 360 |

Reported Crimes - December 2015 Compared to December 2014:

|                 |        |
|-----------------|--------|
| Part I Crimes:  | +14.3% |
| Part II Crimes: | - 5.6% |

Year-to-Date Comparison:

|                               |        |
|-------------------------------|--------|
| Part I & II Crimes Total YTD: | - 0.6% |
|-------------------------------|--------|

### **TRAINING**

Topics: Defensive Tactics Instructor  
Field Training Officer  
Taser Instructor  
Evidence Room Management

### **VOLUNTEER HOURS**

|          |    |
|----------|----|
| January: | 96 |
| YTD:     | 96 |

### **EMPLOYEES INJURED**

|          |   |
|----------|---|
| January: | 5 |
| YTD:     | 5 |

## FIRE DIVISION STATISTICAL SUMMARY

| <b>Calls for Service</b>                    |  | <b>Count</b>        |
|---------------------------------------------|--|---------------------|
| Fire                                        |  | 8                   |
| Overpressure Rupture                        |  | 5                   |
| Rescue & Emergency Medical Service Incident |  | 238                 |
| Hazardous Condition (No Fire)               |  | 9                   |
| Service Call                                |  | 38                  |
| Good Intent                                 |  | 81                  |
| False Alarm and False Call                  |  | 21                  |
| <b>Total Calls</b>                          |  | <b>400</b>          |
| <b>Total Property Loss</b>                  |  | <b>\$123,000.00</b> |

| <b>Inspections</b>                     |  | <b>Count</b> |
|----------------------------------------|--|--------------|
| Annual Attempt & Inspection            |  | 11           |
| Reinspection Attempt & Inspection      |  | 12           |
| Key Box                                |  | 7            |
| Fire Protection Inspection/Plan Review |  | 3            |
| Plan Review                            |  | 8            |
| Campfire Permit and Inspection         |  | 1            |
| Final or Move-in                       |  | 7            |
| FOIA                                   |  | 8            |
| Smoke Detector Installations           |  | 3            |
| Other                                  |  | 8            |

| <b>Auto/Mutual Aid</b>             |  | <b>Count</b> |
|------------------------------------|--|--------------|
| Mutual Aid Received - Comstock     |  | 2            |
| Automatic Aid Received - Comstock  |  | 1            |
| Mutual Aid Given - Comstock        |  | 2            |
| Automatic Aid Received - KDPS      |  | 3            |
| Automatic Aid Received - Oshtemo   |  | 1            |
| Mutual Aid Given - Oshtemo         |  | 1            |
| Automatic Aid Given - Pavilion     |  | 2            |
| Automatic Aid Given - SKCFA        |  | 1            |
| Mutual Aid Received - Texas Twp    |  | 1            |
| Automatic Aid Received - Texas Twp |  | 1            |
| Automatic Aid Given - Texas Twp    |  | 2            |

| <b>Public Education</b> | <b>Adult</b> | <b>Child</b>     |
|-------------------------|--------------|------------------|
| Car Seats               | 21           | 10               |
| Station Tour            | 33           | 40               |
|                         |              | <b>Installed</b> |
| Smoke Detectors         |              | 12               |
| Car Seats               |              | 20               |

| <b>Training</b>                        |  | <b>Count</b> |
|----------------------------------------|--|--------------|
| Fire Inspection                        |  | 30           |
| FF Right to Know                       |  | 41           |
| Bloodborne and Respiratory Emergencies |  | 41           |
| Hazmat Awareness                       |  | 32           |
| Patient Assessment                     |  | 38           |



## **JANUARY 2016 SIGNIFICANT EVENTS**

Police were dispatched to a fitness gym reference a larceny. The victim, a member of the gym, reported that money had been stolen out of his wallet, which had been locked in his vehicle. The victim also reported that he had left his keys in his locker, which was not locked, while he was working out. A second member reported money had been stolen out of his wallet, with the circumstances being similar to the first incident. A suspect was observed exiting the building, but he quickly fled the area. Detectives are continuing to investigate.

A report of stolen identity was received, in which the victim discovered two fraudulent credit cards had been opened in his name. One of the credit card companies advised the victim that he had been approved for online savings and checking accounts. The victim also received a package of checks in his name and debit cards. The victim notified the credit card company that he had never applied for the accounts. The victim suffered no loss as a result. Shortly thereafter, the same victim received a credit card from another credit card company. In this incident, the fraud department of the credit card company contacted the victim to advise him of the suspicious circumstances. Again, the victim suffered no loss during this attempted fraud.

An officer stopped a vehicle on I-94 near Oakland Drive. The vehicle had an Illinois registration plate, and it was weaving and traveling well below the posted 70 mph speed limit. The strong odor of fresh marijuana was detected coming from inside the vehicle. When the vehicle was searched, three gallon-size bags of marijuana were located. A felony warrant for Deliver/Manufacture of Marijuana was subsequently authorized against the 20-year-old driver from Illinois.

One of the Portage school resource officers was notified that a teacher's assistant had observed something disturbing. A student had drawn what appeared to be plans to bomb the school. In his handbook, he drew weapons and indicated where all the surveillance cameras were located, as well as hall monitor locations, points of interest, and places to plant bombs. When confronted, the suspect student said he got the idea from the movie "Purge," and he did not plan to actually carry out the threat. Detectives are requesting charges against the student.

On January 9, 2016, at approximately 9:15 p.m., a Portage police officer observed a vehicle that had recently fled from a Kalamazoo Department of Public Safety officer. When the Portage officer pulled in behind the vehicle, the suspect, a 17-year-old Kalamazoo resident, drove through a parking lot and fled westbound on Kilgore Road from S. Westnedge Avenue at a high rate of speed. The officer immediately activated his siren and overhead emergency lights in an attempt to stop the vehicle. The suspect continued driving west on Kilgore and then south on Oakland Drive. The suspect vehicle continued driving southbound on Oakland Drive until he struck a vehicle that was exiting a driveway in the 7900 block of Oakland Drive. The vehicle that was struck was driven by a 33-year-old Paw Paw resident, who was pronounced dead at the scene. The driver and a 16-year-old passenger in the fleeing vehicle were not injured. The 16-year-old was transported to the hospital for precautionary measures but was soon released. The driver was subsequently charged with Fleeing & Eluding First Degree Causing Death and Operating Without a License Causing Death.





On January 18, fire units responded to a residential fire on Handel Street. Upon arrival, fire crews found the home to have fire through approximately 65 percent of the home. Firefighters were hampered by a fire at the gas meter that continued to burn until Consumers Energy arrived. No injuries were reported. The owner was allowing homeless people to stay in the home to keep them from living in the winter

elements. The house was heated by a wall furnace and showed evidence of being a hoarder house. It is suspected a pile of combustible material was knocked over in front of the furnace and was subsequently ignited by the flame.

The victim of a fraud reported that she provided her debit card and PIN to a friend. The card was returned to the victim a few days later, and when the victim went to her credit union to use the ATM, she discovered a large amount of money was missing from her account. When the victim made contact with her credit union, they advised her it appeared that whoever had been using her debit card attempted to make several check deposits into the account and then make withdrawals. The victim had been duped into partaking in a fraudulent check crime being committed by the suspect or her relatives. This investigation, along with several others the credit union was investigating, was turned over to the Michigan State Police Fraud Unit.

RJW:JMH;jh

**TO:** Laurence Shaffer, City Manager

**DATE:** February 12, 2016

**FROM:** Rod Russell, Director of Public Services



**SUBJECT:** Monthly Operations Report for January 2016

**STREET MAINTENANCE ACTIVITIES**

- Removed 630 cubic yards of brush during the Quarterly Brush Pickup Program
- Removed 16.5 inches of snow from major and local streets
- Repaired mailboxes damaged from snow removal operations
- Provided mechanic support for the DPS Equipment Division
- Replaced damaged or faded street signs
- Performed interior & exterior modifications to the Ramona Beach House
- Assisted with removal of Christmas lights from City Centre
- Removed low hanging tree limbs from local streets that could damage snow plow trucks
- Removed the old guardrail near the installation of the new bikeway at Austin & E. Shore
- Installed split rail fencing near the installation of the new bikeway at Austin & E. Shore
- Trimmed brush off the fence lines at Schrier, Lakeview and S. Westnedge Parks
- Mixed salt with a liquid additive call Boost for deicing streets in colder temperatures
- Removed snow from the four bridge sidewalks for pedestrian access
- Repaired potholes located on the major & local street systems
- Plowed snow from the park trail system
- Installed a snow plow truck blade storage rack in the DPS facility
- Trimmed brush along the E. Romance Road Parkway between S. Westnedge & Lovers Lane
- Repaired a section of broken split rail fencing at Lakeview Park
- Installed 2,184 feet of fiber optic conduit along the Portage Creek Bicentennial Trail from the Library to the Grain Elevator for the placement of WiFi at the Celery Flats Historic Area
- Installed split rail fencing along the Portage Creek Bicentennial Trail from the Library to the Grain Elevator after the trenching was completed
- Replaced deteriorated wooden steps at South Westnedge Park at the baseball fields
- Cleared brush from the Garden Lane Bikeway from Lovers Lane to the Celery Flats Information Area
- Removed scrap metal from the DPS facility
- Provided mini excavator and track steer training to Groundsmen and Laborers
- Hauled repaired picnic tables to the parks

**Weekly Curbside Recycling Program** - The following summarizes total weights of recyclable materials collected during the month of January 2016 as well as Fiscal Year-to-Date totals:

**WEEKLY CURBSIDE RECYCLING PROGRAM COLLECTION SUMMARY**  
**TOTAL WEIGHT OF RECYCLABLE MATERIALS COLLECTED**

| <b>Date</b>  | <b>Fiber Collected (tons)<br/>(Paper/Cardboard)</b> | <b>Rigids Collected (tons)<br/>(Glass/Plastics)</b> | <b>Single Stream<br/>Recycling (tons)</b> | <b>Totals<br/>(tons)</b> |
|--------------|-----------------------------------------------------|-----------------------------------------------------|-------------------------------------------|--------------------------|
| January 2016 | 0                                                   | 0                                                   | 223.67                                    | 223.67                   |
| FY 2015-16   | 161.25                                              | 73.9                                                |                                           | 1077.19                  |

Note: There were 44 new requests for recycling services in the month of January.

