



PLANNING COMMISSION

September 5, 2013

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

September 5, 2013

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * August 15, 2013

PUBLIC HEARINGS:

- * 1. Final Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard

SITE/FINAL PLANS:

- * 1. Final Plan: Oakland Hills Phase IV, 8716 Oakland Drive

NEW BUSINESS:

- * 1. 2014 Comprehensive Plan Update – Information Only

OLD BUSINESS:

1. City of Portage 50th Anniversary Celebration – August Passbook Drawing

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

July 8, 2013 Zoning Board of Appeals meeting minutes

July 23, 2013 City Council meeting minutes

August 13, 2013 City Council meeting minutes

July 2013 Summary Environmental Activity Report

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PLANNING COMMISSION

August 15, 2013

The City of Portage Planning Commission meeting of August 15, 2013 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately nine citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Miko Dargitz, Wayne Stoffer, Dave Felicijan, Betty Schimmel and Paul Welch.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Allan Reiff, Rick Bosch and Henry Kerr.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the August 1, 2013 meeting minutes and the revised June 20, 2013 meeting minutes contained in the agenda packet. Commissioner Stoffer identified a minor typographical error at the top of page 3 of the August 1, 2013 meeting minutes ("car" should read "card").

Commissioner Dargitz requested that several sentences be added to page 2 and 3 of the revised June 20, 2013 under the agenda item City of Portage 50th Anniversary Celebration and read the proposed changes. The proposed additions included references of Commissioner Dargitz commitment to the initial 13 businesses that the business names would appear in the Portager, the importance of including the names of these businesses to encourage additional business participation, the desire to highlight specific businesses that agreed to donate a gift to the Passbook program and a statement from Mr. Forth that staff would check into the logistics and steps necessary to possibly include the Passbook document in the September Portager.

In response, Mr. Forth stated the meeting minutes are intended to be a summary and not a verbatim discussion. If the Commission was to amend the minutes with the level of detail proposed, it was important that the Commissioners specifically recall the details of those discussions. Mr. Forth indicated a DVD recording of the June 20, 2013 Planning Commission Passbook discussion was not available since it had been overwritten and noted staff revised the minutes based on hand written notes. Since the meeting occurred almost two months ago, Mr. Forth indicated staff did not recall specific details of the discussion. Commissioner Dargitz stated the revised June 20, 2013 meeting minutes did not adequately reflect the discussion that occurred and indicated it was important given that City Council authorized up to \$2,900 to include the Passbook document in the September Portager.

Chairman Welch stated he recalls the general discussion that occurred during the June 20, 2013 meeting but does not recall the specifics of the conversations as stated by Commissioner Dargitz. Chairman Welch asked Commissioner Dargitz if she would be agreeable to more general statements regarding these issues for

inclusion in the meeting minutes. Commissioner Dargitz stated there were two important points that she believed occurred at the June 20, 2013 meeting and should be included in the minutes: 1) The importance of including the 13 participating business names in the Portager article or the Passbook in the September Portager, and, 2) Staff would check into the logistics and steps necessary to include the Passbook in the September Portager. Mr. Forth stated the hand written notes from the meeting indicated that Commissioner Felicijan suggested that additional discussion regarding possible inclusion of the Passbook in the September Portager occur at a later meeting since other Passbook related documents needed to be reviewed during the June 20, 2013 meeting. Mr. Forth noted the next meeting of the Planning Commission did not occur until August 1, 2013.

Attorney Brown asked Commissioner Dargitz if anything in the June 20, 2013 minutes was inaccurate or incorrect. Commissioner Dargitz stated that the omission of details make the minutes incorrect since they do not reflect the conversation that occurred. Attorney Brown asked if inclusion of the general statements regarding the two points discussed previously would result in the minutes not being incorrect. He also stated the Commission, as a group, needs to decide whether the minutes accurately reflect the conversation that occurred at the June 20, 2013 meeting.

Chairman Welch stated he believes the revised minutes as presented by staff capture the general conversation that occurred at the June 20, 2013 meeting, but lack the detail suggested by Commissioner Dargitz. Chairman Welch indicated he would be supportive of revising the minutes to include the two general statements previously discussed. Commissioner Patterson concurred and stated that he does recall the conversation generally, but does not recall the specific details. Commissioner Patterson asked Commissioner Dargitz why it is so important to now revise these meeting minutes with such detail given that City Council authorized inclusion of the Passbook in the September Portager and the fact that this discussion is being recorded. Commissioner Dargitz stated she now feels that she has to defend or justify the expense City Council authorized for inclusion of the Passbook in the Portager. Commissioner Dargitz stated that if the business names could have been listed in the Portager article, as originally proposed by the subcommittee, the objective could have been met without this additional cost.

After additional discussion, a motion was made by Commissioner Patterson to approve the revised June 20, 2013 minutes, as submitted. The motion failed due to support. A motion was then made by Commissioner Dargitz, supported by Commissioner Felicijan, to approve the revised June 20, 2013 minutes with the addition of language to indicate the discussion regarding: 1) The importance of including the 13 participating business names in the Portager article or the Passbook in the September Portager, and, 2) Staff would check into the logistics and steps necessary to include the Passbook in the September Portager. The motion was approved 5-0-1 with Commissioner Schimmel abstaining. A motion was then made by Commissioner Felicijan, supported by Commissioner Patterson, to approve the August 1, 2013 minutes with correction of the typographical error at the top of page 3 ("car" should read "card"). The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Preliminary Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard. Mr. Forth summarized the preliminary staff report dated August 8, 2013 regarding the request by Sonoma Development to rezone 120 and 126 East Van Hoesen Boulevard from R-1A, one family residential to B-3, general business and P-1, vehicular parking. Mr. Forth indicated the rezoning would facilitate a commercial redevelopment of the southeast corner of South Westledge Avenue and East Van Hoesen Boulevard. Mr. Forth reviewed existing conditions of the subject properties and surrounding area and the preliminary analysis contained in the staff report including the Comprehensive Plan/Future Land Use Map designations and the suitability of the existing R-1A zone and potential impacts from the proposed B-3 and P-1 zones.

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Commissioner Dargitz asked what other zoning districts are considered transitional and whether a P-1 parking lot would be considered less impactful to the adjacent residential neighborhood than a B-3 zone with associated commercial structure. Mr. Forth stated the OS-1, office service district is also considered a transitional zoning district between commercial areas/major streets and interior residential neighborhoods. Mr. Forth also indicated that a P-1 zone would generally have less potential impacts on an adjacent residential area, than a B-3 zone, and that only vehicular parking was allowed in the P-1 zone (refuse dumpsters and loading/unloading areas were not permitted).

Kevin Eidson of W.L. Perry Associates (applicant's representative) was present to support the application and explain the redevelopment project. Mr. Eidson stated the proposed P-1 zone for 126 East Van Hoesen was consistent with other commercial businesses in the area and the new commercial building would be situated closer to South Westnedge Avenue further away from the interior residential neighborhood. Mr. Eidson stated the proposed redevelopment project does consider the adjacent residential neighborhood and appropriate screening and buffering will be provided. The public hearing was then opened by Chairman Welch. No citizens spoke regarding the proposed rezoning. After a brief conversation, a motion was made by Commissioner Stoffer, seconded by Commissioner Felicijan, to adjourn the public hearing for Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard, to the September 5, 2013 meeting. The motion was unanimously approved.

2. Special Land Use Permit: Group Child Care Home (Jones), 1002 Shumway Avenue. Mr. West summarized the staff report dated August 8, 2013 regarding the request by Ms. Heather Jones to establish a group child care home for up to 12 children at 1002 Shumway Avenue. Mr. West stated that Ms. Jones currently resides at 929 Shumway Avenue but is in the process of moving to 1002 Shumway Avenue, which is located directly across the street. In June 2008, Mr. West indicated that Ms. Jones received a special land use permit to establish a group child care home at 929 Shumway Avenue and she would like to continue to operate the group child care home from 1002 Shumway Avenue. Mr. West discussed the existing fencing around the rear yard of the property and the applicant's plan to completely enclose the rear yard of the property with a new 6-foot tall wooden screening fence no later than summer 2014. Mr. West indicated that application fulfills the requirements for issuance of a special land use permit and staff was recommending approval subject to installation of a 6-foot tall wooden screening fence around the entire rear yard of the site no later than November 1, 2013. Mr. West also referred the Commission to an email communication received on August 15, 2013 from Vicky and Bruce Duvall (8308 Tranquil) that was included in the final agenda.

Ms. Heather Jones was present to support the application and discuss the proposed group child care home. Ms. Jones indicated she would be transferring her group child care home license from 929 Shumway Avenue to 1002 Shumway Avenue and once this was accomplished, no day care activities would be conducted from the 929 Shumway Avenue residence. The Commission, staff and Attorney Brown discussed the existing special land use permit approval at 929 Shumway Avenue and Attorney Brown asked if the applicant would agree to revocation of this existing special land use permit, if the new application at 1002 Shumway Avenue was approved. Ms. Jones stated she had no objection to revocation of the permit at 929 Shumway Avenue with approval of the new permit at 1002 Shumway Avenue. The Commission, staff and applicant discussed fencing of the rear yard, the location of the outdoor play area and any discussions with adjacent neighbors. Ms. Jones stated she has no objection to the staff recommendation that the rear yard be completely enclosed with the 6-foot tall wooden screening fence by November 1, 2013.

Chairman Welch opened the public hearing. No citizens spoke regarding the proposed group child care home. A motion was made by Commissioner Schimmel, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Felicijan, to approve the Special Land Use Permit for Ms. Heather Jones (group child care home), 1002 Shumway Avenue, subject to installation of the 6-foot tall wooden screening fence around the entire rear yard of the site no later than November 1, 2013 and revocation of the previously approved special land use permit at 929 Shumway Avenue upon moving to 1002 Shumway Avenue. The motion was unanimously approved.

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NEW BUSINESS:

None.

OLD BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Mr. Forth provided an update on the upcoming Comprehensive Plan Update and stated City Council recently approved the contract with LSL Planning. Mr. Forth stated there would be a kick-off meeting and Open House with Community Development Department staff, LSL staff, Planning Commissioners and interested citizens on October 2, 2013 from 4:00-7:00pm in Council Chambers of City Hall.

Commissioner Patterson commented that the Verizon Wireless monopine telecommunications tower located near Oakland Drive and West Centre Avenue looks nice, blends into the surrounding environment and is a good way to camouflage the technology.

There being no further business to come before the Commission, the meeting was adjourned at 8:00 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: August 29, 2013

FROM: Vicki Georgeau, ^{VG} Director of Community Development

SUBJECT: Final Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard

I. INTRODUCTION:

An application has been received from Sonoma Development requesting that 120 and 126 East Van Hoesen Boulevard be rezoned from R-1A, one family residential to B-3, general business and P-1, vehicular parking. According to the applicant, the rezoning would facilitate a commercial redevelopment of the southeast corner of South Westnedge Avenue and East Van Hoesen Boulevard.

Applicant	Property Address	Parcel Number	Zoning	
			Existing	Proposed
Sonoma Development	120 East Van Hoesen Boulevard	01600-074-O	R-1A	B-3
	126 East Van Hoesen Boulevard	01600-073-O	R-1A	P-1
Two parcels – 0.35 acre				

II. EXISTING CONDITIONS:

Land Use/Zoning	<p>Rezoning Site: Two single family residences that were built in the 1950s, zoned R-1A, one family residential.</p> <p>West: Office buildings and associated parking areas (5841 and 5901 South Westnedge) zoned B-3, general business. Further west (across South Westnedge) and north and south along South Westnedge, various retail and commercial developments zoned B-3.</p> <p>East: Single family residence (202 East Van Hoesen) zoned R-1A.</p> <p>South: Parking lot (119 Colonial Avenue) zoned P-1, vehicular parking and a single family residence (125 Colonial Avenue) zoned R-1A.</p> <p>North: Across East Van Hoesen Boulevard, parking lot (121 East Van Hoesen) zoned P-1, vehicular parking and a single family residence zoned R-1A.</p>
Zoning/Development History	<p>No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. However, three rezonings did occur along the east side of South Westnedge, north and south of the subject site, in the early-mid 2000s.</p> <ul style="list-style-type: none"> In 2006, three properties located at the northeast corner of South Westnedge and East Milham Avenue (5933 South Westnedge, 124 and 202 Colonial) were rezoned from B-3, general business and R-1A, one family residential to CPD, commercial planned development to accommodate the Walgreens redevelopment project. In 2002, the west 75-feet of 121 East Van Hoesen Avenue was rezoned from R-1A, one family residential to P-1, vehicular parking to accommodate a redevelopment and parking expansion for the Honey Baked Ham site. In 2002, the west 90-feet of 122 Boston Avenue was rezoned from R-1A, one family residential to P-1, vehicular parking to accommodate a parking lot expansion for the Advantage Physical Therapy site.

Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Streets	South Westnedge Avenue, between Idaho and Milham, is designated as a 6-7 lane major arterial with 43,051 vehicles per day (2012); capacity of 51,600 vehicles per day (level of service "D").
Public Utilities	Municipal water and sewer are available.
Environmental	The City of Portage Sensitive Land Use Inventory Map does not identify wetland and/or floodplain areas on the subject site.

III. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing at the August 15, 2013 meeting. Mr. Kevin Eidson of W.L. Perry Associates (applicant's representative) was present to support the application and explain the redevelopment project. Mr. Eidson stated the proposed P-1 zone for 126 East Van Hoesen was consistent with other commercial businesses in the area and the proposed B-3/P-1 rezoning would locate the new commercial building further from the interior residential neighborhood. No additional citizens spoke regarding the proposed rezoning.

IV. FINAL ANALYSIS:

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification.

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the rezoning site as being in a zone of transition between general business and single-family detached medium density residential land use. The Comprehensive Plan also identifies South Westnedge Avenue as a major commercial corridor. While these designations are intended to serve as a general guide for future development and rezoning considerations, specific zoning district boundaries need to be determined on a case-by-case basis considering overall consistency with the Comprehensive Plan/Future Land Use Map, surrounding land use/zoning pattern, development/redevelopment potential, impacts on adjacent properties and other factors. The proposed B-3/P-1 zoning districts are consistent with the Comprehensive Plan and Future Land Use Plan intent/designation within this transitional area and will result in an appropriate land use pattern between the South Westnedge Avenue Commercial Corridor and the interior residential neighborhood.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. The proposed B-3/P-1 zoning districts are consistent with applicable development guidelines contained in the Comprehensive Plan (attached).

Suitability of Existing R-1A Zone/Impacts of Proposed B-3/P-1 Zones. The existing R-1A zoning of the subject properties may be considered in transition due to nonresidential uses/zones located on the north side of East Van Hoesen, south of 120 East Van Hoesen and noise/traffic impacts associated with being in close proximity to the South Westnedge Avenue Commercial Corridor.

The proposed B-3 zone for 120 East Van Hoesen and P-1 zone for 126 East Van Hoesen, combined with the two existing B-3 zoned properties (5841 and 5901 South Westnedge), will facilitate a commercial redevelopment project planned by the applicant. As identified on a preliminary site plan included with the application materials, a 4,500 square foot retail building and associated parking facilities are proposed for these four properties located at the southeast corner of South Westnedge/East Van Hoesen. The B-3 zone permits a wide variety of office, personal service and retail uses, while the proposed P-1 zone for 126 East Van Hoesen would serve as a transition between the commercial uses that would be permitted on the corner of South Westnedge Avenue and the interior residential district along East Van Hoesen Boulevard. As information for the Commission, only vehicular parking is permitted in the P-1 zone (loading/unloading areas and refuse dumpsters are not allowed in the P-1 zone). Additionally and as shown on the preliminary site plan, a minimum 27-foot front yard setback/greenspace area is required in the P-1 zone, between East Van Hoesen and the parking lot, and a minimum 10-foot setback/greenspace area with conflicting land use screening is required along the east and south property lines.

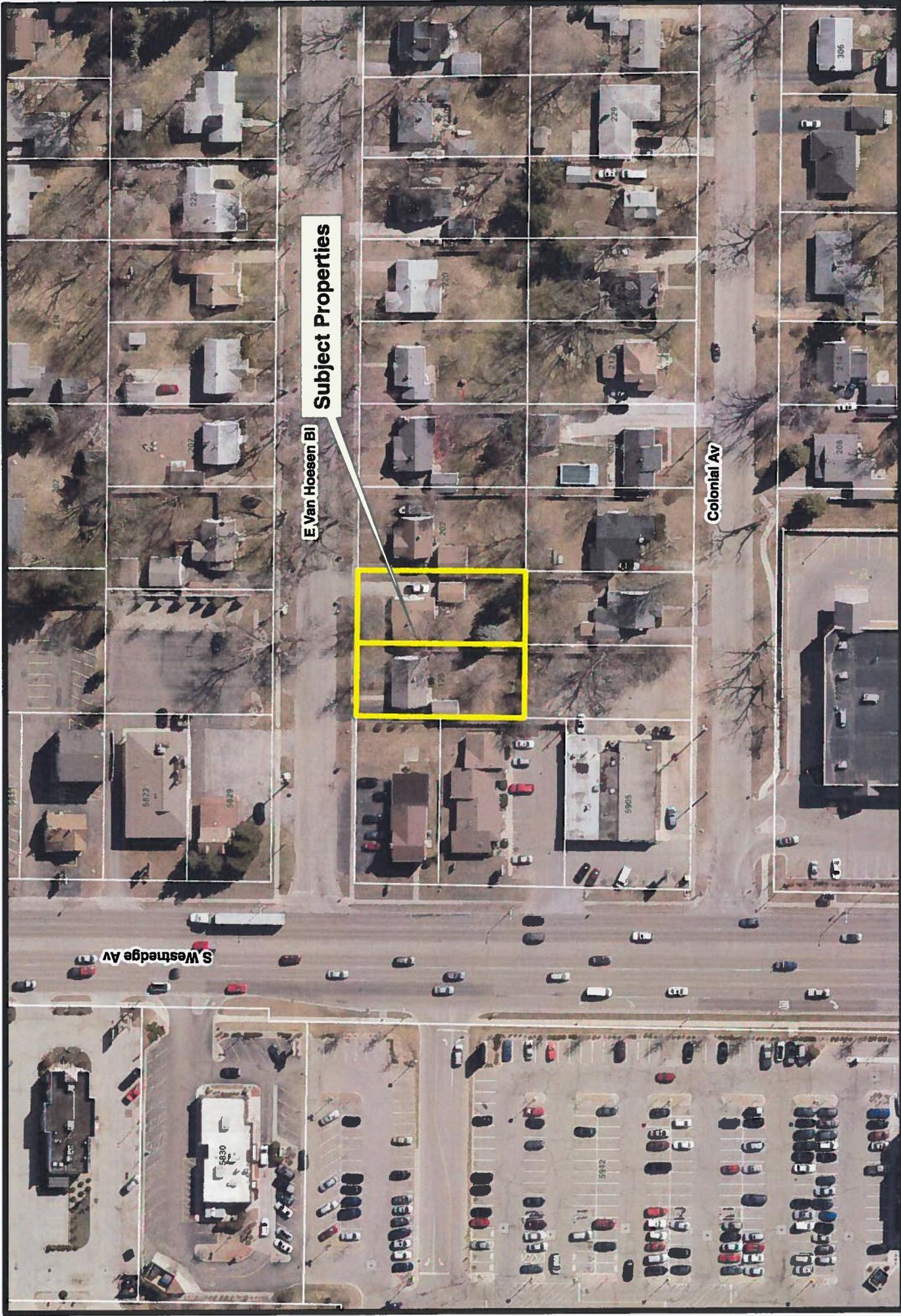
While some increase in site activity may be associated with the redevelopment project (vehicular traffic, noise, lighting), as noted above the Zoning Code requires appropriate screening/buffering where adjacent to single family residential land use/zoning and establishes maximum outdoor lighting and noise standards.

Traffic Considerations. The proposed rezoning and associated commercial redevelopment of the southeast corner of South Westnedge/East VanHoesen is not anticipated to generate significantly more traffic than is currently present at this location and can be supported by the adjacent street network. Recent improvements to South Westnedge Avenue through the South Westnedge Enhancement projects (SWEPS) have significantly improved traffic flow, capacity and safety along this major thoroughfare and any additional traffic generation can be accommodated. Specific access management related issues including driveway locations and shared/cross access will be reviewed at the site plan stage of redevelopment.

IV. RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #13-01 be approved and 120 East Van Hoesen Boulevard be rezoned to B-3, general business and 126 East Van Hoesen Boulevard be rezoned to P-1, vehicular parking. The proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility while affording the adjacent residential neighborhood appropriate screening, buffering and related protections.

