

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# **PLANNING COMMISSION**

**August 16, 2012**

**CITY OF PORTAGE PLANNING COMMISSION**

**A G E N D A**

**August 16, 2012  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

- \* August 2, 2012

**SITE/FINAL PLANS:**

None

**PUBLIC HEARINGS:**

None

**OLD BUSINESS:**

- \* 1. Oshtemo Township Master Plan Amendment 2012-1

**NEW BUSINESS:**

- \* 1. City of Portage 50<sup>th</sup> Anniversary Celebration

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

**MATERIALS TRANSMITTED**

July 9, 2012 Zoning Board of Appeals meeting minutes  
July 10, 2012 City Council meeting minutes  
June 2012 Summary of Environmental Activities Report

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

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## PLANNING COMMISSION

August 2, 2012

The City of Portage Planning Commission meeting of August 2, 2012 was called to order by Vice-chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Dave Felicijan and James Cheesebro.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services and Randall Brown, City Attorney.

### **PLEDGE OF ALLEGIANCE:**

Vice-chairman Welch led the Commission in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Vice-chairman Welch referred the Commission to the July 5, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Dargitz, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved.

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

1. Site Plan for Bowers Manufacturing, 6565 South Sprinkle Road. Mr. Forth summarized the staff report dated July 13, 2012 involving a project submitted by Delta Design Group, on behalf of Bowers Manufacturing, to construct a 37,895 square foot building addition and related site improvements along the east side of the existing building. Mr. Forth noted that planned site improvements will be limited to the east side of the existing facility with no additional changes proposed across the remainder of the site. Mr. Scott Musser, Delta Design Group, was present to support the site plan on behalf of Bowers Manufacturing. Commissioner Reiff inquired about job creation. Mr. Musser indicated it would be in the range of 40 jobs.

There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Bosch, to approve the site plan for Bowers Manufacturing, 6565 South Sprinkle Road. The motion was unanimously approved.

### **PUBLIC HEARINGS:**

1. Special Land Use Permit: Verizon Wireless (mono-pine), 8080 Oakland Drive. Mr. Forth summarized the staff report dated July 13, 2012 regarding a request received from Tele-Site, Inc., on behalf of Verizon Wireless, for a special land use permit to construct a 150-foot tall telecommunications tower (mono-

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pine) and related improvements at 8080 Oakland Drive. Mr. Forth mentioned that the City Council approved the Tentative Plan Amendment for the Oakland Hills at Centre Planned Development (8080 Oakland Drive and 2275, 2301 and 2401 West Centre Avenue) on June 12, 2012, that included the addition of the 150-foot tall mono-pine tower on the 8080 Oakland Drive parcel, among other revisions. Approval of the tentative plan amendment included the following three conditions related to the mono-pine tower:

- The tower be constructed to accommodate four co-locations and designed to include branches and camouflaging as identified in the Sabre Towers and Poles brochure provided by the applicant. The tower be located at least 55-feet from the north property line and a minimum 90-feet from the east property line;
- The fenced area around the tower be enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) be installed along the north side of the enclosure; and
- The large Oak tree located west of the mono-pine tower and the existing mature tree line located along Oakland Drive be preserved to the greatest extent possible in order to minimize the visual appearance of the mono-pine tower from adjacent properties and for motorists traveling Oakland Drive.

Mr. Forth indicated the proposal to construct the 150-foot tall telecommunications tower (mono-pine) and associated improvements at 8080 Oakland Drive fulfills the requirements for issuance of a Special Land Use Permit and is consistent with the recently approved Tentative Plan Amendment for Oakland Hills at Centre Planned Development.

Mr. Jonathan Crane (attorney representing Verizon Wireless) and Ms. Claudine Antoun (Tele Site, Inc.) were present to speak in support of the special land use permit. Commissioner Reiff asked Attorney Crane to confirm that the proposed tower will look like the tower pictured in the Sabre Tower brochure. Attorney Crane stated it would look like the one in the brochure. Commissioner Bosch asked Attorney Crane if the location of the tower is the same as the location shown on the tentative plan that was recently approved by City Council. Attorney Crane stated it is in the same location.

Vice-chairman Welch opened the public hearing. There being no citizens wishing to speak on this matter, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved. Commissioner Dargitz stated she would have preferred an alternate location further to the west but recognizes the site selection criteria. There being no further Planning Commission discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the special land use permit for Verizon Wireless, 8080 Oakland Drive, to allow construction of a 150-foot tall telecommunications tower (mono-pine) subject to City Council approval of the Final/Site Plan. The motion was unanimously approved.

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

1. Verizon Wireless (mono-pine), 8080 Oakland Drive. Mr. Forth summarized the staff report dated July 13, 2012 involving a final plan submitted by Tele-Site, Inc., on behalf of Verizon Wireless, to construct a 150-foot tall telecommunications tower (mono-pine) and related site improvements at 8080 Oakland Drive. Mr. Forth noted the final plan has been designed in substantial conformance with the 2012 approved tentative plan amendment and applicable requirements of the wireless telecommunications facilities and tower ordinance. Consistent with the 2012 tentative plan amendment, the approximate 50-foot by 70-foot fenced area around the tower will be fully enclosed by a 6-foot tall decorative, solid vinyl fence and supplemental evergreen tree plantings (minimum 8-10 foot tall, spaced 10 feet on-center) will be installed along the north side of the enclosure. Additionally, the applicant will preserve the large Oak tree located west of the mono-pine tower

and, to the greatest extent possible, the existing mature tree line located along Oakland Drive as shown on the 2012 approved tentative plan amendment.

Mr. Jonathan Crane (attorney representing Verizon Wireless) and Ms. Claudine Antoun (Tele Site, Inc.) were again present to speak in support of the final plan. There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to recommend to City Council that the final plan for Verizon Wireless, 8080 Oakland Drive, to construct a 150-foot tall telecommunications tower (mono-pine) be approved subject to the same three conditions included with the 2012 Oakland Hills at Centre Planned Development Tentative Plan Amendment. The motion was unanimously approved.

