

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

November 22, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

November 22, 2011

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* October 20, 2011

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Special L and Use Permit: Wiggles, Waggles & Tails (indoor kennels), 8585 Portage Road
- * 2. Active Home Occupation: Arrow Car Service, 3617 Wedgewood Drive

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

October 4th and 18th, 2011 City Council meeting minutes
October 10, 2011 Zoning Board of Appeals meeting minutes
September 2011 Summary of Environmental Activities Report

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

PLANNING COMMISSION

October 20, 2011

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The City of Portage Planning Commission meeting of October 20, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

Mark Siegfried and Jim Pearson.

MEMBERS EXCUSED:

None.

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 October 6, 2011 meeting minutes. A motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Height Modification for Celebration Cinema, 6600 Ring Road. Mr. Forth summarized the staff report dated October 14, 2011 involving a request submitted by Jackson Entertainment, LLC to expand and increase the height of the northeast portion of the Celebration Cinema building from 30-feet up to a height of 43-feet. The height modification involves one movie theatre (approximately 5,300 square feet) that will be reconstructed to accommodate a new IMAX theatre. Mr. Forth mentioned that the impacts on the adjacent residences located immediately south are anticipated to be minimal, if any, due to the location and size of the proposed building addition in conjunction with the substantial setback distances and existing screening.

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Mr. Roger Lubs, Jackson Entertainment, LLC, was present to speak in support of the height modification request. Mr. Lubs noted there would be no additional lighting on the expanded building and that construction is expected to begin after the Thanksgiving Holiday and conclude in April 2012.

Chairman Cheesebro opened the public hearing. There being no public comment, a motion was offered by Commissioner Welch, seconded by Commissioner Patterson to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson, that the Planning Commission recommend to City Council approval of the height modification request by Jackson Entertainment, LLC, to increase the height of the northeast portion of the building from 30-feet up to a height of 43-feet. The Commission concluded any potential impacts associated with the height increase would be minimal since 1) the subject building area represents less than 10% of the total building footprint; 2) substantial setback distances exist between the adjacent residential neighborhood and proposed building expansion; 3) an existing masonry wall and mature (large) trees already exist to the south that is an effective screen; and 4) the Consumers Energy property to the south provides an additional buffer area physically separating the residential neighborhood from Celebration Cinema. The motion was unanimously approved.

2. Final Report: Rezoning Application #11-01, 1901 Romence Road Parkway (portion thereof).

Mr. Forth summarized the final staff report dated October 14, 2011 and the request to rezone an approximate 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry. Mr. Forth also summarized the public comment received during the October 6, 2011 Planning Commission meeting and stated that staff is recommending the rezoning application be approved as submitted.

Commissioner Dargitz suggested the Commission consider rezoning the entire approximate 34 acres to OTR, office, technology and research consistent with the Comprehensive Plan designation. Attorney Brown and Mr. Forth explained that rezoning the entire 34 acres would require a new rezoning application and public hearing process. Mr. Forth indicated that if the Commission wants to consider rezoning the entire 34 acres to OTR, then the Commission may want to review the entire corridor. This review could occur during the update of the Comprehensive Plan scheduled to begin in FY2012-2013 or could be added to the Planning Commission work program. Mr. Forth suggested this rezoning application move forward so the concerns of the applicant involving future parking needs are addressed and the Commission review the Romence Road Parkway corridor between Lovers Lane and Portage Road at a later date. The Commission discussed both options and the consensus was to act on the applicant's request and review the Romence Road Parkway corridor at a later date. Commissioners Patterson and Welch suggested review of the corridor be added to the work program. Commissioner Welch indicated he is an employee of the future Quad building tenant but is not connected to the project and therefore does not have a conflict of interest.

Mr. Stewart Mills, representing 1901 Romence, LLC (applicant/property owner) was present to support the rezoning request. Mr. Mills stated he is not opposed to the OTR district but would like time to study the district requirements. In response to delaying the current rezoning application, Mr. Mills requested the application move forward to City Council so the existing single-family residential zoning does not impede his ability to negotiate with other potential tenants and expand the parking lot, if needed. No one else was present to support or oppose the rezoning application. There being no further public comment, a motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz to close the public hearing. The motion was unanimously approved. A subsequent motion was offered by Commissioner Patterson, seconded by Commissioner Bosch to recommend to City Council that Rezoning Application #11-01 be approved and the 1.3 acre portion of 1901 Romence Road Parkway be rezoned from R-1B, one family residential to I-2, heavy industry consistent with the surrounding zoning pattern. Commissioner Dargitz stated she would support the motion if the parcel

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were part of the larger corridor study included in the 2012 work program. The motion was unanimously approved.

OLD BUSINESS:

None

NEW BUSINESS:

1. 2011 -2012 City Council Assigned Goals and Objectives Update. Mr. Forth explained that in November of every year City Council requests an update of the current fiscal year assigned goals and objectives. Mr. Forth briefly summarized the update. After a brief discussion, a motion was offered by Commissioner Welch, seconded by Commissioner Bosch, that the Planning Commission transmit to City Council the November 2011 Goals and Objectives update. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

Commissioner Bosch indicated he did agree that review of the Romence Road Parkway corridor was necessary and asked if a motion was necessary. Mr. Forth indicated that if there is consensus among the Planning Commissioners to move forward with the corridor study, a formal motion would be appropriate. If the Commission supports the motion, information would be assembled by staff and presented to the Commission during a workshop meeting that could be scheduled in January 2012. After a brief discussion, a motion was offered by Commissioner Bosch, seconded by Commissioner Dargitz that the Planning Commission add to the 2011-12 work program review of the Romence Road Parkway corridor. The motion was unanimously approved.

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** November 15, 2011
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: Special Land Use Permit: Wiggles, Waggles & Tails (indoor kennels), 8585 Portage Road.

I. INTRODUCTION:

An application has been submitted by Ms. Shannon Reeves requesting a Special Land Use Permit to establish a commercial kennel at the existing Wiggles, Waggles & Tails facility located at 8585 Portage Road. The 2.0 acre property is zoned B-3, general business and occupied by an approximate 3,000 square foot building, associated parking lot and an approximate 5,000 square foot, fenced outdoor play area located along the east side (rear yard) of the building.

II. PREVIOUS PLANNING COMMISSION/ZONING BOARD OF APPEALS REVIEW

The Planning Commission approved a special land use permit on October 7, 2010 that allowed establishment of the Wiggles, Waggles & Tails dog day care facility. Since Wiggles, Waggles & Tails did not board animals overnight, it was not considered a commercial kennel and not subject to the requirements of Section 42-262(C)(7). A dog day care use was determined to be a use not specifically addressed in the Zoning Code and a use that may be allowed in the B-3 zone as a special land use. Approval of the special land use permit was subject to the following conditions: 1) No overnight boarding, breeding or selling of dogs; 2) Hours of operation be restricted to 6:30am-6:00pm; and 3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.

After operating the dog day care for approximately one year, the applicant requested to expand the business to include an overnight indoor kennel in an effort to meet customer needs. However, two site development requirements of the commercial kennel ordinance, Section 42-262(C)(7), could not be met: 500-foot setback from a residential district boundary and enclosure requirements for the outside exercise area. On October 10, 2011, the Zoning Board of Appeals (ZBA) granted variances from these two provisions of the commercial kennel ordinance with a finding that exceptional circumstances are applicable to this property. The ZBA variances were subject to four conditions: 1) the number of animals be limited to not more than 45 (30 daycare dogs and 15 for overnight boarding); 2) the outdoor exercise area not be expanded beyond its current dimensions, and no cages/runs be established in this area; 3) kennel staff be present any time animals are located within the outdoor exercise area; and 4) should there be noise complaints that cannot be resolved by operational changes to the business, a six-foot solid screen fence or wall must be installed around the outdoor exercise area. The October 10, 2011 Zoning Board of Appeals meeting minutes are attached.

III. EXISTING CONDITIONS:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none">• <u>Subject Site:</u> Wiggles, Waggles & Tails dog day care facility zoned B-3, general business and occupied by an approximate 3,000 square foot commercial building and associated site improvements.• Vacant land zoned R-1B, one family residential borders site to the east.
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Existing Land Use/Zoning (con.)	<ul style="list-style-type: none"> To the south, Liberty Square commercial building with two tenants (Liberty Square Furniture and Craft Peddler) zoned B-3. The property to the north is also zoned B-3 and occupied by a vacant gas station. Across Portage Road (to the west), commercial land uses zoned B-3.
Comprehensive Plan	<ul style="list-style-type: none"> Future Land Use Map of the Comprehensive Plan identifies the subject site along with properties to the north and south along Portage Road as appropriate for general business. The site is also located with the Portage Road Commercial Corridor.
Access	<ul style="list-style-type: none"> A full service driveway from Portage Road that is shared with the adjacent Liberty Square commercial property to the south.
Environmental Issues	<ul style="list-style-type: none"> A review of the City of Portage Sensitive Land Use Inventory Map, does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.
Land Development Regulations	<ul style="list-style-type: none"> Section 42-262.C.7, <i>Kennels or animal shelters, subject to several conditions.</i> Additional criteria for evaluating a special land use is set forth in Section 42-462, <i>General Standards for Review of Special Land Uses.</i>
Historic District/ Structure	<ul style="list-style-type: none"> The subject site is not located within a historic district and does not contain any historic structures.

IV. ANALYSIS:

The applicant proposes to construct 11 indoor kennels, with a possibility of additional future kennels (15 kennels maximum) within the existing 3,000 square foot building. While minor modifications to the interior portion of the building will occur to accommodate the kennels (e.g., installation of drains, concrete flooring, kennel construction), no building addition or exterior site changes are proposed. The kennel portion of the business would provide overnight boarding opportunities necessary to meet customer needs. According to the applicant and per the commercial kennel ordinance, all dogs would be inside the building between 9:00 p.m. and 7:00 a.m.

As a result of the variances approved by the ZBA, the application fulfills the conditions set forth in the Zoning Code for issuance of a special land use permit for a commercial kennel. The subject site meets the minimum two acre lot size and a maximum of 45 dogs (30 day care dogs and 15 kennel dogs) will be present at the site at any one time. The facility has frontage on Portage Road and all ingress/egress will be provided through a shared driveway from this major thoroughfare. All kennels and associated runs will be located inside the existing building and kennel dogs will be kept inside the building between 9:00 p.m. and 7:00 a.m. The facility will be maintained in a safe and suitable environment and sufficient on-site parking is provided.

Although the kennel ordinance allows the Planning Commission to consider installation of screening up to six feet in height in order to mitigate and/or avoid possible adverse impacts on surrounding property, the Commission concluded in October 2010 that the 6-foot tall chain-link fenced outdoor play area located along the west side of the building did not need to be enclosed by a solid screening fence. The outdoor play area has limited visibility from Portage Road, natural screening along the east property line would be retained and significant setbacks exist from adjacent properties (approximately 90-feet from the south, 100-feet from the north, 120-feet from the east and over 175 feet from Portage Road. The addition of up to 15 indoor kennels for overnight boarding will not alter the current use of the outdoor play area necessitating the installation of a screening fence. Furthermore, the October 2011 Zoning Board of Appeals approval included conditions that restrict the outdoor exercise area from being expanded beyond its current dimensions, prohibit outdoor cages or runs, require staff to be present any time dogs are located outside and, finally, require the applicant to install either a 6-foot tall solid screening fence or wall around the outdoor exercise area if noise complaints are received and operational changes to the business can not resolve the issue.

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 for both the dog day care and overnight kennel portions of the business operation. The daily waste removal and sanitation procedures and related operational activities planned by the applicant, are necessary and appropriate to ensure conformance and should preclude any need to consider administrative and enforcement actions.

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.

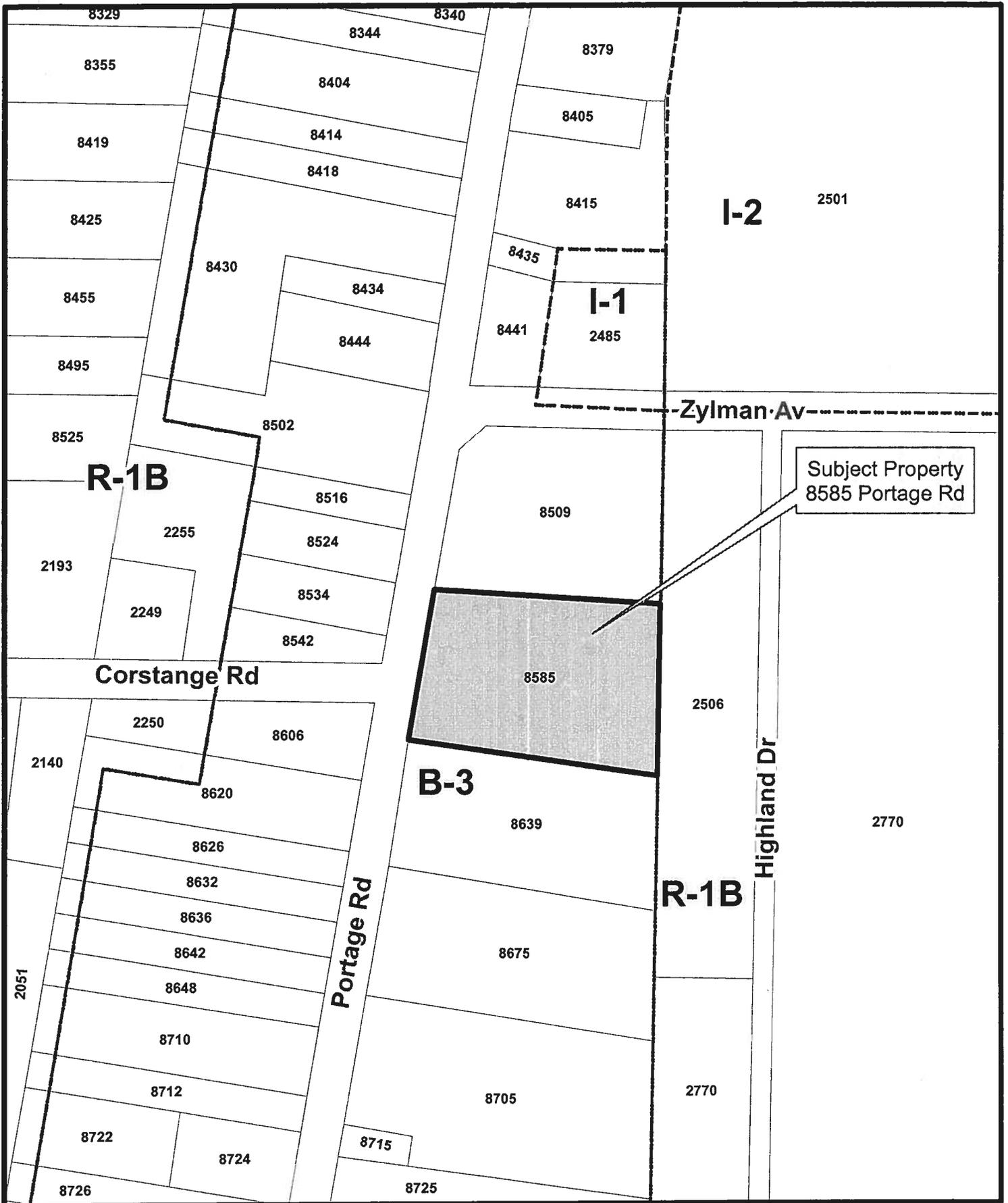
V. RECOMMENDATION:

Subject to any additional information brought before the Planning Commission during the public hearing, staff recommends that the Special Land Use Permit for Wiggles, Waggles & Tails to establish a commercial kennel at 8585 Portage Road, be approved subject to the following:

- 1) All conditions of the October 10, 2011 Zoning Board of Appeals variance approval, noted above, also apply to the Special Land Use Permit.
- 2) Similar to the Special Land Use Permit issued in October 2010 for the dog daycare, and to limit the intensity of the proposed commercial kennel, no breeding or selling of dogs is permitted.
- 3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.

In addition, if the commercial kennel special land use permit is approved, it is appropriate that the Planning Commission take action to rescind the dog day care special land use permit issued in October 2010 to ensure no conflicts between the requirements and conditions exist.

