

- 6:00 p.m. Call to Order.
- Moment of Silence.
- Pledge of Allegiance.
- Roll Call.
- Proclamations:
- A. Petitions and Statements of Citizens (3 mins. per speaker).
- B. Consent Agenda:
1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of March 5, 2024
 2. Approve the Accounts Payable Register of March 19, 2024, as presented.
 3. Award a contract in the amount of \$433,929 to Helios Solar for the installation and maintenance of a solar array on the roof of Portage City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city.
 4. Approve a 5-year contract with J & J Lawn Service Incorporated, of Portage, Michigan in the amount of \$349,916.80 for the mowing and trimming of well fields, lift stations, and retention basins and authorize the City Manager to execute all documents related to the contract on behalf of the city.
 5. Award a contract for the excavation and verification of water service line material to Taplin Group, LLC, Kalamazoo, Michigan in the amount not to exceed \$140,155.74 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
 6. Receive Rezoning Application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development, and set a public hearing for April 23, 2024.
 7. Accept the City of Portage Brownfield Redevelopment Plan Application, with Brownfield Redevelopment Plan Amendment No. 11-12, TST Portage, LLC, 5870 and 5960 South Sprinkle Road, and set a Public Hearing for April 9, 2024; and subsequent to the public hearing, consider approval.
 8. Set a Special Meeting for Tuesday, May 28, 2024, at 4:00 p.m. to review Board and Commission applicants.
 9. Minutes of Boards & Commissions:
 - a. Human Services Board of February 1, 2024.
 10. Materials Transmitted.
 11. Calendar of Meetings:
 - Senior Citizens Advisory Board: Wednesday, March 20, 2024, at 2:30 p.m. at the Portage-Zhang Senior Center.
 - Planning Commission: Thursday, March 21, 2024, at 7:00 p.m. in the City Council Chambers.
 - Historic District Commission: Wednesday, April 3, 2024, at 8:30 a.m. at Portage City Hall.
 - Park Board: Wednesday, April 3, 2024, at 6:30 p.m. at the Portage Parks & Recreation Building.
 - Human Services Board: Thursday, April 4, 2024, at 5:30 p.m. at Portage City Hall.
 - Planning Commission: Thursday, April 4, 2024, at 7:00 p.m. in the City Council Chambers.
 - ~~Zoning Board of Appeals: Monday, April 8, 2024, at 7:00 p.m. in the City Council Chambers.~~
Cancelled.
- C. Communications:

D. Public Hearings:

1. Subsequent to the Public Hearing, consider approving Rezoning Application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development,

E. Regular Business Agenda:

F. Unfinished Business:

1. Receive the report on the property at 9303 Portage Road, direct the City Administration to secure a property management services contract for the rental of this property, and authorize the City Manager to execute the necessary agreements on behalf of the city.
2. Receive for first reading the proposed ordinance to adopt the 2021 International Property Maintenance Code and schedule the ordinance for final adoption at the regular City Council meeting on April 9, 2024.
3. Deny the current applications for the Class C Liquor license and prepare notice of the availability of licenses for transformational investments that will bring meaningful benefit to the local economy and quality of life.

G. Council Committee Reports:

H. New Business:

I. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM MARCH 5, 2024

Mayor Pro Tem Jim Pearson called the Regular Meeting to order at 06:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Chris Burns, Victor Ledbetter, Nicole Miller, Terry Urban, Jihan Young, and Mayor Pro Tem Jim Pearson were present.

ABSENT: Mayor Patricia Randall.

ALSO PRESENT: City Manager Pat McGinnis, Chief Operating Officer Adam Herringa, Chief Development Officer Peter Dame, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Pro Tem Pearson, the audience observed a moment of silence to recognize and prioritize the value of all human life and the prevalence of peace over violence. Following the moment of silence, the City Council recited the Pledge of Allegiance.

PETITIONS AND STATEMENTS OF CITIZENS:

1. Dominic Parsons (310 W. Melody) spoke regarding support for an Israel/Gaza ceasefire resolution. He noted recent developments since his address before the City Council at the February 20, 2024 Meeting.
2. Robert Williams (10930 South Westnedge Avenue) stated his concerns about recent citizen commentators and the requests for a ceasefire resolution. He stressed the City Council's position as local officials.
3. Patrick O'Brien (2212 Broadway, Kalamazoo) presented on behalf of East Shore, LLC. He stated that the City of Portage is trying to steal his family's land under the pretense of a public use trail under eminent domain, offering much less than the value of the land. He noted he had previously offered to donate a portion of the land, which the city has not pursued. He noted several property owners across the street are interested in purchasing the land and said that he would like to work with the city for a fair outcome, but he will fight the eminent domain process.

Mayor Pro Tem Pearson responded to Mr. O'Brien's comment about the city "stealing" his land. Then, at the Mayor Pro Tem's invitation, City Manager McGinnis provided additional information on the current state of the city in this situation.

4. Ken Ackert (9702 East Shore Drive) stated he was in support of Mr. O'Brien and his family's purchase of the land from the railroad for use by the adjacent residents. He expressed concern about the city's restrictions on Mr. O'Brien's use of the property for parking. Mr. Ackert stated his desire for the trail to continue and not utilize the road and adjacent roundabout, which he considered a safety hazard for cyclists and pedestrians.
5. Richard Nellums (9240 East Shore Drive) spoke via phone regarding the MDNR Trust Fund Grant for the Austin Lake Trail, noting it was not presented as an approval by the Council of the trail itself, rather that the trail's design and the city's intentions for the trail still awaited additional details.

* Comment received via e-mail at 6:01 p.m. from Maribeth Henry (2621 Bach Avenue) thanking Brianna WurtSmith and Rudy Youssef for an excellent farmer's market meeting the prior week. She also encouraged continued diversity in both the vendors and products.

CONSENT AGENDA: Mayor Pro Tem Pearson shared where the public can access the meeting agenda and asked if any would like an item removed from the Consent Agenda.

Councilmember Miller removed Item B.10 (MDNR Trust Fund grant - Austin Lake Trail).

Motion by Burns, seconded by Miller, to approve the Consent Agenda as amended. Upon a roll call vote, motion carried 6 to 0.

Approval of Minutes: Motion by Burns, seconded by Miller, to approve the City Council Meeting Minutes of the Regular Meeting of February 20, 2024. Upon a roll call vote, motion carried 6 to 0.

Accounts Payable Register: Motion by Burns, seconded by Miller, to approve the Accounts Payable Register of March 5, 2024, as presented. Upon a roll call vote, motion carried 6 to 0.

Equipment Rental Contract for Curbside Collection Programs - Bid Tabulation: Motion by Burns, seconded by Miller, to approve a five-year contract with Fredrickson Supply, LLC, in the amount of \$1,036,209.00 to provide two compactor trucks for the Spring Cleanup Program and the Spring Bagged Leaf and Brush Pickup Program and eight compactor trucks for the Fall Leaf Pickup Program, and authorize the City Manager to execute all documents related to this contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

Professional Architectural and Engineering Services for the Portage Farmers Market - Bid Tabulation: Motion by Burns, seconded by Miller, to award a contract in the amount of \$126,225 to Abonmarche Consultants of Benton Harbor, Michigan, for Professional Architectural and Engineering Services for the Portage Farmers Market 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 6 to 0.

Regional Industrial Development Districts: Motion by Burns, seconded by Miller, to adopt Resolution No.1 setting a public hearing on April 9, 2024, to create six regional Industrial Development Districts in the City of Portage 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 6 to 0.

Final Plat Approval - The Oaks Phase 2 (7400 Montego Bay Street): Motion by Burns, seconded by Miller, to approve the Final Plat (Public Infrastructure Acceptance) for The Oaks Phase 2, 7400 Montego Bay Street, with the condition that sidewalks, pavement markings, and street trees be installed by March 5, 2026, and subsequently set a public hearing for April 9, 2024, to change a segment of street name from "Live Oak Trail" to "Montego Bay Street". Upon a roll call vote, motion carried 6 to 0.

Final Plat Approval - Oakland Farms No. 3 (9840 Oakland Drive): Motion by Burns, seconded by Miller, to approve the Final Plat (Public Infrastructure Acceptance) for Oakland Farms No. 3, 9840 Oakland Drive, with the condition that sidewalks and street trees be

completed by March 5, 2026, 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 6 to 0.

Waiver of Water and Sewer Municipal Connection Fees: Motion by Burns, seconded by Miller, to approve a waiver of Water and Sewer Municipal Connection Fees for an affordable housing project at 10506 Oakland Drive in an amount not to exceed \$10,000 as a local contribution for a Kalamazoo County Housing for All Millage application 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 6 to 0.

Housing for All Grant Agreement: Motion by Burns, seconded by Miller, to approve the Housing for All Grant Agreement between Kalamazoo County and the City of Portage 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 6 to 0.

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

REGULAR BUSINESS AGENDA:

Austin Lake Trail - MDNR Trust Fund Grant Application: At the request of Mayor Pro Tem Pearson, Councilmember Miller relayed her reasoning for removing the item from the Consent Agenda, citing citizen confusion over what the item was approving. She highlighted that the item approved arranging funds for the trail but did not approve any plans for the trail itself. Councilmember Burns also noted that the public had contacted him with concerns about the proposed trail, including a desire for public input on the final design, tree preservation, road noise from Sprinkle Road, increased traffic, and parking/amenity locations. He noted he is in support of the item, encouraging as much outside funding as possible. Councilmember Burns asked the City Manager about the trail project's expected time frame to ascertain when additional information that may affect public response would be available. Mayor Pro Tem Pearson confirmed the city's inability to know the scope of the project without knowing the entirety of the funding entailed and also asked the City Manager to elaborate.

City Manager McGinnis began by noting his recent relocation to the city and his appreciation for the city's trail infrastructure. He noted the city's expected construction start date is 2026. He then asked Chief Operating Officer (COO) Adam Herringa to discuss the city's public meeting regarding the trail's grant proposals. COO Herringa summarized the input received at the public meeting, which matched the concerns mentioned by Councilmember Burns. COO Herringa relayed that the purpose of the meeting was to gain insight into the trail's design, noting that the city's trail system has consistently been rated as one of its best features. City Manager McGinnis then noted a town hall-type meeting was planned once the city had conceptual designs for the public to examine.

Councilmember Urban asked COO Herringa to relay why the public input meeting was conducted. COO Herringa stated that the meeting was a prerequisite for the grant applications being pursued by the city. Councilmember Burns finished the discussion with a summary of the status of the project to date and future plans.

Motion by Miller, seconded by Urban, to approve the Resolution of Support for Local Match for the MDNR Trust Fund grant for the Austin Lake Trail 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 6 to 0.

COUNCIL COMMITTEE REPORTS: Councilmember Burns provided an update regarding the Central County Transportation Authority's February 26 special meeting regarding the new microtransit system, which will be called "Meto Link". Councilmember Miller asked for a start date. Councilmember Burns noted potentially April.

Councilmember Young provided an update regarding the Portage Community Center Board of Directors. She relayed a reminder regarding the upcoming May golf outing fundraiser.

Motion by Urban, seconded by Ledbetter, to receive the Council Committee Reports as presented. Upon a voice vote, motion carried 6 to 0.

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

Councilmember Ledbetter highlighted Women's History Month, as well as the upcoming Daylight Savings Time. He then responded to an earlier citizen comment regarding concerning statements made during a prior meeting. He also noted a recent development at the federal level, with the Biden Administration seeking a ceasefire between Israel and Gaza.

Councilmember Miller spoke regarding National Literacy Month, including her recent reading to a class of third graders at Portage Public Schools.

Councilmember Young thanked the City Clerk's Office and election workers for a successful election, as well as the citizens who came out to vote. She also noted National Literacy Month and congratulated Amberly Elementary for winning a large book donation from the Kellogg Company. She closed with a reminder to motorists about increased crosswalk use with the warmer weather.

Councilmember Burns had no comment.

City Manager McGinnis noted the veteran's memorial banner program would be returning for the summer and relayed that the proceeds contributed to the veterans' programs at the Portage Zhang Senior Center. He then highlighted the return of the citywide Industrial Development District project excluding the residential properties that had previously caused questions. City Manager McGinnis closed by noting the adoption of the revised property maintenance code would be returning at the next City Council meeting instead of the present one as expected.

Mayor Pro Tem Pearson also highlighted the Industrial Development District update and addressed the specific residential areas that had been removed from the original citywide proposal. He then highlighted three other items approved under the Consent Agenda, including two new residential plat approvals and a grant-funded design contract for the new Farmer's Market.

ADJOURNMENT: Mayor Pro Tem Pearson adjourned the meeting at 6:41 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 March 19, 2024, as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments, electronic payments and credit card payments. The attached Accounts Payable Register covers the period February 25, 2024, through March 9, 2024, and notes \$1,161,415.54 in automated clearing house payments, \$310,564.67 in paper checks, \$165,020.64 in auto-pay payments, \$4,636,532.85 in electronic payments, and \$15,593.67 in credit card payments (February), for a grand total of \$6,289,127.37.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of March 19, 2024

ACCOUNTS PAYABLE REGISTER
Check Dates From: 2/25/2024 to 3/09/2024

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Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
03/01/2024	21050(A)	A NEW LEAF	CITY HALL PLANT CARE	118.50
03/01/2024	21051(A)	AIRGAS USA LLC	WELDING SUPPLIES	124.98
03/01/2024	21052(A)	ALL CITY MANAGEMENT SERVICES, INC.	CROSSING GUARD CONTRACT	3,923.64
03/01/2024	21053(A)	ALL-TRONICS, INC.	FIRE ALARM MONITORING	81.00
03/01/2024	21054(A)	ALRO STEEL CORPORATION	REPAIR & MAINT SUPPLIES	1,762.01
03/01/2024	21055(A)	AMAZON.COM SALES, INC.	BOOKS-BLK HIS MO-PR; BARCODE SCANNER-CC	2,980.19
03/01/2024	21056(A)	VOID		0.00
03/01/2024	21057(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SUPPLIES	61.88
03/01/2024	21058(A)	ANIMAL REMOVAL SERVICE, LLC	ANIMAL REMOVAL SERVICES	1,481.00
03/01/2024	21059(A)	AUNALYTICS INC	MONTHLY DISASTER RECOVERY SERVICES	2,018.00
03/01/2024	21060(A)	C D W GOVERNMENT, INC.	LASERJET PRINTER	407.55
03/01/2024	21061(A)	CARRIER & GABLE	COBALT CONTROLLER-CENTRE/OLD CENTRE	3,670.00
03/01/2024	21062(A)	CHARTER COMMUNICATIONS	INTERNET/VOICE	701.34
03/01/2024	21063(A)	CHASE, AARON	PER DIEM-HAZMAT TECHNICIAN CHASE TR	441.00
03/01/2024	21064(A)	COLLIER, MICHAEL	PER DIEM-TRAIN THE TRAINER, INTEGRATING COM	121.50
03/01/2024	21065(A)	COLTER, KEVIN	EMER KALCO - REPLACE FURNACE	3,995.00
03/01/2024	21066(A)	CONTINENTAL LINEN SERVICES	PZSC LUNCHEON SUPPLIES	197.30
03/01/2024	21067(A)	COX, ELISA ROSE	PZSC FITNESS INSTRUCTOR ORIENTATIONS	330.00
03/01/2024	21068(A)	CROWN TROPHY	FIRE OPERATING SUPPLIES/TAGS & BADGES	427.74
03/01/2024	21069(A)	DATA CONSTRUCTS LLC	WEBSITE HOSTING, DNS FAILOVER SVC	161.00
03/01/2024	21070(A)	DELTA DENTAL PLAN OF MICHIGAN	DENTAL INSURANCE	19,549.00
03/01/2024	21071(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	149.48
03/01/2024	21072(A)	DIVE RESCUE INTERNATIONAL INC	FIRE OPERATING SUPPLIES	218.61
03/01/2024	21073(A)	DOSTER, KYLE	PER DIEM & EXPS-STAFF & COMMAND SCHOOL	1,247.07
03/01/2024	21074(A)	EARLE, SHELIA L	PZSC FITNESS INSTRUCTOR FEES	592.50
03/01/2024	21075(A)	EKLOV, ERICA	REIMB-ELECTION STAFF LUNCH/DINNER	348.29
03/01/2024	21076(A)	ELECTION SYSTEMS & SOFTWARE, INC.	REGULAR MAINT OF ELECTION EQUIPMENT	10,288.00
03/01/2024	21077(A)	ENDEAVOR PARENT, LLC	BLACK HISTORY MONTH SPEAKER INSURANCE	132.00
03/01/2024	21078(A)	ENGINEERED PROTECTION SYSTEMS, INC.	QTRLY CITYWIDE SVCS, ALARM MONITORING	21,598.59
03/01/2024	21079(A)	ENTENMANN-ROVIN CO.	UNIFORM BADGES	263.00
03/01/2024	21080(A)	ESCAPE FIRE & SAFETY SERVICES, INC.	FORKLIFT FORK EXTENSIONS, LOADER PLOW REP	2,290.33
03/01/2024	21081(A)	FELDT, ERIC	REIMB REG-TRANSPORTATION BONANZA	80.00
03/01/2024	21082(A)	FIRE SERVICE MANAGEMENT	FIRE PPE CLEANING	524.97

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Check Date	Check	Vendor Name	Description	Amount
03/01/2024	21083(A)	GORDON WATER SYSTEMS	WATER SERVICES	621.16
03/01/2024	21084(A)	GRAINGER INC	SAFETY SUPPLIES, PALLET RACK DECKING	1,162.87
03/01/2024	21085(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	303.00
03/01/2024	21086(A)	HAMBRIGHT, JARED	PER DIEM-HAZMAT TECHNICIAN TRAINING	441.00
03/01/2024	21087(A)	INDUSCO SUPPLY CO., INC.	KAIVAC CLEANING MACHINE	5,375.84
03/01/2024	21088(A)	INTERNATIONAL CODE COUNCIL, INC	INTL PROPERTY MAINTENANCE CODE	161.00
03/01/2024	21089(A)	J & H OIL COMPANY	BULK FUEL DELIVERY	25,323.12
03/01/2024	21090(A)	JACK DOHENY COMPANIES, INC.	VACTOR REPAIR SUPPLIES	345.36
03/01/2024	21091(A)	KEHOE, EDWARD J	PZSC TAI CHI & QIGONG INSTRUCTOR	855.00
03/01/2024	21092(A)	KURZAVA, MATTHEW STEPHEN	PZSC TAI CHI & PARKINSON TAI CHI INSTRUCTOR	500.00
03/01/2024	21093(A)	LAWSON PRODUCTS, INC	REPAIR & MAINT SUPPLIES	1,065.03
03/01/2024	21094(A)	LOWE'S HOME CENTER	REPAIR & MAINT SUPPLIES	37.98
03/01/2024	21095(A)	MACQUEEN EQUIPMENT LLC	FIRE PPE GEAR	1,176.69
03/01/2024	21096(A)	MCNALLY ELEVATOR CO.	CITY HALL ELEVATOR REPAIR SERVICE	4,535.00
03/01/2024	21097(A)	MICHIGAN PAVING & MATERIALS CO.	MILL & FILL CONTRACT	633,410.43
03/01/2024	21098(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	330.32
03/01/2024	21099(A)	MOTOR PARTS AND EQUIPMENT CORP	EQUIPMENT REPAIR & MAINT SUPPLIES	2,819.22
03/01/2024	21100(A)	ONE WAY PRODUCTS	JANITORIAL SUPPLIES	648.48
03/01/2024	21101(A)	ONSTAFF USA INC	TEMPORARY EMPLOYEE SERVICES	10,819.09
03/01/2024	21102(A)	PARIS CLEANERS	LAUNDRY SERVICES	882.78
03/01/2024	21103(A)	PETERS CONSTRUCTION CO.	HYDRANT REPAIR-REMOVE & REPLACE	11,544.00
03/01/2024	21104(A)	PHILLIPS, KIMBERLY	REIMB FOR EXPENSES	329.04
03/01/2024	21105(A)	PLASKO, PATRICIA MARIE	PZSC FITNESS INSTRUCTION CLASSES	450.00
03/01/2024	21106(A)	PLAYFORD, LOUIE	REIMB REG-EXTRICATION TRAINING	700.00
03/01/2024	21107(A)	PORTAGE FIREFIGHTERS	IAFF UNION DUES FOR FEBRUARY 2024	1,800.00
03/01/2024	21108(A)	PORTAGE ON-CALL FIREFIGHTERS	ON CALL FF UNION DUES FOR FEBRUARY 2024	20.00
03/01/2024	21109(A)	PORTAGE POLICE OFFICERS ASSOC	POA UNION DUES FOR FEBRUARY 2024	693.00
03/01/2024	21110(A)	PRECISION PRINTER SERVICES INC	PRINTER SUPPORT SERVICES	964.56
03/01/2024	21111(A)	PRINTING SERVICES INC	PRINTING SERVICES	653.23
03/01/2024	21112(A)	QUADRANT II MARKETING, LLC	PZSC NEWSLETTER MARCH/APRIL 2024	2,734.00
03/01/2024	21113(A)	R W LAPINE INC.	REPAIR CONDENSER COIL	21,881.40
03/01/2024	21114(A)	REHMANN LLC	BUSINESS CONTINUITY PROJECT	2,750.00
03/01/2024	21115(A)	ROBERT LAMSON, LLC	PRE-COE PSYCH EVAL	300.00
03/01/2024	21116(A)	ROSE, SANDRA K.	PZSC FITNESS INSTRUCTOR CARDIO DRUMMING	400.00

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03/01/2024	21117(A)	SEVERANCE ELECTRIC COMPANY,INC	TRAFFIC SIGNAL MAINTENANCE SVCS	4,836.67
03/01/2024	21118(A)	SHINY BRITE WASHING SYSTEMS LLC	CAR WASHES	119.98
03/01/2024	21119(A)	SIMPLIFILE LLC	DOCUMENT RECORDING	33.25
03/01/2024	21120(A)	SPC SPECIALTY PRODUCTS, LLC	BUCKET PATCH MATERIAL	7,832.00
03/01/2024	21121(A)	STOUT, MELISSA JOY	PZSC FITNESS INSTRUCTOR CHAIR YOGA, BARR	500.00
03/01/2024	21122(A)	TANNER, STEVE	REIMB-NFPA MEMBERSHIP	180.00
03/01/2024	21123(A)	TELUS COMMUNICATIONS (U.S.) INC	SKYHAWK GPS ACCESS/SERVICE FEES	851.45
03/01/2024	21124(A)	TERMINAL SUPPLY CO.	LED HEADLIGHTS & STROBES	2,861.73
03/01/2024	21125(A)	TMK WORLDWIDE, LLC	METER SERVICE	618.74
03/01/2024	21126(A)	TRUCK & TRAILER SPECIALTIES	VEHICLE PARTS & MAINTENANCE	1,816.65
03/01/2024	21127(A)	UNIFIRST CORPORATION	HALLWAY CARPET RENTAL	170.20
03/01/2024	21128(A)	UNITED AUTO. IMPLEMENT WORKERS 2290	UAW UNION DUES FOR FEBRUARY 2024	588.48
03/01/2024	21129(A)	VEOLIA WATER CONTRACT OPERATIONS	UTILITY SYSTEM OPERATION, SINK HOLE REPAIRS	270,878.84
03/01/2024	21130(A)	VERMEER, JEREMIAH	PER DIEM-HAZMAT TECHNICIAN TR	441.00
03/01/2024	21131(A)	VIRIDIS DESIGN GROUP	AUSTIN LAKE EASTSHORE PRELIM A&E	2,650.00
03/01/2024	21132(A)	WALL, BRANDON	PER DIEM-FIRST LINE SUPERVISOR TR	167.50
03/01/2024	21133(A)	WARNER NORCROSS & JUDD LLP	LEGAL & PROFESSIONAL SERVICES	416.00
03/01/2024	21134(A)	WAYNE COUNTY APPRAISAL LLC	ASSESSING SERVICES	39,349.25
03/01/2024	21135(A)	WEST MICHIGAN STAMP & SEAL,INC	NAME PLATES	90.00
03/01/2024	21136(A)	WOLVERINE LAWN SERVICE, INC.	SNOWPLOWING/CROSSWALK SVCS	7,928.00
03/01/2024	21137(A)	WOLVERINE POWER SYSTEMS	GENERATOR MAINTENANCE	2,406.97
03/01/2024	21138(A)	XEROX CORPORATION	XEROX COPIER FEE	179.61
03/08/2024	21139(A)	LORD, JAMES	TRAVEL EXP REIMBURSEMENT FOR INVESTIGATION	181.15
Total ACH				1,161,415.54
Check Type: Paper				
03/01/2024	326592	7900 MOORSBRIDGE LLC	TEMPORARY PUMPING EASEMENT	2,760.00
03/01/2024	326593	ABSOLUTE VIDEO PRODUCTIONS	BLACK HISTORY MONTH VIDEO	750.00
03/01/2024	326594	ACT 2 PRODUCTIONS LLC	JULY SUMMER CONCERT EQUIPMENT	2,050.00
03/01/2024	326595	ACTION TRAFFIC MAINTENANCE	GUARDRAIL REPAIR OAKLAND DRIVE	6,300.00
03/01/2024	326596	ADVIA CREDIT UNION	OVERPAYMENT OF SUMMER TAXES	738.17
03/01/2024	326597	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	916.00
03/01/2024	326598	AMALGAM LLC	EDITABLE GIS LAYER SERVICES	1,875.00
03/01/2024	326599	AUTO TRIM	FIRE APPARATUS MAINT	2,350.00

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03/01/2024	326600	BARRETT, KIMBERLY	PZSC ART INSTRUCTOR	195.00
03/01/2024	326601	BATTERY STATION LLC	BATTERIES	500.00
03/01/2024	326602	BATTLE CREEK POLICE OFFICERS ASSOC	RANGE FEES	517.25
03/01/2024	326603	BRINN, CHAUNCEY J.	PORTAGE CULINARY ACADEMY CLASSES	250.00
03/01/2024	326604	BUSINESS SPEAKERS BUREAU LLC	AUGUST SUMMER CONCERT SOUND PROD	3,500.00
03/01/2024	326605	CAMPBELL AUTO SUPPLY	MISC AUTO SUPPLIES	40.68
03/01/2024	326606	CHICAGO TITLE OF MICHIGAN, INC.	CDBG TITLE SEARCHES	300.00
03/01/2024	326607	CHUPP, MARISSA	GRAIN ELEVATOR DEPOSIT REFUND	150.00
03/01/2024	326608	CITY OF BENTON HARBOR	FIRE TRAINING - HIGH RISE FIRE CLASS	100.00
03/01/2024	326609	CITY OF KALAMAZOO TREASURER	BIO DIESEL FUEL	1,552.83
03/01/2024	326610	CONSUMERS ENERGY	ENERGY CHARGES	1.48
03/01/2024	326611	COURTSIDE CONDOMINIUM ASSOCIATION	TEMPORARY GRADING EASEMENT	692.00
03/01/2024	326612	DIRECT FITNESS SOLUTIONS, LLC	PZSC EQUIPMENT & MAINTENANCE REPAIR	150.00
03/01/2024	326613	EMERGENCY VEHICLE PRODUCTS	POLICE VEH REPAIR & MAINT	1,240.87
03/01/2024	326614	ENG., INC.	DESIGN & CONSTRUCTION ENGINEERING	60.00
03/01/2024	326615	ENGINEERING SUPPLY & IMAGING	TONER PACK FOR GIS PRINTER	241.83
03/01/2024	326616	FAWLEY OVERHEAD DOOR, INC.	OVERHEAD DOOR REPAIRS	564.71
03/01/2024	326617	FIELDS, ANTHONY J	PZSC PROGRAM ENTERTAINMENT	800.00
03/01/2024	326618	FLOCK GROUP INC	ALPR CAMERAS W/INSTALLATION, ANNUAL MAIN	82,500.00
03/01/2024	326619	FORESTRY SUPPLIERS, INC.	CHAINSAW CHAPS & SAFETY GEAR	1,051.29
03/01/2024	326620	GALE, ELSIE	PZSC TRAVEL REFUND	415.00
03/01/2024	326621	GILBERT AND IVY, LLC	PZSC PRESENTATION - BOOKS & BOURBON	240.00
03/01/2024	326622	GORDON FOOD SERVICE	PZSC COFFEE BAR AND SUPPLIES	199.66
03/01/2024	326623	GREATER KALAMAZOO FOP LODGE 98	FOP PORTION OF PPOA UNION DUES FEB 2024	3,267.74
03/01/2024	326624	HARBEN, INC.	WATER SELECTOR VALVE	734.26
03/01/2024	326625	HOME DEPOT	REPAIR & MAINT SUPPLIES	2,194.42
03/01/2024	326626	VOID		0.00
03/01/2024	326627	INT'L SOCIETY OF FIRE SERVICE INSTR	ISFSI MEMBERSHIP	135.00
03/01/2024	326628	IRISH ROOFING & EXTERIORS	CDBG/KAL CO - ROOF REPLACEMENTS	30,745.00
03/01/2024	326629	J & B MEDICAL SUPPLY INC	TOURNIQUET & BANDAGES SUPPLIES	1,139.40
03/01/2024	326630	J & J PAINT AND GLASS	DOOR REPAIR	355.00
03/01/2024	326631	JRA FOOD SERVICE CONSULTANTS, LLC	COMMERCIAL KITCHEN CONSULTANT SVCS-PARKS	3,010.00
03/01/2024	326632	KALAMAZOO COUNTY TREASURER	2022 DECEMBER BOARD OF REVIEW	462.13
03/01/2024	326633	KALAMAZOO FIRST ASSEMBLY OF GOD	PRECINCTS RENTAL FOR 02/27/2024	200.00

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03/01/2024	326634	KALAMAZOO IN BLOOM, INC.	PZSC PRESENTATION STIPEND 40TH ANNIVERSARY	400.00
03/01/2024	326635	KALAMAZOO PICKLEBALL	PZSC KALAMAZOO PICKLEBALL CLINIC	540.00
03/01/2024	326636	KENT COUNTY DPW	WASTE DISPOSAL RED MED/DRUG	90.00
03/01/2024	326637	KIEL, ZACK	RAMONA FOOTBALL DEPOSIT REFUND	295.00
03/01/2024	326638	KNOX CO.	FIRE VEHICLE MAINT	2,277.00
03/01/2024	326639	LAMPLIGHTER ELECTRICAL LLC	EMER KAL CO-ELEC REPAIRS, WATER HEATER	944.50
03/01/2024	326640	LAW ENFORCEMENT SEMINARS, LLC	INTERNAL AFFAIRS INVESTIGATION REGISTRATION	1,275.00
03/01/2024	326641	LORD OF LIFE LUTHERAN CHURCH	PRECINCTS RENTAL FOR 02/27/2024	200.00
03/01/2024	326642	MCDONALD'S TOWING & RESCUE, INC.	POLICE TOWING SERVICES	90.00
03/01/2024	326643	MCDONALDS	OVERPMT ON WINTER TAXES	2,450.63
03/01/2024	326644	MCKENNA ASSOCIATES INC.	LAKE CENTER DISTRICT REZONING PROJECT	6,232.00
03/01/2024	326645	METRO CONSULTING ASSOCIATES, LLC	COOLEY DRIVE ROW SERVICES	2,550.00
03/01/2024	326646	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINT	1,083.64
03/01/2024	326647	MICHIGAN FIRE INSPECTORS SOCIETY	MFIS WINTER CONF REGISTRATION	1,640.00
03/01/2024	326648	NEW BLUE INC.	SEPTEMBER SUMMER CONCERT EQUIPMENT	3,250.00
03/01/2024	326649	NOBLE	MEMBERSHIP-NTL ORG BLACK LAW ENFORE EXE	150.00
03/01/2024	326650	OFFICE DEPOT, INC.	OFFICE SUPPLIES	784.55
03/01/2024	326651	PATHFINDER CHURCH	PRECINCT RENTAL FOR 02/27/2024	100.00
03/01/2024	326652	PETTY CASH-DANA FAIR	REPLENISHMENT CHECK	369.50
03/01/2024	326653	PLD, LLC DBA COVE LAKESIDE BISTRO	OVERPMT ON WINTER TAXES	4,156.85
03/01/2024	326654	POLMATEER, TAYLOR	SCHOOLHOUSE DEPOSIT REFUND	50.00
03/01/2024	326655	PORTAGE CENTRE, LTD	OVERPMT WINTER TAXES	1,300.00
03/01/2024	326656	PORTAGE CHAPEL HILL UMC	PRECINCTS RENTAL FOR 02/27/2024	200.00
03/01/2024	326657	PORTAGE PUBLIC SCHOOLS	MONSTER MASH SHUTTLE SERVICES	716.72
03/01/2024	326658	PRAIRIE EDGE CHRISTIAN REFORMED CHU	PRECINCTS RENTAL FOR 02/27/2024	200.00
03/01/2024	326659	PRINCE OF PEACE LUTHERAN CHURCH	PRECINCTS RENTAL FOR 02/27/2024	200.00
03/01/2024	326660	PURITY CYLINDER GASES, INC	WELDING SUPPLIES	106.31
03/01/2024	326661	QUADMED, INC.	EMS SUPPLIES	1,064.33
03/01/2024	326662	RATHCO SAFETY SUPPLY, INC.	ROAD SIGNS	902.80
03/01/2024	326663	SCHMIDT, MARY	PZSC FITNESS INSTRUCTOR	70.00
03/01/2024	326664	SEELYE FORD, INC.	FLEET VEHICLE REPAIR	618.28
03/01/2024	326665	SHOPPES GREENWOOD, LLC	OVERPMT ON WINTER TAXES	25.00
03/01/2024	326666	SMART SOURCE, LLC	PRINTING SERVICES	191.47
03/01/2024	326667	SOIL EXPLORATION SERVICES INC	PROFESSIONAL/OPERATOR SERVICES	525.00

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03/01/2024	326668	SOUTHLAND ACQUISITIONS, LLC	OVERPMT ON WINTER TAXES	60.00
03/01/2024	326669	SPARTAN DISTRIBUTORS INC.	REPAIR & MAINTENANCE SUPPLIES	149.92
03/01/2024	326670	SPECTRUM PRINTERS, INC.	PRES PRIM BALLOT SELECTION MAILING	6,877.54
03/01/2024	326671	STATE OF MICHIGAN (EGLE)	2024 STORM WATER ANNUAL PERMIT FEE	4,000.00
03/01/2024	326672	STATE SYSTEMS RADIO, INC	RADIO BATTERIES	219.42
03/01/2024	326673	STEENSMA LAWN & POWER EQUIPMENT	REPAIR & MAINT SUPPLIES/CHAINSAWS	3,351.55
03/01/2024	326674	STONEGATE MANAGEMENT, INC.	PRECINCT RENTAL FOR 02/27/2024	100.00
03/01/2024	326675	SUITS U TAILOR SHOP INC	FIRE UNIFORMS	936.00
03/01/2024	326676	SW MI PLASTIC AND HAND SURGERY	OVERPAYMENT OF WINTER TAXES	5,224.26
03/01/2024	326677	SYTEK AND DAVIES LLC	PZSC EQUIPMENT & MAINTENANCE REPAIR	245.00
03/01/2024	326678	T-MOBILE USA INC	MISC T-MOBILE SERVICE	75.00
03/01/2024	326679	TEAM SUPPORT SERVICES, LLC	RECORDS MANAGEMENT	738.70
03/01/2024	326680	THE BRIDGE	PRECINCTS RENTAL FOR 02/27/2024	200.00
03/01/2024	326681	ULINE, INC.	MISC EVIDENCE SUPPLIES	305.50
03/01/2024	326682	UNIQUE PAVING MATERIALS CORP	BUCKET PATCH MATERIAL	2,352.72
03/01/2024	326683	UNITED PARCEL SERVICE	UPS WEEKLY	38.05
03/01/2024	326684	US HYD LLC	WING CYLINDER REBUILD	958.99
03/01/2024	326685	VARIPHY INC.	VARIPHY SUBSCRIPTION	2,619.00
03/01/2024	326686	VERIZON WIRELESS	CELL PHONE/WIRELESS CARD SERVICE	519.35
03/01/2024	326687	VISTA PRIVATE EQUITY, INC.	NIMBLE SUPPORT	8,340.00
03/01/2024	326688	VK ENDEAVOURS LLC	CITY HALL PARKING LOT UPGRADES	2,500.00
03/01/2024	326689	W MICH CRIMINAL JUSTICE TRAINING CO	ADVANCED FOIA	100.00
03/01/2024	326690	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	248.50
03/01/2024	326691	WESTERN MICHIGAN UNIVERSITY	LICENSES TO OPERATE LEIN SERVER	2,400.00
03/01/2024	326692	WESTMINSTER PRESBYTERIAN CHURCH	PRECINCT RENTAL FOR 02/27/2024	100.00
03/01/2024	326693	WIGHTMAN	SURVEY & TOPOGRAPHICAL SURVEY SVCS	5,650.00
03/01/2024	326694	WILD, JED	REIMB EXP-STAFF AND COMMAND SCHOOL	660.45
03/01/2024	326695	WILLIS, THELMA	HAYLOFT THEATRE FEES REFUND	150.00
03/01/2024	326696	WISCONSIN INST. FOR HEALTHY AGING	PZSC LICENSE & TRAINING FEE	4,350.00
03/01/2024	326697	WM LIMITED PARTNERSHIP - 1998	OVERPAYMENT ON WINTER TAXES	663.26
03/01/2024	326698	WOLZ, MARI-CLARE	SCHOOLHOUSE DEPOSIT REFUND	50.00
03/01/2024	326699	WOOD, STEPHEN J	EMER KAL CO ELECTRIC REWIRING	5,000.00
03/01/2024	326700	ZOLMAN TIRE INC.	TIRES FOR INVENTORY	1,383.84
03/08/2024	326701	BAUMAN, DAVID M.	JUNE SUMMER CONCERT SERIES 24	2,750.00

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03/08/2024	326702	CORELOGIC CENTRALIZED REFUNDS	2023 SUMMER TAX REFUND DUE PRE CHANGE	3,707.85
03/08/2024	326703	KALAMAZOO COUNTY TREASURER	2024 DOG LICENSE SALES PAYMENT	3,107.00
03/08/2024	326704	KALAMAZOO COUNTY TREASURER	2022 KALAMAZOO CO LEXINGTON DRAIN ASSESS DIST	45,261.16
03/08/2024	326705	LERETA LLC	2023 SUMMER TAX REFUND DUE PRE CHANGE	4,623.60
03/08/2024	326706	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	254.71
Total Paper Checks				310,564.67
Check Type: Auto-Pay Payments				
02/28/2024		BLUE CROSS/BLUE SHIELD OF MI	HEALTH INSURANCE	7,205.33
02/28/2024		CONSUMERS ENERGY	GAS-ELECTRIC	619.79
03/01/2024		CONSUMERS ENERGY	GAS-ELECTRIC	754.68
03/04/2024		CARD CONNECT	PROCESSING FEES	1,827.66
03/04/2024		CONSUMERS ENERGY	GAS-ELECTRIC	9,650.35
03/05/2024		BLUE CROSS/BLUE SHIELD OF MI	HEALTH INSURANCE	417.78
03/06/2024		CONSUMERS ENERGY	GAS-ELECTRIC	57,457.96
03/07/2024		CONSUMERS ENERGY	GAS-ELECTRIC	7,002.26
03/07/2024		INVOICE CLOUD	PROCESSING FEES	719.85
03/08/2024		CONSUMERS ENERGY	GAS-ELECTRIC	33,006.51
03/08/2024		MISSIONSQUARE	EMPLOYEE RETIREMENT WITHHOLDINGS	46,358.47
Total Auto-Pay Payments				165,020.64
Check Type: Electronic Payments				
02/26/2024		MULTIPLE	WEEKLY TAX DISBURSEMENT 2/16/24	2,284,300.91
02/28/2024		SBF	POSTAGE - WATER/SEWER BILLS	2,430.57
02/29/2024		HUNTINGTON NATIONAL BANK	DEBT SERVICE PAYMENTS	29,625.00
03/01/2024		FIFTH THIRD BANK	INVESTMENT PURCHASE	498,461.81
03/06/2024		ASU GROUP	WORKERS COMP FUNDING	7,487.45
03/08/2024		KALAMAZOO COUNTY	BROWNFIELD 2023 WINTER CAPTURE	296,245.00
03/08/2024		MULTIPLE	IFT DISBURSEMENT	1,296,283.38
03/08/2024		FIFTH THIRD BANK	INVESTMENT PURCHASE	221,698.73
Total Electronic Payments				4,636,532.85
Check Type: Credit Card				
02/01/2024		PAYPAL IAPE IAPE	POLICE ANNUAL MEMBERSHIP DUES	65.00

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02/02/2024		FRANCOS SUB STATION & ITA	FOOD FOR PZSC EVENT	155.02
02/02/2024		INT'L CODE COUNCIL INC	COM DEV ANNUAL MEMBERSHIP DUES REFUND	(160.00)
02/02/2024		IACP	POLICE ANNUAL MEMBERSHIP	190.00
02/05/2024		INT'L CODE COUNCIL INC	COM DEV ANNUAL SUBSCRIPTION	300.00
02/05/2024		DOUBLETREE HOTELS	CMO CONFERENCE HOTEL STAY	678.60
02/06/2024		PAYPAL COURSE21	HUMAN RESOURCES TRAINING REGISTRATION	499.00
02/06/2024		HR CERTIFICATION INSTITUT	HUMAN RESOURCES RE-CERTIFICATION FEE	169.00
02/06/2024		NRPA OPERATING	PARKS ANNUAL MEMBERSHIP DUES	180.00
02/07/2024		TVY SILVERSNEAKERS	PZSC EQUIP REFUND FOR DUPLICATE CHARGE	(151.00)
02/07/2024		AMERICAN PLANNING A	COM DEV CONFERENCE REGISTRATION	888.00
02/08/2024		IN JC TACTICAL LLC	POLICE TRAINING REGISTRATION	2,695.00
02/08/2024		MICHIGAN LICENSING	COM DEV TRAINING REGISTRATION	89.97
02/09/2024		SAMSClub.COM	ITEMS FOR SENIOR CENTER LUNCHEON	153.72
02/09/2024		AMERICAN AIR0012114707011	SENIOR CENTER CONFERENCE FLIGHT	598.21
02/09/2024		MMTA	TREASURY TRAINING REGISTRATION	99.00
02/12/2024		AMERICAN AIR0017007941127	COM DEV CONFERENCE FLIGHT	315.20
02/12/2024		AMWAY GRAND PLAZA HOTE	POLICE TRAINING HOTEL STAY	411.70
02/12/2024		AMWAY GRAND PLAZA HOTE	POLICE CONFERENCE HOTEL STAY	585.33
02/13/2024		MIDWEST COPIER - IL	PUBLIC INFORMATION PICKUP OF OLD COPIER	150.00
02/13/2024		MILLER CANFIELD PADDOCK A	HUMAN RESOURCES CONFERENCE REGISTRATION	200.00
02/13/2024		MICHIGAN MUNICIPAL LEAGUE	COUNCIL MEM REGISTRATION/CMO ANNUAL MEMB	885.00
02/14/2024		INTERNATIONAL PUBLIC MAN	HUMAN RESOURCES CERTIFICATE PROGRAM	975.00
02/14/2024		IN JC TACTICAL LLC	POLICE TRAINING REGISTRATION	850.00
02/15/2024		ADOBE INC.	PUBLIC INFO SOFTWARE ANNUAL RENEWAL	699.47
02/15/2024		HAMPTON INN AND SUITES DE	POLICE TRAINING HOTEL STAY	234.34
02/16/2024		MICHIGAN MUNICIPAL LEAGUE	CMO CONFERENCE REGISTRATION	920.00
02/19/2024		MGFOA REGISTRATION FEE	FINANCE TRAINING REGISTRATION	100.00
02/19/2024		HILTON GARDEN INN	POLICE TRAINING HOTEL REFUND	(148.74)
02/21/2024		FREE CONFERENCE CALL GLOB	IT CONFERENCE CALL CHARGES	26.71
02/23/2024		GOVERNMENT FINANCE OFFIC	FINANCE CONFERENCE CLOSING TICKET	50.00
02/23/2024		GOVERNMENT FINANCE OFFIC	FINANCE TRAINING REGISTRATION	120.00
02/23/2024		3CMA ONLIN DC	PUBLIC INFORMATION ANNUAL MEMBERSHIP	400.00
02/26/2024		FOOD ATBIGAPPLEBAGELS	FOOD FOR PARKS VOLUNTEERS	133.15
02/27/2024		TYLER USER CONFERENCE	POLICE CONFERENCE REGISTRATION	1,199.00

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02/27/2024		BWY FBINAA NATL OFFICE	POLICE ANNUAL MEMBERSHIP	115.00
02/27/2024		EGLE WATER USE	ANNUAL WATER FEE-HAMPTON CREEK BOG	204.00
02/28/2024		MGFOA REGISTRATION FEE	FINANCE CONFERENCE REGISTRATION	135.00
02/29/2024		INT'L CODE COUNCIL INC	COM DEV TRAINING REGISTRATION	540.00
02/29/2024		ADOBE INC.	STOCK PHOTO/VIDEO/MUSIC LIBRARY-PUBLIC INFO	19.99
02/29/2024		BUZZSPROUT INVOICE 59	MONTHLY PODCAST SUBSCRIPTION	24.00
			Total Credit Card Payments	15,593.67
			Grand Total	6,289,127.37

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Contract for City Hall solar array system installation

SUPPORTING PERSONNEL: Rodney Russell, Director of Public Works
 Kylar Chandler, Assistant to the City Manager

ACTION RECOMMENDED: Award a contract in the amount of \$433,929 to Helios Solar for the installation and maintenance of a solar array on the roof of Portage City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city.

