

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# PLANNING COMMISSION

October 6, 2011

# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**October 6, 2011  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* September 15, 2011

### **SITE/FINAL PLANS:**

- \* 1. Site Plan Reapproval: Fifth-Third Bank, 2610 East Centre Avenue

### **PUBLIC HEARINGS:**

- \* 1. Special Land Use Permit: Ms. Ashley Takace (group child care home), 7185 Venice Drive
- \* 2. Preliminary Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

September 6, 2011 City Council meeting minutes  
August 2011 Summary of Environmental Activities Report

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

PLANNING COMMISSION

DRAFT

September 15, 2011

The City of Portage Planning Commission meeting of September 15, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

**MEMBERS PRESENT:**

Bill Patterson, Jim Pearson, Paul Welch, Wayne Stoffer, Rick Bosch, Allan Reiff and Chairman James Cheesebro.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

Mark Siegfried and Miko Dargitz.

**IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Randall Brown, City Attorney.

**PLEDGE OF ALLEGIANCE:**

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the September 1, 2011 meeting minutes. A motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

**SITE/FINAL PLANS:**

None

**PUBLIC HEARINGS:**

1. Preliminary Plat of Oakland Farms North, 9810 Oakland Drive. Mr. Forth summarized the staff report dated September 9, 2011 and indicated the plat of Oakland Farms North represents the second phase of the single-family residential subdivision planned along the west side of Oakland Drive, north of Shaver Road. Oakland Farms North consists of 19 additional lots on approximately six acres of land. Staff is recommending the plat be approved subject to two conditions involving design of the street/underground utilizes and the temporary storm water retention basin.

The applicant, Mr. Dan Martz representing Hyland Associates, was present to support the proposed plat. Commissioner Pearson asked Mr. Martz if he has been in communication with the property owners to the north. Mr. Martz indicated he has been in contact with those property owners. Commissioner Welch asked

**DRAFT**

Mr. Martz if he was in agreement with the staff recommendation. Mr. Martz stated he concurs with the staff recommendation.

Chairman Cheesebro opened the public hearing. There being no public comment, a motion was made by Commissioner Welch and supported by Commissioner Patterson to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was made by Commissioner Patterson and supported by Commissioner Welch that the Planning Commission recommend to City Council approval of the preliminary plat of Oakland Farms North subject to the conditions outlined in the Department of Community report dated September 9, 2011. The motion was unanimously approved.

**OLD BUSINESS:**

None

**NEW BUSINESS:**

None

**STATEMENT OF CITIZENS:**

None

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Christopher Forth, AICP  
Deputy Director of Planning, Development and Neighborhood Services

**TO:** Planning Commission **DATE:** September 30, 2011  
**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development  
**SUBJECT:** Site Plan (Re-approval): Fifth-Third Bank, 2610 East Centre Avenue.

## I. INTRODUCTION

On May 21, 2009 the Planning Commission originally approved a site plan submitted by Progressive AE, on behalf of Fifth-Third Bank, to construct an approximate 4,300 square foot bank building and associated site improvements at 2610 East Centre Avenue. The Fifth-Third Bank project represents the first building within the Centreport Commons commercial development (Unit 2, Centreport Commons Condominium) planned at the southeast corner of Portage Road and East Centre Avenue. At the request of the applicant and since the site plan approvals were about to expire, the site plan was re-approved by the Planning Commission on November 19, 2009, May 6, 2010, November 4, 2010 and April 21, 2011. Section 42-484 of the Zoning Code requires that construction activities commence within six months of site plan approval or the approval becomes null and void. Although staff has advised the applicant that they could allow the site plan to expire and then resubmit when construction is more definite, the applicant has indicated that Fifth-Third Bank wishes to maintain an "approved" site plan.

Since site plan approval is scheduled to expire on October 21, 2011 the applicant is requesting re-approval. The site plan is being resubmitted with a reduction in the building size from the April 21, 2011 re-approval (previously approved: 4,322 square feet, proposed: 3,285 square feet).

Per the previously approved site plan for the CentrePort Commons development project, access to the condominium units including the Fifth-Third Bank site will be provided from one full-service driveway and one right-in/right-out only driveway on East Centre Avenue and on Portage Road. The East Centre Avenue full-service driveway is located at the east end of the property and the Portage Road full-service driveway is located at the south end of the property. Storm water from the Fifth-Third Bank site will be collected and conveyed to an underground detention system located beneath the parking lot.

## II. RECOMMENDATION

The site plan has been reviewed by the City Administrative departments and staff recommends that the site plan for Fifth-Third Bank, 2610 East Centre Avenue, be re-approved.

Attachments: Site plan sheets

S:\Comdev\2011-2012 Department Files\Board Files\Planning Commission\PC Reports\Site Plans\5-3 Bank, 2610 East Centre Avenue (October 2011)reapproval.doc









**TO:** Planning Commission

**DATE:** September 30, 2011

**FROM:** Vicki Georgeau, <sup>MA</sup> Director of Community Development

**SUBJECT:** Special Land Use Permit: Group Child Care Home, 7185 Venice Drive

**I. INTRODUCTION:**

An application has been submitted by Ms. Ashley Takace requesting approval to establish a group child care home for up to 12 children at her residence located at 7185 Venice Drive. Ms. Takace currently operates a family child care home (up to six children) from this residence and would like to expand her day care license. According to the applicant, the group child care home will operate Monday to Friday from 6:30 am to 5:30 pm.

**II. BACKGROUND INFORMATION:**

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>The 0.22 acre parcel is zoned R-1B, one-family residential and occupied by a 1,510 square foot two-story home with an attached two-car garage and finished basement. The parcel is 80-feet by 120-feet and is located near the northeast corner of Venice Drive and Connolly Lane within the Ashton Farms West subdivision. Single-family residences also zoned R-1B border the site to the north, south, east and west.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>The Future Land Use Map of the Comprehensive Plan identifies the subject site and surrounding properties as appropriate for single-family detached-medium density residential land use.</li> </ul>
Environmental/Historic District	<ul style="list-style-type: none"> <li>These characteristics/issues are not applicable in this instance.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>The application is submitted pursuant to Section 42-182(I), Special Land Uses in the R-1B, One-Family Residential District. Subject to review and approval by the Planning Commission, this section permits "Group child care homes" subject to conditions; and</li> <li>Section 42-462, General Standards for Review of Special Land Uses.</li> </ul>

**III. ANALYSIS:**

Michigan statute (PA 110 of 2006, Zoning Enabling Act and PA 116 of 1973, Child Care Organizations) permits family and group child care homes in residential zoning districts including the R-1B zone. The application fulfills the conditions set forth in the Zoning Code for issuance of a special land use permit. The subject parcel is not situated within 500 feet (measured from nearest property line) nor within 1,500 feet (measured as a traveled distance along public streets) from another licensed group child care home, adult foster care home or other similar use. The site has an attached two-car garage and associated driveway from Venice Drive that provides adequate drop-off, pick-up and parking for the site. One non-resident employee will assist with the group child care home, as required by the State of Michigan.