Attachments: Zoning/Vicinity Map
 Future Land Use Map
 Aerial Photograph Map
 Development Guidelines Table (B-3, P-1)
 Rezoning Application and Supporting Materials



Subject Properties

E Van Hoesen Bl

Colonial Av

S Westledge Av

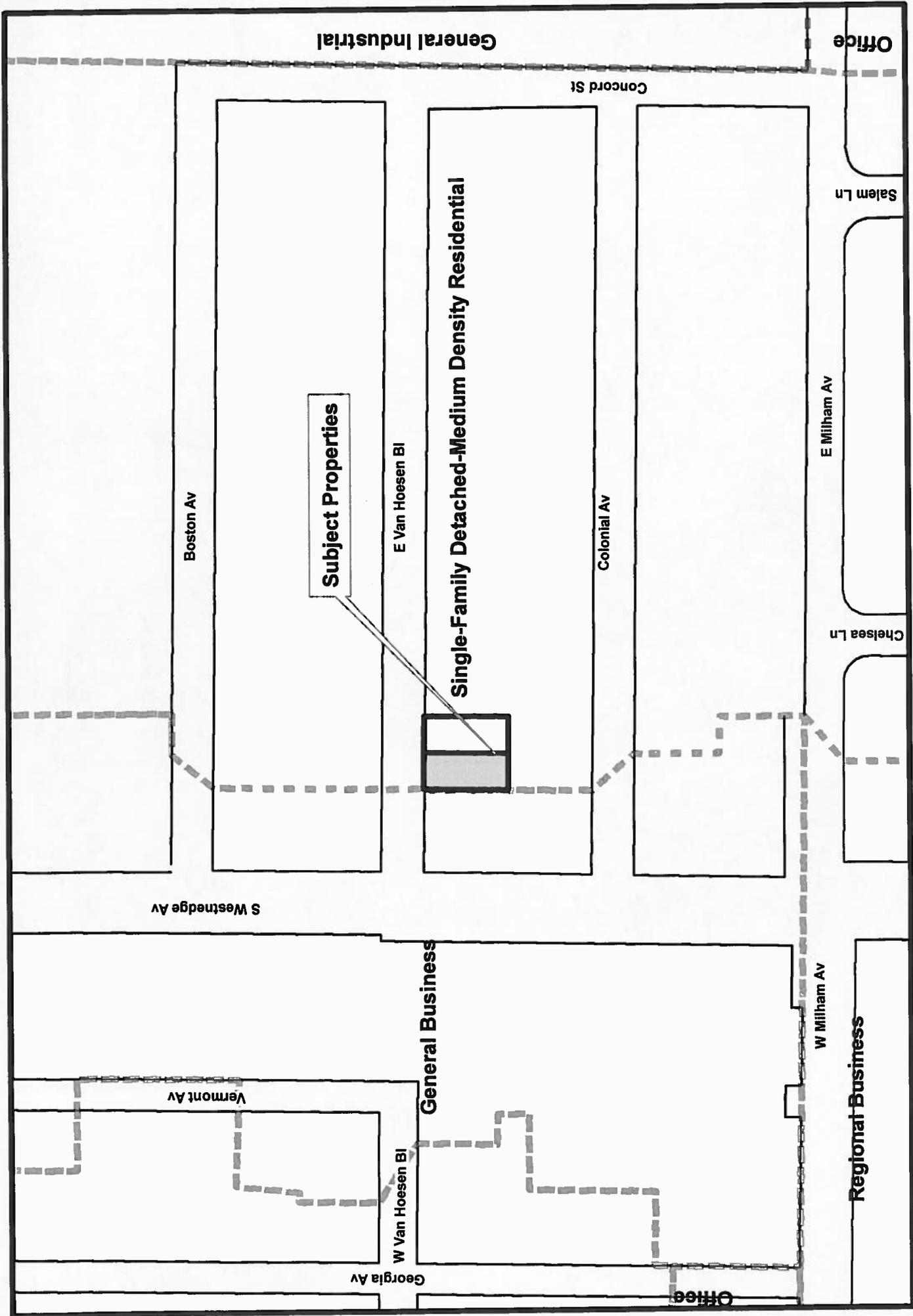
Subject Properties



1 inch = 100 feet

Aerial Photography 120 & 126 East Van Hoesen Boulevard

Date of photography: March 2013



Future Land Use Map 120 & 126 East Van Hoesen Boulevard

Subject Properties
 Future Land Use

1 inch = 200 feet

DEVELOPMENT GUIDELINES

Rezoning Application #13-01 (B-3, General Business/P-1, Vehicular Parking)

Guideline	Description	Consistent	Comments
Rezoning Requests Z-1	Consistency with Future Land Use Plan	Yes	Future Land Use Map identifies subject site as being situated in zone of transition between general business land use along South Westnedge Avenue Commercial Corridor and single-family detached medium density residential land use within the interior residential neighborhood. Proposed B-3/P-1 zoning districts are consistent with these designations.
Commercial – 1	Coordinated Development	Yes	Rezoning will facilitate a commercial redevelopment project involving four parcels at southeast corner of South Westnedge Avenue and East Van Hoesen Boulevard with coordinated site design such as shared and cross access and pedestrian circulation.
Commercial – 2	Commercial/Office Uses in General	Yes	Rezoning is being requested to facilitate commercial redevelopment (4,500 square foot retail building and associated site improvements) consistent with other commercial redevelopments along the South Westnedge Avenue Commercial Corridor.
Commercial – 3	Local Business Uses	N/A	Rezoning site is not situated within an area designated for local or neighborhood commercial uses.
Commercial – 4	Regional and General Commercial Uses	Yes	Rezoning site is situated along the east side of the South Westnedge Avenue Commercial Corridor where a mixture of retail/restaurant/office land uses are located and planned. Property has frontage on South Westnedge Avenue and East Van Hoesen Boulevard and access will be obtained through this major arterial street and adjacent side street consistent with the Access Management Ordinance.
Commercial – 5	Portage Commerce Square	N/A	Rezoning site is not situated within the Portage Commerce Square, but is near the north boundary. The rezoning sites along with the South Westnedge properties combined will provide an appropriate zoning lot size for redevelopment.
Commercial – 6	Office/Commercial Site Design	Yes	Site design issues including pedestrian circulation, shared/cross access, storm water management, building location, screening and buffering will be reviewed at site plan stage of development.
Natural & Historic Resources - 1	Environmental Protection	Yes	City of Portage Sensitive Land Use Inventory does not identify wetland, floodplain or other environmentally sensitive areas on the subject property.
Natural & Historic Resources - 2	Floodplain	Yes	Rezoning site is not situated within the 100-year floodplain.
Natural & Historic Resources - 3	Water Quality	Yes	Storm water system will be reviewed at the site plan stage of development.

Natural & Historic Resources – 4	Noise	Yes	Site design issues including noise associated with the proposed B-3/P-1 zoning districts will reviewed at the site plan stage of development.
Natural & Historic Resources – 5	Historic Resource Preservation	Yes	The rezoning site does not contain any historic buildings and is not situated within an established historic district.
Transportation – 1	Transportation Systems	Yes	South Westnedge Avenue is a 6-7 lane major arterial roadway with 43,051 vehicles per day (2012) and a capacity of 51,600 vehicles per day. Anticipated traffic generation can be accommodated and issues associated with shared/cross access will be reviewed at the site plan stage of development consistent with the Access Management Ordinance.
Transportation – 2	Street Design	Yes	Subject property has frontage on South Westnedge Avenue and East Van Hoesen Boulevard and coordinated access design issues including shared/cross access will be reviewed at the site plan stage of development.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	Specifics associated with the inclusion of walkways and pathways will be reviewed at the site plan stage of development.
Transportation – 5	Right-of-Way Preservation	Yes	Reviewed at the site plan stage of development.
Transportation – 6	Parking	Yes	Reviewed at the site plan stage of development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Reviewed at the site plan stage of development.



Department of Community Development

JUL 16 2013

APPLICATION FOR ZONING AMENDMENT

Application number #13-1

Date 7-16-13

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at 120 & 126 E. Van Hoesen between Westnedge Street and Concord Street on the South side of the street, and is known as Lot Number(s) 73 & 74 of Colonial Hills Plat (Subdivision). It has a frontage of 115 feet and a depth of 132 feet.

b. Unplatted Land:

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

2. a. Do you own the property to be rezoned? Yes _____ No X Have under contract

b. Name of the owner of the property to be rezoned: Dr. Raymond Maly (120)

Address Shawn Molitor (126)
120 & 126 E. Van Hoesen

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Rezone 74 to B-3 and lot 73 to P-1
Both lots are currently R-1A

4. CURRENT ZONING: R-1A PROPOSED ZONING: LOT 74 - B-3
LOT 73 - P-1

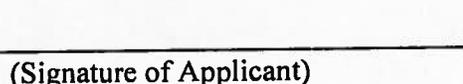
ZONING TEXT AMENDMENT

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

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

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

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

	
(Signature of Applicant)	(Signature of Applicant)
<u>Authorized Signator for Sonoma Development</u>	
<u>660 Cascade West Parkway Ste. 110</u>	
(Address)	(Address)
<u>616-510-5545</u>	
(Phone)	(Phone)

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



W.L. Perry Associates
226 Quimby N.E.
Grand Rapids, MI 49505
ph. 616.454.1740
fax 616.454.1746
www.wlperry.com

July 15, 2013

City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

Re: 5901 South Westnedge rezoning

Planning Commission,

In efforts to redevelop 5901 S. Westnedge, the developer has obtained options on the four corner parcels.

The proposed plan is to construct a 4,500 SF facing Westnedge and have parking surrounding the building.

We are asking to rezone lot 74 of Colonial Hills Plat to B-3 and to rezone lot 73 of Colonial Hills Plat to P-1.

The B-3 zoning will match the zoning along Westnedge and the P-1 will act as a transitional zoning between the B-3 and R-1A zoning.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin Eidson', with a long, sweeping horizontal line extending to the right.

Kevin Eidson RA
WL Perry Associates Ltd
226 Quimby NE
Grand Rapids, MI 49505
(616)454-1740 ext.25
(616)454-1746 Fax
(616)293-4390 Cell
kevine@wlperry.com

TO: Planning Commission

DATE: August 30, 2013

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final Plan for Oakland Hills Condominiums (Phase IV), 8716 Oakland Drive.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by American Village Development II, LLC for approval to construct Phase IV of the Oakland Hills Condominiums Planned Development (PD). The plan for Phase IV represents the last phase of the Oakland Hills PD project and proposes construction of 30 single-family attached condominium units, extension of the interior private street network and associated site improvements. Phase IV consists of approximately 12 acres of land and is located in the southeast portion of the project area.

As background for the Commission, the Oakland Hills PD rezoning/tentative plan was initially approved in February 2005. The following summarizes plan approvals since the initial City Council approval of the tentative plan in 2005:

- November 2005 – The final plan approval for Phase I.
- August 2006 – City Council approved an amendment to the tentative plan that resulted in a 23% reduction in the total number of dwelling units from 180 units to 138 units. The amended plan also included changes to the construction phasing plan, storm water management system and modifications to the 100-year floodplain adjacent to the Portage Creek (subject to Michigan Department of Environmental Quality approval).
- January 2010 – City Council approved the final plan for Phase II of the development.
- February 2012 – City Council approved the final plan for Phase III along with a revised phasing schedule for the project.

II. FINAL PLAN REVIEW/ANALYSIS:

The final plan for Phase IV of the Oakland Hills PD has been designed in substantial conformance with the 2006 approved tentative plan, the revised phasing schedule approved in 2012 and Section 42-375.H (Standards for final plan). The overall development plan for the Oakland Hills Condominiums is consistent with the 2006 approved tentative plan amendment in areas of total dwelling units, gross residential density, building layout and coverage, common open space, access and the location/design of streets and utilities.

The following table summarizes the consistency between the 2006 Tentative Plan amendment and approved/proposed final plans for the Oakland Hills Condominiums development. A copy of the 2006 Tentative Plan as approved by City Council is attached for Commission review.

OAKLAND HILLS CONDOMINIUMS PD		
Element	2006 Tentative Plan	2013 Final Plan (Phase IV)
Building Setbacks	40-foot perimeter 25-foot (front) back from road 20-foot between buildings	40-foot perimeter 25-foot (front) back from road 20-foot between building

Element	2006 Tentative Plan	2013 Final Plan (Phase IV)
Phasing	Phase I (Fall 2005--Fall 2007) Phase II (Fall 2006--Fall 2010) Phase II Future (Fall 2011--Fall 2013) * * Revised February 2012	Phase I (Fall 2005--Fall 2007) Phase II (Fall 2006--Fall 2010) Phase III (Spring 2012--Fall 2014) Phase IV (Winter 2013--Fall 2015)
Units/Phase	Phase I - 54 units Phase II - 30 units Phase II Future - 54 units * 138 units (Total) * Revised February 2012	Phase I - 54 units Phase II - 30 units Phase III - 22 units Phase IV - 30 units 136 units (Total)
Streets (private)	26-foot wide, rolled concrete curbs	26-foot wide, rolled concrete curbs
Sidewalks	One side of interior private street Portion of Oakland Drive frontage Future pedestrian trail (open space)	One side of interior private street Portion of Oakland Drive frontage Future pedestrian trail (open space)

Access to the Oakland Hills PD development will continue through the existing boulevard entrance from Oakland Drive (Oakland Hills Boulevard) and the interior private street network. The previously approved stabilized gravel construction drive located further south on Oakland Drive will be paved in conjunction with Phase IV (Oakland Hills Circle) and incorporated into the internal private street network providing a secondary means of access from Oakland Drive. These internal private streets will continue to be owned and maintained by the condominium association. Installation of 5-foot wide concrete sidewalks along one side of all interior private streets will also continue with Phase IV. Also, a sidewalk will be installed along the west side of Oakland Drive and connect to the existing sidewalk that was installed as part of Phase I. Municipal water and sanitary sewer will serve Phase IV and storm water runoff will continue to be directed to a series of existing retention areas. These emergency overflow discharges will protect single family residential condominiums and will only be necessary in the event of an unusual rain event (100-year storm event).

Located adjacent to Portage Creek is a 100-year floodplain boundary and associated wetlands. All construction activities associated with the project must occur outside of designated floodplain/wetland areas unless otherwise permitted by the Michigan Department of Environmental Quality (MDEQ). As described in the 2006 Tentative Plan Amendment and shown on the final plan, several condominium buildings (units 109/110, 113/114, 115/116 and 121/122) located in Phase IV are shown as being located within a portion of the 100-year floodplain boundary. The 2006 Tentative Plan Amendment also indicates that the developer was considering the relocation of Portage Creek in an effort to create a more naturalized stream channel. On August 22, 2013, the developer made application to the MDEQ to relocate a portion of the Portage Creek located along the southern portion of the property. The project proposes to restore this section of the channelized, straightened stream to a natural, meandering configuration with native plantings and bio-engineered components. The project is also proposed to create nearly an acre of additional wetland area and provide over 1,100 cubic yards of additional floodplain storage. If approved, this relocation will also result in a modification to the existing 100-year floodplain boundary where no units will be located in the 100-year floodplain. The applicant is aware that no construction related activities can occur within the 100-year floodplain and/or Portage Creek until all appropriate approvals/permits have been obtained.

A summary of the "Portage Creek Stream Restoration & Enhancement" project is provided in an August 30, 2013 letter from Mr. Jack Gesmundo (see attached). Included with Mr. Gesmundo's letter are letters of

support from Mr. Kregg Smith, Senior Fisheries Biologist for the Michigan Department of Natural Resources and Mr. Jeff VanBelle, Kalamazoo County Deputy Drain Commissioner. The City of Portage has retained the services of an environmental consulting firm to also review and comment on the creek relocation. Although this review has not been completed, preliminary findings indicate the City Administration may also be supportive of the relocation project.

III. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments. Staff advises that the Planning Commission recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase IV), 8716 Oakland Drive, be approved subject to no construction activities occurring within the 100-year floodplain and/or realignment of the Portage Creek until all required approvals/permits have been obtained.

Attachment: August 29, 2013 Letter from Jack Gesmundo (American Village Development)
Final Plan Sheets for Phase IV
Approved Tentative Plan Amendment (August 2006)

S:\2013-2014 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Oakland Hills (Phase IV), 8716 Oakland Drive-FP.doc



BUILD SOMETHING BETTER.

August 30, 2013

Mr. Christopher Forth, AICP
Deputy Director of Planning
City of Portage
7900 South Westnedge Ave.
Portage, MI 49024

Reference: Oakland Hills -- Final Phase

Dear Chris:

It is with great excitement that we are presenting the final phase of the Oakland Hills condominium community for site plan review. This project's journey started in early 2004 when Robert and Shirley Axtel approached us about their desire to sell the Oakland Hills Golf Course. They were second generation owners of the golf course and it was very important to them that the property be developed in a manner with which they would be very proud to have been associated.

In 2006, we constructed the infrastructure for phases 1 and 2 (units 1-54) and we closed on the first home on 8/31/06. To date, we have closed on a total of 97 out of 136 condominiums. Since its opening, Oakland Hills has been one of the most desirable condominium communities in Southwestern Michigan.

The final phase of Oakland Hills consists of units 107 – 136 (30 total units). This phase is located in the southeast corner of the project, which adjoins Oakland Drive to the east and the Portage Creek to the south. Most of the utility work has been completed (water, sewer & storm sewer) and it is our desire to install curb and asphalt this year prior to the cold weather. Sidewalks are included on one side of the interior roads and we will complete the sidewalk along west side of Oakland Drive in order to further provide pedestrian traffic along Oakland Drive per the drawings.

Parking will be accommodated in the driveways of each unit. Off-street visitor parking will be provided, as shown on the drawings. Additionally, the 26 foot wide streets will be posted for parking on one side of the street only. We have used a 40' set back around the entire perimeter of the property. In addition we have maintained 20' between each building and a 25' front setback from the edge of road.

Per our original development plans, we have been working with the Michigan Department of Natural Resources, Fisheries Division (MDNR) regarding the possibility of restoring a portion of the Portage Creek that was channelized and that is located within the Oakland Hills property. The restoration would create a more natural and meandering configuration, along with native plantings and bioengineered components.

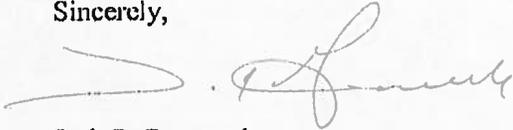
We have worked closely with MDNR and have incorporated their design elements to help maximize the restoration benefit to natural resources. If approved by the DEQ, this restoration will create almost one additional acre of wetlands, over 1,100 cubic yards of additional floodplain storage, and establish native plantings, including additional shading elements for the relocated stream. Enclosed is a letter of strong support from the MDNR.

Part of the restoration project includes slightly modifying the location of the floodplain storage area and at the same time increasing the quantity of storage. The current floodplain line is very irregular in shape and the proposed line is linear allowing for better water flow in flood conditions (see the enclosed drawings). This adjustment to the floodplain will remove all the proposed buildings from the floodplain. Should the stream restoration project not be approved by the DEQ, we would apply for a modification to the floodplain only.

The stream is a designated County Drain, and we have enclosed the Kalamazoo County Drain Commissioner's letter of support for the project. Also enclosed are copies of the final designs reviewed by the MDNR and included in the application to the DEQ.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. Should you have any questions or comments, please feel free to call me at 269.217.2057 or email at jack@avbinc.com.

Sincerely,



Jack S. Gesmundo
Principal

CC. Joseph Gesmundo, Daryl Rynd & Greg Dobson

Enclosures (3)

- MDNR letter of support
- Drain Commissioners letter of support
- Plans



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

August 23, 2013

Chris Forth, Deputy Director of Economic Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

RECEIVED
AUG 28 2013

COMMUNITY DEVELOPMENT

Mr. Forth,

The Department of Natural Resources, Fisheries Division supports the Oakland Hills project to restore the headwaters section of Portage Creek. Although there are some site specific structural design needs and environmental permitting that are still ongoing, we support the conceptual design towards returning this section of Portage Creek back to a natural state. Fisheries Division has been in contact with Mr. Jack Gesmundo and has worked with his staff at two separate meetings to come up with this conceptual design.

The project is well supported by improving natural channel dimensions to Portage Creek since it was straightened by channelization. Furthermore the project concept is consistent with state and federal efforts to remediate environmental conditions throughout the Portage Creek Watershed. State Agencies have cleaned up sections of Portage Creek in the former Performance Paper section, plans are moving forward to remove Alcott Dam, and the U.S. EPA has been working with responsible parties to conduct remedial action cleanup work of PCB sediments in the lower reaches of Portage Creek. Fisheries Division has worked with the City of Portage on their stormwater treatment project on Portage Creek downstream of Westnedge Ave. and recognizes that this project at Oakland Hills will also improve fish habitat. The city of Portage is blessed with having a coldwater stream that flows through an urban community connected by many recreational opportunities and parks. This project would further the vision and values that this community has for a natural resource that maintains the high quality of life within and around the banks of Portage Creek.

Thank you for your time and consideration for the Oakland Hills project.

Sincerely,

Gregg Smith
Senior Fisheries Biologist
Michigan Department of Natural Resources
621 N 10th St.
Plainwell, MI 49080
269-685-6851



Office of the Drain Commissioner

201 West Kalamazoo Avenue • Kalamazoo, Michigan 49007
Phone: (269) 384-8117 • FAX: (269) 383-8920 • Email: pacrow@kalcounty.com

Patricia A.S. Crowley, Ph.D, Drain Commissioner

July 16, 2012

American Village Development Company
Mr. Jack Gesmundo
4200 W Centre Avenue
Portage Mi 49024

RE: Portage Creek Realignment

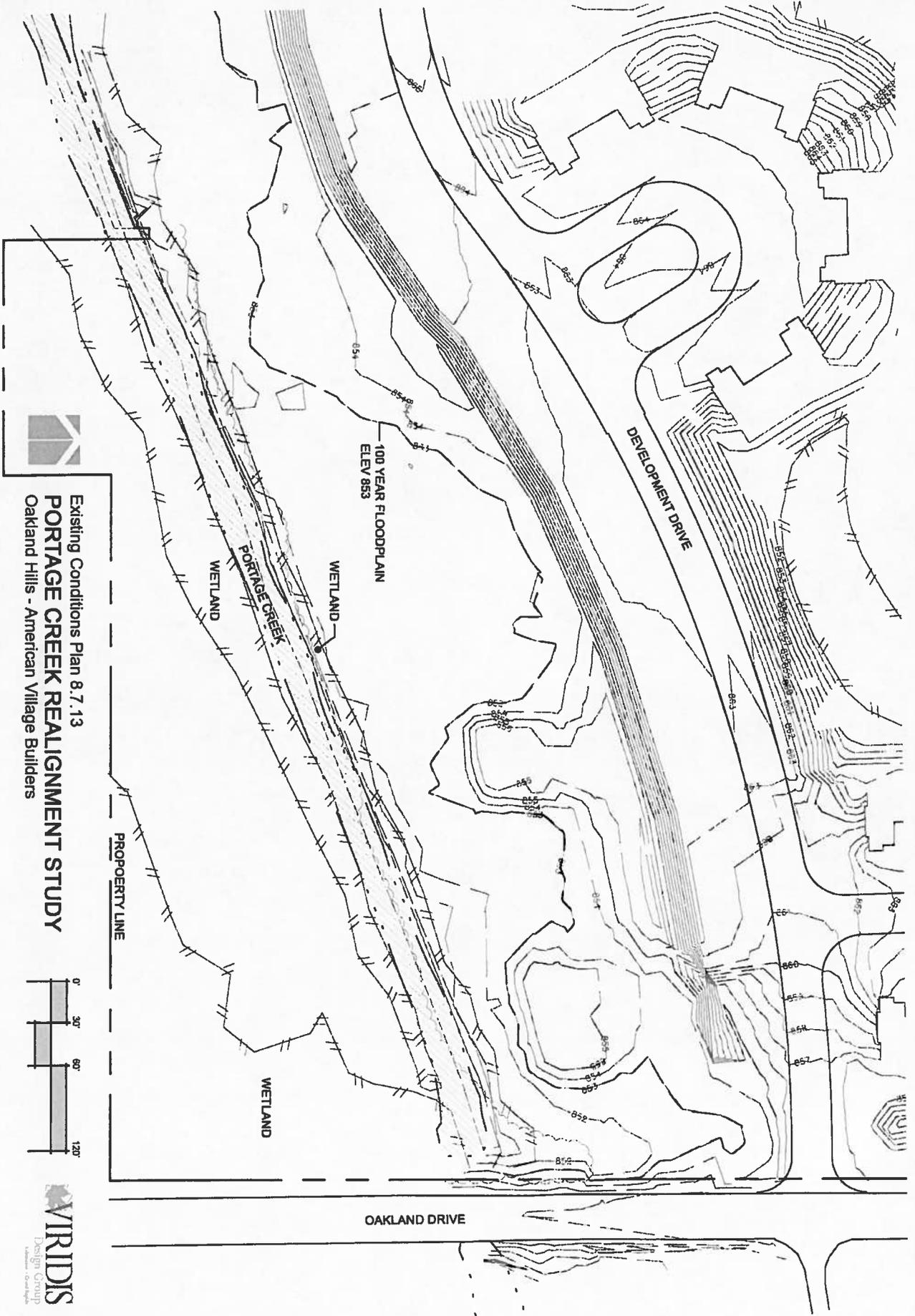
Dear Mr. Gesmundo,

The Kalamazoo County Drain Commissioners office is in support of the proposed realignment of Portage creek in the City of Portage. The new channel design is more like a natural stream and floodplain and wetlands will see a net increase.

