



# PLANNING COMMISSION

June 19, 2014

# **CITY OF PORTAGE PLANNING COMMISSION**

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

**June 19, 2014  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF MINUTES:**

- \* June 5, 2014

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

### **PUBLIC HEARINGS:**

- \* 1. 2014 Comprehensive Plan Update and 2013 Recreation and Open Space Plan amendments  
-- complete documents previously provided to Commission on April 17, 2014
- \* 2. Conceptual Plan Amendment: Wal-Mart (expansion), 8350 Shaver Road

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

May 27, 2014 City Council regular meeting minutes  
April 2014 Summary of Environmental Activity Report

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

**DRAFT**

**PLANNING COMMISSION**

**June 5, 2014**

The City of Portage Planning Commission meeting of June 5, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

**PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

**IN ATTENDANCE:**

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

**ROLL CALL:**

Chairman Welch introduced new Planning Commissioner, Caroline Richmond. Mr. Forth called the role and the following Commissioners were present: Patterson, Bosch, Stoffer, Welch, Dargitz, Schimmel, Somers and Richmond. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to approve the role excusing Commissioner Felicijan. The motion was unanimously approved 8-0.

**APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the May 15, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

**SITE/FINAL PLANS:**

None.

**PUBLIC HEARINGS:**

1. Ordinance Amendment #14-B, Specialized Agriculture (OS-1 and B-1). Mr. Forth summarized the staff report dated May 30, 2014 regarding a proposed ordinance amendment that would allow "specialized agriculture" uses, including greenhouses, as permitted and conforming uses in the OS-1, office service and B-1, local business zoning districts. Mr. Forth stated the proposed ordinance language is similar to the 1989 amendments and would afford D & D Greenhouses operational protections that were previously provided to other greenhouse operations across the city in 1989, if the D & D Greenhouses properties at 916 and 918 East Centre Avenue were rezoned to OS-1 or B-1.

Commissioner Dargitz asked if an ordinance amendment to allow "open markets" as an allowable use in the B-1 and OS-1 districts could also be considered. Mr. Forth stated Ordinance Amendment #14-B was expedited and specifically initiated in conjunction with Rezoning Application #14-2. Mr. Forth indicated the Commission could initiate a separate ordinance amendment at a future date or when a specific development project involving an open market use is proposed. The public hearing was opened by Chairman Welch. No citizens spoke regarding the proposed ordinance amendment. A motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved 8-0. After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment #14-B, Specialized Agriculture (OS-1 and B-1 districts) be approved. The motion was unanimously approved 8-0.

DRAFT

**OLD BUSINESS:**

1. 2014 Comprehensive Plan – Information Only. Mr. Forth referred the Commission to the staff report dated May 30, 2014 that summarized issues previously discussed by the Commission in regard to the 2014 Comprehensive Plan Update. Commissioner Dargitz again inquired about possible relocation of some city facilities, such as Parks, Recreation and Public Services buildings, that do not contribute to facilitating a vibrant and walkable City Centre Area. Mr. Forth stated that centralization of municipal facilities and buildings within the City Centre Area has been a long-term goal of the city involving significant financial resources. Mr. Forth also indicated the Parks, Recreation and Public Services facilities are located at the end of a dead end road with a steep embankment to the east and railroad tracks and the Portage Creek to the west that create impediments for private commercial redevelopment. Mr. Forth indicated there are other privately owned properties within the City Centre Area with better access and visibility that are available for development. Commissioner Dargitz stated that she believes a large congregation of municipal facilities and buildings is not conducive to facilitating a mixed use development pattern and a vibrant and walkable City Centre Area.

Commissioner Dargitz then asked staff and the other Commissioners about a RC, Resource Conservation designation and zoning district recently adopted by Texas Township and whether a similar designation/district should be developed for the City of Portage. Mr. Forth summarized staff's discussion with the Zoning Administrator for Texas Township and stated the creation of the RC designation/district was largely symbolic and would not change or impact existing land uses. Mr. Forth indicated no properties in Texas Township are currently zoned RC and the Township does not have any plans to proactively rezone privately owned properties to RC. According to the Township Zoning Administrator, Texas Township may, in the future, initiate rezoning of some township owned properties. Commissioner Dargitz stated that adoption of a similar designation/district by the City of Portage would give a clear indication that these areas are not intended for development. Commissioner Dargitz indicated the least intensive zoning district in the City of Portage is single family residential that does not indicate an intent by the city to preserve parks and nature preserves, or the State of Michigan game area. Mr. Forth stated that designated parks cannot be sold for private development without a vote of the electorate pursuant to the City Charter. Mr. Forth also indicated the Gourdneck State Game Area is owned by the State of Michigan and not subject to local zoning. Attorney Brown stated any zoning district that would prohibit or restrict development needs to be carefully researched and studied. Such a district could not be applied as a "blanket" across a large portion of the city. Attorney Brown also indicated a zoning district that would prohibit or restrict development could not be applied to privately owned land since "reasonable use" must be afforded to the land owners. Commissioner Dargitz stated that she believes the Texas Township RC designation and zoning district is a great idea and believes a similar designation and zoning district could be developed for the City of Portage. Commissioner Dargitz asked for input from other Planning Commissioners. The other Planning Commissioners had no additional comments.

**NEW BUSINESS:**

1. Election of Officers. Chairman Welch discussed the annual policy of the Commission to elect a Chairperson, Vice-Chairperson and Secretary and asked what the Commission thoughts were for officers for the upcoming fiscal year. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to retain the existing officers for the upcoming fiscal year: Chairman (Paul Welch), Vice-Chairman (Dave Felician) and Secretary (Wayne Stoffer). The motion was unanimously approved 8-0.

**DRAFT**

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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

**TO:** Planning Commission **DATE:** June 13, 2014  
**FROM:** Vicki Georgeau, <sup>VJ</sup> Director of Community Development  
**SUBJECT:** 2014 Comprehensive Plan and 2013 Recreation and Open Space Plan amendments

## **I. INTRODUCTION:**

The Planning Commission and City Administration, with assistance from LSL Planning, Inc. has completed a draft of the 2014 Comprehensive Plan update. In addition, with assistance from the Director of Parks, Recreation and Public Services, minor amendments to the 2013 Recreation and Open Space Plan have also been prepared and reviewed.

On April 17, 2014, the Planning Commission recommended to City Council that the draft 2014 Comprehensive Plan and 2013 Recreation and Open Space Plan amendments be distributed for review and comment as required by the Planning Enabling Act (Act 33 of 2008, as amended). On April 29<sup>th</sup>, City Council approved the Plan distribution to adjacent communities and the county for review and submission of comments, which was accomplished on April 30<sup>th</sup>. As the review period has concluded, a public hearing before the Planning Commission is scheduled for June 19, 2014.

## **II. BACKGROUND:**

The 2014 Comprehensive Plan update began in late August 2013 and the following summary of the update process and substantive changes to the Plan is provided. During the update process, many opportunities were available for public review and input and included:

- An open house/community workshop held in October 2013, which was scheduled during the late afternoon and early evening hours to ensure participation by individuals with varying schedules.
- For individuals unable to attend the October 2013 open house/community workshop, an online survey was available via the city website.
- Youth Advisory Committee meeting in October 2013.
- Lake Center Focus Group meeting in December 2013.
- West Lake Association meeting in March 2014.
- Twice monthly Planning Commission meetings.
- The "Connect With Us" feature on the website for citizen submission of comments at any time.
- As various chapters of the Comprehensive Plan were completed, they were placed on the City of Portage website and copies of the draft document were available for review at City Hall and at the Portage District Library.

Following review of the 2008 Comprehensive Plan, completion of an Existing Conditions-Community Snapshot Report and consideration of public comments received, a draft of the 2014 Comprehensive Plan was completed. Key changes to the plan include:

- Reformatting of the document with separate published appendices to provide a more concise focus on Plan recommendations.
- Condensing plan content into three main topic areas: Community + Quality of Life; Land Use + Character; and, Transportation.
- Incorporation of the City Centre Area plan, with updates pertaining to activity since 2008.
- Development of a new Lake Center sub-area plan for the Portage Road corridor, from East Centre Avenue to East Osterhout Avenue.
- More user-friendly Plan with easy to read text, color coded chapters and updated implementation strategies.
- With regard 2013 Recreation and Open Space Plan, the amendments involve:
  - ✓ The addition of property donated to the city by Linda Eliason and the city purchase of 1614 West Osterhout Avenue, together comprising the Eliason Nature Reserve.
  - ✓ Several pages and maps have been updated and the approved 2014-2024 Capital Improvement Program project profiles relating to Parks and Recreation are now included.

Correspondence received. As noted above, the 2014 Comprehensive Plan and 2013 Recreation and Open Space Plan amendments were distributed on April 30<sup>th</sup> to adjacent communities and other applicable agencies for public comment pursuant to statutory requirements. During the public comment period, one letter was received from the Kalamazoo County Department of Planning & Community Development. The letter (attached) mentions the Kalamazoo Metropolitan County Planning Commission concluded the 2014 Comprehensive Plan is consistent with the planning and zoning of neighboring units of government and recommends approval of the Plan. As of this date, no other correspondence has been received.

Future Land Use Plan Map change. Following the June 5, 2014 Planning Commission meeting and discussion of the Plan, it was determined there was an inconsistency involving the commercial boundary as shown on the Lake Center Core Node Map and the Future Land Use Plan Map. Attached are copies of both maps. In order to ensure consistency between both maps, the commercial boundaries within the isthmus of the two lakes are recommended to be modified on the Future Land Use Plan Map. The changes are highlighted on the attached map. In summary, existing single-family residential areas previously designated for commercial use are now designated for low density residential use. In addition, the commercial boundary on Austin Lake has been extended to the shoreline consistent with the Lake Center Subarea Plan.

### **III. RECOMMENDATION:**

Based on the above and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Planning Commission adopt the 2014 Comprehensive Plan, with the Future Land Use map revisions noted above, and the 2013 Recreation and Open Space Plan amendments.

Attachments: Correspondence dated June 6, 2014 from the Kalamazoo County Department of Planning & Community Development  
Lake Center Core Node Map  
Future Land Use Plan Map

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## Department of Planning & Community Development

201 West Kalamazoo Avenue, Rm. 101 · Kalamazoo, Michigan 49007  
Phone: (269) 384-8112 · FAX: (269) 383-8920 · Email: LMJARN@kalcounty.com

Lotta Jarnefelt, Director

June 6, 2014

City of Portage Planning Commission  
C/o Department of Community Development  
7900 S. Westnedge Ave  
Portage, MI 49002

**Re: Portage 2014 Comprehensive Plan update**

Portage Planning Commission:

At its meeting on June 5, 2014, the Kalamazoo Metropolitan County Planning Commission (KMCPCC) reviewed the proposed Portage 2014 Comprehensive Plan.

