St. Joseph City Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
August 25, 2025
6:00 PM

This meeting will be held in person: the public can view the meeting by going to Zoom.us on a computer or mobile device, or by calling 312.626.6799 (or 877.853.5247 toll free). Comments will not be received via Zoom; persons wishing to speak should be present in person.

Meeting ID: 844 8860 9278

Telecommunications relay services to assist individuals with disabilities are available by calling 7-1-1 and providing the meeting information to the relay operator; there is no charge to the caller.

Call to Order

Announcements

Order of Business

Pledge of Allegiance

Approval of Agenda

Public Comment - For items on the Consent Agenda or Not on the Agenda - Please Limit Comments to Three Minutes

Consent Agenda

Meeting Minutes of August 11, 2025

Invoice and Tax Disbursements

Quarterly Investment Report PA 20

Seasonal Vendor Application - Private Property - Chick-Fil-A

John E.N. Howard Bandshell Painting

Purchase of Excavator

City Parks Sign Fabrication Contractor

2024 Public Engagement Report

Old Business

The Marquette Purchase Agreement

New Business

DDA Liquor License Application: The Archive Lounge LLC

DDA Liquor License Application: St. Joseph Wine Shoppe

Text Amendment - Section 9.8.2 MS-OD Main Street Overlay District - District Boundaries and

Descriptions - Graham Kutchek

Public Hearing - Area generally located southerly of the CSX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment LLC - Planned Unit Development with waivers

Area generally located southerly of the CSX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of four properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers

Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

520 State and 515 Market Streets - Market & State LLC - Special Use Permit for 8 Short-term Rental Units in an R3 Multiple Family Residence District when adjacent to a residential district or use

Donation of Milton Park Property

Reports

Vacancies Update

City Comments

Closed Session

Request for Closed Session- Consider Confidential Information- CBA Strategy

Return to Open Session

Request for Closed Session

Adjournment

Minutes of the St. Joseph City Commission Meeting held in the Commission Chambers 700 Broad Street, St Joseph, MI 49085, on August 11, 2025.

Call to Order

The meeting was called to order at 6:00 p.m. by Mayor Brook Thomas.

Attendee Name	Title	Status
Brook Thomas	Mayor	Present
Michele Binkley	Mayor Pro Tem	Present
Michael Sarola	Commissioner	Absent
Michael Fernandez	Commissioner	Present
Tess Ulrey	Commissioner	Present
Also Present: City Manager Emily Hackworth City Attorney Laurie Schmidt City Clerk Abby Bishop		

Announcements

Mayor Thomas announced that Commissioner Sarola would not be in attendance.

City Manager Emily Hackworth reminded the public that public comment forms were available to fill out.

Order of Business

Pledge of Allegiance

Approval of Agenda

MOTION: To approve the Agenda as presented.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Michele Binkley, Mayor Pro Tem
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Public Comment - For Items on the Consent Agenda or Not on the Agenda - Please Limit Comments to Three Minutes

Jack Sanderson, a City resident, thanked the Public Works Department for addressing some issues below the bluff he had brought up at a previous meeting. He said it was a wonderful response and appreciated the quick efforts.

Consent Agenda

MOTION: To approve the Consent Agenda, as presented.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Michele Binkley, Mayor Pro Tem
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Meeting Minutes of July 28, 2025

Approved the meeting Minutes of July 28, 2025, as presented.

Invoice and Tax Disbursements

Approved the invoice and tax disbursements, as presented.

St. Joseph Housing Commission Monthly Update

Special Event Application - Fall Fest

Approved the 2025 Fall Fest application and directed staff to issue a special event permit.

Special Event Application - Pumpkin Raffle

Approved the 2025 Pumpkin Raffle application and directed staff to issue a special event permit.

Special Event Application - Cub Scout Popcorn Sale

Approved the Cub Scout Popcorn Sale on August 30, 2025, and directed staff to issue a special event permit.

Island Point Marina Condo Association Dredging Agreement

Approved Island Point Marina Condo Association to use the City parcel at the south end of Fisherman's Road for temporary storage of dredge materials, subject to the terms and conditions presented.

Chalk the Block Special Event Approval- Amendment

Approved St. Joseph Today's request to amend their Chalk the Block special event application to allow four vertical art boards attached to their building and located on the Pleasant Street sidewalk, and four vertical art boards connected to form a cube in the Pleasant Street Plaza area, as depicted, to remain through Labor Day 2025.

Old Business

2929 Lakeshore Drive - Clark Logistics Group LVI - Map Amendment C Commercial Business District to R-3 Multiple Family Residence District - Second and Final Reading

Community Development Director Kristen Gundersen presented the second reading for a map amendment. Gundersen stated that Clark Logistics Group IV, LLC is the applicant and property owner of the 1.57-acre parcel known as 2929 Lakeshore Drive. Gundersen advised that they are requesting approval of a zoning map amendment from the C Commercial Business District to the R3 Multiple Family Residence District, allowing for future residential uses on the property.

Commissioner Fernandez stated that nothing has changed since the first reading, but wanted to emphasize how important this type of rezoning can be by transforming a parking lot of little value into more housing for residents.

CITY OF ST. JOSEPH
BERRIEN COUNTY, MICHIGAN
AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
THE CITY OF ST. JOSEPH, MICHIGAN

The CITY OF ST. JOSEPH ORDAINS that Chapter 33, Appendix A, “Zoning Ordinance,” of the City of St. Joseph Code of Ordinances, is hereby amended as follows:
Article IV, Section 4.2.2 “Zoning Map of the City of St. Joseph” is amended in accordance with Art. IV, Sections 4.2.2.B and C, to rezone from C Commercial Office District to R3 Multiple

Family Residence District the property having a common address of 2929 Lakeshore Drive, St. Joseph, MI, Tax ID Number 11-76-0034-0081-07-1 except for the northerly 50', and the westerly 20' wide by 303' long section of the adjacent parcel having a common address of 211 Hilltop Rd., St. Joseph, MI, Tax ID Number 11-76-0034-0081-09-7.
All other parts of the Zoning Ordinance not in conflict with this ordinance shall remain in full force and effect. This ordinance shall take effect 10 days after its final passage.

MOTION: To approve the second and final reading of an Ordinance to approve a zoning map amendment (rezoning) request by Clark Logistics Group IV, LLC for the property known as 2929 Lakeshore Drive from the C Commercial Business District to R3 Multiple-Family Residence District based on the information included in the July 9, 2025 Planning Commission as the request meets the required standards under Section 22.3 of the zoning ordinance.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Five Year Parks & Recreation Master Plan Update

City Manager Emily Hackworth presented the update to the 5-Year Parks and Recreation Master Plan, along with the Parks Board's recommendation to contract with Edgewater Resources for $28,500. Hackworth stated that the Commission challenged staff to examine whether they could undertake all or some of the work in-house.

Director of Special Projects and Communications Kayla Griffith advised that she, alongside Director of Public Works Greg Grothous, determined that they could take on a few of the items but recommended using Edgewater to help with the evaluation of the Parks. Griffith explained that within the next couple of weeks, they can begin collecting public input, conducting surveys, and gathering feedback. She stated they have also reached out to the Southwest Michigan Planning Commission and said they are eager to help in any area of their expertise.

Commissioner Ulrey stated the City has a great team, and she appreciated staff taking ownership of the project and looking at it creatively.

Commissioner Fernandez appreciated the efforts made and expressed the importance of staying on track to meet the deadlines necessary for applying for future grant funding.

Hackworth explained that they have reduced the scope of work for Edgewater, but they do not have a value to provide yet. She said they expect the cost to come down significantly and will bring it back to the Commission, if needed.

Griffith stated that City staff will handle compiling the survey and conducting the data analysis, which constitutes a significant portion of the administrative work.

Mayor Thomas asked who City staff will go to with questions. Griffith stated that the Southwestern Michigan Planning Commission will be great at helping to interpret the data and

Edgewater will be most useful with technical, park-specific and environmental aspects.

New Business

North Intake Cleaning

Water Treatment Plant Superintendent Greg Alimenti presented a slideshow on the North and South water intakes at the Water Treatment Plant. Alimenti explained that both intakes had been inspected in July, and the South intake was in good condition, as it is not used much. The North intake, which has a north and south Y intake at its end, had an 80% blockage in the South intake. He explained that their concern, given the high velocity, was that the sand would be driven further into the main trunk line. Alimenti stated that they contacted Underwater Construction Corporation of Stevensville to clean the intake structures and the connecting Y, as well as part of the main trunk line, which hadn't been done since 2018. The other half of the main trunk line is expected to be completed next year.

Alimenti presented a chart that showed a lateral view of the intake pipe in comparison to the lake surface level, highlighting the areas to be completed this year and next. He provided pictures of the intake pipes before they were installed, underwater photos of the pipes showing the extensive amount of sand and the presence of zebra and quagga mussels, and photographs of the intake pipe installation from 15 years ago.

Commissioner Binkley asked when it was last cleaned and whether it is supposed to be completed every three years. Alimenti stated that December 2022 was the last time and that it should be completed sooner than every three years. They have done it every year, and every other year it varies, but it is inspected every year. Binkley stated that this is occurring all over Michigan, and no one has yet figured out how to prevent the mussels from attaching. Alimenti agreed, saying it has been an issue since 1990.

Mayor Thomas inquired about any preventative work that can be done for either the sand or the mussels. Alimenti explained that feeding chlorine out at the intake helps control the growth on the inside. He said that they are considering commissioning a study to redesign the structures and reduce sand infiltration. Thomas asked if this was something that we should expect to see every three years or if this was a surprise event. Alimenti stated they had budgeted for the maintenance cleaning. City Manager Emily Hackworth noted that this is something that is investigated every year, and this year, there was a lot more than expected. There is no specific explanation for why this year was worse than the routine reviews seen in previous years.

Commissioner Fernandez stated that with the coastal shoreline preservation being completed and various data being collected, it could offer an opportunity to determine how one affects the other. He added that asset management is expensive, but it is necessary.

Mayor Thomas asked if any other communities were dealing with similar issues. Alimenti stated he had not heard. Thomas added that she would be curious to know if anyone had, and if so, whether they had any other ideas to prevent it or knew of an event that caused it.

City Finance Director Ben Reynnells stated that the fund balance is in good shape, as they had a surplus of approximately $131,000, which will effectively utilize that surplus.

MOTION: To approve the proposals from Underwater Construction Company of Stevensville, MI for the cleaning of the North Intake in an amount not to exceed $132,500.00. And to amend the FY26 Water Fund Budget by $132,500.00 to cover the increase in the water treatment cost center 591-900.005 WTP North Intake Cleaning.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michele Binkley, Mayor Pro Tem
SECONDER:	Michael Fernandez, Commissioner
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Purchase of Crack Seal Machine

City Engineer Tim Zebell presented a slideshow that provided a brief overview of road asset management and why preventative maintenance matters. Zebell explained how it is easier and cheaper to maintain a good road than to rebuild it. He described the process of reconstructing a road. Zebell presented a table of recent reconstruction projects and their associated costs, highlighting factors, such as inflation, that impact expenses. He also showed a chart comparing costs of road rehabilitation and preventative maintenance projects in the City from 2014 to 2025, with an average cost of approximately $138,000 for maintenance and $4.4 million for total reconstruction per mile. Zebell also presented a graph that showed a pavement deterioration curve, providing a visual representation of how proper maintenance of a road can increase pavement life; and a graph example of what not to do with a road, illustrating how quickly it deteriorates without proper maintenance.

Director of Public Works Greg Grothous stated that they would like to purchase a crack seal machine so they can perform crack seals on a regular rotation every year, especially on the newer streets that have been reconstructed or have had a mill and resurface recently. Grothous stated that City staff, after some investigation and viewing a demo, is requesting a crack seal machine by Cimline, which is represented by Alta Equipment in Michigan. He noted that the purchase is under budget.

Commissioner Binkley asked how long the machines last. Grothous explained that with proper maintenance, he estimated 20 - 25 years.

Commissioner Fernandez emphasized the importance of extending the life of the streets and protecting the City's investments. He believes this is a worthy investment.

Mayor Thomas thanked Zebell for his presentation and reiterated the importance of understanding why this maintenance is essential, as well as the need to be able to explain it to residents.

MOTION: To approve the purchase of a Cimline M2DH Crack Seal machine from Alta Equipment of Bryron Center, MI in the amount of $76,492.45 and authorized the City Manager to execute the appropriate documents on behalf of the City.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Michele Binkley, Mayor Pro Tem
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Budget Amendment-SCIP Phase II Project

City Finance Director Ben Reynnells explained that the SCIP Phase II Project needs to be amended to extend into this fiscal year. He stated that during the final budget amendments for last year, the project budget was amended to the full amount as a best-case scenario, but the project wasn't completed before year-end. There is approximately $580,000 in surplus from the 2024-2025 budget, and they are transferring approximately $453,200 to this year's budget. Reynnells stated that this budget amendment effectively transfers the unused budget from last year to this fiscal year. Water Treatment Plant Greg Alimenti described that they still have some architectural improvements to complete and painting, which has been delayed due to the high humidity. He stated that they are about 98% complete with the whole project.

Commissioner Binkley asked when they expect to be completed. Alimenti stated that substantial completion would be achieved by September 5th and certainty would be reached by the end of October.

Ryan Katowich, a City resident, asked if we were adding to this year's budget. Reynnells stated yes, the unused money in last year's project budget is being transferred to this year's project budget; however, less than the surplus.

MOTION: To approve the FY 2025-2026 budget amendment, as presented.

RESULT:	**PASSED [UNANIMOUS]**
MOVER:	Michael Fernandez, Commissioner
SECONDER:	Tess Ulrey, Commissioner
AYES:	Mayor Thomas, Mayor Pro Tem Binkley, Commissioner Fernandez, Commissioner Ulrey
ABSENT:	Commissioner Sarola

Reports

The Marquette: Upcoming Open House

City Manager Emily Hackworth stated the Rienk's Group is looking to develop a project called The Marquette on Lake Boulevard. She shared that they will be hosting a public open house next Thursday, August 21st, at 5:30 p.m. at the City's library.

City Comments

City Manager Comments

City Manager Emily Hackworth expressed her appreciation for the City staff and praised the Public Works Department for promptly addressing numerous issues below the bluff.

City Commission Comments

Commissioner Fernandez stated that he attended Splash Day at Milton Park and thanked the Public Safety Director and Officers for showcasing their equipment and providing an educational and nice time. He also shared that he has been interviewing candidates for the

DDA and encouraged more people to apply for vacant City Board seats.

Mayor Thomas stated that they had a successful Chalk the Block event and thanked St. Joseph Today for organizing it. She also mentioned Fall Fest was coming up on the third weekend in September.

Adjournment

The meeting was closed at 6:45 p.m.

_____
Presiding Officer

_____
City Clerk/ Recording Secretary

Agenda Item

TO: **City Commission**

FROM: **Ben Reynnells, Finance Director**

RE: **Invoice and Tax Disbursements**

MEETING DATE: **August 25, 2025**

As part of the consent agenda, please consider approval of the following invoices and disbursements from August 6, 2025, through August 20, 2025.

- Regular invoices: $2,569,368.90
- Tax disbursements: $815,397.73
- Total disbursed: $3,384,766.63

Action Requested: Motion to approve, as part of the consent agenda, cash disbursements, as presented.

ATTACHMENT(S):

- EXP CHECK RUN DATES 08-07-2025 TO 08-20-2025.pdf

EXP CHECK RUN DATES 08/07/2025 - 08/20/2025

GL Number	Vendor	Invoice Description	Amount
Fund 101 General Fund			
Dept 000.000			
101-000.000-204.000	FIRST NATIONAL BANK OF OMAHA	TIFFANY MITCHELL	(346.27)
101-000.000-204.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	30.47
101-000.000-273.500	BRICKS AND STICKS HOME SERVICES LLC	JULY 2025 RENTAL INSPECTION	4,880.00
101-000.000-273.500	JEWELL, KENNETH MICHAEL	MECHANICAL INSPECTOR JUL 2025	2,504.00
101-000.000-273.500	KEYONE SERVICES PLLC	PLUMBING INSPECTOR JUL 2025	1,510.40
101-000.000-273.500	SIMPSON, KENNETH D.	ELECTRICAL INSPECTOR JUL 2025	2,810.40
101-000.000-651.100	DREWS, GERALD	REFUND FOR LIONS SHELTER CANCELLATION	150.00
101-000.000-651.200	DUVALSAINT, JULIE	PARKS PASS REFUND	40.00
	Total For Dept 000.000		11,579.00
Dept 101.000 City Commission			
101-101.000-740.000	FIRST NATIONAL BANK OF OMAHA	TIFFANY MITCHELL	19.89
	Total For Dept 101.000 City Commission		19.89
Dept 172.000 City Manager			
101-172.000-850.000	FIRST NATIONAL BANK OF OMAHA	TIFFANY MITCHELL	664.18
101-172.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 172.000 City Manager		686.37
Dept 215.000 City Clerk			
101-215.000-860.000	FIRST NATIONAL BANK OF OMAHA	ABBY BISHOP	351.96
101-215.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	44.38
	Total For Dept 215.000 City Clerk		396.34
Dept 235.000 Central Purchasing			
101-235.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	10.16
101-235.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	49.00
101-235.000-740.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	296.00
101-235.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	290.90
101-235.000-941.100	FIRST NATIONAL BANK OF OMAHA	EMIILY HACKWORTH	557.89
	Total For Dept 235.000 Central Purchasing		1,203.95
Dept 253.000 City Treasurer			
101-253.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	193.87
101-253.000-860.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	400.00
101-253.000-870.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	140.00
101-253.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	66.57
	Total For Dept 253.000 City Treasurer		800.44
Dept 257.000 City Assessor			

GL Number	Vendor	Invoice Description	Amount
101-257.000-805.000	CLARK HILL P.L.C.	CLARK HILL	330.00
101-257.000-805.000	BLOOM SLUGGETT MORGAN	LEGAL SERVICES	713.00
101-257.000-805.000	BLOOM SLUGGETT MORGAN	LEGAL SERVICES	92.00
101-257.000-805.000	CLARK HILL P.L.C.	LEGAL SERVICES MTT	82.50
101-257.000-941.100	PIVOT POINT PARTNERS LLC	ASSESSING SOFTWARE	1,601.25
101-257.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 257.000 City Assessor		2,840.94
Dept 262.000 Elections			
101-262.000-740.000	PRINTING SYSTEMS, INC.	ELECTION ENVELOPES AND ID CARDS	1,163.94
101-262.000-740.000	FIRST NATIONAL BANK OF OMAHA	ABBY BISHOP	563.76
	Total For Dept 262.000 Elections		1,727.70
Dept 265.000 Buildings & Grounds			
101-265.000-740.000	ACE HARDWARE	REPAIRS	40.46
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	2,573.55
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	1,743.81
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	29.91
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	172.31
101-265.000-740.000	LEEP'S SUPPLY CO., INC.	PLUMBING REPAIRS	74.74
101-265.000-740.000	LEEP'S SUPPLY CO., INC.	TOOL	48.90
101-265.000-740.000	LOWE'S HOME CENTERS, LLC	HVAC REPAIRS	58.08
101-265.000-740.000	FIRST NATIONAL BANK OF OMAHA	MICHAEL CHRISTENSEN	675.90
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	38.60
101-265.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	204.54
101-265.000-740.000	LEEP'S SUPPLY CO., INC.	PROJECT MATERIALS AND TOOL	201.81
101-265.000-740.000	LOWE'S HOME CENTERS, LLC	PHONE CHARGER CORD	17.08
101-265.000-802.000	DOUBLE K ENTERPRISES INC.	IT SERVICES - PUBLIC WORKS	989.50
101-265.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	81.51
101-265.000-931.000	GUSE-HAHN GARAGE DOORS	DOOR SERVICE	300.00
101-265.000-931.000	MCNALLY ELEVATOR COMPANY, INC	CONTRACT PAYMENT	849.80
101-265.000-931.000	AUTOMATIC EQUIPMENT SALES & SERVICE	SERVICE CALL	384.00
101-265.000-931.000	ENERCO SPECIALTY CHEMICAL	CONTRACT PAYMENT	225.00
101-265.000-931.000	HERALD-PALLADIUM	AD FOR RFP	132.00
	Total For Dept 265.000 Buildings & Grounds		8,841.50
Dept 266.000 City Attorney			
101-266.000-790.000	RELX INC. DBA LEXIS NEXIS	MONTHLY LEGAL SUBSCRIPTION	108.00
101-266.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 266.000 City Attorney		130.19
Dept 270.000 Personnel			
101-270.000-740.000	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL	308.81

GL Number	Vendor	Invoice Description	Amount
101-270.000-860.000	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL	538.28
101-270.000-941.100	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL	0.19
101-270.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 270.000 Personnel		869.47
Dept 336.000 Fire Department			
101-336.000-740.000	ACE HARDWARE	WAX	39.58
101-336.000-740.000	AMAZON CAPITAL SERVICES	RETURN	(37.31)
101-336.000-740.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	603.08
101-336.000-801.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	500.00
101-336.000-850.000	AT&T MOBILITY	CELL PHONES AND TABLETS	193.59
101-336.000-860.000	ALSUP, PRESTON	TRAINING ALLOWANCE	374.00
101-336.000-860.000	MICHIGAN FIRE INSPECTORS SOCIETY	TRAINING	1,025.00
101-336.000-860.000	MICHIGAN FIRE INSPECTORS SOCIETY	TRAINING	1,025.00
101-336.000-930.000	TRUGREEN	TREE SERVICE	55.00
101-336.000-930.000	EMERGENCY VEHICLE PRODUCTS	ENGINE 105	1,773.56
101-336.000-930.000	EMERGENCY VEHICLE PRODUCTS	ENGINE 106	1,160.50
101-336.000-930.000	EMERGENCY VEHICLE PRODUCTS	ENGINE 106	1,346.20
101-336.000-930.000	EMERGENCY VEHICLE PRODUCTS	ENGINE 106	1,070.94
101-336.000-930.000	EMERGENCY VEHICLE PRODUCTS	ENGINE 106	2,676.81
101-336.000-930.000	GREAT LAKES UPFITTING	TRUCK 102	826.42
101-336.000-930.000	NATIONAL HOSE TESTING SPECIALITIES	HOSE TESTING	3,564.00
101-336.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
101-336.000-941.100	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	78.99
	Total For Dept 336.000 Fire Department		16,297.55
Dept 345.000 Public Safety Department			
101-345.000-740.000	AMAZON CAPITAL SERVICES	PUBLIC SAFETY SUPPLIES	827.46
101-345.000-740.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	161.46
101-345.000-740.000	NYE UNIFORM COMPANY	POLOS	132.79
101-345.000-740.000	NYE UNIFORM COMPANY	FLASHLIGHT HOLDER	221.79
101-345.000-740.000	QUILL CORPORATION	OFFICE SUPPLIES	469.78
101-345.000-740.000	QUILL CORPORATION	OFFICE SUPPLIES	402.84
101-345.000-801.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	175.00
101-345.000-801.000	PREMIER PROMOTIONS	BRASS PLATE - FLORES	35.00
101-345.000-801.000	ZIKER CLEANERS	DRY CLEANING	336.52
101-345.000-850.000	AT&T MOBILITY	CELL PHONES AND TABLETS	1,060.41
101-345.000-860.000	EVOCAVI	TRAINING	1,500.00
101-345.000-860.000	FIRST NATIONAL BANK OF OMAHA	STEVE NEUBECKER	1,195.00
101-345.000-860.000	PAT MCCARTHY PRODUCTIONS, INC.	TRAINING	495.00
101-345.000-930.000	C. WIMBERLEY FORD	CAR #5	779.21
101-345.000-930.000	TELE-RAD INC.	REPAIR	130.00
101-345.000-941.100	DATAWORKS PLUS, LLC	MAINT FEE	2,187.00

GL Number	Vendor	Invoice Description	Amount
101-345.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
101-345.000-941.100	FORD PRO	MONTHLY MAINTENANCE	263.61
101-345.000-941.100	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	104.00
101-345.000-941.100	MACQUARIE EQUIPMENT CAPITAL INC.	MONTHLY MAINTENANCE	79.00
101-345.000-941.100	TELE-RAD INC.	MONTHLY MAINTENANCE	167.20
	Total For Dept 345.000 Public Safety Department		10,745.26
Dept 371.000 Building Inspection Department			
101-371.000-740.000	FIRST NATIONAL BANK OF OMAHA	GALINA BOGDANOVA	147.68
101-371.000-740.000	OSCAR'S PRINTING & COPY CENTER	BUSINESS CARDS FOR RENTAL INSPECTOR	66.00
101-371.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	128.23
101-371.000-860.000	FIRST NATIONAL BANK OF OMAHA	GALINA BOGDANOVA	269.10
101-371.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 371.000 Building Inspection Department		633.20
Dept 372.000 Code Enforcement Department			
101-372.000-740.000	FIRST NATIONAL BANK OF OMAHA	GALINA BOGDANOVA	241.52
101-372.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	82.12
101-372.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	44.38
	Total For Dept 372.000 Code Enforcement Department		368.02
Dept 441.000 Public Works Department			
101-441.000-740.000	DRAKE, ROBERT	RECYCLING GREEN EARTH REIMBURSEMENT	10.00
101-441.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	143.41
101-441.000-802.000	DOUBLE K ENTERPRISES INC.	IT SERVICES - PUBLIC WORKS	95.00
101-441.000-930.000	TRUGREEN	TREE SERVICE	55.00
101-441.000-930.000	WORKFORCE PAYHUB	TIMESHEETS	255.68
101-441.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 441.000 Public Works Department		581.28
Dept 442.000 Asset Management			
101-442.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	216.06
	Total For Dept 442.000 Asset Management		216.06
Dept 447.000 City Engineer			
101-447.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	137.72
101-447.000-860.000	FIRST NATIONAL BANK OF OMAHA	TIM ZEBELL	20.00
	Total For Dept 447.000 City Engineer		157.72
Dept 466.000 Paid Parking - Downtown			
101-466.000-740.000	FIRST NATIONAL BANK OF OMAHA	KELLY EWALT	357.00
	Total For Dept 466.000 Paid Parking - Downtown		357.00

GL Number	Vendor	Invoice Description	Amount
Dept 721.000 Community Development			
101-721.000-740.000	DOUBLEDAY OFFICE PRODUCTS	SUPPLIES - CITY HALL	52.88
101-721.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	54.18
	Total For Dept 721.000 Community Development		107.06
Dept 728.000 Economic Development			
101-728.000-860.000	FIRST NATIONAL BANK OF OMAHA	KELLY EWALT	575.00
101-728.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 728.000 Economic Development		597.19
Dept 751.000 Parks/Recreation			
101-751.000-740.000	ACE HARDWARE	MISC SHOP SUPPLIES	308.69
101-751.000-740.000	KACHUR TREE SERVICE	MULCH	975.00
101-751.000-740.000	LEISURE POOL & SPA SUPPLY INC	CHLORINE	934.98
101-751.000-740.000	SENSATIONAL SPAS	CHLORINE	111.80
101-751.000-740.000	TIBONE, AMBER	CLOTHING REIMBURSEMENT	50.86
101-751.000-740.000	BERRIEN COUNTY	REGISTER OF DEEDS RECEIPT #1101163	30.00
101-751.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	840.06
101-751.000-740.000	FIRST NATIONAL BANK OF OMAHA	JEFFREY RECHNER	297.28
101-751.000-740.000	LEISURE POOL & SPA SUPPLY INC	CHLORINE	934.98
101-751.000-740.000	LOWE'S HOME CENTERS, LLC	SPRAYERS/CONCRETE FORM	166.43
101-751.000-740.000	LOWE'S HOME CENTERS, LLC	STAKES/CONCRETE	29.24
101-751.000-740.000	MID-COUNTY LAWN & GARDEN	SAW REPAIR	70.09
101-751.000-740.000	MID-COUNTY LAWN & GARDEN	SAW REPAIR	107.46
101-751.000-740.000	RECHNER, JEFF	CLOTHING REIMBURSEMENT	63.60
101-751.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	173.73
101-751.000-930.000	PRIDE THE PORTABLE TOILET COMPANY	TOILET RENTAL	125.00
101-751.000-930.000	TRUGREEN	TREE SERVICE	266.00
101-751.000-964.000	MCDOWELL, AMY	LIONS SHELTER REFUND	120.00
101-751.000-964.000	TODD, JAMES	REFUND CITATION OVERPAYMENT	20.00
	Total For Dept 751.000 Parks/Recreation		5,625.20
Dept 756.000 Recreation Programs			
101-756.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	171.43
101-756.000-801.000	SWANK MOTION PICTURES, INC.	MOVIE RENTAL	530.00
101-756.000-801.000	TPC TECHNOLOGIES, INC.	MOVIE SCREEN RENTAL	1,880.00
101-756.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	45.50
	Total For Dept 756.000 Recreation Programs		2,626.93
Dept 757.000 Ice Arena Operations			
101-757.000-740.000	AMAZON CAPITAL SERVICES	WHEELCHAIR RAMPS FOR RINK	164.67
101-757.000-740.000	ACE HARDWARE	BUCKETS AND SOFTENER SALT	64.84
101-757.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	395.10

GL Number	Vendor	Invoice Description	Amount
101-757.000-801.000	HOCKEY BOARD DOCTOR	BOARD CLEANING	655.00
101-757.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	333.70
101-757.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 757.000 Ice Arena Operations		1,635.50
	Total For Fund 101 General Fund		69,043.76
Fund 202 Major Street Fund			
Dept 449.000 Roads, Streets, Bridges - ACT 51			
202-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH MAJORS	179.08
202-449.000-740.000	SHARE CORPORATION	EPOXY FOR FLASHMAT	702.93
202-449.000-740.000	CONCRETE CENTRAL, INC.	PINS FOR TRUNKLINE	918.00
202-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH MAJOR LOCALS	78.30
202-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH PARKING LOT/MAJORS	148.63
202-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH MAJORS AND LOCALS	74.68
	Total For Dept 449.000 Roads, Streets, Bridges - ACT 51		2,101.62
Dept 474.000 Traffic Services			
202-474.000-740.000	CARRIER & GABLE, INC.	SIGN MOUNTS	216.50
202-474.000-740.000	DORNBOS SIGN & SAFETY INC	SIGN BLANKS	400.00
	Total For Dept 474.000 Traffic Services		616.50
Dept 903.207 Cleveland Ave			
202-903.207-801.000	ABONMARCHE CONSULTANTS INC	CONSTRUCTION ADMIN	1,813.43
	Total For Dept 903.207 Cleveland Ave		1,813.43
	Total For Fund 202 Major Street Fund		4,531.55
Fund 203 Local Street Fund			
Dept 445.000 Public Drains			
203-445.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE REPAIR	758.50
	Total For Dept 445.000 Public Drains		758.50
Dept 449.000 Roads, Streets, Bridges - ACT 51			
203-449.000-740.000	ACE HARDWARE	TOOLS	44.08
203-449.000-740.000	HIGH GRADE MATERIALS CO.	1 SIDEWALK 1 WATER PATCH	394.50
203-449.000-740.000	LAZER GRAPHICS	PUBLIC WORKS SHIRT ORDER	533.63
203-449.000-740.000	LOWE'S HOME CENTERS, LLC	FORM BOARDS AND MICROWAVE	287.12
203-449.000-740.000	FIRST NATIONAL BANK OF OMAHA	CAMERON WELCH	157.67
203-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH MAJOR LOCALS	76.13
203-449.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH MAJORS AND LOCALS	145.00
203-449.000-801.000	CHOP	TREE REMOVAL	558.00
203-449.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	91.61

GL Number	Vendor	Invoice Description	Amount
	Total For Dept 449.000 Roads, Streets, Bridges - ACT 51		2,287.74
Dept 474.000 Traffic Services			
203-474.000-740.000	AMAZON CAPITAL SERVICES	STORAGE BOXES	299.94
203-474.000-740.000	DORNBOS SIGN & SAFETY INC	SIGN BLANKS	165.89
203-474.000-740.000	DORNBOS SIGN & SAFETY INC	SIGN BLANKS	347.50
203-474.000-740.000	GRIMCO, INC.	PRINTER INK - SIGNS	576.00
	Total For Dept 474.000 Traffic Services		1,389.33
Dept 903.160 Botham Avenue Reconstruction			
203-903.160-801.000	ROWE PROFESSIONAL SERVICES COMPANY	CONSTRUCTION ADMIN	1,777.50
	Total For Dept 903.160 Botham Avenue Reconstruction		1,777.50
	Total For Fund 203 Local Street Fund		6,213.07
Fund 209 Cemetery Fund			
Dept 567.000 Cemetery Operatings			
209-567.000-801.000	PONTEM SOFTWARE	GIS MAP UPDATE CEMETERY MAP	2,100.00
209-567.000-802.000	DOUBLE K ENTERPRISES INC.	IT SERVICES - PUBLIC WORKS	716.00
209-567.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	166.85
209-567.000-920.000	MICHIGAN GAS UTILITIES	ACCT #0504619643-00001	39.92
	Total For Dept 567.000 Cemetery Operatings		3,022.77
	Total For Fund 209 Cemetery Fund		3,022.77
Fund 226 Rubbish Collection Fund			
Dept 521.000 Sanitation/Solid Waste			
226-521.000-804.000	WM CORPORATE SERVICES	RESIDENTIAL RUBBISH	1,670.16
226-521.000-804.000	BEST WAY DISPOSAL INC	RESIDENTIAL RUBBISH	49,326.48
226-521.000-804.000	BEST WAY DISPOSAL INC	RESIDENTIAL RUBBISH	1,431.48
226-521.000-804.000	BEST WAY DISPOSAL INC	RESIDENTIAL RUBBISH	508.40
226-521.000-804.000	BEST WAY DISPOSAL INC	RESIDENTIAL RUBBISH	597.02
226-521.000-804.000	BEST WAY DISPOSAL INC	RESIDENTIAL RUBBISH	414.73
226-521.000-804.100	BEST WAY DISPOSAL INC	SPECIAL PICKUPS	5,112.50
226-521.000-804.200	ORCHARD HILL LANDFILL	TRASH DUMPING	604.27
226-521.000-804.200	STEVENSVILLE TRANSFER STATION-3246	TRASH DUMPING	2,827.16
226-521.000-804.200	BEST WAY DISPOSAL INC	ROLL OFFS	1,784.60
226-521.000-804.200	BEST WAY DISPOSAL INC	COMMERICAL RUBBISH	249.38
226-521.000-804.200	BEST WAY DISPOSAL INC	COMMERCIAL RUBBISH	117.00
226-521.000-804.200	ORCHARD HILL LANDFILL	TRASH DUMPING	772.93
226-521.000-804.300	BEST WAY DISPOSAL INC	DDA CARDBOARD	1,511.12
	Total For Dept 521.000 Sanitation/Solid Waste		66,927.23

GL Number	Vendor	Invoice Description	Amount
	Total For Fund 226 Rubbish Collection Fund		66,927.23
Fund 271 Library Fund			
Dept 790.000 Library			
271-790.000-740.000	AMAZON CAPITAL SERVICES	OFFICE SUPPLIES - LIBRARY	472.44
271-790.000-740.000	DOUBLEDAY OFFICE PRODUCTS	OFFICE SUPPLIES	89.74
271-790.000-780.000	COLOMA NEWS AGENCY	NEWSPAPER RENEWAL	390.00
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT NFIC	54.00
271-790.000-780.000	INGRAM LIBRARY SERVICES	CHILDREN FIC	160.33
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT NFIC	296.40
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT FICTION	78.81
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT FIC	15.66
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT NFIC	35.10
271-790.000-780.000	INGRAM LIBRARY SERVICES	CHILDREN NFIC	78.38
271-790.000-780.000	INGRAM LIBRARY SERVICES	CHILDREN FIC	41.16
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT NFIC	16.19
271-790.000-780.000	INGRAM LIBRARY SERVICES	CHILDRENS NFIC	62.79
271-790.000-780.000	INGRAM LIBRARY SERVICES	ADULT FICTION	44.81
271-790.000-780.000	INGRAM LIBRARY SERVICES	CHILDRENS FIC	26.89
271-790.000-780.000	MIDWEST TAPE	HOOPLA	1,198.90
271-790.000-850.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	314.85
271-790.000-860.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	(148.50)
271-790.000-885.000	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	153.00
271-790.000-930.000	VILLWOCKS OUTDOOR LIVING, INC	IRRIGATION SERVICE CARE	115.02
271-790.000-941.100	UPLAND SOFTWARE	FAX SERVICE	19.00
271-790.000-941.100	FIRST NATIONAL BANK OF OMAHA	PAULA STAKLEY	45.00
271-790.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	31.99
	Total For Dept 790.000 Library		3,591.96
	Total For Fund 271 Library Fund		3,591.96
Fund 275 Band Fund			
Dept 802.000 Municipal Band			
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	70.00
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	7.00
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	99.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	154.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	110.00
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	104.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	232.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	87.00
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	159.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	82.99

EXP CHECK RUN DATES 08/07/2025 - 08/20/2025

GL Number	Vendor	Invoice Description	Amount
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	107.99
275-802.000-740.000	J.W. PEPPER & SON INC.	BAND MUSIC	194.99
275-802.000-740.000	DOUBLEDAY OFFICE PRODUCTS	PAPER	57.01
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	TIME CARDS	151.28
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS	106.40
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS	168.65
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS	106.40
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS	212.80
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS	106.40
275-802.000-740.000	OSCAR'S PRINTING & COPY CENTER	BAND PROGRAMS\	133.00
275-802.000-801.000	ALLEN SR, STEPHEN ROSS	BAND PAY 07-27-2025	83.35
275-802.000-801.000	KUTCH, MADISON	BAND PAY 07-27-2025	83.35
275-802.000-801.000	STECK, MARY C	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-801.000	STELTER, CAROL	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	248.00
275-802.000-810.000	GIBSON, CHRISTINA	REISSUE CHECK - BAND PAY 08-28-2025 & 09-05-2022	146.64
275-802.000-810.000	BECKER, MICHAEL	BAND PAY 07-27-2025 AND 08-10-2025	166.70
275-802.000-810.000	BERG, SPENCER	BAND PAY 08-10-2025	83.35
275-802.000-810.000	BOMER, DELAIN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	BOYNTON-JOHANSKI, MARISSA	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	BROWNE, WILLIAM E.	BAND PAY 07-27-2025	142.97
275-802.000-810.000	BUBAR, LISA	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	316.56
275-802.000-810.000	BUETER, KATHERINE C	BAND PAY 07-27-2025 AND 08-03-2025	248.00
275-802.000-810.000	BURCH, CHARLOTTE M.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	CAMP, WILLIAM E	BAND PAY 08-10-2025	124.00
275-802.000-810.000	CHAPMAN, CHRISTOPHER	BAND PAY 08-10-2025	124.00
275-802.000-810.000	CHRISTENSEN, KATHRYN	BAND PAY 07-27-2025 AND 08-10-2025	146.86
275-802.000-810.000	COOPER, GARY A	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	335.53
275-802.000-810.000	CROUCH, JAY C	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	269.02
275-802.000-810.000	DAVIDSON, MARY MARGARET	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	DAWSON, ANNE MARIE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	DETGEN, KRISTIE JOYE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	DETGEN, STACIE BETH	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	DOE, JOSHUA	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	DOE, TIANNA	BAND PAY 08-03-2025 AND 08-10-2025	248.00
275-802.000-810.000	DURHAM, KAETHE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	DURHAM, NATHAN	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	EMILY ICKES	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	ENDERS, JR. JOHN ADAM	BAND PAY 07-27-2025 AND 08-10-2025	166.70
275-802.000-810.000	EYERLY, BRITTNEY	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	220.29
275-802.000-810.000	FORSYTHE, DAWN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	GERLING, JEAN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	GIBSON, CHRISTINA	BAND PAY 08-03-2025 AND 08-10-2025	166.70
275-802.000-810.000	GOODMAN, PAUL R.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	316.56

GL Number	Vendor	Invoice Description	Amount
275-802.000-810.000	GORMAN, JEFF	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	GRIFFITH, GARY	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	HANSON, TAYLOR	BAND PAY 08-10-2025	83.35
275-802.000-810.000	HARTMAN, MARC	BAND PAY 08-03-2025 AND 08-10-2025	244.26
275-802.000-810.000	HAWKINS, GRAYLING	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	HILLS, KRISTEN	BAND PAY 08-03-2025	124.00
275-802.000-810.000	INGLEFIELD, DEBRA	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	JAFFEE, ELIZABETH	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	316.56
275-802.000-810.000	KAPTUR, DREW A.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	761.73
275-802.000-810.000	KING, LILLIEANNA	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	KROENING, DEBRA M.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	316.56
275-802.000-810.000	KURTIS, GARY	BAND PAY 07-27-2025 AND 08-03-2025	266.97
275-802.000-810.000	KURTZWEIL, SCOTT	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	LIVENGOOD, RUTH	BAND PAY 08-10-2025	83.35
275-802.000-810.000	LOPEZ, DANIEL	BAND PAY 08-03-2025	124.00
275-802.000-810.000	MAZE, DAKOTA	BAND PAY 08-10-2025	124.00
275-802.000-810.000	MIKEL-ROWE, EMILY	BAND PAY 07-27-2025 AND 08-03-2025	166.70
275-802.000-810.000	MILLER, DENALL R.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	MILTIBARGER, MEGAN	BAND PAY 07-27-2025 AND 08-03-2025	190.67
275-802.000-810.000	MITCHELL, ALAN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	MYERS, STEPHEN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	OLSON, EMMA	BAND PAY 07-27-2025 AND 08-03-2025	248.00
275-802.000-810.000	PRATHER, MELODY	BAND PAY 07-27-2025 AND 08-03-2025	146.86
275-802.000-810.000	PRATT, GREG	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	RATAJIK, DR DAVID L.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	ROGERS, WILLIAM F.	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	ROORDA, JACOB	BAND PAY 07-27-2025 AND 08-03-2025	202.33
275-802.000-810.000	SCHADLER, CHERYL HOGE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	220.29
275-802.000-810.000	SCHADLER, DR STEVEN E	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	386.70
275-802.000-810.000	SHANNON, MICHAEL P	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	SLUYTER, ANNE LOUISE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	STECK, CHARLES	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	390.97
275-802.000-810.000	STELTER, CAROL	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	124.00
275-802.000-810.000	STREET, JAN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	VANROEKEL, BENJAMIN	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	372.00
275-802.000-810.000	VOGIE, JEFFREY	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	VOGIE, LONA	BAND PAY 08-03-2025 AND 08-10-2025	146.86
275-802.000-810.000	WALDBURGER, ELISABETH	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	250.05
275-802.000-810.000	WHITMYER, DWAYNE	BAND PAY 07-27-2025, 08-03-2025, AND 08-10-2025	744.00
275-802.000-810.000	WILLIAMSON, KEELY	BAND PAY 08-03-2025 AND 08-10-2025	271.97
275-802.000-810.000	WILLIS, WENDY	BAND PAY 08-10-2025	124.00
275-802.000-810.000	ROORDA, MEREDY	BAND PAY 07-27-2025 AND 08-03-2025	146.86
	Total For Dept 802.000 Municipal Band		21,483.28

GL Number	Vendor	Invoice Description	Amount
	Total For Fund 275 Band Fund		21,483.28
Fund 401 Capital Projects Fund			
Dept 265.140 Public Parking Improvements			
401-265.140-967.000	SPICER GROUP	LOT 11 DESIGN	3,865.75
	Total For Dept 265.140 Public Parking Improvements		3,865.75
Dept 265.150 Facility Card Access			
401-265.150-967.000	CONTROLNET, LLC	CONTRACT - FINAL PAYMENT	4,797.00
	Total For Dept 265.150 Facility Card Access		4,797.00
Dept 441.100 Public Works Facility Upgrade			
401-441.100-970.000	THE RIENKS GROUP, LLC	FIRST CONTRACT PAYMENT	20,456.35
401-441.100-970.000	SPAULDING, RICK	ELECTRIC RELOCATE	3,560.00
401-441.100-970.000	KENDALL ELECTRIC INC	ELECTRIC RELOCATION	44.49
	Total For Dept 441.100 Public Works Facility Upgrade		24,060.84
Dept 751.015 Howard Trail Erosion Control			
401-751.015-967.000	ABONMARCHE CONSULTANTS INC	HOWARD TRAIL DRAINAGE	1,016.25
	Total For Dept 751.015 Howard Trail Erosion Control		1,016.25
Dept 751.270 Dickinson Parking & Playground			
401-751.270-976.000	PATRIOT ENGINEERING AND ENVIRONMENT	DICKINSON GEOTECH	4,200.00
	Total For Dept 751.270 Dickinson Parking & Playground		4,200.00
Dept 751.591 WCF Restroom Facility			
401-751.591-975.000	MARTELL ELECTRIC, LLC	FINAL CONTRACT PAYMENT	5,717.00
401-751.591-975.000	UNITED RENTALS (NORTH AMERICA) INC.	CONTRACT PAYMENT	243.00
401-751.591-975.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS	1,006.00
401-751.591-975.000	UNITED RENTALS (NORTH AMERICA) INC.	FENCING PICK UP CHARGE	500.00
	Total For Dept 751.591 WCF Restroom Facility		7,466.00
Dept 901.016 Parking Lot 11			
401-901.016-801.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH PARKING LOT/MAJORS	717.76
	Total For Dept 901.016 Parking Lot 11		717.76
	Total For Fund 401 Capital Projects Fund		46,123.60
Fund 590 Sewer Fund			
Dept 000.000			
590-000.000-230.100	ST JOSEPH CHARTER TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	15,713.92
590-000.000-230.200	LINCOLN CHARTER TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	50,777.09

GL Number	Vendor	Invoice Description	Amount
590-000.000-230.400	ROYALTON TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	220,564.87
	Total For Dept 000.000		287,055.88
Dept 527.000 Sewer System			
590-527.000-801.000	BEAUDOIN ELECTRICAL CONSTRUCTION	PROFESSIONAL ELECTRICAL SERVICES	198.00
590-527.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	36.01
590-527.000-925.000	JOINT WASTEWATER TREATMENT PLANT	SJC SEWER TREATMENT	70,964.71
	Total For Dept 527.000 Sewer System		71,198.72
Dept 904.942 Hawthorne Lift Station Rehab			
590-904.942-801.000	ABONMARCHE CONSULTANTS INC	GRANT ADMIN	327.25
	Total For Dept 904.942 Hawthorne Lift Station Rehab		327.25
Dept 905.000 Debt Service			
590-905.000-991.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	70,000.00
590-905.000-995.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	87,116.92
	Total For Dept 905.000 Debt Service		157,116.92
	Total For Fund 590 Sewer Fund		515,698.77
Fund 591 Water Fund			
Dept 000.000			
591-000.000-230.100	ST JOSEPH CHARTER TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	7,917.84
591-000.000-230.200	LINCOLN CHARTER TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	3,689.16
591-000.000-230.400	ROYALTON TOWNSHIP	DISTRIBUTION OF WATER/SEWER REVENUES COLLECTED IN JUL\	40,330.92
	Total For Dept 000.000		51,937.92
Dept 530.000 Water Treatment Plant			
591-530.000-740.000	CERTIFIED LABORATORIES	PESTICIDES	2,326.75
591-530.000-740.000	HOLLYWOOD SMALL ENGINE	POLE SAW	630.00
591-530.000-740.000	HOLLYWOOD SMALL ENGINE	SUPPLIES	14.84
591-530.000-740.000	USA BLUE BOOK	LAB SUPPLIES	723.81
591-530.000-740.000	VWR INTERNATIONAL	LAB SUPPLIES	988.32
591-530.000-740.000	VWR INTERNATIONAL	LAB SUPPLIES	57.91
591-530.000-740.000	VWR INTERNATIONAL	LAB SUPPLIES	197.14
591-530.000-750.000	CHEMICAL SYSTEMS, INC.	CHLORINE - BOOSTER STATIONS	5,400.00
591-530.000-750.000	WILSON CHEMICAL SOLUTIONS	CREDIT - EARLY OVERPAYMENT	(9,974.00)
591-530.000-750.000	WILSON CHEMICAL SOLUTIONS	ALUM	7,271.50
591-530.000-750.000	WILSON CHEMICAL SOLUTIONS	CHLORINE - BLEACH	8,859.25
591-530.000-801.000	ABONMARCHE CONSULTANTS INC	SHORE PROTECTION INSPECTION	3,900.00
591-530.000-801.000	DIXON ENGINEERING, INC.	INSPECT SOUTH RESERVOIR	7,000.00
591-530.000-801.000	EUROFINS EATON ANALYTICAL LLC	ANALYSIS - STAGE 2 DBPR AUTH	648.90
591-530.000-801.000	EUROFINS EATON ANALYTICAL LLC	ANALYSIS - TOC	108.16

GL Number	Vendor	Invoice Description	Amount
591-530.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	45.50
591-530.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	238.95
591-530.000-860.000	FIRST NATIONAL BANK OF OMAHA	GREG ALIMENTI	248.52
591-530.000-870.000	THE WATER RESEARCH FOUNDATION	UTILITY MEMBERSHIP 7-2024 TO 8-2025	2,331.92
591-530.000-870.000	THE WATER RESEARCH FOUNDATION	UTILITY MEMBERSHIP 9-2025 TO 8-2026	2,332.00
591-530.000-870.000	FIRST NATIONAL BANK OF OMAHA	GREG ALIMENTI	9.99
591-530.000-900.000	XPRESS PRINTING	PRINT/MAIL CCR	13,519.70
591-530.000-920.000	MICHIGAN GAS UTILITIES	ACCT #0504619643-00002	39.92
591-530.000-920.000	MICHIGAN GAS UTILITIES	ACCT #0504619643-00003	43.91
591-530.000-930.000	MERSINO DEWATERING, LLC	PUMP RENTAL - DEWATER RESERVOIR	5,325.00
591-530.000-930.000	MERSINO DEWATERING, LLC	PUMP RENTAL - DEWATER RESERVOIR	5,689.00
591-530.000-930.000	MIDWEST GLASS & MIRROR	REPLACE FILTER 5-8 DOORS	6,611.00
591-530.000-930.000	SHORELINE BUILDING SERVICES LLC	JANITOR	1,800.00
591-530.000-930.000	TOTAL FIRE PROTECTION INC.	FIRE EXTINGUISHER PM	967.50
591-530.000-930.000	VESTIS SERVICES, LLC	RUGS AND RAGS	156.96
591-530.000-930.000	VESTIS SERVICES, LLC	RUGS AND RAGS	156.96
591-530.000-930.000	VESTIS SERVICES, LLC	RUGS AND RAGS	19.34
591-530.000-930.000	VISION LAWN AND PROPERTY MANAGEMENT	LAWN SPRINKLER	6,600.00
591-530.000-930.000	VISION LAWN AND PROPERTY MANAGEMENT	LAWN SPRINKLER - BACKFLOW PROTECTION	6,860.00
591-530.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
591-530.000-941.100	FIRST NATIONAL BANK OF OMAHA	GREG ALIMENTI	95.90
	Total For Dept 530.000 Water Treatment Plant		81,266.84
Dept 536.000 Water Distribution System			
591-536.000-740.000	ACE HARDWARE	METER SUPPLIES	28.40
591-536.000-740.000	BLACKBURN MANUFACTURING CO.	MISSDIG SUPPLIES	162.99
591-536.000-740.000	ETNA SUPPLY COMPANY	METER SUPPLIES/MXUS	750.00
591-536.000-740.000	FASTENAL COMPANY	MISSDIG SUPPLIES	83.94
591-536.000-740.000	FERGUSON WATERWORKS #3386	WATER REPAIR PARTS	7,218.48
591-536.000-740.000	HIGH GRADE MATERIALS CO.	1 SIDEWALK 1 WATER PATCH	394.50
591-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCHES FOR WATER	2,086.38
591-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCHES FOR WATER	1,182.00
591-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCH FOR WATER	1,084.75
591-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCH FOR WATER	1,084.75
591-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCH FOR WATER	1,084.75
591-536.000-740.000	LAZER GRAPHICS	PUBLIC WORKS SHIRT ORDER	507.95
591-536.000-740.000	LOWE'S HOME CENTERS, LLC	MAILBOX REPAIR SUPPLIES	44.24
591-536.000-740.000	RED ARROW TRANSPORT, INC	SAND BACKFILL MATERIAL	3,761.37
591-536.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HOT PATCH FOR WATER	442.25
591-536.000-740.000	RIETH-RILEY CONSTRUCTION CO., INC.	HMA FOR WATER	571.30
591-536.000-740.000	SMITH, CHRIS	CLOTHING REIMBURSEMENT	74.18
591-536.000-740.000	GARD, NICK	COMMERCIAL DRIVERS LICENSE REIMBURSEMENT	43.52
591-536.000-771.000	ETNA SUPPLY COMPANY	METER SUPPLIES/MXUS	6,480.00

GL Number	Vendor	Invoice Description	Amount
591-536.000-771.000	ETNA SUPPLY COMPANY	PRODUCT RETURN MXUS	(1,260.00)
591-536.000-801.000	BERRIEN COUNTY ROAD DEPARTMENT	ROW PERMIT	100.00
591-536.000-801.000	CHORBA ASPHALT PAVING LLC	CONTRACTED ASPHALT REPAIRS	14,256.00
591-536.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	245.75
591-536.000-870.000	FIRST NATIONAL BANK OF OMAHA	DAVID LINDERMAN	95.00
	Total For Dept 536.000 Water Distribution System		40,522.50
Dept 540.000 Water Administration			
591-540.000-728.000	SBF ENTERPRISES	AUGUST BILLS FOR SJCT	1,374.13
591-540.000-740.000	AMAZON CAPITAL SERVICES	CASH COUNTER AND PROTECTION	1,253.19
591-540.000-740.000	BERRIEN COUNTY TREASURER	MAP FOR UTILITY BILLING	30.00
591-540.000-801.000	SBF ENTERPRISES	AUGUST BILLS FOR SJCT	371.46
591-540.000-860.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	575.00
591-540.000-941.100	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	22.19
	Total For Dept 540.000 Water Administration		3,625.97
Dept 905.000 Debt Service			
591-905.000-991.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	1,090,557.00
591-905.000-995.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	272,837.77
	Total For Dept 905.000 Debt Service		1,363,394.77
	Total For Fund 591 Water Fund		1,540,748.00
Fund 592 City System Development Fund			
Dept 536.000 Water Distribution System			
592-536.000-740.000	HIGH GRADE MATERIALS CO.	CONCRETE PATCH FOR WATER	772.13
592-536.000-801.000	B & Z COMPANY	CONTRACTED PRIVATE WATERLINE REPLACEMENT	4,435.00
592-536.000-801.000	HYDROCORP	CROSS CONNECTION CONTROL	1,441.00
592-536.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	45.56
	Total For Dept 536.000 Water Distribution System		6,693.69
Dept 905.000 Debt Service			
592-905.000-991.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	62,977.00
592-905.000-995.000	US BANK TRUST COMPANY, N.A.	STATE REVOLVING FUND PAYMENT	109,486.92
	Total For Dept 905.000 Debt Service		172,463.92
	Total For Fund 592 City System Development Fund		179,157.61
Fund 594 Marina Fund			
Dept 597.000 Marina Operations			
594-597.000-740.000	AMAZON CAPITAL SERVICES	MAINTENANCE SUPPLIES	117.65
594-597.000-740.000	ACE HARDWARE	MAINTENANCE SUPPLIES	15.29
594-597.000-740.000	KSS ENTERPRISES	CLEANING SUPPLIES	148.19

GL Number	Vendor	Invoice Description	Amount
594-597.000-740.000	LOWE'S HOME CENTERS, LLC	MAINTENANCE SUPPLIES	63.18
594-597.000-741.000	MERLE BOES	DIESEL	3,333.02
594-597.000-741.000	MERLE BOES	DIESEL	4,463.13
594-597.000-741.000	MERLE BOES	GAS	8,751.51
594-597.000-741.000	MERLE BOES	DIESEL	3,272.51
594-597.000-741.000	MERLE BOES	DIESEL	3,604.20
594-597.000-741.000	MERLE BOES	GAS	2,518.59
594-597.000-741.000	MERLE BOES	DIESEL	4,385.41
594-597.000-742.000	WEST MARINE PRO	RESALE -STORE	370.52
594-597.000-742.000	QUEST CAR CARE PRODUCTS INC.	RESALE-STORE	224.88
594-597.000-742.000	WEST MARINE PRO	RESALE-STORE	313.53
594-597.000-742.000	WEST MARINE PRO	RESALE - STORE	208.80
594-597.000-742.000	WEST MARINE PRO	RESALE - STORE	1,085.98
594-597.000-742.200	FIRST NATIONAL BANK OF OMAHA	ANDREW PETERS	116.11
594-597.000-802.000	DOUBLE K ENTERPRISES INC.	COMPUTER SUPPORT	3,928.16
594-597.000-850.000	COMCAST	BOAT LAUNCH INTERNET	308.80
594-597.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	81.51
594-597.000-850.000	FIRST NATIONAL BANK OF OMAHA	ANDREW PETERS	327.98
594-597.000-850.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	314.85
594-597.000-919.000	BEST WAY DISPOSAL INC	TRASH SERVICE	208.50
594-597.000-930.000	SHORELINE BUILDING SERVICES LLC	CLEANING SERVICE	1,120.00
	Total For Dept 597.000 Marina Operations		39,282.30
	Total For Fund 594 Marina Fund		39,282.30
Fund 661 Motor Pool Fund			
Dept 345.000 Public Safety Department			
661-345.000-740.000	FISHER AUTO PARTS, INC.	PART	61.60
661-345.000-740.000	FISHER AUTO PARTS, INC.	PARTS	147.47
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	776.46
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRE	195.99
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	582.97
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	776.46
661-345.000-930.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS	160.00
661-345.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	880.70
661-345.000-930.000	PRI MAR PETROLEUM	CAR WASHES FOR PUBLIC SAFETY	120.00
661-345.000-941.000	ENTERPRISE FM TRUST	VEHICLE LEASES	25.29
	Total For Dept 345.000 Public Safety Department		3,726.94
Dept 441.000 Public Works Department			
661-441.000-740.000	ACE HARDWARE	HARDWARE	13.99
661-441.000-740.000	ACE HARDWARE	SHOP SUPPLIES	58.46
661-441.000-740.000	AIRGAS USA, LLC	CYLINDER RENTAL	395.66

GL Number	Vendor	Invoice Description	Amount
661-441.000-740.000	AUSRA KUBOTA, INC.	EXCHANGE/CREDIT	(1.86)
661-441.000-740.000	AUSRA KUBOTA, INC.	PARTS	33.66
661-441.000-740.000	FISHER AUTO PARTS, INC.	PART	147.43
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTERS	9.52
661-441.000-740.000	FISHER AUTO PARTS, INC.	BATTERIES	568.72
661-441.000-740.000	FISHER AUTO PARTS, INC.	BRAKES	314.51
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTER	46.68
661-441.000-740.000	MICHIANA SUPPLY INC.	PARTS	49.39
661-441.000-740.000	MICHIANA SUPPLY INC.	PARTS/HARDWARE	32.00
661-441.000-740.000	MICHIANA SUPPLY INC.	PARTS/HARDWARE	80.50
661-441.000-740.000	O' REILLY AUTO PARTS	BATTERY	136.68
661-441.000-740.000	SIEMANS IN BRIDGMAN	PARTS	1,297.64
661-441.000-740.000	TRUCK & TRAILER SPECIALTIES	PARTS	812.28
661-441.000-740.000	WEST MICHIGAN INTERNATIONAL LLC	PARTS	61.36
661-441.000-740.000	WEST MICHIGAN INTERNATIONAL LLC	PARTS	294.36
661-441.000-740.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS	83.41
661-441.000-740.000	FISHER AUTO PARTS, INC.	BULBS	44.79
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTER	4.79
661-441.000-740.000	FISHER AUTO PARTS, INC.	PARTS	568.28
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTER	18.60
661-441.000-740.000	FISHER AUTO PARTS, INC.	FILTERS/TOWELS	136.66
661-441.000-740.000	FISHER AUTO PARTS, INC.	PARTS	6.06
661-441.000-740.000	FISHER AUTO PARTS, INC.	LIGHTS	39.92
661-441.000-740.000	FISHER AUTO PARTS, INC.	PARTS	2.02
661-441.000-740.000	FISHER AUTO PARTS, INC.	LIGHTS	9.98
661-441.000-740.000	JOHN DEERE FINANCIAL	PARTS	188.68
661-441.000-740.000	VALLEY TRUCK PARTS, INC	PARTS	56.96
661-441.000-741.000	MERLE BOES	TRANS FLUID	1,674.45
661-441.000-741.000	MERLE BOES	FUEL	6,720.23
661-441.000-741.000	MERLE BOES	FUEL	18,617.03
661-441.000-741.000	MERLE BOES	DEF	862.70
661-441.000-850.000	VERIZON WIRELESS	BILL PERIOD 06-24-2025 TO 07-23-2025	72.02
661-441.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	310.52
661-441.000-930.000	FIRST NATIONAL BANK OF OMAHA	GREG GROTHOUS	120.00
661-441.000-930.000	GOOD YEAR TIRE & RUBBER CO.	TIRES	3,448.68
661-441.000-930.000	CRYSTAL CLEAN, LLC	OIL RECYCLING	522.26
661-441.000-941.000	ENTERPRISE FM TRUST	VEHICLE LEASES	2,152.24
	Total For Dept 441.000 Public Works Department		40,011.26
	Total For Fund 661 Motor Pool Fund		43,738.20

Fund 677 Self-Insurance Fund
Dept 871.000 Worker's Compensation

GL Number	Vendor	Invoice Description	Amount
677-871.000-910.000	MICHIGAN MUNICIPAL LEAGUE	WC POLICY PREMIUM 25-26 INSTALLMENT 2	21,622.00
	Total For Dept 871.000 Worker's Compensation		21,622.00
	Total For Fund 677 Self-Insurance Fund		21,622.00
Fund 690 Health Care Fund			
Dept 851.000 Insurance Premiums			
690-851.000-716.100	VARIPRO	SEPTEMBER HEALTH PREMIUM - RETIREES OVER AGE 65	1,946.00
	Total For Dept 851.000 Insurance Premiums		1,946.00
	Total For Fund 690 Health Care Fund		1,946.00
Fund 703 Current Tax Collection Fund			
Dept 000.000			
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	RESA SPECIAL	4,691.74
703-000.000-956.000	BERRIEN COUNTY INTERMEDIATE	RESA SPECIAL	59,050.92
703-000.000-956.000	BERRIEN COUNTY TREASURER	SJPS SET	161,534.32
703-000.000-956.000	BERRIEN COUNTY TREASURER	COUNTY GENERAL	128,365.63
703-000.000-956.000	LAKE MICHIGAN COLLEGE	LAKE MI COLLEGE	60,989.36
703-000.000-956.000	SOUTHWEST MI REGIONAL AIRPORT	AIRPORT	6,573.65
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	SJPS OPERATING	268,111.17
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	SJPS SCH-2014BLDGS	26,469.32
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	SJPS SCH-2010DEBT	83,728.14
703-000.000-956.000	ST JOSEPH PUBLIC SCHOOLS	SJPS SCH-2016DEBT	15,883.48
	Total For Dept 000.000		815,397.73
	Total For Fund 703 Current Tax Collection Fund		815,397.73
Fund 731 Retirement System Fund			
Dept 000.000			
731-000.000-860.000	FIRST NATIONAL BANK OF OMAHA	TIM ZEBELL	475.00
731-000.000-860.000	FIRST NATIONAL BANK OF OMAHA	SAMANTHA WINNELL	400.00
731-000.000-860.000	FIRST NATIONAL BANK OF OMAHA	LAURIE SCHMIDT	359.80
731-000.000-860.000	FIRST NATIONAL BANK OF OMAHA	FINANCE DEPARTMENT	400.00
731-000.000-910.000	HUB INTERNATIONAL MIDWEST LIMITED	25-26 FIDUCIARY RENEWAL	4,479.00
731-000.000-956.000	DENISE WESTFALL	REFUND FOR BANK FEES	125.00
	Total For Dept 000.000		6,238.80
	Total For Fund 731 Retirement System Fund		6,238.80
	Fund Totals:		
		Fund 101 General Fund	69,043.76

GL Number	Vendor	Invoice Description	Amount
		Fund 202 Major Street Fund	4,531.55
		Fund 203 Local Street Fund	6,213.07
		Fund 209 Cemetery Fund	3,022.77
		Fund 226 Rubbish Collection Fund	66,927.23
		Fund 271 Library Fund	3,591.96
		Fund 275 Band Fund	21,483.28
		Fund 401 Capital Projects Fund	46,123.60
		Fund 590 Sewer Fund	515,698.77
		Fund 591 Water Fund	1,540,748.00
		Fund 592 City System Development Fund	179,157.61
		Fund 594 Marina Fund	39,282.30
		Fund 661 Motor Pool Fund	43,738.20
		Fund 677 Self-Insurance Fund	21,622.00
		Fund 690 Health Care Fund	1,946.00
		Fund 703 Current Tax Collection Fund	815,397.73
		Fund 731 Retirement System Fund	6,238.80
		Total For All Funds:	3,384,766.63

Agenda Item

TO: **City Commission**

FROM: **Ben Reynnells, Finance Director**

RE: **Quarterly Investment Report PA 20**

MEETING DATE: **August 25, 2025**

As part of the consent agenda please accept this Public Act 20 of 1943 (PA20) report. PA20 requires the "investment officer" to annually provide a written report to the governing body concerning the investment of the funds. Going forward, staff plans to share this report quarterly. Included with this agenda item is a summary published by the State of Michigan detailing the requirements of PA20, a summary of our investments and interest earned, and a summary of our interest rates.

Included in this report are funds invested with Huntington Bank, MCLASS, Fidelity (Doris K Lininger Custodial Account) and 5/3 Securities. We are not presenting the funds invested with Berrien Community Foundation, or for the pension. While the Berrien Community Foundation is included with our financials, we don't control those investments. The pension investments are controlled by the City of St. Joseph Employees Retirement System board.

The interest earned from our checking accounts is included with the year-to-date interest revenue on this report.

ATTACHMENT(S):

- FY25 Q4 PA 20 CC Report.pdf
- PA20 Investments of Surplus Funds of Political Subdivisions.pdf

City of St Joseph
PA 20 CC Report
FY25 Q4

Fund	Name	Huntington CD 003.000	MCLASS 008.000	Fidelity (Doris K Lininger Custodial Account) 016.500	5/3 Securities 002.500 & 017.000	Interest Earned (Less Pension, With UFCU) 665.000
101	General Fund (Includes 102 Budget Stabilization Fund)	-	1,332,205.74	-	3,132,192.55	242,418.20
151	Cemetery Trust Fund	-	138,414.59	-	-	6,350.54
155	Library Endowment Fund	152,000.00	331,749.94	-	-	16,195.96
202	Major Street Fund	-	707,900.58	-	1,544,965.63	59,910.95
203	Local Street Fund	-	511,302.84	-	-	21,703.42
204	Municipal Street Fund	-	4,446,993.25	-	2,197,774.41	230,554.60
209	Cemetery Fund	-	339,466.89	-	-	14,078.20
214	Depot Fund	-	289,667.11	-	-	14,354.96
226	Rubbish Collection Fund	-	881,707.19	-	-	54,872.04
243	Brownfield Redevelopment Authority Fund	-	85,144.06	-	-	3,817.44
248	Downtown Development Authority Fund	-	65,883.51	-	-	3,942.27
264	Law Enforcement Training Fund	-	14,172.16	-	-	843.20
265	Drug Law Enforcement Fund	-	4,018.81	-	-	191.25
266	Law Enforcement Fund Criminal Forfeiture	-	30.89	-	-	2.50
271	Library Fund	-	950,578.85	5,156.03	-	53,040.33
275	Band Fund	-	420,767.30	-	-	19,348.29
301	General Debt Service Fund	-	-	-	-	10,389.73
401	Capital Projects Fund	-	1,303,414.28	-	2,304,174.24	45,752.11
471	Library Capital Project Fund	-	-	-	-	68.25
485	Lighthouse Capital Improvement Fund	-	253,607.01	-	-	9,938.94
590	Sewer Fund	-	3,572,060.70	-	1,086,203.34	236,443.18
591	Water Fund	-	5,019,805.41	-	3,281,575.78	261,711.14
592	City System Development Fund	-	2,975,464.33	-	1,111,269.50	108,024.92
594	Marina Fund	-	77,810.01	-	-	26,766.97
661	Motor Pool Fund	-	581,602.09	-	-	32,653.37
677	Self-Insurance Fund	-	810,602.73	-	504,312.58	33,326.28
690	Health Care Fund	-	1,586,342.68	-	-	63,878.11
		152,000.00	26,700,712.95	5,156.03	15,162,468.03	1,570,577.15

Statement Rate	FY25 Q1	FY25 Q2	FY25 Q3	FY25 Q4
MCLASS	4.9769%	4.6870%	4.4156%	4.3706%
Fidelity	5.0100%	4.9100%	4.6800%	4.4300%
5/3 Securities	4.6640%	4.4440%	4.2160%	4.0110%
UFCU - Pooled	3.9900%	3.4900%	3.2500%	3.2500%
UFCU - General	0.0400%	0.0500%	0.0500%	0.0500%
UFCU - Library	0.0500%	0.0500%	0.0500%	0.0500%
UFCU - Utility	0.1400%	0.1600%	0.0500%	0.0000%
UFCU - Marina	0.0500%	0.0500%	0.0500%	0.0400%
UFCU - Tax	0.1400%	0.0500%	0.0400%	0.0000%

TREASURY

Investments of Surplus Funds of Political Subdivisions

Public Act 20 of 1943 **as amended by Public Act 196 of 1997**

Public Act 20 of 1943 as amended through June 30, 1997	**Public Act 20 of 1943 as amended through December 31, 1997**
129.91	
Sec. 1. (1) The legislative or governing body of a county, city, village, township, or special assessment district, or an agency, board, or commission of a county, city, village or township, by resolution may authorize its treasurer or other chief fiscal officer to invest surplus funds belonging to and under the control of the political subdivision, special assessment district, or agency, board, or commission of a county as follows:	Sec. 1. (1) Except as provided in section 5, the governing body by resolution may authorize its investment officer to invest the funds of the public corporation in 1 or more of the following:
(a) In bonds, securities, and other obligations of the United States, or an agency or instrumentality of the United States in which the principal and interest is fully guaranteed by the United States. This subdivision shall include securities issued or guaranteed by the government national mortgage association.	(a) Bonds, securities, and other obligations of the United States or an agency or instrumentality of the United States.
(b) In certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, but only if the financial institution complies with subsection (2).	(b) Certificates of deposit, savings accounts, deposit accounts, or depository receipts of a financial institution, buy only if the financial institution complies with subsection (2).
(c) In commercial paper rated at the time of purchase within the 3 highest classifications established by not less than 2 standard rating	(c) Commercial paper rated at the time of purchase within the 2 highest classifications established by not less than 2 standard

services and which matures not more than 270 days after the date of purchase. Not more than 50% of any fund may be invested in commercial paper at any time.	rating services and that matures not more than 270 days after the date of purchase.
(d) In United States government or federal agency obligation repurchase agreements.	(d) Repurchase agreements consisting of instruments listed in subdivision (a).
(e) In bankers' acceptances of United States banks.	(e) Bankers' acceptances of United States banks.
	(f) Obligations of this state or any of its political subdivisions that at the time of purchase are rated as investment grade by not less than 1 standard rating service.
(f) In mutual funds composed of investment vehicles which are legal for direct investment by local units of government in this state.	
	(g) Mutual funds registered under the investment company act of 1940, title I of chapter 686, 54 Stat. 789, 15 U.S.C. 80a-1 to 80a-3 and 80a-4 to 80a-64, with the authority to purchase only investment vehicles that are legal for direct investment by a public corporation. However, a mutual fund is not disqualified as a permissible investment solely by reason of either of the following: (i) The purchase of securities on a when-issued or delayed delivery basis. (ii) The ability to lend portfolio securities as long as the mutual fund receives collateral all times equal to at least 100% of the securities loaned. (iii) The limited ability to borrow and pledge a like portion of the portfolio's assets for temporary or emergency purposes.

	(h) Obligations described in subdivisions (a) through (g) if purchased through an interlocal agreement under the Urban Cooperations Act, PA 7 of 1967 (Ex Sess), MCL 124.501 to 124.512.
	(i) Investment pools organized under the surplus funds investment pool act, PA 367 of 1982, 129.111 to 129.118.
	(j) The investment pools organized under the local government investment pool act, PA 121 of 1985, MCL 129.141 to 129.150.
(2) A county, city, village, township, or special assessment district investing funds under subsection (1) shall not deposit or invest the funds in a financial institution which is not eligible to be a depository of surplus funds belonging to the state under section 6 of PA 105 of 1855, MCL 21.146.	(2) A public corporation that invests its funds under subsection (1) shall not deposit or invest the funds in a financial institution that is not eligible to be a depository of funds belonging to the state under a law or rule of this state or the United States.
(3) Assets acceptable for pledging to secure deposits of public funds are limited to any of the following: (a) (b) (i) (ii) (iii) (c)	(3) Assets acceptable for pledging to secure deposits of public funds are limited to assets authorized for direct investment under section (1).
(4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in this state under the laws of this state or the United States.	(4) As used in this section, "financial institution" means a state or nationally chartered bank or a state or federally chartered savings and loan association, savings bank, or credit union whose deposits are insured by an agency of the United States government and which maintains a principal office or branch office in this state under the laws of this state or the United States.

Act 196 PA 1997 ADDED subsection (5) to Section 1 as follows:

(5) As used in this act:

(a) "Governing body" means the legislative body, council, commission, board or other body having legislative powers of a public corporation.
(b) "Funds" means the money of a public corporation, the investment of which is not otherwise subject to a public act of this state or bond authorizing ordinance or resolution of a public corporation that permits investment in fewer than all of the investment options listed in subsection (1) or imposes 1 or more conditions upon an investment in an option listed in subsection (1).
(c) "Investment officer" means the treasurer or other person designated by statute or charter of a public corporation to act as the investment officer. In the absence of statute or charter designation, the governing body of a public corporation shall designate the investment officer.
(d) "Public corporation" means a county, city, village, township, port district, drainage district, special assessment district, or metropolitan district of this state, or a board, commission, or another authority or agency created by or under an act of the legislature of this state.

Act 196 PA 1997 REPEALED Section 2 of Act 20 PA 1943.

Act 196 PA 1997 AMENDED Section 3 as follows:

Sec. 3. Investments made before the effective date of the amendatory act that repealed section 2 of the surplus funds, sinking funds, or insurance funds of a political subdivision of this state in bonds and other obligations of the United States or its intrumentalities or certificates of deposit or depository receipts of a bank that is a member of the federal deposit insurance corporation as provided under section 1 and former section 2 of this act are hereby ratified and validated.

Act 196 PA 1997 Added Section 5 and 6 as follows:

Sec. 5. (1) Not more that 180 days after the end of a public corporation's first fiscal year that ends after the effective date of the amendatory act that repealed section 2, a governing body, in conjunction with the investment officer, shall adopt an investment policy that, at a minimum, includes all of the following:

(a) A statement of the purpose, scope, and objectives of the policy, including safety, diversification, liquidity, and return on investment.
(b) A delegation of authority to make investments.
(c) A list of authorized investment instruments. If the policy authorizes an investment in mutual funds, it shall indicate whether the authorization is limited to securities whose intention is to maintain a net asset value of $1.00 per share or also includes securities

whose net asset value per share may fluctuate on a periodic basis.
(d) A statement concerning safekeeping, custody, and prudence.

(2) A governing body that as of the effective date of the amendatory act that repealed section 2 has adopted an investment policy that substantially complies with the minimum requirements under subsection (1) is not in violation of this section as long as that policy remains in effect.

Sec 6.(1) Subject to subsection (2), before executing an order to purchase or trade the funds of a public corporation, the financial intermediary, broker, or dealer shall be provided with a copy of the public corporation's investment policy and shall do both of the following:

(a) Acknowledge receipt of the investment policy.
(b) Agree to comply with the terms of the investment policy regarding buying or selling of securities.

(2) A public corporation is subject to subsection (1) beginning on the date that the investment policy of a public corporation takes effect or 180 days after the end of the public corporation's first fiscal year ending after the effective date of the amendatory act that repealed section 2, whichever is earlier.

(3) The investment officer annually shall provide a written report to the governing body concerning the investment of the funds.

Michigan Department of TREASURY

Investments of Surplus Funds of Political Subdivisions

Copyright State of Michigan

Agenda Item

TO: **City Commission**

FROM: **Abby Bishop, City Clerk**

RE: **Seasonal Vendor Application - Private Property - Chick-Fil-A**

MEETING DATE: **August 25, 2025**

In accordance with the Vending Ordinance, the City Commission is charged with granting licenses based upon the completeness of the application, the quality and legitimacy of the product offered for sale, the construction and design of the stand or cart, and the vendor's previous performance, including citizen comments, ordinance violations, etc. Therefore, pertinent information regarding each applicant applying for a license as a Seasonal Vendor operating on public property has been attached for review.

The applicants, Justin Barnes and Gypsy Martinez, are the current owners and operators of the Chick-fil-A restaurant in Benton Harbor, MI, and are applying to vend at the vacant lot at 300 Main Street. This is a private lot in the downtown district, and the applicants have received permission from the property owner to use the space. The applicants plan to offer a variety of chicken sandwiches, wraps, cookies, chips, and a selection of drinks for sale, and have listed several different festivals and fairs as previous vending experiences. The Public Safety and City Clerk have also reviewed the application and recommend approval.

Action Requested: To approve, as part of the Consent Agenda, the seasonal vendor application for Chick-fil-A in Benton Harbor, MI, from Justin Barnes and Gypsy Martinez, to operate as a seasonal vendor on the private lot at 300 Main St., pending receipt of updated information, payment of vending fees, and authorization for the City Clerk to issue a seasonal permit once all requirements are met.

ATTACHMENT(S):

- Chick-Fil-A Vending Application 2025_Redacted.pdf

City of St. Joseph
Application for Vendor License

Applicant

Your Name : JUSTIN BARNES / GYPSY MARTINEZ Today's Date: 8/13/2025

Your Permanent Address: [redacted] For CC consideration on: _____

City: [redacted] State: MI Zip: [redacted] Email: JUSTIN.BARNES@CFAFRANCHISEE.COM

Your Daytime Phone: [redacted] Evening Phone: SAME

Name of Business/Organization: CHICK-FIL-A BENTON HARBOR

Nature of Business: QSR Your Affiliation with Business/Organization: OWNER / OPERATOR

Address of Business/Organization: 1917 PIPESTONE AVE

City: BENTON HARBOR State: MI Zip: 49022 Email: 05680@CHICK-FIL-A.COM

Business/Organization Daytime Phone: 269-429-1054 Evening Phone: _____

Have you ever been convicted of any crime, misdemeanor or violation of a municipal ordinance? Y (N) If YES, describe nature of the offense and the punishment or penalty assessed _____

Attach a listing of all persons who will be vending under this application; include name, address & copy of state identification. # Persons ___

Vehicle Information Year 2015 Make/Model FORD F150 Color WHITE License Plate # [redacted] State MI

Vending Information Day Vendor X Moving Day Vendor _____ Peddler _____ Stationary Vendor _____

What **DATE** do you plan to vend? _____ During what **TIMES** do you plan to vend? _____

VENDING LOCATION requested? 300 MAIN ST, SAINT JOSEPH, MI 49085
Must attach a map / diagram indicating location / route.

From what type of structure will you be vending? *Must attach picture of the booth / cart / stand / vehicle.* SERVE-ONLY TRAILER

List all products you intend to sell CFA SANDWICH, SPICY SANDWICH, COOKIES, CHIPS, WRAPS, POP, WATER LEMONADE, SWEET TEA

How will the goods be delivered to you? _____

How are the goods be delivered to customers? _____

List previous vending experience? PICKLE FESTIVAL, PEACH FESTIVAL, STADIUM VENDOR (2022-24) COUNTY FAIR, FUNDRAISERS

PLEASE READ CAREFULLY; THEN SIGN BELOW

1. All applications for Vending Licenses must be approved by the City Commission.
2. Any License issued is valid only for the dates set forth on the license, without regard to any cancellation or postponement of related activities.
3. Licenses are not transferable.
4. Each vendor must pick up their license before April 1st or no later than 2 weeks after the City Commission approves their application, failure to do so may result in the termination of their license.
5. An ID badge must be worn by vendor at all times while vending; ID badge may be provided by City or the City will approve badges provided by vendor.
6. Each vendor must post the license issued by the City of St. Joseph in a prominent location.
7. County Health Department Certification required for all food sales; City Vending License must be consistent with County Certificate.
8. If your business requires the use of weighing or measuring devices, you must submit a certificate from the State Inspector of Weights, Scales & Measures.

By signing this application, you affirm that the information provided is accurate and truthful to the best of your knowledge.

Signature of Applicant _____ **Date** 8/13/2025

Photo ID: ✓ *Stand Photo* ✓ *Location Map* ✓ *Health Department Certificate* ✓ *Other Certifications* _____

Appl. Fee: ✓ *Ch#/cash:* 056802 *Date:* 8/18/25 *Comments:* _____

PS Approval ✓ *City Clerk Approval* ✓ *City Commission Approval* _____

Original: City Clerk Copy: Public Safety Director Copy: Applicant

Expires: 04/30/2026

Issued To: **CHICK FIL A**
1917 PIPESTONE RD
BENTON HARBOR MI 49022-2314

Responsible Party and Address:

J2B INC
1917 PIPESTONE RD
BENTON HARBOR MI 49022-2314

State of Michigan

Department of Agriculture & Rural Development

Bureau of Food Safety and Animal Health

Dr. Tim Boring
Director

SFE-1111-360140

FOOD SERVICE - FIXED ESTABLISHMENT

Display for Public View

Issued by the Michigan Department of Agriculture and Rural Development to operate a Food Service Establishment in accordance with provisions of Act 92, P.A. of 2000, as amended.

This license is not transferrable.

Failure to post in a conspicuous place is a misdemeanor. (See Section 4119)

Notify the Local Health Department before a change of ownership. (See Section 4123)

Direct inquiries to the Berrien County Health Department

Expires: 04/30/2026

Issued To: **CHICK FIL A**
1917 PIPESTONE RD
BENTON HARBOR MI 49022-2314

Responsible Party and Address:

J2B INC
1917 PIPESTONE RD
BENTON HARBOR MI 49022-2314

State of Michigan

Department of Agriculture & Rural Development

Bureau of Food Safety and Animal Health

Dr. Tim Boring
Director

SFE-1111-360140

FOOD SERVICE - FIXED ESTABLISHMENT

Display for Public View

Issued by the Michigan Department of Agriculture and Rural Development to operate a Food Service Establishment in accordance with provisions of Act 92, P.A. of 2000, as amended.

This license is not transferrable.

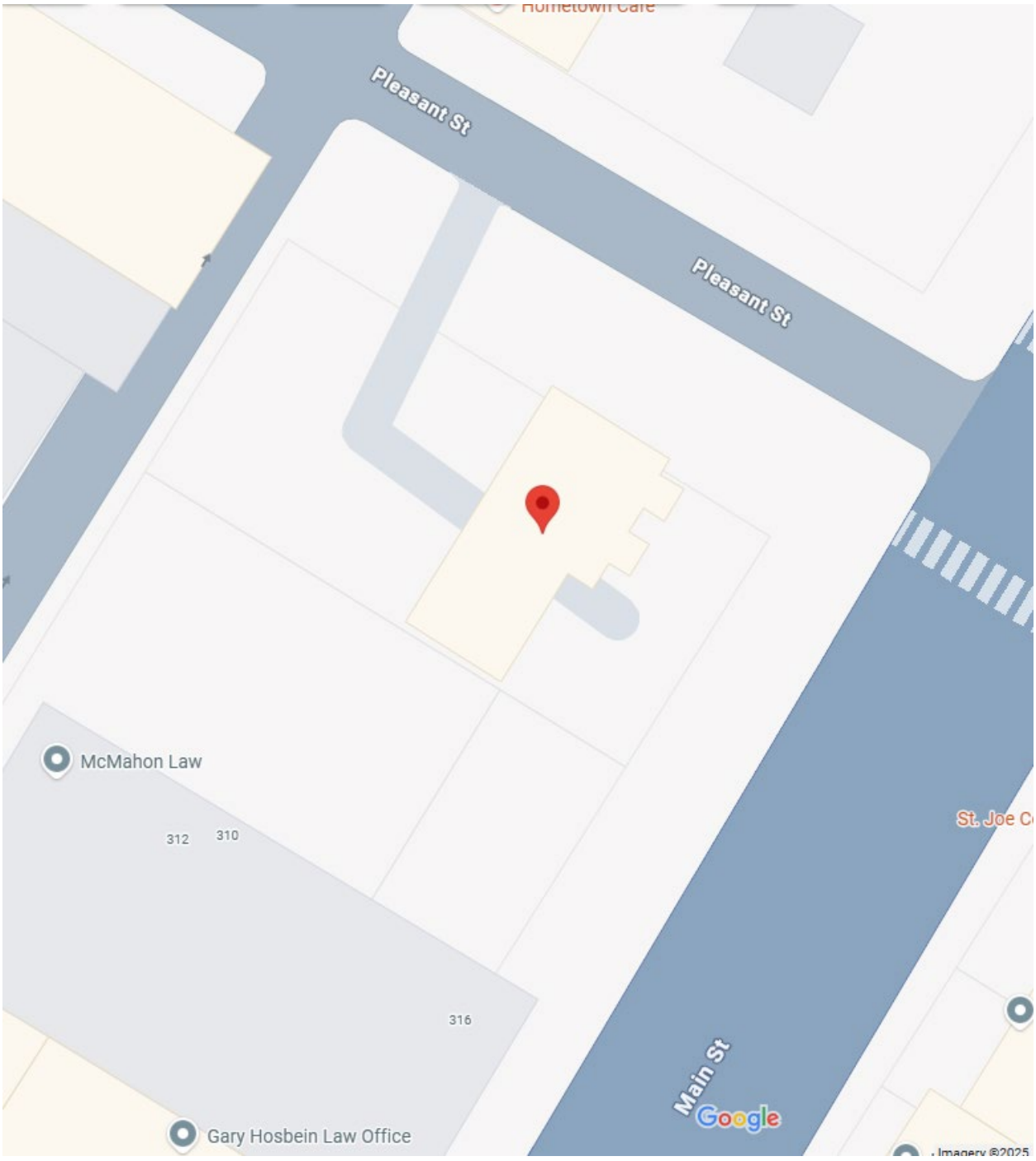
Failure to post in a conspicuous place is a misdemeanor. (See Section 4119)

Notify the Local Health Department before a change of ownership. (See Section 4123)

Direct inquiries to the Berrien County Health Department


Home of The Original Chicken Sandwich
Chick-fil-A
chick-fil-a.com

300 MAIN STREET ST JOSEPH, MI 49085



Benton Harbor

Core Values

B.L.E.S.S.

BRING OUR BEST

We commit showing up and pursuing excellence in everything we do.

LEAD with LOVE

We treat our guests and one another with honor, dignity and respect.

ENGAGE in GROWTH

We get better everyday by growing in competency and character.

SERVE SELFLESSLY

We put the needs of others above our own and actively seek to be generous.

STRONGER TOGETHER

We acknowledge that our diverse strengths enable us to achieve more together.

300 Main ST LLC

August 14, 2025

Justin Barnes
Owner/Operator
Chick-fil-A
1917 Pipestone Road
Benton Harbor, MI 49022

Dear Justin,
Subject to approval from the St. Joseph City Commission and completion of the City's vendor requirements, we grant you permission to operate a Chick-fil-A food cart on our property located at 300 Main Street, St. Joseph, Michigan.

Per our discussion, your use of the property will be operated on a trial basis with regular communication with the property owners, and subject to details outlined in our agreement.

We wish you much success in this endeavor and thank you for choosing St. Joseph to launch this exciting venture.

Sincerely,

Jim and Sue Riemland

Agenda Item

TO: **City Commission**

FROM: **Greg Grothous, Director of Public Works**

RE: **John E.N. Howard Bandshell Painting**

MEETING DATE: **August 25, 2025**

As part of the Consent Agenda, the Commission is being asked to approve the sand blasting and painting of the John E.N. Howard Bandshell from the bid of BlasTek, of Shelbyville, MI to be paid out of the Band Fund and to authorize the City Manager to execute the appropriate documents.

Staff prepared a Request for Proposal (RFP) for the painting and sand blasting of the bandshell and issued the RFP on July 30. The RFP was posted on the City website and an ad was placed in the Herald Palladium. Responses were due back to the City by Tuesday August 19. The City received two responses to the RFP - from Dave Cole Decorators of Sparta, MI ($47,500) and BlasTek of Shelbyville, MI ($26,101).

After careful review, City staff recommends the low bidder for the sand blasting and painting of the Howard Bandshell. BlasTek is a well known painting and sand blasting contractor in West Michigan. They were a sub-contractor for Mihm Enterprise who refurbished our Lighthouse.

ATTACHMENT(S):

- Painting RFP with exhibits 2025.pdf
- Painting bid tab2025.pdf
- Blastec bid.pdf

Request For Proposal

John E.N. Howard Band Shell Painting

City of St. Joseph, Department of Public Works
1160 Broad Street St. Joseph, MI 49085

I. Purpose

This Request for Proposal ("RFP") is to provide interested area **painting contractors** with sufficient information to submit proposals for consideration by the City of St. Joseph ("City") in connection with its needs for exterior painting at the John E.N. Howard Band Shell, 500 Port Street, St. Joseph. MI.

Favorable pricing will be one element of the selection process, but the experience of the firm, qualifications, experience and ability of assigned staff, completeness of the level of service proposed and timeliness of service proposed by the Bidder will be significant factors in award of this contract. Final decision on selection of the Bidder for this project will be determined by the City Commission. The City reserves the right to reject any proposals or parts of proposals. The City also reserves the right to waive any irregularities, inconsistencies, or take what other action is appropriate as determined by the City to be in the best interest of the City.

A complete Request for Proposal may be viewed or downloaded at www.sjcity.com, or mailed by contacting the City Clerk.

REQUEST FOR PROPOSAL: **Painting for the John E.N. Howard Band Shell**
CLOSING DATE AND TIME: **3:00 pm, August 19th 2025.**

II. Scope of Work & Bid Specifications:

Project to be started after September 2nd 2025. Once started, project must remain ongoing until completed by June 1st 2026.

- Setting up containment around the perimeter of the roof structure
- Building scaffolding to access the ceiling of the structure
- Sandblasting the entire deck to a SSPC-SP-6 commercial blast
- Applying one primer coat of Tnemec 94-H2O zinc to the deck steel
- Applying one intermediate coat of Tnemec V69 epoxy to the deck steel
- Applying one finish coat of Tnemec 1094 polyurethane to the deck steel
- Power tool cleaning to remove any rust on the handrail, perimeter structure steel
- Spot priming the bare areas with Next bond universal metal primer
- Finish painting the steel with O'Leary DTM Acrylic painting includes the doors and door frames
- Clean up and disposal of the spent media

For materials see attached exhibits.

Successful bidder will follow all state and local codes, OSHA safety requirements, industry best practice standards and EPA regulations on this project.

Minimum warranty requirements: One year materials and labor

Issuing Officer (Point of Contact)

Questions regarding the scope of work to be accomplished may be directed to Mike Christensen, Facilities Manager at (269) 930-4408. To schedule an appointment to see the job site, contact Mike Christensen by email at: mchristensen@sjcity.com ; or by telephone at (269) 985-0310 (Office) or (269) 930-4408 (Mobile).

Addenda

In the event it becomes necessary to modify any part of this Request for Proposal, addenda will be issued to all parties who received the original RFP.

III. Instructions to Bidders

1) Sealed bids are due at the at the St. Joseph City Clerk's Office no later than **3:00pm, August 19th 2025**.

   Proposals may be mailed or delivered to the City of St. Joseph City Clerk, 700 Broad Street, St. Joseph, Michigan 49085. Sealed envelopes should be plainly marked:

   Attention: City Clerk
   Re: **John E.N. Howard Band Shell Painting**
   700 Broad Street
   St. Joseph, MI 49085

   It is the sole responsibility of the Bidder to see that its proposal is received within the required time period. The City is not responsible for any errors or irregularities with the delivery method utilized for submittal of the Proposal. Any proposals received after the closing date and time will be returned unopened.

IV. Incurring Costs

The City is not liable for any costs related to respondents' preparation of their proposal.

V. Withdrawal of Proposal

Any Bidder may withdraw its proposal in person, by facsimile, or by letter, any time prior to the scheduled closing time for receipt of proposals. Each proposal shall be considered binding and in effect for a period of Sixty (60) days after the closing date.

VI. Opening of Proposals

Proposals will be opened publicly at **3:15 pm, August 19th, 2025** in the City Hall Commission Chambers.

VII. Evaluation of Proposals

It is the intent of the City to evaluate all proposals quickly and be prepared to recommend an award at the August 25th, 2025 City Commission meeting.

VIII. Negotiations

The City reserves the right to reject any and all proposals and negotiate with any source, in any manner necessary, deemed to be in its best interest.

IX. Award of Contract / Acceptance of Proposal (Terms and Conditions)

The contents of this RFP and the respondent's proposal, as submitted and/or modified, shall become contractual obligations to be executed by the authorized contracting agents of both parties.

The successful bidder must procure and maintain the following insurance with carriers acceptable to the City and admitted to do business in the State of Michigan, and provide proof of the same to the City:

In accordance with Michigan law, all projects with a contract amount over $50,000.00 will require a performance and payment bond covering the entire amount of the contract price, which shall become binding upon the award of the contract. **No bid bond is required.**

- **Worker's Compensation Insurance**, including employers' Liability coverage, in accordance with Michigan law.
- **Commercial General Liability** Insurance on an "Occurrence Basis" with limits of liability not less than $1,000,000 per occurrence and aggregate. Coverage shall include the following extensions: A). contractual liability, B) Broad form general liability extensions or equivalent.
- **Motor Vehicle Liability** Insurance, including Michigan No-Fault coverages, with limits not less than $1,000,000 per occurrence combined single limit for bodily injury and property damage. Coverage shall include all owned vehicles, non-owned vehicles, and hired vehicles.

The Commercial General Liability Insurances shall include an endorsement naming as an additional insured the City of St. Joseph, all elected and appointed officials, employees, volunteers, boards, commissions, and/or authorities and boards, including members, employees and volunteers thereof. Bidder's insurance shall be primary and any other insurance City may have in effect shall be considered secondary and/or excess. Coverage shall be maintained throughout the term of the agreement.

All insurance shall include an endorsement that contains a 30-day advance written notice of cancellation to the City Manager, City of St. Joseph, Michigan, 700 Broad Street, St. Joseph, Michigan 49085.

X. Nondiscrimination

The successful bidder shall not discriminate in its provision of accommodations or services, nor against an employee or applicant for employment with respect to hire, tenure, terms,

conditions, or privileges of employment, or a matter directly or indirectly related to employment, because of race, color, religion, national origin, age, sex, sexual orientation, gender identity, height, weight, marital status, or because of a disability that is unrelated to the individual's ability to perform the duties of a particular job or position. Breach of this covenant may be regarded as a material breach of the agreement.

XI. Payment Terms:

The City shall make payments to the successful bidder for actual services rendered within thirty (30) days following receipt of an acceptable invoice; or as otherwise mutually agreed.