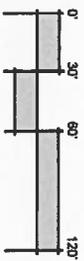
If the drain Commissioners office can be of further assistance, please contact my office.

Sincerely,

Jeff VanBelle
Kalamazoo County Deputy Drain Commissioner



Existing Conditions Plan 8.7.13
PORTAGE CREEK REALIGNMENT STUDY
 Oakland Hills - American Village Builders



PRELIMINARY CALCULATIONS

EXISTING CREEK (ABANDONED)

- AREA = 13,671 SF
- LENGTH = 680 LF

PROPOSED CREEK

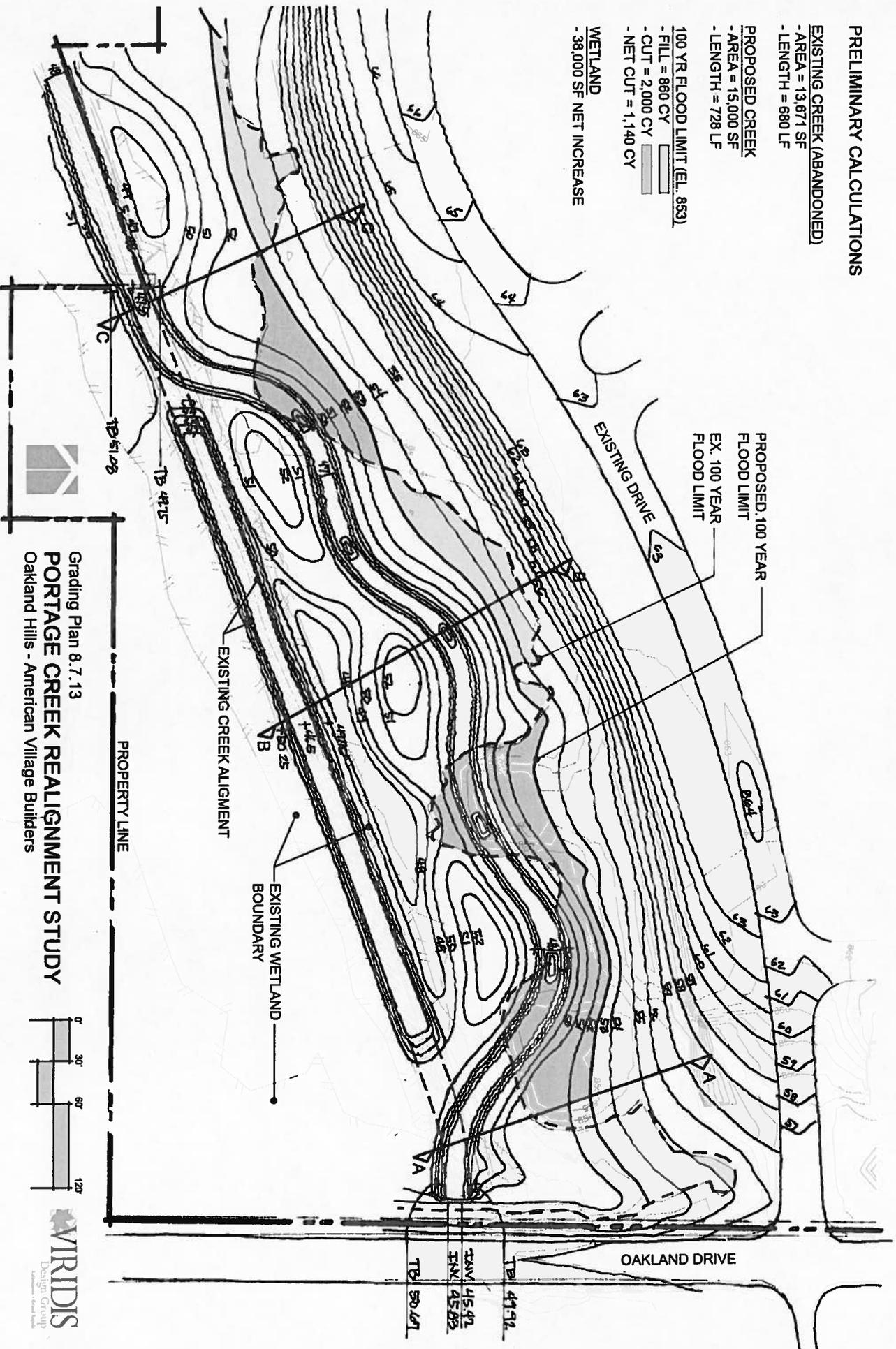
- AREA = 15,000 SF
- LENGTH = 728 LF

100 YR FLOOD LIMIT (E.L. 853)

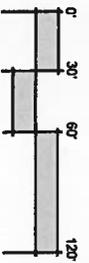
- FILL = 860 CY
- CUT = 2,000 CY
- NET CUT = 1,140 CY

WETLAND

- 38,000 SF NET INCREASE



Grading Plan 8.7.13
PORTAGE CREEK REALIGNMENT STUDY
 Oakland Hills - American Village Builders



PRELIMINARY CALCULATIONS

EXISTING CREEK (ABANDONED)

- AREA = 13,671 SF
- LENGTH = 680 LF

PROPOSED CREEK

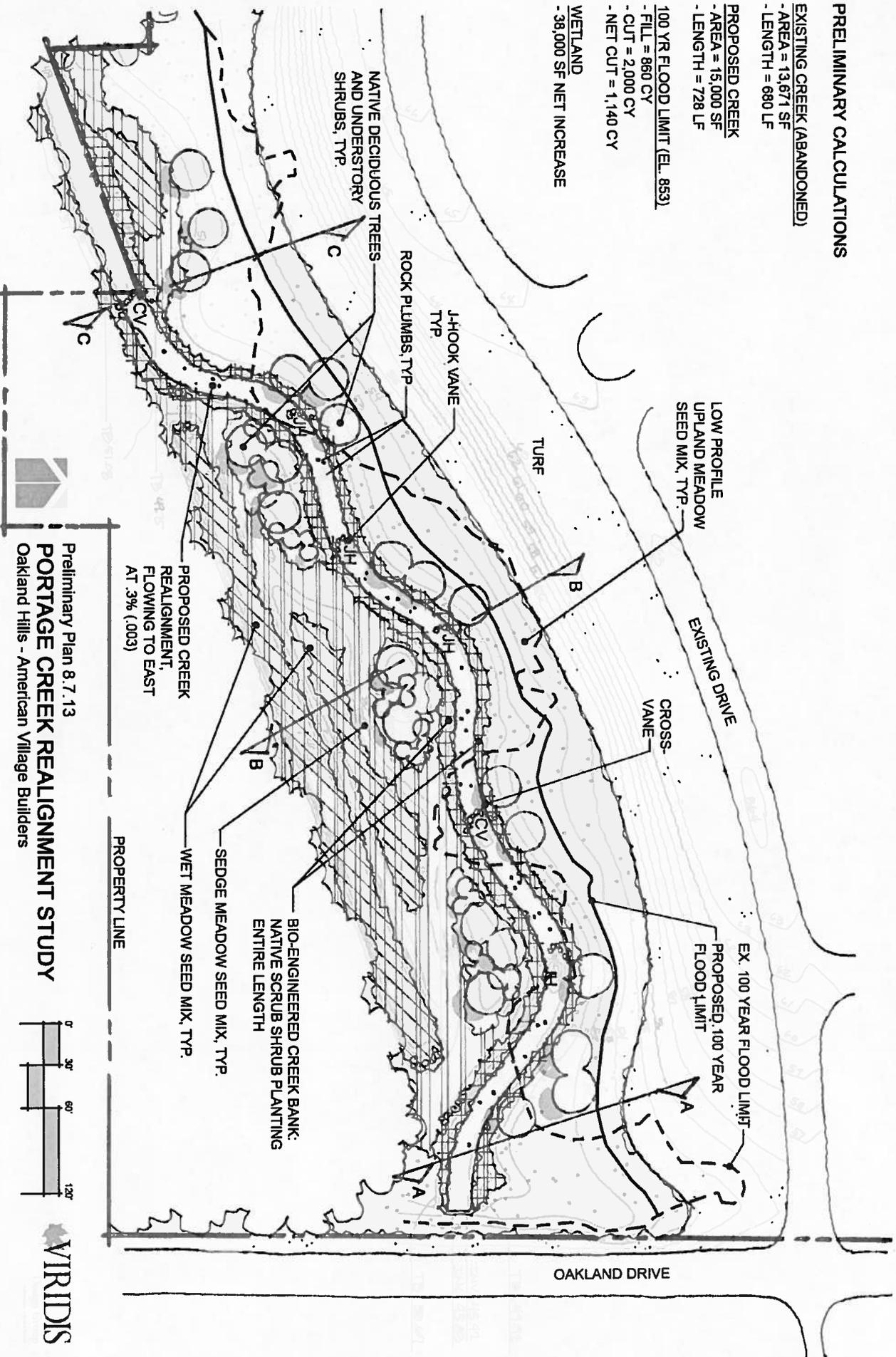
- AREA = 15,000 SF
- LENGTH = 728 LF

100 YR FLOOD LIMIT (EL. 853)

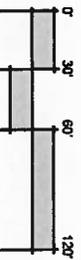
- FILL = 860 CY
- CUT = 2,000 CY
- NET CUT = 1,140 CY

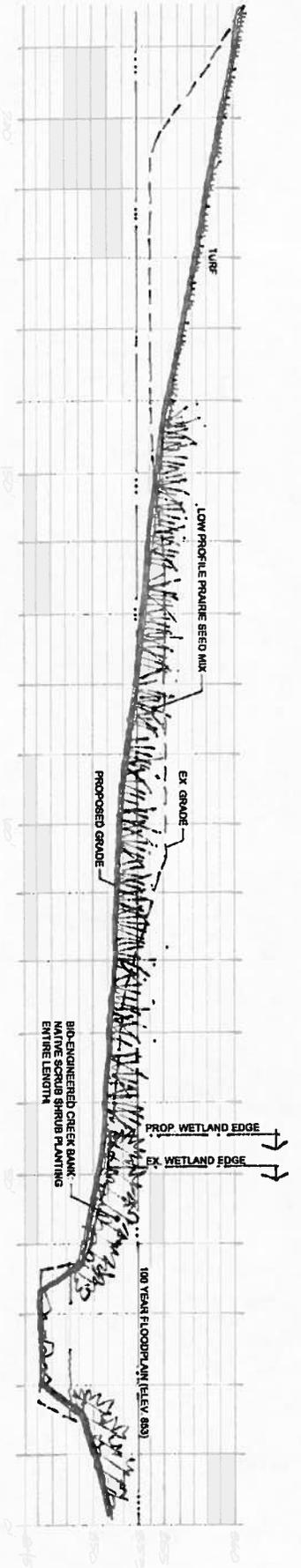
WETLAND

- 38,000 SF NET INCREASE

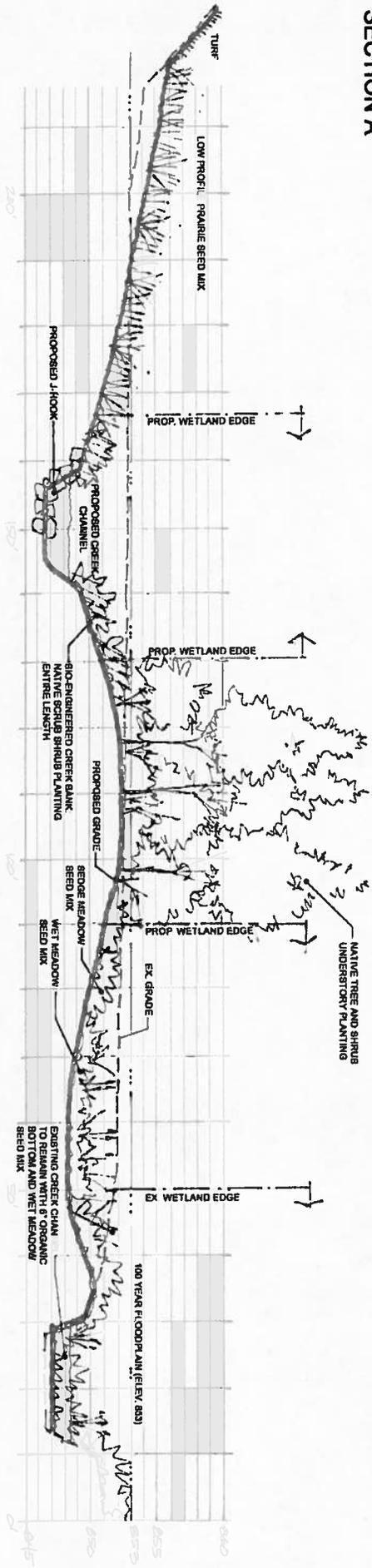


Preliminary Plan 8.7.13
PORTAGE CREEK REALIGNMENT STUDY
 Oakland Hills - American Village Builders

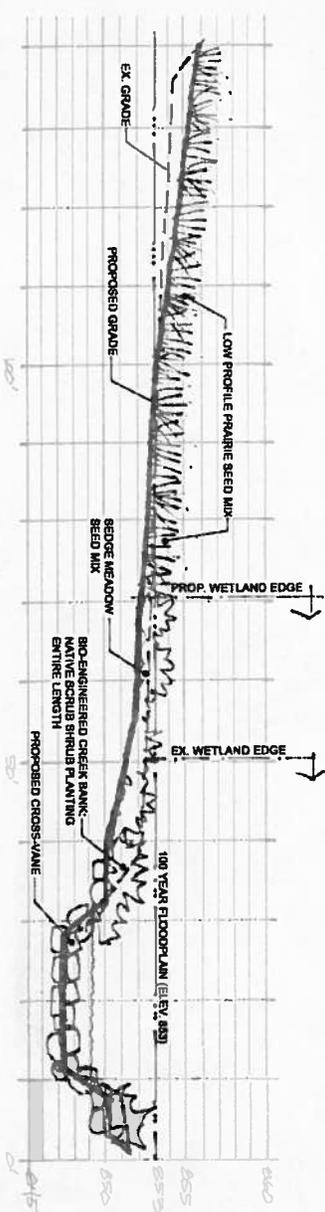




SECTION A



SECTION B



SECTION C

Site Sections 8.7.13
PORTAGE CREEK REALIGNMENT STUDY
 Oakland Hills - American Village Builders

Civil Construction Drawings

Oakland Hills - Phase IV

City of Portage
Kalamazoo County, Michigan
Site Plan Review

AMERICAN VILLAGE DEVELOPMENT II, LLC
4200 W. CENTRE AVENUE
PORTAGE, MI 48024
269.329.4800



BUILD SOMETHING BETTER.

CONSTRUCTION MANAGER

AVB CONSTRUCTION, INC.
4200 W. CENTRE AVENUE
PORTAGE, MI 48024
269.329.2022



BUILD SOMETHING BETTER.

PLANS PREPARED BY:

hurley & stewart, llc
2800 oak st 11th floor
kalamazoo, michigan 49009
269.332.4800 fax 269.489.1101
www.hurleyandstewart.com



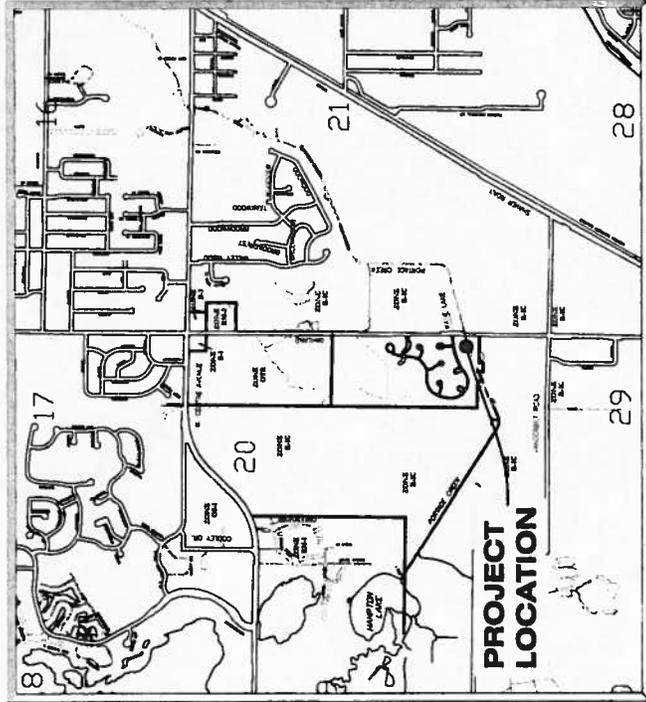
UTILITY CONTACTS:

CONSUMERS ENERGY CO
ELECTRIC/GAS
STEVE WERTZ, STREET
2400 W. CENTRE AVENUE
KALAMAZOO, MI 49001
269.337.2289

CABLE TELEVISION
UMS COMMUNICATIONS
JAMES BLACK
1179 COMPTON AVE
PORTAGE, MI 48062
269.277.8151

TELEPHONE
AT&T
JANISCH, JIM
2015 WILCOX ST.
KALAMAZOO, MI 49001
269.337.2289

WATER / SANITARY
CITY OF PORTAGE
DAN WATSON
PORTAGE, MI 48062
(269) 379-4427



SITE LOCATION MAP
SCALE: 1" = 200'



DRAWING INDEX

- SHT # DESCRIPTION
- C-0 - TITLE SHEET
- C-1 - OVERALL DEVELOPMENT PLAN
- C-2 - EXISTING CONDITIONS & DEMOLITION PLAN
- C-3 - SITE LAYOUT PLAN
- C-4 - GRADING & SOIL EROSION PLAN
- C-5 - PROFILES
- C-6 - DETAILS

NOTE: CURBS AND SIDEWALKS IDEALLY FOR PHASE I.
PAVING, CURBS, GRADING AND ALL UTILITIES
TO BE COMPLETED DATE.



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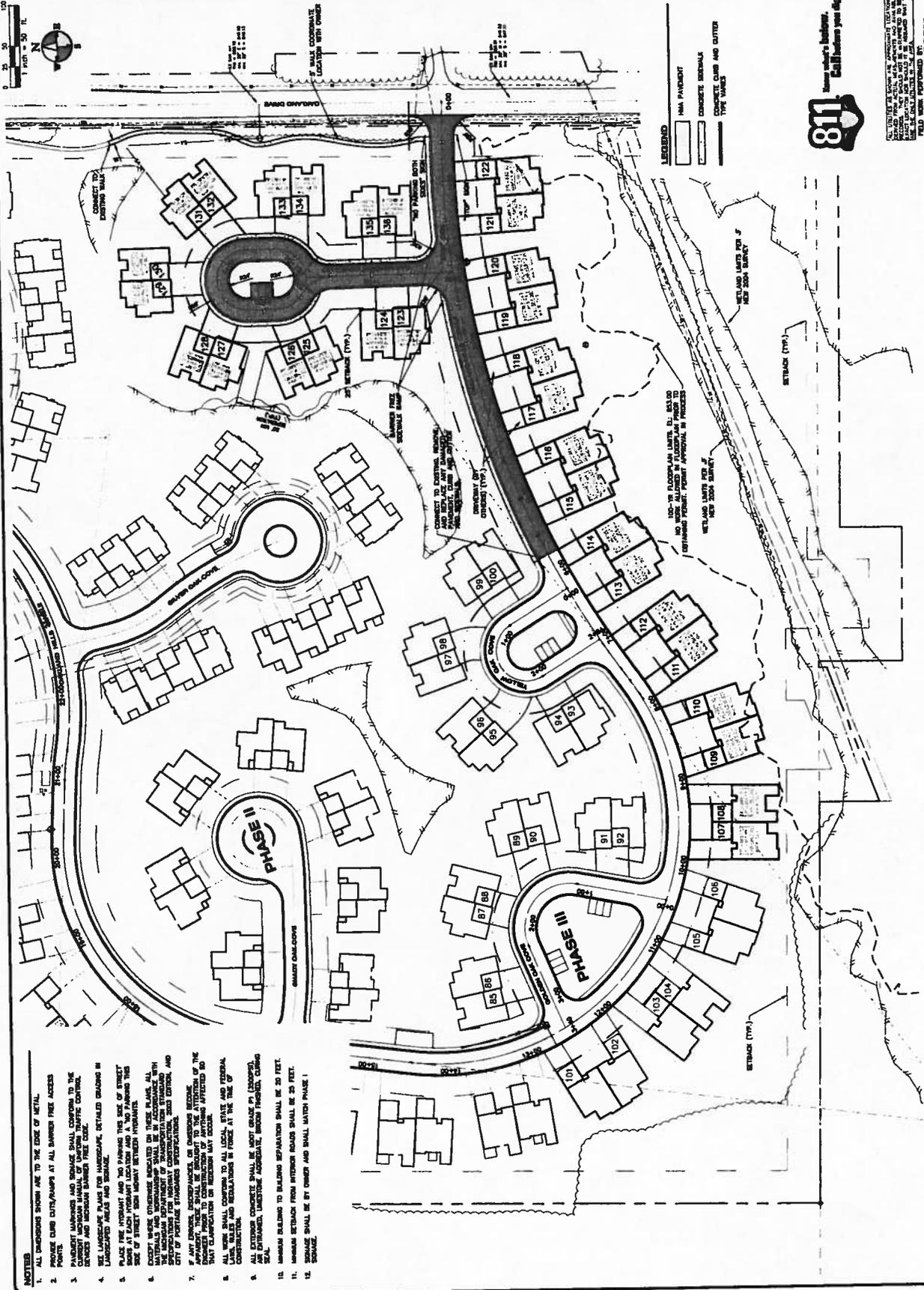
THIS DRAWING IS THE PROPERTY OF HURLEY & STEWART, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN PERMISSION OF HURLEY & STEWART, LLC IS STRICTLY PROHIBITED.

ISSUED FOR THE
Site Plan Review
9/29/13

ALL UTILITIES SHOWN ARE APPROXIMATE TO THE BEST OF OUR KNOWLEDGE. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.



- LEGEND
- WALL FOOTING
 - CONCRETE RETAIN WALL
 - CONCRETE CURB AND GUTTER
 - TYPE WALLS



- NOTES**
1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF CURB.
 2. PROVIDE CURB CUTS/PUPS AT ALL SHARED TRAIL ACCESS.
 3. PROVIDE MANHOLES AND MANHOLE RINGS SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND SIGNAGE THROUGH THESE CODES.
 4. ALL LAYOUTS SHALL BE SHOWN.
 5. PLACE THE PERMANENT AND TWO MARKING THIS SIDE OF STREET MARKS AT EACH HYDRANT LOCATION AND A "NO PARKING" ZONE OF STREET SIGN MOUNTY BETWEEN HYDRANTS.
 6. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AND CITY OF PORTAGE STANDARD SPECIFICATIONS.
 7. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE REPORTED TO THE ARCHITECT IMMEDIATELY BY THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL, STATE AND FEDERAL AUTHORITIES.
 8. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
 9. ALL EXTERIOR CONCRETE SHALL BE HOT MIXED BY (SCOPED), AND EXTERIOR, LANDSCAPE APPROPRIATE, MASON FINISHED, CURING AND SEAL.
 10. MANHOLE BUILDING TO BUILDING SEPARATION SHALL BE 20 FEET.
 11. MANHOLE SETBACK FROM INTERIOR BOUNDARY SHALL BE 20 FEET.
 12. SETBACK SHALL BE BY OWNER AND SHALL MATCH PHASE I SOURCE.

