

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Fair Housing Month 2022

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of March 8, 2022.
2. Approve the Accounts Payable Register of March 22, 2022, as presented.
3. Adopt Resolution No. 2 for West End Drive Sanitary Sewer Project #419-S, setting a public hearing of necessity on April 12, 2022.
4. Award a construction contract to Rieth-Riley Construction Company, Incorporated, Benton Harbor, Michigan, for the Romence Road Reconstruction project for an amount not to exceed \$1,074,724 and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.
5. Approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Land and Water Conservation Fund and Recreation Passport Program grants for the Lexington Green Park Improvement Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.
6. Approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Michigan Natural Resources Trust Fund Grant for the Elijah Root Dam and Portage Creek Improvements Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.
7. Award a contract to Abonmarche Consultants, Inc, Portage, Michigan, in the amount not to exceed \$226,800 to perform engineering services for the South Westnedge Avenue Reconstruction Project and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.
8. Award a 6-year contract to Progressive AE of Grand Rapids, Michigan, in the not-to-exceed amount of \$102,500 for consulting service and plan development for Aquatic Nuisance Control on Austin Lake and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.
9. Adopt the Bond Resolution authorizing the sale of:
 - a. Capital Improvement Bonds, Series 2022, in an amount not to exceed \$4,000,000; and
 - b. Capital Improvement Refunding Bonds, Series 2022, in an amount not to exceed \$2,555,000.
10. Approve and accept public improvements for the condominium project Copperleaf Phase 5, 3800 West Milham Avenue, subject to the following conditions:
 - a. recording of the streetscape enhancement agreement,
 - b. complete installation of sidewalks and street trees by March 2024, and
 - c. re-testing of the public storm sewer from CB #8 to CB A to be completed for final review and determination as to whether or not repairs are necessary by the developer prior to final acceptance of the public storm sewer system.

11. Accept Zoning Amendment #21/22-B (22-02) to add 'technology' and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses and set a public hearing for April 26, 2022.
12. Approve the tentative Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64), 1800 West Osterhout Avenue.
13. Set a Special Meeting on Tuesday, April 12, 2022, beginning at 5:00 p.m., to review candidate applications for the position of City Manager and identify candidates to interview for the position.
14. Minutes of Boards & Commissions:
 - a. Environmental Board of February 9, 2022.
 - b. Zoning Board of Appeals of February 14, 2022.
 - c. Planning Commission of February 17, 2022.
 - d. Planning Commission of March 3, 2022.
15. Materials Transmitted.
16. Calendar of Meetings:
 - Historic District Commission, April 6, 2022 at 8:30 a.m., City Hall Room #2.
 - Park Board, April 6, 2022 at 6:30 p.m., Schrier Park.
 - Human Services Board, April 7, 2022 at 6:00 p.m., City Hall Room #1.
 - Planning Commission, April 7, 2022 at 7:00 p.m., Council Chambers.
 - Zoning Board of Appeals, April 11, 2022 at 7:00 p.m., Council Chambers.

NOTE: All above meetings are subject to cancellation or inclusion 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. Major meetings may be viewed live on Charter channel 995 and AT&T channel 99.

- B. Petitions and Statements of Citizens:
- C. Communications:
- D. Public Hearings:
- E. Regular Business Agenda:
- F. Unfinished Business:
 1. Adopt the amendment to Chapter 18 "City Cemeteries" of the Code of Ordinances to permit columbaria.
- 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

WHEREAS, 2022 is the 54th 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 Elliot-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 with 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, 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 2022, as **FAIR HOUSING MONTH** in hope that this observance will promote fair housing practices throughout the City.

Signed this 22nd day of March, 2022.

Patricia M. Randall, Mayor

CITY COUNCIL MEETING MINUTES FROM MARCH 8, 2022

Mayor Patricia Randall called the Regular Meeting to order at 07:01 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Lori Knapp, Vic Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: Councilmember Chris Burns.

ALSO PRESENT: Acting City Manager Adam Herringa, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on peace in the heart of everyone and peace in the world. Following the moment of silence, the City Council recited the Pledge of Allegiance. At the Mayor's invitation, Ms. Crawford provided the background on her Eagle Scout project for the city, as well as her history in scouting. Following Ms. Crawford, Mayor Randall asked Councilmember Brayton to give a brief update on the prior March 6th Eagle Scout ceremony she attended.

PROCLAMATIONS: Mayor Pro Tem Pearson read the proclamation in honor of March for Meals Month.

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. Motion by Ledbetter, seconded by Urban, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 6 to 0.

City Council Meeting Minutes: Motion by Ledbetter, seconded by Urban, to approve the City Council Meeting Minutes of the Regular Meeting of February 22, 2022. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Ledbetter, seconded by Urban, to approve the Accounts Payable Register of March 8, 2021, as presented. Upon a roll call vote, motion carried 6 to 0.

Spring Mill & Fill - Bid Tabulation: Motion by Ledbetter, seconded by Urban, to award a contract in the amount of \$737,862.04 to Michigan Paving & Materials Co., for spring mill and fill asphalt repairs to major and local street sections; approve a budget amendment to increase expenditures in Major Streets by \$337,000 and Local Streets by \$128,000, and authorize the Acting City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Contract for Master Plan Update - Bid Tabulation: Motion by Ledbetter, seconded by Urban, to approve a contract in the amount not to exceed \$199,960 with Houseal Lavigne to conduct the Master Plan Update and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Herbicide Application Contract - Bid Tabulation: Motion by Ledbetter, seconded by Urban, to approve a three-year contract in the amount of \$98,965 with TruGreen Commercial for herbicide application in the city center, parks, cemeteries, Department of Public Safety, and major street locations and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Final Plat approval for The Oaks Phase 1: Motion by Ledbetter, seconded by Urban, to approve the Final Plat for The Oaks Phase 1, 4800 Bishop Avenue, subject to the recording of the maintenance and indemnification agreements; sidewalks and street trees are completed by March 2024; re-televising and re-testing of the sanitary sewer system be completed for final review and confirmation, and storm sewer repairs are completed as agreed to by the city and the developer prior to the expiration of the maintenance bond and final acceptance of the public storm sewer system. Upon a roll call vote, motion carried 6 to 0.

Accept Tentative Plan Amendment for Streamsong Phase 3 Planned Development: Motion by Ledbetter, seconded by Urban, to accept the Tentative Plan Amendment for Streamsong Phase 3 Planned Development (715 West Osterhout Avenue) and set a public hearing for April 12, 2022; and subsequent to the public hearing, consider approving the Tentative Plan Amendment for Streamsong Phase 3 Planned Development, subject to the conditions listed in the February 3, 2022, Planning Commission report. Upon a roll call vote, motion carried 6 to 0.

West End Drive Sanitary Sewer Project #419-S: Motion by Ledbetter, seconded by Urban, to adopt Resolution No. 1, accept the City Manager Report, and request preparation of Resolution No. 2 for West End Drive Sanitary Sewer Project #419-S. Upon a roll call vote, motion carried 6 to 0.

Liquor License Application for Charles & Lynn Zhang Portage Community Senior Center: Motion by Ledbetter, seconded by Urban, to approve a Liquor License Application for the Charles & Lynn Zhang Portage Community Senior Center and authorize the Acting City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Portage Brewing Co., LLC (dba Latitude 42) Off-Premise Tasting Room Approval: Motion by Ledbetter, seconded by Urban, to adopt the Local Government Approval Resolution for an Off-Premises Tasting Room License for Portage Brewing Co., LLC. Upon a roll call vote, motion carried 6 to 0.

Ordinance Amendment - Chapter 18 "City Cemeteries": Motion by Ledbetter, seconded by Urban, to accept for first reading an amendment to Chapter 18 "City Cemeteries" of the Code of Ordinances to permit columbarium and consider final adoption on March 22, 2022. Upon a roll call vote, motion carried 6 to 0.

Minutes of Boards & Commissions: Motion by Ledbetter, seconded by Urban, to accept the minutes of the Senior Citizen Advisory Board of January 19, 2022; Planning Commission of February 3, 2022; and Historic District Commission of January 5, 2022. Upon a roll call vote, motion carried 6 to 0.

Calendar of Meetings: Motion by Ledbetter, seconded by Urban, to receive the Calendar of Meetings as presented. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: None.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban had no comment.

Councilmember Ledbetter highlighted International Women's Day, as well as Women's History Month, acknowledging the women on the City Council. He then spoke of the historic Bloody Sunday event during the 1965 protest marches and noted issues with voting rights persist today. Councilmember Ledbetter closed by commenting on the war in Ukraine.

Councilmember Knapp had no comment.

Councilmember Brayton highlighted the 1854 event that included women during the creation of the Republican Party in light of Women's History Month. She then congratulated Eagle Scout Elisabeth Crawford for joining a small and historical group of Scouts.

Acting City Manager Herringa had no comment.

Mayor Pro Tem Pearson had no comment.

Mayor Randall highlighted a recent meeting she had attended with Councilmember Brayton and County Housing Director Mary Balkema regarding affordable housing options in the area, as well as an upcoming meeting on affordable housing to be held at City Hall. Mayor Randall then spoke of the stressors of the ongoing COVID-19 pandemic, the Ukraine conflict, and rising gas prices on which several Governors are working to repeal the gas tax. Mayor Randall closed with prayers for Ukraine.

ADJOURNMENT: Mayor Randall adjourned the meeting at 07:18 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of March 22, 2022, 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 27, 2022 through March 12, 2022 and notes \$219,412.57 in automated clearing house payments, \$882,170.42 in paper checks, \$101,274.51 in auto-pay payments, \$3,248,500.84 in electronic payments and \$10,039.42 in credit card payments (February) for a grand total of \$4,461,397.76.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of March 22, 2022

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/27/22 to 3/12/2022

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Check Type: ACH Transactions

Check Date	Check	Vendor Name	Description	Amount
03/04/2022	16740(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,364.82
03/04/2022	16741(A)	AMAZON.COM SALES, INC.	HEPA AIR PURIFIERS-COM DEV, BHM BOOKS-PR	1,053.59
03/04/2022	16742(A)	BATTERIES PLUS	MISC BATTERIES	242.18
03/04/2022	16743(A)	BLOCK, MARY BETH	MEMBERSHIP REIMBURSEMENT	79.00
03/04/2022	16744(A)	BROWNELL'S INCORPORATED	MISC POLICE SUPPLIES	126.90
03/04/2022	16745(A)	C M P DISTRIBUTORS, INC.	PROTECTIVE VESTS	3,150.75
03/04/2022	16746(A)	CHARTER COMMUNICATIONS	CABLE TV	345.19
03/04/2022	16747(A)	CLARK HILL, PLC	BOND REDEMPTION SERVICES - 2013 CIP BOND	750.00
03/04/2022	16748(A)	CLEANIT CORP	CAR WASHES	216.00
03/04/2022	16749(A)	CUTSHAW, JESSICA LYNN	SABRE INSTRUCTOR COURSE - PER DIEM	88.50
03/04/2022	16750(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	19,876.54
03/04/2022	16751(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	91.48
03/04/2022	16752(A)	EARLE, SHELIA L	FITNESS INSTRUCTION ENHANCED FITNESS	350.00
03/04/2022	16753(A)	ENGINEERED PROTECTION SYSTEMS, INC.	DROPBOX CAMERA SERVICE	45.35
03/04/2022	16754(A)	EXTREME POWER EQUIPMENT, INC.	PLOW MAINT/SMALL EQUIP REPAIR	461.45
03/04/2022	16755(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,237.06
03/04/2022	16756(A)	GLEESING, KEVIN	POLICE EXEC & NEW CHIEFS SCHOOL - PER DIEM	272.00
03/04/2022	16757(A)	GORDON WATER SYSTEMS	WATER SERVICE	25.04
03/04/2022	16758(A)	GRAINGER INC	FLEET REPAIRS/MAINTENANCE	25.52
03/04/2022	16759(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	394.00
03/04/2022	16760(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	10,138.97
03/04/2022	16761(A)	INDUSCO SUPPLY CO., INC.	MISC PAPER & CLEANING SUPPLIES	985.90
03/04/2022	16762(A)	INSIGHT PUBLIC SECTOR, INC.	CITY HALL IT INFRASTRUCTURE UPDATES	114,050.20
03/04/2022	16763(A)	JB PRINTING	NEWSLETTER PRODUCTION & MAIL PREP	1,116.46
03/04/2022	16764(A)	KENDALL ELECTRIC, INC.	LIGHT BULBS/FIXTURES FOR CITY HALL	59.74
03/04/2022	16765(A)	LEWIS PAPER PLACE, INC.	COPY PAPER - CITY WIDE	1,692.80
03/04/2022	16766(A)	M & M CUSTOM FABRICATING INC.	NAME BADGE	15.12
03/04/2022	16767(A)	MARANA GROUP	METER SERVICE	273.00
03/04/2022	16768(A)	MATERIALS RESOURCES	LATEX GLOVES AND PPE SUPPLIES	208.70
03/04/2022	16769(A)	MAYHEW, BRYAN	POLICE EXEC & NEW CHIEFS SCHOOL - PER DIEM	272.00
03/04/2022	16770(A)	MEEKHOF TIRE SALES & SERVICE INC.	FIRE APPARATUS MAINT	684.00
03/04/2022	16771(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	309.78

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Check Date	Check	Vendor Name	Description	Amount
03/04/2022	16772(A)	MUNICIPAL CODE CORPORATION	SUPPLEMENT TO CODE OF ORDINANCES	1,253.09
03/04/2022	16773(A)	NYE UNIFORMS	MISC UNIFORMS	5,205.43
03/04/2022	16774(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES - PARKS	192.80
03/04/2022	16775(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEES SVCS	14,197.50
03/04/2022	16776(A)	PAVER PET SUPPLY	PET SUPPLIES	65.00
03/04/2022	16777(A)	PECKELS, CHRISTINE	FITNESS INSTRUCTION YOGA	640.00
03/04/2022	16778(A)	PEOPLEFACTS, LLC	EMPLOYEE BACKGROUND CHECKS	29.05
03/04/2022	16779(A)	PHILLIPS, KIMBERLY	REIMBURSEMENT FOR EXPENSES	104.77
03/04/2022	16780(A)	PREIN & NEWHOF	WATER TREATMENT PLANT - IRON SLUDGE SAMPL	600.00
03/04/2022	16781(A)	PRINTING SERVICES INC	PRINTING SERVICES	117.29
03/04/2022	16782(A)	RIDGE AUTO NAPA	EQUIP REPAIR/MAINT SUPPLIES	412.69
03/04/2022	16783(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	677.64
03/04/2022	16784(A)	SET ENVIRONMENTAL INC	MILLENNIUM PARK ICE RINK (POND) CLEANING	5,536.32
03/04/2022	16785(A)	SEVERANCE ELECTRIC COMPANY, INC	MISC TRAFFIC SIGNALS - REPAIRS/SVCS	3,848.89
03/04/2022	16786(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	166.25
03/04/2022	16787(A)	SMARTSHEET INC.	SMARTSHEET RENEWAL	2,000.00
03/04/2022	16788(A)	SNELL, DEBRA	FITNESS INSTRUCTION BODY REBOUND	300.00
03/04/2022	16789(A)	STOUT, MELISSA JOY	FITNESS INSTRUCTION CHAIR YOGA	325.00
03/04/2022	16790(A)	SUEZ WATER ENVIRONMENTAL SERVICES	MCAP RECONCILIATION - DECEMBER 2021	15,155.90
03/04/2022	16791(A)	TERMINAL SUPPLY CO.	FLEET SAFETY LIGHTS	135.96
03/04/2022	16792(A)	TRUCK & TRAILER SPECIALTIES	REPAIR/MAINTENANCE SUPPLIES	660.65
03/04/2022	16793(A)	VIRIDIS DESIGN GROUP	DR MARTIN LUTHER KING JR PARK A&E	4,340.00
03/04/2022	16794(A)	WARNER OIL COMPANY INC	DEF DRUM	198.28
03/04/2022	16795(A)	WEST MICHIGAN INT'L LLC	EQUIPMENT REPAIRS	1,248.02
Total ACH				219,412.57

Check Type: Paper

03/04/2022	319820	ACE-TEX ENTERPRISES, INC.	WIPING CLOTHS	1,054.11
03/04/2022	319821	AHIP MI PORTAGE PROPERTIES LLC	2021 MICHIGAN TAX TRIBUNAL DOCKET	6,380.82
03/04/2022	319822	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	104.00
03/04/2022	319823	ASCENSION MICH OCCUPATIONAL HEALTH	DOT PHYSICALS	140.00
03/04/2022	319824	AT&T	ELECTRONIC COMMUNICATIONS	322.95
03/04/2022	319825	AVB CONSTRUCTION LLC	COMMUNITY SR CENTER CONSTRUCTION MGMT	480,444.90

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03/04/2022	319826	BRENNAN, JOSEPH	REFUND OF BID BOND FOR TREE WORK SERVICE	4,002.50
03/04/2022	319827	CALIBRE PRESS	RECRUIT & RETAIN NEXT GEN LAW ENFORC-REG	495.00
03/04/2022	319828	CIMCO REFRIGERATION	CALCIUM CHLORIDE FLAKES	511.96
03/04/2022	319829	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	26.43
03/04/2022	319830	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	271,943.69
03/04/2022	319831	CONSUMERS ENERGY - CEM	STREETLIGHT INSTALLATIONS	200.00
03/04/2022	319832	COSTAR REALTY INFORMATION, INC.	COMM REAL ESTATE DATABASE	367.23
03/04/2022	319833	CT ELECTRICAL SERVICES, INC.	BLOCK STATION MAINTENANCE - 12TH STREET	6,365.00
03/04/2022	319834	D L GALLIVAN INC.	COPY MACHINE USAGE CHARGES	110.27
03/04/2022	319835	DIGITAL IMPACT DESIGN, INC.	MEMORIAL PLAQUES	56.58
03/04/2022	319836	EMERGENCY VEHICLE PRODUCTS	POLICE VEHICLE REPAIR/MAINTENANCE	251.00
03/04/2022	319837	FBI-LEEDA	FBI-LEEDA DUES	50.00
03/04/2022	319838	FLEIS & VANDENBRINK ENGINEERING	ENGINEERING SVCS - MICROSURFACING PROJ	5,763.00
03/04/2022	319839	FORSYTH, LARRY	TREE BOXES BY LARRY-HOL DECOR	1,704.00
03/04/2022	319840	GENZINK APPRAISAL COMPANY	APPRAISAL WORK FOR MTT 21-002650	850.00
03/04/2022	319841	GUTH ILLUSTRATION & DESIGN	EXHIBIT PANELS: WHAT'S IN A NAME	1,100.00
03/04/2022	319842	HOME DEPOT	REPAIR/MAINTENANCE SUPPLIES	738.15
03/04/2022	319843	IMAGETREND, INC.	FIRST WATCH & API ACCESS - ANNUAL FEE	1,545.00
03/04/2022	319844	KAL COUNTY FIRE CHIEFS ASSOC.	OCCF TR 2022 FIRE ACADEMY-REGISTRATION FEE	1,000.00
03/04/2022	319845	KALAMAZOO COUNTY TREASURER	REFUND FOR ADMIN FEES RECEIVED FOR 2021	67.57
03/04/2022	319846	KALAMAZOO COUNTY TREASURER	21 DBOR TV CHANGE FOR TAX YEAR 2020	1,354.57
03/04/2022	319847	KIESLER POLICE SUPPLY	AMMUNITION	9,080.40
03/04/2022	319848	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR/MAINTENANCE	1,140.70
03/04/2022	319849	LENS EQUIPMENT LLC	TACTI TRACK GPS TRACKER	1,917.00
03/04/2022	319850	LKF MARKETING	ANNUAL TECH REPORT, POWERPOINT TEMPLATE	4,498.19
03/04/2022	319851	LYNN CARD COMPANY	PRINTING SVCS - FIRE	685.00
03/04/2022	319852	MALMARK, INC.	MUSIC EQUIPMENT STORAGE	106.33
03/04/2022	319853	MARTIN, MATTHEW	EVIDENCE TECH SCHOOL - PER DIEM	564.00
03/04/2022	319854	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	99.00
03/04/2022	319855	MELVILLE, PHYLLIS	TRIP REFUND 220725 MYSTERY TRIP ED TED	50.00
03/04/2022	319856	MICH MUNICIPAL POLICE & FIRE REPAIR	VEHICLE REPAIR AND MAINTENANCE	2,733.24
03/04/2022	319857	MICHIGAN PAVEMENT MARKINGS LLC	LAKEVIEW PARK PARKING LOT LINE PAINTING	550.00
03/04/2022	319858	MILLER, CANFIELD, PADDOCK & STONE	AUSTIN LAKE TRAIL LEGAL SERVICES	162.50

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03/04/2022	319859	MORRIS, ROBERT	GRAIN ELEVATOR CANCELLATION REFUND	125.00
03/04/2022	319860	O'REILLY AUTO PARTS	FLEET MAINTENANCE	396.91
03/04/2022	319861	ODEN TRAINING	APPLIED WATER MATH TRAINING CLASS	250.00
03/04/2022	319862	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,329.33
03/04/2022	319863	VOID		0.00
03/04/2022	319864	PETTY CASH-PAULA GUSTAFSON	REPLENISHMENT CHECK	288.94
03/04/2022	319865	PLAYFORD, LOU	VEH MAINT/RESCUE TECH TRAINING - PER DIEM	266.00
03/04/2022	319866	PONICKI, SHELBY	GRAIN ELEVATOR DEPOSIT REFUND	150.00
03/04/2022	319867	PRO TITLE SERVICES LLC	OVERPAYMENT WTAX21 PARCEL 00025-295-A	5.42
03/04/2022	319868	QED ENVIRONMENTAL SYSTEMS, INC.	ANNUAL CALIBRATION SERVICE OF GAS METER	1,733.00
03/04/2022	319869	QUADMED, INC.	FIRE EMS SUPPLIES	969.21
03/04/2022	319870	QUALIFICATION TARGETS, INC.	TRAINING TARGETS	329.96
03/04/2022	319871	ROWERDINK, INC.	MAINTENANCE SUPPLIES	90.68
03/04/2022	319872	ROWLEY BROTHERS, INC.	BULK 15W40 OIL	1,626.08
03/04/2022	319873	S A MORMAN & CO.	DOOR CLOSER FOR INFORMATION OFFICE	275.00
03/04/2022	319874	SAFEBUILT MICHIGAN, LLC	FILL IN INSPECTIONS FOR BUILDING SERVICE	4,340.00
03/04/2022	319875	SIGN SHOP OF WESTERN MICHIGAN	PDPS STAFFING BOARD	128.25
03/04/2022	319876	STAR TITLE AGENCY	OVERPAYMENT FINAL WATER BILL	94.11
03/04/2022	319877	STATE OF MICHIGAN (DOT)	RECONSTRUCTION OF E MILHAM AVE	5,407.14
03/04/2022	319878	STATE OF MICHIGAN (EGLE)	WATER USE REPORTING FEE- MPIR	200.00
03/04/2022	319879	STEENSMA LAWN & POWER EQUIPMENT	SMALL EQUIPMENT REP/MAINT	22.96
03/04/2022	319880	STS OPERATING INC.	BARBERRY LIFT STATION-PUMP REPL	8,760.99
03/04/2022	319881	SUNBELT RENTALS, INC.	JACKHAMMER RENTAL	475.00
03/04/2022	319882	TYLER HOME IMPROVEMENTS	CDBG ROOF REPLACEMENT	15,290.00
03/04/2022	319883	ULINE, INC.	MISC EVIDENCE SUPPLIES	511.08
03/04/2022	319884	UNITED PARCEL SERVICE	UPS WEEKLY	20.11
03/04/2022	319885	USPS	POSTAGE FOR PERMIT #58	399.85
03/04/2022	319886	VANDERWEELE DESIGN CONSULTANTS	DESIGN/RECOMMENDATION GL PUMP HOUSE	350.00
03/04/2022	319887	VERMEER, JEREMY	FUNCTIONAL FIRE CO TRAINING-REIMB REG	81.20
03/04/2022	319888	VERTIV SERVICES, INC.	CH UPS ANNUAL MAINTENANCE RENEWAL	2,832.50
03/04/2022	319889	VICKSBURG HARDWARE	NEW STIHL POLE SAW/CHAINSAW SUPPLIES	709.23
03/04/2022	319890	WADE TRIM ASSOCIATES, INC.	CONSOLIDATED PLAN UPDATE/ANNUAL ACTION	2,653.89
03/04/2022	319891	WELLS, LASONDA	RESPECTING DIFFERENCES 2022 SPEAKER FEE	650.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/27/22 to 3/12/2022

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Check Date	Check	Vendor Name	Description	Amount
03/04/2022	319892	WEST MICHIGAN REALTORS TITLE CO	OVERPAYMENT FINAL WATER BILL	70.11
03/04/2022	319893	WILD, JED	MODEL PERF IN CRR SYMPOSIUMS-TR EXP REIMB	677.37
03/04/2022	319894	WMU HOMER STRYKER MD SCHOOL OF MED	WMU HOMER STRYKER MD SCHOOL	5.00
03/04/2022	319895	WOLVERINE COACH	TRUCK CAPS FOR FIRE RESCUE VEHICLES	4,090.00
03/08/2022	319896	PLERUS	AV APPLICATIONS AND POSTAGE	2,591.62
03/11/2022	319897	KALAMAZOO COUNTY LAND BANK	2021 LAND BANK SALE TAX DISTRIBUTION	4,160.25
03/11/2022	319898	KALAMAZOO COUNTY TREASURER	2021 WINTER TAX PMT ON PARCEL #00008-522-O	709.18
03/11/2022	319899	KALAMAZOO COUNTY TREASURER	2021 DOG LICENSE SALES PMT-FINAL DIST	3,380.00
03/11/2022	319900	MARLATT, RACHEL	HAYLOFT & SCHOOLHOUSE DEPOSIT REFUND	200.00
03/11/2022	319901	STATE OF MICHIGAN (SUW TAX)	SALES TAX REMITTANCE	56.70
03/11/2022	319902	STATEWIDE BILLIARDS LLC	PORTAGE SENIOR CENTER BILLIARD TABLES	6,885.00
03/11/2022	319903	VERIZON WIRELESS	WIRELESS SERVICE	48.26
Total Paper Checks				882,170.42

Check Type: Auto-Pay Payments

03/01/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	261.51
03/03/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	19.65
03/04/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	55,589.16
03/08/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	1,641.41
03/09/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	9,359.37
03/10/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	32,894.53
03/11/2022	CONSUMERS AUTOPAY	GAS-ELECTRIC	1,508.88
Total Auto-Pay Payments			101,274.51

Check Type: Electronic Payments

02/28/2022	ICMA	DH PENSION PAYMENTS	14,132.50
02/28/2022	HUNTINGTON NATIONAL BANK	DEBT SERVICE PAYMENT	49,260.00
03/02/2022	MULTIPLE	WEEKLY TAX DISBURSEMENT 2/28/22	1,221,186.46
03/04/2022	MULTIPLE	WEEKLY TAX DISBURSEMENT 2/28/22	1,366,349.65
03/04/2022	FIFTH THIRD	INVESTMENTS	499,937.50
03/04/2022	MULTIPLE	FINAL DISTRIBUTION - COUNTY DRAINS	56,382.50
03/11/2022	ICMA	PENSION WITHHOLDINGS	41,252.23
Total Electronic Payments			3,248,500.84

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/27/22 to 3/12/2022

Page 6 of 6

Check Date	Check	Vendor Name	Description	Amount
Check Type: Credit Card				
02/01/2022		MGFOA REGISTRATION FEE	FINANCE CONFERENCE REGISTRATION	119.00
02/01/2022		MGFOA REGISTRATION FEE	FINANCE CONFERENCE REGISTRATION	125.00
02/01/2022		MGFOA MEMBERSHIP DUES	FINANCE DEPUTY DIR ANNUAL MEMBERSHIP	120.00
02/04/2022		BESTBUYDIRECT241660381	POLICE CSU SD CARDS	259.73
02/04/2022		TRAK1 TECHN	BACKGROUND CHECK REPORTS	181.26
02/04/2022		PAYPAL DARTDRONES	POLICE TRAINING REGISTRATION	375.00
02/09/2022		VMO VIMEO PRO	VIDEO STREAMING SOFTWARE SUBSCRIPTION	240.00
02/09/2022		NATIONAL INSITUTE OF GOVE	PURCHASING CONFERENCE	595.00
02/14/2022		DARTDRONES	DRONE TRAINING FOR IT	30.00
02/14/2022		AMWAY GRAND PLAZA HOTE	POLICE CONFERENCE HOTEL	575.52
02/14/2022		AMWAY GRAND PLAZA HOTE	POLICE CONFERENCE HOTEL	630.02
02/14/2022		AMWAY GRAND PLAZA HOTE	POLICE CONFERENCE HOTEL	575.52
02/16/2022		STATE EGLE EVENTS	T&U TRAINING REGISTRATION	60.00
02/16/2022		ADOBE CREATIVE CLOUD	PUBLIC INFO SOFTWARE ANNUAL RENEWAL	635.87
02/16/2022		IN STREET COP TRAINING	POLICE TRAINING REGISTRATION	249.00
02/21/2022		TCU EXTENDED ED	PUBLIC INFORMATION TRAINING REGISTRATION	3,450.00
02/21/2022		MICHIGAN TAX TRIBUNAL	FEE TO FILE MOTION	25.00
02/23/2022		THE HOME DEPOT #2728	RAMONA CABINETRY MEASUREMENT	99.00
02/23/2022		SPRINGHILL SUITES SAGI	POLICE TRAINING HOTEL	94.35
02/24/2022		POLICE RECORDS MGMT	POLICE RECORDS TRAINING REGISTRATION	259.00
02/25/2022		MI COMMUNITY DEV	COMM DEV TRAINING REGISTRATION	124.00
02/28/2022		LOWES #01110	STORAGE SHELVING-ORGANIZING EVENT EQUIP	318.00
02/28/2022		PAYPAL MICHIGANSTO	COMM DEV TRAINING REGISTRATION	50.00
02/28/2022		SPRINGHILL SUITES SAGI	POLICE TRAINING HOTEL	377.40
02/28/2022		SPRINGHILL SUITES SAGI	POLICE TRAINING HOTEL	471.75
Total Credit Card Payments				10,039.42
Grand Total				4,461,397.76

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: West End Drive Sanitary Sewer Project #419-S

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Adopt Resolution No. 2, for the West End Drive Sanitary Sewer Project #419-S, setting a public hearing of necessity on April 12, 2022.

The proposed 2022-2023 Capital Improvement Program budget includes the West End Sanitary Sewer project. This project is in response to a petition from property owners that was accepted by City Council on July 27, 2021. The project will promote the development of undeveloped properties in this neighborhood. As a result, City Council is asked to adopt the second resolution in the special assessment process that tentatively determines the necessity of the improvement project and schedules a public hearing on April 12, 2022.

The project includes the installation of sanitary sewer leads to vacant properties on the west side of West End Drive. As part of the sanitary sewer lead installation, the street will be resurfaced. Front footage benefit charges will also be included in the assessment at a maximum of 80 feet per benefitting lot. This project aligns with City Council Goals and Objectives (Neighborhoods) to “provide a mixture of housing for all income levels” and (Environment) to “promote a healthy and sustainable environment and local ecology.” The estimated cost for this project is \$350,000, of which \$39,982 will be assessed to benefiting property owners.

Special Assessment Resolution No. 2 for the West End Drive Sanitary Sewer Project #419-S is attached. Previous Council action relating to this project includes:

- On March 8, 2022, City Council adopted Resolution No. 1 on this project, accepted the City Manager report, and requested the preparation of Resolution No. 2.

It is recommended that City Council adopt Resolution No. 2 for the West End Drive Sanitary Sewer Project #419-S, setting a public hearing of necessity on April 12, 2022.

FUNDING: Not Applicable

Attachments:

1. Resolution No. 2 for West End Drive Sanitary Sewer Project
2. Special Assessment Map
3. Preliminary Special Assessment District Roll

**CITY OF PORTAGE
SPECIAL ASSESSMENT RESOLUTION NO. 2
WEST END DRIVE SANITARY SEWER PROJECT
DISTRICT #419-S**

At a regular meeting of the Council of the City of Portage, Kalamazoo County, Michigan held at the City Hall in said City on the ____ day of _____, 2022 at 7:00 p.m., local time.

PRESENT:

ABSENT:

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the City Council has adopted the initial resolution commencing special assessment proceedings for the construction and financing of the hereinafter described public improvement; and

WHEREAS, the City Council of the City of Portage has caused to be prepared by the City Manager, the report called for in Section 62-2 of the City Ordinances; and

WHEREAS, the same has been received and reviewed by the City Council; and

WHEREAS, the City Council desires to proceed further with the improvement.

NOW THEREFORE BE IT RESOLVED THAT:

1. The City Council tentatively determines that the improvement hereinafter described and also described in the City Manager's report is necessary.

2. The City Council determines that the nature of the improvement is:

Install sanitary sewer leads and appurtenances to properties on the west side of West End Drive from South Shore Drive to the north end to serve vacant properties on West End Drive. Front footage benefit charges will also be included in the assessment at a maximum of 80 feet per benefitting lot.

And that the expected useful life of said improvement is 20 years.

3. The City Council determines that the properties within the special assessment district will receive the special benefits and, further, determines that the total estimated cost of the improvement will not exceed \$350,000, of which total cost the sum of no more than \$39,982 shall be assessed against the special assessment district, and the sum of no more than \$310,018 shall be borne by the City-at-large.

4. The City Council hereby designates the special assessment district against which all or a part of the cost of said improvement is to be assessed, as consisting of the following described land, to wit:

Platted Land: Lots 38 through 48 inclusive as originally recorded in the Assessor's Plat of Matteson's Park.

5. The City Council determines that the cost of the benefits is to be assessed by frontage abutting on said improvement.

6. The City Council hereby accepts and approves the City Manager's report and directs that it, along with the resolution, be filed with the City Clerk and be made available for public inspection.

7. The City Council will meet at the City Hall located at 7900 South Westnedge Avenue in the City of Portage, on the 12th day of April 2022, at 7:00 p.m., or as soon thereafter as may be heard, at which time and place the City Council will hear all interested parties with respect to the necessity of the improvement, and to the special assessment district therefor.

8. The City Clerk is hereby ordered to cause notice of such hearing to be published once prior to said hearing in the KALAMAZOO GAZETTE, a newspaper in general circulation in the City, said publication to be at least ten (10) days before the time of hearing, and shall cause notice of said hearing to be mailed by first class mail to all owners or persons with interest in the property in the special assessment district, as shown on the current assessment roll of the City, at least

ten (10) days before the date of said hearing. Said notice shall conform substantially to Exhibit "A" attached hereto and incorporated herein.

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

ADOPTED: YEAS: Councilmember:

NAYS: Councilmember:

ABSENT: Councilmember:

ERICA EKLOV, City Clerk

STATE OF MICHIGAN)
)ss
COUNTY OF KALAMAZOO)

I, the undersigned duly qualified and acting City Clerk of the City of Portage, Kalamazoo County, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted at a regular meeting of the City Council of said City, held on the ____ day of _____, 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereto affixed my official signature this ____ day of _____, 2022.

ERICA EKLOV, City Clerk

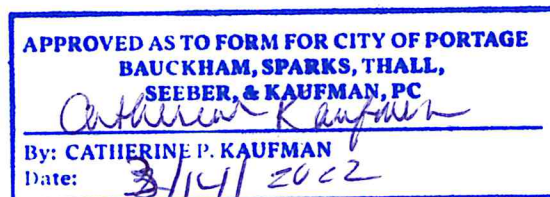


EXHIBIT "A"

**CITY OF PORTAGE, MICHIGAN
NOTICE OF PUBLIC HEARING ON THE NECESSITY OF A
SPECIAL ASSESSMENT IMPROVEMENT BY THE CITY OF PORTAGE
WEST END DRIVE SANITARY SEWER PROJECT, DISTRICT #419-s**

TO THE OWNERS OF THE FOLLOWING DESCRIBED PROPERTY AND ALL OTHER INTERESTED PARTIES:

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

Install sanitary sewer leads and appurtenances to properties on the west side of West End Drive from South Shore Drive to the north end to serve vacant properties on West End Drive. Front footage benefit charges will also be included in the assessment at a maximum of 80 feet per benefitting lot.

Platted Land: Lots 38 through 48 inclusive as originally recorded in the Assessor's Plat of Matteson's Park.

A report concerning said improvement has been prepared and is on file with the City Clerk for public examination.

TAKE FURTHER NOTICE that the City Council will meet on the 12th day of April 2022, at 7:00 p.m. or as soon thereafter as may be heard, at the City Hall, 7900 South Westnedge Avenue, in the City of Portage, for the purpose of hearing all interested parties concerning the necessity of said improvement and the special assessment district therefor.

TAKE FURTHER NOTICE that if, prior to the adoption of the resolution to proceed with the improvement, written objections have been filed by either 1) a majority of owners of property in the district, or 2) owners in the district who will be required to pay more than fifty percent (50%) of the cost of the public improvement, the affirmative vote of five (5) or more members of the Council is needed to proceed with the improvement.

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

DATED: _____, 2022

ERICA EKLOV, City Clerk

Special Assessment District 419-S West End Drive Sanitary Sewer



The purpose of this map is to show the location of Special Assessment District 419-S. This creation of this district is for the installation of sewer leads for the properties located on the west side of West End Drive. Parcels are labeled with address and lot number.

**West End Drive
City of Portage, Kalamazoo County, Michigan
Sewer and Lead Installation
2022 Special Assessment Roll- Pending Resolution and Public Hearing**

Parcel Number	Owner	Property Address	Total Frontage	Previously Paid	Frontage Charged	Frontage Charge	Sewer Lead	Total
04980-005-O	MAYFIELD, DAVID & IRENE	9001 WEST END DR	90	80	10	\$ 842.70	\$ 1,765.00	\$ 2,608
04980-006-O	FRIES JR, WILLIAM & GLEASON, CATHER	9007 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-007-O	VANDERHORST, TOM & J L	9011 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-008-O	KUIPER, DONALD L & J	9015 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-009-O	WARNER, CAROL L	9019 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-010-O	PELC, DIANE B	9025 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-011-O	BASTIAN, JODIE L	9029 WEST END DR	100	80	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
04980-012-A	SPANGENBERG, DAVID	9033 WEST END DR	115	70	45	\$ 3,792.15	\$ 1,765.00	\$ 5,557
04980-012-B	PAYNE, CHRISTOPHER W	9039 WEST END DR	185	90	70	\$ 5,898.90	\$ 1,765.00	\$ 7,664
04980-016-A	LUTZ, LARRY & PATRICIA TRUST	9103 WEST END DR	150	130	20	\$ 1,685.40	\$ 1,765.00	\$ 3,450
Total	10							\$ 39,982

I, _____, being the certified assessor for the City of Portage, do hereby affirm that the Special Assessment Roll was made pursuant to a resolution by the City of Portage adopted on _____, and that in making the assessment roll, I have, according to my best judgement, conformed in all respects to the directions contained in the resolution and the statutes of the state.

Signature

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Romence Road Reconstruction Project - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a construction contract to Rieth-Riley Construction Company, Incorporated, Benton Harbor, Michigan, for the Romence Road Reconstruction project for an amount not to exceed \$1,074,724 and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

The FY 2021-2022 Capital Improvement Program budget includes funding for the reconstruction of Romence Road from Angling Road to Oakland Drive. The work includes storm drainage improvements, concrete curb radii at intersections, ADA sidewalk ramp upgrades, new pavement, pavement markings, and signage. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities. Future work will focus on preserving and restoring pavement conditions on major streets, which will allow additional roadway mileage to be restored yearly.

On September 7, 2021, City Council approved a contract with Wightman & Associates, Incorporated, of Kalamazoo, for the design and construction engineering of the Romence Road Reconstruction project. The design was finalized for bidding on the project and on March 10, 2022, three bids were received with the low bid being submitted by Rieth-Riley Construction Company, Incorporated, Benton Harbor, Michigan, for the amount of \$1,074,724.

It is recommended that City Council award a construction contract to Rieth-Riley Construction Company, Incorporated, Benton Harbor, Michigan, for the Romence Road Reconstruction project for an amount not to exceed \$1,074,724 and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are available in the FY 2021-2022 Capital Improvement Program budget.

Attachments: 1. Romence Rd Reconstruction - Bid Tabulation

**2022 RFB ROMENCE ROAD RECONSTRUCTION
CONSTRUCTION SERVICES
BID TABULATION
BID OPENING ON MARCH 10, 2022**

Rieth-Riley Construction Co., Inc.	\$ 1,074,724.00
1589 Townline Road	
Benton Harbor, Michigan, 49022	

Michigan Paving and Materials	\$ 1,224,253.00
2300 Glendenning Road	
Kalamazoo, Michigan, 49047	

Lakeland Asphalt Corp	\$ 1,277,822.25
548 Avenue A	
Springfield, Michigan, 49037	

Opened by:  _____
Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Approval of a Council Resolution to apply for two MDNR Grants for the Lexington Green Park Improvement Project.

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

ACTION RECOMMENDED: Approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Land and Water Conservation Fund and Recreation Passport Program grants for the Lexington Green Park Improvement Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.

The FY 2019-2020 and FY 2021-2022 Capital Improvement Program (CIP) budgets contain funding for the Lexington Green Park Improvement Project, which represents the second phase of renovations in the neighborhood park. The Lexington Green Park Master Plan (attached) is a result of several neighborhood meetings after which the residents indicated final approval of the concept plan. The subject project would include the construction of a new pavilion with restroom facilities in the center of the park near the playscape, bike course, ball diamond, pickleball courts, and basketball courts. The addition of the pavilion/restroom facility would offer a gathering place for participants of the various sports activities and centralize the restroom near all of the active areas. In addition, the project would include widening the non-motorized asphalt trail running through the park to ten feet wide to safely accommodate pedestrians and cyclists. The non-motorized trail would also be extended to create walking loops to the east as desired by the area residents, as well as lamp posts along the main trail for safety, aesthetics, and as a deterrent to vandalism. Finally, the plan calls for a new water retention area in the parking lot due to the proximity of the Lexington Green Drain and a new playscape.

To supplement the CIP funding for this project, Portage Parks & Recreation proposes to submit applications to two Michigan Department of Natural Resources (MDNR) grant programs: the Land and Water Conservation Fund for \$500,000, and the Recreation Passport program for \$150,000. Additionally, a \$50,000 Community Development Block Grant (CDBG) would be used for the construction of the trail. An application is being filed with the U.S. Department of Housing and Urban Development since the Tribal Review was recently completed by the State Historic Preservation Office, as required for both CDBG and MDNR funding. Matching funds in the amount of \$217,665 and \$450,000, totaling \$667,665, are programmed in the FY 2019-2020 and FY 2021-2022 CIP budgets respectively.

It is recommended that City Council approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Land and Water Conservation Fund and Recreation Passport

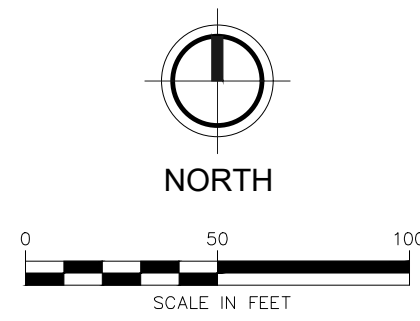
Program grants for the Lexington Green Park Improvement Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Matching funds in the amount of \$217,665 and \$450,000, totaling \$667,665, are programmed in the FY 2019-2020 and FY 2021-2022 Capital Improvement Program budgets respectively.

Attachments:

1. Lexington Green Park Master Plan
2. Lexington Green Park MDNR Grant Resolution 2022 Approved

LEXINGTON GREEN PARK RENOVATION



CITY OF PORTAGE
PITTSFORD AVE PORTAGE, MI 49002
LEXINGTON GREEN PARK RENOVATION
FIGURE 1 - 02.25.20

FIGURE 1 - 02.25.20





**RESOLUTION OF SUPPORT FOR LOCAL MATCH FOR DNR LAND AND WATER
CONSERVATION FUND GRANT FOR THE LEXINGTON GREEN PARK IMPROVEMENT
PROJECT**

WHEREAS, the City of Portage City Council supports the Department of Natural Resources' (DNR) submission of an application titled, "The Lexington Green Park Improvement Project" to the Land and Water Conservation Fund (LWCF) and Recreation Passport Program for construction services for a new pavilion/restroom, lighting and renovation and expansion of non-motorized trails and parking.

WHEREAS, the City of Portage is seeking to renovate the aging infrastructure at Lexington Green Park to create walking loops, addition of a pavilion/restroom in the middle of the park near the play areas, parking lot, and install lighting along the walkways connecting all activity areas in this 23- acre park established in 1975.

WHEREAS, Lexington Green Park is one of the City's oldest parks and is need of renovation and replacement of its aging facilities, that will create an active area for young families and a passive, relaxing area for older adults to meet all the needs for this demographically diverse neighborhood. The Lexington Green neighborhood residents met several times with the Parks & Recreation Department providing input to their needs and approved the final park design.

WHEREAS, as a result of this project, the public will be able to enjoy a park that meets the needs of the citizens and surrounding neighborhood residents and businesses, as well as make an economic impact to the area with the renovated park as its centerpiece.

WHEREAS, the location of the proposed project is within the jurisdiction of The City of Portage, and, WHEREAS, the proposed project, if completed, will benefit the community.

WHEREAS, the Portage City Council is hereby making a financial commitment to the project in the amount of \$667,665.00 matching funds, in cash; and CBDG funds in \$50,000 for a total of \$717,665.

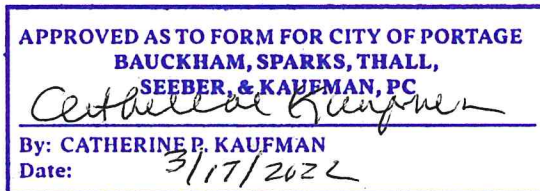
NOW THEREFORE, BE IT RESOLVED that the Portage City Council hereby authorizes submission of grant applications to the Michigan DNR LWCF for \$500,000.00 and Recreation Passport program for \$150,000.00 for a total project amount of \$1,367,665, and further resolves to make available its financial obligation amount of \$717,665.

AYES: NAYES: ABSENT:

MOTION APPROVED.

I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by _____ of _____ at their regular meeting held on _____ 20____, at _____ p.m. in _____, with a quorum present.

Dated: _____



TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Resolution to apply for MDNR Trust fund grant for Elijah Root Dam and Portage Creek Improvements

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

ACTION RECOMMENDED: Approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Michigan Natural Resources Trust Fund Grant for the Elijah Root Dam and Portage Creek Improvements Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.

The FY 2020-2021 Capital Improvement Program (CIP) budget includes funding for the Elijah Root Dam and Portage Creek Improvement Project. The Dam is in a current state of failure and needs to be removed, including 85,000 cubic yards of sediment, as well as provide ecological restoration to the area.

This grant for the Elijah Root Dam and Portage Creek Improvement Project is for the recreational and cultural assets of the dam removal. The improvements will provide the addition of a new canoe/kayak launch, fishing areas, and creek overlook at the former dam location as part of the overall dam removal project. Portage Creek would be opened and returned to its original depth and be accessible to the public for recreational opportunities as far south as the Celery Flats Historical Area. The project envisions kayaks launching at Celery Flats, Bicentennial Park, and the Elijah Root Dam site to paddle downstream to the Portage Trailhead at Kilgore Road. Portage Creek would once again become a spawning bed for brown trout fishing as one of the few cold-water trout streams in southwest Michigan. Additionally, cultural signage is planned at the former Elijah Root Mill Dam site and former sawmill, commemorating Elijah Root as one of the city's first settlers.

To supplement the CIP funding for this project, Portage Parks & Recreation proposes to submit a grant application to the Michigan Department of Natural Resources Michigan Natural Resources Trust Fund program for \$289,300. Matching funds in the amount of \$101,700 are programmed in the FY 2020-2021 CIP budget.

It is recommended that City Council approve the Resolution of Support for Local Match for the Michigan Department of Natural Resources Michigan Natural Resources Trust Fund Grant for the Elijah Root Dam and Portage Creek Improvements Project and authorize the Acting City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Matching funds in the amount of \$101,700 are programmed in the FY 2020-2021 CIP budget.

Attachments: 1. Elijah Root Dam Recreational MDNR Grant Resolution 2022 APPROVED

RESOLUTION OF SUPPORT FOR LOCAL MATCH FOR DNR MNRTF GRANT FOR THE ELIJAH ROOT DAM AND PORTAGE CREEK IMPROVEMENTS PROJECT

WHEREAS, the City of Portage City Council supports the Department of Natural Resources' (DNR) submission of an application titled, "The Elijah Root Dam and Portage Creek Improvements Project" to the Michigan Natural Resources Trust Fund (MNRTF) for the addition of a new canoe/kayak launch, fishing areas, cultural signage and overlook at the former dam location as part of the overall dam removal project.

WHEREAS, the City of Portage is seeking to remove the dam, provide ecological uplift to the creek, and enhance recreational opportunities in the creek and the adjacent Bicentennial Trail Corridor.

WHEREAS, The Portage Creek is a unique stream as the headwaters are surrounded by prairie fen and wetlands in the Gourdneck State Game Area resulting in significant groundwater input and home to several rare species including Eastern Massasauga, Blanchard's Cricket Frog, Blanding's Turtle, Eastern Box Turtle, Kirkland's Snake, Spotted Turtle, and several species of plants.

WHEREAS, as a result of this project, the public will be able to access Portage Creek through almost the entire reach above the Portage Creek confluence. The creek provides a unique urban trout fishery that is easily accessible and highly popular.

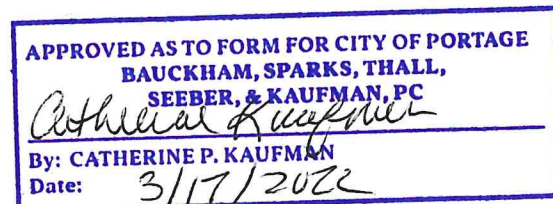
WHEREAS, the location of the proposed project is within the jurisdiction of The City of Portage, and, WHEREAS, the proposed project, if completed, will be a benefit to the community.

WHEREAS, the Portage City Council is hereby making a financial commitment to the project in the amount of \$101,700.00 matching funds, in cash; and,

NOW THEREFORE, BE IT RESOLVED that the Portage City Council hereby authorizes submission of Michigan DNR MNRTF Grant Application for \$289,300.00 for a total project amount of \$391,000.00, and further resolves to make available its financial obligation amount of \$101,700.00.

AYES: NAYES: ABSENT:

MOTION APPROVED.



I HEREBY CERTIFY, that the foregoing is a Resolution duly made and passed by _____ of _____ at their regular meeting held on _____ 20__, at _____ p.m. in _____, with a quorum present.

Dated: _____

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: South Westnedge Avenue Reconstruction Project - Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract to Abonmarche Consultants, Inc, Portage, Michigan, in the amount not to exceed \$226,800 to perform engineering services for the South Westnedge Avenue Reconstruction Project and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

The Fiscal Year 2021–2022 Capital Improvement Program budget includes funding for the Major Street Reconstruction Program. Major street reconstruction projects are selected based on pavement condition, average daily traffic, federal aid eligibility, as well as potential development activities. Future work will focus on preserving and restoring pavement conditions on major streets, which will allow additional roadway mileage to be restored yearly. The South Westnedge Avenue Reconstruction Project includes resurfacing of the existing roadway from Melody Avenue to Centre Avenue, replacement of the traffic signal at South Westnedge Avenue and Centre Avenue, replacement of the trail on the west side of the road, removal of a pedestrian island, and extension of concrete curb and gutter. The project cost is budgeted at \$1,650,000 and will be financed by \$500,000 in Federal Funds, \$150,000 in Water Funds, and \$1,000,000 in Capital Improvement Bonds.

On March 10, 2021, four proposals were received for design and construction engineering services for the South Westnedge Avenue Reconstruction project. After reviewing the proposals, T&U staff determined that the second-lowest proposal submitted by Abonmarche Consultants, Inc, of Portage, Michigan, provided the most added value and met all the requirements specified in the Request for Proposal. While Williams & Works submitted the lowest proposal, the firm did not meet the minimum 680-hour construction requirement per Section 2.6 in the Request for Proposal, proposing only 270 hours, while Abonmarche proposed 1,200 hours. Additionally, Abonmarche has significant experience with the city's policies and procedures and is pre-qualified with the Michigan Department of Transportation.

It is recommended that City Council award a contract to Abonmarche Consultants, Inc, Portage, Michigan in the amount not to exceed \$226,800 to perform engineering services for the South Westnedge Avenue Reconstruction Project and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funding is available in the Fiscal Year 2021-2022 Capital Improvement Program budget.

Attachments: 1. S Westnedge Reconstruction - Tabulation of Proposals

**2022 RFP SOUTH WESTNEDGE RECONSTRUCTION
PROFESSIONAL ENGINEERING SERVICES
PROPOSAL TABULATION
PROPOSAL OPENING ON MARCH 10, 2022**

Williams & Works 549 Ottawa Ave NW, Ste 310 Grand Rapids, Michigan, 49503	\$ 180,390.00
Abonmarche Consultants, Inc 700 Mall Drive, Suite C, Portage, Michigan, 49024	\$ 226,800.00
Wightman & Associates, Inc. 433 E. Ranson St. Kalamazoo, Michigan, 49007	\$ 268,838.00
DLZ Michigan Inc. 1425 Keystone Lansing, Michigan, 48911	\$ 266,159.00

Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Austin Lake Aquatic Nuisance Control - Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a 6-year contract to Progressive AE of Grand Rapids, Michigan, in the not-to-exceed amount of \$102,500 for consulting service and plan development for Aquatic Nuisance Control on Austin Lake and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

On May 25, 2021, City Council adopted a resolution for the dissolution of the Austin Lake Governmental Lake Board. Subsequently, on November 12, 2021, the Austin Lake Riparian Board requested that City Council initiate a lake improvement project to investigate, treat and/or eradicate the invasive weeds throughout Austin Lake.

Consultant proposals were solicited to study the lake ecology as it relates to recurring aquatic nuisance conditions, prepare recommendations and prescribe treatment(s) for controlling aquatic nuisances during the years 2023 through 2027. On February 22, 2022, two proposals were received for the Austin Lake Aquatic Nuisance Control project. Based on a review of the proposals, staff has determined that the lowest proposal from Progressive AE of Grand Rapids, Michigan, best fits the needs of the project. The Austin Lake Riparian Board provided input into the Request for Proposal document and reviewed and expressed support for the selection of Progressive AE. Progressive AE is familiar with the aquatic nuisance in the area and has performed coordination and oversight of aquatic nuisance control on Long Lake and Gourdneck Lake in Portage.

Once a 5-year treatment plan is prescribed by the consultant and approved by the Austin Lake Riparian Board, a 5-year special assessment district for the management of aquatic nuisances will be presented to the Council to fund the cost of the consultant and treatment application expenses. The cost of the first year to develop the program is \$14,500.

It is recommended that City Council award a 6-year contract to Progressive AE of Grand Rapids, Michigan, in the not-to-exceed amount of \$102,500 for consulting service and plan development for Aquatic Nuisance Control on Austin Lake and authorize the Acting City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: The first year of the contract will be funded from the Water Environmental Testing Budget. Subsequent years will be funded through special assessments of the benefiting property owners.

Attachments: 1. Tabulation of Proposals 2022-2027 Austin Lake Aquatic Nuisance Control

**2022-2027 AUSTIN LAKE AQUATIC NUISANCE CONTROL
CONSULTANT SERVICES
PROPOSAL TABULATION
RFP OPENING FEBRUARY 22, 2022 AT 3 PM**

Progressive AE	\$	102,500.00
1811 4 Mile Road, NE, Grand Rapids, MI 49525-2442		

Integrated Lakes Management, Inc.	\$	142,280.00
110 Le Baron Street Waukegan, IL 60085		

Opened by:  _____
Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Adoption of Bond Resolution

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the Bond Resolution authorizing the sale of:

- a. Capital Improvement Bonds, Series 2022, in an amount not to exceed \$4,000,000; and
- b. Capital Improvement Refunding Bonds, Series 2022, in an amount not to exceed \$2,555,000.

