

Public Phone Line: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.)

7:00 p.m.

Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Fair Housing Month 2021

A. Consent Agenda:

1. Approval of City Council Meeting Minutes:
 - a. Regular Meeting of March 9, 2021.
 - b. Pre-Council Meeting of March 22, 2021.
2. Approval of the Accounts Payable Register of March 23, 2021 as presented.
3. Award a three-year contract in the amount of \$151,694.55 per year to Michigan Pavement Markings, LLC, to perform pavement marking services to select streets, with an option for three annual one-year extensions, and authorize the City Manager to execute all documents related to this action on behalf of the city.
4.
 1. Receive the Tentative Plan Amendment for Woodbridge Hills Planned Development (4100 West Centre Avenue) including the five conditions in the February 12, 2021 Department of Community Development report, and
 2. Set a public hearing for the Tentative Plan Amendment for April 27, 2021, and consider adoption of the Tentative Plan Amendment for Woodbridge Hills Planned Development following the public hearing.
5. Approve a one-year renewal of the Microsoft Open Value Subscription Agreement with Insight Public Sector, in the amount of \$93,645.76 and authorize the City Manager to execute all documents related to this action on behalf of the city.
6. Confirm appointment of Meshia Rose as City Assessor.
7. Minutes of Boards & Commissions:
 - a. Zoning Board of Appeals of February 8, 2021.
 - b. Youth Advisory Committee of February 15, 2021.
 - c. Human Services Board of February 18, 2021.
8. Materials Transmitted of March 8, 2021.

9. Calendar of Meetings.

- Human Services Board, April 1, 2021 at 6:30 p.m. - Virtual.
- Planning Commission, April 1, 2021 at 7:00 p.m. - Virtual.
- Historic District Commission, April 7, 2021 at 8:15 a.m. - Virtual.
- Park Board, April 7, 2021 at 6:30 p.m. - Virtual.
- Zoning Board of Appeals, April 12, 2021 at 7:00 p.m. - Virtual.
- *NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. The public phone line to comment during most public meetings is: (844) 854-2222 Access Code 529853# (To voice a question or comment, press *6 to enter the queue.) Major meetings may be viewed live on Charter channel 995 and AT&T channel 99 or live streaming at portagemi.gov/205.*

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

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

FAIR HOUSING RESOLUTION 2021

WHEREAS, 2021 is the 53rd anniversary of the Federal Fair Housing Act, Title VIII of the Civil Rights Act of 1968, as amended, to prohibit housing discrimination when based on race or color, national origin, religion, sex, familial status or disability, and declared that equal housing opportunity is a basic right of every American; and

WHEREAS, The Michigan State Legislature passed the Elliott-Larsen Civil Rights Act of Michigan in 1976 to protect people from housing discrimination based on religion, color, race, national origin, age, sex, familial status or marital status; and

WHEREAS, The Michigan State Legislature passed the Michigan Persons and Disabilities Civil Rights Law of 1976 to protect individuals with disabilities from housing discrimination; and

WHEREAS, The City of Portage passed a Non-Discrimination Ordinance in 2016 to prohibit housing discrimination based on their actual or perceived race, color, religion, national origin, sex, age, height, weight, marital status, physical or mental disability, family status, sexual orientation or gender identity, and has completed an Analysis of Impediments to Fair Housing, and annually undertakes activities to further fair housing efforts and educate the public on fair housing issues; and

WHEREAS, Equal housing opportunity is a goal to be achieved within the City of Portage.

NOW, THEREFORE, BE IT RESOLVED THAT I, Patricia M. Randall, by virtue of the authority vested in me as the Mayor of Portage, Michigan, do hereby resolve the month of April 2021, as *FAIR HOUSING MONTH* in hope that this observance will promote fair housing practices throughout the City.

Signed this 23th day of March, 2021.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM MARCH 9, 2021

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM. The regular meeting was held virtually as permitted by PA 228. Mayor Patricia M. Randall, Mayor Pro Tem Jim Pearson, and Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Terry Urban were present. All members participated virtually from Portage, Michigan. Also in attendance were City Manager Joe La Margo, City Attorney Catherine Kaufman, Deputy City Manager Adam Herringa, Deputy City Manager Mike Carroll, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence in appreciation of the many volunteers that make the Meals on Wheels program possible and for their efforts in addressing senior hunger and isolation. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PROCLAMATIONS: At the request of Mayor Randall, Mayor Pro Tem Pearson read the proclamation for the 19th Annual March for Meals Month. Abby Finn, Operations Manager for Senior Services Southwest Michigan, thanked City Council for the acknowledgment and encouraged the Council to participate in the upcoming virtual Meals on Wheels event. Ms. Finn shared a story of a Portage resident who participates in the program and whose volunteering for the organization helped him to make it through the pandemic. Councilmember Knapp read the proclamation for Girl Scouting Week.

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 Items A.3 and A.6. Motion by Reid, seconded by Burns, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Reid, seconded by Burns, to approve the minutes of the Regular Meeting of February 23, 2021, and Pre-Council Meeting of March 8, 2021. Upon a roll call vote, motion carried 7 to 0.

Approval of Accounts Payable Register: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of March 9, 2021, as presented. Upon a roll call vote, motion carried 7 to 0.

Special Meeting for Board and Commission Applicants: Motion by Reid, seconded by Burns, to set a Special Meeting on Tuesday, May 25, 2021, beginning at 5:15 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 7 to 0.

Lume Cannabis Co. Appeal of Marihuana Denial: Motion by Reid, seconded by Burns, to grant the request for an appeal of an Adult-Use Retail application from Attitude Wellness, LLC (dba "Lume Cannabis Co.") for 5324 Meredith Street. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards and Commissions: Motion by Reid, seconded by Burns, to receive the meeting minutes of the Planning Commission of February 4, 2021. Upon a roll call vote, motion carried 7 to 0.

Calendar of Meetings: Motion by Reid, seconded by Burns, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS AGENDA:

Adoption of Notice of Intent Resolution: Mayor Randall asked Councilmember Reid to provide further explanation for the removal of the two items from the Consent Agenda. Councilmember Reid requested that City Council first consider Item A.6, Notice of Intent for Capital Improvements, noting that Item A.3, Establishing City Council Budget Review Sessions, was dependent upon the outcome of the discussion. Upon a verbal inquiry by Mayor Randall, Councilmembers agreed to switch consideration of the items.

Councilmember Reid stated that the Notice of Intent Resolution to fund construction of various capital improvements was being presented to City Council because of actions by the prior City Administration and noted many of the projects had been previously approved by City Council without proper funding support by the former Administration. Councilmember Reid suggested that City Council review these various prior capital improvements as part of the upcoming fiscal year's capital improvement proposals, which would now include Councilmember Ledbetter. Councilmember Reid proposed tabling the Notice of Intent Resolution for a future City Council meeting following further Council review and discussion. Ms. Reid further inquired about one particular project noted in the Resolution regarding the intersection of Zylman Avenue and Portage Road within the Lake Center District. She expressed concern about pursuing a construction project in the Lake Center District before the Lake Center District Area Plan is finalized and presented to City Council. Councilmember Reid stated that the entire agenda item entailed \$15 million in projects and expressed concern that some of these projects may no longer align with city goals.

City Manager La Margo responded that the \$15 million was not to be expended all at once time and some projects had already been completed, while others were in progress or pending. Mr. La Margo stated that all of the noted projects had already been previously reviewed and approved by City Council, including the \$9 million for the new Portage Community Senior Center. City Manager La Margo noted that the Zylman Avenue intersection improvement project aligned with the City Council goals and any further postponement of the noted projects would create additional construction and funding timing issues. Finance Director Lauren VanderVeen stated that the item currently before the City Council is solely the initial Notice of Intent, which starts the process to ensure bonding by May and the process completed before the end of the fiscal year on June 30th.

Councilmember Burns provided clarification regarding the timing and the bonding steps for April 13, 2021, noting City Council would have another opportunity to remove line items at a later date if desired. He expressed support for approving the Notice of Intent Resolution. Councilmember Knapp also expressed support for the item alongside Councilmember Burns, highlighting that many of the noted improvements were small

projects and some were already completed. Councilmember Urban provided clarification regarding the meeting format for the following week's CIP Review Meetings, which would only entail small sub-groups of Council. Mr. Urban agreed with Councilmember Burns to start the process and adjust projects later if City Council desired. Councilmember Reid expressed appreciation for the clarification on the item before Council and agreed to support beginning the bonding process in light of the additional information.

Motion by Reid, seconded by Knapp, to adopt the Notice of Intent Resolution to fund construction of various capital improvements. Upon a roll call vote, motion carried 7 to 0.

Fiscal Year 2020-2021 Proposed Budget Review Schedule: Following the prior City Council discussion regarding the Notice of Intent Resolution to fund construction of various capital improvements, Councilmember Reid stated she was comfortable to proceed.

Motion by Reid, seconded by Burns, to establish Tuesday, April 20 from 5:00 to 8:00 p.m. and Tuesday, May 11, from 4:00 to 6:00 p.m. as the dates for review of the proposed Fiscal Year 2021-2022 Budget. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

Ordinance Amendment-Storm Water Illicit Discharges & Connections: Mayor Randall introduced the item and City Manager La Margo provided a summary of the item. Councilmember Reid expressed support for the proposed amendments but questioned the City Administration regarding the plans for public notification concerning the amendments, particularly riparians.

Transportation and Utilities Director Kendra Gwin responded that the ordinance amendments would only affect stormwater locations that discharged or overflowed into waters owned by the State of Michigan. She relayed that the ordinance amendments were mandated by the State, requiring locations that discharged or overflowed into waters owned by the State of Michigan follow State procedures.

Councilmember Reid inquired what prior notifications had been performed by the City. Director Gwin responded that nothing had been conveyed yet due to continuous revisions by the State, but noted staff planned to utilize the Portager newsletter and other city outlets to convey the changes. Councilmember Reid suggested creating a video to educate the public.

Mayor Pro Tem Pearson noted the Woodbridge Condominium location, including a storage tank for stormwater run-off near the Hampton Bog, and inquired whether the proposed amendments would affect the location. Director Gwin responded that the amendments would require additional review to determine whether the size of the tank would contain all run-off or if the developer planned for additional stormwater overflow to route into the Bog. Mayor Pro Tem Pearson further inquired about existing locations in the City that utilized underground storage tanks. Director Gwin confirmed the McDonalds restaurant located on South Westnedge Avenue utilized a storage tank. Deputy City Manager Carroll highlighted that the amendments were not a change in statute but a change in verbiage to match the State of Michigan.

Motion by Reid, seconded by Knapp, to adopt the proposed amendments to the City of Portage Code of Ordinances Chapter 64 Storm Water, Illicit Discharges and Connections. Upon a roll call vote, motion carried 7 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Knapp provided an update regarding the Portage Community Center Board. She stated the food pantry continued curbside pickup and the clothing bar remained appointment only. Ms. Knapp noted the building and site renovations would be complete by April at which point the lower suite would be listed for rent. She highlighted the May 10th Golf Outing event in support of the Community Center and closed by noting the Community Center's upcoming 45th anniversary in April.

Councilmember Burns provided an update regarding the Central County Transportation Authority (CCTA). He relayed that State Senator Sean McCann, as well as State Representatives Julie Rogers and Christine Morse, had attended the recent virtual meeting of the CCTA, pledging advocacy efforts at the state level. Councilmember Burns also stated that the CCTA had approved the Title 6 policies at the recent meeting, noting eight percent of Kalamazoo County residents do not speak English at home.

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

STATEMENTS OF CITIZENS: Carolyn Peshak (6745 Shoreham), provided information regarding a City of Kalamazoo anti-discrimination workshop in follow-up to her comments from the February 9, 2021 Regular City Council Meeting.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER:

Councilmember Reid relayed that she had received her second COVID-19 vaccine but planned to continue safety protocols and expressed disappointment with those states that had begun removing pandemic restrictions and safety measures. She highlighted a recent WKZO news article that stated the recent Portage Public Schools COVID-19 outbreak was the worst school outbreak in the state. Councilmember Reid closed by urging Portage residents to do better and continue the virus safety measures.

Councilmember Burns highlighted the federal government's American Rescue Plan that included funding for state and local governments and asked the City Manager to relay what funding the City of Portage could expect and when. City Manager La Margo responded that the city would receive approximately \$5.4 million with the first of two payments in the next few months and the second payment the following year. Finance Director VanderVeen confirmed the first payment would occur during the current fiscal year and the second payment would be received during the following fiscal year. Councilmember Burns thanked the staff for the information.

Councilmember Ledbetter highlighted March as Women's History Month and honored Betty Lee Ongley as the first woman Mayor in the State of Michigan. He spoke in support of fellow female colleagues on City Council and city staff, thanking them for their

continued good work.

Councilmember Knapp relayed that the fourth annual Portage Art Award was open to applicants, noting the prior three years had experienced both great applicants, as well as winners. Ms. Knapp then noted Governor Whitmer's call for Michigan residents to turn on their porch lights on March 10th in honor of the one-year anniversary of the first COVID-19 case in Michigan and those lost to the pandemic.

Councilmember Urban stated he had been able to schedule a COVID-19 vaccine appointment for the upcoming week and relayed various options for citizens to sign up for a vaccine in the area. He confirmed that the Pfizer/BioNTech vaccine, as well as the Moderna vaccine, were both available in Kalamazoo County, with the newly approved Johnson & Johnson vaccine expected shortly. He stressed that with a bit of effort and research, citizens could sign up for a list as the next statewide vaccine phase opened.

City Manager La Margo stated the city publishes Kalamazoo County vaccination updates on the city websites for residents.

Mayor Pro Tem Pearson noted the updates provided by the Councilmembers and City Manager were all good Public Service Announcements.

Mayor Randall highlighted the upcoming Board of Review meetings scheduled for March, as well as the Board and Commission Interviews scheduled for May. She then noted the Wyland National Mayor's Challenge for Water Conservation planned for the month of April. Mayor Randall closed by congratulating city staff that had recently received their COVID-19 vaccines and advised the public that the City Council would continue to meet virtually until more of the public had been vaccinated.

ADJOURNMENT: Mayor Randall adjourned the meeting at 08:08 PM.

Erica L. Eklov, City Clerk

**MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF MARCH 22, 2021**

Mayor Patricia Randall called the virtual meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp, Vic Ledbetter, Claudette Reid, and Mayor Pro Tem Jim Pearson also joined virtually. In compliance with Michigan Public Act 228, the Mayor and Councilmembers disclosed their virtual participation from Portage, Michigan. Councilmember Terry Urban was absent with excuse. Also in attendance were Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa, and City Clerk Erica Eklov. City Manager La Margo was absent with excuse.

Mayor Randall began by highlighting the Proclamations, requesting Councilmember Ledbetter read the Fair Housing Month acknowledgment.

With regard to Item A.2, Accounts Payable Register, Mayor Pro Tem Pearson inquired about Check No. 316193 to SAFEbuilt for construction inspection assistance. He asked whether this was the first use of these services. Deputy City Manager Carroll responded that it was not. Mayor Pro Tem Pearson then inquired if the services were needed due to staff lacking the required expertise or a vacant inspection position. Deputy City Manager Carroll responded that State statute requires a Mechanical Inspector has at least three types of contractor licenses for a minimum of a year. He stated that the city's Mechanical Inspector position has been vacant for some time due to a lack of qualified candidates willing to sign on with the city for the Administration's recent compensation study rate.

With regard to Item A.3, Pavement Marking Services Bid Tabulation, Councilmember Reid noted the proposed contract was for three years with three additional one-year renewals. She inquired whether the renewals would be sought annually or all at once. Councilmember Reid further inquired whether City Council would need to approve the renewals based on the dollar amount and whether the additional years would be the same price or an increased rate. Deputy City Manager Herringa staff would research and respond.

With regard to Item A.4, Tentative Plan Amendment for Woodbridge Hills Planned Development, Councilmember Burns requested clarification regarding the current stage of the development process. He inquired whether City Council approval of the tentative plan allowed the city flexibility while permitting the developer to further the planning or was Council legally bound to the original plan once approved. Deputy City Manager Carroll responded he did not believe the city would be bound to the tentative plan, but he would verify with Development Services Director Kelly Peterson. Councilmember Reid asked whether the City Administration could revise the Action Recommended from "Accept" to "Receive" for clarity. Deputy City Manager Herringa stated staff would verify with the City Attorney. Mayor Randall inquired whether the City Administration expected public comment regarding the development at the meeting, noting the plan's prior review before the Planning Commission. Deputy City Manager Herringa stated the developer and his attorney were expected to call into the meeting but public comment was not expected. Councilmember Reid stated she had received several citizen contacts opposed to the matter and expected more as the City Council review continued.

ADJOURNMENT: Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:12 a.m.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approval of the Accounts Payable Register of March 23, 2021 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments, electronic payments and credit card payments. The attached Accounts Payable Register covers the period February 28, 2021 through March 13, 2021 and notes \$116,992.96 in automated clearing house payments, \$774,749.51 in paper checks, \$105,397.33 in autopay payments, \$1,772,773.09 in electronic payments and \$6,284.51 in credit card payments for a grand total of \$2,776,197.40.

FUNDING: N/A

Attachments: 1. Accounts Payable Register of March 23, 2021

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/28/2021 to 3/13/2021

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Check Type: ACH Transactions

Check Date	Check	Vendor Name	Description	Amount
03/05/2021	14668(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES	1,586.96
03/05/2021	14669(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,172.46
03/05/2021	14670(A)	ALRO STEEL CORPORATION	REPAIR AND MAINTENANCE SUPPLIES	71.25
03/05/2021	14671(A)	BATTERIES PLUS	EMERGENCY LIGHT FOR DPW BUILDING	29.95
03/05/2021	14672(A)	BAUCKHAM, SPARKS, THALL, SEEBER AND	KALAMAZOO CO 9TH DIST COURT FILING FEE	20.00
03/05/2021	14673(A)	BEERY, MICHAEL	CONSULTING FOR COMMUNITY DEVELOPMENT	292.50
03/05/2021	14674(A)	C D W GOVERNMENT, INC.	6 PANASONIC LOW PROFILE ANTENNA	446.58
03/05/2021	14675(A)	CAPITAL ADVANTAGE LEASING	LEASED COMPUTER PAYMENT	8,108.00
03/05/2021	14676(A)	CHARTER COMMUNICATIONS	CABLE TV	433.05
03/05/2021	14677(A)	COOPER, SYDNIE	EVIDENCE TECH SCHOOL	486.00
03/05/2021	14678(A)	CPS HR CONSULTING	PUBLIC SAFETY SGT TESTING SUPPLIES	453.20
03/05/2021	14679(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING SERVICES	97.95
03/05/2021	14680(A)	ENTENMANN-ROVIN CO.	RANGER BADGES	239.50
03/05/2021	14681(A)	ESPER ELECTRIC, LTD	LIGHT REPAIR-STATION ALERTING	305.00
03/05/2021	14682(A)	EXTREME POWER EQUIPMENT, INC.	PLOW MAINTENANCE SUPPLIES	1,274.87
03/05/2021	14683(A)	FIDELITY SECURITY LIFE INSURANCE CO	EYEMED VISION INSURANCE	1,062.12
03/05/2021	14684(A)	FURRY, WILLIAM	FINANCE CONSULTANT SERVICES	1,487.50
03/05/2021	14685(A)	GLEESING, KEVIN	REIMB POL SCHOOL OF STAFF & COMMAND WK1	796.50
03/05/2021	14686(A)	GRAINGER INC	FIRE OPERATIONS SUPPLIES	20.31
03/05/2021	14687(A)	GRIFFIN PEST SOLUTIONS, INC.	ANNUAL PEST CONTROL	225.00
03/05/2021	14688(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	9,843.74
03/05/2021	14689(A)	HERTZ, SHANNON	REIMB - SHRM RECERTIFICATION FEE	422.98
03/05/2021	14690(A)	INDUSCO SUPPLY CO., INC.	DPW CLEANING SUPPLIES	53.20
03/05/2021	14691(A)	INSIGHT PUBLIC SECTOR, INC.	IBM MAAS360 RENEWAL, SCANNERS PURCH	8,782.66
03/05/2021	14692(A)	IP CONSULTING, INC.	OREKA TOTAL RECORDER SUPPORT/SUB	571.50
03/05/2021	14693(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOMS	415.00
03/05/2021	14694(A)	LAWSON PRODUCTS, INC	FLEET REPAIR/MAINTENANCE	1,658.62
03/05/2021	14695(A)	LOEBIG, ELIZABETH	MILEAGE REIMBURSEMENT - POLICE TESTING	34.16
03/05/2021	14696(A)	LRE	ENGINEERING SERVICES-HAMPTON CREEK BOG	1,750.00
03/05/2021	14697(A)	MARANA GROUP	METER SERVICE	273.00
03/05/2021	14698(A)	MATERIALS RESOURCES	LATEX GLOVES AND MISC SUPPLIES	880.44
03/05/2021	14699(A)	MAYHEW, BRYAN	REIMB POL SCHOOL OF STAFF & COMMAND WK 1	755.50

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/28/2021 to 3/13/2021

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Check Date	Check	Vendor Name	Description	Amount
03/05/2021	14700(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRES AND SERVICES	665.60
03/05/2021	14701(A)	MICROSYSTEMS, INC.	PAPERVISION ENTERPRISE SOFTWARE RENEWAL	879.50
03/05/2021	14702(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	288.32
03/05/2021	14703(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	880.32
03/05/2021	14704(A)	ONSTAFF USA INC	CDL SEASONAL STAFF	9,156.41
03/05/2021	14705(A)	PECKELS, CHRISTINE	CLASS INSTRUCTOR PAYMENT	240.00
03/05/2021	14706(A)	PERCEPTIVE CONTROLS, INC.	SCADA SYSTEM UPGRADE	9,890.22
03/05/2021	14707(A)	PLM LAKE & LAND MANAGEMENT	PERMIT FEE-WEST LAKE WEED MGT PROGRAM	1,500.00
03/05/2021	14708(A)	POWERDMS, INC.	ANNUAL POWER DMS UNIVERSITY	250.00
03/05/2021	14709(A)	PRECISION PRINTER SERVICES INC	PRINTER SERVICES	613.77
03/05/2021	14710(A)	R W LAPINE INC.	HVAC MAINTENANCE SERVICES	2,122.36
03/05/2021	14711(A)	RIDGE AUTO NAPA	FIRE APPARATUS MAINT	1,171.43
03/05/2021	14712(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	189.45
03/05/2021	14713(A)	ROE-COMM, INC.	FIRE RADIO REPAIR	399.50
03/05/2021	14714(A)	ROTO-ROOTER SEWER & DRAIN SERV	ROUTINE SEWER CLEANING	367.68
03/05/2021	14715(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	132.00
03/05/2021	14716(A)	STOUT, MELISSA JOY	CLASS INSTRUCTOR PAYMENT	300.00
03/05/2021	14717(A)	SUEZ WATER ENVIRONMENTAL SERVICES	WATER METERS - JANUARY 2021	5,412.57
03/05/2021	14718(A)	TRUCK & TRAILER SPECIALTIES	MAINTENANCE SUPPLIES	2,964.26
03/05/2021	14719(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	211.36
03/05/2021	14720(A)	WARNER OIL COMPANY INC	DIESEL EXHAUST FLUID/DRUM	100.00
03/05/2021	14721(A)	WEST MICHIGAN INT'L LLC	EQUIPMENT MAINTENANCE	15.68
03/05/2021	14722(A)	WOLFE, MATTHEW	MACP WINTER CONFERENCE	664.79
03/05/2021	14723(A)	WOLVERINE LAWN SERVICE, INC.	SNOW REMOVAL SERVICES	3,800.00
03/05/2021	14724(A)	XEROX CORPORATION	XEROX COPIER FEE	209.49
03/12/2021	14725(A)	GORDON WATER SYSTEMS	WATER SERVICE	284.25
03/12/2021	14726(A)	KUSHNER & COMPANY, INC.	KUSHNER & CO. FSA & COBRA ADMIN	614.85
03/12/2021	14727(A)	ONSTAFF USA INC	CDL SEASONAL STAFF	27,470.21
03/12/2021	14728(A)	ROSE, MESHIA	REIMB MICROPHONE/USB CABLE PURCH	149.44
Total ACH				116,992.96

Check Type: Paper

03/01/2021	316120	MICHIGAN SECTION AWWA	OVERVIEW OF MATH & HYDRAULICS WORKSHOP	330.00
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ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/28/2021 to 3/13/2021

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Check Date	Check	Vendor Name	Description	Amount
03/05/2021	316121	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	769.00
03/05/2021	316122	AMERICAN PUBLIC WORKS ASSOC.	APWA GROUP MEMBERSHIP	2,050.00
03/05/2021	316123	AMERICAN SCREEN PRINTING	UNIFORMS	328.00
03/05/2021	316124	ARROWHEAD SCIENTIFIC, INC.	MISC LAB SUPPLIES	1,185.26
03/05/2021	316125	ASCENSION MICH OCCUPATIONAL HEALTH	POST OFFER PHYSICALS	428.00
03/05/2021	316126	AT&T	ELECTRONIC COMMUNICATIONS	746.80
03/05/2021	316127	AVB CONSTRUCTION LLC	COMMUNITY SR CENTER CONSTRUCTION MGMT	598,291.00
03/05/2021	316128	BAKER, STACEY	REIMB KHRMA 2021 DAY OF DEVELOPMENT	49.00
03/05/2021	316129	BAREITHER GROUP CONSULTING	STRATEGIC PLANNING CONSULTING SERVICES	2,000.00
03/05/2021	316130	BESTEMAN, CARL	TRIP REFUND 200414 CELTIC WOMAN	100.00
03/05/2021	316131	BIDDLE CONSULTING GROUP, INC.	TESTGENIUS ANNUAL SOFTWARE LICENSE RENEW	1,895.00
03/05/2021	316132	BLOOM SLUGGETT, PC	LITIGATION - S WESTNEDGE AVE STORM SEWER	6,381.00
03/05/2021	316133	BROADCAST MUSIC, INC.	BMI MUSIC LICENSE	364.00
03/05/2021	316134	BYCE & ASSOCIATES, INC.	COMMUNITY SENIOR CENTER A&E DESIGN	7,200.00
03/05/2021	316135	C A L E A	ANNUAL CONTINUATION FEE	4,515.00
03/05/2021	316136	CALIBRE PRESS	ULTIMATE TRAINING OFFICER	578.00
03/05/2021	316137	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	31.19
03/05/2021	316138	CAPITOL STRATEGIES, LLC	CONSULTING SERVICES	6,000.00
03/05/2021	316139	CARDNO, INC.	INVASIVE SPECIES REMOVAL SERVICES	19,371.14
03/05/2021	316140	CERTASITE, LLC	NOVEC FIRE SUPPRESSION SEMI ANNUAL INSP	284.60
03/05/2021	316141	CRASH COURSE VILLAGE INC	FIRE TRAINING	650.00
03/05/2021	316142	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	108.73
03/05/2021	316143	DANOSKI, LEVI	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316144	DAVIS, RICHARD	OVERPAYMENT 7634 AUTUMN ST WTAX20	135.60
03/05/2021	316145	DRIESEN & ASSOCIATES, INC.	MATERIALS TESTING SVC-COMMUNITY SR CENTER	2,836.25
03/05/2021	316146	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIR/MAINT	686.04
03/05/2021	316147	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROGRAM	5,369.10
03/05/2021	316148	FADER EQUIPMENT, INC.	MAINTENANCE SUPPLIES	85.70
03/05/2021	316149	FOSTER, SWIFT, COLLINS & SMITH, PC	LEGAL SERVICES FOR MTT	2,375.00
03/05/2021	316150	FRIENDS OF PORTAGE SENIOR CENTER	REIMBURSE FOR DONATIONS WITH MEMBERSHIPS	790.00
03/05/2021	316151	GALL'S, LLC	RANGER JACKET	331.35
03/05/2021	316152	GRABER, NELSON	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316153	GRAHAM, JUDY	WORK BOOT REIMBURSEMENT	144.16