### **PUBLIC HEARINGS:**

1. Rezoning Application #11-04, East Centre Avenue between Lakewood Drive and Garden Lane – Planning Commission reconsideration. Mr. Forth explained that the Planning Commission previously considered this rezoning application during the April 5<sup>th</sup>, May 3<sup>rd</sup> and May 17<sup>th</sup>, 2012 meetings. After considering public comment, information provided by the applicants and the rezoning alternatives presented by staff, the Planning Commission made two separate motions during the May 17, 2012 meeting recommending City Council approve the rezoning application. However, each motion failed to receive the minimum number of votes (five) necessary for approval. The Planning Commission subsequently decided to forward Rezoning Application #11-04 to City Council without a specific recommendation. Following the public hearing held on July 10, 2012, City Council voted to refer Rezoning Application #11-04 and the Petition in Partial Opposition to Rezoning Application #11-04 back to the Planning Commission for discussion and recommendation.

Mr. Forth briefly summarized each of the six alternatives presented in the staff report dated July 27, 2012. Mr. Forth indicated that staff is recommending alternative No. 3. Commissioner Bosch asked if the parcel adjacent to Bye Street has sufficient street frontage. Mr. Forth responded that it did meet the minimum Zoning Code requirement for street frontage. Commissioner Dargitz asked if the Commission would consider an alternative that combines elements shown on Map 2 and Map 3. This subsequent alternative includes retention of the residential zoning on the north 330 feet of 801 East Centre and rezoning 809 East Centre Avenue to office. Mr. Forth stated this is an alternative the Planning Commission can consider. Commissioner Dargitz expressed a desire to retain some of the residential character in this immediate area and limit the potential impacts on adjacent residential uses.

Vice-chairman Welch opened the public hearing. Mr. Thomas Rogers, initial applicant and owner of 775 and 801 East Centre Avenue, was present to support the rezoning application. Mr. Rogers expressed some concern that only six members of the Planning Commission were present at tonight's meeting. Mr. Rogers mentioned that he did speak with a representative from Consumers Energy about utility costs but was told that a cost estimate could not be provided without a development project. The Consumers Energy representative did state a new primary line would have to be extended on Bye Street. Mr. Rogers also briefly discussed other costs associated with residential development on the north portion of the property and the expected value of a future residential lot. Mr. Rogers discussed the Future Land Use Plan map designations, the fact that the boundaries are not intended to be parcel specific and the low impact nature of office uses. Mr. Rogers explained some of the difficulties he experienced with the expanded rezoning including resident opposition and other residents changing their position. Vice-chairman Welch asked Mr. Rogers what alternative he prefers. Mr. Rogers responded that he prefers Alternative No. 1 and as a second preference, Alternative No. 4 (P-1, parking on the north portions of 801 through 827 East Centre Avenue).

Brian Mahoney, 7911 Lakewood Drive, mentioned one of the recommendations of the Comprehensive Plan is to protect residential neighborhoods from intrusive land uses and motor vehicle traffic. Mr. Mahoney believed that rezoning the property as requested is not consistent with the Comprehensive Plan. Mr. Mahoney stated he circulated the petition and the people that signed it were not entirely opposed to the rezoning application but

were opposed to a change in zoning that included property adjacent to the existing residential homes. Mr. Mahoney noted that while many of the applicants want to sell their property and move away, he and his neighbors are here to stay. Mr. Mahoney prefers Alternative No. 3 as recommended by staff since it is generally consistent with the Future Land Use Plan map and will protect the residents to the north and west. Although Alternative No. 3 proposes to rezone the property next to 728 Bye Street, Mr. Mahoney suggested this area also remain zoned residential. The property owner at 728 Bye purchased the property 14 years ago and the adjacent property (801 East Centre) and the Future Land Use Map does not have it shown for commercial use.

There being no further citizens wishing to speak on this matter, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, to close the public hearing. The motion was unanimously approved.

In response to comments made by Mr. Rogers about involving other applicants (property owners) in the rezoning process, Commissioner Dargitz asked staff to explain why the rezoning application was expanded to include additional properties. Mr. Forth explained the rationale as indicated in the staff report. Commissioner Dargitz also asked about an East Centre resident being able to conduct a home occupation business. Mr. Forth stated that a resident can conduct a home based business if it meets certain criteria. Mr. Forth also mentioned that if the property were rezoned to office, a business owner or an employee could live on site pursuant to the recently adopted Work/Live Ordinance. Finally, Mr. Forth stated he also spoke with the Consumers Energy representative about utility service. According to the Consumers Energy representative, there would be no charge to a property owner/developer for the first 600 feet of primary line installation.

Commissioner Reiff stated that based on the information he has seen to date, he still supports Alternative No. 3. Commissioner Patterson stated he reviewed the Future Land Use plan map again and reiterated that the boundaries are not parcel specific. Commissioner Patterson questioned whether or not residential development is a viable option on the north portion and, as a result, supports Alternative No. 5. Commissioner Patterson stated there are Zoning Code provisions that require screening and buffering when adjacent to residential uses. Commissioner Bosch agreed with Commissioner Patterson. Additionally, Commissioner Bosch does not believe buffering the east side of 728 Bye Street is as important as buffering the south side of the property from the East Centre Avenue traffic. Commissioner Bosch stated there has been no discussion about not rezoning 775 East Centre Avenue. Protection of the east side of 728 Bye Street can be adequately addressed with screening/buffering techniques upon submittal of a site plan. Commissioner Bosch believes that a 50 foot buffer along the north portion of 801 through 827 East Centre consistent with Alternative No. 5 along is adequate. However, as a compromise to move the application forward, Commissioner Bosch could support Alternative No. 3 since residential development within the 198 foot area is still possible. Commissioner Stoffer asked if the property were rezoned consistent with Alternative No. 3, could a property owner return at a later date and request the north portion be rezoned. Mr. Forth stated yes. Commissioner Stoffer mentioned the Comprehensive Plan is a public document and some people may have relied on it when considering a property purchase. Commissioner Stoffer agreed with Commissioner Bosch's statements about the necessity to provide a buffer along the east property line of 728 Bye Street. Commissioner Patterson mentioned the Commission should consider the letter from Mr. Nuss, 809 East Centre Avenue, and his desire to be excluded from the rezoning if the property were rezoned consistent with Alternative No. 3. Vice-chairman Welch indicated he generally concurs with Commissioners Bosch and Patterson and did not believe there is a significant difference between allowing OS-1 zoning adjacent to a 50 foot buffer residential buffer or residential zoning as proposed in Alternative No. 3. Vice-chairman Welch reiterated screening and buffering provisions in the Zoning Code intended to minimize potential negative impacts. However, Vice-chairman Welch also stated he could support Alternative No. 3.