The issuance of bonds in an amount of up to \$4,000,000 is proposed as a funding mechanism to pay for projects programmed in the 2021-2031 Capital Improvement Program (CIP). In Fiscal Year 2021-2022, \$8.609 million in debt principal will be retired and called. With the addition of the new debt, total debt will decrease by \$4.609 million to an overall balance of \$56.567 million.

The attached bond resolution provides for the initiation of the legal process required to issue bonds for funding the Fiscal Year 2021-2022 CIP projects. The resolutions were prepared by the city's Bond Counsel, John Axe. Capital improvement projects for this issuance of bonds include:

- Major and local street and sidewalk design engineering and reconstruction (\$1,985,000)
- Traffic signal improvements at Portage Road and Forest Drive (\$500,000)
- Engineering design related to the Elijah Root Mill Dam, development at Lexington Green Park and Martin Luther King, Jr. Park (\$1,515,000)

In May 2015, the City of Portage refunded \$6.040 million in bonds to finance various capital improvement projects in the non-utility, sewer, and water categories. The outstanding balance of those bonds is currently \$2.495 million, with an interest rate of 3%. Interest rates are currently very volatile and refunding will only move forward if efficient present value savings are available.

The attached bond resolution also will initiate the legal process required to refinance the existing Capital Improvement Refunding Bonds, Series 2015A. It is recommended that City Council adopt the Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2022, in an amount not to exceed \$4,000,000, and the sale of Capital Improvement Refunding Bonds, Series 2022, in an amount not to exceed \$2,555,000.

FUNDING: N/A

- Attachments:**
1. Portage Bond Resolution CIP Series 2022 and Refunding CIP Series 2022
 2. Portage CIP 2022 Debt Service Draft

CITY OF PORTAGE

At a _____ meeting of the City Council of the City of Portage, Michigan, held on the ____ day of _____, 2022, at __:__.m., Eastern Time, in Portage, Michigan there were:

PRESENT: _____

ABSENT: _____

The following preambles and resolution were offered by _____ and seconded by _____:

**BOND RESOLUTION
City of Portage
Capital Improvement Bonds, Series 2022
and
Capital Improvement Refunding Bonds,
Series 2022
(Refunds Series 2015A Refunding Bonds)**

WHEREAS, there have been prepared and presented to the City Council (the "Council") of the City of Portage, Michigan (the "City"), a description of improvements to the City of Portage (the "Capital Improvement Project"), all as more fully described in Appendix A, pursuant to the terms of Act No. 34, Public Acts of Michigan, 2001 as amended ("Act 34"); and

WHEREAS, it has been estimated that the period of usefulness of the Capital Improvement Project is not less than 20 years and that the total cost of the Capital Improvement Project and issuing the Capital Improvement Bonds, Series 2022 (the "Bonds") will not exceed \$4,000,000 to be provided by the proceeds from the sale of bonds by the City pursuant to Act 34; and

WHEREAS, the City proposes to undertake the Capital Improvement Project and to incur taxable or tax-exempt debt (the "Reimbursement Obligations") to all or a portion of the costs of the Capital Improvement Project; and

WHEREAS, on February 22, 2022, the City Council approved a form of notice entitled "NOTICE OF INTENTION OF THE CITY OF PORTAGE TO ISSUE CAPITAL IMPROVEMENT BONDS AND NOTICE OF RIGHT TO PETITION FOR REFERENDUM THEREON" (the "Notice of Intention"), which has been published March 1, 2022, in the Kalamazoo Gazette in Kalamazoo, Michigan, which describes the Project. The Project Description is attached as Exhibit A.

WHEREAS, on May 1, 2015, the City pursuant to Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34"), issued its \$6,040,000 City of Portage Capital Improvement Refunding Bonds, Series 2015A, dated May 1, 2015 (the "2015A Prior Bonds"), of which \$2,495,000 remains outstanding; and

WHEREAS, pursuant to Act 34, the City is authorized to issue refunding bonds in order to call outstanding bonds of the City; and

WHEREAS, the City may call \$2,495,000 of the 2015A Prior Bonds on and after July 1, 2022; and

WHEREAS, the 2015A Prior Bonds were issued at a time when interest rates were much higher than is currently the case and, accordingly, bear rates of interest in excess of current interest rates; and

WHEREAS, the City has determined that it is necessary and appropriate at this time to issue a series of refunding bonds pursuant to Act 34 (the “Capital Improvement Refunding Bonds”) to refund in the 2015A Prior Bonds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, AS FOLLOWS:

A. CAPITAL IMPROVEMENT BONDS, SERIES 2022

1. **Bond Details:** Pursuant to Act 34, the Capital Improvement Bonds, Series 2022 (the “Bonds”) of the City, aggregating not to exceed the principal sum of \$4,000,000, shall be issued for the purpose of defraying the City's portion of the cost of the Capital Improvement Project. The bonds shall be known as “City of Portage Capital Improvement Bonds, Series 2022” (the “Bonds”) and shall be dated as of the date of delivery as the Finance Director of the City (“City Finance Director”) shall provide in the Award Order. The Bonds shall be fully registered Bonds, both as to principal and interest, in any one or more denominations of \$5,000 or a multiple of \$5,000 numbered from 1 upwards as determined by the City Finance Director, regardless of rate and maturity date. Unless the City Finance Director determines to shorten or change the Maturity dates. If \$4,000,000 of Bonds are issued, the Bonds will mature on July 1 on each date as follows:

Date	Principal
07/01/2022	-
07/01/2023	225,000.00
07/01/2024	240,000.00
07/01/2025	245,000.00
07/01/2026	245,000.00
07/01/2027	250,000.00
07/01/2028	255,000.00
07/01/2029	260,000.00
07/01/2030	265,000.00
07/01/2031	270,000.00
07/01/2032	275,000.00
07/01/2033	280,000.00
07/01/2034	285,000.00
07/01/2035	295,000.00
07/01/2036	300,000.00
07/01/2037	310,000.00
Total	\$4,000,000.00

2. **Discount:** The Bonds may be offered for sale at a price of not less than 99% of the face amount thereof.

3. **Interest Payment and Date of Record:** The Bonds shall bear interest payable January 1, 2023 and each July 1 and January 1 thereafter, until maturity, which interest shall not exceed 5% per annum. Interest shall be paid by check or draft mailed to the registered owner of each Bond as of the applicable date of record, provided, however, that the City Finance Director may agree with the bond registrar on a different method of payment. If interest is paid differently, the Bond form attached as EXHIBIT B shall be changed accordingly.

The date of record for each interest payment shall be the 15th day of the calendar month preceding the date such payment is due.

4. **Prior Redemption:** Bonds shall be subject to redemption as ordered by the City Finance Director.

Notice of redemption shall be sent to the registered holder of each Bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the bond registrar to redeem the same.

5. **Capitalized Interest:** As the City Finance Director so orders, prior to the time of delivering the Bonds, up to two years of the interest payable on the Bonds is to be capitalized.

6. **Reduction in Aggregate Amount of Bonds:** In the event the cost of acquiring and constructing the Capital Improvement Project shall be less than the current cost estimates and after this bond resolution has been adopted it shall be determined by the City Finance Director that the Capital Improvement Project cost shall be less than such estimates, the City Finance Director shall reduce the principal amount of the Bonds by \$5,000 denominations, one such denomination for each maturity in any order of maturity, to the extent required to avoid the issuance of more Bonds than will be required in light of the proposals received, and the Official Notice of Sale shall be correspondingly altered.

7. **Bond Registrar and Paying Agent/Book Entry Depository Trust:** The City Finance Director shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Bonds (sometimes referred to as the "Bond Registrar") which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. The Bonds shall be deposited with a depository trustee designated by the City Finance Director who shall transfer ownership of interests in the Bonds by book entry and who shall issue depository trust receipts or acknowledgments to owners of interests in the Bonds. Such book entry depository trust arrangement, and the form of depository trust receipts or acknowledgments, shall be as determined by the City Finance Director after consultation with the depository trustee. The depository trustee may be the same as the Bond Registrar otherwise named by the City Finance Director, and the Bonds may be transferred in part by depository trust and in part by transfer of physical certificates as the City Finance Director may determine.

8. **Exchange or Transfer of Bonds:** Any bond shall be transferable on the bond register maintained by the Bond Registrar with respect to the Bonds upon the surrender of the Bond to the Bond Registrar together with an assignment executed by the registered owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned Bond the Bond Registrar shall authenticate and deliver a new Bond or Bonds in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

Bonds may likewise be exchanged for one or more other Bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the Bond or Bonds being exchanged. Such exchange shall be effected by surrender of the Bond to be exchanged to the Bond Registrar with written instructions signed by the registered owner of the Bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a Bond with proper written instructions the Bond Registrar shall authenticate and deliver a new Bond or Bonds to the registered owner of the Bond or his or

her properly designated transferee or transferees or attorney.

Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

9. **Form of Bonds:** The Bonds shall be in substantially the form set forth in Exhibit B attached hereto with such additions, deletions and modifications as approved by the City Finance Director and consistent with the terms of this Resolution.

10. **Mutilated, Lost, Stolen or Destroyed Bonds:** In the event any Bond is mutilated, lost, stolen or destroyed, the Mayor and the Clerk of the City may, on behalf of the City, execute and deliver, a new Bond having a number not then outstanding, of like date, maturity and denomination as that mutilated, lost, stolen or destroyed.

In the case of a mutilated Bond, a replacement Bond shall not be delivered unless and until such mutilated Bond is surrendered to the Bond Registrar. In the case of a lost, stolen or destroyed Bond, a replacement Bond shall not be delivered unless and until the City and the Bond Registrar shall have received such proof of ownership and loss and indemnity as they determine to be sufficient, which shall consist at least of (i) a lost instrument Bond for principal and interest remaining unpaid on the lost, stolen or destroyed Bond; (ii) an affidavit of the registered owner (or his or her attorney) setting forth ownership of the Bond lost, stolen or destroyed and the circumstances under which it was lost, stolen or destroyed; (iii) the agreement of the owner of the Bond (or his or her attorney) to fully indemnify the City and the Bond Registrar against loss due to the lost, stolen or destroyed Bond and the issuance of any replacement Bond; and (iv) the agreement of the owner of the Bond (or his or her attorney) to pay all expenses of the City and the Bond Registrar in connection with the replacement, including the transfer and exchange costs which otherwise would be paid by the City.

11. **Execution and Delivery:** The Mayor (or the Mayor Pro Tem, in the absence of the Mayor) and the Clerk of the City are hereby authorized and directed to execute the Bonds for and on behalf of the City by manually executing the same or by causing their facsimile signatures to be affixed. If facsimile signatures are used, the Bonds shall be authenticated by the Bond Registrar before delivery. The Bonds shall be sealed with the City's seal or a facsimile thereof shall be imprinted thereon. When so executed and (if facsimile signatures are used) authenticated, the Bonds shall be delivered to the City Finance Director, who is hereby authorized and directed to deliver the Bonds to the purchaser upon receipt in full of the purchase price for the Bonds.

12. **Source of Repayment:** The City agrees to pledge its full faith and credit for the repayment of the Bonds and will pledge sufficient amounts of City taxes levied each year provided that the amount of taxes necessary to pay the principal and interest on the Bonds, together with the other taxes levied for the same year, shall not exceed the limit authorized by law and the Michigan Constitution.

13. **Principal and Interest Fund:** All monies set aside by the City toward the cost of the Capital Improvement Project shall be kept by the City in a separate fund hereby established, to be known as the "Principal and Interest Fund." All moneys in the Principal and Interest Fund shall be kept in a separate depository account with one or more banks or trust companies where the principal of and interest on the bonds are payable, and such moneys shall be used solely for the payment of the principal of and interest on the Bonds and expenses incidental thereto. All accrued interest and the premium, if any, received from the purchaser of the Bonds shall be deposited in the Principal and Interest Fund upon receipt. Capitalized interest, as determined pursuant to Section 5, shall be deposited in the Principal and Interest

Fund.

14. **Acquisition and Construction Fund:** There is hereby established an Acquisition and Construction Fund into which all proceeds of the borrowing for the Capital Improvement Bonds shall be deposited, except the accrued interest on the Bonds and premium, if any, received from the purchaser of the Bonds and any capitalized interest. All moneys in the Acquisition and Construction Fund shall be used solely for the payment in full of costs of the Capital Improvement Project, including the costs of issuing the Bonds. Surplus moneys remaining in the Acquisition and Construction Fund after completion of the Capital Improvement Project and payment in full of the costs of the Capital Improvement Project (or provision for such payment) shall be deposited in the Principal and Interest Fund.

15. **Investments:** Moneys in the Principal and Interest Fund and the Acquisition and Construction Fund may be continuously invested and reinvested in the United States government obligations, obligations the principal of and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20 of the Public Acts of 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than (a) in the case of the Principal and Interest Fund, the dates moneys in such fund will be required to pay the principal of and interest on the Bonds, and (b) in the case of the Acquisition and Construction Fund, the estimated dates when moneys in such fund will be required to pay costs of the Capital Improvement Project. Obligations purchased as an investment of moneys in the Principal and Interest Fund or the Acquisition and Construction Fund, as the case may be, shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

16. **Depositories:** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Principal and Interest Fund shall only be deposited in such banks where the principal of and interest on the Bonds are payable. The City Finance Director shall select the depository or depositories to be used from those banks authorized in this Section.

17. **Arbitrage and Tax Covenants:** Notwithstanding any other provision of this resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Bonds and the interest thereon from the State of Michigan income taxation.

18. **Qualified Tax-Exempt Obligations:** The Bonds are designated as “qualified tax-exempt obligations” for purposes of deduction of interest expense by financial institutions under the provisions of Section 265 of the Code, unless, at the time the Official Notice of Sale is published, the Bonds have been determined to be ineligible to be so designated on the basis of the City’s reasonable expectations at the time of such circulation. In such event, the Notice of Sale shall be changed appropriately and the Bonds shall there be so designated.

19. **Defeasance or Redemption of Bonds:** If at any time,

- (a) the whole amount of the principal of and interest on all outstanding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of and premium, if any, and interest on all outstanding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of and premium, if any, and interest on such Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this resolution, and any moneys or other assets then held or pledged pursuant to this resolution for the purpose of paying the principal of and interest on the Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this resolution, paid over to the City and considered excess proceeds of the Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Bonds, a description of the moneys or Government Obligations so held by it and that the City has been released from its obligations under this Resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of, premium, if any, and interest on the Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

As used in this Section, the term “Government Obligations” means direct obligations of, or obligations the principal of and interest on which are unconditionally guaranteed by, the United States of America.

20. **Filing with Municipal Finance Division:** If necessary the City Finance Director, or if

there is no City Finance Director, the Mayor is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

21. a. **Public Sale – Official Notice of Sale:** The City hereby authorizes its City Finance Director to instruct Bond Counsel to publish a Notice of Sale at least seven days prior to the date fixed for receipt of bids for the purchase of the Bonds. The Notice of sale shall be in substantially the form set forth in an Order signed by the City Finance Director. The Financial Consultant and Bond counsel are hereby designated to act for and on behalf of the City to receive bids for the purchase of the Bonds recommend the low bid and to take all other steps necessary in connection with the sale and delivery thereof.

The City Finance Director shall sign an award order awarding the Bonds to the lowest bidder after advice from the Financial Consultant.

b. **Alternate Method of Sale:** Depending on the circumstances the City also desires the flexibility to sell the Bonds at either a Competitive sale or a Negotiated Direct Placement sale as shall be determined by the City's Finance Director.

If A Negotiated Direct Placement is chosen the by the City's Finance Director the Bonds may be sold directly to a Purchaser as hereinafter provided if it is determined that such sale is in the best interests of the City and is calculated to provide the maximum flexibility and cost savings in pricing the Bonds. The City Finance Director is hereby authorized to negotiate and enter into an agreement with a Purchaser to be selected by the City Finance Director at the time of the sale of the Bonds (together, the "Purchaser"), which bond purchase agreement shall set forth the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Purchaser and compensation to be paid to the Purchaser, as well as such other terms and provisions as the City Finance Director determines to be necessary or appropriate in connection with the sale of the Bonds. The City Finance Director is authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer, and exchange of the Bonds in accordance with the provisions of this resolution. To save time and cost the City may apply for a municipal bond rating exemption waiver from the Michigan Department of Treasury. In making the determinations in the bond purchase agreement with respect to principal maturities and dates, interest rates, purchase price of the Bonds and compensation to be paid to the Purchaser, the City Finance Director shall be limited as follows:

- (i) The interest rate on any bond shall not exceed 5.00% per annum.
- (ii) The Purchaser's discount with respect to the Bonds or the compensation to be paid to the Purchaser shall not exceed 1.00% of the principal amount of the Bonds.

B. **CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2022**

22. **Issuance of Refunding Bonds.** Refunding bonds of the City aggregating in the principal amount not to exceed Two Million Five Hundred Fifty Five Thousand Dollars (\$2,555,000) (the "Refunding Bonds") shall be issued and sold in one or more series pursuant to the provisions of Act 34, and other applicable statutory provisions, for the purpose of refunding the outstanding 2015A Prior Bonds maturing in the years 2023 through 2028 (the "Refunded Bonds").

23. **Bond Details.** The Refunding Bonds shall be designated "Capital Improvement Refunding

Bonds, Series 2022,” or as otherwise designated by the City Finance Director under Act 34, at the time of sale of the Bonds; shall be in the principal amount and shall be dated as of such date as shall be determined by the City Finance Director at the time of sale; shall be numbered from 1 upwards; shall be fully registered; shall be in the denomination of \$1,000 each or any integral multiple thereof not exceeding the aggregate principal amount for each maturity at the option of the purchaser thereof; shall bear interest at a rate or rates not exceeding 5% per annum to be determined by the City Finance Director upon the sale thereof payable on such dates as shall be determined by the City Finance Director at the time of sale; and shall mature on such dates and in such amounts as shall be determined by the City Finance Director at the time of sale. If requested by the original purchaser of the bonds and determined by the City Finance Director, the bonds may be issued in the form of a single bond with an exhibit containing the principal maturity amounts and applicable interest rates and due dates.

DEBT SERVICE SCHEDULE

Date	Principal
07/01/2022	-
01/01/2023	-
07/01/2023	405,000.00
01/01/2024	-
07/01/2024	415,000.00
01/01/2025	-
07/01/2025	425,000.00
01/01/2026	-
07/01/2026	430,000.00
01/01/2027	-
07/01/2027	435,000.00
01/01/2028	-
07/01/2028	445,000.00
01/01/2029	-
Total	\$2,555,000.00

24. **Payment of Principal and Interest.** The principal of and interest on the Refunding Bonds shall be payable in lawful money of the United States. Principal shall be payable upon presentation and surrender of the bonds to the bond registrar and paying agent as they severally mature. Interest shall be paid to the registered owner of each bond as shown on the registration books at the close of business on the fifteenth day of the calendar month preceding the month in which the interest payment is due. Interest shall be paid when due by check or draft drawn upon and mailed by the bond registrar and paying agent to the registered owner at the registered address.

25. **Book-Entry System.** Initially, one fully-registered bond for each maturity, in the aggregate amount of such maturity, shall be issued in the name of Cede & Co., as nominee of The Depository Trust Company ("DTC") for the benefit of other parties (the "Participants") in the book-entry-only transfer system of DTC. In the event the City determines that it is in the best interest of the City not to continue the book-entry system of transfer or that the interests of the holders of the Refunding Bonds might be adversely affected if the book-entry system of transfer is continued, the City may notify DTC and the bond registrar and paying agent, whereupon DTC will notify the Participants of the availability through DTC of bond certificates. In such event, the bond registrar and paying agent shall deliver, transfer and exchange bond certificates as requested by DTC and any Participant or "beneficial owner" in appropriate amounts in accordance with this Resolution. DTC may determine to discontinue providing its services with respect to the Refunding Bonds at any time by giving notice to the City and the bond registrar and paying agent and discharging its responsibilities with respect thereto under

applicable law or the City may determine that DTC is incapable of discharging its duties and may so advise DTC. In either such event, the City shall use reasonable efforts to locate another securities depository. Under such circumstances (if there is no successor securities depository), the City and the bond registrar and paying agent shall be obligated to deliver bond certificates in accordance with the procedures established by this Resolution. In the event bond certificates are issued, the provisions of this Resolution shall apply to, among other things, the transfer and exchange of such certificates and the method of payment of principal of and interest on such certificates. Whenever DTC requests the City and the bond registrar and paying agent to do so, the City and the bond registrar and paying agent shall cooperate with DTC in taking appropriate action after reasonable notice to make available one or more separate certificates evidencing the Refunding Bonds to any Participant having Refunding Bonds certified to its DTC account or to arrange for another securities depository to maintain custody of certificates evidencing the Refunding Bonds.

Notwithstanding any other provision of this Resolution to the contrary, so long as any Refunding Bond is registered in the name of Cede & Co., as nominee of DTC, all payments with respect to the principal of, interest on and redemption premium, if any, on such Refunding Bonds and all notices with respect to the Refunding Bonds shall be made and given, respectively, to DTC as provided in the Blanket Issuer Letter of Representations between the City and DTC. The City Finance Director is authorized to sign the Blanket Issuer Letter of Representations on behalf of the City, in such form as the City Finance Director deems necessary or appropriate, in order to accomplish the issuance of the Refunding Bonds in accordance with law and this Resolution.

Notwithstanding any provision of this section to the contrary, if the City Finance Director deems it to be in the best interest of the City, the Refunding Bonds shall not initially be issued through the book-entry-only transfer system of DTC.

26. **Prior Redemption.** The Refunding Bonds may be subject to optional and/or mandatory redemption prior to maturity upon such terms and conditions as shall be determined by the City Finance Director.

27. **Bond Registrar and Paying Agent.** The City Finance Director shall designate, and may enter into an agreement with, a bond registrar and paying agent for the Refunding Bonds which shall be a bank or trust company located in the State of Michigan which is qualified to act in such capacity under the laws of the United States of America or the State of Michigan. The City Finance Director from time to time as required may designate a similarly qualified successor bond registrar and paying agent. Notwithstanding any provision of this section to the contrary, if the City Finance Director deems it to be in the best interest of the City, the City Finance Director shall serve as bond registrar and paying agent for the Refunding Bonds.

28. **Execution, Authentication and Delivery of Refunding Bonds.** The Refunding Bonds shall be executed in the name of the City by the facsimile signatures of the Mayor and the City Clerk and authenticated by the manual or facsimile signature of an authorized representative of the bond registrar and paying agent, and the seal of the City (or a facsimile thereof) shall be impressed or imprinted on the Refunding Bonds. After the Refunding Bonds have been executed and authenticated, they shall be delivered by the City Finance Director to the purchaser upon receipt of the purchase price. Additional Refunding Bonds bearing the facsimile signatures of the Mayor and the City Clerk and upon which the seal of the City (or a facsimile thereof) is impressed or imprinted may be delivered to the bond registrar and paying agent for authentication and delivery in connection with the exchange or transfer of the Refunding Bonds. The bond registrar and paying agent shall indicate on each Refunding Bond the date of its authentication.

29. **Exchange and Transfer of Refunding Bonds.** Any Refunding Bond, upon surrender thereof to the bond registrar and paying agent with a written instrument of transfer satisfactory to the bond

registrar and paying agent duly executed by the registered owner or his duly authorized attorney, at the option of the registered owner thereof, may be exchanged for Refunding Bonds of any other authorized denominations of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond.

Each Refunding Bond shall be transferable only upon the books of the City, which shall be kept for that purpose by the bond registrar and paying agent, upon surrender of such Refunding Bond together with a written instrument of transfer satisfactory to the bond registrar and paying agent duly executed by the registered owner or his duly authorized attorney.

Upon the exchange or transfer of any Refunding Bond, the bond registrar and paying agent on behalf of the City shall cancel the surrendered Refunding Bond and shall authenticate and deliver to the transferee a new Refunding Bond or Bonds of any authorized denomination of the same aggregate principal amount and maturity date and bearing the same rate of interest as the surrendered Refunding Bond. If, at the time the bond registrar and paying agent authenticates and delivers a new Refunding Bond pursuant to this section, payment of interest on the Refunding Bonds is in default, the bond registrar and paying agent shall endorse upon the new Refunding Bond the following: "Payment of interest on this bond is in default. The last date to which interest has been paid is [appropriate date to be inserted]."

The City and the bond registrar and paying agent may deem and treat the person in whose name any Refunding Bond shall be registered upon the books of the City as the absolute owner of such Refunding Bond, whether such Refunding Bond shall be overdue or not, for the purpose of receiving payment of the principal of and interest on such Refunding Bond and for all other purposes, and all payments made to any such registered owner, or upon his order, in accordance with the provisions of Section 2 of this Resolution shall be valid and effectual to satisfy and discharge the liability upon such Refunding Bond to the extent of the sum or sums so paid, and neither the City nor the bond registrar and paying agent shall be affected by any notice to the contrary. The City agrees to indemnify and save the bond registrar and paying agent harmless from and against any and all loss, cost, charge, expense, judgment or liability incurred by it, acting in good faith and without negligence hereunder, in so treating such registered owner.

For every exchange or transfer of Refunding Bonds, the City or the bond registrar and paying agent may make a charge sufficient to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer, which sum or sums shall be paid by the person requesting such exchange or transfer as a condition precedent to the exercise of the privilege of making such exchange or transfer.

The bond registrar and paying agent shall not be required to transfer or exchange Refunding Bonds or portions of Refunding Bonds that have been selected for redemption.

30. **Form of Refunding Bonds.** The Refunding Bonds shall be in substantially the form, set forth on Exhibit C attached hereto, with such additions, deletions and modifications as are approved by the City Finance Director and consistent with the terms of this Resolution:

31. **Amounts Pledged for Repayment - Limited Tax Full Faith and Credit.** The City agrees to pay the principal of and premium, if any, and interest on the Refunding Bonds (and on any additional bonds of equal standing which may be issued by the City) from its general fund. The City hereby pledges its full faith and credit for the payment of the Bonds when due and agrees that it will levy each year such ad valorem taxes as shall be necessary for the payment of such Bonds, which taxes, however, will be subject to applicable constitutional and statutory limitations on the taxing power of the City, and which shall not be in an amount or at a rate exceeding that necessary to pay its contractual obligation pursuant to this Bond Resolution. If the City, at the time prescribed by law for the making of its annual tax levy, shall have other funds on hand which have been set aside and earmarked for payment of its obligations under this Bond Resolution for which a tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of such other funds. Such other funds may be raised from any lawful source.

32. **Bond Payment Fund.** The City shall establish and maintain a bond payment fund (the "Bond Payment Fund") to be used solely for the purpose of (i) paying principal of, premium, if any, and interest on the Refunding Bonds as well as costs, including the fees and expenses of the Bond Registrar, incidental to the Refunding Bonds; (ii) the annual fees and expenses of the escrow agent under an escrow agreement; and (iii) the fees and expenses of the paying agent or paying agents for the Refunding Bonds.

33. **Use of Proceeds.** The proceeds of the sale of the Refunding Bonds shall be used as follows:

- a. Accrued interest shall be transferred to the Bond Fund created pursuant to Section 13 above;
- b. There shall next be transferred to an escrow fund (the "Escrow Fund") an amount which will be sufficient to pay when due the principal of, premium, if any, and interest on the Refunded Bonds when due upon redemption; and
- c. The balance of the proceeds shall be used to pay some or all of the costs of financing including, but not limited to, publication costs, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing.

34. **Escrow Agreement; Redemption of Refunded Bonds.** In order that the Refunded Bonds may be properly defeased in accordance with Act 34, the City shall enter into an escrow agreement as may be determined by the City Finance Director (the "Escrow Agreement"), with a bank or trust company designated by the City Finance Director. The Escrow Agreement shall be in substantially the form attached as *EXHIBIT D* to this Resolution (with such changes, modifications and additions as may be approved by the City Finance Director). The Escrow Agreement shall be completed by the City Finance Director with appropriate figures prior to execution on behalf of the City by the City Finance Director.

Upon execution of the Escrow Agreement and delivery of the Refunding Bonds, the City and/or the escrow agent shall take all necessary steps to cause the Refunded Bonds to be redeemed at the earliest possible redemption date or dates.

35. **Investments.** Moneys in the Bond Payment Fund may be continuously invested and reinvested in United States government obligations, obligations the principal and interest on which are unconditionally guaranteed by the United States government, or in interest-bearing time deposits selected by the City Finance Director which are permissible investments for surplus funds under Act No. 20, Public Acts of Michigan, 1943, as amended. Such investments shall mature, or be subject to redemption at the option of the holder, not later than the dates moneys in such fund will be required to pay the principal of, premium, if any, and interest on the Refunding Bonds. Obligations purchased as an investment of moneys in the Bond Payment Fund shall be deemed at all times to be a part of such fund, and the interest accruing thereon and any profit realized from such investment shall be credited to such fund.

36. **Depositories.** All of the banks located in the State of Michigan are hereby designated as permissible depositories of the moneys in the funds established by this Resolution, except that the moneys in the Bond Payment Fund shall only be deposited in such banks where the principal of, premium, if any, and interest on the Refunding Bonds are payable. The City Administrator shall select the depository or depositories to be used from those banks authorized in this Section.

37. **Arbitrage and Tax Covenants.** Notwithstanding any other provision of this Resolution, the City covenants that it will not at any time or times:

(a) Permit any proceeds of the Refunding Bonds or any other funds of the City or under its control to be used directly or indirectly (i) to acquire any securities or obligations, the acquisition of which would cause any Refunding Bond to be an "arbitrage bond" as defined in Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"), or (ii) in a manner which would result in the exclusion of any Refunding Bond from the treatment afforded by Section 103(a) of the Code by reason of the classification of any Refunding Bond as a "private activity bond" within the meaning of Section 141(a) of the Code, as a "private loan bond" within the meaning of Section 141(a) of the Code or as an obligation guaranteed by the United States of America within the meaning of Section 149(b) of the Code; or

(b) Take any action, or fail to take any action (including failure to file any required information or other returns with the United States Internal Revenue Service or to rebate amounts to the United States, if required, at or before the time or times required), within its control which action or failure to act would (i) cause the interest on the Refunding Bonds to be includible in gross income for federal income tax purposes, cause the interest on the Refunding Bonds to be includible in computing any alternative minimum tax (other than the alternative minimum tax applicable to interest on all tax-exempt obligations generally) or cause the proceeds of the Refunding Bonds to be used directly or indirectly by an organization described in Section 501(c)(3) of the Code, or (ii) adversely affect the exemption of the Refunding Bonds and the interest thereon from the State of Michigan income taxation.

38. **Defeasance or Redemption of Refunding Bonds.** If at any time,

- (a) the whole amount of the principal of, premium, if any, and interest on all outstanding Refunding Bonds shall be paid, or
- (b) (i) sufficient moneys, or Government Obligations (as defined in this Section) not callable prior to maturity, the principal of, premium, if any, and interest on which when due and payable will provide sufficient moneys, to pay the whole amount of the principal of, premium, if any, and interest on all outstanding Refunding Bonds as and when due at maturity or upon redemption prior to maturity shall be deposited with and held by a trustee or an escrow agent for the purpose of paying the principal of, premium, if any, and interest on such Refunding Bonds as and when due, and (ii) in the case of redemption prior to maturity, all outstanding Refunding Bonds shall have been duly called for redemption (or irrevocable instructions to call such Refunding Bonds for redemption shall have been given)

then, at the time of the payment referred to in clause (a) of this Section or of the deposit referred to in clause (b) of this Section, the City shall be released from all further obligations under this Resolution, and any moneys or other assets then held or pledged pursuant to this Resolution for the purpose of paying the principal of, premium, if any, and interest on the Refunding Bonds (other than the moneys deposited with and held by a trustee or an escrow agent as provided in clause (b) of this Section) shall be released from the conditions of this Resolution, paid over to the City and considered excess proceeds of the Refunding Bonds. In the event moneys or Government Obligations shall be so deposited and held, the trustee or escrow agent holding such moneys or Government Obligations shall, within 30 days after such moneys or Government Obligations shall have been so deposited, cause a notice signed by it to be given to the registered holders hereof not more than sixty (60) days nor less than forty-five (45) days prior to the redemption setting forth the date or dates, if any, designated for the redemption of the Refunding Bonds, a description of the moneys or Government Obligations so held by it and that the City has been released from its obligations under this Resolution. All moneys and Government Obligations so deposited and held shall be held in trust and applied only to the payment of the principal of, premium, if any, and interest on the Refunding Bonds at maturity or upon redemption prior to maturity, as the case may be, as provided in this Section.

The trustee or escrow agent referred to in this Section shall (a) be a bank or trust company permitted by law to offer and offering the required services, (b) be appointed by resolution of the City, and (c) at the time of its appointment and so long as it is serving as such, have at least \$25,000,000 of capital and unimpaired surplus. The same bank or trust company may serve as trustee or escrow agent under this Section and as Bond Registrar so long as it is otherwise eligible to serve in each such capacity.

39. **Filing with Municipal Finance Division:** If necessary the City Finance Director, or if there is no City Finance Director, the Mayor is authorized and directed to:

- (a) apply to the Municipal Finance Division of the Michigan Department of Treasury for approval of the sale of the Bonds;
- (b) file with such application all required supporting material; and
- (c) pay all fees required in connection therewith.

40. a. **Public Sale – Official Notice of Sale:** The City hereby authorizes its City Finance Director to instruct Bond Counsel to publish a Notice of Sale at least seven days prior to the date fixed for receipt of bids for the purchase of the Bonds and the Refunding Bonds at a Joint Bond Sale. The Notice of sale shall be in substantially the form set forth in an Order signed by the City Finance Director. The Financial Consultant and Bond counsel are hereby designated to act for and on behalf of the City to receive bids for the purchase of the Bonds and the Refunding Bonds at a Joint Bond Sale recommend the low bid and to take all other steps necessary in connection with the sale and delivery thereof.

The City Finance Director shall sign an award order awarding the Bonds and the Refunding Bonds to the lowest bidder after advice from the Financial Consultant.

b. **Alternate Method of Sale:** Depending on the circumstances the City also desires the flexibility to sell the Refunding Bonds at either a Competitive sale or a Negotiated Direct Placement sale as shall be determined by the City's Finance Director.

If A Negotiated Direct Placement is chosen the by the City's Finance Director, Refunding Bonds may be sold directly to a Purchaser as hereinafter provided if it is determined that such sale is in the best interests of the City and is calculated to provide the maximum flexibility and cost savings in pricing the Refunding Bonds. The City Finance Director is hereby authorized to negotiate and enter into an agreement with a Purchaser to be selected by the City Finance Director at the time of the sale of the Refunding Bonds (together, the "Purchaser"), which bond purchase agreement shall set forth the principal amount, principal maturities and dates, interest rates and interest payment dates, redemption provisions, if any, purchase price to be paid by the Purchaser and compensation to be paid to the Purchaser, as well as such other terms and provisions as the City Finance Director determines to be necessary or appropriate in connection with the sale of the Refunding Bonds. The City Finance Director is authorized to do all things necessary to effectuate the sale, issuance, delivery, transfer, and exchange of the Refunding Bonds in accordance with the provisions of this resolution. To save time and cost the City may apply for a municipal bond rating exemption waiver from the Michigan Department of Treasury. In making the determinations in the bond purchase agreement with respect to principal maturities and dates, interest rates, purchase price of the Refunding Bonds and compensation to be paid to the Purchaser, the City Finance Director shall be limited as follows:

- (i) The interest rate on any bond shall not exceed 5.00% per annum.
- (ii) The Purchaser's discount with respect to the Bonds or the compensation to be paid to the Purchaser shall not exceed 1.00% of the principal amount of the Bonds.

41. **Compliance with SEC Requirements.** If required, this Council, for and on behalf of the

City of Portage, hereby covenants and agrees, for the benefit of the beneficial owners of the Bonds and the Refunding Bonds to be issued by the City of Portage, to enter into a written undertaking (the "Undertaking") required by Rule 15c2-12 promulgated by the Securities and Exchange Commission pursuant to the Securities and Exchange Act of 1934 (the "Rule") to provide continuing disclosure of certain financial information and operating data and timely notices of the occurrence of certain events in accordance with the Rule. The Undertaking shall be substantially in the form to be attached to the official statement. The Undertaking shall be enforceable by the beneficial owners of the Bonds or the Refunded Bonds or by the Underwriter on behalf of such beneficial owners (provided that the Underwriter's right to enforce the provisions of the Undertaking shall be limited to a right to obtain specific enforcement of the City's obligations hereunder and under the Undertaking), and any failure by the City to comply with the provisions of the Undertaking shall not be deemed a default with respect to the Bonds.

The Mayor, the City Finance Director, City Clerk and/or other officer of the City charged with the responsibility for issuing the Bonds or the Refunding Bonds shall provide a Continuing Disclosure Certificate for inclusion in the transcript of proceedings, setting forth the terms of the City's Undertaking.

If necessary the City shall cause the preparation of an official statement for the Bonds and the Refunding Bonds for the purpose of enabling compliance with the Rule and shall do all other things necessary to enable compliance with the Rule. After the award of the such bonds, the City will provide copies of a "final official statement" (as defined in paragraph (f)(3) of the Rule) on a timely basis and in reasonable quantity as requested by the successful bidder or bidders to enable such bidder or bidders to comply with paragraph (b)(4) of the Rule and the rules of the Municipal Securities Rulemaking Board.

42. **Conflicting Resolutions.** All resolutions and parts of resolutions in conflict with the foregoing are hereby rescinded.

43. **Effective Date.** This Resolution shall become effective immediately upon its adoption and shall be recorded in the minutes of the City as soon as practicable after adoption.

A roll call vote on the foregoing resolution was then taken, and was as follows:

YES:

NO:

ABSTAIN:

The resolution was declared adopted.

STATE OF MICHIGAN)
)ss.
CITY OF PORTAGE)

The undersigned, being the duly qualified and acting Clerk of the City of Portage, hereby certifies that the foregoing is a true and complete copy of a resolution duly adopted by the City of Portage City Council at its _____ meeting held on the _____ day of _____, 2022, at which meeting a quorum was present and remained throughout and that an original thereof is on file in the records of the City. I further certify that the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, as amended, and that minutes of such meeting were kept and will be or have been made available as required thereby.

Clerk, City of Portage

DATED: _____, 2022

Approved as to Form

By: 
John R. Axe

EXHIBIT A

Capital Improvement Bonds, Series 2022

Project Descriptions

Park Improvements and Development – Construction of pavilion with a restroom, parking lot, lighting, landscaping and repaving of a walking trail at Lexington Green Park, located at 4750 Pittsford Avenue. Construction of Martin Luther King, Jr. Park located at the northeast corner of Constitution Boulevard and Mall Drive, including a memorial and a parking lot. Engineering design for removal and remediation of the Elijah Root Mill Dam located on Portage Creek, north of Milham Avenue between Lovers Lane and the Portage Creek Bicentennial Park Trail.

Streets and Sidewalks - Reconstruction and improvements to city streets to improve surfaces on Lovers Lane from East Milham Avenue to East Kilgore Road and South Westnedge Avenue from Mall Drive to Trade Centre Way. Design engineering for reconstruction of Portage Road, East Centre Avenue to Romence Road Parkway, Shaver Road, South City Limits to Vanderbilt Avenue, and South Westnedge Avenue, Melody Avenue to Centre Avenue. Traffic signal and roadway improvements at Portage Road and Forest Drive intersection.

TOTAL COST ESTIMATES

Construction Costs, Acquisition Costs,	
Architects, Engineering Costs	
Furnishing and Equipment Costs,	
Financing Costs, & Contingency	\$4,000,000

Total For Project:	\$4,000,000
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EXHIBIT B

[FORM OF REFUNDING BOND]

UNITED STATES OF AMERICA-STATE OF MICHIGAN

CITY OF PORTAGE

CAPITAL IMPROVEMENT REFUNDING BOND, SERIES 2022

RATE MATURITY DATE DATE OF ISSUANCE CUSIP

_____, 1, _____

REGISTERED OWNER:

PRINCIPAL AMOUNT:

FOR VALUE RECEIVED, the City of Portage (the "City"), State of Michigan, hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above to the Registered Owner specified above or its registered assigns, the Principal Amount specified above upon presentation and surrender of this bond (this "Refunding Bond") at the designated office of _____, _____, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with the interest thereon to the Registered Owner of this Refunding Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing on _____, _____, and semi-annually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Refunding Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$_____), issued by the City, pursuant to and in full conformity with the Constitution and statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan, 2001, as amended ("Act 34") to provide funds to be deposited with _____, _____, Michigan, as escrow agent (the "Escrow Agent"), under an escrow agreement dated as of _____, _____. The Escrow Agent will use such proceeds to acquire non-callable direct obligations of the United States which, when paid in accordance with their terms, will provide sufficient funds (i) to pay when due, to and including _____, _____, the interest on the City's outstanding _____, _____, dated _____, maturing in the years _____ through _____ (the "Refunded Bonds") and (ii) on _____, to redeem the Refunded Bonds maturing in the years _____ through _____, at a redemption price of _____% of the principal amount thereof.

This Refunding Bond and the series of which this is one are payable from the City's general fund. The City hereby pledges its full faith and credit for the payment of the Bonds when due and agrees that it will levy each year such ad valorem taxes as shall be necessary for the payment of such Bonds, which taxes, however, will be subject to applicable constitutional and statutory limitations on the taxing power of the City, and which shall not be in an amount or at a rate exceeding that necessary to pay its contractual obligation pursuant to this Bond Resolution. If the City, at the time prescribed by law for the making of its

annual tax levy, shall have other funds on hand which have been set aside and earmarked for payment of its obligations under this Bond Resolution for which a tax levy would otherwise have to be made, then the tax levy shall be reduced by the amount of such other funds. Such other funds may be raised from any lawful source.

Refunding bonds maturing prior to _____, _____, shall not be subject to redemption prior to maturity. Refunding bonds maturing on and after _____, _____ shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part on any interest payment date on and after _____, _____. Refunding Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a refunding bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitute an authorized denomination. In the event that less than the entire principal amount of a refunding bond is called for redemption, upon surrender of this Refunding Bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the registered owner of this Refunding Bond a new refunding bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each refunding bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different that otherwise provided in the Resolutions authorizing the issuance of the refunding bonds of this series. Any defect in such notice shall not affect the validity of the redemption proceedings. Refunding bonds so called for redemption shall not bear interest after the redemption date, provided funds are on hand with the bond registrar to redeem the same.

This Refunding Bond shall be transferable on the books of the City maintained by the Bond Registrar with respect to the refunding bonds upon the surrender of this Refunding Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Refunding Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of refunding bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City, unless otherwise agreed by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Refunding Bond and the other bonds of this series have not been designated as "qualified tax-exempt obligations" for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Refunding Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Refunding Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and statutes of the State of Michigan, and that the total indebtedness of the City, including the series of refunding bonds of which this is one, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, State of Michigan, by its City Council has caused this Refunding Bond to be executed in its name with the facsimile signatures of its Mayor and the City Clerk, has caused a facsimile of its seal to be affixed hereto, and has caused this Refunding Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
City Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This is Refunding Bond is one of a series of bonds designated "City of Portage Capital Improvement Refunding Bonds, Series 2022".

By: _____, Michigan
as Bond Registrar and Authenticating Agent
Authorized Representative

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Refunding Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Refunding Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Refunding Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not effect transfer of this Refunding Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

EXHIBIT C

[FORM OF BOND]

UNITED STATES OF AMERICA - STATE OF MICHIGAN -

CITY OF PORTAGE
CAPITAL IMPROVEMENT BOND, SERIES 2022

RATE MATURITY DATE DATE OF ISSUANCE CUSIP

_____ 1, _____

=====

REGISTERED OWNER:

PRINCIPAL AMOUNT:

=====

FOR VALUE RECEIVED, the City of Portage, County of Kalamazoo (the "City"), State of Michigan, hereby acknowledges itself indebted and promises to pay (but only from the sources referred to herein) on the Maturity Date specified above, unless paid prior thereto as hereinafter provided, to the Registered Owner specified above, or its registered assigns, the Principal Amount specified above upon presentation and surrender of this Bond at the principal corporate trust office of _____, _____, Michigan, as paying agent and bond registrar (the "Bond Registrar"), together with interest thereon to the Registered Owner of this Bond, as shown on the books of the City maintained by the Bond Registrar, on the applicable date of record from the Date of Issuance specified above, or such later date through which interest has been paid, at the Rate per annum specified above, commencing _____ 1, _____, and semiannually thereafter on the first day of _____ and _____ in each year to and including the Maturity Date or earlier redemption of this Bond. The date of record for each payment of interest shall be the 15th day of the month preceding the date such payment is due. Interest is payable by check or draft mailed by the Bond Registrar to the Registered Owner at the address shown on the books of the City maintained by the Bond Registrar on the applicable date of record and shall be calculated on the basis of a 360-day year consisting of twelve (12) thirty (30) day months.

This Bond is one of a series of bonds of like date and tenor except as to denomination, date of maturity and interest rate, numbered from 1 upwards, aggregating the principal sum of _____ Dollars (\$ _____), issued by the City, pursuant to and in full conformity with the Constitution and Statutes of the State of Michigan and especially Act No. 34, Public Acts of Michigan, 2001, as amended (the "Act"), for the purpose of _____ which is located in _____, Michigan (the "Capital Improvement Project").

This Bond and the series of which this is one are payable as follows: _____ which are hereby irrevocably pledged for the payment of the principal of, premium, if any, and interest on the bonds. To secure payment of the principal of, premium, if any, and interest on the bonds. The _____ pledged to the payment of the principal of, premium, if any, and interest on the bonds shall be and remain subject to the statutory lien until the principal of, premium, if any, and interest on the bonds have been paid in full. The limited tax full faith and credit of the City has been pledged for the making of such payments, and the City is obligated to levy ad valorem taxes in such amounts as shall

be necessary for the making of such Bond payments. HOWEVER, NO TAXES MAY BE LEVIED IN EXCESS OF CONSTITUTIONAL AND STATUTORY LIMITS.

Bonds maturing prior to ____ 1, ____ shall not be subject to redemption prior to maturity. Bonds maturing on or after ____ 1, ____ shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part, on any interest payment date on or after ____ 1, _____. Bonds so called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion as well as the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the bond to the Bond Registrar, the Bond Registrar shall authenticate and deliver to the Registered Owner of the bond a new bond in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption, if different than otherwise provided in the resolution authorizing the issuance of the bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption, provided funds are on hand with the Bond Registrar to redeem the same.

This Bond shall be transferable on the books of the City maintained by the Bond Registrar upon surrender of this Bond to the Bond Registrar together with an assignment executed by the Registered Owner or his or her duly authorized attorney in form satisfactory to the Bond Registrar. Upon receipt of a properly assigned bond, the Bond Registrar shall authenticate and deliver a new bond or bonds in authorized denominations in equal aggregate principal amount and like interest rate and maturity to the designated transferee or transferees.

This Bond may likewise be exchanged for one or more other bonds with the same interest rate and maturity in authorized denominations aggregating the same principal amount as the bond or bonds being exchanged. Such exchange shall be effected by surrender of the bond to be exchanged to the Bond Registrar with written instructions signed by the Registered Owner of the bond or his or her attorney in form satisfactory to the Bond Registrar. Upon receipt of a bond with proper written instructions the Bond Registrar shall authenticate and deliver a new bond or bonds to the Registered Owner of the bond or his or her properly designated transferee or transferees or attorney.

The Bond Registrar is not required to honor any transfer or exchange of bonds during the fifteen (15) days preceding an interest payment date. Any service charge made by the Bond Registrar for any such registration, transfer or exchange shall be paid for by the City (subject, however, to reimbursement by the City pursuant to the Lease), unless otherwise agreed upon by the City and the Bond Registrar. The Bond Registrar may, however, require payment by a bondholder of a sum sufficient to cover any tax or other governmental charge payable in connection with any such registration, transfer or exchange.

This Bond and the bonds of this series have ____ been designated as “qualified tax-exempt obligations” for purposes of Paragraph 265(b)(3) of the Internal Revenue Code of 1986, as amended.

This Bond shall not be valid or become obligatory for any purpose or be entitled to any security or benefit until the certificate of authentication hereon has been duly executed by the Bond Registrar, as authenticating agent.

It is hereby certified, recited and declared that all things, conditions and acts required to exist, happen and be performed precedent to and in connection with the issuance of this Bond and the other bonds of this series, existed, have happened and have been performed in due time, form and manner as required by the Constitution and Statutes of the State of Michigan, and that the total indebtedness of the City, including this series of bonds, does not exceed any constitutional or statutory limitation.

IN WITNESS WHEREOF, the City of Portage, State of Michigan by its City Council has caused this Bond to be executed in its name with the facsimile signatures of its Mayor and its Clerk and has caused a facsimile of its seal to be affixed hereto, and has caused this Bond to be authenticated by the Bond Registrar, as the City's authenticating agent, all as of the Date of Issuance set forth above.

CITY OF PORTAGE

By:
Mayor

[SEAL]

By:
Clerk

DATE OF AUTHENTICATION:

BOND REGISTRAR'S CERTIFICATE OF AUTHENTICATION

This Bond is one of the series of bonds designated "City of Portage Capital Improvement Bonds, Series 2022."

_____, Michigan
as Bond Registrar and Authenticating Agent
By:
Authorized Representative

CERTIFICATE

The above is a true copy of the legal opinion of Clark Hill PLC, a true copy of which was delivered on the date of delivery of the Bonds to which it relates.

BY:

Clerk

ASSIGNMENT

FOR VALUE RECEIVED, the undersigned hereby sells, assigns and transfers unto _____ this Bond and all rights hereunder and hereby irrevocably constitutes and appoints _____ attorney to transfer this Bond on the books kept for registration thereof with full power of substitution in the premises.

Dated: _____

Signature:

Notice: The signature(s) to this assignment must correspond with the name as it appears upon the face of this Bond in every particular, without alteration or enlargement or any change whatsoever.

Signature Guaranteed:

Signature(s) must be guaranteed by an eligible guarantor institution participating in a Securities Transfer Association recognized signature guarantee program.

The transfer agent will not affect transfer of this Bond unless the information concerning the transferee requested below is provided:

Name and Address: _____

(Include information for all joint owners if bond is held by joint account)

PLEASE INSERT SOCIAL SECURITY NUMBER OR OTHER IDENTIFYING NUMBER OF TRANSFEREE

(Insert number for first named transferee if held by joint account)

EXHIBIT D

ESCROW AGREEMENT

**CITY OF PORTAGE
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2022**

This escrow agreement (the "Agreement"), dated as of _____ 1, _____, is between the City of Portage (the "City"), County of Kalamazoo, Michigan, (the "City" or "Issuer") and The HUNTINGTON NATIONAL BANK, Grand Rapids, Michigan, as escrow agent (the "Escrow Agent").

WHEREAS, the City has previously issued the following bonds of which the principal amount listed below remains outstanding (all of such outstanding bonds being referred to as the "Prior Bonds", and the Prior Bonds to be refunded referred to as the "Refunded Bonds"):

<u>Prior Bonds</u>	<u>Outstanding Principal</u>	<u>Principal to be Refunded</u>
--------------------	----------------------------------	-------------------------------------

(all of such outstanding bonds hereinafter referred to as the "Prior Bonds") all bearing interest, due as to principal and subject to redemption as more fully described in *APPENDIX I* to this Agreement.

WHEREAS, for the purpose of paying the principal and interest on the Prior Bonds when due on _____ 1, _____ and on that date of redeeming the Prior Bonds maturing in the years _____ through _____ in the total aggregate principal amount of \$ _____ (the "Refunded Bonds"), the Issuer has, pursuant to a bond resolution adopted on _____ (the "Resolution") authorized the issuance of a series of refunding bonds dated _____ 1, _____, as designated and described in the Resolution and hereafter (the "Refunding Bonds"); and

WHEREAS, pursuant to the Resolution, the Escrow Agent has been appointed by the Issuer for the purpose of assuring the payment of the principal of, premium (if any) and interest on the Refunded Bonds and the Issuer has been authorized and directed to execute this Agreement.

NOW, THEREFORE, in consideration of the premises and the mutual covenants and agreements set forth below, the Issuer and the Escrow Agent agree as follows for the respective equal and proportionate benefit and security of the holders of the Refunded Bonds;

Section 1. Appointment of Escrow Agent. The Escrow Agent is hereby appointed and agrees to act in such capacity to comply with all requirements of this Agreement, and to be custodian of the escrow fund (the "Escrow Fund"), to perform its duties as custodian of the Escrow Fund created under this Agreement, but only upon and subject to the following express terms and conditions:

(a) The Escrow Agent may perform any of its duties by or through attorneys, agents, receivers or employees but shall be answerable for the conduct of the same in accordance with the Standards specified in this Agreement and shall be entitled to advice of counsel concerning all matters of and the duties under this Agreement, and may in all cases pay such reasonable compensation to such counsel and in addition to all such attorneys, agents, receivers and employees as may reasonably be employed in connection with the same. The Escrow Agent may act upon the opinion or advice of any counsel. The Escrow Agent shall not be responsible for any loss or damage

resulting from any action or non-action taken in good faith in reliance upon such opinion or advice.

(b) The Escrow Agent shall not be responsible for any recital in this Agreement, or in the Refunding Bonds or for the validity of the execution by the Issuer of this Agreement or of any supplements to it or instruments of further assurance. The Escrow Agent shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the Issuer, except as set forth in this Agreement. The Escrow Agent shall be only obligated to perform such duties and only such duties as are specifically set forth in this Agreement and no implied covenants or obligations shall be read into this Agreement against the Escrow Agent.

(c) The Escrow Agent may become the owner of the Refunding Bonds or the Refunded Bonds with the same rights which it would have if not Escrow Agent.

(d) The Escrow Agent shall be protected in acting upon any notice, request, consent, certificate, order, affidavit, letter, telex, telegram or other paper or document believed to be genuine and correct and to have been signed or sent by the proper person or persons. Any action taken by the Escrow Agent pursuant to this Agreement upon the request or consent of any person who at the time of making such request or consent is the owner of any prior bond, shall be conclusive and binding upon all future owners of the same prior bond.

(e) As to the existence or non-existence of any fact or as to the sufficiency or validity of any instrument, paper or proceeding, the Escrow Agent shall be entitled to rely upon a certificate of the Issuer signed by (i) the _____, _____, or _____ or (ii) any other duly authorized person as sufficient evidence of the facts contained in it, but may secure such further evidence deemed necessary or advisable, but shall in no case be bound to secure the same. The Escrow Agent may accept a certificate of the _____, _____, or _____ to the effect that a resolution in the form attached to such certificate has been adopted by the Issuer as conclusive evidence that such resolution has been duly adopted, and is in full force and effect.

(f) The permissive right of the Escrow Agent to do things enumerated in this Agreement shall never be construed as a duty. The Escrow Agent shall only be responsible for the performance of the express duties outlined in this Agreement and it shall not be answerable for other than its gross negligence or willful default in the performance of those express duties.

(g) At any and all reasonable times the Escrow Agent and its duly authorized agents, attorneys, experts, accountants and representatives, shall have the right fully to inspect any and all of the books, papers and records of the Issuer pertaining to the Refunded Bonds, and to take such memoranda from and in regard to the same as may be desired.

(h) The Escrow Agent shall not be required to give any bond or surety in respect of the execution of the powers contained in or otherwise in respect to this Agreement.

(i) Before taking any action under this Agreement (except making investments, collecting investments and making payments to the paying agents with respect to the Refunded Bonds) the Escrow Agent may require that a satisfactory indemnity bond be furnished for the reimbursement of all expenses to which it may be put and to protect it against all liability except liability which is adjudicated to have resulted from gross negligence or willful default by reason of any action so taken.

(j) The Escrow Agent shall be, and hereby is indemnified and saved harmless by the Drainage District from all losses, liabilities, costs and expenses, including attorney fees and expenses, which may be incurred by it as a result of its acceptance of the Escrow Account or arising from the performance of its duties hereunder, unless such losses, liabilities, costs and expenses shall have been finally adjudicated to have resulted from the bad faith or gross negligence of the Escrow Agent, and such indemnification shall survive its resignation or removal, or the termination of this Agreement.