TECHNICAL DATA SHEET

INDUSTRIAL COATINGS

EXHIBIT

3.5 VOC Universal Metal Primer

IS-1113 White **IS-1603 Red Oxide**
IS-1813 Gray **IS-1913 Black**

Product Description:

A tough, durable, corrosion resistant phenolic modified alkyd primer for use over iron and streel substrates. Can be used as a universal primer under high performance coatings containing ketones and esters. Low VOC technology provides low toxicity and compliance with environmenta regulations.

Main Properties:

Fast drying • Corrosion resistant • No HAPS • Low VOC • Non- Lifting

Recommended Usage:

Implement Equipment • Industrial Trailers • All types of fabricated steel

Application:

Application Method:	May be sprayed with conventional, airless and air assisted-airless application equipment.
Mixing Instructions:	Ready to Spray. May be reduced as needed with an active, aromatic or an aliphatic solvent.
Substrate Preparation:	The surface must be clean, dry and free of grease, oil, dirt, fingerprints and any other contamination to ensure proper adhesion. Remove any loose or peeling paint. Sand basecoat with 320-400 grit sandpaper
Application Instructions:	Mix well using a power agitator prior to application. On application, the temperature of the product, substrate and coating should be above 50 ° F. A minimum dried film thickness of 2 mils is required for maximum performance.
Coverage:	Approximately 722-818 square feet per gallon at 1 dry mil. Actual coverage may vary depending on application technique, equipment and weather conditions.
Safety/ Clean Up:	Please read MSDS and product label before using. Applications tools must be cleaned with mineral spirits after use. Dispose of any leftover coating in accordance with local, state or federal regulations
Salt Fog Results ASTM B-117	Iron Phosphate (R-36-I Q-PANEL), 1.5 mils DFT, 550 hrs: Overall rating (ASTM D 610) 7-8 < 3/16" Creepage from scribe, with very few blisters. No body blisters, < .3% surface rust.

Physical Properties

Vehicle Type	Modified alkyd
Solids by Volume	49-51 (+/- 1%)
Solids by Weight	68-70 (+/- 1%)
VOC	<3.5 lbs/gal
Flash Point	73 deg F.
Viscosity	20-25 sec. Zahn # 2
Specific Gravity	1.29-1.34

Curing/Drying Time Properties

Air Drying Time (77° F 50% humidity)	
Dust Free	10-15 minutes
To Touch	20-25 minutes
Hard	8-12 hours

Force Dry Time

Flash-off	10-15 minutes
No more than 140° f	20-30 minutes

Data provided as a guidance for reference purposes and represents our best knowledge and experience. However due to variances in all application processes, the responsibility of coatings systems rests with the user. Always test thoroughly for compatibility with complete coating systems



2935 Almeta Lane • McKinney, TX 75069 • ph: 972.384.1280 • fax: 972.837.4326 • www.ciccoatings.com

EXHIBIT 1

Resin Type:	Acrylic
Solids:	Weight - 54.8% Volume - 42.6%
Weight Per Gallon:	10.5 lbs.
Viscosity:	90 ± 5 (Krebs Units)
Flash Point:	200°F or over (TT-P-141, Method 4293)
Specular Gloss:	30 – 35 @ 60
Sag Rating:	Pass 8 mils (Lenetta)
Recommended Film Thickness:	**Tight Rust** / **Clean Metal** Wet - 7.0 to 8.0 mils / 4.0 to 5.0 mils Dry - 2.98 to 3.4 mils / 1.7 to 2.1 mils
Abrasion Resistance: **Adhesion:** **Flexibility:** **Accelerated Weathering:** **Salt Fog Resistance:**	ASTM D 4060 – 100 mg. loss after 1,000 cycles (CS-17 Wheel) ASTM D 3359 – Pass 5B ASTM D 1737 – Pass 1/8" Mandrel ASTM G 53 – 90% Gloss Retention @ 500 hours ASTM B 1117 – 1,000 hours (two coats over 360-11 Primer) Rating – 10, Rust Area – 0.00%
VOC – VOS Statement:	This product contains a maximum of 275 grams of VOC/VOS per liter of coating (2.3 lbs per gallon)

Rev. 4/23

EXHIBIT 2

O'LEARY PAINT SINCE 1891

DTM

ACRYLIC COATING SYSTEM

3182 Series; Satin

Type	Sheen	Spread Rate	Recommended Application	Thinner	Clean Up	DRY TIME		
						Tack Free	Re-coat	Cure
Acrylic	Satin	200-425 Sq. Ft. Per Gallon	Brush, Roller, or Spray	Water	Warm Soapy Water	30 Minutes	2 Hours	7 - 10 Days

PRODUCT NAME: 3182 Series; DTM Acrylic Satin	O'Leary Direct to Metal Acrylic Enamel is a high performance, rust inhibiting coating system that can be applied to bare steel, galvanized steel or a variety of other substrates. DTM Acrylic Enamel is designed for light to moderate industrial exposure and is suitable for most institutional or commercial applications. O'Leary DTM Acrylic Enamel is a low odor, low VOC coating that provides excellent adhesion, corrosion protection, gloss and color retention, as well as ease of application and clean up.
WHERE TO USE:	Interior / Exterior. DTM Acrylic Enamel is suitable for coating steel, galvanized metal, concrete, masonry, plaster, drywall, primed wood, etc., in plants, schools, warehouses, mills, hospitals, hotels and restaurants. DTM Acrylic may be applied to structural members, tanks, towers, machinery, pipes, duct work, doors, railings, siding or walls.
Surface Preparation:	The surface to be coated must be clean and free of loose rust, dirt, chalk, grease, oil, mildew, loose, flaking paint or any other contamination that could affect positive adhesion. The preferred method of preparation for steel is to abrasive blast to SSPC-SP6 Commercial Blast. This provides optimum product performance. If this method is not possible, use adequate power tool cleaning to SSPC-SP3. O'Leary DTM Acrylic Enamel may be applied to sound, tight adhering rust, but loose or severe rust must be removed. All grease, oil, blood, animal fat or dirt should be removed with a cleaner / degreaser. Follow all label instructions. Chalk residue or zinc oxidation, on galvanized metal, should be removed by power washing. Mildew should be cleaned by washing the surface with a solution of one part bleach to six parts water. Rinse thoroughly after mildew wash with clean water and allow to dry. Extremely glossy paints should be dulled by sanding, to improve adhesion. PRIMING – (New or bare surfaces) STEEL – DTM Acrylics are self-priming when applied in two coats. GALVANIZED – Product is self-priming. MASONRY – Self-priming or O'Leary 5090 Masonry Sealer. CONCRETE – Self-Priming or O'Leary 529-11 Latex Block Filler. DRYWALL – Use O'Leary 50 Block-It. PLASTER – Use O'Leary 50 Block-It. WOOD – Use O'Leary 50 Block-It. **DTM Acrylic is not recommended as a coating for exterior wood siding.** ALUMINUM – Self Priming.
Application:	Stir product thoroughly before applying. O'Leary DTM Acrylic can be applied by brush, roller, air-atomized or airless spray at up to 425 sq ft per gallon. Apply this product when material, air and surface temperatures are between 55°F and 100°F. **Do not apply this product if the air or substrate temperature are going to drop below 50°F within 12 hours.** The substrate must be at least 5°F above dew point. Relative humidity should be below 90%. For brush or roller application, thinning is normally not required. For best application results, use a quality synthetic filament brush or a short nap roller cover. Do not apply DTM Acrylic Finishes if rain is threatening. If heavy night dew is forecast, stop painting at least 6 hours before dew point is achieved. DTM Acrylics will dry to the touch in 30 minutes and may be re-coated in 2 hours. High humidity and low temperature conditions will extend normal dry and re-coat times. • **IMPORTANT NOTE:** A minimum of 6 dry mils (two coats) is required over tightly adhering rust to prevent rust staining. Should rust staining occur, apply an additional coat.
Storage:	Always store DTM Acrylics in a dry, well-ventilated area. Storage temperatures should be between 40° and 120°F. Do not let material freeze.
NOTE: Formulated without mercury or lead.	

Rev. 4/23

EXHIBIT 2

Resin Type:	Acrylic
Solids:	Weight - 54.8% Volume - 42.6%
Weight Per Gallon:	10.5 lbs.
Viscosity:	90 ± 5 (Krebs Units)
Flash Point:	200°F or over (TT-P-141, Method 4293)
Specular Gloss:	30 – 35 @ 60
Sag Rating:	Pass 8 mils (Lenetta)
Recommended Film Thickness:	**Tight Rust** / **Clean Metal** Wet - 7.0 to 8.0 mils / 4.0 to 5.0 mils Dry - 2.98 to 3.4 mils / 1.7 to 2.1 mils
Abrasion Resistance: **Adhesion:** **Flexibility:** **Accelerated Weathering:** **Salt Fog Resistance:**	ASTM D 4060 – 100 mg. loss after 1,000 cycles (CS-17 Wheel) ASTM D 3359 – Pass 5B ASTM D 1737 – Pass 1/8" Mandrel ASTM G 53 – 90% Gloss Retention @ 500 hours ASTM B 1117 – 1,000 hours (two coats over 360-11 Primer) Rating – 10, Rust Area – 0.00%
VOC – VOS Statement:	This product contains a maximum of 275 grams of VOC/VOS per liter of coating (2.3 lbs per gallon)

Rev. 4/23

EXHIBIT 2

TNEMEC

PRODUCT DATA SHEET

HYDRO-ZINC® SERIES 94-H_2O

PRODUCT PROFILE

GENERIC DESCRIPTION Aromatic Urethane, Zinc-Rich

COMMON USAGE A single-component, moisture-cured, zinc-rich primer for steel structures, including the interior and exterior of steel potable water tanks. Provides outstanding long-term corrosion resistance when used as a primer in conjunction with other Tnemec coatings. Series 94-H_2O has no maximum recoat time, cures quickly and offers rapid recoat at surface temperatures down to 35°F (2°C). **Note:** When used in conjunction with cathodic protection, anodes or impressed current systems should not provide current demand more negative than –1.05 volts relative to a copper–copper sulfate reference electrode half-cell.

COLORS Greenish-gray

ZINC PIGMENT 83% by weight in dried film

SPECIAL QUALIFICATIONS Certified (with or without 44-710 Urethane Accelerator) in accordance with **ANSI/NSF/CAN Std. 61** and the extraction requirements of **NSF/ANSI/CAN 600** and is qualified for use on interior potable water tanks of 400 gallons (1514 L) or greater. Topcoating with Std. 61 certified Tnemec coatings is required. Contact your Tnemec representative for specific recommendations. Reference Tnemec's certified product listing at www.nsf.org for details on maximum allowable DFT. Meets zinc-rich primer requirements of **AWWA D102-17** Standard for **Inside System No. 3, 5 & 6** and **Outside System No. 3, 4 & 6.** Series 94-H_2O uses a zinc pigment which meets the requirements of **ASTM D 520 Type III** and contains less than .002% lead.

Series 94-H_2O was tested in accordance with, and passed, the California Dept. of Public Health (CDPH) Standard Method v1.2 and meets the requirements of LEED v4.1 Low-Emitting Materials, Collaborative for High Performance Schools-Paints & Coatings, Living Building Challenge Materials Petal 10, and WELL Building Standard v2 X06 VOC Restrictions.

COATING SYSTEM

TOPCOATS **Interior:** Series 20, FC20, 22, FC22, L140, L140F, N140, N140F, V140, V140F, 141, 215, 406.
Exterior: Series 27WB, 66, L69, L69F, N69, N69F, 72, 73, 115, V115, 156, 161, 215, 1026, 1028, 1029, 1074, 1074U, 1075, 1075U, 1080, 1081, 1094, 1095, 1096. **Note:** Certain topcoat colors may not provide one-coat hiding depending on method of application. Contact your Tnemec representative. **Note:** Series 94-H_2O must be exterior exposed for three days prior to topcoating with Series 1028 or 1029. **Note:** Series 94-H_2O must be exterior exposed for one day prior to topcoating with Series 27WB.

SURFACE PREPARATION

Wet Interior: SSPC-SP10/NACE 2 Near-White Blast Cleaning with a minimum angular anchor profile of 1.5 mils.
Exterior or Dry Interior: SSPC-SP6/NACE 3 Commercial Blast Cleaning with a minimum angular anchor profile of 1.5 mils.

TECHNICAL DATA

VOLUME SOLIDS 62.0 ± 2.0% (mixed)

RECOMMENDED DFT 2.5 to 3.5 mils (65 to 90 microns) per coat.

CURING TIME Without 44-710

Temperature †	To Handle	To Recoat
75°F (24°C)	2 hours	8 hours
55°F (11°C)	4 hours	12 hours
35°F (2°C)	6 hours	16 hours

† 50% relative humidity. **Note:** Refer to product listings on www.nsf.org for specific potable water return to service information. Curing time will vary with surface temperature, humidity and film thickness. **Ventilation:** When used in enclosed areas, provide adequate ventilation during application and cure.
Note: For faster curing, low humidity and low-temperature applications, add No. 44-710 Urethane Accelerator (see separate product data sheet). **Note:** For cure times to immersion service, reference the specified Tnemec interior topcoat product data sheet.

VOLATILE ORGANIC COMPOUNDS
Unthinned: 0.74 lbs/gallon (89 grams/litre)
Thinned 15% (No. 49 Thinner): 0.74 lbs/gallon (89 grams/litre)
Thinned 10% (No. 3 Thinner): 1.57 lbs/gallon (188 grams/litre)
Thinned 10% (No. 2 Thinner): 1.56 lbs/gallon (187 grams/litre)

HAPS
Unthinned: 1.68 lbs/gal solids
Thinned 15% (No. 49 Thinner): 1.68 lbs/gal solids
Thinned 10% (No. 3 Thinner): 1.72 lbs/gal solids
Thinned 10% (No. 2 Thinner): 2.84 lbs/gal solids

THEORETICAL COVERAGE 996 mil sq ft/gal (24.4 m²/L at 25 microns). See APPLICATION for coverage rates.

NUMBER OF COMPONENTS One

PACKAGING 5 gallon (18.9L) pails (yielding 3 gallons) and 1 gallon (3.79L) cans.

NET WEIGHT PER GALLON 24.92 ± 0.60 lbs (11.30 ± 0.27 kg)

STORAGE TEMPERATURE Minimum 20°F (-7°C) Maximum 110°F (43°C)

TEMPERATURE RESISTANCE Dry (Continuous) 250°F (121°C) Intermittent 300°F (149°C)

SHELF LIFE 9 months at recommended storage temperature.

FLASH POINT - SETA 82°F (28°C)

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Published technical data and instructions are subject to change without notice. The online catalog at www.tnemec.com should be referenced for the most current technical data and instructions or you may contact your Tnemec representative for current technical data and instructions.

EXHIBIT 2

PRODUCT DATA SHEET

HYDRO-ZINC® | SERIES 94-H_2O

HEALTH & SAFETY

Paint products contain chemical ingredients which are considered hazardous. Read container label warning and Safety Data Sheet for important health and safety information prior to the use of this product.
Keep out of the reach of children.

APPLICATION

COVERAGE RATES

	Dry Mils (Microns)	Wet Mils (Microns)	Sq Ft/Gal (m²/Gal)
Suggested	3.0 (75)	5.0 (125)	331 (30.8)
Minimum	2.5 (65)	4.0 (100)	398 (37.0)
Maximum	3.5 (90)	5.5 (140)	284 (26.4)

Allow for overspray and surface irregularities. Wet film thickness is rounded to the nearest 0.5 mil or 5 microns. Application of coating below minimum or above maximum recommended dry film thicknesses may adversely affect coating performance. Reference the NSF website at www.nsf.org for details on the maximum allowable DFT.

MIXING

Stir thoroughly making sure no pigment remains on the bottom of the can. Use an air-driven power mixer and keep material under constant agitation while mixing. Do not use material beyond pot life limits.

THINNING

For air spray, thin up to 15% or 1 1/4 pints (570 mL) per gallon with No. 49 Thinner or thin up to 10% or 3/4 pint (380 mL) per gallon with No. 2 or No. 3 Thinner. (Use No. 2 if ambient temperatures are below 80°F (27°C) and No. 3 if above 80°F (27°C).) For brush or roller, thin up to 5% or 1/4 pint (190 mL) per gallon with No. 49 Thinner or thin up to 10% or 3/4 pint (380 mL) per gallon with No. 2 or No. 3 Thinner. Thinning is normally not required for airless spray. **Note:** No. 49 Thinner may be used where VOC restrictions apply. **Caution: Series 94-H_2O certification is based on thinning with No. 49, No. 2 or No. 3 Thinner. Use of any other thinner voids NSF/ANSI/CAN Std. 61 certification.**

POT LIFE

8 hours at 77°F (25°C) and 50% R.H.
Caution: This product cures with moisture acting as a catalyst. Incorporation of moisture or moisture laden air (humidity) during use will shorten pot life. Avoid continual agitation at high RPM. When feasible keep containers of mixed material covered during use.

APPLICATION EQUIPMENT

Note: When intermediate and finish coats are white or light colors, best hiding of this dark color primer can be achieved by spray application; or when roller applied, by using 1/4" nap covers.

Air Spray

Gun	Fluid Tip	Air Cap	Air Hose ID	Mat'l Hose ID	Atomizing Pressure	Pot Pressure
DeVilbiss JGA †	E	704 or 765	5/16" or 3/8" (7.9 or 9.5 mm)	3/8" or 1/2" (9.5 or 12.7 mm)	40-50 psi (2.8-3.4 bar)	10-20 psi (0.7-1.4 bar)

† (with heavy mastic spring) Low temperatures or longer hoses will require additional pressure. Use pressure pot equipped with an agitator and keep pressure pot at same level or higher than the spray gun. Compressed air must be dry.

Airless Spray

Tip Orifice	Atomizing Pressure	Mat'l Hose ID	Manifold Filter
0.015"-0.019" (380-481 microns) Reversible Tip	3000-4000 psi (207-276 bar)	1/4" or 3/8" (6.4 or 9.5 mm)	60 mesh (250 microns)

Use appropriate tip/atomizing pressure for equipment, applicator technique and weather conditions.
Roller: Use a 1/4" or 3/8" (6.4 mm or 9.5 mm) synthetic woven nap roller cover. Stir material frequently or keep under agitation to prevent settling.
Brush: Use high quality natural or synthetic bristle brushes.

SURFACE TEMPERATURE

Minimum 35°F (2°C) Maximum 140°F (60°C) Maximum for Brush & Roller 120°F (49°C)
The surface should be dry and at least 5°F (3°C) above the dew point. **Note:** Series 44-710 Accelerator must be used if the surface temperature is 35°F to 60°F (2°C to 16°C) and 20% to 40% relative humidity. Please reference Technical Bulletin 98-14 for more information.

AMBIENT HUMIDITY

Minimum 20% Maximum 90%

CLEANUP

Flush and clean all equipment immediately after use with the recommended thinner or xylene or, when required by SCAQMD regulations, No. 49 Thinner.

CAUTION

Series 94-H_2O, with one-component configuration, prevents the product's ability to offer "dry-fall" characteristics.

WARRANTY & LIMITATION OF SELLER'S LIABILITY: Tnemec Company, Inc. warrants only that its coatings represented herein meet the formulation standards of Tnemec Company, Inc. THE WARRANTY DESCRIBED IN THE ABOVE PARAGRAPH SHALL BE IN LIEU OF ANY OTHER WARRANTY, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. The buyer's sole and exclusive remedy against Tnemec Company, Inc. shall be for replacement of the product in the event a defective condition of the product should be found to exist and the exclusive remedy shall not have failed its essential purpose as long as Tnemec is willing to provide comparable replacement product to the buyer. NO OTHER REMEDY (INCLUDING, BUT NOT LIMITED TO, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR LOST PROFITS, LOST SALES, INJURY TO PERSON OR PROPERTY, ENVIRONMENTAL INJURIES OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL LOSS) SHALL BE AVAILABLE TO THE BUYER. Technical and application information herein is provided for the purpose of establishing a general profile of the coating and proper coating application procedures. Test performance results were obtained in a controlled environment and Tnemec Company makes no claim that these tests or any other tests, accurately represent all environments. As application, environmental and design factors can vary significantly, due care should be exercised in the selection and use of the coating.

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EXHIBIT 2

TNEMEC

PRODUCT DATA SHEET

HI-BUILD EPOXOLINE® II SERIES V69

PRODUCT PROFILE

GENERIC DESCRIPTION Polyamidoamine Epoxy

COMMON USAGE An advanced generation epoxy for protection and finishing of steel and concrete. It has excellent resistance to abrasion and is suitable for immersion as well as chemical contact exposure. Contact your local Tnemec representative for a list of chemicals. This product can also be used for lining storage tanks that contain demineralized, deionized or distilled water.

COLORS Refer to Tnemec Color Guide. **Note:** Epoxies chalk with extended exposure to sunlight. Lack of ventilation, incomplete mixing, miscatalyzation or the use of heaters that emit carbon dioxide and carbon monoxide during application and initial stages of curing may cause yellowing to occur.

FINISH Satin

COATING SYSTEM

SURFACER/FILLER/PATCHER 215, 217, 218

PRIMERS **Steel:** Self-priming or Series 1, 27, 27WB, 37H, 66, L69, L69F, N69, N69F, V69F, 90E-92, 90-97, H90-97, 90G-1K97, 90-98, 91-H_2O, 94-H_2O, 135, 161, 394, V530
Galvanized Steel and Non-Ferrous Metal: Self-priming or Series 66, L69, L69F, N69, N69F, V69F, 161
Concrete: Self-priming or Series 27WB, 130, 1254
CMU: Self-priming or 130, 1254

TOPCOATS Series 22, 27WB, 46H-413, 66, L69, L69F, N69, N69F, V69, V69F, 72, 73, 104, 113, 114, 118, 141, 156, 157, 161, 180, 181, 262, 265, 287, 446, 740, 750, 1026, 1028, 1029, 1070, 1070V, 1071, 1071V, 1072, 1072V, 1074, 1074U, 1075, 1075U, 1077, 1078, 1078V, 1080, 1081, 1094, 1095, 1096, 1224. **Note:** The following recoat times apply for Series V69: Immersion Service—Surface must be scarified after 60 days. Atmospheric Service—After 60 days, scarification or an epoxy tie-coat is required. When topcoating with Series 740 or 750, recoat time for V69 is 21 days for atmospheric service. Contact your Tnemec representative for specific recommendations.

SURFACE PREPARATION

STEEL **Immersion Service:** SSPC-SP10/NACE 2 Near-White Blast Cleaning or ISO Sa 2 1/2 Very Thorough Blast Cleaning with a minimum angular anchor profile of 1.5 mils.
Non-Immersion Service: SSPC-SP6/NACE 3 Commercial Blast Cleaning or ISO Sa 2 Thorough Blast Cleaning with a minimum angular anchor profile of 1.5 mils. **Note:** Commercial Blast Cleaning generally produces the best coating performance for this exposure. If conditions will not permit this, in moderate exposures Series V69 may be applied to SSPC-SP2 or SP3 Hand or Power Tool Cleaned surfaces (SSPC Rust Grade Condition C).

GALVANIZED STEEL & NON-FERROUS METAL Surface preparation recommendations will vary depending on substrate and exposure conditions. Contact your Tnemec representative or Tnemec Technical Services.

CAST/DUCTILE IRON All external surfaces of ductile iron pipe and fittings shall be delivered to the application facility without asphalt or any other protective lining on the exterior surface. All oils, small deposits of asphalt paint, grease, and soluble deposits should be removed and uniformly abrasive blasted using angular abrasive in accordance with NAPF 500-03-04: External Pipe Surface condition. When viewed without magnification, the exterior surfaces shall be free of all visible dirt, dust, loose annealing oxide, rust, mold coating and other foreign matter. Any area where rust reappears before application shall be reblasted. The surface shall contain a minimum angular anchor profile of 1.5 mils (38.1 microns) (Reference NACE RP0287 or ASTM D 4417, Method C).

CONCRETE Allow new cast-in-place concrete to cure a minimum of 28 days at 75°F (24°C). Verify concrete dryness in accordance with ASTM F 1869 "Standard Test Method for Measuring Moisture Vapor Emission Rate of Concrete Subfloor Using Anhydrous Calcium Chloride" (moisture vapor transmission should not exceed three pounds per 1,000 square feet in a 24 hour period), F 2170 "Standard Test Method for Determining Relative Humidity in Concrete using in situ Probes" (relative humidity should not exceed 80%), or D 4263 "Standard Test Method for Indicating Moisture in Concrete by the Plastic Sheet Method" (no moisture present). Prepare concrete surfaces in accordance with NACE No. 6/SSPC-SP13 Joint Surface Preparation Standards and ICRI Technical Guidelines. Abrasive blast, shot-blast, water jet or mechanically abrade concrete surfaces to remove laitance, curing compounds, hardeners, sealers and other contaminants and to provide an ICRI-CSP 2-3 surface profile. Large cracks, voids and other surface imperfections should be filled with a recommended filler or surfacer.

CMU Allow mortar to cure for 28 days. Level protrusions and mortar spatter.

PAINTED SURFACES **Non-Immersion Service:** Ask your Tnemec representative for specific recommendations.

PRIMED SURFACES **Immersion Service:** Scarify the Series V69 prime coat surface by abrasive-blasting with a fine abrasive before topcoating if: (a) the Series V69 prime coat has been in exterior exposure for 60 days or longer and Series 66, L69, L69F, N69, N69F, V69, V69F or 161 is the specified topcoat; (b) the Series V69 prime coat has been in exterior exposure for 7 days or longer and Series 262 or 265 is the specified topcoat.

ALL SURFACES Must be clean, dry and free of oil, grease, chalk and other contaminants.

TECHNICAL DATA

VOLUME SOLIDS 67.0 ± 2.0% (mixed) †

RECOMMENDED DFT 2.0 to 10.0 mils (50 to 255 microns) per coat. **Note:** The number of coats and thickness requirements will vary with substrate, application method and exposure. Contact your Tnemec representative.

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EXHIBIT 2

PRODUCT DATA SHEET

HI-BUILD EPOXOLINE® II | SERIES V69

CURING TIME AT 5 MILS DFT

Without 44-700 Accelerator

Temperature	To Handle	To Recoat	Immersion
90°F (32°C)	5 hours	7 hours	7 days
80°F (27°C)	7 hours	9 hours	7 days
70°F (21°C)	9 hours	12 hours	7 days
60°F (16°C)	16 hours	22 hours	9 to 12 days
50°F (10°C)	24 hours	32 hours	12 to 14 days

Curing time varies with surface temperature, air movement, humidity and film thickness. **Note:** For faster curing and low-temperature applications, add No. 44-700 Epoxy Accelerator; see separate product data sheet for cure information.

VOLATILE ORGANIC COMPOUNDS

Unthinned: 1.95 lbs/gallon (234 grams/litre)
Thinned 2.5% (No. 4 Thinner): 2.08 lbs/gallon (250 grams/litre) †

HAPS

Unthinned: 2.05 lbs/gal solids
Thinned 2.5% (No. 4 Thinner): 2.30 lbs/gal solids)

THEORETICAL COVERAGE

1,074 mil sq ft/gal (26.4 m²/L at 25 microns). See APPLICATION for coverage rates. †

NUMBER OF COMPONENTS

Two: Part A (amine) and Part B (epoxy) — One (Part A) to one (Part B) by volume.

PACKAGING

	Part A	Part B	Yield (mixed)
Large Kit	5 gallon pail	5 gallon pail	10 gallons (37.9 L)
Small Kit	1 gallon can	1 gallon can	2 gallons (7.6 L)

NET WEIGHT PER GALLON

14.01 ± 0.25 lbs (6.36 ± .11 kg) (mixed) †

STORAGE TEMPERATURE

Minimum 20°F (-7°C) Maximum 110°F (43°C)

TEMPERATURE RESISTANCE

(Dry) Continuous 250°F (121°C) Intermittent 275°F (135°C)

SHELF LIFE

Part A: 24 months; Part B: 12 months at recommended storage temperature.

FLASH POINT - SETA

Part A: 82°F (28°C) Part B: 86°F (30°C)

HEALTH & SAFETY

Paint products contain chemical ingredients which are considered hazardous. Read container label warning and Material Safety Data Sheet for important health and safety information prior to the use of this product.
Keep out of the reach of children.

APPLICATION

COVERAGE RATES

	Dry Mils (Microns)	Wet Mils (Microns)	Sq Ft/Gal (m²/Gal)
Suggested (1)	6.0 (150)	9.0 (230)	179 (16.6)
Minimum	2.0 (50)	3.0 (75)	537 (49.9)
Maximum	10.0 (250)	15.0 (375)	107 (10.0)

Dense Concrete & Masonry: From 100 to 150 sq ft (9.3 to 13.9 m²) per gallon.
CMU: From 75 to 100 sq ft (7.0 to 9.3 m²) per gallon.
(1) Note for Steel: Roller or brush application requires two or more coats to obtain recommended film thickness. Also, Series V69 can be spray applied to an optional high-build film thickness range of 8.0 to 10.0 dry mils (205 to 255 dry microns) or 11.5 to 14.5 wet mils (209 to 370 wet microns). Allow for overspray and surface irregularities. Film thickness is rounded to the nearest 0.5 mil or 5 microns. Application of coating below minimum or above maximum recommended dry film thicknesses may adversely affect coating performance. †

MIXING

Start with equal amounts of Series V69 Parts A and B. Power mix contents of each container separately, making sure no pigment remains on the bottom. Pour a measured amount of Part B into a clean container large enough to hold both components. If Series 44-700 is not being used, proceed with mixing and add an equal volume of Part A to Part B while under agitation. Continue agitation until the two components are thoroughly mixed. **Note:** Both components must be above 50°F (10°C) prior to mixing. For optimum mixing and application properties, the material should be above 60°F (16°C).

If using Series 44-700 accelerator, slowly add four (4) fluid ounces of 44-700 per gallon to Series V69 Part A material while under agitation and proceed with adding Part B. **Note:** The use of more than the recommended amount of 44-700 will adversely affect performance.

Thin by volume and thoroughly mix. Failure to thoroughly mix the Part A and Part B components prior to thinning can affect product's gloss and performance. Do not use mixed material beyond pot life limits. **Note:** For application of the unaccelerated version to surfaces between 50°F to 60°F (10°C to 16°C) or the accelerated version to surfaces between 35°F to 50°F (2°C to 10°C), allow mixed material to stand 30 minutes and restir before using.

THINNING

A maximum of 2.5% of No. 4 Thinner may be used to comply with VOC regulations.

POT LIFE

Without 44-700: 6 hours at 50°F (10°C) 4 hours at 75°F (24°C) 1 hour at 100°F (38°C)
With 44-700: 2 hours at 50°F (10°C) 1 hour at 75°F (24°C) 30 minutes at 100°F (38°C)

SPRAY LIFE

Without 44-700: 1 hour at 75°F (24°C) With 44-700: 30 minutes at 75°F (24°C)
Note: Spray application after listed times will adversely affect ability to achieve recommended dry film thickness.

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EXHIBIT 2

TNEMEC

PRODUCT DATA SHEET

ENDURA-SHIELD® SERIES 1094

PRODUCT PROFILE

GENERIC DESCRIPTION Aliphatic Acrylic Polyurethane

COMMON USAGE A user friendly, low VOC, aliphatic polyurethane coating that provides excellent color and gloss retention for exterior applications to steel, concrete and other miscellaneous substrates. Direct-to-Metal capability allows for a labor-saving, high-build, single coat application.

COLORS Refer to Tnemec Color Guide. **Note:** Certain colors may require multiple coats depending on method of application and finish coat color. When feasible, the preceding coat should be in the same color family, but noticeably different.

FINISH Gloss

SPECIAL QUALIFICATIONS Series 1094 meets the requirements of SSPC-36 (level 3) Paint Standard.

COATING SYSTEM

PRIMERS

Steel: Series 1, 27, 27WB, 66, L69, L69F, N69, N69F, V69, V69F, 90-97, 90G-1K97, 91-H_2O, 94-H_2O, 132, 133, 135, 138, L140, L140F, N140, N140F, V140, V140F, 141, 161, 394, 1224
Galvanized Steel & Non-Ferrous Metal: 27, 66, L69, L69F, N69, N69F, V69, V69F, 161
Concrete: Series 27WB, 66, L69, L69F, N69, N69F, V69, V69F, L140, L140F, N140, N140F, V140, V140F, 141, 161, 1224, 1254
CMU: Series 1254
Note: The following maximum recoat times apply; Series L69F, 132, 133, 138, L140F or 141, 14 days; Series L69 or L140, 21 days; Series 1, 27, 27WB, 66, N69, N69F, V69, V69F, 135, N140, N140F, V140, V140F, 161, 394, 1224, 1254, 30 days; Series 90-97, 91-H_2O, 90G-1K97, 94-H_2O, 60 days. Contact your Tnemec representative for specific recommendations.

SURFACE PREPARATION

ALL SURFACES Must be clean, dry and free of oil, grease, chalk and other contaminants.

TECHNICAL DATA

VOLUME SOLIDS 60.0 ± 2.0% (mixed) †

RECOMMENDED DFT

Topcoat Service: 2.0 to 5.0 mils (51 to 127 microns) per coat.
Direct-to-Metal; over Zinc or MIO-Zinc: 3.0 to 6.0 mils (76 to 154 microns).
Note: Number of coats and thickness requirements will vary with substrate, application method and exposure. For DTM or applications over zinc or MIO-zinc, consult the latest version of Tnemec Technical Bulletin 13-100 or contact your Tnemec representative.

CURING TIME

Temperature	To Touch	To Handle	To Recoat
75°F (24°C)	1-2 hours	9 hours	10-12 hours

To resist moisture: 8 hours. Curing time varies with surface temperature, air movement, humidity and film thickness. **Note:** For faster cure in temperatures down to 35°F (2°C), add No. 44-456 Urethane Accelerator, see separate product data sheet for cure information. **Note:** The use of Series 44-456 accelerator is not recommended when temperatures exceed 75°F (24°C).

VOLATILE ORGANIC COMPOUNDS

Unthinned: 2.16 lbs/gal (259 grams/litre)
Unthinned: 0.63 lbs/gal (75 grams/litre) (TBAc Exempt)
Thinned 10% (No. 10 Thinner): 2.77 lbs/gal (332 grams/litre)
Thinned 10% (No. 10 Thinner): 1.60 lbs/gal (191 grams/litre) (TBAc Exempt)
Thinned 10% (No. 46 Thinner): 2.20 lbs/gal (263 grams/litre)
Thinned 10% (No. 46 Thinner): 0.69 lbs/gal (82 grams/litre) (TBAc Exempt)

HAPS

Unthinned: 0.0 lbs/gallon solids
Thinned 10% (No. 10 Thinner): 0.03 lbs/gallon solids
Thinned 10% (No. 46 Thinner): 0.07 lbs/gallon solids

THEORETICAL COVERAGE 964 mil sq ft/gal (89.5 m^2/L at 25 microns). See APPLICATION for coverage rates. †

NUMBER OF COMPONENTS Two: Part A and Part B

MIXING RATIO By volume: Four (Part A) to one (Part B)

PACKAGING

	PART A (Partially filled)	PART B (Partially filled)	Yield (Mixed)
Large Kit	6 gallon pail	1 gallon can	5 gallons (18.9L)
Small Kit	1 gallon can	1 quart can	1 gallon (3.79L)

NET WEIGHT PER GALLON 10.86 ± 0.25 lbs (4.92 ± .11 kg) †

STORAGE TEMPERATURE Minimum 40°F (4°C) Maximum 110°F (43°C)

TEMPERATURE RESISTANCE (Dry) Continuous 250°F (121°C) Intermittent 275°F (135°C)

SHELF LIFE Part A: 12 months; Part B: 12 months at recommended storage temperature.

FLASH POINT - SETA Part A: 45°F (7°C) Part B: 40°F (4°C)

HEALTH & SAFETY Paint products contain chemical ingredients which are considered hazardous. Read container label warning and Safety Data Sheet for important health and safety information prior to the use of this product.
Keep out of the reach of children.

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Published technical data and instructions are subject to change without notice. The online catalog at www.tnemec.com should be referenced for the most current technical data and instructions or you may contact your Tnemec representative for current technical data and instructions.

EXHIBIT 2

HI-BUILD EPOXOLINE® II | SERIES V69

APPLICATION EQUIPMENT

Air Spray ‡

Gun	Fluid Tip	Air Cap	Air Hose ID	Mat'l Hose ID	Atomizing Pressure	Pot Pressure
DeVilbiss JGA	E	765 or 704	5/16" or 3/8" (7.9 or 9.5 mm)	3/8" or 1/2" (9.5 or 12.7 mm)	50-80 psi (3.4-5.5 bar)	10-20 psi (0.7-1.4 bar)

Low temperatures or longer hoses require higher pot pressure.

Airless Spray ‡

Tip Orifice	Atomizing Pressure	Mat'l Hose ID	Manifold Filter
0.015"-0.019" (380-485 microns)	3000-4800 psi (207-330 bar)	1/4" or 3/8" (6.4 or 9.5 mm)	60 mesh (250 microns)

Use appropriate tip/atomizing pressure for equipment, applicator technique and weather conditions.
‡ Spray application of first coat on CMU should be followed by backrolling. **Note:** Application over inorganic zinc-rich primers: Apply a wet mist coat and allow tiny bubbles to form. When bubbles disappear in 1 to 2 minutes, apply a full wet coat at specified mil thickness.
Roller: Use 3/8" or 1/2" (9.5 mm or 12.7 mm) synthetic woven nap roller cover. Use longer nap to obtain penetration on rough or porous surfaces.
Brush: Recommended for small areas only. Use high quality natural or synthetic bristle brushes.

SURFACE TEMPERATURE

Minimum 50°F (10°C) Maximum 135°F (57°C) The surface should be dry and at least 5°F (3°C) above the dew point. Coating will not cure below minimum surface temperature.

CLEANUP

Flush and clean all equipment immediately after use with the recommended thinner or MEK.
† **Values may vary with color.**

WARRANTY & LIMITATION OF SELLER'S LIABILITY: Tnemec Company, Inc. warrants only that its coatings represented herein meet the formulation standards of Tnemec Company, Inc. THE WARRANTY DESCRIBED IN THE ABOVE PARAGRAPH SHALL BE IN LIEU OF ANY OTHER WARRANTY, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. The buyer's sole and exclusive remedy against Tnemec Company, Inc. shall be for replacement of the product in the event a defective condition of the product should be found to exist and the exclusive remedy shall not have failed its essential purpose as long as Tnemec is willing to provide comparable replacement product to the buyer. NO OTHER REMEDY (INCLUDING, BUT NOT LIMITED TO, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR LOST PROFITS, LOST SALES, INJURY TO PERSON OR PROPERTY, ENVIRONMENTAL INJURIES OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL LOSS) SHALL BE AVAILABLE TO THE BUYER. Technical and application information herein is provided for the purpose of establishing a general profile of the coating and proper coating application procedures. Test performance results were obtained in a controlled environment and Tnemec Company makes no claim that these tests or any other tests, accurately represent all environments. As application, environmental and design factors can vary significantly, due care should be exercised in the selection and use of the coating.

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EXHIBIT 2

PRODUCT DATA SHEET

ENDURA-SHIELD® | SERIES 1094

APPLICATION

COVERAGE RATES

Topcoat Service

	Dry Mils (Microns)	Wet Mils (Microns)	Sq Ft/Gal (m²/Gal)
Suggested	2.5 (65)	4.0 (100)	385 (35.8)
Minimum	2.0 (50)	3.5 (90)	481 (44.7)
Maximum	5.0 (125)	8.5 (215)	192 (17.9)

Direct-to-Metal; over Zinc or MIO-Zinc

	Dry Mils (Microns)	Wet Mils (Microns)	Sq Ft/Gal (m²/Gal)
Suggested	4.0 (100)	6.5 (165)	240 (22.4)
Minimum	3.0 (75)	5.0 (130)	321 (29.8)
Maximum	6.0 (150)	10 (255)	160 (14.9)

Note: Coverage rates based on unthinned material. Allow for overspray and surface irregularities. Film thickness is rounded to the nearest 0.5 mil or 5 microns. †

MIXING

Stir contents of the container marked Part A, making sure no pigment remains on the bottom. If using Series 44-456 accelerator, slowly add two (2) ounces of Series 44-456 per mixed gallon of Series 1094 while under agitation. **Note:** The use of more than the recommended amount of Series 44-456 accelerator will adversely affect performance.

Add the contents of the container marked Part B to Part A while under mechanical agitation. Continue agitation until the two components are thoroughly mixed. Do not use mixed material beyond pot life limits. **Caution: Part B is moisture-sensitive and will react with atmospheric moisture. Keep unused material tightly closed at all times. Do not reseal mixed material. An explosion hazard may be created.**

THINNING

Thinning is required for proper application. Use No. 10 Thinner. For air spray, airless spray, brush or roller, thin up to 10% or 12 ounces (354 mL) per gallon. **Note:** In areas that require lower VOC, use No. 46 Thinner.

POT LIFE

Without 44-456: 4 hours at 75°F (24°C)

With 44-456: 5 hours at 35°F (2°C) 4 hours at 55°F (13°C) 3 hours at 75°F (24°C)

APPLICATION EQUIPMENT

Air Spray

Gun	Fluid Tip	Air Cap	Air Hose ID	Mat'l Hose ID	Atomizing Pressure	Pot Pressure
DeVilbiss JGA	E	765 or 704	5/16" or 3/8" (7.9 or 9.5 mm)	3/8" or 1/2" (9.5 or 12.7 mm)	50-80 psi (3.4-5.5 bar)	10-20 psi (0.7-1.4 bar)

Low temperatures or longer hoses require higher pot pressure.

Airless Spray

Tip Orifice	Atomizing Pressure	Mat'l Hose ID	Manifold Filter
0.013"-0.017" (330-430 microns)	2700-3500 psi (186-241 bar)	1/4" or 3/8" (6.4 or 9.5 mm)	60 mesh (250 microns)

Use appropriate tip/atomizing pressure for equipment, applicator technique and weather conditions.
Roller: Use 1/4" or 3/8" (6.4 mm or 9.5 mm) high quality synthetic woven nap roller cover. Do not use medium or long nap roller covers. Two coats are required to obtain dry film thickness above 3.0 mils (75 microns).
Brush: Recommended for small areas only. Use high quality natural or synthetic bristle brushes. Two coats are required to obtain recommended film thickness.

SURFACE TEMPERATURE

Minimum 40°F (4°C) Maximum 120°F (49°C)
The surface should be dry and at least 5°F (3°C) above the dew point.
Cure time necessary to resist direct contact with moisture at a surface temperature of 75°F (24°C) is 8 hours.

CLEANUP

Flush and clean all equipment immediately after use with xylene or MEK. Use Tnemec No. 74 Thinner when needed to comply with VOC regulations.

† Values may vary with color.

WARRANTY & LIMITATION OF SELLER'S LIABILITY: Tnemec Company, Inc. warrants only that its coatings represented herein meet the formulation standards of Tnemec Company, Inc. THE WARRANTY DESCRIBED IN THE ABOVE PARAGRAPH SHALL BE IN LIEU OF ANY OTHER WARRANTY, EXPRESSED OR IMPLIED, INCLUDING BUT NOT LIMITED TO, ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. THERE ARE NO WARRANTIES THAT EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF. The buyer's sole and exclusive remedy against Tnemec Company, Inc. shall be for replacement of the product in the event a defective condition of the product should be found to exist and the exclusive remedy shall not have failed its essential purpose as long as Tnemec is willing to provide comparable replacement product to the buyer. NO OTHER REMEDY (INCLUDING, BUT NOT LIMITED TO, INCIDENTAL OR CONSEQUENTIAL DAMAGES FOR LOST PROFITS, LOST SALES, INJURY TO PERSON OR PROPERTY, ENVIRONMENTAL INJURIES OR ANY OTHER INCIDENTAL OR CONSEQUENTIAL LOSS) SHALL BE AVAILABLE TO THE BUYER. Technical and application information herein is provided for the purpose of establishing a general profile of the coating and proper coating application procedures. Test performance results were obtained in a controlled environment and Tnemec Company makes no claim that these tests or any other tests, accurately represent all environments. As application, environmental and design factors can vary significantly, due care should be exercised in the selection and use of the coating.

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John Howard Band Shell

BID OPENING - TUESDAY 3:00 PM, August 19, 2025

CITY COMMISSION CHAMBERS, CITY HALL, 700 BROAD STREET - 1:00 P.M.

CONTRACTOR	ADDRESS	LEVEL 3	LEVEL 2	OTHER	TOTAL
DAVE Cole					47,500
Blastch LLC					26,101

The above Bid Opening results were recorded by: Ali Beilman

Date: 8/19/25

The above Bid Opening results were witnessed by:

Date: 8/19/2025

BlasTek
Blasting + Coatings

Blastek LLC
43 122nd Ave
Shelbyville, MI 49344
(616) 570-7826
BlasTek Finance

Project: John E.N. Howard Band Shell Painting

Re: Assumptions, Exclusions & SOW

Assumptions:

- All work per schedule is to be completed in 1 mobilization
- All lighting is to remain hanging
- There is no lead based paint in the existing coatings

Exclusions:

- Prevailing wages are excluded
- Holiday testing
- Third party monitoring not included in our bid

Scope of Work:

- Setting up containment around the perimeter of the roof structure
- Building scaffolding to access the ceiling of the structure
- Sandblasting the entire deck to a SSPC-SP-6 commercial blast
- Applying one primer coat of Tnemec 94-H2O zinc to the deck steel
- Applying one intermediate coat of Tnemec V69 epoxy to the deck steel
- Applying one finish coat of Tnemec 1094 polyurethane to the deck steel
- Power tool cleaning to remove any rust on the handrail, perimeter structure steel
- Spot priming the bare areas of the handrails, perimeter structural steel, doors and frames with Nexbond universal metal primer
- Finish painting the the handrails, perimeter steel, doors and frames with O'Leary DTM Acrylic painting includes the doors and door frames , Clean up and disposal of the spent media

Surface Prep:

- Deck Canopy Steel:
  - SSPC-SP-6 commercial blast
- Handrails, perimeter steel, doors and frames
  - Power tool cleaning and rust removal

Coating:

- Deck Canopy Steel:
  - Prime coat: Tnemec 94-H2O zinc 2.5 - 3.5 mils DFT
  - intermediate coat: Tnemec V69 Hi-Build Epoxoline II 2.0 - 10.0 mils DFT
  - finish coat: Tnemec 1094 Endura Shield II 2.0 - 5.0 mils DFT

- Touch ups to Handrails, perimeter steel, doors and frames
  - Nexbond Universal metal primer 2.0 - 4.0 mils DFT
  - O'Leary DTM Acrylic paint 3.0 - 6.0 mils DFT

BlasTek, LLC
443 PO Box
Middleville, MI 49333 US
finance@blastekllc.com
blastekllc.com

ADDRESS
City of St Joseph

PROJECT
St Joseph Band Shell

	QTY	RATE	AMOUNT
Field Mobilization Mobilization of Equipment and Materials	1	3,237.00	3,237.00
Field Labor:Field Labor Labor for setting up containment/scaffolding, assisting with blasting, loading blast pot, disposing or spent media, mixing paint and assisting with painting, power tool cleaning of hand rails and doors/frames, clean up	142	70.00	9,940.00
Field Media Blasting:Field Media Blasting Field Media Blasting Labor Equipment and materials per Spec: SSPC - SP-6 Commercial Blast Cleaning	20	250.00	5,000.00
Field Painting:Field Painting Labor and Equipment for 1095 Airless, 695 Airless, or pressure pot	18	100.00	1,800.00
Field Materials:Field Paint Materials Deck Steel and Canopy Structural Steel -Prime Coat: Tnemec 94 H2O Zinc 2.5 - 3.5 mils DFT -Intermediate Coat: Series V69 Hi-Build Epoxoline 2 - 10mils DFT -Finish Coat: Series 1094 Endura-Shield II DFT 2.0 to 5.0 mils DFT Touch Ups to Hand Rails, Doors, Frames and perimeter steel -DTM Nexbond Primer 2 - 4 mils DFT -DTM Acrylic 3 - 6 mils DFT	1	3,374.00	3,374.00
Field Materials:Field Materials Material Allowance for plastics, clips, tape, buckets, brushes, rollers, tyveks, etc.	1	450.00	450.00
Field Equipment Charges:Field Equipment Charges Scaffolding for access	1	300.00	300.00
Field Accommodations:Per Diem per diem for team meals and lodging	1	2,000.00	2,000.00

Thank you for the opportunity to quote your project.

SUBTOTAL	26,101.00
TAX	0.00

A finance charge of 2% will be assessed to all over due balances. After 30 days steps will me made to place a lean on the property. After 90 days accounts will be automatically sent to collections.



Accepted By

Accepted Date

A finance charge of 2% will be assessed to all over due balances. After 30 days steps will me made to place a lean on the property. After 90 days accounts will be automatically sent to collections.

ROCKFORD CONSTRUCTION

May 22, 2023

Eric Waddell
BlasTek, LLC
579 Kirtland SW Ave.
Grand Rapids, MI 49507

Dear Eric,

It is my great pleasure to personally recommend BlasTek, LLC. BlasTek performed a local Lead Abatement project for Rockford Construction in May 2023. From the initial bid of the project to the final execution, BlasTek went above and beyond.

Rockford Construction prioritizes Safety as our number one concern on any project. While BlasTek performed the abatement, all controlled areas were properly cautioned off and marked. All seams were taped and sealed and their own laborer was making regular rounds checking on each floor for compliance to ensure no breaches had been made through the tape barriers. Our team felt that BlasTek made safety the utmost priority.

From a communication perspective, Rockford Construction was sent numerous email updates regarding schedule and work performed. Ultimately, BlasTek was superior in their communication and safety efforts throughout the entire project.

Our team at Rockford Construction would highly recommend BlasTek, LLC for any lead abatement needs.

Thank you,

Chelsea Fowler
Rockford Construction, Project Engineer
cfowler@rockfordconstruction.com
(616) 729-5055

To: Eric Waddell

Blastek LLC

P.O. Box 443

Middleville, Michigan 49333

Letter of recommendation

Cascade Engineering contracted Blastek LLC to complete a large warehouse restoration project. This included blasting, cleaning, painting of just over 44,000 square feet of our ceiling, and all of the surrounding walls with fresh paint as well. This project was on short notice and timing with a little under a month to complete this project Blastek stepped up to the challenge to provide a quality job in the short time.

With the short timing and Cascade engineering still running our full 24/5 operation it did make for some difficult unforeseen challenges. And along the process this project was split up into three phases so we could continue full operation with little interruption. While there were a lot of unforeseen obstacles that arose during the start, Eric was still able to deliver on his estimated timeline for this project.

With the images attached below you can see a true difference between the old warehouses ceiling paint that was falling off, and now with the bright white ceiling with the red accents to the fire houses give it a great touch. Adding this and some new machines to our west plant truly makes it our show plant to our customers. And for any future customers of Blastek we are welcome to showing the finished job to their potential clients at our West plant, at 5055 36th st se, Grand rapids, Michigan, 49512.

Austin Bayer

Sr. Purchasing Specialist

Cascade Engineering Family of Companies

4950 37th Street SE, Grand Rapids, MI 49512

T 616-350-6998

cascadeng.com

CITY OF NILES
Department of Public Works

February 20, 2023

TO: Whom it may concern

RE: BlasTek – Reference Letter

BlasTek was the low bidder on one of our projects that we had put out for bid in 2022. The work entailed sandblasting to remove old, lead-based paint on a retaining wall, removing lead-based paint on guard rails in one of our parking lots, sandblast a brick wall that had graffiti on it, sandblasting two doors that had graffiti on them, and then repainting all of the surfaces to the specified colors. BlasTek was a pleasure to work with as their communication, work ethic, and work was nothing less than perfect. There were a few additions that we had added to the project as it was on going and they had no problem with executing said additions.

I can highly recommend BlasTek for any job that pertains to what they had done for us as we were more than pleased. Their foreman(s) communicate well, their work is next to the best, and their performance is highly impressive.

If there is any additional information needed, please contact me.

Sincerely,
CITY OF NILES

Zach Holt
Public Works Superintendent

MEMBER: MICHIGAN MUNICIPAL LEAGUE ◆ AMERICAN PUBLIC WORKS ASSOCIATION
333 N. 2nd St., Niles, Michigan 49120
Phone (269) 683-4700 Fax (269) 684-3928
E-mail: DPWsuperintendent@nilesmi.org
City Website: www.ci.niles.mi.us

FREDERICK CONSTRUCTION
CONSTRUCTION MANAGERS ■ GENERAL CONTRACTORS
Building On Our Reputation

120 E. Prairie Street, Suite C
Vicksburg, MI 49097
Phone: 269.349.8428
Fax: 269.475.5239
frederickconstruction.com

12-29-2020

To whom it may concern:

Our company is currently restoring The Mill at Vicksburg. The buildings are over 100 years old and have been placed on the department of interior historic register. The current size of the buildings floor plates are over 314,00 square feet. The construction types of the buildings are multi width exterior and interior brick walls, wood post and beam constructed floor plates, structural concrete column and beam floor plates, structural steel roof systems, concrete roof systems, and wood deck roof systems.

This property will become a mixed use and event venue icon in the State of Michigan.

During the design phase it was determined that all of the existing lead paint was to be removed. In the fall of 2018, our company awarded Blastek a contract for the lead abatement. This award was based on capabilities and quality first followed by total cost. As we continue to move towards the finish line in 2021, we have been delighted with our decision. Eric and his crew continually monitor and adjust their techniques to ensure that the existing brick, steel, concrete, and wood surfaces are not damage due to over blasting. We are happy to provide this recommendation and look forward to our continued relationship with Eric and his team paper mill. Should you have any questions or require any additional information please do not hesitate to contact me.

Mike Frederick LEED AP

Project Principal

Mike Frederick

Digitally signed by Mike Frederick
DN: cn=Mike Frederick, o=Frederick Construction, ou, [illegible]

Interurban Transit Partnership

300 Ellsworth Avenue SW Grand Rapids, MI 49503-4005 616.456.7514

August 1, 2022

Eric Waddell
BlasTek, LLC
579 Kirtland Ave SW
Grand Rapids, MI 49507

Dear Mr. Waddell:

I am writing this to provide a letter of reference for BlasTek, LLC in regard to their work on The Rapid's passenger transfer center canopy located at Rapid Central Station, 250 Caesar A. Chavez SW, Grand Rapids, MI.

We contracted with BlasTek to blast and repaint the steel structure supporting the canopy. BlasTek communicated very well with us throughout the project and we able to perform the project while transit operations were still occurring at Rapid Central Station. I am very pleased with how the project was carried out and the quality of the finished product and would recommend BlasTek for future projects.

Sincerely,

Kevin Wisselink
Procurement and Capital Planning Director

Thursday, April 21, 2022

Eric,

I wanted to take this opportunity to thank you and all the BlasTek team members for the truly remarkable job that was done in the blasting and repainting of the hospital air handlers. Not only was the quality of work wonderful, but the communication was greatly appreciated as well. No matter the time of day or night, I was always able to get answers to my questions. Working in a hospital is tough, there are a lot of best practices, compliance requirements, infection prevention requirements, and a seemingly endless list of NFPA guidelines which govern how we complete our work for the safety of patients, staff, and the public. I greatly appreciate the diligence of the BlasTek staff members in the following of these requirements.

I also wish to thank you for your patience and professionalism. When we had some internal delays and needed to change the schedule and work odd hours for the benefit of our patients, I never heard complaints but instead a can-do attitude. The area in which you worked allowed sound to travel fast, never did I receive complaints for the language used or the content of the conversations between BlasTek team members, this speaks volumes to the quality and character of the entire BlasTek team. Congratulations on a job well done, in budget, and on schedule.

Best Wishes,

Tim Van't Zelfde

Tim Van't Zelfde
Senior Project Manager
Planning/Design/Construction Team

DIXON
ENGINEERING & INSPECTION SERVICES FOR THE COATING INDUSTRY

1104 Third Avenue
Lake Odessa, MI 48849
Telephone: (616) 374-3221
Fax: (616) 374-7116

November 18, 2020

RE: Blastek LLC. Letter of Reference

To whom it may concern;

Blastek LLC completed a coating rehabilitation project for Dixon Engineering in the spring of this year. The scope of work included the coordination of welding repairs and the complete rehabilitation of the interior coatings of a 6,000 gallon hydropneumatics potable water tank. The project required the protection of sensitive equipment during the blasting and coating application to ensure the systems continued operations while the tank was out of service. It also required Blastek to meet significant submittal requirements prior to the start of the project and a compressed deadline from the date of award to the date the tank was required to be returned to service. Although there were many challenges during the project, Eric, Mitch and his crew's were responsive to the owners requests, our approach to quality assurance and the specification requirements with a commitment of solving problems to the benefit of the project. This was Dixon's first experience working with Blastek and I look forward to the opportunity to recommend them again.

If you have any questions about the project or this reference, please contact me at 616 374-3221 ext 309

For Dixon Engineering,

Eric Binkowski
Project Manager
AWS-CWI 04040071
NACE Certified Coating Inspector – Level 3 #7126

GRfiltration
GRfiltration.com

Matthew McDonald

11670 46th Ave, Allendale MI 49401
Phone: 231.690.1754
Email: matt.mcdonald@grfiltration.com

To Whom it my concern

Blas-Tek – Blasting Contractors Letter of Referral

For the past year GR Filtration has been using Blas-Tek LLC for multiple blasting and coatings projects. GR Filtration sends on average 1-5 projects to Blas-Tek on a weekly basis. Projects range from interior/exterior industrial tank coatings to structural steel media blasting and coatings to glass blasting stainless steel process piping.

Blas-Tek has completed every project either on schedule or ahead of schedule. They excel with every job in craftsmanship and workmanship. In my mind they are one of the leaders of the trade in the West Michigan area. Their integrity and determination to provide the best service for their customer is undoubtably one of the best I have ever seen.

I feel confident that they would be able to out perform any other contractor out there. Please feel free to reach out for any other information needed.

Thank you.

Matthew McDonald
Sales and Operations
GR Filtration
2/10/2020

Andy J. Egan Co., Inc.
100 YEARS
1919 - 2019

Headquarters
2001 Waldorf NW | Grand Rapids, MI 49544
p. 616.791.9952 or 1.800.594.9244

Regional Offices
Kalamazoo-Portage | 269.492.6662
St. Joseph-Benton Harbor | 269.210.6200

www.andyegan.com

2-07-2020

RE: BLASKTEC LLC. LETTER OF REVERAL

To Whom it may concern,

Over the last few years we have been utilizing Blastek LLC for various fabrication projects ranging from semi loads of large bore carbon steel piping to complex equipment and piping skids. They have not only meet the demanding turnaround of our projects but have also expressed great quality and workmanship. Among other things Blastek has expressed willingness to adapt to specific needs and skill sets of some of our projects.

Please feel free to contact me directly if you'd wish to discuss anything in further detail. It is my recommendation that Blastek is a more that capable painting contracting who's willing to work with their clients for a successful project.

Regards,

Chad Reed
616-893-0529
Project Manager
Andy J. Egan Co.

SHERWIN-WILLIAMS
Protective & Marine Coatings

Kyle Workman
Protective Coatings Representative
General Polymers Flooring Systems
NACE CIP Level 1 Cert #070764
616-293-0415
kyle.r.workman@sherwin.com

02/09/2020

RE: Blastek LLC Letter of Recommendation

To whom it may concern:

I have worked with Mitch Martin and Eric Waddel co-owners of Blastek since early 2017 as a coating's supplier. I have witnessed them complete firsthand multiple projects with both surface preparation and coating. These projects they successfully applied many different types of coating chemistries as supplied by Sherwin-Williams, such as Zinc rich primers, Epoxies, Polyurethanes, Alkyds, Acrylics, Polysiloxanes, and Polyaspartics. No matter the product being applied, they have demonstrated the attention to detail for both planning and executing a successful coating application.

If you have any further questions regarding this reference, please contact me.

Respectfully,

Kyle Workman
Protective Coatings Representative
Sherwin-Williams
NACE CIP Level 1 Cert #070764
Kyle.r.workman@sherwin.come

Respectfully,

Agenda Item

TO: **City Commission**

FROM: **Greg Grothous, Director of Public Works**

RE: **Purchase of Excavator**

MEETING DATE: **August 25, 2025**

The City Commission is being asked to consider approval of the Sourcewell quote from Michigan Cat for the purchase of one new Caterpillar Model 308 Excavator.
If approved, this vehicle will replace a 2018 Volvo Excavator that will be traded-in as part of this purchase. This Excavator will be purchased and held by the Motor Pool but will primarily be used by the Water & Sewer Division.
This purchase is included in the 2025-2026 Motor Pool budget with a budget amount of $200,000.00. This includes a hydraulic thumb for the excavation bucket , breaker/hammer and auto greaser. The cost of the excavator is $160,474.94. The dealer will accept the 2018 excavator as a trade in, with a value of $31,000. This brings the net cost down to $129,474.94.

Action requested: Motion to approve, as part of the Consent Agenda, the Sourcewell quote from Michigan Cat of Kalamazoo in the amount of $151,141.98 to provide a 2025 Caterpillar 308 Excavator to be paid from the Motor Pool Fund, and also to accept the trade-in offer of $31,000 from Michigan Cat for the 2018 Volvo Excavator, and to dispose of the 2018 Excavator to Michigan Cat as part of the transaction.

ATTACHMENT(S):

- Cat Excavator Quote.pdf

Michigan CAT

Aug 13, 2025

City of Saint Joseph

Dear Greg,

Thank you for this opportunity to quote Caterpillar products for your business needs. We are pleased to quote the following for your purchase consideration.

One (1) New Caterpillar Model: 308 Excavator - Mini with all standard equipment in addition to the additional specifications listed below:

STOCK NUMBER: **SERIAL NUMBER:** **YEAR:** **SMU:**

MACHINE SPECIFICATIONS

308 07A CR MHE DCA8E	637-9467	523-3993 INSTRUCTIONS, ANSI	523-3993
WILL BE REPLACED BY 650-0087		523-9613 INSTRUCTIONS, CANADA	
LANE 1 - AVAILABLE FROM ATHENS PDC		525-6657 COUNTERWEIGHT, EXTRA	525-6657
LANE 2 - AVAILABLE FROM ATHENS FACTORY		557-1709 SOFTWARE, PROPORTIONAL CONTROL	
LANE 3 - AVAILABLE FROM ATHENS FACTORY		557-1710 SOFTWARE, STICK STEER CONTROL	
		557-1711 SOFTWARE, 2 WAY CONTROL	
		557-1713 SOFTWARE, CODED START	
INCLUDES:		562-3698 STD BLADE, STD U/C, TG W/PAD	562-3698
512-1401 308 07A CR MINI EXCAVATOR		563-2071 STICK, LONG	563-2071
511-6253 ELECTRICAL ARR, C3.3 HRC		568-1567 LINKAGE, BUCKET W/ LIFTING EYE	568-1567
382-8757 DRAIN, ECOLOGY		605-3340 EOU HOUSE SWING COVER, 8T	605-3340
415-2556 HEATER, WATER JACKET	415-2556	NOTE: PLEASE REFER TO LANE 1 SECTION TO COMPLETE YOUR ORDER.	
510-6070 SEAT, AIR SUSP, FABRIC, HEATED	510-6070	LANE 1 - AVAILABLE FROM ATHENS PDC (SAP)	
510-6085 BELT, SEAT, 76MM (3") RETRACTABLE	510-6085	Factory ships	
511-6157 ALARM, TRAVEL		PACKING, LAST MILE PROGRAM	0P-4299
511-6177 MONITOR NEXT GEN, ADVANCED, CR	511-6177	COUPLER, PG, HYDR.D.LOCK, 7-9T	485-5302
511-6217 LIGHTS, LED		INTEGRATED RADIO V2	639-4467
511-6235 CAMERA, REAR VIEW	511-6235	PRODUCT LINK, CELLULAR PLE643	628-8023
512-2573 BOOM, SWING		BUCKET-HD, 36", 13.8 FT3, 7T	295-5954
514-8055 LINES, BOOM	514-8055	THUMB, HYDRAULIC, 7-9T, PG	620-7656
514-8067 LINES, STICK	514-8067	PINS, BUCKET, 50MM	308-0324
516-1613 LINES, QC, LNG STK, 3 LINE	516-1613	Auto Lube	
518-6184 ENGINE, EPA TIER 4 FINAL		LINES, H80-H95, MHE 7-10T	3972420
520-0778 CONTROL, QC, 3 LINE	520-0778	HAMMER, H80S	5612553
522-6460 CAT KEY, WITH PASSCODE OPTION	522-6460	BRACKET, MHE 7-9T, 50MM, XL	5649840

WARRANTY & COVERAGE

Standard Warranty:	SSL CTL HEXMI Standard Warranty - 24 Months/2000 Hours Full Machine Premier Factory Warranty. * All standard warranties include travel time and mileage for the first six (6) months. Scheduled Oil Sampling is required during the entire warranty period.

Extended Coverage: 308-48 MO/3000 HR POWERTRAIN + HYDRAULICS + TECH

Sell Price	$160,474.94
Net Balance Due	$160,474.94
Ext Warranty	Included
Less Gross Trade Allowance	($31,000.00)
Total Net Purchase Price	$129,474.94

TRADE-INS

Model	Make	Serial Number	Year	Trade Allowance
88	VOLVO (VOLVO)	VCE00E88L002190	2018	$31,000.00

Thank you for your interest in Dealership and Caterpillar products for your business needs. This quotation is valid for 30 days, after which time we reserve the right to re-quote. If there are any questions, please do not hesitate to contact me.

Sincerely,

Mark McClung
Machine Sales Representative
Dealership
MarkMcClung@macallister.com
269-217-0564

OPTIONS: AVAILABLE OPTIONS

Components	Ref No.	Qty	Sell
CAT Components (Attachments)			
BUCKET-HD, 13", 3.5 FT3, 7T	305-6813	1	$2,031.69
BUCKET-HD, 18", 5.4 FT3, 7T	295-5951	1	$2,211.69
BUCKET-HD, 24", 8.1 FT3, 7T	295-5952	1	$2,448.92
BUCKET-HD, 30", 10.9 FT3, 7T	295-5953	1	$2,699.08
BUCKET-DC, 48", 11.6 FT3, 7T	306-5664	1	$3,198.46
BUCKET-DC, 60", 14.9 FT3, 7T	306-5660	1	$3,718.15
BUCKET-GRADING, 59",18.4FT3,7T	388-9667	1	$4,256.31
THUMB, HYDRAULIC, 7-9T,LINK,PG	305-6745	1	$6,282.46
Other Components			
VisionLink 5yr Performance Plan		1	$1,460.00
VisionLink 4yr Performance Plan		1	$1,195.00
VisionLink 3yr Performance Plan		1	$915.00
VisionLink 4yr ConnectPro		1	$620.00
VisionLink 3yr ConnectPro		1	$475.00

Agenda Item

TO: **City Commission**

FROM: **Greg Grothous, Director of Public Works**

RE: **City Parks Sign Fabrication Contractor**

MEETING DATE: **August 25, 2025**

As you will recall, City staff released an RFP for the fabrication and installation of the new wayfinding signage in December, 2024. In February at the recommendation of the DDA the City Commission accepted the proposal from Fairmont Sign Company of Detroit Michigan. City staff has been very pleased with the work of Fairmont Sign and their sub-contractors for Phase 1 of the wayfinding project.

As part of the 2025-2026 budget City staff budgeted $63,000 for Phase 2 of wayfinding which would be the replacement of the remaining twelve (12) City park signs. Lake Bluff Park, Lions Park and Tiscornia Beach were replaced as part of phase 1. The existing park signs are constructed of wood and have been failing for a number of years. The Parks Division team has been very creative in holding the signs together but we are running out of options as the condition of the signs continues to deteriorate.

City staff contacted Fairmont to inquire if they would be interested in fabricating the twelve park signs. To which they said yes. Additionally staff asked if they would honor the pricing provided as part of the original bid. They indicated they would do the best they could but material cost did go up.

That said staff provided all the information requested by Fairmont Sign for the replacement of the twelve park signs and in return they provided us with a quote for the new park signs in the amount of $63,682.00. As noted earlier the budget for this project is $63,000 and that number was estimated based on the pricing provided in February.

Please consider a motion to approve the Fairmont Sign Company proposal for City Park Sign Fabrication and Installation in the amount of $63,682.00 and authorize the City Manager to execute the appropriate documents on behalf of the City.

ATTACHMENT(S):

- QUOTE-Park & Rec Signage-R1.pdf
- St Joseph_I-2 Park Signs-2.pdf

3750 East Outer Dr.
Detroit, MI 48234

FAIRMONT SIGN COMPANY

850 S. Guild Ave.
Lodi, CA 95240

QUOTE

CUSTOMER	LOCATION	QUOTE DATE		
City of St. Joseph	Park and Recreation	8/1/2025 Rev-1 8-20-25		

Salesman name:	Nick Hanna		
Salesman phone #:	313 506 6823		
Contact Name	Greg Grothous		
Customer phone #:	269 985 0309	FAX	
Customer Email:	ggrouthous@sjcity.com		

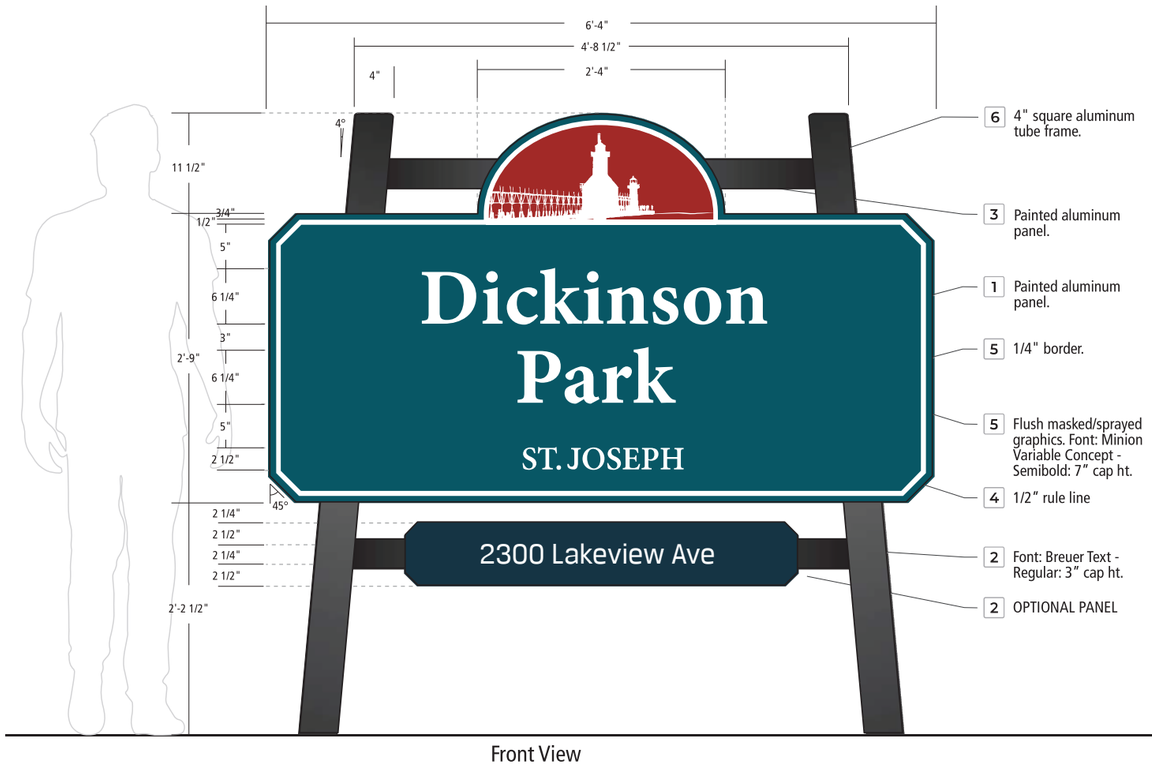
ITEM	ITEM DESCRIPTION	SUPPLY EACH	INSTALL ESTIMATE	OTHER	QTY	TOTAL
	This quotation is for the manufacturing and installation of Municipal Identification signs at various parks to replace existing signs. The removal of existing signage will be handled internally by the city.					
A-1	**Dickinson Park** Manufacture and install two single-sided Municipal Identification signs	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-2	**John & Dede Howard Family Trail** Manufacture and install a single-sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-3	**John E.N. Howard Bandshell** Manufacture and install a single-sidedIdentification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-4	**Lookout Park** Manufacture and install a single-sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-5	**Kiwanis Park** Manufacture and install a **Double**-sided Municipal Identification sign.	$ 4,571.00	$ 1,470.00		1	$ 6,041.00
A-6	**Kiwanis Tiny Tots Park** Manufacture and install a single-sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-7	**The Margaret B. Upton Arboretum** Manufacture and install a single sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-8	**Milton Park** Manufacture and install a single sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-9	**Paddler Park at East Basin** Manufacture and install a **Double**-sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-10	**Riverview Park** Manufacture and install a **Double**-sided Municipal Identification sign.	$ 4,571.00	$ 1,470.00		1	$ 6,041.00
A-11	**Whirlpool Centennial Park** Manufacture and install a single sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-12	**Whittlesey Park** Manufacture and install a single sided Municipal Identification sign.	$ 3,110.00	$ 1,470.00		1	$ 4,580.00
A-13	Permit Acquisition, Project Management, Survey	$ 3,000.00			1	$ 3,000.00
A-14	Packaging and Freight cost based on all signs shipping on one truck/one trip	$ 2,800.00			1	$ 2,800.00
	Pricing in this quotation is based on the assumption that all signs will be fabricated, shipped, and installed at one time.					
				SUB-TOTAL		$ 63,682.00
				PERMIT FEES		At Cost

1. Customer to provide electrical service within 5 feet of the sign location(s). The service MUST meet all codes.
2. Customer must provide written authorization if Fairmont Sign Co. is to fabricate signage before obtaining permits.
3. Fairmont Sign is not liable for increased excavation costs due to underground obstacles or obstructed access.
4. Freight estimate assumes all products ship on the same load.
5. Customer must approve the Signage Fabrication design before permits are released.
6. Terms: Incremental progress payment.
7. Installation quotations are estimates subject to verification of the technical survey and confirmed access to signage.

Quotation prepared by: **Signature / Date** **TOTAL** $ 63,682.00

To accept this quotation, sign here, date and return:

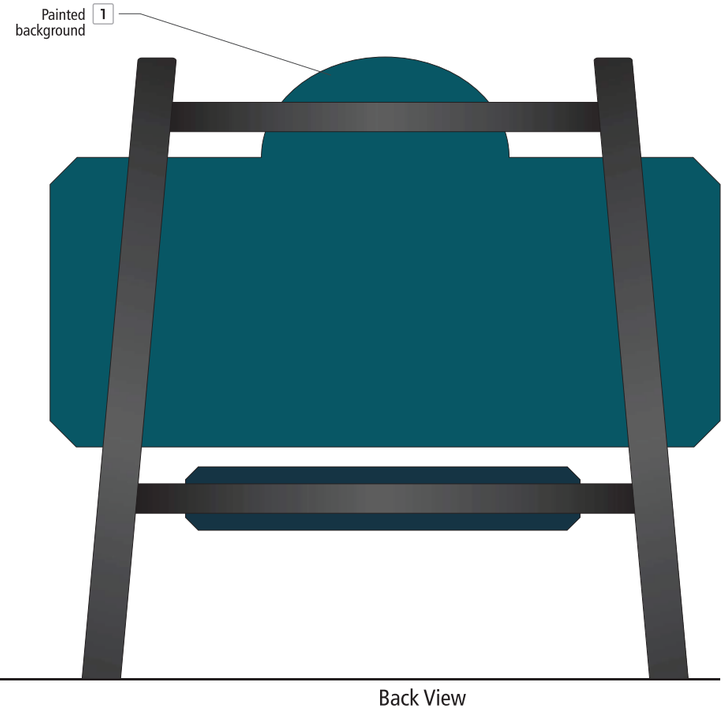
St. Joseph | Wayfinding



Front View



Side View



Back View

FAIRMONT SIGN COMPANY

3750 East Outer Drive
Detroit, MI 48234
t: 313.368.4000 f: 313.368.9335
www.fairmontsign.com

Client:

City of St. Joseph, MI

Date: 8/1/25

File: Accounts/Misc/City of St. Joseph

Designer: RNB

Scale: NA

Job#	Sheet#
00000	1 of 12

Revision #	Date:
1	8-20-25

Revision Description:

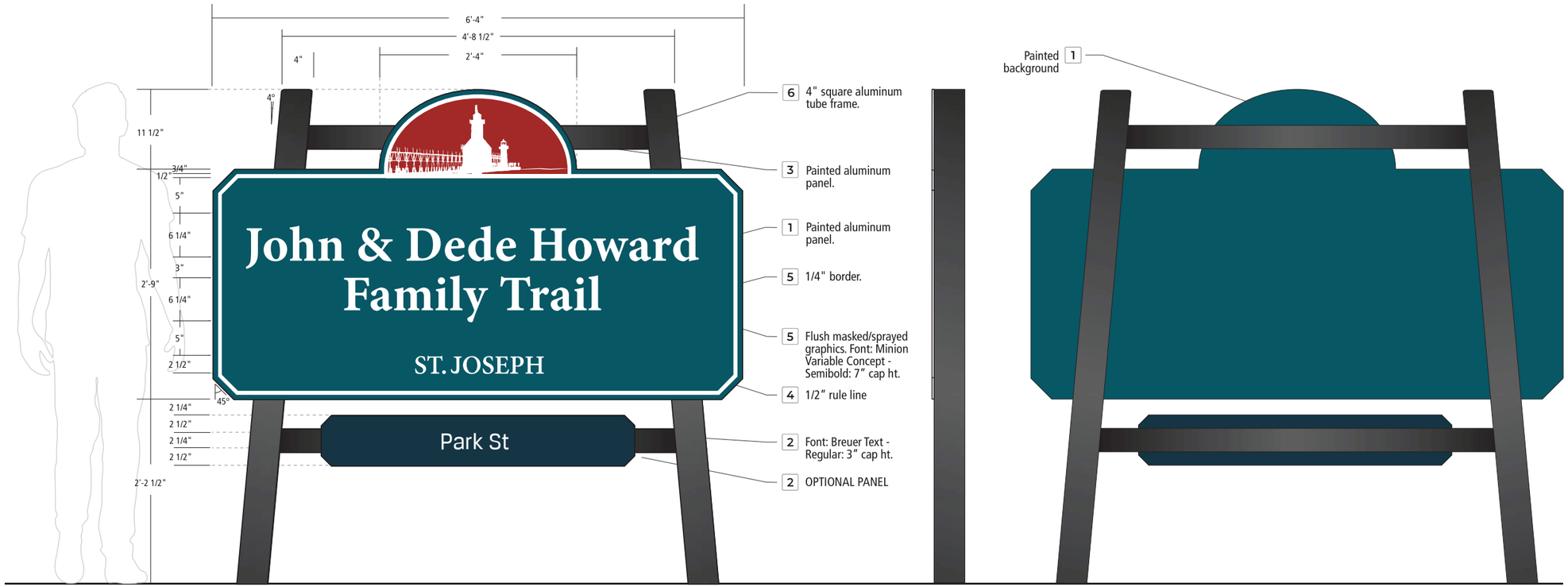
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ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION

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Front View | Side View | Back View

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Scale: NA

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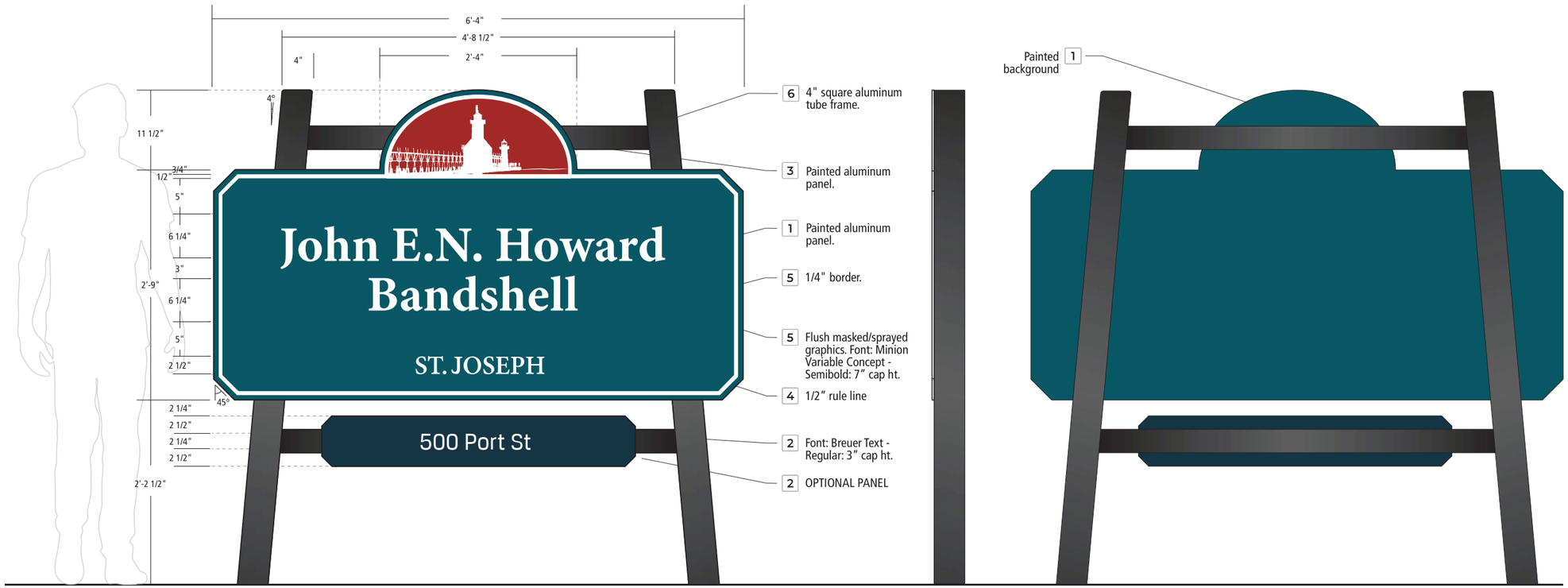
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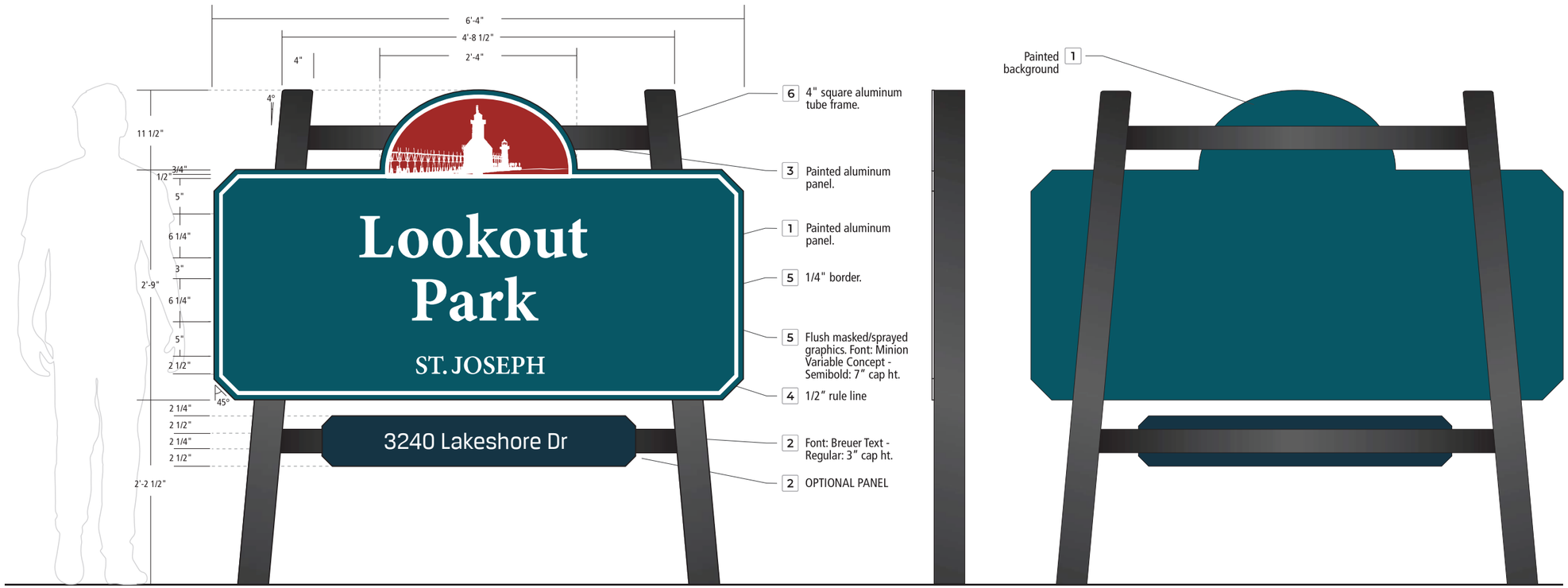
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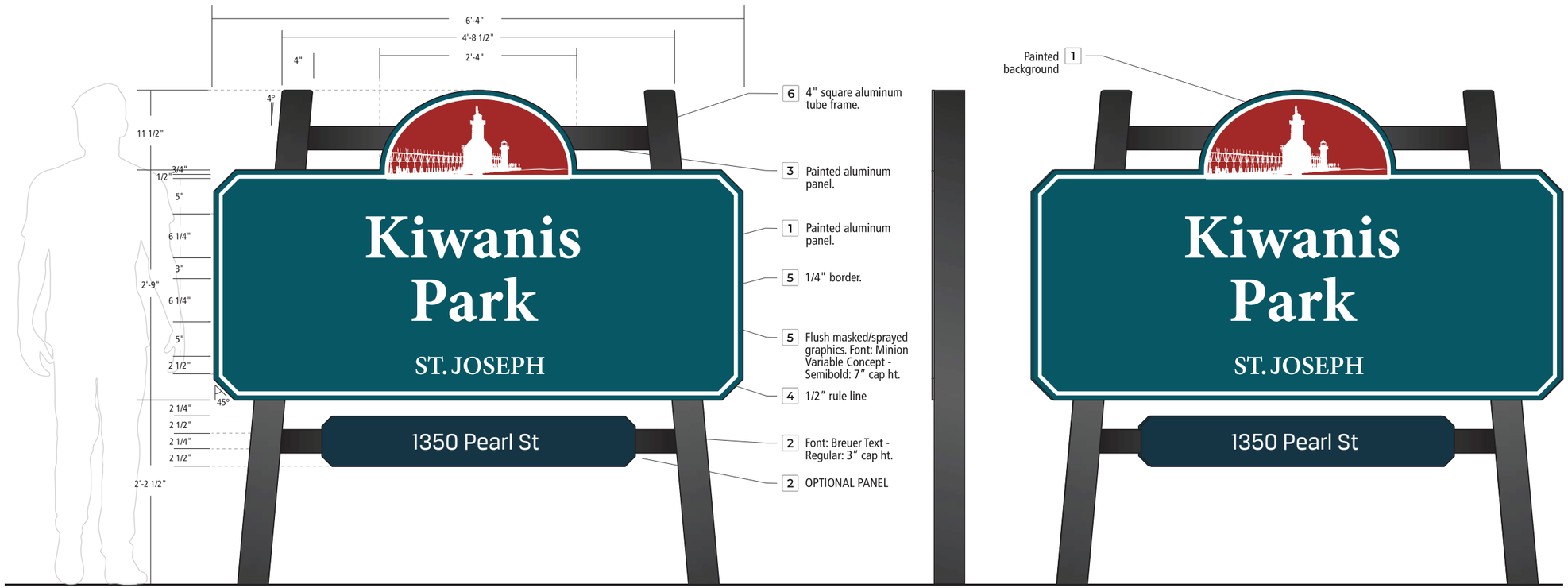
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Job# 00000 **Sheet#** 5 of 12

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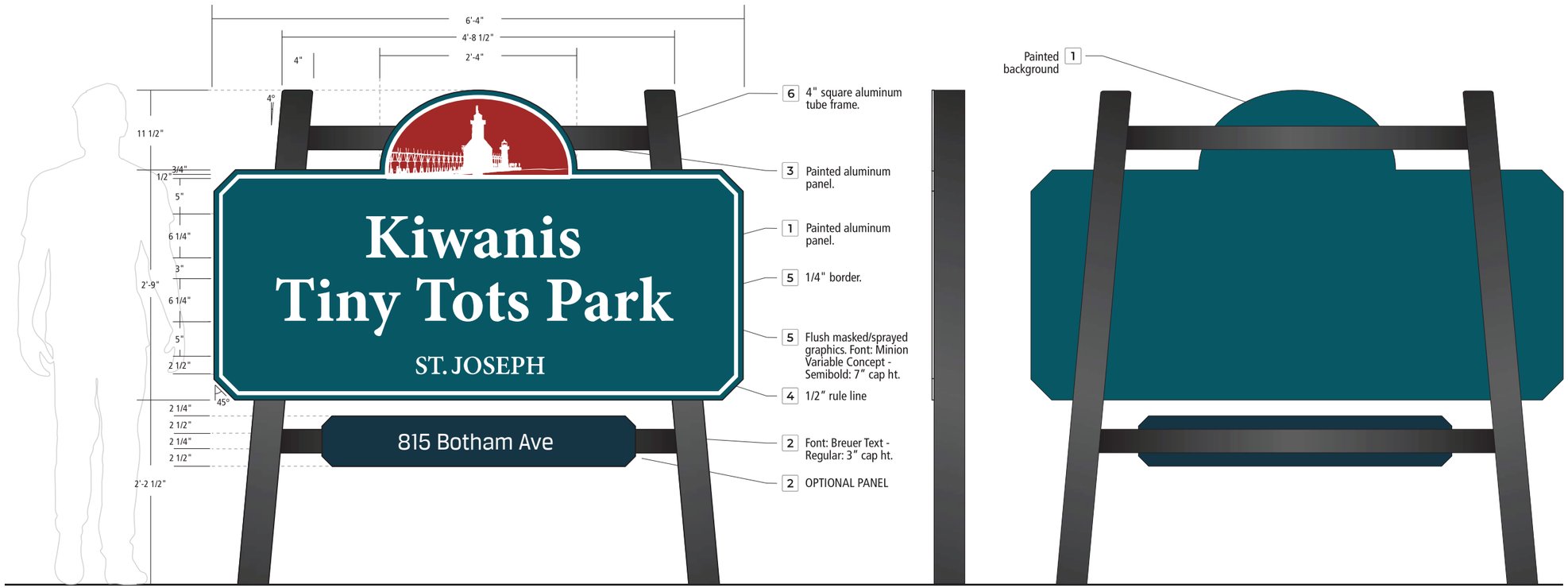
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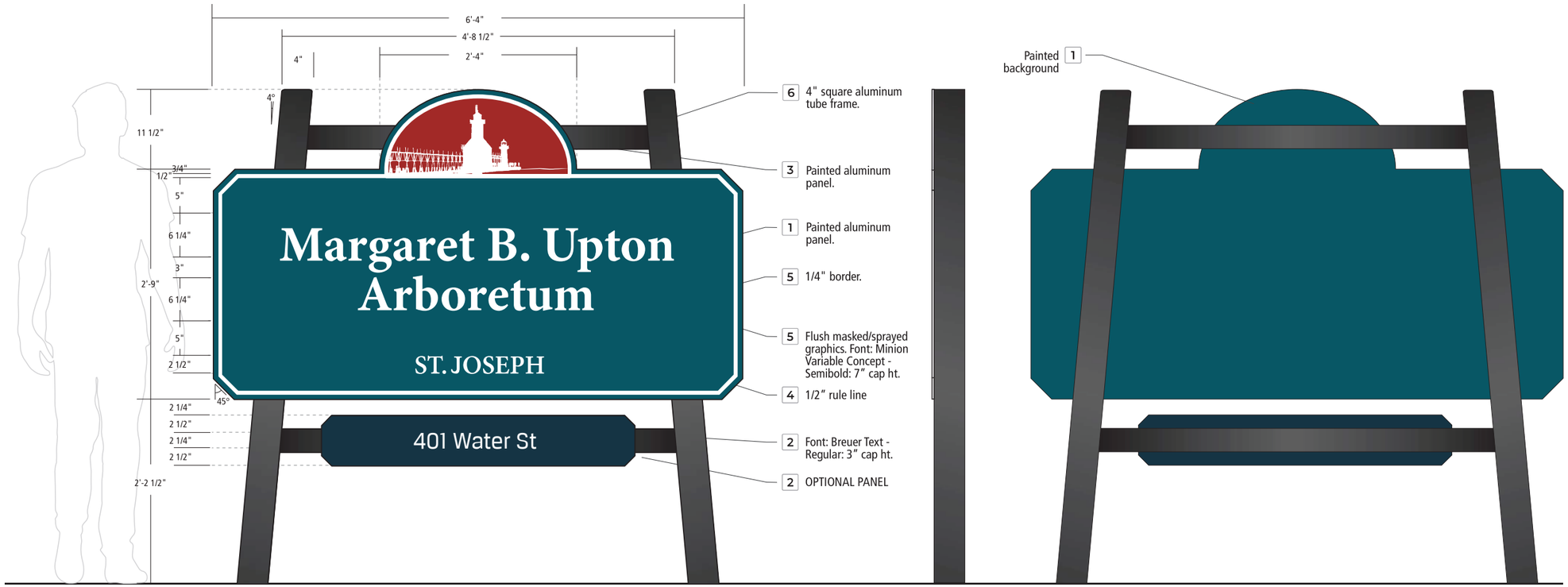
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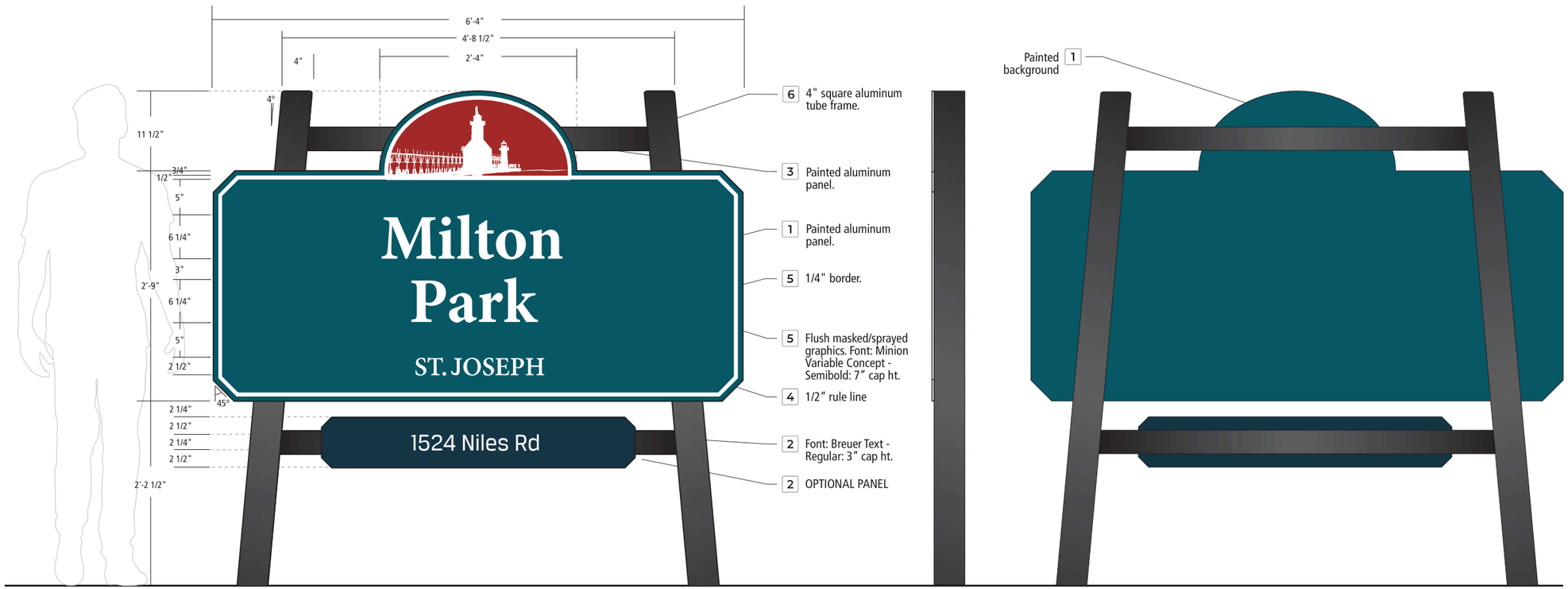
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00000	8 of 12
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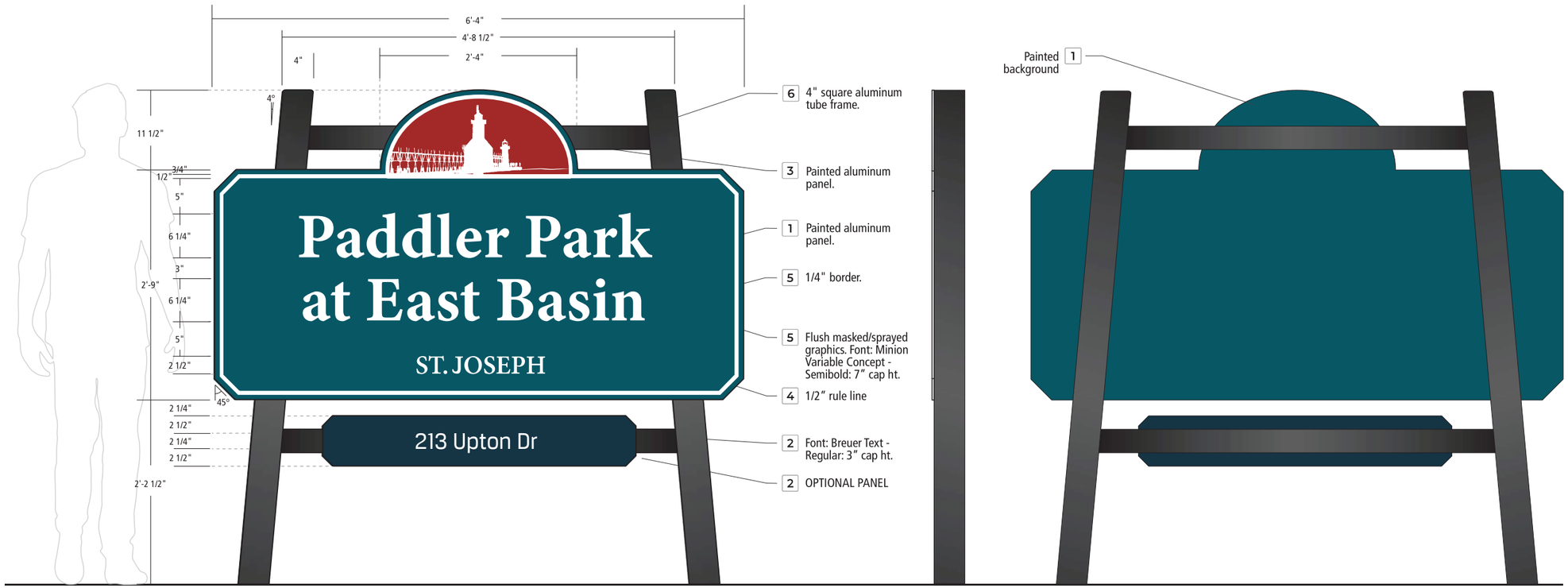
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ALL DIMENSIONS TO BE FIELD VERIFIED PRIOR TO INSTALLATION

St. Joseph | Wayfinding



Front View | Side View | Back View

FAIRMONT SIGN COMPANY

3750 East Outer Drive
Detroit, MI 48234
t: 313.368.4000 f: 313.368.9335
www.fairmontsign.com

Client:

City of St. Joseph, MI

Date: 8/1/25

File: Accounts/Misc/City of St. Joseph

Designer: RNB

Scale: NA

Job# 00000 **Sheet#** 9 of 12

Revision # 1 **Date:** 8-20-25

Revision Description:

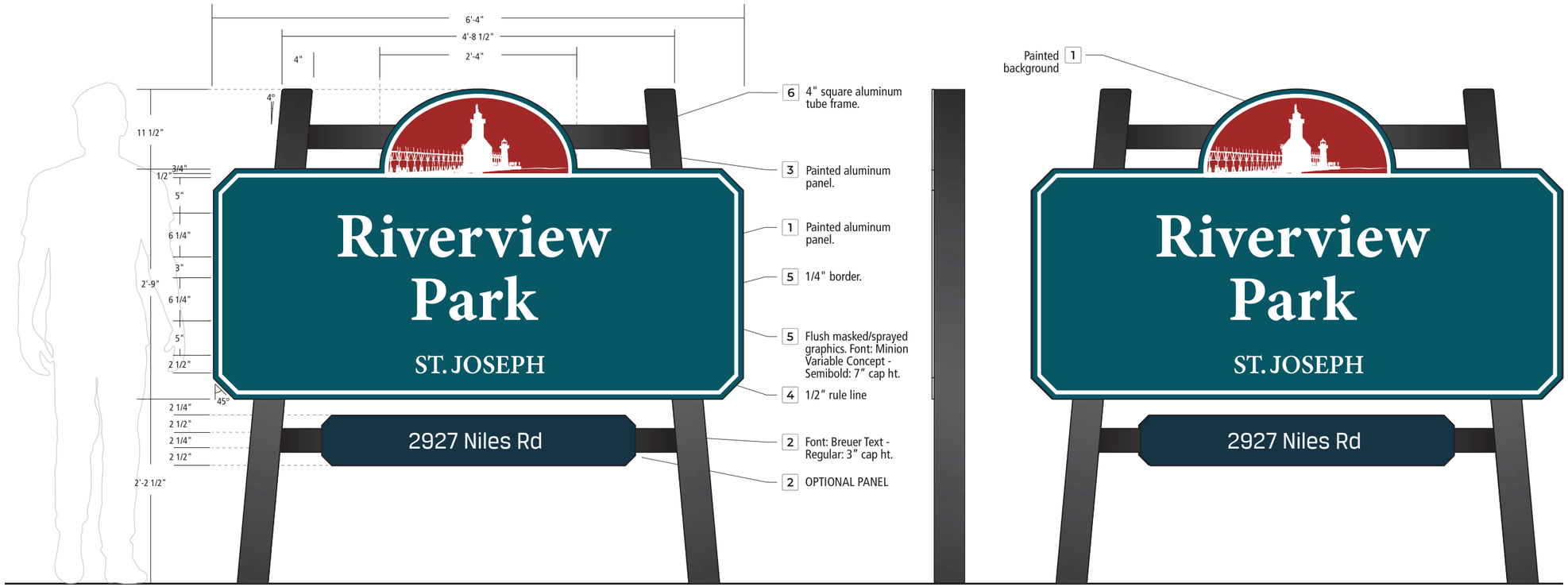
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Job#	Sheet#
00000	10 of 12

Revision #	Date:
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Revision Description:

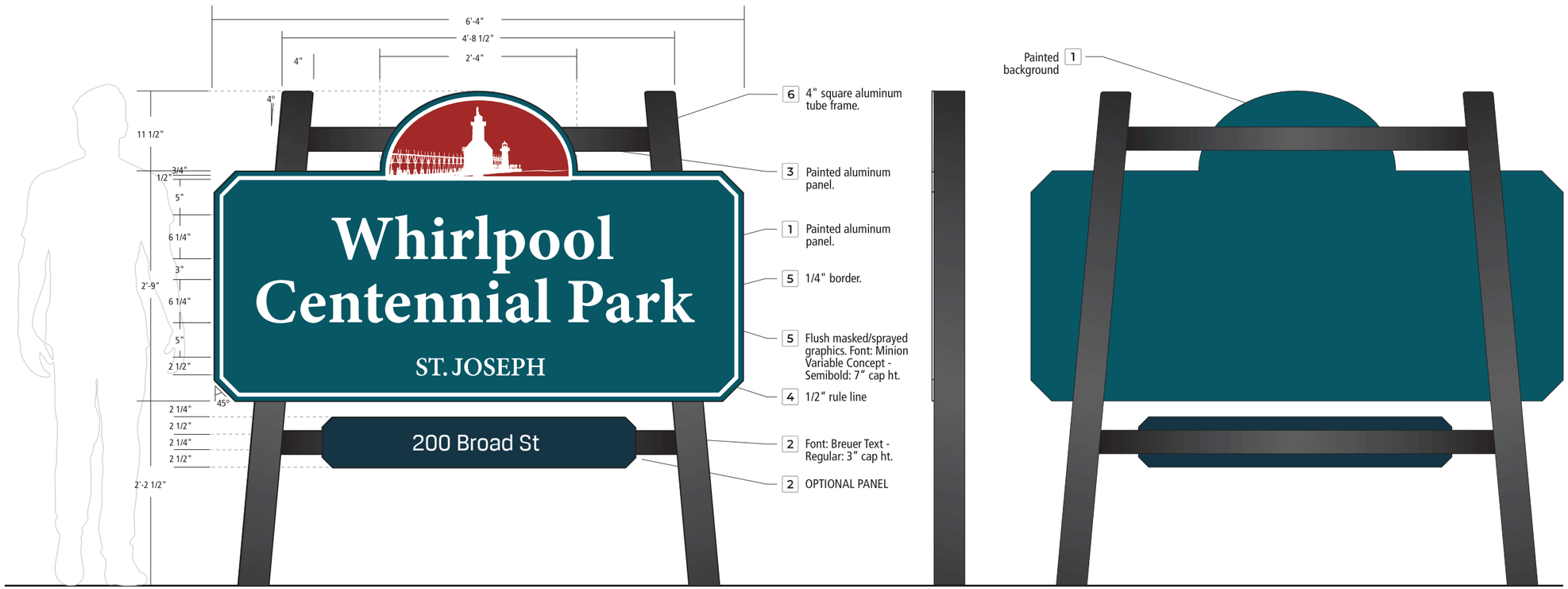
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Job# 00000 **Sheet#** 11 of 12

Revision # 1 **Date:** 8-20-25

Revision Description:

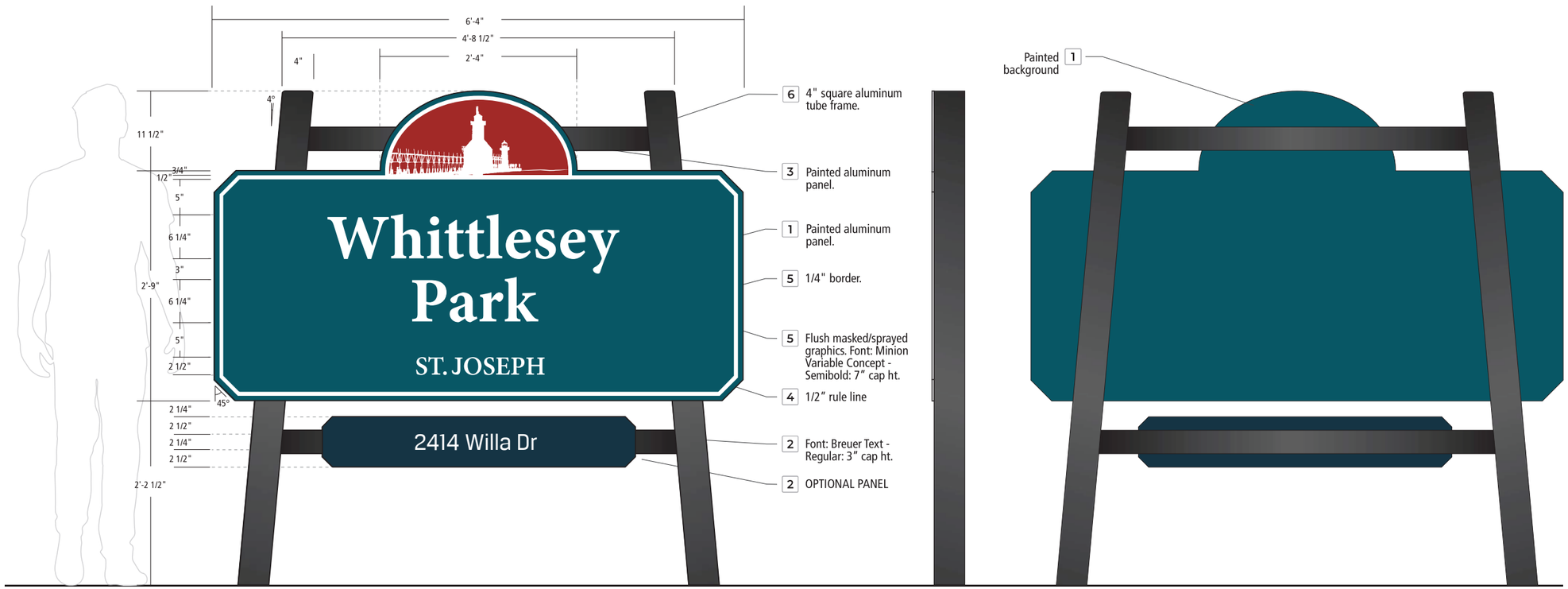
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Agenda Item

TO:

FROM: **Kayla Griffith**

RE: **2024 Public Engagement Report**

MEETING DATE: **August 25, 2025**

The 2024 Public Engagement Report is attached. An update to the governing body on community engagement activity is required at least annually as part of the Redevelopment Ready Communities Program.

