

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Red Ribbon Week
2. Air Zoo Day

A. Consent Agenda: *To hear about items included on the Consent Agenda, visit: www.portagemi.gov/544/Podcasts*

1. Approval of City Council Meeting Minutes:
 - a. Special Meeting Minutes of October 1, 2019.
 - b. Regular Meeting Minutes of October 1, 2019.
 - c. Pre-Council Minutes of October 14, 2019.
2. Approval of the Accounts Payable Register of October 15, 2019 as presented.
3. Award a contract in the amount of \$634,531.50 to TJM Services for Construction Services for the Eliason Nature Reserve Phase II Trail Connection project and authorize the City Manager to execute all documents related to this action on behalf of the city.
4. Award a contract to perform engineering services for the reconstruction of East Milham Avenue from South Westnedge Avenue to Portage Road to Abonmarche Consultants, Ltd., in an amount not to exceed \$218,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
5. Award a contract for the purchase of traffic signal poles, mast arms and assemblies for the traffic signal upgrade on South Westnedge Avenue at Centre Avenue to Carrier & Gable, Inc. of Farmington Hills, Michigan in the not to exceed amount of \$56,747 and authorize the City Manager to sign all other documents related to the contract on behalf of the city.
6. Approve the purchase of property addressed as 8509 Portage Road in the amount of \$147,000 and authorize the City Manager to execute all documents on behalf of the city.
7. Adopt Resolution No. 4 for the West Lake Management Program #020-Q, setting a public hearing on the Assessment Roll for November 5, 2019.
8. Approve the resolution for the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) Brownfield Plan for Project Spartan, 6701 Portage Road, and approve the Brownfield Plan Development Agreement between the KCBRA and City of Portage.
9. Approve the Memorandum of Understanding between the City of Portage and the Michigan Department of Natural Resources as the first step toward the development of an annual Memoranda of Agreement, and authorize the City Manager to execute all documents related to these actions on behalf of the city.
10. Minutes of Boards & Commissions:
 - a. Human Services Board of September 5, 2019.
 - b. Portage Public Schools Board of Education Committee of the Whole Work Session of September 9, 2019.
 - c. Historic District Commission of September 11, 2019.

d. Planning Commission of September 19, 2019.

11. Materials Transmitted.

B. Petitions and Statements of Citizens:

C. Communications:

1. Calendar of Meetings:

- Senior Citizen Advisory Board, Wednesday, October 16 at 2:30 p.m. at Portage Senior Center.
- Planning Commission, Thursday, October 17 at 7:00 p.m. in Council Chambers.
- Youth Advisory Committee, Monday, October 21 at 6:00 p.m. in City Hall Room #1.

D. Public Hearings:

1. Subsequent to the public hearing, adopt Ordinance Amendment #18/19-B, Residential Amendments, subject to the percent of lot cover for all lots (conforming and nonconforming) be increased from 25% to 30% in the single-family residential zoning districts.

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.



CITY OF PORTAGE PROCLAMATION

National Red Ribbon Proclamation

- WHEREAS,** tobacco, alcohol and other drug usage among young people is a serious concern; and
- WHEREAS,** it is imperative that visible, unified prevention education efforts by community members be launched to reduce the demand for drugs; and
- WHEREAS,** the National Family Partnership, the Red Ribbon Coalition, Mothers Against Drunk Driving, Students Against Drunk Driving and Portage Public Schools are sponsoring the National Red Ribbon Campaign offering citizens the opportunity to demonstrate their commitment to drug-free lifestyles; and
- WHEREAS,** the National Red Ribbon Campaign will be celebrated in communities throughout America during "Red Ribbon Week," October 23-31, 2019; and
- WHEREAS,** businesses, government, law enforcement, schools, religious institutions, service organizations, youth, physicians, senior citizens, the military, sports teams and individuals will demonstrate their commitment to drug-free, healthy lifestyles by wearing and displaying red ribbons during this week-long campaign; and
- WHEREAS,** the community of Portage further commits its resources to ensure the success of the Red Ribbon Campaign.

NOW, THEREFORE, BE IT RESOLVED that I, Patricia M. Randall, Mayor of the City of Portage, Michigan, do hereby proclaim the week of October 23-31, 2019, as **RED RIBBON WEEK**, and encourage Portage citizens to participate in drug prevention education activities, showing our commitment to a drug-free community.

BE IT FURTHER RESOLVED that the City Council of the City of Portage encourages all citizens to echo the theme of the 2019 campaign: **Send a Message – Stay Drug Free.**

Signed this 15th day of October, 2019.

Patricia M. Randall, Mayor



CITY OF PORTAGE PROCLAMATION

AIR ZOO DAY

- WHEREAS,** the Air Zoo is the centerpiece in Southwest Michigan for stellar educational, cultural and historical relevance and outreach; and
- WHEREAS,** the Air Zoo engages with nearly 200,000 guests per year, encouraging families from around the world to spend their time and money in local hotels, restaurants, theaters and businesses; and
- WHEREAS,** the dedication of the Air Zoo to Science, Technology, Engineering, Art, and Mathematics centered education helps create the workforce of tomorrow and is recognized by business and governmental leaders as an important investment in the community; and
- WHEREAS,** the Air Zoo offers visitors a one-of-a-kind and multi-sensory experience and affords guests the opportunity to experience the history of aviation and space exploration, enjoy indoor amusement park-style rides, learn science and engineering through hands-on exhibits, watch movies in a Quonset hut-style theater, pilot a flight simulator, and interact with the Air Zoo's restoration team as they bring sunken WWII airplanes back to their former glory; and
- WHEREAS,** the Air Zoo is a world-class, Smithsonian-affiliated aerospace and science experience that we are proud to have located within the cities of Portage and Kalamazoo.

NOW, THEREFORE, BE IT RESOLVED that I, Patricia M. Randall, in honor of their 40th Anniversary, do hereby proclaim that November 18th, 2019, be known as "Air Zoo Day" in the City of Portage; **AND BE IT FURTHER RESOLVED** that this Mayor encourages all residents of Portage to support this outstanding member of our community.

Signed this 15th day of October, 2019.

Patricia M. Randall, Mayor

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
BOARD AND COMMISSION INTERVIEW SESSION
OCTOBER 1, 2019**

Mayor Patricia Randall called the meeting to order at 5:15 p.m. The following Councilmembers were present at this meeting: Councilmembers Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Councilmembers Chris Burns and Richard Ford were absent with excuse. Also present were City Manager Laurence Shaffer and City Clerk Adam Herringa.

* From 5:15 p.m. to 5:30 p.m., City Council interviewed Mary Norris, Sharon White and Linda Zoeller. At the request of Mayor Randall, Mr. Wierenga, Senior Citizen Advisory Board Chairperson, provided an overview of the Senior Citizen Advisory Board. Mr. Joseph Magalski interviewed for the Senior Citizen Advisory Board when he arrived for an interview on the Park Board.

* From 5:30 p.m. to 5:45 p.m., City Council interviewed Joseph Chamberlin, Chelsea Huber, Jeana Koerber and Lauren McMullan for the Environmental Board. Current Board Member Chelsea Huber summarized the role of the Environmental Board at the Mayor's request.

* From 5:45 p.m. to 6:00 p.m., City Council interviewed Michael Barton, Jeremy Custer, Rebecca Lopez and Nick Meyle for the Historic District Commission. Current members Barton, Custer and Lopez reviewed the activities and meeting schedule of the Historic District Commission.

* From 6:00 p.m. to 6:15 p.m., City Council reviewed the status of the Human Services Board, membership and applicants. No candidates or members of this board were present. City Council discussed extending the appointment of the current Chairperson, Elma Pat Maye, to the end of the year and then holding interviews again in January in the hopes that the candidates could be present. City Council expressed reluctance to make an appointment without first meeting the candidate(s).

* From 6:15 p.m. to 6:30 p.m., City Council interviewed Thomas Cedoz, Joseph Magalski, Jonathon Peer and Leanne Phelan for the Park Board. Ms. Jeana Koerber who interviewed earlier for the Environmental Board also expressed interest in serving on the Park Board. Mr. Jonathon Peer, Chairperson of the Park Board, reviewed the roles, responsibilities and meeting schedule of the Park Board.

* From 6:30 p.m. to 6:40 p.m., City Council interviewed John Herberg and Daniel Vomastek for the Economic Development Corporation/Tax Increment Finance Authority and Brownfield Redevelopment Authority. City Manager Shaffer and Mr. Vomastek reviewed the roles and responsibilities of this board.

City Council then deliberated as to which applicants should be appointed to the various boards and commissions and to what terms.

ADJOURN: Mayor Randall adjourned the meeting at 6:52 p.m.

Adam Herringa, City Clerk

DRAFT

CITY COUNCIL MEETING MINUTES FROM OCTOBER 1, 2019

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

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in gratitude for the leadership of the Department of Community Development for the past twenty years and in appreciation for how favorably it has shaped our city to this day and positioned it for the future.

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

PROCLAMATION: Mayor Randall issued a proclamation recognizing the “Lights On After School” activity sponsored by the Kalamazoo Youth Development Network (KYDNet). Ms. Sonia Kevnick of KYDNet shared information about the event and efforts of her organization.

Mayor Randall issued a proclamation recognizing National Planning Month. Chairperson Dan Corradini and Vice-Chairperson Sarah Joshi of the Planning Commission were present to receive the proclamation. Mr. Corradini and Ms. Joshi thanked the Mayor and City Council for supporting the efforts of the Planning Commission. Community Development Director Vicki Georgeau thanked the efforts of the Zoning Board of Appeals, Planning Commission and City Council for shepherding development and redevelopment efforts. She then reviewed upcoming planning efforts. City Manager Shaffer thanked Ms. Georgeau for her nineteen years of work on behalf of the community and acknowledged the support and guidance she has provided him during his tenure as city manager.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid removed item A.4. Motion by Reid, seconded by Ford, to approve the Consent Agenda. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Ford, to approve the Committee of the Whole of September 16, Special Meeting of September 16, Regular Meeting of September 17 and Pre-Council of September 30, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 1, 2019: Motion by Reid, seconded by Ford, to approve the Accounts Payable Register of October 1, 2019. Upon a roll call vote, motion carried 7 to 0.

PURCHASE OF VEHICLES: Motion by Reid, seconded by Ford, to authorize the purchase of 19 vehicles as noted through the State of Michigan MiDEAL and Sourcewell Purchasing Programs at a total cost of \$1,129,894.51 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CONTRACT WITH OFFICE DEPOT: Motion by Reid, seconded by Ford, to approve a new contract with Office Depot, Inc. through the OMNIA Partners cooperative purchasing program for the purchase of office supplies and products through October 13, 2023, with the option to renew for four additional years, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

PRELIMINARY CONDOMINIUM SUBDIVISION FOR CLAREMOUNT WOODS: Motion by Reid, seconded by Ford, to approve the Preliminary Condominium Subdivision for Claremount Woods, 5691 Claremount Street, subject to submittal of detailed engineering plans as outlined in the August 28, 2019 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

PRELIMINARY CONDOMINIUM SUBDIVISION FOR COPPERLEAF NO. 5: Motion by Reid, seconded by Ford, to approve the Preliminary Condominium Subdivision for Copperleaf No. 5, 3800 West Milham Avenue, subject to submittal of detailed engineering plans as outlined in the August 28, 2019 Department of Community Development staff report. Upon a roll call vote, motion carried 7 to 0.

SALE OF CITY PROPERTY: Motion by Reid, seconded by Ford, to adopt the resolution to sell the excess city property located along the south side of Gladys Street, east of 6405 South Westledge Avenue, place the resolution on file with the Office of City Clerk for 28 days, and take final action on November 5, 2019. Upon a roll call vote, motion carried 7 to 0.

2020 SCHEDULE OF CITY COUNCIL MEETINGS: Motion by Reid, seconded by Ford, to Approve the 2020 Schedule of Regular City Council Meetings and 2020 schedule of Pre-Council Meetings. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Ford, to receive the minutes of the Senior Citizen Advisory Board of August 21 and Planning Commission of September 5, 2019. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

CITY MANAGER SHAFFER CONTRACT MODIFICATION: Mayor Randall provided her rationale for recommending extension of City Manager Shaffer's employment contract, explained why it is necessary and shared that the contract extension is supported by the incoming City Manager. Councilmember Reid queried the accrual of time off by extending the contract and the related costs. Mayor Randall explained that the vacation accrual would be in addition to what Mr. Shaffer currently has and that the anticipated cost for the extension is approximately \$25,000. Councilmember Reid expressed support for the rationale of the extension but opposition to the added vacation time and overall expense. Mayor Pro Tem Pearson reviewed that Mr. Shaffer would be due for a raise and bonus had he stayed on and explained the value of having Mr. Shaffer with the city for an additional two weeks. Councilmember Ford concurred with Mr. Pearson and highlighted the value of Mr. Shaffer assisting with the transition to a new City Manager. Councilmember Urban concurred with Councilmember Reid and stated that he would not be opposed to extending Mr. Shaffer's contract for two weeks if it involved salary only. Mayor Randall commented that Mr. Shaffer would be due for a bonus and pay raise and shared that he has not been a part of the city's health insurance plan resulting in a savings to the city. Motion by Pearson, seconded by Knapp, to modify City Manager Laurence Shaffer's title from "City Manager" to "Special Consultant to the City Manager" effective November 4, 2019, extend Mr. Shaffer's Employment Agreement from November 18, 2019 to November 29, 2019, and authorize the Mayor and City Clerk to execute the revised document. Upon a roll call vote, motion carried 5 to 2 with Councilmember Reid and Urban voting no.

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

PUBLIC HEARINGS:

RESOLUTION NO. 4 FOR STRYKER TAX ABATEMENT: Mayor Randall opened the public hearing and invited City Manager Shaffer to introduce the item. Mr. Shaffer summarized the project that is being planned by Stryker and asked Community Development Director Vicki Georgeau to provide additional details. Ms. Georgeau highlighted key aspects of the project including the creation and preservation of jobs. Councilmember Reid queried the number of jobs that would be retained and created. Ms. Georgeau explained that while this particular project will retain 1,111 jobs the efforts of Stryker at this location will result in 260 new jobs with an average annual salary of \$72,000. Mr. Ron Centofanti, Stryker Corporation, 3800 East Centre Avenue, thanked City Council for their support of Stryker. Mr. Centofanti then described the planned facility and how it will meet the company's needs. Mayor Randall invited public comments. Motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried unanimously. Motion by Pearson, seconded by Knapp, to adopt Resolution #4-19 approving the Industrial Facilities Exemption Certificate Application for the Stryker Corporation, 3800 East Centre Avenue and 8065 Merchant Place; and approve the Tax Abatement Agreement and Affidavit with Regard to Fees. Upon a roll call vote, motion carried 7 to 0.

RESOLUTION NO. 3 FOR WEST LAKE MANAGEMENT PROGRAM: Mayor Randall opened the public hearing and invited City Manager Shaffer to introduce the item. Mr. Shaffer explained that this will be the 8th time this program has been initiated and cited widespread success of weed management and resident satisfaction as justification for renewal. Mr. Mark Yassay, 1401 Lakeview Drive and a President of the West Lake Improvement Association, spoke in support of the West Lake Management Program. He thanked the West Lake Riparians for their support and shared that he is happy to call Portage home. Mr. Nick O'Brien, 1220 Forest Drive and Treasurer of the West Lake Improvement Association, shared information on the financial health of the West Lake Improvement Association and informed City Council that due to financial health and prudent financial practices, the current \$100 assessment will remain unchanged for the next five years. Mayor Pro Tem Pearson inquired as to specific financial balances and forecasts and Mr. O'Brien shared details related to best and worst case financial scenarios and projections. Motion by Pearson, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried unanimously. Motion by Pearson, seconded by Knapp, to adopt Resolution No. 3 for the West Lake Management Program #020-Q, directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

BOARD AND COMMISSION APPOINTMENTS: Mayor Randall introduced the item and explained that City Council had interviewed applicants to serve on a variety of boards and commissions earlier in the evening. She then asked City Clerk Adam Herringa to read the recommended appointments. City Clerk Herringa complied and motion by Urban, seconded by Knapp, to reappoint Sharon White and Linda Zoeller with terms ending October 1, 2022, and appoint Douglas Gilchrist to term ending October 1, 2022, and appoint Joseph Magalski as Alternate with term ending October 1, 2020, to the Senior Citizen Advisory Board; reappoint Chelsea Huber with a term ending October 1, 2022, and appoint Joseph Chamberlin, and Lauren McMullan to terms

expiring on October 1, 2022 to the Environmental Board; reappoint Michael Barton, Jeremy Custer and Rebecca Lopez with terms ending December 31, 2022, and appoint Nick Meyle to term ending December 31, 2021 to the Historic District Commission; reappoint Effie Kokkinos and Fiorella Spalvieri with terms ending October 1, 2022, and appoint Elma Pat Maye to a partial term expiring on December 21, 2019 to the Human Services Board; reappoint Jonathan Peer with term ending October 1, 2022, and appoint Jeana Koerber and Leanne Phelan with terms ending on October 1, 2022, and appoint Thomas Cedoz with term ending October 1, 2021 to the Park Board; and reappoint Jeffrey Monroe and Daniel Vomastek with terms expiring on December 31, 2025, and appoint John Herberg to unfulfilled term expiring December 31, 2022, to the Economic Development Commission/Tax Increment Finance Authority and Brownfield Redevelopment Authority. Upon a roll call vote, motion carried 6 to 0 with Councilmember Ford abstaining.

CONSTRUCTION OF PORTAGE ROAD TRAILWAY: Mayor Randall invited Councilmember Reid to begin discussion. Councilmember Reid inquired as to when this trail is planned to be constructed. City Manager Shaffer stated that the hope is to construct it yet this year. Councilmember Reid expressed concern with going out for bid at the end of the construction season and whether this resulted in increased pricing. She continued by inquiring whether it would be more prudent to bid out projects such as this earlier in the construction season. Mr. Shaffer stated that the city attempts to get projects designed and bid in advance of the construction season. He continued by commenting that railway projects are different than road projects as they cost significantly less and are typically are not bid on by larger companies. He continued by commenting that the bid price is significantly less than the amount budgeted and affirmed his recommendation to award the contract. Councilmember Reid questioned, given the lower than anticipated bid price, whether the estimated project cost was too high. She then inquired if better pricing could be obtained if this project were to be bid in the off-season. Mr. Shaffer commented that it may be possible but declined to speculate further. Councilmember Reid concluded by expressing concern that the city is not approaching the bid process such that the lowest rates are most likely.

Councilmember Ford commented that it is good to get bids out in advance of projects. However, he continued, construction projects are wrapping up for the year and the city may be benefitting by companies getting one more project in before the end of the construction season. Mayor Randall commented on a recent pedestrian fatality and expressed support in getting the trail in as soon as possible to help get pedestrians and bicyclists off the roadway in this area. She concluded by commenting that land had to be obtained from Pfizer to make this project possible and that this acquisition took time. She encouraged the city to proceed with implementing this project.

Motion by Reid, seconded by Ford, to award a contract in the amount of \$400,500.60 to Brenner Excavating, Inc. for the construction of the Portage Road Trailway and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp reported on a meeting of the City Council Communications Committee. She shared that the committee discussed social media as communications tools, the "Notify Me" feature of the city website and need for a comprehensive communications strategy.

Councilmember Burns shared that he, along with Mayor Pro Tem Pearson, had attended a meeting of the Central County Transportation Authority. He shared that the on demand "Metro Connect" service is currently managed via contract and this contract recently went out for bid. He stated that the bid was rewarded to the existing vendor but not before extensive discussions on a proposal offered by another vendor. Mayor Pro Tem Pearson commented that the other bidder

operated similar to “Lyft” and “Uber” and that the contract would be reevaluated in two years to determine its effectiveness.

Motion by Urban, seconded by Knapp, to receive the Council Committee Report. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns congratulated all those who were selected to serve on a board or commission and thanked everyone who applied. He expressed regret that he was unable to attend the interview session. Councilmember Ford echoed the sentiments of Councilmember Burns.

Councilmember Urban thanked everyone who applied and attend the board and commission interview session. He stated that there were more volunteers than spots available and encouraged anyone not selected to remain persistent. Next, Mr. Urban shared that for the first time in his memory a current high school student was interviewed and appointed to serve on a commission. He concluded by commenting that applicants varied dramatically in age and length of residency.

Councilmember Reid thanked everyone who interviewed to serve on a board or commission. She shared that the next interview session will occur in January and encouraged residents to apply. Next, she shared that she attended the Capital Improvement Program Open House and shared that it was well attended and that the greatest area of resident interest involved the Portage Road Diet.

Councilmember Knapp commented that she was pleased with the diversity of applicants to serve on a board or commission. She stated that it is great to have such interest in serving and wished everyone a happy Fall.

Mayor Pro Tem Pearson commented that in reaction to Councilmember Knapp’s Council Committee Report, he had just signed up for “Notify Me” e-mail alerts and that it was quick and easy to do.

Mayor Randall Shared that she had recently attended an event with the Homebuilders Association and an event involving Bike Friendly Kalamazoo at which City Manager Shaffer was honored for his efforts to promote bicycling in Portage. Next, she commented on the recent Community Senior Center Kickoff event which started the public fundraising campaign for a new Community Senior Center. She shared that \$3.6 million of the \$5.5 million goal had been raised at this point. Next, she mentioned Kalamazoo County and State of Michigan efforts and communication related to the recent planned mosquito spraying and Eastern Equine Encephalitis (EEE). She expressed concern with the dissemination of information from the State and County levels of government and that a discussion regarding how this can be improved for the future is being planned.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:11 p.m.

Adam Herringa, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF OCTOBER 14, 2019**

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

With regard to proclamations, Mayor Randall inquired as to the possibility of moving “Small Business Saturday” to the first City Council Meeting in November. City Clerk Herringa indicated this was possible but would check as to the availability of ChocolaTea on November 5.

With regard to Item A.3, Eliason Trail Connection, Councilmember Reid inquired if the “Part B” portion of the project had been eliminated or moved to a later year. Mr. Shaffer commented that Part B had been removed. He explained that City Administration believes there has been enough trail development in this park and it is time to let people enjoy it. Mr. Shaffer continued by reviewing the grant funding from the Department of Natural Resources being utilized to help fund this project.

With regard to Item A.5, Traffic Signal Upgrade at South Westnedge and Center, Mayor Randall inquired if the plan was to upgrade traffic signals at other intersections in the city in a similar manner. Mr. Shaffer responded in the affirmative.

With regard to Item A.6, Purchase of 8509 Portage Road, Councilmember Reid noted that this property is blighted and expressed concern about the city purchasing blighted property. She inquired if the city was looking at a policy of purchasing blighted properties and turning them into parks. She then inquired, if there is no policy, why the recommendation regarding this parcel. Mr. Shaffer stated that there is no policy regarding the city purchasing blighted properties. He noted that this is a sensitive area of the city and this property is of good size and location and improvement would be a boost to the Portage Road corridor. Mr. Shaffer continued by commenting that the city transforming a blighted property into an attractive park signals to Portage Road businesses that the city is serious about improving the corridor. Mr. Shaffer then commented on the long-term unattractiveness of the parcel and shared that the city anticipates receiving funding from the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) to assist with enhancing this property. Councilmember Reid next noted the deed restrictions and inquired if they are in perpetuity. Mr. Shaffer responded in the affirmative, noted City Council could modify the codicils in the future and noted that Speedway has not been a motivated seller and has concerns about any business going in that may compete with their nearby location on Portage Road. He noted that Speedway has been content to leave the site vacant and this, in his opinion, is the best deal that could be hoped for.

Mayor Randall commented that she understood the KCBRA had approximately \$100,000 in funding that must be spent before it expires. She asked if more of this funding could be obtained to help with this project. Mr. Shaffer assured Mayor Randall that the city is attempting to get as much KCBRA funding as possible. Mayor Randall next noted other “pocket parks” at major intersections in the city and inquired how and why these parks were acquired.

Councilmember Reid shared her recollection that the other parks, notably the one at Oakland and Milham, were acquired for the purposes of traffic flow. Mayor Randall asked for information on the acquisition and development of the pocket parks at major intersections.

With regard to Item A.7, Brownfield Plan for 6701 Portage Road, Councilmember Burns asked Mr. Shaffer to walk him through the timeline of this project. Mr. Burns noted that he has recently received feedback on negative community impacts associated with distribution centers. Mr. Shaffer stated that the Planning Commission has approved the site plan. He continued by commenting that the project involves a 300,000 square foot facility, will result in over 900 jobs and will boost the airport. He explained that the primary impact on the community will be an increase in traffic on Portage Road between the facility and I-94. Councilmember Burns inquired as to the salary of the jobs and potential traffic counts.

Mayor Randall inquired as to the need for secrecy surrounding the project. Mr. Shaffer shared that he was uncertain as to the need to maintain confidentiality and Mayor Randall speculated if it had something to do with who owned the building and status of negotiations between private sector parties.

Councilmember Burns inquired if the City Council was being asked for the resolution to support the KCBRA Plan. Mr. Shaffer concurred and shared that the city, as part of the plan, would be receiving \$2.7 million in the year 2022 to reconstruct Portage Road. Councilmember Burns then asked if City Council would be voting on the site plan and Mr. Shaffer responded in the negative. Mr. Shaffer then referenced the reconstruction of Portage Road and need to maintain Kalamazoo Area Transportation Study funding for City of Portage projects. Mr. Shaffer was then asked if the development would be asking for a P.A. 198 tax exemption and Mr. Shaffer shared that the facility is not eligible due to the absence of manufacturing. He then noted that an adjacent business, Kenco, had received an abatement due to the presence of assembly at the facility. Councilmember Reid inquired if the assembly aspect of the Kenco development had materialized and Mr. Shaffer stated he would have to research and respond.

With regard to Item A.9, Memorandum of Understanding (MOU) Between the City of Portage and Michigan Department of Natural Resources (DNR), Councilmember Reid inquired if a Memoranda of Understanding would indeed be on an annual basis and whether a multi-year agreement would be more appropriate. Mr. Shaffer stated that since the land is owned by the DNR, the City of Portage is working to following their procedures. He continued by commenting on the long-term passive development of the DNR land and in continued development of the relationship between the City of Portage and the DNR. He concluded by stating that this MOU is the culmination of two years' worth of negotiations.

With regard to Item D.1, Residential Zoning Amendments, Councilmember Reid stated that she thought the recommendation of City Administration for lot coverage would remain at 25%. City Manager Shaffer commented that the feedback from the recent Committee of the Whole (COW) Meeting seemed to indicate a preference from many Councilmembers to move to 30% lot coverage. He continued by stating that city staff is comfortable with the 5% increase and view it as minor. Councilmember Reid stated that her understanding from the COW Meeting was that city administration would be reviewing and presenting City Council with

alternative ideas to address the matter of lot coverage, especially around lakes, and cited a zoning overlay district as an example.

Councilmember Knapp concurred with Councilmember Reid regarding the review and presentation of alternative solutions and questioned whether the ordinance being proposed was appropriate given that changes may be forthcoming. Mayor Randall commented that the ordinance was originally proposed to the Planning Commission with a 30% lot coverage but this was reduced to 25%. She noted that there are several property owners waiting to start projects based on the lot coverage determination. Mayor Pro Tem Pearson commented that there is significant public interest in this ordinance and that based on comments by Acting Director of Community Development Chris Forth, it would take at least a year to develop a zoning overlay plan for the lake areas. Mr. Pearson stated that there are several property owners that cannot wait that long. He concluded by sharing that 77% of lakeside lots are non-conforming and that there is a pending application before the Zoning Board of Appeals to increase lot coverage for a structure above the current 25% cap to 29%.

Mayor Randall summarized the meeting.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:32 a.m.

Adam Herringa, City Clerk

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL:

ACTION RECOMMENDED: Approval of the Accounts Payable Register of October 15, 2019 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 September 22, 2019 through October 5, 2019 and notes \$1,305,762.48 in automated clearing house payments, \$880,562.61 in paper checks and \$47,257.62 in auto-pay payments for a grand total of \$2,233,582.71.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of October 15, 2019

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/22/2019 To: 10/5/2019

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
09/27/2019	11900(A)	A I S CONSTRUCTION EQUIP. CO.	LONG REACH EXCAVATOR	2,277.75
09/27/2019	11901(A)	A NEW LEAF	SIX MONTHS OF PLANT CARE @ CH	85.00
09/27/2019	11902(A)	ABONMARCHE CONSULTANTS, INC	PORTAGE ROAD EASEMENTS	300.00
09/27/2019	11903(A)	BYHOLT INC.	2NS SAND DELIVERY	753.37
09/27/2019	11904(A)	CHARTER COMMUNICATIONS	CABLE TV	120.38
09/27/2019	11905(A)	CROWN TROPHY	SOFTBALL TROPHIES	227.60
09/27/2019	11906(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
09/27/2019	11907(A)	DATAWORKS PLUS LLC	ANNUAL SOFTWARE/HARDWARE	1,709.00
09/27/2019	11908(A)	FARM N GARDEN	SERVICE CALL - GATE REPAIR	230.00
09/27/2019	11909(A)	GREATER KALAMAZOO UNITED WAY	UNITED WAY CONTRIBUTIONS	360.00
09/27/2019	11910(A)	GRIFFIN PEST SOLUTIONS, INC.	FIRE FACILITY MAINT.	255.00
09/27/2019	11911(A)	J & J LAWN SERVICE, INC.	MOWING SERVICES - UTILITIES	7,241.00
09/27/2019	11912(A)	LAND MATTERS LLC	LAND ACQUISITION SERVICES	774.65
09/27/2019	11913(A)	MATERIALS RESOURCES	LATEX GLOVES AND SUPPLIES	164.43
09/27/2019	11914(A)	OFF THE CUFF CATERING	PORTAGE COM ART AWARD RECEP	661.90
09/27/2019	11915(A)	ONE WAY PRODUCTS	CAN LINERS AND SUPPLIES	83.00
09/27/2019	11916(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICE	3,897.60
09/27/2019	11917(A)	PACE ANALYTICAL SERVICES, LLC	SOIL TESTING SERVICES	305.00
09/27/2019	11918(A)	PARIS CLEANERS	19/20 LAUNDRY CONTRACT	983.60
09/27/2019	11919(A)	PAVER PET SUPPLY	19/20 PET SUPPLIES	31.00
09/27/2019	11920(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR SEPT	1,860.00
09/27/2019	11921(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF DUES FOR SEPT	40.00
09/27/2019	11922(A)	PORTAGE POLICE OFFICERS ASSOC	PPOA UNION DUES FOR SEPT	658.00
09/27/2019	11923(A)	PRINTING SERVICES INC	PORTAGE COMM ART AWARD PRINTING	655.65
09/27/2019	11924(A)	R W LAPINE INC.	HVAC ON-CALL SERVICES & PARTS	1,049.10
09/27/2019	11925(A)	ROTO-ROOTER SEWER & DRAIN SERV	CITY HALL LOWER LEVEL SEWER PUMP	3,345.74
09/27/2019	11926(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINTENANCE	4,430.00
09/27/2019	11927(A)	SUEZ WATER ENVIRONMENTAL SERVICES	UTILITY SYSTEM OPERATION	174,763.53
09/27/2019	11928(A)	TOO CLEAN JANITORIAL	CLEANING MAINTENANCE PARKS	5,150.00
09/27/2019	11929(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR SEPT	497.08
09/27/2019	11930(A)	USA SOFTBALL OF MICHIGAN	FALL BALL SOFTBALLS 2019	4,370.50

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09/27/2019	11931(A)	WIGHTMAN	ENGINEERING SERVICES	40,942.38
09/27/2019	11932(A)	WINDER POLICE EQUIPMENT, INC.	FIRE APPARATUS MAINT	299.00
09/27/2019	11933(A)	WOLVERINE LAWN SERVICE, INC.	IRRIGATION REPAIRS	211.62
10/04/2019	11934(A)	ABONMARCHE CONSULTANTS, INC	ELIASON RESERVE DEVELOPMENT	108,124.50
10/04/2019	11935(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,202.29
10/04/2019	11936(A)	AMERICAN HYDROGEOLOGY CORP.	PROFESSIONAL SERVICES	13,899.62
10/04/2019	11937(A)	AMERICAN SAFETY & FIRST AID	SOFTBALL OFFICE FIRST AID	47.75
10/04/2019	11938(A)	ANIXTER INC.	AUDIO INTERFACE (753736)	345.23
10/04/2019	11939(A)	AUMACK, MICHAEL	UMPIRE PAYROLL 2019	100.00
10/04/2019	11940(A)	BATTERIES PLUS	MAINTENANCE SUPPLIES	27.20
10/04/2019	11941(A)	BCHS-HELPNET	EAP SERVICES	1,698.57
10/04/2019	11942(A)	BEEBE, RONALD E.	UMPIRE PAYROLL 2019	300.00
10/04/2019	11943(A)	BELL EQUIPMENT COMPANY	VACTOR NOZZLE KITS	19,590.00
10/04/2019	11944(A)	C D W GOVERNMENT, INC.	VIDEO ENCODER	400.00
10/04/2019	11945(A)	C T S TELECOM, INC.	TELEPHONE SERVICE	2,340.09
10/04/2019	11946(A)	CHARTER COMMUNICATIONS	CABLE TV	124.98
10/04/2019	11947(A)	COLLIER, MICHAEL	STAFF & COMMAND SCHOOL	155.50
10/04/2019	11948(A)	CONTINENTAL LINEN SERVICES	SPECIAL EVENT LINENS	60.72
10/04/2019	11949(A)	DEER CONTRACTING & LANDSCAPE	SIDEWALK REPAIRS	23,264.00
10/04/2019	11950(A)	DELTA DENTAL PLAN OF MICHIGAN	DELTA DENTAL INSURANCE	18,343.92
10/04/2019	11951(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	1,794.45
10/04/2019	11952(A)	DOPP, LYNLEY	MAHN CONF - HOSTAGE NEGOTIATORS	90.00
10/04/2019	11953(A)	E J USA, INC.	MANHOLE SUPPLIES	3,341.40
10/04/2019	11954(A)	ENTENMANN-ROVIN CO.	FIRE UNIFORMS	1,725.70
10/04/2019	11955(A)	ETNA SUPPLY, INC.	SUPPLIES - PARKS DIVISION	401.00
10/04/2019	11956(A)	EVERETT, CHIP	FIRE PREVENTION TRAINING	150.00
10/04/2019	11957(A)	EXTREME POWER EQUIPMENT, INC.	LEAF BLOWER	480.00
10/04/2019	11958(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,313.10
10/04/2019	11959(A)	FORSHEE, MARK	UMPIRE PAYROLL 2019	200.00
10/04/2019	11960(A)	GORDON WATER SYSTEMS	WATER COOLERS	146.10
10/04/2019	11961(A)	GRIFFIN PEST SOLUTIONS, INC.	PEST CONTROL SERVICES - GLWTP	216.00
10/04/2019	11962(A)	GWIN, KENDRA	REIMB PURCHASE OF ROLL FILE	412.47

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10/04/2019	11963(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,107.88
10/04/2019	11964(A)	HESS, DERECK	DB TRAVEL TO DENVER, CO	578.03
10/04/2019	11965(A)	HOFFMAN BROTHERS, INC.	WINTER FOREST DRAINAGE IMPROV	12,878.54
10/04/2019	11966(A)	INDUSCO SUPPLY CO., INC.	RESTROOM SUPPLIES FOR CH	273.79
10/04/2019	11967(A)	J. ALLEN & CO. INC.	TRAIL IMPROVEMENTS	14,400.00
10/04/2019	11968(A)	JONES & HENRY ENGINEERS, LTD	ENGINEERING SERVICES	4,365.31
10/04/2019	11969(A)	KEHOE, EDWARD J	PROGRAM INSTRUCTOR PAYMENT	325.00
10/04/2019	11970(A)	LEXISNEXIS RISK SOLUTIONS	MONTHLY ACCURINT	150.00
10/04/2019	11971(A)	LORD, JAMES	TRAVEL REIMB DB CASE#18-13811	121.90
10/04/2019	11972(A)	MAILFINANCE	LEASE PAYMENT	733.77
10/04/2019	11973(A)	MATERIALS RESOURCES	MAINTENANCE SUPPLIES	14.27
10/04/2019	11974(A)	MCCULLIN, LARRY W.	UMPIRE PAYROLL 2019	225.00
10/04/2019	11975(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRE SERVICES - EQUIPMENT	8,301.77
10/04/2019	11976(A)	MEJEUR ELECTRIC LLC	ELECTRICAL SERVICES	1,653.00
10/04/2019	11977(A)	MICHIGAN PAVING & MATERIALS CO.	ANGLING & MEREDITH RECONSTRUCTION	162,240.32
10/04/2019	11978(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	285.18
10/04/2019	11979(A)	MILLS, DANIEL	MLEA CONFERENCE	195.25
10/04/2019	11980(A)	NASON, RICHARD	FIRE OPS TRAINING	571.76
10/04/2019	11981(A)	NYE UNIFORMS	UNIFORMS	145.00
10/04/2019	11982(A)	OFF THE CUFF CATERING	ZONING COW DINNER FOR COUNCIL	165.00
10/04/2019	11983(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICE	3,892.71
10/04/2019	11984(A)	PARIS CLEANERS	FIRE ADMIN CLEANING	9.43
10/04/2019	11985(A)	PATESEL, TERRY	UMPIRE PAYROLL 2019	50.00
10/04/2019	11986(A)	PCM SALES, INC.	MONTHLY IT OUTSOURCING	124,122.24
10/04/2019	11987(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE	5,503.25
10/04/2019	11988(A)	PETERS CONSTRUCTION CO.	ZYLMAN AVE RECONSTRUCTION	441,369.64
10/04/2019	11989(A)	PROFESSIONAL BUILDING SERVICES LLC	CLEAN UP MACERATOR AT CH	160.00
10/04/2019	11990(A)	QUADRANT II MARKETING, LLC	OCT NOV NEWSLETTER PRODUCTION	2,058.40
10/04/2019	11991(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	1,721.91
10/04/2019	11992(A)	RHODES, KEVIN	UMPIRE PAYROLL 2019	432.00
10/04/2019	11993(A)	RIDGE AUTO NAPA	EQUIPMENT MAINTENANCE	180.55
10/04/2019	11994(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	279.03

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10/04/2019	11995(A)	ROE-COMM, INC.	MISC RADIO SERVICES 19/20	115.00
10/04/2019	11996(A)	ROTO-ROOTER SEWER & DRAIN SERV	EMERG SERVICE	213.95
10/04/2019	11997(A)	RYAN, JOHNATHAN	UMPIRE PAYROLL 2019	94.00
10/04/2019	11998(A)	SEVERANCE ELECTRIC COMPANY, INC	RELEASE RETAINAGE PAY 4	20,545.13
10/04/2019	11999(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER SYSTEM CHEMICALS	24,568.24
10/04/2019	12000(A)	TACKETT, ANDREA	MAHN CONF - HOSTAGE NEGOTIATORS	90.00
10/04/2019	12001(A)	TYLER, JIM	UMPIRE PAYROLL 2019	100.00
10/04/2019	12002(A)	UNITED PETROLEUM	FUEL SYSTEM MAINTENANCE	2,325.45
10/04/2019	12003(A)	W W GRAINGER INC	MAINTENANCE SUPPLIES	75.36
Total ACH Transactions:				1,305,762.48
Check Type: Paper Check				
09/23/2019	311214	PETTY CASH-BARBARA GARLOW	REPLENISHMENT CHECK	545.95
09/27/2019	311215	A T & T LONG DISTANCE	LONG DISTANCE SERVICE	39.80
09/27/2019	311216	ADP, INC.	PAYROLL/ETIME SERVICES-	5,278.80
09/27/2019	311217	ALLEGRA PRINT & IMAGING	MISC PRINTING SERVICES -	292.00
09/27/2019	311218	AMERICAN CANCER SOCIETY	LEE NATIONAL DENIM DAY DONATIONS 2018	155.00
09/27/2019	311219	AMERICAN HOIST AIR & LUBE EQUIP INC	HOIST INSPECTIONS	894.00
09/27/2019	311220	AMERICAN SCREEN PRINTING	FIRE ADMIN UNIFORMS	138.00
09/27/2019	311221	BLACKBURN, MICHELLE	HAYLOFT & STUART MANOR DEP RFND	400.00
09/27/2019	311222	BLOOM SLUGGETT, PC	LEGAL SERVICES	1,929.64
09/27/2019	311223	BRONSON HEALTHCARE GROUP	LEGAL BLOOD DRAWS - 4	375.00
09/27/2019	311224	BROOKS ARCHERS INC.	BROOKS ARCHERY CAMP 2019	480.00
09/27/2019	311225	CAPITAL CONSULTANTS, INC.	BUILDING MAINTENANCE STUDY	2,300.00
09/27/2019	311226	CAPOROSSO CONSTRUCTION LLC	MANHOLE REPAIRS SCHURING	32,400.00
09/27/2019	311227	CENTRAL TILE & TERRAZZO CO.	FLOOR REPAIR	399.00
09/27/2019	311228	CORELOGIC CENTRALIZED REFUNDS	2019 Sum Tax Refund 02800-003-O	1,147.73
09/27/2019	311229	DAVE'S CONCRETE PRODUCTS, INC.	RAMONA PROJECT	3,889.50
09/27/2019	311230	DEVON TITLE AGENCY	UB REFUND: 8143 WAYLEE ST.	66.47
09/27/2019	311231	DEYOUNG LANDSCAPE SERVICE	IRRIGATION REPAIRS	109.00
09/27/2019	311232	FIDLAR COMPANIES	CODE BOOK FILLER PAPER	166.53
09/27/2019	311233	FLANDERS, ALEXIS	SCHRIER DEPOSIT REFUND	150.00
09/27/2019	311234	FULTON & SONS INC., JAMES E	HAULING SERVICES - BARGE	1,873.70

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09/27/2019	311235	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA UNION	3,130.44
09/27/2019	311236	HOEKSEMA, RYAN	AMPHITHEATRE DEPOSIT REFUND	150.00
09/27/2019	311237	HOME DEPOT	SUPPLIES FOR FARMERS MARKET	507.15
09/27/2019	311238	HOPKINS FUNDRAISING CONSULTING	SENIOR CENTER CAMPAIGN IMPLEMENT	6,250.00
09/27/2019	311239	JOKELA, DENNIS	UB REFUND FOR FINAL WATER	351.46
09/27/2019	311240	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC COUNTING SERVICES	1,280.00
09/27/2019	311241	KALAMAZOO BATTLE CREEK INTL AIRPORT	PROFESSIONAL SERVICES	3,392.25
09/27/2019	311242	KALAMAZOO COUNTY TREASURER	2019 JBOR REFUND FOR 2016	372.94
09/27/2019	311243	KALAMAZOO PICKLEBALL	2019 SESSION 1 COORDINATION FEE	2,350.00
09/27/2019	311244	KEY, RITA	GRAVE OPENING FEE REFUND	950.00
09/27/2019	311245	KIESLER POLICE SUPPLY	RIFLE ACCESSORIES QUOTE	3,217.91
09/27/2019	311246	KITCH DRUTCHAS WAGNER VALITUTTI & S	PROFESSIONAL SERVICES RENDERED	2,040.00
09/27/2019	311247	LERETA LLC	2019 Sum Tax Refund 09054-023-O	6,078.11
09/27/2019	311248	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	64.50
09/27/2019	311249	MI-TOKEN INC.	MI-TOKEN ANNUAL SOFTWARE LICENSE	300.00
09/27/2019	311250	MICHIANA LAND SERVICES	EASEMENT ACQUISITION SERV	4,252.50
09/27/2019	311251	MIDWEST CUSTOM EMBROIDERY COMPANY	TOURNAMENT CHAMP SHIRTS	1,817.50
09/27/2019	311252	NIEBAUER, CHALICE	UB REFUND: 3190 ST. ANTHONY	84.94
09/27/2019	311253	P K CONTRACTING, INC.	PAVEMENT MARKINGS	919.60
09/27/2019	311254	PIPETEK INFRASTRUCTURE SERVICES	SEWER TRUNKLINE INSPECTION	7,601.50
09/27/2019	311255	PUBLIC SAFETY CENTER	MISC PATROL SUPPLIES	1,019.25
09/27/2019	311256	QUALITY PRECAST, INC.	DRAINAGE SUPPLIES	424.50
09/27/2019	311257	RESTORATIVE LAKE SCIENCES, LLC	2019 WEST LAKE WEED MGMT PRGRM	1,625.00
09/27/2019	311258	SAINT CASS, LLC	BIO HAZARD CLEANUP	776.76
09/27/2019	311259	SANDERSON DEHAAN IRRIGATION	IRRIGATION REPAIRS	615.23
09/27/2019	311260	SHILTS, DAWN	TRIP EXPENSES REIMBURSEMENT	240.00
09/27/2019	311261	SOIL & MATERIALS ENGINEERS, INC	NEW FIRE ST 2	1,150.00
09/27/2019	311262	SPIRIT SHOPPE, INC.	2019 DIVISION CHAMP SHIRT	1,420.25
09/27/2019	311263	STATE OF MICHIGAN (DOT)	ROMENCE RD, OAKLAND TO CONSTITUTION	290,745.78
09/27/2019	311264	STATE SYSTEMS RADIO, INC	ANNUAL TOWER LEASE CONTRACT	1,551.67
09/27/2019	311265	TODD ARBANAS ENTERPRISES INC.	TREE REMOVAL SERVICES	2,500.00
09/27/2019	311266	TRUGREEN PROCESSING	FALL WEED AND FEED	100.94