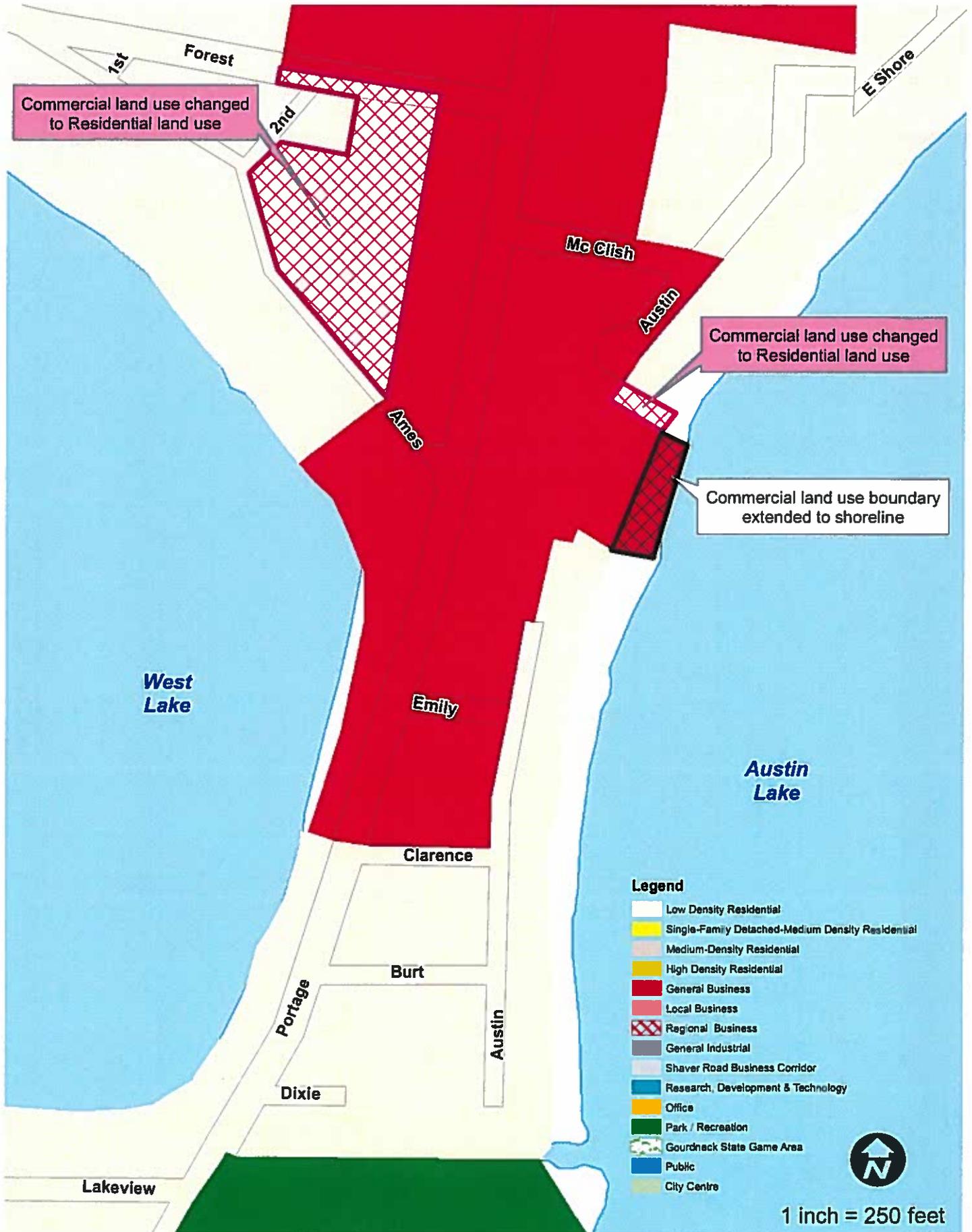
The Kalamazoo Metropolitan County Planning Commission voted unanimously to recommend approval of the proposed Portage 2014 Comprehensive Plan and determined that the proposed plan is CONSISTENT with the planning and zoning of the neighboring units of government in Kalamazoo County.

If I can be of further assistance, please feel free to call me at (269) 384-8115.

Sincerely,

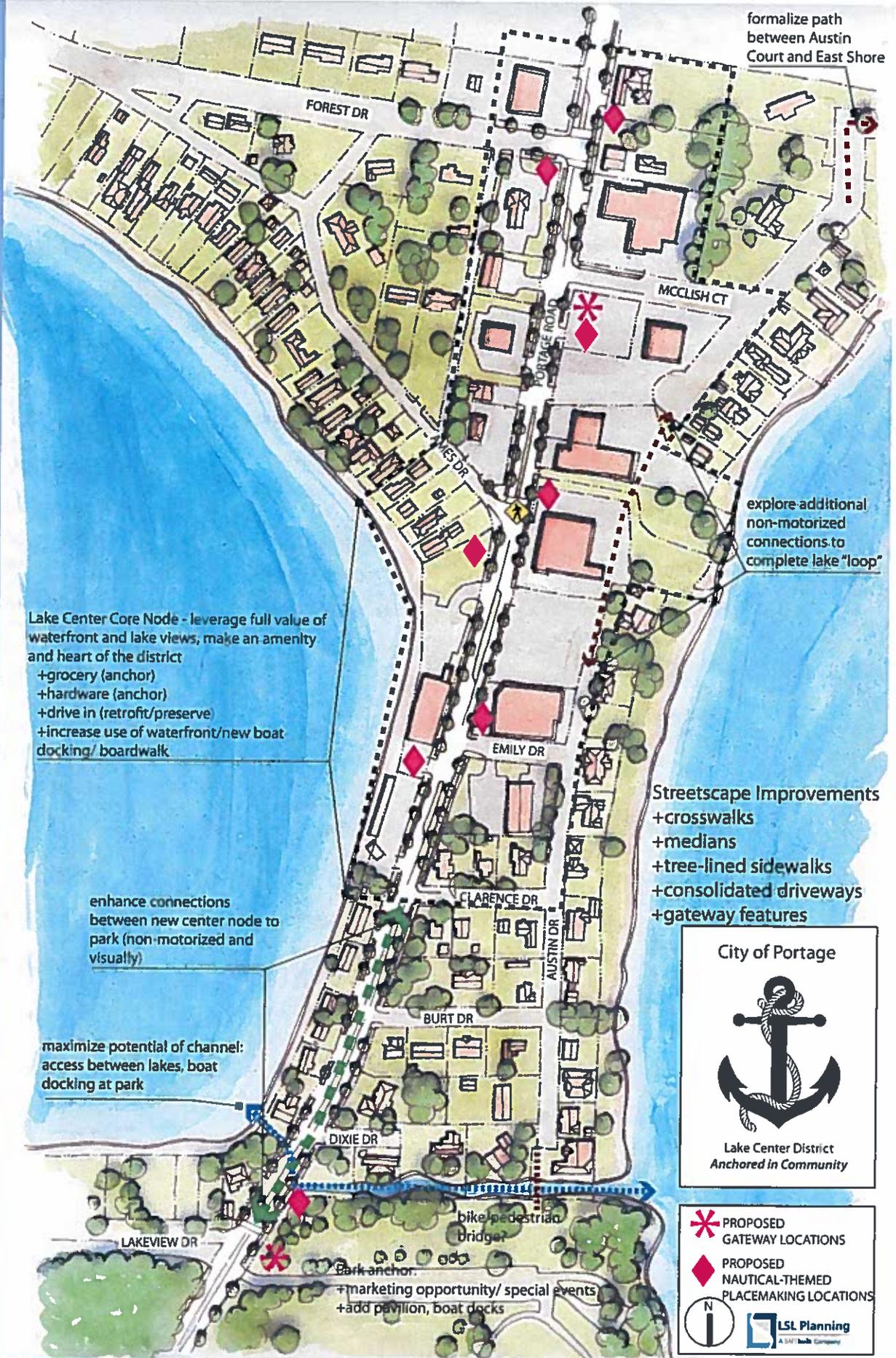
A handwritten signature in black ink that reads "Lotta Jarnefelt". The signature is written in a cursive, flowing style.

Lotta Jarnefelt



**2014 Future Land Use Plan Map**

Lake Center Core Node





## RESOLUTION ADOPTING THE 2014 COMPREHENSIVE PLAN BY THE PORTAGE CITY PLANNING COMMISSION

At a meeting of the Planning Commission of the City of Portage, Michigan, held on the 19<sup>th</sup> day of June, 2014, at 7:00 p.m. local time at the Portage City Hall in the City of Portage, Michigan.

PRESENT:

ABSENT:

The motion to adopt the resolution was offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

WHEREAS, Act No. 33 of the Public Acts of the State of Michigan for 2008, as amended, mandates that the Planning Commission of a municipality prepare and adopt a Comprehensive Plan for the physical development of the municipality and fringe areas;

WHEREAS, the Portage City Planning Commission has prepared such a plan for the territory of the City of Portage; and

WHEREAS, after causing such notice to be given in the manner prescribed by law, and a public hearing having been held on June 19, 2014 in order to give the citizens of the City of Portage and surrounding areas an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the 2014 Comprehensive Plan, including the text together with Future Land Use Map and all other related maps, charts and graphic information, is hereby adopted in accordance with Act 33 of the Public Acts of 2008, as amended.

BE IT FURTHER RESOLVED that this action be recorded on the map and plan and descriptive matter by the identifying signature of the Chairman of the City of Portage Planning Commission.

BE IT FURTHER RESOLVED that an attached copy of the plan be certified to the Portage City Council.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.





**RESOLUTION ADOPTING THE 2013 RECREATION AND OPEN SPACE  
PLAN AMENDMENTS BY THE PORTAGE CITY PLANNING COMMISSION**

At a meeting of the Planning Commission of the City of Portage, Michigan, held on the 19<sup>th</sup> day of June, 2014 at 7:00 p.m. local time at the Portage City Hall in the City of Portage, Michigan.

PRESENT:

ABSENT:

The motion to adopt the resolution was offered by Commissioner \_\_\_\_\_ and supported by Commissioner \_\_\_\_\_.

WHEREAS, Act No. 33 of the Public Acts of the State of Michigan for 2008, as amended, mandates that the planning commission of a municipality prepare and adopt a Comprehensive Plan for the physical development of the municipality and fringe areas;

WHEREAS, the 2013 Recreation and Open Space plan is a sub-component of the Comprehensive Plan;

WHEREAS, the Portage City Planning Commission has prepared amendments to the 2013 Recreation and Open Space plan for the territory of the City of Portage that describes the physical features, existing recreation facilities and the desired actions to be taken to improve and maintain recreation facilities; and

WHEREAS, after causing such notice to be given in the manner prescribed by law, and a public hearing having been held on June 19, 2014 in order to give the citizens of the City of Portage and surrounding areas an opportunity to be heard.

NOW, THEREFORE, BE IT RESOLVED that the 2013 Recreation and Open Space Plan amendments, including the text together with all other related maps, charts and graphic information, are hereby adopted in accordance with Act 33 of the Public Acts of 2008, as amended.

BE IT FURTHER RESOLVED that this action be recorded on the plan and descriptive matter by the identifying signature of the Chairman of the City of Portage Planning Commission.

BE IT FURTHER RESOLVED that an attached copy of the plan be certified to the Portage City Council.

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.



**TO:** Planning Commission**DATE:** June 13, 2014**FROM:** Vicki Georgeau, <sup>VJ</sup> Director of Community Development**SUBJECT:** Conceptual Plan Amendment for Wal-Mart (expansion), 8350 Shaver Road**I. INTRODUCTION:**

An application to amend a previously approved conceptual plan involving the Wal-Mart development located at 8350 Shaver Road has been received from Wal-Mart Stores, Inc. The conceptual plan amendment proposes to modify the program of development involving construction of an approximate 41,000 square foot building addition ("Supercenter") along the north and east sides of the existing retail store and a vehicle fueling station with 8 pump islands and a 1,500 square foot building along the southern portion of the site. The conceptual plan amendment also proposes to designate an approximate 1.7 acre area for future retail "outlot" development that was previously identified for off-street parking along the eastern portion of the site. The approximate 35 acre property is zoned CPD, commercial planned development.