ATTACHMENT(S):

- 2024 Public Participation Update.pptx

2024 Public Engagement Report

Owned Channels: Meetings, Website, Social Media



Community Engagement

In-Person Meetings & Calls for Input

Community Meetings & Surveys

Main Street Project
(in partnership with MDOT)

- Survey available through February 16th
- Public Meeting Wednesday, April 10 4:30 p.m.
- Public Meeting Thursday, May 16 at 4:30

Court Place Plaza

- Public Meeting Tuesday, February 13
- Designs available to preview at City Hall, survey open March 7-15

Upton Drive Reconstruction

- Public Meeting March 6 at 6:00p.m.

Lake & Broad Resurfacing

- Public Meeting March 19 at 6:00p.m.

Botham Avenue

- Public Input Session June 19 at 6:00 p.m.

Anchor's Way

- Public Meeting July 31 6:00 p.m.

Online Engagement

Website

Top 10 Pages

	Page path and screen class	Views	Active users	Views per active user	Average engagement time per active user
	Total	502,486 100% of total	170,538 100% of total	2.95 Avg 0%	56s Avg 0%
1	/	134,624 (26.79%)	52,397 (30.72%)	2.57	37s
2	/finance/page/pay-my-bill	22,463 (4.47%)	14,594 (8.56%)	1.54	15s
3	/calendar	20,425 (4.06%)	15,255 (8.95%)	1.34	27s
4	/parksrec/page/john-dede-howard-ice-arena-0	17,130 (3.41%)	9,009 (5.28%)	1.90	37s
5	/search/site	16,427 (3.27%)	6,906 (4.05%)	2.38	50s
6	/rfps	11,759 (2.34%)	3,692 (2.16%)	3.18	14s
7	/jobs	10,271 (2.04%)	5,334 (3.13%)	1.93	32s
8	/404-error	8,048 (1.6%)	6,303 (3.7%)	1.28	5s
9	/finance/page/water-billing	7,486 (1.49%)	5,054 (2.96%)	1.48	27s
10	/forms	5,852 (1.16%)	3,139 (1.84%)	1.86	1m 01s

1: "/" is our home page—typically the homepage will always be top visited page

2 & 9: two of our top 10 most visited pages correspond with paying bills

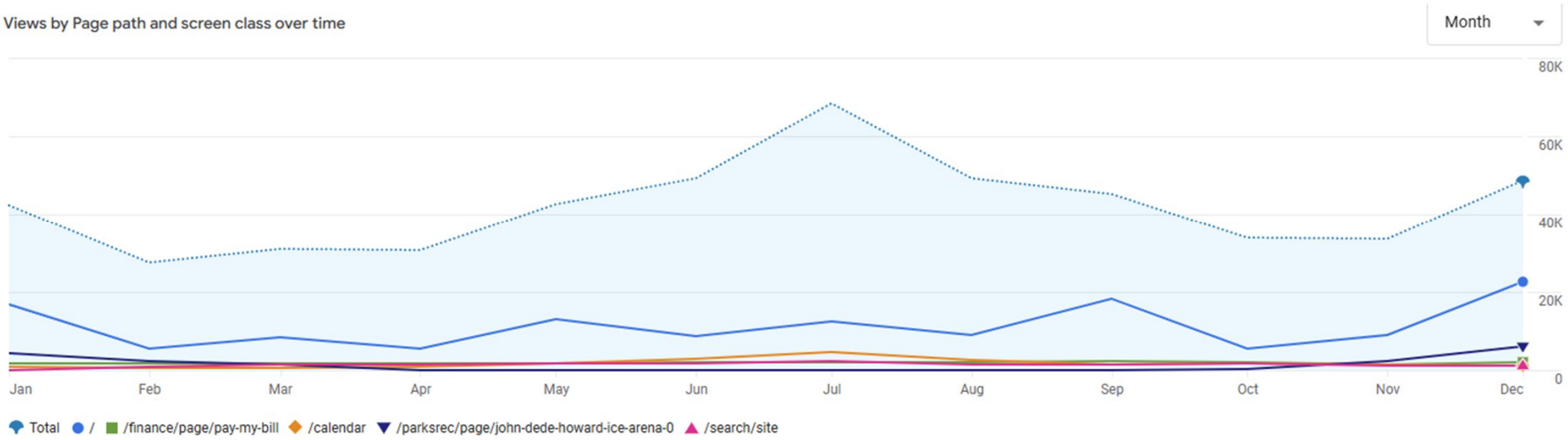
3: our third most-visited page is our calendar

4: Howard Ice Arena also receives a ton of traffic

5 & 8: "search" and "404 error" are also in top 10, with people spending nearly a minute on search

- One minute is a long time to spend on a read-only page

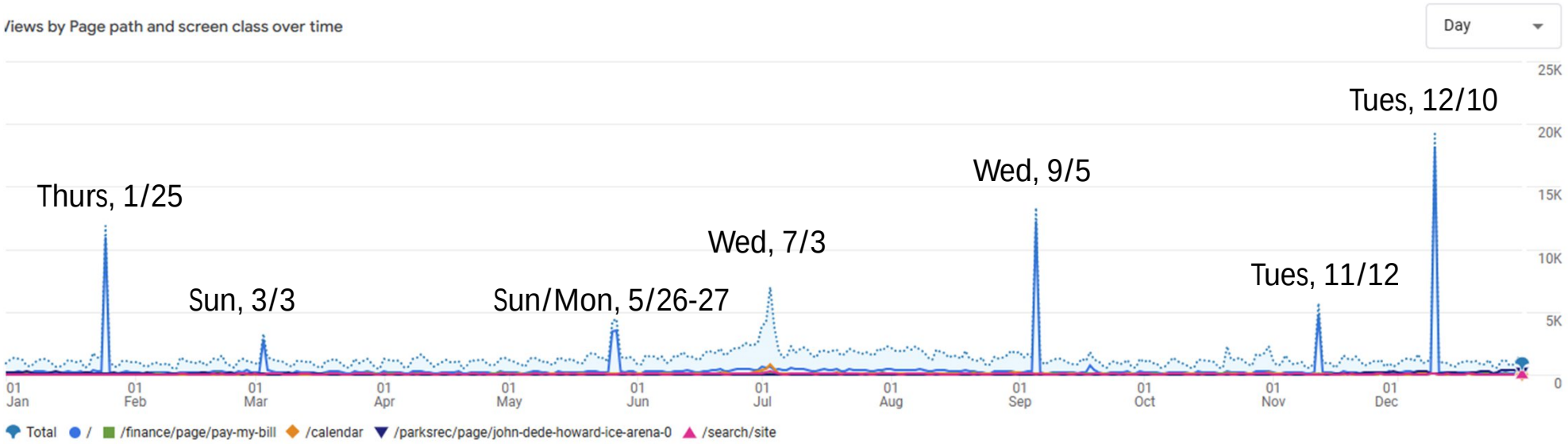
Top 5 Page Visits Monthly



Can see upward curvature toward end of season with Ice Arena
Can see bump in calendar visits in July corresponding with July 3rd

Overall site traffic visibly increases with July 3rd and Ice Arena boosts

Top 5 Page Visits Daily



Sunday, March 3: Upton Drive public meeting on Wed., engineering emails tend to go out on Sundays
May 26-27 and July 3: holidays/tend to be frequent event weekend—can actually see corresponding calendar pageview bump for fireworks July 3
December 10: followed the OPRA tax approval Commission meeting, which received a decent amount of media coverage

City Website—Insights

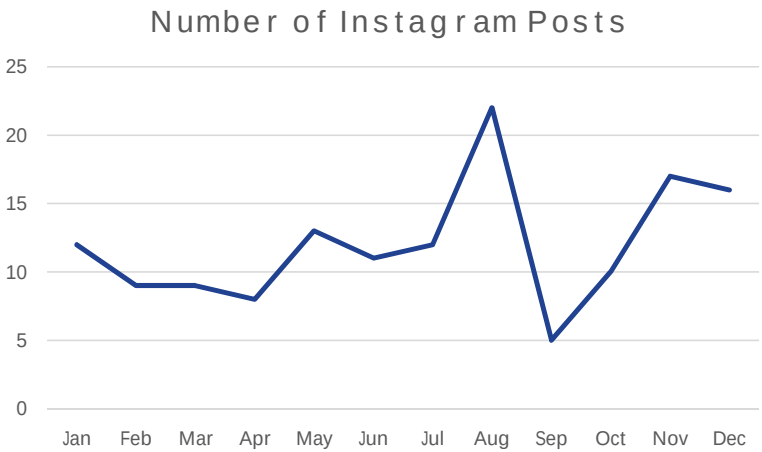
- Overall, metrics show that most people are visiting our site to complete tasks vs gain information (high ranking of bill pay, forms, calendar and Ice Arena vs pages on ordinances, building permits, etc.)
  - Howard Ice Arena driving significant site traffic—ensure the page is a good landing page
- With "Calendar" ranking #3 with 15,000 visitors, opportunity to make events more informative/detailed (ex: adding descriptions, links to more information, pictures and maps) and calendar more comprehensive (ex: adding public board meetings, etc.)
  - Also critical to ensure that calendar is accurate and up-to-date
  - Opportunity to use the calendar to get additional important information in front of residents and visitors
- Two bill-paying pages rank in the top 10—is there a simpler way to direct residents to pay bills/can we simplify by eliminating one page or merging the two pages?
- "Search" and "404 error" ranking so high imply difficulty navigating the website
  - Opportunity to dig deeper here: what are people searching for? Common language vs technical language, paring down/combining pages, organization of menus, etc.
    - Would require significant time investment to conduct a more comprehensive audit of site

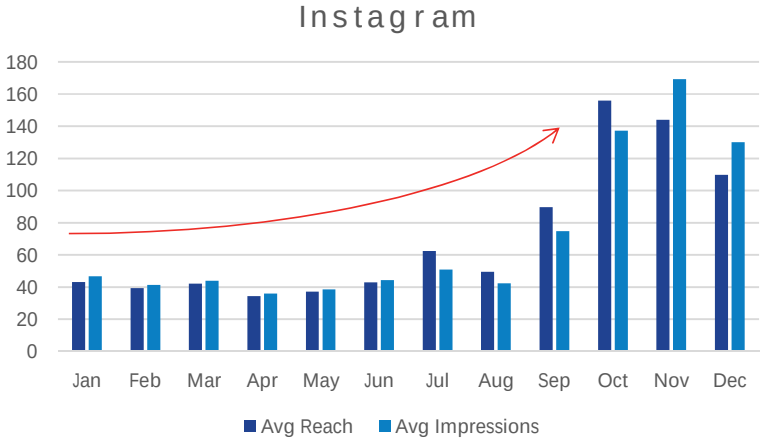
CITY OF St. Joseph

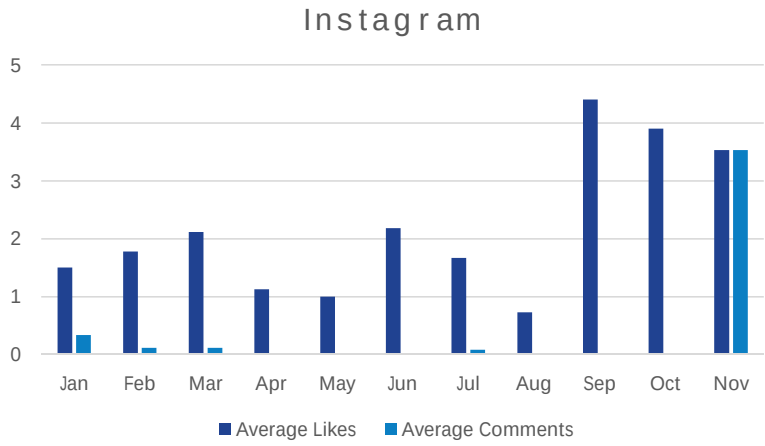
Online Engagement

Social Media

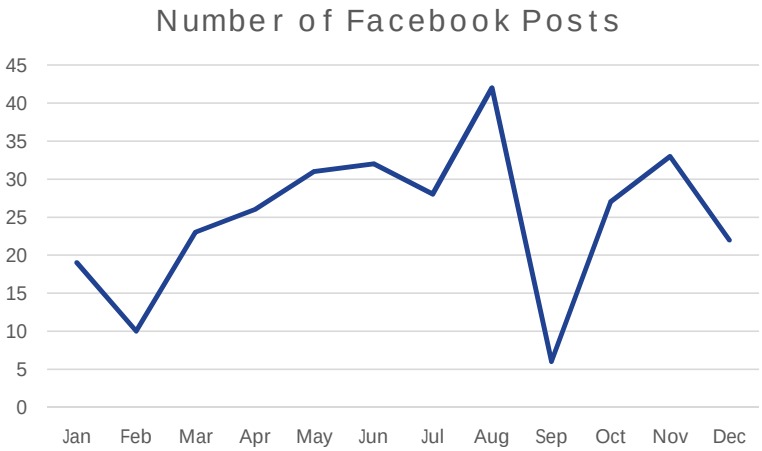
Instagram

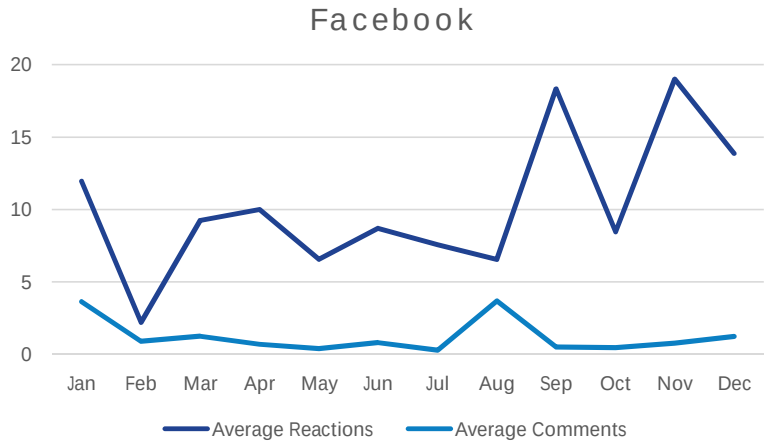

Number of Instagram Posts
25
20
15
10
5
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec

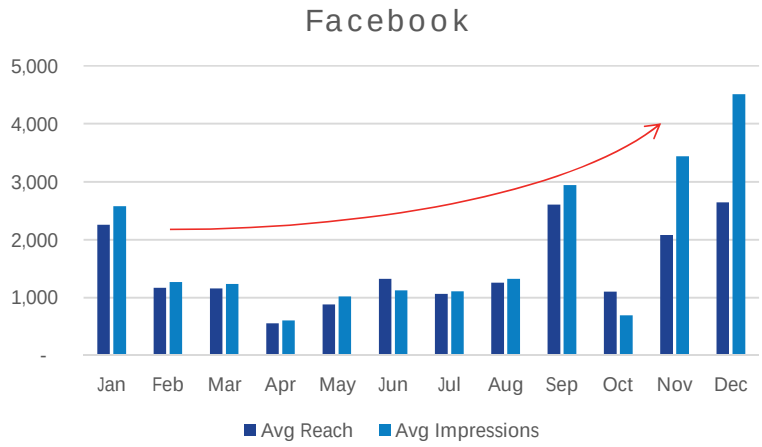

Instagram
180
160
140
120
100
80
60
40
20
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Avg Reach
Avg Impressions


Instagram
5
4
3
2
1
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Average Likes
Average Comments

Facebook


Number of Facebook Posts
45
40
35
30
25
20
15
10
5
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec


Facebook
20
15
10
5
0
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Average Reactions
Average Comments


Facebook
5,000
4,000
3,000
2,000
1,000
-
Jan
Feb
Mar
Apr
May
Jun
Jul
Aug
Sep
Oct
Nov
Dec
Avg Reach
Avg Impressions

Social Media—Insights

- Key to expanding our reach is time
  - Especially evident with Instagram, which is the younger of our social pages
  - Content does not seem to be a strong driver of reach
- Instagram needs its own content strategy, different than Facebook
  - Currently far less engagement and follows, but posts the same content
  - As a platform, Instagram's algorithm is less timely and prioritizes reels
    - Tends to be a much more visual and entertainment-oriented platform vs informative
    - Recommend to post more evergreen content or City culture content (encapsulate who we are as a community): recap events, showcase photographs, spotlight employees or completed work, tips/did you knows instead of timely updates or announcements
- Comments do not necessarily correspond to post frequency or quality, but reactions do
  - Observable via Facebook's engagement graph—observed a large jump in reactions in the later-half of the year without corresponding changes in comment volume

CITY OF St. Joseph

Agenda Item

TO: **City Commissioners**

FROM: **Emily Hackworth, City Manager**

RE: **The Marquette Purchase Agreement**

MEETING DATE: **August 25, 2025**

On June 23, the City Commission passed a Resolution of Conditional Support for the sale of the City owned real estate on the northeast corner of Broad Street and Lake Boulevard, currently utilized as a surface parking lot. With this resolution in place, the Property Subgroup and staff have worked with the Rienks Group to draft an agreement for the sale of the property, attached.

This agreement lays out details of the sale, including a purchase price based on an appraisal of the lot, expectations for closing dates, financing, public parking requirements, right of first refusal, etc. The Rienks Group also plans to pursue a Brownfield Redevelopment TIF. If approved, additional project details will be established through the TIF agreement.

As previously shared, the City's Downtown Vision Master plan recommends the City encourage appropriate development of identified 'opportunity sites' - which include this site - to enable desired development downtown. The plan further recommends prioritizing new residential and mixed-use developments to help contribute to the character and vitality of the downtown.

Further, a 2024 Housing Market Analysis conducted by Cornerstone Alliance identified a need for an additional 900 housing units in the City over the next five years. The City's Economic Development Strategy recommended prioritizing housing development.

The Marquette project targets adding 100 residential units, along with commercial space with a development on the City owned lot and the lot immediately to the north.

Action Requested: Motion to approve the Agreement for Sale of Real Estate as presented and direct the City Manager to execute the agreement.

ATTACHMENT(S):

- AGREEMENT FOR SALE OF REAL ESTATE.docx

AGREEMENT FOR SALE OF REAL ESTATE

This **AGREEMENT** for the sale of real estate ("Agreement") is made this _____ day of _____, 2025 ("Effective Date"), by and between the **CITY OF ST. JOSEPH**, a Michigan municipal corporation, of 700 Broad Street, St. Joseph, Michigan 49085 ("City" or "Seller"), and **THE RIENKS GROUP, LLC.,** an Indiana limited liability company authorized to conduct business in the state of Michigan, with a local resident address of 2809 S. 11th Street, Niles, MI 49120, as ("TRG" or "Buyer").

WHEREAS, the City owns a parcel of real estate on the northeast corner of Broad Street and Lake Boulevard, with a parcel identification number of 11-76-0340-0109-00-9, that is improved with a surface public parking lot ("City Lot"); and

WHEREAS, the City's Downtown Vision Master Plan recommends that the City: explore and encourage appropriate development of the identified opportunity sites, consider selling City-owned properties to enable desired development Downtown, and coordinate with property owners and developers to explore and actively seek development that will contribute to the character and vitality of Downtown; and that new residential and mixed-use development should be prioritized to help achieve that goal; and identifies the City Lot as a desirable development opportunity site; and

WHEREAS, a 2024 Housing Market Analysis conducted by Cornerstone Alliance identified a need for an additional 900 housing units in the City of St. Joseph over the next five years, and the City's Economic Development Strategy, adopted by the St. Joseph City Commission in 2024, recommended prioritizing housing development and called for a mix of market-rate housing and more affordable middle-income housing; and

WHEREAS, the St. Joseph City Commission passed a Resolution of Conditional Support for the sale of the City Lot on Monday, June 23, 2025; and

WHEREAS, TRG approached the City with a development proposal for a building to be composed of 100 residential units with a mix of approximately 32 condominiums and 68 apartments with apartment rent priced at or below 120% of the Area Median Income, retail and restaurant use on the ground floor, and underground private and public parking spaces ("the Project") on the City Lot and the adjacent privately owned lot at 508 Pleasant Street, pending all necessary approvals including a Special Use Permit for a height of up to 80 feet; and

WHEREAS, TRG continues to work to complete development plans with input from architects, engineers, and the public which may impact their planned mix of condominiums and apartments.

WHEREAS, TRG wishes to purchase the City Lot as part of the Project, and the City is willing to sell the City Lot to TRG as part of the Project as it supports the goals of the City's Downtown Vision Master Plan and benefits the public good by providing needed housing, increasing investment and economic opportunity, under the terms set forth in this Agreement.

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THE PARTIES MUTUALLY AGREE AS FOLLOWS:

1. **Description.** Seller agrees to sell and convey and Buyer agrees to purchase, on terms and conditions hereinafter stated, the real property, together with the improvements thereon, ("the Property" or "the City Lot") described as follows:

   See Exhibit A, attached and incorporated by reference.

   Parcel Number 11-76-0340-0109-00-9

2. **Purchase Price.** The purchase price is SEVEN HUNDRED THOUSAND AND NO/100 ($700,000.00) DOLLARS, payable upon closing and delivery of a general warranty deed (the "Deed"), subject to (i) the Development Agreement (defined below); (ii) easements and restrictions of record and all pertinent governmental laws, statutes, regulations and requirements; (iii) such state of facts that an accurate current survey and physical inspection of the Property would reveal; including, without limitation, all existing easements and encroachments, if any; (iv) all current real estate taxes, assessments and other sums assessed against the Property and not yet due and payable as of the Closing, subject to prorations for the current year; (v) any title exceptions arising out of the acts of Buyer; (vi) any matter accepted or waived by Buyer pursuant to this Agreement.

3. **Title Insurance.** Within thirty (30) days of the Effective Date, Buyer will order a commitment for an owner's title insurance policy (the "Title Commitment") from a title insurance company acceptable to Buyer (the "Title Company") in the amount of the purchase price, showing title to the Property solely in Seller. Within ten (10) days of the receipt of the Title Commitment, the Buyer may object to any matter disclosed in the Title Commitment by written notice to the Seller ("Title Objection Notice"). Seller shall have thirty (30) days from the date of the receipt of the Title Objection Notice within which to either: 1) cure such defect or agree to cure such defect at or prior to closing, or 2) provide written notice to the Buyer that it will not cure such defect. If the Seller is unable or unwilling to cure such defect, the Buyer may: 1) terminate this Agreement by written notice to Seller, in which case the Deposit shall be returned to Buyer and this Agreement shall, without further action by either party, become null and void; or 2) take title to the Property subject to the defect.

4. **Earnest money deposit.** On signing this Agreement, Buyer shall promptly deposit with the Title Company, as escrow agent ("Escrow Agent") 5% or $35,000 in certified funds (the Initial Deposit). Escrow Agent will hold and disburse that earnest money as provided below. The Initial Deposit together with any interest (cumulatively, the Deposit), shall constitute a credit against the Purchase Price at closing. The Deposit shall be placed in an interest-bearing account with the interest to accrue and be a part of the Deposit, and be returned to Buyer if Seller defaults as provided in § 13 of this Agreement, or in all other cases, paid to Seller either as part of the Deposit, or as consideration for entering this Agreement if the sale is not closed as provided in this Agreement.

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5. **Closing.** The closing of the sale shall take place at the Title Company, or other agreed upon location, on or before August 25, 2026. However, if the closing cannot be held because of delay in Conditions Precedent under §10, and Buyer has acted with due diligence, Buyer may elect to extend the time of closing by providing notice as provided below for up to two additional periods of 30 days each (Extension Periods) to provide more time to receive those approvals by delivering written notice of that election to extend to Seller and a copy to Escrow Agent. If the closing has not occurred by July 25, 2026 or any elected Extension Periods, this Agreement will automatically terminate, Escrow Agent shall return the Deposit to Seller, and neither Seller nor Buyer shall have any further rights or obligations under this Agreement.

   At closing, Seller shall execute, acknowledge, and deliver to Buyer the Deed conveying the Property to Buyer and such other documents as shall be required by the Title Insurance Company or Buyer to complete this transaction. Buyer shall deliver to Seller a wire transfer or a certified, cashier's or Title Insurance Company check payable to Seller in the amount of the Purchase Price, plus or minus any credits due Buyer as provided in this Agreement, the amount of any liens or encumbrances on the Property, and any closing costs payable by Seller.

6. **Taxes and Prorations.** All taxes which have become a lien upon the Property at the date of this Agreement shall be paid by Seller. All special assessment installments which become due after closing shall be paid by Buyer. Taxes and special assessment installments which are billed in calendar year 2026 shall be prorated and adjusted as of the date of closing in the manner which is the customary accepted practice in Berrien County, Michigan.

7. **Miscellaneous Expenses.** Buyer shall pay all closing costs, including all applicable transfer taxes, the title insurance premium, the cost to record the deed and other recordable documents, and the closing fee charged by the Title Insurance Company. All of the documents to be supplied by Seller shall be reasonably satisfactory in form and substance to Buyer.

   Buyer shall pay for any survey costs, inspection costs, and environmental-related testing and assessments, and all other expenses associated with the Conditions Precedent**.**

   Each party shall be solely responsible for any attorney fees incurred by such party with respect to the transaction contemplated in this Agreement.

8. **Possession.** Possession shall be granted to Seller upon closing.

9. **Inspection.** Before closing, Buyer and its authorized agents and representatives shall have the right to enter upon the Property and make any and all environmental assessments, appraisals, inspections, studies, tests, surveys, borings, percolation and other soil, groundwater and miscellaneous tests (including but not limited to testing for structural integrity, hydrocarbons, hazardous wastes, toxic pollutants and other contaminants) as Buyer deems prudent, at Buyer's expense. However, Buyer shall notify Seller and make arrangements for such inspections before proceeding. Seller shall give all reasonable assistance to the Buyer or the Buyer's agents in completing the inspections, audits, and appraisals. Buyer may cancel and declare null and void this Agreement if any of the appraisals, inspections, studies, tests, surveys, borings, percolation and other soil and groundwater and other miscellaneous tests indicate conditions to be

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unsatisfactory to Buyer for Buyer's contemplated use. Buyer hereby agrees to hold harmless, defend, and indemnify Seller from any loss, costs, claims, causes of action or damages arising from, relating to, or resulting from any inspections, tests, surveys, tests, studies, or similar activities by Buyer or its agents or representatives on the Property undertaken pursuant to this section 9.

10. **Conditions Precedent.** This Agreement is subject to the following conditions, which Buyer must satisfy at least 30 days before closing as a contingency of the Seller being obligated to close:

    a. **508 Pleasant Street property:** Buyer must obtain ownership of the parcel located at 508 Pleasant Street, St. Joseph, Michigan, located adjacent to the Property.

    b. **Design Approval.** Buyer must obtain all state and local permits and approvals required for the Project plan and design, including but not limited to special use permits, variances, waivers, or other zoning approvals, and engineering approvals. Understanding the need for some flexibility as the project designs are completed, the total number of the Project's residential housing units or the mix of residential housing composition may change by up to ten percent (10%) without requiring an amendment to this Agreement.

    c. **Financing:** The Buyer shall provide all documents, information, and records reasonably requested by the Seller to demonstrate, to the Seller's satisfaction, that the Buyer is in sound financial condition to complete the purchase and proposed development of the Property. Without limiting the generality of the foregoing, Seller must secure and provide evidence of the following as applicable 1.) local and state approval for funding through the Michigan State Housing Development Authority Housing Tax Increment Financing Program to provide market rate residential housing to the public, including 62 rent and/or income restricted units, with income limits of up to 120% of Area Median Income, to be established via a Brownfield Plan approved under applicable law and a development and reimbursement agreement with the City of St. Joseph Brownfield Redevelopment Authority providing tax increment reimbursement for any eligible activities under applicable law; and 2.) verification and proof of secure and reputable equity and debt financing, which may include proof of funding letters from a financial institution with top CAMELS ratings or equivalent recognized rating, irrevocable letters of credit, bank guarantees of payment and completion of construction, or other documents satisfactory to Seller, which show sufficient dedicated finances to allow the Project to fully develop to completion within a three-year time frame.

    d. **Geo-technical Study.** Buyer must obtain and provide to Seller, a geo-technical study that determines the Property is acceptable for the Project plan and design, and that the soils and conditions of the land will support the Project Plan and design and will not jeopardize the stability of the ground, the bluff, or adjacent property.

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e. **Development Agreement.** Buyer and Seller must enter into a mutually acceptable recorded development agreement (the "Development Agreement") that runs with the title to the Property which includes, but is not limited to, the following substantive terms related to the post-closing development of the Property:

a. A covenant to construct, operate, and maintain the Project in compliance with all received zoning and land use approvals.

b. A covenant to commence, proceed, and complete the project on specific timelines

c. Reasonable financial assurances in the City's discretion that the Buyer can complete the construction of the Project.

d. Repurchase rights for the Seller upon a breach of the Development Agreement by the Buyer, a breach to include, but not be limited to, a failure to obtain the relevant building permits and commence construction within 6 months.

e. A Right of First Refusal be granted to the Seller for a period of _____ years following closing.

f. A public parking easement agreement that requires the Buyer to provide a minimum of 57 public parking spaces in the Project to replace those currently on the surface parking lot. The existing parking must remain available to the public until Buyer commences construction of physical improvements on the Property such that the parking cannot reasonably be made available to the public.

f. The Property shall be used to provide market rate apartments at no more than 120% of AMI that are approved for the Project; these restrictions shall be a covenant running with the land and shall be contained in and made a part of every deed, mortgage, lease, or other instrument affecting the title to the Property. However, the restriction requiring market rate apartments described above shall be in effect for the duration of the Brownfield Tax Increment Financing associated with the Project and terminate upon its conclusion. This restriction on use of the Property may not be revised, modified, amended or waived, except by mutual agreement of the Parties whose agreement shall be evidenced by a written instrument signed by Seller and Buyer or its successors, and recorded with the Berrien County Register of Deeds.

11. **Representations and Warranties**. Seller represents and warrants to Buyer, which representations and warranties shall survive the closing, as follows:

a. Authority. Seller shall provide Buyer with a resolution of the City Commission of St. Joseph authorizing the offer contained in this Agreement and the sale of the Property to the Buyer based upon the terms and conditions contained in this Agreement. Further, said resolution shall set forth those officers of the Seller having the authorization to execute documents reasonable and necessary to consummate the transaction contemplated in this Agreement. Seller shall provide said resolution by _____, 2025.

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Buyer shall provide Seller with a corporate resolution authorizing the offer contained in this Agreement and the purchase of the Property from the Seller based upon the terms and conditions contained in this Agreement. Further, said resolution shall set forth those officers of the Seller having the authorization to execute documents reasonable and necessary to consummate the transaction contemplated in this Agreement. Buyer shall provide said resolution by _____, 2025.

b. Compliance with Laws. Seller is not in material violation of any federal, state, or local statute, law, ordinance, regulation, order, or ruling affecting any of the Property, including, but not limited to, any zoning or land use statutes, regulations, orders, or rulings.

c. Litigation. Seller and Buyer respectively affirm that they are not engaged in or a party to, nor, to the best of their knowledge, threatened with any legal actions or other proceedings before any court, arbitrator, or administrative agency with respect to the Property, and there are no outstanding orders, rulings, decrees, judgments, or stipulations of any court, arbitrator, or administrative agency to which they are a party or by which the same is bound that may adversely affect the Property or the transactions contemplated by this Agreement.

12. AS-IS Sale. Except as otherwise expressly provided in this Agreement, the sale of the Property is made on a strictly AS-IS, WHERE-IS basis, and Buyer expressly acknowledges that the Seller makes no warranty or representation, express or implied, regarding the condition, habitability, merchantability, suitability or fitness for a particular purpose of the Property, or any improvements located thereon, or any environmental conditions, including any soil, perched water, surface water, or groundwater conditions, and any such representation or warranty is expressly disclaimed. Seller further acknowledges and agrees that Buyer has provided Seller with adequate opportunity to conduct its own investigations, assessments, and inspections of the condition of the Property, including environmental conditions. Buyer hereby releases Seller from any claims related to the environmental or other condition of the Property, except as otherwise expressly set forth in this Agreement.

13. Seller's default. In the event of any default by Seller that continues without cure for 10 days after delivery by Buyer of notice to Seller, Buyer shall have the right (but not the obligation) to terminate this Agreement by notice to Seller and Escrow Agent within 15 days after the end of the cure period allowed to Seller, or Buyer shall have the right to enforce this Agreement by any remedy available at law or equity. Notwithstanding anything in this Agreement to the contrary, in the event of such a termination, Escrow Agent, if it still holds the Initial Deposit, shall promptly return the Deposit it holds to Buyer.

14. Buyer's default. In the event of any default by Buyer that continues without cure for 10 days after the delivery by Seller of notice to Buyer, Seller shall have the right (but not the obligation) to terminate this Agreement by notice to Buyer and Escrow Agent within 15 days after the end of the cure period allowed to Buyer, or Seller shall have, as its sole remedy, the right to enforce this Agreement by an action for specific performance. Notwithstanding anything in this

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Agreement to the contrary, in the event of such a termination, Escrow Agent, if it still holds the Initial Deposit, shall promptly deliver the Deposit it holds to Seller.

15. **Survival of Representations and Warranties**. Any and all covenants, representations, warranties, and Agreements made by the parties in this Agreement or in any instrument to be furnished pursuant to this Agreement shall be true through and shall survive the closing. A party agrees to notify the other party promptly if the party becomes aware of any circumstances or occurrence prior to the closing which would make any of the representations or warranties of a party contained in this section is untrue in any material respect.

16. **Commissions.** Buyer and Seller each warrant to the other that to the best of their knowledge, no amounts are due to broker or any other party arising out of this transaction, and each agrees to defend and hold harmless the other from any breach thereof by such breaching party. The parties further agree that Seller shall not be responsible for any broker's commission, finder's fee or similar obligation arising as a direct or indirect result of Seller entering into this Agreement. Further, the parties agree that Buyer shall not be responsible for any broker's commission, finder's fee or similar obligation arising as a direct or indirect result of Buyer entering into this Agreement.

17. **Notices.** All notices to be delivered hereunder shall be sent by U.S. Mail, Certified -Return Receipt Requested, or delivered in person and addressed to the attention of the respective persons set forth below. Each such notice shall be deemed delivered on the first business day following its receipt, refusal, or attempted delivery, as appropriate, at the address of the party to be noticed.

AS TO THE BUYER:	**AS TO THE SELLER**:
The Rienks Group, LLC	City of St. Joseph
2809 S. 11th Street	700 Broad Street
Niles, Michigan 49120	St. Joseph, Michigan 49085
Attn: Peter Rienks	Attn: City Manager

18. **Severability.** In the event any provision of this Agreement shall be determined by a court of competent jurisdiction to be invalid or unenforceable, the remainder of the Agreement shall nonetheless remain in full force and effect.

19. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, legal representatives, successors and assigns.

20. **Whole Agreement.** This Agreement constitutes the entire Agreement between the parties and shall be deemed to supersede and cancel any other Agreement between the parties relating to the transaction contemplated by this Agreement. None of the prior or contemporaneous negotiations, preliminary drafts, or prior versions of this Agreement shall be used by any of the parties to construe or affect the validity of this Agreement. Each party acknowledges that it has not made or relied on any representations, inducements, or conditions not specified in this Agreement.

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21. **Further Assurances.** The parties hereto hereby agree to cooperate fully in the execution, acknowledgment and delivery of all instruments, pleadings and other papers and to take such other action as may be necessary to further carry out and fully accomplish the intent and purpose of this Agreement.

22. **Amendments.** This Agreement may be amended only by a written document signed by each of the parties to this Agreement.

23. **Successor and Assigns.** This Agreement shall bind and benefit the parties and their respective successors and permitted assigns. This Agreement may not be assigned or transferred to another party without the express written consent of both parties.

24. **Governing Law and Venue.** This Agreement shall be construed in accordance with and governed by Michigan law, without giving effect to conflict of law principles. Venue for any disputes concerning this Agreement shall lie in Berrien County, Michigan.

25. **Time of Essence.** Time is of the essence of this Agreement.

DISCLAIMER*: **This Agreement does not supersede any legal procedure required by Buyer's Project plan or its design, including but not limited to site plan approvals, local zoning approval, special use permits, building permits, or engineering or public works approvals, nor shall it be relied upon to guarantee approval of the same. All project plans, designs, and requests will be reviewed and evaluated independently in accordance with all applicable legal standards.***

IN WITNESS WHEREOF, the parties hereto have executed this Agreement for Sale of Real Estate, effective on the day and year written above.

"Seller"

CITY OF ST. JOSEPH, MICHIGAN

Dated: _____ By: _____

Its: _____

"Buyer"

THE RIENKS GROUP, LLC

Dated: _____ By: _____

Its: _____

DRAFT

Prepared by:

Laurie L. Wightman Schmidt (P43519)
City of St. Joseph
700 Broad Street
St. Joseph, Michigan 49085
(269) 983-5541

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EXHIBIT A

Legal Description

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Agenda Item

TO: **City Commissioners**

FROM: **Kelly Ewalt, Development Director**

RE: **DDA Liquor License Application: The Archive Lounge LLC**

MEETING DATE: **August 25, 2025**

At the July 28th meeting, City Commissioners passed a resolution to establish a Development District pursuant to MCL 436.1521A(1)(b). This allows businesses within the district to apply for a DDA Liquor License through the Michigan Liquor Control Commission if they meet certain requirements. Those requirements include:

- The building that will house the proposed licensed premises must have at least $75,000.00 expended for new construction or the rehabilitation or restoration of the building over the preceding five (5) years or a commitment for a capital investment of at least $75,000.00 in the building that must be expended before the license is issued.

- The licensed business must be engaged in activities related to dining, entertainment, or recreation.

- The licensed business must be open to the general public and have a seating capacity of not less than 25 persons.

The Archive Lounge, LCC is requesting approval from Commission to move forward with their application to the MLCC. This establishment is located within the Library Hotel, at 500 Main Street, which is currently being renovated.

Action Requested: Motion to approve the resolution approving the Archive Lounge, LLC's request for a Class C liquor license in the DDA Development area.

ATTACHMENT(S):

- Archive Lounge Application.pdf
- Archive Lounge LCC106.pdf

Docusign Envelope ID: EE70C40A-7149-4064-8C67-EB54F2811A15

Downtown Development Authority (DDA) Liquor License Application Affidavit

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Business Information

- **Business Name:** The Archive Lounge LLC
- **Legal Entity Name:** The Archive Lounge LLC
- **Business Address (DDA District):** 500 Main St., St. Joseph, MI 49085
- **Business Phone:** (630) 303-8776
- **Email:** Shannon.kutchek@compass.com
- **Business Type (e.g., restaurant, bar, brewery):** Cocktail Lounge
- **FEIN:** 39-3850550

Applicant Information

- **Full Name of Applicant/Owner:** John Kenna
- **Home Address:** 1258 Miami Ave, Benton Harbor, MI 49022
- **Phone Number:** ((630) 303-8776
- **Email:** shannon.kutchek@compass.com

Affirmations & Acknowledgments

By signing below, the applicant affirms the following:

☒ The business is located within the boundaries of the St. Joseph DDA District.

☒ The primary purpose of the business is **restaurant, bar, or hospitality-related**, with seating and food service available to the public.

☒ The applicant has submitted or will submit a completed application to the **Michigan Liquor Control Commission (MLCC)**.

☒ The applicant understands this license is **non-transferable** outside the DDA district.

☒ The business will comply with all applicable **local zoning, building, fire, and health codes**.

Docusign Envelope ID: EE70C40A-7149-4064-8C67-EB54F2811A15

☒ The applicant has expended at least $75,000 for the rehabilitation or restoration of the building over the preceding five years, or has committed capital investment of at least $75,000 that will be expended for the building before the license is issued.

☒ is open to the general public and has a seating capacity of not less than 25 persons.

☒ The applicant agrees to cooperate with inspections and requests for additional information from the **City of St. Joseph** and **MLCC**.

☒ The business intends to make a meaningful economic investment and contribute to the vitality of Downtown St. Joseph.

Affidavit

I, the undersigned, affirm that the information provided in this application is true and complete to the best of my knowledge. I understand that falsification or omission of information may result in the denial or revocation of the DDA Liquor License.

Signature of Applicant: DocuSigned by: [signature] 136EA1790CFA4F9...

Date: 8/19/2025

Printed Name: John Kenna

For City/DDA Use Only

- Date Received: 8/20/2025
- Reviewed By: KE

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use only)

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 City Commission meeting of the St. Joseph City council/board
(regular or special) (name of township, city, village)

called to order by Mayor Thomas on Aug 25, 2025 at 6:00pm
(date) (time)

the following resolution was offered:

Moved by _____ and supported by _____

that the application from The Archive Lounge, LLC
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Class C Liquor License
(list specific licenses requested)

to be located at: 500 Main Street, St. Joseph, MI 49085

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it recommends 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 _____ (name of township, city, village)

council/board at a _____ meeting held on _____
(regular or special) (date)

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
Overnight packages: 2407 N. Grand River, Lansing, MI 48906
Fax to: 517-763-0059

LARA is an equal opportunity employer/program.Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Agenda Item

TO: **City Commissioners**

FROM: **Kelly Ewalt, Development Director**

RE: **DDA Liquor License Application: St. Joseph Wine Shoppe**

MEETING DATE: **August 25, 2025**

At the July 28th meeting, City Commissioners passed a resolution to establish a Development District pursuant to MCL 436.1521A(1)(b). This allows businesses within the district to apply for a DDA Liquor License through the Michigan Liquor Control Commission if they meet certain requirements. Those requirements include:

- The building that will house the proposed licensed premises must have at least $75,000.00 expended for new construction or the rehabilitation or restoration of the building over the preceding five (5) years or a commitment for a capital investment of at least $75,000.00 in the building that must be expended before the license is issued.

- The licensed business must be engaged in activities related to dining, entertainment, or recreation.

- The licensed business must be open to the general public and have a seating capacity of not less than 25 persons.

The St. Joseph Wine Shoppe is requesting approval from Commission to move forward with their application to the MLCC. This establishment is located within the Market, at 301 Main Street, and is looking to pivot to a wine bar that still carries wines to go.

Action Requested: Motion to approve a resolution in support of St Joseph Wine Shoppe's request for a Class C liquor license in the DDA Development area.

ATTACHMENT(S):

- DDA Liquor License Final - St Joe Wine Shoppe.pdf
- SJ Wine Shoppe LCC106.pdf

Downtown Development Authority (DDA) Liquor License Application Affidavit

---

Business Information

- **Business Name:** St Joe Wine Shoppe
- **Legal Entity Name:** St Joe Wine Shoppe LLC
- **Business Address (DDA District):** 301 Main Street Unit 5&6, St Joe MI 49085
- **Business Phone:** 269-386-9463
- **Email:** info@stjoewineshoppe.com
- **Business Type (e.g., restaurant, bar, brewery):** Retail Wine & Wine Bar
- **FEIN:** 83-4582935

Applicant Information

- **Full Name of Applicant/Owner:** Meredith George
- **Home Address:** 134 Territorial RD #1 Benton Harbor MI 49022
- **Phone Number:** 443.306.5979
- **Email:** meredith@stjoewineshoppe.com

Affirmations & Acknowledgments

By signing below, the applicant affirms the following:

☒ The business is located within the boundaries of the St. Joseph DDA District.

☒ The primary purpose of the business is **restaurant, bar, or hospitality-related**, with seating and food service available to the public.

☒ The applicant has submitted or will submit a completed application to the **Michigan Liquor Control Commission (MLCC)**.

☒ The applicant understands this license is **non-transferable** outside the DDA district.

☒ The business will comply with all applicable **local zoning, building, fire, and health codes**.

☒ The applicant has expended at least $75,000 for the rehabilitation or restoration of the building over the preceding five years, or has committed capital investment of at least $75,000 that will be expended for the building before the license is issued.

☒ is open to the general public and has a seating capacity of not less than 25 persons.

☒ The applicant agrees to cooperate with inspections and requests for additional information from the **City of St. Joseph** and **MLCC**.
☒ The business intends to make a meaningful economic investment and contribute to the vitality of Downtown St. Joseph.

Affidavit

I, the undersigned, affirm that the information provided in this application is true and complete to the best of my knowledge. I understand that falsification or omission of information may result in the denial or revocation of the DDA Liquor License.

Signature of Applicant: _____
Date: 8/20/25

Printed Name: Meredith George

For City/DDA Use Only

- Date Received: _____
- Reviewed By: _____

Michigan Department of Licensing and Regulatory Affairs
Liquor Control Commission (MLCC)
Toll Free: 866-813-0011 • www.michigan.gov/lcc

Business ID: _____

Request ID: _____
(For MLCC use only)

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 City Commission (regular or special) meeting of the St. Joseph City (name of township, city, village) council/board called to order by Mayor Thomas on Aug 25, 2025 (date) at 6:00 pm (time) the following resolution was offered:

Moved by _____ and supported by _____

that the application from The St. Joseph Wine Shoppe
(name of applicant - if a corporation or limited liability company, please state the company name)

for the following license(s): Class C Liquor License
(list specific licenses requested)

to be located at: 301 Main Street Unit 5&6, St. Joseph, MI 49085

and the following permit, if applied for:

☐ Banquet Facility Permit Address of Banquet Facility: _____

It is the consensus of this body that it recommends (recommends/does not recommend) this application be considered for 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 _____ (name of township, city, village) council/board at a _____ (regular or special) meeting held on _____ (date)

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
Overnight packages: 2407 N. Grand River, Lansing, MI 48906
Fax to: 517-763-0059

LARA is an equal opportunity employer/program.Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

Agenda Item

TO:	**Members of the St. Joseph City Commission**
FROM:	**Kristen Gundersen, Community Development Director**
RE:	**Text Amendment - Section 9.8.2 MS-OD Main Street Overlay District - District Boundaries and Descriptions - Graham Kutchek**
MEETING DATE:	**August 25, 2025**

Request

Graham Kutchek is requesting an amendment to Section 9.8.2 of the zoning ordinance as it relates to the district boundaries of the MS-OD Main Street Overlay District. The applicant purchased a property that is excluded from the overlay district because it is located in the R1-E Single-Family Residence district. The use of the specific property is nonconforming as the first floor/ground level has been used for office space for many years while there is a single dwelling unit located on the second and third floors of the building. While the building can be converted into a single dwelling, the creation of a second dwelling unit on the street level/ground floor is not permitted in the R1-E Single-Family Residence District.

The applicant is requesting the boundaries established in Section 9.8.2 of the zoning ordinance be amended to include the one area located between Pearl and Park Streets that is located in the zoned R1-E Single-Family Residence district be included within the overlay district. There are five parcels with dwellings and one vacant parcel that abut Main Street between Pearl and Park Streets. Three dwellings are owner occupied, one is a registered rental and the remaining parcel has been used with office space on the street level/ground floor and a single-dwelling unit on the second and third floors.

According to Section 9.8.1 the intent of the 2021 overlay district is "to allow more residential housing options, specifically including residential housing on the ground floor, within the busy mixed use Main Street corridor. The MS-OD recognizes there is a declining demand for office space and an increasing demand for additional residential dwelling options, and the need to maintain and preserve an attractive gateway that transitions from a mix of low intensity commercial, office, and residential uses to the downtown shopping district." Four additional objectives are listed within Section 9.8 of the zoning ordinance.

Planning Commission Recommendation

On August 7, 2025 the Planning Commission conducted a public hearing and heard a presentation from a representative of the applicant, one audience member who lives on the block facing Main Street spoke in favor of the request. No written comments were received and legal notice was sent to all property owners with the overlay district. The Planning Commission unanimously recommended approval of the proposed text amendment by a vote of 8-0.

Rather than duplicate information found in the staff memorandum, attached is an excerpt from the August 7, 2025 Planning Commission meeting which includes the staff memorandum, excerpt from the zoning map, the Text Amendment Application, exhibits from the 2021 text amendment depicting the

overlay district and a staff updated redline version of the proposed language changes. The draft meeting minutes and draft adopting ordinance are attached.

If the City Commission concurs with the recommendation and approves the first reading of the draft ordinance, the second and final reading of the adopting ordinance would take place on September 8, 2025. If approved it would become effective ten days later. No public hearing is required.

Action Requested: Motion to approve the first reading of an Ordinance to amend Article IX Special Districts, Section 9.8 MS-OD Main Street Corridor Overlay District, Section 9.8.2 to include properties located within the R-1 Single-Family Residence district in the overlay district of the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance.

ATTACHMENT(S):

- Draft Adopting Ordinance - Section 9 8 MSOD.pdf
- Redline Changes to Section 9.8.2.pdf
- Excerpt Draft Planning Commission Meeting Minutes 08072025 - Text Amend.pdf
- Excerpt from 08072025 PC Agenda Packet - Text Amendment MS-OD.pdf

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF ST. JOSEPH, MICHIGAN

THE CITY OF ST. JOSEPH ORDAINS that the City of St. Joseph Zoning Ordinance adopted by Chapter 33 of the City of St. Joseph Code of Ordinances and codified as Appendix A is hereby amended as follows:

1. **Article IX. "Special Districts", Sec. 9.8 "MS-OD" Main Street Corridor Overlay District, Sec. 9.8.2 "District Boundaries and Description." is amended to read as follows:**

9.8.2. *District Boundaries and Description.* The MS-OD includes all properties in the CO-A Commercial Office zoning district, the C Commercial zoning district and the R-1 Single-Family Residence district that abut Main Street located between Broad Street on the north Jones Street on the south, excluding properties located in the D Downtown zoning district and planned unit developments.

All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect.

This ordinance shall take effect 10 days after its final passage.

REDLINE – ~~stricken and underlined is proposed by the applicant.~~ **Staff additions if amendment is appropriate shown in bold**

Sec. 9.8. "MS-OD" Main Street Corridor Overlay District.

9.8.1. *Intent.* The Main Street Corridor Overlay District (MS-OD) is an overlay district intended to allow more residential housing options, specifically including residential housing on the ground floor, within the busy mixed use Main Street corridor. The MS-OD recognizes there is a declining demand for office space and an increasing demand for additional residential dwelling options, and the need to maintain and preserve an attractive gateway that transitions from a mix of low intensity commercial, office, and residential uses to the downtown shopping district. Other objectives of this section include the following:

A. The MS-OD Overlay District is created to address local housing and commercial office trends in recognition of the increased demand for diversity in housing options within walking distance to the downtown and the decreased demand for commercial office space, and to provide flexibility to meet changing needs of housing and commercial office space while preserving and maintaining attractive, nicely landscaped, neighborhood compatible, low intensity commercial, office, and residential uses.

B. It is recognized that this district, although composed of many commercial, office and residential uses, has a largely residential character, especially along the west side of the street, with many older residential structures being preserved and maintained while converted to ground floor office use and second floor residential use. In addition, there are buildings constructed for low intensity commercial or office use that may be appropriate for residential purposes.

C. It is also recognized that this district provides an important transition not only to the downtown, but to many single and two-family residences and neighborhoods. Regulations are needed to balance the uses afforded to those within this district, those adjacent to this district, and to protect the well-being of the community as a whole.

D. The Main Street Corridor Overlay District is intended to provide a method to achieve the goals and objectives of the City's 2016 Maser Plan and 2020 Downtown Vision Master Plan to provide additional housing opportunities within walking distance to the downtown

9.8.2. *District Boundaries and Description.* The MS-OD includes all properties in the CO-A Commercial Office zoning district, ~~**and**~~ the C Commercial zoning district and the **R-1 Single-Family Residence district** that abut Main Street located between Broad Street on the north Jones Street on the south, excluding properties located in the ~~R-1 Single Family Residence **and**~~ D Downtown zoning district~~s~~ and planned unit developments.

9.8.3. *Authorized Uses.* The following uses are authorized in the MS-OD:

A. All uses allowed in the property's underlying zoning district are permissible provided they meet the underlying zoning district's required standards and conditions imposed for such use.

B. Single family, two family and multi-family residential uses are permissible on any floor in the principal building.

9.8.4. *Structure Development.* The construction, reconstruction, alteration, maintenance and operation of the principal buildings within the MS-OD shall be subject to the following restrictions:

A. One principal building shall be permitted on each parcel;

B. Each dwelling unit shall be located in the principal building;

C. Each dwelling unit shall have a minimum floor living area of 600 square feet.

D. The number of dwelling units located within the principal building on a parcel shall not exceed four units unless approved as a planned unit development in accordance with Article XIII, Planned Unit Development Regulations.

9.8.5. *Dimensional Regulations.* The district regulations set forth in Article V, Table 5-1 for the MS-OD are modified as follows for the residential use on the ground floor of any building constructed, building footprint expanded, or land developed, including land divisions, boundary adjustments and land combinations, after the effective date of this ordinance:

A. The minimum lot size is 4,000 square feet.

B. The minimum lot width is 33 feet.

C. The maximum lot width is 66 feet.

D. The maximum building or structure height is 35 feet.

E. The minimum front setback is 15 feet.

F. The minimum side setback is seven feet.

G. The minimum rear setback is 30 feet.

H. The maximum lot coverage for a property with all residential use is 45 percent; the maximum lot coverage for all other uses, including mixed use, is based on the underlying zoning district regulations.

9.8.6. *Parking and Access Requirements.* Article XVIII Off-Street Parking Requirements and Article III, Section 3.26.1 Access Management Standards apply to the MS-OD with the following modifications:

A. Driveway access to the lot shall be from the alley abutting the lot or other local street; there shall be no driveway access from Main Street unless existing on the effective date of this ordinance.

B. Parking shall be located behind the front building line of the principal building unless existing on the effective date of this ordinance.

9.8.7. *Accessory Uses and Structures.* Section 3.9, Accessory Uses and Structures, and Table 4-3 Common Accessory Uses, Building and Structures Allowed shall be applied to the property based on the principal use of the property rather than the underlying zoning district.

9.8.8. *Special and Conditional Uses.* The special and conditional uses specified in Article XI, Special Use and Conditional Use Regulations, shall be allowed based on the underlying zoning district subject to the required procedures and provided they meet the specified standards imposed for a particular use.

9.8.9. *Planned Unit Development.* Any uses permitted in the underlying zoning district may be allowed by planned unit development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

9.8.10. *Variance Procedure.* The zoning board of appeals shall hear and decide appeals and requests for dimensional variances from the requirements of this section consistent with the procedures set forth in Article XV, Review and Decision-Making Bodies, upon a finding of compliance with the standards of Section 15.4.10.

9.8.11. *Zoning Ordinance.* All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect; however, to the extent of any conflict between the regulatory provisions contained in this section and other provisions of the zoning ordinance, the restrictions contained in this section shall control.

(Ord. of 7-26-21(2))

Minutes of the St. Joseph Planning Commission Meeting held Commission Chambers, 700 Broad Street, St Joseph, MI 49085 on August 7, 2025.

Call to Order

The meeting was called to order at 4:30 PM by Chair Patsy Hartzell

Attendee Name	Title	Status	Arrived
Patsy Hartzell	Chair	Present	
Kathy Burczak	Commissioner	Present	
Sean Ebbert	Commissioner	Present	
Aaron Miller	Commissioner	Present	
Becky Rice	Commissioner	Present	
Anthony Uhrick	Commissioner	Present	
Pam Porter	Commissioner	Present	
Michael Plichta	Commissioner	Present	
Kristen Gundersen	Community Development Director	Present	
Laurie Schmidt	City Attorney	Present	
Trudy Wilder	Building Inspector	Present	

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

1. Regular Minutes of Wednesday, July 09, 2025

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Anthony Uhrick, Commissioner
SECONDER:	Michael Plichta, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

DRAFT

New Business

2. 2800 Niles Avenue - Higgins Electric Signs - Wendy's - 1) Special Approval of Sign Greater than 32 sf 46.2 sf actual); 2) Special Approval of Changeable Message Board; 3) Sign Modification to allow free-standing pole sign in the clear vision area; and 4) Sign Modification to increase allowable height from 15' to 18'

Chair Hartzell stated the applicant is requesting four items associated with the free-standing pole sign located at 2800 Niles Avenue. Special approval of a sign greater than 32 square feet (46.2 sf actual size) and a manually changeable message board, modification to allow free-standing sign to be located in the clear vision area and increase the height of the from 15 to 18 feet.

Tim Mayor, district manager for Wendy's, stated as part of updating the building and signage, the company decided to move forward with requesting the free-standing sign to be compliant with the sign ordinance rather than updating the noncompliant sign face. The free-standing sign would be 46.2 square feet which includes a manual reader board.

Chair Hartzell questioned the proposed height of the sign.

Ms. Gundersen stated when the application was received and packet was completed, there was concern the 15' tall sign with an 8'8" clearance would interfere with clear vision as the sign is partially located within the 20' clear vision area. For that reason, they included a request for a sign

Ms. Porter seconded the motion.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Sean Ebbert, Commissioner
SECONDER:	Pam Porter, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

3. Public Hearing - Text Amendment to Section 9.8.2 of the MS-OD - Graham Kutchek

Chair Hartzell opened the public hearing for a text amendment to Section 9.8.2 of MS-OD Main Street Overlay District to include properties in the R1 District at 4:43 pm.

Shannon Kutcheck, representing the applicant Graham Kutcheck, stated he purchased the nonconforming building at the northwest corner of Main and Park Streets that is located in the R1-E Single-Family Residence District. The building had office space on the ground floor with an apartment on the second/third floor. There has been little in the ground floor office/commercial space and he would like to convert the space to a second dwelling unit. It has been vacant some time. The building is located on the only residentially zoned block within the overlay district.

Ms. Kutcheck stated in order to create a second dwelling unit in the building, the overlay district needs to be amended. She believes the proposed amendment will help improve the area and eliminate the nonconforming office/commercial use in the R1-E district. She believes residential uses are the highest and best use for the building.

DRAFT

Chair Hartzell questioned if the proposed amendment is for the entire one block with frontage on Main Street or the single parcel.

Chair Hartzell confirmed with counsel that the applicant had standing to request the text amendment, which would apply to the whole block.

Ms. Gundersen stated the proposed amendment would let any of the dwellings located in the R1-E district add additional dwelling units if the requirements are met.

Mr. Ebbert asked if the block could have commercial uses.

Ms. Gundersen stated the block is zoned R1-E Single-Family Residence District which, does not allow for commercial uses. Once converted to a dwelling, commercial uses cannot be added unless changes are made to the zoning ordinance.

Mr. Miller asked if the R2 Two-Family Residence District was considered for the parcel or the block.

Ms. Gundersen stated no as there are no other R-2 parcels in the area and changing the Overlay District seemed the best way to achieve the desired residential use. Discussion continued on the impact of the overlay district.
Mr. Miller asked if the other dwellings on the block could add dwelling units.

Ms. Gundersen stated the overlay district pertains to properties that have frontage on Main Street. The other residential dwellings on the block could add dwelling units, up to 4; however, some of

the parcels are narrow and it could be difficult to provide the required on-site parking and meet the other requirements for additional dwelling units.

Ms. Kutcheck stated the overlay district allows for commercial uses on the ground floor to be converted to residential uses, achieve the goals of the Master Plan, and have less impact on the neighbors.

Mr. Uhrick stated he supports the request. Having options for unused office or commercial space that could be used for residential dwellings is good.

Mr. Miller stated he agrees with Mr. Uhrick's comments.

Chair Hartzell ask if there were any letters received.

Ms. Gundersen stated no written comments had been received and she is not aware of anyone looking at the file.

Joe Ullrey, resident on block stated it is appropriate to change the rules to allow for the office conversion to a residential use.

Chair Hartzell closed the public hearing at 4:55 pm after no other audience members asked to speak on this request.

DRAFT

Mr. Miller asked if the other residential properties needed to be part of the application.

Ms. Gundersen stated no, the other residentially zoned properties did not need to be part of the application. All properties within the overlay district were notified. If approved, any property in the R1-E district could make changes to increase the number of dwelling units or remain as single-family dwellings.

Ms. Burczak moved to recommend approval of the proposed amendment to Article IX Special Districts, Section 9.8 MS-OD Main Street Corridor Overlay District, Section 9.8.2 to include properties located within the R-1 Single-Family Residence district in the overlay district of the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance."

Mr. Miller seconded.

Ms. Gundersen stated this item will likely be on the August 25th City Commission agenda.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kathy Burczak, Commissioner
SECONDER:	Aaron Miller, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

4. Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers

Ms. Burczak recused from the discussion as she works at Abonmarche and was involved in the creation of the plan. Ms. Burczak left Commission Chambers at 4:58 p.m.

St. Joseph Planning Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
August 7, 2025
4:30 PM

Call to Order

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

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3. Public Hearing - Text Amendment to Section 9.8.2 of the MS-OD - Graham Kutchek
4. Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers
5. Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

Old Business

Public Comments

Commissioner Comments

Adjournment

Agenda Item

TO: **Planning Commission**

FROM: **Kristen Gundersen, Community Development Director**

RE: **Public Hearing - Text Amendment to Section 9.8.2 of the MS-OD - Graham Kutchek**

MEETING DATE: **August 7, 2025**

Request

Graham Kutchek is requesting an amendment to Section 9.8.2 of the zoning ordinance as it relates to the district boundaries of the MS-OD Main Street Overlay District. The applicant purchased a property that is excluded from the overlay district because it is located in the R1-E Single-Family Residence district. The use of the specific property is nonconforming as the first floor/ground level has been used for office space for many years while there is a single dwelling unit located on the second and third floors of the building. While the building can be converted into a single dwelling, the creation of a second dwelling unit on the street level/ground floor is not permitted in the R1-E Single-Family Residence District.

The applicant is requesting the boundaries established in Section 9.8.2 of the zoning ordinance be amended to include the one area located between Pearl and Park Streets that is located in the zoned R1-E Single-Family Residence district be included within the overlay district. There are five parcels with dwellings and one vacant parcel that abut Main Street between Pearl and Park Streets. Three dwellings are owner occupied, one is a registered rental and the remaining parcel has been used with office space on the street level/ground floor and a single-dwelling unit on the second and third floors.

The overlay district created in 2021 includes properties that abut Main Street between Broad and Jones Streets with 14 parcels in the C Commercial Business and 13 in the CO-A Commercial Office districts. The MS-OD specifically excludes the five parcels in the D Downtown and six parcels in the R1-E Single-Family Residence districts along with a residential planned unit development in the C Commercial Business district.

According to Section 9.8.1 the intent of the 2021 overlay district is “to allow more residential housing options, specifically including residential housing on the ground floor, within the busy mixed use Main Street corridor. The MS-OD recognizes there is a declining demand for office space and an increasing demand for additional residential dwelling options, and the need to maintain and preserve an attractive gateway that transitions from a mix of low intensity commercial, office, and residential uses to the downtown shopping district.” Four additional objectives are listed within Section 9.8 of the zoning ordinance.

While reviewing the completed application, staff determined that additional language would need to be added to Section 9.8.2 to include the R1 Single-Family Residence district. Attached is “Redline - Section 9.8 MS-OD Main Street Corridor Overlay District” which provides adopted language for the overlay district

along depicting the applicants' proposed changes and city staff's additional changes. Staff also included aerial and zoning maps for the six block area along Main Street as updated since the 2021 discussion.

History

On December 14, 2020, the City Commission heard a presentation and received information from property owners of a building located in the CO-A Commercial Office District along Main Street suggesting a text amendment to the zoning ordinance was needed to allow residential uses on the ground floor. Both the 2016 Master Plan and the Downtown Vision and Master Plan adopted in January 2020 reference the changing needs of the home to office conversions along Main Street. In addition, the desire to create opportunities for additional dwellings units near the downtown has also been listed as a goal of each document.

Beginning in January 2021, the Planning Commission began discussing and reviewing the request. On July 1, 2021 the Planning Commission conducted a public hearing and recommended approval of the creation of the MS-OD which includes properties that abut Main Street between Broad and Jones Streets while excluding properties located in the D Downtown, R1 Single-Family Residence districts or developed under a planned unit development. The City Commission received the recommendation on July 12, 2021 and concurred with the recommendations. The ordinance was adopted on July 26, 2021.

Staff is aware of two properties that have utilized the overlay district to convert portions of existing buildings to dwelling units. In one case an existing mixed-use building had the first floor/ground level area converted from office to a dwelling unit. The second property decreased the size of the commercial space on the street level/ground floor to create a dwelling unit. Staff believes there are likely two other properties where the owner was residing on the second floor and have now expanded the living space to the first floor/street level of the building.

Ordinance Regulations

Article XXII Amendments provides the purpose, process and review factors to be reviewed when either a map (rezoning) or text amendment is proposed.

Below is Section 22.3 Factors to Consider on Rezonings: In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:

A. What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?
B. What are the possible precedential effects which might result from the approval or denial of the application?
C. What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?
D. Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?
E. Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)
F. If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?
G. Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

Action

Conduct a public hearing. The public hearing notice appeared in the Herald Palladium on July 19, 2025 as required and also provided notice to the property owners and tenants located within the MS-OD on July 17, 2025. No written comments had been received as of Wednesday, July 23, 2025.

If the Planning Commission recommends approval of the proposed amendment, city staff will draft the necessary adopting ordinance for action by the City Commission.

Consider the request as presented and review the criteria found in Section 22.3 Factors to Consider on Rezoning's (the 7 factors are listed above can also be used to review text amendments).

The Planning Commission has the following options:

- Recommend approval of the proposed text amendment to the zoning code as submitted.

  "…move to recommend approval of an amendment to Article IX Special Districts, Section 9.8 MS-OD Main Street Corridor Overlay District, Section 9.8.2 to include properties located within the R-1 Single-Family Residence district in the overlay district of the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance."

- Recommend denial of the proposed text amendment

  "…move to recommend denial of an amendment to Article IX Special Districts, Section 9.8 MS-OD Main Street Corridor Overlay District, Section 9.8.2 to include properties located within the R-1 Single-Family Residence district in the overlay district of the Zoning Ordinance of the City of St. Joseph, Michigan as the request does not meet the factors set forth under Section 22.3 of the Zoning Ordinance for the following reasons…."

- Continue the discussion to the next meeting to obtain additional information. The next meeting is September 4, 2025.

ATTACHMENTS:

- Application - Text Amendment - Section 9-8 Main Street Overlay District (PDF)
- Sec 9.8 MS-OD Main Street Corridor Overlay District REDLINE (PDF)
- Excerpt Zoning Map of Main Street Overlay District with boundary (PDF)
- Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (PDF)

CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
Fax (269) 985-0347
www.sjcity.com

TEXT AMENDMENT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Request Information

Applicable Section of Zoning Ordinance that amendment is requested: Section 9.8 MS-OD Main Street Corridor Overlay District

Briefly Explain Request: Request to extend the current boundries of the Main Street Corridor Overlay District Zoning Ordinance from the current boundry, which ends before the 700 block of Main street instead to be extended to include the 700 block of Main Street.

Are there other requests associated with this application?: If yes, explain:

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: Graham F Kutchek

Mailing Address: 1941 Turk Street

City: San Francisco State: CA Zip Code: 94115

Telephone Number: 6303637558 Emergency Number: 6303637558

E-mail Address: grahamkutchek@gmail.com

Attachment: Application - Text Amendment - Section 9-8 Main Street Overlay District (10974 : Public Hearing - Text Amendment to Section 9.8.2

Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Engineer and/or Architect: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Proposed Language Change (please use additional paper if needed)

Existing section and language from Zoning Ordinance:

9.8.2 District Boundaries and Description. The MS-OD includes all properties in the CO-A Commercial Office zoning district and the C Commercial zoning district that abut Main Street located between Broad Street on the north Jones Street on the south, excluding properties located in the R-1 Single Family Residence and D Downtown zoning districts and planned unit developments.

Proposed new language for the Zoning Ordinance:

9.8.2 District Boundaries and Description. The MS-OD includes all properties in the CO-A Commercial Office zoning district and the C Commercial zoning district that abut Main Street located between Broad Street on the north Jones Street on the south, excluding properties located in the D Downtown zoning districts and planned unit developments.

Attachment: Application - Text Amendment - Section 9-8 Main Street Overlay District (10974 : Public Hearing - Text Amendment to Section 9.8.2

Explain how the proposed new language supports the goals and objects of the adopted Master Plan: The proposed new language supports the goals and objects of the adoped Master Plan starting with adhereance to goal #2 object #2, by increasing the downtown population and providing diverse housing options in the downtown adjecent areas. The new language also reduces vacant commerical space visible from the downtown approach on main street, by permiting conversion of existing excess commerical space instead to residential. The new language serves to homogenize the residential character of the westward facing side of the street with the existing east facing side, creating a aestheticly pleasing entrance to the city. Finally, the proposed language will support the planned development of an ADA accessible housing unit which will improve the housing options for the eldery and disabled population.

Text Amendment Factors

If needed use additional sheets of paper to respond to Standards.

SECTION 22.3 FACTORS TO CONSIDER ON REZONINGS *(also used for text amendments to the Zoning Ordinance).* In reviewing any application for an amendment, the Planning Commission shall evaluate all factors relevant to the application. The Planning Commission may solicit information from public agencies or from individuals or firms with relevant experience. The factors to be considered shall include, but are not limited to, the following:

A. What conditions related to the application have changed since the Zoning Ordinance was adopted which justify the proposed amendment?
Since the initial formation of the MS-OD Zoning Ordinance, housing supply for rental units in the downtown area has declined with as of 6/22 less than 3 rental units total between the area of lake, jones, and church zero, presenting an urgent need for adaptive reuse to create housing options that serve everyone in the St. Joseph Community.

B. What are the possible precedential effects which might result from the approval or denial of the application?
Approval of the proposed zoning ordinanace change may set precedent for future zoning changes in favor of increasing housing supply, and diverse housing options to serve the elderly and disabled.
Precedential effects of denial may include decreased long-term investment in the downtown area based on lower population and decreased long-term value growth prospects.

Attachment: Application - Text Amendment - Section 9-8 Main Street Overlay District (10974 : Public Hearing - Text Amendment to Section 9.8.2

C. What is the potential impact of the proposal on the ability of the City and other governmental agencies to provide adequate public services and facilities, and/or programs that might reasonably be required in the future?

None, the change to the zoning ordinance proposed will have no impact on the ability of the city or government to provide services to the already well served area. The proposed change will likely in fact increase the capacity to provide adequate services by eliminating disruptive business exit and entry traffic from the busy street corner of Park & Main Street.

D. Does the proposed amendment adversely affect environmental conditions, the character of, or the likely value of property?

No, the proposed amendment will not adversely impact the enviornmental conditions, character, or value of property. Conversely, the character of property will be improved by preserving the historical downtown area as a primarily residential occupancy zone. Value of property will be generally improved by homogenizing the residential nature of the area to match the adjcent properties.

E. Does the proposed District change comply with the adopted City Comprehensive Plan? (If not, and if the proposed amendment is reasonable in light of all other relevant factors, then the Comprehensive Plan should be amended before the proposed zoning amendment is approved.)

Yes, the proposed district change complies with and furthers the goals of the adopted city comprehensive plan. The proposed change will decrease unsightly vacant commercial space, increase housing options, and promote density adjacent to the St. Joseph downtown area.

F. If a specific property is involved, can the property in question be put to a reasonable economic Use in the zoning District in which it is presently located?

No, the current property 720 main street has no distinct econmic value as a commerical space with the current excess of vacant commerical spaces closer to the central downtown area. The current property has been publically listed for many months below market rate with zero interest or prospective commerical tenants.

G. Is another procedure, such as a Variance, Special Use, Planned Unit Development, or hardship Planned Unit Development a more appropriate alternative than the proposed amendment?

No, the proposed procedure is most appropriate pathway to accepting the proposed amendment.

Attachment: Application - Text Amendment - Section 9-8 Main Street Overlay District (10974 : Public Hearing - Text Amendment to Section 9.8.2

TEXT AMENDMENT (CHANGES TO ZONING ORDINANCE) APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;

B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;

C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;

D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;

E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and

F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 18th, day of June, 2025, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Graham Kutchek
Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN
To before me this 7 day of July, 2025

Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____
Completed: Special Use Application: _____ Site Plan Review Application: _____ Other: _____

ALISA J. BEILMAN
NOTARY PUBLIC – STATE OF MICHIGAN
COUNTY OF BERRIEN
My Commission Expires September 15, 2029
Acting in the County of Berrien

Attachment: Application - Text Amendment - Section 9-8 Main Street Overlay District (10974 : Public Hearing - Text Amendment to Section 9.8.2

REDLINE – ~~stricken and underlined is proposed by the applicant.~~ Staff additions if amendment is appropriate shown in bold

Sec. 9.8. "MS-OD" Main Street Corridor Overlay District.

9.8.1. *Intent.* The Main Street Corridor Overlay District (MS-OD) is an overlay district intended to allow more residential housing options, specifically including residential housing on the ground floor, within the busy mixed use Main Street corridor. The MS-OD recognizes there is a declining demand for office space and an increasing demand for additional residential dwelling options, and the need to maintain and preserve an attractive gateway that transitions from a mix of low intensity commercial, office, and residential uses to the downtown shopping district. Other objectives of this section include the following:

A. The MS-OD Overlay District is created to address local housing and commercial office trends in recognition of the increased demand for diversity in housing options within walking distance to the downtown and the decreased demand for commercial office space, and to provide flexibility to meet changing needs of housing and commercial office space while preserving and maintaining attractive, nicely landscaped, neighborhood compatible, low intensity commercial, office, and residential uses.

B. It is recognized that this district, although composed of many commercial, office and residential uses, has a largely residential character, especially along the west side of the street, with many older residential structures being preserved and maintained while converted to ground floor office use and second floor residential use. In addition, there are buildings constructed for low intensity commercial or office use that may be appropriate for residential purposes.

C. It is also recognized that this district provides an important transition not only to the downtown, but to many single and two-family residences and neighborhoods. Regulations are needed to balance the uses afforded to those within this district, those adjacent to this district, and to protect the well-being of the community as a whole.

D. The Main Street Corridor Overlay District is intended to provide a method to achieve the goals and objectives of the City's 2016 Maser Plan and 2020 Downtown Vision Master Plan to provide additional housing opportunities within walking distance to the downtown

9.8.2. *District Boundaries and Description.* The MS-OD includes all properties in the CO-A Commercial Office zoning district, ~~**and**~~ the C Commercial zoning district and the **R-1 Single-Family Residence district** that abut Main Street located between Broad Street on the north Jones Street on the south, excluding properties located in the ~~R-1 Single Family Residence~~ and D Downtown zoning district~~s~~ and planned unit developments.

9.8.3. *Authorized Uses.* The following uses are authorized in the MS-OD:

Attachment: Sec 9.8 MS-OD Main Street Corridor Overlay District REDLINE (10974 : Public Hearing - Text Amendment to Section 9.8.2 of the

A. All uses allowed in the property's underlying zoning district are permissible provided they meet the underlying zoning district's required standards and conditions imposed for such use.

B. Single family, two family and multi-family residential uses are permissible on any floor in the principal building.

9.8.4. *Structure Development.* The construction, reconstruction, alteration, maintenance and operation of the principal buildings within the MS-OD shall be subject to the following restrictions:

A. One principal building shall be permitted on each parcel;

B. Each dwelling unit shall be located in the principal building;

C. Each dwelling unit shall have a minimum floor living area of 600 square feet.

D. The number of dwelling units located within the principal building on a parcel shall not exceed four units unless approved as a planned unit development in accordance with Article XIII, Planned Unit Development Regulations.

9.8.5. *Dimensional Regulations.* The district regulations set forth in Article V, Table 5-1 for the MS-OD are modified as follows for the residential use on the ground floor of any building constructed, building footprint expanded, or land developed, including land divisions, boundary adjustments and land combinations, after the effective date of this ordinance:

A. The minimum lot size is 4,000 square feet.

B. The minimum lot width is 33 feet.

C. The maximum lot width is 66 feet.

D. The maximum building or structure height is 35 feet.

E. The minimum front setback is 15 feet.

F. The minimum side setback is seven feet.

G. The minimum rear setback is 30 feet.

H. The maximum lot coverage for a property with all residential use is 45 percent; the maximum lot coverage for all other uses, including mixed use, is based on the underlying zoning district regulations.

9.8.6. *Parking and Access Requirements.* Article XVIII Off-Street Parking Requirements and Article III, Section 3.26.1 Access Management Standards apply to the MS-OD with the following modifications:

A. Driveway access to the lot shall be from the alley abutting the lot or other local street; there shall be no driveway access from Main Street unless existing on the effective date of this ordinance.

Attachment: Sec 9.8 MS-OD Main Street Corridor Overlay District REDLINE (10974 : Public Hearing - Text Amendment to Section 9.8.2 of the

B. Parking shall be located behind the front building line of the principal building unless existing on the effective date of this ordinance.

9.8.7. *Accessory Uses and Structures.* Section 3.9, Accessory Uses and Structures, and Table 4-3 Common Accessory Uses, Building and Structures Allowed shall be applied to the property based on the principal use of the property rather than the underlying zoning district.

9.8.8. *Special and Conditional Uses.* The special and conditional uses specified in Article XI, Special Use and Conditional Use Regulations, shall be allowed based on the underlying zoning district subject to the required procedures and provided they meet the specified standards imposed for a particular use.

9.8.9. *Planned Unit Development.* Any uses permitted in the underlying zoning district may be allowed by planned unit development, provided they meet the standards and procedures of Article XIII, Planned Unit Development Regulations.

9.8.10. *Variance Procedure.* The zoning board of appeals shall hear and decide appeals and requests for dimensional variances from the requirements of this section consistent with the procedures set forth in Article XV, Review and Decision-Making Bodies, upon a finding of compliance with the standards of Section 15.4.10.

9.8.11. *Zoning Ordinance.* All provisions of the Zoning Ordinance of the City of St. Joseph not hereby amended remain in full force and effect; however, to the extent of any conflict between the regulatory provisions contained in this section and other provisions of the zoning ordinance, the restrictions contained in this section shall control.