An outdoor play area is located in the rear yard of the site. While the north, east and west sides of the rear yard are enclosed by a 6-foot tall wood privacy fence, the south side of the rear yard adjacent to 7199 Venice Drive is enclosed by a 4-foot tall vinyl picket fence. Although Section 42-182(I)(3) of the Zoning Code allows the Planning Commission to consider installation of up to a six foot tall screening fence

around an outdoor play area “...in order to mitigate and/or avoid possible adverse impacts on surrounding property and to improve safety” the property owner of 7199 Venice Drive has submitted a letter (attached) in support of the proposed group child care home.

In addition to the special land use requirements, the special land use permit application is also subject to the General Standards of Review contained in Section 42-462. A listing of the General Standards of Review, along with a brief analysis, is presented below:

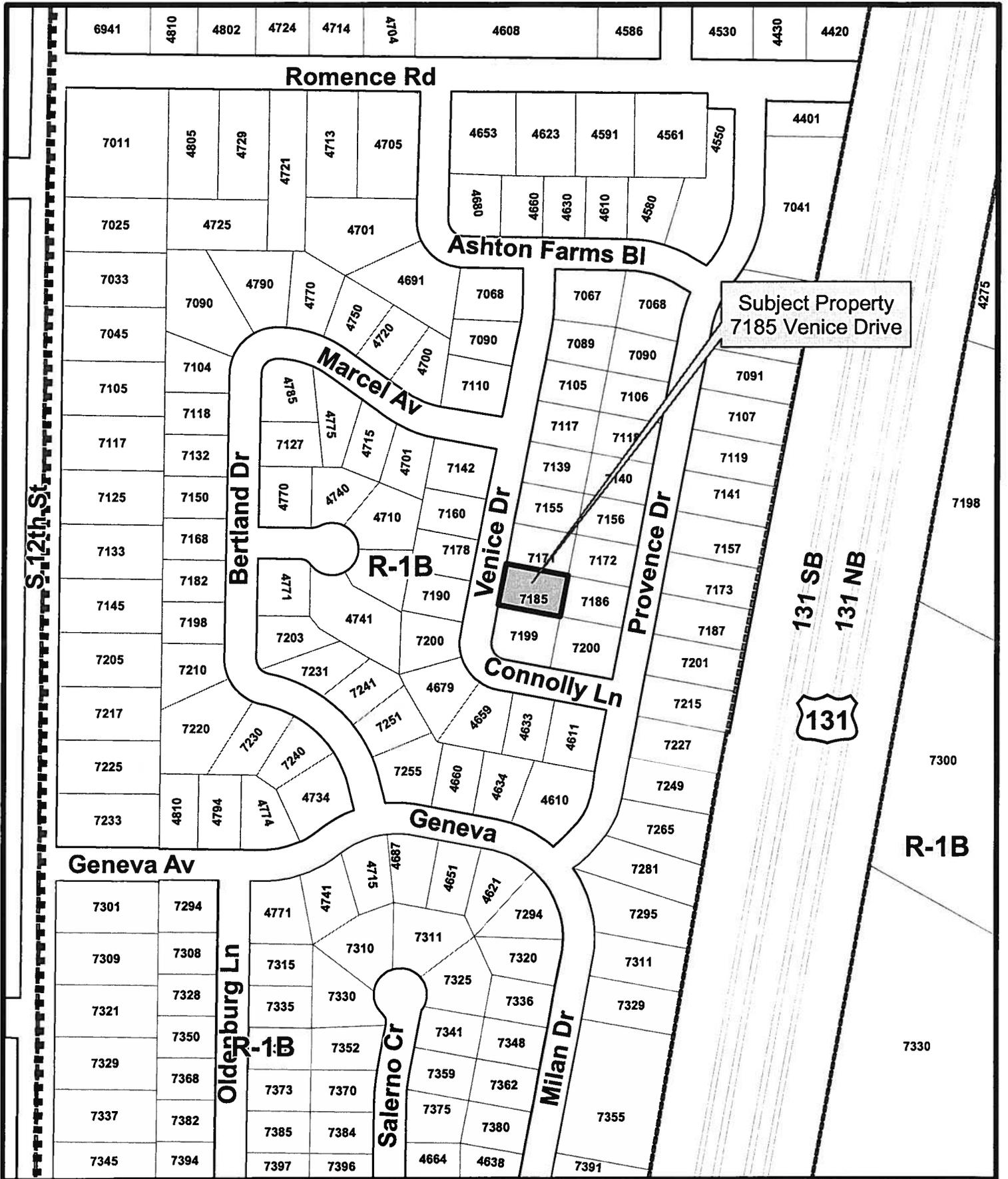
- Promote the intent and purpose of this article. Article 4, Zoning, promotes the public health, safety, comfort, convenience and general welfare through orderly development. A group child care home promotes this article by providing a valuable service for working parents who desire quality child care in a residential setting.
- Be compatible with adjacent uses of land and the natural environment. The care of children in a residential setting is compatible with adjacent uses and the natural environment since children are associated with most every residential neighborhood. Recognizing that higher concentrations of children beyond those normally associated with a single-family residential home may impact adjacent homeowners, reasonable conditions such as screening can be required as part of the special land use approval process. A 6-foot tall wood privacy fence and a 4-foot tall vinyl fence that fully enclose the outdoor play area is provided within the rear yard of the site.
- Not unduly affect the capacities of public services or facilities. No impact anticipated.
- Be consistent with the public health, safety and welfare. Operation of a group child care home from a single-family residence located in the neighborhood would be consistent with the public health, safety and welfare.
- Be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan. A group child care home would promote Goal 2, Housing - Objective 2.6, and address housing and services for special groups such as families in need of child day care.
- Be planned and designed to ensure that the nature and intensity of the principal use and all accessory uses, and the site layout and its relation to the streets giving access to it, shall not be hazardous or otherwise detrimental to the area or unduly conflict with normal traffic to and from the use. The operation of a group child care home from this location will not be detrimental to the area or unduly conflict with normal traffic. The care for up to twelve children at this location will likely result in a maximum of 48 vehicle trips (drop-off and pick-up) during an average weekday: Comparatively, a family child care home (up to six children), which is permitted by right in the residential districts, would likely generate one-half this traffic volume in an average weekday (24 vehicle trips). A single family residence typically generates between 8-12 vehicles trips during an average weekday. These additional vehicles at various times during the day are considered minimal and will not negatively impact traffic flow and safety within the surrounding neighborhood.