Commissioner Dargitz mentioned there are other available properties located along East Centre Avenue zoned for office use and perhaps the timing is not right to rezone the subject properties. Commissioner Stoffer noted that East Centre Avenue has drastically changed over the years making residential use much less desirable. The Comprehensive Plan designates this area appropriate for office use and Commissioner Stoffer believes the zoning should be changed. Commissioner Bosch asked Attorney Brown about moving forward

A large, slanted, grey stamp with the word "DRAFT" in bold, capital letters. To the left of the text is a small icon of a document with a checkmark.

with Alternative No. 3 in light of Mr. Nuss's letter. Attorney Brown stated that the expanded rezoning application was noticed and the notice indicates that the Commission and Council can consider any zoning classification allowed by law. Even though the Council may have removed a property from zoning consideration in the past, Attorney Brown stated there is no legal requirement.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Reiff, that the Planning Commission to recommend to City Council that Rezoning Application #11-04 be approved consistent with Alternative 3 and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. Commissioner Dargitz asked about a condition for screening adjacent to 728 Bye Street. Attorney Brown stated screening is addressed during the site plan review process and the rezoning cannot include that type of condition. Commissioner Stoffer asked about the restrictions placed on 809 East Centre if the zoning was changed to office. Mr. Forth stated the residential use would become nonconforming but the use could continue and ownership can change. However, the residential use cannot be expanded without Zoning Board of Appeals review/approval. The Commission, staff and City Attorney discussed that the properties involved in the rezoning can be developed either singularly or as a whole. Commissioner Dargitz stated she will support Alternative No. 3 but is still concerned about the future nonresidential impacts on 728 Bye Street and reminded Mr. Rogers about his earlier commitment to minimize those potential impacts. Commissioner Stoffer asked that the letter from Mr. Doug Champagne, 728 Bye Street, regarding his concerns about screening/buffering be made part of the record. Upon voice vote, the motion was approved 5-1 with Commission Patterson voting no.

#### **NEW BUSINESS:**

1. Oshtemo Township Master Plan Amendment 2012-1. Mr. Forth summarized the staff report dated July 27, 2012 regarding several proposed amendments to the Oshtemo Township Master Plan. Pursuant to the Michigan Planning Act, all contiguous communities and other required agencies are being invited to review and comment on the Plan amendments. Mr. Forth indicated that the Plan amendments had recently been received and suggested that the Commission preliminarily discuss this item at tonight's meeting and adjourn the discussion until the August 16, 2012 meeting where any comments can then be formulated and conveyed to Oshtemo Township.

There being no further discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Dargitz, to adjourn the discussion involving the Oshtemo Township Master Plan amendments until the August 16, 2012 meeting. The motion was unanimously approved.

#### **OLD BUSINESS:**

1. Election of Officers. Vice-chairman Welch stated that although Chairman Cheesebro is not present at tonight's meeting, he has indicated a desire to continue to serve as the chairman of the Portage Planning Commission. Vice-chairman Welch asked if another member of the Commission was interested in serving as the chairman. There being no interest from another Commission member, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to re-elect Jim Cheesebro as the Planning Commission chairman for FY2012-13. The motion was unanimously approved. Vice-chairman Welch stated he was interested in continuing to serve as the vice-chairman and asked if another member of the Commission was also interested in serving as the vice-chairman. There being no interest from another Commission member, a motion was made by Commissioner Reiff, seconded by Commissioner Bosch, to re-elect Paul Welch as the Planning Commission vice-chairman for FY2012-13. The motion was unanimously approved. Vice-chairman Welch indicated the final Planning Commission officer position is the secretary.

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Commissioner Stoffer stated he would also like to continue to serve in that capacity. Vice-chairman Welch asked if another member of the Commission was interested in serving as the secretary. There being no interest from another Commission member, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to re-elect Wayne Stoffer as the Planning Commission secretary for FY2012-13. The motion was unanimously approved.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Bosch asked to be excused from the August 16, 2012 meeting. There being no further business to come before the Commission, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** August 10, 2012

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

**SUBJECT:** Oshtemo Township Master Plan Amendment 2012-1

## **I. INTRODUCTION**

The Charter Township of Oshtemo provided notice that was received June 20, 2012 to all contiguous communities and other required agencies that a draft copy of the Oshtemo Township Master Plan Amendment 2012-1 has been completed and is being considered for adoption. After two separate requests, a copy of the Master Plan Amendment 2012-1 was provided to the Department of Community Development on July 25<sup>th</sup>. Per the Michigan Planning Enabling Act, Oshtemo Township is requesting review and comment on the draft Master Plan. Comments must be submitted to the Oshtemo Township Planning Commission prior to the scheduled public hearing on August 23, 2012.

The draft Master Plan document contains over 200 pages, plus a supplemental document with over 100 pages. In order to reduce costs and paper usage, Oshtemo Township has provided a link to the document located on their website, which is [www.oshtemo.org](http://www.oshtemo.org) (click on "Master Plan Amendment 2012-1"). There are three options to review the Oshtemo Township Master Plan Amendment 2012-1:

- Access the Master Plan through the above Oshtemo Township website,
- Visit the Department of Community Development and refer to the paper copy of the plan; or
- Receive a paper copy of the Master Plan for review.

Planning Commissioners are requested to advise Community Development staff as to which option is most convenient/preferred. If a paper copy is most convenient/preferred, a copy will be provided.

