



PLANNING COMMISSION

January 8, 2015

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**January 8, 2015
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * December 18, 2014

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Special Land Use Permit: Michigan Dog Center, 6740 Quality Way

OLD BUSINESS:

- * 1. Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations
-- Adjourn to Conference Room No. 2

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

**December 2, 2014 City Council regular meeting minutes
November 2014 Summary of Environmental Activity Report**

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

PLANNING COMMISSION

December 18, 2014

 DRAFT

The City of Portage Planning Commission meeting of December 18, 2014 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Eight 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 & Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL:

Mr. Forth called the role and the following Commissioners were present: Patterson (no), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Stoffer, to approve the role excusing Commissioners Bosch and Somers (Commissioner Patterson unexcused). The motion was unanimously approved 6-0.

APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the December 4, 2014 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 6-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Condominium: Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road. Mr. Forth summarized the staff report dated December 12, 2014 regarding a request from Westview Capital, L.L.C. to construct Phase I of the Copperleaf Subdivision. Mr. Forth indicated Phase I of the Copperleaf preliminary condominium subdivision (previously named Harbors West) included 39 single family residential lots/units and construction of a new public street (Copperleaf Boulevard) from West Milham Avenue and two interior cul-de-sac streets (Callaway Circle and Edgebrook Circle). Mr. Forth stated the PD, planned development rezoning and tentative plan/narrative for the Harbors West Planned Development was approved by City Council in November 2013 and Phase I of the Copperleaf Subdivision has been designed in substantial compliance with the approved tentative plan/narrative. Mr. Forth discussed the previously approved modification allowing 39 lots/units on a cul-de-sac street within Phase I and the proposed sidewalk/pedestrian circulation system. Within Phase I, Mr. Forth stated the developer is proposing to install 6-foot wide concrete sidewalk along the east side of Copperleaf Boulevard, and 4-foot wide concrete sidewalk along the west side of Copperleaf Boulevard (from Lot 13 – north), around the entire bulb of Callaway Circle and along the south side of Edgewood Circle. Mr. Forth indicated an 8-foot wide asphalt path, that will connect to Copperleaf Boulevard and Edgebrook Circle (between Lots 31/32), is proposed within the designated open space/common area located along the northeast portion of Phase I. Mr. Forth stated this proposal differs slightly from the pedestrian circulation network included on the approved tentative plan which identifies an 8-foot wide asphalt path along the west side of Copperleaf Boulevard, extending from West Milham to the north, and a 4-foot wide concrete sidewalk along the east side of Copperleaf Boulevard. Mr. Forth indicated the applicant was proposing these

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changes due to grading issues and in an effort to preserve existing mature trees and provide screening/buffering to the existing single family residence located at 3910 West Milham Avenue, along the west side of Copperleaf Boulevard. The Commission and Mr. Forth next briefly discussed the slight changes to the proposed sidewalk/pedestrian circulation system.

Mr. Brian Wood of Allen-Edwin Homes (applicant representative) and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant engineer) were present to support the preliminary condominium subdivision. Mr. Wood explained the proposed changes to the sidewalk/pedestrian circulation system and discussed open space areas planned throughout the development. The public hearing was opened by Chairman Welch. No citizens spoke regarding Phase I of the Copperleaf Subdivision. A motion was made by Commissioner Felicijan, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 6-0. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to recommend to City Council that the Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue and 5710 Angling Road, be approved subject to the two conditions contained in the Department of Community Development report dated December 12, 2014. The motion was unanimously approved 6-0.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Accessory Building (Schram), 710 East Osterhout Avenue. Mr. West summarized the staff report dated December 12, 2014 regarding a request from David Schram to construct an 18.5 foot tall, 2,952 square foot detached accessory building along the northwest portion of 710 East Osterhout Avenue. Mr. West indicated the Zoning Board of Appeals granted a variance on November 10, 2014 to allow construction of the detached accessory building to a height of 18.5-feet where a maximum 14-foot height is permitted. Mr. West stated the approximate 6.2 acre parcel contains a 1½ story residence with a ground floor area of 1,788 square feet and an attached garage/storage room totaling 1,144 square feet. Mr. West indicated the total ground floor area of all accessory buildings (including the proposed detached building) will exceed the ground floor area of the main residence by 2,308 square feet. Mr. West then described the nature of the heavily wooded parcel and the proposed location of the detached accessory building, which will be setback approximately 185-feet from the East Osterhout Avenue public right-of-way and 140-feet from the nearest property line (west). Mr. West stated the size and configuration of the parcel combined with the heavily wooded nature of the site and setback distances from adjacent residences and property lines will mitigate any impacts on adjacent properties.

Mr. David Schram (applicant/owner) was present to support the proposed detached accessory building. Commissioner Felicijan asked Mr. Schram whether the detached accessory building would be utilized for any business related activities. Mr. Schram reiterated the detached accessory building would be utilized for personal use only, no business related activities. No citizens spoke in regard to the proposed detached accessory building. After a brief discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Felicijan, to approve the proposed 2,952 square foot Accessory Building for Mr. David Schram at 710 East Osterhout Avenue. The motion was unanimously approved 6-0.

STATEMENT OF CITIZENS:

None.

<p>7:15 p.m. - The Commission took a short recess. 7:20 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1</p>

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NEW BUSINESS:

1. **Ordinance Amendment #14/15-A: Auto Repair and Service Station Regulations.** Mr. Forth summarized the staff report dated December 12, 2014 regarding proposed changes to Zoning Code regulations pertaining to auto repair stations and auto service stations (gasoline stations). Mr. Forth indicated this first round of proposed ordinance amendments was consistent with the Planning Commission's FY 2014-2015 Work Program and Implementation Strategies contained in the 2014 Comprehensive Plan. Mr. Forth provided historical background regarding Zoning Code regulations pertaining to auto-related services and indicated that regulations have remained basically unchanged since comprehensive zoning of the City in 1965.

Mr. Forth reviewed current definitions that classify auto repair stations into two categories: Auto Repair Station (Minor) that is allowed in the B-3 district as a permitted use and in the B-2 and I-1 districts as special land uses; and, Auto Repair Station (Major) that is allowed in the I-1 district. The definition of Auto Repair Station (Major) includes auto collision/body shop activities and engine rebuilding activities. Mr. Forth indicated a survey of auto repair stations currently located in the B-3 zone indicates that most of these facilities offer comprehensive automotive repair and servicing that includes some form of "major" repair work such as engine, transmission or other vehicle component repair/rebuilding. Mr. Forth stated a further inspection of many of these facilities also discovered that external impacts associated with auto repair stations that conduct some form of "major" repair (e.g., engine and/or transmission rebuilding and repair) are similar to many "minor" auto repair activities (e.g., exhaust and tire repair and replacements). As a result and after researching several other community ordinances, Mr. Forth indicated staff was recommending the current definitions of Auto Repair Station (Minor) and Auto Repair Station (Major) be rewritten and replaced with Auto Repair Station and Auto Collision/Body Shop to clearly separate auto repair activities from auto collision/body shop activities. Mr. Forth stated Auto Repair Stations would be allowed as permitted uses in the B-3 and I-1 districts and as a special land use in the B-2 district, while Auto Collision/Body Shops would be allowed as special land uses in the I-1 and I-2 district. Mr. Forth indicated new operational standards were also proposed by staff that address auto repair activities being conducted completely within the building, restrictions on the length of time a vehicle awaiting repair may be stored outdoors and screening provisions for outdoor storage of parts, tires and other materials. Mr. Forth also stated a new locational requirement was also proposed for auto collision/body shops where the zoning lot does not abut a single family residential zoning district or land designated for residential use in the PD, planned development district. The Commission and staff briefly discussed the length of time provision for outdoor storage of vehicles awaiting repair, however, did not request any changes to the ordinance language at this time.