(Ord. of 7-26-21(2))

Attachment: Sec 9.8 MS-OD Main Street Corridor Overlay District REDLINE (10974 : Public Hearing - Text Amendment to Section 9.8.2 of the

BOUNDARIES OF MS-OD DISTRICT

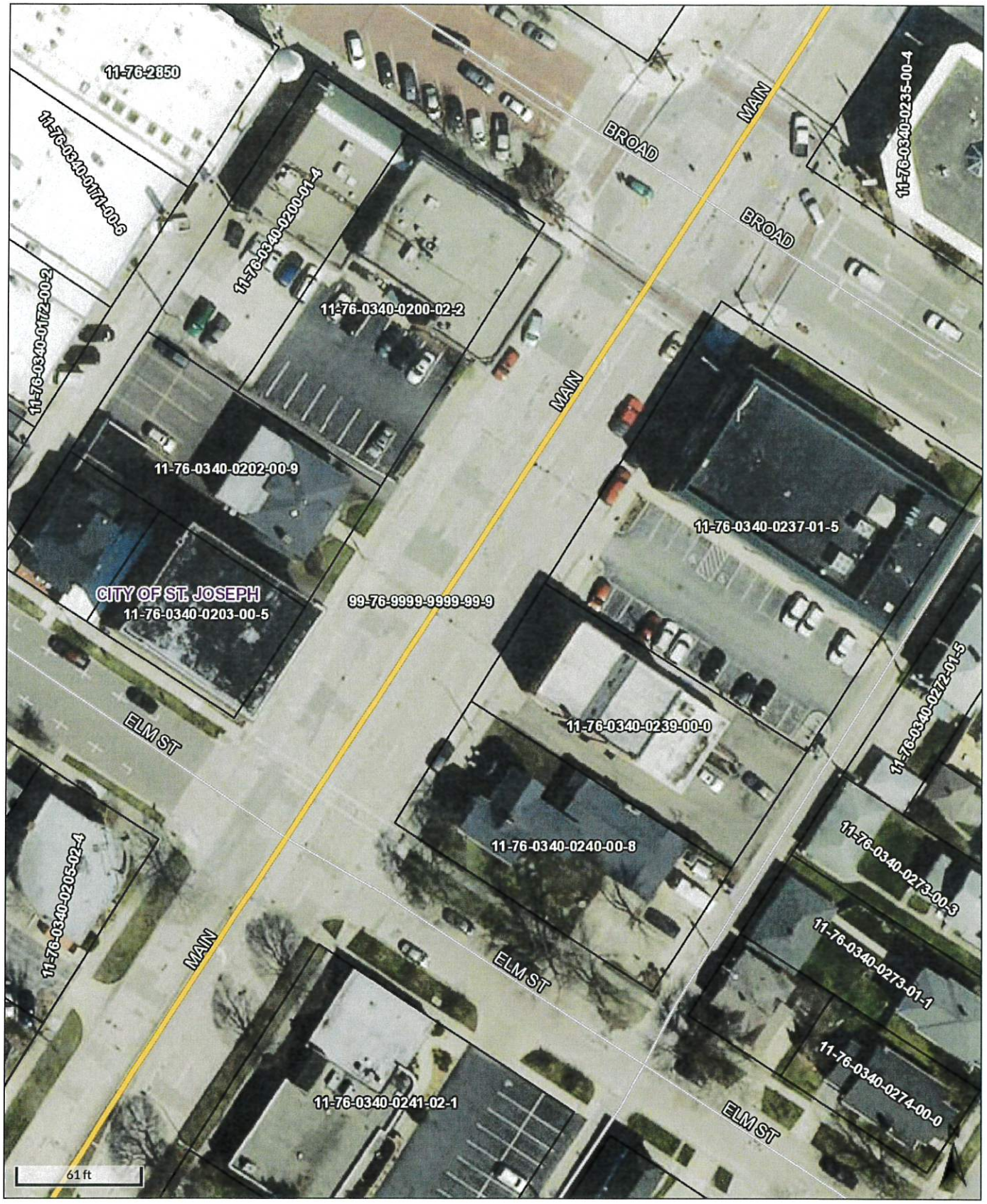
Currently excluded from MS-OD District – located in R1-E Single-Family Residence District

X Excluded from MS-OD District – located in D Downtown District or in PUD

Excluded from MS-OD District – no frontage on Main Street

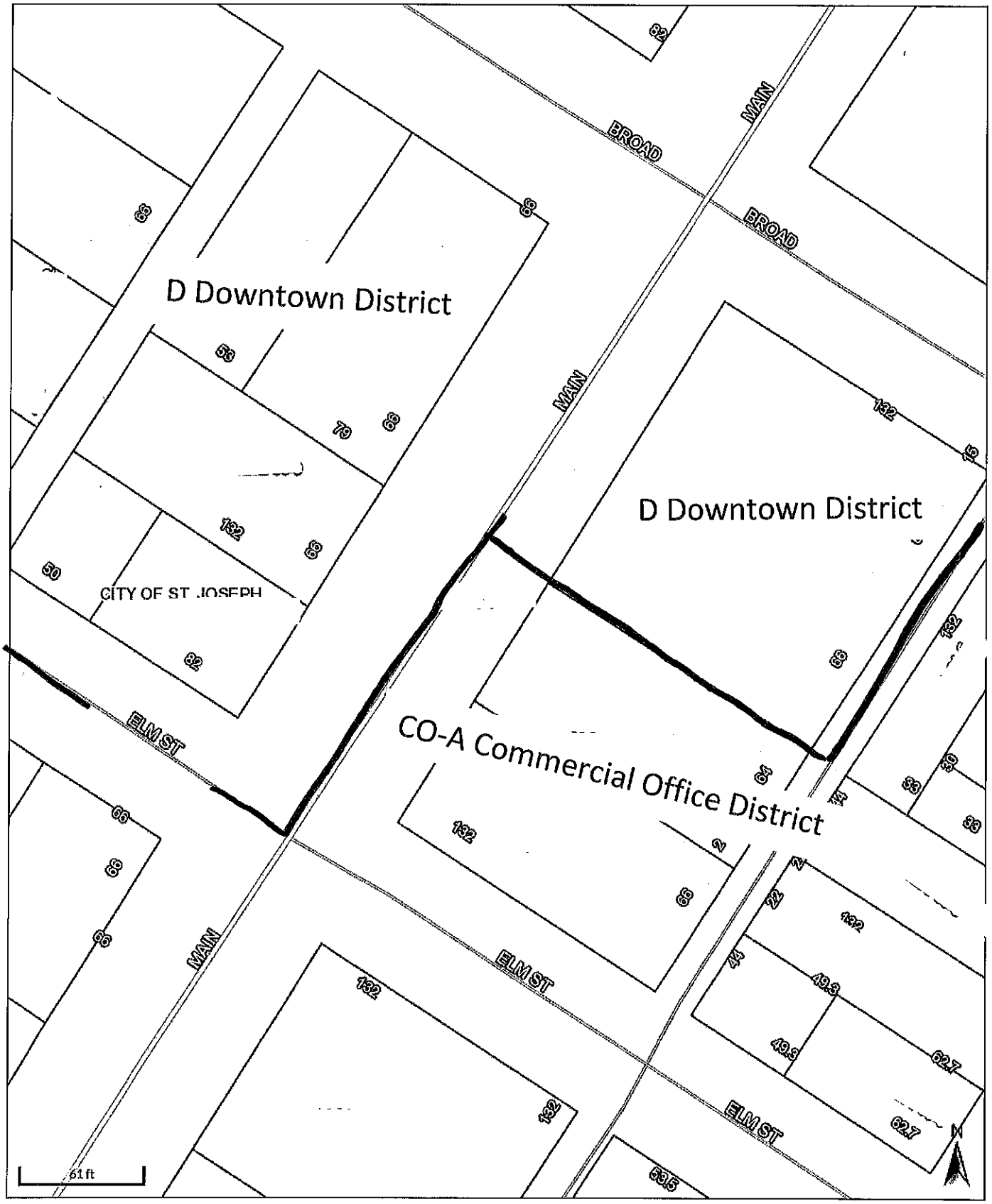
Attachment: Excerpt Zoning Map of Main Street Overlay District with boundary (10974 : Public Hearing - Text Amendment to Section 9.8.2 of the

Aerial - 400 Block Main Street



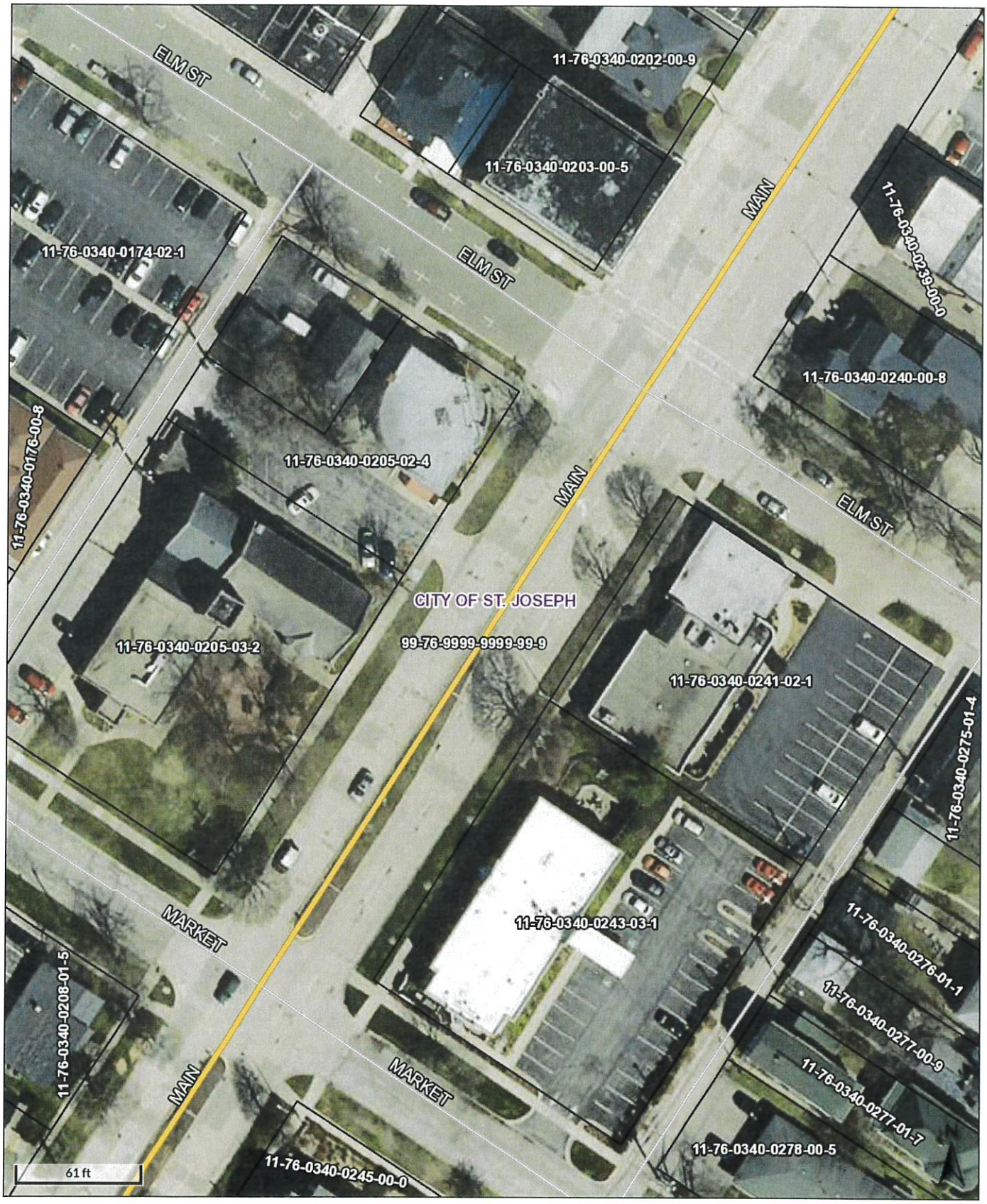
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 400 Block Main Street



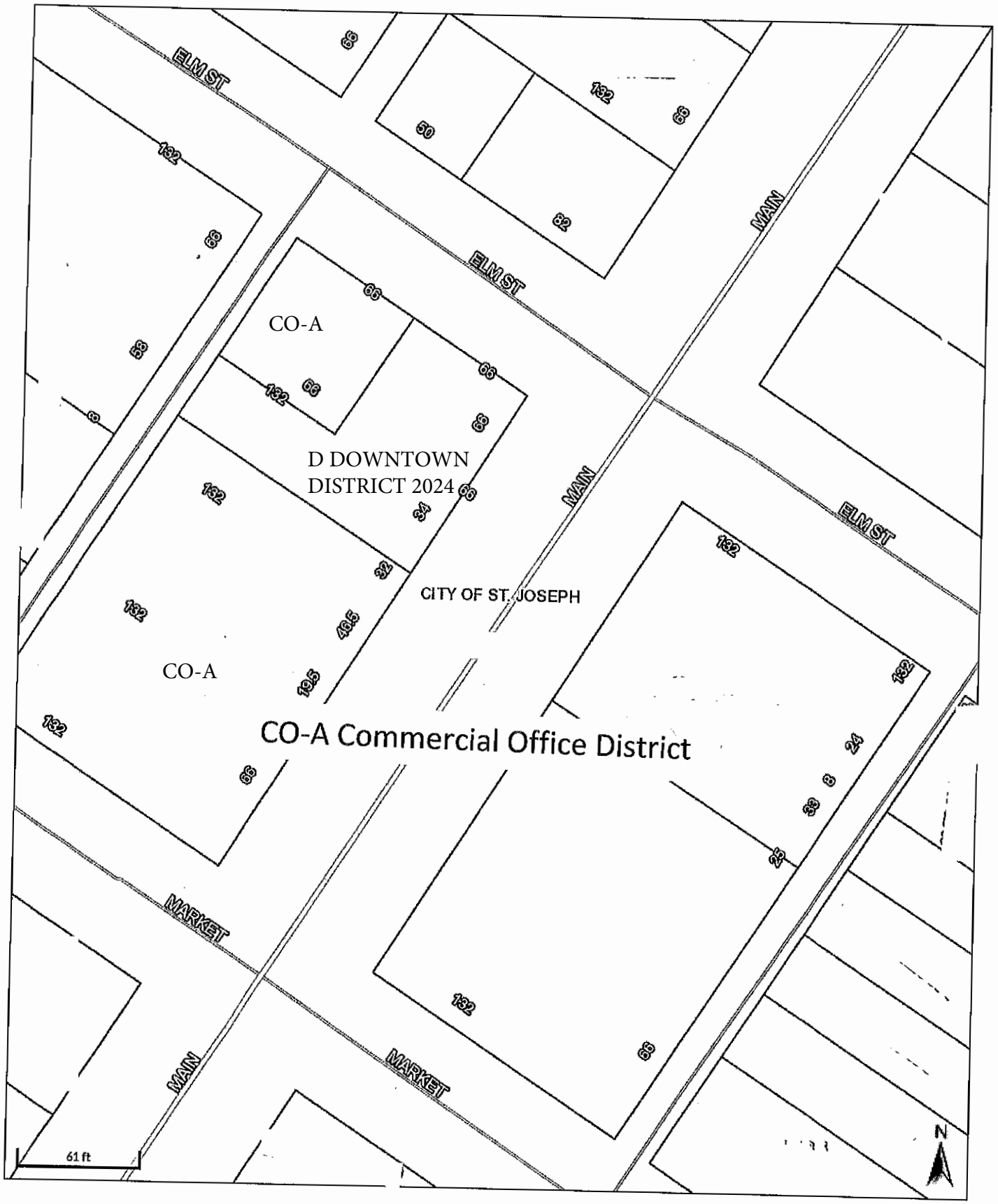
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Aerial - 500 Block Main Street



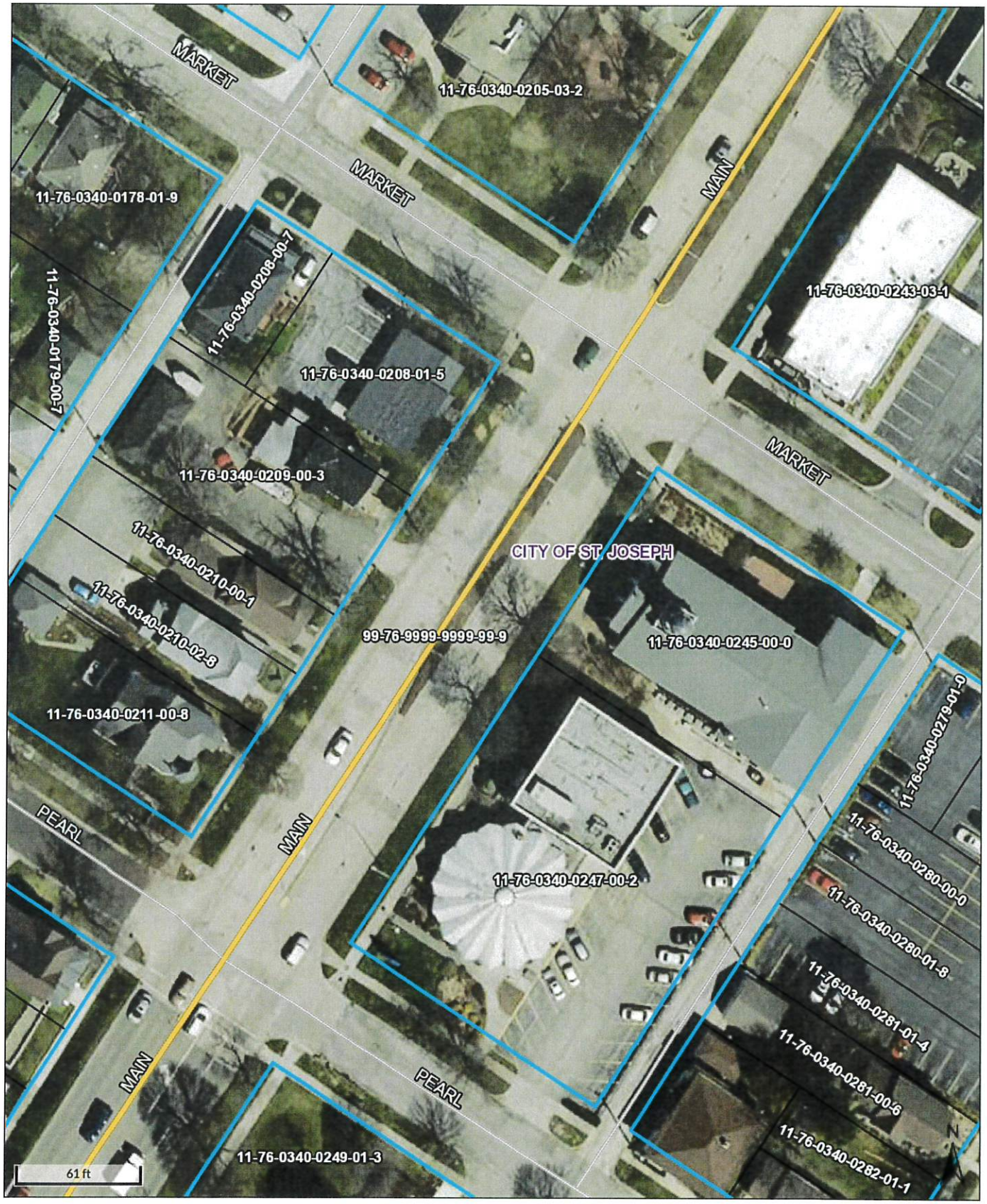
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 500 Block Main Street



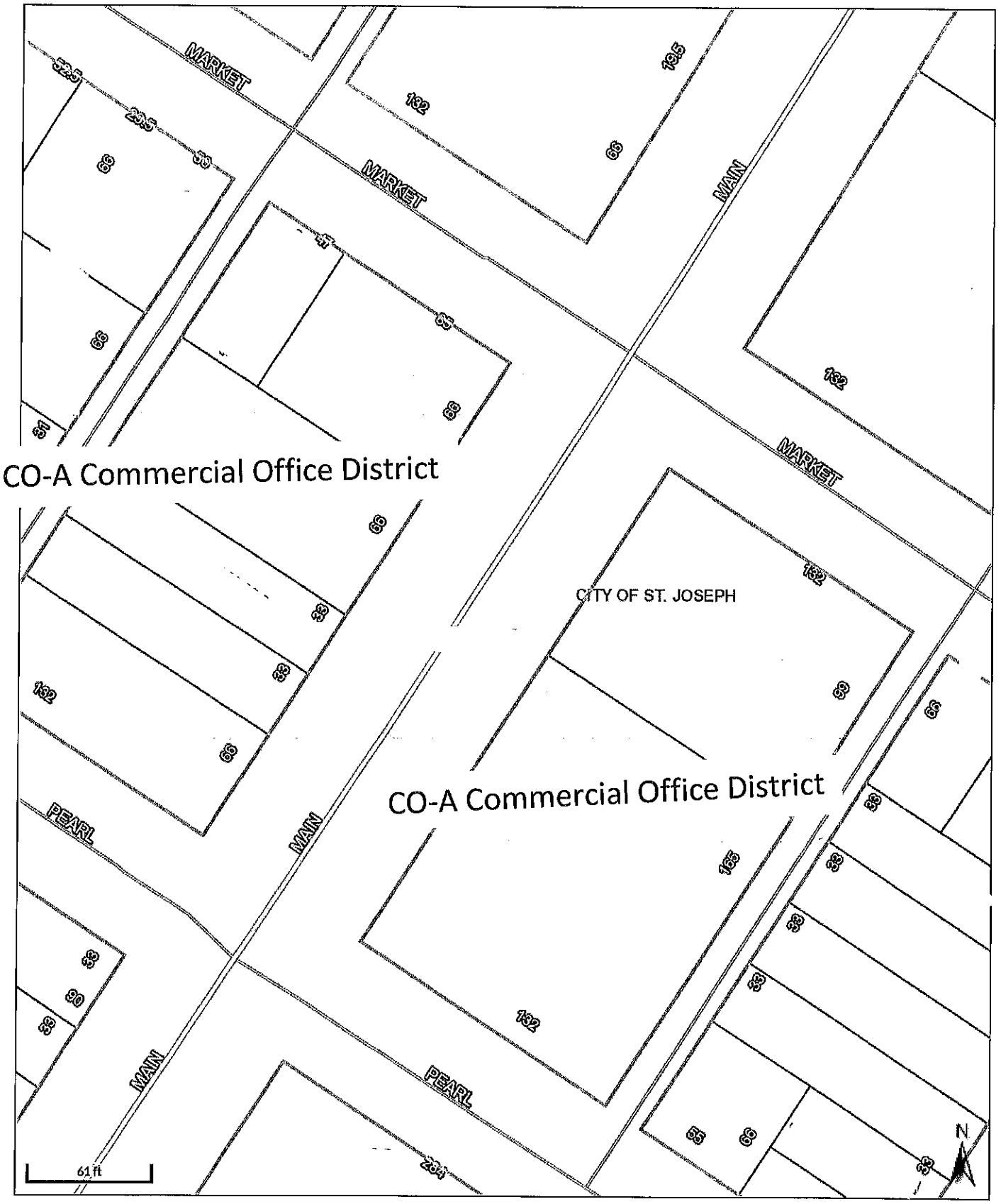
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Aerial - 600 Block Main Street



Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 600 Block Main Street



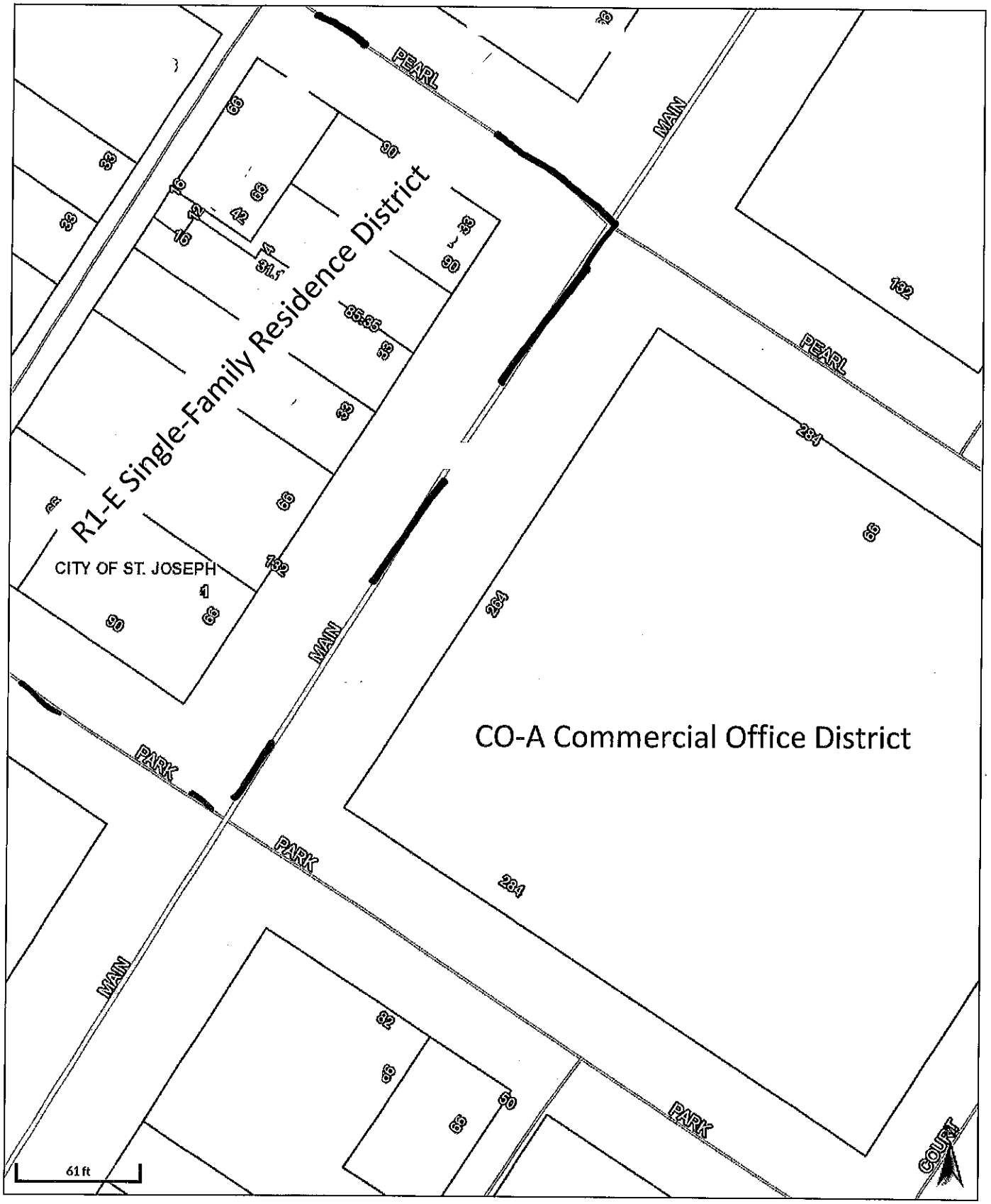
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Aerial - 700 Block Main Street



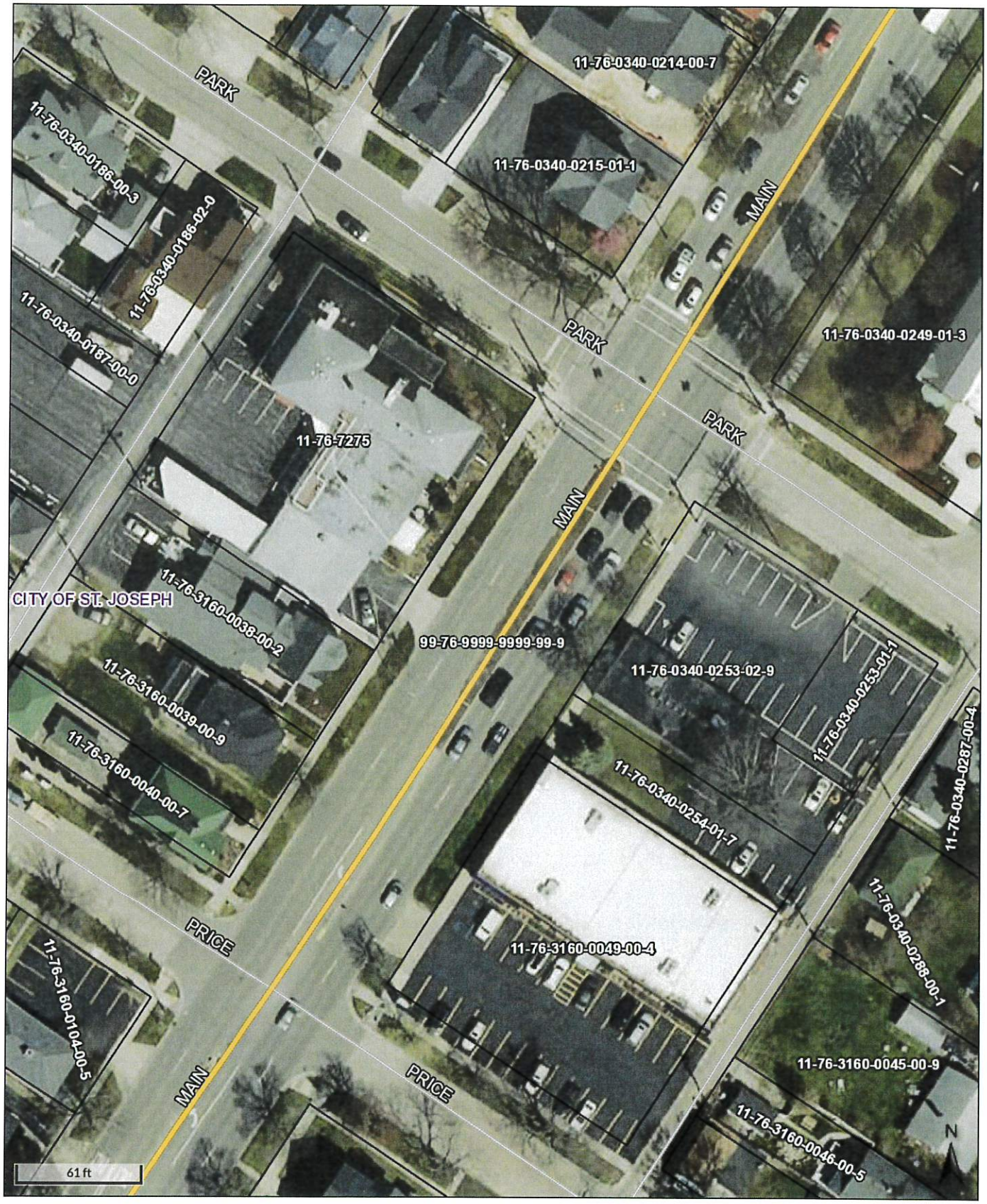
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 700 Block Main Street



Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Aerial - 800 Block Main Street



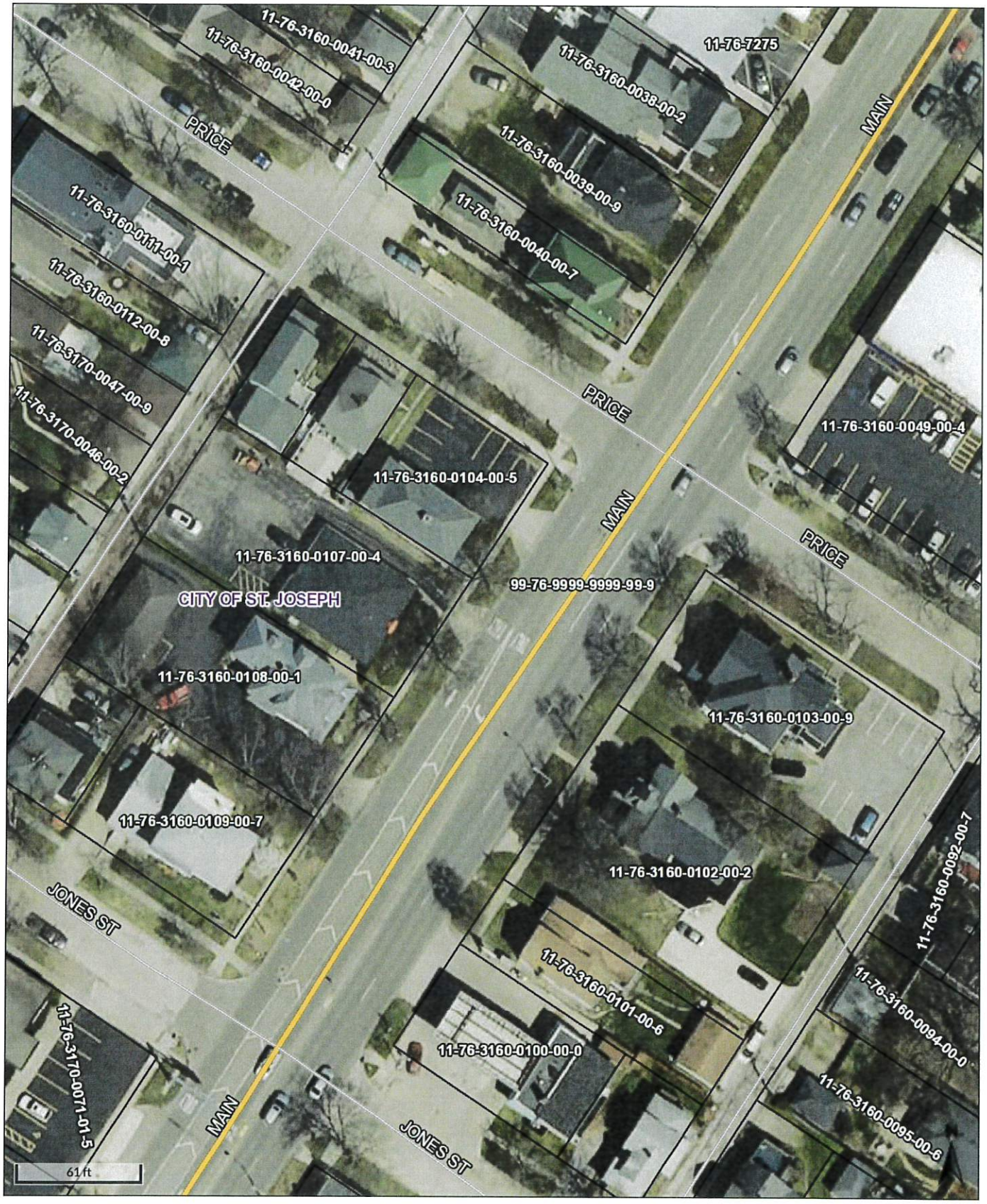
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 800 Block Main Street



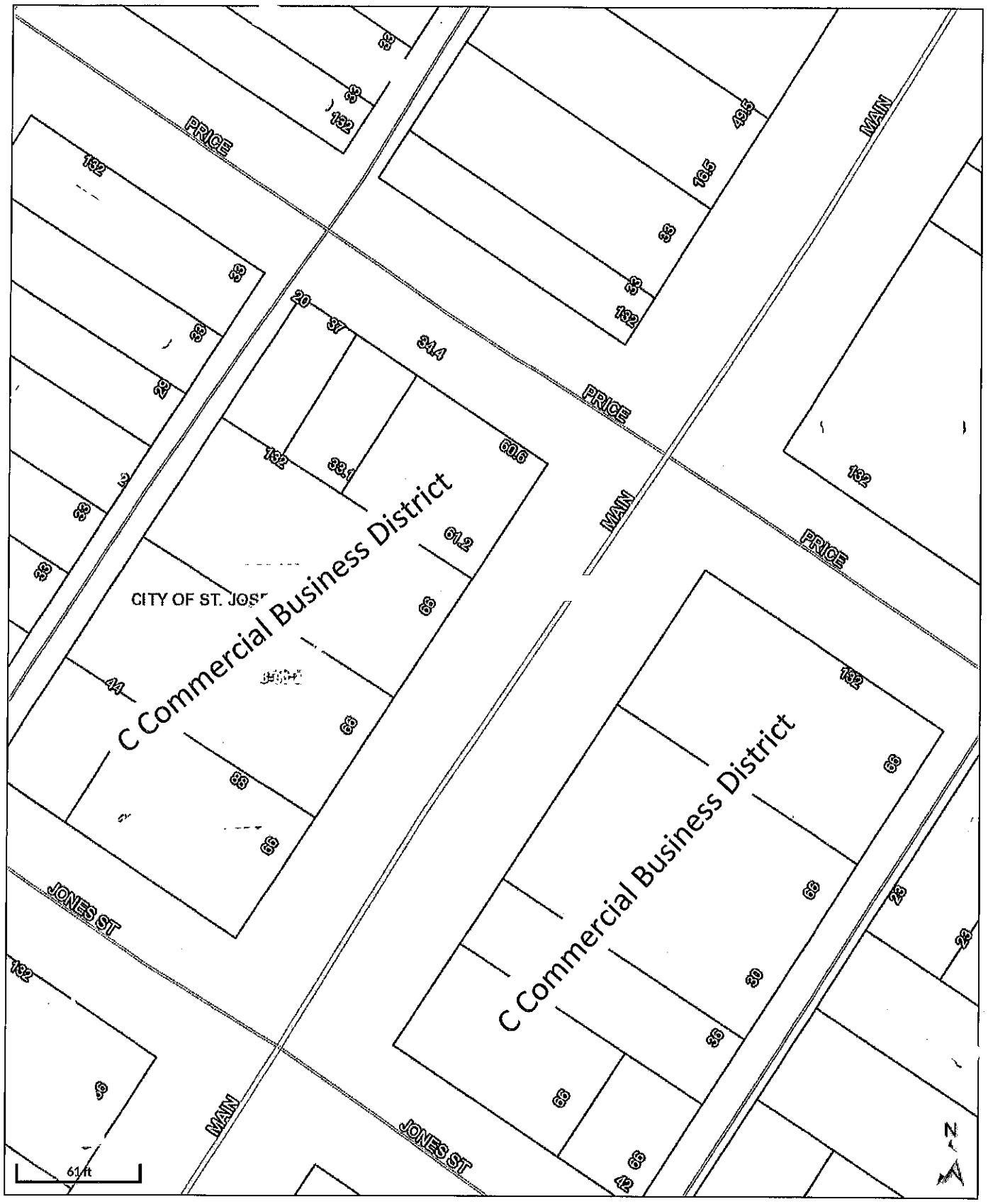
Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Aerial - 900 Block Main Street



Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions - 900 Block Main Street



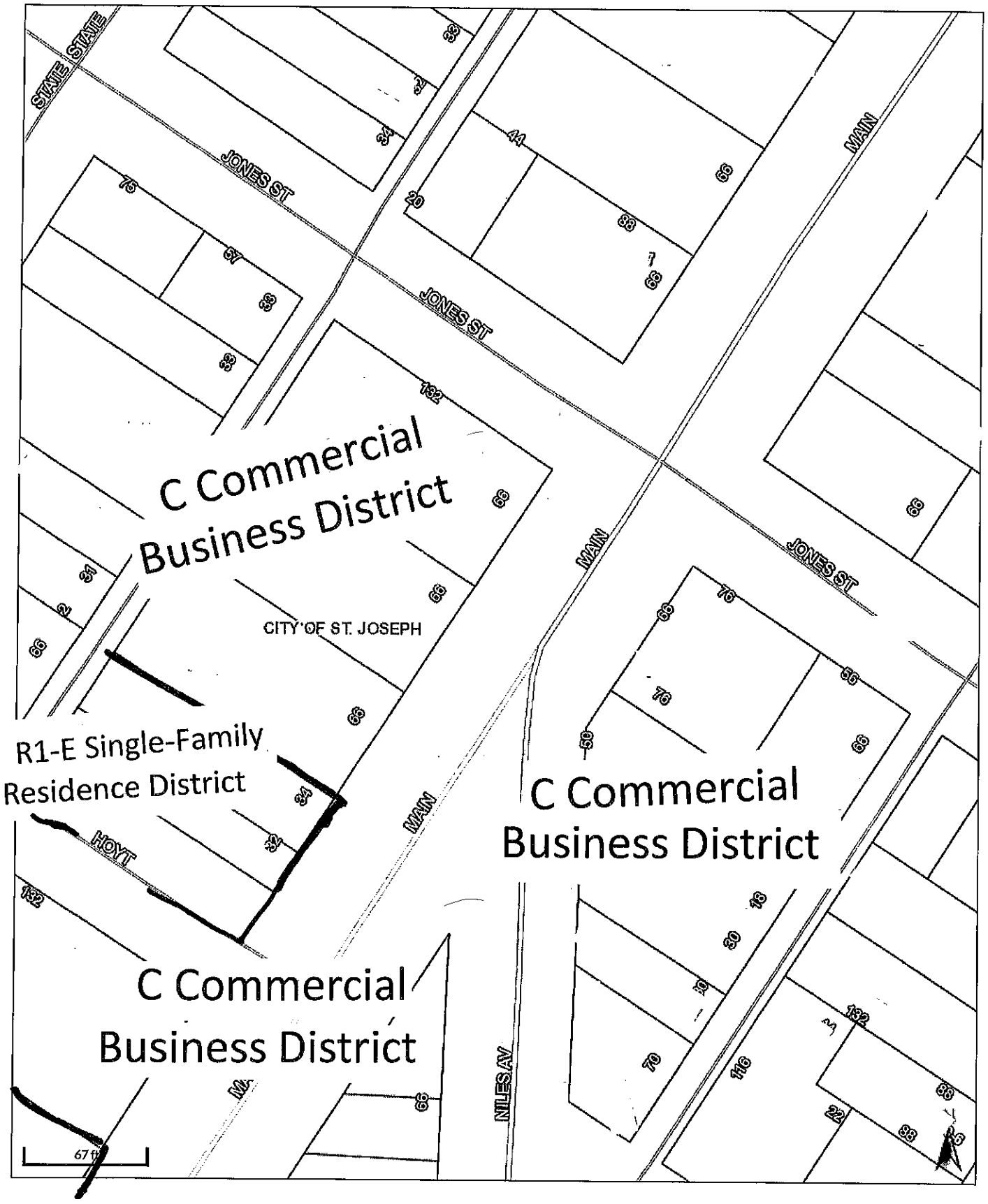
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Aerial - 1000 Block Main Street



Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Zoning and Lot Dimensions- 1000 Block Main Street



Attachment: Updated Location Map and Zoning Map for 400 to 1000 block of Main Street - created 2021 updated 2025 (10974 : Public Hearing -

Agenda Item

TO: **Members of St. Joseph City Commission**

FROM: **Kristen Gundersen, Community Development Director**

RE: **Public Hearing - Area generally located southerly of the CSX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment LLC - Planned Unit Development with waivers**

MEETING DATE: **August 25, 2025**

Public Hearing

The public hearing notice appeared in the Herald Palladium newspaper on August 9, 2025 and the 300' notices were sent to property owners and tenants on August 8, 2025.

Public Hearing Procedure:

1. Open Public Hearing
2. Staff Introduction of Application
3. Applicant Presentation
4. City Commission questions
5. Public Comments
6. Public Comments – Speaker to state name and address for the record and comments should be directed to Mayor
7. Applicant Response
8. Close Public Hearing

Upon the conclusion of public comments, the Mayor will entertain a motion to close the Public Hearing and then continue on to the next agenda item: Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of four properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers

General Overview

Harbor Shores Community Redevelopment, LLC, is requesting approval of a Planned Unit Development (PUD) located west of M-63, south of the CSX Railroad property along Upton and Whitwam Drives. The three parcels located in the W Water Recreation District consist of 19.95-acres. According to Table 4-1: Classes, Definitions & Examples of Uses Permitted Two-Family Dwellings and Multiple Family Dwellings are both allowed in the Water Recreation District as a Planned Unit Development. In addition, marinas are allowed under Waterfront Sales and Services which also requires a Planned Unit Development.

The applicant is proposing outdoor recreation areas, marina with 77 boat slips, a total of 105 dwelling units within six buildable areas and 900 square feet of commercial space. A private road with alleys and surface parking is proposed and would be the responsibility of the applicant to construct and maintain.

The applicant also developed the residential area of Harbor Village located to the east of M-63 between Whitwam Drive and the St. Joseph and Paw Paw Rivers and relied on one primary builder for the development. It is staff's understanding the builder for Harbor Village will be the builder for this project located west of M-63 and has been involved in the development of the site plan.

In working with the applicant and their builder, concerns regarding how Harbor Village established building setbacks and then allowed items such as porches, decks and stairs to encroach into the required building setback with stipulations, made it difficult for them to comply with the adopted rules.

After discussions, it was concluded that development areas could be created that established setbacks, maximum lot coverage and maximum number of dwelling units. All portions of the building which includes eaves, porches, decks, steps, bay-windows and mechanical equipment must be located within the setback area.

The applicant and builder will need to use caution when designing the different buildable areas as not to exceed the established lot coverage as it would require an amendment to the planned unit development with review and approval by the Planning Commission and City Commission.

The applicant has suggested this development will consist of townhome style buildings with individual access and duplex units stacked on top of each other along with one multiple-family building with a shared entrance.

Planning Commission Recommendation

On August 7, 2025, the Planning Commission conducted a public hearing, heard a presentation from the applicant and builder along with comments from the audience, one written letter was received. After deliberating, the Commission voted 7-0 to recommend approval of the proposed Planned Unit Development with a total of 36 waivers. One additional waiver was added for Section 13.7.1 which increased the period of development from one year to five years for 50% development of the property.

Audience members speaking questioned the availability of utilities, price range, concerns about marina size, increase in height to 60', density was too intense, reduced setbacks to zero, turning radius were tight for larger vehicles, encroachments toward the public linear path and parking for Paddler Park.

Rather than duplicate information found in the staff memorandum, attached is an excerpt from the August 7, 2025, Planning Commission meeting which includes the staff memorandum, review of the Buildable Areas P1-A through P1-G, Inspection Department comments, location and zoning map photographs, the Planned Unit Development Application and Exhibits. Other than one additional waiver, there are no changes. In addition, the draft meeting minutes, one written comment distributed at the meeting and a compiled list of waivers is attached. Attached is the updated PowerPoint presentation from the August 7th meeting.

Included as an attachment is the PowerPoint presentation that the applicant will be making during the meeting. The Planning Commission PowerPoint presentation is not attached as it is similar to the updated document.

Action Requested: Motion to close the public hearing.

ATTACHMENT(S):

- Waivers Recommended Approval by Planning Commission on 08072025 based drawings prepared by Abonmarche dated July 2025 consisting of 13 pages with Project.pdf
- Excerpt Draft PC Minutes Aug 2025 - Harbor Shores.pdf
- Excerpt - 08072025 PC Packet - Harbor Shores.pdf
- Written Comment 08072025 PC Handout.pdf
- CC PowerPoint Presentation - Harbor Shores 08222025.pdf

Waivers Recommended Approval by Planning Commission on 08072025 based drawings prepared by Abonmarche dated July 2025 consisting of 13 pages with Project #22-0197-15 and labeled packet pages 89-101 in 08072025 Planning Commission agenda packet

Waivers associated with street standards and vehicular access include:

1. Section 3.28 to decrease the right-of-way width from 66' to 60' and to increase from 66' to 80';
2. Section 3.28.8 to increase from 75 to 105 the number of lots (in this case dwellings) that may gain access to a new street where two or more points of intersection are provided between the street and other public streets; and
3. Section 18.4.2.D that states "…Backing directly onto a street shall be prohibited, except from driveways of single-family and two-family residences…."

Waiver associated with development of the Planned Unit Development:

1. Section 13.7.1 which increased the period of development from one year to five years for 50% development of the property.

Waivers associated with the development of P1-A include:

1. Decrease required front building setback from 15' to 0' beginning at the southeast corner of the pickleball court area along the south lot line.

Waivers associated with the development of P1-B include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0' (alley);
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 61.7% which includes land area of alley.

Waivers associated with the development of P1-C include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0';
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 56.9% which includes land area of alley.

Waivers associated with the development of P1-D include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0';
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 64.5% which includes land area of alley.

Waivers associated with the development of P1-E include:

1. Decrease required front building setback along the new street from 15' to 0';
2. Decrease required rear building setback from 5' to 0' (shared drive); and
3. Decrease required side/street side setback where abutting alley or Whitwam from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 63% which includes 5 surface parking spaces.

Waivers associated with the development of P1-F include:

1. Decrease required front building setback along the new street 15’ to 0’;
2. Decrease required rear building setback from 5’ to 0’;
3. Decrease required street side setback from 5’ to 0’ where abutting driveway to shared parking;
4. Decrease required minimum setback for mechanical equipment from 3’ to 0’ at rear lot line; and
5. Increase allowable lot coverage from 50% to 62.13% which includes 6 surface parking spaces.

Waivers associated with the development of P1-G include:

1. Decrease required front building setback along the new street and south buildable area line 15’ to 0’;
2. Decrease required rear building setback from 5’ to 0’;
3. Decrease required street side setback from 5’ to 0’ where abutting driveway to shared parking;
4. Decrease required minimum setback for mechanical equipment from 3’ to 0’ at rear lot line;
5. Increase allowable height from 50’ to 60’ for 20-unit condominium/loft building; and
6. Increase allowable lot coverage from 50% to 57.64% which includes land area of surface parking.

Minutes of the St. Joseph Planning Commission Meeting held Commission Chambers, 700 Broad Street, St Joseph, MI 49085 on August 7, 2025.

Call to Order

The meeting was called to order at 4:30 PM by Chair Patsy Hartzell

Attendee Name	Title	Status	Arrived
Patsy Hartzell	Chair	Present	
Kathy Burczak	Commissioner	Present	
Sean Ebbert	Commissioner	Present	
Aaron Miller	Commissioner	Present	
Becky Rice	Commissioner	Present	
Anthony Uhrick	Commissioner	Present	
Pam Porter	Commissioner	Present	
Michael Plichta	Commissioner	Present	
Kristen Gundersen	Community Development Director	Present	
Laurie Schmidt	City Attorney	Present	
Trudy Wilder	Building Inspector	Present	

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

1. Regular Minutes of Wednesday, July 09, 2025

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Anthony Uhrick, Commissioner
SECONDER:	Michael Plichta, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

DRAFT

New Business

2. 2800 Niles Avenue - Higgins Electric Signs - Wendy's - 1) Special Approval of Sign Greater than 32 sf 46.2 sf actual); 2) Special Approval of Changeable Message Board; 3) Sign Modification to allow free-standing pole sign in the clear vision area; and 4) Sign Modification to increase allowable height from 15' to 18'

Chair Hartzell stated the applicant is requesting four items associated with the free-standing pole sign located at 2800 Niles Avenue. Special approval of a sign greater than 32 square feet (46.2 sf actual size) and a manually changeable message board, modification to allow free-standing sign to be located in the clear vision area and increase the height of the from 15 to 18 feet.

Tim Mayor, district manager for Wendy's, stated as part of updating the building and signage, the company decided to move forward with requesting the free-standing sign to be compliant with the sign ordinance rather than updating the noncompliant sign face. The free-standing sign would be 46.2 square feet which includes a manual reader board.

Chair Hartzell questioned the proposed height of the sign.

Ms. Gundersen stated when the application was received and packet was completed, there was concern the 15' tall sign with an 8'8" clearance would interfere with clear vision as the sign is partially located within the 20' clear vision area. For that reason, they included a request for a sign

the parcels are narrow and it could be difficult to provide the required on-site parking and meet the other requirements for additional dwelling units.

Ms. Kutcheck stated the overlay district allows for commercial uses on the ground floor to be converted to residential uses, achieve the goals of the Master Plan, and have less impact on the neighbors.

Mr. Uhrick stated he supports the request. Having options for unused office or commercial space that could be used for residential dwellings is good.

Mr. Miller stated he agrees with Mr. Uhrick's comments.

Chair Hartzell ask if there were any letters received.

Ms. Gundersen stated no written comments had been received and she is not aware of anyone looking at the file.

Joe Ullrey, resident on block stated it is appropriate to change the rules to allow for the office conversion to a residential use.

Chair Hartzell closed the public hearing at 4:55 pm after no other audience members asked to speak on this request.

DRAFT

Mr. Miller asked if the other residential properties needed to be part of the application.

Ms. Gundersen stated no, the other residentially zoned properties did not need to be part of the application. All properties within the overlay district were notified. If approved, any property in the R1-E district could make changes to increase the number of dwelling units or remain as single-family dwellings.

Ms. Burczak moved to recommend approval of the proposed amendment to Article IX Special Districts, Section 9.8 MS-OD Main Street Corridor Overlay District, Section 9.8.2 to include properties located within the R-1 Single-Family Residence district in the overlay district of the Zoning Ordinance of the City of St. Joseph, Michigan based on the factors set forth under Section 22.3 of the Zoning Ordinance."

Mr. Miller seconded.

Ms. Gundersen stated this item will likely be on the August 25th City Commission agenda.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Kathy Burczak, Commissioner
SECONDER:	Aaron Miller, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

4. Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers

Ms. Burczak recused from the discussion as she works at Abonmarche and was involved in the creation of the plan. Ms. Burczak left Commission Chambers at 4:58 p.m.

Chair Hartzell opened the public hearing for a planned unit development for the area located west of M-63, south of the CSX Railroad property along Upton and Whitwam Drives at 4:58 pm.

Chris Cook stated he is representing the applicant, Harbor Shores Community Redevelopment LLC, which was created 20 years ago by Whirlpool to redevelop the area that was previously used for industrial uses. In the last 15 years, over 250 dwellings have been constructed. With each project, lessons have been learned to help improve future projects. They are approaching this project differently and worked with city staff to create more flexibility in the design. Rather than establishing building setbacks and allowing porches, stairs or mechanical equipment to encroach a specific amount into required setbacks, a building envelope has been created and any of portion of the building can be located within the envelope. The use of established lot coverage for each buildable area will create green or open space. Mechanical equipment will be located in the rear. While explaining the project, Mr. Cook reviewed a PowerPoint presentation.

Mr. Cook stated the 19.5-acre site consists of four parcels with a majority having industrial uses. A marina is proposed with 77 boat slips, 105 dwelling units, commercial space, outdoor recreational areas and a new street with on-street parking, and alleys. Three areas are still being reviewed and designed, which will require an amendment to the planned unit development in the future. Three waivers associated with street design are needed and include: 1) decrease street right-of-way from 66 to 60 feet and increase street right of way from 66 to 80 feet; 2) increase the number of dwelling units from 75 to 105 that may gain access to a new street where two or more points of intersection are provided between the street and other public streets; and 3) allow vehicles to back-up on a street. Building coverage when streets, alleys and open space is included would be below the 50% required.

DRAFT

Mr. Cook explained that there are seven buildable areas proposed in phase 1. Within each buildable area, the alleys are included in the total square footage as it is believed to be more like a shared driveway. Two new curb cuts on the south side of Whitwam are proposed along with emergency alley access. Sidewalks will be constructed. The PUD regulations require 50% completion within two years; an additional waiver is being requested to allow for 50% development within 5 years. A total of 35 waivers is needed; in some cases, the setbacks waivers are consistent through the seven buildable areas. Buildable areas E and F also include a large surface parking area for marina slip vehicle parking.

Mr. Cook stated the comments made by the Inspection and Public Safety Departments have been reviewed and additional meetings did take place with Public Safety. It is believed all turning radii meet the requirements of safety equipment the city owns. No buildings will be located in the easement areas. Final engineering review is necessary before any work takes place.

Mr. Cook explained that one written letter was received regarding parking. No parking is proposed on the city's right-of-way along Whitwam Drive. They worked with the Parks Advisory Board for future improvements at Paddler's Park, which the City Commission has accepted. Parking for the park may be located within the Upton Drive right-of-way.

Brad Rottschafer, with Mosaic Properties and Homes, has been working with Harbor Shores Community Redevelopment LLC for the layout and vision of the project. He showed examples of possible architecture designs ; however no specific design is proposed at this time. There are industrial uses to the west that are privately owned. The goals of the project include activating the waterfront, creating diverse housing options, while providing high quality architectural design and outdoor amenities.

Mr. Rottschafer stated the development will be pedestrian friendly. Walkways will provide access to different parts of the development while creating a unique resort feel. The three areas not being reviewed tonight will need to reviewed and approved and will likely include a pool, restaurants, dog park, fire pits, hospitality building, and rental dwelling units.

Mr. Rottschafer stated on the north side of Whitwam there will be pickle ball courts along with surface parking. Housing options will include villas, townhomes, lofts and some buildings with individual dwelling units on separate levels.

Chair Hartzell reminded the Commission that the building designs shown are for inspiration only, and other designs will likely be constructed.

Mr. Uhrick questioned what the developer was requesting the Planning Commission approve.

Mr. Cook stated the request is to approve the site plan which includes a new street, alleys, seven buildable areas which include waivers for development and maximum number of dwelling units and surface parking areas. If approved, city staff would review the building permits for compliance with the adopted regulations for the individual buildable areas.

Mr. Ebbert stated the approach with buildable areas allows the developer the opportunity to easily make changes based on market demands and questioned the brownfield TIF being requested.

DRAFT

Mr. Cook explained they will likely seek a new brownfield TIF for this development, and that the 425 Agreement for the Harbor Village development will sunset in 2025; the property comes back to St. Joseph next year but Harbor Shores will have an additional year of TIF collection. Berrien County will likely administer the new brownfield after the City Commission approves the process as they have been involved in other areas of development.

Chair Hartzell questioned the turning radius concerns expressed.

Mr. Cook stated one parking space was removed to allow for additional space near buildable area E.

Ms. Wilder stated Public Safety has reviewed the location of the removed parking space and it appears to be compliant and will further be reviewed as part of the final engineering.

Attorney Schmidt requested that the applicant review the different buildable areas and explain the waivers requested for each area.

Mr. Cook reviewed the different site plan sheets which include the different buildable areas along with the staff memorandum attachment which details each buildable area. The information included: 1) P1-A having 1 waiver for the pickle ball court; 2) P1-B having 14 units and 900 sf commercial with 5 waivers on 1.04-acres; 3) P1-C 21 units with 5 waivers on 1.55-acres; 4) P1-D 9 units with 5 waivers on 0.67-acres; 5) P1-E 21 units with 5 waivers on 0.68-acres; 6) P1-F 14 units with 5 waivers on 1.55-acres and 7) P1-G 26 unit with 6 waivers on 1.07-acres.

Mr. Miller questioned where other open space would be located on the property.

Mr. Cook stated there should be a larger open space area on P1-F, however, once the buildings are designed in compliance with established lot coverage waivers, open space will be provided.

Mr. Uhrick questioned if there would be access to M63.

Mr. Cook stated the west side of M63 has a steep slope area. They plan on reaching out to MDOT to gain better pedestrian access to M63.

Mr. Ebbert stated the applicant has discussed needing additional time for construction, should the motion be modified to include the request.

Ms. Gundersen stated yes, when making a motion please include the increase in construction time.

Mr. Miller questioned Ms. Wilder regarding the Inspection Department comments.

Ms. Wilder stated the concerns are associated with design of access and the Public Safety Department concern about hydrant placement.

Mr. Cook stated they are working on finalizing engineering drawings for the city staff to review.

Carl Meyer, 505 Properties, questioned whether utilities were going to be underground or above grade, water management, price ranges of the various facilities planned, and tax money brought back to the City.

Mr. Cook stated the utilities will be located underground, there is no price range established yet. The direct impact to the City would be minimal at first and after the TIF period expires, substantial. It is about a $150 million dollar investment when fully developed.

DRAFT

Deborah Larson, Lake Blvd stated the marina seems too large, having buildings 60' tall is too tall and they should be lower than the silos to the west, the development is too dense, having zero building setbacks is not in keeping with the character of the community, the turning radii seem very tight especially for large SUV's and pickup trucks, and she wondered what the cleanup process was since the property was previously used for heavy manufacturing. She also asked what TIF meant.

Mr. Ebbert stated the silos are likely 75' tall.

Ann Barnes, Market Street, expressed concern regarding the proposed increase in height to 60' as the city is not a high-rise community and density could be a concern.

Karen Laetz, Old Lake Shore Dr, questioned the impact on the public linear path especially when compared to the tightness of the dwellings in Harbor Village adjacent to the linear path. Parking for those using Paddlers Park should be designated as such. Public parking is a concern, access to the linear path needs to be provided to the public.

Ken Boyd of State Street, stated he likes the plans and hopes that access to M63 can be accomplished.

Mr. Cook stated the number of boat slips proposed is based on demand studies and ultimately the state regulatory agencies will determine. Only the loft building at the southeast corner of the development is proposed to be 60' tall, all other buildings will be 2 ½ or 3 stories. Some areas will be dense while there is open space to be used by those on the property. The pickle ball area on the north side of Whitwam has a small open shelter area. Turning radii was determined using information for the city's fire truck. This property is different than Harbor Village to the east as there are some deed-restricted lands along the PawPaw River that provide public access.

Mr. Cook stated the property has been cleaned up of any contamination and different agencies will be on-site during earth moving and he believes the density of the project is appropriate. The linear path will be constructed in accordance with the easement documents. Paddler Park is a city owned park; it is likely parking for this would be within the public right-of-way on Upton. If no access can be provided to M63, individuals can continue to rely on the north bound exit ramp for access to the downtown.

Mr. Cook stated a TIF district freezes the land value at the pre-improvement rate. As the value increases, the city captures the money and would reimburse the developer for its cleanup costs, utility installation costs, and other costs, until the agreed amount has been collected.

Chair Hartzell closed the public hearing at 6:08 pm after no other audience members asked to speak on this request.

Mr. Miller asked Ms. Gundersen what specific comments were made regarding the project.

Ms. Gundersen stated one comment is about the alley/driveway square footages being included in the land area for the different buildable areas. If removed, the lot coverage amount would be higher. The developer along with city staff will need to pay close attention as the different areas are built-out.

DRAFT

Mr. Ebbert stated that while there seems to be a lot of waivers, many are the same for the different buildable areas. The developer and builder have been doing work in the city for several years. The proposed planned unit development allows for easier modifications as the market changes.

Mr. Miller stated he believes the size of the marina is fine and would be supported. The proposal lays out how the different buildable areas will work in easy to digest chunks. Flexibility has been addressed to help with market changes and the development will be done in phases.

Mr. Miller moved to recommend approval of a Planned Unit Development located west of M-63 and southerly of the CSX Railroad property at Upton and Whitwam Drives with addresses of 215and 230 Upton Drive and located in the W Water Recreation District consisting of four parcels on 19.5-acres of land, requested by Harbor Shores Community Redevelopment, LLC to allow site improvements including a private street; development of 9 buildable areas creating 105 dwelling units, outdoor recreation area, a marina with 77 boat slips, surface parking and three future development sites along with a total of 35 specific waivers for the entire development and including individual buildable areas as found listed in the staff memorandum for the August 7, 2025 Planning Commission meeting and based on the fourteen page document prepared by Abonmarche and dated July 2025 as it meets the required standards under Sections 13.3.1 and 13.3.3 of the Zoning Ordinance, with the condition that city staff review and approve all grading and engineering plans associated with the development of the property as presented and requested on Packet pages 66-72 and 89-101 of the August 7, 2025 Planning Commission packet, and to provide a 5 year allowance of the 50% build completion requirement..

Ms. Rice seconded the motion.

Ms. Gundersen stated that a public hearing will be scheduled before the City Commission and new legal notices will be sent out.

Chair Hartzell stated Ms. Burczak would be rejoining the meeting and Mr. Uhrick would be recusing for the next item due to a dispute he had with the applicant involving litigation and Mr. Ebbert would also be recusing because he voted on a request associated with this property at the Zoning Board of Appeals. Mr. Ebbert and Mr. Uhrick left the meeting and did not return at 6:20 pm.

Chair Hartzell called for a five-minute recess, returning at 6:25 pm

Ms. Burczak returned to the meeting at 6:25 pm.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Aaron Miller, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta
RECUSED:	Commissioner Burczak

5. Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

Chair Hartzell opened the public hearing at 6:26 pm for a special use permit to allow 8 short-term rental units at 520 State/515 Market Street. It is currently a 9-unit building. Mr. Ebbert and Mr. Uhrick have recused themselves from the discussion.

DRAFT

Brian Barrett, representing Market & State LLC, stated he has owned the apartment building for fifteen years and made investments to improve it over time. They have owned and operated short-term rentals in other locations and would like to have short-term rental in this building. Mr. Barrett described that each unit is about 1,100 square feet, 3 bedrooms, one bathroom, a living room, and a dining room with occupancy for 6. They have one unit that is a monthly rental and have had no issues with it.

Mr. Barrett reviewed the six standards for special use permits as found in Section 1.5.2 as follows: A) no changes are proposed to the exterior of the building, to the north is a large city owned surface parking lot, west is a hotel with limited on-site parking, east is a mixed use building, south across the street is a park in the R1-E district and at the southeast corner of Market and State Streets is a short-term rental dwelling. The area is transitional being adjacent to the D Downtown District, there is signage on the sidewalk calling out the Social District. One dwelling is currently being rented on a monthly basis.

Mr. Barrett stated he is proposing 24/7 management of the short-term rental operation and believes based on the design of the building and smaller outdoor balconies, the tenants will be quiet. Mr. Barret described the vetting policy in detail. As operators of the short-term rentals, they screen guests prior to acceptance, guests are checked in at the dwelling to review the rules, check photo-id's which eliminates registering other people. If needed, there are third party companies that further review possible tenants. The city regulates quiet time. They do not allow on-site smoking or unregistered guests.

Mr. Barrett stated in accordance with standard B there will be no change to the character of the surrounding area as no changes to the exterior are proposed and will remain residential in appearance, function and use. The area is transitional. Standard C references detrimental to health, safety or welfare or generate excessive noise, traffic or other offensive things. Mr. Barrett

St. Joseph Planning Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
August 7, 2025
4:30 PM

Call to Order

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

1. Regular Minutes of Wednesday, July 09, 2025

New Business

2. 2800 Niles Avenue - Higgins Electric Signs - Wendy's - 1) Special Approval of Sign Greater than 32 sf 46.2 sf actual); 2) Special Approval of Changeable Message Board; 3) Sign Modification to allow free-standing pole sign in the clear vision area; and 4) Sign Modification to increase allowable height from 15' to 18'
3. Public Hearing - Text Amendment to Section 9.8.2 of the MS-OD - Graham Kutchek
4. Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers
5. Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

Old Business

Public Comments

Commissioner Comments

Adjournment

Agenda Item

TO: **Planning Commission**

FROM: **Kristen Gundersen, Community Development Director**

RE: **Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers**

MEETING DATE: **August 7, 2025**

Background Information/Request

Harbor Shores Community Redevelopment, LLC, is requesting approval of a Planned Unit Development (PUD) located west of M-63, south of the CSX Railroad property along Upton and Whitwam Drives. The three parcels located in the W Water Recreation District consist of 19.95-acres. According to Table 4-1: Classes, Definitions & Examples of Uses Permitted Two-Family Dwellings and Multiple Family Dwellings are both allowed in the Water Recreation District as a Planned Unit Development. In addition, marinas are allowed under Waterfront Sales and Services which also requires a Planned Unit Development.

The applicant is proposing outdoor recreation areas, marina with 77 boat slips, a total of 105 dwelling units within the six buildable areas and 900 square feet of commercial space. A private road with alleys and surface parking is proposed and would be responsibility of the applicant to construct and maintain.

The applicant also developed the residential area of Harbor Village located to the east of M-63 between Whitwam Drive and the St. Joseph and Paw Paw Rivers and relied on one primary builder for the development. It is staff's understanding the builder for Harbor Village will be the builder for this project located west of M-63 and has been involved in the development of the site plan.

Site Information/Character of the Area

The four parcels consist of 19.95-acres and are all located in the W Water Recreation District. Table 4-1: Classes, Definitions & Examples of Uses Permitted allows Two-Family Dwellings and Multiple Family Dwellings in the Water Recreation District as a Planned Unit Development in addition to Waterfront Sales and Services. Short-Term Rental is allowed within the W Water Recreation District as a Conditional Use.

The property known as 230 Upton Road and located on the west side of the street was rezoned on July 14th when the City Commission adopted the second reading of the ordinance changing the zoning from I-2 Light Industrial to W Water Recreation. The ordinance became effective 10-days after the adoption of the ordinance.

The 2016 Master Plan future land use map designates the area as Waterfront Mixed Use. The intent of the Waterfront Mixed Use District is to provide a mix of residential, commercial, service, entertainment and lodging, with an emphasis on providing public access to private and public land uses. Appropriate development would include a mix of residential, commercial, service, lodging, and limited industrial.

The property north of the CSX Railroad is located in the CO-A Commercial Office and I-1 Light Industrial Districts and is improved with office space and surface parking for Whirlpool. To the east of M-63 is the Inn at Harbor Shores hotel along with Harbor Village a residential development and marina all located in the W Water Recreation District and developed under a planned unit development.

To the west are two properties located in the I-2 Heavy Industrial District and improved with industrial uses and west of the CSX Railroad is West Basin Marina and Paddlers Park both located in the W Water Recreation District. South is the St. Joseph River and the Margaret B. Upton Arboretum.

General Information and Future Development Areas

The overall site consists of four parcels:

230 Upton - west side of Upton Drive	2.8-acres
Northeast corner of Upton and Whitwam Drives	2.24-acres
Southeast corner of Upton and Whitwam Drives	10.62-acres
Water area	4.29-acres
Total land area	19.95-acres

Future Development Area - 230 Upton Road (west side of street)
The 2.8-acre site is improved with a parking lot. The applicant has no development plans at this time and has requested that this area be used for parking and contractor stagging for the Phase I project. Any future development of this property will require an amendment to the Planned Unit Development.

Future Development Area - Northeast corner of Upton and Whitwam Drives
The applicant has development plans for the easterly 0.84-acres leaving the westerly 1.4-acres to be used for parking and contractor stagging for the Phase I project. Any future development of this property will require an amendment to the Planned Unit Development.

Future Development Area - Southeast corner of Upton and Whitwam Drives
The applicant does not have not plans for the westerly 1.88-acres which is located between the new private street and Upton Drive and the 40’ strip of land that will be development with a 12’ linear park walking path to the south. This area will be used for parking and contractor stagging in Phase I. Any future development of this property will require an amendment to the Planned Unit Development.

12’ wide Linear Park
Separating the land from the proposed marina is a 40’ wide parcel. There is an existing 12’ wide linear park path easement within this area. The easement agreement is between Cornerstone Alliance and the cities of Benton Harbor and St. Joseph. It is the applicant’s responsibility to construct the 12’ linear park in accordance with the November 23, 2010 Easement Agreement.

Floodplain
Sheet 3-13 depicts information from the FEMA Flood Insurance Rate Maps and Flood Insurance Study. The applicant has been made aware that preliminary flood plain maps have been issued for the 90-day review and will likely be adopted before any residential construction starts.

Phase I Development Overview

Street Access/Development Layout

The applicant is proposing to develop the site with private streets and alleys. All repair, maintenance and snow removal will be completed by the Home Owners Association (HOA). The private streets will require access easements so anyone can use them.

Upton Drive and Whitwam Drive will remain public streets owned and maintained by the city of St. Joseph. There is no existing street parking Whitwam and no parking is being proposed by the applicant. Along the south side of Whitwam Drive, the applicant is proposing a 10' wide multi-use trail within the public right-of-way. According to Sheet 3 of 13, the Whitwam right-of-way width is 80'.

Partial development of the property at the southeast corner of Upton and Whitwam Drives consists of a new private street being "U" shaped with access in two places onto Whitwam Drive. The private street will need to have a street name approved by the Berrien County 911 Department prior to recording of any documents. The right-of-way ranges between 60' and 80'. Recessed parallel parking is proposed along both sides of the street where the right-of-way is 60'. Along the southern portion of the street the right-of-way expands to 80' which accommodates 90-degree parking on both sides of the street. In addition, 5' wide sidewalks are proposed on both sides of the private street. The street right-of-way is approximately 1.65-acres and is not included within any of the buildable area parcels. Seventy parking spaces are located within the "U" shaped street right-of-way. These spaces are for the marina slips.

Also, within this area the applicant is proposing 105-dwelling units which will be accessed via an alley or common drive-aisles leading to surface parking. Vehicular access is via three 26' wide alleys (pavement width of 22') which are accessed from the private street. The square footage of the individual alley has been included in the individual buildable areas for each parcel which helps to lower the proposed lot coverage percentages.
In addition, two shared driveways are proposed from the private street for the easterly portion of the development. Forty-two surface parking spaces have been provided predominately facing east toward M-63 within the approximate 0.96-acres of land. This area is not associated with any specific buildable area parcel. These spaces are for the marina.

There are four curb cuts proposed along the south side of Whitwam for the three alleys and the easterly surface parking area, these curb cuts have been labeled for emergency access only. To help deter vehicular traffic in these areas a mountable turf brick feature will be installed. The turf brick creates a surface for limited driving while allowing grass to grown. This has been used in other areas of the city.

The outdoor recreation area proposed on the north side of Whitwam will have one curb cut to provide access to surface parking.

Under Section 3.28 Street Standards of the Zoning Ordinance, public right-of-way is at least 66 feet. This allows for space for 5' sidewalks, parkways, street parking on each side of the street and two-way traffic. There are no standards for alleys, however, in places within the city the alleys range between 16' and 20' with pavement width of 12'. The Public Safety Department has reviewed the street layout and requested the 26' wide widths to allow space to set up the ladder fire truck which requires the extension of the legs for support.

Waivers associated with street standards and vehicular access include:

1. Section 3.28 to decrease the right-of-way width from 66' to 60' and to increase from 66' to 80';
2. Section 3.28.8 to increase from 75 to 105 the number of lots (in this case dwellings) that may gain access to a new street where two or more points of intersection are provided between the street and other public streets; and
3. Section 18.4.2.D that states "…Backing directly onto a street shall be prohibited, except from driveways of single-family and two-family residences…."

Open Space
Section 13.3.1.F of the Planned Unit Development regulations does not require properties located in the W Water Recreation District to provide any addition open space. The applicant is proposing an 0.84-acre site along the north side of Whitwam be improved with three pickle-ball courts along with a 12' x 20' covered shade area. This area will be owned and maintained by the HOA.

Landscaping, Screening, Street Trees, Lighting
Parkway trees have been depicted along the southside of Whitwam Drive within the public right-of-way. It is anticipated that each area will be landscaped as they are developed.

No information has been provided regarding any proposed lighting within the private right-of-way areas. Any lighting proposed will need to meet the requirements of the zoning ordinance and reviewed prior to installation.

It is anticipated that each dwelling unit will have the typical garbage tote as provided by the city's waste hauler. Staff has expressed concern about the use of garbage totes with the attached housing units. The applicant has stated similar to the Harbor Shores development to the east, all refuse containers will be required to be located inside the private garages.

Based on past new developments in the city, individual mailboxes will most likely not be allowed by the US Postal Service. The applicant has stated they will likely install cluster mailboxes at key locations within the development on private property.

Signage
Sheet 7 of 13 depicts a proposed free-standing sign along the south side of Whitwam at the easterly new street. The required 20' clear vision area has been provided. Chapter 25 Signs of the Code of Ordinances provides the regulations for signage. Table 25-13 of the Sign Ordinance allows one free-standing ground sign not more than 50 square feet (Planning Commission must review and approve signage greater than 32 square feet) with an overall height of 8'.

Architecture
The zoning ordinance does require information be provided regarding architecture design or styles. The applicant has not provided any information as part of the planned unit development application.

Review of Buildable Areas
In working with the applicant and their builder, concerns regarding how Harbor Village established building setbacks and then allowed items such as porches, decks and stairs to encroach into the required building setback with stipulations made it difficult to for them to build. After discussions, it was concluded, development areas could be created that established setbacks, maximum lot coverage and maximum number of dwelling units. All portions of the building which includes eaves, porches, decks, steps, bay-windows and mechanical equipment must be located within the setback area.

The applicant and builder will need to use caution when designing the different development areas as not to exceed the established lot coverage as it would require an amendment to the planned unit development with review and approval by the Planning Commission and City Commission.

The applicant has suggested this development will consist of townhome style buildings with individual access and duplex units stacked on top of each other along with one multiple-family building with a shared entrance.

Attached is the review of each of the seven buildable areas P1-A through P1-G (sheets 5-13 through 8-13 on individual pages.

Sheets 9, 10, 11, and 12 of 13 consist of engineering plans for the overall utility plan, sanitary sewer, storm sewer, and water main. The drawings are still being reviewed by the Engineering Department and Public Works Departments. The drawings are included in the packet as supplemental information for the Site Plan process. There will not be any staff attending the meeting that can answer detailed questions regarding the sheets. No permits will be issued until their concerns are addressed.

Marina Site Plan - Sheet 13-13
This irregularly shaped parcel is 4.29 acres (187,067 sf) and is predominately located within the St. Joseph River. It is separated from the main development by the 12' wide linear park. The applicant is proposing the creation of a marina with 77 boat slips. Table 18-1 of the zoning ordinance requires 1.5 spaces per boat slip or 116 parking spaces. The applicant has provided a total of 138 surface parking spaces within the development within the street right-of-way, P1-A or the easterly parking area.

The Michigan Department of Environment, Great Lakes and Energy along with the Army Corp of Engineering area responsible for issuing permits associated with the development of the marina.

City Department Comments
Engineer Department has reviewed the site plan, however, engineering plans have not been finalized for review.
Public Works Department no comments have been received.
Public Safety Department has reviewed the request and has no public safety related concerns.
Inspection and Public Safety Departments see attached memorandum please note some comments have been addressed
Community Development Department - Planning and Zoning comments have been included within the staff memorandum.

Ordinance Regulations.
According to Table 4-1: Classes, Definitions & Examples of Uses Permitted Single-Family Dwellings and Multiple Family Dwellings are both allowed in the Water Recreation District as a Planned Unit Development.

Article XIII Planned Unit Development Regulations provides the purpose, general minimum requirements (Section 13.3.1), and general standards (Section 13.6.1) to be reviewed when a planned unit development is being proposed or amended. Also included below is Section 13.6.1 General Standards and Section 13.6.3 Waiver of Planned Unit Development Standards for additional clarification. Below are the objectives and the two sets of standards used for reviewing planned unit developments.

SECTION 13.3 GENERAL

13.3.1 Minimum Requirements: Please note that Sections 13.3.1.D and F do not apply to the W Water Recreation District have been shown as ~~stricken~~.

A. PUDs are permitted in all Districts.
B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as "PUD" for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and "PUD" Uses.

C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.

~~*D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).*~~

E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use , a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.

~~*F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights-of-way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:*~~

~~*1. Contiguous and uninterrupted by Structures, Driveways and other features.*~~

~~*2. Significant in size when considered in relation to the PUD area.*~~

~~*3. Used only for landscaping, lawn, playfield, natural area or other similar uses.*~~

G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.

13.3.2 Eligibility Requirements:

a. Water Recreation District. *No PUD located in the Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.*

13.6.1 General Standards: *The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:*

A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.

C. The PUD shall be consistent with the intent of the Comprehensive Plan.

D. The PUD shall not change the essential character of the surrounding area.

E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.

F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.

G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.
H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.
I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.
J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.
K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.
L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.
M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.
N. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

13.6.2 Conditions: The Planning Commission may recommend, and the City Commission may impose, conditions with the approval of a PUD which are necessary to ensure compliance with the standards for approval stated in this Section and any other applicable standards contained in this Ordinance. Such conditions shall be considered an integral part of the PUD approval.

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.
B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.
C. No Nuisance will be created.

Based on the comments with this memorandum and the attached "Review of Buildable Areas P1-A through P1-G (sheets 5-13 through 8-13) there are a total of 35 waivers are required. Please note there are some waivers that are the same for the different buildable areas, however, the location of the waiver changes due to parcel configuration.

Action.
Conduct a public hearing. The public hearing notice appeared in the Herald Palladium on July 19, 2025 and the 300' notices were sent to property owners and tenants on July 18, 2025

No written comment that had been received as of Wednesday, July 23, 2025.

Consider the request as presented and review the criteria found in Article XIII: Planned Unit Regulations - Section 13.3.1. Minimum Requirements; Section 13.3.2 Eligibility Requirements and Section 13.6.1 General Standards (listed above). The Planning Commission has the following options:

- Recommend approval of the Planned Unit Development request as submitted.

  "…move to recommend approval of a Planned Unit Development located west of M-63 and southerly of the CSX Railroad property at Upton and Whitwam Drives with addresses of 215and 230 Upton Drive and located in the W Water Recreation District consisting of four parcels on 19.5-acres of land, requested by Harbor Shores Community Redevelopment, LLC to allow site improvements including a private street; development of 9 buildable areas creating 105 dwelling units, outdoor recreation area, a marina with 77 boat slips, surface parking and three future development sites along with a total of 35 specific waivers for the entire development and including individual buildable areas as found listed in the staff memorandum for the August 7, 2025 Planning Commission meeting and based on the fourteen page document prepared by Abonmarche and dated July 2025 as it meets the required standards under Sections 13.3.1 and 13.3.3 of the Zoning Ordinance, with the condition that city staff review and approve all grading and engineering plans associated with the development of the property.

- Recommend approval of the request with additional conditions or waivers
  Use the motion above and add the necessary conditions and waivers (Section 13.6) as deemed appropriate for the request.

- Recommend denial of the Planned Unit Development request.

  "…move to recommend denial of a Planned Unit Development located west of M-63 and southerly of the CSX Railroad property at Upton and Whitwam Drives with addresses of 215and 230 Upton Drive and located in the W Water Recreation District consisting of four parcels on 19.5-acres of land, requested by Harbor Shores Community Redevelopment, LLC to allow site improvements including a private street; development of 9 buildable areas creating 105 dwelling units, outdoor recreation area, a marina with 77 boat slips, surface parking and three future development sites along with a total of 35 specific waivers for the entire development and including individual buildable areas as found listed in the staff memorandum for the August 7, 2025 Planning Commission meeting and based on the fourteen page document prepared by Abonmarche and dated July 2025 as it does not meet the required standards under Sections 13.3.1 and 13.3.3 of the Zoning Ordinance, for the following reasons…"

- Continue the discussion to the next meeting to obtain additional information.

  "…to postpone further discussion until September 4, 2025 to obtain additional information."

ATTACHMENTS:

- Review of Buildable Areas P1-A through P1-G - Whitwam and Upton Drives (PDF)
- Inspection Department Comments - 215 230 Upton (PDF)
- Location Map - 215 230 Upton Drive (PDF)

- Zoning Map - 215 230 Upton Drive (PDF)
- Photographs - 215 230 Upton (PDF)
- Application - 215 230 Upton Drive (PDF)
- Exhibits - 215 230 Upton with engineering - 07222025 (PDF)

Review of Buildable Areas P1-A through P1-G (Sheets 5-13 through 8-13) – Whitwam/Upton Drives

P1-A – Sheet 5-13

This irregularly shaped 2.24-acre parcel will see only the easterly 0.84-acres being developed in phase I. The westerly 1.4-acres will be used for parking and contractor stagging during Phase I of the project. The 0.84-acre area will be used for outdoor recreation with three pickle-ball courts proposed along with a 20' x 12' shade pavilion and surface parking. It is anticipated other outdoor recreation activities will be taking place on the property.

The pickleball court area is 64' x 108' in size and will have a 10' fence on all four sides. Chapter 12 Fences, Section 12-7(e) states "A fence included as a customary component of a sports or recreation facility to define the area of play or to protect persons from injury resulting from the play of the sport is exempt from the height requirements of this changer to the extent necessary for the fence to serve its customary purpose. Examples of such fences include, but are not limited to, baseball or softball backstops and outfield fences and fences surrounding tennis courts. A fence which does not service the above purposes is subject to the normal regulations under this chapter.

There are 26 parking spaces, including two ADA spaces located on the north lot line. These parking spaces are intended to help meet the required parking for the marina. The parking stalls and driveway meet or exceed the minimum size of 9' x 18' for parking and 24' for drive-aisle width for two-way traffic. The curb cut onto Whitwam Drive is proposed at 26' and aligns with the emergency access alley to the south.

	W District	Proposed
Min. Lot Area:	N/A	2.24 (using 0.84-acres 36,590 sf only)
Min. Lot Depth:	N/A	0' – 156.6'
Min. Lot Width:	N/A	415.4'
Min. Front Setback:	15'	0' – 30.8'
Min. Rear Setback:	5'	+5'
Min. Street Side Setback:	5'	N/A
Min. Side (no residential):	7' or 0'	7'
Max. Building Height:	50'	not provided
Max. Lot Coverage:	50% (18,295sf)	0.66% (240 sf) based on 36,590 sf

Waivers associated with the development of P1-A include:

1. Decrease required front building setback from 15' to 0' beginning at the southeast corner of the pickleball court area along the south lot line.

Attachment: Review of Buildable Areas P1-A through P1-G - Whitwam and Upton Drives (10976 : Public Hearing - Harbor Shores Community

P1-B – Sheet 6-13

This irregularly shaped parcel is 1.04-acres (45,192 sf) and includes the land area found within the 26' wide alley. It is located near the far west of the development and at the southeast corner of the new street and Whitwam Drive. Vehicular access will be from the 26' wide alley. Based on the placement of the alley, there are three smaller buildable areas which the applicant is proposing a total of 14 dwelling units and one commercial space being 900 square feet in size.

There will be some dwelling units that will not face a street, rather a 6' wide public sidewalk located within a 20' easement that divides P1-B from P1-C. No construction is allowed within the easement area.

	W District	Proposed
Min. Lot Area:	N/A	1.04 (45,192 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15'	0' – private street and facing internal sidewalk
Min. Rear Setback:	5'	0'
Min. Street Side Setback:	5'	6' (Whitwam)
Min. Side (no residential):	7' or 0'	N/A
Max. Building Height:	50'	not to exceed 50'
Max. Lot Coverage[1]:	50% (22,596 sf)	61.7% (27,884 sf) – includes alley area
Clear Vision Area:	10' street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		14
Max. Commercial Space:		900 square feet
Min. Required Parking:	2 spaces per dwelling unit Table 18-1 dependent on use	2 spaces per unit within attached garage To be determined based on use
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the alley/private drive. If the 14 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that the proposed lot coverage number is lower because the land area of the alley is also included. If the land area of the alley was removed, the parcel size would decrease and the amount of lot coverage would increase while the proposed number of dwelling units remained the same.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%."

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25', rear 25' side 10), lot coverage of 50%, maximum building height of 60', minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-B include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0' (alley);
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 61.7% which includes land area of alley.

P1-C – Sheet 6-13

This irregularly shaped parcel is 1.55-acres (67,433 sf) and includes the land area found within the 26' wide alley. It is located between the two new street entrances on Whitwam with some building frontage on the new street and is across from the proposed pickleball courts. Vehicular access will be from the 26' wide alley. Based on the placement of the alley, there are three smaller buildable areas. The applicant is proposing a total of 21 dwelling units.

There will be some dwelling units that will not face a street, rather a 6' wide public sidewalk located within a 20' easement that divides P1-B from P1-C and then P1-C and P1-D along with west and east sides of the buildable area. No construction is allowed within the easement area.

	W District	Proposed
Min. Lot Area:	N/A	1.55 (67,433 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15'	0' – private street and facing internal sidewalk
Min. Rear Setback:	5'	0'
Min. Street Side Setback:	5'	6' (Whitwam)
Min. Side (no residential):	7' or 0'	N/A
Max. Building Height:	50'	not to exceed 50'
Max. Lot Coverage[1]:	50% (33,717 sf)	56.9% (38,370 sf) – includes alley area
Clear Vision Area:	10' street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		21
Min. Required Parking:	2 spaces per dwelling unit	2 spaces per unit within attached garage
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the alley/private drive. If the 21 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that the proposed lot coverage number is lower because the land area of the alley is also included. If the land area of the alley was removed, the parcel size would decrease and the amount of lot coverage would increase while the proposed number of dwelling units remained the same.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%."

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25', rear 25' side 10), lot coverage of 50%, maximum building height of 60', minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-C include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0';
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 56.9% which includes land area of alley.

P1-D – Sheet 7-13

This irregularly shaped parcel is 0.67-acres (29,189 sf) and includes the land area found within the 26' wide alley. It is located at east side of the development at the southwest corner of Whitwam and the new street. Vehicular access will be from the 26' wide alley. Based on the placement of the alley, there are two smaller buildable areas. The applicant is proposing a total of 9 dwelling units.

There will be some dwelling units that will not face a street, rather a 6' wide public sidewalk located within a 20' easement that divides then P1-C and P1-D (west buildable area line). No construction is allowed within the easement area.

	W District	Proposed
Min. Lot Area:	N/A	0.67 (29,189 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15'	0' – private street and facing internal sidewalk
Min. Rear Setback:	5'	0'
Min. Street Side Setback:	5'	6' (Whitwam)
Min. Side (no residential):	7' or 0'	N/A
Max. Building Height:	50'	not to exceed 50'
Max. Lot Coverage[1]:	50% (14,595 sf)	64.5% (18,827 sf) – includes alley area
Clear Vision Area:	10' street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		21
Min. Required Parking:	2 spaces per dwelling unit	2 spaces per unit within attached garage
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the alley/private drive. If the 9 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that the proposed lot coverage number is lower because the land area of the alley is also included. If the land area of the alley was removed, the parcel size would decrease and the amount of lot coverage would increase while the proposed number of dwelling units remained the same.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%."

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25', rear 25' side 10), lot coverage of 50%, maximum building height of 60', minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-D include:

1. Decrease required front building setback along the new street and internal walkway from 15' to 0';
2. Decrease required rear building setback from 5' to 0';
3. Decrease required side/street side setback where abutting alley from 5' to 0';
4. Decrease required minimum setback for mechanical equipment from 3' to 0' at rear lot line; and
5. Increase allowable lot coverage from 50% to 64.5% which includes land area of alley.

P1-E – Sheet 7-13

This irregularly shaped parcel is .68-acres (29,840 sf) and includes a small land area for five surface parking spaces along the south lot line. It is located at east side of the development at the southeast corner of Whitwam and the new street. Vehicular access will be from a shared driveway that provides access to other buildable areas and surface parking for some dwellings and the marina. It is unclear if the five parking spaces are for the public or will be associated with the buildings constructed on this parcel. Based on the drawings, there is no alley and one buildable area. The applicant is proposing a total of 21 dwelling units. Three units will be designed with two attached garage spaces. The remaining 18 units would be similar to a two-story duplex with one unit located above the lower unit. Each dwelling would have one enclosed parking space and the second required parking space would be located in the shared surface parking.

	W District	Proposed
Min. Lot Area:	N/A	0.68 (29,840 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15’	0’ – private street
Min. Rear Setback:	5’	0’
Min. Street Side Setback:	5’	0’ (Whitwam and south lot line)
Min. Side (no residential):	7’ or 0’	N/A
Max. Building Height:	50’	not to exceed 50’
Max. Lot Coverage[1]:	50% (14,920 sf)	63% (18,800 sf) – includes 5 surface parking spaces
Clear Vision Area:	10’ street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		21
Min. Required Parking:	2 spaces per dwelling unit	2 spaces/unit within attached garage (3 units)
		2 spaces/unit – 1 garage one surface (18 units)
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the five surface parking spaces. If the 21 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that surface parking does not count toward lot coverage.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%.”

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25’, rear 25’ side 10), lot coverage of 50%, maximum building height of 60’, minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-E include:

1. Decrease required front building setback along the new street from 15’ to 0’;
2. Decrease required rear building setback from 5’ to 0’ (shared drive); and
3. Decrease required side/street side setback where abutting alley or Whitwam from 5’ to 0’;
4. Decrease required minimum setback for mechanical equipment from 3’ to 0’ at rear lot line; and
5. Increase allowable lot coverage from 50% to 63% which includes 5 surface parking spaces.

Attachment: Review of Buildable Areas P1-A through P1-G - Whitwam and Upton Drives (10976 : Public Hearing - Harbor Shores Community

P1-F – Sheet 8-13

This irregularly shaped parcel is 1.55-acres (39,039 sf) and includes a small land area for six surface parking spaces along the south lot line. It is unclear if the six parking spaces are for the public or will be associated with the buildings constructed on this parcel. It is located at east side of the development on the east side of the new street. Vehicular access will be from a shared driveway located to the north and south of the buildable area that provides access to other buildable areas and surface parking for some dwellings and the marina. Based on the drawings, there is no alley and one buildable area. The applicant is proposing a total of 14 dwelling units and each unit will have garage space for two vehicles.

	W District	Proposed
Min. Lot Area:	N/A	1.55 (39,039 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15’	0’ – private street
Min. Rear Setback:	5’	0’ – shared parking area
Min. Street Side Setback:	5’	0’ (north and south buildable area line)
Min. Side (no residential):	7’ or 0’	N/A
Max. Building Height:	50’	not to exceed 50’
Max. Lot Coverage[1]:	50% (19,520)	62.13% (24,255 sf) includes 5 surface parking spaces
Clear Vision Area:	10’ street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		14
Min. Required Parking:	2 spaces per dwelling unit	2 spaces/unit within attached garage
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the six surface parking spaces. If the 14 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that surface parking does not count toward lot coverage.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%.”

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25’, rear 25’ side 10), lot coverage of 50%, maximum building height of 60’, minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-D include:

1. Decrease required front building setback along the new street 15’ to 0’;
2. Decrease required rear building setback from 5’ to 0’;
3. Decrease required street side setback from 5’ to 0’ where abutting driveway to shared parking;
4. Decrease required minimum setback for mechanical equipment from 3’ to 0’ at rear lot line; and
5. Increase allowable lot coverage from 50% to 62.13% which includes 6 surface parking spaces.

Attachment: Review of Buildable Areas P1-A through P1-G - Whitwam and Upton Drives (10976 : Public Hearing - Harbor Shores Community

P1-G – Sheet 8-13

This irregularly shaped parcel is 1.07-acres (46,570 sf) and includes a 29 surface parking spaces and associated drive aisles. It is located at east side of the development on the east side of the new street. Vehicular access will be from a shared driveway located to the north of the buildable area that provides access to other buildable areas and surface parking for some dwellings and the marina. The applicant is proposing a total of 6 townhome style dwelling units, each having garage space for two vehicles. A 20-unit condominium/loft building is also being proposed which will have one shared entrance to dwellings.

	W District	Proposed
Min. Lot Area:	N/A	1.07-acres (46,570 sf)
Min. Lot Depth:	N/A	irregular
Min. Lot Width:	N/A	irregular
Min. Front Setback:	15’	0’ – private street and south buildable area line
Min. Rear Setback:	5’	0’ – shared parking area
Min. Street Side Setback:	5’	0’ (north buildable area line)
Min. Side (no residential):	7’ or 0’	N/A
Max. Building Height:	50’	50’ and increase to 60’ for loft building
Max. Lot Coverage[1]:	50% (23,285)	57.64% (26,843 sf) includes 29 surface parking spaces
Clear Vision Area:	10’ street/alley intersections	must comply with
Max. Number Dwelling Units[2]:		26
Min. Required Parking:	2 spaces per dwelling unit 1.25/multiple family dwelling unit	2 spaces/unit within attached garage 20@1.25 - 25
Min. Building Separation:	Building Code	Will need to comply with Building Code

[1]The applicant has calculated the allowable and proposed lot coverage based on the lot area which includes the land area associated with the 29 surface parking spaces and drive aisle access. If the 26 dwelling units are not constructed at one time, the developer, builder and city staff will need to go back and include the building area of earlier buildings to confirm that maximum lot coverage is not exceeded. Please note, that surface parking does not count toward lot coverage.

[2]Section 13.3.1.D states …A PUD including a residential use and located in a district other than a residential district may not exceed the number of dwelling units permitted for that parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as setbacks, minimum dwelling unit sizes, and required access to streets, by more than 20%.”

Review of Table 5-1 finds the R3 District requires a minimum lot size of 6,000 sf, with a minimum living area of 400 or 800 sf depending on the type of dwelling. There are no regulations for maximum density (such as 20 units per acre). The number of dwelling units cannot be easily determined by just review of the R3 District requirements which have setbacks (front – 25’, rear 25’ side 10), lot coverage of 50%, maximum building height of 60’, minimum dwelling size of 400 sf and parking requirements of 1.25 space per unit. The 6,000 sf is not required for each dwelling unit rather a minimum for the parcel of land.

Waivers associated with the development of P1-G include:

1. Decrease required front building setback along the new street and south buildable area line 15’ to 0’;
2. Decrease required rear building setback from 5’ to 0’;
3. Decrease required street side setback from 5’ to 0’ where abutting driveway to shared parking;
4. Decrease required minimum setback for mechanical equipment from 3’ to 0’ at rear lot line;
5. Increase allowable height from 50’ to 60’ for 20-unit condominium/loft building; and
6. Increase allowable lot coverage from 50% to 57.64% which includes land area of surface parking.

Attachment: Review of Buildable Areas P1-A through P1-G - Whitwam and Upton Drives (10976 : Public Hearing - Harbor Shores Community

CITY OF ST. JOSEPH
INSPECTION DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269) 983-1212
www.sjcity.com
inspections@sjcity.com

MEMO

TO: Kristen Gundersen, Community Development/Zoning Administrator
FROM: Trudy Wilder, Building Official
DATE: 7-15-25
RE: PUD application for Parcel 2 – Name to be selected later - by Harbor Shores Community Redevelopment, LLC

The Building Inspection Department Inspectors met with Brian Kazmierzak, EFO, from Kaz Fire Inc., to review the plans submitted for the PUD proposal received 7-14-25.

Encroachments into easement areas are not clear and to be addressed.

As part of the permitting process, fire separation distances and building codes, including penetrations, will be addressed. Since property lines are to be determined, definite building/fire concerns are to be addressed.

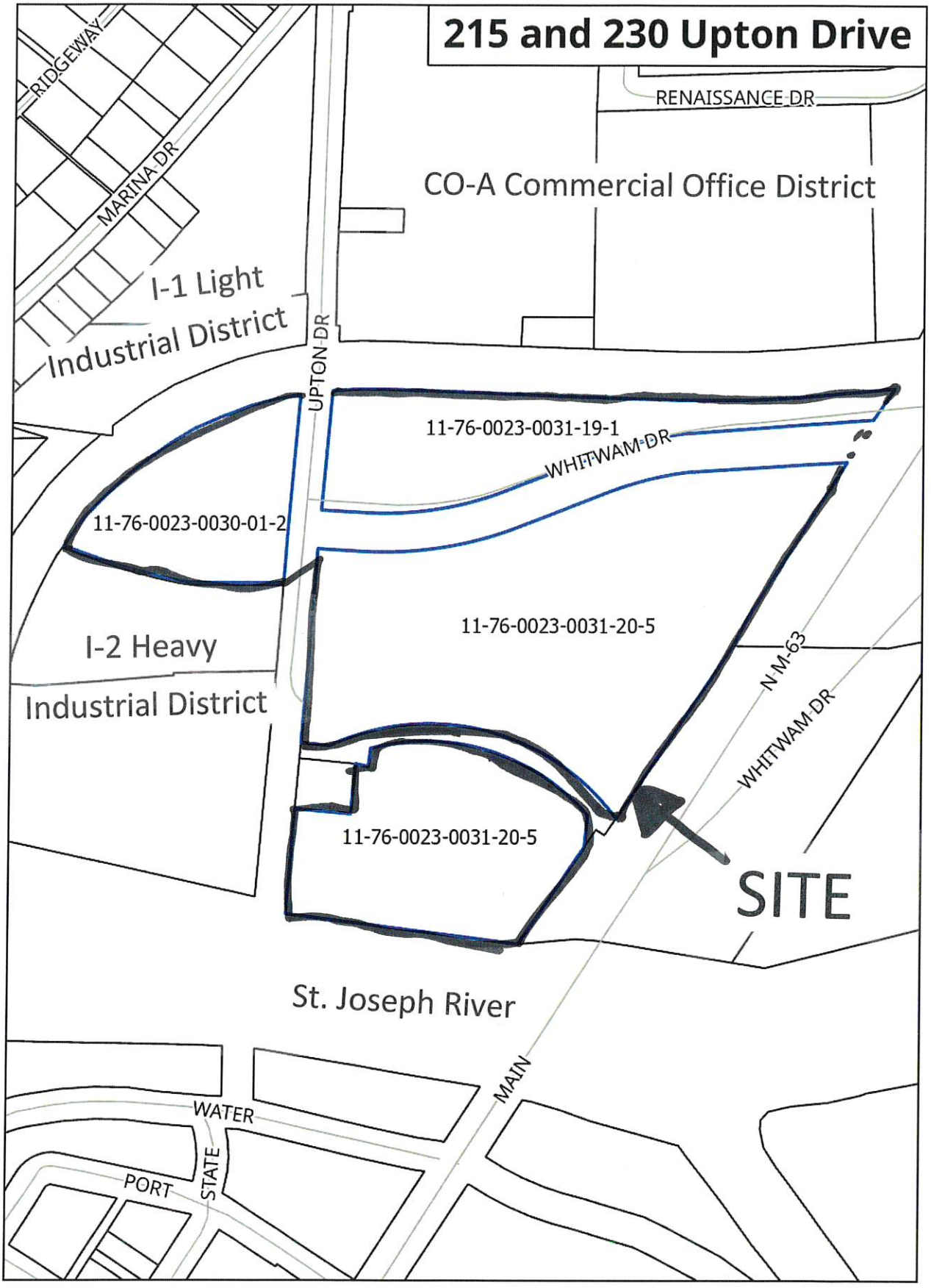
Also of concern, in addition with Engineering, and other departments, would be the accessibility of fire hydrants, and dry standpipes, especially in the marina area.