American Village Builders, Inc.

June 8, 2006

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RE: Oakland Hills Planned Development Conceptual Plan Application Revision

We are excited to submit to you a revised conceptual plan Oakland. The following "tentative plan" is consistent the City of Portage Land Development regulations. These revisions will allow us to develop the property consistent with the market demand that we have been experiencing since we began marketing this community. We believe that all of the modifications to the tentative plan that we are proposing are enhancements to the initial project and we look forward to discussing these modifications with you.

Per your request we are answering each of the fifteen required questions that are provided in Section 42-371 of the City of Portage Land Development Regulations.

1. The purpose of the proposed tentative plan revision is to allow for the development of a new residential development called Oakland Hills that is consistent with City of Portage Land Development Regulations. As with all of our planned developments our focus is on developing great communities. Oakland Hills will further exhibit this focus on great communities. The heart of this community will be its clubhouse and pool, a key element in developing the relationships that help AVB communities to flourish. In addition, Oakland Hills will sport our traditional "entry statements" at each entrance to Oakland drive that will create a "sense of arrival" when a resident or guest comes to this community. Also, a center-point of all our developments is natural beauty. We plan to harness this in many ways at Oakland Hills with beautiful entry statements and clubhouse, first-rate landscaping and light natural screening where appropriate, natural views of the beautiful forests, waterways and sensitive areas that border and infiltrate this property and with walking trails and sidewalks to allow residents to access all of the above.
2. The proposed development is on an 82.42 acre tract of land on the west side of Oakland Drive just south of Centre Avenue. In aggregate we plan to develop approximately 32 acres of the 82.42 acre parcel of land leaving 48 acres that are

part of this conceptual plan that will be developed for one of the following uses: common open space, recreational areas and uses, walking trails, storm water retention, wetlands and floodplain. Using this cluster development and open space concept the 32 acres to be developed will include 138 single family condominium units. In addition we are in the process of building an upscale clubhouse and community swimming pool as shown on the attached revised tentative plan. It should be noted that the large tract of land adjacent to our property to the west is a State of Michigan forest and that the large tract of land to the north of the property is zoned OTR. Please see the attached Exhibit "A" which contains the required site plan for your review.

3. Oakland Hills will be developed in two phases beginning in the fall of 2005. Phase I will include 54 units of attached condominium units. Phase II will include 84 units of attached condominium units. The attached condominium units will be further developed as noted below but will generally consist of two, three, four unit buildings. All of the units developed for this project are "for sale" product and are anticipated to be "owner occupied" units aimed at empty nesters. The development phase lines have been included on the attached Exhibit "A".
4. The time schedule is proposed as follows:
 - a. Phase I Fall of 2005 through Fall of 2007
 - b. Phase II Fall of 2006 through Fall of 2010
5. The site plan and its associated phasing lines shows how each stage of the development is independent yet is designed to integrate well into the development as well as the existing development pattern. Both phase I and phase II contemplate new connections to Oakland Drive. The development will connect to Oakland Drive via the main drive which runs through the entire development. This u-shaped main drive will serve as the collector road and will connect to Oakland drive at the elevation high point along Oakland Drive as well as the far southern end of the property. These drives will both allow for the required sight distance of 445 feet. The majority of this u-shaped access road that connects to Oakland Drive will be constructed during phase I. The portion of the u-shaped access road that is in phase II will be upgraded, graveled in and fully maintained and plowed for snow to allow emergency and construction traffic access. When phase II is developed this section of the u-shaped access road will be curbed and will be given an asphalt driving surface and a second development entry statement will be developed. All phases will simply extend this main collector road so that additional units for the phases can access the collector road.

We anticipate, due to the target demographics for this development, that our residents will average 6 trips per day to and from their units. This equates to 408 trips at each of the two Oakland Drive intersections. We do also anticipate widening Oakland Drive at each intersection to provide for a left hand turn lane on Oakland Drive. And, we will widen the exits on Oakland Drive to allow for an

outbound right and left hand exit lanes and one entry lane. Additionally, due to our target demographics we do not anticipate any materially significant peak hours beyond the going to and returning from work traffic.

6. As mentioned previously, the land is located on the west side of Oakland Drive just south of Centre Avenue. The parcel is 82.42 acres +/- in total. American Village Development II, L.L.C., our development entity, owns this property.
7. The chart below demonstrates the land use and density for each phase.

Phase I 39.03 acres for multi-family

54 units = 1.383 units per acre

Phase II 43.39 acres

84 units = 1.935 units per acre

Phase I & II 138 units over 82.42 acres = 1.674 units per acre

8. The roads, storm areas and entry statement areas will be owned and maintained by the Oakland Hills Neighborhood Association. The common space immediately in and around the residential units will also be owned by the Oakland Hills Neighborhood Association with the balance of the common open space being owned by the developer. The covenants that will be recorded to create the Oakland Hills Neighborhood Association will include the right for residents of Oakland Hills to use the balance of the property owned by the developer for walking and other passive recreational uses as provided for in this conceptual plan. The neighborhood association will be formed upon the completion of the rezoning request and will be fashioned after the Homestead of Portage Neighborhood Association.
9. The residential development units will consist of the following types of units:

four unit buildings (some walk out, some garden level and some slab on grade), multi-unit housing
three unit buildings, multi-unit housing
two unit buildings, two family housing

Please reference the attached information for floor plans and elevations for our Lake View and Forrest View models. One of each type of unit has been constructed on site and can be seen in person if one wishes to evaluate materials etc. However, we have used a combination of dimensional roof shingles, vinyl

shake siding and stone to accent the elevations. We are very pleased with the results of the architecture that has been implemented on this project.

All of the units that we have proposed above will be between 1,200 and 4,500 square feet. Our 2, 3, and 4 unit ranch houses will have base floor plans of around 1,200 square feet and with finished lower levels will be as large as 2,200 square feet. The Lake View model pricing will start at around \$165,000 and an individual Forrest View unit can be specified in a fashion to cost as much as \$450,000 each. As in Woodbridge Hills, the proper application of colors, materials and architectural details will allow all of these units types to work well together and to feel like that are a part of a cohesive community.

We have used a 40' set back around the entire perimeter of the property. In addition we have maintained 30' between each building and a 25' front setback from the edge of road. In addition we are constructing a 3,000 +/- square foot clubhouse and a pool facility.

10. Storm water will be pre-treated in collector rain gardens throughout the development and will be handled according to City of Portage regulations. The majority of the storm water will be piped via underground structures from these rain gardens to the 48 acre common open space area to the north. Only in the case of an unusual rain event (a 100 year storm event), will two overflow pipes be utilized which will have been installed under ground to allow water to flow to Portage Creek to the south. The release to the 48 acre common open space to the north is already approved by the MDEQ. We will obtain all required permits from the MDEQ before the storm system overflow is constructed which would release water to Portage Creek to the south. At this time we do not intend alter the path of or aesthetically enhance this section of Portage Creek. However if we were to make any such change it would only be after all the proper permits were approved by the MDEQ. The low-lying 48 acre area provides plenty of space for this purpose (and is where a majority of the storm water is directed) and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep, unsightly storm systems. Sanitary sewer will be connected to the available City of Portage sanitary sewer system.
11. Covenants will be placed on the land and will coordinate with the Oakland Hills Neighborhood Association. These covenants will provide for the shared used and maintenance of the common open space, the linear trail system, the pool and clubhouse and the entry to the community. Easements will be provided for utilities as required by the utility companies for gas, water, electric, street lights, sanitary sewer, cable television and phone service. A 66' wide easement has been reserved for the private streets and the required utilities.
12. Parking will be provided in a number of ways. First some parking will be accommodated in the driveways of each unit. Second, off-street visitor parking

will be provided, as shown on the attached site plan. Additionally, the 26 foot wide streets will be posted for parking on one side of the street only.

13. We do not anticipate any required modifications in the regulations otherwise applicable to the subject property.
14. As noted in #4 above we intend to make our final submittal for the last phase, phase II of Oakland Hills by the fall of 2006.
15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that a performance bond is necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

Mr. Timothy Bureau, a Grand Rapids expert on wetlands, and JF New Company have prepared a wetlands delineation for the Property. Based on this report we feel quite confident base on both our experience and the City of Portage Sensitive Land Use Map that our tentative plan does not and will not infringe on any wetlands. We pledge that we will not violate any MDEQ rules, City Ordinance, State or Federal Law relative to wetlands.

We do plan to locate a few units within the current boundary of the 100 year floodplain with our proposed layout. We will simply be asking the MDEQ to approve this minor fill (about 6 inches of fill plus or minus) which will amount to less than 500 cubic yards of fill within the entire floodplain. We are asking for this minor modification to the floodplain to allow for an aesthetically appealing layout with units that can take advantage of the beautiful sightlines to the south over Portage Creek. For your reference the location of the 100 year floodplain has been indicated on the south end of the site plan as indicated by the FEMA maps. We will not construct any units within the floodplain without a MDEQ permit and will request a minor permit from the MDEQ to do a small fill in the floodplain to raise these units out of the floodplain. Until such a permit is approved by the MDEQ, these units will not be constructed in the floodplain. We do however, should we be unable to obtain such permits, reserve the right to use slightly smaller units or re-orient slightly these units in order to allow development outside of the floodplain.

We should also note that we look forward to working with the City of Portage to establish a linear trail in this area of the community. As plans develop for such a connection we will work together with the City to ensure connection to this development. The location of our on-site linear trail system is intended to be preliminary in nature pending final determination of the City of Portage trail system. As identified on the "tentative plan" an internal circulation network will be established to provide for pedestrian movements between the clubhouse, the common open spaces and the natural amenities of the property. This will be established with 5' sidewalks on one side of the street within the residential area of the community and a linear path system through the natural areas of the property. Additionally, a sidewalk will be established along a portion of the west

side of Oakland Drive in the appropriate areas in order to further provide pedestrian access to Oakland Hills for the residents of this community.

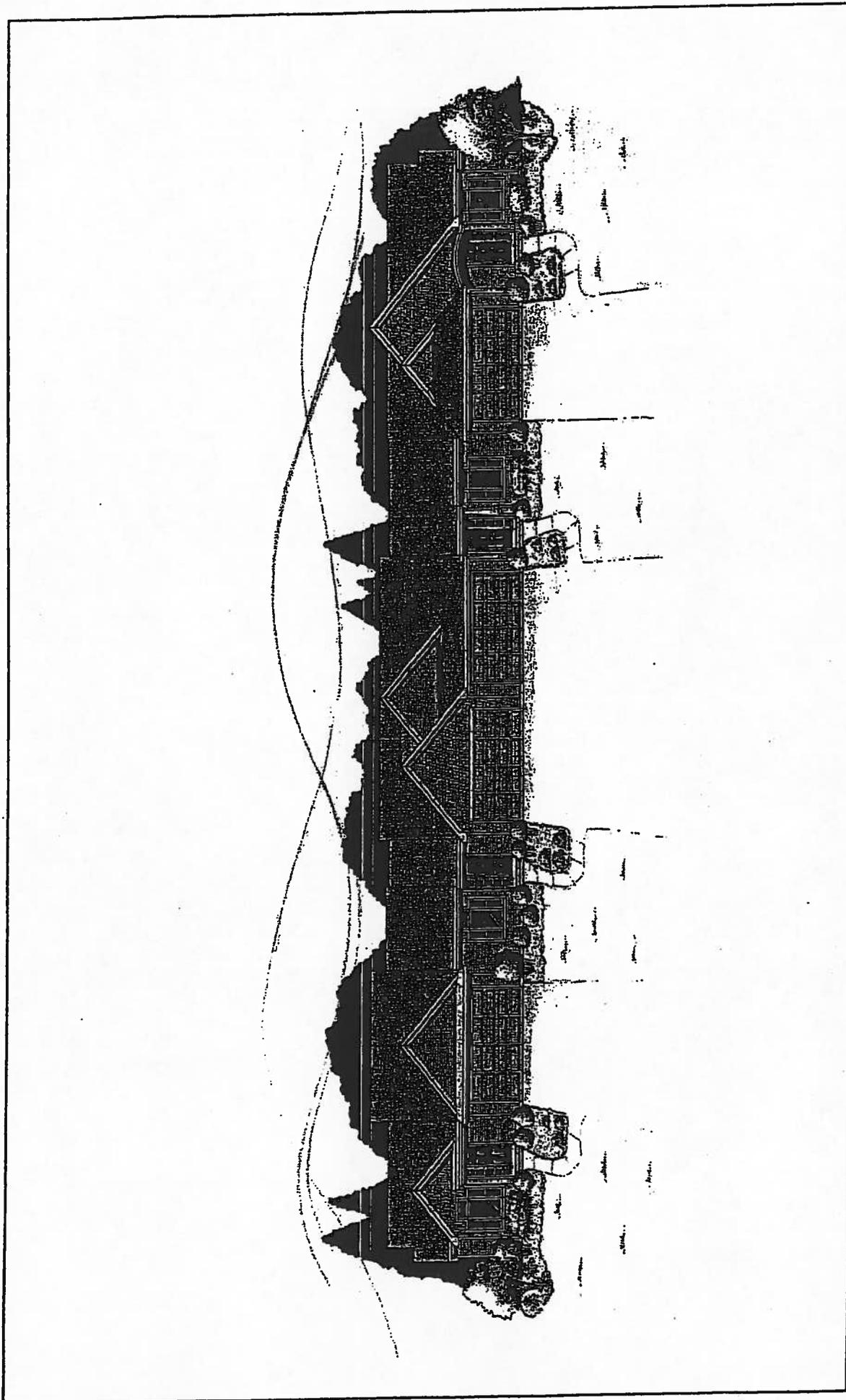
We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. We feel this can be another first-class development for the City of Portage and American Village Builders, Inc.

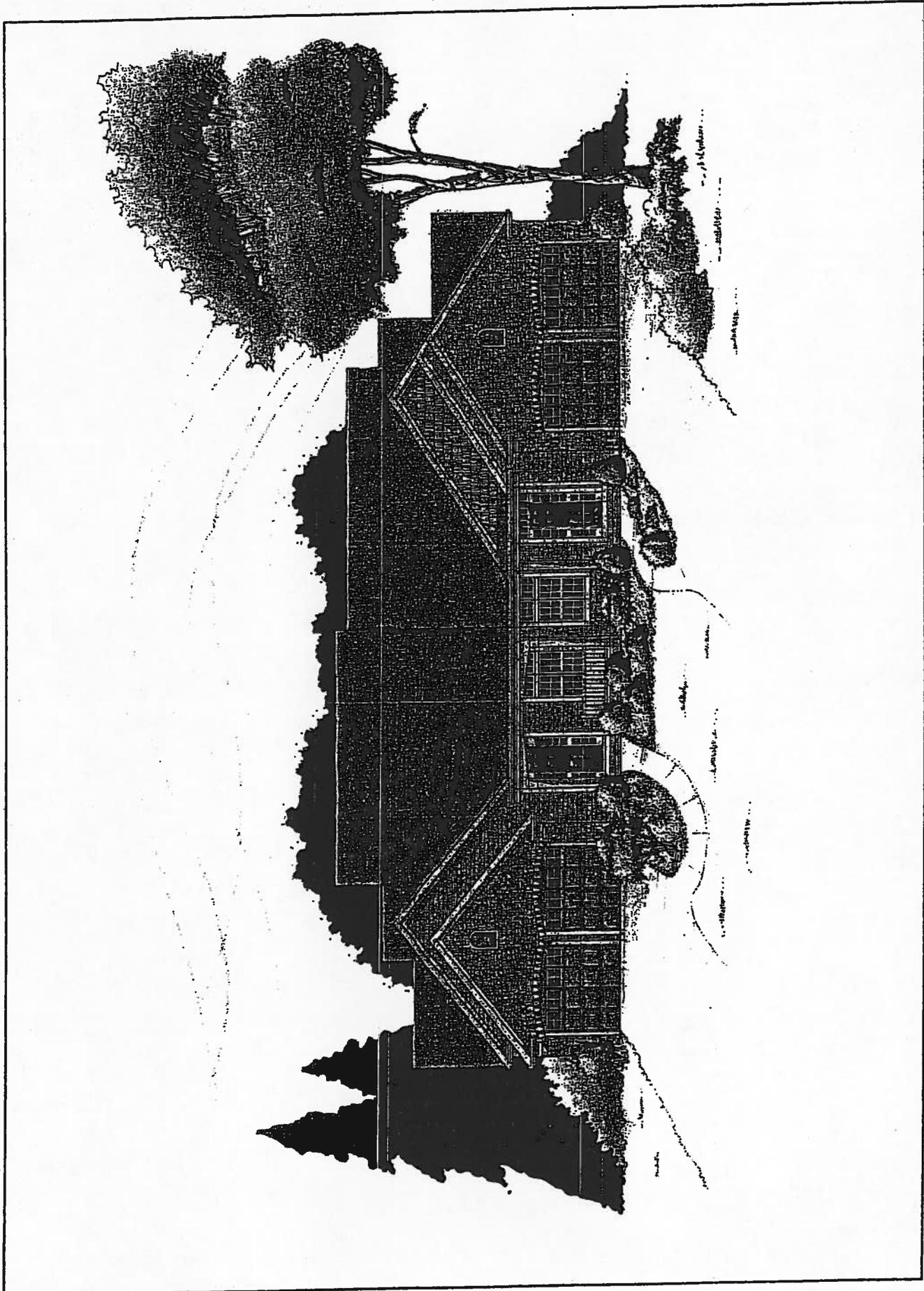
Sincerely,

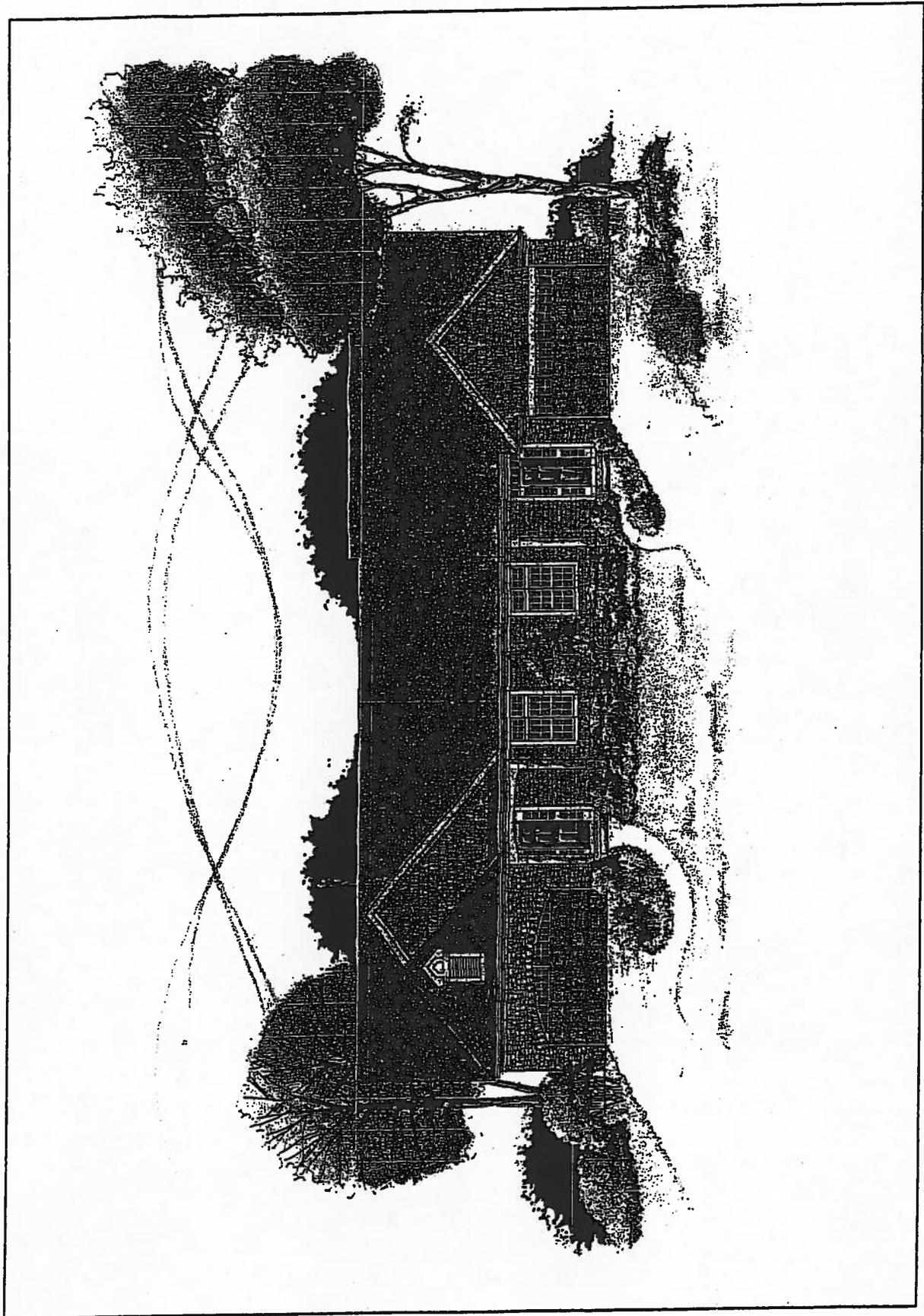
A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal line extending to the right.