## **II. COMMUNITY DEVELOPMENT REVIEW**

As background information, the Planning Commission reviewed the entire 2011 Oshtemo Township Master Plan in March/April 2011. Oshtemo Township subsequently approved this Plan in June 2011. The Oshtemo Township Master Plan Amendment 2012-1 proposes amendments to six areas of this previously approved 2011 Master Plan. These six areas of proposed amendments are discussed in a July 18, 2012 memo from Mr. Gregory Milliken (see attached) and summarized below:

- The 9<sup>th</sup> Street Sub Area Plan
  - New document (Chapter 11) that was developed and included into the Master Plan.
  - A detailed analysis and evaluation of the 9<sup>th</sup> Street corridor extending from just north of Meijer and Menards (north of West Main), south to KL Avenue. This sub-area also extends from 8<sup>th</sup> Street to the parcels just east of 9<sup>th</sup> Street.
  - Sub-area plan includes a vision, goals, principles of development and a future land use map for this area of the Township.

- The Century Highfield Sub Area Plan
  - New document (Chapter 12) that was developed and included into the Master Plan.
  - A detailed analysis and evaluation of the area bounded by Drake Road to the east, West Michigan Avenue to the north, US-131 to the west and Stadium Drive to the south.
  - Sub-area plan includes a vision, goals, principles of development and a future land use map for this area of the Township.
- Update to the Community Profile Chapter
  - Changes and reformatting of Chapter 1 to reflect new data received from the 2010 Census.
- Future Land Use Map Amendments (two areas: 9<sup>th</sup> Street & West Main and Maple Hill Drive)
  - Two proposed changes to the Future Land Use Map (Chapter 8).
  - These two areas are 1) Along 9<sup>th</sup> Street at West Main Street and 2) Maple Hill Drive area north of West Main Street and east of US-131.
- Airport Plan for Newman Field
  - Inclusion of an Airport Plan (Supporting Document #6) for the private grass airstrip situated in the Skyview Estates Plat located between 1<sup>st</sup> Street and 2<sup>nd</sup> Street, between Almena Drive and M-43.
- Limited Text Amendments
  - Minor text changes and reformatting of Community Profile (Chapter 1) and Goals and Objectives (Chapter 7) to reflect new data received from the 2010 Census and exclusion of perceived negative references to student housing.

### III. RECOMMENDATION

Staff has reviewed the proposed plan amendments and does not have any comments/concerns: The proposed amendments are internal to Oshtemo Township and do not affect the City of Portage. Subsequent to any additional discussion during the August 16, 2012 meeting, comments by the Planning Commission regarding the Oshtemo Township Master Plan amendments can be forwarded to township officials.

Attachments: July 18, 2012 Memo from Mr. Gregory Milliken, Oshtemo Township Planning Director  
Oshtemo Township Notice of Transmittal of Proposed Master Plan Amendment 2012-1



July 18, 2012

**From:** Gregory Milliken, AICP  
**Subject:** Public Hearing for Draft Master Plan Amendments



### ***AMENDMENT PROCESS***

Over the past several months, the Township Planning Commission has been working on a variety of amendments to the Township Master Plan. Each one has received vigorous review and has been polished into a final draft format. At their May 28<sup>th</sup> meeting, the Planning Commission recommended the Township Board approve the distribution of the Draft Plan to the surrounding communities, the County, and other required entities. The Board did so in June, and the draft amendments are currently under review by these organizations. They have until early August to submit comments to the Township.

At the conclusion of that period, the Planning Commission will hold a public hearing on the amendments. That hearing is scheduled for August 23<sup>rd</sup> at 7:00 at the Township Hall. All are invited to submit comments to the Planning Commission either in writing prior to the meeting or in person at the meeting. Following the hearing, the Plan will be available for formal adoption by the Planning Commission and Township Board.

### ***PROPOSED AMENDMENTS***

The proposed amendments have been integrated into the draft Master Plan documents that are also available on this page. The portions of the Plan that included proposed changes are described below. In order to better understand the amendments and the context within which they are located, we presented them in this format. The proposed amendments address six different topics, which are described here:

#### **1. 9<sup>th</sup> Street Sub Area Plan**

This Sub Area Plan was completed last year and put on the shelf until several other components were ready to be added to the Plan at the same time. The only change since that process was completed is that the document has been reformatted to match the

design of the rest of the Master Plan. This includes adding pictures, captions, and text boxes. Otherwise, the substance of the plan (including the maps) has not changed. The public input results have also been added to the Supporting Documents. The entire Sub Area Plan that is included in the document is new to the Master Plan.

## **2. Century Highfield Sub Area Plan**

This Sub Area Plan was completed last year and put on the shelf until several other components were ready to be added to the Plan at the same time. The only change since that process was completed is that the document has been reformatted to match the design of the rest of the Master Plan. This includes adding pictures, captions, and text boxes. Otherwise, the substance of the plan (including the maps) has not changed. The public input results have also been added to the Supporting Documents. The entire Sub Area Plan that is included in the document is new to the Master Plan.

## **3. Community Profile Chapter**

This chapter was reviewed and approved by the Planning Commission a couple of months ago. At that time, a significant number of changes to the chapter were reviewed based on new data received from the 2010 Census. However, no changes have been made since that time other than the chapter has been reformatted to match the design of the existing Master Plan. Other than how it is presented, the data and findings have not been altered.

## **4. Future Land Use Map**

There are two areas on the Future Land Use Map where changes are proposed.

- a. Along *9<sup>th</sup> Street* just north of the “General Commercial (Red)” area at West Main Street, a band of “Focus Area” should be added and labeled with a “5” due to the expansion of the *9<sup>th</sup> Street* Sub Area that occurred when that sub area planning process occurred.
- b. In the *Maple Hill Drive* area north of West Main Street and east of 131, an area that is currently zoned commercial and was designated commercial on the previous future land use plan was inadvertently designated “High Density Residential” on the latest future land use map. In inquiring about that change, the property owner suggested that the “General Commercial” designated be expanded further to the north into what is presently designated as “Medium Density Residential”. Apparently, they are making efforts to redevelop / develop the property, and due to the existing development in the area, the traffic patterns, and the adjacent freeway, interest in the area is solely commercial. Remember, this will not change the zoning of the property, it will just change the vision / land use plan.

## **5. Airport Plan**

The Zoning Enabling Act requires that any time an Airport Approach Plan or Airport Layout Plan has been filed in a community, it shall be incorporated into the community’s Master Plan. When we were developing the Master Plan, we were not aware of such documents.

However, we have recently been made aware that Newman's Airport has filed such documents.