The turning radius on the east end in a "hair-pin" configuration appears to be too narrow. Without definite dimensions on the plan, we acknowledge review will be needed in many areas, and look forward to working with the developers.

Attachment: Inspection Department Comments - 215 230 Upton (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)



Attachment: Location Map - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)



Attachment: Zoning Map - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

215 230 Upton Drive



View looking south from Whitwam Drive



View looking west from Whitwam Drive



View looking east from Whitwam and Upton Drives

Attachment: Photographs - 215 230 Upton (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)



View looking southeast from Paddler Park



View looking west from Whitwam and Upton Drives



View looking west from Whitwam



View looking east from Upton

Attachment: Photographs - 215 230 Upton (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
Fax (269) 985-0347
www.sjcity.com

PLANNED UNIT DEVELOPMENT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address: WHITWAM DRIVE ST JOSEPH MI

Project Name: PARCEL 2 - NAME TO BE SELECTED LATER

Property Code Number (Tax Number): 11-76-0023-0031-20-5, 0023-0031-19-1, 0023-0030-01-2

Briefly Explain Request: Phase I of Parcel 2 development to allow residential units, marina and amenities to be constructed to complete a first class development.

Applicable Section of Zoning Code for Request: Table 4-1 Waterfront Sales and Services

Previous Approvals Granted to Property: N/A

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: Chris Cook

Relationship to Property Owner: Managing Director

Mailing Address: 260 Cavelier Ave. Drive

City: St. Joseph State: MI Zip Code: 49085

Telephone Number: 269-876-9290 Emergency Number: 269-876-9288

E-mail Address: ccook@harborshoresresort.com

Attachment: Application - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

Name of Property Owner: Harbor Shores Community Redevelopment, LLC

Mailing Address: 260 Cavelier Avenue

City: St. Joseph State: MI Zip Code: 49085

Telephone Number: 269-876-9290 Emergency Number: 269-876-9288

E-mail Address: ccook@harborshoresresort.com

Attorney: Nicolas M Morano

Mailing Address: 281 Seminole 2nd Floor

City: Norton Shores State: MI Zip Code: 49444

Telephone Number: 231-291-0109 E-mail Address: nicolas@ggtmlaw.com

Engineer and/or Architect: Abonmarche

Mailing Address: 95 West Main Street

City: Benton Harbor State: MI Zip Code: 49022

Telephone Number: 269-927-2295 E-mail Address: tdrews@abonmarche.com

Site Information

General description or characteristics of the site: A total of 21.41 acres on 3 vacant parcels adjacent to the St Joseph River with City of St Joseph easement for public access along waterfront.

Master Plan Designation: Waterfront Mixed Use

Existing Zoning and Land Use: W - Water Recreation District

Proposed Land Use: Residential and mixed use commercial

Existing square footage of property: Overall Phase 1 Development 604,004.8 sft 13.866 AC

Proposed square footage of property: same

Existing square footage of all buildings on the property: none

Proposed square footage of all buildings on the property: 293,681 sft

Is the property located in any of the following overlay districts?

Downtown Height Overlay District (Section 9.4)?	Yes: ____	No: x
Lake Bluff Scenic View Protection Overlay District (Section 9.5)?	Yes: ____	No: x
Floodplain Overlay District (Section 9.6)?	Yes: ____	No: x
Edgewater Beach Overlay District (Section 9.7)?	Yes: ____	No: x
Main Street Overlay District (Section 9.8)?	Yes: ____	No: x

Attachment: Application - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

Existing land use and zoning of adjacent parcels:

North: Railroad and CO-A

South: St. Joseph River

East: M-63 and W

West: Waterfront and Heavy Industrial and Railroad

Review objectives, requirements and standards that must be met in order for a Planned Unit Development to be approved. The following questions/statements must be answered.

Planned Unit Development Objectives

Section 13.2: Objectives states: For a proposed PUD located in a District other than the W Water Recreation District, the Applicant shall demonstrate that approval of the PUD would result in a recognizable and substantial benefit to the community that could not be achieved under the normal regulations of the District, in one or more of the following areas:

A. To provide more desirable living, shopping and working environments by preserving as much of the natural character of the property as possible, including but not limited to, open space, stands of trees, brooks, ponds, river and lake Shorelines, floodplains, hills, and similar natural assets.

The natural characteristics of the site will be enhanced with the addition of a public accessible route along the waterfront which will tie in to Paddler's Park and future proposed to provide a connection under the M-63 bridge to connect to the existing trail system and existing waterfront trail that runs along the river and basin south of Harbor Village.

The existing site has old foundations from previous factory use and very little desirable natural assets other than the waterfront.

B. To encourage the provision of open space and the development of recreational and other common facilities in a generally central location within reasonable distance of all living units. Developments having water frontage should be so designed to preserve public vistas where possible.

The layout of all amenities and buildings will be designed to maximize the views of the water. The area immediately in front of the marina will have limited building development to provide vistas of the new marina, riverfront and across the river to the scenic view of downtown St. Joseph, the Howard Bandshell and the arboretum and riverfront amenities along the south bank of the St. Joseph River

C. The long-term protection and/or preservation of natural resources and natural features and/or historical and/or architectural features of a significant quantity and/or quality in need of protection or preservation on a local, state and/or national basis.

The existing natural features include the St Joseph River and Shoreline. The proposed marina maintains a soft shoreline.

The development maintains public access to both the river and Paddler's Park and preserves the natural existing features.

There are no historical or architectural features to preserve.

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D. Reducing to a significant extent the Nonconformity of a Nonconforming Use, Building or Structure, i.e., modification of a Nonconforming Use or Structure so that, to a significant extent, it is rendered more conforming, or less offensive, to the zoning District in which it is situated.

This development is located within the Water Recreation and does not include nonconforming uses as the development will be new and meet all requirements.

E. The provision of additional amenities which would not otherwise be provided in a conventional development, including but not limited to more usable open space.

The proposed marina and public walkway along the waterfront is not typical of most developments. The architecture of the buildings and landscape will reflect the characteristics associated with waterfront living and the loop drive will provide vistas of the waterfront. The proposed future extension of the trail system under M-63 and the development of the multi-use trail on the south side of Whitwam Drive to tie in to the existing non motorized trail system along Upton Drive will provide walkability and connectivity. Space for lawn games will be included in P1-F and pickleball courts will be provided in the area north of Whitwam P1-A

F. To promote the efficient Use of land to facilitate a more economic arrangement of Buildings, circulation systems, land uses, and utilities.

The placement of the buildings will provide an efficient use of the land and limit driveways and vehicular circulation systems as well as the utility requirements.

G. To combine and coordinate architectural styles, Building forms, and Building relationships within the PUD.

All building structures within the Parcel 2 development will be compatible in building form and relationship and provide a visually cohesive and aesthetic appearance.

Planned Unit Development General Minimum Requirements

SECTION 13.3 GENERAL 13.3.1 Minimum Requirements:

A. PUDs are permitted in all Districts.
What Zoning District is the property located in: Water Recreation

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B. A PUD must be primarily composed of Authorized Uses and Uses designated in Section 4.6.3, Section 4.6.6, or Section 4.6.5 as "PUD" for the District in which the proposed PUD would be located. Any other Uses included in a PUD must be clearly incidental to and in support of these Authorized Uses and "PUD" Uses.

State how the proposed use is permitted in the existing Zoning District: _____

Residential and commercial mixed use are approved uses within the waterfront recreation district

C. The dimensions of Lots, Structures, height, Yard, Setback and Lot Coverage requirements, as established in the District, may be modified by an approved PUD permit.

Is this information stated on the Site Plan? Yes: x No: _____

Is this information included in the Site Plan Application? Yes: x No: _____

Buildable areas are designated and all requested setbacks are indicated on the site plan

D. A PUD including a residential Use and located in a residential District may not exceed the number of Dwelling Units otherwise allowed for that Parcel in that District, considering all District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%). A PUD including a residential Use and located in a District other than a residential District may not exceed the number of Dwelling Units permitted for that Parcel, if that parcel were located in an R3 District, considering all R3 District regulations such as Setbacks, minimum Dwelling Unit sizes, and required access to Streets, by more than twenty percent (20%).

Calculate the number of allowed residential units: N/A

E. In the case of a mixed-use PUD which includes a Permitted Use in the zoning District, a Building devoted primarily to such a Use must be built before or concurrently with any Building devoted primarily to any other Use. If there is no Building devoted primarily to a Permitted Use, a Building including a Permitted Use must be built before or concurrently with any Building that does not include such a Use.

Do you understand and agree to this statement? Yes: x No: _____

F. For a PUD located in a District other than the W Water Recreation District, not less than twenty percent (20%) of the area of a PUD must be undeveloped open space. Required yards, landscaping, rights-of-way and other similar features otherwise required in the Zoning District do not count toward this open space requirement. This open space must consist of areas that are:

1. Contiguous and uninterrupted by Structures, Driveways and other features.
2. Significant in size when considered in relation to the PUD area.
3. Used only for landscaping, lawn, playfield, natural area or other similar uses.

Calculate the amount of open space required: Not applicable in the W Water Recreation District

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G. A PUD must be designed as a single development and shall be at least fifty percent (50%) completed within two (2) years, unless otherwise stated in the approved PUD permit.
Do you understand and agree to this statement? Yes: x No: _____
Proposed completion date of project: 12/31/2035

Planned Unit Development Eligibility Requirements

13.3.2 Eligibility Requirements:

A. W Water Recreation District. No PUD located in the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal, that the land Use and development meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that the PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

Provides desirable living, dining and recreational uses while preserving the waterfront views and vistas and providing connectivity to city parks and amenities

The proposed layout minimizes utilties, driveways and vehicular circulation and will promote walkability. The PUD will remain under the control of Harbor Shores Community Redevelopment, LLC

The three parcels are all adjacent to each other, separated by existing roads (Whitwam Drive and Upton Drive).

B. Other Districts. No PUD located in a District other than the W Water Recreation District shall be approved unless the Applicant demonstrates, through written submittal that the land Use and development substantially advances objectives described in Section 13.2,and meets the eligibility requirements and the standards set forth in this Ordinance, and in addition that:

1. The PUD shall result in a recognizable and substantial benefit to the ultimate users of the project and to the City of St. Joseph. Such benefit must otherwise be unfeasible or unlikely to be achieved by development under a single zoning District taking into consideration the reasonably foreseeable detriments of the proposed development and use(s).

N/A Located within the Water Recreation District

2. The PUD shall remain under the control or authority of a single individual, corporate or organizational Owner who is authorized to administer the PUD. Noncontiguous Parcels may be considered where other benefits to the public are sufficiently great to warrant such consideration in the opinion of the City Commission as provided in MCL 15.584b.

The PUD will remain under the control of Harbor Shores Community Redevelopment, LLC

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Medical Service Establishments, Large, Social Institutions and Bed and Breakfast Establishments (in the W Water Recreation District) are required to respond to Section 13.3.3 Special Standards for Specific Uses in writing as an attachment to this application.

A. Additional Requirements for Medical Service Establishments, Large and Social Institutions.
B. Additional Requirements for Bed and Breakfast Establishments

Planned Unit Development General Standards

13.6.1 General Standards: The Planning Commission and the City Commission, in their respective hearings, shall review the particular circumstances of the PUD application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a PUD only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this Ordinance:

A. The PUD shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

All development will be designed to enhance the natural beauty of the waterfront and surrounding area and will significantly improve the parcel from a vacant lot to a vibrant gathering area along the waterfront with walkability and connectivity to other city amenities.

B. The PUD shall be designed in a manner to ensure healthful living conditions and adequate light, air, and accessibility for fire and police protection for the inhabitants and users of the development as well as adjacent City residents.

All roads are designed to provide access to fire and police with adequate clearances and the loop road system provides an easily navigable road system to ensure healthful living conditions and accessibility to all users.

C. The PUD shall be consistent with the intent of the Comprehensive Plan.

The PUD is consistent with the intent of the Comprehensive plan to provide a mix of residential, commercial, entertainment and lodging compatible in a waterfront setting while maintaining public access to the St Joseph River

D. The PUD shall not change the essential character of the surrounding area.

The development will enhance the surrounding area and provide additional services and amenities and recreational opportunities.

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E. The PUD shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the planned use.

The development will not be detrimental to the health safety or welfare of the persons or properties.

And will not produce excessive traffic, noise smoke, fumes, ground vibration, water runoff, odors, light glare etc It will provide additional amenities,

services and walkability.

F. The PUD shall not place demands on public services and facilities in excess of current capacity, unless planned Improvements have already been scheduled for completion.

The demands on public services and facilities can be easily served by existing facilities.

G. The PUD shall be designed to preserve public vistas and existing important natural, historical, and architectural features of significance within the development.

The view to the marina and waterfront will be maintained through a view shed enframed by the buildings and trees to provide a scenic view of the marina and waterfront.

H. The PUD shall be designed so that its pedestrian, non-motorized and automobile circulation systems are safely and conveniently integrated with those of abutting property and any linear trail or Park systems.

The development will continue the linear trail systems as part of the JKP mitigation plan and provide a new multi use trail

connection along Whitwam while minimizing the vehicular pedestrian conflicts with limited drive access points vs a driveway for each residence.

I. The PUD shall provide that vehicular and pedestrian traffic within the site shall be safe and convenient and that parking layout will not adversely affect the flow of traffic within the site or to and from the adjacent Streets. Safe and adequate access for emergency vehicles and adequate space for turning around shall be provided.

Parking is provided within garage units for most residential units and the proposed vehicular circulation shall be safe and convenient around the loop road system

with limited drive and intersection and adequate widths and radii for movement of emergency vehicles.

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J. The PUD shall not result in any greater stormwater runoff to adjacent property after development, than before.

All areas are designed with utilities and proper storm and sewer per City engineering standards.

K. The design of the PUD shall exhibit a reasonable harmonious relationship between the location of Buildings on the site relative to Buildings on lands in the surrounding area; and there shall be a reasonable architectural and functional compatibility between all Structures on the site and Structures within the surrounding area. It is not intended that contrasts in architectural design and Use of façade materials is to be discouraged, but care shall be taken so that any such contrasts will not be so out of character with existing Building designs and façade materials so as to create an adverse effect on the stability and value of the surrounding area.

The design of the PUD shall be harmonious with the site and the hotel on the other side of M-63 and other building structures within the surrounding area.

L. The design of the PUD shall ensure that outdoor storage of garbage and refuse is contained, screened from view, and located so as not to be a Nuisance to the subject property or neighboring properties.

Refuse will be located within contained locations and will not be a nuisance to the property or neighboring properties.

M. The PUD shall be designed such that phases of development are in a logical sequence, so that any one phase will not depend upon a subsequent phase for adequate access, Public Utility services, drainage or erosion control.

All infrastructure and building development will take place in a logical sequence. This phase is not dependent upon future phases.

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N. The Applicant shall be in substantial compliance with any previously issued Zoning Permits and shall not otherwise be disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

No previously issued zoning permits for this site under this owner.

Planned Unit Development Waivers

13.6.3 Waiver of Planned Unit Development Standards: The City Commission, following the recommendation of the Planning Commission, may waive any of the standards for a PUD contained in this Article or other relevant standard in this Ordinance where all of the following findings are documented along with the rationale for the decision:

A. No substantial public purpose will be achieved by requiring conformance with the standards sought by the Applicant to be waived.

Yes

B. The spirit and intent of the PUD provisions will still be achieved and no significant increase in density or intensity of use, or of mass of Buildings or Structures, or of traffic will be generated beyond the amount that would be permitted without this waiver.

Yes the request for increase in density for buildable areas will be offset by the overall additional recreational and amenities generated

C. No Nuisance will be created.

No Nuisance

D. List of Waivers requested. (Example Table 5-1 W District lot coverage 50% to 52%)

Please see attached list of requested waivers

Attachment: Application - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

PLANNED UNIT DEVELOPMENT (PUD) APPLICATION CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;

B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;

C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;

D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;

E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and

F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the 14th, day of July, 2025, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Christopher J. Cook
Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN
To before me this 14th day of July, 2025

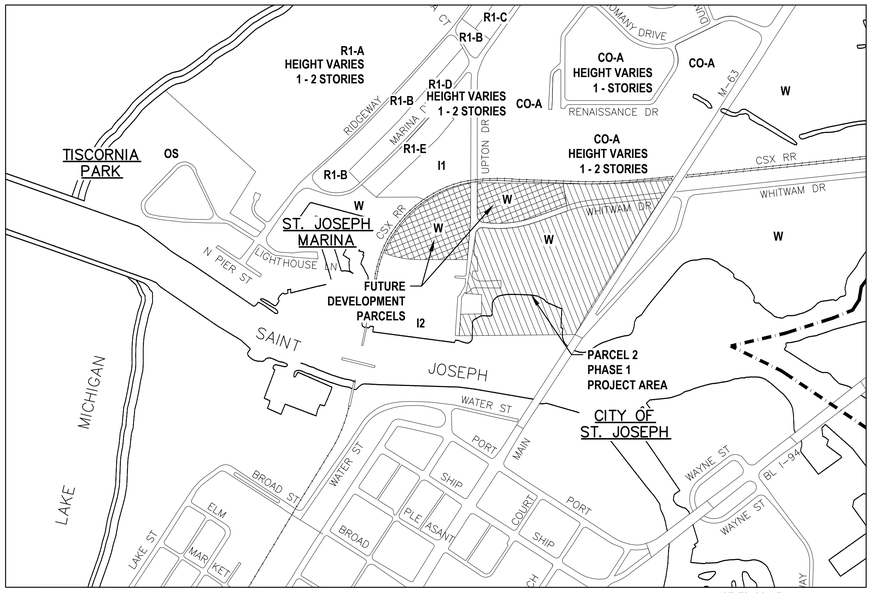
Catherine A. Wall
Notary Public CATHERINE A. WALL
Notary Public, Berrien County, MI
My Comm. Expires Nov. 5, 2025

OFFICIAL CITY USE: Date Received: _____ Fee: _____
Completed: PUD Application: _____ Site Plan Review Application: _____ Other: _____

Attachment: Application - 215 230 Upton Drive (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

INDEX OF SHEETS	
SHT NO.	DESCRIPTION
1	TITLE SHEET
2	BOUNDARY SURVEY
3	EXISTING CONDITIONS
4	SCHEMATIC OVERALL SITE PLAN
5	ENLARGED P1–A
6	ENLARGED P1–B AND C
7	ENLARGED P1–D AND E
8	ENLARGED P1–F AND G
9	OVERALL UTILITIES PLAN
10	SANITARY SEWER PLAN
11	STORM SEWER PLAN
12	WATER MAIN PLAN
13	MARINA PLAN

HARBOR SHORES
PARCEL 2 - PHASE I
WHITWAM DRIVE
PLANNED UNIT DEVELOPMENT
SITE PLAN REVIEW



NOT TO SCALE

SITE VICINITY MAP & ZONING CLASSIFICATION

RESIDENTIAL DISTRICTS:
- R1-A
- R1-B
- R1-C
- R1-D
- R1-E

OTHER ADJACENT DISTRICTS:
- C - COMMERCIAL BUSINESS DISTRICT
- CO-A - COMMERCIAL OFFICE DISTRICT
- I1 - LIGHT INDUSTRIAL DISTRICT
- I2 - HEAVY INDUSTRIAL DISTRICT
- OS - OPEN SPACE DISTRICT
- W - WATER RECREATION DISTRICT

DEVELOPER/OWNER:

HARBOR SHORES COMMUNITY REDEVELOPMENT
800 WHITWAM DRIVE
ST. JOSEPH, MI 49022



COUNTY KEY

NOT TO SCALE

LOCAL UTILITIES

GAS:
MICHIGAN GAS
711 STARLITE DRIVE
BENTON HARBOR, MI 49022
(269) 605–2188
KELLY BAUER

ELECTRIC:
I&M
2425 MEADOWBROOK
BENTON HARBOR, MI 49022
(269) 926–0683
KURT SCHNEIDER

TELEPHONE:
AT&T
1435 MILTON STREET
BENTON HARBOR, MI 49022
(269) 926–0232
CHRIS O'BRIEN

SEWER & WATER
CITY OF ST. JOSEPH
1160 BROAD STREET
ST. JOSEPH, MI 49085
(269) 983–6341
DAVID LINDERMAN

CABLE:
COMCAST
1920 McKINLEY AVE.
MISHAWAKA, INDIANA, 46545
(847) 789–1039
JAY CASTELLO

CALL MISS DIG

1–800–482–7171 OR 811

FOR PROTECTION OF THE UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF THREE FULL WORKING DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS PRIOR TO BEGINNING CONSTRUCTION OPERATIONS. MEMBERS WILL THUS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE PART OF THE ''MISS DIG'' ALERT SYSTEM.

811 Know what's **below.** **Call** before you dig.

ABONMARCHE
Engineering · Architecture · Land Surveying

DATE: **JULY 2025**

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1 OF 13 PARCEL 2
HARBOR SHORES
PROJECT #22-0197-15

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

O:\Projects\2022\22-0197-15 Harbor Shores Parcel 2\CAD_Civil Drawings\22-0197-TL.dwg, TL, 7/17/2025 8:47:48 PM, dlarose, 1:1

CERTIFICATE OF SURVEY

THE UNDERSIGNED, A LICENSED PROFESSIONAL SURVEYOR IN MICHIGAN, CERTIFIES THAT THIS DRAWING IS AN ACCURATE REPRESENTATION OF A BOUNDARY SURVEY PERFORMED UNDER MY DIRECTION FOR THE FOLLOWING DESCRIBED PARCEL OF LAND:

PARCEL 1:
THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 19 WEST, CITY OF ST. JOSEPH, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 16 MINUTES 59 SECONDS WEST, ON THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1139.87 FEET (DEEDED 1139.4 FEET) TO THE EAST RIGHT OF WAY LINE OF UPTON DRIVE; THENCE SOUTH 04 DEGREES 47 MINUTES 13 SECONDS WEST (DEEDED SOUTH 03 DEGREES 48 MINUTES 49 SECONDS WEST), ON SAID EAST RIGHT OF WAY LINE, 126.29 FEET TO A POINT ON THE SOUTH RIGHT OF WAY LINE OF THE CSX RAILROAD AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE EASTERLY 218.24 FEET ON SAID SOUTH RIGHT OF WAY LINE AND ON A 3983.32 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 89 DEGREES 18 MINUTES 46 SECONDS EAST 218.22 FEET; THENCE SOUTH 87 DEGREES 44 MINUTES 36 SECONDS EAST, ON SAID SOUTH RIGHT OF WAY LINE, 351.00 FEET; THENCE EASTERLY 568.84 FEET ON SAID SOUTH RIGHT OF WAY LINE AND ON A 4251.56 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 88 DEGREES 25 MINUTES 26 SECONDS EAST 568.42 FEET TO THE INTERSECTION OF SAID SOUTH RIGHT OF WAY LINE WITH THE NORTHERLY RIGHT OF WAY LINE OF WHITWAM DRIVE AMD THE WESTERLY RIGHT OF WAY LINE OF MICHIGAN HIGHWAY 63; THENCE SOUTH 84 DEGREES 08 MINUTES 04 SECONDS WEST (DEEDED SOUTH 82 DEGREES 42 MINUTES 16 SECONDS WEST), ON SAID NORTHERLY RIGHT OF WAY LINE, 395.46 FEET (DEEDED 395.56 FEET); THENCE SOUTHWESTERLY 190.31 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 790.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 77 DEGREES 19 MINUTES 18 SECONDS WEST (DEEDED SOUTH 75 DEGREES 48 MINUTES 11 SECONDS WEST) 189.85 FEET; THENCE SOUTH 70 DEGREES 19 MINUTES 54 SECONDS WEST (DEEDED SOUTH 68 DEGREES 54 MINUTES 06 SECONDS WEST), ON SAID NORTHERLY RIGHT OF WAY LINE, 198.64 FEET; THENCE SOUTHWESTERLY 302.09 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 710.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS SOUTH 81 DEGREES 02 MINUTES 27 SECONDS WEST 299.82 FEET; THENCE NORTH 85 DEGREES 17 MINUTES 23 SECONDS WEST (DEEDED NORTH 86 DEGREES 43 MINUTES 11 SECONDS WEST), ON SAID NORTHERLY RIGHT OF WAY LINE, 89.69 FEET (DEEDED 89.39 FEET) TO SAID EASTERLY RIGHT OF WAY LINE OF UPTON DRIVE; THENCE NORTH 04 DEGREES 47 MINUTES 13 SECONDS EAST (DEEDED NORTH 03 DEGREES 48 MINUTES 49 SECONDS EAST), ON SAID EAST RIGHT OF WAY LINE, 182.04 FEET TO THE POINT OF BEGINNING.

PARCEL 2:
ALSO THAT PART OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 4 SOUTH, RANGE 19 WEST, CITY OF ST. JOSEPH, BERRIEN COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 23; THENCE NORTH 89 DEGREES 16 MINUTES 59 SECONDS WEST, ON THE NORTH LINE OF SAID SECTION 23, A DISTANCE OF 1139.87 FEET (DEEDED 1139.4 FEET) TO THE EAST RIGHT OF WAY LINE OF UPTON DRIVE; THENCE SOUTH 04 DEGREES 47 MINUTES 13 SECONDS WEST (DEEDED SOUTH 03 DEGREES 48 MINUTES 49 SECONDS WEST), ON SAID EAST RIGHT OF WAY LINE 388.33 FEET TO THE INTERSECTION OF SAID EAST RIGHT OF WAY LINE WITH THE SOUTHERLY RIGHT OF WAY LINE OF WHITWAM DRIVE AND THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED; THENCE SOUTH 85 DEGREES 17 MINUTES 23 SECONDS EAST (DEEDED SOUTH 86 DEGREES 43 MINUTES 11 SECONDS EAST), ON SAID SOUTHERLY RIGHT OF WAY LINE, 89.80 FEET (DEEDED 89.57 FEET); THENCE NORTHEASTERLY 336.14 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE AND ON A 790.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 82 DEGREES 31 MINUTES 16 SECONDS EAST (DEEDED NORTH 81 DEGREES 05 MINUTES 27 SECONDS EAST) 333.61 FEET; THENCE NORTH 70 DEGREES 19 MINUTES 54 SECONDS EAST (DEEDED NORTH 68 DEGREES 54 MINUTES 06 SECONDS EAST), ON SAID SOUTHERLY RIGHT OF WAY LINE, 198.64 FEET; THENCE NORTHEASTERLY 171.04 FEET ON SAID SOUTHERLY RIGHT OF WAY LINE AND ON A 710.00 FOOT RADIUS CURVE TO THE RIGHT WHOSE CHORD BEARS NORTH 77 DEGREES 19 MINUTES 54 SECONDS EAST (DEEDED NORTH 75 DEGREES 54 MINUTES 06 SECONDS EAST) 170.63 FEET; THENCE NORTH 84 DEGREES 08 MINUTES 04 SECONDS EAST (DEEDED NORTH 82 DEGREES 42 MINUTES 16 SECONDS EAST) 331.06 FEET TO THE INTERSECTION OF SAID SOUTHERLY RIGHT OF WAY LINE WITH THE WESTERLY RIGHT OF WAY LINE OF MICHIGAN HIGHWAY 63: THENCE SOUTH 32 DEGREES 58 MINUTES 14 SECONDS WEST (DEEDED SOUTH 32 DEGREES 57 MINUTES 43 SECONDS WEST), ON SAID WESTERLY RIGHT OF WAY LINE, 950.56 FEET; THENCE NORTH 57 DEGREES 01 MINUTES 46 SECONDS WEST (DEEDED NORTH 57 DEGREES 02 MINUTES 17 SECONDS WEST), ON SAID WESTERLY RIGHT OF WAY LINE, 15.49 FEET (DEEDED 20.98 FEET); THENCE SOUTH 32 DEGREES 58 MINUTES 14 SECONDS WEST, ON SAID WESTERLY RIGHT OF WAY LINE, 278.99 FEET; THENCE NORTH 82 DEGREES 09 MINUTES 07 SECONDS WEST 491.23 FEET (DEEDED NORTH 83 DEGREES 04 MINUTES WEST 491.25 FEET) TO SAID EAST RIGHT OF WAY LINE OF UPTON DRIVE; THENCE NORTH 04 DEGREES 47 MINUTES 13 SECONDS EAST (DEEDED NORTH 03 DEGREES 48 MINUTES 49 SECONDS EAST), ON SAID EAST RIGHT OF WAY LINE, 203.42 FEET (DEEDED 203.38 FEET); THENCE SOUTH 85 DEGREES 12 MINUTES 47 SECONDS EAST (DEEDED SOUTH 86 DEGREES 11 MINUTES 11 SECONDS EAST), PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 115.25 FEET (DEEDED 116 FEET); THENCE NORTH 04 DEGREES 47 MINUTES13 SECONDS EAST (DEEDED NORTH 03 DEGREES 48 MINUTES 49 SECONDS EAST), PARALLEL WITH SAID EAST RIGHT OF WAY LINE, 104.00 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 47 SECONDS WEST (DEEDED NORTH 86 DEGREES 11 MINUTES 11 SECONDS WEST), PERPENDICULAR TO SAID EAST RIGHT OF WAY LINE, 115.25 FEET TO SAID EAST RIGHT OF WAY LINE; THENCE NORTH 04 DEGREES 47 MINUTES 13 SECONDS EAST (DEEDED NORTH 03 DEGREES 48 MINUTES 49 SECONDS EAST), ON SAID EAST RIGHT OF WAY LINE, 476.96 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM COMMENCING AT THE NORTHEAST QUARTER CORNER OF SAID SECTION; THENCE NORTH 89 DEGREES 16 MINUTES 59 SECONDS WEST, ALONG THE NORTH LINE OF SAID SECTION, 1139.87 FEET TO THE EAST LINE OF UPTON DRIVE; THENCE SOUTH 04 DEGREES 47 MINUTES 13 SECONDS WEST, ALONG SAID EAST LINE, 825.28 FEET TO THE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE SOUTH 85 DEGREES 12 MINUTES 47 SECONDS EAST 48.35 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 490.00 FEET AND A CENTRAL ANGLE OF 77 DEGREES 46 MINUTES 46 SECONDS; THENCE ALONG THE ARC OF SAID CURVE TO THE RIGHT A DISTANCE OF 664.89 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS SOUTH 75 DEGREES 59 MINUTES 09 SECONDS EAST A DISTANCE OF 615.04 FEET TO THE WEST LINE OF HIGHWAY M-63; THENCE SOUTH 32 DEGREES 58 MINUTES 14 SECONDS WEST, ALONG SAID WEST LINE, 41.60 FEET; THENCE NORTH 57 DEGREES 01 MINUTE 46 SECONDS WEST, ALONG SAID WEST LINE, 15.49 FEET; THENCE SOUTH 32 DEGREES 58 MINUTES 14 SECONDS WEST, ALONG SAID WEST LINE, 43.59 FEET; THENCE NORTH 05 DEGREES 32 MINUTES 08 SECONDS EAST, LEAVING SAID WEST LINE OF HIGHWAY, 65.14 FEET TO A POINT OF INTERSECTION WITH A NON-TANGENT CURVE, SAID CURVE HAVING A RADIUS OF 450.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 27 MINUTES 15 SECONDS; THENCE ALONG THE ARC OF SAID CURVE TO THE LEFT A DISTANCE OF 498.37 FEET, SAID ARC SUBTENDED BY A CHORD WHICH BEARS NORTH 73 DEGREES 06 MINUTES 11 SECONDS WEST A DISTANCE OF 473.29 FEET; THENCE SOUTH 07 DEGREES 12 MINUTES 54 SECONDS WEST 38.06 FEET; THENCE NORTH 85 DEGREES 12 MINUTES 47 SECONDS WEST 138.03 FEET TO SAID EAST LINE OF UPTON DRIVE; THENCE NORTH 04 DEGREES 47 MINUTES 13 SECONDS EAST, ALONG SAID EAST LINE, 40.00 FEET TO THE POINT OF BEGINNING.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES.

STATE OF MICHIGAN
Michael A. Freehling
License No. 4001040159
LICENSED PROFESSIONAL SURVEYOR

MICHAEL A. FREEHLING
PROFESSIONAL SURVEYOR No. 4001040159

4/29/2025
DATE OF CERTIFICATE

THIS SURVEY WAS BASED ON THE INCLUDED LEGAL DESCRIPTION AS IT APPEARS ON A DEED OR TITLE INSURANCE POLICY, AND SHOULD BE COMPARED WITH THE ABSTRACT OF TITLE OR TITLE INSURANCE POLICY FOR ACCURACY, EASEMENTS OR EXCEPTIONS. ANY WRITTEN OR UNWRITTEN RIGHTS OF ADJOINERS ARE UNKNOWN UNLESS SPECIFICALLY NOTED.

NOTES:
BEARINGS ARE RELATED TO THE MICHIGAN STATE PLANE COORDINATE SYSTEM NAD83, SOUTH ZONE, INTERNATIONAL FEET.

RESTRICTIVE COVENANTS AFFECTING PORTIONS OF THE PARCEL (AREAS NOT PLOTTED) ARE RECORDED IN LIBER 2360, PAGE 1574, LIBER 2360 PAGE 1584 AND LIBER 2360 PAGE 1598.

ENVIRONMENTAL AGREEMENT RECORDED IN LIBER 2430, PAGE 1681 AFFECTS A PORTION OF THE PARCEL HOWEVER EXACT LOCATION OF THE AGREEMENT CANNOT BE ACCURATELY PLOTTED.



LEGEND

R = RECORDED	= FIRE HYDRANT
M = MEASURED	= FIRE HOSE CONNECT
FIR = FND. IRON ROD	= ELECTRIC MARKING
SIR = SET IRON ROD	= ELECTRIC METER
SMAG = SET MAG NAIL	= GAS MARKING
PP = UTILITY POLE	= GAS MARKER PIPE
UP = UTILITY POLE	= GAS METER
PP/D = UTILITY POLE WITH DROP	= TELEPHONE PEDASTAL
UP/L = UTILITY POLE WITH LIGHT	= MANHOLE
LP = LIGHT POLE	= WATER MANHOLE
= GUY WIRE	= SANITARY MANHOLE
= GUY POLE	= STORM MANHOLE
= WELL HEAD	= CURB CATCH BASIN
= WATER VALVE	= CATCH BASIN
= WATER CURB STOP	= GUARD POST
= WATER MARKING	= HAND HOLE
= TRAFFIC SIGN	= WOOD BOLLARD
	= CONCRETE (TYPICAL)
	= OVERHEAD UTILITY LINE
FOC	= FIBER OPTIC LINE
W	= WATER LINE
G	= GAS LINE
FM	= FORCE MAIN
>> >>	= SANITARY SEWER
> >	= STORM SEWER

NO.	REVISION DESCRIPTION:	BY:	DATE:

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Benton Harbor, Hobart
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Lansing, Niles
Grand Haven, South Bend
Grand Rapids, Valparaiso
Engineering · Architecture · Land Surveying
95 West Main Street
Benton Harbor, MI. 49023
P 269-927-0100
F 269-927-1017
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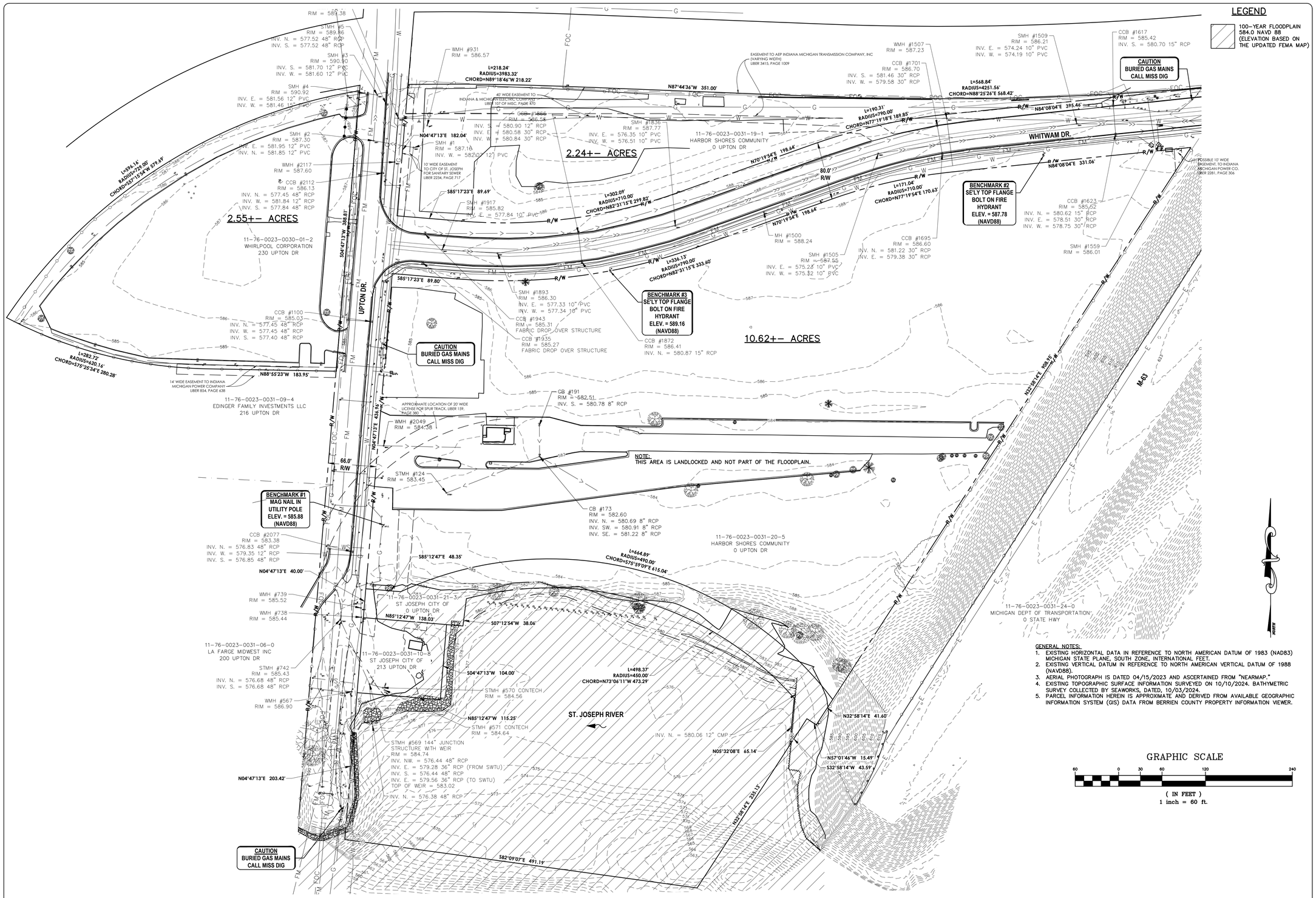
PROJECT:
NORTHEAST 1/4 SECTION 23
TOWN 4 SOUTH, RANGE 19 WEST
CITY OF ST. JOSEPH
BERRIEN COUNTY, MICHIGAN

SHEET TITLE:
BOUNDARY SURVEY
FOR: HARBOR SHORE COMMUNITY REDEVELOPMENT & HORIZON BANK

DRAWN BY: CJC
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW: MAF
DATE: 04/24/2025
SEAL:
SIGNATURE:
DATE:
SCALE: HORZ: 1"=60' VERT: N/A
ACI JOB # **22-0197.17**
SHEET NO. 2 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

J:\Projects\0022\22-0197-17 Harbor Shores Survey\ACAD_Survey\Drawings\22-0197 parcels 1 & 2.dwg, 7/15/2025 5:26:58 PM, BH - Oce PlotWave 360



GENERAL NOTES:

1. EXISTING HORIZONTAL DATA IN REFERENCE TO NORTH AMERICAN DATUM OF 1983 (NAD83) MICHIGAN STATE PLANE, SOUTH ZONE, INTERNATIONAL FEET.
2. EXISTING VERTICAL DATUM IN REFERENCE TO NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88).
3. AERIAL PHOTOGRAPH IS DATED 04/15/2023 AND ASCERTAINED FROM "NEARMAP."
4. EXISTING TOPOGRAPHIC SURFACE INFORMATION SURVEYED ON 10/10/2024. BATHYMETRIC SURVEY COLLECTED BY SEAWORKS, DATED, 10/03/2024.
5. PARCEL INFORMATION HEREIN IS APPROXIMATE AND DERIVED FROM AVAILABLE GEOGRAPHIC INFORMATION SYSTEM (GIS) DATA FROM BERRIEN COUNTY PROPERTY INFORMATION VIEWER.

NO.	REVISION DESCRIPTION:	BY:	DATE:

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Benton Harbor Habart
Kalamazoo Lansing
Ft. Wayne Merrillville
Grand Haven South Bend
Grand Rapids Valparaiso
Engineering Architecture Land Surveying
95 West Main Street
Benton Harbor, MI. 49023
P 269.927.0100
F 269.927.1017
abonmarche.com
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PROJECT:
HS PARCEL 2 MARINA
ST. JOSEPH RIVER
CITY OF BENTON HARBOR
BERRIEN COUNTY, MI.

SHEET TITLE:
EXISTING CONDITIONS

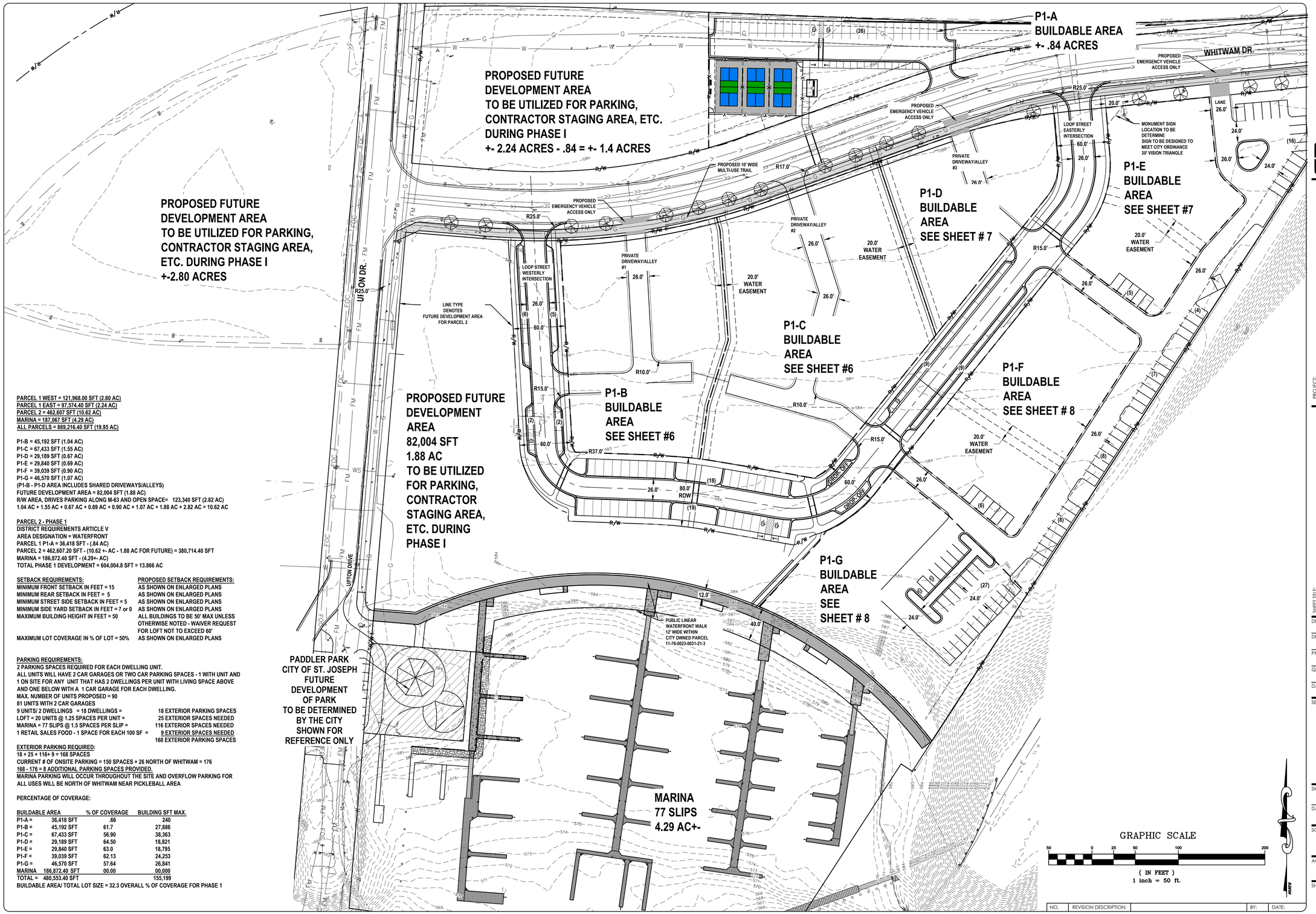
DRAWN BY: CES
DESIGNED BY: MR
PM REVIEW: MCM
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:

SCALE:
HORZ: 1"=60'
VERT: N/A
ACI JOB #
24-1626
SHEET NO.
3 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

O:\Projects\2023\23-0197-13 Harbor Shores Parcel 2\Civil\Drawings\24-0197-15 EXS_BT.dwg, TAPPA, 7/17/2025 5:56:43 PM, dstross, 1:1



PARCEL 1 WEST = 121,968.00 SFT (2.80 AC)
PARCEL 1 EAST = 97,574.40 SFT (2.24 AC)
PARCEL 2 = 462,607 SFT (10.62 AC)
MARINA = 187,067 SFT (4.29 AC)
ALL PARCELS = 869,216.40 SFT (19.95 AC)

P1-B = 45,192 SFT (1.04 AC)
P1-C = 67,433 SFT (1.55 AC)
P1-D = 29,189 SFT (0.67 AC)
P1-E = 29,840 SFT (0.69 AC)
P1-F = 39,039 SFT (0.90 AC)
P1-G = 46,570 SFT (1.07 AC)
(P1-B - P1-D AREA INCLUDES SHARED DRIVEWAYS/ALLEYS)
FUTURE DEVELOPMENT AREA = 82,004 SFT (1.88 AC)
R/W AREA, DRIVES PARKING ALONG M-63 AND OPEN SPACE= 123,340 SFT (2.82 AC)
1.04 AC + 1.55 AC + 0.67 AC + 0.69 AC + 0.90 AC + 1.07 AC + 1.88 AC + 2.82 AC = 10.62 AC

PARCEL 2 - PHASE 1
DISTRICT REQUIREMENTS ARTICLE V
AREA DESIGNATION = WATERFRONT
PARCEL 1 P1-A = 36,418 SFT - (.84 AC)
PARCEL 2 = 462,607.20 SFT - (10.62 +- AC - 1.88 AC FOR FUTURE) = 380,714.40 SFT
MARINA = 186,872.40 SFT - (4.29+- AC)
TOTAL PHASE 1 DEVELOPMENT = 604,004.8 SFT = 13.866 AC

SETBACK REQUIREMENTS:	PROPOSED SETBACK REQUIREMENTS:
MINIMUM FRONT SETBACK IN FEET = 15	AS SHOWN ON ENLARGED PLANS
MINIMUM REAR SETBACK IN FEET = 5	AS SHOWN ON ENLARGED PLANS
MINIMUM STREET SIDE SETBACK IN FEET = 5	AS SHOWN ON ENLARGED PLANS
MINIMUM SIDE YARD SETBACK IN FEET = 7 or 0	AS SHOWN ON ENLARGED PLANS
MAXIMUM BUILDING HEIGHT IN FEET = 50	ALL BUILDINGS TO BE 50' MAX UNLESS OTHERWISE NOTED - WAIVER REQUEST FOR LOFT NOT TO EXCEED 60'
MAXIMUM LOT COVERAGE IN % OF LOT = 50%	AS SHOWN ON ENLARGED PLANS

PARKING REQUIREMENTS:
2 PARKING SPACES REQUIRED FOR EACH DWELLING UNIT.
ALL UNITS WILL HAVE 2 CAR GARAGES OR TWO CAR PARKING SPACES - 1 WITH UNIT AND 1 ON SITE FOR ANY UNIT THAT HAS 2 DWELLINGS PER UNIT WITH LIVING SPACE ABOVE AND ONE BELOW WITH A 1 CAR GARAGE FOR EACH DWELLING.
MAX. NUMBER OF UNITS PROPOSED = 90
81 UNITS WITH 2 CAR GARAGES

9 UNITS/ 2 DWELLINGS = 18 DWELLINGS =	18 EXTERIOR PARKING SPACES
LOFT = 20 UNITS @ 1.25 SPACES PER UNIT =	25 EXTERIOR SPACES NEEDED
MARINA = 77 SLIPS @ 1.5 SPACES PER SLIP =	116 EXTERIOR SPACES NEEDED
1 RETAIL SALES FOOD - 1 SPACE FOR EACH 100 SF =	9 EXTERIOR SPACES NEEDED
	168 EXTERIOR PARKING SPACES

EXTERIOR PARKING REQUIRED:
18 + 25 + 116+ 9 = 168 SPACES
CURRENT # OF ONSITE PARKING = 150 SPACES + 26 NORTH OF WHITWAM = 176
168 - 176 = 8 ADDITIONAL PARKING SPACES PROVIDED.
MARINA PARKING WILL OCCUR THROUGHOUT THE SITE AND OVERFLOW PARKING FOR ALL USES WILL BE NORTH OF WHITWAM NEAR PICKLEBALL AREA

PERCENTAGE OF COVERAGE:

BUILDABLE AREA		% OF COVERAGE	BUILDING SFT MAX.
P1-A =	36,418 SFT	.66	240
P1-B =	45,192 SFT	61.7	27,886
P1-C =	67,433 SFT	56.90	38,363
P1-D =	29,189 SFT	64.50	18,821
P1-E =	29,840 SFT	63.0	18,795
P1-F =	39,039 SFT	62.13	24,253
P1-G =	46,570 SFT	57.64	26,841
MARINA	186,872.40 SFT	00.00	00,000
TOTAL =	480,553.40 SFT		155,199

BUILDABLE AREA/ TOTAL LOT SIZE = 32.3 OVERALL % OF COVERAGE FOR PHASE 1

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Benton Harbor
St. Joseph
Grand Haven
Grand Rapids
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South Bend
Valparaiso
95 West Main Street
Benton Harbor, MI. 49023
P 269.927.0100
F 269.927.1017
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Engineering Architecture Land Surveying

PROJECT:
HARBOR SHORES
PARCEL 2 - PHASE 1

SHEET TITLE:
SCHEMATIC OVERALL SITE PLAN

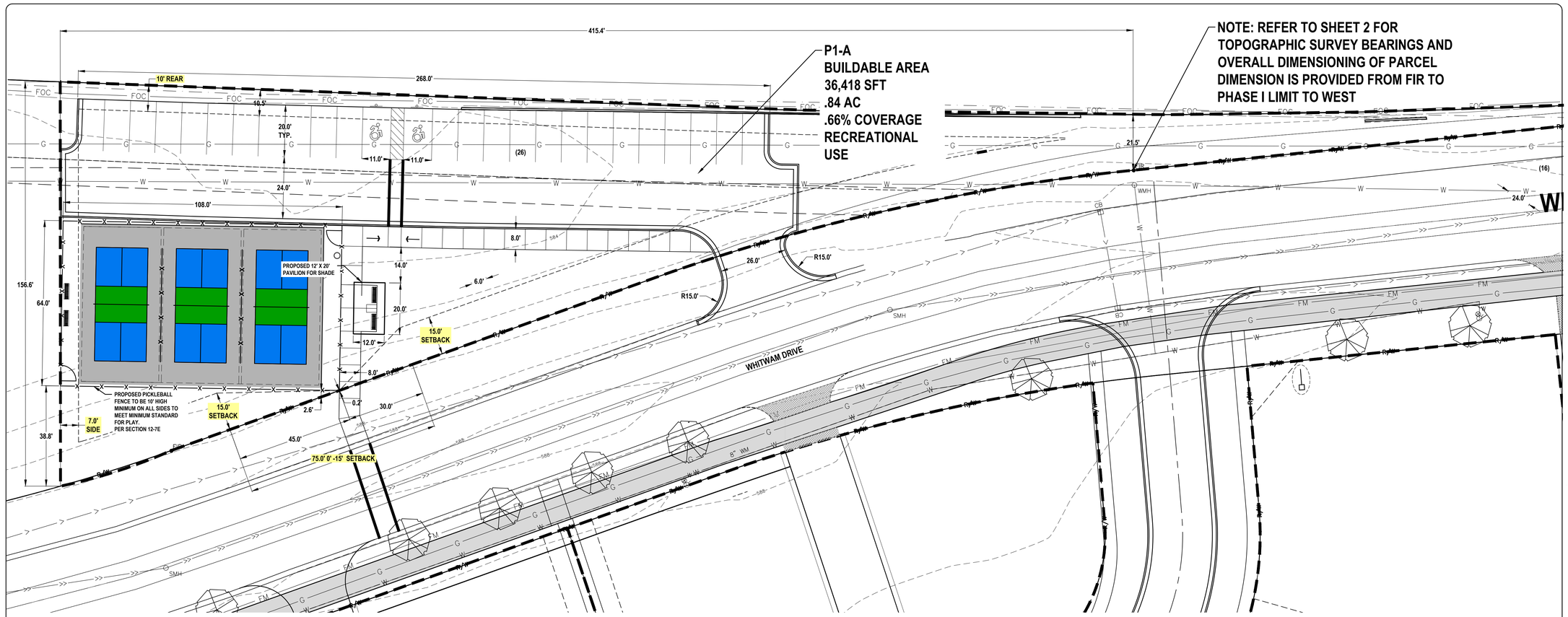
DRAWN BY: DJL/KB
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:

SCALE:
HORZ: 1" = 50'
VERT: N/A
ACI JOB #
22-0197-15
SHEET NO.
4 of 13

NO.	REVISION DESCRIPTION:		BY:	DATE:

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)



BUILDABLE AREA P1–A
SCALE: 1" = 20'

P1-A

AREA = 36,418 SFT OR .84 AC
MAXIMUM LOT COVERAGE = 50% — **PROPOSED LOT COVERAGE = 0.66 % (240 SFT PAVILION)**
SITE IS FOR RECREATIONAL USE
WHITWAM FRONT SETBACK = 15' — **PROPOSED 0' - 15' FOR 75' OF FRONTAGE - WAIVER REQUESTED**
REAR SETBACK = 5' — **PROPOSED 10'**
SIDE YARD SETBACK = 7' — **PROPOSED 7'**
SIDE YARD/STREET = 5' — **N/A**
MAXIMUM BUILDING HEIGHT = 50' — **PROPOSED 12'**
PARKING SPACES MINIMUM OF 9' X 20' AND ADA SPACES 11' WITH 5' ACCESS AISLE (PROWAG)
26 PARKING SPACES PROVIDED = 2 ADA SPACES AS SHOWN.

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

NO.	REVISION DESCRIPTION:		BY:	DATE:

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Lansing
South Bend
Valparaiso
95 West Main Street
Benton Harbor, MI. 49023
P 269.927.0100
F 269.927.1017
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PROJECT:
HARBOR SHORES
PARCEL 2 - PHASE 1

ENLARGED PLAN P1-A

SHEET TITLE:
DRAWN BY: DJL/KB
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:
SCALE:
HORZ: 1" = 20'
VERT: N/A
ACI JOB #
22-0197-15
SHEET NO.
5 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

P1-B
AREA = 45,174 SFT OR 1.04 AC AREA INCLUDES SHARED DRIVEWAY/ALLEY FOR GARAGE ACCESS 7,756 SFT .178 AC
MAXIMUM # OF UNITS = 14 = 27,886 SFT

MAXIMUM LOT COVERAGE = 50%	PROPOSED LOT COVERAGE = 61.7% -- WAIVER REQUESTED
FRONT SETBACK = 15'	PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5'	PROPOSED 0'-6' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50'	PROPOSED 50' MAX.
MECHANICAL UNIT = 3' REAR	PROPOSED 0' REAR LOT - WAIVER REQUESTED

NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT - ALL UNITS HAVE 2 CAR GARAGE.
RETAIL = 900 SFT = 1 SPACE PER 100 SFT = 9 SPACES
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY ONLY

P1-C
AREA = 67,451 SFT OR 1.55 AC INCLUDES PRIVATE DRIVEWAY/ALLEY FOR GARAGE ACCESS 10,589 SFT .243 AC
MAXIMUM # OF UNITS = 21 = 38,363 SFT

MAXIMUM LOT COVERAGE = 50%	PROPOSED LOT COVERAGE = 56.9% -- WAIVER REQUESTED
FRONT SETBACK = 15'	PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD SETBACK = 7'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5'	PROPOSED 0'-6' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50'	PROPOSED 50' MAX.
MECHANICAL UNIT = 3' REAR	PROPOSED 0' REAR LOT - WAIVER REQUESTED

NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY ONLY

WHITWAM DRIVE
LOOP STREET WESTERLY INTERSECTION
20' EASEMENT FOR UTILITIES WITH 6' WIDE SIDEWALK
20' EASEMENT FOR UTILITIES WITH 6' WIDE SIDEWALK
P1-B BUILDABLE AREA 45,192 SFT 1.04 AC 61.7% COVERAGE MAX. 14 UNITS AND 1 RETAIL (900 SFT)
P1-C BUILDABLE AREA 67,433 SFT 1.55 AC 56.90% COVERAGE MAX. 21 UNITS
PRIVATE DRIVEWAY/ALLEY #1
PRIVATE DRIVEWAY/ALLEY #2
6.0' SETBACK
0.0' SETBACK
26.0' UNOBSTRUCTED CLEARANCE
22.0' PAVED DRIVE
20.0'
2.0'
R15.0'
R12.0'
182.7'
197.8'
186.4'
126.9'
238.0'
255.3'
240.3'
141.0'
155.4'
144.6'
132.8'
190.3'
28.5'
15.2'
8.0'

BUILDABLE AREA P1-B AND P1-C
SCALE: 1" = 20'

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

NO.	REVISION DESCRIPTION:	BY:	DATE:

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95 West Main Street
Benton Harbor, MI 49023
P 269.927.0100
F 269.927.1017
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Wayne Chesterfield
Grand Haven South Bend
Grand Rapids Valparaiso

Engineering Architecture Land Surveying

PROJECT:
HARBOR SHORES
PARCEL 2 - PHASE 1

SHEET TITLE:
ENLARGED PLAN P1-B AND P1-C

DRAWN BY: DJL/KB
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:

SCALE:
HORZ: 1" = 20'
VERT: N/A

ACI JOB #
22-0197-15

SHEET NO.
6 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

P1-D
AREA = 29,189 SFT OR .67 AC INCLUDES SHARED DRIVEWAY/ALLEY FOR GARAGE ACCESS 3,593 SFT .082 AC
MAXIMUM # OF UNITS = 9 = 18,821 SFT
MAXIMUM LOT COVERAGE = 50% — PROPOSED LOT COVERAGE = 64.5% -- WAIVER REQUESTED
FRONT SETBACK = 15' — PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5' — PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5' — PROPOSED 0'-6' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50' — PROPOSED 50' MAX.
MECHANICAL UNIT = 3' REAR — PROPOSED 0' REAR LOT - WAIVER REQUESTED
NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT - ALL BUILDINGS HAVE 2 CAR GARAGE.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY ONLY

P1-E
AREA = 29,840 SFT OR .68 AC
MAXIMUM LOT COVERAGE = 50% — PROPOSED LOT COVERAGE = 63.0% -- WAIVER REQUESTED
FRONT SETBACK = 15' — PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5' — PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5' — PROPOSED 0' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50' — PROPOSED 50' MAX.
MECHANICAL UNIT = 3' REAR — PROPOSED 0' REAR LOT - WAIVER REQUESTED
NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT - 3 UNITS HAVE 2 CAR GARAGE.
9 UNITS HAVE 2 DWELLINGS PER UNIT EACH WITH 1 CAR GARAGE = 18 DWELLING UNITS = 18 EXTERIOR PARKING SPACES REQUIRED.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY AND LANE ONLY

WHITWAM DR
LOOP STREET
EASTERLY
INTERSECTION
LANE
PRIVATE
DRIVEWAY/ALLEY
#3
16 PARKING SPACES
PROPOSED FUTURE MONUMENT SIGN
FINAL LOCATION TO BE DETERMINE
OUTSIDE VISION TRIANGLE.
SIGN TO BE DESIGNED TO MEET
CITY ORDINANCE
5 PARKING SPACES
9' MIN WIDTH

P1-D
BUILDABLE
AREA
29,189 SFT
.67 AC
64.50 %
COVERAGE
MAX. 9 UNITS

P1-E
BUILDABLE AREA
29,840 SFT
.68 AC
63.0% COVERAGE
MAX. 21 UNITS
3 UNITS WITH 2 CAR GARAGE
9 OF THE UNITS ARE PROPOSED TO BE
2 DWELLING UNITS WITH 1 CAR
GARAGE PER UNIT = 18 EXTRA
EXTERIOR PARKING SPACES REQUIRED

0.0' SETBACK
6.0' SETBACK
26.0' UNOBSTRUCTED CLEARANCE
22.0' PAVED
20.0'
120.0'
127.6'
172.2'
R12.0'
R5.0'

BUILDABLE AREA P1–D AND P1–E
SCALE: 1" = 20'

GRAPHIC SCALE
20 0 10 20 40 80
(IN FEET)
1 inch = 20 ft.

NO.	REVISION DESCRIPTION:		BY:	DATE:

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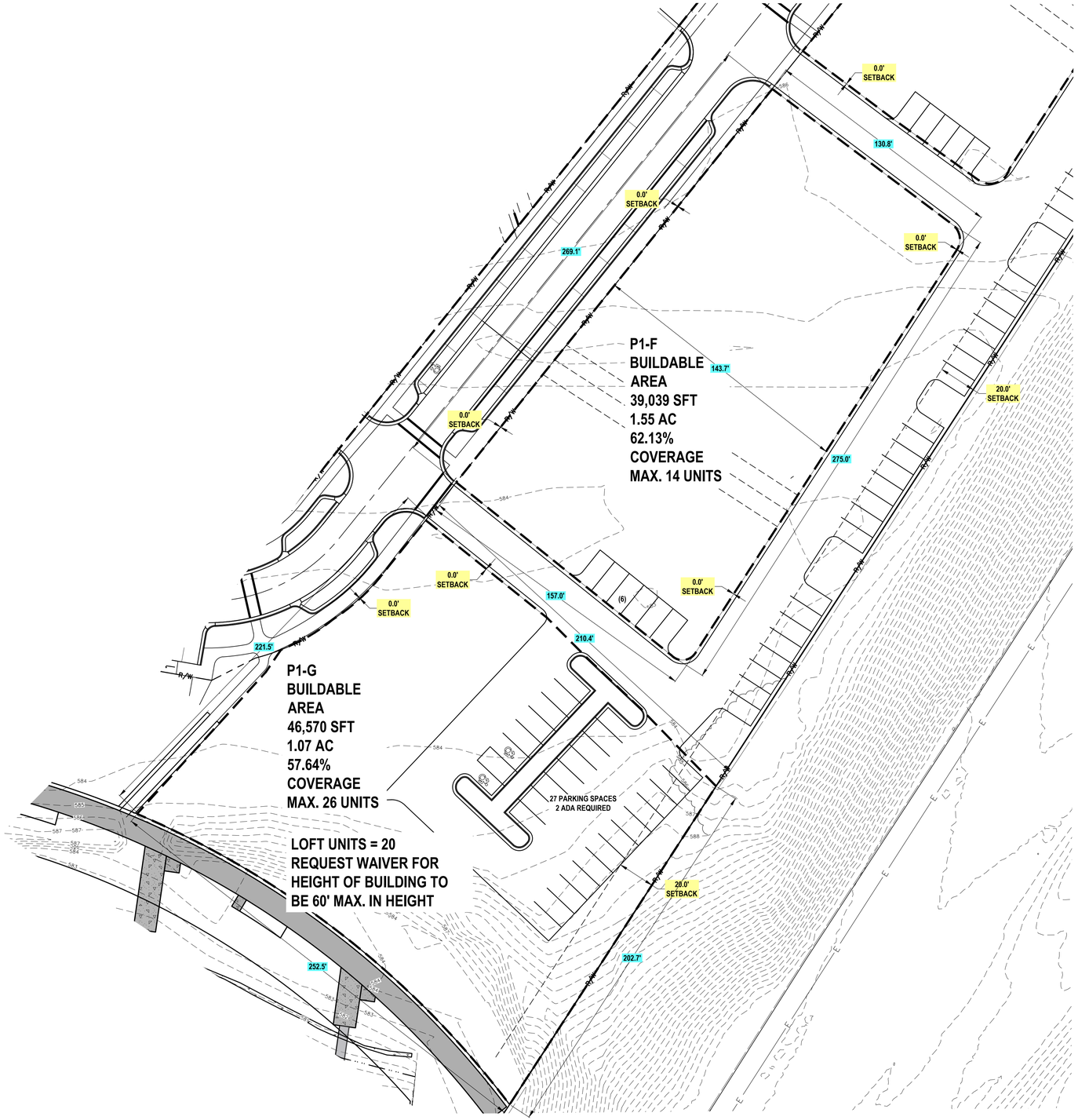
PROJECT:
HARBOR SHORES
PARCEL 2 - PHASE 1

SHEET TITLE:
ENLARGED PLAN P1-D AND P1-E

DRAWN BY: DJL/KB
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:
SCALE: HORZ: 1" = 20'
VERT: N/A
ACI JOB #
22-0197-15
SHEET NO.
7 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)



BUILDABLE AREA P1–F AND P1–G
SCALE: 1" = 30'

P1-F
AREA = 39,039 SFT OR 1.55 AC

MAXIMUM LOT COVERAGE = 50%	PROPOSED LOT COVERAGE = 62.13% -- WAIVER REQUESTED
FRONT SETBACK = 15'	PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD SETBACK = 7'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5'	PROPOSED 0' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50'	PROPOSED 50' MAX.
MECHANICAL UNIT = 3' REAR	PROPOSED 0' REAR LOT - WAIVER REQUESTED

NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT - ALL UNITS HAVE 2 CAR GARAGE.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY AND LANE ONLY

P1-G
AREA = 46,570 SFT OR .68 AC INCLUDES SHARED DRIVEWAY AND PARKING FOR LOFT BUILDING 14,586 SFT .335 AC

MAXIMUM LOT COVERAGE = 50%	PROPOSED LOT COVERAGE = 57.64% -- WAIVER REQUESTED
FRONT SETBACK = 15'	PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 5'	PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 5'	PROPOSED 0'-20' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50'	PROPOSED 60' MAX. FOR LOFT - WAIVER REQUESTED
MECHANICAL UNIT = 3' REAR	PROPOSED 0' REAR LOT - WAIVER REQUESTED

NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT FOR TOWNHOMES ALL UNITS HAVE 2 CAR GARAGE.
LOFT BUILDING = 20 UNITS @ 1.25 SPACES = 25 EXTERIOR PARKING SPACES REQUIRED.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY LANE AND PARKING LOT ONLY

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 30 ft.

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PROJECT:
HARBOR SHORES
PARCEL 2 - PHASE 1

SHEET TITLE:
ENLARGED PLAN P1-F AND P1-G

DRAWN BY: DJL/KB
DESIGNED BY:
PM REVIEW:
QA/QC REVIEW:
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:

SCALE:
HORZ: 1" = 30'
VERT: N/A

ACI JOB #
22-0197-15

SHEET NO.
8 of 13

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PROJECT:
HARBOR SHORES PARCEL 2

UTILITY PLAN OVERALL

SHEET TITLE:

DRAWN BY: CJE
DESIGNED BY: CJE
PM REVIEW: TRD
QA/QC REVIEW: QA/QC
DATE: JULY 2025
SEAL:

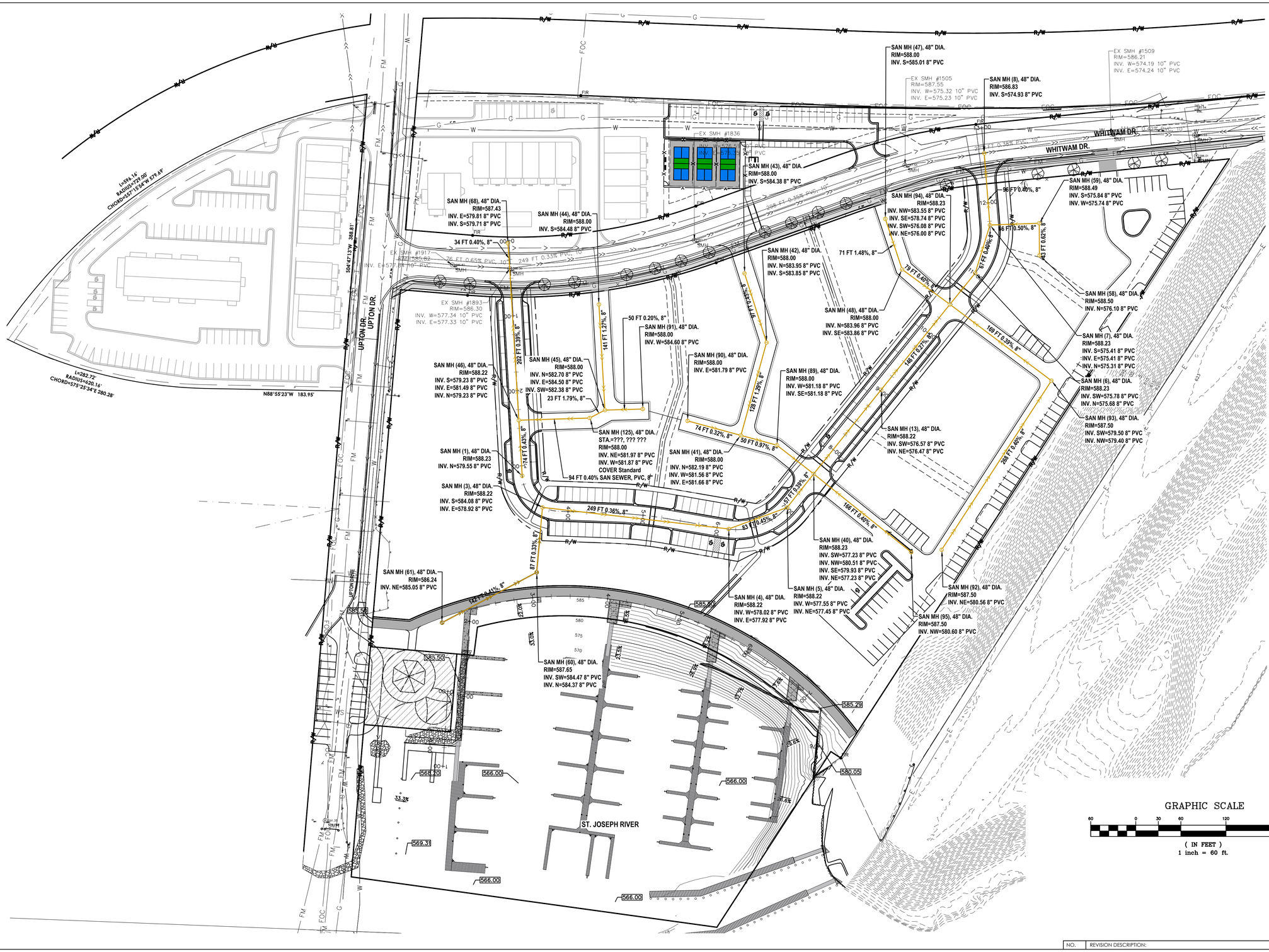
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SCALE:
HORZ: 1" = 60'
VERT: N/A

ACI JOB #
22-0197-15

SHEET NO.
9 of **13**

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PROJECT:
HARBOR SHORES PARCEL 2

UTILITY PLAN
SANITARY SEWER

SHEET TITLE:

DRAWN BY: CJE
DESIGNED BY: CJE
PM REVIEW: TRD
QA/QC REVIEW: QA/QC
DATE: JULY 2025
SEAL:

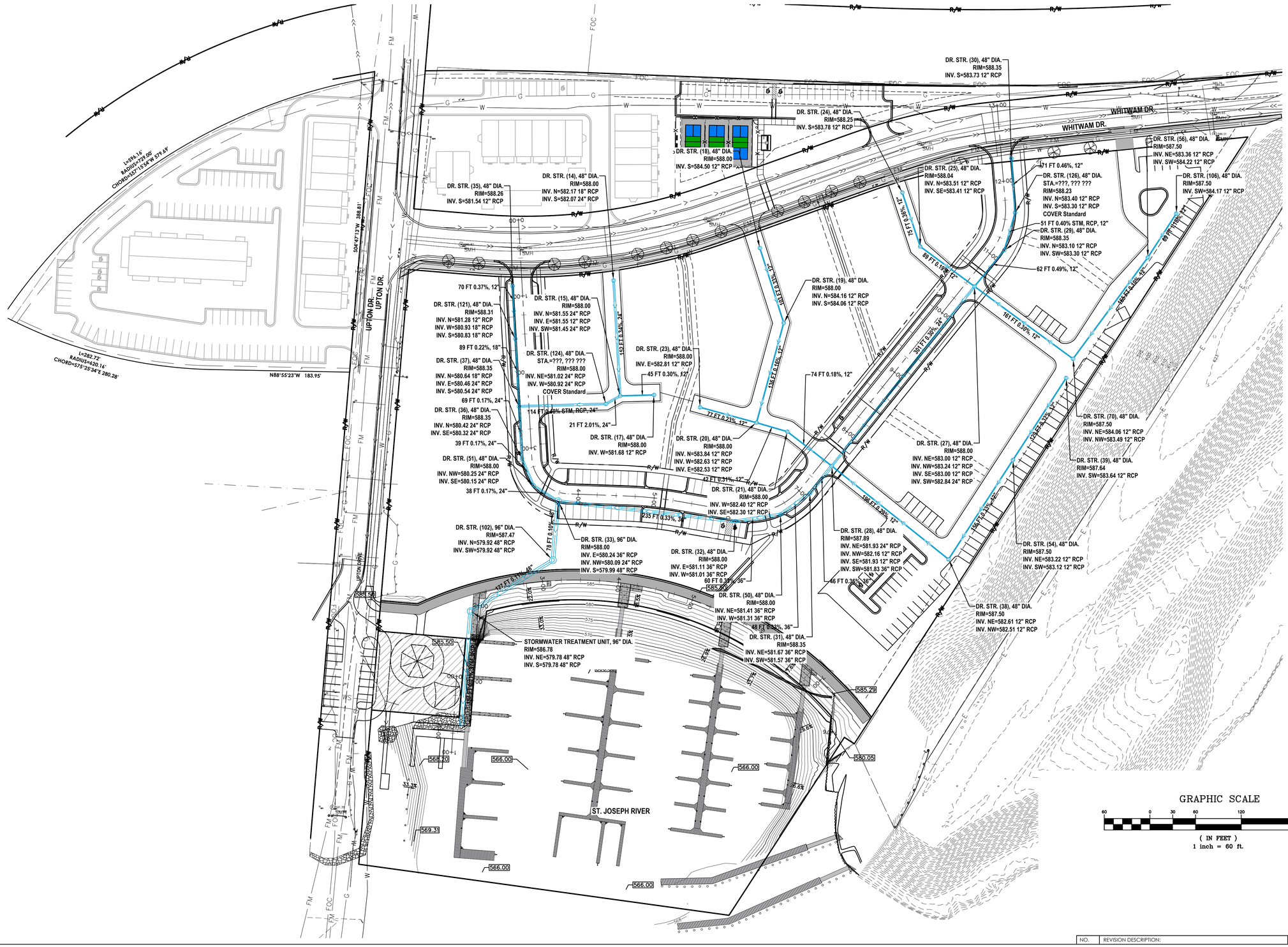
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DATE:

SCALE:
HORZ: 1" = 60'
VERT: N/A

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22-0197-15

SHEET NO.
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PROJECT:
HARBOR SHORES PARCEL 2

UTILITY PLAN STORM SEWER

SHEET TITLE:

DRAWN BY: CJE
DESIGNED BY: CJE
PM REVIEW: TRD
QA/QC REVIEW: QA/QC
DATE: JULY 2025
SEAL:

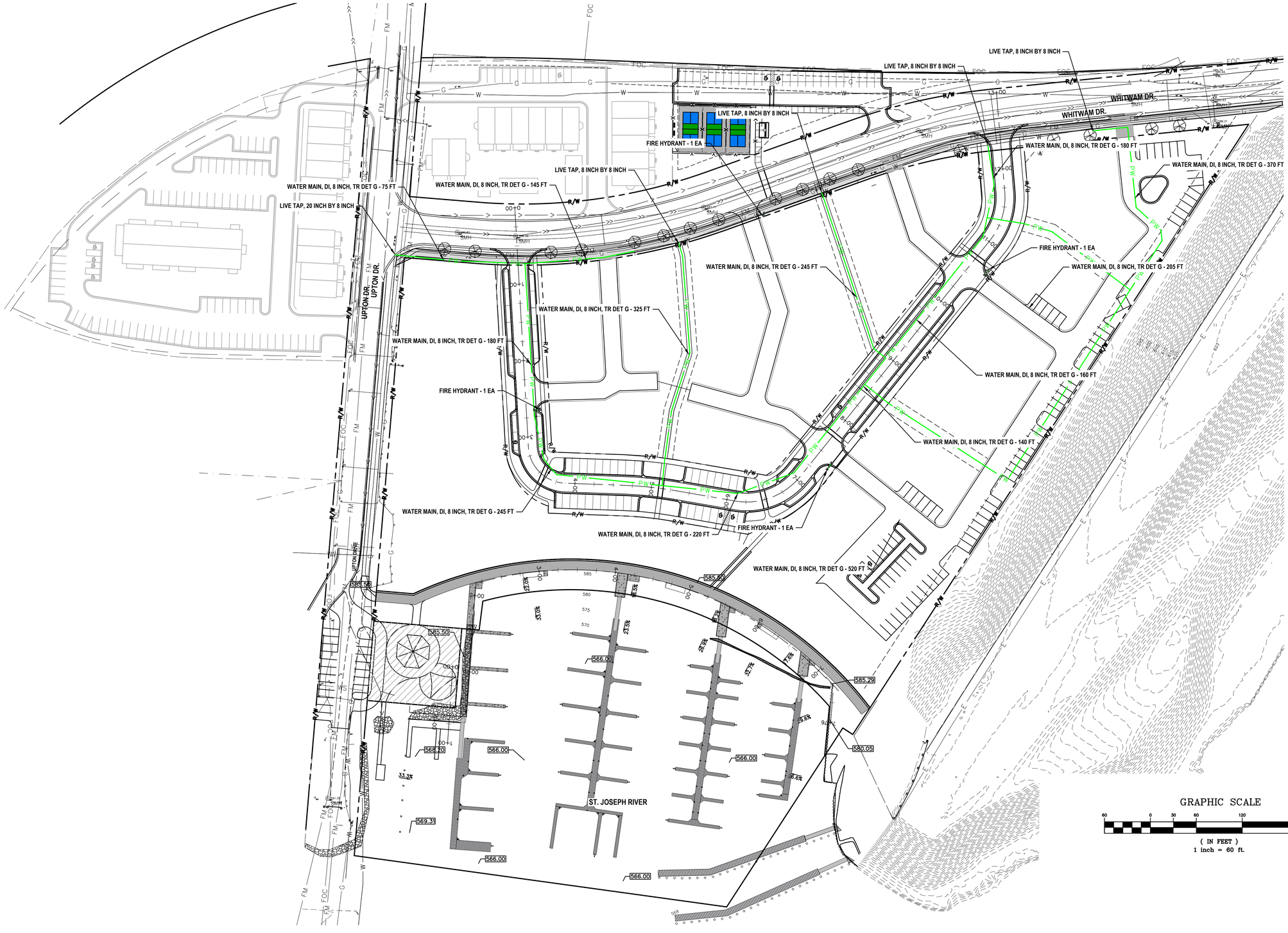
SIGNATURE:
DATE:

SCALE:
HORZ: 1" = 60'
VERT: N/A

ACI JOB #
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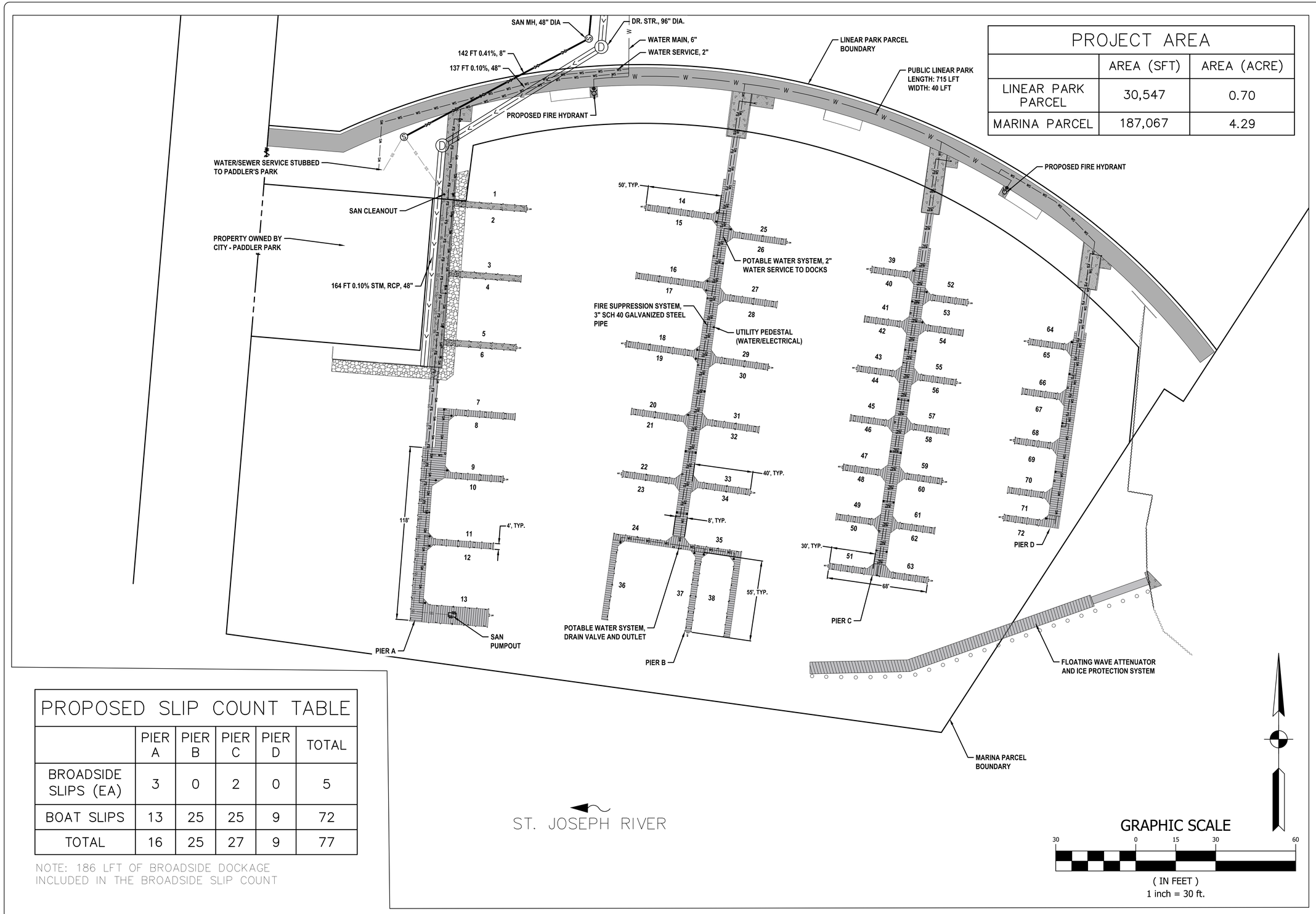
PROJECT:
HARBOR SHORES PARCEL 2

UTILITY PLAN
WATER MAIN

NO.	REVISION DESCRIPTION:	BY:	DATE:

SHEET TITLE:
DRAWN BY: CJE
DESIGNED BY: CJE
PM REVIEW: TRD
QA/QC REVIEW: QA/QC
DATE: JULY 2025
SEAL:
SIGNATURE:
DATE:
SCALE:
HORZ: 1" = 60'
VERT: N/A
ACI JOB #
22-0197-15
SHEET NO.
12 of **13**

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PROJECT AREA		
	AREA (SFT)	AREA (ACRE)
LINEAR PARK PARCEL	30,547	0.70
MARINA PARCEL	187,067	4.29

PROPOSED SLIP COUNT TABLE					
	PIER A	PIER B	PIER C	PIER D	TOTAL
BROADSIDE SLIPS (EA)	3	0	2	0	5
BOAT SLIPS	13	25	25	9	72
TOTAL	16	25	27	9	77

NOTE: 186 LFT OF BROADSIDE DOCKAGE INCLUDED IN THE BROADSIDE SLIP COUNT

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PROJECT:
HARBOR SHORES
PARCEL 2 MARINA

MARINA SITE PLAN

SHEET TITLE:
DRAWN BY: ########
DESIGNED BY: ######
PM REVIEW: ##
QA/QC REVIEW: #####
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:
SCALE:
HORZ: 1"=30'
VERT: 1"=30'
ACI JOB #
24-1626
SHEET NO.
13 of 13

Attachment: Exhibits - 215 230 Upton with engineering - 07222025 (10976 : Public Hearing - Harbor Shores Community Redevelopment, LLC)

P:\Projects\2024\24-0434 RR Parcel 2 Marina\CAD_Civil\Drawings\24-0434 SITE.dwg, 7/16/2025 12:54:42 PM, ri

Kristen Gundersen

From: Karen Laetz <karen.laetz@gmail.com>
Sent: Thursday, August 7, 2025 9:30 AM
To: Kristen Gundersen
Subject: [EXTERNAL] Public Input - Harbor Shores Community Development, LLC PUD

Greetings Kristen,

Concerning the agenda for today's Planning Commission meeting, I have the following input on the Harbor Shores PUD (New Business Agenda Item 4).

Whitwam Drive parking:
The presentation includes: "Upton Drive and Whitwam Drive will remain public streets owned and maintained by the city of St. Joseph. There is no existing street parking Whitwam and no parking is being proposed by the applicant..."

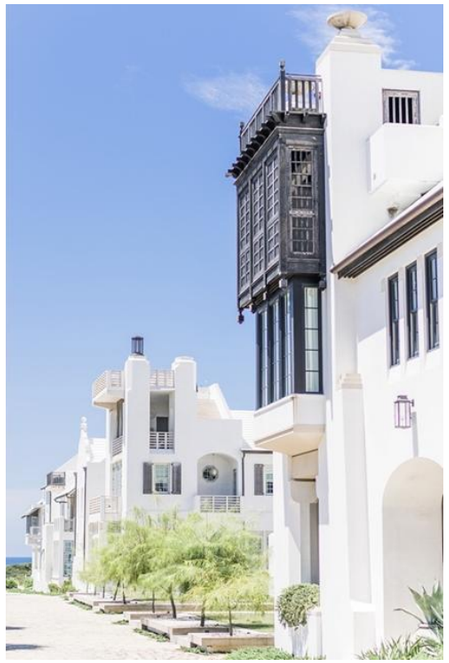
Since there is limited public parking in the area, there should be some street parking similar to the east end of Whitwam. This would provide access to the Public Linear Park, Paddler Park and the southern end of Upton Drive.

Best regards,
Karen
--
Karen Laetz
2606 Old Lakeshore Rd, St Joseph, MI 49085
269-930-1584
*"Nature surrounds us, from parks and backyards to streets and alleyways. Next time you go out for a walk, tread gently and remember that we are both inhabitants and stewards of nature in our neighborhoods." – **David Suzuki***

PARCEL 2

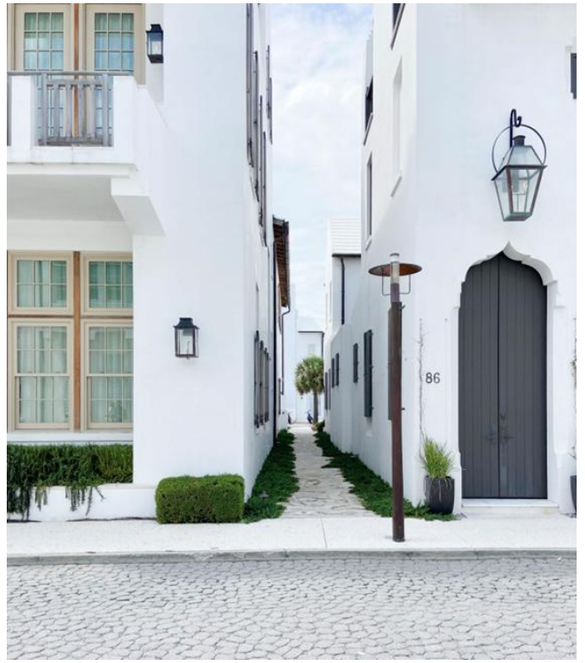
PRELIMINARY PROJECT REVIEW

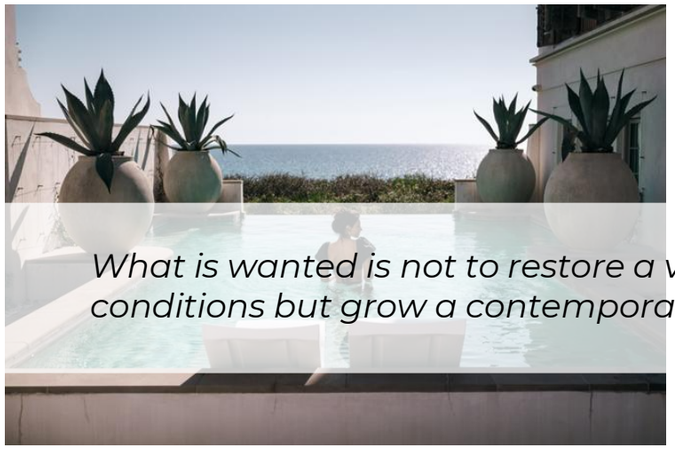
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What is wanted is not to restore a vanished or revise a vanishing culture under modern conditions but grow a contemporary culture from old roots.