City Council approved the replacement of the roof of Portage City Hall as part of the FY 2021-22 Capital Improvement Program (CIP) budget. As energy costs continue to rise and the City Administration increases efforts for energy conservation, the planned roof replacement provides an ideal opportunity to invest in a solar array on the roof of City Hall, which is programmed in the FY 2023-24 CIP budget. While aligning the timelines of the two projects makes sense financially, integrating solar panels into the new roof will also partially extend its life span. Recent changes in the state regulatory structure around solar ownership have made it faster for solar array owners to achieve a return on investment. The city will be eligible for voucher funding as a part of the Energy Efficiency and Conservation Block Grant Program, and the federal government has made municipal governments eligible for tax credits for this project through the Inflation Reduction Act. By taking advantage of these funding sources, the city will be reimbursed between 48% and 53% of the total cost, depending on proposal selection.

Staff issued a Request for Proposal (RFP) for this project and three submissions were received from Michigan-based solar companies. Each of the three proposals represented a very different system and downstream implications. To provide the best quantitative assessment of these projects, each proposal was considered on the following criteria: Initial Cost, Return on Investment (ROI), Performance, and Maintenance/Warranty Package Structure. After a thorough review, clarification, and fact-finding interviews with the bidding firms, Helios Solar emerged as the preferred choice.

<i>Proposals</i>	<i>Year 1 Generation</i>	<i>% of Consumption</i>	<i>Year 10</i>	<i>Year 20</i>	<i>Degradation Rate</i>	<i>Initial Cost</i>
Michigan Solar	151589 kWh	46.80%	144767 kWh	137187 kWh	0.22%	\$309,580.53
Harvest Solar	169686 kWh	52.39%	162201 kWh	154271 kWh	0.24%	\$405,765.00
Helios Solar	174515 kWh	53.88%	170508 kWh	166056 kWh	0.13%	\$433,929.00

In terms of performance, the Helios Solar array produces the most electricity. For reference, the system would have accounted for 53.88% of the total electricity consumed within the last fiscal year. Additionally, it has the lowest degradation rate with only a 2.61% drop-off in power generation between Year 1 and Year 20.

Warranty			
Warranty	Helios	Harvest	Michigan
Inverter Warranty	25 Years	10 Years	12 Years
Labor Warranty	10 Years	5 Years	-
Performance Warranty	25 Years	30 Years	25 Years
Product Warranty	25 Years	12 Years	-
Racking Warranty	25 Years	-	25 Years
Workmanship Warranty	10 Years	5 Years	3 Years

Maintenance and Warranty Package Structure was a major delineating factor among the proposals (see table at left). Helios Solar offers the most comprehensive warranties, covering products, workmanship, racking, and inverters. Inverter warranty was an important factor, as Michigan Solar and Harvest Solar both indicated that their inverters would require replacements near Year 15.

Of note, Helios Solar is committed to aiding in warranty navigation and conducting annual diagnostic tests to ensure continued compliance and optimal performance. For daily monitoring and maintenance, Helios Solar's proposal stands out for its inclusion of a DC inverter attached to every panel, allowing for more precise monitoring, safer maintenance, and dynamic performance displays. Michigan Solar and Harvest Solar have big box inverter setups with varied abilities for individualized panel reception and diagnostic capabilities.

All these factors equate to a greater sustained yield over the life of the system. A detailed comparison is provided in the table below. While Helios Solar's initial costs are higher, the projected return on investment and cumulative savings over the first 23 years of a 30-year operational lifespan outweigh the competing proposals. Specifically, the Helios Solar array is expected to generate the greatest cumulative savings compared to other bidders.

Projected Bills After Solar						
Year	Michigan Solar	Cumulative Savings	Harvest Solar	Cumulative Savings	Helios Solar	Cumulative Savings
1	\$ 34,101.20	\$ 29,998.80	\$ 30,518.01	\$ 33,581.99	\$ 29,562.92	\$ 34,537.08
5	\$ 42,119.19	\$ 163,885.62	\$ 37,842.78	\$ 183,495.50	\$ 36,310.13	\$ 189,659.01
6	\$ 44,422.11	\$ 201,163.52	\$ 39,950.39	\$ 225,245.10	\$ 38,242.86	\$ 233,116.14
7	\$ 46,852.52	\$ 240,111.00	\$ 42,176.42	\$ 268,868.68	\$ 40,280.24	\$ 278,635.90
8	\$ 49,357.00	\$ 280,754.00	\$ 44,473.00	\$ 314,395.68	\$ 42,376.00	\$ 326,259.90
9	\$ 52,046.40	\$ 323,207.60	\$ 46,940.25	\$ 361,955.43	\$ 44,625.00	\$ 376,134.90
10	\$ 54,867.52	\$ 367,540.08	\$ 49,530.56	\$ 411,624.87	\$ 46,981.12	\$ 428,353.78
11	\$ 57,876.85	\$ 413,863.23	\$ 52,281.31	\$ 463,543.56	\$ 49,492.92	\$ 483,060.86
20	\$ 93,047.10	\$ 934,548.10	\$ 84,525.18	\$ 1,048,295.48	\$ 78,666.36	\$ 1,106,857.95
*ROI w/ Incentives			*ROI w/o Incentives			

Solar solicitation is much different than soliciting bids for other services. While the solar industry is maturing, it is still disparate in its approach. As such, staff have made every effort to make very different systems as comparable as possible. Despite a higher initial cost, the Helios Solar array provides the most savings with the best guarantees of continued performance through warranties in comparison to the other bidders. It is therefore recommended that the City Council award a contract in the amount of \$433,929 to Helios Solar for the installation and maintenance of a solar array on the roof of City Hall and authorize the City Manager to execute all documents related to this action on behalf of the city.

FUNDING: Up to \$450,000 is available through Capital Improvement Plan funding (account #401-265.00-973.10024PF02), \$76,800 of reimbursement funding will be provided by the Energy Efficiency and Conservation Block Grant, and at least 30% of the cost will be reimbursed through the newly approved direct/elect pay tax credit program for non-taxable institutions.

Attachments: 1. Proposal Tabulation_2023 RFP Solar Panels

**2023 RFP CITY HALL ROOFTOP SOLAR PV SYSTEMS AND INSTALLATION
ENGINEERING AND INSTALLATION SERVICES
PROPOSAL TABULATION**
PROPOSAL OPENING ON JANUARY 11, 2024 AT 3 PM

	Proposal Cost	EECBGP*	Tax Rebate (30%)	Final Cost
Michigan Solar Solutions 3260 Old Farm Lane Commerce Charter Twp, MI 48390	\$309,580.53	\$76,800.00	\$92,874.16	\$139,906.37
Harvest Energy Solutions LLC, DBA Harvest Solar 2218 E High St Jackson, MI 49203	\$405,765.00	\$76,800.00	\$121,729.50	\$207,235.50
Helios Solar LLC 248 W Michigan Ave Kalamazoo, MI 49007	\$433,929.00	\$76,800.00	\$130,178.70	\$226,950.30

Opened by: 
Victoria Barboza, Purchasing Manager

*Energy Efficiency and Conservation Block Grant Program (EECBGP)

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Mowing & Trimming of Well Fields, Lift Stations, and Retention Basins - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Approve a 5-year contract with J & J Lawn Service Incorporated, of Portage, Michigan in the amount of \$349,916.80 for the mowing and trimming of well fields, lift stations, and retention basins and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The City of Portage utility system consists of 91 sites that require mowing, trimming, and other maintenance activities. Through outsourcing a significant portion of labor necessary for mowing and trimming utility facilities to a private contractor, several benefits are realized, including directing Veolia personnel to other critical utility maintenance needs, reduction of city-owned major equipment, and repair of small equipment. The program is similar to other city mowing contracts and will be monitored by city staff to ensure all properties are maintained to the desired level of service.

On February 22, 2024, six bids were received for the mowing and trimming of well fields, lift stations, and retention basins. The low bid was submitted by J & J Lawn Service Incorporated, of Portage, Michigan in the amount of \$349,916.80. J & J Lawn Service is well-established and qualified to perform the work required, having performed mowing services for the utility for the last four years.

It is recommended that City Council approve a 5-year contract with J & J Lawn Service Incorporated, of Portage, Michigan in the amount of \$349,916.80 for the mowing and trimming of well fields, lift stations, and retention basins and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Sufficient funds have been budgeted in the Sewer and Water Operating Budgets to cover the cost of the contractual services for FY 2023-2024.

Attachments: 1. Utility Moving & Trimming - Bid Tabulation

2024 RFB MOWING AND TRIMMING SERVICES
BID TABULATION
BID OPENING ON FEBRUARY 22, 2024 AT 3 PM

J & J Lawn Service Inc. 8975 Portage Industrial Drive Portage, Michigan, 49024	\$ 349,916.80
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Stap Bros Lawn and Landscape 14782 South Kellogg School Rd PO Box188 Hickory Corners, Michigan, 49060	\$ 365,466.00
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Boyd Entertainment, Inc. (B.E.I. Landscaping) 1118 Wintercherry Lane Vicksburg, Michigan, 49097	\$ 386,185.82
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Powers and Property Management PO Box 165 Portage, Michigan, 49081	\$ 610,455.00
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S&T Lawn Service 3393 South 6th Street Kalamazoo, Michigan, 49009	\$ 797,154.00
--	---------------

JH Lawn Care 8906 N 27th St Richland, Michigan, 49083	\$ 900,200.00
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Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Water Service Physical Material Verification

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a contract for the excavation and verification of water service line material to Taplin Group, LLC, Kalamazoo, Michigan in the amount not to exceed \$140,155.74 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The use of lead pipe was banned in the 1980s; however, there are still more than 9 million lead service lines in use across the United States. The State of Michigan 2018 revisions to the lead and copper provisions of the Michigan Safe Drinking Water Act, 1976 of PA 399, as amended (Act 399), resulted in several new requirements for water supplies with lead service lines or galvanized service lines previously connected to lead. To address these requirements, all water suppliers are required to submit a Complete Distribution System Materials Inventory (CDSMI) to the Department of Environment, Great Lakes and Energy (EGLE) by October 16, 2024.

The distribution system materials inventory must include service line materials from the water main into the building and the verification methodology used to determine the material. There are no known lead water service lines from the main to the building within the City of Portage. City staff reviewed all water service documentation available to verify the material of water service lines installed before 1983, the year when the City Council approved an ordinance requiring the use of copper for water service lines. For water service lines with unknown material, a random sample of service lines must be physically verified on both sides of the curb valve. The City of Portage is required to excavate 350 services of unknown material to physically verify pipe materials. The Fiscal Year 2023-2024 Water Operating budget includes funding for verification of water service pipe material.

On March 7, 2024, seven bids for the excavation and verification of water service line material were received with the low bid being submitted by Taplin Group, LLC in the amount of \$140,155.74. Taplin Group, LLC has successfully completed other work for the city, typically in environmental emergency response.

It is recommended that City Council award a contract for the excavation and verification of water service line material to Taplin Group, LLC, in the amount not to exceed \$140,155.74 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Water Operating Fund

Attachments: 1. Bid Tabulation - 2024 RFB Water Service Line Excavation

**2024 RFB WATER SERVICES LINE EXCAVATION AND MATERIAL
IDENTIFICATION
CONSTRUCTION SERVICES
BID TABULATION**

BID OPENING ON MARCH 7, 2024 AT 3 PM

Taplin Group, LLC 5140 W. Mihcigan Ave Kalamazoo, MI 49006	\$	140,155.74
Waste Recovery Systems 4750 Clyde Park Ave SW Wyoming, MI 49509	\$	158,000.00
Duke's Root Control, Inc 400 Airport Road, Suite E Elgin, Illinois 60123	\$	166,855.98
Plummers Environmental 10075 Sedroc Industrial Dr Byron Center, MI 49315	\$	182,100.00
Pipeline Management 2673 E. Maple Road Milford, MI 48381	\$	199,900.00
LJ Inc 6359 Miller Rd Swartz Creek, MI 48473	\$	216,250.00
Lounsbury Excavating, Inc 32673 E Red Arrow Hwy Paw Paw, MI 49079	\$	1,338,200.00

Opened by: _____



Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Rezoning Application No. 23/24-4 to rezone 600 W. Milham Avenue

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer

ACTION RECOMMENDED: Receive Rezoning application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development, and set a public hearing for April 23, 2024.

The applicant, Matthew Callander on behalf of CC Development, LLC, seeks rezoning application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District and R-1A One Family Residential District to B-1 Local Business District and P-1 Vehicular Parking District to facilitate future development (see attached Proposed Zoning Map). The subject property is located along the north side of West Milham Avenue, a few blocks west of South Westnedge Avenue, and across from Palm Street. The one-acre site is currently undeveloped and fronts West Milham Avenue, Dakota Avenue, and Iowa Avenue. If the rezoning is approved, the applicant has received interest in establishing a new veterinary business which will be reviewed by the Planning Commission for a Special Land Use Permit and Site Plan.

As required by the city's Public Participation Plan, the applicant held a neighborhood meeting on December 21, 2023, at the applicant's office building (628 West Milham Avenue, Portage, MI) to gain neighborhood input about the rezoning. This building is located across from the subject site (across from Dakota Avenue). All abutting residents were invited. The applicant indicated that two members of the public attended the meeting with one member showing support for the conceptual veterinary business. Overall concerns were about traffic, headlight glare, screening, and snow storage.

Low demand for office space continues as a result of COVID and changes in work environments. Some office buildings and office-zoned areas are seeing a transition to other uses. Portage has responded to this change by facilitating new/redevelopments through rezoning and zoning code amendments. Responding to economic changes ensures continued reinvestment while evaluating the impact on surrounding uses and neighborhoods.

Attempts to develop this site and several past changes have led to the current site boundary area and condition, including the demolition of former homes, a previous rezoning, and the consolidation of multiple parcels. In 2006, several previous separate parcels were rezoned, resulting in the current mix of R-1A One-Family Residential, OS-1 Service Office, and P-1 Vehicular Parking. Past lot combinations of 601, 602, and 524 West Milham Avenue to 600 West Milham Avenue occurred in 2018. Despite the past demolition of several homes and receiving an approved Site Plan in 2019 for a future office building, the site remained vacant.

There is a mix of single-family homes and commercial businesses along the West Milham Avenue corridor. Heading east toward South Westnedge Avenue, the zoning changes from OS-1 Office Service and R-1A One Family Residential to B-2/ B-3 Business districts have permitted more intense commercial uses. Behind (north of) the subject site lies a single-family residential neighborhood established in the 1950s and 1960s, which is zoned R-1A One-Family Residential.

Existing Conditions

Existing Land Use/ Zoning	• The subject site is vacant and zoned OS-1 Office Service, R-1A One-Family Residential, and P-1 Vehicular Parking (see attached Existing Zoning map) • <u>North</u>: Single Family Houses, 5923 Dakota Ave and 5928 Iowa Ave; Zoned R-1A One-Family Residential • <u>South (across West Milham Avenue)</u>: Single Family Houses; 6009 Palm Street and 607 West Milham Avenue; Zoned R-1A One-Family Residential • <u>East (across Iowa Avenue)</u>: Single Family House; 512 West Milham Avenue; Zoned OS-1 Office Service • <u>West (across Dakota Avenue)</u>: Callendar Commercial Office building; 628 West Milham Avenue; Zoned OS-1 Office Service
Public Streets	2022 West Milham Avenue recorded 15,589 total Annual Average Daily Trip (AADT) counts (count taken in front of subject site) recorded by Kalamazoo Area Transportation Study (KATS).
Public Utilities	City sanitary sewer and water are available along West Milham Avenue, Dakota Avenue, and Iowa Avenue.
Environment	No mapped environmental hazards on site.
Unique Conditions	No mapped wetlands, flood hazards, or identified historical structures/buildings exist.

Applicable Zoning Regulations

The following sections of Chapter 42. Division 8. Subsection 651 *Amendments to this Article* procedures and regulations apply and are addressed further in this report:

- [Sec. 42-651. Amendments to this Article](#)

Under this article, the rezoning request shall file a rezoning application, fee and to be scheduled for review during public hearings for the Planning Commission and City Council. The Planning Commission shall determine if the rezoning is appropriate based on the 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, neighborhood harmony, impacts of the proposed zoning classification, and impacts on adjacent streets and utilities.

As seen in the attached existing zoning map, the site is overlaid by three different zoning districts. This mix of different zoning districts is unusual and may result in challenges for future development. To address this challenge, the applicant wishes to rezone two areas within the site: 1) rezone OS-1 Office Service area to B-1 Local Business, and 2) rezone the R-1A one-family residential area to P-1 Parking. The existing P-1 would remain unchanged. See Proposed Zoning Map.

Existing & Proposed Zoning Districts

The following table provides a comparison of summarized allowed uses, prohibited uses, special land use permit uses, and some development standards of the existing OS-1, P-1, and R-1A districts and proposed B-1 district.

	<u>Existing</u> OS-1 Service Office	<u>Existing</u> R-1A One Family Residential	<u>Existing</u> P-1 Vehicular Parkin g	<u>Proposed</u> B-1 Local Commercial
Uses Allowed	Offices: banks, real estate, architects, etc. Salons, massage businesses Art, photographic studios; Medical offices: dental, hygiene, behavioral health	Single-family detached homes, daycare homes, adult foster care, specialized agriculture	Parking lots and parking attendant booths	All OS-1 uses, retail (≤ 10 k sq ft), restaurants ($\leq 1,500$ sq ft), dry cleaning, churches
Prohibited Uses	No retail, restaurants, car repair, residential, etc.	No commercial, industrial uses	No commercial, industrial uses	No residential, industrial uses, car repair, drive-thru restaurants, etc.
Special Land Use Permit Uses	Institutional uses, vocational schools, hospitals, lab/tech offices	Churches, utilities, daycare centers, golf courses, B&B, etc.	None	Larger retail and restaurants, small animal vets, utilities, funeral homes
Maximum Building Height	35 ft	30 ft (3 stories)	N/A	35 ft
Setbacks	Front: 27' Sides: 0-15' (where abutting Residential) Rear: 20'	Front: 30' Sides: 12' Rear: 40'	25' parking setback from residential property line.	Front: 27' Sides: 0-15' (where abutting Residential) Rear: 20'

Screening required to Residences	Yes – 6’ tall fence + trees	None between Residences	Yes – 25’ parking lot setback + 6’ tall fence	Yes – 6’ tall fence + trees
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In addition to the site standards shown in the table, the following apply in the B-1 regardless of use:

1. All business establishments in this district shall be retail or service establishments dealing directly with consumers.
2. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All business servicing or processing, except for off-street loading or parking, shall be conducted in a completely enclosed main building.
4. Lot, yard, and building requirements shall be governed by the requirements of Division 4, Subdivision 10 of this article.
5. Parking, signs, landscaping, and lighting shall be governed by the requirements of Division 6 of this article.
6. Site plan review shall be governed by the requirements of Division 5, Subdivision 2 of this article.

Comprehensive Plan

The Comprehensive Plan indicates that rezone applications should be consistent with the Plan’s Future Land Use Map, appropriateness of future uses within the surrounding neighborhood, impacts on adjacent streets and utilities, and consistent with guidelines within the Plan.

The Future Land Use Map classifies the subject property as ‘Office’, which encourages professional and medical offices, banks, art/photography studios, etc. This classification is mapped mostly along the Centre Avenue and Milham Avenue corridors, portions of Lovers Lane, and elsewhere. Further, the Plan indicates that the Office classification also provides a transition between higher intense uses and major streets, and interior residential neighborhoods.

Staff note that the site is located near a Regional Business classification area which supports a variety of businesses and service establishments, such as convenience stores, restaurants, pharmacies, banks, etc. These provide convenient goods and services for residents and employees in the immediate neighborhood. The Regional Business classification supports businesses in the B-1 Local Business zoning district.

The Comprehensive Plan acknowledges that deviations from the Future Land Use Map boundary may be appropriate when justified by more detailed information, changes to conditions, or in cases where a deviation is not contrary to the overall intent and purpose of the Plan.

The following strategies and guidelines of the Comprehensive Plan are relevant to the proposed rezone:
Implementation Strategies, Guidelines

Guideline C-1: Locate commercial/office uses only in existing or proposed planned commercial/office areas, as illustrated on the future land use map, and when the following situations exist:

- b) a conversion from an existing non-commercial/office building to a commercial/office use is compatible with adjacent buildings and uses
- d) a proposed use is of an intensity and size to be comparable to a planned commercial/office center
- e) a proposed use requires a location in or near an existing specific land use or activity center

Guideline C-2: Allow commercial/ office use:

- f) adjacent to older or redeveloping residential areas where the commercial/office use does not create nuisances and are compatible with the surroundings.

Guideline C-3: Local or neighborhood commercial uses should meet the following standards:

- a) location is preferably within an identified node and/or at the intersection of two major thoroughfares and provides convenient shopping facilities.
- c) the intensity, size, and hours of operation will not adversely affect existing residential areas;

Guideline C-8: Encourage innovative commercial/ office design to:

- b) create a desirable transition in the type and intensity of uses through buffering, setbacks, and building/site design;
- d) provide trees and landscaping along the street and within the site;
- f) promote a good transition between adjacent buildings and land uses in terms of building size, height, scale, and materials;
- g) provide access design consistent with the recommendations of the Plan;
- h) locate and screen waste receptacles to improve views and avoid nuisance;
- i) use properly designed lighting at appropriate footcandles to avoid glare and light pollution while still providing adequate lighting for safety.

Suitability of B-1 District/ Neighborhood Harmony

Facilitating this rezone will promote currently stalled commercial growth on the property along a commercial corridor. New commercial entities will benefit from being along a major arterial corridor and adjacent to residential neighborhoods. Future commercial development would face West Milham Avenue and away from the interior residential neighborhood. Further, future commercial development would adhere to zoning screening and landscaping buffers along existing single-family residences to the north. Commercial impacts to adjacent residences will be reduced by required screening buffers and the limited type of commercial businesses allowed in the B-1 district.

Impacts on City Services, Utilities, ROWs

If the rezoning is approved, there is expected to be a negligible increase in water and sewer demand for city services because of the limited commercial uses within the B-1 district. Further, city staff will ensure utility and access management compliance of any future commercial development during the required Site Plan application review process. The existing five-lane road on West Milham Avenue is expected to accommodate future commercial traffic demands if the rezoning is approved.

In summary, staff finds support for the rezoning from the Comprehensive Plan based on consistency with the Plan's intent and purpose and supporting development guidelines. The Plan acknowledges its aspirational context and states that the boundaries shown on the Future Land Use Map can be adjusted with further analysis and neighborhood context.

Rezoning 600 West Milham Avenue

Staff support rezoning this property from OS-1 Office Service District to B-1 Local Business District and R-1A One-Family Residential District to P-1 Vehicular Parking District based on the following:

- Consistency with the Comprehensive Plan guidelines for supporting new/redevelopment investments along commercial corridors.
- Consistency with the future commercial land use classification adjustment within the Future Land Use Map.
- Lessened any future impacts to adjacent residences to the north by required buffers of fence and trees, lighting restrictions (Sec. 42-572 & -594), and through P-1.
- Limitation in commercial intensity allowed in B-1.
- Continued commercial investment in an existing commercial corridor.

PLANNING COMMISSION PUBLIC HEARING

At its February 15, 2024, meeting, the Planning Commission reviewed and discussed rezoning application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development. The applicant, Matthew Callander on behalf of CC Development, LLC (property owner) was present to discuss the rezoning. There was one public comment on this item regarding potential impacts from traffic, headlight glare, and future commercial driveway location along Dakota Avenue; any impacts to her mailbox located abutting the subject site; any possible impacts from future parking and dumpster locations; future commercial business hours of operation, frequency of any future deceased animals from a future veterinary business, and any future impacts to animals during July 4th fireworks at the meeting. All the above comments will be addressed during the future Special Land Use and Site Plan review process if the rezoning is approved and if a veterinary business is pursued. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

After careful consideration, the Planning Commission voted unanimously (7-0) to recommend to City Council the approval of rezoning application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development.

RECOMMENDATION

Therefore, it is recommended that the City Council receive Rezoning Application No. 23/24-4 to rezone 600 West Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development, and set up a public hearing on April 23, 2024.

FUNDING: Not Applicable

Attachments: 1. Rezoning Application

2. Vicinity Map
3. Existing Zoning Map
4. Proposed Zoning Map
5. Comprehensive Plan Future Land Use Map
6. Staff's Site Pictures
7. Planning Commission February 15, 2024 Meeting Minutes
8. Director's Report to PC of 2-15-2024
9. Planning Commission Transmittal
10. 1st Reading

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date 12/27/23

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 600 W Milham between Dakota Street and Iowa Street on the north side of the street, and is known as Lot Number(s) 09055-007-A of - Plat (Subdivision). It has a frontage of 250 feet and a depth of 175 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).

~~Approximately 1 acre 09055-007-A~~

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

b. Name of the owner of the property to be rezoned: CC Development, LLC

Address 628 W Milham, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment:
The purpose of the rezone is primarily that the character of what constitutes office uses has changed over the course of the pandemic and there are limited interest in the property from those uses. However, I was recently approached by a vet clinic, which seems to be consistent with the corridor but would require a zoning change (and a special use permit).

4. CURRENT ZONING: OS-1 and R-1A PROPOSED ZONING: Split - B-1 and P-1
(See attached)

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.

(Signature of Applicant)

(Signature of Applicant)

628 W Milham, Portage, MI 49024

(Address)

(Address)

2692715187

(Phone)

(Phone)

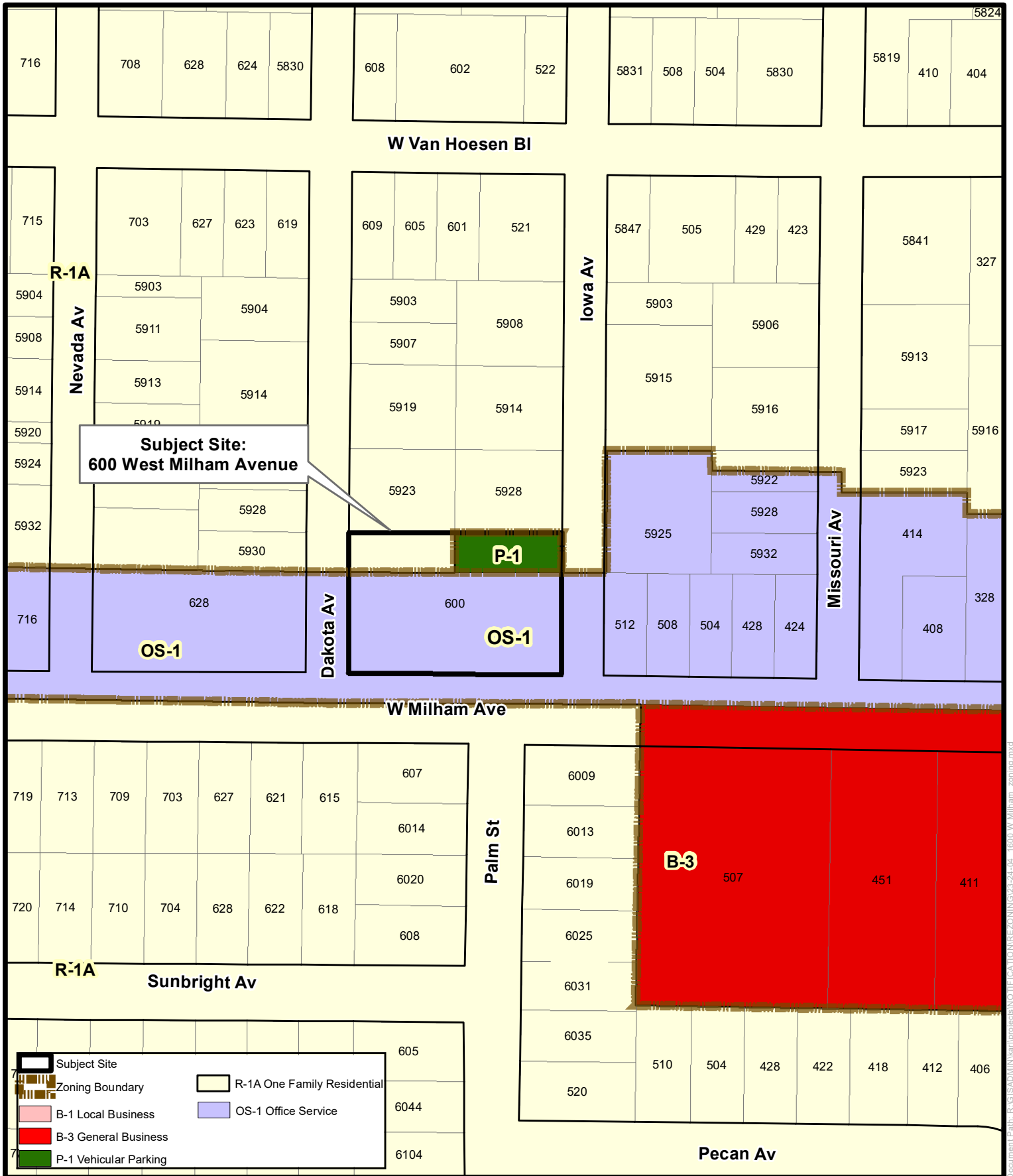
A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

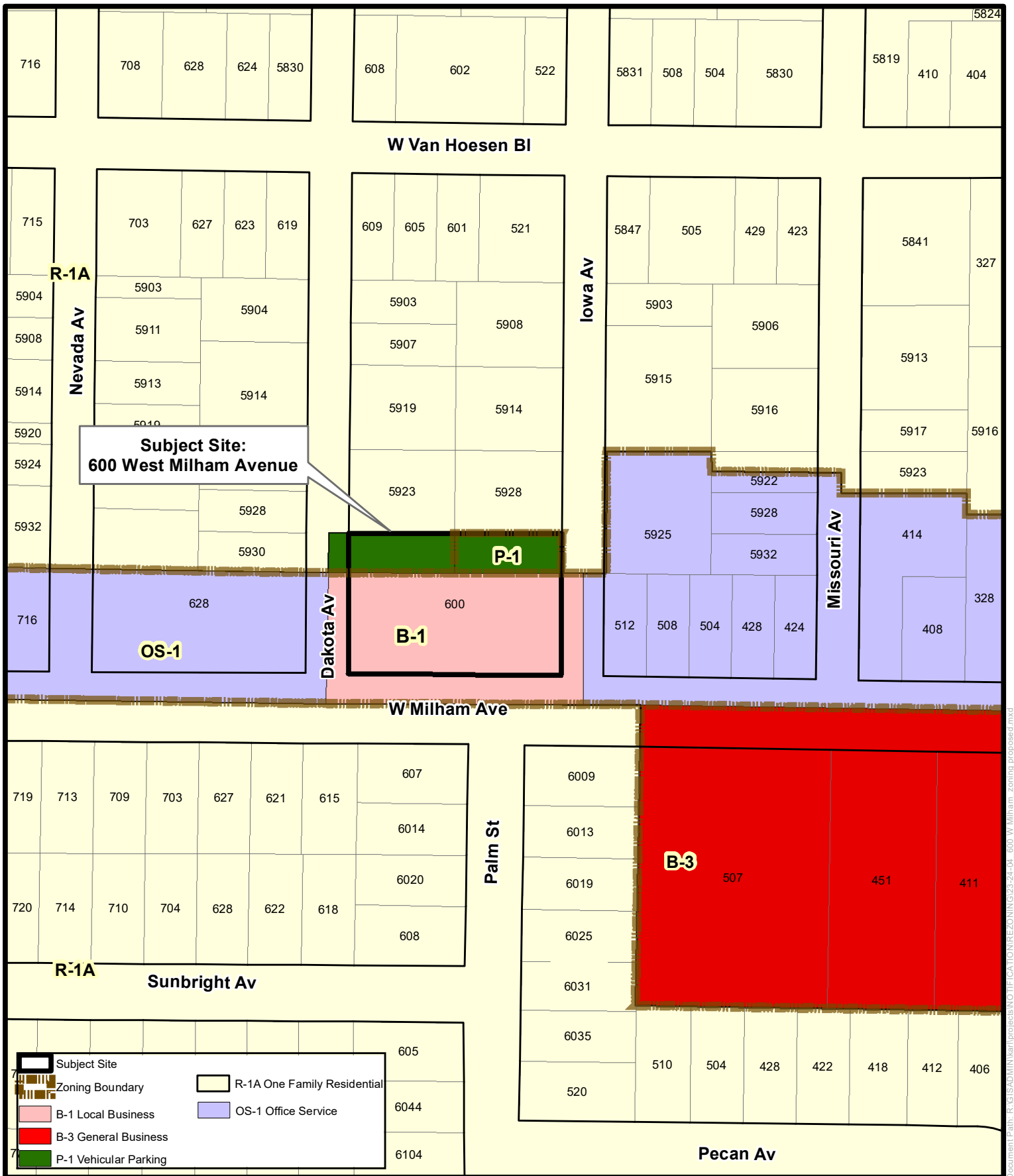


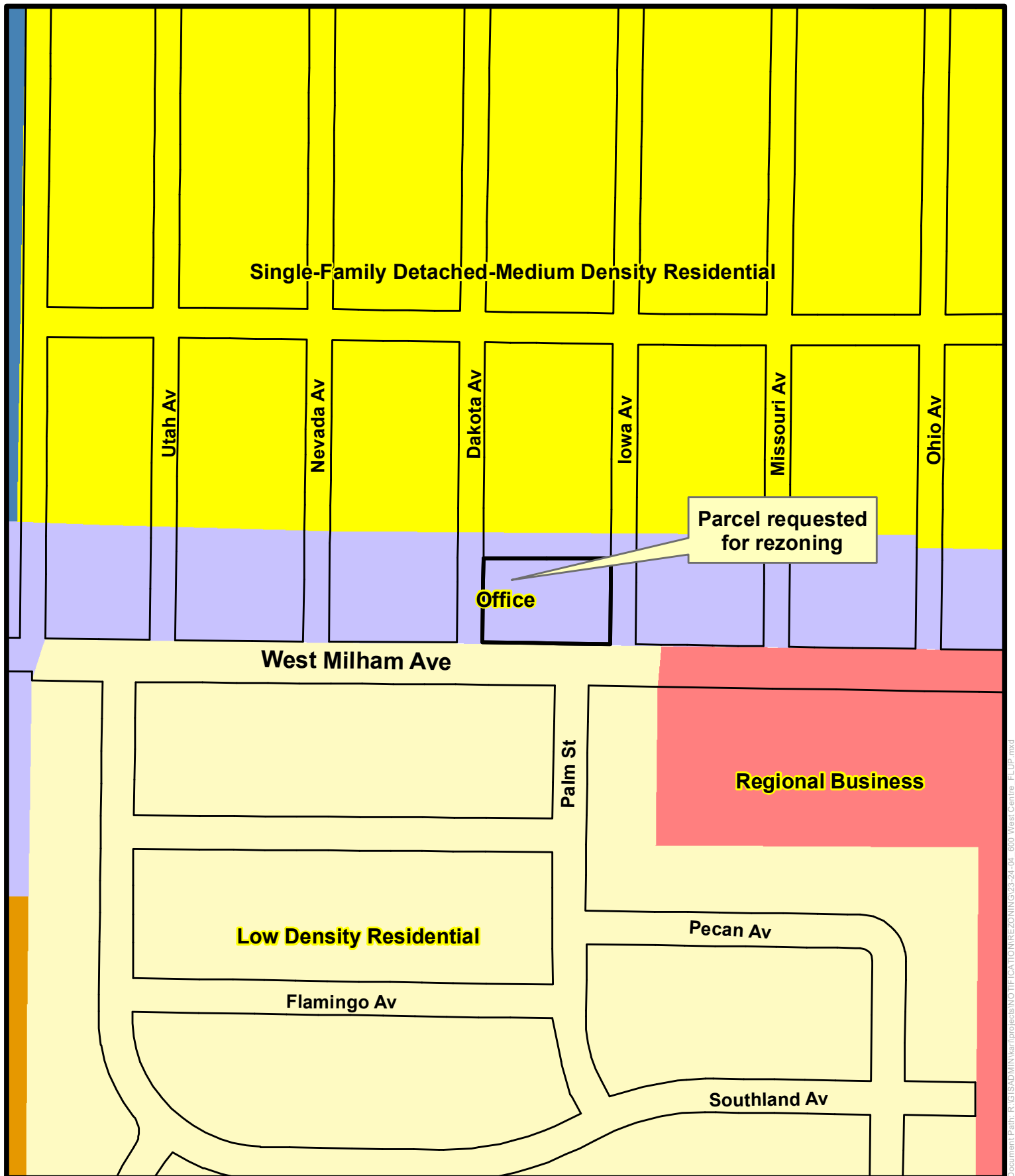
**Aerial Photography Map
Rezoning: 23/24 - 4
600 West Milham Avenue**



1 inch = 100 feet
Date: 1/22/2024
(35)







Proposed Rezoning

- Proposed Rezoning
- 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: 23/24 -4 600 West Centre Avenue



1 inch = 250 feet
Date: 1/22/2024

Staff's February 5th, 2024 Site Pictures



Figure 1: 2023 Aerial image of subject site (600 W. Milham Ave), bordered by W. Milham Ave, Dakota Ave, and Iowa Ave rights-of-way.



Figure 2: Eastern half of subject site is shown to left (west) of Iowa Ave. House on far right is addressed 512 W. Milham Avenue.



Figure 3: Western half of subject site is shown to right (east) of Dakota Ave. Building on far left is Callander Commercial office (628 W. Milham Ave.).



Figure 4: Looking east at site containing various mature deciduous trees, City water utility, sidewalks, and overhead electrical lines.



Figure 5: Looking west at intersection of W. Milham Ave and Iowa Ave.



Figure 6: Looking east toward back property line from Dakota Ave. House on far left is addressed 5923 Dakota Ave.



Figure 7: Looking east toward interior of site. House in background is addressed 512 W. Milham Ave.



Figure 8: Looking northwest toward back property line. House in background is addressed 5928 Iowa Ave.

CITY OF PORTAGE PLANNING COMMISSION

**Thursday, February 15, 2024
7:00 PM Portage
Portage City Hall Council Chamber**

The City of Portage Planning Commission meeting of February 15, 2024, was called to order by Chair Corradini at 7:00 p.m.

IN ATTENDANCE

- Biqi Zhao, Deputy Director of Planning and Zoning
- Eric Feldt, Senior City Planner

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Pezzoli (absent); Joshi (yes); Fries (yes); Youngs (absent); and Longjohn (yes).
7-Present; 2-Absent.

Motion by Vice Chair Baldwin, seconded by Commissioner Fries to approve the excused commissioners.
Motion carried 7-0.

APPROVAL OF MINUTES

1. Minutes dated February 1, 2024.

Motion by Vice Chair Baldwin, seconded by Secretary Freiman to approve the February 1, 2024, meeting minutes, as submitted. Motion carried 7-0.

PUBLIC HEARINGS

1. Rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development.

Mr. Feldt provided a PowerPoint presentation addressing the applicant's proposed rezone, describing the overall neighborhood, showed various pictures of the site and neighborhood, showed the existing zoning map, described the 2014 Comprehensive Plan Future Land Use Map classification of the neighborhood, showed a zoning table comparison between the existing and proposed zoning districts, and presented staff analysis. He indicated that staff supports the proposed rezoning because it is consistent with the Comprehensive Plan Guidelines, future commercial development impacts towards existing adjacent residences will be limited by required buffering in the P-1 district and limitations on the commercial uses within the B-1 district. Mr. Feldt indicated that public notice was provided to adjacent property owners, and no public comment was received by staff as of the day of meeting. Further, he indicated that the applicant held a neighborhood meeting to inform adjacent residents of the proposed rezone. Two members of the public attended and had concerns about traffic, headlight glare, screening, and snow storage. Mr. Feldt concluded his presentation by stating the following: If no additional public comment is requested by and the Commission is supportive of the proposed rezoning, staff recommends the Planning Commission to City Council the approval of rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development.

The Commission has the following questions for staff:

Commissioner Fries asked about future changes to yard setbacks in the new Master Plan. Mr. Feldt indicated no because it is too detailed for the Master Plan but may be addressed in the future zoning code update.

Commissioner Longjohn asked if the applicant's concept future animal veterinary proposal needing a Special Land Use Permit approval requires a second step and is not relevant to today's rezoning. Mr. Feldt indicated yes, it will require a second step - Special Land Use Permit approval by the Planning Commission, which is not relevant to today's rezoning.

Commissioner Longjohn asked a clarifying question about rezoning request boundaries. Mr. Feldt indicated that the proposed rezoning boundaries are to the subject property lines. The applicant will submit a detailed legal description of the proposed rezoning districts.

Chair Corradini asked clarifying questions about the existing and proposed zoning district areas, and asked about the P-1 setbacks and required buffers. Mr. Feldt clarified the proposed rezoning districts. He indicated that within the P-1 district there is a 25' parking lot setback from the Residential district line. Also, from that same line is a required 10' wide green strip containing required grass, tree plantings, and 6' tall fence all within the 25' parking lot setback.

The applicant, Matthew Callander on behalf of CC Development, LLC (property owner) described the history of the site. He indicated that the rezone would facilitate a future animal veterinary builder but is unsure if it will be finalized. Overall, Mr. Callander indicated that the rezone would make the site more marketable for future development. He stated he invited 12-15 members of the public to the neighborhood meeting. Only two members of the public attended the neighborhood meeting who expressed concerns about perceived traffic and headlight glare.

Commissioner Joshi asked the applicant if the new neighborhood meeting was onerous. Mr. Callander stated that it was beneficial as it provided an earlier public comment period in the overall permitting process.

Commissioner Fries asked the applicant how he reached adjacent properties, if staff encourages applicant's to mail or knock on doors, and how he determined addresses within 300' of the subject site. Mr. Callander stated that he worked with staff to determine addresses of adjacent property owners. Mr. Feldt indicated that that staff does not tell the applicant how to communicate with property owners when inviting them to neighborhood meetings. He can provide a mailing address list to the applicant, if desired. Further, Mr. Feldt informs the applicant at minimum to contact adjacent property owners.

The chair opened public hearing.

1. Susan Sparks; 5930 Dakota Avenue. She stated concerns about the neighborhood meeting mailer; possible future impacts from traffic, headlight glare, and future commercial driveway location along Dakota Avenue; any impacts to her mailbox located abutting subject site; and any possible impacts from future parking and dumpster locations. Ms. Sparks also had concerns about future commercial businesses' hours of operation, frequency of any future deceased animals from a future animal veterinary business, and any future impacts to animals during July 4th fireworks.

Motion by Commissioner Joshi, seconded by Vice Chair Baldwin to close public hearing. Motion carried 7-0.

Commissioner Longjohn indicated that many of the site plan-related questions brought forth by the public would be addressed during the Site Plan review step at a future Planning Commission meeting.

Chair Corradini asked staff to explain permitting steps and public comment of a future animal veterinary business which might be proceeded following a possible rezone approval. He also indicated to the member of public that there will be multiple future opportunities to provide comment on a future animal veterinary, if rezoning approvals and future permits are filed.

Mr. Feldt indicated that if the subject rezone is approved by the Council the applicant may proceed with submittal of a Special Land Use Permit and Site Plan Application. Both require Planning Commission votes. A neighborhood meeting will be required by the applicant and a public hearing will be set for the Special Land Use Permit pursuant to the City's Public Participation Plan.

Commissioner Fries confirmed that a neighborhood meeting was required for today's rezoning as well as an additional meeting for any future Special Land Use Permit for a future animal veterinary business.

Mr. Feldt indicated yes because the Special Land Use Permit requires a public hearing which triggers the required neighborhood meeting.

Motion by Commissioner Fries, seconded by Vice Chair Baldwin to recommend to the City Council approval of rezoning No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development. Motion carried 7-0.

Secretary Freiman asked the member of public about preference of having a neighborhood meeting where the site elements of a future animal veterinary would be discussed.

Ms. Sparks supported the future neighborhood meeting.

SITE/FINAL PLANS

None.

OLD BUSINESS

None.

NEW BUSINESS

None

STATEMENT OF CITIZENS

None

STATEMENT OF COMMISSIONERS/ STAFF

Various Commissioners shared their thoughts about the new City Public Participation Plan primarily about the requirement of certain developments provide an initial neighborhood meeting prior to submittal of a permit and Planning Commission action.

Some Commissioners voiced their frustrated about the new neighborhood meeting requirement including it could be a time and cost burden to future applicants to host the meeting; it adds additional steps and time in the overall development process; past neighborhood meetings showed low neighborhood attendance; the new City Public Participation Plan was never shared or discussed by the Planning Commission; the neighborhood meeting is duplicative due to the current required public hearing

notifications and public commenting opportunity during a Planning Commission meeting; and that the neighbors might be more confused after the neighborhood meeting.

