

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

February 17, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**February 17, 2011
(7:00 p.m.)**

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * February 3, 2011

SITE/FINAL PLANS:

- * 1. Final Plan – Greenspire Retail (Phase I), 3201 West Centre Avenue

PUBLIC HEARINGS:

- * 1. Final Report - Ordinance Amendment #10-A, Keeping of Hens and Other Animals

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

January 10, 2011 Zoning Board of Appeals meeting minutes
January 25, 2011 City Council meeting minutes

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

PLANNING COMMISSION

February 3, 2011

DRAFT

The City of Portage Planning Commission meeting of February 3, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Five citizens were in attendance.

MEMBERS PRESENT:

Miko Dargitz, Wayne Stoffer, Paul Welch, Jim Pearson, Mark Siegfried, Bill Patterson, Allan Reiff, and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, City Attorney

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the January 20, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Preliminary Report: Ordinance Amendment #10-A, Keeping of Hens and Other Animals. Mr. West summarized the January 28, 2011 staff report regarding an amendment to the Zoning Code, initiated by the Planning Commission in response to a request from a Portage resident, to raise/keep chickens and other animals in residential areas. Mr. West also referred the Commission to the January 28, 2011 binder that included background information regarding this issue including past staff reports, working draft or ordinance amendment, meeting minutes and citizen comments received. Mr. West indicated the ordinance language had been revised based on Commission discussion and consensus during the January 6th meeting and reviewed the various sections including definitions, number of chickens allowed, permitting and processing, location on property and coop/pen requirements, keeping of other fowl and animals and nuisance/sanitation provisions. Mr. West also summarized two additional changes proposed by staff including a requirement that each permit application include authorization from the property owner (42-121.D.3) and a requirement that both the owner and occupant of adjacent properties be notified, and when mailing is required, the mailing occur at least 15 days prior to the scheduled Planning Commission meeting (42-121.D.3.g).

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Commissioner Pearson asked for staff comments and clarification regarding three issues he believes were not included in the revised ordinance language: 1) Allow chickens to roam within a backyard if an opaque fence was provided; 2) Prohibit the keeping of chickens on lakeside lots; and 3) Allow the keeping of more than four chickens based on lot size, similar to the keeping of horses. Mr. West indicated these three issues were previously discussed by the Commission, however, consensus was not reached during the January 6th meeting. Mr. West stated there were previous concerns expressed by some citizens and Commissioners regarding allowing chickens to roam within the backyard and the bird possibly flying over the fence. Mr. West again summarized the additional 40-foot rear yard, lakeside setback for a coop/pen placement on lake lots that will help preserve views of the lake. Mr. West then discussed the ordinance differences between keeping of horses (for enjoyment) and the keeping of chickens (as a locally grown food source). Attorney Brown stated the ordinance was revised based on Commission consensus items that were detailed in the January 6th meeting minutes. Attorney Brown indicated additional discussion and changes to the ordinance language can be made, if desired by the Commission.

Commissioner Welch stated he would be in favor of allowing chickens to roam outside of the coop/pen if the backyard was fully enclosed by a 6-foot tall opaque fence. Other Commissioners concurred and suggested language was discussed. Attorney Brown suggested a sentence be included at the end of Section 42-121.D.3.a to state that chickens may be permitted outside the coop/pen, if the coop/pen are located within, and enclosed by, a 6-foot tall opaque fence. The Commission concurred with this language. The Commission also discussed issues associated with allowing chickens on two-family residential properties. After a brief discussion, a motion was made by Commissioner Siegfried, seconded by Commissioner Patterson, to remove the phrase "two-family dwelling" from Section 42-121.D.3 of the revised ordinance language. This would result in chickens only being permitted for residents occupying a one-family dwelling. The motion was unanimously approved.

Chairman Cheesebro reconvened the public hearing. Three citizens spoke in regards to the proposed ordinance amendment: Andrea Stork, 1515 Dogwood Drive; Bryan Mohny, 7911 Lakewood Drive; and Fernando Costas, 7639 Harvest Lane. Ms. Stork supported the proposed ordinance amendment, however, indicated the various provisions being discussed are extremely restrictive and will create hardships for citizens wishing to keep chickens. Ms. Stork stated that chickens are much quieter than dogs and there were no restrictions on the number of dogs or cats a citizen can keep and no fencing/housing related requirements. Ms. Stork suggested eliminating the 6-foot tall opaque fence requirement and allow chickens to roam outside of the coop/pen as long as they are maintained on the property at all times. Mr. Mohny stated he would rather have the 6-foot opaque fence restriction with an ordinance than not allow the chickens to roam outside of the coop/pen. However, Mr. Mohny suggested flexibility in any ordinance requirement. Mr. Costas spoke in support of allowing up to six chickens, particularly on larger lots and also indicated the maximum 80 square foot coop/pen size is plenty large to house the chickens. No additional citizens spoke during the public hearing.

The Commission discussed issues associated with the number of chickens permitted and fencing requirements if chickens are allowed to free range within the backyard area, outside of the coop/pen. After a brief discussion, the Commission concurred that ordinance language should be revised to allow the keeping of up to six chickens without Planning Commission review/approval. Commissioner Stoffer and Commissioner Dargitz suggested inserting language similar to that adopted by the City of South Portland, ME regarding an allowance for chickens to roam outside, while supervised, during daytime hours and a requirement that chickens be secured within the coop/pen during non-daytime hours. The Commission also discussed the requirement for a 6-foot tall opaque fence for chickens to free range within the rear yard of the site, outside of the coop/pen. Some of the Commissioners indicated that this requirement would likely only be enforced if a complaint was received from a neighbor. After additional discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Patterson, to include language in the proposed ordinance similar to the City of South Portland, ME that would state as follows: During daylight hours, chickens are allowed to roam

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outside the coop/pen, in the rear yard, within a 6-foot tall opaque fenced area, if supervised. During non-daylight hours, chickens shall be secured within the coop/pen. The motion was unanimously approved. After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to adjourn the public hearing for Ordinance Amendment #10-A, Keeping of Hens and Other Animals, to the February 17, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 8:50 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission

DATE: February 11, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

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

I. INTRODUCTION:

During the July 1, 2010 Planning Commission meeting, the Commission reviewed and recommended approval a final plan submitted by H & G II, Inc. to construct Phase I of the Greenspire Retail project (13,400 square foot retail building and associated site improvements) located within the Greenspire Planned Development (PD). On July 13, 2010, City Council approved the final plan. Attached are copies of the July 1, 2010 Planning Commission meeting minutes and July 13, 2010 City Council meeting minutes.

Section 42-375(J) of the PD, planned development zoning district stipulates that if development does not begin within 120 days of final plan approval, the final plan must be resubmitted for re-approval. Since more than 120 days have elapsed, the applicant is requesting re-approval. According to the applicant, construction of Phase I of the Greenspire Retail project was delayed due to economic and construction related issues, but the project is now ready to move forward. The final plan has been resubmitted with no changes from the previously approved plan.

II. APPROVED TENTATIVE PLAN:

The Greenspire PD rezoning and tentative plan were approved by City Council on April 13, 2010 with modifications. The final plan submitted for re-approval is consistent with the approved tentative plan as modified and approved by City Council. Attached is a copy of the April 13, 2010 meeting minutes, approved tentative plan and written narrative.

The land area along West Centre Avenue is proposed to be developed in three phases of retail and office uses. The first phase involves the proposed 13,400 square foot retail building. The second retail building is planned for the Fall of 2014. While unknown at this time, the third retail/office phase is anticipated to begin after the Spring of 2015. The entire retail/office component of the planned development is expected to involve 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 approved tentative plan also includes six multi-family residential phases. The first three Greenspire Apartment phases including 384 apartment units plus the clubhouse, pool and tennis courts have already been constructed. 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 308 apartment units.

III. FINAL PLAN:

Consistent with the approved tentative plan, the 13,400 square foot retail 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 previously submitted June 23, 2010 communication from the applicant describes the parking rationale for the retail building. Staff continues to support the deferral of 54 parking spaces as a means to preserve green/open space until such time as parking spaces may actually be needed.

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 re-approval of the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue.

Attachments: July 1, 2010 Planning Commission meeting minutes
July 13, 2010 City Council meeting minutes
Email Communication from Mr. Greg Dobson dated February 10, 2011
Final Plan Sheets for Greenspire Retail (Phase I)
Retail Building Elevation
City Council approved Tentative Plan Map and narrative (April 2010)
April 13, 2010 City Council meeting minutes
Correspondence from Mr. Greg Dobson dated June 23, 2010 (deferred parking request)

PLANNING COMMISSION

July 1, 2010

The City of Portage Planning Commission meeting of July 1, 2010 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Wayne Stoffer and Rick Bosch.