The Skyview Estates Plat is located between 1<sup>st</sup> Street and 2<sup>nd</sup> Street and between Almena Drive and M-43. It consists of approximately 15 dwelling units and an airstrip – a private grass airstrip referred to as Newman's Airport. We obtained the two airport approach plans provided from the Airports Division of MDOT for Newman's Airport. These illustrate the various requirements and/or recommendations applied to airports by the FAA or other entities. These include land use strategies and height requirements as well as approach patterns for aircraft using the facility.

To comply with the enabling legislation, we recommend a brief mention of the airport in the Master Plan as well as identification on a map. This is included in Chapter 5 – Transportation & Community Services. Then, we recommend including the official maps and documentation from MDOT in the Supporting Documents.

#### **6. Other Amendments**

On July 14, 2011, the Planning Commission held a discussion regarding desired future amendments to the Master Plan. Included in that discussion were the future land use map amendments identified above and the updates to the Community Profile chapter to reflect the new census results. In addition, concerns were raised about negative references in the Plan to student housing. Two of these references were included in the Community Profile section, which was thoroughly edited and the references were removed. The other was on page 118 under Goal #2. The proposed amendment is shown in the draft document.

CHARTER TOWNSHIP OF OSHTEMO  
KALAMAZOO COUNTY, MICHIGAN

NOTICE OF TRANSMITTAL OF PROPOSED MASTER PLAN AMENDMENT 2012-1  
AND REQUEST FOR COMMENT

FROM OSHTEMO CHARTER TOWNSHIP TO ALL INTERESTED ENTITIES

Dear Recipient:

This communication will serve to transmit a copy of proposed Oshtemo Charter Township Master Plan Amendment 2012-1 for review and comment by your organization. Enclosed herewith is a CD containing the complete Master Plan Amendment 2012-1. It may be opened as a PDF file.

The purpose of the Charter Township of Oshtemo Master Plan Amendment 2012-1 is to develop the following Sub-Area Plans:

The 9<sup>th</sup> Street Sub-Area Plan  
The Century Highfield Sub-Area Plan  
An update to the Community Profile Chapter Based on the 2011 Census  
Amendments to the Future Land Use Map  
An Airport Plan for Newman Field  
Limited Text Amendments

To achieve such, Master Plan Amendment 2012-1 reviews current conditions and trends, and establishes goals, recommendations and maps for the future use of land within the Township. Finally, Master Plan Amendment 2012-1 serves as a basis for Township land development regulations.

Master Plan Amendment 2012-1 was submitted to the Township Board by the Oshtemo Charter Township Planning Commission at its meeting of May 24, 2012 and the Township Board authorized its distribution, under Section 41 of the Michigan Zoning Enabling Act, at its meeting of June 12, 2012.

Master Plan Amendment 2012-1 was formally approved for submission for your comment commencing June 20, 2012, and we formally request that your organization review proposed Master Plan Amendment 2012-1 and submit comments on its contents. Pursuant to Section 41 of the Michigan Planning Enabling Act, you have 42 days after proposed Master Plan Amendment 2012-1 was submitted in which to provide any written comments. Therefore, we should receive your comments no later than August 1, 2012. Please direct any correspondence to:

OSHTEMO CHARTER TOWNSHIP  
ATTN: GREG MILLIKEN, PLANNING DIRECTOR  
7275 WEST MAIN STREET, KALAMAZOO, MI 49009  
269-375-4260

If you would like a printed copy, in addition to the hard copy CD which is provided with this Notice, please contact us, and we will forward a copy to you immediately. You may also review proposed Master Plan Amendment 2012-1 on the Oshtemo Charter Township Website at [www.oshtemo.org](http://www.oshtemo.org) and click on "Master Plan Amendment 2012-1."

If you have any questions, please feel free to contact Greg Milliken.

Respectfully submitted,

OSHTEMO CHARTER TOWNSHIP  
PLANNING COMMISSION

By: Carl Benson, Secretary

2012-1 Amendment\Form V

**TO:** Planning Commission

**DATE:** August 10, 2012

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

**SUBJECT:** City of Portage 50<sup>th</sup> Anniversary Celebration – suggestions and ideas

Attached for Commission review is a July 30, 2012 communication from City Council regarding the above captioned matter. As indicated in the communication, 2013 will mark the 50<sup>th</sup> Anniversary of the City of Portage incorporation and a year-long program of activities and events to commemorate this anniversary is being planned. To assist in planning effort, City Council is seeking input from the various Advisory Boards and Commissions, along with input from city residents. Receipt of written ideas and suggestions from the various Advisory Boards and Commissions is requested by September 28, 2012.

The Planning Commission is advised to consider and discuss various activities and events to help commemorate the City of Portage 50<sup>th</sup> Anniversary. Subsequent to these discussions, a written communication can be prepared and forwarded to City Council for consideration prior to September 28<sup>th</sup>.

Attachment: July 30, 2012 Communication from City Council

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CITY OF PORTAGE

COMMUNITY DEVELOPMENT

COMMUNICATION

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**TO:** Portage Advisory Boards and Commissions\*

**DATE:** July 30, 2012

**FROM:** Portage City Council

**SUBJECT:** City of Portage 50th Anniversary Celebration

In December 1963, Portage Township incorporated as the City of Portage and 2013 marks the 50th anniversary of the city's incorporation. The Portage City Council intends to establish a year-long program of activities and events to commemorate the 50th anniversary as a city. In preparation, the Council is seeking input from all Portage Advisory Boards and Commissions. Residents of Portage are also being requested to provide similar input and the city has established a web form for the submission of resident suggestions. The form can be accessed by visiting [www.portagemi.gov](http://www.portagemi.gov) and clicking on the 50th Anniversary icon.

The Portage City Council intends to consider Advisory Board input, as well as resident input, in establishing a program of activities and events. In order to facilitate the planning process, receipt of Advisory Board input by September 28, 2012 is requested. Written suggestions should be directed to the Office of the City Manager.

Your participation in assisting the Council with development of the 50th anniversary event and activity schedule is appreciated.