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09/27/2019	311267	USPS	REFILL POSTAGE METER	5,000.00
09/27/2019	311268	VANGUARD FIRE & SUPPLY CO., INC.	FIRE EXTINGUISHER MAINT.	194.63
09/27/2019	311269	GRAND HOTEL	TRIP VENDOR PAYMENT 190903	29,524.74
10/04/2019	311270	TITLECITY	OVERPAYMENT STAX19	67.77
10/04/2019	311271	4 SEASONS TREE SERVICES, LLC	TREE SERVICES	400.00
10/04/2019	311272	A T & T	ELECTRONIC COMMUNICATION	439.90
10/04/2019	311273	A T & T	RADIO CIRCUITS	6,523.44
10/04/2019	311274	ADVANCE II LLC	NOVEMBER 2019 ELECTION TEMP	406.32
10/04/2019	311275	ALLEGRA PRINT & IMAGING	SAVE THE DATE POSTCARDS	4,224.30
10/04/2019	311276	ALTA EQUIPMENT CO.	MAINTENANCE SUPPLIES	4,763.50
10/04/2019	311277	ARROWHEAD SCIENTIFIC, INC.	MISC LAB SUPPLIES 19/20	241.86
10/04/2019	311278	BACON, LAWRENCE & ELIZAABETH	TRIP REFUND 191010 AUTUMN ON THE RIVER	164.00
10/04/2019	311279	BORGESS AMBULATORY CARE CORP.	UPS WEEKLY	12.08
10/04/2019	311280	BUDDEMEIER, LINDA	TRIP REFUND 190926 WEST MI	60.00
10/04/2019	311281	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	33.97
10/04/2019	311282	CARTRIDGE WORLD	TRIP OFFICE CARTRIDGES	44.52
10/04/2019	311283	CEREAL CITY WINDOW CLEANING	WINDOW CLEANING SERVICES	170.00
10/04/2019	311284	CHEATHAM, JORDAN	MCOLES CERTIFICATION	1,913.92
10/04/2019	311285	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	552.06
10/04/2019	311286	CRITZ, KIM	MO MASH DESIGN	100.00
10/04/2019	311287	DAANE'S CATERING	2019-2020 HMP SCREENING BFST	743.50
10/04/2019	311288	DEVON TITLE AGENCY	TAX PMT POSTMARKED ON TIME	236.30
10/04/2019	311289	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	4,775.30
10/04/2019	311290	ENGINEERING SUPPLY & IMAGING	ANNUAL MAINT AGREEMENT FOR KIP 700	1,626.24
10/04/2019	311291	FAWLEY OVERHEAD DOOR, INC.	OVERHEAD DOOR REPAIRS	139.00
10/04/2019	311292	FLETCHER ENTERPRISES	PAINTING BEAMS IN ENTRY & LOBBY OF CH	500.00
10/04/2019	311293	FORD, LAURA	HAYLOFT THEATRE DEPOSIT RFND	150.00
10/04/2019	311294	FORTH, CHRISTOPHER	EMPLOYEE REIMBURSEMENT	33.00
10/04/2019	311295	GALL'S, LLC	RANGER UNIFORMS	1,076.76
10/04/2019	311296	GETTY IMAGES (US) INC.	STOCK PHOTO CREDITS	520.00
10/04/2019	311297	GRAND VALLEY METRO COUNCIL	PASER RATING DATA COLLECTION	10,842.70
10/04/2019	311298	GRUETER, JOE	OVERPAYMENT FINAL WATER BILL 8118 BLACK	159.84

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10/04/2019	311299	HALL BUILDERS LLC	WITHHOLD RETAINAGE PAY #3	166,759.80
10/04/2019	311300	HAYWARD BAKER INC.	AGGREGATE PIERS, FIRE ST 2	103,500.00
10/04/2019	311301	HENSLEY, JULIE	BD Bond Refund	15,415.20
10/04/2019	311302	HERTZ, SHANNON	MPELRA TRAINING REIMBURSE	576.48
10/04/2019	311303	HOME DEPOT	LEXINGTON PROJECT	751.06
10/04/2019	311304	VOID		0.00
10/04/2019	311305	HUMMEL, BETH	GRAIN ELEVATOR DEPOSIT RFND	150.00
10/04/2019	311306	I H S DISTRIBUTING COMPANY, INC.	ART HOP ALCOHOL	389.75
10/04/2019	311307	JEFFREY HILLMAN: HUMAN CORE EVALUAT	EVALUATION CONSULTING	958.75
10/04/2019	311308	KALAMAZOO COUNTY TREASURER	19 MTT MOAHR #18-1617 - 2018 TAX YEAR	481.80
10/04/2019	311309	KALAMAZOO COUNTY TREASURER'S ASSN	REIMBURSE AD FOR SUMMER DEFER2019	27.60
10/04/2019	311310	KAMMINGA & ROODVOETS, INC.	IDAHO AVENUE RECONSTRUCTION	61,174.97
10/04/2019	311311	KENT COUNTY DPW	WASTE DISPOSAL RED MED/DRUG	90.00
10/04/2019	311312	KIESLER POLICE SUPPLY	AMMO	2,425.70
10/04/2019	311313	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER - COMM SERV	364.00
10/04/2019	311314	LOVERS LANE MICRO FARM	FARMERS MARKET SNAP/EBT REIMB	30.00
10/04/2019	311315	MAGLOCLIN, INC.	USER FEES	400.00
10/04/2019	311316	MAISTO, MARY	TRIP REIMBURSEMENT 190903	133.56
10/04/2019	311317	MATTHEW ERVIN	ART HOP DJ	350.00
10/04/2019	311318	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	241.50
10/04/2019	311319	MCKAY, SELMA	TRIP REFUND 191010 AUTUMN	82.00
10/04/2019	311320	MICHIANA LAND SERVICES	RIGHT-OF-WAY SERVICES	3,685.82
10/04/2019	311321	MILLER, CONNIE	TRIP REFUND 191016 AUTUMN	82.00
10/04/2019	311322	MRG HOSPITALITY SERVICES LLC	CATERING FOR E3 KICK OFF	1,477.75
10/04/2019	311323	MUCHA, KYLE	EMPLOYEE REIMBURSEMENT	10.00
10/04/2019	311324	NVB PLAYGROUNDS INC	16X12 RECT. DUAL COLUMN SHADE	3,099.00
10/04/2019	311325	OFFICE DEPOT, INC.	SUPPLIES FOR E3 CAMPAIGN	584.76
10/04/2019	311326	VOID		0.00
10/04/2019	311327	OTTEN TROPHIES	PCAA 2019 PLAQUE PLATES	30.00
10/04/2019	311328	PAW PAW VETERINARY CLINIC, P.C.	CANINE PET CARE	335.58
10/04/2019	311329	PETERMAN CONCRETE CO.	CONCRETE	205.53
10/04/2019	311330	PETTY CASH-ALYSSA MILBECK	REPLENISHMENT CHECK	353.26

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Check Date	Check	Vendor Name	Description	Amount
10/04/2019	311331	PETTY CASH-COLEEA CANDERS	REPLENISHMENT CHECK	425.05
10/04/2019	311332	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	503.57
10/04/2019	311333	PETTY CASH-KELLY REED	REPLENISHMENT CHECK	764.87
10/04/2019	311334	PORTAGE GLASS & MIRROR	MIRRORS/INSTALL	1,977.00
10/04/2019	311335	PORTAGE PUBLIC SCHOOLS (TRANS)	FISH CAMP BUSES	236.32
10/04/2019	311336	ROAD COMMISSION OF KALAMAZOO COUNTY	TRAFFIC SIGNAL MAINTENANCE	295.88
10/04/2019	311337	SANDERSON DEHAAN IRRIGATION	IRRIGATION REPAIR	148.18
10/04/2019	311338	SHETLER CONSTRUCTION LLC	WATERPROOFING ANNEX WALLS	2,107.00
10/04/2019	311339	SHI INTERNATIONAL CORP.	FUJITSU FI-7160 DOCUMENT SCANNER	899.00
10/04/2019	311340	SOULE, MICHELLE	SCHRIER PARK DEPOSIT REFUND	150.00
10/04/2019	311341	STATE SYSTEMS RADIO, INC	MISC RADIO REPAIRS 19/20	242.10
10/04/2019	311342	STUDENT HAULERS	ABATEMENT FOR 506 DELLA ST	240.00
10/04/2019	311343	SUPERIOR BUSINESS SOLUTIONS	UNIFORMS	195.93
10/04/2019	311344	SWMS PARK	SPARK PUBLICATION ADS	300.00
10/04/2019	311345	TAVCOM, INC.	JOB ADS	1,500.00
10/04/2019	311346	TERRYBERRY CO.	2019 SERVICE AWARDS	1,183.04
10/04/2019	311347	TITLE SOURCE AGENCY	OVERPAYMENT REFUND	615.53
10/04/2019	311348	TITLECITY, LLC	O/P STAX ON PARCEL 08820-095-O	8.45
10/04/2019	311349	TITLECITY LLC	OVERPAYMENT 517 BACON AVE UB	77.02
10/04/2019	311350	TRACTOR SUPPLY CORP.	MAINTENANCE SUPPLIES	10.51
10/04/2019	311351	TRANSNATION TITLE AGENCY	TAXES POSTMARKED ON TIME	48.10
10/04/2019	311352	UNITED PARCEL SERVICE	UPS WEEKLY	15.65
10/04/2019	311353	VALLEY CITY SIGN	REPLACEMENT OF 30 CITY OF PORTAGE SIGNS	26,837.00
10/04/2019	311354	VANDERVRIES, EDWARD	REIMBURSTMENT FOR 2019 IAAO CONV	711.00
10/04/2019	311355	VANFLEET, JUDY	TRIP REFUND 191010 AUTUMN	82.00
10/04/2019	311356	WASTE MANAGEMENT	DISPOSAL SERVICES	554.59
10/04/2019	311357	WENSTRUP, CATHY	TRIP REFUND 190912 DISCOVER	100.00
10/04/2019	311358	WEST, MICHAEL	EMPLOYEE REIMBURSEMENT	19.00
10/04/2019	311359	WMCJTC	TASER INSTRUCTOR RE-CERT	200.00
			Total Paper Checks:	880,562.61

ACCOUNTS PAYABLE REGISTER
Check Dates From: 9/22/2019 To: 10/5/2019

Page 9 of 9

Check Date	Check	Vendor Name	Description	Amount
Check Type: Auto-Pay Payment				
09/23/2019		CONSUMERS ENERGY	GAS-ELECTRIC	127.30
09/25/2019		CONSUMERS ENERGY	GAS-ELECTRIC	40,568.67
09/27/2019		CONSUMERS ENERGY	GAS-ELECTRIC	1,826.50
10/01/2019		CONSUMERS ENERGY	GAS-ELECTRIC	3,505.15
10/03/2019		CLARK HILL	BOND COUNSEL FEES	1,230.00
			Total Auto-Pay Payments:	47,257.62
			Grand Total:	2,233,582.71

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Eliason Nature Reserve Phase II Trail Connection Project - Bid Tabulation

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen Services

ACTION RECOMMENDED: Award a contract in the amount of \$634,531.50 to TJM Services for Construction Services for the Eliason Nature Reserve Phase II Trail Connection project and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Eliason Nature Reserve Phase II project is a collaboration between the Michigan Department of Natural Resources (MDNR) and the City of Portage to create a 1,700-foot boardwalk connection between the 1.6-mile, non-motorized trail at Eliason (Phase I), Bishop's Bog and Schrier Park. Collectively, these three parks form a 330-acre wildlife corridor in south-central Portage for the community to experience and learn about nature.

Abonmarche has been contracted for engineering and design professional services for this project, and has been serving as construction engineering and administration, and will provide onsite inspection services. The engineer's estimate for the Eliason Phase II project is \$565,200, and on August 6, 2019, an RFP was issued for winter construction in anticipation of lower pricing following the conclusion of road projects. On August 27, 2019, two bids were received that were both higher than the engineer's estimated cost.

In an effort to lower the project cost, Trail B, a section of the walking loop, was eliminated decreasing the scope of work to only include the boardwalk and a short trail leading to the boardwalk. With this change, each contractor reduced their bids, and the lowest was submitted by TMJ Services. Abonmarche reviewed the bid for completeness and accuracy, and has recommended awarding the contract to TMJ Services, of Allegan, Michigan, for \$634,531.50. Funds are available to complete this project through an MDNR grant of \$291,500 and the Capital Improvement Plan.

It is recommended that City Council award a contract to TJM Services in the amount of \$634,531.50 for construction services on the Eliason Nature Reserve Phase II Trail Connection project, and authorize the City Manager to execute all documents related to these actions on behalf of the city.

FUNDING: Capital Improvement and an MDNR Grant

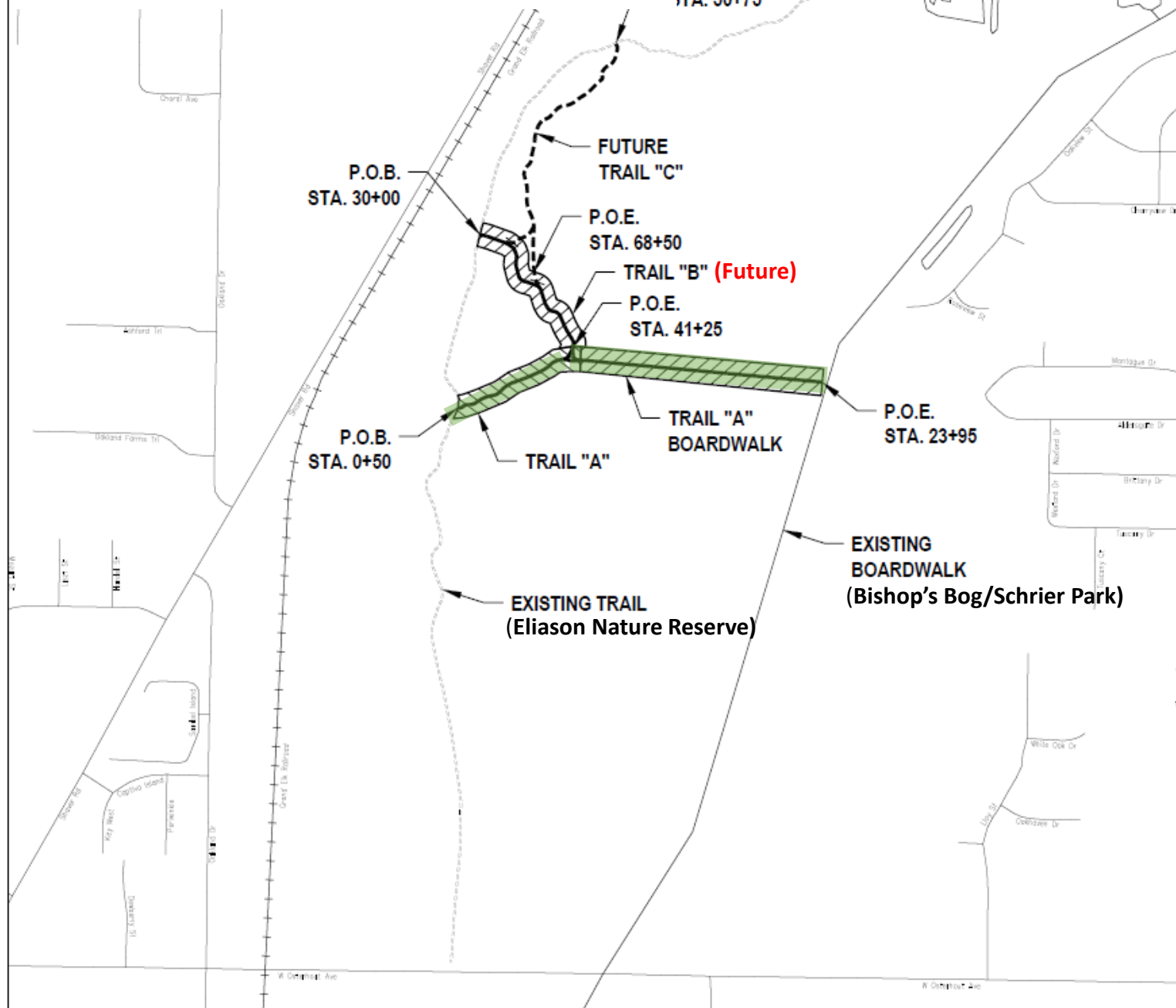
Attachments:

1. Eliason Nature Reserve Trail A and Boardwalk Project
2. Eliason Recommendation of Award September 19 2019

3. Bid Tabulation Eliason

Eliason Nature Reserve

Phase II Project



PROJECT LOCATION MAP

September 19, 2019

Ms. Kathleen Hoyle
Director of Parks, Recreation and Senior Citizen Services
7900 South Westnedge Avenue
Portage, MI 49002

Re: Recommendation for Contract Award
Eliaison Nature Reserve Trail Project

Mrs. Hoyle,

On August 27, 2019, two bids were received for the Eliaison Nature Reserve Trail Project. Both bidders acknowledged Addendum No. 1 and furnished the necessary bonding. Abonmarche checked the bids for completeness and accuracy. A summary of the attached bid tabulation is provided below.

Bid Summary

Prepared By:	Addendum No. 1	Bid Bond	Base Bid
Engineer's Estimate	-	-	\$565,200.00
TJM Services (Allegan, MI)	✓	✓	\$696,069.00
Peters Construction, Co. (Kalamazoo, MI)	✓	✓	\$1,028,835.00

The low bid was submitted by TJM Services of Allegan, MI. While their bid was above the Engineer's Estimate, we feel this pricing to be competitive based on the high demand in the construction industry.

Per your request, after bidding, both bidders were solicited to provide alternative pricing with the "Trail B" portion of work eliminated from the scope in an effort to lower the project cost to within the City budget. The MDNR was contacted and confirmed that this method of seeking an alternate was acceptable within the scope of the grant. A summary of the bids with "Trail B" work eliminated is provided below.

Alternate: Trail B Eliminated Bid Summary

Prepared By:	Alternate Bid
TJM Services (Allegan, MI)	\$634,531.50
Peters Construction, Co. (Kalamazoo, MI)	\$889,876.25

TJM Services remained the low bidder with the "Trail B" scope of work omitted. TJM Services requested an increase of their mobilization costs by \$20,000 (From \$68,200 to \$88,200) to cover labor/equipment items and a straight deduction of items associated with "Trail B" work at the bid unit rate. This revision is reflected in the pricing above and on the attached bid tabulation. Peters Construction, Co. did not request revision to any of their unit pricing and only a straight deduction of quantities associate with "Trail B" at the bid unit rate.

Abonmarche recommends award of the Contract to the low bidder, **TJM Services**, with the "Trail B" scope of work omitted for an amount of **\$634,531.50**.

If you have any questions or comments, please feel free to contact me.

Sincerely,

ABONMARCHE



Samuel P. Jablonowski, PE
Project Engineer

Attachment: Bid Tabulation

cc: Tom O'Brien
Tim Drews, PE City of Portage
Abonmarche



Bid Tabulation Worksheet

Project:	Eliason Nature Reserve Trail Project	Project No.:	18-1232	Legend: Low Bidder Correction
Owner:	City of Portage	Client Project No.:	N/A	
Location:	City Hall Conference Room No. 1, 7900 S. Westnedge Avenue, Portage, MI 49002	Date and Time:	August 27, 2019 at 3:00 PM	

Base Bid

Item	Estimated Quantity	Unit	Engineer's Estimate		TJM Services		Peters Construction Co.	
			Unit Price	Total	Unit Price	Total	Unit Price	Total
1 Mobilization, Max. 10%	1.00	LSUM	\$ 51,400.00	\$ 51,400.00	\$ 68,200.00	\$ 68,200.00	\$ 15,850.00	\$ 15,850.00
2 Clearing	1.50	Acre	\$ 15,000.00	\$ 22,500.00	\$ 33,000.00	\$ 49,500.00	\$ 42,960.00	\$ 64,440.00
3 Embankment, CIP	400.00	Cyd	\$ 17.50	\$ 7,000.00	\$ 55.00	\$ 22,000.00	\$ 81.00	\$ 32,400.00
4 Erosion Control, Silt Fence	500.00	Ft	\$ 2.50	\$ 1,250.00	\$ 3.30	\$ 1,650.00	\$ 3.75	\$ 1,875.00
5 Subbase, CIP	680.00	Cyd	\$ 12.50	\$ 8,500.00	\$ 49.50	\$ 33,660.00	\$ 90.25	\$ 61,370.00
6 Aggregate Surface Cse, 6 inch, Modified	1520.00	Syd	\$ 15.00	\$ 22,800.00	\$ 33.00	\$ 50,160.00	\$ 48.25	\$ 73,340.00
7 Shared use Path, Grading	2160.00	Ft	\$ 12.50	\$ 27,000.00	\$ 22.00	\$ 47,520.00	\$ 34.25	\$ 73,980.00
8 Slope Restoration, Type A	2020.00	Syd	\$ 7.50	\$ 15,150.00	\$ 4.40	\$ 8,888.00	\$ 15.00	\$ 30,300.00
9 Bench (Non-Participating)	2.00	Ea	\$ 2,500.00	\$ 5,000.00	\$ 2,200.00	\$ 4,400.00	\$ 2,400.00	\$ 4,800.00
10 Floating Boardwalk	1445.00	Ft	\$ 280.00	\$ 404,600.00	\$ 283.80	\$ 410,091.00	\$ 464.00	\$ 670,480.00
Total: Base Bid			\$ 565,200.00		\$ 696,069.00		\$ 1,028,835.00	
Bid Statistics			% of Estimate	100.00%	% of Estimate	123.15%	% of Estimate	182.03%
			% of Low Bid	81.20%	% of Low Bid	100.00%	% of Low Bid	147.81%

Bid With Trail B Eliminated

Item	Estimated Quantity	Unit	Engineer's Estimate		TJM Services		Peters Construction Co.	
			Unit Price	Total	Unit Price	Total	Unit Price	Total
1 Mobilization, Max. 10%	1.00	LSUM	\$ 51,400.00	\$ 51,400.00	\$ 88,200.00	\$ 88,200.00	\$ 15,850.00	\$ 15,850.00
2 Clearing	1.50	Acre	\$ 15,000.00	\$ 22,500.00	\$ 33,000.00	\$ 49,500.00	\$ 42,960.00	\$ 64,440.00
3 Embankment, CIP	400.00	Cyd	\$ 17.50	\$ 7,000.00	\$ 55.00	\$ 22,000.00	\$ 81.00	\$ 32,400.00
4 Erosion Control, Silt Fence	500.00	Ft	\$ 2.50	\$ 1,250.00	\$ 3.30	\$ 1,650.00	\$ 3.75	\$ 1,875.00
5 Subbase, CIP	285.00	Cyd	\$ 12.50	\$ 3,562.50	\$ 49.50	\$ 14,107.50	\$ 90.25	\$ 25,721.25
6 Aggregate Surface Cse, 6 inch, Modified	635.00	Syd	\$ 15.00	\$ 9,525.00	\$ 33.00	\$ 20,955.00	\$ 48.25	\$ 30,638.75
7 Shared use Path, Grading	905.00	Ft	\$ 12.50	\$ 11,312.50	\$ 22.00	\$ 19,910.00	\$ 34.25	\$ 30,996.25
8 Slope Restoration, Type A	845.00	Syd	\$ 7.50	\$ 6,337.50	\$ 4.40	\$ 3,718.00	\$ 15.00	\$ 12,675.00
9 Bench (Non-Participating)	2.00	Ea	\$ 2,500.00	\$ 5,000.00	\$ 2,200.00	\$ 4,400.00	\$ 2,400.00	\$ 4,800.00
10 Floating Boardwalk	1445.00	Ft	\$ 280.00	\$ 404,600.00	\$ 283.80	\$ 410,091.00	\$ 464.00	\$ 670,480.00
Total: Bid With Trail B Eliminated			\$ 522,487.50		\$ 634,531.50		\$ 889,876.25	
Bid Statistics			% of Estimate	100.00%	% of Estimate	121.44%	% of Estimate	170.32%
			% of Low Bid	82.34%	% of Low Bid	100.00%	% of Low Bid	140.24%

Note: TJM Services requires \$20,000 in additional Mobilization to offset the reduction in quantities for eliminating Trail B. Peters Construction did not request adjustment of any items.

**TRAIL PROJECT
MDNR TRUST FUND GRANT #TF16-0151
BID TABULATION**

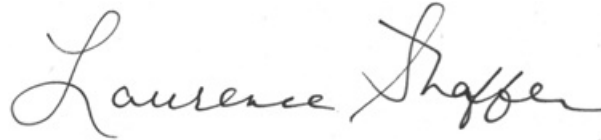
Base Bid Total

TJM Services 2745 Alyssa Lane Allegan, MI 49010	\$634,531.50
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Peters Construction Co. 3325 E. Kilgore Road Kalamazoo, MI 49001	\$889,876.25
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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: East Milham Avenue Reconstruction Project - Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract to perform engineering services for the reconstruction of East Milham Avenue from South Westnedge Avenue to Portage Road to Abonmarche Consultants, Ltd., in an amount not to exceed \$218,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The proposed FY 2020–2021 Capital Improvement Program budget contains funding for the Major Street Reconstruction Program. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities. The East Milham Avenue Reconstruction Project includes replacement of water main from Westnedge Avenue to Concord Street. Future work will focus on surface maintenance which allows additional roadway mileage when preserving and restoring pavement conditions yearly, as needed.

The East Milham Avenue Reconstruction Project has been approved by the Kalamazoo Area Transportation Study Policy Committee for federal funding. In total, the project cost is \$2,020,000. Federal funds in the amount of \$1,400,000 have been approved to assist in financing this project. The City of Portage costs would include \$250,000 financed through the Water Fund and the remaining \$370,000 would be financed through the Municipal Street Fund.

On October 8, 2019, two proposals were received for design and construction engineering services for the East Milham Avenue Reconstruction Project. Based on review of the proposals, staff has determined that the proposal from Abonmarche Consultants Ltd., of Benton Harbor, MI, in the amount of \$218,250, best fits the needs of the project.

It is recommended that City Council award a contract to Abonmarche Consultants, Ltd. to perform engineering services for the East Milham Avenue Reconstruction from South Westnedge Avenue to Portage Road in an amount not to exceed \$218,250 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: FY 2019-2020 Capital Improvement Program budget

Attachments: 1. Tabulation of Proposals - East Milham Avenue Engineering Services

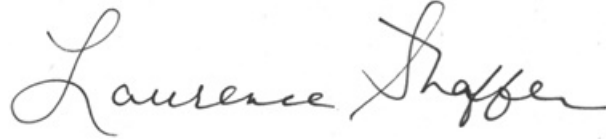
EAST MILHAM AVENUE RECONSTRUCTION
PROFESSIONAL ENGINEERING SERVICES
PROPOSAL TABULATION

Abonmarche Consultants, Inc. 95 West Main Street Benton Harbor, MI 49022	\$218,250.00
--	--------------

Wightman & Associates, Inc. 433 E. Ransom Street Kalamazoo, MI 49007	\$272,790.00
--	--------------

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: South Westnedge Avenue at Centre Avenue Mast Arms & Poles - Sole Source Purchase

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract for the purchase of traffic signal poles, mast arms and assemblies for the traffic signal upgrade on South Westnedge Avenue at Centre Avenue to Carrier & Gable, Inc. of Farmington Hills, Michigan in the not to exceed amount of \$56,747 and authorize the City Manager to sign all other documents related to the contract on behalf of the city.

The FY 2019–2020 Capital Improvement Program budget includes funding for the upgrade of traffic signals on South Westnedge Avenue. The proposal from Carrier & Gable, Inc. of Farmington Hills, MI, includes replacement of obsolete mast arms and poles at three legs of the intersection of the South Westnedge Avenue and Centre Avenue intersection. In 2017, the traffic signal mast arm and pole located on the southwest corner of this intersection was damaged as a result of vehicular crash. The replacement mast arm and pole were purchased from Union Metal, Inc. as they are the only vendor with the correct length of mast arm readily available.

All vendors must follow the Michigan Department of Transportation specifications for mast arm and pole manufacturing, however the finished product appearance differs between manufacturers. The mast arm and poles manufactured by Union Metal are round in appearance, whereas other manufacturers have tapered poles. To maintain the integrity and appearance of the traffic signal materials at the intersection of South Westnedge Avenue and Centre Avenue, City Administration requested a quote for the traffic signal mast arm and poles from Carrier & Gable, Inc., the sole representative of Union Metal in the State of Michigan.

There is an 18-20 week delivery time for new traffic signal poles, mast arms and assemblies which necessitates ordering the specialized equipment well in advance of the construction project commencement. The mast arms and poles will be installed in the summer of 2020 in coordination with the other South Westnedge Avenue traffic signal improvements. The mast arms and poles for the additional traffic signal improvements in the summer of 2020 will be sent for competitive bidding.

It is recommended that City Council award a contract to Carrier & Gable, Inc. in the amount not to exceed \$56,747 for South Westnedge Avenue at Centre Avenue mast arms and poles and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: FY 2019-2020 Capital Improvement Program Budget

Attachments: 1. Carrier & Gable, Inc. - Westnedge at Centre Mast Arms and Poles Proposal

**CARRIER & GABLE, INC.**

24110 Research Drive
Farmington Hills, MI 48335
(248) 477-8700 (248) 473-0730 • FAX

www.carriergable.com

SALES QUOTE

Page: 1

Sales Quote 33354A
Sales Quote Date: 9/19/2019
Expires On: 10/19/2019
Customer ID: 1225
SalesPerson: Cathy Schultz
Terms: NET 30 DAYS

Sell

To: PORTAGE, CITY OF
MUHAMMAD ARIF
7719 SOUTH WESTNEDGE AVENUE
PORTAGE, MI 49002

Ship

To: PORTAGE, CITY OF
MUHAMMAD ARIF
7719 SOUTH WESTNEDGE AVENUE
PORTAGE, MI 49002

ALL VALUES STATED IN U.S. DOLLARS

Bid Item No.:	N/A	Project No.:	N/A
Shipment Within:	18-24 WEEKS ARO	Intersection:	WESTNEDGE @ CENTRE
Shipping Terms:		Project City:	PORTAGE
		Project County:	KALAMAZOO
		Sheet:	N/A
		Project Misc.:	N/A

Item No.	Description	Cross-Reference No.	Qty.	Unit Price	Total Price

	WESTNEDGE @ CENTRE				
	CITY OF PORTAGE				

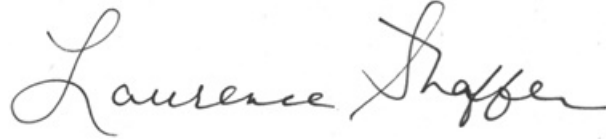
187-NS009063	29' STANDARD CAT II FOR 40-45' MAST ARM		1	6,133.00	6,133.00
187-NS007341	45' MAST ARM, CAT II		1	8,600.00	8,600.00
187-NS008250	29' STD, CAT II FOR 50' ARMS		1	7,067.00	7,067.00
187-NS007342	50' MAST ARM, CAT II		1	9,667.00	9,667.00
ITEM	29' STD, CAT II FOR 55' MAST ARM		1	7,333.00	7,333.00
ITEM	55' MAST ARM, CAT II		1	10,067.00	10,067.00
157-NS008634	ANCHOR BOLT, 1 3/4" X 72" 8 PITCH		18	186.00	3,348.00
157-NS008634	TEST ANCHOR BOLT, 1 3/4" X 72" 8 PITCH		1	186.00	186.00
	FREIGHT TO DELIVER ANCHOR BOLTS		1	200.00	200.00
157-NS008635	BOTTOM ANCHOR PLATE, 24" BC FOR MA		3	360.00	1,080.00
157-NS009143	TOP ANCHOR PLATE, 24" BC FOR MA STANDARDS		3	182.00	546.00
194-NS11706	TRUSS ARM, 18' 10.08" CLAMP FOR CAT II - BLACK		3	840.00	2,520.00

Amount Subject to Sales Tax 0
Amount Exempt from Sales Tax 56,747.00

Subtotal: 56,747.00
Invoice Discount: 0.00
Total Sales Tax: 0.00
Total: 56,747.00

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Property Acquisition – 8509 Portage Road

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Approve the purchase of property addressed as 8509 Portage Road in the amount of \$147,000 and authorize the City Manager to execute all documents on behalf of the city.

The City Administration has been in communication with Speedway, LLC regarding the purchase of 8509 Portage Road, a 2.35-acre vacant property located at the southeast corner of Portage Road and Zylman Avenue. This property was developed as a gas station which ceased operations in approximately 2003. The property had leaking underground storage tanks, but corrective actions at the site were completed and the Michigan Department of Environmental Quality (now EGLE) issued a Commercial III closure report on December 10, 2004. Subsequent to the environmental remediation, the property owner demolished the blighted gas station building and canopy in November 2013. Since then, the property has received violations for overgrown weeds, litter and parking. This property detracts from the appearance of the Portage Road corridor, which is located within the Lake Center business district.

Consistent with the goals of the Lake Center Subarea Plan, which is part of the 2014 Comprehensive Plan, the City Administration has determined it is appropriate to purchase and improve this property as open green space, similar to the corners of Oakland Drive and West Milham Avenue, and Oakland Drive and Romence Road. While the city has no other immediate plans for the property at 8509 Portage Road, future sale of this property for a quality development project may be an option.

The City Administration and Speedway have negotiated a Real Estate Purchase Agreement and the sales price is \$147,000, whereas a recent appraisal of the property estimates the value of this property is \$164,000. Speedway has stipulated that the property be deed restricted to prevent the opening of a retail business that would compete with their store located at 8379 Portage Road. Included in the restrictions are a gas station, convenience store or other store that sells tobacco and/or alcohol, and a fast food restaurant with a drive-through window. Finally, due to the environmental conditions of the property, the due diligence costs are estimated at \$15,000, and will require a Baseline Environmental Assessment and Due Care Plan, a boundary survey and landscape plan consistent with the Due Care Plan requirements.

As of the close of Fiscal Year 2018-2019, the city has funds available from its budget surplus to cover the cost of the proposed land purchase and due diligence. The City Administration has also applied for an EPA grant from the Kalamazoo County Brownfield Redevelopment Authority to cover the due

diligence costs.

Acquisition and improvement of 8509 Portage Road as open green space would eliminate blight in the Portage Road corridor and enhance the Lake Center Business District. It is recommended that City Council approve the purchase of property addressed as 8509 Portage Road in the amount not to exceed \$147,000 and authorize the City Manager to execute all documents on behalf of the city.

FUNDING: \$147,000 from the budget surplus at the end of FY 2018-19.

Attachments: 1. 8509 Portage Road - Appraisal

Kal-Creek Commercial Appraisers, L.C.

2906 Hill an Brook Dr
Portage, Michigan 49024
Phone (269) 327-1100
E-Mail: jfrancis.kalcreek@gmail.com

Appraisal Report



**8509 Portage Road
Portage, Michigan 49002**



Commercial Vacant Land



Prepared By: Joel Francis, SRA, GRI



Kal-Creek File: 019-15171

RECEIVED

OCT 10 2019

CITY MANAGER'S OFFICE
PORTAGE, MI

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	3-Year Property History

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Kal-Creek Commercial Appraisers, L.C.

◆◆◆ Transmittal Information ◆◆◆

Client / Intended User **City of Portage**
7900 South Westnedge Avenue
Portage, Michigan 49002

Attention Vicki Georgeau, AICP
Director of Community Development

Subject Property **8509 Portage Road**
Portage, Michigan 49002
(Vacant Land - Zoned - General Business)

Client's Instructions

- *Appraise* Subject property identified above
- *Type of value* Market Value
- *Property rights* Fee Simple
- *Purpose/Intended use* Provide my opinion of market value, as of the effective date, to assist with the possible purchase of this property.

Opinion of Value

- *Basis* Analysis of market data available when the report was prepared
 - *Property status* "As Is"
 - *Effective date* October 3, 2019
 - *Property tour date* October 3, 2019
 - *Exposure time* 1-year or less
 - *Report signed* October 9, 2019 (date of report)
-
- **Market Value** **\$164,000 (One hundred sixty four thousand dollars)**
-

Appraiser

Joel Francis, SRA, GRI
Certified General Appraiser, State of Michigan

Appraiser Competency

I have the educational background, appraisal experience with this property type, geographical competency and appraisal license level required to competently appraise the subject property.

Advocacy

It is unethical for me to be an advocate for anyone's value preferences, including the client. *I can only be an advocate for the value type(s) defined in this appraisal report.*

Appraisal History Disclosure - 3 Years

- I have not previously appraised this property
- I have had no relationship with this property in any capacity prior to this appraisal.

Transmittal Information Continued on Next Page.....

Personal Property / Non-Realty Items / Trade Fixtures

No personal property, non-realty items or trade fixtures are included in this appraisal.

Instructions to the Reader

- This appraisal report contains 51 pages which are all numbered; and must remain attached as a single document for the value opinion(s) to be valid.
- The reader is encouraged to review the entire appraisal report, particularly the:
 - Assumptions and Limitations of the Appraisal
 - Extraordinary Assumptions and Hypothetical Conditions
 - Scope of Work
- It is expected that the client/owner(s) will read the entire report and inform me of possible errors primarily concerning the subject property so that these can be corrected, if warranted.

Appraisal Report / Value

- The report may include abbreviated discussions of the data, reasoning, and analysis used in the appraisal process.
- Supporting documentation is retained in the Kal-Creek office files.
- Information in this report is specific to the needs of the client and for the stated intended use.
- I am not responsible for unauthorized use of this report.
- The appraised value is for a specific point in time. In this case it is the effective/inspection date of the appraisal and is valid only for this date. Market conditions change, sometimes rapidly. Related market forces can result in changes in market value, sometimes dramatically.

Market Value - Definition

The most probable price a property should bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller each acting prudently and knowledgeably, and assuming the price is not affected by undue stimulus. Implicit in this definition is the consummation of a sale as of a specified date and the passing of title from seller to buyer under conditions whereby:

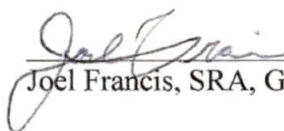
- Buyer and seller are typically motivated;
- Both parties are well informed or well advised, and acting in what they consider their own best interests;
- A reasonable time is allowed for exposure in the open market;
- Payment is made in terms of cash in U.S. dollars, or in terms of financial arrangements comparable thereto; and
- The price represents the normal consideration for the property sold unaffected by special or creative financing or sales concessions granted by anyone associated with the sale.

(Source: Office of the Comptroller of the Currency under 12 CFR, Part 34, Subpart C-Appraisals, 34.42 Definitions [f].)

Certification

I Certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this report are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions, and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this report, and no personal interest with respect to the parties involved.
4. I have performed no services, as an appraiser, or in any other capacity regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
5. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
6. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
7. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
8. My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the *Uniform Standards of Professional Appraisal Practice*.
9. I have made a personal inspection of the property that is the subject of this report.
10. No one provided significant real property appraisal assistance to the person signing this certification.
11. The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
12. The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
13. As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.
14. In Michigan, appraisers are required to be licensed/certified and are regulated by the Michigan Department of Licensing and Regulatory Affairs, P.O. Box 30018, Lansing, Michigan 48909. (517)241-9201. The certification number for Joel Francis is 1201000573. The expiration date is July 31, 2021


Joel Francis, SRA, GRI

Assumptions and Limiting Conditions

- This appraisal is solely for property valuation, and I am not qualified to go beyond that narrow scope.
- The accuracy of the information and analysis in this appraisal is limited. It is important to read this entire section to understand the limitations.
- This appraisal report is not intended for use by any 3rd party without my express written permission.
- Any losses and/or damages resulting from this appraisal are limited to the amount of the appraisal fee; and then only if the fee has been paid in full to the appraiser.

1.) Appraisal is not a survey. Assumptions:

- Legal description is correct.
- Use of the land and improvements is within the property boundaries and no encroachment or trespass exists unless noted.
- Maps, plats and drawings are reliable. Exhibits are visual aids for matters discussed in the report and are not guaranteed to be correct. A surveyor should be consulted for property boundaries, setbacks, encroachments, or other survey matters.
- Survey, legal description, and plans and specifications that were not available for the appraisal, when finalized will conform to the preliminary information provided by the client.

2.) Appraisal is not a legal opinion. Assumptions:

- Title is good and marketable. Responsibility is not assumed for legal matters that affect title to the property nor is an opinion of title given. The value estimate is given without regard to any questions of title, boundaries, encumbrances, or encroachments.
- Full compliance with federal, state, and local environmental regulations and laws unless noncompliance is stated, defined, and considered in the appraisal report. A comprehensive examination of laws and regulations affecting the subject property was not performed for the appraisal.
- Applicable zoning, use regulations and restrictions have been complied with, unless a non-conformity has been stated, defined and considered in the appraisal report. Information and analysis shown in this report concerning these items is based on a rudimentary investigation. Questions, concerns and verifications should be addressed to local zoning officials, land use officials or an attorney.
- Required licenses, consents, or other legislative or administrative authority from any local, state, or national government or private entity or organization have been, or can be obtained or renewed for any use on which the value estimate contained in this report is based. Consult appropriate government officials or an attorney for questions or concerns. I am not qualified to comprehensively examine laws and regulations affecting the subject property.

3.) Appraisal is not an engineering or property inspection report

- The appraisal is not a report on the physical items, although the report may include general physical descriptions. The information is for the property valuation and not a complete or detailed physical report. I am not a construction, engineering, environmental, or legal expert, and any statements on these matters should be considered preliminary in nature.

- The description of the condition of the physical items is based on a casual inspection only. For example, I am not an expert on heating systems and no attempt was made to inspect the interior of the furnace. The structure(s) was not checked for building code violations, and it is assumed that all buildings meet applicable building codes unless stated.
- Conditions behind walls, above ceilings, behind locked doors, blocked from view, or under ground are not exposed to casual view and were not inspected. Insulation materials are seldom exposed and are assumed to conform with the subject's market segment unless otherwise stated.
- It is assumed that there are no hidden or unapparent conditions on the property, subsoil, or structures that would render it more or less valuable. No responsibility is assumed for such conditions, or for the engineering to discover these factors.
- Building ages are estimated and based on circumstantial evidence such as: architectural plans, a conversation with those familiar with the history of the property such as the property owner(s) or on-site personnel, or are sometimes available from property assessment records.
- No guarantee is made for the adequacy of the foundation, roof, exterior walls, interior walls, floors, mechanical systems or any other component of the subject improvements.
- Appraisals subject to satisfactory completion, repairs, or alterations, are contingent upon completion of the improvements in a professional workmanlike manner, and in conformance with the plans and specifications provided to the appraiser. Construction inspections performed by the appraiser are only to verify that specified phases of the construction process have been completed. I am not a building inspector/engineer. The inspection is not for the purposes of evaluating building techniques or the adequacy of the materials being used for construction.
- Well and septic systems, private or public utilities (if any), are assumed to be in good working condition, and of sufficient size and capacity.

