

**CITY OF PORTAGE PLANNING COMMISSION**

**FINAL AGENDA**

**March 4, 2010**

**(7:00 p.m.)**

**Portage City Hall Council Chambers**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

February 18, 2010

**SITE/FINAL PLANS:**

- \* 1. Site Plan: Portage Animal Hospital 8037 Portage Road

**PUBLIC HEARINGS:**

- \* 1. Final Report: Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive)

**PLATS/RESIDENTIAL CONDOS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- \* 1. FY 2010-2020 City of Portage Capital Improvement Program

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

**MATERIALS TRANSMITTED**

**TO:** Planning Commission

**DATE:** March 4, 2010

**FROM:** Jeffrey M. Erickson, Director of Community Development

**SUBJECT:** Site Plan for Portage Animal Hospital, 8037 Portage Road.

**INTRODUCTION:**

A site plan has been submitted by Portage Road Investments, LLC, to construct a new, approximate 5,700 square foot veterinary hospital building and associated site improvements at 8037 Portage Road. The 1.1 acre parcel is zoned B-3, general business and currently occupied by the approximate 3,600 square foot Portage Animal Hospital building and related parking areas. As information for the Commission, the existing veterinary hospital building/site will remain open during construction of the new facility.

Staff is pleased to inform the Planning Commission that representatives of Portage Road Investments and Treystar Holdings, LLC, developer of the CentrePort Commons project, have agreed on a shared/cross access arrangement consistent with the City of Portage Access Management Ordinance. According to Dr. Andrew Helmholt and Attorney Nelson Karre (representing Portage Animal Hospital), the formal written agreement is being finalized and is expected to be signed/recorded by both parties in the near future. Access for the Portage Animal Hospital site is planned to connect at two locations to the CentrePort Commons "B" Drive located to the north with direct access to Portage Road through a right-in/right-out driveway. Access to "B" Drive will also provide customers and employees of the Portage Animal Hospital access to the CentrePort Commons full service driveway further south on Portage Road and a right-in/right-out driveway and a full service driveway on East Centre Avenue. The existing access arrangement to the Portage Animal Hospital will remain while the new veterinary hospital is under construction. The northernmost Portage Animal Hospital driveway will be closed with the final phase of construction and demolition of the existing veterinary hospital building. Once "B" Drive and the other common drives located within the CentrePort Commons development have been constructed by Treystar, the southernmost driveway will be closed and sidewalk/landscaping installed per City of Portage requirements.

Storm water from the site will be collected and conveyed to a revised treatment cell and infiltration basin situated along the eastern portion of the property. New outdoor lighting units will meet applicable ordinance requirements and contain shielded fixtures.

**RECOMMENDATION:**

The site plan has been reviewed by the City Administrative departments. Staff recommends the site plan for Portage Animal Hospital, 8037 Portage Road, be approved subject to closure of the northernmost driveway with the final phase of construction and demolition of the existing veterinary hospital building and closure of the southernmost driveway when "B" Drive and other common drives located within the adjacent CentrePort Commons project have been constructed in accordance with the approved site plan.



**RECEIVED**  
MAR 03 2010  
COMMUNITY DEVELOPMENT

March 3, 2010

City of Portage  
Department of Community Development  
Faxed to 269 329 4506

Bronson Properties Corporation owns the medical office building at the northwest corner of Cooley Drive and Centre Street, it is a valuable asset to our organization and very convenient for our patients.

One consistent problem we have not been able to overcome is a traffic concern. We regularly receive complaints from our patients, physicians and staff about their inability to navigate the Cooley Drive / Centre Street intersection. Bronson has requested a traffic signal at this intersection many times in the past, but the City responds that it is not warranted. Other suggested alternatives (ie lowering speed limit, improving visibility) have not been implemented.

I attended the February 18, 2010 Public Hearing at the City of Portage Planning Commission Meeting and voiced support for the installation of a traffic signal at the Cooley / Centre intersection before the Greenspire Planned Development construction activity begins.

As stated by other commercial neighbors, Bronson respectfully proposes that should further development be decided upon, no further action is taken in the area without first installing a traffic signal at this critical intersection. We consider this a public safety concern, thank you for your consideration.

Regards,

A handwritten signature in cursive script that reads "Carol Long".

Carol Long  
Facility Planning / Property Manager  
269 341 6813

**TO:** Planning Commission **DATE:** March 4, 2010  
**FROM:** Jeffrey M. Erickson, Director of Community Development  
**SUBJECT:** Rezoning Application #09-01, Greenspire Planned Development, Michigan Department of Natural Resources & Environment Response

Two e-mail communications were received today from Mr. Bill Schmidt, Michigan Department of Natural Resources & Environment (MDNRE) that identified several issues related to the Greenspire Planned Development project. The first e-mail was received in the morning and the second in the afternoon. In addition to the e-mail communications, telephone conversation with Mr. Schmidt also occurred this afternoon. The following is a summary of the issues and a response from staff.