Attachments: Zoning/Vicinity Map
Aerial Photograph Map
October 10, 2011 Zoning Board of Appeals meeting minutes
Special Land Use Permit Application and related materials (supporting letter, floor plan site sketch)

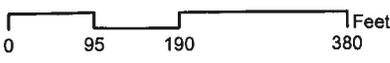


Subject Property
8585 Portage Rd



SPECIAL LAND USE PERMIT

8585 Portage Road



Legend

- Subject Parcel
- Zoning Boundary

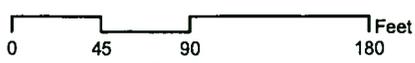


Subject Property
8585 Portage Rd

Corstange Rd

Portage Rd

Aerial Photograph 8585 Portage Road



- Legend**
- dimensions
 - Subject Parcel

final and effective immediately. Upon roll call vote: Schimmel – Yes, Linnenger –Yes, Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, Felicijan-Yes. The motion carried 7-0.

ZBA #11-05, 2404 Fairfield Road. Staff summarized the request for a 30 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage with a combined area that exceeds the ground floor living area of the dwelling. Mr. Kilkelly stated when the shed was constructed 16 years ago he believed the contractor had obtained the proper permits, but that was not the case and he has been working hard with staff to find solutions since he last was before the Board a year ago. He stated he already combined his two contiguous lots, re-measured all structures, and modified his proposal so it would meet codes as much as possible. Seyburn inquired if the breezeway created by attaching the shed and garage with a common roof counted towards the accessory building area. Staff stated the roof attachment eliminated the applicability of the 10-foot building separation requirement and that Section 42-121 specifically exempted breezeways being counted towards accessory building area.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Bunch to grant a 30 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage with a combined area that exceeds the ground floor living area of the dwelling, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include it is adjacent to developed commercial property to the south and east and is screened from view to the east and south by a six-foot opaque fence and mature vegetation; the house is located directly in front of the shed and blocks the view from the north; the applicant owns the adjacent lot to the west at 2324 Fairfield Road; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus-Yes, Schimmel-Yes, Felicijan-Yes, Linnenger-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

ZBA #11-06, 8585 Portage Road Staff summarized the requests for variances from two special land use provisions for a commercial kennel: a) a 380-foot variance from the 500-foot setback from a residential district boundary; and b) a variance from the enclosure requirements for outside exercise areas. Shannon Reeves explained Wiggles Waggles and Tails has been open for a year and when they initially received approval for a Special Land Use Permit by the Planning Commission last year, they did not anticipate there would be any demand for overnight boarding, however, numerous customers have since inquired prompting this request. Customers have noted a lack of boarding facilities in town and are compelled to board in other surrounding communities. Ms. Reeves stated their staff is already present and monitoring the exercise area whenever the dogs are outside. Bright inquired who owned the adjacent undeveloped properties. Ms. Reeves stated Pfizer owned the adjacent heavily wooded parcels. Felicijan inquired how boarding kennels are typically configured. Ms. Reeves explained most kennels have a ‘U’ shaped kennel configuration with both indoor and outdoor access, her proposal, however, entailed the kennels being entirely within the existing building. Felicijan stated that while he supported the growth of small businesses, a 380-foot variance request was quite substantial and struggled finding a practical difficulty. Schimmel inquired if anything in the city codes requires employees to be present 24 hours a day at overnight boarding kennels. Staff responded no.

A public hearing was opened. A letter, dated September 10, 2011 from Wiggles, Waggles and Tails, 8585 Portage Road was read into the record. The public hearing was closed.

After additional discussion, a motion was made by Felicijan to deny the request for a 380-foot variance from the 500-foot setback from a residential boundary for the following reasons: there are no exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; the immediate practical difficulty causing the need for the request was created by the

applicant; the variance would be detrimental to the surrounding neighborhood, and the variance would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Felicijan-Yes, Bunch-Yes, Linenger-Yes, Schimmel-No, Seyburn-No, Bright-No, Rhodus-No. Motion failed 3-4.

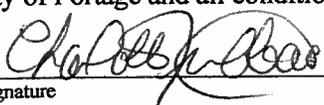
A motion was made Bright, seconded by Seyburn, to grant variances from two special land use provisions for a commercial kennel: a) a 380-foot variance from the 500-foot setback from a residential district boundary; and b) a variance from the enclosure requirements for outside exercise areas for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include they are the only dog kennel in the area, the existing building design, the limited size of the kennel operation, and the retention of existing mature vegetation; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to provide service to dog owners; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. The following conditions will apply 1) the number of animals be limited to not more than 45 (30 daycare dogs and 15 for overnight boarding); 2) the outdoor exercise area not be expanded beyond its current dimensions, and no cages/runs be established in this area; 3) kennel staff be present any time animals are located within the outdoor exercise area; and 4) should there be noise complaints that cannot be resolved by operational changes to the business, a six-foot solid screen fence or wall must be installed around the outdoor exercise area. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. A motion was made by Felicijan to amend condition 4) to require installation of the fence prior to operating overnight boarding received no support. Upon roll call vote: Felicijan-No, Bunch-No, Linenger-No, Schimmel-Yes, Seyburn-Yes, Bright-Yes, Rhodus-Yes. Motion passed 4-3.

ZBA #11-07, 1901 Romence Road Parkway: Staff summarized the request for a 10-foot variance to erect two, 14 square-foot directional signs identifying the Stryker Corporation near the west building entrance of 1901 Romence Road Parkway. Steve Vandersloot of Sign Art was present on behalf of the applicants. Mr. Vandersloot stated Stryker was occupying the northwest quadrant of the office building at 1901 Romence Road Parkway and intended the proposed signs to help create a sense of arrival. The signs were not intended to be readable from Romence Road Parkway and would use soft lighting similar to the Trade Center signs. Felicijan inquired if the applicant was requesting one or two directional signs. Mr. Vandersloot stated Stryker was occupying the northwest quadrant of the building and only needed one Stryker sign, however, there was a good possibility they might be occupying the southwest quadrant as well at which time the applicant was comfortable with returning to the Board to make a similar second request. Seyburn noted the Board could save time and trouble if they approved a variance for two directional signs – not necessarily two ‘Stryker’ signs - as the applicant is under no obligation to erect the second sign. Felicijan stated he had some concerns about possibly creating a precedent for larger directional signs. Mr. Vandersloot stated Stryker had previously received a variance for directional signs at their Sprinkle Road campus.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Seyburn, to grant a 10-foot variance to erect two 14 square-foot directional signs near the west building entrance of 1901 Romence Road Parkway for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the size of the subject property, the location of the existing site improvements and location/orientation of the proposed signs, the Board previously approved a variance for Stryker’s directional signs at the Sprinkle Road campus, the signs will not be visible to adjacent property or the surrounding neighborhood, and will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this

RECEIVED
 OCT 17 2011
 COMMUNITY DEVELOPMENT

APPLICANT INFORMATION			
Name Wiggles, Waggles + Tails Doggie Daycare - Shannon Reeves		Telephone Number 269-377-9697	
Address 10358 Westminster	City Portage	State MI	Zip code 49002
OWNER INFORMATION (if different)			
Name Charlotte Hubbard		Telephone Number 269-718-7317	
Address 11046 Higley Circle West	City Schoolcraft	State MI	Zip code 49087
PROPERTY INFORMATION			
Address of property 8585 Portage Rd.	Zoning District B-3	Land Area (acres) just over 2 acres	
Legal Description (or attach separate page)			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary)			
I would like to do overnight boarding at our doggie daycare. NO changes to the outside of the building. The changes to the inside of the building would be kennels built + enclosing reception area. See attached drawing + letter for more details.			
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.			
Signature 		Date 10/23/11	

Wiggles, Waggles & Tails, LLC



Doggie Daycare

RECEIVED
OCT 24 2011
COMMUNITY DEVELOPMENT

Mike West
Community Development
City Hall
7900 S. Westnedge
Portage, MI 49002

October 24, 2011

Mike,

We need to come to the Planning Commission to get a new special land use permit for doing overnight boarding at our doggie daycare. Wiggles, Waggles & Tails has been open for almost a year (November 2010) as a doggie daycare on Portage Rd. We have done great and are getting more dogs every day. Since we opened in November 2010 we have had more requests than I can count from people wanting us to do overnight boarding.

The demand for overnight boarding in Portage is huge. Currently, Portage residents have to board their dogs in Mattawan, Schoolcraft, or other places because there isn't anything here.

In order for us to do overnight boarding at our doggie daycare we needed to get variances on two portions of the kennel ordinance that we didn't meet. We went to the zoning board of appeals and we were approved for those two variances.

Nothing is going to change on the outside of the building. The changes on the inside will be to add more kennels (see attached drawing).

For us to do overnight boarding not much would be different from what we are doing now. We are currently open from 6:30am- 6pm. During that time the dogs can be outside but they are always supervised. When we board overnight it would be the same for those dogs. When we leave at 6pm every dog would be in a kennel inside. I would come back at 8:30pm for one last potty break and then everybody would go back in their kennel for the night until we open the next morning. During the day the boarding dogs can be out playing with the daycare dogs. We would like to build 10 kennels inside now and see how that goes with the possibility of adding more at a later date in the extra

rooms we have. The most dogs we would have are 30 daycare dogs and 10-15 boarding dogs for a total of 45.

I have also enclosed a rough sketch of how the interior of the building would change and an example of a typical day. If you have any other questions or need me to explain anything please don't hesitate to call me at 377-9697 or 321-3298. We feel boarding is the best investment in the future of our daycare business and also the best use of our current space without changing the building drastically. We appreciate you considering our proposal. Thank you very much for your time and consideration.

Sincerely,

Shannon Reeves - Owner
Wiggles, Waggles & Tails Doggie Daycare

Wiggles, Waggles & Tails Boarding

Daily Schedule

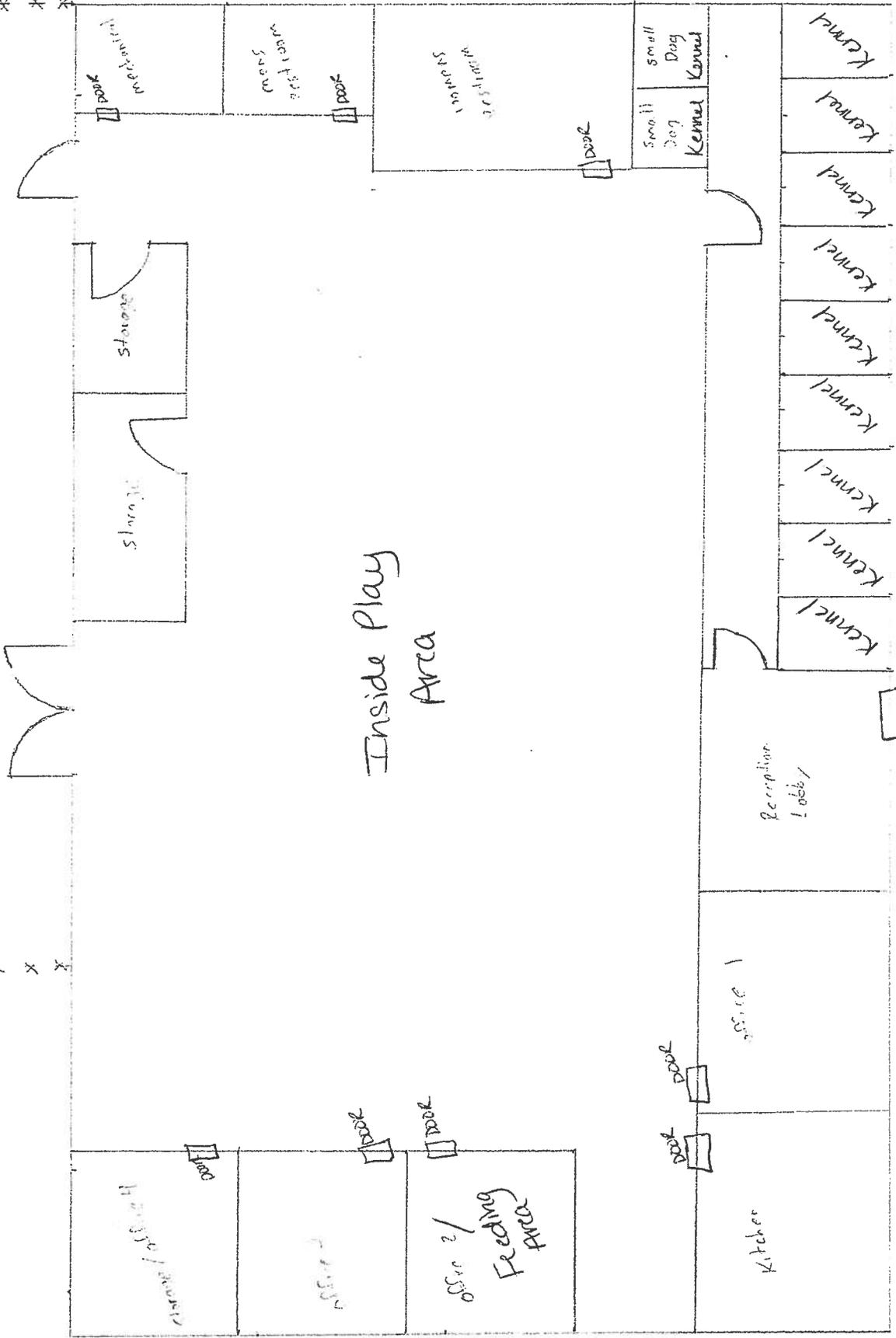
7am	Let boarding dogs out to potty/feed them/ give medications
7am-6pm	Typical doggie daycare day- playing, treats, swimming or playing in the hose, naps, etc.
6pm	Feed boarding dogs/medication/etc.
8:30-9pm	Last potty break and everybody back in their kennels
9pm-7am	Bedtime

parking lot

* * * * *

* * * * *

OUTSIDE PLAY AREA



Inside Play Area

Reception Lobby

Service

Kitchen

Water Feeding

Storage

Storage

reception

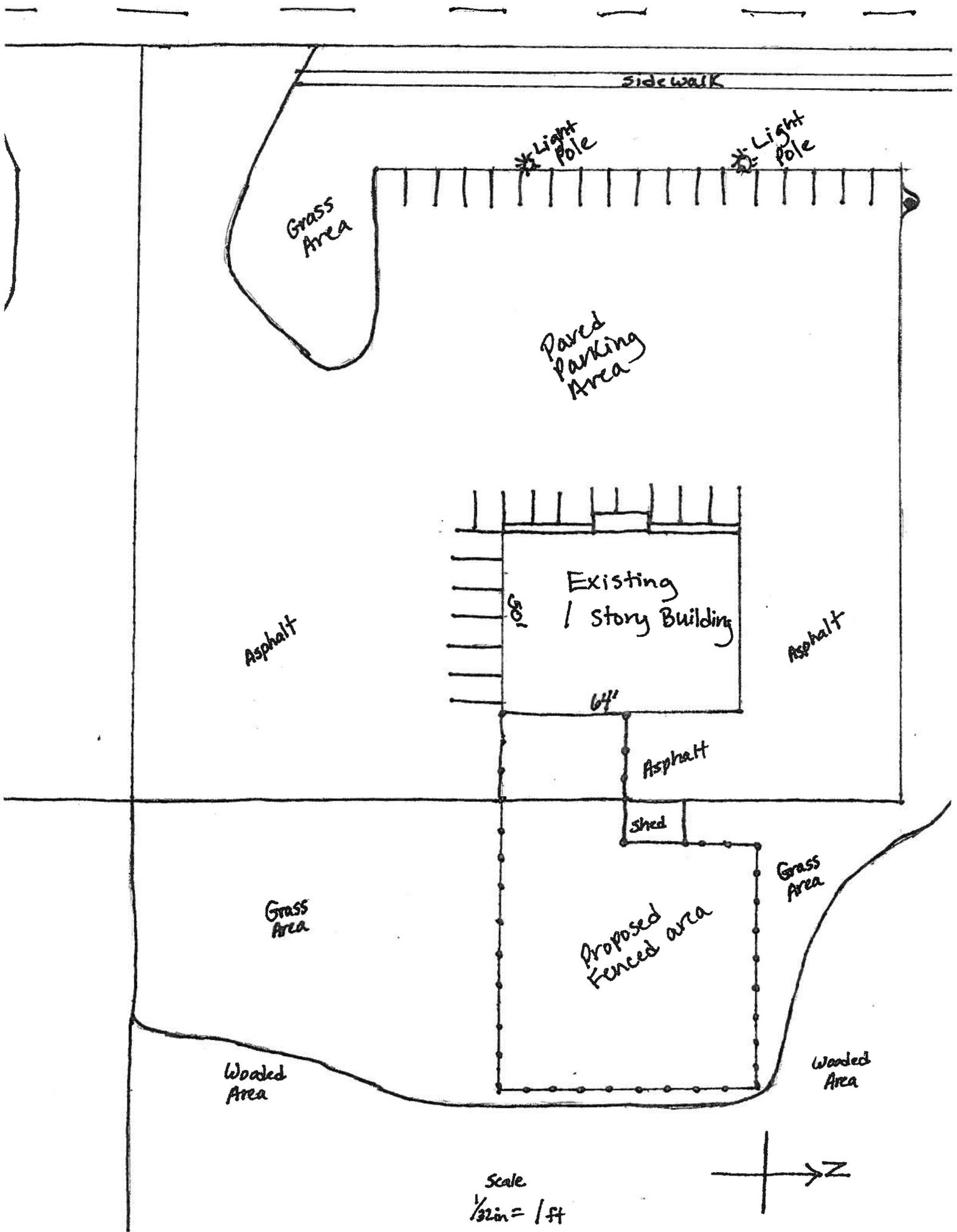
water fountains

water fountains

Small Dog Kennel

Front door

PARKING LOT
PORTAGE RD



sidewalk

* Light Pole

* Light Pole

Grass Area

Paved Parking Area

Asphalt

Existing 1 story Building

Asphalt

50'

