CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

September 2, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

September 2, 2010
(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* August 19, 2010

SITE/FINAL PLANS:

* 1. Site Plan: The Bark Park, 6604 Lovers Lane

PUBLIC HEARINGS:

* 1. Special Land Use Permit: The Bark Park, 6604 Lovers Lane
* 2. Special Land Use Permit: CrossFit Health & Fitness Center, 1176 Gernaat Court

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

* 1. Election of Officers
* 2. Planning Commission Rules of Procedures

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

July 2010 Summary of Environmental Activities Report
August 10, 2010 City Council meeting minutes

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

PLANNING COMMISSION

DRAFT

August 19, 2010

The City of Portage Planning Commission meeting of August 19, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

Cory Bailes, Mark Siegfried, Paul Welch, Wayne Stoffer, Miko Dargitz, Bill Patterson, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Jim Pearson and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the July 1, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

1. Site Plan: Midwest Fasteners (addition), 9031 Shaver Road. Mr. West summarized the staff report dated August 12, 2010 involving a site plan submitted by Balkema Construction, on behalf of Midwest Fasteners, to construct an 80,179 square foot building addition. Mr. West stated the expansion will be utilized for warehousing and storage and no additional site improvements are proposed.

Chairman Cheesebro asked if there was a representative for Midwest Fasteners that would like to speak on behalf of the project. There was no one present from Midwest Fasteners. A motion was made by Commissioner Bailes, seconded by Commissioner Welch, to approve the Site Plan for Midwest Fasteners (addition), 9031 Shaver Road. Prior to voting on the motion, the Commission, City Attorney and staff discussed approval of the site plan in light of the applicant not being present. After a short discussion, Mr. Jim Balkema, Balkema Construction, arrived to support the application on behalf of Midwest Fasteners and explained the proposed expansion project. After additional discussion, the motion was unanimously approved.

DRAFT

PUBLIC HEARINGS:

1. Special Land Use Permit (amendment): The Bridge Church, 7198 Angling Road. Mr. West summarized the staff report dated August 12, 2010 regarding the request by Reverend Daniel Teerman, on behalf of The Bridge Church, to amend a previously approved special land use permit to construct athletic fields for soccer, lacrosse and softball and an approximate 2,300 square foot accessory building. The Commission, City Attorney and staff discussed the possible rental of the athletic fields, accessory uses and consistency with the single family residential district and Zoning Code. Attorney Brown stated the issue of accessory use of the athletic fields can be addressed by considering the intensity of use, degree of accessory activity and related impacts on surrounding properties and public facilities.

Reverend Daniel Teerman, The Bridge Church, was present to support the application and discuss the proposed project. Reverend Teerman stated the athletic fields are intended to be used by church members and may be rented to community organizations and/or schools as a secondary use. Discussion ensured involving the various aspects of the proposal including field rentals, lighting and use of a portable public address (PA) system. Vice-Chairman Cheesebro opened the public hearing. One citizen, Mr. David Simsick, 7138 Angling Road, spoke expressed concerns with possible field rental, traffic, noise and use of a PA system. No additional citizens spoke in regard to the proposed project. A motion was then made by Commissioner Welch, seconded by Commissioner Bailes, to close the public hearing. The motion was unanimously approved.

After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to approve the Special Land Use Permit (amendment) for The Bridge Church, 7198 Angling Road, subject to the following conditions: 1) The soccer and softball fields not be lighted; 2) Use of a PA system be prohibited for athletic events; and 3) Review of the special land use permit by the Planning Commission in November 2011 or before, if necessary, be completed to assess neighborhood impacts, if any. If the athletic fields have not been rented to outside organizations during this time period, review of the special land use permit will not be necessary. The applicant will provide written notification to the Department of Community Development if any field rentals will occur through the review period. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan: The Bridge Church, 7198 Angling Road. Mr. West summarized the staff report dated August 12, 2010 involving a site plan submitted by The Bridge Church to construct athletic fields and an approximate 2,300 square foot accessory building along the western portion of the existing church facility located at 7198 Angling Road.

Reverend Daniel Teerman, The Bridge Church, was present to support the plan and explain the proposed project. Mr. David Simsick, 7138 Angling Road, spoke again in regard to the project and expressed concerns regarding the new light poles proposed along the access drive from Angling Road. Mr. Forth clarified that the light pole identified on the site plan along the south side of the driveway would be relocated to the north side of the driveway to ensure resulting light levels would not exceed 0.3 footcandles at the south property line. Mr. West indicated the four new light poles would contain shielded fixtures and comply with all outdoor lighting ordinance standards. After a brief discussion a motion was then made by Commissioner Welch, seconded by Commissioner Bailes, to approve the Site Plan for The Bridge Church, 7198 Angling Road. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

DRAFT

1. Election of Officers. Chairman Cheesebro referred the Commission to the August 9, 2010 e-mail communication from Commissioner Pearson requesting election of remaining officer positions (Vice-Chairman and Secretary) be postponed until a full Commission is present. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to postpone Election of Officers to the September 2, 2010 meeting. The motion was unanimously approved.

NEW BUSINESS:

1. 2009-10 Planning Commission Work Program Final Update and Proposed FY 2010-11 Work Program. Mr. Forth summarized the staff report dated August 13, 2010 and provided a summary of the final 2009-10 Planning Commission Work Program and reviewed the proposed 2010-11 Planning Commission Work Program. The Commission and staff next discussed the Proposed FY 2010-11 Work Program. Commissioner Dargitz asked that Council Assigned Goals and Objectives for 2010-11, No. 1 be modified as follows: "Continue to guide development to appropriately planned areas of the community including, but not limited to, encouraging redevelopment and preserving existing natural areas, wherever and whenever possible." After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to approve the FY 2010-11 Planning Commission Work Program with the modification requested by Commissioner Dargitz. The motion was unanimously approved.

2. Planning Commission Rules of Procedure. Mr. Forth summarized the August 12, 2010 staff reports and updated Planning Commission Rules of Procedure, as prepared by staff and the City Attorney. The Commission, City Attorney and staff discussed various elements of the draft document including Article II, Section 3 and election of officers. After additional discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Welch, to postpone consideration of the Planning Commission Rules of Procedure until the September 2, 2010 meeting, after election of officers is completed. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:35 p.m.

Respectfully submitted,

Christopher T. Forth, AICP
Deputy Director of Planning and Development Services

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CITY OF
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Department of Community Development

TO: Planning Commission **DATE:** August 27, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Site Plan for The Bark Park, 6604 Lovers Lane.

I. INTRODUCTION:

A site plan (refer to site plan included with the special land use permit application) has also been submitted by Ms. Meg Forrest to construct The Bark Park, dog park and dog daycare. The proposed development includes conversion of the existing single family residence and attached garage to an office and indoor dog day care facility with an attached outdoor fenced play area, additional fencing of the outdoor dog park and construction of a parking lot and associated storm water system. The 4.9 acre property is zoned I-1, light industry.

Access to the site will be provided through a full service driveway located opposite Ramona Avenue: The existing residential driveway will be closed and the area converted to greenspace. Consistent with the City of Portage Access Management Ordinance, the applicant has agreed to provide future shared/cross access to the adjacent properties to the north and south. A note has been placed on the plan citing the commitment to this future cross/shared access. The appropriate affidavit will also be prepared and recorded with the Kalamazoo County Register of Deeds. Storm water from the parking lot will be collected and conveyed to a treatment cell and grassed swale located along the southwest side of the parking lot. No outdoor lighting within the dog park and dog daycare areas is proposed, however, installation of three wall pack light units is proposed on the building. These wall pack lighting units will include shielded fixtures and comply with all applicable outdoor lighting standards.

In conjunction with the site plan and Page 2 of the August 24, 2010 letter, the applicant requests a sidewalk waiver along the Lovers Lane frontage citing the presence of an existing multi-use path along the east side of Lovers Lane and the absence of sidewalk along the west side of the Lovers Lane. There are no existing sidewalks in the surrounding area and no sidewalks are planned in the Capital Improvement Program. A similar request for a sidewalk waiver was considered by the Commission in August 2009 for Tulgetske Dental Laboratory at 6242 Lovers Lane. After considering the request, the Commission voted 5-3 to grant a temporary sidewalk waiver "..until such time that any parcel located to the north, between 6020 Lovers Lane and 6242 Lovers Lane, installs sidewalk." A copy of the August 6, 2009 Planning Commission meeting minutes and August 1, 2009 staff report for Tulgetske Dental Laboratory is attached for Commission reference.

II. RECOMMENDATION:

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for The Bark Park, 6604 Lovers Lane, be approved and the Commission also consider the sidewalk waiver request along Lovers Lane.

Attachments: August 6, 2009 Planning Commission meeting minutes
August 1, 2009 Department of Community Development staff report (Tulgetske Dental Laboratory)

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PLANNING COMMISSION

August 6, 2009

The City of Portage Planning Commission meeting of August 6, 2009 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Four citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, James Pearson, Cory Bailes, Bill Patterson, Wayne Stoffer, Rick Bosch, Paul Welch and Chairman Thomas Fox.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

James Cheesebro.

IN ATTENDANCE:

Michael West, Assistant City Planner; and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the July 2, 2009 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Tulgetske Dental Laboratory, 6242 Lovers Lane. Mr. West summarized the staff report dated August 1, 2009 regarding the request from Mr. Paul Tulgetske to establish a dental laboratory for the fabrication and manufacturing of dental prosthetics at 6242 Lovers Lane. Mr. West indicated that Mr. Tulgetske purchased the property in 2004 and converted the former single family residential dwelling to a dental laboratory without formal review and approval by the City of Portage. In conjunction with the site plan, Mr. West stated that Mr. Tulgetske was also requesting a sidewalk waiver along the Lovers Lane frontage citing the presence of an existing multi-use path along the east side of Lovers Lane, the absence of sidewalk along the west side of Lovers Lane and the industrial nature of the area with minimal pedestrian traffic.

Mr. Paul Tulgetske (Tulgetske Dental Laboratory) was present to support the plan and sidewalk waiver. Mr. Tulgetske stated that he recently came to an agreement with the adjacent property owner to the north to share the established driveway and would be closing the driveway on his property. Mr. West indicated that the details associated with the site plan modification could be handled administratively between the applicant and staff. After a brief discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Patterson, to approve the site plan for Tulgetske Dental Laboratory, 6242 Lovers Lane, with the site plan modification involving closure of the on-site

driveway and construction of a shared/cross access arrangement with the adjacent property to the north to be reviewed and approved administratively by the Department of Community Development. The motion was unanimously approved.

The Commission next discussed the requested sidewalk waiver along the Lovers Lane frontage. The Commission reviewed and discussed the surrounding land use pattern, redevelopment potential of these properties, the lack of sidewalk along the west side of Lovers Lane and the timing for potential sidewalk installation. After a lengthy discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Welch, to grant a Temporary Sidewalk Waiver until such time that any parcel located to the north, between 6020 Lovers Lane and 6242 Lovers Lane, installs sidewalk. Upon a roll call vote: Stoffer (no), Bosch (no), Bailes (no), Dargitz (yes), Patterson (yes), Fox (yes), Pearson (yes) and Welch (yes), the motion was approved 5-3.

2. Main Street Pub and Retail Building, 7509 and 7545 South Westnedge Avenue (driveway closure extension). Mr. West summarized the staff report dated August 1, 2009 regarding the request from Mr. Chris Housler, on behalf of Main Street Properties IV, for up to a five year time extension to close the southern driveway at the Main Street Pub and Retail Building development located at 7509 and 7545 South Westnedge Avenue. Mr. West stated the site plan for the development project was approved on February 15, 2007 with an agreement that the southern driveway would be closed and sidewalk and a 10-foot greenstrip installed *"...within 24 months of site plan approval or upon a change in occupancy or redevelopment of the Furniture Now building, whichever comes first."* Mr. West indicated that the two-year time period was intended to assist Main Street Properties in the transition of the development project and generally coincided with the end of the Furniture Now lease of the south building. Mr. West stated that staff could not support the applicant's request for a lengthy time extension, however, did support an additional two-year time extension for closure of the southern driveway and installation of sidewalk and greenstrip.