In regard to auto service stations (gasoline/fueling stations), Mr. Forth indicated staff was also recommending a modification to the definition to more clearly describe these uses. Mr. Forth indicated staff has prepared a new definition, Vehicle Fueling Station, that would replace Auto Service Station. Mr. Forth briefly discussed the recent controversial gasoline station redevelopment project at the former Centre Street Market property (710 and 732 East Centre Avenue) and stated that since 1965 there have been no specific conditions for locating a Vehicle Fueling Station in the B-3 or I-1 districts as a special land use. To address this issue, Mr. Forth indicated that staff was also recommending new locational and operational standards for Vehicle Fueling Stations including the requirement that a new Vehicle Fueling Station can not be adjacent to or abutting a residential zoning district, day care center, public/private school or religious institution.

Mr. Forth also presented maps that depicted the locations of existing Vehicle Fueling Stations across the city and areas that would be available for citing new Vehicle Fueling Stations based on proposed locational requirements. The Commission and staff next discussed various aspects of the proposed ordinance amendment including whether or not a minimum distance requirement (e.g. 300-feet) should be used for citing new Vehicle Fueling Stations from residential zoning districts, day care centers, public/private schools and religious institutions. After additional discussion, Mr. Forth indicated that staff would provide alternative maps and ordinance language that presented a minimum distance requirement for Vehicle Fueling Stations for further Commission review and discussion at the January 8, 2015 meeting.

 **DRAFT**

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 8:20 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** January 2, 2015
FROM: Vicki Georgeau, Director of Community Development
SUBJECT: Special Land Use Permit: Michigan Dog Center, 6740 Quality Way

I. INTRODUCTION:

A Special Land Use Permit application has been submitted by Mr. Dean Lathrop, on behalf of Michigan Dog Center, requesting approval to establish an indoor dog training and fitness center within the existing building located at 6740 Quality Way. The approximate 2.0 acre parcel is zoned I-1, light industry and occupied by an approximate 9,500 square foot building and associated site improvements.

The site was originally developed in 2002/2003 as a light industrial/warehouse facility for D & L Industrial Services with the east approximate 2,000 square feet utilized for offices and the west approximate 7,500 square feet utilized for warehouse. Since June 2013, the warehouse portion of the building has remained vacant (office portion of building still being utilized as office space for D & L Industrial Services). As detailed in the application materials, the Michigan Dog Center is proposing to reuse the warehouse portion of the building (approximately 7,500 square feet) for an indoor dog training and fitness center. According to the applicant, the center will operate primarily as a one-on-one dog training facility between the hours of 5:00pm-10:00pm (Monday thru Friday) with a maximum of 18 handlers and dogs spaced throughout the evening, in one hour training increments. There will also be an occasional Saturday event. The indoor facility will include large matted dog training areas with rings, gates, jumps and dog fitness areas with treadmills and a 13-foot (wide) by 25-foot (long) by 4-foot (deep) exercise pool. As information for the Commission, the applicant has been operating the indoor dog training and fitness center from the site since October 2014 without the necessary special land use permit.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> • <u>Site:</u> Approximate 9,500 square foot building and associated site improvements zoned I-1, light industry. • <u>Surrounding Properties:</u> Various industrial properties/uses also zoned I-1 surround the subject site to the north, south, east and west.
Comprehensive Plan	<ul style="list-style-type: none"> • Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with surrounding properties to the north, south, east and west, as appropriate for general industrial land uses.
Access	<ul style="list-style-type: none"> • Existing full service driveway from Quality Way, a local industrial street. • Shared/cross access also provided with adjacent property to south (4401 Environmental Drive).
Environmental	<ul style="list-style-type: none"> • Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.
Historic District/Structure	<ul style="list-style-type: none"> • The subject site is not located within a historic district and does not contain any historic structures.

Land Development Regulations	<ul style="list-style-type: none">• The application has been submitted under Section 42-280.C.10, <i>Special Land Use</i> in the I-1 zoning district: “Other uses similar to, and not more objectionable than, the uses permitted in this section, which will not be injurious or have an adverse effect on adjacent areas, and may, therefore, be permitted subject to such conditions, restrictions and safeguards as may be deemed necessary in the interest of public health, safety and welfare.”• Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.
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III. ANALYSIS:

The proposal to establish the indoor dog training and fitness center at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The proposed use is similar to and not more objectionable than other uses allowed in the I-1 zoning district (e.g., veterinary clinics and incidental facilities are permitted uses in the I-1 zone). All activities associated with the dog training/fitness center will be conducted indoors, within the existing building, and no outdoor training/fitness activities or associated events will occur. Additionally, no overnight boarding or kenneling of dogs will occur at the site. A small outdoor fenced area located along the west side of the building will be utilized as a dog “potty” area with appropriate waste removal and sanitation procedures conducted by the applicant.

The low intensity and indoor nature of the proposed use including limited/evening hours of operation will mitigate any potential adverse impacts on adjacent land uses located within the industrial park. Sufficient parking is available at the site to accommodate the indoor dog training/fitness center. In the context of the general standards of review in Section 42-462, the proposal represents an appropriate, compatible reuse of the existing building consistent with the Comprehensive Plan and Zoning Code/Map. Finally, no environmental issues are evident and public facilities (water, sewer and street infrastructure) can accommodate the proposed use.

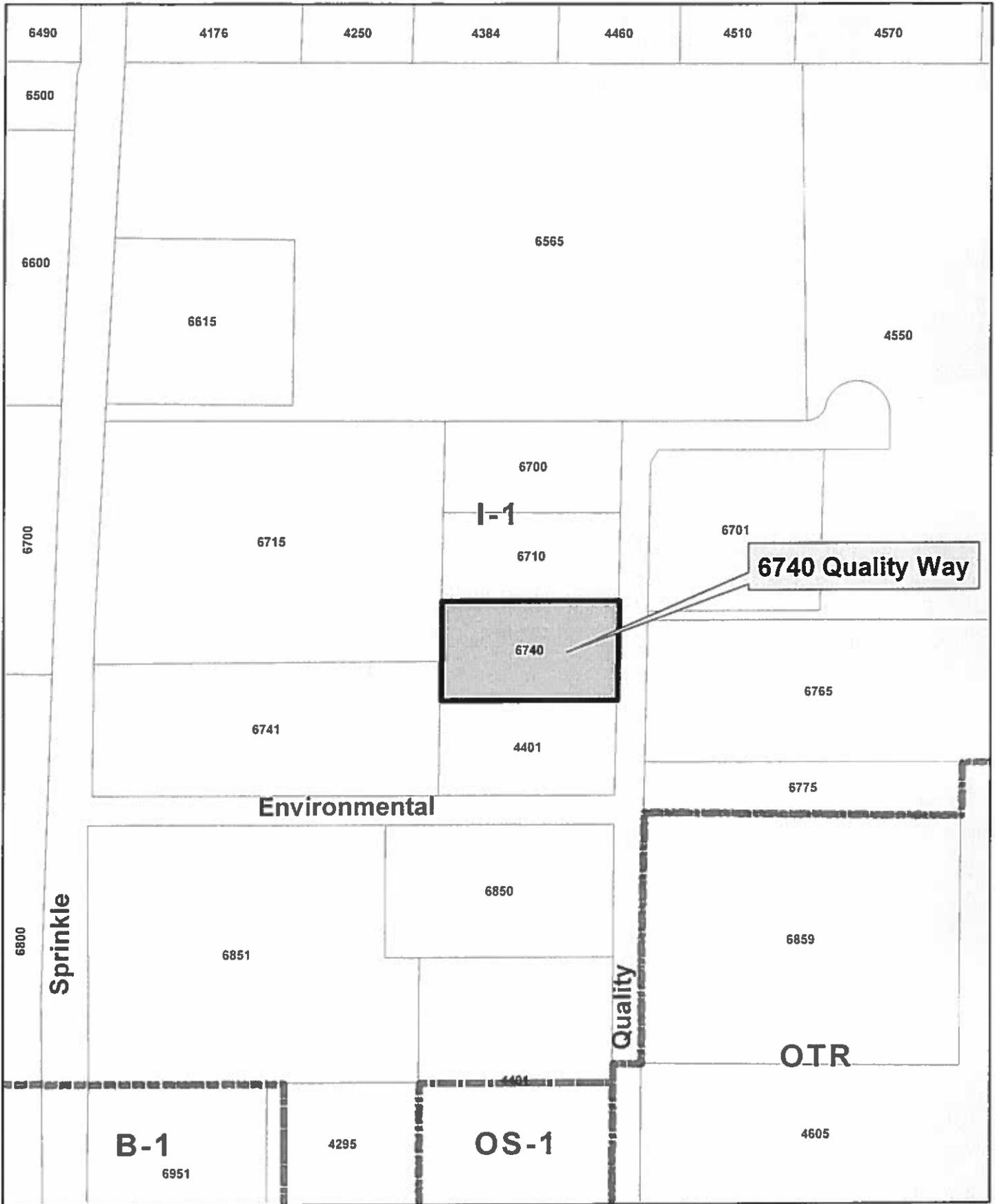
Per statutory requirements, property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