In 2003, the Planning Commission reviewed/recommended approval and City Council subsequently approved the conceptual plan for the Wal-Mart development that included construction of a phased Wal-Mart Supercenter facility totaling approximately 218,000 square feet (an initial 150,000 square foot store and a future 68,000 square foot Supercenter addition), a vehicle fueling station and a 1.7 acre outlot parcel along Shaver Road (Arby's Restaurant and a future pad site) that was to be under separate ownership. The approved conceptual plan included a program of development that proposed construction of the initial approximate 150,000 square foot Wal-Mart retail building and related improvements and the vehicle fueling station in 2004/2005. The approximate 150,000 square foot Wal-Mart retail facility was built in 2004, however, the vehicle fueling station has not yet been constructed. Additionally and while the Supercenter expansion was identified on the approved conceptual plan/narrative, a definitive time-frame for construction was not referenced.

The 2003 conceptual plan approval by City Council also included three modifications pertaining to off-street parking, screening/buffering and building height. In regard to the parking modification, City Council approved a maximum of 1,002 parking spaces upon completion of the entire Wal-Mart Supercenter development where 1,253 parking spaces were required by the Zoning Code. In conjunction with the conceptual plan amendment and construction of a smaller 41,000 square foot "supercenter" expansion (approximately 191,000 square feet total), Wal-Mart is requesting another parking modification to allow a total of 856 spaces to serve the Wal-Mart development project. The applicant is also requesting a continuation of the previously granted height modification to allow the approximate 41,000 square foot building expansion to vary in height from 20-feet (west side) to a maximum height of 34-feet (east side) so as to match existing building elevations. Attached is an amended conceptual plan, written narrative and supporting information submitted by the applicant.

## **II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:**

For development projects within the CPD zone, the Zoning Code requires that City Council approve a conceptual plan for development after a public hearing and after Planning Commission review and recommendation. The conceptual plan is intended to show the overall development of the area including proposed uses, number and location of building sites, parking, location of streets/driveways and so forth. The specific (site) plan shows the proposed development details and characteristics for each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews and approves the specific (site) plan. If a specific (site) plan is not received by the time required in an approved program of development, or two years after approval of the conceptual plan, whichever is less, the conceptual plan approval shall expire.

## **III. CONCEPTUAL PLAN AMENDMENT ANALYSIS:**

Section 42-414.A of the Zoning Code establishes standards and objectives of review for conceptual plans that the Planning Commission and City Council are to consider as part of the recommendation/approval process. The following information summarizes the proposed conceptual plan amendment as requested by the applicant.

Surrounding Land Uses/Zoning – The land use/zoning pattern surrounding the Wal-Mart zoning lot is as follows:

- North and East: Various business and industrial uses situated along the Shaver Road Business Corridor and along Lenox Court zoned I-1, light industry and I-2, heavy industry.
- West: Across Portage Creek, single family residences situated within the Brookwood Estates neighborhood zoned R-1C, one family residential.
- South: Various business uses zoned CPD, commercial planned development and B-3, general business.

Program of Development – Construction of the approximate 41,000 square foot “supercenter” expansion and vehicle fueling station is anticipated to commence in late 2014/early 2015 and be completed in early 2016. A specific time-frame for development of the “outlots” situated north of Arby’s Restaurant is unknown at this time.

Access/Traffic Generation – Access to the Wal-Mart development site will be provided through existing driveways that include a full-service driveway at the signalized intersection of Shaver Road/West Melody Avenue and a right-in/right-out driveway along the northeastern portion of the site. No new driveways are proposed with the “supercenter” expansion and fueling station. Consistent with the original approved conceptual plan, access to future “outlot” development will also be provided through this existing access arrangement with no new driveways provided from Shaver Road.

Shaver Road, between Centre Avenue and Vanderbilt Avenue, is designated a 4-5 lane major arterial roadway with 19,108 vehicles per day (2011) and a capacity 33,000 vehicles per day (level of service “D”). A comprehensive traffic study for the overall Wal-Mart development project including the “supercenter”, vehicle fueling station and the initial 1.7 acre outlot parcel along Shaver Road (Arby’s Restaurant and a future pad site) was completed during the 2003 review and approval. Major roadway

improvements including reconstruction and signalization of the Shaver Road/West Melody intersection, construction of deceleration/right-turn lanes for southbound Shaver Road and significant improvements at the Shaver Road/West Centre Avenue intersection were completed with construction of the initial 150,000 square foot Wal-Mart retail building. Additional traffic generation associated with 41,000 square foot “supercenter” expansion, fueling station and future outlot development can be accommodated by the adjacent roadway system.

Parking – With regard to the parking modification, the applicant is proposing to provide 856 parking spaces for the overall Wal-Mart Supercenter development and fueling station which is 175 (17%) spaces fewer spaces than required by ordinance (856 spaces proposed/1,031 spaces required). Of the 856 parking spaces, 114 spaces will be “banked” with 50 spaces proposed in a grass area situated north of the proposed building expansion and 64 spaces situated within a fenced, seasonal outdoor sales area that was previously approved by the Zoning Board of Appeals along the southern portion of the existing parking lot.

Based on operations of other Wal-Mart Supercenter facilities across the county, the applicant has indicated the reduction in parking will not be detrimental to the site or adjacent properties, and will provide adequate parking while maintaining the current aesthetics of the site. The proposal of 856 spaces represents a ratio of 4.49 spaces per 1,000 square feet of building area, which is more than the current Wal-Mart guideline of 4 spaces per 1,000 square feet of building area. Similar parking reductions of approximately 20% have also been granted to the Sam’s Club facility on South Westnedge Avenue, Lowes Home Improvement store on South Westnedge Avenue and the recently reviewed Earth Fare commercial planned development near the southwest corner of West Kilgore Road and South Westnedge Avenue. Based on information provided by the applicant, staff supports the parking modification since adequate parking will be provided for the development project.

While the proposed 1.7 acre “outlots” will be integrated into the overall Wal-Mart development, minimum required parking for future uses will be provided on the individual outlot parcels.

Structure Height/Setbacks – The 2003 approved conceptual plan included a height modification for the overall Wal-Mart Supercenter that allowed construction of a one-story building with a height varying from between 20–34 feet. The property to the west is zoned R-1B, and as a result, the Zoning Code limits non-residential buildings to 25-feet and one-story unless otherwise approved by the Planning Commission and/or City Council. The existing approximate 150,000 square foot Wal-Mart retail building was constructed in this “stepped” fashion with the rear (west) parapet wall constructed to a height of approximately 22-feet and the front (east) parapet wall and architectural element constructed to a height that varies from 26-34 feet. The actual building height varies from approximately 17-feet along the rear (west) portion of the building to approximately 25-feet along the front (east) portion of the building. Only the parapet walls and architectural elements located along the front (east) portion of the building exceed the 25-foot building height standard. Construction of the approximate 41,000 square foot “supercenter” expansion proposes to match these existing building elevations.

The Wal-Mart Supercenter expansion will maintain previously approved setbacks and be situated in excess of 300-feet from the western property line (approximately 450-feet from the nearest single family residence located along the west side of Portage Creek) and in excess of 550-feet from the Shaver Road right-of-way. The fueling station canopy will be approximately 18-feet in height and setback approximately 40-feet from the south property line and approximately 115-feet from the

Shaver Road right-of-way. The fueling station building will be approximately 13-feet in height and setback approximately 40-feet from the south property line. Building height and setbacks for the 1.7 acre “outlots” will be consistent and compatible with the existing Wal-Mart and Arby’s Restaurant development.

Storm Water Management – The storm water management system for the overall Wal-Mart “supercenter” development was previously reviewed/approved in 2003 and constructed in 2004 with the initial retail store and related improvements. Storm water from the development site is collected and conveyed underground through a series of catch basins and piping to a bioretention system located beneath the parking lot along the southern portion of the site prior to discharge to a secondary treatment cell and detention basin located along the southwestern portion of the site. Storm water is treated and stored in these basins prior to being released to the adjacent natural area to the west via a spillway situated along the northwest side of the detention basin. Treated storm water released to this natural low impact design area then flows overland where additional bio-treatment, infiltration and evaporation occurs. Surficial storm water runoff through this natural area that does not infiltrate or evaporate will eventually enter the Portage Creek through natural gravitational flow (Portage Creek is situated approximately 250-feet from the detention basin).

It is important to note the existing storm water management system at the Wal-Mart site was sized and constructed to accommodate the full Wal-Mart Supercenter development project including the fueling station and the various “outlots” along Shaver Road (Arby’s Restaurant and proposed “outlots” to the north that were previously identified for additional off-street parking). Consistent with the City of Portage Storm Water Design Criteria Manual, storm water runoff from the proposed fueling station area will also pass through an underground spill containment structure prior to entering the existing storm water management system.

On June 10, 2014, the applicant’s engineer, city staff and representatives of the adjacent Brookwood Estates neighborhood to the west performed an on-site inspection of the existing storm water management system including the natural area situated between the development and Portage Creek. While the system was observed to be functioning as originally designed, two areas of potential concern involving storm water flow into Portage Creek were identified. These areas include a portion of the flow path near the detention area and the condition of the stream at the current outfall. In conjunction with preparation of the specific/site plan for the Supercenter expansion and/or vehicle fueling station, the applicant has agreed to work with city staff and the Michigan Department of Environmental Quality (MDEQ) to develop a maintenance plan to routinely monitor the operation of the storm water management system to ensure it continues to function appropriately.

Environmental/Neighborhood Protection Issues – The subject property contains regulated wetlands and designated floodplain areas along the western portion of the site, adjacent the Portage Creek. The Brookwood Estates single family residential neighborhood is also located along the west side of the Portage Creek. As part of the original 2003 conceptual plan approval, Wal-Mart agreed to preserve a large natural buffer area between the development site and the Portage Creek. This natural buffer area consists of mature trees and related vegetation, along with wetland, floodplain and other environmentally sensitive areas that comprises the western approximate 9 acres (28%) of the original CPD site. To provide additional buffering and screening, Wal-Mart also constructed an approximate 12-foot tall sound barrier wall along the full length of the western portion of the development site (approximately 1,000 in length). Consistent with this original approval, Wal-Mart will continue to

preserve the approximate 9 acre natural buffer area and maintain the sound barrier wall with construction of the “supercenter” expansion, vehicle fueling station and future “outlot” development.