- \* James Cheesebro, Planning Commission  
Ruth Caputo, Chair, Environmental Board  
Mark Reile, Chair, Historic District Commission  
Marc Meulman, Chair, Human Services Board  
Mike Zajac, Chair, Park Board  
Ruth Ann Meyer, Chair, Senior Citizens Advisory Board  
Sujoy Dewan, Chair, Youth Advisory Committee
  
- c: Maurice S. Evans, City Manager  
Staff Liaisons: Christopher Forth, Planning Commission ✓  
Christopher Barnes, Environmental Board  
Erica Eklov, Historic District Commission  
Elizabeth Money, Human Services Board  
William Deming, Park Board  
Jill Hess, Senior Citizens Advisory Board  
Adam Herringa, Youth Advisory Committee

# **MATERIALS TRANSMITTED**

# CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – July 9, 2012

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Linenger at 7:00 p.m. in the Council Chambers. One person was in the audience.

**MEMBERS PRESENT:** Timothy Bunch, Rob Linenger, Lowell Seyburn, Michael Robbe, Mariana Singer, and Jeffrey Bright.

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

**APPROVAL OF THE MINUTES:** Singer moved and Bright seconded a motion to approve the June 11, 2012 minutes as submitted. Upon voice vote, motion was approved 6-0.

## **NEW BUSINESS:**

**ZBA #11-24, 3630 East Shore Drive:** Staff summarized the variance request for a variance to construct a second story addition over the existing nonconforming attached garage four feet from the (west) side property line, where a minimum eight-foot side yard setback is required. Tim Wenzel was present to answer questions.

A public hearing was opened. A letter of support from Rod O'Brien, 9636 East Shore Drive was read, and a letter of support signed by: David & Marla Shires, Dominic & Jennifer Andwan, Chuck & Mary Botsis, Rick & Mary Weilopolski, and Helen Smith was read. The public hearing was closed.

A motion was made by Seyburn, seconded by Robbe, to grant a variance to construct a second story addition over the existing nonconforming attached garage four feet from the (west) side property line, where a minimum eight-foot side yard setback is required for the following reasons: there are exceptional circumstances applying to the property that do not generally apply to other properties in the same zoning district, which include the location of the existing dwelling and floorplan precludes placement of an addition in a practical location; the variance is necessary for the preservation of a substantial property right, the right to use the property as a residence with an appropriate sized dwelling which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; inasmuch as the request is being supported by neighbors, the variance will not be detrimental to adjacent property; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Robbe – Yes, Seyburn-Yes, Singer-Yes, Bright-Yes. Motion passed 6-0.

**OTHER BUSINESS:** A motion was made by Bunch, seconded by Singer to postpone the election of officers until the September 10, 2012 meeting. Upon voice vote the motion passed 6-0.

## **STATEMENT OF CITIZENS:**

**ADJOURNMENT:** There being no further business, the meeting was adjourned at approximately 7:26 p.m.

Respectfully submitted,

Jeff Mais  
Zoning & Codes Administrator



## CITY COUNCIL MEETING MINUTES FROM JULY 10, 2012

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

At the request of Mayor Pro Tem Reid, Pastor Paul Nuechterlein of the Prince of Peace Lutheran Church of Portage 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 Elizabeth A. Campbell, Jim Pearson, Patricia M. Randall, Edward J. Sackley and Terry R. Urban and Mayor Pro Tem Claudette S. Reid. Mayor Peter J. Strazdas was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Urban, to approve the June 26, 2012 Regular Meeting and June 27, 2012 Special Meeting Minutes. Upon a voice vote, motion carried 5 to 0 with Councilmember Campbell abstaining.

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

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 10, 2012:** Motion by Urban, seconded by Campbell, to approve the Accounts Payable Register of July 10, 2012. Upon a roll call vote, motion carried 6 to 0.

### **PUBLIC HEARINGS:**

**PUBLIC HEARING FOR REZONING APPLICATION #11-05, 7812, 7840 AND 7842 PORTAGE ROAD:** Mayor Pro Tem Reid opened the public hearing and introduced Community Development Director Vicki Georgeau, who noted that Rezoning Application #11-05 is a request to rezone 7812, 7840 and 7842 Portage Road to B-3, general business, and the portion of 7908 Portage Road (approximately 351 feet by 178-feet) located immediately south of 7842 Portage Road, to P-1, vehicular parking. She outlined the location of the request, provided some history of the process and indicated that the application was originally initiated by Mike Stoddard, who plans to construct a micro-brewery/restaurant with the requisite parking as part of his plan. Discussion followed. Mayor Pro Tem Reid opened the public hearing for comment from the interested parties and citizens. There being no discussion, motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Urban, to approve Rezoning Application #11-05 and rezone 7812, 7840 and 7842 Portage Road to B-3, general business, and the portion of 7908 Portage Road (approximately 351 feet by 178-feet) located immediately south of 7842 Portage Road, to P-1, vehicular parking. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 231 of City of Portage Ordinance Book No. 12.

**PUBLIC HEARING FOR REZONING APPLICATION #11-04, EAST CENTRE AVENUE BETWEEN LAKE WOOD DRIVE AND GARDEN LANE:** Mayor Pro Tem Reid opened the public hearing and Ms. Georgeau reviewed the history of the Rezoning Application #11-04 request to rezone various properties on East Centre Avenue between Lake Wood Drive and Garden Lane. She indicated that the Rezoning Application #11-04 is a request to rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and

827 East Centre Avenue to OS-1, office service, with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. She outlined the history of the process, the Planning Commission discussion of the options and the zoning uses of the surrounding properties and the properties assembled as a result of the request. She explained the reasoning behind each of the alternatives discussed in her communication to the Planning Commission dated May 11, 2012, and disclosed that another alternative has since been offered by the applicant, Thomas Rogers, 895 Treasure Island Drive, Mattawan, and an alternative by local residential property owners. She indicated that the staff recommendation is still Alternative 3 as stated above. Discussion followed regarding access to utilities with the use of Alternative 3, the extension of Bye Street, the proposed 50' buffer, possible compromises, the idea of having a full Planning Commission deliberation on the matter for recommendation and residential buffers as being developable.