IV. RECOMMENDATION:

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Michigan Dog Center, 6740 Quality Way, be approved subject to the following conditions:

- 1) All dog training and fitness activities be conducted indoors with no outdoor activities/events allowed (with exception of outdoor dog “potty” area to operate as detailed in the application materials).
- 2) No overnight boarding or kenneling of dogs be permitted.
- 3) Compliance with all applicable City of Portage Code of Ordinances including Community Quality (Chapter 24) related to the operation of this use including noise, odors, sanitation and health.
- 4) All building related permits be obtained for any proposed modifications to the interior of the building.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application, Letter of Explanation and Floor Plan



1 inch = 300 feet

Special Land Use Permit 6740 Quality Way

Legend

-  Zoning Boundary
-  Subject Properties



1 inch = 150 feet

Aerial Photography 6740 Quality Way

Legend

 Subject Properties



Department of Community Development

APPLICANT INFORMATION			
Name 6740 RW Group		Telephone Number 269 327-3331	
Address 6740 Quality Way	City Portage	State MI	Zip code 49002
OWNER INFORMATION (if different)			
Name Dean Lathrop		Telephone Number 269 327-3331	
Address 6765 Quality Way	City	State MI	Zip code 49002
PROPERTY INFORMATION			
Address of property 6740 QUALITY WAY	Zoning District	Land Area (acres) 2	
Legal Description (or attach separate page)			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary)			
Dog training & fitness center			
OWNER CERTIFICATION			
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.			
Signature 		Date 12-1-14	



RECEIVED
DEC 31 2014
COMMUNITY DEVELOPMENT

December 30, 2014

Mr. Michael West
Senior City Planner
Community Development
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Mr. West,

Per your letter dated October 1, 2014 here is the additional information requested for the proposed dog training center at 6740 Quality Way.

A short history of the building and property is as follows:

In 1990 I purchased 5 acres of property off Sprinkle Rd behind, to the east of Allen Bradley at 6741 Sprinkle Rd, to build a new office and service center for D & L Industrial Services, Inc. (D & L) with an address of 6765 Sprinkle Rd. Our volume of work servicing Upjohn had grown to over 150 employees as well as other commercial customers and we needed more facility to service the customer base.

I purchased all the remaining property in the development that was started by Milham Investment Co., (Tom Gauntlett & family) in the late 1990's to continue to grow D & L and to pursue other interests. In doing so we worked with the City of Portage to put in the infrastructure necessary to develop the plat. We rebuilt the drive servicing D & L and Avtech and built Environmental Drive & Quality Way and eventually Quality Court. Avtech and D & L's addresses were changed to Quality Way addresses and the commercial development was called Sprinkle Venture Park. .

As D & L continued to grow, I built the facility directly across the street (6740 Quality Way) in 2002/3 to handle continued growth. Then the Pfizer purchase of Pharmacia came & D & L was replaced by a minority contractor and our needs for the space that we had just finished building were not immediately needed.

Our neighbor to the north, Idea Inc., that I had sold 2 acres of land to, were in need of warehouse space close by and leased the warehouse area (approx.. 9500 sqft) for their

growing business. The office space on the east side of the building was still occupied by D & L.

Idea eventually needed more space than was available and moved their operation to the WMU BTR Park on Parkview. They then leased their building on Quality Way to Pharmoptima. Very shortly, Pharmoptima needed more space, both office and warehouse and they leased the 6740 building for 5 years. They recently built an addition on their building at 6710 Quality Way adding the space needed for their business.

Pharmoptima moved out of the 6740 building in July 2012 leaving the building vacant with the exception of the office that I maintained in the NE corner of the building.

In 2013 I was approached by Sharri Sibert to put a dog training and fitness center in the warehouse area of the 6740 building. Sharri is an avid dog trainer as is evidenced by the numerous competitions that she has won. She is also the Operations Manager and Vice President of D & L Industrial Services, Inc.

We started working on a plan for a very low key, low impact indoor facility where she could continue to train her dogs as well as work with others. These activities are primarily scheduled from 5:00pm until 10:00pm. There will be an occasional Saturday event bringing in professional trainers from around the Midwest.

The facility is primarily a one on one trainer to dog operation. Some classes will be held by the Non Profit Kalamazoo Dog Training Club 2 nights per week with no more than 18 handlers & dogs spaced out throughout the evening in 1 hour blocks. There is also an agility dog trainer that will be using the facility 2 nights per week for her small classes.

The floor plan is attached. The architectural design company TowerPinkster has been retained to provide the necessary prints and specifications as needed.

There are 32 striped/lined parking spaces at the facility that are twice as many as is necessary.

There is a large matted dog training ring area that is divided into 2- 35x60 ft rings. All the necessary ring gates, jumps and equipment are provided.

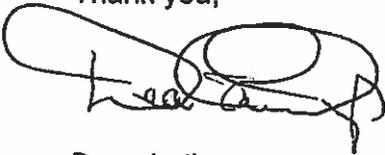
There are 2-JogADog fitness treadmills made specifically for dogs for indoor fitness as well as a 13x25ft by 48" deep pool for the dog's fitness only. One dog at a time and on occasion there will be a fitness trainer in the water with the dog. The pool area will have a 7' expandable locking gate system to control access.

An outdoor chain linked fenced area 12,000 sqft complete with underground irrigation and established turf grass is available for walking the dogs to potty. PottyPots are provided for ALL handlers to pick up their dogs business and dispose of in containers provided. All dogs MUST be leashed when in the potty area.

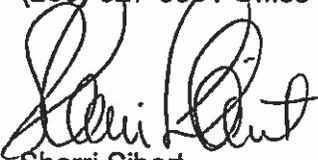
Having worked across the street from the proposed dog center for the last 20 years and been there at all hours of the day and night including holidays, I can generally say that after the normal business hours of 7am to 5pm Monday through Friday, there is no activity other than my employees and myself, with a few exceptions. I can't imagine my neighbors, (ALL of whom I sold their land to build their buildings), would take issue.

Thank you for your consideration. If you have any questions please contact either myself or Sharri Sibert.