Mr. Chris Housler and Mr. Dave Lambright of Main Street Properties IV were both present to support the request for a time extension. Mr. Lambright and Mr. Housler stated that economic conditions have prevented development activities as originally planned and the property was currently operating with a negative cash flow. Mr. Lambright and Mr. Housler indicated that the request for additional time to close the southern driveway would allow for economic conditions to improve and development activities to proceed as originally planned. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bosch, to grant a two-year extension until September 15, 2011 or until redevelopment of the south building, whichever occurs first, for closure of the southern driveway and installation of sidewalk and the 10-foot greenstrip at the Main Street Pub and Retail Building development located at 7509 and 7545 South Westnedge Avenue. The motion amended the original note which was included on the February 15, 2007 approved site plan. Upon a roll call vote: Stoffer (yes), Bosch (yes), Bailes (yes), Dargitz (yes), Patterson (yes), Fox (yes), Pearson (yes) and Welch (yes), the motion was unanimously approved 8-0.

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

CITY OF
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Department of Community Development

TO: Planning Commission **DATE:** August 1, 2009

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Tulgetske Dental Laboratory, 6242 Lovers Lane

I. INTRODUCTION:

A site plan has also been submitted by Mr. Paul Tulgetske, on behalf of Tulgetske Dental Laboratory requesting approval to establish a dental laboratory for the fabrication and manufacturing of dental prosthetics at 6242 Lovers Lane. The 0.36 acre parcel is zoned I-1, light industry and occupied by an approximate 1,100 square foot former residential building and 480 square foot detached garage.

As background information, Mr. Tulgetske purchased the property in 2004 and converted the former single family residential dwelling to a dental laboratory without formal review and approval by the City of Portage. Given the low intensity operation of the business (i.e. one employee, no signage, no site improvements, etc), the dental laboratory has continued to operate until a code enforcement investigation involving a deteriorating detached garage in December 2008. The Department of Community Development has been assisting Mr. Tulgetske in understanding site plan submittal requirements and applicable ordinance provisions ensure compliance.

The existing detached garage building will be demolished and a four car parking lot provided along the west side of the building. The applicant is proposing to defer a portion of the required parking along with a loading/unloading area in greenspace along the western portion of the site. If needed in the future, the additional parking spaces and/or loading/unloading area can be installed. Since the site is bordered by a nonconforming single-family residence to the south, conflicting land use screening (6-foot tall wooden fence, trees/shrubs) will be provided between the parking lot/building and the property to the south. Finally, the existing residential driveway from Lovers Lane will be widened and improved to commercial standards. Consistent with the Access Management Ordinance, the applicant has agreed to provide future shared/cross access to the adjacent properties to the north and south. A note has been placed on the plan citing the commitment to this future cross/shared access. The appropriate affidavit will also be prepared and recorded with the Kalamazoo County Register of Deeds.

The applicant is also requesting a sidewalk waiver along the Lovers Lane frontage citing the presence of an existing multi-use path along the east side of Lovers Lane, the absence of sidewalk along the west side of the Lovers Lane, the industrial nature of the area and minimal pedestrian traffic (see attached July 15, 2009 letter from Mr. Michael Carl). With the exception of the office property at the southwest corner of Lovers Lane/East Milham Avenue, there are no existing sidewalks and no sidewalks are planned for the surrounding area in the Capital Improvement Program.

II. RECOMMENDATION:

The site plan has been reviewed by the city administrative departments. It is recommended that the site plan for Tulgetske Dental Laboratory, 6242 Lovers Lane, be approved and the Commission also consider the sidewalk waiver request along Lovers Lane.

Attachment: July 15, 2009 Communication from Michael Carl (sidewalk waiver request)

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CITY OF
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Department of Community Development

TO: Planning Commission **DATE:** August 27, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Special Land Use Permit: The Bark Park, 6604 Lovers Lane

I. INTRODUCTION:

An application has been submitted by Ms. Meg Forrest requesting a Special Land Use Permit to establish an outdoor dog park and dog day care facility (The Bark Park) with associated site improvements. The 4.9 acre property is zoned I-1, light industry. An outdoor fenced area that encompasses the majority of the property is proposed along the south and west portions of the site to accommodate the dog park portion of the business. The applicant is also proposing to convert the existing single family residence and attached garage to an office and indoor dog day care facility with an attached outdoor fenced play area. A 14-car accessory parking facility will be constructed along the south side of the building, with provisions for future expansion, when necessary.

The application has been submitted and is being processed per Section 42-280.C.10, Special land use, in the I-1 zoning district with additional consideration of Section 42-280.B.16 and 42-280.C.7. These sections allow other uses that are similar and not more objectionable than permitted uses, veterinary clinics and incidental facilities and business types that because of the nature of the operations, building, or some other peculiarity may be considered better suited to the I-1 district.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	• I-1, light industry and occupied by an 826 square foot single family residence and 280 square foot attached garage. • Vacant land zoned I-1 borders the site to the north, while the Portage Creek, Bicentennial Trail border the site to the west. • Wright Beauty Academy, zoned I-1, borders the site to the south. • Across Lovers Lane (to the east), vacant land zoned I-1 and retail establishments zoned B-3, general business.
Comprehensive Plan	• Future Land Use Map of the Comprehensive Plan identifies the subject site along with properties to the north and south appropriate for general industrial land use. East, across Lovers Lane, research, development & technology land uses are identified in the Comprehensive Plan.
Access	• A full service driveway from Lovers Lane.
Environmental Issues	• A review of the City of Portage Sensitive Land Use Inventory Map, identifies the environmentally sensitive areas (100-year floodplain and possible wetland areas) along the western portion of the property.
Land Development Regulations	• The application has been submitted under Section 42-280.C.10, *Special Land Use* in the I-1 zoning district. • Additional criteria for evaluating a special land use is set forth in Section 42-462, *General Standards for Review of Special Land Uses.*
Historic District/ Structure	• The subject site is not located within a historic district and does not contain any historic structures.

III. THE APPLICATION/PROPOSAL:

According to the business plan and supplemental letter submitted by Ms. Forrest, The Bark Park will consist of a dog park and a dog day care:

- The dog park portion of the proposal will include an outdoor fenced exercise area that will be segregated into two areas, one for smaller dogs/puppies and one for larger dogs. According to the applicant, dog owners will be able to purchase day passes or a monthly membership. Initial hours of operation are proposed to be Tuesday through Sunday from 10:00am-8:00pm in the summer and from 10:00am-6:00pm in the winter with possible expanded hours as membership increases. The supplemental letter from Ms. Forrest clarifies that since the park hours are during daylight, there is no need to add additional lighting. The applicant has indicated that dog waste will be collected in individual bags by members and park staff and disposed in trash receptacles positioned within the outdoor dog park. Noise in the form of barking dogs can be anticipated. To minimize potential dog barking and related visual impacts, the applicant is proposing to install a 6-foot tall solid, wood fence along the east and southeast portion of the fenced outdoor dog area, where adjacent Lovers Lane and the Wright Beauty Academy parking lot. The remainder of the outdoor exercise areas along the north, west and southwest portions of the site will be enclosed by 5-foot tall chain-link fence. Fencing will occur within the 100-year floodplain and possibly within designated wetland areas along the western portion of the property. In April 30, 2010 correspondence from the Michigan Department of Natural Resources & Environment (MDNRE), Mr. Ernest Sarkipato states the proposal to install open-style, chain-link fencing within the 100-year floodplain, outside of the floodway, may be conducted without a Part 31 permit. Also, in the August 24, 2010 supplemental letter, the applicant indicates that she has begun the process with the MDNRE for a wetlands determination.
- The dog day care portion of the proposal will occur within the existing residential structure and garage, which will be renovated to accommodate an office/reception area, day care area, three dog wash stations and related improvements. Initial hours of operation are proposed to be Tuesdays and Thursdays from 7:00am-6:30pm, and will be expanded to Monday through Friday to meet customer needs. The applicant has also indicated that possible weekend day care would be considered. According to the applicant, the dog day care will occur within the northern portion of the building and will include a smaller, attached outdoor fenced area along the north and west sides of the building. Dogs would be allowed to move between this outdoor play area and indoor portions of the building while being supervised by day care staff. No boarding of dogs is proposed.

IV. ANALYSIS:

Section 42-280.C.10 of the Zoning Code allows the Planning Commission to consider establishment of *"Other uses similar to, and not more objectionable than.."* uses that are allowed in the I-1, light industry zoning district. As described in the application materials, The Bark Park is similar to a veterinary clinic and incidental facilities, which is permitted in the I-1 zone. Additionally, The Bark Park could also be considered a special land use per C.7 based on the nature of the operations/size of the buildings/other peculiarity and is suitable in an I-1 district. With no boarding of animals associated with the use, The Bark Park proposal is not a commercial kennel as defined in the Zoning Code. The land area, frontage on a major thoroughfare, adjacent uses and location in a non-industrial park setting appear appropriate and would not have adverse impacts. In the context of the general standards of review in Section 42-462, the proposal represents an appropriate, compatible use consistent with the Comprehensive Plan and Zoning Code/map. The applicant has initiated the process to address environmental issues. Public facilities (water, sewer and street infrastructure) can accommodate the planned use.

As information for the Commission, compliance with all applicable Code of Ordinance requirements including Community Quality (Chapter 24) for the operation of this proposed use, and specifically related to noise, odors, sanitation and health, and so forth is required. The daily waste removal and sanitation

procedures, wood fence/screening, and related operational activities planned by the applicant, are necessary and appropriate to ensure conformance and will preclude any need to consider administrative and enforcement actions to ensure ordinance compliance.

Additional site specific details including access, parking, storm water management and security lighting will be reviewed and addressed as part of the formal site plan consideration.

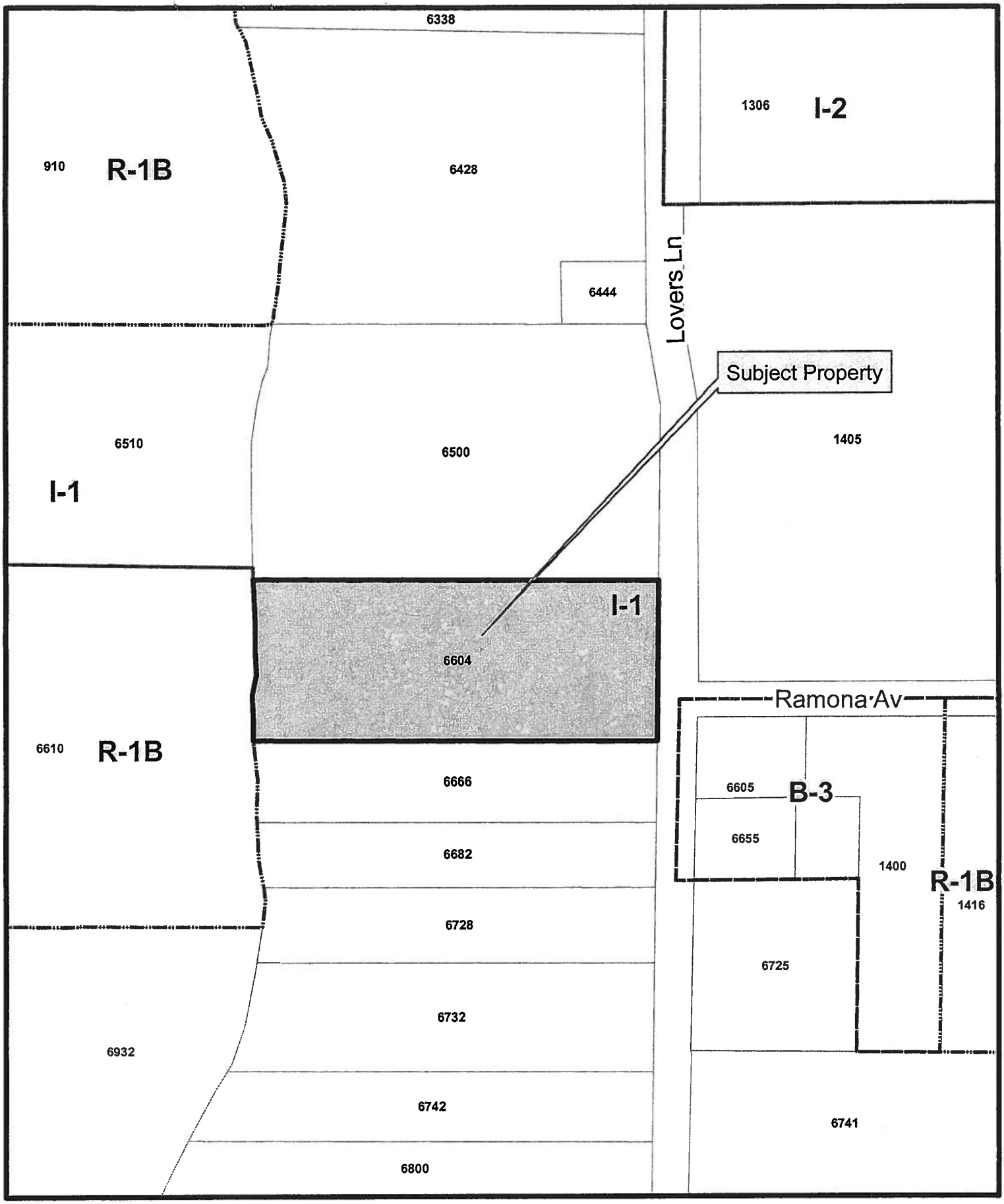
Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. A letter of support from Mr. John Carnago, owner of Roe-Comm at 1400 Ramona Avenue, has been received and is attached.

V. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for The Bark Park, 6604 Lovers Lane, be approved subject to the following:

1. No boarding of dogs;
2. Hours of operation for the dog park be restricted to dawn-dusk, and the hours of operation of the dog day care be restricted to 7:00am-6:30pm;
3. No outdoor lighting within the dog park or dog day care areas;
4. All necessary approvals/permits from the MDNRE be obtained prior to installation of any fencing within designated wetland areas; and
5. Compliance with all applicable City of Portage Code of Ordinance requirements including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.

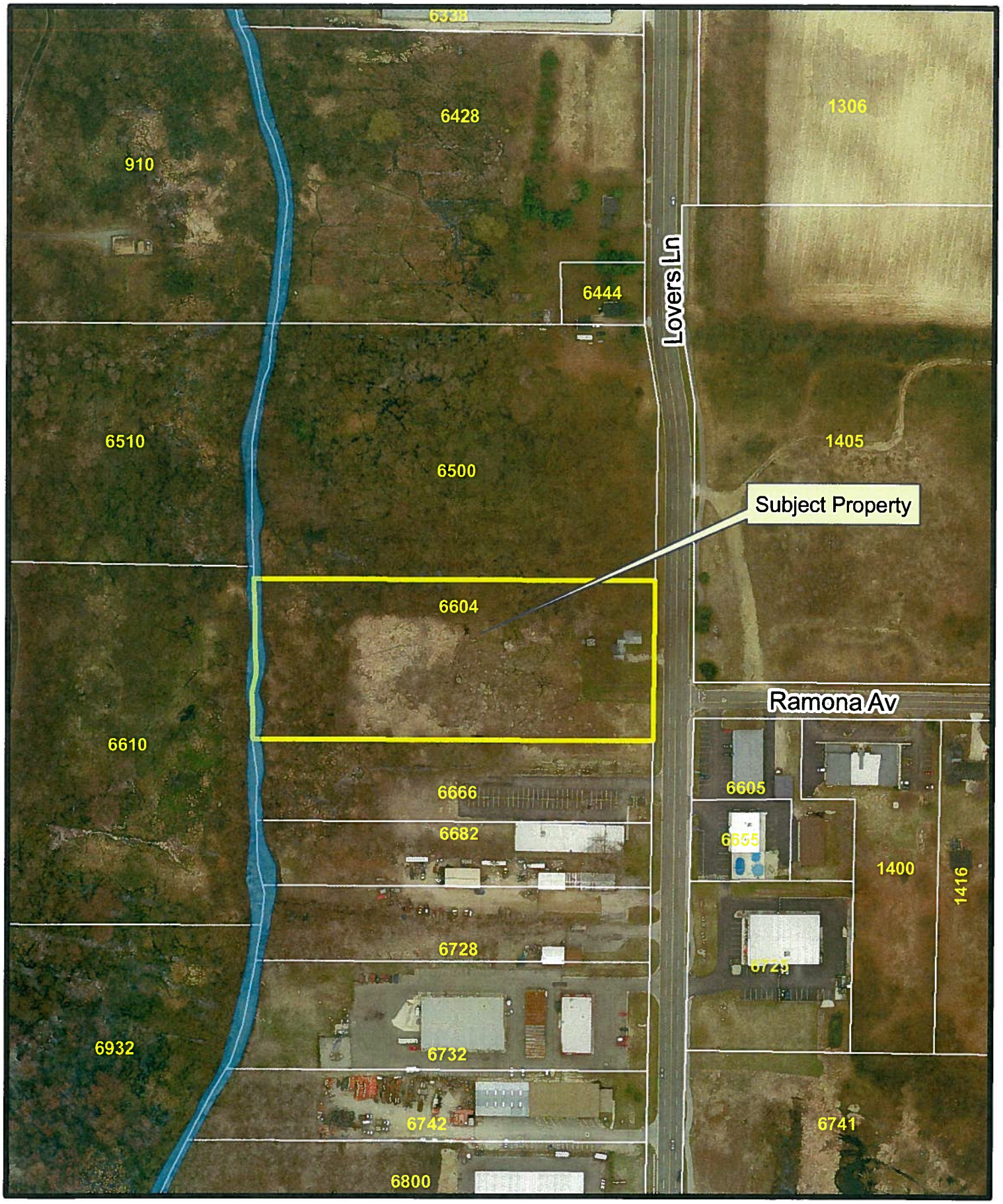
Attachments: Zoning/Vicinity Map
Aerial Photograph
Special Land Use Permit Application and related materials (Business Plan, 8-24-10 letter, and 4-30-10 MDNRE letter)
Site Plan Sheet
August 17, 2010 Letter of Support from Mr. John Carnago (Roe-Comm, 1400 Ramona Avenue, Portage, Michigan)



SPECIAL LAND USE PERMIT
6604 Lovers Lane

0 60 120 240 Feet

Subject Property
Zoning Boundary



SPECIAL LAND USE PERMIT
6604 Lovers Lane

N

0 65 130 260 Feet

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Department of Community Development

Cell 269-254-2332

APPLICANT INFORMATION

Name: Meg Forrest | Telephone Number: 269-553-0938

Address: 3910 Laird Ave. | City: Kalamazoo | State: MI. | Zip code: 49008

OWNER INFORMATION (if different)

Name: WILLIAM J. MILLER | Telephone Number: 323-8875

Address: 10615 PORTAGE RD. | City: PORTAGE | State: MI | Zip code: 49002

PROPERTY INFORMATION

Address of property: 6604 Lovers Lane | Zoning District | Land area (acres)

Legal Description (or attach separate page)

PROPOSED USE

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

Dog Park + Dog Daycare (see attached business plan)

OWNER CERTIFICATION

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

William J Miller
Signature

JUN 16 2010
Date

RECEIVED
JUN 17 2010
COMMUNITY DEVELOPMENT

The Bark Park

Dog Park and Dog Daycare Business Plan

RECEIVED
JUN 17 2010
COMMUNITY DEVELOPMENT

Executive Summary

The Bark Park Dog Park and Dog Daycare will provide 4 acres of off-leash exercise area for dogs and their owners. Although Kalamazoo County is currently working to open two public dog parks, the Bark Park will provide a safer environment for dogs and their owners because the Bark Park will be monitored, current vaccine records will be on file for all dogs, and dogs will undergo behavior testing prior to membership to the park.

The Bark Park also provides additional services, with dog daycare and bath-your-own dog stations, which will allow the Bark Park to become a full service establishment for dog owners. Other businesses in the Kalamazoo area provide some of these services, but not all in one location, and those businesses are located in the northern Kalamazoo area and are not easily accessible to residents of the City of Portage.

The site I would like to purchase for the Bark Park is located at 6604 Lovers Lane. This is a 5 acre parcel with a small house and large area of cleared land. The house will be renovated to accommodate the dog daycare, 3 wash tubs, a restroom that meets ADA standards, and a reception/office area. I have contacted the MDNRE and have obtained approval for fencing within the flood plain that is on the west end of the property bordering the Portage Creek.

The current site plan includes the basic needs for starting this business. I have several planned projects to increase services and also intend to pursue expansion into the 12 acres on the north border of this property, which is also for sale. This wooded area would allow me to add wooded trails for walking and also allow me to add additional exercise areas so that I could add to the initial building without taking away any outside play area. This would allow me to expand indoor services as well, such as adding canine treadmills for indoor exercise, expansion of the dog daycare area, an indoor training area, and services such as canine massage.

Introduction

Kalamazoo County currently has 30,716 licensed dogs and does not permit dog owners to exercise their dogs off-leash on any public property. The Bark Park will provide the owners of dogs in Kalamazoo County and surrounding counties a facility in which they can allow their dogs to exercise and play off-leash in a controlled environment while being supervised by their owners. The Bark Park will be the first facility of it's kind in Kalamazoo County, and allow the City of Portage to demonstrate it's ability to

continually bring in innovative new businesses that meet the growing needs of their community.

Dog ownership in the United States has increased by approximately 20 million owned dogs from just over ten years ago. The American Pet Products Manufacturers Association's 2007-2008 National Pet Owners Survey reported that there are approximately 74.8 million owned dogs in the United States. 39% of all households in the United States own at least one dog, which translates to 1.7 dogs per household. While most owners (63%) own just one dog, 25% of dog owners own 2 dogs, and 12% own 3 or more dogs. Within these households, 86% consider their dogs to be significant members of the family, and 75% of dog owners consider their dogs to be family members with status equal to that of the human family members.

Off-leash dog parks provide a community setting in which people can gather and socialize while spending time with their dogs and allowing the dogs to satisfy their needs for play and canine companionship. While the aforementioned statistic for licensed dogs in Kalamazoo County does not specifically address the number of urban dogs, it is clear to anyone involved in the local dog community that most of these dogs live in urban environments in which yards are small, dogs are limited to a crate or small portion of the house during the day, and are taken only for on-leash walks. This urban lifestyle does not allow a dog to run and play or easily socialize with other dogs on a regular basis.

The first official dog park in the United States opened in California in 1979. Since that time, close to 1,000 dog parks have opened in the United States. Michigan currently has 12 dog parks, only 2 of which are on the west side of the state, and the closest one to the City of Portage is over 65 miles away. The Bark Park would provide the residents of the City of Portage the ability to provide their dogs with regular off-leash exercise and socialization within their own community, as well as bring in members of other neighboring cities who are seeking this same outlet for their pets.

Dog parks provide opportunities for the dog owners as well, as studies have shown that people find it easier to talk to one another when their dogs are the initial focus. The dogs act as social "ice breakers" and assist people in striking up friendly conversations with each other that they might otherwise avoid. Thus, owners would have the opportunity to socialize as well, and exercise with their dogs while at the park. Today, as with the human population, dog obesity rates are on the rise, and dog obesity and the related health risks are one of the most common problems addressed in veterinary clinics. A dog park provides an opportunity that promotes the physical and emotional well being of both dogs and their owners, and best of all, provides an opportunity for the dog and human to experience and enjoy the park together, which is the very foundation of the human/dog relationship.

In 2004, 1200 residents of Kalamazoo County signed a petition asking the city government to provide an off-leash dog park for residents of the county and their dogs. The number of residents who signed the petition demonstrates the need and desire of the residents of Kalamazoo County for a local dog park. Other communities in Michigan have discerned the need for a dog park, and the City of Portage could emerge as a

forward-thinking community by supporting the opening of The Bark Park, with the added benefit of keeping revenue within their own community.

The dog park can also bring benefits to the local community beyond the obvious benefits to individual dogs and owners. Communities with dog parks have found that owners have higher levels of compliance with local laws regarding their dogs, i.e. following leash laws because they have an area to allow their dogs to exercise off-leash, and become more responsible dog owners. Dogs that are highly socialized and exercised are healthier, happier, and less aggressive in behavior. They are less likely to bark, or be destructive and aggressive if they are able to expend pent-up energy during regular play or exercise, and are less likely to be relinquished to a shelter for bad behavior.