Some Commissioners voiced their support of the Plan including indicating early neighborhood involvement; expanded transparency; and some neighbor's questions could be answered during the neighborhood meeting.

Additionally, some Commissioners provided suggestions to the new City Public Participation Plan such as support staff's attendance future neighborhood meetings to help address permitting process questions; defining the metrics in evaluating the new Plan; and possibly in lieu or addition to provide informal Commission workshops to facilitate neighborhood-type discussions that addresses neighborhood questions and concerns.

Mr. Feldt indicated that the new City Public Participation Plan was established last October and provides an initial neighborhood commenting opportunity before certain projects go in front of the Commission. He explained that the applicant would be responsible for finding a meeting location and time. Staff provides assistance in facilitating address lists if the applicant wishes to mail invitations.

The Commission requested Mr. Feldt to look at the process of changing the start time of future Planning Commission meetings from 7pm to 6pm.

Mr. Feldt indicated he will reach out to the Clerk's Office and discuss further with the Chief Development Officer, then provide feedback to the Commission for further discussion.

Mr. Feldt stated that he is still working on the Commission-requested preamble summarizing the Planning Commission's values for the Commission to review at a future meeting.

Mr. Feldt provided project updates on recent rezone requests. He indicated that a Special Land Use Permit for a proposed religious institution will be at the next Commission meeting (3/7).

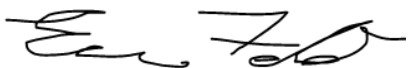
Lastly, Mr. Feldt requested the Planning Commission to send any review comments of the draft Master Plan to staff by next Monday (2/19). Overall comments will then be discussed at the next Planning Commission meeting (3/7) as a workshop item.

Chair Corradini stated as the only planned absence for the 3/7 Commission meeting.

ADJOURNMENT

There being no further business to come before the Commission, Chair Corradini adjourned the meeting at 8:30 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
Senior City Planner

TO: Planning Commission**DATE:** February 15, 2024**FROM:** Peter Dame, Chief Development Officer**SUBJECT:** Rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development.

I. INTRODUCTION:

The applicant, Matthew Callander on behalf of CC Development, LLC, seeks rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District and R-1A One Family Residential District to B-1 Local Business District and P-1 Vehicular Parking District to facilitate future development. See Proposed Zoning Map. This property is located along the north side of W. Milham Avenue, a few blocks west of S. Westnedge Avenue, and across from Palm Street. The 1-acre site is currently undeveloped, and fronts W. Milham Avenue, Dakota Avenue, and Iowa Avenue. If the rezone is approved, the applicant has received interest in establishing a new animal veterinary business, which will be reviewed by the Planning Commission for Special Land Use Permit and Site Plan.

As required by the City's Public Participation Plan, the applicant held a neighborhood meeting on December 21, 2023, at the applicant's office building (628 W. Milham Ave. Portage, MI) to gain neighborhood input about the rezone. This building is located across from the subject site (across from Dakota Avenue). All abutting residents were invited. The applicant indicated that two members of the public attended the meeting. One member showed support for the conceptual animal veterinary business. Overall concerns were about traffic, headlight glare, screening, and snow storage.

Low demand for office space continues as a result from COVID and changes in work environments. Some office buildings and Office-zoned areas are seeing a transition to other uses. Portage has been responding to this change by facilitating new/ redevelopments through rezonings and zoning code amendments. Responding to economic changes ensures continued reinvestment while evaluating the impact on surrounding uses and neighborhoods.

II. BACKGROUND INFORMATION:

Attempts to develop this site and several past changes occurred have led to the current site boundary area and condition, including demolition of past homes, a previous rezone and consolidation of multiple parcels. In 2006, several of the previous separate parcels were rezoned, resulting in the current mix of R-1A One Family Residential, OS-1 Service Office, and P-1 Vehicular Parking. Past lot combinations of 601, 602, 524 W. Milham Ave. to 600 W. Milham Avenue occurred in 2018. Despite the past demolition of several homes and receiving an approved Site Plan in 2019 for a future office building, the site remained vacant.

Along the W. Milham Avenue corridor, there is a mix of single-family homes and commercial businesses. Heading east toward S. Westnedge Avenue, the zoning changes from OS-1 Office Service and R-1A One Family Residential to a B-2/ -3 Business districts which have permitted more intense commercial uses. Behind (north) the subject site lies a single-family residential neighborhood established in the 1950s and 1960s. It is zoned R-1A One Family Residential.

Existing Conditions

Existing Land Use/ Zoning	• The subject site is vacant and zoned OS-1 Office Service, R-1A One Family Residential, and P-1 Vehicular Parking (See Existing Zoning map). • <u>North</u>: Single Family Houses, 5923 Dakota Ave and 5928 Iowa Ave; Zoned R-1A One-Family Residential • <u>South (across W. Milham Ave)</u>: Single Family Houses; 6009 Palm St. and 607 W. Milham Ave; Zoned R-1A One- Family Residential. • <u>East (across Iowa Ave)</u>: Single Family House; 512 W. Milham Ave; Zoned OS-1 Office Service • <u>West (across Dakota Ave)</u>: Callendar Commercial Office building; 628 W. Milham Ave; Zoned OS-1 Office Service
Public Streets	2022 W. Milham Avenue recorded 15,589 total AADT trip counts (count taken in front of subject site). (AADT - Annual Average Daily Trips) Recorded by Kalamazoo Area Transportation Study (KATS).
Public Utilities	City sanitary sewer and water are available along W. Milham Avenue, Dakota Avenue, and Iowa Avenue
Environment	No mapped environmental hazards on site.
Unique Conditions	No mapped wetlands, flood hazards, or identified historical structures/ buildings exist.

Applicable Zoning Regulations

The following sections of Chapter 42. Division 8. Subsection 651 *Amendments to this Article*. Procedures and regulations apply and are addressed further in this report:

- [Sec. 42-651. Amendments to this Article](#)

Under this article, the rezoning request shall file a rezoning application, fee and to be scheduled for review during public hearings for the Planning Commission and City Council. The Planning

Commission shall determine if the rezoning is appropriate based on the 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, neighborhood harmony, impacts of the proposed zoning classification, and impacts on adjacent streets and utilities.

III. ANALYSIS:

As seen in the attached existing zoning map, the site is overlaid by three different zoning districts. This mix of different zoning districts is unusual and may result in challenges for future development. To address this challenge, the applicant wishes to rezone two areas within the site: 1) rezone OS-1 Office Service area to B-1 Local Business, and 2) rezone the R-1A on-family residential area to P-1 Parking. The existing P-1 would remain unchanged. See Proposed Zoning Map.

Existing & Proposed Zoning Districts

The following table provides a comparison of summarized allowed uses, prohibited uses, special land use permit uses, and some development standards of the existing OS-1, P-1, and R-1A districts and proposed B-1 district.

	<u>Existing</u> OS-1 Service Office	<u>Existing</u> R-1A One Family Residential	<u>Existing</u> P-1 Vehicular Parking	<u>Proposed</u> B-1 Local Commercial
Uses Allowed	Offices: banks, real estate, architect, etc. Salons, massage businesses Art, photographic studios; Medical offices: dental, hygiene, behavioral health	Single family detached homes, Day Care Homes, Adult Foster Care, Specialized agriculture	Parking lots and parking attendant booths	All OS-1 Uses, Retail (≤10k sq ft), Restaurants (≤1,500 sq ft), Dry cleaning, Churches
Prohibited Uses	No retail, restaurants, car repair, residential, etc.	No commercial, industrial uses	No commercial, industrial uses	No residential, industrial uses, car repair, drive-thru restaurants, etc.
Special Land Use Permit Uses	Institutional uses, vocational schools,	Churches, utilities, day care centers, golf	None	Larger retail and restaurants, small animal vet.,

	hospitals, lab./ tech. offices	course, B&B, etc.		utilities, funeral home
Max. Building Height	35 ft	30 ft (3 stories)	N/A	35'
Setbacks	Front: 27' Sides: 0-15' (where abutting Residential) Rear: 20'	Front: 30' Sides: 12' Rear: 40'	25' parking setback from residential property line.	Front: 27' Sides: 0-15' (where abutting Residential) Rear: 20'
Screening required to Residences	Yes – 6' tall fence + trees	None between Residences	Yes – 25' parking lot setback + 6' tall fence	Yes – 6' tall fence + trees

In addition to the site standards shown in the table, the following apply in the B-1 regardless of use:

1. All business establishments in this district shall be retail or service establishments dealing directly with consumer.
2. All goods produced on the premises shall be sold at retail on the premises where produced.
3. All business servicing or processing, except for off-street loading or parking, shall be conducted in a completely enclosed main building.
4. Lot, yard and building requirements shall be governed by the requirements of division 4, subdivision 10 of this article.
5. Parking, signs, landscaping, and lighting shall be governed by the requirements of division 6 of this article.
6. Site plan review shall be governed by the requirements of division 5, subdivision 2 of this article.

Comprehensive Plan

The Comprehensive Plan indicates that rezone applications should be consistent with the Plan's Future Land Use Map, appropriateness of future uses within the surrounding neighborhood, impacts to adjacent streets and utilities, and consistent with guidelines within the Plan.

The Future Land Use Map classifies the subject property as 'Office' which encourages professional and medical offices, banks, art/ photography studios, etc. This classification is mapped mostly along the Centre Avenue and Milham Avenue corridors, portions of Lovers Lane, and elsewhere. Further, the Plan indicates that the Office classification also provides a transition between higher intense uses and major streets, and interior residential neighborhoods.

Staff note that the site is located near a Regional Business classification area which supports a variety of businesses and service establishments, such as convenience stores, restaurants, pharmacies, banks, etc. These provide convenient goods and services for residents and employees in the immediate neighborhood. The Regional Business classification supports businesses in the B-1 Local Business zoning district.

The Comprehensive Plan acknowledges that deviations from the Future Land Use Map boundary may be appropriate when justified by more detailed information, changes to conditions, or in cases where a deviation is not contrary to the overall intent and purpose of the Plan.

The following strategies and guidelines of the Comprehensive Plan are relevant to the proposed rezone:
Implementation Strategies, Guidelines

- Guideline C-1: Locate commercial/ office uses only in existing or proposed planned commercial/ office areas, as illustrated on the future land use map, and when the following situations exist:

- b) a conversion from an existing non-commercial/office building to a commercial/office use is compatible with adjacent buildings and uses

- d) a proposed use is of an intensity and size to be comparable to a planned commercial/office center

- e) a proposed use requires a location in or near an existing specific land use or activity center

- Guideline C-2: Allow commercial/ office use:

- f) adjacent to older or redeveloping residential areas where the commercial/office use does not create nuisances and is compatible with the surroundings.

- Guideline C-3: Local or neighborhood commercial uses should meet the following standards:

- a) location is preferably within an identified node and/or at the intersection of two major thoroughfares and provides convenient shopping facilities.

- c) the intensity, size and hours of operation will not adversely affect existing residential areas;

- Guideline C-8 Encourage innovative commercial/ office design to:

- b) create a desirable transition in the type and intensity of uses through buffering, setbacks, and building/site design;

- d) provide trees and landscaping along the street and within the site

- f) promote a good transition between adjacent buildings and land uses in terms of building size, height, scale, and materials;

- g) provide access design consistent with the recommendations of the Plan;

- h) locate and screen waste receptacles to improve views and avoid nuisance;

- i) use properly designed lighting at appropriate footcandles to avoid glare and light pollution while still providing adequate lighting for safety.

Suitability of B-1 District/ Neighborhood Harmony

Facilitating this rezone will promote new commercial growth along a commercial corridor. New commercial entities will benefit from being along a major arterial corridor and adjacent to residential neighborhoods. Future commercial development would face W. Milham Avenue and away from the interior residential neighborhood. Further, future commercial development would adhere to zoning screening and landscaping buffers along existing single-family residences to the north. Commercial impacts to adjacent residences will be reduced by required screening buffers and the limited type of commercial businesses allowed in the B-1 district.

Impacts to City Services, Utilities, ROWs

If the rezone is approved, it is expected to have a negligible increase in water and sewer demands for City services because of the limited commercial uses within the B-1 district. Further, City staff will ensure utility and access management compliance of any future commercial development during the required Site Plan application review process. The existing 5-lane road on W. Milham Avenue is expected to accommodate future commercial traffic demands if the rezone is approved.

In summary, staff find support for the rezone from the Comprehensive Plan based on consistency with Plan's intent and purpose and supporting development guidelines. The Plan acknowledges its aspirational context and states that the boundaries shown on the Future Land Use Map can be adjusted with further analysis and neighborhood context.

Rezoning 600 W. Milham Avenue

Staff support rezoning this property from OS-1 Office Service District to B-1 Local Business District and R-1A One-Family Residential District to P-1 Vehicular Parking District based on the following:

- Consistency with the Comprehensive Plan guidelines for supporting new/ redevelopment investments along commercial corridors.
- Consistency with the future commercial land use classification adjustment within the Future Land Use Map.
- Lessened any future impacts to adjacent residences to the north by required buffers of fence and trees, lighting restrictions (Sec 42-572 & -594), and through P-1.
- Limitation in commercial intensity allowed in the B-1.
- Continued commercial investment in an existing commercial corridor.

PUBLIC NOTICING REQUIREMENTS

Public notice was published in the Kalamazoo Gazette and a notice was sent to all property owners/occupants within 300 feet of the subject property on January 30, 2024. As of the date of this report (Wednesday, February 7), no public comments have been received.

IV. RECOMMENDATION:

If no additional public comment is requested by and the Commission is supportive of the proposed rezoning, staff recommend the Planning Commission to City Council the approval of the Rezoning #23/24-4 from OS-1 Office Service District to B-1 Local Business District and R-1A One Family Residential District to P-1 Vehicular Parking District, per submitted proposed zoning map, to facilitate future development at 600 W. Milham Avenue.

Attachments:

1. Rezoning Application
2. Vicinity Map
3. Existing Zoning Map
4. Proposed Zoning Map
5. Comprehensive Plan Future Land Use Map
6. Staff's Site Pictures



Department of Community Development

TO: Honorable Mayor and City Council
FROM: City of Portage Planning Commission
DATE: March 1, 2024

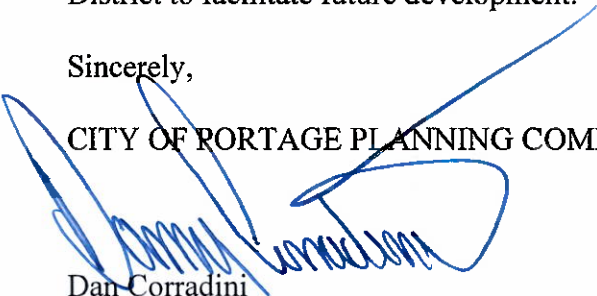
SUBJECT: Rezoning Application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One-Family Residential District to P-1 Vehicular Parking District to facilitate future development.

At the February 15, 2024 meeting, the Planning Commission reviewed and discussed rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development. The applicant, Matthew Callander on behalf of CC Development, LLC (property owner) was present to discuss the rezoning. There was one public comment on this item regarding potential impacts from traffic, headlight glare, and future commercial driveway location along Dakota Avenue; any impacts to her mailbox located abutting subject site; any possible impacts from future parking and dumpster locations; future commercial businesses' hours of operation, frequency of any future deceased animals from a future animal veterinary business, and any future impacts to animals during July 4th fireworks at the meeting. All the above comments will be addressed during future Special Land Use and Site Plan review process if rezoning is approved and if an animal veterinary business is pursuit. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

The Planning Commission voted unanimously (7-0) to recommend to City Council the approval of rezoning application No. 23/24-4 to rezone 600 W. Milham Avenue from OS-1 Office Service District to B-1 Local Business District and from R-1A One Family Residential District to P-1 Vehicular Parking District to facilitate future development.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION


Dan Corradini
Chairman

Attachments: February 15, 2024 Planning Commission meeting minutes.

**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:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
600 W. Milham Avenue	09055-007-A

Overall area as more specifically described: WESTNEDGE HEIGHTS LOTS 1-12 BLK F & LOTS 47-48 BLK FSPLIT/COMBINED ON 12/06/2018 FROM 09055-007-O, 09055-005-O, 09055-001-O, 09055-047-O, 09055-011-O.

From OS-1 Office Service District to B-1 Local Business District and From R-1A One Family Residential to P-1 Vehicular Parking.

Area to be Rezoned from OS-1 Office Service District to B-1 Local Business District as more specifically described:

Beginning at the Southeast corner of Lot 1, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence North 89°-24'-07" West along the South line of said Block F, also being the North line of Milham Avenue, 249.95 feet to the Southwest corner of Lot 10, Block F, of said Plat, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 125.26 feet to the Northwest corner of Lot 10; thence South 89°-28'-41" East, 124.94 feet to the Northeast corner of Lot 6, Block F, of said Plat; thence South 89°-17'-37" East, 124.93 feet to the Northeast corner of Lot 1, Block F, of said Plat, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 125.19 feet to the place of beginning. Containing 31,320 square feet, more or less.

Intending to describe Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Area to be Rezoned from R-1A One Family Residential to P-1 Vehicular Parking as more specifically described:

Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the North line of said Lot 12, 124.92 feet to the Northeast corner of said Lot 12; thence South 00°-38'-56" West, 49.84 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North 89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 6,243 square feet, more or less.

Intending to describe Lots 11 and 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Overall Area to be considered as Zone P-1 as more specifically described:

Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the

North line of Lots 12 and 47, Block F, of said Plat, 249.84 feet to the Northeast corner of said Lot 47, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 49.99 feet to the Southeast corner of Lot 48, Block F, of said Plat; thence North 89°-17'-37" West along the South line of said Lot 48, 124.93 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North 89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 12,480 square feet, more or less.

Intending to describe Lots 11, 12, 47 and 48, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

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 _____, 2024.

Erica Eklov, City Clerk

Approved as to Form:
Date: 2-27-2024
By: Catherine Kleefauer
City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2024, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2024, 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

600 W. Milham Avenue

09055-007-A

Overall area as more specifically described: WESTNEDGE HEIGHTS LOTS 1-12 BLK F & LOTS 47-48 BLK FSPLIT/COMBINED ON 12/06/2018 FROM 09055-007-O, 09055-005-O, 09055-001-O, 09055-047-O, 09055-011-O.

From OS-1 Office Service District to B-1 Local Business District and From R-1A One Family Residential to P-1 Vehicular Parking.

Area to be Rezoned from OS-1 Office Service District to B-1 Local Business District as more specifically described:

Beginning at the Southeast corner of Lot 1, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence North 89°-24'-07" West along the South line of said Block F, also being the North line of Milham Avenue, 249.95 feet to the Southwest corner of Lot 10, Block F, of said Plat, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 125.26 feet to the Northwest corner of Lot 10; thence South 89°-28'-41" East, 124.94 feet to the Northeast corner of Lot 6, Block F, of said Plat; thence South 89°-17'-37" East, 124.93 feet to the Northeast corner of Lot 1, Block F, of said Plat, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 125.19 feet to the place of beginning. Containing 31,320 square feet, more or less.

Intending to describe Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Area to be Rezoned from R-1A One Family Residential to P-1 Vehicular Parking as more specifically described:

Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the North line of said Lot 12, 124.92 feet to the Northeast corner of said Lot 12; thence South 00°-

38'-56" West, 49.84 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North 89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 6,243 square feet, more or less.

Intending to describe Lots 11 and 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Overall Area to be considered as Zone P-1 as more specifically described:

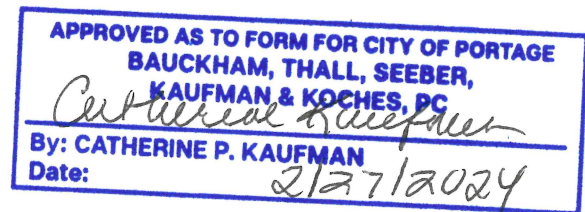
Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the North line of Lots 12 and 47, Block F, of said Plat, 249.84 feet to the Northeast corner of said Lot 47, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 49.99 feet to the Southeast corner of Lot 48, Block F, of said Plat; thence North 89°-17'-37" West along the South line of said Lot 48, 124.93 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North 89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 12,480 square feet, more or less.

Intending to describe Lots 11, 12, 47 and 48, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

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



**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 _____, 2024, and will become effective _____, 2024.

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

600 W. Milham Avenue

09055-007-A

Overall area as more specifically described: WESTNEDGE HEIGHTS LOTS 1-12 BLK F & LOTS 47-48 BLK FSPLIT/COMBINED ON 12/06/2018 FROM 09055-007-O, 09055-005-O, 09055-001-O, 09055-047-O, 09055-011-O.

From OS-1 Office Service District to B-1 Local Business District and From R-1A One Family Residential to P-1 Vehicular Parking.

Area to be Rezoned from OS-1 Office Service District to B-1 Local Business District as more specifically described:

Beginning at the Southeast corner of Lot 1, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence North 89°-24'-07" West along the South line of said Block F, also being the North line of Milham Avenue, 249.95 feet to the Southwest corner of Lot 10, Block F, of said Plat, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 125.26 feet to the Northwest corner of Lot 10; thence South 89°-28'-41" East, 124.94 feet to the Northeast corner of Lot 6, Block F, of said Plat; thence South 89°-17'-37" East, 124.93 feet to the Northeast corner of Lot 1, Block F, of said Plat, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 125.19 feet to the place of beginning. Containing 31,320 square feet, more or less.

Intending to describe Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Area to be Rezoned from R-1A One Family Residential to P-1 Vehicular Parking as more specifically described:

Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the North line of said Lot 12, 124.92 feet to the Northeast corner of said Lot 12; thence South 00°-38'-56" West, 49.84 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North

89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 6,243 square feet, more or less.

Intending to describe Lots 11 and 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

Overall Area to be considered as Zone P-1 as more specifically described:

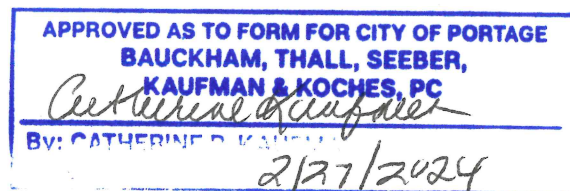
Beginning at the Northwest corner of Lot 12, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records; thence South 89°-21'-31" East along the North line of Lots 12 and 47, Block F, of said Plat, 249.84 feet to the Northeast corner of said Lot 47, also being the West line of Iowa Avenue; thence South 00°-37'-51" West thereon, 49.99 feet to the Southeast corner of Lot 48, Block F, of said Plat; thence North 89°-17'-37" West along the South line of said Lot 48, 124.93 feet to the Southeast corner of Lot 11, Block F, of said Plat; thence North 89°-28'-41" West along the South line of said Lot 11, 124.94 feet to the Southwest corner of said Lot 11, also being the East line of Dakota Avenue; thence North 00°-40'-00" East thereon, 50.10 feet to the place of beginning. Containing 12,480 square feet, more or less.

Intending to describe Lots 11, 12, 47 and 48, Block F, Westnedge Heights, as recorded in Liber 10 of Plats on Page 9, Kalamazoo County Records.

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



TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Brownfield Redevelopment Plan - TST Portage, LLC, 5870 and 5960 South Sprinkle Road

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer
Jonathon Hallberg, Deputy Director of Economic Development
Andrew Falkenberg, Deputy City Assessor

ACTION RECOMMENDED: Accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 44 12, TST Portage, LLC, 5870 and 5960 South Sprinkle Road, and set a Public Hearing for April 9, 2024 to consider approval.

I. INTRODUCTION

The Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended) ("Act") allows a city, village, township or county to establish a Brownfield Redevelopment Program for the purposes of facilitating the reuse of contaminated, blighted or functionally obsolete properties. Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, functionally obsolete, and/or blighted buildings and property in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and, also, discouraging sprawl development.

TST of Portage, LLC ("TST") proposes a two-phase project on two separate parcels totaling 10.68 acres. Phase 1 of the project involves the construction of a 63,000-square foot manufacturing facility at the northern property on 5870 S. Sprinkle Road in the City of Portage. The building is currently under construction and programmed to be leased to support the growth of Depatie Fluid Power Company, Mico-LAM Inc. and/or future unknown tenants.

Phase 2 of this project will involve the partial demolition of the 33,804-square foot structure on 5960 South Sprinkle Road and the construction of a 43,200-square foot facility in its footprint. This building, once complete, will be used for manufacturing purposes with 24' ceilings and is expected to be occupied by Depatie Fluid Power Company. The Developer is requesting to utilize tax increment financing for reimbursement of eligible expenses related to this project.

To date, this application has undergone review by the Administration and the Brownfield Redevelopment Authority who met on March 7, 2024, to review this application and voted unanimously to recommend approval to City Council.

II. PROPOSED BROWNFIELD REDEVELOPMENT PLAN

Attached is a copy of the TST Portage, LLC, Act 381 Brownfield Plan and the formal Portage

Brownfield Application. The subject property consists of two parcels of land occupying approximately 10.68 acres. The subject property is partially developed, consisting of a 63,000-square-foot industrial building under construction and a 33,804-square-foot structure scheduled for partial demolition and redevelopment. The parcel at 5960 S. Sprinkle Rd. is a contaminated eligible “facility” due to the presence of arsenic, silver, benzo(a)pyrene, fluoranthene, and phenanthrene in concentrations in excess of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) generic cleanup criteria. The parcel at 5870 South Sprinkle Road is adjacent and contiguous to 5960 South Sprinkle Road and is eligible for inclusion under the Act. (see Exhibit A, Attachment C).

TST proposes to add a total of 72,396 square feet of manufacturing and ancillary office space through new construction and redevelopment on the two parcels, resulting in a total of 106,200 square feet. The total capital investment of the project is expected to be approximately \$9,334,162.

- This project will include demolition, site preparation, public infrastructure, a contingency, recovery of environmental site assessment costs, and associated administrative expenses.
- This project will result in approximately 51 new jobs by Depatie Fluid Power in the City of Portage. These new jobs will include 6 managerial, 5 administrative, 7 sales, 5 professional/engineering, 25 production/operation, and 3 jobs classified as "other", with an average annual pay rate of \$63,628.41.

Eligible activities associated with the site remediation efforts proposed to be funded through state and local tax reimbursement include the following:

Department of Environment, Great Lakes and Energy (EGLE) Eligible Activities

- Phase I and Phase II Environmental Site Assessment (“ESA”) at 5960 S. Sprinkle Rd.

Michigan Strategic Fund and Local Tax Capture Eligible Activities

- Site Demolition at 5870 S. Sprinkle Rd. and Partial Building Demolition at 5960 S. Sprinkle Rd.
- Site Preparation: clearing and grubbing, fill, grading, and land balancing, staking, temporary erosion control, and temporary traffic control. Engineering and design of these activities are also included as eligible activities.
- Public Infrastructure Improvements: Water main and Sanitary Sewer Construction, Urban Stormwater Management System at both locations.
- Contingency of 15%
- Brownfield Plan/Act 381 Work Plan Preparation, Brownfield Plan Application Fee, and Administrative Expenses related to implementing the plan.

Because the City of Portage is a “qualified local unit of government”, certain non-environmental costs can be reimbursed through a brownfield plan. TST's Brownfield Plan includes non-environmental eligible costs for demolition, site preparation, and infrastructure improvement, among others.

TST intends to seek reimbursement for eligible activities through capture of both local and school tax dollars:

1. Specifically, TST seeks to capture \$370,800 over 10 years from school tax increment revenues for costs associated with the MSF Eligible Activities above, including: demolition, water and sewer mains, stormwater management facility, site preparation, and brownfield/Act 381 work plans. Therefore, TST has prepared an Act 381 Work Plan for approval by the Michigan Department of Environment, Great Lakes, and Energy ("EGLE") and the MSF.
2. EGLE Environmental costs covered through State Tax Reimbursement is forecast to be \$2,483.
3. In addition, the Act 381 Brownfield Plan proposes to capture \$94,065 for Authority administrative cost, \$130,736 for the State Brownfield Redevelopment Fund, and \$390,957 for the Local Brownfield Revolving Fund.
4. As shown in Table 1 (Eligible Activity Costs) in the Act 381 Brownfield Plan, the estimated cost to complete all eligible activities, including a 15% contingency (\$141,488), is \$1,142,388.
5. The base year taxable value for purposes of capture of Tax Increment Revenue (TIR) is proposed to be 2023, as the finalization of current taxable value by Kalamazoo County is not yet complete. This will accommodate tax increment revenue from the building under construction at 5870 S. Sprinkle Rd.

Consistent with the [City of Portage Brownfield Redevelopment Incentive Policy](#), capture of tax increment revenue for reimbursement of TST's eligible expenses is limited to 10 years (excluding the projected capture of tax increment revenue for the Local Brownfield Revolving Fund, which is projected to occur until year 15 of the Act 381 Brownfield Plan). Capture of tax increment revenue for the LBRF involves an additional five years after the developer reimbursement period.

TIF capture will be suppressed due to three nine-year Industrial Facilities Tax Abatement (IFT) certificates in place at 5870 S. Sprinkle Rd. and a plan to seek a nine-year Industrial Facilities Tax Abatement certificate for 5960 S. Sprinkle Rd. as well. As a result, the Tax Capture Schedule (Exhibit A, Table 2) consists of five tables which separate the portion of capture affected by IFT from that unaffected by the IFT, with the final table being an aggregated combined capture schedule. Total abatement is forecast at +/- \$849,320 in savings. As a result, repayment of eligible expenses over the initial 10 years through the Brownfield TIF will amount to \$836,511, as shown in the Reimbursement Schedule on Table 3 in the Act 381 Brownfield Plan.

III. CONCLUSION:

TST's Brownfield Redevelopment Plan Application is eligible for tax incremental financing under the Act. In accordance with the [City of Portage Brownfield Redevelopment Incentive Policy](#) ("Policy"), the applicant meets one investment criteria and is thus eligible for up to a 10 year TIF capture period for reimbursement of Eligible Expenses.

Though each plan is unique, Council generally considers the following when evaluating each plan:

- **Job Creation** (quality of the jobs created by a plan)
- **Investment** (how much it will cost to implement a plan)
- **Location** (whether a plan is in a blighted area where the Authority seeks redevelopment, and whether the proposed use is consistent with zoning and urban planning)
- **Project Type** (whether the plan is a project that the City wants to encourage in the community).

Along with the above considerations, the [City of Portage Brownfield Redevelopment Incentive Policy](#) ("Policy") lists a number of factors for the Authority to consider. As explained in the Policy, the City Council will use the following criteria when reviewing applications:

- The financial incentives to be provided for the plan will not result in the impairment of the operation or the financial soundness of any affected taxing unit.
- A public purpose will be served (expanded tax base, additional employment, income and capital investment in the community).
- The plan will provide for an expansion of the employment base in the community.
- The plan's proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities, and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the City.
- That the project pro forma, financial structure and financing commitments justify the project need and financial viability.
- 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.
- That the requested level of incentive is commensurate with the number of Investment Criteria met within the Policy.

V. RECOMMENDATION

The Brownfield Redevelopment Authority reviewed and unanimously recommended this application be forwarded to City Council through a formal vote on March 7, 2024. It is therefore recommended that the Council accept the TST Portage, LLC, Act 381 Brownfield Redevelopment Plan (originall noted as Plan Amendment No. 11, but should be Amendment No. 12), and set a public hearing for April 9, 2024.

FUNDING: Not applicable.

Attachments:

1. Attachment A. TST Portage, LLC Act 381 Brownfield Plan 2_28_2024(37400896.10)
2. Attachment B. TST of Portage,, LLC Brownfield Application
3. Attachment C. 2024 03 07 DRAFT BRA Meeting Minutes

ACT 381 BROWNFIELD PLAN

**TST Portage, LLC
5870 and 5960 South Sprinkle Road
Kalamazoo County, City of Portage
City of Portage Brownfield Redevelopment Authority**

February 27, 2024



Prepared by
Michigan Growth Advisors
100 W Michigan Avenue
Suite #200
Kalamazoo, MI 49007

Approved by the Portage Brownfield Redevelopment Authority on _____

Approved by the City of Portage Council on _____

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ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment consists of two parcels located at 5870 S Sprinkle Road and 5960 S Sprinkle Road totaling 10.68 acres in the City of Portage. The project is a two-phase project, one on each parcel. Phase 1 of the project involves the construction of a 63,000-square foot manufacturing facility at the northern property on 5870 S Sprinkle Road. This facility includes a second level on both ends of the building for office uses. The building is currently under construction and programmed to be leased to support the growth of Depatie Fluid Power Company, Mico-Lam Inc and/or future unknown tenants.

Phase 2 of this project will involve the partial demolition of the 33,804-square foot structure on 5960 South Sprinkle Road and the construction of a 43,200-square foot facility in its footprint. This building, once complete, will be used for manufacturing purposes with 24' ceilings and is expected to be occupied by Depatie Fluid Power Company.

Both phases of this project are expected to create 51 full-time permanent jobs earning an average salary of more than \$63,000. The total capital investment of both phases of this project are anticipated to be \$9,334,162. Construction on Phase 2 the project is planned to begin in the summer of 2024 and will be completed by fall of 2025.

1.2 Eligible Property Information

Basis of Eligibility

A Baseline Environmental Assessment ("BEA") was conducted on 5960 South Sprinkle Road by Stolz Environmental Solutions, LLC dated January 18, 2022. 5960 South Sprinkle Road is a "facility" as defined by Part 201 of Michigan's Natural Resources and Environmental Protection Act ("NREPA"), Act 451 of 1994, as amended, due to the presence of arsenic, silver, benzo(a)pyrene, fluoranthene, and phenanthrene in concentrations in excess of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) generic cleanup criteria. Verification of Facility status is contained in Attachment C.

The parcel at 5870 South Sprinkle Road is adjacent and contiguous to 5960 South Sprinkle Road.

Location and Legal Description

5870 South Sprinkle Road Parcel ID: 10-00001-087-C 4.68 Acres
Portage, MI 49002

Legal Description:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 01, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION, NORTH 00 DEGREES 34 MINUTES 06 SECONDS EAST (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST) 491.44 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 25 MINUTES 18 SECONDS WEST 528.72 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 03 SECONDS WEST 7.76 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 16 SECONDS WEST 59.15 FEET (PREVIOUSLY DESCRIBED AS SOUTH 89 DEGREES 52 MINUTES 54 SECONDS WEST 59.17 FEET); THENCE NORTH 00 DEGREES 34 MINUTES 28 SECONDS EAST 349.93 FEET (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST 350.10 FEET); THENCE NORTH 89 DEGREES 52 MINUTES 50 SECONDS EAST 587.87 FEET (PREVIOUSLY DESCRIBED AS NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST 588.00 FEET) TO SAID 1/4 LINE; THENCE ALONG SAID 1/4 LINE, SOUTH 00 DEGREES 34 MINUTES 06 SECONDS WEST (PREVIOUSLY DESCRIBED AS SOUTH 00 DEGREES 34 MINUTES 24 SECONDS WEST) 348.68 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY APPARENT OR OF RECORD.

Split/Combined on 12/13/2022 from 00001-087-A; Split on 11/28/2023 into 07694-000-O, 07694-001-O, 07694-002-O, 07694-003-O;

5960 South Sprinkle Road Parcel ID: 10-00001-087-B 6.00 Acres
Portage, MI 49002

Legal Description:

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 01, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 89 DEGREES 52 MINUTES 54 SECONDS WEST 529.03 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 03 SECONDS EAST (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST) 497.87 FEET; THENCE SOUTH 89 DEGREES 25 MINUTES 18 SECONDS EAST 528.72 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION; THENCE ALONG SAID 1/4 LINE, SOUTH 00 DEGREES 34 MINUTES 06 SECONDS WEST (PREVIOUSLY DESCRIBED AS SOUTH 00 DEGREES 34 MINUTES 24 SECONDS WEST) 491.44 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY APPARENT OR OF RECORD. Split/Combined on 12/13/2022 from 00001-087-A;

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse TST Portage, LLC ("Developer") for the cost of eligible activities as authorized by Act 381. Michigan Strategic Fund ("MSF") approved non-environmental eligible activities and statutorily approved EGLE environmental eligible activities will be reimbursed with local and school tax increment revenues ("TIR"). The remaining eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities including contingency are anticipated to be \$1,142,338. Funding to the State Brownfield Redevelopment Fund is anticipated to be

\$130,736. The estimated cost of all eligible activities under this plan are summarized in Table 1.

Environmental Activities

Department specific activities considered under this plan include a Phase I and Phase II Environmental Site Assessment ("ESA").

Non-Environmental Activities

Because the City of Portage is a Qualified Local Unit of Government ("QLUG"), additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide reimbursement of eligible demolition, site preparation and/or infrastructure improvements.

Authority Expenses

Actual eligible costs incurred by the City of Portage Brownfield Redevelopment Authority ("PBRA") are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2.1 Phase I & Phase II ESA, BEA and Due Care Plan

A Phase I and Phase II ESA were completed and the total cost of these services as \$7,600. This is a cost statutorily approved for reimbursement with school taxes.

2.2.2 Demolition

Demolition activities will include site demolition and partial building demolition of an existing structure. Engineering and design of these activities are also included as eligible activities. The total cost of these demolition activities is anticipated to be \$106,205.

2.2.3 Infrastructure Improvements

Infrastructure improvement activities will include the construction of an urban stormwater management system, and sanitary sewer and water main construction. Engineering and design of these activities are also included as eligible activities. The total cost of these infrastructure improvement is anticipated to be \$402,140.

2.2.4 Site Preparation

Site preparation activities will include clearing and grubbing, fill, grading, and land balancing, staking, temporary erosion control, and temporary traffic control. Engineering and design of these activities are also included as eligible activities. The total cost of these site preparation activities is anticipated to be \$434,905.

2.2..5 Contingency

A contingency is included as an eligible activity. The contingency is estimated to be \$141,488.

2.2..6 Brownfield Plan Application Fee

The cost to apply for a Brownfield Plan is included as an eligible activity. The cost to apply for a Brownfield Plan is anticipated to be \$10,000.

2.2..7 Administrative Expenses

The expenses related to administration and implementation of this Brownfield Plan incurred by the developer is included as an eligible activity. The cost is anticipated to be \$10,000.

2.2..8 Brownfield Plan and Act 381 Work Preparation

The cost to prepare the Brownfield Plan and Act 381 Work Plan is anticipated to be \$30,000.

2.2..9 Local Brownfield Revolving Fund

The Authority intends to capture school and non-school tax increments for deposit in the local brownfield revolving fund for a full five years. This capture is estimated to be \$390,957.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR.

2.4 Method of Financing and Description of Advances Made by the Municipality

The eligible activities will be financed by the developer and reimbursed as outlined in this plan and accompanying development agreement. No advances from the City are anticipated at this time.

2.5 Maximum Amount of Note or Bonded Indebtedness

No note or bonded indebtedness for this project is anticipated at this time. Therefore, this section is not applicable.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 15 years. It is estimated that the redevelopment of the property will be completed in 2025 and that full recapture of eligible costs and eligible administrative costs of the authority will continue until 2035. Capture of TIR is expected to begin in 2026, however could be delayed for up

to 5 years after the approval of this plan as permitted by Act 381. In no event shall capture extend beyond 30 year as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of two parcels. One parcel is 6.00 acres in size and is located at 5960 South Sprinkle Road in the City of Portage, Kalamazoo County (Parcel Identification Number 10-00001-087-B). Another parcel is 4.68 acres in size and is located at 5870 South Sprinkle Road in the City of Portage, Kalamazoo County (Parcel Identification Number 10-00001-087-C). A legal description of each property along with a scaled map showing eligible property dimensions is attached as Figure 1.