4.) Appraisal is not an environmental audit

I am not an environmental expert, and do not have the expertise necessary to determine the existence of environmental hazards on the subject property or surrounding properties. If I am aware of any adverse conditions, they are discussed. Non-disclosure is not an indication that problems do not exist. Consult an environment expert if there are concerns.

5.) Appraisal is made under conditions of uncertainty with limited data

- Appraisals are performed with limited data. Data limitations result from: areas of expertise that are beyond the scope of the appraisal profession: certain components of the subject property are not accessible: and the inherent limitations of relying on information provided by others.
- The appraisal fee for this assignment did not contain unlimited funds for investigation. The appraiser has concentrated the investigation in areas pertinent to the appraisal problem. It is probable the appraiser does not have all information relevant to the subject property.
- Information provided by other sources such as governmental agencies, financial institutions, accountants, attorneys, and others is assumed to be true, correct and reliable. I assume no responsibility for the accuracy of such information.
- The comparable sales data is assumed to be from reliable sources. It is not possible to inspect each comparable in detail.

- Values in the appraisal report are projections based on analysis as of the effective date of the appraisal. These values may not be valid in other time periods or as conditions change. The appraiser takes no responsibility for events, conditions, or circumstances affecting the property's market value that take place after the effective date of value contained in this report, or the date of the field inspection.
- Mathematical models and other projections are based on estimates and assumptions subject to uncertainty. I do not represent them as results that will actually be achieved.
- No responsibility is assumed for incorrect analysis as a result of incorrect or incomplete information. If new information is provided after the completion of the appraisal, the value given in this report is subject to change without notice.
- Opinions and estimates in the appraisal are the appraiser's best judgment, but should not be taken as advice or recommendation to act. Actions should be based on your own judgment; and the decision process should consider many factors other than the value estimate and information given in this report.
- I assume that the property owner(s) or their representatives have represented the property accurately and completely, and have not withheld important information. This includes information regarding permits from appropriate governing authorities for any alterations or additions to the property.

6.) Appraisal report limitations

- Appraisal reports are addressed to the specific needs of the client. The report does not contain all of the information available concerning the subject property or the real estate market. No significant factors have been knowingly withheld. It is possible that information is not included which may be important to others but, in my opinion, is not applicable to this specific assignment.
- No consideration is given to personal property, or the cost of moving or relocating personal property, unless specifically stated.
- Unless stated in this report, the subject property is appraised without a specific compliance survey to determine conformance to the requirements of the Americans with Disabilities Act (ADA). Architectural and communications barriers that restrict access by disabled individuals may adversely affect the property's value, or marketability.
- I am not qualified to determine flood hazard area. Flood hazard information is from FEMA flood hazard maps.

7.) Appraisal restrictions

- This appraisal is prepared at the request of, and for the exclusive use of, the client to whom the appraisal is addressed. No third party has the right to use or rely upon this appraisal for any purpose.
- I am not required to give testimony or appear in court or pretrial conference or is my appearance required by subpoena with reference to the subject property, unless sufficient notice is given to allow for adequate preparation. Also, additional fees are to be paid by the client at our regular fees/rates for preparation and appearances.
- This report is made for the information and/or guidance of the client. The possession of this report, or a copy of the report, does not carry with it the right of publication. Neither all nor part of the contents of this report shall be conveyed to the public through news, advertising, public relations, sales, or other media without written consent and approval by the appraiser. Nor shall the appraiser, firm, or professional organization of which the appraiser is a member, be identified without the written consent of the appraiser.

- The client is advised not to give copies of the appraisal report to others. Legal advice should be obtained on potential liability issues before this is done. Anyone distributing incomplete or altered copies of the appraisal report (including all attachments) does so at their own risk and assumes complete liability for any harm caused.
- Values and conclusions are valid only when making a summation. They are not to be used independently for any purpose, and are invalid if so used. The allocation of the total value in this report between land and improvements applies only under the reported highest and best use of the property.
- No change of any item in the appraisal report shall be made by anyone other than me. I am not responsible for any unauthorized change(s).

8.) Miscellaneous assumptions

- Responsible ownership and competent property management are assumed.

Scope of Work

- The scope of this assignment is specific to the needs of ***City of Portage, the client and intended user.*** All other parties that choose to rely on the appraisal report do so at their own risk and should recognize that the assignment results were not developed or reported in a manner consistent with the needs or uses of parties other than the client. My primary contact has been ***Vicki Georgeau.*** She also requested the appraisal.
- The property tour was performed within the context of the intended use and the intended user. The appraiser's viewing of the property is for valuation purposes only and is for the following ***intended use: provide my opinion of value, as of the effective date, to assist the client with possible purchase of the property.***
- I personally toured the:
 - Subject site
 - Surrounding area
- Reviewed public records and/or possibly conferred with public officials/employees such as assessor, treasurer and zoning/building officials concerning subject property information.
- Comparable sales data sources typically include: Kal-Creek files, assessor's records, FLEX-MLS, Realtors, and appraisers.
- I personally viewed the comparable sales from the public road.
- The scope of work ***does not*** include:
 - Any attempt at discovery (or reporting) of potentially adverse neighborhood influences such as, but not limited to: nearby criminal activity, registered sex offenders, or interim rehabilitative facilities for felonious offenders.
 - A detailed analysis of every characteristic of the subject property's site and improvements relative to current zoning and building ordinances. Statements regarding zoning compliance are intended in the most general sense.
 - An environmental assessment of the subject property and should not be relied on as such.
 - An assessment of many site related issues. While no adverse site conditions were observed, many site related issues are beyond the scope of this assignment and the expertise of the appraiser. A current boundary survey was not available

which may reveal encroachments, easements, zoning violations, or other matters that could warrant modification of the appraiser's analysis and opinions.

- A complete or detailed physical report. I am not a construction, engineering, environmental, or legal expert. Any statements on these matters should be considered preliminary in nature.
- Appraisals are performed with limited data. There are areas of expertise that are beyond the scope of the appraisal profession; and there are inherent limitations by relying on information provided by others.
- The appraisal fee for this assignment does not contain unlimited funds for investigation. The investigation has been concentrated in areas pertinent to the appraisal problem. It is probable that I do not have all information relevant to the subject property. It is not reasonable or possible to deal with every aspect of the subject property or comparable properties in detail.
- My opinion of value is for a specific point in time, the effective date of appraisal, only. This value may not be valid in other time periods because of changing market conditions.
- **Additional Scope of Work items may be presented in other parts of this appraisal report.**

Hypothetical Conditions / Extraordinary Assumptions

Hypothetical Conditions

None

Extraordinary Assumptions

It is assumed that the subject property can be redeveloped, and that any potential environmental issue would not prohibit redevelopment.

Comments

The use of extraordinary assumptions and/or hypothetical conditions may affect the assignment results. I maintain the option to change the appraisal should these be incorrect.

3-Year Property History

<i>Pasts Sales Activity</i>	None known
<i>Listing Activity</i>	None per the MLS
<i>Purchase Options</i>	None known

<i>Pending Sale</i>	The City of Portage is considering the purchase of this property and a purchase agreement has been drawn up. I do not know if it has been accepted yet. The tentative sales price is \$147,000
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<i>Comment</i>	This property is being offered on an on-line auction that ends October 27, 2019
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Assessor's Record

8509 PORTAGE RD PORTAGE, MI 49002 (Property Address)

Parcel Number: 00023-346-0 Customer ID: 15719



Item 2 of 3 3 Images / 0 Sketches

Property Owner: CHECKER OIL CO OF MICHIGAN

Summary Information

- > Assessed Value: \$129,900 | Taxable Value: \$58,467
- > 15 Building Department records found
- > Property Tax information found
- > 2 Invoices Found, Amount Due: 0.00

Owner and Taxpayer Information

Owner	CHECKER OIL CO OF MICHIGAN 539 S MAIN ST FINDLAY, OH 45840	Taxpayer	SEE OWNER INFORMATION
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General Information for Tax Year 2019

Property Class	202 COMMERCIAL VACANT	Unit	10 CITY OF PORTAGE
School District	PORTAGE	Assessed Value	\$129,900
SECTION	Not Available	Taxable Value	\$58,467
BOOK	Not Available	State Equalized Value	\$129,900
PROPERTY TYPE	Not Available	Date of Last Name Change	09/24/2015
USER ALPHA 3	Not Available	Notes	Not Available
Historical District	Not Available	Census Block Group	Not Available
CODE	Not Available	Exemption	No Data to Display

Principal Residence Exemption Information

Homestead Date No Data to Display

Principal Residence Exemption	June 1st	Final
2020	0.0000 %	-
2019	0.0000 %	0.0000 %

Previous Year Information

Year	MBOR Assessed	Final SEV	Final Taxable
2018	\$137,200	\$137,200	\$57,139
2017	\$137,000	\$137,000	\$55,964
2016	\$60,200	\$60,200	\$55,465

Land Information

Zoning Code	B-3	Total Acres	2.350
Land Value	\$256,000	Land Improvements	Not Available
Renaissance Zone	No	Renaissance Zone Expiration Date	No Data to Display
ECF Neighborhood	SOUTH PORTAGE COMMERCIAL	Mortgage Code	No Data to Display
Lot Dimensions/Comments	No Data to Display	Neighborhood Enterprise Zone	No

Lot(s)	Frontage	Depth
Lot 1	296.00 ft	346.00 ft
Total Frontage: 296.00 ft		Average Depth: 346.00 ft

Legal Description

SEC 23-3-11 BEG AT C 1/4 POST SEC 23, TH S 33 FT, TH W ALG S LI OF ZYLMAN RD TO E LI OF PORTAGE RD, TH SWLY ALG E LI 300 FT, TH E PAR N LI TO N&S1/4 LI, TH N TO P.O.B.

Sale History

Sale Date	Sale Price	Instrument	Grantor	Grantee	Terms of Sale	Liber/Page
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No sales history found.

**Disclaimer: BS&A Software provides BS&A Online as a way for municipalities to display information online and is not responsible for the content or accuracy of the data herein. This data is provided for reference only and WITHOUT WARRANTY of any kind, expressed or inferred. Please contact your local municipality if you believe there are errors in the data.

Subjects Location

<i>Municipality</i>	City of Portage, Kalamazoo County, Michigan
<i>Classification</i>	Suburban
<i>School District</i>	Portage Public

Population Statistics

- ***City of Portage*** (The subject property is located in here)
 - 44,897 (2000 Census)
Change: **+3.11%**
 - 46,292 (2010 Census)
Change: **+6.32%**
 - 49,216 (2018 Census, estimate)
- ***City of Kalamazoo*** (Located immediately north of City of Portage)
 - 76,145 (2000 Census)
Change: **-2.47%**
 - 74,262 (2010 Census)
Change: **+3.07%**
 - 76,545 (2018 Census, estimate)
- ***Kalamazoo County***
 - 238,603 (2000 Census)
Change: **+4.92%**
 - 250,331 (2010 Census)
Change: **+5.81%**
 - 264,870 (2018 Census, Estimate)

Conclusions

Population trends have been favorable for this region in general for at least the past several years.

Major Highway Access

US-131

- 4.5 miles west
- North-south highway running from the Michigan-Indiana border to the south; and continuing north a couple of hundred of miles
- Runs along the east side of the City of Portage
- Varies from
 - 2-lane full access highway
 - 4-lane divided full access highway
 - 4-lane divided limited access highway

Interstate 94

- 3.5 miles north
- Generally east-west highway
- Crosses multiple states
- Limited access highway
- Runs along the north side of the City of Portage
- Provides direct access to Chicago and Detroit

Other

Interstate 69 and Interstate 80 are within an approximately 45-minute commute time

Local Economy

Economic Constants

- This part of Michigan has had overall stable real estate market and economic conditions for many years. This is the result of:
 - Diverse economic base
 - Strategic location nearly equi-distance between Detroit and Chicago
 - Close proximity to Interstate and state highways
 - Western Michigan University is located in Kalamazoo (approx. 24,000 students).

Property Value Trends

- Beginning in approximately 2007-2008 real estate values generally declined, in many cases dramatically. This continued until approximately late 2012.
- Beginning in approximately early 2013, real estate market conditions generally stabilized. Many market segments have appreciated since this time period, particularly since early 2017.

Miscellaneous

- Mortgage interest rates:
 - Static to decreasing in recent weeks.
 - At historically low levels and very favorable.
- Unemployment levels locally, in Michigan, and nationally are historically low.
- It has been many years since real estate sales activity levels have been this high. In 30+ years of appraising I do not recall seeing the number of sales for apartment complexes, hotels, chain restaurants and etc; as well as the number of properties being redeveloped. The volume of commercial and industrial sales is very favorable. The office market has lagged behind - especially for mid-aged to older space. This is due to factors such as:
 - A large over-supply remained from the last major recession
 - Some of the space does not entirely conform to present market preferences from a functional utility perspective;
 - The office landscape has changed with a larger percentage of people working more out of their residences.

- Some of the space does not entirely conform to present market preferences from a functional utility perspective;
- The office landscape has changed with a larger percentage of people working more out of their residences.

Land Uses

- The subject is within the Commercial Corridor running along Portage.
- This part of the corridor functions as a more outlying business area for the City of Portage.
- Land uses within the corridor include multiple commercial uses, and some scattered office uses.
- Most business are local in nature, however, there are some regional or national chain fast food restaurants, and gas station/convenience stores.
- Just outside of the corridor are single family plats and apartment complexes

Area Improvements

Public Utilities

Water, sewer, natural gas lines, electricity

Other Public Amenities

- Concrete curbs, gutters and sidewalks along Portage Rd. None on Zylman Ave.
- Paved roads
- Street lights
- Hike/Bike trails are developing throughout the area

Street Description

The subject property fronts on (2) public roads

- **To the north is Zylman Avenue**
 - This functions as a side street and as a cross over road between Portage Rd and Sprinkle Rd.
 - 2-lanes wide with 2-way traffic
 - According to a traffic study conducted by the Kalamazoo County Road Commission, the 2016 Average Daily Traffic (ADT) count taken a short distance east of the subject property was 4,793.
- **To the west is Portage Road**
 - This one of the primary commercial corridors for the greater Kalamazoo-Portage area.
 - The commercial corridor is 4-lanes or wider with a center turn lane for most of the corridor.
 - According to traffic studies conducted by the Kalamazoo County Road Commission, the 2014 ADT taken nearly in front of the subject property was 16,411.

Comments

- This is not generally viewed as a transitional area, however, there are properties that have transitioned in recent years, and others that are transitioning currently. It is not unusual for the uses of existing properties to change. This is accomplished by: building conversions; reconfigurations; however, in most instances existing buildings are razed to create building sites for new buildings/uses. Contiguous parcels are often assembled to create a more functional building-redevelopment site.
- The favorable market conditions for the subject's market segment have occurred at a more active pace within the past 2-years.
- The subject property is close to several lakes.

Environmental Concerns and Adverse Conditions

- Radon has been detected at properties in this region.
- No adverse conditions were apparent.
- This property most recently accommodated a gas station/convenience store. The building has been razed. I was provided with a closure report from the DEQ. It is included in the addendum section of this report.
- **Note:** I am not an environmental expert. Concerns should be directed to an environmental auditing firm.

FEMA Flood Hazard Status

<i>Flood Hazard</i>	No
<i>FEMA Map Zone</i>	"X"
<i>Map #</i>	26077 C 0310 D
<i>Map Date</i>	2-17-10
<i>Comment</i>	I am not qualified to identify flood hazard areas. If there are concerns, a surveyor should be consulted.

Zoning

<i>Designation</i>	"B-3" General Business
<i>Conformance</i>	Not applicable, site is currently vacant
<i>Zoning Change</i>	Unlikely in near future

Comment

- The scope of this assignment does not include a detailed analysis of every characteristic of the subject property's site and/or improvements relative to current zoning and building ordinances.
- Concerns, clarifications and any potential uses should be presented to the City of Portage.

Real Estate Taxes, Assessed Value & Special Assessments

<i>Parcel #</i>	3910-00023-346-O
<i>Assessed Value (2019)</i>	\$129,900
<i>Taxable Value (2019)</i>	\$ 58,467
<i>Special Assessments</i>	None known
<i>Assessor's Market Value*</i>	\$259,800

Property Taxes

- Winter 2018 \$ 547.19
- Summer 2019 \$3,345.09
- 1-Year Total \$3,892.28

Assessed Value History

- 2019 \$129,900
Change **-5.32%**
- 2018 \$137,200
Change **Less than 1%**
- 2017 \$137,000
Change **+127.57**
- 2016 \$ 60,200

Comments

- *Theoretically, properties in Michigan are assessed at 50% of their actual market value.
- Based on market data, the subject property is 58% over-assessed.

Subject Site - Highlights

Site Size (estimated)

- 102,366 square feet, also expressed as 2.35 acres (per City of Portage)
- I was not provided a property boundary survey and have relied on the site size listed in the assessor's record. ***I maintain the option to change the appraisal if the actual dimensions vary from my estimated dimensions as determined by a professional surveyor.***

Shape

Irregular (see maps)

Road Frontage

- 318+- feet on Zylman Ave.
- 300+- feet on Portage Rd.

Topography

Primarily level

Visibility

High, corner location

Accessibility

- Good.
- There is a traffic signal at this intersection

Functional Utility

Adequately suited for several commercial/office uses.

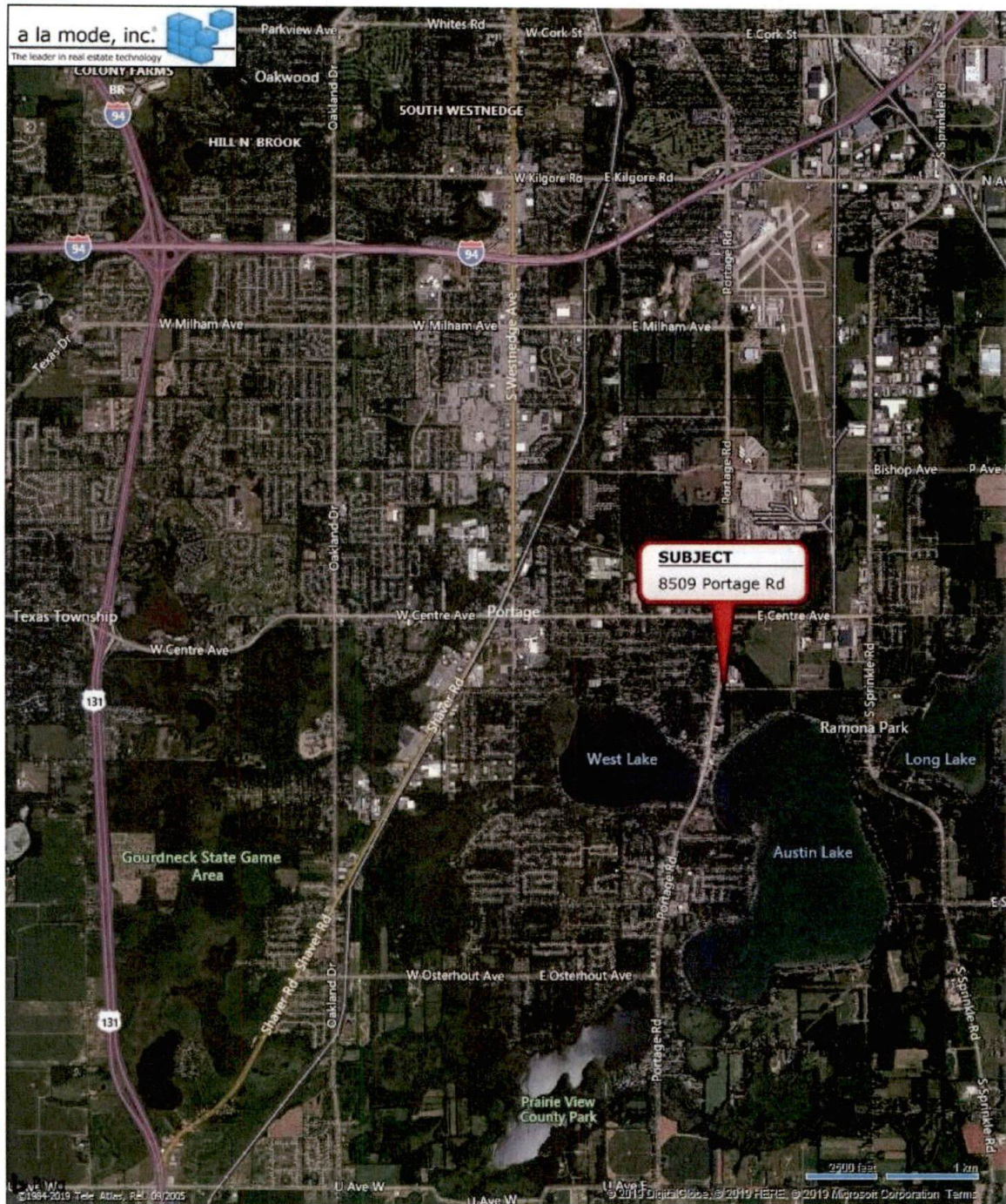
Adverse Conditions & Encroachments

None apparent

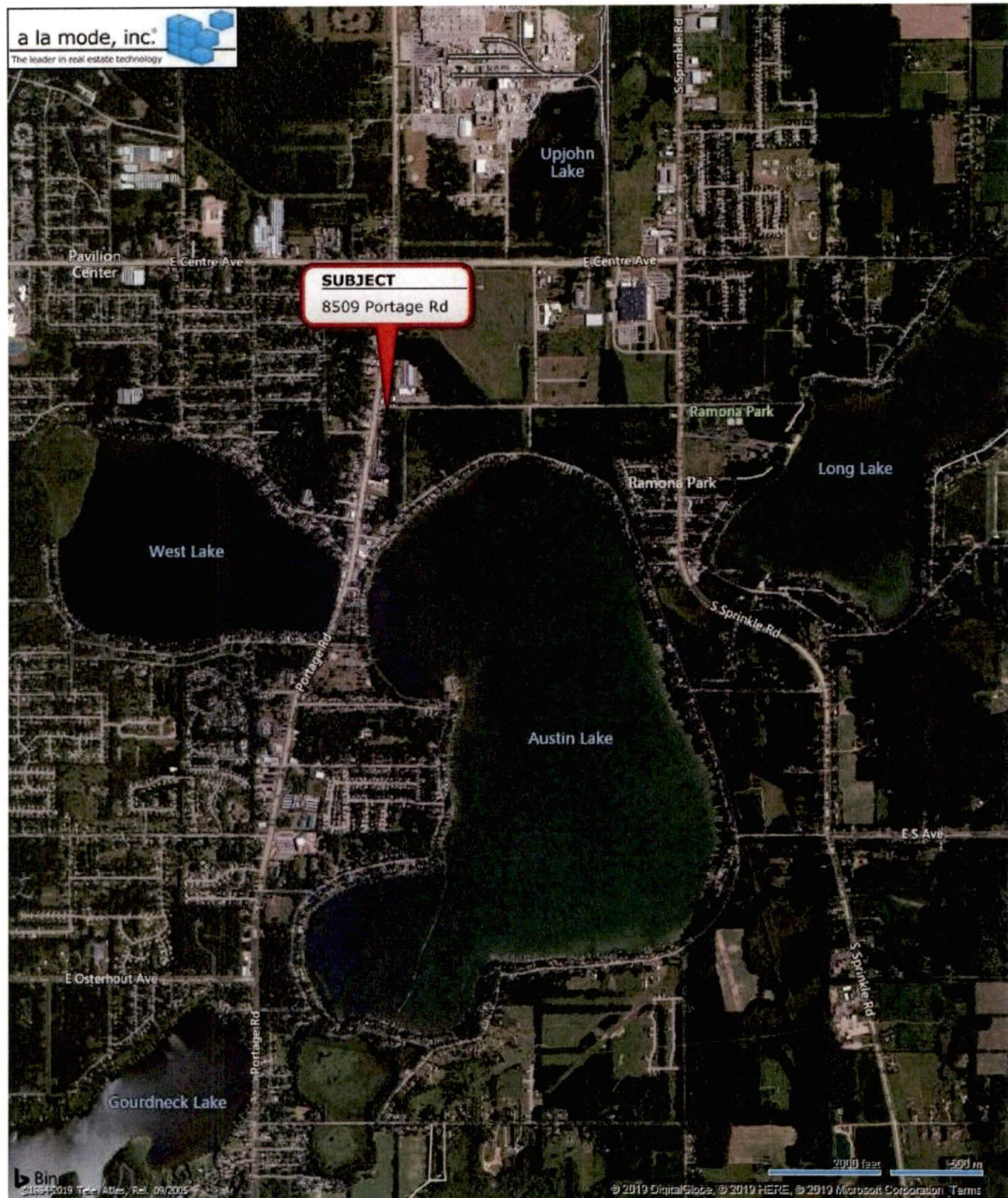
Site Improvements & Comments

- On older large concrete slab remains on the property. The typical purchaser would likely remove this.
- The site consists of open and wooded areas.

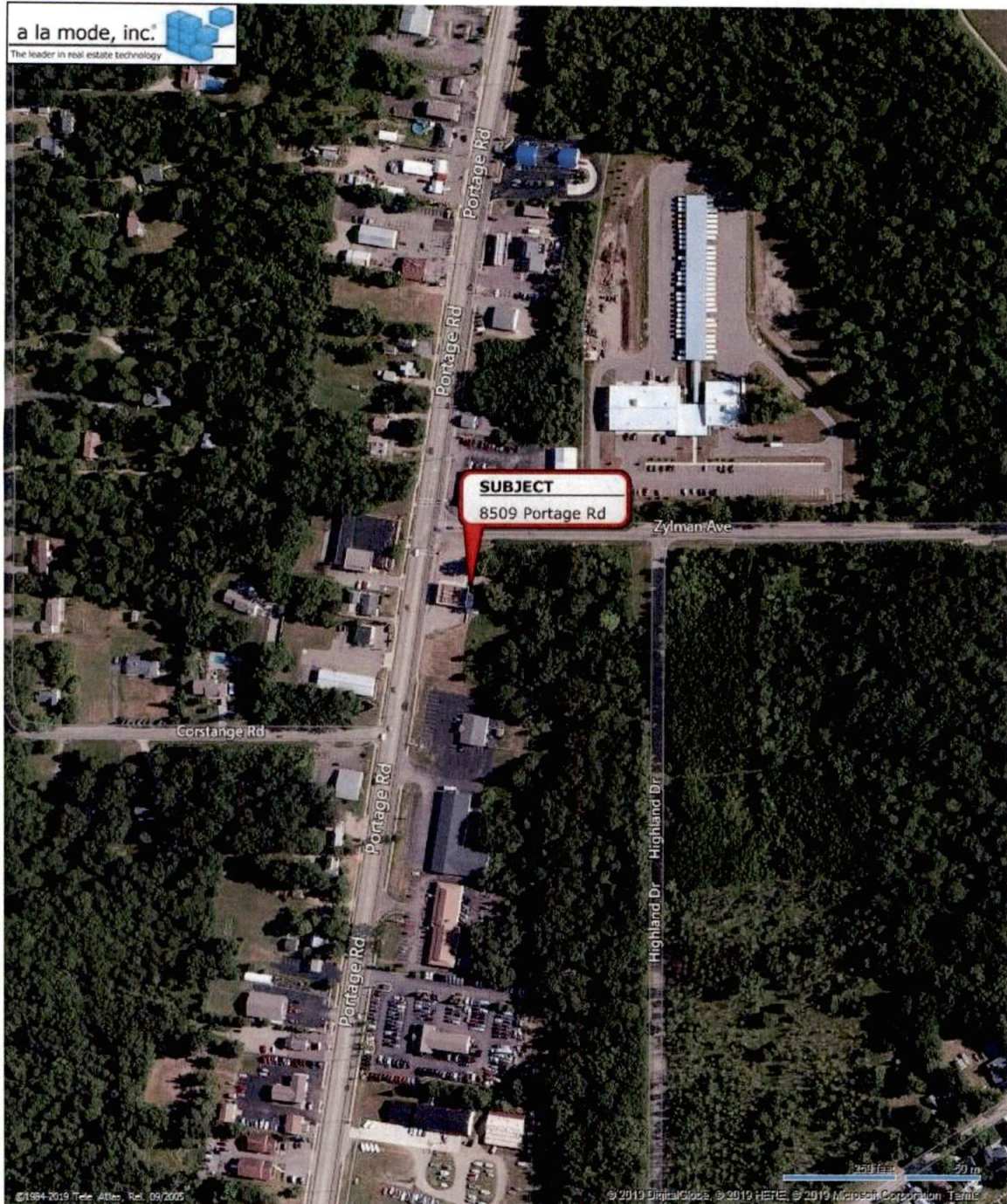
Regional Map



Local Aerial Map



Immediate Area - Aerial Map



Aerial Sectional Map





Portage Road - Looking South



Portage Road - Looking North



Zylman Avenue - Looking East



Zylman Avenue - Looking West - Traffic Signal



Subject Property



Subject Property



Subject Property



Subject Property



Subject Property



Subject Property



Subject Property

Commercial Market Observations

Commercial/Retail - Market Segment

A glimpse of supply and demand of the commercial/retail market segment is provided by the Multiple Listing Service (MLS) by analyzing market data. First, MLS area "K" is shown. Area "K" includes the greater Kalamazoo/Portage metropolitan area and the immediately surrounding areas. Second, is the City of Portage which includes MLS sub-areas "K19" and "K20."

Improved Properties

	<u>Area "K"</u>	<u>City of Portage Sub-Areas "K19" & "K20"</u>
Active Listings	87	3
Pending	17	0
Sold	61	9
Supply	1.1 years	Sample too small to draw conclusions

Vacant Land

	<u>Area "K"</u>	<u>City of Portage Sub-Areas "K19" & "K20"</u>
Active Listings	111	25
Pending	0	3
Sold	21	7
Supply	5.3 years	2.5 years

- The small number of sales in Portage complicates the valuation of the subject property and demonstrates why it is necessary to expand the comparable sale search to include a much broader geographical area than preferred.
- The above statistics do not include private sales. Private sales, though out of necessity are used as comparable sales, are avoided because the properties were not market tested and may not accurately reflect of this market segment.
- New construction is not typically included for the same reasoning as private sales. They have not typically been market tested. It is not unusual for new construction to have nuances where the cost to construct will not be fully recovered in the marketplace.
- Therefore, private sales and custom new construction sales are typically not as reliable indicators of value. However, in situations where these properties were exposed to the market through the MLS for a reasonable period of time, and the listing expired or was cancelled a short time prior to a sale; in these cases the properties have been at least somewhat market tested.

Subject Property - Highest & Best Use and Related Considerations

Typical Buyer

The typical purchaser in this market segment would develop the subject site with a use that conforms with zoning and compliments the nearby surrounding area.

Current Use

Vacant land

Highest and Best Use "As Improved"

Not applicable. The subject is a vacant site.

Highest and Best Use "As a Vacant Site"

Improve the subject site with a commercial/retail/service/office use that conforms with zoning and compliments the nearby surrounding area. These uses are:

- Physically possible. The site configuration, soil types and topography are conducive to the existing building and associated site improvements.
- Adequately supported by the area infrastructure.
- Legally permitted.
- Reasonably maximizes the potential of the property.

Deed Restrictions

DEED RESTRICTION: Said Premises shall be conveyed subject to the following restriction to be contained in the deed:

"By acceptance hereof, Grantee agrees that for a period of thirty (30) years from and after the date of this conveyance, the premises shall not be used for a convenience store or for the sale, marketing, storage or advertising of petroleum fuels, motor oils, fast food (including any restaurant with a drive-thru window), alcohol (including beer, wine, and spirits), or tobacco products, and that this restriction shall be a covenant running with the land and shall be contained in and made a part of every deed, mortgage, lease or other instrument affecting the title to said premises."

- The owner has developed a new Speedway gas station-convenience store a short distance to the north. The deed restrictions are intended to help limit other businesses that would compete with the offerings at their newer facility.
- These deed restrictions will narrow the potential number of market participants, which may in turn result in downward pressure on the market value of the subject property; and may tend to elongate market exposure time.
- Quantifying the effect of the deed restrictions based on direct market data was not realistically possible in this market segment. Comparable #5 helped somewhat, because the location is effectively restrictive for some uses which is reflected in the sales price. A rate of negative 25% is to account for the deed restrictions.

Sales Comparison Analysis

- The sales comparison approach is the analysis of comparable property sales situated in the same or similar markets.
- Sales are somewhat rare in this market segment; therefore, it was necessary to include:
 - A broader geographical comparable sale search area than preferred.
 - Properties with diverse property features and characteristics, and that are not as similar to the subject as preferred.
 - Sales that are older than preferred.
- In addition to the sales comparison analysis, current competitive listings were also taken into consideration but are not included in the appraisal report.
- It is often appropriate to analyze the comparable sales using units of comparison. The most appropriate unit of comparison for this market segment is the price per square foot of site size.
- The comparable sale search included the greater Kalamazoo-Portage metropolitan area.

Comparable 1

REO
MLS Exposed



2610 East Centre Avenue
City of Portage, Kalamazoo County

Price per Square Foot of Site

\$3.88

<i>Price</i>	\$180,000
<i>Terms</i>	Cash
<i>Closed</i>	6-17-19
<i>Grantor</i>	Fifth Third Bank
<i>Grantee</i>	TOF Centreport 1, LLC
<i>Recording Instrument</i>	Covenant Deed, document #2019-018079
<i>Market Exposure Time</i>	3.8 years
<i>List Price</i>	Initial 299,000 (increased to \$399,000) and final: \$199,000
<i>3-Year Property History</i>	None known
<i>MLS #</i>	15033417
<i>Assessor's Parcel #</i>	3910-00023-502-O

Site

<i>Size (combined)</i>	46,400 square feet , also expressed as 1.1 acres
<i>Road Frontage</i>	♦ 200 feet on E. Centre Ave. (primary frontage) ♦ 222.14, 31.28, and 180.14 on 2 parts of CentrePort - Private Drive
<i>Public Utilities</i>	All
<i>Zoning</i>	"B-3" General Business
<i>Corner</i>	Yes
<i>Features</i>	Level topography

Comments

- Assembled with parcel located immediately east which is owned by the same entity.
- Listing-selling agent, Jodi Milks, Bradley Company, (269) 327-0089.
- Public School District: Portage
- Part of the CentrePort Commons, a commercial site condominium development.
- Bank owned at the time of sale
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2019, short distance west across Portage Rd: 17,618
 - Taken in 2017, 1/4 mile east: 12,317 (likely somewhat higher now)

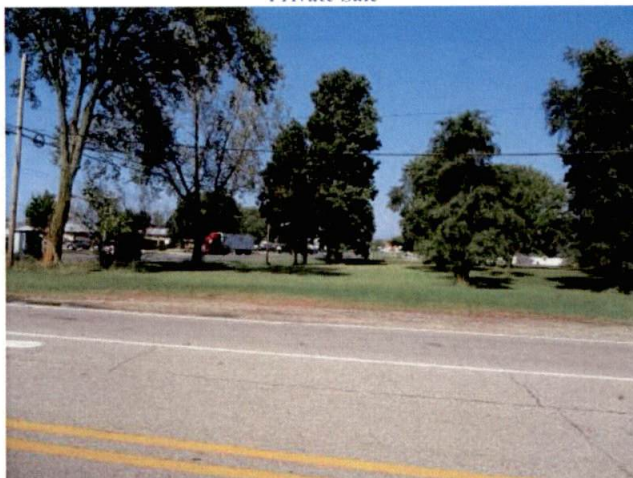
- Similar to what is proposed for the subject property, a hike/bike trail (easement) runs along the north side road front.
- This could be considered a distressed sale because the seller was a bank. However, it had more than adequate market exposure. Therefore, the list pricing did not reflect distress, and the seller was acting more as a typical owner. The sales price was reasonably reflective of the market, similar to a non-bank owned situation.
- This property is currently being improved with a commercial building.

Comparable 1 - Aerial Sectional Map



Comparable 2

Private Sale



7925 & 7939 South Sprinkle Road

City of Portage, Kalamazoo County

Price per Square Foot of Site Size

\$7.44

Price	\$400,000
Terms	Cash
Sold	5-14-19
Grantor	PPR Propertied, LLC
Grantee	Kaur, LLC
Recording Instrument	Warranty Deed, Document #2019-014558
Market Exposure Time	Not applicable, private sale
List Price	Not applicable, private sale
3-Year Sales History	None known
MLS #	Older expired listing, #2724260
Assessor's Parcel #	3910-00280-013-O and 3910-00280-013-O

Site

Size	53,798 square feet , also expressed as 1.235 acres
Road Frontage	302.02 feet on Sprinkle Rd (primary frontage) 166.51 feet on E. Centre Ave.
Zoning	"B-3" General Business
Public Utilities	Water, sewer, natural gas and electricity
Corner	Yes, northeast corner of Sprinkle Rd and E. Centre Ave.
Topography	Level

Comments

- The site is currently vacant
- This property consists of (2) contiguous parcels. See Aerial Map
- Hike/Bike trails located across street to the southwest.
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Portage Rd
 - Taken 2016 nearby, 0.25 mile north: 14,421
 - Taken 2016 1.5 blocks south: 13,901
 - E. Centre Ave.
 - Just east of this property: 2,263
 - To the west, across Sprinkle Rd 1.5 blocks: 11,323

Comparable 3

MLS Exposed



401 Romence Road

City of Portage, Kalamazoo County

Price per Square Foot of Site

\$2.91

<i>Price</i>	\$235,000
<i>Terms</i>	Conventional mortgage
<i>Closed</i>	8-10-17
<i>Grantor</i>	BCB Homes, Inc.
<i>Grantee</i>	Wiederhold, Jeff
<i>Recording Instrument</i>	Warranty Deed, document #2017-027605
<i>Market Exposure Time</i>	234 days
<i>List Price</i>	Initial: \$349,900. Final: \$269,900
<i>3-Year Property History</i>	None known
<i>MLS #</i>	16050597
<i>Assessor's Parcel #</i>	3910-00016-030-D

Site

<i>Size (combined)</i>	80,706 square feet , also expressed as 1.85 acres
<i>Road Frontage</i>	♦ 300.29 feet on E. Centre Ave. (primary frontage) ♦ 163.59 feet on Lakewood Dr.
<i>Public Utilities</i>	Water, sewer, electricity, natural gas
<i>Zoning</i>	"B-2" Community Business
<i>Corner</i>	No
<i>Features</i>	Level topography

Comments

- This property is currently vacant.
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2016, near in front of property: 16,299

Comparable 3 - Aerial Sectional Map



Comparable 4

MLS Exposed



5901 South Sprinkle Road
City of Portage, Kalamazoo County

Price per Square Foot of Site

\$3.62

<i>Price</i>	\$185,000
<i>Terms</i>	Cash
<i>Closed</i>	10-23-17
<i>Grantor</i>	Murphy, James L. & Diann A.; also Shepard, Joseph
<i>Grantee</i>	Midwest V, LLC
<i>Recording Instrument</i>	Warranty Deed, document #2017-037623
<i>Market Exposure Time</i>	2.3 years
<i>List Price</i>	Initial and final: \$299,000
<i>3-Year Property History</i>	Previous sale: 12-9-13 for \$185,000
<i>MLS #</i>	14055334
<i>Assessor's Parcel #</i>	3910-00001-110-A

Site

<i>Size (combined)</i>	51,040 square feet , also expressed as 1.17 acres
<i>Road Frontage</i>	232 feet on S. Sprinkle Rd
<i>Public Utilities</i>	Water, sewer, electricity, natural gas
<i>Zoning</i>	"B-3" General Business
<i>Corner</i>	No
<i>Features</i>	Level topography

Comments

- This property is comprised of 3 parcels identified as 5871, 5893 and 5901 South Sprinkle Road
- A new commercial building has been constructed since the sale date that accommodates a Dollar General.
- Per the Kalamazoo County Road Commission, the ADT count(s) include:
 - Taken in 2016, a short distance to the south: 18,364

Comparable 4 - Aerial Sectional Map



Comparable 5



3650 Alvan Road

City of Kalamazoo, Kalamazoo County

Price per Square Foot

\$0.98

<i>Price</i>	\$150,000
<i>Terms</i>	Conventional mortgage
<i>Sold</i>	7-31-18
<i>Grantor</i>	Motorcars of Kalamazoo, Inc.
<i>Grantee</i>	Refine Michigan, Co
<i>Recording Instrument</i>	Warranty Deed, document number 2018-026319
<i>Market Exposure Time</i>	28 days
<i>List Price</i>	Initial and final: \$159,000
<i>3 Year Sales History</i>	Last previously sold 4-27-17 for \$138,000
<i>MLS #</i>	18016592
<i>Assessor's Parcel #</i>	3900-06-25-447-001

Site

<i>Size</i>	153,420 square feet , also expressed as 3.522 acres
<i>Road Frontage</i>	748.39 feet
<i>Zoning</i>	"CC" Commercial, Community
<i>Public Utilities</i>	Water, sewer, electricity and natural gas
<i>Corner</i>	No

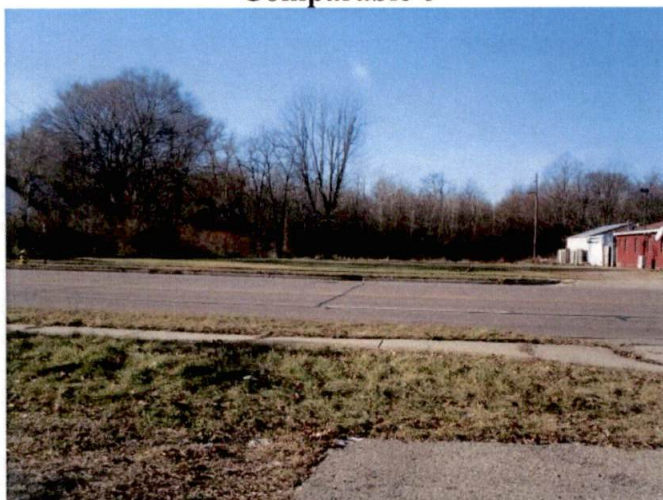
Other Features and Comments

- Currently vacant
- Close to the Interchange of Interstate-94 and Sprinkle Road
- On the sale date, the assessor's value estimate was \$203,400. Based on the sales price of \$150,000, this property is 36% over-assessed,
- This is a level site well suited for accommodating a commercial/light industrial building.
- Alvan Rd. is a side street with low traffic levels. No ADT studies have been performed. This property is slightly visible from Sprinkle Road
- The subject is very close to Sprinkle Road. According to the Kalamazoo County Road Commission, the ADT count for Sprinkle Road was 30,967 (taken a short distance north of this property in 2016).
- I have appraised this property.

