

CITY OF

PORTAGE

A Place for Opportunities to Grow

**PLANNING
COMMISSION**

July 1, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**July 1, 2010
(7:00 p.m.)**

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * June 17, 2010

SITE/FINAL PLANS:

- * 1. Final Plan: Greenspire Retail (Phase I), 3201 West Centre Avenue
- * 2. Final Plan: Greenspire Apartments (Phase IV), 8380 Greenspire Drive
- * 3. Final Plan: Lake Michigan Credit Union, 4100 West Centre Avenue

PUBLIC HEARINGS:

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

May 2010 Summary of Environmental Activities Report
May 10, 2010 Zoning Board of Appeals meeting minutes
June 8, 2010 City Council meeting minutes

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

PLANNING COMMISSION

June 17, 2010

DRAFT

The City of Portage Planning Commission meeting of June 17, 2010 was called to order by Vice-Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Seven citizens were in attendance.

MEMBERS PRESENT:

Cory Bailes, Mark Siegfried, Paul Welch, Jim Pearson, Miko Dargitz, Bill Patterson, Rick Bosch, and Vice-Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Charlie Bear, Assistant City Attorney.

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Vice-Chairman Cheesebro introduced new Planning Commissioner Mark Siegfried. The Commission welcomed Commissioner Siegfried

Vice-Chairman Cheesebro referred the Commission to the May 20, 2010 meeting minutes. A motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Group Child Care Home (VanDenBos), 5203 Oakland Drive. Mr. West summarized the staff report dated June 11, 2010 regarding the request by Ms. Kelly VanDenBos to establish a group child care home for up to 12 children at her residence located at 5203 Oakland Drive. Mr. West also referred the Commission to letters received from area residents, which were included in the original agenda packet and final agenda packet, along with supplemental information provided by the applicant. The Commission discussed with staff access to the residence, on-site parking/maneuvering and parking along Greenbriar Drive.

Ms. Kelly VanDenBos (applicant) was present and described the proposed group child care home and summarized the application materials. The Commission and applicant discussed the number of children proposed

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and allowed under the license, fencing/screening within the backyard outdoor play area and other operational aspects of the proposed group child care home. Vice-Chairman Cheesebro opened the public hearing. No citizens spoke in regard to the proposed group child care home. A motion was then made by Commissioner Welch, seconded by Commissioner Bailes, to close the public hearing. The motion was unanimously approved.

After additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Ms. Kelly VanDenBos (group child care home), 5203 Oakland Drive. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Election of Officers. The Commission discussed election of officers for the upcoming fiscal year and nominations for the various positions. Commissioner Cheesebro indicated he would be interested in the position of Chairman. No other Commissioners expressed interest in the Chairman position. There being no other nominations, the Commission recognized Commissioner Cheesebro as the Chairman of the Planning Commission.

Commissioner Pearson and Commissioner Welch both expressed interest in the position of Vice-Chairman and provided short summaries of their experience with the Planning Commission and other volunteer positions. Following an anonymous vote, Mr. Forth stated there was a tie with four votes for Commissioner Pearson and four votes for Commissioner Welch. After a brief discussion, it was agreed by the Commission that further voting for the positions of Vice-Chairman and Secretary would be deferred until a full Commission was present. Mr. Forth stated the next meeting with all nine Commission members won't occur until the first meeting in August.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Bosch stated that he would not be present for the July 15, 2010 meeting. There being no further business, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: June 25, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by H & G II, Inc. for approval to construct Phase I of the Greenspire Retail project located within the Greenspire Planned Development (PD). The final plan proposes construction of a one-story, 13,400 square foot retail building and associated site improvements.

The Greenspire PD rezoning and tentative plan were approved by City Council on April 13, 2010. Attached is a copy of the February 26, 2010 Department of Community Development Final Report. For Commission information, after Planning Commission review and recommendation but before City Council approval, the applicant removed from rezoning and tentative plan consideration the south 1.84 acres and one, 16 unit building from Phase VI. This change reduced the total project acreage from 83.74 to 81.9 and number of residential units from 708 to 692. The units per acre (density) remained at 8.45. Attached is a copy of the City Council approved tentative plan and April 13, 2010 meeting minutes.

The applicant has increased the size of the building from 12,000 square feet as shown on the approved tentative plan to 13,400 square feet. This increase does not exceed, by more than ten percent, the floor area proposed for nonresidential use as noted in Section 42-375(H)(3) of the PD, planned development zoning district. Also, and consistent with the approved tentative plan, the building will maintain a minimum 30-foot setback from the perimeter of the overall property (85-90 foot setback from West Centre Avenue right-of-way proposed). Storm water from the development will be collected and conveyed to an underground treatment, storage and infiltration system situated beneath the parking lot. Outdoor lighting units associated with the proposed development will include light poles and building mounted fixtures with shielded fixtures and will conform to applicable ordinance standards.

Access to the site will be provided through a full service driveway from West Centre Avenue, opposite Cooley Drive. Appropriate modifications to the West Centre Avenue boulevard will be accomplished to accommodate this access. Monitoring of the West Centre Avenue/Cooley Drive intersection will continue inasmuch as future signalization has been requested and will depend on traffic. A cross access connection between the retail parking lot and Stonebridge Court (internal private street) will be constructed to provide a second access to West Centre Avenue for the adjacent Greenspire Apartment complex. Connection to Greenspire Drive is also proposed.

The location for the retail building is lower in elevation and must be filled to raise it to street level (refer to Sheet C-1). Since the area to the west is higher in elevation, the applicant is proposing to balance the site by using excess soil to the west to fill in the lower area to the east. This area is delineated on Sheet C-1. In order to minimize the visual impact along West Centre Avenue, all tree

removal and grading activities will occur at least 80 feet south of the curb line of West Centre Avenue. Within this 80 foot "vegetative buffer" area, all existing trees will be maintained in an effort to maintain the current viewshed until such time the applicant is ready to proceed with further development of the commercial/office portion of the planned development project. Finally, the grading activities will impact Shirley Court but the applicant has indicated access to West Centre Avenue via Shirley Court will be maintained.

Based on the proposed combination of retail and restaurant tenants, a total of 116 parking spaces are required for the proposed building. The applicant, however, is proposing to construct 70 spaces. Consistent with Section 42-520.N (Deferred Parking) of the Zoning Code, the applicant is proposing to bank 54 additional parking spaces in greenspace (44 spaces south of the building and five spaces along the east and west sides of the building. In support of the request, the applicant has provided a written communication dated June 23, 2010 that describes the parking rationale for the retail building. Staff has reviewed the information submitted by the applicant and supports the deferral of 54 parking spaces as a means to preserve green/open space until such time as parking spaces may actually be needed.

Although review and subsequent approval of a final plan does not require a public hearing and notice, the applicant has notified the adjacent neighbors (attached). At the time this report was finalized, no comments from the adjacent neighbors were received.

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments and is consistent with the Greenspire Planned Development tentative plan including maps and narrative that was recommended by the Planning Commission and approved, as amended, by City Council on April 13, 2010. Staff advises the Planning Commission to recommend to City Council approval of the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue.

Attachments: Final Plan Sheets for Greenspire Retail (Phase I)
Retail Building Elevation
Department of Community Development Final Report dated February 26, 2010
City Council approved Tentative Plan Map (April 2010)
April 13, 2010 City Council meeting minutes
Correspondence from Mr. Greg Dobson dated June 23, 2010 (deferred parking request)
E-mail correspondence from Mr. Greg Dobson dated June 23, 2010 (neighbor notification)

s:\commdev\department files\board files\planning commission\pc reports\site plans\greenspire retail (phase i), 3201 west centre avenue - final plan.doc

Civil Construction Set

GREENSPIRE RETAIL PHASE I

3201 WEST CENTRE AVE
PORTAGE, MI
6/22/10

OWNER
H & G II, LLC
750 TRADE CENTRE WAY, SUITE 100
PORTAGE, MI 49002
(269) 342-9600

CONSTRUCTION MANAGER



AVB CONSTRUCTION, INC.
4200 W. CENTRE AVENUE
PORTAGE, MI 49024
269.329.2022

ARCHITECT



DESIGN + INC
230 E. FULTON STREET
GRAND RAPIDS, MI 49503
616.458.0875

PLANS PREPARED BY:



Hurley & Stewart, Inc.
2800 South 11th Street
Lansing, Michigan 48208
269.552.9560 Fax: 552.4861
www.hurleyandstewart.com

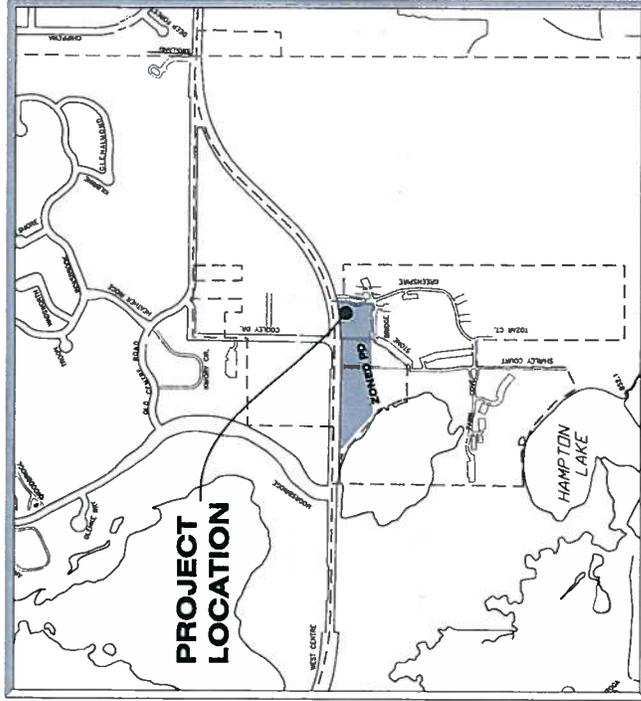


UTILITY CONTACTS:

CONSUMER ENERGY CO. ELECTRIC/GAS
MARK KUCZYNSKI
1175 COMMERCIAL AVE
PALM HARBOR, MI 49767
269.337.2314
CHARTER COMMUNICATIONS CABLE TELEVISION
1175 COMMERCIAL AVE. 41002
269.337.2314
1154 1000 SHUYAMA TELEPHONE
269.354.5981
CITY OF PORTAGE WATER/SANITARY
PORTAGE, MI 49024
269.342.9625

DRAWING INDEX

- | SHT # | DESCRIPTION |
|-------|-----------------------------------|
| C-0 | TITLE SHEET |
| C-1 | EX CONDITIONS AND DEMOLITION PLAN |
| C-2 | SITE LAYOUT PLAN |
| C-3 | UTILITY PLAN |
| C-4 | GRADING PLAN |
| C-5 | SITE DETAILS |
| C-6 | STORM WATER DETAILS |

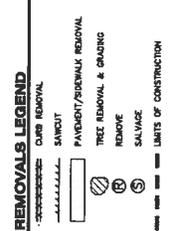
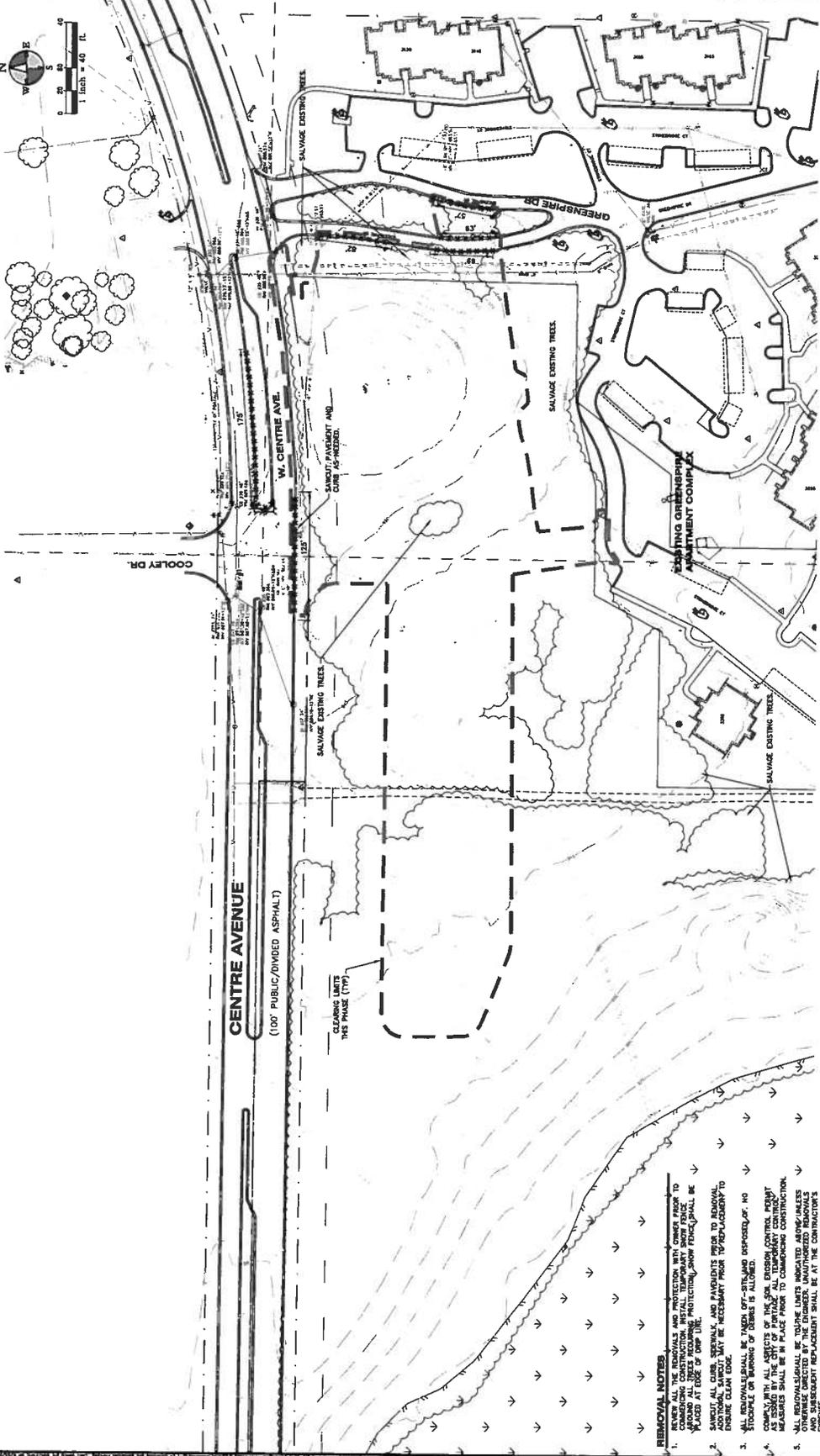


SITE LOCATION MAP
SCALE: 1" = 500'



EXISTING UTILITY LOCATIONS PROVIDED BY G.A.S. AND
MICHIGAN ELECTRIC POWER CO. ARE SHOWN
AS APPROXIMATE LOCATIONS. AVOIDANCE OF
UTILITIES IS THE RESPONSIBILITY OF THE CONTRACTOR. THE
CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH
OF ALL UTILITIES IN THE AREA.

ISSUED FOR
CITY RESUBMITTAL
6/22/10



BENCHMARKS
 ON POWER POLY-NORTH EAST CORNER
 OF COOLEY DRIVE AND W. CENTRE AVE
 LANDTECH PROFESSIONAL SURVEYING

- REMOVAL NOTES**
1. REMOVE ALL THE REMOVALS AND PROTECTION WITH OWNER PRIOR TO COMMENCING CONSTRUCTION. INSTALL TEMPORARY SLOTTED FENCE PLACED AT EDGE OF DUMP THE PROTECTION SHOW FENCE SHALL BE SAWCUT ALL CURB, SEWALK AND PAVEMENTS PRIOR TO REMOVAL. PORTLAND CEMENT CONCRETE SHALL BE REMOVED TO A MINIMUM OF 4" BELOW FINISH GRADE. ALL REMOVALS SHALL BE NECESSARY PRIOR TO REPLACEMENT TO STREETS OR PARKING OF DEBRIS IS ALLOWED.
 2. ALL REMOVALS SHALL BE WITHIN THE SITE AND DEPOSITED AT NO MORE THAN 100 FEET FROM THE SITE. ALL REMOVALS SHALL BE AS ORDERED BY THE CITY OF KANSAS CITY. ALL TEMPORARY CONTROL SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION.
 3. ALL REMOVALS SHALL BE WITHIN THE SITE AND DEPOSITED AT NO MORE THAN 100 FEET FROM THE SITE. ALL REMOVALS SHALL BE AS ORDERED BY THE ENGINEER. AUTHORIZED REMOVALS SHALL BE AT THE CONTRACTOR'S EXPENSE. SUBSEQUENT REPLACEMENT SHALL BE AT THE CONTRACTOR'S EXPENSE.
 4. REMOVE, STORE AND RESET ANY EXISTING SIGNS AS DIRECTED BY THE ENGINEER/OWNER.
 5. REMOVE ALL TREES TO THE CLEARING LIMITS AS SHOWN. REMOVE ALL EXISTING CURBS AND BRUSH FROM THE SITE AS NECESSARY TO CONSTRUCT THE CLEARING LIMITS.
 6. REMOVE CLEARING LIMITS WITH OWNER PRIOR TO COMMENCING WORK. PRESERVE TREES WITHIN INDICATED.
 7. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, NOTIFY THE ENGINEER IMMEDIATELY. THE ATTENTION OF THE ENGINEER TO CORRECT ANY ERRORS OR OMISSIONS WILL BE REQUIRED AS SOON AS POSSIBLE.
 8. FOR PROTECTION OF UNDERGROUND UTILITIES, THE CONTRACTOR SHALL OBTAIN A UTILITY LOCATING REPORT PRIOR TO COMMENCING CONSTRUCTION. DATE EXCLUDES SATURDAYS, SUNDAYS AND HOLIDAYS FROM THE REPORT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE REPORT. THIS DOES NOT RELIEVE THE CONTRACTOR OF THE OBLIGATION TO NOTIFY THE UTILITY OWNERS WHO MAY NOT BE A PART OF THE "811" ALERT SYSTEM.

