



# PLANNING COMMISSION

July 16, 2015

# CITY OF PORTAGE PLANNING COMMISSION

## A G E N D A

July 16, 2015  
(7:00 p.m.)

Portage City Hall Council Chambers

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### APPROVAL OF MINUTES:

- \* June 18, 2015

### SITE/FINAL PLANS:

### PUBLIC HEARINGS:

### OLD BUSINESS:

- \* 1. Complete Streets Policy

### STATEMENT OF CITIZENS:

### NEW BUSINESS:

(Adjourn to Conference Room No. 1)

- \* 1. FY 2014-15 Planning Commission Work Program Final Update and Proposed FY 2015-2016 Work Program
- 2. Urban Planning Discussion – Tiny House Zoning (Commissioners Dargitz and Felicijan)

### ADJOURNMENT:

### MATERIALS TRANSMITTED

June 8, 2015 Zoning Board of Appeals meeting minutes  
June 9, 2015 City Council regular meeting minutes  
May 2015 Summary of Environmental Activity Report

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

## PLANNING COMMISSION

June 18, 2015

 DRAFT

The City of Portage Planning Commission meeting of June 18, 2015 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 & Neighborhood Services; and Michael West, Senior City Planner.

### **ROLL CALL:**

Mr. Forth called the roll and the following Commissioners were present: Patterson (yes), Stoffer (yes), Welch (yes), Felicijan (yes), Dargitz (yes), Somers (yes), Schimmel (yes) and Richmond (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Richmond, to approve the roll excusing Commissioner Bosch. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the June 4, 2015 meeting minutes contained in the agenda packet. A motion was made by Commissioner Patterson, seconded by Commissioner Stoffer, to approve the minutes as submitted. The motion was unanimously approved 8-0.

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

None.

### **PUBLIC HEARINGS:**

None.

### **OLD BUSINESS:**

None.

### **NEW BUSINESS:**

1. Election of Officers. Chairman Welch asked for nominations for the position of Chairman for the upcoming fiscal year. Commissioner Felicijan nominated current Chairman Welch, supported by Commissioner Patterson. No other nominations for Chairman were provided. The Commission then voted unanimously 8-0 to appoint Chairman Welch as Chairman for the upcoming fiscal year. Chairman Welch asked for nominations for the position of Vice-Chairman for the upcoming fiscal year. Commissioner Stoffer nominated current Vice-Chairman Commissioner Felicijan, supported by Commissioner Patterson. No other nominations for Vice-Chairman were provided. The Commission then voted unanimously 8-0 to appoint Commissioner Felicijan as Vice-Chairman for the upcoming fiscal year. Chairman Welch asked for nominations for the position of Secretary for the upcoming fiscal year. Commissioner Dargitz nominated current Secretary Commissioner Stoffer, supported by Commissioner Patterson. No other nominations for Secretary were provided. The Commission then voted unanimously 8-0 to appoint Commissioner Stoffer as Secretary for the upcoming fiscal year.

7:05 p.m. - The Commission took a short recess. 7:08 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1
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2. Complete Street Policy (DRAFT). Mr. Forth provided a Powerpoint presentation that introduced the Complete Streets concepts to the Planning Commission. Mr. Forth indicated Complete Streets policies vary based on the needs and characteristics of the community (urban, suburban, rural). Mr. Forth provided examples of “incomplete” streets and reviewed statistical data on pedestrian/bicycle crashes with vehicles in the City of Portage and statewide. Mr. Forth then provided examples of Complete Streets and discussed the benefits of Complete Streets policies and implementation. Mr. Forth summarized efforts made by the City of Portage to improve non-motorized methods of transportation and also discussed upcoming capital improvement projects involving sidewalk, bikeway and pathway extensions/connections, along with traffic improvement projects. Mr. Forth summarized the June 12, 2015 staff report and draft Complete Streets Policy that was prepared by the Departments of Community Development and Transportation & Utilities. Mr. Forth indicated the draft policy was not an ordinance or mandate, but rather a city policy to guide future decision making. Mr. Forth stated the draft policy was based on a national model and policies developed by the Kalamazoo Area Transportation Study (KATS) and Michigan Department of Transportation. Mr. Forth reviewed various sections of the draft policy and asked for Commission comments.

Commissioner Richmond discussed bus stop locations in the City of Portage (Meredith – south of Sprinkle and Brown Avenue) where pedestrian access can be difficult at times due to standing water and/or muddy conditions. Commissioner Dargitz asked why the term “traffic calming” is not utilized throughout the policy document. Commissioner Dargitz also asked whether the 85<sup>th</sup> percentile utilized to establish speed limits is a legal requirement or an industry standard/guideline. After additional discussion, the Commission agreed to continue the discussion of the Complete Streets Policy during the July 16, 2015 meeting.

3. Urban Planning Discussion Topics (June 5, 2015 email from Commissioner Dargitz). The Commission reviewed and discussed the various planning topics identified in Commissioner Dargitz June 4, 2015 email communication. Commissioner Dargitz clarified that it was not her intent to create additional work for staff, but rather have individual Commissioners select a topic of interest and present the topic to the full Commission at the end of a regularly scheduled meeting. Commissioner Felicijan suggested the Commission bring up these various planning topics/issues under New Business. Commissioners Felicijan and Dargitz stated they would provide a brief discussion of “tiny house zoning” at the next scheduled meeting.

4. Planning Commission Attendance (discussion). Chairman Welch summarized the City Council direction provided to him regarding Planning Commissioner attendance and asked that each Commissioner make every effort possible to attend regularly scheduled meetings so that development applications can be considered in a timely manner. Mr. Forth discussed two recent site plan applications that had to be delayed as a result of a meeting cancelation due to a lack of a quorum of the Planning Commission.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 8:45 p.m.

Respectfully submitted,

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

**TO:** Planning Commission**DATE:** July 10, 2015**FROM:** Vicki Georgeau, <sup>WJ</sup> Director of Community Development**SUBJECT:** Draft Complete Streets Policy**I. INTRODUCTION:**

In accordance with the adopted Planning Commission Work Program, attached for Commission review is a draft City of Portage Complete Streets Policy prepared by the City Administration. The policy was based on a national model developed by Smart Growth America and the National Complete Streets Coalition, which has been used by communities throughout Michigan and the United States. The Kalamazoo Area Transportation Study (KATS) Complete Streets Policy, recently adopted by the KATS Policy Committee, was also used as a model.