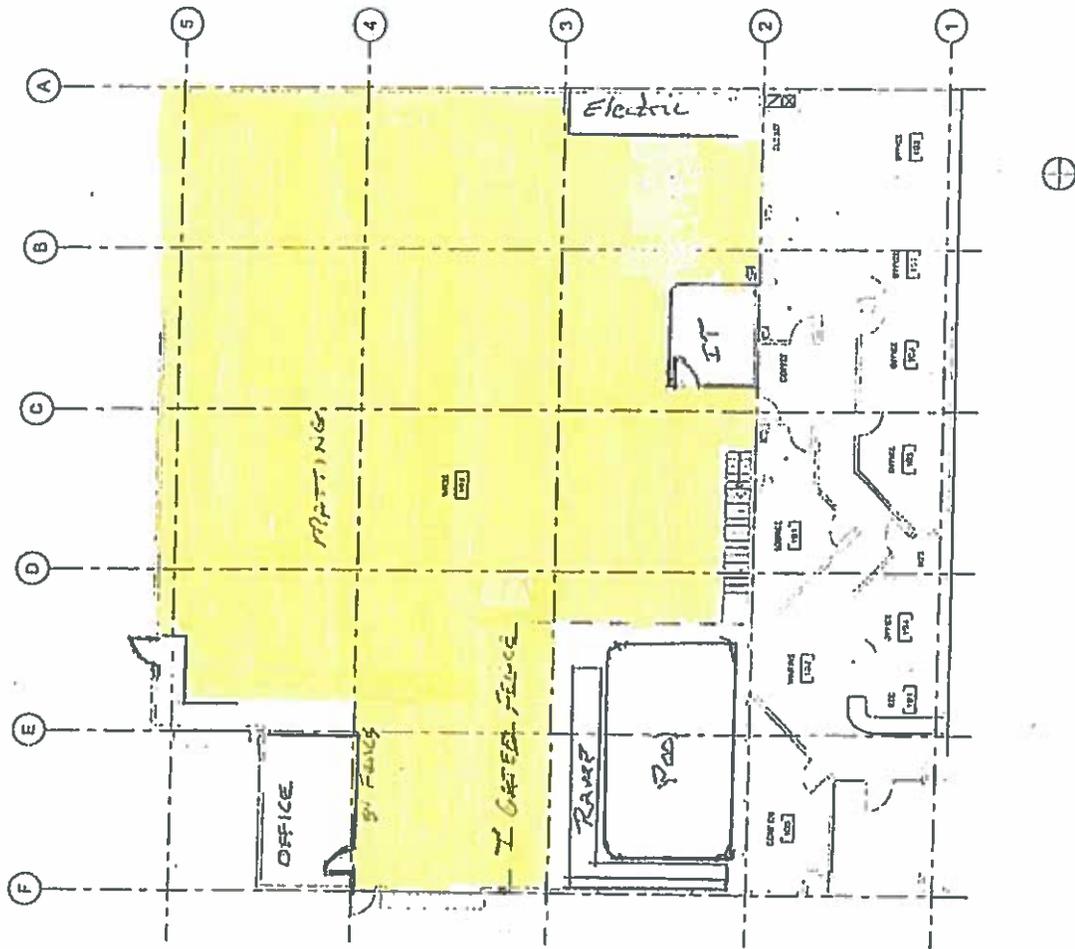
Thank you,

A handwritten signature in black ink, appearing to read "Dean Lathrop". The signature is fluid and cursive, with a large initial "D" and "L".

Dean Lathrop
(269) 217-3031 Cell
(269) 327-3331 Office

A handwritten signature in black ink, appearing to read "Sharri Sibert". The signature is cursive and somewhat stylized, with a large initial "S".

Sharri Sibert
(269) 217-3030 Cell
(269) 327-3331 Office



TO: Planning Commission

DATE: January 2, 2015

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

SUBJECT: Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations

I. INTRODUCTION:

During the December 18, 2014 Planning Commission meeting, the Commission discussed recommended changes to regulations for auto repair facilities and vehicle fueling stations. Following an initial discussion, the Commission had no specific revisions to proposed regulations concerning auto repair facilities. With regard to vehicle fueling stations, the Commission deliberated at greater length and modifications to draft amendments have been prepared for further review.

II. PROPOSED ORDINANCE MODIFICATIONS:

With regard to vehicle fueling stations, the Commission discussed options for the appropriate distance from a residential zoning district, child day care facility, public/private school or religious institution (protected land uses). The preliminary ordinance language indicated that a fueling station cannot be adjacent to or abut one of the land uses noted above. Another option the Commission discussed involved requiring a fueling station to be a specified distance away from protected land uses. At the conclusion of this discussion, staff indicated a map could be prepared for further review illustrating where fueling stations in the B-3, general business and I-1, light industrial zoning districts could be located when applying a 300-foot separation distance from protected land uses.

Attached are two maps shown to the Commission during the December 18th meeting: the first is a zoning map that illustrates the location of existing vehicle fueling stations; and the second is a map that shows areas zoned B-3 and I-1 that do not abut or are not adjacent to the protected land uses and are available for fueling station development (consistent with the preliminary ordinance amendment language). Also attached is a third map that shows areas zoned B-3 and I-1 that do not abut or are not within 300 feet of the protected land uses referenced above. As a result of removing the reference to "adjacent" and adding a 300-foot separation distance, the number of locations suitable for a new vehicle fueling station has decreased, while providing additional protections for nearby residential land uses, child care, school and church facilities. While additional protections are provided, it is noted that third map illustrates there are still over 200 parcels available for new vehicle fueling station development, in addition to the 16 existing fueling stations within the community.

As also discussed during the December 18th meeting, the proposed fueling station regulations are applicable to parcels zoned B-3 and I-1. It is noted that there are existing fueling stations located in the PD, planned development district (BP, 4421 West Centre) and CPD, commercial planned development district (Sam's Club, 7021 South Westnedge plus a proposed fueling station for Wal-Mart, 8350 Shaver Road) that will not be impacted by the proposed regulations. Impacts, if any, associated with fueling stations located in the PD or CPD districts can be addressed during the

tentative/conceptual plan review process, which is subject to the public hearing process before the Planning Commission and City Council.

Based on the above, the ordinance language was revised to include a minimum 300-foot separation distance from the protected land uses. In addition to the locational requirements for fueling stations, staff and the City Attorney have incorporated language that clarifies when an existing fueling station must comply with the requirements applicable to air compressors and vacuum stations, and outdoor storage and display. In particular, language has been added that requires compliance with the ordinance when a building permit for an addition, structural alternation or repair exceeds 25% of the appraised replacement cost of the entire building or structure, exclusive of the foundation. This ordinance language is similar to the language contained in Section 42-571 concerning landscaping and screening.

Finally, and similar to the locational requirements for vehicle fueling stations, language has been added to the draft amendment for auto collision/body shops in Sections 42-280.C.2 and 42-281.C.7. In particular, the revised language provides protections for existing auto collision/body shops that do not meet the locational requirements, while adding clarifying language as to when an existing auto collision/body shop must comply with the requirements for screening outdoor storage of vehicles.

The modifications to the proposed ordinance language are shown in the attached underline and strikeout text version.

III. RECOMMENDATION:

Subject to any further comments by the Commission, staff recommends a public hearing to formally consider Ordinance Amendment 14/15-A, Auto Repair & Vehicle Fueling Station Regulations be scheduled for February 5, 2015.

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**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SEC. 42-112, DEFINITIONS, SEC. 42-261, B-2, COMMUNITY BUSINESS
DISTRICT, SEC. 42-262, B-3, GENERAL BUSINESS DISTRICT,
SEC. 42-280, I-1, LIGHT INDUSTRIAL DISTRICT, AND
SEC. 42-281, I-2, HEAVY INDUSTRIAL DISTRICT, OF ARTICLE 4, ZONING,
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-112. - Definitions.

Auto Collision/Body Shop: A place where automobile repair, collision and/or auto body services such as general repair, rebuilding or reconditioning of motor vehicles; body, frame or fender repair; painting; and undercoating of automobiles occurs.

Auto repair: A place where general automobile repair; servicing; or rebuilding engines, transmissions or similar vehicle components; and incidental replacement of parts occurs.

Vehicle Fueling Station: A place where gasoline or any other vehicular engine fuel (stored only in underground tanks), kerosene or motor oil and lubricants or grease (for operation of motors vehicles) are retailed directly to the public on the premises. Services may include the sale of minor auto accessories; retail sales of non-automotive related products including sundries such as gum, candy, beverages, newspapers, magazines and other individually packaged convenience items.

Sec. 42-261. - B-2 community business district.

A. through B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. No change.

2. Auto repair.

- a. The minimum lot size shall be 30,000 square feet, with a minimum width of 150 feet.
- b. All services shall be performed within a completely enclosed building.
- c. No service bay shall open to or face any public street.