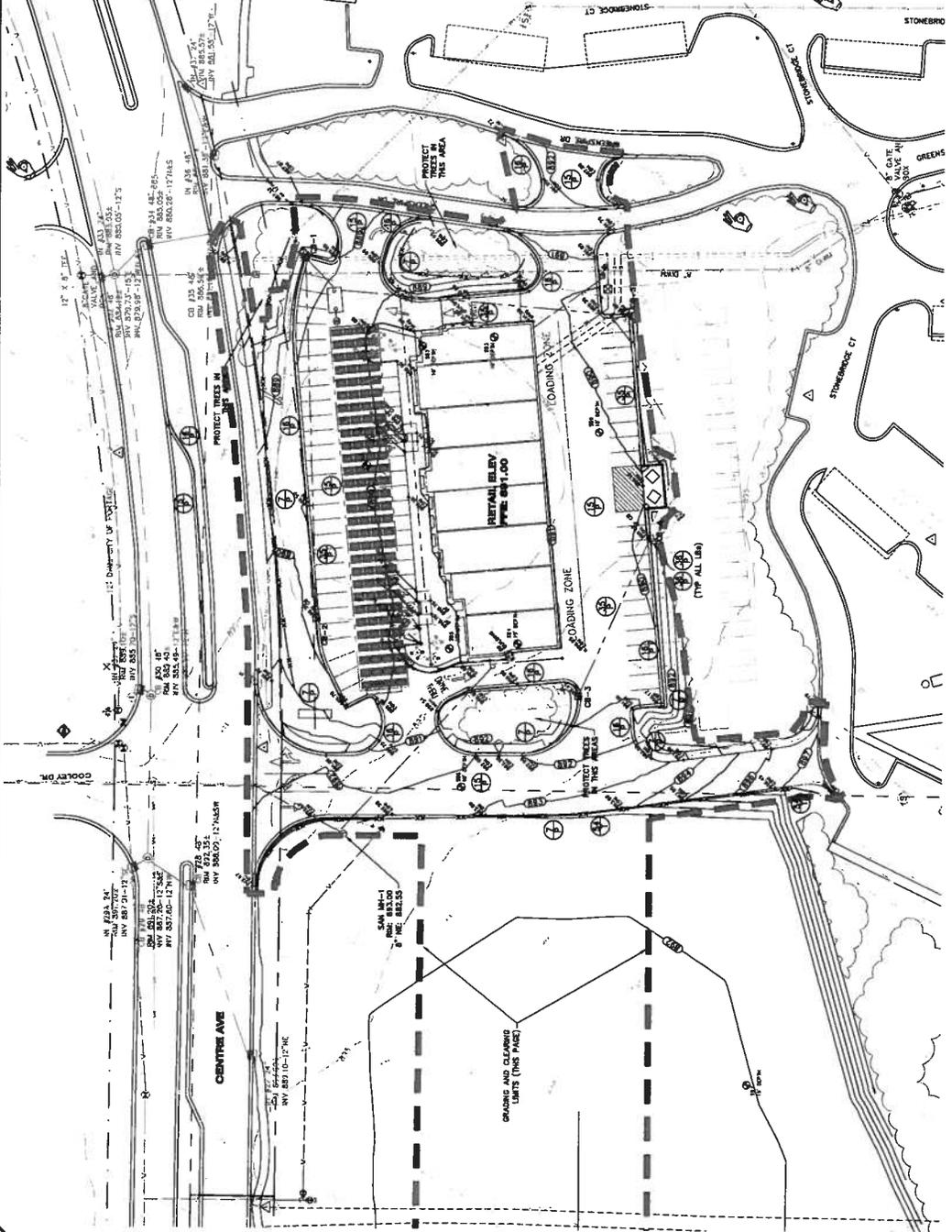
SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

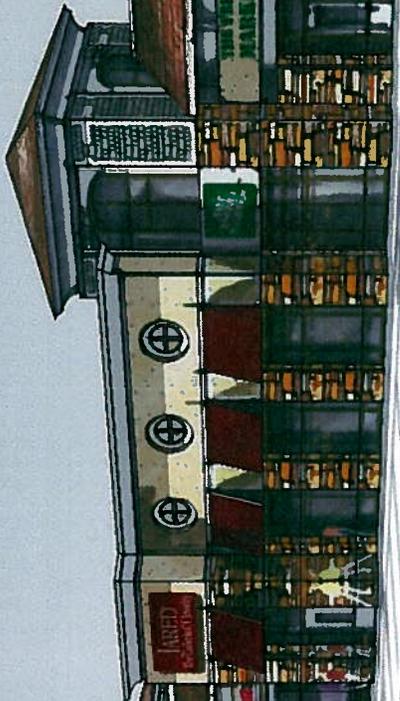
KEY	DETAIL	CHARACTERISTICS
1		Install silt fence for temporary erosion control on all catch basins.
7		Install silt fence for temporary erosion control on all catch basins.
15		Install silt fence for temporary erosion control on all catch basins.
16		Install silt fence for temporary erosion control on all catch basins.
35		Install silt fence for temporary erosion control on all catch basins.
36		Install silt fence for temporary erosion control on all catch basins.
38		Install silt fence for temporary erosion control on all catch basins.
54		Install silt fence for temporary erosion control on all catch basins.

* SILT BAGS REQUIRED AT ALL CATCH BASINS
 * SILT BAGS REQUIRED AT ALL CATCH BASINS
 * SILT BAGS REQUIRED AT ALL CATCH BASINS

- GRADING NOTES**
1. MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN.
 2. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
 3. ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL ROAD UNLESS OTHERWISE NOTED.
 4. GRADING EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO BACKS OF EXCAVATION.
 5. ALL EXISTING ELEVATIONS ARE TO BE VERIFIED AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
 6. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY HEAVY TRUCKING CONSTRUCTION EQUIPMENT, ETC.
 7. ALL SOILS TO BE USED IN THIS PROJECT SHALL BE SELECTED EXCAVATED GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY. FILL UNDER THE MATS OF THE MAINWAY AND PROCESSED ROAD GRAVEL SHALL BE CONTOURED TO 8% MAXIMUM PROCTOR DENSITY.
 8. ALL CONSTRUCTION SHALL BE ACCOMPLISHED BY PLACING THE FILL IN 12" LIFT WITH MAXIMUM SPREADER SPACING OF 12" WITH MAXIMUM SPREADER SPEEDS OF 10 MPH. FIELD DENSITY TESTS SHOULD BE PERFORMED TO VERIFY PROPER COMPACTION AND MOISTURE CONDITIONS AND COMPACTION ARE BEING MAINTAINED THROUGHOUT THE CONSTRUCTION PROCESS.
 9. SITE CONTRACTOR SHALL REMOVE AND STORE ALL TOPSOIL AND BLACK ORGANIC SOILS ON-SITE TO BE USED IN THE REGRADING OF LANDSCAPE AREAS. ALL EXCAVATED TOPSOIL AND BLACK ORGANIC SOILS SHALL BE STORED IN A COVERED AREA TO PREVENT WEATHERING AND SOIL LOSS. ALL EXCAVATED TOPSOIL AND BLACK ORGANIC SOILS SHALL BE REVERSE ENGINEERED WITH THE LANDSCAPE CONTRACTOR'S RESPONSIBILITY.
 10. CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO CONSTRUCTION. ALL EARTHWORK SHALL BE REVERSED WITH THE EARTHWORK CONTRACTOR'S RESPONSIBILITY.
 11. IF ANY ERRORS, DISCREPANCIES OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION.
 12. IF ANY ERRORS, DISCREPANCIES OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION.

Know what's below.
 Call before you dig.
 ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS. PRECISE LOCATIONS SHOULD BE DETERMINED BY THE USER. SEE THE SCHEDULE IN THE SPECIFICATIONS FOR THE SCHEDULE OF UTILITIES.
 LANDTECH PROFESSIONAL SURVEYING





TO: Planning Commission **DATE:** February 26, 2010
FROM: Jeffrey M. Erickson, Director of Community Development
SUBJECT: Final Report: Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive)

I. INTRODUCTION

A PD, planned development rezoning application has been received from American Village Builders Companies and The Hinman Company for a tract of land located along the south side of West Centre Avenue, opposite Cooley Drive. Mr. Joseph Gesmundo and Mr. Roger Hinman own and/or control the properties requested for rezoning.

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
3201 West Centre Avenue	Lakewood Management	00020-131-O	RM-1	PD
3317 West Centre Avenue	Lakewood Management	00019-105-O	RM-1	PD
3413 West Centre Avenue	Lakewood Management	00019-095-O	RM-1	PD
3423 West Centre Avenue	Lakewood Management	00019-096-O	RM-1	PD
3145 Greenspire Drive	Greenspire II Apartments	00020-135-O	RM-1	PD
8380 Greenspire Drive	Greenspire Equity I	00020-130-O	RM-1/R-1C	PD
8401 Greenspire Drive	Greenspire	00020-136-O	RM-1	PD
3413 Fawn Cove Lane	Greenspire II Apartments	00019-100-O	RM-1	PD
8615 Tozer Court	Lakewood Management	00020-140-O	RM-1	PD
Total: Nine parcels (94.64 acres)* <small>* exclude 14.77 acres which is part of Hampton Lake</small>				

The change in zoning is being requested to facilitate additional multiple family development, and retail/office uses along West Centre Avenue, now zoned RM-1, multi-family residential but planned for general business per the 2008 Comprehensive Plan. A portion of the land in the rezoning is occupied by Phases I, II and III of the Greenspire Apartments (384 units on 46.6 acres) approved in 1974, 1977 and 1980, respectively, and constructed. The planned development proposes three additional apartment phases of the Greenspire Apartments (Phases IV, V and VI) on approximately 37 acres along with 11 acres of retail/office land use along the northern portion of the site, adjacent to West Centre Avenue.

Also, six single-family zoned and developed properties abut the rezoning site and are situated on Tozer Court and Shirley Court, which are private streets. The northerly two dwellings are served by city water and the northerly three dwellings are served by city sewer. Careful consideration of these properties, as well as Hampton Lake and adjacent wetland/natural areas, is necessary and appropriate as part of this rezoning consideration.

II. EXISTING CONDITIONS

Land Use/Zoning	<p>Rezoning Site: Phases I, II, and III of the Greenspire Apartments, plus vacant properties, which are zoned RM-1, multiple family residential and R-1C, one family residential (extreme northeast corner of rezoning site). A single family residence is also located on a portion of the 8615 Tozer Court parcel, which is zoned RM-1.</p> <p>North: Across West Centre Avenue, various office developments zoned OS-1, office service and PD, planned development.</p> <p>East, West, South: Vacant land owned by the State of Michigan (Gourdneck State Game Area) zoned R-1C, one family residential. An MDNRE public access from West Centre Avenue is located immediately west of the rezoning site. This public access provides access</p>
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Land Use/Zoning (cont.)	to the Gourdneck State Game Area and Hampton Lake. Additionally, six single family residences located on Shirley Court and Tozer Court, also border the rezoning site to the south.
Zoning/Development History	<ul style="list-style-type: none"> The existing RM-1 and R-1C Greenspire zoning pattern was established through three separate rezoning applications in 1970, 1973 and 1980. Rezoning of nearby properties has occurred over the past several years: <ul style="list-style-type: none"> <u>Rezoning Application #05-05 (2301 West Centre Avenue and 8080 Oakland Drive)</u>. In July 2006, City Council rezoned this 48 acre tract of land located near the southwest corner of Oakland Drive and West Centre Avenue from OTR, office, technology and research to PD, planned development for the Oakland Hills at Centre Planned Development. This planned development project includes office land use along the West Centre Avenue frontage and attached single-family residential condominiums within the remainder of the property. <u>Rezoning Application #04-04 (8706, 8716, 8948 and 9000 Oakland Drive)</u>. In February 2005, City Council rezoned this 82 acre tract of land located along the west side of Oakland Drive, north of Vanderbilt Avenue, from R-1C, one family residential to PD, planned development for the Oakland Hills Planned Development with attached single-family residential condominiums. On October 12, 2009, the Zoning Board of Appeals (ZBA) denied a variance request from Greenspire to construct three 12-unit apartment buildings at 8401 Greenspire Drive 10-feet from the east property line, where 30-feet is required in the RM-1 zoning district. The portion of the Greenspire property involved in this ZBA consideration is referenced as Phase IV, Apartments in the PD rezoning and tentative plan/narrative application.
Public Streets	West Centre Avenue is a designated four-five lane major arterial with a posted 45 mph speed limit and approximately 24,500 vehicles per day (2009); capacity of 32,500 vehicles per day (level of service "D").
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Utilities	Municipal water and sewer have been installed (and will be extended with new phases).
Environmental	The City of Portage Sensitive Land Use Map identifies areas of high sensitivity wetlands within the northwest and southeast portions of the rezoning site. The rezoning site borders on Hampton Lake which has a surface area nearly 1 million square feet (or 22 acres), and, also, Portage Creek with associated regulated floodplain areas.

III. ZONING CODE/PLANNED DEVELOPMENT PROCEDURES-REGULATIONS

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review and final plan review for each phase of the development. The applicant is required to submit a tentative plan which outlines the development concept (phases) for the entire project. Although conceptual in nature, specific statements, proposals, plans and schedule for the ultimate development of the site are required. The tentative plan is submitted for administrative review and scheduled for Planning Commission review and a public hearing. The submission of both written and graphic information constitutes a tentative plan.

The Planning Commission will provide a recommendation to City Council regarding the tentative plan. If approved, the planned development must proceed in accordance with the tentative plan. Approval of the tentative plan by Council constitutes rezoning of the land to PD and allows the submission of a final plan for Administrative, Planning Commission and City Council review. A final plan is submitted in detailed form and is subject to a review process similar to a site plan. If no final plan for development is submitted within two years from the date of approval of the tentative plan, Council may either extend the approval for a period not to exceed two years or immediately initiate rezoning proceedings to re-designate the property to a more suitable zoning classification. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, will require formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations contains the PD district development design standards. This section provides flexibility in the types of land uses and up to 20% of the total land area can be utilized for nonresidential uses. The planned development applicant is required to provide public

water, public sanitary sewer and a pedestrian system. The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types. The overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under this ordinance section. Additionally, Section 42-375.C of the Land Development Regulations includes 15 required elements that must be addressed in the tentative plan/narrative.

The PD district and the tentative plan/narrative, which is required to be submitted with the rezoning application, allows the Planning Commission and City Council to examine the overall development plan layout including building placement, setbacks, height, etc., prior to acting on the PD rezoning request. Essentially, while the applicant is afforded development flexibility, greater control over the proposed planned development is available to the city.

IV. PROPOSED TENTATIVE PLAN

The Greenspire PD will include a total of six multi-family residential phases. The first three Greenspire Apartment phases including 384 apartment units plus the clubhouse, pool and tennis courts on approximately 47 acres have already been constructed under the current RM-1 zoning classification. The remainder of the multiple family residential portion of the planned development will occur in three additional phases (Phases IV, V and VI) and include three-story, 40-foot tall apartment buildings with 324 apartment units on approximately 37 acres. These three additional phases occur along the east, southeast and west perimeters of the overall project site. The north approximate 11 acres along West Centre Avenue will be developed with two, two-story, 40-foot tall retail/office buildings each 30,400 square feet (60,800 square feet total) and three, one-story, 25-foot tall retail buildings between 6,000–25,000 square feet each. The retail/office portion of the overall development (10.9 acres) will not exceed 20% of the total land area, as required by ordinance.

The overall density of the multiple-family residential portion of the development including adjacent wetland areas, but excluding the Hampton Lake area, will be 8.45 units/per acre (708 units on 83.74 acres) which exceeds the 7.0 units/acre standard set forth in the PD ordinance. In conjunction with the PD rezoning application, a modification from this ordinance provision is being requested by the developer. Other aspects of the proposed planned development project include:

- Pedestrian Walkway – An internal pedestrian circulation network of sidewalks exists within the existing Greenspire Apartments and will continue with future phases of apartment development. Additionally, the applicant has also committed to construct internal sidewalks within the first phase of the retail portion of the development (Phase IV-R), which will link with the apartment complex and provide pedestrian access to the new access drive proposed at the West Centre Avenue/Cooley Drive intersection.
- Open Space Features – Approximately 30 acres (36%) of the overall site will be maintained as open space area for the enjoyment of residents/employees of the planned development. Planned open space areas include woods, marsh and wetlands situated along the southeast and northwest portions of the site and adjacent to Hampton Lake in the southwest portion of the site.
- Storm Water Management - Storm water runoff is proposed to be collected and conveyed to natural open space areas situated across the development site, as well as around individual office sites, in accordance with City of Portage requirements. Storm water discharge locations will utilize natural appearing rain basins and existing wetland areas.
- Vehicular Access – Access to the Greenspire Planned Development is proposed through the existing Greenspire Drive from West Centre Avenue. With construction of Phase IV of the apartments, a second full-service driveway from West Centre Avenue, opposite Cooley Drive, is proposed. Future signalization of this West Centre Avenue/Cooley Drive is also being contemplated and has been studied. When future retail and office development occurs to the west, construction of a right-in/right-out driveway at Shirley Court is also proposed.
- Setbacks – Apartment and office/retail buildings will maintain a minimum 30-foot perimeter setback from outer property lines with the exception of the two apartment buildings proposed in Phase IV of the

development, which are proposed to be setback 15-feet from the eastern property line (10-feet for horizontal projections such as decks, balconies and porches), where adjacent to the Gourdneck State Game Area. A minimum 25-foot setback will be maintained from all interior private streets. Minimum 30-foot building separations will be maintained. Apartment buildings within Phase V of the Greenspire PD are proposed to maintain a minimum 80-foot perimeter setback from adjacent single-family property lines located along Tozer Court/Shirley Court and, furthermore, will be setback between 100-250 feet from individual single-family residences.

- Phasing – The development project is planned to be phased beginning in Spring 2010 and extending to 2015 and beyond as indicated in Item 3 of the attached narrative.

V. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing during the February 18, 2010 meeting. Mr. Greg Dobson of American Village Builders was present to explain the planned development; the history of land acquisition and development; 1980 development agreement with area residents and offered to include commitments into the written project narrative; October 2009 Zoning Board of Appeals variance consideration involving Phase IV apartment buildings; Phase V apartment building layout, orientation and setbacks and efforts made to minimize impacts on Shirley Court/Tozer Court residents; retail/office uses, building construction materials/elevations; and development density proposed for the PD project compared to the RM-1 zone.

Four citizens spoke in regards to the proposed PD rezoning: 1) Ms. Betty Ongley (8620 Tozer Court), 2) Mr. Terry Hall (8621 Shirley Court), 3) Dr. Russell Mohny (3500 Vanderbilt Avenue) and 4) Ms. Carol Long (2208 Quincy Avenue). Ms. Ongley expressed concerns regarding possible trespassing from apartment tenants, construction vehicle access, signalization of the West Centre Avenue/Cooley Drive access, condition of Shirley Court and suggested slight adjustments in Phase V apartment buildings to lessen impact on adjacent single family residences located on Shirley Court and Tozer Court. Mr. Hall expressed concerns regarding the proposed height of apartment buildings in Phase V, grade differences between these apartment buildings and his residence and the lack of mature trees in this portion of the development. Dr. Mohny discussed the 1980 agreement between the developer and residents and thanked the applicant for volunteering to incorporate the major provisions of the agreement into the project narrative. Dr. Mohny discussed Building/Fire Code issues associated with the previous ZBA variance consideration, public notice to the State of Michigan and the condition of Shirley Court and the need for improvements. Ms. Long expressed concerns regarding traffic safety at the West Centre Avenue/Cooley Drive intersection and the need to install a traffic signal at this intersection immediately.

The Commission, staff and applicant discussed various aspects of the planned development including past ZBA setback variance consideration; property ownership; inclusion of affordable housing units; impact of Phase V apartments on adjacent residences; development density calculations; PD review process and ordinance provisions; condition of Shirley Court (a private street with deeded access); and timing of second access construction and possible signalization of West Centre Avenue/Cooley Drive intersection.

VI. FINAL ANALYSIS

The following analysis has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification, particularly involving zoning suitability, traffic considerations, neighborhood considerations and environmental considerations.