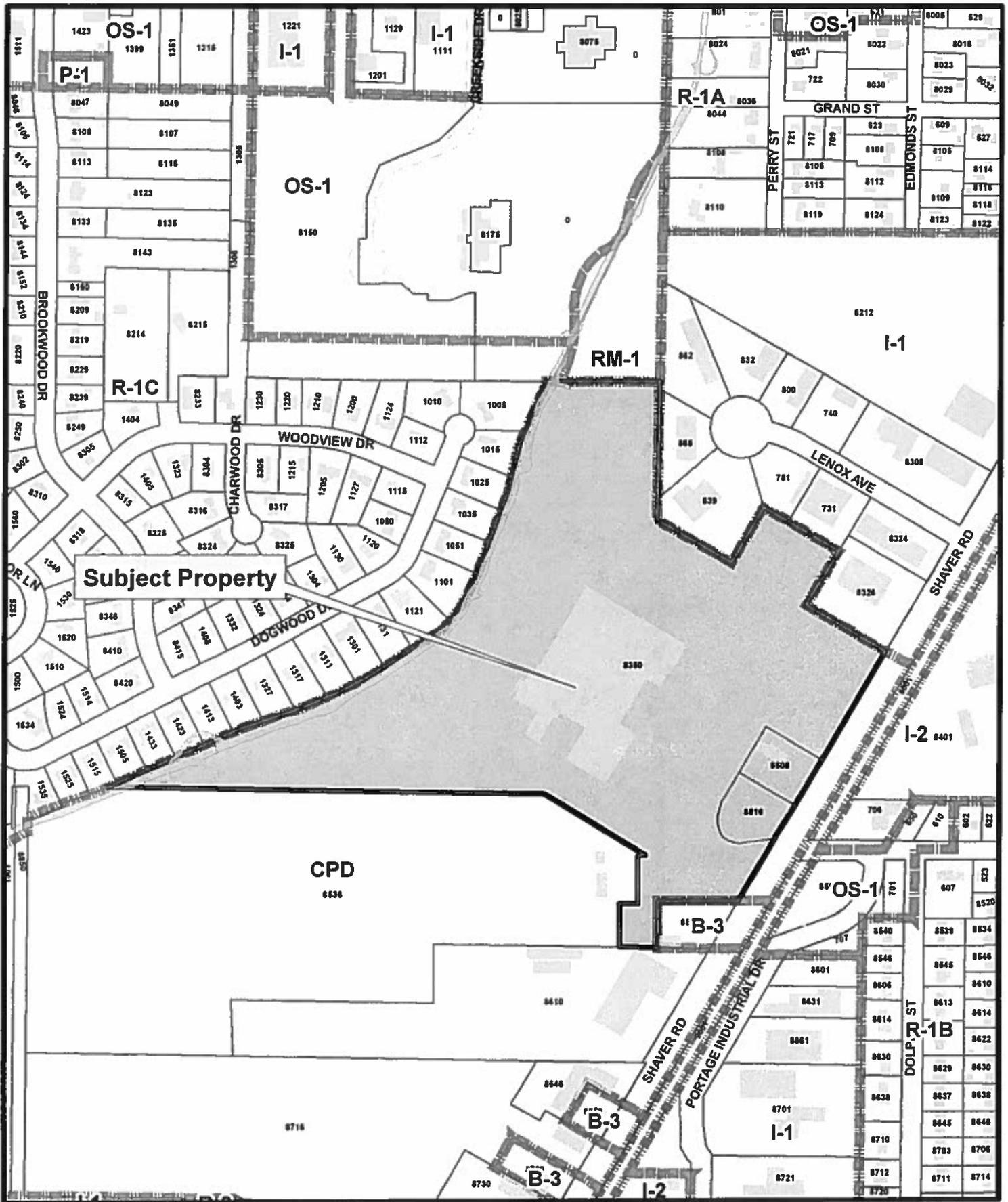
In addition to the spill containment measures discussed above, the vehicle fueling station will also be equipped with additional safety features including emergency shut off devices (impact shut-off valves, dispenser hose break-aways, manual stop buttons), fire extinguishers and emergency spill response procedures for both minor and major spill events. Additionally, underground storage tanks and related pump islands associated with the fueling station will be installed and monitored consistent with state and federal regulations (Michigan Department of Environmental Quality is the regulating agency for fueling stations).

Integration of the Development – The proposed Wal-Mart Supercenter expansion and vehicle fueling station canopy/building will be constructed with a combination smooth and split face concrete masonry units, brick panels and an exterior color scheme that will match the existing Wal-Mart retail building. Color elevations of the 41,000 square foot building “expansion” and vehicle fueling station canopy and kiosk building are attached with the application materials. Future development of the “outlots” will also include buildings with a unified architectural character that is compatible with the overall Wal-Mart development. Finally, outdoor lighting associated with the vehicle fueling station/canopy will include surface mounted, full cut-off LED fixtures to minimize brightness and reduce glare.

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

Based upon the above analysis and subject to any comments received during the public hearing, staff advises the Planning Commission to recommend to City Council that the Conceptual Plan Amendment for Wal-Mart (expansion), 8350 Shaver Road, be approved with the requested parking modification. Based on information provided by the applicant and the characteristics of the development, provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied.

Attachments: Zoning/Vicinity Map  
Aerial Photograph  
Conceptual Plan Amendment (June 13, 2014 narrative and conceptual plan drawing)  
Color elevation drawing (Supercenter and fueling station)



-  Zoning Boundary
-  Subject Properties
-  Notification Area

# Conceptual Plan 8350 Shaver Road



1 inch = 400 feet



Subject Property

# Aerial Photography 8350 Shaver Road



1 inch = 400 feet

June 13, 2014

Ms. Vicki Georgeau  
Director of Community Development  
City of Portage  
Department of Community Development  
7900 South Westnedge Avenue  
Portage, MI 49002

RE: Exhibit to the Plan Amendment Application for Wal-Mart Store #5280, Shaver Road

Dear Ms. Georgeau:

This letter is being written pursuant to the City of Portage Zoning Code Chapter 42, Section 42-414(B) as a narrative to accompany the Conceptual Site Plan.

**A. PURPOSE AND OBJECTIVES:**

The purpose of this submission includes three (3) continuations or extensions of time related to the previously approved Conceptual Plan:

*Item 1 - Request a continuation of the Previously Approved Plan Amendment related to building height:*

Wal-Mart is proposing a one-story expansion to the existing building that will vary in height between 20 feet and 34 feet. The intent of this request is to match the elevations of the existing building. This request has been previously approved by the City of Portage in 2003;

*Item 2 – Request for a continuation of the Previously Approved Plan Amendment related to parking:*

Wal-Mart is proposing a final parking ratio of 4.48 space per 1,000 square feet of gross leasable floor area (GLA) compared to 5.4 spaces per 1,000 square feet of GLA as required by the City of Portage Zoning Code. Based upon operations of this store and other facilities across the country, Wal-Mart believes that the proposed parking ratio will not be detrimental to the site or adjacent properties, and will provide adequate parking while maintaining the current aesthetics of the parking lot.

Additionally, the reduced parking benefits the environment by (a) increasing the amount of green space on the site; (b) decreasing the amount of impervious surface on the site; and (c) decreasing the storm water runoff. It should also be noted that there are areas on the site where additional parking can be constructed in the event that it is needed in the future. A similar request had been previously approved for this store by the City of Portage in 2003. It is also understood that the Planning Commission has approved similar requests for other retail facilities in the City;

*Item 3 – Request for a time extension related to construction of the proposed fueling station:*

Wal-Mart is proposing to construct an eight-island fueling station on the southern part of the property. This fuel station was included in the original Conceptual Plan previously approved by the City of Portage. In the original submittal, it was suggested that the fueling station would be constructed within a certain time frame. As the end date for this suggested completion has passed, Wal-Mart is requesting an extension of time to construct the fuel station along with the proposed building expansion;



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The purpose of this submission also includes one (1) modification to the previously approved Conceptual Plan:

*Item 4 – Development of Outlots along Shaver Road:*

The enclosed Conceptual Site Plan indicates two (2) proposed parcels along Shaver Road. This development will be integrated into the Wal-Mart parcel for purposes of site access, storm water management, and signage. No new driveways from Shaver Road or additional free-standing signs are being considered at this time. Any future buildings or development would need to conform to the requirements of the City of Portage Zoning Code. Construction materials will be submitted with specific site plans to ensure consistency with the Zoning Code and with the surrounding development as required in the CPD Zoning District. Minimum parking requirements for these future uses will be provided for each respective outlot. There is currently no timeframe for developing these outlots.

In the previously approved Conceptual Plan, these parcels were designated as future parking areas in the event that they were deemed necessary. Given the fact that the existing and proposed parking on site is adequate to accommodate the proposed expansion, Wal-Mart has an interest in selling or leasing these parcels for future development.

At this time, Wal-Mart is not marketing these areas as outlots, preferring to wait for City approval. There are no prospective parties interested in the site. Any information related to actual development of these outparcels, including common or individual signage and site access, would need to be submitted and approved by the City of Portage. This particular Plan Amendment request is simply to allow that these parcels be developed at a future date.

While Wal-Mart does desire and anticipate approval of this item at the next scheduled meeting, should the Planning Commission have concerns regarding this item and, as it is independent of the rest of the development, Wal-Mart would respectfully request that this item be considered separately to allow the rest of the project to move forward.

**B. GENERAL PLAN OF DEVELOPMENT:**

A general description of the proposed development, along with a comparison of that development which was originally approved, follows:

1. The total Wal-Mart site includes approximately 35.33 acres:
  - o Approximately 1.71 acres would be set aside for "outlets" for future development.
    - *The original approved concept plan included this area to be set aside for future parking (an additional discussion on parking is included below). The storm water management system was originally sized to accommodate parking in this area, so it can likewise accommodate development of these parcels as individual commercial sites.*



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- Approximately 1.46 acres is set aside for an 8-stack fueling stations with a 750 square foot kiosk.
    - *This layout is consistent with the original approved concept plan.*
  - Approximately 9 acres of the site towards the westerly side of the property will remain in its current state, preserving the natural features and the buffer between Portage Creek and the residents immediately adjacent to the creek. In addition to the creek itself and the fact that a portion of this site resides in a floodplain, natural features in this area also include MDEQ regulated wetlands, a variety of mature trees, shrubs, and natural vegetation, and habitat for wildlife. There will be no impacts to this area as part of the proposed development.
    - *This layout is consistent with the originally approved concept plan.*
  - The remainder of the site is devoted to the Wal-Mart building. The existing building is approximately 150,000 square feet and the proposed addition will be approximately 41,000 square feet, bringing the total building area to 190,892 square feet (this is excluding an future buildings on the above described outlots).
    - *The proposed total building area is actually less than was approved in the original concept plan. The original concept plan included a total building area of 218,049 square feet, a reduction of approximately 27,000 square feet.*
2. The Wal-Mart store expansion and fueling station will be constructed of a combination of building materials that is designed to match the existing building and will consist of smooth and split face concrete masonry units, brick panels, and an exterior insulated finishing system. Conceptual renderings have been provided along with submission for consideration and detailed drawings will be submitted with the Specific Site Plan for review for conformance to the Zoning Code.
3. The Wal-Mart fueling station will include spill containment measures that, at a minimum, will conform to the requirements of City of Portage Storm Water Design Criteria Manual. Detailed drawings and calculations will be submitted to the City of Portage for review along with the Specific Site Plan. Preliminary calculations indicate that approximately 1,600 gallons of spill containment capacity will be required to be provided at a point before the storm water system empties into the downstream detention system.

The proposed fueling station will also include the following safety features:

- |                               |                                    |
|-------------------------------|------------------------------------|
| - Fire extinguishers;         | Emergency stop buttons;            |
| - Security cameras;           | Impact valves under the dispensers |
| - Dispenser hose break-aways; | Site monitoring system;            |
| - Mechanical leak detection;  | Sump sensors;                      |
| - Double wall piping;         | Double wall tanks.                 |



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4. The outdoor lighting around the store will remain unchanged, although Wal-Mart is evaluating whether or not replacing the existing pole-mounted fixtures with a more efficient LED fixture is appropriate. Wal-Mart is conscious of the concerns for light trespass on the westerly side of the property and is not proposing anything that will change the lumens on this side of the building. Any specific changes to the site lighting will be submitted along with the Specific Site Plan for review and approval.

Lighting for the fuel station canopy will be surface mounted full cut-off LED fixtures. An example product sheet from the manufacturer is enclosed for reference. Specific lighting information, including photometric calculations, will be submitted with the Specific Site Plan for review and approval.

5. The proposed development includes construction of an additional 64 parking spaces on the north side of the addition; bringing the total parking count up to 856 spaces and yielding a parking ratio of 4.48 spaces per 1,000 square feet of building area. Although 5.4 spaces per 1,000 square feet of building area is required by the Zoning Code, Wal-Mart data suggests that a parking ratio of approximately 4.0 spaces per 1,000 square feet is more appropriate for a store of this size locating in communities similar to Portage.