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Check Date	Check	Vendor Name	Description	Amount
03/05/2021	316154	GRAYSON, LORETTA	RAMONA PARK RENTAL REFUND	110.00
03/05/2021	316155	HALT FIRE, INC.	FIRE APPARATUS MAINT	912.67
03/05/2021	316156	HASTINGS, VICTORIA	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316157	HAY, JOYCE	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316158	HEIMONEN, JAYME	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316159	HOME DEPOT	MISC BUILDING SUPPLIES	219.82
03/05/2021	316160	INT'L INSTITUTE MUNI. CLERKS	IIMC 2021 REGISTRATION FOR SUMMER CONF	385.00
03/05/2021	316161	INTL ASSN FOR PROPERTY AND EVIDENCE	IAPE MEMBERSHIP	150.00
03/05/2021	316162	KALAMAZOO COUNTY CLERK	COUNTY CLERK COSTS FOR 11/3/20 ELECTION	10,344.40
03/05/2021	316163	KALAMAZOO COUNTY DRAIN COMMISSIONER	KALAMAZOO COUNTY DRAIN COMMISSION AUTH	48,893.92
03/05/2021	316164	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES JANUARY 2021 MOBILE HOME	455.00
03/05/2021	316165	KALAMAZOO COUNTY TREASURER	2019 STATE OF MICHIGAN PRE AUDIT REV	100.33
03/05/2021	316166	KALAMAZOO COUNTY TREASURER	2021 DOG LICENSE SALES PAYMENT	1,925.00
03/05/2021	316167	KALAMAZOO LAWN & GARDEN EQUIPMENT	ARIENS BLOWERS-WINTER MAINTENANCE	44.00
03/05/2021	316168	KITCH DRUTCHAS WAGNER VALITUTTI & S	PROFESSIONAL SERVICES RENDERED	142.50
03/05/2021	316169	KSS ENTERPRISES	JANITORIAL SUPPLIES	31.86
03/05/2021	316170	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR	41.00
03/05/2021	316171	LAMBERT, RAINER	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/05/2021	316172	LANGELAND FAMILY FUNDERAL HOMES	PAY FOR VAULT OPENING	305.00
03/05/2021	316173	LOVERS LANE MICRO FARM	SNAP REIMBURSEMENT	68.00
03/05/2021	316174	LOVERS LANE MICRO FARM	SNAP REIMBURSEMENT	8.00
03/05/2021	316175	MCDA	SPRING VIRTUAL CONFERENCE	49.00
03/05/2021	316176	MI ASSOC. OF CHIEFS OF POLICE	MI ACCRUED CONTINUATION FEE	700.00
03/05/2021	316177	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR AND MAINTENANCE	1,738.13
03/05/2021	316178	MICHIGAN ELECTION RESOURCES, LLC	ELECTION SUPPLIES	91.36
03/05/2021	316179	MICHIGAN FIRE INSPECTOR'S SOCIETY	FM TRAINING/VIRUTAL CONFERENCE	1,200.00
03/05/2021	316180	MIGALA, INC.	CDBG PERRY 4323 STRATFOR DR FLOORING	150.00
03/05/2021	316181	MLIVE MEDIA GROUP	LEGAL NOTICES	75.41
03/05/2021	316182	MOSES FIRE EQUIPMENT, INC.	FIRE APPARATUS MAINT	224.58
03/05/2021	316183	MOSQUITO CONTROL OF SW MICHIGAN	EVENT TREATMENTS	1,088.00
03/05/2021	316184	OAKS, FRED	WORK BOOT REIMBURSEMENT	156.88
03/05/2021	316185	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,859.98
03/05/2021	316186	VOID		0.00

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03/05/2021	316187	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	380.98
03/05/2021	316188	PHARMACIA & UPJOHN COMPANY	BD BOND REFUND	200.00
03/05/2021	316189	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	264.71
03/05/2021	316190	RATHCO SAFETY SUPPLY, INC.	PARKS EVENT SIGNS	1,492.75
03/05/2021	316191	RHOMAR INDUSTRIES INC.	LIQUID DEICER	1,568.77
03/05/2021	316192	ROGUE FITNESS	MLITE WEIGHT RACK/EQUIP	3,286.15
03/05/2021	316193	SAFEUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BUILDING SERVICE	5,400.00
03/05/2021	316194	SEELYE FORD, INC.	POLICE REPAIR/MAINTENANCE	857.70
03/05/2021	316195	SHI INTERNATIONAL CORP.	FIRE SOFTWARE	769.00
03/05/2021	316196	SPARTAN DISTRIBUTORS INC.	VENTRAC MAINTENANCE	184.01
03/05/2021	316197	ST. BARNABAS EPISCOPAL CHURCH	FY 20-21 HUMAN SERVICES BOARD	1,875.00
03/05/2021	316198	STATE SYSTEMS RADIO, INC	EQUIPMENT RADIO SERVICES	561.00
03/05/2021	316199	STEENSMA LAWN & POWER EQUIPMENT	HEATER KIT REPAIRS	1,240.15
03/05/2021	316200	T-SHIRT PRINTING PLUS, INC.	INSPECTOR SHIRTS/JACKETS	279.00
03/05/2021	316201	THAD REEDER AUTOMOTIVE LLC	VEHICLE REPAIRS	475.81
03/05/2021	316202	ULINE, INC.	REPAIR/MAINT SUPPLIES	383.71
03/05/2021	316203	USIQ, INC.	SNIPER RIFLE SCOPE AND PARTS	672.99
03/05/2021	316204	VARIDESK LLC	FIRE OFFICE SUPPLIES	621.00
03/05/2021	316205	WARE, ASHLEY	HAYLOFT THEATRE RENTAL REFUND	920.00
03/05/2021	316206	WILD, JED	FIRE CONSULTANT	1,277.50
03/05/2021	316207	WMTOA	WMTOA MEMBERSHIP	125.00
03/05/2021	316208	WRAPS N SIGNS	GRAPHICS FOR POLICE VEHICLES	2,623.17
03/08/2021	316209	BWMS TRAINING	CERT OPERATORS GUIDE-SAFE DRINKING WATER	165.00
03/12/2021	316210	57TH DISTRICT COURT	OUT OF COUNTY BOND	500.00
03/12/2021	316211	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATION	100.00
03/12/2021	316212	DRIESEN & ASSOCIATES, INC.	MATERIALS TESTING SVC-COMMUNITY SR CENTER	1,635.00
03/12/2021	316213	DRIVE & SHINE DEVELOPMENT	REFUND CREDIT BALANCE FOR INACTIVE ACCO	2,222.65
03/12/2021	316214	LIEBERT, RAINER	DAMAGED MAILBOX REIMBURSEMENT	44.00
03/12/2021	316215	MICHIGAN ELECTION RESOURCES, LLC	POSTAGE FOR AV APPLICATIONS	2,167.93
03/12/2021	316216	MLIVE MEDIA GROUP	LEGAL NOTICES	1,378.66
03/12/2021	316217	VERIZON WIRELESS	WIRELESS SERVICE	2,910.11
03/12/2021	316218	WMACP	WMACP MEMBERSHIP	25.00
Total Paper Checks				774,749.51

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Check Date	Check	Vendor Name	Description	Amount
Check Type: Auto-Pay Payments				
03/02/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	100.96
03/04/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	49,453.88
03/05/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	13,078.99
03/09/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	1,455.96
03/10/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	8,906.68
03/11/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	31,414.50
03/12/2021		CONSUMERS AUTOPAY	GAS-ELECTRIC	986.36
Total Auto-Pay Payments				105,397.33
Check Type: Electronic Payments				
03/01/2021		SBF	WATER/SEWER BILL POSTAGE	2,175.92
03/05/2021		MULTIPLE	WEEKLY TAX DISBURSEMENT 3/1/21	138,353.88
03/05/2021		MULTIPLE	IFT TAX DISBURSEMENT 3/2/21	1,237,443.28
03/30/2021		HUNTINGTON NATIONAL BANK	INVESTMENTS	250,000.00
03/31/2021		HUNTINGTON NATIONAL BANK	DEBT SERVICE PAYMENT	144,800.01
Total Electronic Payments				1,772,773.09
Check Type: Credit Card Transactions				
02/01/2021		MINDEDGE, INC	HR ONLINE TRAININGS	776.00
02/01/2021		DUNGAREES LLC	JACKETS FOR BUILDING INSPECTORS	333.88
02/01/2021		HR CERTIFICATION INSTITUT	HR CERT ONLINE TRAININGS	299.00
02/01/2021		BUZZSPROUT.COM PODCAST	MONTHLY PODCAST SUBSCRIPTION	24.00
02/01/2021		MICHIGAN RECREATION & PAR	VIRTUAL CONFERENCE - PARKS	99.00
02/02/2021		GOVERNMENT FINANCE OFFICE	GFOA FINANCIAL STATEMENT AWARD REVIEW FEE	610.00
02/03/2021		MICHIGAN ASSOCIATION OF P	VIRTUAL WORKSHOPS - T&U	45.00
02/05/2021		SQ ISLAND CITY COFFEE HO	ADDITIONAL SR CENTER VALENTINES DAY EVENT	84.50
02/05/2021		ANR COM CONF SERVICES	MSU MASTER GARDENER PROG TRAINING	325.00
02/08/2021		POLICE TECHNICAL	POLICE TRAINING	375.00
02/08/2021		AMAZON.COM 5L2MO8J33 AMZN	CMO EDUCATIONAL MATERIALS	40.26
02/09/2021		VIMEO.COM	VIDEO ANALYTICS/STREAMING SOFTWARE SUB	240.00
02/10/2021		MICHIGAN MUNICIPAL LEAGUE	CITY MANAGER VIRTUAL CONFERENCE	150.00

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Check Date	Check	Vendor Name	Description	Amount
02/11/2021		LEAGUE OF AMERICAN WHEEL	PARKS MEMBERSHIP	50.00
02/16/2021		ADOBE CREATIVE CLOUD	PUBLIC INFORMATION ANNUAL SUBSCRIPTION	635.87
02/16/2021		ICMA ONLINE	MEMBERSHIP RENEWAL	912.00
02/16/2021		ICMA ONLINE	MEMBERSHIP RENEWAL	1,200.00
02/25/2021		MICHIGAN TAX TRIBUNAL	MTT STIPULATION FILING FEE	50.00
02/26/2021		MGFOA REGISTRATION FEE	ONLINE TRAINING - FINANCE	35.00
			Total Credit Card Payments	6,284.51
			Grand Total	2,776,197.40

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Pavement Marking Services Bid Tabulation

SUPPORTING PERSONNEL: Rod Russell, Director of Public Works

ACTION RECOMMENDED: Award a three-year contract in the amount of \$151,694.55 per year to Michigan Pavement Markings, LLC, to perform pavement marking services to select streets, with an option for three annual one-year extensions, and authorize the City Manager to execute all documents related to this action on behalf of the city.

Invitations to bid were sent to area street painting contractors with three bids received on February 18, 2021. The lowest bid was submitted by Michigan Pavement Markings, LLC, of Wyoming, Michigan, in the amount of \$151,694.55 to provide pavement marking services to select streets. These pavement markings include rail crossings, school zones, bike lanes, turn arrows, stop bars and crosswalks. In addition to specialty pavement markings, this service includes the annual repainting of all center, lane and road edge lines on all major streets that have not been reconstructed or paved within the last year.

In the spirit of cooperative purchasing, this contract was bid so area governments in Kalamazoo County may utilize the bid. The City of Kalamazoo and Kalamazoo County Road Commission have been provided with the bid information.

Michigan Pavement Markings, LLC, has successfully performed pavement marking services for the city since 2001. Therefore, it is recommended that a contract be awarded to Michigan Pavement Markings, LLC, in the amount of \$151,694.55 for Fiscal Year 2020-2021; \$151,694.55 for Fiscal Year 2021-2022; and \$151,694.55 for Fiscal Year 2022-2023 to provide pavement marking services to select streets with an option for three one-year renewals and authorize the City Manager to execute all documents related to the action.

FUNDING: Funds are available in the Major Streets Traffic Services Budget.

Attachments: 1. 2021 MPM Pavement Line Striping & Specialty Pavement Marking Bid Tab

2020 BIKEWAY MILL FILL
BID TABULATION

Michigan Pavement Markings LLC
P.O. Box 9673
Wyoming, MI 49509

Division 1	\$58,191.00
Division 2	\$93,503.55
TOTAL	\$151,694.55

JV Contracting, Inc.
7285 S. State Rd.
Goodrich, MI 48438

Division 1	\$84,845.00
Division 2	\$128,690.15
TOTAL	\$213,535.15

P.K. Contracting Inc.
1965 Barrett Dr.
Troy, MI 48084

Division 1	\$86,104.22
Division 2	\$133,269.15
TOTAL	\$219,373.37

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue.

SUPPORTING PERSONNEL: Kelly Peterson, Director of Development Services

ACTION RECOMMENDED:

1. Receive the Tentative Plan Amendment for Woodbridge Hills Planned Development (4100 West Centre Avenue) including the five conditions in the February 12, 2021 Department of Community Development report, and
2. Set a public hearing for the Tentative Plan Amendment for April 27, 2021, and consider adoption of the Tentative Plan Amendment for Woodbridge Hills Planned Development following the public hearing.

An application has been received from Mr. Andrew DeNooyer, representing 633 Group, requesting to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to 1) change the land use designation from commercial to multifamily residential and 2) construct a three story (with a lower level parking garage) multi-family residential apartment building that would include between 48 and 60 residential units and be setback 10 feet from the west property line and 20 feet from the south and east property lines. The 1.45-acre vacant parcel is located just east of Angling Road, north of the Lake Michigan Credit Union facility.

In the planned development zoning district, the overall density of the project area may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Additionally, the minimum property line setbacks for multi-family residential buildings is 30 feet. As a result, the applicant is requesting 1) a 29 unit per acre modification to allow up to 41 units per acre within this one phase and 2) a setback modification from the west, south and east property lines. The overall density of the Woodbridge Hills Planned Development would remain below seven units per acre.

In an effort to ensure the success of the project, the applicant hired a consulting firm, Tracy Cross & Associates, to complete a market analysis. Tracy Cross & Associates is a market analyst and consultant that serves primarily the residential homebuilding community with clientele throughout the United States. The market analysis prepared for 633 Group indicates Portage, and in particular Woodbridge

Hills, could support a higher density multi-family residential development project consisting of three stories of residential units and a below grade parking garage. The amenities that exist in Woodbridge Hills and the surrounding area which include walkable/convenient access to retail, dining, grocery, recreational amenities (sidewalks, bikeways, multi-use trails and state game area) and proximity to US-131 make this location an attractive and desirable location for this type of project.

In a report dated February 12, 2021, the Department of Community Development discussed the proposed tentative plan amendment including the proposed reclassification of 1.45 acres from commercial (retail/office) to residential multi-family (apartments). Based on the analysis contained in the report, staff is supportive of the proposed Tentative Plan Amendment for Woodbridge Hills Planned Development subject to the five conditions contained in the February 12, 2021, Department of Community Development staff report. The five conditions are as follows:

1. Development standards be established consistent with attached tentative plan and the written narrative.
2. The requested density modification be approved to allow 41.3 units per acre (up to 60 total units on 1.45 acres) for this phase of the development.
3. The requested building setback modifications be approved to allow a setback distance of 10 feet from the west property line and 20 feet from the south and east property lines so as to avoid encroachment into the existing sanitary sewer easement.
4. Applicant confirms they have the authority to use the easement area prior (Marsh Point Drive) prior to site plan approval.
5. Specific site design details, such as storm water, utilities, traffic and so forth, be finalized with submittal of the final (site) plan for this phase of the project.

The Planning Commission convened a public hearing during the February 4, 2021, and February 18, 2021, meetings to consider the proposed tentative plan amendment. Andrew DeNooyer, 633 Group, was present to support the application and explain the proposed changes. Several residents of the Marsh Pointe Condominiums and representative of the management company expressed opposition to the proposed tentative plan change and development project.

After careful consideration, the Commission voted 5-2 to recommend to City Council that the Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue, be approved subject to the five conditions contained in the February 12, 2021, Department of Community Development staff report.

It is recommended that City Council accept the Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue, and set a public hearing for April 27, 2021; and subsequent to the public hearing, consider approving the Tentative Plan Amendment for Woodbridge Hills Planned Development, subject to the five conditions contained in the February 12, 2021 Community Development staff report.

FUNDING: N/A

- Attachments:**
1. Planning Commission transmittal dated March 1, 2021
 2. Planning Commission meeting minutes dated February 4 and 18, 2021
 3. Community Development Staff report dated February 12, 2021

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: March 1, 2021

SUBJECT: Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue

The Planning Commission convened a public hearing during the February 4th and 18th, 2021 meetings to consider the request by submitted by 633 Group to amend the Tentative Plan for the Woodbridge Hills Planned Development for property located at 4100 West Centre Avenue. The applicant is proposing to 1) change the land use designation from commercial to multifamily residential; 2) construct a three story (with a lower level parking garage) multi-family residential apartment building that would include between 48 and 60 residential units; and be setback 10 feet from the west property line and 20 feet from the south and east property lines. Mr. Andrew DeNooyer, representing 633 Group, was present at both meetings to support the application and explain the proposed amendment. Several residents of the Marsh Pointe Condominiums and representative of the management company expressed opposition to the proposed tentative plan change and development project.

The majority of the Planning Commissioners support the proposed tentative plan amendment and support the proposed multi-family residential development concept presented by the applicant. While the density exceeds the standards of the PD, planned development ordinance, the proposed multi-family concept is a good fit in this area of Woodbridge Hills. Residents can enjoy many supportive services within walking distance including the Woodbridge Hills Shopping Village, a comprehensive pedestrian network exists along West Centre Avenue and Moorsbridge Road, and the Gourdneck State Game recreational area provides passive recreational opportunities. Also, the proposed amendment and development project would be likely be less impactful than a commercial development, address a change in market/demographic conditions and provide another housing opportunity. However, not all Planning Commissioners supported the amendment and planned multi-family residential project. Concerns were expressed about the density (units per acre), traffic congestion and compatibility with the surrounding area.

After careful consideration, a motion was made by Commissioner Fries, seconded by Commissioner Myer, to recommend to City Council that the Tentative Plan Amendment for the Woodbridge Hills Planned Development be approved subject to the five conditions listed in the February 12, 2021 Department of Community Development staff report. Upon roll call vote, Joshi (no); Fries (yes); Corradini (yes); Pezzoli (no); Baldwin (yes); Myer (yes); Freiman (yes). The motion was approved 5-2.

Sincerely,


Dan Corradini
Chairman

PLANNING COMMISSION

February 18, 2021 Virtual Meeting

The City of Portage Planning Commission virtual meeting of February 18, 2021 was called to order by Chairman Corradini at 7:03 p.m.

IN REMOTE ATTENDANCE

Kelly Peterson, Director of Community Development; Christopher Forth, Deputy Director of Planning & Neighborhood Services; Catherine Kaufman, City Attorney and Kyle Mucha, Zoning & Codes Administrator.

ROLL CALL

Mr. Forth called the roll: Joshi (yes, Portage); Fries (yes, Portage); Corradini (yes, Portage); Pezzoli (yes, Portage); Baldwin (yes, Portage); Myer (yes, Portage); Freiman (yes, Portage); Youngs (absent); and Fawley (excused).

APPROVAL OF MINUTES:

A motion was made by Commissioner Joshi, seconded by Commissioner Baldwin to approve the February 4, 2021 meeting minutes. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes). The motion was approved 7-0.

OLD BUSINESS:

Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue. Director Peterson summarized the staff report related to an application submitted by Mr. Andrew DeNooyer, representing 633 Group dated February 12, 2021, to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to change the land use designation of the property located at 4100 West Centre Avenue from commercial to multifamily residential. The applicant proposes to construct an apartment building, consisting of 48-60 residential units on the 1.45-acre parcel of land. Ms. Peterson informed the Commission that the proposed apartment building height, design, total number of units and setback distance from property lines will be finalized following the approval of the tentative plan amendment.

Mr. Andrew DeNooyer was present virtually to provide additional details regarding the proposed project. Mr. DeNooyer indicated that a recent market analysis was conducted that indicated Portage, and subsequently Woodbridge Hills, could support a higher density multi-family residential development project which is in high demand for the region. Mr. DeNooyer indicated that the proposed parcel development would allow tenant access to the Woodbridge Hills shopping complex, recreational amenities (trails, bikeways). Mr. DeNooyer also indicated that the proximity to US-131 makes the development of this parcel of land attractive and desirable. Mr. DeNooyer indicated that tenants will vary in age with units catering to young professionals and others to a more empty-nester lifestyle. Mr. DeNooyer also indicated that the proposed project will allow for further "place-making" and be attractive to area residents. Mr. DeNooyer further discussed the underground parking garage and its intent to minimize parking visualizations. Regarding resident concerns pertaining to storm water management, Mr. DeNooyer responded that storm water will be maintained on site and should alleviate runoff onto adjacent properties. In finalizing the summary, Mr. DeNooyer indicated that local businesses in the Woodbridge Hills shopping center are excited for a mixed-use development of this magnitude and welcome this proposal.

Commissioner Freiman inquired with the applicant regarding the following: if the proposed building would be a noise barrier between West Centre Avenue and Marsh Pointe Condominiums; storm water runoff; water level of the Hampton Bog and the proposed traffic signal at Marsh Pointe Drive & West Centre Avenue. Mr. DeNooyer responded that the proposed building could assist with reducing noise levels from West Centre Avenue. Mr. DeNooyer also stated that the storm water management of the site is under review, but does not see

any potential adverse impacts the proposed development proposal. Installation of the traffic signal would need to be coordinated with the city.

Commissioner Joshi inquired with the applicant regarding the need to change the current property designation from commercial to residential. Commissioner Joshi also expressed concerns with traffic congestion and indicated that the proposed designation may not be the right use for this particular parcel. Mr. DeNooyer responded to Commissioner Joshi and indicated that market change has made the proposed project necessary. Mr. DeNooyer reiterated the high demand for a mixed-use development, such as the current proposal. Mr. DeNooyer explained a proposal involving the redesign of the Woodbridge Shopping Village parking lot to increase safety of pedestrians and reduce traffic congestion. Mr. DeNooyer also summarized construction of an outdoor plaza area.

Commissioner Fries indicated that a hotel on this parcel would generate more vehicle traffic than the proposed project.

Commissioner Baldwin concurred with Commissioner Joshi's concerns regarding traffic congestion and traffic flow. Mr. DeNooyer responded to Commissioner Baldwin that any traffic increase will be minimal and in conjunction with parking lot updates, should be mitigated.

Commissioner Pezzoli expressed concerns with traffic congestion and signaling the intersection of Marsh Pointe Drive and West Centre Avenue. Commissioner Pezzoli noted that traffic already backs up on West Centre during peak hours and an additional signal may only exacerbate the problem. Commissioner Pezzoli also expressed concerns with the elevation change between the proposed project and Marsh Pointe Condominiums to the north and the proposed residential density being out of character for this area. Mr. DeNooyer responded to Commissioner Pezzoli by reviewing the proposed surface parking lot to the north of the proposed project, which would reduce the grade change between the two developments. Mr. DeNooyer also reiterated the desire for a type of residential development in this area of Woodbridge Hills.

Chairman Corradini opened the public hearing. Julie Place, on behalf of Marisa Royster, 4076 West Centre Avenue #211, phoned in and expressed concerns with the proposed project disturbing this peaceful and enjoyable area of Portage. Ms. Place indicated that the proposed project would be too densely populated and would prefer to see a two-story residential building instead of the proposed three-story. There being no further public comment, a motion was made by Commissioner Joshi, seconded by Commissioner Myer to close the public hearing. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes). The motion passed 7-0.

Commissioner Joshi commented that the density of the proposed project seems extreme for the size of the parcel and would prefer to see a project with less density.

Chairperson Corradini thanked Mr. DeNooyer for the presentation and all the residents who voiced their concerns about the proposed project. Chairperson Corradini indicated support for the project and commented that the impact of such a project will benefit the city.

Commissioner Myer commented that housing trends are shifting to high density, low land impact and voiced support of the proposed project.

Commissioner Baldwin commend that a two-story development would fit the parcel better and would allow for lower density.

Commissioner Fries commented that the projects completed in the past by Mr. DeNooyer have had a great impact on the area and viewed this project as another positive addition to the Woodbridge Hills area.

Commissioner Fries motioned, seconded by Commissioner Myer, to recommend to City Council that the Woodbridge Hills Tentative Plan Amendment be approved subject to the following conditions: 1) development standards be established consistent with attached tentative plan and the written narrative; 2) the requested density modification be approved to allow 41.3 units/acre (up to 60 total units on 1.45 acres) for this phase of the development; 3) the requested building setback modifications be approved to allow a setback distance of 10 feet from the west property line and 20 feet from the south and east property lines so as to avoid encroachment into the existing sanitary sewer easement; 4) applicant confirms they have the authority to use the easement area prior (Marsh Point Drive) prior to site plan approval; and 5) specific site design details, such as storm water, utilities, traffic and so forth, be finalized with submittal of the final (site) plan for this phase of the project. Upon roll call

vote, Joshi (no); Fries (yes); Corradini (yes); Pezzoli (no); Baldwin (yes); Myer (yes); Freiman (yes). Motion approved 5-2.

NEW BUSINESS

FY2021-2031 Capital Improvement Program - Deputy Director Forth provided an overview of the FY2021-31 Capital Improvement Program (CIP). Deputy Director Forth informed the Commissioners of formatting changes to the FY2021-31 CIP compared to those prepared in prior years. These changes include combining the Streets and Sidewalk categories, creating a Bikeway and Trailway category, including project costs on the project profiles, and fiscal years 6-10 were combined since projects in these years are more for planning purposes and subject to change from year-to-year. Deputy Director Forth summarized the FY2021-22 projects in each category. Deputy Director Forth indicated these are the first year projects and if the CIP is approved by City Council, these projects will be funded and completed. Mr. Forth also highlighted various projects set to take place in the coming years. Director Peterson provided further details to the Commission regarding current and proposed projects for the 2021-2022 Fiscal Year and how City Administration is focusing on closing out ongoing projects prior to beginning any new undertakings.

Chairperson Corradini thanked staff for assembling FY2021-31 Capital Improvement Program. Chairperson Corradini noted a significant amount of City Administration time and effort is devoted to this annual project. There being no further discussion involving the proposed FY2021-31 CIP, Chairperson Corradini motioned, and seconded by Commissioner Fries, to recommend to City Council the FY2021-2031 Capital Improvement Program be approved. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes). Motion approved 7-0.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Fries asked about the status of the Master Plan Update. Deputy Director Forth indicated that Requests for Qualifications (RFQ) were sent out to consulting firms and several have been received. The qualifications of these firms are being reviewed. The update process will begin before the end of this fiscal year.

Chairperson Corradini thanked the Department of Public Works staff members for their prompt attention and dedication to ensuring Portage roads were cleared of the recent snow/ice accumulation.

ADJOURNMENT:

There being no further business to come before the Commission, a motion was made by Commissioner Baldwin, seconded by Commissioner Freiman to adjourn the meeting. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes). The motion passed 7-0. The regularly scheduled meeting was adjourned at 8:55 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director, Planning, Development & Neighborhood Services

PLANNING COMMISSION

February 4, 2021 Virtual Meeting

The City of Portage Planning Commission virtual meeting of February 4, 2021 was called to order by Chairman Corradini at 7:00 p.m.

IN REMOTE ATTENDANCE

Kelly Peterson, Director of Community Development; Christopher Forth, Deputy Director of Planning & Neighborhood Services; Catherine Kaufman, City Attorney and Kyle Mucha, Zoning & Codes Administrator.

ROLL CALL

Ms. Peterson called the roll: Joshi (yes, Portage); Fries (yes, Portage); Corradini (yes, Portage); Pezzoli (yes, Portage); Baldwin (yes, Portage); Myer (yes, Portage); Youngs (logged into the virtual meeting at 7:18 p.m. Portage); Freiman (yes, Portage); Fawley (yes, Portage).

APPROVAL OF MINUTES:

A motion was made by Commissioner Baldwin, seconded by Commissioner Pezzoli to approve the November 5, 2020 and January 21, 2021 meeting minutes. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Freiman (yes); Fawley (yes). The motion was approved 8-0.

NEW BUSINESS:

Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue. Director Peterson summarized the staff report related to an application submitted by Mr. Andrew DeNooyer, representing 633 Group dated January 28, 2021, to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to change the land use designation of the property located at 4100 West Centre Avenue from commercial to multifamily residential. The applicant proposes to construct an apartment building, consisting of 48-60 residential units on the 1.45-acre parcel of land. Ms. Peterson informed the Commission that the proposed apartment building height, design, total number of units and setback distance from property lines will be finalized following the approval of the tentative plan amendment.

Mr. Andrew DeNooyer was present virtually to provide additional details regarding the proposed project. Mr. DeNooyer indicated that a recent market analysis was conducted that indicated Portage, and subsequently Woodbridge Hills, could support a higher density multi-family residential development project. Mr. DeNooyer indicated that the proposed parcel development would allow tenant access to the Woodbridge Hills shopping complex, recreational amenities (trails, bikeways). Mr. DeNooyer also indicated that the proximity to US-131 makes the development of this parcel of land attractive and desirable. Mr. DeNooyer finalized his summary by indicating to the Commission that the proposed project is still in the conceptual design phase.

Chairman Corradini opened the public hearing. Frank Tangney (4164 W. Centre Ave, #304), Cris Carpenter (4050 W. Centre Ave #215), Scott Fitzpatrick (4076 W. Centre Ave #210), Sally Zimmer (4128 W. Centre Ave #308), Linda Dove (4076 W. Centre Ave #110), Judy Goodwin (4024 W. Centre Ave #117) Amy Kurzman (4050 W. Centre Ave #214) and Gretchen Shannon (4024 W. Centre Ave #120) all residents of Marsh Pointe Condominiums, spoke in opposition to the proposed tentative plan amendment. The residents expressed concerns regarding the proposed density; storm water management/drainage since the Marsh Pointe Condominiums are located at a lower elevation; traffic impacts; and lack of greenspace for tenants of the development. The residents requested that traffic and environmental impact studies be conducted due to the scope of the project.