Comprehensive Plan

Prior to recommending a zoning amendment, a determination that the proposed change is consistent with the Comprehensive Plan is appropriate. In the case of a rezoning, consistency is evaluated based on the Future Land Use Plan Map and also the Development Guidelines.

Future Land Use Plan Map -- The Future Land Use Plan Map component of the Comprehensive Plan designates the properties being considered for rezoning as appropriate for high density residential with general business within a primary commercial node along West Centre Avenue. The Comprehensive Plan identifies four primary commercial nodes across the city “..where both local and general business uses (i.e., grocery, pharmacy, hardware store, restaurant, personal services, business services, etc) are encouraged.” The proposed PD rezoning and associated tentative plan/narrative are consistent with these designations.

Development Guidelines -- The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community development and preservation objectives. The proposed PD rezoning and associated tentative plan/narrative is consistent with applicable development guidelines contained in the Comprehensive Plan. Attached for Commission review is the completed Guideline Table.

Suitability of Existing RM-1 and R-1C Zones/Impacts of Proposed PD Zone

The proposed PD planned development zone is appropriate and can be effectively used to facilitate additional Greenspire apartment development phases and the retail/office uses along the West Centre Avenue.

Residential development density is calculated differently in the RM-1 zoning district than in the PD, planned development zoning district. In the RM-1 zone, maximum permitted development density is calculated as specified in Section 42-350.B.(7). Developable land area and wetland/floodplain area is “factored” resulting in allowable “rooms” for density purposes. The PD zone and the ordinance establishes an overall development density of 7 units/acre, with no individual phase exceeding 12 units/acre, which can be modified by City Council as part of the PD rezoning and tentative plan/narrative consideration.

A comparison development plan that shows the 83.74 acres of the land planned for multiple family residential developed under the RM-1 zone has been provided by the applicant. The results of this comparison plan indicates that approximately 78 additional apartment units could be constructed under the existing RM-1 zoning (786 units total, 9.38 units/acre), as compared to the proposed PD zoning (708 units total, 8.45 units/acre). A cursory review of allowable density under the current RM-1 zoning, using the formula in Section 42-350.B.(7) was completed by the Department of Community Development. With the assumption that approximately 23 acres (northwest and southeast portion of site) of the 84 acres is designated wetlands, a total of 2,074 rooms would be allowed under the current RM-1 zoning. Depending upon the mixture of apartments, 2,074 rooms would be available under the following scenarios:

- 1,037 one-bedroom units at 12.3 units/acre; or
- 830 one-bedroom and two-bedroom units (equal mix) at 9.9 units/acre; or
- 691 two-bedroom units at 8.3 units/acre; or
- 415 three-bedroom units at 5 units/acre.

Building setback and height are also determined differently in the RM-1 and PD zones. In the RM-1 zone, minimum 30-foot building setbacks are required from all property lines per Section 42-350.A. The PD district requires a “peripheral transition area”. The RM-1 zone establishes a building height at 25-feet and two-stories when abutting a single family residential zoning district (or 30 feet and three stories when not abutting a single family district), which can be increased by the Planning Commission/City Council upon a determination that topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district/structures, will adequately mitigate adverse impacts. For Commission information, the existing three-story, 35-40 foot tall buildings are considered non-conforming

since the two-story and 25-foot height standard was not adopted until after the existing buildings were constructed (1990). The actual height and number of stories in the PD zone is not specifically established. Section 42-374.E and F states "...any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services."

With regard to the two apartment buildings in Phase IV, the proposed 15-foot building setback (10-feet for horizontal projections such as balconies and decks) is appropriate and will allow the developer to retain the desired "feel" of the Greenspire Apartments, as referenced by the applicant. The apartment buildings will be fully sprinkled. As information, Building Services and the Fire Department have reviewed the preliminary layout for Phase IV and the proposed setbacks are acceptable: Applicable building and fire protection requirements will be reviewed and fulfilled as final plans are submitted.

The applicant has considered the single family residences located on Shirley Court and Tozer Court. After three meetings and various discussions with neighboring residences, the applicant has shifted the apartment buildings proposed in Phase V further east, away from these adjacent residences. The two apartment buildings situated nearest the existing residences are proposed to be located approximately 80 feet and 120, respectively, from the west property line and between 100-250 feet from the nearest single family residential dwellings. While the existing RM-1 district establishes a building height of 25-feet and two-stories, the RM-1 district allows placement of these apartment buildings 30-feet from the property line. The applicant has also incorporated building design considerations including off-set building orientation and positioning to minimize the building mass viewed by the adjacent residents. Finally and as discussed in the written narrative, the applicant has also committed to "...develop and execute a screening plan for these homes taking advantage of transplanted white pine trees." According to the applicant, the screening/berming plan would be prepared prior to/concurrently with the final plan for Phase V and be subject "...to the preferences of our neighbors". Additional consideration of screening/landscaping details such as retention of existing trees, installation of berms, landforms, trees, decorative fences or walls, between the apartment development (buildings and parking lot) and the adjacent single-family residences, will be further reviewed and finalized with approval of a final plan for this phase of development.

TRAFFIC CONSIDERATIONS

Based on this planned development and the ITE Trip Generation Manual, Sixth Edition, the proposed additional multiple family residential apartment buildings and retail/office buildings can be expected to generate approximately 5,800 vehicle trips on an average weekday, upon full build-out over at least a five year period (Spring 2010 through Spring 2015 and beyond). West Centre Avenue carries approximately 24,500 vehicles per day (2009). This four-five lane boulevard is a major arterial with a capacity of 32,500 vehicles per day at a level of service "D", which is acceptable in an urban area.

While anticipated traffic generation associated with the planned development can be accommodated by the adjacent public roadway, a further review of traffic, access and possible signalization of the West Centre Avenue/Cooley Drive intersection will occur with individual final plan submittals for the various phases of the project. As information for the Commission, a Signal Warrant Study for the proposed development project was prepared by CESO, Inc. (applicant's engineer) and reviewed by the City Administration in 2008-2009. The West Centre Avenue/Cooley Drive intersection currently does not meet engineering warrants for signalization, however, continued traffic monitoring will occur with future development.

NEIGHBORHOOD CONSIDERATIONS

During the 1979-1980 rezoning to accommodate an additional phase of the Greenspire Apartment project, there was organized opposition expressed by Hampton Lake area residents and local environmental groups regarding potential impacts on Hampton Lake including initial building locations and development of a beach on Hampton Lake for Greenspire Apartment residents. Attached is a February 1980 Kalamazoo Gazette article provided by a Hampton Lake resident that provides general, reported information about the

issues and an agreement reached between the developer and residents. With regard to the agreement, a review of city records including Planning Commission/City Council meeting minutes indicates a copy was not provided and it appears that the city was not a formal party to the agreement. According to discussions with the applicant and an area resident, this agreement was never signed and recorded by either party. A copy of the agreement has been requested from the applicant and area resident, however, has not yet been provided. Deeds on file at the city involving the property subject to the 1979-80 rezoning were also reviewed. The deeds indicate the land conveyance is "Subject to any and all conditions, restrictions, limitations and easements of record."

The applicant has agreed to continue to honor the spirit and provisions of the agreement. In Item #11 of the revised project narrative dated February 23, 2010, the applicant agrees to the following:

- "(a) the Tentative Plan does not incorporate a beach facility or apartments within 250 feet of the existing shoreline of Hampton Lake;
- (b) the future phases of the Tentative Plan do not incorporate any new apartment buildings any closer to Hampton Lake than the current apartment buildings to the north of Hampton Lake and the current homes to the east of Hampton Lake;
- (c) easements for future phases of Greenspire will be provided for utilities as required by the utility companies for gas, water, electric, street lights, sanitary sewer, cable television and phone service-most utilities are already available throughout the site;
- (d) the Tentative Plan does not include any new water wells on the property;
- (e) a single boat dock has already been constructed and we limit its use to no more than eight watercraft, none with internal combustive engines;
- (f) Greenspire will abide by Michigan Department of Natural Resources and Environmental rules and regulations relative to both wetlands and endangered species."

Combined with increased building setbacks, building/site design considerations, retention of existing trees/natural vegetation and screening/landscaping treatments, these added commitments will minimize impacts on the adjacent single family residences. Any changes to Tozer Court and/or Shirley Court will be reviewed with final plan submissions to ensure access is maintained for these single-family residences.

In regards to affordable housing units and inclusionary zoning that was discussed by the Commissioners, the City Attorney provided a 2005 legal opinion about inclusionary zoning. In instances where communities in other states have adopted inclusionary zoning ordinances, the following legal challenges resulted: 1) violation of the equal protection clause of the Constitution; 2) taking of property without just compensation; 3) lack of legislative authority. Given the lack of state enabling legislation and local ordinance regulations, the requirement to include affordable housing units in the Greenspire PD is not supportable from a legal perspective.

As additional information, in June 2009, legislation was introduced in the Michigan House of Representatives that would grant local governments the power to impose inclusionary zoning and require developers to construct affordable dwelling units with proposed housing developments. House Bill 5136 has been referred to the House Intergovernmental, Urban and Regional Affairs Committee for consideration. Also, in 1981, Greenspire Phase III apartments was financed through the U.S. Department of Housing and Urban Development (HUD). As part of the HUD financing, at least 20% of the total apartment units were required to meet low income/subsidized rental criteria. Between 1981 and 2001, a total of 48 subsidized apartment units existed at Greenspire: Participation in this program expired in 2001.

ENVIRONMENTAL CONSIDERATIONS

Recognizing the importance of protecting and preserving sensitive land areas, and in particular the Hampton Lake area, several studies have been reviewed including A Water and Land Resource Plan for the Kalamazoo-Black-Macatawa-Paw Paw River Basins (1977), Natural Features Inventory of the Portage Creek Basin (1995) and Portage Creek Assessment, Hampton Lake to Central Park (1998). The inventory and the assessment were contracted and funded by the city. These documents provide useful information to preserve sensitive land areas, including Hampton Lake and Portage Creek.

Protection of wetlands and other environmentally sensitive areas are planned by the applicant. Importantly, no further development proximate to Hampton Lake is proposed with the PD project. A preliminary review performed by Mr. Tim Bureau (environmental consultant for the applicant) along with soil borings performed by the applicant have confirmed that development activities will not encroach within designated wetland and floodplain areas. A detailed wetland/floodplain delineation and analysis will be provided by the applicant, as applicable, with final plan submittals.

VII. RECOMMENDATION

The Greenspire PD is a creative mixture of multiple-family residential apartments and retail/office uses and represents appropriate development between West Centre Avenue and the Gourdneck State Game Area, Hampton Lake, associated wetlands/natural areas and existing land uses. The requested modification to allow an overall multiple-family residential development density of 8.45 units/acre is less than is currently allowed under the existing RM-1 zoning. A combination of increased building setbacks, building orientation and substantial screening/landscaping treatments will help mitigate potential impacts from the Phase V apartments and the adjacent single family residences located along Shirley Court and Tozer Court. The retail/office component of the development project will not exceed 20% of the total project area, consistent with ordinance standards, and will be concentrated along the West Centre Avenue frontage. The PD rezoning would also eliminate the non-conforming status of the existing 3-story apartment buildings.

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive) be approved subject to the following conditions:

1. Development standards such as density, open space, building setbacks, building orientation, screening/landscaping, etc. be established as indicated in the tentative plan and written narrative dated February 23, 2010.
2. The modification from the 7.0 units/acre density standard be approved, with the further requirement that development density of the apartment portion of the project be a maximum of 8.45 units/acre (708 units on 83.74 acres).
3. No beach facility, additional boat docks or other accesses to Hampton Lake be permitted.
4. Details regarding screening/landscaping enhancements between Phase V of the apartment portion of the development and adjacent single family residences located along Shirley Court and Tozer Court be finalized with submittal of the final plan for this phase of the project.
5. Design and configuration of proposed access drives and interconnection, including any changes to Shirley Court and Tozer Court and possible signalization of the West Centre Avenue/Cooley Drive intersection, be finalized with submittal of the final plan for the applicable phase of the project.
6. MDNRE approvals/permits involving the wetland or other environmentally sensitive areas be submitted with the final plan for the applicable phase of the project, if required.
7. If no final plan is submitted for acceptance within two years following the change in zoning, the process to rezone (or extend the PD classification) be initiated pursuant to the ordinance.

Attachments: Rezoning/Vicinity Map
 Future Land Use Map
 Oblique Aerial Photograph of Greenspire and vicinity
 Development Guidelines Table
 Rezoning Application and Revised Narrative and Tentative Plan (received February 23, 2010)
 Building Elevations (commercial and multi-family)
 RM-1 Comparison Plan and Apartment designs
 February 1980 Kalamazoo Gazette article
 City Council and Planning Commission meeting minutes (Greenspire rezoning and site plans)
 February 18, 2010 letter from Dr. William Hanover (Gastroenterology of SW Michigan)



American Village Builders, Inc.

RECEIVED
FEB 23 2010
COMMUNITY DEVELOPMENT

February 23, 2010

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RE: Greenspire Planned Development "PD" Tentative Plan

AVB Companies and The Hinman Company are pleased to submit to you a plan for rezoning our property on the south side of West Centre Avenue as depicted on the attached site plan. The majority of the property is zoned RM-1 Multiple Family Residential and the extreme northeast corner of the property is zoned R-1C One Family Residential. We are requesting a rezoning to PD - Planned Development. The following tentative plan (the "Tentative Plan") is consistent with the City of Portage Land Development regulations. The Tentative Plan provides for an excellent development for the City of Portage and allows this property to achieve its highest and best use while remaining true to the development principles that have been established at Greenspire over the last 35 years.

We are requesting this rezoning for several reasons which may be of interest to you, a few of which are worthy of specific note. First, this rezoning is consistent with the City of Portage Future Land Use Plan. The areas that we suggest as multi-family are shown that way on the Future Land Use Plan and the same is true for the non-residential uses. Further, our companies have individually and together had a great deal of experience developing within the PD framework both in the City of Portage and in other municipalities. Some of our very best developments have been the fruits of the PD ordinance and working through the PD process with the City of Portage. We think this development is suited very well to benefit from the PD ordinance and the PD process in general.

What follows are the answers to the 15 required questions that are provided in Section 42-375 of the City of Portage Land Development Regulations.

1. The PD area will be designed to integrate the existing residential uses with new multi-family residential uses while also seamlessly integrating the planned addition of office and retail uses to the property.
2. The proposed PD development area is on all of the approximately 109 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. The next phase to be constructed, Phase IV, would commence construction in the spring of 2010 (Phase IV) and consist of two multi-family apartment buildings containing 36 apartment units. Following Phase IV, construction on approximately 12,000 square feet of retail space would commence in the fall of 2010. Future developments would include multi-family expansion (Phase V and Phase VI) that would consist of approximately 324 (36 Phase IV, 168 Phase V, 120 Phase VI) new multi-family apartment units. Additional office and retail uses would be expanded as shown on the attached site plan as demand allows.

Using a cluster development allows us to provide in excess of 30.64 acres of open space (15.22, 7.54, and 7.54 acres +/- as shown on the attached site plan) within the development. The same care that has gone into the existing development of Greenspire to harness the natural beauty of this special land will continue in the PD area with first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of this site by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border this property.

3. The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 on 8.015 acres and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis court on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 23.68 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 46.655 acres. For density purposes the 384 units over 46.655 acres equals 8.23 units/acre.

Greenspire Phases IV through VI will be developed in at least seven sub-phases beginning the Spring of 2010.

- a. Spring 2010. Phase IV of the multi-family residential development will commence. This phase will include 36 units.
- b. Fall 2010. The first 12,000-square foot retail building (shown as Phase IV R on the site plan) is planned to commence construction.

- c. Spring 2011. The first three buildings of the Phase V multi-family residential development is planned to commence construction.
- d. Spring 2013. Two more buildings of the Phase V multi-family residential development is planned to commence construction.
- e. Fall 2014. The second retail building (shown as Phase V R on the site plan) is scheduled to commence construction.
- f. Spring 2015. The last two buildings of the Phase V multi-family residential development is planned to commence construction.
- g. The timeline for construction of the multi-family buildings (Phase VI) and the office and retail buildings west of Shirley Court is unknown at this time. It is expected that construction would take place after the Spring 2015 anticipated start of construction of the last two buildings in Phase V.

4. The time schedule is proposed in #3 above.

5. The site plan and its associated phasing lines show how each stage of the development is independent, yet designed to integrate well into the development as well as the existing development pattern. Importantly, each phase of the Greenspire plan has been meticulously designed to integrate into the existing Greenspire Apartments master plan. Phase IV contemplates initially using the existing Greenspire Drive entrance during construction. Before Phase IV receives an occupancy permit, the Cooley Drive entrance drive will be completed to provide an additional means of ingress and egress into the development. When the area west of Cooley is developed, this area will be benefited by the right in/right out drive, at Shirley Court.

To assess the potential impact of traffic due to future phases at Greenspire, a traffic study was performed by CESO (Traffic Engineers and Surveyors). According to the traffic study, upon completion of all future phases contemplated by the Greenspire master plan, the following new trips would be generated: 259 weekday A.M. peak hour (in and out), 560 weekday P.M. peak hour (in and out), and 5,810 total daily 24 hour (in and out). Preliminarily, the traffic study indicates possible future signalization at the West Centre Avenue/Cooley Avenue intersection. Traffic impacts will continue to be monitored as construction activities and future phases proceed.

As we plan for pedestrian circulation throughout the site, we are leveraging miles of existing sidewalks through the existing Phase I through Phase III of Greenspire. As we construct the new entry drive from Centre Avenue past the planned 12,000-square foot commercial building, we have included a sidewalk to provide entrance into the existing phases of Greenspire. We are also providing, as we construct the 12,000-square foot shopping center, a sidewalk from the existing boulevard drive to the Cooley/Centre Avenue intersection. By providing access to Centre Avenue to the entire PD via these new sidewalks, we are able to

get pedestrians to the proposed future signaled intersection at Cooley/Centre. From this point, pedestrians can cross to the north side of Centre Avenue where sidewalks connect the full distance of Centre Avenue east and west. Phases IV, V and VI all include additional sidewalks and pedestrian circulation as well. Additionally, we have planned sidewalk connections to Phase V when that phase is constructed.

Shirley Court presently provides legal access, via access easements recorded in 1953, 1962, and 1974, to the homes between Tozer Ct. and Shirley Ct. This access is presently a dirt two-track over the northern most 500'+/- and most of its distance south of Fawn Cove Lane. Improvement of the northern 500' +/- section of Shirley Court is not necessary for proper development of Greenspire through Phase V and Phase VR. Additionally, improving this section of Shirley Court is not required or necessary to provide access to the Greenspire development, nor is it required by the City of Portage Fire Department. Therefore we do not plan to substantially improve the northernmost 500'+/- of Shirley Court until the construction of Phase VI. However, portions of Shirley Court may be improved depending on the final plan site locations of the building labeled Phase V-R.

It should be further noted that the access agreements, originally recorded in 1953, 1962, and 1974, do not place any burden of maintenance or upkeep on Greenspire.