64'

Asphalt

Shed

Grass Area

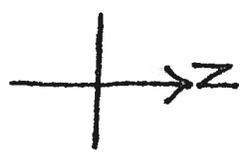
Proposed Fenced area

Grass Area

Wooded Area

Wooded Area

Scale
1/32 in = 1 ft



TO: Planning Commission **DATE:** November 15, 2011
FROM: Vicki Georgeau, ^bDirector of Community Development
SUBJECT: Active Home Occupation Permit: Arrow Car/Taxi Service, 3617 Wedgewood Drive.

I. INTRODUCTION:

An application has been submitted by Robert and Kimberly Tatum requesting an Active Home Occupation Permit to operate a car/taxi service business (Arrow Car Service) from their residence located at 3617 Wedgewood Drive. As information for the Commission, the applicants have been operating Arrow Car Service from their residence since August 2011 without knowledge that an active home occupation permit was needed. Staff became aware of the business in response to a citizen complaint.

II. BACKGROUND:

The following information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Subject Site:</u> Single-family residence (approximately 2,100 square feet) with an attached 503 square foot garage zoned R-1B, one family residential. • Single family residences also zoned R-1B surround the subject site to the east, south, west (across Tamworth Street) and north (across Wedgewood Drive).
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map of the Comprehensive Plan identifies the subject site along with surrounding properties as appropriate for low density residential land use.
Access	<ul style="list-style-type: none"> • The subject site is located at the corner of Wedgewood Drive and Tamworth Street with a driveway providing access from Tamworth Street.
Environmental Issues	<ul style="list-style-type: none"> • A review of the City of Portage Sensitive Land Use Inventory Map, does not identify any environmentally sensitive areas (100-year floodplain, wetlands) on or near the subject property.
Land Development Regulations	<ul style="list-style-type: none"> • Section 42-129.B, <i>Active home occupations, subject to several conditions.</i>
Historic District/ Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.

III. APPLICATION/PROPOSAL:

As described in the application materials, the active home occupation occupies a small portion of the interior of the home (approximately 100 square feet) with an office, computer and phone. Three fleet vehicles including a 1999 Astro Van, a 1996 Lincoln Town Car and a 1997 Lincoln Town Car are parked along the west side of the house on the concrete driveway. A 2011 Yukon is also kept on the property, but is used for personal not business purposes. According to the applicant, the business currently has three nonresident employees/drivers. As indicated in the application materials, there is currently one nonresident employee (day driver) that arrives at the residence around 6:00am, picks up a fleet vehicle, leaves and then returns between 5:30-6:00pm. Additionally, there are two nonresident employees (night drivers) that arrive at the residence around 6:00pm, pick up fleet vehicles, leave and then return at approximately 6:00am.

IV. ANALYSIS:

In March 2011, the City Council approved an amendment to Section 42-129, Home Occupations of the Zoning Code that expanded opportunities for residents to operate home-based businesses. The ordinance

amendment established two categories of home occupations: 1) Passive Home Occupations that are low impact home-based businesses permitted by right in all residential dwelling units; and 2) Active Home Occupations that represent more intensive home-based businesses which may be allowed subject to a public hearing and Planning Commission review/approval. In order to minimize impacts on adjacent properties and to determine the appropriateness of the use in a single family residential district, the Active Home Occupation ordinance includes several provisions that must be considered by the Planning Commission (see attached). A summary of these requirements along with an analysis of the proposed active home occupation is provided below.

- 1) *No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request.*

According to the applicant, the business currently has three nonresident employees/drivers. The applicant indicates the nonresident employees/drivers arrive at the residence, pick up a fleet vehicle (leave personal vehicle parked in the driveway) and then depart the residence to begin their shift. According to the applicant, the employees/drivers are on-site “..no more than 10 minutes..” and do not return to the residence until the end of their shift. As provided in the application materials, there is currently one nonresident employee (day driver) that arrives at the residence around 6:00am and returns between 5:30-6:00pm, and two nonresident employees (night drivers) that arrive at the residence around 6:00pm and return at approximately 6:00am.

- 2) *Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation.*

As indicated in the application materials, approximately 100 square feet of the main floor of the residence is devoted to the active home occupation (office, desk, computer, phone).

- 3) *There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.*

No alterations or exterior treatments to the zoning lot or structures are proposed, or have occurred.

- 4) *Off-street parking provided for the active home occupation shall be provided on an improved driveway.*

The zoning lot has a two-car attached garage and associated concrete driveway with access from Tamworth Street. The three fleet vehicles associated with the business are parked on the concrete driveway, while personal vehicles are parked either in the garage or on the concrete driveway. Nonresident employee vehicles are also parked on the concrete driveway.

- 5) *No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.*

No goods or products are associated with the proposed active home occupation.

- 6) *Storage of materials, equipment and goods which are incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of the completely enclosed accessory building.*

Three fleet vehicles are parked in the driveway when not in active use. No other materials, equipment or goods are associated with the active home occupation.

- 7) *The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.*

Not applicable to the proposed active home occupation.

- 8) *Materials, equipment and goods shall not be visible from adjacent properties.*

Three fleet vehicles are parked in the driveway when not in active use.

- 9) *There shall be no sign of any nature identifying the home occupation except non-illuminated wall signage (maximum of six square feet) identifying the name of the home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.*

No freestanding/wall signs or window displays are used or proposed with the active home occupation. The three fleet vehicles and one personal vehicle have Arrow Car Service decals, which are not signs regulated by city code.

- 10) *The active home occupation shall not produce or generate excessive or undue noise, odors, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property.*

The applicant indicates no noise or other comparable nuisances are associated with this home-based business. However, the neighbors have expressed concerns regarding vehicle noise and other disturbances associated with the business.

- 11) *The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:*

- a. *Promotes the intent and purpose of this section;*
- b. *Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:*
 - i. *The proximity of the surrounding uses to the active home occupation;*
 - ii. *The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;*
 - iii. *The seasonal nature of the active home occupation;*
 - iv. *The size and weight of vehicles to be used in the active home occupation; and*
 - v. *The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;*
- c. *Does not unduly affect the capacities of public services or facilities;*
- d. *Is consistent with the public health, safety and welfare;*
- e. *Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and*
- f. *Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.*

As described in the attached application, sufficient on-site parking is available for the three fleet vehicles, nonresident employee vehicles and the applicant's personal vehicles, provided employee vehicles are on-site only when fleet vehicles are off-site in active use. The size and weight of the three fleet vehicles are also consistent with other vehicles present in a residential neighborhood. As described in the application materials, and based on three fleet vehicles used by employees over two shifts, the business can generate 24 trips per day, provided employees only come the property at the start and end of each shift. This number of vehicle trips is not considered excessive in comparison to other home occupations such as instruction in fine arts (e.g. music lessons) or child daycare homes. However, based on concerns expressed by neighbors, the operational characteristics of the business may vary from the information provided in the application materials.

- 12) *The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights,*

to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factor.

Reasonable conditions such as the number of on-site fleet vehicles, number of nonresident employees/drivers, hours of operation and prohibitions against on-site vehicle maintenance/repair appear can be considered by the Planning Commission.

13) No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act.

Not applicable to the proposed active home occupation.

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. The Department of Community Development has spoken to several area residents who have expressed concerns regarding the proposed active home occupation. Additionally, a petition signed by many area residents opposed to the operation of a car/taxi service business and several written communications also opposed to the use (see attached) have been received.

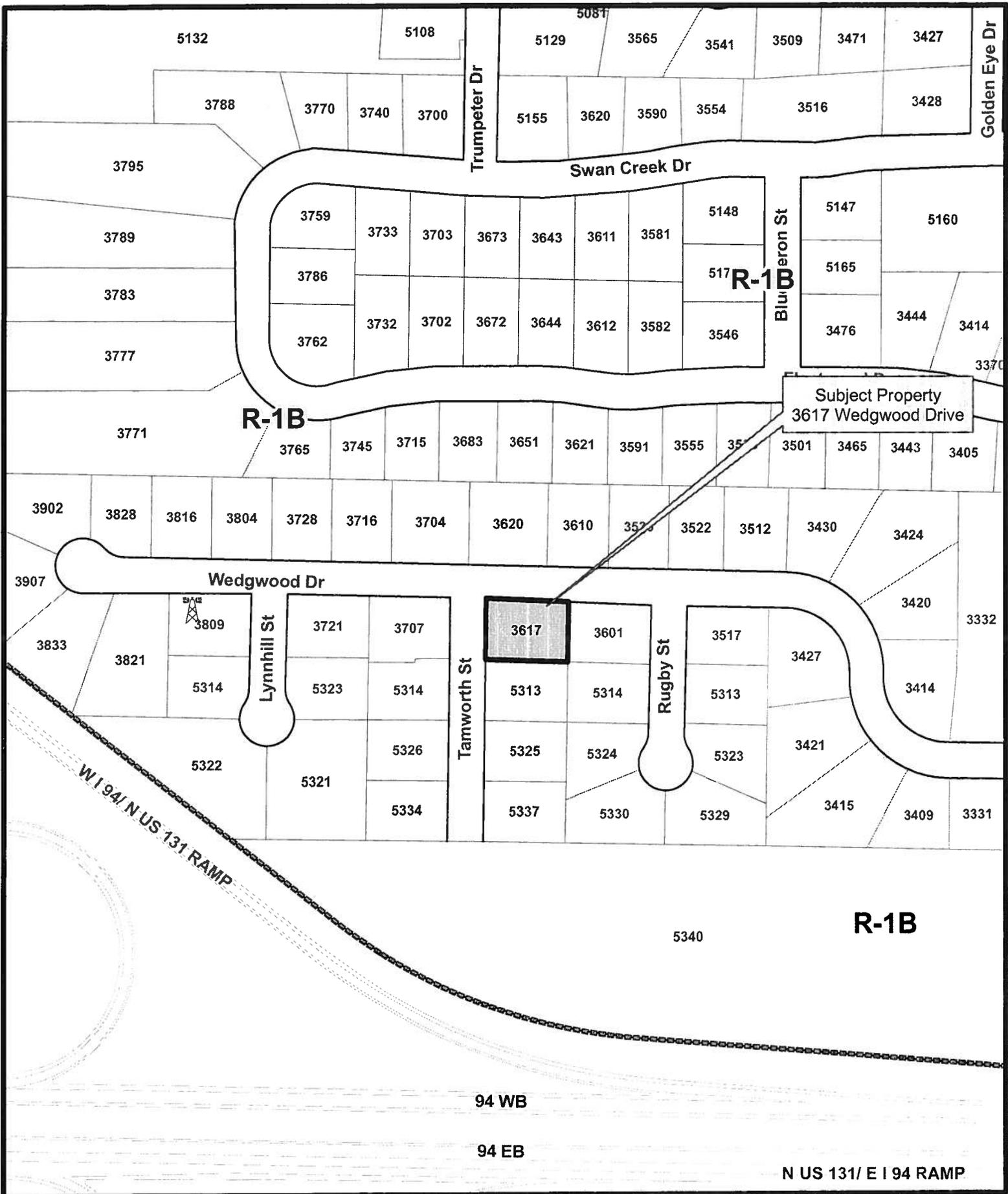
V. RECOMMENDATION:

Significant concerns regarding the operation of a car/taxi service have been expressed by neighborhood residents and information provided by the applicant appears to conflict with resident concerns. Subsequent to the discussion that will occur during the November 22, 2011 public hearing, the Planning Commission has the option to take action, or may adjourn the public hearing until the December 15, 2011 meeting, if the Commission needs additional time to consider further information from the applicant and neighborhood residents.

Should the Planning Commission consider approval of the Active Home Occupation Permit for Robert and Kimberly Tatum (Arrow Car Service), 3617 Wedgewood Drive, the following conditions are recommended:

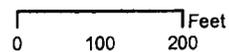
- 1) No more than three fleet vehicles be present at the site and all vehicles (personal and nonresident employees) be parked on the concrete driveway or in the attached garage.
- 2) The Planning Commission allow one additional nonresident employee/driver (two total) to be present on the zoning lot. Allowing one additional nonresident employee should not adversely impact the adjacent residential uses since this person will only be on-site approximately 10 minutes at the beginning and end of the employee's shift. Although the applicant has indicated there are three non-resident employees, only two (subject to Planning Commission approval of the second employee) are permitted per ordinance requirements.
- 3) Consistent with the information provided by the applicant, the two nonresident employees may be on site only at the start and end of their shift, which shall begin not earlier than 6:00 a.m.
- 4) Fleet vehicle maintenance and/or repairs must be conducted off site.
- 5) The car/taxi service business must maintain a license from the Michigan Department of Transportation.
- 6) The Planning Commission conduct a six month review of the special land use permit.