Comparable 5 - Aerial Sectional Map



Comparable 6



8404 Portage Road

City of Portage, Kalamazoo County

Price per Square Foot of Site Size

\$1.90

<i>Price</i>	\$105,000
<i>Terms</i>	Land Contract
<i>Sold</i>	7-28-17
<i>Grantor</i>	Potgiesser, April L.
<i>Grantee</i>	Matranga, Gaspare
<i>Recording Instrument</i>	Memorandum of Land Contract, document #2017-026967
<i>Market Exposure Time</i>	Not applicable, private sale
<i>List Price</i>	Not applicable, private sale
<i>3-Year Sales History</i>	None known
<i>MLS #</i>	15012239 (older past listing that expired 9-30-15 with a list price of \$139,900)
<i>Assessor's Parcel #</i>	3910-00340-127-O

Site

<i>Size</i>	55,187 square feet , also expressed as 1.267 acres
<i>Zoning</i>	"B-3" General Business
<i>Public Utilities</i>	Water, sewer, natural gas and electricity
<i>Corner</i>	No
<i>Topography</i>	Level

Comments

- The site is currently vacant
- An estimated 15% of the site is wetlands located in the west side.
- Per the Kalamazoo County Road Commission, the ADT count taken in 2017 nearby: 18,971

Comparable 6 - Aerial Sectional Map



Comparable Sale Location Map



Sales Comparison Adjustment Grid

		MLS Exposed <u>Comp. 1</u>	Private Sale <u>Comp. 2</u>	MLS Exposed <u>Comp. 3</u>	MLS Exposed <u>Comp. 4</u>	MLS Exposed <u>Comp. 5</u>	Private Sale <u>Comp. 6</u>
<i>Address</i>	Subject 8509 Portage Rd	2610 E. Centre Ave.	7925 & 7939 S. Sprinkle Rd	401 Romence Rd	5901 S. Sprinkle Rd	3650 Alvan Rd	8404 Portage Rd
<i>Price per Sq.Ft. of Site Size</i>	-----	\$3.88	\$7.44	\$2.91	\$3.62	\$0.98	\$1.90
<i>Time Adjustment</i>	10-19	<u>6-19</u> +1%	<u>5-19</u> +1%	<u>8-17</u> +7%	<u>10-17</u> +6%	<u>7-18</u> +4%	<u>7-17</u> +7%
<i>Location Adjustment</i>	Average-Good	<u>Superior</u> -5%	<u>Similar</u> -0-	<u>Superior</u> -15%	<u>Inferior</u> +3%	<u>Inferior</u> +19%	<u>Inferior</u> +5%
<i>Utility Adjustment</i>	Good	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-
<i>Site Size Adjustment</i>	102,366 sq.ft.	<u>46,400 sq.ft.</u> -28%	<u>53,798 sq.ft.</u> -24%	<u>80,706 sq.ft.</u> -11%	<u>51,040 sq.ft.</u> -26%	<u>153,420 sq.ft.</u> +26%	<u>55,187 sq.ft.</u> -24%
<i>Zoning Adjustment</i>	Commercial	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-	<u>Similar</u> -0-
<i>Other Adjustment</i>	See Comments	<u>Superior</u> -27%	<u>Superior</u> -27%	<u>Superior</u> -25%	<u>Superior</u> -27%	<u>Superior</u> -2%	<u>Superior</u> -27%
<i>Net Adjustment</i>		-59%	-50%	-44%	-44%	+47%	-39%
Adjusted Price per Sq.Ft. of GBA		\$1.59	\$3.72	\$1.63	\$2.03	\$1.44	\$1.16

Sale Comparison Analysis - Indicated Value

- The comparable sales have adjusted sales prices per square foot of site size ranging from \$1.16 to \$3.72. This is a broader range than preferred. Because sales are rare in this market segment, and that each property is diverse in several aspects; it is difficult for market participants to establish pricing positions. As a result, sales prices are somewhat inconsistent.
- Comparables #2 and #6 are given the least weight because these were private sales. These comparable sales were not recently market tested and may not accurately reflect this market segment. Because sales are rare in this market segment, these were included for inferential purposes.
- The subject property has some deed restriction that depress its market value. Comparable 5 is situated on a commercial side street. Because of this, the number of potential users is narrowed significantly. From a practical standpoint, the affect on value is likely quite similar to the deed restricted subject property.
- Based on the sales comparison analysis, a rate of **\$1.60 per square foot of site size** is inferred as being reasonable for the subject property, multiplied by the subject's site area of **102,366 square feet** equals \$163,786, rounded to **\$164,000**.
- I maintain the option to change the appraisal should be discovered the site size is different via a professional source such as a property boundary survey.

Adjustments

Time

Market activity is rare in the subject's market segment, therefore, it is not realistically possible to establish market derived time adjustments. Based on other commercial real estate activity I have observed, an appreciation rate of 3% per year (also expressed as 0.25% per month) is reasonable and is used for the time adjustments. This rate goes back to early 2017. Prior to that commercial property values were generally static.

Location

- Comparable #1
 - Slightly lower traffic exposure
 - Fronts on 2 corners
 - Superior market appeal
 - Overall: Superior
- Comparable #3
 - Superior market appeal
 - Not situated on a corner
 - Overall: Superior
- Comparable #4
 - Slightly superior traffic count
 - Not situated on a corner
 - Overall: Inferior
- Comparable #5
 - Lower traffic exposure

- Not situated on a corner
 - Overall: Inferior
- Comparable #6
 - Not situated on a corner

Site Size

Adjustments are based on the premise that, all else being equal, the larger the site the lower the price per square foot of site area.

Zoning

From a value perspective, the subject and the comparable properties are similarly zoned.

Other

These are composite adjustments that consider:

- The negative effects of the deed restrictions on the subject property.
- The removal of a larger paved surface on the subject property.

Review of Indicated Values

<i>Cost Approach</i>	Not applicable
<i>Sales Comparison Analysis</i>	\$164,000
<i>Income Approach</i>	Not applicable

Reconciliation

Cost Approach

The *Cost Approach* is not applicable to vacant land/site appraisals.

Sales Comparison Analysis

This valuation approach is relied on as the sole indicator of value. It more directly reflects conditions in the subject's market segment. Comparable sales provide adequate support for an indication of value, however, the reliability is diminished somewhat as a result of the diverse characteristics and features of each comparable property, and because sales are quite rare.

Income Approach

This approach is not included. Land leases are used in some instances however, reliable and relevant related data is rarely available in this market segment.

Marketing Time / Exposure Time

- **Marketing times** typically range from a few days to a few years. There is no consistently predominate marketing time in this market segment. The comparable sales included in this report had market exposure times ranging from 28 days to 3.8 years. If the subject property were offered for sale on the effective date of the appraisal, the marketing time would likely be 2 years or less; *assuming reasonable pricing; an adequate professional marketing effort; and continuing reasonably stable market conditions.*
- The value conclusion for the subject property is based on an **exposure time** of up to 2 years prior the effective date of the appraisal.

Value Conclusion

In my opinion, the *market* value for the subject property as of October 3, 2019 is:

\$164,000

(Assuming the estimated site size is correct)

Appraiser Information

Appraiser

Joel Francis, SRA, GRI

Professional Designations

- SRA Member of the Appraisal Institute, Continuing Education Completed
- GRI Designation, National Association of Realtors

Work History

- Kal-Creek Appraiser, L.C., 1993 - Present (Co-owner and Co-founder)
- Kalamazoo Appraisal Service, 1988 – 1993
- C. William Hurley Appraisers, 1983 - 1988

Education

- Institution Western Michigan University
- Degree Bachelors - Business Administration
- Major Real Estate Major (emphasis in Finance)
- Graduated 1982

License

- Level Certified General Appraiser License
- State Michigan
- License # 1201000573
- Expires July 31, 2021

Memberships, Affiliations and Approvals

- Associate Member - Greater Kalamazoo Association of Realtors
- Member - State and National Association of Realtors
- MDOT approved

Appraisal Experience

- **Property Types** Vacant land, Residential, Subdivisions, Plats, PUD's, Apartments, Commercial, Industrial, Mixed use, Special use, Unique properties, Properties with detrimental conditions.
- **Appraisal Purposes** Mortgages, Proposed Construction, Appraisal Reviews, Litigation and Expert Witness, Tax Appeals, Estates, Market Rent Studies including Section 8 for HUD, Eminent Domain, Relocation, Quality Control, Insurance
- **Geographical** Southwestern Michigan
- **Client Types** Lending Institutions, Relocation Services, Insurance Companies, Attorneys, Realtors, Individuals, Michigan Department of Transportation, Insurance Companies, Appraisal Management Companies.

PRIVACY NOTICE

Pursuant to the Gramm-Leach-Bliley Act of 1999, effective July 1, 2001, Appraisers, along with all providers of personal financial services are now required by federal law to inform their clients of the policies of the firm with regard to the privacy of client nonpublic personal information. As professionals, we understand that your privacy is very important to you and are pleased to provide you with this information.

Types of Nonpublic Personal Information We Collect

In the course of performing appraisals, we may collect what is known as "nonpublic personal information" about you. This information is used to facilitate the services that we provide to you and may include the information provided to us by you directly or received by us from others with your authorization.

Parties to Whom We Disclose Information

We do not disclose any nonpublic personal information obtained in the course of our engagement with our clients to nonaffiliated third parties, except as necessary or as required by law. By way of example, a necessary disclosure would be to our employees, and in certain situations, to unrelated third party consultants who need to know that information to assist us in providing appraisal services to you. All of our employees and any third party consultants we employ are informed that any information they see as part of an appraisal assignment is to be maintained in strict confidence within the firm.

A disclosure required by law would be a disclosure by us that is ordered by a court of competent jurisdiction with regard to a legal action to which you are a party.

Confidentiality and Security

We will retain records relating to professional services that we have provided to you for a reasonable time so that we are better able to assist you with your needs. In order to protect your nonpublic personal information from unauthorized access by third parties, we maintain physical, electronic and procedural safeguards that comply with our professional standards to insure the security and integrity of your information.

Please feel free to call us any time if you have any questions about the confidentiality of the information that you provide to us.



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
KALAMAZOO DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

December 10, 2004

Mr. Kevin R. Lepak
Speedway SuperAmerica, LLC
28001 Citrin Street
Romulus, MI 48174

Dear Mr. Lepak:

SUBJECT: Closure Report Receipt Date: October 18, 2004
Confirmed Release Date(s): January 16, 1990, February 2, 1990,
December 3, 1997
Location of Tank(s): Emro Marketing (Cheker #7125), 8509 Portage
Road, Portage, Kalamazoo County, Michigan
Facility ID#: 00009655
Site ID#: 39000187

In accordance with Section 21312a(2) of Part 213, Leaking Underground Storage Tanks (LUST) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), the Department of Environmental Quality (DEQ), Remediation and Redevelopment Division (RRD) acknowledges receipt of your closure report. This closure report was submitted on your behalf by Geo Resources, Inc., Qualified Underground Storage Tank Consultant (QC), and certified by Mr. Robert J. Nowakowski, Certified Underground Storage Tank Professional.

The closure report submitted by the QC concludes that corrective actions at the site have been completed in accordance with Part 213, and that corrective action at the site has resulted in unrestricted residential use of the site based on a Tier 1 evaluation. Although the Closure Report cover sheet indicated that a Commercial III closure was being certified, no Notice of Corrective Action has been recorded for the property, therefore it is a Residential closure.

Please note the following conditions:

When contaminated soil and/or groundwater as a result of a release of a regulated substance remains on site consistent with site closure requirements, the owner/operator shall not remove or allow this soil and/or groundwater to be removed from the site to an off-site location without properly characterizing the soils and/or groundwater to determine that they can be lawfully relocated without posing a threat to the public health, safety, or welfare, or the environment. The determination shall consider whether the soil and/or groundwater is subject to regulations under Part 111, Hazardous Waste Management, of Act 451, and/or Part 115, Solid Waste Management, of Act 451.

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If the site closure is based on a determination by the QC that eliminated any groundwater pathway consistent with site closure requirements, groundwater contamination may still be present in the shallow groundwater above Tier 1 Drinking Water Risk-Based Screening Levels. Therefore the owner/operator shall not engage in any activities that would alter the conditions of site closure, which may include but not be limited to, the potential for cross-contaminating deeper aquifers by drilling water supply wells through the shallow groundwater contamination. In addition, the owner/operator shall provide disclosure to potential purchasers or users of the property regarding the conditions of site closure.

If there is contaminated groundwater present at a depth of less than three (3) meters below the ground surface, the generic groundwater volatilization to indoor air criteria is not applicable and a site specific evaluation is required. Prior to construction of any below grade structures (e.g., basements, crawl spaces, etc.) on the property, further evaluation of the potential for hazardous substances in the groundwater to volatilize into indoor air should be undertaken to assure the protection of persons who may be present in the structures.

All groundwater monitoring wells and other similar devices installed as part of the corrective action activities at the site must be properly abandoned when they are no longer needed for their original purpose or modified purpose. Abandonment should be completed in accordance with American Society of Testing Materials Standard D 5299-92, "Standard Guide for Decommissioning Ground Water Wells, Vadose Zone Monitoring Devices, Boreholes, and Other Devices for Environmental Activities." Proper abandonment of groundwater monitoring wells and other potential conduits for contamination should be performed within 60 days after use has been discontinued. Documentation of proper abandonment should be submitted to this office. A DEQ Well Abandonment Record has been provided to your QC.

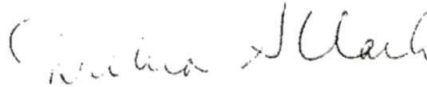
Under Section 21315(1) of Act 451, the RRD may initiate an audit of the results of the investigation and corrective actions undertaken to confirm the results and conclusions indicated by the QC within six months of receipt of the closure report. The RRD audit would consist of a review of file documents, and may include the collection of soil and/or groundwater samples from the facility to verify that the levels of remaining contaminants certified by your QC are accurate. If an audit is initiated within this time frame, and the audit confirms that corrective action has been conducted in compliance with Part 213 and that the cleanup criteria have been met, you will be provided with a letter describing the audit and its results, as described in Section 21315(3) of Act 451.

If the RRD conducts an audit which **does not** confirm that corrective action is complete, additional information and/or corrective action may be required as set forth in Section 21315(3) of Act 451. Therefore, it is recommended that monitoring well abandonment not be performed until either the DEQ provides a letter indicating that the closure report has been audited and we concur with the conclusions that corrective action activities have been completed; or until the six month time frame for the department to conduct a closure audit expires, that date being **April 18, 2005**.

The DEQ expresses no opinion as to contamination beyond that identified in the closure report and associated with the confirmed release date(s) identified above. The DEQ also makes no warranty as to the fitness of this site for any general or specific use. Prospective purchasers or users are advised to use due diligence prior to acquiring or using this site to determine if their proposed land use might alter the conditions of the site closure and result in unacceptable risks to human health or the environment.

If you have any questions, please contact me at the telephone number below.

Sincerely,



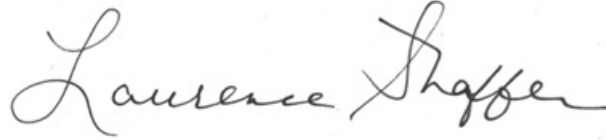
Debra S. Clark
Senior Environmental Quality Analyst
Remediation and Redevelopment Division
269-567-3514

Attachment

cc: Mr. Robert J. Nowakowski, Geo Resources, Inc. (w/ attachment)
Mr. David O'Donnell, DEQ

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: West Lake Special Assessment Program - Resolution No. 4

SUPPORTING PERSONNEL: Adam Herringa, City Clerk

ACTION RECOMMENDED: Adopt Resolution No. 4 for the West Lake Management Program #020-Q, setting a public hearing on the Assessment Roll for November 5, 2019.

Attached is Special Assessment Resolution No. 4 for the West Lake Management Program #020-Q. Previous City Council action relating to this project includes:

- On September 3, 2019, City Council adopted Resolution No. 1, accepted the City Manager Report, and requested preparation of Resolution No. 2.
- On September 17, 2019, City Council adopted Resolution No. 2 on this project, setting a public hearing of necessity on October 1, 2019.
- On October 1, 2019, City Council adopted Resolution No. 3, on the necessity of the project, directing preparation of the Assessment Roll.

Therefore, it is recommended that City Council adopt Resolution No. 4 for the West Lake Management Program #020-Q, setting a public hearing on the Assessment Roll for November 5, 2019.

FUNDING: N/A

Attachments: 1. West Lake Weed Management - Resolution No. 4

CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 4
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #020-Q

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the _____ day of _____, 2019 at 7:00 p.m., local time.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Assessor has, pursuant to resolution of the City Council, and in accordance with the provisions of the Special Assessment Ordinance of the City, prepared a Special Assessment Roll and has filed the same with the City Clerk for presentation to the City Council for review and certification for the hereinafter described public improvement:

Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Said Special Assessment Roll shall be filed with the office of the City Clerk and shall be available for public inspection during regular working hours on regular working days.

2. The City Council shall meet on the _____ day of _____, 2019 at 7:00 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City to review said Special Assessment Roll and hear any objections thereto.

3. The City Clerk shall cause notice of the filing of said Special Assessment Roll and of the time and place of said meeting to be mailed and published in accordance with the requirements of the Charter and the Special Assessment Ordinance of the City of Portage; said notice shall be in substantially the form attached hereto as Exhibit "A".

4. 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:

Adam Herringa, 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 _____, 2019, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2019.

Adam Herringa, City Clerk

EXHIBIT "A"

CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING TO REVIEW SPECIAL ASSESSMENT ROLL FOR
WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT, DISTRICT #020-Q

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY:

PLEASE TAKE NOTICE that the City Council of the City of Portage has declared its intention to proceed with the following described public improvement:

Establish funding to provide for the management of West Lake including herbicide treatment of aquatic plants.

and has designated the Special Assessment District against which all or a part of the cost of said improvement is to be assessed as consisting of all the following described land, to wit:

Unplatted Land

Land located in Section 22 described as beginning 99 ft. west and approximately 540 ft. south of the center 1/4 Post of Section 22 on the North shore line of West Lake; thence Westerly along said north shore line of West Lake and West Lake channel to the Southwest corner of Lot 132 of the recorded plat of Fabercrest #2; thence south 42 degrees East approximately 90 ft. to the South line of West Lake channel; thence Easterly along said South line approximately 1,150 ft. to the west shore of West Lake; thence Southerly along said shore approximately 2,100 ft. to the Northeast corner of Lot 4 of the recorded plat of Matteson's Park and place of ending; Also land located in Section 27 described as: Beginning at the Northwest corner of Lot 30 of the recorded plat of West Lake Beach, which is on the South shore of West Lake, thence Westerly along said shore line approximately 165 ft. to the place of beginning.

Platted Land

Lots 7 through 57 inclusive of Ames West Lake Park; Lots 1 through 10 inclusive of Burr's West lake Resort; Lots 1 through 15 inclusive and Lot 89 of Dixie-Mac Park excluding the south 20 ft. of lot 8; Lots 129 through 140 inclusive of Fabercrest #2; Lots 1 through 26 inclusive of Hilliard's Plat; Lots 1 through 14 inclusive of James W. Scott West Lake; Lots 3 through 37 inclusive of Matteson's Park; Lots 1 through 13 and Lots 28 through 46 inclusive of Newell's West Lake Subdivision; Lots 1 through 26 inclusive of Pleasant View Beach; Lots 1 through 14 inclusive of Reid's Plat; Lots 2 through 30 inclusive of West Lake Beach.

PLEASE TAKE NOTICE that a Special Assessment Roll has been prepared and is on file in the office of the City Clerk for public examination during regular working hours on regular working days; said Special Assessment Roll has been prepared for the purpose of defraying

that part of the cost which the City Council has decided should be paid and borne by the Special Assessment for the above described public improvement project in the City of Portage.

PLEASE TAKE NOTICE that the City Council will meet on the ____ day of _____, 2019 at 7:00 p.m., local time, or as soon thereafter as may be heard, in the City Hall in said City for the purpose of reviewing the Special Assessment Roll, at which time and place an opportunity will be given to all persons interested to be heard.

PLEASE TAKE FURTHER NOTICE that the owner or any person having an interest in property that is specially assessed may file a written appeal with the Michigan Tax Tribunal within 30 days after confirmation of the special assessment roll. However, appearance and protest at the public hearing are required in order to appeal the special assessment to the Michigan Tax Tribunal. An owner or other party in interest or his or her agent may (1) appear in person at the hearing to protest the special assessment or (2) file his or her appearance or protest by letter before the close of the hearing. The City Council shall maintain a record of parties who appear to protest at the hearing. If the hearing is terminated or adjourned for the day before a party is provided the opportunity to be heard, a party whose appearance was recorded shall be considered to have protested the special assessment in person.

Dated: _____, 2019

Adam Herringa, City Clerk

APPROVED AS TO FORM
DATE 8/22/2019

CITY CLERK

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Brownfield Plan for Project Spartan, 6701 Portage Road

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Approve the resolution for the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) Brownfield Plan for Project Spartan, 6701 Portage Road, and approve the Brownfield Plan Development Agreement between the KCBRA and City of Portage.

Scannell Properties approached Southwest Michigan First and requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) to facilitate eligible environmental, public infrastructure and site preparation activities related to a development project that includes an approximate 321,000-square-foot distribution facility and associated site improvements. The level of investment is anticipated to be \$25 million with another estimated \$15-20 million in personal property. When fully operational the facility will have 766 employees with the potential for 158 additional contract employees. On September 5, 2019, the Portage Planning Commission conditionally approved the site plan. A soil erosion permit has been issued and site clearing has commenced at 6701 Portage Road.

Scannell Properties is requesting to utilize Tax Increment Financing (TIF) for reimbursement of eligible expenses related to the facility. In addition, the City of Portage is partnering with Scannell Properties and the KCBRA on the reconstruction of Portage Road from I-94 to Romence Road to improve safety and address the impact on the roadway from the added truck traffic related to this project. The roadway improvement projects, which will also include traffic signal upgrades for Portage Road, were initially scheduled to be completed in FY2026-27 and FY2027-28 but are being advanced as a result of Project Spartan. The City of Portage will fund the Portage Road improvements, which are scheduled to be completed between 2024 and 2026, and will also utilize TIF for reimbursement of city expenses. A Brownfield Reimbursement Agreement between the KCBRA and the City of Portage has been prepared to ensure completion of the project and reimbursement of city expenses.

Attached is the September 27, 2019 Community Development staff report to the Portage Brownfield Redevelopment Authority, as well as the proposed Project Spartan Brownfield Plan prepared by Envirologic Technologies and approved by the KCBRA on September 27, 2019. The subject property is 37.4 acres in area and currently unimproved land, which has been used for crop production. The site is an eligible "facility" due to the presence of groundwater contamination. Eligible activities associated with the plan, proposed to be funded through state and local tax reimbursement, include the

following:

- Michigan Department of Environment, Great Lakes and Energy (EGLE) Eligible Activities: Phase I and II Environmental Assessments; Baseline Environmental Assessment; wetland determination.
- Local Tax Capture Only Activities: Due care planning; site preparation; soil management; public infrastructure activities; Brownfield Plan preparation; contingencies and financing costs; KCBRA administration expenses; professional soft costs; KCBRA Local Brownfield Revolving Fund

As shown in Table 1 of the Project Spartan Brownfield Plan, the estimated cost to complete all eligible activities is \$7,599,033. The KCBRA and the City of Portage have agreed to a partial year and four full years of tax capture for the Local Brownfield Revolving Fund (LBRF) for an estimated \$1.475 million per Table 5 and capped at \$1.5 million. The LBRF is used to make funds available for other brownfield projects in the county, including those that may be located in Portage. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, approximately \$34,340 must be deposited into the State Brownfield Redevelopment Fund.

As shown in Table 2 of the Project Spartan Brownfield Plan, and based on the significant level of investment being made by Scannell Properties, the increase in taxable value available for capture is approximately \$12 million. Based on the proposed 23 years of tax capture, the tax increment available for capture by all entities is \$7,808,490. Table 3 lists the estimated annual foregone tax revenue for each taxing jurisdiction. During this plan period, the City of Portage will forego approximately \$121,791 on an annual basis. Table 4 shows foregone tax revenue for each taxing jurisdiction over the 23-year plan period. As shown on Table 5, of the \$7,599,033 in eligible expenses, Scannell Properties will receive up to \$2,712,516 in reimbursement for eligible activities and building/site expenses, including interest and potential contingencies. The City of Portage will also receive up to \$3,162,500 for expenses related to Portage Road improvements including interest and potential contingencies. After reimbursement of eligible activities and LBRF captures are complete, the tax revenue is distributed to the traditional taxing jurisdictions.

KCBRA reviewed the Project Spartan Brownfield Plan on September 26, 2019 and recommended approval of the Plan to the County Board of Commissioners. Any approval by the County Board of Commissioners is contingent on Portage City Council approval of the attached resolution and Brownfield Plan Development Agreement. Subsequent to City Council action, the County Board of Commissioners will hold a public hearing on November 6, 2019 to review and approve the Brownfield Plan.

FUNDING: \$3,162,500 for Portage Road improvements are included in the Brownfield Plan. Expenditures by the City of Portage for this capital improvement will be reimbursed through tax increment revenue as part of the Brownfield Plan Development Agreement with the KCBRA and City of Portage.

Attachments:

1. Community Development staff report - Project Spartan Brownfield Redevelopment Plan dated September 27, 2019
2. Brownfield Redevelopment Authority Draft Meeting Minutes dated October

- 4, 2019
3. Resolution Approving Project Spartan Brownfield Redevelopment Plan
4. Brownfield Development Agreement Scannell Clean

TO: Brownfield Redevelopment Authority**DATE:** September 27, 2019**FROM:** Vicki Georgeau,  Director of Community Development**SUBJECT:** Kalamazoo County Brownfield Redevelopment Plan, Project Spartan - 6701 Portage Road**I. INTRODUCTION:**

Pursuant to the Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended), Scannell Properties #192, LLC approached Southwest Michigan First and requested assistance through the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) with eligible environmental, public infrastructure and site preparation activities related to a development project located at 6701 Portage Road. The property is located on the east side of Portage Road south of East Milham Avenue and across from the new Stryker research and development facility on Stryker Way. The property encompasses approximately 37.4 acres and is zoned I-1, light industrial.

Scannell Properties #192, LLC currently owns the property but ownership will be transferred to Scannell Properties #397, LLC who will complete the development project and then lease the facility to an undisclosed tenant. The development project involves construction of an approximate 321,000 square foot distribution facility and associated site improvements. The level of investment is anticipated to be \$25 million with another estimated \$15-20 million in personal property. When fully operational the facility will have 766 employees with the potential for 158 additional contract employees. On September 5, 2019, the Portage Planning Commission conditionally approved the site plan, a soil erosion permit has been issued and site clearing has commenced.

Attached is a letter from Rachael Grover, Brownfield Redevelopment Coordinator of the KCBRA, which includes the Brownfield Redevelopment Plan, a vicinity map, site plan and other relevant information related to the request. Scannell Properties is requesting to utilize tax increment financing (TIF) for reimbursement of eligible expenses related to the facility. In addition, the City of Portage is partnering with Scannell Properties and the KCBRA on the reconstruction of Portage Road from I-94 to Romence Road to improve safety and address the impact on the roadway from the added truck traffic related to this project. The roadway improvement projects, which will also include traffic signal upgrades for Portage Road, were initially scheduled to be completed in FY2026-27 and FY2027-28 but are being advanced as a result of this project. The City of Portage will fund the Portage Road improvements, which are scheduled to be completed between 2024 and 2026, and will also utilize TIF for reimbursement of city expenses. A Brownfield Reimbursement Agreement between the KCBRA and the City of Portage is being prepared to ensure completion of the project and reimbursement of city expenses, which will be presented to City Council for review and approval.

II. CITY OF PORTAGE BROWNFIELD REDEVELOPMENT PROGRAM

As background information, City of Portage Brownfield Redevelopment Program was established in 2001 with the designation of the EDC/TIFA Board as the Brownfield Redevelopment Authority and approval of the first brownfield redevelopment plan. The City of Portage adopted a formal Brownfield Redevelopment Policy in 2006. In 2015, the policy was amended to allow for inclusion of functionally obsolete buildings and blighted property, outlined criteria for tax increment revenue capture, and procedures for coordinating with the KCBRA. In July 2019, the city again amended its policy to incorporate the establishment of a Local Brownfield Revolving Fund (LBRF) for plans approved by the Portage Brownfield Redevelopment Authority. Over time, funds will accumulate in the Portage LBRF that will be available to assist with the upfront costs of creating a Brownfield Redevelopment Plan amendment as well as other eligible activities as appropriate. Since 2001, seven brownfield redevelopment plans have been approved by the Authority and City Council and the city has collaborated with the KCBRA on three other brownfield projects.

Although the City of Portage has an established Brownfield Redevelopment Authority, Southwest Michigan First has worked extensively with Scannell Properties and the developer desires to facilitate the proposed plan via the KCBRA. Regardless of the local governmental unit that implements the plan, the Brownfield Redevelopment Program is an important economic redevelopment tool to facilitate the successful reuse of contaminated, blighted and/or functionally obsolete properties, further improve the environment and/or properties, increase the local tax base/economy and create new job opportunities or retain existing. In addition to economic benefits, redeveloping brownfields encourages development of properties in urban areas where public infrastructure is already in place. Furthermore, this project represents an example of ongoing inter-governmental cooperation between the City of Portage and Kalamazoo County.

III. PROPOSED KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT PLAN

Attached is a copy of the Project Spartan Brownfield Redevelopment Plan prepared by Envirollogic Technologies and approved by the KCBRA on September 26, 2017. The subject property is approximately 37.4 acres in size and is currently unimproved land, which was used for crop production. The site is an eligible "facility" due to the presence of groundwater contamination. Eligible activities associated with the plan, proposed to be funded through state and local tax reimbursement, include the following:

EGLE Eligible Activities

- Phase I and II Environmental Assessments
- Wetland Delineation
- Baseline Environmental Assessment

Local Tax Capture Only Activities

- Due Care Planning
- Soil Management
- Public Infrastructure activities of developer and the City of Portage
- Site Preparation activities
- Brownfield Plan
- Contingencies and Financing costs

- KCBRA administration expenses
- Professional soft costs
- KCBRA Local Brownfield Revolving Fund

As shown on Table 1 of the Brownfield Redevelopment Plan, the estimated cost to complete all eligible activities is \$7,599,033. Included in these activities and costs, the KCBRA and the City of Portage have agreed to a partial year and four full years of tax capture for the Local Brownfield Revolving Fund (LBRF) for an estimated \$1.475 million (per Table 5 and capped at \$1.5 million). The LBRF is used to make funds available for other brownfield projects in the County, including those that may be located in Portage. Finally, and as required by the Brownfield Redevelopment Financing Act involving the use of school tax increment revenues, approximately \$34,340 must be deposited into the State Brownfield Redevelopment Fund.

As shown on Table 2, and based on the significant level of investment being made by Scannell Properties, the increase in taxable value available for capture is approximately \$12 million. Based on the proposed 23 years of tax capture, the tax increment available for capture by all entities is \$7,808,490. Table 3 lists the estimated annual foregone tax revenue for each taxing jurisdiction. During this plan period, the City of Portage will forego approximately \$121,791 on an annual basis. Table 4 shows foregone tax revenue for each taxing jurisdiction over the 23-year plan period. As shown on Table 5, of the \$7,599,033 in eligible expenses, Scannell Properties will receive up to \$2,712,516 in reimbursement for eligible activities and building/site expenses, including interest and potential contingencies. In addition, the City of Portage will receive up to \$3,162,500 for expenses related to Portage Road improvements, including interest and potential contingencies. After reimbursement of eligible activities and LBRF captures are complete, the tax revenue is distributed to the traditional taxing jurisdictions.

KCBRA reviewed the Brownfield Plan on September 26, 2019 and recommended approval of the Plan to the County Board of Commissioners. Any approval by the County Board of Commissioners is contingent on Portage City Council approval of the attached resolution, which will be presented to City Council on October 15, 2019. The Brownfield Plan will be presented to the County Board Committee of the Whole on October 1, 2019 and a public hearing will be set for November 6, 2019 (subject to City Council approval of the resolution). It is anticipated that the plan will be approved by the Kalamazoo County Board of Commissioners subsequent to the public hearing on November 6, 2019.

IV. RECOMMENDATION:

The KCBRA Brownfield Redevelopment Plan for Project Spartan has been reviewed in the context of the Brownfield Redevelopment Incentive Policy. The development will provide additional tax base growth and related economic benefits to the community. The proposed plan also represents an important public-private partnership and continued intergovernmental cooperation. Based on the foregoing, staff advises that the Portage Brownfield Redevelopment Authority recommend to City Council that a resolution of support be approved for the Project Spartan Brownfield Plan.

Attachments: September 27, 2019 letter from Ms. Rachael Grover, Kalamazoo County
Project Spartan Brownfield Plan



KALAMAZOO COUNTY GOVERNMENT

In the Pursuit of Extraordinary Governance...

September 27, 2019

Victoria Georgeau, Director
Department of Community Development
City of Portage
7900 South Westnedge Ave.
Portage, MI 49002

Re: KCBRA Brownfield Plan for Project Spartan Redevelopment, 6701 Portage Road, City of Portage

Ms. Georgeau,

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) respectfully requests consideration by the City of Portage Brownfield Redevelopment Authority (PBRA) and the Portage City Council of the subject Brownfield Plan for property located at 6701 Portage Road. Under Michigan Public Act 381 of 1996, as amended, a County Brownfield Plan requires concurrence of the Plan from the local unit of government.

I. Project Background

The project includes the redevelopment of a 37.4-acre parcel of vacant property located at 6701 Portage Road, Portage, Michigan. Scannell Properties #397, LLC, will be developing the property with the intent to lease to an undisclosed tenant. The proposed redevelopment consists of the construction of the approximately 321,000-square-foot distribution center is known as "Project Spartan".

The distribution center, constructed of pre-cast concrete panels erected on site, will occupy the central portion of the site with asphalt parking and drives and two storm water detention basins covering the remainder of the parcel. A berm will be created along the western property line along Portage Road to utilize existing soils and create a visual barrier, along with landscaping for aesthetic value.

Project Spartan is anticipated to be an over \$25,000,000 private investment with another estimated \$15-\$20,000,000 of personal property investments expected. When the redevelopment establishment is fully operational, there is an opportunity for 766 employees, both salary and hourly wage employees, with the potential of 158 additional contract employees.

The subject property is considered a brownfield based upon the identification of contaminants in excess of EGLE cleanup criteria, demonstrating that the subject property meets the definition of a

PLANNING & DEVELOPMENT DEPARTMENT
201 West Kalamazoo Avenue | Kalamazoo, Michigan 49007
Phone: (269) 384-8112 | www.kalcounty.com/planning

“facility” as defined by Part 201 of NREPA. As a “facility,” the property is an “eligible property” under Act 381. This brownfield eligibility determination was based upon Phase II Environmental Site Assessment results indicating the presence phosphorus in groundwater in excess of the Groundwater-Surface Water Interface (GSI) criterion.

The brownfield status of the site creates additional considerations with more requirements and increased costs for the proposed development. The purpose of the Brownfield Plan is to help the developer overcome challenges to redevelopment that they did not cause, levelling the playing field and allowing investment to occur within the City of Portage.

II. Brownfield Plan Summary

This Brownfield Plan has been prepared in order to provide for reimbursement of eligible activities associated with redevelopment of the subject property through tax increment revenue captured for the reimbursement. The Plan details eligible activities that have been or will be completed by the developer (pre-approved activities, due care activities, dust control, public infrastructure improvements, site demolition, soil management, site preparation), the City of Portage (public infrastructure improvement related to reconstructing a portion of Portage Road), and the KCBRA (administrative and operating expenses inclusive of implementation costs).

- **Anticipated private investment –over \$25,000,000 plus \$15-\$20,000,000 personal property investments anticipated**
- **Anticipated new jobs –766 plus potential of 158 additional contract employees**
- **Total reimbursement to developer – approx. \$2,712,500 (inclusive of contingency and 2% interest)**
- **Total reimbursement to the City of Portage – approx. \$3,162,500 (inclusive of contingency)**
 - City costs anticipated to occur between years 2024-2026
 - City reimbursements estimated to begin in 2025, established as 25% of available annual TIR until developer is fully reimbursed, then City will receive full TIR available after admin.
- **Total taxes not captured during the Plan**
 - approx. \$377,575 from initial taxable value
 - approx. \$1,984,350 from debt millages not captured
- **Total reimbursement to KCBRA – estimated \$214,000 (for actual administrative costs only)**
- **Total tax increment captured for County-Wide LBRF – approx. \$1,475,677 (capped at \$1,500,000)**
- **Length of Brownfield Plan – estimated 23 years**
 - Capture anticipated to begin in 2021
 - Reimbursement period limited to 25 years
 - LBRF additional up to five full years (capped at \$1,500,000)
 - Total estimated Local and State taxes captured over 23 years - \$7,599,033

The metrics listed above are estimated based on anticipated eligible costs and projected tax increment revenues available. Future taxable value has been estimated by the City of Portage Assessor. Actual costs, market values, and any potential tax appeal would affect tax increment values available. Also, although a dollar amount has not been estimated, it is the intent of the Brownfield Plan to capture tax increment associated with personal property.

III. Timeline and City of Portage Support for Brownfield Plan

The KCBRA engaged input from the Portage Department of Community Development when developing the Plan. The proposed timeline for the approval of the Project Spartan Brownfield Plan is as follows:

1. **September 17, 2019:** The KCBRA approved the application for request for a Brownfield Plan at the 6701 Portage Road site.
2. **September 26, 2019:** The KCBRA approved the Brownfield Plan and recommend that the Portage Brownfield Redevelopment Authority, Portage City Council, and Kalamazoo County Board of Commissioners approve the Brownfield Plan.
3. **October 1, 2019:** Presentation of the Brownfield Plan to the Kalamazoo County Commission Committee of the Whole. Public Hearing is scheduled for November 6, 2019.
4. **October 4, 2019:** The Portage BRA reviews the Brownfield Plan.
5. **October 15, 2019:** Pending Recommendation by the PBRA, The Portage City Council considers the Brownfield Plan for approval, by resolution.
6. **By October 25, 2019:** KCBRA staff sends notices to all affected taxing jurisdictions and prepares Public Notice 10 days prior to public hearing.
7. **November 6, 2019:** Pending outcome of the Portage City Council recommendation for approval, the Kalamazoo County Board of Commissioners will hold public hearing and is expected to adopt the 6701 Portage Road (Project Spartan) Brownfield Plan, by resolution

The development of 6701 Portage Road is an improvement for the site and the surrounding area in several ways:

1. The property will have an increased taxable value.
2. The County Brownfield Plan would constitute a cooperative inter-governmental effort.
3. TIF collected will reimburse the developer, the KCBRA, and the City of Portage for a portion of costs incurred in the completion of Brownfield Eligible Activities.
4. Local Brownfield Revolving Fund (LBRF) collection allows the KCBRA to support additional Brownfield Activities throughout Kalamazoo County.

The KCBRA respectfully requests approval of the Brownfield Plan for the 6701 Portage Road development project from the Portage Brownfield Redevelopment Authority and the Portage City

Council. Support of this Brownfield Plan by the City of Portage is critical for the redevelopment and productive use of this property. The KCBRA understands the impact this project will have for the City of Portage and for the Kalamazoo County community and is looking forward to the successful completion of this project.

Sincerely,

A handwritten signature in cursive script that reads "Rachael Grover".

Rachael Grover
Brownfield Redevelopment Coordinator
Kalamazoo County Brownfield Redevelopment Authority
ragrov@kalcounty.com

cc: Kenneth Peregon, KCBRA Chairperson



KALAMAZOO COUNTYBROWNFIELD REDEVELOPMENT AUTHORITY

BROWNFIELD PLAN

FOR

PROJECT SPARTAN REDEVELOPMENT
6701 PORTAGE ROAD
PORTAGE, MICHIGAN

Recommended for approval by the Kalamazoo County Brownfield Redevelopment Authority on: 9-26-19

Recommended for approval by the Portage Brownfield Redevelopment Authority on : _____

Approved by the City of Portage Council on: _____

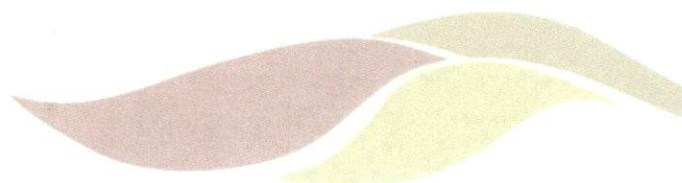
Approved by the Kalamazoo County Board of Commissioners on: _____

Prepared with the assistance of:

ENVIROLOGIC TECHNOLOGIES, INC.
2960 Interstate Parkway
Kalamazoo, Michigan 49048
(269) 342-1100

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EXHIBITS

FIGURE 1: *Location Map*

FIGURE 2: *Site Plan*

FIGURE 3: *Proposed Site Plan*

SCHEDULES/TABLES

TABLE 1: *Summary of Eligible Activities*

TABLE 2: *Estimate of Total Captured Incremental Taxes*

TABLE 3: *Estimate of Annual Effect on Taxing Jurisdictions*

TABLE 4: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction*

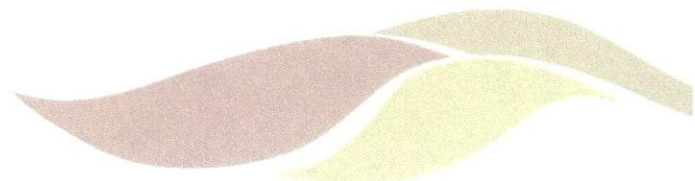
TABLE 5: *Estimated Reimbursement Schedule*

ATTACHMENTS

NOTICE OF PUBLIC HEARING

NOTICE TO TAXING JURISDICTIONS

RESOLUTIONS OF APPROVAL



**KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY
BROWNFIELD PLAN FOR
PROJECT SPARTAN REDEVELOPMENT
6701 PORTAGE ROAD
PORTAGE, MICHIGAN**

1. INTRODUCTION AND PURPOSE

Envirologic has prepared this Brownfield Plan for the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) on behalf of Scannell Properties for one parcel of vacant property located at 6701 Portage Road, Portage, Michigan. The City of Portage is a Qualified Local Governmental Unit as defined by section 2(k) of the Obsolete Property Rehabilitation Act (OPRA) PA 146 of 2000, as amended. The current owner of the property is Scannell Properties #192, LLC. Ownership will be transferred to Scannell Properties #397, LLC, who will be developing the property with the intent to lease to an undisclosed tenant. The redevelopment project is referred to as "Project Spartan."

The subject property consists of one approximately 37.4-acre legal parcel which has been farmland since at least 1938 and was most recently utilized to grow row crops. There is no evidence of any buildings or structures historically being located on the property. Scannell Properties will be redeveloping the property with the construction of an approximately 321,000-square-foot distribution center. The distribution center will occupy the central portion of the site with asphalt parking and drives and two stormwater detention basins covering the remainder of the parcel. Future operations will be non-residential in nature.

Scannell Properties is a real estate developer out of Indiana and has chosen to invest in the Portage Community. Project Spartan is anticipated to be an over \$25,000,000 private investment with another estimated \$15–\$20,000,00 of personal property investments expected. When the redevelopment establishment is fully operational, there is an opportunity for 766 employees with the potential of 158 additional contract employees. Redevelopment initiatives will begin Fall of 2019, and project completion is anticipated for Fall of 2020. The proposed Project Spartan redevelopment benefits the City of Portage with the creation of new jobs and a substantial investment into the community.

Investigations of the property have indicated that phosphorous in groundwater exists above Generic Residential Cleanup Criteria (GRCC), defining the property as a "facility" under Part 201

of the Michigan Natural Resources and Environmental Protection Act (NREPA), Act 451 of 1994. The Brownfield status of the site increases the cost and complexity of redevelopment.

The Kalamazoo County Brownfield Redevelopment Authority will incur administration and operating costs related to implementation of the Brownfield Plan. The City of Portage will incur public infrastructure eligible costs related to reconstructing a portion of Portage Road. All other eligible costs, such as due diligence, site demolition, all other public infrastructure improvements, site preparation activities, and preparation of the Brownfield Plan, will be borne by the developer. This Brownfield Plan is intended to provide a means to capture tax increment revenues to reimburse these eligible costs.

The purpose of this plan, to be implemented by the Kalamazoo County Brownfield Redevelopment Authority, is to satisfy the requirements for a Brownfield Plan as specified in Act 381 of the Public Acts of the State of Michigan of 1996, as amended, MCL 125.2651 et. seq., which is known as the "Brownfield Redevelopment Financing Act." Terms used in this document are defined in Act 381.

2. ELIGIBLE PROPERTY INFORMATION

The property subject to this Plan consists of one vacant parcel, comprising 37.395 acres and located at 6701 Portage Road, City of Portage, Michigan (property). The tax identification number associated with the property is 00011-010-L.

A location map of the eligible property included in this Brownfield Plan is included as Figure 1.

Identification of phosphorus in groundwater on the central portion of the parcel at a concentration in excess of the Groundwater-Surface Water Interface (GSI) criterion defines the property as a "facility" under Part 201 of the Michigan Natural Resources and Environmental Protection Act (NREPA), Act 451 of 1994. As a "facility," the property is an "eligible property" under Act 381.