With the construction of Phase V, we will install a new way-finding system throughout Greenspire Apartments. This updated and clarified signage will help allow the residents of Greenspire and their guests to get to their intended locations, on the first attempt. As a part of this package and the development of the proposed screening on the west side of Phase V, we would be willing to include some "private property" signs to remind our residents of the difference between Greenspire Property and the privately owned properties between Tozer Ct. and Shirley Ct.

6. The Tentative Plan land is located on the south side of Centre Avenue, east of Moorsbridge Road and west of Oakland Drive. The parcel is 109.41 acres in total. This 109.41 acres includes 14.77 of which a portion is Hampton Lake and a portion is beautiful high ground in the very southwest corner of our property. Entities owned and controlled by Joseph Gesmundo and Roger Hinman presently own all of this property under a variety of entity names and is commonly referred to as Greenspire Apartments.

It should be noted that we have done a fair amount of due diligence recently in regards to the property, in addition to our over 30 years of experience in owning the land. Specifically, the south end of Phase V is near some low-lying land. We

have had this property evaluated recently in three manners. First, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, reviewed the area in person to assure us that our buildings were not in any wetlands. Mr. Bureau has assured us that none of our buildings are in a wetland. Additionally, PSI was hired to conduct soil borings in the area of the southernmost building footprints in Phase V. The PSI borings show an abundance of sand, down the full 25' of the borings' depth. Finally, our civil engineers have confirmed that these buildings are not within the floodplain.

- The chart below demonstrates the land use and density for each phase. Please note that at final build out, our plan exceeds the 7.0 units per acre by 1.45 units per acre. If one were to maintain the existing RM-1 zoning, our density would allow 78 more units than we are requesting under this rezoning. In other words, RM-1 zoning would allow 786 units and we are only requesting 708 in this PD application. Owing to a portion of the property being Hampton Lake, and a portion of our property being dedicated to commercial use, our calculations use 83.74 acres to calculate residential density though the property being rezoned is 109.41 acres. For density comparison purposes the existing 384 units (Phase I through III) over 46.655 acres equals 8.23 units/acre. We are requesting a modification to allow for the overall 8.45 units per acre that we have shown throughout this document, which is the combined density of Phase I through VI.

Phases	Proposed Units	Density Units/Acre Not Including Hampton Lake or Commercial Area		Phase Acreage	Total Acreage
		RM 1 Calc	PD Calc		
Existing Buildings:					
Phase I	96		11.98	8.015	
Phase II	168		11.23	14.960	22.975
Phase III	120		5.07	23.680	46.655
Combined Phase I-III	384		8.23	46.655	
Proposed Buildings:					
Phase IV	36		11.80	3.050	49.705
Phase V	168		9.88	17.000	66.705
Phase VI	120		7.04	17.035	83.740
Phase I, II, III, IV, V, & VI Combined	708	786	8.45	83.740	

Retail/Office 10.9 acres

It should be noted that the allowable non-residential acreage is 19 acres at 20% of 94.64 acres.

73,400 sq. ft. of retail and 30,400 sq. ft. of office

103,800 sq. ft./10.9 acres = 9,522 sq. ft./acre

8. The roads, storm areas and entry statement areas as shown on the attached site plan, will be owned by the Gesmundo & Hinman entities; reference herein and maintained by Lakewood Management Company as they have since the first building was constructed at Greenspire Apartments. Joe Gesmundo and Roger Hinman both hold ownership in and are the General Partners for Phase I which is owned by Greenspire Equity I.
9. The residential development units will consist of the following types of units:

Multi-family buildings – three-story buildings, approximately 40’ feet high with each building being approximately 40,000 sq. ft.

The commercial portion of the development will consist of the following types of buildings:

Two - Two-story retail/office buildings, 40’ high, 30,400 sq. ft. each

Three - One-story retail buildings, 25’ high, between 6,000 sq. ft. and 25,000 sq. ft. each

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will take advantage of excellent colors, textures and materials to make every building look and feel great. We have attached an example of our first retail building elevation and apartment building elevation for your review.

The Phase IV buildings have been designed to LEED standards. It is our intention to design all the multi-family buildings within Greenspire to comply with the current standard for LEED certification.

The proposed 3-story multi-family buildings are required by current code to be fully protected by a wet-sprinkler system. As such we expect that all the new 3-story multi-family buildings within Greenspire to be fully sprinkled.

We have used a 30’ set back around the entire perimeter of the property except for the two buildings in Phase IV of the Multi-Family development where a 15’

set back is necessary in order to facilitate our site plan. The proposed 15' set back, only for these two buildings (36 units of Phase IV), allows us to set the buildings back an appropriate distance from Greenspire Drive. We need to push these buildings close to the property line, adjacent to the State of Michigan property, in order to: a) fit our buildings in the land area available between Greenspire Drive and the property line without placing the buildings too close to Greenspire Drive, b) to allow adequate parking a reasonable distance from the buildings, and to c) preserve the maximum amount of green space possible consistent with the overall feel of Greenspire. The 15' set back shown on these drawings pushes the buildings 5' further west, away from the State of Michigan property, than we had shown in our 2009 ZBA request. For clarification purposes the decks/patios are now set at 10' from the property line in Phase IV and the building face will be 15' from the property line. In addition we have maintained 30' between each building and a 25' front setback from the edge of road.

The commercial/retail building heights will not exceed those which are allowed within the PD zoning district. The multi-family buildings are designed at approximately 40'. Please see our attached elevations which illustrate the beauty of these elevations.

Through the three meetings that we held with the residential neighbors of Greenspire we learned that a primary concern with our proposed development was the Phase V buildings and their height and proximity to the residences between Shirley Ct. and Tozer Ct. As such, before submission of this Tentative Plan, and at the request of the residents, we moved these buildings as far as practicable away from the residences. The Tentative Plan now shows the nearest buildings are actually further away from the living portion of the residences than the now existing buildings in Phase III. For example, 8620 Tozer Ct. is 233' from our proposed Phase V building while it is presently 172' from the existing Phase III, 3411 building off of Fawn Cove. The residence at 8614 Tozer Ct. is 257' from our proposed Phase V building while it is presently 209' from the existing Phase III, 3404 building off of Fawn Cove. The residence at 8546 Shirley Ct. is over 275' from our proposed Phase V building while it is presently 132' from the existing Phase III, 3404 building off of Fawn Cove.

In addition, we have offered, at our expense, to develop and execute a screening plan for these homes taking advantage of transplanted white pine trees, to further shield their residences and associated view lines from our proposed development. As recently as today we have followed up on this offer to work with these neighbors and our landscape architect to finalize a screening and/or berming plan for Phase V. We are also willing to wait and finalized a screening and/or berming plan prior to or concurrently with our final plan for Phase V-subject only to the preferences of our neighbors.

10. Storm water will be treated and piped via underground structures to the most appropriate common open space area in accordance with City of Portage requirements. In addition, some storm water capacity may be integrated into the design of the office sites. Storm water will be pre-treated according to City of Portage regulations and then released for infiltration into the previously mentioned lowland. These low-lying areas within the development provide plenty of space for this purpose and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep and unsightly storm systems. Sanitary sewer will be connected to the available City of Portage sanitary sewer system which is available at Centre Avenue and at the Fawn Cove lift station.

11. At the February 18, 2010 Planning Commission meeting, an undated newspaper article written by Tom Haroldson was presented to the Planning Commission. The article, from some 30 +/- years ago, discussed a peace pact between Greenspire and Russell Mohny and identified several bulleted items. Russell Mohny inquired as to our intent with respect to those items. In response, Greenspire submits the following which it believes addresses the bulleted points from the article as well as some other required items for the PD narrative. It should be noted that the bulleted items were part of a "proposed agreement", the spirit of which we feel Greenspire has followed since the time of this article. The "proposed agreement" also included requirements of Mohny and others that have not been fully complied with to date. Despite this inequity, we propose the following in the spirit of Greenspire's side of the "proposed agreement": (a) the Tentative Plan does not incorporate a beach facility or apartments within 250 feet of the existing shoreline of Hampton Lake (b) the future phases of the Tentative Plan do not incorporate any new apartment buildings any closer to Hampton Lake than the current apartment buildings to the north of Hampton Lake and the current homes to the east of Hampton Lake, (c) easements for future phases of Greenspire will be provided for utilities as required by the utility companies for gas, water, electric, street lights, sanitary sewer, cable television and phone service-most utilities are already available throughout the site, (d) the Tentative Plan does not include any new water wells on the property. (e) a single boat dock has already been constructed and we limit its use to no more than eight watercraft, none with internal combustive engines. (f) Greenspire will abide by Michigan Department of Natural Resources and Environment rules and regulations relative to both wetlands and endangered species.

12. Parking will be provided according to the City Ordinance. If feasible, we will try to bank some of the retail parking as typically the City requirements exceed those of our tenants. We expect to build out all of the required spaces for the residential multi-family units. The existing and proposed road widths are

included and dimensioned on the attached site plan. Single story pitched roof garages and/or carports may be implemented into the site plan. The quantity of garages / carports shall not exceed 50% of total number of bedrooms. The construction finishes / materials will be complimentary to that of the phase 4 apartment building conceptual elevation submitted with this narrative. The specific quantity, location, and materials of the garages / carports will be detailed on the final site plan.

13. The only modification we are requesting is in regards to our density calculations as outlined in paragraph 7. We do not anticipate the need for any other modifications to allow the subject property to be developed as presented herein.
14. As noted in #4 above, we intend to make our final submittal for the last planned phase in 2015.
15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that any performance bonds are necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council. We feel this can be another first-class development for the City of Portage, The Hinman Company and AVB Companies.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal flourish extending to the right.

Greg Dobson

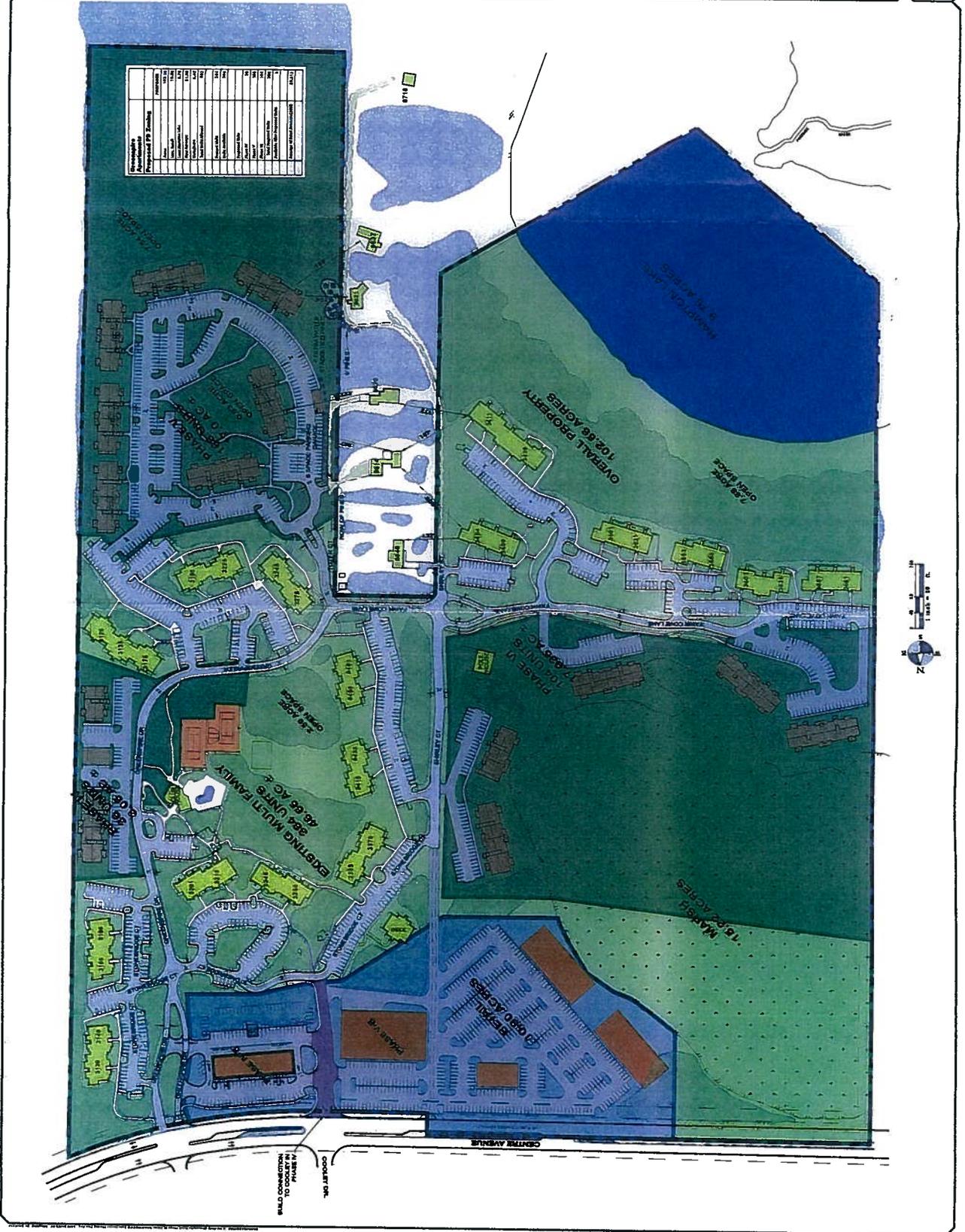
cc: Joe Gesmundo, Rich MacDonald, Roger Hinman

Approved 2010 Tentative Plan
Greenspire Planned Development

PD ZONE MASTER PHASING PLAN
AMERICAN VILLAGE BUILDERS, INC.

HIS
Hurley & Stewart, LLC
2889 Forest Hill Road
Baltimore, MD 21286
www.hurleyandstewart.com

AVB
American Village Builders, Inc.



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (ACRES)
1	Overall Property	10,268,000	234.68
2	Phase I	1,000,000	22.72
3	Phase II	1,000,000	22.72
4	Phase III	1,000,000	22.72
5	Phase IV	1,000,000	22.72
6	Phase V	1,000,000	22.72
7	Phase VI	1,000,000	22.72
8	Phase VII	1,000,000	22.72
9	Phase VIII	1,000,000	22.72
10	Phase IX	1,000,000	22.72
11	Phase X	1,000,000	22.72
12	Phase XI	1,000,000	22.72
13	Phase XII	1,000,000	22.72
14	Phase XIII	1,000,000	22.72
15	Phase XIV	1,000,000	22.72
16	Phase XV	1,000,000	22.72
17	Phase XVI	1,000,000	22.72
18	Phase XVII	1,000,000	22.72
19	Phase XVIII	1,000,000	22.72
20	Phase XIX	1,000,000	22.72
21	Phase XX	1,000,000	22.72
22	Phase XXI	1,000,000	22.72
23	Phase XXII	1,000,000	22.72
24	Phase XXIII	1,000,000	22.72
25	Phase XXIV	1,000,000	22.72
26	Phase XXV	1,000,000	22.72
27	Phase XXVI	1,000,000	22.72
28	Phase XXVII	1,000,000	22.72
29	Phase XXVIII	1,000,000	22.72
30	Phase XXIX	1,000,000	22.72
31	Phase XXX	1,000,000	22.72

CONCRETE SW
AS SHOWN IN SECTION TO
BE DETERMINED OTHER

CITY COUNCIL MEETING MINUTES FROM APRIL 13, 2010

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

The City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

Mayor Strazdas introduced Pastor Richard Hertsel of the Centre Avenue Community Church of God, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

PROCLAMATION: Mayor Strazdas issued a Fair Housing Month Proclamation.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Reid, to approve the March 23, 2010 Regular Meeting Minutes as presented. Upon a voice vote, both motions carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Reid to read the Consent Agenda. Mayor Pro Tem Sackley asked that Item F.9, Special Meeting to Interview Board and Commission Applicants, be removed from the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF APRIL 13, 2010:** Motion by Reid, seconded by Urban, to approve the Check Register of April 13, 2010. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

ORDINANCE AMENDMENT #09-B, SIGN ORDINANCE REGULATIONS: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who reviewed the proposed changes to Sections 42-545(A) and 42-546(D) of the Portage Code of Ordinances that modify regulations pertaining to freestanding and wall signs for non-residential uses permitted in the R-1A through R-1T and RM-1 and RM-2 zoning districts. He explained that the area of the signs in these districts would be standardized based upon street frontage and building wall area; that the proposed maximum freestanding sign area is 50 square feet and the proposed maximum wall sign area is 100 square feet. Mr. Erickson indicated that the proposed changes clarify that a variance from the Zoning Board of Appeals is not required if a smaller sign is desired, that the maximum size for a lot less than 80 feet frontage is 32 square feet and that the square footage is based on the measurement of one side of the sign. He summed up by saying that all of these provisions were unanimously recommended after the public hearing held by the Planning Commission on February 18, 2010.

Mayor Strazdas opened the public hearing for comment and discussion followed. Motion by O'Brien, seconded by Campbell, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by O'Brien, to approve Ordinance Amendment #09-B, sign ordinance regulations. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 127 of City of Portage Ordinance Book No. 12.

REZONING APPLICATION #09-01, GREENSPIRE PLANNED DEVELOPMENT (PD): City Clerk James Hudson indicated that the circulators who submitted the petition in opposition to Rezoning Application #09-01 were present at the meeting and wished to personally withdraw their opposition. Discussion followed. Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who explained that the Greenspire Planned

Development proposes a creative mixture of existing and new multiple-family residential units, natural open space, new retail and office uses along West Centre Avenue adjacent to the Gourdneck State Game Area, Hampton Lake and several existing single family homes along Tozer Court and Shirley Court on approximately 95 acres.

Mr. Erickson indicated that the change in zoning is being requested to facilitate three additional Greenspire Apartment phases for a total of 324 units on approximately 37 acres of property with 11 additional acres being designated for retail and/or office use adjacent to West Centre Avenue. He indicated that the existing three phases of the Greenspire Apartments, 384 units on approximately 47 acres that were initiated in the 1970's and 1980's are also included in the rezoning request.

Mr. Erickson said careful consideration was necessary and has been given to the adjacent Hampton Lake and Gourdneck State Game Area, as well as several existing homes along Tozer Court and Shirley Court.

Mr. Erickson briefly reviewed the procedures and regulations from the zoning code for review and approval of Planned Developments. He indicated that there is tentative plan review and final plan review for each phase of the development; that the applicant is required to submit a tentative plan which outlines the development concept for the entire project; that although conceptual in nature, specific statements, proposals, plans and schedules for the ultimate development of the site are required; after administrative review, the tentative plan is scheduled for a review and public hearing by the Planning Commission.

Mr. Erickson indicated that the Planning Commission submits their recommendation to City Council and, if approved, the Planned Development must proceed in accordance with the tentative plan since approval of the tentative plan by City Council constitutes rezoning of the land to PD and allows for the submission of a final plan for Administrative, Planning Commission and City Council review like a site plan.