- d. Not less than 20 percent of the ground area of the site shall be landscaped as a green area pursuant to an approved site plan.
 - e. In locations where the use abuts a residential district, the planning commission may require additional screening or landscaping to minimize any potential adverse effects, such as noise, dust, odor, etc.
 - f. No auto collision/body shop activities shall be permitted.
 - g. When located within an integrated or planned cluster of establishments served by a common parking area, the use shall be located on the periphery in such a manner as not to create vehicular circulation obstructions or pedestrian movement conflicts and shall be designed so as to integrate the use with the site plan and architecture of the cluster of establishments. No additional curb openings onto a public street shall be permitted.
 - h. No outside storage of parts and/or materials shall be allowed.
 - i. No overnight outdoor storage/parking of automobiles that have been or are awaiting service or parts is permitted.
3. Automatic carwashes. No changes.
4. Vehicle dealerships, licensed by the state as a new vehicle dealer, for the sale of new motor vehicles, including accessory uses when related and incidental thereto, such as service areas and areas for the sale of used motor vehicles.
- a. through g. No change.
 - h. Activities permitted at auto repair and auto collision/body shops as defined in Section 42-112 may be permitted when conducted completely within the building, with no outside storage of parts and/or materials.
 - i. through l. No change.
5. through 7. No change.

D. No change.

Sec. 42-262. - B-3 general business district.

A. No change.

B. Principal permitted uses: In a B-3 general business district, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses, unless otherwise provided in this article:

- 1. through 3. No change.
- 4. Auto repair subject to the following:
 - a. When conducted completely within the building.

- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked~~located outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored~~located outdoors for more than ninety (90) days.
- c. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height of the material stored outdoors cannot extend beyond the top of the screening enclosure.

5. through 15. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- 1. Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto subject to the following:
 - a. All vehicles that have been prepared for sale and are ready for sale shall be located in vehicle display areas, which shall be of asphalt, concrete or other hard surface and shall be graded and drained as to dispose of all surface water accumulated within the area.
 - b. Ingress and egress to and from the outdoor sales area shall be at least 60 feet from the intersection of any two streets.
 - c. Auto repair activities are permitted subject to the following:
 - i. When conducted completely within the building.
 - ii. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked~~located outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored~~located outdoors for more than ninety (90) days.
 - iii. Outdoor storage of used tires, auto parts and other material shall not be permitted unless enclosed by an opaque screening fence or masonry wall not less than six feet in height and located in the rear yard. The enclosure shall be equipped with an opaque gate that is the same height as the screening fence or masonry wall. The fence or wall shall meet the requirements of Section 42-576B. The height

of the material stored outdoors cannot extend beyond the top of the screening enclosure.

2. through 3. Unchanged.

4. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not adjacent to located within 300 feet of the following:
 - i. residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. a child day care facility;
 - iv. a public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming.

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.
- d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 4(b) and 4(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

5. through 9. Unchanged.

D. Unchanged.

Sec. 42-280. I-1, light industrial district.

A. Unchanged.

B. 1 through 19, Unchanged.

20. Auto repair subject to the following:

- a. All repair activities are conducted completely within the building.
- b. Vehicles awaiting repair and/or inoperable vehicles (as defined in Chapter 24, Section 24-111) shall not be ~~parked~~located outdoors for more than fourteen (14) days. All other vehicles shall not be ~~stored~~located outdoors for more than ninety (90) days.

C. Special land uses: The following uses may be allowed in an I-1 light industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1. Vehicle fueling stations subject to the following:

- a. The zoning lot does not abut or is not located within 300 feet of the following:
 - i. residential zoning district;
 - ii. land designated for residential use in a PD, planned development district;
 - iii. child day care facility;
 - iv. public/private school; or
 - v. religious institution.

For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point. and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 4(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming.

- b. Air compressors and vacuum stations shall not be located in the front yard area.
- c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.

d. Any vehicle fueling station existing as of the date of the adoption of this amendment shall comply with subsections 1(b) and 1(c) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

~~a. The zoning lot does not abut or is not adjacent to: a residential zoning district; land designated for residential use in a PD, planned development district; a child day care facility; a public/private school; or religious institution. For the purpose of this subsection, "abut" means a zoning lot which borders upon the subject lot at any point, and "adjacent" means a zoning lot which is separated from the subject lot by a street, alley or other public or private easement even if its property line does not abut or touch the subject zoning lot. Any vehicle fueling station existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection shall not be prevented from reconstructing and/or expanding their facilities and, for the purpose of this subsection shall be considered conforming.~~

~~b. Air compressors and vacuum stations shall not be located in the front yard area.~~

~~c. Outside storage or display shall be adjacent to the building wall or the pump islands, and shall be displayed in a manner that does not create vehicular, pedestrian or emergency access hazards.~~

2. Auto collision/body shops subject to the following:

a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district. Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 2(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;

b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 2(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

3. through 11, Unchanged.

D. Unchanged.

Sec. 42-281, I-2 heavy industrial district.

A. through B. Unchanged.

C. Special land uses: The following uses may be allowed in an I-2 heavy industrial district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1 through 6, Unchanged.

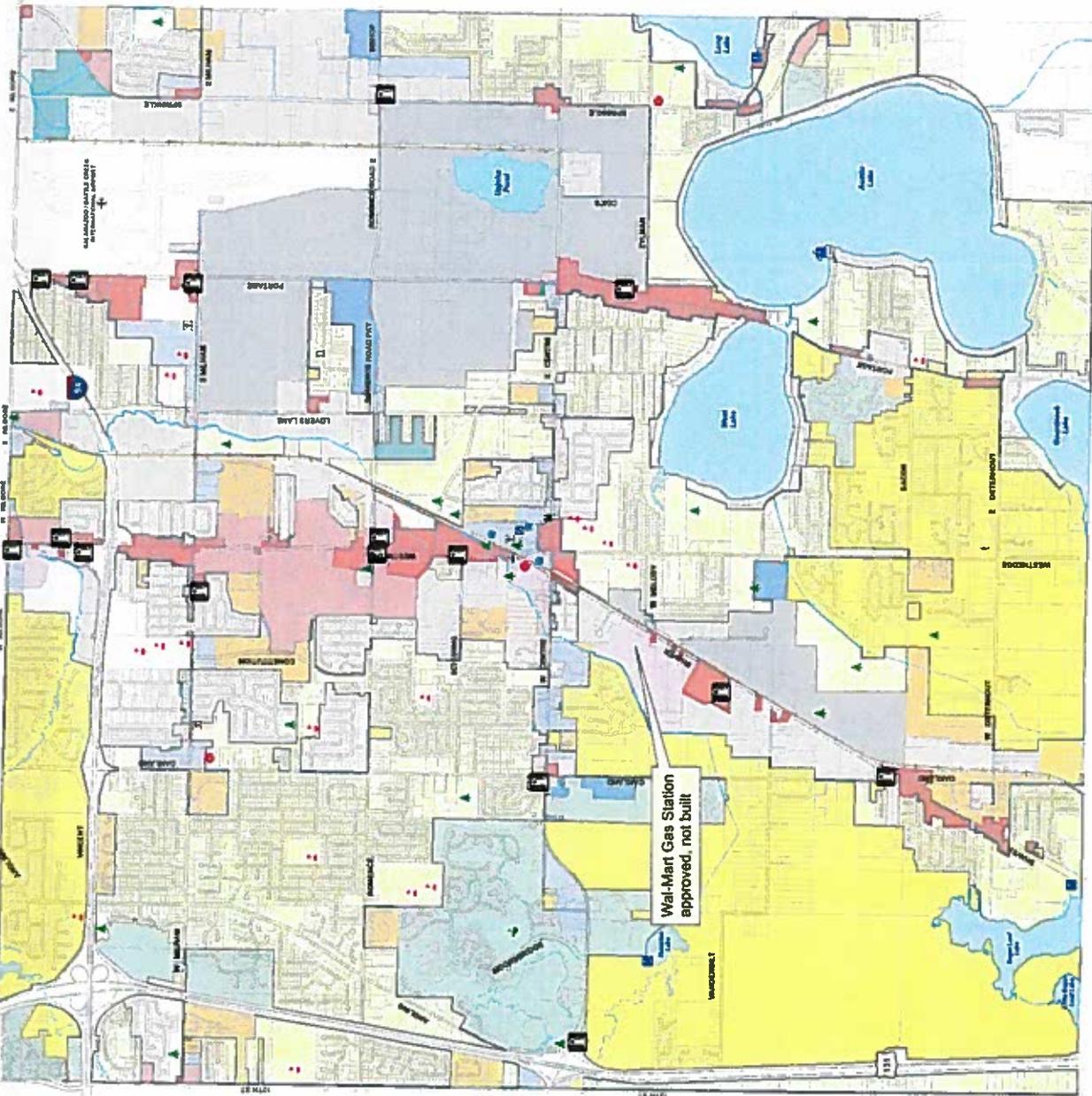
7. Auto collision/body shops subject to the following:

- a. The zoning lot does not abut a single family residential zoning district or land designated for residential use in a PD, planned development district; Any auto collision/body shop existing as of the date of the adoption of this amendment and not meeting the requirements of this subsection 7(a) shall not be prevented from reconstructing and/or expanding its facilities and, for the purpose of this subsection shall be considered conforming;
- b. Vehicles awaiting repair and visible from a public street are enclosed by an opaque fence or wall at least six-feet in height. The fence or wall shall meet the requirements of Section 42-576B. Any auto collision/body shop existing as of the date of the adoption of this amendment shall comply with subsection 7(b) whenever a building permit is required for a structural alteration, addition or repair to a building when the estimated expense of such construction exceeds 25 percent of the appraised replacement cost of the entire building or structure, exclusive of the foundation, prior to its improvement (as determined by the department of community development).

Gas Station Locations

Gas Stations

- B-1 Local Business
- B-2 Community Business
- B-3 General Business
- CPD Commercial Planned Development
- I-1 Light Industry
- I-2 Heavy Industry
- OS-1 Office Service
- OTR Office Technology and Research
- P-1 Vehicular Parking
- PD Planned Development
- R-1A One Family Residential
- R-1B One Family Residential
- R-1C One Family Residential
- R-1D One Family Residential
- R-1E Estate Residential
- R-1T Attached Residential
- RM-1 Multiple Family Residential
- RM-2 Multiple Family Residential
- MHC Mobile Home Community



Wal-Mart Gas Station approved, not built

Station Owner	Property Address
J DAVIS INC	4421 W CENTRE AV
MERCURY PETROLEUM LLC	507 W MILHAM AV
JFB REAL ESTATE LLC	7938 OAKLAND DR
JFB REAL ESTATE LLC	7938 OAKLAND DR
SPEEDWAY SUPERAMERICA, LLC	8379 PORTAGE RD
EMRO MARKETING CO	5974 PORTAGE RD
PORTAGE FAMILY REAL ESTATE, LLC	5316 PORTAGE RD
SHELL MARKETING RESOURCES, LLC	5126 PORTAGE RD
KAL-DRAKE INC	9950 SHAVER RD
AMERICAN GAS & OIL INC	7025 S SPRINKLE RD
CAH LAND COMPANY, LLC	7460 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV
ADMIRAL PETROLEUM #26	5342 S WESTNEDGE AV
ENTERPRISES, INC.	5231 S WESTNEDGE AV
EMRO MARKETING CO	5012 S WESTNEDGE AV
SHELL MARKETING RESOURCES, LLC	7000 S WESTNEDGE AV



1 inch = 3,200 feet



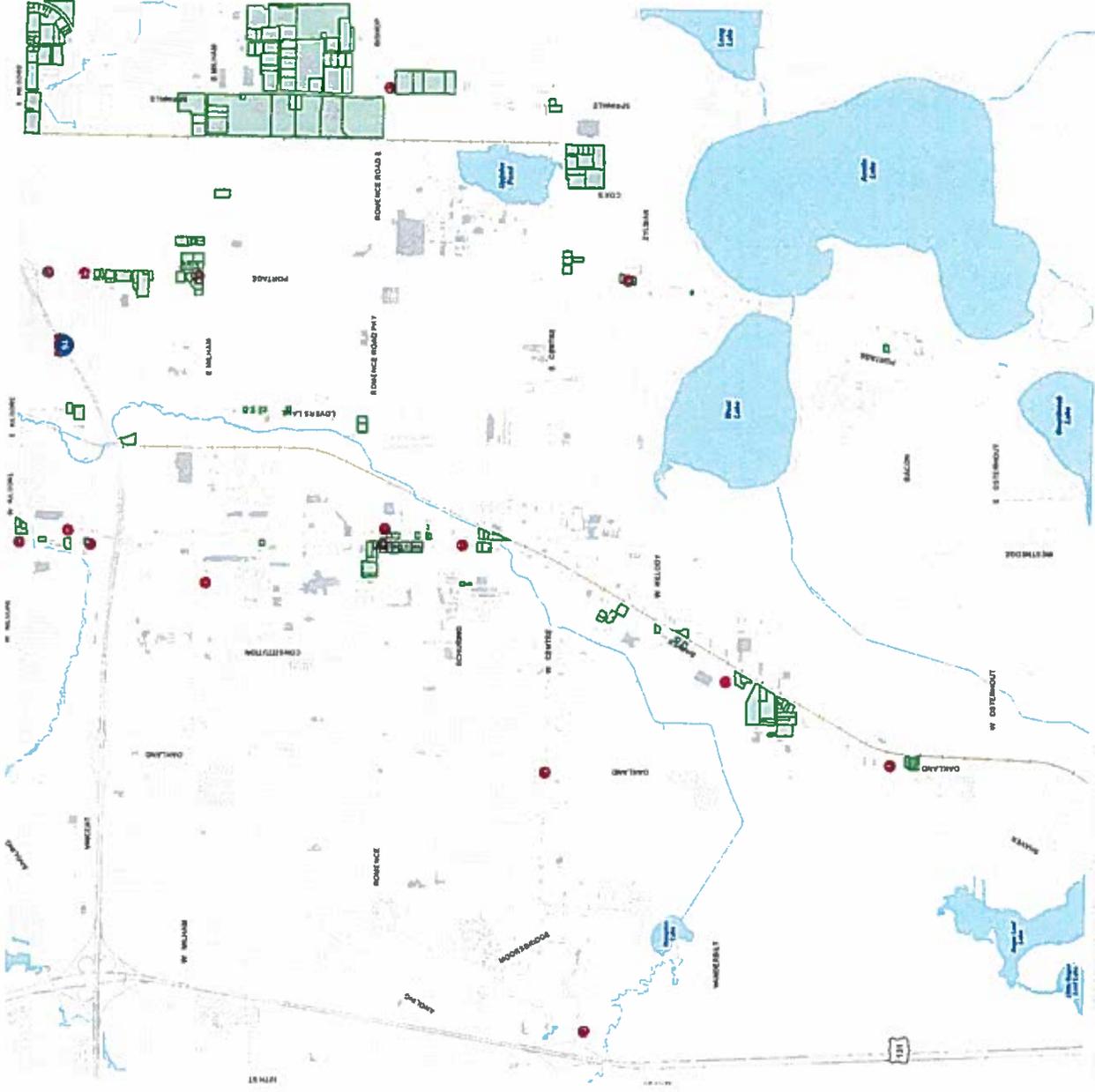
Gas Station Locations

Regulated areas include additional 300' buffer areas

● Existing Gas Stations

■ Properties meeting regulations

- 216 existing Parcels meet criteria
- 114 of these Parcels are 1 acre or more



1 inch = 3,200 feet

Date: 12/30/2014

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM DECEMBER 2, 2014

The Regular Meeting was called to order by Mayor Pro Tem Pearson at 7:35 p.m.