3. PROPOSED REDEVELOPMENT

Scannell Properties #192, LLC acquired the subject property on October 10, 2014. Ownership will be transferred to Scannell Properties #397, LLC, who will be developing the property. The redevelopment of the proposed approximately 321,000-square-foot distribution center is known

as "Project Spartan." The distribution center, constructed of pre-cast concrete panels erected on site, will occupy the central portion of the site with asphalt parking and drives and two stormwater detention basins covering the remainder of the parcel. A berm will be created along the western property line along Portage Road to absorb as much excess topsoil requiring removal as possible and to create a visual barrier.

Project Spartan is anticipated to be an over \$25,000,000 private investment with another estimated \$15–\$20,000,00 of personal property investments expected. When the redevelopment establishment is fully operational, there is an opportunity for 766 employees, both salary and hourly wage employees, with the potential of 158 additional contract employees.

Redevelopment initiatives are anticipated to begin by late September/early October 2019, beginning with erosion control activities and site grading with the anticipation that footings will be installed before winter. Construction is anticipated to require an eleven- to twelve-month timeline with project completion anticipated for Fall of 2020.

The brownfield status of the site creates additional considerations with more requirements and increased costs for the proposed development. The purpose of the Brownfield Plan is to help the developer overcome challenges to redevelopment that they did not cause, levelling the playing field and allowing investment to occur in the City of Portage within Kalamazoo County.

4. BROWNFIELD CONDITIONS

The subject property is considered a brownfield based upon the identification of contaminants in excess of EGLE cleanup criteria, demonstrating that the subject property meets the definition of a "facility" as defined by Part 201 of NREPA. A Phase I Environmental Site Assessment (ESA) of the subject property was initially completed by Envirologic on behalf of Scannell in 2014. An environmental concern identified in the Phase I ESA was the reported historic practice of Pfizer to apply materials to the agricultural land as a fertilizer supplement. The materials applied as fertilizer consisted of solids from the fermentation of beer, byproducts of phosphorus pentachloride, and mycelia cake. Mycelia cake is a nitrogen-rich material that was used as a filter aid during the production of antibiotics at the nearby Pfizer plant.

In order to assess the potential for impacts in association with this reported historic practice, Envirologic completed Phase II ESA activities consisting of the installation of five soil borings across the parcel and the laboratory analysis of five shallow soil samples (i.e., 6 inches) and two

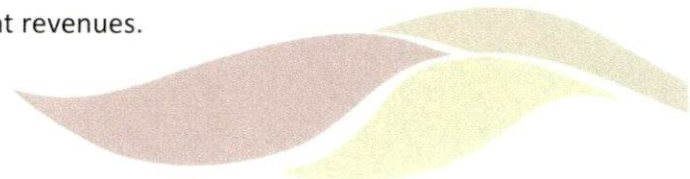
groundwater samples. One groundwater sample was collected at the center of the parcel from a temporary monitoring well screened from an interval 36–40 feet below grade level (bgl) with the second groundwater sample collected from a pre-existing groundwater elevation monitoring well located in the southwest corner of the parcel (MW-174 terminating 81 feet bgl). The Phase II ESA results indicated the presence of select contaminants in soil at concentrations below current EGLE cleanup criteria. The Phase II ESA results additionally indicated the presence of phosphorus in groundwater in excess of the Groundwater-Surface Water Interface (GSI) criterion. Scannell is considered a non-labile party for pre-existing contaminant conditions based upon the preparation of a Baseline Environmental Assessment (BEA #B201402116PL).

The identification of phosphorous in groundwater in excess of Michigan Department of Environment, Great Lakes, and Energy (EGLE) cleanup criteria demonstrates that the property meets the definition of a “facility,” as defined by Part 201 of NREPA. As a “facility,” the property is an “eligible property” under Act 381.

5. BROWNFIELD PLAN ELEMENTS (as specified in Section 13[1] of Act 381)

A. Description of Costs to be Paid for with Tax Increment Revenues

The environmental-related costs included in this Brownfield Plan consist of Pre-Approved Activities. Envirologic completed an initial Phase I ESA of the subject property and additional adjacent contiguous land to the north on behalf of Scannell Properties #192, LLC on October 2, 2014 (ASTM 1527-13). Envirologic subsequently completed a Phase I ESA of the parcel subject this brownfield plan on February 1, 2019, and a Phase I Update on July 18, 2019, on behalf of Scannell Properties #192, LLC and the proposed operator (ASTM 1527-13). Preparation of the Phase I ESAs were completed at a cost of \$4,279 to support satisfaction of federal requirements for All Appropriate Inquiry (AAI). Envirologic completed Phase II ESA sampling activities in 2014 on the subject parcel and the adjacent parcel to the north. Half of the costs incurred associated with the Phase II activities conducted on the larger parcel, which includes the subject property, are included for reimbursement in this Brownfield Plan, a cost of \$5,035. Additionally, \$4,600 for costs associated with a wetland delineation are also included for reimbursement in this Plan. A Baseline Environmental Assessment (BEA) to provide liability protection and a Section 7a Compliance Analysis to evaluate due care considerations were completed at a cost of \$6,500. The Pre-Approved Activities were completed at a cost of \$20,414 and are statutorily eligible for reimbursement with both school and local tax increment revenues.



\$2,000 is also allocated for Due Care planning activities and due care documentation to be completed after redevelopment. As an Act 381 Work Plan is not anticipated to be prepared, these costs will be eligible for local-only reimbursement.

The project includes “non-environmental costs” that are also eligible for reimbursement through the Brownfield Plan. Specific non-environmental eligible costs include dust control, soil management, and site demolition costs. As the project is located in the City of Portage, a Core Community, site preparation activities, public infrastructure improvements, and those professional “soft costs” related to the management of these activities (e.g., environmental, engineering, architect, finance, etc.) are also eligible expenses and included for reimbursement as part of this Brownfield Plan.

\$5,000 for dust control related to construction activities is included as an eligible cost in this Brownfield Plan.

Site demolition activities will also be needed to prepare the site for redevelopment and are included as an eligible expense in this Brownfield Plan, estimated at a total cost of \$25,500. Site demolition costs include \$2,500 for the removal of portions of the bike path and \$3,000 for the removal of curb and gutter. Both activities will be needed as part of the road widening. \$20,000 is included for the milling of the portion of the private drive on the property to the north that extends onto the subject property.

Public infrastructure costs are also included within this Brownfield Plan, to be incurred by both the developer and the City of Portage. Scannell’s public infrastructure costs are estimated at \$30,000. \$25,000 is estimated for the milling and overlay and road widening within the public right-of-way along Portage Road. \$2,500 is estimated for the replacement of the bike path in the right-of-way and an additional \$2,500 is estimated for replacement of the curb-and-gutter in the public right-of-way. The City of Portage will also incur costs related to public infrastructure improvements. Approximately \$2,750,000 is estimated for the reconstruction and related traffic signal improvements for two sections of Portage Road: 1) East Milham Avenue to Fairfield Road (south of I-94) and 2) Romence Road to East Milham. This work is anticipated to occur between 2024 and 2026. This work for reconstructing Portage Road will improve safety and support the additional traffic burdens from this project. These public infrastructure costs are the only anticipated eligible costs incurred by the City of Portage.



The developer will also incur costs related to soil management and site preparation, and those costs are included for reimbursement as part of this Brownfield Plan. A Geotechnical Evaluation report prepared by Soil Materials Engineers (SME) on February 4, 2019, in support of the proposed redevelopment indicated the presence of approximately 2 inches to 11 inches of topsoil across the site. The geotechnical evaluation concluded that preparation of the site for construction will require clearing all proposed development areas of topsoil as unsuitable material to support construction. Based upon the proposed site plan, the developer has estimated that approximately 20,000 cubic yards of topsoil that is unsuitable for construction will need to be removed from the site. While every effort has been made to utilize excess soils on the subject property, including the creation of a berm along Portage Road, the requirements of the end user of the site do not allow for additional landscaped areas/opportunities to absorb excess soils on site. Therefore, the removal of excess soils will be necessary.

This Brownfield Plan includes budget for the disposition of approximately 20,000 cubic yards of excess soils. Disposition of excess soils is still being evaluated and may include relocation, and/or disposal costs including the removal of topsoil, unsuitable fill, and/or contaminated soil. \$1,000,000 is estimated to cover these soil management costs which are above and beyond the site preparation costs listed below.

\$1,034,000 is included as eligible costs related to site preparation activities. These costs include \$130,000 for clearing and grubbing and \$100,000 for compaction and sub-base preparation. An estimated \$600,000 is included as an eligible cost for cut and fill operations. Approximately 100,000 cubic yards of cut and fill will be required as part of the retention pond construction for preparation of the foundation pads. \$34,500 is included for the geotechnical evaluations performed on the site. \$50,000 is allocated for site grading, and \$20,000 is allocated for site staking. \$20,000 is included as an eligible cost for temporary access roads during construction, and \$7,500 is for temporary traffic control. \$72,000 is estimated for temporary erosion control activities including SWPP measures, silt fencing, geotextile mud-mats, seeding, and temporary haul roads.

Professional "soft costs," estimated at \$31,500 related to the management of these activities (e.g., environmental, engineering, architect, finance, etc.) are also eligible expenses and included for reimbursement as part of this Brownfield Plan. A portion of the soft costs may also be allocated toward professional services needed for reimbursement compliance incurred by the developer.

Contingency costs (15%) on eligible activities that have yet to be completed are also included as an eligible expense in this Brownfield Plan.

Financing costs for the project are also considered an eligible activity. This plan allows for a 2% interest rate on the developer's real expenses. Simple interest will be calculated annually based on the annual unreimbursed principal balance. Approximately \$235,000 is estimated for financing costs.

This Brownfield Plan also includes the administrative and operating costs of the Kalamazoo County Brownfield Redevelopment Authority. These costs are inclusive of implementation costs, a combination of tracking tax increment revenues, submittal of updates to local units of government and the State, review of invoices for reimbursement, plan compliance, and data reporting activities. These administration and operating costs of the Authority, associated with plan implementation, are eligible for reimbursement with both school and local tax increment revenues in accordance with Act 381. As school tax capture is only being sought for the statutorily eligible costs, \$9,000 is estimated as the school tax portion that will be collected by the Authority, as a reasonable amount towards plan implementation costs. \$15,000 annually of local tax capture during the first three years of the reimbursement period and \$10,000 annually for the remaining years of the reimbursement period is also estimated to cover administration and operating expense of the Authority, inclusive of implementation costs. These annual amounts are estimates and actual reimbursements for administrative and operating expense will be made on actual costs.

The developer will also have costs associated with preparation and submittal of the Brownfield Plan for this project. \$10,000 is estimated for Plan preparation costs. These preparation costs are included in this Brownfield Plan as an eligible expense to be reimbursed with local tax increment revenues.

Total reimbursements, inclusive of the eligible activities described above, are estimated and detailed in Table 1.

B. Summary of Eligible Activities

The Pre-Approved Activities included as eligible activities in this Brownfield Plan are inclusive of Phase I and II ESAs, a wetland delineation, a BEA, and due care documentation. Preparation of the Phase I ESAs was completed to support satisfaction of federal requirements for All

Appropriate Inquiry (AAI). The BEA was completed to provide liability protection, and a Section 7a Compliance Analysis was completed to evaluate due care considerations. Pre-Approved Activities are statutorily eligible for reimbursement with both school and local tax increment revenues.

Due Care planning activities and due care documentation will also be needed after redevelopment. As an Act 381 Work Plan is not anticipated to be prepared, these costs will be eligible for local-only reimbursement.

The project includes “non-environmental costs” that are also eligible for reimbursement through the Brownfield Plan. Specific non-environmental eligible costs include dust control, soil management, and site demolition costs. As the project is located in the City of Portage, a Core Community, site preparation activities, public infrastructure improvements, and those professional “soft costs” related to the management of these activities (e.g., environmental, engineering, architect, finance, etc.) are also eligible expenses and included for reimbursement as part of this Brownfield Plan.

Dust control related to construction activities is included as an eligible cost in this Brownfield Plan. Site demolition activities will also be needed to prepare the site for redevelopment and are included as an eligible expense in this Brownfield Plan. Site demolition costs include the removal of portions of the bike path and the removal of curb and gutter. Both activities will be needed as part of the road widening. Milling of the portion of the private drive on the property to the north that extends onto the subject property is also included as an eligible expense.

Public infrastructure costs are also included within this Brownfield Plan, to be incurred by both the developer and the City of Portage. Scannell’s public infrastructure costs include the milling and overlay and road widening within the public right-of-way along Portage Road. Additional public infrastructure costs incurred by the developer include replacement of the bike path in the right-of-way and replacement of the curb and gutter in the public right-of-way. The City of Portage will also incur costs related to public infrastructure improvements for the reconstruction and related traffic signal improvements for two sections of Portage Road: 1) East Milham Avenue to Fairfield Road (south of I-94) and 2) Romence Road to East Milham. This work is anticipated to occur between 2024 and 2026. This work for reconstructing Portage Road will improve safety and support the additional traffic burdens from this project. These public infrastructure costs are the only anticipated eligible costs incurred by the City of Portage.

Soil management and site preparation costs are included for reimbursement as part of this Brownfield Plan. Based upon the proposed site plan, the developer has estimated that approximately 20,000 cubic yards of topsoil that is unsuitable for construction will need to be removed from the site. While every effort has been made to utilize excess soils on the subject property, including the creation of a berm along Portage Road, the requirements of the end user of the site do not allow for additional landscaped areas/opportunities to absorb excess soils on site. Therefore, the removal of excess soils will be necessary.

This Brownfield Plan includes budget for the disposition of approximately 20,000 cubic yards of excess soils. Disposition of excess soils is still being evaluated and may include relocation, and/or disposal costs including the removal of topsoil, unsuitable fill, and/or contaminated soil.

Site preparation costs include clearing and grubbing, compaction and sub-base preparation, cut and fill operations, geotechnical evaluations, site grading, site staking, temporary access roads, temporary traffic control, and temporary erosion control activities.

Professional "soft costs" related to the management of these activities (e.g., environmental, engineering, architect, finance, etc.) are also eligible expenses and included for reimbursement as part of this Brownfield Plan. A portion of the soft costs may also be allocated toward professional services needed for reimbursement compliance incurred by the developer.

Contingency costs on eligible activities that have yet to be completed are also included as an eligible expense in this Brownfield Plan.

Financing costs for the project are also considered an eligible activity. This plan allows for a 2% interest rate on the developer's real expenses. Simple interest will be calculated annually based on the unreimbursed principal balance.

This Brownfield Plan also includes administrative and operating costs of the Kalamazoo County Brownfield Redevelopment Authority. These costs are inclusive of implementation costs, a combination of tracking tax increment revenues, submittal of updates to local units of government and the State, review of invoices for reimbursement, plan compliance, and data reporting activities. These administration and operating costs of the Authority, associated with plan implementation, are eligible for reimbursement with both school and local tax increment revenues in accordance with Act 381.

The developer will also have costs associated with preparation and submittal of the Brownfield Plan for this project. These preparation costs are included in this Brownfield Plan as an eligible expense to be reimbursed with local tax increment revenues.

C. Estimate of Captured Taxable Value and Tax Increment Revenues

For the purposes of this plan, the initial taxable value is the value of the eligible property in 2019, which is \$553,489. Based upon a review of site plans provided by Scannell detailing the proposed redevelopment, the City of Portage Assessor has provided a range of future estimated taxable values. As a conservative measure for the purposes of this Brownfield Plan, the low-end amount of \$12,000,000 has been utilized as the projected future taxable value. Initial capture is anticipated to begin in 2021.

The estimated captured taxable value for the redevelopment by year and in aggregate for each taxing jurisdiction is depicted in tabular form (Tables 2, 3, and 4). Actual taxable values and tax increment revenues may vary year to year based on economic and market conditions, tax incentives, depreciation, building additions, and property improvements, among other factors.

A summary of the estimated reimbursement schedule and the amount of capture into the Local Brownfield Revolving Fund (LBRF) by year and in aggregate is presented as Table 5. This Brownfield Plan is intended to capture available tax increment revenues for up to 25 years for the purposes of reimbursing the developer and the City of Portage, plus up to an additional five full years of capture of tax increment, not to exceed \$1,500,000, to be deposited into the Kalamazoo County Brownfield Redevelopment Authority LBRF.

D. Method of Financing and Description of Advances by the Municipality

The only costs incurred by the Kalamazoo County Brownfield Redevelopment Authority will be associated with administrative and operating expenses and implementation of the Brownfield Plan, inclusive of a combination of tracking, submittal, review of invoices for reimbursement, plan compliance, and data reporting activities.

The only costs incurred by the City of Portage are the public infrastructure costs related to the restructuring of a portion of Portage Road.

All other eligible activity costs will be borne by the developer. Eligible costs will be reimbursed through tax increment financing.

No advances by the municipality have been made or are anticipated.

E. Maximum Amount of Note or Bonded Indebtedness

At this time, there are no plans by the Authority to incur indebtedness to support development of this site, but such plans could be made in the future to assist in the development if the Authority so chooses.

F. Duration of Brownfield Plan

The Kalamazoo County Brownfield Redevelopment Authority intends to begin capture of tax increment in 2021. This Brownfield Plan is intended to capture available tax increment revenues for up to 25 years for the purposes of reimbursing the developer and the City of Portage, plus up to an additional five full years of capture of tax increment, not to exceed \$1,500,000, to be deposited into an LBRF.

G. Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

The estimated amount of tax increment revenues to be captured for this redevelopment from each taxing jurisdiction by year and in aggregate is presented in Table 2.

H. Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property subject to this Brownfield Plan consists of one vacant undeveloped parcel, comprising 37.395 acres and located at 6701 Portage Road, City of Portage, Michigan (property). The PID for the property is 00011-010-L.

The legal description, obtained from the City of Portage GIS website, is as follows:

THAT PART OF THE EAST HALF OF SECTION 11, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 11; THENCE NORTH 00° 19' 31" WEST ON THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 11 A DISTANCE OF 126.21 FEET; THENCE NORTH 89° 40' 29" EAST 50.00 FEET TO THE EAST RIGHT OF WAY LINE OF PORTAGE ROAD; THENCE NORTH 00° 19' 31" WEST ON SAID EAST RIGHT OF WAY LINE 100.29 FEET; THENCE SOUTH 85° 59' 37" EAST ON THE NORTH RIGHT OF WAY LINE OF ROMENCE ROAD 208.98 FEET; THENCE SOUTHEASTERLY 158.84 FEET ON SAID NORTH RIGHT OF WAY LINE AND ON A 1150.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 82° 02' 12" EAST 158.71 FEET; THENCE SOUTH 78° 04' 47" EAST ON SAID NORTH RIGHT OF WAY LINE 569.05 FEET; THENCE SOUTHEASTERLY 218.45 FEET ON

SAID NORTH RIGHT OF WAY LINE AND ON A 1050.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 84° 02' 13" EAST 218.06 FEET TO A POINT 50.00 FEET NORTH OF THE SOUTH LINE OF SAID SOUTHEAST QUARTER; THENCE EAST ON SAID NORTH RIGHT OF WAY LINE 311.02 FEET; THENCE NORTH PERPENDICULAR TO SAID SOUTH LINE 693.00 FEET; THENCE NORTH 45° 05' 27" WEST 253.17 FEET TO THE EAST LINE OF THE WEST HALF OF SAID SOUTHEAST QUARTER AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE CONTINUING NORTH 45° 05' 27" WEST 952.29 FEET; THENCE WEST PARALLEL WITH SAID SOUTH LINE 604.36 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTH 00° 19' 31" WEST ON SAID EAST RIGHT OF WAY LINE 1055.10 FEET; THENCE NORTH 00° 19' 09" WEST ON SAID EAST RIGHT OF WAY LINE 46.28 FEET; THENCE EAST PARALLEL WITH SAID SOUTH LINE 1273.64 FEET TO THE EAST LINE OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 11; THENCE SOUTH 00° 24' 13" EAST ON SAID EAST LINE 45.71 FEET TO THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID NORTHEAST QUARTER; THENCE SOUTH 00° 22' 03" EAST ON THE EAST LINE OF THE WEST HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 11 A DISTANCE OF 1727.99 FEET TO THE POINT OF BEGINNING.

A location map of the eligible property included in this Brownfield Plan is presented as Figure 1.

The property meets the definition of a "brownfield," as defined by Public Act 381, the Brownfield Redevelopment Financing Act of 1996, as amended. The basis for this designation is the presence of environmental contaminants on the 6701 Portage Road parcel, which render the site a "facility" as defined by Part 201 of NREPA.

Tax increment revenues associated with personal property are not factored into the attached tables. However, this Brownfield Plan intends to capture tax increment revenues associated with personal property at the eligible property, if available.

I. Estimates of Residents and Displacement of Families

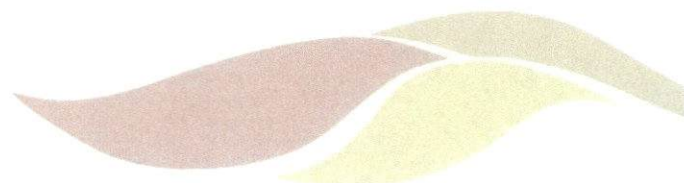
No residents or families will be displaced as a result of the project.

J. Plan for Relocation of Displaced Persons

Not applicable.

K. Provisions for Relocation Costs

Not applicable.

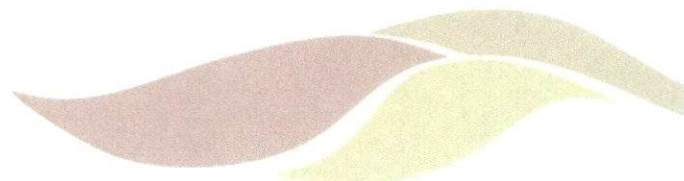


L. Strategy for Compliance with Michigan's Relocation Assistance Law

Not applicable.

M. Other Material that the Authority or Governing Body Considers Pertinent

Not Applicable.



EXHIBITS

- FIGURE 1: *Location Map*
FIGURE 2: *Site Plan*
FIGURE 3: *Proposed Site Plan*

SCHEDULES/TABLES

- TABLE 1: *Summary of Eligible Activities*
TABLE 2: *Estimate of Total Captured Incremental Taxes*
TABLE 3: *Estimate of Annual Effect on Taxing Jurisdictions*
TABLE 4: *Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction*
TABLE 5: *Estimated Reimbursement Schedule*

ATTACHMENTS

- NOTICE OF PUBLIC HEARING
NOTICE TO TAXING JURISDICTIONS
RESOLUTIONS OF SUPPORT AND APPROVAL

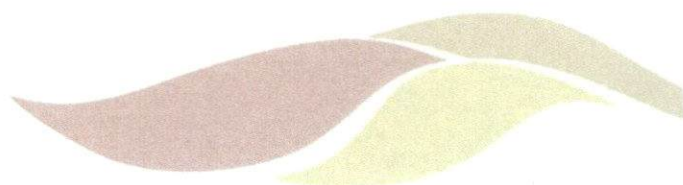


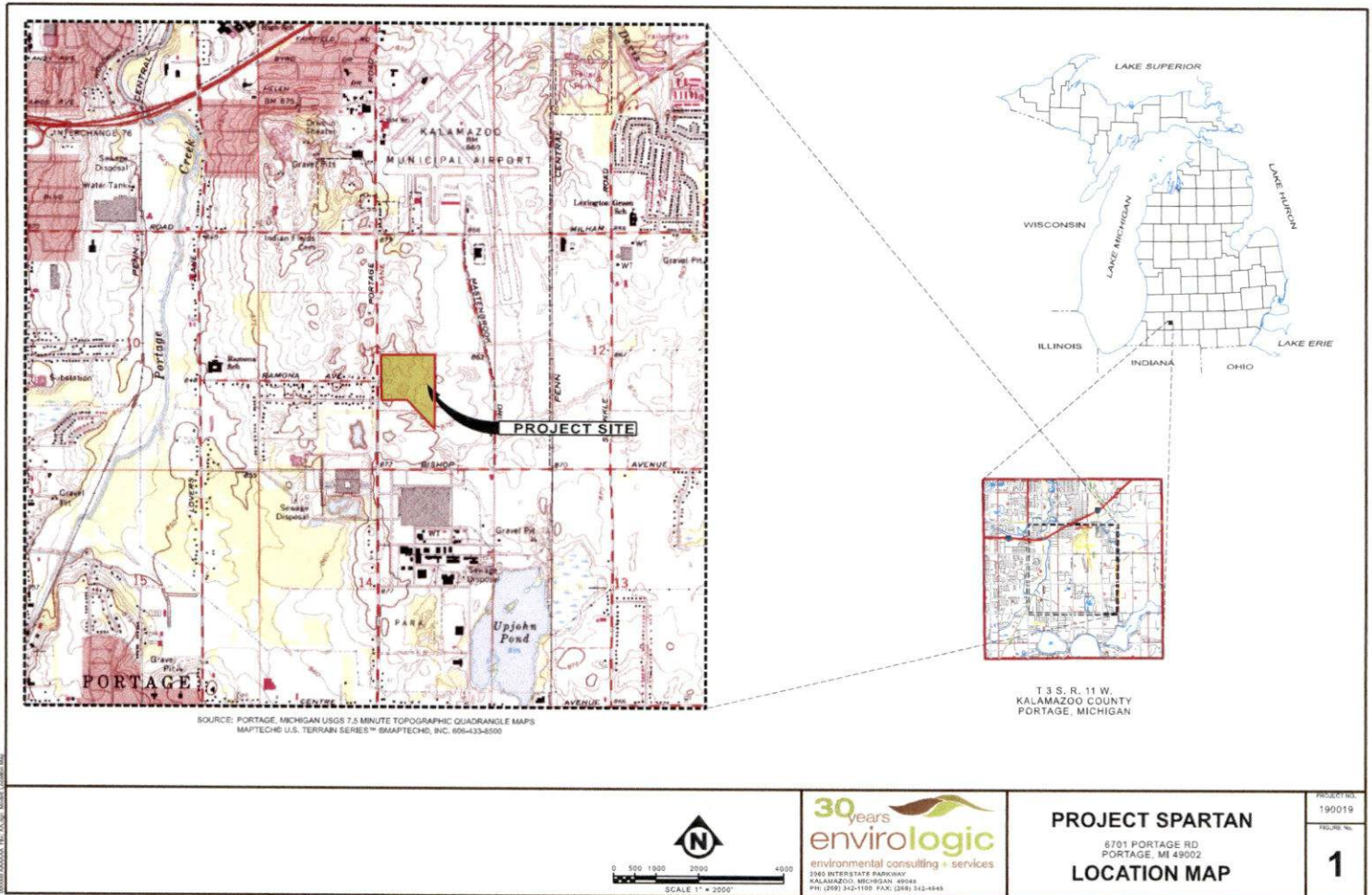
EXHIBITS

Figure 1: Location Map

Figure 2: Site Plan

Figure 3: Proposed Site Plan







NOTE:
THIS IS NOT A PROPERTY BOUNDARY SURVEY. PROPERTY BOUNDARIES SHOWN ON THIS MAP
ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND
SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

PROJECT SPARTAN

6701 PORTAGE RD
PORTAGE, MI 49002

SITE PLAN

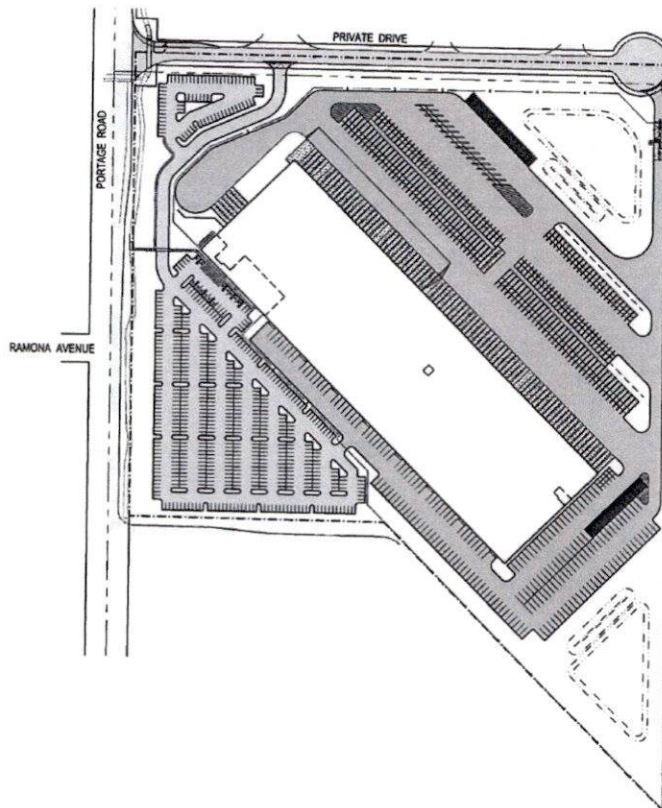
30 years
envirollogic
environmental consulting + services
200 ENTERPRISE PARKWAY
KALAMAZOO, MICHIGAN 49001
PH: (269) 342-1100 FAX: (269) 342-1845

PROJECT NO.
190019

FIGURE NO.
2

PROJECT SPARTAN

PORTAGE, MICHIGAN
6701 PORTAGE ROAD, PORTAGE, MI 49002



SECTION 11, TOWNSHIP 3 RANGE 18W
47°17'17\" N 81°32'38\" W
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- SEA SHEET NOTES**
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NOT FOR CONSTRUCTION





PARADIGM DESIGN
ARCHITECTS & ENGINEERS
1000 N. HAWTHORNE, SUITE 100
PORTAGE, MI 49002
(269) 221-1100
www.paradigm-design.com



PROJECT

6701 PORTAGE ROAD
PORTAGE, MI 49002

CLIENT

**MERIDIAN DESIGN
BUILD LLC**

6701 PORTAGE ROAD
PORTAGE, MI 49002

RELEASE DATE

1906097

SHEET

COVER SHEET

C-001

Figure 3: Proposed Site Plan

SCHEDULES/TABLES

- Table 1: Summary of Eligible Activities
- Table 2: Estimate of Total Captured Incremental Taxes
- Table 3: Estimate of Annual Effect on Taxing Jurisdictions
- Table 4: Captured Taxable Value and Tax Increment Revenue
by Year and Aggregate for Each Taxing Jurisdiction
- Table 5: Estimated Reimbursement Schedule



Table 1

Summary of Eligible Activities
Project Spartan
6701 Portage Road
Portage, MI

Eligible Activities		Estimated Cost
<u>Pre-Approved Activities</u>	State and Local	
Phase I ESA		\$ 4,279.00
Phase II ESA		\$ 5,035.00
Wetland Delineation		\$ 4,600.00
BEA/7aCA		\$ 6,500.00
<u>Due Care Activities</u>	Local Only	
Due Care Planning		\$ 2,000.00
<u>Dust Control</u>	Local Only	\$ 5,000.00
<u>Public Infrastructure Improvements</u>	Local Only	
Developer		\$ 30,000.00
City of Portage		\$ 2,750,000.00
<u>Site Demolition</u>	Local Only	\$ 25,500.00
<u>Soil Management</u>	Local Only	\$ 1,000,000.00
<u>Site Preparation</u>	Local Only	\$ 1,034,000.00
<u>Soft Costs (pertaining to eligible activities)</u>	Local Only	\$ 31,500.00
TOTAL COSTS OF ELIGIBLE ACTIVITIES		\$ 4,898,414.00
Financing Costs (2%)		\$ 234,902.44
Contingencies (15% of Developer costs to be incurred)		\$ 319,200.00
Contingencies (15% of City costs to be incurred)		\$ 412,500.00
Brownfield Plan Prep. (Developer-Local only)		\$ 10,000.00
Administrative & Operating Expense of the Authority:		
Brownfield Plan Implementation (State and Local)		\$ 214,000.00
TOTAL REIMBURSEMENTS		\$ 6,089,016.44
Captured and Disbursed to State Redevelopment Fund		\$ 34,340
Additional Capture for LBRF		\$ 1,475,676.98
Total		\$ 7,599,032.95

Table 2

Estimate of Total Captured Incremental Taxes

Project Spartan
6701 Portage Road
Portage, MI

Year	Annual Total Millage†	Initial Taxable Value	Tax Revenues from Initial Taxable Value	Estimated Future Taxable Value	Estimated Future Tax Revenues	Incremental Tax Revenues	Available for Authority Disbursements
2021	52.3287	\$ 553,489.00	\$ 28,963.91	\$ 12,000,000.00	\$ 627,956.40	\$ 598,992.49	\$ 564,652.95
2022	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2023	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2024	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2025	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2026	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2027	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2028	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2029	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2030	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2031	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2032	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2033	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2034	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2035	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2036	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2037	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2038	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2039	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2040	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2041	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2042	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2043	28.6292	\$ 553,489.00	\$ 15,845.95	\$ 12,000,000.00	\$ 343,550.40	\$ 327,704.45	\$ 327,704.45
2044							
2045							
TOTAL						\$ 7,808,490.45	\$ 7,774,150.91

† - Does not include debt millages

* - Total includes five year future capture to Local Brownfield Revolving Fund

"Availability for Authority Disbursement" column has removed the portion going to the State Brownfield Fund

School capture is only anticipated in Year 1 of the plan to allow for reimbursement of statutorily approved eligible activities. Reduction of millage in Year 2 of the plan is due to local-only capture.

Table 3

Estimate of Annual Effect on Taxing Jurisdictions

Project Spartan
6701 Portage Road
Portage, MI

SUMMER TAXES ¹										
Taxing Jurisdiction		State Ed Tax**	School Oper *	City of Portage	KVCC	KRESA-USD	County Operating	CCTA Transport	KCTA Transport	Total
Millage		6	17.7005	10.64	2.8089	6.0378	4.681	0.75	0.3145	48.9327
Initial Taxable Value	\$ 553,489.00	\$ 3,320.93	\$ 9,797.03	\$ 5,889.12	\$ 1,554.70	\$ 3,341.86	\$ 2,590.88	\$ 415.12	\$ 174.07	\$ 27,083.71
Future Taxable Value	\$ 12,000,000.00	\$ 72,000.00	\$ 212,406.00	\$ 127,680.00	\$ 33,706.80	\$ 72,453.60	\$ 56,172.00	\$ 9,000.00	\$ 3,774.00	\$ 587,192.40
Captured Taxable Value	\$ 11,446,511.00	\$ 68,679.07	\$ 202,608.97	\$ 121,790.88	\$ 32,152.10	\$ 69,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 560,108.69

WINTER TAXES ²										
Taxing Jurisdiction		District Library	County Public Safety	County Housing Fund	County Senior					Total
Millage		1.5	1.4472	0.0998	0.35					3.397
Initial Taxable Value	\$ 553,489.00	\$ 830.23	\$ 801.01	\$ 55.24	\$ 193.72					\$ 1,880.20
Future Taxable Value	\$ 12,000,000.00	\$ 18,000.00	\$ 17,366.40	\$ 1,197.60	\$ 4,200.00					\$ 40,764.00
Captured Taxable Value	\$ 11,446,511.00	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28					\$ 38,883.80

1. Based on millages from 2019 taxes
 2. Based on millages from 2019 taxes
 3. Half of captured SET conveyed to State Brownfield Redevelopment Fund
 4. SET and School Operating only collected until statutorily approved eligible activities are reimbursed.
 Not captured: school debt 7.35 mills, juvenile home 0.1873
 KRESA shown as millage available for capture (minus 0.3650 debt)
 School/Local 45.29%/54.71%

Total Millage	59.8670
Total Annual Future Tax Liability	\$ 627,956.40
Total Capturable Local Millages	28.6292
Total Annual Capturable Local Tax Increment	\$ 327,704.45
Total Capturable School Millage ³	23.7005
Total Annual Capturable School Tax Increment ⁴	\$ 271,288.03
Total School and Local Tax Increment Revenue Yr	\$ 598,992.49
Total Capturable School and Local Millages	52.3297

Table 4

Captured Taxable Value and Tax Increment Revenue by Year and Aggregate for Each Taxing Jurisdiction

Project Spartan
6701 Portage Road
Portage, MI

Year	Available Captured Taxable Value	State Ed Tax	School Oper	City of Portage	K/VCC	K/RENA/ISD	County Operating	C/CTA Transport	K/CTA Transport	District Library	County Public Safety	County Housing Fund	County Senior	Total
		\$ 68,679.07	\$ 17,700.5	\$ 10.64	\$ 2,808.9	\$ 6,037.8	\$ 4,681	\$ 0.75	\$ 0.3145	\$ 1.5	\$ 1,447.2	\$ 0.0998	\$ 0.35	
2021	\$ 11,446,511.00	\$ 68,679.07	\$ 202,608.07	\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 566,992.49
2022	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2023	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2024	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2025	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2026	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2027	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2028	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2029	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2030	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2031	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2032	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2033	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2034	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2035	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2036	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2037	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2038	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2039	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2040	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2041	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2042	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2043	\$ 11,446,511.00			\$ 121,790.88	\$ 32,152.10	\$ 89,111.74	\$ 53,581.12	\$ 8,584.88	\$ 3,599.93	\$ 17,169.77	\$ 16,565.39	\$ 1,142.36	\$ 4,006.28	\$ 327,704.45
2044				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
2045				\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
TOTAL CAPTURED TAXES		\$ 68,679.07	\$ 202,608.07	\$ 2,801,190.17	\$ 739,498.41	\$ 1,589,570.11	\$ 1,232,365.71	\$ 197,452.31	\$ 82,798.34	\$ 304,804.63	\$ 381,003.99	\$ 26,274.32	\$ 92,144.41	\$ 7,806,490.45

1 Half of captured SET conveyed to State Brownfield Redevelopment Fund

2 SET and School Operating only collected until statutorily approved eligible activities are reimbursed.

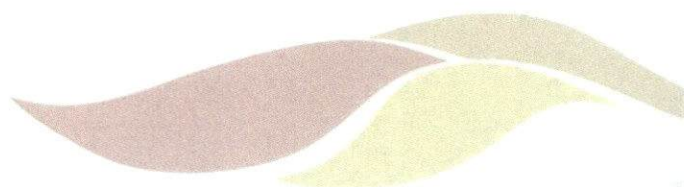
Table 5
Estimated Reimbursement Schedule
Project Spartan
6701 Portage Road
Portage, MI

Year	Incremental Taxes Capturable			Funds Disbursed											Interest Calculation (2% Simple Interest)				
				City (State)	City (Local)	Developer (State)	Developer (Local)	Developer	State Brownfield Redevelopment Fund	Administrative & Operating Expense (State)	Administrative & Operating Expense (Local)	Local Brownfield Revolving Fund (State)	Local Brownfield Revolving Fund (Local)	Principal Due (Developer)	Principal Remaining (Year End) (Developer)	Interest Accrued			
School	Non-School	Aggregate					Principal Balance	Principal Payment	Interest Balance	Interest Payment									
2021	\$ 271,288.03	\$ 327,704.45	\$ 598,992.49			\$ 9,245.50	\$ 312,704.45	\$ 2,477,614.00	\$ 321,949.95	\$ 49,552.28		\$ 34,339.53	\$ 9,000.00	\$ 15,000.00	\$ 9,245.50		\$ 2,477,614.00	\$ 2,155,664.05	\$ 49,552.28
2022		\$ 327,704.45	\$ 327,704.45				\$ 312,704.45	\$ 2,155,664.05	\$ 312,704.45	\$ 43,113.28			\$ -	\$ 15,000.00			\$ 2,155,664.05	\$ 1,842,959.59	\$ 43,113.28
2023		\$ 327,704.45	\$ 327,704.45				\$ 312,704.45	\$ 1,842,959.59	\$ 312,704.45	\$ 36,859.19			\$ -	\$ 15,000.00			\$ 1,842,959.59	\$ 1,530,255.14	\$ 36,859.19
2024		\$ 327,704.45	\$ 327,704.45				\$ 317,704.45	\$ 1,530,255.14	\$ 317,704.45	\$ 30,605.10			\$ -	\$ 10,000.00			\$ 1,530,255.14	\$ 1,212,550.69	\$ 30,605.10
2025		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 1,212,550.69	\$ 235,778.34	\$ 24,251.01			\$ -	\$ 10,000.00			\$ 1,212,550.69	\$ 978,772.35	\$ 24,251.01
2026		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 978,772.35	\$ 235,778.34	\$ 19,535.45			\$ -	\$ 10,000.00			\$ 978,772.35	\$ 740,994.01	\$ 19,535.45
2027		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 740,994.01	\$ 235,778.34	\$ 14,819.88				\$ 10,000.00			\$ 740,994.01	\$ 505,215.67	\$ 14,819.88
2028		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 505,215.67	\$ 235,778.34	\$ 10,104.31				\$ 10,000.00			\$ 505,215.67	\$ 269,437.33	\$ 10,104.31
2029		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 269,437.33	\$ 235,778.34	\$ 5,388.75				\$ 10,000.00			\$ 269,437.33	\$ 33,658.99	\$ 5,388.75
2030		\$ 327,704.45	\$ 327,704.45		\$ 81,926.11		\$ 235,778.34	\$ 33,658.99	\$ 33,658.99	\$ 673.18	\$ 202,119.35			\$ 10,000.00			\$ 33,658.99	\$ 33,658.99	\$ 673.18
2031		\$ 327,704.45	\$ 327,704.45		\$ 284,921.37		\$ 32,783.09				\$ 32,783.09			\$ 10,000.00					
2032		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2033		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2034		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2035		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2036		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2037		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2038		\$ 327,704.45	\$ 327,704.45		\$ 317,704.45									\$ 10,000.00					
2039		\$ 327,704.45	\$ 327,704.45		\$ 162,090.79									\$ 10,000.00					
2040		\$ 327,704.45	\$ 327,704.45											\$ 10,000.00		\$ 155,613.67			
2041		\$ 327,704.45	\$ 327,704.45													\$ 327,704.45			
2042		\$ 327,704.45	\$ 327,704.45													\$ 327,704.45			
2043		\$ 327,704.45	\$ 327,704.45													\$ 327,704.45			
2044																			
2045																			
Totals	\$ 271,288.03	\$ 7,537,202.41	\$ 7,808,490.45	\$ -	\$ 3,162,500.00	\$ 9,245.50	\$ 2,703,270.94	\$ 2,477,614.00	\$ 234,902.44	\$ 234,902.44	\$ 234,902.44	\$ 34,339.53	\$ 9,000.00	\$ 205,000.00	\$ 9,245.50	\$ 1,466,431.48			\$ 234,902.44

Developer reimbursement including contingency = \$ 2,477,614.00 Developer reimbursement including cont. and interest= \$ 2,712,516.44
State and local (developer)= \$ 20,414.00 (Statutorily Pre-Approval Activities)
Max school capture (developer)= \$ 9,245.50
City reimbursement including contingency (local-only)= \$ 3,162,500.00 City annual reimbursement portrayed as 25% of available annual TIR until developer fully reimbursed
Authority reimbursement (state and local)= \$ 214,000.00
\$ 9,000.00 chosen as reasonable state portion for implementation costs of the Authority (incurred Year 1)
1.2 of captured SET to State BF Fund
Remaining school tax capture in 2021 will be returned to schools, estimated \$ 209,457.50
*Simple interest paid after all principal is paid, 2030 is estimated final reimbursement and commencement of interest payment
LBRF Cap set at \$1,500,000

ATTACHMENTS

- NOTICE OF PUBLIC HEARING
- NOTICE TO TAXING JURISDICTIONS
- RESOLUTIONS OF SUPPORT & APPROVAL



Brownfield Redevelopment Authority

Minutes of Meeting – Tuesday, October 4, 2019

The meeting of the City of Portage Brownfield Redevelopment Authority was called to order by Chairman Barker at 8:05 a.m. in Conference Room 1, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan.

MEMBERS PRESENT: Eric Alburtus, Jeffrey Monroe, Bradley Galin, Jacob Barker, Devrim Yaman, John Herberg and Daniel Vomastek

MEMBERS EXCUSED: Keith Lewandowski and William Lenehan

IN ATTENDANCE: Vicki Georgeau, Community Development Director; Christopher Forth, Deputy Director; Dave Stegink, Envirologic; Therese Searles, Envirologic; Joe Agostinelli, Southwest Michigan First; Ken Peregion, Kalamazoo County Brownfield Redevelopment Authority.

APPROVAL OF MINUTES: The minutes from the July 23, 2019 meeting were introduced for approval. A motion was offered by Monroe, seconded by Galin to approve the minutes as submitted. The motion was approved 7-0.