He briefly reviewed the phases of Rezoning Application #09-01, and generally commented on percentage of land use, density, pedestrian walkways, open space, storm drainage, public utilities, accesses and building setbacks. He indicated that this Rezoning was discussed at the March 23, 2010 Regular City Council Meeting and there have been additional discussions between the developer and some of the property owners in the attempt to address various development issues; that the City Manager has provided discussion in response to the concerns reflected at the March 23, 2010 Regular City Council Meeting; and, additional information has been provided from the applicant in response to the comments expressed at that meeting along with a subsequent revision by the developer. He also referred to the letter from Attorney Clifford H. Bloom on behalf of Dr. Russell Mohney that reflected some concerns regarding the PD as presented. Finally, he acknowledged the earlier comments from City Clerk Hudson regarding the desire of circulators who submitted the petition in opposition to Rezoning Application #09-01 who wished to personally withdraw their opposition. He indicated that if the protest petition passes legal muster, it would take a 2/3 vote of City Council to approve Rezoning Application #09-01. He summed up by reviewing some of the Comments in the Development Guidelines Report.

He concluded that the Administrative recommendation is that City Council approve the PD per the revised tentative plan map dated April 8, 2010, the written Narrative February 23, 2010, the seven conditions listed in the February 26, 2010 Community Development Report as recommended by the Planning Commission with the residential density at 81.9 acres and 692 dwelling units as revised by the applicants and offered to answer any questions. Discussion followed by City Council regarding RM-1 zoning requirements and development, a traffic signal at West Center Avenue and Cooley Drive, mixed use zoning and open space, sidewalk systems, wetlands, the hunting safety zone separation requirement of 450 feet, property boundaries, preferred setback requirements and height restrictions.

Mayor Strazdas asked that that all of the people who signed the petition in opposition to Rezoning Application #09-01 come forward if they wished to personally withdraw the petition.

Dr. Russell Mohny, 3500 Vanderbilt Avenue, indicated that he was speaking on behalf of all of the people who signed the petition in opposition to Rezoning Application #09-01, that they were present and that they all wished to personally withdraw the petition. City Attorney Brown confirmed that Dr. Mohny was the only one who circulated the petition and all who signed the petition were present. Discussion followed. City Attorney Brown also exposed a second petition in opposition that had to be addressed. Discussion followed. Mayor Strazdas asked City Clerk Hudson to determine the percent of property ownership of those who signed the petition and called for a recess.

RECESS: 9 p.m.

RECONVENE: 9:20 p.m.

Based upon his investigation and the fact that Mr. Terry Hall withdrew his opposition in person, Mr. Hudson determined that the petition in opposition did not pass muster and was advisory only and City Attorney Brown concurred.

Mayor Strazdas welcomed any residents to speak regarding any topics or concerns they may have related to this matter.

Joe Gesmundo, American Home Builders, 4200 West Centre Avenue, introduced his staff, spoke in favor of the PD Rezoning of the property and indicated satisfaction that all issues had been resolved. He indicated that there is an agreement regarding the setback on the Phase V parcel owned by Betty Ongley, that the westerly boundary would have a 90 foot setback, excluding garages, carports and parking lots; that there will be no windows on the west end of the building that is closest to the property owned by Terry Hall; that the screening on the west boundary of Phase V that is closest to the property owned by Terry Hall be possibly moved to the east to save trees; and that the developer will attempt to move the building that is closest to the property owned by Terry Hall to the east as much as 20 feet after final grading plan is completed. He reviewed some of the development he has accomplished in the City of Portage in the past. Mr. Gesmundo introduced his representative Gregg Dobson, who provided an overview of the development and reviewed some of the more salient features of the development in detail. Discussion followed.

Barb Wygant, 3225 Greenspire Drive, Apt 11, John Patten, 7593 MacArthur Lane, spoke in opposition to the development.

Sandy Kinzer, 3665 Fawn Cove, Apt.1, spoke on behalf of preserving the blue heron, the pair of swans, raccoons and opossums that are present on the land and cited the retail on West Centre Avenue in walking distance as an argument against placing retail in the mixed use PD Development.

Barbara Gerber, 3421 Fawn Cove Lane, Apt. 2, spoke in opposition and on behalf of Gloria Olson in opposition. She described the habitats of the Eastern Box Turtle, the only terrestrial turtle in Michigan, found mainly in Allegan, Kalamazoo and Benzie Counties, and presented photographs for City Council of the citing of one of four nests on the land east of Tozer Court and adjacent to the wetlands. She indicated that two of the nests were already crushed by core-drilling trucks across Tozer Court where a parking lot is planned, the third further into the woods where a new building is planned and the fourth nest is east of the home at 6815 Tozer Court where a building is shown on the site plan and asked that no building be allowed on this land area.

Kim Dillon, 8546 Shirley Court, indicated that she took her name off of the petition after numerous meetings with the developer and advocated the use of berms and screening and spoke in favor of the PD Rezoning change.

Carol Bartholomew, 8614 Shirley Court, expressed a deep concern for the animals in the area and spoke in favor of the PD Rezoning and development of the property by the builder.

Dr. Russell Mohny spoke on behalf of Terry Hall, who had to leave, and indicated that Mr. Hall was perfectly satisfied with the proposal of Mr. Gesmundo and supported the PD Development.

Dr. Mohney expressed his appreciation for the counsel of City Manager Evans and Community Development Director Erickson and efforts of City Council throughout this process.

Betty Lee Ongley, 8620 Tozer Court, said she did not oppose the PD Rezoning classification; that she spoke before the Zoning Board of Appeals and the Planning Commission that she was not pleased with the proposed three-story apartment buildings overlooking her house and property; that Joe Gesmundo assured her that the building could be shifted 10 feet to the south; and expressed her concern for parking lots, cars and traffic on the land; that Gregg Dobson designed a planned garage opposite her garage and has offered a number of evergreens for screening and private property no trespassing signs and suggested fencing as an option. She asked that ingress and egress issues during construction be addressed. When she asked where she could address environmental concerns, such as leaking oil and solvents into the ground or parking lot run-off, Mayor Strazdas told her they should be addressed to the developer and Mr. Dobson agreed. City Manager Evans asked that he be contacted if an issue cannot otherwise be resolved.

Jean Mohney, 3800 Vanderbilt, spoke in opposition, and asked what percent of the property in question is zoned R-1, residential, and what per cent is zoned RM-1, multifamily residential. Mr. Erickson came forward with a zoning map and indicated that 98% is zoned RM-1, multifamily residential, the highest density residential zoning option in Portage, with a small part zoned R1-C, one-family residential.

Doug Rhodus, 2333 Vanderbilt Avenue, indicated he is not opposed to the rezoning and asked questions regarding procedures. He asked under Sec 42-370, what is the definition of land in the ordinance, as it could be a marsh, wetland, water, etc., and what does single ownership mean as there seems to be four separate legal entities in ownership of the property in question, so he asked why is staff looking at this as a single entity? He also indicated that the ordinance identifies the properties to be rezoned by parcel number and address and, if the City goes by what it has on file, the city would be rezoning the lake as this is what is on file. He referenced the letter from Russ Mohney's lawyer, Clifford Bloom, that only the Circuit Court can determine the property line; therefore, the property line should stop at the shoreline for rezoning purposes because the rezoning would not "follow riparian rights."

With regard to the use of the shoreline as the boundary for the rezoning, City Attorney Brown answered that the suggested motion for consideration by City Council includes a condition that that the zoning district boundary be the shoreline of Hampton Lake; also, that it may be that the property goes into the lake, but the motion will be at the shoreline of Hampton Lake. Discussion followed.

Mr. Erickson distinguished definitions in the Portage Code of Ordinances dealing with land that staff uses to guide them or that the Planning Commission might use in their deliberations. He also addressed the concept of single ownership as defined in PD and explained. Discussion followed.

Mr. Rhodus took exception with Mr. Dobson that the survey he presented at the last Regular City Council Meeting was recordable and indicated he would work that out with Mr. Dobson outside of the meeting. Discussion followed.

Motion by Sackley, seconded by Reid to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Sackley, seconded by Urban, to approve Rezoning Application #09-01 from RM-1, multi-family residential, and R-1C, one-family residential, to PD, planned development, per the revised tentative plan map received on April 8, 2010, written narrative dated February 23, 2010, and seven conditions contained in the Department of Community Development report dated February 26, 2010, with the residential density based on 81.9 acres and 692 dwelling units as revised by the applicant and that the zoning district boundary be the shoreline of Hampton Lake. Councilmember Campbell asked whether the maker of the motion would be willing to add, as condition number eight, the conditions agreed upon by the developer and the surrounding property owners and Mayor Pro Tem Sackley agreed

to add with the addition to the agreed upon conditions: that the setback on the Phase V parcel owned by Betty Ongley, regarding the westerly boundary would have a 90 foot setback, excluding garages, carports and parking lots; that there will be no windows on the west end of the building, amended to include "that is closest to the property owned by Terry Hall;" that the screening on the west boundary of Phase V that is closest to the property owned by Terry Hall be possibly moved to the east to save trees; and that the developer will attempt to move the building that is closest to the property owned by Terry Hall to the east as much as 20 feet after final grading plan is completed. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 131 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

PRESENTATION OF FISCAL YEAR 2011-12 BUDGET: City Council received the Proposed Budget for Fiscal Year 2011-12. At the request of Mayor Strazdas, City Manager Evans presented the proposed 2011-12 Fiscal Year Budget to City Council and indicated that a conservative approach was utilized in formulating the \$61.8 million down from the \$66 million budget for Fiscal Year 2010-11. Mr. Evans indicated that the decrease is mostly attributable to declining property tax revenues and, because of a four (4) percent reduction in property tax revenue, there is an increase in the city millage from 10.65 to 10.73 mills but this still allows the City of Portage to continue to remain in the lower 25 percent of all Michigan cities of greater than 25,000 population in terms of millage level. He indicated that this proposed increase in the millage level is due in part to a proposed 0.0714 mill increase to the Municipal Street Fund owing to the decrease in property tax revenue and from a redirection of \$550,000 by the Kalamazoo Area Transportation Study of previously anticipated federal funding for major streets. He also indicated that there are continued staff reductions through attrition, a proposed severance package, no pay increases and continued cuts in some services. He mentioned the dropping of the community survey for this year for a savings of \$10,000 and that the budget maintains the City Council-prescribed 13 percent fund balance in the General Fund. He pointed out that State Revenue Sharing continues to go down and has been estimated through the State Budget Office to be \$3,423,884 for Fiscal Year 2010-11, representing a decrease of more than \$400,000 from the 2009-2010 budgeted amount. He summed up by saying that the fiscal year 2010-2011 proposed budget includes an overall reduction in General Fund expenditures of approximately \$2.1 million from the fiscal year 2009-2010 budget. Discussion followed.

* **RESOLUTION AWARDDING BID FOR CAPITAL IMPROVEMENT BONDS, SERIES 2010:** Motion by Reid, seconded by Urban, to adopt the Bond Resolution authorizing the sale of City of Portage Capital Improvement Bonds, Series 2010, in the amount of \$3,850,000; and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2010. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 1 of City of Portage Resolution Book No. 44.

* **CONTRACT RENEWAL WITH SARCOM FOR INFORMATION TECHNOLOGY SERVICES:** Motion by Reid, seconded by Urban, to accept the annual renewal agreement of SARCOM, Inc., to continue to provide information technology services management on behalf of the City of Portage for a period of five years at a negotiated price of \$2,344,826 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 7 to 0.



June 23, 2010

Mr. Christopher Forth, AICP
Deputy Director of Planning and Development Services
Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49002

4200 W. Centre Ave.
Portage, MI 49024
269.323.2022 phone
269.323.2484 fax
avbconstruction.com

RE: Parking Deferment Request – Greenspire Retail Phase IVR

Dear Chris,

We are requesting, in concurrence with the plans that we submitted today, that we defer 54 parking spots. There are several reasons for this request which are outlined below:

- Deferring these spots is the “green” thing to do, reducing the amount of asphalt in the initial build. If additional spaces are needed, they may easily be added.
- The storm system has been designed for these additional spaces.
- The potential for drive thru on each end further reduces the parking that will be practically needed for the site. A drive thru can account for over 50% of many restaurant type business reducing the parking required for the key driver in the required City of Portage parking formula.
- The necessity for parking will be driven by the final tenant mix. This mix is presently unknown. Another good reason to wait until the mix is known as these spaces may never be needed.
- Many customers for this retail area may travel by bike, car or on foot. We have made extensive efforts to ensure sidewalk ties to both Centre Ave. and Greenspire Apartments.

In summary we feel it makes a great deal of common sense to only add these spaces should the specific tenant mix and use pattern require such space. If this is the case, market conditions will necessitate that we add these spaces to keep our clients, the retailers happy. Therefore, there should be no concern about our willingness to add these spaces should they become necessary.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal line extending to the right.

Greg Dobson



Christopher Forth - Upcoming Greenspire Planning Commission and City Council Meetings

From: "Greg Dobson" <gdobson@avbinc.com>
To: <kdartrocks@aol.com>, <terenhall@chartermi.net>, <djryskamp@charter.net>, <bongley@charter.net>, <bluehill@aol.com>, <sonlight22@aol.com>, <dillonsvideo@aol.com>
Date: 6/23/2010 10:28 AM
Subject: Upcoming Greenspire Planning Commission and City Council Meetings
CC: "Christopher Forth" <forthc@portagemi.gov>, "Rich MacDonald" <RichM@hinmancompany.com>, "Joe Gesmundo" <jgesmundo@avbinc.com>, "Roger Hinman" <RogerH@hinmancompany.com>

Dear Neighbors,

We wanted to continue our communication in regards to our approval process for the first phase (phase IV) of Greenspire Apartments expansion (two buildings across from the clubhouse) and the planned Greenspire Retail (phase IVR, on Centre Ave) building. We have today submitted plans to the City of Portage for review by the Planning Commission on July 1, 2010 at 7:00 p.m. and for further review by the City Council on July 13, 2010, at 7:30 p.m. The plans are consistent with the approved tentative plan, a process in which you were involved, and therefore we do not anticipate any significant issues to be raised. That said, we are open and available to clarify any questions that you might have in regards to the plans or the process. Please contact me at any of the numbers/means below and we will work to ensure that all of your questions are answered. We are committed to doing what we said we would do and as always doing great development in and around the City of Portage.

Warmest regards,

Greg Dobson
AVB COMPANIES
direct 269 329 3636
fax 269 327 3172
email gdobson@avbinc.com
4200 W. Centre Ave
Portage, MI 49024
www.avbconstruction.com
www.avbhomes.com

If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you believe that you have received this e-mail message in error, please respond to the sender and delete all copies.

TO: Planning Commission

DATE: June 25, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by H & G II, Inc. for approval to construct Phase IV of the Greenspire Apartments within the Greenspire Planned Development (PD). The final plan for Phase IV of the Greenspire Apartments proposes construction of two, three-story apartment buildings (27,444 square feet with 24 units and 15,636 square feet with 12 units), one-story garage building (3,016 square feet, 12 stalls) and associated site improvements.

The Greenspire PD rezoning and tentative plan were approved by City Council on April 13, 2010. For Commission information, after Planning Commission review and recommendation but before City Council approval, the applicant removed from rezoning and tentative plan consideration the south 1.84 acres and one, 16 unit building from Phase VI. This change reduced the total project acreage from 83.74 to 81.9 and number of residential units from 708 to 692. The units per acre (density) remained at 8.45.

Consistent with the approved tentative plan and narrative (included with the Phase I retail building report), the apartment buildings will maintain a 16-foot setback from the east property line (12-feet for decks/balconies). The garage building will be setback 15-feet from the east property line (11-feet for covered bike storage), while the parking lot will maintain a 10-foot setback. Since the site is bordered by residential zoning to the east (Gourdneck State Game Area), landscaping will be installed adjacent to the parking lot areas.

Greenspire Drive provides access to West Centre Avenue for the Greenspire Apartment complex (including Phase IV). Additionally and consistent with the approved tentative plan and narrative, a second access drive from West Centre Avenue to Stonebridge Court will be constructed opposite Cooley Drive, adjacent to the Greenspire Retail (Phase I). This second access drive will be installed at the time Phase IV of the Greenspire Apartments is constructed. Monitoring of the West Centre Avenue/Cooley Drive intersection will continue inasmuch as future signalization has been requested and will depend on traffic.

Storm water from the development will be collected and conveyed to an underground treatment, storage and infiltration system situated beneath the parking lot. Outdoor lighting units associated with the proposed development will include light poles and building mounted fixtures with shielded fixtures and will conform to applicable ordinance standards. The applicant is also seeking LEED certification and options for recycling and trash disposal are being explored.

Although review and subsequent approval of a final plan does not require a public hearing and notice, the applicant has notified the adjacent neighbors (attached). At the time this report was finalized, no comments from the adjacent neighbors were received.

II. RECOMMENDATION:

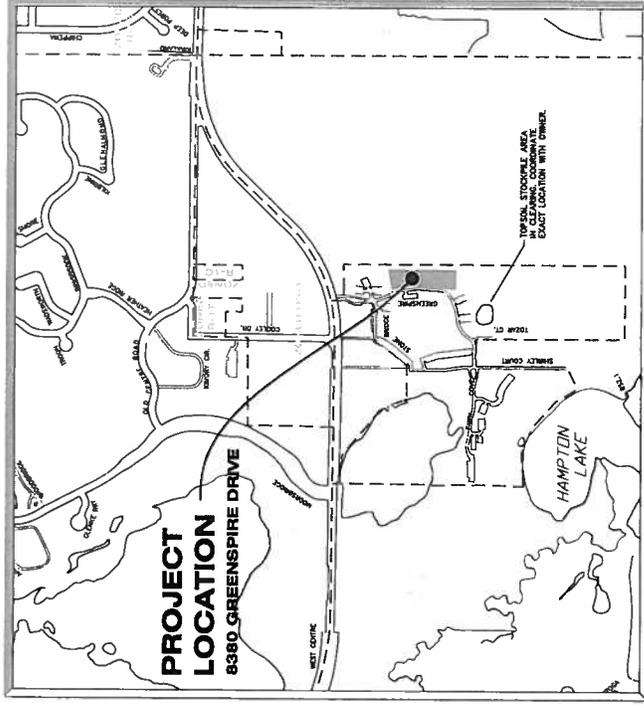
The final plan has been reviewed by the City Administrative departments and is consistent with the Greenspire Planned Development tentative plan and narrative recommended by the Planning Commission and approved, as amended, by City Council on April 13, 2010. Staff advises the Planning Commission to recommend to City Council approval of the Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive.