**II. COMPLETE STREETS POLICY:**

The Complete Streets Policy is also consistent with recent State of Michigan amendments to two Public Acts: PA 51 of 1951, Michigan Transportation Fund Act and PA 33 of 2008, Michigan Planning Enabling Act. The amendment to the Michigan Transportation Fund Act requires the Michigan Department of Transportation to consider all roadway users in all phases of road project planning, developing and construction. The amendment to the Michigan Planning Enabling Act encourages local units of government to consider Complete Streets principles when updating their master plans. The 2014 City of Portage Comprehensive Plan includes a section on Complete Streets principles in the Transportation chapter. In accordance with the adopted Comprehensive Plan, Complete Street elements include, but are not limited to, sidewalks on both sides of local streets and major thoroughfares, paved shoulder bike lanes along major thoroughfares, pedestrian refuge islands, crosswalk markings, signs and signals.

The policy does not mandate Complete Street elements for each municipal or private development project since the demand for Complete Street elements will vary from one roadway to the next depending on population density of the surrounding area, location of pedestrian generators such as schools, parks or local businesses, availability of state or federal funding, availability of right-of-way, among others. Rather, the policy states the City of Portage will consider each municipal and private development project as an opportunity to incorporate Complete Street elements within the project area.

Depending on the project type and/or location, the policy includes a section to allow exceptions from incorporating one or more Complete Street elements. For example, an alternative non-motorized route, such as a multi-use trail, may be in the immediate vicinity of the project area or there may be insufficient right-of-way to accommodate a specific Complete Street element. Also, small scale roadway maintenance projects or signal upgrades that do not otherwise alter the roadway would be excepted from the policy.

Several implementation strategies are included at the end of the policy. Once recommended by the Planning Commission and adopted by City Council, the Department of Transportation and Utilities, with assistance from the Department of Community Development, will lead and coordinate implementation of the policy. The Planning Commission will also have input during the preparation of the annual Capital Improvement Program and review of private development projects.

### **III. PLANNING COMMISSION REVIEW**

During the June 18, 2015 meeting, the Planning Commission reviewed and discussed the draft policy. The Commission noted the term traffic calming was not referenced in policy. Although the term traffic calming is not specifically referenced in the policy, the policy does mention in several locations the need to enhance safety, access, convenience and comfort for all users. Traffic calming measures is one method that can be implemented to achieve this goal. Since traffic calming measures are recognized as one of several transportation improvements that contributes to Complete Streets, a specific reference has been added to Section IV.

### **IV. RECOMMENDATION:**

Subject to any further discussion, the Commission is advised to recommend to City Council the draft Complete Streets policy be adopted.

Attachment: Draft Complete Streets Policy

T:\COMMDEV\2014-2015 Department Files\Board Files\Planning Commission\PC reports\2015 06 12 VG Complete Streets Policy.docx

# COMPLETE STREETS POLICY

## I. THE COMPLETE STREETS INTENT

The City of Portage, through this Complete Streets Policy and the adopted Comprehensive Plan, recognizes that planning the city transportation system involves more than just moving vehicles efficiently and safely. A transportation system needs to meet the needs of all types of users – motorists, pedestrians (including those with disabilities), bicyclists, transit vehicles and users, freight haulers, emergency responders and citizens of all ages and abilities.

For many years, the City of Portage has designed and implemented a multi-modal transportation system to safely and efficiently move both motorists and non-motorists throughout the community. Furthermore, the design of the multi-modal system has also considered the context of the adjacent land uses. Comprehensive planning, design and construction efforts that consider all users as part of a transportation system will continue as public and private developments and capital improvements are implemented.

## II. BENEFITS OF A COMPLETE STREETS TRANSPORTATION SYSTEM

Continuing to provide and invest in a Complete Streets system is a priority for residents, businesses and city leaders, and includes many benefits such as:

- Provides multi-modal transportation connections between homes, schools, parks, public transportation, offices, and retail destinations.
- Enhances safe walking and bicycling options for school-age children, consistent with the national Safe Routes to Schools program
- Encourages economic growth, positively impacting property values.
- Improves pedestrian and cyclist safety by reducing potential crashes between motorized and non-motorized users.
- Encourages walking and bicycling that improves health and fitness.
- Provides driving alternatives positively impacting the environment, conserves fuel and saves money.

## III. APPLICABILITY OF THE COMPLETE STREETS POLICY

The City of Portage will consider every municipal transportation improvement and private development project as an opportunity to evaluate the level of Complete Streets elements within the general project area and connectivity to adjacent areas with the intent to improve safety and accessibility for all users. This Complete Streets Policy will be utilized with all planning, design, funding and approval involving any street construction, reconstruction, resurface, major repair or alteration, or right-of-way acquisition project. This policy is also applicable to the installation, replacement or reconstruction of underground utilities located within a public street right-of-way; however, water and sanitary sewer enterprise funds cannot be used as a Complete Streets funding source.

A determination as to whether or not a specific street is a Complete Street, or how many design elements are appropriate will be determined on a case-by-case basis.

#### IV. DESIGNING A MULTI-MODAL SYSTEM TO MEET THE NEEDS TO ALL USERS

The City of Portage will seek to enhance the safety, access, convenience and comfort for all users of all ages and abilities through the design, operation and maintenance of the transportation network. The goal is to continue to expand an interconnected network of facilities accommodating each mode of travel consistent with the goals identified in the adopted Comprehensive Plan and other related planning documents. Furthermore, this policy recognizes that all streets are not the same: Streets vary by type and intensity of adjacent land uses, number of travel lanes, posted speed limits, traffic volumes, available right-of-way and other characteristics such as topography, soil types, and proximity of trees. As a result, the necessity for certain non-motorized transportation facilities will need to be carefully evaluated such that the cost of the non-motorized facility is balanced with the demand and availability of right-of-way.

Transportation improvements will include facilities and other amenities that are recognized as contributing to Complete Streets, which may include, but not necessarily limited to, one or more of the following:

1. Sidewalks (new construction, gap construction, repair or replacement, ADA improvements).
2. Pedestrian refuge islands or crosswalk improvements.
3. Traffic calming measures, where appropriate.
4. Street and/or sidewalk lighting.
5. Multi-use trails.
6. Accessibility improvements consistent with the Americans with Disability Act (ADA).
7. Improved pedestrian access and amenities (e.g. bus shelters) to transit stops and/or installation of bus turnouts.
8. Bicycle accommodations including designated bike lanes, widened travel lanes and bike storage facilities.
9. Connecting sidewalks along a public street to internal private development sidewalks.
10. Interconnected and/or shared off-street parking lots and other access management techniques to reduce driveways and subsequent points of conflict between vehicles and pedestrians/bicyclists.

#### V. CONTEXT SENSITIVE STREET DESIGN

Historically, streets were designed to meet expected traffic volumes at a selected speed. Streets or intersections were widened to meet vehicular needs provided right-of-way was available. That traditional approach has been changed in response to best practices in street design, which recognize that many factors along a particular street influence the speed of traffic, crashes, and how a street can be in harmony, or in conflict with its surroundings.

