

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

1. Safa Mazhar (4th Grade, Moorsbridge Elementary) to read her "I Love Portage" winning essay.

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of December 6, 2022
2. Approve the Accounts Payable Register of December 20, 2022 as presented.
3. Receive the Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential to PD Planned Development for Kings Landing at 6601 Constitution Boulevard, and set a public hearing for January 24, 2023.
4. Adopt the:
 - a. 2023 Cemetery Fee Schedule,
 - b. 2023 Proposed Freedom of Information Act fees,
 - c. 2023 Proposed Community Development and Building Permit fees,
 - d. 2023 Proposed Public Safety Department fees,
 - e. 2023 Proposed Recreation and Park Facility fees,
 - f. 2023 Proposed Senior Center Facility fees, and
 - g. 2023 Proposed Special Assessment Rates.
5. Approve the sole-source purchase of floating boardwalk materials for Bishop's Bog from Aggressive Industries of Minneapolis, MN, in the amount of \$997,104, and authorize the City Manager to execute all documents related to this action on behalf of the city.
6. Award a contract in the amount of \$420,000 to TJM Services for the installation of floating boardwalk materials for Bishop's Bog and authorize the City Manager to execute all documents related to this action on behalf of the city.
7. Approve a multiple-year contract of two base years and three option years with Overneath Creative for the continuation of professional cablecast, live stream and videography operations in the two-year amount of \$192,210 and authorize the City Manager to execute all documents related to this action on behalf of the City.
8. Award a contract to Wightman & Associates, Incorporated, of Kalamazoo, Michigan in the amount not to exceed \$118,450 to perform design engineering services for the Portage Road Residential Planned Development and authorize the City Manager to execute all documents related to the contract on behalf of the city.
9. Adopt the Resolution for Use of Purchasing Cards and City of Portage Purchasing Card Use Policy.
10. Set a Committee of Whole Meeting on January 24, 2023, at 6:00 p.m. to review and discuss potential locations and expansion/enhancement of the Portage Farmers Market.
11. Receive and approve the proposed 2022 Attainable Housing Plan.
12. Minutes of Boards & Commissions:

a. Zoning Board of Appeals of September 12, 2022

b. Environmental Board of November 9, 2022

13. Materials Transmitted of December 6, 2022.

14. Calendar of Meetings:

- Historic District Commission: January 4, 2022 at 8:30 a.m. at City Hall.
- Park Board: January 4, 2022 at 6:30 p.m. Parks & Recreation (320 Library Lane, Portage, MI)
- Human Services Board: January 5 at 5:30 p.m. at City Hall.

NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. Major meetings may be viewed live on Charter channel 995 and AT&T channel 99 or live streaming at portagemi.gov/205.

B. Petitions and Statements of Citizens:

C. Communications:

1. Annual Presentation of Environmental Board.

D. Public Hearings:

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM DECEMBER 6, 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, Chris Burns, Lori Knapp, Victor Ledbetter, Terry Urban, Mayor Pro Tem Jim Pearson, and Mayor Patricia Randall were present.

ABSENT: None.

ALSO PRESENT: City Manager Pat McGinnis, Deputy 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 as the community enters the holiday season, that everyone is generous with treasures and inclusive with actions. Following the moment of silence, the City Council recited the Pledge of Allegiance.

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 Knapp, seconded by Ledbetter, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

Approval of Minutes: Motion by Knapp, seconded by Ledbetter, to approve the City Council Meeting Minutes of the Regular Meeting of November 15, 2022. Upon a roll call vote, motion carried 7 to 0.

Accounts Payable Register: Motion by Knapp, seconded by Ledbetter, to approve the Accounts Payable Register of December 6, 2022, as presented. Upon a roll call vote, motion carried 7 to 0.

Purchase of Property: Motion by Knapp, seconded by Ledbetter, to approve the purchase of property addressed as 321 East Osterhout Avenue in the amount of \$148,000 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

All Kids Bike Program: Motion by Knapp, seconded by Ledbetter, to approve a fiscal year 2022-2023 budget amendment for the introduction of All Kids Bike in four elementary schools at a cost of \$24,000. Upon a roll call vote, motion carried 7 to 0.

Resolution of Support for MDNR Spark Grant Application: Motion by Knapp, seconded by Ledbetter, to adopt the Resolution of Support for Local Match for the Michigan Department of Natural Resources Spark Grant for the Ramona Park Accessible ADA Playscape renovation and enhancement project and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

Preliminary Condominium Plan for Copperleaf Planned Development Phase 6, 3800 West Milham Avenue: Motion by Knapp, seconded by Ledbetter, to grant tentative approval of the Preliminary Condominium Plan for Copperleaf Planned Development Phase 6, 3800 West Milham Avenue, subject to the condition that a letter or document from the school board or school board superintendent indicating awareness of the proposal shall be submitted, per Sec. 42-883(3)i. Upon a roll call vote, motion carried 7 to 0.

BRA Policy Finalization: Motion by Knapp, seconded by Ledbetter, to adopt the final Brownfield Redevelopment Policy update. Upon a roll call vote, motion carried 7 to 0.

Environmental Board Request Response: Motion by Knapp, seconded by Ledbetter, to receive the report from City Administration responding to the Environmental Board request. Upon a roll call vote, motion carried 7 to 0.

Annual Industrial Project Reporting/Monitoring: Motion by Knapp, seconded by Ledbetter, to receive the Annual Tax Abatements Status Report as information only. Upon a roll call vote, motion carried 7 to 0.

Minutes of Boards & Commissions: Motion by Knapp, seconded by Ledbetter, to receive the minutes of the Planning Commission of October 6, 2022; Human Services Board of October 6, 2022; Environmental Board of October 12, 2022, and Planning Commission of November 17, 2022. Upon a roll call vote, motion carried 7 to 0.

Materials Transmitted: Motion by Knapp, seconded by Ledbetter, to receive the Materials Transmitted of November 30, 2022. Upon a roll call vote, motion carried 7 to 0.

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

PETITIONS AND STATEMENTS OF CITIZENS: Dr. Monifa Jumanne (610 Mall Drive) spoke regarding the Dr. Martin Luther King Jr. Park, the new Zhang Portage Community Senior Center, and efforts for inclusion in the community, both short and long-term. She commended the City Council and encouraged them to continue their efforts.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Brayton noted a ribbon cutting for Celesta Spa, as well as the annual Tree Lighting event. She thanked the staff for coordinating the great event and highlighted the two "I Love Portage" essay contest winners. Councilmember Brayton then recognized a Food Drive event and commended the bike program from the Consent Agenda as an offering for local youth to learn healthy options and bike safety.

Councilmember Burns thanked the City Manager, Community Development Director Kelly Peterson, and Deputy Director Jon Hallberg for the updated Brownfield Redevelopment Policy approved as part of the Consent Agenda.

Councilmember Urban apologized for a family conflict that prevented his attendance at the Tree Lighting event but has historically enjoyed the event as part of the community. He then commended the All Kids Bike Program approved by the City Council on the agenda.

Councilmember Ledbetter highlighted the All Kids Bike Program and recommended an effort by the city to also rehabilitate returned bikes for children. He then thanked Dr. Jumanne for her comments on the Dr. Martin Luther King, Jr. Park and inclusion efforts in Portage.

Councilmember Knapp had no comment.

City Manager McGinnis highlighted the receipt of the Government Finance Officers Association for finance excellence awards, as well as the American Public Works Association awards for South Westnedge Avenue micro-surfacing and the Zhang Portage Community Senior Center project. He closed by thanking Dr. Jumanne for her comments.

Mayor Pro Tem Pearson began by recognizing the Pfizer Corporation for its recent announcement of the expansion, despite historical concerns of community relocation and job reduction. He recalled the COVID-19 vaccine production changing Pfizer's business focus, reinforcing its Portage location.

Mayor Randall expounded on Mayor Pro Tem Pearson's comments, speaking in detail regarding the recent Pfizer expansion announcement and contribution to both the local economy and the job market. She then noted the various expansions and improvements the Pfizer Corporation has invested in Portage over the past several years. Mayor Randall also thanked Councilmember Brayton for her efforts on the All Kids Bike Program with the local elementary schools. She then commended City Manager McGinnis and Public Works Director Rod Russell for successfully completing the Fall Leaf Collection program.

ADJOURNMENT: Mayor Randall adjourned the meeting at 07:33 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of December 20, 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 November 27, 2022 through December 10, 2022 and notes \$670,872.70 in automated clearing house payments, \$1,189,377.36 in paper checks, \$111,080.77 in auto-pay payments, \$4,030,389.68 in electronic payments and \$4,752.97 in credit card payments (November) for a grand total of \$6,006,473.48.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of December 20, 2022

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/27/2022 to 12/10/2022

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
12/02/2022	18399(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING	64,915.71
12/02/2022	18400(A)	CHARTER COMMUNICATIONS	CABLE TV	345.18
12/02/2022	18401(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,180.36
12/02/2022	18402(A)	MEYERS, JOSIAH	REIMB CONST STORM WATER OPERATOR CERT EXAM	95.00
12/02/2022	18403(A)	MICHIGAN OFFICE ENVIRONMENTS	PZSC INTERIOR FURNISHINGS	4,636.90
12/02/2022	18404(A)	PREMIER TRUCK SALES & RENTAL, INC.	LEAF PICK-UP PACKER RENTAL	66,000.00
12/02/2022	18405(A)	REPUBLIC SERVICES OF WEST MICHIGAN	WASTE SERVICES	2,529.20
12/02/2022	18406(A)	REYNHOUT, BRENT	TASER INSTRUCTOR TR-PER DIEM	88.50
12/02/2022	18407(A)	WOLFE, MATTHEW	REIMB FOR POLICE CHALLENGE COINS	807.00
12/09/2022	18408(A)	ABONMARCHE CONSULTANTS, INC	ENGINEERING SERVICES - MULT LOCATIONS	20,656.19
12/09/2022	18409(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	4,322.85
12/09/2022	18410(A)	AMAZON.COM SALES, INC.	OP & FITNESS SUP-SR; OFC SUP-CD; TV & MOUNTS-PD	1,563.85
12/09/2022	18411(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SUPPLIES	257.62
12/09/2022	18412(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	3,000.00
12/09/2022	18413(A)	B S & A SOFTWARE	BS&A ANNUAL RENEWAL	56,726.00
12/09/2022	18414(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING	67,240.46
12/09/2022	18415(A)	C D W GOVERNMENT, INC.	VEEAM RENEWAL, COMPUTER MONITORS	11,007.48
12/09/2022	18416(A)	CARDINAL BUS, INC.	TRIP VENDOR PAYMENT 221118 STILL DREAMING	514.00
12/09/2022	18417(A)	CLEANIT CORP	CAR WASHES	72.00
12/09/2022	18418(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	177.28
12/09/2022	18419(A)	DMOCH, ADAM	FIREARMS INSTRUCT/RANGEMASTER SCH-PER DIEM	324.50
12/09/2022	18420(A)	EARLE, SHELIA L	FITNESS INSTRUCTION	375.00
12/09/2022	18421(A)	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT 221128 SMOKY MOUNTAIN	130.00
12/09/2022	18422(A)	EKLOV, ERICA	REIMB MAMC TR EXPS; STAFF LUNCH-SAT ELEC	555.30
12/09/2022	18423(A)	ENGINEERED PROTECTION SYSTEMS, INC.	SECURITY CAMERA INSTALLATION-CITY HALL LOT	27,405.00
12/09/2022	18424(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	FABRICATION SVCS, REPAIR & SUPPLIES	6,993.34
12/09/2022	18425(A)	ETNA SUPPLY, INC.	REPAIR/MAINTENANCE SUPPLIES	40.90
12/09/2022	18426(A)	GERTH, BENJAMIN	FIREARMS INSTRUCT/RANGEMASTER SCH-PER DIEM	324.50
12/09/2022	18427(A)	GORDON WATER SYSTEMS	WATER SERVICES	192.23
12/09/2022	18428(A)	GREAT LAKES CHLORIDE, INC.	LIQUID BOOST	11,185.71
12/09/2022	18429(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SVCS	564.00
12/09/2022	18430(A)	HARTFORD LIFE INSURANCE COMPANY	LIFE & LTD INSURANCE	10,493.42
12/09/2022	18431(A)	HOFFMAN BROTHERS, INC.	WEST END DR SANITARY SEWER IMPROVEMENTS	95,855.84
12/09/2022	18432(A)	INSIGHT PUBLIC SECTOR, INC.	DATA CENTER HARDWARE REPLACEMENT	46,589.58

ACCOUNTS PAYABLE REGISTER
Check Dates From: 11/27/2022 to 12/10/2022

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Check Date	Check	Vendor Name	Description	Amount
12/09/2022	18433(A)	IRISH AYRES ENTERPRISES, LLC	MOWING MAINT MULT LOC, LEAF PICKUP CITY HALL	16,055.38
12/09/2022	18434(A)	KAHN, WILMA	CLASS INSTRUCTION REMINISCENT WRITING	319.00
12/09/2022	18435(A)	KURZAVA, MATTHEW STEPHEN	INSTRUCTOR PAYMENT TAI CHI	405.00
12/09/2022	18436(A)	KUSHNER & COMPANY, INC.	COBRA AND FSA ADMINISTRATION	269.61
12/09/2022	18437(A)	LAWSON PRODUCTS, INC	REPAIR AND MAINTENANCE SUPPLIES	788.99
12/09/2022	18438(A)	LRE	ENGINEERING SERVICES-HAMPTON CREEK BOG	570.00
12/09/2022	18439(A)	MACQUEEN EQUIPMENT LLC	RENTAL SWEEPERS FOR LEAF PICK-UP	30,260.00
12/09/2022	18440(A)	MEEKHOF TIRE SALES & SERVICE INC.	TIRE MAINTENANCE	431.13
12/09/2022	18441(A)	MEJEUR ELECTRIC LLC	MISC ELECTRICAL SERVICES	169.00
12/09/2022	18442(A)	NAPIER, PEGGY	REIMB FOR DECORATIONS FOR HOLIDAY MKT	517.92
12/09/2022	18443(A)	OFF THE CUFF CATERING	LUNCH FOR CITY COUNCIL ANNUAL RETREAT	190.00
12/09/2022	18444(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SVCS	15,396.93
12/09/2022	18445(A)	PERCEPTIVE CONTROLS, INC.	SCADA MAINTENANCE SVCS, PROGRAMMING	6,333.33
12/09/2022	18446(A)	PETERS CONSTRUCTION CO.	WOODHAMS AVE STORM WATER REM, REPAIR PIPE	35,962.00
12/09/2022	18447(A)	PHELPS, MICHAEL	REIMB-FIRE OFFICE SUPPLIES	6.77
12/09/2022	18448(A)	POWERDMS, INC.	AGENCY 360 FTO BASIC	1,268.82
12/09/2022	18449(A)	PRECISION PRINTER SERVICES INC	PRINTER SERVICES	225.87
12/09/2022	18450(A)	PREIN & NEWHOF	ENG SVCS-COOLEY DR RECONSTRUCTION	7,272.00
12/09/2022	18451(A)	PRINTING SERVICES INC	PRINTING SERVICES	549.50
12/09/2022	18452(A)	QUALITY AIR HEATING & COOLING, INC.	HVAC CONTROLS HQ/ANNEX	5,000.00
12/09/2022	18453(A)	R W LAPINE INC.	HVAC ON-CALL SERVICES	2,027.75
12/09/2022	18454(A)	RIDGE AUTO NAPA	REPAIR/MAINTENANCE SUPPLIES	1,071.73
12/09/2022	18455(A)	ROE-COMM, INC.	MISC RADIO SERVICES/REPAIRS	1,137.92
12/09/2022	18456(A)	SEVERANCE ELECTRIC COMPANY,INC	MISS DIG MARKINGS	715.00
12/09/2022	18457(A)	SNELL, DEBRA	FITNESS INSTRUCTION BODY REBOUND	360.00
12/09/2022	18458(A)	STOUT, MELISSA JOY	FITNESS CLASS INSTRUCTION	245.00
12/09/2022	18459(A)	TMK WORLDWIDE, LLC	ESTABLISH FUND ACCOUNT - POSTAGE	1,000.00
12/09/2022	18460(A)	TRUCK & TRAILER SPECIALTIES	REPAIR/MAINTENANCE SUPPLIES	2,087.89
12/09/2022	18461(A)	TYLER TECHNOLOGIES, INC.	CITIZEN REPORTING INTERFACE INSTALLATION	2,320.00
12/09/2022	18462(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	140.16
12/09/2022	18463(A)	UNITED PETROLEUM	DIESEL FUEL TANK AUTO LIMITER DROP TUBE REPL	1,517.50
12/09/2022	18464(A)	VEOLIA WATER CONTRACT OPERATIONS	REIMBURSEMENT FOR WATER MAIN REPAIR	1,674.24
12/09/2022	18465(A)	WARNER OIL COMPANY INC	DIESEL EXHAUST FLUID	169.50
12/09/2022	18466(A)	WEST MICHIGAN INT'L LLC	REPAIR/MAINT SUPPLIES	87.70
12/09/2022	18467(A)	WEST MICHIGAN STAMP & SEAL,INC	NOTARY STAMPS & SEALS, NAME BADGES & PLATES	143.00

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12/09/2022	18468(A)	WIGHTMAN	ENGINEERING SERVICES - ROMENCE ROAD	27,019.16
			Total ACH	670,872.70

Check Type: Paper

12/02/2022	322505	AT&T	ELECTRONIC COMMUNICATIONS	595.44
12/02/2022	322506	BCP DEVELOPMENT LP	2022 SUMMER TAX REFUND DUE TO MTT DOCKET	4,527.01
12/02/2022	322507	HAVENAAR, ROBERT	SHOE ALLOWANCE	169.59
12/02/2022	322508	HEINEKAN, MARK	SANTA FOR TRADITIONAL HOLIDAY	200.00
12/06/2022	322509	SAINT JOHN, MICHELE	REPLACE PAYROLL CHECK	20.00
12/09/2022	322510	A BETTER WAY TREE CARE LLC	TREE TRIMMING-PARKS & REC BUILDING	2,000.00
12/09/2022	322511	AFSP	GRAIN ELEVATOR DEPOSIT REFUND	150.00
12/09/2022	322512	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	926.00
12/09/2022	322513	ALS ASSOCIATION MICHIGAN CHAPTER	GRAIN ELEVATOR DEPOSIT REFUND	150.00
12/09/2022	322514	BALKEMA EXCAVATING, INC.	UTILITY INSTALLATION PROJECTS	391,353.66
12/09/2022	322515	BARONE, ALANA	GRAIN ELEVATOR DEPOSIT REFUND	150.00
12/09/2022	322516	BELSON OUTDOORS, LLC	PARK BENCHES & SUPPLIES	3,398.71
12/09/2022	322517	BIRDSALL, ANA	STUART MANOR DEPOSIT REFUND	150.00
12/09/2022	322518	BLOOM, GLORIA	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322519	BROWN, KENNETH	REF-OVERPAID FINAL WATER BILL	48.35
12/09/2022	322520	BULLOCK, MARGE	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322521	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	30.68
12/09/2022	322522	CANNON, MACY	GRAIN ELEVATOR & SCHOOLHOUSE DEPOSIT REF	200.00
12/09/2022	322523	CINTAS CORPORATION NO. 2	UNIFORM RENTALS/SVCS	995.08
12/09/2022	322524	CITY OF KALAMAZOO TREASURER	SANITARY SEWER CHARGES	395,605.70
12/09/2022	322525	CITY OF PORTAGE	2022 WINTER TAX - MULT LOCATIONS	1,607.35
12/09/2022	322526	COOK, JASON	CDBG-WINDOW REPL, EXTERIOR IMPROVEMENTS	19,850.00
12/09/2022	322527	CROSSROADS MALL REALTY HOLDING LLC	2022 SUMMER TAX REFUND DUE TO MTT DOCKET	126,031.00
12/09/2022	322528	D L GALLIVAN INC.	COPY MACHINE USAGE	167.63
12/09/2022	322529	DAHLMAN, ARLENE	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322530	DELUCA, ANN	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322531	EMERGENCY VEHICLE PRODUCTS	VEHICLE REPAIR/MAINTENANCE	8,728.21
12/09/2022	322532	ENG., INC.	RAMONA PARK PLAT SANITARY SEWER & WATER	17,991.25
12/09/2022	322533	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROGRAM	27,668.35
12/09/2022	322534	FAWLEY OVERHEAD DOOR, INC.	FIRE FACILITY MAINT	309.00
12/09/2022	322535	FIRE DEPARTMENT TRAINING NETWORK	REGISTRATION-TRUCK COMPANY OPERATIONS I	3,600.00

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Check Date	Check	Vendor Name	Description	Amount
12/09/2022	322536	FIRE DEPARTMENT TRAINING NETWORK	REGISTRATION-ENGINE COMPANY OPERATIONS I	4,800.00
12/09/2022	322537	FLETCHER ENTERPRISES	INTERIOR PAINT & PREP-DPW	500.00
12/09/2022	322538	FLURI, SUSAN	TRIP REFUND 221118 STILL DREAMING, WHT CHRISTMAS	115.00
12/09/2022	322539	FOOTE, DIANE	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322540	FRANK, KAREN	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322541	GALE, ELSIE	TRIP REFUND 221118 STILL DREAMING	115.00
12/09/2022	322542	GALL'S, LLC	RANGER UNIFORMS	284.60
12/09/2022	322543	GATES, VICKI	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322544	GESMUNDO, KATIE	SCHRIER PARK DEPOSIT REFUND	150.00
12/09/2022	322545	GORDON FOOD SERVICE	SUPPLIES FOR TRAD HOLIDAY	362.72
12/09/2022	322546	GREEN, JANET	TRIP REFUND 230515 BRANSON	50.00
12/09/2022	322547	H & H PAINTING CO., INC.	FENCE PAINTING-RAMONA PK PICKLEBALL COURTS	15,525.00
12/09/2022	322548	HEMPHILL-PEARSON, BARBARA	TRIP REFUND 221118 STILL DREAMING	215.00
12/09/2022	322549	HOLOCENE ENVIRONMENTAL LLC	UST "A" AND "B" OPERATOR SERVICE	175.00
12/09/2022	322550	HOME DEPOT	BUILDING/MAINT SUPPLIES	628.99
12/09/2022	322551	VOID		0.00
12/09/2022	322552	INSTITUTE OF TRANSPORTATION ENG	ITE ANNUAL MEMBERSHIP	335.00
12/09/2022	322553	INT'L ASSOC OF ARSON INVESTIGATORS	FIRE PREV MEMBERSHIPS	190.00
12/09/2022	322554	INT'L INSTITUTE MUNI. CLERKS	CMC MEMBERSHIP APPLICATION FEE	50.00
12/09/2022	322555	INTERSTATE OFFICE INTERIORS	OFFICE FURNITURE	3,207.16
12/09/2022	322556	IRONS, MARTHA	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322557	KALAMAZOO COUNTY HEALTH & COMMUNITY	HAZARDOUS WASTE DISPOSAL	3,861.35
12/09/2022	322558	KALAMAZOO COUNTY TREASURER	OAKBROOK DECEMBER 2022 MOBILE HOME TAXES	317.50
12/09/2022	322559	KALAMAZOO COUNTY TREASURER	3RD QUARTER 2022 BILLING-SUBPOENA BY MAIL	687.00
12/09/2022	322560	KALAMAZOO FLOWER GROUP, LLC	HOLIDAY DÉCOR-CITY HALL & PZSC	1,718.10
12/09/2022	322561	KALAMAZOO PICKLEBALL	NOVEMBER CLINICS	180.00
12/09/2022	322562	KEANE, MARY ANN	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322563	KENWORTHY, AMANDA	SCHRIER PARK DEPOSIT REFUND	150.00
12/09/2022	322564	KSS ENTERPRISES	CLEANING SUPPLIES, KIT TOWEL DISPENSERS	269.92
12/09/2022	322565	KZOO TIRE COMPANY	VEHICLE REPAIR/MAINTENANCE	1,645.60
12/09/2022	322566	L.D. DOCSA ASSOC.	LIFT STATION MAINTENANCE	25,385.00
12/09/2022	322567	LAMPLIGHTER ELECTRICAL LLC	CDBG-ELECTRICAL SERVICE UPDATE	1,671.00
12/09/2022	322568	LAWLER, FAY	TRIP REFUND 221118 STILL DREAMING	115.00
12/09/2022	322569	LOCALITY MEDIA, INC.	FIRST DUE FIRE SOFTWARE	39,750.00
12/09/2022	322570	LOPEZ CONCRETE CONSTRUCTION, LLC	STORM DRAINAGE CONNECTION - S WESTNEDGE	3,708.24

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Check Date	Check	Vendor Name	Description	Amount
12/09/2022	322571	MACY'S RETAIL HOLDINGS,LLC	2022 SUMMER TAX REFUND DUE TO MTT #22-000558	14,658.26
12/09/2022	322572	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	336.00
12/09/2022	322573	MENARDS	FACILITIES SOFTENER SALT, CURB MARKERS	1,462.11
12/09/2022	322574	MI ASSOC. OF CHIEFS OF POLICE	MACP MEMBERSHIPS	300.00
12/09/2022	322575	MICH MUNICIPAL POLICE & FIRE REPAIR	VEHICLE REPAIR & MAINTENANCE	264.59
12/09/2022	322576	MICHIGAN FIRE INSPECTOR'S SOCIETY	MFIS MEMBERSHIPS	240.00
12/09/2022	322577	MICHIGAN OFFICE ENVIRONMENTS	RENTAL DEPOSIT RETURN	150.00
12/09/2022	322578	NATIONAL TACTICAL OFFICERS ASSOC	NTOA TEAM MEMBERSHIP	450.00
12/09/2022	322579	NICHOLS, TAMARA	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322580	OAKLAND COMMUNITY COLLEGE	REGISTRATIONS - REPORT WRITING	200.00
12/09/2022	322581	OFFICE DEPOT, INC.	OFFICE SUPPLIES	1,847.18
12/09/2022	322582	PAAM	2023 PACC ELECTRONIC WARRANT MANUAL	100.00
12/09/2022	322583	PEDAL BICYCLES	BIKE SHARE REPAIR	33.00
12/09/2022	322584	PERRY, MARTHA	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322585	PETTY CASH-AMANDA JANSSEN	REPLENISHMENT CHECK	483.28
12/09/2022	322586	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	145.76
12/09/2022	322587	PIETILA, DIANA	PHOTOGRAPHY-FD COMPOSITES	1,653.00
12/09/2022	322588	PLUMMER'S ENVIRONMENTAL SERVICES	STORM STRUCTURE CLEANING	11,420.00
12/09/2022	322589	POLEY, PATRICIA & AARON	TRIP REFUND 221118 STILL DREAMING	230.00
12/09/2022	322590	POTRUDE, HOWARD & GEORGIA	TRIP REFUND 221118 STILL DREAMING	220.00
12/09/2022	322591	QUADMED, INC.	FIRE EMS SUPPLIES	35.22
12/09/2022	322592	RATHCO SAFETY SUPPLY, INC.	PARKS SIGNS AND MATERIALS	97.50
12/09/2022	322593	RENTALEX OF MICHIGAN, INC.	TRAD HOLIDAY TENTING	3,700.00
12/09/2022	322594	RESCUE TECHNOLOGY	FIRE TRAINING SUPPLIES	563.50
12/09/2022	322595	ROBERTS, ART	TRIP REFUND 221118 STILL DREAMING	105.00
12/09/2022	322596	RUZZA, JOHN	RENTAL DEPOSIT RETURN	150.00
12/09/2022	322597	SANDERSON DEHAAN IRRIGATION	FIRE FACILITY MAINT-IRRIGATION SVCS	94.00
12/09/2022	322598	SCHINDERLE, MARTHA	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322599	SMART SOURCE, LLC	CERTIFICATE PRESENTATION JACKETS	2,273.08
12/09/2022	322600	SNOW, TIMOTHY A.	ELECTION EQUIPMENT TESTING	645.00
12/09/2022	322601	SOUND GENERATIONS	SITE RENEWAL FEE, LICENSE	250.00
12/09/2022	322602	SPARTAN DISTRIBUTORS INC.	MAINTENANCE/REPAIR PARTS	36.63
12/09/2022	322603	ST PAUL, ZORAIDA	TRIP REFUND 221214 FOUR WINDS CASINO	40.00
12/09/2022	322604	STATE SYSTEMS RADIO, INC	RADIO BATTERIES	84.22
12/09/2022	322605	STEENSMA LAWN & POWER EQUIPMENT	REPAIR/MAINTENANCE SUPPLIES	3,288.11

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12/09/2022	322606	SWART, SARAH	TRAVEL REFUND 230515 BRANSON	50.00
12/09/2022	322607	T-MOBILE USA INC	MISC CELL PHONE CHARGES	382.10
12/09/2022	322608	TARGETSOLUTIONS LEARNING LLC	CHECK-IT FIRE SOFTWARE	3,223.62
12/09/2022	322609	TERRY, RITA	TRIP REFUND 221118 STILL DREAMING	115.00
12/09/2022	322610	TINK INC.	TINK CYLINDERS	5,672.12
12/09/2022	322611	TUINIER, JOYCE	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322612	UNION STREET HYDRAULICS	TINK CLAW HYDRAULIC CYLINDER REPAIRS	2,272.00
12/09/2022	322613	UNITED PARCEL SERVICE	UPS WEEKLY	22.29
12/09/2022	322614	USPS	REFILL POSTAGE METER	5,000.00
12/09/2022	322615	VALLEY CITY SIGN	EXTERIOR SIGNAGE FOR NEW PARKS OFFICE LOC	9,888.00
12/09/2022	322616	WAPPENSTEIN, JANET	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322617	WASHCO, LLC	GRAFFITI REMOVAL	300.00
12/09/2022	322618	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	1,221.60
12/09/2022	322619	WENSTRUP, CATHY	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322620	WILLIAMS & WORKS	SITE PLAN REVIEW	100.00
12/09/2022	322621	WILLIS, SHIRLEY	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322622	XAVUS SOLUTIONS	MEMBERSHIP CARDS	570.00
12/09/2022	322623	ZITO, LOIS	TRIP REFUND 221118 STILL DREAMING	110.00
12/09/2022	322624	NORTHSIDE MINISTERIAL ALLIANCE	ADVERTISING	350.00
Total Paper Checks				1,189,377.36

Check Type: Auto-Pay Payments

11/29/2022	BLUE CROSS/BLUE SHIELD OF MICH	HEALTH INSURANCE	13,799.49
12/01/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	253.92
12/05/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	53.67
12/06/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	57,285.32
12/07/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	1,698.11
12/08/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	6,955.77
12/09/2022	CONSUMERS AUTO-PAY	GAS-ELECTRIC	31,034.49
Total Auto-Pay Payments			111,080.77

Check Type: Electronic Payments

11/30/2022	HUNTINGTON NATIONAL BANK	DEBT SERVICE PAYMENTS	1,855,822.40
11/30/2022	RAYMOND JAMES	INVESTMENT PURCHASE	500,000.00
12/01/2022	HUNTINGTON NATIONAL BANK	TRANSFER FUNDS TO PNC DEPOSITORY	1,500,000.00

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Check Date	Check	Vendor Name	Description	Amount
12/01/2022		SBF	WATER/SEWER BILL POSTAGE	2,263.46
12/02/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 11/25/22	14,503.68
12/09/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 12/2/22	157,800.14
Total Electronic Payments				4,030,389.68
Check Type: Credit Card				
11/01/2022		ADOBE STOCK	STOCK PHOTO/VIDEO/MUSIC LIBRARY-PUBLIC INFO	19.99
11/04/2022		ACCREDITED DRUG TESTING I	POLICE OFFICER PHYSICAL	439.94
11/07/2022		GOVERNMENT FINANCE OFFIC	FINANCE ANNUAL MEMBERSHIP	305.00
11/07/2022		HAMPTON INN AUBURN HILLS	POLICE TRAINING HOTEL STAY	484.40
11/08/2022		FGM GRANDIN ROAD	FURNITURE FOR NEW PARKS BUILDING	253.15
11/09/2022		MICHIGAN ASSOCIATION OF C	FINANCE WEBINAR	85.00
11/09/2022		SEC OF STATE ESERVICES	NOTARY APPLICATION	10.17
11/10/2022		SEC OF STATE ESERVICES	NOTARY APPLICATION	10.17
11/16/2022		KIRTLAND COMM COLLEGE	POLICE TRAINING REGISTRATION-TWO ATTENDEES	500.00
11/18/2022		4TE NJ CRIMINAL INTERDICT	POLICE TRAINING REGISTRATION-THREE ATTENDEES	747.00
11/21/2022		MMTA	TREASURY CONFERENCE	409.00
11/21/2022		EPIC SPORTS	TREASURY DEPT PORTAGE LOGO CARDIGANS	159.44
11/23/2022		LEVEL FRAMES ORDER	FRAMED PHOTOS PF CITY MANAGER AND MAYOR	185.30
11/23/2022		WEB POSITIVESSL	DOMAIN SSL CERTIFICATES	239.00
11/23/2022		THE WEBSTAUANT STORE INC	SUPPLIES FOR SENIOR CENTER CAFÉ AREA	373.41
11/29/2022		GOVERNMENT FINANCE OFFIC	FINANCE WEBINAR	135.00
11/30/2022		WWW.THEDRONEU.COM	ANNUAL RENEWAL OF DRONE TRAINING	347.00
11/30/2022		INTL PUBLIC SAFETY ASSOCI	POLICE ANNUAL MEMBERSHIP	50.00
Total Credit Card Payments				4,752.97
Grand Total				6,006,473.48

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Tentative Plan and Rezoning Application #22/23-6, a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard and January 24, 2023, public hearing.