**HOUSEHOLD HAZARDOUS WASTE PROGRAM** – The following tables shows the number of residents that disposed items at the Kalamazoo County Household Hazardous Waste Facility at 1301 Lamont Avenue.

**Household Hazardous Waste Participants**  
**From 2008 through December 2015**

| <b>PORTAGE</b> | <b>JAN</b> | <b>FEB</b> | <b>MAR</b> | <b>APR</b>  | <b>MAY</b>  | <b>JUN</b>  | <b>JUL</b>  | <b>AUG</b>  | <b>SEP</b>  | <b>OCT</b>  | <b>NOV</b>  | <b>DEC</b> | <b>Year End<br/>Total</b> |
|----------------|------------|------------|------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|------------|---------------------------|
| <b>2008</b>    | 53         | 43         | 58         | 135         | 138         | 116         | 147         | 63          | 84          | 117         | 89          | 47         | <b>1090</b>               |
| <b>2009</b>    | 63         | 70         | 94         | 142         | 121         | 143         | 173         | 107         | 118         | 126         | 128         | 73         | <b>1358</b>               |
| <b>2010</b>    | 68         | 48         | 107        | 208         | 192         | 147         | 165         | 131         | 119         | 157         | 152         | 72         | <b>1566</b>               |
| <b>2011</b>    | 78         | 59         | 145        | 102         | 171         | 198         | 145         | 124         | 125         | 131         | 151         | 93         | <b>1522</b>               |
| <b>2012</b>    | 93         | 93         | 117        | 124         | 158         | 168         | 141         | 135         | 130         | 156         | 152         | 104        | <b>1571</b>               |
| <b>2013</b>    | 109        | 66         | 90         | 156         | 232         | 162         | 200         | 130         | 149         | 178         | 170         | 86         | <b>1728</b>               |
| <b>2014</b>    | 97         | 70         | 86         | 220         | 256         | 219         | 264         | 182         | 174         | 226         | 134         | 101        | <b>2029</b>               |
| <b>2015</b>    | 117        | 91         | 118        | 186         | 212         | 280         | 276         | 192         | 210         | 226         | 205         | 174        | <b>2287</b>               |
| <b>TOTAL</b>   | <b>678</b> | <b>540</b> | <b>815</b> | <b>1273</b> | <b>1480</b> | <b>1433</b> | <b>1511</b> | <b>1064</b> | <b>1109</b> | <b>1317</b> | <b>1181</b> | <b>750</b> | <b>13151</b>              |

**PARKS MAINTENANCE ACTIVITIES**

- Supported 5 burials in the cemeteries
- Removed 16.5 inches of snow from city properties, major & local streets, and the trail system
- Ensured entrances to city buildings were free of ice and snow
- Removed Christmas light decorations from the City Centre
- Removed holiday greeting cards from the Celery Flat Historic Area
- Fabricated two new barricades for crowd control at the Millennium Park Ice Rink
- Continued the repairs to picnic tables with damaged wooden boards
- Continued the refurbishing of park trash barrels
- Repaired a bent flag pole at the Portage Creek Bicentennial Park



- Removed dead trees from Lexington Green Park & the Portage Creek Bicentennial Park Trail
- Prepared park facilities for upcoming rentals
- Repaired inoperable lights in the parks
- Repaired damage split rail fencing in the parks
- Supported the Snowshoe Hike at West Lake Nature Preserve on 1/16/16
- Supported the Winter Snow Party at Oakland Drive Park on 1/30/16

## **FLEET & FACILITIES DIVISION:**

The Fleet & Facilities Division generated 152 work orders for the month of January 2016. A total of \$12,267.58 was spent on billable labor hours while the parts costs were \$13,072.27. The outside contracted work was \$8,737.39.

| January 2016 | January 2015 |                                                       |
|--------------|--------------|-------------------------------------------------------|
| 152          | 117          | Work Orders                                           |
| \$13,072.27  | \$6,849.18   | Parts Cost                                            |
| \$12,267.58  | \$14,645.91  | Labor Cost                                            |
| 39           | 14           | Preventative Maintenance (P.M.) Work Orders Completed |
| \$115.03     | \$109.23     | Average Cost per P.M                                  |
| \$4,486.23   | \$1,529.22   | Total P.M. Cost                                       |
| \$0.00       | \$0.00       | Contracted Repairs-Body & Painting                    |
| \$8,737.39   | \$6,383.78   | Contracted Repairs (Not Including Body & Paint)       |
| \$1,982.54   | \$292.00     | Building Renovations                                  |

## **BUILDING MAINTENANCE**

1. Custodial Operations
2. City Hall, Police, and Senior Center support services

# CITY OF PORTAGE

# COMMUNICATION

**TO:** Laurence Shaffer, City Manager

**DATE:** February 1, 2016

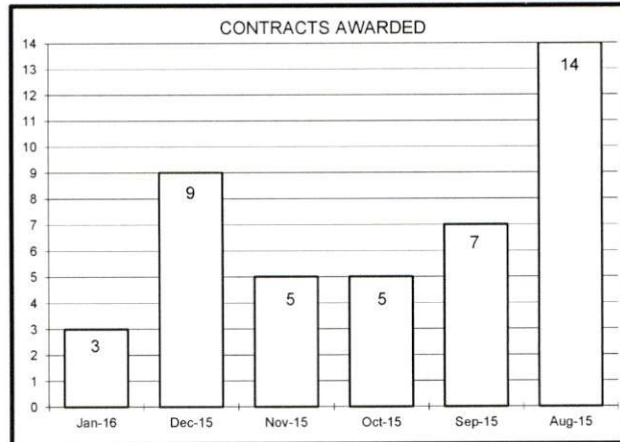
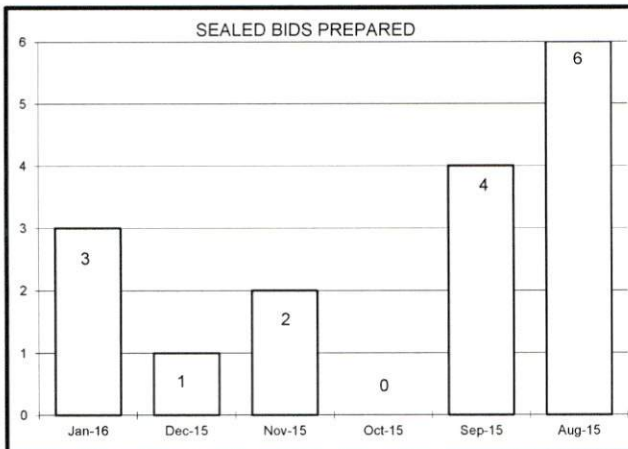
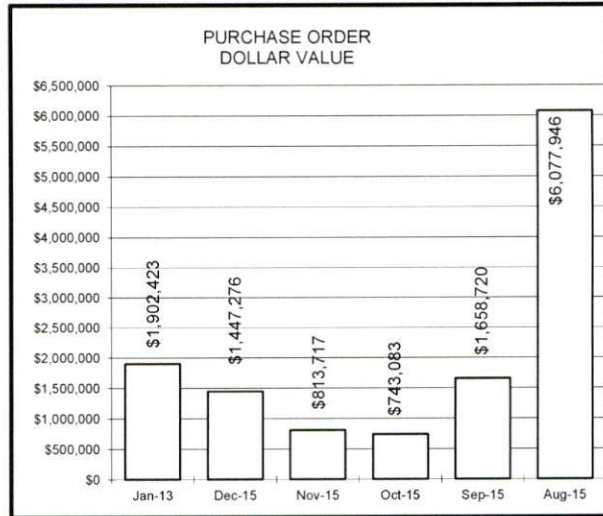
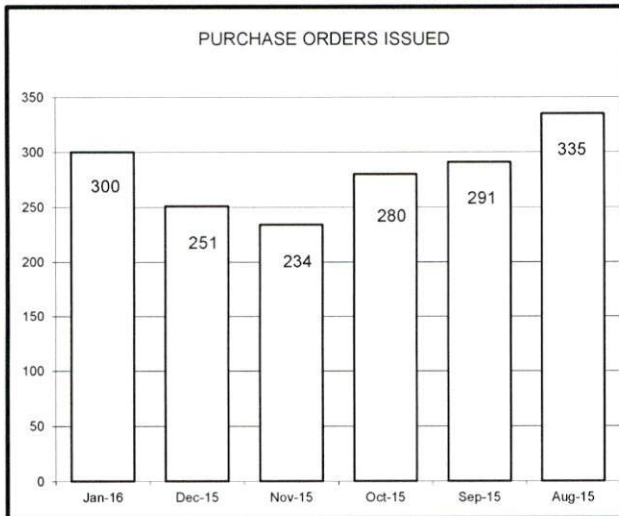
**FROM:** Rob Boulis, Deputy City Manager



RECEIVED  
FEB 01 2016

CITY MANAGER'S OFFICE  
PORTAGE, MI

**SUBJECT:** Purchasing Monthly Report - January 2016



**SEALED BIDS OPENED / CONTRACTS AWARDED**  
 Lakeview Park & Schrier Park Playground Improvements  
 Household Hazardous Waste Collection  
 Construction Management - Non-Motorized Trail

**SEALED BIDS PREPARED**  
 Managed Printer Services  
 East Osterhout Street Repair  
 MLK Drive Repairs

- 6 new claims were filed with MMRMA, five claims were settled.
- Purchasing staff added 34 new vendors to the purchasing software vendor file.

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Laurence Shaffer, City Manager

**DATE:** February 12, 2016

**FROM:** Devin Mackinder, Director of Technology Services & Community Marketing



**SUBJECT:** Department Monthly Report – January, 2016

The following summarizes some of the public information and technology activities for the month of January.

### **Cable Access**

Continued administration of the Cable Communications Franchise Agreement with Charter Communications, AT&T and the Cable Television Access Agreement with Public Media Network:

#### Significant Activities:

- Continued taping various special programs (HMP, Lunch & Learn, etc)
- Continued working with Director Haasch on emergency broadcast protocols.
- Completed working with Ferrell audio on replacing Dias monitors with flat screen displays.