Street width, presence of on-street parking and sidewalks, block length, building setbacks, design speed, pavement markings and signs, street trees, and even boulevard landscaping and street furniture all contribute to how the street functions. Driver perceptions can affect vehicle speed and care used in driving. These elements can also affect how people view a corridor and their impression of Portage in general. A street designed in tandem with its surroundings can foster an inviting place to live, work and visit.

The City of Portage will continue to rely on a wide range of concepts to help ensure the transportation system operates safely and efficiently, but also in context with the immediate area and overall character of the city.

#### VI. IMPROVE NETWORK CONNECTIVITY

Improving the connectivity between the current network of sidewalks, bike lanes, multi-use trails, paths, public transit routes and roadways is important to ensure the continued success of complete streets concepts in the City of Portage. A well-connected network will encourage citizens to fully utilize all available forms of transportation that will provide safe access for all users, promote healthy living, increase the capacity and efficiency of the roadway network and reduce negative environmental impacts. It is also important that a well-connected network include safe and convenient transitions from one mode of transportation to another, from one jurisdiction to another and from one type of infrastructure improvement to another. This can be accomplished by including ADA compliant improvements, appropriate signage/pavement markings, refuge islands, sidewalk connections to bus stops, among others.

#### VII. NON-MOTORIZED COMPLETE STREET ELEMENTS

The Transportation Chapter of the City of Portage Comprehensive Plan provides specific recommendations concerning the provision of the following non-motorized Complete Street elements:

1. Sidewalks (that are ADA compliant) on local and major streets:
  - a. Sidewalks are provided on both sides of all streets within new residential subdivisions.
  - b. Sidewalks are provided on both sides of all major thoroughfares.
  - c. Sidewalks within existing residential subdivisions are inconsistent throughout the community. In such areas, the following efforts should be pursued:
    - i. Fill gaps in the sidewalk system where they exist as redevelopment and infill development occurs;
    - ii. Concurrent with capital improvement planning, construction of sidewalks along primary pedestrian routes to schools, parks or other activity nodes should be considered;
    - iii. Where concerns regarding pedestrian safety exist and have been documented, construction of sidewalks and other appropriate safety improvements should also be considered.
2. A paved-shoulder bikeway on major thoroughfares to accommodate bicycle travel.

#### VIII. EXCEPTIONS

Exceptions to this policy may only be appropriate when the City Administration determines that one or more of the following provisions exist:

1. An affected roadway prohibits, by law, specified users (such as an interstate freeways or pedestrian malls), in which case a greater effort shall be made to accommodate those specified users elsewhere.
2. An alternative route, such as a multi-use trail in the immediate vicinity provides an option for non-motorized transportation.
3. A wide shared-shoulder bikeway designed to accommodate both bicycle and pedestrian use is available in the street right-of-way.
4. There is insufficient right-of-way to accommodate a Complete Street element.

5. The activities, such as spot repair or crack seal, are ordinary maintenance activities designed to keep assets in serviceable condition, which meet MDOT's ADA upgrade exceptions.
6. Capital preventive maintenance projects where the roadwork is not substantial enough to recognize costs savings by including the non-motorized element. Examples of preventive maintenance projects include thin overlays (less than 1.5-inch), micro-seals, chip seals or slurry seals.
7. The type of project does not have a substantial impact on the roadway, such as signal upgrades, addition of turning lanes and utility installations signal interconnect projects, which do not remove existing non-motorized or transit facilities.
8. Safety projects which are funded only for specific safety features identified by crash patterns, due to the funding parameters of the program.
9. The adopted Comprehensive Plan, or other present and/or anticipated market conditions that can be documented, indicate an absence of existing or future need (e.g. sparse population), for a Complete Street element or elements.
10. An element of this policy will have an adverse impact on existing environmental resources such as wetlands, floodplains, creeks or historic structures or the presence of an environmental resource will add significant cost to an element of this policy.

Exceptions to this policy involving private (re)development projects requiring plan review approval or recommendation to City Council by the Planning Commission shall only be granted or recommended when the Planning Commission, after recommendation from the City Administration, determines one or more of the above applicable provisions exist, is consistent with applicable sections of the Zoning Code concerning Planning Commission review/approval authority and is consistent with the goals, objectives and recommendations of the Comprehensive Plan.

#### IX. INTERGOVERNMENTAL COOPERATION

The City of Portage will cooperate with adjacent communities, the Kalamazoo Area Transportation Study and Kalamazoo County to ensure the principles and practices of complete streets concepts are consistent in appropriate planning documents and implanted along the mutually shared corporate boundaries. The City of Portage, together with its adjacent neighbors, Kalamazoo Area Transportation Study and Kalamazoo County, will cooperate to make sure the transportation network as it transitions from one community to the next is seamless in accordance with local and regional road, transit, bicycle, and pedestrian plans and design criteria.

#### X. DESIGN GUIDELINES

The City of Portage will consider design guidelines promulgated in the documents listed below or as may be required by the funding source. Sources for design guidelines include, but are not limited to:

1. American Association for State Highway and Transportation Officials: A Policy on Geometric Design of Highways and Streets, 6th Edition, or latest edition.
2. American Association for State Highway and Transportation Officials: Guide for the Planning, Design, Operation of Pedestrian Facilities – July 2004 edition or latest edition.
3. American Association for State Highway and Transportation Officials: Development of Bicycle Facilities – Fourth Edition or latest edition.
4. Institute of Transportation Engineers: Designing Walkable Urban Thoroughfares: A Context Sensitive Approach – 2010 edition or latest edition.

In conjunction with the references noted above, the city will also consider the impact on a street and any proposed improvements will have on surrounding land uses pursuant to Section V.

#### XI. IMPLEMENTATION

The City of Portage will take the following actions to implement this Complete Streets policy:

1. The Department of Transportation and Utilities, with assistance from the Department of Community Development, will lead the implementation of this policy and coordinate with other departments and outside organizations.
2. The city will continue to maintain a comprehensive inventory of the pedestrian and bicycling infrastructure within the city's GIS mapping system. This information can be used by various departments to identify and prioritize projects in accordance with this policy, Comprehensive Plan and other related planning documents.
3. Through the private development project plan review process, installation of Complete Street elements will be incorporated during the construction phase of the private development project when appropriate.
4. Each year, the city will evaluate applicable transportation-related projects for inclusion in the Capital Improvement Program in accordance with the recommendations of this Complete Streets Policy. Each municipal project submitted for Capital Improvement Program approval will include a summary of incorporated Complete Streets elements or, if none are proposed, an explanation as to the reasons why.
5. When appropriate, the city will review existing plans and policies related to transportation planning/improvements to ensure consistency with this Complete Streets policy.
6. The city administration will develop educational materials intended to inform elected officials, staff and interested citizens regarding the content of Complete Streets principles and best practices for implementing this policy.
7. The city will coordinate transportation improvement projects involving complete street elements with other departments and outside agencies to promote the most responsible and efficient use of financial resources for activities within the public right-of-way.
8. The city will continue to seek public and private sources of funding to implement the elements of this Complete Streets policy. The city will also continue to coordinate transportation-related projects, including complete streets infrastructure planning and funding, through the Kalamazoo Area Transportation Study through implementation of the Metropolitan Transportation plan and Transportation Improvement Program.