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:

Chairman Cheesebro referred the Commission to the June 17, 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:

1. Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by H & G II, Inc. to construct Phase I of the retail portion of the Greenspire Planned Development. Mr. Forth indicated the project proposes construction of a one-story, 13,400 square foot retail building and associated site improvements. Mr. Forth discussed the proposed access arrangement from West Centre Avenue, opposite Cooley Drive, and interconnections that would be constructed with the adjacent Greenspire Apartment complex at Stonebridge Court and Greenspire Drive. Mr. Forth reviewed the proposed grading changes associated with the development project and the commitment by the applicant to retain an approximate 80-foot wide vegetative buffer along West Centre Avenue until such time that further commercial/retail development was proposed. Mr. Forth also summarized the applicant's proposal to bank 54 parking spaces in greenspace consistent with Section 42-520.N (Deferred Parking) of the Zoning Code. Mr. Forth referred the Commission to the June 23, 2010 letter provided by the applicant and indicated staff was supportive of the deferred parking proposal.

The Commission and staff discussed various elements of the project and the previously approved tentative plan/narrative. Commissioner Pearson asked if installation of the deferred parking at a future date could be administratively review/approved. Mr. Forth said installation of the deferred parking could be administratively

approved. Commissioner Dargitz asked for clarification involving the increase in the floor area from 12,000 sq. ft. as shown on the approved tentative plan to 13,400 sq. ft. as shown on the final plan. Mr. Forth explained that the increase floor area did not exceed the criteria listed in Section 42-375(H) of the Zoning Code. Mr. Greg Dobson of H & G II, Inc. was present to support and explain the retail project. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, be approved. The motion was unanimously approved.

2. Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by H & G II, Inc. to construct Phase IV (36 additional apartment units) within the Greenspire Planned Development. Mr. Forth indicated Phase IV includes two, three-story apartment buildings (24 units in one building and 12 units in another), one 12 stall garage and associated site improvements. Mr. Forth reviewed the proposed building and parking lot setbacks from the east property line. Mr. Forth also discussed the proposed access arrangement and stated a second access drive from West Centre Avenue, opposite Cooley Drive with interconnections with the adjacent Greenspire Apartment complex, would be constructed in conjunction with Phase IV.

The applicant, Mr. Greg Dobson, H & G II, Inc., was present to support and explain the apartment project. Mr. Dobson mentioned that to his knowledge, these two buildings will be the first LEED certified multi-family buildings in the City of Portage. No citizens spoke in regard to the development project. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council the Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive, be approved. The motion was unanimously approved.

3. Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue. Mr. Forth summarized the staff report dated June 25, 2010 involving a final plan submitted by American Village Builders to construct a new 3,000 square foot credit union building and associated site improvements. Mr. Forth stated the credit union project was proposed on a portion of the 3.8 acre tract of land and the applicant was preparing the site for two additional future development projects. Mr. Forth briefly discussed the history of the Woodbridge Hills Planned Development (PD) and indicated the credit union project was proposed in a portion of the PD designated for commercial/retail land use. Mr. Forth also discussed the proposed access arrangement and stated the site would be served 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 drives from West Centre Avenue are proposed.

Commissioner Dargitz asked if the Marsh Pointe residents were aware of the cross access arrangement. Mr. Forth indicated that when Woodbridge Development sold the Marsh Pointe property several years ago, an easement for access and utility connection was retained. Mr. Forth mentioned he did speak with one Marsh Pointe resident who did not object to the cross access. This resident also believed the planned cross access connection with the Woodbridge Shopping center is benefit to the Marsh Pointe residents. Mr. Greg Dobson, American Village Builders, was present to support and explain the credit union project. Chairman Cheesebro asked about sidewalk installation along Marsh Pointe Drive and the internal east/west maneuvering lane. Mr. Dobson explained why sidewalk installation was problematic such as topographic differences and lack of connecting sidewalks. Commissioner Siegfried mentioned he jogs in this area and asked if anything is planned to improve the visibility at the southeast corner of the property adjacent to Woodbridge Shopping Drive. An existing wall and vegetation creates a vision obstruction for vehicles turning onto West Centre creating a conflict point between vehicles and pedestrians using the sidewalk. Mr. Dobson said he also jogs in this area and has experienced similar problems. Mr. Dobson said he would further evaluate the situation. No citizens spoke in regard to the development project. After a brief conversation, a motion was made by Commissioner Pearson, seconded by Commissioner Bailes, to recommend to City Council the Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue, be approved. The motion was unanimously approved.

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:45 p.m.

Respectfully submitted,

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

Robert Jones, 3228 West Michigan Avenue, Kalamazoo, complimented Raghuram Elluru and Councilmember Randall for challenging city property assessment practices and made the suggestion that the City Council determine a mechanism to look into the matter.

Isaac King, 3352 Bellflower Drive, spoke in opposition to his tax assessment, indicated that he travels a lot and missed getting his assessment change notice, so Mayor Pro Tem Sackley offered to get him an appointment with the City Assessor. Discussion followed.

In response to Councilmember Randall's comment that she was advised to not go into the closed session regarding her neighbor, Raghuram Elluru, 6719 Oleander Lane, Catherine Gleason, 2928 Lamplite Circle, asked whether a Councilmember has ever been excluded from a meeting before, so Mayor Pro Tem Sackley and Councilmember Urban answered in the affirmative and provided some examples for her and City Attorney Brown explained the applicable law. Discussion followed.

Larry Provancher, 7414 Starbrook Street, admitted that, as a County Commissioner, he had a conflict with regard to a sale of property, was allowed to be privy to all of the information regarding the matter, but did not vote on it. Discussion followed.

Michael Quinn, 7025 Rockford Street, expressed the opinion that a conflict means a person may have an advantage and said he could not imagine what the conflict would be; therefore, it is up to the Councilmember to decide. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **AVALON WOODS CIRCLE – PROPOSED STREET NAME CHANGE:** Motion by Urban, seconded by O'Brien, to approve Resolution No. 1 and set a public hearing for July 27, 2010, at 7:30 p.m. or as soon thereafter as may be heard and subsequent to the public hearing, consider approving Resolution No. 2 renaming the street from Avalon Woods Circle to Avalon Woods Court. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLANS FOR THE GREENSPIRE PLANNED DEVELOPMENT:** Motion by Urban, seconded by O'Brien, to consider approving the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue, and the Final Plan for Greenspire Apartments (Phase IV), 8380 Greenspire Drive. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLAN FOR LAKE MICHIGAN CREDIT UNION, 4100 WEST CENTRE AVENUE:** Motion by Urban, seconded by O'Brien, to approve the Final Plan for Lake Michigan Credit Union, 4100 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

* **HILLSMOOR LANE STREETScape ENHANCEMENT:** Motion by Urban, seconded by O'Brien, to approve the installation of the Hillsmoor Lane cul-de-sac island landscape treatments located in the public right-of-way and authorize the City Manager to execute the Streetscape Enhancement Agreement. Upon a roll call vote, motion carried 6 to 0.

PUBLIC MEDIA NETWORK BOARD OF DIRECTORS MEMBER: Councilmember Urban explained that Jeremy Vryhof expressed a great deal of enthusiasm when he was appointed to the Public Media Network Board of Directors. However, he has since indicated that he accepted a temporary assignment overseas, making it difficult to serve on the Public Media Network Board of Directors. Councilmember Urban volunteered to serve on an interim basis until Mr. Vryhof returns from his assignment.

Motion by Campbell, seconded by O'Brien, to appoint Councilmember Terry Urban on an interim basis until Jeremy Vryhoff returns from assignment overseas to the two-year position effective immediately with the term ending on May 31, 2012, to the Public Media Network Board of Directors. Upon a roll call vote, motion carried 6 to 0.

Mike West - Fwd: Greenspire Retail Plan Approval

From: Christopher Forth
To: West, Mike
Date: 2/10/2011 12:36 PM
Subject: Fwd: Greenspire Retail Plan Approval
Attachments: C of Portage Approved Site Layout Plan v1 7-13-10.pdf

>>> "Greg Dobson" <gdobson@avbinc.com> 2/10/2011 12:18 PM >>>

Dear Neighbors,

We received two approvals for Greenspire Apartments and Greenspire Retail last year. One a rezoning approval to PD, the second the final plan (the actual engineered site plan) approval. The final plan approvals are only good for 120 days. The rezoning approval is still in place. Unfortunately for us, the 120 day time period has expired, now that we are really ready to start work on the Greenspire Retail building. Therefore we are required to have our site plan approved again at both the City Council and the Planning Commission levels.