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Receive the Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential to PD Planned Development for Kings Landing at 6601 Constitution Boulevard, and set a public hearing for January 24, 2023.

OVERVIEW

The applicant, Shannon Orr, representing Village Green Properties Ltd, submitted a multifamily residential proposal at 6601 Constitution Boulevard and has filed a Tentative Plan and Rezoning application to rezone the property from RM-1 Multifamily to a Planned Development (PD) district. The proposed development is called 'Kings Landing' and is located at the southeast corner of Constitution Boulevard & Martin Luther King Drive intersection, east of Celebration Cinema & IMAX movie theater and the Crossroads Mall.

The Kings Landing proposal consists of the following elements to be designed within a total of three buildings, with three stories and four stories in height. The project comprises a total of 95 market-rate apartment units: 33 one-bedroom units, 62 two-bedroom units. The apartment units will include a mix of unit floor plans; 82 common apartment units ('Flats'), some with ground-floor porches, and 13 Townhouses, which are two-level living units (2BR/2BA) with ground-floor porches. This yields a proposed density of 22.8 units per acre on the 4.45-acre site.

The building heights, number of units, and setback distances to the property lines are proposed as follows:

Building A

Height - 35 feet

Units - 33 Units comprising 10 Townhouses and 23 Flats.

Setbacks: 40 feet from MLK Drive, 28 feet from Constitution Blvd.

Building B

Height - 45 feet

Units - 54 Units comprised of 54 Flats (zero Townhouses)

Setbacks - 23 feet from southern property line, 22 feet from eastern property line, 180 feet from Constitution Blvd.

Building C

Height - 35 feet

Units - 8 Units comprising 3 Townhouses and 5 Flats

Setbacks - 30 feet from MLK Dr., 21 feet from the eastern property line

The development will provide for 143 parking spaces (1.5 spaces per unit) and an additional 54 attached covered flex parking spaces for storage/extra parking. Building elements/amenities include overall modern building appearance with brick facades, large windows, balconies, walk-out porches, open-air flex space for storage/ parking, top-floor setback, pathway connections to the city's existing trail network, and access across the street to the new Martin Luther King Jr. Park. The project is estimated to begin construction in Spring 2023 and be completed within 18 months.

BACKGROUND INFORMATION The property owner, who is also the developer, has owned the property since 1996. The property is currently vacant and consists of a variety of natural vegetation including trees, bushes, and grasses. The site has been used for the temporary staging of construction materials for adjacent street renovation projects. The following table summarizes **Existing Conditions** in this general area:

Existing Land Use/ Zoning	• The subject site is undeveloped and zoned RM-1 Multifamily Residential. • <u>North</u>: (Across MLK Dr.) New City Park ‘MLK Park’, 1000 MLK Dr.; Zoned B-2 Community Business District. • <u>South</u>: Consumers Energy Easement and City Trail; Zoned R-1B Single Family Residential; and Single Family Homes - 910, 972, 994, 1014, 1032, 1052, 1062, 1088, 1104 Rainbow Ct; Zoned R-1A Single Family Residential. • <u>East</u>: Celebration Cinema Crossroads & IMAX movie theater; 6600 Ring Rd; Zoned B-2 Community Business District. • <u>West (Across Constitution Blvd)</u>: Crossroads Village Retirement Community; 6600 Constitution Boulevard; Zoned RM-1 Multifamily Residential.
Public Streets	Surrounding roadway network: • MLK Dr. (east of Constitution Blvd): Public Street, 2022 AADT Trip Count of 1,450. • Constitution Blvd.: Public Street, 2020 ADT Trip Count of 6,665. Annual Average Daily Trips (AADT) counts are provided by Kalamazoo Area Transportation Study (KATS).
Public Utilities	City sanitary sewer and water are available along MLK Dr. and Constitution Blvd.
Environment	The subject site is undeveloped, having a forested area with a mix of natural vegetation.
Unique Conditions	No mapped wetlands, historic buildings/ structures, or flood hazards exist on the site.

ANALYSIS

Applicable Zoning Regulations The following sections of Chapter 42. Division 4. Zoning Districts and District Regulations apply and are addressed further in this report:

- [Subdivision 11](#) – PD, Planned Development District, and

- [Division 8](#) – Administration and Enforcement (for Rezoning Application)

Proposed Planned Development Tentative Plan The applicant has submitted a Tentative Plan and Rezoning application seeking approval for a 95-unit multifamily housing facility per Sec 42-375. The Planned Development review process involves the following two steps per [Sec. 42-375](#):

Step 1) Tentative Plan review (Items A-G, Sec 42-375) identifies part(s) or whole project features; analyzes the impact on neighborhoods, streets, utilities, and the natural environment; and determines consistency with adopted local plans. This step does not require detailed engineering drawings. The filed Tentative Plan was approved by the Planning Commission on December 1, 2022, and now for City Council review and approval.

Step 2) Final Plan review (Items H-M, Sec 42-375), identifies and analyzes detailed drawings of project improvements (streets, utilities, lot dimensions, etc.). A Final Plan application has not been submitted at this time, awaiting approval of the Tentative Plan.

The applicant has submitted a site layout drawing showing location of buildings and parking area, building setback distances, access, and adjacent streets, pedestrian pathways and linkages, trash receptacle locations, and open space. The applicant has also submitted a project narrative describing the overall project, types of housing units, parking configuration, etc.; and illustrations depicting various renderings of building elevations, general landscaping plan, etc. These submittals address items A-E within Sec 42-375.

The Planning Commission reviewed and approved the project for consistency with Sec 42-375 Tentative Plan items A-E during a public hearing on December 1, 2022, and provided a recommendation to the City Council for approval. Per Sec 42-373 and -374, the Planned Development (PD) allows a variety of housing styles, flexibility in building heights, and yard setbacks. The underlying RM-1 Multifamily Residential district does not provide this flexibility, therefore, the applicant seeks a rezoning to PD. The following project elements are unique to the PD district and overall project:

- **Housing Types.** A minimum of two housing types is required under the PD per Sec 42-374(C).

The development consists of the following different housing types:

1. 82 apartment flats consisting of 1- and 2-bedroom options; some with ground-floor porches; and
2. 13 townhouse apartments consisting of 2-bedrooms, 2-bathrooms, and 2-stories; all will have ground-floor porches.

- **Building Heights.** Under the PD district Sec 42-374(F), building height may be up to 45 feet. Buildings A & C will be designed to be 35 feet in height, and Building B will be designed to be 45 feet in height.

- **Building Setbacks.** Per Sec 42-374(E), the PD district does not have a defined setback distance. However, a setback distance should be established to create a transitioning area for neighborhood harmony. Based on the submittals, the proposed buildings are located 20 to 40 feet (and further) from property lines. The buildings are located close to and face the abutting streets, and the parking is located in the interior area. Shorter setbacks to the street enable front porches to easily connect with

main sidewalks and pathways. This increases pedestrian focus and connections and facilitates greater non-motorized access to nearby shopping, dining, and entertainment businesses to create a walkable, urban environment.

- **Density.** PD district allows an overall maximum density of seven units per acre per Sec 42-374(D). The applicant is seeking flexibility in density to allow a project density of 22.8 units per acre. The applicant finds that the proposed density will help achieve rent rates for the location, help meet the City of Portage housing goals, and help achieve greater rental options as desired in the 2020 City of Portage Residential Market Analysis. The two different housing styles offer a mix of price points, sizes, and spatial features, and appeal to a wider range of demographics.
- **Parking.** The applicant is providing 143 parking spaces for the overall proposed 95 units. Per Sec 42-521, two parking spaces shall be provided for each unit of a multifamily housing proposal. Therefore, a total of 190 spaces is required. The applicant is seeking approval for a reduction in parking requirements per Sec 42-520(O). This request is addressed later in this report.
- **Utilities & Street Capacity.** The project is expected to connect to existing city water and sewer utilities along Constitution Boulevard or MLK Drive. Stormwater will be designed under the open space lawn area in the southwest corner of the site, as identified in the site layout drawing. Detailed drawings of utility connections and stormwater infrastructure will be provided in the next step - Final (Site) Plan Application. The proposal will have access along MLK Drive as its only point of access. The resulting traffic volume is expected to increase from the current levels along MLK Drive and Constitution Boulevard. The traffic impact study request is addressed later in the report.
- **Pedestrian Infrastructure.** Pedestrian connections will be provided along the perimeter site on existing sidewalks, as well as interior connections to the proposed buildings. Further, pedestrian connections will be provided to the existing City of Portage bike path to the south, and the new Martin Luther King Jr. Park across the street.

Staff analysis has been prepared based on items A-G, Sec 42-375 Tentative Plan - Planned Development requirements, Comprehensive Plan, surrounding development patterns, and general land use considerations. Issues to be analyzed include consistency with the Future Land Use Map, suitability of the existing zoning classification, and preliminary evaluations from the Development Review Team (DRT).

Comprehensive Plan

Rezoning applications are reviewed for consistency with the City of Portage Comprehensive Plan, which establishes long-term land use goals and the Future Land Use Map. The Future Land Use map designates the subject property as 'Regional Business', which is characterized as areas for shopping malls, regional retailers, and auto-oriented uses, and covers much of the area along S. Westnedge Avenue and Crossroads Mall. A magnified view of the Future Land Use Map is attached. Much of this area is zoned B-2 Community Business and contains mostly retail uses (clothing retailers and grocers) and restaurants.

Over the past several years, some of these retail spaces within the Regional Business zoning districts have been experiencing vacancies, including within the Crossroads Mall, due to shifts in retail markets and customer preferences for online shopping. The COVID pandemic has further increased online shopping and resulting vacancies. This has created challenges in filling vacant retail space. Commercial property owners have been re-evaluating the needs and marketing of their retail spaces. The City of Portage has been responding to these impacts by re-evaluating zoning and land use to facilitate commercial redevelopment opportunities.

In addition to retail vacancy challenges, housing demand has greatly increased due to the COVID

pandemic and recent increases in housing costs and inflation. Commercial property owners have been re-orienting development opportunities toward residential proposals in response to the lower commercial demands and higher residential needs. The City of Portage has also been responding to these evolving needs by facilitating the rezoning of properties to facilitate future multifamily housing and more flexible housing types.

The proposed development is in alignment with two of the City Council's 2022-2023 Strategic Priorities:

- Economic Development – Explore & Implement Opportunities to Develop/ Re-Develop areas along S. Westnedge Avenue between Romence Rd. & Milham Ave., and Crossroads Mall.
- Neighborhoods - Attract residential development that provides a mixture of housing for all income levels.

The subject site is located in close proximity, and walkable, to many shopping and dining options. Those businesses would directly benefit from this development. There are existing sidewalks, pathways, trails, and parks that connect to and provide recreational opportunities. Metro Transit has an existing bus stop at the subject site that offers future residents transportation options to travel within Portage and the greater Kalamazoo area.

Therefore, staff finds that the proposed Tentative Plan and Rezoning for a multifamily development which provides a mix of housing types at higher densities helps address economic challenges and the City's goals, and meets the intent of the Comprehensive Plan.

Zoning Map & Impacts

The subject site is zoned RM-1 Multifamily Residential, permitting a variety of housing types from single-family detached to multifamily. Per Sec 42-220, the RM-1 and RM-2 multifamily residential districts are designed to provide sites for multifamily dwelling structures and related uses, which will generally serve as a transition between nonresidential districts and lower-density one-family districts. The subject request is to rezone the site to PD, which is intended to encourage variety and flexibility in land development necessary to meet changes in the overall market and community needs. Under PD, a variety of housing types is also allowed, including those under the RM-1 district.

The overall neighborhood has a mix of single-family detached homes to further south, zoned R-1A, commercial businesses to the east and north, zoned B-2, and a residential retirement community to the west zoned RM-1. The properties to the east and north (across MLK Dr.) are zoned B-2 Community Business. Properties to the west (across Constitution Blvd.) are zoned RM-1. The residential neighborhood to the south is zoned R-1A, which is separated from the subject site by a 170-foot property owned by Consumers Energy where a powerline and the City of Portage bike path exist. A magnified view of the Zoning Map is attached.

Staff find the proposed Tentative Plan and Rezoning meet the intent of the zoning code for the following reasons:

- Changes in the economy and consumer preferences have greatly impacted local commercial and housing markets. The proposed project will increase and diversify housing options in Portage, be advantageous to businesses in the greater neighborhood by providing a new customer base, and offer desired flexibility in housing types and site design layout.
- The existing adjacent Consumers Energy property creates a buffer and transition area between the proposed development and the single-family neighborhood to the south. There is no vehicular or pedestrian connection between these two developments.

Staff find the submitted application meets with most of the sections of PD - Planned Development - Sec 42-374 Site Development Requirements and Sec 42-375 Plan review and approval (PD, planned development); Tentative Plan. Within these sections, the applicant is seeking support for increased density and a reduction in parking requirements. The analysis is detailed below:

- **Increased Density.** The applicant seeks to exceed the maximum density to help achieve various rents. The housing market shows support for multifamily units. The City Administration and City Council have approved past multifamily projects exceeding seven units per acre where additional site amenities were provided and/or existing. For the subject proposal, there is a Metro bus stop located along MLK Drive at the site. There are existing connecting sidewalks and pathways to recreational areas and adjacent shopping, dining, and entertainment. Increasing housing density in this area will support adjacent businesses. Therefore, staff find the proposed density acceptable.
- **Reduction in Parking Requirement.** The applicant is seeking Planning Commission approval of a reduced parking requirement of 143 spaces instead of the required 190 spaces per Sec. 42-520(O). The applicant's proposal consists of 33 one-bedroom units and 62 two-bedroom units. The applicant has proposed that 143 spaces (1.5 spaces per unit) will adequately meet the parking demand of the proposed 95 units of the above mix of bedrooms, especially given that approximately 34% of the units are one bedroom. In addition to the 143 spaces, the applicant is proposing a covered flex space for personal storage or an additional parking space option. The flex space is assigned to the 2-bedroom apartment units only, where each bedroom within those units is assigned one outdoor space and one flex space. This ensures both cars are within the same apartment unit for best parking management. A drawing of the flex space is attached. This could provide an additional 54 parking spaces for a total of 197 spaces (2 spaces per unit). However, the flex space design and location do not meet the requirements of [Sec. 42-521 "Design, construction, and maintenance of parking areas"](#), section [\(D\)](#) requires that "All [parking] spaces shall be provided adequate access by means of maneuvering lanes." As a result, due to the current ordinance requirements, the proposed flex space can not be counted toward the overall parking requirement. (Staff are actively reviewing the ordinance to identify if more current parking design solutions should be provided for, or revised in the ordinance, and submitted for consideration by the Council). The project is also located within walking distance of a Metro Transit bus stop offering transportation choices and lower car dependency; and the site is very close walking distance to shopping, dining, and entertainment areas. Therefore, staff supports the requested reduced parking requirement of 143 spaces.

Preliminary Evaluations from the Development Review Team (DRT)

This project was reviewed by the Development Review Team (DRT), who ensures that the proposed development is consistent with the city's infrastructure, engineering, and other requirements including streets, sewers, water mains, stormwater, parking, landscaping, and others. DRT is comprised of representatives from the Department of Transportation and Utilities, Fire Department, Department of Parks and Recreation, Office of the City Assessor, and Department of Community Development.

DRT's preliminary review does not recommend any additional improvements to the Tentative Plan but does recommend the applicant conduct and submit a Traffic Impact Study (TIS) for the Final (Site) Plan to address the expected traffic volume, turning movements, and the proposed driveway location resulting from the proposal. Staff has communicated this concern to the applicant who will provide this study for City Administration review. This is also provided as a condition of Tentative Plan approval.

PUBLIC HEARING

A public hearing for the Tentative Plan and Rezoning application was opened at the December 1, 2022, Planning Commission meeting. During the meeting, the Commission reviewed and discussed the proposed Tentative Plan and Rezoning. The applicant and property owner's representative, Joshua Weiner, was present to support the proposed application and stated M.C. Weiner's investments in the community over the years. The applicant's architect, Mike Corby, Integrated Architecture, was present to answer the questions. Four members of the public provided testimony and expressed opposition to the project due to perceived concerns about traffic, parking, adjacent power lines, and the natural environment. Pat McGinnis, attending the meeting in his capacity as City Manager of the City of Portage, expressed the Administration's support of the proposed project.

After careful consideration, the Planning Commission voted 7-0 to recommend to City Council the approval of the Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard.

FUNDING: Not Applicable

- Attachments:**
1. PD Rezoning Application
 2. Project Plans, Narrative
 3. Project Site Layout Plan
 4. Future Land Use Map
 5. Public Comment Received 11/16/22 _ Online Form Submission #10743
 6. Existing Zoning Map
 7. Staff's Location Map
 8. Staff's Site Pictures
 9. Applicant's Building Flex Space
 10. 1st Reading
 11. Planning Commission Transmittal dated 12/15/2022
 12. Planning Commission meeting minutes dated 12/01/2022



APPLICATION FOR ZONING AMENDMENT

Application number _____

Date September 23, 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. *Please note: City Staff and/or Planning Commissioners may visit the subject property while the application is under review.*

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 _____ 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). Property is located at the SE corner of MLK Drive and Constitution Blvd. It is 4.45 acres with a parcel number of 00009-045K

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

b. Name of the owner of the property to be rezoned: Village Green Properties LLC

Address 8601 Constitution Blvd., Portage, MI 49024

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 develop a new, high-quality residential development.

4. CURRENT ZONING: RM-1 PROPOSED ZONING: PD

ZONING TEXT AMENDMENT

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

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

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

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

Shannon Cole - Agent Meyer & Weiner

(Signature of Applicant)

(Signature of Applicant)

6601 Constitution Blvd., Portage, MI 49024

(Address)

(Address)

268-323-2441

(Phone)

(Phone)

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

T:\COM\MDR\2021 2022 Department Plan\Zoning Form\2022 Zoning Application.docx



APPLICATION FOR ZONING AMENDMENT

Application number _____

Date September 23, 2022

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269-323-2441

(Phone)

(Phone)

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

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KINGS LANDING

PORTAGE, MI

PLANNED DEVELOPMENT SUBMITTAL
FOR APPROVAL OF TENTATIVE PLAN
UPDATES 04 NOVEMBER 2022

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Statement of Objectives

On behalf of the Meyer C. Weiner Company, a longtime and highly respected Portage based development company, we are excited to present to the City of Portage our concepts for a new, high quality residential development at Constitution Boulevard and MLK Drive. We are seeking a rezone to PD for parcel number 00009-045K and are submitting for tentative PD approval.

Design Introduction

We are proposing a high quality, market-rate neighborhood, which is focused on expanding the premier rental living options within the City of Portage. The project will offer a combination of townhouse units, with exterior front porch access from the street, ground-level flat units with decks facing the trail system and stacked upper-level flats. Upon entering the neighborhood, a tree-lined lane will meander through the site and direct visitors and residents toward the main building entries, which will be accentuated by welcoming community porches and flanked by a resident park, the social hub of our planned neighborhood. This park feature will be a great place to hang out, program activities, walk dogs, connect to the trail, and meet neighbors. The project site is centrally located with easily walkable access to schools, childcare facilities, retailers, restaurants, entertainment venues, and the wonderful Portage Multi-use Recreational Trail for walking, jogging or biking. The project takes advantage of this great location to create a wonderful living environment for the community.

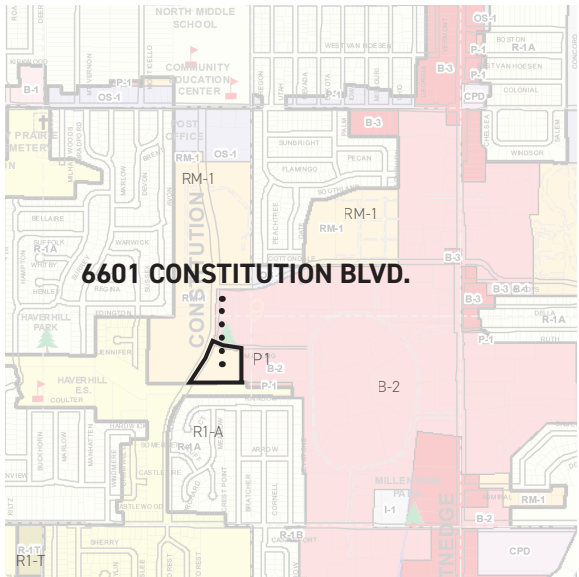
Some qualities we feel are key to a successful residential community and are targeting with this project include:

1. Sense of Community/Sense of Place – we are intentionally creating a strong architectural presence as well as establishing a key social hub on the property to imbue a unique and desirable living experience.
2. Connections/Paths – both internal movements of pedestrians and of vehicles have been carefully choreographed to optimize the experience.
3. Great Accommodations – from the moment you engage this development, its appeal will be apparent. Our front porches, balconies, resident park, well designed apartment layouts, and quality construction will be unmatched in the area.

Site and Context

Our site is the 4.45-acre vacant property located west of Celebration Cinema, south of the proposed MLK Park, and east of Crossroads Village. It is positioned on the southeast corner of Constitution Blvd. and MLK Drive and is bordered by the Consumers Energy easement and the Portage Multi-Use Recreational Trail system to its south.

The property is zoned RM-1 Multiple Family Residential. To the east, the parcel abuts properties zoned B-2 Community Business and to the south, a well-vegetated, 180-foot-wide consumers easement, through which the Portage Multi-Use Recreational Trail runs, buffers the parcel from properties zoned R-1 A One Family Residential. In addition, a 16.5-foot-wide utility easement runs along the western edge of the property.



Building Organization and Size

We have positioned three primary buildings on the site to optimize their relationships with the surrounding context and create a series of inviting dwellings.

Building A is a three-story (thirty-five-foot) building composed of townhouses, stacked flats, storage areas, and amenity spaces. This building uniquely bends around the northwest corner of the site and fronts on both Constitution Blvd. and MLK Drive. Communal spaces in Building A include a generous lobby which flows outward toward a resident “community porch”, indoor mail and package rooms, outdoor bike parking, and conditioned resident storage areas. Additionally, attached rear-access storage, pathway connections to surface parking, and an elevator make for comfortable circulation from the parking areas to the units. This building will have 33 units in total. All units will have in-unit laundry and either terraces or balconies.

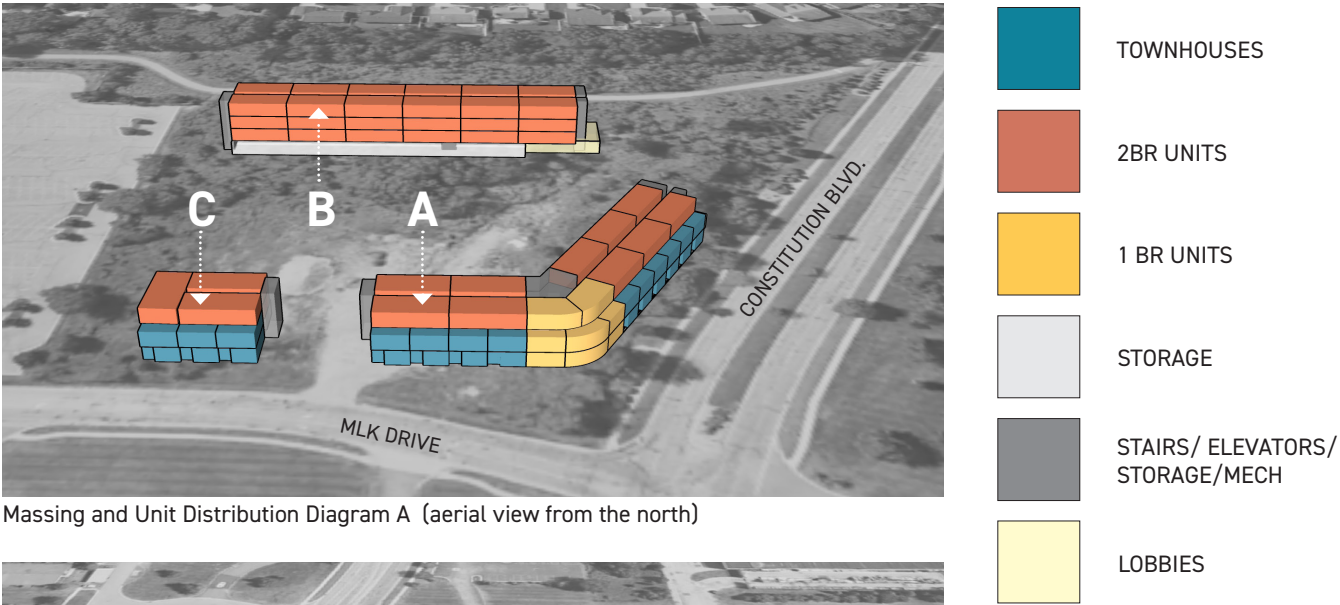
Building B is positioned to front on the adjacent trail and faces south towards the Consumers easement and wooded area. This building is a four-story (forty-five-foot) building with 54 total units, configured as one and two-bedroom garden-style units. As with Building A, this building will include a generous lobby which flows outward to a resident “community porch”, as well as have indoor mail and package rooms, outdoor bike parking, and conditioned resident storage. As with building A, it will also have covered storage, paths connecting to parking and around the site, and an elevator. In addition, building B features a leasing office, a co-working lounge.

Building C is a smaller building (three stories and thirty-five feet) than the other two, totaling 8 units. The building fronts MLK Drive and has a combination of townhomes and garden-style units. It is a walk-up building with an appropriately sized mail and package room, as well as outdoor bike parking, covered storage, terraces/balconies, storage space, and in-unit laundry.

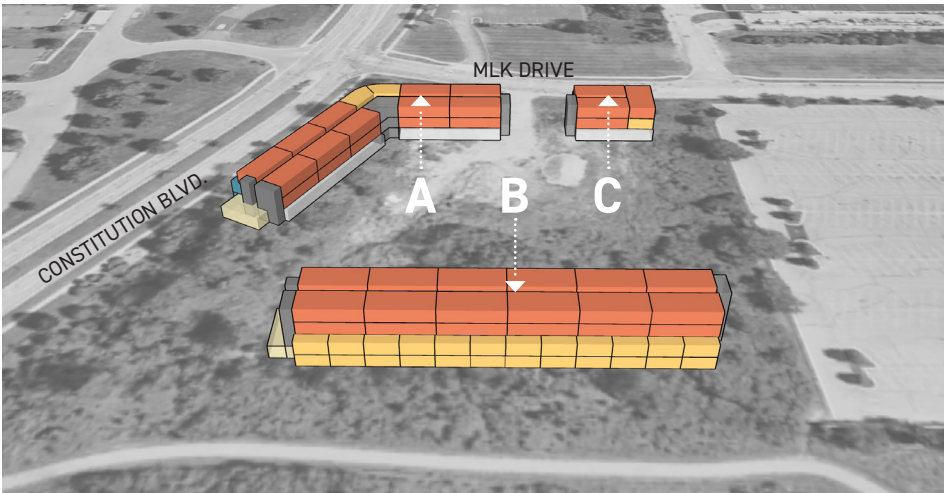
These buildings contain a grand total of 95 residential units. Within this 95-unit count are (13) two-bedroom, two-and-a-half bath townhouses, (15) ground-level, one-bedroom, one bath flats, (18) upper-level one-bedroom, one bath flats, and (49) upper-level two-bedroom, two-bath flats.

With 95 units on 4.45 acres of land, the development will total 22.8 units/acre, which exceeds the otherwise applicable zoning regulations for the property regarding density. However, this density allows us to offer a wide variety of unit types, at achievable rent rates, in this great location. This density will also help to make an impact toward addressing the “mismatch” between available rental properties and demand for rental properties that is outlined in the 2020 City of Portage Residential Market Analysis. The project will offer desirable, high quality one and two-bedroom flats, as well as townhouses and one-bedroom units with independent, exterior doors and decks, all of which are high demand unit types according to the study.

Additionally, the parcel is well situated to accommodate higher density ratios, with walkable proximity to nearby businesses and a significant amount of natural buffer space between the buildings and neighboring properties provided by the Consumers easement and trail system to the south, a wide boulevard to the west, and the new park to the north.



Massing and Unit Distribution Diagram A (aerial view from the north)



Massing and Unit Distribution Diagram B (aerial view from the South)

Unit Types

The development will offer townhouses and stacked flat apartments as residential options.

The townhouse is our most luxurious option, with two levels of living, two bedrooms and two- and one-half bathrooms. These units will feature a small office area, true laundry rooms, and comfortable, well-landscaped street facing front porches with independent front doors.

Our ground-level one-bedroom unit options offer a unique and exciting relationship to the natural landscape. All these units are within building B and front the recreational trail with ample decks, allowing the living space to extend into the outdoors. These units are sure to attract pet owners and nature lovers alike.

Finally, our upper level one and two-bedroom units feature spacious open floor plans, decks or terraces on all units, and are designed to provide ample natural light to the living spaces.

Exterior Design

The project’s aesthetic aims to establish a modern, elegant, high quality appearance consistent with the expectations of the target market. Our material palette will include brick, deep-neutral tones of pre-finished siding and masonry, ample windows, and accents of natural wood-tones. Materials and building lines will be modern and upscale.

On all three buildings, we have intentionally stepped-back the building massing between levels two and three to accentuate the difference in unit types, to lower the visual perception of the building, and to provide terraces for the third floor units.