**TO:** Planning Commission

**DATE:** July 10, 2015

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

**SUBJECT:** FY 2014-15 Planning Commission Work Program Final Update and Proposed FY 2015-16 Work Program.

## **I. INTRODUCTION:**

The Planning Commission customarily adopts an annual Work Program that includes the duties and responsibilities of the Commission per statute and local ordinance, incorporates approved City Council Advisory Board Goals and Objectives and City Council Mission Statement and Goals & Objectives. Attached is the FY 2014-15 Work Program, adopted by the Planning Commission in August 2014. Progress made by the Commission on these work items during the past fiscal year is summarized below.

## **II. FY 2014-15 WORK PROGRAM:**

- 1. Review and prioritize the implementation strategies contained in the 2014 Comprehensive Plan and develop a work program for implementation of identified strategies.*

On August 21, 2014, the Planning Commission reviewed and prioritized the following five Implementation Strategies from the 2014 Comprehensive Plan: 1) Inconsistencies between the Zoning Map and Future Land Use Map; 2) Development of a Complete Streets Policy; 3) Lake Center Business Area Overlay Zoning District; 4) Lake Front Regulations and 5) Zoning Code Text Amendments.

During the past fiscal year, progress was made on addressing inconsistencies between the Zoning Map and Future Land Use Map (Rezoning Applications #14/15-1 and #14/15-2) and Zoning Code Text Amendments (Ordinance Amendments #14/15-A and #14/15-B). A further discussion of these activities is provided below. A draft Complete Streets Policy was also reviewed and discussed by the Commission during the June 18, 2015 meeting and is scheduled for further review at the July 16, 2015 meeting. Additional work activities on the remaining implementation strategies will continue into FY 2015-16.

- 2. Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable and efficient use of land at densities that:*
  - a) Meets the current and future needs of city residents.*
  - b) Protects key natural and historic resources.*
  - c) Complements the existing and planned capacity of streets and infrastructure.*

The Planning Commission continues to guide development consistent with the Comprehensive Plan Update/Future Land Use Map and remains cognizant of the impacts development may have on environmentally sensitive land areas. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, special land use permits, planned developments, plats and other development proposals.

3. *During project plan review, consider the following:*
  - a) *Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*
  - b) *Adjacent residential neighborhood protection measures.*
  - c) *Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water through the use of green development practices or other appropriate measures.*

During the past fiscal year, the Planning Commission has reviewed/approved the following private development projects: Site Plan for Peterman Concrete Company (storage building), 333 and 444 Peterman Lane; Site Plan/Maximum Parking Provision for Latitude 42, 7842 and 7908 Portage Road; Final Plan for 1<sup>st</sup> Source Bank, 2301 West Centre Avenue; Site Plan for Kenco Development, 6501 Portage Road; Site Plan for Airway Lanes, 5626 Portage Road; Special Land Use Permit for Mulder Auto Sales, 10028 Shaver Road; Preliminary Condominium for Copperleaf Subdivision (Phase I), 3800, 3730 and 3734 West Milham Avenue; Site Plan for Pinefield (Phase 3), 6291 South 12<sup>th</sup> Street; Special Land Use Permit for Michigan Dog Center, 6740 Quality Way; Specific Plan for Southern Michigan Bank & Trust, 531 West Kilgore Road; Special Land Use Permit and Site Plan for Bickford Cottage (expansion), 4613, 4707 and 4713 West Milham Avenue; Special Land Use Permit for Deals Unlimited, 10509 Shaver Road and 2419 West Osterhout Avenue; and Tentative Plan Amendment and Final Plan for The Homestead (Story Point Senior Living Facility), 3821 West Milham Avenue.

Several of the projects listed above included shared/cross access arrangements, measures to protect adjacent residential uses and/or protection of environmentally sensitive areas including 1<sup>st</sup> Source Bank, Kenco Development, Copperleaf Subdivision, Pinefield (Phase 3), Southern Michigan Bank & Trust, Bickford Cottage, Deals Unlimited and Story Point Senior Living Facility.

4. *Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan in an effort to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

Two rezoning applications were considered and acted upon by the Planning Commission during the past fiscal year and included: Rezoning Application #14/15-1, 6291 South 12<sup>th</sup> Street; and Rezoning Application #14/15-2, 4713 and 4707 West Milham Avenue. The Planning Commission recommended these two rezoning applications be approved.

5. *Consider Zoning Code text amendments including, but not limited to, the City Council referrals and ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus and assist with implementation of the updated Comprehensive Plan, amongst others.*

The Planning Commission recommended two ordinance amendments during the past fiscal year and included Ordinance Amendment #14/15-A, Auto Repair and Service Station Regulations and Ordinance Amendment #14/15-B, Site Plan Review. The two ordinance amendments were identified as part of the Planning Commission prioritization of the Implementation Strategies from the 2014 Comprehensive Plan.

Ordinance Amendment #14/15-A eliminated references to minor and major auto repair and combine both into one land use activity with a new definition of Auto Repair. Auto repair activities are allowed in the B-2 district as a special land use and in the B-3, I-1 and I-2 zoning districts as a permitted use with operational conditions. The amendments also included a new definition for auto body repair (Auto Collision/Body Shops) with this use allowed in the I-1 and I-2 zoning district as a special land use subject to locational and operational requirements. Finally, the amendments also included a new definition for service stations (Vehicle Fueling Stations) with this use allowed in the B-3, I-1 and I-2 zoning districts as a special land use subject to new locational and operational standards

Ordinance Amendment #14/15-B, which was initiated in response to City Council Committee of the Whole meetings in January/February 2015, expanded the administrative review of development projects within industrial zoning district in an effort to streamline the development review process and enhance "speed to permitting",

6. *When appropriate, engage the Youth Advisory Committee in the planning process.*

The Commission did not engage the Youth Advisory Committee during the past fiscal year.

7. *Review and recommend the annual Capital Improvement Program.*

In March 2015, the Planning Commission reviewed, discussed and then recommended to City Council approval of the FY 2015-25 Capital Improvement Program.

8. *Review and adopt the Annual Major Thoroughfare Plan Status Update.*

An update to the Major Thoroughfare Plan was incorporated into the development and adoption of the 2014 Comprehensive Plan.