BUSINESS:

1. Brownfield Redevelopment Authority Training. Dave Stegink and Therese Searles, Envirologic, were present and provided the Authority members with brownfield redevelopment information related to the types of eligible brownfield projects, benefits of a brownfield redevelopment program to the city and development community, overview of brownfield plans, types of eligible activities, example projects and local brownfield revolving fund. Searles explained in detail tax increment revenue and tax increment financing. Searles also explained that debt millages cannot be captured and taxing agencies cannot opt out. Georgeau clarified that the City Assessor must determine if a building is functionally obsolete. Georgeau also directed the Authority members to the Project Spartan Brownfield Redevelopment Plan contained in the agenda and explained the tax increment component.

Herberg asked for clarification on the note or bonded indebtedness. Searles indicated the Authority could incur debt in an effort to help finance the project but none is proposed for the Project Spartan Brownfield Plan. Yaman asked if an assessment is completed at the end of the project to determine actual benefits. Searles explained that an annual report must be submitted to the State of Michigan that includes information related to the project. Georgeau explained that the Kalamazoo County Brownfield Redevelopment Authority (KCBRA) will report on plans approved by KCBRA and the City of Portage Brownfield Redevelopment Authority (PBRA) will report on plans approved by the PBRA. Georgeau noted the PBRA will review and approve reimbursement requests.

2. Kalamazoo County Brownfield Redevelopment Plan for Project Spartan, 6701 Portage Road. Georgeau summarized the staff report dated September 27, 2019 in which Scannell Properties has requested assistance through the KCBRA with eligible environmental, public infrastructure and site preparation activities related to a development project located at 6701 Portage Road. The development project involves construction of an approximate 321,000 square foot distribution facility and associated site improvements. The level of investment is anticipated to be \$25 million with another estimated \$15-20 million in personal property. When fully operational the facility will have 766 employees with the potential for 158 additional contract employees. Georgeau summarized the eligible activities and also the partnership with Scannell Properties and the KCBRA on the reconstruction of Portage Road from I-94 to Romence Road to improve safety and address the impact on the roadway from the added truck traffic related to this project.

Alburtus asked about the impact that the proposed project may have on airport operations and future expansion. Georgeau stated the project has been reviewed by airport officials. Yaman asked why the tenant has not been disclosed. Georgeau stated Scannell Properties has not yet executed a lease with the proposed tenant. Yaman also asked why the site plan was conditionally approved by the Planning Commission. Georgeau stated engineering detailed needed to be finalized. Barker asked for information related to employee salaries. Agostinelli stated specific information is not available but did note they are good paying jobs. Barker also asked about tax appeals. Georgeau noted the policies between the county and city are different. Since this is a county plan, Georgeau stated that if an appeal is filed, tax dollars collected for reimbursement are held in escrow until the appeal process has completed. Agostinelli explained the KCBRA Local Brownfield Revolving Fund (LBRF) and how it works throughout the county. Agostinelli stated the amount collected for the LBRF cannot exceed the total amount of eligible activities, capture is limited to no more than five years and the five-year period of capture must be within the 30-year total tax capture period. Georgeau noted the amount of LBRF tax capture and length of time is negotiable. Peregon also noted the KCBRA has an EPA grant program. Georgeau indicated she had obtained a copy of the application and will be submitted for a grant to assist with improvement of 8509 Portage Road. Herberg noted the Plan was lacking detail related to the amount of contamination and suggested that a copy of the original laboratory analysis be appended to the Brownfield Plan. Stegink stated the laboratory analysis is not typically included with the Brownfield Plan. Georgeau indicated staff has a copy of the laboratory analysis and it consists of approximately 100 pages. Herberg stated as long as the city has a copy, it doesn't need to be attached to the Brownfield Plan.

There being no further discussion, a motion was offered by Vomastek, seconded by Yaman that the Brownfield Redevelopment Authority recommend to City Council that the resolution of support involving the KCBRA Brownfield Redevelopment Plan for Project Spartan, 6701 Portage Road, be approved. The motion was approved 7-0.

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business to come before the Authority, the meeting was adjourned at 9:25 a.m.

Respectfully submitted,

Vicki Georgeau, Director

CITY OF PORTAGE

**RESOLUTION APPROVING A BROWNFIELD PLAN PURSUANT TO AND
IN ACCORDANCE WITH THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS OF THE
STATE OF MICHIGAN OF 1996, AS AMENDED**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held on _____, 2019 at 7:00 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, the City of Portage, pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, being Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority of Kalamazoo County (the "Authority") and has designated that all related activities shall proceed through the Authority; and

WHEREAS, the Authority, pursuant to and in accordance with Section 13 of the Act, has reviewed, adopted and recommended for approval by the City Council of the City of Portage, the Brownfield Plan (the "Plan") attached hereto, to be carried out within the City, relating to the redevelopment of the industrial property located at 6701 Portage Road, Portage, Michigan; and

WHEREAS, the City Council of the City of Portage, has reviewed the Plan, and was provided a reasonable opportunity to express its views and recommendations regarding the Plan.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Portage concurs with the provisions of the Plan in the form attached to this Resolution; and

BE IT FURTHER RESOLVED that should any section, clause or phrase of this Resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

All resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED: _____

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

Adam Herringa, City Clerk

CERTIFICATION

I, Adam Herringa, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2019.

Adam Herringa, City Clerk

Approved as to form:

Date: 9/25/2019

City Attorney

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BROWNFIELD PLAN DEVELOPMENT AGREEMENT

(City of Portage)

THIS BROWNFIELD PLAN DEVELOPMENT AGREEMENT (the "Agreement"), is entered into between the **KALAMAZOO COUNTY BROWNFIELD REDEVELOPMENT AUTHORITY**, a Michigan public body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended, MCL 125.2651 et seq. ("Act 381"), whose address is 201 W. Kalamazoo Avenue, Room 101, Kalamazoo, Michigan 49007 (the "Authority"), and the **CITY OF PORTAGE**, Michigan, (the "City"), as of the latest date of signature below.

RECITALS

WHEREAS, the Authority, the City, and Kalamazoo County (the "County") have determined that brownfield redevelopment constitutes the performance of an essential public purpose which protects and promotes the public health, safety and welfare;

WHEREAS, Kalamazoo County has established a Brownfield Redevelopment Authority and the Authority and the County have adopted a Brownfield Plan (the "Plan"), pursuant to the provisions of Act 381;

WHEREAS, the Authority and the County have designated certain properties that have conditions of environmental contamination, blight or obsolescence as appropriate sites for creating a Plan;

WHEREAS, Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the "Increment") to brownfield sites constituting Eligible Property under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs of conducting Eligible Activities (these costs are referred to as "Eligible Costs") and, unless Developer is a liable party for the site contamination, permits the reimbursement to Developer of Eligible Costs it has incurred;

WHEREAS, Scannell Properties #397, LLC, an Indiana limited liability company ("Developer"), owns 37.4 acres of land in the City of Portage in Kalamazoo County located at 6701 Portage Road (the "Property") and legally described on the attached Exhibit A;

WHEREAS, the Property has been included in the Plan, and the Authority has determined that the Property qualifies as "Eligible Property" under the terms of Act 381;

WHEREAS, Developer intends to redevelop the Property, by constructing a 321,000 square foot distribution center (the "Project"), with: total investment in the Project expected over \$25 million, including new building construction, asphalt parking and drives, two stormwater detention basins, and other improvements; total job creation at the Property location is expected to be at least 766 full time jobs, and a potential of 158 additional contract employees , resulting in an increase of the property tax base within the City and County;

WHEREAS, the Project will require the Developer to incur Eligible Costs associated with certain Eligible Activities which may require the services of various contractors, engineers,

environmental consultants, attorneys and other professionals ("Developer Eligible Costs"), (the Developer's Eligible Costs not to exceed \$2,158,414, plus contingencies and together with interest thereon as specified in the Plan);

WHEREAS, the Authority and the Developer intend to enter into a Brownfield Plan Development Agreement (the "Scannell Development Agreement") to establish the procedure for reimbursement of Developer's Eligible Costs from Tax Increment Revenues under Act 381 as amended;

WHEREAS, the City will incur Eligible Costs in connection with the Project, consisting of public infrastructure which is expected to include reconstruction and related traffic signal improvements for two sections of Portage Road ("City Eligible Costs") (the City Eligible Costs not to exceed \$2,750,000, plus contingencies) as provided in Section 4;

WHEREAS, the Authority will incur Administrative Costs in connection with the Project and intends to capture an additional amount not to exceed \$1,500,000 (the "Additional Authority Amount"), such Additional Authority Amount to be designated for the Local Brownfield Revolving Fund ("Local Fund");

WHEREAS, the Authority and City are entering into this Agreement to establish the procedure for the reimbursement of the City Eligible Costs, Administrative Costs, and the Additional Authority Amount from Tax Increment Revenues under Act 381 as amended,

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth herein, the parties agree as follows:

1. Recitals. The above recitals are acknowledged as true and correct, and are incorporated by reference into this Paragraph.

2. The Plan. The Plan, approved by the Authority and the Commission of the County, concurred by the City, is attached as Exhibit B and incorporated as part of this Agreement. To the extent provisions of the Plan or this Agreement conflict with Act 381, Act 381 controls.

3. Term of Agreement. Pursuant to the Plan, the Authority shall capture that amount of Tax Increment Revenues generated from real and personal property taxes allowed by law on the Eligible Property. The Authority intends for capture to begin in the second year after the year of the establishment of the Plan and will continue until the earlier of:

3.1 Full reimbursement to the Authority of its Administrative Costs, plus full reimbursement to the Developer of its Developer Eligible Costs together with interest thereon as provided in the Scannell Development Agreement, plus full reimbursement to the City of its City Eligible Costs together with Interest thereon as provided in Section 4, plus full payment to the Local Fund of the Additional Authority Amount; or

3.2 the last day of the 30th year of capture (the "End Date").

4. Reimbursement Source. During the term of this Agreement and except as otherwise set forth in this Agreement, the Authority shall reimburse the City for its City Eligible Costs, as limited under and set forth in this Agreement, from all available Tax Increment Revenues collected from the real and personal property taxes on the Property.

5. Reimbursement Process.

5.1 Cost Reimbursement Request. The City will provide sufficient documentation of the City Eligible Costs incurred, including the dates of each Eligible Activity, a complete description of the work, proof of payment, detailed invoices for the costs involved for each Eligible Activity, sworn statements, lien waivers and other back up documentation reasonably requested by the Authority, and a written statement certifying to the Authority that all such costs are "Eligible Costs". The information submitted by the City shall itemize and provide detail including amounts paid to the contractors and subcontractors who actually conducted the work related to the Eligible Activities, plus the reasonable cost of oversight of those contractors and subcontractors by the general contractor. The City may not request reimbursement prior to substantial completion of all of its Eligible Activities, and the City must submit all requests within twelve (12) months following substantial completion of all of its Eligible Activities. Failure to provide the above noted information with a request, or within the twelve-month period following substantial completion of all of its Eligible Activities or within the time permitted by the Authority under Paragraph 5.2, may result in foregone reimbursement. The Authority shall not reimburse any additional amounts to the City once the Authority begins paying the Additional Authority Amount to the Local Fund.

5.2 Authority Staff Review. The Authority Staff shall review each reimbursement request within 30 days after receiving it. If Authority Staff determines that the documentation submitted by the City is not complete, then City shall cooperate in the Authority's review by providing, within 30 days of the Authority's request, any additional documentation of the Eligible Costs as deemed reasonable and necessary by the Authority in order to complete its review. Within 45 days following the receipt of such supplemental information, the Authority shall make the determination of whether the costs are eligible for reimbursement. If the City wishes to challenge that determination, it shall provide written notice to the Authority within 15 days of the determination, and the issue shall be brought to the Authority within 45 days thereafter for a final determination. The City shall not have any further appeal rights to challenge the final determination of the Authority and shall not be entitled to any claim or cause of action against Kalamazoo County or the Authority as a result of any determinations made in good faith regarding whether or not any cost submitted by the City constitutes an "Eligible Cost," and hereby grants the County and the Authority and their respective officers, agents and employees, a complete release and waiver of any claims or causes of action as a result of the foregoing.

5.3 Reimbursement. After both the summer and winter taxes are captured and collected on the Property, the Authority shall use such Tax Increment Revenue (TIR) to make payments in the following order of payment and priority:

- a. 100% to the Authority until reimbursement in full of all of its Administrative Costs; then

- b. 100% of the available remaining TIR to pay approved Developer Eligible Costs plus interest, if any, to the Developer in accordance with the Plan and Scannell Development Agreement, except that, once the City has completed the City Project Work, then 75% of the available remaining TIR shall be paid to Developer and 25% of the available remaining TIR shall be paid to the City until the Developer has been paid in full; then
- c. 100% of the available remaining TIR to the City until payment in full of all City Eligible Costs; and then
- d. 100% to the Local Fund until payment in full of the Additional Authority Amount.

Notwithstanding the foregoing: Reimbursement payments shall be made only to the extent that taxes have been captured and TIR is available in that fiscal year; and in no event shall any party other than the Authority receive TIR after the 25th year of capture.

5.4 Method of Reimbursement. The Authority will reimburse the City for City Eligible Costs as follows:

Checks shall be payable to: "City of Portage"

Delivered by U.S. Mail to the following address:

Treasury Office
7900 South Westnedge Avenue
Portage, Michigan 49002

6. Adjustments. The parties acknowledge that adjustments regarding the amount of Tax Increment Revenue paid to the City may occur under any of the following circumstances:

6.1 Audit or Court Ruling: In the event that a state agency of competent jurisdiction conducting an audit of payments made to the City under this Agreement or a court of competent jurisdiction determines that any portion of the payments made to the City under this Agreement is unlawful, the City shall pay back to the Authority that portion of the payments made to the City within 30 days of the determination made by a state agency or the court as the case may be. However, the City shall have the right, before any such repayment is made, to appeal any such determination made by a state agency or court as the case may be. If the City is unsuccessful in such an appeal, the City shall repay the portion of payments found to be unlawful to the Authority within thirty (30) days of the date when the final determination is made on the appeal. The City shall be responsible for payment of all of the County's and Authority's reasonable legal fees associated with any determination of whether a City Eligible Cost for which reimbursement is requested constitutes an "Eligible Cost".

6.2 Property Tax Appeal: In the event the Developer, or any other owner of any portion of the Property, files an appeal with the Michigan Tax Tribunal, related to the taxable

value of parcels of property included in the Brownfield Plan, the Authority shall do the following:

- a. The Authority will remit Tax Increment Financing Reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal;
- b. Any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal shall be held in a separate account of the Authority until the pending appeal is adjudicated;
- c. Once any tax appeals are adjudicated, the Authority will either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or will make payments pursuant to Section 5 of this agreement.

7. Cooperation. The City shall assist and cooperate with the Authority in providing information that the Authority may require in providing necessary reports to governmental or other agencies, including, but not limited to, information regarding the amount of City expenditures and capital investments with respect to the Project.

8. City's Representations, Warranties and Covenants. The City hereby makes the following representations, warranties and covenants:

8.1 Eligible Costs. The City will only submit for reimbursement under Paragraph 5 hereof such costs that it has reasonably determined are "Eligible Costs" within the meaning of Act 381.

8.2 Due Authorization. The representatives signing this Agreement are duly authorized by the City to enter into this Agreement.

9. Events of Default. Each of the following shall constitute an event of default:

9.1 Any representation or warranty made by the City in this Agreement proves to have been incorrect or incomplete in any material respect when made or deemed to be made.

9.2 The City fails to submit requests within the time periods required by the Agreement or otherwise fails to observe or perform any covenant or agreement contained in this Agreement for 30 days after written notice thereof shall have been given to the City by the Authority.

9.3 Any material provision of this Agreement shall cease to be valid and binding on the City or shall be declared null and void; the validity or enforceability of such provision shall be contested or denied by the City; or the City denies that it is bound by this Agreement.

10. Remedies upon Default. It is the intent of the parties to work cooperatively to allow the City to receive reimbursement of City Eligible Costs plus Interest in accordance with the terms of this Agreement. However, if any event of default as defined above shall occur and be continuing for 30 days after written notice of default from the Authority, the Authority shall have

the right, but not the obligation, to terminate this Agreement effective immediately upon notice to City, and exercise all other remedies available at law or in equity.

11. Legislative Authorization. This Agreement is governed by and subject to the restrictions set forth in the Act. In the event that there is legislation enacted in the future which alters or affects the amount of Tax Increment Revenues subject to capture, Eligible Properties, or Eligible Activities, then the City's rights and the Authority's obligations under this Agreement may be modified accordingly by agreement of the parties.

12. Plan Modification. The Plan and this Agreement may be modified to the extent allowed under the Act by mutual agreement of the parties.

13. Notices. All notices and other communications required or permitted under this Agreement shall be in writing, shall be deemed given when delivered, and shall be sent by personal delivery, overnight courier, or registered mail, return receipt requested, to the following addresses (or any other address that is specified in writing by either party):

If to City:	City of Portage Department of Community Development 7900 South Westnedge Avenue Portage, Michigan 49002 Attn: Christopher Forth, Acting Director
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If to the Authority:	Kalamazoo County Brownfield Redevelopment Authority 201 W. Kalamazoo Avenue, Room 207 Kalamazoo, Michigan 49007 Attention: Rachael A. Grover, Brownfield Coordinator
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With copy to:	Fred Schubkegel Varnum, LLP 211 East Water Street, Ste. 400 Kalamazoo, MI 49007
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14. Indemnification. To the extent permitted by Michigan law, City shall defend, indemnify and hold harmless the Authority and the County ("Indemnified Parties"), and any of their respective past, present and future members, officials, employees, agents or representatives from all Losses, demands, claims, judgments, suits, costs and expenses (including without limitation the reasonable costs and fees of attorneys or other consultants) (collectively "Losses") arising from or related to (i) the capture and use of Tax Increment Revenue paid to City as a reimbursable payment under this Agreement made in excess of the amount of tax increment revenues the Authority is determined by the State or court to be allowed by law to use for that reimbursement, (ii) any negligence, intentional acts, errors or omissions of the City or its employees, contractors or agents related to the Project, or (iii) any breach of this Agreement by the City, provided however that City shall not be required to indemnify Indemnitees for Losses (including injury or death) caused by the negligence or intentional misconduct of any

Indemnatee. In providing the indemnifications set forth above, the City is not waiving any defenses otherwise available to it by law.

15. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Michigan.

16. Binding Effect/Third Parties. This Agreement is binding on and shall inure to the benefit of the parties to this Agreement and their respective successors, but it may not be assigned by any party without the prior written consent of the other party. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement other than the County.

17. Waiver. No failure of either party to complain of any act or omission on the part of the other party, no matter how long this same may continue, is considered as a waiver by that party to any of its rights hereunder. No waiver by either party, expressed or implied, of any breach of any provision of this Agreement is considered a waiver or a consent to any subsequent breach of this same or other provision.

18. Authorization. Each of the parties represents and warrants to the other that this Agreement and its execution by the individual on its behalf are authorized by the governing body of that party.

19. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to the subject matter. There are no other understandings or agreements between them.

20. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

21. Definitions. The following capitalized terms are used in this Agreement with the following meanings:

"Administrative Costs" means the Authority's out-of-pocket costs associated with the Project (including reasonable attorney fees and costs, environmental consulting fees and costs, and similar fees and costs) as well as the Authority's indirect costs associated with the Project (including allocation of the fixed costs of the Authority staff.)

"Brownfield Plan" is defined by Section 2(e) of Act 381;

"Due Care Activities" is defined by Section 2(m) of Act 381;

"Eligible Activities" is defined by Section 2(o) of Act 381;

"Eligible Property or Properties" is defined by Section 2(p) Act 381;

"Tax Increment Revenues" is defined by Section 2(ss) of Act 381, and, for purposes of this Agreement, includes school taxes and local (non-school) taxes.

22. Unavoidable Delays (Force Majeure). Each party shall diligently perform its respective duties as set forth herein. However, notwithstanding anything to the contrary in this Agreement, no party shall be deemed to be in default in the performance of such duties including failure to complete any obligations by specific deadline dates, if and so long as nonperformance of such

duty shall be directly caused by fire or other casualty, national emergency, condemnations, enemy action, civil commotion, labor disputes, strikes, lockouts, war or national defense preemptions, acts of God, action or non-action by public utilities or of local city, state or federal governments, changes in law, litigation, environmental conditions on the Project not discovered during any due diligence period or any other similar cause beyond the reasonable control of such party (herein referred to as an "Unavoidable Delay"), and the time limit for such performance shall be extended for a period equal to the time period of such Unavoidable Delay; provided, however, that the party unable to perform (the "Non-Performing Party") shall provide written notice to the other party to which duty is owed within ten (10) days after notice to such Non-Performing Party of its failure to perform or within ten (10) days after the Non-Performing Party otherwise becomes aware that an Unavoidable Delay with respect to one of its duties has occurred or will likely occur, whichever shall first occur, of the existence and nature of such Unavoidable Delay. Thereafter, the Non-Performing Party shall work diligently in good faith to overcome such Unavoidable Delay and shall, from time to time, keep the other party to which such duty is owed reasonably informed of all developments concerning the Unavoidable Delay and the nonperformance of such duty or duties.

23. Freedom of Information Act. The parties stipulate that all requests and documentation submitted by them shall be open to the public under the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, being Sections 15.231 et seq. of the Michigan Compiled Laws.

[SIGNATURES APPEAR ON NEXT PAGE]

In witness of their intent to be legally bound by the terms of this Agreement, each of the parties has set forth its signature below by its duly authorized representative.

KALAMAZOO COUNTY BROWNFIELD
REDEVELOPMENT AUTHORITY

By _____

Title _____

Date _____

CITY OF PORTAGE

By _____

Title _____

Date _____

APPROVED AS TO FORM
DATE 10/15/2019
[Signature]
CITY ATTORNEY

EXHIBITS:

A (Legal Description of Property)

B (Copy of Brownfield Plan)

15451697_1.docx

EXHIBIT A

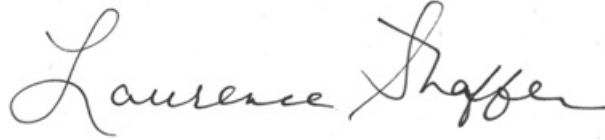
LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
BROWNFIELD PLAN

15451697_1.docx

TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Memorandum of Understanding between the City of Portage and Michigan
Department of Natural Resources

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks, Recreation & Senior Citizen
Services

ACTION RECOMMENDED: Approve the Memorandum of Understanding between the City
of Portage and the Michigan Department of Natural Resources
as the first step toward the development of an annual
Memoranda of Agreement, and authorize the City Manager to
execute all documents related to these actions on behalf of the
city.

The Gourdneck State Game Area (GSGA) is a popular destination for the Portage community, and hosts a variety of wildlife including rare plant and animal species. The GSGA entails two parcels comprised of a 155-acre property at 3701 West Centre Avenue and a 222-acre property at 2501 West Centre Avenue which totals 377 acres of land located between Centre Avenue and Vanderbilt Avenue.

The City of Portage and Michigan Department of Natural Resources (MDNR) wish to develop the GSGA as a model for an Urban State Game Area to introduce urban communities to hunting, wildlife and nature. Both parties wish to engage the local community and provide improved access for hunters, wildlife watchers, outdoor enthusiasts, and people with disabilities. The best way to accomplish this goal is to establish a strong group of partnerships, and the Memorandum of Understanding (MOU) is the first step.

The MOU is effective from the date signed through September 30, 2029, and supports the City of Portage and the MDNR in developing an annual Memoranda of Agreement (MOA) to identify resources, projects and activities each will provide. Some of these activities may include improving parking access and restrooms, and installing a fishing dock on Hampton Lake, as well as the provision of trash pickup, plowing and Park Ranger patrol services.

It is recommended that City Council approve the Memorandum of Understanding between the City of Portage and the Michigan Department of Natural Resources as the first step toward the development of an annual Memoranda of Agreement, and authorize the City Manager to execute all documents related to these actions on behalf of the city.

FUNDING: None

- Attachments:**
1. Memorandum of Understanding with MDNR for the Gourdneck State Game Area
 2. MDNR Gourdneck State Game Area Map

MEMORANDUM OF UNDERSTANDING

Between
THE STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
And

PARTNER City of Portage	PRIMARY CONTACT Laurence Shaffer, City Manager
EMAIL shafferl@portagemi.gov	TELEPHONE 269-329-4400

PARTNER City of Portage	PRIMARY CONTACT Kathleen Hoyle, Director of Parks, Recreations and Senior Citizen Services
EMAIL hoylek@portagemi.gov	TELEPHONE 269-329-4522

MICHIGAN DEPARTMENT OF NATURAL RESOURCES Wildlife Division	PRIMARY CONTACT Don Poppe, Wildlife Biologist
EMAIL popped@michigan.gov	TELEPHONE 269-673-2430

AGREEMENT SUMMARY		
BRIEF DESCRIPTION OF PURPOSE	This MOU is to support collaborative efforts between MDNR and the City of Portage to improve access and development on Gourdneck State Game Area(GSGA)within the city limits of Portage, Michigan. Additionally, this MOU supports both parties in developing annual Memoranda of Agreement on what resources, projects and activites each will provide.	
BEGIN DATE	END DATE	AMOUNT
Date of signature	09/30/2029	\$n/a

The parties' authorized representatives who shall be responsible for carrying out the provisions and approve of this agreement are:

City of Portage _____ Michigan Department of Natural Resources _____

Signature of Authorized Designee _____ Signature of Authorized Designee _____

Print Name _____ Print Name _____

Date _____ Date _____

City of Portage _____

Signature of Authorized Designee _____

Print Name _____

Date _____

APPROVED AS TO FORM

DATE 9/25/2019

CITY ATTORNEY

The DNR has statutory authority under the Natural Resources and Environmental Protection Act (Public Act 451 of 1194) to cooperate with local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife research and management for the benefit of the people of the State of Michigan.

This agreement establishes the responsibilities and procedures for the Michigan Department of Natural Resources (hereinafter referred to as MDNR) and the City of Portage (hereinafter referred to as City of Portage) for the purpose described below.

1. Purpose

Gourdneck State Game Area (GSGA) is unique amongst SGA's in that it has experienced rapid growth and development on parcels surrounding it. It is also unique in that it was one of the first SGA Project areas in Southern Michigan, dating back to 1941. Almost entirely within the city limits of Portage (City), Gourdneck SGA has continued to remain a popular destination for hunters, and hosts a variety of wildlife and natural communities, including rare species. With a unique combination of good hunting opportunity, species of greatest conservation need, and location in an urban environment, Gourdneck SGA presents many opportunities. Both parties wish to develop a 375.12 acre portion (parcels: 12992, 12997, 12998, 12999, 13004, 13005, 13010, 13016, 13017, 13018, 13019, 13020, 13022 and 13023- see attachment A) of Gourdneck SGA as a model for an Urban State Game Area as an area to introduce urban communities to hunting, wildlife, and nature. Both parties wish to engage with the local community and provide improved access for hunters, wildlife watchers, outdoors enthusiasts, hikers, people with disabilities, and volunteers alike. This can best be accomplished by establishing a strong group of partnerships to help achieve our goals. The City of Portage is a key partner, and a necessary one to achieve meaningful infrastructure improvements and to communicate who we are and the values Gourdneck SGA offers to the local community.

2. Period of Agreement

This agreement is effective from Date of signature through 09/30/2029.

3. Responsibilities of Each Party

a. MDNR agrees to:

1. Hold joint partner meetings to determine approval annual projects of strategic direction
2. Work with the City of Portage to create annual statements of work outlining specifics of annual projects
3. Collaborate with the City of Portage on project development
4. Partner with the City of Portage on grant applications for infrastructure and habitat development
5. Notify City of Portage with any information regarding management, operations, habitat planning, research, land use and outreach occurring on the GSGA

b. City of Portage agrees to:

1. Maintain existing and future infrastructure(s) as described in the Memoranda of Agreement(s)
2. Implement activities on the GSGA in accordance with the approved Memoranda of Agreement(s)
3. Request approval from the GSGA Wildlife Biologist prior to conducting any activity on GSGA that is not part of the approved annual work statement.
4. Hold joint partner meetings to determine annual projects of strategic direction
5. Work with the MDNR to create annual statements of work outlining specifics of annual projects

6. Collaborate with the MDNR on project development
7. Partner with the MDNR on grant applications for infrastructure and habitat development

c. **Both parties** agree to:

1. Develop a Joint 10 Year Capital Improvement Plan for City of Portage City Council consideration and various agencies with funding availability utilizing grants.
2. Create marketing strategy to include joint programs to promote hunting, conservation, history and archeological assets of the property to a broad section of citizens
3. Develop a plan to study the unique character of the geology, botany, fauna and archeology of the property.

6. **Termination & Amendments**

Either party may terminate this agreement at any time by giving three months prior written notice to the other party. This agreement may be amended upon written approval of the parties at any time.

This agreement contains all the terms and conditions agreed upon by the parties. No other understanding, oral or otherwise, regarding the subject matter of this agreement shall be deemed or exist to bind any of the parties.

7. **Notices**

Notices and other written communications must be addressed to the individuals below or their successors. Parties may amend contact information by providing written notice of the change to the other party. Notices or other written communications required or related to this agreement must be in writing and delivered in person or by email.

If to MDNR:	If to City of Portage:
<i>Mark Mills, Field Operations Manager millsm@michigan.gov Office: 269-967-5367 x114 Cell: 269-967-5367</i>	<i>Laurence Shaffer, City Manager shafferl@portagemi.gov 269-329-4400</i>

8. **Program Manager**

The Program Manager for each party will monitor and coordinate activities of the agreement:

MDNR Program Manager:	City of Portage Program Manager:
<i>Don Poppe, Wildlife Biologist popped@michigan.gov Office: 269-673-2430 Cell: 989-965-3333</i>	<i>Kathleen Hoyle, Director of Parks, Recreations and Senior Citizen Services hoylek@portagemi.gov 269-329-4522</i>

9. **Waiver**

Failure to enforce any provision of this agreement will not constitute a waiver.

10. Entire Agreement and Modification

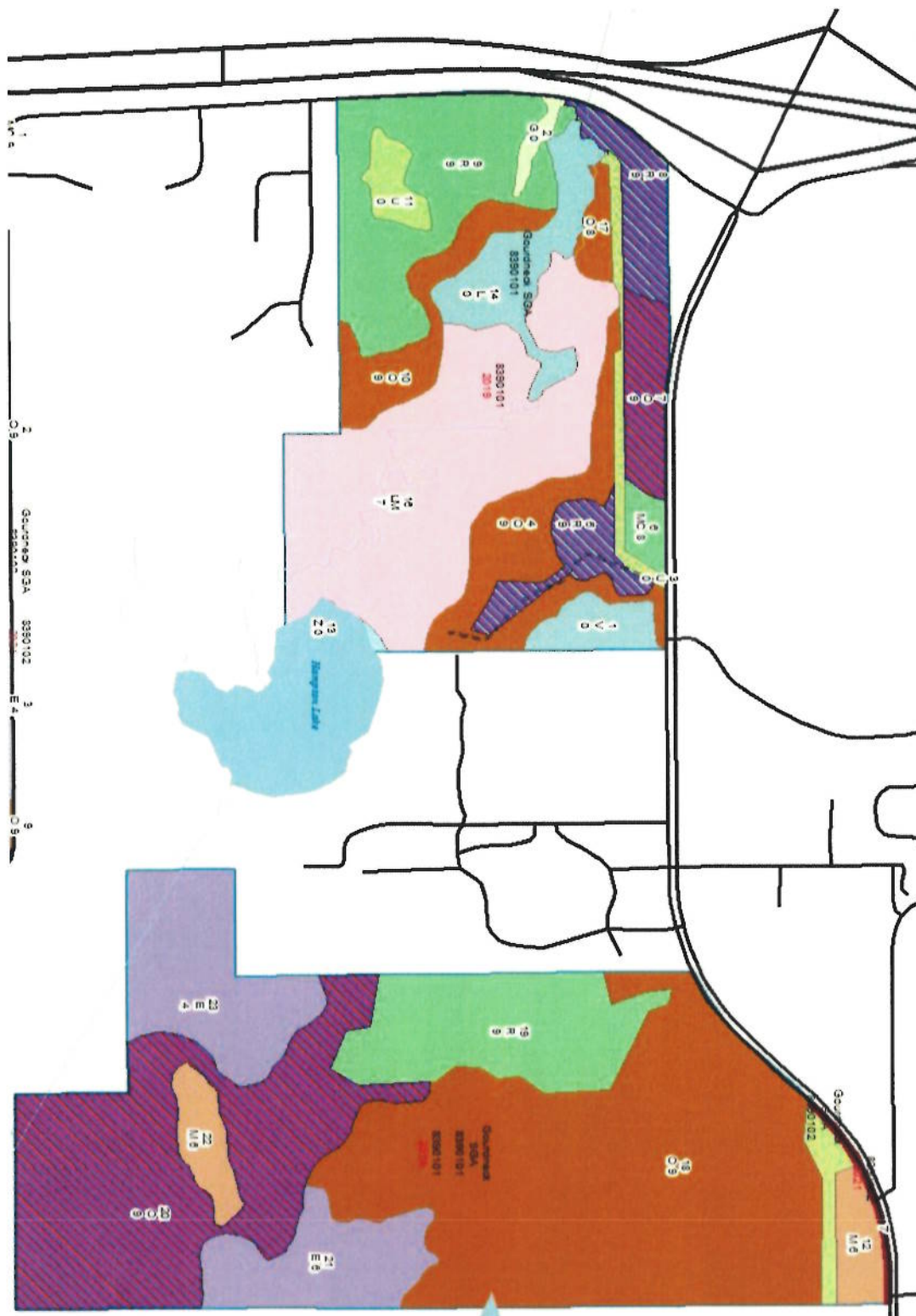
This agreement is the entire agreement and replaces all previous agreements between the parties for the agreement Activities. This agreement may not be amended except by signed agreement between the parties.

11. Special Provisions

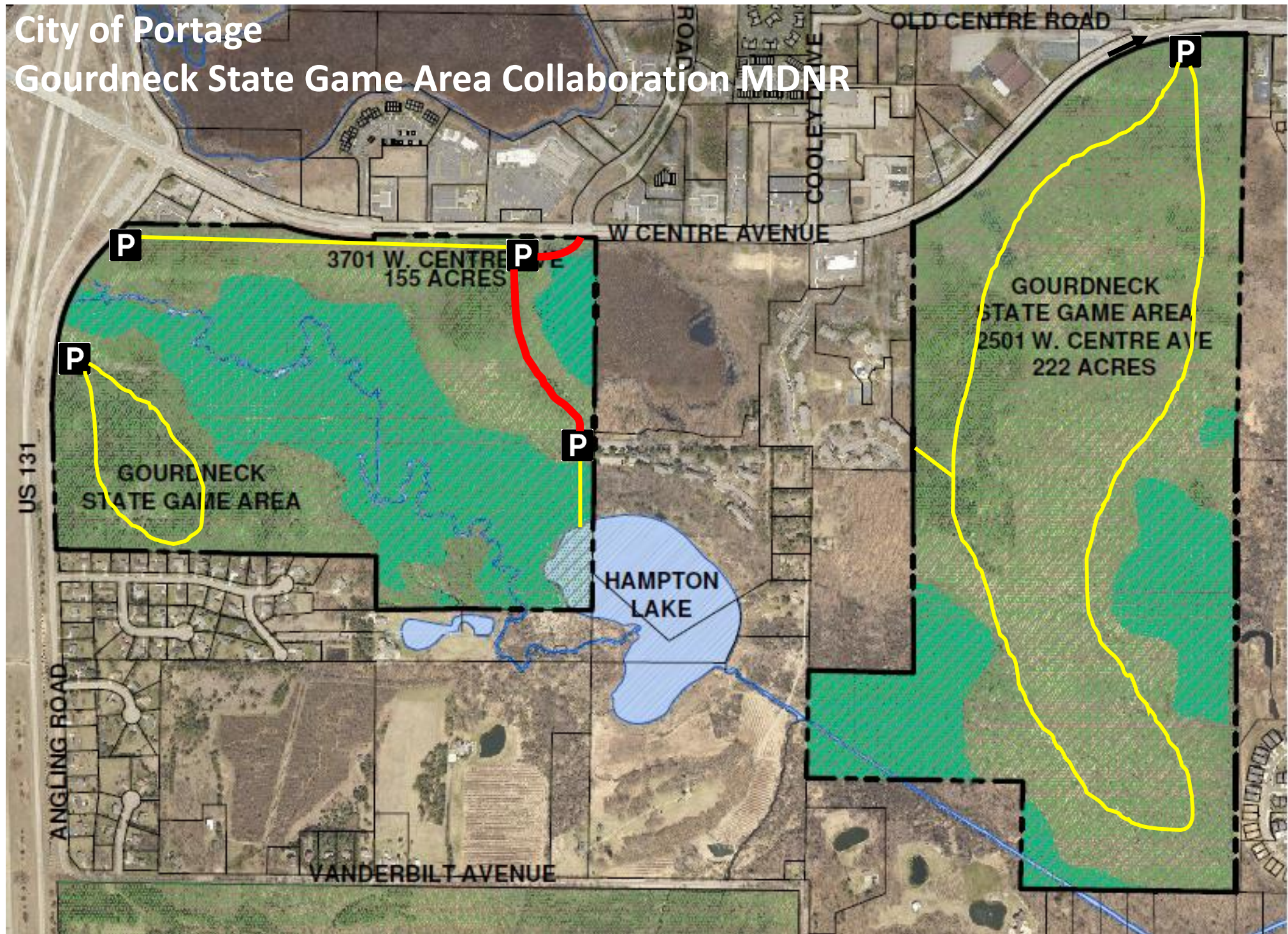
Each party agrees that it will be responsible for its own acts and the results thereof and shall not be responsible for the acts of the other party and the results thereof. Each party therefore agrees that it will assume all risk and liability to itself, its agents, or employees, for any injury to persons or property resulting in any manner from conduct of its own operations and the operations of its agents or employees, under this Memorandum of Understanding, and for any loss, cost, damage, or expense resulting at any time from any and all causes due to any act or acts, negligence, or the failure to exercise proper precautions, of or by itself or its own agents or its own employees.

Attachment A

Map of Gourdneck State Game Area- Centre Avenue parcels



City of Portage Gourdneck State Game Area Collaboration MDNR



Minutes of Boards & Commissions

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of Meeting September 5, 2019

CALL TO ORDER: 6:34 p.m.

MEMBERS PRESENT: Nadeem Mirza, Alice Mwanda, Tim Henson, Kathryn Hanfland
Elma (Pat) Maye

MEMBERS EXCUSED: Effie Kokkinos

MEMBERS ABSENT: Stephanie Upshaw, Diane Durian, Fi Spalvieri

STAFF PRESENT: Tom McCoy, Neighborhood Program Specialist

APPROVAL OF MINUTES: Henson moved, and Mirza supported a motion to approve the July 18, 2019 minutes. Motion passed 5-0

PUBLIC HEARING: Hanfland moved and Henson supported motion to open public hearing on FY 2018-19 CDBG Consolidated Annual Performance Report (CAPER). Motion passed 5-0. McCoy presented a summary power point presentation of the report to the Board. No public comments were received. Hanfland moved and Mirza supported motion to close public hearing. Motion passed 5-0. Mwanda moved and Mirza supported motion to forward the report to the City Manager for signature and subsequent transmittal to HUD. Motion passed 5-0.

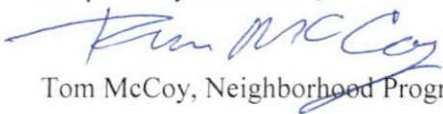
OLD BUSINESS:

1. **Human/Public Service Funding Application** – McCoy presented a draft statement proposed to be included on the application that would provide applicants the opportunity to confirm that their respective agencies intend to provide services in a manner consistent with and in the spirit of the City of Portage's Non-Discrimination Ordinance. The Board suggested that a link to the ordinance be included in the statement and asked staff to return a draft version to the next Board meeting for final review and approval.

STATEMENTS OF CITIZENS: Maye stated that she had received a communication from the City Clerk's office regarding her willingness to continue to serve on the Board and indicated, with the Board's unanimous encouragement, that she was going to respond affirmatively.

ADJOURNMENT: Henson moved and Mirza supported adjournment at 7:17 p.m. Motion passed 5-0.

Respectfully Submitted,



Tom McCoy, Neighborhood Program Specialist

**PORTAGE PUBLIC SCHOOLS
BOARD OF EDUCATION
COMMITTEE OF THE WHOLE WORK SESSION**

September 9, 2019

The Committee of the Whole Work Session of the Board of Education of Portage Public Schools held on Monday, September 9, 2019, was called to order at 6:31 p.m. by President Van Antwerp in Conference Room #1 of the Administration Building, 8107 Mustang Drive, Portage. He welcomed the audience and the Pledge of Allegiance was recited.

Board Trustees Present: Kurt Droppers, Terri Novaria, Rusty Rathburn, Celeste Shelton-Harris, Bo Snyder, Randy Van Antwerp, Joanne Willson

Board Trustees Absent: None

REVISIONS/APPROVAL OF AGENDA

Motion offered by Mrs. Willson, seconded by Mr. Droppers, that the Board of Education approve the agenda as printed.

The motion carried unanimously.

REPORTS

Superintendent's Report

Superintendent Bielang welcomed teacher interns in the audience, Makayla Bennett and Cheyenne Earl.

Bond Project Update

Mr. Ron Herron, Assistant Superintendent of Operations, provided an update on the status of bond work. At North Middle School, school started on time; a list is being compiled of additional furniture needs/requests; punch list work continues; the fine arts area is not yet complete due to the unacceptable flooring product received. The flooring to be installed and replaced later, at no cost to the District; sod was put down and trees were planted last week; having permanent signage onsite is in the works. At West Middle School, classroom items moved out for construction work were moved back into the classroom and technology was installed before school started. At the Central AEF, the First Nights Under the Lights event last Friday went well; punch list work continues. At PCEC, work is complete; temporary office furniture is in place. At the Northern AEF, construction will begin next week. Mr. Herron addressed questions from Trustees.

Other

Mr. Bielang shared items of interest. A tour of Community High will be arranged for Trustees. The start of school last week went smoothly. Mr. Bielang thanked the bus drivers, teachers and custodians for their part in the preparations. Our unofficial enrollment head count is up about 70 students from this time last year. Governor Whitmer has agreed to delay road-funding talks in order to get Michigan's budget passed. The impact to the Foundation Allowance for schools remains unclear.

COMMENTS OR COMMUNICATIONS

President Van Antwerp opened the comments and communications portion of the meeting. There being no public comment, he opened the floor for Trustee comments.

Mrs. Willson paid kudos to the City of Portage on road construction work completed over the summer and to Northern High for being accommodating.

Mr. Rathburn thanked Portage staff for preparing students for the future, for their passion, and he shared stories as examples.

Mrs. Novaria also complemented staff for their preparation of students and shared positive comments regarding the First Night Under the Lights event held last Friday.

Mr. Droppers shared positive remarks regarding this Friday's Northern vs Central football game.

Mr. Van Antwerp reminded Trustees of the October 9, 2019 KCSOA dinner and their Policy Governance retreat on September 23, 2019. Mr. Van Antwerp briefly shared items discussed at a recent Policy Committee meeting. An edit to the Board Self-Assessment form was reviewed with Trustees with no objections made to following through with the change.

Mr. Snyder informed Trustees the owner linkage meeting with the Portage District Library will be held on October 21, 2019 at 6:30 p.m. in the Community Room of North Middle School.

President Van Antwerp thanked Trustees for their comments.

CONSENT AGENDA

President Van Antwerp presented the following Consent Agenda item for approval by the Board of Education: approve the August 19, 2019 Regular Business Meeting Minutes as amended to edit the Comments or Communications portion of the minutes. Specifically, in Mr. Rusty Rathburn's comments, the word thoughts to be replaced with concerns.

There being no objection to the item, the motion carried unanimously.

ASSURANCE OF DISTRICT PERFORMANCE

Accept Monitoring Report 2.6, Asset Protection

Motion offered by Mr. Snyder, seconded by Mrs. Novaria, that the Board of Education accept as presented, the Monitoring Report on 2.6, Asset Protection, as a reasonable interpretation and evidence of compliance with policy.