### **Internet/Intranet Web Site**

Continued with daily updates to city Internet and Intranet web sites as well as preparing for future updates and upgrades and compiling monthly statistics.

#### Significant Activities:

- Researching municipal website development vendors for updating the city internet/intranet sites to make them more user/mobile friendly.

### **Telecommunications**

- Completed ACDnet ROW permit processing

### **Contract Administration**

- Began printer management services bid process
- Began Microsoft Office licensing renewal
- Began VM Ware licensing renewal



### **Information Technology**

Continued with several technology projects, supervising Technology Services Department staff and researching new technology opportunities that work toward city goals of providing efficient and cost-effective services.

#### Significant Activities:

- Continued working with the City of Kalamazoo and CTS Telecom to install a fiber run between the two City IT networks
- Continued PortageAlert mass notification system for emergency initiatives
- Continued electronic Council agenda system demo activities
- Began installation of Wi-Fi at Celery Flats
- Continued updating the Firehouse application to .net
- Completed installation of the Public Safety server storage upgrade/expansion project
- Continued researching city website rebuild vendors
- Continued investigating options for upgrading the inadequate decades-old multi-mode fiber ring
- Continued implementation of the ADP time and attendance system
- Continued researching various new technologies
- Continued researching posting live snow plow location tracking on the city website
- Continued researching new citywide keyless entry and camera system project
- Continued new World system migration
- Continued implanting new Report It system
- Continued conversation with Portage Public Schools to access school cameras and entry systems
- Continued installation of the new Report it! system and MI.Portage application upgrade

#### Marketing Activities

- Continued oversight and management of all city marketing activities

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Laurence Shaffer, City Manager

**DATE:** January 19, 2016

**FROM:** W. Christopher Barnes, Director of Transportation & Utilities 

**SUBJECT:** Transportation & Utilities Department Monthly Report for January 2016

The month of January 2016 was a busy month for both Transportation & Utilities staff and the Suez Environmental staff. The business name change from United Water to Suez Environmental was completed nationwide and in Portage. The name change has had no impact on the personnel or operations. Suez has named a new Project Manager, Robert Miller, and began his employment in January 2016. As to the Suez Environmental operations, emphasis during the month continued to be directed at ensuring the various activities related to the utility operation were being completed professionally and in a manner to ensure that service levels committed to under the Suez Environmental contract with the city are completed in a timely manner.

Major accomplishments involving the Suez operations during the month include:

1. Inspections continued on sewer lift stations and water wells. During January, 864 inspections were made by Suez personnel.
2. Suez personnel received 18 customer service calls during January.
3. Suez personnel responded to 16 after-hour panel alarms as indicated on the SCADA control panel monitoring the city's water and sanitary sewer facilities.
4. Approximately 107 million gallons of water were produced/pumped during January. Production averaged around 3.5 million gallons of water per day during the month. Five hundred seventy water quality analyses were completed during the month.
5. Nine new meters were installed and no new service leads were required to be tapped during the month of January.
6. Miss Dig staking was completed at 115 locations.
7. Six water main breaks occurred during the month of January at 2904 Fleetwood Avenue, 6811 Hickory Point Dr., West, 8105 Waylee Street, 5736 Deerfield Street, 2824 Hill'an' Brook Drive, and 2732 Hemlock Avenue. Repairs were made promptly without issue.
8. During the month of January, Suez cleaned 88,042 feet of sanitary sewer and cleaned 323 manholes.

In the transportation and utility areas, the following activities in January were either completed or ongoing at month's end.

1. Review of new development plans from a transportation and utility standpoint continued during the month. Seven development and building plan were reviewed.
2. The city and Suez Environmental are currently in the 4<sup>th</sup> year of a five-year contract renewal approved by City Council on December 6, 2011. The Utility Contract Administrator was very busy overseeing the Suez Environmental operations, addressing customer concerns, inspecting public and private utility construction and inspecting city-owned stormwater and utility facilities. Recent focus by Suez has been sanitary sewer cleaning and maintenance on the water utilities. On January 26, 2016, the City Manager announced that the city would perform lead and copper testing at no cost to Portage utility customers. The Utility Contract Administrator has been instrumental in coordinating the program.
3. The Traffic Engineering section was very active during the month of January investigating complaints/concerns regarding operation of traffic signals, performing traffic volume/accident analyses and reviewing new streetlight installations. Traffic counts for a traffic speed study for the Lake Center area of Portage Road and Centre Avenue were completed. The results indicate that posted speeds on Portage Road are enforceable and speed limits on Centre Avenue warrants changes. Much effort was expended on analysis and modifications for traffic operations city-wide for the recent holiday shopping season. The Holiday Traffic Study will completed in February 2016.
4. Beginning in 1994, the city has administered a Stormwater Retention Basin and Stormwater Outfall Testing and Monitoring. Annual results showed declining groundwater table levels throughout the city along with stable storm water monitoring results. Report finalized and received in November 2013. Annual results indicate a 1 to 3 feet decrease in groundwater table since 2012, but generally a 6-inch increase due to recent rainfall. New “request for proposals” were solicited in February with proposals received on April 16, 2014. The low bid in the amount of \$22,756.04 for 2014 to 2018 was awarded to Nova Consultants on April 29, 2014. Sampling was completed in July and December. No new developments.
5. In association with the Community Development Department, staff prepared a “Request for Proposals” for consultant services to update the Storm Water Design Criteria Manual and the Sensitive Land Inventory Map. Proposals were received in January 2010 and reviewed by staff. City Council awarded a contract to Fishbeck, Thompson, Carr, and Huber in the amount of \$45,000 to complete the project. Sensitive Land Inventory is complete. Draft storm water manual submitted to staff by the consultant for staff review. Final approval is pending changes to the city stormwater discharge permit issued by the State of Michigan.
6. City traffic signal maintenance is performed under contract to a specialized electrical traffic signal contractor. City staff initiated a new bid package for traffic maintenance with bids received July 23, 2015. Sole bid in the amount of \$176,300 submitted by Severance Electric. City Council approved on August 11, 2015. Severance Electric, Inc., began new contract on



September 1, 2015. Recent work has focused on fiber optic signal interconnection maintenance, school flasher maintenance and signal timing revisions.

Implementation of the Capital Improvement Construction Program was also an ongoing activity as the construction season was completed. Accomplishments during the month of January included the following:

1. In August 2015, the City Administration was awarded \$195,000 by the State of Michigan for the implementation of a Storm Water Basin Asset Plan. The plan will provide an assessment of the functionality and operation of the 73 city-maintained storm water basins. Engineer proposals were received on January 15, 2015. Nine proposals were received. After review, it was determined that three of the proposals best matched the needs of the city. Appointments were scheduled in March to interview the three firms and select the top proposal. On March 24, 2015 City Council awarded the contract to Hurley & Stewart, LLC, in the amount of \$209,000. Work is ongoing.
2. In September 2014, the city was awarded \$300,000 in Congestion Mitigation and Air Quality (CMAQ) federal funding for the upgrade and interconnection of traffic signals on Kilgore Road from Woodmont Drive to Lovers Lane and from Lovers Lane to East Centre Avenue. The project will incorporate coordinated signal timing and video detection into the city traffic operation scheduling. Engineering proposals were received on January 15, 2015. An award to Abonmarche Consultants in the amount of \$33,480 was approved by City Council on February 10, 2015. Design work is complete and the project has recently been obligated with FHWA funding. Bids opened by in December 2015. Low bid submitted by Severance electric in the amount of \$388,447. Construction is tentatively scheduled for 2016.
3. The 2015-16 Capital Improvement Program includes a project for the reconstruction of East Osterhout Avenue from South Westnedge Avenue to Portage Road. In addition to the road reconstruction on East Osterhout Avenue, improvements will also include localized storm drainage improvements, necessary curb and gutter or paved shoulder replacement/repair, and lawn restoration as appropriate. This project will be designed to include “complete street” enhancements including widened bike lanes as part of the “Natural Place to Move” initiative. The city received consultant proposals for the necessary engineering services from six consultants on August 11, 2015. On August 25, 2015, City Council awarded the contract to Abonmarche Consultants, Inc., in the amount of \$62,905. Engineering is underway. Bidding is scheduled for winter 2016.
4. The 2015-16 Capital Improvement Program includes a project for the reconstruction of Portage Road from Romence Road Parkway to East Milham Avenue. This project is included in the 2016 Kalamazoo Area Transportation Improvement Program (TIP) and will be bid by the Michigan Department of Transportation. Improvements include widening from four to five lanes from Ramona Avenue to approximately 500 feet north, necessary concrete gutter repair and storm drainage improvements as needed. The project also includes the design of a non-motorized trail along the east side of Portage Road from Romence Road Parkway to East Milham Avenue, utilizing trail easements

granted to the city by the Air Zoo and Kenco Logistics Company. The city received consultant proposals for the necessary engineering services from five consultants on August 4, 2015. On August 25, 2015, City Council awarded the contract to Wightman & Associates, Inc., in the amount of \$67,300. Engineering is complete. Bidding by MDOT is scheduled for March 2016.