9. *Engage in continuing education through various Planning Commission training options, such as:*

- *Continued review of professional planning publications*
  - ✓ *Michigan Association of Planning (quarterly newsletter)*
  - ✓ *Planning and Zoning News (monthly newsletter)*
  - ✓ *Review of information available on the Michigan Association of Planning (MAP) website ([www.planningmi.org](http://www.planningmi.org)) and American Planning Association (APA) website ([www.planning.org](http://www.planning.org)).*

- *Participation in webinars and/or conferences sponsored by professional planning organizations such as MAP as resources permit.*
- *Participate in quarterly training presentations by staff and/or City Attorney. Examples include:*
  - ✓ *Legal Aspects of Planning and Zoning*
  - ✓ *Roles and Responsibilities of the Planning Commission*
  - ✓ *Comprehensive Planning*
  - ✓ *Site Plan Review and Access Management*
  - ✓ *Storm Water Management*
  - ✓ *Mixed Use Development*

The MAP and Planning and Zoning News newsletters continue to be provided to the Commission. On-line training and educational materials are also accessible to the Commission through the MAP and APA websites. During the past fiscal year, staff and the City Attorney also conducted the following training sessions for the Commission: Access Management, Site Plan Review and Storm Water Management (September 18, 2014); Planning Commission Roles and Responsibilities (November 20, 2014); and Complete Streets (June 18, 2015).

10. *Forward update to goals for FY 2014-15 (November 2014 and April 2015) and recommended goals for FY 2015-16 (April 2015).*

Updates were not requested, and therefore, not provided to City Council in November 2014 and April 2015. In March 2015, the Planning Commission provided City Council Recommended FY 2015-16 Goals and Objectives.

### **III. FY 2015-16 WORK PROGRAM (PROPOSED):**

The proposed FY 2015-16 Planning Commission Work Program has been prepared and is attached for review and consideration. While the Approved FY 2015-16 Advisory Boards and Commissions Goals and Objectives, along with the FY 2015-16 City Council Mission Statement and Goals & Objectives, are typically provided to the Commission for consideration during review and approval of the Work Program, these have not yet been finalized. Since the Council assigned Planning Commission Goals & Objectives typically mirror the suggested Goals & Objectives recommended by the Commission in March, attached is a copy of the FY 2015-16 Goals & Objectives as recommended by the Commission in March 2015. If Council modifies the Planning Commission recommended FY 2015-16 Goals & Objectives, the Commission can amend the Work Program at a later date.

The Commission is advised to review and discuss the attached materials during the July 16, 2015 meeting and, if no further changes, adopt the FY 2015-16 Planning Commission Work Program.

Attachments: FY 2015-16 Planning Commission Work Program (PROPOSED)  
FY 2014-15 Planning Commission Work Program (Adopted August 2014)  
Planning Commission Recommended FY 2015-16 Goals and Objectives (March 2015)

**TO:** Honorable Mayor and City Council  
**FROM:** Planning Commission  
**DATE:** March 13, 2015  
**SUBJECT:** Recommended FY 2015-2016 Goals and Objectives

The purpose of this communication is to recommend FY 2015-2016 Planning Commission goals and objectives for City Council consideration.

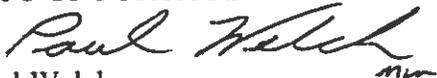
**Recommended 2015-2016 Goals and Objectives**

1. Continue to implement prioritized strategies from the 2014 Comprehensive Plan as identified in the annual adopted work program.
2. Continue to consider Zoning Code text amendments including, but not limited to, City Council referrals and ordinances that emphasize a green, sustainable and healthy community focus and assist with implementation of the 2014 Comprehensive Plan, amongst others.
3. Consider and act appropriately upon site-specific rezonings in the context of the 2014 Comprehensive Plan, City Centre Sub-Area Plan and Lake Center Sub-Area Plan to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
4. Continue to guide development to appropriately planned areas of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Natural Features Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well organized, balanced, sustainable, and efficient use of land at densities that:
  - Meets the current and future needs of city residents
  - Protects key natural and historic resources
  - Complements the existing and planned capacity of streets and infrastructure
5. During project plan review, consider the following:
  - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  - Adjacent residential neighborhood protection measures.
  - Protection of environmentally sensitive areas.
6. Review and recommend the annual Capital Improvement Program.
7. Review and adopt the Annual Major Thoroughfare Plan Status Update, as necessary.
8. Forward recommended goals for FY 2016-17 (April 2016).
9. Respond to all City Council referrals and directives.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Paul Welch  
Chairman

## FY 2015-16 PLANNING COMMISSION WORK PROGRAM

The FY 2015-16 work program reflects the established duties and responsibilities of the Planning Commission as specified by statute and local ordinance, and the guidance provided by the City Council Mission Statement and Goals & Objectives for the community.

The following work program outlines activities of the Planning Commission for FY 2015-16.

- 1) Continue to implement the remaining prioritized strategies from the 2014 Comprehensive Plan, as determined in August 2014: 1) Inconsistencies between the Zoning Map and Future Land Use map; 2) Lake Center Business Area Overlay Zoning District; 3) Lake Front Regulations; and 4) Zoning Text Amendments that assist with implementation of the Comprehensive plan, including ordinances that emphasize, as appropriate, a green, sustainable and healthy community focus.
- 2) Continue to guide development to appropriately planned area of the community and consider the protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map, including regulated wetlands, groundwater and surface water, with the intent to achieve a well-organized, balanced, sustainable, and efficient use of land at densities that:
  - Meets the current and future needs of city residents
  - Protects key natural and historic resources
  - Complements the existing and planned capacity of streets and infrastructure
- 3) During project plan review, consider the following:
  - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
  - Adjacent residential neighborhood protection measures.
  - Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water through the use of green development practices or other appropriate measures.
- 4) Consider and act appropriately upon site-specific rezonings in the context of the Comprehensive Plan in an effort to encourage sustainable residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.
- 5) When appropriate, engage the Youth Advisory Committee in the planning process.
- 6) Review and recommend the annual Capital Improvement Program.
- 7) Review and adopt the Annual Major Thoroughfare Plan Status Update.
- 8) Continue to engage in continuing education through various Planning Commission training options including continued review of professional planning publications and information available through the Michigan Association of Planning (MAP) and American Planning

Association (APA) web sites, participation in webinars and/or conferences sponsored by professional planning organizations, and participation in training sessions presented by staff and/or City Attorney.

- 9) When requested, forward update to goals for FY 2015-16 (November 2015 and April 2016) and recommended goals for FY 2016-17 (April 2016).