Land Survey. At the request of Mr. Schmidt, the applicant, Mr. Greg Dobson, provided an ALTA property survey prepared by LANDTECH to the MDNRE on February 22, 2010. Mr. Schmidt indicated in his March 4, 2010 morning e-mail communication that the survey “doesn’t appear to be a formal survey” and “could be considered incomplete.” Attached is an e-mail communication provided by Mr. Dobson that includes a response from the president of LANDTECH, Mr. Matthew Mokanyk, who indicates the survey is legally binding.

Notice of Public Hearing. The morning e-mail communication from Mr. Schmidt indicates the MDNRE has not been made “completely informed” regarding the development proposal. As was stated to the Commission during the February 18, 2010 meeting, notice was provided to the address of record for MDNRE. In addition to the notice and to ensure the MDNRE was aware of the proposed project, staff also contacted the MDNRE staff member responsible for managing the Gourdneck State Game Area, Mr. David Brauer, on February 11, 2010. The Greenspire Planned Development was explained to Mr. Brauer and a copy of the official public notice was emailed to Mr. Brauer that same day. No further contact was received from the MDNRE until the e-mail communications were received from Mr. Schmidt earlier today. As indicated in Mr. Schmidt’s afternoon e-mail communication, he confirmed today that Department staff had been in contact with MDNRE staff (Mr. Brauer).

Mr. Schmidt also refers to “later arriving information” as a reason why the MDNRE will not have a representative at the Planning Commission meeting tonight. The late arriving information that Mr. Schmidt refers to is the ALTA survey provided by the applicant on February 22, 2010.

The MDNRE was provided notice in accordance with statutory requirements to a property address provided by the MDNRE. In addition to the “official” notice, the MDNRE was also contacted by staff, the applicant and a Hampton Lake area resident. There was sufficient time for MDNRE staff members to become familiar with the project and comment on any potential impacts prior to the final Planning Commission meeting date.

450-foot Safety Zone. The State of Michigan has established a safety zone of 450-feet from an “occupied house, cabin, or any barn or other building used in a farm operation.” No person can hunt, including archery and crossbow hunters, within the safety zone without the written permission of the property owner or occupant. Mr. Schmidt is concerned about the impact the proposed buildings will have on the state-owned land with respect to the 450-foot safety zone.

Rezoning Application #09-01, Greenspire PD  
MDNRE Response

As the Commission is aware, there are three existing apartment buildings along the east property line and one along the west property line adjacent to the state-owned land that are setback 30 feet. As proposed by the applicant, five additional buildings are proposed along the east property line and one along the west property line. These buildings will also be setback 30 feet with the exception of the buildings located in Phase IV, which are proposed to be setback 15 feet (balconies would have a 10 foot setback). As a result of the existing buildings, the placement of the proposed buildings, including those located in Phase IV, will have little impact on the 450-foot safety zone. The most impacted area is Phase V. However, the proposed 30-foot setback under the PD, planned development zoning request is the same as the current RM-1, multi-family zoning.

From a property owner's perspective, they have a right to develop their property within the local ordinances applicable at the time of filing. Mr. Schmidt is suggesting the 450-foot safety zone extend onto private property and affect the placement of future buildings. This type application unnecessarily restricts property owner's right to design and locate buildings on the property even though consistent with local ordinances.

Staff is prepared to further discuss this matter during the March 4, 2010 meeting.

Attachments: E-mail communications dated March 4, 2010 from Bill Schmidt  
E-mail communications dated March 4, 2010 from Greg Dobson

**From:** "Bill Schmidt" <schmidtw@michigan.gov>  
**To:** <ericksoj@portagemi.gov>  
**CC:** "Steve Chadwick" <ChadwickS@michigan.gov>, "Earl Flegler" <FLEGLERE@mich...>  
**Date:** 3/4/2010 9:07 AM  
**Subject:** Proposed "Greenspire" Development - T3S, R11W, Part of Sec. 19and Sec. 20 - Portage Twp.

Jeff: I work in the Office of Land and Facilities with the Michigan Department of Natural Resources and Environment. My job duties are focused on land, rights in land, and to help in the monitoring and safeguard of the lands that have been purchased by the Department and are used for various recreational uses throughout Michigan.

I have become aware of a proposed development ("Greenspire") that is situated adjacent to State-owned land as noted above and managed as part of the Gourdneck State Game Area.