5. The 2015-16 Capital Improvement Program includes a project for the reconstruction of Constitution Boulevard from Romence Road to Milham Avenue. In addition to pavement resurfacing, the project also includes Americans with Disability Act (ADA) upgrades, curb and gutter replacement as needed, the replacement of median landscaping with stamped concrete and installation of traffic signal fiber optic cable through an existing conduit located in the median. Also, included in the design services is the reconstruction of South Westnedge Avenue from Shaver Road to East Centre Avenue and East Centre Avenue from Shaver Road to South Westnedge Avenue. The city received consultant proposals for the necessary engineering services from six consultants on August 20, 2015. Low bid in the amount of \$87,950 was submitted by Paradigm Design. City Council approved a contract to Paradigm Design on September 8, 2015. Engineering underway.
6. The 2015-16 Capital Improvement Program includes a project for the reconstruction of South Westnedge Avenue from Shaver Road to East Centre Avenue. In addition to pavement resurfacing, the project also includes Americans with Disability Act (ADA) upgrades, curb and gutter replacement as needed, pedestrian lighting design, stamped concrete and enhanced pedestrian crossings as part of the City Centre. Also, included in the design services is the reconstruction of Constitution Boulevard from Romence Road to Milham Avenue and East Centre Avenue from Shaver Road to South Westnedge Avenue. The city received consultant proposals for the necessary engineering services from six consultants on August 20, 2015. Low bid in the amount of \$87,950 was submitted by Paradigm Design. City Council approved a contract with Paradigm Design on September 8, 2015. Engineering underway.
7. The 2015-16 Capital Improvement Program includes a project for the reconstruction of East Centre Avenue from Shaver Road to South Westnedge Avenue. In addition to pavement resurfacing, the project also includes a new concrete Grand Elk railroad grade crossing, Americans with Disability Act (ADA) upgrades, curb and gutter replacement as needed, pedestrian lighting design, stamped concrete and enhanced pedestrian crossings as part of the City Centre. Also, included is the design services is the reconstruction of South Westnedge Avenue from Shaver Road to East Centre Avenue and Constitution Boulevard from Romence Road to Milham Avenue. The city received consultant proposals for the necessary engineering services from six consultants on August 20, 2015. Low bid in the amount of \$87,950 was submitted by Paradigm Design. City Council approved a contract with Paradigm Design on September 8, 2015. Engineering underway.
8. The 2015 -16 Capital Improvement Program includes a project for a Local Street Neighborhood Calming Program. A budget of \$10,000 was established for professional

services and the remaining \$15,000 will be used for implementation of the program. The city received letter proposals from six consulting firms on August 11, 2015 and has chosen to award the project to OHM in the amount of \$10,000 based on experience and their proposed approach to developing a project plan that will best meet the City's needs. Development of the program is underway. Progress meeting held.

9. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signals and associated street improvements on West Centre Avenue at the intersections of Old Centre Road and Cooley Drive. Included in the project are modifications to the existing driveways on West Centre Avenue within the influence of the Greenspire Retail Drive/Cooley Drive intersection to promote use of the new protected left-turn phase at the traffic signal and limit left turns out of driveways close to the intersection. The project will consist of the minor turn lane construction, along with sidewalk modifications to meet Americans with Disability Act (ADA) requirements. On August 11, City Council awarded an engineering contract to Abonmarche Consultants, Inc., in the amount of \$75,160. Engineering is complete.
10. The 2015-16 Capital Improvement Program includes the design and construction of new traffic signal equipment at South Westnedge Avenue and Kilgore road and design work for the intersection of Portage Road and Lakeview Road. Proposals were received on September 10, 2015, with the low proposal of Abonmarche Consultants awarded a contract in the amount of \$46,835 on September 22, 2015. Engineering underway.
11. The 2015 - 2016 Capital Improvement Program was awarded on September 22, 2015 to include the traffic signal replacement at South Westnedge Avenue and Romence Road. As part of a federal safety program, \$261,000 of federal grant monies was secured for the project. On September 22, 2015, City Council awarded a contract to Abonmarche consultants in the amount of \$47,840 for engineering design and construction administration. Grade inspection completed for January 13, 2016 with MDOT and a May 2016 bid letting is anticipated.
12. The 2015 – 2016 Capital Improvement Program includes a project for installation of sanitary sewer and replacement of water main on South Shore Drive, South Westnedge Avenue to West End Drive. The sanitary sewer portion of the project is scheduled to be financed using property owner special assessments in addition to utility bonding. Special Assessment Resolution 1 was adopted by City Council on November 3, 2015. Special Assessment Hearing Resolution No. 2 was adopted by City Council on November 17, 2015 and an engineering contract to Midwest Civil Engineering in the amount of \$42,500 was approved. Special assessment Resolution No. 3 is scheduled for January 12, 2016. Special assessment Resolution No. 4 was approved January 22, 2016 and Resolution No. 5 scheduled for February 9, 2016 meeting.
13. In July 2015, City Administration began discussion as to the requirements necessary to convey Martin Luther King, Jr., Drive (MLK) to the City of Portage as a public street. Stakeholders meeting was held on November 9, 2015 to discuss financing and construction costs. On December 15, 2015 a development agreement, special assessment

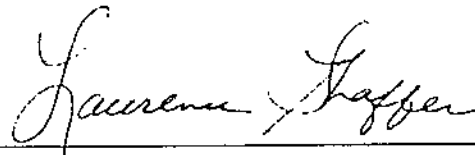


Resolution No. 1 and land division of MLK were all approved by City Council. A contract agreement in the amount of \$19,500 was processed with Wightman & Associates for design engineering. Special assessment Resolution No. 2 and No. 3 were approved in January 2016. Resolution No. 4 is scheduled to be approved at the February 9, 2016, meeting. Preliminary design plans under review.

**MATERIALS TRANSMITTED**

Friday, February 05, 2016

1. **Supplemental Information for the February 9, 2016 City Council Meeting Agenda Item F.1:** Red-line / Strikeout version of the Proposed Firearm Ordinance Amendment.



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Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager

# DRAFT

[CITY COUNCIL REVIEW VERSION  
NOT FOR PUBLICATION]

## AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING ARTICLE 3, OFFENSES AGAINST PUBLIC SAFETY, SECTION 50-81, DISCHARGE OF FIREARMS, OF CHAPTER 50, OFFENSES AND MISCELLANEOUS PROVISIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 50 shall be amended as follows:

### CHAPTER 50. OFFENSES AND MISCELLANEOUS PROVISIONS.

#### ARTICLE 3. – OFFENSES AGAINST PUBLIC SAFETY.

Sec. 50-81. - Discharge of firearms and pneumatic guns.

(a) *Purpose.* The purpose of this section is to secure and maintain the public peace, health, safety, welfare and convenience of the residents and property owners of the city by the regulation of the use of pneumatic guns, pistols, firearms, bows and arrows, cross bows, and other devices capable of expelling a projectile firearms in the city and the approval of pistol and other firearms ranges.

(b) *Definitions.* As used in this section:

1. Approved range means a range for the shooting of pistols and other firearms, constructed in such manner as to prevent the projectile from any weapon so fired on such range from exceeding the physical limits of such range.

2. Building, structure and edifice mean a space within walls and usually, but not necessarily, covered with a roof.

3. Firearm means ~~a weapon or device from which is propelled a missile, projectile, bullet, shot, pellet or other mass by means of explosives, compressed air or gas, or by means of springs, rubber, levers or other mechanical devices.~~ any weapon which will, is designed to, or may readily be converted to expel a projectile by action of an explosive.

4. Pistol means that term as defined in section 222 of the Michigan penal code, 1931 PA 328, MCL 750.222.

5. Pneumatic gun means any implement, designed as a gun, that will expel a BB or pellet by spring, gas, or air. Pneumatic gun includes a paintball gun that expels by pneumatic pressure plastic balls filled with paint for the purpose of marking the point of impact.

6. Bow means a device for propelling an arrow from a string drawn, held, and released by hand if the force used to hold the string in the drawn position is provided by the archer's muscles.

7. Crossbow means a weapon consisting of a bow, with a draw weight of 100 pounds or more, mounted transversely on a stock or frame and designed to fire an arrow, bolt, or quarrel by the release of a bow string controlled by a mechanical or electric trigger with a working safety.



8. Other device capable of expelling a projectile means a device other than a firearm, pistol, or pneumatic gun from which is propelled a missile, projectile, pellet or other mass by means of springs, rubber, elastic strip, levers or other mechanical devices.

- (c) *Discharge of pistols and other firearms prohibited; exceptions.* No person shall discharge a pistol or other firearm in or into the city except as follows:
- (1) An authorized officer of the law may discharge a pistol or other firearm in the performance of his official duties.
  - (2) When permitted by law, a person may discharge a pistol or other firearm for the protection of a human life.
  - (3) A person may discharge a shotgun with a load of shot shell only for skeet, trap or target practice purposes in a safe manner upon a range which has been approved by the council for such purpose.
  - (4) A person may discharge a shotgun for the hunting of game and birds in season as prescribed by the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.) in those areas owned by the state and controlled by the state department of environmental quality or state department of natural resources.
  - (5) A person may discharge a shotgun at any time for the purpose of preventing depredation to property by birds or other animals in accordance with the provisions of the Natural Resources and Environmental Protection Act (MCL 324.101 et seq., MSA 13A.101 et seq.).
- (d) *Firearms ranges.* No pistol or other firearms practice range may be used in the city unless approved by the council upon the recommendation of the chief of police director of the department of public safety; provided, however, that such range is so constructed as to prevent the discharge of a shotgun with a load of shot shell from exceeding the limits of such range. Use of a firearm other than a shotgun with a load of shot shell shall be grounds for withdrawal of the approval for such range.
- (e) *Minors.* No person under the age of 17 years shall discharge a pistol or other firearm in the city unless under the direct supervision and control of and accompanied by a parent, legal guardian or other adult person authorized by such parent or legal guardian to have direct supervision of the person under the age of 17 years. However, every parent, guardian or other person having the physical custody or charge of a minor under the age of 17 years shall control such minor and prevent him from violating or attempting to violate any of the provisions of this section.
- (f) Possession of pneumatic gun, bow, crossbow, or, other device capable of expelling a projectile by individual below the age of 16. An individual below the age of 16 may not possess a pneumatic gun bow, crossbow, or, other device capable of expelling a projectile unless he or she is under the supervision of a parent, a guardian, or an individual 18 years of age or older, except that an individual below the age of 16 may possess a pneumatic gun on or within private property within the city if the individual below the age of 16 is authorized to possess the pneumatic gun by a parent or guardian and the property owner or legal possessor of the property.