It should also be noted that 114 spaces are "banked" for future use in the event that additional parking spaces are required. Sixty four of these banked spaces are already striped and located in the outdoor sales area. This sales area could be relocated at such time as additional parking is warranted.

The remaining 50 banked spaces are proposed for future construction on the northerly side of the proposed addition. Deferring construction of these additional parking spaces will have additional benefits by (a) increasing the amount of green space on the site; (b) decreasing the amount of impervious surface on the site; and (c) decreasing the storm water runoff.

**C. MAP OR MAPS**

See accompanying Conceptual Site Plan, P-1.

**D. NAME OF THE DEVELOPMENT**

Wal-Mart Stores, Inc. is the owner/developer of the property.

**E. CONTIGUOUS HOLDINGS OF THE LAND OWNER**

There are no contiguous holdings of the land owner at this time.

**F. PROPERTY LINES OF ADJACENT TRACTS OF LAND**

See accompanying ALTA/ACSM Land Title Survey.

**G. EXISTING STREETS AND EASEMENTS**

See accompanying ALTA/ACSM Land Title Survey.



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#### H. LOCATION OF EXISTING SEWERS, WATER MAINS, STORM DRAINS AND OTHER UNDERGROUND FEATURES

See accompanying ALTA/ACSM Land Title Survey for locations of the public utilities on the site. Water and sanitary sewer services for the proposed addition will be served off the existing building. Water service and sanitary sewer service for the fuel station kiosk are proposed to be connected to the public water and sewer main immediately adjacent to this outlet.

The storm water management system for the site includes piping, detention basins, sediment forbays, and other low-impact design initiatives. All of the storm water runoff from the developed portion of the site passes through two detention basins at the southwesterly part of the property. In these basins, the storm water is treated and held so it can be discharged at its pre-developed quality (with respect to turbidity, pollutants and temperature) and quantity. When water from a rain event causes it to overflow second basin, the water flows through the natural vegetative buffer on the Walmart property between the developed portion of the site and the creek. This forested buffer provides additional benefits as it (1) clarifies the water; (2) keeps the water flowing smoothly and it gives water the opportunity to collect and be retained in "micro-pools" and/or infiltrate into the soil and evaporate into the atmosphere. After traveling across the buffer area, any remaining storm water that does not remain on the site, infiltrate into the soil or evaporate into the atmosphere, flows into the Portage Creek.

It should be noted that the existing storm drains and storm water infrastructure on the site have been sized to accommodate the entire development area as depicted in the attached Conceptual Site Plan (including the outlots and proposed banked parking area) and in fact, that development area depicted is actually less than that of the previously approved plans. Specifically, the original design calculations used a post-development impervious area of 21.70 acres, while the current design includes a post-development impervious area of approximately 21.28 acres.

At the request of City staff, Bergmann Associates walked the site with staff and residents concerned about the ultimate discharge into the Portage Creek. Overall, it appears that the entire system functions very well however, there were two areas of potential concern that may need further attention.

After discussing the situation, it was suggested that as part of the Specific Site Plan, Wal-Mart would examine these areas of potential concern, and work with City staff and/or MDEQ to come up with a plan to address these areas, if such plan is warranted. Additionally, Wal-Mart will work with City staff on developing a maintenance program to ensure that the entire storm water management system is functioning appropriately.

A third basin on the northerly side of the site serves to detain storm water from off-site. None of the development proposed will impact this third basin. This basin has been sized to retain the storm water runoff and except for large rain events, water exits the basin through evaporation or infiltration.



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**I. TOPOGRAPHY**

See accompanying ALTA/ACSM Land Title Survey.

**J. USE, HEIGHT, SETBACKS**

All uses, heights, and setbacks of the proposed building addition and fueling station are indicated on the attached plans and are permitted in the CPD Zoning District.

As depicted in the exterior building elevations, a portion of the front wall of the proposed building addition will include an architectural element which will measure approximately 34 feet in height. The proposed building height thereafter is 30 feet in height, sloping to 20 feet - 8 inches toward the rear portion of the proposed expansion. Wal-Mart Stores, Inc. is respectfully requesting a continuation of this previously approved plan amendment modification.

The proposed fuel station canopy and kiosk will be located approximately 42 feet away from the adjacent property line and approximately 100 feet off the Shaver road right-of-way. The fuel canopy height will be approximately 18 feet – 2 inches tall to the top, and the fuel station kiosk will be approximately 12 foot – 8 inches tall.

Consideration for use, height, and setback for development of the proposed outlots will be submitted separately for appropriate review at a later, undetermined date. In accordance with Subdivision 13 of the City of Portage Zoning Code, any proposed buildings and structures will be designed in such a way as they are "...compatible with and mutually supportive of each other..." and will consist of "...a unified architectural and structural character."

**K-L. PROGRAM OF DEVELOPMENT**

The scope of work for the development will include demolition of a portion of the existing store. The construction of the proposed store expansion and fuel station is intended to commence at the end of 2014 or the beginning of 2015. Completion is expected at the beginning of 2016. The existing natural buffer area at the rear of the property between the store and the adjacent residential properties will be maintained throughout the course of the project and after construction has been completed.

There is no proposed time frame for development of the outlots along Shaver Road.



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#### **M. COMMON OPEN SPACE**

As part of the original development, Wal-Mart constructed a 12'-13' high screen wall to help provide more buffer between the store and the residents to the west. The screen wall includes acoustical panels that help deaden sound, and the length of the wall is such that it extends beyond the proposed building addition. The Common Open Space for the development includes the approximately nine acre area on the westerly side of the property between the Portage Creek and this existing screen. The average distance between the screen wall and the creek is approximately 250 feet. This approximately nine acre area will be maintained as a natural area and will not be impacted as part of this development.

Wal-Mart assures proper maintenance of the parking areas, landscaped areas, lighting, signs, and other open spaces or natural areas.

#### **N. DISTRIBUTION OF WATER, DISPOSITION OF SANITARY WASTE AND STORM WATER**

Storm sewer and the storm water management system have been sized and constructed to accommodate the entire development (including development of the outlots) as depicted on the accompanying Conceptual Plan. It should be noted that the overall project development depicted in the accompanying Conceptual Site Plan is less than that of original plans, resulting in a lessened burden on the storm water management infrastructure. An additional discussion on the storm water management system is included in Section H above.

Water service and sanitary sewer service have been sized to accommodate the proposed store expansion.

A new domestic water service and a new domestic sanitary sewer service will be constructed to serve the proposed fuel station kiosk. Connections to the existing City of Portage utilities will occur immediately adjacent to the fuel station outlot.

#### **O. TRAFFIC ISSUES AND IMPACTS**

A Traffic Impact Study for the proposed building addition and fuel station was submitted and approved as part of the original development. The study demonstrated that the proposed Wal-Mart development (including full-build-out) can be accommodated by the existing street infrastructure, while continuing to operate at no less than a Level of Service "D" condition. Certain improvements were suggested to be made along Shaver Road to help improve level of service. These improvements were implemented at the time of the original store construction.

It should be noted that the proposed development included in the accompanying Conceptual Site Plan is approximately 15,000 square feet less than that of the originally approved concept. Additionally, the original traffic study included a projected two percent per year growth rate between 2004 and 2009. A two-percent growth rate over this specific time period (i.e. the recession) is, generally, an aggressive assumption and actual growth rates would suggest a much smaller increase, if not a decrease in traffic over that time period. Applying these two aspects to a revised study would likely indicate a Level of Service equal to or better than that of the proposed conditions described in the original report.



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Wal-Mart acknowledges that any development of the outlots along Shaver Road may require a Traffic Impact Study. Any required studies and/or supporting information will be submitted along with future Specific Site Plans for review by the City of Portage at the appropriate time.

**P. COVENANTS, EASEMENTS, AND RESTRICTIONS**

See accompanying ALTA/ACSM Land Title Survey.

**Q. INVENTORY OF NATURAL FEATURES**

The approximately nine acre area to the westerly side of the property will be maintained as a natural area and will not be impacted as part of this development.

Should you have any questions about the enclosed material or if you require any additional information, feel free to contact me by phone at (517) 272-9835 or e-mail at [pfurtaw@bergmannpc.com](mailto:pfurtaw@bergmannpc.com).

Sincerely,

**BERGMANN ASSOCIATES**



Paul Furtaw, P.E

cc.: Tyler D. Tennent – Dawda, Mann, Mulcahy & Sadler, PLC  
Brian J. Considine, LEED AP – Dawda, Mann, Mulcahy & Sadler, PLC  
Paula Wagner – Wal-Mart



**WALMART**  
**EXPANSION**  
**STORE #5280-04**  
 8550 SHAVER ROAD  
 PORTAGE, MICHIGAN



Save money. Live better.  
**Wal-Mart Stores, Inc.**  
 2001 S.E. 10TH STREET,  
 BENTONVILLE, AR 72716

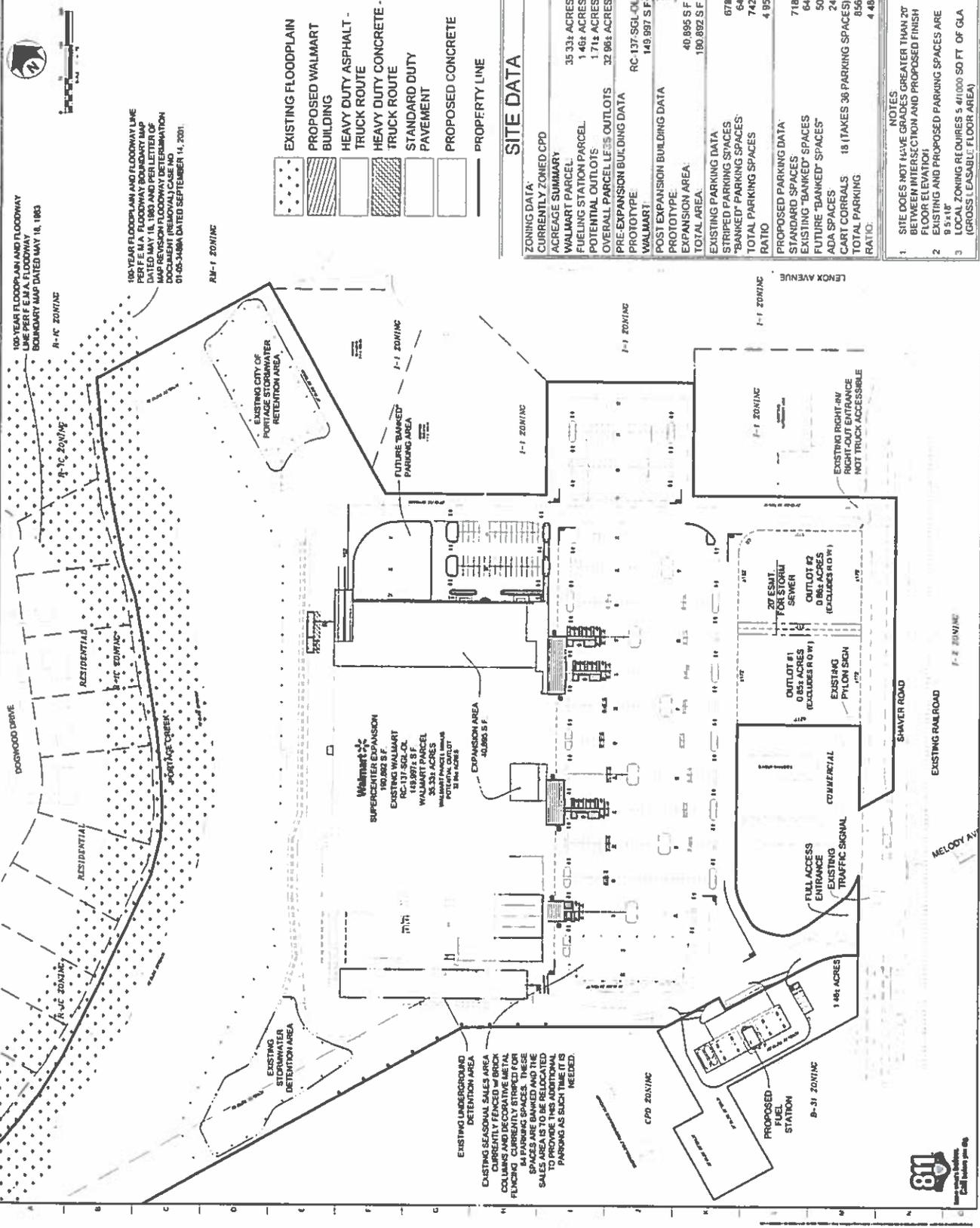
**Bergmann**  
 ASSOCIATES  
 architects & engineers/planners