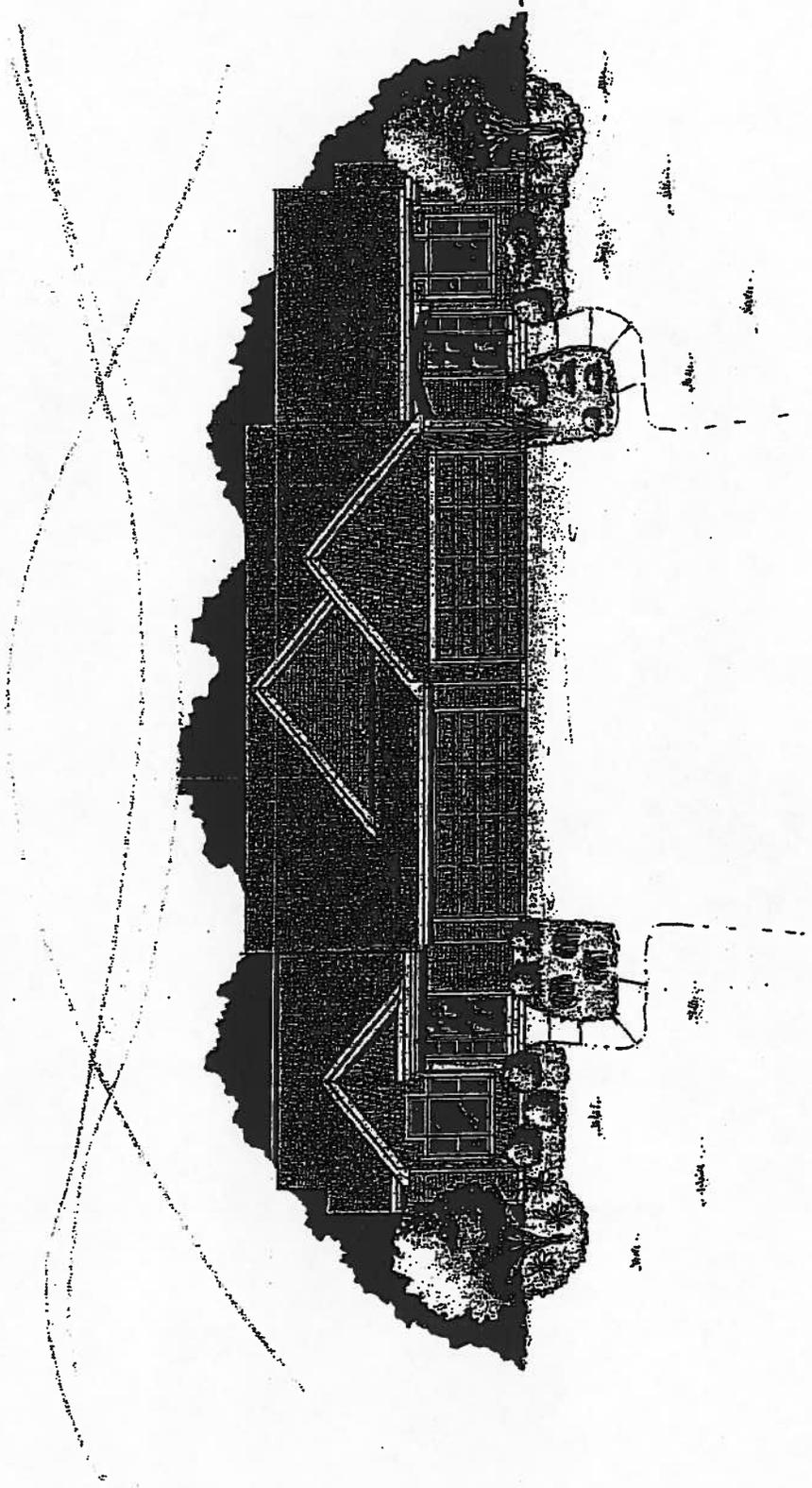
Greg Dobson

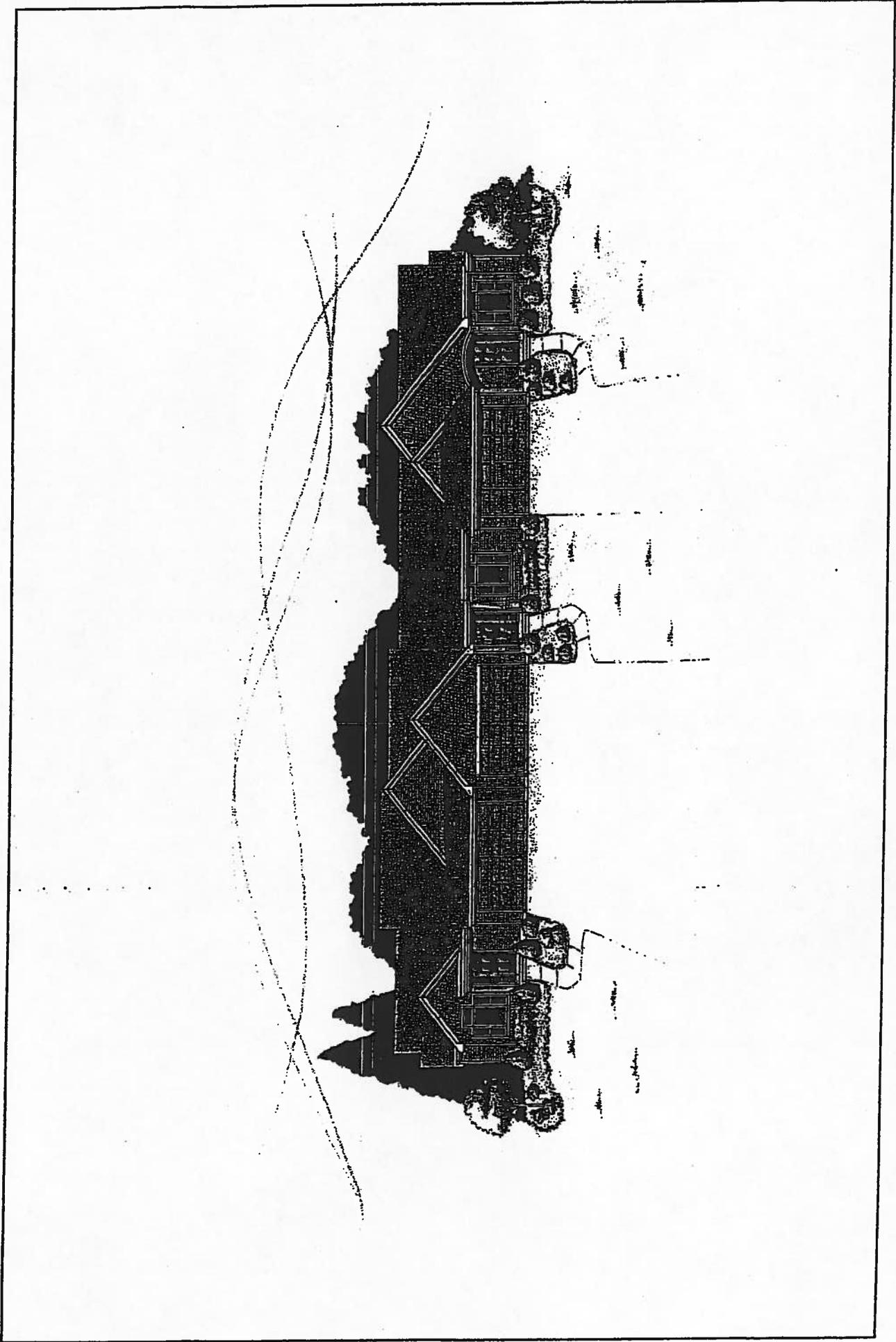
C Joe Gesmundo, Jack Gesmundo

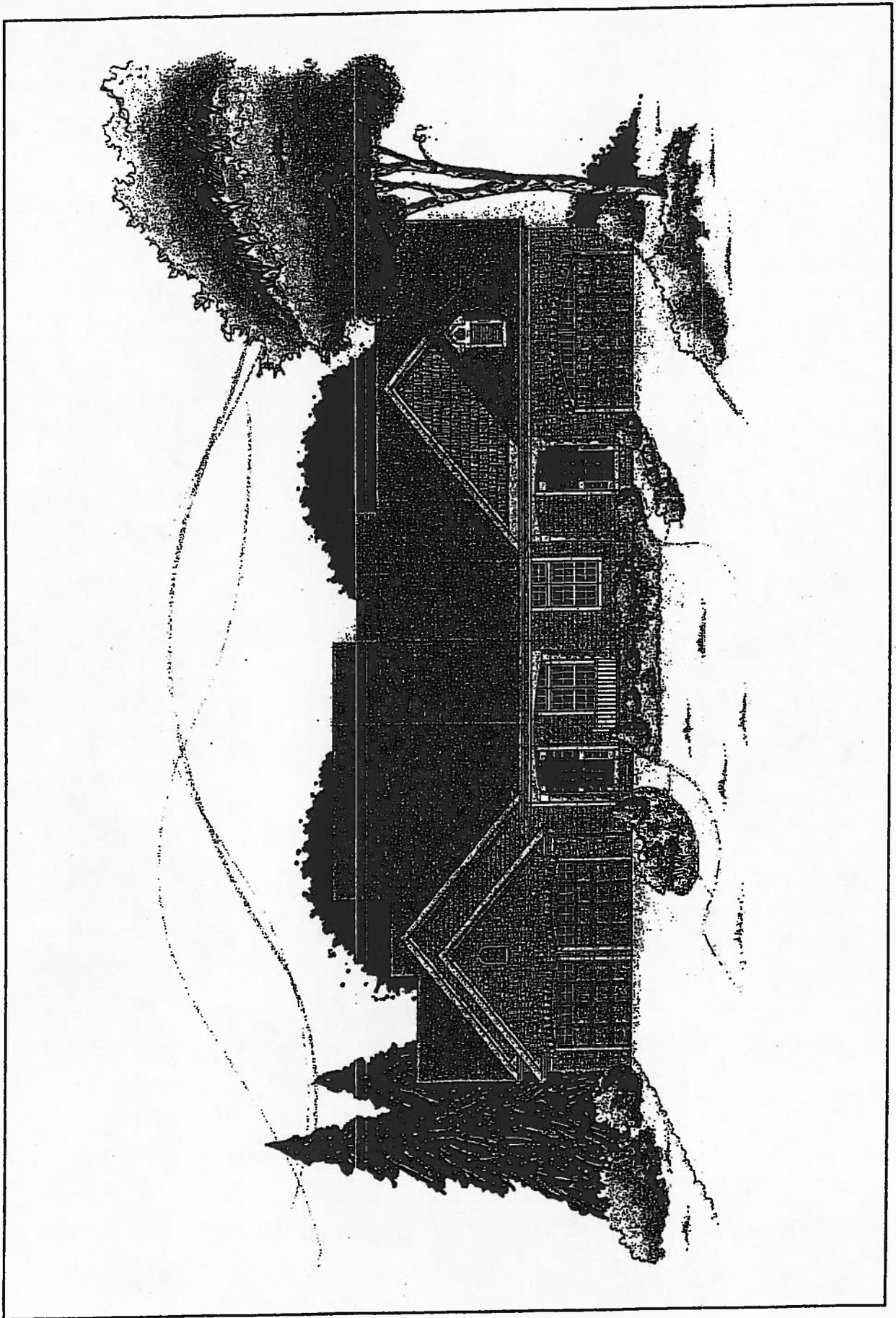


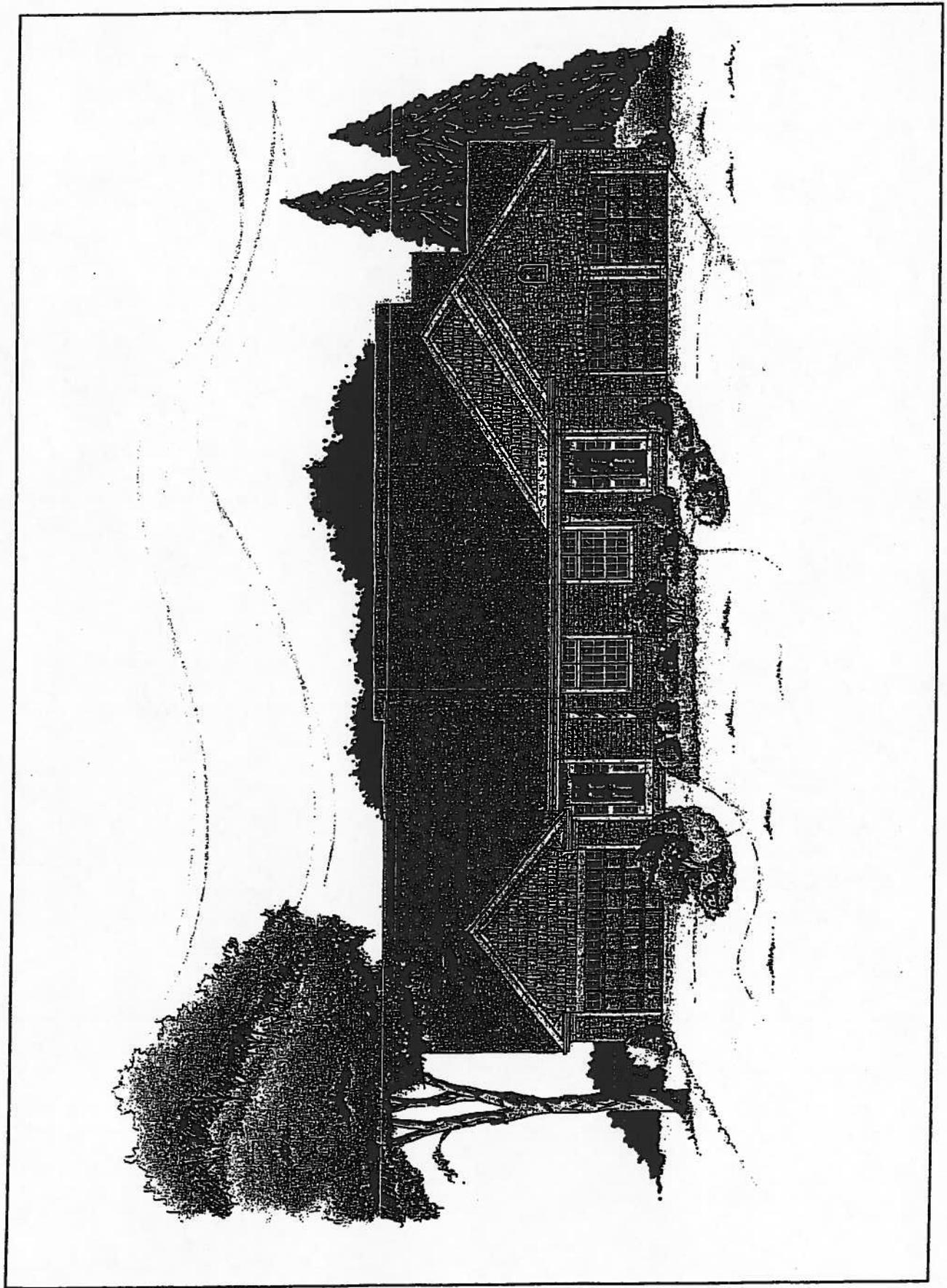


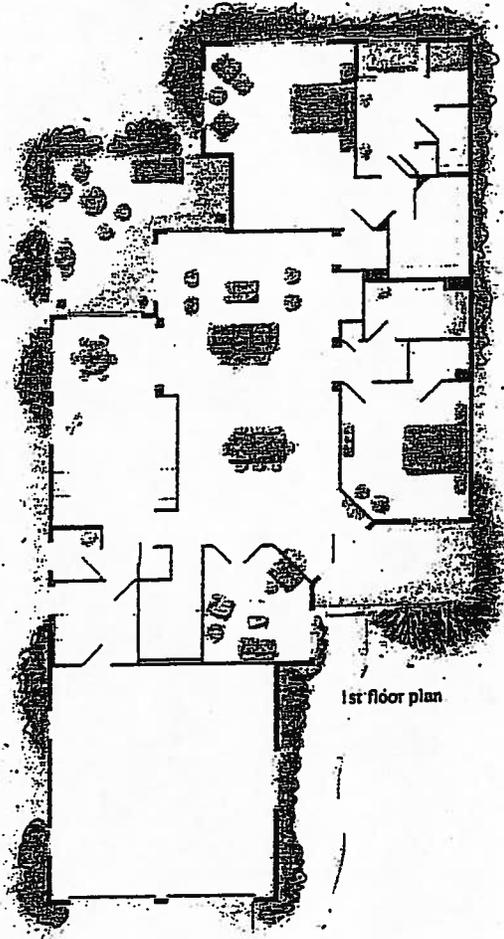




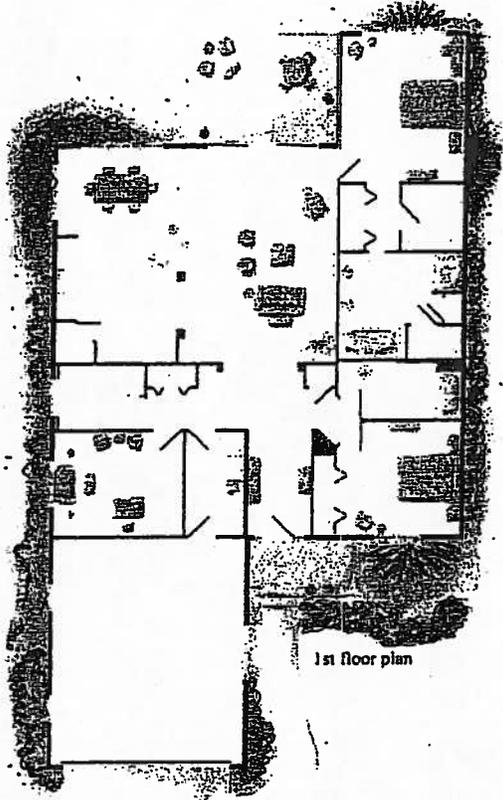




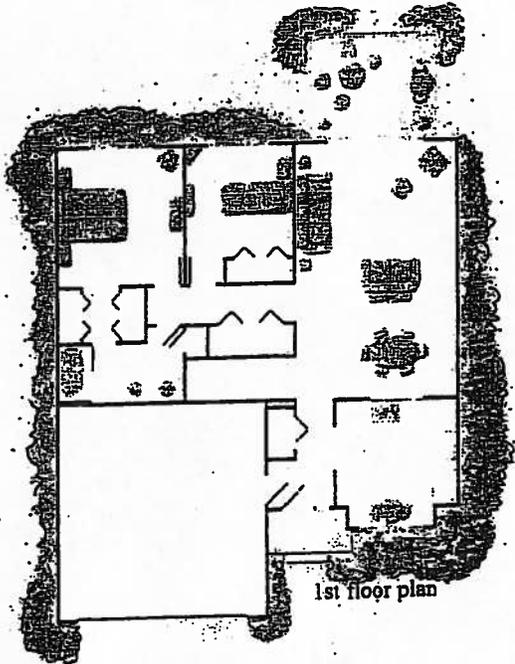




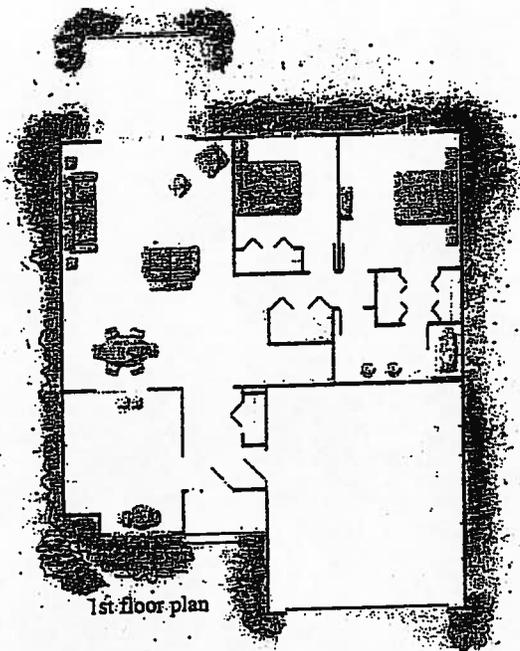
1st floor plan



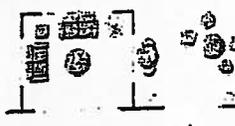
1st floor plan



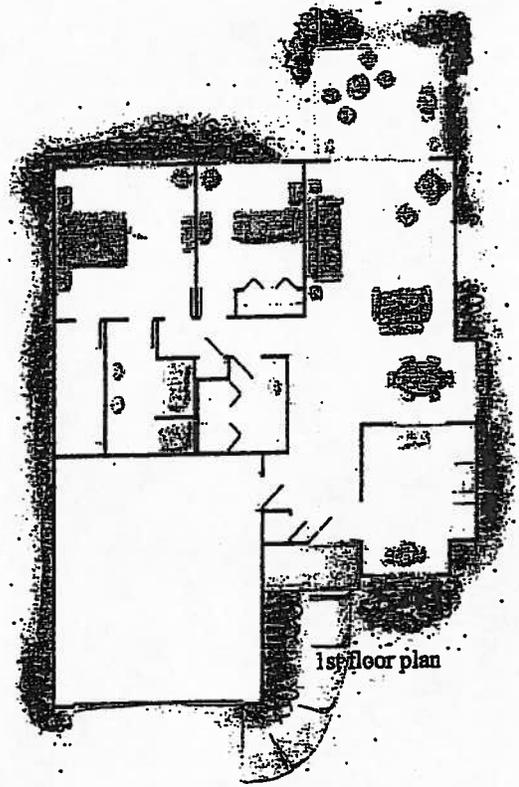
1st floor plan



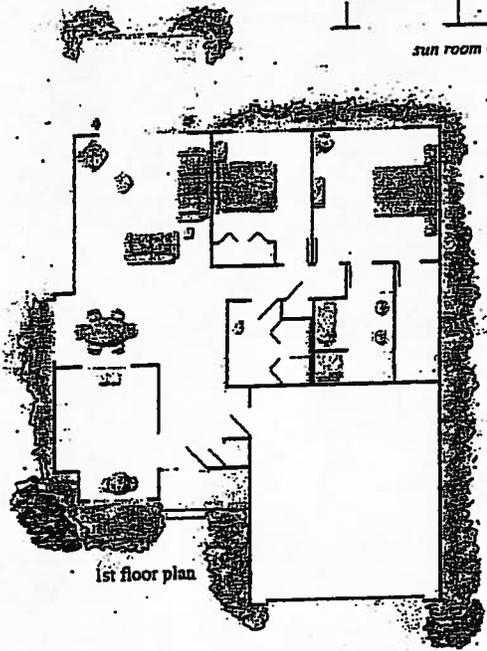
1st floor plan



sun room option



1st floor plan

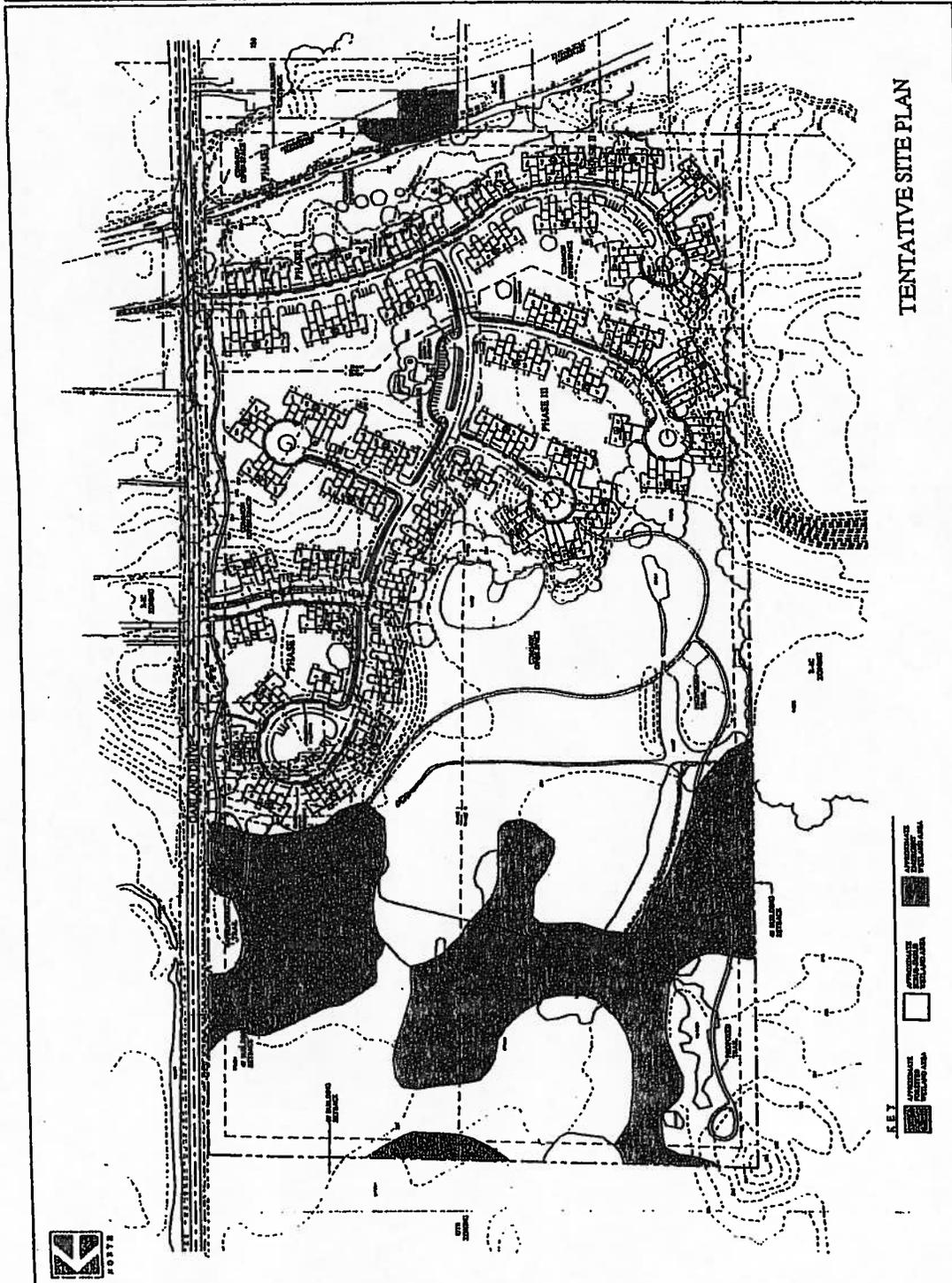


1st floor plan

LLH
 LARRY L. HANCOCK
 THE OFFICE OF ARCHITECTURE AND PLANNING
 1000 EAST WASHINGTON
 ANN ARBOR, MICHIGAN 48106
 PHONE: 734-763-1100
 FAX: 734-763-1101