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. One letter from an adjacent neighbor supporting the group child care home has been received.

#### **IV. RECOMMENDATION:**

Based upon 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 Ms. Ashley Takace (group child care home), 7185 Venice Drive, be approved.

Attachments: Vicinity/Zoning Map  
Aerial Photograph Map  
Special Land Use Permit Application and Supporting Documentation  
Letter of Support dated September 21, 2011 from William and Karin Schilling, 7199 Venice Drive



Subject Property  
7185 Venice Drive



131 SB  
131 NB

R-1B



# Special Land Use Permit 7185 Venice Drive

1 inch = 242 feet

- Legend**
- | City Boundary
  - Zoning Boundary
  - ▭ Subject Property



Subject Property  
7185 Venice Drive



**Special Land Use Permit  
7185 Venice Drive**

1 inch = 50 feet

September 28, 2011

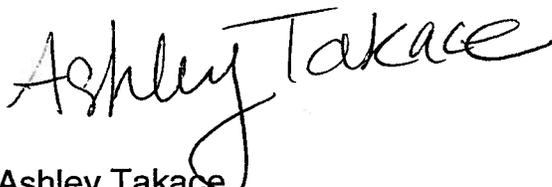
Dear Portage Planning Commission:

My name is Ashley Takace. I am currently seeking zoning approval for a special land use permit. I am in the process of expanding my current family daycare license for 0-6 children to a group childcare license for 6-12 children. My residence is located at 7185 Venice Dr. Portage MI, 49024. My hours of operation are Monday- Friday 6:30 am -5:30 pm. Children are dropped off and picked up between these hours of operation. Parents have access to park in my driveway as well as additional street parking if ever needed. My backyard is completely fenced in with a newly added 6ft cedar privacy fence on the majority with an existing vinyl fence on the west side that is a tie in to the my neighbors. During business hours I will also have one non-resident employee, who is my mother, which is required by the State of Michigan for 7-12 children.

I am seeking zoning approval in order to expand the number of families that I can service as well as to continue to earn an income from my home based business.

Thank you for your time and consideration in this matter. Please feel free to contact me with any questions or concerns that you may have. Thank you again.

Sincerely,



Ashley Takace  
Grins and Giggles Daycare  
7185 Venice Dr.  
Portage MI, 49024  
(269)-270-3230  
amarieallen@live.com

RECEIVED  
SEP 28 2011  
COMMUNITY DEVELOPMENT

**APPLICANT INFORMATION**

Name <i>Ashley Takace</i>		Telephone Number <i>269-270-3230</i>	
Address <i>7185 Venice Dr.</i>	City <i>Portage</i>	State <i>MI</i>	Zip code <i>49024</i>

**OWNER INFORMATION (if different)**

Name		Telephone Number	
Address	City	State	Zip code

**PROPERTY INFORMATION**

Address of property <i>7185 Venice Dr.</i>	Zoning District <i>Portage</i>	Land Area (acres)
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Legal Description (or attach separate page)

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**PROPOSED USE**

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

*My goal in obtaining the special land use permit is to run a group childcare in my home. Licensed for 7-12 children, with a hired assistant for any number of children over 6. In addition to a state of Michigan group childcare license.*

**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.

*Ashley Takace* \_\_\_\_\_ Date *8/28/11*

Signature \_\_\_\_\_ Date \_\_\_\_\_

**ZONING APPROVAL FOR GROUP CHILD CARE HOMES**  
Michigan Department of Human Services  
Bureau of Children and Adult Licensing

Licensee Name: Ashley Takace  
Licensee Address: 7185 Venice Dr.  
Portage, MI 49024

License Type: DG – Group Child Care Home (capacity 7-12 children)

Zoning Authority:

According to the Michigan Zoning Enabling Act, 2006 PA 110, a group child care home located in a county or township shall be issued a special use permit, conditional use permit, or other similar permit if the group child care home meet specific standards. A group child care home located in a city or village may be issued a special use permit, conditional use permit, or other similar permit.

Please complete the lower portion of this form and return this completed form to the licensee/applicant.

If you have any questions or concerns, please contact the Michigan Department of Human Services, Bureau of Children and Adult Licensing, at 517-373-8300.

Thank you.

- Location is APPROVED by the local zoning authority.  
 Location is DISAPPROVED by the local zoning authority.

\_\_\_\_\_  
Signature of Zoning Authority

\_\_\_\_\_  
Date

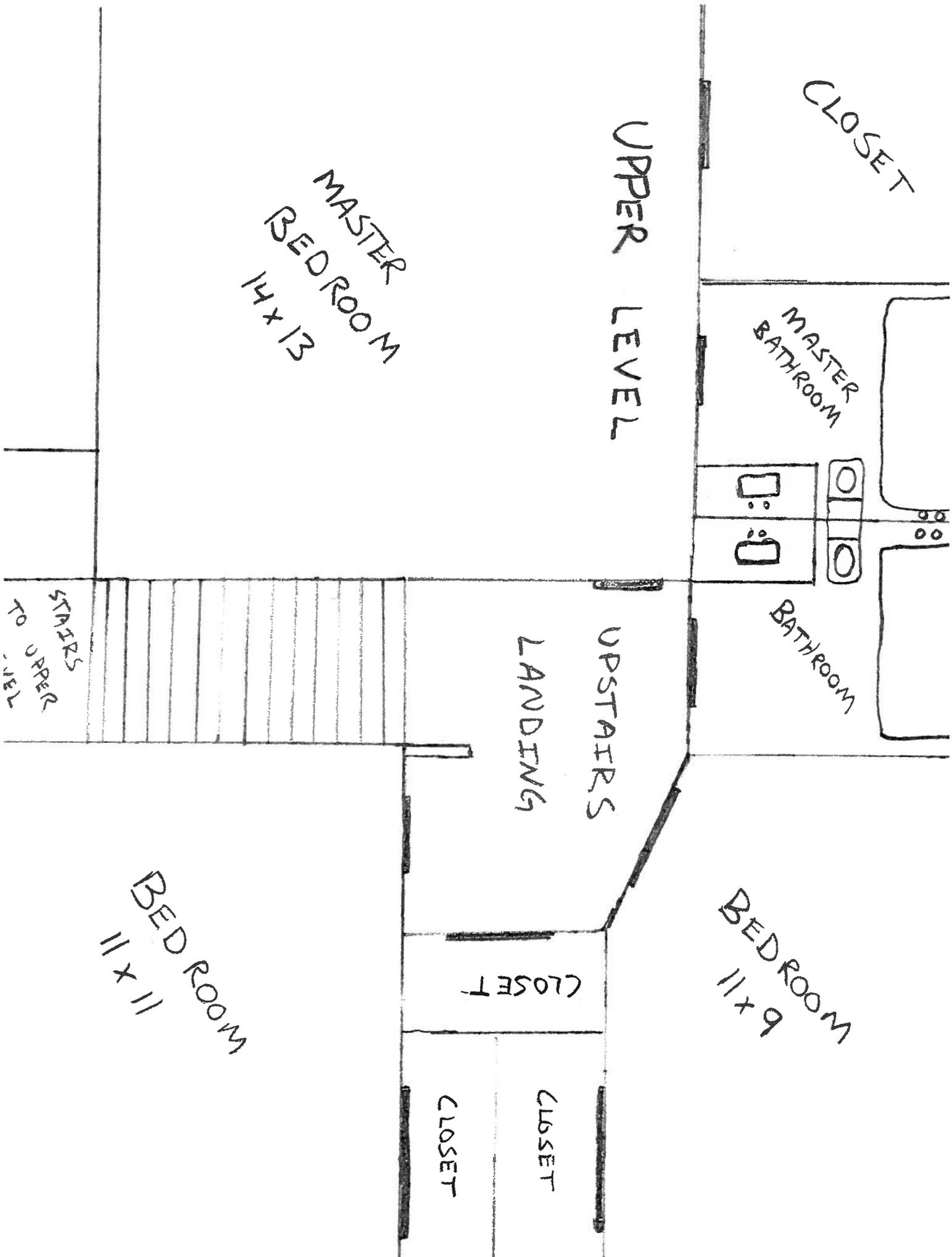
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Printed Name of Zoning Authority