The result is a high quality, attractive, premier living experience that will cater to young professionals, young families and empty nesters who seek a distinctive and more exclusive housing option within the Portage community.

Landscaping and Common Open Space

Generous landscaping across the site will make for an inviting outdoor experience. A tree-lined meandering site entry will create a strong sense of place from the first moment. Then, in the resident park, which serves as our common open space, a series of grassy mounds will shape a unique environment and will add subtle divisions in the sense of scale of the overall park, establishing it as a comfortable social environment. A selection of the large existing trees in this area will be preserved, adding shade to the park, and a small pavilion will be added to create a destination for small neighborhood concerts and performances. Walking paths with ample landscaping connecting to the trail system will offer yet another appealing amenity for residents and will contribute to a wonderful and more complete living experience. Finally, a series of grills and picnic tables will be provided to set the space up to be a great outdoor social environment! All common open space, walks, drives, and parking areas will be well-maintained by the complex.

The exterior “front yards” and entryway sequences will also receive attractive landscaping and plentiful trees, and landscaping zones within and surrounding the parking area will create a comfortable entry-sequence. The form and location of the buildings act as the main visual buffers between the street sightlines and parking but will be supplemented with adequate shrubbery where necessary.

The project’s organization of greenspaces does require modification of zoning rules otherwise applicable to the parcel as it does not provide 30’ of rear yard setback from each of the buildings. However, the plan does provide an equivalent amount of greenspace beyond the garages, rear parking spaces, and entry drives along the backsides of the buildings. In the design of this building, rear-access storage spaces make for a nice amenity for the tenants and greenspace, with ample trees, is provided beyond this space. No ground level units face the parking area and upper units have views over the parking areas to the wooded greenspace.

Finally, three trash dumpsters will be conveniently positioned with proper architectural and landscape screening.

Setbacks and Building Heights

Along Constitution Blvd the primary building face of Building A is set back twenty-eight feet and two inches from the property line. Porches project seven feet and six inches beyond the building face, resulting in a setback to those elements of twenty feet. Along MLK, the primary building faces of Building A and C are set back thirty feet at their closest point to the property line, and the decks project seven feet and six inches from there, resulting in a setback to the porches of twenty-two feet and six inches.

Finally, along the south side of the parcel, the primary building face of Building B is set back twenty-two feet and ten inches from the property line. Building B’s porches project seven feet and six inches beyond the building face, resulting in a setback from the property line to those elements of fifteen feet and four inches. The typical distance between the decks and the recreation trail is estimated to be fifty-seven feet. Overall, when considering the porch projections, these distances are shallower than the otherwise applicable 30-foot setback for RM-1 zone, however they lend themselves well to creating the sense of neighborhood that we are aiming for in the project and allow us to provide ample parking and greenspace on the interior of the site.

Buildings A and C are designed to be 35-feet tall and building B is designed to be 45-feet tall. Building B’s height does require modification from the zoning code otherwise applicable to the site. This building is situated deeply within the site to allow for gradation in heights up to this tallest point and has significant space around it on all sides to avoid casting undesired shadows on neighboring properties or adjacent buildings.



Parking, Traffic, and Transit

The site will be accessed from MLK Drive to the north, thus preserving the nature of Constitution Blvd. as a collector lane. With Constitution Blvd. at 4 lanes of traffic, we believe the surrounding streets are sufficient to provide capacity for the density.

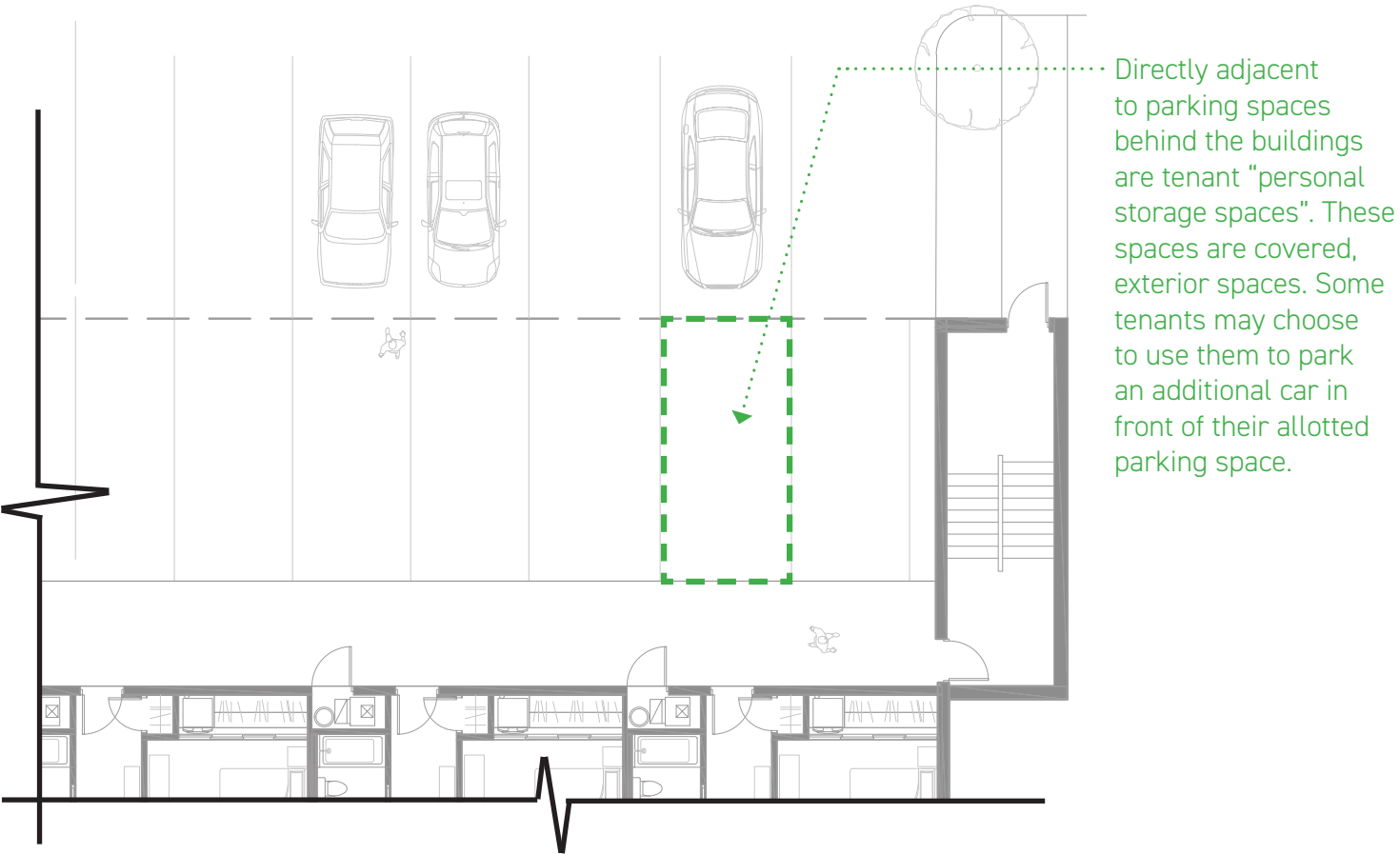
The project provides a total of 143 parking spaces on the site. Each of the three buildings has embedded / covered storage areas on the back side of the first floor of the building. This makes for an especially nice feature for tenants as they will not have to walk outside between their car and the building during the cold and/or rainy months. The remainder of the site parking (other than the garage parking in Buildings A, B, and C) is initially planned as surface parking, however, future garages may be considered. These 143 parking spaces equate to a ratio of 1.51 vehicles per unit, which aligns with our typical design target of 1.5 spaces per unit. Our experience has indicated that this ratio sufficiently serves the balance of 1 BR units and 2BR units provided in the development. Additionally, this ratio balances the provision of adequate parking with our desire to maximize green space. Transit needs can also be supplemented with convenient access to the bus system, with a stop already existing on MLK Drive, as well as with bicycle parking provisions at each building.

Each of the 54 building-embedded storage spaces is paired with the abutting exterior surface parking space. Each covered storage space is let to a single 2-bedroom unit along with their parking space. This means that the covered storage space and the exterior surface parking space behind will always be let to the same unit. Tenants sharing the unit coordinate their schedules, storage and parking.

While this arrangement can park two full cars, we have not included the covered storage area towards the parking count of 143 and ratio of 1.51. If applied as additional parking the total parking would increase to 197 with a ratio of 2.07. Also, if applied, the arrangement saves a great deal of space and is not a-typical in newer developments. Tenants report that once they get used to the necessary communication, it is not difficult to coordinate.

Utilities

Paved or concrete parking areas and drive aisles will direct storm water run-off to the on-site private storm sewer drains and storm sewer piping. Storm water run-off will be disposed of by a combination of storm water treatment and infiltration. The storm sewer system will comply with City requirements and the City’s Storm Water Design Criteria Manual. Design of the system is pending, and the design will be subject to City review and approval.



If required, new fire hydrants will be installed on-site at locations approved by the City of Portage. These fire hydrants would be served by public water mains which would be designed and installed in accordance with City requirements, and appropriate easements would be granted to the City. It is anticipated that each building will be served by a six inch private sanitary sewer lead, draining to the City’s public sanitary sewer system.

The site will be served with underground natural gas, electric, telephone, and/or cable TV lines and design of these utilities will be done in the future by each private utility company.

Timeline

We aim to begin construction in the Spring of 2023 and execute construction over an 18-month timeline. The project will not be phased. Units can be available as early as the fall of 2024!

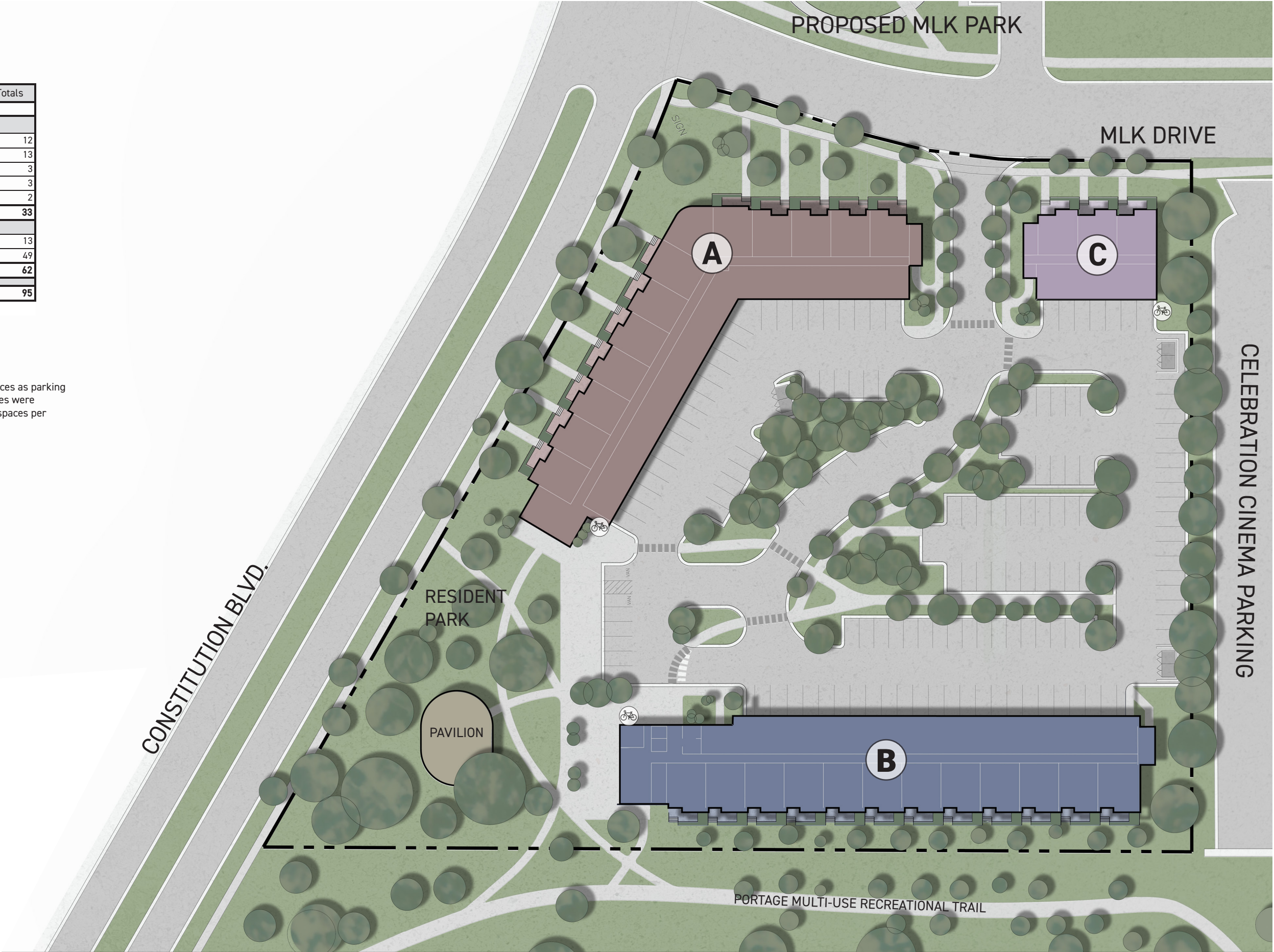
Project Breakdown

Unit Type	Building			Totals
	A	B	C	
1 BRS				
1BR Personal Entry		12		12
1BR Upper Unit		12	1	13
1BR Rounded Ground		3		3
1BR Rounded Level 2		3		3
1BR Rounded Level 3		2		2
Total 1 BRS	8	24	1	33
2 BRS				
2 BR 2.5 Ba. Townhouse		10	3	13
2 BR 2 Ba. Flat		15	30	49
Total 2 BRs	25	30	7	62
Total Units	33	54	8	95

Parking

Parking Space Type	#
Parking Spaces	148
Parking: Unit Ratio	1.56

*Some tenants may choose to use personal storage spaces as parking spaces for secondary vehicles. If personal sotrage spaces were included in parking counts, the total ratio would be 2.0 spaces per unit.



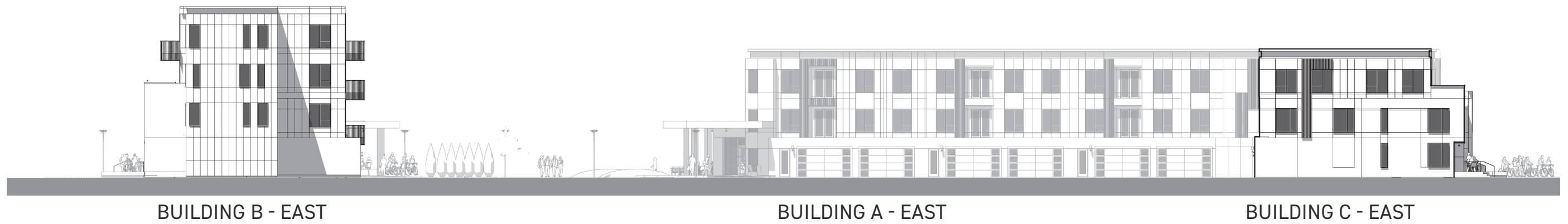


BUILDING B - SOUTH



BUILDING B - NORTH









CONSTITUTION BOULEVARD - BUILDING A



SW PARK - BUILDING B LOBBY AND TERRACE



PATH BETWEEN BUILDINGS A & B



SW PARK ON CONSTITUTION BOULEVARD - BUILDINGS A AND B



SOUTH WALKING PATH AT BUILDING B

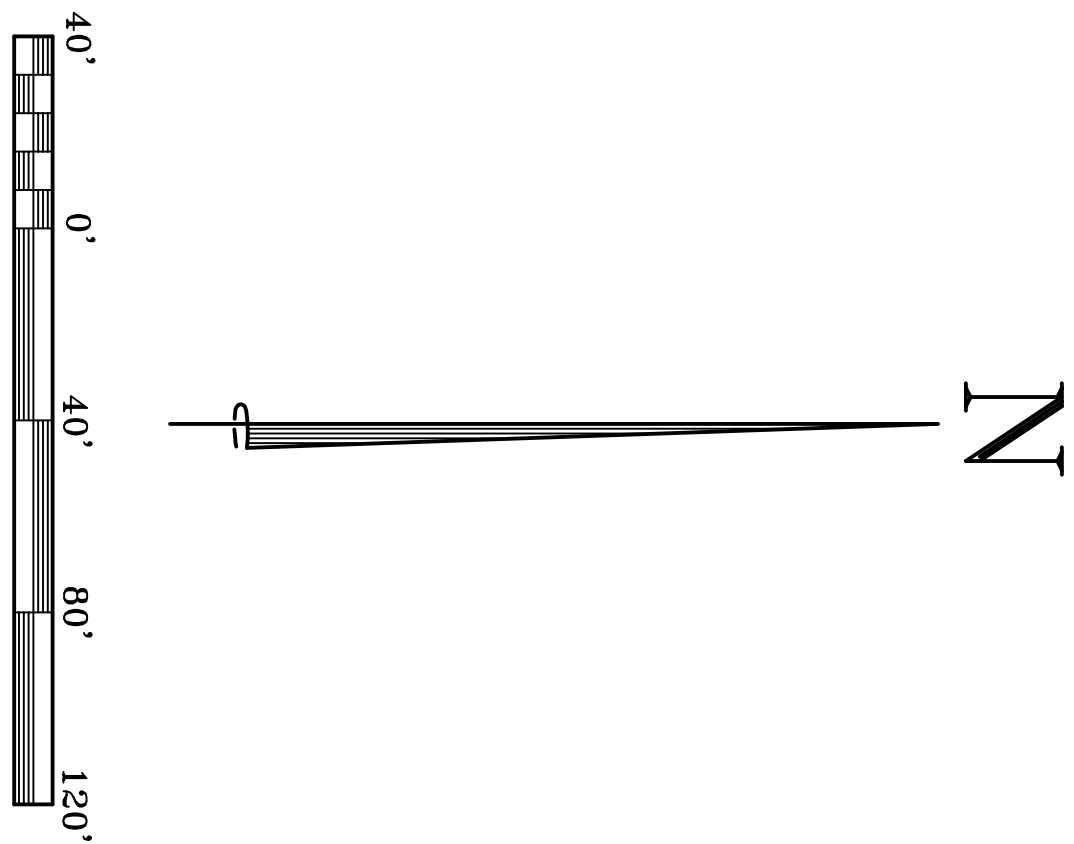


SOUTH WALKING PATH AT BUILDING B



BUILDING B LOBBY AND TERRACE - BUILDING A IN BACK GROUND

TENTATIVE PLAN for Proposed
KINGS LANDING in PORTAGE, MICHIGAN



NOTE: DESIGN OF STORM SEWER SYSTEM AND STORM WATER DISPOSAL SYSTEM ARE PENDING. DISPOSAL SYSTEM WILL LIKELY BE AN UNDERGROUND SYSTEM. LOCATION WILL DEPEND ON SITE GRADING, PROPOSED UTILITIES, STORM SEWER LAYOUT, SURFACE FEATURES, AND OTHER FACTORS. STORM WATER WILL REQUIRE TREATMENT. SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH THE CITY OF PORTAGE'S STORM WATER DESIGN CRITERIA MANUAL. DETAILS WILL BE SHOWN ON PENDING FINAL PLAN.

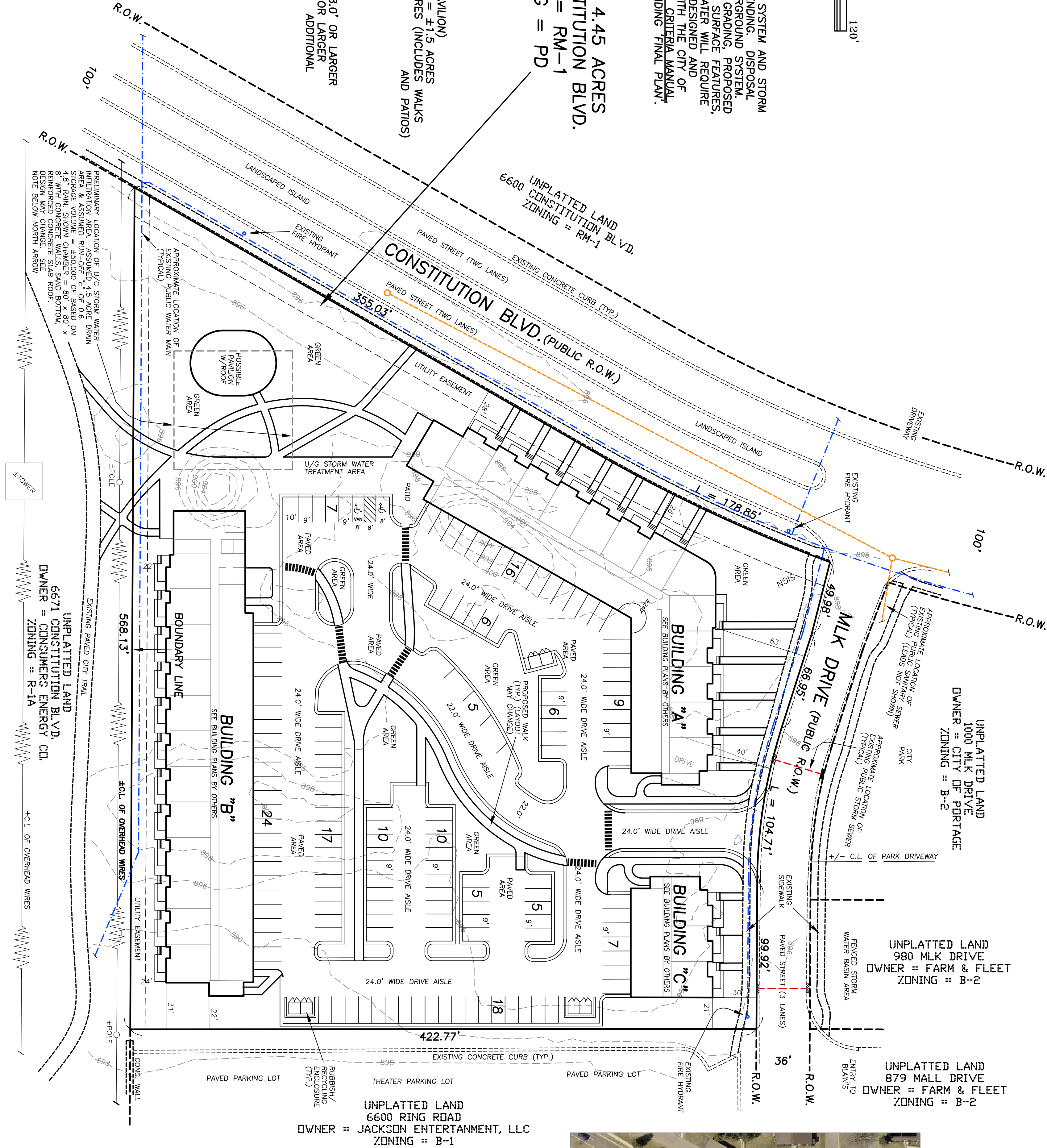
SUBJECT PROPERTY = 4.45 ACRES
ADDRESS = 6600 CONSTITUTION BLVD.
CURRENT ZONING = RM-1
PROPOSED ZONING = PD

SITE DATA:
-PARCEL AREA = 4.45 ACRES
-BUILDING AREAS = ±0.92 ACRE (EXCLUDING PAVLION)
-PARKING LOT PAVEMENT & CONCRETE & CURB ±1.5 ACRES
-OPEN SPACE = 4.45 - 0.92 - 1.5 = ±2.0 ACRES (INCLUDES WALKS AND PATIOS)
-# OF DWELLING UNITS = 95

PARKING SPACE DATA:
-# OF EXTERIOR SPACES = ±143
-ALL BARRIER FREE SPACES MEASURE 8.0' BY 18.0' OR LARGER
-ALL STANDARD SPACES MEASURE 9.0' BY 18.0' OR LARGER
-SHOWN ARE 2 EXTERIOR BARRIER FREE SPACES. ADDITIONAL BARRIER FREE SPACES WILL BE ADDED.

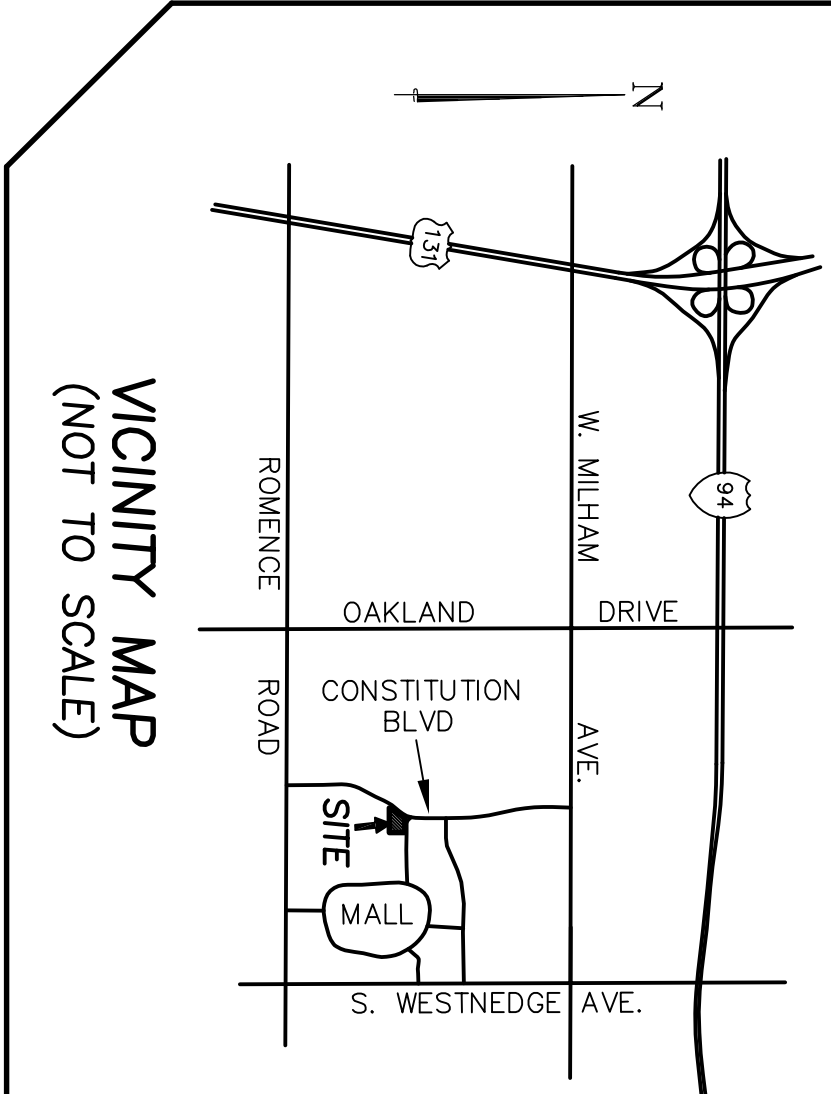
FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT BE LOCATED WITHIN 100' OF THE INTERSECTION OF ANY ALL WEATHER ROAD SURFACE IS IN PLACE AND THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE SIDE OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF THE SPECIFIED TYPE. THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING. FIRE APPARATUS ACCESS ROADS 26.1 TO 32 FEET WIDE SHALL BE POSTED ON ONE SIDE AS A FIRE LANE. ALL STREETS WILL BE WIDE ENOUGH TO ALLOW PARKING ON ONE SIDE OF THE STREET PER THE FIRE CODE.



PARCEL DESCRIPTION (PER CITY WEBSITE):
SEC9 T3S R11W PART W/2 DESC AS COM 66292 FT N & 164161 FT W & 58382 FT S & 29874 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S DBEG 1.30° E 42277 TO N LN CONSUMER ROW, TH N 800EG 4220° W 56819' TH N 290EG 5324° E 35503' TH NERLY 71885' ALG S 708EG 46427° E 4898' TH S 722EG 1444° E 66495' TH SERVO 1004' 71' 2026.80' CURVE LHS RADIOUS 34372', CENTRAL ANGLE 170EG 27'15" AND CHORD S 800EG 5819' E 104.30', TH S 889EG 41'56" E 99.92' TO POB. (4.45 AC)

NOTE: IN GENERAL, EXISTING IMPROVEMENTS HAVE BEEN SHOWN WITH A DASHED LINETYPE. PROPOSED IMPROVEMENTS HAVE BEEN SHOWN WITH A SOLID LINETYPE.



AERIAL PHOTOGRAPH OF PROPERTY
SCALE: 1" = 100'

- GENERAL NOTES:
1) CURRENT CITY ZONING = RM-1. PROPOSED ZONING = PD.
2) PARCEL AREA = 4.45 ACRES. TREES AND BRUSH.
3) SITE IS COVERED WITH SMALL TREES AND BRUSH.
4) SITE LANDSCAPING SHALL BE PROVIDED BUT HAS NOT BEEN SHOWN ON THIS PLAN.
5) SEE BUILDING PLANS BY OTHERS.
6) ANY ON-SITE FIRE HYDRANTS SHALL BE PROVIDED AS REQUIRED.
7) ANY ON-SITE WATER MAIN SHALL BE PUBLIC WATER MAIN WITHIN AN EASEMENT TO THE CITY OF PORTAGE.
8) BUILDINGS SHALL CONNECT TO CITY WATER SYSTEM AND CITY SANITARY SEWER SYSTEM.
9) BUILDINGS SHALL BE SPRINKLED.
10) EXISTING WATER MAINS AND/OR SANITARY SEWERS ARE LOCATED NORTH, SOUTH, AND/OR WEST OF THE SUBJECT PROPERTY.
11) STORM SEWER SYSTEM AND STORM WATER DISPOSAL SYSTEM SHALL BE PRIVATE. DESIGN IS PENDING.
12) SHOWN LAYOUT IS SUBJECT TO ADJUSTMENT.