We have made no changes to the plans that were approved 7-13-10. However, if you have an interest, we'd be happy to review those plans with you again, at your convenience. I have attached a pdf, so you can see the layout of what we are asking to be approved. Obviously, this plan, as it was in July, is consistent with the rezoning and the corresponding tentative plan that council approved 4-13-10.

Please call or email if you have any questions or if you'd like to get together to review our site plan for the retail buildings.

Sincerely,

Greg Dobson
AVB COMPANIES
direct 269 329 3636
direct fax 269 329 3637
email gdobson@avbinc.com
4200 W. Centre Ave
Portage, MI 49024
www.avbconstruction.com
www.avbhomes.com

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Civil Construction Set

GREENSPIRE RETAIL PHASE I

3201 WEST CENTRE AVE
PORTAGE, MI
01/27/11

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
269-328-2022



ARCHITECT



DESIGN +, INC.
2300 E. FULTON STREET
GRAND RAPIDS, MI 49503
616.458.0875

PLANS PREPARED BY:



hurley & stewart, llc
2900 SOUTH 116TH STREET
MUSKOGEE, MISSISSIPPI 39099
269.552.4800 fax: 552.4861
www.hurleyandstewart.com



UTILITY CONTACTS:

3200 W. WALKER ENERGY CO.
ELECTRIC/GAS
2400 E. CORN STREET
MARK ALLEGRIANO
PORTAGE, MI 49001
269.337.2314

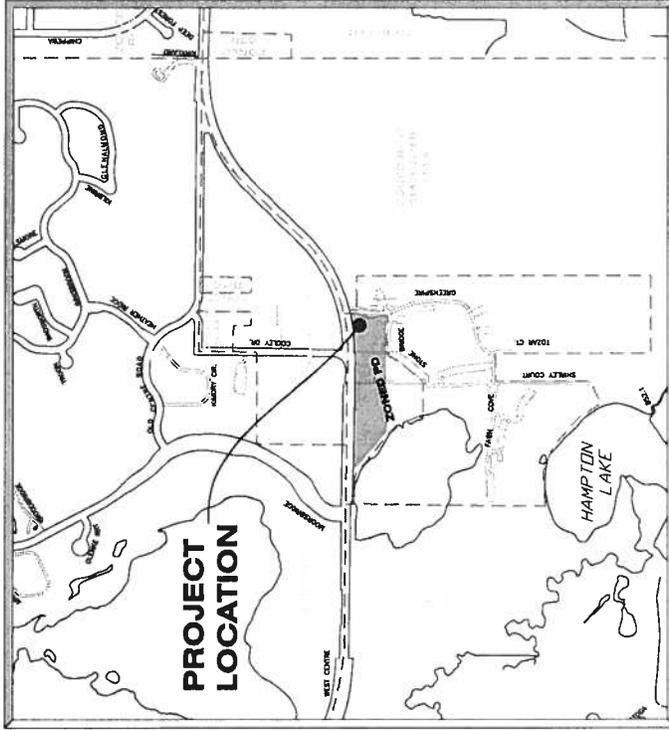
CHARTER COMMUNICATIONS
CABLE TELEPHONE
MARK BUNZ
2000 W. CENTRE AVE
PORTAGE, MI 49002
269.217.8152

AT&T
DAN KAYAKA
3919 MILLCREEK ST.
PORTAGE, MI 49001
269.344.4901

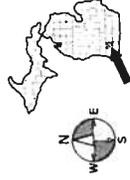
STATE OF MICHIGAN
WATER / SANITARY
CAPITOL
2719 S. WESTBROOK AVENUE
LANSING, MI 48206
269.374.9235

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

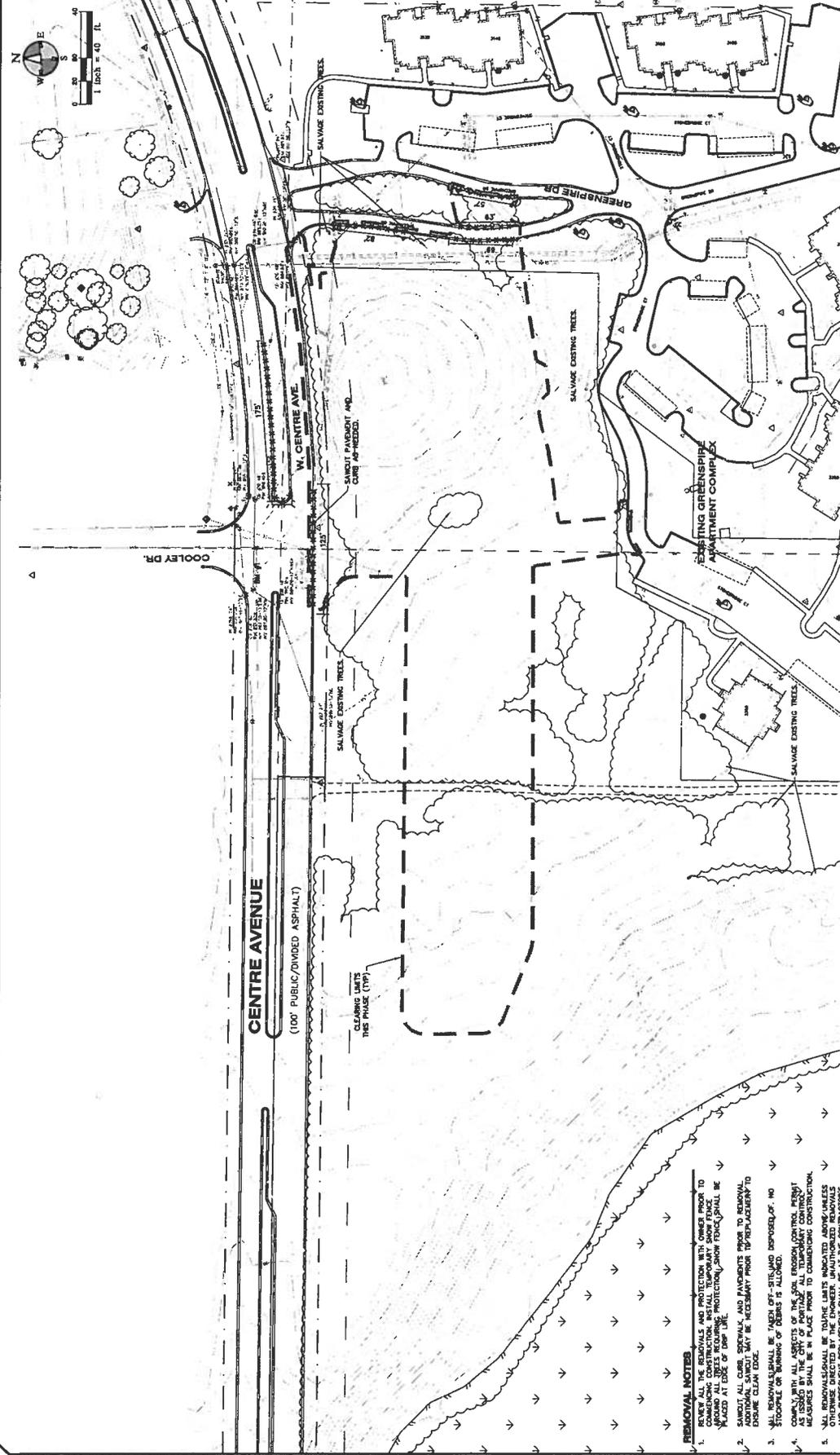


SITE LOCATION MAP
SCALE: 1" = 500'



UTILITY LOCATIONS PROVIDED BY 811. 811 PROVIDES LOCATION INFORMATION FOR UTILITIES AS SHOWN ON THIS DRAWING. 811 IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. IT IS THE USER'S RESPONSIBILITY TO VERIFY THE LOCATION OF UTILITIES BEFORE ANY CONSTRUCTION ACTIVITY. 811 IS NOT A SERVICE PROVIDER. 811 IS A SERVICE PROVIDED BY THE CITY OF PORTAGE, MI.