\_\_\_\_\_  
Jurisdiction (City, Township)

Authority: 1973 PA 116  
Completion: Required  
Penalty: Applicant cannot be licensed/registered

Department of Human Services (DHS) will not discriminate against any individual or group because of race, religion, age, national origin, color, height, weight, marital status, sex, sexual orientation, gender identity or expression, political beliefs or disability. If you need help with reading, writing, hearing, etc., under the Americans with Disabilities Act, you are invited to make your needs known to a DHS office in your area.



CLOSET

MASTER  
BED ROOM  
14 x 13

UPPER  
LEVEL

MASTER  
BATHROOM

BATHROOM

LANDING

UPSTAIRS

UPSTAIRS  
TO UPPER  
LEVEL

BED ROOM  
11 x 11

BED ROOM  
9 x 11

CLOSET

CLOSET

CLOSET

FURNACE ROOM - 3' STORAGE

INFANT ROOM 11' x 11'

EMERGENCY WINDOW

STAIRS TO LOWER LEVEL

LOWER LEVEL

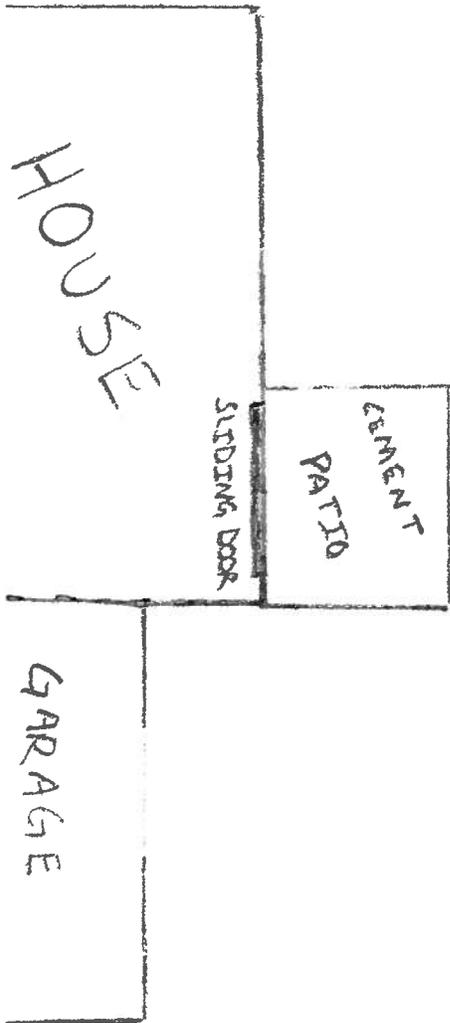
17'

MAIN DAYCARE AREA

6' PRIVACY FENCE

6' PRIVACY FENCE

BACK  
YARD



EXISTING VINYL FENCE

RENTAL BATT

RECEIVED

SEP 22 2011

COMMUNITY DEVELOPMENT

September 21, 2011

Department of County Development  
7900 South Westnedge Ave.  
Portage, MI 49002

**Re: Takace Land Use Permit**

As neighbors directly to the south of the Takace's we are happy to support Ashley's daycare. The one request we have is to please stress to the daycare parents driving in and out of our neighborhood to abide by the speed limit posted.

Thank you for the opportunity to share our comments.

Sincerely,



William and Karin Schilling  
7199 Venice Drive  
Portage, MI 49024

kds

**TO:** Planning Commission **DATE:** September 30, 2011  
**FROM:** Vicki Georgeau, Director of Community Development  
**SUBJECT:** Preliminary Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof)

**I. INTRODUCTION:**

An application has been received from Mr. Stewart Mills, on behalf of 1901 Romence LLC, requesting that a portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry. The rezoning site represents an approximate 1.3 acre "island" of property that is located within the interior portion of the larger 1901 Romence Road Parkway parcel. As information for the Commission, 1901 Romence LLC, recently purchased the subject property and is renovating the former Upjohn "Quad" building for reuse. The northwest quad of the building is currently being renovated for use by Stryker Corporation. According to the applicant, the rezoning is requested to obtain a consistent I-2 zoning pattern across the parcel that will facilitate future development activity.