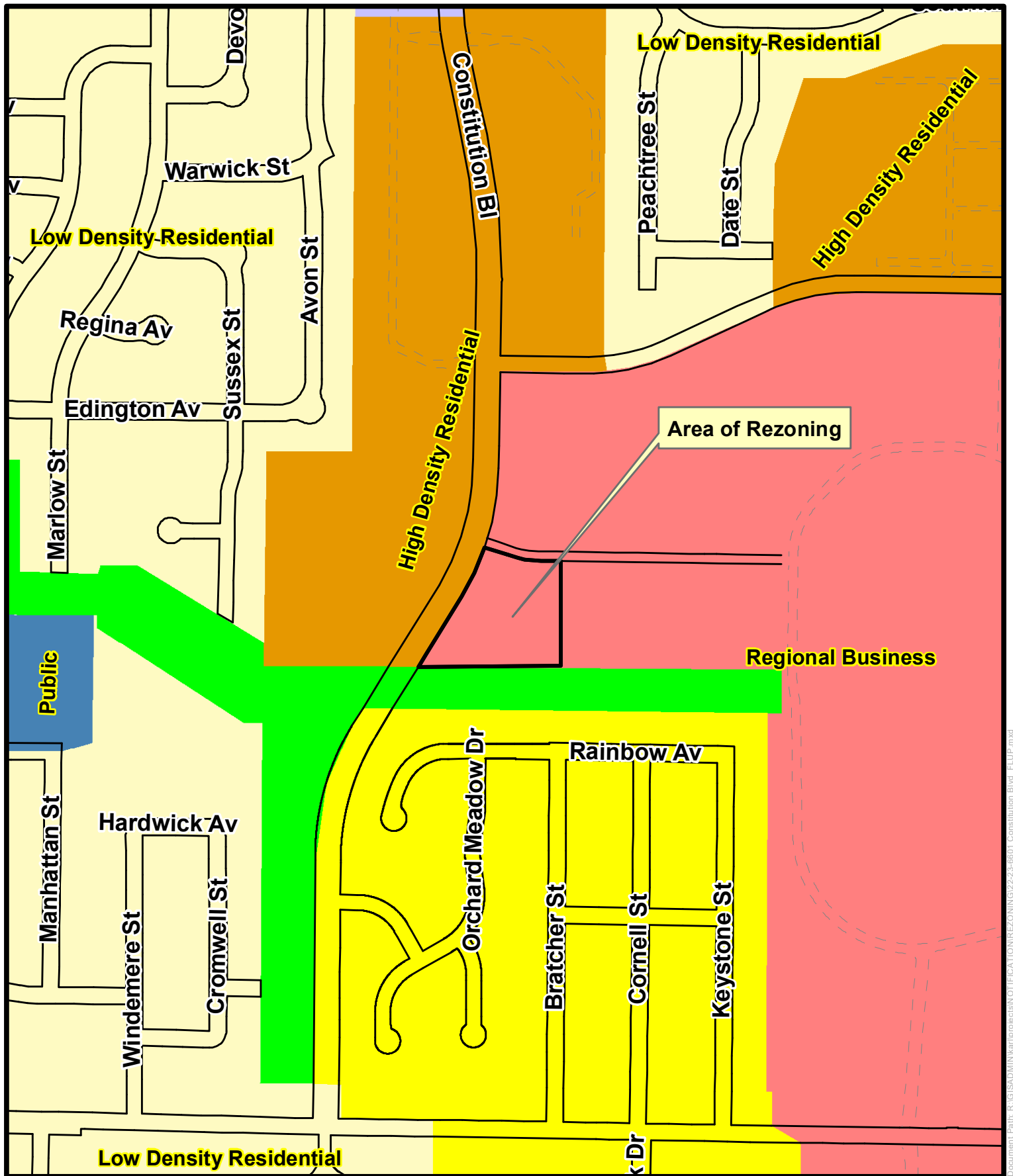
ARCHITECT:
INTEGRATED ARCHITECTURE
840 OTTAWA AVENUE NW
GRAND RAPIDS, MI 49503
(616) 559-4721

PROJECT MANAGER:
VENEKIASSEN CONSTRUCTION
5000 KENDRICK ST. SE
GRAND RAPIDS, MI 49512
(616) 957-3733

OWNER & APPLICANT:
VILLAGE GREEN PROPERTIES
PO BOX 2470
PORTAGE, MI 49081
(269) 323-2441

TENTATIVE PLAN for KINGS LANDING	
PART OF THE SW 1/4 OF SECTION 9, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McEachern, Inc. 1208 East William Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165	
DATE: 9/23/2022	SHEET: 1
REVISED: 11/04/2022 REVISED: 10/13/2022	JOB No.: 22-219





- Notification_parcel
- Low Density Residential
- Single-Family Detached-Medium Density Residential
- Medium-Density Residential
- High Density Residential
- Local Business
- Regional Business
- General Business
- Office
- Shaver Road Business Corridor
- Research, Development & Technology
- General Industrial
- Park / Recreation
- Gourdneck State Game Area
- Public
- City Centre

Future Land Use Map

Rezoning: 22/23 - 6

6601 Constitution Boulevard



1 inch = 500 feet
Date: 11/8/2022

Document Path: R:\GISADMIN\karl\projects\notification\rezoning\22-23-0601 Constitution Blvd_FLUP.mxd

From: [Kelly Peterson](#)
To: ["jaimeannmichelle1@gmail.com"](mailto:jaimeannmichelle1@gmail.com)
Cc: [Eric Feldt](#)
Subject: RE: Online Form Submission #10743 for Contact Us
Date: Wednesday, November 23, 2022 10:50:00 AM

Thank you for your email regarding this proposed project. Your email will be transmitted to the Planning Commission for consideration. If you wish to attend and/or provide in-person comment at the public hearing for the rezoning and tentative plan for 6601 Constitution Blvd, the Planning Commission meeting will be held on December 1, 2022 at 7:00pm at City Hall (7900 S. Westnedge Ave). The agenda will be available at [this link](#) prior to the meeting.

From: noreply@civicplus.com <noreply@civicplus.com>
Sent: Wednesday, November 16, 2022 12:35 AM
To: Tamara Stephens <stephent@portagemi.gov>; Kelly Peterson <petersok@portagemi.gov>; Jonathon Hallberg <hallberj@portagemi.gov>
Subject: Online Form Submission #10743 for Contact Us

Contact Us

DO NOT USE THIS FORM TO REPORT A POLICE, FIRE OR MEDICAL EMERGENCY - DIAL 9-1-1. To report a non-emergency crime, please call non-emergency dispatch at (269) 488-8911.

Which department do you wish to contact? Community Development

Your First Name Michelle

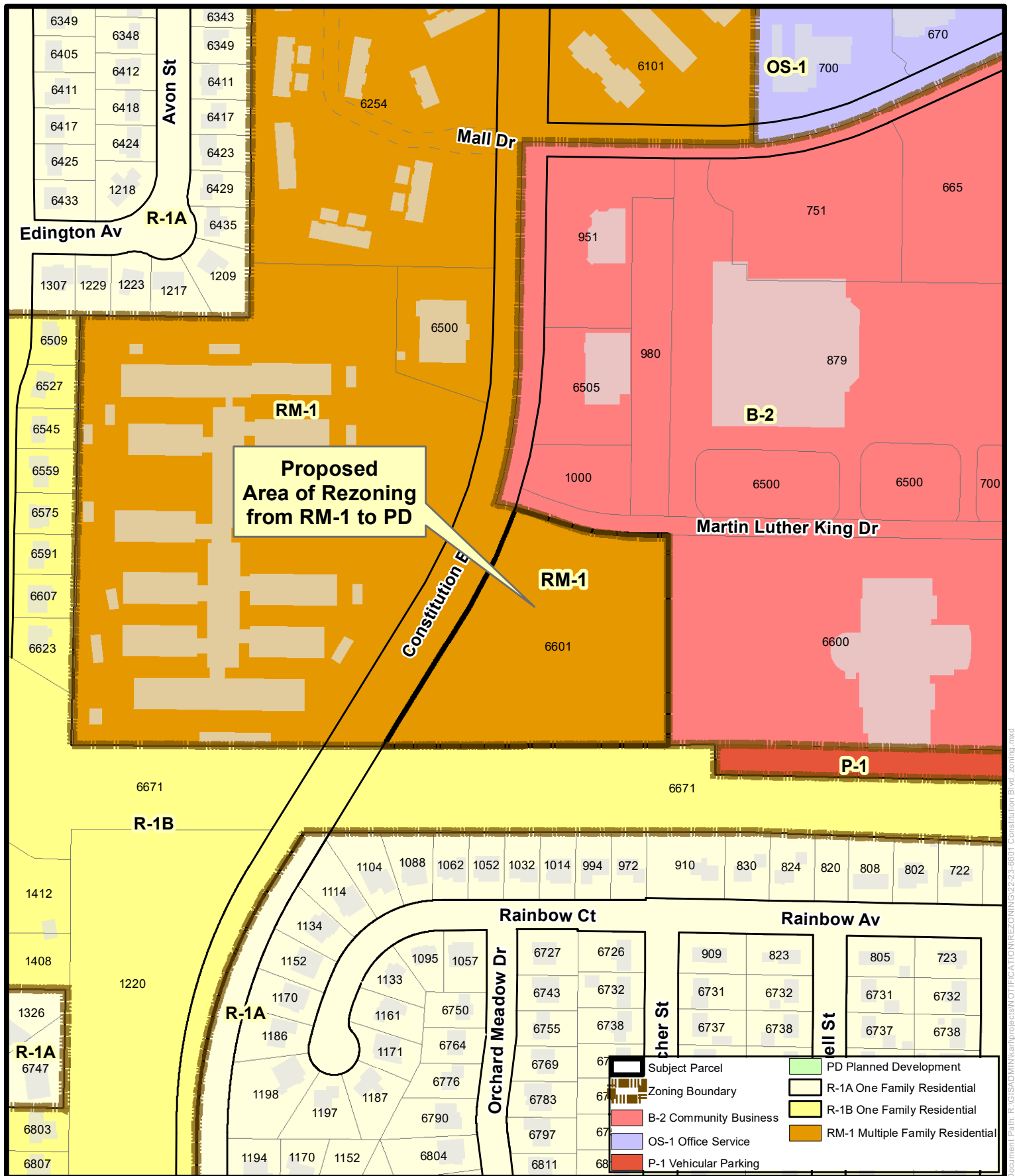
Last Name M.

Email Address jaimeannmichelle1@gmail.com

Subject Apartment being built off of MLK Drive — PLEASE DON'T ALLOW THIS

Your Message I live in the neighborhood by the site that Village Green is trying to rezone into a PD planned development (it's the site off MLK Drive and by Celebrations Cinema). Many of my neighbors are upset by this, mainly because it's already such a cramped and tiny space to build an apartment on. It's going to add soooo much traffic to the otherwise easy to navigate area. The site is so small I don't even know how they will fit a parking lot, and the street doesn't have room for side parking. And the apartment construction will be really noisy too. Please, please don't rezone it. Local wildlife also like to chill there as well.

Email not displaying correctly? [View it in your browser.](#)





Document Path: R:\GIS\ADMIN\Karl\projects\NOTIFICATION\REZONING\22-23-6 6601 Constitution_AERIAL.mxd

Aerial Photography Map Rezoning: 22/23 - 6 6601 Constitution Boulevard

 Subject Parcels



1 inch = 350 feet
 Date: 11/8/2022

Staff's Site Pictures – November 11, 2022



Figure 1. Looking east along MLK Dr. Subject site to the right of sidewalk. Celebration Cinema Crossroads & IMAX is shown in background.



Figure 2. Looking west at subject site across MLK Drive. Metro bus stop sign can be seen across street.



Figure 3. Looking south at intersection of MLK Dr. & Constitution Blvd. Wooded area is in subject site. Sidewalks and pedestrian crossing, and fire hydrant can be seen in image.



Figure 4. Looking west along City of Portage trail. Trail and overhead powerlines located within Consumers Energy property. Subject site is to the right (north) outside of picture.



Figure 5. Looking north along sidewalk of Constitution Blvd (street to left is outside picture). Wooded area in center of image is in subject site.



Figure 6. Looking east along MLK Drive. Subject site on right. Celebration Cinema Crossroads & IMAX in background. New Dr. Martin Luther King Jr. City Park is to the left (outside of picture).



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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

FIRST READING:

SECOND READING:

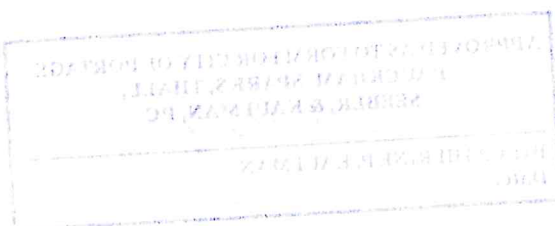
EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

Erica Eklov, City Clerk



Approved as to Form:

Date: 12-6-2022

By: *Anthean G. Gump*
City Attorney

**ADOPTION OF ZONING ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2022, and will become effective _____, 2022.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

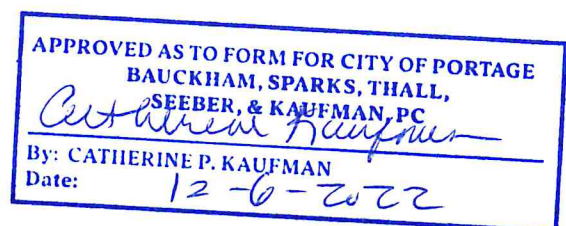
SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

Erica Eklov, City Clerk



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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2022, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2022, at 7:00 p.m. or as soon thereafter as may be heard.

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

THE CITY OF PORTAGE ORDAINS:

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

Street Address

Parcel ID Numbers

6601 CONSTITUTION BLVD

00009-045-K

SEC.9 T3S R11W PART W1/2 DESC AS COM 662.92 FT N & 1641.61 FT W & 583.82 FT S & 298.74 FT W & 493 FT S OF E1/4 COR S 36 FT W 870 FT S TO POB, TH S 0DEG 1'30" E 422.77' TO N LN CONSUMER ROW, TH N 89DEG 42'20" W 568.19', TH N 29DEG 53'24" E 355.03', TH NERLY 178.85' ALG ARC CURVE LFT RADIUS 1050', CENTRAL ANGLE 9DEG 45'34" AND CHORD N 25DEG 8'15" E 178.64', TH S 75DEG 40'42" E 49.98', TH S 72DEG 14'41" E 66.95', TH SERLY 104.71' ALG ARC CURVE LFT RADIUS 343.72', CENTRAL ANGLE 17DEG 27'15" AND CHORD S 80DEG 58'19" E 104.30', TH S 89DEG 41'56" E 99.92' TO POB. (4.45 AC)

From RM-1 Multifamily Residential District to Planned Development District

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

Dated: _____

Erica Eklov, City Clerk

APPROVED AS TO FORM FOR CITY OF PORTAGE

BAUCKHAM, SPARKS, THALL,

SEEBER, & KAUFMAN, PC

By: CATHERINE P. KAUFMAN

Date: 12-6-2022

TO: Honorable Mayor and City Council

FROM: City of Portage Planning Commission

DATE: December 15, 2022

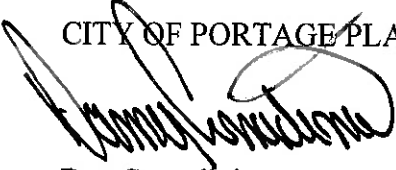
SUBJECT: Rezoning and Tentative Plan Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard.

At the December 1, 2022 meeting, the Planning Commission reviewed and discussed the Rezoning and Tentative Plan Application # 22/23-6 from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project. The applicant and property owner's representative, Joshua Weiner, was present to support the proposed application and stated M.C. Weiner's investments in the community over the years. The applicant's architect, Mike Corby, Integrated Architecture, was present to answer the questions. Four members of the public provided testimony and expressed opposition to the project due to concerns about the perceived impacts on traffic, parking, adjacent power lines, and the natural environment. Pat McGinnis, attending the meeting in his capacity as City Manager of the City of Portage, expressed the Administration's support of the proposed project. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

The Planning Commission voted 7-0 (unanimously) to recommend to City Council the approval of the Rezoning and Tentative Plan Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Dan Corradini
Chairman

Attachments: December 1, 2022 Planning Commission meeting minutes

CITY OF PORTAGE PLANNING COMMISSION

Thursday, December 1, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of December 1, 2022, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, City Planner/Project Manager
- Seth Koches, Assistant Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Pat McGinnis, City Manager

ROLL CALL

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

Commissioner Baldwin motioned to excuse Commissioners Adams and Kasper; Commissioner Freiman supported the motion. Motion carried 7-0.

APPROVAL OF MINUTES

Motion by Commissioner Youngs, seconded by Commissioner Pezzoli to approve the Planning Commission Meeting Minutes of November 17, 2022, as submitted. Motion carried 7-0.

PUBLIC HEARINGS

1. A Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard.

Mr. Feldt provided a presentation of the project, stating that the proposal consists of three buildings with varying heights, 95 new apartment units comprised of townhouses and regular apartment-style units with internal and external connecting pedestrian pathways and connections to existing city water and sewer, and a proposed private storm water basin. He showed the applicant's site drawings and illustrations, recent pictures of the site, and explained pertinent code sections. The proposed Tentative Plan and Rezoning was found by staff to meet applicable zoning regulations it was recommended that the Planning Commission recommend project approval to the City Council with a condition that a traffic study be conducted prior to Final PD Plan approval.

Applicant and property owner representative, Joshua Weiner, 700 Mall Drive, Portage, MI spoke in support of the project, stating M.C. Weiner's investments in the community over the years. He shared various factors in support of the project including: the project fulfilling housing needs in the community; providing a different housing design supported by a market study; and assigned parking within the project. Mr. Weiner indicated that his company is seeking multiple development incentives, and the project is conceptual at this point and may change. He expressed his opinion that for various reasons he believed a traffic study is not needed for the project.

The applicant's architect, Mike Corby, Integrated Architecture, explained the distances between the proposed southern apartment building and southern lot line to the existing Consumer's Energy power lines located to the further south.

Chair Corradini opened public hearing. Public testimonies are as follows:

- 1) Zack Baker, 994 Rainbow Court, Portage, MI, expressed concerns about parking and perceived impacts to the adjacent bike path, perceived impacts on Portage's small-town identity, perceived issues with the project's density, and supported future housing.
- 2) Pat McGinnis, 77 Sandpiper, Portage, MI, attending the meeting in his capacity as City Manager of the City of Portage, expressed support for future housing in the community and high-density housing for the betterment of the Crossroads Mall and immediate area. City Manager McGinnis expressed the Administration's support of the proposed project.
- 3) Jamie Thake, 1062 Rainbow Court, Portage, MI, expressed concerns about perceived impacts to traffic safety, supported a traffic study for the project, expressed concerns about pedestrian safety along nearby sidewalks and street crossings, concerns about the project's parking and perceived high rents pushing tenants to rely on cars to access jobs, and concerns about perceived loss of vegetation and wildlife in the area.
- 4) Andrew Thake, 1062 Rainbow Court, Portage, MI, voiced concerns about perceived traffic, parking, and the Metro bus service cannot accommodate residents' needs due to its infrequency and limited schedule.
- 5) Borath Goyle, 6940 Crest Point Court, Portage, MI, indicated his employment with Consumer's Energy and expressed perceived concerns about the adjacent power lines affecting the project, concerns about perceived traffic and parking especially during winter months, and expressed support for a traffic study related to the project.

There being no further public comments. Commissioner Baldwin Motion motioned to close public hearing and the motion was supported by Vice Chair Joshi. Motion carried 7-0 upon a voice vote.

Mr. Feldt clarified that a traffic study is recommended by staff as a condition under the Tentative Plan and Rezoning and would be submitted with the future Final Planned Development Plan.

Commissioners deliberated on the project.

Vice Chair Joshi voiced concerns about perceived impacts of the adjacent power lines and was in support of the interior parking lot accommodating snow storage.

Chair Corradini voiced support of the project and development of the vacant site, stated traffic trip counts of adjacent streets, stated that the applicant would provide more detailed drawings in the future for the Final Plan submittal.

Commissioner Pezzoli presented research data that the World Health Organization (WHO) reported no present-time negative human health impacts from low-level electromagnetic fields, supported further research on this item.

Commissioners Fries voiced support of Commissioner's Pezzoli's statement, indicated disagreement of requiring a traffic study due to added costs and low traffic demand from the nearby mall, and would support the project without staff's condition since the project may change in the future.

Commissioner Fries made a motion to recommend to the City Council the approval of the Tentative Plan and Rezoning Application #22/23-6, from RM-1 Multifamily Residential District to PD Planned Development for a proposed multifamily residential project 'Kings Landing' at 6601 Constitution Boulevard. The motion was seconded by Commission Pezzoli.

Upon roll call vote: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (excused); Youngs (yes); Kasper (excused); and Freiman (yes). Motion carried 7-0.

SITE/FINAL PLANS

None.

NEW BUSINESS

None.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

Chairman Corradini acknowledged the city workers for leaf pick up and snow removal, announced the Christmas tree lighting on December 3, 2022, and reminded that the Master Plan update website "ForwardTogether.portage.mi.gov" was now live.

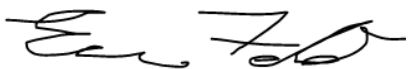
STATEMENT OF STAFF

Mr. Feldt provided updates on past private development projects.

ADJOURNMENT:

There being no further business to come before the Commission, Chair Corradini adjourned the meeting at 8:48 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: 2023 Fees Schedule

SUPPORTING PERSONNEL: Erica Eklov, City Clerk
Kelly Peterson, Director of Community Development
Nicholas Arnold, Director of Public Safety - Police / Fire Chief
Kathleen Hoyle, Director of Parks & Recreation
Kimberly Phillips, Director of Senior Citizen Services
Kendra Gwin, Director of Transportation & Utilities
Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the:

- a. 2023 Cemetery Fee Schedule,
- b. 2023 Proposed Freedom of Information Act fees,
- c. 2023 Proposed Community Development and Building Permit fees,
- d. 2023 Proposed Public Safety Department fees,
- e. 2023 Proposed Recreation and Park Facility fees,
- f. 2023 Proposed Senior Center Facility fees, and
- g. 2023 Proposed Special Assessment Rates.

Service, permit, and activity fees have historically been updated and implemented on a calendar year basis following an annual administrative review of fees for various city services and activities, as well as special assessment rates. Proposed fee modifications for the 2023 calendar year are recommended to facilitate continued service provision and to comply with the Council-adopted goal to “maintain the financial health of the city.” The recommended fee modifications for 2023 are based on service cost considerations. A comprehensive listing of all recommended fee changes for 2023 is attached and detailed below.

Cemetery Fees and Charges

City cemetery fees are reviewed annually to ensure that the General Fund subsidy for this operation remains at or below \$50,000. **No changes to the existing cemetery fees and charges are recommended for 2023.**

Charges for Documents (FOIA) Fee Schedule

Under the Freedom of Information Act 442 of 1976 (FOIA), municipalities are allowed to recover costs incurred in providing certain documents for public purchase. Fees for FOIA requests are periodically revised to reflect actual costs for providing materials. The fee schedule has been updated to reflect changes in terminology, as well as to note that Digital (GIS) Map Layers are now available online. A

review of fees has recently been completed. **Two changes to the existing FOIA fees are proposed for the 2023 calendar year and a new fee is proposed as shown below:**

- **Daily Absent Voter List (ongoing request):** A new Daily Absent Voter List fee of \$10.00 is proposed for 2023 and thereafter. This is a new recommended charge based on the occurrence of requests. The proposed charge is less than that charged by the City of Lansing and matches that charged by Macomb County. The City of Kalamazoo only offers to provide Absent Voter Lists two days per week.
- **USB Flash Drives (32GB and 64GB):** An increase of \$2 for both sizes of flash drives is proposed, based on average pricing. This will bring the cost of a 32GB flash drive to \$15.00 and a 64GB flash drive to \$22.00.

Community Development Fees for Service

The annual review for Community Development service fees (Planning, Development and Neighborhood Services, and Building and Housing Services) has been conducted. While Community Development service fees are not intended to cover all costs, they facilitate development activities that keep Portage competitive in an ever-changing economy and facilitate permitting and inspection activities to ensure the safety of residents and workers across the city. This approach is consistent with the MEDC Redevelopment Ready Communities certification that the department is currently working toward.

A comprehensive review and analysis of planning, zoning, development and building fees was conducted in 2022. The proposals are based on a review of current comparable fees across adjacent jurisdictions, current professional staff rates and hours, administrative costs, and consideration to the 2022 Consumer Price Index (CPI Midwest Region) at 6.0% and 2022 annual inflation rate for Michigan at approximately 3.59%. The adjacent jurisdictions for the 2022 review include: Texas Township, Oshtemo Township., City of Kalamazoo, Comstock Township, Battle Creek, Kentwood, Grandville, Wyoming, Holland and Meridian Township. The attached memo provides an analysis of the proposed 2023 Community Development fees for consideration, which are summarized below:

Summary of Proposed 2023 Community Development Fees for Services

- **Fee Elimination:** Proposed elimination of fees related to digital GIS Shapefile map layers (Community Development and FOIA fees, currently \$100 per map layer) in order promote “open data” use, as is a general best practice of many jurisdictions across the state to promote utility and transparency of city data.
- **Building/Construction Fees:** Modifications to the use/application of existing Certificate of Occupancy fee to specify for commercial use and include change of tenants; updates to reinspection fees in keeping with hourly professional rate increases.
- **Planning, Development and Zoning Fees:** With exception to separate Brownfield Redevelopment Plan fees, and reinspection fees in keeping with hourly professional rate increases, a ten (10) percent increase is proposed to reflect evolving conditions, regulatory requirements, and support technologies to improve customer service, while ensuring that Portage remains a competitive, efficient city for residents and developers.
- **Soil Erosion and Sediment Control Fees:** Proposed incremental inspection fee of \$50 for all state-required inspections.

- **Certificate of Occupancy Fee:** No change proposed to the existing fee, but instead a proposal to update the use/application to include Tenant Change.
- **Comprehensive Fee Increase:** It is proposed that, with exception to specific proposals detailed below, a ten (10) percent increase is applied to all fees in the Community Development Planning, Development and Zoning Fee Schedule. These are to reflect the evolving conditions, requirements, and technologies detailed above while ensuring that Portage remains a competitive, efficient city for residents and developers.
- **Hourly Fee:** Based on information provided by the Finance Department, the per hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current Reinspection Fee is \$63/hour, with a one hour minimum for when inspection requested/required, and work not completed or in compliance. The proposed hourly fee for 2023 is \$71/hour.
- **Brownfield Redevelopment Fees:** Currently the City of Portage has a flat rate of \$1,130 per Brownfield Redevelopment Plan Application or Plan Amendment. A variable fee schedule has been developed and is proposed in the attached memo to reflect the size, investment, and required processing, legal work, and reporting for each plan. The variable fee schedule is consistent with the approach of neighboring communities and communities across the state for this purpose. The fee schedule is proposed in keeping with the Council's guidance on the proposed brownfield policy to take an approach that is consistent with neighboring jurisdictions while also being attractive to applicants.
- **Soil Erosion and Sediment Control Permits (SESC):** Staff proposes accommodating all applicants by continuing to include one (1) initial SESC inspection with the existing \$50 SESC application fee. All subsequent SESC inspections that are required by the state to be performed for the duration of the permit are proposed to be an incremental fee of \$50.
- **Reinspection Fees (assessed when inspection is requested and work is not completed):** Based on information provided by the Finance Department, the per-hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current Reinspection Fee is \$63/hour or a fraction thereof. The proposed Reinspection Fee for 2023 is \$71/hour or a fraction thereof.
- **Inspections for which no fee is specifically indicated:** In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current fee for "Inspections for which no fee is specifically indicated" is \$63/hour or a fraction thereof. The proposed fee for 2023 is \$71/hour or a fraction thereof.

With the exception of the recommended fees noted above, **no other modifications to the current Department of Community Development fee schedule are recommended.**

Public Safety Department Fees

In 2008, a resolution was passed placing the burden of expense for the response of police and fire personnel to emergency calls at the scene of an incident resulting from persons operating a motor vehicle under the influence of alcoholic beverages or a controlled substance. These emergency response fees have been reviewed and it is recommended that the fees be increased as listed below to better align with current personnel costs:

<u>Police Personnel</u>	<u>Per Minute Charge</u>
Patrol Officer	\$0.64 (no increase)

Sergeant	\$1.15 (increase of \$0.15)
Lieutenant	\$1.31 (increase of \$0.25)

<u>Fire Personnel</u>	<u>Per Minute Charge</u>
On-call Firefighter	\$0.26 (eliminates \$11.40 minimum charge)
Firefighter	\$0.50 (decrease of \$0.03)
Captain	\$0.76 (increase of \$0.12)
Battalion Chief	\$0.90 (increase of \$0.20)

Fire Division: A review of Fire Division fees, including fees for false fire alarms, campfire permits, firework permits and follow-up business inspection fees, has been accomplished. **No changes to the existing Fire Division fees are recommended for calendar year 2023.**

Police Division:

- **Emergency Response Fee:** Article 2, Section 78-66 of the Portage Code of Ordinances allows the city to impose emergency response fees upon individuals who have been adjudicated guilty of any state law pertaining to the act of impaired driving. The fees are based on the cost of the response of public safety personnel to these incidents. **No changes to the existing emergency response fees are recommended for calendar year 2023.**
- **Arrest Warrant Processing Fee:** Michigan Compiled Laws (MCL) 765.12a gives the Department of Public Safety authority to collect a fee from persons arrested pursuant to a warrant issued by a court. The arrest warrant processing fee may be collected to defray the expense of receiving, depositing and delivering bail or bond money to the court, which Portage police officers accomplish on a daily basis. **No changes to the existing fees associated with Michigan Compiled Laws are recommended for calendar year 2023.**

Recreation and Park Facility Fees

Fee schedules for recreation programs and park facilities are reviewed yearly to ensure that programs offered can meet public demand in a cost-effective manner and continue to promote the quality of life within the community. Minimal changes to the existing recreation and park facility fees are recommended for 2023 as indicated below and on the attachment titled Proposed 2023 Recreation and Park Facility Fees.

- **Farmer's Market Seasonal Vendor Fee – Oversized Booth:** Demand for vendor stalls at the Farmer's Market has significantly increased over the past 3 years. Before this increase, there was room for larger vendors to spread out beyond their allotted 10'x10' stall due to the market not being full on a consistent basis. Now that the market consistently has all stalls accounted for each week, larger seasonal vendors will have the option to reserve an oversized stall for \$485 (1.5x the regular seasonal rate) to accommodate their need for more space.
- **Pickleball Courts Tournament Rates:** These suggested rates would apply only to tournaments; no single court rates.
 - Six Court Rental \$325/day (8 hours max) (\$6.75/hour/court)
 - Twelve Court Rental \$600/day (8 hours max) (\$6.25/hour/court) (discounted)
 - Comparables:
 - West Hills Athletic Club: \$24/hour Winter (single indoor court)
 - West Hills Athletic Club: \$16/hour Summer (single indoor court)

- The Point Community Center: \$70/hour for 4 courts (\$17.50/hour/court indoor gym with lines)
- Portage Special Event Fee: \$450/day (walk/runs but staff required, non-exclusive trail use)
- Portage Football/Soccer Field: \$325/day (\$210 nonprofit)
- Portage Softball Tournament:
 - \$90/day (\$75 non-profit) per field + \$65 field prep/slow pitch
 - \$80/fast pitch field prep (\$155-\$170/day/field with field prep)
- Examples:
 - 6-Court Tournament (1 Day): \$325 (Small Tournament)
 - 12-Court Tournament (4 Day): \$2,400 (Kzoo Pickleball Tournament)

Senior Center Facility Fees

Fee schedules for programs and facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program, in cooperation with the Friends of the Senior Center, is in place to provide subsidies for qualified residents to ensure program access for most activities. Recommended changes to the 2023 fee schedule for the Charles & Lynn Zhang Portage Community Senior Center are listed below:

- Membership Fees: No changes are recommended to Base Membership at this time. It is recommended that the annual Fitness Center membership is increased by \$5/year to accommodate the necessary staffing and equipment requirements. This new fee would go into effect on January 1, 2023, for any new memberships as well as renewals.
 - Fitness Center Membership: offers use of the fitness center, towel service, and personal equipment introduction
 - **Resident Member rate**: recommending an increase of \$5, totaling \$60/year for Base Membership + fitness center access
 - **Non-resident Member rate**: recommending an increase of \$5, totaling \$75/year for Base Membership + fitness center access
- Building Rental Fees: Rental fees are being recommended to increase to support staffing costs and building expenses. A competitive analysis was conducted of similar rental facilities in the area and staff feels these updated rates are still representative of market value based on the amenities offered. A detailed list of proposed rental fees for the Charles & Lynn Zhang Portage Community Senior Center facility is attached (Attachment: Senior Citizen Services – 2023 Senior Center Facility Fee Recommendations Memo).