T.S. ELLIOT



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OVERVIEW

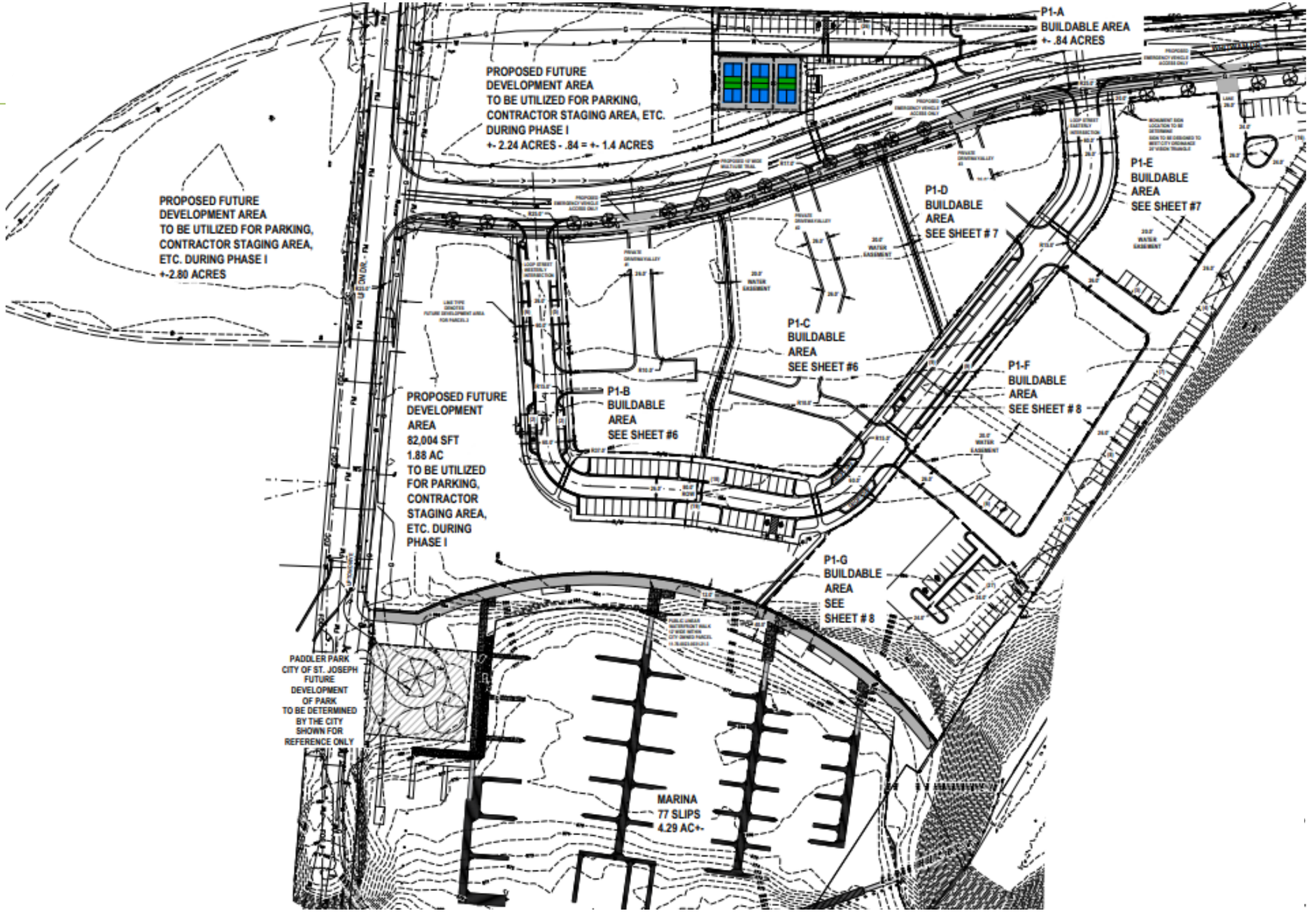
- Introduction
- Description of PUD Approach
- Site Plan Overview
- Planning Commission Approval
- Inspiration
- Activate the Waterfront
- Amenities + Activities
- Diverse Housing
- Q + A



Mosaic Properties, Copyright 2025

MOSAIC PROPERTIES

SITE PLAN


P1-A
BUILDABLE AREA
+- .84 ACRES
PROPOSED FUTURE
DEVELOPMENT AREA
TO BE UTILIZED FOR PARKING,
CONTRACTOR STAGING AREA, ETC.
DURING PHASE I
+- 2.24 ACRES - .84 = +- 1.4 ACRES
P1-E
BUILDABLE
AREA
SEE SHEET #7
P1-D
BUILDABLE
AREA
SEE SHEET # 7
PROPOSED FUTURE
DEVELOPMENT AREA
TO BE UTILIZED FOR PARKING,
CONTRACTOR STAGING AREA,
ETC. DURING PHASE I
+-2.80 ACRES
P1-C
BUILDABLE
AREA
SEE SHEET #6
P1-F
BUILDABLE
AREA
SEE SHEET # 8
P1-B
BUILDABLE
AREA
SEE SHEET #6
PROPOSED FUTURE
DEVELOPMENT
AREA
82,004 SFT
1.88 AC
TO BE UTILIZED
FOR PARKING,
CONTRACTOR
STAGING AREA,
ETC. DURING
PHASE I
P1-G
BUILDABLE
AREA
SEE
SHEET # 8
PADDLER PARK
CITY OF ST. JOSEPH
FUTURE
DEVELOPMENT
OF PARK
TO BE DETERMINED
BY THE CITY
SHOWN FOR
REFERENCE ONLY
MARINA
77 SLIPS
4.29 AC+-

SITE PLAN



D.U.		PARCELS 1, 2 and West Parcel
6		A - 2-story Townhouse | 16x68 + porches, bays
14		B - 3-story Townhouse | 22x42 + porches, bays
19		C - 2-story Townhouse | 20x60 + porches, bays
64		D - 3-story Rowhomes | 22x48 + porches, bays
7		E - 2-story Side Courts | 30x60 + canopy
21		F - 2-story Rear Courts | 32x62 + porches, bays
20		4-story Loft Condominium Building
24		3-story Apartment Building
175	**Total D.U.**	
51		Resort: 36 Hotel Rooms + 15 Villa Units
226	**Total Units**	

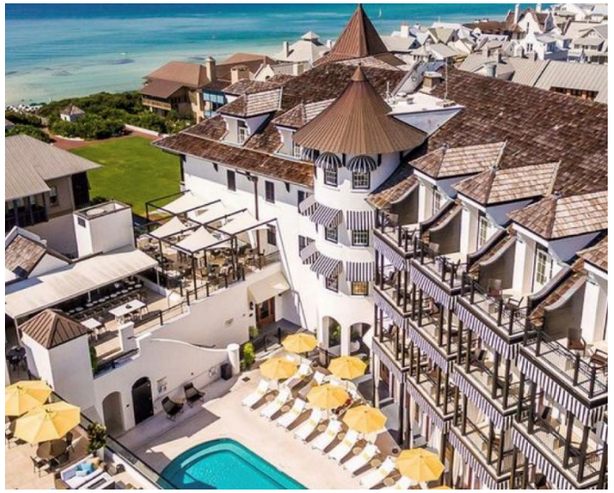
PRIVATE AMENITIES

- Restaurant with outdoor dining plaza, hotel pool above
- Events Lawn
- Pool Club
- Private Soft Shore
- Bocce Court
- Fire Pit
- Dog Park
- Pickleball Court
- Hospitality Pool
- NEV Cart Storage

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SEASIDE



ROSEMARY BEACH



ALYS BEACH

INSPIRATION

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MOSAIC PROPERTIES

SEASIDE









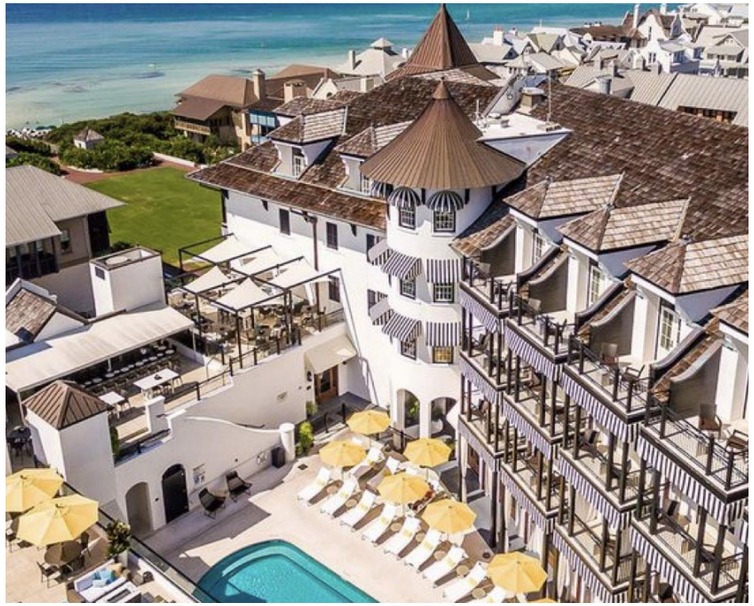




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ROSEMARY BEACH



















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ALYS BEACH



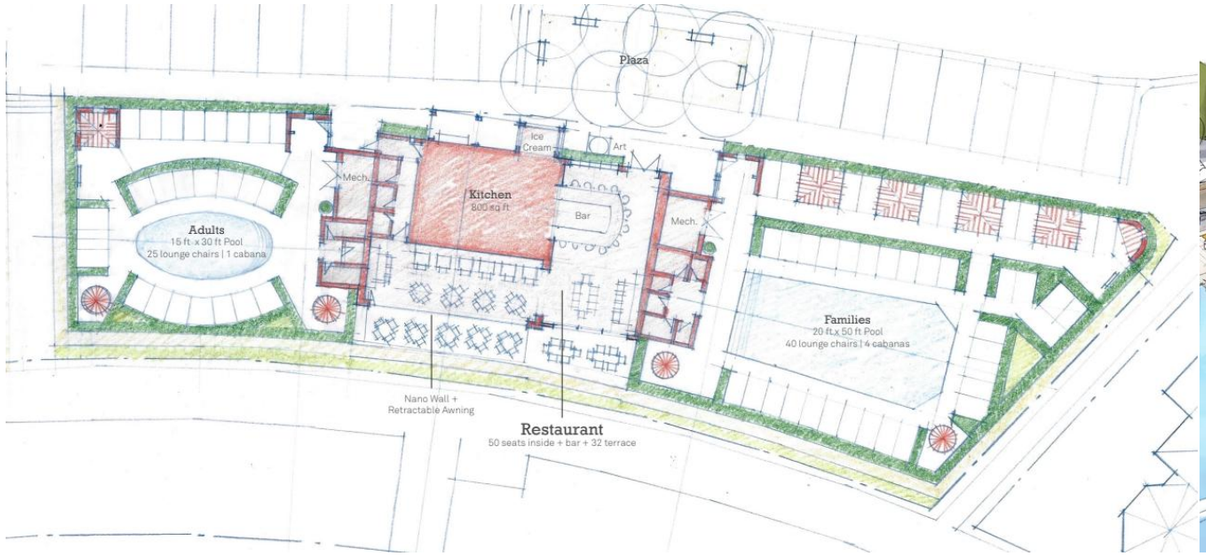








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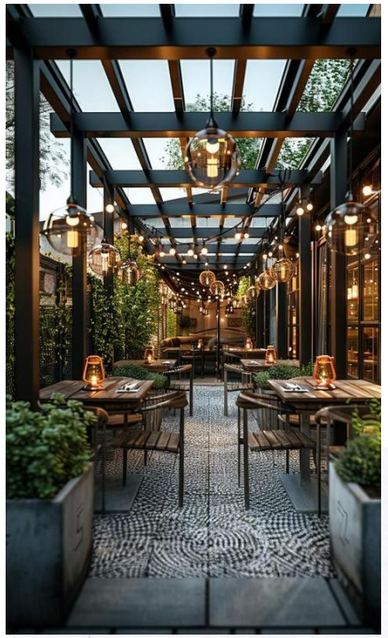
ACTIVATE THE WATERFRONT

BIKE BATH - WATERFRONT RESTAURANT - LUXURY FAMILY + ADULT POOLS

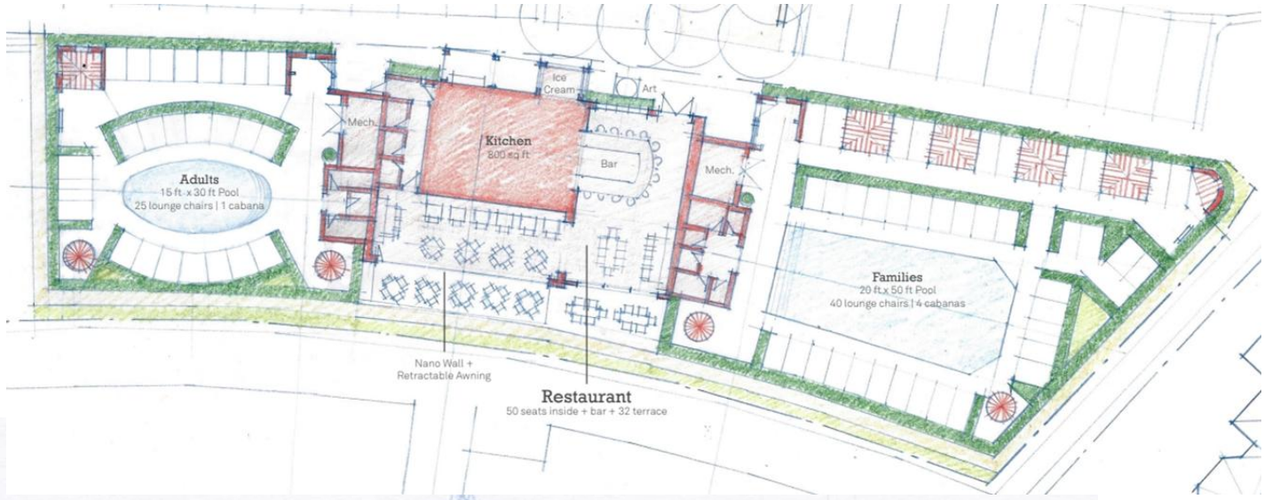
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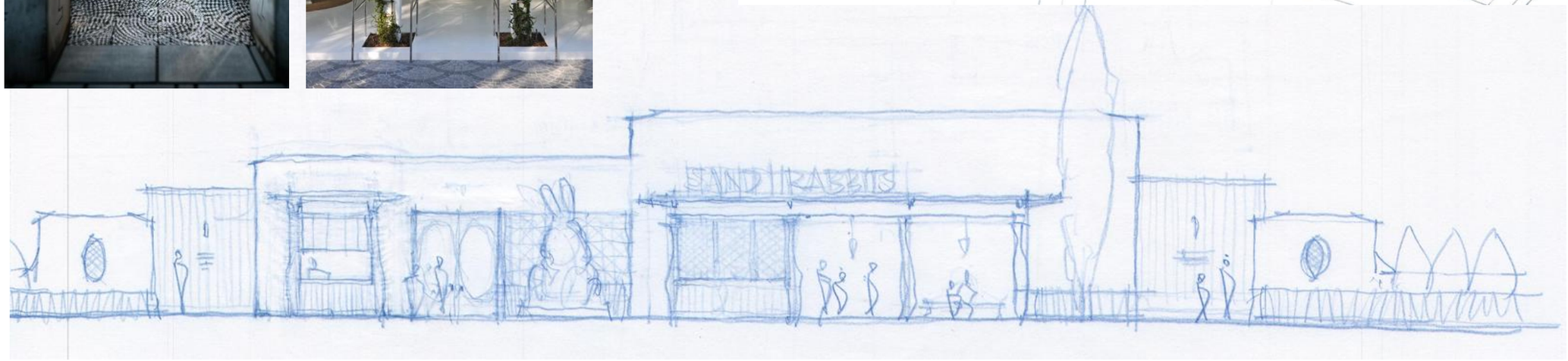
MOSAIC PROPERTIES

WATERFRONT RESTAURANT + ICE CREAM SHOP



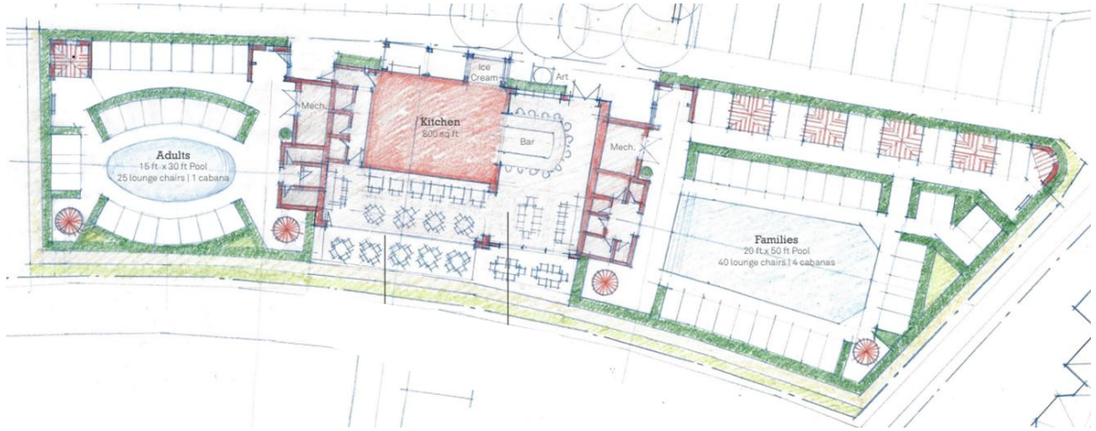


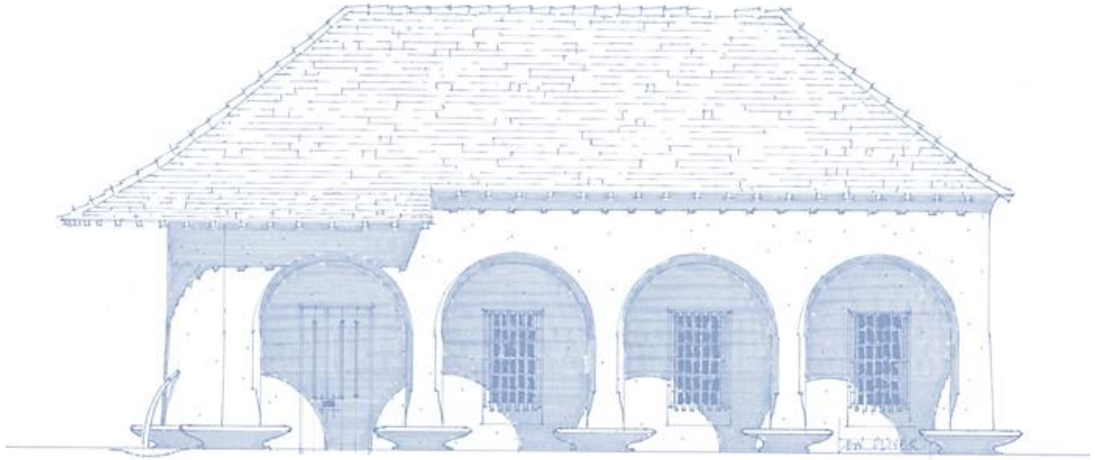




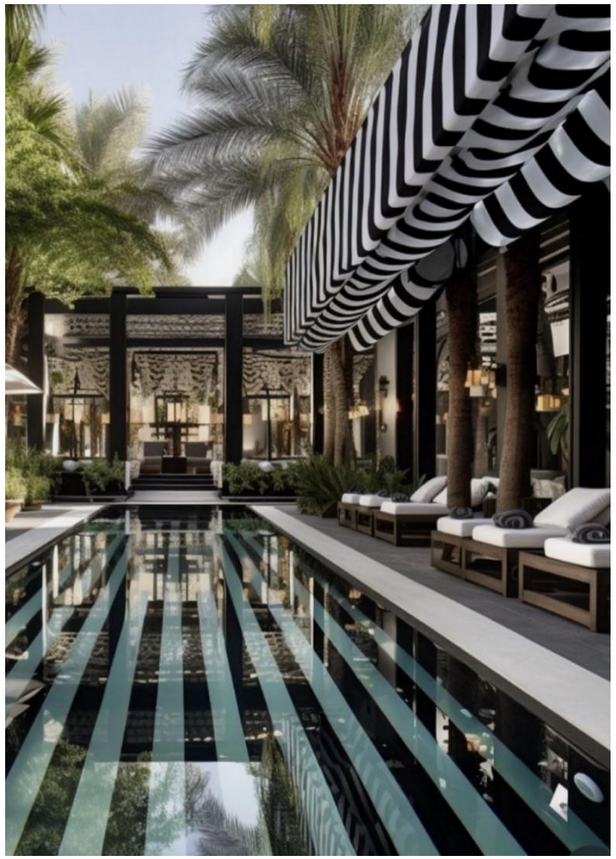
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LUXURY WATERFRONT FAMILY + ADULT POOLS







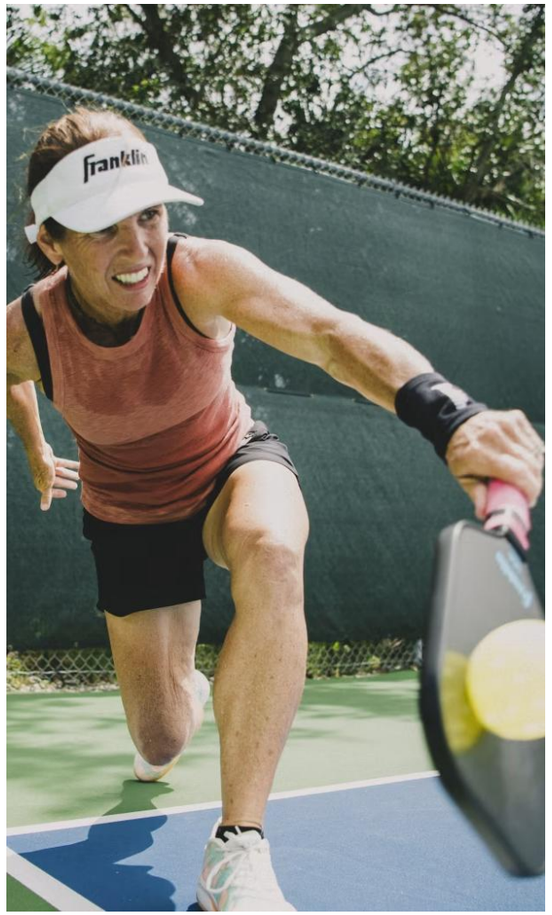


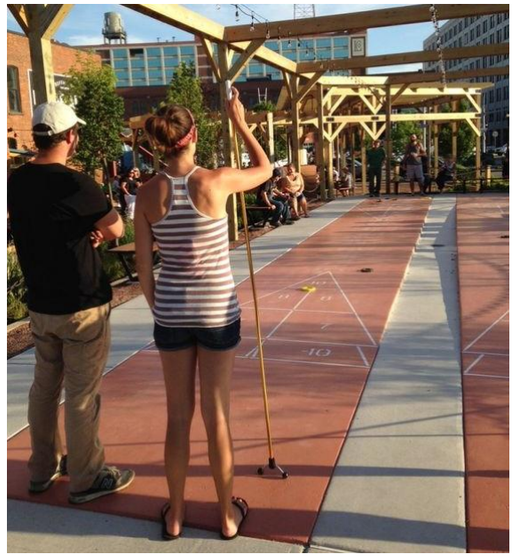
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AMENITIES + ACTIVITIES









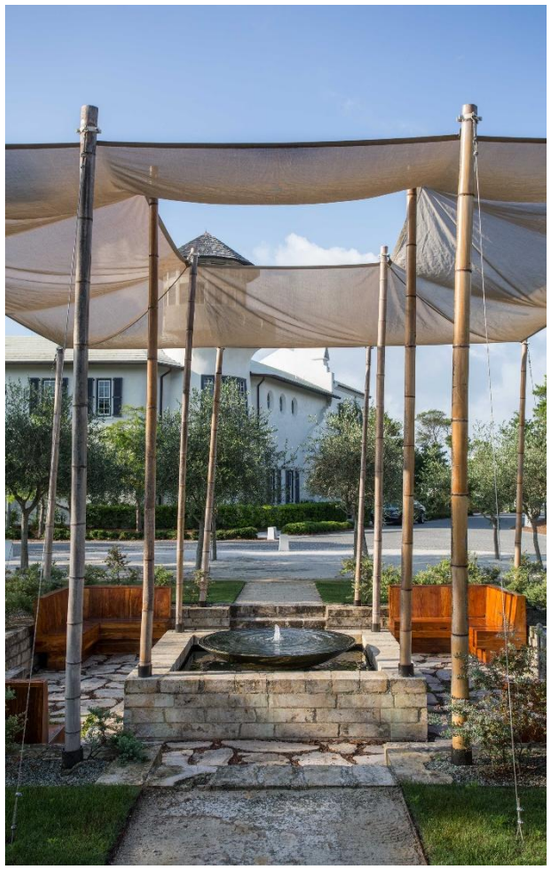


Mosaic Properties, Copyright 2025

FIRE PITS + FOUNTAINS







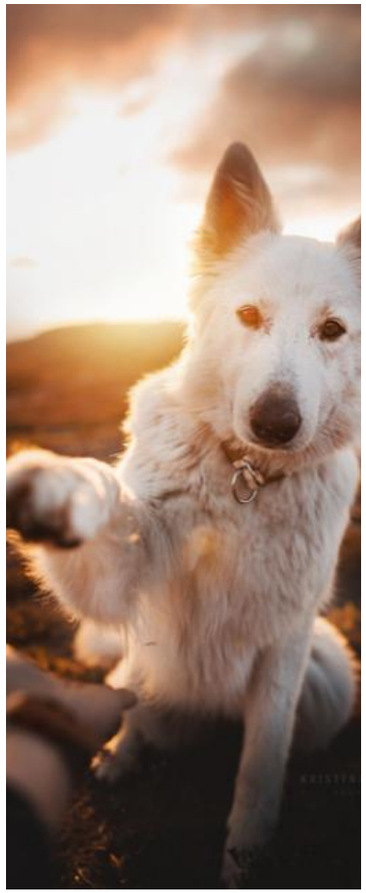


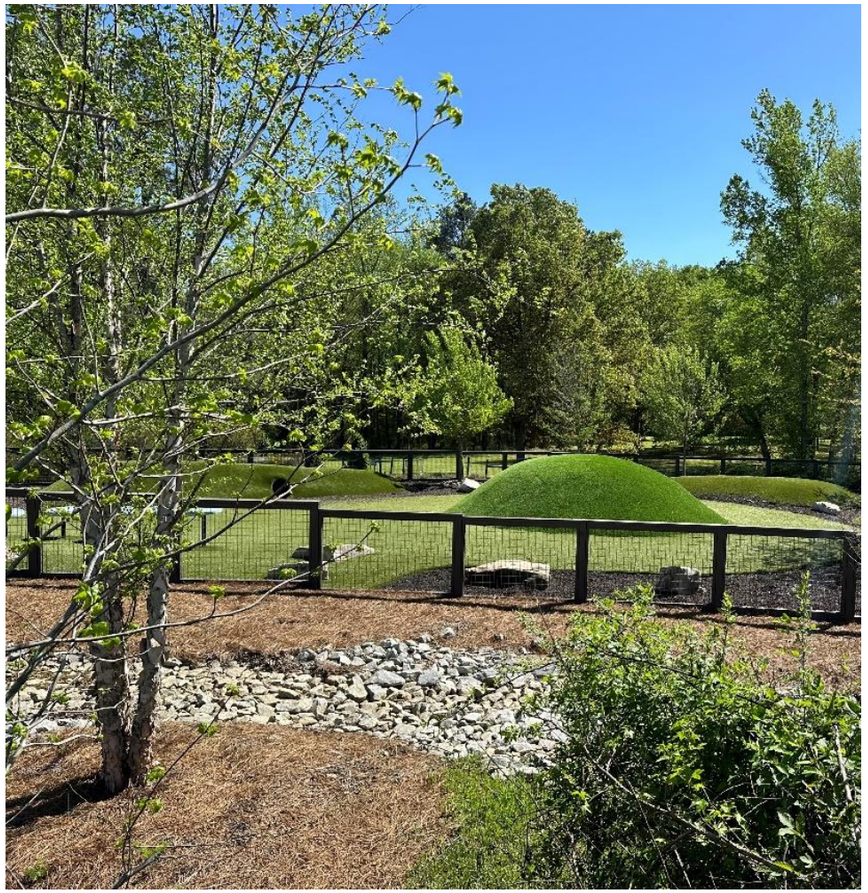


Mosaic Properties, Copyright 2025

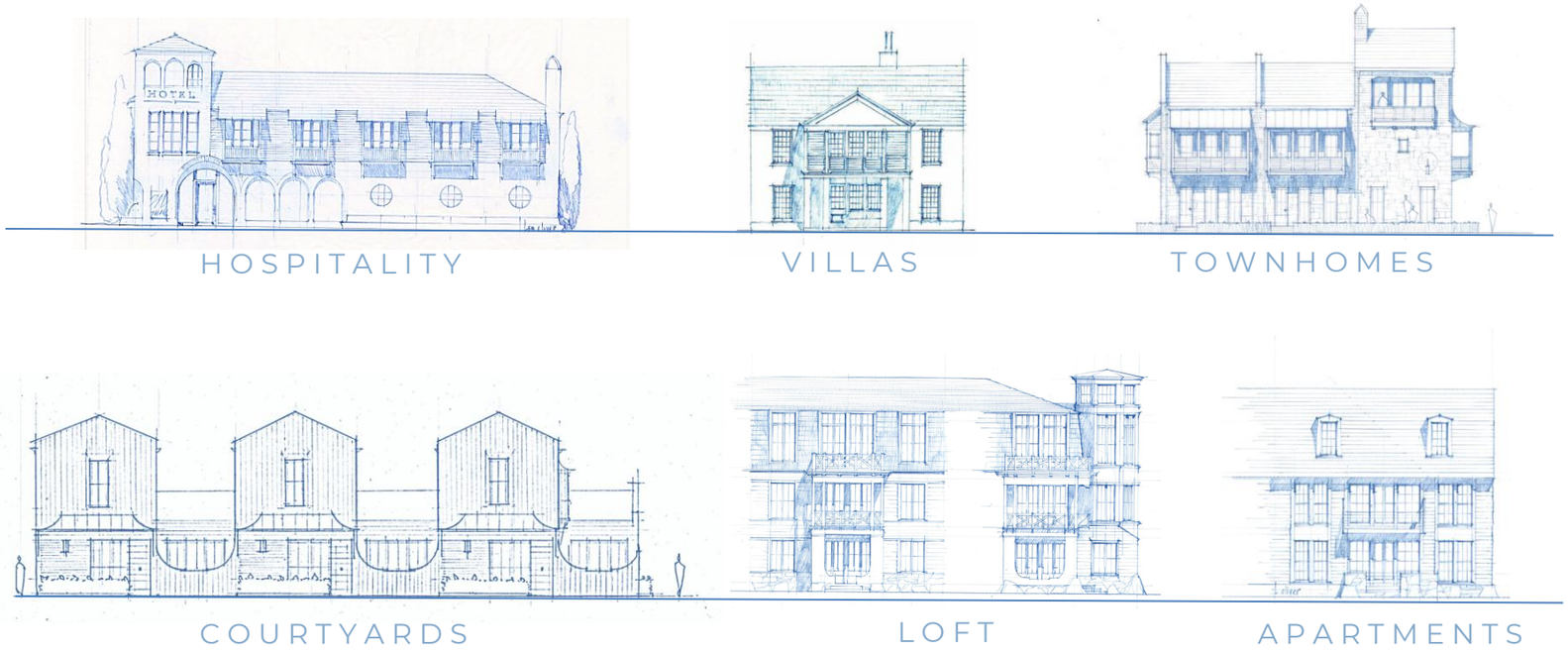
DOG PARK







Mosaic Properties, Copyright 2025

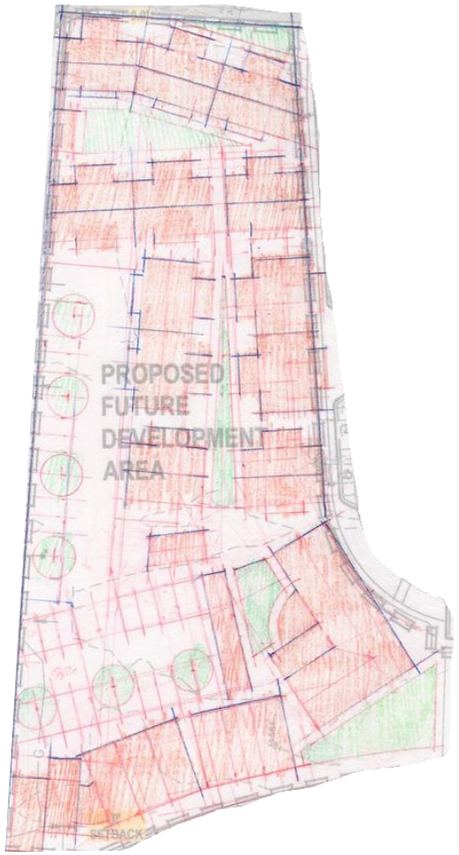


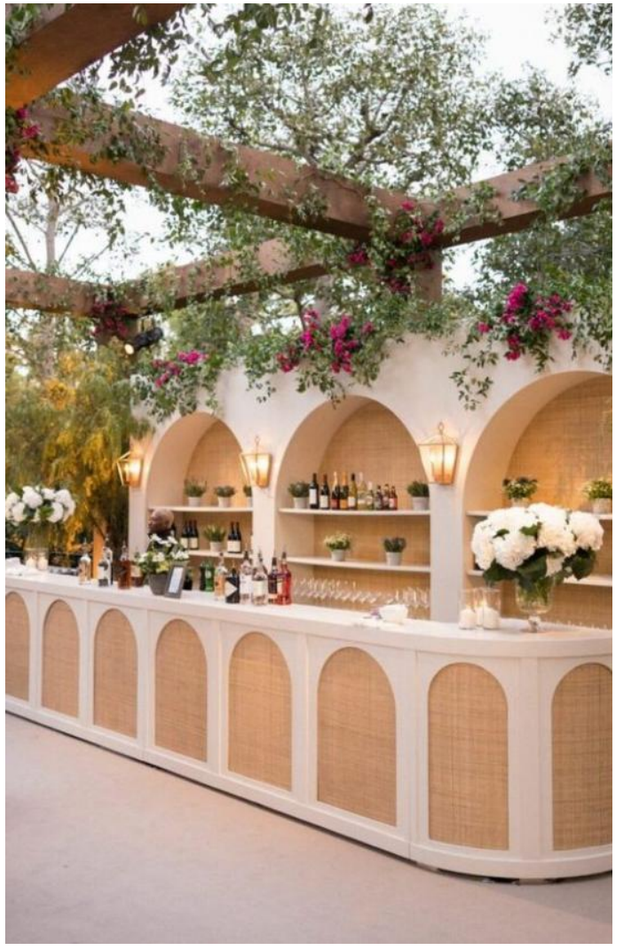
DIVERSE HOUSING

Mosaic Properties, Copyright 2025

MOSAIC PROPERTIES

HOSPITALITY



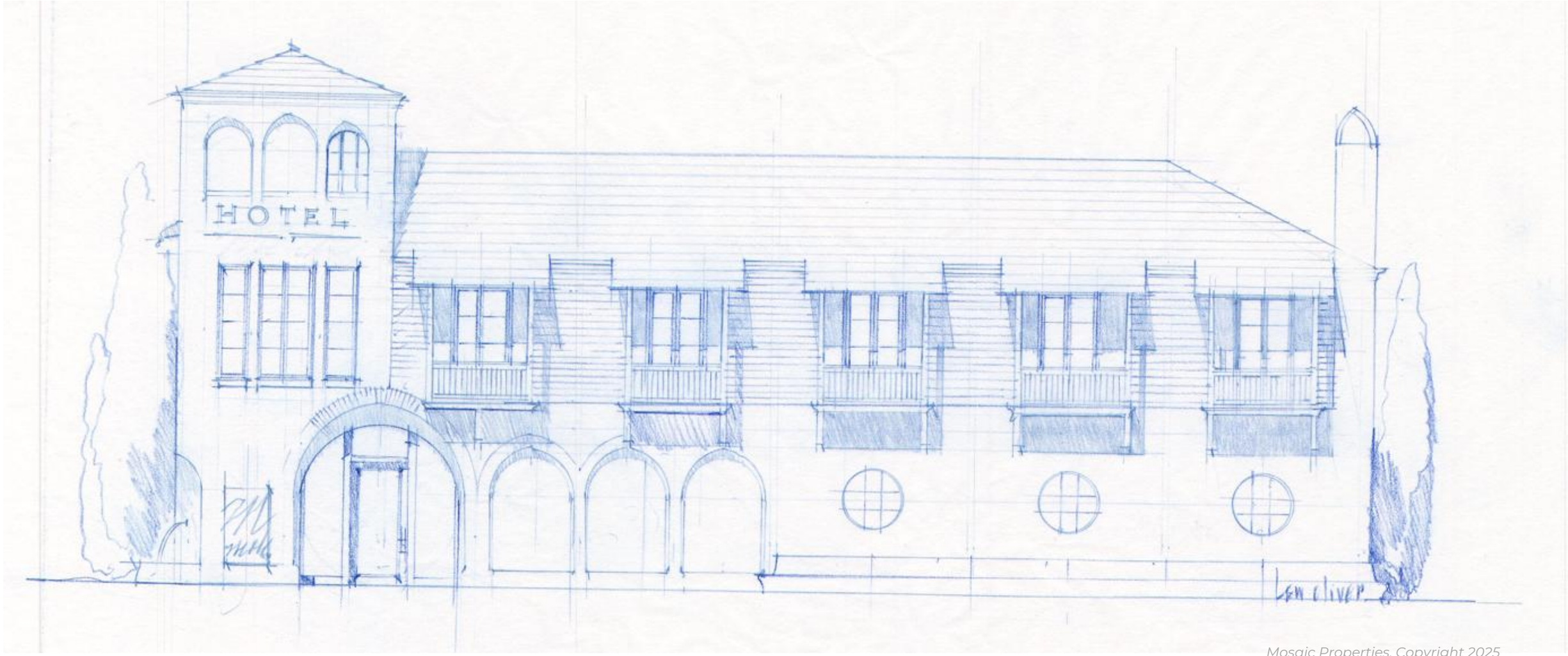






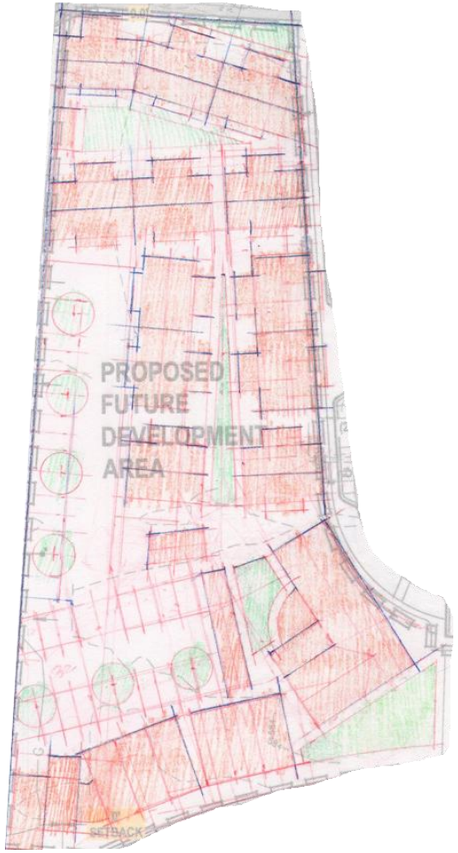
Mosaic Properties, Copyright 2025

HOSPITALITY



Mosaic Properties, Copyright 2025

VILLAS



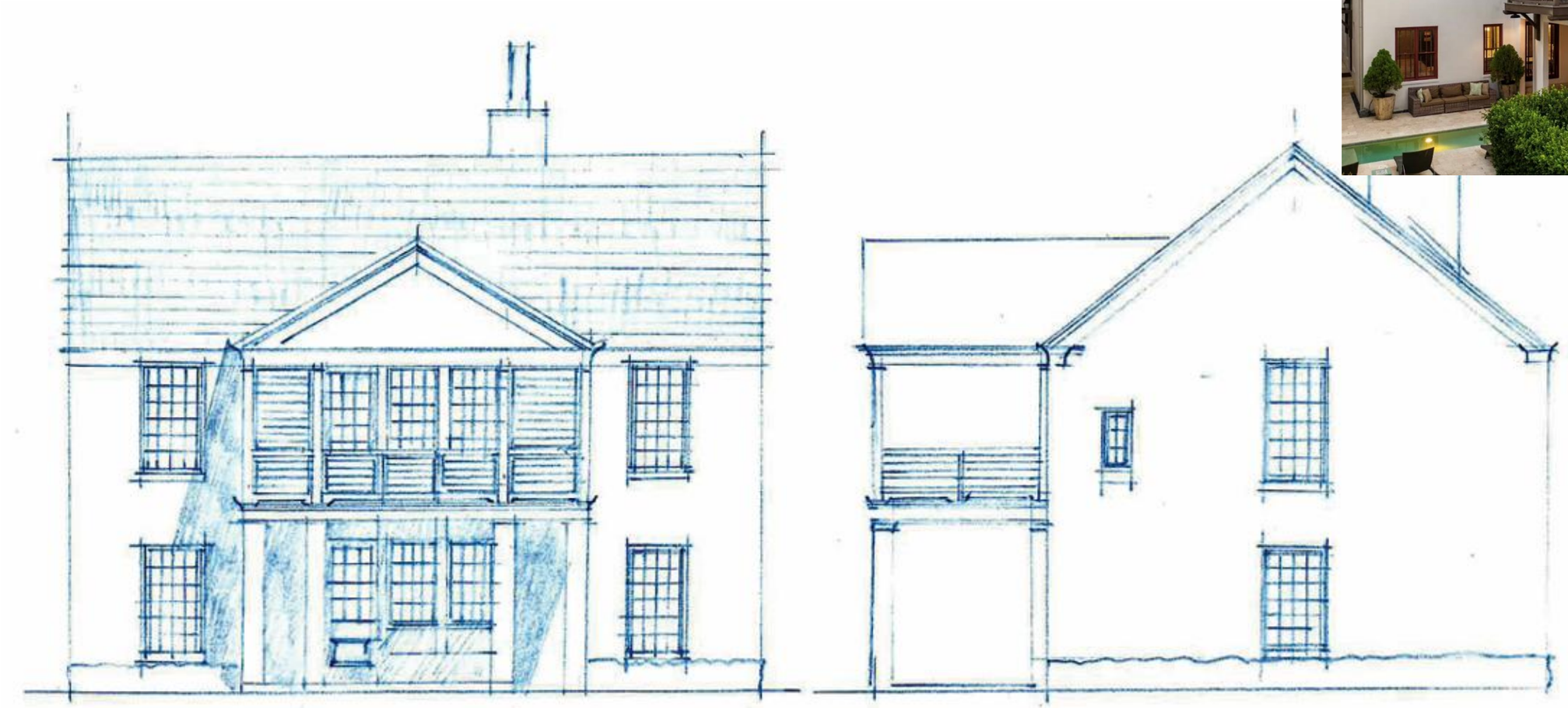




Mosaic Properties, Copyright 2025

LUXURY VILLAS





ALTERNATE FRONT + SIDE ELEVATION

Mosaic Properties, Copyright 2025

HONEYMOON COTTAGES







Mosaic Properties, Copyright 2025

TOWNHOMES + COURTYARDS







Mosaic Properties, Copyright 2025

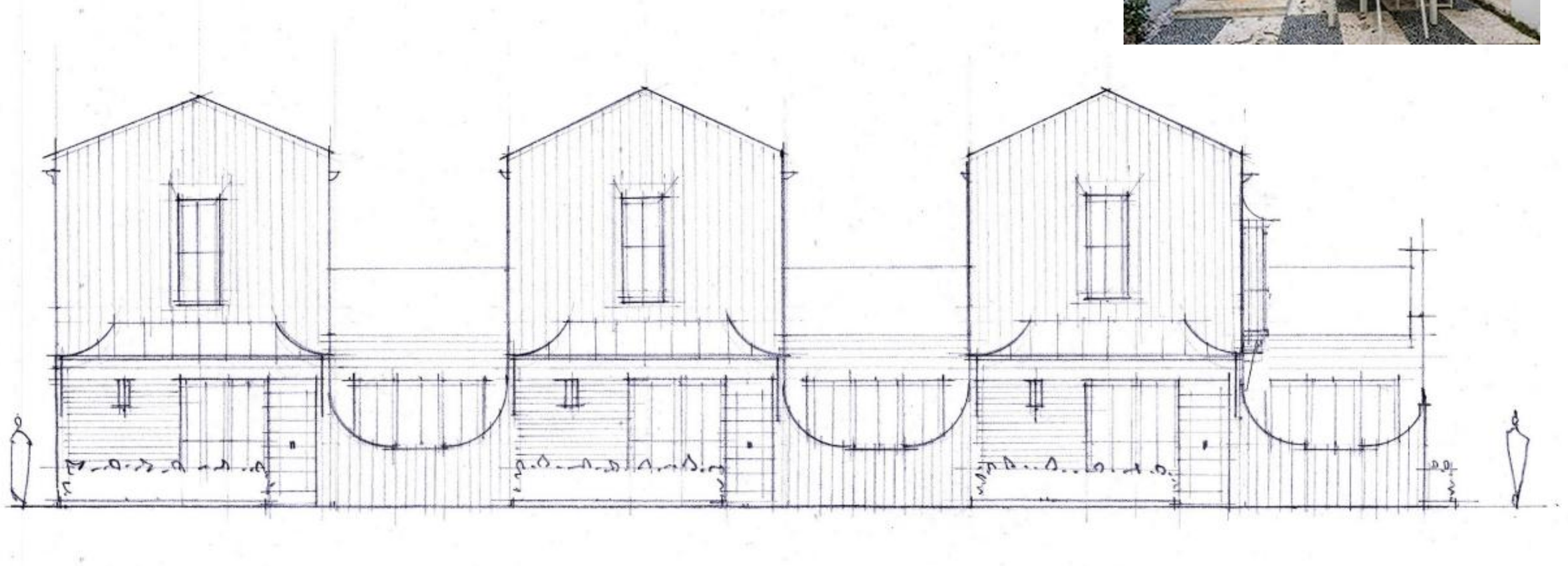
TOWNHOMES



Mosaic Properties, Copyright 2025

COURTYARD





Mosaic Properties, Copyright 2025

LOFT







Mosaic Properties, Copyright 2025

AFFORDABLE APARTMENTS





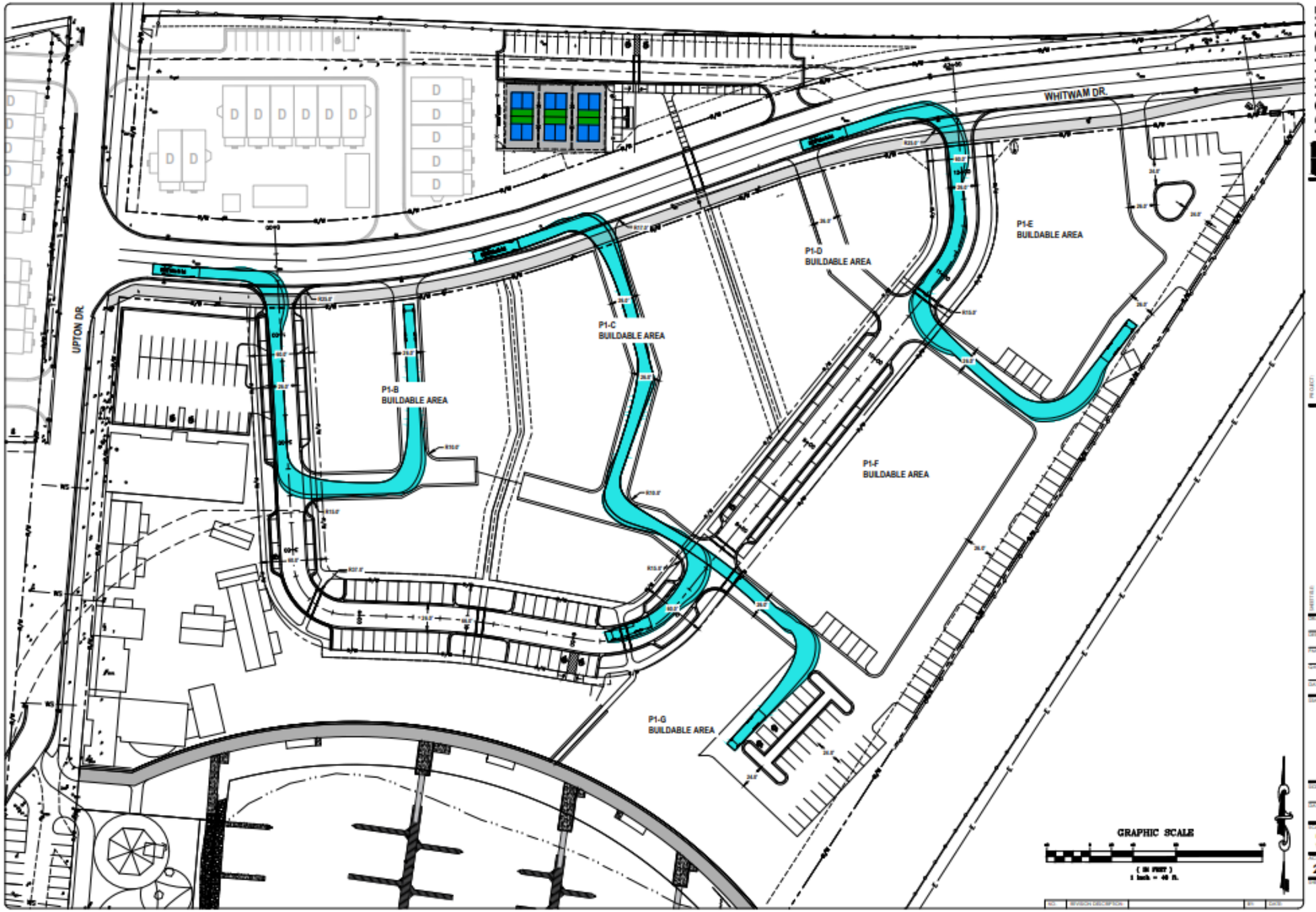
Mosaic Properties, Copyright 2025

Q+A

THANK YOU



Mosaic Properties, Copyright 2025



ABONMARCHE

HARBOR SHORES
PARCEL 2 - PHASE 1

FIRE TRUCK
TURNING TEMPLATES - 1

JULY 2024

HORZ: 1" = 40'
VERT: N/A

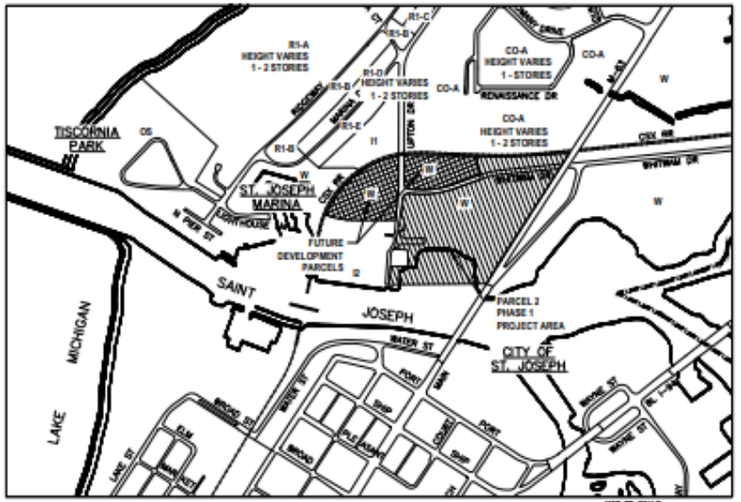
22-0197-15

1 of 2

INDEX OF SHEETS	
SHT NO.	DESCRIPTION
1	TITLE SHEET
2	BOUNDARY SURVEY
3	EXISTING CONDITIONS
4	SCHEMATIC OVERALL SITE PLAN
5	ENLARGED PI-A
6	ENLARGED PI-B AND C
7	ENLARGED PI-D AND E
8	ENLARGED PI-F AND G
9	OVERALL UTILITIES PLAN
10	SANITARY SEWER PLAN
11	STORM SEWER PLAN
12	WATER MAIN PLAN
13	MARINA PLAN

HARBOR SHORES

PARCEL 2 - PHASE I
WHITWAM DRIVE
PLANNED UNIT DEVELOPMENT
SITE PLAN REVIEW



SITE VICINITY MAP & ZONING CLASSIFICATION

RESIDENTIAL DISTRICTS	OTHER ZONING DISTRICTS
R1-A	C - COMMERCIAL BUSINESS DISTRICT
R1-B	CO-A - COMMERCIAL OFFICE DISTRICT
R1-C	I - LIGHT INDUSTRIAL DISTRICT
R1-D	D - HEAVY INDUSTRIAL DISTRICT
R1-E	OS - OPEN SPACE DISTRICT
	W - WATER RECREATION DISTRICT

DEVELOPER/OWNER:

HARBOR SHORES COMMUNITY REDEVELOPMENT
800 WHITWAM DRIVE
ST. JOSEPH, MI 49022



COUNTY KEY
NOT TO SCALE

LOCAL UTILITIES

GAS:
MICHIGAN GAS
711 STARLITE DRIVE
BENTON HARBOR, MI 49022
(269) 605-2188
KELLY BAUER

ELECTRIC:
I&M
3425 MEADOWBROOK
BENTON HARBOR, MI 49022
(269) 926-0683
KURT SCHNEIDER

TELEPHONE:
AT&T
1435 MILTON STREET
BENTON HARBOR, MI 49022
(269) 926-0232
CHRIS O'BRIEN

SEWER & WATER
CITY OF ST. JOSEPH
1160 BROAD STREET
ST. JOSEPH, MI 49085
(269) 983-6341
DAVID LINDERMAN

CABLE:
COMCAST
1920 McKINLEY AVE.
MISHAWAKA, INDIANA, 46545
(847) 756-1039
JAY CASTELLO

CALL MISS DIG

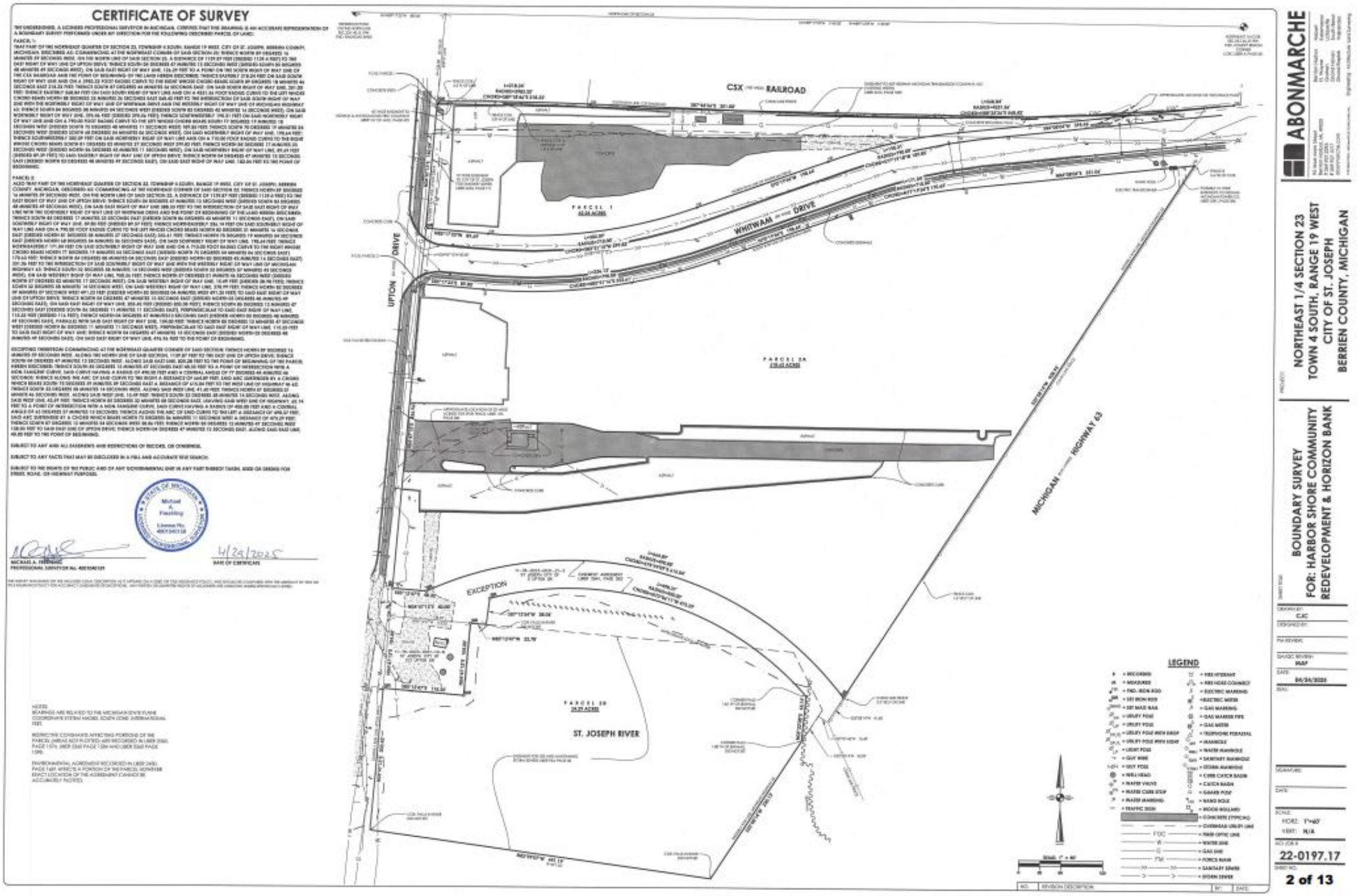
1-800-482-7171 OR 811

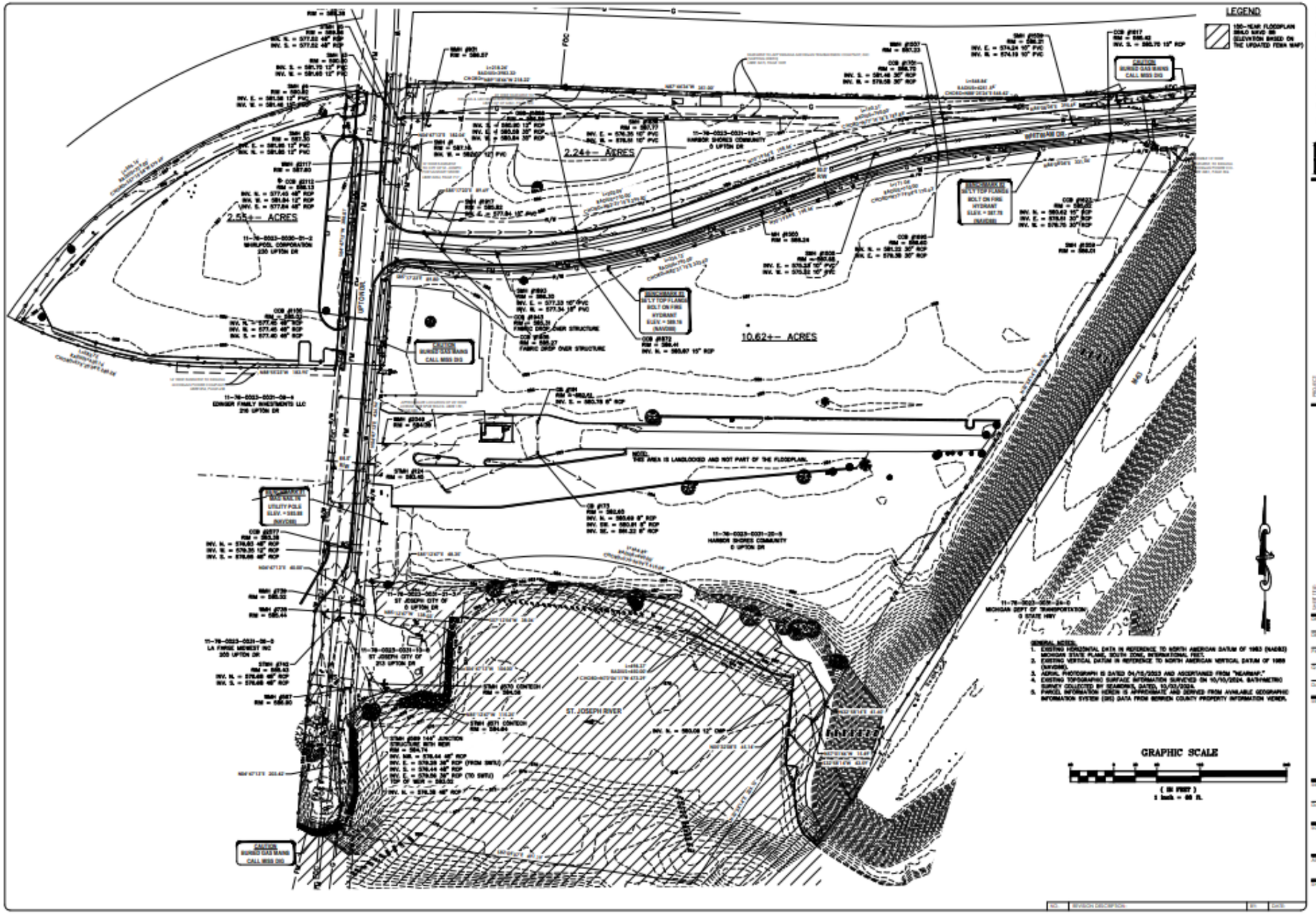
FOR PROTECTION OF THE UNDERGROUND UTILITIES, THE CONTRACTOR SHALL CALL MISS DIG A MINIMUM OF THREE FULL WORKING DAYS, EXCLUDING SATURDAYS, SUNDAYS, AND HOLIDAYS PRIOR TO BEGINNING CONSTRUCTION OPERATIONS. MEMBERS WILL THUS BE ROUTINELY NOTIFIED. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING UTILITY OWNERS WHO MAY NOT BE PART OF THE "MISS DIG" ALERT SYSTEM.

811
Know what's below.
Call before you dig.

ABONMARCHE
DATE: JULY 2025

1 OF 13
PARCEL 2
HARBOR SHORES
PROJECT #22-0197-15


CERTIFICATE OF SURVEY
CSX (100' WIDE) RAILROAD
WHITWAM DRIVE
UPTION DRIVE
MICHIGAN (100' WIDE) HIGHWAY 63
PARCEL 1
42.34 ACRES
PARCEL 2A
218.62 ACRES
PARCEL 2B
34.39 ACRES
EXCEPTION
ST. JOSEPH RIVER
LEGEND
ABONMARCHE
NORTHEAST 1/4 SECTION 23
TOWN 4 SOUTH, RANGE 19 WEST
CITY OF ST. JOSEPH
BERRIEN COUNTY, MICHIGAN
BOUNDARY SURVEY
FOR: HARBOR SHORE COMMUNITY
REDEVELOPMENT & HORIZON BANK
CJC
MAP
06/26/2025
HORZ: 1"=60'
VERT: N/A
22-0197.17
2 of 13



ABONMARCHE

HS PARCEL 2 MARINA
ST. JOSEPH RIVER
CITY OF BENTON HARBOR
BERRIEN COUNTY, MI.

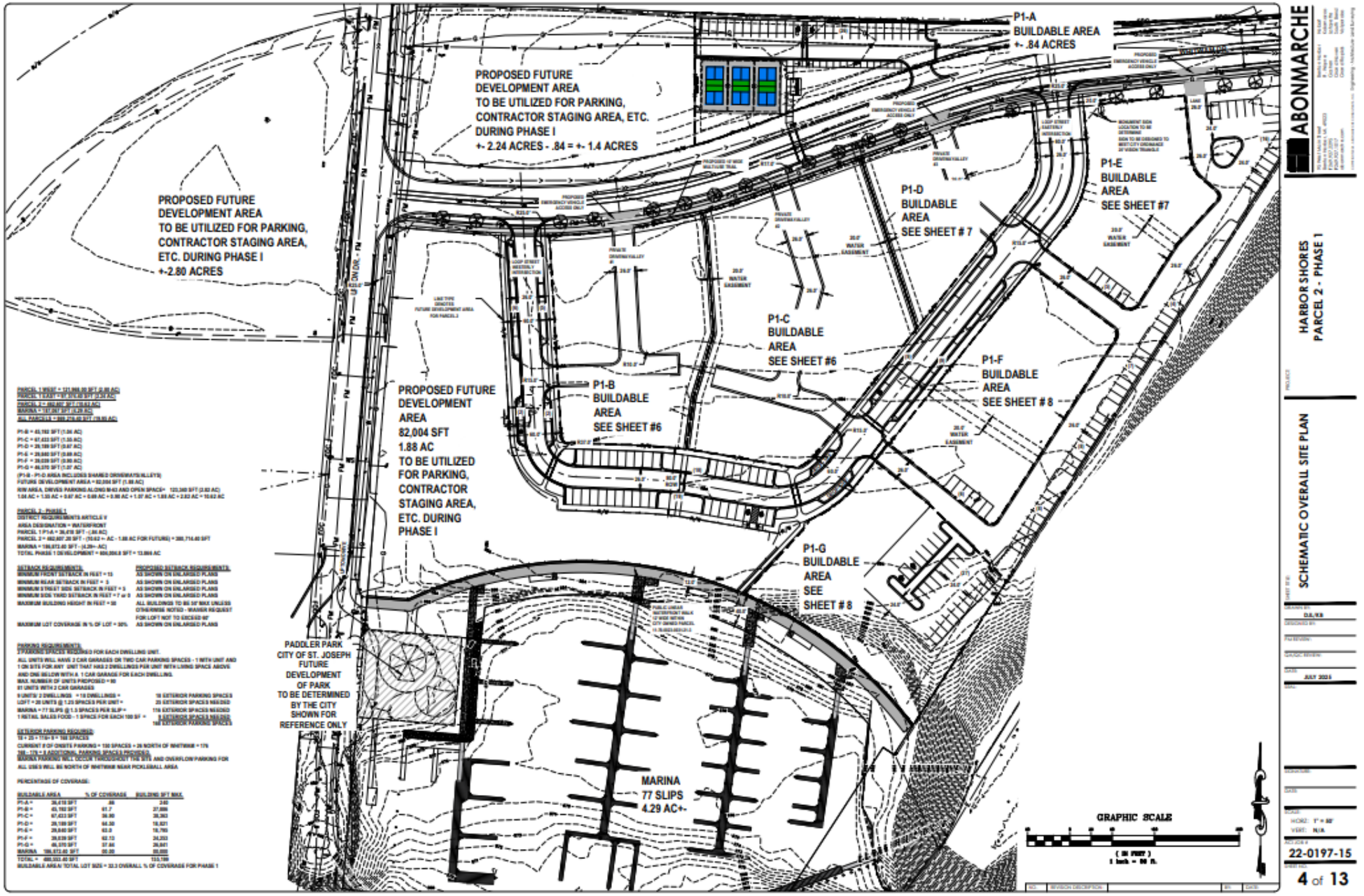
EXISTING CONDITIONS

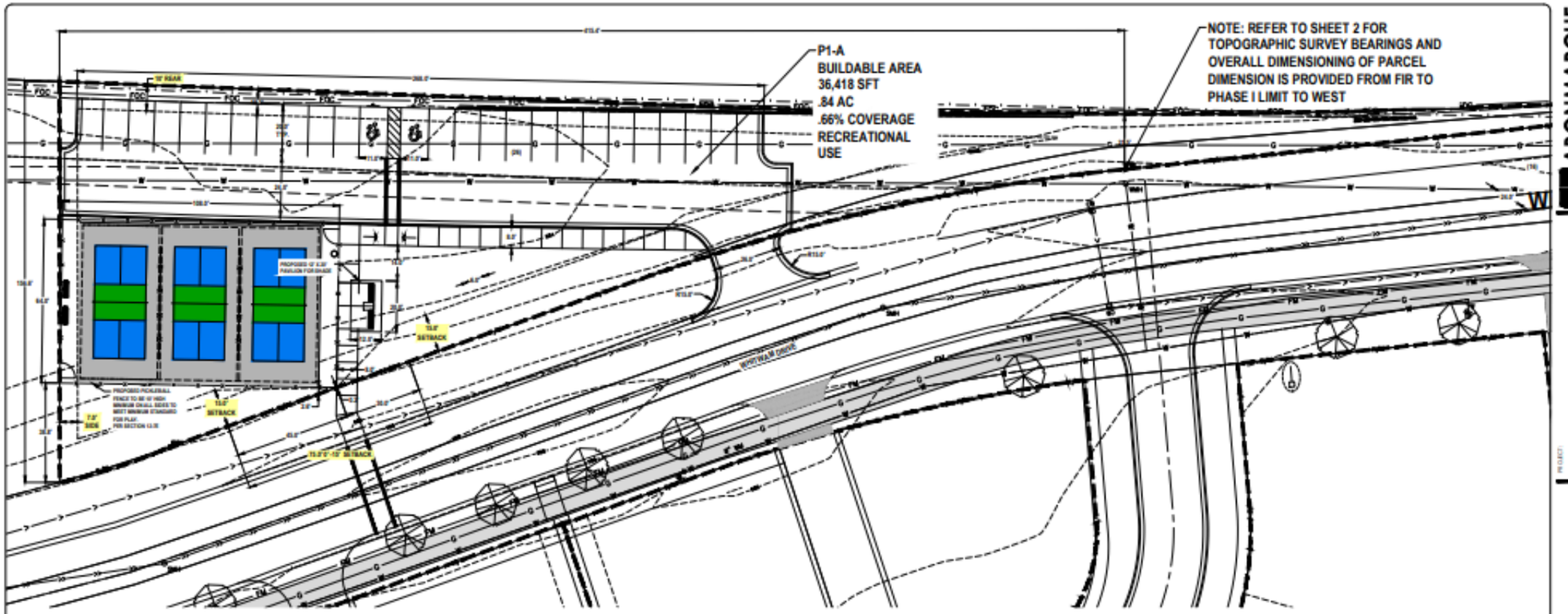
CS
MR
MCN
JULY 2025

HORZ: 1"=60'
VERT: N/A

24-1626

3 of 13


P1-A
BUILDABLE AREA
+- .84 ACRES
PROPOSED FUTURE
DEVELOPMENT AREA
TO BE UTILIZED FOR PARKING,
CONTRACTOR STAGING AREA, ETC.
DURING PHASE I
+- 2.24 ACRES - .84 = +- 1.4 ACRES
PROPOSED FUTURE
DEVELOPMENT AREA
TO BE UTILIZED FOR PARKING,
CONTRACTOR STAGING AREA,
ETC. DURING PHASE I
+-2.80 ACRES
P1-D
BUILDABLE
AREA
SEE SHEET # 7
P1-E
BUILDABLE
AREA
SEE SHEET #7
P1-C
BUILDABLE
AREA
SEE SHEET #6
P1-B
BUILDABLE
AREA
SEE SHEET #6
P1-F
BUILDABLE
AREA
SEE SHEET # 8
PROPOSED FUTURE
DEVELOPMENT
AREA
82,004 SFT
1.88 AC
TO BE UTILIZED
FOR PARKING,
CONTRACTOR
STAGING AREA,
ETC. DURING
PHASE I
P1-G
BUILDABLE
AREA
SEE
SHEET # 8
PADDLER PARK
CITY OF ST. JOSEPH
FUTURE
DEVELOPMENT
OF PARK
TO BE DETERMINED
BY THE CITY
SHOWN FOR
REFERENCE ONLY
MARINA
77 SLIPS
4.29 AC+-
GRAPHIC SCALE
(IN FEET)
1 inch = 80 ft.
ABONMARCHE
HARBOR SHORES
PARCEL 2 - PHASE 1
SCHEMATIC OVERALL SITE PLAN
D.S./R.S.
JULY 2024
HORZ: 1" = 80'
VERT: N/A
22-0197-15
4 of 13



P1-A

AREA = 36,418 SFT OR .84 AC	
MAXIMUM LOT COVERAGE = 50%	PROPOSED LOT COVERAGE = 0.66 % (240 SFT PAVILION)
SITE IS FOR RECREATIONAL USE	
WHITWAM FRONT SETBACK = 15'	PROPOSED 0' - 15' FOR 75' OF FRONTAGE - WAIVER REQUESTED
REAR SETBACK = 5'	PROPOSED 10'
SIDE YARD SETBACK = 7'	PROPOSED 7'
SIDE YARD/STREET = 5'	N/A
MAXIMUM BUILDING HEIGHT = 50'	PROPOSED 12'

PARKING SPACES MINIMUM OF 9' X 20' AND ADA SPACES 11' WITH 5' ACCESS AISLE (PROWAG)
26 PARKING SPACES PROVIDED = 2 ADA SPACES AS SHOWN.

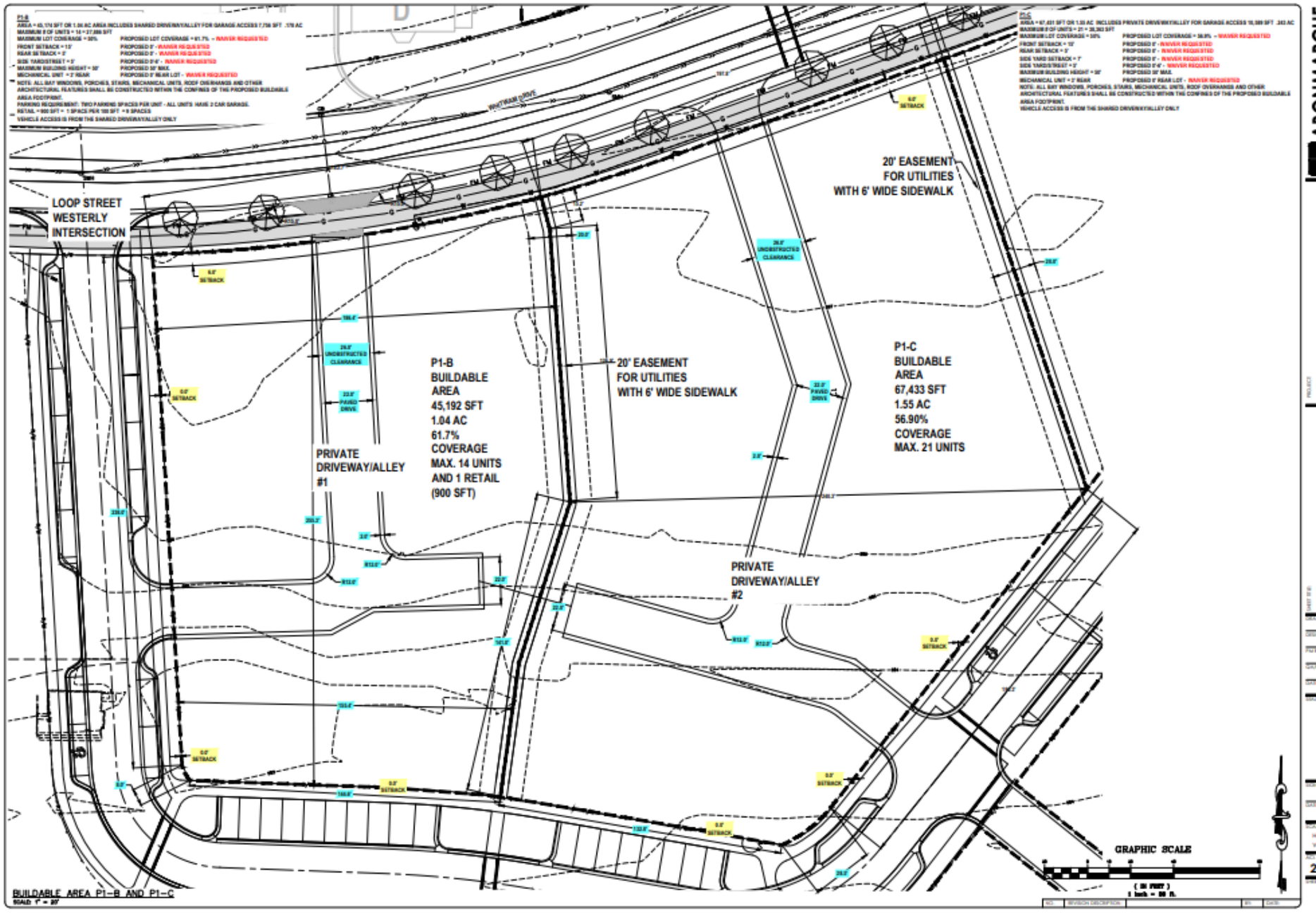
GRAPHIC SCALE
(IN FEET)
1 inch = 20 ft.

ABONMARCHE

HARBOR SHORES
PARCEL 2 - PHASE 1

ENLARGED PLAN P1-A

DESIGNED BY: D.B./K.B.
DRAWN BY:
CHECKED BY:
DATE: JULY 2023
SEAL:
SIGNATURE:
DATE:
SCALE:
HORZ: 1" = 20'
VERT: N/A
ACAD JOB #: 22-0197-15
SHEET NO: 5 of 13



ABONMARCHE

HARBOR SHORES
PARCEL 2 - PHASE 1

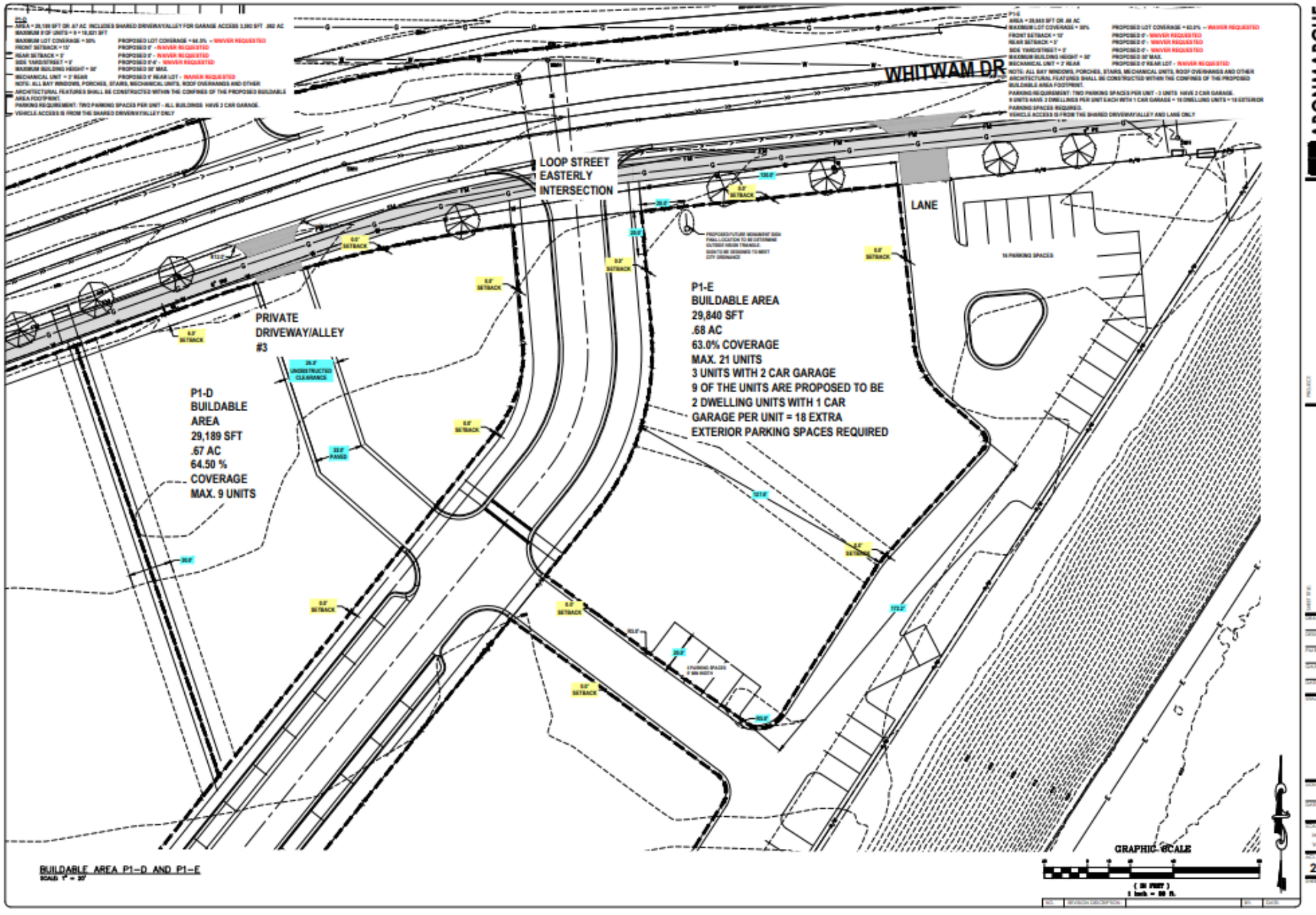
ENLARGED PLAN P1-B AND P1-C

JULY 2025

HORZ: 1" = 20'
VERT: N/A

22-0197-15

6 of 13



ABONMARCHE

HARBOR SHORES
PARCEL 2 - PHASE 1

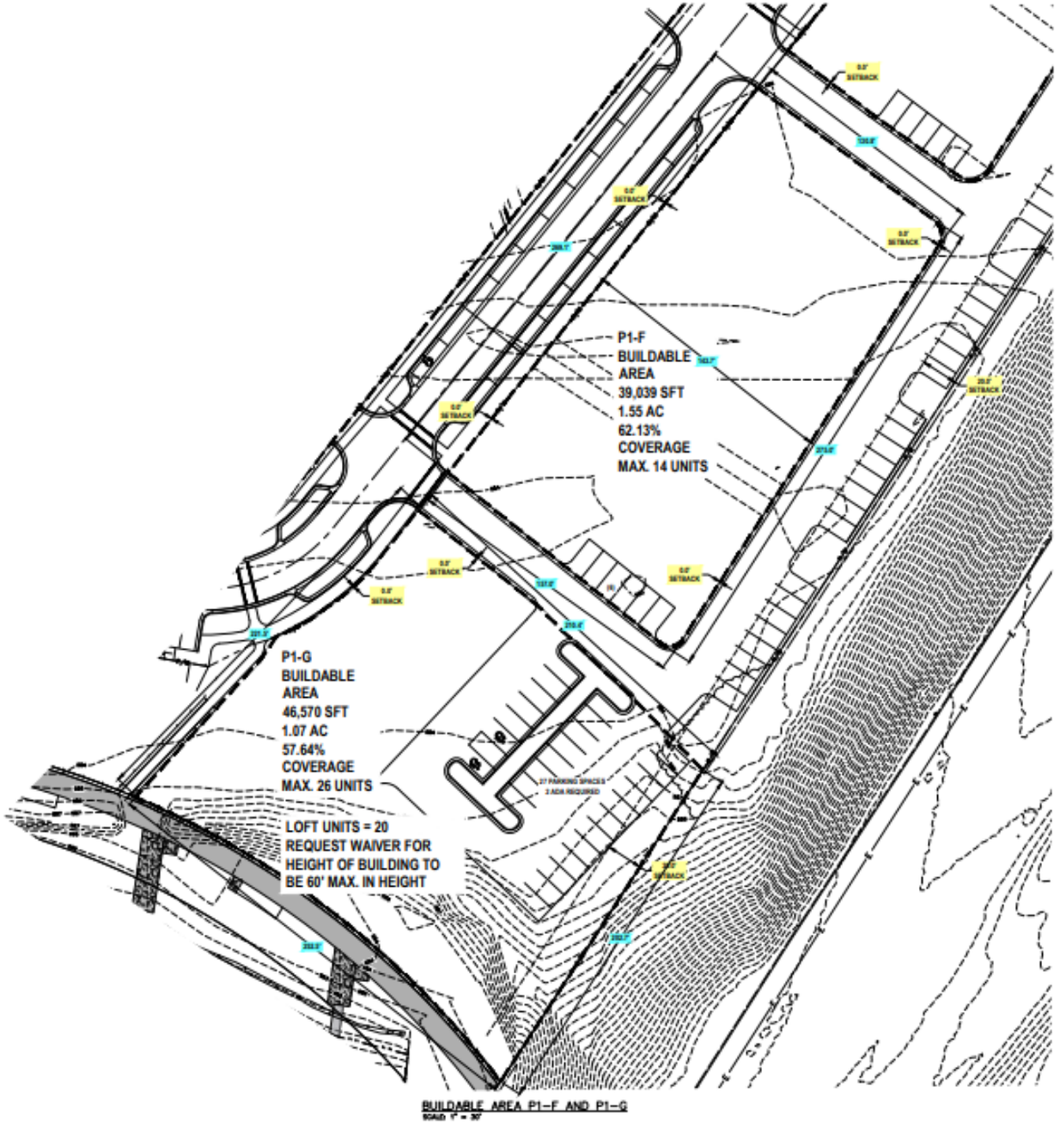
ENLARGED PLAN P1-D AND P1-E

JULY 2023

HORZ: 1" = 20'
VERT: N/A

22-0197-15

7 of 13



BUILDABLE AREA P1-F AND P1-G
SCALE: 1" = 30'

P1-F
AREA = 39,039 SFT OR 1.55 AC
MAXIMUM LOT COVERAGE = 50% — PROPOSED LOT COVERAGE = 62.13% — WAIVER REQUESTED
FRONT SETBACK = 15' — PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 0' — PROPOSED 0' - WAIVER REQUESTED
SIDE YARD SETBACK = 7' — PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 0' — PROPOSED 0' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50' — PROPOSED 50' MAX.
MECHANICAL UNIT = 0' REAR — PROPOSED 0' REAR LOT - WAIVER REQUESTED
NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT - ALL UNITS HAVE 2 CAR GARAGE.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY AND LANE ONLY

P1-G
AREA = 46,570 SFT OR .88 AC INCLUDES SHARED DRIVEWAY AND PARKING FOR LOFT BUILDING 14,386 SFT .330 AC
MAXIMUM LOT COVERAGE = 50% — PROPOSED LOT COVERAGE = 57.64% — WAIVER REQUESTED
FRONT SETBACK = 15' — PROPOSED 0' - WAIVER REQUESTED
REAR SETBACK = 0' — PROPOSED 0' - WAIVER REQUESTED
SIDE YARD/STREET = 0' — PROPOSED 0'-20' - WAIVER REQUESTED
MAXIMUM BUILDING HEIGHT = 50' — PROPOSED 60' MAX. FOR LOFT - WAIVER REQUESTED
MECHANICAL UNIT = 0' REAR — PROPOSED 0' REAR LOT - WAIVER REQUESTED
NOTE: ALL BAY WINDOWS, PORCHES, STAIRS, MECHANICAL UNITS, ROOF OVERHANGS AND OTHER ARCHITECTURAL FEATURES SHALL BE CONSTRUCTED WITHIN THE CONFINES OF THE PROPOSED BUILDABLE AREA FOOTPRINT.
PARKING REQUIREMENT: TWO PARKING SPACES PER UNIT FOR TOWNHOMES ALL UNITS HAVE 2 CAR GARAGE.
LOFT BUILDING = 20 UNITS @ 1.25 SPACES = 25 EXTERIOR PARKING SPACES REQUIRED.
VEHICLE ACCESS IS FROM THE SHARED DRIVEWAY/ALLEY LANE AND PARKING LOT ONLY

GRAPHIC SCALE
(IN FEET)
1 inch = 60 ft.

NO.	REVISION DESCRIPTION	BY	DATE

ABONMARCHE

PROJECT: HARBOR SHORES PARCEL 2 - PHASE 1

SHEET(S): ENLARGED PLAN P1-F AND P1-G

DRAWN BY: D.S., R.B.
DESIGNED BY:
Plot Revision:
GAUGE Revision:
DATE: JULY 2022
Xrefs:

SIGNATURE:
DATE:
SCALE: HORZ: 1" = 30' VERT: N/A
PROJECT #: 22-0197-15
SHEET NO.: 8 of 13

ABONMARCHE

HARBOR SHORES PARCEL 2

UTILITY PLAN
OVERALL

C.M.
C.M.
TBD
QA/QC
JULY 2023

HORZ: 1" = 60'
VERT: N/A

22-0197-15

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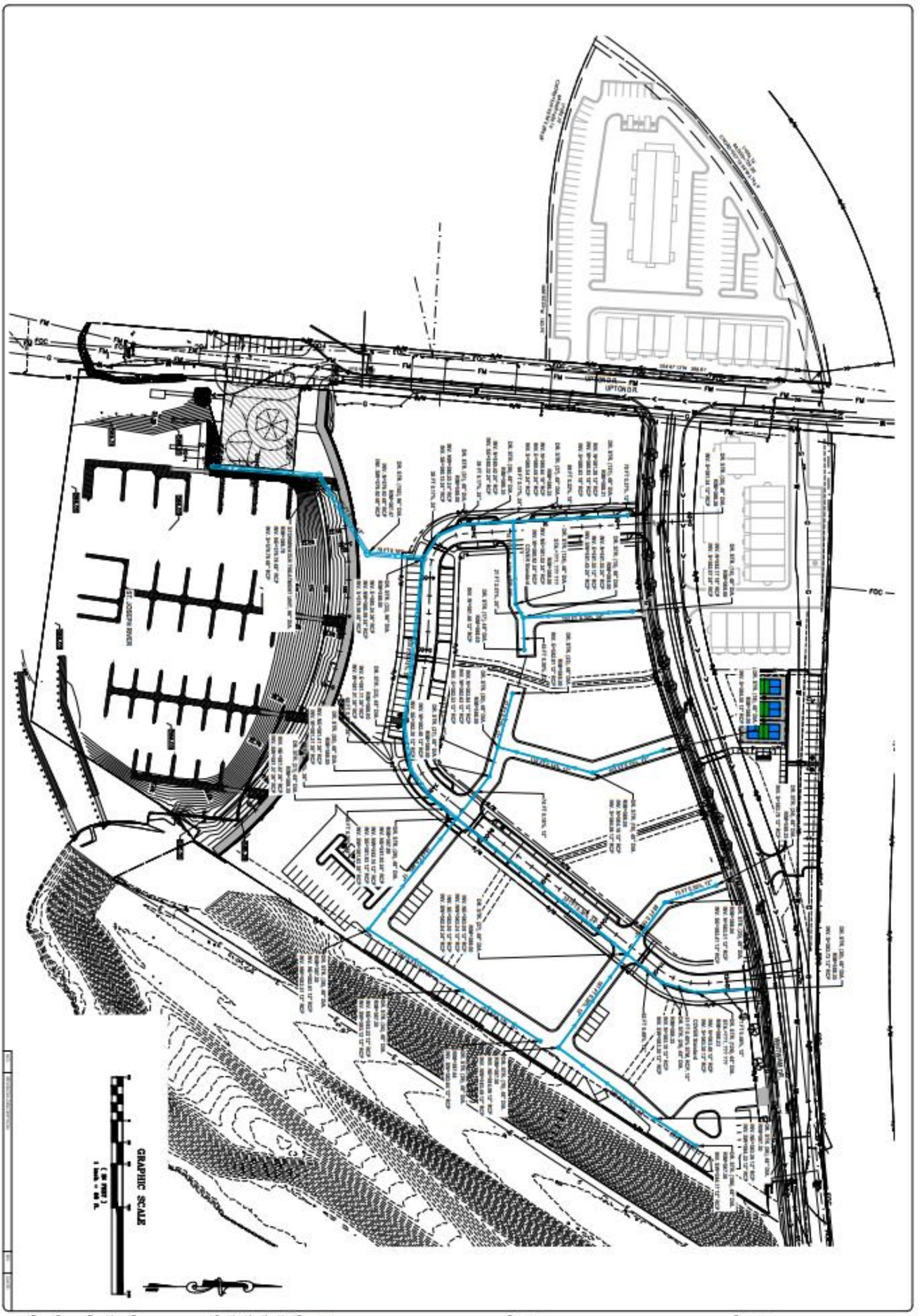
ABONMARCHE

HARBOR SHORES PARCEL 2

UTILITY PLAN
SANITARY SEWER

22-0197-15

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22-0197-15

UTILITY PLAN
STORM SEWER

HARBOR SHORES PARCEL 2

ABONMARCHE

ABONMARCHE

PROJECT
HARBOR SHORES PARCEL 2

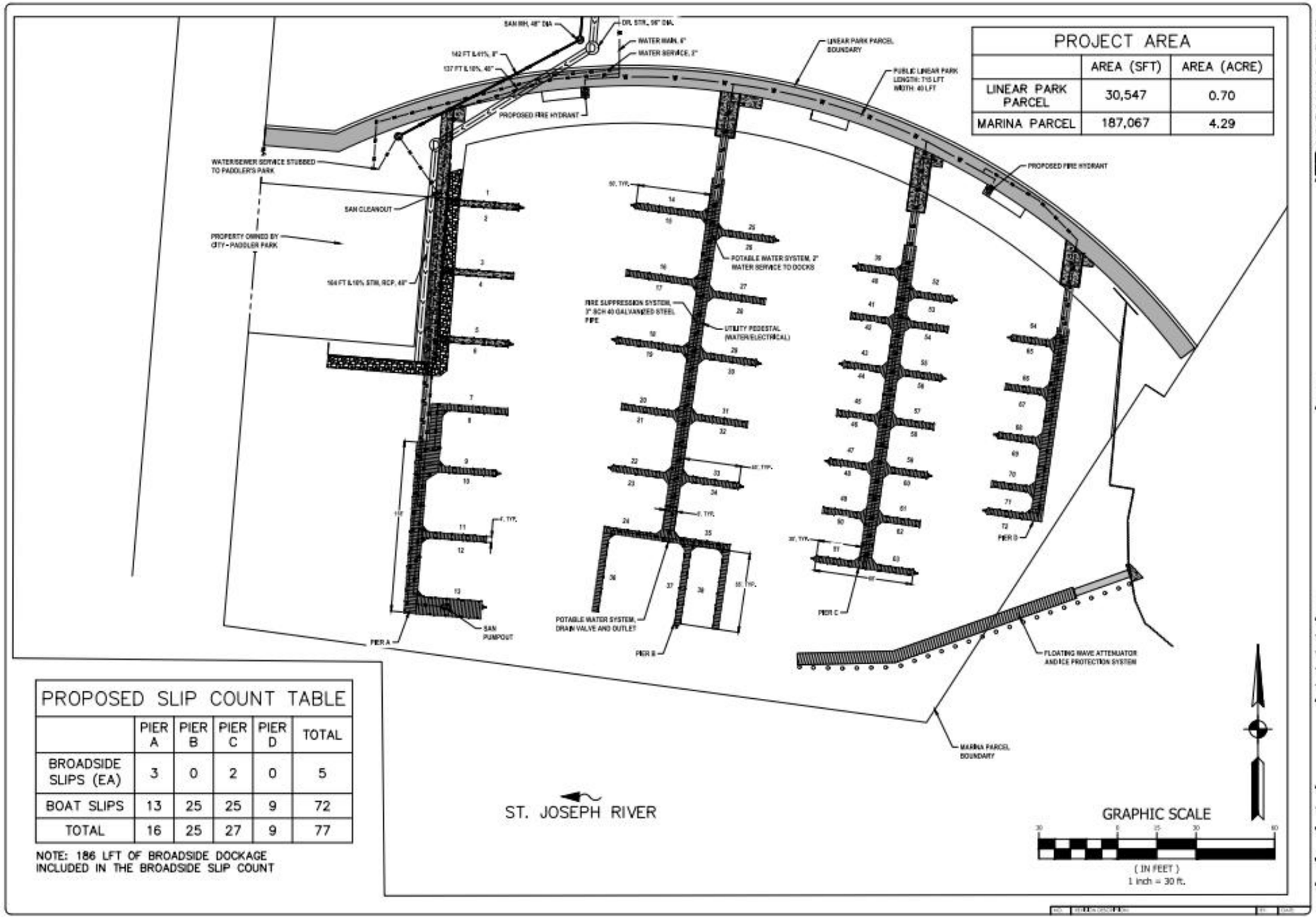
UTILITY PLAN
WATER MAIN

DESIGNED BY CJS
DRAWN BY CJS
CHECKED BY TKD
QA/QC REVIEW QA/QC
DATE JULY 2022

SCALE HORZ: 1" = 60'
VERT: N/A

PROJECT NO. 22-0197-15
SHEET NO. 12 of 13

NO.	REVISION DESCRIPTION	BY	DATE



PROJECT AREA		
	AREA (SFT)	AREA (ACRE)
LINEAR PARK PARCEL	30,547	0.70
MARINA PARCEL	187,067	4.29

PROPOSED SLIP COUNT TABLE					
	PIER A	PIER B	PIER C	PIER D	TOTAL
BROADSIDE SLIPS (EA)	3	0	2	0	5
BOAT SLIPS	13	25	25	9	72
TOTAL	16	25	27	9	77

NOTE: 186 LFT OF BROADSIDE DOCKAGE INCLUDED IN THE BROADSIDE SLIP COUNT

ABONMARCHE

HARBOR SHORES PARCEL 2 MARINA

MARINA SITE PLAN

DRAWN BY: ######
CHECKED BY: ######
REVISION: ##
BASIC REV. NO: #####
DATE: JULY 2025
SEAL:

SIGNATURE:
DATE:
SCALE:
HORZ: 1"=30'
VERT: 1"=30'
JOB NO.
24-1626
SHEET NO.
13 of 13

Agenda Item

TO:	**Members of the St. Joseph City Commission**
FROM:	**Kristen Gundersen, Community Development Director**
RE:	**Area generally located southerly of the CSX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of four properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers**
MEETING DATE:	**August 25, 2025**

Following the public hearing, consider the request as presented, and review the criteria found in the Zoning Ordinance, specifically required standards under Sections 13.3.1, 13.3.2 and 13.6 of the Zoning Ordinance. All standards and criteria are found in the accompanying Public Hearing agenda item. The approvals previously granted or amended remain along with any previously approved waivers.

As stated in the public hearing agenda item, Harbor Shores Community Redevelopment LLC i requesting approval of a planned unit development on an approximate 19.5-acre parcel located in the W Water Recreation to allow site improvements including a private street; development of 7 buildable areas creating 105 dwelling units, outdoor recreation area, a marina with 77 boat slips, surface parking and three future development sites along with a total of 36 specific waivers for the entire development and including individual buildable areas.

If the City Commission believes the required standards have been met and is in agreement with the amendment as recommended by the Planning Commission, please consider the following motion.

Action Requested: Move to approve a Planned Unit Development located west of M-63 and southerly of the CSX Railroad property at Upton and Whitwam Drives with addresses of 215 and 230 Upton Drive and located in the W Water Recreation District consisting of three parcels on 19.5-acres of land, requested by Harbor Shores Community Redevelopment, LLC to allow site improvements including a private street; development of seven buildable areas creating 105 dwelling units, outdoor recreation area, a marina with 77 boat slips, surface parking and three future development sites along with a total of 36 specific waivers for the entire development and including individual buildable areas as found listed in the staff memorandum pages 66-72 and engineering drawings found on pages 89-101 for the August 7, 2025 Planning Commission meeting and based on the fourteen page document prepared by Abonmarche, dated July 2025 with project #22-0197-15-89-101 as it meets the required standards under Sections 13.3.1, 13.3.2, 13.6.1, and 13.6.3 of the Zoning Ordinance, with the condition that city staff review and approve all grading and engineering plans associated with the development of the property.