Kay Kossen, attorney with Kreis Enderle representing the Marsh Pointe Condominium Owners Association, spoke against the proposed plan amendment reiterated similar concerns expressed by residents related to; density, height, building setback, emergency access, and environmental concerns. There being no further public

comment, a motion was made by Commissioner Baldwin, seconded by Commissioner Pezzoli to adjourn the public hearing to the February 18, 2021 Planning Commission meeting. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Youngs (yes); Freiman (yes) Fawley (yes). The motion passed 9-0.

City Attorney Kaufman clarified for the Commission that the request submitted by the applicant involves a land use designation change to the Woodbridge Hills tentative plan and not a zoning change as suggested by several Marsh Point residents and Attorney Kossen. Commissioner Freiman inquired with staff about Commission deliberation regarding the application. Mr. Forth responded that deliberation typically takes place after the second public hearing, once Commissioners have had a chance to hear all public comment and any supplemental discussion provided by the applicant. Mr. Forth indicated that applicant and staff will provide additional information regarding the concerns expressed by the citizens.

STATEMENT OF CITIZENS/COMMISSIONERS

None.

ADJOURNMENT:

Commissioner Youngs asked that the January 21, 2021 meeting minutes be amended to indicate he was excused from the meeting. Commissioner Joshi amended the motion, which was supported by Commissioner Baldwin to acknowledge Commissioner Youngs was not present at the January 21, 2021 meeting. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Youngs (yes); Freiman (yes) Fawley (yes). The motion passed 9-0.

There being no further business to come before the Commission, a motion was made by Commissioner Joshi, seconded by Commissioner Pezzoli to adjourn the meeting. Upon roll call vote, Joshi (yes); Fries (yes); Corradini (yes); Pezzoli (yes); Baldwin (yes); Myer (yes); Youngs (yes); Freiman (yes) Fawley (yes). The motion passed 9-0. The regularly scheduled meeting was adjourned at 8:05 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director, Planning, Development & Neighborhood Services

TO: Planning Commission

DATE: February 12, 2021

FROM: Kelly Peterson, Director of Community Development



SUBJECT: Final Report: Tentative Plan Amendment for Woodbridge Hills Planned Development, 4100 West Centre Avenue.

I. INTRODUCTION:

An application has been received from Mr. Andrew DeNooyer, representing 633 Group, requesting to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to change the land use designation of the property located at 4100 West Centre Avenue from commercial to multifamily residential. The 1.45-acre vacant parcel is located just east of Angling Road, north of the Lake Michigan Credit Union facility. The property was acquired in 1998, rezoned from R-1B, one-family residential and OS-1, office service to PD, planned development, and incorporated into the overall 630-acre Woodbridge Hills Planned Development for commercial use.

The Tentative Plan Amendment proposes to change the designation from commercial to multi-family residential in order to construct a three story (with a lower level parking garage) multi-family residential apartment building that would include between 48 and 60 residential units and range in height from 30 to 40 feet. The design of the building, including the total number of units and building height will be finalized, following approval of the tentative plan amendment. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the project. For Commission information, the applicant has submitted a revised application. Due to the presence of an existing sanitary sewer main located on the property, the setback modification request was been modified. This revised modification request is further explained in Section III of this report.

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

III. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

As indicated by the applicant in the attached narrative, Woodbridge Hills has been the home to several creative suburban residential designs since the project began during the late 1970's. In December 2020, the applicant submitted another residential design unique to both the City of Portage and Woodbridge Hills based on a market analysis prepared by Tracy Cross and Associates. Tracy Cross & Associates, located

in Schaumburg, IL, is a market analyst and consultant that serves primarily the residential homebuilding community with clientele throughout the United States. The market analysis prepared for the 633 Group indicates Portage, and in particular Woodbridge Hills, could support a higher density multi-family residential development project consisting of three stories of residential units and a below grade parking garage. The amenities that exist in Woodbridge Hills and the surrounding area, which include walkable/convenient access to retail, dining, grocery, recreational amenities (sidewalks, bikeways, multi-use trails and state game area) and proximity to US-131 make this location an attractive and desirable location for this type of project.

Included in the application materials provided by the applicant are three drawings that illustrate planned enhancements to the Woodbridge Shopping Village tentatively scheduled for 2021. These include improvements to the building façade and parking lot, and the addition of an outdoor pedestrian plaza. These enhancements will likely enhance the desirability of this proposed residential project.

Project Specific Details

Land Use Designation Change – The tentative plan amendment proposes to change the land use designation of 1.45 acres from commercial to multi-family residential. In addition to the market analysis prepared by Tracy Cross and Associates that supports the proposed development project, Housing Market Analysis for the City of Portage was completed by LandUse USA in 2020. The results of the study were based on quantitative data analysis and the application of empirical models to measure the annual market potential for new housing units. The study also included a conventional supply-demand analysis, real estate analysis, Target Market Analysis, and study of the origins of in-migrating households. The analysis concluded there is a city-wide market potential of at least 1,094 for-lease renter-occupied units new-build units annually, plus 1,875 rehabbed units (for a total of 2,969 for-lease units). The report states “These represent excellent opportunities for adding a variety of attached and missing housing formats throughout the city and the five subareas.” With regard to in-migration, the study estimates that 280 people moving into the city on an annual basis are searching for a housing development with 50+ units. The proposed development would help to fulfill this type of housing choice.

If the land use designation is changed, the amount of acreage designated for commercial purposes will decrease slightly from 19.64% to 19.46% and residential use will increase from 40.71% to 40.89%, which is consistent with the PD, planned development requirements. For Commission information, no more than 20% of the total land area may be used for nonresidential purposes.

Residential Density – The tentative plan amendment proposes up to 60 units on 1.45 acres resulting in a residential development density of 41 units/acre. Section 42-374.D limits residential density to no more than 12 units per acre in any one phase and no more than 7 units per acre overall. As a result, the applicant is requesting a 29 unit per acre modification to allow up to 41 units per acre within this one phase.

The current residential density of the overall Woodbridge Hills Planned Development is 5.3 units per acre. This number of units per acre is based on 256.4 acres designated for residential use with a total of 1,357 units. With the addition of 60 more units, density increases slightly to 5.5, which is still less than the maximum permitted of 7 units per acre.

While the residential density of the proposed project is higher than what would otherwise be allowed under the current ordinance requirements, the number of proposed units (up to 60) is not the first such request. In

2020, an amendment to the Greenspire PD tentative plan was approved. The amendment included, among others, approval of phase 7-C that involves the construction of 224 units on 3.86 acres (58 units/acre) in two, mixed-use buildings located along West Centre Avenue. Each building would be four stories with first floor retail and 65 feet in height. The 2020 amendment resulted in an increase in the overall Greenspire PD residential density to 11.12 units/acre where seven units/per acre is permitted by ordinance.

The proposed number of units is not inconsistent with the overall number of Marsh Point Condominiums units (52), which are located immediately to the north. The difference between the two projects is the amount of occupied land area. The Marsh Point Condominiums includes five, multi-family residential buildings and eleven accessory garages that occupy 5.6 acres of land. The proposed Woodbridge Hills project includes a similar number of units (up to 60), up to 63 below grade parking stalls (in addition surface area parking stalls) but occupies only 1.45 acres. Since the subject property and the Woodbridge Shopping Village are owned by the same entity, shared parking agreements with the Woodbridge Hills Shopping Village can also be considered.

Property Line Setbacks – Section 42-374.D states internal setbacks for multifamily residential structures shall adhere to the requirements set forth in division 4, subdivision 10 of the Zoning Code. This section requires 30-foot setbacks from property lines. Included in the application materials is a preliminary site plan that shows an approximate 30-foot setback from the east property line, 20 feet from the south property line, 17-20 feet from the west property line and 45 feet from the north property line. The applicant is requesting a modification to reduce the minimum property line setback from 30 feet to 10 feet along the west property line. The applicant also requested setback modification along the east and south property lines as well. However, there is an existing sanitary sewer main and 20-foot easement along these two property lines and the proposed building cannot encroach into the easement area. As a result, the applicant has revised the application to state there will be no encroachment into the easement area, which reduces the setback modification request from 30 feet to 20 feet along the south and east property lines.

Although the setback dimensions shown on the preliminary site plan are greater than 10 feet, the applicant is requesting flexibility for a slightly larger building envelope to reposition the building based on property specific details that may be encountered during the site plan review stage.

With regard to adjacent land uses and potential impacts resulting from the reduced setbacks, the adjacent land uses include the following (refer to the attached aerial photo):

- East – Parking lot for the Woodbridge Hills Shopping Center
- South – Vehicular maneuvering lane that connects Marsh Point Drive to the Woodbridge Hills Shopping Village. On the south side of the maneuvering lane is a vacant parcel planned for commercial use and Lake Michigan Credit Union.
- West – Marsh Point Drive. On the west side of Marsh Point Drive is a vacant parcel planned for commercial use.

Modifications – Since the overall residential development density will exceed 12 units/acre and the east, south and west building setback less than 30 feet, modifications from these standards are being requested by the applicant in conjunction with the proposed tentative plan amendment. Section 42-375.L of the PD ordinance allows City Council to waive or modify specifications and standards for planned developments where it finds, on the basis of evidence supplied by the landowner, “...that such specifications are not in the best interests of the residents of the planned development and that the modification of such specifications are not inconsistent with the interests of the entire city.”

Building Height – The applicant is proposing a building height up to 40 feet. Section 42-374.F of the Planning Development district does not specify a maximum building height. Rather, this section states: “The height of particular buildings shall not be a basis for approval or denial of a plan, provided that any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services.”

The nearest residential use is Marsh Point Condominiums located to the north. The elevation of the proposed project area is approximately 8-10 feet higher in elevation than the adjacent Marsh Point Condominiums. Site characteristics that will help mitigate potential impacts associated with a new 40-foot high building include the distance from nearest Marsh Point Condominium building (approximately 170 feet to the northwest) and the Marsh Point Condominium garages/off-street parking lot that separate the proposed Woodbridge Hills apartment building from the Marsh Point Condominium units located further to the north/northwest.

In an effort to better visualize the height of the proposed building in conjunction with surrounding land uses, the applicant has prepared the attached line-of-sight drawings. The drawing includes four separate line-of-sight perspectives that show existing grades, existing buildings, proposed retail building east of the Lake Michigan Credit Union site and proposed apartment building. As shown on the drawings, the roofline of the proposed apartment building is shown at 40 feet in height and the Marsh Point condominium buildings shown at an average height of 35 feet (buildings are either 2 or 3 stories).

Traffic/Pedestrian Considerations – With regard to vehicle trip generation, the 8th Edition of the Institute of Traffic Engineers (ITE) Manual indicates a three story, 60 unit multi-family residential building will generate 12 vehicle trip ends (8 vehicles exiting the site and 4 vehicles entering the site) during the morning peak hour. During the afternoon peak hour, 18 vehicle trip ends are anticipated (11 vehicles entering the site and 7 vehicles exiting the site). In comparison, a 15,000 sq. ft. general retail building will generate 51 vehicle trip ends during the morning peak hour (20 vehicles exiting the site and 31 vehicles entering the site). During the afternoon peak hour, 178 vehicle trip ends are anticipated (87 vehicles entering the site and 91 vehicles exiting the site). Additional traffic related details associated with this proposed project will be reviewed upon submittal of the detailed site plan.

There are multiple points of access to this portion of Woodbridge Hills Planned Development including the signalized intersection at Moorsbridge Road & West Centre Avenue and three existing driveways located west of Moorsbridge Road. Also, the land uses/parking lots between Moorsbridge Road and Marsh Point Drive are all interconnected. However, Attorney Kossen’s February 4, 2021 letter questions whether or not the existing easement area would be “overburdened” by the traffic generated by the proposed apartment building. In order to ensure the drive could not be closed if the project is approved and construction completed, the applicant will need to confirm they have the authority to use the easement area prior to site plan approval. Finally, installation of a traffic signal at West Centre Avenue and Marsh Point Drive will be considered during review of the detailed site plan to address existing and future traffic related needs.

Sidewalks will be constructed adjacent to the proposed building. Currently, there are no sidewalks adjacent to the proposed development site that connect to the existing West Centre Avenue sidewalk or the Woodbridge Hills Shopping Village. The location of these additional sidewalk connections are being evaluated by the developer and will be included on the final site plan.

Storm Water Management – The applicant proposes to retain and treat storm water in below grade tanks. With the proposed development, the applicant indicates existing grade/slope will be modified to alleviate storm water runoff onto adjacent properties. Details associated with storm water management will be reviewed with the submittal of the detailed final site plan.

IV. PUBLIC NOTICING REQUIREMENTS:

Residents/property owners within 300 feet of the overall property (4100 West Centre Avenue) have been notified in writing of the proposed tentative plan amendment and the Planning Commission meeting. Additionally, a public notice was also published in the local newspaper. Citizen communications received regarding the proposed tentative plan amendment are attached.

V. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the tentative plan amendment at the February 4, 2021 meeting. Mr. Andrew DeNooyer, representing 633 Group, was present virtually to support the application. During the public comment period, eight residents of Marsh Point Condominiums spoke in opposition to the proposed tentative plan amendment. The residents cited concerns with unit density, storm water management, traffic congestion and a lack of greenspace for the tenants. Kay Kossen, attorney with Kreis Enderle representing the Marsh Pointe Condominium Owners Association, spoke against the proposed plan amendment reiterated similar concerns with the individual residents as it related to density, height, building setback, emergency access, and environmental concerns.

VI. RECOMMENDATION:

The 41 units per acre proposed by the developer represents a change than what is currently permitted in the PD, planned development district. However, as the city ages and less land is available to accommodate the demand for residential development and market/demographic conditions change, alternative development patterns need to be considered. For several years, mixed-use development projects have been the growing trend. The Urban Land Institute characterizes a mixed-use development as one that 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) fosters integration, density, and compatibility of land uses, and 3) creates a walkable community with uninterrupted pedestrian connections. Mixed-use development projects attract residents who desire a diversity of uses and densities, nearby access to retail and amenities, greater housing variety, and walkable neighborhoods.

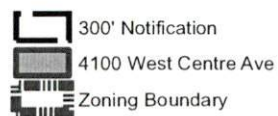
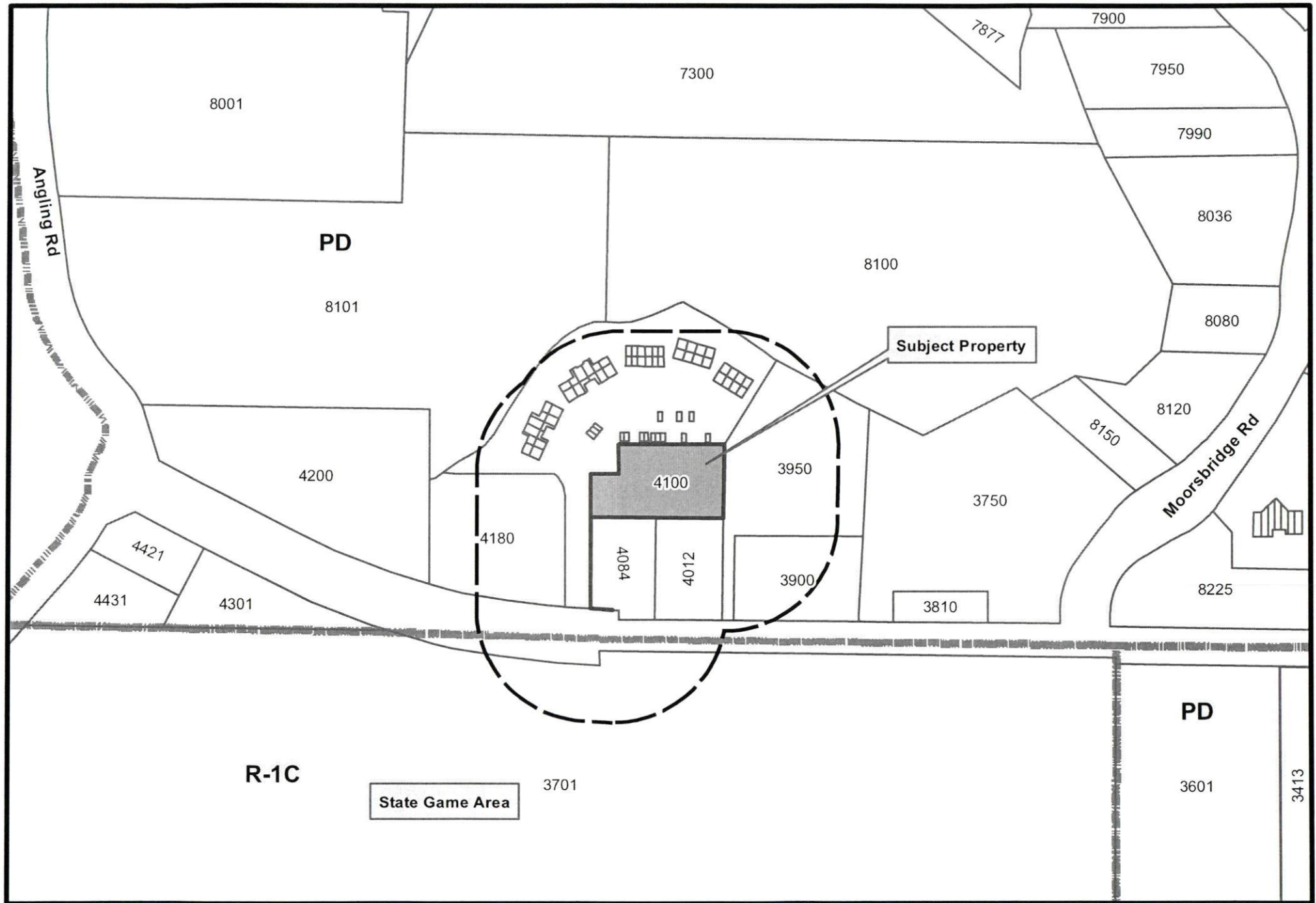
While the Woodbridge Hills Planned Development may not incorporate all the mixed-use characteristics as identified by the Urban Land Institute, such as true mixed-use buildings, the location of the proposed apartment within the Woodbridge Hills Shopping Village provides many of the supported uses desired in a mixed-use development. Future residents, much like the residents of Marsh Point, can walk a short and convenient distance for retail services to meet their needs. Furthermore, recent studies indicate brick and mortar stores are more successful when located near residents. Given the design of the PD and desire to create a more mixed-use type of community, the proposed modifications are supported by staff and will be in the best interest of residents of the PD and not inconsistent with the interests of the entire city.

Based on the foregoing, staff advises that the Planning Commission recommend to City Council that the Tentative Plan Amendment for the Woodbridge Hills Planned Development be approved subject to the following:

1. Development standards be established consistent with attached tentative plan and the written narrative.
2. The requested density modification be approved to allow 41.3 units/acre (up to 60 total units on 1.45 acres) for this phase of the development.
3. The requested building setback modifications be approved to allow a setback distance of 10 feet from the west property line and 20 feet from the south and east property lines so as to avoid encroachment into the existing sanitary sewer easement.
4. Applicant confirms they have the authority to use the easement area prior (Marsh Point Drive) prior to site plan approval.
5. Specific site design details, such as storm water, utilities, traffic and so forth, be finalized with submittal of the final (site) plan for this phase of the project.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Application
Line of sight drawings
Communications received

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**Tentative Plan Amendment
Woodbridge Hills Planned Development
4100 West Centre Avenue**



1 inch = 333 feet



**Tentative Plan Amendment
Woodbridge Hills Planned Development
4100 West Centre Avenue**

 4100 W Centre Ave



1 inch = 125 feet

2.9.21

Mr. Christopher Forth, AICP
Deputy Director of Planning, Development, and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49024

Subject: Woodbridge Hills Planned Development Plan Amendment for 4100 West Centre

Dear Mr. Forth,

We submit the following tentative plan narrative for preliminary review and consultation by the Department of Community Development. This tentative plan is an update to the Woodbridge Hills Planned Development Comprehensive Plan which was originally approved by the Planning Commission and City Council in 1996. The Woodbridge Hills PD was most recently amended and approved in 1998.

The intention of this document is to amend the Woodbridge Hills PD and receive approval for various modifications to develop 4100 West Centre Avenue into a multifamily residential property. Specifically, land use designation and modifications to covenants regarding density and building setbacks will be required.

Thank you for reviewing the following information. We look forward to hearing your comment and input.

The following numbered responses are answers to the questions posed in Section 42-375 of the City of Portage Land Development Regulations.

1. The purpose of this tentative plan change is to pursue the amendments and approvals necessary for the development of a multifamily residential product at 4100 West Centre Avenue. Please note that detailed plans have yet to be developed, and any renderings are purely conceptual in nature.

Since its inception in the late 1970's the Woodbridge Hills PD has been home to a variety of new and creative suburban residential designs. Fast forward forty years and the Woodbridge Hills PD has yet another excellent opportunity to pursue innovation in suburban residential design.

Our market analysis partners, Tracy Cross and Associates, determined a favorable market condition for a particular form of multifamily development. Their particularly noted design couples three floors of residential over a below grade parking garage. They noted this product is tailor-made for our harsh winters and natural landscape. Similar designs may be found in many developing suburbs nationwide.

This innovative suburban design is especially attractive in areas with walkable access to retail, dining, grocery, walking trails, and bike paths making our site at 4100 W Centre an excellent candidate.

The Woodbridge Hills PD was most recently amended in 1998. Coincidentally the amendment was in relation to the land use designation of the parent parcel of 4100 W. Centre. At that time the land use was designated as non-residential increasing the amount of non-residential land use to 19.65% of the 630-acre development. Amending this plan to designate 4100 W. Centre as multifamily residential will only slightly reduce that number.

As previously stated, the following requests and modifications will be necessary to pursue the development of this project:

1. Designate the land use of 4100 W. Centre as multifamily residential (currently non-residential).
 2. Obtain approval of a modification from the density requirement that any one phase of development is not to exceed 12 dwelling units per acre. The projected 48 to 60 units on 1.45 acres will create a deviation range of 21.1 to 29.4 units per acre from the 12 units per acre threshold.
 3. Obtain approval of a modification from the internal setback requirements. The building setbacks on the south, east, and west sides will likely need flexibility to encroach on the various setback requirements. A 20' sanitary sewer easement runs along the south and east property lines. No portion of the building will impede said sanitary sewer easement. Minimum setback anticipated on any property line is 10', save for portions of the south and east sides where sanitary sewer easement exists.
2. The Woodbridge Hills PD is a 630 +/- acre development comprised of single family residential, multifamily residential, office, commercial, a private golf club, and natural areas. The various residential developments currently comprise 40.71% of the total acreage, while office and commercial comprise 19.64%. The remaining 39.65% is dedicated to natural areas, the golf course, and various street rights of way.

Designating the land use of 4100 W. Centre as multifamily residential would lower the commercial land use to 19.46% and increase the residential land use to 40.89%.

The tables below show current land designations with their corresponding acreage. We have also included density calculations for the residential components (Units per AC).

	Existing			
	Acres	% of Total	Units	Units per AC
Open Space				
Golf/Lakes/Marsh	218.09	34.62%		
Residential				
Single Family	142.43	22.61%	323.00	2.27
Multi-Family / Condominium / Special	114.00	18.10%	1,034.00	9.07
Total Residential	256.43	40.71%	1,357.00	5.29
Commercial				
Retail	31.78	5.05%		
Office/Related	91.97	14.60%		
Street Right of Way	31.60	5.02%		
Total Site	629.87	100.00%		

	Proposed (60 Units)			
	Acres	% of Total	Units	Units per AC
Open Space				
Golf/Lakes/Marsh	218.09	34.62%		
Residential				
Single Family	142.43	22.61%	323.00	2.27
Multi-Family / Condominium / Special	115.44	18.33%	1,094.00	9.48
Total Residential	257.87	40.94%	1,417.00	5.50
Commercial				
Retail	31.78	5.05%		
Office/Related	90.53	14.37%		
Street Right of Way	31.60	5.02%		
Total Site	629.87	100.00%		

3. The Woodbridge Hills PD has already completed a vast majority of its development with very little undeveloped acreage remaining in its residential and non-residential designations. 4100 W. Centre would be a single phase of development according to the timelines and requirements further noted in this application.
4. Our time schedule pending necessary approvals and funding commitments is proposed as such:
 - A) Amend plan and secure modifications 2021
 - B) Break ground 2021

- C) Construction period through 2022
- D) Grand Opening 2023

5. As noted previously, the Woodbridge Hills PD is largely completed, thus this development will be constructed independent of other phases. Its design and aesthetic standards will complement the standards of the community. Functionally the parcel will rely on necessary easements for access, two of which are already in place, and the third to be agreed upon. The three easements with the surrounding parcels for access include:

1. Private drive west of the subject property (Marsh Pointe Drive)
 - Provides access to W. Centre Avenue
 - Agreement Existing
2. Private drive south of the subject property
 - Provides east/west traffic flow between Marsh Point parcel and Woodbridge Shopping Village
 - Agreement Existing
3. Parking lot east of the subject property (also owned by Commercial II, LLC)
 - Will provide additional access points and access to a limited number of shared parking spaces
 - Agreement Pending

6. The Woodbridge Hills PD is 630 acres generally bordered by Romence Road to the North, Angling Road to the West, Oakland Drive to the East, and W. Centre Avenue to the South. 4100 W. Centre is a 1.45-acre parcel located North of Lake Michigan Credit Union and South of Marsh Pointe Condominiums. Commercial II, LLC the present owner of 4100 W. Centre and owns the property on fee simple terms. Additionally, Commercial II, LLC owns 10 +/- acres of the Woodbridge Hills PD, all of which runs adjacent to the subject property.

7. As noted previously, we are requesting a modification to the phased density requirements in PD districts. The range of 48-60 units on 1.45 acres equates to 33.10 - 41.38 units per acre. The PD code allows for 12 dwelling units per acre in any given phase.

The Woodbridge Hills PD is a very large development at 630 acres in total. The existing Multi-Family/Condominium/Special residential land uses are presently at a density of 9.07 units per acre. With the addition of the maximum proposed 60 units on 1.45 acres, the overall Multi-Family/Condominium/Special density would increase, marginally, to 9.48 dwellings per acre. Finally, overall residential use would increase from 5.29 units per acre to 5.50 units per acre.

It should be noted this parcel's current designation as non-residential would allow for a potentially more impactful commercial development. For example, a hotel, restaurant, fast food, auto-oriented use, amongst others would all be permitted under the current designation.

8. Common open space within the Woodbridge Hills PD is maintained by the Moors of Portage Association and the various neighborhood associations throughout. Unique to 4100 W. Centre and the surrounding properties is the east/west private drive that borders the property to the South. This drive is maintained in proportion by the owners of 4084 W. Centre, 4012 W. Centre, and 4100 W. Centre as detailed in their respective deeds. The easement recorded pertaining to "Marsh Point Drive" provides for access to this parcel from W. Centre Ave. An additional easement with the neighboring parcel to the east will provide access via the parking lot serving Phase II of the Woodbridge Village.

9. As stated previously, the use of 4100 W. Centre will be multifamily residential in the form of one- and two-bedroom apartments for rent. Our desire is for the building to have a below grade parking garage and three floors of dwelling units and common area above. We anticipate the building to be in the range of 30-40ft in height.

We anticipate the building itself will be positioned away from the north property line to minimize impact to neighboring residential units. Favorably, the closest surrounding structures and improvements are garages and parking lots.

10. Sanitary sewer will be connected to the available sanitary sewer constructed along the east and south borders of this property. Ultimately that connection flows to the sanitary sewer that runs along W Centre Avenue.

A vast majority of storm water will be retained and treated on site in tanks below grade. These tanks ultimately release the water into the water table at a slower or comparable rate to the existing undeveloped land. The site currently has a sharp slope along the north border which can cause significant watershed during large rain events and potential issues for neighboring structures. By reducing the slope and managing the watershed we anticipate this issue could be largely alleviated.

11. Currently three easements exist regarding the subject property. One easement allows for access over the drive to the west commonly referred to as "Marsh Pointe Drive". Another allows for additional access over the east/west oriented drive on the southern border of the property. Finally, there is a 30' sanitary sewer easement that runs along the southern and eastern borders of the property.

In addition to the existing easements, necessary easements for water, sewer, and utilities will be established as well as an additional parking and access easement with the neighboring shopping center to the east. The neighboring shopping center to the east is also owned by Commercial II, LLC.

12. Parking will be provided according to the City Ordinance. A combination of underground, surface lot, and shared parking with the neighboring shopping center will be utilized to achieve parking needs. Our goal is for each unit to have one reserved, underground, tempered parking space. Any roads and/or access drives developed will also be in accordance to the City Ordinance.