(k) The Escrow Agent shall, in the event that (i) any dispute shall arise between the parties with respect to the disposition or disbursement of any of the assets held hereunder or (ii) the Escrow Agent shall be uncertain as to how to proceed in a situation not explicitly addressed by the terms of this Agreement whether because of conflicting demands by the other parties hereto or otherwise, be permitted to interplead all of the assets held hereunder into a court of competent jurisdiction, and thereafter be fully relieved from any and all liability or obligation with respect to such interpleaded assets. The parties hereto other than the Escrow Agent further agree to pursue any redress or recourse in connection with such a dispute, without making the Escrow Agent a party to the same.

(l) The Escrow Agent shall have only those duties as are specifically provided herein, which shall be deemed purely ministerial in nature, and shall under no circumstance be deemed a fiduciary for any of the parties to this Agreement. The Escrow Agent shall neither be responsible for, nor chargeable with, knowledge of the terms and conditions of any other agreement, instrument or document between the other parties hereto, in connection herewith. This Agreement sets forth all matters pertinent to the escrow contemplated hereunder, and no additional obligations of the Escrow Agent shall be inferred from the terms of this Agreement or any other Agreement. IN NO EVENT SHALL THE ESCROW AGENT BE LIABLE, DIRECTLY OR INDIRECTLY, FOR ANY (i) DAMAGES OR EXPENSES ARISING OUT OF THE SERVICES PROVIDED HEREUNDER, OTHER THAN DAMAGES WHICH RESULT FROM THE ESCROW AGENT'S FAILURE TO ACT IN ACCORDANCE WITH THE STANDARDS SET FORTH IN THIS AGREEMENT, OR (ii) SPECIAL OR CONSEQUENTIAL DAMAGES, EVEN IF THE ESCROW AGENT HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

(m) Any banking association or corporation into which the Escrow Agent may be merged converted or with which the Escrow Agent may be consolidated or any corporation resulting from any merger, conversion or consolidation to which the Escrow Agent shall be a party, or any banking association or corporation to which all or substantially all of the corporate trust business of the Escrow Agent shall be transferred, shall succeed to all the Escrow Agent's rights, obligations and immunities hereunder without the execution or filing of any paper or any further act on the part of any of the parties hereto, anything herein to the contrary notwithstanding.

(n) In the event that any escrow property shall be attached, garnished or levied upon by any court order, or the delivery thereof shall be stayed or enjoined by an order of a court, or any order, judgment or decree shall be made or entered by any court order affecting property deposited under this Agreement, the Escrow Agent is hereby expressly authorized, at its sole discretion, to obey and comply with all writs, orders or decrees so entered or issued, which it is advised by legal counsel of its own choosing is binding upon it, whether with or without jurisdiction, and in the event that the Escrow Agent obeys or complies with any such writ, order or decree it shall not be liable to any of the parties hereto or to any other person, firm or corporation, by reason of such compliance notwithstanding such writ, order or decree be subsequently reversed, modified, annulled set aside or vacated.

Section 2. Escrow Fund. On _____, _____ the Issuer will irrevocably deposit moneys with the Escrow Agent for the account of the Issuer from the proceeds of the Refunding Bonds (\$ _____) to establish the Escrow Fund for the Refunded Bonds in an amount which together with the income from the escrow assets, shall be held in the Escrow Fund to be maintained by the Escrow Agent and used to pay (i) principal and the interest on the Refunded Bonds that become due on _____ 1, _____ and (ii) to redeem on said date all of the outstanding and callable Refunded Bonds prior to their scheduled maturity; and to pay the applicable call premiums on the Refunded Bonds in accordance with Section 3 hereof.

Section 3. Redemption of Refunded Bonds. The Issuer will redeem, prior to their scheduled maturity, Refunded Bonds as follows:

Prior Bonds

Principal to
be Refunded

The Issuer by execution of this Escrow Agreement, hereby authorizes the Escrow Agent to give the paying agent for the Refunded Bonds irrevocable instructions to call the Refunded Bonds and at the expense of the Issuer not more than forty-five (45) nor less than thirty (30) days before _____ 1, _____, their redemption date. The Escrow Agent shall give to the paying agent for the Refunded Bonds such notice, in substantially the form attached to this Agreement as *APPENDIX II*. The paying agent for the Refunded Bonds shall mail such notice on or before thirty (30) days prior to the redemption date, as set forth in *APPENDIX II*, to the registered owner or owners at the addresses listed on the registration books of the Issuer maintained by the paying agent for the Refunded Bonds.

Section 4. Investments. As directed by the Issuer, moneys deposited in the Escrow Fund shall be immediately invested in direct obligations of the United States of America and/or obligations the principal of, premium (if any) and interest on which are fully guaranteed by the United States of America described on *APPENDIX III* ("Investment Securities"), except for _____ (\$ _____) which will be held in the Escrow Fund as the beginning balance for the Refunded Bonds. The Escrow Agent agrees to cause to be purchased United States Government Obligations known as "SLGS" (State and Local Government Series) from the United States Department of Treasury on the date shown in *APPENDIX III*.

The investment income from the Investment Securities in the Escrow Fund shall be credited to the Escrow Fund and shall not be reinvested. The Escrow Agent shall not sell any Investment Securities. All moneys not invested as provided in this Agreement shall be held by the Escrow Agent as a trust deposit.

Section 5. Use of Moneys. Except as expressly provided in this Agreement, no paying agents' fees for the payment of principal of, premium (if any) or interest on the Refunding Bonds or the Refunded Bonds or other charges may be paid from the escrowed moneys or Investment Securities prior to retirement of all Refunded Bonds, and the Issuer agrees that it will pay all such fees from its other legally available funds as such payments become due prior to such retirement.

Section 6. Deficiency in Escrow Fund. At such time or times as there shall be insufficient funds on hand in the Escrow Fund for the payment of the principal of, premium (if any) and interest falling due on the Refunded Bonds, the Escrow Agent shall promptly notify the Drainage District of such deficiency, as provided for under Section 12 below.

Section 7. Reports to Issuer. The Escrow Agent shall deliver to the Issuer's City Finance

Director an annual statement reflecting each transaction relating to the Escrow Fund; and on or before the first day of _____ of each year and shall deliver to the Issuer a list of assets of the Escrow Fund as of _____ of said year ended and a transaction statement for the Escrow Fund for the year then ended.

Section 8. Fees of Escrow Agent. The Escrow Agent agrees with the Issuer that the charges, fees and expenses of the Escrow Agent throughout the term of this Agreement shall be the total sum of _____ Dollars (\$____) payable on the date of closing, which charges, fees and expenses shall be paid from moneys deposited with the Escrow Agent from bond proceeds.

Section 9. Payments from Escrow Fund. The Escrow Agent shall without further authorization or direction from the Issuer, collect the principal of and interest on the Investment Securities promptly as the same shall become due and, to the extent that Investment Securities and moneys are sufficient for such purpose, shall make timely payments out of the Escrow Fund to the proper paying agent or agents or their successors for the Refunded Bonds, of moneys sufficient for the payment of the principal of, premium (if any) and interest on such Refunded Bonds as the same shall become due and payable, all as set out in *APPENDIX IV and APPENDIX V*. The payments so forwarded or transferred shall be made in sufficient time to permit the payment of such principal of, premium (if any) and interest by such paying agent or agents without default. The Issuer represents and warrants that the Escrow Fund will be sufficient to make the foregoing and all other payments required under this Agreement. The paying agent for the Prior Bonds is shown in *APPENDIX I*.

When the aggregate total amount required for the payment of principal of, premium (if any) and interest on the Refunded Bonds have been paid to the paying agent as provided above, the Escrow Agent shall transfer any moneys or Investment Securities then held under this Agreement for the Refunded Bonds to the Issuer, and this Agreement shall cease.

Section 10. Interest of Bondholders Not Affected. The Escrow Agent and the Issuer recognize that the holders from time to time of the Refunded Bonds have a beneficial and vested interest in the Investment Securities and moneys to be held by the Escrow Agent as provided in this Agreement. It is therefore recited, understood and agreed that this Agreement shall not be subject to revocation or amendment and no moneys on deposit in an Escrow Fund for the Refunded Bonds can be used in any manner for another series.

Section 11. Escrow Agent Not Obligated. None of the provisions contained in this Agreement shall require the Escrow Agent to use or advance its own moneys or otherwise incur financial liability in the performance of any of its duties or the exercise of any of its rights or powers under this Agreement. The Escrow Agent shall be under no liability for interest on any funds or other property received by it under this Agreement, except as expressly provided.

Section 12. Payment of Other Amounts. The Issuer agrees that it will promptly and without delay remit to the Escrow Agent such additional sum or sums of money as may be necessary to assure the payment of any Refunded Bonds and to fully pay and discharge any obligation or obligations or charges, fees or expenses incurred by the Escrow Agent in carrying out any of the duties, terms or provisions of this Agreement that are in excess of the sums provided for under Sections 4 and 6 above.

Section 13. Segregation of Funds. The Escrow Agent shall hold the Investment Securities and all moneys received by it from the collection of, principal and interest on the Investment Securities, and all moneys received from the Issuer under this Agreement, in a separate escrow account.

Section 14. Resignation of Escrow Agent. The Escrow Agent may resign as such following

the giving of thirty (30) days prior written notice to the Issuer. Similarly, the Escrow Agent may be removed and replaced following the giving of thirty (30) days prior written notice to the Escrow Agent by the Issuer. In either event, the duties of the Escrow Agent shall terminate thirty (30) days after the date of such notice (or as of such earlier date as may be mutually agreeable); and the Escrow Agent shall then deliver the balance of the Escrow Fund then in its possession to a successor Escrow Agent as shall be appointed by the Issuer.

If the Issuer shall have failed to appoint a successor prior to the expiration of thirty (30) days following the date of the notice of resignation or removal, the then acting Escrow Agent may petition any court of competent jurisdiction for the appointment of a successor Escrow Agent or for other appropriate relief and any such resulting appointment shall be binding upon the Issuer.

Upon acknowledgment by any successor Escrow Agent of the receipt of the then remaining balance of the Escrow Fund, the then acting Escrow Agent shall be fully released and relieved of all duties, responsibilities, and obligations under this Agreement.

Section 15. Benefit. This Agreement shall be for the sole and exclusive benefit of the Issuer, the Escrow Agent and the holders of the Refunded Bonds. With the exception of rights expressly conferred in this Agreement, nothing expressed in or to be implied from this Agreement is intended or shall be construed to give to any person other than the parties set forth above, any legal or equitable right, remedy or claim under or in respect to this Agreement.

Section 16. Counterparts. This Escrow Agreement may be executed in counterparts, in which case it shall be deemed executed when each party has signed at least one counterpart and the counterpart(s) signed by each party together shall constitute one and the same document. The facsimile transmission by one party to the other of a counterpart signed by the transmitting party shall authorize the other party to rely upon the facsimile for all purposes.

Section 17. Severability. If any provision of this Agreement shall be held or deemed to be invalid or shall, in fact, be illegal, inoperative or unenforceable, the same shall not affect any other provision or provisions contained in this Agreement or render the same invalid, inoperative or unenforceable to any extent whatsoever.

Section 18. Notices. Any notice, request, communication or other paper shall be sufficiently given and shall be deemed given when delivered or mailed, by registered or certified mail, postage prepaid or sent by facsimile transmission, except reports as required in Section 7 which may be delivered by regular mail, as follows:

If to the Issuer:

The City of Portage
Lauren VanderVeen
City Finance Director
7900 S. Westnedge Ave.
Portage, MI 49002

If to the Escrow Agent:

The Huntington National Bank
Corporate Trust
Attention: Ellen Campbell
40 Pearl Street NW
Grand Rapids, MI 49503

The Issuer and the Escrow Agent may designate any further or different addresses to which subsequent notices, requests, communications or other papers shall be sent and shall be required to provide written notification of said address change.

Section 19. Costs of Issuance. Simultaneously with the transfer of bond proceeds from the Refunding Bonds establishing the Escrow Fund, sufficient moneys from bond proceeds shall be transferred to the Escrow Agent and used to pay all of the costs of issuance for the Refunding Bonds including, but not limited to, financial costs, consultant fees, counsel fees, printing costs, application fees, bond insurance premiums, rating fees and any other fees or costs incurred in connection with the financing. All such costs shall be authorized by the Issuer, under the “*Closing Memorandum*”, and shall be paid on _____, ____.

Section 20. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Michigan.

IN WITNESS WHEREOF, the parties to this Agreement have duly executed it by their duly authorized officers as of the date first above written.

City of Portage

By: _____

Its: City Finance Director

the HUNTINGTON NATIONAL BANK

as Escrow Agent

By: _____

Its: _____

APPENDIX I

§ _____
CITY OF PORTAGE
County of Kalamazoo, State of Michigan
CAPITAL IMPROVEMENT REFUNDING BONDS, SERIES 2021

(4) REMAINING ORIGINAL DEBT SERVICE SCHEDULE

Bond Registrar and Paying Agent:

APPENDIX II

[FORM OF NOTICE OF REDEMPTION]

NOTICE OF REDEMPTION

\$ _____

Dated as of _____, _____

DUE _____ 1, _____ THROUGH _____ 1, _____

NOTICE IS HEREBY GIVEN that the _____, County of _____, Michigan has called for redemption, on _____ 1, _____ (the "Redemption Date"), all of the callable outstanding _____ pursuant to the redemption provisions contained in the Bonds, bearing the original issue date of _____ 1, _____, maturing in the principal amounts, on the dates, bearing interest at the rates, with the "CUSIP" numbers, as follows:

<u>Principal</u>	<u>Rate</u>	<u>CUSIPS*</u>	<u>Due</u>
------------------	-------------	----------------	------------

Said Bonds will be redeemed at _____ % of the par value thereof.

Said Bonds should be surrendered for redemption to _____, as paying agent, for payment as of the Redemption Date, after which date all interest on said Bonds shall cease to accrue, whether said Bonds are presented for payment or not.

Bonds may be surrendered for payment as indicated below. The method of delivery is at the option of the holder, but if by mail, registered mail is suggested.

Under the provisions of the Interest and Dividend Tax Compliance Act of 1983 and the Comprehensive National Energy Policy Act of 1992, paying agents making payments of principal on municipal securities may be obligated to withhold a 31% tax from remittances to individuals who have failed to furnish the paying agent with a certified and valid Taxpayer Identification Number on a fully completed Form W-9. Holders of the above described Bonds, who wish to avoid the application of these provisions, should submit certified Taxpayer Identification Numbers on I.R.S. Form W-9 when presenting their securities for redemption.

* No representation is made as to the correctness of the CUSIP numbers either as printed on the Bonds or as contained herein.

(The Issuer)

APPENDIX III

\$ _____

Dated as of _____, _____

**Investment Securities to be Acquired Pursuant
to the Escrow Agreement**

Purchase	Investment			
<u>Date</u>	<u>Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Investment Type</u>

_____ Uninvested Cash

\$_____ Total Escrow Requirement

APPENDIX IV

\$ _____

Dated as of _____, _____

Redemption Schedule

Redemption Premium: _____%

Date	Principal	Interest	Redeemed Principal	Redemption Premium	Total Debt Service	Annual Total

APPENDIX V

\$ _____

Dated as of _____, _____

ESCROW CASH FLOW ANALYSIS

____ - ____ - Beginning Cash \$ ____
____ Balance:

Beginning						Ending		
Date	Cash Balance	SLG Principal	SLG Rate	SLG Interest	Total	Debt Service Defeasance	Net Cash Flow	Cash Balance
								_____% Present Value

Total Cost of Escrow Securities: \$ _____

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

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City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Sources & Uses

Dated 06/01/2022 | Delivered 06/01/2022

Sources Of Funds

Par Amount of Bonds	\$4,000,000.00
---------------------	----------------

Total Sources	\$4,000,000.00
----------------------	-----------------------

Uses Of Funds

Total Underwriter's Discount (1.000%)	40,000.00
---------------------------------------	-----------

Costs of Issuance	41,400.00
-------------------	-----------

Deposit to Project Construction Fund	3,918,600.00
--------------------------------------	--------------

Total Uses	\$4,000,000.00
-------------------	-----------------------

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Pricing Summary

Maturity	Type of Bond	Coupon	Yield	Maturity Value	Price	Dollar Price
07/01/2023	Serial Coupon	1.100%	1.100%	230,000.00	100.000%	230,000.00
07/01/2024	Serial Coupon	1.300%	1.300%	240,000.00	100.000%	240,000.00
07/01/2025	Serial Coupon	1.550%	1.550%	245,000.00	100.000%	245,000.00
07/01/2026	Serial Coupon	1.600%	1.600%	245,000.00	100.000%	245,000.00
07/01/2027	Serial Coupon	1.700%	1.700%	250,000.00	100.000%	250,000.00
07/01/2028	Serial Coupon	1.800%	1.800%	255,000.00	100.000%	255,000.00
07/01/2029	Serial Coupon	1.900%	1.900%	260,000.00	100.000%	260,000.00
07/01/2030	Serial Coupon	2.000%	2.000%	265,000.00	100.000%	265,000.00
07/01/2031	Serial Coupon	2.100%	2.100%	270,000.00	100.000%	270,000.00
07/01/2032	Serial Coupon	2.150%	2.150%	275,000.00	100.000%	275,000.00
07/01/2033	Serial Coupon	2.200%	2.200%	280,000.00	100.000%	280,000.00
07/01/2034	Serial Coupon	2.250%	2.250%	285,000.00	100.000%	285,000.00
07/01/2035	Serial Coupon	2.300%	2.300%	295,000.00	100.000%	295,000.00
07/01/2036	Serial Coupon	2.350%	2.350%	300,000.00	100.000%	300,000.00
07/01/2037	Serial Coupon	2.400%	2.400%	305,000.00	100.000%	305,000.00
Total	-	-	-	\$4,000,000.00	-	\$4,000,000.00

Bid Information

Par Amount of Bonds	\$4,000,000.00
Gross Production	\$4,000,000.00
Total Underwriter's Discount (1.000%)	\$(40,000.00)
Bid (99.000%)	3,960,000.00
Total Purchase Price	\$3,960,000.00
Bond Year Dollars	\$33,768.33
Average Life	8.442 Years
Average Coupon	2.1311750%
Net Interest Cost (NIC)	2.2496292%
True Interest Cost (TIC)	2.2545385%

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Project Summary

Dated 06/01/2022 | Delivered 06/01/2022

Sources Of Funds

Par Amount of Bonds	\$4,000,000.00
---------------------	----------------

Total Sources	\$4,000,000.00
----------------------	-----------------------

Uses Of Funds

Total Underwriter's Discount (1.000%)	40,000.00
---------------------------------------	-----------

Costs of Issuance	41,400.00
-------------------	-----------

Deposit to Project Construction Fund	3,918,600.00
--------------------------------------	--------------

Total Uses	\$4,000,000.00
-------------------	-----------------------

Flow of Funds Detail

State and Local Government Series (SLGS) rates for

Date of OMP Candidates

Project Construction Fund Solution Method	Net Funded
---	------------

Total Cost of Investments	\$3,918,600.00
---------------------------	----------------

Total Draws	\$3,918,600.00
-------------	----------------

Bond Statistics

Average Life	8.442 Years
--------------	-------------

Average Coupon	2.1311750%
----------------	------------

Net Interest Cost (NIC)	2.2496292%
-------------------------	------------

Bond Yield for Arbitrage Purposes	2.1213710%
-----------------------------------	------------

True Interest Cost (TIC)	2.2545385%
--------------------------	------------

All Inclusive Cost (AIC)	2.3943479%
--------------------------	------------

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
07/01/2022	-	-	-	-
01/01/2023	-	-	45,358.54	45,358.54
07/01/2023	230,000.00	1.100%	38,878.75	268,878.75
01/01/2024	-	-	37,613.75	37,613.75
07/01/2024	240,000.00	1.300%	37,613.75	277,613.75
01/01/2025	-	-	36,053.75	36,053.75
07/01/2025	245,000.00	1.550%	36,053.75	281,053.75
01/01/2026	-	-	34,155.00	34,155.00
07/01/2026	245,000.00	1.600%	34,155.00	279,155.00
01/01/2027	-	-	32,195.00	32,195.00
07/01/2027	250,000.00	1.700%	32,195.00	282,195.00
01/01/2028	-	-	30,070.00	30,070.00
07/01/2028	255,000.00	1.800%	30,070.00	285,070.00
01/01/2029	-	-	27,775.00	27,775.00
07/01/2029	260,000.00	1.900%	27,775.00	287,775.00
01/01/2030	-	-	25,305.00	25,305.00
07/01/2030	265,000.00	2.000%	25,305.00	290,305.00
01/01/2031	-	-	22,655.00	22,655.00
07/01/2031	270,000.00	2.100%	22,655.00	292,655.00
01/01/2032	-	-	19,820.00	19,820.00
07/01/2032	275,000.00	2.150%	19,820.00	294,820.00
01/01/2033	-	-	16,863.75	16,863.75
07/01/2033	280,000.00	2.200%	16,863.75	296,863.75
01/01/2034	-	-	13,783.75	13,783.75
07/01/2034	285,000.00	2.250%	13,783.75	298,783.75
01/01/2035	-	-	10,577.50	10,577.50
07/01/2035	295,000.00	2.300%	10,577.50	305,577.50
01/01/2036	-	-	7,185.00	7,185.00
07/01/2036	300,000.00	2.350%	7,185.00	307,185.00
01/01/2037	-	-	3,660.00	3,660.00
07/01/2037	305,000.00	2.400%	3,660.00	308,660.00
01/01/2038	-	2.400%	-	-
Total	\$4,000,000.00	-	\$719,662.29	\$4,719,662.29

Yield Statistics

Bond Year Dollars	\$33,768.33
Average Life	8.442 Years
Average Coupon	2.1311750%
Net Interest Cost (NIC)	2.2496292%
True Interest Cost (TIC)	2.2545385%
Bond Yield for Arbitrage Purposes	2.1213710%
All Inclusive Cost (AIC)	2.3943479%

IRS Form 8038

Net Interest Cost	2.1311750%
Weighted Average Maturity	8.442 Years

Portage CI&RF 2022-UW-NM | SINGLE PURPOSE | 3/02/2022 | 2:08 PM

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I
06/30/2022	-	-	-	-
06/30/2023	-	-	45,358.54	45,358.54
06/30/2024	230,000.00	1.100%	76,492.50	306,492.50
06/30/2025	240,000.00	1.300%	73,667.50	313,667.50
06/30/2026	245,000.00	1.550%	70,208.75	315,208.75
06/30/2027	245,000.00	1.600%	66,350.00	311,350.00
06/30/2028	250,000.00	1.700%	62,265.00	312,265.00
06/30/2029	255,000.00	1.800%	57,845.00	312,845.00
06/30/2030	260,000.00	1.900%	53,080.00	313,080.00
06/30/2031	265,000.00	2.000%	47,960.00	312,960.00
06/30/2032	270,000.00	2.100%	42,475.00	312,475.00
06/30/2033	275,000.00	2.150%	36,683.75	311,683.75
06/30/2034	280,000.00	2.200%	30,647.50	310,647.50
06/30/2035	285,000.00	2.250%	24,361.25	309,361.25
06/30/2036	295,000.00	2.300%	17,762.50	312,762.50
06/30/2037	300,000.00	2.350%	10,845.00	310,845.00
06/30/2038	305,000.00	2.400%	3,660.00	308,660.00
Total	\$4,000,000.00	-	\$719,662.29	\$4,719,662.29

Yield Statistics

Bond Year Dollars	\$33,768.33
Average Life	8.442 Years
Average Coupon	2.1311750%
Net Interest Cost (NIC)	2.2496292%
True Interest Cost (TIC)	2.2545385%
Bond Yield for Arbitrage Purposes	2.1213710%
All Inclusive Cost (AIC)	2.3943479%

IRS Form 8038

Net Interest Cost	2.1311750%
Weighted Average Maturity	8.442 Years

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Operation Of Project Construction Fund

Date	Principal	Rate	Receipts	Disbursements	Cash Balance
06/01/2022	3,918,600.00	-	3,918,600.00	3,918,600.00	-
Total	\$3,918,600.00	-	\$3,918,600.00	\$3,918,600.00	-

Investment Parameters

Investment Model [PV, GIC, or Securities]	GIC
Default investment yield target	Unrestricted

Cost of Investments Purchased with Bond Proceeds	3,918,600.00
Total Cost of Investments	\$3,918,600.00
Target Cost of Investments at bond yield	\$3,918,600.00
Yield to Receipt	-
Yield for Arbitrage Purposes	2.1213710%

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Detail Costs Of Issuance

Dated 06/01/2022 | Delivered 06/01/2022

COSTS OF ISSUANCE DETAIL

Financial Advisor	\$17,500.00
Bond Counsel	\$20,000.00
POS/Official Statement	\$495.00
Miscellaneous	\$1,705.00
MAC Fee	\$400.00
Paying Agent Fee	\$500.00
State of Michigan Fee	\$800.00
TOTAL	\$41,400.00

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Proof of Bond Yield @ 2.1213710%

Date	Cashflow	PV Factor	Present Value	Cumulative PV
06/01/2022	-	1.0000000x	-	-
01/01/2023	45,358.54	0.9877660x	44,803.62	44,803.62
07/01/2023	268,878.75	0.9773988x	262,801.78	307,605.40
01/01/2024	37,613.75	0.9671405x	36,377.78	343,983.18
07/01/2024	277,613.75	0.9569899x	265,673.54	609,656.72
01/01/2025	36,053.75	0.9469457x	34,140.94	643,797.67
07/01/2025	281,053.75	0.9370070x	263,349.34	907,147.01
01/01/2026	34,155.00	0.9271727x	31,667.58	938,814.59
07/01/2026	279,155.00	0.9174415x	256,108.38	1,194,922.97
01/01/2027	32,195.00	0.9078125x	29,227.02	1,224,149.99
07/01/2027	282,195.00	0.8982845x	253,491.39	1,477,641.38
01/01/2028	30,070.00	0.8888565x	26,727.92	1,504,369.30
07/01/2028	285,070.00	0.8795275x	250,726.90	1,755,096.20
01/01/2029	27,775.00	0.8702964x	24,172.48	1,779,268.68
07/01/2029	287,775.00	0.8611622x	247,820.94	2,027,089.62
01/01/2030	25,305.00	0.8521238x	21,562.99	2,048,652.61
07/01/2030	290,305.00	0.8431803x	244,779.46	2,293,432.07
01/01/2031	22,655.00	0.8343307x	18,901.76	2,312,333.83
07/01/2031	292,655.00	0.8255739x	241,608.34	2,553,942.18
01/01/2032	19,820.00	0.8169091x	16,191.14	2,570,133.31
07/01/2032	294,820.00	0.8083352x	238,313.39	2,808,446.70
01/01/2033	16,863.75	0.7998513x	13,488.49	2,821,935.19
07/01/2033	296,863.75	0.7914564x	234,954.73	3,056,889.92
01/01/2034	13,783.75	0.7831497x	10,794.74	3,067,684.66
07/01/2034	298,783.75	0.7749301x	231,536.53	3,299,221.19
01/01/2035	10,577.50	0.7667968x	8,110.79	3,307,331.98
07/01/2035	305,577.50	0.7587489x	231,856.58	3,539,188.57
01/01/2036	7,185.00	0.7507854x	5,394.39	3,544,582.96
07/01/2036	307,185.00	0.7429055x	228,209.43	3,772,792.39
01/01/2037	3,660.00	0.7351083x	2,690.50	3,775,482.88
07/01/2037	308,660.00	0.7273930x	224,517.12	4,000,000.00
Total	\$4,719,662.29	-	\$4,000,000.00	-

Derivation Of Target Amount

Par Amount of Bonds	\$4,000,000.00
Original Issue Proceeds	\$4,000,000.00

City of Portage

Capital Improvement Bonds, Series 2022

\$4,000,000

Derivation Of Form 8038 Yield Statistics

Maturity	Issuance Value	Coupon	Price	Issuance Price	Exponent	Bond Years
07/01/2023	230,000.00	1.100%	100.000%	230,000.00	1.0833333x	249,166.67
07/01/2024	240,000.00	1.300%	100.000%	240,000.00	2.0833333x	500,000.00
07/01/2025	245,000.00	1.550%	100.000%	245,000.00	3.0833333x	755,416.67
07/01/2026	245,000.00	1.600%	100.000%	245,000.00	4.0833333x	1,000,416.67
07/01/2027	250,000.00	1.700%	100.000%	250,000.00	5.0833333x	1,270,833.33
07/01/2028	255,000.00	1.800%	100.000%	255,000.00	6.0833333x	1,551,250.00
07/01/2029	260,000.00	1.900%	100.000%	260,000.00	7.0833333x	1,841,666.67
07/01/2030	265,000.00	2.000%	100.000%	265,000.00	8.0833333x	2,142,083.33
07/01/2031	270,000.00	2.100%	100.000%	270,000.00	9.0833333x	2,452,500.00
07/01/2032	275,000.00	2.150%	100.000%	275,000.00	10.0833333x	2,772,916.67
07/01/2033	280,000.00	2.200%	100.000%	280,000.00	11.0833333x	3,103,333.33
07/01/2034	285,000.00	2.250%	100.000%	285,000.00	12.0833333x	3,443,750.00
07/01/2035	295,000.00	2.300%	100.000%	295,000.00	13.0833333x	3,859,583.33
07/01/2036	300,000.00	2.350%	100.000%	300,000.00	14.0833333x	4,225,000.00
07/01/2037	305,000.00	2.400%	100.000%	305,000.00	15.0833333x	4,600,416.67
Total	\$4,000,000.00	-	-	\$4,000,000.00	-	\$33,768,333.33

Description of Bonds

Final Maturity Date	7/01/2037
Issue price of entire issue	4,000,000.00
Stated Redemption at Maturity	4,000,000.00
Weighted Average Maturity = Bond Years/Issue Price	8.442 Years
Bond Yield for Arbitrage Purposes	2.1213710%

Uses of Proceeds of Issue

Proceeds used for accrued interest	-
Proceeds used for bond issuance costs (including underwriters' discount)	81,400.00
Proceeds used for credit enhancement	-
Proceeds allocated to reasonably required reserve or replacement fund	-

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Approval and acceptance of public improvements in condominium project for Copperleaf Phase 5

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Approve and accept public improvements for the condominium project Copperleaf Phase 5, 3800 W Milham Avenue, subject to the following conditions:

- a. recording of the streetscape enhancement agreement,
- b. complete installation of sidewalks and street trees by March 2024, and
- c. re-testing of the public storm sewer from CB #8 to CB A to be completed for final review and determination as to whether or not repairs are necessary by the developer prior to final acceptance of the public storm sewer system.

On March 24, 2020, the City Council voted 7-0 to grant the final approval of the Condominium Subdivision Plan (engineering plans) for Copperleaf Phase 5, allowing the developer, Westview Capital, LLC to proceed with construction. The developer has completed all required public improvements with the exception of the installation of the concrete sidewalks and street trees. Receiving approval and acceptance of public improvements to a condominium project from the Council prior to completion of all public improvements will enable the developer to record an amendment to the Master Deed and Homeowner Association Bylaws. Once recorded, the developer can begin selling condominium sites and building houses.

Approval and acceptance of public improvements for the condominium project Copperleaf Phase 5 is recommended, subject to the conditions detailed below:

a) Recording of the streetscape enhancement agreements.

The homeowner's association will maintain the landscaped median island located on Landrum Trail. A streetscape enhancement agreement between the association and the City of Portage regarding the landscaped areas located in the public street right-of-way was prepared and will be recorded once approved as to form by the City Attorney and executed/notarized by the Acting City Manager and Public Notary, respectively. Similar agreements have been prepared and approved by the City Attorney for recently approved plat and condominium projects.

b) Completed installation of sidewalks and street trees by March 2024.

The developers have completed all required public improvements with the exception of the installation of

the concrete sidewalks and street trees. These items are to be completed by March 2024.

c) Re-testing of the public storm sewer from CB #8 to CB A to be completed for final review and determination as to whether repairs are necessary by the developer prior to final acceptance of the public storm sewer system.

Storm water related piping and structures located within the public streets will be owned and maintained by the city. Following a review of this storm sewer section, potential vertical deflections were identified. The developer agrees to re-test this storm sewer section for deflection and submit an updated quality control testing form for final review, and to make any necessary repairs as determined by the Department of Transportation & Utilities prior to final acceptance of the public storm sewer system. In addition, the storm sewer section shall be cleaned at the completion of construction and following full vegetation for Units 154 and 155 to clean any dirt that may have entered this section of the storm sewer during construction.

In conformance with Section 42-921 of the Land Development Regulations and to ensure completion of the sidewalks and street trees, the developer has deposited a surety bond with the city in the amount of 125% of the total construction costs. The amount of the surety bond has been reviewed by the City Administration and determined to be acceptable. In addition, a two-year maintenance bond is in place for all public infrastructure. Should the developer not complete the remaining public improvements, the developer can request the City Council grant a time extension or the surety will be used to complete the construction. Should the developer not complete the necessary repairs to the public storm or sanitary sewer, the maintenance bond will be used to complete the repairs.

It is recommended that City Council approve and accept the public improvements for the condominium project, Copperleaf Phase 5, subject to the following conditions: a) recording of the streetscape enhancement agreement, b) completing the installation of sidewalks and street trees by March 2024, and c) re-testing of the public storm sewer from CB #8 to CB A to be completed for final review and determination as to whether repairs are necessary by the developer prior to final acceptance of the public storm sewer system.

FUNDING: Not Applicable

Attachments: 1. Copperleaf Phase 5 Final Condominium Drawings

REPLAT No.4

KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. 264

EXHIBIT "B" TO THE MASTER DEED OF

Copperleaf

CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

DEVELOPER:

WESTVIEW CAPITAL, L.L.C.
A MICHIGAN LIMITED LIABILITY COMPANY
2186 EAST CENTRE STREET
PORTAGE, MICHIGAN 49002

SURVEYOR:

INGERSOLL, WATSON & McMACHEN, INC.
RANDY B. LIGMAN
PROFESSIONAL SURVEYOR No. 4001028413
1209 EAST MILHAM ROAD, SUITE B
PORTAGE, MICHIGAN 49002

SHEET INDEX:

- 1) COVER SHEET
- 2) SURVEY PLAN
- 3) SITE PLAN (UNITS 1 – 39)
- 3B) SITE PLAN (UNITS 40 – 71)
- 3C) SITE PLAN (UNITS 72 – 98)
- 3D) SITE PLAN (UNITS 99 – 128)
- 3E) SITE PLAN (UNITS 129 – 166)
- 3F) SITE PLAN (UNITS 167 – 204)
- 4) UTILITY/EASEMENT PLAN (UNITS 1 – 39)
- 4A) UTILITY/EASEMENT PLAN (UNITS 40 – 71)
- 4C) UTILITY/EASEMENT PLAN (UNITS 72 – 98)
- 4D) UTILITY/EASEMENT PLAN (UNITS 99 – 128)
- 4E) UTILITY/EASEMENT PLAN (UNITS 129 – 166)
- 4F) UTILITY/EASEMENT PLAN (UNITS 167 – 204)

PARCEL DESCRIPTION:

A parcel of land situated in the Southeast quarter of Section 6, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows:

Commencing at the South quarter corner of Section 6, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence S 89°47'30" E 665.75 feet along the South line of the Southeast quarter of said Section 6 to the Place of Beginning; thence N 00°02'09" E 330.00 feet to the North line of the South 330.00 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 333.66 feet along said North line; thence N 09°45'30" E 324.10 feet; thence Northeastly 145.99 feet along the arc of a curve to the right having a radius of 2573.79 feet, a central angle of 03°15'00", and a chord of N 11°23'00" E 145.97 feet; thence N. 13°07'16" E. 237.39 feet (previously recorded as 237.50 feet); thence N. 76°58'04" W. 200.00 feet to a Southerly line of the Northeast ramp U.S. Highway 131 relocated; thence N. 13°01'56" E. 227.41 feet along said Southerly line; thence Northeastly 478.71 feet along said Southerly line along the arc of a curve to the right having a radius of 1054.92 feet, a central angle of 26°00'00", and a chord of N. 26°01'56" E. 474.61 feet; thence N. 39°01'56" E. 796.13 feet along said Southerly line; thence Northeastly 574.38 feet along said Southerly line along the arc of a curve to the right having a radius of 727.51 feet, a central angle of 45°14'09", and a chord of N. 61°39'01" E 559.58 feet to a Westerly line of the "Harbors West No.1" subdivision according to the plat thereof as recorded in Liber 40 of Plats, Page 9, Kalamazoo County Records; thence S 24°27'15" E 178.36 feet along said Westerly line; thence S 57°20'04" W 101.12 feet along said Westerly line; thence S 24°04'11" E 130.34 feet along said Westerly line; thence N 89°26'44" E 207.62 feet along said Westerly line; thence N 68°56'16" E 240.25 feet along said Westerly line; thence S 36°46'12" E 124.66 feet along said Westerly line; thence S 10°48'22" E 60.98 feet along said Westerly line; thence S 21°03'20" E 125.00 feet along said Westerly line; thence S 68°56'40" W 45.89 feet along said Westerly line; thence S 00°00'24" W 275.44 feet along said Westerly line; thence S 04°09'03" W 274.97 feet (previously recorded as 274.72 feet) feet along said Westerly line; thence S 89°59'36" E 101.06 feet (previously recorded as 100.88 feet) along said Westerly line; thence S 08°45'57" W 60.71 feet along said Westerly line; thence N 89°59'36" W 103.17 feet along said Westerly line; thence S 00°00'24" W 120.00 feet along said Westerly line; thence N 89°59'36" W 25.19 feet along said Westerly line; thence S 00°00'24" W 300.00 feet along said Westerly line; thence S 80°09'56" W 70.80 feet along said Westerly line; thence S 22°55'10" E 136.29 feet along said Westerly line; thence Southwesterly 28.46 feet along said Westerly line and along the arc of a non-tangent curve to the right having a radius of 170.00 feet, a central angle of 09°35'37" and a chord of S 85°12'36" W 28.43 feet; thence S 12°03'18" E 60.99 feet along said Westerly line; thence Southwesterly 12.75 feet along said Westerly line and along the arc of a non tangent curve to the right having a radius of 230.00 feet, a central angle of 03°10'36" and a chord of S 88°25'06" W 12.75 feet; thence N 89°59'36" W 20.04 feet along said Westerly line; thence Southwesterly 50.00 feet along said Westerly line and along the arc of a curve to the left having a radius of 170.00 feet, a central angle of 16°51'03" and a chord of S 81°34'53" W 49.82 feet; thence S 73°09'21" W 20.01 feet along said Westerly line to the Northwest corner of Lot 37 of said subdivision; thence S 73°09'21" 10.00 feet; thence S 02°42'12" W 137.95 feet to a Westerly line of said "Harbors West No.1" subdivision; thence S 73°09'21" W 81.00 feet along said Westerly line; thence S 23°22'23" E 193.78 feet along said Westerly line; thence N 89°47'30" W 388.67 feet parallel with said South line of the Southeast quarter to a point S 89°47'30" E 1494.93 feet (as measured along said South line) and N 00°00'20" W 481.30 feet from said South quarter corner of Section 6; thence S 00°00'20" E 201.57 feet to the North line of the South 279.73 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 168.91 feet (previously recorded as 168.86 feet) along said North line of the South 279.73 feet to the East line of the West half of said Southeast quarter; thence S 00°00'48" W 279.73 feet along said East line of the West half to said South line of the Southeast quarter; thence N 89°47'30" W 264.00 feet along said South line; thence N 00°02'09" E 330.00 feet to said North line of the South 330.00 feet (perpendicular measure) of said Southeast quarter; thence N 89°47'30" W 132.00 feet along said North line; thence S 00°02'09" W 330.00 feet to said South line; thence N 89°47'30" W 264.18 feet (previously recorded as 263.67 feet) along said South line to the Place of Beginning, containing 74.02 acres of land. Parcel is subject to easements, restrictions, and conditions of record.

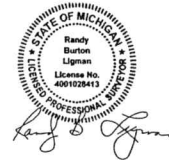
WITH THIS SUBMISSION, THESE SHEETS ARE ADDED, OR
ARE TO REPLACE, THE SHEETS PREVIOUSLY RECORDED.

FOR REPLAT No.1, SHEETS 1, 2, 3, AND 4 HAVE
BEEN AMENDED. SHEETS 3B AND 4B ARE NEW.

FOR REPLAT No.2, SHEETS 1, 2, 3B, AND 4B HAVE
BEEN AMENDED. SHEETS 3C AND 4C ARE NEW.

FOR REPLAT No.3, SHEETS 1, 2, 3C AND 4C HAVE
BEEN AMENDED. SHEETS 3D AND 4D ARE NEW.

FOR REPLAT No.4, SHEETS 1 AND 2 HAVE BEEN
AMENDED. SHEETS 3E, 3F, 4E, AND 4F ARE NEW.



Copperleaf
in the City of Portage, Kalamazoo County, Michigan

PROPOSED: 06/1/2015
AMENDED: 6/19/2017
AMENDED: 8/31/2018
AMENDED: 9/30/2019
AMENDED: 10/6/2021

COVER SHEET		DATE
Ingersoll, Watson & McMachen, Inc. CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS 1209 East Milham Road • Portage, Michigan 49002 • Area 269-344-6160 • Fax 269-344-0555		6/11/2015
		JOB No. 36273
		SHEET No. 1

CURVE TABLE				
CURVE	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD
#1	50.00'	170.00'	16°51'03"	S 81°34'53" W 49.82'
#2	12.75'	230.00'	3°10'36"	S 88°25'06" W 12.75'

L = 65.97' Rad. = 727.51'
 $\Delta = 5^{\circ}11'45''$
 Ch. = N 86°51'58" E 65.95'

U.S. HIGHWAY I-94 A LIMITED ACCESS HIGHWAY

EAST 1/4 CORNER,
 SEC. 6, T. 3 S., R. 11 W.
 L. 1, PG. 955

LEGEND

- CONCRETE SURVEY MONUMENT
- M. MEASURED DIMENSION
- R. RECORD DIMENSION

NOTES:

- 1) THE BEARINGS SHOWN HEREON ARE BASED ON THE EAST LINE OF THE SOUTHEAST 1/4 OF SECTION 6 AS BEING N. 00°00'00" W. AS SHOWN ON THE "HARBORS WEST No. 1" FINAL PLAT MAP.
- 2) ALSO SEE SHEETS 3 THRU 3F AND 4 THRU 4F FOR EASEMENT LOCATIONS AND INFORMATION.
- 3) THE ELEVATION DATUM AS SHOWN HEREON IS BASED ON U.S.G.S. DATUM AS PROMULGATED WITHIN THE CITY OF PORTAGE.

SURVEYOR'S CERTIFICATE:

I, RANDY B. LIGMAN, PROFESSIONAL SURVEYOR IN THE STATE OF MICHIGAN HEREBY CERTIFY:

THAT THE SUBDIVISION PLAN KNOWN AS KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN No. 264, AS SHOWN ON THE ACCOMPANYING DRAWINGS, REPRESENTS A SURVEY ON THE GROUND MADE UNDER MY DIRECTION, THAT ALL OBSERVABLE ENCROACHMENTS UPON THE LANDS AND PROPERTY HEREIN DESCRIBED ARE SHOWN.

THAT THE REQUIRED MONUMENTS AND IRON MARKERS HAVE BEEN LOCATED IN THE GROUND OR WILL BE PLACED BY OCTOBER 1, 2022 AS REQUIRED BY RULES PROMULGATED UNDER SECTION 142 OF ACT No. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE ACCURACY OF THIS SURVEY IS WITHIN THE LIMITS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No. 59 OF THE PUBLIC ACTS OF 1978.

THAT THE BEARINGS AS SHOWN, ARE NOTED ON THE SURVEY PLAN AS REQUIRED BY THE RULES PROMULGATED UNDER SECTION 142 OF ACT No. 59 OF THE PUBLIC ACTS OF 1978.

10/06/2021
 DATE OF SURVEY



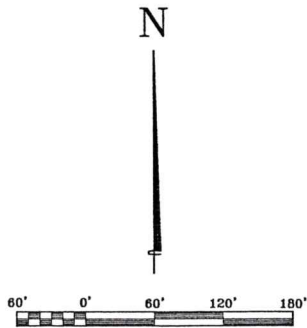
Randy B. Ligman
 RANDY B. LIGMAN
 PROFESSIONAL SURVEYOR No. 4001028413
 INGERSOLL, WATSON & McMACHEN, INC.
 1209 EAST MILHAM ROAD, SUITE B
 PORTAGE, MI. 49002

Copperleaf
 in the City of Portage, Kalamazoo County, Michigan

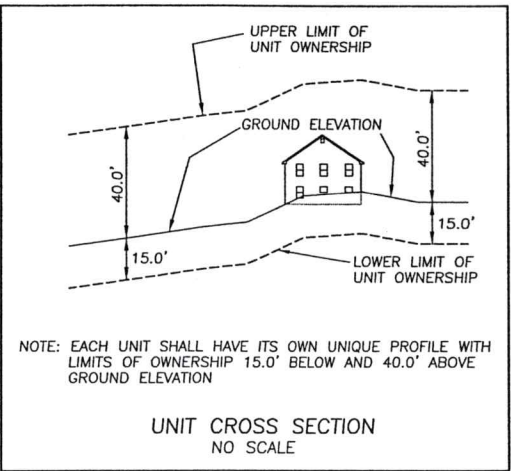
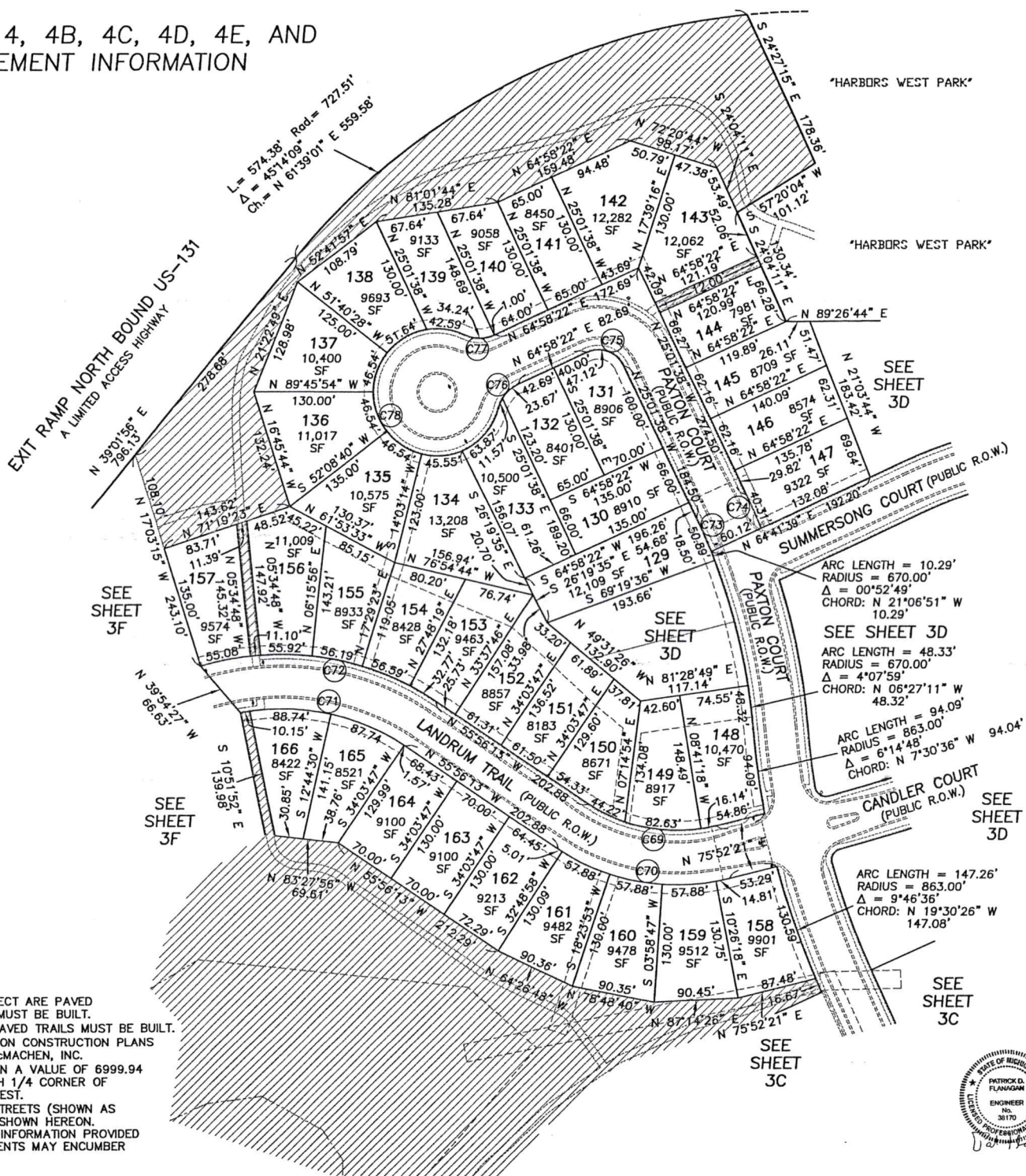
PROPOSED: 06/1/2015
 AMENDED: 6/19/2017
 AMENDED: 8/31/2018
 AMENDED: 9/30/2019
 AMENDED: 10/6/2021

SURVEY PLAN		DATE
Ingersoll, Watson & McMachen, Inc.		6/1/2015
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36273
1209 East Milham Road • Portage, Michigan 49002 • Area 260-344-8165 • Fax 260-344-0555		2

SEE SHEETS 4, 4B, 4C, 4D, 4E, AND
4F FOR EASEMENT INFORMATION



EXIT RAMP NORTH BOUND US-131
A LIMITED ACCESS HIGHWAY



NOTE: EACH UNIT SHALL HAVE ITS OWN UNIQUE PROFILE WITH LIMITS OF OWNERSHIP 15.0' BELOW AND 40.0' ABOVE GROUND ELEVATION

UNIT CROSS SECTION
NO SCALE

LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- COORDINATE LOCATION
- (NR) INDICATES UNIT LINE IS NON-RADIAL
- CONCRETE SURVEY MONUMENT
- SF SQUARE FOOT
- (C9) CURVE NUMBER
- (L5) LINE NUMBER
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT (SEE SHEET 4E)

CURVE TABLE					
CURVE #	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD	
69	142.98'	170.00'	48°11'26"	N 80°01'56" W	138.81'
70	193.45'	230.00'	48°11'26"	N 80°01'56" W	187.80'
71	188.19'	240.00'	44°55'39"	N 78°24'02" W	183.41'
72	267.65'	300.00'	51°07'02"	N 81°29'44" W	258.86'
73	40.61'	670.00'	03°28'22"	N 23°17'27" W	40.60'
74	40.31'	730.00'	03°09'51"	N 23°26'43" W	40.31'
75	47.12'	30.00'	90°00'00"	N 70°01'38" W	42.43'
76	35.24'	40.00'	50°28'44"	N 39°44'00" E	34.11'
77	35.24'	40.00'	50°28'44"	N 89°47'16" W	34.11'
78	343.25'	70.00'	280°57'27"	N 25°01'38" W	89.09'

- NOTES:
- STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
 - PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
 - THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
 - THE COORDINATES SHOWN ARE BASED ON A VALUE OF 6999.94 NORTH AND 7019.51 EAST ON THE SOUTH 1/4 CORNER OF SECTION 6, TOWN 3 SOUTH, RANGE 12 WEST.
 - ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
 - SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.