OAKLAND DRIVE PROPERTY
 PORTAGE, MICHIGAN

SCALE: 1"=100'
 DATE: 03-23-04
 PROJECT: 01-007-01
 REVISION: 01-13-04
 SHEET: 1/1



TENTATIVE SITE PLAN

KEY
 EXISTING BUILDINGS
 EXISTING DRIVEWAYS
 EXISTING UTILITIES
 EXISTING EASEMENTS
 EXISTING PROPERTY LINES

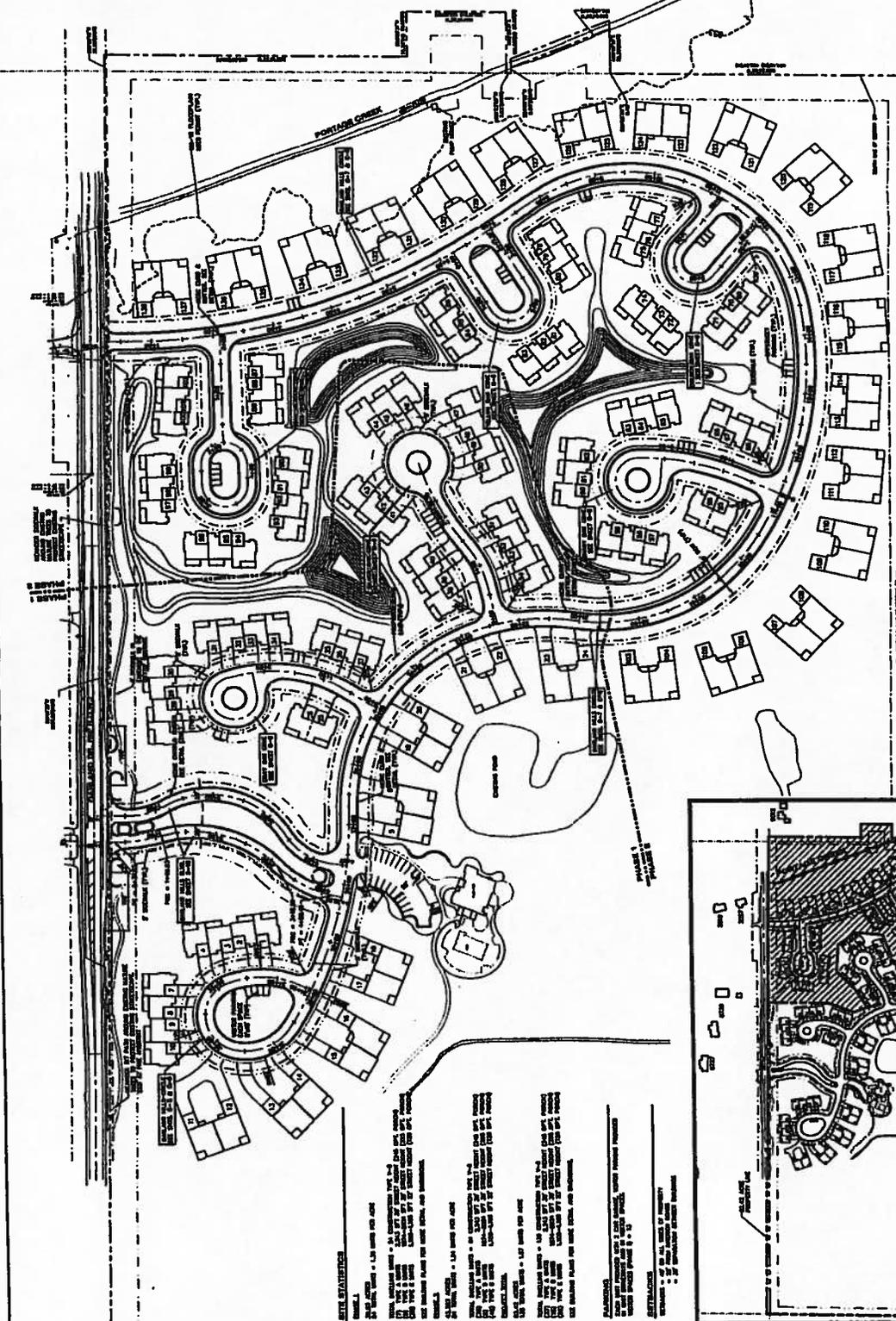
2005 Approved Tentative Plan

CONCEPTUAL LAYOUT PLAN
OAKLAND HILLS CONDOMINIUMS PH 2
AVD II, INC

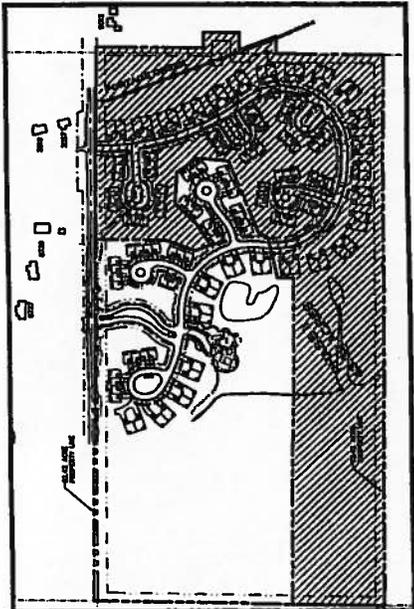
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- NOTES:
1. ALL DIMENSIONS SHOWN ARE TO THE FACE OF WALL.
 2. PROVIDE CURB CUTS AT ALL BARRIERS AND ACCESS POINTS. TO MEET CURRENT ADA REQUIREMENTS.
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OVERALL PLAN

GENERAL NOTES:

1. ALL DIMENSIONS SHOWN ARE TO THE FACE OF WALL.

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10. PROVIDE CURB CUTS AT ALL BARRIERS AND ACCESS POINTS. TO MEET CURRENT ADA REQUIREMENTS.



Timothy Bureau Consulting, LLC

Environmental Planning • Litigation Support • Wetlands, Lakes & Streams

MEMORANDUM

July 5, 2006

TO: Greg Dobson, AVD II, LLC

FROM: Timothy Bureau *Timothy Bureau*

SUBJECT: Restoration of Portage Creek Corridor, Oakland Hills, City of Portage

Per your request, the following information is a synopsis of the current situation regarding your intent to consider natural restoration of the Portage Creek corridor as it flows through the south side of the proposed Oakland Hills development.

Portage Creek in this location has been historically channelized and straightened. Excavated spoils were sidecast along the creek. The straight channel bed is approximately 670 feet in length on the subject property, which extends on both sides of the creek within that reach of stream.

I discussed this situation with Kameron Jordan, supervisor of Land and Water Management Division of the Department of Environmental Quality, a couple months ago. Kam's response was very positive, and he offered to set-up a pre-application meeting with himself and Fisheries Division of MDNR to get our heads together to make the best possible plan for the resources. Currently Kam is trying to set the meeting, which we anticipate will occur within the next two or three weeks. Kam stated he is looking forward to working on this as it would be a refreshing change to be involved in a very positive project for natural resources.

The concept for restoration includes placing the stream flow in a relocated, meandering channel within the property. Gravel spawning beds, streambank stabilization, fisheries habitat structures, and floodplain native plantings all will be incorporated into the final restoration plan. MDEQ and MDNR will likely have additional suggestions which will improve the habitat in and adjacent to the creek. The goal of the restoration plan is to restore the stream to a more natural condition with appropriate habitat, which primarily involves lengthening the flow path and adding typical riffle-pool zones, currently lacking within this reach of stream. As a secondary benefit, it is anticipated the floodplain storage capacity will also be increased as a result of the project, and aesthetics will be dramatically improved. It is possible a permanent sediment sump could be placed adjacent to Oakland Drive, thereby reducing the amount of sediment naturally transported downstream. Kam Jordan and I have not identified any negative aspects of the project.

If there are any additional questions, please do not hesitate to contact me. I will advise as soon as possible once I hear from the MDEQ on the meeting time and date.

TO: Planning Commission
FROM: Vicki Georgeau, ^{LSL} Director of Community Development
SUBJECT: 2014 Comprehensive Plan Update – Information Only

DATE: August 29, 2013

As the Planning Commission is aware, the 2013-2023 Capital Improvement Program includes a project to update the City of Portage Comprehensive Plan in FY2013-2014 by retaining the services of a consultant. In accordance with the Michigan Planning Enabling Act of 2008, as amended, the Planning Commission is required to review the plan every five years and determine whether to commence the procedure to amend the plan, or adopt a new plan. The Comprehensive Plan was last updated and adopted in 2008 by Department staff without the services of a consultant. At that time, it was indicated a broader Comprehensive Plan update would be scheduled after release of the 2010 U.S. Census information and related data.

During the August 13, 2013 meeting, City Council approved a contract with LSL Planning, Inc. to complete the Plan update with assistance from staff and the Planning Commission. Since the August 13th meeting, staff has met with representatives of LSL Planning and discussed the update process, key dates, timeframe for completion and other administrative functions associated with this endeavor. The following summarizes important Comprehensive Plan dates and activities:

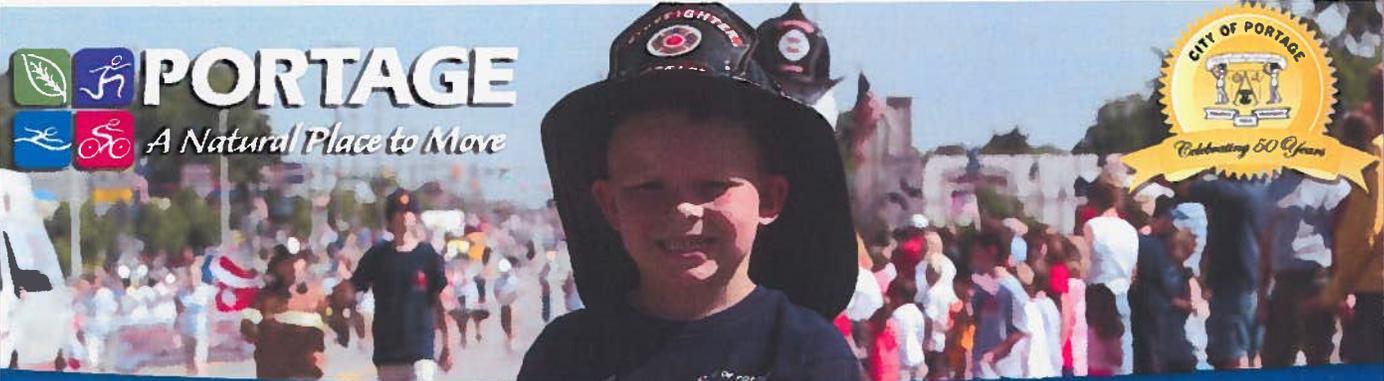
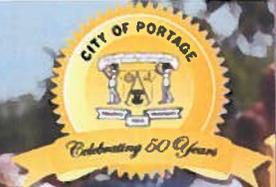
1. August-September 2013 – LSL Planning and city staff prepare public participation plan.
2. October 2, 2013 – An initial “kick-off” Open House will be held from 4:00 to 7:00 p.m. in the Council Chambers. The purpose of the Open House is to gather initial public comments about current and future growth and development patterns in the city. Several interactive stations will be set up to view preliminary concepts, ask questions, and accept public input on what matters to citizens about the future of Portage. Representatives from LSL Planning will also provide brief presentations at 4:00 p.m. and again at 6:00 p.m. While not all Planning Commissioners are required to attend the entire three-hour period, it is important that at least three be in attendance from 4:00 to 5:30 p.m. and another three be in attendance from 5:30 to 7:00 p.m..
3. November 2013 – Submission of the Existing Conditions or “Community Snapshot” report.
4. December 2013 – Lake Center Business Area Focus Group public meeting in Council Chambers. Representatives from LSL Planning will be present. Planning Commissioners are also expected to attend this public meeting. Following the focus group meeting, the sub-area plan will be finalized and submitted by LSL Planning.
5. January 2014 – Submission of the draft Comprehensive Plan document. Representatives from LSL Planning will be in attendance to present the draft document. Subsequent to Planning Commission approval, the draft Plan will be forwarded to City Council for approval to distribute for public comment in accordance with statutory requirements. The public comment period is 63 days.
6. April 2014 – Following the public comment period, final edits will be completed, the public hearing will be held and subsequent to the public hearing, the Plan will be adopted by the Planning Commission.

As LSL Planning completes each chapter or section of the Comprehensive Plan, these drafts will be provided to the Commission for review and feedback. The Commission members will be actively involved throughout this update process.

Finally, in an effort to involve as many citizens as possible in the update process, the following public media venues will be utilized:

1. Portager Newsletter. The first article will appear in the September 2013 issue and will include information on the October 2, 2013 “kick-off” Open House, as well as announce a special web page dedicated to the Comprehensive Plan update.
2. Web Page. A Comprehensive Plan web page has been created on the City of Portage website (see attachments). The web page will provide timely information regarding the key tasks and milestones, the plan schedule and meetings, draft plan documents, and a venue to submit online comments, among others.
3. News releases. News releases will be disseminated to the media for scheduled public hearings.
4. Cable access. Messages will also be aired on cable access relevant to the Plan update.
5. Planning Commission meetings. Citizens will be encouraged to attend the regularly scheduled Planning Commission meetings to provide feedback on the draft documents and other related matters.
6. Written comments can also be submitted to the Department of Community Development by e-mail, U.S. mail or dropped-off during normal business hours.

If the Planning Commission has any questions regarding the start of Comprehensive Plan Update process, staff will be available during the September 5th meeting to further discuss this project.



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Welcome to the City of Portage, Michigan

7900 South Westnedge Avenue
Portage, Michigan 49002

Hours of Operation: Monday - Friday, 8 a.m. to 5 p.m.

The City of Portage is truly a great place to live. Portage residents enjoy affordable housing with low taxes, safe and well-maintained neighborhoods, world-class healthcare, enriching activities and entertainment and a unique parks system that connects citizens to each other and to the natural world. These are just a few aspects that make Portage **A Natural Place to Move**.

City News

- [Non-Emergency Offices Closed on Monday, September 2](#) 8/30/2013
Labor Day Holiday Closing
- [New RSS Feed Available](#) 8/26/2013
Receive City Council Agendas & Minutes on Your RSS Reader
- [Council Approves Permanent Fireworks Ordinance](#) 7/26/2013
New regulations replace Emergency Ordinance approved on June 25.
- [City Property For Sale!](#) 7/25/2013
One-Family Residential Property at 10323 Archwood Drive
- [City of Portage Planning Commission Launches Portage Passbook Program](#) 7/3/2013
Program celebrates the 50th Anniversary of the City of Portage
- [Be a Property Steward!](#) 6/18/2013
Inspect and Clean Street Gutters and Drainage Grates
- [City to Relaunch Property Reinspection Project](#) 6/4/2013
Project Recommended by the Michigan State Tax Commission
- [Download Portage Fetch Mobile!](#) 5/31/2013
Mobile access to the City of Portage Graphic Information System
- [2013 Summer Tax Bills Being Mailed July 12, 2013](#) 5/31/2013
Payments due by September 16, 2013
- [Senior Citizen Discount Program Discontinued](#) 5/31/2013
Program found to be non-compliant with non-discrimination requirements
- [Community Quality Reminders](#) 5/1/2013
Good Neighbors Make Quality Neighborhoods!
- [Make a Difference! Volunteer in the City of Portage](#) 10/29/2012
City Launches Webpage Devoted to City Volunteering Opportunities

[Click here to view all City News.](#)

Select Language

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August, 2013

Sun	Mon	Tue	Wed	Thu	Fri	Sat
				1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31

[Click here to view Events.](#)



Media Center





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2014 Comprehensive Plan Update

What is a Comprehensive Plan?

The City of Portage Planning Commission, with assistance from LSL Planning, Inc. and the City Administration, is embarking upon the process to update the Comprehensive Plan. The Comprehensive Plan is a policy document that guides future decision-making related to land use, community development and capital improvements (streets, utilities and municipal buildings). A community-supported Comprehensive Plan helps ensure that decisions made on matters of growth and development will maintain and enhance the community.

Why Update the Plan?

The first Comprehensive Plan for the City of Portage was completed in 1982 with subsequent Plan updates accomplished in 1996, 2002 and 2008. The 2008 Plan has been reviewed and a comprehensive update is warranted based on several factors including: growth and development patterns influenced by economic changes at the local, state and national levels; demographic changes; 50th anniversary and rebranding initiative; shift from expanding public improvements to primarily maintaining/enhancing existing improvements; and the potential need for an increased focus on redevelopment activities, among others.

Get Involved!

Residents, property owners, business owners and other interested citizens are encouraged to participate in charting the course for the future of Portage. Public participation is important to ensure the success of the Comprehensive Plan development and implementation.

In this regard, this web page has been developed as a tool and "one-stop shop" for information regarding the Comprehensive Plan such as: the schedule and meeting dates, key tasks, meeting minutes and videos and/or draft reports and final draft documents.

In addition, under the "Connect With Us" portion of the web page, you may share comments and leave your contact information so that the city staff and the consultant team may contact you and/or send out updates as project milestones are accomplished.

For more information, please feel free to contact the Department of Community Development at 269-329-4477 or email the Department of Community Development.

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- [Key Tasks & Milestones](#)
- [Schedule & Meetings](#)
- [Connect With Us](#)

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- [2008 Comprehensive Plan](#)

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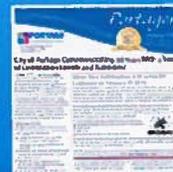
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Comprehensive Plan Update - Key Tasks & Milestones

Public Involvement Plan	In order to generate community input, there will be multiple forums for public participation. One of these forums includes an "Open House" that will include a presentation on best practices in community planning, as well as a hands-on workshop for attendees to share what should be "preserved, enhanced or transformed" in the community. A Focus Group meeting will also be held with residents, property owners and businesses in the Lake Center business area along Portage Road to discuss ways to revitalize this important commercial corridor. In addition to the, the Planning Commission will meet twice monthly over the plan update process, and a public hearing will be held prior to final plan adoption. Finally, this web site has been developed as a means to connect with interested citizens and provides an opportunity to share ideas and connect with city staff and the consultant team.
Existing Conditions Analysis	The consultant team, in conjunction with staff, will organize and analyze past reports, studies, plans and existing conditions. The research will be compiled into a "Community Snapshot Report" that will set the foundation for future discussions and recommendations.
Lake Center Business Subarea Plan	The Lake Center Business Area is an established commercial corridor located along Portage Road between East Centre Avenue and East Osterhout Avenue and is identified as a commercial revitalization area in the 2008 Comprehensive Plan. A meeting with stakeholders was held in April 2013 to discuss recent investment and development activities, existing conditions, challenges and opportunities within the corridor. As part of the Comprehensive Plan update, a specific Subarea Plan will be developed that will include a market analysis and provide recommendations for improvements within the corridor and implementation strategies to encourage further investment in this unique area of the community.
Recommendations & Implementation Strategies	Based on the research and analysis, community input, and Planning Commission deliberations, the consultant team and city staff will formulate realistic goals, and objectives to address the future needs and success of the community.
Prepare Final Plan	The final project milestone will be the development of a Comprehensive Plan document that outlines the research, goals, objectives and implementation strategies for future development, capital investments and redevelopment strategies for the community. As noted above, a public hearing will be held prior to adoption of the 2014 Comprehensive Plan.

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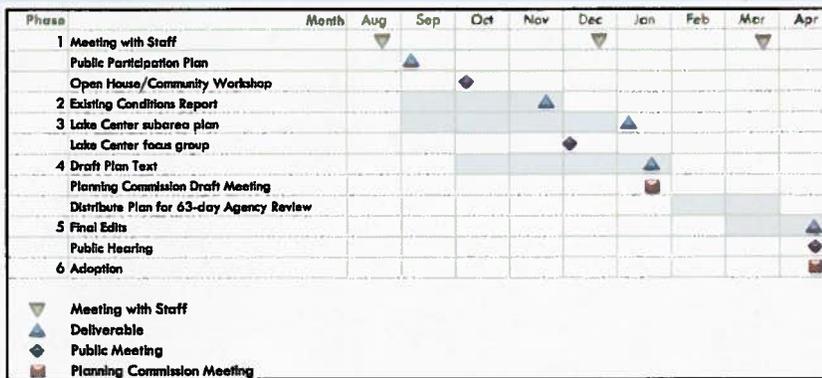


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Comprehensive Plan Update - Schedule & Meetings

The chart below illustrates the overall plan schedule, which aligns with the Key Tasks & Milestones established for the update of the Plan.