Special Assessment Rates

On May 21, 1991, City Council adopted a Special Assessment Policy Resolution that established funding rations for utility and street construction projects. The policy also provided for periodic review and amendment of special assessment rates by resolution of the Council. Through the practice of special assessment, a share of project costs is charged to property owners receiving the primary benefit of the improvement. The practice of special assessment is a critical component of Portage city financing and has been a primary factor in the continued excellent financial health of the city.

On November 7, 2006, Portage voters approved a street millage proposal that eliminated street special assessments on projects initiated by City Council. Street assessments will still be levied on street projects petitioned by affected and benefiting property owners. Approval of the street millage proposal also eliminated the street reconstruction portion of the special assessment rate for the installation of new sanitary sewers. Any street improvement project or sanitary sewer project approved prior to November 7, 2006, whether it was a special assessment district or an extension district, was not affected by the approval of the street millage proposal.

Special assessment rates are updated using a variety of factors: actual construction cost for comparable city projects; national construction cost indexes; and applicable construction cost data from the Kalamazoo Builders Exchange, a local clearing house for public and private construction cost information. The effects of the Covid 19 pandemic have resulted in significant price increases for utility construction projects in 2022. The city has experienced not only an increase in material prices and lead times but higher construction labor and engineering design costs as well. Each special assessment rate was analyzed separately so that the recommended 2023 rates also properly reflect the City Council policy on property owner cost-sharing of needed infrastructure improvements. Special Assessment rates were calculated based primarily on the actual bid history of completed 2022 projects. **A Special Assessment Rate Resolution reflecting the proposed rates for 2023 is provided for the consideration of Council.**

FUNDING: N/A

- Attachments:**
1. Clerk - 2023 Proposed FOIA Fee Schedule
 2. Community Development - Proposed 2023 Fees Memo
 3. Senior Citizen Services - 2023 Senior Center Facility Fee Recommendations
 4. Resolution - 2023 Building Permit Fees
 5. Resolution - 2023 Community Development Fees
 6. Resolution - 2023 Public Safety Department Fees
 7. Resolution - 2023 Special Assessment Rates

CITY OF PORTAGE 2023 CHARGES FOR DOCUMENTS (FOIA FEES) - PROPOSED

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CURRENT CHARGE	ONLINE AVAILABILITY
Finance	Budget (Paper copy)*	\$0.10/pg + *	Available Online
		Plus Mailing	
	Budget CD	\$0.38*	Available Online
		Plus Mailing	
	Annual Comprehensive Financial Report (Paper Copy)	\$0.10/pg + *	Available Online
		Plus Mailing	
	Annual Comprehensive Financial Report CD	\$0.38	Available Online
		Plus Mailing	
	Full Copy of Electronic Property Tax File	\$500.00	Not Available Online
	Tax Payment Receipts (duplicates requested other than time of payment)	No Charge	Available Online
	Individual Parcel Look-up Online	No Charge	Available Online
	Special Assessment/Tax History on computer (since 2004)	No Charge	Available Online
	Special Assessment/Tax History not on computer (prior to 2004)	No Charge	Not Available Online
	Utility Bill History Information (upon availability)	No Charge	Not Available Online
Assessor	Property Record Card/Property Record Data	No Charge	Available Online
	Historical Property Record Card	No Charge	Not Available Online
	Sales Study Report	\$0.10/pg + *	Available Online
	Annual Database Download for Realtors Assn.	No Charge	Not Available Online
Purchasing	Bid Specifications (First copy)	No Charge	Available Online
	Contract Conditions & Specifications	No Charge	Available Online
	Additional Copy	\$0.10/pg + *	
City Clerk	City Charter	\$2.40	Available Online
	Precinct Maps (Color)	\$6.00	GIS Mapping Service Available Online
	Council Minutes and Agendas	No charge	Prior Year Available Online
	Council Agenda Packets	\$0.10/pg + *	Prior Year Available Online
	Advisory Board Minutes	No Charge	Prior Year Available Online
	Advisory Board Agenda Packets	\$0.10/pg + *	Prior Year Available Online
	Qualified Voter Information - Electronic Only	No Charge	Not Available Online

CITY OF PORTAGE 2022 CHARGES FOR DOCUMENTS (FOIA FEES)

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CURRENT CHARGE	ONLINE AVAILABILITY
	Daily Absent Voter List (ongoing request)	\$10.00	Not Available Online
	City of Portage Flag	\$40	Not Available Online

CITY OF PORTAGE 2022 CHARGES FOR DOCUMENTS (FOIA FEES)

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CURRENT CHARGE	ONLINE AVAILABILITY
Human Resources	Employee Records - If Available to employee or designee		Not Available Online
	1st Copy	No Charge	
	2nd copy	\$0.10/pg + *	
	To non-employee	\$0.10/pg + *	
Fire	EMS Reports	\$0.10/pg + *	Not Available Online
	Environmental Impact Statements	\$0.10/pg + *	Not Available Online
	NFIRS Reports	\$0.10/pg + *	Not Available Online
	Research	*	Not Available Online
	Digital Photos to Disc	*	Not Available Online
Police	POLICE REPORTS:		Not Available Online
	Minor Incident Report	\$0.10/pg + *	
	Up to 20 pages	\$0.10/pg + *	
	From 21-40 pages	\$0.10/pg + *	
	From 41-60 pages	\$0.10/pg + *	
	Accident Reports:		Not Available Online
	UD-10 Form	\$0.10/pg + *	Not Available Online
	w/supplemental Info up to 20 pages	\$0.10/pg + *	
	From 21-40 pages	\$0.10/pg + *	
	From 41-60 pages	\$0.10/pg + *	
	Over 60 pages	\$0.10/pg + *	
	Police Reports Facsimile Charge	No Charge	Not Applicable
	Photographs		Not Available Online
	Booking Photo	\$0.38 + *	Not Available Online
	Booking Room Videos, Lobby Videos,	\$0.38 + *	Not Available Online
	Interview Videos, Evidence Videos and	\$0.38 + *	
	Mobile Video Digital Recordings	\$0.38 + *	
	*Digital Photos to Disc	\$0.38 + *	Not Available Online
	Visa Clearance	\$11.00	Not Available Online
	Audio Tapes	\$0.38 + *	Not Available Online
	Non-criminal Fingerprints		Not Available Online
	Resident or Portage Business	\$8.00/card	
	Non-resident	\$15.00/card	
	Application to Set Aside Conviction Permit	Through Court	Not Available Online
	Bond Fee	\$10.00	

CITY OF PORTAGE 2022 CHARGES FOR DOCUMENTS (FOIA FEES)

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CURRENT CHARGE	ONLINE AVAILABILITY
Community Development	PAPER FORMAT - IN COLOR:		
(Maps, plans, tracings, plats, etc.)	8 x 11 ("A" size) without Aerial	\$1.00	Available as part of GIS Mapping Service
	11 x 17 ("B" size) without Aerial	\$2.00	Available as part of GIS Mapping Service
	18 x 24 ("C" size) without Aerial	\$3.00	Available as part of GIS Mapping Service
	24 x 36 ("D" size) without Aerial	\$5.00	Available as part of GIS Mapping Service
	30 x 30 ("E" size) without Aerial	\$10.00	Available as part of GIS Mapping Service
	8 x 11 ("A" size) with Aerial	\$2.00	Available as part of GIS Mapping Service
	11 x 17 ("B" size) with Aerial	\$5.00	Available as part of GIS Mapping Service
	18 x 24 ("C" size) with Aerial	\$10.00	Available as part of GIS Mapping Service
	24 x 36 ("D" size) with Aerial	\$20.00	Available as part of GIS Mapping Service
	30 x 30 ("E" size) with Aerial	\$25.00	Available as part of GIS Mapping Service
	Building Plan/Site Plan (24x36)	\$5.00/sheet	Not Available Online
	(copyright restrictions may apply)		
	Planning and Zoning Code with Land Development Regulations	\$0.10/pg + *	Available Online
	Zoning Map, Future Land Use Map (11x17)	\$5.00	Available as part of GIS Mapping Service
	Zoning Map, Future Land Use Map (24x36)	\$10.00	Available as part of GIS Mapping Service
	Subdivision and Land Division Regulations	\$0.10/pg + *	Available Online
	Comprehensive Master Plan	\$0.10/pg + *	Available Online
	Comprehensive Master Plan - CD	\$0.38 + *	Available Online
	Major Thoroughfare Plan Status update	\$0.10/pg + *	Available Online
	Capital Improvement Program (CIP)	\$0.10/pg + *	Available Online
	Capital Improvement Program (CIP) - CD	\$0.38 + *	Available Online
	Property Notification Address List	\$20.00	Available Online
	CDBG Consolidated Plan	\$0.10/pg + *	Available Online
	CDBG Annual Action Plan	\$0.10/pg + *	Available Online
	Analysis of Impediments to Fair Housing Study	\$0.10/pg + *	Available Online
	DIGITAL FORMAT:		
	Digital Aerial Photo of City (one foot pixel resolution)	\$40/section	Available as part of GIS Mapping Service
	Digital Aerial Photo of Entire City - All Sections	\$750.00	Available as part of GIS Mapping Service
	Digital Topographic Maps	\$25/quarter section	Available as part of GIS Mapping Service
	All 36 Sections	\$1,500.00	Available as part of GIS Mapping Service
	Digital (GIS) Map Layers (streets, hydrology, zoning, etc.)	\$0.00	Available as part of GIS Mapping Service

CITY OF PORTAGE 2022 CHARGES FOR DOCUMENTS (FOIA FEES)

ORIGINATING DEPARTMENT	DOCUMENT TITLE	CURRENT CHARGE	ONLINE AVAILABILITY
Community Development (cont'd)	Digital (GIS) Parcel Map Layer	\$0.10/parcel	Available as part of GIS Mapping Service
		\$25 minimum	
		\$750 maximum	
	Custom Mapping	*	Available as part of GIS Mapping Service
	Building/Site Plan e-mailed	*	Not Available Online
	(copyright restrictions may apply)		
Technology Services	Compact Disk	\$0.38 + *	Not Applicable
	DVD Productions (copy of)	\$0.38 + *	Not Applicable
	USB Flash Drive - 16GB	\$8 + *	Not Applicable
	USB Flash Drive - 32GB	\$15 + *	Not Applicable
	USB Flash Drive - 64GB	\$22 + *	Not Applicable
	Research	*	

* NOTE: Charge per document is \$0.10/page, labor costs and up to 50% of the hourly wage for benefit costs of lowest paid individual capable of performing the work, plus mailing cost. For requests involving in excess of 15 minutes of staff time, the charge will be based on the nearest quarter-hour increment after the first quarter hour rounded down.

TO: Pat McGinnis, Acting City Manager**DATE:** November 28, 2022**CC:** Mike Carroll, Deputy City Manager**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** 2023 Community Development Fees for Services

I. INTRODUCTION

The annual review for Community Development service fees (Planning, Development and Neighborhood Services, and Building and Housing Services) has been conducted. While Community Development service fees are not intended to cover all costs, they facilitate development activities that keep Portage competitive in an ever-changing economy and facilitate permitting and inspection activities to ensure the safety of residents and workers across the city. This approach is consistent with the MEDC Redevelopment Ready Communities certification that the department is currently working toward.

Fee History

- Minimal Recent Changes –In 2022, Council approved two Construction fee modifications: the addition of incremental trade inspection fees (one inspection remains included within a \$50 trade permit fee) and the addition of electrical outlet fees (\$0.50 cents per outlet) in conjunction with updated State of Michigan code requirements.
- Fee Increases – Citywide service and permit fees have historically been updated and implemented on a calendar year basis, however the last comprehensive increase in Community Development fees occurred six (6) years ago in 2017. At that time, a three percent (3%) increase to planning and zoning fees was approved by the Council, and the base fee for residential and commercial construction permits was increased by five dollars (from \$45 to \$50). Prior to the 2017 comprehensive increase of 3%, Planning and Zoning Fees have generally not been increased in ten (10) years, and Construction Fees had not been increased in seven (7) years.
- Fee Reductions/Elimination- In 2022, permit fees for residential sheds that do not exceed 200 square feet were eliminated. In 2019, a new commercial building (shell-only) permit fee reduction of 20% was approved for consistency with the guidelines established by the International Code Council (ICC).

Current Context

In 2021 and 2022, a significant amount of the Department's services shifted to digital to improve customer service, internal efficiencies, and ensure safety during the pandemic. Approximately 95% of commercial site plans are currently submitted electronically, whereas the majority of site plans submitted prior to 2020 were transmitted in paper/hard copy. Currently, 85% of building and trade permits are submitted electronically, whereas electronic building plan and permit application submittals comprised only 30% of all submittals just four years ago. In 2021 the City introduced new digital

payment methods for customers, so fees can be paid quickly and conveniently online through multiple payment platforms. This digital shift by Community Development customers and staff has occurred with general ease and expected to be permanent.

A comprehensive review and analysis of planning, zoning, development and building fees was conducted in 2022. The proposals are based on a review of current comparable fees across adjacent jurisdictions, current professional staff rates and hours, administrative costs, and consideration to the 2022 Consumer Price Index (CPI Midwest Region) at 6.0% and 2022 annual inflation rate for Michigan at approximately 3.59%. The adjacent jurisdictions for the 2022 review include: Texas Township, Oshtemo Township., City of Kalamazoo, Comstock Township, Battle Creek, Kentwood, Grandville, Wyoming, Holland and Meridian Township. The following memo provides an analysis of the proposed 2023 Community Development Fees for Services for consideration.

Summary of Proposed 2023 Community Development Fees for Services

- **Fee Elimination:** Proposed elimination of fees related to digital GIS Shapefile map layers (Community Development and FOIA fees, currently \$100 per map layer) in order promote “open data” use, as is a general best practice of many jurisdictions across the state to promote utility and transparency of city data.
- **Building/Construction Fees:** Modifications to the use/application of existing Certificate of Occupancy fee to specify for commercial use and include change of tenants; updates to reinspection fees in keeping with hourly professional rate increases.
- **Planning, Development and Zoning Fees:** With exception to separate Brownfield Redevelopment Plan fees, and reinspection fees in keeping with hourly professional rate increases, a ten (10) percent increase is proposed to reflect evolving conditions, regulatory requirements, and support technologies to improve customer service, while ensuring that Portage remains a competitive, efficient city for residents and developers.
- **Soil Erosion and Sediment Control Fees:** Proposed incremental inspection fee of \$50 for all state-required inspections.

II. ADMINISTRATIVE COSTS

The actual cost to process development applications (e.g. staff resources, legal notices, direct mailing and copy expenses) has again been reviewed. The below data information relays comparisons between administrative costs recorded during the Department’s last comprehensive fee increase (2017) and the Department’s current administrative costs (2022).

With regard to staff resources, the Finance Department has calculated an administrative cost for the provision of the various community development services based on a review of applicable department personnel (including hourly rate, benefits and building overhead). Based on information provided by the Finance Department, the per hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). Regarding attorney and clerical fees, the Office of the City Attorney is under contract with no minimum or maximum amount of work hours. In 2017, the former City Attorney confirmed an average hourly rate of \$150/hour, whereas the current City Attorney confirmed an average hourly rate of \$220/hour for 2022 (40% increase). Staff resources (clerical, contract, etc.) increased from \$27/hour in 2017 to \$35/hour in 2022 (30% increase).

Public notices published in the Kalamazoo Gazette reach approximately 51,000 readers. With regard to public notice charges, the newspaper’s ad rate is approximately \$51 per column inch. Current public notices average between \$100-200 each, depending on the text length of the notice. The Department

continues to advertise on the non-home delivery dates (Monday, Wednesday, Friday or Saturday) due to the publication rate (per column inch) being less than half the home delivery rate. Public notices also continue to be uploaded to the City of Portage website under “Legal Notices.”

III. BUILDING SERVICES

The Department of Community Development is responsible for the administration and enforcement of the Michigan State Construction Codes through plan review, permit issuance, inspections, and the issuance of certificates of occupancy. Construction permit fees are based on analysis and expenditure review in conjunction with permit and processing costs, plan review services, project field inspections, customer consultations, final occupancy review, and issuance as well as record retention purposes.

2023 Fee for Services Proposals:

Certificate of Occupancy Fee (\$155)

No change is proposed to the existing fee, but instead a proposal to update the use/application as follows:

Current	Proposed
Certificate of Occupancy Fee	<i>Commercial</i> Certificate of Occupancy Fee
\$155	\$155 (no change)
“for changes in occupancy classification per Building Code when no plan review is required.”	“for changes in occupancy classification per Building Code <i>and/or Tenant Change.</i> ”

As the City of Portage does not maintain a business registry, tenants often transition in and out of commercial spaces, with changes in occupancy that are later found to not be code compliant. If no building permits are issued, it is difficult for the city to ensure compliance with building, fire and zoning codes. To confirm the new occupancy by a commercial tenant is appropriate, from zoning, permitting, life safety and utility usage perspectives, revisions to the use circumstances of the existing certificate of occupancy (and fee) are proposed.

The existing Certificate of Occupancy fee (\$155) includes an inspection, no changes are proposed to that. The proposed changes seek to clarify “Commercial Certificate of Occupancy,” and include tenant changes with the intent of verifying the following items prior to a Certificate of Occupancy being issued: zoning compliance, review of space/determination of any changes to water usage rates, Fire code and life safety compliance (fire suppression as required, fire extinguishers, emergency lighting, exit signs in working condition, address posted, barrier free signage), building code compliance (means of egress, occupant load, electrical system and mechanical system).

If upgrades have been made to the commercial space and are identified during a Certificate of Occupancy inspection, any required trade permits and/or inspections will be communicated to the occupant and/or tenant. Typically, a building inspector and the fire marshal conduct this inspection in tandem to identify the above issues, with additional review support from the zoning code administrator and/or utilities department staff. This type of inspection is already being conducted in practice – a prime example is for new tenants at the Crossroads Mall wherein city staff have coordinated with Mall management to ensure new tenants are compliant with all codes. However, currently no fee can be recovered in these cases as a new tenant does not equal a change in occupancy classification per Building Code (e.g. mercantile use > mercantile use).

Impact: This is anticipated to impact commercial occupants/tenants only when there is a change of occupancy at a subject address, in cases when/where no building permits are issued nor any change in occupancy classification per the Building Code, to ensure a new occupant/tenant is complying with all required codes prior to opening a commercial business.

Proposal: Change in use/application only, no change to existing fee.

IV. PLANNING, DEVELOPMENT AND ZONING SERVICES

Staff has completed an analysis of the [Community Development Planning, Development and Zoning Fee Schedule](#). The costs incurred to process various applications has been determined by analyzing staff resources, legal reviews, public notices, direct mailings, and administrative expenses. Compared with other communities surveyed during the 2022 review, the city's Planning, Development and Zoning fees generally falls within the low to below-average range.

Planning, Development and Zoning fees have not been modified since 2017. Over the past six years costs, regulatory requirements, staff rates, and legal support required on these processes have all increased. Averaging Community Development professional staff, administrative staff, and the City Attorney, there has been a 27.6% increase in the hourly rate of persons actively involved in Planning, Development and Zoning processes.

Impact: The proposed fees below reflect an effort to ensure the city remains competitive and that its fees are reflective of current conditions, increasing regulatory requirements, and support initiatives to improve services. Many new efforts have been implemented through BS&A Online to improve customer experience and streamline services and timeliness by offering online processes, permitting and payments over the past two years. Service technologies and software improvements save customers significant time and effort, and improve the services provided. These technology expenditures have associated fees for online permitting services, that can be partially recovered, in part, through a modification to fees.

2023 Fee for Services Proposals:

Fee Elimination: Eliminate fees related to digital GIS Shapefile map layers (Community Development and FOIA fees, which are currently \$100 per map layer) in order promote "open data" use, as is a general best practice of many jurisdictions across the state to promote greater utility and transparency of City of Portage data.

Comprehensive Fee Increase

It is proposed that, with exception to specific proposals detailed below, a ten (10) percent increase is applied to all fees in the Community Development Planning, Development and Zoning Fee Schedule. These are to reflect the evolving conditions, requirements, and technologies detailed above while ensuring that Portage remains a competitive, efficient city for residents and developers.

Hourly Fee

Based on information provided by the Finance Department, the per hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current Reinspection Fee is \$63/hour, with a one hour minimum for when inspection requested/required, and work not completed or in compliance. The proposed hourly fee for 2023 is \$71/hour.

Brownfield Redevelopment Fees:

Currently the City of Portage has a flat rate of \$1,130 per Brownfield Redevelopment Plan Application or Plan Amendment. A variable fee schedule has been developed and is proposed below to reflect the size, investment, and required processing, legal work, and reporting for each plan. The variable fee schedule is consistent with the approach of neighboring communities and communities across the state for this purpose. The fee schedule is proposed in keeping with the Council's guidance on the proposed brownfield policy to take an approach that is consistent with neighboring jurisdictions while also being attractive to applicants.

Impact: This is anticipated to impact applicants for all brownfield redevelopment plans and amendments. It is intended to create a variable fee schedule that adjusts to the size, investment and resources required to deliver and monitor each plan or amendment.

Proposal:

Proposed Application Fee

Application Fee is due at the time of application (may be paid online or by check). The amount of the application fee shall comprise 0.1% of the total anticipated capital investment with a maximum fee of \$10,000.

As an example, the application fee for a project requesting tax increment financing for a \$5,000,000 development project would be \$5,000.

Legal Fees

Legal fees related to a brownfield application submittal to the City are covered by the application fee and administrative fee. As a reference, the average fee incurred by the City per brownfield application in 2022 specifically related to legal reviews, negotiations, and meeting attendance was approximately \$5,000.

For additional legal support provided by the City or Authority related to a brownfield application submission to the State of Michigan, the applicant will be billed directly by the City's legal counsel. All invoices must be paid before a letter of support or testimony is provided to the Michigan Strategic Fund and/or the Department of Environment, Great Lakes, and Energy (EGLE).

Fees for Assignments

If, in the future, the Developer requests an assignment of its rights and interest in the tax increment revenues generated by the project, the following fees will apply:

- \$1,200 if the assignment is to a lending institution (collateral assignment in connection with private financing)
- \$3,000 if the entire project is being assigned to a new entity

Other Fees

- The applicant must agree to pay any fees incurred by the Brownfield Redevelopment Authority from a participating lending institution.
- \$1,200 fee for the assignment of an agreement, or an amendment to an existing agreement or plan.
- \$1,200 application fee for a Brownfield Redevelopment Plan (administration of Kalamazoo County Plan)

V. SOIL EROSION AND SEDIMENT CONTROL PERMITS (SESC)

Part 91, Soil Erosion and Sediment Control (SESC), of the Natural Resources and Environmental Protection Act, 1994 PA 451 is the State of Michigan law regulating construction activities, including earth changes to ensure that any earth change is accomplished in a manner that will effectively reduce accelerated soil erosion and resulting sedimentation. A Soil Erosion and Sedimentation Control (SESC) plan is required by the State – and City Ordinance (Chapter 42, Article 7) to be prepared for any earth change which disturbs one or more acres of land, is on a parcel adjacent to public streets, or is within 500 feet of waters of the State as defined by Act 451.

A landowner or designated agent for a commercial or residential development project must submit a plan with their permit application before a SESC permit will be issued. In the application, among other materials, the applicant provides a Timing and Sequence table of all SESC-related activities (temporary and permanent) scheduled to occur for the duration of the project, which may span multiple years.

Per City Ordinance, the Department of Community Development acts as the local Municipal Enforcing Agency (MEA) for projects involving earth changes within the city limits. In this capacity, the Department is tasked with executing the state requirements related to SESC inspections, which are required by the State to occur at regular intervals (monthly) and after significant rain events (greater than ½-inch of rainfall).

The existing SESC permit application fee in Portage (\$50.00) covers the following services:

- Permit application processing,
- Permit application review (review of SESC plan),
- Permit issuance,
- One (1) on-site initial inspection upon installation of SESC measures
- Document retention

In the current fee configuration, the city includes the cost of one (1) initial SESC inspection at project commencement in the \$50 application fee. However, the city does not recover any inspection costs that occur after installation, after significant rain events, throughout the duration of the SESC permit, or the required final inspection to close-out the permit. On an average-sized SESC permit in Portage with a duration of one-year, it is estimated that 12-15 on-site inspections are conducted by staff to ensure state compliance.

Recovering the cost of inspections is a standard practice in area jurisdictions. It is therefore proposed that an incremental fee of \$50 (consistent with the existing fee for additional required inspections) is charged based on the number of required SESC permit inspection(s), which can vary depending upon the scope and duration of the project. Currently, Portage is the only area jurisdiction that does not charge an incremental inspection fee. As such, there is a lack of correlating inspection fees in regard to the size and scope of SESC projects, and the number of inspections required by the state.

Impact: The SESC permit and inspection fees apply to construction activities (commercial, residential, and industrial) that necessitate any earth change which disturbs one or more acres of land, is on a parcel adjacent to public streets, or is within 500 feet of waters of the State as defined by Act 451.

Proposal: Staff proposes accommodating all applicants by continuing to include one (1) initial SESC inspection with the existing \$50 SESC application fee. All subsequent SESC inspections that are required by the state to be performed for the duration of the permit are proposed to be an incremental fee of \$50.

VI. OTHER CONSTRUCTION RELATED PERMIT FEES

The following are two existing building permit fees, that are proposed to be updated for consistency with current hourly professional rates, with which these fees have historically been aligned.

Reinspection Fees (assessed when inspection requested, and work is not completed)

Based on information provided by the Finance Department, the per hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current Reinspection Fee is \$63/hour or a fraction thereof. The proposed Reinspection Fee for 2023 is \$71/hour or a fraction thereof.

Inspections for which no fee is specifically indicated

Based on information provided by the Finance Department, the per hour rate for professional staff increased from \$63/hour in 2017 to \$71/hour in 2022 (13% increase). In keeping with increases to professional staff rates, for which these fees have historically been aligned, an increase is proposed. The current fee for “Inspections for which no fee is specifically indicated” is \$63/hour or a fraction thereof. The proposed fee for 2023 is \$71/hour or a fraction thereof.

OVERALL BUILDING PERMIT FEES

Consistent with standard building code practices, building (construction) valuation fees are calculated by utilizing a permit fee multiplier. The existing fee multiplier for City of Portage building permit fees is derived from the 2003 ICC (International Code Council), and as of the new year the current fee multiplier will be twenty (20) years old. This would have an impact on new square footage (new construction) and alterations in which square footage changes use. Please be advised staff will be reviewing, researching, and proposing an updated multiplier to bring to the Council next year (2024) for consideration.

VII. CONCLUSION / RECOMMENDATION

With the exception of the recommended fees adjustments noted above, no other modifications to the current Department of Community Development fee schedule are proposed at this time. Should you have any questions or comments, I am prepared to further discuss this matter at your convenience.

2023 PORTAGE ZHANG SENIOR CENTER FACILITY FEE RECOMMENDED REVISIONS

ACTIVITY	CURRENT	2023 (PROPOSED)
MEMBERSHIP		
Virtual (Resident & Non Resident)	\$20/year	no changes
Resident Membership (Base Level)	\$30/year	no changes
Non Resident Membership (Base Level)	\$40/year	no changes
Fitness Center Level Resident (+\$30)	\$55/year	\$60/year
Fitness Center Level Non-Resident (+30)	\$65/year	\$70/year
Pickleball Level Resident - (+\$50)	\$80/year	no changes
Pickleball Level Non-Resident - (+\$50)	\$90/year	no changes
Lifetime	\$300 (one-time)	no changes
Replacement Membership Card	\$5	no changes
Non-Member Day Pass	\$5	no changes
 Pickleball Drop In Pass (Non-Member)	 \$7/day	 no changes
Pickleball Drop In Pass (Base Member)	\$5/day	no changes
 RENTAL		
Community Room East (3 Hours – Minimum Rental)	\$300	\$375
Each Additional Hour	\$60	\$75
Maximum Daily Rental (12 hours)	\$800	\$900
Refundable Security Deposit	\$150	\$200
Non-profit Hourly Fee	\$30	\$40
 Community Room West (3 Hours – Minimal Rental)	 \$300	 \$375
Each Additional Hour	\$60	\$75
Maximum Daily Rental (12 hours)	\$800	\$900
Refundable Security Deposit	\$150	\$200
Non-profit Hourly Fee	\$30	\$40
 Conference Room 1 (3 Hours – Minimal Rental)	 \$140	 \$150
Each Additional Hour	\$30	\$40
Maximum Daily Rental (12 hours)	\$260	\$450
Refundable Security Deposit	\$50	\$75

2023 PORTAGE ZHANG SENIOR CENTER FACILITY FEE RECOMMENDED REVISIONS

Non-profit Hourly Fee	\$15	\$20
Conference Room 2 (3 Hours – Minimal Rental)	\$100	\$125
Each Additional Hour	\$25	\$30
Maximum Daily Rental (12 hours)	\$200	\$350
Refundable Security Deposit	\$50	\$75
Non-profit Hourly Fee	\$15	\$20
Meeting Room 1A, 1B, 2A, 2B (3 Hours – Minimal Rental)	\$200	\$250
Each Additional Hour	\$50	\$60
Maximum Daily Rental (12 hours)	\$400	\$700
Refundable Security Deposit	\$100	\$150
Non-profit Hourly Fee	\$20	\$30
Wellness Room (3 Hours – Minimal Rental)	\$200	no change
Each Additional Hour	\$25	no change
Maximum Daily Rental (12 hours)	\$200	no change
Refundable Security Deposit	\$50	no change
Non-profit Hourly Fee	\$15	no change
Lower Level Activity Room (3 Hours – Minimal Rental)	\$275	\$375
Each Additional Hour	\$60	\$75
Maximum Daily Rental (12 hours)	\$800	\$900
Refundable Security Deposit	\$150	\$200
Non-profit Hourly Fee	\$30	\$40
AFTER HOURS ONLY		
Gallery (3 Hours – Minimum Rental)	\$300	\$375
Each Additional Hour	\$60	\$75
Maximum Daily Rental (12 hours)	\$800	\$900
Refundable Security Deposit	\$150	\$200
Non-profit Hourly Fee	\$30	\$40

2023 PORTAGE ZHANG SENIOR CENTER FACILITY FEE RECOMMENDED REVISIONS

Café & Outdoor Area (3 Hours – Minimal Rental)	\$200	\$250
Each Additional Hour	\$50	\$60
Maximum Daily Rental (12 hours)	\$400	\$700
Refundable Security Deposit	\$100	\$150
Non-profit Hourly Fee	\$20	\$40
Courtyard (Flat Fee Option with East, West, or Gallery)	\$300	\$400
Upper Concourse (Flat Fee Option with Gallery of Full Bldg)	\$200	\$300
Lounge (No Charge with East or Gallery Rental)	0	
Equipment Fee (TV/VCR/PA)	\$50	\$75
Weekend Snow Plow Fee	\$75	no change
Digital Sign (No Charge with Rental)	0	no change
Building Lights (No Charge with Rental)	0	no change

Senior Center Facility Fee Schedule

Fee schedules for programs and facilities are reviewed yearly to ensure that programs offered are able to meet public demand in a cost-effective manner and continue to promote the quality of life within the community. A scholarship program, in cooperation with the Friends of the Senior Center, is in place to provide subsidies for qualified residents to ensure program access for most activities.

Minimal changes to the existing Senior Center facility fees are recommended for 2023 as indicated below:

- **Membership Fee:** No changes recommended to Base Membership at this time. It is recommended that the annual Fitness Center membership increase from \$25 to \$30/year to accommodate the necessary staffing and equipment requirements. This new fee would go into effect on January 1, 2023 for any new memberships as well as renewals.
- **Rental Fee:** Rental fees are being recommended to increase to support staffing costs and building expenses. A competitive analysis was conducted of similar rental facilities in the area and staff feel these updated rates are still representative of market value based on the amenities offered.