PROPOSED: 10/6/2021

Copperleaf
in the City of Portage, Kalamazoo County, Michigan

SITE PLAN

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1209 East Millman Road • Portage, Michigan 49001 • Area 269-544-6185 • Fax 269-544-0555

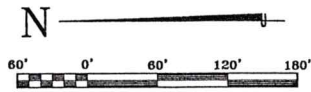
DATE 10/6/2021

JOB No. 36273

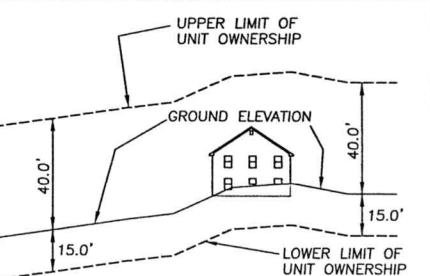
SHEET No. 3E

(89)

SEE SHEETS 4, 4B, 4C, 4D, 4E, AND 4F FOR EASEMENT INFORMATION

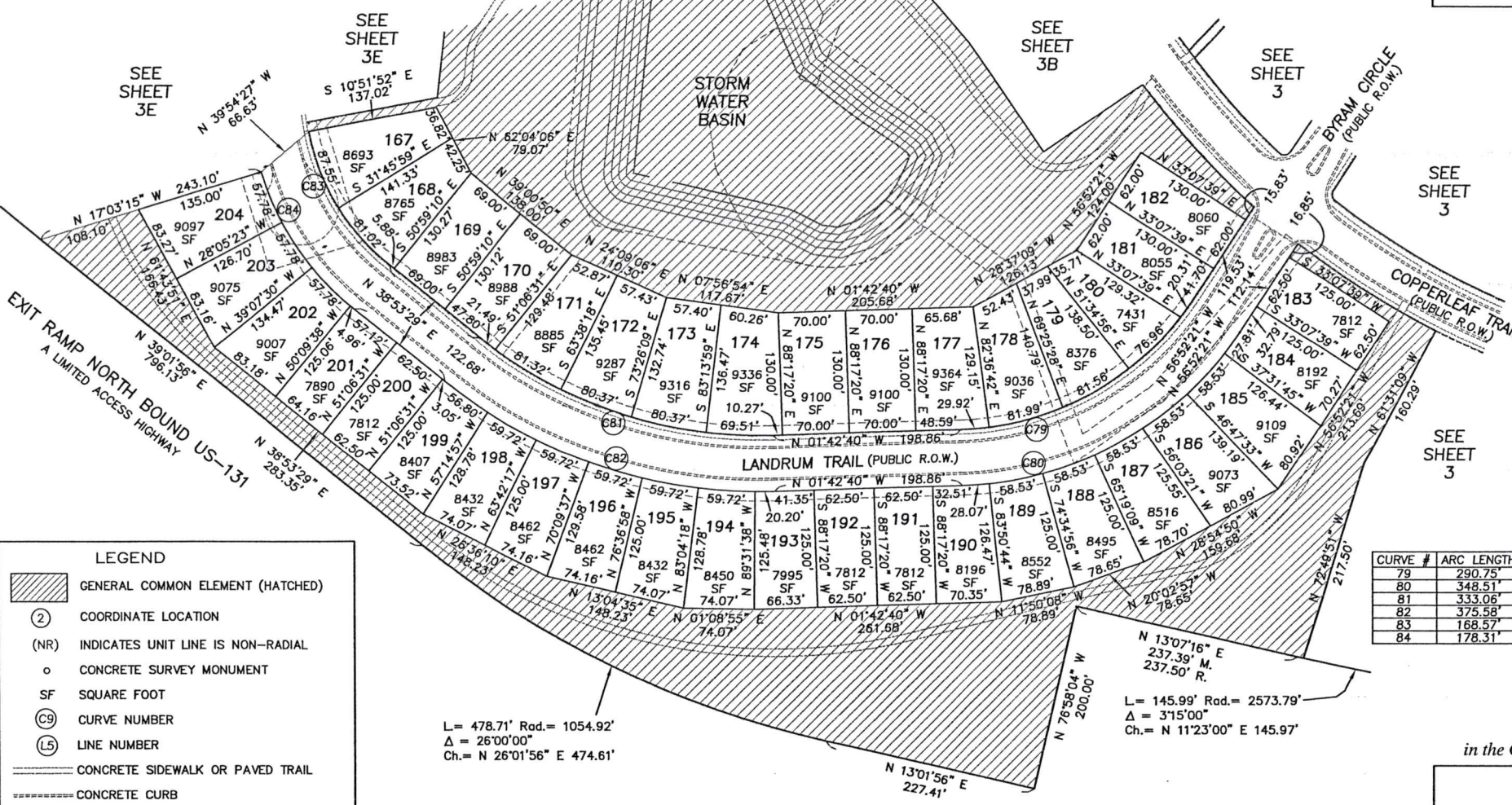


- NOTES:
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NOTE: EACH UNIT SHALL HAVE ITS OWN UNIQUE PROFILE WITH LIMITS OF OWNERSHIP 15.0' BELOW AND 40.0' ABOVE GROUND ELEVATION

UNIT CROSS SECTION
NO SCALE



LEGEND

- GENERAL COMMON ELEMENT (HATCHED)
- COORDINATE LOCATION
- (NR) INDICATES UNIT LINE IS NON-RADIAL
- CONCRETE SURVEY MONUMENT
- SF SQUARE FOOT
- CURVE NUMBER
- LINE NUMBER
- CONCRETE SIDEWALK OR PAVED TRAIL
- CONCRETE CURB
- EDGE OF EASEMENT (SEE SHEET 4F)

L = 478.71' Rad. = 1054.92'
Δ = 26°00'00"
Ch. = N 26°01'56" E 474.61'

L = 145.99' Rad. = 2573.79'
Δ = 3°15'00"
Ch. = N 11°23'00" E 145.97'

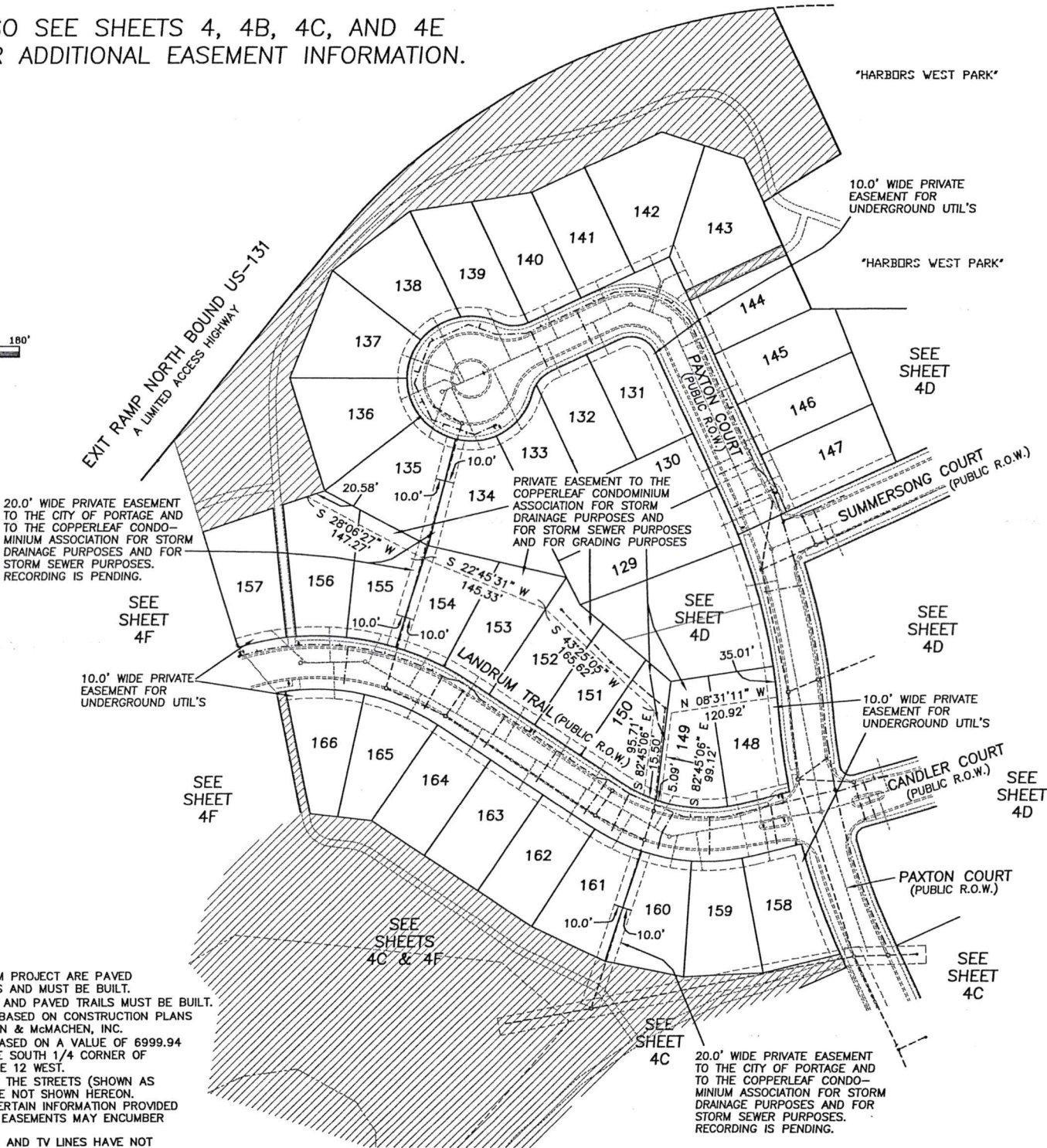
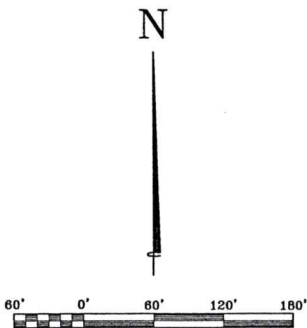
CURVE TABLE				
CURVE #	ARC LENGTH	RADIUS	CENTRAL ANGLE	CHORD
79	290.75'	302.00'	55°09'40"	N 29°17'30" W 279.65'
80	348.51'	362.00'	55°09'40"	N 29°17'30" W 335.21'
81	333.06'	470.00'	40°36'09"	N 18°35'24" E 326.14'
82	375.58'	530.00'	40°36'09"	N 18°35'24" E 367.77'
83	168.57'	240.00'	40°14'40"	N 59°00'49" E 165.13'
84	178.31'	300.00'	34°03'16"	N 55°55'07" E 175.70'

Copperleaf
in the City of Portage, Kalamazoo County, Michigan

SITE PLAN		DATE	10/6/2021
Ingersoll, Watson & McMachen, Inc.		JOB No.	36273
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		DRAWN BY	3F
1800 East William Road • Portage, Michigan 49001 • Area 269-344-0100 • Fax 269-344-0555		CHECKED BY	(90)

PROPOSED: 10/6/2021

ALSO SEE SHEETS 4, 4B, 4C, AND 4E
FOR ADDITIONAL EASEMENT INFORMATION.



LEGEND

GENERAL COMMON ELEMENT (HATCHED)

CONCRETE SIDEWALK OR PAVED TRAIL

UTILITY OWNERS:
SANITARY SEWER – CITY OF PORTAGE
WATER MAIN – CITY OF PORTAGE
STORM SEWER – CITY OF PORTAGE
STORM WATER BASIN – CONDOMINIUM ASSOCIATION
NATURAL GAS – CONSUMERS ENERGY
ELECTRIC – CONSUMERS ENERGY
TELEPHONE – A.T.&T.
CABLE TELEVISION – COMCAST

*NOTE THAT STORM SEWER THAT IS LOCATED OUTSIDE OF THE PUBLIC ROADWAY AREAS IS PRIVATE AND IS OWNED BY THE CONDOMINIUM ASSOCIATION.

NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

SIZE OF UTILITY LINES:
WATER MAINS: 8" DIAMETER
WATER SERVICES (TO EACH UNIT): 1.25" DIAMETER
SANITARY SEWER MAINS: 8" DIAMETER
SANITARY SEWER SERVICES (TO EACH UNIT): 6" DIAMETER
STORM SEWER PIPE: VARIES

*NOTE: SANITARY SEWER SERVICES MIGHT BE LESS THAN 6" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.
WATER SERVICES MIGHT BE LESS THAN 1.25" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.



Copperleaf
in the City of Portage, Kalamazoo County, Michigan

- NOTES:
- 1) STREETS WITHIN THE CONDOMINIUM PROJECT ARE PAVED ROADWAYS WITH CONCRETE CURBS AND MUST BE BUILT.
 - 2) PROPOSED CONCRETE SIDEWALKS AND PAVED TRAILS MUST BE BUILT.
 - 3) THE IMPROVEMENTS SHOWN ARE BASED ON CONSTRUCTION PLANS DEVELOPED BY INGERSOLL, WATSON & McMACHEN, INC.
 - 4) THE COORDINATES SHOWN ARE BASED ON A VALUE OF 6999.94 NORTH AND 7019.51 EAST ON THE SOUTH 1/4 CORNER OF SECTION 6, TOWN 3 SOUTH, RANGE 12 WEST.
 - 5) ANY EASEMENTS LOCATED WITHIN THE STREETS (SHOWN AS PUBLIC RIGHT-OF-WAY AREA) ARE NOT SHOWN HEREON.
 - 6) SHOWN EASEMENTS BASED ON CERTAIN INFORMATION PROVIDED BY THE DEVELOPER. ADDITIONAL EASEMENTS MAY ENCUMBER PROPERTY.
 - 7) NATURAL GAS, ELECTRIC, PHONE, AND TV LINES HAVE NOT BEEN SHOWN.

PROPOSED: 10/6/2021

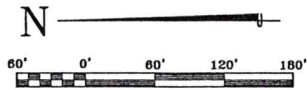
UTILITY / EASEMENT PLAN

INGERSOLL, WATSON & McMACHEN, INC.

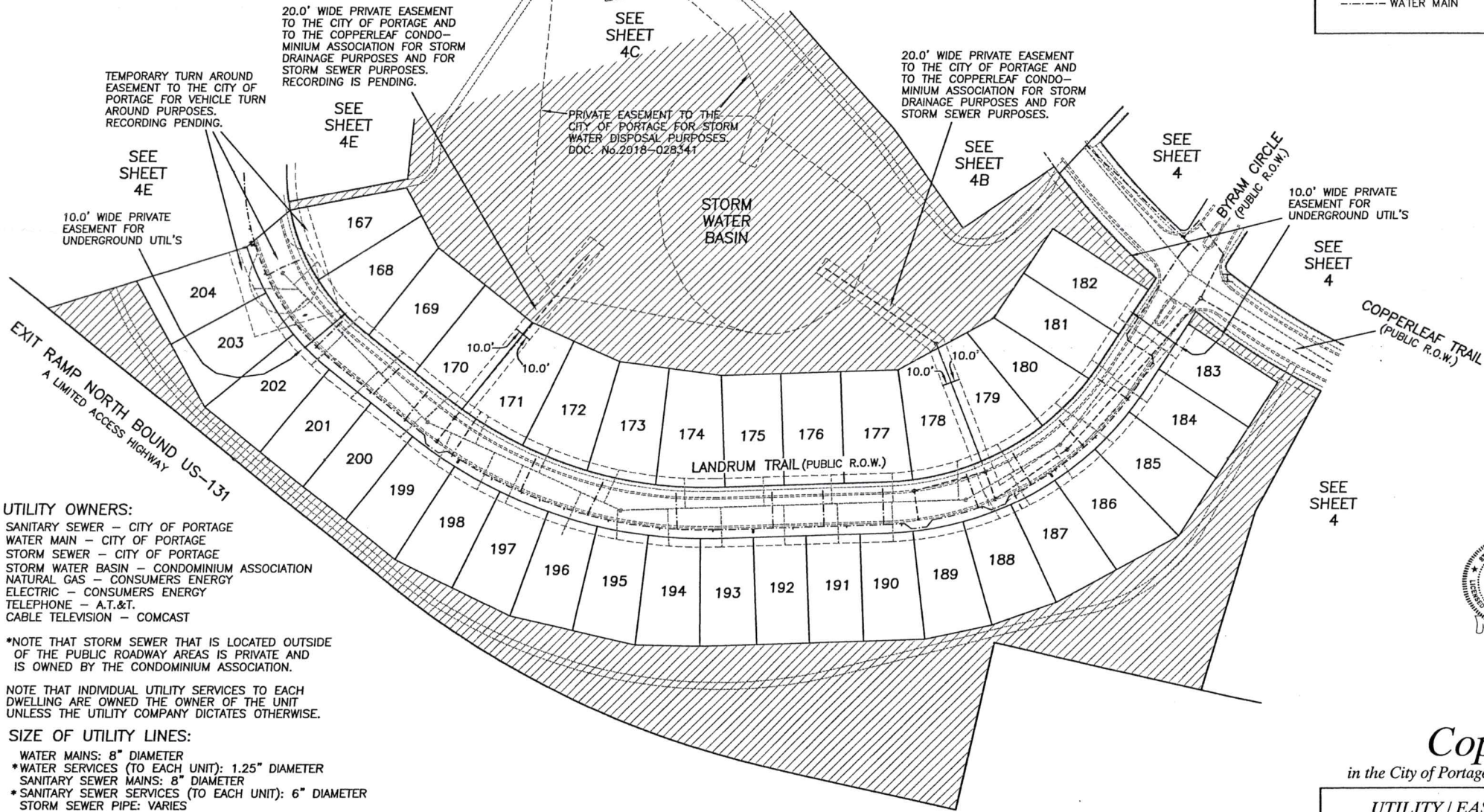
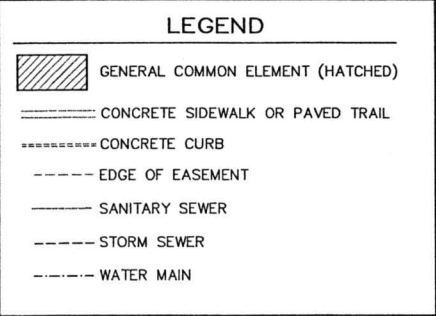
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1809 East William Road • Portage, Michigan 49008 • Area 269-544-6165 • Fax 269-544-0555

DATE 10/6/2021
JOB No. 36273
SHEET No. 4E
(91)

ALSO SEE SHEETS 4, 4B, 4C, AND 4D
FOR ADDITIONAL EASEMENT INFORMATION.



- NOTES:
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 - 7) NATURAL GAS, ELECTRIC, PHONE, AND TV LINES HAVE NOT BEEN SHOWN.



UTILITY OWNERS:
SANITARY SEWER - CITY OF PORTAGE
WATER MAIN - CITY OF PORTAGE
STORM SEWER - CITY OF PORTAGE
STORM WATER BASIN - CONDOMINIUM ASSOCIATION
NATURAL GAS - CONSUMERS ENERGY
ELECTRIC - CONSUMERS ENERGY
TELEPHONE - A.T.&T.
CABLE TELEVISION - COMCAST

*NOTE THAT STORM SEWER THAT IS LOCATED OUTSIDE OF THE PUBLIC ROADWAY AREAS IS PRIVATE AND IS OWNED BY THE CONDOMINIUM ASSOCIATION.

NOTE THAT INDIVIDUAL UTILITY SERVICES TO EACH DWELLING ARE OWNED THE OWNER OF THE UNIT UNLESS THE UTILITY COMPANY DICTATES OTHERWISE.

SIZE OF UTILITY LINES:
WATER MAINS: 8" DIAMETER
*WATER SERVICES (TO EACH UNIT): 1.25" DIAMETER
SANITARY SEWER MAINS: 8" DIAMETER
*SANITARY SEWER SERVICES (TO EACH UNIT): 6" DIAMETER
STORM SEWER PIPE: VARIES

*NOTE: SANITARY SEWER SERVICES MIGHT BE LESS THAN 6" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.
WATER SERVICES MIGHT BE LESS THAN 1.25" DIAMETER OUTSIDE OF ROAD RIGHT-OF-WAY AREA.



Copperleaf
in the City of Portage, Kalamazoo County, Michigan

UTILITY / EASEMENT PLAN		DATE
Ingersoll, Watson & McMachen, Inc.		10/6/2021
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS		36273
1800 East Millam Road • Portage, Michigan 49001 • Area 269-344-6185 • Fax 269-344-0555		4F

PROPOSED: 10/6/2021

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Zoning Amendment #21/22-B (22-02)

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Accept Zoning Amendment #21/22-B (22-02) to add 'technology' and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses and set a public hearing for April 26, 2022.

The Hinman Company has submitted the Zoning Amendment #21/22-B (22-02) requesting the addition of 'technology' and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses. The purpose of this amendment is to expand office-related uses in response to changes in the office industry and growing changes in the technology and laboratory industries. This zoning would support Biomeolecular Services, Micro-LAM (laser-assisted machining) and Techshops, as examples. The amendment would utilize zoning restrictions under Special Land Uses to ensure appropriate compatibility. Further, this amendment would facilitate a future 'technology' and 'laboratory'-related office business at 510/524 East Milham Avenue.

In a staff report dated February 17, 2021, the Department of Community Development provided an overview of the Zoning Amendment #21/22-B (22-02) and recommends approval, adding 'technology' and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses. James Pollock (the applicant's representative) and Cole Rathgun (co-applicant) were present at the February 17, 2022, Planning Commission meeting in support of the amendment.

After careful consideration, the Planning Commission voted unanimously to recommend to City Council approval of the zoning amendment. It is recommended that City Council accept the Zoning Amendment #21/22-B (22-02) to add 'technology' and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses and set a public hearing for April 26, 2022.

FUNDING: Not Applicable

Attachments:

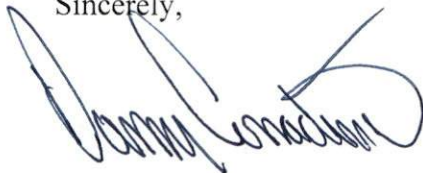
1. Planning Commission transmittal dated March 17, 2022
2. Planning Commission meeting minutes dated February 17, 2022
3. Community Development staff report dated February 17, 2022
4. 2022 02 17 Final Planning Commission Agenda and Materials Transmitted
5. 2022 02 17 Planning Commission Agenda Packet
6. 21-22-B (22-02), FIRST READING NOTICE

TO: Honorable Mayor and City Council
FROM: City of Portage Planning Commission
DATE: March 17, 2022
SUBJECT: Zoning Amendment #21/22-B (22-02) to add 'technology'- and 'laboratory'-related office uses in the OS-1 Office District under Special Land Uses

During the February 17, 2022 meeting, the Planning Commission reviewed and discussed the zoning amendment #21/22-B (22-02) to add 'technology'- and 'laboratory'-related office uses under Special Land Uses in the OS-1 Office District in response to changes in the office industry and growing changes in technology and laboratory industries, also to facilitate a future 'technology'- and 'laboratory'-related office business at 510/524 E Milham Avenue. James Pollock with the Hinman Company (Applicant's representative) and Cole Rathgun (Co-applicant) provided testimony to support the amendment. No citizens provided testimony during the public hearing to comment on the proposed amendment.

The Planning Commission voted unanimously to recommend to City Council approval of the Zoning Amendment #21/22-B (22-02) to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District under Special Land Uses.

Sincerely,



Dan Corradini
Chairman, Planning Commission

Attachment: February 17, 2022 Planning Commission Meeting Minutes

T:\COMMDEV\2021 2022 Department Files\Memos\City Council\Office Amendment - Lab, Tech Uses\2022 17 02 MCC Zoning Amendment, Lab and Tech-related Offices; O-1 - Approval.docx

CITY OF PORTAGE PLANNING COMMISSION

Thursday, February 17, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of February 17, 2022 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Adam Herringa, Acting City Manager
Kelly Peterson, Director of Community Development
Biqi Zhao, Senior City Planner
Eric Feldt, City Planner
Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

APPROVAL OF MINUTES:

A motion was made by Vice Chair Joshi, supported by Commissioner Baldwin to approve the February 3, 2022 meeting minutes with corrections. The motion was approved unanimously.

Public Hearings:

Special Land Use Permit to operate a contractor's business at 8405 Portage Road, pursuant to Sec 42-461. Applicant, Amil Alwan, 1601 West Centre Suite 103, Portage, MI described building out the site for an office and a workshop. Commissioner Youngs asked about the movement of the current driveway. Mr. Alwan described moving the driveway to the South.

Mr. Feldt provided the staff recommendation that a special land use permit be granted due to consistency with Master Plan goals and the Lake Center District Study, in addition to meeting the criteria of Sec 42-461 Special Land Use Permit and Sec 42-262(c)(6) 'Offices and showrooms for building, plumbing, electrical, or mechanical contractors.' Chair Corradini opened the public hearing. There being no comment from the public, Commissioner Baldwin motioned to close the public hearing and Commissioner Pezzoli supported the motion. Vice Chair Joshi motioned to approve the Special Land Use Permit for the proposed contractor's business at 8405 Portage Road. Commissioner Baldwin supported the motion. Motion passed unanimously. Vice Chair Joshi motioned to approve the site plan for the proposed contractor's business at 8405 Portage Road Commissioner Baldwin supported the motion. Motion passed unanimously.

Ordinance Amendment to add 'technology'- and 'laboratory'- related office uses to the OS-1 Office District, pursuant to Sec 42-651. Co-applicant, Cole Rathgun, Regional Director of Leasing of the Hinman Company, 750 Trade Center Way, Portage, discussed the background on the companies work involving offices and how there is a shift in the types of companies interested in leasing offices. Applicant, Jim Pollock, General Counsel of the Hinman Company, 750 Trade Center Way, Portage, also described his discussion about expanding uses for office including technology and laboratories.

Mr. Feldt summarized the applicant's request for a zoning ordinance amendment to allow for technology and laboratory related use in the office district including their property. Commissioner Adams asked if a definition of 'technology' and 'laboratory' will be added in the motion. Mr. Feldt stated no definitions will be set. Commissioner Fries asked if staff sees any issues with this. Mr. Feldt responded that future

projects like this will fit harmoniously in the office district. He noted that special land use permits can be another avenue for similar projects and clarified that this amendment does not change the zoning district but adds a line item for what is allowed within the district. Chair Corradini opened the public hearing. There being no comment, Vice Chair Joshi motioned and Commission Baldwin supported the motion to close the public hearing.

Commissioner Pezzoli motioned to waive the second public hearing given there was no public and, that the Commission recommend approval to the City Council the Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District. Vice Chair Joshi supported the motion. Motion passed unanimously.

New Business:

2022-2028 Capital Improvement Program (CIP) discussion and recommendation to City Council.

Acting City Manager Adam Herringa, addressed the commission. He described the draft CIP under review by the Planning Commission, funding sources, a focus on Portage Road, and the importance of maintaining existing projects. Commissioner Freiman asked if there were projects that did not make the list. Mr. Herringa stated there are projects that are more urgent and as a result some projects may be pursued in later years. Commissioner Youngs asked about Act 51 funding and the difficulty of projecting for the future. Mr. Herringa noted the shift from a 10-year plan to a 6-year plan to improve planning and project delivery. Commissioner Fries noted a decrease in parks funding and asked if the system is built out and the cost shifts to maintenance. Mr. Herringa noted that building trails is important but there are other capital projects that require funding. Chair Corradini inquired about open houses and public outreach. Mr. Herringa noted that feedback tends to be from the same individuals each year and open houses do not generate significant input. Chair Corradini asked if CIP surveys go out to employees. Mr. Herringa noted employees are aware of the CIP survey but there not a specific employee survey and expressed an openness to this suggestion. Vice Chair Joshi motioned to recommend approval of the 2022-2028 Capital Improvement Program. Commissioner Freiman supported the motion. Motion passed unanimously.

Kalamazoo County Housing Study Presentation.

Commissioner Adams gave a presentation on Countywide housing needs, trends, data, and an upcoming housing survey for Kalamazoo County.

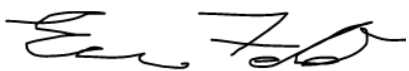
STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Fries noted a tree ordinance issue present in the Michigan Association of Planning magazine. Chair Corradini thanked Mr. Herringa and Ms. Peterson.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:14 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Planning Commission**DATE:** February 17, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, pursuant to Sec 42-651.**I. INTRODUCTION:**

The Applicant has submitted a Zoning Ordinance Amendment application to allow for 'technology'- and 'laboratory'-related office uses in the underlying OS-1 Office District, including their property at 510/ 524 E. Milham Avenue (OS-1). The zoning amendment process is provided under zoning code Sec 42-651, and if approved, would apply to all land zoned OS-1 Office.

II. BACKGROUND INFORMATION:**Ordinance Amendment Process**

The ordinance amendment process is provided under Sec 42-651 and requires a public hearing during Planning Commission and City Council meetings. The Commission considers the proposed amendment, evaluates if it is consistent with adopted city plans, affects existing neighborhood conditions and provides a recommendation to the City Council. If the Council approves the amendment, the prospective development may be pursued consistent with standard reviews, permits and processes.

Evolving Commercial Real Estate Environments and Tenants

The COVID pandemic has resulted in nationwide changes in how work occurs and where work occurs. The past few years has revealed a resulting decrease in demand for traditional commercial office space, and a difficult market in which to retain tenants and fill vacant tenant spaces. This has required the use of new marketing approaches and expanding beyond traditional office tenants. The applicant provides a firsthand example of these impacts during their efforts to fill office space at 510/ 524 E. Milham Avenue. The applicant details in their application, that they have been approached by several non-traditional office tenants interested, but that do not align precisely enough to fit into OS-1 zoning. One company proposed to utilize the spaces for office areas plus small work stations consisting of 3D-printing machines, small cutting and fabricating machines to facilitate assembly of electronic instruments. A second company related to health sciences proposed utilizing the space for office area plus laboratory work stations for researching and testing human tissue. The applicant indicates that while these businesses utilize office space, they also have non-traditional office uses that do not align with the existing OS-1 uses.

Continued Growth of STEM-related Businesses

At the same time, businesses focused on science, technology, engineering, and math (STEM), and STEM-related/supportive fields, continue to grow in our region. Some of these businesses include small-scale makerspaces, 3-D printing, graphic design, and robotic engineering. In the past, it would be common for communities to categorize and restrict these types of businesses to industrial zoning

districts as being related to manufacturing or industrial uses. However, as technology and engineering practices evolve, there are resulting small-scale operations that do not require traditional large-lot industrial acreage, large HVAC demands, or significant loading and transportation facilities. Currently in the City of Portage, there are large scale uses within STEM industries, such as Pfizer, Styker, Mann + Hummel, as well as smaller-scale businesses such as Acuren Inspections Inc. (an engineering, testing, and inspection company), S A Morman & Co (Commercial door, hardware, and security supplier), Depatie Fluid Power Co (hose supplier), etc. As such, commercial office owners looking to fill tenant spaces may wish to consider unique, small-scale STEM-related businesses to fill traditional office property.

Current OS-1 Office and OTR Zoning Districts

The OS-1 Office generally allows traditional office tenants, as detailed below. The three prospective businesses, detailed by the applicant, interested in 510/ 524 E. Milham Avenue have an office component. However, their unique operations do not align precisely in the Office district and, therefore, generally would not be permitted. Their proposed business uses are, however, permitted in the Office, Technology, and Research (OTR) zoning district. Generally, this district is intended to support production, research, and development facilities, and intended to provide for a community of those facilities. This district supports large-scale facilities that are targeted for technology- and research-related uses compared to general manufacturing facilities found in Industrial zoning districts. Smaller-scaled businesses in the office, technology, or research industries may be permitted in the OTR but may not align precisely with the intent of the OTR district.

Below is the OS-1 Office district intent and list of permitted uses and allowed special land uses. The proposed amendment seeks to add a special land use "F: Offices having laboratory- and technology-related uses ."

Subdivision 5. - OS-1 Office Service district

Sec 42-240 - Intent. The OS-1 office service district is designed to accommodate office and institutional land use activities and is planned to serve as transitional areas between residential districts and commercial districts and between major thoroughfares and residential districts.

Sec. 42-241. - Principal permitted uses. In the OS-1 office service district no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- A. Office buildings for...executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- B. Medical offices, including clinics.
- C. Banks, credit unionsand similar uses.
- D. Art studios, photographic studios and interior decorating studios.
- E. Publicly owned buildings, exchanges and public utility offices, not including storage yards, transformer stations, substations or gas regulator stations.
- F. Personal service establishments that perform services on-premises.
- G. A specialized agricultural use of land operating .

H. Accessory uses customarily related to the uses permitted in this section, such as but not limited to pharmacies or apothecary stores, limited to such items as corrective garments, bandages or optical services.

Sec. 42-242. - Special land uses.

The following uses may be allowed in the OS-1 office service district, subject to the conditions imposed in this section and section 42-243 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. Institutional uses, as listed below:

1. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
2. Public and private colleges, universities and other institutions of higher learning.
3. Religious institutions.
4. Private noncommercial recreational uses and institutional or community recreational centers.
5. Facilities for human care such as sanatoriums and rest and convalescent homes.

B. Vocational, trade and/or business schools, provided that all activities shall be conducted in completely enclosed buildings.

C. Funeral home establishments, funeral services, mortuaries and mortuary services .

D. General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have a contagious disease .

E. Work/live accommodations in accordance with the provisions of section 42-137.

Special Land Use Permits are those that may not always be appropriate on all such zoned lands and, therefore, require Planning Commission consideration and allows placement of conditions to increase neighborhood harmony, consistency with adopted plans, and preservation of general public safety and welfare.

2014 Comprehensive Plan

The following guidelines are relevant to the proposed amendment:

- Guideline C-2 'Commercial/ Office Uses in General': Allow commercial/ office uses: d) when the size, intensity, and character of the proposed use is compatible with adjacent areas; f) adjacent to older or redeveloping residential areas where the commercial/ office use does not create nuisances and is compatible with the surroundings.
- Guideline C-8 'Office/ Commercial Site Design': f) promotes a good transition between adjacent buildings and land uses in terms of building size, height, scale, and materials.
- Future Land Use: this map classifies land into various categories that helps guide rezones, zoning amendments, and certain land uses. The 'Office Corridors' and 'Research/ Development/ Technology' classifications can be reviewed as pertinent to the proposed amendment.

Best Practices Review

In considering the proposed amendment language, staff reviewed Michigan cities having robust STEM-

related or extensive research programs, and considered how their zoning codes addressed specialized businesses within the research, technology and small industrial industries. Related information is provided in the attachments.

Public Notice Requirement

- A public notice was published in the Kalamazoo Gazette on February 2, 2022.
- As the proposed amendment would apply citywide, and not to an individual subject property, mailings are not required.

III. ANALYSIS:

The proposed ordinance amendment has been developed in response to the applicant's request to facilitate the occupancy of an existing building located in the OS-1 Office district for a future 'technology'-related office business and a 'laboratory'-related office business. After reviewing the intent and list of permitted uses of the OS-1 Office district, considering long-term shifts in the commercial office market, and increasing area demand in the STEM-related industry, staff recommends allowing certain laboratory- and technology-related uses within the Office district.

In addressing external impacts from these unique office uses, staff considered current existing land use restrictions within the OS-1 and OTR zoning district, as well as from other Michigan areas. When considering adding these unique office uses, applicants would be held to the same building yard setbacks and height maximum (35-foot - 3 stories) as required under the OS-1 Office district. Because many Office districts are located adjacent to residential areas, adding more commercial uses to the district presents potential neighborhood impacts and, therefore staff took a conservative approach toward the proposed new uses and added restrictions. The existing required screening between new commercial uses and adjacent residential areas will continue to apply for the proposed new uses.

The proposed restrictions (F. 1-8 below) ensure that future 'technology'- and 'laboratory'-related office uses in the OS-1 Office District fit harmoniously within other allowed uses of the Office district, and operate in a way that does not result in negative impacts to adjacent residential areas.

Proposed Ordinance Amendment

Subdivision 5. - OS-1 Office Service District

Sec. 42-242. - Special land uses.

(NEW) F. Offices having laboratory- and technology-related uses when meeting the following standards:

1. When all operations are conducted and completely contained within the building.
2. No outdoor storage.
3. Must contain related offices as an adjunct use.

4. Shall not emit any noise, light, vibrations, odors, or other deleterious impacts towards adjacent property lines.
5. Shall not have access directly onto a residential street.
6. Loading facilities shall not face a Residential zoning district or Residential use.
7. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
8. The use and size of delivery vehicles shall be consistent with those typically found in an office use.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the ordinance amendment consideration at a subsequent meeting, the Commission is advised to receive public comment during the February 17, 2022 meeting and adjourn the public hearing to the March 3, 2022 meeting.

If no public comment is received and the Commission is supportive of the proposed amendment, staff advises the Planning Commission to waive the second public hearing and recommend to City Council that the Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, be approved

Attachments:

1. Applicant's Submittal and Narrative
2. 2022 02 17 Gazette Notice CIP-Ordinance Amendment-Contractors Business
3. Ann Arbor, MI; Research, Office Zoning District Narrative

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date January 19, 2022APPLICATION INFORMATION:

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

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, Subdivision 2.

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

Parcel No. 10-00010-091-O; 6.86 acres

2. a. Do you own the property to be rezoned? Yes ☒ No ☐b. Name of the owner of the property to be rezoned: 510 East Milham, LLCAddress 510/524 East Milham, Portage, MI 49002

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: To allow the property to be leased and occupied by a variety of light technology and biomolecular research ("Bio-Tech") and related uses thereto.

4. CURRENT ZONING: _____ PROPOSED ZONING: _____

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
Allow research, design, and technology product development and research. Also allow labs/research facilities for testing and analysis of products or uses for biotech, computers, pharma, and similar fields.

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
Chapter 42, Article 4, Division 4, Subdivision 5, Section 42-241.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
To allow the property to be leased to a variety of light technology and biomolecular research ("Bio-Tech"), development and related light industrial/manufacturing/warehousing related thereto ("Bio-Tech")

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

[Signature]
(Signature of Applicant)

[Signature]
(Signature of Applicant)

750 Trade Center Way, Suite 100, Portage, MI 49002
(Address)

(Address)

(269) 342-8600
(Phone)

(Phone)

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

MEMORANDUM

DATE: January 21, 2022.

TO: City of Portage Planning Commission.

FROM: James M. Pollock, General Counsel, The Hinman Company. 

RE: Narrative for 510 East Milham, LLC's Zoning Text Amendment For OS-1, Office District.

510 East Milham, LLC, by and through its affiliate The Hinman Company is requesting that the Planning Commission recommend a zoning text amendment to the City Council that would expand the OS-1 district to allow low-impact, high technology, research, laboratory, manufacturing, warehouse/distribution (collectively "low-impact tech and office") businesses in the OS-1 zoning district. We believe the low-impact user can coexist and thrive in the OS-1 district while still preserving the intent of the OS-1 district as transitional areas between residential districts and commercial districts.

As the City's larger health science companies (e.g. Stryker, Pfizer, etc.) continue to expand innovation, technology and research in the City of Portage, the low-impact tech and office user is a growing segment of business that will continue to form a supportive fabric to these health science companies and their future needs. As a regional developer with almost 50 years in the commercial office market, we are seeing unprecedented changes in how office space is speculated to be used across a wide range of industries where there is a growing need to desegregate low-impact tech and office users from a traditional office space user (i.e. professional offices where only office-related work is performed).

And while the City of Portage currently has an Office, Technology and Research ("OTR") district that may cover similar uses in some areas of the City, we believe that many properties in the OS-1 districts throughout the City could continue to be substantially impacted by high vacancy rates as traditional office market norms shift to remote work and flexible scheduling. This is especially true for much older office buildings in the OS-1 that are difficult to attract "traditional" office users.

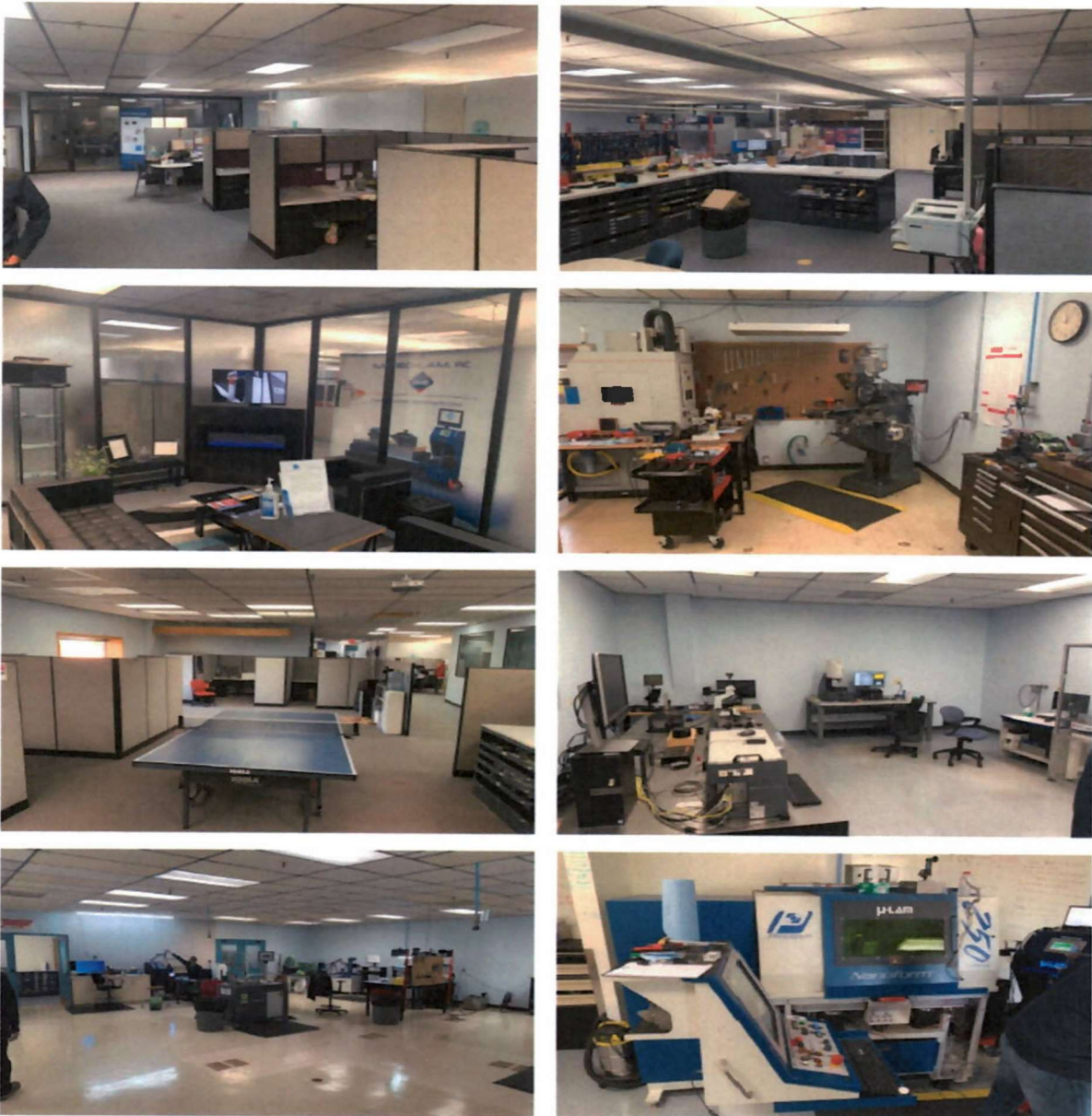
For example, Hinman is working with two local technology and micro-laboratory companies to occupy the 54-year-old office building owned by Hinman through 510 East Milham, LLC at 510/524 E. Milham, Portage, MI 49002. Both users have traditional office needs but are also requesting connected flexible space that will allow office employees to work in concert with other individuals and components of their business related to low-impact manufacturing, technology, laboratory testing and warehousing. Examples of the potential types of uses within the low-impact tech and office buildings are as follows:

- 3D printers, microscopes, precision tools, etc.
- Computer Numerical Control (known as "CNC") machines that make parts out of plastics, metals, aluminum, wood and many other hard materials. These machines emit little noise and no smells.
- Ping Pong table sized laser cutting machines (makes no noise).
- Assembly of merchandise such as electronic or precision instruments and articles of similar nature.
- Product warehousing and light distribution centers provided all products and materials are enclosed within a building. Total traffic impacts would be comparable to uses currently allowed under OS-1 zoning. Fed-Ex and UPS may make frequent deliveries, but not in an uncommon

frequency from what you would find at a traditional office building. Offsetting this would be fewer office workers per square foot which would mitigate total traffic counts.

- Low-impact manufacturing which by nature of the materials, equipment and process utilized are clean, quiet and free from objectionable or dangerous nuisances or hazards. Example: Soldering tools.
- Trash / waste would be comparable to uses currently allowed under OS-1 zoning
- Building hours of operation would be comparable to uses currently allowed under OS-1 zoning (i.e. 8 a.m. to 5 p.m.).

Below is an example of the office setting of one of Hinman's prospective 510 East Milham tenants:



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

NOTICE IS HEREBY GIVEN that the City of Portage Planning Commission will conduct a public hearing on **Thursday, February 17, 2022** in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue at 7:00 p.m. (or as soon thereafter as may be heard) on the following:

Special Land Use Permit: The applicant, Amil Alwan, is requesting a Special Land Use Permit to operate a contractor's business at 8405 Portage Road, pursuant to Sec 42-461.

Ordinance Amendment #21/22-B: Ordinance to amend Chapter 42, Article 4: Division 4, Subdivision 5 – Office Service District (OS-1) to add 'technology-' and 'laboratory-' related Office uses to the OS-1 District.

Proposed FY 2022-2027 Capital Improvement Program (CIP): Planning Commission discussion and recommendation of the proposed FY 2022-2027 Capital Improvement Program to City Council.

All interested persons are welcome to attend the public hearing and comment on the proposed Special Land Use Permit. Written comments may also be submitted to the Department of Community Development prior to 12:00pm (noon) the day of the public hearing. A copy of the application is available for review between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the Department of Community Development, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan, 49002. In addition, the application and Community Development staff report will be available as part of the February 17, 2022 meeting agenda, which will be posted to the City of Portage website at <https://www.portagemi.gov/439/Planning-Commission> no later than 5:00 p.m. on Monday, February 14, 2022. Finally, interested persons may contact the Department of Community Development at (269) 329-4477 for additional customer assistance.

Dated: February 02, 2022

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particularly the Sustainability Framework, the Land Use Element, the Climate Action Plan, and the Comprehensive Transportation Plan.

B. Specific Purpose Statements

When approving a petition to rezone a site from its current designation to TC1, the Planning Commission and City Council should consider the following specific purpose statements:

1. This district may replace the O, RE, ORL, C2B, C3, P, R5 and M1 districts. It should only replace other zoning designations in unique and rare instances where another zoning district is entirely surrounded by the specifically mentioned districts.
2. This district should be located proximate to a transit corridor, meaning a street with existing fixed transit service. All areas of parcels zoned TC1 should be no more than ½ mile from a transit stop.

5.13 Nonresidential and Special Purpose Zoning Districts

5.13.1 R5 Hotel District

This district is intended to permit Hotels and certain institutional housing uses that provide nursing care for convalescence from illness or special care for the elderly.

5.13.2 P Parking District

This district is intended for off-street storage of noncommercial vehicles where no repair, sales, or services are rendered from the Parking Lot.

5.13.3 PL Public Land District

This district is intended to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services.

5.13.4 RE Research District

A. Purpose Statement

This district is intended for research facilities to serve the needs of commerce, industry, business, and education. The prime characteristics of this district are the low intensity of land coverage, campus-like developments, preservation of significant Natural Features, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.

B. Special Standards

All uses established in the RE district must comply with the following requirements:

1. Outdoor Storage of Equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.

2. All automobile ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a Required Setback Area that abuts a residential zoning district.
3. No process carried on within a Building shall cause noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the Lot Lines.
4. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
5. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.5 ORL Office/Research/Limited Industrial District

A. Purpose Statement

This district is intended to provide for a mixture of research, Office and light industrial uses whose external effects are restricted to the Site and do not adversely impact surrounding districts. The ORL district is structured to permit the manufacturing, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared materials. The preservation of significant Natural Features and the encouragement of low-density, campus-like layouts are objectives for the establishment of such zones.

B. Special Standards

All uses established in the ORL District must comply with the following requirements:

1. Outdoor Storage of equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.
2. Loading facilities shall be provided. Truck storage areas shall be provided in addition to the parking required by Section 5.19 where such storage is necessary for the operation of the use. Truck storage areas shall meet the Parking Lot standards of Section 5.19 . Loading facilities and truck storage areas shall be screened from abutting residential uses and public street rights-of-way according to Section 5.20.3
3. All automobile ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a Required Setback Area that abuts a residential zoning district.
4. No process carried on within a Building or Structure shall cause noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the Lot Lines.

5. All Hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of abutting areas.
6. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.6 M1 Limited Industrial District

This district is intended to provide land for various types of industrial and manufacturing uses that are compatible with one another. Properties included in this district are suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large setbacks, attractive architecture and large, landscaped park-like areas. The purpose of the district is to provide suitable Sites for such uses while making certain that the allowed uses will be compatible with adjacent or surrounding districts. Development is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic, or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses shall be designed, constructed and operated so that there is no production of noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat or glare discernible at the Lots Lines.

5.13.7 M1A Limited Light Industrial District.

This district is intended to provide land for various types of industrial manufacturing and certain low intensity commercial activity uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large, landscaped, park-like areas. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses located within this district shall be designed, constructed and operated so that there is no production of noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the lines, nor any production of heat or glare discernible at the Lot Lines.

5.13.8 M2 Heavy Industrial District

This district is intended to provide land for more intense types of industrial and manufacturing uses that are usually located deep within the industrial areas of the City and downwind from residential and Business areas. Regulations to minimize their incompatibility with other residential zoning districts are the minimum required for mutual protection of the industrial areas. The district should not be adjacent to any residential or mixed-use district if that can possibly be avoided.

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

**February 17, 2022
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * 1. Planning Commission Meeting Minutes dated February 3, 2022

PUBLIC HEARINGS

- * 1. A Special Land Use permit to operate a contractor's business at 8408 Portage Road, pursuant to Sec 42-461.
 - Email from applicant Amil Alwan, 8405 Portage Road
- * 2. Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, pursuant to Sec 42-651.
 - Revised recommendation
 - Survey of Existing Property at 510/524 E. Milham

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

- 1. 2022-2028 Capital Improvement Program discussion and recommendation to City Council.
 - Draft CIP Planning Commission questions & responses from the administration
 - CIP overview charts
 - Draft CIP Portage Road Corridor Projects

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

Star (*) indicates printed material within the agenda packet.

From: [Kelly Peterson](#)
To: [Tamara Stephens](#)
Subject: MT FOR PC: 8405 Portage Rd
Date: Thursday, February 17, 2022 3:07:26 PM

MT "Email from 8405 Portage Road Applicant"

From: Amil Alwan <amil@bluelineremod.com>
Sent: Friday, February 11, 2022 4:51 PM
To: Eric Feldt <feldte@portagemi.gov>
Subject: 8405 Portage Rd

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.

Blue Line Remodeling and Construction, LLC

Blue Line Remodeling & Construction, LLC is a small, Portage based company of 16 years servicing Kalamazoo, Van Buren, Allegan and Calhoun Counties. We take pride in our work and ourselves. Blue Line Remodeling & Construction, LLC is a licensed residential builder and insured. Founded in 2006, the owner, Amil Alwan, has created a reputable and honest business. We take pride in being a family company with long time relationships. A majority of the work we do is in the City of Portage. We sponsor several events and schools in Portage. We want to stay in the City of Portage because we take pride in our community.

Our plan for 8405 Portage Rd, which is our quiet shop, is to extend it to be our permanent home for BLRC. It will be our office, training center, showroom, and shop. We have a plan to continue the vision that Portage has for the Portage Rd corridor. We are hoping our vision will create an environment that our neighbors (Speedway Gas) will follow and show some Portage pride.

Thank you

Amil Alwan

Blue Line Remodeling & Construction, LLC

Making Your House *a Home*

[\(269\) 329-2920](#) (Office)

Amil@BlueLineRemod.com

*****Please wear a mask when on job site. Use sanitizer upon re-entry each time. Stay home if displaying COVID related symptoms. Report Positive COVID test results ASAP so we can properly notify and quarantine if needed. See job site binders for more info as well as sign in sheets. Thank you for your care while we all work through this. *****

MI Builder's License #2101186922 & #2101186089

EPA Lead Renovator Certified

GAF Master Elite Certified Roofing Contractor

Mastic Preferred Contractor

Vinyl Siding Institute Certified

Better Business Bureau A+

Member of the Home Builders Association of Greater Kalamazoo

CITY OF PORTAGE

COMMUNICATION

TO: Planning Commission

DATE: February 17, 2022

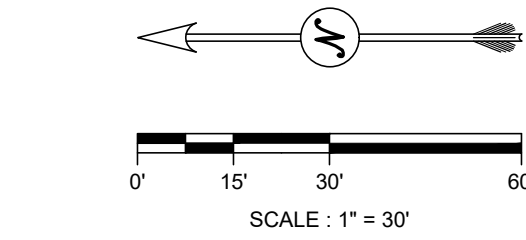
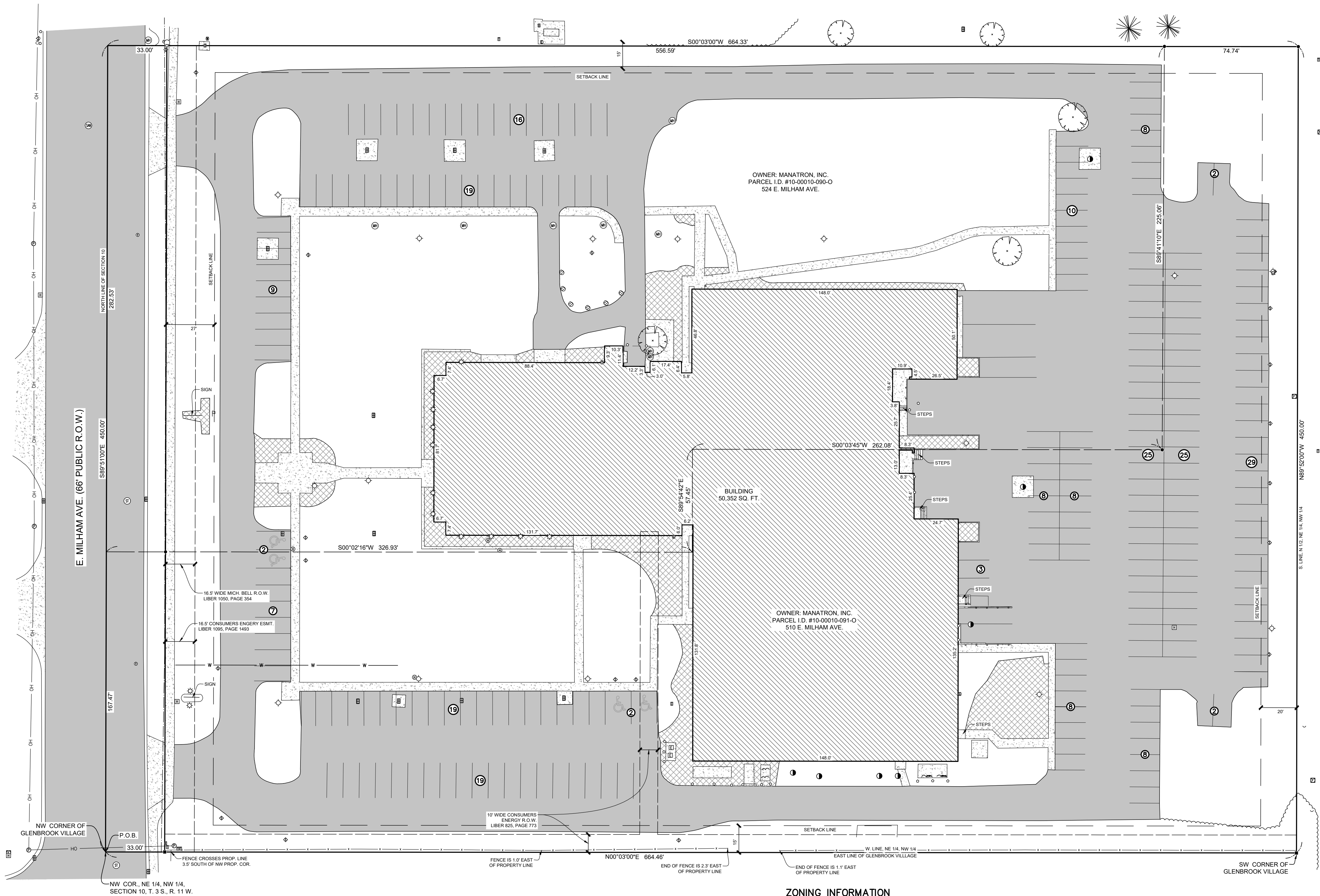
FROM: Kelly Peterson, Director of Community Development

SUBJECT: Revised Staff Report Recommendation regarding Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, pursuant to Sec 42-651.

Upon further discussion with the applicant and additional staff analysis of the existing codes related to conflicting use screening, lighting standards, and site plan approval requirements, which provide existing protections, the revised staff recommendation is as follows:

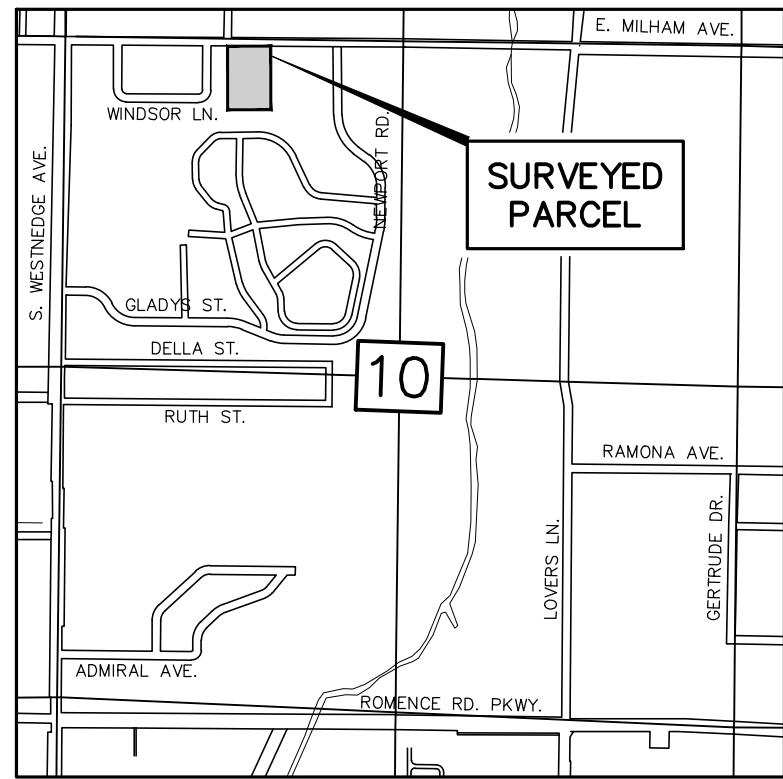
Proposed revisions are noted below in *italics* for reference.