13. As noted in the introductory statement, the developer is requesting the following modifications to the regulations applicable to this property:

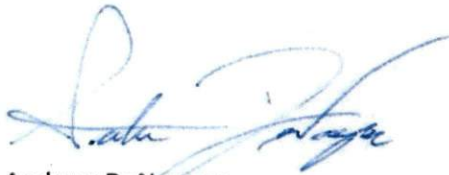
1. Designate the land use of 4100 W. Centre as multifamily residential (currently non-residential).
2. Obtain approval of a modification from the density requirement that any one phase of development is not to exceed 12 dwelling units per acre. The projected 48 to 60 units on 1.45 acres will create a deviation range of 21.10 to 29.38 units per acre from the 12 units per acre threshold.
3. Obtain approval of a modification from the internal setback requirements. The building setbacks on the south, east, and west sides will likely need flexibility to encroach on the various setback requirements. A 20' sanitary sewer easement runs along the south and east property lines. No portion of the building will impede said sanitary sewer

easement. Minimum setback anticipated on any property line is 10', save for portions of the south and east sides where sanitary sewer easement exists.

14. Please reference section 4 for our intended timeline.
15. The successes of this project and our neighboring investments are deeply impacted by the proper execution of this plan. We do not feel that performance bonds or irrevocable letters of credit are necessary to ensure proper implementation.

Again, we greatly appreciate your comment as we move toward review by the Planning Commission and City Council. We are excited to continue the work needed for the successful development of this site.

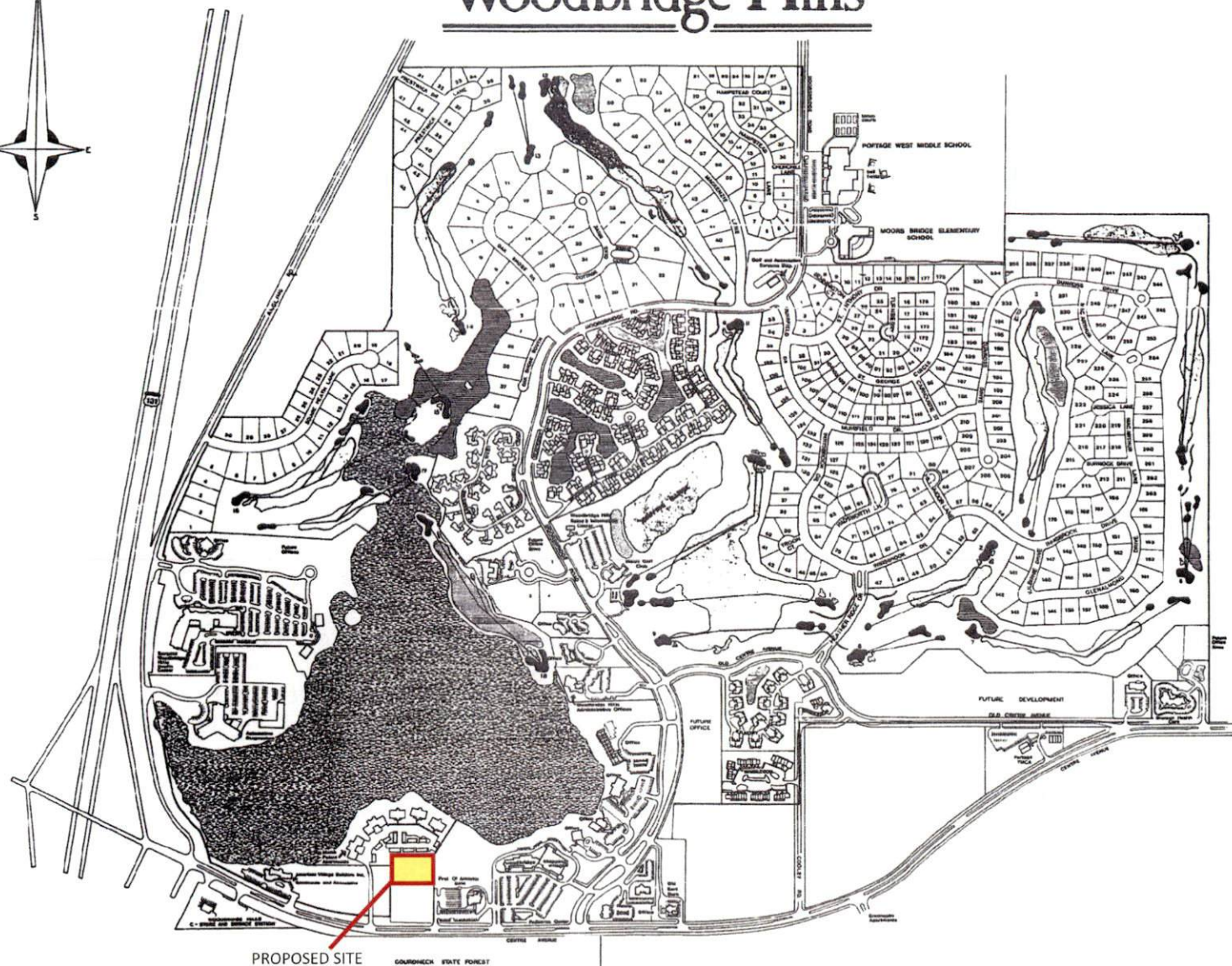
Sincerely,

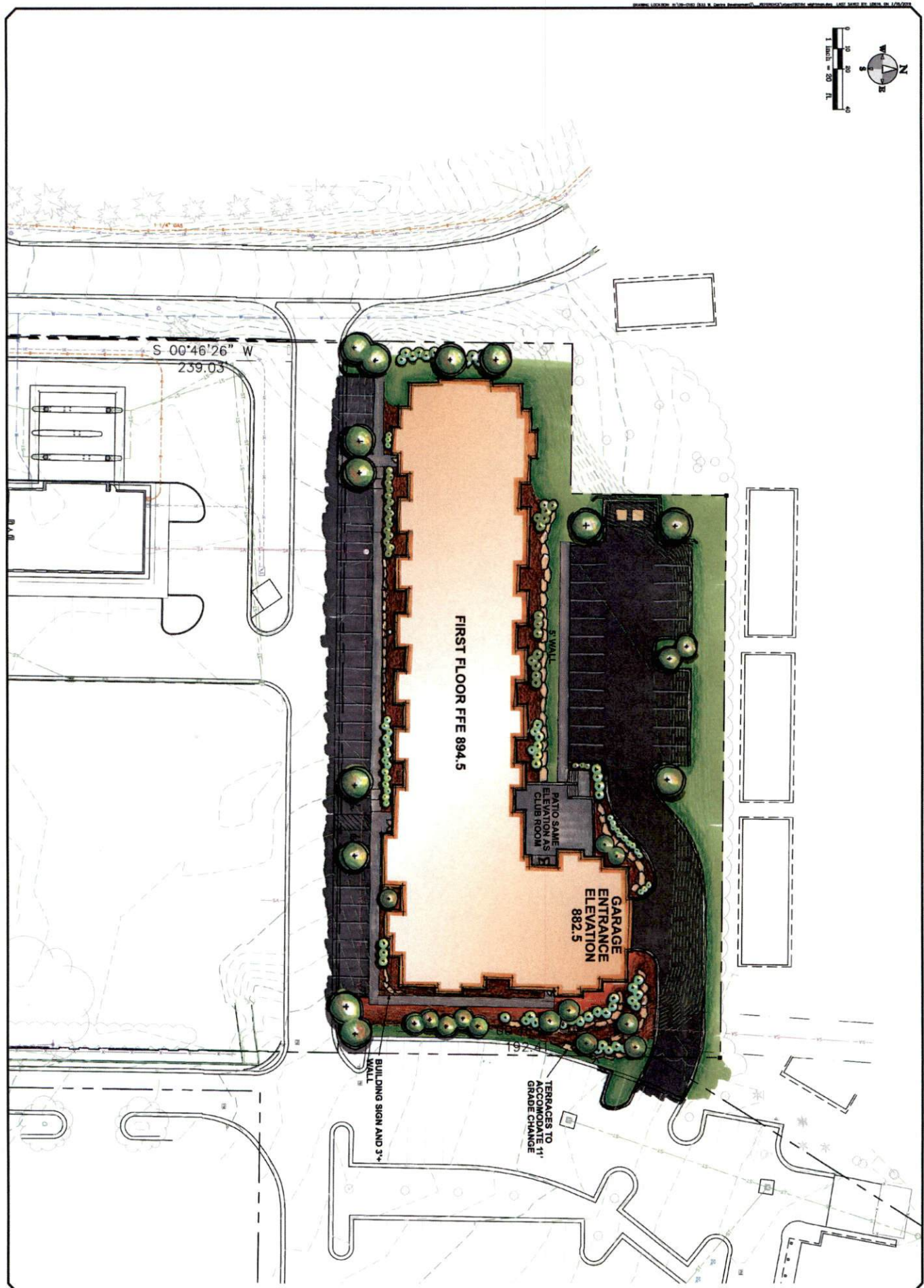
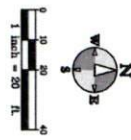


Andrew DeNooyer

CC: Craig DeNooyer
Elizabeth Wright

Woodbridge Hills





Sheet
1
of 1

Sheet Title:
Project:
Client:

**PRELIMINARY LAYOUT
W. CENTRE APARTMENT PROJECT
633 GROUP**

Job No. 05-009	P.M. TEL. 269.552.4900	DATE 05/05/09
REVISIONS		
#1 OWNER REVIEW	7/18/09	

hurley & stewart

hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4900 fax 269.552.4961
www.hurleystewart.com

(43)



JLA
ARCHITECTS

WOODBIDGE HILLS APARTMENTS CONCEPTUAL ELEVATION

AUGUST 29, 2011

1" = 20' @ 11"



633GROUP

WOODBRIDGE VILLAGE



Suite Number And Tenant	Address	Square Footage	Dimensions
1 Hardings	3750 W. Centre Ave.	33,070 Sq.Ft.	186x125 +
2 McIntyre's Salon	3758 W. Centre Ave.	3,161 Sq.Ft.	31x64 +
3 Orange Theory Fitness	3,762 W. Centre Ave.	3,378 Sq.Ft.	32x102
4 Design Details	3766 W. Centre Ave.	3,256 Sq.Ft.	32x102
5 Fiesta Burrito	3774 W. Centre Ave.	2,234 Sq.Ft.	30x76
6 Edward Jones	3798 W. Centre Ave.	1,600 Sq.Ft.	25x64
7 Little Caesars	3814 W. Centre Ave.	1,607 Sq.Ft.	25x64
8 Subway	3822 W. Centre Ave.	1,010 Sq.Ft.	18x56
9 Ziingo	3830 W. Centre Ave.	1,013 Sq.Ft.	18x56

Suite Number And Tenant	Address	Square Footage	Dimensions
10 Big Apple Bagels	3838 W. Centre Ave.	2,322 Sq.Ft	29x74 +
11 Available	3910 W. Centre Ave.	1,825 Sq.Ft.	35x55
12 West Michigan Chiropractic	3920 W. Centre Ave.	1,426 Sq.Ft.	26x55
13 Portage Orthopedics	3930 W. Centre Ave.	1,425 Sq.Ft.	26x55
14 UniQ	3940 W. Centre Ave.	1,396 Sq.Ft.	25x55
15 Fieldstone Grill	3970 W. Centre Ave.	6,365 Sq.Ft.	67x98
16a Travel Focus	3810 W. Centre Ave.	1,521 Sq.Ft.	52x30
16b Center For Vein Restoration	3810 W. Centre Ave.	1,900 Sq.Ft.	52x75
17 Lake Michigan Credit Union	4100 W. Centre Ave.	3,052 Sq.Ft.	42X70

EXPANDED SITE



SCALE : 1/64" = 1'-0"

p.2:

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Woodbridge Renovations
Portage, MI

Outdoor Concepts
January 28, 2021



PERSPECTIVES



PROPOSED ELEVATION



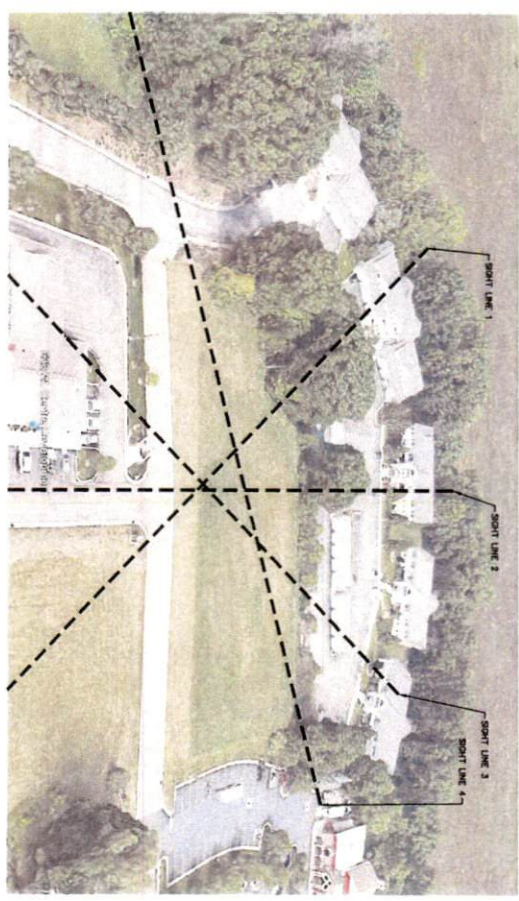
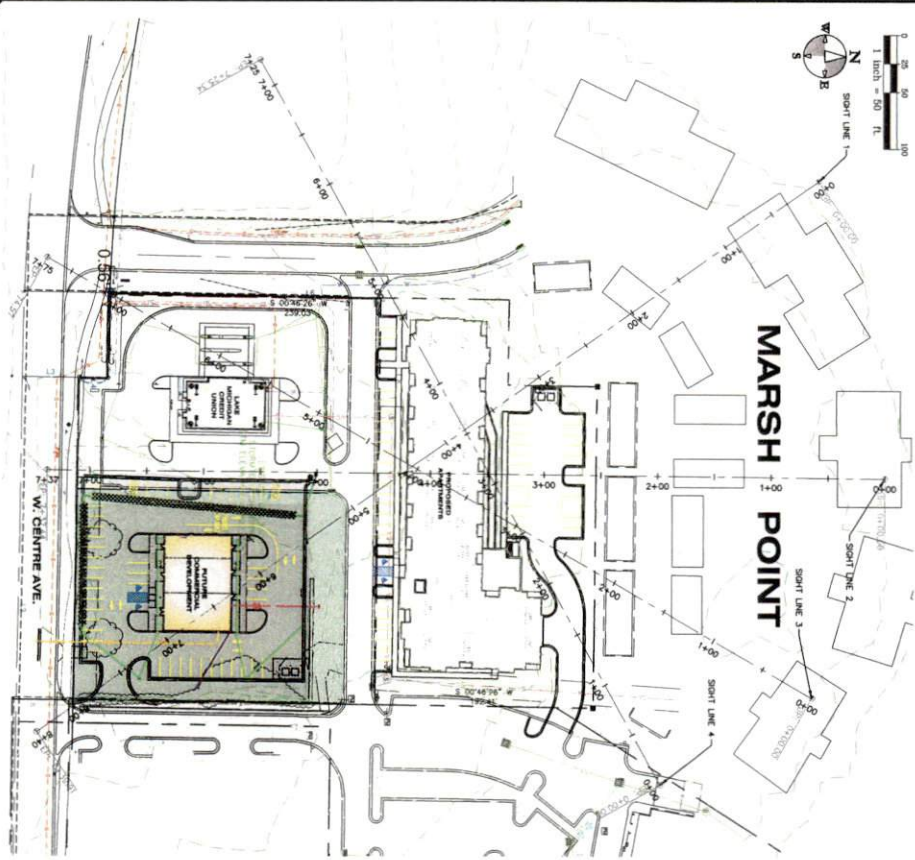
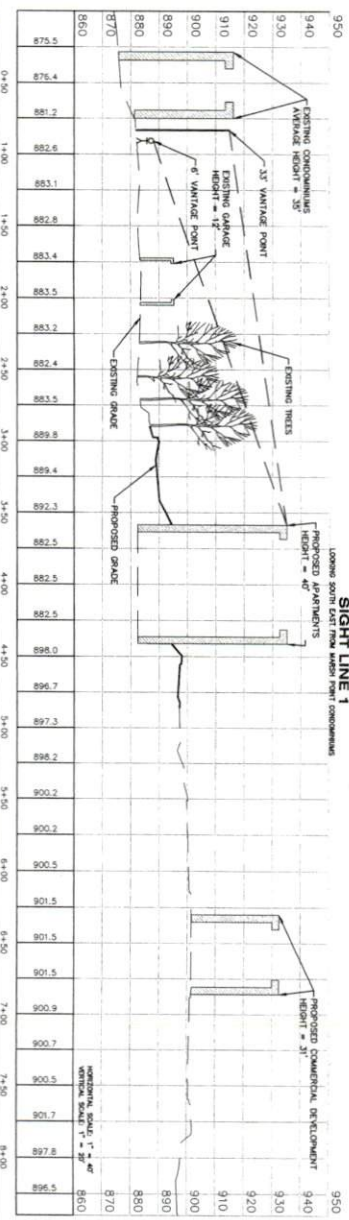
EXISTING ELEVATION

PERSPECTIVES



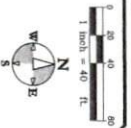
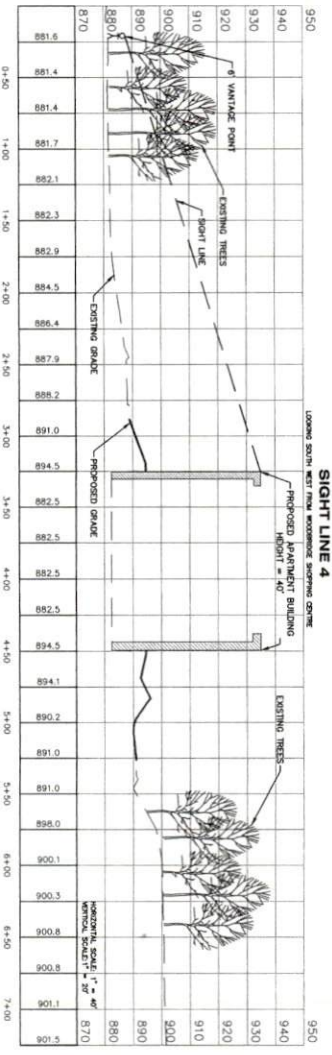
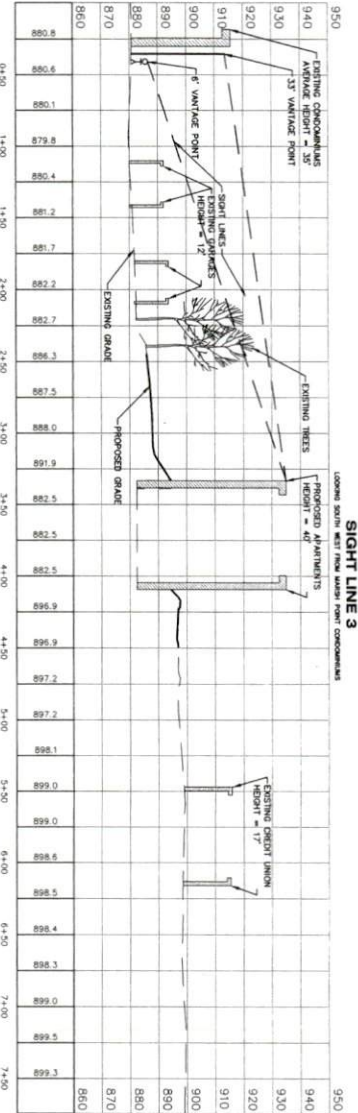
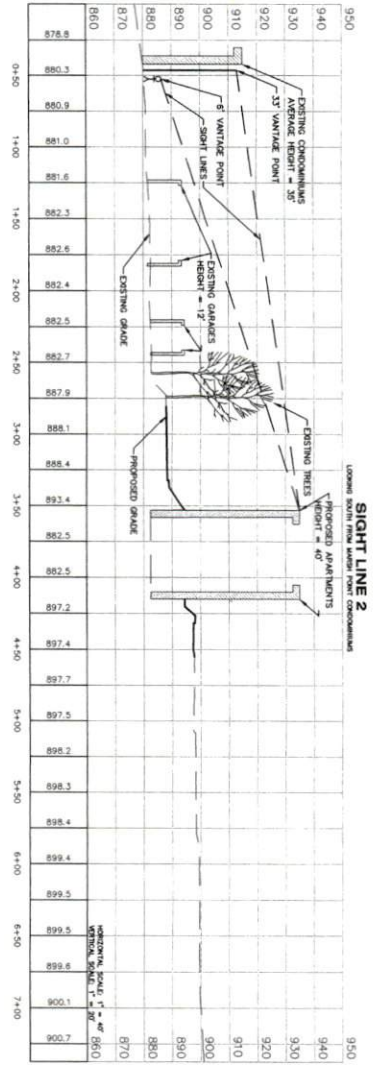
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DATE: 02/11/21
SHEET: 2

Sheet Title:
Project:
Client:

SIGHT LINE PROFILES
633 WEST CENTRE DEVELOPMENT
633 GROUP

Job No. 19-0180 P.M. TDR Dr. L. T. T. 04/QC 02/11/21
SHEET FOR REVISIONS
1 02/10/21
2 02/11/21

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KREIS ENDERLE

KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

Kay E. Kossen

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269-966-3000
Fax 269-966-3022

www.KreisEnderle.com

February 18, 2021

Sent via email

RECEIVED
FEB 18 2021
COMMUNITY DEVELOPMENT

Portage City Hall
Attn: City of Portage Planning Commission
Attn: Christopher Forth, Deputy Director of Planning & Neighborhood Services
Attn: Kelly Peterson, Director of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

**Re: 4100 West Centre Avenue, Portage Michigan
Proposed Amendment by 633Group for Woodbridge Hills Planned
Development (PD)
SUPPLEMENTAL OPPOSITION LETTER**

Dear Honorable Members of the Planning Commission, Directors Forth and Peterson:

I am writing to follow up our correspondence of February 4, 2021 regarding this proposed Amendment to the PD.

As you know, I represent the Marsh Pointe Condominium Owners' Association (the "Association"). I have reviewed your Final Report dated February 12, 2021 and recommendations. The Association continues to object to the approval of the Amendment for the following reasons:

1. The Land Use Designation Change proposal is to change the 1.45 acre parcel from commercial to multi-family. Almost every aspect of the proposed change is not consistent with the City's Ordinances: density, setbacks, building height. Yet, the City apparently will make accommodations for all of it.
2. The Traffic/Pedestrian Considerations are not persuasive. The 8th Edition of the Institute of Traffic Engineers Manual may, or may not be accurate for this particular project or location. There is no indication of how many vehicles will be allowed per unit. Further, comparison to a "general retail building" is not a comparison at all, since the commercial designation could produce various types of uses that are not contemplated in the analysis.
3. Drainage and Environmental Concerns. The developer has not adequately addressed these concerns in its proposals and submissions. The Association reiterates that water runoff is a huge concern. There have already been past issues with water from the proposed site. The Marsh Pointe property has a lower elevation.

4. Crime. The residents of Marsh Pointe are also concerned about additional incidents of crime with an additional apartment complex. An inquiry to the City of Portage's public safety shows for the year 2020 that there were 115 incidents of crime reported within the Greenspire Apartments, including larceny, assaults, frauds, and noise complaints. Marsh Pointe, which is not an apartment rental complex, only had 4 reported incidents for 2020 and only one was criminal in nature.
5. Pets. The Association is concerned about the developer's plan for pets within the proposed project. Most newer complexes are pet friendly. The closest open space to walk pets and for pet waste is on the Marsh Pointe property. Of course, this would be unacceptable.
6. The Easement. As we previously discussed, Marsh Pointe Drive is one of the access points for the proposed project. Although a separate legal issue between the developer and the Association, we would expect further details and cooperation for cost sharing and traffic management. As originally contemplated, the 1.45 acre parcel was designated commercial. It was under these circumstances that the Marsh Pointe apartment complex was constructed, and then later converted to a condominium. Both the City and the developer continue to make representations that a residents of a 60 unit apartment complex would have less of an impact than an unknown commercial use. The Association cannot simply accept that statement as true.

Thank you again for the opportunity to present this information for your consideration.

Sincerely,

KREIS, ENDERLE, HUDGINS,
& BORSOS, P.C.


Kay E. Kossen

KEK/

Cc: Marsh Pointe Condominium Owners Association

**KREIS
ENDERLE**
KREIS, ENDERLE, HUDGINS & BORSOS, P.C.

Kay E. Kossen

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RECEIVED

FEB 04 2021

February 4, 2021

Sent via hand delivery and email

COMMUNITY DEVELOPMENT

Portage City Hall

Attn: City of Portage Planning Commission

Attn: Christopher Forth, Deputy Director of Planning & Neighborhood Services

Attn: Kelly Peterson, Director of Community Development

7900 South Westnedge Avenue

Portage, MI 49002

**Re: 4100 West Centre Avenue, Portage Michigan
Proposed Rezone by 633Group for Woodbridge Hills Planned Development
OPPOSITION LETTER**

Dear Honorable Members of the Planning Commission, Directors Forth and Peterson:

This law firm represents the Marsh Pointe Condominium Owners Association ("Aggrieved Party"). The purpose of this letter is to memorialize the Aggrieved Party's opposition to the Proposed Rezone of vacant land by 633Group ("Land Developer") for Woodbridge Hills Planned Development ("Rezone Project"). In order to be coherent and efficient, Director Peterson's correspondence to the Planning Commission dated January 28, 2021 ("Peterson's Letter") is incorporated verbatim in this letter. Furthermore, the Aggrieved Party's responses correspond directly to Peterson's Letter and are in **bold** for the sake of coherency.

I. INTRODUCTION:

An application has been received from Mr. Andrew DeNooyer, representing 633 Group, requesting to amend the previously approved Tentative Plan for the Woodbridge Hills Planned Development (PD). The applicant is proposing to change the land use designation of the property located at 4100 West Centre Avenue from commercial to multifamily residential. The 1.45-acre vacant parcel is located just east of Angling Road, north of the Lake Michigan Credit Union facility. The property was acquired in 1998, rezoned from R-1B, one-family residential and OS-1, office service to PD, planned development, and incorporated into the overall 630-acre Woodbridge Hills Planned Development for commercial use.

RESPONSE: This is only a partial selective history. The land for the Rezone Project has never had any structural improvements. Put simply, it is vacant land since the inception of time to the present. Furthermore, context is further required to understand that the vacant land was zoned R-1B (single

family residential) and then commercial (office). Specifically, the Aggrieved Party condominium structures were erected in the late 80s and 90s. These were the only residential structures in the PD. A review of reasoning and logic by the Planning Commission for the 1998 rezone would be prudent. Undoubtedly, the Planning Commission made sufficient inquiries as to the safety for the residents in the residential area. It is misleading to reference the 630-acres as context, when in reality; the Land Developer intends to put more residents in a 1.45-acre parcel than most of the acreage combined.

The Tentative Plan Amendment proposes to change the designation from commercial to multi-family residential in order to construct a three story (with a lower level parking garage) multi-family residential apartment building that would include between 48 and 60 residential units and range in height from 30 to 40 feet. The design of the building, including the total number of units and building height will be finalized, following approval of the tentative plan amendment. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the project.

The Land Developer is asking for a rezone. Using kinder euphemisms does not change the ultimate goal, and any court reviewing (should litigation entail) would be analyzing the Planning Commission's reasoning under a rezone standard (and not "change the designation" standard). Furthermore, aside from the structural number, how many residents likely will inhabit the apartments? What are the demographics of the would-be-renters? What about minors and children? Are the apartments designated to accommodate them, and are the adjacent commercial areas safe? None of the analysis or materials have truly addressed the target demographics. Will the Land Developer allow pets? Pets are part of most new residential, multi-family properties. If pets are allowed, where will the residents take them for exercise or to relive themselves. The Aggrieved Party is concerned that residents will take liberties and walk pets on the Marsh Pointe property.

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

The Land Developer is asking for a rezone for multifamily residential. The Land Developer wants to construct a high-rise apartment complex. The Land Developer's Rezone Project, if approved, will be home of the tallest manmade structure within the entire 256.4 acres. The Land Developer may try to dress up the outside façade to this high rise, but at the end of the day, it is still a giant square high rise.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed seven units per acre and density in any one phase may not

exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

Viewing 1.45 acres through the lens of 256.4 acres is a bastardization of logic, and loophole that seems to be adopted by the City of Portage Community Development.

III. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

As indicated by the applicant in the attached narrative, Woodbridge Hills has been the home to several creative suburban residential designs since the project began during the late 1970's. In December 2020, the applicant submitted another residential design unique to both the City of Portage and Woodbridge Hills based on a market analysis prepared by Tracy Cross and Associates. Tracy Cross & Associates, located in Schaumburg, IL, is a market analyst and consultant that serves primarily the residential homebuilding community with clientele throughout the United States. The market analysis prepared for the 633 Group indicates Portage, and in particular Woodbridge Hills, could support a higher density multi-family residential development project consisting of three stories of residential units and a below grade parking garage. The amenities that exist in Woodbridge Hills and the surrounding area, which include walkable/convenient access to retail, dining, grocery, recreational amenities (sidewalks, bikeways, multiuse trails and state game area) and proximity to US-131 make this location an attractive and desirable location for this type of project.

Both Director Peterson and the Land Developer used the phrase "several creative suburban residential designs," but few (if any) examples actually given. It is paramount that additional examples be given and more importantly, given context to the current requested Rezone Project. As for the desirableness of the Rezone Project, the area, traffic and safety concerns are evident. US-131 is a major highway for commuters, and adding more commuters will only increase and intensify the traffic in the area. The general health, safety and welfare for all the citizens should be considered, and not simply the Land Developer's chosen ones.

Another proposed Woodbridge Hills project that will likely enhance the desirability of the proposed residential project are planned changes to the Woodbridge Shopping Village. Changes include an upgraded building façade, outdoor pedestrian plaza and parking lot improvements. Included in the application materials provided by the applicant are three drawings that illustrate these Woodbridge Shopping Village improvements. Construction of these enhancements are tentatively scheduled for 2021.

Changes to the Woodbridge Shopping Village are irrelevant for consideration of the Land Developer's request. It only emphasizes that the direct surrounding area is commercial, and the 1.45 acre parcel is designed for a commercial structure for services, food, or other commercial uses for the residents that already reside in the Woodbridge Hills area. Is the Land Developer putting a condition on the rezone that the Land Developer will indeed make the necessary improvements to the Woodbridge Shopping Village? If the Rezone does not occur, does the Land Developer still intend to make the improvements to the Woodbridge Shopping Village? This should be addressed before further decisions are made.

Project Specific Details

Land Use Designation Change — The proposed tentative plan amendment proposes to change the land use designation of 1.45 acres from commercial to multi-family residential. As a result, the amount of acreage designated for commercial purposes will decrease slightly from 19.64% to 19.46% and residential use will increase from 40.71% to 40.89%, which is consistent with the PD, planned development requirements. For Commission information, no more than 20% of the total land area may be used for nonresidential purposes.

As stated previously, viewing 1.45 acres through the lens of 256.4 acres is a bastardization of logic. The true land area, if given context, would not meet this total land area requirement.

Residential Density — The proposed tentative plan amendment proposes up to 60 units on 1.45 acres resulting in a residential development density of 41 units/acre. Section 42-374.D limits residential density to no more than 12 units per acre in any one phase and no more than 7 units per acre overall. As a result, the applicant is requesting a 29 unit per acre modification to allow up to 41 units per acre within this one phase.

This increase alone should give the Planning Commission pause. This isn't a minor incremental increase, but rather, this is a massive increase. If this Rezone Project is approved, the entire area will change in character.

With regard to the overall Woodbridge Hills Planned Development residential density, there are 256.4 acres designated for residential use with a total of 1,357 units. Based on these numbers, the current overall residential density is 5.3 units per acre. With the addition of 60 more units, density increases slightly to 5.5, which is still less than the maximum permitted of 7 units per acre.

Completely misleading and lacks context. This is not comparing apples to oranges, but instead, apples to a rocket ship. The Aggrieved Party has 52 units spread over 5.6 acres of land. In contrast, the proposed Rezone Project is requesting to have more units (60) with less acres (1.45). Nothing in the entire PD is even close to make an analogy. The overall character of 1,357 units includes surrounding subdivisions with single family residential homes on traditional lots.

While the residential density of the proposed project is significantly higher than what would otherwise be allowed under the current ordinance requirements, the number of proposed units (up to 60) is consistent with the overall number of Marsh Point Condominiums units (52), which is located immediately to the north. The difference between the two projects is the amount of occupied land area. The Marsh Point Condominiums includes five, multi-family residential buildings and eleven accessory garages that occupy 5.6 acres of land. The proposed Woodbridge Hills project includes a similar number of units (up to 60), up to 63 below grade parking stalls (in addition surface area parking stalls) but occupies only 1.45 acres. Since the subject property and the Woodbridge Shopping Village are owned by the same entity, shared parking agreements with the Woodbridge Hills Shopping Village can also be considered.

This is a massive change. Of course, since the Land Developer is the same entity, parking agreements can be reached; however, the practical difficulty exists. The commercial shoppers and the residents

of the Rezone Project will not consider the "parking agreements" when they park or are driving through the parking lot. The reality is, they will be looking for a parking spot in a congested area. How many cars will be allowed per tenant? Although a separate, but related legal issue, the burden on the access road/easement that services the Aggrieved Party is one of the basis for their concern. The Aggrieved Party owns the road, subject to the use of surrounding properties. The access road was in existence to service the Aggrieved Party's complex at the time the original PD was adopted and approved. What would be the rationale to allow 120 more vehicles (if 60 units, two vehicles per unit) access to that road?

Property Line Setbacks — Section 42-374.D states internal setbacks for multifamily residential structures shall adhere to the requirements set forth in division 4, subdivision 10 of the Zoning Code. This section requires 30-foot setbacks from property lines. Included in the application materials is a preliminary site plan that shows an approximate 30-foot setback from the east property line, 20 feet from the south property line, 17-20 feet from the west property line and 45 feet from the north property line. The applicant is requesting a modification to reduce the minimum property line setback from 30 feet to 10 feet along the east, south and west property lines. Although the setback dimensions shown on the preliminary site plan are greater than 10 feet, the applicant is requesting flexibility for a slightly larger building envelope to reposition the building based on property specific details that may be encountered during the site plan review stage.

In addition to the rezone, the Land Developer is also requesting a Non-use/Area/Dimensional Variance. Non-use variances are not concerned with the use of the land but, rather, with changes in a structure's area, height, setback, and the like. *Heritage Hill Ass'n, Inc v Grand Rapids*, 48 Mich. App. 765, 768; 211 N.W.2d 77 (1973). Non-use variances also include "the right to enlarge nonconforming uses or alter nonconforming structures." 3 Rathkopf, *The Law of Zoning and Planning*, (4th ed, 1979) p 38-1.) Pursuant to the City of Portage's ordinance, in order for a variance to be granted, the Land Developer would need to meet all of the following criteria:

- A. That there is a practical difficulty in the way of carrying out the strict letter of this Ordinance.
- B. That the practical difficulty is due to unique circumstances related to the particular property and not general to other property in the district or neighborhood.
- C. That the problem was not created by the applicant.
- D. That granting the variance will not alter the essential character of the neighborhood or district.
- E. Every variance granted shall be in the minimum amount necessary to overcome the inequity inherent in the particular property.

The criteria for a variance cannot be overcome, i.e. the existing hardship is created by the Land Developer and the granting of the variance would alter the essential character of the district.

With regard to adjacent land uses and potential impacts resulting from the reduced setbacks, the adjacent land uses include the following (refer to the attached aerial photo):

- East — Parking lot for the Woodbridge Hills Shopping Center
- South — Vehicular maneuvering lane that connects Marsh Point Drive to the Woodbridge Hills Shopping Village. On the south side of the maneuvering lane is a vacant parcel planned for commercial use and Lake Michigan Credit Union.
- West — Marsh Point Drive. On the west side of Marsh Point Drive is a vacant parcel planned for commercial use.

See comments above and regarding the increased burden on Marsh Point Drive.

Modifications — Since the overall residential development density will exceed 12 units/acre and the east, south and west building setback less than 30 feet, modifications from these standards are being requested by the applicant in conjunction with the proposed tentative plan amendment. Section 42-375.L of the PD ordinance allows City Council to waive or modify specifications and standards for planned developments where it finds, on the basis of evidence supplied by the landowner, "*that such specifications are not in the best interests of the residents of the planned development and that the modification of such specifications are not inconsistent with the interests of the entire city.*"

See previous comment. This Rezone Project is the proverbial "Bull in a China Shop." The grand scope and significant impact on the area will change the integrity of the entire area. In addition, the environmental impact on natural wildlife and habitat cannot be ignored. The Aggrieved Party is also concerned about drainage.

Building Height — The applicant is proposing a building height up to 40 feet. Section 42-374.F of the Planning Development district does not specify a maximum building height. Rather, this section states: "The height of particular buildings shall not be a basis for approval or denial of a plan, provided that any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services."

Tallest manmade structure in the area. It is not aesthetically pleasing.

The nearest residential use is Marsh Point Condominiums located to the north. The elevation of the proposed project area is approximately 8-10 feet higher in elevation than the adjacent Marsh Point Condominiums. Site characteristics that will help mitigate potential impacts associated with a new 40-foot high building include the distance from nearest Marsh Point Condominium building (approximately 170 feet to the northwest) and the Marsh Point Condominium garages that separate the proposed Woodbridge Hills apartment building from the Marsh Point Condominium units located further to the north/northwest.

Drainage concerns, impact on environment, flooding, etc. all must be addressed. The Land Developer is essentially minimizing the "physical impact" on the Aggrieved Party. It would be shocking to anyone if instead of looking at open space, or even a commercial structure, there is a 45 foot building out your window.

Traffic/Pedestrian Considerations — With regard to vehicle trip generation, the 8th Edition of the Institute of Traffic Engineers (ITE) Manual indicates a three story, 60 unit multi-family residential building will generate 12 vehicle trip ends (8 vehicles exiting the site and 4 vehicles entering the site) during the morning peak hour. During the afternoon peak hour, 18 vehicle trip ends are anticipated (11 vehicles entering the site and 7 vehicles exiting the site). In comparison, a 15,000 sq. ft. general retail building will generate 51 vehicle trip ends during the morning peak hour (20 vehicles exiting the site and 31 vehicles entering the site). During the afternoon peak hour, 178 vehicle trip ends are anticipated (87 vehicles entering the site and 91 vehicles exiting the site). Additional traffic related details associated with this proposed project will be reviewed upon submittal of the detailed site plan.

In Super Bowl III, the Baltimore Colts were 18-point favorites over the New York Jets. The rest is history. The point of this reference is that on paper, things can be much different than reality. Conduct a traffic study, after all, lives are at stake. If the Rezone Project were approved without having the requisite due diligence, the results could be catastrophic. A safety decision should not be solely predicated on a book.

There are multiple points of access to this portion of Woodbridge Hills Planned Development including the signalized intersection at Moorsbridge Road & West Centre Avenue and three existing driveways located west of Moorsbridge Road. Also, the land uses/parking lots between Moorsbridge Road and Marsh Point Drive are all interconnected.

There is a significant easement issue with respect to the proposed Rezone Project and the Aggrieved Party. While there exists an easement over the private road (which is owned incidentally by the Aggrieved Party), the easement cannot be overburdened. The scope of the Land Developer's Rezone Project will overburden the easement. The Court in *Delaney v Pond*, 350 Mich 685, 687; 86 NW2d 816 (1957) provides useful guidance on overburdening an easement: "The use of an easement must be confined strictly to the purposes for which it was granted or reserved. A principle which underlies the use of all easements is that the owner of an easement cannot materially increase the burden of it upon the servient estate or impose thereon a new and additional burden." In other words: "The scope of an easement encompasses only those burdens on the servient estate that were within the contemplation of the parties at the time the easement was created." *Wiggins v City of Burton*, 291 Mich App 532, 554; 805 NW2d 517 (2011).

This law firm's communication to the Land Developer to discuss the easement have been unsuccessful as the Land Developer has not offered a viable solution for related to the road. The Land Developer has ignored the Aggrieved Party's representatives.

The Land Developer glosses over the access points. Will residents actually go to Moorsbridge Road and drive through the congested commercial parking area to get to the complex? The shortest access point is to use Marsh Point Drive.

Emergency vehicles also will need access and a 60 unit high rise building likely will result in additional on-site visits by public safety.

Sidewalks will be constructed adjacent to the proposed building. Currently, there are no sidewalks adjacent to the proposed development site that connect to the existing West Centre Avenue sidewalk or

the Woodbridge Hills Shopping Village. The location of these additional sidewalk connections are being evaluated by the developer and will be included on the site (final) plan.

Is the Land Developer making this a condition as to the rezone? If yes, what timeline, and what happens if the Land Developer fails to meet such representations and obligations?

Storm Water Management— The applicant proposes to retain and treat storm water in below grade tanks. With the proposed development, the applicant indicates existing grade/slope will be modified to alleviate storm water runoff onto adjacent properties. Details associated with storm water management will be reviewed with the submittal of the detailed site (final) plan.

Natural habitat will be disturbed. Flooding and runoff patters are major concerns for the Aggrieved Party.

IV. PUBLIC NOTICING REQUIREMENTS:

Residents/property owners within 300 feet of the overall property (4100 West Centre Avenue) have been notified in writing of the proposed tentative plan amendment and the Planning Commission meeting. Additionally, a public notice was also published in the local newspaper. At the time of report preparation, no citizen communications have been received regarding the proposed tentative plan amendment.

Agreed that notification was published; however, the Land Developer's communications with the Aggrieved Party is lackluster. Communication, transparency and open government break down real and perceived barriers. The Aggrieved Party takes this very seriously, and it cannot be stressed enough that anxiety and turmoil exists through the lack of transparency and communication. Systemic problems need to be dealt with immediately.

V. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the review/discussion at a subsequent meeting, the Commission is advised to receive public comment during the February 4, 2021 meeting and adjourn the public hearing to the February 18, 2021 meeting.

Attachments: Zoning/Vicinity Map
Aerial Photo Map
Application

I intend to speak at the February 4, 2021, Planning Commission Meeting.

Sincerely,

KREIS, ENDERLE, HUDGINS,
& BORSOS, P.C.

A handwritten signature in cursive script, appearing to read "Kay E. Kossen".

Kay E. Kossen

KEK/JDL

Cc: Marsh Pointe Condominium Owners Association

Christopher Forth
Deputy Director of Planning and Development
City of Portage
Portage, Michigan

RECEIVED
FEB 18 2021
COMMUNITY DEVELOPMENT

February 16, 2021

Dear Mr. Forth and Planning Commission Members,

Thank you again for the opportunity to express my concerns about the proposed construction of a multi-family structure on property immediately south of the Marsh Pointe Condominium neighborhood at 4100 West Centre.

The 633 Group presented information to the Association Board and then again two weeks ago. Both presentations focused on the fine building, plan rationale and amenities that will be available to renters of their units. What has been missing is the consideration of other factors that impact quality of life for their renters and the neighbors including businesses near the proposed building and the Marsh Pointe Condominium neighborhood. I would like to address them in the following paragraphs.

The lack of planned green space for families and pets. Whether it is bathrooming space for pets or a place for outside activities for families, these were not included in the plan nor addressed in public presentations. The density of population with out any green space is not acceptable to good neighborhoods or quality of life for all concerned.

There is a plan for underground parking, but it is not uncommon for there to be more than one vehicle per unit. The limited parking was not explained. If insufficient designated parking is not available vehicles could be parked in the spaces of other local business or on the streets near this proposed building. Both are unacceptable options in our city.

Appropriate boundaries between the proposed structure and the neighbors that would serve as a visual border to the 633 Group property was not mentioned at either presentation.

The 633 groups claim to be caring for the water ways in our area but has not presented a plan to address the run off rain, snow melt and so on from the proposed building site. With more land covered with asphalt and building, more water will have to run down-hill and into the Marsh Pointe neighborhood to reach the lowest point in the area, Hampton Creek Bog. This same water will be contaminated with chemicals that are part of any building and parking area. This environmental concern has been addressed by others, city officials, who are concerned about our beautiful but fragile environment in the Portage community. Specifically, the Hampton Creek Bog area is addressed in the Environmental Impact Study of 2019 and directed to Kendra Gwin, City of Portage.

<https://www.portagemi.gov/DocumentCenter/View/3039/Environmental-Impacts-Summary>

I would encourage the Planning Commission and other decision makers to review the findings of this document to confirm the concerns of residents of Marsh Pointe Condominiums who have accepted a community responsibility to care for this protected area because of our homes bordering on the bog.

Variances to existing rules for the placement and construction of the building and parking have been made as well as a request for a redesignation of property use. I believe that this is a plan based on

financial interests and not in alignment with the vision of our city plans for a safe community. The requested variances will impact of traffic flow, land use, access to emergency vehicles and of course an impact on existing properties and property owners. The easement to access the designated parcel of land must be addressed also and a plan made to address the increased wear on shared road space.

Lastly, is a community concern about the potential impact of a rental units on noise, crime, and disruption to the calm, safe and quiet of Marsh Pointe Condominiums. There is significant data of increased crime in nearby rental communities. I do not want, we do not want this as part of the neighborhood. I chose to live here because of the peaceful, nature focused and safe environment that is near services of the city.

Again, your attention to our concerns is appreciated and we encourage a visit to the proposed parcel of land before final decisions are made.

Sincerely,

Linda A. Dove

4076 West Centre, #110
Portage, Michigan

Christopher Forth

From: Gretchen Shannon <gretchenshannon@hotmail.com>
Sent: Tuesday, February 16, 2021 7:46 PM
To: Christopher Forth
Subject: Marsh Pointe

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

My name is Gretchen Shannon and I live at 4024 W. Centre Ave. Unit 120 at Marsh Pointe. I am very concerned about the proposed protect with the 633 Group. In my opinion, that project requires a much larger parcel. Im worried about traffic, protecting the Marsh, our safety and the increased congestion. Turning in from Centre Ave during drive times is already a nightmare

When I am leaving my condo on our road, its almost impossible to safely make a left hand turn on to Centre. Most of us have to drive through the shopping center to the light to safely make a left hand turn.. We also get a lot of bank traffic from the two banks. There is so much new construction out Q Ave that we have to deal with and now this will make it intolerable.

We already have drainage problems from that parcel rotting the back side of the garages. Where is that additional water going to go. Where are those extra cars going to park. Where are their guests going to park. Where are those up to 120 dogs going to go to the bathroom with no green space Those are very real concerns to us.

I moved to Marsh Pointe 2 years ago from West Pointe Condominiums. I had lived there 10 years when the new builder decided to rent the condos closest to the highway. They were "high end " rentals. Well a renter is not an owner. Suddenly we had dogs running loose, golf carts on the street, pet owners not picking up after their pets and a few cars broken in to. Coincidence, I don't think so. I moved to Marsh Pointe shortly after.

When I moved here, I did my due diigence. All land was protected or zoned commercial. Now they are trying to build a neighborhood on a postage stamp. Please do not approve this project. There are enough large parcels that can easily handle this project. The city of Portage prides itself on spacious neighborhoods and family areas. Again, please don't approve this project .

Thank you for your time

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Christopher Forth

From: LYNDA REPINS <lrepins@aol.com>
Sent: Wednesday, February 17, 2021 10:45 PM
To: Christopher Forth
Subject: 633 group Proposal

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

Dear commissioners

My name is Lynda Repins I live at marsh pointe building 4128 unit 205 I have lived there for 11 years

I am sending this message to the commissioners and the committee to let you know that I enjoyed living in my area I enjoy the bank I enjoy the restaurants I also enjoy the Hardings I used to work at Hardings and I think it's a very lovely community I am concerned for the welfare of our neighbors and all of our proposed neighbors because there is going to be some issues of safety right now things are pretty hectic if we add more people to the mix there is going to be some problems I have had some very close calls with automobiles not heeding the stop signs in the community around the restaurants and the grocery store and banks. I also fear that there might be some issues with people walking there is going to be more walking traffic with the proposed new building and parking facilities and the roadways around the parking facilities are already heavy traffic more traffic is going to jeopardize the roads and the potholes I hope there's an answer to some of these questions that I have .

Thank you for this opportunity to let you know how I feel I'll be looking for your answers as soon as possible.

Lynda Repins

Sent from my iPhone Lynda Repins

Christopher Forth

From: mary kelemen <marykelemen@att.net>
Sent: Wednesday, February 17, 2021 7:36 PM
To: Christopher Forth
Subject: Tentative Plan Amendment for Woodbridge Hills Planned Development at 4100 West Centre Avenue

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

My name is Mary Kelemen and I live at 4128 West Centre Avenue, #208 in Marsh Pointe Condominiums. I would like to thank you for giving me the chance to voice my opposition to the proposed amendment to the Woodbridge Hills tentative plan to change the land use designation at 4100 West Centre Avenue from commercial to multifamily residential.

I have lived at Marsh Pointe for 16 years. I rented for two years and when the property was converted to condominiums, I purchased my unit. I moved to Marsh Pointe in the first place, because of the setting and the fact that it was a nice quiet complex, not like the other larger apartment complexes where I had previously lived. I have gotten to know a good share of my neighbors and everyone is friendly and they care about the community and have a pride of ownership which is not found in a rental complex. Like myself, a lot of the owners purchased their property based on the expectation that the surrounding property would stay designated as commercial.

I have many of the same concerns as the other Marsh Pointe residents who have spoken out against the proposed development by 633 Group. I feel that with a three story high rise apartment building on a 1.4 acre parcel and the potential of 60+ residents, the renters will infringe upon our property. There will be very little, if any, areas for the residents to walk their dogs and their children to play on the property of the proposed development. Marsh Pointe residents enjoy the beautiful marsh, watching the birds and wildlife, and being outside socializing with their neighbors. They do not look forward to a high rise apartment complex looking down on them.

Another concern of mine is the increase in traffic using the Marsh Pointe drive up to Centre Avenue. I am afraid it will be unsafe for residents to walk, run, and bike in the area around our community. Currently, traffic coming from the access drive by the Lake Michigan Credit Union over to the Marsh Pointe drive, does not always stop at the stop sign. I hate to think of the potential for accidents with the increase in traffic, not only vehicular and pedestrian, but construction traffic too.

I am also concerned about the potential for the increase of crime in our area. Marsh Pointe has always been a safe quiet community and almost everyone knows their neighbors and they look out for each other. With a three story high rise apartment building so close to our complex, I would not feel as safe as I do now. There will be people coming and going at all hours, residents and visitors. There will certainly be the potential for an increase in noise, disturbances and car break-ins in the Marsh Pointe community.

I won't reiterate all the concerns others have mentioned, that I too have, regarding drainage issues from the proposed development and the excessive wear from the increase in traffic on our newly paved parking lot and drive.

I trust that the Planning Commissioners have been able to visit Marsh Pointe to better understand the resident's concerns and understand why the residents have such pride in owning a condominium in this beautiful and quiet community. I do hope that that you and the City Planning Commission will take into consideration the impact that this proposed amendment will have on the Marsh Pointe community.

Respectfully,

Mary Kelemen
4128 West Centre Avenue, #208
Portage, MI 49024
(269)327-5693
marykelemen@att.net

Christopher Forth

From: Jason B <jaybadd@gmail.com>
Sent: Thursday, February 4, 2021 12:00 PM
To: Christopher Forth
Cc: Lindsay Flynn
Subject: 4100 W. Centre Ave - 633 Group

RECEIVED
FEB 04 2021
COMMUNITY DEVELOPMENT

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

To whom it may concern,

My name is Jason Badders. My wife (Casey Basdders), 2 children, and I reside at 4128 W Centre Ave #305, Portage, MI 49024.

We are contacting you regarding our concerns about the proposed apartment development adjacent to our property (Marsh Point Condominiums). We have lived on this property for approximately 5 years and find it a beautiful, quiet, peaceful setting to live in and raise our family.

The proposed project/building would greatly degrade our quality of life, safety, and enjoyment for all residents. The City of Portage has ordinances and codes for many reasons and the restrictions in the Code is to protect the residents of Portage. Please take into consideration the residents of our Condo Association as you consider granting variances to the City's Code. Allowing a variance for height of this project will be a detriment to our residents. We currently have beautiful natural views on all sides of our property. It allows a peaceful and beautiful setting. Allowing a three story residence, on top of a hill, would be devastating. Not only would the building be higher than code allows, it also sits higher than our property which would make the proposed building more than 4 stories from our perspective.

The proposed project is also asking for a set back variance. The City has these building restrictions in place for reasons of public policy such as safety, privacy, and environmental protection. We are concerned about all of these issues if a set back variance is awarded. With the new building crowded upon our property lines and structures, things like fire and safety are a major concern. We would also lose all sense of privacy as a building of this height would allow the residents to look down into our windows. Our association has also spent large sums of money to ensure proper drainage and protect the Marsh that we call home. Where would the drainage from this property go? There will be very little green space around the new project and it is conceivable that much of the drainage from the proposed property would become an issue for our Association.

We also have a huge concern about the proposed apartments allowing pets, especially dogs. The property for the proposed project is quite small for a project of this size. With the building and associated parking for 50 plus units will leave very little green space for the residents. If they have dogs, where will they go to run, play, and relieve themselves? This would not be fair to our residents as our green space would be used by others who would have no interest in maintaining the property and keeping it clean and sanitary. This also has the potential to become a noise concern as we all know barking dogs can become a nuisance.

This summer our association spent a huge sum of money repaving our drive and parking area. Some of the drive is used by other businesses. These businesses have refused (as did Group 633) to assist in repairs and replacement of the drive. We own the drive but their employees and customers use it daily to access the businesses. Why should our owners be solely responsible for this cost? Again, Group 633 has already shown it is unwilling to assist with the road.

We are also concerned about increased traffic on and by our property. The entrance/exit to our property on Centre Ave is already extremely busy and dangerous. Added traffic would add to this danger. There is not a stop light at the intersection, the speed limit is 45, and Centre Ave can be very busy during the day. We have a lot of older residents who walk and exercise in the area and we are worried about the danger that the increased traffic will lead to.

When we purchased our home, the lot for this proposed building was (and still is) zoned commercial. We pictured a small restaurant or a wine store going in. Not a huge apartment complex. We ask that you not zone this parcel residential.

How many trees would need to be removed?

One of the reasons we chose to purchase a home at Marsh Point is the beauty and solitude. It is set back off the road, has natural scenery on all sides, and is very quiet. This proposed building would destroy all of those things. Please consider the residents of Marsh Point who were here long before this proposed project.

We ask that you take the time to visit our property and see the negative aspects of this project from our perspective. Marsh Point is BEAUTIFUL. WE DO NOT WANT TO LOSE IT OR DESTROY IT!!!

Please do not allow this to happen. It is where we live, it is our backyard, we are citizens of Portage.

Respectfully,
Jason and Casey Badders

If you have any questions or concerns please contact us by email or call 269-760-0176.

RECEIVED

FEB 04 2021

Donna D. Ross (Kaye)
Marsh Pointe Condominiums
4050 W. Centre Ave., #213
Portage, MI 49024

COMMUNITY DEVELOPMENT

Dear Members of the Portage Planning Commission:

My name is Donna Ross (Kaye) and I live at the Marsh Pointe Condominiums. This letter is in re/to the 633 Group application to change the land use of 4100 W. Centre Ave., which sits directly south of our community, from commercial to multi-family residential.

After serving as an educator for the public school system for over 33 years, I decided to retire a year ago. With that retirement came a decision to "down-size" - I spent a lot of time looking for the perfect condominium community - something peaceful, quiet, and a place where I could enjoy beauty/wild-life, and not too far to commute to surrounding areas. I found it at Marsh Pointe. I bought my property not even a year ago and I have enjoyed all of the things that I just mentioned. It is the first time I have lived in Portage!

I recently found out about the 633 Group's request and I have to say that I am concerned on so many levels. The plan to put multiple units on such a small parcel of land is astonishing to me. I believe that it would greatly impact (in a negative way) many practical issues. In addition, it would impact the the peaceful aesthetic gifts of Marsh Pointe.

These are the areas that are of most concern to me:

1. Environmental - When I purchased the property 9 months ago, the Realtor I worked with was so impressed by the protected wetlands adjacent to Marsh Pointe. I was impressed as well - it is a beautiful, peaceful, delicate, and fragile marsh. The proposed apartment building is just yards away from this area. My church family has been very active regarding issues of climate change - in fact, just last Sunday, our minister shared the welcome news that the Portage City Council is possibly poised to join with other communities around the country urging action on global warming. I truly believe that saving and protecting areas like our marsh dovetails with climate change issues.

2. Safety - Again, the fact that so many people would be living in such a small area is a safety concern to me.

3. Traffic concerns and garage/car concerns - there would be numerous cars/other vehicles that would be connected to the proposed apartments which would obviously result in more noise and exhaust, especially since the apartment would sit so much higher than the Marsh Pointe Condos....creating problems for the residents and, of equal importance, to the marshland.

4. Utility concerns - the property sits very high above our condos and I would be very concerned about environmental drainage coming from the proposed apartments. I am also confused about what kind of "green-space" these apartments would have to offer residents - would it be pet-friendly? If so, where would the dogs be walked?

5. Noise concerns - my condo faces the south and is on the 2nd floor. I would be directly facing the back of this 3 story building which I assume will have balconies or open areas on the back. This would literally be just yards away from my balcony and others that also face that area.