In response to Mayor Pro Tem Reid, City Attorney Randy Brown indicated that it is his understanding that all of the properties can be developed by having access off of Centre Avenue or the other two side streets, but he hypothesized that if they could not be accessed, then he agreed that the assembly of the properties in order to make them developable is not appropriate, and he said he did not recall a time in the city's history when that was a reason to assemble properties and cause certain properties to not be developed because sometime in the future, property owners could assemble properties in order to make them developable. Councilmember Urban asked for a clarification from City Attorney Brown and Ms. Georgeau explained that residential property could access their property from the commercial property as there is no prohibition to do this even though there is a prohibition to access commercial property from a residential property, so the northern portion of the five deep lots of 801, 809, 815, 821 and 827 East Centre Avenue would not be land-locked. Discussion followed.

Councilmember Sackley pointed out that there is new information that should be placed before a full Planning Commission for discussion; that buffers on top of set backs required for a zoning district can be considered a "taking;" and, City Attorney Brown agreed that City Council could return this matter to the Planning Commission. Councilmember Pearson concurred with Councilmember Sackley to return the matter to the full Planning Commission and indicated that it is awkward to take the staff recommendation when the Planning Commission had some other ideas.

Mayor Pro Tem Reid opened the public hearing to comment from the audience and the applicant, Thomas Rogers, 895 Treasure Island Drive, Mattawan, who explained that at the behest of Mike West, he sent letters to the property owners on East Centre Avenue between Lake Wood Drive and Garden Lane asking them if they wished to join in the rezoning application. He also indicated that the owner of 903 East Center Avenue across Garden Lane found out by word of mouth and asked to join in and the Community Development Department joined four other properties in the rezoning application. Discussion followed. He spoke in favor of the request as he reviewed his progress with the process since he first placed application in February 2012 and argued for consistency in zoning. Discussion followed regarding the options available to City Council when considering rezoning one, some or all of these properties to be rezoned. City Attorney Brown answered some of the concerns by indicating that the Planning Commission can add a rezoning to an application; an applicant can request to be separated from the assembly, but it is not a right; withdrawal is an option; and sending the matter back to the Planning Commission could solve some of these issues as it will be back to City Council in a different form. Discussion followed. City Attorney Brown said that the City Council could rezone the parcels owned by Mr. Rogers, but he expressed his concern that if City Council denies the other requests, there should be a real clear basis why one applicant is being granted and the others are being denied. Discussion followed.

Bryan Mohny, 7911 Lake Wood Drive, filed a Petition in Partial Opposition to Rezoning Application #11-04, asked for protection of the neighborhood, spoke in favor of the 50' buffer and Alternative 3.

Leroy Butler, 821 East Centre Avenue, spoke in opposition to splitting the properties and spoke in favor of the application as presented.

Craig Binder, 743 East Centre Avenue, is neutral with respect to the application and expressed an interest in keeping residential access on Bye Street and a concern for any increase in traffic that would follow a rezoning.

Lucinda Owen, 826 East Centre Avenue, asked whether a fence could be placed to separate the property zoned office from the property zoned residential and, in answer to Councilmember Urban, she indicated that she is still interested in her property being rezoned, but only if her property value would increase.

There being no more discussion, motion by Sackley, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

In response to Mayor Pro Tem Reid, Ms. Georgeau indicated that a 10 foot buffer is required to separate residential property from commercial uses with 6 feet of opaque screening that can be a fence, a wall or landscaping or a combination and is addressed during site plan review. In answer to her question regarding whether rezoning from residential to office increases or decreases the value of property, Ms. Georgeau deferred to the City Assessor for the best answer, but did indicate that generally, depending upon the facts and circumstances, rezoning from residential to office probably increases the value of property. Finally, Ms. Georgeau responded that there is nothing to preclude some type of assembly of properties as it may be necessary to develop a site, but each of the properties could still nevertheless be developed as individual entities and stand alone. She also indicated that the largest building on these 5.8 acres is 63,000 square feet, but the probability is that several smaller buildings of 2,000 to 5000 square feet would be built. In answer to Mayor Pro Tem Reid's question of whether the Planning Commission was considering these properties for the development of a large office complex or for individual offices, Ms. Georgeau answered they appeared to be considering both of these options. Discussion followed regarding the depth of the properties on East Centre Avenue.

Councilmember Sackley asked Ms. Georgeau whether she had a sense of whether the Planning Commission might be in a better position to re-engage in this discussion with all of the additional information and whether it would be a good use of Planning Commission time and staff time. Ms. Georgeau answered that it is hard to determine what they might do with the additional information. Discussion followed regarding the 50 foot buffer.

Councilmember Urban indicated that he is not supportive and is prepared to have the discussion now and Councilmember Randall concurred. Discussion followed regarding the amount of extra time it would take and Ms. Georgeau indicated that it could be handled in one meeting instead of two meetings, so it would take 30 to 45 days or less.

At the request of Mayor Pro Tem Reid, City Clerk James Hudson referred to the Petition in Partial Opposition to Rezoning Application #11-04, and indicated that the six property owners of the neighborhood affected by the rezoning request in opposition to the rezoning of 801, 809, 815, 821 and 827 East Centre Avenue constituted nine percent (9%) of the owners of the area of land included in the proposed zoning change and seventeen percent (17%) of land included within an area extending outward one hundred feet (100') from any point on the boundary of land included in the proposed change, excluding right-of-way or other publicly owned land. He concluded that a two-thirds vote of City Council is not required to pass the amendment. Discussion followed.

Motion by Sackley, seconded by Campbell, to refer Rezoning Application #11-04 and the Petition in Partial Opposition to Rezoning Application #11-04 received by the City Clerk on July 9, 2012, back to the Planning Commission for discussion and recommendation. Discussion followed. Upon a roll call vote, motion carried 4 to 2. Yeas: Councilmembers Sackley, Campbell and Pearson and mayor Pro Tem Reid. No: Councilmembers Urban and Randall.