At the request of Mayor Pro Tem Pearson, Reverend Kyle Tade of the Portage United Church of Christ gave the Invocation. Boy Scout 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 Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban and Mayor Pro Tem Jim Pearson. Mayor Peter Strazdas was absent with notice. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Ansari, seconded by Reid, to approve the Regular Meeting Minutes of November 18, 2014, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Pro Tem Pearson asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that item F.4, Finance Director Appointment, and F.5, Confirmation of Appointment of the Deputy City Manager, be removed from the Consent Agenda. Councilmember Reid asked that Item F.1, West Osterhout Avenue Sanitary Sewer Project #414-S, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda Motions as modified. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 2, 2014:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of December 2, 2014. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S: In answer to Councilmember Reid, Transportation & Utilities Director Chris Barnes informed her that the size of the sewer lead at a cost of \$1,001.00 is six inches which is standard for residential parcels. Discussion followed. Motion by Reid, seconded by Ford, to adopt Resolution No. 1, accept the City Manager Reports, and request preparation of Resolution No. 2 for the West Osterhout Avenue Sanitary Sewer Project #414-S. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 351 of City of Portage Resolution Book No. 45.

* **PINE VIEW DRIVE SANITARY SEWER PROJECT #415-S:** Motion by Urban, seconded by Reid, to adopt Resolution No. 1, accept the City Manager Reports, and request preparation of Resolution No. 2 for the Pine View Drive Sanitary Sewer Project #415-S. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 353 of City of Portage Resolution Book No. 45.

* **SPECIAL MEETING FOR BOARD AND COMMISSION APPLICANTS:** Motion by Urban, seconded by Reid, to set a Special Meeting on Tuesday, January 6, 2015, beginning at 5:30 p.m., to interview Board and Commission applicants. Upon a roll call vote, motion carried 6 to 0.

FINANCE DIRECTOR APPOINTMENT: When Councilmember Urban asked about the process and whether both the Finance Director and the Deputy City Manager position were posted internally, City Manager Shaffer indicated that neither the Finance Director position nor the Deputy City Manager position was posted internally (although there was an internal posting for a Finance *and*

Purchasing Director). Mr. Shaffer indicated that he knows both employees well, has had the distinct privilege of working with both of them and to see their performance over six months.

Councilmember Urban asked if there was a policy to internally post positions as many organizations do and, if not, why not, and if the policy does exist, why did we not follow that policy and why should we not look at all suitable applicants who are interested in one of these positions. With regard to these two positions, Mr. Shaffer responded that speaking hypothetically and not about these particular positions, nor these two candidates, he agreed that in the vast majority of cases, seeking the widest scope in our search in order to get the best candidates available would certainly be advisable. He noted, however, in these two circumstances, the two candidates were well-suited and there was no one who could even approximate their experience in the position, their understanding of the organization, nor their previous service in their capacity as Acting Finance Director or as Acting Deputy City Manager. With this in mind, he asked for City Council confirmation of his appointments and mentioned that internally posting of the positions would not have made a difference in these two instances.

Councilmember Urban expressed the opinion that discounting the other interested applicants "out of hand" did them a disservice when trying to promote from within; that this is no reflection on either of Mr. Shaffer's choices; furthermore, he indicated that the appropriate process is to see if there are other candidates with whom he may not be familiar as yet. For these reasons, Councilmember Urban said that he would not be supporting either choice as he felt that the appropriate process was not followed.

In answer to Councilmember Ansari, City Attorney Brown agreed that by *City Charter*, the City Manager brings the candidate recommendation to City Council and the City Council must approve the appointment. Councilmember Ansari also said that by appointing these two persons, the City will be saving \$50,000 and spoke in support of the appointment.

Councilmember Reid asked Councilmember Ansari, "How is the City saving \$50,000?" Councilmember Ansari indicated that he was comparing what the new Finance Director would be making and what the new Deputy City Manager would be making with what the former Finance Director and what the former Deputy City Manager were making at the time they left. Councilmember Reid indicated that that savings would be true for any new hire into these positions. Councilmember Ansari said it depends because he is looking at the salaries being drawn by these two persons at the present time and that is how he is coming up with those numbers.

Councilmember Reid indicated that when Bob Luders left, he had two departmental responsibilities as both Finance Director and Purchasing Director, so this action is only addressing one part of the position; similarly, Rob Boulis has been responsible as the Employee Development Director and as Acting Deputy City Manager. She asked Mr. Shaffer how these other functions would be addressed and stressed the importance of staff input. Mr. Shaffer explained how the Finance Department had been reorganized under the Acting Finance Director. He explained that the Acting Finance Director reported to the Acting City Manager and the Purchasing function became the responsibility of the Acting Deputy City Manager with the tasks and duties being performed by a long time City employee. He said it made sense to avoid burdening the Acting Finance Director with one more element to the job since he had to immediately perform the tasks associated with the conversion to the BS&A Comprehensive Financial Software, the ADP update to the Payroll, creation of the CAFR and preparation for the Audit. He explained that as the transition continues, the hiring process will be slow and deliberate. Discussion followed.

Councilmember Randall indicated that the technical expertise required of the Finance Director is very specific, and the fact that Mr. Furry has been in the Department for quite some time and has a Master's Degree in Accounting more than qualifies him for the position. She applauded Mr. Shaffer for his choice and welcomed Mr. Furry. With regard to the Deputy City Manager position, she said that that is at the complete liberty of the City Manager and recalled that during the recruitment of the City Manager, Council felt it was important that the City Manager appoint someone whom he or she trusted. She also recalled that when Mr. Shaffer was asked at the interview if he had someone in mind for the position, he felt a great level of trust and confidence in Mr. Boulis even though he had only worked with

him for 3 ½ months. She stressed the importance of a good working relationship between the two positions and expressed her support for Mr. Boulis and her support for Mr. Shaffer's choices.

Councilmember Reid stressed that her comments have nothing to do with the qualifications or the abilities of the two individuals picked to fill these two positions. She stated that her question is with the process and whether or not the positions should have been posted and open to internal candidates to encourage employees to recognize that there is upward mobility within the organization and to enable the employees to prepare themselves for something else.

Motion by Randall, seconded by Ford, to confirm the appointment of William K. Furry as the Director of Finance, effective December 3, 2014. Councilmember Urban cited a previous example of a Portage City Manager who stated that an appointee "won that position at the interview" which means that person was not necessarily being considered at first. He questioned the process and explained that if Mr. Shaffer had his mind made up, that disturbs him because he did not look to see if there were other qualified candidates. He restated that this is not a reflection on either of Mr. Shaffer's choices, but the fact that there were other candidates for at least one of these positions who were looking forward to the opportunity to apply.

Councilmember Ford indicated that City Council trusts the City Manager with the day-to-day operation, wished not to micro manage him and expressed his support for his choices.

In answer to Mayor Pro Tem Pearson, City Attorney Brown assured him that the City Manager is most definitely following the *City Charter* requirements in terms of bringing a person forward for appointment for City Council confirmation and approval. Discussion followed.

Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Ansari, Ford and Randall and Mayor Pro Tem Pearson. No: Councilmembers Reid and Urban. Discussion followed.

CONFIRMATION OF APPOINTMENT OF THE DEPUTY CITY MANAGER: Mayor Pro Tem Pearson asked if there were any further comments not covered during the discussion of Item F.4, Finance Director Appointment. Councilmember Urban indicated that all of the aforementioned comments apply, that this is a matter of process not of individuals. He restated that there were other candidates for this position who were looking forward to the opportunity to participate in competition for the position, and the fact that Mr. Shaffer already had his mind made up concerns him without considering the rest of the staff. He emphasized his previous example of a Portage City Manager who stated that an appointee "won that position at the interview" which means that person was not necessarily being considered at first.

Councilmembers Ansari and Ford spoke in support of Mr. Boulis based upon their previous work experience with him.

Councilmember Randall pointed out that no employees came forward when the former Deputy City Manager retired two weeks after the former City Manager was leaving, and Mr. Boulis was asked by the former City Manager to consider the position. She stated that it was a state of great transition; that he has shepherded us well; and, that we have been in a state of transition long enough, and it is time to move forward. She then spoke in support of confirming Rob Boulis as the next Deputy City Manager.