The parcel is considered "eligible property" due to the presence of contaminants, specifically arsenic, silver, benzo(a)pyrene, fluoranthene, and phenanthrene in concentrations in excess of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) generic cleanup criteria. Therefore, the property is a "Facility" as defined by Part 201.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

Figure 1

Legal Description and Eligible Property Map

**Parcel Address**

5960 South Sprinkle Road
Portage, MI 49002

Parcel ID: 10-00001-087-B

Acreage: 6.00

Property Owner

JST Family, LLC
8360 Greenfield Shores Drive
Scotts, MI 49088

Legal Description

BEGINNING AT THE SOUTH 1/4 CORNER OF SECTION 01, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE SOUTH LINE OF SAID SECTION, SOUTH 89 DEGREES 52 MINUTES 54 SECONDS WEST 529.03 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 03 SECONDS EAST (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST) 497.87 FEET; THENCE SOUTH 89 DEGREES 25 MINUTES 18 SECONDS EAST 528.72 FEET TO THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION; THENCE ALONG SAID 1/4 LINE, SOUTH 00 DEGREES 34 MINUTES 06 SECONDS WEST (PREVIOUSLY DESCRIBED AS SOUTH 00 DEGREES 34 MINUTES 24 SECONDS WEST) 491.44 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY APPARENT OR OF RECORD. Split/Combined on 12/13/2022 from 00001-087-A;

Parcel Address

5870 South Sprinkle Road
Portage, MI 49002

Parcel ID: 10-00001-087-C**Acreage:** 4.68**Property Owner**

JST Family, LLC
8360 Greenfield Shores Drive
Scotts, MI 49088

Legal Description

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 01, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE NORTH AND SOUTH 1/4 LINE OF SAID SECTION, NORTH 00 DEGREES 34 MINUTES 06 SECONDS EAST (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST) 491.44 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 25 MINUTES 18 SECONDS WEST 528.72 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 03 SECONDS WEST 7.76 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 16 SECONDS WEST 59.15 FEET (PREVIOUSLY DESCRIBED AS SOUTH 89 DEGREES 52 MINUTES 54 SECONDS WEST 59.17 FEET); THENCE NORTH 00 DEGREES 34 MINUTES 28 SECONDS EAST 349.93 FEET (PREVIOUSLY DESCRIBED AS NORTH 00 DEGREES 34 MINUTES 24 SECONDS EAST 350.10 FEET); THENCE NORTH 89 DEGREES 52 MINUTES 50 SECONDS EAST 587.87 FEET (PREVIOUSLY DESCRIBED AS NORTH 89 DEGREES 52 MINUTES 54 SECONDS EAST 588.00 FEET) TO SAID 1/4 LINE; THENCE ALONG SAID 1/4 LINE, SOUTH 00 DEGREES 34 MINUTES 06 SECONDS WEST (PREVIOUSLY DESCRIBED AS SOUTH 00 DEGREES 34 MINUTES 24 SECONDS WEST) 348.68 FEET TO THE POINT OF BEGINNING. SUBJECT TO EASEMENTS, RESTRICTIONS, AND RIGHTS OF WAY APPARENT OR OF RECORD. Split/Combined on 12/13/2022 from 00001-087-A; Split on 11/28/2023 into 07694-000-O, 07694-001-O, 07694-002-O, 07694-003-O;

Table 1

Eligible Activity Costs

EGLE Eligible Activities Costs and Schedule		
EGLE Eligible Activities	Cost	Completion Season/Year
Department Specific Activities Sub-Total	\$ 7,600	Winter 2022
<i>Phase I & Phase II Environmental Site Assessment</i>	\$ 7,600	
EGLE Eligible Activities Sub-Total	\$ 7,600	
MSF Eligible Activities Costs and Schedule		
MSF Eligible Activities	Cost	Completion Season/Year
Demolition Sub-Total	\$ 106,205	Fall 2024
<i>Site Demolition</i>	\$ 4,905	
<i>Building Demolition</i>	\$ 101,300	
Infrastructure Improvements Sub-Total	\$ 402,140	Summer 2024
<i>Sanitary Sewer Main</i>	\$ 184,470	
<i>Water Main</i>	\$ 91,370	
<i>Urban Stormwater Management</i>	\$ 126,300	
Site Preparation Sub-Total	\$ 434,905	Fall 2023
<i>Cleareing and Grubbing</i>	\$ 72,500	
<i>Fill, Grading and Land Balancing</i>	\$ 319,695	
<i>Staking</i>	\$ 7,800	
<i>Temporary Erosion Control</i>	\$ 6,700	
<i>Temporary Traffic Control</i>	\$ 7,500	
<i>Soft Costs associated with Site Preparation Activities</i>	\$ 20,710	
MSF Eligible Activities Sub-Total	\$ 943,250	
Administrative Expenses	\$ 10,000	
Contingency (15%)	\$ 141,488	
Brownfield Plan Application Fee	\$ 10,000	
Brownfield Plan & Act 381 Work Plan Preparation	\$ 30,000	
Total Brownfield Eligible Activities	\$ 1,142,338	

Table 2

Tax Capture Schedule



Tax Increment Revenue Capture Estimates
JST Family, LLC
5870 S Sprinkle Road - Land
City of Portage, Kalamazoo County, Michigan
February 21, 2024

Estimated Taxable Value (TV) Increase Rate: 1.5%

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
Calendar Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
*Base Taxable Value	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ 66,300	\$ -
Estimated New TV	\$ 67,295	\$ 68,304	\$ 69,328	\$ 70,368	\$ 71,424	\$ 72,495	\$ 73,583	\$ 74,686	\$ 75,807	\$ 1,886,358	\$ 1,914,654	\$ 1,943,374	\$ 1,972,524	\$ 2,002,112	\$ 2,032,144	\$ -
Incremental Difference (New TV - Base TV)	\$ 995	\$ 2,004	\$ 3,028	\$ 4,068	\$ 5,124	\$ 6,195	\$ 7,283	\$ 8,386	\$ 9,507	\$ 1,820,058	\$ 1,848,354	\$ 1,877,074	\$ 1,906,224	\$ 1,935,812	\$ 1,965,844	\$ -

School Capture	Millage Rate	IFT Rate																	
State Education Tax (SET)	6.0000	6.0000	\$ 6	\$ 12	\$ 18	\$ 24	\$ 31	\$ 37	\$ 44	\$ 50	\$ 57	\$ 10,920	\$ 11,090	\$ 11,262	\$ 11,437	\$ 11,615	\$ 11,795	\$ 68,400	
School Operating Tax	17.5695	8.7848	\$ 17	\$ 35	\$ 53	\$ 71	\$ 90	\$ 109	\$ 128	\$ 147	\$ 167	\$ 31,978	\$ 32,475	\$ 32,979	\$ 33,491	\$ 34,011	\$ 34,539	\$ 200,292	
School Total	23.5695	14.7848	\$ 23	\$ 47	\$ 71	\$ 96	\$ 121	\$ 146	\$ 172	\$ 198	\$ 224	\$ 42,898	\$ 43,565	\$ 44,242	\$ 44,929	\$ 45,626	\$ 46,334	\$ 268,691	

Local Capture	Millage Rate																		
City of Portage	10.6400	5.3200	\$ 11	\$ 21	\$ 32	\$ 43	\$ 55	\$ 66	\$ 77	\$ 89	\$ 101	\$ 19,365	\$ 19,666	\$ 19,972	\$ 20,282	\$ 20,597	\$ 20,917	\$ 121,296	
KVCC	2.7802	1.3901	\$ 3	\$ 6	\$ 8	\$ 11	\$ 14	\$ 17	\$ 20	\$ 23	\$ 26	\$ 5,060	\$ 5,139	\$ 5,219	\$ 5,300	\$ 5,382	\$ 5,465	\$ 31,694	
KRESA Allocated	0.1444	0.0722	\$ 0	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 263	\$ 267	\$ 271	\$ 275	\$ 280	\$ 284	\$ 1,646	
KRESA Operating	2.8946	1.4473	\$ 3	\$ 6	\$ 9	\$ 12	\$ 15	\$ 18	\$ 21	\$ 24	\$ 28	\$ 5,268	\$ 5,350	\$ 5,433	\$ 5,518	\$ 5,603	\$ 5,690	\$ 32,998	
KRESA Enhancement	1.5000	0.7500	\$ 1	\$ 3	\$ 5	\$ 6	\$ 8	\$ 9	\$ 11	\$ 13	\$ 14	\$ 2,730	\$ 2,773	\$ 2,816	\$ 2,859	\$ 2,904	\$ 2,949	\$ 17,100	
KRESA Special ED	1.4988	0.7494	\$ 1	\$ 3	\$ 5	\$ 6	\$ 8	\$ 9	\$ 11	\$ 13	\$ 14	\$ 2,728	\$ 2,770	\$ 2,813	\$ 2,857	\$ 2,901	\$ 2,946	\$ 17,086	
KRESA CTE	0.9475	0.4738	\$ 1	\$ 2	\$ 3	\$ 4	\$ 5	\$ 6	\$ 7	\$ 8	\$ 9	\$ 1,725	\$ 1,751	\$ 1,779	\$ 1,806	\$ 1,834	\$ 1,863	\$ 10,801	
School Site SF	0.4988	0.2494	\$ 0	\$ 1	\$ 2	\$ 2	\$ 3	\$ 3	\$ 4	\$ 4	\$ 5	\$ 908	\$ 922	\$ 936	\$ 951	\$ 966	\$ 981	\$ 5,686	
County Operating	4.6318	2.3159	\$ 5	\$ 9	\$ 14	\$ 19	\$ 24	\$ 29	\$ 34	\$ 39	\$ 44	\$ 8,430	\$ 8,561	\$ 8,694	\$ 8,829	\$ 8,966	\$ 9,105	\$ 52,802	
CCTA Transport	0.8978	0.4489	\$ 1	\$ 2	\$ 3	\$ 4	\$ 5	\$ 6	\$ 7	\$ 8	\$ 9	\$ 1,634	\$ 1,659	\$ 1,685	\$ 1,711	\$ 1,738	\$ 1,765	\$ 10,235	
KCTA Transport	0.3110	0.1555	\$ 0	\$ 1	\$ 1	\$ 1	\$ 2	\$ 2	\$ 2	\$ 3	\$ 3	\$ 566	\$ 575	\$ 584	\$ 593	\$ 602	\$ 611	\$ 3,545	
District Library	1.4959	0.7480	\$ 1	\$ 3	\$ 5	\$ 6	\$ 8	\$ 9	\$ 11	\$ 13	\$ 14	\$ 2,723	\$ 2,765	\$ 2,808	\$ 2,852	\$ 2,896	\$ 2,941	\$ 17,053	
Library Extra	0.4986	0.2493	\$ 0	\$ 1	\$ 2	\$ 2	\$ 3	\$ 3	\$ 4	\$ 4	\$ 5	\$ 907	\$ 922	\$ 936	\$ 950	\$ 965	\$ 980	\$ 5,684	
County Public Safety	1.4380	0.7190	\$ 1	\$ 3	\$ 4	\$ 6	\$ 7	\$ 9	\$ 10	\$ 12	\$ 14	\$ 2,617	\$ 2,658	\$ 2,699	\$ 2,741	\$ 2,784	\$ 2,827	\$ 16,393	
County Housing	0.7453	0.3727	\$ 1	\$ 1	\$ 2	\$ 3	\$ 4	\$ 5	\$ 5	\$ 6	\$ 7	\$ 1,356	\$ 1,378	\$ 1,399	\$ 1,421	\$ 1,443	\$ 1,465	\$ 8,496	
County Senior	0.3462	0.1731	\$ 0	\$ 1	\$ 1	\$ 1	\$ 2	\$ 2	\$ 3	\$ 3	\$ 3	\$ 630	\$ 640	\$ 650	\$ 660	\$ 670	\$ 681	\$ 3,947	
County Veterans	0.1000	0.0500	\$ 0	\$ 0	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 182	\$ 185	\$ 188	\$ 191	\$ 194	\$ 197	\$ 1,140	
County 911	0.6459	0.3230	\$ 1	\$ 1	\$ 2	\$ 3	\$ 3	\$ 4	\$ 5	\$ 5	\$ 6	\$ 1,176	\$ 1,194	\$ 1,212	\$ 1,231	\$ 1,250	\$ 1,270	\$ 7,363	
Local Total	32.0148	16.0074	\$ 32	\$ 64	\$ 97	\$ 130	\$ 164	\$ 198	\$ 233	\$ 268	\$ 304	\$ 58,269	\$ 59,175	\$ 60,094	\$ 61,027	\$ 61,975	\$ 62,936	\$ 364,967	

Non-Capturable Millages	Millage Rate																		
County Juvenile Home Debt	0.1613	0.0807	\$ 0	\$ 0	\$ 0	\$ 1	\$ 1	\$ 1	\$ 1	\$ 1	\$ 2	294	\$ 298	303	\$ 307	312	\$ 317	\$ 1,839	
Portage School Debt	6.8500	3.4250	\$ 7	\$ 14	\$ 21	\$ 28	\$ 35	\$ 42	\$ 50	\$ 57	\$ 65	12,467	\$ 12,661	12,858	\$ 13,058	13,260	\$ 13,466	\$ 78,090	
KRESA Debt	0.3650	0.1825	\$ 0	\$ 1	\$ 1	\$ 1	\$ 2	\$ 2	\$ 3	\$ 3	\$ 3	664	\$ 675	685	\$ 696	707	\$ 718	\$ 4,161	
Total Non-Capturable Taxes	7.3763	3.6882	\$ 7	\$ 15	\$ 22	\$ 30	\$ 38	\$ 46	\$ 54	\$ 62	\$ 70	13,425	\$ 13,634	13,846	\$ 14,061	14,279	\$ 14,501	\$ 84,090	
Total Tax Increment Revenue (TIR) Available for Capture			\$ 55	\$ 111	\$ 168	\$ 226	\$ 285	\$ 344	\$ 405	\$ 466	\$ 528	101,167	\$ 102,739	104,336	\$ 105,956	107,601	\$ 109,270	\$ 633,659	

Footnotes:



Tax Increment Revenue Capture Estimates
JST Family, LLC
5870 S Sprinkle Road - IFT
City of Portage, Kalamazoo County, Michigan
February 21, 2024

Estimated Taxable Value (TV) Increase Rate: 1.5%

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
Calendar Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
*Base Taxable Value	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Estimated New TV	\$1,582,500	\$1,606,238	\$1,630,331	\$1,654,786	\$1,679,608	\$1,704,802	\$1,730,374	\$1,756,330	\$1,782,675	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Incremental Difference (New TV - Base TV)	\$1,582,500	\$1,606,238	\$1,630,331	\$1,654,786	\$1,679,608	\$1,704,802	\$1,730,374	\$1,756,330	\$1,782,675	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

School Capture	Millage Rate	IFT Rate															
State Education Tax (SET)	6.0000	6.0000	\$ 9,495	\$ 9,637	\$ 9,782	\$ 9,929	\$ 10,078	\$ 10,229	\$ 10,382	\$ 10,538	\$ 10,696	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 90,766
School Operating Tax	17.5695	8.7848	\$ 13,902	\$ 14,110	\$ 14,322	\$ 14,537	\$ 14,755	\$ 14,976	\$ 15,201	\$ 15,429	\$ 15,660	\$ -	\$ -	\$ -	\$ -	\$ -	\$132,893
School Total	23.5695	14.7848	\$ 23,397	\$ 23,748	\$ 24,104	\$ 24,466	\$ 24,833	\$ 25,205	\$ 25,583	\$ 25,967	\$ 26,356	\$ -	\$ -	\$ -	\$ -	\$ -	\$223,658

Local Capture	Millage Rate																
City of Portage	10.6400	5.3200	\$ 8,419	\$ 8,545	\$ 8,673	\$ 8,803	\$ 8,936	\$ 9,070	\$ 9,206	\$ 9,344	\$ 9,484	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 80,479
KVCC	2.7802	1.3901	\$ 2,200	\$ 2,233	\$ 2,266	\$ 2,300	\$ 2,335	\$ 2,370	\$ 2,405	\$ 2,441	\$ 2,478	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,029
KRESA Allocated	0.1444	0.0722	\$ 114	\$ 116	\$ 118	\$ 119	\$ 121	\$ 123	\$ 125	\$ 127	\$ 129	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,092
KRESA Operating	2.8946	1.4473	\$ 2,290	\$ 2,325	\$ 2,360	\$ 2,395	\$ 2,431	\$ 2,467	\$ 2,504	\$ 2,542	\$ 2,580	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 21,894
KRESA Enhancement	1.5000	0.7500	\$ 1,187	\$ 1,205	\$ 1,223	\$ 1,241	\$ 1,260	\$ 1,279	\$ 1,298	\$ 1,317	\$ 1,337	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,346
KRESA Special ED	1.4988	0.7494	\$ 1,186	\$ 1,204	\$ 1,222	\$ 1,240	\$ 1,259	\$ 1,278	\$ 1,297	\$ 1,316	\$ 1,336	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,337
KRESA CTE	0.9475	0.4738	\$ 750	\$ 761	\$ 772	\$ 784	\$ 796	\$ 808	\$ 820	\$ 832	\$ 845	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,167
School Site SF	0.4988	0.2494	\$ 395	\$ 401	\$ 407	\$ 413	\$ 419	\$ 425	\$ 432	\$ 438	\$ 445	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,773
County Operating	4.6318	2.3159	\$ 3,665	\$ 3,720	\$ 3,776	\$ 3,832	\$ 3,890	\$ 3,948	\$ 4,007	\$ 4,067	\$ 4,128	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 35,034
CCTA Transport	0.8978	0.4489	\$ 710	\$ 721	\$ 732	\$ 743	\$ 754	\$ 765	\$ 777	\$ 788	\$ 800	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,791
KCTA Transport	0.3110	0.1555	\$ 246	\$ 250	\$ 254	\$ 257	\$ 261	\$ 265	\$ 269	\$ 273	\$ 277	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,352
District Library	1.4959	0.7480	\$ 1,184	\$ 1,201	\$ 1,219	\$ 1,238	\$ 1,256	\$ 1,275	\$ 1,294	\$ 1,314	\$ 1,333	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 11,315
Library Extra	0.4986	0.2493	\$ 395	\$ 400	\$ 406	\$ 413	\$ 419	\$ 425	\$ 431	\$ 438	\$ 444	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,771
County Public Safety	1.4380	0.7190	\$ 1,138	\$ 1,155	\$ 1,172	\$ 1,190	\$ 1,208	\$ 1,226	\$ 1,244	\$ 1,263	\$ 1,282	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 10,877
County Housing	0.7453	0.3727	\$ 590	\$ 599	\$ 608	\$ 617	\$ 626	\$ 635	\$ 645	\$ 654	\$ 664	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,637
County Senior	0.3462	0.1731	\$ 274	\$ 278	\$ 282	\$ 286	\$ 291	\$ 295	\$ 300	\$ 304	\$ 309	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,619
County Veterans	0.1000	0.0500	\$ 79	\$ 80	\$ 82	\$ 83	\$ 84	\$ 85	\$ 87	\$ 88	\$ 89	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 756
County 911	0.6459	0.3230	\$ 511	\$ 519	\$ 527	\$ 534	\$ 542	\$ 551	\$ 559	\$ 567	\$ 576	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,885
Local Total	32.0148	16.0074	\$ 25,332	\$ 25,712	\$ 26,097	\$ 26,489	\$ 26,886	\$ 27,289	\$ 27,699	\$ 28,114	\$ 28,536	\$ -	\$ -	\$ -	\$ -	\$ -	\$242,154

Non-Capturable Millages	Millage Rate																
County Juvenile Home Debt	0.1613	0.0807	\$ 128	\$ 130	\$ 131	\$ 133	\$ 135	\$ 137	\$ 140	\$ 142	\$ 144	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,220
Portage School Debt	6.8500	3.4250	\$ 5,420	\$ 5,501	\$ 5,584	\$ 5,668	\$ 5,753	\$ 5,839	\$ 5,927	\$ 6,015	\$ 6,106	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 51,812
KRESA Debt	0.3650	0.1825	\$ 289	\$ 293	\$ 298	\$ 302	\$ 307	\$ 311	\$ 316	\$ 321	\$ 325	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,761
Total Non-Capturable Taxes	7.3763	3.6882	\$ 5,836	\$ 5,924	\$ 6,013	\$ 6,103	\$ 6,195	\$ 6,288	\$ 6,382	\$ 6,478	\$ 6,575	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 55,793
Total Tax Increment Revenue (TIR) Available for Capture			\$ 48,729	\$ 49,460	\$ 50,201	\$ 50,954	\$ 51,719	\$ 52,495	\$ 53,282	\$ 54,081	\$ 54,892	\$ -	\$ -	\$ -	\$ -	\$ -	\$465,813

Footnotes:
*Assumes 9 Year PA 198 Tax abatement

**Assumes Taxable value of \$31.65/sf



Tax Increment Revenue Capture Estimates
JST Family, LLC
5960 S Sprinkle Road - Land
City of Portage, Kalamazoo County, Michigan
February 21, 2024

Estimated Taxable Value (TV) Increase Rate:

1.5%

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
Calendar Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
*Base Taxable Value	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ 880,800	\$ -
Estimated New TV	\$ 894,012	\$ 172,347	\$ 174,932	\$ 177,556	\$ 180,220	\$ 182,923	\$ 185,667	\$ 188,452	\$ 191,278	\$ 194,148	\$ 1,586,784	\$ 1,610,586	\$ 1,634,745	\$ 1,659,266	\$ 1,684,155	\$ -
Incremental Difference (New TV - Base TV)	\$ 13,212	\$ (708,453)	\$ (705,868)	\$ (703,244)	\$ (700,580)	\$ (697,877)	\$ (695,133)	\$ (692,348)	\$ (689,522)	\$ (686,652)	\$ 705,984	\$ 729,786	\$ 753,945	\$ 778,466	\$ 803,355	\$ -

School Capture	Millage Rate	IFT Rate																				
State Education Tax (SET)	6.0000	6.0000	\$ 79	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,236	\$ 4,379	\$ 4,524	\$ 4,671	\$ 4,820	\$ 22,708
School Operating Tax	17.5695	8.7848	\$ 232	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 12,404	\$ 12,822	\$ 13,246	\$ 13,677	\$ 14,115	\$ 66,496
School Total	23.5695	14.7848	\$ 311	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 16,640	\$ 17,201	\$ 17,770	\$ 18,348	\$ 18,935	\$ 89,205

Local Capture			Millage Rate																												
City of Portage	10.6400	5.3200	\$ 141	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 7,512	\$ 7,765	\$ 8,022	\$ 8,283	\$ 8,548	\$ 40,270									
KVCC	2.7802	1.3901	\$ 37	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,963	\$ 2,029	\$ 2,096	\$ 2,164	\$ 2,233	\$ 10,522									
KRESA Allocated	0.1444	0.0722	\$ 2	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 102	\$ 105	\$ 109	\$ 112	\$ 116	\$ 547									
KRESA Operating	2.8946	1.4473	\$ 38	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,044	\$ 2,112	\$ 2,182	\$ 2,253	\$ 2,325	\$ 10,955									
KRESA Enhancement	1.5000	0.7500	\$ 20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,059	\$ 1,095	\$ 1,131	\$ 1,168	\$ 1,205	\$ 5,677									
KRESA Special ED	1.4988	0.7494	\$ 20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,058	\$ 1,094	\$ 1,130	\$ 1,167	\$ 1,204	\$ 5,673									
KRESA CTE	0.9475	0.4738	\$ 13	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 669	\$ 691	\$ 714	\$ 738	\$ 761	\$ 3,586									
School Site SF	0.4988	0.2494	\$ 7	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 352	\$ 364	\$ 376	\$ 388	\$ 401	\$ 1,888									
County Operating	4.6318	2.3159	\$ 61	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,270	\$ 3,380	\$ 3,492	\$ 3,606	\$ 3,721	\$ 17,530									
CCTA Transport	0.8978	0.4489	\$ 12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 634	\$ 655	\$ 677	\$ 699	\$ 721	\$ 3,398									
KCTA Transport	0.3110	0.1555	\$ 4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 220	\$ 227	\$ 234	\$ 242	\$ 250	\$ 1,177									
District Library	1.4959	0.7480	\$ 20	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,056	\$ 1,092	\$ 1,128	\$ 1,165	\$ 1,202	\$ 5,662									
Library Extra	0.4986	0.2493	\$ 7	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 352	\$ 364	\$ 376	\$ 388	\$ 401	\$ 1,887									
County Public Safety	1.4380	0.7190	\$ 19	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,015	\$ 1,049	\$ 1,084	\$ 1,119	\$ 1,155	\$ 5,442									
County Housing	0.7453	0.3727	\$ 10	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 526	\$ 544	\$ 562	\$ 580	\$ 599	\$ 2,821									
County Senior	0.3462	0.1731	\$ 5	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 244	\$ 253	\$ 261	\$ 270	\$ 278	\$ 1,310									
County Veterans	0.1000	0.0500	\$ 1	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 71	\$ 73	\$ 75	\$ 78	\$ 80	\$ 378									
County 911	0.6459	0.3230	\$ 9	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 456	\$ 471	\$ 487	\$ 503	\$ 519	\$ 2,445									
Local Total	32.0148	16.0074	\$ 423	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 22,602	\$ 23,364	\$ 24,137	\$ 24,922	\$ 25,719	\$ 121,168									

Non-Capturable Millages			Millage Rate																														
County Juvenile Home Debt	0.1613	0.0807	\$	2	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	114	\$	118	\$	122	\$	126	\$	130	\$	610			
Portage School Debt	6.8500	3.4250	\$	91	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	4,836	\$	4,999	\$	5,165	\$	5,332	\$	5,503	\$	25,926			
KRESA Debt	0.3650	0.1825	\$	5	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	258	\$	266	\$	275	\$	284	\$	293	\$	1,381			
Total Non-Capturable Taxes	7.3763	3.6882	\$	97	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	5,208	\$	5,383	\$	5,561	\$	5,742	\$	5,926	\$	27,917			
Total Tax Increment Revenue (TIR) Available for Capture			\$	734	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	39,242	\$	40,565	\$	41,907	\$	43,270	\$	44,654	\$	210,373			

Footnotes:



Tax Increment Revenue Capture Estimates
JST Family, LLC
5960 S Sprinkle Road - IFT
City of Portage, Kalamazoo County, Michigan
February 21, 2024

Estimated Taxable Value (TV) Increase Rate: 1.5%

Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
Calendar Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
*Base Taxable Value	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Estimated New TV		\$ 1,387,789	\$ 1,408,606	\$ 1,429,735	\$ 1,451,181	\$ 1,472,949	\$ 1,495,043	\$ 1,517,469	\$ 1,540,231	\$ 1,563,334	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Incremental Difference (New TV - Base TV)	\$ -	\$ 1,387,789	\$ 1,408,606	\$ 1,429,735	\$ 1,451,181	\$ 1,472,949	\$ 1,495,043	\$ 1,517,469	\$ 1,540,231	\$ 1,563,334	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

School Capture	Millage Rate	IFT Rate																	
State Education Tax (SET)	6.0000	6.0000	\$ -	\$ 8,327	\$ 8,452	\$ 8,578	\$ 8,707	\$ 8,838	\$ 8,970	\$ 9,105	\$ 9,241	\$ 9,380	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 79,598
School Operating Tax	17.5695	8.7848	\$ -	\$ 12,191	\$ 12,374	\$ 12,560	\$ 12,748	\$ 12,939	\$ 13,134	\$ 13,331	\$ 13,531	\$ 13,734	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 116,541
School Total	23.5695	14.7848	\$ -	\$ 20,518	\$ 20,826	\$ 21,138	\$ 21,455	\$ 21,777	\$ 22,104	\$ 22,435	\$ 22,772	\$ 23,114	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 196,139

Local Capture	Millage Rate																		
City of Portage	10.6400	5.3200	\$ -	\$ 7,383	\$ 7,494	\$ 7,606	\$ 7,720	\$ 7,836	\$ 7,954	\$ 8,073	\$ 8,194	\$ 8,317	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 70,577
KVCC	2.7802	1.3901	\$ -	\$ 1,929	\$ 1,958	\$ 1,987	\$ 2,017	\$ 2,048	\$ 2,078	\$ 2,109	\$ 2,141	\$ 2,173	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 18,442
KRESA Allocated	0.1444	0.0722	\$ -	\$ 100	\$ 102	\$ 103	\$ 105	\$ 106	\$ 108	\$ 110	\$ 111	\$ 113	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 958
KRESA Operating	2.8946	1.4473	\$ -	\$ 2,009	\$ 2,039	\$ 2,069	\$ 2,100	\$ 2,132	\$ 2,164	\$ 2,196	\$ 2,229	\$ 2,263	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 19,200
KRESA Enhancement	1.5000	0.7500	\$ -	\$ 1,041	\$ 1,056	\$ 1,072	\$ 1,088	\$ 1,105	\$ 1,121	\$ 1,138	\$ 1,155	\$ 1,173	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,950
KRESA Special ED	1.4988	0.7494	\$ -	\$ 1,040	\$ 1,056	\$ 1,071	\$ 1,088	\$ 1,104	\$ 1,120	\$ 1,137	\$ 1,154	\$ 1,172	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,942
KRESA CTE	0.9475	0.4738	\$ -	\$ 657	\$ 667	\$ 677	\$ 687	\$ 698	\$ 708	\$ 719	\$ 730	\$ 741	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,285
School Site SF	0.4988	0.2494	\$ -	\$ 346	\$ 351	\$ 357	\$ 362	\$ 367	\$ 373	\$ 378	\$ 384	\$ 390	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,309
County Operating	4.6318	2.3159	\$ -	\$ 3,214	\$ 3,262	\$ 3,311	\$ 3,361	\$ 3,411	\$ 3,462	\$ 3,514	\$ 3,567	\$ 3,621	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 30,724
CCTA Transport	0.8978	0.4489	\$ -	\$ 623	\$ 632	\$ 642	\$ 651	\$ 661	\$ 671	\$ 681	\$ 691	\$ 702	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 5,955
KCTA Transport	0.3110	0.1555	\$ -	\$ 216	\$ 219	\$ 222	\$ 226	\$ 229	\$ 232	\$ 236	\$ 240	\$ 243	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,063
District Library	1.4959	0.7480	\$ -	\$ 1,038	\$ 1,054	\$ 1,069	\$ 1,085	\$ 1,102	\$ 1,118	\$ 1,135	\$ 1,152	\$ 1,169	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,923
Library Extra	0.4986	0.2493	\$ -	\$ 346	\$ 351	\$ 356	\$ 362	\$ 367	\$ 373	\$ 378	\$ 384	\$ 390	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 3,307
County Public Safety	1.4380	0.7190	\$ -	\$ 998	\$ 1,013	\$ 1,028	\$ 1,043	\$ 1,059	\$ 1,075	\$ 1,091	\$ 1,107	\$ 1,124	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 9,538
County Housing	0.7453	0.3727	\$ -	\$ 517	\$ 525	\$ 533	\$ 541	\$ 549	\$ 557	\$ 565	\$ 574	\$ 583	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,944
County Senior	0.3462	0.1731	\$ -	\$ 240	\$ 244	\$ 247	\$ 251	\$ 255	\$ 259	\$ 263	\$ 267	\$ 271	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,296
County Veterans	0.1000	0.0500	\$ -	\$ 69	\$ 70	\$ 71	\$ 73	\$ 74	\$ 75	\$ 76	\$ 77	\$ 78	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 663
County 911	0.6459	0.3230	\$ -	\$ 448	\$ 455	\$ 462	\$ 469	\$ 476	\$ 483	\$ 490	\$ 497	\$ 505	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 4,284
Local Total	32.0148	16.0074	\$ -	\$ 22,215	\$ 22,548	\$ 22,886	\$ 23,230	\$ 23,578	\$ 23,932	\$ 24,291	\$ 24,655	\$ 25,025	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 212,360

Non-Capturable Millages	Millage Rate																		
County Juvenile Home Debt	0.1613	0.0807	\$ -	\$ 112	\$ 114	\$ 115	\$ 117	\$ 119	\$ 121	\$ 122	\$ 124	\$ 252	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,196
Portage School Debt	6.8500	3.4250	\$ -	\$ 4,753	\$ 4,824	\$ 4,897	\$ 4,970	\$ 5,045	\$ 5,121	\$ 5,197	\$ 5,275	\$ 10,709	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,792
KRESA Debt	0.3650	0.1825	\$ -	\$ 253	\$ 257	\$ 261	\$ 265	\$ 269	\$ 273	\$ 277	\$ 281	\$ 571	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 2,706
Total Non-Capturable Taxes	7.3763	3.6882	\$ -	\$ 5,118	\$ 5,195	\$ 5,273	\$ 5,352	\$ 5,432	\$ 5,514	\$ 5,597	\$ 5,681	\$ 11,532	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 54,694
Total Tax Increment Revenue (TIR) Available for Capture			\$ -	\$ 42,733	\$ 43,374	\$ 44,025	\$ 44,685	\$ 45,355	\$ 46,036	\$ 46,726	\$ 47,427	\$ 48,138	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 408,499

Footnotes:
*Assumes 9 Year PA 198 Tax abatement

**Assumes Taxable value of \$31.65/sf



Tax Increment Revenue Capture Estimates
JST Family, LLC
5870 5960 S Sprinkle Road - Total Capture
City of Portage, Kalamazoo County, Michigan
February 21, 2024

Estimated Taxable Value (TV) Increase Rate:		1.5%																
	Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL	
	Calendar Year	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039		
	Base Taxable Value	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100	\$ 947,100		
	Estimated Future TV	\$ 2,543,807	\$ 3,234,678	\$ 3,283,198	\$ 3,332,446	\$ 3,382,432	\$ 3,433,169	\$ 3,484,666	\$ 3,536,936	\$ 3,589,990	\$ 3,643,840	\$ 3,501,438	\$ 3,553,960	\$ 3,607,269	\$ 3,661,378	\$ 3,716,299		
	Incremental Difference	\$ 1,596,707	\$ 2,287,578	\$ 2,336,098	\$ 2,385,346	\$ 2,435,332	\$ 2,486,069	\$ 2,537,566	\$ 2,589,836	\$ 2,642,890	\$ 2,696,740	\$ 2,554,338	\$ 2,606,860	\$ 2,660,169	\$ 2,714,278	\$ 2,769,199		
School Capture	Millage Rate	IFT Rate																
State Education Tax (SET)	6.0000	6.0000	\$ 9,580	\$ 17,976	\$ 18,252	\$ 18,532	\$ 18,815	\$ 19,104	\$ 19,396	\$ 19,693	\$ 19,994	\$ 20,300	\$ 15,326	\$ 15,641	\$ 15,961	\$ 16,286	\$ 16,615	\$ 261,472
School Operating Tax	17.5695	8.7848	\$ 14,151	\$ 26,337	\$ 26,750	\$ 27,168	\$ 27,593	\$ 28,025	\$ 28,462	\$ 28,907	\$ 29,358	\$ 45,711	\$ 44,878	\$ 45,801	\$ 46,738	\$ 47,689	\$ 48,653	\$ 516,222
School Total	23.5695	14.7848	\$ 23,732	\$ 44,313	\$ 45,001	\$ 45,700	\$ 46,409	\$ 47,128	\$ 47,859	\$ 48,600	\$ 49,352	\$ 66,011	\$ 60,204	\$ 61,442	\$ 62,699	\$ 63,974	\$ 65,269	\$ 777,694
Local Capture	Millage Rate																	
City of Portage	10.6400	5.3200	\$ 8,570	\$ 15,950	\$ 16,199	\$ 16,453	\$ 16,710	\$ 16,972	\$ 17,237	\$ 17,506	\$ 17,779	\$ 27,682	\$ 27,178	\$ 27,737	\$ 28,304	\$ 28,880	\$ 29,464	\$ 312,621
KVCC	2.7802	1.3901	\$ 2,239	\$ 4,168	\$ 4,233	\$ 4,299	\$ 4,366	\$ 4,435	\$ 4,504	\$ 4,574	\$ 4,646	\$ 7,233	\$ 7,102	\$ 7,248	\$ 7,396	\$ 7,546	\$ 7,699	\$ 81,687
KRESA Allocated	0.1444	0.0722	\$ 116	\$ 216	\$ 220	\$ 223	\$ 227	\$ 230	\$ 234	\$ 238	\$ 241	\$ 376	\$ 369	\$ 376	\$ 384	\$ 392	\$ 400	\$ 4,243
KRESA Operating	2.8946	1.4473	\$ 2,331	\$ 4,339	\$ 4,407	\$ 4,476	\$ 4,546	\$ 4,617	\$ 4,689	\$ 4,762	\$ 4,837	\$ 7,531	\$ 7,394	\$ 7,546	\$ 7,700	\$ 7,857	\$ 8,016	\$ 85,048
KRESA Enhancement	1.5000	0.7500	\$ 1,208	\$ 2,249	\$ 2,284	\$ 2,319	\$ 2,356	\$ 2,393	\$ 2,430	\$ 2,468	\$ 2,506	\$ 3,903	\$ 3,832	\$ 3,910	\$ 3,990	\$ 4,071	\$ 4,154	\$ 44,073
KRESA Special ED	1.4988	0.7494	\$ 1,207	\$ 2,247	\$ 2,282	\$ 2,318	\$ 2,354	\$ 2,391	\$ 2,428	\$ 2,466	\$ 2,504	\$ 3,899	\$ 3,828	\$ 3,907	\$ 3,987	\$ 4,068	\$ 4,150	\$ 44,037
KRESA CTE	0.9475	0.4738	\$ 763	\$ 1,420	\$ 1,443	\$ 1,465	\$ 1,488	\$ 1,511	\$ 1,535	\$ 1,559	\$ 1,583	\$ 2,465	\$ 2,420	\$ 2,470	\$ 2,521	\$ 2,572	\$ 2,624	\$ 27,839
School Site SF	0.4988	0.2494	\$ 402	\$ 748	\$ 759	\$ 771	\$ 783	\$ 796	\$ 808	\$ 821	\$ 833	\$ 1,298	\$ 1,274	\$ 1,300	\$ 1,327	\$ 1,354	\$ 1,381	\$ 14,656
County Operating	4.6318	2.3159	\$ 3,731	\$ 6,943	\$ 7,052	\$ 7,162	\$ 7,274	\$ 7,388	\$ 7,503	\$ 7,621	\$ 7,740	\$ 12,051	\$ 11,831	\$ 12,074	\$ 12,321	\$ 12,572	\$ 12,826	\$ 136,090
CCTA Transport	0.8978	0.4489	\$ 723	\$ 1,346	\$ 1,367	\$ 1,388	\$ 1,410	\$ 1,432	\$ 1,454	\$ 1,477	\$ 1,500	\$ 2,336	\$ 2,293	\$ 2,340	\$ 2,388	\$ 2,437	\$ 2,486	\$ 26,379
KCTA Transport	0.3110	0.1555	\$ 250	\$ 466	\$ 473	\$ 481	\$ 488	\$ 496	\$ 504	\$ 512	\$ 520	\$ 809	\$ 794	\$ 811	\$ 827	\$ 844	\$ 861	\$ 9,138
District Library	1.4959	0.7480	\$ 1,205	\$ 2,242	\$ 2,278	\$ 2,313	\$ 2,349	\$ 2,386	\$ 2,423	\$ 2,461	\$ 2,500	\$ 3,892	\$ 3,821	\$ 3,900	\$ 3,979	\$ 4,060	\$ 4,142	\$ 43,952
Library Extra	0.4986	0.2493	\$ 402	\$ 747	\$ 759	\$ 771	\$ 783	\$ 795	\$ 808	\$ 820	\$ 833	\$ 1,297	\$ 1,274	\$ 1,300	\$ 1,326	\$ 1,353	\$ 1,381	\$ 14,650
County Public Safety	1.4380	0.7190	\$ 1,158	\$ 2,156	\$ 2,189	\$ 2,224	\$ 2,258	\$ 2,294	\$ 2,330	\$ 2,366	\$ 2,403	\$ 3,741	\$ 3,673	\$ 3,749	\$ 3,825	\$ 3,903	\$ 3,982	\$ 42,251
County Housing	0.7453	0.3727	\$ 600	\$ 1,117	\$ 1,135	\$ 1,152	\$ 1,171	\$ 1,189	\$ 1,207	\$ 1,226	\$ 1,245	\$ 1,939	\$ 1,904	\$ 1,943	\$ 1,983	\$ 2,023	\$ 2,064	\$ 21,898
County Senior	0.3462	0.1731	\$ 279	\$ 519	\$ 527	\$ 535	\$ 544	\$ 552	\$ 561	\$ 570	\$ 578	\$ 901	\$ 884	\$ 902	\$ 921	\$ 940	\$ 959	\$ 10,172
County Veterans	0.1000	0.0500	\$ 81	\$ 150	\$ 152	\$ 155	\$ 157	\$ 160	\$ 162	\$ 165	\$ 167	\$ 260	\$ 255	\$ 261	\$ 266	\$ 271	\$ 277	\$ 2,938
County 911	0.6459	0.3230	\$ 520	\$ 968	\$ 983	\$ 999	\$ 1,014	\$ 1,030	\$ 1,046	\$ 1,063	\$ 1,079	\$ 1,680	\$ 1,650	\$ 1,684	\$ 1,718	\$ 1,753	\$ 1,789	\$ 18,978
Local Total	32.0148	16.0074	\$ 25,787	\$ 47,991	\$ 48,742	\$ 49,505	\$ 50,280	\$ 51,066	\$ 51,864	\$ 52,673	\$ 53,495	\$ 83,294	\$ 81,777	\$ 83,458	\$ 85,165	\$ 86,897	\$ 88,655	\$ 940,649
Non-Capturable Millages	Millage Rate																	
County Juvenile Home Debt	0.1613	0.0807	\$ 130	\$ 242	\$ 246	\$ 249	\$ 253	\$ 257	\$ 261	\$ 265	\$ 270	\$ 546	\$ 412	\$ 420	\$ 429	\$ 438	\$ 447	\$ 4,865
Portage School Debt	6.8500	3.4250	\$ 5,517	\$ 10,268	\$ 10,429	\$ 10,592	\$ 10,758	\$ 10,926	\$ 11,097	\$ 11,270	\$ 11,446	\$ 23,176	\$ 17,497	\$ 17,857	\$ 18,222	\$ 18,593	\$ 18,969	\$ 206,619
KRESA Debt	0.3650	0.1825	\$ 294	\$ 547	\$ 556	\$ 564	\$ 573	\$ 582	\$ 591	\$ 601	\$ 610	\$ 1,235	\$ 932	\$ 952	\$ 971	\$ 991	\$ 1,011	\$ 11,010
Total Non-Capturable Taxes	7.3763	3.6882	\$ 5,941	\$ 11,057	\$ 11,230	\$ 11,406	\$ 11,585	\$ 11,766	\$ 11,950	\$ 12,136	\$ 12,325	\$ 24,957	\$ 18,842	\$ 19,229	\$ 19,622	\$ 20,021	\$ 20,426	\$ 222,494
Total Tax Increment Revenue (TIR) Available for Capture		\$ 49,518	\$ 92,304	\$ 93,744	\$ 95,205	\$ 96,689	\$ 98,194	\$ 99,722	\$ 101,273	\$ 102,848	\$ 149,305	\$ 141,981	\$ 144,900	\$ 147,864	\$ 150,871	\$ 153,924	\$1,718,343	
Footnotes:																		
**Assumes Taxable value of \$31.65/sf																		

Table 3

Reimbursement Schedule



Tax Increment Revenue Reimbursement Table

JST Family, LLC

5870 5960 S Sprinkle Road

City of Portage, Kalamazoo County, Michigan

February 21, 2024

Developer Maximum Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	43.3%	\$ 646,958		\$ 646,958
Local	56.7%	\$ 846,584		\$ 846,584
TOTAL		\$ 1,493,542		\$ 1,493,542
EGLE	0.7%	\$ 7,600		\$ 7,600
MSF	99.3%	\$ 1,134,738		\$ 1,134,738

Estimated Total
Years of Plan: 15

Estimated Capture	
Administrative Fees	\$ 94,065
State Brownfield Redevelopment Fund	\$ 130,736
Local Brownfield Revolving Fund	\$ 390,957

	Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	TOTAL
		2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	
Total State Incremental Revenue		\$ 23,732	\$ 44,313	\$ 45,001	\$ 45,700	\$ 46,409	\$ 47,128	\$ 47,859	\$ 48,600	\$ 49,352	\$ 66,011	\$ 60,204	\$ 61,442	\$ 62,699	\$ 63,974	\$ 65,269	\$ 777,694
State Brownfield Redevelopment Fund (50% of SET)		\$ (4,790)	\$ (8,988)	\$ (9,126)	\$ (9,266)	\$ (9,408)	\$ (9,552)	\$ (9,698)	\$ (9,847)	\$ (9,997)	\$ (10,150)	\$ (7,663)	\$ (7,821)	\$ (7,981)	\$ (8,143)	\$ (8,308)	\$ (130,736)
State TIR Available for Reimbursement		\$ 18,942	\$ 35,325	\$ 35,875	\$ 36,434	\$ 37,001	\$ 37,576	\$ 38,161	\$ 38,753	\$ 39,355	\$ 55,861	\$ 52,541	\$ 53,622	\$ 54,718	\$ 55,831	\$ 56,961	\$ 646,958
Total Local Incremental Revenue		\$ 25,787	\$ 47,991	\$ 48,742	\$ 49,505	\$ 50,280	\$ 51,066	\$ 51,864	\$ 52,673	\$ 53,495	\$ 83,294	\$ 81,777	\$ 83,458	\$ 85,165	\$ 86,897	\$ 88,655	\$ 940,649
BRA Administrative Fee (10%)		\$ (2,579)	\$ (4,799)	\$ (4,874)	\$ (4,951)	\$ (5,028)	\$ (5,107)	\$ (5,186)	\$ (5,267)	\$ (5,350)	\$ (8,329)	\$ (8,178)	\$ (8,346)	\$ (8,516)	\$ (8,690)	\$ (8,866)	\$ (94,065)
Local TIR Available for Reimbursement		\$ 23,208	\$ 43,192	\$ 43,868	\$ 44,555	\$ 45,252	\$ 45,959	\$ 46,677	\$ 47,406	\$ 48,146	\$ 74,964	\$ 73,599	\$ 75,112	\$ 76,648	\$ 78,207	\$ 79,790	\$ 846,584
Total State & Local TIR Available		\$ 42,149	\$ 78,517	\$ 79,744	\$ 80,989	\$ 82,253	\$ 83,536	\$ 84,838	\$ 86,160	\$ 87,501	\$ 130,826	\$ 126,140	\$ 128,734	\$ 131,367	\$ 134,039	\$ 136,751	
DEVELOPER	Beginning Balance																\$ -
DEVELOPER Reimbursement Balance	\$ 1,142,338	\$ 1,100,189	\$ 1,021,672	\$ 941,928	\$ 860,939	\$ 778,687	\$ 695,151	\$ 610,313	\$ 524,153	\$ 436,652	\$ 305,827	\$ 305,827					\$ -
																	\$ -
MSF Non-Environmental Costs	\$ 1,134,738																\$ -
State Tax Reimbursement		\$ 18,816	\$ 35,090	\$ 35,637	\$ 36,192	\$ 36,755	\$ 37,326	\$ 37,907	\$ 38,496	\$ 39,093	\$ 55,490						\$ 370,800
Local Tax Reimbursement		\$ 23,053	\$ 42,904	\$ 43,576	\$ 44,258	\$ 44,951	\$ 45,654	\$ 46,367	\$ 47,091	\$ 47,826	\$ 74,466						\$ 460,146
Total MSF Reimbursement Balance		\$ 1,092,869	\$ 1,014,875	\$ 935,662	\$ 855,211	\$ 773,506	\$ 690,526	\$ 606,253	\$ 520,666	\$ 433,747	\$ 303,792						\$ -
EGLE Environmental Costs	\$ 7,600	\$ -															\$ -
State Tax Reimbursement		\$ 126	\$ 235	\$ 239	\$ 242	\$ 246	\$ 250	\$ 254	\$ 258	\$ 262	\$ 372						\$ 2,483
Local Tax Reimbursement		\$ 154	\$ 287	\$ 292	\$ 296	\$ 301	\$ 306	\$ 311	\$ 315	\$ 320	\$ 499						\$ 3,082
Total EGLE Reimbursement Balance		\$ 7,320	\$ 6,797	\$ 6,267	\$ 5,728	\$ 5,181	\$ 4,625	\$ 4,060	\$ 3,487	\$ 2,905	\$ 2,035	\$ 2,035	\$ 2,035	\$ 2,035	\$ 2,035	\$ 2,035	\$ -
Total Annual Developer Reimbursement		\$ 42,149	\$ 78,517	\$ 79,744	\$ 80,989	\$ 82,253	\$ 83,536	\$ 84,838	\$ 86,160	\$ 87,501	\$ 130,826	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 836,511
LOCAL BROWNFIELD REVOLVING FUND																	
LBRF Deposits *																	
State Tax Capture	\$ -											\$ 7,600					\$ 7,600
Local Tax Capture	\$ -	\$ -										\$ 73,599	\$ 75,112	\$ 76,648	\$ 78,207	\$ 79,790	\$ 383,357
Total LBRF Capture		\$ -									\$ -	\$ 81,199	\$ 75,112	\$ 76,648	\$ 78,207	\$ 79,790	\$ 390,957

* Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from EGLE & Local TIR only.

Footnotes:

Attachment A

Brownfield Plan Resolutions

Attachment B

Reimbursement Agreement

Attachment C

Verification of Facility Status



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

May 24, 2022

ACKNOWLEDGEMENT OF RECEIPT OF A BASELINE ENVIRONMENTAL ASSESSMENT

BEA ID: 39000974-BEA-1

**Legal Entity: JST Family LLC
8360 Greenfield Shores
Scotts, Michigan 49088**

**Property Address: 5960 South Sprinkle Road
Portage, Michigan 49002**

On January 27, 2022, the Michigan Department of Environment, Great Lakes, and Energy (EGLE) received a Baseline Environmental Assessment (BEA) dated January 18, 2022, for the above legal entity and property. This letter is your acknowledgement that EGLE has received and recorded the BEA. EGLE maintains an administrative record of each BEA as received.

This BEA was submitted pursuant to Section 20126(1)(c) of Part 201, Environmental Remediation and/or Section 21323a(1)(b) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). A BEA is submitted for the purpose of establishing an exemption to liability for a new owner or operator of property that has been demonstrated to be a facility or property as defined by Section 20101(1)(s) of Part 201, Environmental Remediation and/or property as defined by Section 21303(d) of Part 213, Leaking Underground Storage Tanks, of the NREPA. Pursuant to Sections 20126(1)(c) and 21323a(1)(b), the conditions of this exemption require the legal entity to disclose the BEA to a subsequent purchaser or transferee of the property.