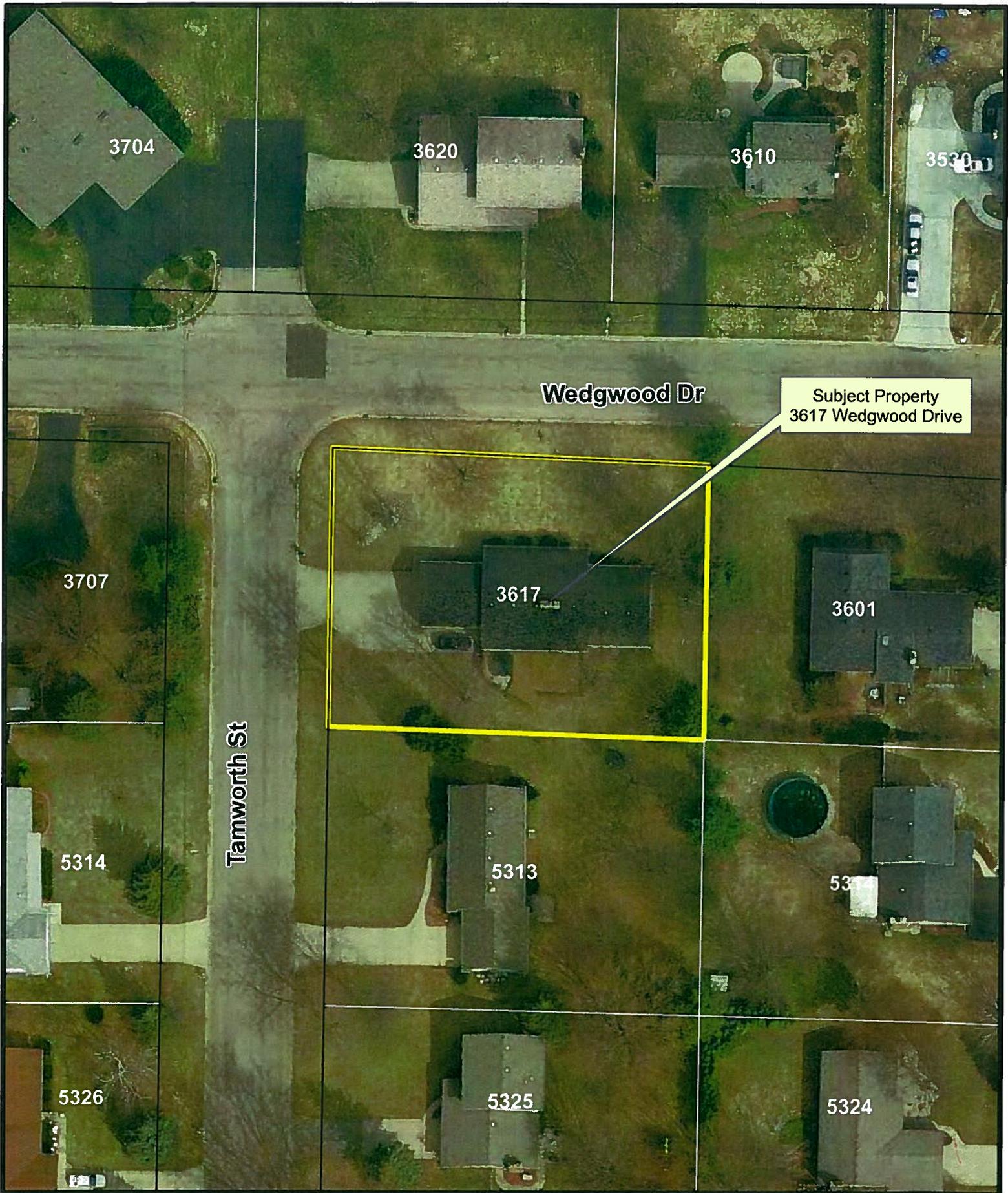
Attachments: Zoning/Vicinity Map
 Aerial Photograph Map
 Active Home Occupation Permit Application and supporting materials
 Citizen communications received
 Section 42-129 (Home occupations) of the Zoning Code



Active Home Occupation Permit

3617 Wedgwood Drive





Active Home Occupation Permit
3617 Wedgwood Drive

1 inch = 50 feet

OCT 19 2011

Department of Community Development
COMMUNITY DEVELOPMENT

ACTIVE HOME OCCUPATION PERMIT APPLICATION

Applicant Name: Robert B Kimberley Tatum Address: 3417 Wedgwood Dr
Business Name: Arrow Car Service Telephone No: 269-547-4739
E-mail address: arrowcarservice@gmail.com Is the property owned or leased/rented? owned

If leased/rented, written permission from the property owner must be submitted.

Describe the active home occupation to be conducted: Cab/car service

Will persons other than the full-time occupant(s) of the dwelling be involved with the active home occupation? Yes No. If yes, please indicate the number of additional persons involved 3-5 outside of home they report pickup car and leave.

Indicate where inside the home the active home occupation will be conducted (1st floor, 2nd floor or basement)? 1st flr between kitchen and living room

What is the total floor area that will be used for the active home occupation? 10x10 space (attach a sketch of the floor or basement and area used for the active home occupation)

Will an attached/detached accessory building be used for storage purposes? Yes No. If yes, please describe and indicate the total area of the accessory building and the amount of floor area used for storage (attach a sketch of accessory building and area used for storage):

Will any products or goods incidental to the service provided be sold from your home? Yes No. If yes, please describe type of products or goods and where they will be stored:

Will the home-based business generate additional vehicular traffic (e.g. customers or deliveries)? Yes No. If yes, please describe and indicate the approximate number of vehicles per day: only our drivers they come to our home park in driveway and pickup cars and leave here no more than 10 minutes.

Will the home-based business generate any noise, odors, dust, fumes, smoke, glare or other nuisances that would impact surrounding property owners? Yes No. If yes, please explain.

Will a wall sign intended to advertise the business be installed? Yes No. If yes, please indicate the size (maximum six square feet) and the wall where the sign will be attached.

If more information describing the active home occupation needs to be provided, attach additional page(s).

I, the undersigned, acknowledge that I am aware of the requirements for approval of my active home occupation and all regulations and obligations thereto will be fulfilled as required by ordinance.

Robert Tatum
Signature of applicant

10/19/11
Date

Robert Tatum
Print name

NOTE: The records of the City of Portage are public records and are available for inspection by members of the public.

To the City of Portage,

Arrow Car Service is operating out of 3617 Wedgwood Dr Portage Mi 49024. Company owned and operated by Robert and Kimberley Tatum. Arrow Car Service is a 24/7 company providing car/sedan transportation services to the greater Kalamazoo County. We own three vehicles for this purpose. 1) 1999 Astro Van 1) 1996 Lincoln Towncar and 1) 1997 Lincoln Town car. No customers ever come to our home we go to them in order to pick them up and drop them off at their destination. We are applying for the city permit that would allow us to operate our business from our home.

Thank you

Kimberley Tatum

Arrow Car Service

Currently we have 3 employees

1. 1 day driver and 2 night.

day driver 1 car in driveway
from 6 Am to 5:30-6pm.

2. 1 night driver has car in driveway
from 6pm to 6 Am,

3. 1 night driver has no vehicle
Rides with other night driver

Once cars are picked up driver departs
from residence and returns at end of
shift. There is no vehicles coming and
out of our home during employee shift,
until their shift is over. for business

(Kimberley).
my entire family lives here and friends
from the last 20+ yrs. more traffic comes
from them than the business.

2 1/2 GARAGE 2 LARGE VEHICLES
DRIVEWAY, 9 CARS
RV SPOT 3 CARS.

GARAGE DRIVEWAY & RV PAD WERE
THERE WHEN HOME PURCHASED.

WE CURRENTLY HAVE.

1. PERSONAL VEHICLE - 2011 VOLVO DENTAL
2. COMPANY MID SIZE VAN FITS 8.
3. 2. LINCOLN TOWN CARS.

RV SLOT will PARK 3 vehicles

3617 Wedgwood DR

Garage

House

Fence

RV SLOT

10F →

25 FT

Wedgwood DR

50 FT

33 FT

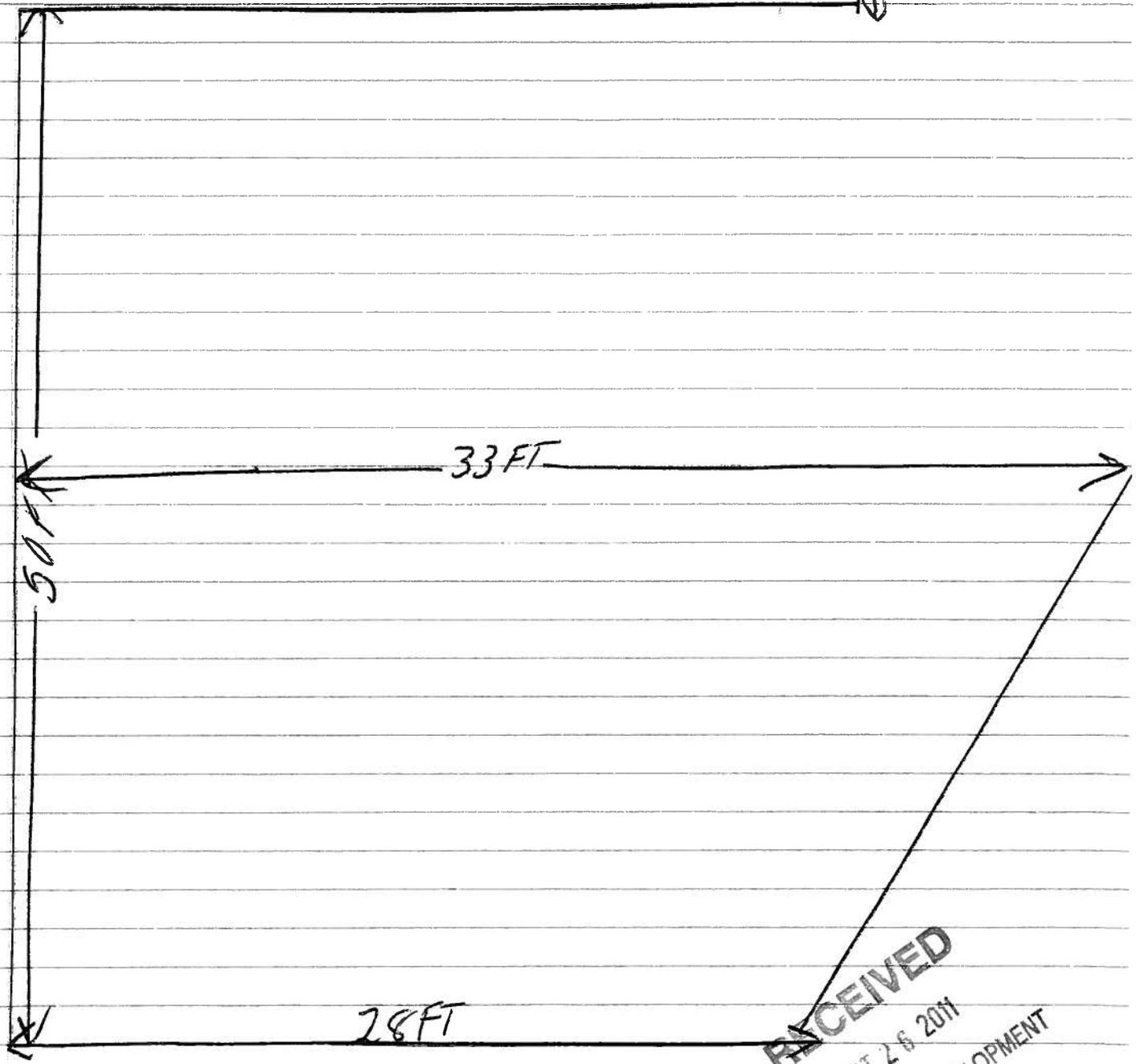
28 FT

TAMWORTH ST

RECEIVED

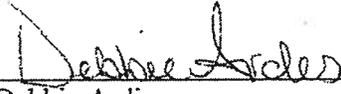
OCT 26 2011

COMMUNITY DEVELOPMENT



To Whom It May Concern,

I hereby give Robert and Kimberly Tatum permission to operate Arrow Car Service from the Portage residence to the extent of complying with applicable City, State, and Local ordinances.



Debbie Ardis

DEPARTMENT OF TRANSPORTATION



State of Michigan

Limousine Certificate of Authority

L2233

ROBERT TATUM, KIMBERELY TATUM DBA ARROW CAR SERVICE

P.O. Box 1025

Portage, Michigan 49081-2025

Pursuant to Public Act 271 of 1990, authority is granted to transport by limousine between the following points in Michigan:

INTRASTATE

To operate as a Limo Carrier of Passengers by limousine, as defined in Act 271, transporting passengers, in charter operations, beginning and ending at all points in Michigan.

This annual renewable authority continues in full force and effect unless it is suspended or revoked.

By:

A handwritten signature in cursive script that reads "Robbie Smith".

Robbie Smith

Regulatory Unit - Passenger Transportation Division

October 4, 2011

Note: Copy to be carried with each limousine + operated under authority of this Department.





Portage Planning Commission
November 5, 2011

RECEIVED
NOV 07 2011
COMMUNITY DEVELOPMENT

Dear Sir,

We do not want the zoning at the residence of 3617
Wedgewood (sp) Drive changed.

James and Neoma Kilway

James Kilway
Neoma Kilway

3620 Wedgwood Dr.

Portage, Michigan 49024

November 9, 2011

RECEIVED

NOV 09 2011

Portage Planning Commission
7900 South Westnedge Ave
Portage, MI 49002

COMMUNITY DEVELOPMENT

We have lived on Wedgewood Drive for over 40 years. The strengths of the neighborhood that helped us make the decision to build our house in this location are under attack. Our neighborhood children live within a block of their elementary school which enables them to walk to school "safely" even though we do not have the benefit of sidewalks. We live on a dead end street, which eliminates unnecessary traffic concerns. Now we have someone from out of state that wants to change our safe neighborhood by establishing a home business that involves many, many cars going up and down the street at all hours of the day and night. Many of the cars involved in this business are very loud because of faulty mufflers etc. In the winter, our street is one of the last streets to be plowed..if one of their cars were to get stuck in the road it would hamper clearing of the road for the other neighbors.

Portage claims to care about the safety and quality of their neighborhoods- but if this business is allowed to continue at this address, it flies in the face of the compact that the council has made to its citizens.

Allowing this business in a residential neighborhood is also going to have a negative impact on our property values.

PLEASE DO NOT ALLOW Arrow Car Service to operate from the 3617 Wedgewood Drive location.

Sincerely,

Concerned Resident
Wedgewood Drive
Portage, MI 49024

DEAR PLANNING COMMISSION ,IAM WRITEING IN RESPONCE TO A RECENT MAILING. I WOULD LIKE TO ATTEND YOUR MEETING ON THE TAXI PROBLEM IN THE WEDGEWOOD PLAT. BUT DUE TO A RECENT SHOOTING AND DOMESTIC PROBLEM AND DRUG SITUATION AT THE TATUM RESIDENCE I WILL NOT BE ATTENDING DUE TO POSSIBLE INTIMIDATION AND REPERCUSSIONS BY THESE PEOPLE AS SOME OF MY DEAR NEIGHBORS HAVE BEEN BY THE WOMAN OF THE HOUSE. NEVER NEVER IN MY 38 YEARS LIVING IN THIS WONDERFUL NEIGHBORHOOD WHICH I HAVE RAISED FIVE WONDERFUL CHILDREN HAS SUCH A THING OCCURED. YOUR MAILER WAS SENT TO PEOPLE WITHIN 300 FEET OF THE TATUMS COME ON EVERYONE IN THE SURROUNDING AREA FLEETWOOD ,SWANCREEK AND MORE SHOULD BE INCLUDED AS THEIR PROPERTY VALUES WILL DROP AS WELL IF THIS IS OK;D THIS IS A RESIDENTIAL RIC1 NEIGHBORHOOD AS OUR CITY PLANNERS DESIGNATED WHEN THIS PLAT WAS DEVELOPED WITH THE FORSITE TO AVOID SOMETHING LIKE THIS HAPPENING. AS A TAXPAYER WITH OVER 45 YEARS AS A PORTAGE RESIDENT WHICH IS A WONDERFUL CITY TO LIVE IN. THIS IS AN OUTRAGE THAT THESE PEOPLE WANT TO ESTABLISH A TAXI SERVICE IN THIS RESIDENTIAL AREA..THIS WOULD BE A TERRIBLE MISTAKE TO ALLOW THIS TO BE.THIS IS A BEAUTIFUL NEIGHBORHOOD TO RAISE A FAMILY BY THE SCHOOL AND ALL THE LITTLE ONES WALKING TO AND FROM ANGLING ROAD SCHOOL SAFELY AND WE WANT TO KEEP IT THAT WAY. ALTHOUGH WE HAVE THE NEIGHBORHOOD TRAFFIC HERE WITHOUT ANY PROBLEMS IN MY 36 YEARS HERE I MIGHT ADD,,WE DO NOT WANT TO JEPRODISE THESE CHILDREN WITH ADDED TRAFFIC OF A TAXI CAB SERVICE I FEEL THEY CAN HAVE THEIR BUSINESS BUT KEEP THE CABS ELSEWHERE.THIS IS NO PLACE FOR THE PARKING OF CABS SOMETIME 5,,6 AND MORE IN THE DRIVE AND SIDE OF THE HOUSE.. IN CONCLUSION IF YOU HAD THIS SITUATION IN YOUR NEIGHBORHOOD WOULD YOU WANT YOUR CITY PLANNERS TO RECIND THE ORIGINAL BYLAWS TO OK IT,, THIS IS NOT WHAT WE BARGINED FOR WHEN WE CHOSE TO LIVE IN THE WEDGEWOOD PLAT. I BEG OF YOU ON BEHALF OF ALL MY SURROUNDING NEIGHBORS AND AS A LONGTIME RESIDENT HERE TO DO THE RIGHT THING AND NOT ALLOW THESE CABS PARKED HERE FOR A TAXI SERVICE . GOD BLESS YOU ALL AND THANK YOU FOR YOUR KIND ATTENTION TO THIS MATTER SINCERELY YOURS ,,A VERY VERY CONCERNED TAX PAYING CITIZEN OF PORTAGES WEDGEWOOD PLAT

RECEIVED
NOV 10 2011
COMMUNITY DEVELOPMENT

RECEIVED

NOV 10 2011

November 7, 2011

COMMUNITY DEVELOPMENT

Dear Planning Commission,

My husband and I are homeowners and residents on Wedgwood Drive in Portage MI and received a notice regarding the Active Home Occupation Permit for Arrow Car Service that was requested by the residents/owners of 3617 Wedgwood Drive. We are choosing to remain unidentified because we object to the permit but want to avoid any possible retaliation. The reason why we are concerned about this is because of a domestic dispute involving a firearm that occurred at 3617 Wedgwood Drive over the summer. Hopefully you can understand that while we want to provide comment, we would like to avoid possible confrontation.