Original Staff Recommendation – Proposed Ordinance Amendment	Revised Staff Recommendation – Proposed Ordinance Amendment
Subdivision 5. - OS-1 Office Service District Sec. 42-242. - Special land uses. (NEW) F. Offices having laboratory- and technology-related uses when meeting the following standards: 1. When all operations are conducted and completely contained within the building. 2. No outdoor storage. 3. Must contain related offices as an adjunct use. 4. Shall not emit any noise, light, vibrations, odors, or other deleterious impacts towards adjacent property lines. 5. Shall not have access directly onto a residential street. 6. Loading facilities shall not face a Residential zoning district or Residential use. 7. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas. 8. The use and size of delivery vehicles shall be consistent with those typically found in an office use.	Subdivision 5. - OS-1 Office Service District Sec. 42-242. - Special land uses. (NEW) F. Offices having laboratory- and technology-related uses when meeting the following standards: 1. When all operations are conducted and completely contained within the building. 2. No outdoor storage. 3. Must contain related offices as an adjunct use. 4. Shall not emit any noise, light, vibrations, odors, or other deleterious impacts towards adjacent property lines. 5. Shall not have access directly onto a residential street. 6. Loading facilities shall not face a residential zoning district <i>without proper screening as required by code, including Section 42-573 Conflicting Use Screening.</i> 7. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas. 8. The use and size of delivery vehicles shall be consistent with those typically found <i>in an office, laboratory, or technology use.</i>



LEGEND

- AIR CONDITIONER
- CONIFEROUS TREE
- DECIDUOUS TREE
- BUSH/SHRUB
- FLAG POLE
- IRRIGATION CONTROL BOX
- SIGN
- SQUARE HANDHOLE - GENERIC
- CATCH BASIN - RECTANGULAR FRAME
- CATCH BASIN - ROUND FRAME
- CULVERT
- HYDRANT
- LIGHT POLE
- YARD LIGHT
- UTILITY POLE
- GUY ANCHOR
- BENCHMARK
- ELECTRIC METER
- GAS METER
- TELEPHONE PEDESTAL
- MARKER - FIBER
- MARKER - GAS
- MANHOLE - SANITARY
- MANHOLE - GENERIC
- MANHOLE - STORM
- ELEC. EQUIP./TRANSFORMER
- UTILITY PEDESTAL - GENERIC
- CATV PEDESTAL
- VALVE & BOX
- FOUND IRON
- SET IRON
- FOUND CONCRETE MONUMENT
- VEGETATION LINE
- FENCELINE
- UNDERGROUND FIBER OPTIC
- BUILDING OVERHEAD
- PARKING SPACE COUNT
- HANDICAP PARKING SPACE
- ASPHALT
- CONCRETE
- BUILDING
- LANDSCAPING



VICINITY MAP
SCALE : NONE

NOTES

- The basis of bearing for this survey is the East line of the Plat of Glenbrook Village bears N00°03'00\"/>

DESCRIPTION:

Beginning at the Northwest corner of the Northeast 1/4 of the Northwest 1/4 of Section 10, T. 3 S., R. 11 W., said point also being the Northeast corner of the recorded plat of Glenbrook Village; thence South 89°-51' East along the North line of said Section, 450.00 feet; thence South 00°-03' West parallel to the West line of the Northwest 1/4 of said Section, 664.33 feet to the South line of the North 1/2 of the Northeast 1/4 of the Northwest 1/4 of said Section; thence North 89°-52' West along said South line, 450.00 feet to the West line of the Northeast 1/4 of the Northwest 1/4 of Section 10, said point also being the Southeast corner of said plat of Glenbrook Village; thence North 00°-03' East thereon, 664.46 feet to the place of beginning. Reserving, however, the Northerly 33.00 feet thereof for highway purposes.

CERTIFICATE:

To The Hinman Company, 510 East Milham, LLC, Old Republic Title Insurance Company and Sun Title Agency of Michigan, LLC:

This is to certify that this map or plat and the survey on which it is based were made in accordance with 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 7b1, 8, 9 & 11a of Table A thereof. The field work was completed on December 15, 2021.

Prein&Newhof

Christopher A. Kersten

By: Christopher A. Kersten
Professional Surveyor No. 4001053500

Date: 12-28-2021



SCHEDULE B SPECIFIC EXCEPTIONS

REFERENCE: SUN TITLE AGENCY OF MICHIGAN, LLC COMMITMENT NO. 210156 NOVEMBER 5, 2021

EXCEPTION NUMBER	RECORDING REFERENCE	DESCRIPTION	STATUS
12	LIBER 825, PAGE 773	CONSUMERS ENERGY RIGHT OF WAY	PLOTTED
13	LIBER 1050, PAGE 354	MICHIGAN BELL TELEPHONE RIGHT OF WAY	PLOTTED
14	LIBER 1095, PAGE 1493	CONSUMERS ENERGY EASEMENT	PLOTTED

ZONING INFORMATION

City of Portage, Code of Ordinances

ZONE: DESCRIBED PARCEL IS ZONED OS-1 IS ARTICLE 4, DIVISION 4 SUBDIVISION 5

MINIMUM SETBACKS (FEET):

FRONT SETBACK: 27' FROM FRONT
SIDE SETBACK: 15' FROM SIDE
REAR SETBACK: 20' FROM REAR

PARKING

PARKING IS 1/200' OF USABLE FLOOR AREA (UFA)

MAXIMUM BUILDING SIZE:

NO MAXIMUM BUILDING SIZE PER LOT SIZE

BUILDING SITE AREA REQUIREMENTS:

HEIGHT RESTRICTION IS 30' AND TWO STORIES (BECAUSE IT ABUTS RESIDENTIAL TO THE WEST)

NO.	REVISIONS	BY	DATE	Drawn By : S.J.V.	Project No. 2211166
				Checked By : C.A.K.	Sheet 1 OF 1
				Date : 12/28/21	
Prein&Newhof Engineers • Surveyors • Environmental • Laboratory				ALTA/NSPS LAND TITLE SURVEY FOR THE HINMAN COMPANY SECTION 10 T. 3 S., R. 11 W. CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN	
1707 South Park St. Suite 200 Kalamazoo, MI 49001 www.preinnewhof.com				T: (269) 372-1158 F: (616) 364-6955 info@preinnewhof.com	

TO: The Planning Commission**DATE:** February 16, 2022**FROM:** Kelly Peterson, Community Development Director**SUBJECT:** Draft CIP Questions and Responses

This memo provides the list of Draft CIP questions and comments received to date from the Planning Commission, and responses provided by the City.

Bikeways and Trails:

- Project # 1 Correct spelling- *Noted and updated.*
- Project # 2 Correct spelling - *Noted and updated.*
- Project # 7 Anyway to make the bike paths a different color so they stand out?
Noted and will be updated on final maps.
- Project #8 Which ones? *To be determined as needed/required*

Water:

Project # 2 Have you talked with the residents there as in the past they have asked not to have it done?

The city has in the past received a petition from 50% of the property owners in support of the projects, which triggered prompt inclusion in the CIP and facilitation of the special assessment process. During the special assessment process, one property owner was persuaded to change their mind. Since the projects no longer had 50% support, they ceased at that time and were reprogrammed to a later date in the CIP. There are property owners who still support the projects and have watched the projects again move up in the CIP. Since the last time the projects were proposed, the streets in the Ramona Park Plat have reached the end of their life and must be reconstructed. Per the Sanitary Sewer Extension/Street Reconstruction Policy these streets are a Tier 1, therefore sanitary sewer must be installed for the road to be reconstructed. In conjunction with the City's Complete Streets policy, water mains will be installed at the same time.

- In last year's CIP there was a project for the Northeast Quadrant Well Field Development scheduled for 2026-31, yet its missing in this year's, along with Schuring Road water main replacement.
Schuring Road was recently resurfaced, therefore replacement of the water main is postponed until the next time the road needs resurfacing. The Northeast Quadrant Well Field Development has also been deferred. Neither project is so critical that it must be completed within the next few years.

- With the anticipation that Portage Public schools will be building a new school at Woodland, is it safe to say that the city will work with them when it comes time to replace the water main? *Yes.*
- Can you please explain why the Water Fund Cash is cut by almost 50% in future years? . *The Water Fund Cash is not “cut,” rather it lines up with the costs of the proposed water projects (expenditures = total funding). Additionally, after preparing the Utility Rate Financial Study, it became apparent the city will need to bond more for future Water projects. For example, Finance is projecting approximately \$1.3M bonding for FY23-24. This does not impact the FY 22-23 CIP budget.*

Sewer

Could you please explain further the West End drive sanitary sewer lead installment. Considering that the road will be completely torn up for this project, I believe it would also benefit the residents and the city, if the water main is upgraded to a larger size (GIS shows 6" not sure if that is correct), and also replace the two, much older fire hydrants, if not add a third to better serve for fire protection. I would suggest water services, but I am aware that those are best installed when property is developed in order to get better locations and avoid possible driveways.

The project includes the installation of sanitary sewer leads along the west side of West End Drive, street reconstruction and replacement of existing sanitary sewer castings with city logo castings. The engineering consultant will televise the existing sanitary sewer in West End Drive to determine condition and verify pipe material. The consultant will also investigate the water main location to determine what water services can/cannot be installed at a future date without damaging the new pavement. A minimum of two water services will need to be installed along the west side of West End Drive at this time. Replacement of the hydrants will be reviewed. The City has a non-motorized wood chip trail in the park property that will be investigated for access to properties during construction. A larger water main is not necessarily better on a dead-end street. While there would be a slight increase in firefighting capabilities, water quality may suffer due to the over sizing of the main. The existing fire hydrants are approximately 500 feet apart, well under the Insurance Service Office recommendation of less than 1000 feet.

Fire

- The improvements needed for the living quarters upgrades at Fire station 1 and 3. Any reason why the city cannot move these two items "up" in the calendar year? These men/women spend 24hrs a day, 365 days a year in these quarters, and deserve nothing but the best. *City Administration recognizes the importance of Public Safety to the community and this is reflected in the construction of a new fire station, new fire apparatus and investment in living quarters. Each department is asked to prioritize their funding requests and Public Safety identified that these particular facility improvements will be needed in a future fiscal year. Should the need arise, the improvements can be adjusted forward in the next CIP.*

Public Works:

- Project# 3 Cemetery Improvements: Expanding the South Westnedge one or start a whole new one? *DPW is in the process of exploring both options. If expanding South Westnedge cemetery is not possible, the City will continue to identify suitable property to purchase.*
- Project #5 Where will the Farmer's Market be while this is taking place? *There are a few temporary options that will be evaluated including: the former Portage Senior Center, the new Charles & Lynn Zhang Portage Community Senior Center, temporary street closure on Brown Street to facilitate the market's needs, or potential partnership with Portage District Library to utilize their parking lot as an interim measure.*

Parks and Recreation:

- Project #2 no mention of the Splash pad that was discussed during the Lake Center *This is included in the description under FY24-25*
- Project #7 Where will the Farmer's Market be relocated? *The Department of Parks and Recreation is evaluating a variety of permanent locations.*

Streets & Sidewalks:

- Project #5 What streets? *Towhee Street, Rothbury Street, Davcliff Avenue, Radcliffe Avenue, Winkfield Avenue, Robinswood Street, Brigham Street, Amberly Street, Welbury Street, and Shoreham Street.*
- Project # 6 Where? *Citywide, locations are to be determined / as needed.*
- Project #7 Where? *Citywide, locations are to be determined / as needed.*
- Project #12 When will this be done? *Construction is currently planned for 2027.*
- Project #13 Why? Who will pay for this? Why do it if non-motorized path available in that area? *This project funds repair/replacement of existing sidewalks where needed and upgrading sidewalk ramps to meet the Americans with Disabilities Act (ADA) at locations where the Department of Public Works is completing street resurfacing. For example, sidewalk repairs and replacement occurred in the Haverhill neighborhood last year.*
- Considering the amount of sidewalks the city currently has and will be adding over the years, is \$60,000 a year a reasonable amount...it seems way low? *Sidewalk installation, repair/reconstruction in conjunction with major and local street reconstruction are included in the overall budget of the Street projects. The \$60,000 is primarily for repair of existing sidewalk.*
- Could you please explain further what "Workforce Housing infrastructure Improvements" entails, and the \$1 million dollar amount? *City Council has requested that CIP funding be allocated to support infrastructure improvements that will help facilitate the development of workforce housing opportunities in the City of Portage. Exact location and use of this funding is to-be-determined but will be available if/when the need arises.*
- The Act 51 amount for local street reconstruction is the same amount for each of the 6 years...is this reasonable to expect or will it increase/decrease in future years?

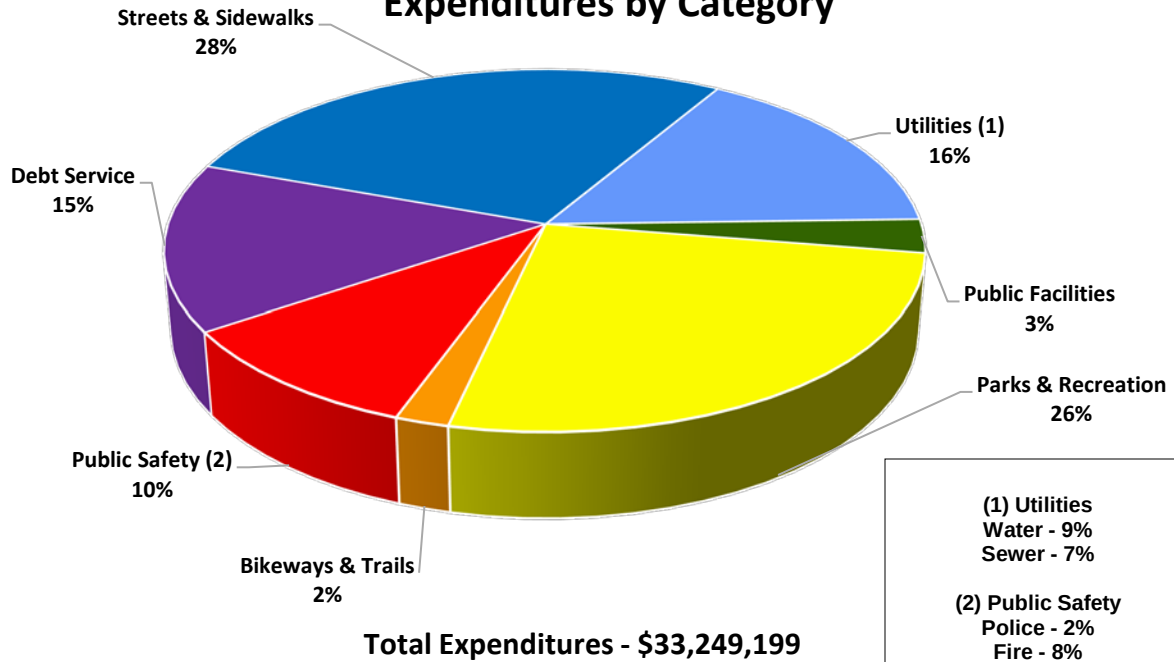
The cost of local street reconstruction goes up every year and the City has moved to supplementing the storm water improvements on the local streets with Water funds. The annual \$1 million is primarily for the maintenance (crack sealing, dura patching, etc.) of the roads once they have been resurfaced. \$1 million is anticipated to be sufficient in this regard for the next few years although this is revisited on an annual basis.

Federal Funding

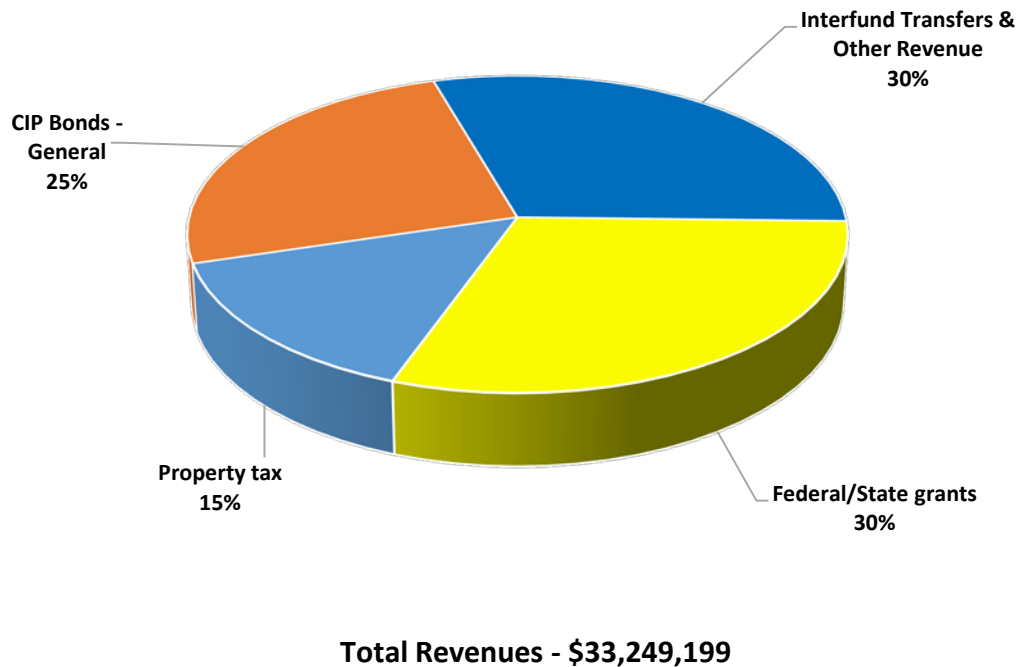
Can you explain how the passage of the Infrastructure Jobs Act by congress, will impact Portage and how it will play out in our future projects?

The Bipartisan Infrastructure Investment and Jobs Act dedicates billions of dollars to investment infrastructure across the nation. The City of Portage is working with our federal and state delegation to access this funding. Should we be successful, at a minimum the city would reduce the amount of bonding/debt incurred accordingly.

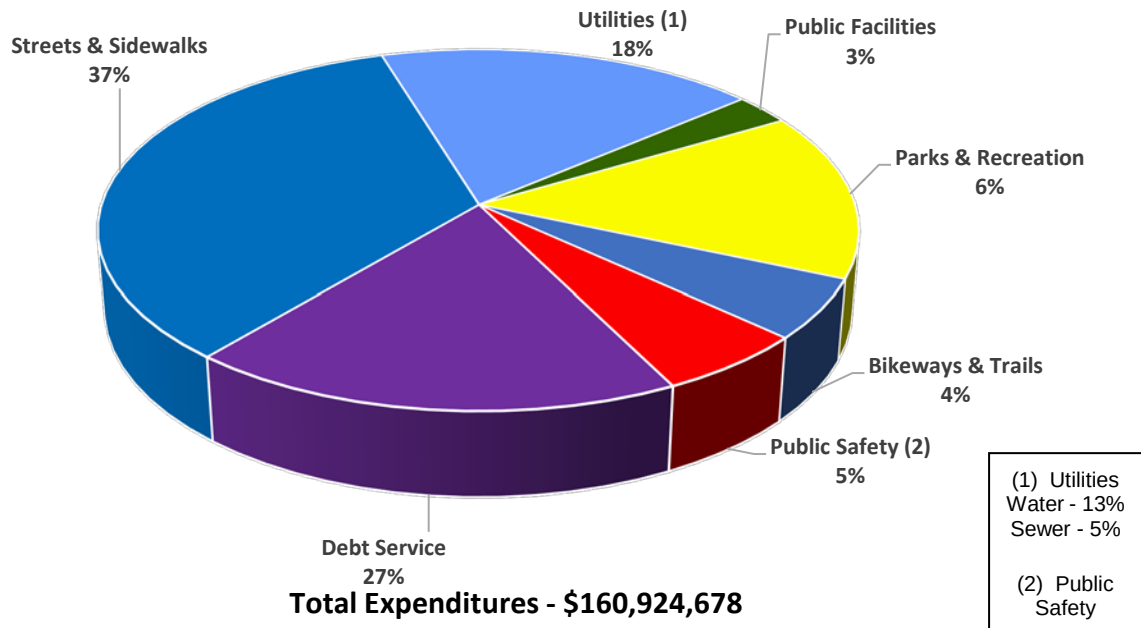
2022-2023 Capital Improvement Program Expenditures by Category



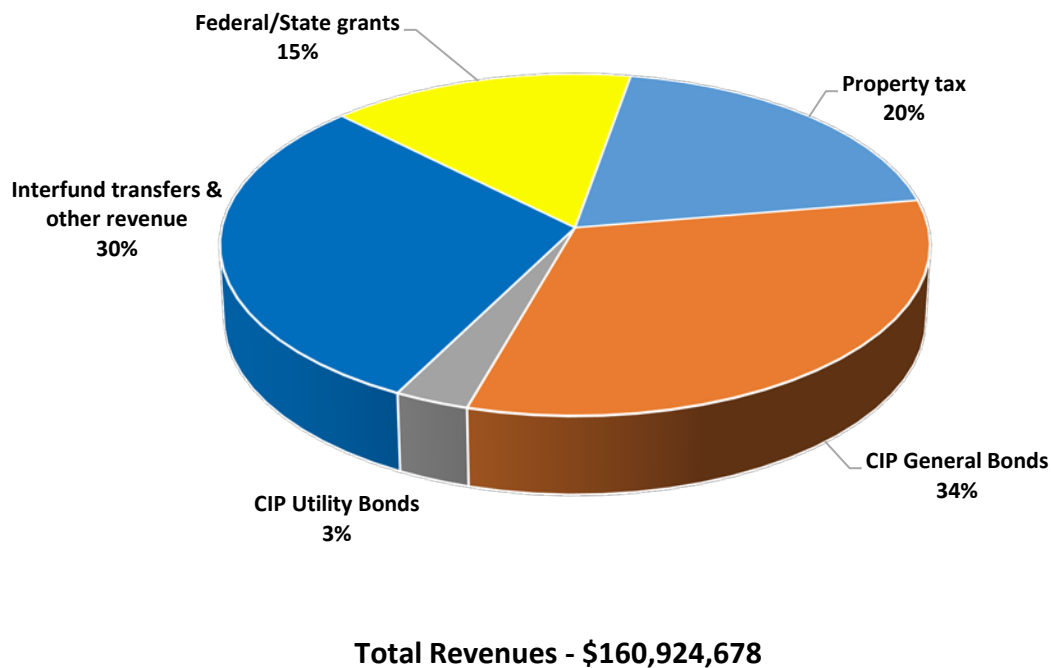
2022-2023 Capital Improvement Program Revenues by Category



2022-2028 Capital Improvement Program Expenditures by Category

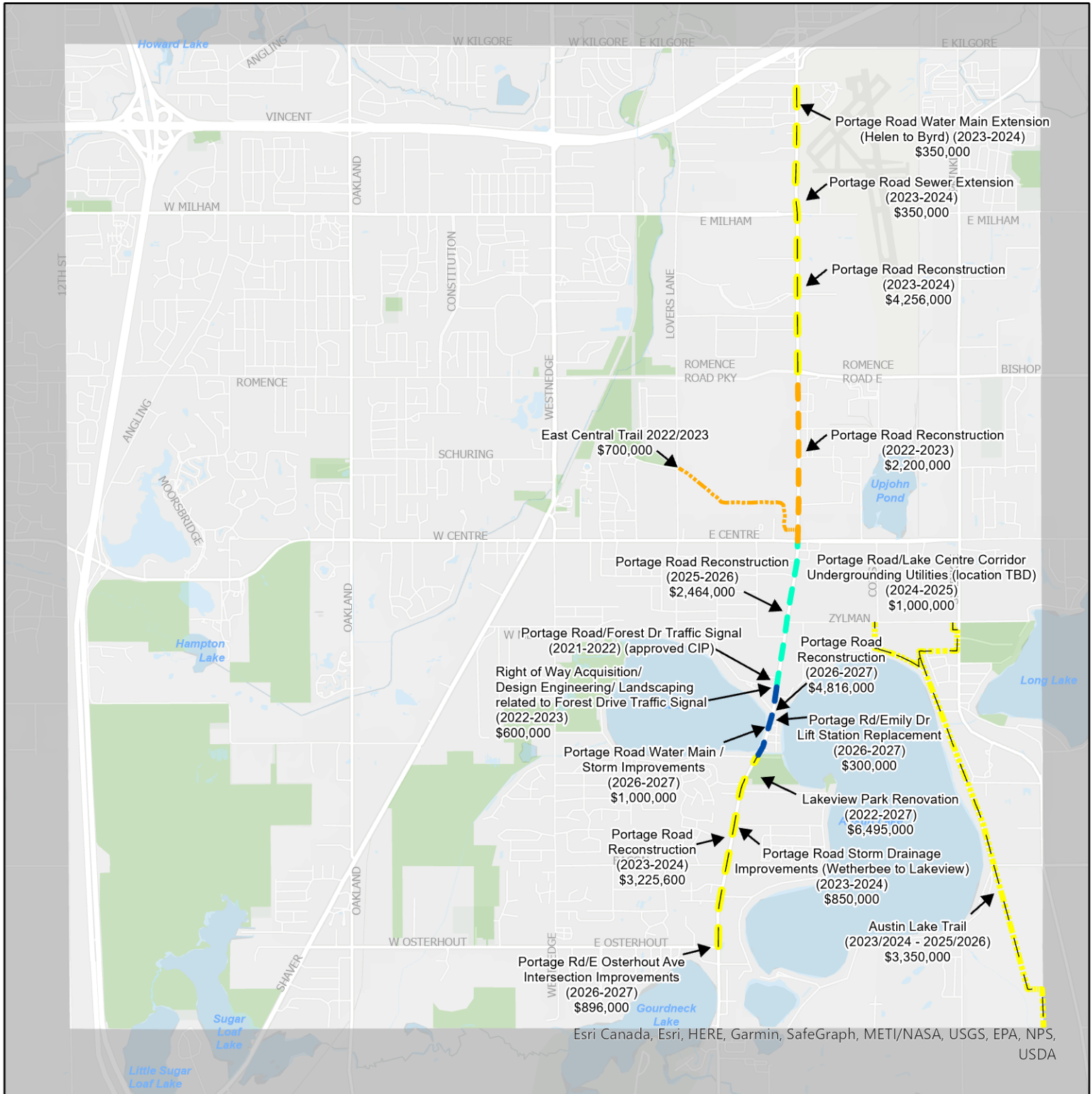


2022-2028 Capital Improvement Program Revenues by Category



Proposed Portage Road Corridor Projects for FY2022-2028 Capital Improvement Program (Years 1-6)

DRAFT



Fiscal year

- 2022/2023
- 2023/2024
- 2024/2025
- 2025/2026
- 2026/2027

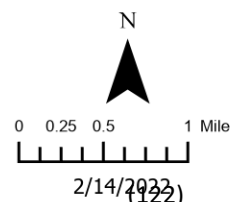
Proposed Projects and Investment along Portage Road

16 Proposed Capital Improvement Projects from FY2022-2028

\$32.9 Million Proposed Investment over the next 6 years

- 8 Street projects total investment = \$19.5 Million
- 8 Other projects total investment = \$13.4 Million

The purpose of this map is to show all CIP projects related to the Portage Road Corridor and Lake Center Business District (LCBD) for all 6 years of the 2022-2028 CIP. Proposed projects are color coded by fiscal year. Note that there are currently no projects programmed for FY 27/28 and the existing CIP FY 21/22 Portage Road / Forest Drive Traffic Signal is shown on map but not included in investment figure, as it is already approved and programmed.



CITY OF PORTAGE PLANNING COMMISSION

AGENDA

**Thursday, February 17, 2022
7:00 PM**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * 1. February 3rd, 2022 Meeting Minutes

PUBLIC HEARINGS

- * 1. A Special Land Use permit to operate a contractor's business at 8408 Portage Road, pursuant to Sec 42-461.
- * 2. Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, pursuant to Sec 42-651.

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

- 1. 2022-2028 Capital Improvement Program discussion and recommendation to City Council.

STATEMENT OF CITIZENS:

ADJOURNMENT:

Star (*) indicates printed material within the agenda packet.

CITY OF PORTAGE PLANNING COMMISSION

Thursday, February 3, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of February 3, 2022 was called to order by Chairman Corradini at 7:02 p.m.

IN ATTENDANCE

Eric Feldt, City Planner
Daniel Harrington, City Planner
Biqi Zhao, Senior City Planner
John Lovely, Development Review Administrator
Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

APPROVAL OF MINUTES:

A motion was made by Commissioner Baldwin, supported by Vice Chair Joshi to approve the January 20, 2022 meeting minutes. The motion was approved unanimously.

Public Hearing:

Special Land Use Permit for proposed Animal Hospital 5348 S. Westnedge Avenue. Mr. Feldt detailed the applicant's request for a Special Land Use permit to establish a new Animal Hospital at the vacant building located at 5348 S. Westnedge Avenue.

Applicant, Josh Whiner, 700 Mall Drive Portage, Michigan of Quality Acquisitions LLC, owner of the property, and CEO of the Meijer C Whiner Company provided a project overview and comments. Chair Corradini opened the public hearing. No members of the public made comments. Baldwin supported and Chair Corradini closed the public hearing. Commissioner Adams motioned to approve the special land use permit and Commissioner Baldwin supported. Motion passed unanimously.

Old Business:

A Tentative Plan Amendment to modify the previously-approved Streamsong Phase 3 residential condominium development 715 W. Osterhout Avenue. Mr. Feldt summarized that as indicated in the January 20, 2022 Planning Commission packet, a Tentative Plan amendment was submitted to facilitate two changes to the original 2017 tentative plan for the Streamsong Planned Development for phase 3 (last development phase) for Commissioner consideration: 1) split off a 1.4 acre parcel for a future single family detached house in the northeast corner of the overall site, and 2) allow 3rd-car garages for 13-14 housing units. This February 3, 2022 report addresses additional public comment and Commission questions posed during the January 20, 2022 meeting for the Commission's consideration and action.

Commissioners discussed the details of splitting off a parcel from the current development. Staff confirmed that if split and developed the new house will need to be connected to city utilities.

Applicant, Pat Flanagan, 1209 E Milham Ave Portage, Michigan noted that wetland delineation changes over time and delaying approval pending a new delineation would prove difficult to his business. He clarified that fill in the wetland has been removed. Commissioners discussed tree clearing on the property, the setbacks for PD, and the history of the site approval.

Chair Corradini opened a public hearing. Dave Hooksama, 443 E Osterhout Ave stated that the original approved site plan stated the natural areas would be permanent. He also stated that the staff report notes potential upland developments. Chair Corradini closed the public hearing with support from Commissioner Fries. It was approved unanimously.

Vice Chair Joshi asked about the wetland re-delineation. Commissioner Fries stated there is not good motivation to re-delineate. Chair Freiman affirmed his support of this position. Commissioner Fries motioned to approve option with compliance of setbacks after zoning is changed to R1-C and allowing three-car garages. Commissioner Adams supported the motion. Mr. Feldt held a roll call vote: Corradini (yes), Joshi (yes), Adams (yes), Pezzoli (yes), Baldwin (yes), Fries (yes), Youngs (yes), Freiman (no), O'Dell (yes). Motion passed 8-1.

New Business:

Distribution of Draft FY22-27 Capital Improvement Program document. Mr. Feldt explained there is a shift in the Capital Improvement Program from a 10 year plan to a 6 year plan. He shared documents with the commission for their review.

Master Plan Update. Mr. Feldt updated the board that three RFP proposals have been received and are being reviewed by the selection committee.

STATEMENT OF CITIZENS/COMMISSIONERS

Commissioners thanked the snow plow personnel for their road clearing. Chair Corradini thanked the commission for their work.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:46 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Planning Commission**DATE:** February 17, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** Special Land Use Permit for Contractor's Business; 8405 Portage Road**I. INTRODUCTION:**

The Applicant has filed a Special Land Use Permit application to establish a new contractor's business at 8405 Portage Road, pursuant to Sec 42-461 of the zoning code. The applicant is also seeking Site Plan approval.

II. BACKGROUND INFORMATION:**Subject Site**

The subject site is located along the east side of Portage Road, approximately 430 feet north of the intersection with Zylman Avenue. See attached map. Recent pictures of the site are also attached. According to City Assessor's records, the site is approximately 1/2 acre in size; developed with a 2,300 square foot (approx.) warehouse building (built 1972); and contains a paved parking and circulation area around the building. The site is served by City of Portage water and sewer utilities and sidewalks along both sides of Portage Road. There are overhead powerlines running along the east side of the road, near the sidewalk. The site does not contain any sensitive environments such as wetlands nor is located within the 100-year flood zone.

The applicant recently started a lease with the property owner to pursue the subject contractor's business. The applicant proposes renovating an existing building at the subject site; installing a large back addition for accommodating work vehicles, a small shop, and storage of business materials; and improving the site with new pavement and striping, adding landscaping, and relocating access to the south to create a future shared driveway with the site.

Zoning

The subject property and others along the Portage Road corridor are zoned B-3 'General Commercial', which is intended to provide sites for more diversified businesses and are often located to serve pass by traffic. This district permits a variety of commercial uses, such as retail, restaurants, auto repair businesses, religious institutions, dry cleaning, car washes, etc. A contractor's business, the subject of this application, is listed as one of several land uses permitted with a Special Land Use Permit.

Consistency with Adopted City Plans2014 Comprehensive Plan

The following goals are applicable to the subject request:

- "Guideline C-7: New development and redevelopment within the Lake Center should be consistent with the goals and objectives of the Lake Center Subarea plan...a vibrant commercial

corridor with a unified, attractive visual character that builds upon the history of the Lake Center District."

- "Guideline C-8: Item d) Encourage innovative commercial/ office design to: d) provide trees and landscaping along the street and within the site. Item g) provides access design consistent with the recommendations of the Plan."
- Future Land Use: The subject property is classified as 'General Business', which generally supports a "...full range of retail uses, for hotel and other highway services, for recreation facilities and for personal service establishments, and may include general offices."

Lake Center District Plan Corridor & Placemaking Study

The site is located in the Lake Center District Plan Corridor & Placemaking Study area, which provides recommendations for short- and long-range implementation tools to create a more walkable, improved, and defined lake center area along the Portage Road corridor. These private improvements will help improve the overall aesthetics of Portage Road and supplement future streetscape improvement elements.

Public Notices / Comment

- A public notice was published in the Kalamazoo Gazette on February 2, 2022.
- Public notices were mailed on February 2, 2022 to all property owners and occupants within 300 feet of the subject property.
- As of 2/10/22, no public comments have been received regarding this application.

III. ANALYSIS:

Special Land Use Permit

The applicant's proposed contractor business is permitted in the B-3 zoning district under Sec 42-262(c)(6) and must meet specific standards of use, and meet general standards of a Special Land Use Permit (Sec 42-462).

Special Land Use Permit Sec 42-262 (c)(6) Offices and showrooms for building, plumbing, electrical or mechanical contractors.

a. No fabricating of materials shall take place on the site

According to the application, the proposed building renovations and addition will be used for a future office space and general storage and parking of related vehicles for the proposed contractor's business; no areas will be used to fabricate materials.

b. There shall be no exterior storage of equipment or materials or supplies, including portable construction offices, on the site.

According to the application, no exterior storage of equipment, materials, or supplies is proposed.

General Standards Applicable to Special Land Uses

Below are the general standards applicable to all uses requiring a Special Land Use Permit for Planning Commission consideration. Staff find that all standards are met, and provides the following information to support this finding:

Sec. 42-462. - General standards for review of special land uses.

a. Promote the intent and purpose of this article;

The proposed use will result in greater diversification of businesses along Portage Road, will be built to meet the B-3 development standards, and results in an improved building and site appearance which also help improve the overall Portage Road corridor.

b. Be compatible with adjacent uses of land and the natural environment;

The addition of a contractor's business would be appropriate and would not negatively impact adjacent commercial uses. The redevelopment of the subject site would also not impact any natural environment.

c. Not unduly affect the capacities of public services or facilities;

The proposal will result in low usage of public services such as utilities (City water, sewer) and low traffic demand. Therefore, the proposal will not unduly affect the capacities of public services or facilities.

d. Be consistent with the public health, safety and welfare;

The proposal will not negatively impact public health, safety, and welfare because the building and site renovations will comply with local zoning and building code regulations. The proposal will not result in the use of loud machinery, cutting or grinding tools, or other intense operations that would be disruptive to adjacent properties. By relocating and creating a shared-use driveway with the adjacent site to the south, there will be fewer curb cuts which yields more predictable traffic movements.

e. Be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and

The proposal will be harmonious with and in accordance with the general objectives of the comprehensive plan because it will improve the Portage Road corridor with new landscaping, improve the existing building facade with more interesting detail, re-occupy a vacant building, and improve access management through the use of a new shared driveway.

f. Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use.

The nature and intensity of the principal use will not be hazardous or otherwise detrimental to the area or unduly conflict for the following reasons. The proposed business will result in a low intense use and low traffic demand. The overall building will offer a small employee office area, located near the front. The business is expected to provide small group settings for service consultation of various contracting services, which is also located near the front. And, the back half will be used by employees who mainly

provide off-site services of the business. Those employees are likely to be at the site primarily at the start and end of the day . The applicant will renovate the entire parking and site circulation areas with new pavement, parking space striping, and trash enclosure. Further, the existing driveway will be relocated to the south to facilitate a shared driveway with a future owner of the adjacent property to the south. This new driveway will reduce the total number of curb-cuts along Portage Road resulting in safer traffic circulation.

Site Plan Approval

The proposed business and site improvements also require a site plan review for consistency with Sec 42-483 Site plan review standards A-I, outlined below. The applicant's submitted site plan has been internally reviewed by various City departments. City staff find that the proposed site improvements meet required standards.

- preserve public safety, health, and provide emergency access
- provide a safe circulation throughout the site,
- preserve natural features,
- maintain neighborhood harmony,
- properly address stormwater needs, and
- be consistent with the zoning code and comprehensive (master) plan.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit and site plan review for a Contractor's Business at 8408 Portage Road, be approved.

Attachments:

1. 8405 Portage Rd SLUP Aerial
2. 8405 Portage Rd SLUP map
3. 2021-08-20 SLUP Application
4. 8405 Portage Road warehouse building plans
5. 2021-08-20 SLUP Application
6. 2022-01-14 Blue Line Site Plan
7. 8405 Portage Road development application
8. 8405 Portage Road show room and office plan layout
9. Building Facade Sketch
10. Site Pictures; 2.1.2022



 Subject Property

Special Land Use Permit 8405 Portage Road



1 inch = 100 feet
(138)

1 inch = 267 feet
(139)

SPECIAL LAND USE PERMIT INFORMATION

INTRODUCTION:

The purpose of this information is to explain a Special Land Use and the process of obtaining approval to conduct a Special Land Use. While certain land uses are “permitted by right” in each zoning district in Portage, a Special Land Use is allowed, when conditions specified in the zoning district are met and the use is approved by the Planning Commission.

IMPORTANT MATERIALS THAT MUST BE SUBMITTED TO THE PLANNING COMMISSION:

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1. A DESCRIPTION OF THE SPECIAL LAND USE TO BE CARRIED OUT on the property, including specific details about the special land use that will be on the property and which may dictate the size, shape or configuration of the building or structure to be used.
2. SKETCHES OF THE BUILDING OR STRUCTURE including floor plan, building or structure elevations and proposed location on the property, if pertinent to the application.
3. A SKETCH OF THE PROPERTY OR SITE MAP including adjoining properties and/or buildings, if pertinent to the application. Dimensions in feet of the property and building or structure are to be indicated. Topography, vegetation and other physical features are also to be shown on the sketch or site map.
4. A SPECIAL LAND USE PERMIT APPLICATION (attached) must be completed and signed by the property owner. Unless applying by mail, the Department of Community Development will prepare a computerized application with the applicant at time of submittal.
5. APPLICANT OR THEIR REPRESENTATIVE MUST ATTEND the Planning Commission meeting at which his/her application will be considered. Also, the Planning Commission will conduct a public hearing and input from the public will be accepted.
6. SPECIAL LAND USE PERMIT FEE: \$230 per group day care home application
\$340 for all other applications

FOR FURTHER INFORMATION ON SPECIAL LAND USE PERMITS: Please feel free to contact the Department of Community Development at 329-4477. Department staff will be glad to assist you.

T:\COMMDEV\2019-2020 Department Files\Forms\Planning_Development Forms\2020 SPECIAL LAND USE PERMIT INFORMATION.doc

APPLICANT INFORMATION

Name Amil Alwan		Telephone Number 2699981558	
Address 706 E Highway St	City Vicksburg	State MI	Zip code 49097

OWNER INFORMATION (if different)

Name Kasten Investments		Telephone Number 2693270502	
Address 8065 Cox's Dr	City Portage	State MI	Zip code 49002

PROPERTY INFORMATION

Address of property 8405 Portage Rd	Zoning District B-3	Land Area (acres) .57
Legal Description (or attach separate page) THAT PART OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF		

PROPOSED USE

Description of proposed Special Land Use (attach additional page(s), if necessary)

This would be the home of Blue Line Remodeling and Construction, LLC. Portage has been home to BLRC for

Currently our small office is located at 1601 W Centre and are shop is at the current location of 8405 Portage

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Our plan is to beautiful the building and the area, with the addition of the shop extension, we would be changing

We plan to change the front façade, pave the parking lot, and improve the landscape.

OWNER CERTIFICATION

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

Amil Alwan

8/19/21

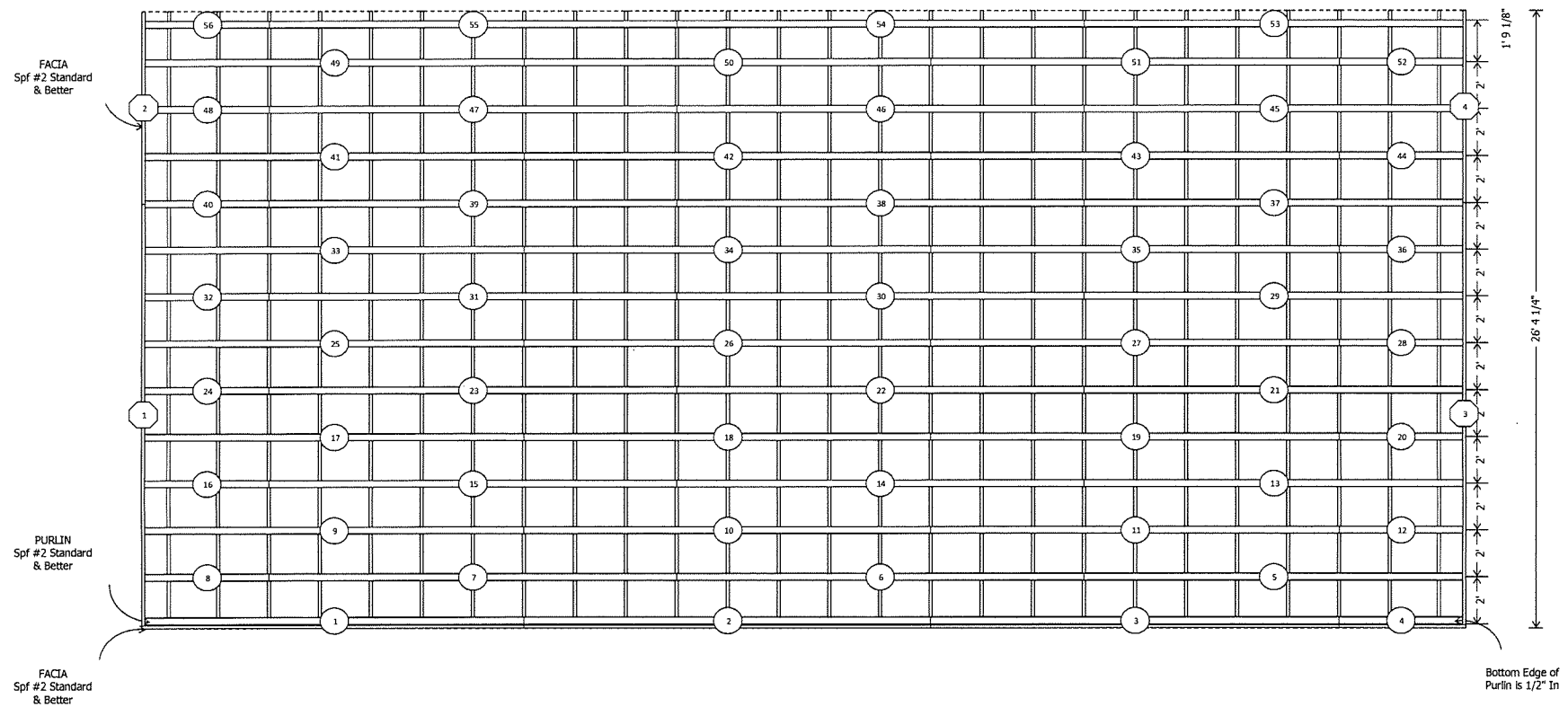
Signature
Amil Alwan

Date

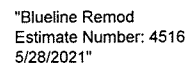
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NORTH SIDE-EAVE SIDE 2 TRUSS AND PURLIN LAYOUT

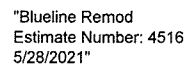
Construction
Maestro[®]
Estimating Software
For Roofs, Garages & Decks



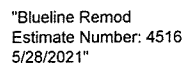
Construction
Maestro[®]
Estimating Software
Hole Borens, Garages & Decks



Construction
Maestro®
Estimating Software
MoJo Batts, Garages & Docks

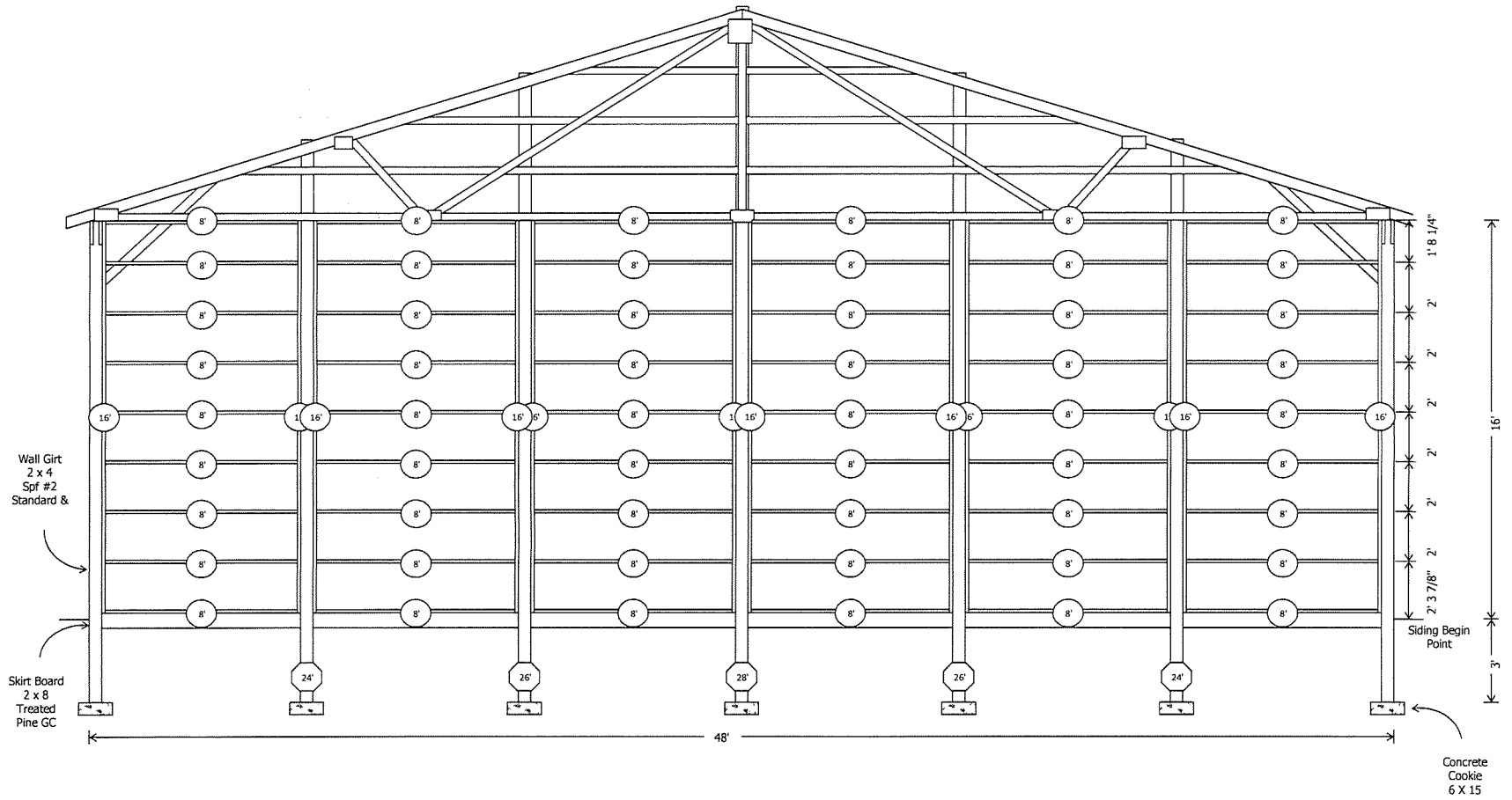


Construction
Maestro®
Estimating Software
Pole Barns, Garages & Decks



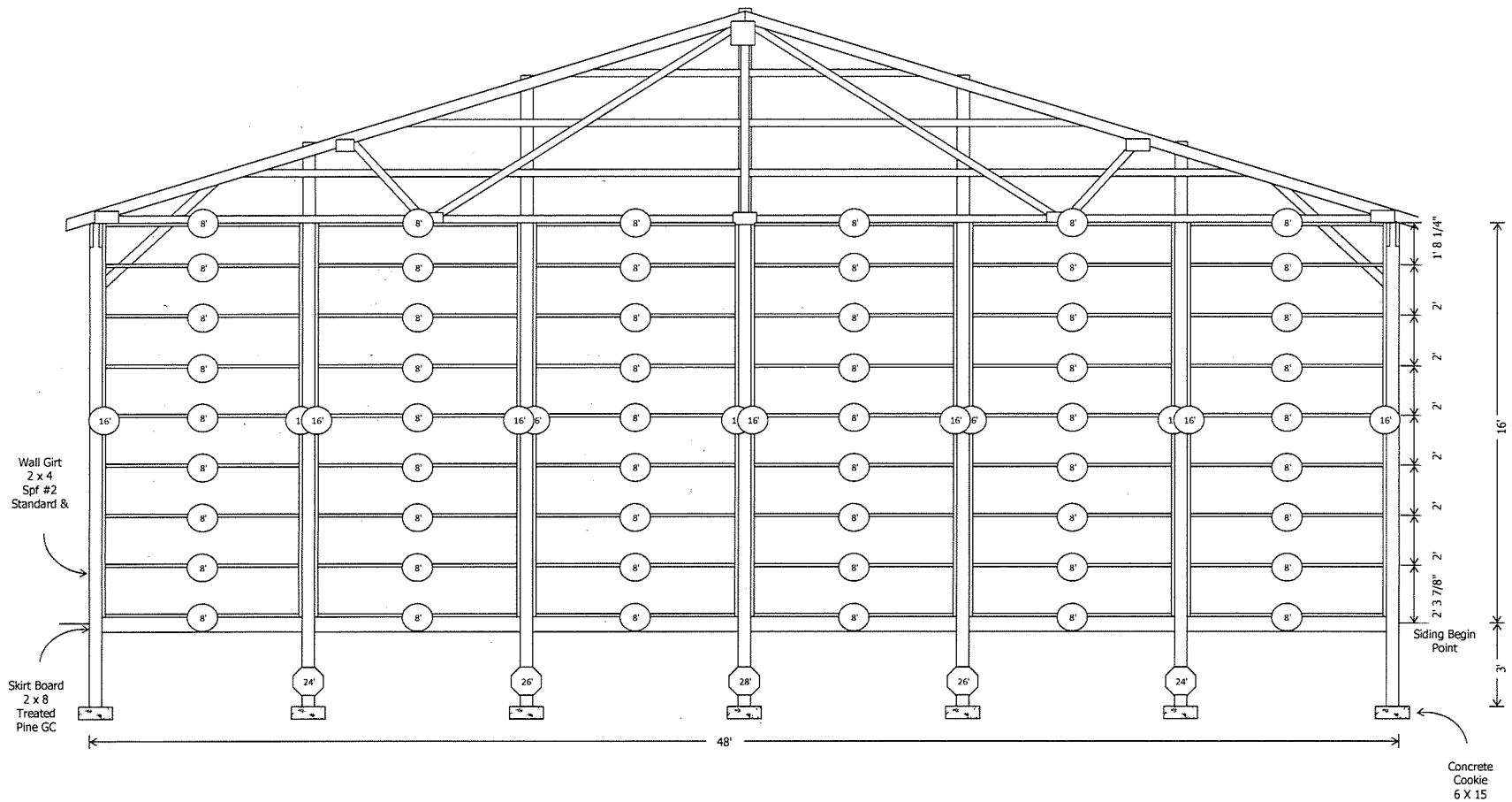
EAST SIDE-GABLE SIDE 1 WALL GIRT VIEW

Construction
Maestro
Estimating Software
Pole Barns, Garages & Decks



WEST SIDE-GABLE SIDE 2 WALL GIRT VIEW

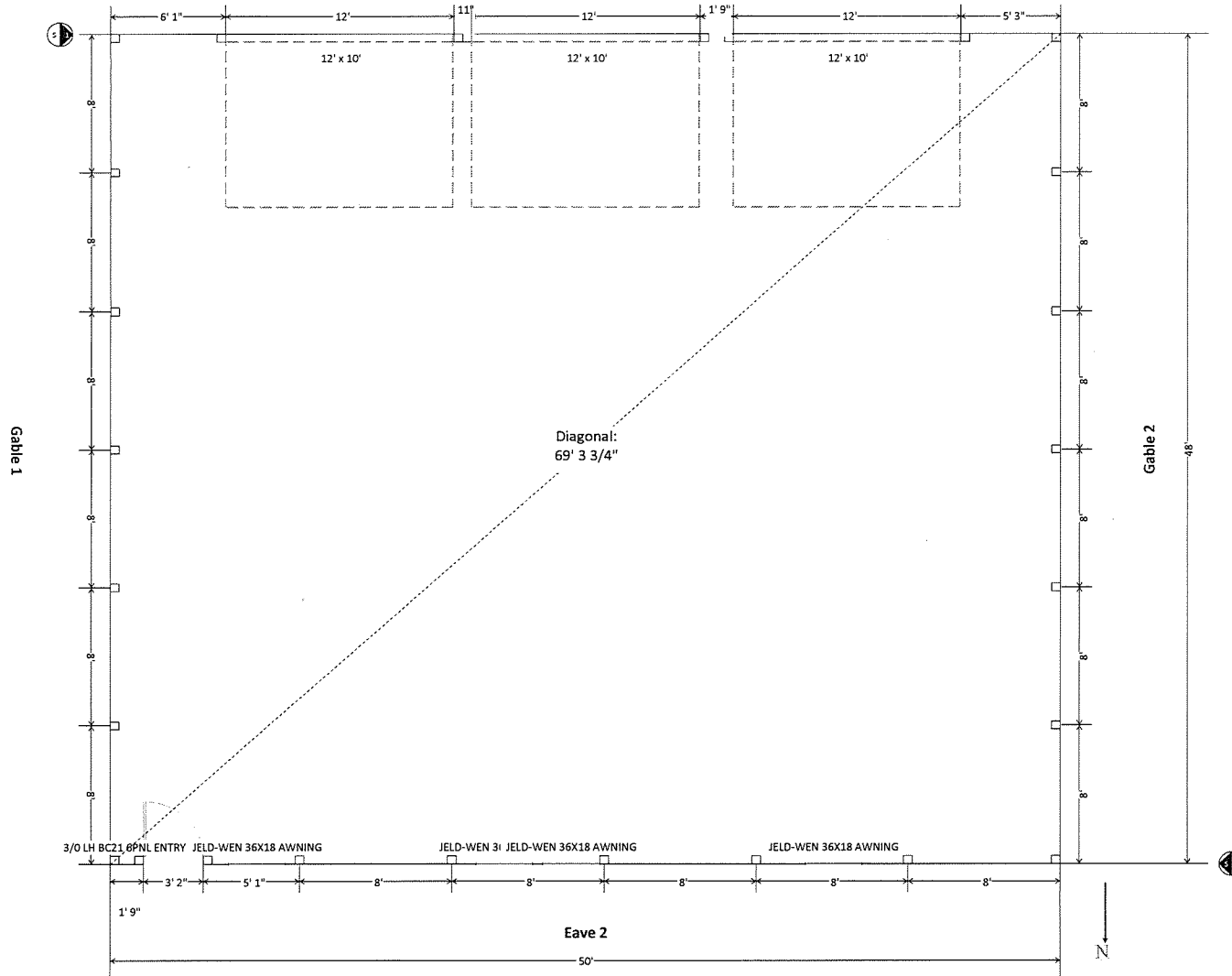
Construction
Maestro
Estimating Software
Pete Barnes, Owners & Decks

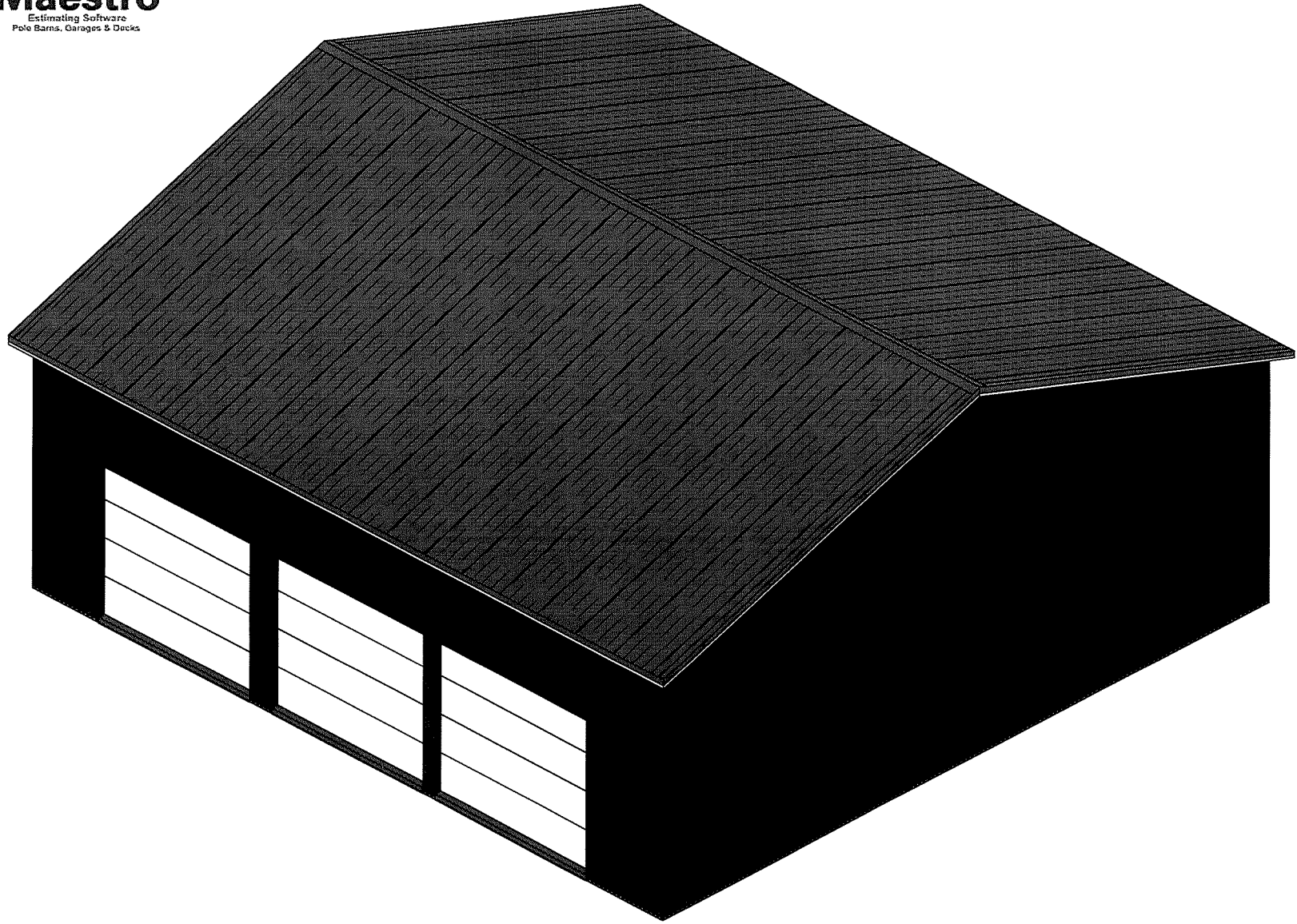


POLE LAYOUT

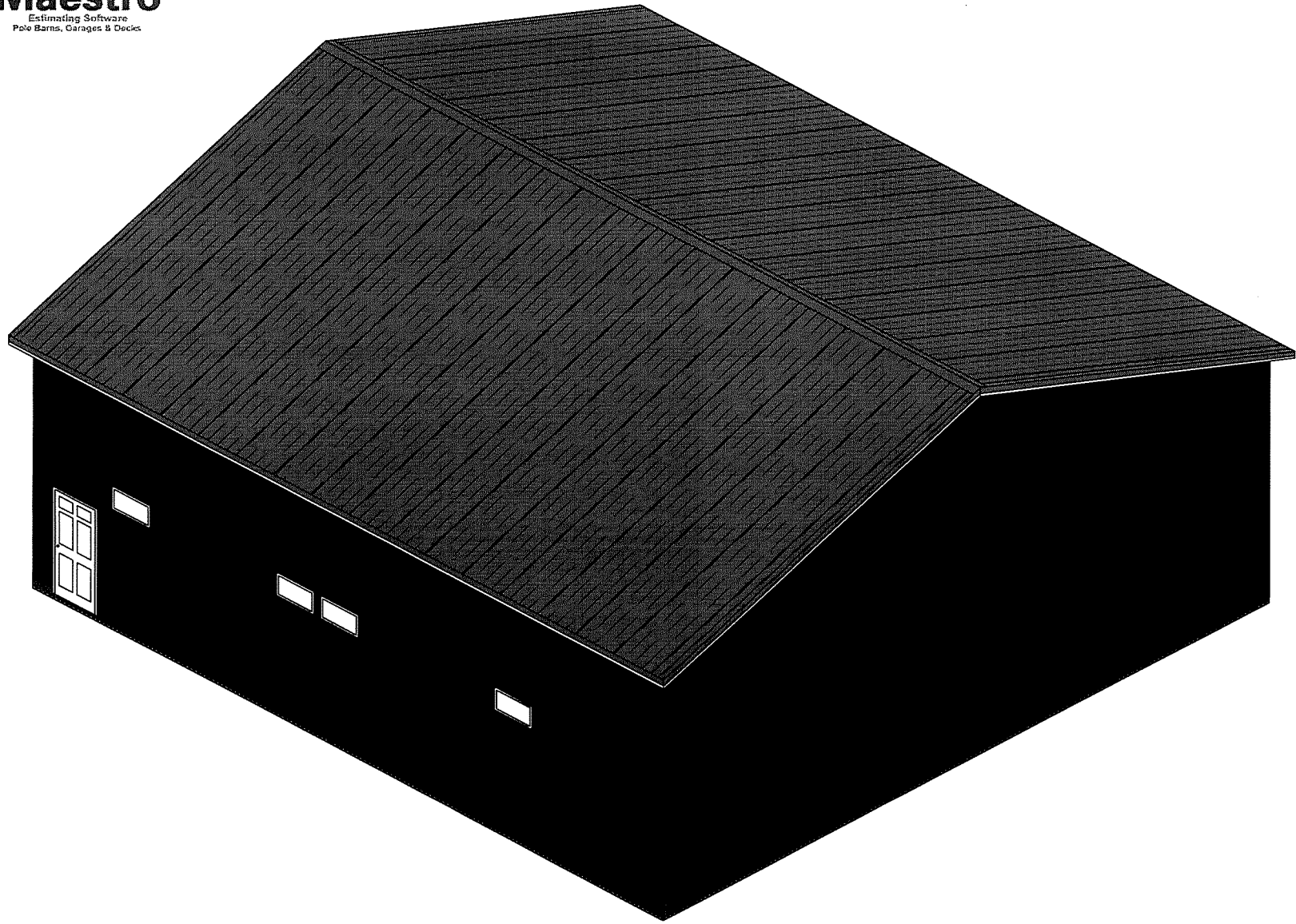
Personal Use, 2400 sq. ft.