The BEA is only for the legal entity and property, or properties, identified on the BEA Submittal Form and in the BEA that have been demonstrated to be a facility. Each new legal entity that becomes the owner or operator of this facility must submit their own BEA.

EGLE is not making any findings about whether the submitter is liable or is eligible to submit. The submitted BEA does not alter liability with regard to a subsequent release, threat of release, or exacerbation of existing conditions that is the responsibility of the legal entity submitting the BEA.

EGLE does not review BEAs to determine the adequacy of the submittal. The 2020 Volatilization to Indoor Air Pathway (VIAP) Screening Levels (SLs) may be proposed as site-specific criteria when used to determine that a property is or contains a facility or site. EGLE's approval of these numeric site-specific criteria is required. Since the BEA has not been reviewed, if the BEA relied upon the 2020 VIAP SLs then their use within the BEA is approved only for the purpose of confirming the status of the property as a facility under Part 201 or a site under Part 213.

May 24, 2022

The legal entity, as the owner and/or operator of a facility or property, may have Due Care responsibilities under Section 20107a of Part 201, Environmental Remediation and/or Section 21304c of Part 213, Leaking Underground Storage Tanks, of the NREPA.

The legal entity may also have responsibility under applicable state and federal laws, including, but not limited to, Part 201, Environmental Remediation; Part 111, Hazardous Waste Management; Part 211, Underground Storage Tank Regulations; Part 213, Leaking Underground Storage Tanks; Part 615, Supervisor of Wells, of the NREPA; and the Michigan Fire Prevention Code, 1941 PA 207, as amended. Please review the enclosed brochure on "due care." An owner or operator of contaminated property has an obligation to assure the property is safe for the intended use and is protective of the public health and safety.

Pursuant to Section 20112a(6) of Part 201, Environmental Remediation, the property(s) identified in the BEA will be placed on the inventory of facilities, which is updated daily and posted on EGLE's website: <https://secure1.state.mi.us/FacilitiesInventoryQueries>.

Authorized signature:

A handwritten signature in blue ink, appearing to read "David Harn Jr.", is written over a horizontal line.

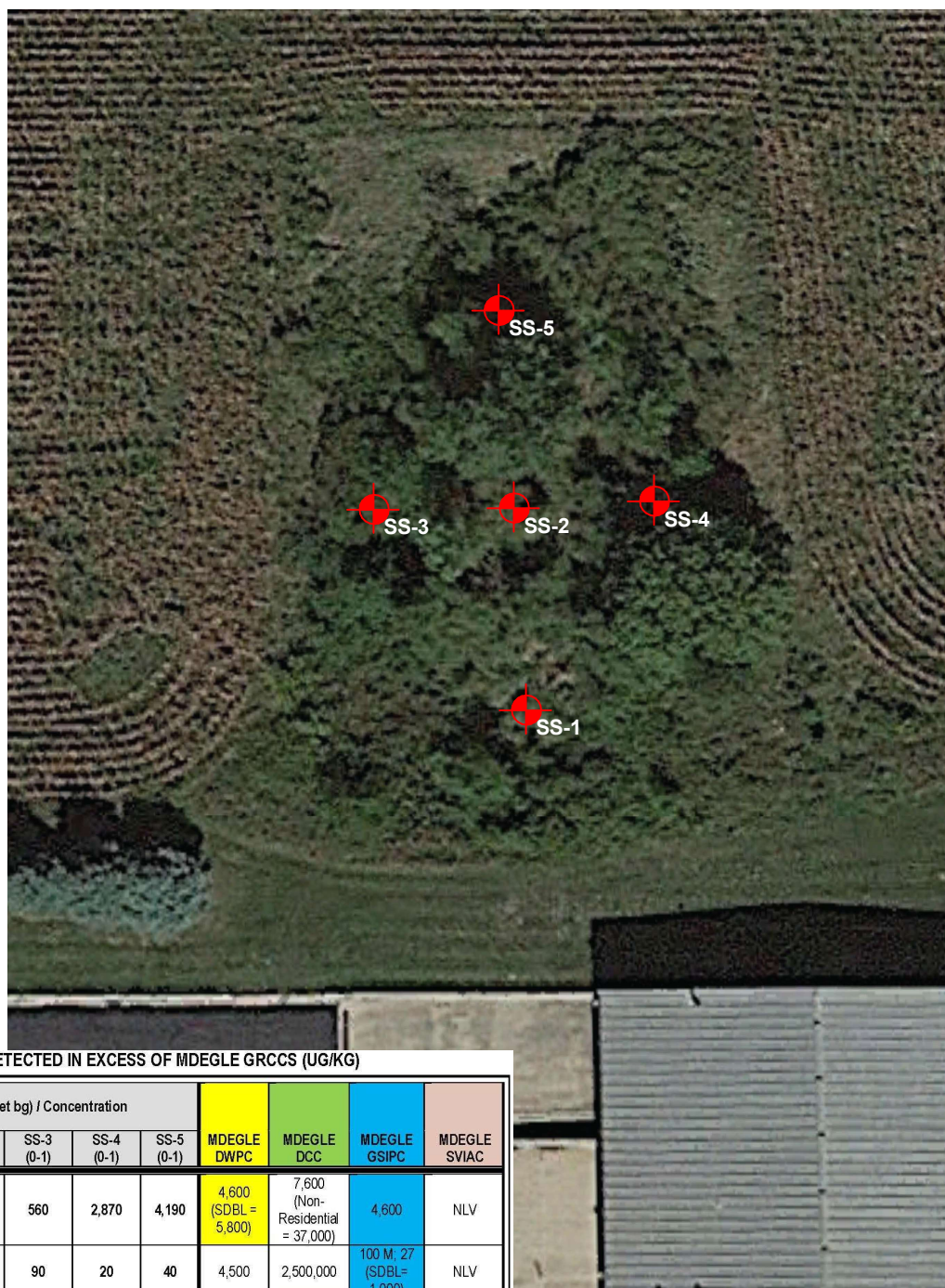
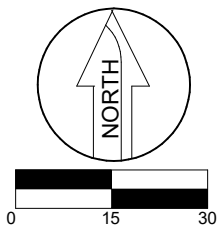
David Harn Jr., District Supervisor
Kalamazoo District Office
Remediation and Redevelopment Division
7953 Adobe Road
Kalamazoo, MI 49009
517-897-0881
HarnD@michigan.gov

Enclosures

cc: Thomas N. Stolz, Stolz Environmental Solutions, LLC

Attachment D

Soil Sampling Map



SOIL ANALYTES DETECTED IN EXCESS OF MDEGLE GRCCS (UG/KG)

Analyte	Location (Feet bg) / Concentration					MDEGLE DWPC	MDEGLE DCC	MDEGLE GSIPC	MDEGLE SVIAC
	SS-1 (0-1)	SS-2 (0-1)	SS-3 (0-1)	SS-4 (0-1)	SS-5 (0-1)				
Arsenic	6,400	2,180	560	2,870	4,190	4,600 (SDBL = 5,800)	7,600 (Non- Residential = 37,000)	4,600	NLV
Silver	4,480	120	90	20	40	4,500	2,500,000	100 M; 27 (SDBL = 1,000)	NLV
Benzo(a)pyrene	7,800	ND	120	ND	ND	NLL	2,000	NLL	NLV
Fluoranthene	17,800	ND	220	ND	ND	730,000	46,000,000	5,500	46,000,000
Phenanthrene	6,100	ND	ND	ND	ND	56,000	1,600,000	2,100	28,000,000

LEGEND



= SES SAMPLE (2021)



SAMPLE LOCATION DIAGRAM

DRAWN TNS

DATE 12/30/2021

SCALE 1" = 30' +/-

PROJECT 21-1105

NORTH AMERICAN COLOR
5960 SOUTH SPRINKLE ROAD
PORTAGE, MI

FIGURE 3

NOTE: FOR ILLUSTRATIVE PURPOSES ONLY. BASE MAP TAKEN FROM 2020 AERIAL PHOTOGRAPH AND, TAX RECORDS, AND FIELD NOTES. FEATURES ARE APPROXIMATE.

Attachment E

Site Plan

1. PROPERTY INFORMATION:
PARCEL #S: 00001-087-A

SITE AREA: 465,221 SF (10.68 AC)

OWNER: DEPATIE FLUID POWER
6256 AMERICAN AVE
PORTAGE, MI 49002

2. ZONING:
PROPERTY CURRENTLY ZONED:
I-1 LIGHT INDUSTRIAL
ABUTTING PROPERTY CURRENTLY ZONED:
NORTH: I-1 LIGHT INDUSTRIAL
SOUTH: I-1 LIGHT INDUSTRIAL
EAST: I-1 LIGHT INDUSTRIAL
WEST: I-1 LIGHT INDUSTRIAL

PROPOSED LAND USE = INDUSTRIAL

3. SETBACKS
FRONT = 75'
SIDES = 12' OR 1/2 BUILDING HEIGHT
REAR = 12' OR 1/2 BUILDING HEIGHT

4. PARKING:
REQUIRED = 5 + 1.5 PARKING SPACE PER EMPLOYEE
65 EMPLOYEES 103

PROVIDED = STANDARD 9'x20' SPACES = 103
BARRIER FREE SPACES = _____
TOTAL PROVIDED 107

5. BUILDING:
SINGLE-STORY (25')
MAXIMUM HEIGHT: N/A
TOTAL AREA OF 53,000 SFT. (SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL.)
PROPOSED BUILDING COVERAGE: 27%
MAXIMUM BUILDING COVERAGE: N/A
6. LOT:
MINIMUM LOT SIZE: NONE
MINIMUM LOT WIDTH: NONE
LOT SIZE: 186,063 SFT / 4.27 ACRES
LOT DIMENSIONS: IRREGULAR
7. LANDSCAPING:
SHALL BE IN ACCORDANCE WITH LANDSCAPING PLAN.
8. STORM WATER RETENTION REQUIRED:
STORM WATER MANAGEMENT SHALL BE IN ACCORDANCE WITH CITY OF PORTAGE STORM WATER DESIGN CRITERIA MANUAL AND EGLE GUIDELINES.

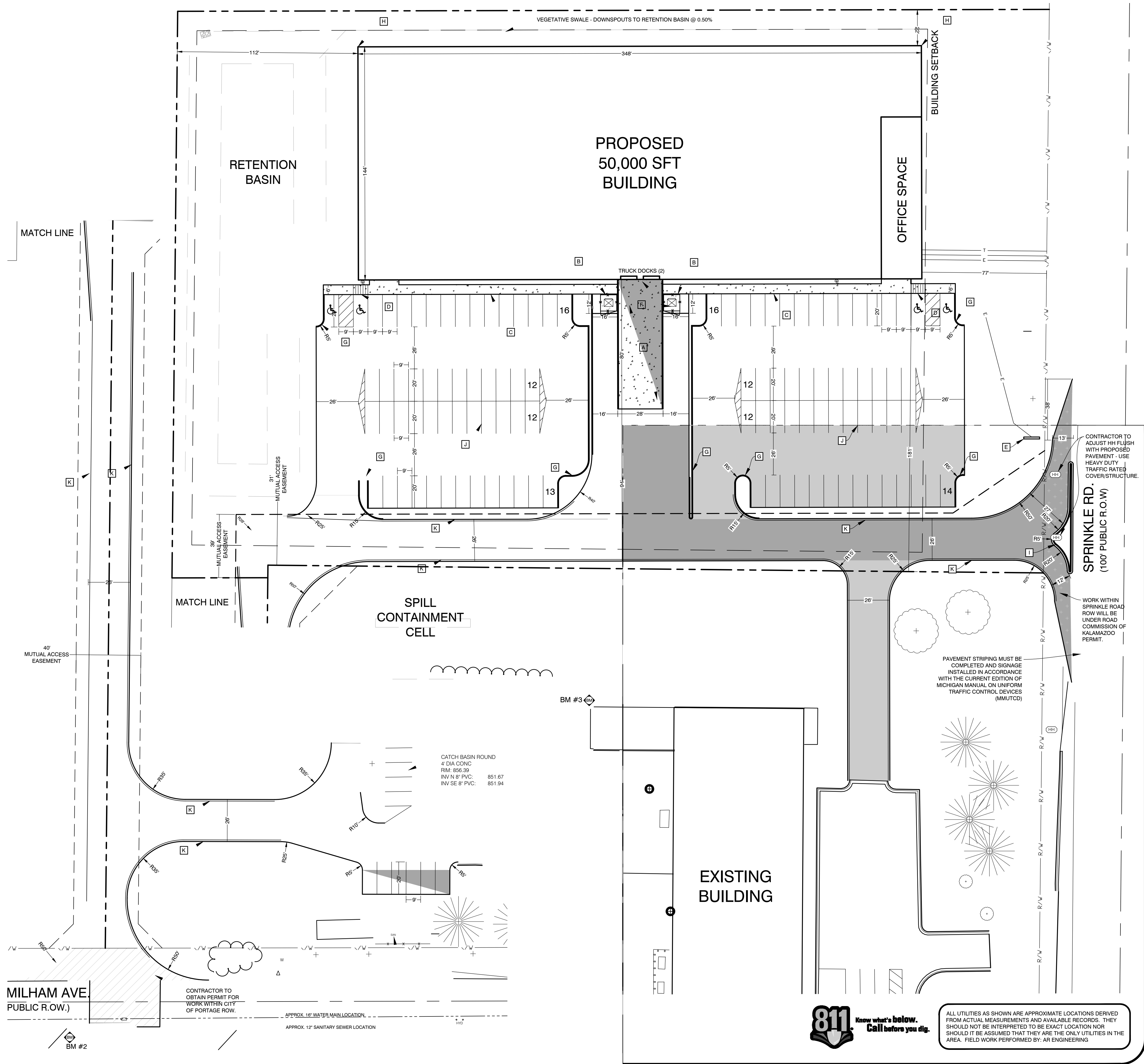
	HEAVY DUTY PAVEMENT (SEE DETAIL ON C5.0)
	LIGHT DUTY PAVEMENT (SEE DETAIL ON C5.0)
	PORTAGE ROW PAVEMENT (SEE DETAIL SD-165 ON C5.0)
	RCKC PAVEMENT (SEE DETAIL ON C5.0)
	CONCRETE SIDEWALK (SEE DETAIL ON C5.0)
	CONCRETE PAVEMENT (SEE DETAIL ON C5.0)

BM #2
ELEV = 860.31 (NAVD 88)
FOUND COTTON GIN SPINDLE IN NW FACE OF
UTILITY POLE.

BM #3
ELEV = 857.57 (NAVD 88)
SET X ON MOST WESTERLY END OF NORTHERLY
RETAINING WALL ON TOP CENTER END OF R.W.
FROM NW CORNER OF BUILDING.

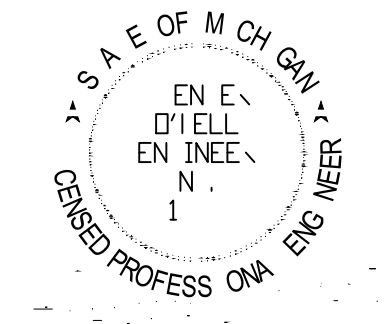
A	28x80" CONCRETE PAD/LOADING AREA.
B	16X12" (MIN.) CONCRETE DUMPSTAMP PAD (PROVIDE 10' X10' CONCRETE ENCLOSURE AREA FOR (1) STD DUMPSTAMP (SEE DETAIL SHEET).
C	INTEGRAL CURB/WALK (SEE DETAIL SHEET).
D	AT-GRADE RAMP (SEE GRADING PLAN).
E	PROPOSED LIGHTED GROUND SIGN W/ UNDERGROUND ELECTRICAL.
F	BOLLARDS - (8) TOTAL
G	6" BARRIER CURB (SEE DETAIL SHEET)
H	DOWNSPOUT - NORTH BUILDING WALL 25' O.C. (TYP)
I	MDOT F2" CONCRETE CURB AND GUTTER, (SEE DETAIL SHEET).
J	4" YELLOW PAVEMENT STRIPES
K	ASPHALT VALLEY GUTTER (SEE DETAIL SHEET).

1. DIMENSIONS TAKE PRECEDENCE OVER SCALE. CONTRACTOR TO VERIFY ALL DIMENSIONS IN FIELD.
2. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ARCHITECT/ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
3. ALL PAVEMENT STRIPING MUST BE COMPLETED AND SIGNAGE MUST BE INSTALLED IN ACCORDANCE WITH THE CURRENT EDITION OF THE MICHIGAN MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MMUTCD)



M CH GAN ND ANA NO S OH O
269 250 5991 PHONE 866 569 0604 FAX
www.arengineering.com

DRAWN:	sao
CHECKED:	SAO



SPENCER O'DELL, P.E.
No. 6201309325

No.	ISSUED FOR:	DATE	BY
0	SITE PLAN REVIEW	10/26/22	Sao
1	CITY REVISIONS	12/14/22	Sao
2	UTILITY REVISIONS	1/4/23	Sao
3	.	.	.
4	.	.	.

REPRODUCTION, COPYING OR OTHER USE OF THIS DRAWING WITHOUT WRITTEN COMMENT IS PROHIBITED AS AN ENGINEERING - 2022

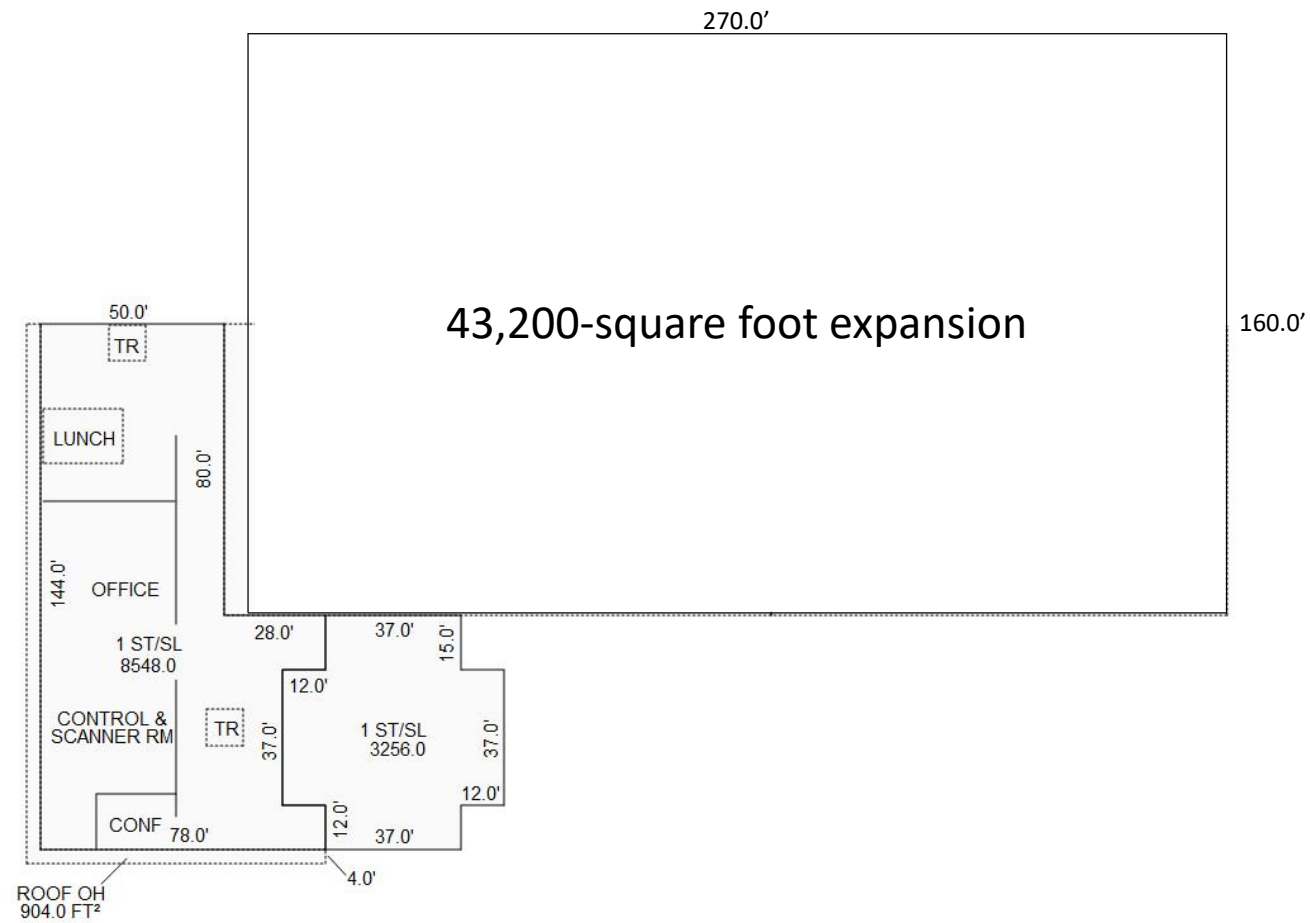
SITE LAYOUT
DEPATIE FLUID POWER FACILITY
DEPATIE FLUID POWER
5960 S SPRINKLE ROAD
SECTION 01, T03S, R11W

SHEET TITLE:
PROJECT:
CLIENT:
SITE ADDRESS:
SITE SECTION:

JOB NUMBER
22122001

DATE
01/04/2023

SHEET NUMBER
C2.0





Brownfield Redevelopment Authority Project 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 recommendation of whether the project would qualify for participation in the Program. When the applicant has made the required preparations, an application must be submitted to the Community Development Department in electronic format.

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 and the application fee must be paid. This application form must be completed by the applicant to initiate the brownfield review process by the City of Portage Brownfield Redevelopment Authority (BRA).

Last Updated: 9/19/23

Contents

The following sections are included in this application. All sections must be completed in order for the application to be accepted.

- A. Application Fee**
- B. Applicant Information**
- C. Project Information**
- D. Investment Criteria**
- E. Brownfield Eligible Activities Cost Summary Worksheet**
- F. Application Attachments**
- G. Applicant Certifications**

A. Application Fee

The Application fee is based on total project investment: 0.1%, i.e. a \$1,000,000 project will result in a \$1,000 fee, due at the time of application submittal. No legal review of a submitted application will occur unless the requisite fee is paid. After submitting your application an application fee will be determined and an invoice will be created (within 24 hours) and payable online or at city hall. Once payment has been received the review process will be initiated.

[Once Your Invoice is Received, Click Here to Pay Your Application Fee on the BS&A Platform](#)

You may submit the completed application form and any supplemental materials to:

Jonathon Hallberg | Deputy Director of Economic Development
City of Portage, Community Development Department
7900 S. Westnedge Ave., Portage, MI 49002
O (269) 329-4474, F (269) 324-0537
hallberj@portagemi.gov

Additional information about Brownfield Applications and the City of Portage Brownfield Authority process is [available HERE.](#)

B. Applicant Information

Date: 2/28/2024

Applicant (Organization/Firm): TST of Portage, LLC

Mailing Address: 9812 West Gull Lake Drive
Richland, MI 49083

Contact Person for Applicant: David Scott

Title: Partner

Phone Number: 269.324.2850

Email Address: dscott@plazacorp.net

Co-Applicant: _____

Mailing Address: _____

Contact Person for Applicant: _____

Title: _____

Phone Number: _____

Email Address: _____

Are other Co-Applicants involved in this acquisition? Yes ☐

No ☐

(If yes, please include under ATTACHMENT I)

Current Property Owner: JST Family, LLC

Mailing Address: 8360 Greenfield Shores Drive
Scotts, MI 49088

Contact Person for Owner: Ryan Thomas

Title: Partner

Phone Number: 269.324.2850

Fax Number: _____

Email Address: ryan.thomas@depatie.com

C. Project Information

Project Name: Project Depatie
Project Address(es): 5960 S Sprinkle Road and 5870 S Sprinkle Road
Portage, MI 49002
Parcel ID Number(s): 10-00001-087-B and 10-0001-087-C
Existing Acreage: 10.68 **Existing Building Square Footage:** 33,804

Project is a(n):

☐ Greenfield Construction ☒ Redevelopment ☐ Adaptive Re-Use/ Renovation

Project Summary: (For mixed-use projects, include percentage of residential by square footage. If more space is required, please include as part of Attachment I)

This project includes the partial demolition of the 33,804-square foot structure on 5960 S Sprinkle Road and the construction of a 43,200-square foot facility in its footprint with 24' ceilings. Approximately 12,000-square feet of the original building will remain in tact while the balance of the building will be demolished to make way for the new construction. There is a building currently under construction at the northern property 5870 S Sprinkle Road. This is a 63,000-square foot manufacturing facility with a second level on both ends of the building for office use. The building will be occupied by the continued growth of Depatie Fluid Power Co. and Micro-Lam Inc. Should the project move forward in Portage, TST would lease the remainder of the 5870 property to a different user once the 5960 building is completed and Depatie would occupy the entirety of the 5960 facility. The property owners are negotiating a LOI with a future tenant which they hope to have executed in mid-March. The prospective tenant is a longstanding Kalamazoo County-based manufacturer, who is not currently located in the City of Portage. This new facility would be a new location for the company as they are planning to maintain their existing facilities as well. The build-out requested that they have submitted to the landowner has about 40 employee workstations designed in the office areas, suggesting a sizeable employment growth. This project, not inclusive of the undisclosed prospective tenant, is expected to create 51 full-time permanent jobs earning an average salary of more than \$63,000.

Projected Private Investment in Development / Redevelopment: \$9,334,162

Future Number of Buildings: 2 **Total Future Square Footage:** 106,200

Anticipated Project Schedule/Critical Dates: (include anticipated acquisition date)

In order for the TIF economics to work on this deal, the brownfield plan needs to be enacted prior completion of the 2024 assessment rolls so that 2023 can be established as the base year of the brownfield plan. Upon approval of incentives, the developer would proceed with site plan approval and construction later in 2024. It is anticipated that construction on Phase 2 of the project will begin in Q3 or Q4 of 2024 and will be completed by the fall of 2025.

Status of Development Permits and Applications: (Indicate any rezoning applications, tentative plan applications, site plan applications, state and federal permitting that must be approved either prior to, or concurrent with, the Brownfield Redevelopment Incentive.)

The two parcels contemplated in this plan are both zoned I-1 Light Industry. There is no rezoning required for this project.

Qualifying Status of the Property:

☒ Facility

☐ Blighted

☐ Functionally
Obsolete

Projected Number of Years of Local Tax Capture to Reimburse Eligible Expenses:

10

Summary of Rationale for Qualifying Status:

A Baseline Environmental Assessment was conducted by Stolz Environmental Solutions, LLC on January 28, 2022 for the subject properties. Soil sampling was conducted in 2021 by Stolz Environmental Solutions, LLC. Sampling identified arsenic, silver, benzo(a)pyrene, fluoranthene, and phenanthrene in concentrations in excess of the Michigan Department of Environment, Great Lakes, and Energy (EGLE) generic cleanup criteria on 5960 South Sprinkle Road. This site is a facility as defined by NREPA Part 201. The parcel at 5870 South Sprinkle Road is adjacent and contiguous to 5960 South Sprinkle Road.

Other incentives applicant intends to apply for: (Please include anticipated review/approval dates and amount of incentive proposed.)

The applicant intends to apply for an industrial facilities exemption pursuant to Public Act 198. This property will be occupied by an eligible manufacturing user. The value of the Industrial Facilities Exemption on both buildings is anticipated to be \$849,320 over the 10-year period. Additionally, the project intends to pursue support from the Michigan Economic Development Corporation (MEDC) through the Michigan Business Development Program (BDP) and school tax capture for the brownfield plan by pursuing an Act 381 Work Plan.

If applicant is not applying for other incentives, please state why the Brownfield Incentive Policy is the only assistance being sought for the project:

Not applicable.

Is the project located within a TIFA District? (i.e. Downtown Development Authority, LDFA, etc.)

Yes ☐

No ☒

If so, state the appropriate authority's current level of support and any official action taken by the authority with date:

--

D. Investment Criteria

IMPORTANT - Refer to the [City of Portage Brownfield Redevelopment Incentive Policy](#) and indicate which of the investment criteria the project will meet:

Check all
that Apply

Sustainable Development

LEED Gold Certification

Net-Zero Energy Certification

Similar Alternative (List)

☐	
☐	
☐	

Income and Housing Diversity

(indicate unit sizes, prices, and planned income certification and annual reporting methods in Attachment I if the criterion applies)

Affordable For-Lease Apartments

AMI and Unit Details:

Dwelling Units per Acre:

Affordable For-Sale Apartments

AMI and Unit Details:

Dwelling Units per Acre:

Under-represented Housing Type

☐	
☐	
☐	

Activation in Designated Sub-Areas of Portage

Master Plan Subarea

Sub-area District:

Stated Master Plan Goal Delivered:

☐	

City-Targeted Property Targets activation of a contaminated parcel

Multimodal Transportation

Transit Passes for residents & employees
AND provide land/ improvements on-site

Proposed Number of Passes:

Proposed Number of Years:

Contribution to Multi-Modal Fund

Amount:

Job Creation

20 FTE jobs/25% + increase in FTE jobs

X

Jobs

51

Avg. Pay
(Annual)

63628.41

Summary - Jobs Created (what kind of jobs, how many, etc.):

51 total jobs created over 3-years: 6 managerial, 5 administrative, 7 sales, 5 professional/engineering, 25 production/operation, 3 other

Mixed-Use Development

Includes housing and a mix of other commercial uses

Public Space Improvements

Based upon an approved City of Portage plan

Alternative Public Space Improvement

Summary Information (in either case):

Child Care Facilities

Includes State-licensed child daycare center per MCL 722.111(f)(iv)

Total Investment

Will equate to a minimum taxable value of \$10 million or more upon completion.

TOTAL INVESTMENT CRITERIA

E. Brownfield Eligible Activities Cost Summary Worksheet

The activities listed below are "Eligible Activities" as defined in Public Act 381 of 1996, the Brownfield Redevelopment Finance Act. This worksheet is intended to be a general guide to help determine the total estimated cost of Eligible Activities for a brownfield redevelopment project. For more detail as to what constitutes an Eligible Activity, please see the Michigan Economic Development Corporation's guidance (for Non-Environmental Activities) and the Michigan Department of Environmental Quality's guidance (for Environmental Activities). Questions regarding this worksheet and eligible activities may be directed to the City of Portage Community Development Office at 269.329.4477.

[Reference the Act 381 Work Plan Guidance Document here](#)

Non-Environmental Activities

Demolition that is not an environmental response activity <i>Demolition that is not required to address an environmental concern, including site and building demolition, including interior demolition.</i>	<u>\$ 106,205</u>
Lead and Asbestos Abatement <i>Abatement required to be completed prior to demolition, including assessing, surveying, sampling, reporting and abatement work.</i>	<u>\$ -</u>
Site Preparation* <i>Staking, geotechnical investigations, clearing/grubbing, temporary access and security, erosion control, excavation or special foundations due to unsuitable materials, fill, dewatering, balancing, grading, relocation of utilities, cut and fill, retaining walls, temporary sheeting/shoring, soft costs.</i>	<u>\$ 434,905</u>
Infrastructure Improvements in the Public Right of Way <i>Publicly owned infrastructure, including sidewalks, approaches, curb and gutter, roadway improvements and upgrades to water or sewer mains, landscaping, bike lanes, etc.</i>	<u>\$ 402,140</u>
Privately owned infrastructure improvements <i>Urban stormwater management (i.e. greenroofs, permeable pavement, alternative stormwater management) and ramped or underground parking.</i>	<u>\$ -</u>
Contingency (15% of above costs) <i>A 15% contingency on the above costs is permitted to account for unexpected conditions encountered during construction.</i>	<u>\$ 141,488</u>
Brownfield Plan Amendment and Work Plan Preparation <i>Actual cost, or \$30,000 maximum per project. If there are no Environmental Activities, include entire cost here. If the project includes Environmental activities, allocate 50% of these costs below.</i>	<u>\$ 30,000</u>
Interest on Eligible Expenses <i>Projects meeting three or more City Investment Criteria may qualify for reimbursement of some, or all, of the interest on unreimbursed non-environmental activities.</i>	<u>\$ -</u>
Total Non-Environmental Activities	<u>\$ 1,114,738</u>

Environmental Activities

Environmental Assessment and Baseline Environmental Assessment Expenses	\$ 7,600
<i>Costs to conduct environmental due diligence, including Phase I, Phase II, BEA and Due Care Plan, as well as other environmental reports.</i>	
Due Care Activities	\$ -
<i>Activities required to comply with Due Care obligations, typically defined in a Due Care Plan prepared by an environmental professional.</i>	
Additional Environmental Response Activities	\$ -
<i>Evaluation, interim response, remedial action, or other activities required to protect human health or the environment.</i>	
Demolition that is a response activity	\$ -
<i>Demolition that is required to address an environmental concern. For example, demolition and removal of a building required to access a leaking underground storage tank.</i>	
Contingency	\$ -
<i>A 15% contingency is permitted (typically does not include Environmental Assessment Activities as those will have been completed) to account for unexpected conditions during construction.</i>	
Brownfield Plan Amendment and Work Plan Preparation	
<i>\$30,000 maximum per project. Include entire cost above, unless the project includes other Environmental activities, in which case, please allocate 50% of this cost here.</i>	
Interest on Eligible Expenses	\$ -
<i>Projects meeting three or more City Investment Criteria may qualify for reimbursement of some, or all, of the interest on unreimbursed environmental activities.</i>	
Total Environmental Activities	\$ 7,600
Total Environmental and Non-Environmental Activities	\$ 1,122,338

**Note that for certain site preparation activities such as excavation for unsuitable material, special foundations to address special soil concerns, cut and fill operations, temporary sheeting and shoring, an explanation and justification from a Professional Engineer will be required in order for the MEDC to consider the necessity of the activity.*

F. Application Attachments

Before submitting a project application, please make sure all items on the attached checklist are included. Project Application will not be reviewed until all items are completed.

- ☒ **Attachment A** Property Legal Description(s).
- ☒ **Attachment B** Development Plan: Attach copies of proposed preliminary site development or concept plans to illustrate;
 - how the proposed redevelopment and land uses will be situated on the subject property, and
 - documenting access to all necessary utilities and infrastructure.
- ☒ **Attachment C** Photos: Include photos of existing site conditions and renderings if available. Renderings may be submitted at a later date, prior to BRA board meeting, if currently unavailable.
- ☒ **Attachment D** Environmental Reports: Separately, attach environmental reports sufficient to document brownfield eligibility, such as Facility status, site history, and current site conditions, i.e., Phase I, Phase II, BEA, etc. All environmental reports must be less than one year old at the time of application submittal (**PDF documents with OCR text; no image scans please**).
- ☒ **Attachment E** Other Support Documentation: Attach supporting documentation or reports to address Eligible Activities not addressed in Attachment D.
- ☒ **Attachment F** Project Budget: State MCRP proforma format is preferred. Demonstrate that, but for the Brownfield Incentive, the project would not be possible. At a minimum, must provide sources and uses of funds document (**MS Excel or equivalent, no PDFs please**).
 - [MCRP Proforma LINK](#)
 - Include financial structure and financing commitments.
 - Highly recommended that applicant calculate pro-forma analysis with, and without BRA TIF assistance and share Debt Service Coverage Ratio for each.
- ☒ **Attachment G** Documentation of Site Control: Attach copy of current title commitment and proof of ownership. If the project applicant does not own the property, attach documentation to adequately demonstrate authorization to proceed with development planning, such as a purchase or development agreement.
- ☐ **Attachment H** (OPTIONAL) Evidence of Good-Faith Community Engagement: 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.
- ☐ **Attachment I** Supplemental Application Information: Any application information called for under separate cover due to lack of room of request for further details.
- ☐ **Attachment J** Application Cost Reimbursement Agreement: Please contact program administrator. This element may be waived in some circumstances.

Staff Notes: Attachments A, B, D, and G are in the Act 381 Work Plan Draft. Attachment D does not include the full Baseline Environmental Assessment as the purpose is to verify the site qualifies as a facility. The remaining included attachments are below.

G. Applicant Certifications

Is the Applicant (or are any Co-Applicants) delinquent on any financial obligations to the City of Portage?

Yes ☐

No ☒

Does the Applicant (or do any Co-Applicants) have pending or current litigation against the City of Portage (including appeals to the Michigan Tax Tribunal or Board of Review)?

Yes ☐

No ☒

Does the Applicant (or do any Co-Applicants) have outstanding written orders or code compliance violations at properties owned or leased within the City of Portage?

Yes ☐

No ☒

Has the applicant reviewed the current City of Portage Brownfield Redevelopment Incentive Policy and agreed to abide by the terms therein?

Yes ☐

No ☒

By signing below, each Applicant and Co-Applicant(s) declare that each is in good standing in the State of Michigan and is properly authorized to do business in the State of Michigan. Each person representing an Applicant or Co-Applicant, by signing below, is at least 18 years old, a citizen of the United States, has personal knowledge and familiarity with the Property, and is fully authorized and empowered to execute this Application and all other associated documents on behalf of the Applicant or Co-Applicant represented. Under penalties of perjury, the person(s) signing below certify that all the Certifications in Part G. "Applicant Certifications" are true as of the date signed.

Applicant Signature: _____

Printed Name: _____

Date: _____

3/28/2024

Co-Applicant Signature: _____

Printed Name: _____

Date: _____

(Additional Co-Applicants, please sign and date on Attachment I. Please indicate on the attachment that the signature(s) are a continuation of Part G "Applicant Certifications".)

ATTACHMENT C.

Site Color Photographs

	
View facing North of the building being constructed on 5870 S Sprinkle Road	View of the South side of the property along E Milham Avenue
	
View of the South façade of the building being constructed at 5870 S Sprinkle Road	View of the loading docks on the Northwest corner of the building at 5960 S Sprinkle Road
	
Image of the West façade of the building on 5960 S Sprinkle Road	

Portage BRA Application | Attachment E

Depatie Fluid Power Company is continuing to grow and has outgrown its existing footprint in Michigan. The company has had an existing facility in Fort Wayne, Indiana for nearly 20 years and has a Letter of Intent to purchase a company in Minneapolis, Minnesota. The company needs additional building capacity and serving a customer base in the greater Fort Wayne area is one of the drivers of this project.

Development Sources and Uses are attached to this application. These development costs are higher than the development options contemplated in Indiana and Minnesota due to the demolition, site preparation, and infrastructure costs that will need to be incurred on this site compared to development on a greenfield site in Indiana or Minnesota.

The State of Michigan is not incentivizing the job creation on this Project for the Michigan option, while Indiana will incentivize 51 jobs for this project. The value of incentives for this project in Indiana are expected to be approximately \$1,000,000, and we are still waiting on clarification on incentives in Minnesota for the expansion option in that State. The value of the tax credit in Indiana will be realized over a 2-year period, instead of over a 10-year period, which is the case for Tax Increment Financing in Michigan, which makes the Net Present Value of the Indiana incentive more favorable to the company.

Additionally, logistics costs to get product to customers is also reduced in Indiana relative to a Michigan location decision. As a result of these increased costs in Michigan and very attractive support in other states, but for state and local incentive support on this project, this project will not move forward in Portage.

Phase 1: 5870 S. Sprinkle

DEVELOPMENT SOURCES AND USES		
DEVELOPMENT COSTS		
Hard Costs		
Public Infrastructure	\$ 252,140	3.5%
Demolition	\$ 4,905	0.1%
Earth Work	\$ 434,905	6.1%
Structures	\$ 3,230,000	45.3%
Construction Contingency	\$ -	0.0%
Subtotal Hard Costs	\$ 3,921,950	55.0%
Other Costs		
Machinery and Equipment	\$ 1,700,000	23.8%
Furniture and Fixtures	\$ 1,500,000	21.0%
Architectural and Egeineering	\$ -	0.0%
Environmental Studies/Soil Testing	\$ 7,600	0.1%
Subtotal Other Costs and Hard Costs	\$ 7,129,550	100%
Soft Costs		
Other Professional Fees	\$ -	0%
Consulting Fees	\$ -	0%
Subtotal Soft Costs	\$ -	0%
TOTAL DEVELOPMENT COSTS	\$ 7,129,550	100%
DEVELOPMENT SOURCES		
Senior Debt	\$ 5,703,640	80%
Cash Equity Owner	\$ 1,425,910	20%
TOTAL DEVELOPMENT SOURCES	\$ 7,129,550	100%
GAP	\$ -	

Phase 2: 5960 S. Sprinkle

DEVELOPMENT SOURCES AND USES		
DEVELOPMENT COSTS		
Hard Costs		
Public Infrastructure	\$ 150,000	6.8%
Demolition	\$ 101,300	4.6%
Earth Work	\$ -	0.0%
Structures	\$ 1,872,662	84.9%
Construction Contingency	\$ 22,500	1.0%
Subtotal Hard Costs	\$ 2,146,462	97.4%
Other Costs		
Machinery and Equipment	\$ -	0.0%
Furniture and Fixtures	\$ -	0.0%
Architectural and Egeineering	\$ 28,150	1.3%
Environmental Studies/Soil Testing	\$ -	0.0%
Subtotal Other Costs and Hard Costs	\$ 2,174,612	99%
Soft Costs		
Other Professional Fees	\$ 10,000	0%
Consulting Fees	\$ 20,000	1%
Subtotal Soft Costs	\$ 30,000	1%
TOTAL DEVELOPMENT COSTS	\$ 2,204,612	100%
DEVELOPMENT SOURCES		
Senior Debt	\$ 1,763,690	80%
Cash Equity Owner	\$ 440,922	20%
TOTAL DEVELOPMENT SOURCES	\$ 2,204,612	100%
GAP	\$ -	

Combined Phase 1 and Phase 2

DEVELOPMENT SOURCES AND USES		
DEVELOPMENT COSTS		
Hard Costs		
Public Infrastructure	\$ 402,140	4.3%
Demolition	\$ 106,205	1.1%
Earth Work	\$ 434,905	4.7%
Structures	\$ 5,102,662	54.7%
Construction Contingency	\$ 22,500	0.2%
Subtotal Hard Costs	\$ 6,068,412	65.0%
Other Costs		
Machinery and Equipment	\$ 1,700,000	18.2%
Furniture and Fixtures	\$ 1,500,000	16.1%
Architectural and Egeineering	\$ 28,150	0.3%
Environmental Studies/Soil Testing	\$ 7,600	0.1%
Subtotal Other Costs and Hard Costs	\$ 9,304,162	100%
Soft Costs		
Other Professional Fees	\$ 10,000.00	0%
Consulting Fees	\$ 20,000.00	0%
Subtotal Soft Costs	\$ 30,000.00	0%
TOTAL DEVELOPMENT COSTS	\$ 9,334,162	100%
DEVELOPMENT SOURCES		
Senior Debt	\$ 7,467,330	80%
Cash Equity Owner	\$ 1,866,832	20%
TOTAL DEVELOPMENT SOURCES	\$ 9,334,162	100%
GAP	\$ -	

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY

Thursday, March 7, 2024

8:00 AM

Portage City Hall Conference Room 1

The City of Portage Brownfield Redevelopment Authority meeting of March 7, 2024, was called to order by Treasurer/Secretary Lenehan at 8:01 am.

In Attendance

Staff: Jonathon Hallberg, Deputy Director of Economic Development

Guests: Joe Agostinelli, Michigan Growth Advisors; Ryan Thomas, TST of Portage, LLC and Depatie Fluid Power; Rick Freiman, Portage Planning Commission

Introductions

Introduction of Authority members and staff was conducted.

Roll Call

Deputy Director Hallberg called the roll: Vice Chair Alburtus (8:14); Secretary/Treasurer Lenehan (yes); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (8:09); Mr. Monroe (excused); Mr. Vomastek (excused); Mr. Campbell (yes); Chief Development Officer Dame (ex-officio, 8:12).

Approval of Minutes

Motion by Herberg, seconded by Campbell, to approve the BRA Meeting Minutes of December 8, 2023, as submitted. Motion carried, 5-0.

Staff Report

Hallberg indicated that Board Member, Daniel Vomastek, passed away on February 27, 2024, and requested that board members sign a sympathy card for Mr. Vomastek's family after the meeting. Hallberg will work with Mr. Galin to determine a school district representative to replace Mr. Vomastek in accordance with BRA bylaws and Act 381.

Board members agreed to alter the agenda and review the City of Portage Brownfield Redevelopment Application for Project Depatie in advance of election of a new board chair to replace former Chair Barker.

Old Business – None

New Business

1. *TST of Portage, LLC Act 381 Brownfield Plan – “Project Depatie”, 5870 and 5960 South Sprinkle Rd.*

Hallberg shared details of the review memorandum related to the Project Depatie Brownfield Application from TST of Portage, LLC, outlining that the project is the first to use the new City of Portage application under the December 2022 Brownfield Redevelopment Incentive Policy Update.