Business Description

The Bark Park will provide a one-of-a-kind service in the City of Portage. We will provide an enclosed, safe environment in which residents can bring their dogs to socialize off-leash while being supervised by their owners. Dog owners will be able to purchase day passes or monthly memberships to the park. Prior to entry to The Bark Park, dog owners must provide proof of current DHLPP, Bordetella, and Rabies vaccinations, and the dog must wear a current Kalamazoo County dog license on its collar, per county law. Vaccination records will be maintained, and any dogs with expired vaccinations will not be allowed entry into the park until their owner has provided proof of current vaccines.

Dogs of all ages will be allowed, although no dogs that are in heat will be allowed. Dogs that are not spayed or neutered will be allowed, as long as no behavior problems are reported. During the first visit, the dogs will undergo a behavior test in order to assess their ability to socialize with people and other dogs. If the dog does not pass the behavior test, he will not be allowed a full access membership, but the owner will be able to schedule use of the daycare run for their dog to play in when the daycare is not in use. A long-term goal is to provide a separate fenced area in which dogs that do not pass the behavior test will be allowed to exercise with their owners and other dogs from their own household during low volume periods so that they may enjoy some of the experience of the park, but these dogs will not be allowed to mix with other dogs in the park.

For safety reasons, children under the age of 16 must be with their parents at all times. There will be an area set aside for small dogs and puppies to play without having to worry about rough play from bigger dogs, and very young children may be allowed in this area with their parents, but not into the general park area. Older dogs and dogs with special needs will be allowed to play in the small area, but will be approved for this area ahead of time.

The area for dogs will be fully enclosed. The entire park will initially provide 3 acres for large dogs and one acre for small dogs. As resources become available, I hope to purchase the additional undeveloped property to the north of the dog park to expand the

dog park and provide wooded trails for walking and jogging with dogs. The initial dog park hours will be Tuesday – Sunday from 10am to 8pm in the summer, and until 6 pm in the winter. Hours may be expanded as membership grows to meet the needs of members. The entrance to the park will be double-gated to prevent dogs from getting in or out, and the main activity area will be removed from the entrance in order to prevent crowding as new dogs enter the park.

There will be areas for poop scooping around the park and members will be required to clean up after their dogs. Trash receptacles and poop bags will be in place at all stations. Park staff members will monitor the park daily and remove any dog poop that is found on the grounds that was not picked up by members.

The dog day camp area will be in the back half of the main building. The day camp dogs would have a separate fenced-in area outside so that they can play and socialize while supervised by the park staff and not be let loose in the general population. This area would be attached to the indoor day camp area, and dogs would be able to move in and out at as they please.

The initial dog daycare will be offered on Tuesdays and Thursdays from 7am to 6:30pm, and will be expanded to Monday through Friday to meet customer needs as they develop. The dog daycare will offer full day or half day (6 hours) options. Additional dogs from the same household will be allowed at a reduced rate.

I am also looking at ultimately offering the day camp option on Saturday from 9am to 4pm and Sunday afternoons if there is interest. Weekends would be pre-arranged and open to members only, while the Monday through Friday day camp would be open to non-members as well as regular members.

There will be planned upgrades to the park during the first two years. The initial park will include:

- An indoor "lodge" which includes the office area, 3 wash stations for members to bathe their dogs, a small dog daycare area (10-15 dogs) with a fenced outdoor exercise area, and the restroom.
- Fencing – the entire area used for the dog park will be fenced in with two separate fenced off areas, one for a small dog area, and the second for the dog daycare area, training or other uses
- Trash stations for poop scooping
- Water stations for drinking and rinsing dirty feet
- Landscaping and seating
- Parking

Planned upgrades for 2010 will include:

- Continued landscaping
- Lighting inside the park (to allow for expanded evening hours)
- Expanded hours (final hours are expected to be from 7am to 10pm, 7 days per week, with the exception of occasional special events)
- Digging pile

Planned upgrades for 2011 will include:

- Add water features to allow for drinking, and one or more swimming holes

- Play equipment
- Segregated training areas with agility and other training equipment
- Use of key card entry for members

Long-term upgrades include:

- Purchase additional property to expand park area
- Develop wooded trails for walking or jogging with pets
- Addition of specialty areas for dogs with special needs, such as older dogs and dogs with difficulty socializing with other dogs in the park
- Expand indoor facility to expand the dog daycare capacity, a snack bar and seating for owner socializing, canine treadmills for supervised exercising indoors, and indoor training and exercise areas (dogs would be required to be on leash indoors, except in training and exercise areas)
- A long term goal is to work with other providers, such as a dog groomer, a canine massage therapist, and others whose services would appeal to Bark Park members, by furnishing them space in the indoor facility to work; they would not be employees, but would rent space in which to work

Sales projections for The Bark Park are based on trends reported to me from other similar business owners. I spoke to Pam Stanley, the owner of Shaggy Pines Dog Park in Grand Rapids, Michigan, and also to Janice, the owner of the Howlabaloo Dog Park in Pennsylvania. Pam Stanley had a membership target of 400 monthly memberships per month, and started with approximately 300 monthly memberships when she first opened. She is now targeting 500 monthly memberships. Janice told me that her membership numbers were similar and she has seen similar trends in membership. In order to be conservative, I have started with 175 monthly memberships and have targeted 300 at the end of 2010.

Sales projections for the Dog Daycamp area, are also based on the trends from Camp Fido. Kerry Mulholland, the owner of Camp Fido told me that she started with 4 dogs per day when she first opened. Based on this, and also the fact that she has already established this type of business in Kalamazoo, and thus introduced people to the idea, I projected 6 dogs per day for the daycamp. I believe this number to be extremely conservative, and actually expect that the daycamp will produce higher numbers than projected, mostly because there is already knowledge about this service, and a high demand has already been established. By offering both the daycamp and the dog park in one location, as well as the bathing stations, customers have more services to choose from than they have ever had before.

Marketing

Market Analysis

The market for The Bark Park is all of the dog owners within Kalamazoo County, particularly those living in the cities of Portage and Kalamazoo. The surrounding counties of Barry, Branch, Calhoun, St. Joseph, and Van Buren could also provide customers, as they do not have ready access to a similar facility, but they would be a secondary focus. Those counties currently license an additional 30,000 dogs

collectively. Dog owners from these counties would most likely purchase occasional day passes or weekend memberships, depending on proximity to the location and their desire to bring their dogs to the park.

Our primary target customer would come from a household which considers the dog a member of the family, especially those that consider the dog to be of equal status to other members of the family, and households that enjoy spending time exercising and playing with their dog. Most of these customers would be men and women primarily between the ages of 35 and 65.

Our target demographic consists of customers who lead a lifestyle in which their dogs play a large part, and the dogs are considered "children" by their owners. Older couples with a dual income or retired "empty nesters", single adults, and young professionals would be the primary target market. Women present a more favorable target market over men, as 66% of single women consider their dogs part of the family opposed to 52% of single men. Since young children are not allowed in the park for the most part, younger families with small children would not be considered a target market, although the adults may consider bringing the dogs on their own without their children.

Pet Industry Trends

In the past 10 years, pet spending has more than doubled and is expected to hit over $50 billion by the end of the decade. The pet industry is now the 7th largest retail segment in the United States. In 2009, pet spending is expected to reach $45.4 billion, up from the $43.2 billion spent in 2008. Of this, $3.2 billion was spent on pet services in 2008, and pet owners are expected to spend another $3.4 billion in 2009. Pet spending has long been thought to be recession-proof, and this has been tested more than ever in 2009, yet more than 92% of dog owners reported they have spent equal or more money on their pets during 2009.

With our senior population expanding, and young professionals delaying having families or not having families altogether, more dogs than ever are taking the place of children at home. Dog owners now spend an average of $453 a year on surgical veterinary visits, and 94% of dog owners say they take their dogs to the vet for regular checkups. Dog owners are demanding the same care for their dogs as they can get for themselves, and more dog owners are taking their pets to board-certified specialists for advanced care. In response, the pet insurance market increased 23% in 2008 from 2009, and thus far in 2009 has increased 21% over 2008. By 2010, the pet insurance market is expected to grow to $500 million.

Clearly, as dog owners are spending heavily on health-oriented services, the desire to nurture their dogs in their daily lives has, in turn, driven the demand for pet care services to an all time high, with 83% of pet specialty stores citing "more services" as their number one trend of interest. As a result, pet care services are the fastest-growth area of the overall pet market, chalking up double-digit annual sales gains expected to continue for the foreseeable future, driving the market past the $20 billion mark by 2010. Hot trends include a surge in luxury boarding, dog hotels, doggie daycare, and dog parks. In 2009 and 2010, pet lovers are predicted to increase their patronage of niche

services, such as day spas, luxury pet boarding, doggie daycare, pet sitters, camps, and... dog parks.

August 24, 2010

Christopher T. Forth
Deputy Director of Planning and Development Services
7900 S. Westnedge Ave,
Portage, MI 49002

Dear Chris:

I am writing in response to the letter you sent me regarding the Special Land Use Permit and Site Plan for the Bark Park. I will address the issues below as itemized in your letter.

Community Development Department

1. The Bark Park Dog Park and Dog Daycare will provide a use similar to other uses allowed in the I-1 District. The Bark Park provides a service similar to that of a veterinary clinic and incidental facility, which is allowed as a principal permitted use within the I-1 District. Many veterinary clinics in the state offer additional amenities such as dog boarding, dog daycare, and training classes. The Bark Park will offer dog daycare and most likely host training classes as well, similar to those offered by a veterinary clinic. Additionally, special land uses listed for the I-1 District outdoor theatres, which provide outdoor recreation and entertainment for patrons. The Bark Park will provide a safe, fenced-in area for Portage and Kalamazoo residents to spend time outside with their pets, playing and exercising together. The location of the Bark Park at 6604 Lovers Lane provides an area in which this type of use would not adversely affect the adjacent area around the park, and the site plan for The Bark Park includes provisions such as those outlined in Section 9, a-b of the Special Land use section, aside from those specific to an actual outdoor theatre. The use of this property for a dog park and dog daycare will provide a much-needed service the people who live and work in this area of the city, and also the surrounding community.

2. I have obtained approval from the MDRNE to erect a fence within the 100-year floodplain. Said approval is attached to this letter. In addition, I have discussed the need to obtain a permit to erect a fence within the wetland area with the MDRNE, and am submitting application to them in order to obtain a permit or waiver to erect the fence within the wetland area. This process is still underway and approval would be obtained prior to installing the fencing in the wetland area.

3. The location of the existing fencing will be moved back to the line of the house (see revised site plan). Screening and landscape treatments would be in front of the fence to block view from the street. Screening and landscape treatments would also be along the south and east area of the site that is not already screened by trees.

4. Parking demand was established through input from other dog park facilities around the country that I had contacted and asked about traffic, most particularly at high volume times. I have also visited the Prairie View Dog Bark in Vicksburg and reviewed the level of cars in the parking area at peak times, and it does match what I have been told by other dog parks. We have set aside area for future parking if

needed within the site plan. As the dog daycare is a drop off and pick up service, and there is no long term parking other than for employees, which is 1-2 people at the most. I conferred with Kerry Mulholland, owner of Camp Fido in Oshtemo for parking needs for the dog daycare.

5. At this point, there is no plan for outdoor lightning other than around the house. As the park hours are during daylight, there is no need to add additional lighting. Should this change, lightning would be installed in concurrence with all requirements of the city, such as lighting plans, permit application, etc.

6. The recommended notation will be added to the revised site plan.

7. I would like to request a waiver from the sidewalk requirement, as no other businesses or properties along the west side of Lovers Lane have sidewalks in front of them. If a sidewalk were installed, it would look out of place, and as there is a public walkway on the east side of the road, it would most likely not be used, as people would not cross the street to walk along a short stretch of sidewalk and then return to the other side of the road to return to the public walkway.

Transportation and Utility Department

1-4. These items will be addressed and/or included on the revised site plan.

Fire Department

1. No response seems to be required

2. This will be addressed and any changes included on the revised site plan.

3. Upon approval of the site plan, a jpeg format will be submitted.

If you have any further issues that need to be addressed, please contact me immediately.