Superintendent Bielang highlighted areas of his report, which included the District's avoidance of \$6.6 million in energy costs through June 2019, and the high rating of our bus inspections during 2018-19.

The motion carried unanimously.

Accept Monitoring Report 2.10, Communication and Support to the Board

Motion offered by Dr. Shelton-Harris, seconded by Mr. Droppers, that the Board of Education accept as presented, the Monitoring Report on 2.10, Communication and Support to the Board, as a reasonable interpretation and evidence of compliance with policy.

Superintendent Bielang commented his report is largely unchanged since the last report.

The motion carried unanimously.

ACTION ITEMS

Approve New Teacher Appointments

Motion offered by Mr. Snyder, seconded by Mrs. Novaria, that the Board of Education approve the following new teacher appointments, as presented: Christopher Adams, Elyse Covert, Anna Gwyn, Tayler Kloosterman, Tyronda Law, and Allison Roberts.

Mr. Brad Galin, Director of Human Resources, commented that Tayler Kloosterman and Elyse Covert were teacher interns in the District in 2018-19.

The motion carried unanimously.

DISCUSSION ITEMS

Purchase of Stage Decking / Risers for NMS

Mr. Ron Herron, reviewed background information and the recommendation to purchase versatile decking that can be used in the North Middle School black box theatre for stage setup or chair risers. Mr. Herron responded to questions from Trustees.

Delegates for MASB Delegate Assembly

President Van Antwerp shared information with Trustees regarding the upcoming Michigan Association of School Boards' Annual Leadership Conference and Delegate Assembly and asked them to consider serving as delegates for the assembly.

With no further business to come before the Board, the meeting was adjourned at 7:08 p.m.

Respectfully submitted,

Barb Atkinson
Recording Secretary

City of Portage
Historic District Commission
Wednesday, September 11, 2019

Meeting Called to Order: 8:24 A.M.

Members Present: Duniphin, Lopez, Maytnier, vanLonkhuyzen, Barton. Grunert, Forrest.

Members Absent: Custer, Nemeth.

Staff: Kyle Mucha, Zoning & Codes Administrator.

Guest(s):

Approval of Minutes: Barton moved, seconded by Duniphin, to approve the August 7, 2019 meeting minutes. Motion approved 5-0.

Old Business:

New Business:

Member Comments:

- a. Maytnier provided information to the Commission regarding the Michigan Historic Preservation Network in regards community outreach and economic development. Maytnier also indicated that there has been discussion at the state level to re-instate the Historic Tax Credit for exterior modifications. Discussion followed regarding the potential for a home-owner workshop/informational session related to the potential of tax incentives being re-instated.
- b. Duniphin informed the Commission of an upcoming event with the Oshtemo Historical Society at the Drake Farmstead. Duniphin indicated the registration fee is \$25.00 and that Oshtemo has supported the Portage Historic District in recent events. Grunert motioned, seconded by vanLonkhuyzen to approve \$25.00 for the registration fee for the event on October 5th, 2019.
- c. Duniphin provided updates relating to events planned with Portage Parks & Recreation. As events draw closer, more information will be provided. Duniphin informed the Commissioners that the May 2020 event has been scheduled for May 9th, 2020 from 11:00 a.m. to 2:00 p.m. at Portage Celery Flats. The event will be sponsored with Steve Rossio – Portage Public Library – and the Portage Parks Department, whom has indicated a food truck rally will take place to help draw interested residents and community members to the event.
- d. Forrest informed the Commission that he will be resigning his position due to taking up residency outside of the City of Portage.

Adjournment: There being no further comments or business, vanLonkhuyzen adjourned the Historic District at 9:10 a.m.

Respectfully submitted,

Kyle Mucha

Kyle Mucha
Zoning & Codes Administrator

PLANNING COMMISSION

September 19, 2019

The City of Portage Planning Commission meeting of September 19, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Corradini 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 role: Myer (yes); Pezzoli (yes); Harrell-Page (arrived at 7:02 p.m.); Baldwin (yes); Corradini (yes); Joshi (yes) and Patterson (yes). A motion was then made by Commissioner Baldwin, seconded by Commissioner Joshi, to approve the role excusing Commissioners Fries and Schimmel. The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the September 5, 2019 meeting minutes contained in the agenda. A motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to approve the minutes as submitted. The motion was unanimously approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. Preliminary Report: Rezoning Application #19/20-2, 1730 East Centre Avenue. Mr. Forth summarized the September 13, 2019 preliminary staff report regarding a request from Auville Krause to rezone property located at 1730 East Centre Avenue from R-1B, one family residential to OS-1, office service. Mr. Forth stated the property is currently occupied by a single family residence and the applicant has indicated plans to demolish the residence and construct a new office building at the site. Mr. Forth discussed the recent rezoning of the adjacent parcel at 1700 East Centre Avenue and the new office building that was under construction. Mr. Forth then briefly summarized the preliminary analysis of the rezoning request including consistency with the Comprehensive Plan/Future Land Use Map and evolving office zoning/land use pattern along East Centre Avenue, suitability of existing R-1B district and impacts of proposed OS-1 district.

David Keyte of Callander Commercial (applicant representative) was present to support the rezoning application. The public hearing was opened by Chairman Corradini. One citizen (Bill McNally, 1727 Pleasant Drive) spoke in regards to the proposed rezoning. Mr. McNally stated he did not object to the rezoning, however, requested that a screening fence be installed and any outdoor lighting be minimized to provide privacy to his home. Mr. Forth and Mr. West discussed the outdoor lighting standards and conflicting land use screening requirements between office and residential land uses. No additional citizens spoke regarding the proposed rezoning.

After a brief conversation, a motion was made by Commissioner Myer, seconded by Commissioner Harrell-Page, to adjourn the public hearing for Rezoning Application #19/20-2, 1730 East Centre Avenue, to the October 3, 2019 meeting. The motion was unanimously approved 7-0.

NEW BUSINESS:

1. Accessory Building (Smoots), 2934 Woodhams Avenue. Mr. West summarized the September 13, 2019 staff report regarding a request from Ryan and Karen Smoots to construct a 2,068 square foot detached accessory building along the northeast portion of their residential property located at 2934 Woodhams Avenue. Mr. West indicated the accessory building will be of pole barn construction with siding and roofing materials that will match the existing residential structures and will be utilized for storage of a large RV, antique vehicles, quads, trailers and other personal items, and will not be utilized for any business related purpose. Mr. West stated the Zoning Board of Appeals on September 9, 2019 approved a variance to allow the accessory building to be constructed to a height of 17-feet. Mr. West indicated the 5.3-acre parcel is currently occupied by a 1,505 square foot ranch style home, a 462 square foot attached garage, a 768 square foot detached garage and a small storage shed (10-foot by 10-foot) that was proposed to be removed with construction of the proposed pole barn. If the proposed pole barn was approved, Mr. West indicated the total ground floor area of all accessory buildings would exceed the ground floor area of the main residence by 1,793 square feet.

Mr. West referred the Commission to a revised site sketch and letter provided by the applicant. Mr. West indicated the revised site sketch now proposed a 20-foot setback from the north/side property line (30-foot setback originally proposed), a 240-foot setback from the east/rear property line and a 275-foot setback from the south/side property line. Mr. West further indicated the proposed pole barn would be situated in excess of 300-feet from the nearest adjacent single family residence. Mr. West stated the size and configuration of the parcel, combined with the setback distances from adjacent property lines and residences, would mitigate impacts on adjacent properties and the proposed pole barn was recommended for approval subject to removal of the existing storage shed (approximately 10-foot by 10-foot) upon completion of the proposed pole barn.

Ms. Karen Smoots (applicant) was present to support the request. Ms. Smoots discussed the relocation of the pole barn location in order to address the slope of the land and minimize the need for fill material. Ms. Smoots discussed the construction quality of the proposed pole barn and the nature of the personal items that would be stored within the building. Ms. Smoots also confirmed that the existing 10-foot by 10-foot storage shed would be removed upon construction of the new pole barn. One citizen (Jim Moiles, 10828 Autumn View Lane) spoke regarding the proposed accessory building. Mr. Moiles stated he had no objection to the accessory building, however, asked for clarification on the proposed location and whether the large open area and tree line within the rear of the property would be preserved. Ms. Smoots stated the open area and tree line would be retained.

After a short discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Baldwin, to approve the 2,068 square foot accessory building for Ryan and Karen Smoots, 2934 Woodhams Avenue, subject to removal of the existing storage shed (approximately 10-foot by 10-foot) upon completion of the proposed pole barn. The motion included a finding that the size and configuration of the parcel combined with the setback distances from adjacent residences and property lines will mitigate visual impacts on adjacent properties. The motion was unanimously approved 7-0.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Chairman Corradini asked each Commissioner if they had any closing statements or comments:

- Commissioner Joshi thanked the city for allowing her and other Commissioners to attend the Michigan Association of Planning conference next week in downtown Kalamazoo.
- Commissioner Joshi also discussed the upcoming Griffin Place Suicide Prevention Walk on September 28, 2019 and encouraged people to participate in this important event.
- Chairman Corradini recognized a former Portage Central High School student (Sam Allen) for his football scholarship to Kent State University and noted that Sam was on the field playing in the Kent State vs. Auburn football game this past weekend that was televised on ESPN.

7:25 p.m. - The Commission took a short recess.

7:30 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS:

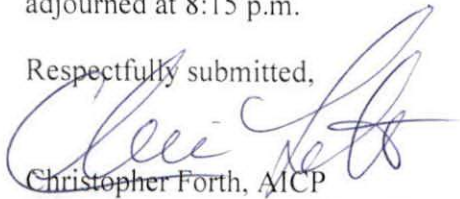
1. Redevelopment Ready Communities (RRC) Certification and Potential Sites. Mr. Forth referred the Commission to the September 19, 2019 staff report included in the final agenda packet and summarized city's progress in the Michigan Economic Development Corporation (MEDC) Redevelopment Ready Communities (RRC) certification program. Mr. Forth discussed the three steps to certification (Engagement, Evaluation and Certification) and where the city was currently in this process. Mr. Forth stated that actions recommended by the MEDC through the April 15, 2019 RRC Baseline Report include development of criteria for identifying and promoting redevelopment ready sites within the city, and updated economic strategy and an overarching marketing strategy to promote the redevelopment ready sites and economic development in general. To accomplish these MEDC recommended actions, Mr. Forth indicated that staff has prepared an example of a marketing site profile, criteria to identify redevelopment ready sites and a preliminary listing of potential redevelopment ready sites. Mr. Forth reviewed these items with the Planning Commission and asked for preliminary comments from the Commission.

Commissioner Harrell-Page asked if the Crossroads Mall could be considered a redevelopment ready site given the recent announcement of the Sears closing. Mr. Forth summarized recent discussions between city staff and the Crossroads Mall and indicated that inclusion of this property as a redevelopment ready site at this time may be premature given the mall ownership position regarding the property, current tenancy and since the site does not meet many of the proposed criteria. Commissioner Myer stated that he believes potential redevelopment ready sites for marketing should focus on older contaminated sites, as opposed to vacant "green" sites, such as the former Kalamazoo Screw Company site at 8833 Shaver Road. Several of the other Commissioners agreed. After additional discussion, Mr. Forth indicated that this agenda item would be included on a future Planning Commission agenda (October 3rd or 17th) and asked that the Commission continue to review the materials and potential sites and provide comments and/or suggestions.

ADJOURNMENT:

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

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Chris Forth", is written over the text "Respectfully submitted,".

Christopher Forth, AICP

Deputy Director of Planning, Development and Neighborhood Service

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TO: Honorable Mayor and City Council

FROM: Laurence Shaffer, City Manager



SUBJECT: Ordinance Amendment #18/19-B, Residential Amendments

SUPPORTING PERSONNEL: Chris Forth, Acting Director, Department of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, adopt Ordinance Amendment #18/19-B, Residential Amendments, subject to the percent of lot cover for all lots (conforming and nonconforming) be increased from 25% to 30% in the single-family residential zoning districts.

The City Administration has prepared a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners and developers and to address ongoing issues associated with code administration. The more substantive changes are summarized below:

1. Regulation of accessory buildings in a more flexible manner so that fewer variances for residential property are requested. Such as an increase in height from 14 feet to 16 feet, a decrease in separation distance between buildings, a slight increase in size, and a slight increase in setback distance from three feet to five feet from the side or rear property line.
2. Increase the residential building height for properties with less than 80 feet of lot-width (from 25 feet to 30 feet) to facilitate a desirable architectural design and better address lifestyle changes of property owners.
3. Increase percentage of lot cover from 25% to 30% for all lots in the single-family residential districts.
4. Increase the height of non-residential buildings in locations that have little impact on adjacent properties and neighborhoods.
5. Clarify projections into required yards, including barrier-free ramps for persons with disabilities.
6. Allow, on a limited basis, land divisions without 60 feet of frontage on a public street or 50 feet on a cul-de-sac, and in a manner that provides accessibility for public safety purposes.
7. Language has been added to ensure lots are properly graded and maintained to ensure storm water does not adversely impact neighboring properties.
8. Increase plan approvals and Board/Commission approvals from six (6) to twelve (12) months.
9. Increase the number of residential lots permitted on a cul-de-sac from 20 to 30 consistent with the requirements of the International Fire Code.
10. Modify the method to determine the minimum living area of 1½ and 2-story dwellings to eliminate a minimum area per floor and a combined total area of each floor.
11. Modify the floor area requirements for tri and bi-level dwellings. The minimum floor area is

the combined total floor area of each level not classified as a basement. Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum area requirement for a two-story residence in the same district.

The proposed amendments were introduced to the Planning Commission during the June 6, 2019 meeting. The Commission convened public hearings during the July 11, 2019 and August 1, 2019 meetings. During the public hearing process, one citizen spoke regarding the proposed amendments and expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. No other comments, either written or verbal, were received regarding the proposed residential amendments.

The proposed ordinance amendments were first presented to City Council for consideration on August 20, 2019. Subsequent to introducing the matter, City Council had a number of questions and scheduled a Committee of the Whole (COW) meeting on September 16, 2019. During this meeting, a considerable amount of discussion occurred around the issue of maximum lot cover on non-conforming lots, lakefront lots with walkways, road ends, and designated private beach and/or promenades, lakefront variances and the potential of creating lakefront overlay or a specific lakefront district section of the zoning ordinance. At the conclusion of the COW meeting, the amendments were placed on the September 17, 2019 agenda and public hearing scheduled on October 15, 2019.

In light of the September 16th discussion regarding retention of the current 25% lot cover requirement for nonconforming lots (lots that don't meet the minimum width and/or area), staff has again evaluated an increase to 30%. Although an increase to 30% will result in slight increase of impervious surface area (up to 5% of the total lot area), each construction project will be carefully reviewed by city staff to ensure proper measures are in place to contain storm water runoff. Containment of storm water can be accomplished through proper site grading and/or installation of underground storm sewer structures when and where necessary. As a result, staff can support an increase in lot cover from 25% to 30% for all lots in the single-family residential zoning districts.

Subsequent to the public hearing, it is recommended that City Council adopt Ordinance Amendment #18/19-B, Residential Amendments, subject to the percent of lot cover for all lots (conforming and nonconforming) be increased from 25% to 30% in the single-family residential zoning districts.

FUNDING: N/A

- Attachments:**
1. August 9, 2019 Planning Commission transmittal
 2. June 6, July 11, and August 1 2019 Planning Commission Meeting Minutes
 3. July 26, 2019 Community Development staff report with Ordinance Amendment highlight strike and clean version
 4. 1st Reading - Residential Amendments

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: August 9, 2019
SUBJECT: Ordinance Amendment #18/19-B, Residential Amendments

During the June 6, 2019 meeting, staff introduced to the Planning Commission a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code administration. The more substantive amendments address the size height and location of accessory buildings; increase in residential and nonresidential building height; increase in the percent of lot cover for conforming lots; projections into required yards; land divisions without frontage on a public street; lot grading; increase in the number of lots/units on a residential cul-de-sac and an increase in plan/Commission approval time from six the 12 months.

The Planning Commission held a public meeting on July 11, 2019, to garner public input on the proposed changes. The public hearing was reconvened on August 1, 2019. During the public hearing process, one citizen spoke regarding the proposed amendments and expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. No other comments, either written or verbal, were received regarding the proposed residential amendments.

Following a discussion regarding whether or not an increase in lot cover from 25% to 30% should apply to nonconforming lots, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #18/19-B, Residential Amendments, be approved. The motion was approved 7-1 with Commissioner Fries voting against the motion. Commissioner Fries clarified that he supported all the other proposed residential amendments, but believes a consistent 30% maximum building lot coverage standard should be established for both substandard/nonconforming lots and standard/conforming lots.

Sincerely,



Dan Corradini
Chairman

 COPY

NEW BUSINESS:

1. Election of Officers. Secretary Schimmel asked for nominations for Chairman. Commissioner Joshi nominated Commissioner Corradini for Chairman, supported by Commissioner Patterson. The nomination was unanimously approved 7-0. Commissioner Fries then nominated Commissioner Joshi for Vice-Chairwoman, supported by Commissioner Baldwin. The nomination was unanimously approved 7-0. Commissioner Joshi next nominated Commission Schimmel for Secretary, supported by Commissioner Baldwin. The nomination was unanimously approved 7-0.

STATEMENT OF CITIZENS/COMMISSIONERS:

Secretary Schimmel welcomed new Planning Commissioner, Gerald Myer.

7:40 p.m. - The Commission took a short recess.

7:45 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS:

1. Ordinance Amendment #18/19-B: Residential Zoning Regulations (preliminary). Mr. Forth referred the Commission to the May 31, 2019 staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations. Mr. Forth stated the proposed amendments were intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff.

Mr. Forth and the Commission next reviewed and discussed the various amendments including inclusion definition and references to pergolas and arbors; elimination of R-1E zoning district; residential building height; accessory building size, height, percentage of rear yard coverage, separation from the principal residence, total floor area compared to square footage of principal residence and setback from side/rear property lines; clarification of "vertical projections" into required yards; public street frontage changes; Schedule of Regulation changes pertaining to maximum lot coverage and building height/lot grading changes; extensions of site plan and variance approvals to 12 months and changes to Subdivision Regulations regarding increase of number of lots on cul-de-sac from 20 lots to 30 lots. Commissioner Fries asked for staff to consider changes that would not increase accessory building setback requirements from 3-feet to ½ building height (retain 3-foot setback requirement) and an allowance for either the Transportation and Utilities Department or the Community Development Department to review/approval lot coverage increases to 30% on smaller, substandard lakefront lots.

At the conclusion of this discussion, Mr. Forth indicated that the public hearing to formally considered adoption of these residential zoning regulation amendments would be noticed and scheduled for the July 11, 2019 meeting.

ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:40 p.m.

Respectfully submitted,

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



SITE/FINAL PLANS:

1. Site Plan: Kingdom Sports KidFit Child Care Center, 8151 Merchant Place. Mr. West summarized the staff report dated July 3, 2019 regarding a request by Chris and Stephanie Keenan to construct an approximate 6,300 square foot child care center building and associated site improvements along the northwest portion of the existing Kingdom Indoor Center site. Mr. West discussed the applicant's intent to "bank" a portion of the required parking in greenspace since the peak hours of operation for the existing Kingdom Indoor Center use and the proposed child care center do not conflict. Mr. West indicated that deferment of these parking spaces will reduce the amount of unnecessary pavement until such time that additional parking may be required.

Stephanie Keenan of Kingdom Indoor Center was present to support the site plan. No citizens spoke regarding the proposed child care center building. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the Site Plan for Kingdom Sports KidFit Child Care Center, 8151 Merchant Place. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

1. Final/Site Plan: American Village Builders (addition), 4200 West Centre Avenue. Mr. West summarized the July 3, 2019 staff report regarding the final/site plan submitted by American Village Builders to construct an approximate 4,000 square foot, two story building addition along the west side of the existing office building located at 4200 West Centre Avenue. Mr. West indicated the proposed building addition would maintain a similar setback from West Centre Avenue as the existing office building, and would be situated outside of the defined wetland area to the north.

Greg Dobson of American Village Builders was present to support the application and explain the development project. No citizens spoke regarding the proposed building addition. After a brief discussion, a motion was made by Commissioner Pezzoli, seconded by Commissioner Baldwin, to recommend to City Council that the Final/Site Plan for American Village Builders (addition), 4200 West Centre Avenue, be approved. The motion was unanimously approved 8-0.

PUBLIC HEARING:

1. Preliminary Report: Ordinance Amendment #18/19-B: Residential Amendments. Mr. Forth referred the Commission to the July 5, 2019 staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations pertaining to residential land uses. Mr. Forth stated that Community Development has been working with the City Attorney for the past several months to develop these amendments which are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff. Mr. Forth indicated the proposed amendments were first presented to Planning Commission at the June 6, 2019 meeting where preliminary review and discussion occurred. Based on these preliminary discussions, Mr. Forth stated minimum side and rear yard building setbacks for residential accessory buildings were changed from ½ the building height to 5-feet (current requirement is 3-feet). Mr. Forth also stated the provision for review/approval of lot coverage increases (from 25% to 30%) on substandard lakefront lots by the Director of Transportation and Utilities was retained and indicated that Community Development staff would also be involved with the review.

Mr. Forth then reviewed the proposed amendments, by section, including elimination of the R-1E zoning district, Section 42-112 (Definitions), Section 32-121 (Accessory Uses), Section 42-124 (Projections into required yards), Section 42-125 (Street frontage requirements, development standards for land divisions), Section 42-128 (Lakefront lots), Section 42-139 (Lot grading), Section 42-350 (Schedule of Regulations), various sections pertaining to the length of approvals for site plan, special land use permit and variance (increase to 12 month approval period) and Section 42-803 (Streets) and Section 42-805 (Utilities) of the Subdivision Regulations.

The Commission and staff discussed issues associated with the proposed extension of time for site plan, special land use permit and variance approvals to 12 months, number of lots on a cul-de-sac street and number of lots served by municipal water. The public hearing was then opened by Chairman Corradini. One citizen (James Hudson, 9001 West End Drive) spoke regarding the proposed amendments. Mr. Hudson commended staff and the Commission for the increased flexibility associated with the ordinance amendments, however, expressed concern over the proposed increase in lot coverage from 25% to 30% especially on lakefront lots. Mr. Hudson stated this increase in lot coverage could result in negative impacts associated with higher density/more intensive residential land use, larger residential structures, increases in traffic, diminished lake views and possible accessibility issues for the Fire Department. No citizens were present to speak regarding the proposed residential amendments.

A motion was then made by Commissioner Myer, seconded Commissioner Fries, to adjourn the public hearing for Ordinance Amendment #18/19-B, Residential Amendments to the August 1, 2019 meeting. The motion was unanimously approved 8-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Redevelopment Ready Communities – Public Participation Plan. Mr. Forth referred the Commission to the July 5, 2019 staff report and summarized the city's efforts to date to obtain Redevelopment Ready Community (RRC) certification through the Michigan Economic Development Corporation (MEDC). Mr. Forth discussed the three primary steps in the MEDC-RRC certification process which are 1) Engagement, 2) Evaluation and 3) Certification. Mr. Forth indicated that Step 1 (Engagement) was completed after City Council adoption of a resolution in July 2017 and the city's submission of a self-evaluation to the MEDC in November 2017. In regard to Step 2 (Evaluation), Mr. Forth referred the Commission to the MEDC-RRC Baseline Report received from the MEDC on April 15, 2019. Mr. Forth indicated the MEDC report concluded that the City of Portage was already engaged in 68% of the RRC best practices and additional work activities were recommended in areas of developing criteria for identifying and promoting redevelopment ready sites, updating economic development strategies and developing an overarching marketing strategy to promote redevelopment ready sites and economic development in general. Mr. Forth indicated that Step 3 (Certification) comes after successful implementation of the approved RRC best practices. Mr. Forth stated that City Council, on May 7, 2019, adopted a resolution to proceed with the RRC certification process.

Mr. Forth discussed the Public Participation Plan, which was provided to City Council and accepted on June 25, 2019 with the purpose of encouraging citizen input in community-wide planning efforts and the review and approval process for new development and redevelopment projects. Mr. Forth reviewed the various components of this Plan including Objectives, Key Stakeholders, Public Notice Requirements, Planning and Review Entities, Open Meetings, Public Hearings, Methods of Community Participation and Communicating Results. Mr. Forth indicated updates to the Public Participation Plan would be drafted by staff and reviewed and recommended by the Planning Commission as needed, but at a minimum every 5 years in conjunction with the city's Master Plan review.

The Commission and Mr. Forth next discussed various aspects of the MEDC-RRC Baseline Report and the Public Participation Plan. Commissioner Fries stated that he was impressed with the city's scoring criteria on the MEDCRRRC Baseline Report. After additional discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Schimmel, to approved the Public Participation Plan as submitted. The motion was unanimously approved 8-0.

PLANNING COMMISSION

August 1, 2019

 **DRAFT**

The City of Portage Planning Commission meeting of August 1, 2019 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

PLEDGE OF ALLEGIANCE:

Chairman Corradini 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 Matthew Quardokus, Assistant City Attorney.

ROLL CALL:

Mr. Forth called the role: Myer (yes); Fries (yes); Baldwin (yes); Pezzoli (yes); Schimmel (yes); Corradini (yes); Joshi (yes) and Patterson (yes). A motion was then made by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the role excusing Commissioner Harrell-Page. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES:

Chairman Corradini referred the Commission to the July 11, 2019 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Joshi, to approve the minutes as submitted. The motion was unanimously approved 8-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARING:

1. Final Report: Ordinance Amendment #18/19-B: Residential Amendments. Mr. Forth referred the Commission to the July 26, 2019 final staff report and summarized the proposed amendments to the Zoning Code and Subdivision Regulations pertaining to residential land uses. Mr. Forth discussed the Planning Commission preliminary review at the July 11, 2019 meeting and one change that was made following further staff review and evaluation. Mr. Forth indicated the revised ordinance amendments contained in the agenda packet have retained the current 25% maximum building lot coverage provision for substandard/nonconforming residential lots (30% lot maximum lot coverage still proposed for standard/conforming residential lots). Mr. Forth stated that since a substandard lot is smaller than a standard lot, staff was concerned about potential impacts including increase storm water runoff and flooding associated with more impervious area on these smaller lots with less remaining greenspace. Mr. Forth also mentioned the side yard setback for substandard lots reduces to five feet and there are other impervious surfaces, such as driveways, walkways, patios and uncovered/unenclosed decks/porches that are not included in lot cover calculations. Mr. Forth indicated additional information regarding this issue was requested by Commissioner Fries earlier in the day and a staff response was provided in an email communication sent to all Commissioners and a hard copy provided to Commission members prior to the start of the meeting.

The public hearing was reconvened by Chairman Corradini. No citizens spoke regarding the proposed amendments. A motion was then made by Commissioner Schimmel, seconded by Commissioner Baldwin, to close the public hearing. The motion was unanimously approved 8-0.

Commissioner Fries discussed his observations with home construction and lot coverage involving the smaller substandard lots and stated that he believes a 30% maximum lot coverage standard should be applied consistently for both substandard/nonconforming lots and standard/conforming lots. In cases of smaller substandard lots around the lakes, Commissioner Fries indicated that property owners will often opt for more house square footage, while reducing the size of the accessory garage and increasing the area of paved driveway/parking area to store vehicles and boats. Under this scenario, Commissioner Fries stated an increase in maximum building lot coverage from 25% to 30% for substandard lots would likely not increase the overall amount of impervious area across the site. Commissioner Fries also stated that the Building Code and Zoning Code require each property owner to properly maintain storm water runoff regardless of the amount of building lot coverage that is present at the site.

Mr. Forth summarized the staff recommendation regarding this issue and briefly reviewed Zoning Board of Appeals variance requests for increase in maximum lot coverage over the past 25 years. Mr. Forth stated that 20 variance requests over the past 25 years have involved maximum lot coverage on substandard/nonconforming lot (less than one per year on average). The Zoning Board of Appeals approved 17 of the 20 requests while staff only recommended approval of six requests. Mr. Forth indicated that substandard lots already have reduced building setbacks and staff was concerned with allowing additional lot coverage and resulting impervious area on these substandard lots that may result in storm water runoff and/or flooding problems. Commissioner Patterson shared his observations as a builder and indicated he supported the staff position to retain the 25% lot coverage standard for substandard/nonconforming lots. Commissioner Patterson stated variance requests to exceed 25% lot coverage for substandard/nonconforming lots could continue to be reviewed and evaluated on a case-by-case basis by the Zoning Board of Appeals. Commissioner Joshi stated she also concurs with the staff position regarding this issue and was concerned that an increase in lot coverage for these smaller substandard/nonconforming lots could potentially increase storm water runoff and flooding, especially around the lakes.

There being no further discussion, a motion was made by Commissioner Joshi, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #18/19-B, Residential Amendments, be approved. The motion was approved 7-1 with Commissioner Fries voting against the motion. Commissioner Fries clarified that he supported all the other proposed residential amendments, but believes a consistent 30% maximum building lot coverage standard should be established for both substandard/nonconforming lots and standard/conforming lots.

NEW BUSINESS:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS/COMMISSIONERS:

Chairman Corradini asked each Commissioner if they had any closing statements or comments:

- Commissioner Joshi thanked Mr. Hudson for his observations and comments regarding the proposed residential Zoning Code amendments.
- Commissioner Patterson commented on the beautiful weather and the opportunity for Portage residents to experience entertainment events at the Overlander Bandshell.
- Other Commissioners did not have any closing statements or comments.

TO: Planning Commission**DATE:** July 26, 2019**FROM:** Vicki Georgeau, Director of Community Development**SUBJECT:** Final Report, Ordinance Amendment 18/19-B, Residential Amendments**I. INTRODUCTION**

Over the past several months, staff and the City Attorney have been preparing a number of Zoning Code amendments (primarily pertaining to residential land uses) that are intended to provide more flexibility for property owners/developers and to address ongoing issues associated with code implementation by staff. The more substantive changes are summarized below:

- 1) Regulation of accessory buildings in a more flexible manner so fewer residential property owners have to obtain variances to use their property in a manner that meets current household needs.
- 2) Increasing the residential building height for properties with less than 80 feet of lot width to facilitate desirable architectural design and better address lifestyle changes. An increase in building height is also consistent with many other comparable communities in Kalamazoo County and other areas of the state. With regard to lakefront lots where the demand for a 2-story walkout is high, an increase in height will avoid the practice of artificially changing the grade which may adversely impact adjacent properties.
- 3) Increasing the height of non-residential buildings in locations that have little impact on adjacent properties and neighborhoods.
- 4) Clarification on permissible projections into required yards, including barrier-free ramps for persons with disabilities;
- 5) Allowing increased flexibility to develop land without 60 feet of frontage on a public street (or 50 feet on a cul-de-sac), while ensuring alternative development patterns occur in an orderly fashion and in a manner that provide accessibility for public safety purposes;
- 6) Adding language regarding lot grading and maintenance to ensure storm water does not adversely impact neighboring properties, which is an increasingly relevant issue with more frequent and heavy rain events;
- 7) Increasing the time from for site plan approval and variance approval from 6 to 12 months to avoid additional bureaucratic review for development projects that are not built in what is a very short time frame;

Following the July 11, 2019 public hearing, staff reviewed/evaluated the proposal to increase the percent of lot coverage involving nonconforming lots (lots that don't meet the minimum zoning district requirement for width and/or area) from 25% to 30%. Since these lots are smaller than a standard size lot and, as a result, the impacts of increasing the amount of impervious area greater, staff has revised the ordinance language to retain 25% lot coverage for substandard or nonconforming lots.

II. PROPOSED AMENDMENTS

The following specific sections of the Zoning Code have been revised and a brief summary/rationale for the change has been provided. For additional detail on the specific language of each change, a highlight and strike version of the ordinance is attached for Commission review.

1. Reference to the large lot R-1E single family residential zoning district has been deleted from the following sections of the Zoning Code. It was established in 2003 and no land area has ever been zoned R-1E.
 - 42-121.B.1 – Accessory Uses
 - 42-135.K – Wireless telecommunications facilities and towers
 - 42-160 – Districts established
 - 42-180 – Intent
 - 42-181 – Principal permitted uses
 - 42-182 – Special land uses
 - 42-350.A – Schedule of regulations
 - 42-484.I.2 – General Requirements (Signs)
 - 42-545. – R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts. (Signs)
2. Section 42-112 - Definitions. Definitions for Arbor and Pergola were added to clarify these types of structures are permitted without being counted towards building lot cover, and minimum setback distances from property lines. Also, the definition of building height was revised consistent with current method of calculating building height.
3. Section 42-121 – Accessory Uses.
 - A.2: The separation distance between an accessory building and main building has been reduced from 10 feet to 5 feet consistent with the Building Code.
 - B.1.a: Accessory building height has been increased to 16 feet due to numerous variance requests from homeowners. Also, requests to exceed 16 feet are proposed to be reviewed by the Planning Commission and not the Zoning Board of Appeals.
 - B.1.b.1: The size of an accessory building is proposed to be based on 20% of the entire rear yard, and not just the required rear yard. This would allow for a slightly larger building and would provide a more equal standard for narrow, long lots, in comparison to wide lots. If located in the side or rear yard, the setback is proposed to be increased from three feet to five feet. A larger building is proposed to be permitted so a slightly greater setback distance from the property line is appropriate. Existing accessory buildings that do not meet the revised setback standard would be considered legally nonconforming. However, if such building was destroyed by an act of God or public enemy, it could be reconstructed to its original location within 18 months.
 - B.1.b.2: This subsection is proposed to be deleted since the size of an accessory building in the rear yard is proposed to be based on the entire rear yard area.
 - B.1.b.2: (Renumbered from 3 to 2 since the previous section is proposed to be deleted). The total floor area of accessory buildings is proposed to be based on the

ground floor area of main building, plus half of the second story. This change will permit more accessory building area for two-story houses, and a more equal standard in comparison to one-story houses with a larger ground floor.

- B.1.b.3: Currently, a public hearing is not required to exceed the floor area of the main building. A public hearing is now proposed consistent with the current practice of notifying property owners within 300 feet.
- B.2.a-c: Subsections a, b, and c were combined into one (refer to B.2.b.).
- B.2.a: Consistent with the requirements applicable to non-lakefront lots, this subsection clarifies limitations on the total floor area of all accessory buildings also apply to lakefront lots.
- B.3: The current minimum setback requirement in the RM-1 and RM-2, multi-family districts for an accessory building located in the rear yard is three feet from a side or rear property line. Consistent with B.1.b.1 above, this section is proposed to be revised to require the minimum setback distance be increased from three feet to five feet.

4. Section 42-124 - Projections into required yards

- A.4: Subsection (4) was added to address numerous front yard setback variance requests for barrier-free ramps.
- B: The current language of subsection (B) refers to a vertical projection, which has been difficult to interpret. For clarity purposes, vertical projection is proposed to be deleted and chimney added as an example. Cantilevered wall is excluded from an architectural feature since it could result in an entire wall of a building.
- C: This subsection was deleted and divided into two separate subsections for clarity purposes (refer to (D) & (E)).
- C: Subsection (C) was added to allow an egress landing and stairs in the side yard setback area as a result of numerous homeowner requests.

5. Section 42-125 - Street frontage requirements; development standards for land divisions.

- A. & B. These subsections were revised to clarify that the width of frontage requirements extend to the front setback line or building line, whichever is greater. In addition, the revisions allow parcels without public street frontage if the following conditions are met:
 - Recordable access and utility easement with a width of not less than 20 feet.
 - The easement area must be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds.
 - If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement must also be recorded.
 - No more than four parcels can be created from a parent parcel without frontage on a public street.

Sections 42-743.8 – Application requirements (Land Divisions) and 42-745.5 – Review of application; criteria for approval (Land Divisions) were also revised to include consistent language related to street frontage requirements.

- C. The phrase "...with public infrastructure improvements..." was added to clarify this section is applicable only when public infrastructure improvements are proposed.

6. Section 42-128 – Lakefront lots

- D: Pergolas, arbors and similar structures are allowed in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height

7. Section 42-139 – Lot grading

- Lot grading is a new section to ensure lots are properly graded and maintained to prevent surface water and erosion problems.

8. Section 42-350 – Schedule of regulations

- A: In the table, the following changes were made as a result of many variance and property owner requests. The changes in building height and percent lot coverage is also consistent with other area communities.
 - Building height has been increased for lots with less than 80 feet of width in the R-1A – R-1D district from 25 to 30 feet and in the B-1 district from 25 to 35 feet.
 - Maximum lot cover may be increased from 25 to 30% (excluding nonconforming lots) but it is subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed. Also, an increase to 30% would permit slightly larger ranch-style dwellings that address increasing needs for aging-in-place accommodations, mother-in-law suites and larger accessory buildings. An increase to 30% is also consistent with other comparable communities.
- B.2.b.i: The rear yard setback for a lot that has less than the required area has been increased from 3 feet to 30 feet to correct an apparent typographical error
- B.3: This footnote has been revised to clarify that for lots with more than 80 feet in width, the number of stories and building height can be increased to 3 and 40 feet, respectively, consistent with an amendment to the code in March 1993.
- B.4: "...unless otherwise permitted in this article" was added for clarity purposes.
- B.5: The following changes were made to this subsection:
 - "...on February 18, 2003" was added for clarity purposes.
 - In the table, the method in which to determine the minimum living area of 1½ and 2-story dwellings has been modified. The change eliminates a minimum area per floor (story) and a combined total area of each floor is now proposed. This change provides more flexibility with building design and construction.
 - Consistent with the changes in the table, floor area requirements for tri and bi-level dwellings has been deleted. The minimum floor area is the combined total floor area of each level not classified as a basement (more than 50% below grade). Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum area requirement for a two story residence in the same district.

- B.6.b: Building height in the RM-1 and RM-2 district was changed from 25 to 30 feet when abutting a single-family residential district and from 30 feet to 35 feet after Planning Commission review and approval. Construction of a two-story, multi-family residential building with the maximum height limited to 25 feet is challenging from a design perspective. Also, this change is consistent with the height and number of stories of single-family residential dwellings (40 feet and three stories).
 - B.6.c: Building height in all other zoning districts was changed from 25 to 30 feet and from one story to two stories when abutting a single-family residential district for the reasons noted above.
 - B.10: The exterior side yard setback for a structure located in the OS-1, office service district (when abutting a single-family residential district) was changed to from 10 feet to 15 feet to correct an inconsistency between the table in 42-350.A, which indicates 15 feet and footnote 10, which indicates 10 feet.
9. In the following Zoning Code sections, expiration of plan or Board/Commission approval is proposed to be extended to 12 months to allow applicants more time to prepare site plans, construction related documents or assemble other related material:
- Section 42-375 – Plan review and approval (PD, Planned Development).
 - Section 42-394.H.b – Plan review and approval (OTR, Office Technology and Research);
 - Section 42-414.I - Plan review and approval (Commercial Planned Development).
 - Section. 42-438.H.2 - Development project review and approval (CCA, City Center Area)
 - Section. 42-443.H.2 - Development project review and approval (CCMU, Commercial Corridor Mixed Use).
 - Section. 42-461.E.4 - Application and review procedures (Special Land Use Permit).
 - Section. 42-484.C – Site Plan Approval.
 - Section. 42-623. – Public hearings, voting, and decisions (Zoning Board of Appeals).
10. Section. 42-803. – Streets (Subdivision Regulations).
- i: This section is proposed to be revised to increase the number of residential lots on a cul-de-sac from 20 to 30 consistent with the International Fire Code.
11. Section. 42-805. – Utilities (Subdivision Regulations).
- c.5 & 6: These two sections are proposed to be changed to increase the number of residential units/lots served by municipal water from 20 to 30 consistent with the proposed increase in the number of lots permitted on a cul-de-sac per the International Fire Code.

III. PUBLIC HEARING/COMMENT

The Planning Commission convened a public hearing during the July 11, 2019. One citizen, James Hudson, 9001 West End Drive, spoke regarding the proposed amendments. Mr. Hudson commended staff and the Commission for the increased flexibility associated with the ordinance amendments; however, expressed concern over the proposed increase in lot coverage from 25% to

30% especially on lakefront lots. Mr. Hudson stated this increase in lot coverage could result in negative impacts associated with higher density/more intensive residential land use, larger residential structures, increases in traffic, diminished lake views and possible accessibility issues for the Fire Department. No other comments, either written or verbal, were received regarding the proposed residential amendments.

III. RECOMMENDATION

Based on the above analysis and subject to any comments received during the August 1, 2019 public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 18/19-B, Residential Amendments, be approved.

Attachment: Draft Ordinance Amendment (highlight/strike and clean versions)

HIGHLIGHT AND STRIKE VERSION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; 42-121, ACCESSORY USES; 42-124,
PROJECTIONS IN REQUIRED YARDS; 42-125, STREET FRONTAGE REQUIREMENTS;
DEVELOPMENT STANDARDS FOR LAND DIVISIONS; 42-128, LAKEFRONT LOTS; 42-
135, WIRELESS TELECOMMUNICATIONS FACILITIES AND TOWERS; 42-139, LOT
GRADING; 42-160, DISTRICTS ESTABLISHED; 42-180, INTENT; 42-181, PRINCIPAL
PERMITTED USES; 42-182, SPECIAL LAND USES; 42-350, SCHEDULE OF
REGULATIONS; 42-375, PLAN REVIEW AND APPROVAL (PD, PLANNED
DEVELOPMENT); 42-394, PLAN REVIEW AND APPROVAL (OTR, OFFICE TECHNOLOGY
AND RESEARCH); 42-414, PLAN REVIEW AND APPROVAL (COMMERCIAL PLANNED
DEVELOPMENT); 42-438, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCA,
CITY CENTER AREA); 42-443, DEVELOPMENT PROJECT REVIEW AND APPROVAL
(CCMU, COMMERCIAL CORRIDOR MIXED USE); 42-461, APPLICATION AND REVIEW
PROCEDURES; 42-484, SITE PLAN APPROVAL; 42-542, GENERAL REQUIREMENTS; 42-
545, R-1A, R-1B, R-1C, R-1D, R-1E AND R-1T DISTRICTS; 42-623, PUBLIC HEARINGS,
VOTING, AND DECISIONS; 42-743, APPLICATION REQUIREMENTS; 42-745, REVIEW OF
APPLICATION; CRITERIA FOR APPROVAL; 42-803, STREETS; 42-807, LOTS OF ARTICLE
4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. – **Definitions**, *shall be amended as follows.*

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade.

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50% open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Sec. 42-112. A definition of building height was revised consistent with current application of the code.

Definitions for Arbor and Pergola were added to clarify these types of structures are permitted and minimum setback distances from property lines.

Sec. 42-121. - **Accessory uses.**

A. *General requirements.*

1. No Change.

2. No detached accessory building or structure shall be located closer than ~~ten~~ five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the Building Code are met.
3. through 4. - No Change.

The separation distance between an accessory building and structure has been reduced from 10 feet to 5 feet consistent with the Building Code.

B. Accessory buildings—Residential zoning districts.

1. Non-lakefront lots: The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, ~~R-1E, estate residential~~ or R-1T attached residential districts. These requirements shall also apply to one family dwellings constructed in the RM-1 and RM-2 districts.

42-121.B.1
Reference to the R-1E single family residential zoning district has been deleted from all sections of the Zoning Code. It was established in 2003 and no land area has ever been zoned R-1F

- a. No detached accessory building shall exceed ~~14~~ 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.

42-121.B.1.a
Accessory building height has been increased to 16 feet due to several requests from homeowners. Requests to exceed 16 feet are proposed to be reviewed by the Planning Commission and not the Zoning Board of Appeals

b. Maximum floor areas:

1. Except as noted in (2) and 3 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of ~~a required~~ the rear yard. Accessory buildings on these lots may be located within a required rear or side yard, but not closer than ~~three~~ five feet to any side or rear lot line. Accessory buildings in the front yard shall meet the setbacks required for the main building.

42-121.B.1.b.1. The size of an accessory building is proposed to be based on 20% of the entire rear yard, and not just the required rear yard. This would allow for a slightly larger building and would provide a more equal standard for narrow, long lots, in comparison to wide lots. The setback is proposed to be based on the height of the building.