147 WEST MAIN STREET SUITE 202  
 1501 LINCOLN MICHIGAN 48851  
 phone 313.771.9000  
 fax 313.771.9003  
 www.bergmannpc.com



**CONCEPTUAL SITE PLAN**  
**JUN 2 2004**  
**COMMUNICATED**

P-1



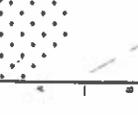
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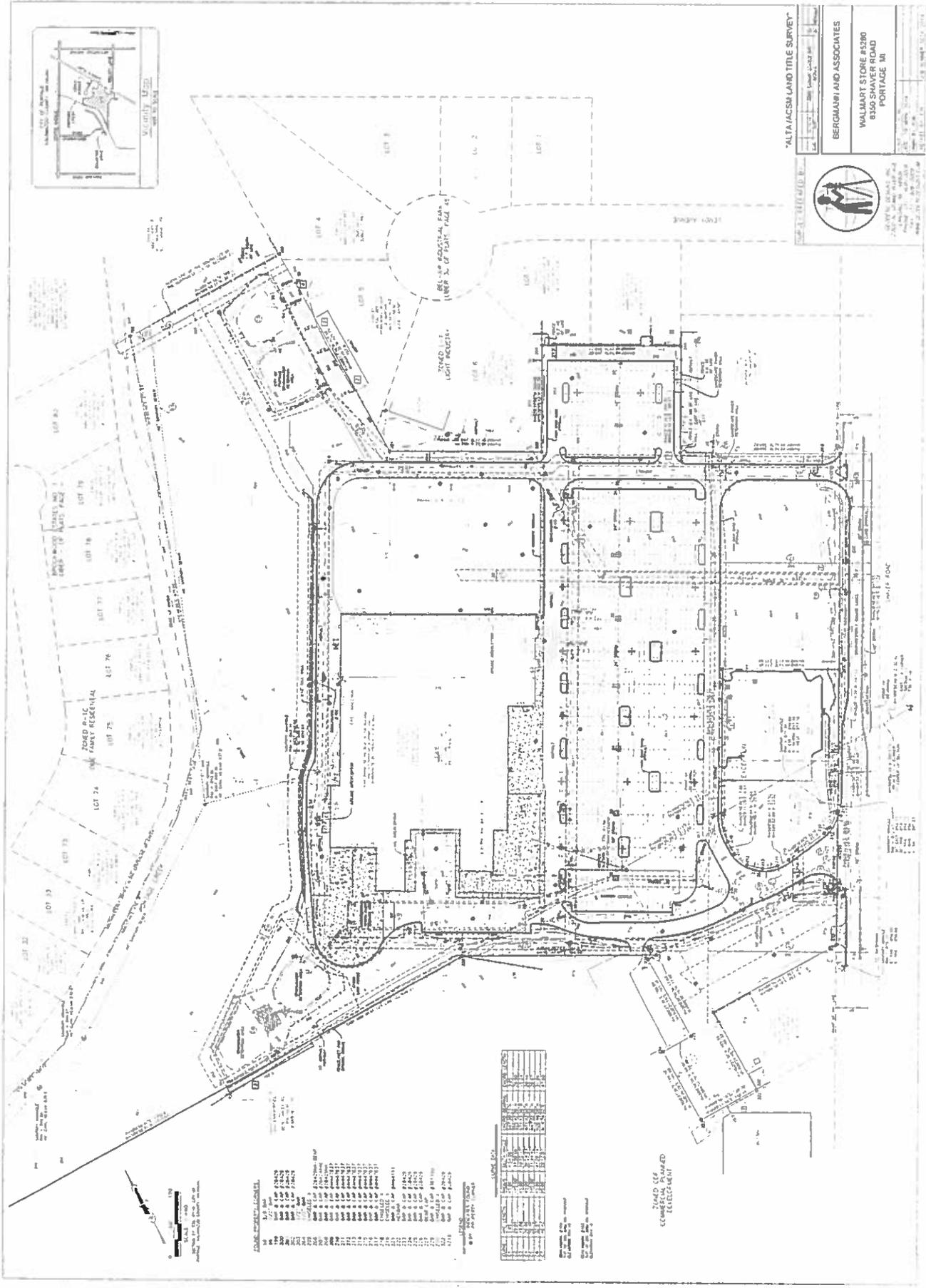
- EXISTING FLOODPLAIN BUILDING
- PROPOSED WALMART BUILDING
- HEAVY DUTY ASPHALT TRUCK ROUTE
- HEAVY DUTY CONCRETE TRUCK ROUTE
- STANDARD DUTY PAVEMENT
- PROPOSED CONCRETE
- PROPERTY LINE

**SITE DATA**

ZONING DATA:	CURRENTLY ZONED CPD	35.33+ ACRES
ACREAGE SUMMARY:	WALMART PARCEL	1.46+ ACRES
	FUELING STATION PARCEL	1.71+ ACRES
	POTENTIAL OUTLOTS	32.96+ ACRES
	OVERALL PARCEL LESS OUTLOTS	RC-137-SGL-OIL
PRE-EXPANSION BUILDING DATA:	WALMART	149,997 S.F.
	PROTOTYPE	40,895 S.F.
	POST EXPANSION BUILDING DATA	180,892 S.F.
	EXPANSION AREA:	678
	TOTAL AREA:	742
EXISTING PARKING DATA:	EXISTING PARKING SPACES	495
	"BANKED" PARKING SPACES	64
	TOTAL PARKING SPACES	718
PROPOSED PARKING DATA:	STANDARD SPACES	64
	EXISTING "BANKED" SPACES	50
	FUTURE "BANKED" SPACES	24
	ADA SPACES	18 (TAKES 36 PARKING SPACES)
	CART CORRALS	856
	TOTAL PARKING	448
	RATIO:	4.48

- NOTES**
- SITE DOES NOT HAVE GRADES GREATER THAN 20' BETWEEN INTERSECTION AND PROPOSED FINISH FLOOR ELEVATION
  - EXISTING AND PROPOSED PARKING SPACES ARE 9.5x18'
  - LOCAL ZONING REQUIRES 5' @ 1000' SO FT OF GLA (GROSS LEASABLE FLOOR AREA)





**ADJUSTED ELEVATIONS**

NO.	DESCRIPTION	ELEVATION
1	1.00	100.00
2	2.00	100.00
3	3.00	100.00
4	4.00	100.00
5	5.00	100.00
6	6.00	100.00
7	7.00	100.00
8	8.00	100.00
9	9.00	100.00
10	10.00	100.00
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100	100.00	100.00

**ADJUSTED ELEVATIONS**

NO.	DESCRIPTION	ELEVATION
1	1.00	100.00
2	2.00	100.00
3	3.00	100.00
4	4.00	100.00
5	5.00	100.00
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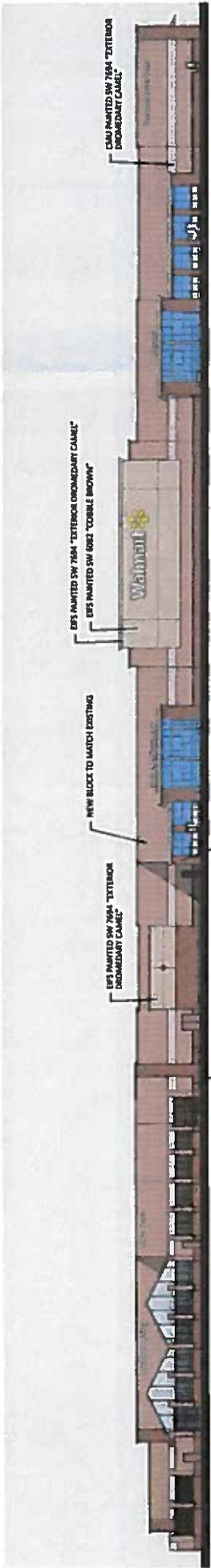
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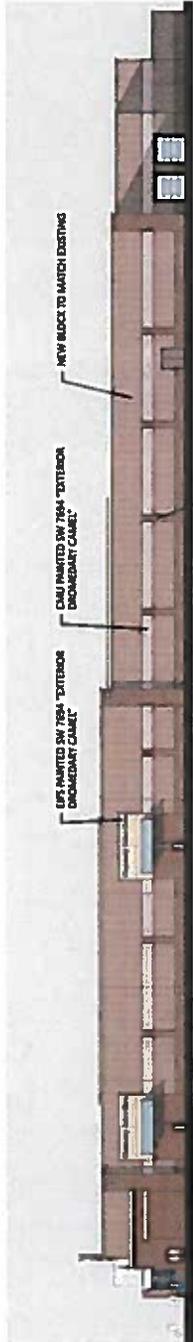
**BERGMAN AND ASSOCIATES**  
 WALMART STORE #5280  
 8550 SHAYER ROAD  
 PORTAGE, MI

SCALE: AS SHOWN  
 SHEET NO. 1 OF 1  
 PROJECT NO. 11-001

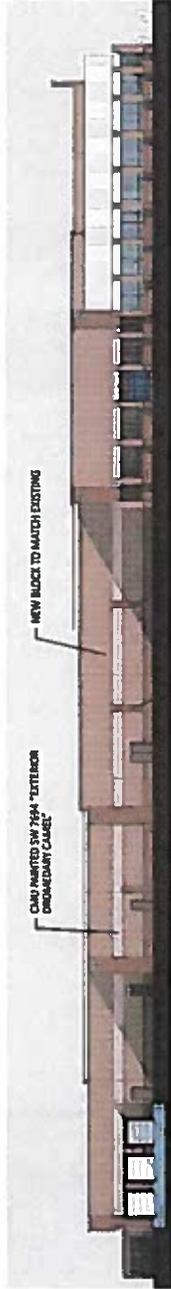




**FRONT ELEVATION (From Shaver Road)**



**LEFT ELEVATION (Drive-Thru Pharmacy)**



**RIGHT ELEVATION (Outdoor Living)**



**BACK ELEVATION (Truck Docks)**

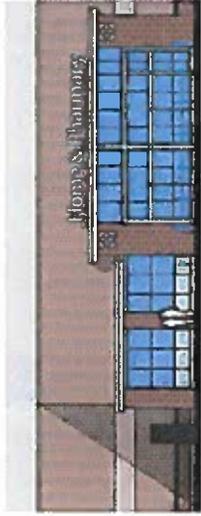


**JUNE 11, 2014**

**PORTAGE, MI #5280**

**PRELIMINARY ELEVATIONS**

**1**



**VESTIBULE DETAIL**

Sign	Qty	Height	Sq Ft	Total Sq Ft
Wal-Mart Signage	1	5'-6"	298.00	298.00
Pharmacy Drive-Thru Signage	1	8'-0"	74.66	74.66
Market Signage	1	2'-6"	28.17	28.17
Home & Pharmacy Signage	1	2'-6"	87.66	87.66
Outdoor Living Signage	1	2'-6"	71.17	71.17
Auto Center Signage	1	2'-6"	34.55	34.55
<b>Total Front Signage:</b>			<b>614.11</b>	
Pharmacy Drive-Thru Signage	2	1'-0"	39.90	79.80
<b>Total Pharmacy Drive-Thru Signage:</b>			<b>79.80</b>	
Auto Center Signage	1	2'-0"	31.51	31.51
<b>Total Auto Center Signage:</b>			<b>31.51</b>	
<b>Total Building Signage:</b>			<b>715.22</b>	



JUNE 11, 2014

PORTAGE, MI #5280

PRELIMINARY ELEVATIONS

2

DESIGN REPRESENTATION ONLY. NOT FOR CONSTRUCTION. The building images shown are a representation of the current design intent only. The building images may not reflect variations in color, tone, hue, tint, shading, ambient light intensity, material texture, contrast, font style, construction systems required by building codes or inspectors, material availability or final design details.