Councilmember Reid indicated that as a matter of policy, Council should be encouraging upward mobility in the City staff, and in order to encourage that, having open postings of open positions, especially City Administrative positions, is important. She stated she had no problems or questions about Mr. Boulis and his ability to handle this job, but stated as a matter of policy, we should be encouraging that kind of a process.

Councilmember Ansari indicated that this is an opportunity for upward mobility as Mr. Boulis is being promoted, as well as Mr. Furry, and explained.

Motion by Randall, seconded by Ford, to confirm the appointment of Rob Boulis as the Deputy City Manager, effective upon City Council Approval. Mayor Pro Tem Pearson indicated that he and Mayor Strazdas spent a lot of time with Mr. Boulis through the two retirements of our lead Administrators, and personally expressed his appreciation to Mr. Boulis for juggling two jobs and for all

he has done these past months. He said he was glad to see Mr. Shaffer wanted to make him his permanent Deputy City Manager.

Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Ansari, Ford and Randal and Mayor Pro Tem Pearson. No: Councilmembers Reid and Urban.

UNFINISHED BUSINESS:

KALAMAZOO COUNTY HOUSEHOLD HAZARDOUS WASTE CENTER –UPDATE:
Councilmember Ford expressed his disappointment that the Kalamazoo County Household Hazardous Waste (HHW) Center will no longer be open on Saturdays, yet the City of Portage had quite a lot of participation on Saturdays. He said he would endeavor to bring back those Saturday hours at the next Kalamazoo County Environmental Health Advisory Council Meeting in January 2015.

Councilmember Urban pointed out that the highest participation over the last two years with minimal exceptions has been on Saturdays, explained that the Center is not particularly convenient at all for Portage residents which then requires dedication and time to get there; and, he indicated that Portage is the second highest contributor to the cost of this operation. He asserted that it is inexplicable to remove the Saturday service that is critical to the environmental health of the community, essentially making it open only during business hours, with the exception of one hour on Wednesdays, and explained his frustration. He asked that the Administration issue a complaint.

Mayor Pro Tem Pearson concurred and asked that the Administration contact the Kalamazoo County Administration and discuss the matter on behalf of Portage citizens and the environment. He promised that he and Councilmember Ford will represent Portage, express our concerns and ask the questions.

Councilmember Reid pointed out that Portage utilization in comparison to City of Kalamazoo utilization is very close and Portage has only about half of the population; also, as Portage has high utilization on Saturday, she asked that this be monitored owing to the fact that the hazardous waste is probably not being disposed of properly, so it ends up where it should not be, and this is not good for the environment. She also pointed out that having the Center open one day a week for one hour after 5 p.m. is not adequate for people who are at work, and suggested keeping it open until at least 9 p.m. one day a week, if they are unwilling to open on Saturdays. Discussion followed.

City Manager Shaffer concurred with Council comments, especially the importance of being open on Saturdays, and noted that Portage is making a contribution to the system for a very good service. He indicated that he did speak with HHW Facility Manager Jennifer Kozak and told her that there are many different ways to resolve this issue, and that there should have been more time spent communicating with the users of the system to determine the best outcome for the users of the system; therefore, there is a need for more participation by the communities, with more input allowed because 10% of HHW comes in on Saturday even though HHW is only open two Saturdays per month.

Councilmember Ford indicated that he understood that it was an Administrative decision, based on finances or upon the fact that the facility is running at near maximum capacity in terms of what they do get in during the week which makes collecting on the weekend that much more difficult because the warehouse is already full; and, there seemed to be a shortage of personnel in order to keep the warehouse in order and provide customer service at the entrance. Discussion followed.

Motion by Reid, seconded by Randall, to receive the communication from the City Manager regarding an update on the Kalamazoo County Household Hazardous Waste Center Update as information only. Councilmember Urban asked for the expiration date of the contract with HHW and asked that the renewal not be automatic, but that a thoughtful process be utilized for the next contract. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

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

COUNCIL COMMITTEE REPORTS:

CENTRAL COUNTY TRANSIT AUTHORITY (CCTA): Councilmember Urban indicated that the CCTA prepares its own minutes that are yet to be approved, but are available on-line ahead of time. He provided a short review of the meeting on November 20, 2014, where the CCTA adopted the By-Laws and elected officers and elected Acting Chair Linda Teeter as the Chair. He indicated that discussion followed regarding how CCTA would be moving forward, including bus service usage and the millage request. He indicated that there was some consensus regarding the next topic for discussion which is precincts that have opted out who have bus service and, speaking for himself, he said it was going to be hard for him to tell people who are in the taxing district that they should be participating when folks who are not participating are receiving bus service. Mayor Pro Tem Pearson concurred and discussion followed. Motion by Ansari, seconded by Ford, to receive the oral communication from Councilmember Urban. Upon a voice vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Ford reminded everyone that the Annual Tree Lighting Ceremony will take place Saturday, December 6, 2014, at 7:00 p.m., and that he, Councilmember Urban and Mayor Pro Tem Pearson will be reviewing the essays from Portage Public School Children entitled, "Why I Love Portage" to determine who will be given the opportunity to turn on the Christmas lights in Portage.

Councilmember Ansari congratulated Mr. Furry and Mr. Boulis on their appointments and thanked Boy Scout Troop 244 for attending the meeting and leading City Council and the audience in the Pledge of Allegiance to the Flag of the United States.

Councilmember Reid indicated that she was looking forward to working with Mr. Furry and Mr. Boulis. She then noted that she attended a Portage Public Schools Meeting regarding plans to improve the quality of the various school buildings. She indicated that the information provided was in depth and covered various options, including cost and timelines. She invited everyone to provide their opinions by participating in the survey on the Portage Public Schools website to help decide how to improve the school buildings.

City Manager Shaffer indicated that the roll-out of Portage Alert is going well with over 200 "hits" or registered contacts. This service allows the City of Portage to send emergency notices, service reminders, etc. as a voice message to home phones, businesses, local agencies and mobile devices; or, as a written message by email, text or post on Facebook and Twitter; also, messages can be sent to TTY/TDD devices for people who are hearing impaired.

Mayor Pro Tem Pearson indicated that he was one of the 200 "hits" and congratulated Mr. Furry and Mr. Boulis on their appointments and indicated that he was looking forward to the Annual Tree Lighting Ceremony and the discussions of the essays from Portage Public School Children entitled, "Why I Love Portage" to determine the winning pair of students who will be given the opportunity to turn on the Christmas lights in Portage. He said that following the tree lighting, a horse-drawn wagon with Christmas carolers will lead a short walk down the Portage Creek Bicentennial Trail to the Celery Flats Historical Area where there will be festive music, Santa and Mrs. Claus, and refreshments. Even though admission is free, he pointed out that donations of food, toys, outerware and cash will be accepted for the Portage Community Center to help those in need.

ADJOURNMENT: Mayor Pro Tem Pearson adjourned the meeting at 8:26 p.m.

James R. Hudson, City Clerk

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

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-Beginning in 1991, South Westledge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) 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. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2 nd year of AHC's contract is underway.
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 6 site/building plans and/or plats completed in November 2014.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	-Sanitary sewer hookup permits issued in November 2014: 5 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. Permitting complete 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 West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is underway.

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 performed in July 2014 and will continue in the fall. Interim report is due in December. Monthly sampling at two retention basins continues. *Findings suggest a rise in groundwater levels.*

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. Wellfield delineation completed. Engineering intern completed contamination source inventory. Final report preparation 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. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

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. MDEQ concurred with city staff response. Program is ongoing. *New permit application process announced in November 2014. New permit application will be due in April 2015.*

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. Canoe trip inspection was held on September 13, 2014. No new developments.

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

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. 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. 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 for 2014 were completed in July with summary report received. Report will be submitted to MDEQ as part of the annual report.

Garden Lane Arsenic
Removal Facility

Native Prairie Restoration

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.

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 November – 0. Number of environmental cleanups in November – 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.