## **MATERIALS TRANSMITTED**

## CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – June 8, 2015

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

**MEMBERS PRESENT:** Glenn Smith, Phillip Schaefer, Jeffrey Bright, Chad Learned, Lowell Seyburn, Michael Robbe, John Byrnes, and Alexander Philipp.

**MEMBERS EXCUSED:** Randall Schau

**IN ATTENDANCE:** Jeff Mais, Zoning & Codes Administrator and Charlie Bear, Assistant City Attorney.

**APPROVAL OF THE MINUTES:** Learned moved and Schaefer seconded a motion to approve the May 11, 2015 minutes as submitted. Upon voice vote, the motion was approved 7-0.

**ELECTION OF OFFICERS:** A motion was made by Seyburn, seconded by Learned, to keep Bright as Chair, Schaefer as Vice Chair, and Smith as Secretary. Upon roll call vote: Smith-Yes, Phillip-Yes, Schaefer-Yes, Robbe-Yes, Bright-Yes, Learned-Yes, Seyburn-Yes. The motion passed 7-0

### **NEW BUSINESS:**

**ZBA #14-26, Cheryl Butler, 10650 South Westnedge Avenue:** Seyburn stated he had a conflict of interest, would not be participating in deliberations, and stepped off the dais. Mais summarized the request for a variance from the public street frontage requirement to obtain a building permit. Cheryl Butler stated that she is Trustee for the late Everett and Virginia Floyd, and is endeavoring to sell the subject property to close the estate. Ms. Butler then summarized her May 7, 2015 letter to the Board. Learned inquired if the applicant had considered the conforming alternative. Ms. Butler said the costs associated with providing public street access exceeded the money in the trust and that the co-owner of Outlot A, Katherine Maxey, was also not agreeable to it. Smith noted a copy of the Access and Maintenance Agreement between the co-owners of Outlot A had been provided by the applicant as part of the supplemental agenda, and inquired if the document had been recorded. Ms. Butler responded no. Smith recommended they should record it. Schaefer stated he has dealt with problems associated with private access issues for many years and based on his experiences was convinced providing public access was a much better option for promoting orderly development.

The public hearing was opened. A letter by Lowell Seyburn, 10546 South Westnedge Avenue in support of the requested variance was read. Attorney Bear advised the Board to disregard the third paragraph in its deliberations, as it spoke to the actions of the Board and that Mr. Seyburn should not address the Board during the public hearing as it may create the appearance of impropriety. Mr. Seyburn stated he had a conflict of interest and was therefore not participating in the Board's deliberations, but had the right as a citizen to express his opinions. Chairman Bright stated he would allow Mr. Seyburn to speak as a citizen. Katherine Maxey, 376 Matteson Court, stated they have had no problems with the shared access driveway through Outlot A for the 14 years she has owned the property, even without a formal access agreement. Mr. Seyburn noted the city permits flag lots, which allow long driveways that sometimes have access over other properties. Schaefer stated Ms. Maxey's property would sell one day and when that happened there would be pressure to create more lots and with future owners more potential for emergency access problems. Mr. Seyburn stated the city controls all access while there is no public access, and without it any future splits would require the Board's approval. Bruce Ettwein, 10713 South Westnedge Avenue, spoke in favor of the request. Cliff Floyd, son of Everett and Virginia Floyd, spoke in favor of the request. The public hearing was closed.

Learned noted the adjacent property at 10632 South Westnedge Avenue was not developed and asked if the applicant had attempted to obtain access from there. Ms. Butler said they had but the owner was not agreeable. Robbe inquired if the Board approved the variance allowing someone to build a house, would another variance be necessary to construct an accessory building too. Mais stated no, the applicant was essentially seeking permission from the Board to consider the property a buildable lot. A motion was made by Robbe, seconded by Smith, to grant a variance from the public street frontage requirement to obtain a building permit for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which

include the lack of public street access but access is provided via private drive; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to develop a 6.8 acre residential property; the immediate practical difficulty causing the need for the variance request was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. Upon roll call vote: Smith-Yes, Phillip-Yes, Schaefer-No, Robbe-Yes, Bright-Yes, Learned-Yes, Byrnes-Yes. The motion passed 7-0.

**OTHER BUSINESS:** None.

**STATEMENT OF CITIZENS:** None.

**ADJOURNMENT:** There being no further business, the meeting was adjourned at 8:23 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator

## CITY COUNCIL MEETING MINUTES FROM JUNE 9, 2015

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

At the request of Mayor Strazdas, Pastor Craig Glass of Portage Free Methodist Church gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall and Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Peter Strazdas. Councilmember Claudette Reid 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 Ford, to approve the Regular Meeting Minutes of May 26, 2015, as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.3, Sale of City Property – 10323 Archwood Drive, be removed from the Consent Agenda. Discussion followed.

Motion by Urban, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 9, 2015:** Motion by Urban, seconded by Ansari, to approve the Accounts Payable Register of June 9, 2015. Upon a roll call vote, motion carried 6 to 0.

### REPORTS FROM THE ADMINISTRATION:

\* **PCM CONTRACT RENEWAL FOR INFORMATION TECHNOLOGY SERVICES MANAGEMENT:** Motion by Urban, seconded by Ansari, to accept the renewal agreement from PCM, Inc., for continued provision of information technology services management on behalf of the City of Portage for a period of five years at a negotiated price of \$2,452,729 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **SOUTH 12TH STREET BLOCK LIFT STATION MAINTENANCE:** Motion by Urban, seconded by Ansari, to approve emergency expenditures in the estimated amount not to exceed \$110,000 for repairs related to the South 12th Street Block Lift Station, which includes replacement of piping in the lift station and repair of the force main, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**SALE OF CITY PROPERTY - 10323 ARCHWOOD DRIVE:** Councilmember Urban indicated that he has no objection to the sale of this property or the price, but wanted to make sure the representation about the water and sewer was made perfectly clear. He expressed the concerns of some of the citizens that the survey was incomplete and/or biased, and indicated that he had presumed that the survey showed that the majority of the homeowners wanted water and sewer installed and there was a desire to have this project moved up in the Capital Improvement Project schedule. He indicated that the information provided in the City Manager Communication dated June 9, 2015, via the Materials Transmitted does not substantiate a desire for installing water and sewer on Cliffwood and Archwood. He pointed out that even though it does not matter at this time, he wanted to make sure there was no representation to the buyer of when water and sewer would be installed by the City. He also indicated that this City Council does not decide this matter because the City Council elected at the November 3, 2015, would make that decision and explained the process required to make the change. Discussion followed regarding whether the builder was given an extra year to earn the \$3,000 bonus based on an

occupancy permit and he emphasized that he wanted to make it clear to everyone that there is no guarantee this is going to happen. He indicated that past City Councils have accepted the will of the majority of the neighborhoods in delaying installation of water and sewer until there was an overriding need such as a deteriorated road condition, etc. He provided the delay requested by the property owners on Lloy Street as an example where the installation of water and sewer was delayed for a number of years upon the request by a majority of the property owners.