Attachments: Final Plan Sheets for Greenspire Apartments (Phase IV)
 Apartment Building Elevation
 E-mail correspondence from Mr. Greg Dobson dated June 23, 2010 (neighbor notification)

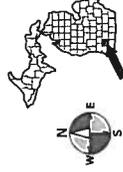
Civil construction Set GREENSPIRE APARTMENTS

PHASE IV

8380 Greenspire Drive
Portage, Michigan
6/22/10



SITE LOCATION MAP
SCALE 1" = 50'



DRAWING INDEX

SHT # DESCRIPTION

C-0 - TITLE SHEET

C-1 - EXISTING CONDITIONS AND DEMOLITION

C-2 - SITE LAYOUT PLAN

C-3 - GRADING - SESC PLAN

C-4 - UTILITY PLAN

C-5 - CUT-FILL SHEET

C-6 - SITE DETAILS

C-7 - STORM WATER DETAILS

C-8 - SANITARY PROFILE

OWNER

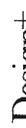
H & G II, LLC
750 TRADE CENTRE WAY, SUITE 100
PORTAGE, MI 49002
(269) 342-8600

CONSTRUCTION MANAGER



AVB CONSTRUCTION, INC.
4200 W. CENTRE AVENUE
PORTAGE, MI 49024
269-329-2022

ARCHITECT



DESIGN +, INC.
230 E. FULTON STREET
GRAND RAPIDS, MI 49503
616-458-0875

PLANS PREPARED BY:



hurley & stewart, llc
2800 south 11th street
GRAND RAPIDS, MI 49508
269-552-6500 / 269-552-6861
www.hurleyandstewart.com



UTILITY CONTACTS:

ELECTRIC/GAS
MICHIGAN ENERGY CO.
1000 W. WALKER STREET
LANSING, MI 48201
313-337-2314

CABLE TELEVISION
CHARTER COMMUNICATIONS
11400 BURNING TREE AVE.
PORTAGE, MI 49002
269-217-2151

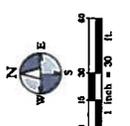
TELEPHONE
AT&T
1400 S. DORAYAMA
2815 MALLCORN ST.
PORTAGE, MI 49001
269-304-2351

WATER / SANITARY
CITY OF PORTAGE
1000 W. WALKER STREET
PORTAGE, MI 49002
269-324-9225



72 HOURS BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

ISSUED FOR
CITY RESUBMITTAL
6/22/10



WATER MAIN FITTING SCHEDULE

PIPE NAME	DESCRIPTION	WALL THICKNESS
1	2" CAST IRON	3"
2	2" GALV. STEEL	3"
3	2" GALV. STEEL	3"
4	2" GALV. STEEL	3"
5	2" GALV. STEEL	3"
6	2" GALV. STEEL	3"
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100	2" GALV. STEEL	3"

LEGEND

 WATER MAIN DEFLECTION, PROVIDE 1/4" SEPARATION. NOTE: FITTINGS FOR WATER MAIN DEFLECTIONS ARE NOT SHOWN IN TABLE.

UTILITY NOTES

 1. PLACE SANITARY CLEANOUT EVERY 100' AND/OR AT BENDS ON ALL 8" SANITARY SEWER LEADS.

2. ALL STRUCTURE CASTINGS TO BE EAST OR/AND IRON WORKS ON APPROVED EQUAL. SEE STRUCTURE TABLE FOR SPECIFIC CASTING AT EACH STRUCTURE.

3. STORM SEWERS SHALL BE CONCRETE. C75-8. SLOPE SHALL BE 1/4" PER FOOT. MINIMUM COVER SHALL BE 24". TESTING SHALL BE PERFORMED PRIOR TO FINISH. USE CONCRETE PIPE WHERE INDICATED.

4. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.

5. CONTRACTOR SHALL REFER TO THE GEOTECHNICAL REPORT FOR EXCAVATION AND SOIL INFORMATION. ANY EXCAVATION SHALL BE PROTECTED PRIOR TO CONSTRUCTION OF ANYTHING. CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATIONS NECESSARY TO CONSTRUCT UTILITIES IN THE DIST.

6. IF ANY ENERGY DEPENDENT OR OVERSIGHTS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE PRESENTER'S ATTENTION PRIOR TO CONSTRUCTION OF ANYTHING. CONTRACTOR IS RESPONSIBLE FOR ALL EXCAVATIONS NECESSARY TO CONSTRUCT UTILITIES IN THE DIST.

7. ALL METER LOCATIONS ARE SHOWN FOR INFORMATION ONLY. REFER TO CONSULTING ENGINEER'S PLANS FOR METER LOCATIONS.

8. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UTILITIES TO BE INSTALLED. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UTILITIES TO BE INSTALLED. CONTRACTOR SHALL VERIFY LOCATION AND ELEVATION OF ALL UTILITIES TO BE INSTALLED.

9. REMOVE SEWER FROM ALL STRUCTURES ONCE PAVING IS COMPLETE AND REMOVE SET BACKS.

10. VERIFY NUMBER OF FITTINGS PRIOR TO ORDERING. TOTALS DO NOT INCLUDE VERTICAL DEFLECTIONS THAT MAY BE NEEDED.

11. PROVIDE 1/4" WATER MAIN SEPARATION WITH CROSSING OTHER UTILITIES. DETECT UNDER OTHER UTILITIES W/0 USING FITTING INSPECTOR POSSIBLE.

12. SITE CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL UTILITIES TO 5' FROM BUILDING WALL.

13. WATER MAIN AND SANITARY SEWER MATERIALS AND INSTALLATION SHALL COMPLY WITH CITY OF PORTAGE REQUIREMENTS.

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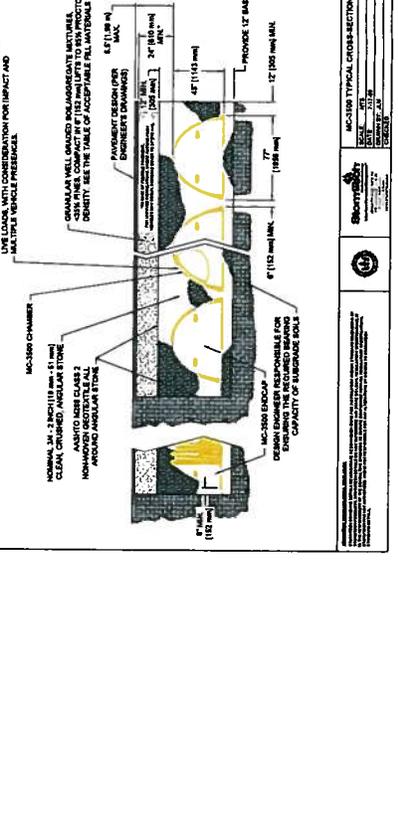
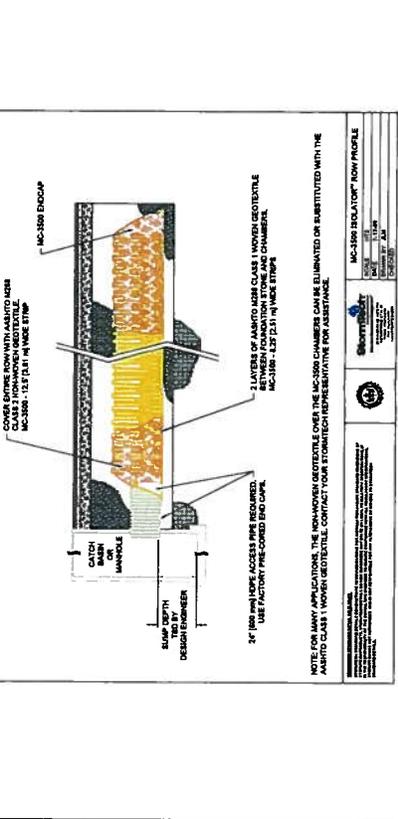
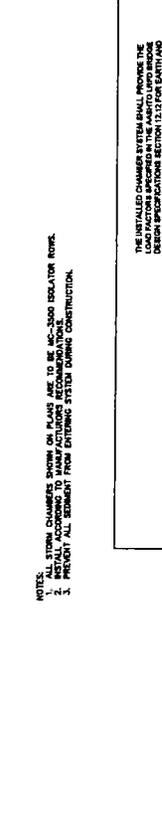
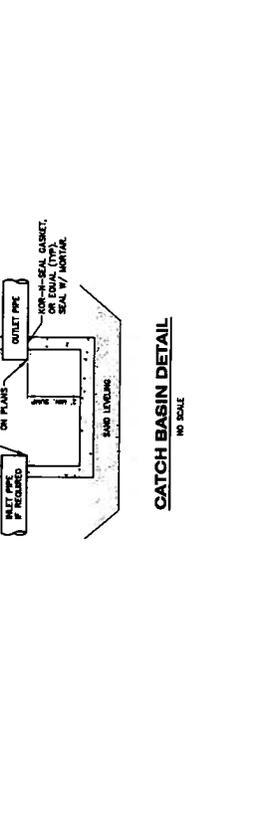
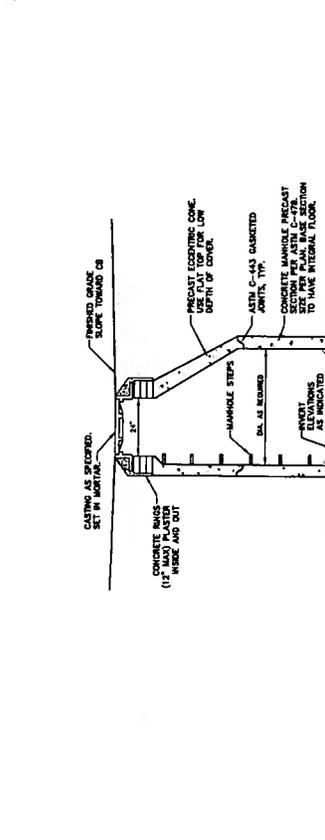
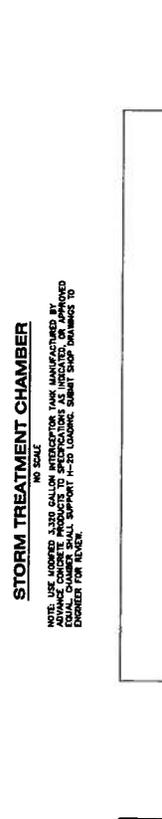
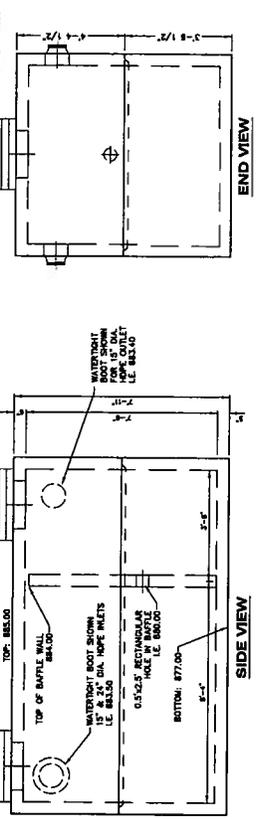
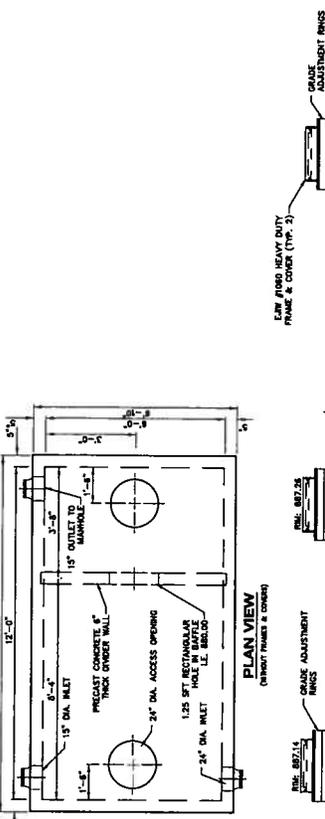
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NOTES:
 1. ALL STORM CHAMBERS SHOWN ON PLANS ARE TO BE MICRO-300 INSULATOR TYPE.
 2. PRECAST CONCRETE CURB WALL SHALL BE MANUFACTURED BY H&G II, LLC.
 3. PREVENT ALL SEWAGE FROM ENTERING SYSTEM DURING CONSTRUCTION.

NOTES:
 1. USE MICRO-300 INSULATOR OVER THE MICRO-300 END CAP.
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Christopher Forth - Upcoming Greenspire Planning Commission and City Council Meetings

From: "Greg Dobson" <gdobson@avbinc.com>
To: <kdartrocks@aol.com>, <terenhall@chartermi.net>, <djryskamp@charter.net>, <bongley@charter.net>, <bluehill@aol.com>, <sonlight22@aol.com>, <dillonsvideo@aol.com>
Date: 6/23/2010 10:28 AM
Subject: Upcoming Greenspire Planning Commission and City Council Meetings
CC: "Christopher Forth" <forthc@portagemi.gov>, "Rich MacDonald" <RichM@hinmancompany.com>, "Joe Gesmundo" <jgesmundo@avbinc.com>, "Roger Hinman" <RogerH@hinmancompany.com>

Dear Neighbors,

We wanted to continue our communication in regards to our approval process for the first phase (phase IV) of Greenspire Apartments expansion (two buildings across from the clubhouse) and the planned Greenspire Retail (phase IVR, on Centre Ave) building. We have today submitted plans to the City of Portage for review by the Planning Commission on July 1, 2010 at 7:00 p.m. and for further review by the City Council on July 13, 2010, at 7:30 p.m. The plans are consistent with the approved tentative plan, a process in which you were involved, and therefore we do not anticipate any significant issues to be raised. That said, we are open and available to clarify any questions that you might have in regards to the plans or the process. Please contact me at any of the numbers/means below and we will work to ensure that all of your questions are answered. We are committed to doing what we said we would do and as always doing great development in and around the City of Portage.

Warmest regards,

Greg Dobson
AVB COMPANIES
direct 269 329 3636
fax 269 327 3172
email gdobson@avbinc.com
4200 W. Centre Ave
Portage, MI 49024
www.avbconstruction.com
www.avbhomes.com

If you are not the intended recipient, any dissemination, distribution, or copying is strictly prohibited. If you believe that you have received this e-mail message in error, please respond to the sender and delete all copies.

TO: Planning Commission

DATE: June 25, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue.

I. INTRODUCTION/BACKGROUND:

A final plan has been submitted by American Village Builders (AVB) to construct a new 3,000 square foot building and associated site improvements for Lake Michigan Credit Union (LMCU) at 4100 West Centre Avenue, within the Woodbridge Hills Planned Development. The 3.8 acre tract of land has 355 feet of frontage along West Centre Avenue and is undeveloped. The applicant is also preparing this site for two additional development projects.

Access to the 3.8 acre tract will be provided through cross access connections with the existing Marsh Pointe Drive (private) to the west and the existing Woodbridge Shopping Drive (private) to the east. No new access points from West Centre Avenue are proposed. As information for the Commission, the Marsh Pointe Condominiums are situated approximately 16-18 feet lower than the proposed credit union building. Storm water from the development will be collected and conveyed to an underground storage and infiltration system situated beneath the parking lot. Outdoor lighting units associated with the proposed development will include building mounted fixtures with shielded fixtures and will conform to applicable ordinance standards.

With regard to this area of Woodbridge Hills, the subject property was acquired by the applicant after the original 583 acre PD rezoning and tentative plan approval in 1977 creating the Moors of Portage Planned Development (later renamed to Woodbridge Hills). In 1988 the west .7 acres and in 1998 the remaining 3.1 acres were rezoned to PD, planned development and a tentative plan amendment approved by City Council designating this property appropriate for commercial/retail use. Attached for Commission review is a copy of the Woodridge Hills Tentative Plan, as amended and included with the 1998 rezoning application. For Commission information, the 1977 Moors of Portage tentative plan was approved by the City Council without identifying the specific use, height, bulk and location of the buildings because of the size of the project and extended time period for development (projected at that time to be 15 years). This decision was intended to provide the applicant the "flexibility of evaluating the market for each phase over the development period, and still provide the city with ultimate control of development design."

II. RECOMMENDATION:

The final plan has been reviewed by the City Administrative departments and is consistent with the tentative plan, as amended, for the Woodbridge Hills Planned Development approved in August 1988 and June 1998. Staff advises the Planning Commission to recommend to City Council approval of the Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue.

Attachments: Final Plan Sheets for Lake Michigan Credit Union
Building Elevation
1998 Approved Tentative Plan

s:\commdev\department files\board files\planning commission\pc reports\site plans\lake michigan credit union, 4100 west centre avenue - final plan.doc

Civil Construction Plans

Lake Michigan Credit Union

4100 W. Centre Ave.
 City of Portage
 Kalamazoo County, Michigan
 6/23/10

OWNER

Lake Michigan Credit Union
 4027 Lake Dr. SE
 Grand Rapids, MI 49546
 (616) 242-0700

CONSTRUCTION MANAGER

AVB
 CONSTRUCTION
 AVB CONSTRUCTION, INC.
 4200 W. CENTRE AVENUE
 PORTAGE, MI 49024
 269.329.2022

ARCHITECT

True North Architecture
 2350 Belmont Center
 Suite 300
 Belmont, MI 49306
 616.458.5554

PLANS PREPARED BY:

h/s
 hurley & stewart, llc
 2800 south 11th street
 kalamazoo, michigan 49009
 269.352.4800 fax: 269.481.4881
 www.hurleyandstewart.com

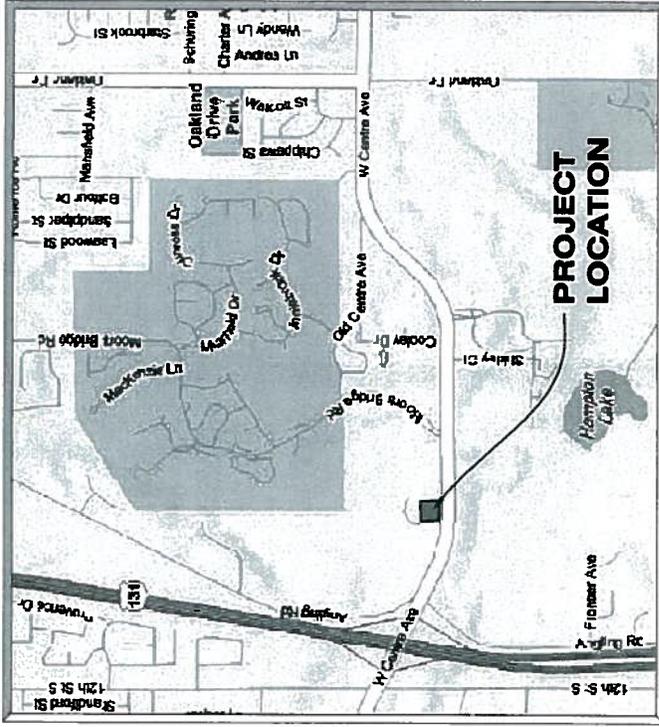


UTILITY CONTACTS:

CONSUMERS ENERGY CO. ELECTRIC/A/S
 2240 E. COOK STREET
 PORTAGE, MI 49001
 269.337.2200
 CHARTER COMMUNICATIONS
 MARK BUNKE
 10000 S. HUNTER AVE.
 PORTAGE, MI 49002
 269.277.8152
 TELEPHONE
 AVTEL JONSON
 2815 M. LLOYD ST.
 PORTAGE, MI 49001
 269.334.4473
 CITY OF PORTAGE
 CANTYRICH
 10000 S. HUNTER AVE
 PORTAGE, MI 49002
 (269) 329-4422
 WATER/ SANITARY

DRAWING INDEX

- SHT. # DESCRIPTION
- C-0 - TITLE SHEET
- C-1 - EXISTING CONDITIONS - DEMOLITION PLAN
- C-2 - SITE LAYOUT PLAN
- C-3 - GRADING AND UTILITIES PLAN
- C-4 - SITE DETAILS
- C-5 - UTILITY DETAILS



SITE LOCATION MAP
 SCALE: 1" = 500'



RECEIVED

JUN 24 2010

COMMUNITY DEVELOPMENT



PLEASE ADVISE MISS DIG OF ANY CHANGES TO YOUR PROJECT BEFORE YOU BEGIN ANY EXCAVATION. MISS DIG WILL NOT BE RESPONSIBLE FOR ANY DAMAGE TO UTILITIES THAT ARE NOT SHOWN ON THE MISS DIG RECORDS.