**CITY OF PORTAGE
RESOLUTION ESTABLISHING FEES FOR BUILDING PERMITS**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan held
on _____, ____ at _____ at the City Hall in the City of Portage,
Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____.

WHEREAS, under the Building Code for the City of Portage, it is necessary for the
Council to establish by resolution fees for permits;

NOW, THEREFORE, BE IT RESOLVED: That the following fees are hereby
established for building permits in the City of Portage:

PERMIT FEES:

(Residential)¹

Total Valuation:	Fee:
Up to \$2,000	Minimum fee of \$50.00
\$2,001 to \$25,000	Minimum fee of \$50.00 or \$31.41 for the first \$2,000 plus \$5.45 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$156.76 for the first \$25,000 plus \$4.02 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$257.26 for the first \$50,000 plus \$2.80 for each additional \$1,000 or fraction thereof, to and including \$100,000

\$100,001 to \$500,000	\$397.26 for the first \$100,000 plus \$2.24 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$1,293.26 for the first \$500,000 plus \$1.89 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,000 and up	\$2,238.26 for the first \$1,000,000 plus \$1.47 for each additional \$1,000 or fraction thereof

(Commercial)¹

Up to \$2,000	Minimum fee of \$65.00 or \$26.82 for the first \$500 plus \$3.49 for each additional \$100 or fraction thereof, to and including \$2,000
\$2,001 to \$25,000	\$79.17 for the first \$2,000 plus \$16.02 for each additional \$1,000 or fraction thereof, to and including \$25,000
\$25,001 to \$50,000	\$447.63 for the first \$25,000 plus \$11.55 for each additional \$1,000 or fraction thereof, to and including \$50,000
\$50,001 to \$100,000	\$736.38 for the first \$50,000 plus \$8.01 for each additional \$1,000 or fraction thereof, to and including \$100,000
\$100,001 to \$500,000	\$1,136.88 for the first \$100,000 plus \$6.41 for each additional \$1,000 or fraction thereof, to and including \$500,000
\$500,001 to \$1,000,000	\$3,700.88 for the first \$500,000 plus \$ 5.44 for each additional \$1,000 or fraction thereof, to and including \$1,000,000
\$1,000,001 and up	\$6,420.88 for the first \$1,000,000 plus 4.18 for each additional \$1,000 or fraction thereof

¹The building permit fee is based upon the Building Valuation Data from the International Code Council.

(Other Construction Related Permits)

Residential Driveway, Curb Cut, and Sidewalk Permits	\$25.00
Commercial Driveway, Curb Cut, and Sidewalk Permits	\$40.00
Irrigation in right-of-way	\$25.00
Swimming Pools	\$55.00
Use of outside consultants for plan checking, inspections, etc.	Actual cost
Application to Construction Board of Appeals (Building, Mechanical, Electrical, Plumbing)	\$105.00
Inspections for which no fee is specifically indicated (1 hour minimum)	\$63.00/hr.
Certificate of Occupancy Fee (for changes in occupancy classification per Building Code when no plan review is required)	\$155.00
Building Plan Review (for commercial projects with a valuation over \$10,000.00)	\$210.00 or .02 per sq. ft., whichever is greater
Reinspection fees assessed (assessed when inspection requested and work not completed - 1 hour minimum).	\$63.00/hr
Inspection outside normal business hours	\$75.00/hr. (1-hr. minimum)
Investigation fee	Whenever work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. The

investigation fee shall be in addition to the permit fee and shall be based upon the staff investigation time required to ensure code compliance, charged at the hourly inspection rate. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

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

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____

Erica Eklov City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, _____, the original of which is in the official proceedings of the City Council.

Erica Eklov, City Clerk

Approved as to form:

Date

12-14-2022

Christopher Kayser
City Attorney

**CITY OF PORTAGE
RESOLUTION FOR COMMUNITY DEVELOPMENT FEES**

Minutes of a regular meeting of the City Council for the City of Portage, Michigan
held on _____, _____ at _____ at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by:

Councilmember: _____, and supported by:

Councilmember: _____

WHEREAS, under the Community Development Fees for the City of Portage, it is necessary for the Council to establish by resolution rates for permits, planning and zoning services, and administrative fees;

NOW, THEREFORE, BE IT RESOLVED: That the following rates are hereby established for community development fees in the City of Portage:

	<u>SERVICE</u>	<u>FEE</u>
1.	Access Management Appeal	\$374 per appeal
2.	Accessory Buildings	\$308 per application
3.	Accessory Use — Keeping of chickens	\$55 per application
4.	Brownfield Redevelopment Plan or Amendment	Variable fee schedule, see below
5.	Brownfield Redevelopment Plan (Kalamazoo County Plan)	\$1,200 per application
6.	Building Height Modification	\$374 per request involving action only by the Planning Commission \$627 per request involving action by the Planning Commission and City Council
7.	Business Special Event	\$121 per application

8.	Collection Box Application	\$110 per application
	• Annual Renewal Fee	\$55 annually
9.	Comprehensive Plan Amendment	\$935 per amendment
10.	Development Plan Scanning	\$33 for first 20 sheets plus \$1/sheet thereafter
11.	Home Occupation Permit - Active	\$170 per permit
12.	Industrial Tax Abatement	2 percent of the total property taxes abated or \$2,040, whichever is less
13.	Land Division	\$170 plus \$11 for each "child" parcel over two
14.	Lot Line Adjustment	\$110 per application
15.	Mural Permit	\$121 per mural application
16.	Noxious Weed abatement	Documented cost of the abatement plus an administrative fee of \$220 per zoning lot
17.	Nuisance Abatement	Documented cost of the abatement, plus an administrative fee of \$385, plus \$71/hour or fraction thereof of staff to complete the abatement
18.	Parking Modification	\$385 per application
19.	Parking Plans	\$187 base fee and \$5 per 500 square feet of parking area
20.	PILOT (Payment in lieu of taxes)	\$847 per application
21.	Planned Development Tentative Plan	\$627 per tentative plan plus the rezoning fee
22.	Commercial Planned Development Concept Plan	\$935 per conceptual plan • \$627 per conceptual plan if processed concurrent with rezoning application • \$253 per conceptual plan if combined with a specific plan and less than 10 acres
23.	Planning and Zoning re-inspection fee	\$71 per hour (1 hour minimum fee)

24.	Public Utility Plan	\$286 for one utility \$396 for more than one utility \$55 per easement document (review/record fee)
25.	Sign Permits	\$121 per permanent freestanding sign application \$121 per permanent wall sign application \$60 per temporary or directional sign application \$60 per permanent freestanding or wall sign application for sign panel change to existing sign, where no structural sign modifications are proposed
26.	Single-family Condominium - Preliminary Approval	\$500 plus \$25 per lot
27.	Single-family Condominium - Final Preliminary Approval	\$748 plus \$25 per lot
28.	Single-family Condominium - Final Approval	\$748 plus \$44 per lot
29.	Single-family Plat — Preliminary Approval	\$440 plus \$22 per lot
30.	Single-family Plat - Final Preliminary Approval	\$660 plus \$22 per lot
31.	Single-family Plat - Final Approval	\$660 plus \$38 per lot
32.	Small On-site Wind Energy Systems	\$143 per application
33.	Special Land Use Permit	\$253 per group child care home application \$374 for all others
34.	Special meeting of the Planning Commission or Zoning Board of Appeals	\$253 per request
35.	Street Vacation or Land Sale	\$935 per application
36.	Zoning Amendment	Map - \$1,243 for the first acre; then \$88 for each additional acre or fraction thereof Text - \$935 per amendment

37. Zoning Board of Appeals \$154 for all one-family residential uses
\$374 for all others
38. Zoning Compliance Review \$55 per general zoning review/day care
license
\$110 per lot line adjustment
\$170 for state license zoning
review/annual renewals
39. Site Plan Review Variable base fee plus unit/square
footage charges as follows:

<u>Use</u> ¹	<u>Zoning Classification</u>	<u>Fee</u> ^{2 3}
Multiple Family	R-1T; RM-1; RM-2	\$440 + \$12/dwelling unit
Planned Development	PD	\$440 + \$12/dwelling unit \$407 + \$6/100 sq. ft. gross floor area (commercial) exclusive of basement space \$495 + \$6/500 sq. ft. gross floor area (industrial) exclusive of basement space
Mobile Home Community	MHC	\$440 + \$12/Mobile Home Unit
Commercial	OS-1; OTR; B-1; B-2; B-3; CPD; CCA; CCMU	\$407 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Institutional	R-1A through R-1D; R-1T RM-1; RM-2; PD	\$440 + \$6/100 sq. ft. of gross floor area, exclusive of basement space.
Industrial	1-1; I-2; OTR;	\$500 + \$6/500 sq. ft. of gross floor area, exclusive of basement space.
Recreational (golf courses and other open space type recreational uses)	R-1A through R-1D; PD	\$466 + \$12/acre over 3 acre

¹ Use is defined as the principal purpose for which land or building is arranged, designed or intended, or for which land or a building is or may be occupied.

* Additions to existing structures up to 50% of the existing floor area within previously approved site plans or site plans involving phased developments (after initial phase) are to be charged at a rate one-half that of the applicable site plan review fee. Dwelling unit, square footage and/or acreage charges will remain unchanged.

³ Re-approval of a site plan shall be charged at one-half the applicable site plan review fee if application is made within 18 months of the previous City Council, Planning Commission or City Administration approval.

Brownfield Redevelopment Plan or Amendment Fees

A. Application Fee

The amount of the application fee shall comprise 0.1% of the total anticipated capital investment, up to a maximum fee of \$10,000

- *For example, the application fee for a project requesting tax increment financing for a \$5,000,000 development project would be \$5,000.*

B. Legal Fees

Legal fees related to a brownfield application submittal to the City are covered by the application fee and administrative fee. For any additional legal support provided by the City or Authority related to a brownfield application submission to the State of Michigan, the applicant will be billed directly by the City's legal counsel. All invoices must be paid in full before a letter of support or testimony will be provided to the Michigan Strategic Fund and/or the Department of Environment, Great Lakes, and Energy.

C. Fees for Assignments

If the Developer requests an assignment of its rights and interest in the tax increment revenues generated by the project, the following fees will apply:

- \$1,200 if the assignment is to a lending institution
- \$3,000 if the entire project is being assigned to a new entity

D. Other Fees

1. The applicant must agree to pay any fees incurred by the Brownfield Redevelopment Authority from a participating lending institution
2. \$1,200 fee for the assignment of an agreement, or an amendment to an existing agreement or plan.

AYES: Councilmember _____

NAYS: Councilmember _____

ABSENT: Councilmember _____

EFFECTIVE DATE: _____

_____, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of this resolution adopted at a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan held on _____, _____, the original of which is in the official proceedings of the City Council.

_____, City Clerk

Approved as to form:

Date: 12/14/2022
Deborah Kaufman
City Attorney

RESOLUTION
CITY OF PORTAGE, MICHIGAN
RESOLUTION REGARDING EXPENSE OF EMERGENCY RESPONSE
AMENDED

Minutes of a regular meeting of the City Council for the City of Portage,
Michigan, held on _____ at _____ at City Hall in the City of
Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by Councilmember _____ and
supported by Councilmember _____.

WHEREAS, Council has adopted and passed Article 2, Section 78-66, Recovery
of Expense of Emergency Response, to the Code of Ordinances of the City of Portage;
and

WHEREAS, Council has determined that there is a greater operational burden
placed upon the City Police, Public Services, Firefighting, and rescue services by persons
who are operating a motor vehicle under the influence of alcoholic beverages or a
controlled substance; and

WHEREAS, city staff has determined the direct and reasonable costs incurred by
the City in providing police, firefighting, rescue and emergency medical services at the
scene of an incident resulting from persons operating a motor vehicle under the influence
of alcoholic beverages or a controlled substance and requiring appropriate emergency
response; and

WHEREAS, Council has reviewed the data compiled by administration; and

WHEREAS, Council recognizes that salaries and benefits have increased since this resolution was originally adopted; and

WHEREAS, Council determines that the schedule of costs constitutes a rational itemization of the direct and reasonable costs incurred by the city as the expense of any emergency response as amended; and

NOW, THEREFORE, be it resolved that the schedule of costs included within the Expense of an Emergency Response pursuant to Section 78-66 are amended as follows:

I. PERSONNEL COSTS*

<u>Police Personnel</u>	<u>Per Minute Charge</u>
Patrol Officer	\$.64
Sergeant	\$1.15
Lieutenant	\$1.31
Police Officer/Breathalyzer Operator	\$.64
 <u>Fire Personnel</u>	
On-call firefighter	\$0.26
Firefighter	\$0.50
Captain	\$0.76
Battalion Chief	\$0.90

* Per minute charges including salary and fringe benefits.

II. EQUIPMENT AND MISCELLANEOUS COSTS

	<u>Per Minute Charge</u>
Fire Equipment	\$1.07
Third Party Providers***	as charged per incident***
Blood, urine or breath analysis	as charged per incident***
Rescue services, including ambulance and emergency medical services	as charged per incident***
Any other services performed in connection with an emergency response	as charged per incident***

***Expense of an emergency response under this category shall include all costs billed to the City by non-City entities for services provided as a result of an emergency response.

RESOLUTION ADOPTED:

YEAS:

NAYS:

ABSENT:

City Clerk

APPROVED AS TO FORM

DATE

12-14-2022

Catherine Kaufman

CITY ATTORNEY

**CITY OF PORTAGE
SPECIAL ASSESSMENT RATE
RESOLUTION**

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 _____, 2023 at 7:00 p.m., local time.

PRESENT:

ABSENT:

The following resolution was offered by:

Councilmember: _____, and seconded by:

Councilmember: _____.

WHEREAS, the Portage Charter gives Council the power to make public improvements within the City; and

WHEREAS, MCL 117.4(d) AND Chapter 62 of the Portage City Charter also empower Council to defray the cost of public improvements "which are of such a nature as to benefit especially any property or properties within a district" by special assessment upon such property in proportion to the benefit derived or to be derived; and

WHEREAS, Council is of the opinion that it is fair and equitable to special assess for certain public improvements which specially benefit properties; and

WHEREAS, such special assessment process allows for the continued expansion and preservation of the infrastructure, to the benefit of the residents; and

WHEREAS, Council adopted a "Special Assessment Policy Resolution" as amended at the regular meeting of said Council on the 21st day of May, 1991; and

WHEREAS, said Policies provide for adoption of Special Assessment rates by resolution of Council to maintain a cost sharing balance between abutting property owners and the City at large; and

WHEREAS, increased construction costs make it appropriate to amend the existing special assessment rates to maintain the cost sharing balance between abutting property owners and the City at large.

NOW, THEREFORE BE IT RESOVLED THAT:

1. The City of Portage adopt the special assessment rate as indicated on Attachment "A", attached hereto and incorporated herein, with said rates to become effective for any special assessment district initiated after January 1, 2023 and to remain in effect until modified by subsequent resolution of Council.
2. The City of Portage utilize the special assessment rates as indicated on Attachment "A", with said rates to become effective after January 1, 2023 for connection to any water or sanitary sewer extension district (unassessed water or sanitary sewer main). The fee for connection to an unassessed water main shall consist of the current charge for the water lead (from the water main to the curb shut off), the water meter charge, and the front footage charge based on current special assessment rates. The meter charge must be paid in full at the time of issuance of the water permit but the front footage and water lead charges may be spread over twenty years. The fee for an up-sized water lead shall consist of the difference in cost between the 1 ¼ inch service assessed and the selected size current rate at the time of connection.
3. The fee for connection to an unassessed sanitary sewer main shall consist of the current "trunk and branch" fee, a sewer meter charge (if the structure is not

connected to public water), the street lead charge (service line from the sanitary sewer main to the property line), and the front footage charge based on the current special assessment rates for unassessed sewers. The sewer trunk and branch fee, and sewer meter charge (when applicable) must be paid in full at the time of issuance of the sewer use permit but the front footage and the street lead charges may be spread over twenty years.

4. 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

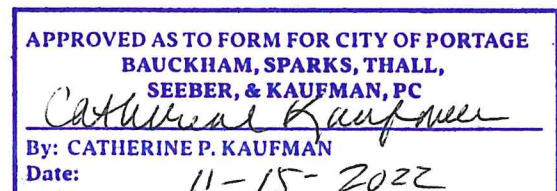
CERTIFICATION

STATE OF MICHIGAN)
) ss
COUNTY OF KALAMAZOO)

I, the undersigned, the duly qualified and acting City Clerk of the City of Portage, County of Kalamazoo, State of Michigan, do hereby certify that the foregoing is a true and complete copy a resolution adopted a regular meeting of the City Council of said city, held on the ____ day of _____, 2023, the original of which is on file in my office.

IN WITNESS THEREOF, I have hereto affixed my official signature this ____ day of _____, 2023.

Erica Eklov, City Clerk



Attachment "A"
SPECIAL ASSESSMENT RATES 2023

	Residential			Commercial/Industrial		
	2022	2023	% Change	2022	2023	% Change
Water	\$41.93	\$93.97	124.11%	\$54.77	\$122.75	124.12%
Sewer	\$47.33	\$81.07	71.29%	\$51.35	\$87.95	71.28%
Unassessed Sewer*	\$84.27	\$144.35	71.29%	\$103.17	\$176.72	71.29%
Petitioned Street Reconstruction with Curb & Gutter (including new storm sewer)	\$100.16	\$153.89	53.64%	\$110.51	\$170.74	54.50%
Petitioned Street Reconstruction with Curb & Gutter (existing adequate storm sewer)	\$73.21	\$112.46	53.61%	\$78.91	\$119.75	51.76%
Petitioned Curb and Gutter (including new storm sewer done in conjunction with either street reconstruction or sanitary sewer installation)	\$54.96	\$87.31	58.86%	\$60.01	\$96.87	61.42%
Petitioned Street Reconstruction	\$40.39	\$72.38	79.20%	\$46.58	\$79.67	71.04%
Petitioned Storm Sewer (done separate from street reconstruction)	\$34.70	\$74.86	115.73%	\$37.89	\$81.47	115.02%
Sidewalk	\$36.96	\$45.13	22.10%	\$42.43	\$52.80	24.44%
Drive Approach - Concrete	\$1,527.75	\$1,883.41	23.28%	\$1,527.75	\$1,883.41	23.28%
Sewer Lead	\$1,765.00	\$3,549.34	101.10%	\$1,765.00	\$3,549.34	101.10%
3/4-in. Water Service	\$984.00	\$2,310.43	134.80%	\$984.00	\$2,310.43	134.80%
1-in. Water Service	\$1,160.00	\$2,723.68	134.80%	\$1,160.00	\$2,723.68	134.80%
1 1/4-in. Water Service	\$1,231.18	\$2,890.75	134.80%	\$1,231.18	\$2,890.75	134.80%

* This rate will apply to sewer extension districts initiated prior to 11-7-06.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Bishop's Bog Floating Boardwalk - Sole Source Purchase

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works

ACTION RECOMMENDED: Approve the sole-source purchase of floating boardwalk materials for Bishop's Bog from Aggressive Industries of Minneapolis, MN, in the amount of \$997,104, and authorize the City Manager to execute all documents related to this action on behalf of the city.

The existing floating boardwalk in Bishop's Bog has deteriorated to the point that the boardwalk no longer floats. During the summer of 2020, the boardwalk was closed to trail users because the boardwalk was underwater and was considered a safety hazard to park users. To regain the use of the floating boardwalk in Bishop's Bog and to match the newly installed 400 feet of north/south floating boardwalk, a Capital Improvement Program (CIP) project to remove and replace 3,400 feet of the boardwalk was prepared. The new boardwalk would be constructed so that it would match the newly installed boardwalk.

Aggressive Industries of Minneapolis, MN is the sole-source manufacturer of the floating boardwalk system and materials. The city requested a quote from Aggressive Industries for the production and delivery of the materials needed to replace 3,400 feet of the failed boardwalk. Aggressive Industries submitted a quote in the amount of \$997,104. Following production and delivery of the materials to Portage, the city would hire a contractor to perform the work to remove the failed boardwalk and install the new materials. Pending City Council approval, the new boardwalk is estimated to be open for public use in July 2023.

Previous City Council action related to the Bishop's Bog boardwalk occurred in April 2021. At that time, City Council approved a sole-source \$100,000 bid from Aggressive Industries to replace and rebuild the above-referenced 400 feet of floating boardwalk. The 400 feet was underwater and a safety hazard to park guests, resulting in the closure of the trail. Additional closures are anticipated if the remaining boardwalk is not replaced.

It is recommended that Council approve the sole source purchase of floating boardwalk materials for Bishop's Bog from Aggressive Industries of Minneapolis, MN, in the amount of \$997,104, and authorize the City Manager to execute all documents related to this action on behalf of the city. This project was approved as part of the FY 21-22 CIP.



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

Attachments: 1. Aggressive Industries. Bishops Bog Extension



SuperDeck Systems

A Division of Aggressive Industries Inc.

8365 Sunset Rd NE
Minneapolis, MN. 55432

www.SuperDeckSystems.com

FLOATING BOARDWALK

BISHOPS BOG - PORTAGE, MICHIGAN

9018 S. WESTNEDGE AVE

PORTAGE, MI 49024

DATE: 10/7/2022

RAY WAURIO

Project Description

5' x 3,372' + FLOATING TRAIL

DETAILS

CUSTOM PROJECT - BISHOPS BOG & ELIASON CONNECTION

\$ 997,104.00

60" FLOATING TRAIL -3000+ FEET

TAN

CURBING

BUMPOUTS

PIPE BRACKETS

HARDWARE PACKAGE

CUSTOM DRAWING AND ENGINEERING

PACKAGING AND FREIGHT

PAYMENT TERMS

50% AT ORDER \$ 498,552.00
50% UPON FINAL INVOICE \$ 498,552.00

ESTIMATED QUOTE

ADJUSTMENTS MAY BE NECESSARY OR EXTRA PRODUCT MAY BE DISTRIBUTED

CONTACT

ELLIE FULTON

EFULTON@AGGRESSIVEINDUSTRIES.COM

OFFICE: 763-795-4041

CELL: 612-384-5277

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Bishop's Bog Floating Boardwalk - Installation

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works

ACTION RECOMMENDED: Award a contract in the amount of \$420,000 to TJM Services for the installation of floating boardwalk materials for Bishop's Bog and authorize the City Manager to execute all documents related to this action on behalf of the city.

The existing floating boardwalk in Bishop's Bog has deteriorated to the point that the boardwalk no longer floats. During the summer of 2020, the boardwalk was closed to trail users because the boardwalk was underwater and was considered a safety hazard to park users. To regain the use of the floating boardwalk in Bishop's Bog and to match the newly installed 400 feet of north/south floating boardwalk, a Capital Improvement Program (CIP) project to remove and replace 3,400 feet of boardwalk was prepared. The proposed boardwalk will be installed so that it would match the newly installed boardwalk.

Invitations to bid were published in the Kalamazoo Gazette, the City of Portage's social media (Twitter and LinkedIn), as well as BidNet where it was matched with 84 vendors who provide similar construction services. Additionally, 15 local vendors were also notified of this project. Three bids were received with the lowest bid of \$420,000 submitted by TJM Services of Allegan, Michigan. TJM Services has successfully completed a previous floating boardwalk construction project for the city in 2021.

Therefore, it is recommended that a contract be awarded to TJM Services in the amount of \$420,000 for the installation of floating boardwalk materials for Bishop's Bog and authorize the City Manager to execute all documents related to this action on behalf of the city.

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

Attachments: 1. Bishop's Bog - Bid Tabulation

**2022 RFB BISHOP'S BOG FLOATING BOARDWALK PHASE II
REMOVAL AND INSTALLATION SERVICES
BID TABULATION**

BID OPENING ON DECEMBER 2, 2022 AT 3 PM

TJM Services	\$	420,000.00
2745 Alyssa Lane		
Allegan, MI 49010		

H&H Property Maintenance	\$	449,800.00
PO Box 117		
Mattawan, MI 49071		

Balkema Construction, Inc.	\$	611,300.00
3610 Hoover St		
Kalamazoo, MI 49008		

Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Cable Access Professional Services Contract with Overneath Creative

SUPPORTING PERSONNEL: Devin Mackinder, Director of Technology Services

ACTION RECOMMENDED: Approve a multiple-year contract of two base years and three option years with Overneath Creative for the continuation of professional cablecast, live stream and videography operations in the two-year amount of \$192,210 and authorize the City Manager to execute all documents related to this action on behalf of the City.

In September of this year, ImageStream informed the city of their intention not to renew the Cable Access Cablecast, Live Stream and Videography Operations Contract. Subsequently, ImageStream and the city agreed to extend the Contract for a period of up to six months with the latest possible expiration date of April 20, 2023, in order to allow the city time to secure and train a new service provider. ImageStream has agreed to assist with the transition process.

In October of this year, the city posted the “Request for Proposal for Cablecast, Live Stream and Videography Operations.” Two local companies, Overneath Creative and Absolute Video, submitted proposals. The Overneath Creative proposal provides the lowest cost option for the continuation of all Cable Access operations currently provided by ImageStream. Overneath Creative has provided audio/video, streaming, videography and event operations for local companies including Comstock Community Auditorium, Western Michigan University, Kellogg Company and Bronson Healthcare.

Service Provider	Annual Contract Cost	Total Contract Cost
Overneath Creative	\$99,605	\$192,210
Absolute Video	\$163,500	\$327,000

The transition process would continue through the month of January 2023, allowing Overneath Creative the opportunity to cover at least four live meetings, and become familiar with all Cable Access systems and required processes and policies. Overneath Creative will train no fewer than three of their employees for backup purposes.

It is recommended that City Council approve a multiple-year contract of two base years and three option years with Overneath Creative for the continuation of professional cablecast, live stream and videography operations in the two-year amount of \$192,210 and authorize the City Manager to execute all documents related to this action on behalf of the City.

FUNDING: Funds are budgeted and available in the Fiscal Year 2022-23 Cable Access Fund for this purpose.

Attachments: 1. 2022 RFP Cablecast, Live Stream And Videography Operations_Tabulation

2022 RFP CABLECAST, LIVE STREAM AND VIDEOGRAPHY OPERATIONS

VIDEOGRAPHY SERVICES

PROPOSAL TABULATION

PROPOSAL OPENING ON NOVEMBER 15, 2022 AT 3 PM

Overneath Creative Collective LLC,

DBA Overenath Creative

4000 Portage St. Suite GL2

Kalamazoo, MI 49001

\$ 99,400.00

Absolute Video

951 W. Milham Ave

Portage, MI 49024

\$ 163,500.00

Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Portage Road Residential Planned Development Professional Engineering Services
Tabulation of Proposals

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract to Wightman & Associates, Incorporated, of Kalamazoo, Michigan in the amount not to exceed \$118,450 to perform design engineering services for the Portage Road Residential Planned Development and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The Fiscal Year 2022–2023 Capital Improvement Program budget includes funding for the infrastructure improvements for attainable housing. The W.E. Upjohn Institute for Employment Research has determined that the region is short more than 7,000 homes. One of the greatest housing needs is attainable housing. On July 27, 2021, City Council approved the purchase of 14 acres located at 9617 Portage Road for the development of attainable housing. The residential planned development will be constructed in multiple phases, but the entire development will be designed for sanitary sewer, water main, storm sewer, curb and gutter, sidewalk and roadway construction. The first phase of the project is planned for construction in late 2023. The preliminary conceptual site plan developed for this site includes 44 town homes and 34 single family homes for a total of 78 units. The engineering consultant will work with the selected developer on a layout for the public infrastructure.

On December 13, 2022, three proposals were received for design engineering services for the Portage Road Residential Planned Development project. Based upon review of the proposals, staff has determined that the proposal of Wightman & Associates, Incorporated, of Kalamazoo, Michigan best fits the needs of the project. Wightman & Associates, Incorporated 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 Wightman & Associates, Incorporated to perform design engineering services for the Portage Road Residential Planned Development in the amount not to exceed \$118,450 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funding exists in the FY 2022-2023 Capital Improvement Program budget.

Attachments: 1. Proposal Tabulation 2022 RFP PES Portage Road Residential Planned Development

2022 RFP PORTAGE ROAD RESIDENTIAL PLANNED DEVELOPMENT
PROFESSIONAL ENGINEERING SERVICES
PROPOSAL TABULATION
PROPOSAL OPENING ON DECEMBER 13, 2022 AT 3 PM

Wightman & Associates, Inc. 433 E. Ransom St. Kalamazoo, MI 49007	\$	118,450.00
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Land & Resource Engineering (LRE) 2121 3 Mile Road Walker, MI 49544	\$	119,900.00
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Value Engineering LLC 1031 N Washington Ave. Lansing, MI 48906	\$	517,704.29
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Opened by:  _____
Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Resolution for Use of Purchasing Cards and City of Portage Purchasing Card Use Policy

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Adopt the Resolution for Use of Purchasing Cards and City of Portage Purchasing Card Use Policy.

Public Act 266 of 1996 authorizes and regulates the use of credit cards by local units of government. Under the Act, the governing body must adopt by resolution a written policy that addresses the various stipulations within the act.

In January 2015, the City Council approved the use of a credit card by the Senior Center Travel Program and later approved the use of a credit card by the Finance Department in November 2017. Several city departments frequently request access to a credit card to make payments to vendors that only accept credit cards. Currently, one credit card is used by the entire city and is housed in the Finance Department. In order for departments to use the Finance Department's credit card, employees are required to contact the Finance Department every time the credit card information is needed for payment. This has become a burden on both the department requesting use of the card and the Finance Department, as calls to utilize the credit card are sometimes received multiple times per day. To alleviate this burden and streamline the purchase process by departments, the City Administration recommends approval of a purchasing card program to make payments to vendors that accept payment by credit card. Additionally, the purchasing cards will minimize the use of smaller dollar purchases normally made via petty cash.

The attached resolution and policy for the new purchasing card program has been prepared by the City Manager's Office and the Finance Department using consultation by PNC Bank, the provider of the purchasing cards. The anticipated credit limit on most purchasing cards will be \$5,000, adjusted if necessary as determined by the Finance Director. The purchasing card for the Police Department Training Sergeant is expected to be \$10,000, due to public safety training volume. The city expects to issue approximately 30 purchasing cards across all departments.

Therefore, it is recommended that City Council adopt the Resolution for Use of Purchasing Cards to allow the use of purchasing cards assigned to individual employees across all departments in the City of Portage as part of the City of Portage Purchasing Card Program, and adopt the City of Portage Purchasing Card Use Policy in accordance with Public Act 266 of 1966.

FUNDING: N/A

Attachments: 1. City of Portage Purchasing Card Policy

2. City of Portage Purchasing Card Resolution
3. City of Portage Employee Usage Agreement

City of Portage Purchasing Card Use Policy

Program Overview

The City of Portage purchasing card program has been designed to greatly minimize using petty cash for small dollar purchases, provide greater access to local retail stores that currently refuse purchase orders, and offer convenience for training and dues payments as well as making online purchases.

Background

The purchasing card program is designed to reduce the time needed and broaden the options for City departments to make small dollar purchases. The purchasing card is another means for delegating the authority and capability to departments for making routine purchases necessary for day-to-day operations.

Purchasing Card Controls

You are responsible for the purchases you make and maintaining control over your purchasing card. The card also has both internal and management controls. Reports are available after a purchase is made to assist in monitoring and auditing purchasing activity. The guidelines in this policy and procedure document must be followed to comply with commonly accepted and City-required purchasing rules.