Hallberg reviewed with the board the multi-phase project location, size and scope, concept designs and photos, cost, job creation potential, qualifying elements for consideration of a Brownfield Plan and Act 381 Plan incentive, and eligible expenses for reimbursement through state and local taxing bodies. He assisted the board in interpreting the multiple Tax Increment Revenue (TIF) capture estimate tables as they related to separation of land and real property improvements caused by the existing Industrial Facilities Tax Abatement (IFTA) certificates at 5870 S. Sprinkle and the future proposed IFTA certificate for 5960 S. Sprinkle, which will reduce overall TIF capture.

He shared also that Depatie intends to consolidate from three local tenant spaces into 5870 S. Sprinkle and grow while 5960 S. Sprinkle is redeveloped and then move into 5960 S. Sprinkle, creating an opportunity for a new tenant at 5870 once they vacate. Hallberg outlined that the developer and landlord, TST of Portage, LLC, is in discussions with a few firms to occupy the vacant space, the most promising of which is a Kalamazoo firm interested in expanding in Portage and not relocating. He pointed out that the prospect has indicated in the application that they are tentatively requesting 40 workstations in the suites.

Galin asked what would happen to the IFTA Certificates at 5870 S. Sprinkle if Depatie Fluid Power relocates to 5960 S. Sprinkle. Hallberg responded that Depatie intends to transfer the certificates to the new tenant, assuming they qualify. Hallberg shared that, if the new tenant does not qualify, the loss of the IFTA Certificates in question will accelerate the TIF capture program and subsequent reimbursement to the developer, the state, the revolving loan fund, and ultimately, the increase in value passed on to the various taxing bodies.

Hallberg also shared that Micro-LAM, which intends to move into 5870 S. Sprinkle upon its completion, will maintain its IFTA certificate. Hallberg asked Ryan Thomas of TST of Portage, LLC, to outline what he can share currently related to the prospective tenant(s) that may replace Depatie at 5870 S. Sprinkle upon vacating. Thomas indicated that there are three prospects and two of them would qualify for the IFT certificate transfers. Thomas indicated that the Kalamazoo firm Hallberg had referred to is considering signing a letter of intent to lease.

Hallberg also shared job creation details related to Micro-LAM, Inc. He noted that Micro-LAM Inc. is a current tenant at 5960 S. Sprinkle Rd., and they plan to relocate to 5870 S. Sprinkle Rd. upon construction completion, because they are also expanding. He shared that, while not included in the outline of job creation numbers, Micro-LAM intends to increase from 24 jobs to 37 jobs in the coming two years, for an unofficial project total of 64 jobs when considering Depatie Fluid Power's ("Depatie's") job creation, plus a not-yet-determined number when considering the speculative tenant's proposed job creation.

Hallberg outlined elements of the Tax Increment Revenue Reimbursement Table from the proposed Act 381 Brownfield Plan, indicating that the developer proposes a base year of 2023 instead of 2024 for taxable value at both properties. He shared the 2023 base year will accommodate the lower pre-construction value of 5870 S. Sprinkle and will counteract a reduction in overall TIF capture resulting from the existing and proposed IFTA certificates. He shared that the timing of the potential approval by the City Council will accommodate this intention if it occurs early enough in April 2024 before Kalamazoo County finalizes the 2024 Taxable Valuations.

Hallberg moved to the conclusion portion of the memorandum to the board, outlining the BRA Board's policy and evaluation considerations of job creation, overall investment, location considerations, favorable project type, consideration of whether the project will impair operation and financial soundness of taxing jurisdictions, the addressing of current and future land use and infrastructure requirements, applicant requirements to meet current financial and ordinance compliance obligations with the City, a requirement for a justification of need and financial viability in the applicant's request, the applicant's intent to pursue State of Michigan funding through an Act 381 Work Plan, and the requirement that the request level be commensurate with the Investment Criteria in the policy.

Hallberg addressed the evaluation considerations not yet discussed during the meeting. He shared that the applicant meets one investment criterion, specifically related to creating 20 or more jobs at an appropriate pay rate, which allows them a capture period of 10 years, with another five years available to fund the Local Brownfield Revolving Fund. He also shared that the applicant submitted a justification statement related to need and financial viability under Attachment E of the new Application document. Rather than a financial gap, the application indicated that the expansion is being considered to address client needs in northern Indiana and, as such, is in direct competition for site acquisition and development location in the Fort Wayne area where Depatie Fluid Power currently has a small satellite location. In addition, Depatie is weighing the expansion against the opportunity to acquire an existing company in Minnesota. Therefore, TST of Portage, LLC's decision to undertake the redevelopment project at 5960 S. Sprinkle is predicated on Depatie's decision to expand in Portage, expand in Ft. Wayne, or pursue the company acquisition in Minnesota. He shared that the comparative incentive environment between states is competitive. While Michigan's Business Development Program offers around \$4,500 to \$5,000 per job created, Indiana's program offers around \$20,000 per job created. Agostinelli shared that Minnesota's job creation incentive goes even further. Hallberg noted that, generally and for many years, Indiana has competed favorably with most states and, for smaller projects, most of Michigan's incentives are focused on property tax abatement and/or capture, with less assistance available at the state level. Hallberg shared that Depatie has invested in six other Michigan locations as well as the Ft. Wayne, IN, location and has been a successful company with an interest in expanding their headquarters here in Portage.

Lewandowski asked Ryan Thomas to explain the various corporate entities involved in the ownership structure. Thomas indicated that JST Family, LLC, is the owner of the land at both

locations and has land lease agreements with TST of Portage, LLC, the developer and owner of the buildings on the land in question. He has a minority interest in TST of Portage, LLC, and his father is a partner in both JST and TST. Ryan Thomas indicated he also has a managing interest in one of the future tenant organizations, Depatie Fluid Power. Herberg asked why the structure was necessary. Thomas shared that the multiple-company structure is based on various taxation laws and elements.

Lewandowski asked Thomas to share what Depatie Fluid Power does. Thomas shared that they manufacture pumps, components and systems that assist with fluid-based power. He shared the company is a Parker Hannifin distributor, assists various OEMs, industrial and mobile equipment manufacturers and has had an ongoing relationship with local companies like Pfizer, Stryker, and others. He shared the company has several retail outlets as well.

Lewandowski asked about the building heights and discussions with the airport authority. Thomas shared that the building height is expected to be 24' and discussions with the airport authority led to not constructing the buildings using cranes. Herberg asked about the construction method and materials for the redevelopment of 5970 S. Sprinkle and Thomas confirmed it would likely be very similar to that of the new building at 5860 S. Sprinkle.

Motion by Herberg, seconded by Campbell, to recommend Portage City Council approval of the Brownfield Application by TST of Portage, LLC entitled "Project Depatie" as presented. Lenahan asked if there was discussion prior to voting. Herberg asked when the applicant would decide on which course of action they would pursue. Thomas shared that various factors play a role, and the company needs more information. He also shared that the rates for financing have increased significantly since the initiation of the first phase so he is hopeful rates will lower somewhat. Agostinelli indicated that he has submitted materials to the Michigan Economic Development Corporation for the Michigan Strategic Fund portion of the project, and he is hopeful for an invitation to apply at the state level as early as March 8, 2024. There being no further discussion, Lenahan called for the vote. Motion carried, 6-0

2. Election of Officers

Hallberg shared that, because former Chair Barker has resigned and moved out of state, the Brownfield Redevelopment Authority is without a Board Chair, or President, as the officer is referred to in the bylaws.

Lenahan opened the floor for nominations to the position of Board Chair/President. Lenahan nominated Lewandowski for the position of board chair. No other nominations were offered.

Motion by Campbell, seconded by Galin, to close the floor for nominations and elect Lewandowski as Board Chair/President by unanimous ballot. Motion carried, 6-0.

Statements of Citizens: Ex-Officio Board Member and Portage citizen, Pete Dame introduced himself to the board as the City of Portage Chief Development Officer at the City. He outlined

details of his duties and thanked the members, staff, applicant, and other visitors for their work with the authority.

Lewandowski thanked the applicant for their investment in the community and efforts to strengthen local employers in the area, sharing that partnership with companies like Pfizer, Stryker and other Southwest Michigan employers is what makes the area successful.

Adjournment:

Motion by Lenehan, seconded by Herberg, to adjourn. Motion carried, 6-0. The meeting was adjourned at 9:01 am.

Respectfully submitted,



Jonathon Hallberg

Deputy Director of Economic Development

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Board & Commission Interviews

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Set a Special Meeting for Tuesday, May 28, 2024, at 4:00 p.m. to review Board and Commission applicants.

The City of Portage relies on citizen participation on many Boards and Commissions that help serve the community. The advice received from these groups assists the City Council and City Administration in making Portage *A Natural Place to Move!* These citizens provide the talent and experience needed to meet the community's diverse challenges. Interviews of Board and Commission applicants are performed each year in January, May, and October.

Per the City Council Policy for Appointments to Citizen Advisory Boards, the Council will interview applicants to fill vacancies on the following Boards and Commissions.

- Youth Advisory Committee (30 expiring terms)
- Construction Board of Appeals (2 expiring terms)
- EDC/TIFA & BRA (2 vacancies)
- Human Services Board (1 vacancy)
- Historic District Commission (1 vacancy)
- Planning Commission (3 expiring terms)
- Senior Citizens Advisory Board (1 vacancy)
- Zoning Board of Appeals (1 vacancy)

In light of the new beginning time of the Regular Meetings at 6:00 p.m. and the large number of positions to interview, it is recommended that the City Council set a Special Meeting on May 28 beginning at 4:00 p.m. to interview applicants for these Boards and Commissions.

FUNDING: N/A

Attachments: 1. May Interview Roster (tentative)

May 28, 2024 Board and Commission Interviews											
	Interviews		p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	p.m.	
Able to attend?	Applicants		Youth Advisory Committee	Construction Board of Appeals (2 exp. terms)	EDC/TIFA & BRA (2 vacancies)	Human Services Board (1 vacancy)	Historic District Commission (1 vacancy)	Planning Commission (3 exp. terms)	Senior Citizens Advisory Board (1 vacancy)	Zoning Board of Appeals (1 vacancy)	Appointed: End of Term:
	Please see attached										
	Todd	Gasaway		Member (Master Electrician)							10/10/2017 6/1/2024
	Gary	Gilchrist		Member (Building Contractor)							5/10/2011 6/1/2024
	VACANT										12/31/2024
	VACANT										12/31/2025
	Terry	Conley			Applicant						
	Nicole	McEwen (?)			Applicant						
	VACANT										10/1/2025
	Nicole	McEwen			Applicant						
	Dustin	Simmons			Applicant						
	VACANT										12/31/2026
	Kelly	Solis (?)				Applicant					
	Danny	Corradini					Member				7/11/2017 5/31/2024
	Lee	Adams					Member				5/25/2021 5/31/2024
	Paul	Pezzoli					Member				5/8/2018 5/31/2024
	Tina	Kuchenbuch (?)					Applicant				
	Mark	McKeon					Applicant				
	Nicole	McEwen (?)					Applicant				
	Bruce	Billedeaux					Applicant				
	Michael	Stempihar					Applicant				
	VACANT										10/1/2024
	Don	Lemons						Applicant			
	Vincent	Paige						Applicant			
	Lisa	Thompson						Applicant			
	Tonya	Weiant						Applicant			
	VACANT										2/28/2026
	Tina	Kuchenbuch (?)							Applicant		
	Nicole	McEwen							Applicant		

Minutes of Boards & Commissions

CITY OF PORTAGE HUMAN SERVICES BOARD

Minutes of the Meeting – February 1, 2024

Conference Room 1

CALL TO ORDER: The City of Portage Human Services Board meeting of February 1, 2024, was called to order by Chairperson Brooke Kolodzieczyk, at 5:38 p.m. in Conference Room 1, Portage City Hall, 7900 S. Westnedge Avenue, Portage MI.

MEMBERS PRESENT: Chairperson Brooke Kolodzieczyk, Chelsea Huber, Sue Beasley, Julie Pryor, Vice Chairperson Brian Plescher, Martha Perry, Effie Kokkinos, Pamela Kanouse

MEMBERS ABSENT: John Dillworth

STAFF PRESENT: Tina Perry

INTRODUCTIONS: Chairperson Brooke Kolodzieczyk welcomed Pamela Kanouse to the Human Services Board. Pamela was appointed last week and eager to serve on the board. Introductions were made around the room with a brief background by each.

APPROVAL OF MINUTES: The Minutes of January 4, 2024 were approved by a motion made by Sue Beasley and supported by Martha Perry. The motion was unanimously approved, 8-0.

NEW BUSINESS: Substantial Amendment and Reallocation of CDBG CV funds. A Public Hearing was held to discuss comments received on the CDBG CV reallocation of unused funds to Housing Resources, Inc. Tina Perry presented a memo from Deputy Director of Economic Development, Jonathon Hallberg explaining CDBG CV funding from 2020 is nearing an end. The recommendation is to reallocate multiple unspent sources including Lexington Green Trail project, Portage Community Center Emergency Assistance, and Administration to support Housing Resources, Inc (HRI) for emergency assistance to prevent homelessness and provide rapid rehousing for Portage residents. HRI has a proven track record of spending CDBG CV funding to respond to COVID and plans to fully utilize the reallocation of up to \$76,000 prior to the end of the current FY2024. This will fully expend the CDBG CV 2020 grant funds. Upon motion by Chelsea Huber, and supported by Vice Chair Brian Plescher, the motion was unanimously supported.

FUNDING APPLICATIONS: Tina Perry provided a recap of January discussion, and updated with new information received, unfortunately excluding Twelve Baskets eligibility of funding due to current/ongoing code compliance issues with an acquired property in which their Free store operated within the city. HSB deliberated and allocated funding after reviewing each agency's request, reaching a consensus. At the March HSB meeting staff will provide follow-up information requested in regard to Twelve Baskets, to allow the HSB to make their motion and final recommendation to City Council for the FY24-25 General Fund and CDBG allocations.

ADJOURN: Motion to adjourn was made @ 6:28 p.m. by Sue Beasley, second by Julie Pryor and unanimously supported. 8-0.

Respectfully Submitted,


Tina Perry

Neighborhood and Housing Specialist Community Development, City of Portage

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TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Rezoning application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer

ACTION RECOMMENDED: Subsequent to the Public Hearing, consider approving Rezoning Application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development.

The applicant (Harbahajan Multani, Gobind Reality LLC) seeks rezoning application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development. This property is located near the southeastern corner of the East Centre Avenue and Lovers Lane intersection. It is currently being developed as a single-family home. The applicant also owns the two lots to the west (1306 and 1316 East Centre Avenue); the latter is developed with a single-family residence. If the rezone is approved, it is expected that the applicant will demolish both residences and pursue commercial development across multiple lots. As required by the city's Public Participation Plan, the applicant held a neighborhood meeting on December 13, 2023, at the Portage Zhang Senior Center to gain neighborhood input about the rezone. All abutting residents were invited. Five people attended the meeting, plus the applicant and his representative.

The site was purchased by the applicant in 2020 and then transferred to their limited liability company called 'Gobind Realty LLC'. The subject house has been used as a rental property. According to the city's records, the subject site contains a single-story, single-family detached house (936 square feet) and a pole barn (960 square feet). The house was built before 1950. A previous garage/pole barn existed before 1950 but was later demolished between 1974 and 1981. The current pole barn was built during the same period.

Within the greater area of the subject site, East Centre Avenue consists of a mix of zoning districts: R-1B One Family Residential, B-1 Local Business, and OS-1 Office Service. Existing uses consist of older single-family homes, new commercial buildings, and modern commercial buildings in the greater neighborhood area. In the early 2000s, East Centre Avenue transitioned from a 3-lane to a 5-lane road. It serves as a critical and heavily traveled corridor within the middle of Portage connecting to north/south corridors and growing communities to the west. As a result of this street expansion, high-traffic use, and overall growth in Portage, commercial demand has followed. Through specific commercial zoning districts and rezones, properties have been redeveloped with new commercial uses and higher-density residential projects. Older single-family homes and greenhouses have been targeted areas of this redevelopment trend. It is expected that developers will continue to acquire multiple sites at a time for future redevelopment projects.

Existing Conditions

Existing Land Use/Zoning	• The subject site consists of a single-family home and zoned OS-1 Office Service. • <u>North</u> (across East Centre Avenue): Multifamily, 1319 E. Centre Avenue; Zoned R-1B One-Family Residential • <u>South</u>: Single Family Houses; 1327, 1415 Maynard Avenue.; Zoned R-1B One-Family Residential. • <u>East</u>: West Wind Dental; 1414 East Centre Avenue; Zoned OS-1 Office Service • <u>West</u>: Single Family Residence; 1316 East Centre Avenue; Zoned B-1 Local Business
Public Streets	2022 East Centre Avenue (closest count taken just east of Newells Lane intersection) recorded 20,049 total Annual Average Daily Trip (AADT) counts recorded by Kalamazoo Area Transportation Study (KATS).
Public Utilities	City sanitary sewer and water are available along East Centre Avenue.
Environment	The site is developed with a single-family detached home.
Unique Conditions	No mapped wetlands or flood hazards exist on the site. No mapped or identified historical structures/ buildings exist.

The following sections of Chapter 42. Division 8. Subsection 651 Amendments to this Article procedures and regulations apply and are addressed further in this report:

- [Sec. 42-651. Amendments to this Article](#)

Under this article, the rezoning request shall file a rezoning application, fee and be scheduled for review during public hearings for the Planning Commission and City Council. The Planning Commission shall determine if the rezoning is appropriate based on the 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, neighborhood harmony, impacts of the proposed zoning classification, and impacts on adjacent streets and utilities.

Current Zoning: OS-1 Office Service District

The subject site is zoned OS-1 Office Service District and occupied by a single-family residence. Residential uses are not allowed in this district. Since the residence was built before the current zoning district, it is considered a legal non-conforming use.

Proposed Zoning District: B-1 Local Business District

The B-1 Local Business District intends to accommodate local-focused businesses, services, and shopping needs on a neighborhood scale. This district also provides a transition between low- and high-intense commercial uses and provides a buffer between residential and commercial areas. This district is

located along a busy thoroughfare and at specific business intersections (nodes), such as East Centre Avenue & Lovers Lane, East Milham Avenue & Lovers Lane, South Sprinkle Road near East Milham Avenue.

The comparison of Permitted uses in OS-1 and Permitted uses and Special Land Use approvals in B-1 district is summarized below:

	EXISTING ZONING	PROPOSED ZONING	
	OS-1 Office Service	B-1 Local Business	
Front Setback	27'	27'	
Side Setback	15' (when abutting Res.)	15' (when abutting Res.)	
Rear Setback	20'	20'	
	<u>Permitted Uses</u>	<u>Permitted Uses</u>	<u>B-1: Special Land Use - PC Approval</u>
	Professional Offices	All OS-1 Uses	Small Veterinary
	Architect, Eng., Real Estate Offices	Retail: Max. 10k sq ft	Larger Retail
	Banks	Restaurants: Max. 1,500 sq ft	Larger Restaurant
	Massage, Salons	Dry Cleaning	Funeral Home
	Photography Studio	Churches	Utility Stations
	Medical Clinics	Cafés	
	<u>Prohibited Uses</u>	<u>Prohibited Uses</u>	
	No Retail	No Drive-in Restaurant, Café	
	No Restaurants, bars	No Bars	
	No Residential	No Residential	
		No Car, Boat Maintenance	
		No Self-Storage	

The following site and operational standards apply in the B-1, regardless of use:

1. *All business establishments in this district shall be retail or service establishments dealing directly with consumers.*
2. *All goods produced on the premises shall be sold at retail on the premises where produced.*
3. *All business servicing or processing, except for off-street loading or parking, shall be conducted in a completely enclosed main building.*

4. *Lot, yard and building requirements shall be governed by the requirements of Division 4, Subdivision 10 of this article.*
5. *Parking, signs, landscaping, and lighting shall be governed by the requirements of Division 6 of this article.*
6. *Site plan review shall be governed by the requirements of Division 5, Subdivision 2 of this article.*

Comprehensive Plan

The Comprehensive Plan indicates that rezone applications should be consistent with the Plan's Future Land Use Map, appropriateness of future uses within the surrounding neighborhood, impacts on adjacent streets and utilities, and consistent with guidelines within the Plan.

The Future Land Use Map (FLUM) classifies the subject property as 'Office' which encourages professional and medical offices, banks, art/ photography studios, etc. This classification is mapped along sections of Centre Avenue, Milham Avenue, Lovers Lane, etc. Further, the Plan indicates that office classification also provides a transition between higher intense uses and major streets and interior residential neighborhoods.

It is important to note that the two properties to the west (1306 and 1316 East Centre Avenue – both owned by the applicant) are classified as Local Business in the FLUM which supports low-intense local businesses and service establishments such as convenience stores, small sit-down restaurants, pharmacies, banks, etc. These provide convenient goods and services for residents and employees in the immediate neighborhood. The Local Business classification of FLUM is similar in purpose and supports businesses as the Local Business zoning district.

The Comprehensive Plan acknowledges that deviations from the Future Land Use Map boundary may be appropriate when justified by more detailed information, changes to conditions, or in cases where a deviation is not contrary to the overall intent and purpose of the Plan.

Staff note that the subject site is very close to an established business intersection at East Centre Avenue and Lovers Lane where three of the four corners are occupied by businesses including a pharmacy, salon, restaurant, and retail. The western two corners are zoned B-1 Local Business, and the eastern two corners are zoned OS-1 Office Service. All four corner lots are classified as Local Business in the Comprehensive Plan FLUM.

The following strategies and guidelines of the Comprehensive Plan are relevant to the proposed rezone:

Implementation Strategies, Guidelines

Guideline C-1: Locate commercial/ office uses only in existing or proposed planned commercial/ office areas, as illustrated on the future land use map, and when the following situations exist:

- b) conversion from an existing non-commercial/office building to a commercial/office use is compatible with adjacent buildings and uses
- d) a proposed use is of an intensity and size to be comparable to a planned commercial/office center
- e) a proposed use requires a location in or near an existing specific land use or activity center

Guideline C-2: Allow commercial/office use:

- f) adjacent to older or redeveloping residential areas where the commercial/office use does not create nuisances and is compatible with the surroundings.

Guideline C-3: Local or neighborhood commercial uses should meet the following standards:

- a) location is preferably within an identified node and/or at the intersection of two major thoroughfares and provides convenient shopping facilities.
- c) the intensity, size, and hours of operation will not adversely affect existing residential areas;

Guideline C-8: Encourages innovative commercial/office design to:

- b) create a desirable transition in the type and intensity of uses through buffering, setbacks, and building/site design;
- d) provide trees and landscaping along the street and within the site
- f) promote a good transition between adjacent buildings and land uses in terms of building size, height, scale, and materials;
- g) provide access design consistent with the recommendations of the Plan;
- h) locate and screen waste receptacles to improve views and avoid nuisance;
- i) use properly designed lighting at appropriate foot candles to avoid glare and light pollution while still providing adequate lighting for safety.

As demand for office space has declined due to changes in work environments resulting from COVID and remains low, some office buildings and vacant office zoned areas are seeing a transition to other uses. Portage has been responding to this change by approving rezones and zoning code amendments to provide development flexibility: rezones (505 and 515 East Centre Avenue) have been approved to provide more commercial redevelopment options and code amendments have been approved resulting in new innovative commercial use (5528 Portage Road). Responding to economic changes ensures continued reinvestment while evaluating the impact on surrounding uses and neighborhoods.

Suitability of B-1 District/ Neighborhood Harmony

Facilitating this rezone will promote new commercial growth in older, low-invested housing stock areas. New commercial entities will benefit from being along a major arterial corridor and adjacent to residential neighborhoods. Future commercial development will adhere to zoning standards including screening and landscaping buffers from existing single-family residences to the south along Maynard Avenue. Commercial impacts will also be reduced by the limited type of commercial businesses allowed in the B-1 district.

Impacts to City Services, Utilities, ROWs

If the rezoning is approved, a negligible increase is expected in water and sewer demand for city services because of the limited commercial uses within the B-1 district. Further, staff will ensure utility and access management compliance of any future commercial development during the required Site Plan application review process. Abutting sidewalks and adjacent Kalamazoo Metro bus services currently serve East Centre Avenue. The existing five-lane road on East Centre Avenue is expected to accommodate future commercial traffic demands if the rezoning is approved.

In summary, staff finds support for the rezoning from the Comprehensive Plan based on consistency with the Comprehensive Plan intent and supporting development guidelines. The Plan acknowledges its aspirational context and states that the boundaries shown on the future Land Use Map can be adjusted with further analysis and neighborhood context.

Rezoning 1330 East Centre Avenue

Staff support rezoning this property from OS-1 Office Service District to B-1 Local Business District based on the following:

- Consistent with the Comprehensive Plan guidelines for supporting new/ redevelopment investments at established commercial nodes.
- Consistency with the future commercial districts
- Land use classification can be adjusted within the Future Land Use Map.
- Impacts to adjacent residences to the south will be lessened by required fence and trees and lighting restrictions (Sec 42-572 & -594) for any future parking lot.
- B-1 uses are limited in size and intensity level, as shown earlier.
- Continued commercial investment in an existing commercial intersection node.

Planning Commission Public Hearing

At its February 1, 2024, meeting, the Planning Commission reviewed and discussed rezoning application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development. The applicant, Harbahajan Multani, Gobind Reality LLC, and his realtor, Pat O'Brien, were present to discuss the rezoning. There was no public comment on this item at the meeting. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

After careful consideration, the Planning Commission voted unanimously (7-0) to recommend to City Council the approval of rezoning application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development.

Recommendation

It is therefore recommended that the City Council consider approving Rezoning Application No. 23/24-3 to rezone 1330 East Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development, subsequent to the Public Hearing.

FUNDING: Not Applicable

- Attachments:**
1. Rezoning Application
 2. Vicinity Map
 3. Proposed Zoning District Map
 4. Future Land Use Map
 5. Site Pictures
 6. Planning Commission meeting February 1, 2024 Minutes
 7. Planning Commission Transmittal
 8. 1st Reading

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date 11/13/2023

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 1330 E Centre Ave, Portage, MI 49002 between Lovers Ln Street and Portage Rd Street on the South side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of 132 feet and a depth of 330 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). SEC 22-3-11 BEG AT PT ON N LI SEC 22 24 R E OF NW COR OF NE1/4 NE1/4 TH S 20 R TH W 8 R TH N 20 R TH E 8 R TO BEG 1 A - Parcel# 00022-030-O 1.0 acre

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

b. Name of the owner of the property to be rezoned: Harbahajan S & Paramjit Multani

Address 5299 Snowbird Ct, Kalamazoo, MI 49009

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Continuity with adjacent parcels to allow better commercial development to benefit the community and be in line with the master plan.

4. CURRENT ZONING: OS-1 PROPOSED ZONING: B-1

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.

Shamulani

(Signature of Applicant)

(Signature of Applicant)

5299 Snowbird Ct, Kalamazoo, MI 49009

(Address)

(Address)

269-267-5560

(Phone)

(Phone)

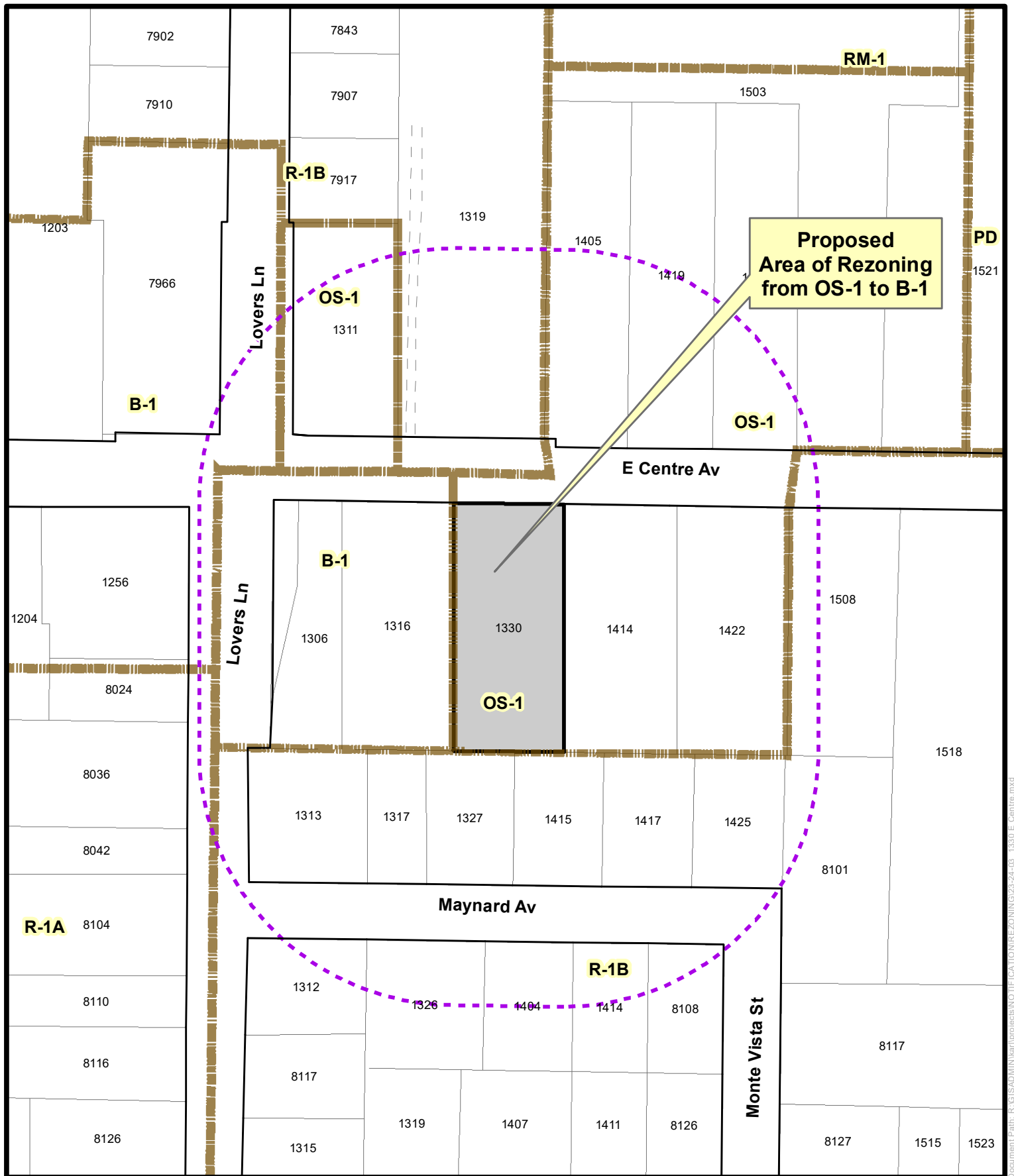
A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.



**Aerial Photography Map
Rezoning: 23/24 - 3
1330 East Centre Avenue**



1 inch = 100 feet
Date: 1/9/2024
(127)

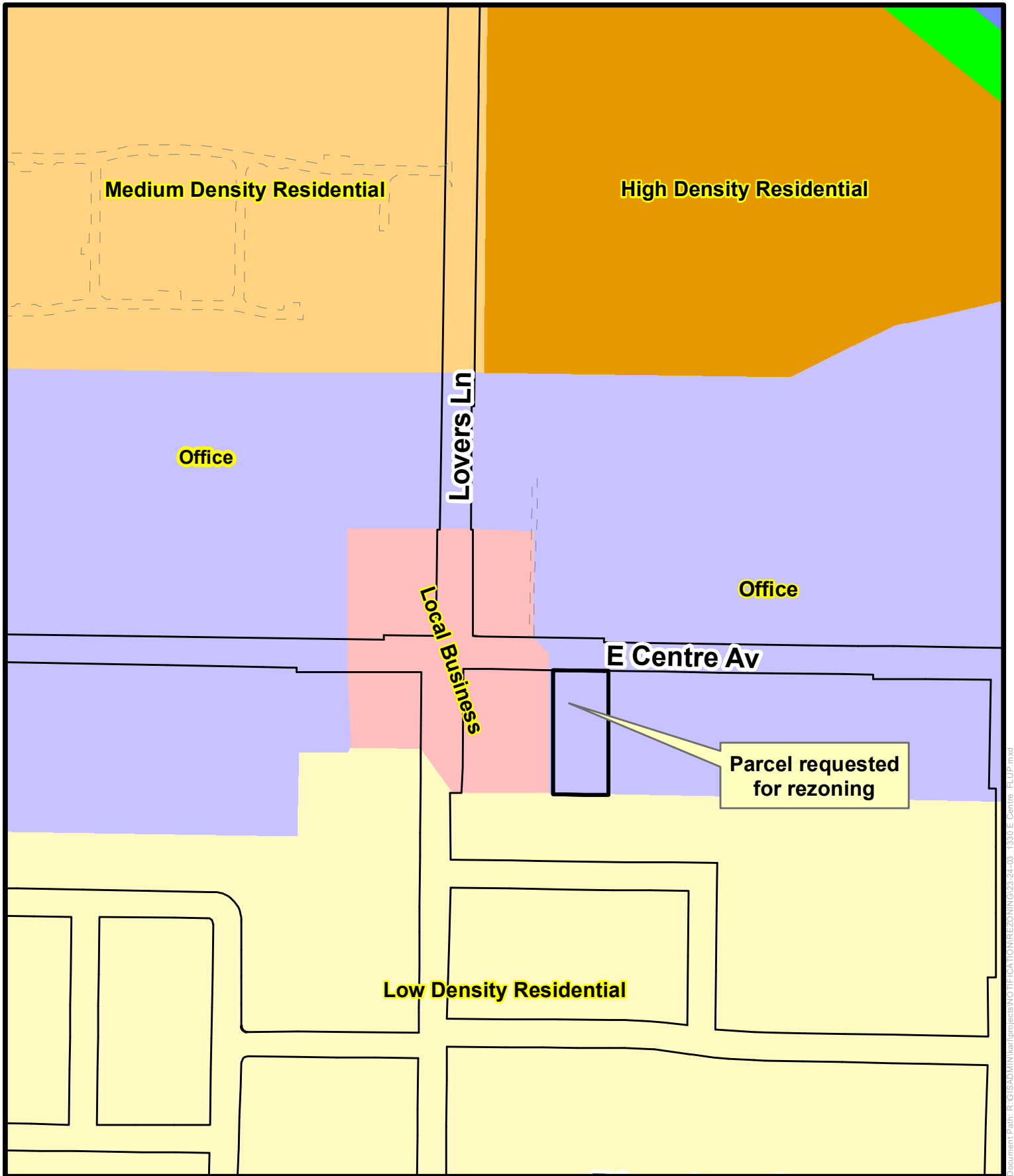


-  Subject Parcels
-  Zoning Boundary
-  300' Notification Area

Notification Map Rezoning: 23/24 - 3 1330 East Centre Avenue



1 inch = 150 feet
Date: 1/9/2024
(128)



Proposed Rezoning

- Proposed Rezoning
- 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: 23/24 -3 1330 East Centre Avenue



1 inch = 300 feet
Date: 1/9/2024

Site Pictures: 1330 E. Centre Avenue

All pictures provided via Google Earth, taken August 2023



Figure 1. Looking west along E. Centre Avenue. Subject house on left. Street intersection light at Lovers Lane seen in background.



Figure 2. Looking west along E. Centre Avenue. Subject house in middle. West Wind Dental (1414 E. Centre Ave.) shown in far left.



Figure 3. Looking south at subject house and detached garage.

CITY OF PORTAGE PLANNING COMMISSION

**Thursday, February 1, 2024
7:00 PM Portage
Portage City Hall Council Chamber**

The City of Portage Planning Commission meeting of February 1, 2024, was called to order by Vice Chair Baldwin at 7:00 p.m.

IN ATTENDANCE

- Biqi Zhao, Deputy Director of Planning and Zoning
- Eric Feldt, Senior City Planner

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (absent); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Pezzoli (yes); Joshi (yes); Fries (yes); Youngs (absent); and Longjohn (yes). 7-Present; 2-Absent.

Motion by Commissioner Fries, seconded by Commissioner Pezzoli to approve the excused commissioners. Motion carried 7-0.

APPROVAL OF MINUTES

1. Minutes dated January 18, 2024.

Motion by Commissioner Longjohn, seconded by Secretary Freiman to approve the January 18, 2024, meeting minutes, as submitted. Motion carried 7-0.

PUBLIC HEARINGS

1. Rezoning application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development.

Mr. Feldt provided a PowerPoint presentation addressing the applicant's proposed rezone, describing the overall neighborhood, showed various pictures of the site and neighborhood, showed the existing zoning map, described the 2014 Comprehensive Plan Future Land Use Map classification of the neighborhood, showed a zoning table comparison between the existing and proposed zoning districts, and presented staff analysis. He indicated that staff supports the proposed rezoning because it is consistent with the Comprehensive Plan Guidelines, future commercial development impacts towards existing adjacent residences will be limited by required buffering and limitations on commercial uses within the B-1 district. Mr. Feldt indicated that public notice was provided to adjacent property owners, and no public comment was received by staff as of the day of meeting. Further, he indicated that the applicant provided a neighborhood meeting to inform adjacent residents of the proposed rezone. Mr. Feldt concluded his presentation by stating the following: If no additional public comment is requested by and the Commission is supportive of the proposed rezoning, staff recommends the Planning Commission to City Council the approval of the Rezoning #23/24-3 from OS-1 Office Service District to B-1 Local Business District to facilitate future development at 1330 E. Centre Avenue.

Various Commissioners asked about the new City Public Participation Plan policy requiring applicants to provide a neighborhood meeting for certain projects. Many Commissioners were surprised to hear about it. At least one commissioner found it unnecessary; some supported it. Commissioner Adams suggested staff notify the Commission of time/date/location of future neighborhood meetings for upcoming projects

so they could attend and gain an understanding of any comments from the neighborhood and report back to the whole Commission.

Mr. Feldt indicated that the new Plan was established sometime in the Fall and was to provide an initial neighborhood commenting opportunity before certain projects go in front of the Commission. He explained that the applicant would be responsible for finding a meeting location and time.

Secretary Freiman asked about any tree preservation requirement for the B-1 district, and if there are lighting standards. He suggested the applicant preserve more trees on the site, especially near the back close to existing homes.

Mr. Feldt indicated there is no B-1 specific tree requirement but there is an overall commercial landscaping requirement involving trees around parking lots and along shared lot lines between commercial and residential uses. He stated that there are lighting standards such as maximum light pole height and brightness.

The applicant, Harbahajan Multani, same as property owner -Gobind Reality LLC, was represented by his realtor Pat O'Brien. Mr. O'Brien indicated that the proposed rezone to B-1 would enhance the marketability of the subject lot and the western lots which are also owned by applicant. He stated that five members of the public attended the neighborhood meeting and were generally in support of the proposed rezone. He stated that the subject house and the applicant's house to the west are currently rented.

Commission Longjohn asked Applicant's representative if the zoning would lend itself to develop all three applicant-owned parcels. And what would the development setback be from the sidewalk on City-owned property along Lovers Lane.

Mr. O'Brien indicated that it would be best for a future development to use all three parcels but would like the opportunity to sell individually.

Mr. Feldt indicated that the setback from the City-owned property could be 27' if the property is treated as a right-of-way. If not, the setback would be considered a side yard setback and be less than 27'. Mr. Feldt added that it would be best if future development would connect to it to increase overall site connectivity.

Commissioner Joshi commented about the narrowness of the applicant's other westerly lot.

Mr. Feldt indicated that its narrowness and odd shape would like to lend to a multi-parcel sale and development instead of a single parcel development.

Commissioner Pezzoli asked how the house at 1316 W. Centre Avenue came to be if located in a zoning district not allowing residential development.

Mr. Feldt indicated that the house was likely built under a previous zoning code allowing residential development. And new residential development would not be allowed under the existing nor proposed zoning district.

Vice Chair opened public hearing.

No public comment was received.

Motion by Commissioner Pezzoli, seconded by Commissioner Joshi to close public hearing. Motion carried 7-0.

Motion by Commissioner Pezzoli, seconded by Commissioner Fries to recommend to the City Council approval of Rezoning #23/24-3 from OS-1 Office Service District to B-1 Local Business District to facilitate future development at 1330 E. Centre Avenue.

SITE/FINAL PLANS

None.

OLD BUSINESS

None.

NEW BUSINESS

None

STATEMENT OF CITIZENS

None

STATEMENT OF COMMISSIONERS/ STAFF

Mr. Feldt informed the Commission that on Tuesday, February 6, 2024, the Council is expected to vote on rezoning application 23/24-2 to rezone 6008 and 6018 Chelsea Lane from R-1A One Family Residential to B-3 General Business and P-1 Vehicular Parking to facilitate future redevelopment. During that same meeting, the Council is expected to vote on pursuing a new historic district study for the 37 lots within the residential Glenbrook Village (located west of the intersection S. Westnedge Avenue and E. Milham Avenue), which was recently supported by the Historic District Commission on January 29, 2024. Two lots within this Village are the subject lots of the rezone application. Related to the historic district study, the Council is also expected to vote on approving a new 6-month long moratorium to freeze development within those 37 lots while the historic study is underway. If approved, this would have the effect of temporarily preventing demolition of the two houses of the subject rezone. Staff has received supporting and opposing communication from residents within the Glenbrook Village about the rezone and historic district study, as well as opposition of the study from the rezone applicant.

Commissioner Joshi welcomed new Planning Commissioner member Matt Longjohn.

Commissioners Adams indicated that during a previous meeting an applicant's representative used the term 'retarded' when trying to adjust his presentation slide, which he found to be offensive and not aligned with the City of Portage Planning Commission values. He stated that some communities start their meetings with a state of values and suggested creating one for the Portage Planning Commission. Other commissioners supported this suggestion. Mr. Feldt stated that he could assist with some draft language to present to the Commission.

Commissioner Longjohn suggested that neighborhood meetings should be held nearby subject project neighborhoods for accessibility purposes. He asked Mr. Feldt if there are any standards by which neighborhood meetings should follow.

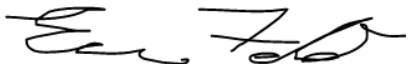
Mr. Feldt indicated that the City's Public Participation Plan is new and its required neighborhood meetings are meant to be an informal setting. At this time, there are no standards for these neighborhood meetings. The City does try to assist applicants in suggesting nearby meeting locations, but the time and place is up to the applicant.

Commissioner Fries indicated his absence for the February 15th Planning Commission meeting.

ADJOURNMENT

There being no further business to come before the Commission, Vice Chair Baldwin adjourned the meeting at 7:46 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is fluid and cursive, with the first name "Eric" and last name "Feldt" clearly distinguishable.

Eric Feldt, AICP, CFM
Senior City Planner

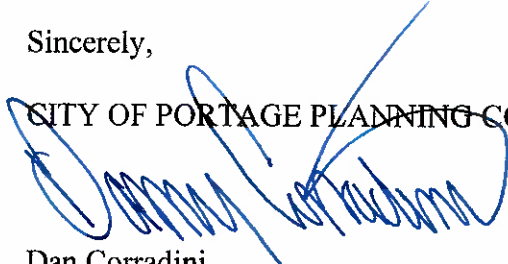
TO: Honorable Mayor and City Council
FROM: City of Portage Planning Commission
DATE: February 15, 2024

SUBJECT: Rezoning Application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District.

At the February 1, 2024 meeting, the Planning Commission reviewed and discussed rezoning application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development. The applicant, Harbahajan Multani, Gobind Reality LLC, and his realtor Pat O'Brien, were present to discuss the rezoning. There was no public comment on this item at the meeting. The Planning Commission determined no further discussion was needed and voted to close the public hearing.

The Planning Commission voted unanimously (7-0) to recommend to City Council the approval of rezoning application No. 23/24-3 to rezone 1330 E. Centre Avenue from OS-1 Office Service District to B-1 Local Business District to facilitate future commercial development.

Sincerely,


~~CITY OF PORTAGE PLANNING COMMISSION~~

Dan Corradini
Chairman

Attachments: February 1, 2024 Planning Commission meeting minutes.

**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

1330 E. Centre Avenue

00022-030-0

as more specifically described: SEC 22-3-11 BEG AT PT ON N LI SEC 22 24 R E OF NW COR OF NE1/4 NE1/4 TH S 20 R TH W 8 R TH N 20 R TH E 8 R TO BEG 1 A

From OS-1 Office Service District to B-1 Local Business 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 _____, 2024.