The main reason why we object to the permit is because we feel that having Arrow Car Service on our street will increase traffic and compromise safety. Wedgwood Drive is a dead end/ culdesac without any through streets and we have already noticed vehicles with the Arrow Car Service logo coming and going more frequently than normal traffic, and at higher speeds. We chose to buy our home on Wedgwood in part because it is on a culdesac, which we hoped would provide light traffic and corresponding safety for our family. The three main safety aspects that we feel could be compromised are:

1. Increased traffic
2. Increased vehicle speeds
3. Increased neighborhood visitors- if there are any divers for Arrow Car Service who are not the current residents of 3617 Wedgwood Drive

We thank you for your time and hope that you will take our concerns into consideration when deciding the outcome of this issue.

Best Regards,

Wedgwood Drive Homeowners

To: Planning Commission
City of Portage, MI

RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT

We the undersigned residents of the Wedgwood Drive\Swan Creek neighborhood request denial of the application for an active car/service business by Robert and Kimberly Tatum at 3617 Wedgwood Drive for the following reasons:

An active commercial transport business is incompatible with the safety and integrity of a residential neighborhood. It is a highly visible business involving several commercial vehicles on and off the residence driveway as the epicenter of operational activity. Cars come and go day and night, seven days a week, driven by both principals and non-resident drivers in shift-rotation. The business involves noise, dust, odor, and headlight glare throughout our streets with particular annoyance upon residents living nearby. Increased commercial traffic presents safety issues for pedestrians and school children, especially on narrow streets and primary roadways without sidewalks. We are concerned that an active car/service business imposes unwarranted stress upon public safety, property values, and tranquility from commercialization of our residential neighborhood. We, therefore, strongly urge the Commission to reject the application.

Name	Address	Signature
DAN HOOK	3728 WEDGWOOD DR.	Dan Hook
Cheryl Morrissey	3728 Wedgwood Dr.	Cheryl Morrissey
Sue H Green	3902 Wedgwood	Sue H. Green
Kimberly Reivitt	3833 Wedgwood Dr.	Kimberly Reivitt
Olivia H. H. H.	3816 Wedgwood Dr.	Olivia H. H. H.
Scott Jackson	3816 Wedgwood Dr.	Scott Jackson
Richard Jackson	5314 Lynn Hill	Richard Jackson
David Seybert	5321 Lynn Hill St.	David Seybert
DIANA SEYBERT	5321 Lynn Hill St.	Diana R. Seybert
Dave Mathison	3804 Wedgwood Dr.	Dave Mathison
John Math	3716 Wedgwood Dr.	John Math
Christa Motter	3116 Wedgwood Dr.	Christa Motter
Pam Wesley	3828 Wedgwood Dr.	Pam Wesley
Jeremy Reivitt	3833 Wedgwood Dr.	Jeremy Reivitt
Charles Peter Cornell	3907 Wedgwood Dr.	Charles Peter Cornell
Karen Alton	3721 Wedgwood Dr.	Karen Alton
Rob Alton	3721 Wedgwood Dr.	Rob Alton
Michelle Mullins	3804 Wedgwood Dr.	Michelle Mullins
John W. Green	3902 Wedgwood Dr.	John W. Green

Michele Jackson 5314 Lynn Hill

Michelle Jackson

To: Planning Commission
 City of Portage, MI

We the undersigned residents of the Wedgwood Drive\Swan Creek neighborhood request denial of the application for an active car/service business by Robert and Kimberly Tatum at 3617 Wedgwood Drive for the following reasons:

An active commercial transport business is incompatible with the safety and integrity of a residential neighborhood. It is a highly visible business involving several commercial vehicles on and off the residence driveway as the epicenter of operational activity. Cars come and go day and night, seven days a week, driven by both principals and non-resident drivers in shift-rotation. The business involves noise, dust, odor, and headlight glare throughout our streets with particular annoyance upon residents living nearby. Increased commercial traffic presents safety issues for pedestrians and school children, especially on narrow streets and primary roadways without sidewalks. We are concerned that an active car/service business imposes unwarranted stress upon public safety, property values, and tranquility from commercialization of our residential neighborhood. We, therefore, strongly urge the Commission to reject the application.

Name	Address	Signature
ROBERT TENANT	3704 WEDGWOOD DR.	Robert Tenant
Margaret Tenant	3704 Wedgwood Dr	Margaret Tenant
Karla Ragainis	5314 Tamworth St	Karla Ragainis
RICK RAGAINIS	5314 TAMWORTH ST.	Rick Ragainis
PAUL MAEHER	5326 TAMWORTH ST.	Paul Maehner
Elma Witsaman	5337 Tamworth	Elma Witsaman
SACK YEE	5313 TAMWORTH ST	Sack Yee
Mary Ann	5313 TAMWORTH ST.	Mary Ann
MATT JESSALUNAS	5325 TAMWORTH ST.	Matt Jessalunas
LESLIE JESSALUNAS	5325 TAMWORTH ST.	LESLIE JESSALUNAS
Norman Kelly	3620 wedgwood Dr	Norman Kelly
JAMES KELLY	3620 WEDGWOOD DR	James Kelly
MARY K. VILKAMP	3591 HAYWOOD DR	Mary Vilcamp
ROBERT MACCALLUM	3610 Wedgwood Dr	Robert MacCallum
RALPH MACCALLUM	3610 WEDGWOOD DR.	Ralph MacCallum
Eugene J. Asken	3707 Wedgwood Dr.	Eugene Asken
Yvonne Asken	3707 Wedgwood Dr	Yvonne Asken
Kathleen A. Nietenberg	5334 Tamworth, Portage	Kathleen Nietenberg

RECEIVED

NOV 14 2011

COMMUNITY DEVELOPMENT

To the Portage Planning Commission

As residents of the Wedgwood neighborhood, we are asking that the application to operate Arrow Car Service from the Tatum residence at 3617 Wedgewood be denied.

We have enjoyed living in this safe and lightly-traveled neighborhood for many years. Our children walked to Angling Road school, later catching the bus at the corner of Wedgwood and Angling Road to middle school and high school. Approval of an active business at the Tatum's residence would compromise the safety of all residents, especially the children in this neighborhood. The Tatum's have already been operating their business without a permit for the past four months, causing a significant increase in traffic and noise. The outside lights are on all night and cars come and go twenty-four hours a day.

Along with mounting safety concerns, we feel a business on our street makes our neighborhood a much less desirable place to live. We wonder what this will do to our already depressed property values. As newly-retired seniors, we worry that it will be much harder to sell our home when the time comes for us to move on to a condo or senior apartment. With all the lovely neighborhoods in Portage, why would someone chose to buy a house on a street that has a commercial business operating on it?

Thank you for taking our concerns into consideration,

Cheryl Morrissey and Dan Hook

Cheryl Morrissey
Dan Hook

3728 Wedgwood Dr.

November 13, 2011

To: Planning Commission

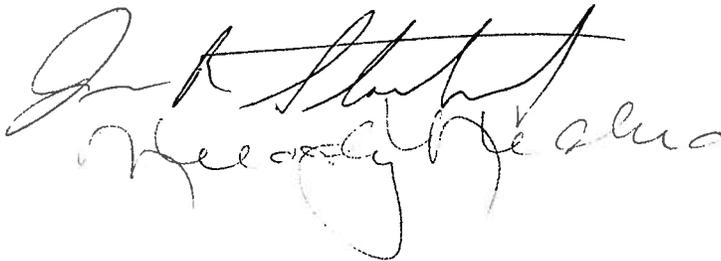
City of Portage, MI

RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT

Re: The Robert and Kimberly Tatum application for an active commercial Taxi/Car Service at 3617 Wedgwood Drive, Portage, MI

We respectfully request that the above mentioned request be denied. In the months since the Arrow Taxi/Car Service has been operating at 3617 Wedgwood, we have noted a very significant increase in traffic on our street 24/7. Our primary objection to this type of active business is safety. We do not have sidewalks, but we do have a lot of children and residents walking on Wedgwood. The "S" curved shape of Wedgwood Drive further exacerbates the safety issue by limiting visibility. Aside from the annoying headlights and noise at all hours, the traffic generated by this active business is simply a very poor fit for our neighborhood.

We currently have passive businesses in our neighborhood and they are welcome. A taxi/car service is much too dangerous.



Greg J. Healy

Nov. 10 2011

RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT

Re: Robert and Kimberly Tatum application requesting an Active Home Occupation Permit for car/cab service business from their residence located at 3617 Wedgwood Drive.

Dear Portage Planning Commission,

Please deny Robert and Kimberly Tatum request for Active Home Occupation Permit for their car/cab service business.

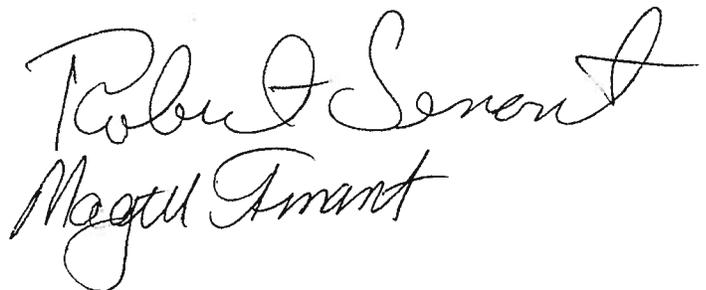
Our main concern is safety. We've noticed increased traffic at all times day and night from their business on our street that has no sidewalks and low level lighting. Some has been aggressive probably due to people employed in business who don't live in the neighborhood.

The business has expanded since it started here this summer. We are concerned the business will continue to expand.

There have been several disturbances resulting from the business operation with the police being called and involved in at least two incidences.

All of this is something we do not want in our neighborhood. Once again, please do not approve their request for the permit

Robert and Magteld Tenant
3704 Wedgwood Drive

Handwritten signatures of Robert and Magteld Tenant in cursive script.

To: Planning Commission; City of Portage, MI

From: Nearby Portage Resident

Date: November 11, 2011

RE: Arrow Car Service Application

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NOV 14 2011
COMMUNITY DEVELOPMENT

Wow! A commercial taxi/car service smack dab in the middle of a residential neighborhood. Is this the "in-your-face" harm City officials were thinking about as an active home based business? As a nearby neighbor, I would hope not. Yet, here we are at the cusp between good and bad. The Arrow Car Service is a nuisance straight out: 24-hours a day, seven days a week. Cars come and go from the home driveway as the central launching pad. Headlight glare, noise, odor, and dust stink up our streets and create safety issues for pedestrians and school children. Nearby residents catch the brunt of the annoyance. Non-resident drivers bring their own level of disquiet at the wee and late hours of the day. The principals moved-in from out-of-state several months ago and started operations from the get-go without authorization. As business operators, they've not set sparkly standards of good behavior. Police have been called more than once to break up business related arguments that have put us neighbors in fear of loose cannons in sight of our doorsteps. These disturbances are on public record. Arrests and citations have been issued for alleged domestic violence and felony shooting of a gun; a non-resident was also arrested on an outstanding warrant for drug possession.

Now that the Arrow Car Service has stepped into full view, it should be apparent that it does not readily meet the standards for compliance under the active business ordinance. Outright refusal of the owner's application would send a strong message to other home based operators that the City puts peace and harmony as its first priority among good neighbors.

Jack and Nancy Yee
5313 Tamworth St
Portage, MI 49024
November 10, 2011

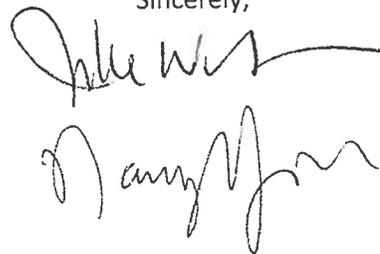
RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT

Dear Portage City Commission:

We have been notified that Robert and Kimberly Tatum have applied for an active commercial taxi/car business at 3617 Wedgwood Drive on October 19, 2011. We are writing in regards to oppose to this application. As neighbors directly next to this residence, since this business has been there, we have noticed increase traffic 24 hrs a day, many unfamiliar people coming in and out of their home, car doors slamming shut constantly at all hrs of the night and head lights flashing through our windows constantly in the wee hours. We can't even sleep at night with all of this traffic going on, as soon as we fall asleep we here a door slam. This is going on all day and night. The traffic that the household has acquired is more in one day than there used to be in a few weeks.

We have lived in this neighborhood for over 35 yrs. It has always been a very quiet and peaceful community. Since the Tatums have moved in, there have been few disturbances with fights, alleged domestic violence and gunshot citations. This is very disturbing and also frightening as a neighbor right next store. We feel that allowing a commercial enterprise into this residential community will be very negative to our residential neighborhood. Thank You for your time.