Mayor Strazdas noted that the survey indicated a majority of the property owners in this instance do not want installation of water and sewer, that past policy of City Council would have the majority drive the special assessment, and asked Mr. Shaffer for his assurances that there is no plan for a special assessment. Mr. Shaffer emphasized that City Council is the "gatekeeper" of that entire process, notwithstanding any predisposition of the Administration, and noted that the survey was a result of a response to the question of what, if anything, would the City do to enhance the sale ability of the property, but that the two issues are not linked. Councilmember Urban clarified that this is not the policy of City Council, but a past practice, and City Council does have the option of deciding to do the project and impose the special assessment, even in the case of a negative survey or vote of the affected citizens because the best interest of the City controls. Discussion followed.

Peter Prihoda, 207 Cliffwood Avenue, objected to installation of water and sewer for his neighborhood and referred to the survey letter and post card sent to the neighborhood. He also indicated that he received his letter after the February 20, 2015 deadline for the return of the post card. He indicated that his neighbors John and Theresa Imus, 301 Cliffwood Avenue, and Nick and Coleen Brown, 227 Cliffwood Avenue, did not receive the survey letter and post card at all. He scrutinized the votes on the copies of the postcards (without names and signatures) procured by, Ron Warner, 202 Cliffwood Avenue. Discussion followed. He referred to the request of the buyer, Dan Vander Ploeg to have an extension of time of three years instead of only two years to construct a single-family dwelling in order to receive the \$3,000 refund incentive on the purchase price. He read from the June 9, 2015 Communication from the City Manager, Sale of Property – 10323 Archwood Drive, "Based on a recent survey of property owners in the vicinity of the property at 10323 Archwood Drive, the City Administration proposes to install public sewer and water along Archwood Drive and Cliffwood Drive in the spring of 2017....." He asked whether Mr. Vander Ploeg would have to pay the Special Assessment if he builds in 2018, after the installation of public sewer and water along Archwood Drive and Cliffwood Drive in the spring of 2017.

Mayor Strazdas explained that the survey revealed that the citizens do not want the installation of public sewer and water, and the City Manager does not recommend the installation of public sewer and water tonight; with that, he suspects the City Council will not wish to proceed with the installation of public sewer and water tonight. Councilmember Urban pointed out that that issue is not before the City Council and will not come before Council until the adoption of the FY 2016-2017 Budget. Discussion followed. In answer to Mayor Strazdas, Mr. Shaffer indicated that the Administration will not be getting water and sewer for the Archwood property next year; furthermore, he re-emphasized that City Council is the "gatekeeper" of that process, so water and sewer is not tied to the deal to sell this property; also, special assessments go with the property, not the property owner, so it would be charged to the titleholder, so any successor in title would be responsible for the assessment and explained. Discussion followed.

City Attorney Randy Brown interjected as a reminder that the only action before City Council is the adoption of the resolution to make the final decision on July 7, 2015, on the sale of the property. Discussion followed.

At the request of Mayor Strazdas, Community Development Director Vicki Georgeau clarified that with regard to the purchase agreement as presented, the purchaser understands the process in that there is no water and sewer, and expressed an interest in getting the rebate being offered as an incentive that the Administration put in place to help sell the property. She said he plans to put in a well and septic system, but his plans could change and he is still trying to finalize how he wishes to proceed.

Discussion followed and Councilmember Urban indicated that 301 Cliffwood Avenue is not a part of the Special Assessment District and that is why they did not receive the letter and survey card.

Motion by Urban, seconded by Ansari, to adopt the resolution to sell city property located at 10323 Archwood Drive, place the resolution on file with the Office of the City Clerk for 28 days and take final action on July 7, 2015.

Councilmember Ansari spoke in favor of the sale as a benefit for the schools, the City and the District Library.

Councilmember Randall concurred and reviewed the history of the discussion about the sale of the 10323 Archwood Drive property during her past six years as a City Councilmember. She spoke in favor of the sale and indicated that City Council determined that this is the best use of the property for all of the citizens in Portage, not just the neighborhood, nor the proposed neighborhood garden and explained. She expressed her appreciation to City Council for considering this action.

Mayor Strazdas concurred and thanked Mr. Shaffer for clarifying the water and sewer question as discussed earlier. He asked Mr. Brihoda to come forward and he explained the rationale for the interest in a vegetable garden, and emphasized that the neighbors would rather have a neighbor on the property instead and restated his concern that there was an appearance that the City wanted to "ram" water and sewer down the street and explained.

Mayor Pro Tem Pearson commended City Manager Shaffer and his staff for finding a buyer for the property since it sat empty for years and explained. He then gave credit to Councilmember Randall for finding the real reason why the property would not sell at auction. She found out that it was bundled with dozens of undesirable properties located outside Portage which required the successful bidder to buy all of the distressed properties in undesirable locations in order to get the nice property in a nice Portage neighborhood.

Mayor Strazdas pointed out that this happened in the middle of the recession when few people would buy anything and explained. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 1 of City of Portage Resolution Book No. 46.

\* **SALE OF CITY PROPERTY - 1521 HELEN DRIVE:** Motion by Urban, seconded by Ansari, to adopt the resolution to sell city property located at 1521 Helen Drive, place the resolution on file with the Office of the City Clerk for 28 days and take final action on July 7, 2015. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 5 of City of Portage Resolution Book No. 46.

\* **PROPOSED THREE-YEAR LABOR AGREEMENT WITH THE UNITED AUTO WORKERS:** Motion by Urban, seconded by Ansari, to authorize the Mayor and City Clerk to execute the three-year labor agreement between the City of Portage and the United Auto Workers. Upon a roll call vote, motion carried 6 to 0.

\* **LIFE AND LONG-TERM DISABILITY INSURANCE:** Motion by Urban, seconded by Ansari, to approve a two-year contract renewal with The Hartford for employee basic life, basic accidental death and dismemberment, contributory life, contributory accidental death and dismemberment, dependent life and long-term disability insurance and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **DELINQUENT WATER AND SEWER BILLS:** Motion by Urban, seconded by Ansari, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2015, will be transferred to the 2015 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 6 to 0.

\* **JUNE 23, 2015 COMMITTEE OF THE WHOLE MEETING:** Motion by Urban, seconded by Ansari, to set a Committee of the Whole (COW) meeting for Tuesday, June 23, 2015, at

6:00 p.m. in Conference Room No. 1 to discuss the topic of Public Safety. Upon a roll call vote, motion carried 6 to 0.