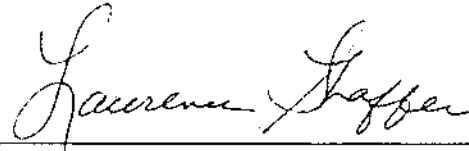
- (g) Discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile prohibited; exceptions. The discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is prohibited in any area within the city that is so heavily populated as to make that conduct dangerous to the inhabitants of that area, except that the discharge of pneumatic guns, bows, crossbows, or, other devices capable of expelling a projectile is not prohibited within the city at authorized target ranges, on other property where firearms may be discharged, or on or within private property with the permission of the owner or possessor of that property if conducted with reasonable care to prevent a projectile from crossing the bounds of the property.
- (h) No person may point, wave about, or display a pneumatic gun, bow and arrow, crossbow, or, other device capable of expelling a projectile in a threatening manner with the intent to induce fear in another individual within the city.

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**MATERIALS TRANSMITTED**

Tuesday, February 09, 2016

1. **Agenda Item F.1 on the February 9, 2016 City Council Meeting:** Communication from the City Manager recommending that City Council table the first reading of the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms to the February 23, 2016 regular meeting.
2. Communication from the City Manager regarding the February 8, 2016 Pre-Council Meeting Response.



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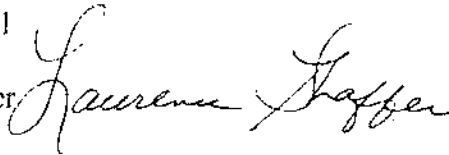
Laurence Shaffer, City Manager

cc: Rob Boulis, Deputy City Manager



**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** February 9, 2016 City Council Agenda – Item F.1 Ordinance Amendment  
(Chapter 50, Article 3, Section 50-81, Discharge of Firearms)

**SUPPORTING PERSONNEL:** Richard White, Director of Public Safety – Police/Fire Chief

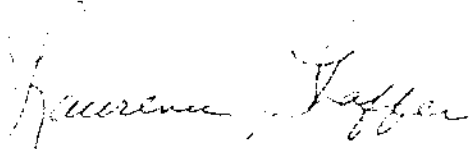
**ACTION RECOMMENDED:** That City Council table the first reading of the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms to the February 23, 2016 regular meeting.

Due to additional questions and concerns raised at the February 8<sup>th</sup> Pre-Council meeting with regard to the definition of pneumatic guns and other regulated projectiles, it is recommended that City Council table the first reading of the amendment to Chapter 50, Article 3, Section 50-81, Discharge of Firearms to the February 23, 2016 regular meeting. In the interim, Chief White will be gathering additional information, along with the City Attorney, to provide to the Council prior to the February 23<sup>rd</sup> meeting.

**Attachments:** N/A

**TO:** Honorable Mayor and City Council

**FROM:** Laurence Shaffer, City Manager



**SUBJECT:** February 8, 2016 Pre-Council Meeting Response

**SUPPORTING PERSONNEL:** Rob Boulis, Deputy City Manager

This communication is offered in response to Councilmember Reid's note of February 7, 2016, posing questions relative to the proposal to purchase property at 6033 Oakland Drive. The answers to the three questions are found below attempt to fully incorporate the rationale behind the proposal to acquire the property.

- The 1.87 acres of land for 6033 Oakland Drive is located between two contiguous parcels owned by the city; one being 6101 Oakland at 2.88 acres and 1.48 acres at the intersection of West Milham and Oakland Drive. The assembled size of that property of 6.2312 acres creates additional value to the assets the city presently owns above the investment of \$105,000 in its acquisition. Consequently, it makes sense, in my estimation, to convert assets that the city has in cash and invest in land that creates additional value for contiguous pieces the city owns. This parcel has been on the market for a considerable length of time. At one point, the owner was offering it to the city in excess of \$300,000. This seems an ideal time to invest in a parcel that creates additional value for the city at a purchase price discounted from the appraisal by some 33 percent.
- For fire station planning, Fire Station #2 is approaching the number of response calls that Fire Station #1 currently experiences. Over the long-term, the conditions suggests that a re-emphasis on that facility as a major substation for the city Fire Division is projected. This property allows the city the luxury to build a new fire station, while maintaining the present fire station operations during construction.
- Chris Barnes has outlined the need to expand and improve the existing storm water basin located west of Fire Station #2. I've attached his e-mail for your consideration, along with a plan from Hurley & Stewart that support Director Barnes' hypothesis. He has fundamentally stated that the "high level of standing water in the basin is indicative of a storm water basin in need of a sediment fore bay and additional sizing improvements." This land acquisition allows that to occur.

Finally, the public use and purpose for improved access management and function of Oakland Drive and West Milham was also questioned. There are no illustrations that document how this land acquisition will improve access management and function of this area. However, the land acquisition

affords the city certain opportunities unavailable without owning the land. Consequently, there has been no specifics developed as to how the land would be used to improve that intersection, but owning more land certainly would allow for that to occur.

Thank you for giving me the opportunity to respond to your questions. I look forward to be able to expand upon those answers at this evening's City Council meeting.

**Attachments:** 2004-2006 Archive Documents for 6033 Oakland Drive  
2016 Supporting Documentation for 6033 Oakland Drive (Hurley & Stewart plan)

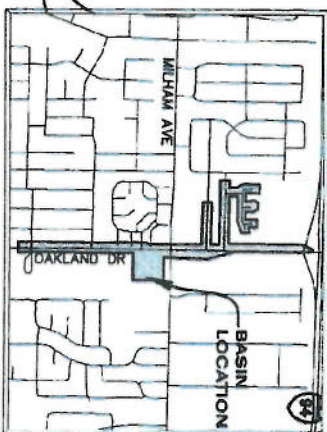
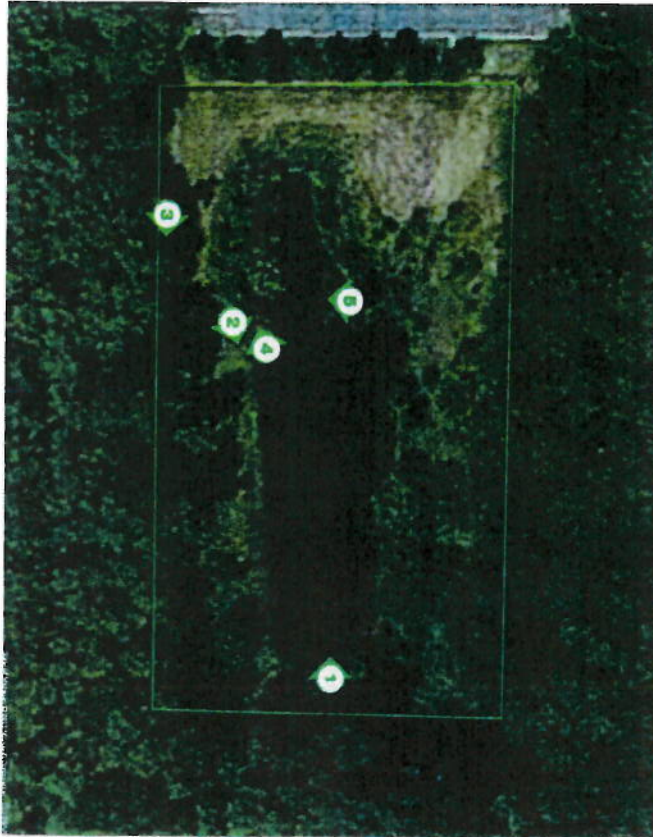
c: W. Christopher Barnes, Director of Transportation & Utilities  
Vicki Georgeau, Director of Community Development  
Richard White, Director of Public Safety



#S  
hurley & stewart



0 25 50 100  
1 inch = 50 ft.



**STORMWATER BASIN #5  
OAKLAND DR.**

**HISTORY:**

STRUCTURES:  
42" RCP INLET  
NO OUTLETS

WATERSHED INFO:  
STORMWATER RUNOFF RECEIVED FROM OAKLAND DR AND  
HEALOCK AVE

BASIN STATISTICS:  
TOP OF BASIN: ELEV: 900.0  
BOTTOM OF BASIN: ELEV: 891.5  
WATER ELEVATION: 893.0

EXISTING CONDITIONS:  
STRUCTURES AND SLOPES IN GOOD CONDITION, SOME  
TREE GROWTH THROUGH FENCE. EVIDENCE OF POLLUTION  
IN BASIN AND PONDED WATER

ENVIRONMENTAL:  
INVASIVE SPECIES: GARLIC MUSTARD

GEOTECH:  
STANDING WATER - NO HAND AUGER ANALYSIS WAS  
PERFORMED

QAM STRATEGY

1-2-3

Title **PORTAGE BASIN #05**  
Project **PORTAGE STORM BASIN AUDIT**  
Client **CITY OF PORTAGE**

Job No: 15-017D  
Date: 02/04/18  
Scale: AS NOTED  
P.M.: TDR  
Dft: JFU  
QA/QC: 02/04/18



Figure  
**5**

## Laurence Shaffer

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**From:** Christopher Barnes  
**Sent:** Monday, February 08, 2016 10:32 AM  
**To:** Rob Boulis  
**Cc:** Victoria Georgeau; Laurence Shaffer  
**Subject:** RE: 6033 Oakland Drive purchase  
**Attachments:** HPSCANNER0017.pdf

Yes, the rear and northern section this propped property acquisition will be used to expand and improve the existing storm water basin. The existing has been enlarged several times to handle storm water from areas on Oakland rive north and south of Milham Avenue, West Milham Avenue and a portions of Rosewood and Hemlock streets. During our current storm water basin asset management analysis, the engineering consultant has determined that the existing basin is currently undersized by approximately 31.9%. I have attached the overall condition rating sheet for your information. To date, we have not experienced any identified flooding from this basin, but the high level of standing water in the basin is indicative of a storm water basin in need of a sediment fore bay and additional sizing improvements. If you need any additional information, please let me know.

**From:** Rob Boulis  
**Sent:** Monday, February 08, 2016 9:48 AM  
**To:** Christopher Barnes  
**Cc:** Victoria Georgeau; Laurence Shaffer  
**Subject:** 6033 Oakland Drive purchase

Chris,

In the council agenda item to purchase the Oakland Drive property, one of the items mentioned regarding the potential use is the potential future expansion of the storm water basin behind Fire Station No. 2. To answer one of the questions raised by a councilmember, can you provide any information on the value or potential need to expand the existing storm water basin?