Sincerely,



Jack and Nancy Yee

To: Planning Commission, City of Portage, MI

November 12, 2011

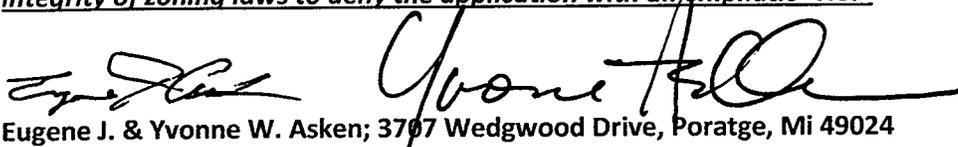
RE: Car/Service Active Home Application from Robert & Kimberly Tatum at 3617 Wedgwood Drive,

As nearby neighbors we have witnessed business activities both currently and over the past several months that are not compliant with the standards of the ordinance. The residential nature, character and appearance of Wedgwood Drive and the adjacent neighborhood is affected in several ways:

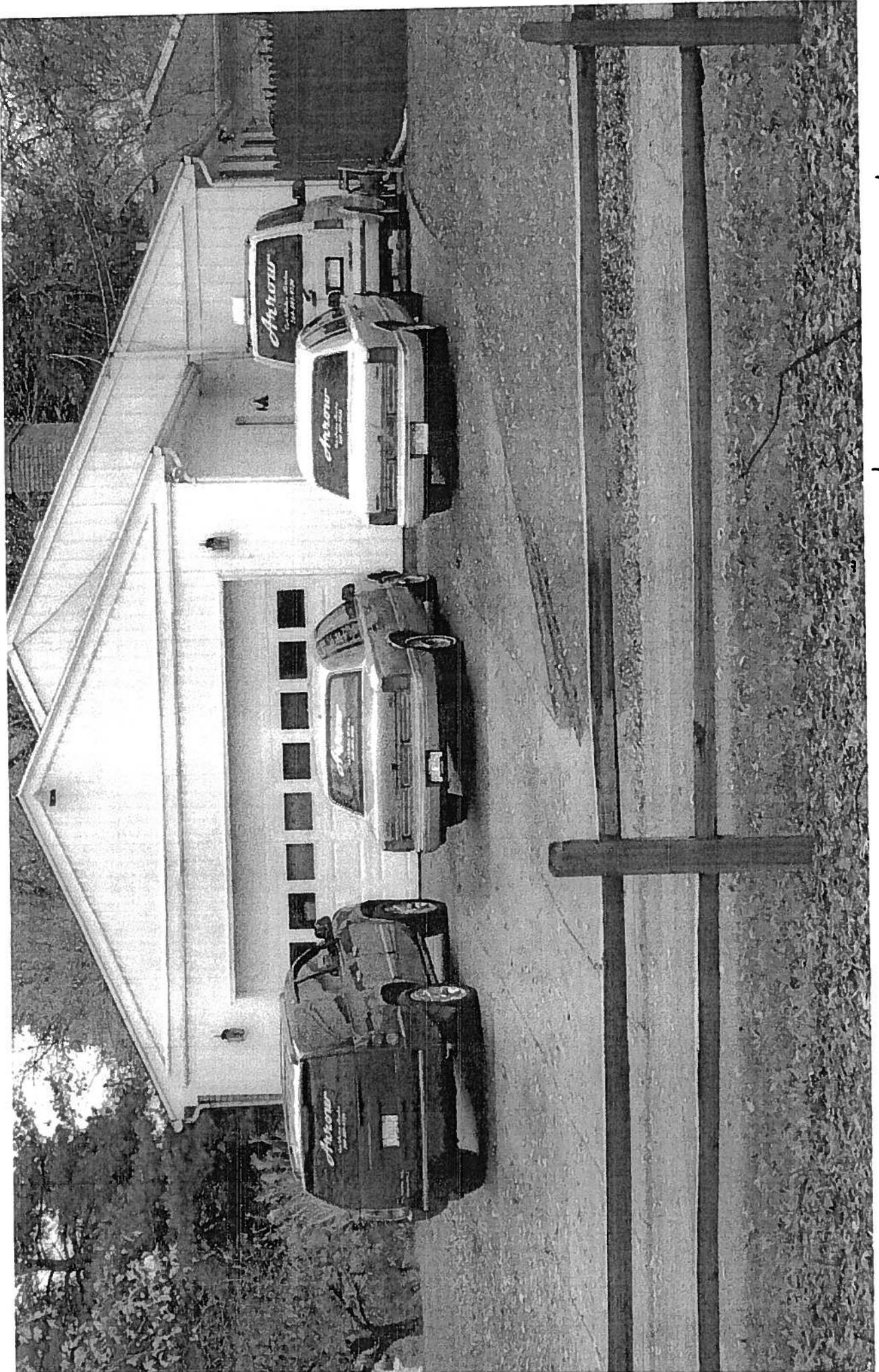
1. **The business is not self-contained within the residence. It is conducted primarily "outdoors," to and from the resident's driveway as its central depot (photo attached).** There are several Arrow Car Service and non-resident vehicles that arrive and depart day and night throughout the week creating additional roadway noise, dust, odor, glare and pedestrian safety issues. Cars are parked and serviced in constant sight on the driveway, and are highly visible coming and going throughout the neighborhood.
2. **Business is conducted on the driveway with more than two non-residents in shift-rotation, and from time to time with several other drivers in group meetings.** The arrival and departure of drivers at the early and late hours of the day creates additional annoyance from noise and headlight glare for residents up and down the street, especially those of us who live nearby.
3. **Safety is of paramount concern.** Cars coming and going from the driveway must travel nearly two-thirds of Wedgwood Drive for access to primary roads. **Wedgwood is a limited access street without sidewalks and with relatively limited lighting at night.** It is rated a secondary road for snow plowing during the winter. Angling Road Elementary is at the head of the street with school children walking to and from morning and afternoon. **Conditions, especially at night and through the dark days of winter, are not conducive to pedestrian safety from intensive traffic.** As the Commission may be aware, the same neighborhood safety issues were reviewed when the Valley Family Church was given approval with conditional agreement to limit traffic flow along Angling Road, which intersects with Vincent Avenue and Wedgwood Drive.
4. **The neighborhood is in a hopeful state of recovery from the ravage of the real estate down turn.** On Wedgwood Drive, we have had several distressed bank sales, and a couple of foreclosures. Our property values have declined and remain depressed. **The presence of an active commercial enterprise with negative visibility would further reflect upon property values and the quality of life.**
5. **The principals of Arrow Car Service have brought troubling and frightening disturbance to our neighborhood from business and personal conflict requiring police intervention with arrests and citations for alleged felonious assault, domestic violence and the discharge of a weapon in a building. Neighbors are distraught and are fearful of further incidents.**

We believe that an active taxi/car service within a zoned residential neighborhood is inconsistent with the precept of a safe and tranquil neighborhood as outlined in the City's visionary plan. We understand that this is the first application under the new active business ordinance to authorize a commercial car/taxi service within a residential neighborhood. The Commission is urged to consider the precedent this could set to incubate other low entry, home based car/taxi service operations throughout the City. Where's the tipping point before it becomes a city wide nuisance?

We encourage the Commission to set the bar high to protect residents from the unintended consequences of an active business that operates principally outside the home, on and off the driveway as the epicenter for noise and disturbance throughout our neighborhood. It is in the City's interest for a safe and secure community and the integrity of zoning laws to deny the application with an emphatic "No."


Eugene J. & Yvonne W. Asken; 3707 Wedgwood Drive, Portage, Mi 49024

RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT



Daily view from our home
str.

Concerned Wedgwood Resident.

This is the wrong business in the wrong location & It should be located in a commercial area because it is commercial based.

RECEIVED
NOV 14 2011
COMMUNITY DEVELOPMENT

Critical Issues to Consider

- Safety & Liability + Home Business Requirements
- ① Portage City will inherit the liability for injuries or deaths that result from this business located in a school zone.
 - ② This is a business on wheels with a visibility of 95% which violates the essence of a home business.

If the Portage Planning Committee approves this business request the Committee will bind the City to any death or injury suffered by children, seniors, or handicapped individuals who frequent this neighborhood or attend Angling Road Elementary School. The topic service is in the school zone and every vehicle travels within 300 ft of the school property by egressing the only outlet for this neighborhood.

Unmet Requirement of Arrow Taxi.

Requirement - Visibility cannot be more than standard residential visibility.

Answer - This business is 95% visible based on the cars in the yard and the taxi's in transit.

This violates the requirement of standard visibility for a home business.

Requirement - Vehicular traffic cannot be beyond what is normally generated by residential use.

Answer - The entire business is vehicular traffic that is generated by all day and night traffic.

Noise - The constant movement of traffic far exceeds standard residential noise.

Safety - Constant traffic puts children, seniors, and disabled residents at risk.
"Speeding to one's fare"

Property values will plummet with the introduction of a business that is high profile and detrimentally visible to the entire neighborhood. This business should be located in a commercial district.

Note: Historical Pact.

This neighborhood had a drug dealer who conducted business until discovered and arrested. This neighborhood has a proximity for easy access to the highway and would be unwise to allow businesses to be established here that can easily mask their purpose.

The neighborhood of Wedgwood & surrounding area needs the protection of the city to keep this neighborhood concept intact by not allowing business to get a foothold.

November 11, 2011

RECEIVED

NOV 14 2011

Vicki Georgeau, Director
Department of Community Development
Portage, Michigan

COMMUNITY DEVELOPMENT

This letter is written to strongly object to the granting by the Portage Planning Commission of an application to Robert and Kimberly Tatum at 3617 Wedgewood Drive to establish a car/cab service business from their residence.

As a resident for more than 40 years on Rugby Street in this one family residential area of considerate neighbors, I urge you to deny such a request. Danger to the children, walkers, dog walkers and general population should dictate a denial.

This car/cab service business has been in operation ever since they moved in and has been very unwelcome because of their disruption, traffic, noise, and questionable activity.

Please convey to the Portage Planning Commission my strong objection to this application.

Sincerely,
Emily McMinn
5324 Rugby Street
Portage, Michigan 49024

Emily McMinn

*I will also add a concern for
our property values to my
request.*

Thank you -

To: Department of Community Development. / Portage Planning
Commission,

RECEIVED

NOV 14 2011

COMMUNITY DEVELOPMENT

I am writing in response to a letter I received regarding a request for a Home Base business (Arrow Car Services) to be operated from the residence located at 3617 Wedgewood Drive Portage Mi.

As a Wedgewood Dr. Property owner I oppose approval of this request.

My concerns are as follows:

1. Many people walk in the street because we have no side walks.
2. Child Safety.
3. Increased Vehicle Traffic on Dead End Street.
4. Poor Street Lighting

Richard Beauregard

Richard A. Beauregard
11/13/11

RECEIVED

NOV 15 2011

COMMUNITY DEVELOPMENT

To Whom It May Concern,

I will preface my opinions by saying that I am a firm believer that one of the biggest keys to turning our economy around is through new start up businesses. We all need to encourage and guide these new businesses in order for them to be successful. Not only will their success create tax dollars, but it also creates new jobs which our state needs very badly.

In August of 2011, my family moved into our home at 3601 Wedgwood Drive. I cannot express how excited we were to find a home in our price range in this neighborhood. Before we moved in, our perception was that this was a very peaceful, quiet, and hidden neighborhood away from all of the busy streets and highways nearby. To this day we still believe it is all of those things and we are very thankful for the opportunity to raise our family in this beautiful neighborhood.

On the first weekend of September, we were surprised to witness an abundance of Portage police cars next door at the home of Rob and Kim Tatum due to a gun shot being fired within their home. According to the police report, this gun shot was fired over a dispute regarding the business (Arrow Car Service) run out of their home. Since I live directly next door to the Tatum home, I became overly concerned for the safety of my family.

We have 3 children ranging in ages 9 to 16 and they enjoy playing outside as much as they can. In the 3 short months we have lived here, they have made many friends in the neighborhood. After we moved in, we only had two major concerns for safety in the neighborhood: 1. The number of garbage trucks that drive up and down our street early every Monday morning while the kids walk to the bus stop. 2. The lack of sidewalks for the children to use on their way to the bus stop. Now all of a sudden after a lot of observation we have a third major concern. That concern is the high traffic volume stemming from Arrow Car Service ran out of the home next door. From my observations sitting on my front porch, these cars come and go multiple times every day and night.

I'll make my point clear on the safety concerns of having this type of business located next door.

1. Garbage trucks are loud and many trucks from different companies come through the neighborhood every Monday morning shortly after 6am. I can live with this traffic as it is a common necessity in any neighborhood. I can take my children to the bus stop every Monday as a safety precaution. Simple solution to a common problem.
2. A car service operates based on their customers' needs. A customer calls, and they go to pick them up. It's that simple. While there is likely a schedule for the drivers to follow daily, there is never a way to predict a schedule for when someone will need a ride. This need creates an unwanted traffic presence in a neighborhood known for being peaceful, quiet, and very safe. There is not a way anyone can predict when and how many times these cars will come up and down our street. This is simply unwanted traffic and a safety hazard in a residential area.

I firmly believe that there are certain types of businesses that can and cannot be run from a home. An independent accountant, piano lessons, solo hair stylist, or even an EBay trader for example are prime examples of home based businesses that can be successfully run out of a home without any impact to their neighbors. A car service on the other hand has a negative impact on their surrounding neighbors due to the reasons I stated above with increased traffic being the number one issue.

I do not want to see Arrow Car Service go out of business. I want to see them grow and prosper and become a reputable business in the community. With that said, I do not believe that 3617 Wedgwood Drive in Portage is the appropriate place for them to be successful. I've already stated my safety concerns, but as a business minded individual I also have to ask, what happens when they add another car or even 2 more cars? You can draw your own conclusions as to the impact a growing business will have in a residential neighborhood with regards to traffic and safety.

Thank You,

A handwritten signature in black ink, appearing to read 'Mark Shumaker', with a long, sweeping underline.

Mark Shumaker
3601 Wedgwood Drive
Portage, MI 49024

ner without first applying for and receiving the approval of the planning commission as provided in this section.

2. Further, if a use subject to the control of this section is discontinued or abandoned, the use may not be reestablished without applying for and receiving the approval of the planning commission as provided in this section.
3. For purposes of this section, enlarging, increasing or expanding an adult regulated use shall mean an increase in floor areas occupied by the establishment or business by more than 25 percent as the floor areas exist on the date the special land use permit is granted.

G. Revocation or modification of special land use permit:

1. The planning commission may revoke or modify a special land use permit granted to an adult regulated use after a public hearing noticed pursuant to the requirements of the Zoning Act for special land uses, and upon finding by a preponderance of the evidence that one or more of the conditions required by this section has been violated.
2. Additionally, no special land use permit under this section shall be revoked or modified by the planning commission unless both the owner of record of the zoning lot occupied by the adult regulated use and the owner or operator of the adult regulated use have been sent written notice by first class mail of the basis for the revocation not less than five and not more than 15 days before the public hearing. If, subsequent to revocation, the applicant demonstrates that the basis for the revocation has been corrected or abated, the planning commission may reissue a special land use permit if at least 90 days have elapsed since the date the revocation became effective.

H. Judicial review: After denial of an application under this section, or denial of a reapplication of an application, or revocation or modifica-

tion of any special land use permit, the applicant may seek prompt judicial review of such administrative action in any court of competent jurisdiction. The action shall be promptly reviewed by the court in accordance with all applicable statutes and court rules.

(Ord. No. 03-01 (Exh. A, § 42-307), 2-18-2003)

Sec. 42-128. Lakefront lots.

A. On lakefront lots, the rear yard shall be considered as the portion of the lot facing the waterfront.

B. See section 42-121.B.2 for requirements for accessory buildings on lakefront lots.

C. Fences on lakefront lots may be erected, but only chain link, wire and/or split rail fences not higher than four feet are permitted in the rear (lake side) yard.

(Ord. No. 03-01 (Exh. A, § 42-308), 2-18-2003)

Sec. 42-129. Home occupations.

A. A passive home occupation on a zoning lot conducted by the occupant that meets the following requirements is allowed as an accessory use with no permit being required:

1. The occupation is conducted as a subordinate use by a member of the family occupying the dwelling unit.
2. The occupation, or any part thereof, shall be conducted wholly within the dwelling unit and shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area.
3. No person outside the family is employed in the home occupation.
4. Not more than 25 percent of the total floor area of any one floor of the dwelling unit, or 25 percent of the basement, is used for the home occupation.
5. The home occupation does not require interior or exterior alterations of the dwelling unit or the use of mechanical or electronic equipment not customarily used in a dwelling unit.

6. There shall be no sign of any nature identifying the home occupation. The use of window displays are not permitted.
 7. The home occupation does not produce or generate, in any way, noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No passive home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
 8. The home occupation does not generate pedestrian or vehicular traffic beyond that normally generated by a dwelling unit.
 9. Off-street parking shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions, and there shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
 10. The storage of goods, materials or equipment which is incidental to the services of the home occupation is permitted only within the enclosed sections of the one-family dwelling unit. The storage of goods, materials or equipment in any attached or detached accessory building or structure is not permitted.
 11. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.
 12. No condition or requirement stated for passive home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
- B. An active home occupation on a zoning lot where there is a one-family residential dwelling unit may be conducted by the occupant if approved by the Planning Commission after a public hearing in accordance with the requirements of Section 103 of the Michigan Zoning Enabling Act, MCLA 125.3101 et seq., as amended, and finding that the application of the occupant meets the following requirements:
1. No more than one person other than the full-time occupant(s) of the one-family dwelling unit shall be engaged in the conduct of the active home occupation on the zoning lot. The Planning Commission may allow two full-time non-occupant employees upon request. In making its determination, the Planning Commission shall make a finding that the increase to two full-time non-occupant employees does not adversely impact adjacent residential uses, shall consider the standards contained in section 42-129.B.11. and may impose conditions under section 42-129.B.12. The home occupation is personal to the full-time occupant engaged in the conduct of the active home occupation and is not transferrable without Planning Commission approval.
 2. Not more than 25 percent of the total floor area of any one floor of the one-family dwelling unit, or 25 percent of any basement, and provided that no more than 400 square feet of the dwelling unit is occupied by the active home occupation. The Planning Commission may allow an increase in the floor area of the existing dwelling unit to be used for the home occupation not to exceed a maximum of 50 percent of the floor area of any one floor or basement of the dwelling unit. The Planning Commission shall make a finding that the increase of floor area used for the home occupation does not adversely impact adjacent residential uses and the increase in floor area used for the home

occupation complies with the requirements contained in section 42-129.B.11.a. through f. below.