Applicant	Property Address	Description	Zoning	
			Existing	Proposed
1901 Romence, LLC	1901 Romence Road Parkway (portion thereof)	Parcel 06480-085-E	R-1B	I-2
<b>Portion of one parcel encompassing 1.3 acres</b>				

**II. EXISTING CONDITIONS:**

Land Use/Zoning	<p><u>Rezoning Site:</u> Vacant land zoned R-1B, one family residential. The remaining portion of this larger parcel, with the exception of the northwest portion of the property which is also zoned R-1B, is zoned I-2, heavy industry and occupied by the former Upjohn "Quad" building and associated parking areas.</p> <p><u>West:</u> Single family residences located along the east side of Lovers Lane and zoned R-1B, one family residential.</p> <p><u>North:</u> Across Kromdyke Avenue and adjacent Gertrude Drive/Linneman Avenue, vacant land and single family residences zoned R-1B, one family residential. Vacant land zoned I-1, light industry is also north of the northwest portion of the 1901 Romence Road Parkway, along the east side of Lovers Lane.</p> <p><u>South:</u> Across Romence Road Parkway, vacant land zoned I-2, heavy industry and vacant land and single family residences zoned R-1B, one family residential.</p>
Zoning/Development History	No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan.
Historic District/Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	Romence Road Parkway is designated as a four-lane minor arterial with 10,600 vehicles per day (2008); capacity of 32,500 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	While the Sensitive Land Use Inventory Map does not identify any wetlands and/or floodplains near the rezoning site, a small area of potential wetland area is identified along the extreme northwest corner of the 1901 Romence Road Parkway parcel

### III. PRELIMINARY ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification. For Commission information, this R-1B zoning has existed since the comprehensive zoning of the city in 1965 and Gertrude Drive extended further south with single-family residences located on either side. In the 1970s, the southern portion of Gertrude Drive was vacated, property rezoned and single-family residences removed to accommodate construction of the Upjohn "Quad" building. However, the R-1B zoning classification in this portion of the property was retained.

Comprehensive Plan/Future Land Use Plan Consistency. The Future Land Use Plan Map component of the Comprehensive Plan designates the rezoning site and adjacent properties as appropriate for research, development and technology land use. The Comprehensive Plan envisions uses such as research facilities and centers, technology or pilot testing facilities, microelectronics and biotechnology uses, large-scale corporate or professional offices and certain industrial operations within the research, development and technology designation.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community development objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

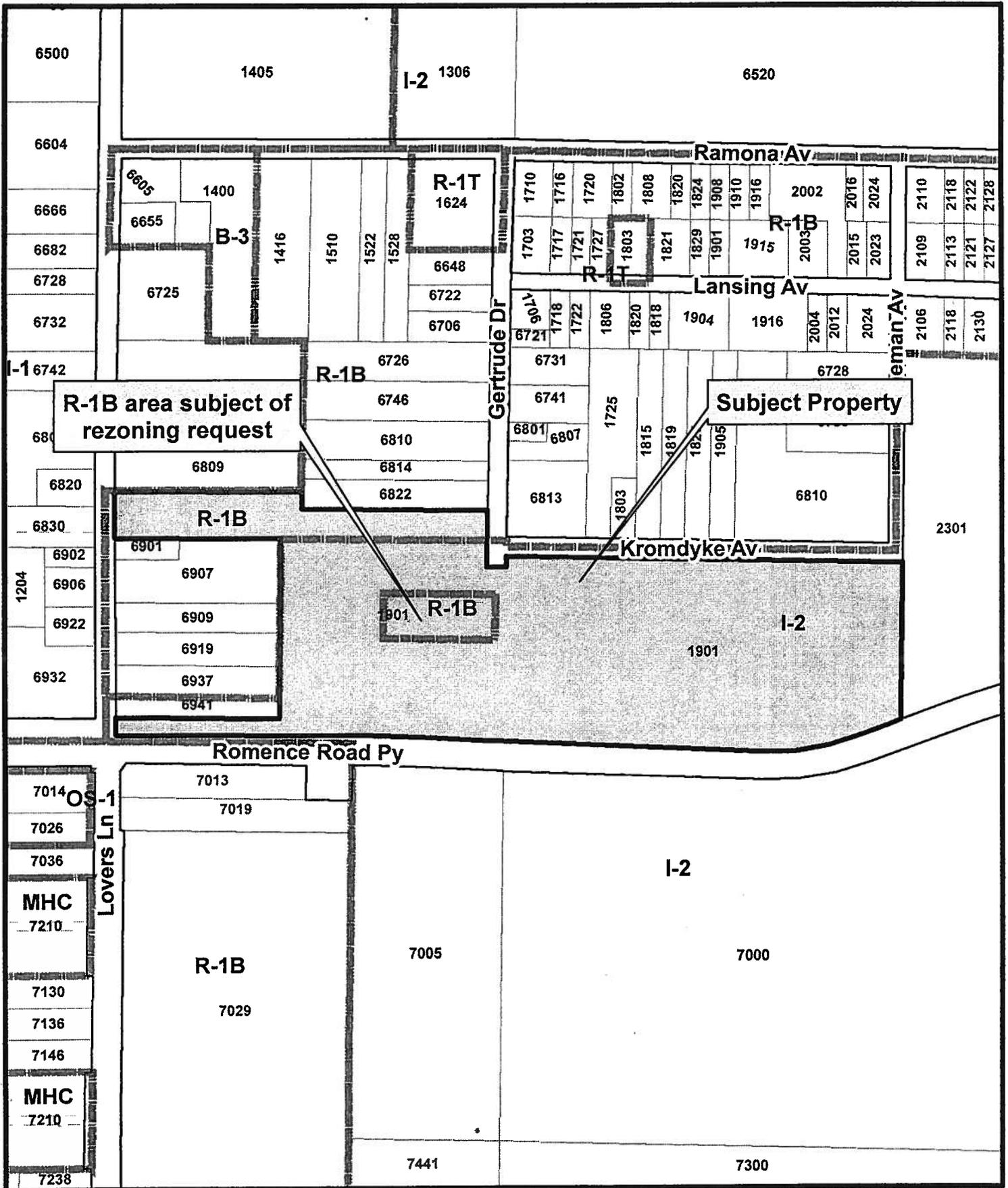
Suitability of Existing R-1B Zone/Impacts of Proposed I-2 Zone. Maintaining a small 1.3 acre vacant area of R-1B zoned property slightly offset from the center of the larger 1901 Romence Road Parkway parcel is not appropriate and the zoning change will facilitate future development activities that may be planned by the property owner consistent with the surrounding zoning and Future Land Use Plan designation. The proposal to rezone this approximate 1.3 acre portion of the 1901 Romence Road Parkway parcel will result in a consistent I-2 zoning pattern and facilitate future development activities without impacting single family residences located to the west and north.

Traffic Considerations. Rezoning this approximate 1.3 acre property will not impact the surrounding roadway network.

### IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the October 6, 2011 meeting and adjourn the public hearing to the October 20, 2011 meeting.