ISSUED FOR:
CITY RESUBMITTAL
01/27/11



- REMOVALS LEGEND**
- CURB REMOVAL
 - PAVEMENT/DECK/PAVEMENT REMOVAL
 - SAWDUST
 - TREES TO BE REMOVED
 - ① TREES TO BE SALVAGED
 - ② TREES TO BE SALVAGED
 - ③ TREES TO BE SALVAGED
 - ④ TREES TO BE SALVAGED
 - ⑤ TREES TO BE SALVAGED
 - LIMITS OF CONSTRUCTION



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS OF UTILITIES. THE EXACT LOCATION OF UTILITIES SHOULD BE DETERMINED BY FIELD WORK PERFORMED BY A LICENSED PROFESSIONAL SURVEYING ENGINEER.

BENCHMARKS
 BM 1.1 ELEVATION = 489.43
 ON POWER POLE DOWNGRADE CORNER
 COLLEGE DRIVE AND W. CENTRE AVE
 LICENSED PROFESSIONAL SURVEYING

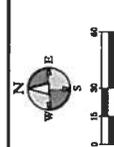
REMOVAL NOTES

1. REVIEW ALL THE REMOVALS AND PROTECTION WITH OWNER PRIOR TO COMMENCING CONSTRUCTION. INSTALL TEMPORARY SHOW FENCE ALONG ALL EXISTING AND PROPOSED PERMITS. SIGN FENCE SHALL BE PLACED AT EDGE OF TEMP FENCE.
2. SAWDUST ALL CURB, SIDEWALK AND PAVEMENTS PRIOR TO REMOVAL. ADDITIONAL SAWDUST MAY BE NECESSARY PRIOR TO REPLACEMENT TO PREVENT DAMAGE TO ADJACENT AREAS.
3. REMOVALS SHALL BE MADE OFF SITE, UNLESS OTHERWISE SPECIFIED BY THE CITY OF PORTLAND. ALL TEMPORARY CONSTRUCTION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION.
4. OTHER REMOVALS SHALL BE MADE OFF SITE, UNLESS OTHERWISE SPECIFIED BY THE CITY OF PORTLAND. ALL TEMPORARY CONSTRUCTION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCING CONSTRUCTION.
5. REMOVE, STORE, AND RESET ANY EXISTING SIGNS AS DIRECTED BY THE CITY OF PORTLAND. THE CLEARING LIMITS AS SHOWN REMOVE ALL EXISTING TREES, STAMPS AND BRUSH FROM THE SITE AS NECESSARY TO CONSTRUCT THE IMPROVEMENTS.
6. PREPARE TREES WHERE INDICATED.
7. REVIEW CLEARING LIMITS WITH OWNER PRIOR TO COMMENCING WORK.
8. ALL WORK SHALL BE COMPLETED BY THE END OF THE WORKDAY. ALL WORK SHALL BE COMPLETED BY THE END OF THE WORKDAY. ALL WORK SHALL BE COMPLETED BY THE END OF THE WORKDAY.
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UTILITY PLAN
GREENSPIRE RETAIL PHASE I
H & G, LLC

DATE: 01/27/11
BY: [Signature]
CHECKED: [Signature]
APPROVED: [Signature]

hurlay & stewart
2800 south 11th street
kalamazoo, michigan 49008
616.852.4900 fax 616.852.4961
www.hurlaystewart.com



UTILITY NOTES

1. ALL STRUCTURE EXCAVATIONS TO BE EAST OF THE MAIN WALK OR APPROVED EQUAL SEE STRUCTURE TABLE FOR SPECIFIC CASTING AT EACH STRUCTURE.
2. ALL STRUCTURE EXCAVATIONS TO BE EAST OF THE MAIN WALK OR APPROVED EQUAL SEE STRUCTURE TABLE FOR SPECIFIC CASTING AT EACH STRUCTURE.
3. STORM SEWERS SHALL BE CONCRETE CTD-4. SOLID WALL ADS 14-12 BROAD PIPE MEETING ASTM D-2919, TYPE S, OR APPROVED EQUAL. METALS SHALL BE PERFORMED PRIOR TO PAVING. USE CONCRETE PIPE WHERE INDICATED.
4. THE CONTRACTOR SHALL INSTALL PROESTRIM FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERNIGHT AS REQUIRED.
5. CONTRACTOR SHALL REFER TO THE GEOTECHNICAL REPORT FOR GROUNDWATER INFORMATION. CONTRACTOR IS RESPONSIBLE FOR ALL DRAINAGE NECESSARY TO CONSTRUCT UTILITIES IN THE DRY.
6. ALL EXCAVATIONS ARE SHOWN FOR INFORMATION ONLY. REFER TO CONCRETE EXERCISE PLANS FOR MORE DETAIL.
7. COORDINATE ALL UTILITY LOCATIONS AND ELEVATIONS WITH MECHANICAL DRAWINGS AND BUILDING CONTRACTOR PRIOR TO INSTALLATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND COORDINATING WITH ALL UTILITIES AND ORDERING STRUCTURES AND CONSTRUCTION.
8. REMOVE SLOTTED FROM ALL STRUCTURES ONCE PAVING IS COMPLETE AND REMOVE SILT SACKS.
9. VERIFY NUMBER OF FITTINGS PRIOR TO ORDERING. TOTALS DO NOT INCLUDE VERTICAL DEFLECTIONS THAT MAY BE NEEDED.
10. PROVIDE 18" WATER MAIN SEPARATION WHEN CROSSING OTHER UTILITIES. DEFLECT UNDER OTHER UTILITIES W/O USING FITTINGS WHEREVER POSSIBLE.
11. COORDINATE WITH CITY OF PORTAGE FOR ALL UTILITIES TO 5' FROM BUILDING WALL.
12. SITE CONTRACTOR RESPONSIBLE FOR INSTALLATION OF ALL UTILITIES TO 5' FROM BUILDING WALL.
13. VERIFY LOCATION AND ELEVATION OF EXISTING SANITARY MAIN PRIOR TO ORDERING STRUCTURES AND CONSTRUCTION.
14. SEE SITE ELECTRICAL PLAN FOR LOCATION OF ALL ELECTRICAL SLEEVES AND CONDUIT.
15. WATER METER FOR PROPOSED BUILDING SHALL BE LOCATED IN A METER PIT OUTSIDE. COORDINATE LOCATION WITH OWNER AND MECHANICAL PLANS.

WATER MAIN FITTING SCHEDULE

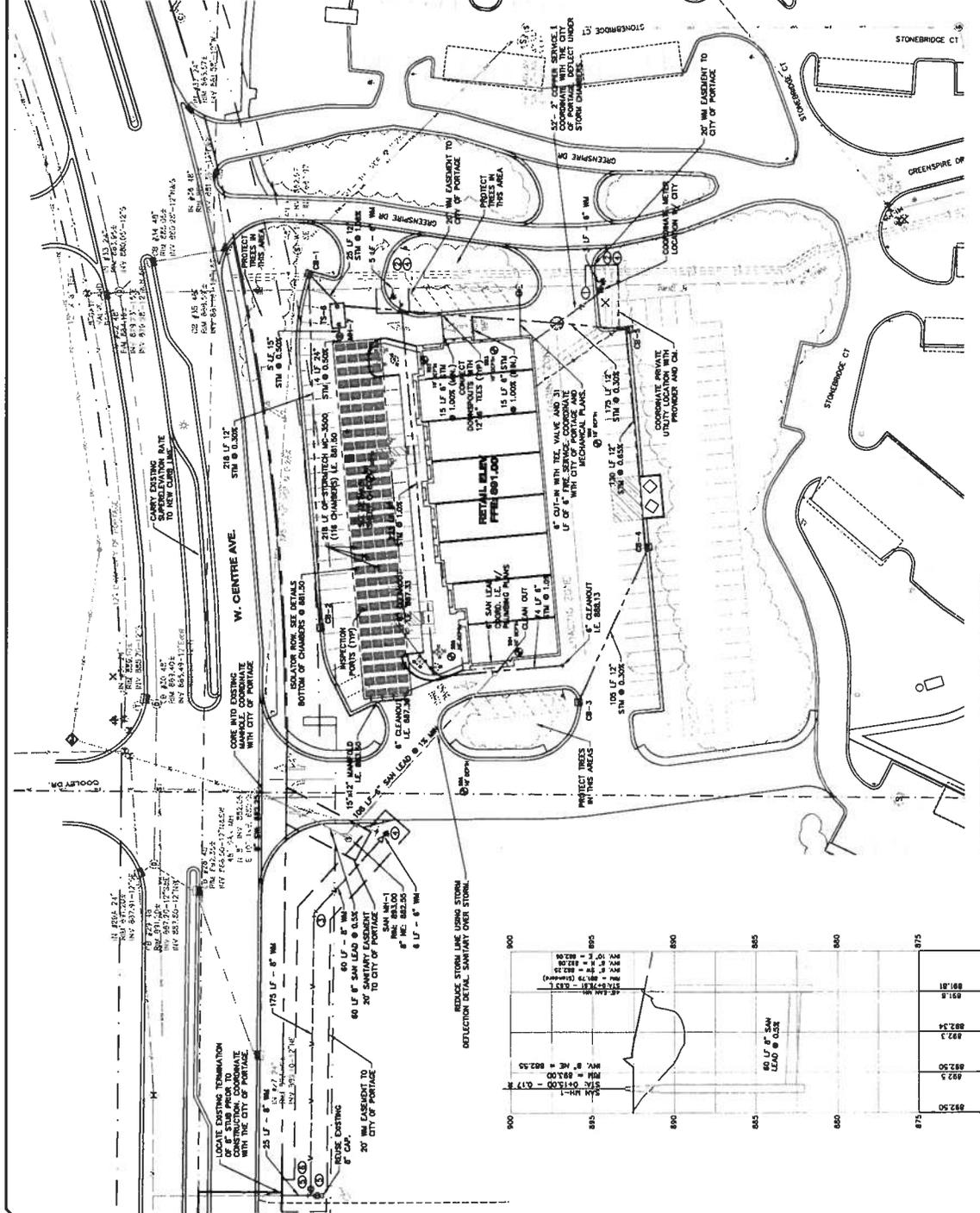
FITTING NUMBER	DESCRIPTION	TOTAL THE SHEET
1	7" CORPORATION STOP & BOX	1
2	8" TAPPING SLEEVE & VALVE	2
3	8" WATER ASSEMBLY	3
4	8" WALK AND BOX	1
5	8" 4" TEE	1