3. There shall be no alterations or exterior treatments to the zoning lot or structures on the zoning lot which would, in any way, change its residential character or appearance.
4. Off street parking provided for the active home occupation shall be provided on an improved driveway that fulfills the requirements of Article 5, Section 24-111, Definitions. There shall be no other vehicular parking other than the off-street parking facilities normally required for the residential use.
5. No goods or products shall be directly sold or delivered to customers on the premises of the one-family dwelling except goods and products which are incidental to the services of the home occupation.
6. Storage of materials, equipment and goods which is incidental to the services of the home occupation shall be permitted only within the enclosed sections of the one-family dwelling unit or within not more than 50 percent of the total floor area of a completely enclosed accessory building.
7. The active home occupation, or any part thereof, shall not be conducted in any attached or detached accessory building or structure nor on any patio, deck or lawn area, except outdoor areas may be used for instruction in recreational activities customarily associated with residential uses including, but not limited to, swimming lessons and tennis lessons.
8. Materials, equipment and goods shall not be visible from adjacent properties.
9. There shall be no sign of any nature identifying the home occupation except a non-illuminated wall signage (maximum of six square feet) identifying the name of the active home occupation may be affixed to the one-family dwelling unit. The use of window displays are not permitted.
10. The active home occupation shall not produce or generate excessive or undue noise, odor, dust, fumes, smoke, glare or comparable nuisances which would cause negative effects on surrounding property. No active home occupation shall be permitted to use, store or produce any hazardous materials in excess of quantities permitted in residential structures.
11. The Planning Commission shall consider whether the use and the expected conduct of the use associated with the active home occupation application submitted by the occupant is within an acceptable range of compatibility appropriate for the surrounding area and does not present undue safety hazards. In its determination, the Planning Commission shall consider whether the use and expected conduct of the use specified in the application by the occupant:
 - a. Promotes the intent and purpose of this section;
 - b. Sufficiently mitigates adverse impacts on the surrounding residential uses of land. The Planning Commission may consider factors including, but not limited to, the following:
 - i. The proximity of the surrounding uses to the active home occupation;
 - ii. The size of the zoning lot, location of driveways, topography, vegetation, location of structures and other features of the zoning lot;
 - iii. The seasonal nature of the active home occupation;
 - iv. The size and weight of vehicles to be used in the active home occupation; and
 - v. The number of trips the vehicle to be used in the home occupation is expected to make to and from the property;
 - c. Does not unduly affect the capacities of public services or facilities;

- d. Is consistent with the public health, safety and welfare;
 - e. Is harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan; and
 - f. Is planned and designed to ensure that the nature and intensity of the use and the site layout and its relation to the streets giving access to it, is not hazardous to the area and does not unduly conflict with normal traffic.
12. The Planning Commission may attach conditions to the application by the occupant to conduct an active home occupation deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impacts on the surrounding residential uses of land including the number of customers allowed on the zoning lot at any one time, hours of operation, and similar factors, and any condition allowed by MCLA 125.3504(4) of the Michigan Zoning Enabling Act, as amended.
13. No condition or requirement stated for active home occupations shall prohibit the growing of fruits, vegetables or flowers, or any other farm product, protected by the Michigan Right to Farm Act, Act 93 of 1981, as amended, provided that the farm produce is grown, raised or produced on the zoning lot occupied by the home occupation and is for commercial purposes and meets all other applicable laws and rules, including the Generally Accepted Agricultural and Management Practices ("GAAMPs") as promulgated by the Michigan Department of Agriculture.
- (Ord. No. 03-01 (Exh. A, § 42-309), 2-18-2003; Ord. No. 11-04, 3-8-2011, eff. 4-2-2011)

Sec. 42-130. Riparian access.

A. The requirements of this section are intended to limit the number of users of lake frontage in order to preserve the quality of the

waters, to promote safety, and to preserve the quality of recreational use of all waters within the city.

B. The restrictions of this section shall apply to all lake front lots and parcels, as defined in division 2 of this article, regardless of whether access to the lake waters shall be by easement, park, common-fee ownership, single-fee ownership, condominium arrangement, license, lease, or similar method.

C. The restrictions of this section shall also be applicable to any planned development or special land use projects or developments approved under the provisions of this article. Where a planned development or special land use project or development is considered, the planning commission and city council shall consider, in addition to the approval standards applicable to the proposed project that the use will not lead to conflicting waterfront use or additional water surface overcrowding.

D. Lakefront lots reserved for the use of owners of riparian rights shall conform, in all respects, to the minimum lot area and width requirements of the districts in which they are located.

E. Use of lakefront lots for the purpose of providing access to such body of water for nonriparian property owners or the occupants/tenants thereof shall not be permitted in any district.

F. In all zoning districts, no lake access, boat ramps, dock, boat launch, or shoreline abutting a lake shall be utilized for commercial purposes, outdoor recreation (or entertainment) facilities, institution or nonresidential uses or purposes unless such use is authorized under the provisions of the zoning district in which such facilities are to be located.

G. In addition to the limitations imposed by this section, the nonriparian access and use of lake front lots is prohibited pursuant to section 42-121.A.

(Ord. No. 03-01 (Exh. A, § 42-310), 2-18-2003)

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM OCTOBER 4, 2011

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

At the request of Mayor Strazdas, City Manager Maurice Evans 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, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Patricia M. Randall was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Reid, seconded by Bailes, to approve the September 20, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF OCTOBER 4, 2011:** Motion by Sackley, seconded by Reid, to approve the Check Register of October 4, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **CONSUMERS ENERGY EASEMENT, 5441 SOUTH WESTNEDGE AVENUE:** Motion by Sackley, seconded by Reid, to adopt a resolution to grant an easement to Consumers Energy on city-owned property for the undergrounding of utilities on South Westnedge Avenue; place the resolution on file with the City Clerk for 28 days; and take final action on November 1, 2011. Upon a roll call vote, motion carried 6 to 0.

* **RECOMMENDED BUDGET AMENDMENTS – END OF FISCAL YEAR HOUSEKEEPING:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager recommending that City Council amend the General Appropriations Act (budget) for the fiscal year ending June 30, 2012. Upon a roll call vote, motion carried 6 to 0.

* **NONPROFIT ORGANIZATION RECOGNITION:** Motion by Sackley, seconded by Reid, to adopt the Resolution for Charitable Gaming License recognizing Silent Observer Program of Kalamazoo County, Inc., as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 283 of City of Portage Resolution Book No. 44.

* **ANALYSIS OF ZONING CONSISTENCY (FY 2010-2011 UPDATE) – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding an Analysis of Zoning Consistency (FY 2010-2011 Update) as information only. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of June 27, 2011.

Portage Board of Education Special and Regular of August 22, Policy Governance of August 23 and Special of August 31, 2011.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of September 6, 2011.

NEW BUSINESS:

* **BOARDS AND COMMISSIONS APPOINTMENTS:** Motion by Sackley, seconded by Reid, to appoint Austin Atkinson, Ansh Chaudhary and Nicholas Romo with terms ending June 30, 2012, to the Youth Advisory Committee; reappoint James Hoppe and Arthur Roberts and appoint Mary Lou Petruccio, current Alternate, with terms ending October 1, 2014, and appoint Mary Maisto with unfulfilled alternate term ending October 1, 2012, to the Senior Citizens Advisory Board; reappoint Angela Ilori, Marc Meulman and Nadeem Mirza with terms ending October 1, 2014, and appoint Raymond LaPoint to unfulfilled term ending October 1, 2012, and Cory Puterbaugh to unfulfilled term ending October 1, 2013, to the Human Services Board; reappoint Tim Winslow and appoint Catherine Niessink and Spencer Welling with terms ending October 1, 2014, to the Environmental Board; reappoint Susan Williams and appoint Janet Whitcomb and Jim Bennink with terms ending October 1, 2014, to the Park Board; appoint Ayesha Mangla with term ending May 31, 2012, to the Public Media Network Board; reappoint Dorie Ehrig and appoint Hamilton Scharff and Allen VanKampen with terms ending December 31, 2014, and appoint Debra Srnek with unfulfilled term ending December 31, 2012, to the Historic District Commission; and, appoint Rick Perry as Portage Public School Representative with unfulfilled term ending December 31, 2012, to the Economic Development Corporation/Tax Increment Finance Authority/Brownfield Redevelopment Authority. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **BID RECOMMENDATION - 2012 PORTAGE SENIOR CENTER MOTOR COACH SERVICES:** Motion by Sackley, seconded by Reid, to approve the low bid from Gail Andrus Travel, LLC, for motor coach services for the 2012 Portage Senior Center travel program in the amount of \$22,400.50 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **ANNUAL SERVICE MAINTENANCE AND LICENSING FOR COMPUTER NETWORK SERVICES:** Motion by Sackley, seconded by Reid, to approve the annual Novell server maintenance and software licensing fees of \$21,245.29 provided by Novell through Mi-DEAL and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Bailes, Mayor Pro Tem Sackley and Mayor Strazdas expressed their appreciation for the applicants who volunteered to be interviewed for the various City Council Boards and Commissions and congratulated those who were selected.

Councilmember Reid expressed her opinion that the Senior Center is an exceptional “jewel” in our community that continues to inspire.

Councilmember Urban apologized for missing the September 20, 2011 City Council Meeting as his wife was out of town and he needed to attend to a sick child who could not be left with someone else. He thanked the Administration for the Zoning Consistency Study, and requested that it be provided in chronological order for use as a tool in future zoning deliberations.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:41 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY COUNCIL MEETING MINUTES FROM OCTOBER 18, 2011

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

At the request of Mayor Strazdas, Pastor David Barringer of the Kalamazoo First Assembly of God of Portage provided 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, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Patricia M. Randall was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy L. Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a National Red Ribbon Proclamation and a Rotary International World Polio Day Proclamation.

APPROVAL OF MINUTES: Motion by Reid, seconded by Sackley, to approve the October 4, 2011 Special Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Campbell abstaining. Motion by Reid, seconded by Sackley, to approve the October 4, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF OCTOBER 18, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of October 18, 2011. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

REZONING APPLICATION #10-03, (1302, 1306 AND 1316 EAST CENTRE AVENUE): Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who provided an overview of the request and outlined the location of 1302, 1306 and 1316 East Centre Avenue, on the map enclosed in their Agenda Packets. She provided a background of the process thus far and reviewed the recommendation by the Administration. She summarized the staff report dated August 26, 2011, as further background and referenced a series of maps as visual tools to explain the zoning change requests. Discussion followed.

Mayor Strazdas asked her to address the proposed buffering between properties and the extra traffic concern expressed by the Planning Commission that the rezoning would generate along Lovers Lane considering ingress and egress along Lovers Lane and Centre Avenue and what kinds of protections can the city offer the residents living on Maynard Avenue to ensure that they are not going to be negatively impacted. Ms. Georgeau indicated that during the site plan review process, there would be a requirement that there would be at least a six foot screen that would be opaque year around which could be a combination of a fence, a wall, existing vegetation, or vegetation planted as a supplement to ensure the six foot buffer requirement is met. In addition, she indicated that there is a ten foot wide green strip requirement that would require a certain number of trees every thirty feet. The Planning Commission could also require during that process additional plantings or additional steps if they are concerned about the development project, site layout or specific uses proposed at that time.

With regard to traffic, she indicated that the staff report indicated that if all four parcels were rezoned to B-1 and redeveloped collectively, the 2.5-acre rezoning site could accommodate an approximate 27,000 square foot building based upon a 25% lot coverage and would generate approximately 1,098 vehicle trips per day; however, if an office building were built of the same size, it would generate approximately 486 vehicle trips per day.

She continued by saying if 1302, 1306 and 1316 East Centre Avenue were rezoned B-1 and redeveloped collectively, the 1.6-acre rezoning site could accommodate an approximate 17,400 square foot building based upon a 25% lot coverage that would generate approximately 708 vehicle trips per day; however, if an office building were build of the same size, it would generate approximately 346 vehicle trips per day.

Further, she said if 1330 East Centre Avenue was rezoned OS-1, the 0.9-acre rezoning site could accommodate an approximate 9,801 square foot building based upon a 25% lot coverage that would generate approximately 223 vehicle trips per day.

Finally, she said based on the traffic capacity of East Centre Avenue and Lovers Lane is more than enough to accommodate the extra traffic with regard to the road function to accommodate additional development. She indicated that staff has also discussed the need to have as much coordinated access in order to have as few curb cuts as possible and explained.

Councilmember Reid referenced the concern expressed in the letter from Attorney John L. Barnes dated August 31, 2011, that if 1330 East Centre Avenue were zoned differently than the three parcels to the west, both its value and marketability would be seriously reduced and asked if it were addressed. Ms. Georgeau assured her that it was reviewed by the Planning Commission and explained. Discussion followed.

Mayor Strazdas opened the public hearing for public comment. There being no public comment, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried. Motion by Sackley, seconded by Bailes, to approve Rezoning Application #10-03 and rezone 1302, 1306 and 1316 East Centre Avenue from OS-1, office service and R-1B, one-family residential, to B-1, local business, and rezone 1330 East Centre Avenue from R-1B, one-family residential, to OS-1, office service. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 211 of City of Portage Ordinance Book No. 12.

PETITIONS AND STATEMENTS OF CITIZENS: Aisha Turk, 9124 East Shore Drive, indicated that she was here to appeal the penalty she was charged for being late on her tax bill. She indicated she has lived in Michigan for 20 years, three years in Portage, and has never been late. She also indicated that this year she was late by seven days, received a penalty of \$308 and is here to see if City Council can waive that. Mayor Strazdas asked City Manager Evans for a response, including due process for individuals in this circumstance. Mr. Evans indicated that having just received this information tonight, he would like further explanation from Ms. Turk. She indicated that it was the start of the school year, just overlooked it completely and "got it in" seven days late on Friday afternoon. Mayor Strazdas responded that the City Manager was indicating that this perhaps is not the forum to get into the level of detail needed in this matter and offered that it might be appropriate to make an appointment with the City Manager to share more details and specifics, and the City Manager can let her know what he can and can not do. She indicated that she did come over (to City Hall) when she got this bill; that they (staff) said she should come to this meeting; that she could just come and appeal to everybody; and, that she could come tonight. When Mayor Strazdas asked Mr. Evans if he had a response, he indicated that he did not. He also indicated that he would like to talk to staff and be able to correspond or call and convey what he finds out. Mayor Strazdas asked Ms. Turk to communicate directly with the City Manager's Office in order to have the appropriate quality time to review and share the details of the circumstances in order for the City Manager with staff and through his direction may determine what they can and cannot do. Mayor Pro Tem Sackley assured Ms. Turk that her trip was not wasted and that the advice she received from staff was good since the City Manager will take appropriate action.