The information I've come across appears to be a engineering drawing/sketch/mapping prepared by 'LANDTECH' and/or 'Hurley & Stewart' and provides a rendering of what looks like an apartment/condominium proposed development. The drawing makes note of section lines but really doesn't appear to be a formal land survey. The proposal looks to be high density.

My concern is this: Records indicate that the Department owns and manages land on both the easterly and westerly boundaries of this development proposal. The information I have does not appear to be a formalized survey and, from that standpoint, could be considered incomplete. As stated before, my concern is to alert you to the fact that there is land owned and managed by the Department in this immediate area and we want to make sure that the proposed development does not impinge upon these State-owned lands, neither by trespass, and that proper set-back requirements are established and implemented with respect to these boundaries.

I understand that you are the Director of Community Development and that there is a Planning Commission meeting tonight relative to this proposal.....and because of the late-arriving information, the Department probably will not have a representative present. However, this note serves as notice that as an adjacent landowner, we feel we need to be completely informed about this proposal.....and I'm not aware that this has happened to this point. Back in October, 2009, I answered a question about land rights in this area that was brought to me by Vicki Georgeau. That discussion was pertinent to better understanding of a specific legal description for a portion of DNRE land, but there was no mention of the reason behind the request.....other than a clarification of a specific legal description.

For the time being, you can use my name and address, that follows, in order to provide complete and detailed information.

Mr. Bill Schmidt  
DNR - OLAF  
P.O. Box 30448  
Lansing, Michigan 48909

I appreciate the opportunity to make our concern known and please feel free to call or write if you need additional information or wish to discuss this matter in more detail.

Schmidt

Bill Schmidt

Office of Land and Facilities  
Phone: (517) 335-3257  
e-mail: schmidtw@michigan.gov  
Fax: (517) 335-1880

**From:** "Bill Schmidt" <schmidtw@michigan.gov>  
**To:** <ericksoj@portagemi.gov>  
**CC:** "Steve Chadwick" <ChadwickS@michigan.gov>, "Earl Flegler" <FLEGLERE@mich...>  
**Date:** 3/4/2010 2:49 PM  
**Subject:** "Greenspire"

Jeff: Thank you for the opportunity for continued discussion.

Here are some comments relative to my earlier e-mail and our discussion that ensued:

1. It appears that your office has notified Department personnel who directly manage the Gourdneck State Game Area. I confirmed with DNRE personnel this morning that Chris Forth has been in contact with our people.
2. We are always concerned about trespass on State land. Improper placement of buildings, construction activities, storing materials, mowing, or similar activities, are considered trespass on State land. Boundary lines are important and we seek to protect the integrity of the boundary line and prevent trespass.
3. Any reduction in building set-back requirements from property lines would have an impact on the adjacent State-owned land with respect to the Department's hunting 'safety-zone' of 450 feet. For example, if you reduce the setback requirement by 15 feet, you bring buildings closer to the property line and thereby increase the amount of State land impacted by the 'safety zone' beyond that which is applicable at the present time. We would prefer that set-back requirements are not reduced in situations where such reduction would impact adjoining State-owned land.

Thank you for your time and attention in this matter and should you have questions, please feel free to call or write.

Schmidt

Bill Schmidt  
Office of Land and Facilities  
Phone: (517) 335-3257  
e-mail: schmidtw@michigan.gov  
Fax: (517) 335-1880

**Christopher Forth - Greenspire - Portage Michigan**

---

**From:** "Greg Dobson" <gdobson@avbinc.com>  
**To:** "Christopher Forth" <forthc@portagemi.gov>, <ericksoj@portagemi.gov>, "Mike West" <westm@portagemi.gov>  
**Date:** 3/4/2010 4:32 PM  
**Subject:** Greenspire - Portage Michigan  
**CC:** "Rich MacDonald" <Richm@hinmancompany.com>  
**Attachments:** Greenspire Alta Rough Draft 2009 10 23 1 and 2.pdf

---

Gentlemen,

For your information. Please see the statement from the President of LandTech.

Thanks!

**AVB Companies****Greg Dobson**

4200 W. Centre Avenue

Portage, MI 49024

Cell 269.217.5477/ Office 269.329.3636

Fax 269.327.3172

[www.avbconstruction.com](http://www.avbconstruction.com)[www.avbhomes.com](http://www.avbhomes.com)


---

**From:** Matthew Mokanyk [mailto:mattm@landtechps.com]  
**Sent:** Thursday, March 04, 2010 1:39 PM  
**To:** Todd Hurley; Pete Prokop  
**Cc:** Greg Dobson; schmidtw@michigan.gov  
**Subject:** RE: Testing RE: Portage Michigan

Yes, this is a "real" survey conducted under my direct supervision and adheres to ALTA standards. This is the preliminary draft but it is a legally binding survey.