Attachments:     Zoning/Vicinity Map  
                      Future Land Use Map  
                      Aerial photograph  
                      Rezoning Application

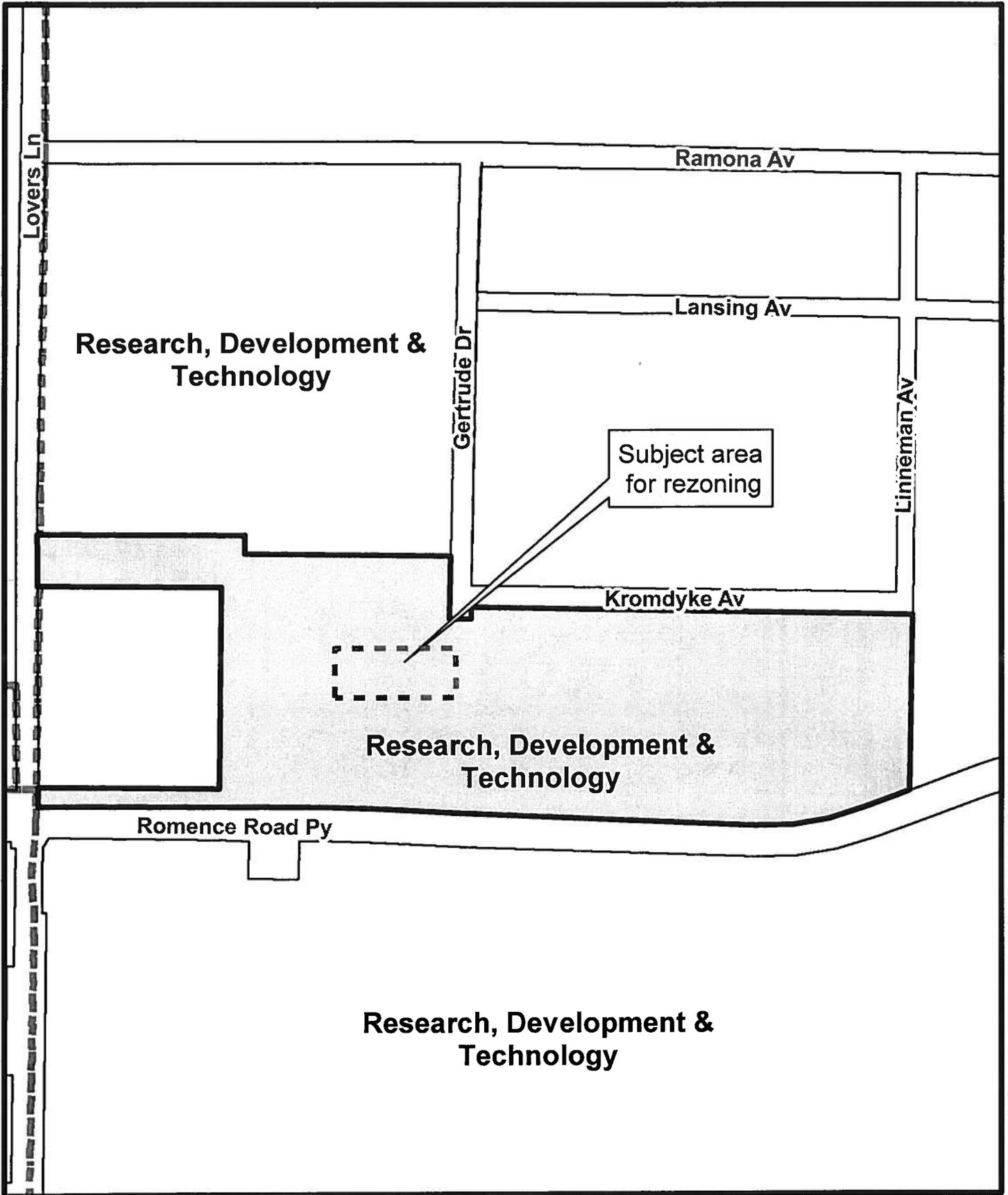


# Rezoning #11-01

## 1901 Romence Road Parkway

 Zoning Boundary  
 Subject Property

  
 1 inch = 433 feet



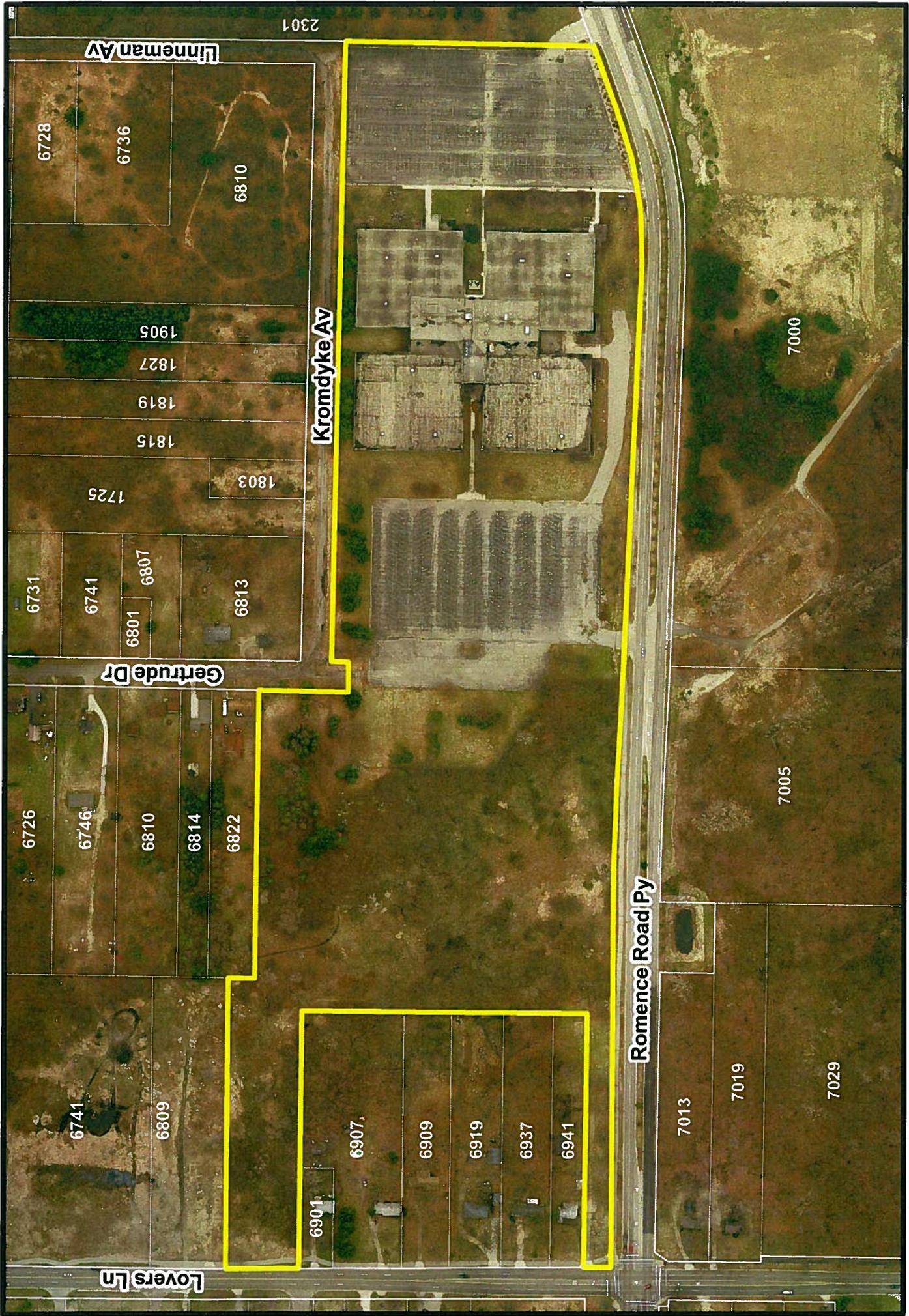
Map Document: I:\GIS\City\MapServer\workspace\rezoning\03\_01\_20\mxd\03\_01\_20\_03.mxd - 10:28:03 AM