ISSUED FOR:
 SITE PLAN REVISIONS PER CITY OF PORTAGE
 6/23/10

ZONING REQUIREMENTS

THE SITE IS ZONED PD (PLANNED DEVELOPMENT DISTRICT)
 PROPOSED USE
 CREDIT UNION

PARKING
 TOTAL SPACES REQUIRED:
 TOTAL SPACES PROVIDED = 27 SPACES
 TOTAL SPACES PROVIDED = 27 SPACES
 ALL SPACES SHALL BE DESIGNED PER ADA REQUIREMENTS
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 ALL SPACES SHALL BE DESIGNED PER ADA REQUIREMENTS

BUILDING INFORMATION
 THE PROPOSED BUILDING HAS A TOTAL AREA OF 3,002 SF
 BUILDING HEIGHT: 17'-1"

CONSTRUCTION TYPE: V-8
 SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL

INTERIOR LANDSCAPING
 LANDSCAPING AREA PROVIDED = 1,048 SF
 LANDSCAPING AREA PROVIDED = 1,048 SF

NOTES

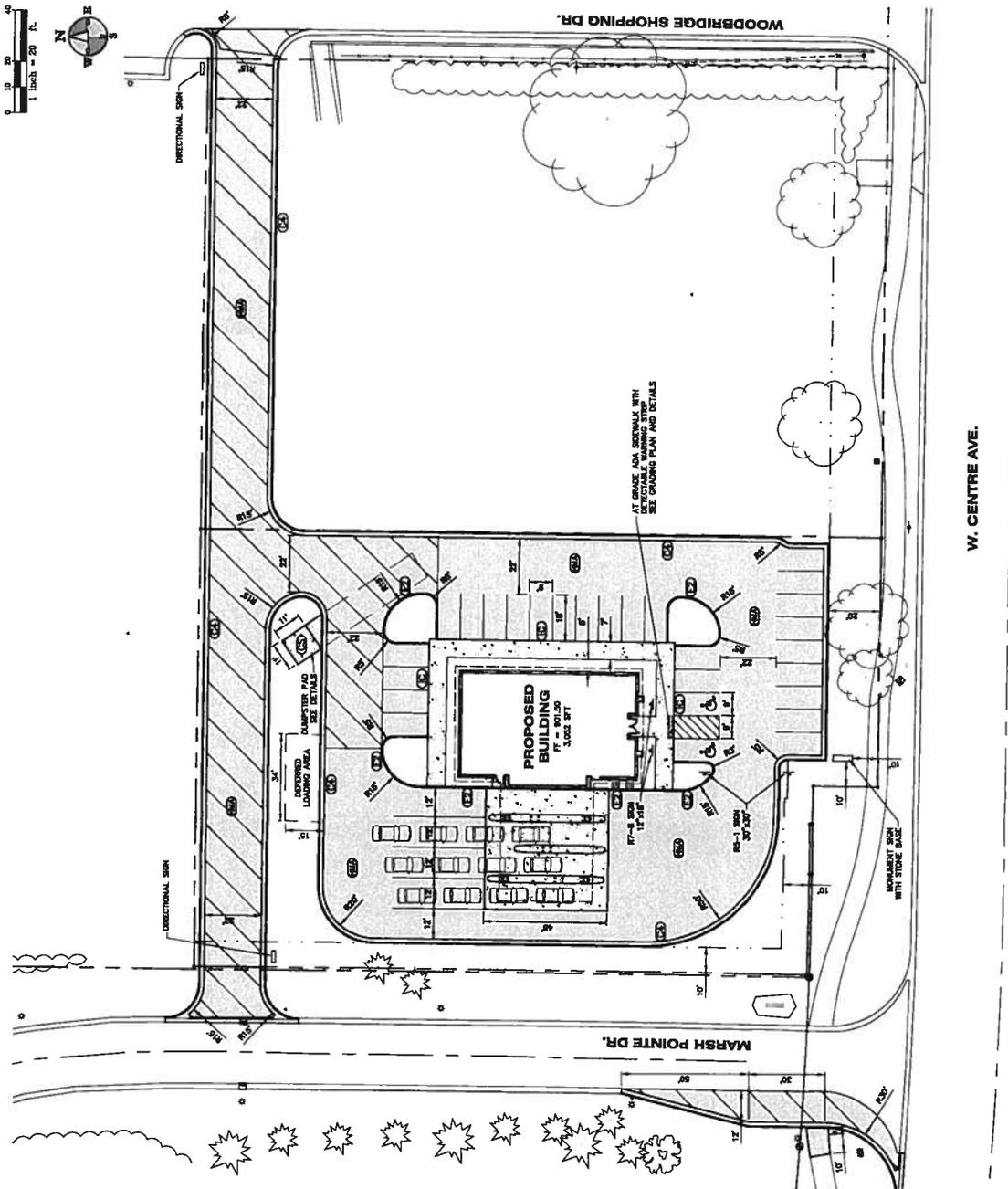
1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/RAMP AT ALL HANDBIKE FREE ACCESS POINTS.
3. HANDBIKE MARKINGS AND SIGNALS SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN HANDBIKE FREE CODE.
4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
5. EXISTING WALKWAY DIMENSIONS SHOWN ON THESE PLANS. ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS.
6. IF ANY SPECIAL ORDERS, CONDITIONS, OR DIMENSIONS BECOME APPARENT, THESE SHALL BE REPORTED TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CORRECTIONS OR REVISIONS MAY OCCUR.
7. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS.
8. ALL EXISTING DIMENSIONS SHALL BE AS SHOWN ON THESE PLANS.
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21. ALL EXISTING DIMENSIONS SHALL BE AS SHOWN ON THESE PLANS.

HS
 Hurley & Stewart, Inc.
 2800 South 11th Street
 Kalamazoo, Michigan 49009
 269.552.4560 Fax 269.552.4961
 www.hurleyandstewart.com

CONTRACTOR: Hurley & Stewart, LLC
 SITE PLAN REVIEWER: PER CITY OF PORTAGE 4/23/20
 SITE PLAN NUMBER: 19-01-0120
 PREPARED BY: 4/23/20

SITE LAYOUT PLAN
LAKE MICHIGAN CREDIT UNION
AMERICAN VILLAGE BUILDERS

Client: _____
 Project: _____
 Sheet Title: _____
 6/23/20
C-2

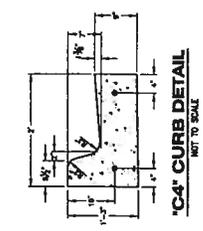


811
 Know what's below.
 Call before you dig.

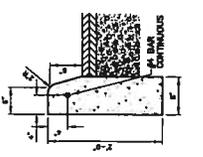
ALL UTILITIES AS SHOWN ARE PROBABLY LOCATIONS ONLY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY EXCAVATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL UTILITIES.

- LEGEND**
- Light Duty: HMA Pavement
 - Heavy Duty: HMA Pavement
 - Concrete Sidewalk
 - Concrete Curb and Gutter
 - Typical Notes
- SITE LEGEND**
- HMA Pavement
 - C4 Curb and Gutter
 - C2 Curb and Gutter
 - Concrete Surface

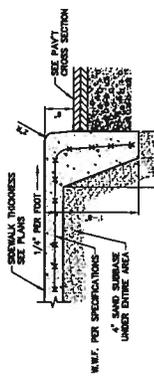
1. THE CONTRACTOR SHALL BE RESPONSIBLE TO REMOVE ALL EXISTING TREES, STUMPS AND BRUSH FROM THE SITE AS NECESSARY.
2. ALL EXCAVATION SHALL BE TO A MINIMUM DEPTH OF 24" BELOW THE TOP OF THE SUBGRADE OR AS DETERMINED BY THE COUNTY ENGINEER.
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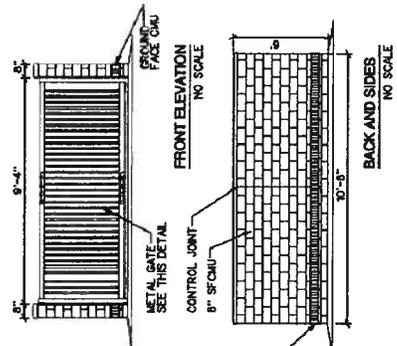
'C4' CURB DETAIL
NOT TO SCALE



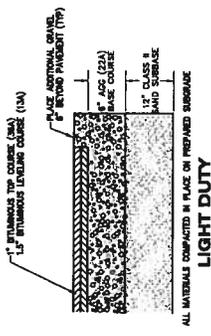
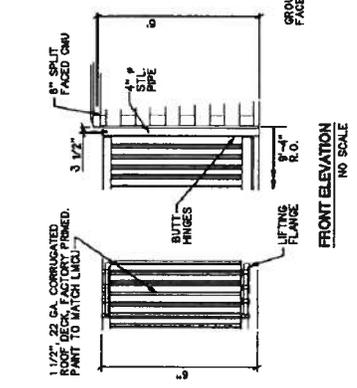
'E2' CURB DETAIL
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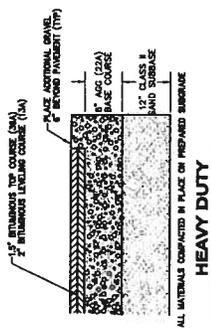
INTEGRAL SIDEWALK/CURB
NOT TO SCALE



DUMPSTER SCREEN
DETAIL PROVIDED BY OWNER

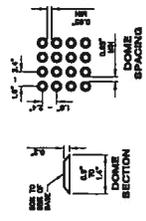
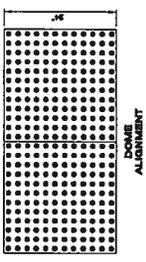


LIGHT DUTY PAVEMENT SECTION
NOT TO SCALE



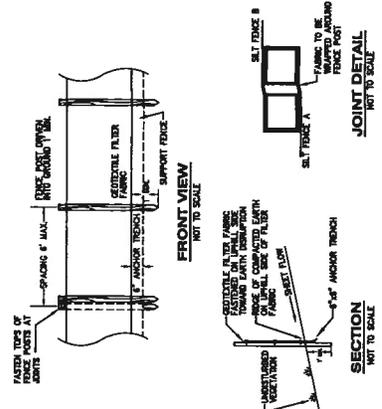
HEAVY DUTY PAVEMENT SECTION
NOT TO SCALE

ALIGN CURBS IN DIRECTION OF TRAFFIC AND UNDER SIDEWALK (OR TYPICAL) TO CURB BREAK.



- NOTES:**
1. DETECTABLE WARNING STRIP SHALL BE OF CONTRASTING COLOR, SURFACE AND METAL CAST JOINT FROM VISIBLE WARNING PLATES IN PUBLIC AREAS, OF STEP BY VISIBLE DETAIL PROVIDED ON THIS PLAN AND TO ALL CONSTRUCTION, RECONSTRUCTION, OR ALTERATION OF STREET, CURB, OR SIDEWALK BY ALL PUBLIC AGENCIES AND BY ALL PRIVATE CONTRACTORS.
 2. DETECTABLE WARNING STRIP SHALL BE LOCATED AS SPECIFIED ON THE PLAN OR AS INDICATED BY THE ENGINEER.
 3. DETECTABLE WARNING STRIP SHALL BE LOCATED IN THE VICINITY OF INTERSECTION WHERE THERE IS EXISTING OR PROPOSED SIDEWALK AND CURB. STRIPS SHALL ALSO BE PROVIDED AT WALK LOCATED IN THE-BLACK IN THE VICINITY OF SIDEWALK, SIDEWALK, AND SIDEWALK FACILITIES.
 4. SURFACE TEXTURE OF THE STRIP SHALL BE THAT OBTAINED BY A CHANGE IN MATERIAL, TRANSVERSE TO THE SURFACE OF THE STRIP.
 5. STRIPS SHALL BE PLACED WHERE THE TRAFFIC CURB IS CHANGED ACROSS THE STRIP.
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 11. THE TOP OF THE STRIP SHALL BE FLUSH WITH THE ADJACENT CONCRETE.
 12. DETECTABLE WARNING STRIP SHALL BE LOCATED AS TO STEP TRAVEL SHORT OF CURB BREAKS. SPECIFIC DETAILS FOR VARIOUS APPLICATIONS ARE GIVEN IN THE "DETECTABLE WARNING STRIP" DETAIL.
 13. STRIPS SHALL BE PLACED WHERE THE STRIP IS CHANGED ACROSS THE STRIP.
 14. STRIPS SHALL BE PLACED WHERE THE STRIP IS CHANGED ACROSS THE STRIP.

DETECTABLE WARNING STRIP



SILT FENCE DETAILS

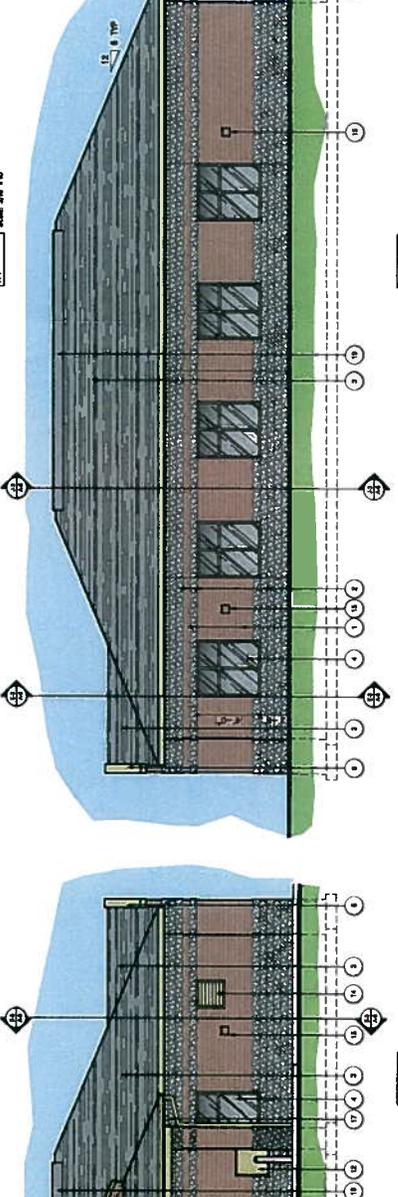
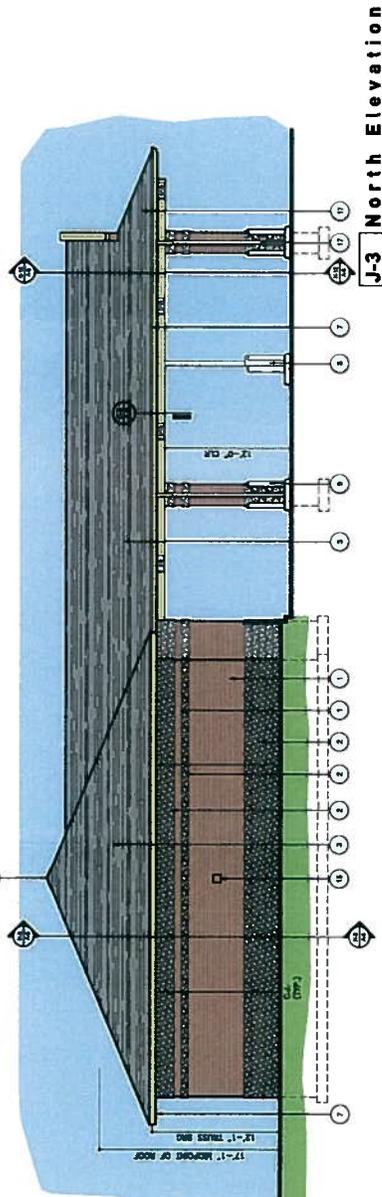
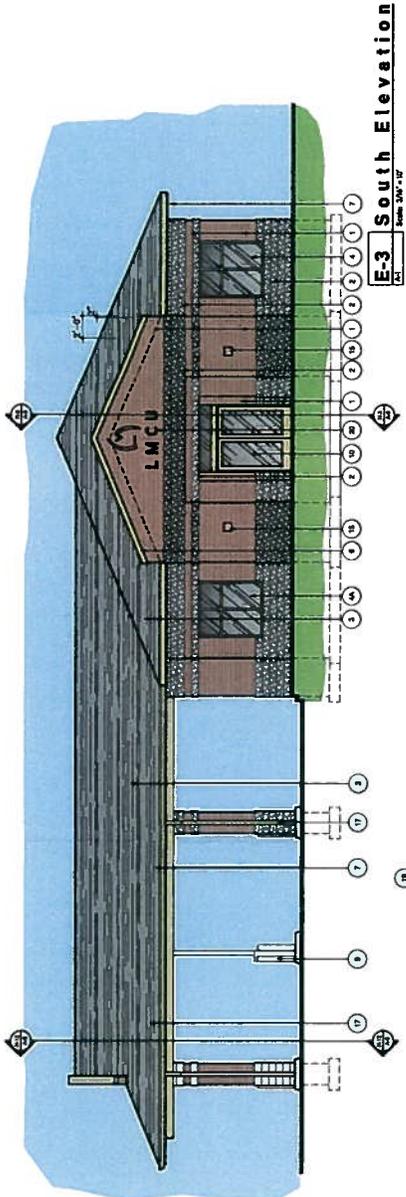
Exterior Finish Schedule	
1	FACE BRICK BELDON BRICK, COLOR: SART, SHADE BLEND
2	1" BRIT FACE SPLIT FACED BLUR-CORUSERS COLOR: HAZD, HAZE
3	SHINGLE ROYALBARK
4	3" DIMENSIONAL ASPHALT SHINGLES - COLOR BY OWNER
5	GLASS 1/2" GLASS, 1/4" GLASS, 1/2" GLASS
6	WINDOW W/ALUM. SILL FLASHING TO MATCH FRAME
7	STANDARD WINDOW SAME AS NOTE 6, BUT WITH ORANGE GLAZING
8	TELECOM SECURITY WINDOW & FRAMING SYSTEM
9	DAY FLASHING PRE-FINISHED METAL FLASHING, COLOR TO MATCH WINDOWS
10	SOFFIT/FINISH PRE-FINISHED METAL FLASHING, COLOR TO MATCH WINDOWS
11	PIPE FLASHING PRE-FINISHED METAL FLASHING, COLOR TO MATCH WINDOWS
12	CONCRETE FILLER 4" CONCRETE FILLER, COLOR TO MATCH WINDOWS
13	EXTERIOR ALUMINUM DOORS & FRAMES COLOR TO MATCH WINDOWS
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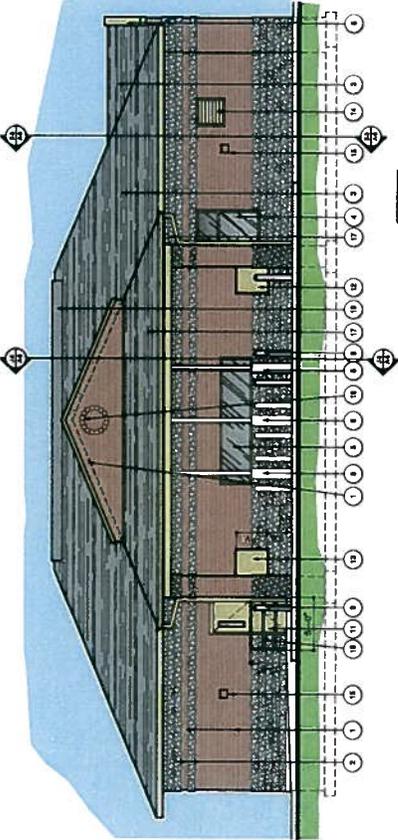
Lake Michigan Credit Union
 Project Address: 12345 Main St, Grand Haven, MI 49424
 Project Name: Lake Michigan Credit Union Building
 Exterior Elevations

NO.	DATE	BY	CHK
1	08-14-12	JL	CT
2	08-14-12	JL	CT
3	08-14-12	JL	CT
4	08-14-12	JL	CT
5	08-14-12	JL	CT
6	08-14-12	JL	CT
7	08-14-12	JL	CT
8	08-14-12	JL	CT
9	08-14-12	JL	CT
10	08-14-12	JL	CT

A-2



N-12 West Elevation
 Date: 08-14-12



MATERIALS TRANSMITTED

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

May 2010 (*updates in italics*)

Project/Activity Portage City Landfill

Description

Ongoing groundwater monitoring of former municipal landfill.