LEGEND
DEFLECT WATER MAIN 18" UNDER PIPE
CONFLICT (SEE DETAIL)

NOTE:
CONTRACTOR RESPONSIBLE FOR VERIFYING CONSIDERATION VERTICAL DEFLECTIONS.



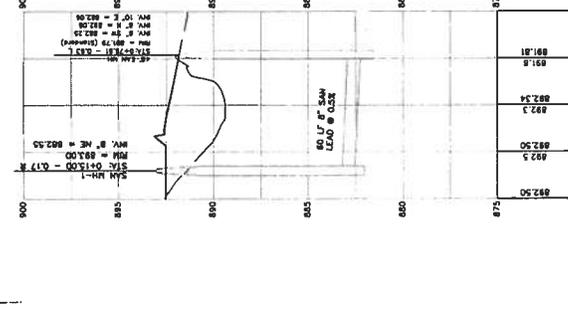
ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO EXCAVATION. FIELD WORK PERFORMED BY LICENSED PROFESSIONAL SURVEYING.

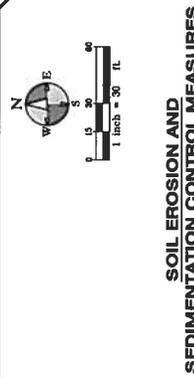


STORM SEWER STRUCTURE SCHEDULE

LINE #	MAN. D.	DRAIN	CASTING	INLET	OUTLET
CS-1	18" x 18"				
CS-2	18" x 18"				
CS-3	18" x 18"				
CS-4	18" x 18"				
CS-5	18" x 18"				
CS-6	18" x 18"				
CS-7	18" x 18"				

* SEE TREATMENT STRUCTURE DETAIL ON SHEET C-8.





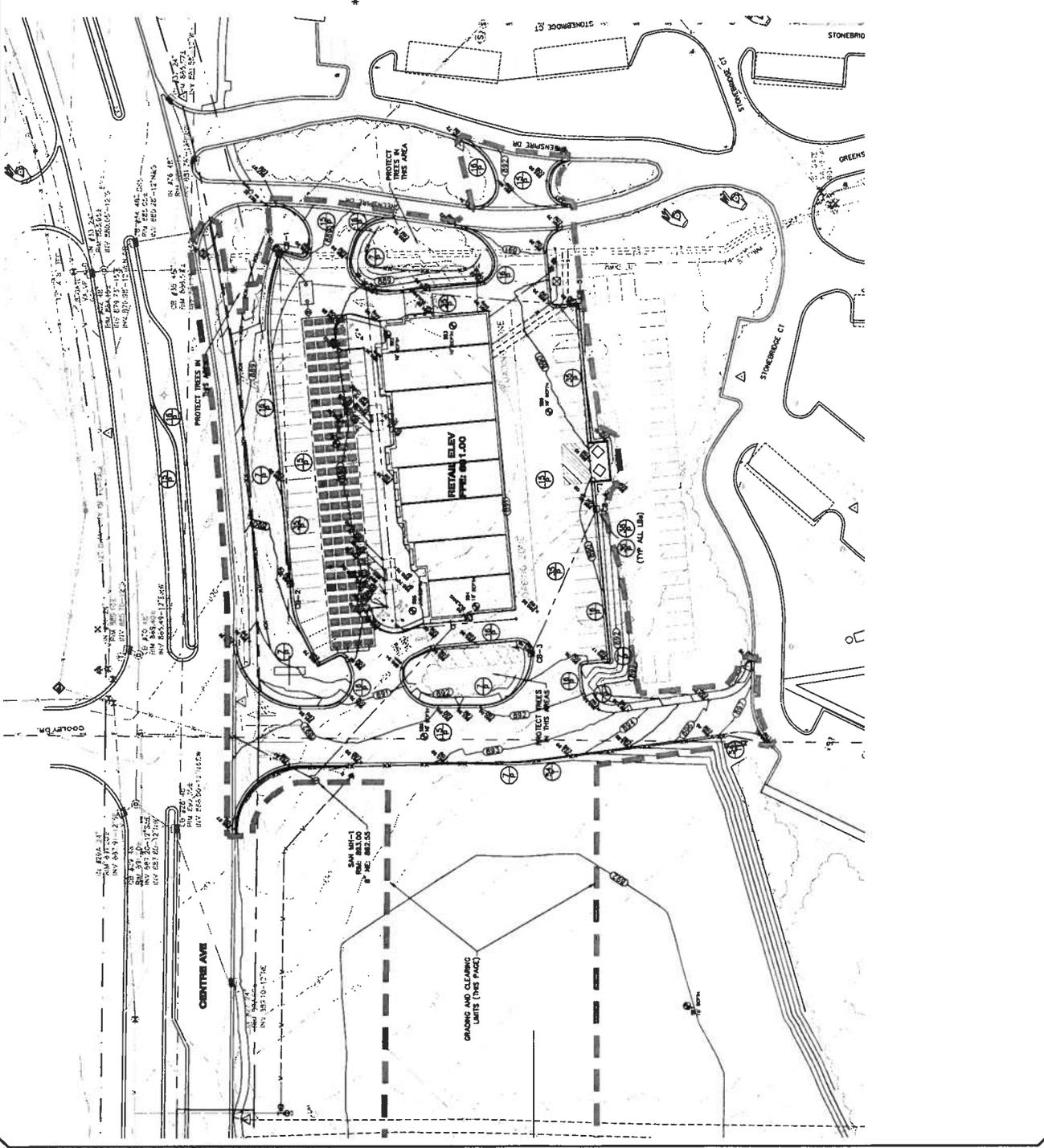
SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
1	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
7	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
15	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
16	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
35	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
36	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
38	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.
54	[Symbol]	Standard 4' x 4' sheet piling with 1/2" x 1/4" lag bolts.