Erica Eklov, City Clerk

Approved as to Form:

Date:

By:

City Attorney

2/14/2024
Andrew Ruffalo

**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 _____, 2024, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2024, 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

1330 E. Centre Avenue

00022-030-O

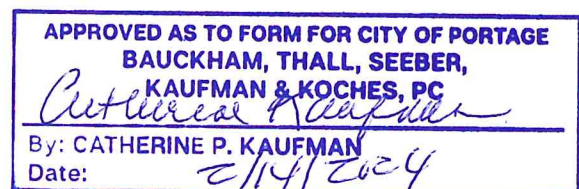
as more specifically described: SEC 22-3-11 BEG AT PT ON N LI SEC 22 24 R E OF NW COR OF NE1/4 NE1/4 TH S 20 R TH W 8 R TH N 20 R TH E 8 R TO BEG 1 A

From OS-1 Office Service District to B-1 Local Business 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



**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 _____, 2024, and will become effective _____, 2024.

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

1330 E. Centre Avenue

00022-030-O

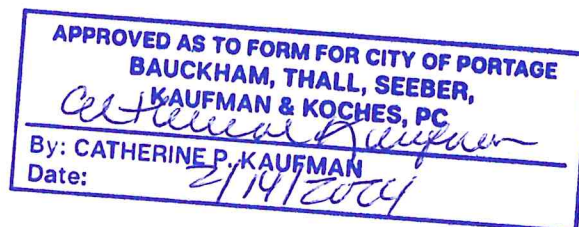
as more specifically described: SEC 22-3-11 BEG AT PT ON N LI SEC 22 24 R E OF NW COR OF NE1/4 NE1/4 TH S 20 R TH W 8 R TH N 20 R TH E 8 R TO BEG 1 A

From OS-1 Office Service District to B-1 Local Business 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



TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Rental of City-Owned Property at 9303 Portage Road

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer
Adam Herringa, Chief Operating Officer

ACTION RECOMMENDED: Receive the report on the property at 9303 Portage Road, direct the City Administration to secure a property management services contract for the rental of this property, and authorize the City Manager to execute the necessary agreements on behalf of the city.

On July 27, 2021, City Council authorized City Administration to purchase the property addressed as 9303 Portage Road. The argument made in support of the purchase at the time was:

The acquisition of the subject property is beneficial considering that it can be combined with the adjacent, city-owned property. The resulting combined parcel would be strategic to enhancing connectivity and placemaking within the Lake Center District corridor and is in alignment with the final Lake Center District Corridor & Placemaking Study. Options for future use include increasing the existing area of Lakeview Park, improving pedestrian/neighborhood connectivity between the park and the commercial corridor, and enhancing public spaces where residents may gather.

On January 9, 2024, a proposal was made to sell the property but, after discussion, City Council voted 5 to 1 to "table the matter and direct the City Manager to address the possible uses discussed during the current meeting for the property addressed as 9303 Portage Road and come back to the Council with a decision or options at the Regular Meeting on March 19, 2024."

While the options remain to either sell the property or tear down the structure, the City Administration explored the possibility of renting the home. Renting is an attractive option as it:

- Leaves open the possibility of future property sale or demolition for parkland
- Preserves the land in case it is needed for Portage Road revitalization efforts
- Places the property back on the tax rolls
- Provides a living opportunity for an individual or family at a time when housing is in short supply

The following is a summary of relevant facts and figures related to the property.

9303 Portage Road



The city purchased the property in September 2021 for \$375,000. The current value, according to Assessor, is approximately \$450,000.

Starting in 2025, annual taxes will be \$15,014.

A property management company estimates a rental rate of \$2,600 per month for the property or \$31,200 per year.

The city would pay a property management company one month to start (\$2,600) and then 12% of revenues per year.

Year one impact:

Receive in rent	\$31,200
Taxes	(\$15,014)
Property manager	(\$6,344)
Maintenance	<u>(\$2,500)</u>
Net year one	\$7,342 (plus approximately \$3,000 in property tax revenue)

Year two impact:

Receive in rent	\$31,200
Taxes	(\$15,340)
Property manager	(\$3,744)
Maintenance	<u>(\$2,500)</u>
Net year two	\$9,616 (plus approximately \$3,000 in property tax revenue)

Therefore, it is recommended that City Council direct the City Administration to secure a property management services contract for the rental of this property, and authorize the City Manager to execute the necessary agreements on behalf of the city.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: First reading regarding the 2021 International Property Maintenance Code

SUPPORTING PERSONNEL: Peter Dame, Chief Development Officer

ACTION RECOMMENDED: Receive for first reading the proposed ordinance to adopt the 2021 International Property Maintenance Code and schedule the ordinance for final adoption at the regular City Council meeting on April 9, 2024.

The International Property Maintenance Code (IPMC) is a model code developed by the International Code Council to establish minimum maintenance requirements for existing buildings and structures. The Code was developed to serve as a companion code to the International Construction Codes (Building, Plumbing, etc.) that the City of Portage is required to administer and enforce by the State of Michigan. The purpose of the IPMC is to ensure the health, safety, and welfare of the occupants of a building and the public by establishing minimum standards for items such as structure and property conditions, lighting, ventilation, heating, sanitation, and fire safety.

The benefits of adopting the 2021 edition of the IPMC include:

- Providing a nationally recognized code that is widely used and commonly accepted and understood throughout the United States, including the State of Michigan and several local communities that have adopted and enforce the IPMC.
- The property maintenance standards contained within the IPMC cover the subject matters that are currently addressed in different ordinances and codes created by the City of Portage. The IPMC will help by providing a single, comprehensive, and recognized resource for building and property maintenance standards that are reviewed and developed by national experts in the field. The adoption of the IPMC will replace the previously adopted property maintenance codes of the city.
- The IPMC is directly tied to the State of Michigan Construction Codes to simplify administration, terminology, and procedures.
- The IPMC ensures that buildings, structures, and properties are maintained to a recognized and reasonable degree, thereby helping safeguard the occupants and the public.
- The IPMC will help maintain property values by utilizing nationally adopted standards and procedures to address neglected buildings, structures, and properties.
- The IPMC is designed to balance costs and welfare and not to unnecessarily increase construction and repair costs while still prioritizing public welfare.

The adoption of the 2021 International Property Maintenance Code will ensure the City of Portage continues to take the necessary steps to safeguard its citizens and maintain property values. City code enforcement staff have already been trained on the provisions of the IPMC and are ready to utilize the

standards contained in the IPMC.

As requested at the initial discussion of the IPMC at the February 20 Council meeting, staff documented more than 100 communities in the State of Michigan that rely on the IPMC code as the standard for property maintenance (see attached). Staff also have confirmed in writing that [the IPMC link](#) can be posted on the city website and made available to all at no fee. The attached ordinance does adopt the 2021 IPMC, except for IPMC Section 302.4 which would maintain the city's entire noxious weed standard (including the native species permitting process). The draft ordinance has been written generally to supersede (repeal) any section of the city code that conflicts with the standards in the IPMC. The identified conflicts with the city code are listed in the attached summary. An executive summary of the IPMC is also provided, as written by the Code Council. The IPMC does allow for the enforcement of provisions in the city code that are not in conflict with the IPMC, and are not repealed. Therefore, even with the adoption of the IPMC, the city will retain its standards for parking on private and public property, for example, which are found in Section 24-112, as this topic is not generally covered by the IPMC. Finally, the attached ordinance does not automatically adopt future versions of the IPMC and further updates of the IPMC would require Council approval.

It is therefore recommended that City Council receive for first reading the proposed ordinance to adopt the 2021 International Property Maintenance Code and schedule the ordinance for final adoption at the regular City Council meeting on April 9, 2024.

FUNDING: Not Applicable

Attachments:

1. Ordinance to amend IPMC
2. IMPC MI Adoption List
3. IPMC and City Code
4. IPMC Exec Summary _2021 rev

ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY ADOPTING THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

THE CITY OF PORTAGE ORDAINS:

SECTION 1

That the City Council adopt an Ordinance adopting the 2021 International Property Maintenance Code, regulating and governing the conditions and maintenance of all property, buildings and structures by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use; and the demolition of such existing structures in the City of Portage ; to provide sanctions for violation(s) thereof; and to repeal all Ordinances or parts of Ordinances in conflict herewith.

SECTION 2 Adoption of 2021 International Property Maintenance Code

Subsection 1: Purpose and Intent. The purpose of this Ordinance is to adopt a standardized property maintenance code to regulate and govern the conditions and maintenance of structures within the City by providing standards to ensure that structures are safe, sanitary and fit for occupation and use; to provide for the condemnation of unsafe buildings and structures; and to allow for the demolition of unsafe and dangerous structures within the City.

Subsection 2: Adoption of Code

A. Pursuant to the provisions of section 3(k) of Act No. 279 of the Public Acts of Michigan of 1909 (MCL 117.13K), as amended, and the City Charter of the City of Portage, the International Property Maintenance Code, as currently in effect under Michigan State Law, published by the International Code Council, Inc.(hereinafter referred to as the "Property Maintenance Code") is hereby found and declared to be an acceptable code and is hereby adopted by reference, as in this article modified for the purpose of protecting the health, safety and welfare in buildings in the city and on the premises hereinafter provided by:

- (1) Establishing minimum maintenance standards for all existing structures, residential and non-residential and on all existing premises for basic equipment and facilities for light, ventilation, space, heating and sanitation, protection from the elements, life safety, for safety from fire; for space, use and location; and for safe and sanitary maintenance of all structures and premises; and
- (2) Fixing the responsibilities of owner, operators and occupants of all structures; and
- (3) providing for administration enforcement and penalties.

B. Identification of Current Code, continuing administration and enforcement of current code and changes to the code(s). A certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the International Property Maintenance Code, 2021 edition, as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Portage, Kalamazoo County, Michigan. All of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section III this ordinance.

Subsection 3: Amendments to the Adopted Code

The following sections of the adopted code are hereby amended as follows:

Section 101.1 Remove “[Name of jurisdiction]” and insert “City of Portage”.

Section 103.1 Remove “[Name of Department]” and insert “Department of Community Development”.

Section 104.1 Remove the paragraph and replace it with the following: “Fees shall be set in amounts approximating the costs to the City thereof via resolution which shall be adopted by the City Council and may be amended from time to time as the Council deems necessary.”

All of the wording in Section 302.4 is eliminated and replaced with the following sentence:

“302.4 reserved for future expansion. “

Section 304.14. Remove the first instance of the phrase “[DATE]” and replace it with “May 1”. Remove the second instance of the phrase “[DATE]” and replace it with “September 30”.

Section 602.3 remove the first instance of the phrase “[DATE]” and replace it with “October 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.

Section 602.4 remove the first instance of the phrase “[DATE]” and replace it with “October 15”. Remove the second instance of the phrase [DATE] and replace it with “May 15”.

Remove Section 109.4 and replace it with the following:

“109.3 Violation and Penalties. Any person, firm, association, partnership, corporation or governmental entity that violates any of the provisions of this Ordinance, shall be deemed to be responsible for a municipal civil infraction as defined by Michigan Statute which shall be punishable by a civil fine determined in accordance with the following schedule:

	Minimum Fine	Maximum Fine
-1 st Offense	\$ 150.00	\$ 500.00
-2 nd Offense*	\$ 300.00	\$ 500.00
-3 rd Offense*	\$ 425.00	\$ 500.00
-4 th or More Offense* \$	500.00	\$ 500.00

*within 3-year period determined on the basis of the date of commission of the offense(s).

An owner, tenant, occupant, land contract vendor or vendee who causes allows or permits a violation to exist or continue shall be liable as a principal.

Additionally, the violator shall pay costs which may include all expenses, direct and indirect, which the City of Portage has incurred in connection with the municipal civil infraction. In no case, however, shall costs of less than \$10.00 or more than \$500 be ordered. In addition, the City shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, compliance order or other appropriate remedy to compel compliance with this ordinance. Each day that a violation of this ordinance exists shall constitute a separate

violation of this ordinance.”

SECTION 3 Severability

Should any section, clause or provision of this Ordinance be declared to be invalid by a court of competent jurisdiction, the same shall not affect the validity of the Ordinance as a whole or any other part thereof other than the parts so declared to be invalid.

SECTION 4 Repeal of Conflicting Ordinances, Savings Clause

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. Any proceedings pending, including prosecutions for violations, under any previous ordinance provision being repealed hereby shall not be affected by this Ordinance and may be continued pursuant to said previous Ordinance provisions.

SECTION 5 Effective Date

This ordinance shall take effect 10 days following publication of a summary thereof, following adoption.

City of Portage
Erica Eklov, Clerk

MICHIGAN INTERNATIONAL PROPERTY MAINTENANCE CODE MUNICIPALITIES (incomplete list)

<u>Cities using IPMC</u>	<u>Edition</u>
Alamo Township	
Allegan Township	
Allendale	2018
Adrian	2021
Alma	2015
Ann Arbor	2015
Antwerp Township	
Ashland Township	
Battle Creek	2015
Barry Township	
Bay City	2015
Bessemer	2015
Big Rapids	2018
Brighton	2015
Calvin Township	
Cassopolis	
Centreville	
Charlevoix	2018
Climax	
Clio	2021
Constantine	
Constantine Township	
Cooper Township	
Covert Township	
East Jordan	2015

East Lansing	2021
Fabius Township	
Fawn River Township	
Flowerfield Township	
Flushing	2021
Galesburg	
Geneva Township	
Grand Rapids	2021
Grand Haven	???
Grant	2021
Grosse Pointe	2015
Grosse Pointe Farms	2015
Grosse Pointe Park	2015
Grosse Pointe Woods	2015
Gun Plain Township	
Hamilton Township	
Hancock	2015
Hartford Township	
Heath Township	
Hope Township	
Howard Township	
Ionia	2012
Iron Mountain	2015
Jackson	2018
Kalamazoo	2021
Kalamazoo Township	
Keeler Township	
Lagrange Township	
Lawrence Township	

Lawton	2018
Lee Township	
Ludington	2021
Leelanau Township	
Lockport Township	
Luna Pier	2006
Manlius Township	
Marchall Township	
Mason Township	
Mendon	
Milford	2018
Mottville Township	
Mt. Pleasant	2021
Niles	2015
Niles Township	
North Muskegon	2021
Nottawa Township	
Oak Park	2015
Ontwa Township	
Orangeville Township	
Otsego	2018
Ostego Township	
Overisel Township	
Owosso	2015
Park Township	
Pavilion Township	
Paw Paw Township	
Pine Grove Township	
Pokagon Township	

Porter Township	
Port Huron	2012
Portland	2018
Prairieville Township	
Richland Township	
Rockwood	2021
Roscommon Township	
Ross Township	
Royal Oak	2015
Salem Township	
Sheridan Township	
Sherman Township	
Silver Creek Township	
St. Joseph	2015
Sturgis Township	
Trowbridge Township	
Tuscola Township	
Valley Township	
Vandalia	
Vicksburg	
Volinia Township	
Wakeshma Township	
Warren	2018
Wayland Township	
Wayne Township	
White Pigeon	

International Property Maintenance Code (IPMC) Adoption

Sections of the City of Portage existing Land Development and Community Quality Codes which overlap and will be superseded by the 2021 IPMC are shown below. The corresponding section of the IPMC is shown in parentheses.

Article 12 Swimming pools

- Section 42-111 Definitions (202)
- 42-1312 Applicability (303.2)
- 42-1313 Responsibility for enforcement (103)
- 42-1314 Permit (105)
- 42-1315 Location; construction standards (303)
- 42-1316 Water Supply (303.1)
- 42-1317 Fences and gates (303.2)
- 42-1318 Maintenance and operation (303.2)

Article 13 Unsafe structures

- Section 42-1341 General (Section 111)
- 42-1342 unsafe structure (111.1.1)
- 42-1343 structure unfit for human occupancy (111.1.3)
- 42-1344 unlawful structure (111.1.4)
- 42-1345 notice (111.4)
- 42-1346 placarding (111.7)
- 42-1347 placard removal (111.7.1)
- 42-1348 prohibited occupancy (111.8)
- 42-1349 transfer of ownership (111.6)
- 42-1350 closing of vacant structures (111.2)
- 42-1351 emergency measures (Section 112)
- 42-1352 hearings (112.6)

Article 14 Housing Property Maintenance Code

- Section 42-1371 Definitions (202)
- 42-1372 Purpose (101.3)
- 42-1373 Compliance and interpretation (102)
- 42-1391 Generally (103)
- 42-1392 Appeals (108)
- 42-1393 Violations (109)
- 42-1421 Rooming houses (502.2)
- 42-1422 Exterior Structure and Property (304)
- 42-1423 Interior Structure (305)
- 42-1424 Facilities required (304)
- 42-1425 Installation and maintenance of facilities (301.2)
- 42-1426 Construction and space requirements (404)
- 42-1427 Light and ventilation; overcrowding (402) (403) (404)
- 42-1428 Fire Safety (Chapter 7)
- 42-1429 Maintenance Responsibilities of Occupant (308.2)

Chapter 24 Community Quality Code

- Section 24-111 Definitions (202)
- Section 24-112 Purpose (101)
- Section 24-113 Property Maintenance Standards (Chapter 3)

2021 International Property Maintenance Code® Executive Summary

(Courtesy of International Code Council, Inc.)

The *International Property Maintenance Code* governs the maintenance of existing buildings through model code regulations. The provisions of this code apply to all existing structures and to all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

Chapter 1

This chapter contains provisions for the application, enforcement, and administration of all subsequent requirements of the code. All of the police powers inherent in enforcing minimum standards for the use and maintenance of buildings must follow the actual line of authority from the Constitution to the state to the actual enforcer. Chapter 1 defines the role and responsibility of the authority having jurisdiction.

Chapter 2

This chapter establishes the meaning of keywords and terms used in the code. The code, with its broad scope of applicability, includes terms inherent in a variety of construction disciplines. These terms can have multiple meanings, depending on the context or discipline being used at the time. For these reasons, it is necessary to maintain a consensus on the specific meaning of terms contained in the code. Chapter 2 performs this function by stating clearly what specific terms mean for the purpose of the code.

Chapter 3

This chapter contains requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas. Chapter 3 provides specific criteria for regulating the installation and maintenance of building components. Chapter 3 also provides guidelines for determining who is responsible for maintaining sanitary conditions and eliminating infestations of insects, rodents and other pests.

Chapter 4

This chapter establishes the minimum criteria for light and ventilation and identifies occupancy limitations. Minimum light, ventilation, and space requirements are based on the physiological and psychological impact of these factors on building occupants. The purpose of Chapter 4 is to set forth these requirements in the code and to establish the minimum environmental standards for occupiable and habitable buildings.

Chapter 5

This chapter establishes the minimum criteria for the installation, maintenance, and location of plumbing systems and facilities, including the water supply system, water heating appliances,

sewage disposal system and related plumbing fixtures. Existing plumbing installations may present unique inspection problems for the code official, as almost all are concealed by finished walls, ceilings and floors. The code official must inspect the visible portions of the system and assess the acceptability of the whole installation.

Chapter 6

This chapter establishes minimum performance requirements for electrical and mechanical facilities and minimum standards for the safety of such facilities. All mechanical and electrical equipment, appliances, and systems must be installed properly to serve the intended purpose. Proper installation, however, does not in itself guarantee safety or performance. All such equipment, appliances, and systems must also be maintained, as they are subject to wear and aging, and may require cleaning, lubrication, adjustment, etc. All materials and components used to construct mechanical and electrical systems have a limited life span and require repair or replacement at various time intervals that are specific to the material or component.

Chapter 7

This chapter establishes minimum requirements for fire safety, life safety and fire protection systems. Building codes regulating new construction are intended to verify that prior to occupancy, the building has been constructed in a manner that will provide the occupants a relatively safe and secure environment. Once these new structures are occupied, a variety of hazards inherent in their use may arise. Often, these hazards are unanticipated and can affect the overall safety of the occupants. The purpose of Chapter 7 is to address those fire hazards that arise as the result of a building's occupancy. It also provides minimum requirements for fire safety issues that are most likely to arise in older buildings.

Chapter 8

This chapter contains a comprehensive list of all standards that are referenced in the code. As a performance-oriented code, the code contains numerous references to documents that are used to regulate materials and methods of construction. The references to these documents within the code text consist of the promulgating agency's acronym and its publication designation (e.g., ASME A17.1) and a further indication that the document being referenced is listed in Chapter 8. Chapter 8 contains all of the information necessary to identify the specific referenced document.

Appendix A

The provisions of this appendix are not mandatory unless the adopting ordinance specifically references the provisions. The appendix provides the minimum specifications for the boarding of a structure.

Appendix B

The provisions of this appendix are not mandatory unless the adopting ordinance specifically references the provisions. The criteria for Board of Appeals members and procedures are set out in this appendix.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Follow-up: Requests for On-Premise Quota Liquor License

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Deny the current applications for the Class C Liquor license and prepare notice of the availability of licenses for transformational investments that will bring meaningful benefit to the local economy and quality of life.

Three applications for a single available liquor license were received by the City Clerk prior to the January 23, 2024 meeting of the City Council. Clerk Eklov received feedback from Public Safety and Community Development and forwarded the applications for inclusion on the City Council Agenda consistent with Sec. 6-34 of the Code of Ordinances. The three applications were for a new license to sell beer, wine, and spirits for on-site consumption at Que Buenos Mexican Grill, Indian Delight, and Soccer Zone.

When receiving such an application, the Council has several options, including:

- Approve
- Reject
- Postpone, or
- Conditional Approval

City Council offered the following directions at the January 23, 2024, City Council Meeting:

1. Decline immediate award of a license
2. Refer the matter to the Small Business Committee
3. Provide additional education on the process to City Council

The Small Business Committee met twice during the month of February and determined that none of the applicants met the clear conditions for an award listed in Sections 6-35 and 6-37 of the Portage Code of Ordinances. Besides meeting several conditions such as experience in the sale of spirits, long tenure doing business, and financial capacity to succeed, the impacts expected from the issuance of a new license should:

- Have a positive impact on economic development (new jobs and new investment)
- Be a facility not currently in Portage but needed in Portage
- Offer a service or product not currently available in Portage
- Be in a specific target area
- Show uniqueness when compared to existing facilities

- Support other uses on the premises
- Be in a hotel or motel
- Be in a convention center
- Have greater than 250 seats
-

The Committee found that none of the three applicants satisfied more than a few of the conditions for issuance and recommended that all three be denied. The City Administration concurs with this recommendation.

Therefore, it is recommended that the City Council deny the current applications for the Class C Liquor license and prepare a notice of the availability of licenses for transformational investments that will bring meaningful benefit to the local economy and quality of life. New applications will be accepted until a permit is issued and will be vetted by the City Administration and Small Business Committee before recommendation to City Council.

FUNDING: The city received an application fee payment of \$850 from each of the applicants. There are no associated expenditures for the city with a liquor license designation or additional promotion.

Attachments:

1. 2024 01 23 City Manager's Report
2. 2024 01 11 Class C - Quota Application (Indian Delight)
3. 2024 01 11 Class C - Quota Application (Que Buenos)
4. 2024 01 18 Tavern - Quota Application
5. MLCC Local Government Approval Resolution

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Requests for On-Premise Quota Liquor License

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Consider selecting an applicant to receive the remaining City of Portage On Premises quota liquor license from the Michigan Liquor Control Commission and adopt the Local Government Approval Resolution for the desired applicant and location.

In the last two weeks, the Office of the City Clerk received three applications for a Class C or Tavern liquor license for various locations in Portage. The first application was received from Mr. Jaspal Singh (property owner) and Mr. Francisco Hernandez (business owner) for the Que Buenos Mexican Grill restaurant at 5000 South Sprinkle Road. The second application was received from Ms. Balwinder Kaur and Mr. Atinderpal Singh (business owners) for the Indian Delight restaurant slated for 639 Romence Road at the former Wild Ginger restaurant location in the Shoppes at Romence Village plaza. The third application was received from Mr. Ronald Hotrum requesting a Tavern license for SoccerZone at 7181 Sprinkle Road. Mr. Hotrum is proposing enhancing the attendee experience at the games of the new Kalamazoo United FC semi-professional soccer team playing at SoccerZone by selling packaged beer, wine, and prepared spirits. A Tavern license allows a restaurant or bar to sell and serve packaged beer, wine, and mixed spirit drink products for consumption on the licensed premises. The local SoccerZone management is supportive of this proposal. Following discussions with the Michigan Liquor Control Commission in mid-December following Mr. Hotrum's initial request, a Tavern license would still be considered an On-Premise use and would require a quota license designation.

All three applications were reviewed by the departments of Finance, Community Development, Public Safety - Police and Fire divisions. No law enforcement issues were found with any of the applications. Both Community Development and the Fire Division had no issues with the applications or locations. The Finance Department provided the following account status information:

5000 Sprinkle - Que Buenos	639 Romence - Indian Delight (formerly Wild Ginger)	7187 Sprinkle - SoccerZone
2023 Real Property Tax: Summer - Past due \$6,001.62 (payable until 1/31/24) Winter - \$539.17 (due 2/14/24) Prior year delinquent real property tax paid (Kalamazoo County)	2023 Real Property Tax (under parcel 00016-055-G): Summer - Paid Winter - \$7,880.13 (due 2/14/24) No Prior year delinquencies.	2023 Real Property Tax (under parcel 00013-020-L): Summer - Paid Winter - \$4,559.43 (due 2/14/24) Delinquent 2022 winter tax

		due Kalamazoo County: \$154.32
Personal Property Tax: None	Personal Property Tax: None	Personal Property Tax (parcel 90013-020-J: 2023 winter) - \$270.11 (due 2/14/24)
Special Assessments: None	Special Assessments: None	Special Assessments: None
Misc. Receivables: None	Misc. Receivables: None	Misc. Receivables: None
Utility Bill: None (Kalamazoo water & sewer)	Utility Bill: \$0 due (paid by property owner)	Utility Billing: \$0 due

As the Council will recall, the City of Portage received two On-Premise quota liquor licenses following the completion of the 2020 U.S. Census and the designations relate to the local population count. The first quota license was awarded by the Council to JChen, LLC in March 2023 for a restaurant location at 153 West Centre Avenue. The second On-Premise quota license remains for designation. The previous 2010 Census-associated quota license allocation was completed by the then-City Council in February and June 2012.

At this time, the City Council may choose to select one of the current applicants to receive the remaining City of Portage On-Premise quota liquor license from the Michigan Liquor Control Commission and adopt the Local Government Approval Resolution supporting the desired applicant and location. Conversely, the Council can also choose to decline the current applications and continue to await a new applicant.

FUNDING: The city has received an application fee payment of \$850 each from the applicants of both the Que Buenos and Indian Delight locations. There are no associated expenditures for the city with a liquor license designation.

Attachments:

1. 2024 01 11 Class C - Quota Application (Indian Delight)
2. 2024 01 11 Class C - Quota Application (Que Buenos)
3. 2024 01 18 Tavern - Quota Application
4. MLCC Local Government Approval Resolution

Liquor License Application

Application Fee: \$850.00

Pursuant to Chapter 6 (Alcoholic Liquor) of the Code of Ordinances of Portage, Michigan, each applicant for a Liquor License within the City of Portage is required to submit a current and complete "City of Portage Liquor License Application" as furnished by the City Clerk.

INSTRUCTIONS TO COMPLETE APPLICATION:

Please provide the information requested. If additional room is required for a response, please attach a separate sheet. The completed application must be signed and dated by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation.

The original application must be submitted to the City Clerk's Office.

Application fee (payable to the City of Portage), due at time of application submission.

Incomplete applications may be rejected from further consideration.

The City reserves the right to request additional information from the applicant as part of its review process.

ATTACH 8 1/2" x 11" site plan



SECTION 1: Applicant Information
(complete corresponding section that applies for your entity)

1(a) Individual Applicant				
Name: <u>BALWINDER KAUR</u>		Age: <u>48</u>		
Address: <u>3228 GULFSTREAM DR</u>				
City: <u>SAGINAW</u>	State: <u>MI</u>	ZIP Code: <u>48603</u>	Phone: <u>810-339-5286</u>	
E-mail: <u>singh6024@gmail.com</u>		Entity Website (if applicable):		

MEMBER OF
LLC

1(b) Partnership Applicant				
List name, age, and address of all persons entitled to share in the profits thereof.				
The general partner shall sign the application and all other documents required in connection with the application.				
Name: <u>ATINDER PAL SINGH</u>		Age: <u>29</u>		
Address: <u>3228 GULFSTREAM DR</u>				
City: <u>SAGINAW</u>	State: <u>MI</u>	ZIP Code: <u>48603</u>	Phone: <u>989-402-7637</u>	
E-mail: <u>moneySingh340@yahoo.com</u>		Partnership Role: <u>50% Partnership</u>		
MEMBER OF LLC				
Name:		Age:		
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
Name:		Age:		
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
Name:		Age:		
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
(list any additional persons on a separate sheet)				

SECTION 1: Applicant Information
(complete corresponding section that applies for your entity)

1(a) Individual Applicant				
Name:			Age:	
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Entity Website (if applicable):		

1(b) Partnership Applicant				
List the name, age, and address of all persons entitled to share in the profits thereof.				
The general partner(s) shall sign this application and all other documents required in connection with the application.				
Name:			Age:	
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
Name:			Age:	
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
Name:			Age:	
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
Name:			Age:	
Address:				
City:	State:	ZIP Code:	Phone:	
E-mail:		Partnership Role:		
(list any additional persons on a separate sheet)				

1(c): Corporation Applicant

List name and address of all persons of all officers and directors thereof. (List any additional persons on a separate sheet.)
If an aggregate of more than 10% of the stock of such corporation is owned by any one person or his or her nominee, list the name, age, and address of such person.

Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Corporation Role:	
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Corporation Role:	

1(d): Limited Liability Company Applicant

List for all members. (List any additional persons on a separate page.)

Name: INDIAN DELIGHT, LLC		Age:	
Address: 3228 GULF STREAM, SAGINAW, MI. 48603			
Name: ATINDER DAL SINGH		Age: 29	
Address: 3228 GULF STREAM, SAGINAW, MI. 48603			
Name: Balwinder Kaur		Age:	
Address: 3228 GULF STREAM, SAGINAW, MI. 48603			

1(e): Business Manager: If the business to be operated by a local manager or agent, complete below.

Name:		Title:	
Address:			
City:	State:	Zip Code:	
Email Address:		Phone:	

SECTION 2: License Type

Type of License Desired:

CLASS C

SECTION 3: Nature of Business

The nature of business of the applicant, if a corporation, partnership or limited liability company, the object or objects for which it was formed:

Restaurant with sit down and take out
FOOD SERVICE**SECTION 4: Location Information**

Proposed Business Location & Description:

Address: 639 ROMENCE Rd.

Unit/Suite:

Parcel ID:

Description:

sit down restaurant, full kitchen

SECTION 5: Attestations

Provide a written statement below regarding the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued. Include the length of time said applicant has been in the business of that nature, or, in the case of a corporation, partnership, or limited liability company, the date in which the entity came into existence.

members are of good character

LLC
CAME INTO EXISTENCE 12-19-23
IT IS ANTEW, LLC

Provide a written statement below whether applicant has, prior to this application, made application for a license to sell beer and wine or spirits and the date, place, and description of such application or applications.

NONE

Provide a written statement below that the applicant will not violate any of the ordinances of the City of Portage or laws of the State of Michigan or of the United States in the conduct of its business.

applicant will not violate any of the ordinances of the city of Portage or laws of the STATE of MICHIGAN or the USA in the conduct of its business

Provide a written statement below that, should any of the information provided in his or her application or any attachment thereto change during the term of this license or any renewal thereof, the applicant will notify the City Clerk in writing within thirty (30) days of such change.

all information provided in this application is accurate and any changes will be provided to the clerk of the city of portage within 30 days of such change

SECTION 6: Additional Information (optional)

Provide any other information pertinent to the applicant and operation of the proposed facility below.
(Attach additional page, if necessary.)

Attach an 8-1/2" x 11" building and grounds layout diagram showing the entire structure, premises, and grounds and, in particular, the specific areas where the license is to be utilized. The plans shall show the relationship of the proposed structure to the surrounding property and land use and shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

Execution:

Signed:

Atinderpal Singh
ATINDER PAL SINGH, MEMBER
INDIAN DELIGHT, LLC
(Name of entity or individual)

Date:

1-4-24

Witness:

[Signature]

Witness:

MARLENE STORCH

THE COMPLETED APPLICATION AND THE APPLICATION FEE IN THE AMOUNT OF \$850 SHOULD BE MAILED OR DELIVERED TO:

City Clerk
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002



DEPARTMENT OF THE TREASURY
INTERNAL REVENUE SERVICE
CINCINNATI OH 45999-0023

Date of this notice: 12-19-2023

Employer Identification Number:
93-4924484

Form: SS-4

Number of this notice: CP 575 B

INDIAN DELIGHT LLC
BALWINDER KAUR MBR
3228 GULFSTREAM DR
SAGINAW, MI 48603

For assistance you may call us at:
1-800-829-4933

*639 Rosmarie Kd
Patterson 4021*

IF YOU WRITE, ATTACH THE
STUB AT THE END OF THIS NOTICE.

WE ASSIGNED YOU AN EMPLOYER IDENTIFICATION NUMBER

Thank you for applying for an Employer Identification Number (EIN). We assigned you EIN 93-4924484. This EIN will identify you, your business accounts, tax returns, and documents, even if you have no employees. Please keep this notice in your permanent records.

Taxpayers request an EIN for their business. Some taxpayers receive CP575 notices when another person has stolen their identity and are opening a business using their information. If you did **not** apply for this EIN, please contact us at the phone number or address listed on the top of this notice.

When filing tax documents, making payments, or replying to any related correspondence, it is very important that you use your EIN and complete name and address exactly as shown above. Any variation may cause a delay in processing, result in incorrect information in your account, or even cause you to be assigned more than one EIN. If the information is not correct as shown above, please make the correction using the attached tear-off stub and return it to us.

Based on the information received from you or your representative, you must file the following forms by the dates shown.

Form 1065

03/15/2024

If you have questions about the forms or the due dates shown, you can call us at the phone number or write to us at the address shown at the top of this notice. If you need help in determining your annual accounting period (tax year), see Publication 538, *Accounting Periods and Methods*.

We assigned you a tax classification (corporation, partnership, estate, trust, EPMF, etc.) based on information obtained from you or your representative. It is not a legal determination of your tax classification, and is not binding on the IRS. If you want a legal determination of your tax classification, you may request a private letter ruling from the IRS under the guidelines in Revenue Procedure 2020-1, 2020-1 I.R.B. 1 (or superseding Revenue Procedure for the year at issue). Note: Certain tax classification elections can be requested by filing Form 8832, *Entity Classification Election*. See Form 8832 and its instructions for additional information.

A limited liability company (LLC) may file Form 8832, *Entity Classification Election*, and elect to be classified as an association taxable as a corporation. If the LLC is eligible to be treated as a corporation that meets certain tests and it will be electing S corporation status, it must timely file Form 2553, *Election by a Small Business Corporation*. The LLC will be treated as a corporation as of the effective date of the S corporation election and does not need to file Form 8832.

LARA Corporations
Online Filing System
Department of Licensing and Regulatory Affairs

Form Revision Date 02/2017

ARTICLES OF ORGANIZATION
For use by DOMESTIC LIMITED LIABILITY COMPANY

Pursuant to the provisions of Act 23, Public Acts of 1993, the undersigned executes the following Articles:

Article I

The name of the limited liability company is:

INDIAN DELIGHT LLC

Article II

Unless the articles of organization otherwise provide, all limited liability companies formed pursuant to 1993 PA 23 have the purpose of engaging in any activity within the purposes for which a limited liability company may be formed under the Limited Liability Company Act of Michigan. You may provide a more specific purpose:

Article III

The duration of the limited liability company if other than perpetual is:

Article IV

The street address of the registered office of the limited liability company and the name of the resident agent at the registered office (P.O. Boxes are not acceptable):

1. Agent Name: BALWINDER KAUR
2. Street Address: 3228 GULFSTREAM DR
Apt/Suite/Other:
City: SAGINAW
State: MI

Zip Code: 48603

3. Registered Office Mailing Address:
P.O. Box or Street Address: 3228 GULFSTREAM DR
Apt/Suite/Other:
City: SAGINAW
State: MI

Zip Code: 48603

Signed this 19th Day of December, 2023 by the organizer(s):

Signature	Title	Title if "Other" was selected
BALWINDER KAUR	Organizer	
ATINDER PAL SINGH	Organizer	

By selecting ACCEPT, I hereby acknowledge that this electronic document is being signed in accordance with the Act. I further certify that to the best of my knowledge the information provided is true, accurate, and in compliance with the Act.

☐ Decline ☒ Accept

MICHIGAN DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
FILING ENDORSEMENT

This is to Certify that the ARTICLES OF ORGANIZATION
for

INDIAN DELIGHT LLC

ID Number: 803142214

received by electronic transmission on December 19, 2023 ***, is hereby endorsed.***

Filed on December 19, 2023, ***by the Administrator.***

The document is effective on the date filed, unless a subsequent effective date within 90 days after received date is stated in the document.



In testimony whereof, I have hereunto set my hand and affixed the Seal of the Department, in the City of Lansing, this 19th day of December, 2023.

Linda Clegg

Linda Clegg, Director
Corporations, Securities & Commercial Licensing Bureau

ROMENCE ROAD

681
Build-to-Suit
Up To
6,000 SF

Michelle's
Diner

Tuscany
Salon

Arcadia
Home
Care

KELLOGG COMMUNITY
Federal credit union

AAA

4,300 SF
Available

HTN Play
Center

Clothes
Mentor

Once Upon
a Child

Indian Delight

Jet's Pizza

Island Heat
Tanning

Great Clips

Triangle Nails

Secretary of
State

Kalamazoo
Kitty



Office of the City Clerk

7900 South Westnedge Avenue
Portage, Michigan 49002
www.portagemi.gov
(269) 329-4511

INVOICE

CUSTOMER NAME: Mandeep Singh PHONE: 989-402-7637

FOR:

FOIA

☐

Cemetery Plot

☐

Foundation Order

☐

Precinct Map

☐

Grave Opening

☐

Other

☒ Liquor
license
C
app.

DESCRIPTION: LL \$850-

class C liquor license application fee

BY: [Signature]

TOTAL DUE: \$ 850

Liquor License Application

Application Fee: \$850.00



Pursuant to Chapter 6 (Alcoholic Liquor) of the Code of Ordinances of Portage, Michigan, each applicant for a Liquor License within the City of Portage is required to submit a current and complete "City of Portage Liquor License Application" as furnished by the City Clerk.

INSTRUCTIONS TO COMPLETE APPLICATION:

Please provide the information requested. If additional room is required for a response, please attach a separate sheet. The completed application must be signed and dated by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation.

The original application must be submitted to the City Clerk's Office.

Application fee (payable to the City of Portage), due at time of application submission.

Incomplete applications may be rejected from further consideration.

The City reserves the right to request additional information from the applicant as part of its review process.

(269) 352-8600

Jessie

Any additional info (besides
check), will bring
w/check

To Whom It May Concern,

My name is Jaspal Singh. My company name is Sprinkle Gourmet LLC and is located at 5000 South Sprinkle Road, Portage MI, 49002. I purchased this property on a land contract from Mr. Hovenkamp in 2001. Since then, I've tried several different restaurant businesses at this location which were unsuccessful. During this time, I was still making a \$3000.00 mortgage payment with \$500.00 property tax and \$350.00 in insurance every month. From January 2001 to December 2019, I've had a substantial loss of around \$877,800.00 due to mortgage payments, property tax, and insurance.

In January of 2020, Mr. Francisco contacted me to lease the building for his own restaurant. Mr. Francisco owns Que Buenos Inc. which is a Mexican restaurant that is now operating at the 5000 South Sprinkle Road location. Since January 2020, Mr. Francisco has been running this restaurant and has been very successful in comparison to any of the past restaurants that have operated here. However, his customer base has demanded beer, wine and liquor at this location from the start, especially those that come to have dinner in the evening. There wasn't a liquor license available in the past in the City of Portage at first, but as soon as we found out that a C-Class license - SDD and SDM - was available for the restaurant, we applied for it in 2022. The Liquor Control Commission (MLCC) has stated that there are no problems with issuing this license at this location and we would just need an approval from the City of Portage.

With obtaining this license, our existing customer base would be thoroughly satisfied, and this license would in turn help recoup some of my financial losses over the years. Both me, the landlord, Jaspal Singh, and the tenant, Mr. Francisco humbly request the City of Portage to grant us this C-Class SDD and SDM license to ensure the success of the business for the foreseeable future.

Regards,
Jaspal Singh & Mr. Francisco


01/11/24

SECTION 1: Applicant Information

(complete corresponding section that applies for your entity)

1(a): Individual Applicant			
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Entity Website (if applicable):	

1(b): Partnership Applicant			
List name, age, and address of all persons entitled to share in the profits thereof.			
The general partner shall sign the application and all other documents required in connection with the application.			
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Partnership Role:	
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Partnership Role:	
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Partnership Role:	
Name:		Age:	
Address:			
City:	State:	ZIP Code:	Phone:
E-mail:		Partnership Role:	
(list any additional persons on a separate sheet)			

1(c): Corporation Applicant

List name and address of all persons of all officers and directors thereof. (List any additional persons on a separate sheet.)

If an aggregate of more than 10% of the stock of such corporation is owned by any one person or his or her nominee, list the name, age, and address of such person.

Name: FRANCISCO HERNANDEZ		Age:	
Address: 5000 S. SPRINKLE RD, PORTAGE MI-49002			
City:	State:	ZIP Code:	Phone:
E-mail:		Corporation Role:	
Name: ISMAEL RUIZ-ALATORRE		Age:	
Address: 5000 S. SPRINKLE RD,			
City: PORTAGE	State: MI	ZIP Code: 49002	Phone:
E-mail:		Corporation Role:	

1(d): Limited Liability Company Applicant

List for all members.

(List any additional persons on a separate page.)

Name: ROSA BRAVO		Age:	
Address: 5000 S. SPRINKLE RD.			
PORTAGE MI-49002			
Name:		Age:	
Address:			
Name: FELIPE ORTIZ		Age:	
Address: 5000 S. SPRINKLE RD, PORTAGE MI-49002			

1(e): Business Manager: If the business to be operated by a local manager or agent, complete below.

Name:		Title:	
Address:			
City:	State:	Zip Code:	
Email Address:		Phone:	

SECTION 2: License Type

Type of License Desired:

CLASS C /SDM

SECTION 3: Nature of Business

The nature of business of the applicant.

If a corporation, partnership or limited liability company, the object or objects for which it was formed:

RESTAURANT

SECTION 4: Location Information

Proposed Business Location & Description:

Address: 5000 S. SPRINKLE RD

Unit/Suite:

Parcel ID:

Description:

RESTAURANT

SECTION 5: Attestations

Provide a written statement below regarding the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued.

Include the length of time said applicant has been in the business of that nature, or, in the case of a corporation, partnership, or limited liability company, the date in which the entity came into existence:

BUSINESS HAS BEEN IN BUSINESS
AT THIS LOCATION SINCE 2019

Provide a written statement below whether applicant has, prior to this application, made application for a license to sell beer and wine or spirits and the date, place, and description of such application or applications.

-NA- APPLICANT HAS NOT APPLIED FOR
SUCH LICENCE

Provide a written statement below that the applicant will not violate any of the ordinances of the City of Portage or laws of the State of Michigan or of the United States in the conduct of its business.

APPLICANT WILL NOT VIOLATE ANY
PORTAGE CITY ORDINANCES.

Provide a written statement below that, should any of the information provided in his or her application or any attachment thereto change during the term of this license or any renewal thereof, the applicant will notify the City Clerk in writing within thirty (30) days of such change.

APPLICANT WILL PROVIDE CITY CLERK
NOTICE OF ANY CHANGES WITHIN 30 DAYS OF DATE
OF CHANGES.

SECTION 6: Additional Information (optional)

Provide any other information pertinent to the applicant and operation of the proposed facility below.
(Attach additional page, if necessary.)

Attach an 8-1/2" x 11" building and grounds layout diagram showing the entire structure, premises, and grounds and, in particular, the specific areas where the license is to be utilized. The plans shall show the relationship of the proposed structure to the surrounding property and land use and shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

Execution:

Signed: Francisco Hernandez
ISMAEL RUIZ - Alatorre

Date: 12/21/2023

(Name of entity or individual)

Rosa Bravo
Felipe Ortiz

Witness: Jam

Jaspal Singh

Witness: Jam

Jaspal Singh

THE COMPLETED APPLICATION AND THE APPLICATION FEE IN THE AMOUNT OF \$850 SHOULD BE MAILED OR DELIVERED TO:

City Clerk
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

५

5000 SPARKS RD.
PO BOX 141
MAY 6
NEWARK
JERSEY
07102-4600

Portrait of

5000 5 PMKUEID,

→ 2-3

→ Center Lane

7-10' GREEN CARP
6-10' GREEN CARP

181

30

200

100

5000

182

1051

753M

15651

HILTON KILGORE RD.

→ ←

1451	

ENTRANCE 30'

10'	GREEN	GRASS
	RED	GRASS

1051

3

457

City of Portage Bin 5-12-7

594

RECEIVED

1997-1998

01-1234

CITY OF PORTAGE
Department of
Community Development

For more information, contact:

Wm. T. H. Jones
proprietor

ATTACHED IN
ORIGINAL AND ENCLOSED, ONE

[illegible]

1. $\frac{1}{2}$
 2. $\frac{1}{2}$
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[illegible]

1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 84

Figure 1. Schematic representation of the experimental design. The subjects were divided into two groups: a control group and an experimental group. The control group received a standard training program, while the experimental group received a training program with a focus on the specific skills required for the task. The results of the training program were compared between the two groups.