Eave 1





"Blueline Remod
Estimate Number: 4516
5/28/2021"



"Blueline Remod
Estimate Number: 4516
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Amil Alwan

8/19/21

Signature
Amil Alwan

Date

GENERAL NOTES:

A. GENERAL REQUIREMENTS:

- 1. The contractor shall conform to the Owners regulations and safety requirements.
- 2. Work shall be planned and scheduled to minimize disturbance of other trades.
- 3. Contractor shall field verify all dimensions before construction begins and shall be responsible for same.
- 4. All construction shall be in accordance with all applicable Federal, State and Local Codes and Ordinances.

B. PROTECTION

- 1. Contractor to provide all barricades, fencing, lights, signs, etc. to protect the site.
- 2. Contractor to provide all necessary shoring, etc. to protect the existing and new construction.

C. Location: 8405 PORTAGE ROAD, PORTAGE, MI
Owner: Kasten Investments No. 1, LLC
8065 Cox Drive
Portage, Michigan
PH. 264-321-0502

Legal Description:

That part of the Northwest Quarter of Section 23, Township 3 south, Range 11 West, City of Portage, Kalamazoo County, Michigan, Described as: Beginning at a point on the North and South Quarter corner of said Section 23 that is 2142.53 feet South 00° 47' 58" West of the North Quarter corner of said Section 23; Thence South 00° 47' 58" West on said North and South Quarter Line, 103.14 feet to a point that is 408.01 feet North 00°47' 58" East of the center of said Section 23; Thence North 81° 12' 21" West 259.78 feet to the east right of way line of Portage Road; Thence North 09° 17' 30" East on said East right of way line 100 feet, Thence South 81° 12' 21" East 216.12 feet (recorded as 215.05 feet); Thence South 85° 30' 13" East 28.54 feet to the point of beginning. Containing 0.58 of an Acre, more or less.

Subject to any and all easements and restrictions of Record, or otherwise.

Subject to any fact that may be disclosed in a full and accurate Title Search

Survey by: Nightman, Job # 194358, Dated 12-19-2109

Parcel # 10-00023-120-0

Zoning: B-3 GENERAL BUSINESS DISTRICT

New Construction: 2,400 square foot 1 story wood frame construction. Construction Type V
48-0 x 50-0 office / storage area attached to existing 48' x 48' wood storage building
Existing building 12' eve / 18' ridge - New building 16' eve / 22' ridge

Parking Requirements:

1 space per 150 sq. ft UFS # 1/1,700 sq. ft warehouse
(NEW OFFICE) 1500 sq. ft x .80 = 1,200 UFS / 200 = 6 Vehicles
TOTAL WAREHOUSE AREA 3,220 sq. ft. / 1,700 = 2 SPACES
TOTAL PARKING SPACES REQ'D = 8 SPACES (12 TOTAL PROVIDED)

Parking stalls shall be 9' x 18'

All barrier free parking stalls shall include required graphics signage 6'-8" above grade denoting parking for the physically challenged indicated by law and ordinances.
Parking stall size 8'x20' + 4' walkway.

All pavement markings must conform to the standards set forth in the current edition of the Michigan Manual of Uniform Traffic Control Devices.

Contractor to provide all required permits and soil erosion control measures as required in the City of Portage.
Provide protection with silt fence around catch basins during all construction phases. Contractor to obtain SEESC permit.

Existing driveway is to be removed. A new driveway will be installed in the parcel to the south

Trash: Herby curby service held along back of new construction, screened in a wood stockade fence.

Right of Way Work: Contractor to obtain a Right of Way Permit for any work within the ROW, and coordinated with City Traffic Engineer.

Should a single parcel be sold to a different Owner, a cross access agreement between 2 sites must be provided to City of Portage.

Site Lighting:

- (4) LED wall pack Sharp Cutoff Fixtures - (2) north face new, (2) east face, (1) south face
- (3) architectural down lights on front (west) face

Building Utilities: Site is served with underground electricity, Gas, phone and sanitary, extended into new const. (See plan)

All signs shown on plan will comply with the City of Portage sign requirements
All signs will be approved under separate permit from City of Portage

Front parking landscape area:

Expanded grass area is 8' wide x length of frontage less drive
Install (6) deciduous trees (2.5" caliper) Red Maple and 36" tall shrubs (yews) at 3' on center and at 10' on center beyond parking area.

Paving: All existing paved areas to be milled down to subgrade and subgrade prepared as required including regrading to new drainage structures

Drainage: install (3) new catch basins with interconnected stone infiltration bed

Building Area: 4,704 sf + Paved Area: 13,950 sf = 18,950 sq ft = .428 A

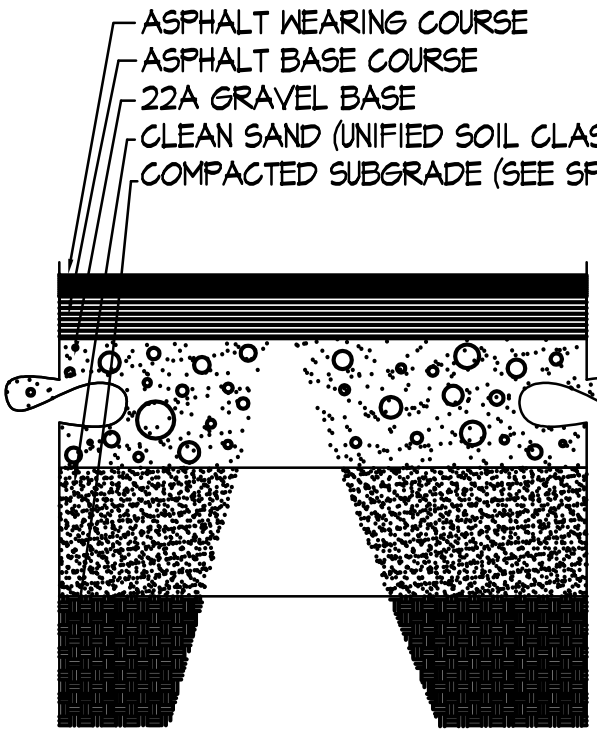
V req'd = .85 x .428 x 3.53 x 3630 = 4662 cu ft

V provided = (2) 24"φ x 180' + stone trench (@ 3 void ratio x 6' x 12') = 5019 cu ft

Infiltration rate = 1.7" / hr - A = 180' x 12' = 2,160 sq ft - 4662 cu ft / 2,160 sq ft = 2.16" x 12"/ft = 25.92" / 1.7 "/hr = 15.2 hours x2 FOS = 30.4 hours

Site area < 20,000 sq ft so no pre-treatment is required

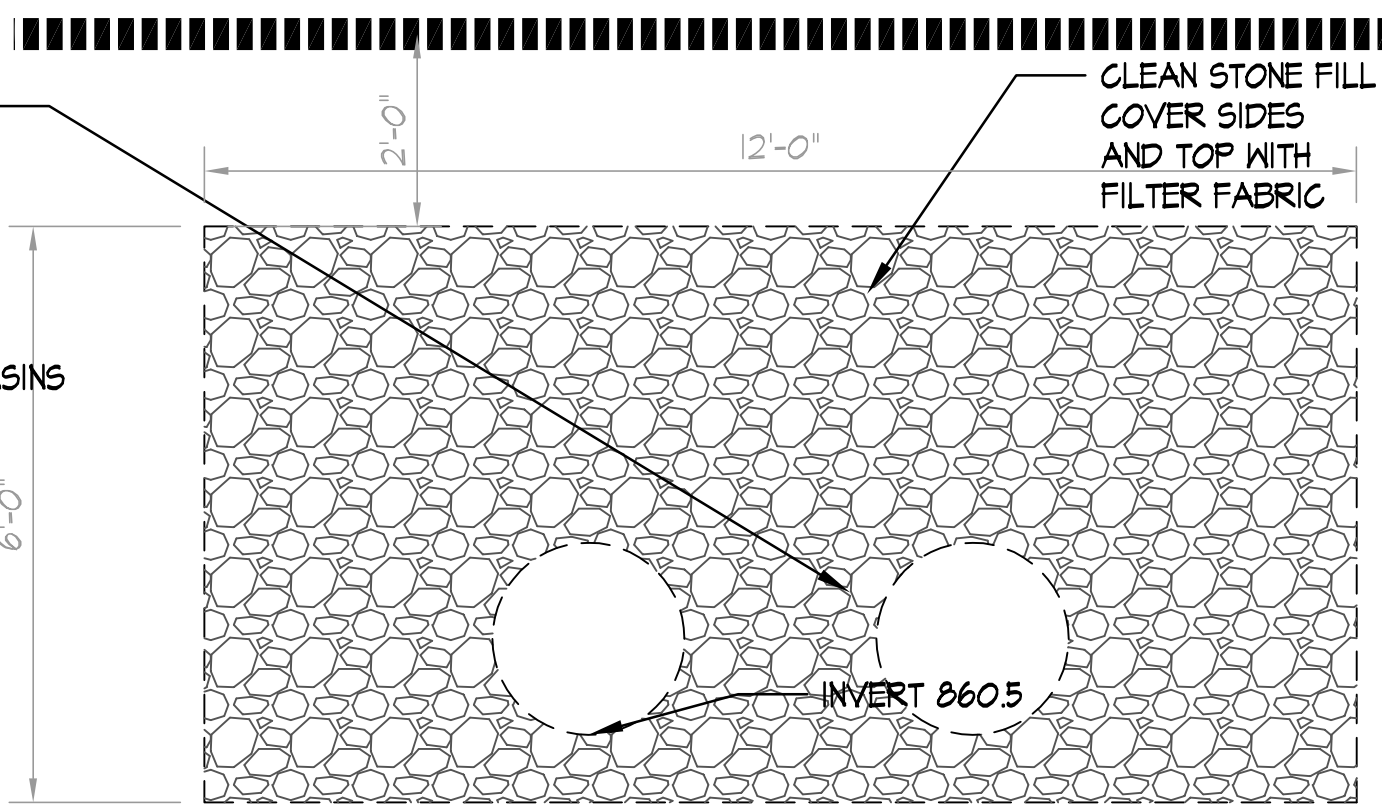
Storm Water maintenance schedule: Basins shall be inspected and cleaned 2-times per year



DIM.	HEAVY DUTY
A	1-1/2"
B	2-1/2"
C	8"
D	12"

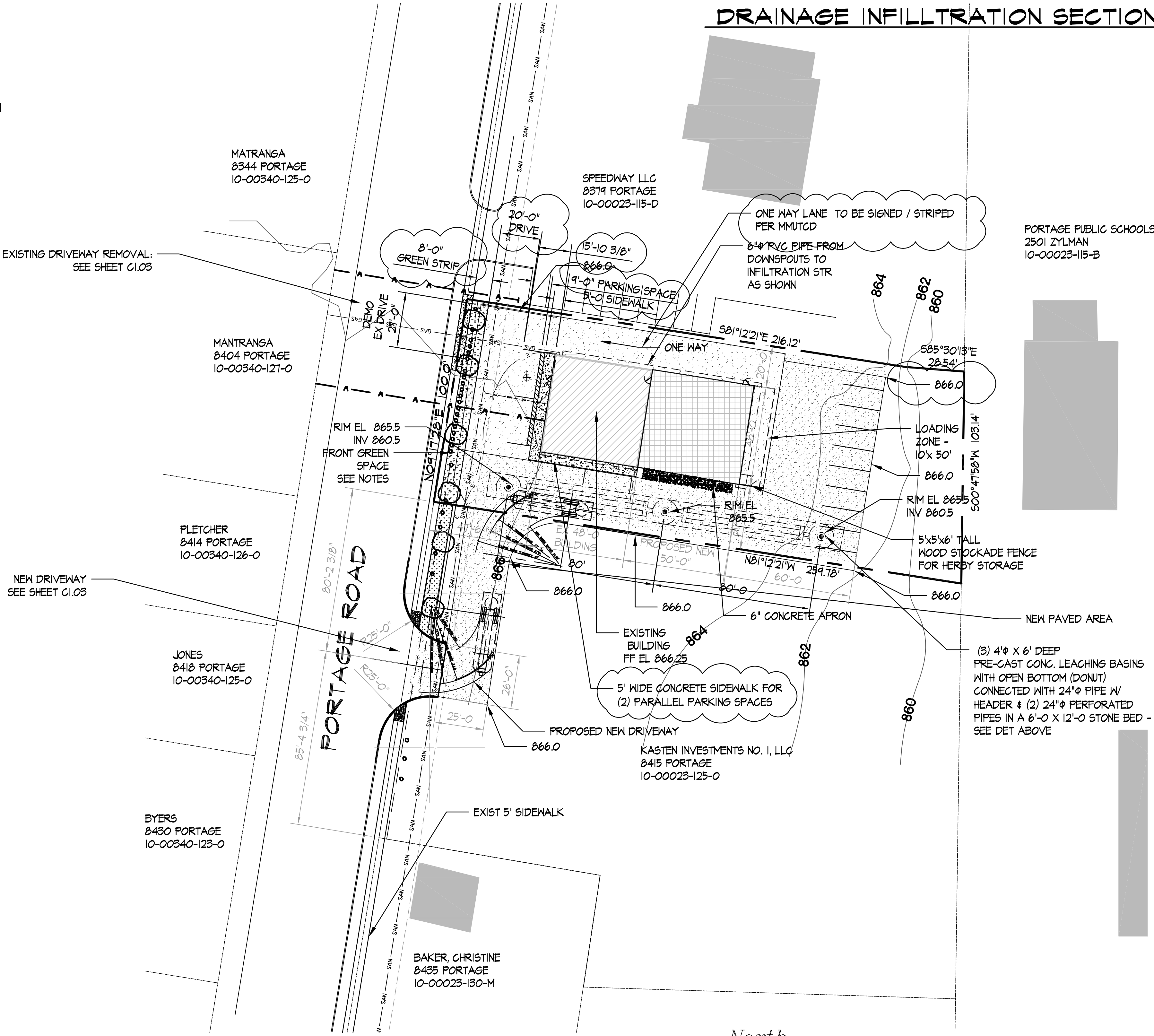
24"φ PERFORATION PIPE X 180' LONG (10' FAST EACH CB) CONNECTED TO CATCH BASIN AT EACH END

INSTALL (3) 4'φ X 6' DEEP PRE-CAST CONC. CATCH BASINS WITH OPEN BOTTOM (DONUT) AS SHOWN ON PLAN

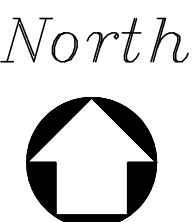


PAVING SECTION

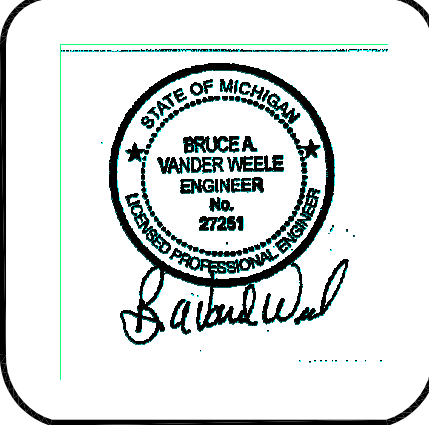
DRAINAGE INFILLTRATION SECTION



SITE PLAN
SCALE 1" = 30'-0"



NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		



KASTEN INVESTMENTS #1, LLC
SITE PLAN
8405 PORTAGE, MI

SITE PLAN
Vanderweele Design Consultants, P.C.
6330 Terrington * Kalamazoo, Michigan 49009
(269) 372-7227 Fax: (269) 372-3964
e mail: bvanderweele@vanderweele.com

XREFs.

PLOT SCALE

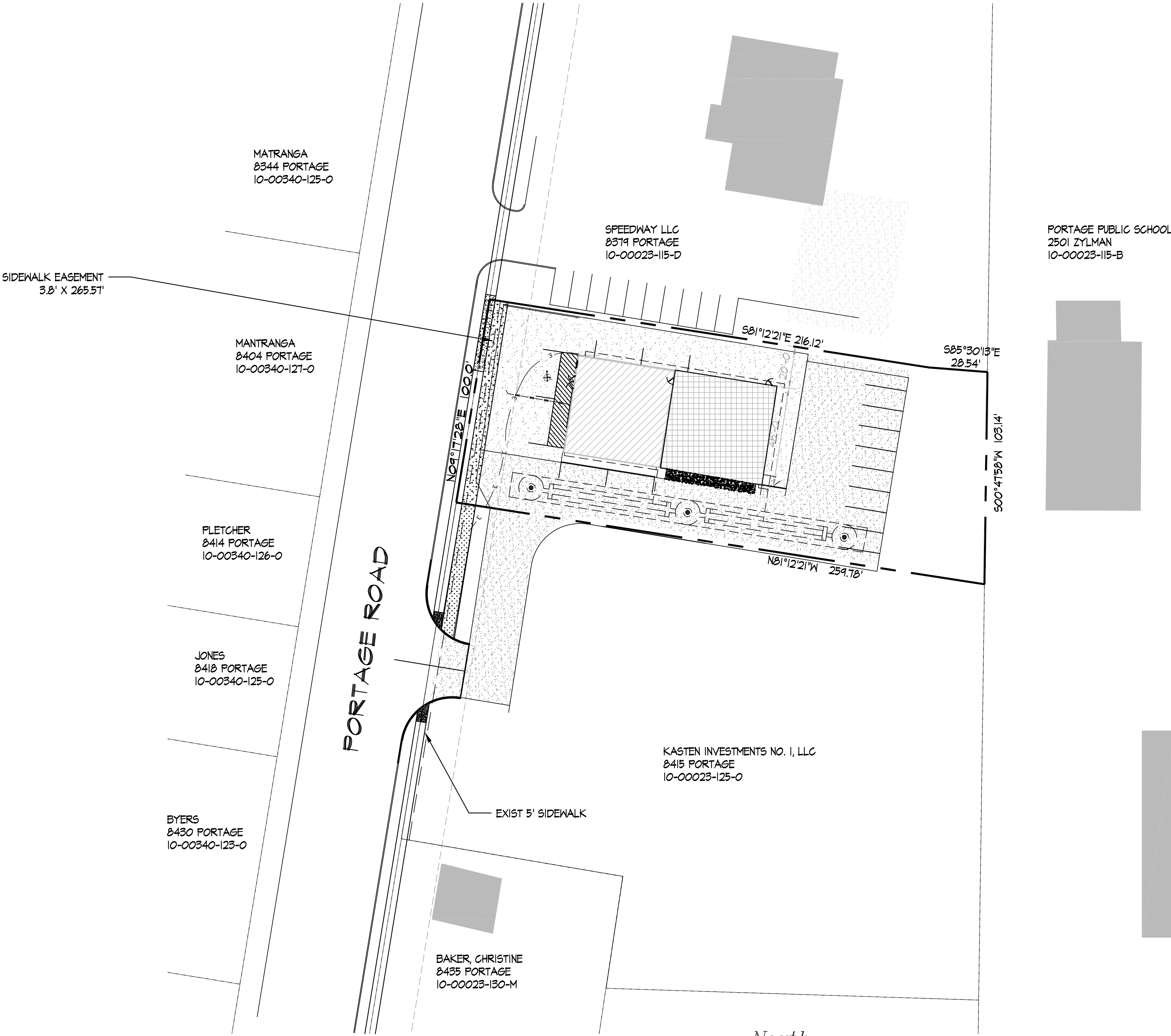
ISSUE DATE: 7/12/21

DRAWN BY: BAV

SHEET NO. C1.01

PROJECT NO. 10710

SIDEWALK EASEMENT:
That part of the Northwest Quarter of Section 23, Township 3 south, Range 11 West, City of Portage, Kalamazoo County, Michigan, Described as: Beginning at a point on the North and South Quarter line of said Section 23 that is 2142.53 feet South 00° 47' 58" West of the North Quarter corner of said Section 23; Thence South 00° 47' 58" West on said North and South Quarter Line, 103.14 feet to a point that is 408.01 feet North 00°47' 58" East of the center of said Section 23; Thence North 81° 12' 21" West 259.78 feet to the east right of way line of Portage Road; Thence North 09° 17' 30" East on said East right of way line 100 feet, to beginning of easement: sidewalk easement to follow a line S09° 17' 30" W for 265.57' including area 3.8' east and south of the line.



SITE PLAN
SCALE 1" = 30'-0"

NO.	DATE	REVISION
1		
2		
3		
4		
5		
6		
7		



KASTEN INVESTMENTS #1, LLC
SITE PLAN
8405 PORTAGE, MI
PORTAGE, MI

SIDEWALK EASEMENT

Vanderweele
Design Consultants, P.C.
6330 Terrington * Kalamazoo, Michigan 49009
(269) 372-7227 Fax: (269) 372-3964
e mail: bvanderweele@vanderweele.com

XREFs.

PLOT SCALE

ISSUE DATE:
12/6/21

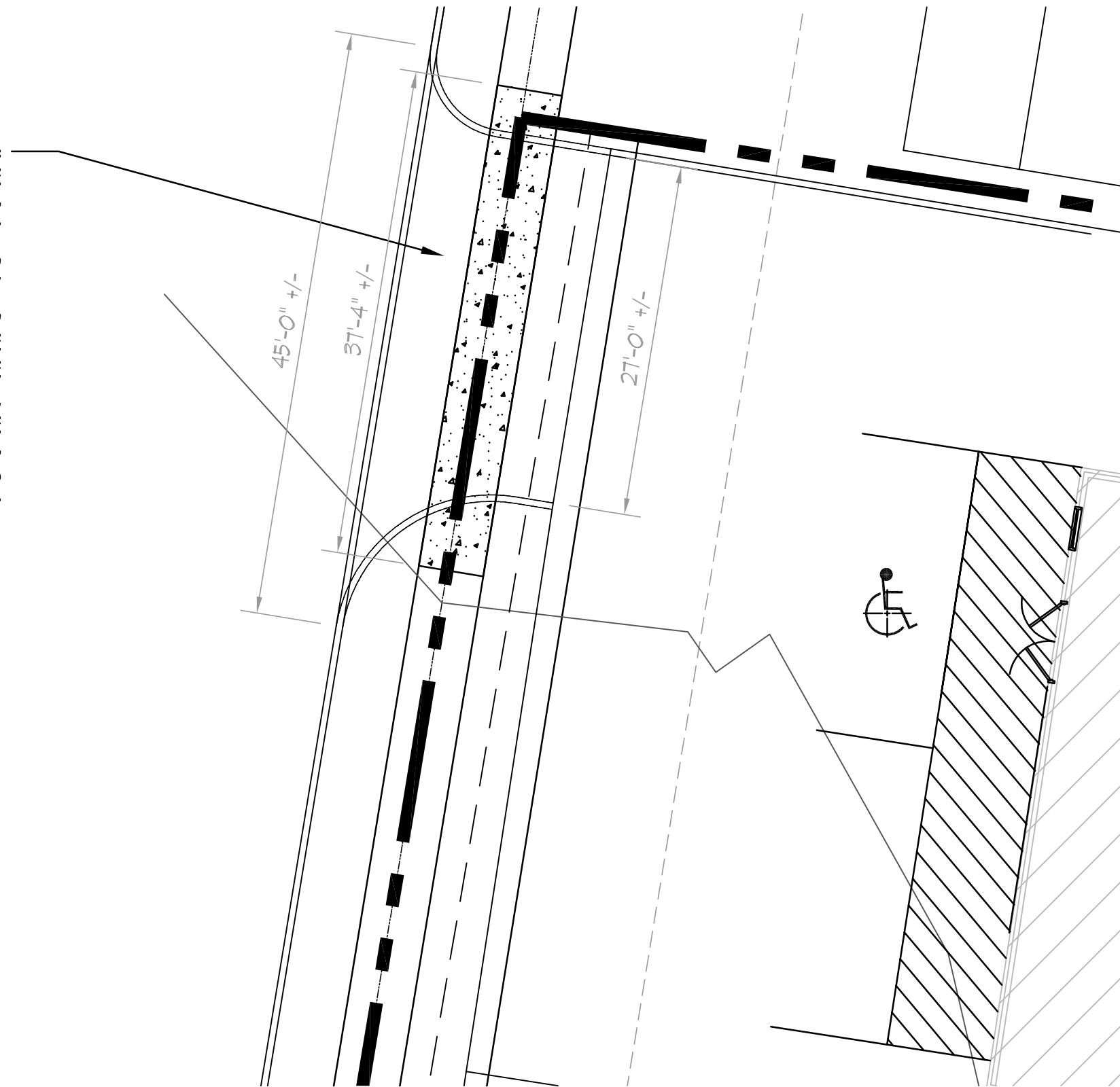
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BAV

SHEET NO.
C102

PROJECT NO.
10710

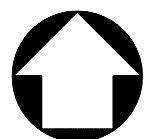
(18A)

- EXISTING DRIVEWAY REMOVAL:
1. REMOVE EXISTING GUTTER PAN, CURB AND PAVING AT EXISTING DRIVE
 2. INSTALL NEW CURB, GUTTER & GUTTER PAN TO MATCH EXISTING
 3. REPLACE CURB TO EXISTING JOINT BEYOND OPENING EACH WAY
 4. REMOVE MIN. OF 2' OF PAVEMENT, ROAD SIDE, FOR COMPACTION OF PAVEMENT AND ROAD BASE MATERIALS
 5. CONTRACTOR TO PROVIDE TESTING TO CONFIRM ALL MATERIAL MEET MDOT SPEC. INCLUDING EXTRACTION / GRADATION / ANALYSIS. ENGINEER OR TESTING FIRM SHALL BE PRESENT DURING PAVING OPERATIONS
 6. EXISTING DRIVE APPROACH REMOVAL / REPLACEMENT TO BE IN ACCORDANCE WITH SDO165, PAVEMENT REPLACEMENT DETAIL INCLUDING WEARING COURSE REPLACEMENT FULL LANE WIDTH FROM NORTH TO SOUTH SAW CUT / REMOVAL AREA, WEARING COURSE MILLED 1.5" WITH NEW 1.5" WEARING COURSE
 - PAVEMENT RESTORATION CROSS-SECTION TO MATCH EXISTING PAVEMENT AND MATCHING MAJOR ROAD LISTED ON SD-165 AS THE MIN. PAVEMENT MARKINGS TO BE REPLACED
 7. INSTALL NEW SIDEWALK MEETING CITY STANDARDS, AT DRIVE AREA, FROM AN EXITING SIDEWALK JOIST TO JOINT

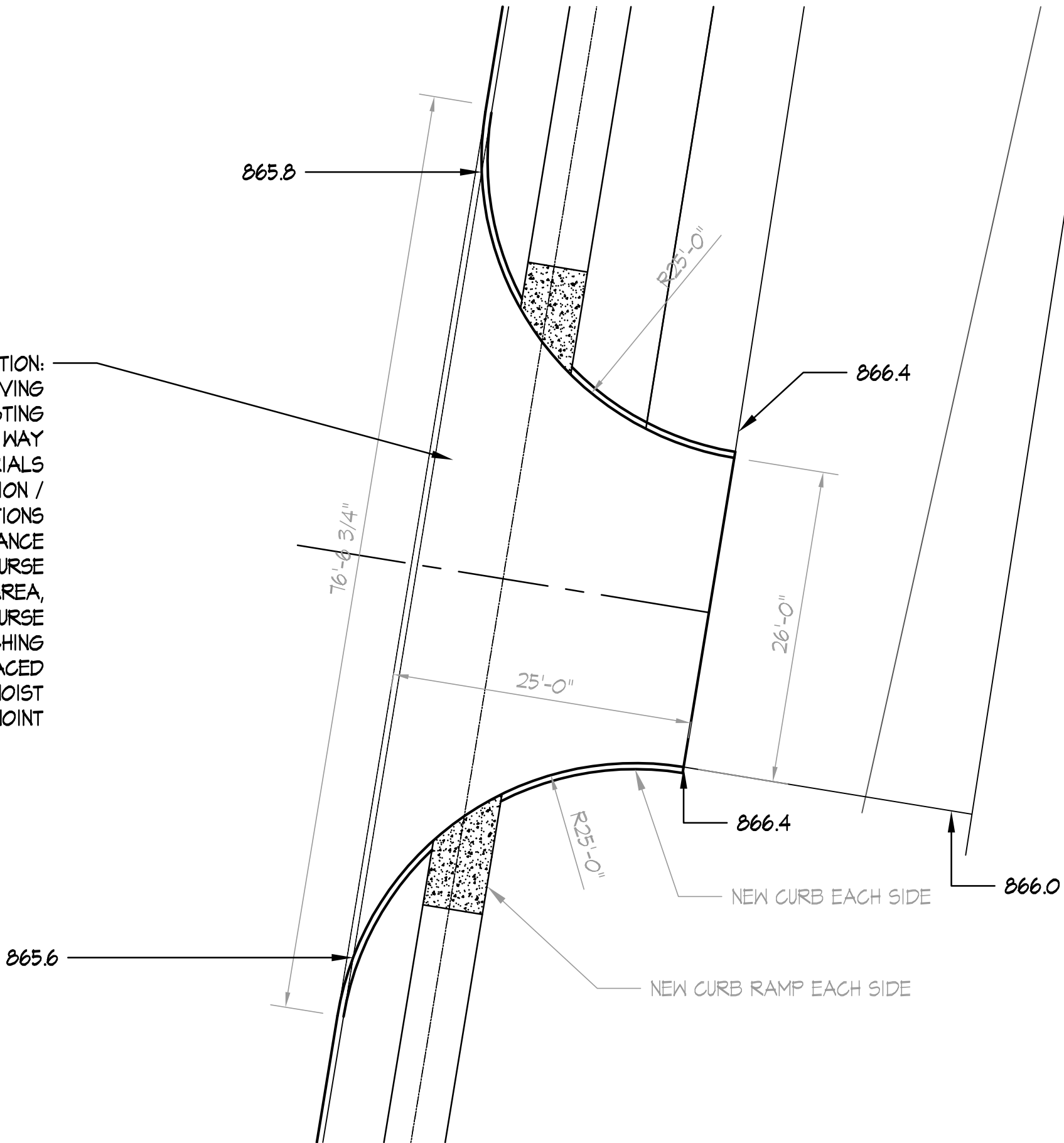


DRIVEWAY DEMO PLAN
SCALE 1" = 10'-0"

North

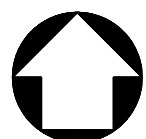


- NEW DRIVEWAY INSTALLATION:
1. REMOVE EXISTING GUTTER PAN, CURB AND PAVING
 2. INSTALL NEW CURB & GUTTER PAN TO MATCH EXISTING
 3. INSTALL NEW CURB TO EXISTING JOINT BEYOND OPENING EACH WAY
 4. REMOVE MIN. OF 2' OF PAVEMENT, ROAD SIDE, FOR COMPACTION OF PAVEMENT AND ROAD BASE MATERIALS
 5. CONTRACTOR TO PROVIDE TESTING TO CONFIRM ALL MATERIAL MEET MDOT SPEC. INCLUDING EXTRACTION / GRADATION / ANALYSIS. ENGINEER OR TESTING FIRM SHALL BE PRESENT DURING PAVING OPERATIONS
 6. NEW DRIVE APPROACH REMOVAL / REPLACEMENT TO BE IN ACCORDANCE WITH SDO165, PAVEMENT REPLACEMENT DETAIL INCLUDING WEARING COURSE REPLACEMENT FULL LANE WIDTH FROM NORTH TO SOUTH SAW CUT / REMOVAL AREA, WEARING COURSE MILLED 1.5" WITH NEW 1.5" WEARING COURSE
 - PAVEMENT RESTORATION CROSS-SECTION TO MATCH EXISTING PAVEMENT AND MATCHING MAJOR ROAD LISTED ON SD-165 AS THE MIN. PAVEMENT MARKINGS TO BE REPLACED
 7. INSTALL NEW SIDEWALK CURB RAMPS EACH SIDE, MEETING CITY STANDARDS, FROM AN EXITING SIDEWALK JOIST TO JOINT

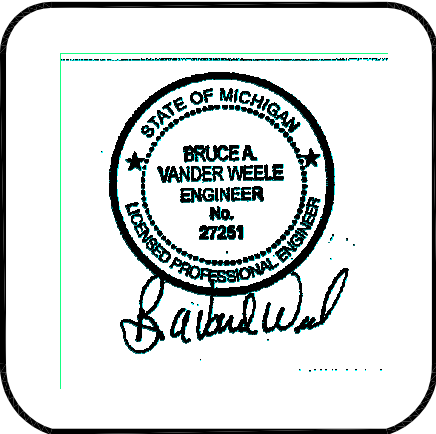


NEW DRIVEWAY PLAN
SCALE 1" = 10'-0"

North



NO.						DATE	REVISION
1							
2							
3							
4							
5							
6							
7							



KASTEN INVESTMENTS #1, LLC
SITE PLAN
8405 PORTAGE, MI
PORTAGE, MI

DRIVEWAY PLANS
Vanderweele
Design Consultants, P.C.
6330 Terrington * Kalamazoo, Michigan 49009
(269) 372-7227 Fax: (269) 372-3964
e mail: bvanderweele@vanderweele.com

XREFs.

PLOT SCALE

ISSUE DATE:
1/4/22

DRAWN BY:
BAV

SHEET NO.
C1.03

PROJECT NO.
10710



COMMERCIAL DEVELOPMENT APPLICATION

Department of Community Development
7900 South Westnedge Avenue – Portage, Michigan 49002 – (269) 329-4477

Applicant must complete all items in sections 1-9 (if applicable).

Please note: Separate applications must be submitted for Plumbing, Mechanical and Electrical Work Permits

No Work is to Start Prior to the Issuance of Building Permit

1) PROJECT INFORMATION

Project Description Blue Line Remodeling & Construction, LLC Office	Address 8405 Portage Rd
--	----------------------------

2) IDENTIFICATION (OWNER)

Name Kasten Investments	Address 8065 Coss Dr		
City Portage	State Michigan	Zip 49002	Phone 2693270502

3) ARCHITECT OR ENGINEER

Name	Address 1601 W Centre Ave	City Portage
State Michigan	Zip 49002	Phone
License Number	Expiration Date	Email

4) BUILDING CONTRACTOR

Company name Blue Line Remodeling, LLC	Address 1601 W Centre Ave, 103	City Portage
State MI	Zip 49002	Phone 2693292920
Email amil@bluelineremodel.com	Federal Employer ID 26-4131292	
Builder License Number 2102186089	Expiration Date 5/31/23	
Workers Comp Insurance Carrier 6439605	MESC Employer Number 1641230	

5) TYPE OF DEVELOPMENT PROJECT

- ☐ Site Plan ☒ Building Plan ☐ Final Plan in Planned Development
☐ Subdivision ☐ Condominium ☐ Land Division Requiring Public Improvements
☐ Landscape Plans ☐ Public Water Main ☐ Public Sanitary Sewer Main

☐ Other: _____

(Note: Please provide a Portable Document Format (PDF) of the plans for the project at time of document submittal. The submitted format shall be CD/DVD or USB. If a PDF is not submitted, an additional \$25 fee plus \$1 for each plan sheet after 20 sheets will apply.)

6) TYPE OF IMPROVEMENT

- ☐ New Building ☒ Alteration ☒ Addition ☐ Repair ☐ Demolition ☐ Foundation Only
☐ Relocation ☐ Special Inspection ☐ Solar ☐ Other: _____

7) DESCRIPTION OF WORK

A) Constructing a 48x50 shop space and finishing office area in existing building (48'x30').

Improving land, building, curb appeal of existing location

B) Valuation of Project: \$125,000

8) CHARACTERISTICS OF THE BUILDING

A) Water Meter Size

- ☐ 5/8" ☐ 3/4" ☐ 1" ☐ 1 1/2"
- ☐ Other _____ ☐ Irrigation Size _____ ☐ Fire Sprinkler Size _____

B) Electric Service Size

- ☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☐ Other _____

C) Type of Mechanical

Air Conditioning? ☐ Yes ☐ No Fire Suppression? ☐ Yes ☐ No Hood System? ☐ Yes ☐ No

9) CONSTRUCTION PLANS SUBMITTED

Required submittals for plan review:

- Plans shall be signed and sealed when required in accordance with State of Michigan Act No.299 of Public Acts of 1980.
- All plans shall be drawn on uniform sheets no greater than 30"X42".
- All plans shall be drawn to an architectural scale.
- All plans shall be clear, legible and accurate.
- Plans shall be stapled along the left margin.

Type of Plan Submitted:

- ☐ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Energy

Building Code: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plan, details, roof plan, roof finish schedule, roof live and dead loads.

Electric Code: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

Plumbing Code: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan, Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

Mechanical Code: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, and combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

Energy Code: Floor plans, building sections, details, average annual degree days, exterior envelope components materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

Note: Additional plan review fee(s) required of all non-concurrent plan submittals

APPLICANT INFORMATION

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name	Amil Alwan	Phone	2693292920
Address	1601 W Centre Ave	City	Portage
State	Michigan	Zip	49002

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent, and I agree to conform to all applicable laws of the State of Michigan and ordinances of the City of Portage. All information submitted on the application is accurate to the best of my knowledge.

Signature of Applicant: _____

eSigned via SeamlessDocs.com
Amil Alwan
Key: 7ffeb2f77952f6e5a140f1cbb0ca43b3b

Date: _____

FOR DEPARTMENTAL USE ONLY

- | | | |
|---|--|--|
| ☐ Vacant | ☐ F-2: Factory (Low Hazard) | ☐ I-4: Institutional (Day Cares, ETC.) |
| ☐ A-1: Assembly (Theaters) | ☐ H-1: High Hazard (Detonation) | ☐ M: Mercantile |
| ☐ A-2: Assembly (Restaurants) | ☐ H-2: High Hazard (Deflagration) | ☐ R-1: Residential (Hotels, Motels, ETC.) |
| ☐ A-3: Assembly (Library, ETC.) | ☐ H-3: High Hazard (Physical) | ☐ R-2: Residential (Multi Family, ETC.) |
| ☐ A-4: Assembly (Indoor Sports) | ☐ H-4: High Hazard (Health) | ☐ R-3: Residential (1 & 2 Fam. Townhomes) |
| ☐ A-5: Assembly (Outdoor Sports) | ☐ H-5: High Hazard (HPM) | ☐ R-4: Residential (Assisted living) |
| ☐ B: Business | ☐ I-1: Institutional (Supervised) | ☐ S-1: Storage (Moderate hazard) |
| ☐ E: Educational | ☐ I-2: Institutional (Hospital) | ☐ S-2: Storage (Low hazard) |
| ☐ F-1: Factory (Moderate hazard) | ☐ I-3: institutional (Prisons) | ☐ U: Utility (Garage, Shed) |

CHARACTERISTICS OF BUILDING

Frame:

- ☐ Masonry
 ☒ Wood Frame
 ☐ Structural Steel
 ☐ Reinforced Concrete
 ☐ Other

Heating System:

- ☒ Gas
 ☐ Electricity
 ☐ Solar
 ☐ Other _____

New Sewer Connection:

- ☐ Yes
 ☒ No

New Water Connection:

- ☐ Yes
 ☒ No

Type of Mechanical:

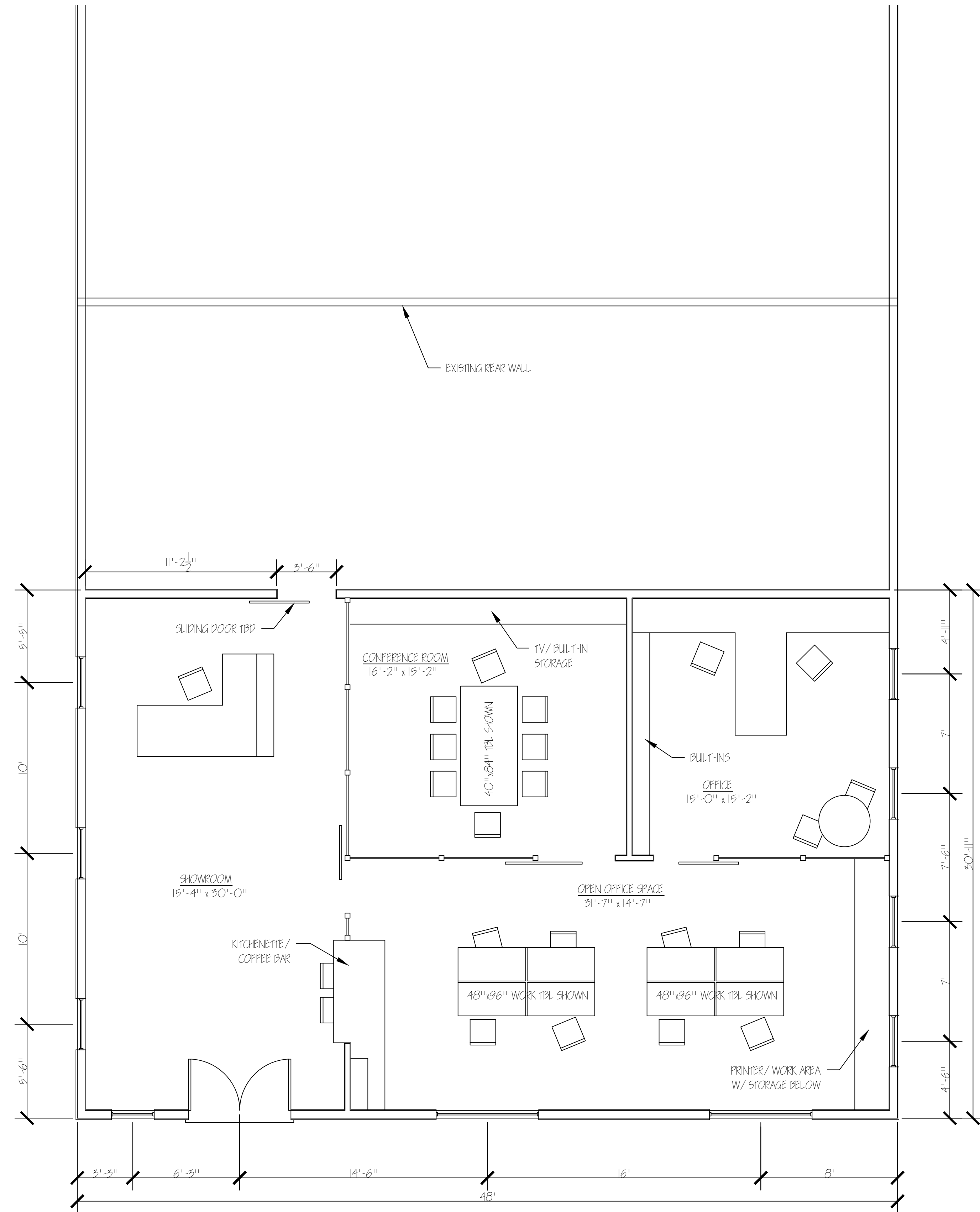
- ☐ (Y) Air Conditioning
 ☐ (Y) Fire Suppression

DIMENSIONS / DATA

Number of Stories ¹_____ Use groups _____ Construction Type ^{Post frame}_____

Number of Occupants ⁵⁻⁶_____

Floor Area	Existing	Alterations	New
Basement	NA		
1 st Floor	2304		2400
2 nd Floor			
3 rd Floor			
4 th Floor			
5 th Floor			
Total	2304		2400



REVISIONS
5.21.21
5.22.21
6.1.21

SHEET TITLE
MAIN LVL
SHEET NUMBER

A-1
MAY 21, 2021



Pictures taken by City staff on February 1, 2022





Façade (west elevation)



South Elevation



Rear (east) Elevation



Back Parking Area

TO: Planning Commission**DATE:** February 17, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, pursuant to Sec 42-651.**I. INTRODUCTION:**

The Applicant has submitted a Zoning Ordinance Amendment application to allow for 'technology'- and 'laboratory'-related office uses in the underlying OS-1 Office District, including their property at 510/ 524 E. Milham Avenue (OS-1). The zoning amendment process is provided under zoning code Sec 42-651, and if approved, would apply to all land zoned OS-1 Office.

II. BACKGROUND INFORMATION:**Ordinance Amendment Process**

The ordinance amendment process is provided under Sec 42-651 and requires a public hearing during Planning Commission and City Council meetings. The Commission considers the proposed amendment, evaluates if it is consistent with adopted city plans, affects existing neighborhood conditions and provides a recommendation to the City Council. If the Council approves the amendment, the prospective development may be pursued consistent with standard reviews, permits and processes.

Evolving Commercial Real Estate Environments and Tenants

The COVID pandemic has resulted in nationwide changes in how work occurs and where work occurs. The past few years has revealed a resulting decrease in demand for traditional commercial office space, and a difficult market in which to retain tenants and fill vacant tenant spaces. This has required the use of new marketing approaches and expanding beyond traditional office tenants. The applicant provides a firsthand example of these impacts during their efforts to fill office space at 510/ 524 E. Milham Avenue. The applicant details in their application, that they have been approached by several non-traditional office tenants interested, but that do not align precisely enough to fit into OS-1 zoning. One company proposed to utilize the spaces for office areas plus small work stations consisting of 3D-printing machines, small cutting and fabricating machines to facilitate assembly of electronic instruments. A second company related to health sciences proposed utilizing the space for office area plus laboratory work stations for researching and testing human tissue. The applicant indicates that while these businesses utilize office space, they also have non-traditional office uses that do not align with the existing OS-1 uses.

Continued Growth of STEM-related Businesses

At the same time, businesses focused on science, technology, engineering, and math (STEM), and STEM-related/supportive fields, continue to grow in our region. Some of these businesses include small-scale makerspaces, 3-D printing, graphic design, and robotic engineering. In the past, it would be common for communities to categorize and restrict these types of businesses to industrial zoning

districts as being related to manufacturing or industrial uses. However, as technology and engineering practices evolve, there are resulting small-scale operations that do not require traditional large-lot industrial acreage, large HVAC demands, or significant loading and transportation facilities. Currently in the City of Portage, there are large scale uses within STEM industries, such as Pfizer, Styker, Mann + Hummel, as well as smaller-scale businesses such as Acuren Inspections Inc. (an engineering, testing, and inspection company), S A Morman & Co (Commercial door, hardware, and security supplier), Depatie Fluid Power Co (hose supplier), etc. As such, commercial office owners looking to fill tenant spaces may wish to consider unique, small-scale STEM-related businesses to fill traditional office property.

Current OS-1 Office and OTR Zoning Districts

The OS-1 Office generally allows traditional office tenants, as detailed below. The three prospective businesses, detailed by the applicant, interested in 510/ 524 E. Milham Avenue have an office component. However, their unique operations do not align precisely in the Office district and, therefore, generally would not be permitted. Their proposed business uses are, however, permitted in the Office, Technology, and Research (OTR) zoning district. Generally, this district is intended to support production, research, and development facilities, and intended to provide for a community of those facilities. This district supports large-scale facilities that are targeted for technology- and research-related uses compared to general manufacturing facilities found in Industrial zoning districts. Smaller-scaled businesses in the office, technology, or research industries may be permitted in the OTR but may not align precisely with the intent of the OTR district.

Below is the OS-1 Office district intent and list of permitted uses and allowed special land uses. The proposed amendment seeks to add a special land use "F: Offices having laboratory- and technology-related uses ."

Subdivision 5. - OS-1 Office Service district

Sec 42-240 - Intent. The OS-1 office service district is designed to accommodate office and institutional land use activities and is planned to serve as transitional areas between residential districts and commercial districts and between major thoroughfares and residential districts.

Sec. 42-241. - Principal permitted uses. In the OS-1 office service district no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- A. Office buildings for...executive, administrative, professional, accounting, writing, clerical, stenographic, drafting and sales.
- B. Medical offices, including clinics.
- C. Banks, credit unionsand similar uses.
- D. Art studios, photographic studios and interior decorating studios.
- E. Publicly owned buildings, exchanges and public utility offices, not including storage yards, transformer stations, substations or gas regulator stations.
- F. Personal service establishments that perform services on-premises.
- G. A specialized agricultural use of land operating .

H. Accessory uses customarily related to the uses permitted in this section, such as but not limited to pharmacies or apothecary stores, limited to such items as corrective garments, bandages or optical services.

Sec. 42-242. - Special land uses.

The following uses may be allowed in the OS-1 office service district, subject to the conditions imposed in this section and section 42-243 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

A. Institutional uses, as listed below:

1. Public, parochial and other private elementary, intermediate and/or high schools offering courses in general education.
2. Public and private colleges, universities and other institutions of higher learning.
3. Religious institutions.
4. Private noncommercial recreational uses and institutional or community recreational centers.
5. Facilities for human care such as sanatoriums and rest and convalescent homes.

B. Vocational, trade and/or business schools, provided that all activities shall be conducted in completely enclosed buildings.

C. Funeral home establishments, funeral services, mortuaries and mortuary services .

D. General hospitals, except those for criminals and those solely for the treatment of persons who are mentally ill or have a contagious disease .

E. Work/live accommodations in accordance with the provisions of section 42-137.

Special Land Use Permits are those that may not always be appropriate on all such zoned lands and, therefore, require Planning Commission consideration and allows placement of conditions to increase neighborhood harmony, consistency with adopted plans, and preservation of general public safety and welfare.