Sincerely,

Meg Forrest
Owner, The Bark Park Dog Park, LLC

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
KALAMAZOO DISTRICT OFFICE

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

April 30, 2010

Meg Forest
6604 Lovers Lane
Portage, MI 49002-3604

Dear Ms. Forest:

SUBJECT: Floodplain Service Number: 10-39-0003-FP
Section 10, T 03S, R 11W, City of Portage, Kalamazoo County, Portage Creek

Thank you for your April 06, 2010 request for floodplain information at the above site. The 100-year floodplain elevation of the Portage Creek at this site is estimated to be 839.5 feet NAVD88. This estimate was based on the Flood Insurance Study dated February 17, 2010. Please see the attached map showing the regulatory floodway, 1%, and 0.5% chance floodplain boundaries.

It is the understanding of this office that you plan on installing fencing at the property for the purpose of enclosing a dog park. A portion of this fenced area will likely lie within the regulated 1% chance floodplain. However, installation of an open-style (chain link) fence may be conducted in the floodplain fringe (outside the floodway) without a Part 31 permit.

In general, construction and fill may be permitted in portions of the floodplain that are not floodway, provided local ordinances and building standards are met. Floodways are the channel of the stream or drain and those portions of the floodplain adjoining the channel that are reasonably required to carry and discharge the 100-year flood. These are generally the areas of moving water during a flood. Work activity in the floodway will normally require an engineering analysis to verify that the proposal does not increase the floodplain elevation on upstream properties. Residential construction is prohibited in the floodway portion of the floodplain.

The City of Portage participates in the National Flood Insurance Program (NFIP). Proper enforcement of the building code standards is a prerequisite of the community's participation in the NFIP. Additional local requirements may also apply and be more restrictive. In the NFIP communities, flood insurance must be purchased as a condition of obtaining a federally insured mortgage in federally identified 100-year floodplain areas. Insurance rates can be very high for new construction if the lowest floor elevation standards are not met.

A cursory review of the Wetland Inventory Maps indicates that wetlands may exist on portions of this site. Wetlands are regulated under the authority of Part 303, Wetlands Protection, of the NREPA. The existence of wetlands may restrict the development on site. If you are unsure of the presence of wetlands, it is recommended that you contact the LWMD concerning the Wetlands Identification Program (WIP) or engage a private wetland consultant. For more information regarding wetlands, please contact Larry Poynter of this office at 269-567-3566 for a permit application and information. The permit application may also be found at the following internet address:
www.michigan.gov/jointpermit.

This letter does not obviate the need for any other State, Federal, or local permits which may be required by law. If you have any further questions regarding the floodplain requirements, please feel free to contact me.

Sincerely,

Ernest Sarkipato
District Floodplain Engineer
Land and Water Management Division
269-567-3564

Enclosure

cc: Terry Novack, City of Portage Building Official

GENERAL NOTES

1. All construction shall conform to all applicable local, state and federal rules and regulations.

2. The contractor shall verify all site conditions prior to commencing any work. Report any discrepancies to the Engineer prior to commencing any work. Failure to note discrepancies denotes acceptance of site as is.

3. All signs will comply with the (submitted separately) City of Portage sign requirements
All signs will be approved under separate permit from City of Portage

4. All Site lighting will be installed and maintained consistent with City of Portage Zoning Ord.
2 exist. fixture MV @ se corner of building
wall pac new on front(east) of building & new sidewalk
wall pac new on front(south) of building @ new HC ramp
wall pac new on back middle of building

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

6. Parking stalls furnished (9' x 20'): 15 Cars Inc. (1 B.F.)

7. Project owner: The Bark Park Dog Park
3410 Laird Ave
Kalamazoo, MI 49008
Meg Forrest 269-553-0458

8. Site Area: 212,400 s.f./ 4.9 Acres

9. Site Zoning: I-1

10. Wetlands are not present at the building area.
100 year floor plain shown on plan

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

12. Existing Building
1 story - Exist. wood frame residential construction
- const. type 5 - Size - 1,588 sq. ft.

13. Driveway: Existing curb cut to be removed. New curb cut / drive to meet commercial drive std. SD-116 (City of Portage)

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

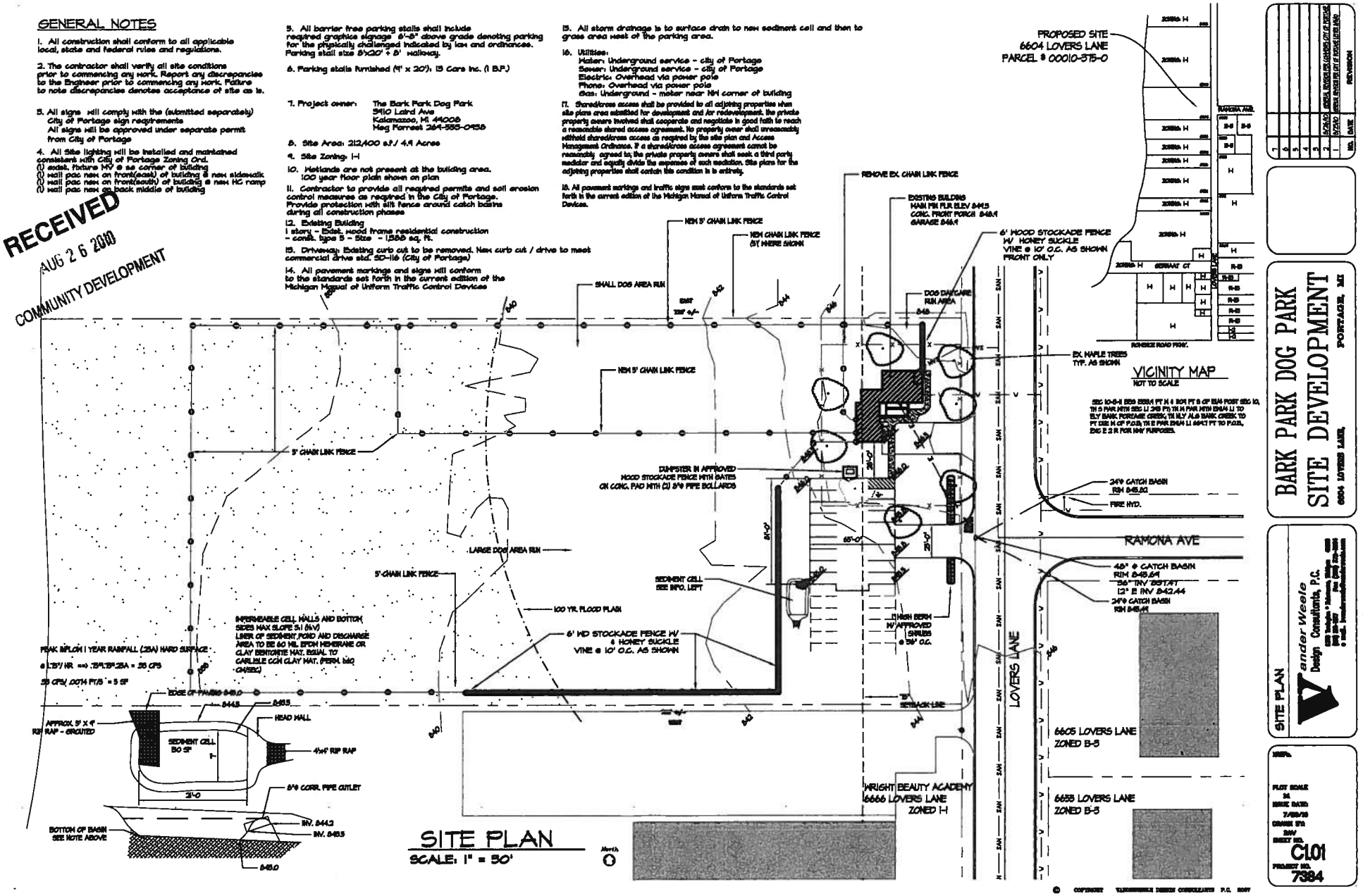
15. All storm drainage is to surface drain to new sediment cell and then to grass area west of the parking area.

16. Utilities:
Water: Underground service - city of Portage
Sewer: Underground service - city of Portage
Electric: Overhead via power pole
Phone: Overhead via power pole
Gas: Underground - meter near NW corner of building

17. Shared access shall be provided to all adjoining properties when site plans are submitted for development and for redevelopment, the private property owners involved shall cooperate and negotiate in good faith to reach a reasonable shared access agreement. No property owner shall unreasonably withhold shared access as required by the site plan and Access Management Ordinance. If a shared access agreement cannot be reasonably agreed to, the private property owners shall seek a third party mediator and equally divide the expenses of such mediation. Site plans for the adjoining properties shall contain this condition in its entirety.

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

RECEIVED
AUG 26 2019
COMMUNITY DEVELOPMENT



SITE PLAN
SCALE: 1" = 50'

NO.	DATE	REVISION
1	8/29/19	PER PLANNING COMMENTS OF 8/29/19
2	9/26/19	PER PLANNING COMMENTS OF 9/26/19
3		
4		
5		
6		
7		

BARK PARK DOG PARK
SITE DEVELOPMENT
6604 LOVERS LANE, PORTAGE, MI

SITE PLAN

Vander Weele Design Consultants, P.C.

PLOT SCALE
1:1
ISSUE DATE
7/29/19
DRAWN BY
DMV
SHEET NO.
C1.01
PROJECT NO.
7384

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RECEIVED
AUG 19 2010
COMMUNITY DEVELOPMENT

Date: 8/17/2010

To: City of Portage, Department of Community Development

Subject: 6604 Lovers Lane

In reference to the proposed 4.9 acre on Lovers Lane for use as a dog park, I am 100% in favor of this land use. I fully endorse this type of business/service, however I have a large concern about traffic as this area of Lovers Lane tends to invite people who drive way over the speed limit.

Regards,

John R. Carnago
President

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 27, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Special Land Use Permit: CrossFit Health & Fitness, 1176 Gernaat Court

I. INTRODUCTION:

An application has been submitted by AZO Fitness LLC requesting a Special Land Use Permit to establish a health and fitness center (CrossFit) within a portion of the existing building. The applicant is proposing to establish a 2,400 square foot health and fitness center in Unit B within the approximate 16,000 square foot building. CrossFit will provide strength and conditioning classes and one-on-one personal training. Classes will be limited to a maximum of 12 participants and hours of operation will be primarily early mornings and late evenings with some variation for personal training sessions. Interior building modifications will be completed to accommodate the health and fitness use, however, no exterior building and/or site changes are proposed. The 1.2 acre property is zoned I-1, light industry.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	• I-1, light industry and improved with an industrial building and associated parking facilities. • Vacant land zoned I-1 borders the site to the south, west and north (across Gernaat Court. • An industrial use zoned I-1, borders the site to the east.
Comprehensive Plan	• Future Land Use Map component of the Comprehensive Plan identifies the subject site along with surrounding properties as appropriate for general industrial land use.
Access	• A full service driveway from Gernaat Court (a private street).
Environmental Issues	• A review of the City of Portage Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Land Development Regulations	• The application has been submitted under Section 42-280.C.10, *Special Land Use* in the I-1 zoning district: *"Other uses similar to, and not more objectionable than, the uses permitted in this section, which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare."* • Section 42-462, *General Standards for Review of Special Land Uses*, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
Historic District/ Structure	• The subject site is not located within a historic district and does not contain any historic structures.