* SET SIZES REQUIRED AT ALL CATCH BASINS

TEMPORARY MEASURE PERMANENT MEASURE

- GRADING NOTES**
1. MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN. MATCH AT 1 OR 6 IF NOT LABELED.
 2. THE CONTRACTOR SHALL INSTALL PEDESTRIAN FENCE AROUND ALL EXCAVATIONS TO BE LEFT OPEN OVERSHOULDER AS REQUIRED.
 3. ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL CURB UNLESS OTHERWISE NOTED.
 4. EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
 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 RAIN, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
 7. ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE PROJECT SITE. GRANULAR MATERIAL FROM BORROW AND SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 8. ALL GRANULAR FILL UNDER THE INFLUENCE OF THE ROADWAY AND PROXIMITY TO TRAFFIC SHALL BE COMPACTED TO 95% MODIFIED PROCTOR DENSITY.
 9. ALL CONSTRUCTION SHALL BE ACCOMPANIED BY PLACING THE FILL IN 4" LAYER LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST 95% MODIFIED PROCTOR DENSITY. ALL EXCAVATIONS SHALL BE PROTECTED ON ALL SIDES BY FIELD BORDERS THROUGHOUT THE ENTIRE CONSTRUCTION PERIOD. MOISTURE CONDITIONS AND COMPACTION ARE BEING ACHIEVED.
 10. SITE CONTRACTOR SHALL REMOVE AND STOCKPILE ALL TOPSOIL AND BLACK SANDS. THIS MATERIAL IS NOT TO BE USED ON FILL OR PAVED SURFACES. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO CONSTRUCTION. ANY DISCREPANCIES WITH THE CONTRACTOR'S EARTHWORK LOGS SHALL BE BROUGHT TO THE OWNER'S ATTENTION PRIOR TO CONSTRUCTION.
 12. IF ANY DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION. ANY DISCREPANCIES WITH THE CONTRACTOR'S EARTHWORK LOGS SHALL BE BROUGHT TO THE OWNER'S ATTENTION PRIOR TO CONSTRUCTION.



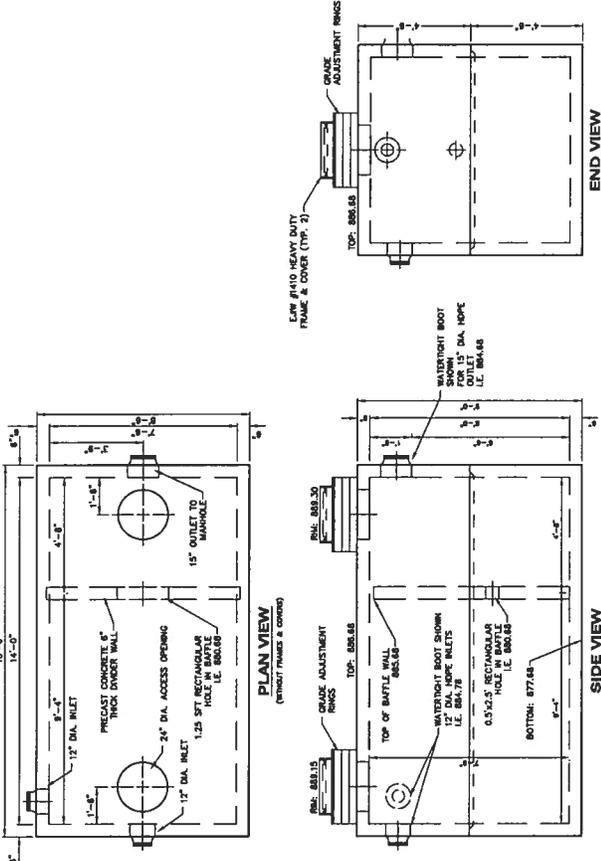
811
 Never what's below.
 Call before you dig.

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. ANY DISCREPANCIES SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION. FIELD WORK PERFORMED BY: [Signature] LICENSED PROFESSIONAL SURVEYOR

STORM WATER RETAIL PHASE I
GREENSPIRE RETAIL PHASE I
H & G, LLC

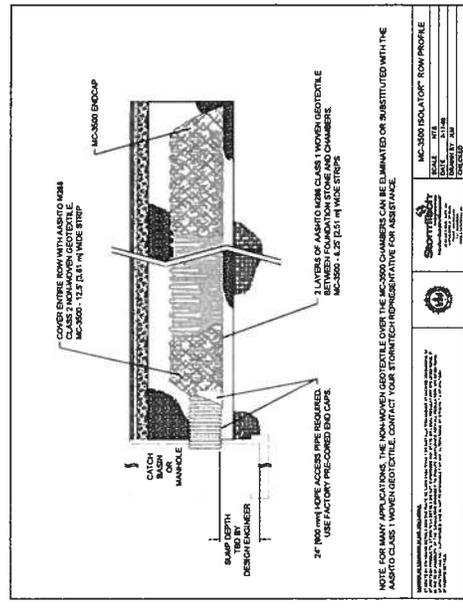
DATE: 04/27/11
CITY: KANSAS CITY, MISSOURI
PROJECT: GREENSPIRE RETAIL PHASE I
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: 04/27/11

H & G, LLC
2600 South 11th Street
Kalamazoo, Michigan 49008
269.552.4560 Fax 269.552.4961
www.hurleyandstewart.com



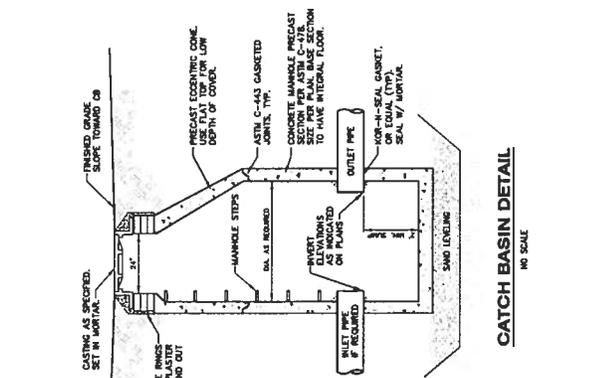
STORM TREATMENT CHAMBER
NO SCALE

NOTE: USE APPROVED ASTM QUALITY CONTROLLED SAND MANUFACTURED BY AN ADVANCED CONCRETE PRODUCTS TO SPECIFICATIONS AS INDICATED OR APPROVED EQUAL CHAMBER SHALL SUPPORT 14-20 LBS/FT² LOADING. SUBMIT SHOP DRAWINGS TO ENGINEER FOR REVIEW.

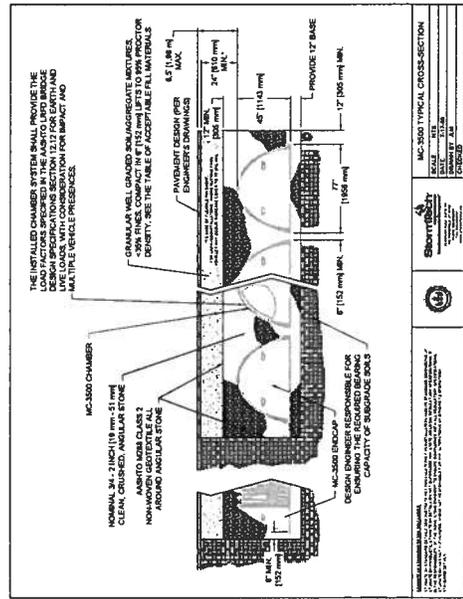


NOTE: FOR MANY APPLICATIONS, THE MANHOLE ACCESSIBLE OVER THE MC-5500 CHAMBERS CAN BE LIMITED OR SUBSTITUTED WITH THE APPROVED CLASS 1 WOVEN GEOTEXTILE. CONTACT YOUR STONETECH REPRESENTATIVE FOR ASSISTANCE.

PROJECT NO.	D1727/11
DATE	04/27/11
DESIGNED BY	[Name]
CHECKED BY	[Name]
SCALE	AS SHOWN



CATCH BASIN DETAIL
NO SCALE



NOTE: 1. ALL STORM CHAMBERS SHOWN ON PLANS ARE TO BE MC-5500 ISOLATOR ROWS. 2. PRECAST CONCRETE SHALL BE MANUFACTURED TO MANUFACTURER'S SPECIFICATIONS. 3. PRECAST CONCRETE SHALL SUPPORT 14-20 LBS/FT² LOADING. SUBMIT SHOP DRAWINGS TO ENGINEER FOR REVIEW.

NOTE: THE STONETECH MANUFACTURED SAND SYSTEM SHALL BE USED FOR ALL STORM CHAMBERS. THE LOCATION SPECIFICATIONS IN THIS MANUAL AND THE DESIGN SPECIFICATIONS SECTION 12.1.7 FOR EARTH AND SAND FILLS, COMPACT IN 15% (15% LEFT TO 5% RIGHT) TO THE TABLE OF ACCEPTABLE FILL MATERIALS. SEE THE TABLE OF ACCEPTABLE FILL MATERIALS FOR MULTIPLE VEHICLE PRESENCES.