In addition to the information provided in the schedule chart above, the following regularly planned meetings and special meetings have been established for the Comprehensive Plan update process:

- The Planning Commission meets on the 1st and 3rd Thursday of every month at 7:00 p.m. in Council Chambers at City Hall, 7900 South Westnedge Avenue. View the [Planning Commission page](#) for agenda, minutes and videos of all meetings.
- An initial "kick-off" Open House will be held on Wednesday, October 2, 2013 from 4:00 to 7:00 p.m. in the Portage City Hall Council Chambers. The purpose of the Open House is to gather initial public comments about current and future growth and development patterns in the city. Stop by anytime to browse interactive stations to view preliminary concepts, ask questions, and provide input on what matters to you most about the future of Portage. Representatives from LSL Planning will also provide brief presentations at 4:00 p.m. and again at 6:00 p.m. during the Open House.

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Home > 2014 > Comprehensive Plan Update > Connect With Us

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Comprehensive Plan Update - Connect With Us!

If you have ideas, concerns or general comments you wish to share about the Comprehensive Plan Update, please feel free to connect with us by completing and submitting the form below. Please provide accurate contact information in the event that we need to communicate with you regarding the plan update process or if city staff or the consultant team wish to respond to comments received.

Name

Mailing Address

City

State

Zip Code

Email Address

Telephone

Please submit your ideas, concerns or general comments concerning the Comprehensive Plan Update

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For more information or methods to provide feedback, please feel free to contact the Department of Community Development at:

City of Portage
 Department of Community Development,
 7900 South Westnedge Avenue, Portage, MI 49002
 By telephone: 269-329-4477
 By facsimile: 269-329-4506, or
 By email: Community Development

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MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – July 8, 2013

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

MEMBERS PRESENT: Doug Rhodus, Glenn Smith, Tim Bunch, Michael Robbe, and Mariana Singer.

MEMBERS EXCUSED:

Jeffrey Bright, Lowell Seyburn, James White

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

APPROVAL OF THE MINUTES: Robbe moved and Bunch seconded a motion to approve the June 10, 2013 minutes as submitted. Upon voice vote, motion was approved 5-0.

OLD BUSINESS:

None

NEW BUSINESS:

ZBA #12-27, 1115 Forest Drive: Mr. Mais summarized the variance requests from: a) rear yard requirement for coop/pen; and b) maximum six-foot high fence height and 80 square-foot requirement for coop/pen. Mr. Schubkegel stated the outbuilding being used to house chickens was built in the 1940's and has been used since that time to house a variety of farm animals. The applicant stated placing a coop in a conforming location would impact neighbors more than it does in the existing location. Singer inquired when the eight foot fence was constructed. Mr Schubkegel said in 1996. The applicant provided the Board with a petition in support of the request signed by: Erin Rich, 1122 Forest Drive; Linda Kaminski, 1116 Forest Drive; Debby Taylor, 1106 Forest Drive; Barbara & David Sneath, 1102 Forest Drive; David Akiyama, 971 Forest Drive; Marie Gleesing 912 Forest Drive; Amy & Rod Green, 908 Forest Drive, Judy Vlieg, 820 Forest Drive; Susan Thompson, 1202 Forest Drive; Elisabeth Smith, 1110 Forest Drive; and Pete Everts, 1103 Forest Drive.

A public hearing was opened. Letters of opposition from Carol Hogg, 1217 Forest Drive and Richard Voci, 1202 Orchard were read. Mr. Schwencer, 1114 Orchard Drive stated he did not want any chickens near his property and did not think Mr. Schubkegel needed a pen larger than 80 square feet. Bunch observed that the applicant could construct a coop in a conforming location that would actually be closer to properties on Orchard Drive than the existing location where the variance was being requested for. The public hearing was closed.

A motion was made by Bunch, seconded by Robbe to grant a variance from: a) rear yard requirement for coop/pen; and b) maximum six-foot high fence height and 80 square-foot requirement for coop/pen, conditioned upon: the applicant formally making application for a chicken permit pursuant to Section 42-121(D), the mature trees and vegetation between Forest Drive and the pen and lattice fence be maintained to provide additional screening, and no roosters be permitted. There are exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district which include the existing site conditions, location and design of barn used to house farm animals, size of property and distance from neighboring residences, and orientation of nearby lake houses along the south side of Forest Drive; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to house chickens; the immediate practical difficulty was not created by the applicant; 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

supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Robbe-Yes, Singer-Yes, Bunch-Yes, Rhodus-Yes, Smith-Yes. Motion passed 5-0.

ZBA #12-30, 10719 Portage Road: Mais summarized the request for variances to construct a 32-foot by 30-foot detached accessory building that would result in the accessory building area exceeding: a) 20 percent of the required rear yard area by eight square feet; and b) the ground floor living area of the dwelling by 330 square feet. The applicant, Ray Schneider, stated the existing garage was old, in poor repair, and was not adequate for his storage needs. Mr. Schneider stated there was a fence along the north property line that would partially screen the proposed garage and that he had already spoken to many of his neighbors about the request and no one had an objection. Bunch inquired why the applicant did not reduce size of the garage by eight square feet so he did not need two variances. The applicant stated he would end up having to remove more than eight square feet because garage packages come in regular dimensions and not fractions of feet. Singer inquired how large a garage could the applicant have without a variance. Mais stated 633 square feet. Bunch stated he liked how the applicant's proposal upgraded appearances, but was concerned about setting a precedent in granting a variance. Singer stated she too was concerned about setting a precedent for properties with lake access wanting more accessory building area. Rhodus inquired if the applicant could store his boats on a vacant lot. Mais said no.

A public hearing was opened. Letters of support were read from Molly & Wayne VanSweden, 10743 Portage Road, and Jeff & Robin Bertolissi, 10748 Portage Road. Shannon Butler, 10726 Portage Road stated she would like to see the accessory building be smaller. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Robbe, seconded by Bunch to deny variances to construct a 32-foot by 30-foot detached accessory building that would result in the accessory building area exceeding: a) 20 percent of the required rear yard area by eight square feet; and b) the ground floor living area of the dwelling by 330 square feet. There are no exceptional circumstances applying to the property that do not apply generally to other properties in the zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as building a smaller structure; the immediate practical difficulty causing the need for the variance was created by the applicant; the variance would be detrimental to adjacent property and the surrounding neighborhood. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Robbe-Yes, Singer-Yes, Bunch-Yes, Rhodus-Yes, Smith-Yes. Motion passed 5-0.

ZBA #12-31; 1103 & 1023 Forest Drive: Mais summarized the request for a variance to construct a 24-foot by 30-foot (720 square feet) detached accessory building that would result in the combined accessory building area exceeding the ground floor area of the dwelling by 164 square feet. Peter Everts stated the request was small and that he'd spoken to his neighbors and none objected to the request. Bunch inquired why the applicant did not simply build a smaller building or increase their living area. Mr. Everts stated he needed the storage space and did not have the money to add on to the house.

A public hearing was opened. David Akiyama, 971 Forest Drive stated the applicant's property was heavily wooded and the proposed garage would be screened from view of Forest Drive and he felt having to add living area to the dwelling constituted a practical difficulty.

A motion was made by Smith, seconded by Robbe to deny a variance to construct a 24-foot by 30-foot (720 square feet) detached accessory building that would result in the combined accessory building area exceeding the ground floor area of the dwelling by 164 square feet. There are no exceptional circumstances

applying to the property that do not apply generally to other properties in the zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district in the vicinity because there are conforming alternatives available such as building a smaller accessory building; the immediate practical difficulty causing the need for the variance was created by the applicant; the variance would be detrimental to adjacent property and the surrounding neighborhood. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Robbe-Yes, Singer-Yes, Bunch-No, Rhodus-Yes, Smith-Yes. Motion passed 4-1.

OTHER BUSINESS:

A communication from Bob Soltis was read advising of his resignation from the Board.

STATEMENT OF CITIZENS:

None

ADJOURNMENT: There being no further business, the meeting was adjourned at 8:10 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM JULY 23, 2013

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

At the request of Mayor Strazdas, Mr. Tim Earl of the Southwest Michigan Atheist Network gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were Deputy City Manager Brian J. Bowling, City Attorney Randall Brown and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued a Senior Services of SW Michigan 50th Anniversary Proclamation and a Community Hunger Awareness Month Proclamation.

APPROVAL OF MINUTES: After a discussion regarding a request by Councilmember Randall to correct statements made at the end of the July 9, 2013 Regular City Council Meeting, Mayor Strazdas offered the opportunity for a response by Councilmember Randall later in the meeting under "New Business." At the time City Council took New Business, Mayor Strazdas decided it would be more appropriate to include the response as the first item under "Other City Matters." Motion by Urban, seconded by Reid, to approve the Regular Meeting Minutes of July 9, 2013, as presented. Upon a voice vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Councilmember Sackley asked that Item G.1, Public Media Network Quarterly Report: April 1, 2013 – June 30, 2013, be removed from the Consent Agenda. Motion by Campbell, seconded by Urban, to approve the Consent Agenda Motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 23, 2013:** Motion by Campbell, seconded by Urban, to approve the Check Register of July 23, 2013, as presented. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Wanda Arbuckle and Annabelle Koomans, 2302 Pleasant Drive, requested that legalized medical marijuana be subject to zoning regulations. Discussion followed.

Richard Ford, 994 Rainbow Avenue, Board of Review Member, provided an update on the July Board of Review Meeting.

Kevin Park, 464 Ludington Avenue, announced his candidacy for Portage City Council, provided some of his background and reviewed his reasons for wanting to serve on City Council.

REPORTS FROM THE ADMINISTRATION:

* **SOUTH WESTNEDGE PARK - 2013 GROUNDWATER AND METHANE INVESTIGATION:** Motion by Campbell, seconded by Urban, to award a contract to American Hydrogeology Corporation to perform the 2013 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not to exceed amount of \$45,800 annually with an option to renew the contract for two additional years and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **THE HOMESTEAD OF PORTAGE NO. 3 – SIDEWALK EXTENSION REQUEST:** Motion by Campbell, seconded by Urban, to consider granting an extension until November 2015 for completion of sidewalk and street tree installation at The Homestead of Portage No. 3 plat subject to submittal of a revised irrevocable bank letter of credit or other surety acceptable to the City Attorney. Upon a roll call vote, motion carried 7 to 0.

* **PARKS PARKING LOT UPGRADES – RECOMMENDATION:** Motion by Campbell, seconded by Urban, to approve Change Order #2 to the Major and Local Street Mill & Fill Asphalt Repair Contract with Michigan Paving & Materials Company to provide parking lot upgrades at South Westnedge Park and West Lake Nature Preserve in the not to exceed amount of \$39,667.82 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **JUNE 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Campbell, seconded by Urban, to receive the communication from the City Manager regarding the June 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Campbell, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION:

PUBLIC MEDIA NETWORK (PMN) QUARTERLY REPORT: APRIL 1, 2013 – JUNE 30, 2013: Councilmember Sackley, Treasurer of the PMN Board, and Mayor Pro Tem Reid, Vice Chairperson of the PMN Board, highlighted some of the recent activities and services provided by PMN, including grants received from the Kalamazoo Community Foundation and the Irving S. Gilmore Foundation to assist in the expansion of the Epic Center in conjunction with the Cultural Center and the Arts Council that will allow for the expansion of PMN on the third floor. PMN will use reserves earmarked for capital projects that were prudently retained from franchise fees. Some of the services he mentioned were the WKDS 89.9 mhz radio station, licensed to Kalamazoo Public Schools, a couple of education for employment programs, an expanding menu of web platforms for communities that are not as progressive as Portage in that area, archival and retrieval of meeting videos for member municipalities, broadcasting of the Kalamazoo County Board meetings, broadcasting of several school board meetings and collaboration with IT Director Devin Mackinder to improve the audio quality here in Council Chambers. Discussion followed.

Mayor Pro Tem Reid described the “Connect” Municipal News Program produced by the PMN Government Production Services Unit (GPSU) that looks at different issues, ideas and activities in different municipalities and referred to the report listing of the various programs generated by GPSU. She listed programming activity as it relates to Portage, including: Portage Senior Center Remodel, Area Road Construction Review, Portage Recycled Art in the Park, Project Connect, County wide gathering of public assistance, Portage Youth Advisory Committee and the Portage Family Fishing Fair and Water Safety Program.

Motion by Sackley, seconded by Reid, to receive the Public Media Network Quarterly Report: April 1, 2013 – June 30, 2013. Upon a voice vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

FIREWORKS REGULATION: Mayor Strazdas introduced this item and reviewed the actions by City Council thus far with regard to the Fireworks regulation. He deferred to Deputy City Manager Brian Bowling and asked him to highlight key points of the proposed ordinance. Mr. Bowling

indicated that the City Administration presented a recommended Fireworks Ordinance for first reading at the July 9, 2013 Regular City Council Meeting that would prohibit the discharge of fireworks at any time with the exception of the day before, the day of and the day after a national holiday which amounts to thirty days a year. Upon review of that recommended ordinance, the City Council requested incorporation of an option into the ordinance which would provide for the possibility of consumer fireworks discharge on additional days throughout the year through a permit process. He referred City Council to the ordinance amendment provided in the Agenda as a response to the request. He highlighted the permit process contained in the ordinance and reviewed the results of the survey requested by City Council of what surrounding communities are doing in this regard. He indicated that the Administration continues to recommend that fireworks be discharged the day before, the day of and the day after a national holiday; however, this ordinance is being presented at the request of City Council for consideration. Discussion followed. Mayor Strazdas stressed common sense and less regulation and Councilmember Campbell concurred and advocated the original ordinance. Discussion followed.

In his statement of support for the most restrictive ordinance, Councilmember Sackley asked for a correction and indicated that Veterans Day does not have an apostrophe and that Washington's Birthday is correct as a National Holiday and not President's Day and indicated he advocated banning fireworks on all days except those days where the state says the City has to allow them. Discussion followed.

Motion by Campbell, seconded by Sackley, to adopt an Ordinance to amend the Code of Ordinances to include Article 7, Consumer Fireworks, of Chapter 34, Fire Prevention and Protection, by repealing Section 50-82, Fireworks, of Article 3, Offenses against Public Safety of Chapter 50, and by repealing the Emergency Consumers Fireworks Ordinance, adopted at the June 25, 2013 Regular City Council Meeting and, after discussion and at the request of City Attorney Brown, to include proposed Section 34-161 (1), (2) and (3). Discussion followed. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 263 of City of Portage Code of Ordinances Book No. 12.

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

Portage Park Board of June 5, 2013.

Portage Youth Advisory Committee of June 10, 2013.

Portage Zoning Board of Appeals of June 10, 2013.

Portage Public Schools Board of Education Special of June 12, June 13, June 19, June 21, July 1 and July 2, 2013 and Regular of June 17, 2013.

COUNCIL COMMITTEE REPORTS:

COUNCIL PROPERTY COMMITTEE: Councilmember Campbell referred to the report provided, reviewed a history of the process thus far and asked for direction from City Council. Discussion followed. Motion by Campbell, seconded by Randall, to direct the Administration to market the property at 10323 Archwood Drive for nine months through a Real Estate Professional. Upon a roll call vote, motion carried 6 to 0 with Councilmember Sackley abstaining.

Councilmember Campbell next listed the city-owned outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue as properties discussed by the Committee and asked that the city dispose of these outlots as non-buildable properties.

Motion by Campbell, seconded by Randall, to direct the City Administration to proceed with efforts to dispose of the city-owned outlots at 7200 Balfour Drive, 7138 Capri Street and 1600 Friendly Avenue as non-buildable properties; that the City Administration extend the opportunity in writing to adjacent property owners to purchase half or all of the subject outlots for a period of 60 days; that the revised estimated market values based on the presumption that the lots are to be considered non-

buildable be communicated to adjacent property owners, but not be established as the minimum sale price for the outlots; that the City be flexible in regard to sales price for the outlots given the intent is to dispose of the outlots which no longer have a public use or purpose; and, that concurrent with extending an opportunity to adjacent property owners to purchase the outlots, directed the City Administration to mail written notice to all property owners within 300 feet of the outlots regarding the intent of the City to dispose of the outlots. Councilmember Urban objected to a deed restriction that would not allow a homeowner to expand a dwelling onto the additional property and discussion followed. Councilmember Randall interjected that the City is not maintaining the lots and has not maintained them for many years. Upon a roll call vote, motion carried 7 to 0.

COUNCIL SIGN ORDINANCE COMMITTEE: Councilmember Sackley highlighted the meeting with the business community and referred City Council to the report on the July 15, 2013 Council Sign Committee meeting that was distributed by e-mail to every Councilmember and placed on the dias prior to the July 23, 2013 Regular City Council Meeting. Discussion followed with positive comments from Councilmember Urban, Mayor Strazdas and Councilmember Pearson. In answer to Councilmember Pearson, Councilmember Sackley cited the reason for no ongoing involvement by the Zoning Board of Appeals in that only the Planning Commission and the City Council have a statutory role in approving a sign ordinance and stressed that these meetings are all open and welcomed participation without formalizing the involvement of the Zoning Board of Appeals. Discussion followed.

Motion by Sackley, seconded by Reid, to accept the Report from the Council Sign Ordinance Committee, and authorize formation of a working group that would include three Planning Commissioners selected by the Planning Commission Chairperson to continue to work with the Council Sign Committee and the Administration for potential changes to the Sign Ordinance. Upon a roll call vote, motion carried 7 to 0.

2012 COUNCIL ETHICS/RULES/PROCEDURES COMMITTEE: Councilmember Urban apologized for not presenting the report from this committee earlier, reviewed some of the work that went into the determinations of the report and mentioned that the *City Council Best Practices on Formation of City Council Committees* approved by City Council August 14, 2012, addresses the City Council committee procedures. He noted that the current policies in the *City Council Rules of Order & Procedure* were found to be sufficient by the Committee, effectively closing further review of attendance matters. With regard to the election of the Mayor Pro Tem, he explained the conflict between the *City Charter* and the Portage City Code of Ordinances owing to a change in Michigan State Election Law and, as a result, a *City Charter* amendment would be necessary, but the Committee found that the benefits did not outweigh the efforts to ask for a *City Charter* amendment, so it was not recommended.

After discussion with the City Attorney regarding the Mayor Pro Tem Election Process, the Committee recommended that there should be a written ballot, all done at once, so that voting order does not play into strategy or politics, but owing to the Open Meetings Act, the City Attorney determined that the ballots needed to be signed and that the City Clerk needed to announce and record the vote of each City Councilmember by name. He cited the recommendation in the July 19, 2013 Report from the 2012 Ethics/Rules/Procedures Committee and summarized the recommendation.

Motion by Urban, seconded by Campbell, to modify the *City Council Rules of Order & Procedure*, Section 5, second paragraph, which reads, "The Council shall hold an organizational meeting, which may be combined with its first regular meeting in November for the purpose of organizing and choosing a Mayor Pro Tem who shall serve for a period of one year and thereafter until a successor is appointed" to now read, "The Council shall hold an organizational meeting, which may be combined with, but in no event shall be later than its first regular meeting in November immediately following the regular City election. At such meeting, or within one week thereafter, Council shall elect from its membership a Mayor Pro-Tempore who shall serve for a period of two years and thereafter until

a successor is appointed. Nominations for Mayor Pro Tem shall be entertained by the presiding officer and after all nominations desired are made, the nominations shall be closed by motion. Voting by the Council shall be by a signed ballot. The City Clerk shall announce and record in the record each Councilmember's vote. A majority of Councilmembers present shall be required to elect the Mayor Pro Tem. If the first vote does not result in a majority, voting shall continue until a majority is achieved." Discussion followed. Upon a roll call vote, motion carried 7 to 0.

NEW BUSINESS:

DISCUSSION REGARDING PROTOCOL FOR CITY COUNCIL

COMMUNICATIONS: At the request of Mayor Strazdas, Councilmember Campbell opened discussion regarding protocol for City Council Communications. She asked all of City Council to remember they were elected to serve the citizens of Portage by helping the City run smoother and make the lives of the citizens easier. She noted that the position of Councilmember should not be used to further political aspirations as Councilmember is a non-partisan position, asked that all City Councilmembers focus on making the lives of the citizens easier, and to remember to praise in public, criticize in private. She expressed regret over how some Councilmembers had been treating each other over the past few months and said, "Enough is enough." She expressed embarrassment, asked Councilmembers to act like adults, focus on the issues and serve the people of Portage. Discussion followed. Mayor Strazdas asked for suggestions for a process or procedure and not direct comment to individual Councilmembers.

Councilmember Urban offered that, as a process, the Council may offer a second opportunity for a Councilmember to be heard similar to the second opportunity for a "Statement of Citizens" and explained.

Mayor Strazdas offered that if a Councilmember wants a document or item of business on the Agenda, to get that item to the City Manager for inclusion in the Agenda Packet by noon on the Friday before the regularly scheduled City Council Meeting. He also noted that if it is a matter of addressing a larger topic, then providing it to the City Manager provides the City Council as a whole the opportunity to decide whether to refer the matter to the Administration, or to have further discussion on that topic.

Councilmember Campbell asked that this be an item of discussion at the City Council Retreat at the end of the calendar year, especially considering that there will be at least one new Councilmember.

Councilmember Randall asked that as a part of the process at the end of the meeting under "From City Council," that a Councilmember is provided the opportunity to respond if any negative comments are made by another Councilmember, not just have a second opportunity for a "Statement of Citizens." She stated that free speech does not give a sitting Councilmember the right to target another Councilmember; and, free speech gives the right to attack their issue, their facts or fact-based material, but to attack a Councilmember without the opportunity to respond is not fair or just.

Councilmember Sackley questioned the appropriateness of placing the response to Mayor Pro Tem Reid from Councilmember Randall as an item of New Business and explained. Discussion followed.

Mayor Pro Tem Reid concurred with Councilmember Urban that it takes a vote of four Councilmembers to place an item on New Business the night of the meeting from the *City Charter*, and offered that the opportunity be given at the beginning of the meeting to review and make any changes in the Agenda Outline, so if anyone does have a New Business item, it would be identified at that point, City Council would vote on whether or not to add it to the Agenda or have it be something to be addressed at the next meeting. Mayor Strazdas suggested having a Special Meeting to reach agreement on suggestions so they may be put into the Rules of Order and Procedure.

Councilmember Pearson objected because now Councilmember Randall is being given the opportunity to speak first during final comments and this gives the person with whom she had a problem the last opportunity to speak and have the final word. Discussion followed.

Mayor Strazdas decided it would be more appropriate to include the response as the first item under "Other City Matters."