#### **COMMUNICATION:**

**HISTORIC DISTRICT COMMISSION CHAIR MARK REILE:** Historic District Commission Chair and Architect Mark Reile described his involvement with historical properties in Portage over the years, described the scattered Portage Historic District and mentioned the three buildings located in Celery Flats, the School House, Stuart Manor and the Grain Elevator. He mentioned that the Historic District Commission was instituted in 1990-1991 and explained the purpose of the Commission and described some of the past and current activities and concerns of the Commission. He welcomed any funding in order to continue preservation of historic Portage properties. Discussion followed. Mayor Strazdas expressed his appreciation to Mr. Reile for his volunteerism.

Councilmember Urban asked that the Administration provide the process for taking a property off of the Historic Register. Discussion followed.

In answer to Councilmember Randall, Mr. Reile indicated that the Historic District does not apply to what happens inside a home except where a remodel results in the relocation of a door or window because it affects the outside integrity or appearance of the building. In response to her question regarding the restoration of barns and out buildings for tens of thousands of dollars, Mr. Reile indicated that it is a delicate balance, and that the Commission is developing a policy to assist the new buyer when one of the Historic homes is purchased.

In answer to Mr. Ford, Mr. Reile indicated that the common reason for owners wanting to sell an Historic home is because there seems to be a whole new level of oversight and that could limit what can be done with the property and explained. Discussion followed.

Motion by Ansari, seconded by Urban, to receive the Presentation by Historic District Commission Chair Mark Reile. Upon a roll call vote, motion carried 6 to 0.

\* **MINUTES OF BOARDS AND COMMISSIONS MEETINGS:** City Council received the minutes of the Portage Planning Commission of May 7, 2015.

#### **BID TABULATIONS:**

\* **MILL AND FILL SUMMER REPAIRS – BID TABULATION:** Motion by Urban, seconded by Ansari, to award a contract in the amount of \$283,545.05 to Michigan Paving & Materials, Incorporated, for mill and fill asphalt repair of major and local street sections and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **CURB REPAIRS – BID TABULATION:** Motion by Urban, seconded by Ansari, to award a contract in the amount of \$67,233.60 to Northern Construction Services Corporation to provide curb repairs and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **LAKEVIEW PARK AND HAYLOFT THEATRE PARKING LOT IMPROVEMENTS – BID TABULATION:** Motion by Urban, seconded by Ansari, to accept the low bid in the amount of \$49,208.45 from Wyoming Asphalt Paving, Incorporated, to provide repairs to the Lakeview Park and Hayloft Theatre parking lots and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **RAMONA PARK TENNIS/PICKLEBALL COURT UPGRADES – BID TABULATION:** Motion by Urban, seconded by Ansari, to approve a contract in the amount of \$46,300 with J. Allen &

Company, Incorporated, for the upgrade to the Ramona Park tennis/pickleball courts and approve Change Order #1 in the amount of \$19,064 to J. Allen & Company, Incorporated, for an additional tennis/pickleball court at unit pricing within the contract and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **LOVERS LANE BIKEWAY IMPROVEMENTS – BID TABULATION:** Motion by Urban, seconded by Ansari, to accept the low bid in the amount of \$41,080 from J. Allen & Company, Incorporated, to provide repairs to the Lovers Lane Bikeway and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **APPARATUS FLOOR COATING PROJECT FOR FIRE STATION #1 – BID TABULATION:** Motion by Urban, seconded by Ansari, to approve the bid in the amount of \$28,000 to Great Lakes Caulking & Waterproofing for the Fire Station #1 apparatus floor coating project and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

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

**STATEMENTS OF CITIZENS:** A young Boy Scout from Three Rivers came forward and informed City Council that he was present at the meeting in an effort to get information for his Communication Merit Badge and mentioned he received a lot of notes from the meeting to help him earn the Badge. Discussion followed.

**STATEMENTS OF CITY COUNCIL:** Councilmember Ford congratulated Public Media Network for getting live streaming to work for the City Council Meeting, Councilmember Ansari concurred and Mayor Pro Tem Pearson indicated that he was looking forward to live streaming on Apple Computer products.

Councilmember Urban indicated that school is now out and asked everyone to be careful of the children in the neighborhoods playing outside and participating in summer activities all day long.

City Manager Shaffer reviewed the details of his June 9, 2015 Materials Transmitted Communication regarding Current Construction Updates for South Westnedge Avenue, Oakland Drive and West Osterhout Avenue. Discussion followed.

Mayor Strazdas indicated that he has attended over 100 Eagle Scout Courts of Honor. He also mentioned the ribbon-cutting ceremony for the new Habitat for Humanity Store on South Westnedge Avenue and noted that the ribbon that had to be cut was a wooden 2 x 4. He then expressed his condolences for Chhay Wong and Calvin Chao, who drowned on Wednesday on Bankson Lake near Lawton, and who often spent Saturday mornings working hard building homes for Habitat for Humanity. He indicated that he attended the rededication of Milham Meadows, which is home to 1,000 Portage citizens, and he thanked the VanderVeen family, who conveyed the property to an entity that has already invested \$1 million in the property and will make sure the property is well-maintained.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 8:27 p.m.

James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
 May 2015 *(updates in italics)*

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<ul style="list-style-type: none"> <li>-Beginning in 1991, South Westnedge 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. <i>The 2<sup>nd</sup> year of AHC's contract is underway with annual report pending.</i></li> </ul>
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.	<ul style="list-style-type: none"> <li>-Coordination with property owners and City or State agencies ongoing.</li> <li>-<i>Review of 2 site/building plans and/or plats completed in May 2015.</i></li> </ul>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<ul style="list-style-type: none"> <li>-<i>Sanitary sewer hookup permits issued in May 2015: 2 residential; 1 commercial.</i></li> </ul>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<ul style="list-style-type: none"> <li>-Five Year Lake Management Assessment District process was approved by City Council. Permitting complete for the 2015 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2015. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake. The West Lake Improvement</li> </ul>

association has completed a five year plan 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 complete. The 2015 weed treatment bids were received on February 24, 2015. *City Council approved weed treatment at the April 10, 2015 meeting to Professional Lake Management Company. Treatment is scheduled for June.*

**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 October 2014. Monthly sampling at two retention basins continues. *Current findings show a rise in groundwater levels of approximately six inches over 2014 levels.*

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

-Current Wellhead Protection was approved 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 has been initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation has been submitted to the Michigan Department of Environmental Quality for review and approval.

**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. *Next report due in June 2015.*

**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. New permit application process announced in November 2014. New permit application was submitted in March 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. *Next report due in July 2015.*

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 2014-15 with Terra Contracting has been renewed. *The number of environmental incident/spill investigations performed in May – 0. Number of environmental cleanups in May – 0. 2015.*

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.