- ~~2. On nonconforming residential lots, the maximum floor area of all detached accessory buildings shall not exceed 20 percent of the total rear yard area. Accessory buildings on these lots may be located within a required rear yard, but not closer than three feet to any side or rear lot line.~~

42-121.B.1.b.2. Since the size of an accessory building in the rear yard is proposed to be based on the entire rear yard area, subsection 2 can be deleted

- ~~3~~ 2. The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.

42-121.B.1.b.2. The total floor area of accessory buildings is proposed to be based on the ground floor area of main building, plus half of the second story. This change will permit more accessory building area for two-story houses, and a more equal standard in comparison to one-story houses with a larger ground floor.

3. The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel ~~is unplatted with an~~ has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future

42-121.B.1.b.3. Currently, a public hearing is not required to exceed the floor area of the main building. A public hearing is now proposed.

land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.

2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district.

42-121.B.2.
Subsections a, b, and c were combined into one (refer to subsection b).

42-121.B.2.a.
Subsection (a) was added to limit the total floor area of all accessory buildings consistent with non-lakefront lots.

- ~~a. Not more than one detached accessory building is permitted in the rear (lake side) yard.~~
~~b. The permitted accessory building shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building.~~
~~c. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.~~

- a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.
~~c.~~ d. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
~~e.~~ d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.

42-121.B.3. The setback is proposed to be increased from three to five feet.

3. RM-1 and RM-2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than ~~three~~ five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.B.1.

Sec. 42-124. - Projections into required yards.

- A. Porches, terraces and decks through
1. through 3. No change

4. Ramps for the purpose of providing barrier free access to a dwelling can project to within 10 feet of the front property line.

42-124.A.4.
Subsection (4) was added to address numerous variance requests for barrier-free ramps.

42-124.B. In Subsection (B), vertical projection was difficult to define so it is proposed to be deleted and chimney added as an example. Cantilevered wall is excluded from an architectural feature since it could result in an entire wall of a building.

- B. An architectural feature, such as a chimney but not including a vertical projection cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.

~~C. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.~~

C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 36 inches or as regulated by the last adopted edition of the city's building code.

D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.

E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

42-124.C Subsection (C) was deleted and divided into two separate Subsections (refer to (D) & (E) below.

42-124.C. Subsection (C) was added to allow an egress landing and stairs in the side yard setback area.

Sec. 42-125. - Street frontage requirements; development standards for land divisions.

~~A. This section is intended to preclude the development of private streets where land divisions are proposed, and to establish review and approval criteria for land divisions and developments not otherwise regulated.~~

- B. A. Any parcel of land which is to be occupied by a use or building shall have a minimum of 60 feet of frontage on a public street or 50 feet of frontage on a public cul-de-sac, and shall further meet the lot width and setback requirements for the zoning district in which it is located. The public street shall be paved and adequate drainage provided therefor.

meet at least one of the following street frontage requirements:

1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well

42-125.A. Subsection (A) was deleted and a new Subsection (A) added to allow parcels without public street frontage if certain conditions are met.

as apportionment of costs and expense for infrastructure and/or improvement on the easement.

B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article V, Subdivision and Land Division Requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:

42-125.C was revised to clarify it is applicable only when public infrastructure improvements are proposed

1. through 3. No change

Sec. 42-128. - Lakefront lots.

A. and C. No change.

D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.

42-128.D. Pergolas, arbors and similar structures are allowed in the lakeside yard with conditions

Sec. 42-135. - Wireless telecommunications facilities and towers.

A. through J. No change.

K. Separation:

In Table 1 below, reference to R-1E has been deleted.

1. and 2. No change. Table 1- Setback and Separation Requirements For New Telecommunication Tower Construction					
District of Tower Location ¹	Special land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1E , R-1T, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2-75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135.C for definition.

Sec. 42-139. – Lot Grading.

Required yard space, as determined by the minimum setback requirements, shall be at an elevation to ensure surface water drains away from the foundation walls in accordance with the last adopted edition of the Residential Building Code. Yards shall be graded and maintained to prevent the accumulation of surface water on the property outside of designated storm water detention areas and not increase the natural flow or runoff of surface water onto adjacent properties.

42-139. Lot grading was added to ensure lots are properly graded to prevent surface water problems.

Sec. 42-160. - Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential Lot area: 12,000 to 28,000 sq. ft.)
R-1E	Estate Residential (Lot area: 1 acre)
R-1T	Attached Residential
RM-1	Multifamily Residential (High Density)
RM-2	Multifamily Residential (Medium Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

42-160. In the table to the left, reference to R-1E has been deleted.

Subdivision 2. - R-1A, R-1B, R-1C, ~~and~~ R-1D and ~~R-1E~~ One-Family Residential Districts**Sec. 42-180. - Intent.**

The R-1A through R-1~~E~~ ~~D~~ one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

In Sections 42-180, 42-181 and 42-182, reference to R-1E has been deleted.

Sec. 42-181. - Principal permitted uses.

In a one-family residential district (R-1A through R-1~~E~~ ~~D~~), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. thru H. - No change.

Sec. 42-182. - Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1~~E~~ ~~D~~), subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. thru J. - No change.

In the table below, the following changes were made:

1. Reference to the R-1E district has been deleted
2. Building height has been increased in the R-1A – R-1D district from 25 to 30 feet and in the B-1 district from 35 to 35 feet.
3. Maximum lot cover has been increased from 25 to 30% subject to review and approval by the Director of Transportation and Utilities

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet (2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear		
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2 (3)	3025 (3)	27	8(4)	40	(5)	25%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2 (3)	3025 (3)	30	10(4)	40	(5)	25%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2 (3)	3025 (3)	30	12(4)	40	(5)	25%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2 (3)	3025 (3)	30	12(4)	40	(5)	25%
R-1E One-Family Residential	43,560/150	43,560/150	43,560/150	2 (3)	25 (3)	40	20(4)	60	(5)	25%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	3025(6)	30	10(4)	40	850	25%
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8) (4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25%
OS-1 Office Service	—	—	—	—	35(6)	27(9)	15(10)(4)	20(11)	—	—
OTR Office Technology Research	(12)	—	—	—	35(6)	50(13)	50(13) (14) (4)	50(13)	—	25%
B-1 Local Business	—	—	—	—	3525(6)	27(9)	(10)(4)	20(11)	—	25%
B-2 Community Business	—	—	—	—	35(6)	75(9)(15)	(15)(4)	(11)(15)	—	—
B-3 General Business	—	—	—	—	35(6)	30(9)	(10)(4)	20(11)	—	—
CPD Commercial Planned Development	(16)	—	—	—	35(6)	(15)	(15)(4)	(11)(15)	—	25%
I-1 Light Industrial	—	—	—	—	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	—	—
I-2 Heavy Industrial	—	—	—	—	60(6)	100(17)(18)	100(17)(19)(4)	(11)(17)(19)	—	—
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

1. No change.
2. No change:
 - a. No change;
 - b. For lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty Three feet to the rear line;
 - ii. No change
 - iii. No change

42-350.B.2.b.1. The rear yard setback for a lot that has less than the required area has been increased from 3 feet to 30 feet to correct an apparent typographical error

3. R-1A, R-1B, R-1C, and R-1D and R-1E one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height ~~be regulated by the last adopted edition of the city's building code.~~
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this Article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

42-350.B.3. Reference to R-1E has been deleted and the number of stories and building height clarified at 3 and 40 feet, respectively, consistent with an amendment to the code in March 1993.

42-350.B.4 "...unless otherwise permitted in this article" was added for clarity purposes.

42-350.B.5. "...on February 18, 2003" was added for clarity purposes.

In the table below, the method in which to determine the minimum area of 1½ and 2-story single family residential dwellings has been modified. The change eliminates a minimum area per floor (story) and a combined total area of each floor is now proposed. This change is based on changes in home design/construction that provide more living/utility area on the ½ or second story. Also, the R-1E district has been deleted from the table.

Residence Type	Zoning District							
	(with basement of at least 440 sq. ft.)				(with basement less than 440 sq. ft.)			
	R-1A	R-1B	R-1C & D	<u>R-1E</u>	R-1A	R-1B	R-1C&D	<u>R-1E</u>
1 story	1,040	1,280	1,600	<u>2,000</u>	1,120	1,360	1,600	<u>2,000</u>
1 1/2 story	<u>880</u> <u>1,100</u>	<u>1,080</u> <u>1,340</u>	<u>1,280</u> <u>1,680</u>	<u>1,800</u>	<u>960</u> <u>1,180</u>	<u>1,160</u> <u>1,500</u>	<u>1,300</u> <u>1,700</u>	<u>1,800</u>
1 1/2 story, 2 nd floor	212	260	400	600	212	340	400	600
2 story, 1 st floor	<u>720</u> <u>1,440</u>	<u>900</u> <u>1,800</u>	<u>1,000</u> <u>2,000</u>	<u>1,200</u>	<u>800</u> <u>1,520</u>	<u>980</u> <u>1,880</u>	<u>1,000</u> <u>2,000</u>	<u>1,200</u>
2 story, 2 nd floor	720	900	1,000	1,200	720	900	1,000	1,200

Minimum floor area requirements for tri-levels shall be computed using the total square footage of the two uppermost levels. Minimum floor area requirements for bi-levels shall be computed using the total square footage of that floor at or above the approximate grade of the address street. The total square footage so computed for a tri-level or bi-level shall equal at least the minimum square footage requirement for a one-floor two-story residence in the same district.

Consistent with the changes in the table above, floor area requirements for tri and bi-level dwellings has been deleted. The minimum floor area is combined total floor area of each level not classified as a basement (more than 50% below grade). Since all non-basement levels are computed in the total floor area, bi and tri-level dwellings must meet the minimum area requirement for a two story residence in the same district.

42-350.B.6.b.
Structure
height was
changed from
25 to 30 feet
and from 30
feet to 35 feet

6. a. No change
- b. The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than ~~25~~30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than ~~30~~35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.
- c. In all other districts, the height of any structure shall be no greater than ~~25~~30 feet and ~~one two story stories~~ when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.
- d. No change

42-350.B.6.c.
Structure
height was
changed from
25 to 30 feet
and from one
story to two
stories.

42-350.B.10. The
exterior yard
setback was
changed to 15
feet to correct an
inconsistency
between the table
in 42-350.A and
footnote.

7. thru (9). No change
10. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of ~~40~~15 feet in width.
11. thru (19). No change
20. An increase in lot coverage to 30% may be permitted for lots that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed.

Sec. 42-375. - Plan review and approval (PD, Planned Development).

- J. Time limit for commencing development: After a final plan is approved by the council, development of the planned development or divisible geographic section thereof shall begin within ~~120 days~~ 12 months of approval of the final plan. If development is not begun within such time, the final plan must be resubmitted for reapproval. At the lapse of each ~~120 days~~ 12 months period, the council, before reapproval, may require modification of the final plan to meet new or previously undetected conditions affecting the project area.

42-375.J. The expiration of plan approval has been extended from 120 days to 12 months to allow the community more time to prepare construction

Sec. 42-394. - Plan review and approval (OTR, Office Technology and Research)

- H. Development plan (specific plan):
- a. No change
 - b. Time limit for commencing construction. After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - c. No change.

The expiration of plan approval has been extended from 6 to 12 months in Sec. 42-394, 414, 438, 443, 461 & 484 to allow the developers more time to prepare construction documents

Sec. 42-414. - Plan review and approval (Commercial Planned Development).

- I. Time limit for commencing development: After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this time period, the specific plan must be resubmitted for approval in accordance with the requirements of division 5, subdivision 2, Site Plan Review.

Sec. 42-438. - Development project review and approval (CCA, City Center Area)

- H. Development plan (specific plan):
1. No change.
 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
 3. No change.

Sec. 42-443. - Development project review and approval (CCMU, Commercial Corridor Mixed Use).

- H. Development plan (specific plan):
1. No change.
 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within ~~six months~~ 12 months of approval of the specific plan. If

development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.

3. No change.

Sec. 42-461, Application and review procedures

- A. through D. No change
- E. Special land use decisions
 1. through 3. No change
 4. Validity of approval: Any approval given by the commission under which the premises are not used or work is not started within ~~six months~~ 12 months , or when the use or work has been abandoned for a period of ~~six months~~ 12 months , shall lapse and cease to be in effect.
 5. No change

Sec. 42-484. - Site plan approval (Site Plan Review).

- C. Site plan expiration: If construction activity has not commenced within ~~six months~~ 12 months of final site plan approval, the site plan becomes null and void and a new application for site plan review in accordance with the procedures of this subsection shall be required.

Sec. 42-542. - General requirements.

In Sec. 42-542.I.2,
reference to R-1E
has been deleted.

- A. through H. No change
- I. Electronic or mechanical sign elements.
 1. No change
 2. An accessory sign for a permitted use in the R-1A through ~~R-1E~~ R-1D one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
A through h. No change

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, ~~R-1E~~ and R-1T districts.

In Sec. 42-545,
reference to R-1E
has been deleted.

In any R-1A, R-1B, R-1C, R-1D, ~~R-1E~~ and R-1T residential district:

- A. through D. No change

Sec. 42-623. - Public hearings, voting, and decisions (Zoning Board of Appeals).

- A. through B. No change
- C. Decisions:
 1. No change.
 2. No change.
 3. No change.

4. Any approval given by the board under which the premises are not used or work is not started within ~~six months~~ 12 months , or when the use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
5. No change.

In Sec. 42-623.C.4, the expiration of ZBA approval has been extended from 6 to 12 months to allow the applicants more time to prepare construction documents, if applicable

Sec. 42-743. - Application requirements.

1. through 7. No change
8. The application shall include proof that all divisions shall result in buildable parcels containing at least ~~60 feet of frontage on a public street or 50 feet of frontage on a public cul-de-sac~~; one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
 - c. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.

Consistent with 42-125.A, 42-743.8 for Land Divisions was modified to allow parcels without public street frontage if certain conditions are

9. through 10. No change

Sec. 42-745. - Review of application; criteria for approval.

1. through 4. No change

5. Each resulting parcel ~~has not less than 60 feet of frontage on a public street and 50 feet of frontage on a cul-de-sac.~~ shall meet at least one of the following street frontage requirements:

Consistent with 42-125.A and 42-743.8, 42-745.5 was modified to allow parcels without public street frontage if certain conditions are met.

- a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
- b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

6. through 8. No change

Sec. 42-803. – Streets (Subdivision Regulations).

- a. through h. No change
- i. Cul-de-sac. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed ~~20~~ 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.
- j. through k. No change

42-803.i was changed to increase the number of residential lots on a cul-de-sac from 20 to 30 consistent with the International Fire Code

Sec. 42-805. – Utilities (Subdivision Regulations).

- a. through b. No change
- c. 1. through 4. No change
5. Valves shall be placed at all intersections such that not more than ~~20~~ 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.
6. Dead-end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of ~~20~~ 30 lots or as otherwise required by the city council.

42-805(c)(5)(6) were changed to increase the number of residential units/lots served by municipal water from 20 to 30 consistent with the International Fire Code

CLEAN VERSION

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS; 42-121, ACCESSORY USES; 42-124, PROJECTIONS IN REQUIRED YARDS; 42-125, STREET FRONTAGE REQUIREMENTS; DEVELOPMENT STANDARDS FOR LAND DIVISIONS; 42-128, LAKEFRONT LOTS; 42-135, WIRELESS TELECOMMUNICATIONS FACILITIES AND TOWERS; 42-139, LOT GRADING; 42-160, DISTRICTS ESTABLISHED; 42-180, INTENT; 42-181, PRINCIPAL PERMITTED USES; 42-182, SPECIAL LAND USES; 42-350, SCHEDULE OF REGULATIONS; 42-375, PLAN REVIEW AND APPROVAL (PD, PLANNED DEVELOPMENT); 42-394, PLAN REVIEW AND APPROVAL (OTR, OFFICE TECHNOLOGY AND RESEARCH); 42-414, PLAN REVIEW AND APPROVAL (COMMERCIAL PLANNED DEVELOPMENT); 42-438, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCA, CITY CENTER AREA); 42-443, DEVELOPMENT PROJECT REVIEW AND APPROVAL (CCMU, COMMERCIAL CORRIDOR MIXED USE); 42-461, APPLICATION AND REVIEW PROCEDURES; 42-484, SITE PLAN APPROVAL; 42-542, GENERAL REQUIREMENTS; 42-545, R-1A, R-1B, R-1C, R-1D, R-1E AND R-1T DISTRICTS; 42-623, PUBLIC HEARINGS, VOTING, AND DECISIONS; 42-743, APPLICATION REQUIREMENTS; 42-745, REVIEW OF APPLICATION; CRITERIA FOR APPROVAL; 42-803, STREETS; 42-807, LOTS OF ARTICLE 4, ZONING, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. – Definitions, *shall be amended as follows.*

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade.

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50% open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Sec. 42-121. - Accessory uses.

A. *General requirements.*

1. No Change.
2. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the Building Code are met.
3. through 4. - No Change.

B. Accessory buildings—Residential zoning districts.

1. Non-lakefront lots: The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, or R-1T attached residential districts. These requirements shall also apply to one family dwellings constructed in the RM-1 and RM-2 districts.
 - a. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.
 - b. Maximum floor areas:
 1. Except as noted in (2) and 3 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines not less than one-half the height of the building. Accessory buildings in the front yard shall meet the setbacks required for the main building.
 2. The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.
 3. The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.
2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district.
 - a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
 - b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall

be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.

- c. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
 - d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.
3. RM-1 and RM-2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.B.1.

Sec. 42-124. - Projections into required yards.

- A. Porches, terraces and decks through
 - 1. through 3. No change
 - 4. Ramps for the purpose of providing barrier free access to a dwelling can project to within 10 feet of the front property line.
- B. An architectural feature, such as a chimney but not including a cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.
- C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 36 inches or as regulated by the last adopted edition of the city's building code.
- D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.
- E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

Sec. 42-125. - Street frontage requirements; development standards for land divisions.

- A. Any parcel of land which is to be occupied by a use or building shall meet at least one of the following street frontage requirements:
 - 1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - 2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access

and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

- B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article V, Subdivision and Land Division Requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:

1. through 3. No change

Sec. 42-128. - Lakefront lots.

- A. and C. No change.
- D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.

Sec. 42-135. - Wireless telecommunications facilities and towers.

A. through J. No change.

K. Separation:

1. and 2. No change. Table 1- Setback and Separation Requirements For New Telecommunication Tower Construction					
District of Tower Location ¹	Special land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1T, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2-75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135.C for definition.

Sec. 42-139. – Lot Grading.

Required yard space, as determined by the minimum setback requirements, shall be at an elevation to ensure surface water drains away from the foundation walls in accordance with the last adopted edition of the Residential Building Code. Yards shall be graded and maintained to prevent the accumulation of surface water on the property outside of designated storm water detention areas and not increase the natural flow or runoff of surface water onto adjacent properties.

Sec. 42-160. - Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential Lot area: 12,000 to 28,000 sq. ft.)
R-1T	Attached Residential
RM-1	Multifamily Residential (High Density)
RM-2	Multifamily Residential (Medium Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

Subdivision 2. - R-1A, R-1B, R-1C, and R-1D One-Family Residential Districts**Sec. 42-180. - Intent.**

The R-1A through R-1D one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

Sec. 42-181. - Principal permitted uses.

In a one-family residential district (R-1A through R-1D), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. thru H. - No change.

Sec. 42-182. - Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1D), subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. thru J. - No change.

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet (2)			Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear		
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2 (3)	30 (3)	27	8(4)	40	(5)	25%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2 (3)	30 (3)	30	10(4)	40	(5)	25%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	30 (6)	30	10(4)	40	850	25%
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8) (4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25%
OS-1 Office Service	—	—	—	—	35(6)	27(9)	15(10)(4)	20(11)	—	—
OTR Office Technology Research	(12)	—	—	—	35(6)	50(13)	50(13) (14) (4)	50(13)	—	25%
B-1 Local Business	—	—	—	—	35(6)	27(9)	(10)(4)	20(11)	—	25%
B-2 Community Business	—	—	—	—	35(6)	75(9)(15)	(15)(4)	(11)(15)	—	—
B-3 General Business	—	—	—	—	35(6)	30(9)	(10)(4)	20(11)	—	—
CPD Commercial Planned Development	(16)	—	—	—	35(6)	(15)	(15)(4)	(11)(15)	—	25%
I-1 Light Industrial	—	—	—	—	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	—	—
I-2 Heavy Industrial	—	—	—	—	60(6)	100(17)(18)	100(17)(19)(4)	(11)(17)(19)	—	—
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

1. No change.
2. No change:
 - a. No change;
 - b. For lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty feet to the rear line;
 - ii. No change
 - iii. No change
3. R-1A, R-1B, R-1C, and R-1D one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this Article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

Residence Type	Zoning District					
	(with basement of at least 440 sq. ft.)			(with basement less than 440 sq. ft.)		
	R-1A	R-1B	R-1C & D	R-1A	R-1B	R-1C & D
1 story	1,040	1,280	1,600	1,120	1,360	1,600
1 1/2 story	1,100	1,340	1,680	1,180	1,500	1,700
2 story	1,440	1,800	2,000	1,520	1,880	2,000

The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.

6. a. No change
- b. The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than 35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.
- c. In all other districts, the height of any structure shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning

commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.

- d. No change
- 7. thru (9). No change
- 10. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of 15 feet in width.
- 11. thru (19). No change
- 20. An increase in lot coverage to 30% may be permitted for lots that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed.

Sec. 42-375. - Plan review and approval (PD, Planned Development).

- J. Time limit for commencing development: After a final plan is approved by the council, development of the planned development or divisible geographic section thereof shall begin within 12 months of approval of the final plan. If development is not begun within such time, the final plan must be resubmitted for reapproval. At the lapse of each 12 months period, the council, before reapproval, may require modification of the final plan to meet new or previously undetected conditions affecting the project area.

Sec. 42-394. - Plan review and approval (OTR, Office Technology and Research)

- H. Development plan (specific plan):
 - a. No change
 - b. Time limit for commencing construction. After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - c. No change.

Sec. 42-414. - Plan review and approval (Commercial Planned Development).

- I. Time limit for commencing development: After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this

time period, the specific plan must be resubmitted for approval in accordance with the requirements of division 5, subdivision 2, Site Plan Review.

Sec. 42-438. - Development project review and approval (CCA, City Center Area)

H. Development plan (specific plan):

1. No change.
2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
3. No change.

Sec. 42-443. - Development project review and approval (CCMU, Commercial Corridor Mixed Use).

H. Development plan (specific plan):

1. No change.
2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
3. No change.

Sec. 42-461. - Application and review procedures

- A. through D. No change
- E. Special land use decisions
 1. through 3. No change
 4. Validity of approval: Any approval given by the commission under which the premises are not used or work is not started within 12 months , or when the use or work has been abandoned for a period of 12 months , shall lapse and cease to be in effect.
 5. No change

Sec. 42-484. - Site plan approval (Site Plan Review).

- C. Site plan expiration: If construction activity has not commenced within 12 months of final site plan approval, the site plan becomes null and void and a new application for site plan review in accordance with the procedures of this subsection shall be required.

Sec. 42-542. - General requirements.

- A. through H. No change
- I. Electronic or mechanical sign elements.

1. No change
2. An accessory sign for a permitted use in the R-1A through R-1D one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
A through h. No change

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, and R-1T districts.

In any R-1A, R-1B, R-1C, R-1D, and R-1T residential district:

- A. through D. No change

Sec. 42-623. - Public hearings, voting, and decisions (Zoning Board of Appeals).

- A. through B. No change

C. Decisions:

1. No change.
2. No change.
3. No change.
4. Any approval given by the board under which the premises are not used or work is not started within 12 months, or when the use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
5. No change.

Sec. 42-743. - Application requirements.

1. through 7. No change
8. The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also

be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

- i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- c. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.

9. through 10. No change

Sec. 42-745. - Review of application; criteria for approval.

1. through 4. No change
5. Each resulting parcel shall meet at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
6. through 8. No change

Sec. 42-803. – Streets (Subdivision Regulations).

- a. through h. No change

- i. Cul-de-sac. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.
- j. through k. No change

Sec. 42-805. – Utilities (Subdivision Regulations).

- a. through b. No change
- c. 1. through 4. No change
 - 5. Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.
 - 6. Dead-end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of 30 lots or as otherwise required by the city council.

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**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 Chapter 42, Land Division Regulations, of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2019, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2019, at 7:00 p.m. or as soon thereafter as may be heard.

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

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. – Definitions, shall be amended as follows.

Arbor: A freestanding structure that typically serves as a passageway to a yard or garden. The sides of an arbor are either open or covered with lattice or trellis. The roof of an arbor is open consisting slatted members. An arbor shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Building height: The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between the highest eaves and ridge for gable, hip and gambrel roofs. Where a building is located on sloping terrain, the height may be measured from the average grade.

Pergola: A freestanding structure supported by columns or posts with a roof that is more than 50% open. A pergola shall not be considered an accessory building for the purpose of lot cover and setback from the main building.

Sec. 42-121. - Accessory uses.

A. General requirements.

1. No Change.
2. No detached accessory building or structure shall be located closer than five feet to a main building or other accessory building or structure on the same lot unless the minimum fire separation requirements of the last adopted edition of the Building Code are met.
3. through 4. - No Change.

B. Accessory buildings—Residential zoning districts.

1. Non-lakefront lots: The following applies to accessory buildings and uses on non-lakefront lots in the R-1A one-family residential, R-1B one-family residential, R-1C one-family residential, R-1D one-family residential, or R-1T

attached residential districts. These requirements shall also apply to one family dwellings constructed in the RM-1 and RM-2 districts.

- a. No detached accessory building shall exceed 16 feet in height except, after a public hearing, the height of the building may be increased if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed building from adjacent residential structures, adequately mitigate adverse impacts upon any adjacent single-family residential use.
 - b. Maximum floor areas:
 1. Except as noted in (2) and 3 below, each detached accessory building shall have a maximum floor area not greater than 20 percent of the rear yard. Accessory buildings in the rear or side yard shall be setback from the side or rear property lines not less than one-half the height of the building. Accessory buildings in the front yard shall meet the setbacks required for the main building.
 2. The total floor area of all accessory buildings, including those attached to the main building, shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of an accessory(s) or main building.
 3. The floor area of accessory buildings may exceed the ground floor area of the main building plus 50 percent of the second story when the residential lot or parcel has an area of two acres or more. However, when the floor area of the accessory building exceeds the ground floor area of the main building plus 50 percent of the second story, the accessory building and use shall be subject to the approval of the planning commission after a public hearing. To ensure harmonious relationships and to minimize conflicts between adjacent uses, the commission shall consider the proposed characteristics and uses of the building in relation to existing land uses and to the future land uses as shown in the comprehensive plan. The commission may attach requirements to such accessory building and use when it deems necessary to avoid or mitigate adverse impacts on surrounding properties. This section does not apply to agricultural uses.
2. Lakefront lots: The following applies to accessory buildings on lakefront lots in any residential district.
- a. The total floor area of all accessory buildings shall not exceed the ground floor area of the main building plus 50 percent of the second story, provided that breezeways or enclosed porches are not counted in computing the total floor area of a detached accessory(s) or main building.
 - b. Not more than one detached accessory building is permitted in the rear (lake side) yard and shall not exceed 80 square feet in area and eight feet in height, measured from the average grade at the accessory building location to the highest point of the accessory building. The permitted accessory building shall be located not closer than ten feet to any side property line and three feet to the rear property line in the rear (lake side) yard.

- c. Boathouses, docks and other similar structures that are situated in whole or in part in the water are not regulated by this section.
 - d. All buildings and structures, including fences, that were in existence in the rear (lake side) yard prior to January 30, 1987, shall be allowed to continue and shall be considered to be nonconforming structures and buildings.
3. RM-1 and RM-2 districts: A detached accessory building accessory to uses permitted in these districts may be located within a required rear yard not closer than five feet to any side or rear lot line, except that community recreation or meeting facilities shall meet the setback requirements applicable to main buildings for the district. One-family dwellings shall comply with the provisions of section 42-121.B.1.

Sec. 42-124. - Projections into required yards.

- A. Porches, terraces and decks through
 - 1. through 3. No change
 - 4. Ramps for the purpose of providing barrier free access to a dwelling can project to within 10 feet of the front property line.
- B. An architectural feature, such as a chimney but not including a cantilevered wall, may extend or project into a required side yard not more than two inches for each one foot of width of the side yard, and may extend or project not more than three feet into a required front yard or rear yard.
- C. In the one-family residential districts, a landing and stairs for egress purposes less than 30 inches above grade may project into the side yard not more than 36 inches or as regulated by the last adopted edition of the city's building code.
- D. For the purpose of this article, an access drive may be placed in a required front or side yard so as to provide access to the rear yard and/or an accessory or attached structure. These drives shall be considered a permitted encroachment into a front or side yard.
- E. For the purpose of this article, any walk, terrace or other pavement serving a similar function, not in excess of nine inches above the grade upon which placed, shall not be considered a structure and shall be permitted in any required yard.

Sec. 42-125. - Street frontage requirements; development standards for land divisions.

- A. Any parcel of land which is to be occupied by a use or building shall meet at least one of the following street frontage requirements:
 - 1. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - 2. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the

benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.

- B. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
- C. Residential, commercial or industrial developments which result in land divisions with public infrastructure improvements, except lands divided pursuant to the Land Division Act (MCL 560.101 et seq., MSA 26.430(101) et seq.) and article V, Subdivision and Land Division Requirements, of this chapter, shall be subject to subsection B of this section and to the following conditions:

1. through 3. No change

Sec. 42-128. - Lakefront lots.

- A. and C. No change.
- D. Pergolas, arbors and similar structures over nine inches in height above grade are permitted in the lakeside yard provided there are no walls, only support posts, and the structures do not exceed eight feet in height.

Sec. 42-135. - Wireless telecommunications facilities and towers.

A. through J. No change.

K. Separation:

1. and 2. No change. Table 1- Setback and Separation Requirements For New Telecommunication Tower Construction					
District of Tower Location ¹	Special land Use Required	Minimum Setbacks	Any Residential District or Use	OS-1, OTR, B-2, B-3, CPD, or P-1 Districts	I-1, I-2 Districts
R-1A, R-1B, R-1C, R-1D, R-1T, MHC PD ¹		Front: 30 ft. Side: 12 ft. Rear: 40 ft.	No separation requirements if alternative tower structure is utilized.		
RM-1, RM-2, OS-1, OTR, B-1 ¹		Front: 30 ft. Side: 12 ft. Rear: 12 ft.			
B-2, B-3, CPD, P-1	Yes	Front: 30 ft. (except B-2-75 ft.) Side: 12 ft. Rear: 12 ft.	1,320 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized		
I-1, I-2		Front: 75 ft. Side/Rear: None; separation requirements only	200 ft.	Greater of: 100 ft. or 100% of tower height	20% of tower height
			No separation requirements if alternative tower structure is utilized.		

¹ Alternative tower structure required: Alternative design mounting structures that camouflage or conceal the presence of antennas and/or towers, see Section 42-135.C for definition.

Sec. 42-139. – Lot Grading.

Required yard space, as determined by the minimum setback requirements, shall be at an elevation to ensure surface water drains away from the foundation walls in accordance with the last adopted edition of the Residential Building Code. Yards shall be graded and maintained to prevent the accumulation of surface water on the property outside of designated storm water detention areas and not increase the natural flow or runoff of surface water onto adjacent properties.

Sec. 42-160. - Districts established.

For the purpose of this article, the city is hereby divided into the following districts:

Zoning Map Designation	District Title (See also Division 4, Subdivision 10)
R-1A	One-Family Residential (Lot area: 7,800 to 15,000 sq. ft.)
R-1B	One-Family Residential (Lot area: 9,600 to 15,000 sq. ft.)
R-1C	One-Family Residential (Lot area: 12,000 to 15,000 sq. ft.)
R-1D	One-Family Residential Lot area: 12,000 to 28,000 sq. ft.)
R-1T	Attached Residential
RM-1	Multifamily Residential (High Density)
RM-2	Multifamily Residential (Medium Density)
OS-1	Office Service
B-1	Local Business
B-2	Community Business
B-3	General Business
CPD	Commercial Planned Development
OTR	Office Technology Research
I-1	Light Industrial
I-2	Heavy Industrial
P-1	Vehicular Parking
MHC	Manufactured Home Community
PD	Planned Development

Subdivision 2. - R-1A, R-1B, R-1C, and R-1D One-Family Residential Districts

Sec. 42-180. - Intent.

The R-1A through R-1D one-family residential districts are designed to be the most restrictive of the residential districts. The intent is to provide for an environment of predominantly low-density single-unit dwellings along with other residentially related facilities that serve the residents in the district. Further, the intent of these regulations is to protect residential neighborhoods from incompatible land uses and associated effects.

Sec. 42-181. - Principal permitted uses.

In a one-family residential district (R-1A through R-1D), no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

A. thru H. - No change.

Sec. 42-182. - Special land uses.

The following uses may be allowed in a one-family residential district (R-1A through R-1D), subject to the conditions imposed in this Section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. thru J. - No change.

Subdivision 10. - Schedule of Regulations

Sec. 42-350. - Schedule of regulations.

- A. Schedule of regulations: The following schedule sets forth regulations regarding building height, bulk, density and area for the zoning districts as indicated. Numbers in parentheses are footnotes and apply as explained.

Zoning District	Minimum Lot Area Per Dwelling Unit (sq. ft.)/lot width in feet (1)			Maximum Building Height in feet		Minimum Yard Setback in feet (2)				
	With Sewer & Water	With Sewer or Water	Without Sewer & Water	Stories	Height	Front	Side	Rear	Minimum Floor Area Per Unit (sq. ft.)	Maximum Lot Coverage (20)
R-1A One-Family Residential	7,800/65	12,000/80	15,000/100	2 (3)	30 (3)	27	8(4)	40	(5)	25%
R-1B One-Family Residential	9,600/80	12,000/80	15,000/100	2 (3)	30 (3)	30	10(4)	40	(5)	25%
R-1C One-Family Residential	12,000/100	12,000/100	15,000/100	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1D One-Family Residential	12,000/100	12,000/100	28,000/120	2 (3)	30 (3)	30	12(4)	40	(5)	25%
R-1T Attached Residential	6,000/40	9,000/60	9,000/60	2	30 (6)	30	10(4)	40	850	25%
RM-1 & RM-2 Multi-family Residential	(7)	8,000	8,000	3	35(6)	30(8)	30(8) (4)	30(8)	1 BR: 500, 2 BR: 700, 3 BR: 900, 4 BR: 1,100	25%
OS-1 Office Service	—	—	—	—	35(6)	27(9)	15(10)(4)	20(11)	—	—
OTR Office Technology Research	(12)	—	—	—	35(6)	50(13)	50(13) (14) (4)	50(13)	—	25%
B-1 Local Business	—	—	—	—	35(6)	27(9)	(10)(4)	20(11)	—	25%
B-2 Community Business	—	—	—	—	35(6)	75(9)(15)	(15)(4)	(11)(15)	—	—
B-3 General Business	—	—	—	—	35(6)	30(9)	(10)(4)	20(11)	—	—
CPD Commercial Planned Development	(16)	—	—	—	35(6)	(15)	(15)(4)	(11)(15)	—	25%
I-1 Light Industrial	—	—	—	—	40(6)	75(17)(18)	75(17)(19)(4)	(11)(17)(19)	—	—
I-2 Heavy Industrial	—	—	—	—	60(6)	100(17)(18)	100(17)(19)(4)	(11)(17)(19)	—	—
MHC, Mobile Home Community	See Division 4, Subdivision 8 for regulations pertaining to this zoning district									
PD, Planned Development	See Division 4, Subdivision 11 for regulations pertaining to this zoning district									
P-1, Parking	See Division 4, Subdivision 14 for regulations pertaining to this zoning district									

B. Footnotes to Schedule of regulations:

1. No change.
2. No change:
 - a. No change;
 - b. For lots with less than the required area, setbacks shall not be less than the following:
 - i. Thirty feet to the rear line;
 - ii. No change
 - iii. No change
3. R-1A, R-1B, R-1C, and R-1D one-family residential districts. The number of stories and maximum height of any residential structure on lots of 80 feet or more in width shall not exceed three stories and 40 feet in height.
4. The side yard facing the street shall not be less than the minimum front yard of the district in which it is located, unless otherwise permitted in this article.
5. The following minimum floor area requirements apply to each residence hereafter erected. Any structure existing as of the date of the adoption of this Article on February 18, 2003 and not meeting the requirements of this subsection shall not be prevented from being reconstructed and, for the purpose of this article, therefore, shall not be considered nonconforming.

Residence Type	Zoning District					
	(with basement of at least 440 sq. ft.)			(with basement less than 440 sq. ft.)		
	R-1A	R-1B	R-1C & D	R-1A	R-1B	R-1C&D
1 story	1,040	1,280	1,600	1,120	1,360	1,600
1 1/2 story	1,100	1,340	1,680	1,180	1,500	1,700
2 story	1,440	1,800	2,000	1,520	1,880	2,000

The total square footage for a tri-level or bi-level shall equal at least the minimum square footage requirement for a two-story residence in the same district.

6. a. No change
- b. The height of any structure in an RM-1 or RM-2 multifamily residential district shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height of the structure may be increased to no more than 35 feet and three stories if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the

maximum height stated in this subsection only if the regulations and procedures of subsection (6)(a) of this section are followed.

- c. In all other districts, the height of any structure shall be no greater than 30 feet and two stories when the zoning lot abuts a single-family residential zoning district, except, after a public hearing, which may be held prior to site plan approval, the height and number of stories of the structure may be increased to the height normally allowed in the zoning district if the planning commission determines that the topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district and residential structures therein, adequately mitigate adverse impacts upon any adjacent single-family residential zone or use. The height of a structure under this provision may be increased beyond the height normally allowed within the district only if the requirements and procedures of subsection (6)(a) of this section are followed.
 - d. No change
7. thru (9). No change
10. No side yards are required along the interior side lot lines of the district, except as otherwise specified in the building code of the city (article 8, division 2 of this chapter), provided that if walls of structures facing such interior side lot lines contain windows or other openings, side yards of not less than ten feet shall be provided. On a corner lot which borders on a residential district, there shall be provided a setback of 27 feet on the side or residential street. On an exterior side yard abutting a residential district, there shall be provided a setback of 15 feet in width.
11. thru (19). No change
20. An increase in lot coverage to 30% may be permitted for lots that meet the minimum area and width requirements for the zoning district in which it is located, subject to review and approval by the Director of Transportation and Utilities to ensure storm water drainage and related impacts are properly addressed.

Sec. 42-375. - Plan review and approval (PD, Planned Development).

- J. Time limit for commencing development: After a final plan is approved by the council, development of the planned development or divisible geographic section thereof shall begin within 12 months of approval of the final plan. If development is not begun within such time, the final plan must be resubmitted for reapproval. At the lapse of each 12 months period, the council, before reapproval, may require modification of the final plan to meet new or previously undetected conditions affecting the project area.

Sec. 42-394. - Plan review and approval (OTR, Office Technology and Research)

- H. Development plan (specific plan):
 - a. No change

- b. Time limit for commencing construction. After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
- c. No change.

Sec. 42-414. - Plan review and approval (Commercial Planned Development).

- I. Time limit for commencing development: After a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this time period, the specific plan must be resubmitted for approval in accordance with the requirements of division 5, subdivision 2, Site Plan Review.

Sec. 42-438. - Development project review and approval (CCA, City Center Area)

H. Development plan (specific plan):

- 1. No change.
- 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
- 3. No change.

Sec. 42-443. - Development project review and approval (CCMU, Commercial Corridor Mixed Use).

H. Development plan (specific plan):

- 1. No change.
- 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, site plan review, development shall commence within 12 months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, site plan review.
- 3. No change.

Sec. 42-461. - Application and review procedures

- A. through D. No change
- E. Special land use decisions
 - 1. through 3. No change

4. Validity of approval: Any approval given by the commission under which the premises are not used or work is not started within 12 months , or when the use or work has been abandoned for a period of 12 months , shall lapse and cease to be in effect.
5. No change

Sec. 42-484. - Site plan approval (Site Plan Review).

- C. Site plan expiration: If construction activity has not commenced within 12 months of final site plan approval, the site plan becomes null and void and a new application for site plan review in accordance with the procedures of this subsection shall be required.

Sec. 42-542. - General requirements.

- A. through H. No change
- I. Electronic or mechanical sign elements.
 1. No change
 2. An accessory sign for a permitted use in the R-1A through R-1D one-family residential districts, the R-1T residential district, and the RM-1 and RM-2 residential districts, may include an EMD subject to the following requirements:
A through h. No change

Sec. 42-545. - R-1A, R-1B, R-1C, R-1D, and R-1T districts.

In any R-1A, R-1B, R-1C, R-1D, and R-1T residential district:

- A. through D. No change

Sec. 42-623. - Public hearings, voting, and decisions (Zoning Board of Appeals).

- A. through B. No change
- C. Decisions:
 1. No change.
 2. No change.
 3. No change.
 4. Any approval given by the board under which the premises are not used or work is not started within 12 months, or when the use or work has been abandoned for a period of six months, shall lapse and cease to be in effect.
 5. No change.

Sec. 42-743. - Application requirements.

1. through 7. No change
8. The application shall include proof that all divisions shall result in buildable parcels containing at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or
 - b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
 - i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.
 - c. The application shall also include proof of sufficient buildable area outside of wetlands, floodplains and other areas where buildings are prohibited; and sufficient area to comply with required setback provisions, minimum floor area requirements, off-street parking space requirements, on-site water and sewer location (if municipal utilities are not available), and maximum area for coverage of buildings.
9. through 10. No change

Sec. 42-745. - Review of application; criteria for approval.

1. through 4. No change
5. Each resulting parcel shall meet at least one of the following street frontage requirements:
 - a. Maintain a minimum of 60 feet of public street frontage, or a minimum of 50 feet of public street frontage on a cul-de-sac, to the front setback or building setback line, whichever is greater. The public street shall be paved and adequate drainage provided therefor; or

- b. For a parcel that does not have the above required frontage on a public street, an access and utility easement with a width of not less than 20 feet to the front setback or building setback line, whichever is greater, shall be recorded with the Kalamazoo County Register of Deeds. Such recorded easement shall be provided to the Director simultaneously with the Register of Deeds filing. The access easement shall be a perpetual, irrevocable easement appurtenance over the burdened property, providing unobstructed access to the public street for the benefitting parcel. The utility easement shall also be perpetual, irrevocable and provide any public utility the ability and right to install all utilities on the burdened property. The 20 foot easement shall be improved with asphalt, concrete or other approved driving surface capable of supporting the imposed load of a fire apparatus weighing at least 75,000 pounds. If the access and utility easement is shared by more than one parcel or owner, a maintenance agreement shall also be recorded providing for the rights and obligations of the parties regarding installation, maintenance and repair as well as apportionment of costs and expense for infrastructure and/or improvement on the easement.
- i. A parent parcel cannot be divided to create more than four resulting parcels without the required frontage on a public street. Each parcel shall further meet the lot width and setback requirements for the zoning district in which it is located.

6. through 8. No change

Sec. 42-803. – Streets (Subdivision Regulations).

a. through h. No change

- i. Cul-de-sac. The maximum number of lots or parcels which front on a residential cul-de-sac street shall not exceed 30. The maximum length for industrial and other cul-de-sac streets may exceed 500 feet subject to the review and approval of the planning commission.

j. through k. No change

Sec. 42-805. – Utilities (Subdivision Regulations).

a. through b. No change

c. 1. through 4. No change

5. Valves shall be placed at all intersections such that not more than 30 dwelling units may be isolated. Valve spacing shall not exceed 1,000 feet.

6. Dead-end water mains serving cul-de-sac and other short street designs shall not serve more than a maximum of 30 lots or as otherwise required by the city council.

PLEASE TAKE FURTHER NOTICE that copies of said proposed amendment may be examined at the City Hall on any business day except public and legal holidays from and after publication of this Notice until the day of hearing from 8:00 a.m. and 5:00 p.m.

Dated: _____

Adam Herringa, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 E. Centre Ave.
Portage, MI 49002

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