NOTE: NORMAL 24\"/>

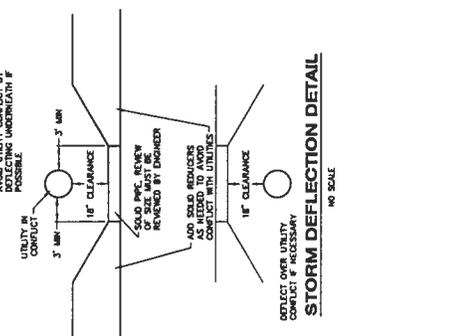
NOTE: MC-5500 GROUP OF ANASTO ASBESTOSIS CLASS 2 NON-MOVING GEOTEXTILE ALL AROUND ANGLULAR STONE.

NOTE: MC-5500 GROUP OF ANASTO ASBESTOSIS CLASS 2 NON-MOVING GEOTEXTILE ALL AROUND ANGLULAR STONE.

NOTE: MC-5500 GROUP OF ANASTO ASBESTOSIS CLASS 2 NON-MOVING GEOTEXTILE ALL AROUND ANGLULAR STONE.

NOTE: MC-5500 GROUP OF ANASTO ASBESTOSIS CLASS 2 NON-MOVING GEOTEXTILE ALL AROUND ANGLULAR STONE.

PROJECT NO.	D1727/11
DATE	04/27/11
DESIGNED BY	[Name]
CHECKED BY	[Name]
SCALE	AS SHOWN



STORM DEFLECTION DETAIL
NO SCALE

NOTE: ALSO VERIFY UTILITY CONFLICT BY DETAILING UNDERLATH IF POSSIBLE.

NOTE: ALSO VERIFY UTILITY CONFLICT BY DETAILING UNDERLATH IF POSSIBLE.

NOTE: ALSO VERIFY UTILITY CONFLICT BY DETAILING UNDERLATH IF POSSIBLE.

NOTE: ALSO VERIFY UTILITY CONFLICT BY DETAILING UNDERLATH IF POSSIBLE.

NOTE: DETAIL OVER UTILITY CONFLICT IF NECESSARY.

PROJECT NO.	D1727/11
DATE	04/27/11
DESIGNED BY	[Name]
CHECKED BY	[Name]
SCALE	AS SHOWN





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.

7. 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 finalize 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

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 Gourneck 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 Gourneck 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 Mohny 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 Mohney, 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. Mohney 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 Mohney 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, carpools 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



TO: Planning Commission

DATE: February 11, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Report: Ordinance Amendment #16-A, Keeping of Hens and Other Animals

I. INTRODUCTION/BACKGROUND

Consideration of this subject began on October 7, 2010 when a proposal was presented to the Planning Commission supporting an amendment to the Zoning Code that would allow the keeping/raising of chicken (hens) on all single family residential properties. The Commission has reviewed and discussed this matter since October 2010. The written proposal, citizen communications, previous staff reports, Commission meeting minutes and related information is provided in a separate booklet. The following summary of activities and Planning Commission actions is provided in chronological order.

October 1, 2010 Department of Community Development report – Original request received from Mr. Fernando Costas with ordinance language samples used by other communities, suggested language and a May 2008 University of New Mexico study entitled Residential Urban Chicken Keeping: An Examination of 25 Cities. The staff report included preliminary fact finding information for Commission consideration. Mr. Costas and seven additional citizens spoke in support of the ordinance amendment during the October 7th meeting. The action approved by the Planning Commission at this meeting was to “...initiate an ordinance amendment to consider the keeping/raising of chickens, and other possible poultry/animals, and schedule a public hearing for the November 18, 2010 meeting.”

November 12, 2010 Department of Community Development report – A summary of existing City of Portage ordinances/regulations pertaining to the keeping of animals, past Zoning Board of Appeals actions and City Attorney opinions, survey of community ordinances involving the regulation of chickens and other animals, ordinance alternatives and options and a proposed “working draft” ordinance were provided. Seventeen citizens spoke in support of the ordinance amendment and seven citizens spoke in opposition during the November 18th meeting. The Commission discussed various issues including permitting and processing, chickens as pets, coop/enclosure requirements, number of chickens allowed and limiting the ordinance to chickens only.

December 10, 2010 Department of Community Development report – Updated information, research and options were provided regarding the following discussion topics: permitting and processing; chickens as pets; “specified fowl” and other animals; location on lot/parcel and coop/enclosure requirements; number of chickens allowed and Michigan Right-to-Farm Act applicability. Seven citizens spoke in support of the ordinance amendment during the December 16th meeting. It was determined that additional discussion and consensus was necessary by the full Commission and the public hearing was again adjourned.

December 30, 2010 Department of Community Development report – Nine citizens spoke in support of the proposed ordinance, while three citizens spoke in opposition during the January 6th meeting. The Commission continued discussion of the proposed ordinance and reached consensus on the following issues: 1) Chickens should not be considered pets; 2) Lot size requirements based on the zoning district with additional consideration for substandard and/or lakefront lots; 3) Allowance for four to six chickens (hens only) with additional chickens or other animals subject to Planning Commission review/approval; 4) General coop/enclosure design standards; 5) A one-time permit fee to ensure dissemination of information and ordinance requirements and assist with compliance; 6) Rear yard placement and minimum coop/enclosure

setbacks from property line (10-feet) and adjacent residences (30-feet); 7) Confinement of chickens to the coop/pen enclosure; and 8) Inclusion of sanitation related provisions. The Commission adjourned the public hearing to the February 3, 2011 meeting.

January 28, 2010 Department of Community Development report – Three citizens spoke in support of the ordinance amendment while expressing concerns over certain restrictions contained in the draft language. The Commission continued discussion of the proposed ordinance and made the following changes to the draft language: 1) Removed reference that would allow the occupants of a “two family dwelling” to keep chickens; 2) Allow a resident to keep up to six chickens without Planning Commission review/approval; 3) Allow chickens to roam in the rear yard outside of the coop/pen, if the rear yard area is enclosed by a 6-foot tall opaque fence and the chickens are supervised; and 4) Require authorization from the property owner (if the occupant/applicant is not the owner) for all applications involving the keeping of chickens and require both the owner and occupant (if different than the owner) of adjacent properties to receive notification for applications requiring Planning Commission consideration. The Commission adjourned the public hearing to the February 17, 2011 meeting.

II. REVISED ORDINANCE LANGUAGE

The following paragraphs summarize major provisions of the proposed ordinance that would amend Section 42-121 (Accessory buildings and uses) of the Zoning Code:

Definitions: Section 42-121.D.1 establishes three animal categories (domestic animals, farm/livestock animals and exotic animals). Section 42-121.D.2 also states domestic animals that are “...normally and customarily kept for pleasure and companionship as household pets...” are permitted as accessory to a residential use. Farm/livestock animals are defined to be allowed as a general agricultural or farm use and, therefore, permitted on unplatted properties with a minimum of 10 acres in single family zones and on unplatted properties with a minimum of five acres in attached and multiple family zones. Exotic animals are defined to include dangerous or vicious animals that are not permitted anywhere in the city, unless approved by the Chief of Police pursuant to Chapter 10-4 (Keeping dangerous animals).

Number of Chickens (Hens) Permitted: The ordinance language now states that occupants of a one-family dwelling may keep up to six chickens on a non-commercial basis and as a locally grown food source for the consumption of eggs or meat (Section 42-121.D.3). The keeping of roosters is specifically prohibited and requests to keep/raise more than six chickens will require Planning Commission review/approval (Section 42-121.D.3.j).

Permitting and Processing: Section 42-121.D.3.f requires all citizens interested in keeping/raising chickens to obtain a permit that will be nontransferable with a nominal review fee established by City Council.

Location on Property and Coop/Pen Requirements: Chickens are required to be kept in a coop and attached pen that is completely enclosed (all sides and top). The language would allow chickens to roam outside of the coop/pen in the rear yard if the area is enclosed by a 6-foot tall opaque fence and the chickens are supervised. Section 42-121.D.3.a of the ordinance language has been revised.

Also, the coop and pen is restricted to a maximum of six feet in height and collectively can not exceed a total of 80 square feet in area. Restricting the coop/pen to a maximum of 80 square feet in area and six feet in height allows flexibility in design while minimizing the size, appearance and related visual impacts on adjacent properties. The coop/pen must be located in the rear yard and must be setback a minimum of ten feet from all property lines and a minimum of 30-feet from the nearest wall of any adjacent dwelling unit. Consistent and uniform setback standards for non-lake lots is considered appropriate, while an increased rear yard setback for lake lots is necessary to help preserve lake view for adjacent residents. Section 42-121.D.3.b.1 requires a coop/pen to additionally maintain the established a 40-foot rear yard (lakeside) setback when located on a lake lot.