6. Enjoyment - one of the main reasons I decided to move to this lovely area was because of the peaceful, soothing, and restful environment. I realize that this is a more personal issue but it is of utmost importance to me - I have an auto-immune disease that is manageable but can sometimes be very challenging. That is the reason that I chose to buy property here at Marsh Pointe - to enjoy the harmony with nature in an accessible area. If these apartments are built, I will literally be looking at the back-side of a large apartment wall - all of us on the south side would be confronted with that unpleasant reality. This back-end apartment view would be seen from almost all of my windows. The apartment building would cut off the view of trees which would greatly affect the enjoyment I have come to know in the last 9 months of living here. I would most definitely not EVER have considered buying a property that had a view of a tall apartment building but I had no knowledge of this plan 9 months ago. It is difficult to describe the situation with words, so I would love to extend an invitation to any of you to visit, not only my property, but all of the property here at Marsh Pointe - that would hopefully add to your understanding of the setting that I am trying to describe.

Thank you so much for taking the time to read my letter of concern. As I'm sure you can tell, I am very passionate and concerned about the possibility of this plan. It makes me want to weep. I doubt that I could live here if this plan were to go through and it would break my heart to leave. I love it here....I love the peace, quiet, sense of community, and the accessibility. I implore you - please do not allow this to happen. I would also welcome a chance to talk to any of you in a one-to-one situation or to answer any questions you may have of me, personally. My phone number is 269-267-9244. I would be happy to take your call.

Respectfully,

Donna D. Ross (Kaye)

Dear City of Portage Planning Commissioners, City Council Members and the Department of Community Development,
First, thank you for taking the time to review our concerns.

The Marsh Pointe Condominium Association is writing as a collective body of 52+ owners to express their concerns and objections to the proposed change to the land use designation at 4100 West Centre Avenue from commercial to multifamily residential.

Please see the attached rendering of the subject parcel which you can see directly effects Marsh Pointe Condominiums *solely* as it is the only residential property in sight of the parcel. While we are aware that there is a radius of potential owners that may have received notice of this amendment application, only the owners of the Marsh Pointe Condominium Association will be impacted on a residential level. When the Planned Unit Development (PUD) was originally designed and approved it was as a commercial parcel. The expectation of all Marsh Pointe Condominium Owners was that the original design would remain as commercial providing for the quality enjoyment of their properties.

The Marsh Pointe Condominium Association is extremely concerned about the proposed development of the 1.4-acre parcel to the south of our community considering the size of the intended development on such a small parcel of land. Marsh Pointe Condominiums sits on over 5 acres and has 52 total units. The proposed development is expected to have 57 units and sit on 1.4-acres. Further, the proposed development requests for the building height to exceed the code limit along with a request for shorter setbacks to our property lines which are all concerning as the Association does not feel that would be "designed consistent with the reasonable enjoyment of neighboring properties" as required per the letter dated October 23, 2019 written by Christopher Forth, Acting Director of Community Development of which I have attached a copy for your records.

Additionally, the Marsh Pointe Condominium Association is *solely* responsible for the service and maintenance of the drive to the West of the proposed parcel, this drive would be the primary point of ingress and egress for the proposed parcel as well. The concern is primarily focused on the increased traffic levels that could effect the safety of the Marsh Pointe Co-Owners as it is the Association's *only* point of ingress and egress. Further, the increased traffic would cause additional and excessive wear on the Association property.

The easement that allows the neighboring parcels use of the Marsh Pointe drive is outdated and requires amendment due to the ample development and increased use of the area over time. The Marsh Pointe Condominium Association Board retained an Attorney in 2019 to work with 633 Group to amend the current easement agreement to which they have been unwilling to reasonably agree.

Additionally, the proposed development raises concerns regarding drainage from the parcel property to the Marsh Pointe Condominium Association property. Over the years, the Association has had many issues with drainage even from the natural land that has required the Association to install french drains on the south border of our property along the parcel boundary as well as with the replacement of rotted garage siding due to the heavy amounts of water that run onto the land. These costs exceed \$20,000 and as this is an active issue will require additional funds over time.

There is concern that the proposed development plans to maintain little grass or lawn space and yet they intend to allow pets (confirmed by Craig DeNooyer). How would a barrier be established so those pet owners are not using the Marsh Pointe grounds? The grounds of the Marsh Pointe Condominium Association are one of the primary appeals of the community and also identifies an additional concern as the property sits on a wetland that requires specific knowledge and care. The owners of Marsh Pointe pride themselves on the care of their community and want to ensure that neighboring properties do not cause harm to their natural enjoyment.

The Marsh Pointe Condominium Association Board has retained an Attorney to represent their petition. Kreis and Enderle will also be providing a formal response to the Planning Commission for review on behalf of The Marsh Pointe Condominium Association.

The Marsh Pointe Condominium Association Board and Owners also plan to attend each Planning Commission and City Council meeting where this development may be discussed as a way to ensure the City can further understand and respect their concern.

The Marsh Pointe Condominium Association would like to invite you, and all Planning Commissioners and City Council Members, to visit the proposed parcel to witness the size of the parcel and proximity to the Marsh Pointe Condominiums and to physically review the concerns detailed above.

Additionally, the Marsh Pointe Condominium Association would like to request that before any decisions are made that a traffic study be completed to confirm that amending the land use would be reasonable and still provide for the safety of the Marsh Pointe Co-Owners.

Again, we appreciate your review of our concerns and hope that you will consider the significant impact this modification will have on our community, safety and living enjoyment.

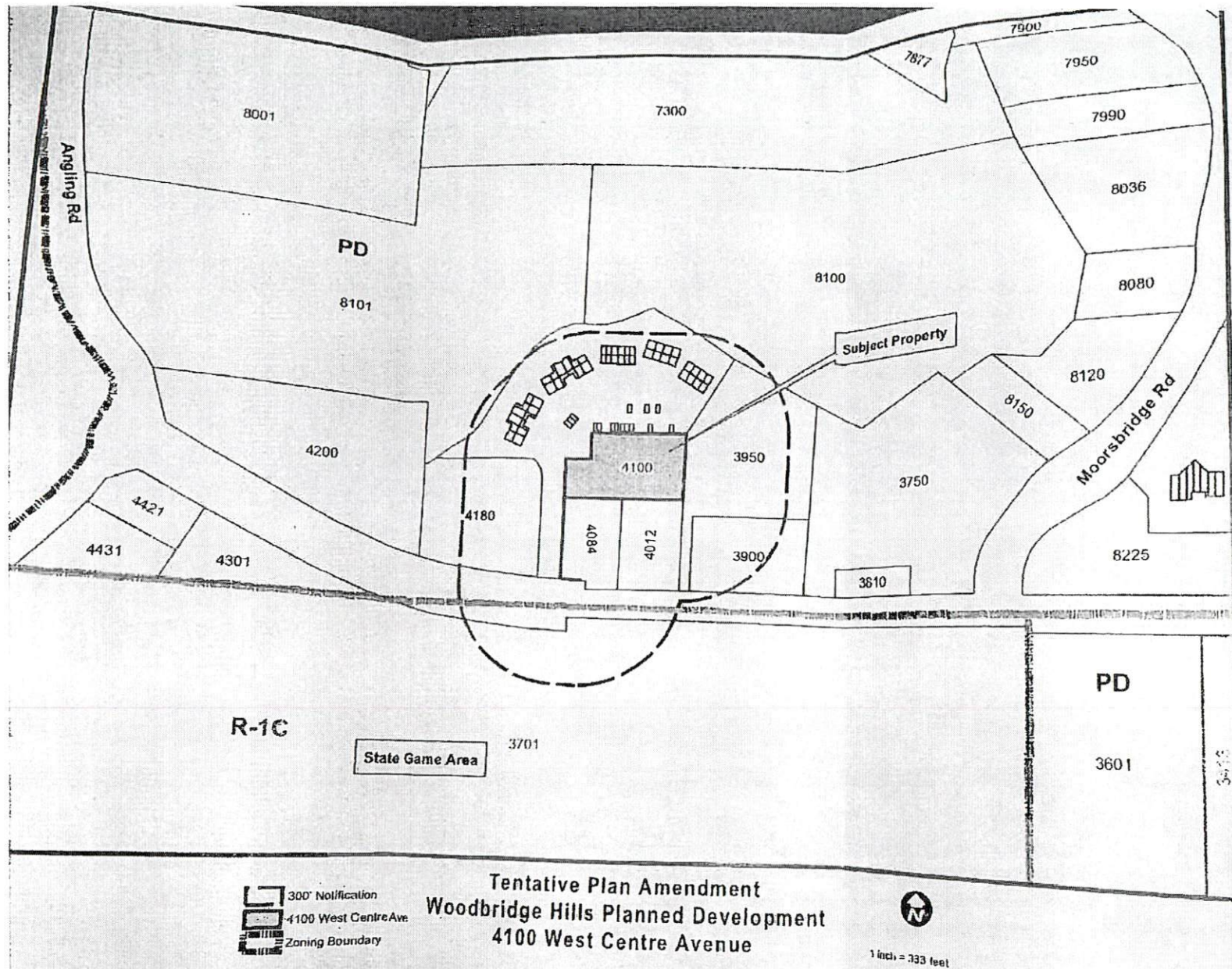
Respectfully,

The Marsh Pointe Condominium Association

See attached petition with all Owners listed

Prepared by on behalf of the Marsh Pointe Condominium Association:

Berkshire Hathaway Property Management
6312 Stadium Drive
Kalamazoo, MI 49009
(269)488-0133
marshpointecondoassociation@gmail.com



Marsh Pointe Co-Owners
Petition for change of land use for 4100 W. Centre Avenue

Address:	Owner Name
4164 W. Centre Avenue, Unit #101	Peggy Cafarelli
4164 W. Centre Avenue, Unit #102	Matt Bowles
4164 W. Centre Avenue, Unit #103	Derek Andree
4164 W. Centre Avenue, Unit #104	Jill Winfield
4128 W. Centre Avenue, Unit #105	Jenna LeRoy
4128 W. Centre Avenue, Unit #106	Cory Spicer
4128 W. Centre Avenue, Unit #107	Jeff & Cathy Monroe
4128 W. Centre Avenue, Unit #108	Matthew Zebert
4076 W. Centre Avenue, Unit #109	Yun (Jason) Wang
4076 W. Centre Avenue, Unit #110	Linda Dove
4076 W. Centre Avenue, Unit #111	Judy Masiglia-Kelly
4076 W. Centre Avenue, Unit #112	Rebecca Rustenholtz & Travis Burns
4050 W. Centre Avenue, Unit #113	Patti Rendine & Eileen Rendine
4050 W. Centre Avenue, Unit #114	Nicholas & Walter Palechka
4050 W. Centre Avenue, Unit #115	Margaret Harma
4050 W. Centre Avenue, Unit #116	Darlene Stover
4024 W. Centre Avenue, Unit #117	Judy Goodwin
4024 W. Centre Avenue, Unit #118	Brianne Shaver
4024 W. Centre Avenue, Unit #119	John Sweeney
4024 W. Centre Avenue, Unit #120	James & Gretchen Shannon
4164 W. Centre Avenue, Unit #201	Safdar Ali Khan
4164 W. Centre Avenue, Unit #202	Robert (Scott) Edison
4164 W. Centre Avenue, Unit #203	Barbara Townsend
4164 W. Centre Avenue, Unit #204	Abdel-Messieh & Reda Abdel-Messieh
4128 W. Centre Avenue, Unit #205	Lynda Repins
4128 W. Centre Avenue, Unit #206	Theresa Perry
4128 W. Centre Avenue, Unit #207	Rachel Stambek
4128 W. Centre Avenue, Unit #208	Mary Kelemen
4076 W. Centre Avenue, Unit #209	Janet Johnson
4076 W. Centre Avenue, Unit #210	Scott & Lisa Fitzpatrick
4076 W. Centre Avenue, Unit #211	Marisa Royster & Julia Teutsch
4076 W. Centre Avenue, Unit #212	Robert Short
4050 W. Centre Avenue, Unit #213	Donna Ross
4050 W. Centre Avenue, Unit #214	Amy Kurzmann
4050 W. Centre Avenue, Unit #215	Cris Carpenter
4050 W. Centre Avenue, Unit #216	Sally Sterling
4024 W. Centre Avenue, Unit #217	Melinda Meisner
4024 W. Centre Avenue, Unit #218	Ryan Alkhamis & Vanessa Huynh
4024 W. Centre Avenue, Unit #219	Jerolyn Heth & Patricia Rendine
4024 W. Centre Avenue, Unit #220	Tra Nguyen
4164 W. Centre Avenue, Unit #301	Jim Bennink
4164 W. Centre Avenue, Unit #302	John Hubbard
4164 W. Centre Avenue, Unit #303	Marilyn Clarke
4164 W. Centre Avenue, Unit #304	Nancy & Frank Tangney
4128 W. Centre Avenue, Unit #305	Jason Badders & Casey Fry
4128 W. Centre Avenue, Unit #306	Melissa Nantais
4128 W. Centre Avenue, Unit #307	Abhishek Mehrotra
4128 W. Centre Avenue, Unit #308	Sally Zimmerman
4076 W. Centre Avenue, Unit #309	Robert Williams/Katherine Alizo
4076 W. Centre Avenue, Unit #310	James & Susan Leander
4076 W. Centre Avenue, Unit #311	Kathy Squires
4076 W. Centre Avenue, Unit #312	Carol Leonard

Christopher Forth

From: Amy Kurzmann <kurzmannamy@gmail.com>
Sent: Thursday, February 18, 2021 11:10 AM
To: Christopher Forth
Subject: Development of 4100 W. Centre Ave, Portage, Michigan

RECEIVED

FEB 18 2021

COMMUNITY DEVELOPMENT

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

February 18, 2021

Amy E. Kurzmann
Marsh Pointe Condominiums
4050 W. Centre Ave #214
Portage, Michigan 49024

Dear City of Portage Planning Committee, City Council Members and the Department of Community Development,

Thank you for your time evaluating and considering my concerns.

My first concern is for the for the land development at 4100 W. Centre and the impact it will have on the Hampton Creek Wetlands and the surrounding area.

The beauty of the Wetlands is what attracted me to this area. It is why we *all* are here.

The Wetland was drained due to the flooding that occurred to the Moorsbridge community and surrounding areas.

One example of the impact on the wildlife is: the duck population significantly decreased.

It would only stand to reason there are more.

Marsh Pointe condominiums took action and installed French drains to combat drainage issues that damaged our property due to the instability of the water flow in the surrounding areas.

It was imperative and costly.

Simply stated, any and all development will impact our environment, and could adversely impact the residents of Marsh Pointe Condominiums.

The proposed development would have a direct impact on wildlife, flooding, traffic, safety, crime and noise.

Last year, Marsh Pointe Condominiums paved the entrance to the owned road to our complex. This is an ingress and egress to this proposed development which we are solely responsible.

The traffic and heavy equipment will negatively impact the investment we have made and produce excessive wear on the pavement.

I believe safety in numbers does not apply here.

The sole responsibility of maintaining this drive is costly to a small community.

Is this equitable for everyone?

The request for land variances encroaches on our community.

The outcome for our community is unknown.

The request for a development of this size on a small parcel is mammoth in proportion.

Our community respectfully acknowledges 633's groups desire to develop their land.

We ask everyone to do the same, respectfully consider how this will impact Marsh Pointe residents homes and quality of life.

It is our desire to be good stewards of Hampton Creek Wetland and our community at large.

The fact that it could be developed differently and/or worse for us, is not something any of us would desire.

We desire to be good neighbors.

We desire an equitable and fair resolution to this proposal.

It is my sincere hope that each and everyone of you came out and observed how small the parcel is to the comparison to the proposed project.

Again, thank you all for your time.

Sincerely,

Amy E. Kurzmann

Christopher Forth

From: Elizabeth Wright <ewright@633group.com>
Sent: Wednesday, February 17, 2021 5:28 PM
To: Christopher Forth; Kelly Peterson
Cc: Andrew DeNooyer; Craig DeNooyer
Subject: Planning Commission Mtg - Thursday, February 18
Attachments: Marsh Pointe Communication Summary & Emails.pdf; Planning Commission Meeting Outline Notes 2.18.21.pdf; Presentation Materials for 2.18.21 Planning Commission Meeting.pdf

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Hi Chris & Kelly -

Please see attached materials for tomorrow's meeting. Again, much of these visuals are already part of the material submitted for review. We plan to walk through this.

Please also see an attached Communication Summary Timeline with supported emails.

We want the Commission to know that we are more than willing to work with all property owners who benefit from all easements.

On a positive note, we did hear again from Ms. Kay Kossen yesterday via email. That correspondence with our response is attached with this summary.

Please let us know if you have any difficulty opening these attachments.

Thank you for all the help you, and your team members have provided us this far into the project's possibility.

Kindly,
E



Elizabeth Wright

CAPTAIN OF MAKE IT HAPPEN

Company Integrator

Certified Kolbe Coach & Consultant

7875 Moorsbridge Rd.
Portage, MI 49024

269-323-1400 Main
269-488-1714 Direct
269-217-5242 Mobile

[Watch 633 Group Video](#)

2/18/21 PC
Agenda

Planning Commission Meeting 2.18.21

– Requested PD Plan Amendment for 4100 W Centre

- **Product:**

- Woodbridge Hills is Portage's first and largest Planned Development with a history of housing innovation and variety.
- The multifamily product we are proposing is the next step in that lineage.
- Will likely see significant demand from new jobs created by local employers and empty nesters moving from other neighborhoods within Woodbridge Hills.
- Feasibility of this project is supported by a market study performed by Tracy Cross & Associates.

- **Location:**

- Walkability to services, retail, and dining.
- Easy access to public walk & bike paths and many amenities throughout Woodbridge Hills.
- Additional improvements planned for public spaces and walk paths at the Woodbridge Village.
- Walkability minimizes vehicle trips and promotes a healthy, thriving environment for residents and the surrounding businesses.

- **Environmental Concerns:**

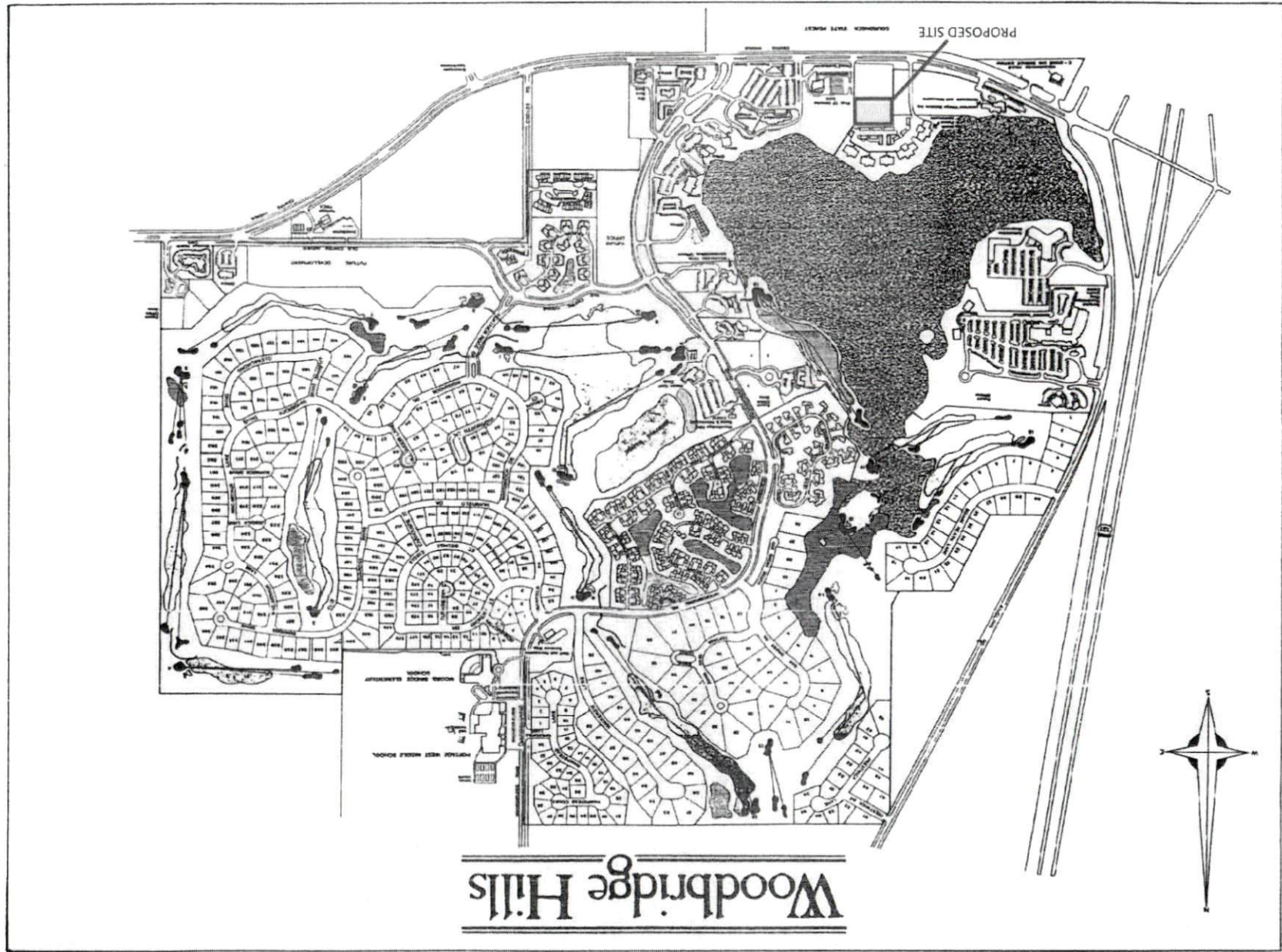
- Portage has high standards for containing water on site, and we intend to adhere to those standards.
- We are aware that the City is developing a solution to the Hampton Bog water level issue and invite them to share those plans.
- Below grade parking design minimizes the amount of asphalt on site.

- **Traffic:**

- There are three access points to the parcel from Centre Ave and one from Moorsbridge Road.
- Marsh Point driveway easement has multiple beneficiaries on the East and West sides of the roadway. We are willing to revisit the existing easement and share the financial burden in a mutually beneficial way, however our agreement alone will not be sufficient. Marsh Pointe has expressed their unwillingness to propose a new agreement due to our plans being conceptual only.

- **Support:**

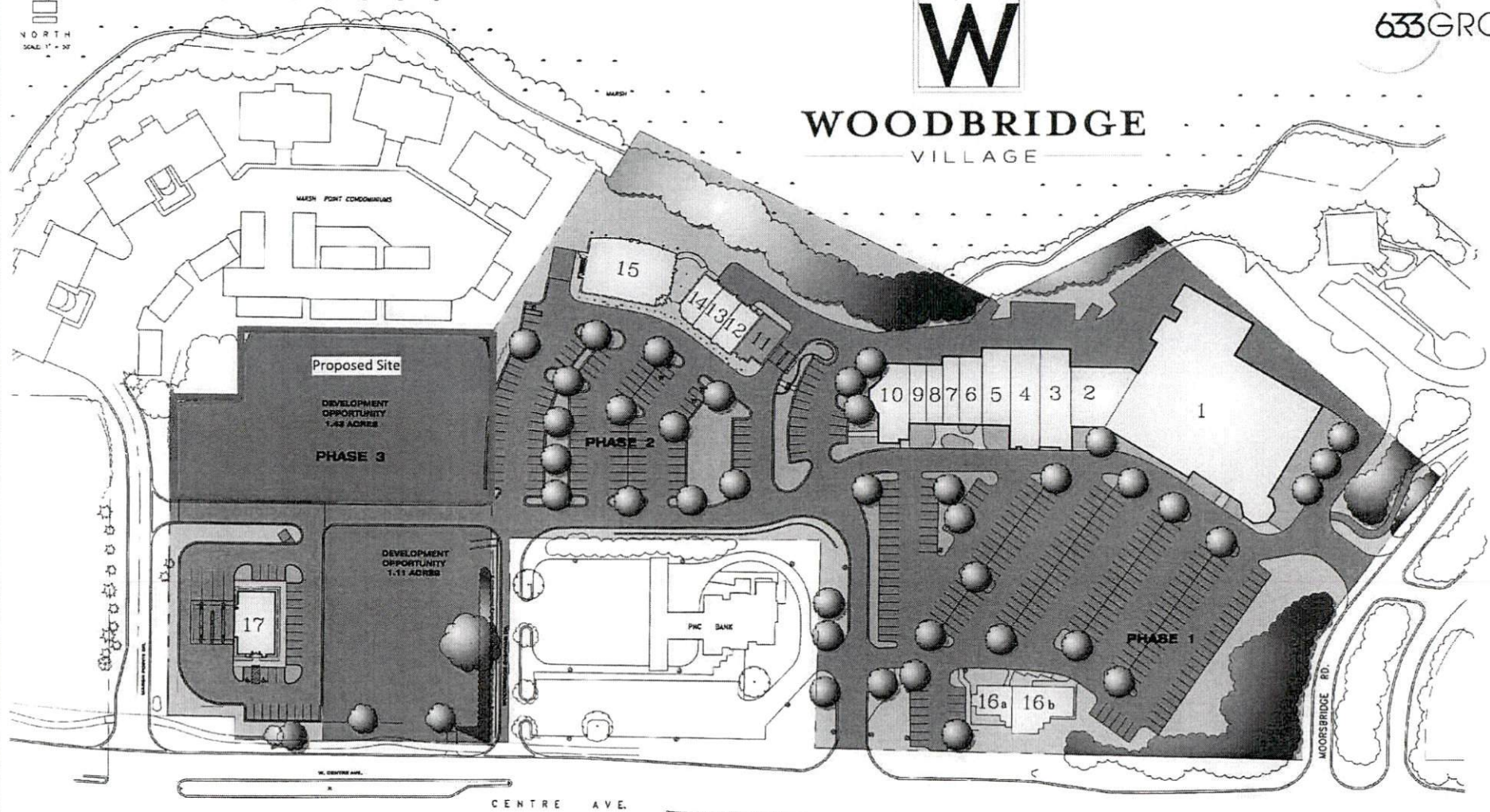
- We would like to note that this has overwhelming support from neighboring businesses.
- We ask for your support and positive recommendation to City Council for this PD Plan Amendment Request in order to proceed with further development detail on this project.