Status

-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 performed in May 2009. Annual report submitted in June 2009. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future.

Site Inspection/Development Project Review

Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.

-Coordination with property owners and City or State agencies ongoing.
-Review of 2 site/building plans and/or plats completed in May 2010.

Sewer Connection Program

Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.

-Sanitary sewer hookup permits issued in May 2010: 2 residential, 1 commercial.

West Lake Management Program

Special assessment district designed to maintain/improve lake conditions.

-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of \$5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. 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. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. Spring 2009 weed control application was completed in June 2009. New 5 year improvement plan and special assessment process was approved by

City Council on March 23, 2010. Preparation for 2010 lake treatment underway.

Investigation regarding potential impact of retention basins on groundwater levels.

Retention Basin Sampling Program

-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 considered and evaluated. City staff has initiated a compilation of all city retention basin groundwater levels. Winter sampling performed in early December 2009 with results submitted. Report under staff review. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. *Next sampling scheduled for June.*

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. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. 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. Next sampling scheduled for July 2010.

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. Permit implementation is ongoing. 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. Revised SWPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWIPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWIPPI data and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public education plan and SWIPPI on January 15, 2008. Re-application for permit

extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame 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. City staff worked with other agencies at the 2010 Home Expo on March 17 – 20, 2010. Staff currently working on updated SWIPPI submittal to MDNRE.

National Pollution Discharge Elimination System (NPDES) permit implementation

Kalamazoo River Mainstem Watershed Management Plan

-First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 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. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 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.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 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. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. 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.

Five year plan to implement an Illicit Discharge Elimination Plan (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 May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. 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. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program currently being updated for submittal to MDNRE.

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. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside piping and inside plumbing complete. Building interior and exterior site work complete. Interior painting complete. Garden Lane Well #4 drilling is complete and well building is completed. *Start up activities began in May 2010. Final punch list work ongoing during plant operation.*

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 May 2010-0. The number of incidents requiring city forces/contractor emergency cleanups-0. Close out of gasoline spill on Sprinkle Road near Zylman Road due to a vehicle crash is complete.

Localized Groundwater Table Investigation

Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008.

Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. *Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through May 2010.* Sampling will continue through the spring and summer months.

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. Current activity has centered on meeting with MDNRE staff to determine feasible method to lower water levels. *Association currently working with MDNRE permit staff to clarify permit requirements.*

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. *Success of grant application may not be known until late summer.*

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: June 17, 2010

FROM: Maurice S. Evans, City Manager 

SUBJECT: Traffic Signal Maintenance

ACTION RECOMMENDED: That City Council award a contract for maintenance of the city traffic signal system from July 1, 2010 to June 30, 2013 to Windemuller Electric, Incorporated, in the not-to-exceed amount of \$125,700 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

On July 13, 2004, City Council awarded a three-year contract to a private contractor for the maintenance of the city traffic signal system. This contract provided an option for a three-year extension if mutually agreeable to both parties, which was exercised in June 2007. Traffic signal maintenance, including emergency repairs as needed, is a highly specialized field with few local contractors qualified to perform this work. Historically, maintenance of the city traffic system has been performed by private contractors.

In more recent years, the city traffic signal system has grown considerably as new traffic signals have been installed. In addition, many of the city traffic signals have been upgraded to include mast arms, light emitting diodes (LED) signal heads, vehicle video detection cameras, battery backups and illuminated street name signs. The city traffic signal system currently includes forty-nine signalized intersections and twenty-three school/pedestrian flashers.

On June 14, 2010, bid proposals were received for maintenance of the city traffic signal system for the period July 1, 2010 through June 30, 2013. Two bid proposals were received. The low base bid in the amount of \$125,700 was submitted by Windemuller Electric, Incorporated. The maintenance contract also provides hourly rates for emergency call-in work during regular hours and after hours and for new signals added to the city system. Windemuller Electric, Incorporated, hourly rates for this type of work were also the lowest among bidders.

Windemuller Electric, Incorporated, has been performing these services satisfactorily for the City of Kalamazoo, City of Muskegon and the City of Norton Shores. It is recommended that the three-year contract for maintenance of the city traffic signal system be awarded to Windemuller Electric, Incorporated, in the total not-to-exceed amount of \$125,700 and that the City Manager be authorized to execute all documents related to the contract on behalf of the city. A complete bid tabulation is attached for the information of City Council. Funds are budgeted and will be available for this contract in the recently approved 2010-11 Street Operating Budget.

Attachment

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 10, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. Approximately 8 people were in the audience.

MEMBERS PRESENT: Henry Kerr, Rob Linenger, Betty Schimmel, Marianne Singer, Donald Mordas, Daniel Rhodus (alt.), Timothy Bunch (alt.)

MEMBERS EXCUSED: Lowell Seyburn

MEMBERS ABSENT: David Felicijan

IN ATTENDANCE: Vicki Georgeau, Deputy Director of Neighborhood Services, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved, and Mordas seconded a motion to approve the April 14, 2010 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 09-20, 5419 Meredith Drive: Staff summarized the request for a variance to a) retain exterior light fixtures that are oriented in an unshielded position throughout the development; and a variance to b) exceed the light intensity level greater than 0.3 foot-candles along the north property line. Carol Bodnar, on behalf of Devonshire Meredith LLC, was present to explain the request which is to retain light fixtures that were recently repaired or replaced with similar pre-existing lights. Kerr noted it is regrettable their electrician did not work with the city to ensure code compliance. In response to Kerr, staff noted screening is not required between multiple-family and one-family developments, but the applicant and an adjacent neighbor on Hanover Street have discussed erecting a privacy fence.

A public hearing was opened. Mr. Blake Bancroft, 4709 Hanover Street, asked where the lighting exceeds maximum light levels, and the purpose of using unshielded fixtures. Staff responded the lighting exceeds intensity levels along the north property line. Bodnar explained the lighting is intended to address safety and crime prevention, and that since her ownership, police calls have been reduced. Bancroft cited a number of studies that indicate lighting does not prevent crime, has an adverse impact on humans, animals and vegetation, and consumes unnecessary energy. Bancroft objected to the variances and suggested standards to reduce glow and light trespass. Bancroft submitted letters of opposition from the following: Barb Lipsey, 4715 Hanover Street; Kelli Palmer, 4615 Hanover Street; Millie Newson, 5501 Meredith Street; Jason Barber, 4533 Hanover Street; David Strine, 4510 Hanover Street; Dan Hazell, 4633 Hanover Street. Carrie Richmond, 4624 Hanover Street recognized the efforts of Devonshire Meredith LLC, but noted the Neighborhood Watch group has been instrumental in reduce crime, and that she supports neighboring property owners adversely impacted by the bright lights. Bodnar clarified that other than the north property lines, all lights meet the Zoning Code intensity levels. There being no further comments, the public hearing was closed.

Singer asked if the lights can be shielded. Staff indicated yes or adjusted downward to meet the code. Linenger asked if there was a one-for-one replacement of exterior lights. Staff responded yes. Mordas asked if the lights were adjusted downward, would the applicant install additional new lights and would that increase the light intensity. Staff responded that it is likely additional wall and pole mounted lights would be needed to have the same amount of exterior lighting, but all new lights would have to meet code. Without a photometric light plan, staff indicated it is not possible to specify if the overall light intensity or “glow” would be reduced. Mordas asked if the lights on the south side of unit 9 were eliminated, would it resolve the neighbors concerns. Staff indicated that may helpful.

A motion was made by Linenger, supported by Mordas, to approve a variance to: a) retain exterior light fixtures that are oriented in an unshielded position throughout the development, and b) to exceed the light intensity level greater than 0.3 foot-candles along the north property line, conditioned upon: 1) all exterior lights remain located and positioned as now existing and the exterior lights along the west and south property lines remain fixed in position so as to meet the maximum light intensity and glare prevention requirements of the Zoning Code, except that the light fixtures on the following buildings be provided with additional custom shielding that meet the Zoning Code or replaced with conforming light fixtures: the south end of unit 9; east end of unit 11, west and south end of unit 12, south end of unit 13 and south end of unit 14; and 2) exterior lights on the north sides of the buildings along the north property line be replaced to meet the Zoning Code maximum light intensity and glare requirements if the property to the north develops with residential use(s) in the future. The variance is granted for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the

same zoning district, which include the age and location of existing multiple-family residential buildings, and the presence of legally non-conforming light fixtures based on a one-for-one light replacement that the applicant has performed; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent or the purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Mordas- Yes, Singer-Yes, Bunch-Yes, Rhodus-Yes) the motion carried 7-0.

ZBA# 09-21, 716 West Van Hoesen Boulevard: Staff summarized the request for a variance to enlarge a non-conforming dwelling to construct an 81 square-foot covered porch 17 feet from the front (east) property line where a minimum 27-foot setback is required. Teresa Millar was present to explain that the request, and that she has used gutters, heat tape and other efforts to prevent ice build up on the ground in front of the main entry of the house. The proposed roof extension will resolve the existing safety hazard. Kerr indicated her house seemed closer to the road than others on the block. Millar responded the house across the street on Nevada is actually closer to the property line than her house. In response to Kerr, staff confirmed that building lot cover is not a problem for the property and proposed covered entryway.

A public hearing was opened. No one was present to speak for or against the request. A letter of support from Rod O'Brien, 623 West Van Hoesen Boulevard, was read into the record. There being no further comments, public hearing was closed.

A motion was made by Linenger, supported by Schimmel, to grant a variance to enlarge a non-conforming dwelling to construct an 81 square-foot covered porch 17 feet from the front (east) property line where a minimum 27-foot setback is required for the following reasons: there are exceptional or extraordinary circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include the location of the dwelling on the lot and location/design of the main front entry of the dwelling; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to improve the safety, functionality and appearance of the dwelling, which is similar to that possessed by other properties in the same zoning district and vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Mordas-Yes, Singer-Yes, Mordas-Yes, Bunch-Yes, Rhodus-Yes.) motion carried 7-0.

STATEMENT OF CITIZENS: Kerr noted that Election of Officers will be included on the June 3, 2010 agenda.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:20 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services

CITY COUNCIL MEETING MINUTES FROM JUNE 8, 2010

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

At the request of Mayor Strazdas, Councilmember O'Brien gave the invocation and the 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, Margaret E. O'Brien, Patricia M. Randall, Claudette S. Reid, Terry R. Urban and Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randall Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Reid, to approve the May 25, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item F.7, Disposition of Legal Matters, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF JUNE 8, 2010:** Motion by Urban, seconded by Reid, to approve the Check Register of June 8, 2010. Upon a roll call vote, motion carried 7 to 0.

REPORTS FROM THE ADMINISTRATION:

* **RESOLUTION AWARDING BID:** Motion by Urban, seconded by Reid, to adopt the Resolution awarding the bid for the City of Portage Capital Improvement Bonds, Series 2010, in the approximate amount of \$3,850,000 to Wells Fargo Advisors at 3.808149%. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 53 of City of Portage Resolution Book No. 44.

* **ELECTION POLLING PLACES AND RATE OF COMPENSATION:** Motion by Urban, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the August 3, 2010 Primary Election. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 59 of City of Portage Resolution Book No. 44.

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Urban, seconded by Reid, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2010, will be transferred to the 2010 city tax roll and assessed against property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

* **REZONING APPLICATION #09-02 (OAKLAND DRIVE AND OAKLAND FARMS TRAIL):** Motion by Urban, seconded by Reid, to accept Rezoning Application #09-02 for first reading and set a public hearing for July 13, 2010, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approving Rezoning Application #09-02 and rezone the area from R-1C, one family residential, and R-1T, attached residential, to R-1B, one family residential, with the exception of 9842 Oakland Drive. Upon a roll call vote, motion carried 7 to 0.

* **CONTRACT APPROVAL - KALAMAZOO IN BLOOM:** Motion by Urban, seconded by Reid, to approve a one-year contract with Kalamazoo In Bloom and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CLOSED SESSION:** Motion by Urban, seconded by Reid, to hold a closed session immediately following the regularly scheduled City Council Meeting of June 8, 2010, to discuss an attorney/client communication. Upon a roll call vote, motion carried 7 to 0.

DISPOSITION OF LEGAL MATTERS - INFORMATION ONLY: Councilmember Urban indicated that he took the item off for discussion and expressed his opinion that no special meeting of City Council is necessary as was suggested at the March 9, 2010 Special Meeting. Discussion followed.

Councilmember Reid asked City Manager Evans if the trigger mechanisms discussed at the special meeting were clear enough for him to act, or was more clarity necessary. Mr. Evans answered that he would make sure the Administration does its best to keep City Council informed, and that he was comfortable with the level of ambiguity of the terms discussed at the special meeting. Discussion followed.

Mayor Pro Tem Sackley indicated that the city should engage in legal counsel to assist staff with tax appeals and expressed his appreciation for the report.

Motion by Sackley, seconded by O'Brien, to receive the communication from the City Manager regarding the Disposition of Legal Matters as information only. Councilmember Urban indicated that he is satisfied with the report from the City Manager and Mayor Strazdas concurred. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

* **ASSESSING-RELATED QUESTIONS RAISED AT THE MAY 25, 2010 CITY COUNCIL MEETING - INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding assessing-related questions raised at the May 25, 2010 City Council Meeting as information only. Upon a roll call vote, motion carried 7 to 0.

* **AMBULANCE SERVICES IN THE CITY OF PORTAGE - INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the provision of Ambulance Services within the City of Portage as information only. Upon a roll call vote, motion carried 7 to 0.

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

Portage Board of Education Special and Regular of April 19, Special Work Session of April 26, Special Meeting and Committee of the Whole Work Session of May 10 and Special Meeting of May 11, 2010.

Portage Park Board of May 5, 2010.

Kalamazoo County Board of Commissioners Committee of the Whole and Regular of May 18, 2010.

NEW BUSINESS:

* **STUDENT APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Urban, seconded by Reid, to appoint Eric Alden, Taylor Bruinwood, Lauren Centers, Sujay Dewan, Abhiram Krishnan, Humza Mirza, George Norg, Matthew Cartier, Andrew Chen, Matt Chen, Leonardo Ferdandez, Kitu Komya, Sarah Perry, Ryan Poniedzielski, Maddie Sandmeyer and Nolan Stoffer with terms ending June 30, 2011, to the Youth Advisory Committee; to appoint Alexander Bullard-Marshall with term ending June 30, 2011, to the Environmental Board; to appoint Tyler Harper with term ending

June 30, 2011, to the Historic District Commission; to appoint Kyle Huitt with term ending June 30, 2011, to the Human Services Board; to appoint Tucker Webb with term ending June 30, 2011, to the Park Board; and to appoint Fatima Mirza with term ending June 30, 2011, to the Senior Citizens Advisory Board. Upon a roll call vote, motion carried 7 to 0.

BID TABULATIONS:

* **STREET PAVING RECONSTRUCTION/REPAIRS - RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve a contract with Michigan Paving & Materials Company to provide reconstruction to selected local streets and asphalt surface repairs to isolated sections of major streets in the not-to-exceed amount of \$645,425.34, approve the added expenditure of approximately \$153,000 for additional street repair at unit pricing within this contract 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 7 to 0.

* **BID RECOMMENDATION – PARK FACILITY CLEANING MAINTENANCE:** Motion by Urban, seconded by Reid, to approve the low bid from HouseWorks Service, Incorporated, for cleaning maintenance of park facilities for the period July 1, 2010, through June 30, 2011, in the amount of \$16,080, with an option for a contract renewal up to three years 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 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Jim Carroll, 401 Gingham, expressed appreciation for the research and the report provided by City Manager Maurice Evans and Fire Chief Randy Lawton in Item F.9, Ambulance Services in the City of Portage – Information Only. He also asked for a public notice informing those who have emergency medical services (EMS) subscriptions to Pride Care EMS that they are not covered by Life EMS and vice versa. Mayor Strazdas expressed heartfelt condolences to Mr. Carroll for the loss of his wife and thanked Mr. Carroll for keeping the public aware of this issue.

ADJOURNED TO ENTER INTO A CLOSED SESSION: 7:47 p.m.
RECONVENED: 8:08 p.m.

CLOSED SESSION:

MARY BEERS, 6069 CELERY STREET, KALAMAZOO: Motion by Sackley, seconded by O'Brien, to deny the appeal from Mary Beers regarding the request for Police Department Records Case #05-7135 pursuant to the Freedom of Information Act and have the City Clerk provide notice to Mary Beers. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmembers Randall and Reid, Mayor Pro Tem Sackley and Mayor Strazdas shared their experiences at the Kalamazoo Central High School Commencement of the Class of 2010 and the visit by President Barack Obama as the keynote speaker. Councilmember O'Brien recognized the work performed by Mayor Strazdas in his

capacity as Western Michigan University Associate Vice President for Facilities Management that helped make the event very successful.

Councilmember O'Brien also reminded everyone of the Portage Soccer Classic, June 11 through June 13, 2010, Portage, and the Kalamazoo Soccer Showcase, June 26 and 27, 2010, Kalamazoo, and thanked the youth who volunteered to participate on the Youth Advisory Committee and as liaisons to the Environmental Board, the Historic District Commission, the Human Services Board, the Park Board and the Senior Citizen Advisory Board.

Mayor Pro Tem Sackley indicated that a recent visit to Mann+Hummel revealed that they have brought 100 workers to the Portage facility between May, 2009, and May, 2010, and had to move the distribution process to the MidLink facility for shipment to all parts of the country and overseas because of being overcapacity.

Councilmembers O'Brien and Urban shared their Memorial Day Parade experiences and Mayor Strazdas thanked City Council for participating in the parade and thanked the community for helping make the visit by President Obama possible and for helping to make the event such a success.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:17 p.m.

James R. Hudson, City Clerk

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