## **MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM MAY 27, 2014

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

At the request of Mayor Strazdas, Pastor Phillip Kok of Prairie Edge Christian Reformed Church gave the invocation and the Boy Scouts from Troop 244 led City Council and the audience in the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Richard Ford, Claudette S. Reid, Patricia M. Randall and Terry R. Urban, Mayor Pro Tem Jim Pearson and Mayor Peter J. Strazdas. Councilmember Nasim Ansari was absent with notice. Also in attendance were Acting City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Ansari, seconded by Ford, to approve the May 13, 2014 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Mayor Strazdas removed Item L.1, Self-Contained Breathing Apparatus (SCBA) – **Intergovernmental Cooperation**, from the Consent Agenda. Discussion followed. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0 with Mayor Pro Tem Pearson abstaining from Item F.8, Permit to Conduct Fireworks Display.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 27, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of May 27, 2014, as presented. Upon a roll call vote, motion carried 6 to 0.

### **PUBLIC HEARING:**

**MANN+HUMMEL USA, INCORPORATED – PA 198 TAX ABATEMENT:** Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who indicated that on April 29, 2014, Mann+Hummel USA, Incorporated, submitted a PA198 Tax Abatement application that will expand their operation and create a campus at their facilities. She mentioned the fact that Council adopted the Resolution that created a new Development District #1-48 by combining Development Districts #1 and #48 which allows Mann+Hummel to go back and forth between their buildings and not have to come to City Council for transfers. She reviewed the applications presented as part of the request and explained. She cited the recommended action as listed in the Acting Deputy City Manager Communication dated May 27, 2014.

Ms. Georgeau assured Councilmember Urban that none of the funds received in the “claw back” from Mueller Plastics will be refunded with this reinstatement as they asked that the Tax Abatement for 2014 be revoked and the first two years have already “gone away” and explained. Discussion followed.

In answer to Councilmember Reid, Ms Georgeau explained that Mueller Plastics received a five year Tax Abatement; however, just because the Tax Abatement is being transferred, the time does not go back and the applicant is allowed by statute to ask for an extension. Moreover, she indicated that this does not push the abatement back, plus the abatement can be up to twelve years according to State Statute even though communities can adopt a local policy for less time. Ms. Georgeau assured Council that because this application is more complex than usual and based on numerous discussions with the state Tax Commission, it is her understanding that the abatement cannot start at the beginning again. She assured Councilmember Reid that this abatement is for seven years from 2015 until 2022 and not nine years.

Councilmember Randall asked why Mueller Plastics only asked for five-year abatement when they were entitled to nine years and noted that had they received nine years, it would be a simple transfer. Ms. Georgeau responded that candidly Mueller Plastics was not willing to commit to being in the community for longer than five years and explained. She referred City Council to the Tax Abatement Agreement that commits the applicant to creating jobs, retaining jobs, completing the investment, and if they leave, they have to repay the City, so Mueller Plastics was only willing to commit to a five year period of time.

Mayor Strazdas invited Mr. Kurk Wilks, President, of Mann+Hummel USA, Incorporated, to provide any information not covered by Ms. Georgeau. He introduced himself and noted that he is also the Acting Vice President and General Manager of Mann+Hummel USA, Incorporated, and said that Ms. Georgeau summarized the application well, so he had nothing to add. Discussion followed.

In answer to Mayor Strazdas, Mr. Wilks said that first and foremost, the Tax Abatements provide the opportunity to bring jobs to Portage which benefits all Portage citizens. However, he also mentioned that the company has plants in over 50 countries and operations in multiple states, so a competitive cost basis is the key in order to get a contract and jobs for the operation in Portage. He indicated that the combined Development District #1-48 creates a South Campus and this provides the opportunity for Portage to be the standout location for Mann+Hummel North American operations in the Midwest and explained. Discussion followed.

Mayor Strazdas opened the public hearing to the audience. There being no comment, motion by Pearson, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Pearson, seconded by Randall, to grant a waiver of the policy provision granting nine-year abatement periods for real property and a six-year abatement period for personal property; adopt Resolution No. 4-14, approving the following Industrial Facilities Exemption Certificates for Mann+Hummel USA, Inc. at 6400/6700 Sprinkle Road; issue an Industrial Facilities Exemption Certificate for real and personal property in the estimated amount of \$2.58 million within IDD #1-48; reinstate, transfer and extend Industrial Facilities Exemption Certificate (#2012-499) granted to Mueller Copper Tube Products in the amount of \$2.63 million to Mann+Hummel within IDD #1-48; transfer Industrial Facilities Exemption Certificate (#2011-463) granted to Mann+Hummel for a \$6.7 million investment in personal property from Comstock Township to the City of Portage within IDD #1-48; transfer Industrial Facilities Exemption Certificate (#2013-077) granted to Mann+Hummel for a \$15.9 million investment in personal property from IDD #1, 6400 Sprinkle Road to IDD #1-48; transfer existing Industrial Facilities Exemption Certificate (#2009-357) granted to Mann+Hummel for a \$11.7 million investment in personal property from IDD #1, 6400 Sprinkle Road to IDD #1-48; and, approve the Tax Abatement Agreement and Affidavit between the City of Portage and Mann+Hummel USA, Inc. Upon a roll call vote, motion carried 6 to 0. Discussion followed. Resolution recorded on page 273 of City of Portage Resolution Book No. 45.

**STATEMENTS OF CITIZENS:** Frank Warren, 606 Lynn Avenue, Unit 5, Kalamazoo, commented on what he considered was a fine Memorial Day Parade that took place in Portage on Monday, May 26, 2014. He also provided a brochure from the Kalamazoo County Expo Center and explained that there would be a Veterans Appreciation Day, August 8, 2014, at the Kalamazoo County Expo Center at the Kalamazoo County Fair. Discussion followed. Mr. Warren also issued a complaint about trash and debris left by panhandlers at the bridge intersection at I-94 and South Westnedge Avenue and at the bridge intersection at I-94 and Portage Road. He asked if the City could do something about that and Mayor Strazdas asked Acting City Manager Laurence Shaffer to look into the matter. Discussion followed.

#### **REPORTS FROM THE ADMINISTRATION:**

**FISCAL YEAR 2014-2015 CITY BUDGET APPROVAL:** Mayor Strazdas asked Finance Director Bob Luders to share some of the details General Fund Reserve Policy. Mr. Luders recounted

information that he provided at the Budget Work Session and used the graph that revealed that for the past seven or eight years, the work performed to reduce the debt of the City spent on infrastructure has taken the debt level from \$105 million to \$82 million, and in four or five years, that debt will be down to \$77 million by paying for Capital Improvement Program (CIP) projects with cash instead of bonding with the goal of coming up with a good balance. Discussion followed. He said that there could be as much as \$950,000 in the General Fund Balance to be used as cash for CIP projects instead of utilizing a bond. Discussion followed. Motion by Urban, seconded by Reid, to approve the Fiscal Year 2014-2015 Budget. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on pages 277 and 279 of City of Portage Resolution Book No. 45.

**CITY COUNCIL GENERAL FUND RESERVE POLICY:** Motion by Ford, seconded by Randall, to approve the City Council General Fund Reserve Policy. Upon a roll call vote, motion carried 6 to 0. Discussion followed. At the request of Mayor Strazdas, Mr. Luders recognized Deputy Director of Accounting and Budget as the main staff contributor to the budget and the budget process. Discussion followed. Resolution recorded on page 285 of City of Portage Resolution Book No. 45.

\* **PORTAGE ROAD AND SOUTH WESTNEDGE AVENUE IMPROVEMENT PROJECTS:** Motion by Urban, seconded by Reid, to approve Contract 14-5258 between the Michigan Department of Transportation and the City of Portage for improvements along Portage Road from Lakeview Drive to East Centre Avenue; approve Contract 14-5259 between the Michigan Department of Transportation and the City of Portage for improvements along South Westnedge Avenue from South Shore Drive to Melody Avenue; adopt Resolutions authorizing the Acting City Manager to sign Contracts 14-5258 and 14-5259; and authorize the Acting City Manager to sign all other documents related to these projects on behalf of the city. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on page 281 and 283 of City of Portage Resolution Book No. 45.

\* **CONCEPTUAL PLAN AMENDMENT: SAM'S CLUB FUELING STATION, 7021 SOUTH WESTNEDGE AVENUE:** Motion by Urban, seconded by Reid, to accept the Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue, and set a public hearing for June 24, 2014, at 7:30 p.m. or as soon thereafter as may be heard; and, subsequent to the public hearing, consider approving the Conceptual Plan Amendment for Sam's Club Fueling Station, 7021 South Westnedge Avenue, with the requested parking modification and with a finding that provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied based on information provided by the applicant and the characteristics of the development. Upon a roll call vote, motion carried 6 to 0.

\* **SKY LANTERNS IN CITY PARKS:** Motion by Urban, seconded by Reid, to approve a revision to an existing park rule to prohibit the use of sky lanterns in city park facilities. Upon a roll call vote, motion carried 6 to 0.

\* **APRIL 2014 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the Acting Deputy City Manager regarding the April 2014 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

\* **PERMIT TO CONDUCT FIREWORKS DISPLAY:** Motion by Urban, seconded by Reid, to approve a permit for a fireworks display on July 4, 2014, sponsored by the Portage Rotary Club. Motion carried 5 to 0 with Mayor Pro Tem Pearson abstaining.

\* **APRIL 2014 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the April 2014 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports from the various City Departments. Upon a roll call vote, motion carried 6 to 0.

### **COMMUNICATIONS:**

**CITY COUNCIL COMMUNICATIONS PROCEDURE POLICY:** Mayor Strazdas asked Mayor Pro Tem Pearson to address this item, so he explained that the Administrative Order and City Charter were in alignment, but the City Council Communications Procedure Policy was not. Discussion followed. Mayor Strazdas asked Acting City Manager Shaffer to provide his reaction to the changes. Mr. Shaffer explained that Acting Deputy City Manager Boulis shared some of the information relative to prior deliberations of City Council relative to communication, and it was clear to him that there were some concerns about the quality, amount and style for which information is being delivered to City Council. He indicated that it his intent to share as much information as possible to City Council in a timely fashion in order for City Council to be fully informed when deliberations and decisions are to be made on behalf of the citizens. He said this has to be done consistent with the *City Charter*, but the Administration will have a policy that is open, responsive and committed to delivering the information to the City Council as it sees fit. He indicated that the Administration and the City Council all work under the *City Charter*, so all will need to be sensitive to that. He indicated that the philosophy of the Administration is to get the information to City Council fully, when requested, and to make sure that the balance of City Council knows what other individual members know in a timely fashion.