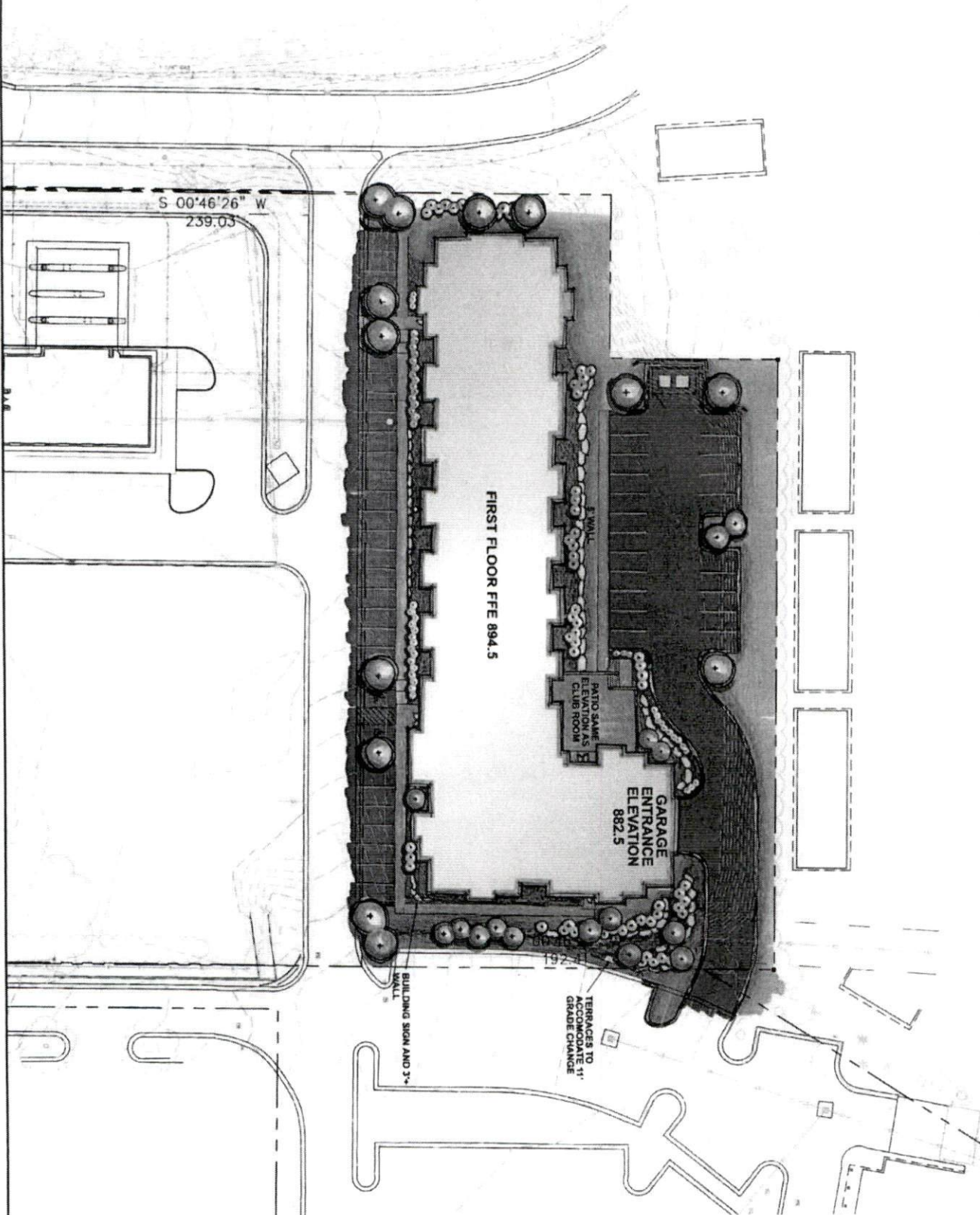
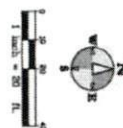
633 GROUP

WOODBIDGE VILLAGE



Suite Number And Tenant	Address	Square Footage	Dimensions
1 Hardings	3750 W. Centre Ave.	33,070 Sq.Ft.	186x125 +
2 McIntyre's Salon	3758 W. Centre Ave.	3,161 Sq.Ft.	31x64 +
3 Orange Theory Fitness	3762 W. Centre Ave.	3,378 Sq.Ft.	32x102
4 Design Details	3766 W. Centre Ave.	3,256 Sq.Ft.	32x102
5 Fiesta Burrito	3774 W. Centre Ave.	2,234 Sq.Ft.	30x76
6 Edward Jones	3798 W. Centre Ave.	1,600 Sq.Ft.	25x64
7 Little Caesars	3814 W. Centre Ave.	1,607 Sq.Ft.	25x64
8 Subway	3822 W. Centre Ave.	1,010 Sq.Ft.	18x56
9 Ziingo	3830 W. Centre Ave.	1,013 Sq.Ft.	18x56

Suite Number And Tenant	Address	Square Footage	Dimensions
10 Big Apple Bagels	3838 W. Centre Ave.	2,322 Sq.Ft.	29x74 +
11 Available	3910 W. Centre Ave.	1,825 Sq.Ft.	35x55
12 West Michigan Chiropractic	3920 W. Centre Ave.	1,426 Sq.Ft.	26x55
13 Portage Orthopedics	3930 W. Centre Ave.	1,425 Sq.Ft.	26x55
14 UniQ	3940 W. Centre Ave.	1,396 Sq.Ft.	25x55
15 Fieldstone Grill	3970 W. Centre Ave.	6,365 Sq.Ft.	67x98
16a Travel Focus	3810 W. Centre Ave.	1,521 Sq.Ft.	52x30
16b Center For Vein Restoration	3810 W. Centre Ave.	1,900 Sq.Ft.	52x75
17 Lake Michigan Credit Union	4100 W. Centre Ave.	3,052 Sq.Ft.	42X70



Sheet
1

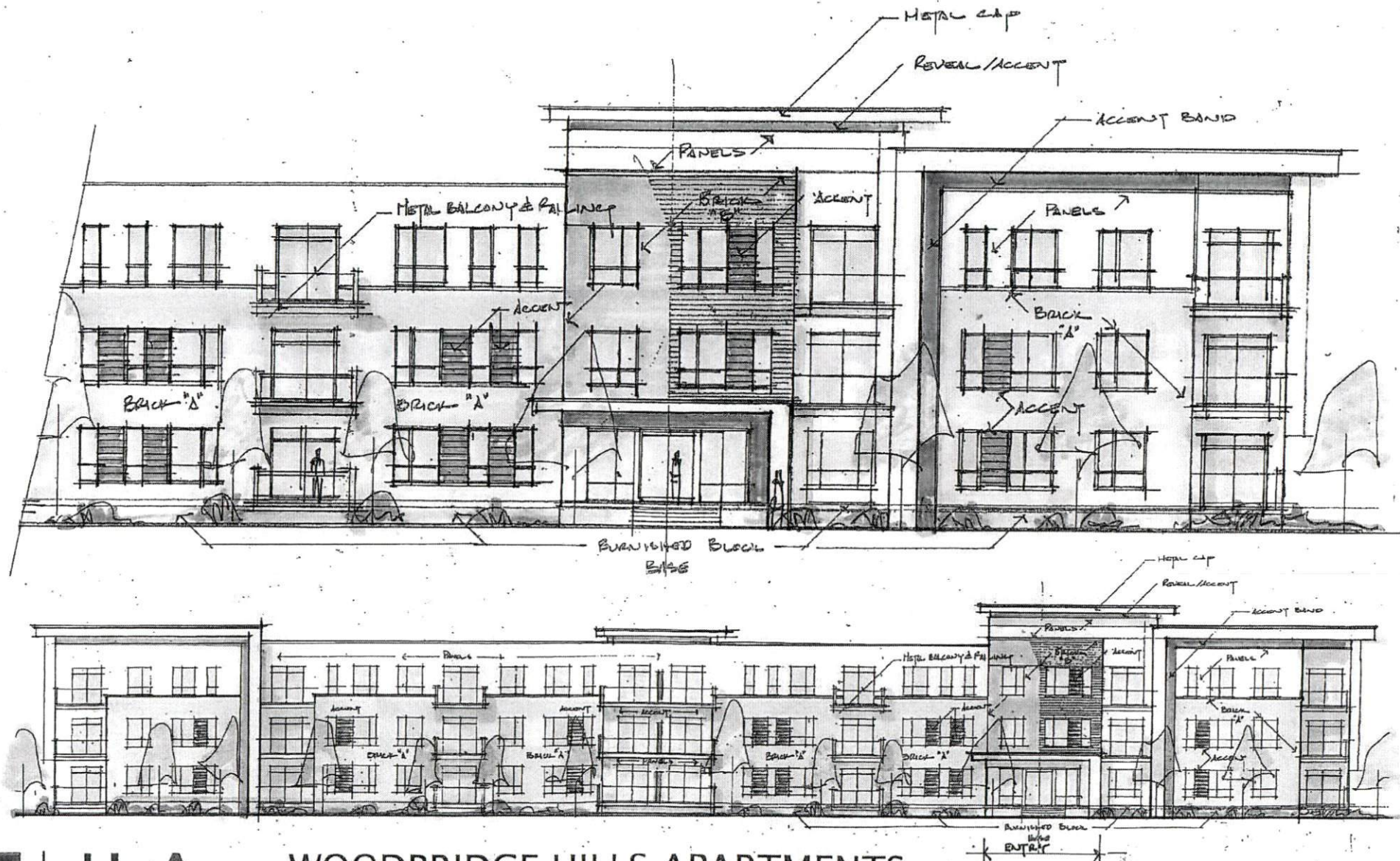
Sheet Title
Project
Client

**PRELIMINARY LAYOUT
W. CENTRE APARTMENT PROJECT
633 GROUP**

DATE: 10/10/09
BY: JES
CHECKED: JES
APPROVED: JES
DESIGNED FOR: RETIREMENT
1/10/10



hurley & stewart, llc
2600 south 11th street
kalamazoo, michigan 49009
269.552.4900 fax 269.552.4901
www.hurleystewart.com



JLA
ARCHITECTS

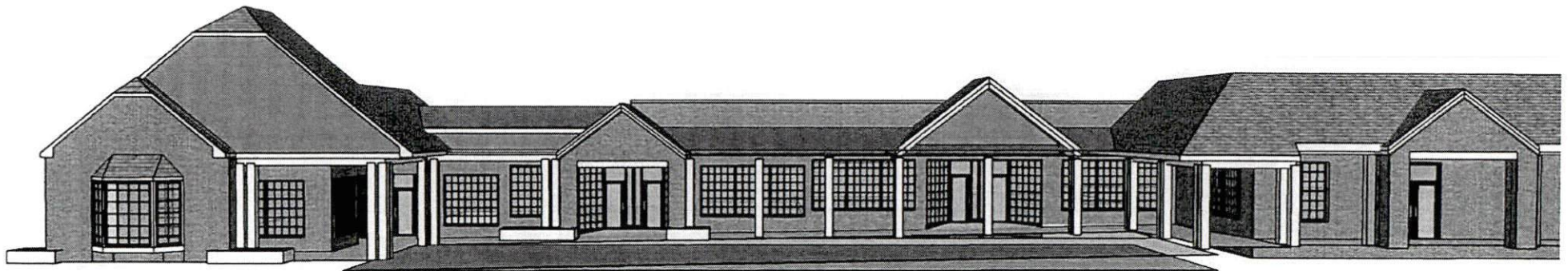
WOODBIDGE HILLS APARTMENTS CONCEPTUAL ELEVATION

AUGUST 29, 2011
1" = 20' @ 11"

PERSPECTIVES



PROPOSED ELEVATION



EXISTING ELEVATION

intersect

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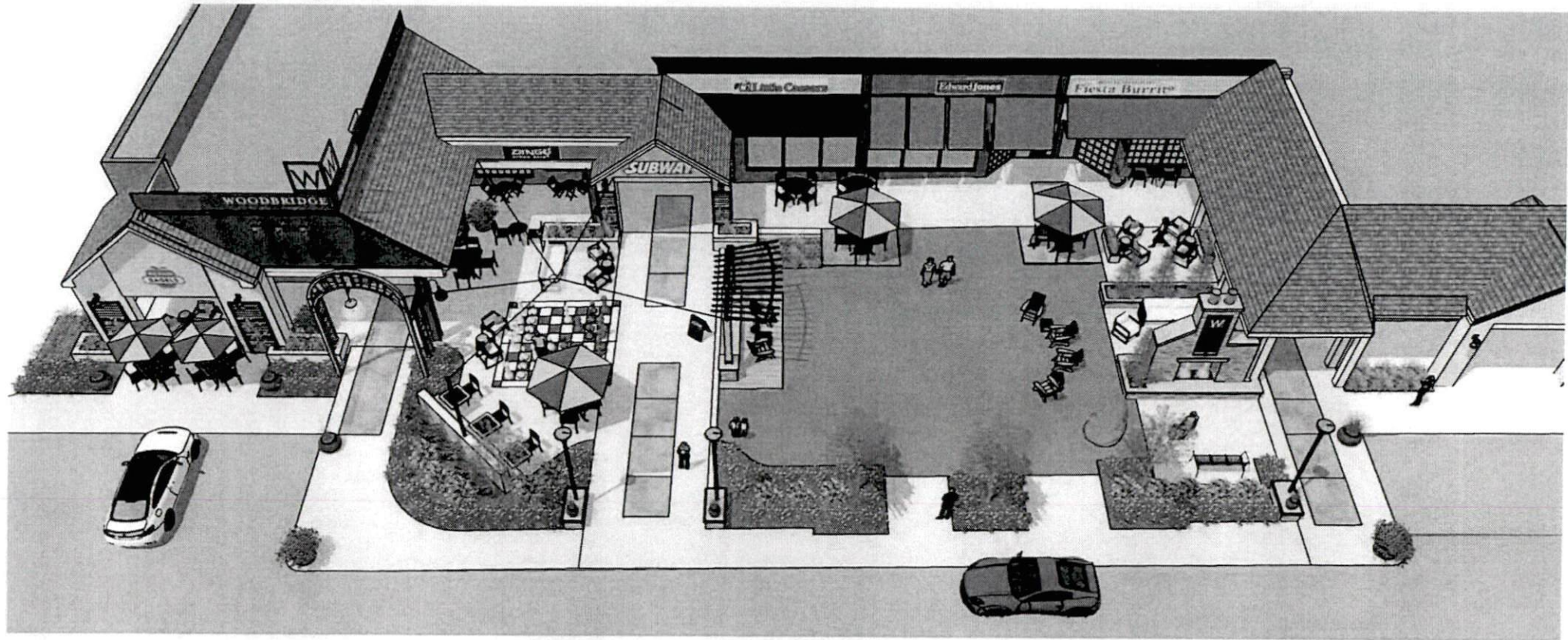
Woodbridge Renovations
Portage, MI

Outdoor Concepts
January 15, 2021



p.

PERSPECTIVES



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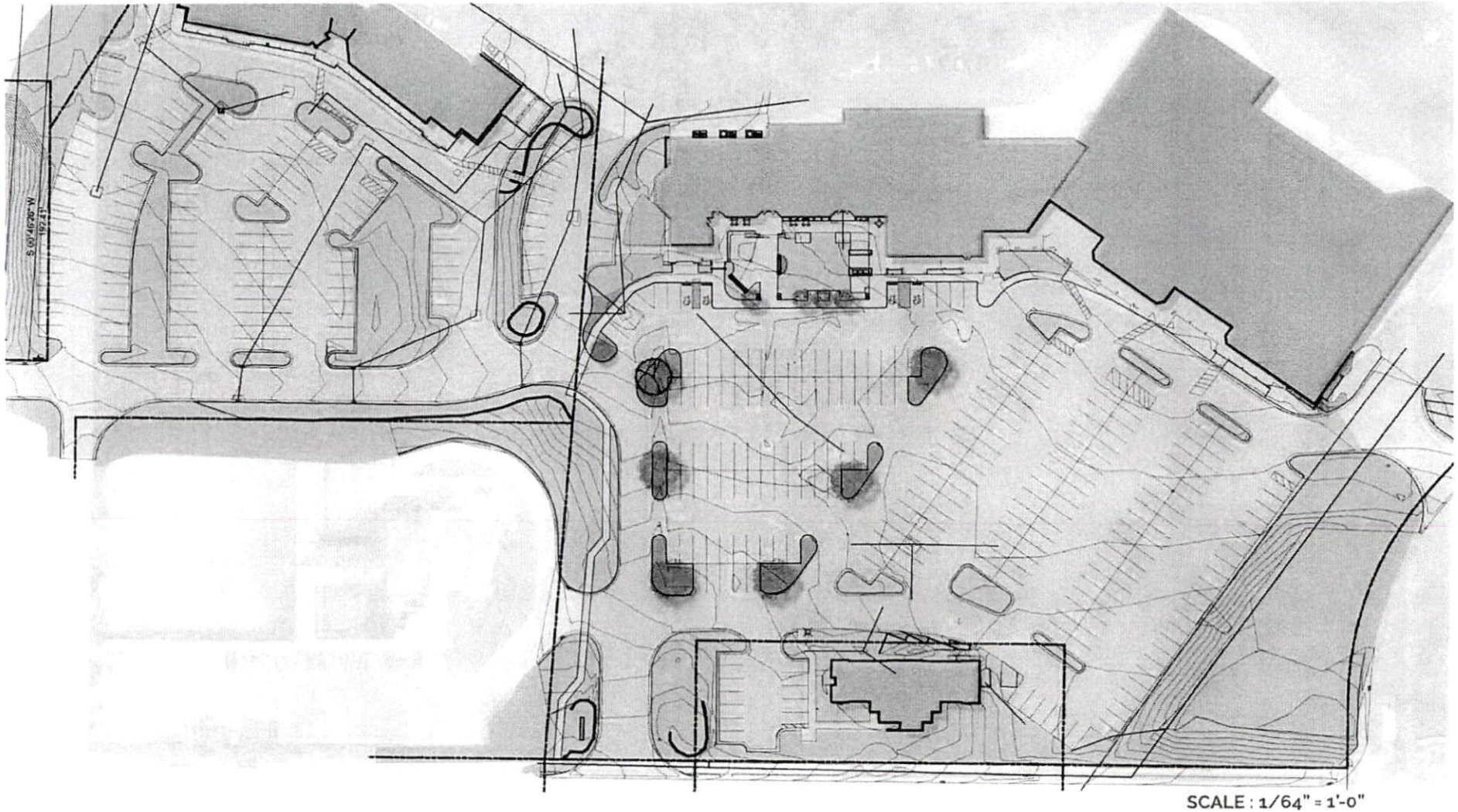
Woodbridge Renovations
Portage, MI

Outdoor Concepts
January 15, 2021



p.1

EXPANDED SITE



SCALE : 1/64" = 1'-0"

p.2:

intersect

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633GROUP

Woodbridge Renovations
Portage, MI

Outdoor Concepts
January 28, 2021



633 Group

Communication History with Marsh Pointe Association and/or its Representatives

Below is our timeline account on communication history.

Wednesday, July 10, 2019

Outreach to Berkshire Hathaway HomeServices as suggested by former Marsh Pointe Property owner, Mike Seelye. Lindsay Flynn is Director of Property Management.

Tuesday, July 30, 2019

Meeting at 633 Group Offices with Lindsay Flynn and Diane Bornhorst of Berkshire Hathaway Property Management Services.

A general overview of refresh projects planned for Woodbridge Shopping Village with a focus on "village square component". Highlighted the 2 remaining land parcels we own that are presently undeveloped and gave an overview of the residential concept we were working on based on a residential market study completed by Cross & Associates.

*Please see Lindsay's email in response to that meeting and what they perceived would be some concerns. They agreed with our suggestion of a preliminary concept review with Marsh Point Association Board Members as a next step. We anticipated this taking place in the fall.

Tuesday, October 29 – November 8, 2019

Email exchanges setting meeting with the Association Board for Tuesday, November 18 at 6:30P & location to be Berkshire offices on Stadium Drive. Lindsay again mentions the main concerns and mentions the Associations legal counsel making a "written introduction".

Monday, November 11 – Wednesday, November 13, 2019

Email exchanges inquiring on accessibility to office equipment for a visual PowerPoint presentation. We let Lindsay know that we have not heard from their legal representative.

Monday, November 18 - 6:30P, 2019

Berkshire Hathaway offices. Marsh Pointe Board Members in attendance with Lindsay Flynn. Craig DeNooyer, Andrew DeNooyer & Elizabeth Wright from 633 Group in addition to Jerry VanderVeen of VanderVeen Construction, also in attendance.

We went through a conceptual visual presentation very similar to what we have provided the City of Portage. Craig DeNooyer was able to provide some history on how the entry easement off from Centre Avenue came into being. He also indicated that he would be happy to bring all property owners with access to that easement together for discussion about how to address maintenance. We have consistently been open to their concern about that issue and expressed a willingness to talk further. We also affirmed that this project site would have to handle its own storm water. Those details come into play when the actual site planning begins.

Concerns about pets was also voiced. We provided verbal assurance that final design and site planning would certainly accommodate that. We mentioned the underground parking possibly having "pet washing stations". Regardless, in today's world, if allowing pets, designated pet relief areas must be considered and planned for.

Lindsay Flynn did make us aware at this meeting that she had solicited copies of all meeting minutes we had had with the City of Portage on this project under the Freedom of Information Act.

In summary, we believe we had assured Board Members that while this project was still conceptual, we were committed to further information sharing as details solidified.

Thursday, January 9, 2020

I, Elizabeth Wright, received a phone call from Kay Kossen with Kreis-Enderle Law Firm. She had questions about the shared easement. I suggested that Kay speak directly with Craig DeNooyer who had better history on that easement and transferred her. Craig encouraged Marsh Pointe to propose what they would like to see happen from surrounding properties utilizing that easement.

Friday, January 10, 2020

See follow up email dated Friday, January 10 with parcel documents referenced in the conversation and email attached.

Monday, January 20, 2020

Nothing further received from Marsh Pointe Association. See second written outreach to Marsh Pointe Association's legal counsel.

There was no further communication after this date and of course March 2020 came with a new challenge named COVID-19. In fairness, COVID and issues dealing with its affect on our various operations became our new "main focus" for much of the second and third quarter in 2020.

Tuesday, February 9, 2021

Our most recent written follow up in response to the Planning Commission meeting on Thursday, February 4.

As of today's date, we have neither heard, nor received, anything further.

Tuesday, February 16, 2021

Kay Kossen sent a response email to Craig DeNooyer.

See attached with response.

Re: Road Easement - 4084 W. Centre

Lindsay Flynn <lindsayflynn@bhhsml.com>
 To: Elizabeth Wright <ewright@633group.com>
 Cc: "dianebornhorst@gmail.com" <dianebornhorst@gmail.com>

Tue, Jul 30, 2019 at 3:14 PM

Hello Elizabeth,

Thank you for taking the time today to discuss your plans for Woodbridge Village!

Please see the email below and the attached documents you had provided us back in 2017 to confirm who is responsible for that road. It appears that my memory was correct that Marsh Pointe is responsible for that road entirely and provides and easement to all surrounding properties.

Overall, I think the plans for development you provided Diane and I today are positive and we will do everything we can to help the Board and the community see that. The road will be a huge concern for the community as they are covering the expense for maintenance and snow removal solely based on the document provided. This is something that I know will need an alternate resolution in order for the community to appreciate the plans as you have laid them out.

Please let me know when you would like to discuss this further so we can be prepared for further with the Board in the coming months as we planned.

Thank you,

Lindsay Flynn, Associate Broker
 Director of Property Management
 Berkshire Hathaway HomeServices Michigan Real Estate
 Property Management Division
 6312 Stadium Drive
 Kalamazoo, MI 49009
 Office: (269) 488-0133
 Cell/Text: (269) 615-0723
 Fax: (269) 585-6323
 View my available properties at: www.bhhsmlpropertymanagement.com

From: Elizabeth Wright [ewright@633group.com]
Sent: Tuesday, August 15, 2017 5:37 PM
To: Steve Compeau
Cc: Lindsay Flynn
Subject: Road Easement - 4084 W. Centre

Hi Steve -

I'm sending this yet a third time since our IT group has indicated a small window of server trouble. Please feel good about calling me if you have any difficulty opening the PDF attachment.

The road that we are talking about does belong to the property owner of Marsh Pointe and was conveyed in recorded documents that run with the land.

They provide your property and all adjacent (East & West) and easement for access per the attached document. They are responsible for care/replacement of the road as this reads.

Your group was responsible for repairs at the time (construction traffic, utility tie-in, etc).

633 LLC owns the property next to you (in between PNC) and the parcel behind. This includes the road behind you which we provide easement access to for all surrounding properties, including Marsh Point.

As the documents are written, it's presently our responsibility for the care/replacement of that road.

RE: Woodbridge Apartment Project

2 messages

Lindsay Flynn <lindsayflynn@bhhsml.com>

To: Elizabeth Wright <ewright@633group.com>

Cc: "dianebornhorst@gmail.com" <dianebornhorst@gmail.com>

Thu, Oct 31, 2019 at 12:00 AM

Hello Elizabeth,

We met with the Board last night and while they have many concerns about the plans for the development and the process from start to finish, overall, as we anticipated they have two significant concerns which we already provided you:

1. The easement for the main drive - both during construction and then future use from the increased resident traffic
2. Drainage onto our property - this has always been an issue.

The Board is willing to meet with you on November 18, 2019 at 6:15 pm at our office (address below). This meeting will happen after their annual meeting so you need to arrive at 6:15 pm as the Board does not want this project discussed with the general Association until the two primary concerns have been addressed and a resolution has been reached. Additionally, they would like more information before providing information to the Association that will only produce more questions that we are not sure we will get/have answers to at this point.

Additionally, the Board approved having counsel make a written introduction. You should receive that letter shortly.

Please let me know if you have any further questions at this time. I will await your confirmation of the meeting time and place.

Thank you,

Lindsay Flynn, Associate Broker

Director of Property Management

Berkshire Hathaway HomeServices Michigan Real Estate

Property Management Division

6312 Stadium Drive

Kalamazoo, MI 49009

Office: (269) 488-0133

Cell/Text: (269) 615-0723

Fax: (269) 585-6323

View my available properties at: www.bhhsmlpropertymanagement.com

From: Elizabeth Wright [ewright@633group.com]

Sent: Tuesday, October 29, 2019 2:10 PM

To: Lindsay Flynn

Subject: Woodbridge Apartment Project

Hi Lindsay -

Our team has been able to hear back from the City of Portage on our initial submittal. We'd like to connect with either the Marsh Pointe Board or create an opportunity for any Marsh Pointe homeowners to learn about the project concept as we shared with you and Diane. I seem to recall you mentioning an annual meeting coming up in November?

Give me a shout when you have a moment. We'd like to hear what you think is the best way to handle.

Thanks Lindsay!

E

7875 Moorsbridge Rd.
Portage, MI 49024

269-323-1400 Main
269-488-1714 Direct
269-217-5242 Mobile

Watch 633 Group Video

Lindsay Flynn <lindsayflynn@bhhsml.com>
To: Elizabeth Wright <ewright@633group.com>
Cc: "dianebornhorst@gmail.com" <dianebornhorst@gmail.com>

Fri Nov 8, 2019 at 2:34 PM

Thank you for the confirmation! We will see you then!

Thank you,

Lindsay Flynn, Associate Broker
Director of Property Management
Berkshire Hathaway HomeServices Michigan Real Estate
Property Management Division
6312 Stadium Drive
Kalamazoo, MI 49009
Office: (269) 488-0133
Cell/Text: (269) 615-0723
Fax: (269) 585-6323
View my available properties at: www.bhhsmlpropertymanagement.com

From: Elizabeth Wright [ewright@633group.com]
Sent: Friday, November 08, 2019 2:01 PM
To: Lindsay Flynn
Cc: dianebornhorst@gmail.com
Subject: Re: Woodbridge Apartment Project

Hi Lindsay -

I'm not seeing where my original response to your email was sent.

Please know that our team will plan on being at your office location on Monday, November 18 at 6:15PM.

We understand that we are meeting just with Board Members for an overall review of the project concept and also understand that the 2 major concerns are:

1. A request for shared maintenance of a portion of the main entrance drive both during construction and for how this will be handled moving forward.
2. Drainage onto Marsh Pointe property from the site.

Please let us know if anything changes with this date and time, otherwise we shall plan to meet accordingly.

[Quoted text hidden]

[Quoted text hidden]

Watch 633 Group Video

Lindsay Flynn <lindsayflynn@bhhsml.com>
To: Elizabeth Wright <ewright@633group.com>

Wed, Nov 13, 2019 at 10:46 AM

Our admin is Amber Eagle and she can be reached at 269-342-5600.

You will still be getting a letter from the attorney, I will follow up with her.

Thank you,

Lindsay Flynn, Associate Broker,
Director of Property Management
Berkshire Hathaway HomeServices Michigan Real Estate
Property Management Division
6312 Stadium Drive
Kalamazoo, MI 49009
Office: (269) 488-0133
Cell/Text: (269) 615-0723
Fax: (269) 585-6323
View my available properties at: www.bhhsmlpropertymanagement.com

From: Elizabeth Wright [ewright@633group.com]
Sent: Wednesday, November 13, 2019 9:30 AM
To: Lindsay Flynn
Subject: Re: Quick Question -

Hi Lindsay -

Totally understand. We know that visually being able to show Board members this concept is important.

Andrew and I would be happy to visit your office and connect with an IT person or admin team member prior to our connect on Monday.

Whom would you suggest that we connect with?

At this time, we'd prefer not to have printed visual information on this concept handed out. We're looking forward to making this a positive and informative meeting.

Have not received anything from the Board's attorney as you had previously mentioned. Is that something we should still be looking for?

[Quoted text hidden]

[Quoted text hidden]



Craig DeNooyer <craig@633group.com>

Fwd: Requested Info

1 message

Craig DeNooyer <craig@633group.com>

Fri, Jan 10, 2020 at 12:22 PM

To: kkossen@kriesenderle.com

Bcc: Elizabeth Wright <ewright@633group.com>, Andrew DeNooyer <adenooyer@633group.com>, Joe Gesmundo <joe@avbinc.com>

Hi Kay!

Thanks for taking the time to speak with me about the Marsh Pointe road parcel and potential future development in the area.

Attached are maps and legal descriptions for the various parcels we discussed plus an overall map that ties them together with the Marsh Pointe condominiums. Please let me know if this is the information you were seeking and/or if there is something we missed.

Once you have had a chance to review everything, please feel free to get with us on any questions you may have. Ultimately we look forward to meeting with all the interested parties to the present agreement.

Again thanks for the time. Have a great weekend!! Best...Craig



J. Craig DeNooyer

CHIEF OF STRATEGY

CEO

7875 Moorsbridge Road

Portage, MI 49024

269-488-1717 Direct

[Watch 633 Group Video](#)

----- Forwarded message -----

From: **Andrew DeNooyer** <adenooyer@633group.com>

Date: Fri, Jan 10, 2020 at 10:28 AM

Subject: Requested Info

To: Craig DeNooyer <craig@633group.com>

See attached for map detailing parcels at 4180-4012 W Centre Ave and reports for undeveloped parcels therein.