Agenda Item

TO:	**Members of the St. Joseph City Commission**
FROM:	**Kristen Gundersen, Community Development Director**
RE:	**Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use**
MEETING DATE:	**August 25, 2025**

Public Hearing

The public hearing notice appeared in the Herald Palladium newspaper on August 9, 2025, and the 300' notices were sent to property owners and tenants on August 8, 2025.

Public Hearing Procedure:

1. Open Public Hearing
2. Staff Introduction of Application
3. Applicant Presentation
4. City Commission questions
5. Public Comments
6. Public Comments – Speaker to state name and address for the record and comments should be directed to Mayor
7. Applicant Response
8. Close Public Hearing

Upon the conclusion of the public comments, the Mayor will entertain a motion to close the Public Hearing and then continue on to the next agenda item: 520 State and 515 Market Streets – Market & State LLC – Special Use Permit for 8 Short-term Rental Units in R3 Multiple Family Residence District adjacent to R1 District or Residential Use.

General Overview

The applicant Brian Barrett, representing the property owner Market & State LLC, has filed a special use permit request for the property known as 520 State and 515 Market Streets to allow Short-term Rental in the R-3 Multiple Family Residence District when located adjacent to a residential district or use. The 8,184 square foot parcel is located in the R-3 Multiple Family Residence District and improved with a two and one-half story multiple-family building with eight dwelling units located above grade. There are no on-site parking spaces.

The current owner purchased the 1910 building in June 2008. The property is considered nonconforming as the parcel does not comply with the minimum lot width or land area requirements for the R-3 district. In addition, the building is nonconforming as it does not comply with the required building setbacks, maximum lot coverage or required on-site parking.

The applicant is proposing to convert the eight dwelling units with stays of one month or longer to

short-term rental with stays less than one month. Review of Table 4-1 Use Classes, Definitions and Examples of Permitted Uses finds “Short-term Rental establishments” under Lodging/Accommodations as either a conditional use or special use in the R-3 district. The property to the south is located in the R1-E Single-Family Residence District and improved with a public park and requires a Special Use Permit to be reviewed by the Planning Commission and approved by the City Commission while relying on the standards found in Section 11.5 and conditions in Section11.12.11.B of the zoning ordinance.

The applicant appeared before the Zoning Board of Appeals to request a variance from Table 18-1 under “Commercial & Related Uses” which states “One space per Dwelling Unit, plus one-half space per sleeping room in excess of one in each dwelling unit, rounding fractions up for each dwelling unit. Dwelling units in the D Downtown District may be exempt from parking requirements under section 18.2.12 and may provide required parking on-site or leased off-site within the D Downtown District.” The eight dwelling units each have three sleeping rooms which requires two parking spaces per dwelling unit. In addition, Section 11.12.10.C.3 specifically states, “on-site parking must be provided as required in Article XVIII.” On June 12, 2025, the Zoning Board of Appeals conducted the required public hearing, heard testimony and public comments before reviewing the standards found in Section 15.4.10. The Zoning Board of Appeals Board unanimously approved the request as submitted with the condition that the City Commission grant a Special Use Permit for Short-term Rental on the property. They did not discuss if short-term rental should be allowed on the property.

Planning Commission Recommendation

The original July 9, 2025, Planning Commission public hearing did not take place due to no quorum for the agenda item. Mr. Ebbert and Mr. Uhrick both stated reasons for recusing from the discussion. Written comments that were included in the July 9, 2025, packet were included in the August 7 Planning Commission packet. A new legal notice appeared in the newspaper and property owners and tenants within 300' were notified.

On August 7, 2025, the Planning Commission conducted a public hearing, heard a presentation by the applicant and comments from audience members before closing the hearing and deliberating the request and reviewing standards found in Section 11.5.2 and 11.12.11.B. Attached are the draft meeting minutes.

The applicant reviewed the standards found in Section 11.5.2 of the zoning ordinance on why the request should be approved which included the building is in a transition area, there would be no negative impact to the character of the area as the exterior of the building is not changing, and there would be no detriment to the health, safety or welfare from the proposed use. Guests would be vetted and have operated short-term rentals in the past with no issues.

The eight dwelling units each have three-bedrooms and one bathroom which will decrease the number of people wanting to rent because many now want private bathrooms. Each unit has its own private balcony for outdoor space. The traffic impact could be less as the units will not likely be fully rented year-round unlike the existing rental building. The zoning ordinance does not allow short-term rental in the R1 districts, and this property is located in the R3 district where it is either a conditional or special use.

Nine residents spoke against the request and expressed concerns as follows. There are sufficient locations farther away from the R1 District for short-term rental to take place and the use would not

create the same buffer from the residential uses to the south and commercial uses to the north. Neighbors are affected by noise, people playing in the street and cars blocking the sidewalk, the hotel has 24/7 staff to address concerns immediately. The proposed use does not support the residential neighborhood and people like to know their neighbors. Year-round residents support local businesses. The increase in traffic is a concern when people are looking for free parking and there is no loading area available for the property. The property owner has not done a good job in maintaining the building. The character of the neighborhood would change and the new use in the building would not increase or maintain the existing harmonious buffer the apartment building does now.

After deliberating, the Commission voted 6-0 to recommend denial of the proposed Special Use Permit to allow 8 Short-term Rental Units at 520 State and 515 Market Streets. Planning Commissioners expressed the following concerns. Concerns about decreasing the number of affordable dwelling units after receiving reports about the housing crisis in the city and through-out the state. The existing use of the building for residential dwelling units helps to create a buffer between the commercial uses to the north and the residential uses to the south. There are concerns about the proposed use creating a non-harmonious neighborhood. The zoning ordinance has regulations and processes to help create the desirable community that exists today that people want to live in, and people want to visit. Concerns regarding how the short-term rental would be managed as some members stated they work best when the property owner is living on-site or in close proximity to the use. Additional vehicles that could be associated with the short-term rental could decrease the existing harmonious neighborhood living. The need to maintain workforce housing is important and the change of use could negatively impact those living in the building today.

Rather than duplicate information found in the staff memorandum, attached is an excerpt from the August 7, 2025, Planning Commission meeting which includes the staff memorandum, location and zoning maps, photographs, the Special Use Permit Application and Exhibits and written comments received. In addition, the draft meeting minutes, three handouts from the meeting have been attached.

The applicant has submitted additional statements, and two letters have been received since the Planning Commission's public hearing.

Action Requested: Move to close the public hearing for 520 State and 515 Market Streets.

ATTACHMENT(S):

- Applicant supplemental information for CC - 520 State St. applicaton supplement 8.19.25.pdf
- Excerpt Draft Planning Commission Meeting Minutes 08072025 - State Market.pdf
- Excerpt - 08072025 PC Packet - 520 State 515 Market.pdf
- 3 Handouts during 08072025 PC Meeting - 520 State 515 Market.pdf
- Written Comment dated 08202025 Riemland.pdf
- Written letter - 08222025 - Hendrix - 520 State.pdf

Market and State, LLC
520 State St., Apt A, St. Joseph, MI 49085
630-440-6791

August 19, 2025

Kristen Gundersen, AICP, CFM
Community Development Director/Zoning Administrator
City of St. Joseph
700 Broad Street
St. Joseph, MI 49085

Re: 520 State St. – application supplement – Special Use Permit – Short-term Rental

Kristen,

Please supplement our application for a Special Use Permit with this letter. We would like to provide a clear summary of the key issues that have brought us to the City Commission for our final hearing on our petition for a Special Use Permit for Short-Term Rentals.

1. Zoning Board of Appeals Approval (June 12, 2025)
The Zoning Board of Appeals, whose role is solely to evaluate parking requirements, **unanimously approved our request for a Dimensional Variance from parking requirements.** After reviewing both past and current parking conditions, they determined that we met every standard required under the ordinance. Most importantly, they found that:

- The variance **would not be detrimental** to neighboring properties or the surrounding community.
- The parking requirement for short-term rentals **is identical to the current requirement** of two spaces per unit. Therefore, our proposed use will **not increase the need for parking.**

2. Planning Commission Recommendation (August 7, 2025)
Despite the ZBA's ruling, the Planning Commission voted unanimously against recommending approval of our petition. Their deliberation focused almost exclusively on parking, despite already being resolved by the ZBA. Two board members mentioned the loss of "affordable housing" as a secondary issue.

During the meeting, the Chairperson acknowledged:

- That the City's policy for short-term rentals and its parking requirements have changed.
- That the Planning Commission is not in "lockstep" with the City Commission on this issue.
- That the Planning Commission opposed the removal of the parking requirement from the recently adopted ordinance.

Ultimately, the Commission's decision rested on speculative assumptions that our property would require 24–48 parking spaces, an estimate not grounded in reality or evidence.

The Facts on Parking and Use

- **Short-term rentals require fewer spaces than long-term rentals.** A long-term tenant parks 365 days a year, whereas short-term rentals are active less than half the year.
- For the past two years, we have rented a furnished apartment on a 30-day basis to the same profile of renters we would host under short-term rental use. These tenants have consistently averaged **one car per unit**, never more than two.
- **Over 300 public parking spaces** exist in lots immediately north of our building, and this is where our current tenants park without issue.
- Parking availability is dynamic. Residents and visitors come and go throughout the day, ensuring turnover and accessibility.
- Our apartment building is **not "affordable housing".** However, the City already has multiple affordable housing projects planned. For example, The Marquette development is tied to affordable housing requirements due to its financing sources.

Conclusion

The Zoning Board of Appeals has already affirmed that our proposed use satisfies all standards related to parking requirements. The Planning Commission's objections were speculative, inconsistent with the ordinance and newly established City policy related to short-term rentals, and contrary to the facts on record. We respectfully ask the City Commission to recognize these findings and approve our petition for a Special Use Permit for Short-Term Rentals.

Thank you,

Brian M. Barrett

Brian M. Barrett
Member/Manager

Market and State, LLC
Marketandstate@gmail.com
Cell: 630-440-6791

Minutes of the St. Joseph Planning Commission Meeting held Commission Chambers, 700 Broad Street, St Joseph, MI 49085 on August 7, 2025.

Call to Order

The meeting was called to order at 4:30 PM by Chair Patsy Hartzell

Attendee Name	Title	Status	Arrived
Patsy Hartzell	Chair	Present	
Kathy Burczak	Commissioner	Present	
Sean Ebbert	Commissioner	Present	
Aaron Miller	Commissioner	Present	
Becky Rice	Commissioner	Present	
Anthony Uhrick	Commissioner	Present	
Pam Porter	Commissioner	Present	
Michael Plichta	Commissioner	Present	
Kristen Gundersen	Community Development Director	Present	
Laurie Schmidt	City Attorney	Present	
Trudy Wilder	Building Inspector	Present	

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

1. Regular Minutes of Wednesday, July 09, 2025

RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	Anthony Uhrick, Commissioner
SECONDER:	Michael Plichta, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta

DRAFT

New Business

2. 2800 Niles Avenue - Higgins Electric Signs - Wendy's - 1) Special Approval of Sign Greater than 32 sf 46.2 sf actual); 2) Special Approval of Changeable Message Board; 3) Sign Modification to allow free-standing pole sign in the clear vision area; and 4) Sign Modification to increase allowable height from 15' to 18'

Chair Hartzell stated the applicant is requesting four items associated with the free-standing pole sign located at 2800 Niles Avenue. Special approval of a sign greater than 32 square feet (46.2 sf actual size) and a manually changeable message board, modification to allow free-standing sign to be located in the clear vision area and increase the height of the from 15 to 18 feet.

Tim Mayor, district manager for Wendy's, stated as part of updating the building and signage, the company decided to move forward with requesting the free-standing sign to be compliant with the sign ordinance rather than updating the noncompliant sign face. The free-standing sign would be 46.2 square feet which includes a manual reader board.

Chair Hartzell questioned the proposed height of the sign.

Ms. Gundersen stated when the application was received and packet was completed, there was concern the 15' tall sign with an 8'8" clearance would interfere with clear vision as the sign is partially located within the 20' clear vision area. For that reason, they included a request for a sign

Chair Hartzell stated Ms. Burczak would be rejoining the meeting and Mr. Uhrick would be recusing for the next item due to a dispute he had with the applicant involving litigation and Mr. Ebbert would also be recusing because he voted on a request associated with this property at the Zoning Board of Appeals. Mr. Ebbert and Mr. Uhrick left the meeting and did not return at 6:20 pm.

Chair Hartzell called for a five-minute recess, returning at 6:25 pm

Ms. Burczak returned to the meeting at 6:25 pm.

RESULT:	**APPROVED [7 TO 0]**
MOVER:	Aaron Miller, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Ebbert, Commissioner Miller, Commissioner Rice, Commissioner Uhrick, Commissioner Porter, Commissioner Plichta
RECUSED:	Commissioner Burczak

5. Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

Chair Hartzell opened the public hearing at 6:26 pm for a special use permit to allow 8 short-term rental units at 520 State/515 Market Street. It is currently a 9-unit building. Mr. Ebbert and Mr. Uhrick have recused themselves from the discussion.

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Brian Barrett, representing Market & State LLC, stated he has owned the apartment building for fifteen years and made investments to improve it over time. They have owned and operated short-term rentals in other locations and would like to have short-term rental in this building. Mr. Barrett described that each unit is about 1,100 square feet, 3 bedrooms, one bathroom, a living room, and a dining room with occupancy for 6. They have one unit that is a monthly rental and have had no issues with it.

Mr. Barrett reviewed the six standards for special use permits as found in Section 1.5.2 as follows: A) no changes are proposed to the exterior of the building, to the north is a large city owned surface parking lot, west is a hotel with limited on-site parking, east is a mixed use building, south across the street is a park in the R1-E district and at the southeast corner of Market and State Streets is a short-term rental dwelling. The area is transitional being adjacent to the D Downtown District, there is signage on the sidewalk calling out the Social District. One dwelling is currently being rented on a monthly basis.

Mr. Barrett stated he is proposing 24/7 management of the short-term rental operation and believes based on the design of the building and smaller outdoor balconies, the tenants will be quiet. Mr. Barret described the vetting policy in detail. As operators of the short-term rentals, they screen guests prior to acceptance, guests are checked in at the dwelling to review the rules, check photo-id's which eliminates registering other people. If needed, there are third party companies that further review possible tenants. The city regulates quiet time. They do not allow on-site smoking or unregistered guests.

Mr. Barrett stated in accordance with standard B there will be no change to the character of the surrounding area as no changes to the exterior are proposed and will remain residential in appearance, function and use. The area is transitional. Standard C references detrimental to health, safety or welfare or generate excessive noise, traffic or other offensive things. Mr. Barrett

stated there is no on-site parking for the existing building, a variance was granted by the Zoning Board of Appeals to have no on-site parking. There is no change to the occupancy of the individual dwelling units, occupancy will be limited.

Mr. Barrett reviewed standard D which required no increased demand on public services in excess of current capacity. He does not believe there will be any increase in demand on public services, the number of dwelling units and bedrooms is remaining the same. The units have one bathroom which limits the appeal of the three-bedroom units as non-family groups, like private bathrooms. Refuse will continue to be picked up by the city.

Mr. Barrett stated the requirements found in Section 11.12.11.B were addressed in the application and are standard for short-term rentals in the city that staff administratively approves. He believes this request supports the City Commission's goal to expand tourism by providing additional short-term lodging options. He has reviewed the different letters received in objection to the request. Short-term rental here would not open the floodgates to other areas. New short-term rental units are not allowed in the R1 single-family residence district; this is an R-3 property. This area is transitional and those visiting this property would be more likely to walk north to the downtown area, rather than into neighborhoods.

Mr. Barrett stated while there are concerns about housing shortages throughout the country, within the city there is an apartment building under construction, property recently rezoned to allow multiple family housing, and a development application that was just acted on that included 105 new dwelling units. He stated that short term rental supports the City's tourism goals. About 2 years ago, the D Downtown District was added to the locations allowing short-term rental, the information available suggested 54 dwelling units downtown could be converted to short-term rentals. He believes there are 6 short-term rentals in the D Downtown District. This use adds more visitors, which helps to create a vibrant downtown.

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Mr. Barrett stated some letters seem to contradict information or were exaggerated. Property owners have been converting two-and three-unit buildings to single-family homes, decreasing the amount of housing available. There are comments regarding him being an absentee property owner; his family recently moved permanently from Illinois to Michigan. One letter included a six-year-old study from a very different market. Police records only show 2 recent calls to the nearby short-term rental, not rampant debauchery, and is irrelevant to their building. The city has adopted rules to regulate short-term rentals and does not have the crazy behavior other towns have with short-term rentals. He is requesting support of the request and is available to answer any questions.

Chair Hartzell questioned if the Planning Commission was barred from considering parking because the Zoning Board of Appeals granted a variance for parking.

Attorney Schmidt stated the parking variance was required because short-term rental is a different use from R-3. The same on-site parking is required for both R-3 and short-term rental use. The ZBA concluded there was no on-site parking at the property today and the change of use would not alter that. The Commission can talk about parking impacts as part of their review.

Mr. Barrett stated that the ZBA believed there was ample parking available.

Chair Hartzell pointed out that the ZBA waived the on-site parking requirement under their criteria, which are different factors than what the Planning Commission is required to consider.

Ms. Burczak stated she lives in an area where parking is very difficult during busy summer months and it is impactful to those living in the area. She believes parking is needed and should be provided somewhere for short-term rental units. In many instances. people come and visit those with the rental unit. It is likely the neighborhood to the south could be impacted if the units are converted to short-term rental use and questioned where the tenants park now.

Mr. Barrett stated he believes there will be less demand for short-term rental parking because the units will likely not be occupied 24/7 like a regular rental. Current tenants rely on the existing surface parking lots that the city owns.

Ms. Burczak pointed out that the summer months are when people want short-term rentals, coinciding with when the City has the greatest parking problem. She questioned where guests would park and what happens when someone leaves the area for several hours on a busy weekend and returns to find no parking available in the vicinity.

Mr. Barrett stated it can be difficult to park in the summer months, but there is turnover and people tend to drive around. He drives a large pick-up truck and was able to find parking over the past weekend. The city wants customers in the downtown area and encourage them not to let parking be the barrier. Typically, people renting a short-term rental have 1-2 cars, and once in the downtown area, they will not move the vehicle until they leave.

Mr. Miller questioned staff if the motion is a recommendation to the City Commission.

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Ms. Gundersen stated yes, the motion would be in the form of a recommendation.

Carl Meyer, a resident of the Old St. Joseph Historic Neighborhood, questioned whether the applicant submitted articles of incorporation with the application, as required. He reviewed the application requirements and expressed concerns about the existing poor maintenance of the property. Mr. Meyer showed photos of a tarp over the roof and lawn overgrowth. He stated the representative recently moved to an unknown location, and that the applicant has had little clear communication or contact with the neighbors as suggested, and whether there is a local agent, noting that no information was provided regarding the name of the professional manager for the property. This is an historic district designated to preserve the function and appearance of a long-standing neighborhood. In 2016, State Street was #2 on the list of most beautiful streets in the state. Mr. Meyer stated concerns about parking issues, extra activity with people coming and going, and numerous problems with short-term rentals for years. He stated that violations at short-term rental units have no clear complaint process. Mr. Meyer stated the request should not move forward.

Ms. Gundersen stated she received the articles of incorporation from the owner and they are compliant.

Karen Johnson, resident on Lake Blvd stated the building sits on the edge of the St. Joseph Historic district, a designation recognized by the city and state since 1984 for its unique charm, architecture, and history. She stated the building and lawn have been poorly maintained, with weeds, suspect plantings, and a tarp over the roof. She stated the application does not meet Article B, which requires the special use not change the essential character of the area. It is believed the owner lives in Watervliet, which is not on the list for local agents. There is no gathering space other than small balconies or Bear Park to the south. She stated there could be 40 + transient guests every week competing for a limited number of parking spaces, and loading and unloading their luggage and gear, turning the residential status of the neighborhood into a commercial enterprise. She hopes the Commission votes no on the request.

Kali Nook stated he lives on State Street and enjoys the community, he and his wife moving to it a year ago because they were attracted to the culture of the community. He has concerns about allowing additional short-term rentals into residential spaces and believes that if allowed, that special fabric of the community will be gone. He does not believe verification of guests is the same as vetting proposed tenants.

Anne Barnes stated she has lived on Market Street since the 1980's; she once lived next door to the "fraternity house", the yellow house on State Street with short-term rental. Eight short-term rental units will not help to create a buffer with the commercial uses to the north. Ms. Barnes listed several problems she has seen with short-term rentals over the years. Short-term rental affects the neighbors with noise, people playing in the street, cars blocking streets as vacationers unload coolers and supplies, reckless behavior with drinking and marijuana use, trash buildup outside, strangers peering into her windows or standing on her front porch, and cars parked extending over the sidewalk. She stated it affects their safety and peace of mind. The more short-term rentals, the harder it is to manage. The hotel to the west is for transient guests and has 24/7 staff to manage any issues. She asked the Commission to prevent this.

Darren Connor of Market Street disagreed with the applicant's description of the area. The commercial property across the street has high-end residential above it. The balconies for this building are small, and noise travels to his home, people will likely visit the park. Bear Park is small. It is nice to walk down the street and have resident's wave to you and to see a familiar face. The character of their neighborhood will change with short-term rentals.

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Stacy Renner of Lake Blvd stated she walks in the neighborhood and there are many distracted drivers. The comings and goings of 30-40 more people with their cars and moving items in and out of the 8 short-term rental units every week, maybe more often, will have a negative impact on the neighborhood. The extra traffic is a safety concern. Many short-term rentals are now less than one week which can be viewed negatively. She loves the residential neighborhood and hopes it does not change.

Laurie Caple of State Street stated she lives adjacent to Bear Park and believes allowing short-term rental in the building will change the character of the neighborhood. She and her husband bought her home over 10 years ago; it was a former neglected boarding house and they restored it and gave up its multi-family status because they believed in protecting the character of the neighborhood. Ms. Caple stated the request does not meet Section B of the general standards as it would change the essential character of the surrounding area. She provided an article published in May in the Michigan City Hometown newspaper outlining violations and problems with short-term rentals. She stated short-term rental owners are typically not invested in the community; it is the year-round residents that support local businesses. She is concerned about retaliation when calling the police about her concerns.

Ms. Caple stated the proposed change of use does not meet Section C of the general standards. It will increase traffic as guests circle the block to find parking and stop in the street to unload their bags across from Bear Park, which creates a safety issue for pedestrians and drivers; it will add more vehicles to the streets for parking. When parking meters were installed earlier this summer, people shifted from the surface parking lots to the neighborhood streets which created one-lane traffic. The property is not well-maintained with a green tarp on the building for several months and weeds growing around the building. She asks that the request not receive a favorable recommendation.

David Vandenburgh from Pearl Street stated there is an impact on the neighborhood when short-term rental exists. The building has 8 units with each having 3 bedrooms, which could allow for 2 people in a room or 48 people turning over weekly or daily. There is no area for parking or even loading on the property. Residents value the community that has been created and short-term rental tenants do not create a community; it will change the character of the area.

Chris Miller stated they live on State Street directly east of the building, and have concerns about the spillover of parking onto the neighborhood streets, causing safety and congestion issues. Miller has 8 parking spaces on his property and has been approached by the applicant's tenants to rent parking spaces. This is a residential community even though there is some nearby commercial business. This is not conducive to the neighborhood. Short-term rental is a commercial business.

Jinx Heaton, Lake Blvd, stated she spoke with the applicant after the ZBA meeting earlier this summer. She was the president of the Old St. Joseph Historic Neighborhood Association for 22 years and the residents worked hard to create the special place. She believes it is important that people know their neighbors and, in this case, no one will know who is living in the building. A neighborhood is a neighborhood; it is not commercial.

Mr. Barrett stated the ZBA granted a variance so no on-site parking is required and discussions took place after the meeting with the residents present. There will be a local property manager and vetting has worked well for us in our other operations. The building is not in the historic district; it is in the R-3 district and across from a public park where anyone can gather. There are 8 units in the building and it will take several years for all 8 units to become short-term rental units. Each unit has its own private balcony and there is a small outdoor area on the north side of the building for people to use. There are bad actors in short-term rental programs but that has nothing to do with their property. Since purchasing the building, they have invested $150,000 in re-wiring and 112 new windows to keep the building safe, modern and running.

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Chair Hartzell closed the public hearing at 7:41 pm after no other audience members asked to speak on this request.

Mr. Miller stated that the Commission has received a Housing Market Analysis prepared by Cornerstone Alliance, the 2016 Master Plan references a Kinexus housing study, and there has been a joint meeting of the City Commission, Planning Commission and DDA to discuss the importance of affordable housing in the city. He expressed concern over losing 8 affordable dwelling units in the city, if approved. When the City implemented paid parking, it showed that people will park on streets within neighborhoods where it is free, and created full streets in the off-season. He expressed concern about the impact on the neighborhood and the city.

Chair Hartzell stated when the Planning Commission made a recommendation regarding short-term rental in the D Downtown District, it included the need for parking to be provided somewhere. The City Commission disagreed and no parking in that district is required. The ZBA made a decision on parking under its standards but that does not bind the Planning Commission. Chair Hartzell was concerned about the impact to the Library, and described the negative impact the paid parking program had on its access. She noted that some believe it will impact the neighborhood, and that while stories about behavior are anecdotal, parking is not anecdotal. Parking is a concern and there is always a property that needs to be the buffer between uses. Loading and unloading is also a valid concern. The city has rules that help to create the desirable community that people like to live in and people like to visit. This has the potential to be, without the parking, non-harmonious with the neighborhood and surrounding properties. There are other meritorious points as well.

Ms. Burczak stated she lives near short-term rental units and while most function well, they typically have the owner on-site or living in close vicinity. She believes the short-term rental use and the lack of parking is not harmonious with the neighborhood and will be a burden on the neighbors based on what she sees in her neighborhood

Ms. Porter stated she believes workforce housing is important to maintain and this will negatively impact the 8 renters in the building.

Mr. Miller moved to recommend denial of the special use permit for the property known as 520 State Street and 515 Market Street per Section 4.6.3. - Table 4-1 to allow 8 Short-term Rental units in the R3 District when adjacent to a residential district based on the application prepared by the applicant and included in the August 7, 2025 Zoning Board of Appeals agenda packet as the request does not meet the required standards under Section 11.5.2 and conditions under Section 11.12.11.B of the Zoning Ordinance.

Ms. Rice seconded.

Ms. Gundersen stated that a public hearing will be scheduled before the City Commission and new legal notices will be sent out.

RESULT:	**DENIED [6 TO 0]**
MOVER:	Aaron Miller, Commissioner
SECONDER:	Becky Rice, Commissioner
AYES:	Chair Hartzell, Commissioner Burczak, Commissioner Miller, Commissioner Rice, Commissioner Porter, Commissioner Plichta
RECUSED:	Commissioner Ebbert, Commissioner Uhrick

DRAFT

Old Business

None.

Public Comments

None.

Commissioner Comments

None.

Adjournment

The meeting was closed at 8:04 PM

_____

Presiding Officer

_____

City Clerk/ Recording Secretary

St. Joseph Planning Commission
Commission Chambers
700 Broad Street, St Joseph, MI 49085

AGENDA
August 7, 2025
4:30 PM

Call to Order

Zoom Webinar ID 831 7515 6929 at www.zoom.us This meeting will be held in person. Comments will not be received via Zoom. Persons wishing to speak should be present in person. The public can view the meeting at the website above on computer or mobile device, or by calling 312.626.6799 or 877.853.5247 toll free. Telecommunications relay services to assist individuals with disabilities are available by call 711, provide Zoom Webinar ID to the relay operator. There is no charge.

Approval of July 9, 2025 Meeting Minutes

1. Regular Minutes of Wednesday, July 09, 2025

New Business

2. 2800 Niles Avenue - Higgins Electric Signs - Wendy's - 1) Special Approval of Sign Greater than 32 sf 46.2 sf actual); 2) Special Approval of Changeable Message Board; 3) Sign Modification to allow free-standing pole sign in the clear vision area; and 4) Sign Modification to increase allowable height from 15' to 18'
3. Public Hearing - Text Amendment to Section 9.8.2 of the MS-OD - Graham Kutchek
4. Public Hearing - Area generally located southerly of the SCX Railroad property and west of M-63, along Upton and Whitwam Drives consisting of three properties - Harbor Shores Community Redevelopment, LLC - Planned Unit Development with Waivers
5. Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use

Old Business

Public Comments

Commissioner Comments

Adjournment

Agenda Item

TO: **Planning Commission**

FROM: **Kristen Gundersen, Community Development Director**

RE: **Public Hearing - 520 State and 515 Market Streets - Market & State LLC - Special use for 8 Short-term Rental Units in the R3 Multiple Family Residence District when adjacent to a Residential District or Use**

MEETING DATE: **August 7, 2025**

General Information.

A public hearing was scheduled for the July 9, 2025 Planning Commission. However, there was no quorum for action to take place on this request. Mr. Ebbert and Mr. Uhrick both stated reasons for recusing from the discussion. Written comments that were included in the July 9, 2025 packet are attached. New legal notices were completed.

The applicant Brian Barrett, representing the property owner Market & State LLC, has filed a special use permit request for the property known as 520 State Street and 515 Market Street to allow Short-term Rental in the R-3 Multiple Family Residence District when located adjacent to a residential district or use. The 8,184 square foot parcel is located in the R-3 Multiple Family Residence District and improved with a two and one-half story multiple-family building with eight dwelling units located above grade and a possible dwelling unit in the basement. There are no on-site parking spaces.

According to assessing file records, the building was constructed in 1910 having eight-dwelling units. It is unclear when the basement level dwelling unit was constructed. The current owner purchased the property in June 2008. The property is considered nonconforming as the parcel does not comply with the minimum lot width or land area requirements for the R-3 district. In addition, the building is nonconforming as it does not comply with the required building setbacks, maximum lot coverage or required on-site parking.

The applicant is proposing to convert the eight dwelling units with stays of one month or longer to short-term rental with stays less than one month. Review of Table 4-1 Use Classes, Definitions and Examples of Permitted Uses finds “Short-term Rental establishments” under Lodging/Accommodations as either a conditional use or special use in the R-3 district. The property to the south is located in the R1-E Single-Family Residence District and improved with a public park and requires a Special Use Permit to be reviewed by the Planning Commission and approved by the City Commission while relying on the standards found in Section 11.5 and conditions in Section11.12.11.B of the zoning ordinance.

The applicant appeared before the Zoning Board of Appeals to request a variance from Table 18-1 under “Commercial & Related Uses” which states “One space per Dwelling Unit, plus one-half space per sleeping room in excess of one in each dwelling unit, rounding fractions up for each dwelling unit. Dwelling units in the D Downtown District may be exempt from parking requirements under section 18.2.12 and may provide required parking on-site or leased off-site within the D Downtown District.” The eight dwelling

units each have three sleeping rooms which requires two parking spaces per dwelling unit. In addition, Section 11.12.10.C.3 specifically states "on-site parking must be provided as required in Article XVIII."

On June 12, 2025, the Zoning Board of Appeals conducted the required public hearing, heard testimony and public comments before reviewing the standards found in Section 15.4.10. They unanimously approved the request as submitted with the condition that the City Commission grant a Special Use Permit for Short-term Rental on the property. They did not discuss the if short-term rental should be allowed on the property.

Site Information/Character of the Area.
The property is located in the R-3 Multiple-Family Residence District and improved with an eight-unit apartment building with no surface parking area.

The properties to the north and west are located in the D Downtown District and improved with hotel and city owned surface parking lot. To the south is Bear Park in the R1-E Single-Family Residence District. To the east is an office building in the D Downtown District.

The 2016 Master Plan depicts this area between the Central Business District and Residential.

Ordinance Regulations.
Section 5.2 Schedule of District Regulations refers to Table 5-1: Schedule of District Regulations.
Below is information from Table 5-1 as it relates to the R-3 Multiple-Family Residence District and the proposed request (**bolded and underlined** language depicts noncompliance with the Zoning Ordinance as it relates to the proposed building expansion):

	Required	**Proposed**
Min. Lot Size	6,000 sf	8,184 sf (1.19-acres 62' x 132')
Min. Lot Width	66 feet	62'
Max. Building Height	60 feet	unknown - existing
Min. Front Setback - east	25 feet	unknown - existing
Min. Side Setback - north	25 feet	unknown - existing
Min. Side Setback - south	10 feet	unknown - existing
Min. Rear Setback - west	25 feet	unknown - existing
Min. Floor Living Area	400 sq. ft./unit	unknown - existing
Max. Lot Coverage	50% (4,092 sf)	unknown - existing
Min. Parking - Table 18-1[1]	2 spaces/unit (18)	0 spaces/unit (0 spaces)[1]

[1]Table 18-1 - Commercial & Related Uses - Short-term Rental states "One space per Dwelling Unit, plus one-half space per sleeping room in excess of one in ache dwelling unit, rounding fractions up for each dwelling unit. Dwelling units in the D Downtown District may be exempt from parking requirements under Section 18.2.12 and may provide required parking on-site or leased off-site within the D Downtown District." Zoning Board of Appeals granted variance to 0 parking spaces per unit for Short-term Rental subject to the City Commission granting a Special Use Permit on June 12, 2025.

City Department Comments:
Engineer Department has reviewed the request and has no engineering related concerns.
Public Works Department has reviewed the request and has no public works related concerns.
Public Safety Department has reviewed the request and has no public safety related concerns.
Inspection Department has reviewed the request and has no inspection department issues and is aware the Zoning Board of Appeals granted a variance request associated with possible short-term rental on-site parking for 8 dwellings units located above grade.

Planning and Zoning the Zoning Board of Appeals granted a variance on June 12, 2025 to require no on-site parking for short-term rental based on two-parking spaces per unit associated with the condition found in Section 11.12.11.B.3 "On-site parking must be provided as required in Article XVIII".

Review Criteria.

Article XI Special and Conditional Use Regulations provides the process and standards for reviewing requests. In addition, the conditions found in Section 11.12.11.B.1-13 must also be reviewed and met. The Planning Commission must review Section 11.5, specifically Section 11.5.2A-F as follows:

Sec. 11.5. - Basis of determination.

11.5.1. *Basis of Determination.* Prior to approval of a special use permit application, the planning commission and the city commission, shall ensure that the standards specified in this section, as well as applicable standards established elsewhere in this ordinance, shall be satisfied by the completion and operation of the special use under consideration.

11.5.2. *General Standards.* The planning commission and the city commission, shall review the particular circumstances of the special use permit application under consideration in terms of the following standards and shall recommend approval, or approve, respectively, a special use permit application only upon a specific finding of compliance with each of the following standards, as well as applicable standards established elsewhere in this ordinance:

A. The special use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

B. The special use shall not change the essential character of the surrounding area.

C. The special use shall not be detrimental to the health, safety or welfare of persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.

D. The special use shall not place demands on public services and facilities in excess of current capacity unless planned improvements have already been scheduled for completion.

E. The special use shall meet the site plan review requirements of Article XII.

F. The applicant is in substantial compliance with any previously issued zoning permits and is not otherwise disqualified from receiving a permit under Section 23.3.3 of this ordinance.

11.5.3. *Conditions* The planning commission may recommend, and the city commission may impose, conditions with approval of a special use permit which are necessary to ensure compliance with the standards for approval stated in this section and any other applicable standards contained in this ordinance. Such conditions shall be considered an integral part of the special use permit and shall conform with the requirements of Section 14.11.1.

In addition, under Section 11.12.11 Lodging/Accommodations, specifically Section 11.12.11.B provides 13 conditions associated with Short-term rental establishments are allowed as a special use in the R3 Residential District. Below are the conditions from Section 11.12.11.B for review as part of the special use request:

11.12.11. Lodging/Accommodations

B. Short-term rental establishments are allowed as a special use in the R3 Residential District under the following conditions:

1. The use shall occupy one or more dwelling units authorized under this ordinance or existing as nonconformities.

2. The subject parcel is adjacent to one or more residentially zoned or used parcels.

3. On-site parking must be provided as required in Article XVIII.

4. The Applicant shall provide a scaled floor plan of the premises as part of the special use application.

5. The exterior appearance of the structure shall be harmonious with the character of the surrounding district.

6. A fire escape plan shall be developed and graphically displayed in each dwelling unit.

7. A minimum of one appropriate fire extinguisher, in proper working order, shall be located in each dwelling unit, in a place readily accessible to guests.

8. Each dwelling unit, and the establishment, shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.

9. No sleeping room shall be located in a basement or cellar.

10. Lavatories and bathing facilities shall be available to all persons using the premises.

11. Retail sales are not permitted beyond those activities serving the registered overnight patrons.

12. The outdoor storage of trash or rubbish shall be screened.

13. The establishment meets all requirements of Chapter 8 <https://library.municode.com/mi/st._joseph/codes/code_of_ordinances?nodeId=PTIICOOR_CH8BUBURE>, Article VI of the Code of Ordinances of the City of St. Joseph.

Section 11.8.1 of the Zoning Ordinance states the *Validity of Permit.* A special use permit shall be valid for a period of one year from the date of issuance, unless another, longer, time period is set by the city commission as a condition of approval. If the use has not commenced by the end of this time period, the permit shall expire automatically without any further action or notice by the city unless a time extension is requested from and granted by the city commission as described under Section 14.13.2.

Action.

- Conduct a public hearing. The public hearing notice appeared in the Herald Palladium on July 19, 2025 and the 300' notices were sent to property owners and tenants on July 17, 2025. Attached are written comments included from the July 9th meeting. As of Wednesday, July 23rd no additional comments have been received.

- Create Findings based on the standards found in Section 11.5.2 - General Standards and Section 11.12.11.B Short-term Dimensional Variances Standards (listed above).

- The Planning Commission has the following options:

Approve the request as submitted. If the Planning Commission determines it is appropriate to approve the requests, it would be appropriate to consider a motion…

"…*to approve a special use permit for the property known as 520 State Street and 515 Market Street per Section 4.6.3. - Table 4-1 to allow 8 Short-term Rental units in the R3 District when adjacent to a residential district based on the application prepared by the applicant and included in the August 7, 2025 Zoning Board of Appeals agenda packet as the request meet the required standards under Section 11.5.2 and conditions under Section 11.12.11.B of the Zoning Ordinance."*

The above motion can be modified or conditions added if determined appropriate for the request.

Deny all or a portion of the request. If the ZBA determines it appropriate to deny the request, it would be appropriate to consider a motion…

"…*to deny a special use permit for the property known as 520 State Street and 515 Market Street per Section 4.6.3. - Table 4-1 to allow 8 Short-term Rental units in the R3 District when adjacent to a residential district based on the application prepared by the applicant and included in the August 7, 2025 Zoning Board of Appeals agenda packet as the request does not meet the required standards under Section 11.5.2 and conditions under Section 11.12.11.B of the Zoning Ordinance*."

Continue the discussion to the next meeting to obtain additional information. The next meeting date is September 4, 2025.

ATTACHMENTS:

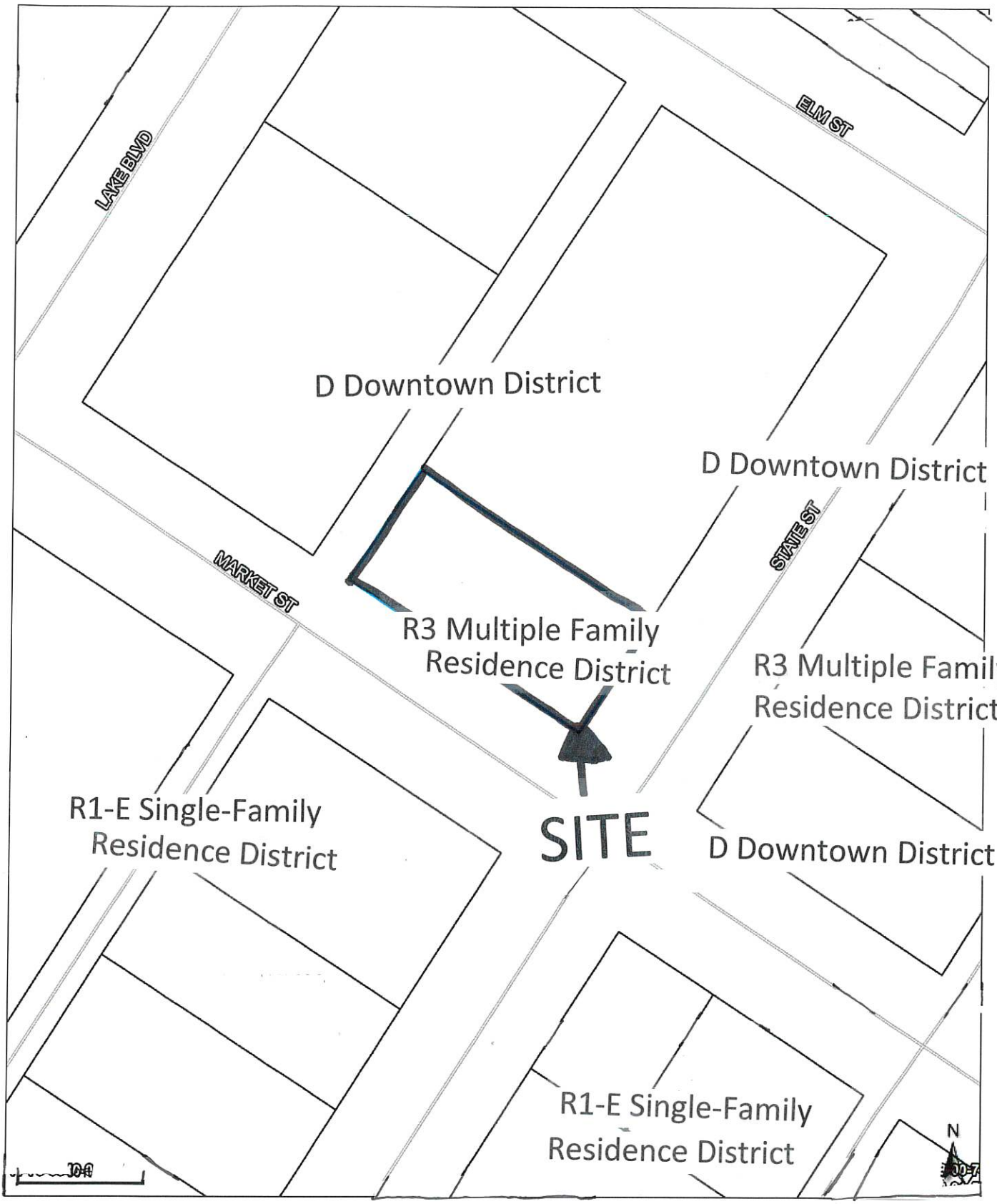
- Location Map - 520 State Street (PDF)
- Zoning Map - 520 State Street (PDF)
- Photographs - 520 State Street (PDF)
- Application - 520 State and 515 Market Streets (PDF)
- 5 Written Comments Received before 9 am 07022025 (PDF)
- Written Comment - Gillespie 07202025 (PDF)
- Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (PDF)

Location Map - 520 State Street



Attachment: Location Map - 520 State Street (10973 : Public Hearing - 520 State and 515 Market Streets)

Zoning Map - 520 State Street



Attachment: Zoning Map - 520 State Street (10973 : Public Hearing - 520 State and 515 Market Streets)









520 State Street

View looking west from State Street

View looking northwest from intersection of State and Market Streets

View looking north from Market Street of eastern portion of building

View looking north from Market Street of western portion of building

Attachment: Photographs - 520 State Street (10973 : Public Hearing - 520 State and 515 Market Streets)

CITY OF ST. JOSEPH
PLANNING & ZONING DEPARTMENT
700 Broad Street
St. Joseph, MI 49085
Phone (269)983-1212
Fax (269) 985-0347
www.sjcity.com

SPECIAL USE PERMIT APPLICATION

Please print legibly. All portions must be completed. Do not leave any section blank, use N/A. Incomplete forms will be returned. All required materials must be received by the City and determined to be complete no less than 24 calendar days prior to the next Planning Commission meeting. If additional space is needed, please use additional sheets of paper.

Property Information

Property Address: 520 State Street

Project Name: 520 State Street - STR

Property Code Number (Tax Number): 11-76-0340-0147-00-8

Briefly Explain Request: Applicant request the approval of their request for a special use permit to operate short-term rentals at the above address.

Applicable Section of Zoning Code for Request:

Previous Approvals Granted to Property: Dimensional Variance - parking requirements

Applicant Information

In case of trust, provide the name, address and telephone numbers of all trustees and beneficiaries of the trust. An LLC or corporation must provide a copy of Articles of Incorporation. In case the applicant is not the property owner, written permission from the property owner is required.

Name of Applicant: Brian Barrett - Market and State LLC

Relationship to Property Owner: Owner

Mailing Address: 5131 Lee Av

City: Downers Grove State: IL Zip Code: 60515

Telephone Number: 630-440-6791 Emergency Number:

E-mail Address: marketandstate@gmail.com

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Name of Property Owner: Market and State LLC

Mailing Address: 5131 Lee Av

City: Downers Grove State: IL Zip Code: 60515

Telephone Number: 630-440-6791 Emergency Number: _____

E-mail Address: marketandstate@gmail.com

Attorney: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Engineer and/or Architect: _____

Mailing Address: _____

City: _____ State: _____ Zip Code: _____

Telephone Number: _____ E-mail Address: _____

Site Information

General description or characteristics of the site: A 9-unit apartment building situated at the NW corner of Market St. and State St. Each unit is approximately 1,100 square feet and features two or three bedrooms, along with a living room, dining room, and kitchen. Constructed around the turn of the 20th century.

Master Plan Designation: Residential / Central Business District

Existing Zoning and Land Use: R-3 / residential rental building

Proposed Land Use: Residential rental building including short-term rentals

Existing square footage of property: approx. 8,000

Proposed square footage of property: approx. 8,000

Existing square footage of all buildings on the property: approx. 7,000

Proposed square footage of all buildings on the property: approx. 7,000

Is the property located in any of the following overlay districts?

Downtown Height Overlay District (Section 9.4)? Yes: _____ No: X

Lake Bluff Scenic View Protection Overlay District (Section 9.5)? Yes: _____ No: X

Floodplain Overlay District (Section 9.6)? Yes: _____ No: x

Edgewater Beach Overlay District (Section 9.7)? Yes: _____ No: x

Main Street Corridor Overlay District (Section 9.8)? Yes: _____ No: x

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

C. The Special Use shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.

See Attached

D. The Special Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.

See Attached

E. The Special Use shall meet the Site Plan review requirements of Article XII. – **Complete and submit the Site Plan Application with actual Site Plan.**

F. The Applicant is in substantial compliance with any previously issued Zoning Permits and is not otherwise disqualified from receiving a permit under Section 23.3.3 of this Ordinance.

Yes: X No: if no, please explain:

Additional Specific Standards for Individual Uses

The following special uses are required to answer additional specific Standards for a Special Use Permit. Please view the applicable section of the Zoning Ordinance and on a separate piece of paper respond to each required Standard.

- Drive-Through Establishments (Section 11.12.4)
- ECHO Housing (Section 11.12.5)
- Limited Neighborhood Businesses (Section 11.12.10)
- Lodging/Accommodations – Bed and Breakfast and/or Short Term Rental (Section 11.12.11)
- Public Buildings (Section 11.12.16)
- Utility and Public Service Installations, Light (Section 11.12.24)
- Utility and Public Service Installations, Communication Towers (Section 11.12.25)

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

SPECIAL USE PERMIT APPLICATION
CERTIFICATION

The Applicant certifies and acknowledges and agrees that:

A. The statements contained in this application are true and correct to the best of the Applicant's knowledge and belief. The owner of the subject property, if different from the applicant, states that they consent to the filing of the application and that all information contained is true and correct to the best of their knowledge;

B. The Applicant understands that an incomplete or nonconforming application will not be considered. In addition, the Applicant understands that the City may require additional information prior to the consideration of this application which may include, but is not limited to, a traffic study if required by the Planning Commission or City Commission;

C. The Applicant shall make the property that is subject of this application available for inspection by the City at reasonable times;

D. If any information provided in this application changes or becomes incomplete or inapplicable for any reason following submission of this application, the Applicant shall submit a supplemental application or other acceptable written statement containing the new or corrected information as soon as practicable but not less than ten (10) days following the change, and that failure to do so shall be grounds for denial of the application;

E. The Applicant understands that if the application is approved with conditions, those conditions will need to be met as part of any permit issued; and

F. The Applicant understands that they are responsible for all application fees. Fees are non-refundable and there is no guarantee the application will be approved or permits issued. There should be no outstanding monies owed to the City (i.e., water bill or taxes).

On the June 13, day of June, 2025, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Applicant or Authorized Agent

Brian Barrett
Name of Applicant or Authorized Agent

SUBSCRIBED AND SWORN

To before me this _____ day of

_____, 20_____

Michele Bennett
Notary Public

OFFICIAL CITY USE: Date Received: _____ Fee: _____

Completed: Special Use Application: _____ Site Plan Review Application: _____ Other: _____

MICHELE M BENNETT
Notary Public - Michigan
Berrien County
My Comm. Expires 5-13-2026

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

SPECIAL USE PERMIT APPLICATION
OWNER'S CONSENT FORM

I/We, the Owner(s) of the property listed below, hereby grant permission for the Applicant, Brian Barrett

(Company name and contact person) to seek Special Use Permit

(state request that can be made) as required by the City of St. Joseph, Michigan for the property commonly known as 520 State Street (street address) and having the Property Code Number (Tax Number) of 11-76-0340-0147-00-8.

On the 13, day of June, 20 25, I/We have read the above certification, understand it, and agree to abide by its conditions.

Signature of Property Owner

Brian Barrett
Name of Property Owner

Signature of Property Owner

Name of Property Owner

SUBSCRIBED AND SWORN
To before me this 13 day of
June, 20 26

Michele Bennett
Notary Public

MICHELE M BENNETT
Notary Public - Michigan
Berrien County
My Comm. Expires 5-13-2026

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

520 State Street – STR
Special Use Permit Application – Continued

11.5.2 General Standards:

A. The Special Use shall be designed, constructed, operated and maintained in a manner harmonious with the character of adjacent property and the surrounding area.

Our building has been maintained with a high standard of architectural integrity and is consistent in scale, style, and appearance with other multifamily residential structures in the area. There are no proposed exterior changes that would alter the residential character of the property. All signage and modifications will comply with city codes, and the property retains its charm and compatibility with the R-3 district.

The short-term rentals will be operated with strict adherence to the city's guidelines and in a manner that is sensitive to the quiet, residential nature of the neighborhood. We are implementing:

- 24/7 local property management and response team.
- Guest screening procedures to avoid disruptive behavior.
- House rules aligned with community standards, including quiet hours, occupancy limits, and no party policies.
- Regular communication with nearby residents to address concerns proactively.

The property is professionally managed and regularly inspected to ensure cleanliness, landscaping upkeep, and prompt repair of any maintenance issues. We have invested in a year-round maintenance plan that exceeds what is typically expected for long-term rentals, ensuring the property remains an asset to the neighborhood.

We commend the City Commission's decision to allow short-term rentals in the neighboring district to support economic activity downtown. Our location is ideally situated to serve visiting families, seasonal workers, and tourists who contribute to the vibrancy of St. Joseph's businesses and attractions. Approving our SUP furthers this initiative by allowing more guests to enjoy and invest in the city without compromising the residential integrity of our neighborhood.

We have already received a parking variance from the Zoning Board of Appeals, affirming that our property can adequately handle parking demand without negatively impacting the area. Most of our units are occupied by small groups or couples, reducing vehicle impact. Additionally, our proximity to downtown allows many guests to walk or bike, decreasing reliance on personal vehicles.

Our short-term rental use is fully aligned with the city's goals and the requirement that the use be harmonious with adjacent properties. Through thoughtful design, professional management, and

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

a commitment to community values, we are confident that our project will serve as a model for responsible short-term rental operations within R-3 zoning.

B. The Special Use shall not change the essential character of the surrounding area.

Our building will remain residential in appearance, function, and use. There are no proposed exterior alterations, additions, or signage that would distinguish this property from any other multifamily residence in the area. The property has long operated as a quiet, well-maintained apartment building, and its use as a short-term rental will continue to reflect the existing residential character.

The essential character of the immediate surrounding area is defined by a mix of commercial and high-density residential housing, tourist visitation, and seasonal activity, especially during the summer months. Further to the south exists a more traditional long-term residential housing neighborhood. St. Joseph is a popular destination for short-term stays, and our property's use supports that dynamic without introducing new or incompatible activities. Guests will be subject to the same rules and expectations as traditional tenants, ensuring continuity with current neighborhood norms.

The property will be managed with full-time oversight by a local agent. We will implement clear house rules, guest vetting procedures, and noise/occupancy monitoring to ensure that guests are respectful of the neighborhood at all times. Unlike many informal or "pop-up" short-term rentals, our building will operate with structure, accountability, and professionalism.

The City Commission's decision to allow short-term rentals in the neighboring district signals a thoughtful and proactive approach to increasing tourism, foot traffic, and local commerce. Our property is located in a transitional area between tourist activity and residential stability, making it an ideal candidate to bridge those goals without disrupting either. The use is not only compatible with nearby properties, it supports the city's broader economic vision.

The scale, density, and form of use are not changing. This building will continue to house individuals and families on a short-term basis, with similar occupancy levels and traffic patterns to long-term rentals. Guests will not congregate outside, hold events, or cause disruption. In fact, because we manage bookings centrally, we can ensure a level of oversight and maintenance often exceeding that of traditional rental properties.

This Special Use does not, and will not, alter the essential character of the surrounding area. Instead, our property will remain a quiet, well-kept, and professionally managed building, consistent with the R-3 district's goals and the city's growing emphasis on tourism and economic vitality.

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

C. The Special Use shall not be detrimental to the health, safety or welfare of Persons or property through the excessive production of traffic, noise, smoke, fumes, ground vibration, water runoff, odors, light, glare or other features of the proposed use.

We recently obtained a variance from the Zoning Board of Appeals waiving the standard requirement of two parking spaces per unit. This decision reflects an acknowledgment that our property's traffic and parking impacts are minimal. Most guests are families or couples visiting for short stays who either walk, bike, or use rideshare services, especially given the property's proximity to downtown and Lake Michigan attractions. The volume of vehicle traffic will be comparable to or less than that of long-term residential tenants.

We have established clear house rules that prohibit parties, loud gatherings, or disruptive behavior. Guests must agree to these rules prior to booking, and violations will result in immediate removal. Our on-call property manager lives locally and can respond to issues at any time. In many ways, the presence of short-term guests who are held to defined standards reduces the risk of chronic nuisance behavior sometimes seen with absentee landlords or long-term rentals.

There are no operational features of this short-term rental use that would produce smoke, fumes, ground vibration, excessive water runoff, or odors. The property will remain in residential use, with normal household functions and waste management systems in place. Landscaping is maintained professionally, and no exterior changes or additions are proposed that would affect drainage or runoff.

No additional exterior lighting will be installed beyond existing, code-compliant residential fixtures. Guests are not permitted to bring trailers, RVs, or install exterior lighting or decorations that would create visual disturbances. Our building is indistinguishable from neighboring residential units in terms of lighting, and that will remain unchanged.

We have implemented a comprehensive guest screening process and provide all guests with a neighborhood guide that emphasizes respect for the local community. Our proposed short-term rental use will operate quietly and responsibly, in a manner that supports, not compromises, the health, safety, or welfare of persons or property in the surrounding area. With professional management, responsive oversight, and a firm commitment to neighborhood integrity, we are confident that our use satisfies this important standard.

D. The Special Use shall not place demands on public services and facilities in excess of current capacity unless planned Improvements have already been scheduled for completion.

The proposed use will **not increase the number of units, bedrooms, or occupants** beyond what the building was originally designed and approved to accommodate. Whether units are occupied by long-term residents or short-term guests, the demand on city infrastructure (e.g., water, sewer,

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

waste disposal, utilities) remains constant and well within capacity. No new construction, expansion, or redevelopment is proposed.

The property is professionally managed and monitored to ensure that **guests adhere to all safety and conduct policies**, which reduces the likelihood of any law enforcement or emergency service calls. Our guests are typically families and tourists seeking a peaceful and convenient location close to downtown, this is not a party property, and disruptive behavior is not tolerated.

Additionally:

- We have a **24/7 local property manager** on call to handle any on-site issues before they ever reach city services.
- We maintain clear communication with neighbors to quickly address concerns.
- We've established internal protocols to respond to fire safety, noise, or maintenance issues without burdening public departments.

Our building already operates with full city waste and recycling services, which will not increase under this use. Guests typically stay only a few days and generate waste volumes equal to or less than traditional tenants. Utilities such as water, sewer, and electricity are already connected and functioning at capacity that exceeds typical usage. No special accommodations or upgrades are needed.

As previously noted, the Zoning Board of Appeals granted a **parking variance**, acknowledging that the building's current usage pattern does not stress public roadways or require expanded parking infrastructure. Our guests are often single-vehicle travelers, and many walk or bike due to our proximity to local attractions. This results in **minimal public roadway impact**.

By approving short-term rentals in adjacent districts, the City Commission has recognized the value of tourism and short-term accommodations in driving local commerce. Our application directly supports that goal **without requiring any investment or expansion of public services**. This is a self-contained, low-impact operation that provides a public benefit, economic stimulation, while remaining entirely within the city's existing service capacity.

The proposed short-term rental use will not place any additional demands on public services or facilities beyond current capacity. No changes to utility usage, emergency services, or waste collection are expected. With responsible management and a building that already meets service requirements, we believe our use fully satisfies this important SUP criterion.

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

11.12.11 Lodging/Accommodations - Continued

B. Short-term Rental establishments are allowed as a Special Use in the R3 residential District under the following conditions:

1. **The Use shall occupy one or more Dwelling Units authorized under this Ordinance or existing as Nonconformities.**

Yes, the building has been operating under current ownership for more than 15 years as a duly authorized dwelling unit under local ordinances.

2. **The subject Parcel is adjacent to one or more residentially zoned or used Parcels.**

Yes, the property to the south of the subject Parcel is zones R-1.

3. **On-site parking must be provided as required in Article XVIII.**

The applicant received a Dimensional Variance from the ZBA waiving the parking requirements under the ordinance.

4. **The Applicant shall provide a scaled floor plan of the premises as part of the Special Use application.**

Yes, see attached.

5. **The exterior appearance of the Structure shall be harmonious with the character of the surrounding District.**

Yes, the building has been maintained with a high standard of architectural integrity and is consistent in scale, style, and appearance with other multifamily residential structures in the area. There are no proposed exterior changes that would alter the residential character of the property. All signage and modifications will comply with city codes, and the property retains its charm and compatibility with the R-3 district.

6. **A fire escape plan shall be developed and graphically displayed in each Dwelling Unit.**

Yes, see attached.

7. **A minimum of one (1) appropriate fire extinguisher, in proper working order, shall be located in each Dwelling Unit, in a place readily accessible to guests.**

Yes, a fire extinguisher will be located in each Dwelling Unit and maintained on a regular basis by a professional maintenance company.

8. **Each Dwelling Unit, and the establishment, shall be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.**

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Yes, each dwelling unit will be provided with means of egress as described in the Michigan Residential Code or Michigan Building Code, adopted in Chapter 8, Article V of the Code of Ordinances of the City of St. Joseph, as appropriate.

9. No sleeping room shall be located in a Basement or cellar.

Yes, no sleeping room shall be locted in a basement or cellar.

10. Lavatories and bathing facilities shall be available to all Persons using the premises.

Yes, each unit has its own lavatory and bathing faclities and are available to all persons using the premises.

11. Retail sales are not permitted beyond those activities serving the registered overnight patrons.

No retail sales are permitted beyong those activities serving the registered overnight patrons.

12. The outdoor storage of trash or rubbish shall be screened.

All outdoor storage of trash will comply with the city's ordinance.

13. The establishment meets all requirements of Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph.

Yes, The establishment meets all requirements of Chapter 8, Article VI of the Code of Ordinances of the City of St. Joseph.

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Building Layout Main Level

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Fire Escape Plan Main Level

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

Attachment: Application - 520 State and 515 Market Streets (10973 : Public Hearing - 520 State and 515 Market Streets)

June 30, 2025

RECEIVED
JUN 30 2025
CITY OF ST. JOSEPH
ST. JOSEPH, MI 49085

City of St. Joseph Planning Commission

700 Broad Street

St. Joseph, MI 49085

RE: Brian Barrett, Market & State LLC

520 State Street and 515 Market Street

We are the property owners, and full-time residents (34 years) of 611 State Street located 300' within 520 State Street and 515 Market Street. We are against Brian Barrett's request for a special use permit from the City of St. Joseph Zoning Ordinance for the eight proposed short-term rental units.

We are against the request for several reasons.

1. The proposed short-term rental units are across the street from The Old St. Joseph Neighborhood Historic District. The short-term rental units would not be harmonious with the character of our Neighborhood Historic District. Each home is unique and has it's own character. The short-term rentals being next to the Old St. Joseph Neighborhood Historic District, according to the city's downtown master plan, does not reinforce the character of the Neighborhood Historic District, and also according to the city's master plan, there is no "sense of place" with short-term rentals. The Special Use would change the essential character of the surrounding area.
2. The units will bring in "excessive production of noise" and parties. The 8 units have a potential for bringing in 48 residents and 48 cars. The potential for 48 cars "will bring in the excessive production of traffic".
3. The short-term rentals will not be bringing in people for housing. "We are in a desperate position to reverse our trends of population decline year after year since the '70's" says City Commissioner Michael Fernandez. These short-term rentals will attract out-of-towners for vacations/parties. They have no intent on community commitment. And per Cornerstone Alliance we have a shrinking population of young people and a lack of available housing. The apartments currently (long-term) seem more to lend itself to this goal.
4. The potential for 48 cars will add to the already parking shortage and concerns

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

We have firsthand experience with short-term rentals living next to the short-term rental at 603 State Street. We have experienced the following:

- Excessive load noise
- Continual parties
- Public intoxication
- Trespassing on our property
- Urinating in public and on our property
- Obnoxious and loud behavior both during day and "quite time"
- Street parking to accommodate all the short-term renters

We have on occasion, contacted the police but generally we just put up with the incidents not wanting to bother the police as they have better things to deal with, and in some instances, we contacted the owner directly.

This proposed short-term rental property doesn't belong next to a R1 district.

We are asking that Brian Barrett's request for the special use permit for the short-term rentals be denied.

Respectfully,

Mark & Anne Hendrix

Mark and Anne Hendrix

611 State Street

269-930-6110

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: Laurie Caple <lacaple33@gmail.com>
Sent: Tuesday, July 1, 2025 1:20 PM
To: Kristen Gundersen
Subject: [EXTERNAL] RE: Special Use Permit Application by Brian Barrett

To Saint Joseph City Officials,

I just read the Special Use Permit application submitted by Brian Barrett for his Market/State Street apartment building. I was not only puzzled, but astonished by the blanket promises reassuring readers that weekend tenants who will occupy his eight units will exhibit, ***"quiet, orderly behavior, maintain occupancy limits, and follow a no-party policy"*** among other behaviors that are historically violated and impossible to vet. Look no further than our fellow SW Michigan sister cities such as New Buffalo, Michigan City, and Saugutauk to understand their lengthy struggle with this identical issue. I will address this more thoroughly with statements of short term rental users exhibiting ***nudity, vomiting and urinating outside even during daylight hours, 911 calls required for drug overdosage, loud parties, and overcapacity***, etc. at the July 9th meeting.

Past City of St. Joseph leadership wisely and courageously voted to place a limit on Short Term Rentals in our Old St. Joe neighborhood for a reason. The character and fabric of our historic neighborhood deserves protection and preservation. It is a jewel in our city's crown.

Please record a resounding "NO" voiced on my behalf for any expansion of Short Term Rental permits in our neighborhood. If a potential eight additional units are allowed in such a confined space, right next to our precious, beloved "Bear Park" and historic district, it will invariably open wide a Pandora's Box full of problems.

Laurie Caple, Old Saint Joe Resident
715-497-7942

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: Kathy Elizabeth Ward <kathyelizabethward@gmail.com>
Sent: Tuesday, July 1, 2025 2:04 PM
To: Kristen Gundersen
Subject: [EXTERNAL] Variance for 520 State Street - STR

Karen: I am writing with many concerns I have for the upcoming proposed variance for 520 State Street in St. Joseph. I have read the Special Use Permit Application and first of all, I am very concerned that granting this STR will open up the entire neighborhood to STR's. There has already been a lot of time spent by the City Commissioners over the past many years to STOP STR's from increasing and invading a very traditional neighborhood. Some of the STR's that exist (and were grandfathered) have very respectable renter's but they also have nearby owners (not just property managers). With the exception of 603 State Street, which has been a major disruptive STR for many, many years. There is no on-site owner and there is often noise, rowdiness, inappropriate behavior (including yelling, swearing, partying and urinating in the yard).

I do not believe that a property management/response team for 520 State St. will provide any type of quick response to problems and issues that arise. I also do not believe that any type of "vetting" can be done for applicants that wish to stay at 520 State Street, since the owner will only be obtaining the information from the person with the credit card securing the rental. There is absolutely no way that the Owner can assure us that the person paying for the "stay" will be the actual person staying there.

House rules are only a piece of paper with no enforcement. You can tell people how they need to act, but that doesn't mean they will follow the so-called "rules" and if they are only there for a "short term"

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

they won't care if anyone nearby is bothered by their behavior or noise levels. People on vacation are just not concerned about what the neighbors think, they don't care if someone nearby has to get up for work in the morning, they only care about the fact that they are on vacation and they are spending their money to have a good time.

The issues raised by the owner are much more important for keeping the building as a regular rental property (long term residents) than changing it to STR.

I urge the Planning Committee to support the continuation of "no STR's in residential neighborhoods". If the Planning Committee is unwilling to do this, then I request that there be a trial period set (1-2 years) whereby any violation of the pledges made by the owner causes the STR to be revoked.

Respectfully,
Kathy Ward
1112 Lake Blvd SJ.

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: David VanDenburgh <david.vandenburgh@gmail.com>
Sent: Tuesday, July 1, 2025 5:04 PM
To: Kristen Gundersen
Subject: [EXTERNAL] Short Term Rental Variance Request for 520 State Street

I urge the City not to approve the request for variance by the property owner at 520 State Street for the following reasons:

- It would remove from the housing market eight apartments when people are complaining already about the lack of affordable housing in Saint Joseph.
- Short Term Rentals (STR) need careful management if they are not to damage the neighborhood and the ambience that people looked for when they bought homes in that neighborhood. Too often STRs are not monitored by the owner/manager (who may be non-resident) and the neighbors or the police are left to deal with any problems. I know how important this is because I own a STR. I live next door. We are very careful to whom we rent and we constantly monitor what goes on next door. We don't want anything to change the character of our neighborhood. In fact, many of our renters come for the blessings the neighborhood provides. The STR offers them the best of Saint Joseph for the week they are here. But this can only be accomplished if owners/managers are diligent to oversee the rental. Too many are absentee landlords. That creates problems and gives STRs a bad reputation.
- There is a moratorium in effect on STRs and has been for many years. Other requests have been denied. Is the City lifting it? If not then what are the grounds for exceptions? What do we tell others who have been denied?
- Didn't the City already authorize a number of STRs in the Downtown District? Do we have reason to believe they are not enough to meet the need?
- The property in question is right on the edge of the Old Historic Neighborhood. Those who live in that neighborhood would likely oppose granting this variance. They should be invited to weigh in, and not only those within a few feet of the property. There is a neighborhood association that has a long history in this community. The City should consult them.
- The Boulevard Inn is literally next door to this property. It offers STRs in the form of hotel rooms. Have they been offered a chance to weigh in on this issue? Would hotel owners nearby be disadvantaged by such a change?
- There are long-term residents in the apartment complex who will find their environment changed by creating STRs in their building. Their"normal" will be disrupted by the constant comings and goings of short term renters. Has their opinion been solicited? (And do they feel free to speak their minds?) How will this proposed change impact them?

I know there are others in the historic neighborhood who have concerns about the impact granting this variance will have on this old and historic district. I urge the City to carefully consider their concerns before granting this request.

David VanDenburgh
607 and 611 Pearl Street

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: Karen Johnson <karenj@attorneypeterjohnson.com>
Sent: Wednesday, July 2, 2025 7:41 AM
To: Kristen Gundersen
Subject: [EXTERNAL] St. Joseph Planning Commission Meeting - July 9, 2025 - short term rentals

Kristen and members of the St. Joseph City Planning Commission:

As a 50 year owner of a home on Lake Boulevard and having experienced many challenges to the quality of life of those of us who live in the Historic District, I urge you to deny the request of yet another individual who swears he will be the best absentee landlord as he works to convert a profitable apartment building into a weekly rental eyesore. As a landlord he hasn't even been able to keep his tree lawn mowed and free of weeds.

All of us in the Old St. Joseph Neighborhood Preservation Association thought the issue of short-term rentals in our downtown neighborhood had been laid to rest years ago by a moratorium approved by the St. Joseph City Commission. I understand the loophole that the Applicant, Brian Barrett, is using in that the apartment building located on the corner of State and Market Streets is at the edge of our historic neighborhood and the downtown commercial district. However, for over 100 years it has served as a gracious Chicago-style apartment building providing 8 units consistently filled with stable tenants. I had relatives and friends who were long-term tenants enjoying 2-3 bedroom apartments within an easy walk to downtown merchants, restaurants and the lakefront. They all knew each other and supported each other as needs arose. This will never happen if the units are converted to a turn-over circus of short-term renters who may require far more supervision. Instead the adjacent neighbors, in particular, will be required to put up with an increase of inconsistent behavior, foot traffic and noise.

We also remind St. Joseph City officials that our neighborhood organization has become a watch dog, so to speak, to sound any alarm that could lead to St. Joseph becoming another New Buffalo, South Haven or Saugatuck where absentee second- home owners and an influx of tourists are destroying stable neighborhoods all for the sake of rental income. Short-term rentals of apartments over businesses already located in commercial districts definitely makes sense but not the encrouchment of short-term renters into stable residential neighborhoods. We have absolutely no faith in the assurances of Brian Barrett that he, an absentee owner, will manage a significant turnover every single week or month when it appears he cannot even mow his lawn, pull weeds or otherwise beautify a once-elegant apartment building.

Thank you,
Karen Johnson
1225 Lake Boulevard
St. Joseph, MI 49085
269-313-9510

Attachment: 5 Written Comments Received before 9 am 07022025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: Claire Gillespie <gillespiesstjoe@gmail.com>
Sent: Sunday, July 20, 2025 11:14 AM
To: Kristen Gundersen
Subject: [EXTERNAL] Re: Special Use permit request from Brian Barrett

July 20, 2025

Kristen and the City of Saint Joseph Planning Commission:

City of Saint Joseph residents have voted *against* short term rentals in our community. I am baffled by the special use request for 515/520 Market Street going as far as it has and I am voicing my concerns against it. I hope that all of you listen to your local residents rather than the request of an absentee landlord.

Over the sixteen years I was employed by the Maud Preston Palenske Memorial Library I have witnessed many disturbing behaviors at the corner STR house at 603 State Street. I parked in front of this house for work almost on a daily basis. (Google Street View even shows my car!) While on my lunch breaks, sitting on the library bench on the alley side of the library or on a bench in Bear Park I witnessed awful STR guests partying during the day, yelling, swearing and being extremely rowdy. Often, when leaving the library a little past 8 and entering my car I'd find cans and bottles tossed into the street; and even dirty diapers and Pull-Ups! I can't even count the times pulling up to park at 9:15 a.m. I'd be approached by a guest telling me I can't park there. I often wondered how all the neighbors could tolerate it.

I also witnessed the heartbreaking change of ownership in 2008 of 520/515 Market Street. This building WAS home to many lovely long term residents, many elderly.
The long term residents, some of whom were in tears, were told they had to move out of the building upon the new owner taking possession. Many were regulars at the library.

Since 2008 I have witnessed the deterioration of this beautiful building. The facade is crumbling, brick work is in need of tuckpointing and much more. Mr. Barrett does not keep up mowing the tree lawn. Grass, weeds and ivy have taken over. Many years ago the basement window on the alley side was broken. Caution tape was positioned over the area and months and months went by before the window was repaired or glass pieces removed from the alley. If Mr. Barrett cannot keep up on the physical maintenance required, such as replacing a broken window for long term residents, I am doubtful he can react in a timely manner to the inevitable issues that short term rentals will create in our peaceful historic neighborhood.

We have a huge shortage of affordable housing in St. Joseph. These apartments are no longer affordable to most but at least they are available as it stands for a long term lease to those that *can* afford it. I can't imagine being a current tennant and having the balcony next to mine turn into a revolving door of out of town tourists and vacationers. Isn't that the purpose of the Boulevard Hotel?

I believe many Saint Joseph residents share my concerns. Unfortunately, to afford living in St. Joseph requires working full time if not more. The majority of us cannot break away from work to attend a meeting at 4:30 p.m. in the afternoon whether in person or via Zoom. Please update your

Attachment: Written Comment - Gillespie 07202025 (10973 : Public Hearing - 520 State and 515 Market Streets)

agenda for the August 7th meeting to include my letter of opposition to this request as well as any others that may arrive.

Thank you

Claire Gillespie
2211 Mount Curve Avenue

Attachment: Written Comment - Gillespie 07202025 (10973 : Public Hearing - 520 State and 515 Market Streets)

Kristen Gundersen

From: Ken Boyd <kab0129@icloud.com>
Sent: Tuesday, August 5, 2025 11:19 AM
To: Kristen Gundersen
Subject: [EXTERNAL] Short term rental request for 520 Main

Kristen,

My wife Janet and I oppose the proposal to add short-term rentals at 520 Main, especially given the recent approval of over 50 downtown rentals. We live at 1019 State St and spent a decade converting a neglected multi-unit property into our home. We intentionally gave up its grandfathered multi-family status to support restoring St Joseph's historic district with long-term single-family homes that increase property values and appeal. Our investment was based on the city's decision to limit short-term rentals above the bluff and end multi-family rentals in this area. Allowing this change could set a precedent with significant effects on the community.

Ken Boyd
317.523.1364
kab0129@icloud.com

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515

Kristen Gundersen

From: Jeff Drake <jsaildrake@gmail.com>
Sent: Tuesday, August 5, 2025 8:05 PM
To: Kristen Gundersen
Subject: [EXTERNAL] 520 State Street - Special Request
Attachments: State St West Side.jpg; ST Joe Tradition STR.jpg

K Gundersen:

Vicki Drake and Jeff Drake Oppose the Conditional Use Permit for Short-Term Rental for 520 State Street.

Lack of parking

Appearance of property – if "Professionally Managed", I would like to know by whom. So as to never use them.

No outdoor space for the Short-Term Renters.

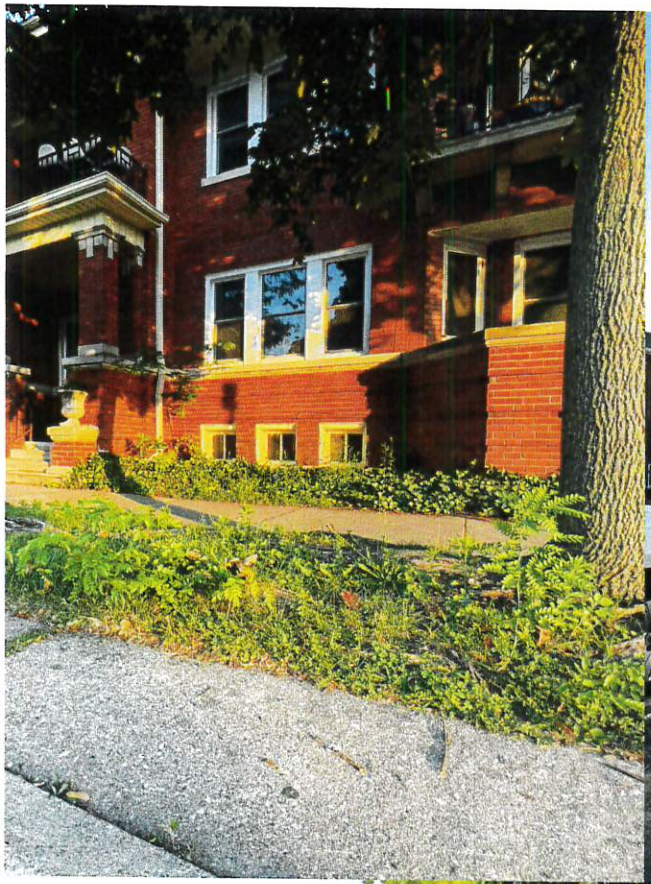
Please see a photograph of said property over the four properties it neighbors' to the south. Also see photograph of said property over three other Short-Term Rentals.

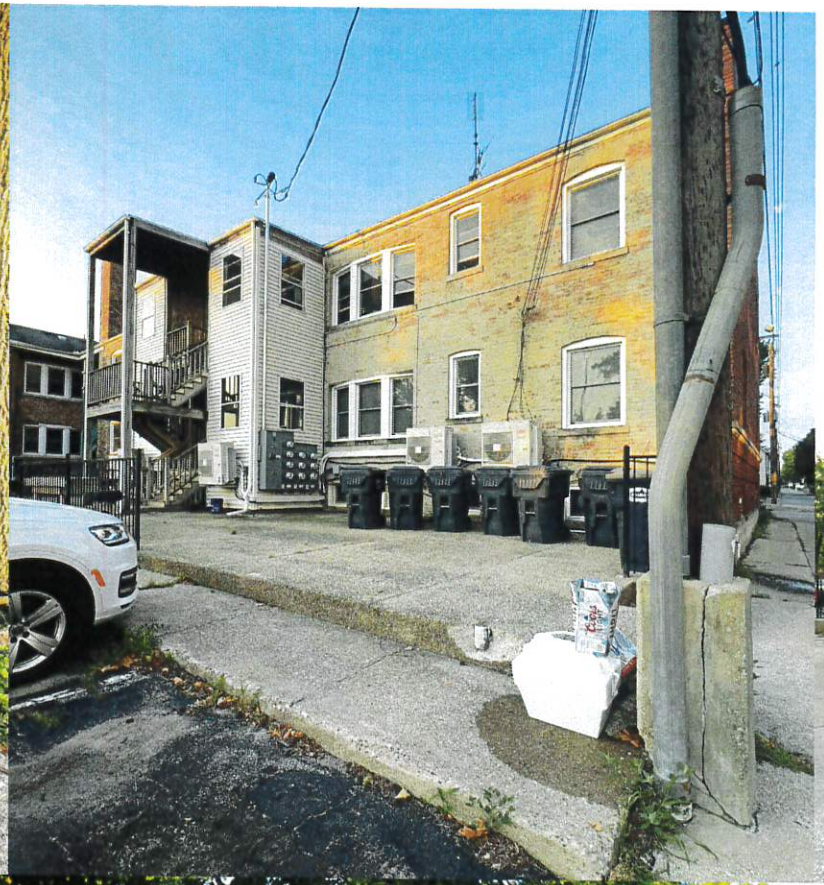
THANKS

Jeff & Vicki Drake

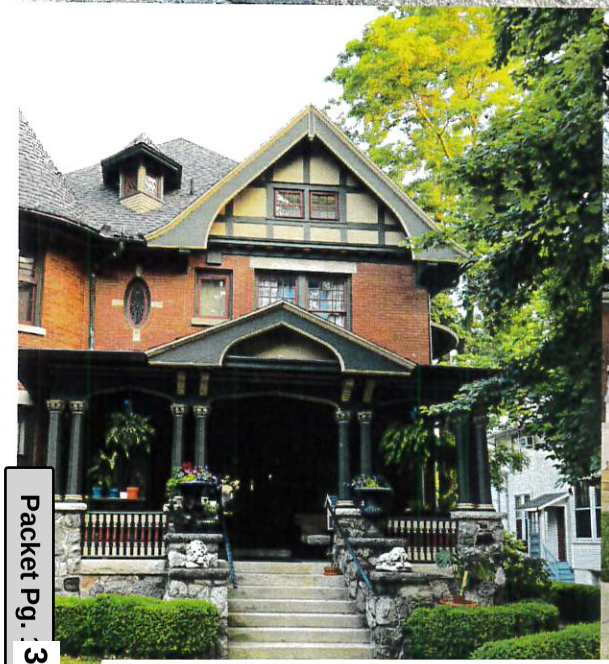
1007 Lake Blvd

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515

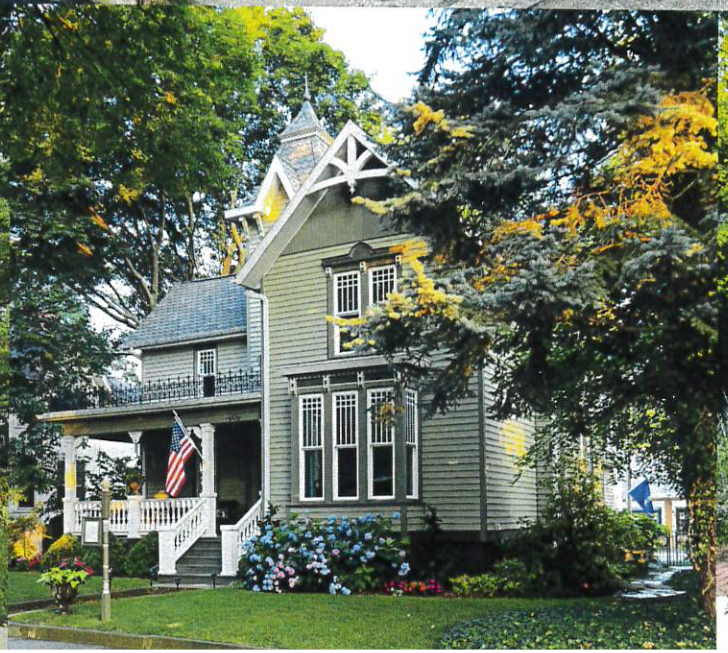




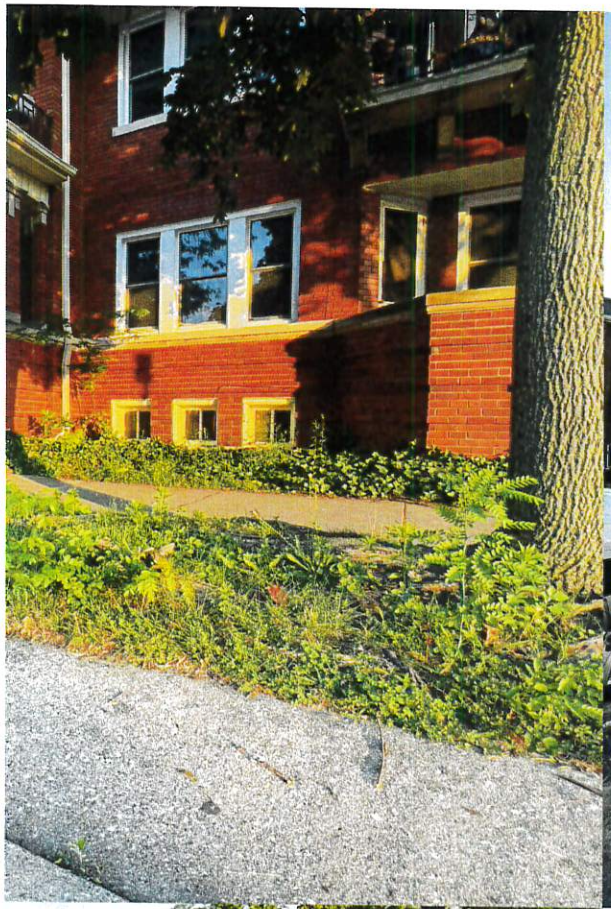


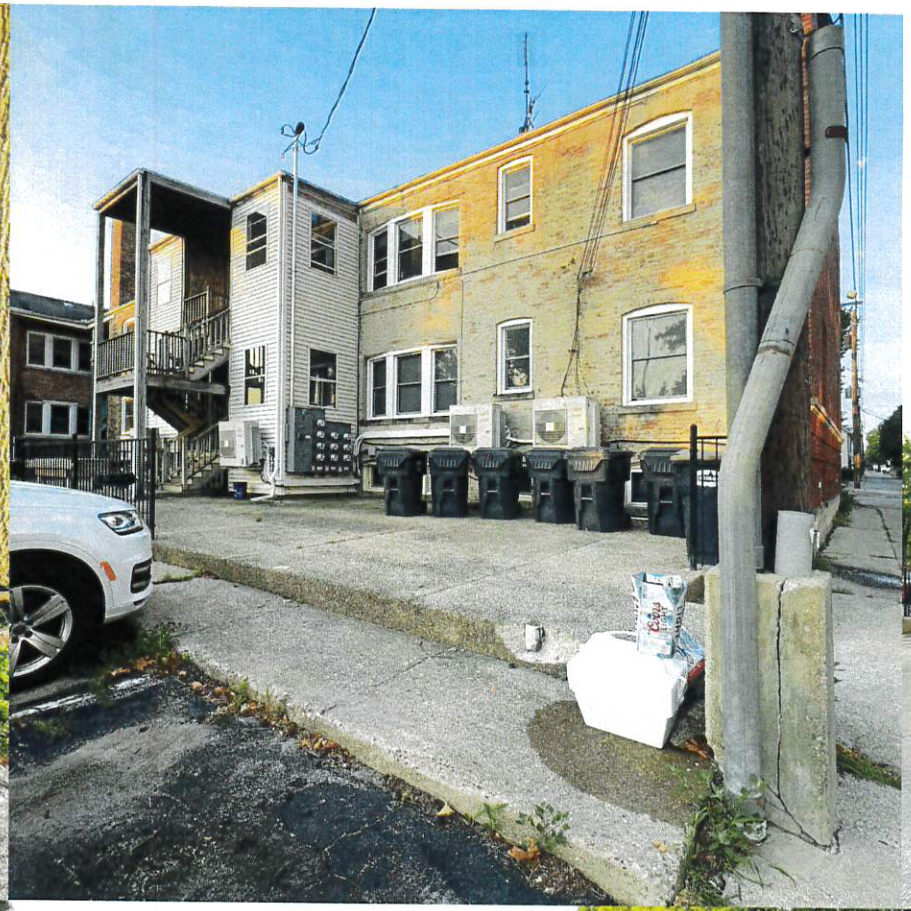




















Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

July 30, 2025

Dear Commissioners.

My name is Peter Walsh, and together with my wife Veronica, we live at 1006 State Street. With respect to the Request for Short term rental Special Use Permit currently before you as to 520 State Street, I was prepared to attend the previously scheduled meeting, object to the request last month, and provide my Closing Argument in opposition to the variance request. However, I am unavailable to participate in your currently scheduled meeting on August 7 at 4:30 p.m., because my wife and I will be celebrating our 35th wedding anniversary on a cruise. I forward this correspondence to convey our objection to the Special Use Short Term rental permit request before the Commission with respect to 520 State Street in St Joseph, Michigan. We are not opposing all short-term rental requests and understand the city's need to balance the City's long-term economic vision against maintaining the history, charm, and integrity of the city. However, we are requesting that the Commission exercise its discretion by rejecting this specific request for in our view, rather obvious reasons.

We have read and considered all aspects of the request for Special Use Permit with respect to 520 State Street. We object to this request for the Special Use Permit and are requesting that the Commission reject the request for the following reasons. The request pending before you: 1) concedes that the property "is located in the transitional area between tourist and residential stability"; 2) Incorrectly claims that the property is compatible with nearby properties; 3) Incorrectly claims that the property is "harmonious with the character of adjacent property and the surrounding area"; and 4) is loaded with a variety of one sided conclusory statements that border on absurd.

The property is not "compatible with nearby properties," nor is it "harmonious with the character of adjacent properties and the SURROUNDING AREA." It is surrounded by:

1) Multiple war and service memorials that are a vital and revered aspect of the city's history, and a long-standing sanctuary that prior city planners and commissioners designed and approved to honor our veterans. They would not allow short term rentals on the doorstep of the Washington monument, the Lincoln Memorial, or the Tomb of the Unknown soldier, will St Joe allow a short-term rental potential circus on the doorstep of these sanctuaries honoring our veterans? I have attached a couple of photos I took to demonstrate the close proximity of the memorials to the proposed short-term rental. (**Exhibits F&G**). Veronica's father served in the Army in the Korean War, and my mom and dad both served in the US Navy in World War II. (**Exhibit H**). We respectfully suggest that allowing this short-term variance request would be a disservice to all veterans, and to the prior City commissioners or planners who did such a great job designing this area to honor them.

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

2) The Library. Libraries, and the areas surrounding them, are definitionally quiet zones. Why would anyone allow a short-term rental on the doorstep of the library, an area frequented by St Joe's children, students, and residents. Many of the residents who frequent the library are older residents who need parking access beyond the two or three library dedicated spots on the street.

3) The peaceful park across the street from 520 State Street (**Exhibit A**), which has been designated as a Michigan Historical Site according to the sign in front of the park. Having visited this park on numerous occasions, we can attest to the fact that the park is a quiet zone where local citizens and visitors go to reflect. The park is peaceful, quiet, and serene.

Section 11.5.2 in the General Standards that control this decision requires that the Special Use should be designed, operated, and maintained "in a manner harmonious with the character of the adjacent property and the surrounding area." The last thing that is harmonious with the "surrounding area" including the war memorials, the library, and the peaceful and quiet Historical Site park that surround 520 State Street, is a short-term rental. Why anyone in their right mind would allow such a variance defies general notions of rational analysis and sanity.

The request for variance claims that the property is "professionally managed to ensure land scaping upkeep". I am attaching photos (**Exhibits B, C, D, and E**) I took of the property just before the last scheduled meeting. Note the large weeds on various aspects of the property. Actions, or in this case historical inaction, speak louder than conclusory and unsupported assertions in one sided request for a variance.

We traverse the area from the historic residential area, to the downtown area frequently. We have often marveled at what a nice job the city has done in creating a smooth, quiet, peaceful, and orderly transition zone from the historic residential area, Historic Site Park, veterans memorials, library, to the downtown business district. The parking lot on the west side of State Street directly to the north of 520 State Street creates a barrier or quiet zone transition area between downtown and the historic and public buildings, memorials, and areas previously referred to. I will not bore you with the vast amount of literature and studies supporting the risk presented by short term rentals including parking issues (the building already was granted an exception to the 10 or 20 parking spots it should have been required to provide), noise, disruption from partying, displacement of local residents from less long term housing being available,……The commission can take public notice of the available statistics and studies supporting these concerns. Allowing the requested variance or exception would destroy or severely detract from the "transitional area" the request before you admits the existence of, and would place a short term rental in the heart of the transition zone, and on the door step of the Historical site park, library, memorials, and the historic neighborhood.

In closing, we do not object to all short-term rentals and fully understand the City's need to balance its economic long-term vision against maintaining the charm and history that defines St Joe. However, with respect to this specific location, we strongly object to the granting of any variance or permit for the obvious reasons stated herein. We suggest that the Commission take the time to inquire of veterans in the area about how they feel about short-term rentals on the doorstep

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

of the memorials. We also suggest that the commission consider available Michigan and Federal law clearly establishing and supporting a public policy in favor or Historical sites, war and veterans memorials, and libraries. Given the recent outcry against the parking meters, we respectfully suggest that the Commission think long and hard about allowing this specific short-term use permit. We suggest and request that you deny the request, and in doing so, preserve the history and charm of St Joseph, and honor the great sacrifices made by our veterans. In the alternative, we suggest that consideration be given to allowing those who object to go door to door to determine the large number of people who would object, if they were aware of the request.

I will not provide my cell phone number in a potentially public document, but you can reach me at PWalsh@Hinshawlaw.com. I may also stop by in the next couple days to hand deliver a copy of our objection and the photos supporting it and provide you with my cell phone number. I have some good alternative revenue producing ideas that I'd like to share with you that would benefit all of our residents, as opposed to the special use permit before you that would fill the pockets of a singular person to the detriment of the City's residents.

Thank you for your time and consideration, and all you do for the residents of St Joseph. We do appreciate it.

Sincerely,

Peter and Veronica Walsh

PAW/gsk

EXHIBIT A

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market


OLD ST. JOSEPH
NEIGHBORHOOD

EXHIBIT B

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

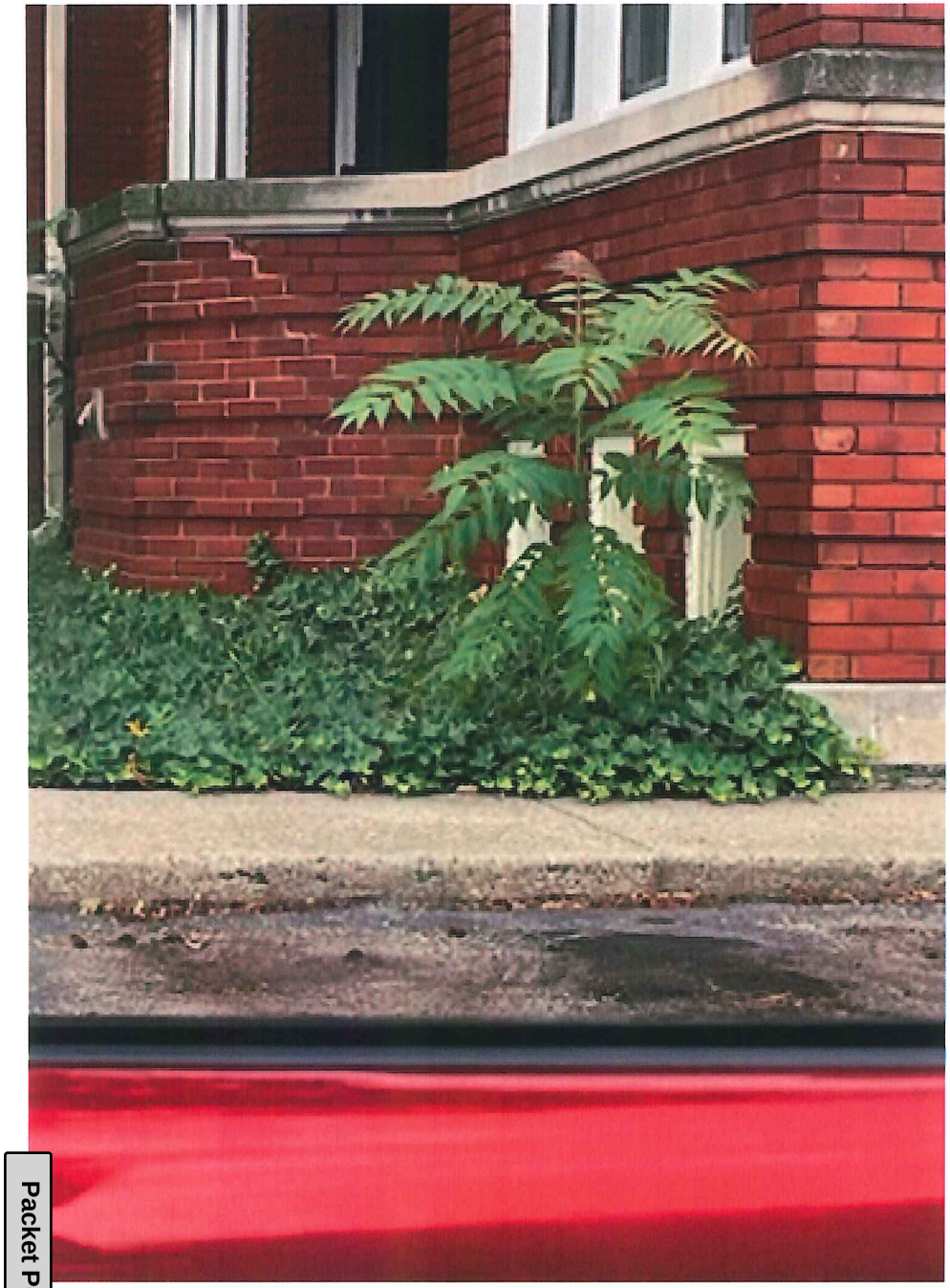


EXHIBIT C

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

EXHIBIT D

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

EXHIBIT E

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

EXHIBIT F

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market



Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

EXHIBIT G

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market



Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market

EXHIBIT H

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515 Market



Kristen Gundersen

From: Katie Kwon <katiekwonmd@gmail.com>
Sent: Wednesday, August 6, 2025 5:26 PM
To: Kristen Gundersen
Subject: [EXTERNAL] 515 Market Street variance: submitted comments
Attachments: The Economic Costs of Airbnb.pdf; IMG_6087.HEIC; IMG_6084.HEIC; IMG_6083.HEIC; IMG_6086.HEIC; IMG_6085.HEIC

Hi Kristen,

I plan to attend tomorrow's meeting and make comments, but wanted to include some photos and a reference for the commission's consideration as well as those comments.