2014 Comprehensive Plan

The following guidelines are relevant to the proposed amendment:

- Guideline C-2 'Commercial/ Office Uses in General': Allow commercial/ office uses: d) when the size, intensity, and character of the proposed use is compatible with adjacent areas; f) adjacent to older or redeveloping residential areas where the commercial/ office use does not create nuisances and is compatible with the surroundings.
- Guideline C-8 'Office/ Commercial Site Design': f) promotes a good transition between adjacent buildings and land uses in terms of building size, height, scale, and materials.
- Future Land Use: this map classifies land into various categories that helps guide rezones, zoning amendments, and certain land uses. The 'Office Corridors' and 'Research/ Development/ Technology' classifications can be reviewed as pertinent to the proposed amendment.

Best Practices Review

In considering the proposed amendment language, staff reviewed Michigan cities having robust STEM-

related or extensive research programs, and considered how their zoning codes addressed specialized businesses within the research, technology and small industrial industries. Related information is provided in the attachments.

Public Notice Requirement

- A public notice was published in the Kalamazoo Gazette on February 2, 2022.
- As the proposed amendment would apply citywide, and not to an individual subject property, mailings are not required.

III. ANALYSIS:

The proposed ordinance amendment has been developed in response to the applicant's request to facilitate the occupancy of an existing building located in the OS-1 Office district for a future 'technology'-related office business and a 'laboratory'-related office business. After reviewing the intent and list of permitted uses of the OS-1 Office district, considering long-term shifts in the commercial office market, and increasing area demand in the STEM-related industry, staff recommends allowing certain laboratory- and technology-related uses within the Office district.

In addressing external impacts from these unique office uses, staff considered current existing land use restrictions within the OS-1 and OTR zoning district, as well as from other Michigan areas. When considering adding these unique office uses, applicants would be held to the same building yard setbacks and height maximum (35-foot - 3 stories) as required under the OS-1 Office district. Because many Office districts are located adjacent to residential areas, adding more commercial uses to the district presents potential neighborhood impacts and, therefore staff took a conservative approach toward the proposed new uses and added restrictions. The existing required screening between new commercial uses and adjacent residential areas will continue to apply for the proposed new uses.

The proposed restrictions (F. 1-8 below) ensure that future 'technology'- and 'laboratory'-related office uses in the OS-1 Office District fit harmoniously within other allowed uses of the Office district, and operate in a way that does not result in negative impacts to adjacent residential areas.

Proposed Ordinance Amendment

Subdivision 5. - OS-1 Office Service District

Sec. 42-242. - Special land uses.

(NEW) F. Offices having laboratory- and technology-related uses when meeting the following standards:

1. When all operations are conducted and completely contained within the building.
2. No outdoor storage.
3. Must contain related offices as an adjunct use.

4. Shall not emit any noise, light, vibrations, odors, or other deleterious impacts towards adjacent property lines.
5. Shall not have access directly onto a residential street.
6. Loading facilities shall not face a Residential zoning district or Residential use.
7. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
8. The use and size of delivery vehicles shall be consistent with those typically found in an office use.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the ordinance amendment consideration at a subsequent meeting, the Commission is advised to receive public comment during the February 17, 2022 meeting and adjourn the public hearing to the March 3, 2022 meeting.

If no public comment is received and the Commission is supportive of the proposed amendment, staff advises the Planning Commission to waive the second public hearing and recommend to City Council that the Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District, be approved

Attachments:

1. Applicant's Submittal and Narrative
2. 2022 02 17 Gazette Notice CIP-Ordinance Amendment-Contractors Business
3. Ann Arbor, MI; Research, Office Zoning District Narrative

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date January 19, 2022

APPLICATION INFORMATION:

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

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, Subdivision 2.

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

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

Parcel No. 10-00010-091-O; 6.86 acres

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

b. Name of the owner of the property to be rezoned: 510 East Milham, LLC

Address 510/524 East Milham, Portage, MI 49002

7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477

www.portagemi.gov

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: To allow the property to be leased and occupied by a variety of light technology and biomolecular research ("Bio-Tech") and related uses thereto.

4. CURRENT ZONING: _____ PROPOSED ZONING: _____

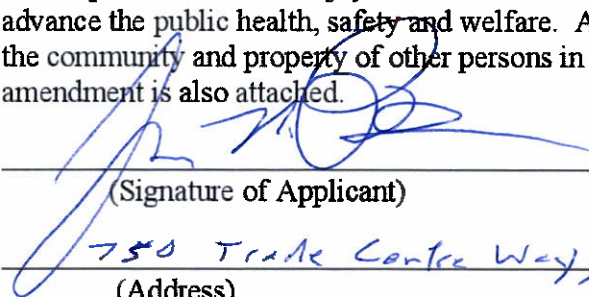
ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
Allow research, design, and technology product development and research. Also allow labs/research facilities for testing and analysis of products or uses for biotech, computers, pharma, and similar fields.

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
Chapter 42, Article 4, Division 4, Subdivision 5, Section 42-241.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
To allow the property to be leased to a variety of light technology and biomolecular research ("Bio-Tech"), development and related light industrial/manufacturing/warehousing related thereto ("Bio-Tech")

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


(Signature of Applicant)

(Signature of Applicant)

750 Trade Center Way, Suite 100, Portage, MI 49002
(Address)

(Address)

(269) 342-8600
(Phone)

(Phone)

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

MEMORANDUM

DATE: January 21, 2022.

TO: City of Portage Planning Commission.

FROM: James M. Pollock, General Counsel, The Hinman Company. 

RE: Narrative for 510 East Milham, LLC's Zoning Text Amendment For OS-1, Office District.

510 East Milham, LLC, by and through its affiliate The Hinman Company is requesting that the Planning Commission recommend a zoning text amendment to the City Council that would expand the OS-1 district to allow low-impact, high technology, research, laboratory, manufacturing, warehouse/distribution (collectively "low-impact tech and office") businesses in the OS-1 zoning district. We believe the low-impact user can coexist and thrive in the OS-1 district while still preserving the intent of the OS-1 district as transitional areas between residential districts and commercial districts.

As the City's larger health science companies (e.g. Stryker, Pfizer, etc.) continue to expand innovation, technology and research in the City of Portage, the low-impact tech and office user is a growing segment of business that will continue to form a supportive fabric to these health science companies and their future needs. As a regional developer with almost 50 years in the commercial office market, we are seeing unprecedented changes in how office space is speculated to be used across a wide range of industries where there is a growing need to desegregate low-impact tech and office users from a traditional office space user (i.e. professional offices where only office-related work is performed).

And while the City of Portage currently has an Office, Technology and Research ("OTR") district that may cover similar uses in some areas of the City, we believe that many properties in the OS-1 districts throughout the City could continue to be substantially impacted by high vacancy rates as traditional office market norms shift to remote work and flexible scheduling. This is especially true for much older office buildings in the OS-1 that are difficult to attract "traditional" office users.

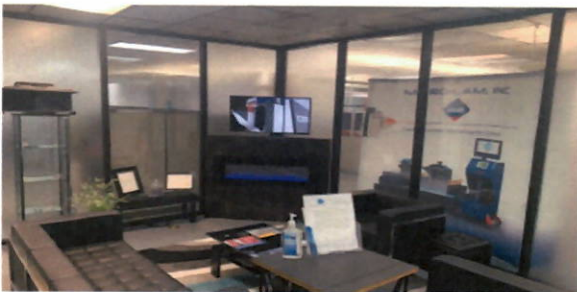
For example, Hinman is working with two local technology and micro-laboratory companies to occupy the 54-year-old office building owned by Hinman through 510 East Milham, LLC at 510/524 E. Milham, Portage, MI 49002. Both users have traditional office needs but are also requesting connected flexible space that will allow office employees to work in concert with other individuals and components of their business related to low-impact manufacturing, technology, laboratory testing and warehousing. Examples of the potential types of uses within the low-impact tech and office buildings are as follows:

- 3D printers, microscopes, precision tools, etc.
- Computer Numerical Control (known as "CNC") machines that make parts out of plastics, metals, aluminum, wood and many other hard materials. These machines emit little noise and no smells.
- Ping Pong table sized laser cutting machines (makes no noise).
- Assembly of merchandise such as electronic or precision instruments and articles of similar nature.
- Product warehousing and light distribution centers provided all products and materials are enclosed within a building. Total traffic impacts would be comparable to uses currently allowed under OS-1 zoning. Fed-Ex and UPS may make frequent deliveries, but not in an uncommon

frequency from what you would find at a traditional office building. Offsetting this would be fewer office workers per square foot which would mitigate total traffic counts.

- Low-impact manufacturing which by nature of the materials, equipment and process utilized are clean, quiet and free from objectionable or dangerous nuisances or hazards. Example: Soldering tools.
- Trash / waste would be comparable to uses currently allowed under OS-1 zoning
- Building hours of operation would be comparable to uses currently allowed under OS-1 zoning (i.e. 8 a.m. to 5 p.m.).

Below is an example of the office setting of one of Hinman's prospective 510 East Milham tenants:



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

NOTICE IS HEREBY GIVEN that the City of Portage Planning Commission will conduct a public hearing on **Thursday, February 17, 2022** in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue at 7:00 p.m. (or as soon thereafter as may be heard) on the following:

Special Land Use Permit: The applicant, Amil Alwan, is requesting a Special Land Use Permit to operate a contractor's business at 8405 Portage Road, pursuant to Sec 42-461.

Ordinance Amendment #21/22-B: Ordinance to amend Chapter 42, Article 4: Division 4, Subdivision 5 – Office Service District (OS-1) to add 'technology-' and 'laboratory-' related Office uses to the OS-1 District.

Proposed FY 2022-2027 Capital Improvement Program (CIP): Planning Commission discussion and recommendation of the proposed FY 2022-2027 Capital Improvement Program to City Council.

All interested persons are welcome to attend the public hearing and comment on the proposed Special Land Use Permit. Written comments may also be submitted to the Department of Community Development prior to 12:00pm (noon) the day of the public hearing. A copy of the application is available for review between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday in the Department of Community Development, Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan, 49002. In addition, the application and Community Development staff report will be available as part of the February 17, 2022 meeting agenda, which will be posted to the City of Portage website at <https://www.portagemi.gov/439/Planning-Commission> no later than 5:00 p.m. on Monday, February 14, 2022. Finally, interested persons may contact the Department of Community Development at (269) 329-4477 for additional customer assistance.

Dated: February 02, 2022

T:\COMMDEV\2021 2022 Department Files\Board Files\Planning Commission\Gazette notices\2022 02 17 Gazette Notice CIP-Ordinance Amendment-Contractors Business.docx

particularly the Sustainability Framework, the Land Use Element, the Climate Action Plan, and the Comprehensive Transportation Plan.

B. Specific Purpose Statements

When approving a petition to rezone a site from its current designation to TC1, the Planning Commission and City Council should consider the following specific purpose statements:

1. This district may replace the O, RE, ORL, C2B, C3, P, R5 and M1 districts. It should only replace other zoning designations in unique and rare instances where another zoning district is entirely surrounded by the specifically mentioned districts.
2. This district should be located proximate to a transit corridor, meaning a street with existing fixed transit service. All areas of parcels zoned TC1 should be no more than ½ mile from a transit stop.

5.13 Nonresidential and Special Purpose Zoning Districts

5.13.1 R5 Hotel District

This district is intended to permit Hotels and certain institutional housing uses that provide nursing care for convalescence from illness or special care for the elderly.

5.13.2 P Parking District

This district is intended for off-street storage of noncommercial vehicles where no repair, sales, or services are rendered from the Parking Lot.

5.13.3 PL Public Land District

This district is intended to classify publicly-owned uses and land and permit the normal principal and incidental uses required to carry out governmental functions and services.

5.13.4 RE Research District

A. Purpose Statement

This district is intended for research facilities to serve the needs of commerce, industry, business, and education. The prime characteristics of this district are the low intensity of land coverage, campus-like developments, preservation of significant Natural Features, and the absence of nuisance factors such as excess noise, heat or glare, air pollution or waste water production.

B. Special Standards

All uses established in the RE district must comply with the following requirements:

1. Outdoor Storage of Equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.

2. All automobile ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a Required Setback Area that abuts a residential zoning district.
3. No process carried on within a Building shall cause noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the Lot Lines.
4. All hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
5. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.5 ORL Office/Research/Limited Industrial District

A. Purpose Statement

This district is intended to provide for a mixture of research, Office and light industrial uses whose external effects are restricted to the Site and do not adversely impact surrounding districts. The ORL district is structured to permit the manufacturing, processing, packaging, assembly, or treatment of finished or semi-finished products from previously prepared materials. The preservation of significant Natural Features and the encouragement of low-density, campus-like layouts are objectives for the establishment of such zones.

B. Special Standards

All uses established in the ORL District must comply with the following requirements:

1. Outdoor Storage of equipment, goods, or materials is prohibited unless contained within a screened area shown on an approved site plan.
2. Loading facilities shall be provided. Truck storage areas shall be provided in addition to the parking required by Section 5.19 where such storage is necessary for the operation of the use. Truck storage areas shall meet the Parking Lot standards of Section 5.19 . Loading facilities and truck storage areas shall be screened from abutting residential uses and public street rights-of-way according to Section 5.20.3
3. All automobile ingress and egress shall be screened from residential zoning districts and no parking shall be allowed within a Required Setback Area that abuts a residential zoning district.
4. No process carried on within a Building or Structure shall cause noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat, glare, dust, vibration, light, or odor discernible at the Lot Lines.

5. All Hazardous materials, waste, and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of abutting areas.
6. The emissions of air pollution shall not be detrimental to the public welfare.

5.13.6 M1 Limited Industrial District

This district is intended to provide land for various types of industrial and manufacturing uses that are compatible with one another. Properties included in this district are suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large setbacks, attractive architecture and large, landscaped park-like areas. The purpose of the district is to provide suitable Sites for such uses while making certain that the allowed uses will be compatible with adjacent or surrounding districts. Development is limited to a low concentration, external effects are minimized, and permitted uses are limited to those which are adapted to an environment of this nature. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic, or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses shall be designed, constructed and operated so that there is no production of noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the Lot Lines, nor any production of heat or glare discernible at the Lots Lines.

5.13.7 M1A Limited Light Industrial District.

This district is intended to provide land for various types of industrial manufacturing and certain low intensity commercial activity uses that are compatible with one another. The lands included in this district are those suited for use primarily by industries characterized by low land coverage, the absence of objectionable external effects and the possibility of large, landscaped, park-like areas. Manufacturing plants and uses shall have performance characteristics similar to those uses allowed in this district in that they emit a minimum of noise, vibration, smoke, dust, dirt, toxic or offensive odors or gases, glare, electromagnetic or atomic radiation. All uses located within this district shall be designed, constructed and operated so that there is no production of noise discernible at the Lot Lines in excess of the average intensity of street and traffic noise at the lines, nor any production of heat or glare discernible at the Lot Lines.

5.13.8 M2 Heavy Industrial District

This district is intended to provide land for more intense types of industrial and manufacturing uses that are usually located deep within the industrial areas of the City and downwind from residential and Business areas. Regulations to minimize their incompatibility with other residential zoning districts are the minimum required for mutual protection of the industrial areas. The district should not be adjacent to any residential or mixed-use district if that can possibly be avoided.

FIRST READING
CITY OF PORTAGE, MICHIGAN

NOTICE

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend **SEC. 42-242 SPECIAL LAND USES OF ARTICLE 4 ZONING, DIVISION 4, SUBDIVISION 5, OS-1 OFFICE SERVICE DISTRICT, OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS** in the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on March 22, 2022, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on April 26, 2022, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Chapter 42, Land Development Regulations, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, Zoning, shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-242. - Special Land Uses, shall be amended as follows, to add new subsection F:

F. Offices having laboratory-and technology-related uses when meeting the following standards:

1. When all operations are conducted and completely contained within the building.
2. No outdoor storage.
3. Must contain related offices as an adjunct use.
4. Shall not emit any noise, light, vibrations, odors or other deleterious impacts towards adjacent property lines.
5. Shall not have access directly onto a residential street.
6. Loading facilities shall not face a residential zoning district without proper screening as required by code, including *Section 42-573 Conflicting Use Screening*.
7. All hazardous materials, waste and wastewater associated with the use shall be handled and disposed of in a manner that is not dangerous to the health and safety of the abutting areas.
8. The use and size of delivery vehicles shall be consistent with those typically found in an office, laboratory, or technology use.

All other parts of Section 42-242 remain unchanged.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall

PLEASE TAKE FURTHER NOTICE that copies of said proposed amendment may be examined at the City Hall on any business day except public and legal holidays from and after publication of this Notice until the day of hearing from 8:00 a.m. and 5:00 p.m.

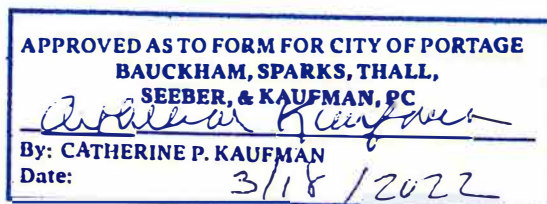
CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

Erica Eklov, City Clerk

PREPARED BY:
Catherine Kaufman, City Attorney
470 West Centre Avenue
Portage, MI 49002



TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64), 1800 West Osterhout Avenue.

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Approve the tentative Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64), 1800 West Osterhout Avenue.

Westview Capital, LLC, submitted a Preliminary Condominium Plan to construct Phase 3 (Units 46-64) of the Pennridge Trail Planned Development project at 1800 West Osterhout Avenue. Pennridge Trail Planned Development Phase 3 (Units 46-64) would include a total of 19 single-family detached homes, new internal streets, and associated site improvements.

In a staff report dated March 3, 2022, the Department of Community Development provided an overview of the Pennridge Trail Planned Development Phase 3 (Units 46-64) and recommended approval of the Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64). At the March 3, 2022, meeting of the Planning Commission, a public hearing was held regarding the proposed development. Brian Wood (Project Representative) with Allen Edwin Homes (project builders) provided testimony to support the application. No additional citizens provided testimony during the public hearing to comment on the proposed development.

After careful consideration, the Planning Commission voted unanimously 8-0 (1 Commissioner recused from voting due to conflict of interest) to recommend to the City Council tentative approval of the Preliminary Condominium Plan. It is recommended that City Council approve the tentative Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64), 1800 West Osterhout Avenue.

FUNDING: Not Applicable

Attachments:

1. Planning Commission transmittal dated March 17, 2022
2. Planning Commission meeting minutes dated March 3, 2022
3. Community Development staff reported dated March 3, 2022

TO: Honorable Mayor and City Council

FROM: Planning Commission

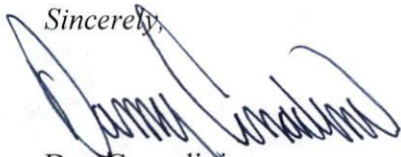
DATE: March 17, 2022

SUBJECT: Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64), 1800 West Osterhout Avenue

During the March 3, 2022 meeting, the Planning Commission reviewed and discussed the Preliminary Condominium Plan for the above captioned development project. Brian Wood (Project Representative) with Allen Edwin Homes (project builders) provided testimony to support the application. No additional citizens provided testimony during the public hearing to comment on the proposed development.

The Planning Commission voted unanimously 8-0 (1 Commissioner recused from voting due to conflict of interest) to recommend to City Council tentative approval of the Preliminary Condominium Plan for Pennridge Trail Planned Development Phase 3 (Units 46-64).

Sincerely,



Dan Corradini
Chairman, Planning Commission

Attachment: March 3, 2022 Planning Commission Meeting Minutes

T:\COMMDEV\2021 2022 Department Files\Memos\City Council\Pennridge Trail Ph. 3 - Tentative Condo Approval\2022 3 09
MCC Pennridge Trail Ph. 3; 1800 W. Osterhout Ave. - Preliminary Condo Approval.docx

CITY OF PORTAGE PLANNING COMMISSION

Thursday, March 3, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of March 3, 2022 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Kelly Peterson, Director of Community Development

Eric Feldt, City Planner

Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the role: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

APPROVAL OF MINUTES:

A motion was made by Vice Chair Joshi, supported by Commissioner Baldwin to approve the February 17, 2022 meeting minutes with corrections. The motion was approved unanimously.

Public Hearings:

Preliminary Condominium Plan; Pennridge Trail Planned Development (Phase 3); 1800 W. Osterhout Avenue. Commissioner O'Dell announced a conflict of interest as he currently serves a consulting engineer to the applicant and recused himself.

Applicant, Brian Wood with Allen Edwin Homes, 2186 East Centre Street, Portage, MI described he is seeking Preliminary Condominium Plan approval for the final phase for the Pennridge Trail Development. Chair Corradini asked how business was going. Mr. Wood described high demand and production constraints. Commissioner Adams asked about the trail connection to the Eliason Nature Preserve. Mr. Wood stated his company will construct the trail connection but asphalt will end at the property line due to the City's request.

Mr. Feldt provided staff's recommendation that the Commission approve and recommend to City Council the Preliminary Condominium Plan for Pennridge Trail Subdivision Phase 3. There being no questions from the public or the commissioners, Vice Chair Joshi motioned and Commissioner Baldwin supported the motion to close the public hearing. Motion passed unanimously. Vice Chair Joshi motioned to recommend approval of the Preliminary Condominium Plan Pennridge Trail Planned Development (Phase 3), 1800 W Osterhout Avenue to City Council without a second public hearing. Commissioner Adams supported the motion. Motion passed unanimously.

New Business:

2022 Planning Commissioner Reference materials and Amendments to Rules of Procedure. Ms. Peterson presented reference materials to the Planning Commission, and following discussions with the Chair, presented proposed amendments to the Rules of Procedure regarding the addition of "Statements of Commissioners" and "Statements of Staff" to the Commission agendas. She also detailed the opportunity

for the Commission to create subcommittees to address and advance specific topics of interest, as well as the process for subcommittees to make recommendations to the Commission, and to the City Administration for review and response.

As a vote was not required to approve an amendment to the rules of procedure, Chair Corradini offered the idea of the additional sections to the agenda, and there was agreement by Commissioners to amend the Rules of Procedure to include the proposed additions. The Chair asked that Commissioners consider the opportunity for subcommittees and bring their ideas for subcommittees to the next meeting for discussion. He also reminded the Commission of their current work plan, which includes youth engagement with the Planning Commission. He proposed opportunities for collaboration, including Commissioners attending a YAC (Youth Advisory Committee) meeting to inquire how best the Planning Commission might engage younger residents of Portage.

STATEMENT OF CITIZENS

None.

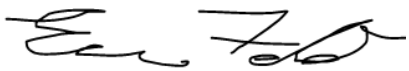
STATEMENT OF COMMISSIONERS

Chair Corradini noted there are funds for Commissioners to pursue planning-related training opportunities education. Commissioner Adams provided an update on the Kalamazoo Housing Survey. Commissioner Baldwin stated to watch out for motorcyclists as the weather becomes warmer.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 7:52 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric Feldt', with a stylized flourish at the end.

Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Planning Commission

DATE: March 3, 2022

FROM: Kelly Peterson, Director of Community Development

SUBJECT: Preliminary Condominium Plan; Pennridge Trail Planned Development Phase 3; 1800 W. Osterhout Avenue

I. INTRODUCTION:

The developer seeks Planning Commission approval of a Tentative Condominium Plan for Phase 3 of the Pennridge Trail Planned Development pursuant to Sec 42-883. This is the final phase of the development and consists of extending Schrier Lane, platting 19 lots (for 19 future homes), extending utilities, and constructing a new pedestrian trail linking to an existing City of Portage trail to the north.

II. BACKGROUND INFORMATION:

Project Background

The Pennridge Trail Planned Development Condominium was approved in 2018 through a tentative plan approval and rezoning to provide for the following:

- A total of 137 homes comprising a mix of single-family detached and attached housing units served by new roads, sidewalks, and full utilities; preserved open space; and site improvements such as stormwater facilities, landscaping, and pedestrian linkages.
- Specific building yard setbacks and perimeter setbacks were established for this development.
- A new left-hand turn lane was installed on W. Osterhout Avenue to provide for the additional traffic generated by the development.
- Home sizes for detached houses range between 1,400 and 2,800 square feet of living area (excluding basement) plus an attached two-car garage.
- Home sizes for the attached condominiums range between 1,040 and 2,800 square feet of living area (excluding basement) plus an attached two-car garage.
- Internal sidewalks are planned along streets along with a pedestrian connection to the City's trail within the the Eliason Nature Reserve
- Additional details of this development can be read in the 2018 approval - see attachments.

Development Phase Status Updates (as of February 2022):

- Phase 1: 22 detached single family homes (initial section of Pennridge Dr.). Status: Construction completed.
- Phase 1 North: 22 attached units (11 duplex buildings); (next section of Pennridge Dr.) Status: Construction completed.
- Phase 2: 22 detached single family homes (along Alder Ave. and part of Schrier Ln) Status: Multiple home foundations in place; new road and public utilities constructed.
- Phase 2 North: 52 attached units (26 duplex buildings) Status: Final approval was obtained Fall 2021. Construction is likely to commence spring/ summer 2022

- Phase 3 (final, subject phase): 19 detached single family homes (last, dead-end segment of Schrier Ln). Status: Subject to approval, construction is likely to commence in summer/fall 2022

Phase 3 Approval Process

While the overall Pennridge Trail development is a 'Planned Development (PD)', the applicant filed a condominium plan for Phase 3 because the new 19 lots are considered 'site condominiums', wherein a lot and house are privately owned but are under and regulated by a condominium association as established by a master deed. Pursuant to Sec 42-882, a condominium plan is processed under the following steps:

Step 1. Tentative Plan Approval

- 1a) Sec 42-883 Planning Commission review and recommendation to the City Council;
- 1b) Sec 42-884 City Council review and vote.

Step 2. Final Plan Approval

Sec 42-885 City Council approval of final plan

III. ANALYSIS:

The applicant is seeking Planning Commission recommendation to the City Council under Step 1a.) Tentative Plan Approval pursuant to Section 42-883 of the code. Articles 2-5 in Section 42-833 detail the site plan, notification, and review requirements for a condominium plan. Per the code, the Commission "shall review all details of the proposed condominium plan within the framework of [Section 42-883, Article 4](#) of the code, within the various elements of the city comprehensive plan and within the standards of this article and other applicable ordinances and regulations", and make a recommendation accordingly.

Section 42-883, Article 2 Identification and description

Staff finds the requirements have been met.

Section 42-883, Article 3 "Existing Conditions"

Staff finds the requirements have been met. There are no mapped environmental hazards (e.g. wetlands or 100-year flood zones) in the Phase 3 area. Acknowledgement of project notification from the Portage Public Schools Superintendent is provided as an attachment.

Section 42-883, Article 4 "Proposed Conditions"

Staff finds the requirements have been met. Drawings of the proposed Phase 3 development are attached, showing 19 lots (Units 46-64), new right-of-way (ROW), vegetation clearing limits, and topographic lines. Each lot is shown with associated building yard setbacks, and overall lot dimensions. The current proposal includes one additional lot, which differs from the Phase 3 plans approved in 2018. However, the overall unit count of 137 for all phases remains the same as approved in 2018. Phase 3 lot sizes and dimensions generally remain the same as those approved in 2018.

Section 42-883, Article 5 "Review By Planning Commission"

Required public notice was sent to all property owners/ occupants within 300 feet of the subject property on February 16, 2022. Project details have been provided in this written report, with input from multiple City Departments.

Phase 3 is shown on the vicinity map, and a preliminary drawing is attached. Pictures of the undeveloped site for Phase 3 are attached as well. The Phase 3 tentative plan drawings have been reviewed and accepted by the Administration. Detailed drawings will be required for the Final Plan, and will undergo additional review by City Administration.

Public Notices / Comment

Required public notice was sent to all property owners/ occupants within 300 feet of the subject property on February 16, 2022.

Required public notice was published in the Kalamazoo Gazette on February 16, 2022.

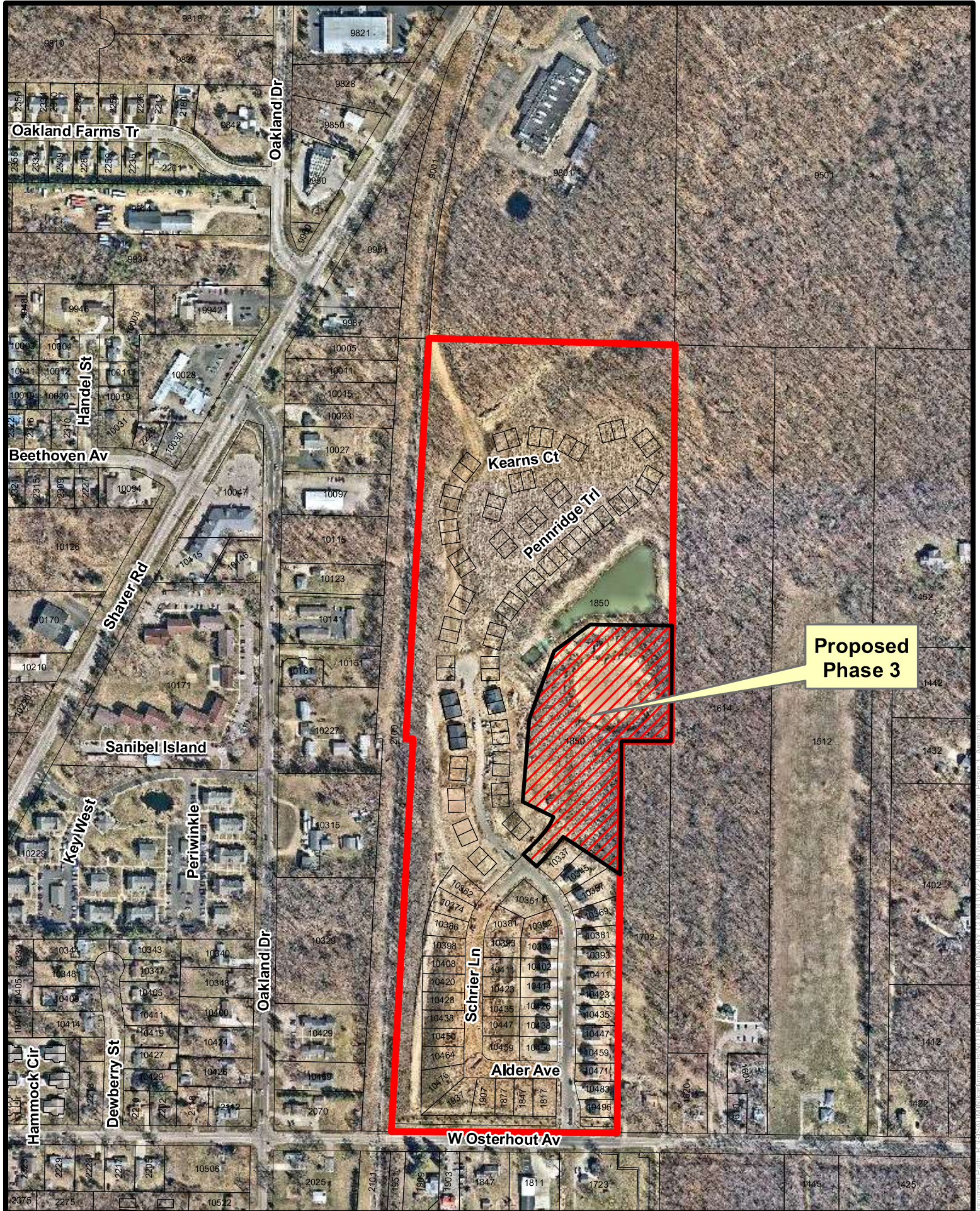
As of the date of this report, February 25, 2022, staff has not received any public comment.

IV. RECOMMENDATION:

Based on the above information and subject to any additional information received during the public hearing, staff recommends the Planning Commission approve and recommend to the City Council the Tentative Condominium Plan for Pennridge Trail Subdivision (Phase 3), 1800 W. Osterhout Avenue, to City Council .

Attachments:

1. Aerial Map; Pennridge Trail
2. Development Application; Pennridge; Ph 3
3. Pennridge Trail; Proposed Ph 3. Development Plan
4. 2018 PD Tentative Plan; Rezoning
5. Pennridge Ph 3 school notification
6. Zoning Map; Pennridge Trail
7. Site Pictures; 2.21.22
8. Staff Pictures; 9.29.21



-  Proposed Penrridge Trail Phase 3
-  Penrridge Trail Property Boundary
- 2021 Nearmap Aerial Photography

Penrridge Trail Planned Development
Phase 3
Aerial Photography



1 inch = 400 feet
 Date: 2/10/2022

Department of Community Development
7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477

Applicant must complete all items in Sections 1 through 5, if applicable.

Please note: Separate applications must be submitted for Plumbing, Mechanical, and Electrical Work Permits

1. PROJECT INFORMATION			
PROJECT NAME "Pennridge Trail" Phase 3		ADDRESS 1800 West Osterhout Ave., Portage, MI 49024	
2. IDENTIFICATION			
A. OWNER			
NAME Westview Capital, LLC		ADDRESS 2186 East Centre Ave.	
CITY Portage	STATE MI	ZIP CODE 49002	TELEPHONE NUMBER (269) 321-2610
B. ARCHITECT OR ENGINEER			
NAME Pat Flanagan / Ingersoll		ADDRESS 1209 East Milham Road, Suite B	
CITY Portage	STATE MI	ZIP CODE 49002	TELEPHONE NUMBER (269) 344-6165
LICENSE NUMBER 38170			EXPIRATION DATE 7/31/2023
C. BUILDING CONTRACTOR			
NAME N/A		ADDRESS	
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
BUILDER'S LICENSE NUMBER	FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION		EXPIRATION DATE
WORKERS' COMP INSURANCE CARRIER OR REASON FOR EXEMPTION		MISC EMPLOYER NUMBER OR REASON FOR EXEMPTION	
D. TYPE OF DEVELOPMENT PROJECT			
☐ SITE PLAN ☐ BUILDING PLAN ☐ FINAL PLAN IN PLANNED DEVELOPMENT ☐ SUBDIVISION ☐ PRELIMINARY ☐ FINAL PRELIMINARY ☐ FINAL ☒ CONDOMINIUM (SINGLE FAMILY DETACHED) ☒ TENTATIVE ☐ ENGINEERING ☐ ACCEPTANCE ☐ LAND DIVISION REQUIRING PUBLIC IMPROVEMENTS ☐ LANDSCAPE PLAN ☐ PUBLIC SANITARY SEWER MAIN ☐ PUBLIC WATER MAIN ☐ OTHER _____			
3. PROJECT TYPE / BUILDING DATA			
PROJECT DESCRIPTION: Site condominium with public roads, and public sanitary sewer / storm sewer / water main.			
GROSS FLOOR AREA		CLASSIFICATION PER BUILDING CODE	
☐ NEW BUILDING _____ ☐ ADDITION _____ ☐ ALTERATION _____ ☐ REPAIR _____		BUILDING USE _____ CONSTRUCTION TYPE _____ NO. OF OCCUPANTS _____ AREA/FLOOR _____ NO. FLOORS _____	
		PROJECT VALUATION \$ _____	

SELECTED CHARACTERISTICS OF BUILDING

A. WATER METER SIZE

GENERAL USE SIZE N/A

☐ 5/8" ☐ 3/4" ☐ 1" ☐ 1-1/2" ☐ OTHER _____ ☐ IRRIGATION SIZE _____ ☐ FIRE SPRINKLER SIZE _____

B. ELECTRICAL SERVICE SIZE

N/A

☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☐ OTHER _____

C. TYPE OF MECHANICAL

N/A

AIR CONDITIONING? ☐ YES ☐ NO FIRE SUPPRESSION? ☐ YES ☐ NO HOOD SYSTEM? ☐ YES ☐ NO

4. CONSTRUCTION PLANS SUBMITTED

REQUIRED SUBMITTALS FOR PLAN REVIEW

(Plans shall be signed and sealed when required in accordance with State of Michigan Act No. 299 of Public Acts of 1980.)

All plans shall be drawn on uniform sheets no greater than 30"x42".

All plans shall be drawn to an architectural scale.

All plans shall be clear, legible and accurate.

Plans shall be stapled along the left margin.

TYPE OF PLAN SUBMITTED

	YES	NO	NA
BUILDING	☐	☐	☐
ELECTRICAL	☐	☐	☐
PLUMBING	☐	☐	☐
MECHANICAL	☐	☐	☐

BUILDING CODE: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plans, details, roof plan, roof finish schedule, door schedule, roof live and dead loads.

ELECTRICAL CODE: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

PLUMBING CODE: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan. Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

MECHANICAL CODE: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

ENERGY CODE: Floor plans, building sections, details, average annual degree days, exterior envelope component materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

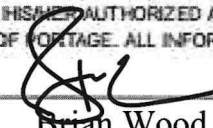
PLEASE NOTE - Additional plan review fee(s) required for all non-concurrent plan submittals.

5. APPLICANT INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

NAME Westview Capital, LLC		TELEPHONE NUMBER (269) 321-2610	
ADDRESS 2186 East Centre Street	CITY Portage	STATE MI	ZIP CODE 49002

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN AND ORDINANCES OF THE CITY OF PORTAGE. ALL INFORMATION SUBMITTED ON THE APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE OF APPLICANT:  Brian Wood

DATE
1/21/2022

VALIDATION - FOR DEPARTMENT USE ONLY

USE GROUP _____ APPLICATION NO. _____

TYPE OF CONSTRUCTION _____ DATE APPLICATION RECEIVED _____

PLAN REVIEW SUBMITTED? ☐ YES ☐ NO FEES RECEIVED _____ INVOICE # _____

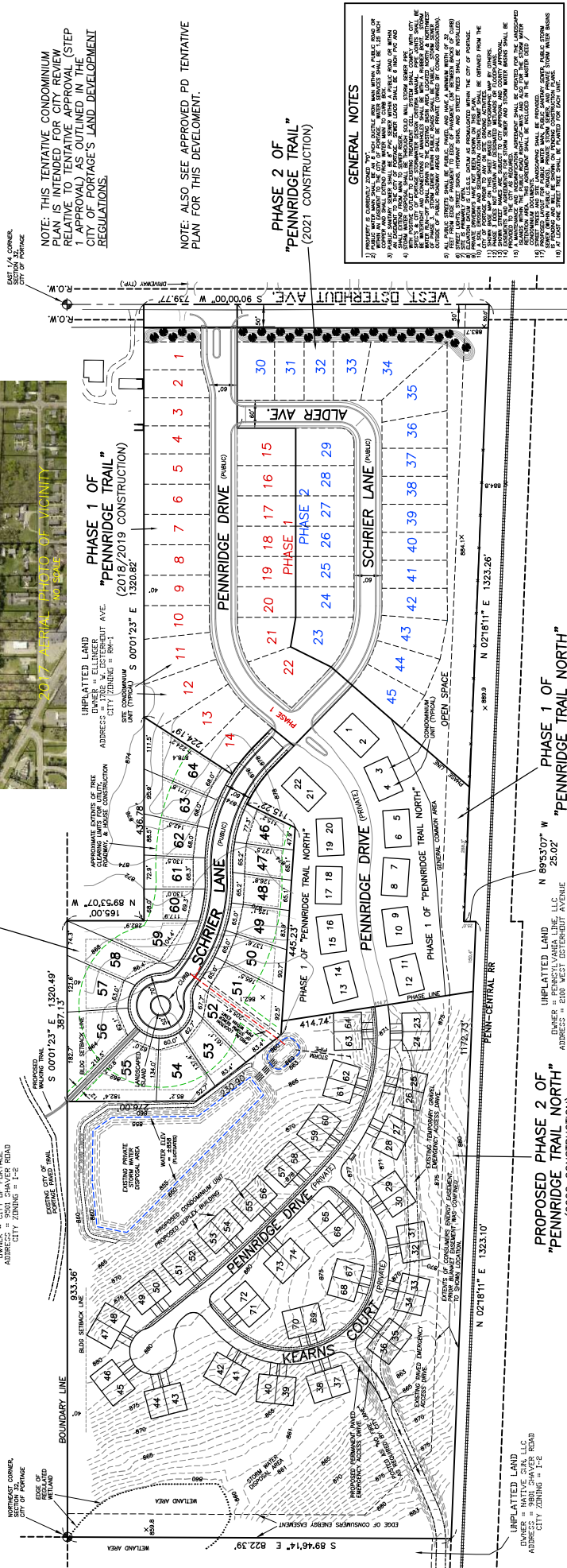
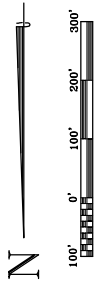
TENTATIVE CONDOMINIUM PLAN for PHASE 3 of 'PENNRIDGE TRAIL'

NOTE: "PENNRIDGE TRAIL" IS A CONDOMINIUM AND PLANNED DEVELOPMENT. PHASE 3 (UNITS 46-64) IS A SINGLE FAMILY SITE CONDOMINIUM W/PUBLIC ROADS.



PROPOSED PHASE 3 OF "PENNRIDGE TRAIL"
ADDRESS = 1800 W. OSTERHOUT AVENUE.
CURRENT ZONING = PD.
UNITS = 19
LOTS = 19
DENSITY = 3.0 UNITS/ACRE

UNPLATTED LAND
OWNER = CITY OF PORTAGE
ADDRESS = 3501 SHAVER ROAD
CITY ZONING = 1-E



- ### FIRE DEPT. NOTES
- 1) CHARACTER OF BUILDING CONSTRUCTION SHALL BE DETERMINED BY THE CITY ENGINEER.
 - 2) ALL WATER MAINS SHALL BE 8" IN DIAMETER.
 - 3) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 4) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 5) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 6) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 7) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.

- ### SETBACKS FOR PROPOSED
- MINIMUM WITH 10' FRONT SETBACK = 60'
 - MINIMUM WITH 10' SIDE SETBACK = 25'
 - MINIMUM WITH 10' REAR SETBACK = 25'
 - MINIMUM WITH 10' CORNER SETBACK = 25'
 - MINIMUM WITH 10' CORNER SETBACK = 25'
 - MINIMUM WITH 10' CORNER SETBACK = 25'
 - MINIMUM WITH 10' CORNER SETBACK = 25'

PARCEL DESCRIPTION (ENTIRE SITE):
Quarter of Section 32, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan being more particularly described as follows:
Commencing at the East quarter corner of Section 32, Town 3 South, Range 11 West, thence S 90°00'00" W 165.00 feet along the South line of said Section to the Place of Beginning; thence continuing S 90°00'00" W 739.77 feet along said South line to the East quarter corner of Section 32, Town 3 South, Range 11 West, thence N 02°18'11" E 1323.26 feet along said North line to the North line of said Northeast quarter of Section 32; thence N 89°53'07" W 25.02 feet along said North line of said Northeast quarter of Section 32; thence N 89°53'07" W 25.02 feet along said North line of said Northeast quarter of Section 32; thence S 89°46'14" E 622.39 feet along said North line to the East line of said Northeast quarter of Section 32; thence S 89°46'14" E 622.39 feet along said North line to the East line of said Northeast quarter of Section 32; thence N 89°53'07" W 165.00 feet along said North line of the South half, thence S 07°07'23" E 1320.82 feet parallel with said East line to the North line of said Northeast quarter of Section 32; thence S 07°07'23" E 1320.82 feet along said North line to the South 33.0 feet being subject Highway Easement. Parcel is subject to easements and restrictions of record.

PROPOSED PHASE 2 OF "PENNRIDGE TRAIL NORTH"
(2022 CONSTRUCTION)
UNPLATTED LAND
OWNER = PENNSYLVANIA LINE, LLC
ADDRESS = 1800 W. OSTERHOUT AVENUE
CITY ZONING = 1-E

PHASE 1 OF "PENNRIDGE TRAIL NORTH"
(2020 CONSTRUCTION)
UNPLATTED LAND
OWNER = PENNSYLVANIA LINE, LLC
ADDRESS = 1800 W. OSTERHOUT AVENUE
CITY ZONING = 1-E

- ### GENERAL NOTES
- 1) PROPERTY IS CURRENTLY ZONED "PD".
 - 2) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 3) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 4) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 5) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
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 - 10) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 11) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 12) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 13) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 14) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
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 - 18) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 19) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.
 - 20) ALL FLOORS INCLUDING BASEMENT SHALL BE FINISHED TO THE TOP OF THE FLOOR JOIST.

OWNER/APPLICANT:
WESTVIEW CAPITAL, LLC
2186 EAST CENTRE STREET
PORTAGE, MI 49002
(269) 321-2610

DATE	2/1/2022
SHEET	1
JOB NO.	36676-3
DATE	1/12/2022
SHEET	1
JOB NO.	36676-3
DATE	1/12/2022
SHEET	1
JOB NO.	36676-3

TENTATIVE CONDOMINIUM PLAN
PHASE 3 of PENNRIDGE TRAIL
INGERSOLL, Watson, & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1000 East Main Street - Portage, Michigan 49002 - Phone 269-341-4065 - Fax 269-341-4065



TO: Planning Commission

DATE: April 13, 2018

FROM: Christopher Forth, Acting Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #17/18-3, Pennridge Trail Planned Development, 1722, 1800 West Osterhout Avenue and 10099, 10117 and 10121 Oakland Drive

I. INTRODUCTION:

A PD, planned development rezoning application has been received from Westview Capital, LLC for a 46.54 acre tract of land addressed as 1722 and 1800 West Osterhout Avenue and 10099, 10117 and 10121 Oakland Drive. Attached is the rezoning application, narrative, tentative plan and supporting materials.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Westview Capital, LLC	1722 West Osterhout Avenue	00032-180-O	I-1	PD
	1800 West Osterhout Avenue	00032-175-O	I-1	PD
	10099 Oakland Drive	00032-195-O	I-1	PD
	10117 Oakland Drive	00032-190-O	I-1	PD
	10121 Oakland Drive	00032-200-O	I-1	PD
Five parcels – 46.54 acres				

II. EXISTING CONDITIONS:

Existing Land Use/Zoning	<u>Rezoning Site:</u> Vacant land (1800 West Osterhout, 10099, 10117 and 10121 Oakland Drive) and a vacant, non-conforming single family residence (1722 West Osterhout) zoned I-1, light industry. <u>East:</u> Single family residences (1702 and 1620 West Osterhout) and the Eliason Nature Preserve (1614 West Osterhout) zoned RM-1, multiple family residential. <u>North:</u> Former Charles River Industries facility (9801 Shaver Road) zoned I-2, heavy industry. <u>South (across West Osterhout):</u> Non-conforming single family residences (1909 and 1847 West Osterhout), R & T Auto Repair (1903 West Osterhout) and J & B Professional Tree Service (1811 West Osterhout) zoned I-1, light industry. <u>West (across railroad tracks):</u> Multiple family residences and vacant land zoned RM-2, multiple family residential and commercial businesses and vacant land zoned B-3, general business.
Zoning/Development History	No rezoning of properties in the surrounding area within the past 10 years.
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	West Osterhout Avenue is designated as a 2-lane minor arterial with 3,905 vehicles per day (2015); capacity of 16,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available and will serve the development.

Environmental	The City of Portage Natural Features Map identifies a small wetland area situated along the northern portion of the subject property. A 2017 Wetland Delineation conducted by the applicant has identified the boundaries of this wetland area which are illustrated on the tentative plan. No development activities (home/road construction) are proposed within this designated wetland area.
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III. ZONING CODE/PLANNED DEVELOPMENT PROCEDURES & REGULATIONS

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

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

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

IV. PROPOSED TENTATIVE PLAN:

As indicated by the applicant, the objective of the Pennridge Trail PD is to create an attractive community with a clustered residential development of high quality, energy efficient homes, that preserves large trees/natural areas and incorporates additional open space and landscaping features for families, couples and single individuals. The project is proposed to be developed as both a site condominium subdivision with public streets and single family detached homes, and a condominium with private streets and two-family attached (duplex) dwellings for a total of 137 units on the 46.54 acre tract of land. The site condominium subdivision portion of the development is proposed along the southern portion of the property and will involve a total of 63 single family detached units on 20.6 acres in three phases (Phase 1, 4 and 5). The condominium portion of the development is proposed along the northern portion of the

property and will involve a total of 37 attached duplex buildings (74 units) on 25.9 acres in three phases (Phase 2, 3 and 6). Open space areas totaling approximately 16 acres, or 34% of the overall land area, are also proposed across the planned development with particular emphasis along the western perimeter of the property (where adjacent to the Penn-Central railroad tracks) and the northern portion of the site. To provide this additional open space, the applicant is proposing a smaller lot "clustered" form of residential development with reduced lot sizes and building setbacks and increased building lot coverage within the site condominium subdivision portion of the development. The overall development density for the residential community will be 2.9 units per acre (137 units on 46.54 acres).

As identified in the attached materials, a variety of floor plans are planned for the mixed detached/attached residential community. Single family detached homes within the site condominium subdivision portion of the development will range between 1,400-2,800 square feet of living area (excluding any basement area) with an attached two-car garage and deck or patio, while dwellings within the duplex condominium portion of the development will range between 1,040-2,800 square feet of living area (excluding any basement area) with an attached two-car garage and deck or patio. The PD narrative and proposed concept portfolio also indicates the homes will incorporate variations in architectural design and construction materials and range in price from \$220,000-\$300,000+. Other features of the proposed planned development project include:

- Pedestrian Walkway/Trailway – An internal pedestrian circulation network consisting of concrete sidewalks and asphalt trails will be provided throughout the development. Four-foot wide concrete sidewalks will be provided along both sides of the public streets within the site condominium subdivision and along one side of the private streets within the condominium portion of the development. Additionally, a 6-8 foot wide asphalt path will be constructed within open space areas along the northeastern portion of the development, providing a connection from Schrier Lane (public street cul-de-sac) and Pennridge Drive (private street cul-de-sac) to the Eliason Nature Preserve located immediately to the east. Where located within the site condominium subdivision, sidewalks will be located within the public street right-of-way and maintained by the individual lot owners. Where located with the condominium portion of the development, along the private streets and within open space areas, the sidewalks and paths will be owned and maintained by the condominium association.
- Storm Water Management - Storm water runoff associated with the public and private streets will be collected and conveyed to infiltration basins and/or natural low areas situated along the northern and central portions of the subject property. Possible locations are identified on the tentative plan. While the storm water piping located within the public streets will be owned and maintained by the city, the storm water piping located within the private streets along with storm water disposal areas situated within common open spaces will be owned and maintained by the condominium association with appropriate easements and indemnification provided to the city.
- Vehicular Access – Access to the Pennridge Trail PD will be provided through a new public street from West Osterhout Avenue (along the eastern portion of the property) and an internal public/private street network. This new public street access will include a boulevard entrance with one lane of ingress and two lanes of egress. A dedicated left-turn lane will be constructed within West Osterhout Avenue. Since there are more than 20 residential lots with only one formal access point, the developer is requesting a variance from this provision.

During administrative review of the tentative plan, a second public street access to West Osterhout Avenue, along the western portion of the property, was also considered. However, due to safety concerns related to the close proximity of this public street intersection to the Penn-Central railroad tracks, this second West Osterhout Avenue public access point is not recommended. A future connection to the east was also considered but with the acquisition of the abutting by the City of Portage and development of the Eliason Nature Reserve Trail, a connection to the east is no longer possible. In lieu of a second public street access to West Osterhout Avenue or a future connection to the east, the developer will construct a permanent emergency vehicle access drive to the adjacent property to the north located at 9801 Shaver Road. The City Administration has reviewed this alternative emergency access arrangement and found it acceptable. The developer of the Pennridge Trail PD and the owner of 9801 Shaver Road will provide the city the necessary easements and maintenance agreements for this permanent emergency vehicle access before development of Phase 2.

- Housing Types and Building Setbacks – The applicant plans to incorporate a variety of different residential elevations and floor plans into the development (see narrative and concept portfolio). Single family detached homes within the site condominium subdivision will range between 1,400–2,800 square feet of living area (excluding any basement area) with an attached two-car garage and deck or patio. Duplex dwellings within the condominium portion of the development will range between 1,040–2,800 square feet of living area (excluding any basement area) with an attached two-car garage and deck or patio. As indicated by the applicant, lots within the site condominium subdivision will maintain a minimum 60-foot wide lot width and a minimum 8,000 square foot lot area with the average lot area being approximately 9,720 square feet. A maximum building lot coverage of 30% is proposed. Single family detached homes will maintain minimum setbacks of 25-foot (front), 25-foot (rear) and 5-foot (side) with a minimum 15-foot separation between homes. Additionally, a 15-foot side setback will be provided along the long side of the corner lots. Duplex buildings within the condominium portion of the development will maintain a minimum 40-foot perimeter setback from all property lines, 25-foot setback from the edge of the private streets and 20-foot separation between duplex buildings.
- Phasing – The Pennridge Trail PD and construction of the 137 total residential dwelling units and associated infrastructure is proposed to occur in six phases over an approximate 10-year period with Phase 1 planned for 2018-2019. Phase 1 will include 21 site condominium lots and will begin along the southeast portion of the overall property with a public street constructed from West Osterhout Avenue. The remaining phases of the development are planned as follows: Phase 2 (22 duplex units) 2019-2021; Phase 3 (22 duplex units) 2020-2023; Phase 4 (24 lots) 2021-2024; Phase 5 (18 lots) 2022-2026 and Phase 6 (30 duplex units) 2023-2028. Since the total number of site condominium subdivision lots will be 63 with construction of Phase 1, 4 and 5, the applicant on Page 6 of the written narrative is requesting a modification from the maximum 20-lots on a cul-de-sac provision of the Subdivision and Land Division Regulations [Section 42-803(i)].

V. PRELIMINARY ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties to the south (along the

south side of West Osterhout Avenue), as appropriate for Low Density Residential land use. Adjacent properties to the east are designated for Park/Recreation and Low Density Residential land uses. Adjacent properties to the north and northwest are identified for Shaver Road Business Corridor and General Business land uses, while adjacent properties to the west (along the west side of the Penn-Central railroad tracks) are designated for High Density Residential land use.

The Comprehensive Plan defines the "Low Density Residential" land use classification to include areas planned for future low density residential developments ranging from 1-4 units per acre. As indicated in the attached materials, the density of Pennridge Trail is approximately 2.9 units per acre. The Comprehensive Plan further identifies the purpose of the low density residential classification to establish areas for future low density, single family development, protect existing established neighborhoods from the intrusion of incompatible land uses and encourage additional "higher value" housing taking advantage of available attractive natural features and other amenities.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. An evaluation of the Development Guidelines will be provided with the final report and staff recommendation.

Suitability of Existing I-1 Zone/Impacts of Proposed PD Zone. The subject properties have been zoned I-1, light industry since comprehensive zoning of the city in 1965. While the I-1 district may have been considered a suitable zoning district in 1965 as a result of the adjacent railroad tracks, it has never been developed with an industrial use. According to the current property owner, the land has been actively marketed for sale since 1993. The lack of industrial development interest is likely attributed to location (distance from major transportation routes, competition from other, more desirable industrial locations and adjacent residential land uses). Given the surrounding residential zoning and land use pattern, the proposed PD zone and mixed residential development project offers a more suitable option for the subject properties. Although an occasional passing train will result in noise and vibration, the decision to live near an active railroad line is a personal choice. While the PD ordinance permits up to 20% nonresidential land use, the proposed Pennridge Trail PD does not include a nonresidential land use element. Additionally and while the PD ordinance allows an overall residential development density of up to 7.0 units per acre, the proposed Pennridge Trail PD proposes an overall single family residential development density of 2.9 units per acre.

The proposed PD zone offers flexibility for the applicant and assurances to the community on how the property will be developed (i.e. types of land uses, density, location and so forth). As proposed by the applicant, the Pennridge Trail PD will result in a similar residential density that could be developed under a traditional subdivision (R-1B/R-1C district) with a more creative design that preserves open space and natural features.

Modifications. In conjunction with the proposed tentative plan, the applicant is requesting modifications from two Subdivision and Land Division Regulation provisions involving the maximum number of lots on

a cul-de-sac street and installation of a five-foot wide concrete sidewalk along West Osterhout Avenue. Section 42-375.L of the Zoning Code allows City Council the authority to waive or modify standards of the PD ordinance where it finds such specifications are not in the best interests of the residents of the planned development and that modifications are not inconsistent with the interests of the entire city.