0 150 300 Feet

# Future Land Use Map 1901 Romence Road Parkway

	Future Land Use
	Subject Property



**Aerial Photography**  
**1901 Romence Road Parkway**



1 inch = 266 feet

**APPLICATION FOR ZONING AMENDMENT**

Application number # 11-01

Date August 19, 2011

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

**ZONING MAP AMENDMENT**

1. a. Platted Land:

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

b. Unplatted Land:

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

PLAT OF PORTAGE HEIGHTS  
PART OF LOT 87A CONSISTING OF APPROX. 1.29 AC - SEE ATTACHED

2. a. Do you own the property to be rezoned? Yes  No \_\_\_\_\_

b. Name of the owner of the property to be rezoned: 1901 ROMENCE LLC

Address 2500 S. HIGHLAND AVE. #103 LOMBARD, IL 60148

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: ISLAND OF R-1B WITHIN OUR INDUSTRIAL ZONING. THIS ZONING AMENDMENT WILL MAKE ALL OF OUR PROPERTY THE SAME ZONING AND FACILITATE DEVELOPMENT ACTIVITY

4. CURRENT ZONING: R-1B PROPOSED ZONING: I-2

**ZONING TEXT AMENDMENT**

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

\_\_\_\_\_

\_\_\_\_\_

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

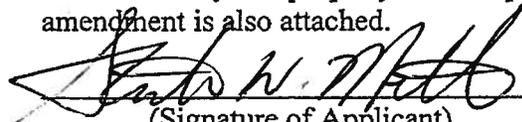
\_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

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

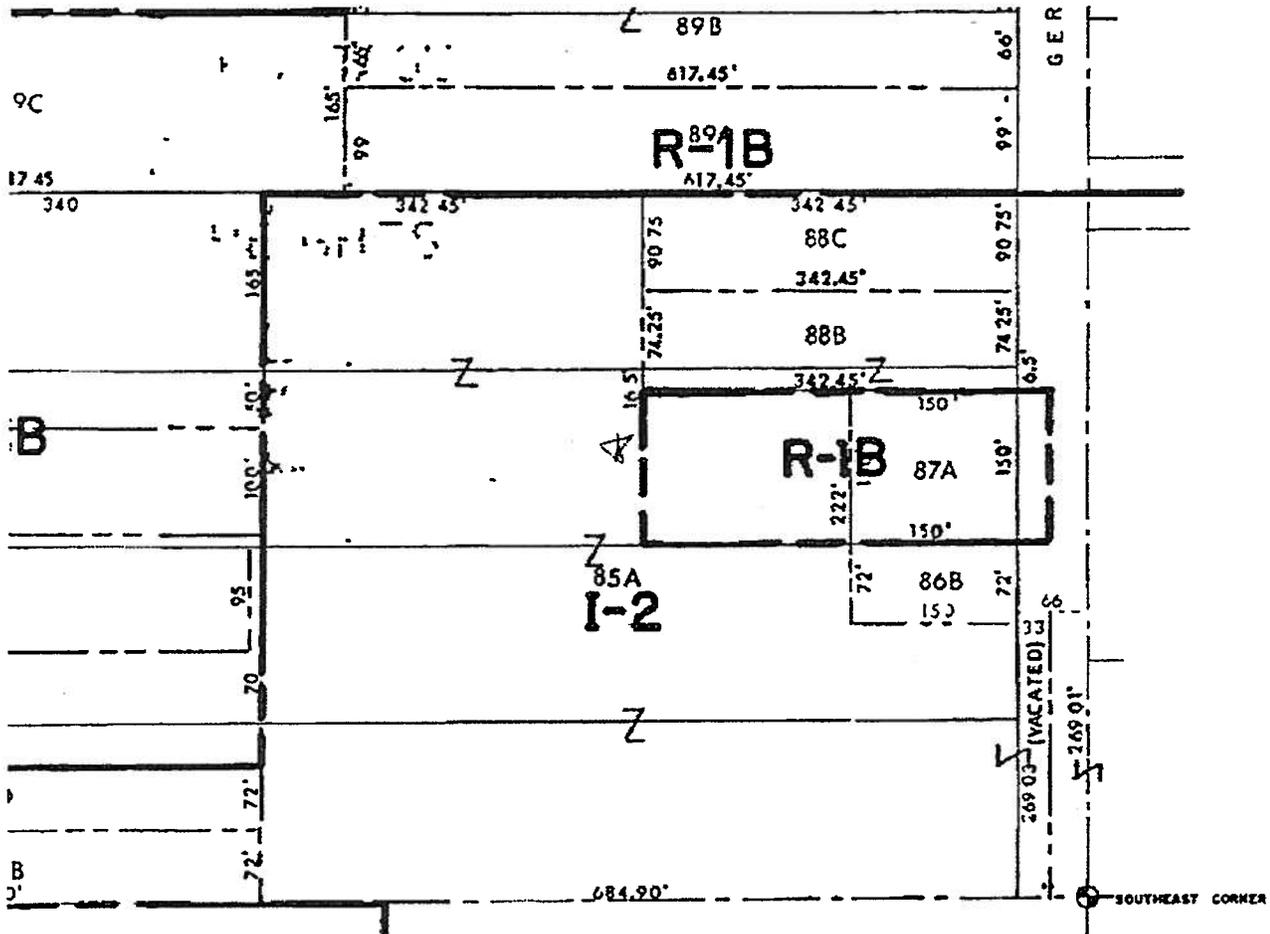
  
(Signature of Applicant)

MANAGER 1901 ROMENCE LLC  
(Signature of Applicant)

2500 S. HIGHLAND AVE #103 LOMBARD, IL 60148  
(Address) (Address)

630.620.8684  
(Phone) (Phone)

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



Plat of Portage Heights,  
 The S 150' of the E 342.45' of Lot 87. Also  
 the W 33' of Vacated Gertrude Drive, adjacent  
 to Lot 87 of said Plat.