III. ANALYSIS:

Section 42-280.C.10 of the Zoning Code allows the Planning Commission to consider establishment of *"(o)ther uses similar to, and not more objectionable than..."* uses that are allowed in the I-1, light industry zoning district. A health and fitness center with the assembly of people and instructional classes is similar to a trade or industrial school, which is permitted in the I-1 zone. CrossFit is also similar to other uses that have been previously approved by the Planning Commission in the I-1 district including Kids Gym (9027 Portage Industrial Drive) and Courthouse Athletic Center (7365 South Sprinkle Road). Additionally, the nature and location of the use *"...will not be injurious or have an adverse effect on adjacent areas..."*

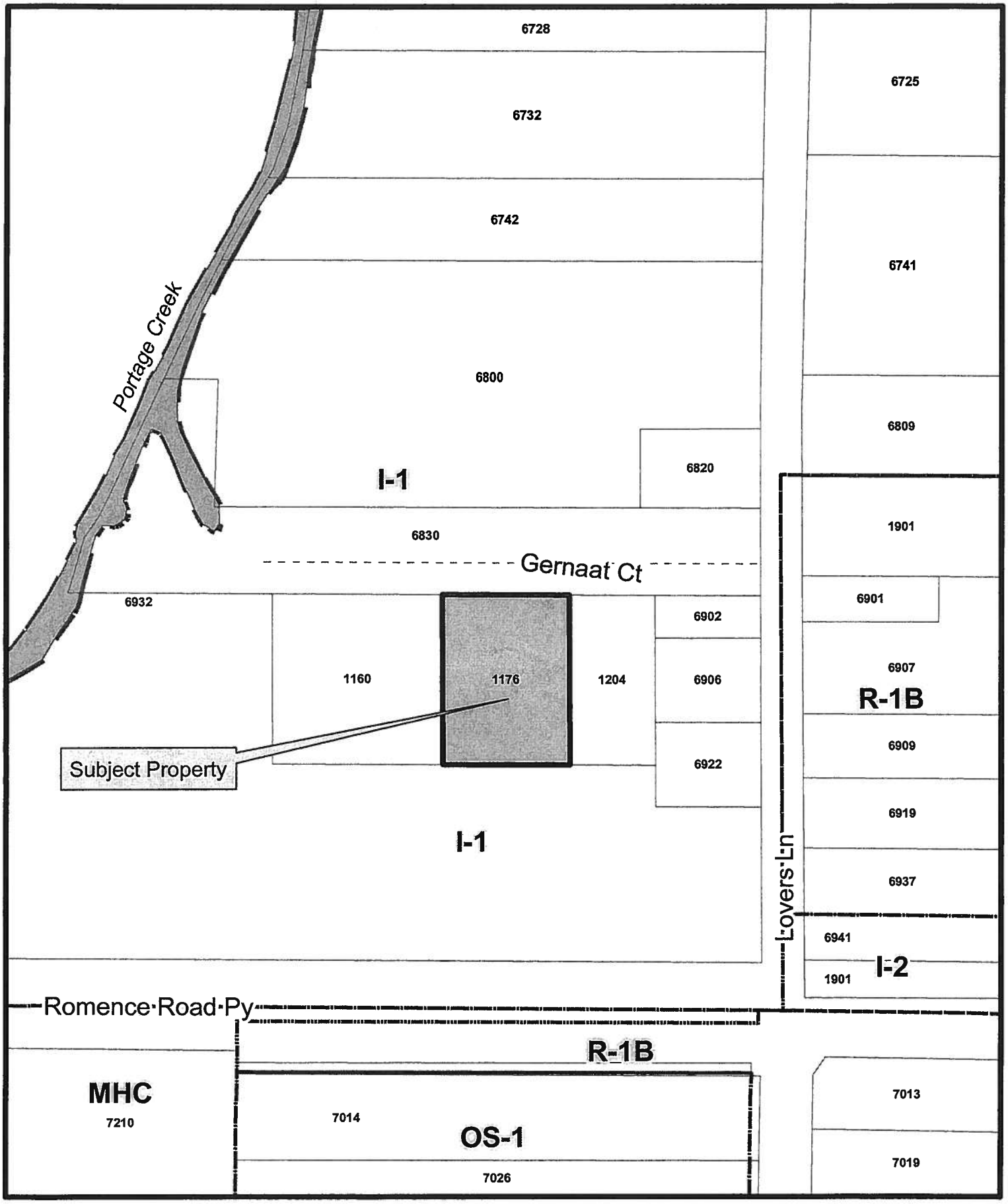
The special land use permit has also been reviewed in the context of the General Standards of Review contained in Section 42-462. The establishment of CrossFit within a portion of the existing building located at 1176 Gernaat Court promotes the intent and purpose of the I-1 zone and will not change the industrial character of the area. The health and fitness use is also consistent and compatible with other uses allowed in the I-1 district and represents an efficient use of land that will not unduly affect the capacities of public services and facilities. Finally, the use is consistent with the public health, safety and welfare of the community and harmonious with the objectives of the Comprehensive Plan.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for CrossFit Health & Fitness, 1176 Gernaat Court, be approved.

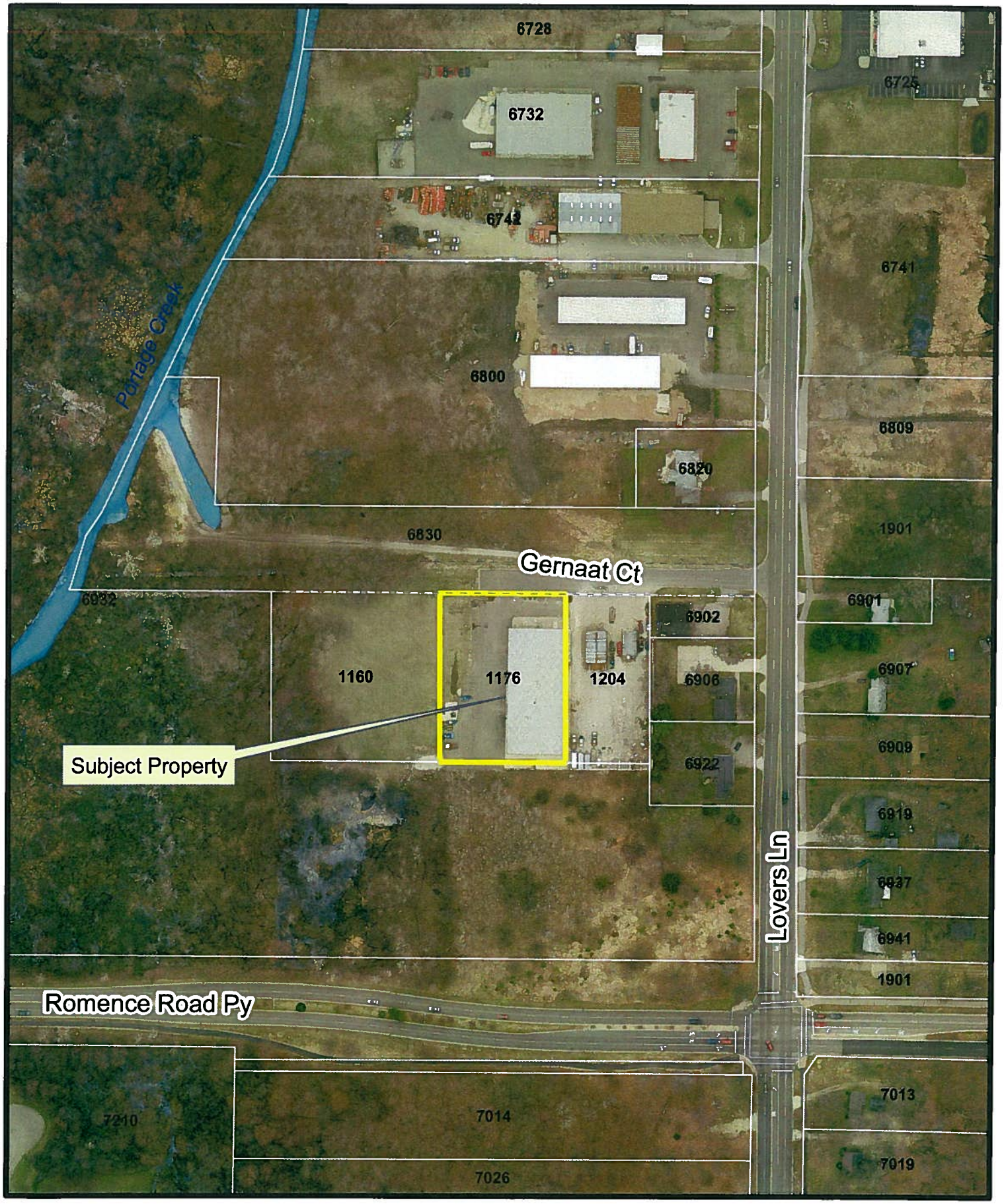
Attachments: Vicinity/Zoning Map
Aerial Photograph
Special Land Use Permit Application and related materials



SPECIAL LAND USE PERMIT
1176 Gernaat Court

0 65 130 260 Feet

Subject Property
Zoning Boundary



SPECIAL LAND USE PERMIT
1176 Gernaat Court

0 65 130 260 Feet

Subject Property

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

APPLICANT INFORMATION

Name		Telephone Number	
A20 FITNESS, LLC. JAMES BRAY		(269) 330-8855	
Address	**City**	**State**	**Zip code**
2136 AMES DR.	PORTAGE	MI	49002

OWNER INFORMATION (if different)

Name		Telephone Number	
FRANK PETERMAN			
Address	**City**	**State**	**Zip code**

PROPERTY INFORMATION

Address of property	Zoning District	Land Area (acres)
1176 GERNAAT CT UNIT D		

Legal Description (or attach separate page)

PROPOSED USE

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

SEE ATTACHED letter

RECEIVED
COMMUNITY DEVELOPMENT

OWNER CERTIFICATION

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

Frank A Peterman PGAR, LLC -member
Signature

8-12-10
Date

8/2/10

RECEIVED
AUG 12 2010
COMMUNITY DEVELOPMENT

To whom it may concern:

1176 Gernaat Ct., Unit B, Portage.

The above mentioned space (2400 sq ft.) would be rented by AZO Fitness LLC, to open and operate a CrossFit affiliate site. The space would be used for coached strength and conditioning classes and one-on-one personal training, all incorporating the CrossFit methodology and principals. CrossFit utilizes three main avenues for increasing a member's strength and overall fitness: weightlifting, gymnastics, and metabolic conditioning ("cardio"). The equipment list for the space is as follows: pull up bars, rowing machines, medicine balls, dumbbells and barbells, plyometric boxes, kettlebells, jump ropes, etc. Many of the exercises are body weight oriented, meaning the only resistance is from the weight of your body (i.e. pushups, pullups, handstands, box jumps.) From the CrossFit mainsite (www.crossfit.com):

"CrossFit is the principal strength and conditioning program for many police academies and tactical operations teams, military special operations units, champion martial artists, and hundreds of other elite and professional athletes worldwide. Our program delivers a fitness that is, by design, broad, general, and inclusive. Our specialty is not specializing. The CrossFit program is designed for universal scalability making it the perfect application for any committed individual regardless of experience. We've used our same routines for elderly individuals with heart disease and cage fighters one month out from televised bouts. We scale load and intensity; we don't change programs. The needs of Olympic athletes and our grandparents differ by degree not kind. Our terrorist hunters, skiers, mountain bike riders and housewives have found their best fitness from the same regimen."

The space itself will not be changed from its current arrangement; that is a large open space with an office and small bathroom. The only planned renovations are cosmetic, with the possible addition of a single standup shower to be used by staff only.

We at AZO fitness LLC are members of the Portage community, and both members currently live in South Portage. We look forward to doing business here, and keeping the citizens of Portage and greater Kalamazoo fit.

James Bray

8/22/10

To: Chris Forth, City Of Portage

From: James Bray
AZO Fitness, LLC

Re: Hours of operation/occupancy

Hello Chris,

I have been asked to write a letter stating the proposed hours of operation and occupancy limits for CrossFit AZO, which would be operating out of 1176 Gernaat Ct., in Portage. They are as follows:

Hours of Operation

Monday	5:30-9:30 pm
Tuesday	5-6am
Wednesday	5:30-9:30 pm
Thursday	5-6am, 5:30 –9:30pm
Saturday	9-11am

Personal training hours will vary.
There are no "open gym" times.