The card is a tool you are to use responsibly for making the purchases necessary for City operations. The City will seek restitution for any inappropriate charges made to the card. Fraudulent or intentional misuse of the card will result in disciplinary actions and criminal charges.

Each Department Director must designate one or more employee(s) who is responsible for reviewing and approving purchases made using the purchasing card. The purchasing cardholder's direct supervisor is typically the best person to designate for reviewing those purchases. Purchases made by a Department Director must be reviewed by the Finance Department.

Obtaining A Card

A purchasing card may be obtained through the Finance Department. A REQUEST FOR PURCHASING CARD FORM may be obtained from the Finance Department intranet page. Complete the form, have your Department Director approve and return it to the Finance Department.

Your card will be sent to the Finance Department by PNC Bank, the credit card provider. You will be required to attend a brief training session and complete the City of Portage Purchasing Card Employee Usage Agreement prior to receiving the card.

The City of Portage Purchasing Card Program Administrator is the Finance Director.

Guidelines for Card Use

The City of Portage Purchasing Card can be used at any VISA merchant provided the merchant category has not been blocked.

Each individual purchasing card transaction must not exceed \$3,999.99 (including shipping and other related charges). Transactions at \$4,000 and greater will be denied at the point of sale. When Federal grant funding regulations have more stringent requirements for small purchases, those requirements take precedence over this policy. It is **not** permissible to make multiple charges on the same day from the same merchant or multiple merchants in order to avoid the use of a purchase order.

All purchases must be made in compliance with the City's purchasing policies:

- The purchasing card may be used only for the purchase of goods and services for the official business of the City.
- Use of the card for personal purchases is strictly prohibited.
- Purchases may not be made from a City employee or a company owned by a City employee.
- Unencumbered funding must be available in the Department's budget to pay for the purchase. It will be the cardholder's responsibility to ensure there is adequate funding available.

Each card will have a monthly spending limit. All monthly limits are subject to final approval by the Finance Department. If you find a need to have your monthly limit raised a CREDIT LIMIT INCREASE REQUEST FORM (available on the Finance Department intranet page) should be used, which will include a robust justification for the credit limit increase, signed by the Department Director, and sent to the Finance Department.

The purchasing card may be used to purchase:

- Goods and services used for official City business
- Memberships to pre-approved work-related professional organizations
- Registrations for pre-approved work-related conferences and training events
- Airline tickets for pre-approved official City business
- Pre-approved accommodations for work related conferences and training events
- Gas when using a City vehicle and out of range of City owned gas pumps

The following items are strictly prohibited from being purchased on the card:

- Alcohol
- Cash advances, traveler checks, wire transfers, money orders or similar devices
- Drugs/narcotics (controlled or other)
- Personal purchases
- Gas while driving personal vehicle

This is not an all-inclusive list, and the cardholder is expected to use their judgment. Merchant or electronic authorization of a purchase does not constitute City approval of the purchase.

Only the authorized cardholder may use the card. Delegation of authority is not permitted. Merchants may require that the signature on the card match the signature on the receipt.

General Cardholder Instructions

Your purchasing card may be used for phone-in orders, Internet orders and pick-up or counter orders and can be used with any merchant who accepts VISA.

You are responsible for retaining receipts slips, etc. for all your purchases. Receipts should be itemized whenever possible. When placing an order over the phone, please remind the merchant that the **CITY OF PORTAGE IS TAX EXEMPT** and to provide an itemized receipt.

Maintain a file of all current receipts so that they may be forwarded to Finance at the close of the statement period. This process is described further in Statement Reconciliation found below.

All Internet purchases should be made from secure shopping sites. If you question the security of the shopping site, please contact Technology Services for their assessment of the site. You may have to register as a tax-exempt agency through the Internet business site to ensure sales taxes are not paid. Since sales taxes are difficult to dispute, it is important to take the steps needed to prove the City is tax-exempt. Many sites provide an option for printing an invoice. If it does not, you should "click" the print icon on the internet browser window to print the screen showing the detail and confirmation number for your purchase. Retain these documents for attaching to your statement reconciliation.

You will be responsible for ensuring receipt of materials as well as any follow-up efforts required to resolve delivery problems, discrepancies, damaged goods, billing problems or returns.

If you wish to dispute a charge on your monthly statement, please complete the PNC Billing Inquiry Form located on the Finance Department intranet page and send it to the Finance Department. If purchased items or credits are not listed on the monthly statement, the appropriate transaction documentation should be retained by the cardholder until the next monthly statement

If the purchase or credit does not appear on the statement within 30 days after the date of purchase, the cardholder should notify the Finance Department.

The card should be kept in a locked place in the cardholder's department. In the event the card needs to be taken off site, a Purchasing Card Sign Out Sheet, available on the Finance Department intranet page, is required to ensure the card is kept onsite during non-business hours.

Statement Reconciliation

Purchasing card transactions must be reviewed and approved by the designated supervisor using PNC ActivePay website. All cardholders will obtain a log-in to ActivePay. A cardholder statement documenting all purchasing card transactions must be obtained via

<https://www.pncactivepay.com/welcome.aspx?ReturnUrl=%2fstartup.aspx>. A cardholder statement should be generated at least monthly for reconciliation purposes.

After generating the cardholder statement, match your original itemized receipts to the transactions on the statement. If you do not have a receipt, complete a MISSING RECEIPT FORM, available on the Finance Department intranet page. After three missing receipts, your purchasing card credit line will be frozen. Departments will need to consult with their Deputy City Manager and the Finance Director to resolve.

After the receipts and the statement have been reconciled, scan and attach the receipts to the PNC ActivePay Statement. Once this is completed, your department head must review and sign off in ActivePay.

A filing system should be devised that will allow for easy access to these records should Finance Department request back-up documentation on a particular transaction or group of transactions. Failure to produce adequate and/or timely documentation may result in a suspension of your credit line or automatic revocation of your card.

Payment of Credit Card Statements

At the close of the monthly billing period, as established by PNC Bank, the Accounting/Payables Supervisor will generate and review statements for all city purchasing cards. Payment will be automatically withdrawn from the City's bank account; therefore, timely reconciliation is imperative.

Audits

The City of Portage Finance Department may conduct periodic audits of each cardholder's transaction file and monthly statements. The Finance Department will have access to the electronic and other City financial data. Additionally, the Accounting/Payables Supervisor will be reviewing the daily transaction activity reports to ensure that cardholders are adhering to the City of Portage, VISA, and PNC Bank policies and procedures.

Lost or Stolen Cards

If your VISA is lost or stolen, you must immediately notify PNC Bank by phone at **1(800) 685-4039**. You must also notify the City of Portage Finance Director and your Deputy City Manager in writing. Your memo should include the date you first noticed your card was missing, the date you notified PNC Bank, as well as the name of the customer service representative with whom you spoke. Your old card will be automatically suspended, and a new card will be sent to the Finance Department.

The Finance Department will notify you when your new card arrives.

PNC Bank: **1(800) 685-4039** (24 hours A Day)
City of Portage Finance Department: **(269) 329-4534**

Card Expiration and Employment Termination

All cards will be issued with a two-year expiration from the date of issue. You should receive a new card prior to the expiration date of your old one. Please be sure to shred your old card before disposing. If you do not receive a new card prior to the expiration date, please contact the Finance Department.

Upon termination of your City of Portage employment, you will be required to return your card and any outstanding receipts or documentation to your Department Head, as all cards and related transaction documentation is city property. Please cut the card in half and return it to the Finance Department. Employees who leave one department to work in another, must consult with the Finance Department to determine if a new purchasing card should be obtained.

**CITY OF PORTAGE
RESOLUTION FOR USE OF PURCHASING CARDS**

Minutes of a regular meeting of the Council for the City of Portage, Michigan, held on _____, 2022 at 7:00 p.m. local time at the City Hall in the City of Portage, Michigan.

PRESENT: _____

ABSENT: _____

The following resolution was offered by

Councilmember: _____, and supported by Councilmember: _____.

WHEREAS, the City of Portage passed a Resolution for the Use Of Credit Cards on January 6, 2015 specifically allowing credit card use for the Portage Senior Center Travel Program.

WHEREAS, the City of Portage also passed an Amended Resolution for Use of Credit Cards on November 21, 2017 to allow the use of a second credit card assigned to the Finance Department.

WHEREAS, the City of Portage now desires to set forth procedures for the use and control of purchasing credit cards that will be assigned to and utilized by select City departments and personnel to purchase goods and services on behalf of the City;

WHEREAS, Public Act 266 of 1996 (the "Act-") authorizes the use of credit card transactions by City officers and employees of local units of governments;

WHEREAS, the Act provides that the city shall not be a party to a credit card arrangement unless the City Council adopts by resolution a written policy providing for the requirements contained in the Act; and

WHEREAS the City Council determines that adoption of a policy for the regulations of credit card use by the City officers and employees will enhance the efficiency and accountability of City transactions;

NOW, THEREFORE, BE IT RESOLVED, with regard to the use of purchasing cards for

City purchases:

1. That the "City of Portage Purchase Card Use Policy ("Policy") which is incorporated herein and attached as Exhibit "A", concerning the regulation and use of credit cards by the Finance Department, is hereby approved and adopted.

2. That the Policy contains all provisions required by the Act.

3. That any amendment to the Policy must be submitted to Council for review and approval.

4. That the credit cards authorized for issuance pursuant to the Policy is for the use of the City officers and employees for payment of authorized and approved expenditures for office and operating supplies, building and grounds maintenance, equipment and vehicle maintenance, engineering and consulting services, certifications and memberships, advertising, employee testing and training, insurance and health services, communication, and technology support.

IT IS FURTHER RESOLVED that all resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded.

ADOPTED: YEAS: _____

NAYS: _____

ABSENT: _____

Erica Eklov, City Clerk

CERTIFICATION

I, Erica Eklov, do hereby certify that I am duly appointed and acting City Clerk of the City of Portage, Michigan, and that the foregoing resolution was adopted by the City of Portage on the ____ day of _____, 2022.

Approved as to form:

Date: 12/13/2022
Catherine Kierman

City Attorney



Employee Usage Agreement

Your participation in the Visa Purchasing Program is a convenience that carries responsibilities. Although the card is issued in your name, it should be considered company property and should be used with good judgement. Your signature below verifies that you understand the Visa Purchasing Program guidelines outlined below and agree to comply with them.

- 1 The Visa Purchasing Card is provided to employees based on their need to purchase business-related goods and services. A card may be revoked at any time based on change of assignment or location. The card is not an entitlement nor reflective of title or position.
- 2 The card is for business-related purchases only; personal charges are not to be made to the card.
- 3 You are the only person entitled to use the card and are responsible for all charges made against the card.
- 4 Improper use of the card can be considered misappropriation of company funds which may result in disciplinary action, up to and including termination.
- 5 All charges are billed directly to and paid directly by the company. Any personal charges on the card could be considered misappropriation of company funds since the cardholder can not pay the bank directly.
- 6 Cardholders are expected to comply with internal control procedures in order to protect company assets. This includes keeping receipts, reconciling Visa Purchasing monthly memo statements and following proper card security measures.
- 7 Cardholders are responsible for reconciling their Visa Purchasing monthly memo statement and resolving any discrepancies by contacting the supplier first and then the bank.
- 8 A lost or stolen card should be reported immediately by telephone to PNC Bank Customer Service at 1(800) 685-4039.
- 9 A cardholder must surrender the card upon termination of employment (i.e. retirement or voluntary/involuntary termination). At this point, no further use of the account is authorized.

Cardholder Signature

Program Administrator Signature

Cardholder printed or typed name

Program Administrator printed or typed name

Date

Date

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Committee of the Whole Meeting - Farmers Market

SUPPORTING PERSONNEL: Kathleen Hoyle, Director of Parks & Recreation

ACTION RECOMMENDED: Set a Committee of Whole Meeting on January 24, 2023, at 6:00 p.m. to review and discuss potential locations and expansion/enhancement of the Portage Farmers Market.

The Portage Farmers Market has been successful and is outgrowing its current location in the City Hall parking lot. A Committee of the Whole Meeting is requested to review and discuss potential alternate locations and possibilities for expansion and enhancement of the market.

Attendance at the Portage Farmers Market during the 2022 season totaled 28,880 visits as compared to 24,794 in 2021.

Portage Farmers Market Statistics	2022	2021	2020	2019	2018
Days of Operation	24	25	21	21	24
Attendance	28,880	24,794	22,800	19,172	13,529
Seasonal Vendors	21	18	30	22	not available
Weekly Vendors	44	38	28	31	not available
Average Market Vendor Attendance	26	29	25	24	21

It is recommended that City Council set a Committee of Whole Meeting on January 24, 2023, at 6:00 p.m. to review and discuss potential locations and expansion/enhancement of the Portage Farmers Market.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: 2022 Attainable Housing Plan

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager
Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Receive and approve the proposed 2022 Attainable Housing Plan.

The Mayor and City Council remain strongly supportive of creating more housing opportunities for middle-income residents of our community. To this end, an ad hoc committee of community leaders held a series of meetings and created a nine-point attainable housing plan for consideration and approval of the City Council. The members of the committee are:

- Patricia M. Randall, Mayor
- Jim Pearson, Mayor Pro Tem
- Chris Burns, Councilmember
- Pat McGinnis, City Manager
- Becky Baldwin, Planning Commission
- Mary Balkema, Kalamazoo County Housing Director
- Sid Ellis, Kalamazoo County Land Bank
- Lee Adams, W.E. Upjohn Institute
- Beth McCann, Kalamazoo Neighborhood Housing Services
- Adam Herringa, Deputy City Manager
- Kelly Peterson, Director of Community Development
- Jonathan Hallberg, Deputy Director of Economic Development

The purpose of this plan is to add form and substance to the City's housing intentions. This document, if approved, will give city staff clear marching orders for the coming years and will put Portage in the enviable position of having clear consensus from the elected leadership. It is recommended that City Council receive and approve the proposed 2022 Attainable Housing Plan.

FUNDING: N/A

Attachments: 1. 2022 Attainable Housing Plan

2022 Attainable Housing Plan

The City of Portage remains committed to ensuring that the housing supply in Portage is adequate to meet demand and is safe, attractive, and well maintained. Previous City Administrations have focused on sensible planning, and expert code enforcement staffing. In 2022, the Portage City Council charged the City Administration with attracting housing investment.

This Attainable Housing Plan defines the role the City of Portage will play in the coming years to meet housing expectations. The plan focuses on supply, cost, sustainability, and integration within the existing community.

Attainable Housing Discussion Group

- » Patricia M. Randall, Mayor
- » Jim Pearson, Mayor Pro Tem
- » Chris Burns, Councilmember
- » Pat McGinnis, City Manager
- » Becky Baldwin, Planning Commission
- » Mary Balkema, Kalamazoo County Housing Director
- » Sid Ellis, Kalamazoo County Land Bank
- » Lee Adams, W.E. Upjohn Institute
- » Beth McCann, Kalamazoo Neighborhood Housing Services
- » Adam Herringa, Deputy City Manager
- » Kelly Peterson, Community Development Director
- » Jonathan Hallberg, Deputy Director of Economic Development
- » Brandon Nolan, Houseal Lavigne (Planning Consultant)

3 Ideals to Guide Our Work

1 People who work in Portage should be able to live in Portage.

2 Portage citizens should be able to age in Portage and remain in stable housing.

3 Attainable rental and owner-occupied housing should be promoted for income levels up to 120% of the Area Median Income (AMI).

Plan elements and team efforts will all be tied back to one, two or all of these three ideals.

Attainable Housing Nine Point Plan of Action

1. Access all public tools available in Michigan:
 - » Kalamazoo County Housing Millage (Create opportunities to access millage funds)
 - » Brownfield Redevelopment
 - » Community Revitalization Program
 - » Low Income Housing Tax Credits (LIHTC)
 - » Michigan State Housing Development Authority (MSHDA) Financing
 - » Payments in Lieu of Taxes (PILOTS)
 - » City Resources
 - » Federal Grants and Earmarks
 - » AHFA/RFEA
 - » Neighborhood Enterprise Zones
 - » All other
2. Review and update Zoning Ordinances to intentionally address housing needs and identify opportunities to optimize housing density.
3. Assemble city-owned property for attainable housing.
4. Establish dialogue with owners of other properties, private and public, to facilitate development of attainable housing.
5. Establish public and private funds (and grow them) to assist in land assembly and project execution.
6. Teamwork – coordinate efforts and develop a regional attitude and effort, included but not limited to the following team members:
 - » W.E. Upjohn Institute
 - » Kalamazoo County (Board of Commissioners, Housing Authority Director, Land Bank, Administration)
 - » Kalamazoo Housing Neighborhood Services (KNHS)
 - » Corporate/Business Community
 - » Southwest Michigan Disability Network
 - » Habitat for Humanity
 - » Kalamazoo Regional Educational Service Agency (KRESA) and Portage Public Schools
 - » Local Initiatives Support Corporation (LISC) Kalamazoo
 - » YMCA
 - » Neighboring Municipalities (Cities and Townships)
 - » Michigan State Housing Development Authority (MSHDA)
 - » Mother and Infant Home Visiting Program Evaluation (MIHOPE)
 - » Consumers Energy
 - » Lansing and Washington Representatives
 - » WMU Homer Stryker M.D. School of Medicine
 - » Bronson and Borgess
 - » United Way of South Central Michigan
7. Connect public efforts with local employers to encourage recruitment and retention using housing assistance as incentives.
8. Lobby Lansing and Washington to attract state and national assistance.
9. Advocate the transition of surplus commercial properties in the Westnedge Avenue Commercial Corridor/The Crossroads mall to mixed use/high-density residential.

Minutes of Boards & Commissions

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – September 12, 2022

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Haddow at 7:00 p.m. Two people were in the audience.

MEMBERS PRESENT: Lena Jomaa, Ken Seybold, Linda Finch, Tracy Ezell, Lynn Haddow, Michael Reedy, Winifred Kurtz

MEMBERS EXCUSED: Linda Fry, Jay Eichstaedt

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator; Biqi Zhao, Deputy Director of Planning, Jacob Eccleston, Assistant City Attorney.

APPROVAL OF THE MINUTES:

A motion was made by Kurtz, and seconded by Finch, to approve the August 12, 2022 minutes with corrections. Upon voice vote, motion passed 7-0.

NEW BUSINESS:

ZBA #22-03; 8850 Shaver Road: Mais summarized the request for a) modification of a previously granted variance to permit an additional freestanding sign where no additional signs are permitted; and b) a variance to erect a freestanding sign 200 feet from a freestanding sign where a minimum 300-foot sign separation distance is required. Attorney Pat Lennon spoke on behalf of the applicant. Mr. Lennon explained that when the Board approved Meijer's wall sign variance back in 2012 and included the condition that no additional freestanding signs be permitted, the intent was that there be no additional Meijer-related signs, as no other additional retail buildings existed at the time. Mr. Lennon stated the purpose of the applicant's request is to provide a means of identifying the new retail building located off the access drive and is also intended to improve wayfinding and safety inside the parking lot. Mr. Lennon explained the variance for the sign separation distance would not even be needed if the retail building was developed as part of a separate zoning lot. Jomaa inquired if Meijer intended to construct any additional outlots. Mr. Lennon responded he was unaware of any plans to do so.

A public hearing was opened. No one spoke for or against the request. A motion was made by Seybold, seconded by Jomaa, to close the public hearing. Upon voice vote the motion passed 7-0.

After additional discussion, a motion was made by Ezell, seconded by Finch, to grant: a) modification of a previously granted variance to permit an additional freestanding sign where no additional signs are permitted; and b) a variance to erect a freestanding sign 200 feet from a freestanding sign where a minimum 300-foot sign separation distance is required conditioned upon the sign not being larger than 85 square feet, for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include the unique access management of the site; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to provide signs to identify building tenants which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Jomaa-Yes, Seybold-Yes, Haddow-Yes, Reedy-Yes, Ezell-Yes, Kurtz-Yes, Finch-Yes; the motion passed 7-0.

ZBA #22-04; 9121 West End Drive: Mais summarized the request for a variance to construct a dwelling that would extend to within five feet of the (south) side property line where a minimum 8-foot side yard setback

is required. Kurosh Nahavandi explained their existing house is setback nearer to the lake than their proposed new home. The proposed dwelling would only have a small area that extends into the required setback, and the variance was needed because the property narrows as it approaches the lake. Haddow inquired if the applicant had looked into conforming alternatives, such as locating the house closer to the street, choosing a shallower house design, or angling the corner of the dwelling to fit the building envelope. The applicant said they had but the proposed plan was the least nonconforming way they could get the design they wanted to fit. Ezell inquired if the proposed house is a custom design. The applicant responded yes. Ezell noted the Board was struggling with the request because when approaching a new design, it should be designed around the limitations that are imposed, and in this case there is adequate space for a new house to be built in a conforming location without the need for a variance. Jomaa noted the proposed dwelling would result in a decrease in the degree of nonconformity.

A public hearing was opened. A letter of support from the owners of 9133 West End Drive was read into the record. Mr. Schiemann, 9125 West End Drive spoke in support of the request. Mr. Fries, 9007 West End Drive spoke in support of the variance. A motion was made by Haddow, seconded by Reedy, to close the public hearing. Upon voice vote the motion passed 7-0

After additional discussion, a motion was made by Finch, seconded by Kurtz, to deny a variance to construct a dwelling that would extend to within five feet of the (south) side property line where a minimum 8-foot side yard setback is required for the following reasons: there are no exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right, and conforming alternatives, such as slightly reducing the size of the dwelling, and/or locating the dwelling farther west are readily available; the immediate practical difficulty was caused by the applicant; and the variance will materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Jomaa-No, Seybold-Yes, Haddow-Yes, Reedy-Yes, Ezell-Yes, Kurtz-Yes, Finch-Yes; the motion passed 6-1.

ZBA #22-05; 9951 & 9987 Shaver Road: Mais summarized the request for a variance to construct a dog kennel approximately 240 feet from a residential zone boundary where a minimum 500-foot separation distance is required. Jeff Paulson of Hurley & Stewart spoke on behalf of the applicant. Mr. Paulson stated the proposed kennel would be only 240 feet from the Planned Development zone at 1850 West Osterhout Avenue but would be more than 500 feet from any dwellings. Mr. Paulson said the properties on the west side of Oakland Drive were in a similar situation where the zone was less than 500 feet from the kennel but the dwelling was more than 500 feet, and that the properties on Oakland Drive had a gas station and two major roads between the dwellings and the proposed kennel. Ezell inquired what type of building construction would the kennel be. Mr. Paulson replied they did not know at this time.

A public hearing was opened. No one spoke for or against the request. A motion was made by Haddow, seconded by Reedy, to close the public hearing. Upon voice vote the motion passed 7-0.

After additional discussion, a motion was made by Finch, seconded by Kurtz, to grant a variance to construct a dog kennel approximately 240 feet from a residential zone boundary where a minimum 500-foot separation distance is required, conditioned upon the owners operate in accordance with the proposed plan, operations, and hours for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district which include the irregular parcel shape and the surrounding development pattern; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to operate a business which is similar to that possessed by other properties in the same zoning district; the immediate practical difficulty was not caused by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not

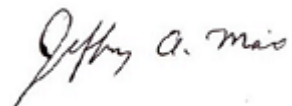
materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Jomaa-Yes, Seybold-Yes, Haddow-Yes, Reedy-Yes, Ezell-Yes, Kurtz-Yes, Finch-Yes; the motion passed 7-0.

OTHER BUSINESS: None

STATEMENT OF CITIZENS: None.

ADJOURNMENT: The meeting was adjourned at 8:13 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Jeff Mais".

Jeff Mais
Zoning & Codes Administrator

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**City of Portage Environmental Board
Agenda for the Meeting on November 9, 2022**

Members present: Justin Gish, Jerry Kroehn, David Lancaster, Joe Chamberlin, Lauren Tompkins, Dierdre Courtney, Jason Beasley, Jamie Harmon (ex officio)

7:03 p.m. Meeting called to order

- Motion to begin meeting made by Joe Chamberlin. Seconded by Dierdre C. and Jerry K.

7:03 p.m. Public Comment

- No members of the public present to speak

7:04 p.m. Board Introductions

- Board members introduced themselves

7:10 p.m. Approval of the September and October Board Minutes

- Minutes of September Meeting were submitted in an improper format. Jaime asked that a staff member who attended that meeting write up September, Justin declined writing up the minutes as he was not in attendance. Joe C. and David L. offered to complete the minutes. Joe Chamberlin made a motion to approve the September minutes at the December meetings and David L. seconded. Joe Chamberlin made a motion to approve the October minutes, David Lancaster seconded. No objections from any members.

7:15 p.m. Presentation of Deer Data

- Jerry K. gave background information on the deer issue in the city of Portage. Jerry stated that at a previous meeting on the topic held years ago, citizens voiced their concerns about the numbers of deer in the city, and the problems with deer and vehicle collisions, disease spreading, and eating people's landscaping. Jerry suggested that the opposition to any deer population control was exaggerated. Jerry mentioned that data showed 175 car deer accidents a year in Portage. Jerry requested data from the city and this data was in line with other data he collected. Jerry believes that the car deer accidents are an issue in Portage and warrants further action by the board and the city. Joe C. believes that the number of deer/vehicle collisions are misleading, as he points out that the number of collisions has not risen as the population of Portage has increased, suggesting that deer/vehicle collisions are not as prevalent. Lauren Tompkins agrees that if the numbers have not increased over the years, the numbers have remained constant over the years, and no action has been taken, there must be an acceptable risk. Joe C. would like more data on the number of deer in the city and the harm they pose to residents before any recommendation is made to city council. Lauren T. asked what Jerry K. wanted the council to do about the about the issue. Jerry K. spoke about what other municipalities are currently doing to curtail their deer populations, including archery hunting with a specific focus on culling does and the meat harvested is given to food pantries. Joe C. then asked what Jerry's acceptable number of deer/car collisions would be. Jerry K. responded that he would like to see 50-100 deer to be

culled. Joe C. clarified his question, asking specifically about the number of deer/car collisions. Jerry said less than 175. Lauren Thompkins volunteered to work with Jerry, or alone, to investigate solutions to deer culling.

- Joe Chamberlin made a motion to table the discussion on the deer question to the next meeting. Seconded by David Lancaster.
- Joe Chamberlin made a motion to add to the agenda for next month time to discuss solutions to the problem of deer/vehicle collisions that does not involve culling. This motion was seconded by Lauren T.

7:43 p.m. Composting Environmental Board Site Visit

- Tentatively scheduled Wednesday, November 30th at 10am. Visit will be held at 10905 Oakland Drive.
- Deirdre Courtney reminded the board about a suggestion at the August meeting where events were discussed, with composting being at the fore. An educational awareness event about composting at the site was suggested. Through her discussions with city employees, Dierdre learned that safety issues would not allow for a large public event, but the board was invited to visit the site and contribute to the filming of a video about the City's composting work. Joe Chamberlin suggested a time later in the day so that the Youth Advisory Committee would be able to attend the event. Dierdre Courtney stated that she spoke with the liaison to the YAC and a time that works for all would be discussed.
- Joe Chamberlin asked what board members would be available to attend the 11/30 meeting. David Lancaster, Lauren Thompkins, Jerry Kroehn, Deirdre Courtney, said they could attend. Jason Beasley was a tentative yes. Justin Gish cannot attend. Jaime Harmon will reach out to the new YAC member to see what time will work for this student.

7:57 p.m. Arbor Day Discussion

- There is word that a member of the parks board will collaborate with the Board on future events. There is no hard and fast date or plan as to when the Park Board member would join or what the role would look like.
- Joe Chamberlin made motion to continue the discussion on Arbor Day at the next meeting. Dierdre Courtney, Jason, Jerry, Lauren agreed.

8:02 p.m. Board Member Discussions

- Jamie Harmon reminded the board that nominations for positions would be made at December's meeting.
- Jerry Kroehn spoke about recycling in Portage and what can and can't go into the single stream recycling in Portage. Jerry Kroehn mentioned that the recycling that is picked up in Portage is taken to a central location and asked Jamie where this place was located. Jamie stated she did not know of any location in Portage, and thought this location was in Kalamazoo. Jerry K suggested this video should be shared and mentioned that if you

have a peanut butter jar with a bit of peanut still in the jar, that it be run through the dishwasher to clear out the food residue before you put it in the recycling.

- Joe made motion to add an agenda item to updating the portage recycling guide, along with videos educating the public on recycling issues. Justin Gish seconded this motion.
- Jerry stated that he spoke with the President of the Kalamazoo Audubon society and was interested in grants that the board could receive if Portage became a participant in the Urban Bird Treaty. Jamie Harmon relayed to the board that Portage was not yet a participant in the treaty and that joining the treaty would take time.
- David suggested that at the December meeting the board create committees. Joe made motion to add to the December meeting that the Board creates committees. Jason B. seconded.

8:17 p.m. Meeting Adjourned

- Joe Chamberlin made a motion to adjourn the meeting. Jerry Kroehn seconded.

MATERIALS TRANSMITTED

Tuesday, December 6, 2022

1. Communication from the City Manager regarding a verbiage correction to the proposed Brownfield Redevelopment Incentive Policy as a part of Item A.7 on the December 6 City Council meeting agenda – Information Only.



Pat McGinnis, City Manager

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

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Verbiage Corrections to Proposed Policy in Agenda Item A.7

Two verbiage corrections have been made to the proposed Brownfield Redevelopment Incentive Policy on the agenda for this evening's City Council meeting.

- **Section 3. Part D.:** "Any additional legal fees incurred by the City Applicant related to a State of Michigan brownfield application will be capped at \$15,000 subject to discussion and agreement with the Administration."
- **Section 5. Part C.:** "For projects that meet the above criteria and that assist in achieving certain City Investment Criteria enumerated in Section 6 below, an additional financial incentive shall be available by ~~reducing or eliminating the annual administrative fee of~~ the City of Portage Brownfield Redevelopment Authority based on the following schedule:"

The revised proposed policy is attached here and the relevant attachment for agenda item A.7 for the December 6, 2022, City Council meeting has been updated accordingly.

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

PURPOSE

To establish guidelines for the administration of the City of Portage Brownfield Redevelopment Authority (BRA) program and agreements, to include tax increment financing tools, brownfield loan and grant administration, and all other economic development opportunities available under Statute.

BACKGROUND

In 1996, the State of Michigan Legislature approved Public Act 381, MCL 125.265 *et seq.* (the “Act”) to authorize municipalities to create Brownfield Redevelopment Authorities to promote the reuse and revitalization of properties. The Brownfield Redevelopment Program (the “Program”) provides for the utilization of certain tax increment revenues to pay for or reimburse the costs of Eligible Activities as defined in the Act. The City of Portage created the City of Portage Brownfield Redevelopment Authority (the “Authority”) in 2001. This policy guides the administration of the Program under the Act.