REPORTS FROM THE ADMINISTRATION:

- * **MICHIGAN DEPARTMENT OF TRANSPORTATION CONTRACT – ROMENCE ROAD (CONSTITUTION BOULEVARD TO SOUTH WESTNEDGE AVENUE:** Motion by Urban, seconded by Reid, to approve Contract 11-5530 between the Michigan Department of Transportation and the City of Portage concerning funding for street improvements on Romence Road, Constitution Boulevard to South Westnedge Avenue; approve an engineering services contract with Abonmarche Consultants, Incorporated, for construction inspection and administration for street improvements on Romence Road (Constitution Boulevard to South Westnedge Avenue) in the not to exceed amount of \$73,000; adopt a Resolution authorizing the City Manager to sign Contract 11-5530; and authorize the City Manager to sign all other documents relating to the consultant contract and the Michigan Department of Transportation contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 287 of City of Portage Resolution Book No. 44.
- * **NEXTEL MOBILE PHONE SERVICE:** Motion by Urban, seconded by Reid, to renew a service contract in an amount not to exceed \$24,000 with Sprint Solutions for Nextel mobile phone service through September 3, 2012, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- * **2011 CITY COUNCIL GOAL SETTING SESSION:** Motion by Urban, seconded by Reid, to establish Friday, December 9, 2011, as the date of the 2011 City Council Goal Setting Session. Upon a roll call vote, motion carried 6 to 0.
- * **SEPTEMBER 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the September 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.
- * **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

TIM EARL, 6862 SHALLOWFORD WAY: Mayor Strazdas introduced the item and deferred to City Manager Maurice Evans, who indicated that City Council is in receipt of a communication dated October 4, 2011, from Tim Earl, 6862 Shallowford Way, concerning his discomfort with the content of the City Council Meeting Invocations, particularly those where the individual giving the invocation calls upon a specific deity. Mr. Evans further said that while the City of Portage enjoys the giving of an invocation by a variety of individuals from many denominations as provided to City Council on the attached lists, a secular invocation can be added to the schedule. He also said that it is recommended that the City Clerk be directed to contact Mr. Earl to determine if he is inclined to volunteer in this capacity.

When Mr. Evans deferred to City Clerk James Hudson, he informed City Council that Mr. Earl had been invited to the City Council Meeting via e-mail and provided him with the website where he could review the recommendation to City Council from the City Manager prior to the meeting. Discussion followed.

Mayor Pro Tem Sackley reflected on Mr. Earl's communication, expressed his appreciation for the opportunity to respond, and he noted the sincerity in his concern and request that City Council promote tolerance and inclusiveness. He agreed that at times the individuals who offer the Invocation at the Council Meeting go much further than is needed in "drilling down" to the specifics of their faith

and deities as was referenced by Mr. Earl. He reiterated that, as indicated by Mr. Evans, the giving of an Invocation at City Council Meetings is by a variety of individuals from many denominations and non-denominational entities. He noted that the invitation to Mr. Earl to step up and provide an invocation is a very positive response, and he welcomed the opportunity to hear what Mr. Earl has to say and take inspiration from it.

Councilmember Reid asked if there is any direction or instruction provided to persons who are going to be giving the invocation. She agreed that some of the points made by Mr. Earl are well-made, such as being inclusive instead of exclusive, and being less specific, and indicated that it may be appropriate for City Council to provide a general statement of what we are looking for in an invocation to help assist people in preparing what is most appropriate. Mr. Hudson indicated that the City Clerk Office may let the individual know that it is an Invocation, so it is the invoking a higher power, for support of City Council's decisions and their energies. Councilmember Reid suggested that the City Manager draft a simple statement of direction of the Invocation to help it be more inclusive so that it is not a problem for anyone in our community.

Mayor Strazdas asked City Attorney Randy Brown to express his opinion on the matter and Mr. Brown indicated that it is accepted in the courts that an Invocation is Constitutional, and is accepted throughout the country, so there is no Constitutional issue with the Invocation. Also, he indicated that there is no issue with establishing a policy. However, he did express concern that if City Council establishes a policy, there could be an issue with enforcement as a practical problem for Council. He cited a case where the Council policy stated that the Invocation had to be neutral, that there could be no disparaging of other religions, or no proselytizing, etc., and that particular court found that over time the City had not followed the policy and was engaging in non-Constitutional behavior. Mayor Strazdas attempted to distinguish Councilmember Reid's characterization by referring to it as a guideline and not a policy, but Attorney Brown indicated that if it is written, the courts are going to call it a policy and it will have to be enforced. Discussion followed.

Councilmember Urban expressed his skepticism that anyone who offered an Invocation would temper his or her passion about their beliefs even if City Council did provide a written guideline. Discussion followed. He also indicated that his difficulty with the response of the Administration is that he is not sure that there is any such thing as an Invocation by an atheist. Discussion followed. Mayor Pro Tem Sackley responded it could be just asking a person or thing for assistance or authority, or do a good job and keep it up. Discussion followed.

Motion by Sackley, seconded by Urban, to receive the October 7, 2011 Communication from Tim Earl, 6862 Shallowford Way, regarding City Council Meeting Invocation practice and direct the City Clerk to contact Mr. Tim Earl to determine his interest in providing the City Council Meeting Invocation. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE CODE OF ORDINANCES – HISTORIC DISTRICTS:** Motion by Urban, seconded by Reid, to amend the Code of Ordinances of the City of Portage by amending Chapter 38, Historic Preservation, Article 2, Historic Districts, Section 38-38, Procedure for approval of work; criteria for review; permit (j) Time limits. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 213 of City of Portage Ordinance Book No. 12.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Human Services Board of August 4, 2011.
Portage Park Board of September 7, 2011.
Portage Zoning Board of Appeals of September 12, 2011.
Portage Environmental Board of September 14, 2011.

Portage Planning Commission of September 15, 2011.
Kalamazoo County Board of Commissioners Committee of the Whole and Regular of
September 20, 2011.

BID TABULATIONS:

* **VEHICLE/EQUIPMENT PURCHASES:** Motion by Urban, seconded by Reid, to approve the purchase of two 4-wheel drive one-ton pickup trucks, three 4-wheel drive ¾-ton pickup trucks, five police pursuit vehicles and one 60 inch commercial mower through the State of Michigan Purchasing Program (MiDEAL) at a total cost not to exceed \$306,159 and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **FIRE DEPARTMENT GARAGE DOOR OPERATORS:** Motion by Urban, seconded by Reid, to approve the purchase of garage door operators from Fawley Door, Inc., of Portage, Michigan, in the amount of \$18,200 for the replacement of 20 garage door operators and 40 remote transmitters for three city fire stations and authorize the City Manager to execute all documents relating to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY ATTORNEY: City Attorney Randy Brown noted that regarding the request of a waiver by Ms. Turk that State Law requires that if there is going to be an appeal that this City Council makes that decision, so she does have the right to come before this City Council for a decision, eventually.

Councilmember Campbell thanked all of the participants in the Red Ribbon Week effort.

Mayor Pro Tem Sackley thanked all of the individuals who offered Invocations since Portage became a city in 1963.

Mayor Strazdas thanked the Portage Public School District personnel, City Manager Maurice Evans and staff for their collaboration efforts, especially for the recent renovation of one school building and the construction of three new ones. He also displayed a plaque presented to the City and asked that it be appropriately displayed in City Hall.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:26 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – October 10, 2011

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

MEMBERS PRESENT: Timothy Bunch, Lowell Seyburn, Daniel Rhodus, Betty Schimmel, Rob Linnenger, David Felicijan, and Jeff Bright.

MEMBERS EXCUSED: Mariana Singer

MEMBERS ABSENT: Donald Mordas

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Felicijan moved and Seyburn seconded a motion to approve the September 12, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #10-20, 8127 Portage Road. Staff provided a status update on the Temporary Use Permit that the Board had approved on June 27, 2011 for Sheila Shubnell, on behalf of Green Earth Hydroponics, to operate a farmer's market at 8127 Portage Road. Staff reported the farmer's market had low turnout of both customers and vendors, no problems were reported or observed during the course of the four times it operated, and appeared generally to have had minimal impacts as a result.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Bright, to approve a Temporary Use Permit for Sheila Shubnell, on behalf of Green Earth Hydroponics, to operate an outdoor farmer's market on Mondays from June through September 2012 and annually thereafter, conditioned upon: 1) a maximum of 10 vendors be situated as proposed in the east parking lot; 2) maintaining 17 parking spaces; and 3) the Temporary Use be reviewed by staff annually hereafter. Upon voice vote motion passed 7-0.

NEW BUSINESS:

ZBA #11-4, 7085 Sandpiper Street. Staff summarized the request for a three-foot rear yard setback variance to construct a 12-foot by 18-foot sunroom to within 37-feet of the rear property line, where a 40-foot rear yard setback is required. Paul Honeysett was present and explained he wished to construct a sunroom that would match the setbacks and footprint of where the rear deck is currently situated. Felicijan inquired if the applicant intended to use the addition as a sunroom. Mr. Honeysett stated yes. Rhodus noted a three foot discrepancy between where the applicant indicated the rear property line was and the plat boundary depicted on GIS. The applicant stated he has confirmed the measurements in the field and is confident they are accurate. Staff added the GIS mapping system is not survey accurate, and measurements have to be field verified by the property owner or applicant.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, supported by Bright, to grant a variance for a three-foot rear yard setback to construct a 12-foot by 18-foot sunroom to within 37-feet of the rear property line, where a 40-foot rear yard setback is required for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the dwelling's 35 foot front setback, the variance will not be detrimental to adjacent property and will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and the findings of the Board, and action of the Board shall be

final and effective immediately. Upon roll call vote: Schimmel – Yes, Linnenger –Yes, Seyburn-Yes, Rhodus - Yes, Bunch-Yes, Bright-Yes, Felicijan-Yes. The motion carried 7-0.

ZBA #11-05, 2404 Fairfield Road. Staff summarized the request for a 30 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage with a combined area that exceeds the ground floor living area of the dwelling. Mr. Kilkelly stated when the shed was constructed 16 years ago he believed the contractor had obtained the proper permits, but that was not the case and he has been working hard with staff to find solutions since he last was before the Board a year ago. He stated he already combined his two contiguous lots, re-measured all structures, and modified his proposal so it would meet codes as much as possible. Seyburn inquired if the breezeway created by attaching the shed and garage with a common roof counted towards the accessory building area. Staff stated the roof attachment eliminated the applicability of the 10-foot building separation requirement and that Section 42-121 specifically exempted breezeways being counted towards accessory building area.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Bunch to grant a 30 square-foot variance to retain a 256 square-foot shed and 528 square-foot garage with a combined area that exceeds the ground floor living area of the dwelling, as there are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include it is adjacent to developed commercial property to the south and east and is screened from view to the east and south by a six-foot opaque fence and mature vegetation; the house is located directly in front of the shed and blocks the view from the north; the applicant owns the adjacent lot to the west at 2324 Fairfield Road; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus-Yes, Schimmel-Yes, Felicijan-Yes, Linnenger-Yes, Bunch-Yes, Bright-Yes, the motion carried 7-0.

ZBA #11-06, 8585 Portage Road Staff summarized the requests for variances from two special land use provisions for a commercial kennel: a) a 380-foot variance from the 500-foot setback from a residential district boundary; and b) a variance from the enclosure requirements for outside exercise areas. Shannon Reeves explained Wiggles Waggles and Tails has been open for a year and when they initially received approval for a Special Land Use Permit by the Planning Commission last year, they did not anticipate there would be any demand for overnight boarding, however, numerous customers have since inquired prompting this request. Customers have noted a lack of boarding facilities in town and are compelled to board in other surrounding communities. Ms. Reeves stated their staff is already present and monitoring the exercise area whenever the dogs are outside. Bright inquired who owned the adjacent undeveloped properties. Ms. Reeves stated Pfizer owned the adjacent heavily wooded parcels. Felicijan inquired how boarding kennels are typically configured. Ms. Reeves explained most kennels have a ‘U’ shaped kennel configuration with both indoor and outdoor access, her proposal, however, entailed the kennels being entirely within the existing building. Felicijan stated that while he supported the growth of small businesses, a 380-foot variance request was quite substantial and struggled finding a practical difficulty. Schimmel inquired if anything in the city codes requires employees to be present 24 hours a day at overnight boarding kennels. Staff responded no.

A public hearing was opened. A letter, dated September 10, 2011 from Wiggles, Waggles and Tails, 8585 Portage Road was read into the record. The public hearing was closed.

After additional discussion, a motion was made by Felicijan to deny the request for a 380-foot variance from the 500-foot setback from a residential boundary for the following reasons: there are no exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; the immediate practical difficulty causing the need for the request was created by the

applicant; the variance would be detrimental to the surrounding neighborhood, and the variance would materially impair the intent and purpose of the Zoning Ordinance. Upon roll call vote: Felicijan-Yes, Bunch-Yes, Linenger-Yes, Schimmel-No, Seyburn-No, Bright-No, Rhodus-No. Motion failed 3-4.

A motion was made Bright, seconded by Seyburn, to grant variances from two special land use provisions for a commercial kennel: a) a 380-foot variance from the 500-foot setback from a residential district boundary; and b) a variance from the enclosure requirements for outside exercise areas for the following reasons: there are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include they are the only dog kennel in the area, the existing building design, the limited size of the kennel operation, and the retention of existing mature vegetation; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to provide service to dog owners; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. The following conditions will apply 1) the number of animals be limited to not more than 45 (30 daycare dogs and 15 for overnight boarding); 2) the outdoor exercise area not be expanded beyond its current dimensions, and no cages/runs be established in this area; 3) kennel staff be present any time animals are located within the outdoor exercise area; and 4) should there be noise complaints that cannot be resolved by operational changes to the business, a six-foot solid screen fence or wall must be installed around the outdoor exercise area. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. A motion was made by Felicijan to amend condition 4) to require installation of the fence prior to operating overnight boarding received no support. Upon roll call vote: Felicijan-No, Bunch-No, Linenger-No, Schimmel-Yes, Seyburn-Yes, Bright-Yes, Rhodus-Yes. Motion passed 4-3.

ZBA #11-07, 1901 Romence Road Parkway: Staff summarized the request for a 10-foot variance to erect two, 14 square-foot directional signs identifying the Stryker Corporation near the west building entrance of 1901 Romence Road Parkway. Steve Vandersloot of Sign Art was present on behalf of the applicants. Mr. Vandersloot stated Stryker was occupying the northwest quadrant of the office building at 1901 Romence Road Parkway and intended the proposed signs to help create a sense of arrival. The signs were not intended to be readable from Romence Road Parkway and would use soft lighting similar to the Trade Center signs. Felicijan inquired if the applicant was requesting one or two directional signs. Mr. Vandersloot stated Stryker was occupying the northwest quadrant of the building and only needed one Stryker sign, however, there was a good possibility they might be occupying the southwest quadrant as well at which time the applicant was comfortable with returning to the Board to make a similar second request. Seyburn noted the Board could save time and trouble if they approved a variance for two directional signs – not necessarily two ‘Stryker’ signs - as the applicant is under no obligation to erect the second sign. Felicijan stated he had some concerns about possibly creating a precedent for larger directional signs. Mr. Vandersloot stated Stryker had previously received a variance for directional signs at their Sprinkle Road campus.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Felicijan, seconded by Seyburn, to grant a 10-foot variance to erect two 14 square-foot directional signs near the west building entrance of 1901 Romence Road Parkway for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the size of the subject property, the location of the existing site improvements and location/orientation of the proposed signs, the Board previously approved a variance for Stryker’s directional signs at the Sprinkle Road campus, the signs will not be visible to adjacent property or the surrounding neighborhood, and will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this

hearing and the findings of the Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Seyburn-Yes, Rhodus-Yes, Schimmel-Yes, Felicijan-Yes, Linnenger-No, Bunch-Yes, Bright-Yes, the motion carried 6-1.

Election of officers: A nomination was made by Felicijan, seconded by Schimmel for Linnenger to serve as Chair. A nomination was made by Bright, seconded by Rhodus for Seyburn to serve as Vice Chair. A nomination was made by Felicijan, seconded by Seyburn, for Schimmel to serve as Secretary. The nominations were closed. Upon voice vote, all nominations were approved 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:17 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
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 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>
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. <i>-Review of 3 site/building plans and/or plats completed in October 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in October 2011: 4 residential; 0 commercial.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-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. The 2011 lake survey and treatment preparations are complete. <i>Additional areas requested by the Association for treatment.</i> Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. <i>The 2011 program is complete.</i>
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. 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. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the October 2011 level to be approximately 6" below June 2011 levels.*

- 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.
- 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 June 2011 minimal impacts noted. Sampling will continue.
- 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 (SWPPI) as required by NPDES permit. SWPPI 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 SWPPI submittal to MDNRE. SWPPI 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. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 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 water shed plan. *Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan.*

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.

-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. 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. Facility is in regular operation.

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 September 2011 – 0. Number of environmental cleanups in October – 0.
Emergency spill response contract for 2011-13 with Terra Contracting is in place.

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. 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 the groundwater table. *Current groundwater levels are approximately 6" below the June 2011 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.