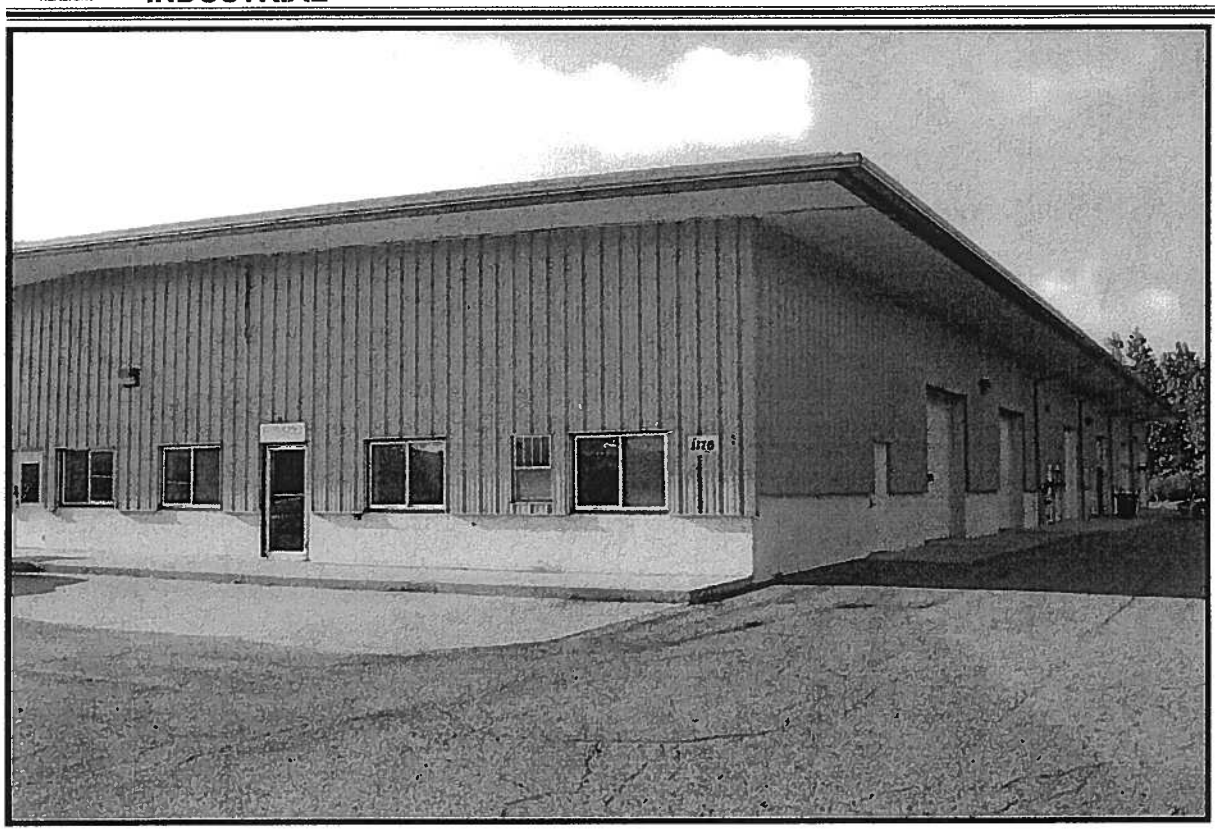
Occupancy limits
Our classes will have no more than 12 members.

If there is anything else you need, please feel free to contact me. Thank you.

James Bray
CrossFit AZO

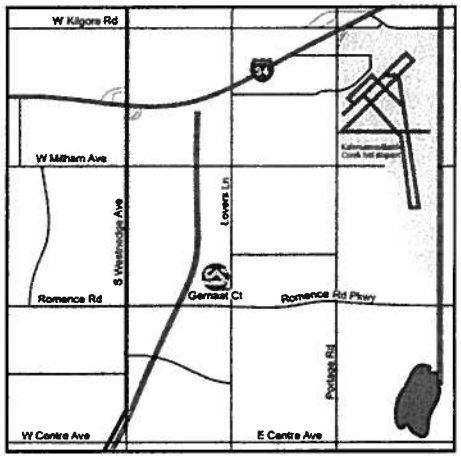
INDUSTRIAL

For Lease



1176 Gernaat Court, Portage, MI

Total Avail Sq. Ft.:	5,400
Min/Max Contiguous Sq. Ft.:	2,400 - 5,400
Lease Rate:	$3.50 - $3.95 NNN
Lease Term:	36 Months
Year Built:	1966 (Retrofit: 1994)
Zoning:	I-1
Clear Height:	18'
Restrooms:	Yes, per unit
Parking:	On-Site
Exterior Construction:	Metal
Structural System:	Concrete Block
Grade Doors:	1: 12 x 12 (Suite C)
Power:	3 Phase
Total Taxes:	$11,058 (2008)
SEV:	$210,600 (2008)



Comments: Portage industrial building in a quiet setting off Lovers Lane. (1) 2,400 SF unit (B) and (1) 3,000 SF unit (C) or (1) 5,400 SF unit combining units B & C. Freshly painted and very clean, floor drains, lots of water to suite, oil separator.

For additional information, contact:

Jeff Chrystal, (269) 385-2000
jchrystal@signatureassociates.com
Marc R. Tourangeau, (269) 385-2000
mtourangeau@signatureassociates.com

SIGNATURE ASSOCIATES
THE TEAM No Signature. No Results.

An independently owned and operated member of the CUSHMAN & WAKEFIELD ALLIANCE

5200 E. Cork Street - Kalamazoo, MI 49048
www.signatureassociates.com

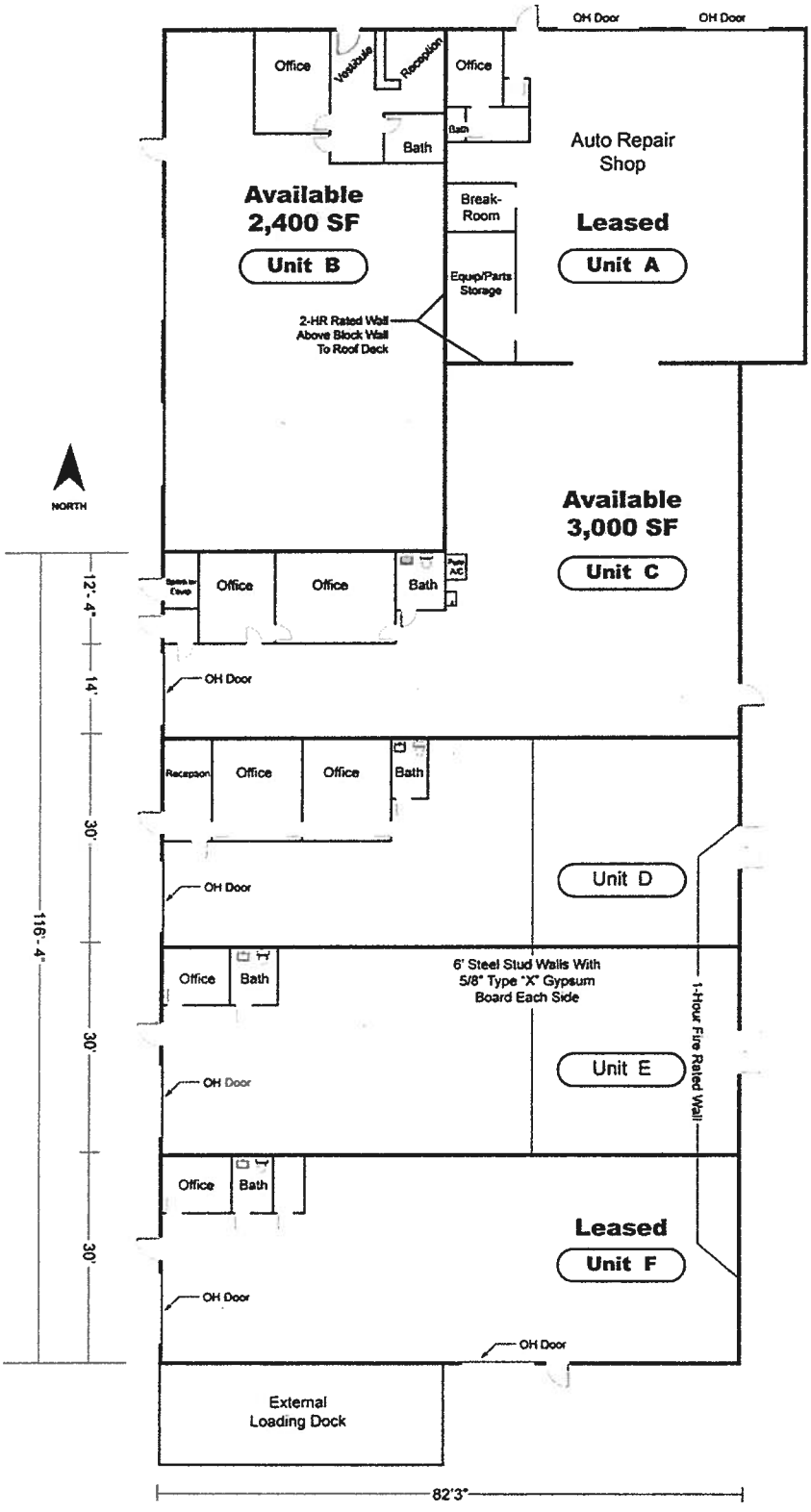
Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

INDUSTRIAL

For Lease

1176 Gernaat Court, Portage, MI

Floor Plan



Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

INDUSTRIAL

For Lease

1176 Gernaat Court, Portage, MI

Aerial

Information is subject to verification and no liability for errors or omissions is assumed. Price and terms are subject to modification.

CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** August 27, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: 2010 Planning Commission Rules of Procedure

Based on the August 19, 2010 discussion with the Planning Commission, attached is a revised copy of the Planning Commission Rules of Procedure. The revisions include elimination of the requirement that the Planning Commission fill an officer vacancy no later than the second meeting after the vacancy occurs and minor typographical changes.

The Planning Commission is advised to review the revised Rules of Procedure during the September 2, 2010 meeting and, subsequent to this discussion, adopt the 2010 Planning Commission Rules of Procedure.

Attachments: 2010 Planning Commission Rules of Procedure

S:\2009-2010 Department Files\Board Files\PLANNING COMMISSION\Rules of Procedure\2010 08 27 PC Rules of Pro MMO2.doc

CITY OF PORTAGE PLANNING COMMISSION

RULES OF PROCEDURE

ARTICLE I – COMMISSION AUTHORITY, PURPOSE AND OBJECTIVES

Section 1. The Commission shall exercise such powers and perform such duties as are authorized and required by P.A. 33 of 2008, Michigan Planning Enabling Act (M.C.L 125.3801 *et seq.*), as amended, P.A. 110 of 2006, Michigan Zoning Enabling Act (M.C.L. 125.3101 *et seq.*), as amended, and City of Portage City Charter and Code of Ordinances.

Section 2. The Commission shall make and approve a master plan as a guide for development within the City of Portage. The Commission shall review and act upon all proposed zoning ordinances, zoning amendments, special land use permits, site plans, preliminary plats, amendments to land use plans, capital improvement programs, plans from adjacent and contiguous governmental units, and other related duties, pursuant to statutory and ordinance requirements.

Section 3. The Commission shall adopt these Rules of Procedures for the transaction of business, and shall keep a public record of its resolutions, transactions, findings, and determinations.

Section 4. The Commission shall make an annual written report to the legislative body concerning its operations and the status of planning activities, including recommendations regarding actions by the legislative body related to planning and development.

ARTICLE II – MEMBERSHIP AND OFFICERS OF COMMISSION

Section 1. Membership of the Commission shall consist of nine members. Members of the Commission shall be appointed by the Mayor subject to approval of a majority of City Council elected and serving in accordance with the Michigan Planning Enabling Act and per City Charter.

Section 2. The officers of the Commission shall consist of a Chairperson, Vice-Chairperson and a Secretary and other officers as may be considered advisable, per the Michigan Planning Enabling Act.

Section 3. Said officers shall be elected by a vote of the Commission at the annual meeting in June and shall serve for a period of one year, or until their successors are elected. Nomination of officers shall be made from the floor of the meeting and the election shall be immediately thereafter. Vacancies in office shall be filled by regular election procedure.

Section 4. The Chairperson shall preside at all meetings of the Commission. The Chairperson shall have a vote upon all actions as a Commissioner. The Chairperson shall sign all documents authorized by the Commission. The Chairperson may appoint members to committees and advisory committees, subject to Commission approval.

Section 5. In the event the office of the Chairperson shall become vacant by death, resignation or otherwise, the Vice-Chairperson shall become Chairperson for the unexpired term of this office.

Section 6. In the event of the absence of the Chairperson or the inability of the Chairperson to discharge the duties of this office, such duties shall for the time being devolve upon the Vice-Chairperson. In the event the Vice-Chairperson is for like reason, unable to act, such duties shall for the time being devolve upon the Secretary.

Section 7.