**Matthew Mokanyk, PS, PE, CFedS**

President

Licensed Engineer / Licensed Land Surveyor

AL, AR, AZ, CO, FL, GA, IL, IA, IN, KS, KY, MI, MN, MO, NE, NC, ND, NJ, NM, NY, OH, OK, PA, SC, SD, TN, TX, VA, WV, WI

Agent for United States Dept. of the Interior

**LANDTECH****6000 sites, 30 states, 0 missed deadlines.**[www.landtechps.com](http://www.landtechps.com) & [www.towersurveyors.com](http://www.towersurveyors.com)

231-943-0050 x-103 office 231-218-5927 mobile

231-943-0051 fax 231-943-4639 fax2

IF YOU RELY ON ANY MATERIAL AVAILABLE THROUGH THIS EMAIL, YOU DO SO AT YOUR OWN RISK. THIS EMAIL AND ANY ATTACHMENTS ARE INTENDED FOR CONCEPTUAL PURPOSES ONLY AND SHOULD NOT BE RELIED UPON FOR ANY PURPOSES WHATSOEVER. NOW GET BACK TO WORK BEFORE MY WIFE KICKS YOUR ASS. ANY ACTION AGAINST LANDTECH, ITS AGENTS, SUCCESSORS AND ITS LICENSORS, IF ANY, ARISING OUT OF ANY KIND OF LEGAL CLAIM, PERSONAL INJURY OR ASSAULT IN ANY WAY CONNECTED TO THIS EMAIL WILL NOT EXCEED \$1.00 (U.S. currency)

---

**From:** Todd Hurley [mailto:thurley@hurleystewart.com]

**Sent:** Thursday, March 04, 2010 1:21 PM

**To:** Matthew Mokanyk; Pete Prokop  
**Subject:** Fwd: Testing RE: Portage Michigan

The Alta uyou sent was good for this correct

Todd  
 269-806-0170

Begin forwarded message:

**From:** "Greg Dobson" <[gdobson@avbinc.com](mailto:gdobson@avbinc.com)>  
**Date:** March 4, 2010 10:55:45 AM MST  
**To:** "Todd Hurley" <[thurley@hurleystewart.com](mailto:thurley@hurleystewart.com)>, "Bryan Gillespie" <[bgillespie@hurleystewart.com](mailto:bgillespie@hurleystewart.com)>  
**Subject:** **FW: Testing RE: Portage Michigan**

Gents:

This Bill Schmidt below has indicated to the City of Portage that what I sent him isn't "real" survey. For our Planning Commission meeting tonight, does LandTech have a response?

AVB Companies  
 Greg Dobson  
 4200 W. Centre Avenue  
 Portage, MI 49024  
 Cell 269.217.5477/ Office 269.329.3636  
 Fax 269.327.3172  
[www.avbconstruction.com](http://www.avbconstruction.com)  
[www.avbhomes.com](http://www.avbhomes.com)

-----Original Message-----

From: Greg Dobson  
 Sent: Monday, February 22, 2010 8:44 AM  
 To: Bill Schmidt  
 Subject: RE: Testing RE: Portage Michigan

Bill,

Attached please find a copy of our most recent survey for Greenspire.

AVB Companies  
 Greg Dobson  
 4200 W. Centre Avenue  
 Portage, MI 49024  
 Cell 269.217.5477/ Office 269.329.3636  
 Fax 269.327.3172  
[www.avbconstruction.com](http://www.avbconstruction.com)  
[www.avbhomes.com](http://www.avbhomes.com)

-----Original Message-----

From: Bill Schmidt [<mailto:schmidtw@michigan.gov>]  
 Sent: Monday, February 22, 2010 8:13 AM  
 To: Greg Dobson  
 Subject: Testing RE: Portage Michigan

Greg: Here's my address:

Mr. Bill Schmidt

DNR - OLAF  
P.O. Box 30448  
Lansing, Michigan 48909

Bill Schmidt  
Office of Land and Facilities  
Phone: (517) 335-3257  
e-mail: [schmidtw@michigan.gov](mailto:schmidtw@michigan.gov)  
Fax: (517) 335-1880

"Greg Dobson" <[gdobson@avbinc.com](mailto:gdobson@avbinc.com)> 02/19/2010 4:02 PM >>>

Dear Bill,

Dr. Mohny, copied herein, requested that I forward you a copy of our survey. I am happy to do so but wanted to ensure I had written down your address properly. When you respond, I'll email you a copy right away.

Have a great weekend.

AVB Companies

Greg Dobson

4200 W. Centre Avenue

Portage, MI 49024

Cell 269.217.5477/ Office 269.329.3636

Fax 269.327.3172

[www.avbconstruction.com](http://www.avbconstruction.com)

[www.avbhomes.com](http://www.avbhomes.com)