ADMINISTRATION & EVALUATION

1. Application

To be considered for inclusion in the Program, the applicant will request a pre-application meeting with the Community Development Department. Department staff will share the Program criteria and will review the applicant’s proposed project. Following the meeting, department staff will provide the applicant with a summary review of the project and a determination of whether the project would qualify for participation in the Program. When the applicant has made the necessary preparations, a complete application shall be submitted to the Community Development Department in electronic format. All submittals may be in draft version up until such a time that legal review is requested, prior to which, the final version must be completed. The application must include, at a minimum:

- a. Application Form - Among other required information based on the individual project, the applicant is to provide:
 - i. New and Retained job details – classification, wages, full-time/part-time status, benefits, etc.
 - ii. Use Type and Area – square footage, planned use, new and/or rehabilitated spaces in the project.
 - iii. Residential Unit Detail – if applicable, unit type, number of units, square footage, monthly rent, income restrictions, percentage AMI of restriction, proposed method of certification and duration of affordability impact (MS Excel or equivalent, not PDF).
- b. Documentation of Site Control
- c. Conceptual Site Plan
- d. Project financials - MEDC proforma template preferred, or, at a minimum, sources, and uses of fund document (MS Excel or equivalent, not PDF), information on finance structure and

financing commitments. Highly recommended that applicant calculate a pro-forma with, and without, Brownfield TIF assistance and provide Debt Service Coverage Ratio for each.

- e. Documentation of property eligibility under the Act (environmental site assessment, due care plan, or other appropriate eligibility documentation). Any Phase I, Phase II or Baseline Environmental Site Assessments submitted must be less than one year old at the time of submission.
- f. Photos of existing site conditions.
- g. Renderings of proposed project, if available.
- h. Application Cost Reimbursement Agreement.
- i. Evidence of Good-Faith Community Engagement (Optional); Applicants are advised to present their project to any established neighborhood, community, and business groups where the project is proposed and obtain letters of support from these organizations.

2. Review

Upon receipt of a complete application and fee, staff will provide the relevant details of a project to other City departments to confirm that the applicant is eligible to do business with the City and the project is permissible as proposed. The staff review process timeline is a minimum of three (3) weeks. The results of this review must confirm the following:

- a. That the project is compatible with the City's zoning ordinance or plans to comply.
- b. That the applicant is not delinquent on any financial obligation to the City.
- c. The applicant has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal or Board of Review).
- d. That the applicant does not have outstanding written orders or code compliance violations.
- e. That the proposed tax capture does not impair the financial soundness of any of the affected taxing jurisdictions.
- f. That the development will be compatible with current municipal services (roads, utilities, public safety, etc.)
- g. That the applicant will actively pursue State of Michigan funding through an Act 381 Work Plan and will collaborate with the Community Development Department throughout the application process.
- h. That the project pro forma, financial structure and financing commitments justify the project need and financial viability. Additional financial information may be requested of the applicant if submittal is vague or incomplete.

3. Fees

- a. Application and processing fees will be levied for applications in accordance with an annually approved fee schedule posted on the City of Portage website.
- b. Legal fees related to a brownfield application submittal to the City are covered by the application fee and administrative fee.
- c. For additional legal support provided by the City or Authority related to a brownfield application submission to the State of Michigan, the applicant will be billed directly by the City's legal

counsel. All invoices must be paid before a letter of support or testimony is provided to the Michigan Strategic Fund and/or the Department of Environment, Great Lakes, and Energy (EGLE).

- d. City legal counsel shall provide copies of all invoices to the Administration prior to billing the applicant directly. Billing shall occur in monthly periods. Any additional legal fees incurred by the **City Applicant** related to a State of Michigan brownfield application will be capped at \$15,000 subject to discussion and agreement with the Administration.
- e. Modifications to the approved Brownfield Plan or Development and/or a Reimbursement Agreement may be considered and are subject to the standard preparation fees, reviews, and public hearing requirements, resulting in a City Council adopted resolution certifying the Amended Plan.

4. Miscellaneous Provisions

- a. If a project is in another tax increment financing district (i.e., Downtown Development Authority, Corridor Improvement Authority, etc.), staff may seek a recommendation from the district's governing board on the application. If the project warrants it, an Interlocal Governmental Agreement may be approved to accommodate the Program.
- b. The City intends for the Program to function in partnership with the State of Michigan Brownfield Programs operated through the MEDC and EGLE. As such, the BRA will only participate in projects that intend to seek full approval by the State, through the Michigan Strategic Fund (MSF) and/or Michigan Department of Environment, Great Lakes, and Energy (EGLE), unless the BRA Board explicitly recommends approval to the Council that a project to be reimbursed only from local tax increment revenues.
- c. The Authority reserves the right to conduct additional environmental investigation at project site, which shall be considered an eligible expense and shall be reimbursed through TIF capture along with other administrative costs.
- d. The local tax capture is limited to a maximum of 10 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. An applicant that meets multiple investment criteria may qualify for additional years of capture adding up to no more than 25 years of local tax total capture. In all cases, an extra five years will be allocated for TIF capture by the Local Brownfield Revolving Fund.
- e. Reimbursable Brownfield Plan Amendment and Work Plan preparation fees will be limited to a maximum of \$30,000, or to \$15,000 in the event the applicant is permitted to apply for a local-only Brownfield program.
- f. Upon acquisition of the property included in a Brownfield Plan Amendment, and before becoming eligible to receive reimbursement pursuant to an approved agreement, the applicant shall have filed a completed [Michigan Department of Treasury Form 2766 – Property Transfer Affidavit L-4260](#) and a valid copy of recorded and notarized deed for subject property/properties with the City Assessor related to its acquisition of the property. The Property Transfer Affidavit shall be considered incomplete if the purchase price of the real estate is not entered on the form.

5. Project Review and Evaluation Criteria

- a. The Authority is authorized to utilize Tax Increment Financing of “eligible activities”, as defined in Section 2 of the Act, by utilizing incremental taxes generated by and captured from the redevelopment of eligible property to reimburse developers and property owners for those costs.

- b. For projects meeting the minimum qualification criteria contained in the Act, the Authority retains an annual TIF capture equal to 10% of the annual increment during the entire capture period of the project to reimburse administrative costs as they are incurred, to cover actual expenses related to operating the Brownfield Redevelopment program, to reimburse Department-specific activities conducted by/on behalf of the authority related directly to the work conducted on prospective eligible properties prior to approval of the brownfield plan, and to operate the BRA with the remaining fee balance. Actual administrative expenses will be reimbursed with only local incremental taxes. The Authority will, where applicable, provide to the State Treasury an amount required by PA 381 of 1996 to fund the State Brownfield Redevelopment Fund. Remaining annual tax increment revenues from a project will be utilized to reimburse the developer for eligible costs incurred and documented.
- c. For projects that meet the above criteria and that assist in achieving certain City Investment Criteria enumerated in Section 6 below, an additional financial incentive shall be available by ~~reducing or eliminating the annual administrative fee of~~ the City of Portage Brownfield Redevelopment Authority based on the following schedule:

PROJECT EVALUATION	LEVEL OF INCENTIVE
<i>Base Level of Support (Meets project eligibility criteria, but does not meet any City Investment Criteria)</i>	<i>Qualifies for up to ten years of local tax capture to recover eligible expenses.</i>
<i>Meets Two City Investment Criteria</i>	<i>Eligible for reimbursement up to 15 years of local tax capture.</i>
<i>Meets Three City Investment Criteria</i>	<i>Qualifies for payment of interest on carrying costs up to 3.5%*, eligible for reimbursement up to 20 years of local tax capture;</i>
<i>Meets Four or More Investment Criteria</i>	<i>Qualifies for payment of interest on carrying costs up to 3.5%*, eligible for reimbursement up to 25 years of local tax capture;</i>

*The reimbursement of interest on unreimbursed environmental and non-environmental activities will be allowed where actual interest expenses and carrying costs are incurred by the applicant. All costs for which interest is being requested must be eligible environmental or non-environmental activities. Interest expenses may be considered beyond the prescribed 3.5% if then-current inflation rates exceed 5% and the proposal meets four or more investment criteria. No interest will be permitted when proposed development includes layering of incentives with abatements and other tools that dilute the potency of tax captures.

6. Investment Criteria

The City Investment Criteria described below have been identified in various plans developed with input from the Portage community to incentivize outcomes desired by the City of Portage and the community. These criteria shall be applied at the sole discretion of City Administration, the Authority, and City Council and are not intended to be prescriptive in nature.

- a. Sustainable Development: Achieve LEED Gold Certification, Net-Zero Energy Certification, or similar alternatives for all buildings. Similar alternatives may include signed letter of certification by an Environmental Professional as qualified under ASTM E1527, a Certified Professional geologist (CPG), or an Environmental Professional Engineer (PE), including the environmental professional's license number and establishing that environmentally sustainable building practices are employed that would meet LEED, Net-Zero or other standards currently recognized.
- b. Income and Housing Diversity: (address one of the following.)
 - i. At least 20% of for-lease residential housing units are affordable to individuals or families earning 80% to 120% of the Area Median Income (AMI). These units may be affordable due a financing mechanism (i.e., Low-Income Housing Tax Credits) or be "affordable by design" (which, for purposes of this policy, is defined as having total occupancy costs that are 80% to 120% of AMI rental limits according to the current rent limits for a one-bedroom and two-bedroom units in Kalamazoo County published by the Michigan State Housing Development Authority (MSHDA). At least one third of the affordable units shall meet the 80%-of-AMI threshold and one third shall meet the 100%-of-AMI threshold, and one third shall meet the 120%-of-AMI threshold. At least 50% of the AMI units shall be two bedrooms. Total occupancy costs include rent, plus the allowances for basic utilities included in the current *Allowances for Tenant-Furnished Utilities* provided by the U.S. Department of Housing and Urban Development, this provision to be construed in conformance with the Michigan Public Act 226 of 1988 (MCL 123.411).
 - ii. At least 20% of for-sale residential units must be sold to households that earn a maximum of 80-120% of AMI levels for the Kalamazoo-Portage MSA. At least one third of the affordable units shall meet the 80%-of-AMI threshold and one third shall meet the 100%-of-AMI threshold, and one third shall meet the 120%-of-AMI threshold. Sale price shall be calculated at twice the AMI for a family size based on number of bedrooms in the home and then modified to between 80% and 120% of the calculated sale price, e.g., a two-bedroom unit would be priced at between 80-120% of twice the Kalamazoo-Portage AMI for a two-person family. Sale price shall be determined exclusive of purchaser subsidy, closing cost, pre-paid escrow, and tax proration expenses. All units shall be distributed throughout the development and the units shall remain affordable in perpetuity through an affordable housing covenant.
 - iii. Provides a housing type (single-family attached, single-family detached, duplex, or multi-family) that is less than 20% of the existing housing in a census tract, according to the most recent decennial census, or if the census data is more than five years old, according to the most recent American Community Survey data.
 - iv. High-density housing as defined in the City of Portage Zoning Ordinance, or greater with Council approval, shall be encouraged in each of the preceding three options.
- c. Activation in Designated Sub-Areas of Portage: (address one of the following.)
 - i. Provides major activation or delivery of plan goals/objectives on parcel(s) located in designated Master Plan subareas, including City Centre District and Lake Center District, and Crossroads Mall area properties.

- ii. Provides activation at parcel(s) identified by or targeted by the City of Portage for environmental clean-up or redevelopment (e.g. buildings vacant for 10 or more years, etc.).
- d. Promote Utilization of Multimodal Transportation: (address one of the following.)
 - i. For projects located within ¼ mile of a bus transit station, or within 500 feet of a permanent covered bus shelter, offer transit passes to each residential unit and employee for of the first three years of occupancy **and** project provides land (by conveyance or easement) for, and/or finances improvements related to, a transit station, electronic charging stations, bike share, a covered/sheltered transit stop, pedestrian infrastructure where not already present.
 - ii. Or alternatively, the developer may contribute the greater of \$25,000 or 1.0% of eligible expenses under the Brownfield, exclusive of City Administrative or LBRF costs, to be dedicated toward local multimodal transportation improvements and infrastructure.
- e. Job Creation: Provides the greater of 20 FTE jobs or a 25% increase in the number of FTE jobs for non-residential developments over and above existing in-state operations (up to 100 FTE jobs) over the next three years, with annual wage/salary of the new jobs averaging more than twice the current State of Michigan minimum wage at the time of hiring.
- f. Mixed-Use: Development includes a mix of uses, including housing (including Criterion A if project includes residential units), within the same structures with an emphasis on density.
- g. Public Space Improvements: Adds open space, public plaza, community garden, pocket park or space for public art. Public space improvements that reference the needs of the community as articulated in an approved City of Portage plan are encouraged.
- h. Child Care Facilities: Includes the development of a State of Michigan licensed child daycare center as outlined in MCL 722.111(f)(iv).
- i. Total Investment: Total investment equates to a minimum taxable value of \$10 million or more upon completion.

7. **Compliance and Reporting**

- a. Compliance requirements will be detailed in a project's Development/Reimbursement Agreement.
- b. Annual Reporting will be due by/before June 30 for the previous year and shall be consistent with the MEDC Act 381 reporting requirements.
- c. A project completion survey must be submitted within 120 days of the issuance of a Certificate of Occupancy for the project in a format acceptable to the BRA for reimbursement of eligible activity costs.

The project must be built, operated, and maintained in compliance with all applicable City ordinances, State code, including certification of compliance with current Michigan Building and Residential Codes.

8. Local Brownfield Revolving Fund

PA 381 of 1996 authorizes the creation of a Local Brownfield Revolving Fund (LBRF) that can be used for eligible activities such as: site investigation (e.g., environmental studies such as Baseline Environmental Assessments and Due Care Plans); preparation of a Brownfield Redevelopment Plan; environmental cleanup; demolition; site clearing, and other activities. The LBRF can fund future brownfield redevelopment projects that require additional assistance with up-front due diligence and planning costs required to prepare a Brownfield Redevelopment Plan, and/or the cost of eligible redevelopment activities where a project may not otherwise be economically feasible.

Funding for a LBRF typically consists of funds from tax increment revenue from specified projects, as appropriate, in excess of the amount required to reimburse the developer, the local Brownfield Redevelopment Authority for administrative expenses, and the State Brownfield Redevelopment program. However, funding for an LBRF may also be derived from appropriations and/or grants from public and private sources. In the case of the Portage Brownfield Redevelopment Authority, the LBRF will initially be funded from tax increment revenue derived from approved Brownfield Redevelopment Plans. The LBRF will capture excess tax increment revenue for a period not to exceed five years (which must fall within the maximum 30-year capture period). The LBRF will also capture any remaining funds from the annual BRA Administrative Fee, if applicable, and in accordance with PA 381.

9. Coordination with Kalamazoo County Brownfield Redevelopment Authority

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) was created in 2002 and provides incentives for brownfield redevelopment. The Authority and City Administration will coordinate with Kalamazoo County as appropriate.

10. Default

Default terms and/or conditions will be detailed in the Development and/or Reimbursement Agreement.

11. Waiver

The City Council may waive this policy, or any portion of it, when it is determined to be in the best interest of the City.

Inquiries concerning this policy can be directed to the Department of Community Development (269-329-4477), or the Office of the City Clerk (269-329-4511) in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

DATE OF ADOPTION BY CITY COUNCIL:

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT INCENTIVE POLICY

PURPOSE

To establish guidelines for the administration of the City of Portage Brownfield Redevelopment Authority (BRA) program and agreements, to include tax increment financing tools, brownfield loan and grant administration, and all other economic development opportunities available under Statute.

BACKGROUND

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ADMINISTRATION & EVALUATION

1. Application

To be considered for inclusion in the Program, the applicant will request a pre-application meeting with the Community Development Department. Department staff will share the Program criteria and will review the applicant’s proposed project. Following the meeting, department staff will provide the applicant with a summary review of the project and a determination of whether the project would qualify for participation in the Program. When the applicant has made the necessary preparations, a complete application shall be submitted to the Community Development Department in electronic format. All submittals may be in draft version up until such a time that legal review is requested, prior to which, the final version must be completed. The application must include, at a minimum:

- a. Application Form - Among other required information based on the individual project, the applicant is to provide:
 - i. New and Retained job details – classification, wages, full-time/part-time status, benefits, etc.
 - ii. Use Type and Area – square footage, planned use, new and/or rehabilitated spaces in the project.
 - iii. Residential Unit Detail – if applicable, unit type, number of units, square footage, monthly rent, income restrictions, percentage AMI of restriction, proposed method of certification and duration of affordability impact (MS Excel or equivalent, not PDF).
- b. Documentation of Site Control
- c. Conceptual Site Plan
- d. Project financials - MEDC proforma template preferred, or, at a minimum, sources, and uses of fund document (MS Excel or equivalent, not PDF), information on finance structure and

financing commitments. Highly recommended that applicant calculate a pro-forma with, and without, Brownfield TIF assistance and provide Debt Service Coverage Ratio for each.

- e. Documentation of property eligibility under the Act (environmental site assessment, due care plan, or other appropriate eligibility documentation). Any Phase I, Phase II or Baseline Environmental Site Assessments submitted must be less than one year old at the time of submission.
- f. Photos of existing site conditions.
- g. Renderings of proposed project, if available.
- h. Application Cost Reimbursement Agreement.
- i. Evidence of Good-Faith Community Engagement (Optional); Applicants are advised to present their project to any established neighborhood, community, and business groups where the project is proposed and obtain letters of support from these organizations.

2. Review

Upon receipt of a complete application and fee, staff will provide the relevant details of a project to other City departments to confirm that the applicant is eligible to do business with the City and the project is permissible as proposed. The staff review process timeline is a minimum of three (3) weeks. The results of this review must confirm the following:

- a. That the project is compatible with the City's zoning ordinance or plans to comply.
- b. That the applicant is not delinquent on any financial obligation to the City.
- c. The applicant has no pending or current litigation against the city (including appeals to the Michigan Tax Tribunal or Board of Review).
- d. That the applicant does not have outstanding written orders or code compliance violations.
- e. That the proposed tax capture does not impair the financial soundness of any of the affected taxing jurisdictions.
- f. That the development will be compatible with current municipal services (roads, utilities, public safety, etc.)
- g. That the applicant will actively pursue State of Michigan funding through an Act 381 Work Plan and will collaborate with the Community Development Department throughout the application process.
- h. That the project pro forma, financial structure and financing commitments justify the project need and financial viability. Additional financial information may be requested of the applicant if submittal is vague or incomplete.

3. Fees

- a. Application and processing fees will be levied for applications in accordance with an annually approved fee schedule posted on the City of Portage website.
- b. Legal fees related to a brownfield application submittal to the City are covered by the application fee and administrative fee.
- c. For additional legal support provided by the City or Authority related to a brownfield application submission to the State of Michigan, the applicant will be billed directly by the City's legal

counsel. All invoices must be paid before a letter of support or testimony is provided to the Michigan Strategic Fund and/or the Department of Environment, Great Lakes, and Energy (EGLE).

- d. City legal counsel shall provide copies of all invoices to the Administration prior to billing the applicant directly. Billing shall occur in monthly periods. Any additional legal fees incurred by the Applicant related to a State of Michigan brownfield application will be capped at \$15,000 subject to discussion and agreement with the Administration.
- e. Modifications to the approved Brownfield Plan or Development and/or a Reimbursement Agreement may be considered and are subject to the standard preparation fees, reviews, and public hearing requirements, resulting in a City Council adopted resolution certifying the Amended Plan.

4. Miscellaneous Provisions

- a. If a project is in another tax increment financing district (i.e., Downtown Development Authority, Corridor Improvement Authority, etc.), staff may seek a recommendation from the district's governing board on the application. If the project warrants it, an Interlocal Governmental Agreement may be approved to accommodate the Program.
- b. The City intends for the Program to function in partnership with the State of Michigan Brownfield Programs operated through the MEDC and EGLE. As such, the BRA will only participate in projects that intend to seek full approval by the State, through the Michigan Strategic Fund (MSF) and/or Michigan Department of Environment, Great Lakes, and Energy (EGLE), unless the BRA Board explicitly recommends approval to the Council that a project to be reimbursed only from local tax increment revenues.
- c. The Authority reserves the right to conduct additional environmental investigation at project site, which shall be considered an eligible expense and shall be reimbursed through TIF capture along with other administrative costs.
- d. The local tax capture is limited to a maximum of 10 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. An applicant that meets multiple investment criteria may qualify for additional years of capture adding up to no more than 25 years of local tax total capture. In all cases, an extra five years will be allocated for TIF capture by the Local Brownfield Revolving Fund.
- e. Reimbursable Brownfield Plan Amendment and Work Plan preparation fees will be limited to a maximum of \$30,000, or to \$15,000 in the event the applicant is permitted to apply for a local-only Brownfield program.
- f. Upon acquisition of the property included in a Brownfield Plan Amendment, and before becoming eligible to receive reimbursement pursuant to an approved agreement, the applicant shall have filed a completed [Michigan Department of Treasury Form 2766 – Property Transfer Affidavit L-4260](#) and a valid copy of recorded and notarized deed for subject property/properties with the City Assessor related to its acquisition of the property. The Property Transfer Affidavit shall be considered incomplete if the purchase price of the real estate is not entered on the form.

5. Project Review and Evaluation Criteria

- a. The Authority is authorized to utilize Tax Increment Financing of “eligible activities”, as defined in Section 2 of the Act, by utilizing incremental taxes generated by and captured from the redevelopment of eligible property to reimburse developers and property owners for those costs.

- b. For projects meeting the minimum qualification criteria contained in the Act, the Authority retains an annual TIF capture equal to 10% of the annual increment during the entire capture period of the project to reimburse administrative costs as they are incurred, to cover actual expenses related to operating the Brownfield Redevelopment program, to reimburse Department-specific activities conducted by/on behalf of the authority related directly to the work conducted on prospective eligible properties prior to approval of the brownfield plan, and to operate the BRA with the remaining fee balance. Actual administrative expenses will be reimbursed with only local incremental taxes. The Authority will, where applicable, provide to the State Treasury an amount required by PA 381 of 1996 to fund the State Brownfield Redevelopment Fund. Remaining annual tax increment revenues from a project will be utilized to reimburse the developer for eligible costs incurred and documented.
- c. For projects that meet the above criteria and that assist in achieving certain City Investment Criteria enumerated in Section 6 below, an additional financial incentive shall be available by the City of Portage Brownfield Redevelopment Authority based on the following schedule:

PROJECT EVALUATION	LEVEL OF INCENTIVE
<i>Base Level of Support (Meets project eligibility criteria, but does not meet any City Investment Criteria)</i>	<i>Qualifies for up to ten years of local tax capture to recover eligible expenses.</i>
<i>Meets Two City Investment Criteria</i>	<i>Eligible for reimbursement up to 15 years of local tax capture.</i>
<i>Meets Three City Investment Criteria</i>	<i>Qualifies for payment of interest on carrying costs up to 3.5%*, eligible for reimbursement up to 20 years of local tax capture;</i>
<i>Meets Four or More Investment Criteria</i>	<i>Qualifies for payment of interest on carrying costs up to 3.5%*, eligible for reimbursement up to 25 years of local tax capture;</i>

*The reimbursement of interest on unreimbursed environmental and non-environmental activities will be allowed where actual interest expenses and carrying costs are incurred by the applicant. All costs for which interest is being requested must be eligible environmental or non-environmental activities. Interest expenses may be considered beyond the prescribed 3.5% if then-current inflation rates exceed 5% and the proposal meets four or more investment criteria. No interest will be permitted when proposed development includes layering of incentives with abatements and other tools that dilute the potency of tax captures.

6. Investment Criteria

The City Investment Criteria described below have been identified in various plans developed with input from the Portage community to incentivize outcomes desired by the City of Portage and the community. These criteria shall be applied at the sole discretion of City Administration, the Authority, and City Council and are not intended to be prescriptive in nature.

- a. Sustainable Development: Achieve LEED Gold Certification, Net-Zero Energy Certification, or similar alternatives for all buildings. Similar alternatives may include signed letter of certification by an Environmental Professional as qualified under ASTM E1527, a Certified Professional geologist (CPG), or an Environmental Professional Engineer (PE), including the environmental professional's license number and establishing that environmentally sustainable building practices are employed that would meet LEED, Net-Zero or other standards currently recognized.
- b. Income and Housing Diversity: (address one of the following.)
 - i. At least 20% of for-lease residential housing units are affordable to individuals or families earning 80% to 120% of the Area Median Income (AMI). These units may be affordable due a financing mechanism (i.e., Low-Income Housing Tax Credits) or be "affordable by design" (which, for purposes of this policy, is defined as having total occupancy costs that are 80% to 120% of AMI rental limits according to the current rent limits for a one-bedroom and two-bedroom units in Kalamazoo County published by the Michigan State Housing Development Authority (MSHDA). At least one third of the affordable units shall meet the 80%-of-AMI threshold and one third shall meet the 100%-of-AMI threshold, and one third shall meet the 120%-of-AMI threshold. At least 50% of the AMI units shall be two bedrooms. Total occupancy costs include rent, plus the allowances for basic utilities included in the current *Allowances for Tenant-Furnished Utilities* provided by the U.S. Department of Housing and Urban Development, this provision to be construed in conformance with the Michigan Public Act 226 of 1988 (MCL 123.411).
 - ii. At least 20% of for-sale residential units must be sold to households that earn a maximum of 80-120% of AMI levels for the Kalamazoo-Portage MSA. At least one third of the affordable units shall meet the 80%-of-AMI threshold and one third shall meet the 100%-of-AMI threshold, and one third shall meet the 120%-of-AMI threshold. Sale price shall be calculated at twice the AMI for a family size based on number of bedrooms in the home and then modified to between 80% and 120% of the calculated sale price, e.g., a two-bedroom unit would be priced at between 80-120% of twice the Kalamazoo-Portage AMI for a two-person family. Sale price shall be determined exclusive of purchaser subsidy, closing cost, pre-paid escrow, and tax proration expenses. All units shall be distributed throughout the development and the units shall remain affordable in perpetuity through an affordable housing covenant.
 - iii. Provides a housing type (single-family attached, single-family detached, duplex, or multi-family) that is less than 20% of the existing housing in a census tract, according to the most recent decennial census, or if the census data is more than five years old, according to the most recent American Community Survey data.
 - iv. High-density housing as defined in the City of Portage Zoning Ordinance, or greater with Council approval, shall be encouraged in each of the preceding three options.
- c. Activation in Designated Sub-Areas of Portage: (address one of the following.)
 - i. Provides major activation or delivery of plan goals/objectives on parcel(s) located in designated Master Plan subareas, including City Centre District and Lake Center District, and Crossroads Mall area properties.

- ii. Provides activation at parcel(s) identified by or targeted by the City of Portage for environmental clean-up or redevelopment (e.g. buildings vacant for 10 or more years, etc.).
- d. Promote Utilization of Multimodal Transportation: (address one of the following.)
 - i. For projects located within ¼ mile of a bus transit station, or within 500 feet of a permanent covered bus shelter, offer transit passes to each residential unit and employee for of the first three years of occupancy **and** project provides land (by conveyance or easement) for, and/or finances improvements related to, a transit station, electronic charging stations, bike share, a covered/sheltered transit stop, pedestrian infrastructure where not already present.
 - ii. Or alternatively, the developer may contribute the greater of \$25,000 or 1.0% of eligible expenses under the Brownfield, exclusive of City Administrative or LBRF costs, to be dedicated toward local multimodal transportation improvements and infrastructure.
- e. Job Creation: Provides the greater of 20 FTE jobs or a 25% increase in the number of FTE jobs for non-residential developments over and above existing in-state operations (up to 100 FTE jobs) over the next three years, with annual wage/salary of the new jobs averaging more than twice the current State of Michigan minimum wage at the time of hiring.
- f. Mixed-Use: Development includes a mix of uses, including housing (including Criterion A if project includes residential units), within the same structures with an emphasis on density.
- g. Public Space Improvements: Adds open space, public plaza, community garden, pocket park or space for public art. Public space improvements that reference the needs of the community as articulated in an approved City of Portage plan are encouraged.
- h. Child Care Facilities: Includes the development of a State of Michigan licensed child daycare center as outlined in MCL 722.111(f)(iv).
- i. Total Investment: Total investment equates to a minimum taxable value of \$10 million or more upon completion.

7. **Compliance and Reporting**

- a. Compliance requirements will be detailed in a project's Development/Reimbursement Agreement.
- b. Annual Reporting will be due by/before June 30 for the previous year and shall be consistent with the MEDC Act 381 reporting requirements.
- c. A project completion survey must be submitted within 120 days of the issuance of a Certificate of Occupancy for the project in a format acceptable to the BRA for reimbursement of eligible activity costs.

The project must be built, operated, and maintained in compliance with all applicable City ordinances, State code, including certification of compliance with current Michigan Building and Residential Codes.

8. Local Brownfield Revolving Fund

PA 381 of 1996 authorizes the creation of a Local Brownfield Revolving Fund (LBRF) that can be used for eligible activities such as: site investigation (e.g., environmental studies such as Baseline Environmental Assessments and Due Care Plans); preparation of a Brownfield Redevelopment Plan; environmental cleanup; demolition; site clearing, and other activities. The LBRF can fund future brownfield redevelopment projects that require additional assistance with up-front due diligence and planning costs required to prepare a Brownfield Redevelopment Plan, and/or the cost of eligible redevelopment activities where a project may not otherwise be economically feasible.

Funding for a LBRF typically consists of funds from tax increment revenue from specified projects, as appropriate, in excess of the amount required to reimburse the developer, the local Brownfield Redevelopment Authority for administrative expenses, and the State Brownfield Redevelopment program. However, funding for an LBRF may also be derived from appropriations and/or grants from public and private sources. In the case of the Portage Brownfield Redevelopment Authority, the LBRF will initially be funded from tax increment revenue derived from approved Brownfield Redevelopment Plans. The LBRF will capture excess tax increment revenue for a period not to exceed five years (which must fall within the maximum 30-year capture period). The LBRF will also capture any remaining funds from the annual BRA Administrative Fee, if applicable, and in accordance with PA 381.

9. Coordination with Kalamazoo County Brownfield Redevelopment Authority

The Kalamazoo County Brownfield Redevelopment Authority (KCBRA) was created in 2002 and provides incentives for brownfield redevelopment. The Authority and City Administration will coordinate with Kalamazoo County as appropriate.

10. Default

Default terms and/or conditions will be detailed in the Development and/or Reimbursement Agreement.

11. Waiver

The City Council may waive this policy, or any portion of it, when it is determined to be in the best interest of the City.

Inquiries concerning this policy can be directed to the Department of Community Development (269-329-4477), or the Office of the City Clerk (269-329-4511) in Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002.

DATE OF ADOPTION BY CITY COUNCIL:



Portage Environmental Advisory Board

December 13, 2022

To: Portage City Council

For: Annual activity / status update

From: Thomas Gillam-Shaffer, Environmental Advisory Board; Chair

Dear Portage City Council,

With great pleasure, the Portage Environmental Board offers communication on activities culminating in 2022, and a look forward to 2023. To recap, 2022 was a year of re-bounding from the ongoing Covid-19 pandemic. The board saw an ebb in membership with steep turnover and a recent fulfillment of seats. Where we jostled with roles, we expect a more productive year after appointment of key responsibilities are complete. Despite this, we feel encouraged in the level of engagement we have received on efforts towards carbon emission reduction and electrification within city government.

Looking ahead, the board will entertain discussions over the potential for Portage to host a local distributed energy grid pilot project, and the possibility of eliciting your support to engage electric utility operators. Additionally, there has been a consensus desire to extend Arbor Day and related activities into a green week. The former is envisioned as a showcase of what government, businesses and local groups are doing in the green sector. We are carefully following mosquito borne infectious disease potential. Also, we have again begun to focus on solutions to car deer incidents that involve experts. Finally, we are thrilled on our progress with city administration to achieve "Urban Bird Treaty" supporter status going forward. We stand ready to serve and remind you that we would enjoy any collaboration in sharpening our focus.

Sincerely yours,

Thomas Gillam-Shaffer, MPH, REHS, R.S.