Thanks

Rob Boulis  
Deputy City Manager  
7900 South Westnedge Avenue  
Portage, MI 49002  
269-329-4402  
[rboulis@portagemi.gov](mailto:rboulis@portagemi.gov)  
website: [www.portagemi.gov](http://www.portagemi.gov)





Vicinity Map  
6033 Oakland Drive



January 28, 2016

Chris and Sam, LLC  
6033 Oakland Drive

1.8712 Acres of Vacant Land

Appraisal – Kal Creek – January 6, 2016  
**One Hundred and Forty Seven Thousand (\$147,000) Dollars**

**Purchase and Sale Agreement**  
**One Hundred and Five Thousand (\$105,000) Dollars**

|                                      |                    |
|--------------------------------------|--------------------|
| • Fire Station 2<br>6101 Oakland     | 2.88 Acres         |
| • Portage<br>Park – 6017 Oakland     | .58 Acre           |
| • Portage<br>Park – 2015 West Milham | .90 Acre           |
| Subtotal of City Acreage             | <hr/> 4.36 Acres   |
| • Chris and Sam, LLC                 | 1.8712 Acres       |
| Total Assembled Parcel               | <hr/> 6.2312 Acres |

Question for 2/9/2016 Agenda  
C Reid

In your report you stated:

"The City Administration has considered purchasing this property at various times over the past ten years for public use and purposes, including:

- Potential future expansion of Fire Station No. 2;
- Potential future expansion of the storm water basin behind Fire Station No. 2;
- Improved access management and function of the Oakland Drive and West Milham Avenue intersection"

The first possible public use and purpose given for expansion of Fire-station #2 to 15000 sq. ft. would be roughly illustrated by the red rectangle below. This can be accommodated in the current property. Could you please address why additional land would be required to expand the fire-station to the recommended size? I recognize that this will require some modification to the retention basin in the rear of the property. What options have been considered for this and what would be the cost involved?



The second possible public use and purpose for purchasing this property is to expand the storm water basin behind fire station #2. Roughly doubling the size of Fire-Station #2 would likely require some increase in the size of the retention basin. Can you provide specifics as to how this would likely change the requirements of the retention basin and what options have been considered to address this within the current property? This may include options such as semi-permeable parking lots and driveways to reduce the amount of runoff to be accommodated.

The third possible public use and purpose for purchasing this land is improved access management and function of the Oakland Drive and West Milham Avenue intersection. Could you provide specifics as to how this land would be used to improve the intersection, with illustrations?

In April 2005 (or possibly 2004) this property was proposed by Michael Stampfler, City manager at the time, to be taken by eminent domain in order to get a sidewalk on it, because the expansion of the road to 4 lanes had used up the city easement. Could the Council be provided with the proposal made at that time and the minutes of the meeting where this was discussed as background on this parcel? Thanks!



RECEIVED

JAN 14 2004

CITY OF PORTAGE

COMMUNICATIONS OFFICE  
PORTAGE, MI

TO: Michael L. Stampfler, City Manager

DATE: January 14, 2004

FROM: Dallas Williams, Director of Transportation and Utilities

SUBJECT: 6033 Oakland Drive

As requested, we have initiated a property appraisal of the above subject site. The appraisal is attached for your information and review. As you will recall, the subject property is located immediately north of Fire Station No. 2 on Oakland Drive. There is insufficient existing right-of-way to construct a sidewalk in front of the subject property. As part of the Oakland Drive Reconstruction Project, we have had discussions with the property owner regarding right-of-way acquisition as well as driveway access to the property. Driveway access from Oakland Drive to the subject parcel is problematic-a shared access with Fire Station #2 is the only practical solution.

The current owner, Chris Snyder, is not adverse to selling the property thereby avoiding the shared driveway issue. The appraised value of the property is \$2.60 per square foot for the 81,537 square foot property. This appraisal yields a value of \$212,000 for the parcel. The per square foot value equates fairly with other recently appraised properties.

There are several points which support purchase of the property:

1. Possibility of expanding the existing stormwater basin located behind the fire station.
2. Potential to expand Fire Station #2.
3. Provides area for sidewalk installation.
4. Provide additional park use at the Oakland/Milham Avenue corner.

If you agree, we will contact the property owner to discuss the purchase of the property. At your direction, we will work with Dan Foecking, Finance Director, to locate utility funds which might be available for the purchase.

If you do not wish to proceed with purchase of the property, we will need to do a Resolution of Necessity for the required sidewalk easement in order to build the sidewalk with the Oakland Drive Reconstruction project this summer.

Please let me know your thoughts on this matter.

Attachment

c: Christopher Barnes, City Engineer

*agreed*  
*[Signature]*  
M1s6033Oaklandpurch  
1/15/04

## CITY OF PORTAGE

## COMMUNICATION

TO: Michael L. Stampfler, City Manager

DATE: January 23, 2004

FROM: Dallas Williams, Director of Transportation and Utilities *DW*

SUBJECT: 6033 Oakland Drive Property Acquisition

As detailed in a previous memorandum, the subject property is located immediately north of Fire Station #2 on Oakland Drive. The parcel is currently vacant and owned by Chris & Sam, LLC, a local company which also owns the Mancino's Restaurant franchise. A strip of land 17 feet in width is required from this property to construct road widening and sidewalk installation for the upcoming Oakland Drive construction project. The property owner is not opposed to the 17 feet property purchase but has requested resolution of the parcel access as a condition of the property purchase. Specifically, the owner wishes to construct a shared driveway access with Fire Station #2. At your direction, we are aware that a shared driveway is not feasible and we ordered a property appraisal for the purchase of the entire property.

We have now received the property appraisal in the amount of \$212,000 and met with Mr. Chris Schneider of Chris & Sam, LLC, on January 22, 2004. Mr. Schneider is willing to sell the entire 1.87 acre parcel for \$330,000, provided he can locate other feasible building sites in Portage. Mr. Schneider stated that he would prefer to keep the property and just receive full access to Oakland Drive but also offered to swap with the city for other office-zoned (OS-1) property. Mr. Schneider is an intelligent businessman, fully familiar with the local real estate market. His offer of \$330,000 is quite firm.

Because 17 feet of right-of-way is required for the road project, I recommend that we proceed with a resolution of necessity for City Council consideration at the February 24, 2004 Council meeting to obtain the needed right-of-way. We would then direct Stan Stek to proceed immediately with condemnation filing so as not to delay the Oakland Drive project. This course of action will allow us to obtain the necessary right-of-way, but the ultimate driveway location issue will be left unresolved until such time as a site plan is received on the parcel. In my opinion, the \$330,000 amount is much too high for this property. Please let me know your thoughts on this matter and we will take appropriate action.

c: Chris Barnes, City Engineer  
mlsschneider

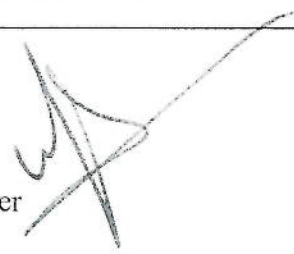
*1/27/04 Dallas*  
*As discussed ①*

*Proceed to amend  
CIP draft budget to  
accommodate this  
purchase from WTRB system  
② Check w/ Stek re:  
condemnation applicability  
for water / F is  
③ Negotiate with  
seller - we should  
purchase with  
entire  
property*

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Honorable Mayor and City Council

**DATE:** April 20, 2005

**FROM:** Michael L. Stampfler, City Manager

**SUBJECT:** Oakland Drive Improvements Project-West Milham Avenue to Romence Road

**ACTION RECOMMENDED:** That City Council adopt a resolution approving the necessity to install sidewalks on Oakland Drive from West Milham Avenue to Romence Road and authorize the City Manager to obtain certain property interests so as to complete the sidewalk installation in accordance with City Council policy.

Oakland Drive from West Milham Avenue to Romence Road is currently being improved to a three lane roadway with bike lanes and sidewalks on both sides. Sidewalk work on the east side of Oakland Drive is underway and will be complete in the next few weeks. The 2004-2005 Capital Improvement Budget provided funds for the acquisition of the vacant property addressed as 6033 Oakland Drive (immediately north of the fire station) for expansion of the existing storm water detention pond and future expansion of the existing fire station facility. The private development of this vacant parcel of land is difficult from an access standpoint due to its close proximity to West Milham Avenue. City staff was optimistic that an agreeable sales price could be reached with the owners of the property at 6033 Oakland Drive and that acquisition of a sidewalk easement along the Oakland Drive frontage would not be necessary.

Negotiations with the property owners, however, have proven to be very difficult and immediate resolution of the matter is not anticipated. The need to complete the sidewalk installation in front of this property as part of the Oakland Drive Improvements Project has become time sensitive and eminent domain procedures to secure the necessary sidewalk easement may have to be utilized. Therefore, the attached standard resolution has been prepared by legal counsel, which establishes the necessity of installing the sidewalk and authorizes the City Manager to obtain the sidewalk easement. Adoption of the resolution will allow the easement acquisition needed to complete the sidewalk installation in accordance with City Council policy. This is a standard resolution prepared for similar projects in the past and is necessary as a protection for the public. The City Administration is still hopeful that negotiations will be successful with the property owners and that use of eminent domain will not be necessary. Adoption of the resolution is important, however, to ensure that the easement acquisition is accomplished in a timely and consistent manner in the interest of the overall community.

It is recommended that City Council adopt the resolution approving the necessity to install sidewalks on Oakland Drive from West Milham Avenue to Romence Road and authorize the City Manager to obtain certain property interests so as to complete the sidewalk installation in accordance with City Council policy for property acquisition.

Attachments



CITY OF PORTAGE  
KALAMAZOO COUNTY, MICHIGAN

RESOLUTION TO DETERMINE THE NECESSITY FOR THE INSTALLATION OF  
PUBLIC SIDEWALKS ALONG OAKLAND DRIVE FROM WEST MILHAM  
AVENUE TO ROMENCE ROAD AND AUTHORIZING THE CITY TO OBTAIN  
CERTAIN PROPERTY INTERESTS NECESSARY FOR THE CONSTRUCTION  
AND MAINTENANCE THEREWITH

At a regular meeting of the City Council for the City of Portage, Kalamazoo County, State of  
Michigan, held in City Hall located at 7900 South Westnedge Avenue, in said City on the \_\_\_\_  
day of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock p.m., local time.