The photos show the general poor upkeep of 515 Market Street, with weeds choking the green areas, a tarp that has been draped over the roof for months, and an overgrown arbor vitae encroaching on the sidewalk.

The reference is a paper from the Economic Policy Institute titled "The Economic Costs and Benefits of AirBNB."

Many thanks for your assistance,
Katie Kwon
622 State Street

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Economic Policy Institute

The economic costs and benefits of Airbnb

No reason for local policymakers to let Airbnb bypass tax or regulatory obligations

Report • By Josh Bivens • January 30, 2019

Summary: Analysis shows that the costs of Airbnb expansion to renters and local jurisdictions likely exceed the benefits to travelers and property owners. Thus there is no reason policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Updated March 26, 2019

Summary

“The sharing economy” refers to a constellation of (mostly) Silicon Valley–based companies that use the internet as their primary interface with consumers as they sell or rent services. Because this term is “vague and may be a marketing strategy” (AP 2019), we refer to these firms less poetically but more precisely as “internet-based service firms” (IBSFs).

Economic policy discussions about IBSFs have become quite heated and are too often engaged at high levels of abstraction. To their proponents, IBSFs are using technological advances to bring needed innovation to stagnant sectors of the economy, increasing the quality of goods and services, and providing typical American families with more options for earning income; these features are often cited as reasons why IBSFs should be excused from the rules and regulations applying to their more traditional competitors. To skeptics, IBSFs mostly represent attempts by rich capital owners and venture capitalists to profit by flouting regulations and disguising their actions as innovation.

The debates about whether and how to regulate IBSFs often involve theories about their economic costs and benefits. This report aims to inform the debate by testing those theories. Specifically, it assesses the potential economic costs and benefits of the expansion of one of the most well-known of the IBSFs: the rental business Airbnb.

Airbnb, founded in 2008, makes money by charging guests and hosts for short-term rental stays in private homes or apartments booked through the Airbnb website. It started in prototype in San Francisco and expanded rapidly, and is now operating in hundreds of cities around the world. Airbnb is frequently depicted as a boon for travelers looking for lower-cost or nontraditional accommodations, and for homeowners looking to expand their income stream. But in many local markets, the arrival and expansion of Airbnb is raising questions about its potential negative impacts on local housing costs, quality

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of life in residential neighborhoods, employment quality in the hospitality industry, and local governments' ability to enforce municipal codes and collect appropriate taxes.

In our cost-benefit analysis, we find:

- **The economic costs Airbnb imposes likely outweigh the benefits.** While the introduction and expansion of Airbnb into U.S. cities and cities around the world carries large potential economic benefits and costs, the costs to renters and local jurisdictions likely exceed the benefits to travelers and property owners.
- **Airbnb might, as claimed, suppress the growth of travel accommodation costs, but these costs are not a first-order problem for American families.** The largest and best-documented potential benefit of Airbnb expansion is the increased supply of travel accommodations, which could benefit travelers by making travel more affordable. There is evidence that Airbnb increases the supply of short-term travel accommodations and slightly lowers prices. But there is little evidence that the high price of travel accommodations is a pressing economic problem in the United States: The price of travel accommodations in the U.S. has not risen particularly fast in recent years, nor are travel costs a significant share of American family budgets.
- **Rising housing costs are a key problem for American families, and evidence suggests that the presence of Airbnb raises local housing costs.** The largest and best-documented potential cost of Airbnb expansion is the reduced supply of housing as properties shift from serving local residents to serving Airbnb travelers, which hurts local residents by raising housing costs. There is evidence this cost is real:
    - Because housing demand is relatively inelastic (people's demand for somewhere to live doesn't decline when prices increase), even small changes in housing supply (like those caused by converting long-term rental properties to Airbnb units) can cause significant price increases. High-quality studies indicate that Airbnb introduction and expansion in New York City, for example, may have raised average rents by nearly $400 annually for city residents.
    - The rising cost of housing is a key problem for American families. Housing costs have risen significantly faster than overall prices (and the price of short-term travel accommodations) since 2000, and housing accounts for a significant share (more than 15 percent) of overall household consumption expenditures.
- **The potential benefit of increased tourism supporting city economies is much smaller than commonly advertised.** There is little evidence that cities with an increasing supply of short-term Airbnb rental accommodations are seeing a large increase in travelers. Instead, accommodations supplied via Airbnb seem to be a nearly pure substitution for other forms of accommodation. Two surveys indicate that only 2 to 4 percent of those using Airbnb say that they would not have taken the trip were Airbnb rentals unavailable.
    - Studies claiming that Airbnb is supporting a lot of economic activity often vastly overstate the effect because they fail to account for the fact that much of this spending would have been done anyway by travelers staying in hotels or other alternative accommodations absent the Airbnb option.

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- **Property owners do benefit from Airbnb's capacity to lower the transaction costs of operating short-term rentals, but the beneficiaries are disproportionately white and high-wealth households.** Wealth from property ownership is skewed, with higher-wealth and white households holding a disproportionate share of housing wealth overall—and an even more disproportionate share of housing wealth from nonprimary residences because they are much more likely to own nonprimary residential property (such as multi-unit Airbnb rentals).
- **The shift from traditional hotels to Airbnb lodging leads to less-reliable tax payments to cities.** Several large American cities with a large Airbnb presence rely heavily on lodging taxes. Airbnb has largely blocked the ability of these cities to transparently collect lodging taxes on Airbnb rentals that are equivalent to lodging taxes on hotel rooms. One study found that the voluntary agreements Airbnb has struck with state and local governments "[undermine] tax fairness, transparency, and the rule of law."
- **City residents likely suffer when Airbnb circumvents zoning laws that ban lodging businesses from residential neighborhoods.** The status quo of zoning regulations in cities reflects a broad presumption that short-term travelers likely impose greater externalities on long-term residents than do other long-term residents. Externalities are economic costs that are borne by people not directly engaged in a transaction. In the case of neighbors on a street with short-term renters, externalities include noise and stress on neighborhood infrastructure like trash pickup. These externalities are why hotels are clustered away from residential areas. Many Airbnb rental units are in violation of local zoning regulations, and there is the strong possibility that these units are indeed imposing large costs on neighbors.
- **Because Airbnb is clearly a business competing with hotel lodging, it should be subject to the same taxation regime as hotels.** In regard to zoning regulations, there is no empirical evidence that the net benefits of Airbnb introduction and expansion are so large that policymakers should reverse long-standing regulatory decisions simply to accommodate the rise of a single company.

Overview of the economics of Airbnb

Airbnb runs an online marketplace for short-term lodging rentals. It largely does not own dwellings or real estate of its own; instead, it collects fees by acting as a broker between those with dwellings to rent and those looking to book lodging.

The perception that Airbnb tries to foster is that its "hosts" are relatively typical households looking to earn supplementary income by renting out rooms in their homes or by renting out their entire residence when they're away. Critics argue that Airbnb bookings have become increasingly concentrated among a relatively small number of "hosts" that are essentially miniature hotel companies.[1]

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Potential economic benefits

At a broad level, the potential economic benefits and costs of Airbnb are relatively straightforward.[2]

The key potential benefit is that property owners can **diversify the potential streams of revenue** they generate from owning homes. Say, for example, that before Airbnb arrived in a city, property owners setting up residential rental properties faced transaction costs so high that it only made economic sense to secure relatively long-term leases. These transaction costs incurred by property owners could include advertising for and screening of tenants and finding alternative accommodations for themselves if they were renting their own dwellings. But if the rise of internet-based service firms reduced these transaction costs and made short-term rentals logistically feasible and affordable for the first time, it could allow these property owners to diversify into short-term rentals as well as long-term rentals.

Another potential benefit is the **increased supply (and variety) of short-term rentals** available to travelers. This increased supply can restrain price growth for short-term rentals and make traveling more affordable.

Finally, one well-advertised potential benefit of Airbnb is the **extra economic activity that might result** if the rise of Airbnb spurs an increase in visitors to a city or town. Besides the income generated by Airbnb property owners, income might be generated by these visitors as they spend money at restaurants or in grocery stores or on other activities.

Potential costs

The single biggest potential cost imposed by Airbnb comes in the form of **higher housing costs for city residents** if enough properties are converted from long-term housing to short-term accommodations. If property owners take dwellings that *were* available for long-term leases and convert them to short-term Airbnb listings, this increases the supply of short-term rentals (hence driving down their price) but decreases the supply of long-term housing, increasing housing costs for city residents. (We refer to all long-term costs of shelter as "housing," including rentals and owners' equivalent rental costs.)

Another large potential city-specific cost of Airbnb expansion is the **loss of tax revenue**. Many cities impose relatively steep taxes on short-term lodging, hoping to obtain revenue from out-of-town travelers to spend on local residents. The most common and straightforward of these revenue raisers is a tax on traditional hotel rooms. If Airbnb expansion comes at the expense of traditional hotels, and if the apparatus for collecting taxes from Airbnb or its hosts is less well-developed than the apparatus for collecting taxes from traditional hotels, this could harm city revenues.

A further potential cost is the **externalities that property rentals (of all kinds) impose** on neighbors, for example, noise and/or use of building facilities. Since hosts are often not on-site with their renters, they do not bear the costs of these externalities and hence may not factor them into rental decisions. Of course, one could argue that such externalities

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are also incurred with long-term rentals not arranged through Airbnb. But if the expansion of Airbnb increases total short- and long-term rental activity, or if short-term rentals impose larger externalities than long-term rentals, then Airbnb expansion can increases these externalities.

Finally, if Airbnb expansion comes at the expense of traditional hotels, it could have a **negative impact on employment**. First, since some of the labor of maintaining Airbnb lodgings is performed by the property owners themselves, the shift to Airbnb from traditional hotels would actually reduce employment overall. Second, since the task of cleaning and maintaining rooms and even greeting Airbnb renters is often done by third-party management firms, the shift from the traditional hotel sector to Airbnb rentals could degrade job quality.

The rest of this report evaluates the potential scope of each of these benefits and costs, and ends with an overall assessment of the effect of Airbnb expansion.

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Potential benefits of Airbnb introduction and expansion in U.S. cities

This section elaborates on the potential benefits identified in the previous section. For each benefit, it assesses how likely the benefit is to emerge, provides empirical estimates of the magnitude of the benefit, and discusses the likely distribution of the benefit.

Potential benefit one: Property owners can diversify into short-term rentals

The most obvious benefit stemming from the creation and expansion of Airbnb accrues to property owners who have units to rent. Owners of residential property have essentially three options for earning a return on the property: They can live in the residence and hence not have to pay rent elsewhere, they can rent it out to long-term residents, or they can rent it out to short-term visitors.

If the only barrier to renting out residential property to short-term visitors were the associated transaction costs, then in theory the creation and expansion of Airbnb could be reducing these transaction costs and making short-term rental options more viable. It does seem intuitive that transaction costs of screening and booking short-term renters would be higher over the course of a year than such costs for renting to long-term residents (or the costs of maintaining owner-occupied property). However, the potential benefits are only the *difference* between what the property owner earned before the introduction of Airbnb and what the property owners earned from short-term rentals booked through the Airbnb platform.

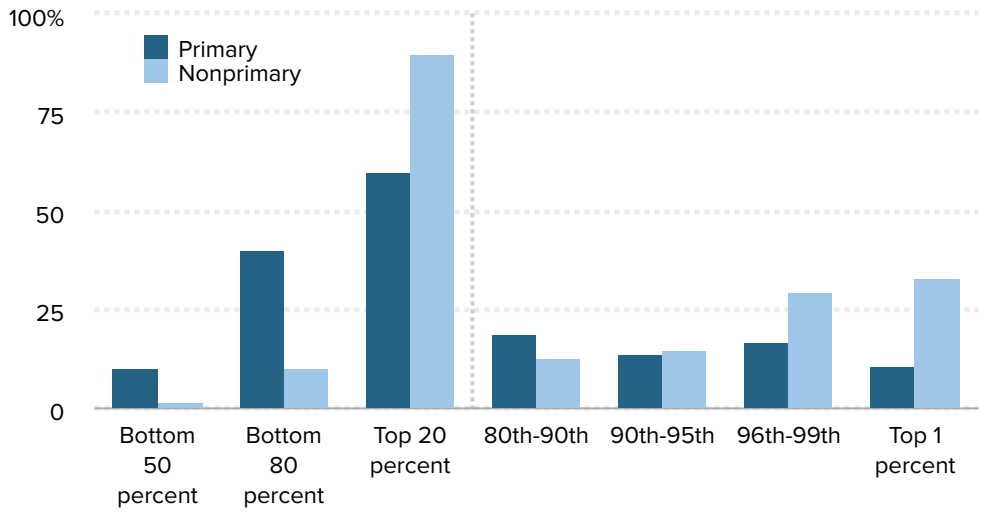
These potential benefits are likely quite skewed to those with more wealth. While housing is more widely held than most other assets, the total value of housing wealth is (like all wealth) quite concentrated among white and high-income households. Further, because of the myriad benefits of owning one's own residence, it is likely that much of the benefit of Airbnb's introduction and expansion accrues to those with more than one property (one for occupying and one or more for renting).[3] The distribution of property wealth generated by nonprimary residential real estate is even more concentrated than housing wealth overall. **Figure A** shows, by wealth class, the distribution of housing wealth overall and of housing wealth excluding owner-occupied housing.

This figure shows that the potential benefits of Airbnb introduction and expansion to property owners are highly concentrated. To put it simply, any economic occurrence that provides benefits proportional to owning property is one that will grant these benefits disproportionately to the wealthy. In 2016, for example, 60.0 percent of primary housing wealth (housing wealth in households' primary residences) was held by the top 20 percent

Figure A

Housing wealth—particularly wealth from owning a nonprimary residence—is skewed

Share of total primary and nonprimary household housing wealth in the U.S. economy held by each wealth class, 2016



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. The wealth classes depicted overlap, with the top 20 percent broken down into households falling within the 80th to 90th, 90th to 95th, and 96th to 99th percentiles.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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of households. (Not shown in the figure is that this share has increased by 5.4 percentage points since 1989.) As we noted earlier, however, many Airbnb listings are actually owned by households with multiple units to rent. Given this, Figure A also shows the share of housing wealth from nonprimary residences held by various groups. This "nonprimary housing wealth" is far more skewed. For example, the top 20 percent hold 90.1 percent of this type of wealth.

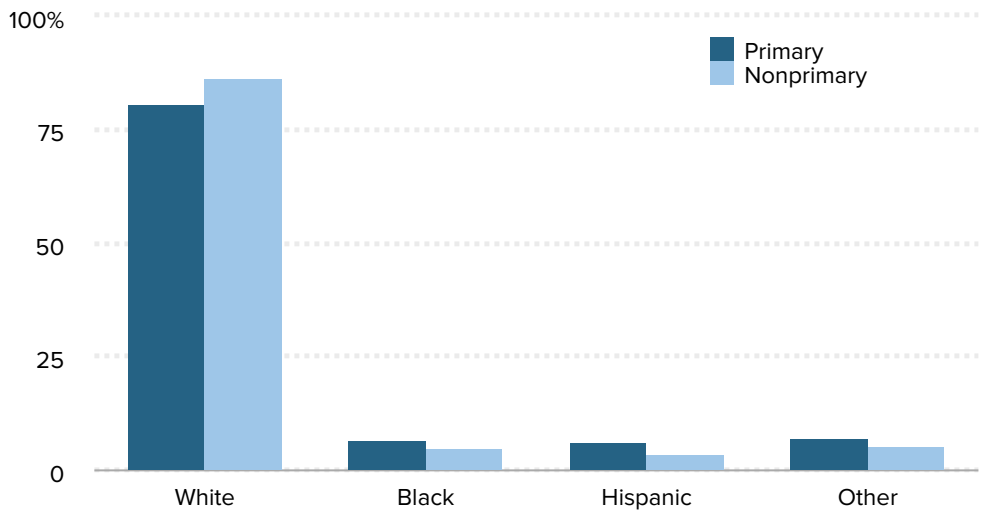
Figure B shows the distribution of housing wealth by race and ethnicity. Across racial groups, more than 80 percent of wealth in one's primary residence was held by white households. African American households held just 6.5 percent of wealth in primary residences, Hispanic households held 6.0 percent of this type of wealth, while households of other races and ethnicities held 6.9 percent. Not shown is the change in the share of wealth in primary residences held by racial and ethnic groups: Primary housing wealth held by nonwhite households has risen a bit (by roughly 6 percentage points) since 1989. As with the distribution by wealth class, the holdings of nonprimary housing wealth by race and ethnicity are again even more skewed, with white households holding more than 86 percent of this type of wealth. African American households hold just 5.0 percent of nonprimary housing wealth, Hispanic households hold 3.6 percent, and households of other races and ethnicities hold 5.2 percent.

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Figure B

White households disproportionately benefit from housing wealth

Share of total primary and nonprimary household housing wealth held, by race and ethnicity



Note: Primary housing wealth is wealth from owner-occupied housing. Nonprimary housing wealth is wealth from nonowner-occupied housing. Hispanic means "Hispanic any race" and the race/ethnicity categories are mutually exclusive.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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In short, what Figures A and B show is that because wealth from residential properties that can produce rental income is concentrated among the wealthy and white households, giving property owners the unfettered option to choose Airbnb over long-term rental uses of their property means conferring an enhanced option to predominantly wealthy and white owners of housing wealth. (**Appendix Table 1** provides the same analyses shown in Figures A and B for the years 1989, 1998, and 2007, and for the most recent data year, 2016, as well as the change from 1989 to 2016.)

Finally, while Airbnb might make short-term rentals feasible for property owners by reducing transaction costs through the technological efficiencies provided by Airbnb's internet-based platform, the company might also just make short-term rentals feasible by creating a norm of ignoring regulations that bar short-term rentals. Short-term rentals are effectively banned in many residential neighborhoods in the cities where Airbnb operates, yet they have proliferated after the introduction of Airbnb.[4] The regulations barring or limiting short-term rentals were established to reduce the externalities associated with commercial operations of certain kinds—including hotel operations—in residential neighborhoods. Airbnb's business model appears to depend significantly on skirting these regulations and dodging competition from traditional hotel owners who are prohibited from operating in these same neighborhoods. If the regulations banning short-term rentals are baseless and serve no useful purpose, then subverting them could be seen as a

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benefit of Airbnb. But allowing large corporations such as Airbnb to simply ignore regulations—rather than trying to change them through democratic processes—is hardly the basis of sound public policy.

Potential benefit two: Increased options and price competition for travelers' accommodations

Airbnb is essentially a positive supply shock to short-term accommodations. Like all positive supply shocks, it should be expected to lower prices. There is some accumulating evidence that Airbnb does exactly this. Zervas, Proserpio, and Byers (2017) examine the effect of Airbnb expansion across cities in Texas. They find that each 10 percent increase in the size of the Airbnb market results in a 0.4 percent decrease in hotel room revenue. They find that most of this revenue decline is driven by price declines. Evidence of the positive supply shock is particularly evident in the 10 American cities where Airbnb's presence is largest. Dogru, Mody, and Suess (2019) find a negative correlation between Airbnb expansion and hotels' average daily rates in the 10 U.S. cities with the largest Airbnb presence.

Besides cost, the introduction and expansion of Airbnb could improve the perceived quality of accommodations available. There is some limited evidence that this is the case: a survey by doctoral candidate Daniel Adams Guttentag (2016) finds that "convenient location" is one of the top reasons given by Airbnb guests when asked why they chose the service. But the Guttentag 2016 survey also identifies "low cost" as the *single most-identified* reason people give when asked why they chose Airbnb.

However, it should be stressed that this potential benefit of Airbnb introduction and expansion is overwhelmingly a *redistribution* of welfare, not an *increase* in economywide welfare. Very few people have claimed that Airbnb's spread within a given city has led developers to build *more accommodations* in the city overall. Instead, owners or third parties have often turned long-term rental units into short-term lodging via Airbnb.

The question then becomes, "Has this redistribution of potential accommodations from the long-term to the short-term market increased economic welfare overall?" One way that Airbnb could be increasing economic welfare overall is if it were helping travelers deal with rising travel accommodation costs.

By looking at trends in prices and spending in the short-term lodging sector, we can get a commonsense check on whether high prices for short-term travel accommodations are a pressing economic problem for ordinary American households. If the price of short-term travel accommodations were rising rapidly, then presumably an increase in supply that restrained price increases would be valuable (or at least more valuable than if these prices were not showing any particularly trend). The two lines in **Figure C** show changes in the consumer price index for travel accommodations compared with changes in the overall price index for personal consumption expenditures (PCE). According to Figure C, in the 2010s, the price of short-term travel accommodations has grown faster than prices overall only since 2014—this is the same year that ushered in the large-scale expansion of Airbnb.

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Figure C

The price of short-term travel accommodations has increased slightly faster than prices overall, but only in recent years

Price indices for short-term travel accommodations and overall personal consumption expenditures (PCE), 2000–2016



Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4.

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So it certainly seems that the launch and growth of Airbnb was not solving any preexisting price pressure—because it was operating and expanding well before recent years' price growth. (Further, it is possible that by substituting more strongly for a less-expensive slice of the traditional hotel market—leisure travel as opposed to business travel, for example—that Airbnb introduction might actually be associated with raising measured short-term travel accommodation prices, through a composition effect.)

Potential benefit three: Travelers' spending boosts the economic prospects of cities

The lower prices and greater range of options made available by the introduction and expansion of Airbnb could, in theory, induce a large increase in travel and spark economic growth in destination cities. This is precisely the claim made in a report by NERA Economic Consulting (NERA 2017), which says that Airbnb "supported" 730,000 jobs and $61 billion in output globally, with roughly a quarter of this economic gain occurring in the United States.

To be blunt about these claims, they are flatly implausible. They rest on the assumption that all money spent by those renting Airbnb units is money that would not have been spent in some alternative accommodations had Airbnb not existed.

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Say, for example, that guests at Airbnb properties spent $10 million in New York City in 2016, including the money spent at restaurants and theaters and other attractions while visiting the city. The rental payment these guests make is included in the NERA numbers, but is expressed as extra income for Airbnb hosts. NERA then takes this entire $10 million in spending (both nonaccommodation spending by visitors and the extra income going to Airbnb hosts) and runs it through input–output models to generate multiplier effects that yield their final numbers for output and employment supported in each city.

There are a number of problems with the NERA study. First, it is surprisingly opaque. It does not provide overall global and U.S. spending numbers or break these numbers into their components: nonaccommodation spending by Airbnb guests and income generated for Airbnb hosts. It also does not report the assumed size of the multiplier. Rather, it provides final numbers for global and U.S. output and employment that are functions of primary spending flows multiplied by the effects of their input–output model. The study states that it uses the well-known IMPLAN model, but IMPLAN can generate multipliers of varying size: It would be valuable to know just how large NERA is assuming the multiplier effects of this Airbnb-related spending is, just as a plausibility check.

Second, the study seems clearly written to maximize the perceived support Airbnb might provide local economies—both now and into the future. For example, toward the end of the report NERA provides several tables showing projected support for output and employment for years after the study (from 2017 to 2025). These projected *future* contributions to output and employment dwarf the contribution that is apparent in the actual data analyzed by NERA. But these projections rely on overoptimistic assumptions about Airbnb's future growth. For example, NERA forecasts growth of 75 percent for Airbnb arrivals in 2017,[5] but another study (Molla 2017) suggests that these arrivals in fact grew by closer to 25–50 percent, with growth rates particularly slowing in the U.S. and the European Union.[6]

What is by far the most important weakness of the NERA analysis is its reliance on the assumption that *all* spending done by travelers staying at Airbnb properties is spending that would not have been done had Airbnb not existed. The possibility that Airbnb visitors would still have visited a city even if Airbnb units were unavailable—by securing alternative accommodations—is completely ruled out by the NERA analysis. This is obviously an incorrect assumption. For example, it assumes that Airbnb and traditional hotels are not seen as potential substitutes for each other in the minds of travelers. But research has shown that they *are* quite close substitutes. Zervas, Proserpio, and Byers (2017) empirically assess the effect of Airbnb's expansion on the hotel industry in the state of Texas. In their introduction, they write, "Our hypothesis is that some stays with Airbnb serve as a substitute for certain hotel stays, thereby impacting hotel revenue...." In their discussions and conclusions section, they summarize what their empirical investigation has found: "Focusing on the case of Airbnb, a pioneer in shared accommodations, we estimate that its entry into the Texas market has had a quantifiable negative impact on local hotel room revenue." Put simply, this result is completely inconsistent with the assumption that Airbnb has no potential substitutes for those using its services. This in turn means that at least some of the economic activity "supported" in local economies by spending done by Airbnb guests is activity that would have been supported absent Airbnb, likely by these

same guests staying in traditional hotels or other accommodations.

As discussed in a previous section, Guttentag (2016) reports the findings of a survey of Airbnb users. Among other questions, the survey explicitly asks how substitutable travelers find Airbnb lodgings. The precise question is, "Thinking about your most recent Airbnb stay—If Airbnb and other similar person-to-person paid accommodations services (e.g., VRBO) did not exist, what type of accommodation would you have most likely used?" Only 2 percent of Airbnb users responded to this question with the assertion that they would not have taken the trip. The remaining 98 percent identified other lodging possibilities that they would have used. In a similar survey that included some business travelers, Morgan Stanley Research 2017 reports near-identical findings, with between 2 and 4 percent of respondents saying that they would not have undertaken a trip but for the presence of Airbnb.[7] In both the Morgan Stanley Research survey and the Guttentag survey, roughly three-fourths of the respondents indicated that Airbnb was substituting for a traditional hotel.

If the Guttentag 2016 and Morgan Stanley Research 2017 findings are correct, this implies that NERA overstates the support Airbnb provides to local economies by somewhere between 96 and 98 percent. It is possible that some flows of spending might support more local spending when associated with Airbnb instead of traditional hotels—for example, one could argue that income accruing to Airbnb hosts is more likely to be spent locally than money paid to large hotel chains. However, the reverse is also true—for example, Airbnb rentals are far more likely to come equipped with a kitchen, and so Airbnb lodgers might be more likely to eat in rather than patronize restaurants.

Additionally, the local spillover spending associated with Airbnb expansion might not be uniform across neighborhoods. Alyakoob and Rahman (2018) document a modest increase in local restaurant spending associated with expanding Airbnb presence. Essentially, restaurants located away from central hotel cores in cities are unlikely to attract many out-of-town tourists. But if Airbnb penetration in outlying neighborhoods increases, restaurants there might now be able to tap some of this tourist market. Alyakoob and Rahman find that every 2 percent rise in Airbnb activity in a given neighborhood increases restaurant employment in that neighborhood by 3 percent. Crucially, Alyakoob and Rahman make no such calculation for potential employment-depressing effects of restaurants closer to traditional hotels. Further, they find that the boost to restaurant employment given by greater Airbnb activity does not occur in areas with a relatively high share of African American residents.

Finally, given that the overwhelming share of jobs "supported" by Airbnb are jobs that would have been supported by guests in some alternative accommodation, it seems likely that even if there is a slight increase in *spending* associated with a slight (about 2 percent) increase in visitors to a city due to Airbnb, there may well be a decline in *jobs*. We have noted previously that it is quite possible that traditional hotels are a more labor-intensive source of accommodation than are Airbnb listings. If, for example, Airbnb operators employ fewer people to provide cleaning and concierge and security services, then each dollar spent on Airbnb accommodations is likely to support less employment than each dollar spent on traditional hotel accommodations.

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We can gauge the employment effect with a hypothetical scenario that assumes that the Guttentag 2016 and Morgan Stanley Research 2017 analyses are correct and that only 2 to 4 percent of the spending supported by Airbnb represents net new spending to a locality. In this case, if even half of the overall spending "supported" by Airbnb is a pure expenditure shift away from traditional hotels, and if traditional hotels are even 5 to 10 percent more labor-intensive than Airbnb units, then introducing Airbnb would actually have a *negative* effect on employment.[8]

Even if one grants that 2 to 4 percent of the output supported by Airbnb in host cities is net new spending, this spending is just a redistribution away from other, presumably less-Airbnb-intensive, localities. Given that Airbnb has tended to grow in already rich and desirable cities, it is unclear why inducing the transfer of even more economic activity away from other cities toward thriving cities would ever be viewed as a positive policy outcome.

In short, the results of the NERA study should be ignored by policymakers seeking an accurate sense of the scale of Airbnb expansion costs and benefits.[9]

Potential costs of Airbnb introduction and expansion

This section elaborates on the potential costs highlighted in the overview section. It assesses the likely outcome of these costs, estimates their empirical heft, and assesses the likely distribution of these costs.

Potential cost one: Long-term renters face rising housing costs

The mirror image of Airbnb's positive supply shock to short-term travel accommodations is its negative supply shock to long-term housing options. Again, none of the literature reviewed in this paper suggests that the introduction and expansion of Airbnb has spurred more residential construction overall, so as more units become available to Airbnb customers, this means that fewer potential housing units are available to long-term renters or owner-occupiers in a city.

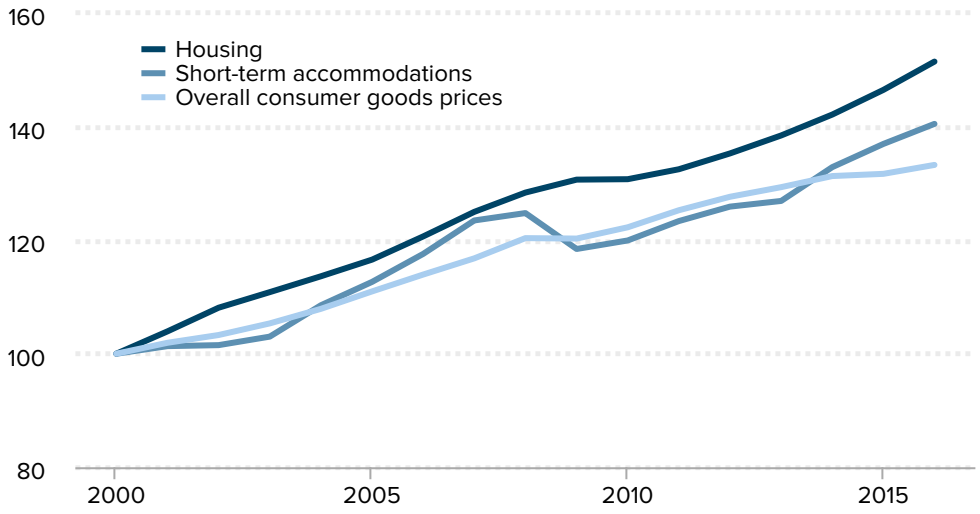
Earlier, we saw that price increases in short-term travel accommodations have been in line with overall consumer price increases in recent years, suggesting that there is no obvious shortage in short-term accommodations. (It is important to note that the tracking of short-term travel accommodation prices and overall prices was tight well before Airbnb was exerting any serious effect one way or the other on prices.) However, national prices of long-term housing are rising faster than overall prices, suggesting a shortage of long-term housing. Because of this above-inflation growth in long-term housing costs, any trend that exacerbates this increase is more damaging than if these prices had been relatively flat in recent years. **Figure D** shows inflation in the price indices for housing (long-term rentals as

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Figure D

Housing costs are rising faster than costs of short-term accommodations or overall consumer goods

Price indices for housing, short-term travel accommodations, and overall personal consumption expenditures (PCE), 2000–2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.4.4

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well as imputed rents for owner-occupied housing) and for short-term travel accommodations, and in the overall personal consumption expenditures index. In recent years, long-term housing price growth has clearly outpaced both overall price growth and increases in the price of short-term travel accommodations. This recent rise in the inflation rate of long-term housing, in fact, has become a much-discussed policy challenge that has spurred much commentary and analysis over the past decade.

The fact that the cost of long-term housing has become a prime source of economic stress for typical Americans should be considered when weighing the costs and benefits of Airbnb's introduction and expansion. Crucially, demand for housing is quite inelastic, meaning that households have little ability to forgo housing when it becomes more expensive. When demand is inelastic, even relatively small changes in housing supply can cause significant changes in the cost of housing.[10] This intuition is clearly validated in a number of careful empirical studies looking precisely at the effect of Airbnb introduction and expansion on housing costs.

According to these studies, Airbnb—though relatively new—is already having a measurable effect on long-term housing supply and prices in some of the major cities where it operates. For example, Merante and Horn (2016) examine the impact of Airbnb on rental prices in Boston. The authors construct a rich data set by combining data on weekly

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rental listings from online sources and data from Airbnb listings scraped from web pages. They find that each 12 Airbnb listings per census tract leads to an increase in asking rents of 0.4 percent. It is important to note that this is a finding of causation, not just correlation. They put this finding in perspective as follows:

> If Airbnb's growth rate in 2015, 24%, continues for the next three years, assuming constant mean rents and total number of housing units, Boston's mean asking rents in January 2019 would be as much as $178 per month higher than in the absence of Airbnb activity. We further find evidence that Airbnb is increasing asking rents through its suppression of the supply of rental units offered for rent. Specifically, a one standard deviation increase in Airbnb listings [an average of 12 units per census tract] relative to total housing units is correlated with a 5.9% decrease in the number of rental units offered for rent. (Merante and Horn 2016)

Barron, Kung, and Proserpio (2018) undertake a similar exercise with different data. They create a data set that combines Airbnb listings, home prices and rents from the online real estate firm Zillow, and time-varying ZIP code characteristics (like median household income and population) from the American Community Survey (ACS). To account for the fact that rents and Airbnb listings might move together even if there is no causal relationship (for example, if both are driven by the rising popularity of a given city), they construct an instrumental variable to identify the causal effect of rising Airbnb listings on rents. Using this instrument, they find that a 10 percent increase in Airbnb listings in a ZIP code leads to a 0.42 percent increase in ZIP code rental prices and a 0.76 percent increase in house prices. They also find that the increase in rents is larger in ZIP codes with a larger share of nonowner-occupied housing. Finally, like Merante and Horn, they find evidence that Airbnb listings are correlated with a rise in landlords shifting away from long-term and toward short-term rental operations.

Sheppard and Udell (2018) also undertake a similar exercise, looking within neighborhoods of New York City. Their key finding is that a doubling of Airbnb activity within a tight geographic zone surrounding a home sale is associated with a 6 to 11 percent increase in sales prices. Their coefficient values are quite close to those from Barron, Kung, and Proserpio (2018).[11]

Wachsmuth et al. (2018) apply the regression results identified by Barron, Kung, and Proserpio (2018) to the large increase in Airbnb rentals in New York City. They find a 1.4 percent increase in NYC rents from 2015 to 2017 due to Airbnb's expansion in that city. For the median NYC renter, this implies a $384 annual increase in rent from 2015 to 2017 due to Airbnb's expansion over that time.

Potential cost two: Local government tax collections fall

For the localities making policy decisions regarding the expansion of Airbnb, perhaps the single biggest consideration is fiscal. Across the United States, total lodging taxes are significant: For the 150 largest cities, the all-in lodging tax rate (including state, county, and

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city taxes) averaged more than 13 percent (Hazinski, Davis, and Kremer 2018). The temptation for any given locality to set relatively high lodging tax rates (particularly when compared with overall sales tax rates) seems clear—city residents pay little of the lodging tax but still enjoy the benefits funded by the tax. For a number of cities, the total revenue collected is substantial. In 2016, for example, New York City and Las Vegas each collected well over $500 million in lodging taxes, and San Francisco collected just under $400 million.

It seems odd to exclude Airbnb stays from the lodging tax, yet the tax treatment of Airbnb rentals is inconsistent and incomplete. The company has entered into a number of tax agreements with state and local governments and is clearly trying to build the impression that it wants to help these governments collect taxes. Yet a number of tax experts argue that Airbnb's efforts to collect and remit lodging taxes (as well as other taxes) have been wholly insufficient.

A description in Schiller and Davis 2017 of the state of Airbnb's tax agreements as of early 2017 highlights the patchy, voluntary nature of the tax regime that Airbnb faces:

> Airbnb, whose operations in some instances may violate traditional local zoning and rental ordinances, has sought to legitimize its business by negotiating agreements with cities under which it will collect local sales and lodging taxes. "Working together, platforms like Airbnb can help governments collect millions of dollars in hotel and tourist tax revenue at little cost to them," the company stated in a "policy tool chest" it offered in late 2016.
>
> Overall, by Airbnb's count, the company is collecting sales, hotel, or other taxes in 26 states and the District of Columbia (DC) as of March 1, 2017. State-level taxes are collected in 18 of those states. Among this group, some or all local-level taxes are also being collected in every state except Connecticut, which lacks local lodging taxes. In the remaining eight states, Airbnb collects a patchwork of local taxes but no state taxes. In three states—Alaska, Maryland, and New Jersey—Airbnb's tax collection is limited to a single locality (Anchorage, Montgomery County, and Jersey City, respectively). The company has dramatically expanded its tax collection practices in recent years and appears poised to continue its expansion in the months and years ahead. Airbnb recently announced that it will soon begin collecting state lodging taxes in Maine, for instance.

Dan Bucks, a former director of the Montana Department of Revenue and former executive director of the Multistate Tax Commission, wrote a report assessing the tax agreements that Airbnb has struck with state and local governments in different parts of the country. His central finding is that these agreements "[undermine] tax fairness, transparency, and the rule of law" (Bucks 2017).

Bucks examines 12 of the Airbnb tax agreements from across the country that had been made public by mid-2017. He describes them as follows:

> Airbnb devises and presents to tax agencies what are typically ten to twelve-page documents covering back-tax forgiveness, prospective payments, information

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> access and multiple other terms that produce, as this report documents, serious negative consequences for society. Airbnb labels these documents as "voluntary collection agreements," which they most assuredly are not. These Airbnb-drafted documents do not guarantee the proper collection of taxes due. They block tax agencies from verifying the accuracy of Airbnb payments. Airbnb may be seeking to superficially to liken these documents to the high quality "voluntary disclosure agreements" that states use to bring non-compliant taxpayers into full conformity with the law. However, these documents profoundly undermine sound tax administration and the rule of law. For these and other reasons detailed below, we will not use Airbnb's misleading label for these documents but will refer to them objectively as "Airbnb agreements." (Bucks 2017)

The most specific criticism Bucks makes is that these agreements have largely been kept secret from the public, in clear contrast to other "voluntary disclosure agreements." This secrecy, combined with agreements to "cede substantial control of the payment and audit processes to Airbnb," make it impossible for tax authorities to ensure proper payment of lodging taxes. Bucks also argues that these agreements between Airbnb and state and local governments provide large benefits to third parties (Airbnb hosts) who are not signatories and are not obligated to provide anything in exchange for these benefits.

In 2016, an analysis from AlltheRooms.com forecast that Airbnb's failure to ensure the full payment of lodging taxes was on track to cost subnational governments a combined $440 million in revenue unless policymakers moved to guarantee proper payment. Of the total, $110 million in lost revenue was for New York City alone. In October 2016, shortly after the AlltheRooms.com analysis was released, New York City passed restrictions on Airbnb advertisements for rentals of less than 30 days when an owner is not present. While these restrictions may have stemmed the loss of revenue relative to the AlltheRooms.com projection, the analysis that predated the restrictions highlight how the unregulated expansion of Airbnb, and its cannibalization of traditional hotel business market share, could still have large fiscal implications for New York and other cities.

Finally, even if Airbnb were to fully comply with the local jurisdiction's tax system on lodgings and pay the same tax rate per dollar earned as traditional hotels, there likely would still be some small fiscal losses stemming from Airbnb's expansion. The primary appeal of Airbnb to most travelers is lower-price accommodations, so even if the same tax rate were paid on Airbnb rentals as is paid on hotel rooms, the lower Airbnb prices would lead to less tax revenue accruing to local governments.

Potential cost three: Externalities inflicted on neighbors

When owners do not reside in their residential property, this can lead to externalities imposed on the property's neighbors. If absentee owners, for example, do not face the cost of noise or stress on the neighborhood's infrastructure (capacity for garbage pickup, for example), then they will have less incentive to make sure that their renters are respectful of neighbors or to prevent an excessive number of people from occupying their

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property.

These externalities could be worse when the renters in question are short term. Long-term renters really do have some incentive to care about the neighborhood's long-run comity and infrastructure, whereas short-term renters may have little to no such incentive. Further, some Airbnb hosts are renters themselves who are subletting a long-term rental property to short-term travelers, which may further shield the ultimate property owners from bearing the costs faced by immediate neighbors. In cities where the spread of Airbnb has become a political issue, hundreds (if not thousands) of complaints have been made in this regard.[12]

The potential for such externalities has been broadly recognized for a long time and was a consideration leading to the prevalence of zoning laws that ban short-term travel accommodations in residential neighborhoods. There is a reason, for example, why Times Square in New York City is a cluster of hotels while the Upper East Side is largely a less noisy cluster of residential dwellings. There is of course no reason why such past zoning decisions need to be completely sacrosanct and never changed, but these decisions were made for a reason, and changes to them should be subject to democratic debate.

While researchers have often noted the possibility that Airbnb may impose externalities on the communities surrounding Airbnb units, we know of no empirical estimates of these externalities. If these externalities were powerful enough in degrading the desirability of neighborhoods, they could in theory lead to reduced rents and home prices. From the evidence of the previous section, we know that Airbnb adoption in neighborhoods has actually boosted rental and home prices. But this price boost doesn't mean these externalities don't exist—it simply means that price-depressing externalities are offset by the supply effect of moving properties out of the long-term rental market.

Miller (2016) makes an interesting (if likely too abstract) policy proposal for dealing with the externalities associated with home rental via Airbnb. He proposes creating a market in "transferable sharing rights," in which, for example, each resident of a neighborhood would be given the right to rent out one housing unit for one night. Most residents in a neighborhood won't want to rent out their home. But those who do want to rent out units using Airbnb would want far more than the right to rent out these properties for just one night. To obtain the right to rent out their properties for more nights, they would need to purchase permits from their neighbors. The price it takes to obtain these permits would provide a good indicator of the true costs of the externalities imposed by Airbnb. A city that experimented with these tradeable sharing rights could provide very useful information.

Potential cost four: Job quantity and quality could suffer

We have noted already that when Airbnb enters and expands in a city, it shifts traveler business from hotels to Airbnb, leading to downward price pressure for hotels. This shift from traditional hotels to Airbnb properties also implies either a shift in jobs or a reduction

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in jobs. As an example, take hotel cleaning workers. As more visitors to a city pick Airbnb units over traditional hotel accommodations, the need for cleaning doesn't go away. Instead, it is either foisted on Airbnb proprietors, done by third-party cleaning services, or left unmet and thus implicitly imposing costs on both travelers and the surrounding neighborhood (think of improperly disposed-of trash).

Given that much of the growth of Airbnb in recent years has been driven by hosts with multiple properties (which, when in a single location, are in effect mini hotels), it is not surprising to see an emergence of cleaning services specifically serving Airbnb hosts.[13] These new cleaning services may be less likely to offer decent wages relative to traditional travel lodging; it may also be more difficult for workers to unionize in this context. For example, in the 10 U.S. cities with a particularly large Airbnb presence (including New York City, Los Angeles, and Chicago), combined unionization rates for maids and cleaners in the hotel industry are nearly double the unionization rates of maids and cleaners in other industries in the economy.[14]

In some sense, the shift in cleaning jobs from traditional hotels to cleaning services for Airbnb hosts is likely analogous in its economic effects to what happens when traditional hotels outsource their own cleaning staffs. Dube and Kaplan (2010) demonstrate large negative wage effects stemming from this type of domestic outsourcing for janitors and security guards. Their findings are reinforced by recent analysis of the German labor market by Goldschmidt and Schmieder (2017), who find similar large negative effects of domestic outsourcing on a range of occupations, including cleaners. While these studies do not directly examine the effect of substituting in-house hotel cleaning jobs for Airbnb cleaning jobs, they both track the effect of "fissuring" between the entity that uses and pays for the service and the entity that manages the service providers. This fissuring has been a key and troubling feature of the American labor market in recent decades, and it is hard to see how the substitution of Airbnb for traditional hotels does not potentially constitute another layer of this fissuring.[15]

This potential for Airbnb to degrade the quality of cleaning jobs is recognized even by the company itself: Airbnb offers hosts the opportunity to advertise that they have taken the "living wage pledge" by committing to pay a living wage to the cleaners and servicers of their properties. It is not clear how commitment to this pledge is (or can be) enforced, however.

Conclusion: Airbnb should have to play by the same rules as other lodging providers

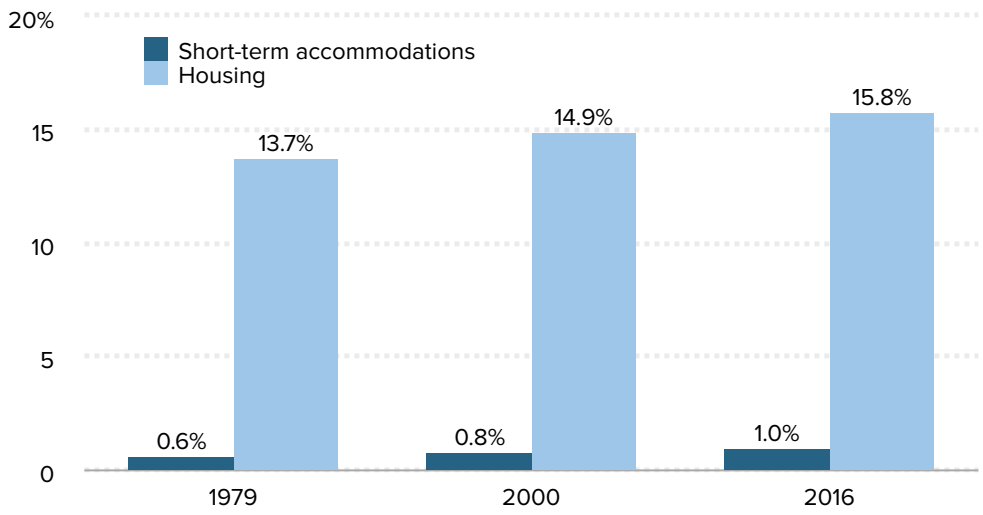
The current policy debates sparked by the rise of Airbnb have largely concerned tax collections and the emergence of "mini hotels" in residential neighborhoods. At its inception, Airbnb advertised itself as a way for homeowners (or long-term renters) to rent out a room in their primary residence, or as a way for people to rent out their dwellings for

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Figure E

Housing costs matter much more to household budgets than short-term lodging costs

Shares of average household personal consumption expenditures devoted to housing vs. short-term travel accommodations, 1979, 2000, and 2016



Note: The housing price index includes both long-term rentals as well as imputed rents for owner-occupied housing.

Source: Author's analysis of Bureau of Economic Analysis National Income and Product Accounts (NIPA) Table 2.5.5

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short periods while they themselves are traveling. However, in recent years Airbnb listings and revenues have become dominated by "multi-unit" renters—absentee property owners with multiple dwellings who are essentially running small-scale lodging companies on an ongoing basis.

This evolution of Airbnb into a parallel hotel industry raises questions about the preferential treatment afforded to this rental company. These questions include, "Why isn't Airbnb required to ensure that lodging taxes are collected, as traditional hotels are?" And, "Why is Airbnb allowed to offer short-term rentals in residential neighborhoods that are not zoned for these uses, while traditional hotels are not allowed in these same neighborhoods?"

While there are plenty of other considerations, the spread of Airbnb seems at its core to be a shift of potential housing supply from the long-term residential housing market to the market for short-term accommodations. This shift of supply can lower prices for travelers but raise housing prices for long-term residents. This seems like a bad trade-off, simply based on the share of long-term housing expenses versus short-term travel expenses in average family budgets. **Figure E** presents the share of total personal consumption expenditures accounted for by housing and by short-term travel accommodations. As the figure shows, housing costs eat up far more of the average household's budget, and rising housing prices mean that long-term housing has grown more as a share of family budgets

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than short-term travel accommodations.

This rising cost of housing has become a major economic stress for many American households. Anything that threatens to exacerbate this stress should face close scrutiny. A reasonable reading of the available evidence suggests that the costs imposed on renters' budgets by Airbnb expansion substantially exceed the benefits to travelers. It is far from clear that any other benefits stemming from the expansion of Airbnb could swamp the costs it imposes on renters' budgets.

There may be plenty wrong with the status quo in cities' zoning decisions. But the proper way to improve local zoning laws is not to simply let well-funded corporations ignore the status quo and do what they want. As this report shows, there is little evidence that the net benefit of accelerated Airbnb expansion is large enough to justify overturning previous considerations that led to the regulatory status quo—in fact, the costs of further Airbnb expansion seem likely to be at least as large, if not larger, than the benefits.

About the author

Josh Bivens joined the Economic Policy Institute in 2002 and is currently EPI's director of research. His primary areas of research include macroeconomics, social insurance, and globalization. He has authored or co-authored three books (including *The State of Working America, 12th Edition*) while working at EPI, has edited another, and has written numerous research papers, including for academic journals. He appears often in media outlets to offer economic commentary and has testified several times before the U.S. Congress. He earned his Ph.D. from The New School for Social Research.

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Appendix Table 1

Distribution of housing wealth (primary and nonprimary), by household characteristics

	1989	1998	2007	2016	1989–2016 change
Primary residence					
Bottom 50 percent	9.8%	14.3%	12.7%	10.4%	0.7%
Bottom 80 percent	45.4%	47.5%	44.0%	40.0%	-5.4%
Top 20 percent	54.6%	52.5%	56.0%	60.0%	5.4%
80th–90th percentile	19.9%	17.9%	17.5%	18.6%	-1.3%
90th–95th percentile	12.6%	11.6%	11.0%	13.9%	1.3%
96th–99th percentile	15.6%	15.0%	18.2%	16.8%	1.2%
Top 1 percent	6.5%	8.0%	9.3%	10.7%	4.3%
Nonprimary residential property					
Bottom 50 percent	2.6%	4.3%	2.2%	1.6%	-1.0%
Bottom 80 percent	16.8%	18.1%	13.9%	9.9%	-6.9%
Top 20 percent	83.2%	81.9%	86.1%	90.1%	6.9%
80th–90th percentile	15.2%	16.8%	10.7%	12.6%	-2.7%
90th–95th percentile	20.6%	15.5%	13.9%	14.9%	-5.7%
96th–99th percentile	28.7%	28.7%	34.0%	29.6%	0.9%
Top 1 percent	18.6%	21.0%	27.5%	32.9%	14.3%
Primary residence					
White, non-Hispanic	86.4%	87.5%	82.6%	80.6%	-5.9%
Black, non-Hispanic	4.9%	5.0%	6.2%	6.5%	1.6%
Hispanic, any race	4.1%	3.7%	6.1%	6.0%	2.0%
Other	4.6%	3.7%	5.1%	6.9%	2.3%
Nonprimary residential property					
White, non-Hispanic	87.3%	89.5%	84.2%	86.2%	-1.1%
Black, non-Hispanic	4.3%	4.1%	4.1%	5.0%	0.7%
Hispanic, any race	3.1%	3.4%	6.7%	3.6%	0.5%
Other	5.3%	3.0%	5.0%	5.2%	-0.1%

Note: Per the Survey of Consumer Finances definitions, primary housing wealth is the total value of the primary residence of a household. Nonprimary housing wealth includes the value of all of other residential real estate owned by the household, including one-to-four family structures, timeshares, and vacation homes.

Source: Author's analysis of microdata from the Federal Reserve Board Survey of Consumer Finances (2016)

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Endnotes

1. According to a recent report, "a significant—and rapidly growing—portion of Airbnb's revenue in major U.S. cities is driven by commercial operators who rent out more than one residential property to short-term visitors" (CBRE 2017).

2. Horton and Zeckhauser (2016) provide a deep dive into the economics of internet-based service firms. Slee (2017) provides an excellent popularization of some of the economic issues surrounding IBSFs from a deeply critical perspective.

3. The most obvious benefit to living in housing that one owns is the tax treatment of mortgage interest payments on owner-occupied property, which can be deducted from federal taxes. Another benefit is that the implicit rental income earned by owner-occupiers is not taxed (the money that owner-occupiers are saving by not having to pay rent elsewhere could be viewed as implicit rental income).

4. Wachsmuth et al. (2018), for example, find that just under half of Airbnb listings in New York City had likely taken illegal reservations.

5. "Arrivals" is a term referring to each stay in a unit, regardless of length of stay.

6. For example, Molla (2017) highlights more recent forecasts for 2017 indicating a large slowdown in U.S. Airbnb expansion.

7. The range of 2 to 4 percent represents the range of findings across 2015, 2016, and 2017. The value was 4 percent in 2015, 2 percent in 2016, and 3 percent in 2017.

8. The arithmetic on this is relatively straightforward. The NERA 2017 study asserts that Airbnb supports $14 billion in spending and 130,000 jobs in the United States. This implies each $107,690 supports a job. Say that half of this spending is the direct cost of accommodations and that it represents a pure expenditure shift away from traditional hotels. Assume further that traditional hotels are 5 percent more labor-intensive—so each traditional hotel job is supported by $102,300 in spending (5 percent less than the ratio identified by Airbnb). This shift from traditional hotels to Airbnb hence reduces employment by 3,400 jobs for each $7 billion in spending. Even if overall spending were to rise by 2 percent due to Airbnb's expansion, this would increase employment by only roughly 2,600 jobs. The key insight here is that once one allows Airbnb to substitute for other forms of accommodation, the link between output and employment might change significantly.

9. Airbnb itself has commissioned and reported on a number of studies claiming that the share of guests who would not have taken the trip absent Airbnb is as high as 30 percent. Even this number is far larger than the independent assessments of Guttentag (2016) and Morgan Stanley Research (2017), but it does highlight just how outlandish the NERA assumption on this is.

10. In a review of housing markets, Albouy, Ehrlich, and Liu (2016) note that "Housing demand is income and price inelastic."

11. The geographic unit implicitly being examined by Sheppard and Udell (2018) is not intuitive. Their observation is an individual home sale. They then track Airbnb listings within five different radii of the sale: 150, 300, 500, 1,000, and 2,000 meters. They interact the number of Airbnb listings with categorical variables for each of the five "buffer zones" defined by the radii and use this as an explanatory variable predicting sales prices.

12. See Office of New York State Attorney General 2014.

13. Lawler (2014) notes that Airbnb was testing out dedicated cleaning services for its hosts as early as 2014.

14. Unionization rates derive from the author's analysis of data pooled from 2008–2017 from the Outgoing Rotation Groups (ORG) of the Current Population Survey (CPS). Code and results are available upon request. The 10 cities are Boston, Chicago, Los Angeles, Las Vegas, Miami, New York City, San Diego, San Francisco, Seattle, and Washington, D.C. In these 10 cities, the unionization rate for maids and cleaners was 23.2 percent in the traveler accommodation industry, but 12.1 percent in all other industries.

15. See Weil 2017 for an overview of labor market fissuring.

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Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515

Errata

This report was updated March 26, 2019, to correct errors in the “Bottom 50 percent” rows in Appendix Table 1. These rows had incorrectly shown the numbers for the top 50 percent instead of for the bottom 50 percent.

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515

Kristen Gundersen

From: M Castricone <castriconem2.0@gmail.com>
Sent: Thursday, August 7, 2025 2:47 PM
To: Kristen Gundersen
Subject: [EXTERNAL] 520 State Special Request

Hello Kristen from 1005 Lake Blvd,

While I am typically for growth and prosperity, I have some concerns about the special request for 520 State St. and decided to send them along for consideration.

> In summary:
> -It sets precedent
> -Airbnb type rentals can destroy the culture of the area overtime.
> -can be a nuisance to the surrounding area -Reduce long term rental
> options for people in the community -Raise rental prices for residence
> due to less units available, -potentially impacting local residents in
> the workforce. Adding to the culture shift.

I can not do short term rentals on my property, only long term. I respect that and appreciate the reasons for it, which align with the points above and the reasons I value St. Joseph.
>
> In Closing:
> Who does St Joseph want to be?
> A town that Maximizes profit /commercializes the area?
> Or
> "The Riviera of the Midwest". Its downtown has preserved its Victorian era charm and fills the year with music, art and festivals, with an authentic small town community that is connected.
>
> Pottersville? or Bedford Falls?
>
> The decision at this juncture will set the precedent. The choice is ours.

I have confidence in the leadership of the board and thank you for your time.
Maria Castricone

Attachment: Written Comments - Boyd Drake Walsh Kwon Castricone - 08072025 PC handout (10973 : Public Hearing - 520 State and 515

handouts at 8/7/25 PC meeting



City Addressing Short Term Rental Complaints

Posted May 07, 2025 01:40pm by Stan Maddux

(Michigan City, IN) - Recent complaints ranging from loud parties to nudity at short term rentals in a neighborhood close to the lakefront have triggered officials in Michigan City to look for possible answers.

The city council has scheduled public workshops for May 13 and June 10 at City Hall to define the scale of the problem and examine potential solutions.

Councilman Greg Coulter said finding answers might be more difficult in Indiana than Michigan due to differences in state law.

"It's difficult living in Michigan City and looking at New Buffalo where in Michigan they have rights to limit these things," he said.

During the city council meeting on Tuesday, a number of residents from the Sheridan Beach neighborhood requested teeth be added to an ordinance that only requires short term rentals be registered with the city.

Resident Diane Vough said some of the larger short term rentals appear to be at overcapacity with 30 or more guests doing things like getting in and out of outdoor hot tubs naked. She said some of the guests appear to be underage drinkers. Vough said other problems include people vomiting and urinating outside even at daylight.

"It's a routine amount of behaviors. It's just like party central," she said. Vough said there are also problems with litter and trash bins overfilled for extended periods at some of the short term rentals.

Resident Vivian Ott said the request for more restrictions came after seeing no let-up in the problems four years since short term rentals were required to be registered with the city.

"This has become more problematic for our neighborhood and for the quality of life for those of us who live in that neighborhood," she said.

Coulter said the problems appear mostly rooted with high school students and their activities after prom. "Every year it seems to be post-prom," he said.

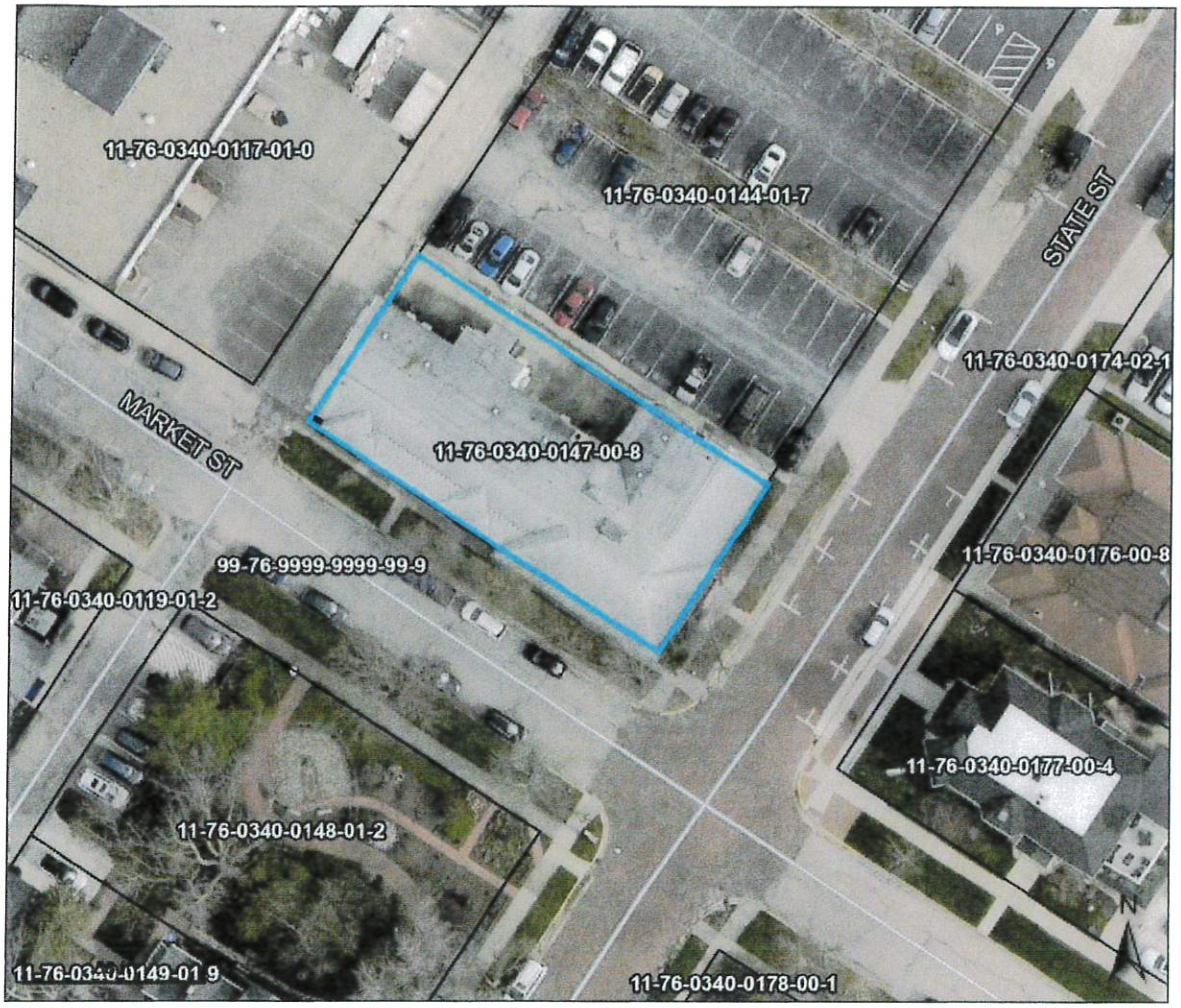
In 2021, the city council in New Buffalo adopted a measure prohibiting new short term rentals from opening in residential neighborhoods in response to similar complaints from full time citizens.

Another reason for the decision was to try and restore the number of homes available for purchase in the city especially for young families with children.

The legal options used by other Indiana communities to get a handle on the problems with short term rentals will be one of the focuses in Michigan City during the June workshop.

handouts - 8/7/25 PC meeting

Beacon™ Berrien County, MI



Overview



Legend

- Roads
  - Interstate
  - Major Arterial
  - Minor Arterial
  - Roads
  - <all other values>
- Parcels
- Lake Michigan

Parcel ID	11-76-0340-0147-00-8	**Alternate ID**	n/a	**Owner Address**	MARKET AND STATE, LLC
Sec/Twp/Rng	n/a	**Class**	201		ATTN: PEGGY BARRETT
Property Address	520 STATE ST SAINT JOSEPH	**Acreage**	n/a		5131 LEE AVE DOWNERS GROVE, IL 60515

District 11020

Brief Tax Description THE SWLY 62'OF LOT 147 ORIGINAL PLAT OF CITY OF ST JOSEPH WHOSE NELY BDY IS PAR TO SWLY BDY OF SD LOT 147

(Note: Not to be used on legal documents)

Date created: 7/8/2025
Last Data Uploaded: 7/8/2025 1:04:05 AM

Developed by SCHNEIDER GEOSPATIAL

hand out 8/7/25 Permitting

James J. Riemland

204 ½ State Street
St. Joseph, MI 49085

August 20, 2025

Dear St. Joseph City Commissioners,

RE: STRs at 520 State Street (Building at the Corner of Market and State Street)

I was born and raised in St. Joseph and chose to come back to raise my family and build my career here because I love this community. My wife Sue and I, like many lifelong residents, have been waiting for real change, change that moves us past the mindset of resisting progress but instead embraces growth, vibrancy, and opportunity.

The truth is, St. Joseph has been losing ground for decades. In 1960, we had nearly 12,000 residents. Today, we are down to about 7,600, a loss of more than 35%! That trend must stop if we want a future where families, businesses, and young professionals see our town as a place to plant roots. The path forward begins with great schools and a strong and thriving downtown, one that attracts visitors, supports local businesses, and gives people a reason to invest in our city.

Short-term rentals (STRs) help our downtown business community. I was proud when this commission chose to bring STRs back in a thoughtful and strategic way. That decision demonstrated vision and leadership. Unfortunately, the Planning Commission continues to raise concerns about parking that simply do not reflect the reality of this particular property.

The 520 State Street building sits immediately adjacent to some of the city's largest parking lots and directly borders the Downtown District. You've been asked by its owner to approve a special use permit allowing STRs since it sits just steps outside of the already approved D-district area. There is no genuine risk of it burdening neighborhood parking. On the contrary, its location makes it an ideal candidate for STRs by providing lodging for visitors who will shop, dine, and spend money in our city.

Please do not let this opportunity slip away. I urge you to approve the petition for a Special Use Permit and continue moving St. Joseph toward a city where businesses see partnership, where residents see opportunity, and where, someday, my children will want to return because St. Joseph is thriving once again.

Respectfully,

James J. Riemland

James J Riemland

August 21, 2025

St. Joseph City Commission

700 Broad Street

St. Joseph, MI 49085

RE: Brian Barrett, Market & State LLC, Request for Special Use Permit

520 State Street and 515 Market Street

We, Mark and Anne Hendrix, are the property owners and full-time residents (34 years) of 611 State Street located 300' within 520 State Street and 515 Market Street. We are against Brian Barrett's request for a special use permit from the City of St. Joseph Zoning Ordinance for the eight proposed short-term rental units.

We are against the request for several reasons.

1. The proposed short-term rental units are across the street from The Old St. Joseph Neighborhood Historic District. The short-term rental units would not be harmonious with the character of our Neighborhood Historic District. Each home is unique and has its own character. The short-term rentals being next to the Old St. Joseph Neighborhood Historic District, according to the city's downtown master plan, does not reinforce the character of the Neighborhood Historic District, and also according to the city's master plan, there is no "sense of place" with short-term rentals. The Special Use would change the essential character of our neighborhood and our long-term vision.
2. The units will bring in "excessive production of noise" and parties. There is very minimal outside space to accommodate all the renters for their partying. The 8 units have a potential for bringing in 48 residents (6 residents per unit) and 48 cars. The potential for 48 cars "will bring in excessive production of traffic" and congestion to the area. The added cars and traffic will jeopardize our health, safety and welfare. The building is directly across the street from the St. Joseph City Public Library where there is foot traffic including young children, adults, and seniors entering and exiting the library daily. The additional car traffic will cause a safety issue.
3. The short-term rentals will not be bringing in people for long-term housing. "We are in a desperate position to reverse our trends of population decline year after year since the '70's" says City Commissioner Michael Fernandez. These short-term rentals will attract out-of-towners for vacations/parties. They have no intent on

community commitment. And per Cornerstone Alliance we have a shrinking population of young people and a lack of available housing. We need long-term affordable housing. The city would be losing 8 long-term housing rentals, the occupants who are now a part of the community, have made this place their home, they live, work, and shop local year-round. There would be an economic loss going to short-term rentals. The apartments currently (long-term) lend themselves to the goal and the need for long-term affordable housing.

4. The potential for 48 cars will add to the already parking shortage and concerns. They will also add to the already congested area. Where are all these additional cars going to park? There are already issues with the current long-term tenants trying to find places to park.

We have firsthand experience with short-term rentals living next to the short-term rental at 603 State Street. We have experienced the following:

- Excessive loud noise
- Continual parties
- Public intoxication
- Trespassing on our property
- Urinating in public and on our property
- Obnoxious and loud behavior both during day and "quite time"
- Street parking to accommodate all the short-term renters. 4-5 cars per rental stay.

Times all the above by 8 (for the 8 short-term rental request).

Within the last 30 days we have experienced urinating in public (right next to our property line), excessive and loud noise, and 4 to 5 cars parked on the street for each rental stay.

We have on occasion contacted the police but generally we just put up with the incidents not wanting to bother the police as they have better things to deal with, and in some instances, we contacted the owner directly.

We are not against short-term rental units, visitors and tourists coming to our city but would like to see more long-term committed residents.

But this proposed short-term rental property will not bring in committed, long-term residents. The proposed short-term rental property also doesn't belong next to a R1 district.

We are asking that Brian Barrett's request for the special use permit for the short-term rentals be denied and not granted.

Respectfully,

Mark and Anne Hendrix

611 State Street

269-930-6110

Agenda Item

TO:	**Members of the St. Joseph City Commission**
FROM:	**Kristen Gundersen, Community Development Director**
RE:	**520 State and 515 Market Streets - Market & State LLC - Special Use Permit for 8 Short-term Rental Units in an R3 Multiple Family Residence District when adjacent to a residential district or use**
MEETING DATE:	**August 25, 2025**

Following the public hearing, consider the request as presented, and review the criteria found in the Zoning Ordinance. The City Commission must review Section 11.5, specifically Section 11.5.2A-F and the conditions found in Section 11.12.11.B.1-13. The referenced standards and criteria are found in the accompanying Public Hearing agenda item within the staff memo as part of the Planning Commission agenda packet.

Action Requested: If the City Commission believes the required standards have been met and disagrees with the Planning Commission's recommendation, the following motion to approve the request would be appropriate. The motion can be modified or conditions added if determined appropriate for the request.

Move to approve a special use permit for the property known as 520 State Street and 515 Market Street per Section 4.6.3. – Table 4-1 to allow 8 Short-term Rental units in the R3 District when adjacent to a residential district based on the application prepared by the applicant and included in the August 7, 2025, Planning Commission agenda packet as the request meet the required standards under Section 11.5.2 and conditions under Section 11.12.11.B of the Zoning Ordinance.

If the City Commission concurs with the Planning Commission’s recommendation of denial, the following motion to deny the requestion would be appropriate.

Move to deny a special use permit for the property known as 520 State Street and 515 Market Street per Section 4.6.3. – Table 4-1 to allow 8 Short-term Rental units in the R3 District when adjacent to a residential district based on the application prepared by the applicant and included in the August 7, 2025, Planning Commission agenda packet as the request does not meet the required standards under Section 11.5.2 and conditions under Section 11.12.11.B of the Zoning Ordinance.

Agenda Item

TO: **City Commission**

FROM: **Laurie Schmidt, City Attorney**

RE: **Donation of Milton Park Property**

MEETING DATE: **August 25, 2025**

Milton Park is located at 1524 Niles Avenue, at the corner of Niles and Winchester Avenue. It is approximately 2.24 acres in size and composed of two parcels- 1524 Niles Avenue and 1421 Forres Avenue. Milton Park is a popular neighborhood park with a playground, walking/bike path, picnic tables, benches, and an amphitheater. Various community activities are held there, such as Candy Cane Lane in the winter, and Movies in the Park in the summer. Milton Park is included in the City's Parks and Recreation Master Plan, used and viewed as a City park; however, it is actually owned by Whirlpool Corporation ("Whirlpool").

Whirlpool purchased the Milton Park property from St. Joseph Public Schools ("SJPS") in 1977 for $50,000. (Corrective deeds were recorded in 1978). At that time, the property was the site of Milton Junior High School. The school was no longer needed by SJPS and was demolished as part of the transaction. The deed contained a restriction that the property was limited to use as a public park or other public facility for the use and enjoyment of the public for a period of ten years from and after July 21, 1977.

Since 1977, Whirlpool has leased the property to the City for a total rent of $1 for use only as a public park. The current lease was executed in 1987. Under the terms of the lease, the City is responsible for all costs, special assessments, maintenance, and improvements. The Indian Hill Garden Club raised a majority of the funds for the Park's development in its early years and remains involved with the Park. The City has also contributed funds for ongoing maintenance and improvement, including renovation of the amphitheater in 2021 and renovation of the walking path last year.

Whirlpool has recently offered to convey the property to the City as a charitable donation. The Parks Board was apprised of the offer and is supportive of the City accepting the property. City staff hired Point Blue, LLC to perform obtained a Phase I Environmental Site Assessment on the property as part of standard due diligence procedure. No concerns were identified.

Whirlpool executed a quit claim deed conveying to the City all of its interest in the park property. However, as with any donation, the City Commission must determine if it will accept it.

Please consider accepting Whirlpool Corporation's donation of the Milton Park property to the City.

Action Requested: Motion to approve the Resolution to Accept Donation of Real Estate, being the donation of the Milton Park property from Whirlpool Corporation.

ATTACHMENT(S):

- WHR executed Milton Park Deed 7-10-2025.pdf
- Milton Park.jpg
- Deed SJPS to Whirlpool-Milton Park (19780523 FIN).pdf
- Milton Park Lease Agreement_1987.pdf
- Milton Park Plaques.pdf

QUIT CLAIM DEED

The Grantor, **WHIRLPOOL CORPORATION,** a Delaware corporation authorized to conduct business in the state of Michigan, whose corporate address is 2000 M-63, Benton Harbor, quit claims to the Grantee, **CITY OF ST. JOSEPH,** a Michigan municipal corporation, whose address is 700 Broad Street, St. Joseph, Michigan 49085, all of Grantor's rights, title, and interest in the following described premises situated in the City of St. Joseph, County of Berrien, State of Michigan:

All that part of University Lot 21 of Section 26, Town 4 South, Range 19 West, lying East of the center of Forres Avenue.

Also, Commencing at the Southeast corner of University Lot 12 of Section 26, Town 4 South, Range 19 West, then West 33 feet to the place of beginning, then North 49 feet 6 inches, then West 132 feet, more or less, to the East line of the alley, then South 49 feet 6 inches to the North line of said Lot 21, then East 132 feet to the place of beginning;

Also, the South 43 feet of Lot 5, "Preston & Collin's Addition to Village (now City) of St. Joseph", according to the Plat thereof, recorded March 19, 1890 in Volume 2 of Plats, page 70, more particularly described as: Commencing at the intersection of the South line of Lot 5 with the Easterly line of Forres Avenue in said City of St. Joseph, then North on the Easterly line of Forres Avenue 43 feet, then East 132 feet, more or less, to the Westerly line of the alley in the rear of said Lot 5, then South on the West line of said alley 43 feet to the South line of said Lot 5, then West on the South line of said Lot 5, 132 feet, more or less, to the place of beginning.

Common addresses: 1520 Niles Avenue, St. Joseph, Michigan 49085
1421 Forres Avenue, St. Joseph, Michigan 49085

For the sum of less than One Hundred ($100.00) Dollars.

Together with all and singular the improvements, tenements, hereditaments, and appurtenances belonging or in any way appertaining thereto, and all rights and privileges thereto.

Subject to easements and restrictions of record, zoning laws and ordinances affecting the premises, and rights of the public and of any governmental unit in any part thereof taken, used, or deeded for street, road, or highway purposes.

Further subject to all taxes and special assessments which shall hereafter become due and payable.

This conveyance is exempt from tax under the provisions of MCL 207.526(i) and MCL 207.505(h).

Dated 7/10, 2025.

WHIRLPOOL CORPORATION

By: Donald D'Anna
DONALD D'ANNA
Its: SVP - Tax + Treasury

STATE OF MICHIGAN)
: ss.
COUNTY OF BERRIEN)

Subscribed and affirmed before this 10 day of July, 2025, by Donald D'Anna, the SVP Tax+Treasury of **Whirlpool Corporation**, on behalf of **Whirlpool Corporation**, who is personally known to me or who presented satisfactory evidence.

Clarice M Boehmer

Notary Public, Van Buren County, Michigan
Acting in ~~Berrien County, Michigan~~
My commission expires: 8/9/2028

CLARICE M BOEHMER
Notary Public - State of Michigan
County of Van Buren
My Commission Expires Aug 9, 2028
Acting in the County of Berrien

Tax ID No:	Prepared by: Return Recorded Document to:	Send Tax Bills To:
11-76-0026-0046-01-1 11-76-6190-0005-00-5	Laurie L. Wightman Schmidt (P43519) City Attorney City of St. Joseph 700 Broad Street St. Joseph, MI 49085	City of St. Joseph City Manager 700 Broad Street St. Joseph, MI 49085


11-76-6190-0004-01-7
11-76-0026-0044-00-0
11-76-6190-0005-00-5
11-76-0026-0046-01-1
WINCHESTER AVE
NILES AVE

MAY 23 7508 DS 05.00

MAY 23 7508 DS 01.00

WARRANTY DEED
Statutory Form

PREPARED BY:
RYAN, McQUILLAN, VANDER PLOEG & FETTE
ATTORNEYS AT LAW
LAW & TITLE BUILDING
811 SHIP STREET
ST. JOSEPH, MICHIGAN 49085

This Indenture, Witnesseth, That SAINT JOSEPH PUBLIC SCHOOLS
2214 South State
St. Joseph, MI 49085

for the sum of Fifty Thousand and No/100 Dollars ($50,000.00) CONVEY AND WARRANT to WHIRLPOOL CORPORATION, Administrative Center, US 33 North Benton Harbor, MI 49022

of Benton Harbor, Michigan 49022
the following described lands and premises situated in the City of St. Joseph
County of Berrien and State of Michigan, viz:

See Exhibit A attached hereto and made a part hereof.

11-76-0026-0046-00-2 11-76-0026-00 45-00-6 Ave

3246 3245 3490

11-76-6198-0005-00-3

RECORDED

MAY 23 2 58 PM '78

REGISTER OF DEEDS
BERRIEN COUNTY, MICHIGAN

In witness whereof the parties hereto have set their hands this 23rd day of May 1978
Signed, sealed and delivered in presence of:

B. R. Aldrich

Dennis L. Percy

JOHN W. PIELEMEIER, President

JOSEPH B. NAINES, JR., Secretary

STATE OF MICHIGAN,
COUNTY OF BERRIEN } ss

On this 23rd day of May 1978 before me, a Notary Public in and for said County personally appeared John W. Pielemeier, President and Joseph B. Naines, Jr., to me known to be the same person described in and who executed the within instrument, who acknowledged the same to be their free act and deed.
My Commission Expires
April 25, 1979

Maxine R. Jones
Maxine R. Jones
Notary Public, Berrien County, Michigan

I HEREBY CERTIFY, That there are no tax liens or titles held by the State on the lands described below, and that there are no tax liens or titles held by individuals on the said lands, for the five years preceding the 23 day of May 1978, and that the taxes for said period of five years are all paid, as shown by the records of this department.
This certificate does not apply to taxes, if any, now in process of collection by township, city or village collecting officers.

Date MAY 23 1978 19 Wm C Heyn County Treasurer BERRIEN County, Michigan

BERRIEN COUNTY ABSTRACT & TITLE COMPANY HAS OPERATED CONTINUOUSLY SINCE 1860

MAKE YOUR REAL ESTATE TRANSFERS SAFE BY USING TITLE INSURANCE

LIBER 1075 PAGE 625

EXHIBIT A

All that part of University Lot 21, lying East of the center of Forres Avenue.
ALSO Commencing at the Southeast corner of University Lot 12, thence West 33 feet to the place of beginning, thence North 49 feet 6 inches, thence West 132 feet, more or less, to the East line of alley, thence South 49 feet 6 inches to the North line of said Lot 21, thence East 132 feet to the place of beginning.
ALSO the South 43 feet of Lot 5, "Preston & Collin's Addition to Village (now City) of St. Joseph", according to the Plat thereof, recorded March 19, 1890 in Volume 2 of Plats, page 70, more particularly described as: Commencing at the intersection of the South line of said Lot 5 with the Easterly line of Forres Avenue in said City of St. Joseph, thence North on the Easterly line of Forres Avenue 43 feet, thence East 132 feet, more or less, to the Westerly line of the alley in the rear of said Lot 5, thence South on the West line of said alley 43 feet to the South line of said Lot 5, thence West on the South line of said Lot 5, 132 feet, more or less, to the place of beginning.

Provided, the use of the property hereby conveyed shall be limited to a public park or other public facility only for the use and enjoyment of public for a period of ten years from and after July 21, 1977. This condition shall be deemed to reserve to the grantor a right of entry within the meaing of Act 13 of the Public Acts of Michigan of 1968, as amended. This right of entry binding upon grantee and grantee's successors or assigns but said right of entry and condition shall automatically terminate ten years from and after July 21, 1977.

This is one of two deeds given this day to correct the legal description for the above described property.

Subject to all taxes and special assessments which shall hereafter become due and payable and also subject to easements and restrictions of record.

LEASE

THIS LEASE, effective as of this 22nd day of July, 1987, by and between **WHIRLPOOL CORPORATION**, a Delaware corporation with its principal place of business located in Benton Township, Berrien County, Michigan ("Landlord"), and **CITY OF ST. JOSEPH**, a Municipal corporation with offices located at 620 Broad Street, St. Joseph, Michigan 49085 ("Tenant");

WITNESSETH:

1. Landlord, in consideration of the rental payments to be made and the covenants and agreements to be performed by Tenant, does hereby lease unto Tenant the following described real estate situated in the City of St. Joseph, County of Berrien and State of Michigan, to wit:

> That part of University Lot 21 of Section 26, Town 4 South, Range 19 West, described as: Commencing at the NE corner thereof; thence running South along the West line of Niles Avenue 47 feet; thence West on a line parallel with the North line of said University Lot 21 to the East line of Forres Avenue; thence North along the East line of Forres Avenue to the North line of said University Lot 21; thence East along the North line of said University Lot 21 to the place of beginning. ALSO All that part of University Lot 21 in Section 26, Township 4 South, Range 19 West, lying East of the center of Forres Avenue, EXCEPTING THEREFROM the North 47 feet thereof,

together with all improvements now or hereafter erected thereon and all rights and privileges thereunto belonging or appertaining, all of which is (hereinafter sometimes collectively called "Leased Premises").

2. INTENTION - NET RENT. Landlord and Tenant understand and agree that the rent herein specified shall be net to Landlord, and further, any and all costs, expenses and obligations of every kind relating to the Leased Premises (except as otherwise specifically provided in this Lease) which may arise or become due during the term of this Lease shall be paid by Tenant at no cost to Landlord. If Landlord for any reason whatsoever pays any of such other costs, Tenant agrees to reimburse Landlord for all sums of money so paid upon demand by Landlord.

3. TERM. This Lease shall be for an indefinite period of time commencing on the 22nd day of July, 1987, and continuing thereafter until terminated by either party hereto, without cause, by giving to the other party sixty (60) days' prior written notice of its intent to terminate this Lease.

4. RIGHT OF FIRST REFUSAL. In the event the Landlord receives from any third party or parties during the term of this Lease a written bona fide offer to purchase the Leased Premises which Landlord, but for the existence of this right of first refusal, would accept, Landlord shall provide a copy of said offer to Tenant within thirty (30) days following Landlord's receipt of same. The right of first refusal herein granted must be exercised by Tenant within fifteen (15) calendar days after receipt by Tenant from Landlord of said copy of such bona fide third party offer. If the Tenant shall not so elect within the said fifteen (15) days, the Landlord may then sell the above-described property to said third party.

5. BASIC RENT. In consideration of the letting of said Leased Premises to Tenant by Landlord, Tenant hereby covenants and agrees to pay, and Landlord hereby covenants and agrees to accept, as total rent for the term hereof, the sum of One Dollar ($1.00), which sum of money will be paid by Tenant to Landlord on the date of execution of this Lease by the parties hereto.

6. ADDITIONAL RENT. Tenant agrees to pay all real estate taxes and assessments levied against or upon the Leased Premises by all duly authorized governmental bodies, when due and payable. Tenant further agrees to furnish Landlord satisfactory evidence that such taxes and assessments have been paid and satisfied by Tenant upon demand by Tenant. Further, Tenant agrees to pay all other taxes and charges levied by duly authorized governmental bodies arising in connection with Tenant's use, occupancy or operation of the Leased Premises including, but not limited to, personal property taxes, special assessments, water and sewer charges, and the like whether ordinary or extraordinary, foreseen or unforeseen, together with any and all interest or penalties thereon (hereinafter collectively called "impositions"). Tenant may pay any impositions in installments, if payment may be so made without penalty. All impositions assessed prior to but payable in whole or in installments after the commencement date of the term hereof, and all impositions assessed during the term of this Lease but payable in whole or in installments after the expiration term of this Lease, shall be adjusted and prorated, so that Landlord shall pay its prorated share for the period prior to and for the period subsequent to the expiration term of this Lease, and Tenant shall pay its prorated share at least fifteen (15) days prior to expiration date of this Lease. Tenant further agrees to furnish Landlord satisfactory evidence that such impositions have been paid and satisfied by Tenant upon demand by Tenant.

All taxes, charges, costs and expenses which Tenant is required to pay hereunder, together with all interest and penalties that may accrue thereon in the event of Tenant's failure to pay such amounts, and all damages, costs and expenses which Landlord may incur by reason of any default of Tenant or failure on Tenant's part to comply with the terms of this Lease, shall be deemed to be additional rent. Subject to the provisions of this Lease, in the event of nonpayment by Tenant for a period of fifteen (15) calendar days after receipt of written demand by Tenant from Landlord to make such payments, Landlord shall have the right, after expiration of said fifteen (15) day period, to terminate this Lease.

7. USE. It is understood and agreed between the parties hereto that the Leased Premises shall be used only as a public park or other public facilities for the use and enjoyment of the public.

8. IMPROVEMENT TO AND MAINTENANCE OF LEASED PREMISES. Tenant may, at its option and at its sole cost and expense, make or cause to be made on the Leased Premises, such additions, installations, improvements or betterments as shall be required to render the Leased Premises suitable for the use set forth in Section 7 above (hereinafter sometimes collectively called "improvements"). All such additions, installations, improvements or betterments shall be made in a good and workmanlike manner, in compliance with all applicable building, zoning, and other laws, ordinances, government regulations and requirements. All additions, installations, improvements or betterments made or caused to be made on the Leased Premises by Tenant shall remain the property of Tenant and shall be removed by Tenant on or before the last day of the term of this Lease; provided, however, if said improvements remain on the Leased Premises following the end of the term hereof, Landlord may remove the same from the Leased Premises and Tenant shall promptly reimburse Landlord for the costs to remove the same. Upon the expiration of the term of this Lease, Tenant shall restore the Leased Premises to at least the same condition as said Premises were when Tenant received the same.

Tenant shall, at its sole cost and expense, provide such security services, trash removal services and ground maintenance services and the like as shall maintain all portions of the Leased Premises and adjoining areas in a safe, orderly, clean and sanitary condition free of dirt, rubbish and unlawful obstructions.

Landlord shall not be required to furnish any services or facilities or to make any repair or alteration in or to the Leased Premises. Tenant hereby accepts the Leased Premises in the condi-

tion such Premises exist on the date hereof and assumes the full and sole responsibility for the condition, operation, repair, maintenance and management of the Leased Premises.

9. UTILITIES. Landlord shall not be required to furnish any utility facilities to the Leased Premises, including, but not limited to, utility facilities as may be required for the provision of water and sewer services and electrical power. Tenant shall, at its sole cost and expense, provide all utility facilities, if any, required to render the Leased Premises suitable for the use set forth herein and shall pay all charges, if any, for gas, electricity, water and other such services used or supplied to and about the Leased Premises during the term hereof. In the event Landlord pays for any such charges, Tenant shall reimburse Landlord for all such money paid upon Tenant's demand.

10. APPLICABLE LAWS. During the term hereof, Tenant agrees, at its expense, to promptly comply with all laws and regulations of duly authorized governmental bodies.

11. SIGNS. Tenant may, at its own expense, place such signs in or upon the Leased Premises as it deems necessary. Such signs shall remain the property of Tenant and shall be removed by Tenant upon termination of this Lease at Tenant's expense; and any damage caused by such removal shall be repaired at Tenant's expense.

Tenant agrees that the signs, notices or the like used on or about the Leased Premises will not contain Landlord's name, and nothing herein either expressly or implied authorizes Tenant to use Landlord's name for any purpose without the prior written consent of Landlord.

12. LIENS. Nothing herein contained shall be construed as authorizing Tenant to incur any mechanic's lien or liens of any kind or nature against the said Leased Premises for any work or materials performed or supplied to the Leased Premises. If any lien shall be filed against the interests of Landlord or of Tenant in the Leased Premises or asserted against any rent payable hereunder by reason of work, labor, service or materials supplied or claimed to have been supplied on or to the Leased Premises at the request of, or with the permission of, Tenant, or anyone claiming under Tenant, Tenant shall, within thirty (30) days after notice of the filing thereof, or the assertion thereof, cause the same to be discharged of record or effectively prevent the enforcement or foreclosure thereof against the Leased Premises by contest, payment, deposit, bond, order of Court or otherwise. Nothing contained in this Lease shall be construed as constituting the express or implied consent to, or permission of, Landlord for the performance of any labor or service or the furnishing of any materials that could give rise to any such lien against Landlord's interest in the Leased Premises.

13. PAYMENT. All payments of money to be made hereunder by Tenant to Landlord shall be made to: Whirlpool Corporation, Corporate Center, 2000 M-63, Benton Harbor, Michigan 49022, Attention: Director of Real Estate, or such other place as Landlord shall designate to Tenant, in writing, from time to time.

14. ASSIGNMENT AND SUBLETTING. Tenant shall not have the right to assign this Lease, or any interest herein, nor the right to sublet the Leased Premises or any part thereof.

15. PEACEFUL POSSESSION. Landlord represents and warrants that it is the owner of said Leased Premises and has the right to rent and lease the same, and to enter into this Lease, and that Tenant shall be entitled to peaceful possession thereof for and during the term of this Lease so long as Tenant performs all the terms, conditions and covenants of this Lease.

16. PUBLIC LIABILITY INSURANCE. Throughout the term of this Lease, Tenant shall, at its sole cost and expense, maintain general public liability insurance with basic coverage of at least $200,000/$600,000 for bodily injury (including death) and $100,000 for property damage naming Landlord as an additional insured thereunder.

Within ten (10) days after the commencement date hereof, Tenant shall deliver to Landlord certificates of insurance certifying that the insurance coverage specified herein is in full-force and effect.

17. INDEMNIFICATION BY TENANT. Tenant shall protect, defend, save and keep Landlord harmless against any and all claims, demands, loss, cost, damage, expense or charges of every kind or nature arising from or in connection with any accident or other occurrence on or about the Leased Premises.

18. SUCCESSORS AND ASSIGNS. The terms, conditions and covenants herein stated shall be binding on the parties hereto and their respective successors and assigns.

19. NOTICES. Whenever under this Lease a provision is made for notice of any kind, it shall be deemed sufficient notice and service thereof if such notice shall be in writing and shall be

served by United States registered or certified mail, with postage prepaid, and addressed respectively as follows:

As to Landlord:

Whirlpool Corporation
Corporate Center
M-63
Benton Harbor, Michigan 49022
Attention: Secretary

As to Tenant:

City of St. Joseph
City Hall
620 Broad Street
St. Joseph, Michigan 49085
Attention: City Manager

or in either case to such address as the party shall have specified by like notice in writing to the other party.

20. MISCELLANEOUS. This Lease shall be construed and enforced in accordance with the law of the State of Michigan. Whenever in this Lease it is provided that either party shall or will make any payment or perform or refrain from performing any act or obligation, each such provision shall, even though it is not so expressed, be construed as an expressed covenant to make such payment or to perform or not to perform, as the case may be, such act or obligation.

Section headings in this Lease are for convenience only and are not a part of this Lease and do not in any way limit or amplify the terms, conditions and covenants of this Lease.

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IN WITNESS WHEREOF, the parties hereto have caused these presents to be executed by their respective, duly authorized representatives on the day and year first above written.

WHIRLPOOL CORPORATION
("Landlord")

ATTEST:

By Daniel D. Hogg

Its Secretary

By George E. Wardeberg

Its Vice Chairman

CITY OF ST. JOSEPH
("Tenant")

ATTEST:

By Lee Mansell

Its City Clerk

By Franklin H. Smith

Its Mayor

\bcw 4-22-88


MILTON PARK PATRONS
INDIAN HILLS GARDEN CLUB
DOROTHEA M. SLESSER PLATTS
JOHN D. AND PHYLLIS WILKINSON PRESTON
MICHAEL ALAN BOMBU
JACK D. SPARKS FAMILY
TIMOTHY SPITLER
MAX W. AND SOPHIA STOCK
STANLEY A. AND LENORE NETTING STOCK
STEPHEN E. UPTON FAMILY
UNITED FOR SURVIVAL, INC. ★ JOHN G. YEVINGTON CONCRETE Co.
Tree identification donated by
Indian Hills Garden Club
in their 90th year, 2019
387

Agenda Item

TO: **City Commission**

FROM: **Abby Bishop, City Clerk**

RE: **Vacancies Update**

MEETING DATE: **August 25, 2025**

Current vacancies within the City's Boards and Commissions are as follows:

- Board of Review - One alternate position, term ending April 30, 2024
- Brownfield Redevelopment Authority - One position, term ending April 30, 2027
- Cemetery Board - One position, term ending April 30, 2028
- Construction Board of Appeals - Two positions, terms ending April 30, 2027
- Downtown Development Authority - One position, term ending Oct. 31, 2028
- Joint Wastewater Treatment Board - One position, term ending April 30, 2028
- Municipal Officers Compensation Commission - One position, term ending Oct 31, 2029
- Planning Commission - One position, term ending April 30, 2026
- Property Maintenance Board of Appeals - One position, term ending April 30, 2027
- Sustainability Committee - One position, term ending April 30, 2027
- Zoning Board of Appeals - One position, term ending April 30, 2027

NOTE: Residents are encouraged to apply for boards and commissions even when no current vacancies exist. It is helpful to minimize the time we have vacancies if we have a pool of applicants ready to be considered.

Agenda Item

TO:

FROM: **Laurie Schmidt, City Attorney**

RE: **Request for Closed Session- Consider Confidential Information- CBA Strategy**

MEETING DATE: **August 25, 2025**

Action Requested: Motion to enter closed session to 1.) consider material exempt from discussion or disclosure by state law under MCL 15.243(1)(j) & (z) being confidential reports related to the City's computer information system and security measures, assessments, and plans for which disclosure would impair the City's ability to protect the security of property and persons, and that would provide a means of identifying a person's cybersecurity practices, procedures or methods, organizational information system infrastructure, hardware or software; and 2.) for strategy connected with the negotiation of a collective bargaining agreement based on the City Manager's request under MCL 15.268(1)(c).

Agenda Item

TO:

FROM: **Laurie Schmidt, City Attorney**

RE: **Return to Open Session**

MEETING DATE: **August 25, 2025**

After the closed session, the City Commission must vote to return to open session.

Following the return to open session, the City Commission may then choose to take action or provide direction to staff.

Action Requested: Motion to return to open session.

Agenda Item

TO:	**City Commission**
FROM:	**Laurie Schmidt, City Attorney**
RE:	**Request for Closed Session**
MEETING DATE:	**August 25, 2025**

Action Requested: Motion to go into closed session