(a) Each member of the Commission shall avoid conflicts of interest and not deliberate on, vote on, or review a matter where a conflict of interest exists. Conflicts of interest include, but are not limited to the following: where the concern involves the member, the immediate family or household of the member; where the subject property is owned by or is within 300 feet to property owned by the member; or where there is a corporation, partnership or other entity in which the member has an ownership, employment, or other financial interest. Conflicts of interest of a member may also arise where the member may derive a personal profit or gain, directly or indirectly, from his or her official position or authority or benefit financially from confidential information which the member has obtained or may obtain by reason of that position or authority or where the member has a substantial direct or indirect financial, personal or ownership interest other than an interest similar to that of other citizens affected.

(b) Potential conflicts of interest shall be raised by a member as soon as known by the member and if a conflict of interest exists, the member shall not receive materials concerning the conflict of interest, participate in discussions regarding the matter, attend a closed session in which the matter is discussed and shall exit the meeting room during deliberation of the matter.

(c) The remaining members of the Planning Commission may vote to disqualify a member from participating, reviewing or voting on a matter if the interested member neglects or fails to disqualify him or herself.

(d) Failure of a member to disclose a potential conflict of interest as required by these Rules of Procedure constitutes malfeasance in office.

Section 8. If a member of the Commission has *ex parte* contact with an applicant who has a request before the Commission, the member shall disclose such contact to the Commission at the public hearing or deliberation of the matter.

ARTICLE III – MEETINGS

Section 1. Regular meetings of the Commission shall be held the 1st and 3rd Thursday of each month at Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002 for the transaction of such business as may be brought before the Commission. When a regular meeting falls on or near a holiday, the meeting schedule may be adjusted as determined by the Commission. Special meetings to accommodate applicant requests and additional business may also be scheduled periodically by the Commission. All meetings of the Commission shall be open to the public and shall comply with the Open Meetings Act.

Section 2. The second regular meeting held in the month of June shall constitute the annual meeting of the Commission.

Section 3. Members of the Commission shall be notified in writing of the time and place of all meetings not less than 48 hours before the meeting. Notices of meetings of the Commission shall specify the business to be transacted and no other business shall be officially considered at said meeting, unless added by the affirmative vote of at least five members of the Commission.

Section 4. A written agenda shall be prepared for all meetings before the Commission. The normal order of business shall be as follows:

(a) Call to Order
(b) Pledge of Allegiance
(c) Approval of Minutes
(d) Site/Final Plans
(e) Public Hearings
(f) Plats/Residential Condominiums
(g) Old Business
(h) New Business
(i) Statement of Citizens
(j) Adjournment

Section 5. During meetings where a large number of citizens may be anticipated to be present who may wish to speak regarding an agenda item, the Chairperson may establish a time limit for public comment and request that citizens not repeat previously voiced comments. Further, the Commission may adjourn the public hearing to a larger venue if circumstances require.

Section 6. The City Manager, or designate, on behalf of the Commission, shall prepare all public notices for agenda items pending before the Commission consistent with the Michigan Planning Enabling Act, Michigan Zoning Enabling Act, Open Meetings Act and other applicable statutes.

Section 7. The City Manager, or a member of the City Administration as designated by the City Manager, shall attend all Commission meetings.

Section 8. The City Attorney, or designate, shall provide professional legal advice and attend all Commission meetings.

Section 9. Following every meeting, the City Manager, or designate, shall prepare summary meeting minutes for review and approval by the Commission at the next scheduled meeting.

ARTICLE IV – QUORUM AND VOTING

Section 1. Five members of the Commission shall constitute a quorum for the transaction of business.

Section 2. At least five concurring votes shall be necessary for all decisions made by the Commission, except when a motion involves an amendment to the Master Plan, which shall require an affirmative vote of at least 2/3 (six concurring votes) of the membership of the Commission and unless otherwise provided by law or these Rules of Procedure

Section 3. Each Commissioner present shall be entitled to one vote in meetings of the Commission.

Section 4. The City Manager, or designate, City Attorney and other officials of the City may participate in Commission discussions, but shall not vote, introduce motions or initiate any other parliamentary action.

ARTICLE V – COMMITTEES

Section 1. The Commission may approve committees of Commission members with such duties and functions as it deems available. The Chairperson with approval of the Commission may approve appointment of advisory committees whose members are not members of the planning commission, per the Michigan Planning Enabling Act.

Section 2. The Commission may also authorize advisory committees whose membership may consist of individuals whose experience, training or interest may qualify them to lend valuable assistance to the Commission by acting in an advisory capacity in consulting with the Commission on the technical and special phases of its programs.

ARTICLE VI – AMENDMENTS

Section 1. These Rules of Procedure may be altered or suspended, amended or repealed by the Commission at any regular or special meeting,

ARTICLE VII – RULES OF ORDER

Section 1. In all cases not covered by these rules, Roberts Rules of Order will govern.

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM AUGUST 10, 2010

The Regular Meeting was called to order by Mayor Strazdas at 7:33 p.m.

At the request of Mayor Strazdas, Councilmember Urban gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Firefighters Fill the Boot Days for the Muscular Dystrophy Association Proclamation.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the July 27, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban and mayor Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Cambell to read the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF AUGUST 10, 2010:** Motion by Reid, seconded by Campbell, to approve the Check Register of August 10, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **BUDGET AMENDMENT FOR STORM DAMAGE CLEAN UP:** Motion by Reid, seconded by Campbell, to approve a budget amendment to the Leaf Pickup Spring Cleanup Fund in the amount of $36,567 to replenish funds used to clean up storm damage that occurred on July 15, 2010. Upon a roll call vote, motion carried 7 to 0.

* **PROPOSED ONE-YEAR LABOR AGREEMENT WITH THE PORTAGE POLICE OFFICERS ASSOCIATION:** Motion by Reid, seconded by Campbell, to approve a one-year labor agreement between the City of Portage and the Portage Police Officers Association and authorize the Mayor and City Clerk to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **PURCHASE OF DIGITAL RECORDING EQUIPMENT FOR POLICE INTERVIEW ROOMS:** Motion by Reid, seconded by Campbell, to award a contract to GTSI for digital recording equipment for Police interview rooms in an amount not to exceed $28,928.13 and authorize the City Manager to execute all documents related to this purchase. Upon a roll call vote, motion carried 7 to 0.

* **PORTAGER NEWSLETTER PRINTING CONTRACT:** Motion by Reid, seconded by Campbell, to renew the contract with J.B. Printing Company in the amount not to exceed $25,390 for the annual production of the *Portager* newsletter and authorize the City Manager to execute all documents related to the contract. Upon a roll call vote, motion carried 7 to 0.

* **MANAGED PRINTER SERVICES PROPOSAL:** Motion by Reid, seconded by Campbell, to approve a one-year managed printer services agreement with the option to exercise three one-year renewals with Precision Printer Services, Incorporated, for the provision of printer supplies and services and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **APPOINTMENT OF DIRECTOR OF TRANSPORTATION & UTILITIES:** Motion by Reid, seconded by Campbell, to confirm the appointment of Chris Barnes as the City of Portage Director of Transportation & Utilities. Upon a roll call vote, motion carried 7 to 0. City Council congratulated Mr. Barnes for his promotion.

* **DOWNTOWN DEVELOPMENT AUTHORITY ANNUAL REPORT - INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the Downtown Development Authority Annual Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **PRIVATELY OWNED PIPELINES IN PORTAGE - INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding privately owned pipelines in Portage as information only. Upon a roll call vote, motion carried 7 to 0.

MINUTES OF BOARDS AND COMMISSIONS: City Council received the minutes of the following Boards and Commissions:

Portage Senior Center Advisory Board of June 16, 2010.
Portage Park Board of July 7, 2010.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Robert El Henicky, 8126 Valleywood Lane, complimented the responsiveness of Police Officers Kyle Doster and Bryan Taffee with regards to speeding on Valleywood Lane.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Campbell said she received comments on how fast political signs were retrieved by candidates and congratulated those who won.

Councilmember Reid asked citizens to vote on the WKZO Potluck Pals Program to help determine which of the organizations will get funding.

Councilmember Urban said that, after the last City Council Meeting, a man commented that it sounded as if he had not read the Agenda materials. He explained that there were objections presented at the City Council Meeting that had not been presented at the Planning Commission or the Zoning Board of Appeals Meetings; therefore, City Council had many questions that needed to be answered. He further indicated that City Council comes to meetings without having their minds made up and ask questions to assist in their decision-making. Councilmember Urban also referred to Item F.8, Privately Owned Pipelines in Portage – Information Only, indicated that the flow of any residual from a pipe break to Vicksburg was not entirely acceptable and asked the City Manager for an evaluation of any safety or maintenance issues.

Councilmember Randall praised the volunteers who helped with the United States Tennis Association (USTA) Boys Tournament at Kalamazoo College and the Kalamazoo County Fair.

Councilmember O'Brien commented on the ribbon-cutting ceremony for the newly opened Northwest Bikeway as a mode of free transportation that is environmentally friendly and promotes a healthy lifestyle.

City Manager Evans concurred, described the exuberance of former Assistant City Manager Sean McBride when he heard about the completion of the project and mentioned a plaque received from the U.S. Census Bureau for the help received for their effort from city employees.

Mayor Pro Tem Sackley asked for a copy of the Spill Prevention Control and Countermeasures (SPCC) Plan from Wolverine Pipeline Company for his review and input.

Mayor Strazdas echoed Councilmember O'Brien's remarks about the Northwest Bikeway and mentioned the other ribbon-cutting that took place for the Water Treatment Plant on Garden Lane.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:09 p.m.

_____

James R. Hudson, City Clerk

***Indicates items included on the Consent Agenda.**

CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** August 10, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: July 2010 Summary Environmental Activity Report – Information Only

Attached please find the July 2010 Summary Environmental Activity Report from the Department of Transportation and Utilities Director, Dallas Williams. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: Dallas Williams, Director, Department of Transportation and Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice S. Evans, City Manager **DATE:** August 10, 2010

FROM: Dallas Williams, Director of Transportation & Utilities CDW

SUBJECT: July 2010 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

RECEIVED
AUG 11 2010
CITY MANAGER'S OFFICE
PORTAGE, MI

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
July 2010 (*updates in italics*)

Project/Activity	**Description**	**Status**
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling performed in June 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. *-Review of 4 site/building plans and/or plats completed in July 2010.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in July 2010: 5 residential, 1 commercial. One sewer connection made as part of the Mandatory Sewer Program.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of $5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008 . On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. Spring 2009 weed control application was completed in June 2009. New 5 year improvement plan and special assessment process was approved by

		City Council on March 23, 2010. *The initial 2010 lake treatment is complete and is being reviewed as to its effectiveness.*
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. City staff has initiated a compilation of all city retention basin groundwater levels. Winter sampling performed in early December 2009 with results submitted. Report under staff review. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. *Report is due in November 2010.*
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Next sampling scheduled for July 2010.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. Permit implementation is ongoing. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. Revised SWIPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWIPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWIPPI data and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public

		education plan and SWIPPI on January 15, 2008. Re-application for permit extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff currently working on updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010.
National Pollution Discharge Elimination System (NPDES) permit implementation	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. *Planning underway for Kalamazoo River Water Festival on August 14, 2010.*
	Portage River Watershed Management Plan	-Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the

		plan was revised and resubmitted on December 21, 2009.
	Five year plan to implement an Illicit Discharge Elimination Plan (IDEP).	-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of $152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of $184,264 for the remainder of the IDEP for the entire city. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.
Garden Lane Arsenic Removal Facility	Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.	-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were bids received on November 25, 2008. Contract awarded by City Council on December16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside piping and inside plumbing complete. Building interior and exterior site work complete. Interior painting complete. Garden Lane Well #4 drilling is complete and well building is completed. Start up activities began in May 2010. *Plant is in operation with ribbon cutting scheduled for August 2, 2010.*

Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	*-The number of environmental incident/spill investigations performed in July 2010-0. The number of incidents requiring city forces/contractor emergency cleanups–0.*
Localized Groundwater Table Investigation	Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.	-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008. Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through May 2010. Levels remain stable despite 5" of rainfall in June. *No change in water levels from June.* Sampling will continue through the summer months.
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to Review Surface Water Levels	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff to clarify permit requirements.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Success of grant application may not be known until late summer. *Notice received July 15, 2010 that the grant application was not successful.*