Andrew DeNooyer

Development & Projects

7875 Moorsbridge Road

Portage, MI 49024

269-323-1400 Main

269-488-1548 Direct

[Watch 633 Group Video](#)



Craig DeNooyer <craig@633group.com>

Easement

1 message

Craig DeNooyer <craig@633group.com>

To: kkossen@kriesenderle.com

Cc: Elizabeth Wright <ewright@633group.com>

Bcc: Andrew DeNooyer <adenoyer@633group.com>, Joe Gesmundo <joeg@avbinc.com>, Greg Dobson <gdobson@avbinc.com>, Curt Aardema <caardema@avbinc.com>

Mon, Jan 20, 2020 at 2:26 PM

Good afternoon Kay:

Just wanted to follow up and see if there was any more information you needed from us concerning the roadway easement. Hopefully the maps were clear.

You also asked about future development plans for the three remaining undeveloped parcels. Although no plans are in cement, the first parcel most likely to come to market is the piece between PNC and Lake Michigan Credit Union. We are looking at a 2-3 user retail building. The next piece would probably be the parcel about which we have been talking to you and Marsh Pointe. Again, we are still in the feasibility stage. The final piece would most likely be the land to the west of the drive. We are not aware of anything being proposed or considered for that site.

Again, thank you for your time the other day. As mentioned, we are happy to meet with you and the Marsh Pointe board to see if we can assist with concerns they may have with the existing easement agreement.

Best...Craig



J. Craig DeNooyer

CHIEF OF STRATEGY

CEO

7875 Moorsbridge Road

Portage, MI 49024

269-488-1717 Direct

[Watch 633 Group Video](#)



Elizabeth Wright <ewright@633group.com>

Fwd: Easement

Craig DeNooyer <craig@633group.com>

To: kkossen@kriesenderle.com

Cc: Elizabeth Wright <ewright@633group.com>, Andrew DeNooyer <adenoyer@633group.com>

Tue, Feb 9, 2021 at 3:19 PM

Dear Kay & Owners of Marsh Pointe:

We wanted to follow up with a few notes after hearing from you at the Planning Commission meeting on February 4th.

We agree with many of the comments made regarding maintaining the quality of the immediate environment and of the Woodbridge Hills community at large. We hope our history as developers of Woodbridge Hills, the Moors Golf Club, the Woodbridge Village, and more provide a feel for the quality of product we aim to produce. We greatly appreciated the compliments those properties received in a few statements from Marsh Pointe residents.

Our site designation presently allows a wide range of commercial uses and a building of similar size to what we are proposing. We feel this change in designation within the PD to allow multi-family on this site may be a lower intensity use than many commercial alternatives, particularly in regard to traffic generation.

Finally, it is clear the owners of Marsh Pointe would like to revisit the easement agreement in place. We too wish to be clear and reiterate our willingness to consider any amendments or proposed solution that is mutually beneficial.

Please let us know how best to proceed.

Thank you,

Craig



J. Craig DeNooyer

CHIEF OF STRATEGY

CEO

7875 Moorsbridge Road

Portage, MI 49024

269-488-1717 Direct

Watch 633 Group Video

[Quoted text hidden]

Fwd: Easement

Kay E. Kossen <kkossen@kreisenderle.com>

To: Craig DeNooyer <craig@633group.com>

Cc: Elizabeth Wright <ewright@633group.com>, Andrew DeNooyer <adenoyer@633group.com>

Tue, Feb 16, 2021 at 11:41 AM

Craig,

I have shared your email with the Marsh Pointe Condominium Owners' Association (the "Association"). Also, we had an opportunity to review the most recent agenda materials for the February 18 Planning Commission meeting.

As we discussed last year, the Association is not in a position to propose anything regarding an agreement regarding the easement because it does not have enough information about your proposed development. Further, the Association renews its continued objection to the proposed amendment to the Tentative Plan for the Woodbridge Hills Planned Development. It has not yet been approved, no site plan to review (only conceptual drawings) and now I see there may be recommendations for traffic lights, maneuvering lanes, curb cuts, or other work that may affect the private road. Any information that we have obtained about this project has been from the public record, and not from any other data that you have given the Association's Board.

We have previously communicated in November, 2019 and early 2020, that general Michigan easement law necessitates those using the road must share costs. How that shakes out depends on your proposed use and necessary improvements. As you may already know, the Association just replaced the road last year, at its sole cost.

If your site plan is ultimately approved, the Association would appreciate more details about your plans, use of the road during the construction phase, construction of utilities, curb cuts/connections, water runoff plans, traffic lights, etc. and how that will impact the road for the future.

Kay E. Kossen

Kreis Enderle

269-441-4515

[Quoted text hidden]

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Fwd: Easement

Craig DeNooyer <craig@633group.com>

To: "Kay E. Kossen" <kkossen@kreisenderle.com>

Cc: Elizabeth Wright <ewright@633group.com>, Andrew DeNooyer <adenoyer@633group.com>

Tue, Feb 16, 2021 at 5:25 PM

Thanks for your email response, Kay:

We'd be happy to sit down again with your clients and answer whatever questions they may have about the project. While the PD currently anticipates a commercial use on this property, what we are proposing is a creative multi-family concept that is a less intensive and more transitional use than a straight commercial use would be. Not only is this consistent with smart planning (which these days favors transitional uses like this over "hard stops" between commercial and residential), but we believe this project is better for the Marsh Pointe residents than a higher-intensity commercial project here would be. So, we are hopeful that, after some discussion, the Marsh Pointe Association and its residents may come to be supportive of the project. Our aim is to do this in a way that is consistent with the quality of everything developed within Woodbridge Hills.

The shared easement is a part of this. Under the easement as it currently exists, our site (part of the "Moors Parcel") is benefitted by an easement for pedestrian and vehicular access and utilities in the easement area (the "Roadway Parcel"). The Marsh Pointe owners (as successors to "Purchaser") have the obligation to maintain the easement area, and the Seller has the obligation to restore damage caused by its construction.

This allocation of responsibilities/costs was done at a time where it was understood that the Moors Parcel (and in particular, our project site) would be a commercial use. This is important because our proposed use would not overburden the easement. Rather, as the easement exists, it anticipated that the burden placed on the easement area by our site would be a higher-intensity commercial burden. By developing our site as multi-family residential, we are actually decreasing, not increasing, the anticipated burden on the easement area. As such, the easement as it currently exists is acceptable to us and adequately serves our needs.

We are, however, mindful that the Marsh Pointe folks may not have been aware of the background of this document or concentrated on it in their title work when they bought their units. We understand that and are sympathetic to it. We are willing to work with the Marsh Pointe association to revisit the easement and the allocation of maintenance costs/responsibilities laid out in it to try to reach an agreement that is more "fair" from Marsh Pointe's perspective. Obviously this is more difficult to do when we are in the oppositional posture we find ourselves in right now. But, we are hopeful that if we can come to some revised terms on the easement that are more palatable to Marsh Pointe, then hopefully, the Marsh Pointe residents can feel better about the project (and maybe even support it).

In summary, we believe that a creative multi-family project like the one we are proposing together with revised easement terms that lighten the burden on Marsh Pointe would be more palatable to the Marsh Pointe residents than a higher-intensity commercial project benefitted by the easement terms as they currently exist. And, we are hopeful that, after some dialogue, the Marsh Pointe owners will come to that conclusion as well.

From our seat, the next step is for you to propose some desired changes to the easement agreement for us to evaluate, or maybe for us to get together with Marsh Pointe to discuss the project again and answer some questions. We defer to you on where we go from here, but we are open to those discussions and would love to move forward with your clients.

Thanks... Craig

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Microsoft Licensing Renewal - Correction

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Approve a one-year renewal of the Microsoft Open Value Subscription Agreement with Insight Public Sector, in the amount of \$93,645.76 and authorize the City Manager to execute all documents related to this action on behalf of the city.

The Consent Agenda for the February 9, 2021 City Council meeting included the one-year renewal of the Microsoft Open Value Subscription Agreement with CDW-G in the amount of \$77,417.08, which City Council approved. During the processing of the order, CDW-G informed the Technology Services Department that the amount quoted was incorrect and should have been \$93,913.52.

Based on the corrected quote, Insight Public Sector is now the lowest quote received by the Technology Services Department in the amount of \$93,645.76 for the same number of licenses, services and renewal terms, including bundled licensing and customer service software assurance. Furthermore, Microsoft is allowing the city to change preferred vendor status to Insight Public Sector as a result of the CDW-G quoting error. The pricing is provided under the pre-bid Omnia Partners Contract (formally US Communities).

Therefore, it is recommended that City Council approve a one-year renewal extension of the Microsoft Open Value Subscription Agreement with Insight Public Sector in the annual amount of \$93,645.76 and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Funding is available in the Technology Services Operating Budget for this planned expense. The COVID relief fund will absorb the cost for remote-worker licenses.

Attachments: 1. Quotation Tabulation

Microsoft Open Value Subscription One-Year Renewal Quotations

Vendor	Quote	Government Purchasing Program	Notes
Insight Public Sector	\$93,645.76	Omnia (US Communitites)	Preferred Vendor Status - Authorized to provide one-year OVS
CDW-G	\$93,913.52	Mi-Deal	
SHI	\$245,078.28	NA	Unauthorized to provide one-year OVS - Sumbitted a three-year EAS commitment quotation. Cannot reduce number of licenses.

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager



SUBJECT: Appointment of City Assessor

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager

ACTION RECOMMENDED: Confirm appointment of Meshia Rose as City Assessor.

Meshia Rose currently serves as Director of Assessing in the Office of the City Assessor. The City of Portage has a contract with Mr. Ed VanderVries to serve as the official City Assessor. The contract with Mr. VanderVries was necessary to comply with State of Michigan requirements that a Level IV Assessor certify tax rolls. His contract will expire on March 31st. Ms. Rose has obtained Level IV certification in assessing which is a significant personal and professional accomplishment. The performance of Ms. Rose has been exceptional. Given that Ms. Rose now meets state requirements to serve as the City Assessor and has demonstrated outstanding professionalism over the years, I am pleased to recommend that City Council confirm her appointment as City Assessor with an effective date of April 1, 2021.

Ms. Rose began her employment with the City of Portage as Administrative Assistant in the Office of the City Assessor in 2015. In 2016 she was promoted to Property Appraiser I, then to Deputy City Assessor and most recently to the position of Director of Assessing. Ms. Rose has an Associate's Degree in Business Administration from Davenport University and plans to resume pursuit of a Bachelors Degree in the future.

It is recommended that City Council confirm the appointment of Meshia Rose as City Assessor.

FUNDING: Funds for this position are budgeted in the General Fund.

Attachments: None

Minutes of Boards & Commissions

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 8, 2021

The City of Portage Zoning Board of Appeals virtual meeting was called to order by Chair Finch at 7:00 p.m.

MEMBERS PRESENT: Linda Finch, Jay Eichstaedt, Linda Fry, Alexander Philipp, Lynn Haddow

MEMBERS EXCUSED:

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Catherine Kaufman, City Attorney.

APPROVAL OF THE MINUTES: Fry moved and Eichstaedt seconded a motion to approve the December 14, 2020 minutes as submitted. Upon roll call vote, the motion was approved 5-0.

NEW BUSINESS:

ZBA #20-09; 6701 Portage Road: Mais summarized the request for a variance to erect a 21 square-foot wall sign on the northwest elevation where no additional wall signs are permitted. Jason Headley, of RWL Signs, was present on behalf of the applicant to answer questions. Finch inquired if the applicant was aware when they erected the existing sign on the southwest elevation that the wall sign would only be visible to northbound traffic and not southbound traffic. Mr. Headley stated he believed it was simply an oversight.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

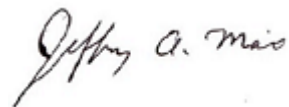
After additional discussion, a motion was made by Eichstaedt, seconded by Philipp, to grant a variance to erect a 21 square-foot wall sign on the northwest elevation where no additional wall signs are permitted for the following reasons: there are exceptional or extraordinary conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the building's diagonal orientation, the variance is necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district, identifying the building to southbound traffic; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Finch-Yes, Fry-Yes, Eichstaedt-Yes, Philipp-Yes, Haddow-Yes. Motion passed 5-0.

OTHER BUSINESS: Fry inquired when the Board might again meet in person. Attorney Kaufman responded the State has extended covid restrictions until at least March 31, 2021.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: The meeting was adjourned at 8:14 p.m.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

2/15/2021 YAC Meeting Notes

Start of Meeting

- Introduction and Question of the Day
- Meeting Minutes Approved

Updates From Liaisons

- Senior Citizens Advisory Board Update by Genevieve, who said that the plan to have the members of the YAC and senior citizens communicate with each other was well received
- Environmental Board Update by Grace, who said that the board has been working on a climate action plan for the Portage City Council
- No updates from other Liaisons

Snow Party Reflections

- Overall, the Snow Party went very well
- There were approximately 75-80 attendees, which was more turnout than expected
- All events went as planned, except for the scavenger hunt due to the cold.

YAC Hat Update

- Hats are \$8, and no set delivery date as of now
- Hats are being ordered through American Screen Printing

Green-A-Thon

- Green-A-Thon is planned to take place on Sunday, April 25th from 11am - 3pm at the City Hall Parking Lot
- YAC Members are expected to be there from 10am - 4pm
- The Farmers Market would be located near the W Centre Ave. side of the City Hall parking lot while the Petting Zoo would be on the lawn
- Along with a Farmers Market and a Petting Zoo there will be other vendors and a hand-washing station along with required masks
- The music at the Green-A-Thon will be similar to that at the Snow Party
- Potential rock painting for kids, with paint being distributed on disposable plates
- For rock painting, we could also reach out to local artists to paint rocks for the YAC. This could give them some exposure and also give them the potential to sell their art during the Green-A-Thon itself
- The ideal sapling would be native to Michigan and are midsized.
- The candidate types of saplings were Sugar Maple, White Oak, Pussy Willow, and Cherry
- The chosen saplings are Sugar Maple, White Oak, and Cherry

YAC - Senior Citizens Partnership Program

- The meetings between the youth and the senior citizens will take place over Zoom
- Only first names will be provided for privacy
- A waiver signaling consent to participating in the program will need to be signed prior to participation
- The meetings will take place once every two weeks on the weekdays around 4pm
- There will be structured discussions with the topics provided
- The program will initially be for the YAC, with the potential to expand to local High Schools

Climate Change Resolution

- City Council has changed the wording of the resolution to emphasise “climate crisis” in place of “climate emergency”
- Subcommittee of the YAC will work on a more final draft for the next meeting

Summer Movie Night

- The Summer Movie Night will take place Friday, August 6th
- There will be a Meet & Greet with the Portage Department of Public Safety, with fire trucks and emergency workers present
- The candidate movies for the Movie Night were “Raya and the Last Dragon”, “Aladdin”, “Lion King”, and “Doctor Doolittle”.
- The movie selected is “Raya and the Last Dragon”

Upcoming Events:

- Next YAC Meeting on March 15th at 4:30pm
- Green-A-Thon on April 25th from 11am - 3pm
- Summer Movie Night on August 6th

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of the Virtual Meeting – February 18, 2021

CALL TO ORDER:

The City of Portage Human Services Board virtual meeting of February 18, 2021 was called to order by Chairperson Spalvieri at 6:05 p.m. Pursuant to the “Remote Attendance Rules for Meetings,” this meeting was held remotely with board members and staff participating via video/telephone call-in.

MEMBERS PRESENT:

Alice Mwanda (Portage), Fi Spalvieri (Portage), Effie Kokkinos (Portage), Tim Henson (Portage), Brooke Kolodzieczyk (Portage), Barbara Sagara (Portage), Stephanie Upshaw (Portage), Fayyaz Razi (Youth Advisory Board Representative – Portage).

MEMBERS EXCUSED: Nadeem Mirza

MEMBERS ABSENT: Cristy Cate

STAFF PRESENT:

Tom McCoy, Neighborhood Program Specialist, Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services.

APPROVAL OF MINUTES:

Upshaw moved and Saagara supported a motion to approve the January 28 and February 4, 2021 minutes. Motion passed 7-0.

OLD BUSINESS:

Review of HPS Staff Funding Recommendation: McCoy provided a summary of the February 12, 2021 memo to the Human Services Board from Director Peterson, noting that one adjustment had been made from the proposed funding recommendation discussed at the February 4th HSB meeting to provide a total of \$120,000 in combined CDBG and General Fund allocations to Portage Community Center. It was also noted that the amount needed from the General Fund in order to fully fund the request is based on an estimate of CDBG funds available and the actual amounts derived from the two funding sources will be adjusted upon notification from HUD of the actual entitlement amount for FY 2021-22. This proposed adjustment still allows funding at or above current levels for all agencies who have received funding in the current year and will provide a return to pre-pandemic funding levels for those agencies whose funding was affected by COVID-19 considerations in the current fiscal year. Spalvieri asked the Board if there were any questions regarding the memo or if there were any other questions. Kolodzieczyk requested confirmation that the numbers represented in the memo would be those that would be recommended to City Council and McCoy responded

that that was correct. Kolodzieczyk moved and Henson supported motion to approve staff funding recommendation and to forward same to City Council for consideration. Motion passed 7-0.

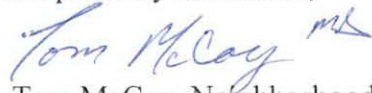
STATEMENTS OF CITIZENS:

No statements received.

ADJOURNMENT:

There being no further discussion to come before the Board, a motion was made by Kolodzieczyk and supported by Upshaw to adjourn the meeting at 6:30p.m. Motion was approved 7-0.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Tom McCoy" with a stylized monogram "mk" to the right.

Tom McCoy, Neighborhood Program Specialist

MATERIALS TRANSMITTED

Monday, March 8, 2021

1. Communication from the City Manager regarding the Bi-Monthly Financial Report – Information Only.



Joseph S. La Margo, City Manager

cc Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Joseph La Margo, City Manager

SUBJECT: Bi-Monthly Financial Report

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

Prudent practices require that the governing body be periodically apprised of the ongoing financial status of city operations. Attached is a report of revenue and expenditure levels as compared to budget through the most recently completed bi-weekly period.

Attachments: March 4, 2021 Financial Report

03/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/04/2021

		2020-21	2020-21	2020-21	67%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
REVENUES					
	Totals for dept 0000 -	24,708,791	24,801,791	23,567,226	95%
	Totals for dept 1720 - City Manager	500	500	0	0%
	Totals for dept 2053 - Finance Treasury	1,500	1,500	1,391	93%
	Totals for dept 2110 - Technology Services	0	0	2,583	0%
	Totals for dept 2133 - Public Information	215,000	215,000	0	0%
	Totals for dept 2415 - City Clerk	197,050	197,050	92,063	47%
	Totals for dept 2491 - City Clerk Elections	25,000	46,507	80,744	174%
	Totals for dept 2865 - Parks Maintenance	2,000	2,000	1,660	83%
	Totals for dept 2876 - Cemeteries	68,000	68,000	38,988	57%
	Totals for dept 2877 - Parks & Rec - Parks	65,500	65,500	28,453	43%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	0	0	0	0%
	Totals for dept 2881 - Parks & Rec - Farmers Market	9,100	9,100	4,128	45%
	Totals for dept 2882 - Parks & Rec - Team Sports	120,000	120,000	29,968	25%
	Totals for dept 2885 - Parks & Rec - Programs	7,050	7,050	9,636	137%
	Totals for dept 2886 - Parks & Rec - Ramona Park	59,600	59,600	37,360	63%
	Totals for dept 2887 - Parks & Rec - Special Events	17,000	17,000	14,464	85%
	Totals for dept 2888 - Parks & Rec - Millennium Park	47,800	47,800	0	0%
	Totals for dept 3005 - Police Administration	152,700	152,700	83,698	55%
	Totals for dept 3010 - Police Patrol	1,500	1,500	3,220	215%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	3,022	34%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	9,800	9,800	19,853	203%
	Totals for dept 3050 - Police Drug Law Enforcement	1,000	1,000	0	0%
	Totals for dept 3065 - Police Facility Management	70,000	70,000	52,500	75%
	Totals for dept 3310 - Fire Admin	100	100	0	0%
	Totals for dept 3340 - Fire Prevention	1,000	1,000	665	67%
	Totals for dept 3710 - Comm Dev Building Services	700,000	700,000	484,311	69%
	Totals for dept 3720 - Comm Dev Planning & Development	60,000	60,000	21,327	36%
	Totals for dept 3730 - Comm Dev Neighborhood Services	189,500	189,500	87,396	46%
	Totals for dept 6720 - Senior Center	199,576	199,576	44,165	22%
	Totals for dept 6721 - Senior Center Trips	394,000	394,000	0	0%
	Totals for dept 6722 - Senior Center Activities	15,000	15,000	0	0%
	Totals for dept 6725 - Aging Mastery Program	1,000	6,000	5,000	83%
TOTAL REVENUES - GENERAL FUND		27,348,067	27,467,574	24,713,821	90%

03/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/04/2021

		2020-21	2020-21	2020-21	67%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
EXPENDITURES					Collected/Used
	Totals for dept 1001 - City Council	92,955	92,955	42,565	46%
	Totals for dept 1085 - City Council-Human Services	174,234	174,234	85,242	49%
	Totals for dept 1720 - City Manager	794,795	838,252	495,685	59%
	Totals for dept 2001 - Finance Accounting	321,078	321,078	206,660	64%
	Totals for dept 2002 - Finance & Budget	364,261	364,261	147,802	41%
	Totals for dept 2053 - Finance Treasury	211,778	211,778	111,546	53%
	Totals for dept 2110 - Technology Services	818,635	818,635	462,638	57%
	Totals for dept 2133 - Public Information	465,499	468,499	296,473	63%
	Totals for dept 2209 - Assessor	520,464	520,464	312,259	60%
	Totals for dept 2247 - Assessor Board Of Review	37,163	37,163	14,335	39%
	Totals for dept 2310 - Attorney	250,937	250,937	150,791	60%
	Totals for dept 2415 - City Clerk	163,857	163,857	107,026	65%
	Totals for dept 2416 - City Clerk Records Management	66,297	66,297	44,196	67%
	Totals for dept 2491 - City Clerk Elections	264,368	285,875	186,674	65%
	Totals for dept 2610 - Human Resources	657,960	657,960	384,734	58%
	Totals for dept 2733 - Purchasing	85,800	85,800	47,527	55%
	Totals for dept 2734 - Purchasing Risk Management	25,429	25,429	11,704	46%
	Totals for dept 2865 - Parks Maintenance	1,344,835	1,344,835	628,168	47%
	Totals for dept 2876 - Cemeteries	70,201	70,201	34,161	49%
	Totals for dept 2877 - Parks & Rec - Parks	689,738	689,738	378,542	55%
	Totals for dept 2878 - Parks & Rec - Kalamazoo In Bloom	15,000	15,000	15,000	100%
	Totals for dept 2880 - Parks & Rec - Rec Admin	212,462	212,462	112,883	53%
	Totals for dept 2881 - Parks & Rec - Farmers Market	22,635	22,635	12,040	53%
	Totals for dept 2882 - Parks & Rec - Team Sports	68,957	68,957	20,888	30%
	Totals for dept 2885 - Parks & Rec - Programs	42,295	42,295	17,285	41%
	Totals for dept 2886 - Parks & Rec - Ramona Park	158,726	158,726	65,154	41%
	Totals for dept 2887 - Parks & Rec - Special Events	129,103	129,103	62,422	48%
	Totals for dept 2888 - Parks & Rec - Millennium Park	91,655	91,655	18,108	20%
	Totals for dept 3005 - Police Administration	1,226,781	1,230,414	472,329	38%
	Totals for dept 3006 - Police Youth Services	525,441	529,191	301,482	57%
	Totals for dept 3007 - Police Investigation	710,632	716,382	480,392	67%
	Totals for dept 3010 - Police Patrol	6,108,429	6,149,579	3,696,287	60%
	Totals for dept 3020 - Police Training	328,778	333,982	153,652	46%
	Totals for dept 3021 - Police Training-Grant Funded	9,000	9,000	2,545	28%
	Totals for dept 3030 - Police Public Safety Dispatch/ts	69,619	69,619	47,961	69%
	Totals for dept 3031 - Police Emergency Sirens	23,676	23,676	0	0%
	Totals for dept 3040 - Police Records & PST	675,952	675,952	417,052	62%

03/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/04/2021

		2020-21	2020-21	2020-21	67%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
	Totals for dept 3050 - Police Drug Law Enforcement	341,060	344,060	215,920	63%
	Totals for dept 3065 - Police Facility Management	270,993	270,993	82,244	30%
	Totals for dept 3090 - Police KCCDA support	756,793	756,793	378,397	50%
	Totals for dept 3310 - Fire Admin	728,028	782,885	463,199	59%
	Totals for dept 3320 - Fire Operations	4,033,702	4,080,546	2,618,873	64%
	Totals for dept 3330 - Fire On Call Firefighters	95,308	100,308	33,427	33%
	Totals for dept 3331 - Fire Emergency Operations	4,950	4,950	2,078	42%
	Totals for dept 3340 - Fire Prevention	140,913	140,913	66,440	47%
	Totals for dept 3350 - Fire Training	216,263	239,007	116,777	49%
	Totals for dept 3365 - Fire Facility Management	443,781	443,781	173,901	39%
	Totals for dept 3710 - Comm Dev Building Services	595,810	595,810	444,243	75%
	Totals for dept 3720 - Comm Dev Planning & Development	392,760	392,760	196,806	50%
	Totals for dept 3730 - Comm Dev Neighborhood Services	404,006	404,006	167,544	41%
	Totals for dept 3765 - Comm Dev Building Maintenance	238,004	238,004	121,701	51%
	Totals for dept 4210 - City-wide Services	712,689	730,689	451,960	62%
	Totals for dept 6050 - Contagious Diseases	0	4,489	26,018	0%
	Totals for dept 6720 - Senior Center	411,215	415,215	207,345	50%
	Totals for dept 6721 - Senior Center Trips	406,396	406,396	20,073	5%
	Totals for dept 6725 - Aging Mastery Program	1,200	2,200	960	44%
	Totals for dept 9610 - Transfers Out	617,000	617,000	617,000	100%
TOTAL APPROPRIATIONS - GENERAL FUND		28,650,296	28,937,681	16,449,240	57%
202	Major Street Fund - Revenues	5,120,098	5,120,098	2,450,955	48%
	Major Street Fund - Expenditures	5,090,545	5,279,460	2,992,760	57%
203	Local Streets Fund - Revenues	1,850,283	1,850,283	763,781	41%
	Local Streets Fund - Expenditures	1,821,280	1,873,715	771,474	41%
204	Municipal Streets Fund - Revenues	1,551,700	1,551,700	1,491,825	96%
	Municipal Streets Fund - Expenditures	1,608,000	1,608,000	1,608,000	100%
223	Curbside Recycling - Revenues	626,500	626,500	572,367	91%
	Curbside Recycling - Expenditures	742,758	742,758	413,199	56%
226	Leaf Pickup/Spring Cleanup - Revenues	643,000	643,000	582,162	91%
	Leaf Pickup/Spring Cleanup - Expenditures	850,632	859,138	343,572	40%

03/04/2021

BUDGET REPORT FOR CITY OF PORTAGE
Calculations as of 03/04/2021

		2020-21	2020-21	2020-21	67%
		ORIGINAL	AMENDED	ACTIVITY	Percent of
FUND	DESCRIPTION	BUDGET	BUDGET		Amended
					Collected/Used
230	CDBG Program Income Fund - Revenues	125,000	125,000	15,747	13%
	CDBG Program Income Fund - Expenditures	125,000	125,000	123,349	99%
252	West Lake Weed Mgmt - Revenues	36,050	36,050	106	0%
	West Lake Weed Mgmt - Expenditures	32,500	32,500	4,875	15%
296	Community Development Block Grant - Rev	221,794	456,535	0	0%
	Community Development Block Grant - Exp	221,794	456,535	109,088	24%
298	Cable Television Fund - Revenues	767,215	767,215	386,560	50%
	Cable Television Fund - Expenditures	766,663	878,463	309,163	35%
400	Capital Improvement General - Revenues*	26,543,000	18,805,752	8,905,267	47%
	Capital Improvement General - Expenditures*	26,543,000	41,061,192	12,433,038	30%
490	Capital Improvement Sewer - Revenues*	1,510,000	5,515,000	0	0%
	Capital Improvement Sewer - Expenditures*	1,510,000	2,820,121	142,918	5%
491	Capital Improvement Water - Revenues*	3,365,000	9,601,974	0	0%
	Capital Improvement Water - Expenditures*	3,365,000	9,123,522	2,120,138	23%
590	Sewer Fund - Revenues	9,234,691	9,234,691	6,197,799	67%
	Sewer Fund - Expenditures	8,500,093	8,552,206	5,049,018	59%
591	Water Fund - Revenues	6,811,397	6,811,397	5,539,866	81%
	Water Fund - Expenditures	5,907,131	6,007,605	4,477,506	75%
TOTAL REVENUES - ALL FUNDS **		85,753,795	88,612,769	51,620,256	58%
TOTAL EXPENDITURE - ALL FUNDS **		85,734,692	108,357,896	47,347,338	44%

* The Capital Improvement Program uses project-length budgets, original is current fiscal year, amended includes budgets of prior year projects continued.

** Debt Service and Internal Service Funds not included.