# **MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 6, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:30 p.m.

At the request of Mayor Strazdas, Reverend Chad Wells of the First Baptist Church of Portage 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 Cory A. Bailes, Elizabeth A. Campbell, 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, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

**PROCLAMATIONS:** Mayor Strazdas issued a National Gymnastics Day Proclamation and a National Moment of Remembrance, 10<sup>th</sup> Anniversary of 9-11 Proclamation.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Campbell, to approve the August 23, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Councilmember Reid abstaining.

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

\* **APPROVAL OF CHECK REGISTER OF SEPTEMBER 6, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of September 6, 2011. Upon a roll call vote, motion carried 7 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **LIFE AND LONG-TERM DISABILITY INSURANCE:** Motion by Urban, seconded by Reid, to approve a one-year contract extension with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **COMPUTER REPLACEMENT:** Motion by Urban, seconded by Reid, to approve the extended one-year lease of 54 Hewlett Packard replacement computers from Capital Advantage Leasing of Grand Rapids, Michigan, at a price of \$10,690.40 and authorize the City Manager to execute all documents related to this action. Upon a roll call vote, motion carried 7 to 0.

\* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, October 4, 2011, beginning at 5:15 p.m. to interview board and commission applicants. 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 Human Services Board of May 5, 2011.

Portage School Board Special and Regular Business Meeting of June 20, Organizational Meeting of July 11, Policy Governance Meeting of July 13 and Special Meeting of July 29, 2011.

Portage Historic District Commission of August 3, 2011.

Portage Planning Commission of August 18, 2011.

**BID TABULATION:**

\* **WEST MILHAM AVENUE/12<sup>TH</sup> STREET/TEXAS DRIVE INTERSECTION:** Motion by Urban, seconded by Reid, to award a contract to GreenPlus Landscaping, Incorporated, of Bryon Center, Michigan, in the not-to-exceed amount of \$11,437.03 for landscaping improvements at the 12<sup>th</sup> Street/Texas Drive/West Milham Avenue intersection and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITIZENS:** Caryl Tregerman, 1413 Edington, spoke in opposition to a city invoice in the amount of \$264.97 for mowing her back yard, asked that the invoice be nullified and objected to the fact that the complaints against her property are allowed to be anonymous. Mayor Strazdas referred the matter to the City Manager for review and report. Discussion followed.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Randall wished everyone a great and safe school year.

Councilmember Bailes reminded everyone that the 27<sup>th</sup> Annual PCOC Peacock Strut takes place Saturday, September 17, 2011, at 8 a.m. with the 5k and 10k event registration options, including registration on line.

Councilmember Reid reported on the National Community Action Agency Council Conference in San Francisco, California, where she obtained good information for the Community Action Board regarding networking, training and strategizing. She also reminded everyone of the Council of Governments Meeting, Wednesday, September 7, 2011, at 3:30 p.m. at the Chamber of Commerce where a Representative of the Land Information Access Association, a non-profit organization, will be present as a facilitator in the collaboration efforts in the area. She announced that the 2011 Kalamazoo Area Foot Chase will be held at Celery Flats, Portage, Saturday, September 10, 2011, at approximately 9:00 a.m. with registration from 7:00 a.m. until 8:30 a.m. She indicated that this is a 3.5-mile fun run patterned after a police foot chase in pursuit of a fleeing suspect and proceeds go to assist families of fallen police officers.

City Manager Evans reminded everyone that the new traffic signal on South Westnedge Avenue at McCamley Field is now activated and motorists should remember to observe caution and use due diligence while driving by the schools. Mayor Strazdas concurred.

Mayor Pro Tem Sackley announced the CommUniversity Night, Saturday, 4 p.m., and the football game between Western Michigan University Broncos and Nicholls State University Colonels at 7 p.m. He also indicated that the 10<sup>th</sup> Anniversary of 9-11 would be observed at 1 p.m. at the Overlander Bandshell, Portage, and 4 p.m. in Bronson Park, Kalamazoo.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 7:58 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
August 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-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 completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. <i>2011 annual report submitted to MDEQ, with moderate groundwater quality improvements.</i></p>
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.	<p>-Coordination with property owners and City or State agencies ongoing.  <i>-Review of 4 site/building plans and/or plats completed in August 2011.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in August 2011: 7 residential.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. 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. The 2009/2010 lake treatments are complete. The 2011 lake survey and treatment preparations are complete. <i>Additional treatment areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011.</i></p>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-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. On March 23, 2010, City Council awarded a four-year</p>

contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the August 2011 level to be approximately 8" below July 2010 levels.*

-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. Staff has met internally to discuss the future needs to update the plan. Plan implementation is ongoing.

-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. The 2010 report was received with results showing minimal impact on groundwater. *Annual sampling completed in July 2011 with report pending.*

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. 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. 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. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff presented public information with other local agencies at the 2011 Home Expo on March 9 - 12, 2011. Meeting scheduled for

Wellhead Protection Program (WHPP) Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

Leaf Compost Monitoring Program Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

National Pollution Discharge Elimination System (NPDES) permit implementation Five year plan to implement the current NPDES stormwater permit.

September 6, 2011 for the Southwest Michigan Soil Control Association to tour Liberty Park. Implementation is ongoing.

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 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. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 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. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 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. 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. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. No consensus yet, second meeting held on June 20, 2011.

Plan to implement and maintain an Illicit Discharge Elimination Program (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 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. 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.

<p>Garden Lane Arsenic Removal Facility</p>	<p>Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.</p>	<p>-City Council approved an agreement with Fishbeck, Thompson, Carr &amp; 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. 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 received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. <i>Plant is in regular operation. During hot weather the facility has been producing approximately 1,000,000 gallons of water per day.</i></p>
<p>Environmental Incident/Spill Clean Up Notification</p>	<p>Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.</p>	<p>-The number of environmental incident/spill investigations performed in August 2011 – 0. Number of environmental cleanups in August – 0. Emergency spill response contract for 2011-13 with Terra Contracting is in place.</p>
<p>Localized Groundwater Table Investigation</p>	<p>Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.</p>	<p>-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. 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 December 2010. Current sampling continued to show a slight decline in</p>

the groundwater table. Current groundwater levels are approximately 8" lower than 2010 levels.

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. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

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. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.