Councilmember Randall thanked Mayor Pro Tem Pearson for all of his work on this and emphasized how important it is to have open communication between City Council and staff as vital to the healthy culture that Council is trying to promote for the betterment of the City and the citizens. She said that the policy prohibiting open communication was wrong then and said she was glad that City Council is taking a step forward in alignment with the *City Charter*.

Councilmember Reid expressed reservations regarding information that may be requested that would take a lot of time and effort to produce because it can be a request for a task and argued that the City Manager needs to be able to balance his staff activities, and it is clear in the *City Charter* that the City Council is not to direct staff member or Department Heads what to do. She explained her position and questioned the clause, "Department heads are to provide information as requested." At the request of Mayor Strazdas, Acting City Manager Shaffer responded giving examples such as reconfiguring a data base or generating information that presently does not exist and where there will be a cost to create it. He said the request should come to City Council for consideration and endorsement. He said that Councilmember Reid's point is well-taken because of the Administration philosophy to provide information as quickly, completely and openly as possible. He indicated that this comes with a caveat since there are those circumstances where the costs are extraordinary or for whatever reason the administrative capacity is limited; in that case, he said that the Administration will come back to inform City Council why there is some difficulty involved and why it is going to take some measures over and above what is currently in place. Councilmember Ford concurred, drew a comparison with his position in the private sector and called for mutual respect to prevent conflicts in these situations. At the request of Mayor Strazdas, motion by Randall, seconded by Pearson, to revise the City Council Communications Procedure Policy to read:

1. **Purpose:** To provide a clear understanding for inquiries from City Councilmembers to City staff and/or the City Administration, the following general principles will apply:

- A. Councilmembers may ask questions or request specific facts or information from department heads. Employees contacted by members of the Council shall immediately refer the Councilmember their respective department head. Department heads are to provide information as requested, but the City Manager shall also immediately be notified so that he and the balance of the City Council can be equally advised and informed.

Upon a roll call vote, motion carried 6 to 0.

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

Portage Environmental Board of April 9, 2014.

Portage Public Schools Board of Education Regular Business Meeting of April 21 and Committee of the Whole Work Session of May 5, 2014.

### **COUNCIL COMMITTEE REPORTS:**

#### **KALAMAZOO COUNTY NEXT GENERATION DISPATCH TASK FORCE**

**MEETING REPORT:** Mayor Pro Tem Pearson reviewed his joint writing with Councilmember Reid provided to City Council regarding the May 16, 2014 Kalamazoo County Next Generation Dispatch Task Force meeting. He outlined the discussion regarding the Administrative Alignment Committee and their review of the Urban Cooperation Agreement, the update provided by the Technical Committee and the work by the Legal Committee thus far on the Urban Cooperation Agreement. He deferred to Councilmember Reid to discuss the details on whether a full 42-cent fee should be approved by the Kalamazoo County Commissioners, or whether a lesser amount is warranted. Councilmember Reid indicated that the discussion centered around how the funds would be spent and whether or not it should cover just the administrative costs needed to develop a plan or the costs to begin implementing the plan by spending on infrastructure and/or operations. Discussion followed and Councilmember Reid indicated that there is not a consensus as yet, but work continues on this. Discussion followed.

Motion by Urban, seconded by Ford, to accept the report from Mayor Pro Tem Pearson and Councilmember Reid as presented regarding the May 16, 2014 Kalamazoo County Next Generation Dispatch Task Force meeting. Upon a voice vote, motion carried 6 to 0.

### **BID TABULATIONS:**

#### **SELF-CONTAINED BREATHING APPARATUS (SCBA) – INTERGOVERNMENTAL**

**COOPERATION:** Mayor Strazdas introduced this item as an intergovernmental cooperation effort among six (6) units of government in the County and deferred to Councilmember Urban as a member of the Rescue Team at Pfizer Corporation for his view on the purpose of the grant. Mr. Urban indicated that his responsibility did involve confined space breathing apparatus. He explained that there are multiple manufacturers producing multiple designs of apparatus, but that it was important to have interchangeable apparatus to complete a rescue. Discussion followed. Mayor Strazdas indicated that this grant puts all of the jurisdictions in a consistent environment and ensures firefighter professionals have the consistency necessary to do the job of saving lives. Mr. Urban provided an explanation of the need for interchangeability from the standpoint of duration as well since the older apparatus are made of metal and are of fifteen minute duration with some at thirty minute duration, and the newer ones are carbon cylinders, smaller, higher pressure and forty-five minute duration. He noted that this affects the safety of the firefighter and the user as well as the person who is being helped by those responders because of the consistency of the apparatus, again.

Motion by Reid, seconded by Urban, to approve the purchase of Self-Contained Breathing Apparatus and associated equipment, to West Shore Fire Inc., of Allendale, Michigan, in the amount of \$980,458, and authorize the Acting 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.

\* **FIRE STATION #2 - REAR PARKING LOT REPLACEMENT:** Motion by Urban, seconded by Reid, to award a contract to Cripps Fontaine Excavating Inc., of Kalamazoo, Michigan, for paving of the rear parking lot at Fire Station #2 in the amount of \$78,925.20, and authorize the Acting 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.

\* **HAYLOFT THEATRE ROOF REPLACEMENT:** Motion by Urban, seconded by Reid, to approve a budget amendment in the amount of \$30,000 from the Cultural Activities Fund to the General Fund for Celery Flats facilities roof repair; award a contract to Lyster Exteriors, Incorporated for replacement of the Hayloft Theatre roof in the amount of \$25,386, and authorize the Acting City Manager to execute all documents related to these actions on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

#### **OTHER CITY MATTERS:**

**STATEMENTS FROM MAYOR AND CITY COUNCIL:** Councilmember Reid expressed her appreciation for the Memorial Day Parade and the subsequent ceremony that she found very touching.

Councilmember Ford thanked Park Board Member Tim Earl, who brought up the issue regarding Sky Lanterns which gave the impetus for the Park Rule change passed earlier. He also announced that Michigan State University Mascot "Sparty" would be in the The Do-Dah Parade is downtown Kalamazoo and later for pictures at The Old Dog Tavern, 402 East Kalamazoo Ave, Kalamazoo, on June 7, 2014, for those interested. He welcomed Acting City Manager Laurence Shaffer and reflected on the great time he had with the help of his son, Julian, participating with City Council at the Memorial Day Parade, and that he looked forward to doing it again next year.

Councilmember Randall offered a warm welcome to Acting City Manager Laurence Shaffer and expressed her hope that his time in Portage will be a time for personal growth as it will be for Portage. She also thanked Acting Deputy City Manager Rob Boulis for his efforts in the absence of a City Manager or Deputy City Manager and noted that she personally learned a lot from him in the area of personnel, especially interviewing.

Councilmember Urban indicated that he personally thanked Mr. Boulis at the last Regular City Council Meeting and wanted to publicly thank him for his willingness to step up at a difficult time as City Council searched for an Acting City Manager and as City Council continues their search for a permanent City Manager. He also mentioned that the Memorial Day Parade, ceremony and other activities were fun and rewarding, but noted that there were no fireworks even though Memorial Day is one of the holidays where setting off fireworks is allowed. He referenced the Sky Lantern Rule passed earlier and asked City Attorney Brown if Sky Lanterns are considered fireworks. City Attorney Brown indicated that the question is still being deliberated at the Federal level, and Councilmember Urban indicated that he asked the question of Mr. Brown because he is interested in prohibiting them in the City of Portage if possible because they are considered dangerous and explained. He asked that the Administration review the Federal and/or State laws regarding any limitations and City Attorney Brown offered the clarification that the Park Rule passed earlier only applies to Park property and not private property. Mayor Strazdas directed the Administration to review the legality of fireworks and update City Council before the 4<sup>th</sup> of July.

Acting City Manager Shaffer joined the City Councilmembers in applauding the performance of Acting Deputy City Manager Rob Boulis, as he has done yeoman work for the City of Portage, and he

recounted what he considered was a delightful experience in the negotiation and discussion process that led him to the Acting City Manager position. He also reflected upon his experience meeting and communicating with City Councilmembers and assured them that they will all hear from him often as he values communication with them as an opportunity to share information and understand each of their perspectives on issues. He also thanked City Council for giving him this opportunity and that he is looking forward to working on their behalf and on behalf of the citizens of the community.

Mayor Pro Tem Pearson also thanked Acting Deputy City Manager Rob Boulis for stepping up to help out and welcomed Acting City Manager Shaffer to the City of Portage. He mentioned the fireworks display on July 4, 2014, McCamley Field, sponsored by the Portage Rotary Club, and reviewed the application procedure required to provide a safe event, including proof of insurance, notice to surrounding property owners, professional pyrotechnical individuals to set the fireworks, and Portage Public Safety personnel on hand to assist.

Mayor Strazdas welcomed Acting City Manager Shaffer to the City of Portage, mentioned the traffic control open house at the Transportation & Utilities Department, thanked Acting Deputy City Manager Boulis for his efforts, provided a "heads-up" on future City Council work on goals, reflected on the Memorial Day Parade and ceremony, and thanked all veterans for their service. Mayor Strazdas announced that the "Taste of Portage" will continue and will take place on Saturday, July 19, 2014, with the help of the Portage Athletic Foundation and a Professional Event Company at no cost to the City of Portage.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:56 p.m.

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James R. Hudson, City Clerk

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

**SUMMARY ENVIRONMENTAL ACTIVITY REPORT**  
*April 2014 (updates in italics)*

<u>Project/Activity</u> Portage City Landfill	<u>Description</u> Ongoing groundwater monitoring of former municipal landfill.	<u>Status</u> -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 sampling contract approved by City Council with AHC on July 23, 2013. Weekly methane sampling is continuing on-site to collect base line data. No harmful methane levels have been detected to date. <i>AHC is proceeding with the installation of private methane detection device at several adjacent properties. Soil boring installation is scheduled to begin in mid-May.</i>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. -Review of 1 site/building plans and/or plats completed in April 2014.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	-Sanitary sewer hookup permits issued in April 2014: 2 residential; 0 commercial.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	-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. Permitting underway for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake Sciences, LLC. The Lake Board is working on a five year plan in preparation for a new special assessment district in summer 2014.

**Retention Basin  
Sampling Program  
(Groundwater Elevation)**

Investigation regarding potential impact  
of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. *Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring to begin in June 2014.*

**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 participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway.

**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 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Next sampling in June 2014.

**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 (SWIPPI) 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. 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. MDEQ scheduled

an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. *Comments received back have been reviewed by staff and response submitted to MDEQ.*

**National Pollution Discharge Elimination System (NPDES) permit implementation**

**Kalamazoo River Mainstream 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 Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. 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. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. *Next meeting scheduled for May 2014.*

**Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.**

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit

Discharges and Connections.” On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to 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. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled to begin in July.

**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 and installation of native landscaping seeding completed the facility. Regrading and installation of native landscaping seeding completed on November 16, 2012. Spring 2013 germination produced promising results. Native species plants successfully established. Native plant weeding and fall mowing is complete. 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.

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

**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.