BID TABULATION:

* **ANGLING ROAD RECONSTRUCTION PROJECT, VANDERBILT AVENUE TO WEST CENTRE AVENUE:** Motion by Campbell, seconded by Urban, to award a contract to the low bidder, Michigan Paving & Materials Company of Kalamazoo, Michigan for reconstruction of Angling Road (Vanderbilt Avenue to West Centre Avenue) in the not to exceed amount of \$243,555.77 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

RESPONSE FROM COUNCILMEMBER RANDALL: When Mayor Strazdas gave Councilmember Randall an opportunity to respond to statements made at the end of the July 9, 2013 Regular City Council Meeting, she offered the following: I am correcting key points contained in the prepared statement presented at the conclusion of the last meeting and leaving an official written statement to be included in the minutes. For the question, ".....how did I have this information," she responded that she personally contacted WCA Assessing for a ball park estimate given their success in Kalamazoo and the ongoing inequities in Portage. For the concern, ".....fully inform everyone," she responded that another Councilmember and she shared the e-mail communication from WCA with Mayor Strazdas on February 6, 2013, during a meeting at the Portage Public Library. For the concern, ".....she had not received any information," she responded that Mayor Strazdas stated he would meet with the City Manager the following day. For the concern, ".....that the City has not requested any bid for assessing services," she responded that no one requested a formal bid; that she requested a ball park estimate; and all figures used for this estimate were found publicly on the City website. For the concern, ".....so she did not call her," Councilmember Randall indicated that she receives many phone calls from taxpayers every week and that she welcomes them; that she did request that all future calls be substantive and based on fact; and, that she arrives early to most meetings and welcomes any discussion, again based on facts. For the concern, ".....political grandstanding and a threat to push for recommendation for outsourcing a city department, she stated that there are three points that are self-evident: that this Council knows that 5 out of 6 Board of Review members have serious concerns about Portage Assessing Practices; that this Council knows that outsourcing will save the City money and achieve fair and equitable assessments; and the only grandstanding taking place was one at the conclusion of the last meeting and the timing that the statement was read, preventing any fact based response. She concluded by saying that attacking the person and not the issue or the accuracy of the data, time and time again, does not serve the citizens of Portage well; and, that it is time we do the job we were elected to do.

STATEMENTS OF CITY COUNCIL: Councilmember Campbell received an e-mail from Firefighter Mike Walker, who thanked City Council and Public Safety Director Richard White for their support for their efforts to raise funds for the Muscular Dystrophy Association (MDA) and provided statistical data to support the fact that Portage Firefighters are among the top in the State in raising funds for MDA. She thanked them and praised the Portage Firefighters for their fine effort.

Councilmember Sackley indicated that he does not agree that a City Councilmember has the right to interfere with the conduct of City business and stated that when you contact a potential vendor as a City Councilmember, the vendor rightfully views that as an official contact no matter how it may be characterized, especially given the history of the issue and the outspoken nature of the individual. The presentation that was made at the Council Meeting that triggered the remarks that are being scrutinized this evening included a subjective evaluation and an endorsement of a specific vendor and reference to

financial claims that are unsupported and even characterized this evening by you, Mr. Mayor, as being part of the "sales pitch." He stated his belief that the activities that were taken which he could not support or condone interferes with the operation of the City Department, with activities that are under the purview of the City Manager, lowers morale of City employees and may impact the careers of career employees within City Hall.

Councilmember Randall thanked Mayor Strazdas for allowing her to state her opinion response earlier, and indicated that as Councilmember Campbell stated, we are elected by the people and for the people and that she will continue to serve the people who elected her.

In response to Mayor Strazdas and his question regarding branch pick-up needs that resulted from recent storms, Deputy City Manager Brian Bowling indicated that the City maintains a quarterly brush pick-up schedule for that purpose, and Mayor Strazdas asked that the date of the next branch pick-up be posted on the City website.

Mayor Pro Tem Reid reported that she attended the First Annual Health Equity Summit that was put on by the Kalamazoo County Department of Health and Human Services which featured Dr. Adewale Troutman, President, American Public Health Association, and leading national figure in health equity, as a keynote speaker. She commented that the Summit covered health-related areas and social services and the strategic deterrents to health: level of education, income, home or place and race. She also explained why she made her statement at the end of the July 9, 2013 Regular City Council Meeting and Mayor Strazdas agreed with her request to welcome any comments by other City Councilmembers in response to her comments. She expressed her concern regarding a comment made at the June 25, 2013 Regular City Council Meeting about "a preliminary bid" that had been received from a company, and she was not aware of that and tried to get additional information regarding the matter. She pooled her information, but did not consider it appropriate to bring it to City Council as a "New Business" item since she had no business related to the matter. She restated her belief that City Council should "praise in public" and "criticize in private." She indicated her perception as seeing this not as a personal criticism, but viewed it as looking at a process, trying to determine what the process was and was the process appropriate. She apologized if there was a perception that her comments were viewed as a criticism and admitted using specific names because there was one person who was doing the solicitation. She emphasized that the term that was used in a public meeting was "preliminary bid" and not "ball park estimate" or "shot in the dark," so it is reasonable to presume the vendor perceived it as a bid. Finally, she mentioned that Councilmember Randall has indicated that she will not speak to her except in a public meeting; therefore, she closed the opportunity to have a private discussion regarding matters, so she discussed her concerns in public.

In response to Mayor Pro Tem Reid, Councilmember Randall indicated that she took her remarks as personal because her name was used numerous times, explained her reluctance to take personal phone calls from Mayor Pro Tem Reid based upon a past incident where accusations were made that certain Councilmembers had had a conversation with Kalamazoo County Commissioner Phil Stinchcomb concerning a proposal set for regarding the contract among the City of Kalamazoo, Kalamazoo County and the City of Portage for housing the Kalamazoo County 8th District Court within the Portage Police Building. She reemphasized that she is more than happy to talk to citizens and City Councilmembers as long as there is a factual basis for the discussion and not an accusation as she does not have to defend herself against rumors, felt that Mayor Pro Tem Reid did not believe three of the Councilmembers who insisted no conversation had taken place with Commissioner Stinchcomb, and supported her belief with the fact that it was brought up again at the Pre-Council Meeting where the question was asked, "Which one of you talked to Phil Stinchcomb?" She pointed out that she and Mayor Pro Tem Reid had other discussions prior to the meeting in question which would have been the perfect opportunity to ask for a clarification of the use of the term, "preliminary bid." Finally, she viewed the use of the term as semantics.

Mayor Strazdas expressed his regrets, sorrow, thoughts and prayers for the family of Floyd Barclay Roach, a retired teacher at West Middle School, and thanked the Portage Public Safety Department personnel and the State Police for their role in finding Mr. Roach. He also mentioned that

he attended a meeting where Southwest Michigan First presented results of a study analyzing local government finances and stated that local government taxation is not sustainable in Michigan with less income versus increased expenses and challenges. He noted the need to place taxation on a more sustainable path, to look at changes from the legislature regarding more flexibility in levying a tax, cited consolidation such as Central Dispatch, outsourcing options and the different approaches to Fire Service. He called for citizens to read more and understand more about the details, to have a dialogue with the legislatures to encourage them to alter the rules in favor of a more sustainable path and to become more engaged with City Council on big changes.

City Clerk James Hudson reminded City Council and the audience that the filing date to provide nominating petitions for Mayor or City Council is 4 p.m., Tuesday, August 13, 2013.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:01 p.m.

James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM AUGUST 13, 2013

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

At the request of Mayor Strazdas, Father Stan Witek of St. Catherine of Siena Catholic Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban, Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Councilmember Elizabeth A. Campbell was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

PROCLAMATION: Mayor Strazdas issued a Recognition for B.J. Snow for his many efforts with area soccer programs.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the July 23, 2013 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

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

* **APPROVAL OF ACCOUNTS PAYABLE OF AUGUST 13, 2013:** Motion by Pearson, seconded by Reid, to approve the Check Register of August 13, 2013, as presented. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **DELTA DENTAL PLAN INSURANCE:** Motion by Pearson, seconded by Reid, to approve a one-year contract renewal with Delta Dental Plan and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **ACCU-MOLD, LLC, 7622 SPRINKLE ROAD - TOOL AND DIE RENAISSANCE RECOVERY ZONE:** Motion by Pearson, seconded by Reid, to amend the previously approved resolution establishing a Tool and Die Renaissance Recovery Zone for Accu-Mold, LLC, located at 7622 Sprinkle Road. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 113 of City of Portage Resolution Book No. 45.

* **IRREVOCABLE RIGHT-OF-USE FOR FIBER OPTIC LINE AND CONDUIT AGREEMENT BETWEEN THE CITY OF PORTAGE AND CLIMAX TELEPHONE COMPANY:** Motion by Pearson, seconded by Reid, to approve the proposed irrevocable right-of-use agreement for mutual fiber optic line and conduit use exchange with Climax Telephone Company for a period of ten years and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **VEHICLE PURCHASE RECOMMENDATION:** Motion by Pearson, seconded by Reid, to authorize the purchase of two four-wheel drive three-quarter ton pickup trucks; five Police patrol vehicles; two four-wheel drive Fire command vehicles; two sedans and one high capacity commercial mower through the State of Michigan purchasing program (MiDEAL) at a total cost not to exceed \$363,337.58 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.

* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by Pearson, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the November 5, 2013 General Election. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 115 of City of Portage Resolution Book No. 45.

* **PORTAGE COMMUNITY SURVEY:** Motion by Pearson, seconded by Reid, to convene the City Council Community Survey Committee to identify the best format for the Community Survey moving forward and consider ways to apply attention / resources to other surveys. Upon a roll call vote, motion carried 6 to 0.

* **DISCLOSURE STATEMENT:** Motion by Pearson, seconded by Reid, to receive the sworn affidavit from Mr. Raymond Patterson disclosing his interest in the property addressed as 1614 West Osterhout. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

* **MICHIGAN MUNICIPAL LEAGUE:** Motion by Pearson, seconded by Reid, to receive the communication from the Michigan Municipal League regarding the 2013 Annual Meeting. Upon a roll call vote, motion carried 6 to 0.

UNFINISHED BUSINESS:

FOLLOW-UP – 2013 BOARD OF REVIEW: At the request of Mayor Strazdas and with all Board of Review Members present, City Council received an extensive explanation and presentation from Attorney Deborah Ondersma, who represents the City of Portage in Tax Appeals cases, of her written responses to City Council questions pertaining to the Board of Review. She elaborated on her responses to these questions contained in her letter to Financial Services Director Robert Luders dated August 7, 2013, which was provided in the City Council Agenda packet for review before the meeting. Discussion ensued throughout her presentation.

Also, at the request of Mayor Strazdas, City Council received a summary from City Attorney Randy Brown outlining his July 29, 2013 opinion in response to City Council questions received from Financial Services Director Robert Luders pertaining to the Board of Review. Discussion followed.

On the advice of City Attorney Brown and with the direction of Mayor Strazdas, the Advisory Board of Review Committee, consisting of Councilmembers Pearson and Campbell and Mayor Pro Tem Reid, was reminded to review the current charge in regard to the Board of Review: to confirm that the Board of Review is functioning properly, to continue training for the Board of Review members and to consider Quality Assurance Checklist. Discussion followed. Mayor Strazdas recommended the Advisory Board of Review Committee review the written charges from the City Council Retreat, review the language and, if it is not specific enough, call the Committee to establish the level of specificity necessary and redirect that to the City Council as a Whole for authorization. Discussion followed.

In answer to Ted Varas, 6645 Oleander Lane, former Board of Review Member, who asked that if a governing body required that a Petitioner must leave or can not be present during the Board of Review deliberation process, City Attorney Brown indicated that the Open Meetings Act holds that a person must be allowed to be present during a meeting of a public body, and rules can be established by the public body to dictate when a person has the right to participate or to speak, so a public body cannot create a rule that forces somebody to leave while the public body is in session, including deliberations unless there is a closed session permitted by the Open Meetings Act and the discussion at the closed session falls within one of the exceptions that are indicated in the Act. Discussion followed. City Attorney Brown also indicated that unless there is a breach of peace, the Board of Review cannot require that a person leave the open meeting. Mayor Strazdas told Mr. Varas that the Board of Review Training

Manual is a public document that can be obtained using the process set up for obtaining public documents (Freedom of Information Act).

Councilmember Urban indicated that having a person stay in an open meeting can also be contingent upon the comfort level of the discussion as with interviews for Boards and Commissions where City Council indicates preferences for certain applicants over other applicants. He pointed out that this may not be comfortable for a person to hear discussions about themselves.

Barry Arkush, 363 Parkland Terrace, indicated that he moved from the City of Kalamazoo to the City of Portage because his family needed "a better bang for their tax dollar," better schools for their children and better services. He pointed out that he knows no one wants to pay more taxes, but it takes money to run the community. He expressed his desire to not move backwards on services, quality of schools, etc. He understood that the assessment process is a very important issue and indicated that he is proud that the City Council has explored the matter fully and has given it due diligence. He said it seemed to him that the City is now past due diligence, as several audits have been conducted, one which was funded by the City. As a taxpayer, he questioned whether it was prudent to continue to explore this matter when cuts are being made in so many other areas, and he stated that he felt it was time to move on. Discussion followed.

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

Portage Senior Citizen Advisory Board of May 15, 2013.
Portage Park Board of July 10, 2013.

NEW BUSINESS:

PORTAGE 50TH ANNIVERSARY CELEBRATION PORTAGE BUSINESS PASSBOOK PROGRAM: When questioned by Mayor Strazdas, City Manager Maurice Evans emphasized the need to address the printing question as it related to the Portage Business Passbook owing to the urgency of getting it to the printers as soon as possible.

At the request of Mayor Strazdas, Councilmembers Pearson recognized Planning Commissioners Miko Dargitz and David Felicijan, and former Planning Commission Chair Jim Cheesebro for their work on the Portage Business Passbook Program. Councilmembers Pearson and Sackley explained the progress of the Passbook Concept thus far.

At the request of Mayor Strazdas, Planning Commissioners Miko Dargitz and David Felicijan addressed City Council regarding the need for an allocation of funding in order to have the Passbook provided in the *Portager* and described it as a positive opportunity for businesses and consumers to connect with one another. Discussion followed.

Motion by Sackley, seconded by Urban, to approve an expenditure up to \$2,900 for the Portage 50th Anniversary celebration Portage Business Passbook Program from the City Council Training, Education and Meetings Fund for the cost of printing and inserting the Portage Business Passbook in the *Portager*. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

BID TABULATIONS:

* **WESTFIELD PARK TENNIS COURTS – BID RECOMMENDATION:** Motion by Pearson, seconded by Reid, to approve a contract with A-1 Asphalt Sealing and Repair, Incorporated, for the upgrade to the Westfield Park tennis courts in the amount of \$41,070.12 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **2013-14 COMPREHENSIVE PLAN UPDATE – PROPOSAL RECOMMENDATION:** Motion by Pearson, seconded by Reid, to approve the proposal submitted by LSL Planning, Inc., to complete the 2013-14 Comprehensive Plan Update in the amount of \$35,000 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.

* **THERMAL IMAGING CAMERA:** Motion by Pearson, seconded by Reid, to approve the bid for three (3) thermal imaging cameras to West Shore Fire Inc., of Allendale, MI in the amount of \$26,097 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Richard Ford, 994 Rainbow Avenue, announced his candidacy for City Council in the November 5, 2013 General City Election and described some of his beliefs, credentials and experiences.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Mayor Strazdas recognized Councilmember Sackley, who indicated that there will be a meeting of the Austin Lake Governmental Lake Board, Wednesday, August 14, 2013, 2 p.m., at the home of Austin Lake Governmental Lake Board Member Brian Johnson, 2215 Woody Noll, to discuss the decision to make landscape improvements at the three compressor sites, the recommendations received from Larry Harris & Associates to reduce sound and visual pollution and a financial information update with a group tour of Austin Lake via boat to follow.

Mayor Strazdas read the letter of resignation effective immediately received from Councilmember Elizabeth Campbell, Tuesday, August 13, 2013. At his request, City Attorney Brown explained that City Council can either accept Councilmember Campbell's resignation, or it becomes effective 21 days after submission; and, City Council then has 60 days to appoint a new Councilmember to fill that vacancy. At the request of Mayor Strazdas, motion by Reid, seconded by Campbell, to accept the resignation of Councilmember Elizabeth Campbell effective immediately. Upon a roll call vote, motion carried 6 to 0. Discussion followed.

Mayor Strazdas received a consensus of City Council to ask Mr. Evans to research the different methods used by City Council in the past to fill vacancies as they occurred on City Council, and to provide that information in one week in order for City Council to discuss the different processes used in the past at the next Regular City Council Meeting on August 27, 2013, in order to select a process for action in this case.

Councilmember Randall welcomed four new businesses to Portage: Latitude 42, Dick's Sporting Goods, Hobby Lobby and Red Mango. She stated that she was surprised and saddened by the resignation of Councilmember Elizabeth Campbell and thanked her for all of years of service to all of the citizens of Portage.

Councilmember Pearson announced that Claudio Kaempf is moving his Foreign Car Services from Portage Street in Kalamazoo to 8370 Shaver Road. He indicated that Councilmember Elizabeth Campbell is a good friend who has devoted a lot of time to the City of Portage and to charitable groups and will be missed on this Council.

Councilmember Sackley expressed his sorrow that Councilmember Elizabeth Campbell found it necessary to resign in that she has provided service in many ways to the community; for example, as a Planning Commissioner, a City Councilmember and as a volunteer in many different organizations. He said her participation in this process will be missed. He asked for information from the Administration, again, about the appropriateness of continuing a fundraising activity on Shaver Road in the traffic area known as the "Fill the Boot Campaign." He encouraged the Administration to find ways to be responsive and supportive of the request from the newly reconstituted Lake Center Business Association

working with the enhancement of the corridor of businesses on Portage Road for utilization of one or more of the City canoes that the City is no longer using. He recognized his friend, Barry Arkush, expressed his surprise to see him at the meeting and thanked him for his comments with which he agreed.

Councilmember Urban said he was also surprised and saddened by the resignation of Councilmember Elizabeth Campbell; that it was rare to find a Councilmember who felt he or she had the need to resign; and that his thoughts and prayers go with her as she goes forward. He described her as a bundle of energy and a bundle of joy on City Council and said that she will be missed. Councilmember Urban then announced his candidacy for City Council in the November 5, 2013 General City Election, again, and described some of his beliefs, credentials and experiences. He commented on the many changes he has experienced in his years of service to the City of Portage. He then wished a Happy Birthday to his daughter, McKenzie.

City Manager Evans received an unfortunate call from Jack Treas, Vice President and General Manager of Mueller Plastics Operations, who indicated that Mueller Plastics is closing down or at least has sold some of its personal property; nevertheless, sixteen of their employees will remain for the packaging, bar coding and warehousing activities. Since City Council granted a tax abatement in October of 2012 and the company benefited close to \$23,000 thus far in tax savings, he wanted City Council to be aware that the Administration is looking at the law and the process since that benefit was because of a program that was supposed to be in place for at least five years. Discussion followed.

Mayor Pro Tem Reid concurred with her colleagues on City Council and thanked Councilmember Elizabeth Campbell for her service and indicated that her exemplary service and energy will definitely be missed. She said she was approached by Loaves and Fishes to see if she would be willing to live on what people who are on the Food Stamp Program have to live on for one week, about \$4.00 per day. She indicated that it was an interesting challenge to shop with \$28.00 for the week since the not so healthy choices were always cheaper than the healthy choices, and the foods that were inexpensive and healthy required that a person know how to prepare the food and to take the time to prepare them which ultimately raises the cost of the food, also. She pointed out that this exercise gave her opportunities to talk about the Food Stamp Program and to dispel any misconceptions about the Program. She announced her candidacy for City Council in the November 5, 2013 General City Election and described some of her beliefs, accomplishments and her action plan for Portage.

Mayor Strazdas said that he also was surprised and saddened by the resignation of Councilmember Elizabeth Campbell; expressed his respect for having done so for personal reasons; that she will be missed as she was a very active participant on City Council; and, he wished her well. He then commented on cities and school districts across the state going bankrupt or being assigned an emergency manager as a result of poor management or lack of proper guidance from the leadership. He pointed out that the Portage City Council discussed helping the Portage Board of Review be the best in the State, having a training manual that is the best in the State and having the City of Portage be the best in class in the State. He emphasized the contrast between those entities with financial struggles and the City of Portage. He thanked the Board of Review and other Board and Commission Members for their service and their focus on making Portage an even better place to live.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:54 p.m.

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
July 2013 (updates in italics)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) 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. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Investigation into methane gas presence in the groundwater continues. First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. Annual report submitted to MDEQ. Review meeting held September 21, 2012 with MDEQ with follow-up in October. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. 2013 <i>sampling contract approved by City Council with AHC on July 23, 2013.</i> Weekly methane sampling is continuing on-site to collect base line data.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. <i>-Review of 5 site/building plans and/or plats completed in July 2013.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in July 2013: 4 residential; 1 commercial. No connections made in conjunction with the mandatory sewer connection program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. Lake Association has completed 2012 plan and lake treatment completed in May 2012. Permitting complete for the 2013 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Services for consulting services for 2013. <i>Treatment application completed in mid-June.</i> Follow-up inspection of treatment success will be done by Restoration Lake Services.</p>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts</p>

(Groundwater Elevation)

due to storm water 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. This program will focus primarily on groundwater level information. The 2012 report received and groundwater levels, especially on the east side of Portage, have decreased as a result of seasonal rainfall deficiencies. Groundwater table elevations show about a one-foot increase over 2012 levels due to recent rain events.

Wellhead Protection Program (WHPP)

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff has been invited by MDEQ to participate in Water Supply Emergency Planning. Emergency planning roundtable held on June 10, 2013. Plan implementation is ongoing.

Leaf Compost Monitoring Program

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2011 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. Sampling completed in June 2012 with minimal groundwater impacts. Sampling completed in June 2013 with results pending.

National Pollution Discharge Elimination System (NPDES) permit implementation

Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. SWPPI was submitted for MDEQ approval on June 25, 2010. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. The 2010-11 annual report was submitted on January 20, 2012. Storm water informational talk was given to Pfizer, Inc.,

employees on April 28, 2012. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ were addressed by staff in December 2012. City website updated in February to provide education of Illicit Storm Water Discharge. Currently, staff is working on proposals with other local governments to use a billboard advertising campaign for pollution awareness. Program 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 Watershed council completed a watershed update in November, 2011. No new developments.

**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. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current Watershed Plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed.

**Plan to implement and maintain an
Illicit Discharge Elimination**

-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

Program (IDEP).

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 MDEQ on June 25, 2010, and part of the SWIPPI. Two potential illicit discharges were investigated with MDEQ in February 2012. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. *The 2013 program of investigating storm water outfalls began in June. Implementation is ongoing.*

Storm Sewer Outfall Testing

On March 23, 2011, City Council awarded a four year contract to Wightman Environmental to perform testing of selected storm sewers which discharge to surface water. This work is required as part of the NPDES permit. The 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. The 2012 report received with continuing minor impacts from the Woodland Avenue outfall. Testing results are reported to MDEQ as part of the NPDES annual report.

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

Facility is in operation with ribbon cutting held August 2, 2010. The facility is producing approximately one million gallons of water per day. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections, Inc., for the facility. Regrading and installation of native landscaping seeding completed on November 16, 2012. Spring 2013 germination shows promising results. *Area has required weeding of non-native species in summer. Staff currently working with the Environmental Board on informative signs and long-term maintenance plans.*

Environmental Incident/Spill Clean Up Notification

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in July 2013 - 0. Number of environmental cleanups in July - 0. Emergency spill response contract for 2013-14 with Terra Contracting has been renewed.

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

MDEQ staff to determine feasible method to lower water levels. Association currently working with MDEQ 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 MDEQ 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. Seasonal low water levels have reduced the urgency to control water levels.

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 MDEQ 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.