## REPORTS FROM THE ADMINISTRATION:

- \* **2012 LOCAL STREET PAVING RECONSTRUCTION – ADDITIONAL STREET RECOMMENDATIONS:** Motion by Urban, seconded by Campbell, to approve a change order in the not to exceed amount of \$431,600 for additional street reconstruction at extended unit pricing with Michigan Paving & Materials Company for the 2012 Local Street Reconstruction Program; a contract amendment with Jones & Henry Engineer, Ltd, for construction administration and material testing for the streets added to the 2012 Local Street Reconstruction Program in the not to exceed amount of \$16,000; and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- \* **UPGRADE OF EMERGENCY WARNING SIREN SYSTEM:** Motion by Urban, seconded by Campbell, to approve the acquisition and installation of equipment necessary to upgrade the emergency warning siren system through West Shore Services in the amount of \$30,483 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.
- \* **VERIZON WIRELESS MOBILE PHONE/DATA SERVICE AGREEMENT:** Motion by Urban, seconded by Campbell, to approve the cancellation of the current Sprint Solutions contract for mobile phone/data service; approve the Verizon Wireless mobile phone/data service agreement; 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.

## UNFINISHED BUSINESS:

- \* **AMENDMENT TO CODE OF ORDINANCES - PURCHASING:** Motion by Urban, seconded by Campbell, to adopt the amendment to Article 5, Finance, Division 2, Purchases and Sales, Section 2-171, Purchasing procedures; bids generally; 2-173, Change orders to construction contracts; and 2-175, Sale of personal property in the City of Portage Code of Ordinances. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 231 of City of Portage Ordinance Book No. 12.
- \* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Youth Advisory Committee of May 21, 2012.  
Portage Planning Commission of June 21, 2012.

## BID TABULATIONS:

- \* **CURBSIDE RECYCLING CONTRACT - RECOMMENDATION:** Motion by Urban, seconded by Campbell, to award a three-year contract for the provision of weekly curbside recycling services to the low bidder, City Star Services, LLC, dba Republic Services of West Michigan, in the not to exceed amount of \$1,563,413.88 and authorize the City Manager to execute all documents related to this agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

**\* POLICE FACILITY CONCRETE SIDEWALK AND STAIR REPLACEMENT:**

Motion by Urban, seconded by Campbell, to approve the expenditure for repairs to a portion of the concrete sidewalk and stairs along the northwest corner of the police facility to Schoolcraft Concrete Construction, LLC, of Schoolcraft, Michigan, in the amount of \$18,000 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 CITY COUNCIL AND CITY MANAGER:** Councilmember Campbell thanked those who attended and worked the July 4<sup>th</sup> Fireworks Display, especially Councilmember Pearson, Mayor Pro Tem Reid, Dick Wilson and John Beebe for their hard work.

Councilmember Sackley touted the Portage Walking, Running Bike Trail System since he was home from the July 4<sup>th</sup> Fireworks Display in less than five minutes using his bicycle.

Councilmember Urban admitted that the automobile traffic at the July 4<sup>th</sup> Fireworks Display was tough, but biking was not an option for him and his two young daughters. He expressed pride in representing Mayor Strazdas at the Boy Scout Court of Honor for five Eagle Scouts from Troop 244.

Councilmember Sackley warned of a planned solicitation disclosed in a letter from the Vice President and General Manager of American Water Resources of Michigan for water and sewer line protection coverage and his e-mail discussing protection coverage for water lines only and implored Tom Haroldson from mLIVE and John McNeal from WKZO to provide information to the public on this and asked the City Administration to look into this matter on behalf of Portage citizens as to whether a third party is legally able to notify our residents of their legal responsibilities with respect to utilities that pass across their property and are connected to the city system.

Councilmember Pearson indicated that Councilmember Campbell understated what she did to make the July 4<sup>th</sup> Fireworks Display a success and that the Portage Rotary sponsors the July 4<sup>th</sup> Fireworks Display and the City of Portage does not pay for the fireworks and expressed his appreciation to the Portage businesses who contributed to the effort.

City Manager Evans asked that Portage citizens be cautious if being solicited by the American Water Resources of Michigan Company, announced the Open House on the Angling Road tree plan, Wednesday, July 25, 2012, from 6:30 to 8:30 p.m. in City Council Chambers and announced that Devin Mackinder, Director of Technology Services and Community Marketing, be recognized for receiving the International Academy of Communication Arts Award for the City of Portage website.

Mayor Pro Tem Reid stated that she realized how very good the website of the City of Portage is when looking at another city for a house in Northern Michigan where her daughter's husband recently accepted employment and expressed her appreciation for the July 4<sup>th</sup> Fireworks Display.

**ADJOURNMENT:** Mayor Pro Tem Reid adjourned the meeting at 9:31 p.m.

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James R. Hudson, City Clerk

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

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Maurice S. Evans, City Manager

**DATE:** June 12, 2012

**FROM:** W. Christopher Barnes, Director of Transportation & Utilities



**SUBJECT:** June 2012 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
June 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence in the groundwater is underway. First round of sampling completed in April 2012. Second round of sampling scheduled for June 2012. Initial results indicate no off-site impact.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 9 site/building plans and/or plats completed in June 2012.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in June 2012: 11 residential; 1 commercial. Two connections made as part of the Mandatory Sewer Connection Program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. <i>The 2011 program is complete. Lake Association has completed 2012 plan and lake treatment completed in May 2012.</i></p>
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be</p>

considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2011 results show declining groundwater levels throughout the city. The 2011 annual report received and under review. Groundwater results show that general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. *Groundwater levels, especially on the east side of Portage, have decreased as a result of seasonal rainfall deficiencies.*

**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. Plan implementation is ongoing.

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Annual sampling completed in June 2011 minimal impacts noted. Next sampling scheduled for June 2012.

**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 Stormwater Pollution Prevention Initiative (SWPPI) as required by NPDES permit. SWPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWPPI submittal to MDNRE. SWPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new

permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012. *MDEQ scheduled an audit of the program for July 12, 2012.*

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

**Kalamazoo River Mainstem  
Watershed Management Plan**

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. 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. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant outcome pending.

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPL. Implementation is ongoing.

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). Surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. Testing will continue annually and is reported to MDEQ.

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation. *Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design for the facility. Installation is planned for the Fall 2012.*

Environmental Incident/Spill Clean Up Notification

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

-The number of environmental incident/spill investigations performed in June 2012 - 0. Number of environmental cleanups in June - 0. Emergency spill response contract for 2012-13 with Terra Contracting is in place.

Hampton Wetland Area Water Level

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

Southwest Michigan Regional Sustainability Covenant

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.