Since a second public street access from West Osterhout Avenue is not recommended given the proximity to the Penn-Central railroad tracks and a future connection to the east is no longer possible, construction of the site condominium subdivision portion of the development (Phases 1, 4 and 5) will result in a total of 63 lots on a public cul-de-sac street. Section 42-803(i) of the Subdivision and Land Division Regulations limits the number of lots on a residential cul-de-sac street to 20. As discussed previously and to provide an alternative secondary access to the development, a permanent emergency vehicle access connecting the northern portion of the Pennridge Trail PD (from Kearns Court) to the adjacent former Charles River industrial property located to the north at 9801 Shaver Road will be provided. Given the characteristics of the property and surrounding area, the City Administration is supportive of this requested modification.

While the developer will install four-foot wide concrete sidewalks along both sides of the public streets within the site condominium subdivision, Section 42-804 of the Subdivision and Land Division Regulations also requires the installation of a five-foot wide concrete sidewalk along the West Osterhout Avenue frontage. Given the proposal to install an internal network of sidewalks and trails within the Pennridge Trail PD including a connection to the adjacent Eliason Nature Preserve trail, combined with the lack of existing sidewalks along West Osterhout Avenue and no future plans by the city to install sidewalks along West Osterhout, the developer is requesting a modification from this requirement. As information for the Commission, sidewalks were once planned along West Osterhout Avenue. However, and with the reconstruction of West Osterhout Avenue in FY 2014-2015, proposed sidewalks were replaced with a wider paved shoulder to better accommodate non-motorized traffic. For these reasons, staff is supportive of this requested modification.

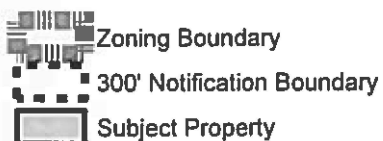
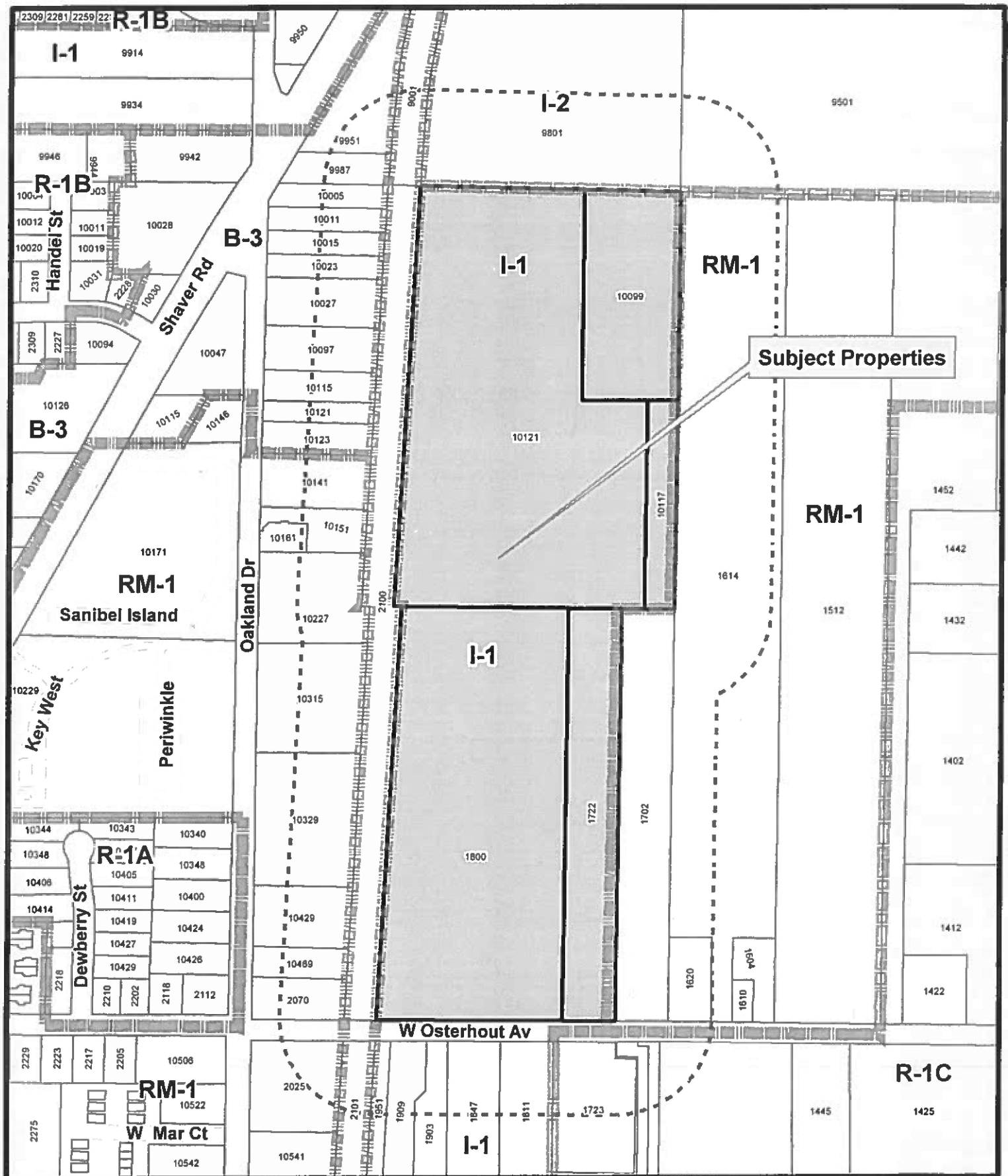
Traffic Considerations. The Trip Generation Manual published by the Institute of Traffic Engineers (ITE) estimates that a single family residential dwelling will generate approximately 10-12 vehicle trips per day ("trip" defined as one vehicle movement either in or out of the development). Upon full build-out of the Pennridge Trail PD (estimated at approximately 10 years), the 137 dwelling unit project will generate approximately 1,370-1,644 vehicle trips per day. As previously indicated, West Osterhout Avenue is a 2-lane minor arterial roadway with 3,905 vehicles per day (2015) and a capacity of 16,500 vehicles per day (level of service "D"). Anticipated traffic generation associated with a single family residential development on the subject property can be accommodated by the adjacent roadway system. In an effort to facilitate through traffic and left-turn movements into the proposed development, a left-turn lane will be constructed in West Osterhout Avenue at the new public street (Pennridge Drive) intersection.

VI. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the April 19, 2018 meeting and adjourn the public hearing to the May 3, 2018 meeting.

Attachments: Zoning/Vicinity Map
 Future Land Use Map
 Aerial Photograph Map
 Rezoning Application, Narrative, Tentative Plan and Concept Portfolio

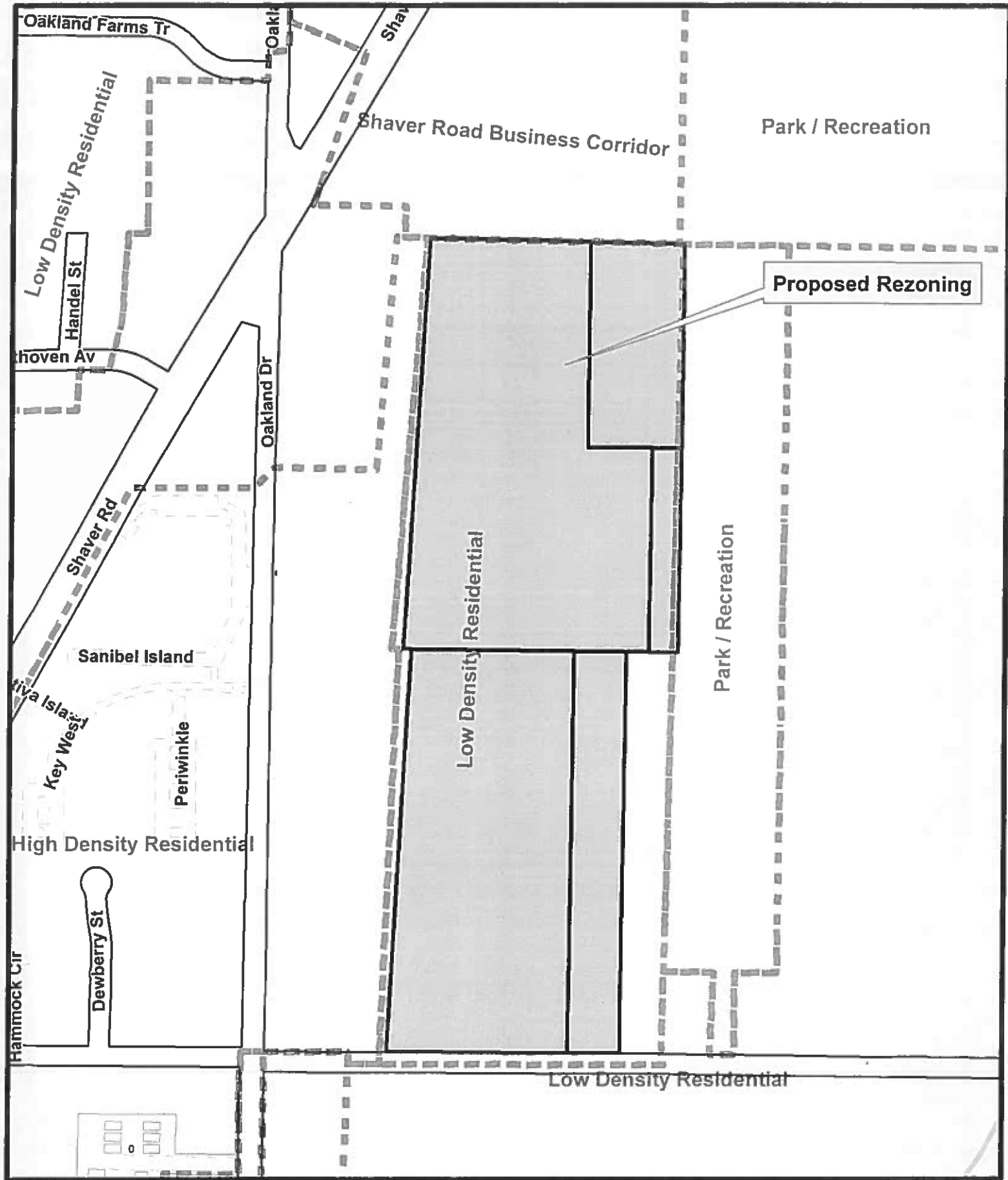
S:\Commdev\2017-2018 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Rezoning\2018 04 13 Rezoning Application #17-18-3, Pennridge Trail Planned Development (preliminary).doc



Rezoning: 17/18 - 3
1722, 1800 West Osterhout Avenue
10117, 10099, 10121 Oakland Drive



1 inch = 400 feet



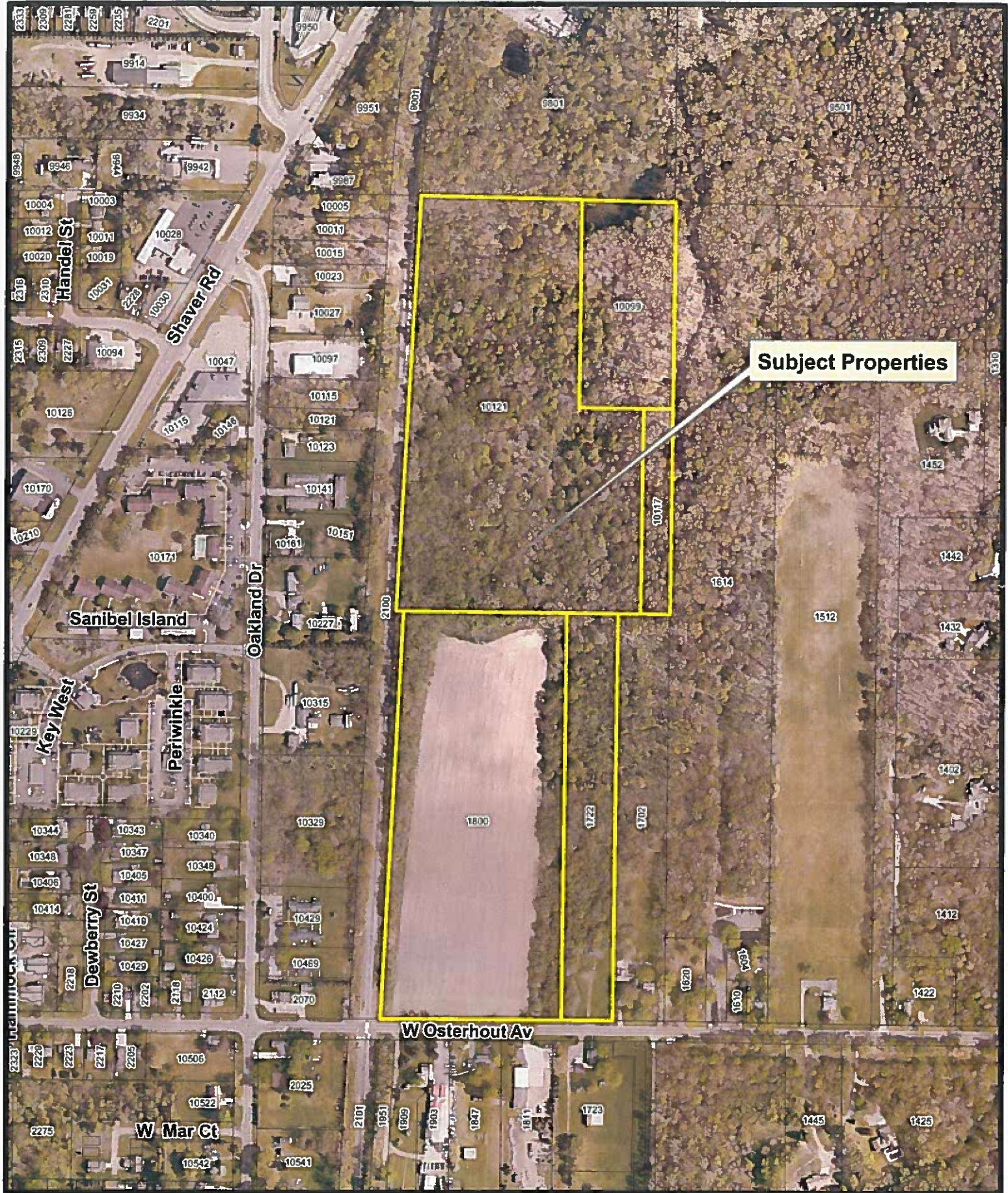
Legend

- Future Land Use
- Proposed Rezoning Area

Future Land Use Map
 1722, 1800 West Osterhout Avenue
 10117, 10099, 10121 Oakland Drive



1 inch = 400 feet



Aerial Photography
1722,1800 West Osterhout Avenue
10117,10099, 10121 Oakland Drive



1 inch = 400 feet
(199)

 Subject Property

RECEIVED

APR 11 2018

COMMUNITY DEVELOPMENT

April 10, 2018

**NARRATIVE for Proposed
PENNRIDGE TRAIL
Located on Osterhout Avenue
in The City of Portage**

**DEVELOPER:
WESTVIEW CAPITAL, LLC
2186 EAST CETNRE STREET
PORTAGE, MI 49002**

INTRODUCTION:

Pennridge Trail is a proposed Single Family Site Condominium / Residential Planned Development (PD), which is situated on the north side of Osterhout Avenue, approximately 500 feet east of Oakland Drive, in Section 32, City of Portage, Michigan. The subject property contains 46.54 acres (excluding Osterhout Avenue right-of-way) and measures a little over one eighth mile east/west by one half mile north/south. The front half of the site is farm field while the back half of the site is heavily wooded. The property is bordered on the west by the Penn-Central rail line and is surrounded by properties that are mostly wooded. Despite the property having a rural feel to it, it is located less than 5 minutes from many City of Portage businesses and other City amenities. Proposed on site are approximately 137 units of high quality energy efficient construction. Each unit within the single family site condo will be served by public roadway while the duplex units will be served by private roadways. This PD will offer a variety of dwelling floor plans along with a mixture of housing types consisting of single family detached and duplex dwellings. Please see the attached Concept Portfolio.

PURPOSE & OBJECTIVES:

The objectives of this PD development are as follows:

- 1.) To create an attractive community with a clustered residential development that preserves large trees, natural areas, and incorporates additional open space and landscaping features for families, couples and single individuals to enjoy.
- 2.) For the owners in the duplex area, to eliminate many normal maintenance duties and responsibilities such as mowing, weed control, raking of leaves, cleaning of gutters, snow shoveling, tree trimming, etc.
- 3.) To provide a single family neighborhood with high quality, energy efficient homes.
- 4.) To create a neighborhood with typical densities, but at the same time provide permanent open space and on-site natural areas for residents to enjoy, including direct access to the City owned Schrier Park and the Bishops Bog Trail.

THE SITE:

This PD is located on the north side of Osterhout Avenue in the Northeast quarter of Section 32. The property consists of addresses 1722 & 1800 West Osterhout Avenue as well as 10099, 10117 and 10121 Oakland Drive. Situated east of the subject property are two parcels, one with a residential home and the other being the City owned Schrier Park. Along the entire south edge of the property is Osterhout Avenue, a City of Portage public street. On the south side of Osterhout Avenue is land owned by various businesses. West of the subject property is the existing Penn-Central rail line with multi-family residences further to the west. North of the property is an existing industrial complex. Adjoining properties to the north are zoned I-2 Heavy Industry, to the south I-1 Light Industry, and to the east and west RM-1 Multiple Family. The north part of the subject property is covered by mature trees. The site is unique with nice hardwoods and rolling terrain, and the intent is to preserve as many trees as possible. The southerly part of the property is open land. Small areas of the property to the northeast and in the central portion are significantly lower than the remainder of the property. The north central and southerly portions of the property are relatively high. A wetland assessment of the property has been completed and the wetland boundary has been shown on the Tentative Plan. Soils within the proposed building areas are Oshtemo Sandy Loam per the USDA's Soil Survey of Kalamazoo County.

ZONING, BUILDING SETBACKS, and DENSITY:

The property is currently zoned I-1 Light Industrial. The proposed zoning is PD. With this PD development, we are proposing a 40 foot perimeter setback (abutting all adjoining properties). In the duplex portion all duplex buildings will share a common building wall. There will be a minimum 20.0 feet between buildings, and a minimum distance of 25.0 feet between the edge of the roadway and the front of the dwelling. The site condo single family portion of the project will have a minimum required unit width at the front setback of 60', a required front setback of 25', a required rear setback of 25' and a required side setback of 5', with a minimum of 15' between dwellings. The average lot size within the site condo portion is about 9720 sq.ft. with a minimum of 8,000 sq.ft. With the proposed portfolio the maximum unit coverage is equal to 30% with a minimum perimeter rear yard setback of 40'. With this PD, the density will be approximately 2.9 dwellings per acre. Per the City's Ordinance, the maximum allowable density for a PD is 7 dwellings per acre.

PHASING:

It is anticipated that the development will be constructed in six phases, with each phase consisting of between 20 and 30 dwellings. Construction of utilities, roadways, and dwellings for phase one is planned to commence during 2018. Construction for each subsequent phase is anticipated to commence approximately every couple of years thereafter based on the market and velocity of sales achieved. The currently anticipated size, limits, and density of each phase has been shown on the submitted Tentative Plan and outlined below. Please note that the proposed phasing could be altered based on market conditions, utility routing, final design, City requirements, etc.

Phase	Condo	Duplex	Anticipated
#	Units	Units	Construction
1	21	0	2018/2019
2	0	22	2019/2021
3	0	22	2020/2023
4	24	0	2021/2024
5	18	0	2022/2026
6	0	30	2023/2028

ON-SITE DWELLINGS:

The proposed dwellings within the single family portion of the site condo will consist of a mixture of housing types including two story and single story homes. Each dwelling will have between approximately 1400 square feet to 2800 square feet of living area (excluding any basement area), and an attached two-car garage, deck or patio. The proposed dwellings within the duplex portion will consist of single story homes measuring approximately 80 feet wide and 50 to 60 feet deep. Each dwelling will have approximately 1040 to 2800 square feet of living area (excluding any basement area), and an attached two-car garage, deck or patio. Approximately 45% of the onsite units will be single family detached dwellings and approximately 55% of the onsite units will be

duplexes. Single family attached dwellings and duplexes shall comply with City requirements. All dwelling construction shall comply with City and State construction codes. Each home will feature quality construction, maintenance free materials, and various energy efficient features. Conceptual Front Building Elevations and Floor Plans are included in this packet. Please see attached Concept Portfolio. The units will be constructed to meet or exceed energy codes. While the front elevations will be different, the look will have an intentional feel with design consistency among the various building fronts throughout the development. It is anticipated the dwelling prices will start in the \$220,000 range for smaller units. For certain units with additional upgrades, dwelling costs will likely approach or exceed the \$300,000 range.

OPEN SPACE and NATURAL AREAS:

A significant portion of the property will be designated as a permanent natural open space area. This includes the northerly, southerly, westerly and central portions of the property. The area of the subject property is 46.54 acres excluding the Osterhout Avenue right-of-way area. We currently estimate that approximately $\frac{3}{4}$ acres of the property is wetland area, and that approximately 16 acres of the property (north, west, south and central) will remain as a permanent natural open space. Around the perimeter of the development, existing natural areas and trees will be preserved to serve as a natural buffer and visual screening. All green space is contiguous and will allow residents to traverse the entire property in its natural setting. A paved Trail will also be installed to connect between the single family and duplex portions with direct access to Schrier park and the Bishops Bog Trail. Additional earth berms and trees will be installed in the open space on the south end of the property along Osterhout Avenue, as well as the westerly portion in the proposed open space area that backs up along the back of the single family and duplex lots (see attached plan). The additional earth berms and existing tree line will help buffer the homes from the existing Penn-Central rail line.

CONDOMINIUM / OWNERSHIP:

The PD will be developed as a site condominium with the southern half of the development being single family. These residents will own and maintain their entire unit that fronts on the public street. Within the portion of the PD consisting of the duplex units, the owner will maintain only the inside of the dwelling (the condominium "unit"). The condominium association will own and maintain everything exterior to each duplex unit, including yard areas ("limited common areas") and streets / natural areas ("general common areas"). Exterior maintenance that will be provided by the Condominium Association will include the exterior of the dwellings, gutters, lawns, sidewalks, driveways, private streets, natural areas, etc. The yard area surrounding each dwelling will be "limited common area" and will be for the use and enjoyment of that unit owner. The private streets, sidewalks, on site trails, and natural areas will be designated as "general common areas." These general common areas will be for the use and enjoyment of all residents.

CONDOMINIUM MASTER DEED:

The typical "plat restrictions" or "deed restrictions" for a subdivision will be replaced with the Condominium Master Deed. The Master Deed shall also include survey plans, house plans, rules of ownership, mapping of general common areas, limited common areas, unit areas, and other rules and regulations. Within the Master Deed, the streets and utilities for each phase will be designated as "need to be built," while each unit will be designated as "need not be built." The Master Deed will be prepared by an Attorney, and the Survey Plans within the Master Deed will be prepared by a local Land Surveying Office. The Master Deed will be subject to City review and comment prior to recording.

STORM SEWER SYSTEM and DRAINAGE:

Crowned, paved roadways, and gutters will direct storm water run-off to the proposed storm sewer drains and pipes. The storm water run-off will be disposed of by a combination of infiltration basins and discharge to the on site lowland areas. The storm water system will comply with City requirements. Design of the system will be subject to City review and approval, as well as review and permitting through the State of Michigan MDEQ if required.

WATER MAINS, FIRE HYDRANTS, and SANITARY SEWERS:

Installed along all public and private roads will be City Portage public water mains and sanitary sewers, including house leads to each dwelling. Fire hydrants will be installed at locations approved by the City of Portage. These utilities shall be designed and installed in accordance with City requirements, and appropriate utility easements shall be granted to the City. Public utilities designed and installed outside of the public and private roadways would be conveyed through an easement to the City as well. Note that there is an existing 20 inch public water main on the north side of Osterhout Avenue, and an existing 12 inch public sanitary sewer near the center line of Osterhout Avenue.

PRIVATE UTILITIES:

The site will be served with underground natural gas, electric, telephone, and cable TV lines. It is anticipated that these underground lines will be situated on the side of the street opposite the public water main.

STREETS, SIDEWALKS, and DRIVEWAYS:

On site paved streets serving the single family site condo portion will be public. On site paved streets serving the duplex portion will be private. All public streets will incorporate concrete curb and gutter on each edge and will have a pavement width of 32 feet. All private streets will incorporate concrete roll curb or paved valley gutter on each edge and will have a minimum drivable width of 26.1 feet. It is intended that the streets will be wide enough to allow parking on one side of the street per Fire Department requirements. All streets shall be designed and constructed in accordance with City requirements. Access to and from the site will be from one location and shall include one entry lane (14 feet wide) and two exit lanes (lane widths equal 11 feet) along with a landscaped island. A 20 foot wide permanent emergency access will also be constructed when the number of units constructed exceeds 30, at which time an easement for the access will be granted to the City and recorded. This drive will connect to the property to the north and tie into the existing parking lot that has direct access to Shaver Road. Lighting along

streets will be provided by permanent streetlights and may be incorporated into the City's street light district. Concrete sidewalks will be constructed on both sides of all new public streets and on one side of the new private streets. Also incorporated within the development will be a paved trail within the easterly portion of the property. This paved trail will extend east to the adjoining City owned property of Schrier Park and the existing Bishops Bog Trail. Driveways for each dwelling will be constructed of concrete and will have a length of at least 25.0 feet as measured from the edge of the roadway. The length of the each driveway will allow temporary vehicle parking for two or more vehicles depending on the length of driveway. All private streets, walks, trails, driveways, and parking areas in the duplex portion will be maintained by the Condominium Association.

MODIFICATIONS:

The Pennridge Trail PD is requesting a waiver from the Subdivision and Land Division Regulations Provision as it relates to Section 42-803 (i), Maximum Number of Lots on a residential Cul-de-sac Street. The original intent was to have two access drives off West Osterhout Avenue to serve this development, however only one was recommended by City staff. With the recommendation and addition of the permanent emergency access road that is being constructed to the north linking access directly to Shaver Road, there will now be two points of access to the development both on the north and south side of the development for emergency vehicles. For that reason we are requesting that this requirement be waived

The second waiver that is being requested is regarding the provision (Section 42-804), that requires sidewalks on both sides of all public streets. (Specifically West Osterhout Avenue) We are requesting this requirement be waived due to the fact that all internal sidewalks within the community will have direct access to Schrier Park from both the single family area as well as the duplex area. In addition there are currently no existing sidewalks on either side of West Osterhout Avenue to either the east or west of the property that would allow any contiguous flow of pedestrian traffic, and it seems unlikely that any sidewalks would be constructed in the future due to the size of the privately owned nearby parcels. For that reason we are requesting that this requirement be waived.



Mark T. Bielang
Superintendent
Phone: 269.323.5147
Fax: 269.323.5149
mbielang@portageps.org

January 27, 2022

Mr. Patrick D. Flanagan, P.E.
Ingersoll, Watson & McMachen, Inc.
1209 E. Milham Road, Suite B
Portage, MI 49002

Re: Proposed Phase 3 of Pennridge Trail Condominium

Dear Mr. Flanagan:

This letter will confirm receipt of your January 23, 2022 letter informing us of (1) the above noted proposed new single-family condominium located in Section 32, City of Portage, and (2) that Phase 2 (Pennridge Trail North) and Phase 3 will be constructed in 2022.

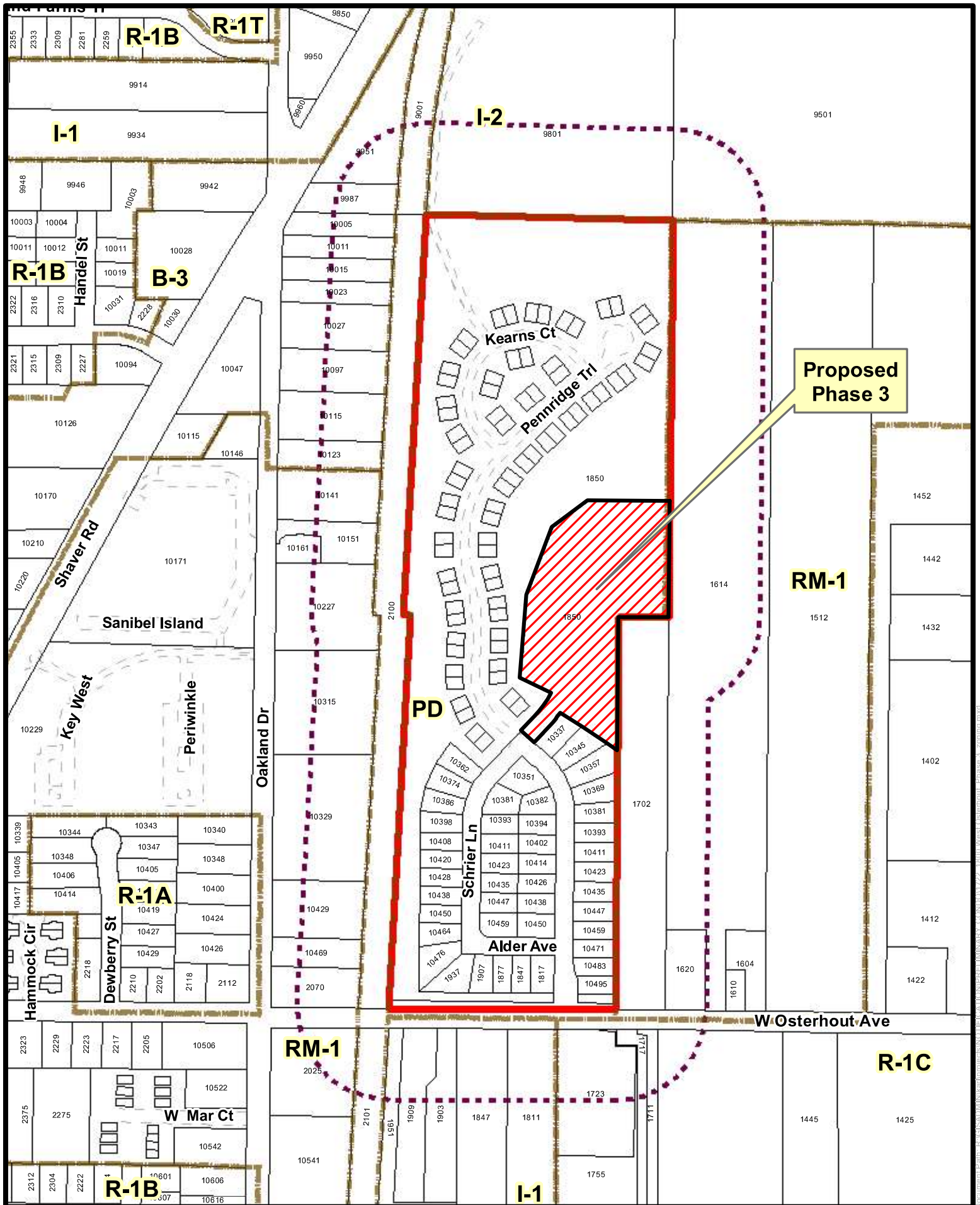
Thank you for sharing this information with us.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark T. Bielang".

Mark T. Bielang
Superintendent

Cc Board of Education
Johnny Edwards, Assistant Superintendent of Operations
Paula Johnson, Director of Finance
Kelly Peterson, Director of Development Services, City of Portage



**Proposed
Phase 3**

-  Proposed Pennridge Trail Phase 3
-  Pennridge Trail Property Boundary
-  Pennridge Trail 300' Notification Boundary

Preliminary Condominium Plan
Pennridge Trail Planned Development Phase 3
1800 West Osterhout Avenue



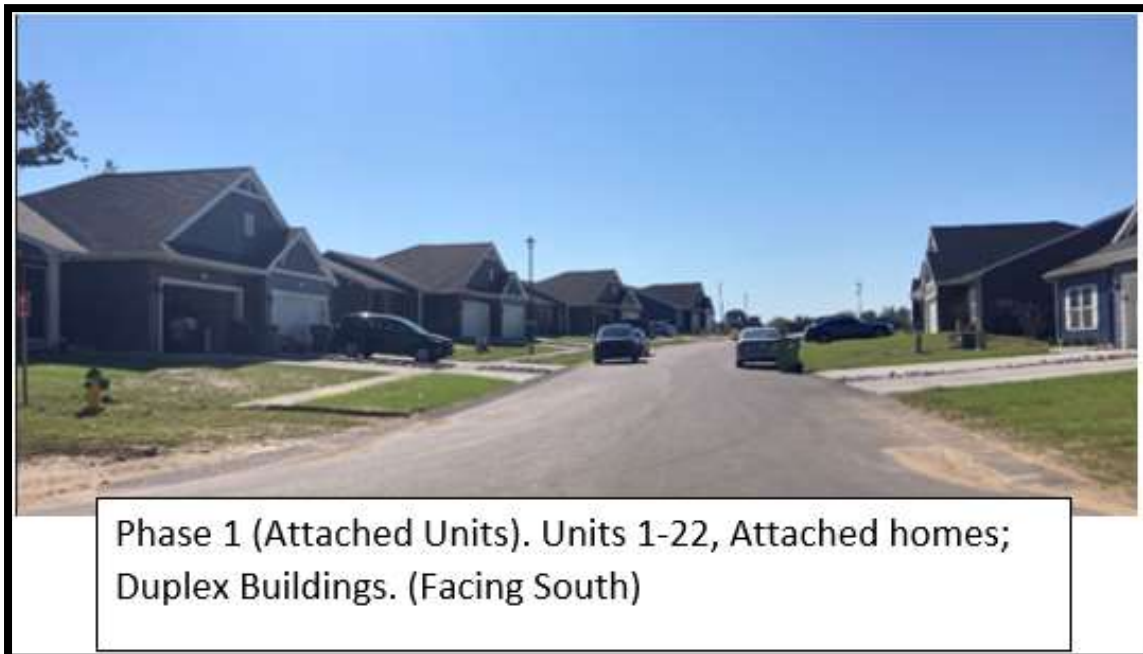
1 inch = 400 feet
 Date: 2/10/22

Staff Pictures. Taken February 21, 2022



Pennridge Trail Planned Development
September 29, 2021 Pictures taken by staff







Beginning of Phase 2. Units 23-74. Attached homes; duplex Buildings.
(Facing North)



Phase 2. Attached homes. Facing east from Emergency Access Drive.

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Special Meeting to Review City Manager Candidate Applications

SUPPORTING PERSONNEL: Shannon Hertz, Director of Human Resources

ACTION RECOMMENDED: Set a Special Meeting on Tuesday, April 12, 2022, beginning at 5:00 p.m., to review candidate applications for the position of City Manager and identify candidates to interview for the position.

The application window for the position of City Manager has closed. Mr. Frank Walsh of Walsh & Associates has reviewed all applications and narrowed the field down to those that he believes best fit the City of Portage. At a proposed Special Meeting on Tuesday, April 12, 2022, Mr. Walsh will review the selected candidates with the City Council with the hope of identifying those candidates that will be invited to interview before the City Council. In order to protect the confidentiality of candidates, portions of this meeting may be held in closed session.

It is recommended that City Council set a Special Meeting on Tuesday, April 12, 2022, beginning at 5:00 p.m., to review candidate applications for the position of City Manager and identify candidates to interview for the position.

FUNDING: Not Applicable

Attachments: None

Minutes of Boards & Commissions

Portage Environmental Board Minutes for Feb. 9, 2022

7:00 Welcome and introductions.

7:14 Meeting called to order.

Members present: Thomas Shaffer, Jerry Kroehn, Justin Gish, Joe Chamberlain, David Lancaster, Jaime Harmon, Grace Freed, Loren Kimeldorf, Chad Oberdoerster.

Minutes of December 8, 2021 approved unanimously.

7:18 Update on Green Initiatives-Board members provided with a summary of all of the city actions towards sustainability along with some annual goals and 3-5 year objectives. Members were asked to digest the document and pose any questions or clarifications prior to the next meeting. Members will send them to Jaime Harmon as soon as possible after the meeting.

7:31 Update on the Urban Bird Treaty. Diedre, who is leading this effort, was absent. Loren K. gave a brief overview of the treaty. There is money in the grant for education and engagement. We will table the topic for further discussion when Diedre is present.

7:37 Webpage update. City is looking to create a separate page to disseminate Portage's actions regarding sustainability and other environmental efforts. This will take a few months to get up and running. Likely will see a product sometime this spring. Board members were asked to take a look at the Environmental Board webpage updates and provide feedback.

7:44 Committee Possibilities

-Youth Advisory Committee will be planning the Green-a-thon that is looking to be celebrated in conjunction with the first farmer's market. What about involving vendors that provide environmental services that help people to reduce their environmental impact? Grace will look into this. Look for opportunities for green job career paths to be presented. Jamie will email Loren about how many spots may be available for potential environmental service providers to set up at the

-Look at creating an event/engagement committee. (Thomas, Joe, Justin, Loren)

-Look at education committee. (Joe will lead.)

-Garlic Mustard Pulls (Joe, Justin, and Jerry) Look at planting native seeds in the spaces where garlic mustard has been pulled, a pull and plant model versus just a pull model. Use this as an opportunity to evaluate the long-term success of planting natives in place of garlic mustard that is pulled. Joe will research collaboration with the seed library. Justin mentioned contacting the Wild Ones (Justin) to see if there is a collaboration opportunity there. Also connect with Master Gardeners (Justin) and people from Extension Services to collaborate with the pulls. Grace will

spread the word about opportunities for high school students to get their requisite volunteer hours.

-Chad will lead the Climate Action Plan and Vulnerability Assessment committee. He drafted an initial letter for a proposal to undertake this planning and assessment. Please read and provide feedback, input, questions, etc. to create a final draft/proposal to city council.

8:34 Meeting Adjourned

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – February 14, 2022

The City of Portage Zoning Board of Appeals meeting was called to order by Vice Chair Haddow at 7:00 p.m. four people were in the audience.

MEMBERS PRESENT: Lena Jomaa, Lynn Haddow, Winifred Kurtz, Tracy Ezell, Michael Reedy

MEMBERS EXCUSED: Jay Eichstaedt, Linda Fry

MEMBERS ABSENT: Linda Finch, Ken Seybold

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Jacob Eccleston, Assistant City Attorney; Daniel Harrington, City Planner.

APPROVAL OF THE MINUTES: Approval of minutes moved to the next meeting.

NEW BUSINESS:

ZBA #21-11; 1814 Charles St: Mais summarized the request for a variance to retain a 520 square-foot accessory building that exceeds the living area of the dwelling by 44 square-feet. Staff recommends approving the variance given the size of the existing substandard dwelling.

Applicant, Scott Paquin, 1814 Charles Street stated he misunderstood how the size of the accessory building is calculated. Kurtz asked if people will live in the building. Applicant stated it will only be used as a workshop. Jomaa asked about the expansion of an accessory building without a permit. He stated he was unaware he needed a permit to expand an existing building.

Haddow opened a public hearing. There being no comments, Haddow closed the public hearing.

Jomaa motioned and Reedy supported the motion to grant a variance to retain a 520 square-foot accessory building that exceeds the living area of the dwelling by 44 square feet, for all of the following reasons: There are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include a substandard size dwelling. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to expand an accessory building which is similar to that possessed by other properties in the same zoning district and in the vicinity. 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. The variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Jomaa-Yes, Reedy-Yes, Haddow-Yes, Kurtz-Yes, Ezell-Yes. Motion passed 5-0.

ZBA #21-12; 2628 and 2630 East Shore Drive: Mais explained the request for a variance to approve a lot line adjustment that will result in: a) the dwelling at 2628 East Shore Drive to be 0 feet from the (northeast) side property line where a minimum 8-foot side yard setback is required; b) the dwelling at 2630 East Shore Drive to be located 6.5 feet from the (southwest) side property line where a minimum 9-foot side yard setback is required; and c) the dwelling at 2630 East Shore exceeding the maximum 30% lot coverage by 56 square feet.

Jomaa asked if it is a single variance. Mais stated that the Board could consider each item individually but would recommend combining the motion into a single variance. Jomaa asked if a land purchase will be made. Mais stated that would depend upon whether the request is approved. Kurtz asked if the assessor is involved yet. Mais stated that the Assessor is waiting for the Board's approval.

Rose Louisa Alexander and Mark Alexander, 2628 East Shore Drive spoke in support of the request. Applicant stated that it is a great way to address the encroachment situation and that this is the only two houses connected when constructed. The decision will be to keep the foundation. Mais clarified no additional construction will occur and this variance will just allow lines on a map to move. Kurtz confirmed that the applicant continued construction after realizing the issue with the foundation. Haddow asked if applicant is here on behalf of owners at 2628 East Shore Drive. Applicant stated that the other owners could not be present but submitted a letter. Jomaa asked if the sale needed to occur within a year. Mais said yes.

Haddow opened public hearing. There being no comment, Haddow closed the public hearing.

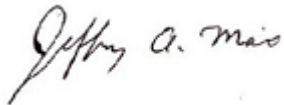
After additional discussion, Ezell moved and Reedy seconded a motion to grant a variance to approve a lot line adjustment that will result in: a) the dwelling at 2628 East Shore Drive to be 0 feet from the (northeast) side property line where a minimum 8-foot side yard setback is required; b) the dwelling at 2630 East Shore Drive to be located 6.5 feet from the (southwest) side property line where a minimum 9-foot side yard setback is required; and c) the dwelling at 2630 East Shore exceeding the maximum 30% lot coverage by 56 square feet. for all of the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include structural and setback encroachment over an existing property line. The variance is necessary for the preservation and enjoyment of a substantial property right, the right to maintain ownership of property on which the dwelling sets which is similar to that possessed by other properties in the same zoning district and in the vicinity. 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. The variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Ezell-Yes, Haddow-Yes, Kurtz-Yes, Jomaa-Yes, Reedy-Yes. Motion passed 5-0.

OTHER BUSINESS: None.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: Jomaa motioned to close the meeting. Reedy supported the motion. Motion passed unanimously. Haddow closed the meeting at 7:45pm.

Respectfully submitted,



Jeff Mais
Zoning & Codes Administrator

CITY OF PORTAGE PLANNING COMMISSION

Thursday, February 17, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of February 17, 2022 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Adam Herringa, Acting City Manager
Kelly Peterson, Director of Community Development
Biqi Zhao, Senior City Planner
Eric Feldt, City Planner
Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

APPROVAL OF MINUTES:

A motion was made by Vice Chair Joshi, supported by Commissioner Baldwin to approve the February 3, 2022 meeting minutes with corrections. The motion was approved unanimously.

Public Hearings:

Special Land Use Permit to operate a contractor's business at 8405 Portage Road, pursuant to Sec 42-461. Applicant, Amil Alwan, 1601 West Centre Suite 103, Portage, MI described building out the site for an office and a workshop. Commissioner Youngs asked about the movement of the current driveway. Mr. Alwan described moving the driveway to the South.

Mr. Feldt provided the staff recommendation that a special land use permit be granted due to consistency with Master Plan goals and the Lake Center District Study, in addition to meeting the criteria of Sec 42-461 Special Land Use Permit and Sec 42-262(c)(6) 'Offices and showrooms for building, plumbing, electrical, or mechanical contractors.' Chair Corradini opened the public hearing. There being no comment from the public, Commissioner Baldwin motioned to close the public hearing and Commissioner Pezzoli supported the motion. Vice Chair Joshi motioned to approve the Special Land Use Permit for the proposed contractor's business at 8405 Portage Road. Commissioner Baldwin supported the motion. Motion passed unanimously. Vice Chair Joshi motioned to approve the site plan for the proposed contractor's business at 8405 Portage Road Commissioner Baldwin supported the motion. Motion passed unanimously.

Ordinance Amendment to add 'technology'- and 'laboratory'- related office uses to the OS-1 Office District, pursuant to Sec 42-651. Co-applicant, Cole Rathgun, Regional Director of Leasing of the Hinman Company, 750 Trade Center Way, Portage, discussed the background on the companies work involving offices and how there is a shift in the types of companies interested in leasing offices. Applicant, Jim Pollock, General Counsel of the Hinman Company, 750 Trade Center Way, Portage, also described his discussion about expanding uses for office including technology and laboratories.

Mr. Feldt summarized the applicant's request for a zoning ordinance amendment to allow for technology and laboratory related use in the office district including their property. Commissioner Adams asked if a definition of 'technology' and 'laboratory' will be added in the motion. Mr. Feldt stated no definitions will be set. Commissioner Fries asked if staff sees any issues with this. Mr. Feldt responded that future

projects like this will fit harmoniously in the office district. He noted that special land use permits can be another avenue for similar projects and clarified that this amendment does not change the zoning district but adds a line item for what is allowed within the district. Chair Corradini opened the public hearing. There being no comment, Vice Chair Joshi motioned and Commission Baldwin supported the motion to close the public hearing.

Commissioner Pezzoli motioned to waive the second public hearing given there was no public and, that the Commission recommend approval to the City Council the Ordinance Amendment to add 'technology'- and 'laboratory'-related office uses to the OS-1 Office District. Vice Chair Joshi supported the motion. Motion passed unanimously.

New Business:

2022-2028 Capital Improvement Program (CIP) discussion and recommendation to City Council.

Acting City Manager Adam Herringa, addressed the commission. He described the draft CIP under review by the Planning Commission, funding sources, a focus on Portage Road, and the importance of maintaining existing projects. Commissioner Freiman asked if there were projects that did not make the list. Mr. Herringa stated there are projects that are more urgent and as a result some projects may be pursued in later years. Commissioner Youngs asked about Act 51 funding and the difficulty of projecting for the future. Mr. Herringa noted the shift from a 10-year plan to a 6-year plan to improve planning and project delivery. Commissioner Fries noted a decrease in parks funding and asked if the system is built out and the cost shifts to maintenance. Mr. Herringa noted that building trails is important but there are other capital projects that require funding. Chair Corradini inquired about open houses and public outreach. Mr. Herringa noted that feedback tends to be from the same individuals each year and open houses do not generate significant input. Chair Corradini asked if CIP surveys go out to employees. Mr. Herringa noted employees are aware of the CIP survey but there not a specific employee survey and expressed an openness to this suggestion. Vice Chair Joshi motioned to recommend approval of the 2022-2028 Capital Improvement Program. Commissioner Freiman supported the motion. Motion passed unanimously.

Kalamazoo County Housing Study Presentation.

Commissioner Adams gave a presentation on Countywide housing needs, trends, data, and an upcoming housing survey for Kalamazoo County.

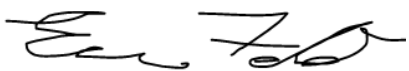
STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Fries noted a tree ordinance issue present in the Michigan Association of Planning magazine. Chair Corradini thanked Mr. Herringa and Ms. Peterson.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:14 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

CITY OF PORTAGE PLANNING COMMISSION

Thursday, March 3, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of March 3, 2022 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Kelly Peterson, Director of Community Development

Eric Feldt, City Planner

Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

APPROVAL OF MINUTES:

A motion was made by Vice Chair Joshi, supported by Commissioner Baldwin to approve the February 17, 2022 meeting minutes with corrections. The motion was approved unanimously.

Public Hearings:

Preliminary Condominium Plan; Pennridge Trail Planned Development (Phase 3); 1800 W. Osterhout Avenue. Commissioner O'Dell announced a conflict of interest as he currently serves a consulting engineer to the applicant and recused himself.

Applicant, Brian Wood with Allen Edwin Homes, 2186 East Centre Street, Portage, MI described he is seeking Preliminary Condominium Plan approval for the final phase for the Pennridge Trail Development. Chair Corradini asked how business was going. Mr. Wood described high demand and production constraints. Commissioner Adams asked about the trail connection to the Eliason Nature Preserve. Mr. Wood stated his company will construct the trail connection but asphalt will end at the property line due to the City's request.

Mr. Feldt provided staff's recommendation that the Commission approve and recommend to City Council the Preliminary Condominium Plan for Pennridge Trail Subdivision Phase 3. There being no questions from the public or the commissioners, Vice Chair Joshi motioned and Commissioner Baldwin supported the motion to close the public hearing. Motion passed unanimously. Vice Chair Joshi motioned to recommend approval of the Preliminary Condominium Plan Pennridge Trail Planned Development (Phase 3), 1800 W Osterhout Avenue to City Council without a second public hearing. Commissioner Adams supported the motion. Motion passed unanimously.

New Business:

2022 Planning Commissioner Reference materials and Amendments to Rules of Procedure. Ms. Peterson presented reference materials to the Planning Commission, and following discussions with the Chair, presented proposed amendments to the Rules of Procedure regarding the addition of "Statements of Commissioners" and "Statements of Staff" to the Commission agendas. She also detailed the opportunity

for the Commission to create subcommittees to address and advance specific topics of interest, as well as the process for subcommittees to make recommendations to the Commission, and to the City Administration for review and response.

As a vote was not required to approve an amendment to the rules of procedure, Chair Corradini offered the idea of the additional sections to the agenda, and there was agreement by Commissioners to amend the Rules of Procedure to include the proposed additions. The Chair asked that Commissioners consider the opportunity for subcommittees and bring their ideas for subcommittees to the next meeting for discussion. He also reminded the Commission of their current work plan, which includes youth engagement with the Planning Commission. He proposed opportunities for collaboration, including Commissioners attending a YAC (Youth Advisory Committee) meeting to inquire how best the Planning Commission might engage younger residents of Portage.

STATEMENT OF CITIZENS

None.

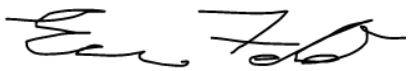
STATEMENT OF COMMISSIONERS

Chair Corradini noted there are funds for Commissioners to pursue planning-related training opportunities education. Commissioner Adams provided an update on the Kalamazoo Housing Survey. Commissioner Baldwin stated to watch out for motorcyclists as the weather becomes warmer.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 7:52 p.m.

Respectfully submitted,

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

Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Ordinance Amendment - Chapter 18 "City Cemeteries"

SUPPORTING PERSONNEL: Erica Eklov, City Clerk
Rod Russell, Director of Public Works

ACTION RECOMMENDED: Adopt the amendment to Chapter 18 "City Cemeteries" of the Code of Ordinances to permit columbaria.

Portage cemeteries were first codified in 1967 when the preferred method of interment was a traditional burial (full-body, casket, vault, and full headstone). As society changes, so do the preferences and traditions surrounding death and the city is finding a growing interest in cremations. Presently, city-owned cemeteries in Portage allow only earthen burials. Per Section 18-10(b) of the Code of Ordinances, "all burials shall be considered earthly and a body or an urn/container holding remains shall be buried in the ground." However, several church-owned locations in the city offer columbarium interments for cremains. Some communities are handling various space concerns with the same option, especially as cremation increases in popularity. In addition, the city increasingly receives questions about above-ground interments, such as placing remains in decorative benches within city cemeteries. Based on these conditions, the City Administration proposes an amendment to Chapter 18 of the Code of Ordinances to allow for columbaria in city-owned cemeteries.

A columbarium is a building or structure of vaults that houses cremated remains. The City Attorney prepared the attached document following a review of similar municipalities that permit columbarium ordinances. If approved, the city plans to construct a columbarium in the future Section 9 of South Cemetery. While this section remains to be plotted, the location of a columbarium at the outset is desirable. The location at South Cemetery is preferred due to its flat terrain requiring minimal costly landscape reinforcement and remaining undeveloped land. The City Administration plans to include the new costs for columbarium internments during the annual approval of city fees toward the end of the calendar year. However, the city anticipates the columbarium option as more of an all-inclusive option with location and marker purchase completed under one fee and similar to the current cremains pricing. The Office of the City Clerk would coordinate a standard plaque inscription design with a contracted monument company.

With this recommendation, the City Administration wishes to gain the Council's approval of the amendment to the ordinance as a first step in the design process for the construction of a columbarium. Should the ordinance amendment be approved, staff would begin the RFP and design process, calculating needed landscape improvements and anticipated annual maintenance costs for budgeting and future Capital Improvement Projects.

City Council conducted the first reading of the amendment to Chapter 18 "City Cemeteries" of the Code

of Ordinances to permit columbariums on March 8, 2022. It is recommended that City Council approve final adoption of the amendment to Chapter 18 "City Cemeteries" of the Code of Ordinances to permit columbariums.

FUNDING: There would be no cost for the FY 2022/23 or FY 2023/24 operating budgets. Initial design and installation would be programmed in the FY 2024/25 Capital Improvement Program budget. Annual maintenance would be programmed in future fiscal year budgets through the Department of Public Works Cemetery Permanent Fund.

Attachments:

1. Cemeteries Ch 18 Amendment Columbarium 2.2022
2. Columbaria Example

[ORDINANCE FOR ADOPTION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING CHAPTER 18
CEMETERIES

THE CITY OF PORTAGE ORDAINS:

That Chapter 18 shall be amended as follows:

CHAPTER 18. CEMETERIES.

Sec. 18-1 through Sec. 18-9. No change.

Sec. 18-10. Burial standards.

1. No person shall bury a body in a city burial ground except in accordance with state law and the regulations of the state and city boards of health. No person shall bury a body in a city burial ground except in a vault or grave liner.
2. All burials shall be considered earthly and a body or an urn/container holding cremains shall be buried in the ground or sealed in a columbarium niche.
3. All cremains shall be placed in a rigid, sealed urn/container. Urn/container size shall not exceed 14 inches in any dimension; length, height, or width. Total size of the urn/container shall not exceed 1 cubic foot.

(Code 1983, §1064.12; Min. Bk. 1984, p. 262, Vol. 10, 12-18-1984; Ord. No. 14-01, 2-11-2014; Ord. No. _____)

Sec. 18-11 through Sec. 18-29. No change.

Sec. 30. Columbarium.

Definitions.

1. COLUMBARIUM (COLUMBARIA). An above ground repository composed of niches designed for the purpose of interring the cremains of the deceased.
2. COLUMBARIUM INDIVIDUAL NICHE(S). An individual recess within a columbarium, designated to contain the cremains of one deceased within a single cremation urn or container; or the cremains of two deceased within two cremation urns or containers.

3. COLUMBARIUM NICHE FRONT. The granite piece covering the niche.
4. COLUMBARIUM NICHE NAME INSCRIPTION. The front of the columbarium niche engraved with the name of the deceased and other pertinent information.
5. CREMAINS. The ashes of a cremated human body.

(b) General.

1. Ownership of burial space in a freestanding columbarium shall be considered the same as ownership of other cemetery property and shall descend according to state law.
2. Occupied niches must be marked by an inscription on the niche front, as best determined by the Cemetery Custodian. No other additional ornamentation will be allowed on or in front of the niche.
3. Inscription shall be uniform in style on each niche front, as determined by the Cemetery Custodian. The City Clerk's Office is responsible for arranging this service.
4. The city is not responsible for unauthorized cremains deposited on the cemetery.
5. Flower holders, vases or other fixtures shall not be allowed to be attached to the niche front.
6. With the exception of the interment of a second urn within a niche, any opening of a sealed niche shall be considered a disinterment and applicable fees will be charged.

(Act 251 of 1968, MCL 456.522; Ord. No. _____).”

Dated: _____

Patricia M. Randall, Mayor

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

CERTIFICATION

I, Erica Eklov, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

Erica Eklov, City Clerk

PREPARED BY:
Catherine Kaufman (P65412)
Portage City Attorney
Bauckham Sparks
470 W. Centre, Suite A
Portage, MI 49024

Approved as to Form:

Date: 2/14/2022

Catherine Kaufman
City Attorney

Pre-Assembled Winchester Ossuarium®

- Located in Eden Prairie, MN
- Niche Fronts Finished in Polished Mahogany Granite
- Memorial Band Finished in Sandblasted Mahogany Granite
- Heavy Base and Thick Capstone Finished in Mahogany Granite
- 80 Companion Niches
- 100 Ossuary Spaces
- 260 Total Urn Spaces

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LANDSCAPE ENGINEER
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16 NICHES PER ROW
100 OSSUARY SPACES