PRESENT: Members: \_\_\_\_\_  
\_\_\_\_\_

ABSENT: Members \_\_\_\_\_  
\_\_\_\_\_

The following preamble and resolution was offered by Councilmember \_\_\_\_\_  
and seconded by Councilmember \_\_\_\_\_.

WHEREAS, the City of Portage (the "City") is committed to providing for reasonably  
anticipated non-motorized traffic and pedestrian walkways and safety; and

WHEREAS, the installation of sidewalks on Oakland Drive from West Milham Avenue to  
Romence Road are needed to reasonably provide for the pedestrian needs of the community; and

WHEREAS, certain "Property Interests" are needed for the installation and maintenance of  
sidewalks on Oakland Drive from West Milham Avenue to Romence Road, which Property  
Interests are located in the City of Portage, Kalamazoo County, Michigan, and legally described  
in Exhibit "A" attached to this resolution; and

WHEREAS, the City has the power to establish and reasonably control streets, alleys, bridges and public places including the power to provide a plan for City streets, bikeways, sidewalks and alleys and the power to regulate their use; and

WHEREAS, the City possesses the authority to acquire the aforementioned Property Interests under State law including MCL § 117.4e; MCL § 117.4h; MCL § 213.23 et seq.; Act 295 of the Public Acts of 1966, as amended, MCL § 213.361 et seq.; MSA 8.261(1) et seq.; and Chapter 2, Section 2.1 and 2.2 of the Charter of the City of Portage, including acquiring such Property Interests by eminent domain, in accordance with the Uniform Condemnation Procedures Act, Act No. 87 of the Public Acts of Michigan of 1980, as amended (the "Act"), MCL § 213.51 et seq., MSA 8.265(1) et seq., which Act establishes certain procedures for the taking of property by eminent domain; and

WHEREAS, the City has determined that it is necessary for the public health, safety and welfare to construct and maintain sidewalks on Oakland Drive from West Milham Avenue to Romence Road and to acquire certain Property Interests in connection with the installation of sidewalks; and

WHEREAS, plans have been prepared for the sidewalks on Oakland Drive from West Milham Avenue to Romence Road which plans are on file with the City Engineer's Office.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The installation of sidewalks on Oakland Drive from West Milham Avenue to Romence Road is necessary to protect and enhance the public health, safety, and welfare of the City, and is within the scope of the powers of the City.
2. In order to complete the sidewalk installation on Oakland Drive, it is necessary to acquire a sidewalk easement on the property addressed as 6033 Oakland Drive located in the City of

Portage, County of Kalamazoo, State of Michigan, described on Exhibit "A" attached to this resolution, for the purpose of completion of the Oakland Drive Sidewalks.

3. That the City, its City Manager, and its special legal counsel Miller, Canfield, Paddock and Stone, P.L.C., are authorized and directed to take any and all steps necessary to acquire the Property Interests on Exhibit "A" as indicated, including doing so by eminent domain, and including, without limitation, execution, completion, filing and recording on behalf of the City of a declaration of taking, the filing of a complaint, engaging in the determination of just compensation, retaining appraisers or other experts, and making good faith written offers and undertaking litigation.
4. That all resolutions and parts of resolutions in conflict herewith shall be and the same are hereby rescinded.

YEAS: Members: \_\_\_\_\_

\_\_\_\_\_  
NAYS: Members \_\_\_\_\_

ABSENT: \_\_\_\_\_

RESOLUTION ADOPTED.

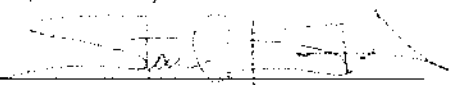


CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on \_\_\_\_\_, 2005, and that public notice of said meeting was given pursuant to Act 267 of the Public Acts of Michigan of 1976, as amended.

\_\_\_\_\_  
JAMES R. HUDSON, City Clerk  
City of Portage

Prepared by:  
Miller, Canfield, Paddock & Stone

By:   
Stanley J. Stek (P-29332)

Business Address:  
1200 Campau Square Plaza  
99 Monroe Avenue, N.W.  
Grand Rapids, Michigan 49503  
(616) 454-8656

Resolutionsidewalknecessity

EXHIBIT "A"  
6033 OAKLAND DRIVE, PARCEL #00008-045-O

Sidewalk Easement

The Easterly 10 feet of the Westerly 43 feet of the land in the City of Portage, Kalamazoo County, Michigan and, more particularly described as the South 8 rods of the North 28 rods of the West 40 rods of the East half of the East half of Section 8, Town 3 South, Range 11 West, except the South 2 feet thereof. Also excepting therefrom the West 2 rods for highway purposes; more particularly described as: Commencing at the North  $\frac{1}{4}$  post of said Section 8; thence South 88 degrees 57 minutes 55 seconds East on the North line of said Section 8, a distance of 1,327.51 feet to the Northwest corner of the East half of the Northeast  $\frac{1}{4}$  of said Section 8; thence South on the West line of the East half of the Northwest  $\frac{1}{4}$  of said Section 8 a distance of 330.05 feet; thence South 88 degrees 57 minutes 55 seconds East parallel with the North line of said Section 8, a distance of 33.00 feet to the East right-of-way line of Oakland Drive and the point of beginning of the land herein described; thence continuing South 88 degrees 57 minutes 55 seconds East 627.11 feet; thence South parallel with the West line of the East half of the Northwest  $\frac{1}{4}$  of said Section 8, a distance of 130.02 feet; thence North 88 degrees 57 minutes 55 seconds West 627.11 feet to said East right-of-way line; thence North on said East right-of-way line 130.02 feet to the Point of Beginning.

GRLIB.477084 1-071476-00086

\* **SAM'S CLUB CONCEPTUAL PLAN, SOUTH WESTNEDGE AVENUE AND ROMENCE ROAD PARKWAY:** Motion by Vliek, seconded by DeShazor, to accept the Conceptual Plan for Sam's Club and set a public hearing for May 10, 2005, and subsequent to the public hearing, consider approval of the Conceptual Plan for Sam's Club, South Westnedge Avenue and Romence Road Parkway, subject to the conditions indicated in the April 4, 2005 Department of Community Development Report. Upon a roll call vote, motion carried 7 to 0.

\* **PRELIMINARY PLAT OF ASHTON FARMS WEST NO. 3:** Motion by Vliek, seconded by DeShazor, to approve the Preliminary Plat of Ashton Farms West No. 3 subject to the conditions identified in the April 1, 2005 Department of Community Development Report. Upon a roll call vote, motion carried 7 to 0.

\* **LEGAL SERVICES CONTRACT RENEWALS:** Motion by Vliek, seconded by DeShazor, to accept the proposals to renew current legal services contracts as follows: Attorney Randall L. Brown & Associates for City Attorney/Prosecuting Attorney services through 2009-2010; Axe & Ecklund for Bond and Financial Consulting services through 2009-2010, and McCarthy Smith Law Group for Labor Counsel services through 2007-2008. Upon a roll call vote, motion carried 7 to 0.

**OAKLAND DRIVE IMPROVEMENTS PROJECT - WEST MILHAM AVENUE TO ROMENCE ROAD:** City Manager Michael Stampfler explained that this concerns the authorization to proceed with acquiring property at 6033 Oakland Drive for the installation of sidewalk, and references the standard language for City Council to obtain the property. Councilmember O'Brien asked if this property abuts property currently owned by the owners at 6033 Oakland Drive, as they may not wish to relinquish it for this reason. Secondly, Councilmember O'Brien understood that the development of this parcel is nonexistent, and asked whether it was still assessed a special assessment for the road even though the value of the property would not increase, i.e. if it's not possible to develop it. City Manager indicated that the answers to her questions would come from the City Assessor, and could be provided at the next meeting. Discussion followed. Motion by O'Brien, seconded by Strazdas, to table the resolution approving the necessity to install sidewalks on Oakland Drive from West Milham Avenue to Romence Road. Upon a voice vote, motion carried 7 to 0.

**ESTABLISHMENT OF "VETERANS' MEMORIAL PARK" OF PORTAGE:** City Manager Stampfler provided a history and explanation of the request, and applauded the work of the veterans as indicative of the work that can be done in the community.

Len Batts, 2014 Helen Avenue, and Robert Hill, 10011 Liszt, provided a concept model and presentation to City Council and the audience. They explained that \$55,000 had to be raised to complete the project and that dedication of the memorial is scheduled for November 11, 2005. Discussion followed.

Motion by Urban, seconded by Ongley, to authorize the City Manager to enter into a Letter of Understanding with the Veterans' Organizations of Portage for the dedication of "Veterans' Memorial Park" at the site of the Michigan Crabapple Arboretum and construction of a memorial as designed by the Veterans' Organization of Portage. Upon a roll call vote, motion carried 7 to 0.



**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Honorable Mayor and City Council

**DATE:** May 3, 2005

**FROM:** Michael L. Stampfler, City Manager

**SUBJECT:** Oakland Drive Improvements Project – West Milham Avenue to Romence Road –  
Information Only

In response to questions raised at the April 26, 2005 City Council meeting regarding the resolution approving the necessity to install sidewalks on Oakland Drive from West Milham Avenue to Romence Road, attached is a report from Director of Transportation and Utilities Williams concerning the matter.

Attachment

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Michael L. Stampfler, City Manager

**DATE:** April 28, 2005

**FROM:** Dallas Williams, Director of Transportation and Utilities

**SUBJECT:** Oakland Drive Improvements Project- West Milham Avenue to Romence Road

The April 26, 2005 City Council agenda included a City Manager Report recommending adoption of a resolution approving the necessity of installing sidewalks on Oakland Drive from West Milham Avenue to Romence Road and authorizing the use of eminent domain to secure the needed sidewalk easement at 6033 Oakland Drive. Several questions were raised by City Councilmembers and the matter was tabled until the May 10, 2005 City Council meeting.