1. *Staphylococcus aureus* (10⁸ CFU/ml)
2. *Staphylococcus aureus* (10⁷ CFU/ml)
3. *Staphylococcus aureus* (10⁶ CFU/ml)
4. *Staphylococcus aureus* (10⁵ CFU/ml)
5. *Staphylococcus aureus* (10⁴ CFU/ml)
6. *Staphylococcus aureus* (10³ CFU/ml)
7. *Staphylococcus aureus* (10² CFU/ml)
8. *Staphylococcus aureus* (10¹ CFU/ml)
9. *Staphylococcus aureus* (10⁰ CFU/ml)
10. *Staphylococcus aureus* (10⁻¹ CFU/ml)

1

AD 077 Equipment List

Imperial Cathedral of St. Nicholas

1. 11" x 16" x 24" 1/4 Self-Storage Rack

#5
H.C. Davis Jr. Head Sink
W.E. Gals. Genl. Peter J. Gals. Sec. Shiloh

[illegible]

24' x 24' 5/8" w/ 4" x 4" table w/ 2" deck slash

10 - 6 Bay Ridge Cemetery N.Y.C.

Fluorinated polyimide (PI, PI-1)

10' 11" waiting bench

14. $3x^2 - 10x + 6$
 15. $2x^2 - 10x + 12$

Dr. Vigneri, Torino

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[illegible]

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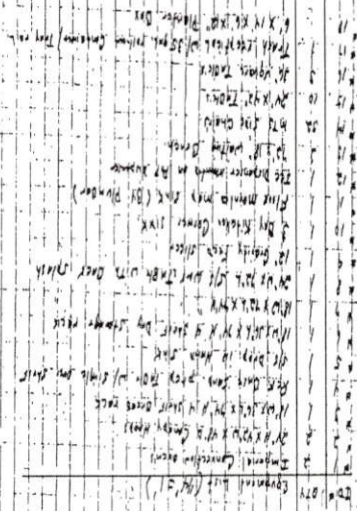
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 Box 1 and 2, 100 West 10th Street, Regina, Saskatchewan S4P 3T6



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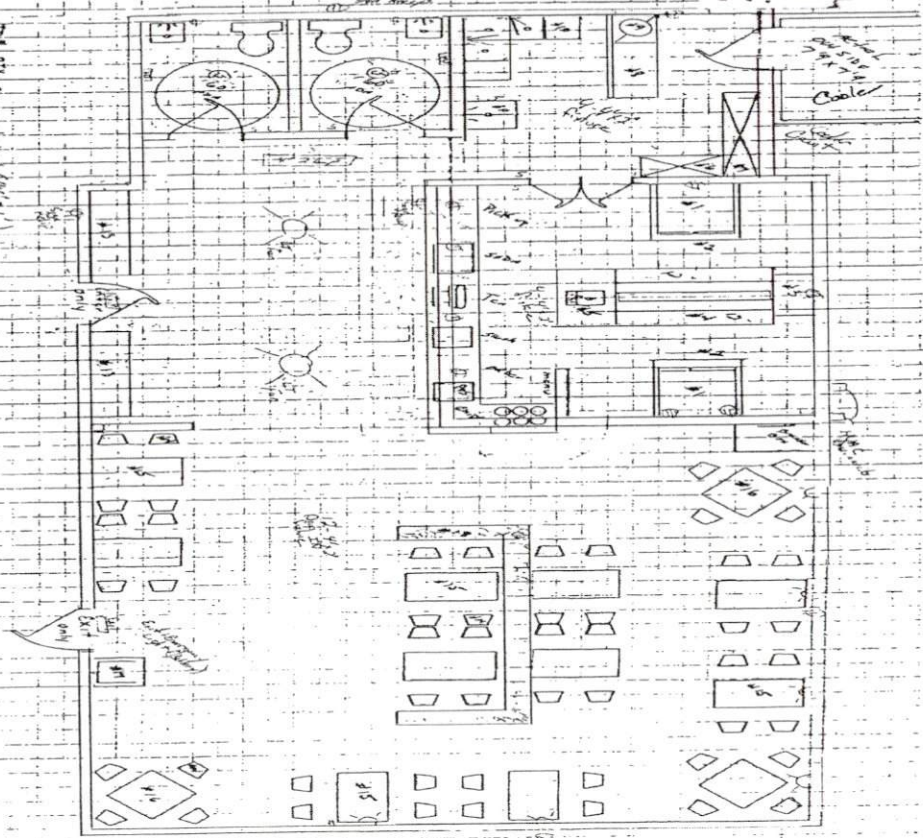
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COMMUNICATIONS SECTION

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STANDARD ELECTRIC CO. INC.
1000 10th Ave. S.W.
Minneapolis, Minn. 55415
TELEPHONE 333-1111
FAX 333-1111

ADDRESS
5000 1st Street S.W.
Blaine, Minn. 55425
TELEPHONE 333-1111
FAX 333-1111



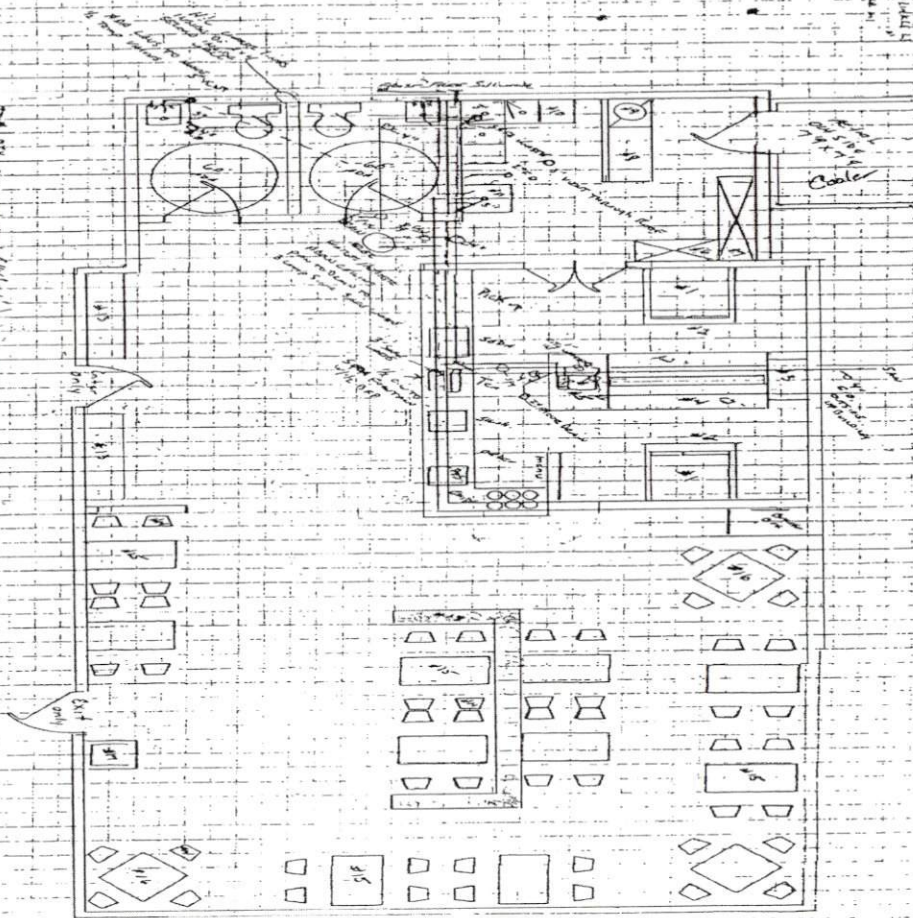
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Report of Stockholders, Members, or Partners (LCC-301)

Part 1 - Licensee Information

Please state your name as it is filed with the State of Michigan Corporation Division.

| | | |
|--|------------------|------------------------|
| Licensee name(s): <u>Que Buenos II, INC.</u> | | |
| Address: <u>5000 S. Sprinkle Rd.</u> | | |
| City: <u>Portage</u> | State: <u>MI</u> | Zip Code: <u>49002</u> |

Part 2a - Corporations - Please complete this section and attach more copies of this page if more room is needed.

| Name and address of all stockholders: | No. of Shares Issued: | Date Issued/Acquired: |
|--|-----------------------|-----------------------|
| Francisco Hernandez <u>Francisco Hernandez</u> | <u>25%</u> | <u>7/31/20</u> |
| Ismael Ruiz <u>ISMAEL RUIZ - Alatorre</u> | <u>25%</u> | <u>7/31/20</u> |
| Rosa Bravo <u>Rosa Bravo</u> | <u>25%</u> | <u>7/31/20</u> |
| Felipe Ortiz <u>FELIPE ORTIZ</u> | <u>25%</u> | |

Name and address of Corporate Officers and Directors, pursuant to administrative rule R 436.1109:

| |
|--|
| Francisco Hernandez <u>Francisco Hernandez</u> |
| Ismael Ruiz <u>ISMAEL RUIZ - Alatorre</u> |
| Rosa Bravo <u>Rosa Bravo</u> |
| Felipe Ortiz <u>FELIPE ORTIZ</u> |

Part 2b - Limited Liability Companies - Please complete this section and attach more copies of this page if more room is needed.

| Name and address of all members: | Percent % Issued: | Date Issued/Acquired: |
|----------------------------------|-------------------|-----------------------|
| Rosa Bravo | | |
| 1100 N 450E | | |
| BLUFFTON IN 46714 | | |
| | | |
| | | |
| | | |

Name and address of Managers and Assignees, pursuant to administrative rule R 436.1110:

| |
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Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

| | | |
|--|------------------------|------------------------|
| Name: <u>Rosa BRAVO</u> | | |
| Home address: <u>1100 NORTH 450 E</u> | | |
| City: <u>Bluffton</u> | State: <u>IN</u> | Zip Code: <u>46714</u> |
| Business Phone: | Cell Phone: [REDACTED] | Email: |
| Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If Yes , please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. ☒ Yes ☐ No | | |
| Do you hold 10% or more interest in the applicant entity? ☒ Yes ☐ No | | |
| If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed <u>Livescan Fingerprint Background Request (LCC-105)</u> with your application. | | |

Part 5b - Personal Information (Individuals) - Must be at least 21 years of age, pursuant to administrative rule R 436.1105(1)(a).

| | | | |
|---|--|--|-------------|
| Date of Birth: <u>[REDACTED] 1981</u> | Social Security Number: <u>[REDACTED]</u> | Driver's License Number: <u>[REDACTED]</u> | |
| Are you a citizen of the United States of America? ☒ Yes ☐ No | | | |
| Have you ever legally changed your name? ☐ Yes ☒ No | | | |
| If you answered "yes", please list your prior name(s) (including maiden): | | | |
| Spouse's full name (if currently married): <u>Juan Ortiz</u> | | | |
| Spouse's date of birth: <u>[REDACTED]</u> | Is your spouse a citizen of the United States of America? ☐ Yes ☒ No | | |
| Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? ☐ Yes ☒ No | | | |
| Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? ☐ Yes ☒ No | | | |
| Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): ☐ Yes ☒ No | | | |
| Date | City/State | Charge | Disposition |
| | | | |
| Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): ☐ Yes ☒ No | | | |
| Date | City/State | Charge | Disposition |
| | | | |

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

| | | |
|-------------------|-------------------|---------------|
| <u>Rosa BRAVO</u> | <u>Rosa BRAVO</u> | <u>7-2-22</u> |
| Print Name | Signature | Date |

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

| | | | |
|--|-------------------------------|--------------------------|------------------------|
| Name: <u>Felipe Ortiz</u> | | | |
| Home address: <u>3397 WoodHaven Dr</u> | | | |
| City: <u>Somerset</u> | | State: <u>KY</u> | Zip Code: <u>42503</u> |
| Business Phone: <u>[REDACTED]</u> | Cell Phone: <u>[REDACTED]</u> | Email: <u>[REDACTED]</u> | |
| Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If Yes, please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. ☒ Yes ☐ No | | | |
| Do you hold 10% or more interest in the applicant entity? ☒ Yes ☐ No | | | |
| If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed <u>Livescan Fingerprint Background Request (LCC-105)</u> with your application. | | | |

Part 5b - Personal Information (Individuals) - Must be at least 21 years of age, pursuant to administrative rule R 436.1105(1)(a).

| | | | |
|---|--|--|-------------|
| Date of Birth: <u>[REDACTED] 63</u> | Social Security Number: <u>[REDACTED]</u> | Driver's License Number: <u>[REDACTED]</u> | |
| Are you a citizen of the United States of America? ☒ Yes ☐ No | | | |
| Have you ever legally changed your name? ☐ Yes ☒ No | | | |
| If you answered "yes", please list your prior name(s) (including maiden): | | | |
| Spouse's full name (if currently married): <u>ANGELICA Ortiz</u> | | | |
| Spouse's date of birth: <u>[REDACTED]</u> | Is your spouse a citizen of the United States of America? ☒ Yes ☐ No | | |
| Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? ☐ Yes ☒ No | | | |
| Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? ☐ Yes ☒ No | | | |
| Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes, list below (attach additional pages if necessary): ☐ Yes ☒ No | | | |
| Date | City/State | Charge | Disposition |
| Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes, list below (attach additional pages if necessary): ☐ Yes ☒ No | | | |
| Date | City/State | Charge | Disposition |

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing false or fraudulent information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

| | | |
|---------------------|--|---------------|
| <u>Felipe Ortiz</u> |  | <u>7.7.22</u> |
| Print Name | Signature | Date |

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

| | | | |
|---|-------------|------------------|------------------------|
| Name: <u>ISMAEL Ruiz - Alatorre</u> | | | |
| Home address: <u>1722 W 10th St</u> | | | |
| City: <u>K200</u> | | State: <u>mi</u> | Zip Code: <u>49009</u> |
| Business Phone: | Cell Phone: | Email: | |
| | | | |
| Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If Yes , please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. | | | |
| Do you hold 10% or more interest in the applicant entity? ☒ Yes ☐ No | | | |
| If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed <u>Livescan Fingerprint Background Request (LCC-105)</u> with your application. | | | |

Part 5b - Personal Information (Individuals) - Must be at least 21 years of age, pursuant to administrative rule R 436.1105(1)(a).

| | | |
|---|--|--|
| Date of Birth: <u>8/6</u> | Social Security Number: <u>[REDACTED]</u> | Driver's License Number: <u>[REDACTED]</u> |
| Are you a citizen of the United States of America? ☐ Yes ☒ No | | |
| Have you ever legally changed your name? ☐ Yes ☒ No | | |
| If you answered "yes", please list your prior name(s) (including maiden): | | |
| Spouse's full name (if currently married): <u>Maria Isabel Castellon Castro</u> | | |
| Spouse's date of birth: <u>[REDACTED]</u> | Is your spouse a citizen of the United States of America? ☐ Yes ☒ No | |
| Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? ☐ Yes ☒ No | | |
| Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? ☐ Yes ☒ No | | |
| Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): ☐ Yes ☒ No | | |
| Date | City/State | Charge |
| | | |
| Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): ☐ Yes ☒ No | | |
| Date | City/State | Charge |
| | | |

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

ISMAEL Ruiz - Alatorre [Signature] 7-7-20
Print Name Signature Date

Part 5a - Information on Individual Applicant, Stockholder, Member, or Limited Partner

Each individual, stockholder, member, or partner must complete Part 5a, 5b, and 5c. If a stockholder or member of an applicant company is a corporation or limited liability company, complete Part 5a and 5c and submit a completed Form LCC-301.

For applications with multiple individuals, stockholders, members, or partners - each person or entity must complete a separate copy of this page.

| | | | |
|---|-------------------------------|------------------|---|
| Name: <u>Francisco Hernandez</u> | | | |
| Home address: <u>21 Kelley Ave</u> | | | |
| City: <u>Battle Creek</u> | | State: <u>Mi</u> | Zip Code: <u>49017-3701</u> |
| Business Phone: | Cell Phone: <u>[REDACTED]</u> | Email: | |
| Have you ever been licensed by the Michigan Liquor Control Commission (MLCC) or do you currently hold an interest in any other licenses issued by the MLCC? If Yes , please list business ID numbers below. If you hold interest in 2 or more locations under the same name, please also write "chain" below. Pursuant to MCL 436.1603, a retailer licensee <u>may not</u> hold interest in a manufacturer or wholesaler licensee. | | | ☒ Yes ☐ No |
| Do you hold 10% or more interest in the applicant entity? | | | ☒ Yes ☐ No |
| If you answered "no" to the first question and "yes" to the second question, you must submit fingerprints and undergo an investigation by the MLCC. Please see the attached instructions for submitting fingerprints to the MLCC. You must submit a copy of the completed and endorsed <u>Livescan Fingerprint Background Request (LCC-105)</u> with your application. | | | |

Part 5b - Personal Information (Individuals) - Must be at least 21 years of age, pursuant to administrative rule R 436.1105(1)(a).

| | | | |
|--|---|---|-------------|
| Date of Birth: <u>[REDACTED] 72</u> | Social Security Number: <u>[REDACTED]</u> | Driver's License Number: <u>[REDACTED]</u> | |
| Are you a citizen of the United States of America? | | ☒ Yes ☐ No | |
| Have you ever legally changed your name? | | ☐ Yes ☒ No | |
| If you answered "yes", please list your prior name(s) (including maiden): | | | |
| Spouse's full name (if currently married): <u>OSITIS</u> | | <u>NOT Married</u> | |
| Spouse's date of birth: <u>N/A</u> | Is your spouse a citizen of the United States of America? ☒ Yes ☐ No | | |
| Do you or your spouse hold any position, either by appointment or election, which involves the duty to enforce any penal law of the United States of America, or the penal laws of the State of Michigan, or any penal ordinance or resolution of any municipal subdivisions of the State of Michigan? | | ☐ Yes ☒ No | |
| Does your spouse hold a retail, manufacturer, or wholesaler license issued by the MLCC? | | ☐ Yes ☒ No | |
| Have you ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): | | ☐ Yes ☒ No | |
| Date | City/State | Charge | Disposition |
| Has your spouse ever been found guilty, pled guilty, or pled no contest to a criminal charge or any local ordinance violations? If Yes , list below (attach additional pages if necessary): | | ☐ Yes ☒ No | |
| Date | City/State | Charge | Disposition |

Part 5c - Signature

I certify that the information contained in this form is true and accurate to the best of my knowledge and belief. I agree to comply with all requirements of the Michigan Liquor Control Code and Administrative Rules. I also understand that providing **false** or **fraudulent** information is a violation of the Liquor Control Code pursuant to MCL 436.2003. (This form must be signed by the person whose information it contains).

Francisco Hernandez Francisco Hernandez 7-7-22
Print Name Signature Date

LEASE AGREEMENT-Amended

This lease agreement first entered into on December 20, 2019, by Sprinkle Gourmet, LLC, a Michigan Limited Liability Corporation, attention Jaspal Singh, Managing Member hereinafter referred to as **LANDLORD** and Que Buenos, Inc., a Michigan Corporation, attention Francisco Hernandez, Director, whose corporate office is 2929 Howard St., Kalamazoo, MI 49006 and mailing address 5000 S. Sprinkle Rd., Portage, Michigan 49002, and additionally personal guarantors Francisco Hernandez, Ismael Ruiz, Rosa Bravo and Felipe Ortiz, jointly and severally, hereinafter collectively referred to as **TENANT**.

1. **Leased Premises.** LANDLORD leases to TENANT, the following described premises: commonly known as 5000 S. Sprinkle, Portage, Michigan 49002. Parcel #00001-001-0 (See Exhibit A for legal description) including the furniture fixtures and equipment listed on Exhibit B attached. All furniture fixtures and equipment (Exhibit B) shall be in normal working condition at the commencement of this lease and shall be returned to the LANDLORD by the TENANT at the termination of this lease in the same condition as at the beginning of this lease less normal wear and tear.

2. **Term.** The primary term of this Lease shall be for 60 months and shall commence February 1, 2020, and continuing from that date, and terminating on February 28, 2025 unless renewed. The TENANT has the option to renew the lease for one 60 month extension on the fifth anniversary of the commencement of this lease by giving the LANDLORD at least sixty (60) days before the end of the primary term written notice of its intent to proceed with said option to renew. The monthly rental amounts for each renewal will be \$2,750.00 per month for the 60 month renewal.

3. **Rent.** The rental amount shall be at the rate of \$2,500.00 per month with monthly payments, beginning on March 1, 2020 then on the 1st day of the month every month after that until termination of the lease. If any monthly installment payment of rent is not paid within 5 business days after the date it first becomes due, then in addition to the monthly installment payment of rent, there will become immediately due and payable from the TENANT a late charge equal to 10% of the monthly installment payment. Upon signing of this lease TENANT will deposit as the last month's rent \$2,500.00 paid to the LANDLORD plus of \$2,500.00 paid to the LANDLORD as the first month's rent.

The real property taxes, special assessment responsibility shall be paid 100% by the Landlord. All personal property taxes, electric and gas utility bills, the water and sewer bills, snowplowing and landscape expenses shall be the responsibility of TENANT.

4. **Restriction on Use.** TENANT shall use the Leased Premises only for a Restaurant/food business and for no other purpose without the written consent of the LANDLORD. TENANT shall not use the premises for any unlawful, improper or immoral use, not for any purpose or in any manner which is in violation of any present or future licenses,

permits or any other governmental laws or regulations.

5. **Utilities and Services.** LANDLORD shall supply to the Leased Premises facilities for heat, air conditioning, water and sewer services. TENANT shall be responsible for payment of heat, air conditioning, water and sewer charges, electrical charges, janitorial, refuse service, snow removal lawn/landscaping maintenance and telephone services. TENANT shall be responsible for interior decorating and maintenance and janitorial services within the Leased Premises.

6. **Common Areas and Facilities.** TENANT shall be entitled to use any common areas associated with the Leased Premises, including sidewalks, entryways, parking areas, etc... TENANT shall be solely responsible for locking and securing the entrances to the Leased Premises. TENANT may change locks on doors at TENANT's expense only after receiving written permission from LANDLORD and providing LANDLORD with two (2) copies of each key changed. Should TENANT install at their expense additional internal locks within the Leased Premises, the TENANT must provide LANDLORD with two copies of each key. TENANT shall have the use of the present lighted sign and is responsible for fabrication and maintenance of a plastic insert of TENANTS own choice.

7. **Maintenance and Repair.** LANDLORD shall be responsible for the maintenance and repairs of the roof and structure, driveway, sidewalks & parking lot and the replacement of mechanical systems, roof and structure. TENANT shall be responsible for the painting of the walls and ceiling if necessary, changing and maintenance of all signage, setting up the kitchen, cleaning, repair and/or replacement of the light fixtures if necessary, installation of a service counter and maintenance of all kitchen equipment,(leased or owned by the tenant)

TENANT, during the term of this lease, shall be responsible for all maintenance and repair to the mechanical systems, including heating, air conditioning, plumbing, and electrical equipment located in and servicing the Leased Premises as well as the non-structural repairs and maintenance/replacements of non-structural items. TENANT shall be responsible for maintenance, repair and decorating to the interior floors, walls, ceiling of the Leased Premises, including doors and windows. TENANT shall be responsible for all subsequent decorating and carpet maintenance, including annual cleaning, if necessary. At the expiration of the tenancy created hereunder, TENANT shall surrender the Leased Premises in as good condition as when taken, reasonable wear and tear, loss by fire or other unavoidable casualty excepted. TENANT shall maintain and keep the interior of the building in a clean and orderly manner. If TENANT does not keep the business clean and orderly, LANDLORD will give written notice and will charge the TENANT costs of cleaning and other maintenance neglected by TENANT. TENANT shall also maintain the grounds outside the building at TENANT'S cost. If LANDLORD does not make repairs of the items it is responsible for the upkeep thereof in a timely manner, which shall mean 48 hours for any repairs needed that hinder business from taking place and 30 days for major repairs, the TENANT has the option to make the repairs and deduct the cost of the repairs from the rent.

8. **Alterations.** No alterations, additions or improvements shall be made in or to the

Leased Premises without the prior written consent of LANDLORD, which consent shall not be unreasonably withheld. Permission is hereby given by the LANDLORD for the TENANT to add or remove walls in the leased premises, paint the interior and exterior of the building and to replace carpeting and or flooring. All alterations, additions, improvements and fixtures which may be made or installed by either of the parties hereto upon the Leased Premises and which in any manner are attached to the floors, walls, or ceilings, with the exception of TENANT'S equipment and fixtures, shall be the property of the LANDLORD and at the termination of this Lease shall remain upon and be surrendered with the Leased Premises, as a part thereof, without disturbance, molestation or injury. TENANT shall be responsible for repairing any damage to the Leased Premises caused by TENANT's removal of any TENANT's equipment or fixtures from the Leased Premises.

9. Hold Harmless, Indemnification and Insurance.

A. Hold Harmless and Indemnification. TENANT shall indemnify and hold harmless LANDLORD from and against all claims, loss, damage or expense (including, but not limited to, actual attorney fees) resulting from injury or damage to any person or property on the premises caused by any act or omission of TENANT, its officers, employees, agents or invitees. All property, stored or maintained in the Leased Premises shall be so kept, stored or maintained at the risk of TENANT only. TENANT shall not suffer or give cause for the filing of any lien against the Leased Premises.

B. Fire and Casualty Insurance. LANDLORD shall obtain and maintain during the term of this Lease, fire and casualty insurance with extended coverage on the Leased Premises in the amount required by LANDLORD. TENANT shall not do anything in or about the Leased Premises which will in any way tend to increase the insurance rates on the Leased Premises and/or the building of which they are a part. TENANT shall be responsible for obtaining insurance coverage protecting the TENANT against loss or damage of or to its furnishings, equipment, inventory and person property in or on the premises and name Landlord as additional insured on the policy. TENANT shall carry product liability insurance and worker's compensation insurance.

C. TENANT's Obligation to Carry Public Liability Insurance. TENANT shall, during the entire term hereof, keep in full force and effect a policy of public liability insurance with respect to the Leased Premises and the business operated by TENANT and/or any subtenants of TENANT in the Leased Premises and in which the limits of liability shall not be less than One Million Dollars, single limit coverage. Before occupancy, TENANT shall furnish LANDLORD a paid up policy evidencing payment of Insurance premiums for the required policy limits and the policy shall name LANDLORD as additional insured.

10. Condemnation. In the event a part of the Leased Premises shall be taken under the power of eminent domain by any legally constituted authority, and there remains a sufficient amount of space to permit TENANT to carry on its business in a manner comparable to which it

has been accustomed, then this lease shall continue, but the obligation to pay rent on the part of the TENANT shall be reduced in an amount proportionate to the area and relative value of the entire premises taken by such condemnation. In the event all of the premises shall be taken, or so much of the premises taken that it is not feasible to continue a reasonably satisfactory operation of the business of the TENANT, then this Lease shall be terminated. Such termination shall be without prejudice to the rights of either the LANDLORD or the TENANT to recover compensation from the condemning authority for any loss or damage caused by such condemnation. Neither LANDLORD nor TENANT shall have any right in or to any award made to the other by the condemning authority.

11. **Destruction.** Except as otherwise provided in this lease, in the event the Leased Premises are damaged by fire or other casualty covered by Insurance required herein, such damage shall be repaired with reasonable dispatch and at the expense of LANDLORD. Until such repairs are completed the rent payable hereunder shall be abated in proportion to the area of the Leased Premises which is rendered unusable by TENANT in the conduct of its business. In the event that such repairs cannot, in the reasonable opinion of the parties, be substantially completed within 120 days after the occurrence of such damage, or if more than 50% percent of the Leased Premises have been rendered unoccupiable as a result of such governmental authority that the Leased Premises are unsafe or unfit for occupancy, then either LANDLORD or TENANT shall have the right to terminate this Lease.

12. **Bankruptcy or Insolvency.** In the event TENANT's leasehold interest shall be taken in execution or by other process of law, or if TENANT shall be adjudicated insolvent or bankrupt or if a receiver or trustee of the property of TENANT shall be appointed by reason of TENANT's insolvency or inability to pay its debts, or if any assignment shall be made of TENANT's property for the benefit of creditors, LANDLORD may terminate this LEASE and all rights of TENANT by giving TENANT written notice of LANDLORD's election to terminate.

13. **Assignment and Subletting.** TENANT shall not assign or in any manner transfer this Lease or any estate or interest herein without the previous written consent of LANDLORD, which consent shall not be unreasonably withheld.

14. **Default of Tenant.** In the event any failure of TENANT to pay any rental installment due hereunder within 5 days after the same shall be due, or any failure to perform any other of the terms, conditions or covenants of this Lease for more than 10 days after written notice of such default shall have been received by TENANT, or if TENANT shall abandon the Leased Premises, or suffer this Lease to be taken under any writ of execution, the LANDLORD, besides other rights or remedies it may have, shall have the immediate right of re-entry and TENANT's right of possession of the Leased Premises shall be terminated. LANDLORD shall be entitled to such further rights and remedies as shall be permitted by law including but not limited to attorney fees.

15. **Quiet Enjoyment.** Upon payments by the TENANT of the rents herein provided, and upon the observance and performance of all the covenants, terms and conditions on TENANT's part to be observed and performed, TENANT shall peaceably and quietly hold and

enjoy the Leased Premises for the term hereof without hindrance or interruption by LANDLORD or any other person or persons lawfully or equitably claiming by, through or under the LANDLORD, subject, nevertheless, to the terms and conditions of this Lease. TENANT will have access to the main electrical service of the building.

16. **Waiver.** One or more waivers of any covenant or condition by LANDLORD shall not be construed as a waiver of a subsequent breach of the same covenant or condition, and the requiring of LANDLORD's consent or approval shall not be deemed to waive or render unnecessary LANDLORD's consent or approval to or of any subsequent similar act by TENANT.

17. **Notices.** All notice requirements and other communications indicated shall be deemed given when personally delivered by LANDLORD to TENANT, or TENANT to LANDLORD, or when delivered on or the third succeeding business day after being mailed by registered or certified mail, return receipt requested, to the appropriated party at its last known address.

18. **Construction.** Nothing contained herein shall be deemed or construed by the parties hereto, as creating the relationship of principal and agent or partnership or joint venture between the parties hereto, it being understood and agreed that either the method of computation of rent, nor any other provision contained herein, nor any acts of the parties herein, shall be deemed other than the relationship of LANDLORD and TENANT.

19. **Holding Over.** Any holding over after the expiration of the term hereof, with or without the consent of the LANDLORD, shall be construed to be a tenancy from month to month at the rents herein specified (prorated on a monthly basis) and shall otherwise be on the terms and conditions herein specified, so far as applicable.

20. **Successors.** All rights and liabilities herein given to, or imposed upon, the respective parties hereto shall extend to and bind the several respective heirs, executors, administrators, successors, and assigns of said parties; and if there shall be more than one TENANT, they shall all be bound jointly and severally by the terms, covenants and agreements herein. No rights, however, shall inure to the benefit of any assignee of TENANT unless the assignment to such assignee has been approved by LANDLORD in writing as provided above.

21. **Signs.** TENANT shall not erect or install any additional exterior sign(s), on or adjacent to the building, without the prior written consent of LANDLORD and TENANT will pay for all erection and maintenance of all signage.

22. **Conduct.** TENANT shall not cause or permit any unreasonable conduct to take place within the Leased Premises which in any way may disturb or annoy other occupants of the building in which the Leased Premises are located, or adjacent buildings.

23. **Subordination.** LANDLORD reserves the right to subject and subordinate this Lease at any time to the lien of any mortgage or mortgages now or hereafter placed on the Leased Premises. TENANT shall execute and deliver, upon LANDLORD's request, such further instruments subordinating this Lease to the lien of any such mortgages as shall be requested by

LANDLORDS request, such further instrument(s) subordinating this Lease to the lien of any such mortgage as shall be requested by LANDLORD's mortgage lender or lenders, so long as such instrument shall not permit the termination of TENANT's interest herein if TENANT shall also, at the request of LANDLORD or LANDLORD's mortgage lender execute an instrument acknowledge assignment by LANDLORD to LANDLORD's mortgage lender of all of LANDLORD's rights under this Lease, and also acknowledging the mortgage lender's rights to collect the rent due hereunder in the event of default by LANDLORD in any of the terms and conditions of the mortgage or mortgages on the subject property.

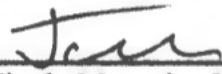
24. Governmental. TENANT will at its own expense and under penalty of forfeiture and damages promptly comply with all laws, orders, regulations or ordinances of all municipal, county and state authorities affecting the premises and the cleanliness, safety, occupation and use of the premises.

25. Personal Guarantors- Ismael Ruiz, Felipe Ortiz, Rosa Bravo and Francisco Hernandez are jointly and severally personally guaranteeing all tenant's obligations under this lease for the entire term of this lease and any extensions of the lease.

26. Liquor Licenses- The TENANT will sell back to the LANDLORD the Class C and SDM licenses that TENANT is in the process of obtaining upon the cancellation, termination or TENANT'S default of this lease for \$5,000.00 plus inventory, subject to the MLCC approval.

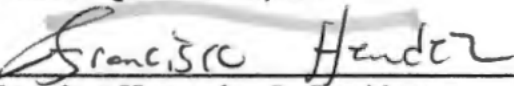
IN WITNESS WHEREOF, LANDLORD AND TENANT HAVE EXECUTED THIS AGREEMENT ON THE DAY AND YEAR FIRST ABOVE WRITTEN.

LANDLORD: Sprinkle Gourmet, LLC

By: 

Jaspal Singh, Managing Member

11
TENANT: Que Buenos, Inc.

By: 

Francisco Hernandez, Its President

PERSONAL GUARANTORS:

Francisco Hernandez

Francisco Hernandez

Ismael Ruiz

Rosa Bravo

Rosa Bravo

[Signature]
Felipe Ortiz

Liquor License Application

Application Fee: \$850.00

Pursuant to Chapter 6 (Alcoholic Liquor) of the Code of Ordinances of Portage, Michigan, each applicant for a Liquor License within the City of Portage is required to submit a current and complete "City of Portage Liquor License Application" as furnished by the City Clerk.

INSTRUCTIONS TO COMPLETE APPLICATION:

Please provide the information requested. If additional room is required for a response, please attach a separate sheet. The completed application must be signed and dated by the applicant, if an individual, or by a duly authorized agent thereof, if a partnership or corporation.

The original application must be submitted to the City Clerk's Office.

Application fee (payable to the City of Portage), due at time of application submission.

Incomplete applications may be rejected from further consideration.

The City reserves the right to request additional information from the applicant as part of its review process.



SECTION 1: Applicant Information*(complete corresponding section that applies for your entity)*

| | | | | |
|-----------------------------------|------------------|---|----------------------------|--|
| 1(a): Individual Applicant | | | | |
| Name: <u>Ronald B. Hotrum</u> | | Age: <u>51</u> | | |
| Address: <u>10245 Portage Rd.</u> | | | | |
| City: <u>Portage</u> | State: <u>MI</u> | ZIP Code: <u>49002</u> | Phone: <u>269-291-1135</u> | |
| E-mail: <u>rothrum@yahoo.com</u> | | Entity Website (if applicable): <u>NA</u> | | |

| | | | | |
|---|------------------|---|----------------------------|--|
| 1(b): Partnership Applicant | | | | |
| List name, age, and address of all persons entitled to share in the profits thereof. | | | | |
| The general partner shall sign the application and all other documents required in connection with the application. | | | | |
| Name: <u>Carol Orti (my wife)</u> | | Age: <u>52</u> | | |
| Address: <u>10245 Portage Rd.</u> | | | | |
| City: <u>Portage</u> | State: <u>MI</u> | ZIP Code: <u>49002</u> | Phone: <u>269-290-4663</u> | |
| E-mail: <u>C-Orti@hotmail.com</u> | | Partnership Role: <u>same duties as Ron</u> | | |
| | | | | |
| Name: | | Age: | | |
| Address: | | | | |
| City: | State: | ZIP Code: | Phone: | |
| E-mail: | | Partnership Role: | | |
| | | | | |
| Name: | | Age: | | |
| Address: | | | | |
| City: | State: | ZIP Code: | Phone: | |
| E-mail: | | Partnership Role: | | |
| | | | | |
| Name: | | Age: | | |
| Address: | | | | |
| City: | State: | ZIP Code: | Phone: | |
| E-mail: | | Partnership Role: | | |
| | | | | |
| <i>(list any additional persons on a separate sheet)</i> | | | | |

1(c): Corporation Applicant

List name and address of all persons of all officers and directors thereof. (List any additional persons on a separate sheet.)

If an aggregate of more than 10% of the stock of such corporation is owned by any one person or his or her nominee, list the name, age, and address of such person.

| | | | |
|----------|--------|-------------------|--------|
| Name: | | Age: | |
| Address: | | | |
| City: | State: | ZIP Code: | Phone: |
| E-mail: | | Corporation Role: | |
| | | | |
| Name: | | Age: | |
| Address: | | | |
| City: | State: | ZIP Code: | Phone: |
| E-mail: | | Corporation Role: | |
| | | | |

1(d): Limited Liability Company Applicant

List for all members. (List any additional persons on a separate page.)

| | | | |
|-----------------------------------|--|----------------|--|
| Name: <i>Ronald B. Holum</i> | | Age: <i>51</i> | |
| Address: <i>10245 Portage Rd.</i> | | | |
| <i>Portage MI 49002</i> | | | |
| Name: | | Age: | |
| Address: | | | |
| | | | |
| Name: | | Age: | |
| Address: | | | |
| | | | |

1(e): Business Manager: If the business to be operated by a local manager or agent, complete below.

| | | | |
|----------------|--------|-----------|--|
| Name: | | Title: | |
| Address: | | | |
| City: | State: | Zip Code: | |
| Email Address: | | Phone: | |

SECTION 2: License Type

Type of License Desired:

Liquor license

SECTION 3: Nature of Business

The nature of business of the applicant.

If a corporation, partnership or limited liability company, the object or objects for which it was formed:

To sell alcoholic beverages at soccer zone during Kalamazoo United FC home games and all other events that would need our services

SECTION 4: Location Information

Proposed Business Location & Description:

Address: 7187 S. Sprinkle Rd

Unit/Suite:

Parcel ID:

Description: sales @ concession

SECTION 5: Attestations

Provide a written statement below regarding the applicant's character, experience and financial ability to meet the obligations and business undertakings for which the license is to be issued.

Include the length of time said applicant has been in the business of that nature, or, in the case of a corporation, partnership, or limited liability company, the date in which the entity came into existence:

I Ron Hetrum am a resident of portage and a Father of 4 and a grandfather of 2. I've Played soccer for 41 years and still an active player @ Soccer Zone & Kingdom. After hearing through mutual friends with SZ we felt it would be a great addition to the fans and participants to enough a drink or two while being entertained with some good ole soccer. I've been running my business for 24 years and have been very successful while doing so. Doing granite countertops & tile work has taught me what I've loved best, dealing with people and smiles. I wouldn't depend on the financial gains from the alcohol sales to survive.

although some extra income is nice. We would love to do this adventure to allow Soccer Zone to reap the benefits of more fans & customers. Also, help the new Professional Soccer team create a good start to something that this community has been waiting for. "A Professional team built by local players" In the meantime have a few relaxing drinks and conversation. Again, we aren't looking to make this our main income, but thought it would be nice to offer this to SZ, the fans and help the community with the new team + adventure.

Thankyou
Row Hofman
Carol Orti

Provide a written statement below whether applicant has, prior to this application, made application for a license to sell beer and wine or spirits and the date, place, and description of such application or applications.

None

Provide a written statement below that the applicant will not violate any of the ordinances of the City of Portage or laws of the State of Michigan or of the United States in the conduct of its business.

We will follow all laws and regulations which are required by law or ordinances

Provide a written statement below that, should any of the information provided in his or her application or any attachment thereto change during the term of this license or any renewal thereof, the applicant will notify the City Clerk in writing within thirty (30) days of such change.

we will update any info. at the time of change if applicable and well within 30 days

SECTION 6: Additional Information (optional)

Provide any other information pertinent to the applicant and operation of the proposed facility below.
(Attach additional page, if necessary.)

Photo page attached of concession area inside soccer zone

Attach an 8-1/2" x 11" building and grounds layout diagram showing the entire structure, premises, and grounds and, in particular, the specific areas where the license is to be utilized. The plans shall show the relationship of the proposed structure to the surrounding property and land use and shall demonstrate adequate off-street parking, lighting, refuse disposal facilities and where appropriate, adequate plans for screening and noise control.

Execution:

Signed: _____

Ronald B. Hotrum

(Name of entity or individual)

Date: _____

1/18/2023

Witness: _____

Erica Eklow

Erica Eklow

Witness: _____

THE COMPLETED APPLICATION AND THE APPLICATION FEE IN THE AMOUNT OF \$850 SHOULD BE MAILED OR DELIVERED TO:

City Clerk

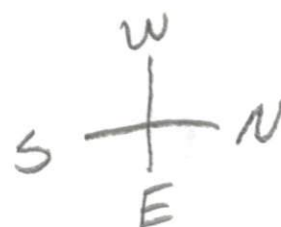
City of Portage

7900 South Westnedge Avenue

Portage, MI 49002

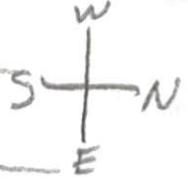
Pg 1

Sprinkle Road



(Noted in second pic)
no alcohol outside of roped off area





Alcohol Permitted area



↑ non-alcoholic existing vending machine outside of alcohol permitted area ↑

RECEIVED

DEC 12 2023

PORTAGE
CITY CLERK

Dear City of Portage,

I am writing to explain the necessity of obtaining a tavern permit for the sale of alcohol at the Soccer Zone during Kalamazoo United FC's home games and open league play.

Kalamazoo United FC is a new semi pro soccer team independently owned and based out of Soccer Zone on Sprinkle road in Portage that attracts a significant number of spectators to each of its home games. The open league play also draws a considerable crowd. The sale of alcohol during these events is a common practice in many sports venues, as it enhances the overall experience for the spectators.

The revenue generated from the sale of alcohol would not only help support the financial stability of the Soccer Zone but also contribute to the local economy. It would also allow us to invest in the facilities and services, thereby improving the overall experience for our patrons.

We understand the concerns that may arise with the sale of alcohol, and we are committed to

ensuring that all sales and consumption occur in a responsible and controlled manner. We plan to implement strict measures to prevent underage drinking and to promote responsible consumption among our patrons.

We believe that with the proper oversight and adherence to the city's regulations, the sale of alcohol at the Soccer Zone can be managed effectively and safely. We are ready to work closely with the city to ensure that all requirements are met and any concerns are addressed.

Thank you for considering our request. We look forward to your positive response.

Sincerely,
Ronald Hotrum
269-271-1135
ronhrum@yahoo.com



12/11/2023

From: [Jennifer Smith](#)
To: [Erica Eklov](#)
Cc: Ronhrum@yahoo.com
Subject: Soccer Zone Position / Ron Hotrum & Liquor License
Date: Thursday, December 14, 2023 11:06:27 AM

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

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

Hello! My name is Jenny Smith and I'm the Manager of Soccer Zone in Portage.

I am emailing in regards that we DO support hosting Ron Hotrum for Kalamazoo United FC events and/or other events that would require/benefit from his services.

We will require copies of all licensure needed from the county or the state, copy of insurance, and a contract stating lease terms and conditions from Ron.

Let me know if there are any questions or anything else I can help you guys with!

Thank you for your time,

Jenny Smith
(832) 538-5222

Jenny Smith
SoccerZone Portage-Oshtemo
Let's Play Sports
Email: jennifers@letsplaysoccer.com

Our Mission: *A fun, safe, indoor soccer experience for everyone.*

Our Values:

Do Right – *Doing what's right is our foundation for all decision making.*

Service – *The act of putting everyone's needs before your own.*

Integrity – *Doing what you say you are going to do when you said you were going to do it.*

The integrity of our actions is what we will be remembered for.

Opportunity – *Opportunity only stops at Let's Play when someone isn't thinking about it.*

Joy – *Joy is what fuels our desire to keep doing what we do.*



Local Government Approval
(Authorized by MCL 436.1501)

Instructions for Applicants:

- You must obtain a recommendation from the local legislative body for a new on-premises license application, certain types of license classification transfers, and/or a new banquet facility permit.

Instructions for Local Legislative Body:

- Complete this resolution or provide a resolution, along with certification from the clerk or adopted minutes from the meeting at which this request was considered.

At a _____ meeting of the _____ council/board
(regular or special) (township, city, village)

called to order by _____ on _____ at _____
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from _____
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): _____
(list specific licenses requested)

to be located at: _____

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it _____ this application be considered for
(recommends/does not recommend)

approval by the Michigan Liquor Control Commission.

If disapproved, the reasons for disapproval are _____

Vote

Yeas: _____

Nays: _____

Absent: _____

I hereby certify that the foregoing is true and is a complete copy of the resolution offered and adopted by the _____
council/board at a _____ meeting held on _____
(regular or special) (date) (township, city, village)

Print Name of Clerk

Signature of Clerk

Date

Under Article IV, Section 40, of the Constitution of Michigan (1963), the Commission shall exercise complete control of the alcoholic beverage traffic within this state, including the retail sales thereof, subject to statutory limitations. Further, the Commission shall have the sole right, power, and duty to control the alcoholic beverage traffic and traffic in other alcoholic liquor within this state, including the licensure of businesses and individuals.

Please return this completed form along with any corresponding documents to:

Michigan Liquor Control Commission

Mailing address: P.O. Box 30005, Lansing, MI 48909

Hand deliveries or overnight packages: Constitution Hall - 525 W. Allegan, Lansing, MI 48933

Fax to: 517-763-0059