As background information, staff has been negotiating with the owner of the vacant parcel addressed as 6033 Oakland Drive for some time. Public use of the parcel would include the installation of the sidewalk, future expansion of the storm retention basin behind the Fire Station and future expansion of the existing fire facilities. Negotiations with the property owner has not been successful and acquisition of the sidewalk easement at this time is critical to complete the sidewalk on the east side of Oakland Drive. The use of eminent domain in acquiring the needed sidewalk easement is certainly appropriate in this case as the completion of the sidewalk is a pedestrian safety issue.

The vacant property at 6033 Oakland Drive was included in the Oakland Drive Special Assessment District #989-R. Since there was existing curbs and gutters in front of the property, the City Assessor gave the property full credit for the existing curbs and gutters. The property was vacant and hence no drive approach was assessed or installed. Thus, the special assessment levied against the property was \$2,994.91 and was for pavement reconstruction only. The property contains 1.87 acres with 130 feet frontage on Oakland Drive and 627 feet of depth.

The reference in the April 20, 2005 City Manager Report to the difficulty in developing this site from an access standpoint due to its close proximity to West Milham Avenue is certainly true. However, this does not mean that the property cannot be developed. Access would have to be taken from the southern end of the property (near the existing driveway to the Fire Station) and driveway access to Oakland Drive would be limited to a right-in/right-out operation.

The City Assessor indicates that this property has a State Equalized Valuation (SEV) of \$68,600 which translates to a market value of \$137,200 for the property. Based on a market value of \$137,200, the special assessment levied against the property for street reconstruction (\$2,994.91) represents only 2.2% of market value of the property. The property owner has taken no

exception to the special assessment and has indicated to staff that he believes the property to be worth at least \$3.00 per square foot or approximately \$245,000.

In summary, I believe that it is essential to secure the necessary sidewalk easement to complete the sidewalks on the east side of Oakland Drive and that acquisition of the easement and completion of the sidewalk is in the best interest of the public safety. The special assessment levied against the property is only 2.2% compared to market value based on the SEV amount and approximately 1.2% when compared to the property owners opinion of market value of the property. Thus, the special assessment seems very fair and certainly proportional to the benefit accrued to the property as a result of the Oakland Drive infrastructure improvements. Once the sidewalk easement issue is resolved, staff will continue to work with the property owner to see if a mutually agreeable price can be agreed to for purchase of the entire parcel.

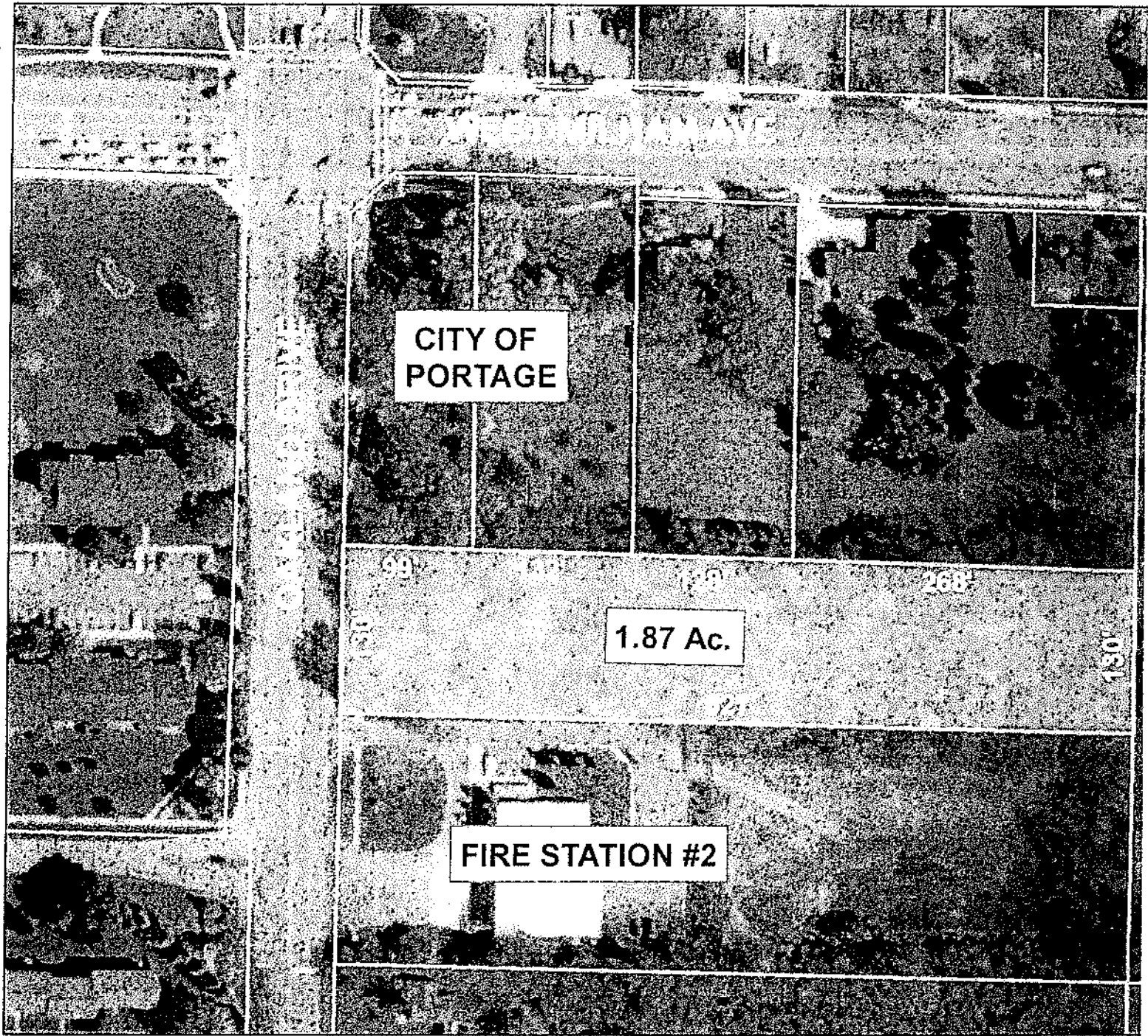
Please let me know if additional information is needed in this matter. Attached is a map showing the location of the parcel at 6033 Oakland Drive.

Attachment

c: Chris Barnes, City Engineer

mlsoaklandcmrexpian





PORTAGE

## LOCATION MAP FOR 6033 OAKLAND I

**REPORTS FROM THE ADMINISTRATION:**\* **REZONING APPLICATION #04-06 (121 EAST VANHOESSEN BOULEVARD):**

Motion by Ongley, seconded by Strazdas, to accept Rezoning Application #04-06 for first reading and set a public hearing for May 24, 2005, at 7:30 p.m. or as soon thereafter as may be heard and, subsequent to the public hearing, consider amendment of Article 4, Zoning of Chapter 42, and rezone the west 75 feet of 121 East VanHoesen Boulevard from R-1A, one family residential, to P-1, vehicular parking, as outlined in the Department of Community Development report dated April 15, 2005. Upon a roll call vote, motion carried 7 to 0.

\* **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

**RECOMMENDATION:** Motion by Ongley, seconded by Strazdas, to approve the Community Development Block Grant (CDBG) Program FY 2005-09 Consolidated Plan and FY 2005-06 Annual Action Plan element of the Consolidated Plan and authorize the Administration to submit the above to the Department of Housing and Urban Development. Upon a roll call vote, motion carried 7 to 0.

\* **VETERANS' MEMORIAL PARK FUNDRAISING - INFORMATION ONLY:**

Motion by Ongley, seconded by Strazdas, to receive the communication from the City Manager regarding Veterans' Memorial Park Fundraising as information only. Upon a roll call vote, motion carried 7 to 0.

**UNFINISHED BUSINESS:****OAKLAND DRIVE IMPROVEMENTS PROJECT – WEST MILHAM AVENUE**

**TO ROMENCE ROAD:** Mayor Graham asked Deputy City Manager Brian Bowling to explain. Mr. Bowling indicated that the Administration first presented this matter to City Council on April 26, 2005. He provided an outline of the request and discussion followed.

Councilmember O'Brien had asked that the matter be tabled until the next Regular City Council Meeting, and indicated that her questions had been answered.

Andrea Stork asked for a clarification regarding whether eminent domain was being requested for the entire parcel or just the amount necessary for the sidewalk.

Mr. Bowling clarified that the easement request for the sidewalk was just for ten feet, not the entire parcel, and that the Administration will continue to negotiate for the property and the sidewalk, but eminent domain was needed if negotiations do not work.

Motion by Vlieg, seconded by Ongley, to receive the communication from the City Manager regarding the Oakland Drive Improvements Project – West Milham Avenue to Romence Road – as information only, adopt a resolution approving the necessity to install sidewalks on Oakland Drive from West Milham Avenue to Romence Road and authorize the City Manager to obtain certain property interests so as to complete the sidewalk installation in accordance with City Council policy. Upon a voice vote, motion carried 7 to 0. Resolution filed on page 323 of Resolution Book No 41 of the City of Portage.

JUL 03 2006

CITY OF PORTAGE CITY MANAGER'S OFFICE  
PORTAGE, MI

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 3, 2006

FROM: G. Dallas Williams, Director of Transportation and Utilities

SUBJECT: 6033 Oakland Drive

For several years we have pursued a sidewalk easement at 6033 Oakland Drive (immediately north of Fire Station No. 2). In October 2005 we were finally successful in negotiating and receiving a sidewalk easement. The sidewalk across this property was constructed last November and completed the continuous sidewalk on the east side of Oakland Drive between Romence Road and West Milham Avenue. In lieu of compensation for the easement, the property owner requested that the city install stamped brick concrete between the sidewalk and curb. We have requested a quote to perform this work from the Oakland Drive concrete contractor and received his price of \$4,760 for the work. The price quoted is quite reasonable for the work required and by using the original contractor we can be assured that the concrete color, texture and stamping will be consistent with the other Oakland Drive stamped concrete work. There are sufficient funds in the Oakland Drive Capital Improvement Program project to fund this work. Your approval is requested. If you have any questions, please let me know.

## Attachments

c: Sean McBride, Assistant City Manager  
Christopher Barnes, City Engineer

msebrickstampoakland

Dallas - Cost?  
7/12/06  
Approved.  
Maurice S. Evans