General coop/pen design requirements and the prohibition of the use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or other similar materials are specified in Section 42-121.D.3.b.3.

Finally, as information for the Commission, Chapter 10 (Animals) of the Code of Ordinances contains requirements for dogs, cats and other animals including poultry to be maintained on the premises of the owner and prohibits “running at large.” However, this provision does not address appearance, noise and related issues and potential impacts specifically associated with the keeping of chickens, or other different animals kept as a locally-grown food source, in platted residential neighborhoods.

Keeping of other Fowl and Animals: Since keeping of other types of fowl (ducks, turkeys, guinea hens, etc.) and animals (rabbits, etc) either as pets, a locally grown food source, or for educational purposes such as a 4-H project is known to occur in urban/suburban communities and can be anticipated in Portage, Section 42-121.D.3.j establishes a process whereby a citizen can request the Planning Commission permit the keeping/raising of other fowl or animals not considered dangerous or exotic on a case-by-case basis.

Nuisance/Sanitation Provisions: General nuisance and sanitation provisions are included in the ordinance language. Section 42-121.D.3.b requires the use, coop and pen to be designed to provide “...safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood.” Section 42-121.D.3.c. addresses the storage of feed and other items, while Section 42-121.D.3.d prohibits the outdoor slaughter of chickens. Finally, Section 42-121.D.3.e states that the use “...shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health...”

III. RECOMMENDATION

It is recommended that the Planning Commission review the ordinance language, reconvene the public hearing and accept public comment during the February 17, 2011 meeting, and then recommend to City Council approval of Ordinance Amendment #10-A, Keeping of Hens and Other Animals.

Attachments: Ordinance Amendment

**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-121 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-121 of Chapter 42, Land Development Regulations, are hereby amended as follows:

Section 42-121. Accessory buildings and uses.

A. General Requirements. No change.

B. Accessory Buildings – Residential Zoning Districts. No change.

C. Accessory uses.

1. Accessory uses may include, but are not necessarily limited to, the following:
 - a. Residential accommodations for servants and caretakers within the principal dwelling and not as a separate household.
 - b. A swimming pool for the use of the occupants of a residence or their guests.
 - c. Storage of merchandise normally carried in stock or goods used in or produced by industrial uses in connection with a business or industrial use, unless such storage is excluded in the applicable district regulations.
 - d. Off-street parking, open or enclosed, and loading subject to the provisions of division 6, subdivision 1, Off-street parking and loading of this chapter.
 - e. Signs, subject to the provisions of division 6, subdivision 2, Signs, of this chapter.
 - f. Home occupations, subject to the provisions of section 42-129, Home occupations.
 - g. Accessory antennas, subject to the provisions of section 42-131, Accessory antennas.
 - h. Private stables, if all of the following are satisfied:
 - (1) The private stable is being used for the enjoyment of the persons occupying the premises.
 - (2) The private stable is outside of the boundaries of platted land.
 - (3) Two acres of land are provided for the first horse and one additional acre of land is provided for each additional horse. The zoning board of appeals may reduce the area requirements when it is affirmatively shown that the

reduction will not interfere with the rights of neighboring landowners to the enjoyment of their premises.

- (4) Stables, feeding areas and other confinement areas are located at least 125 feet from neighboring residences.
- (5) Manure from stables is located at least 125 feet from any property boundary line.
- (6) No electrical fencing exceeding 12 volts is used on the premises.
- (7) The stables, feeding areas and other confinement and/or manure storage areas do not produce noise, odor, dust, fumes or comparable nuisances.

D. Keeping of certain animals as an accessory use.

1. Definitions.

All definitions, unless otherwise specifically stated shall, for the purposes of this Section, have the meaning as follows:

- a. **Animal, Domestic.** Any animal normally and customarily kept for pleasure and companionship, that has adapted to human interaction, typically resides within a dwelling and is commonly considered to be domesticated. This category includes those animals typically kept as household pets exclusively by the person(s) occupying the premises. Examples include a dog, cat, rabbit, small domesticated rodent such as hamster, gerbil, ferret and chinchilla, guinea pig, caged bird, non-venomous reptile, amphibian and common aquarium fish, excluding however, exotic animals, farm animals (whether kept for commercial profit or for pleasure and companionship) and animal *ferae naturae*.
- b. **Animal, Farm or Livestock.** Any animal that is commonly raised or kept in an agricultural setting, for commercial profit and primarily utilized for the production of food or fiber products. This category includes those animals typically referred to as livestock but not including a domestic animal. Examples include cattle, sheep, goats, pigs, donkeys, mules, poultry and other fowl.
- c. **Animal, Exotic.** Any animal that may be dangerous or vicious or that is not customarily kept, confined or cultivated by humans as a domestic animal, or farm animal, but may be used for display with appropriate permits. Examples include marsupials such as kangaroos and opossums, non-human primates such as a monkeys and gorillas, canines and felines (not including domestic dogs and cats), poisonous reptiles and amphibians, and the like.

- 2. Household Pets.** Domestic animals that are normally and customarily kept for pleasure and companionship as household pets as defined in Section 42-121(D)(1)(a) and do not conflict with or violate any other law or regulation of the state, county or city applicable to the keeping of such animal is permitted as accessory to a residential use.
- 3. Chickens (hens).** The purpose of this section is to provide standards and requirements for the keeping of chickens. Roosters are not permitted. It is intended to enable residents to keep up to 4 6 chickens on a non-commercial basis while limiting and mitigating any potential adverse impacts on surrounding properties and neighborhood. The keeping of up to 4 6 chickens that are utilized exclusively by the person(s) occupying a one-family dwelling ~~or two-family dwelling~~ as a locally grown food source for the consumption of eggs or meat, is permitted as accessory to the residential use if all of the following are satisfied:

 - a. Chickens shall be kept only in the rear yard secured within a coop and attached pen at all times during non-daylight hours. During daylight hours, chickens may be allowed to roam outside of the coop and pen, if supervised, and the coop and pen are located within and completely enclosed by a 6 foot opaque fence.**
 - b. The accessory use, coop and pen shall be designed to provide safe and healthy living conditions for chickens while minimizing adverse impacts on other residents and the neighborhood. The coop and pen shall meet the following additional requirements:**

 - (1) The coop and pen shall be setback a minimum of 10 feet from all property lines of adjacent property and be located a minimum of 30 feet from the nearest wall of any adjacent dwelling. Additionally, a coop and pen located on a lake front lot shall have a 40 foot rear yard setback. Public streets and public easements shall not be considered adjacent property lines for purposes of this section.**
 - (2) The coop and pen shall be a maximum of 6 feet in height and shall not exceed a total of 80 square feet.**
 - (3) The use of corrugated metal/fiberglass, sheet metal, plastic tarps, scrap lumber or similar materials is prohibited. The coop and pen must be completely enclosed with a top and/or cover.**
 - (4) The coop and pen may be movable only if the dimensional restrictions contained in this section are satisfied.**
 - c. All feed and other items associated with the keeping of chickens that are likely to attract or to become infested with or infected by rats, mice or other rodents shall be protected so as to prevent rats, mice or other rodents from gaining access or coming into contact with them.**

- d. The outdoor slaughter of chickens is prohibited.**
- e. The accessory use shall comply with all provisions of the City of Portage Code of Ordinances pertaining to noise, odors, dust, fumes, sanitation and health or other comparable nuisances to ensure the public health, safety and welfare.**
- f. No person shall keep chickens without first securing a permit from the City on a form provided and without paying a permit fee as prescribed by the Portage City Council by resolution. The permit shall be issued by the Director Department of Community Development. Such permit may be revoked by the Director if it is determined that any provision of this section is violated.**
- gh. Establishment of an accessory use and/or accessory building under this section shall not confer a vested right in the provisions contained herein or a right to continue such use. Further, a permit granted under this section is personal to the applicant occupying the dwelling and is not transferable.**
- hi. This section shall not regulate the keeping of chickens in those areas where a form of agriculture is a permitted principal use or special land use under other sections of this zoning code.**
- ij. All licensing required by the State of Michigan and Kalamazoo County, as well as all other statutes, ordinances and codes, shall be satisfied.**
- jg. The following shall require Planning Commission approval:**
 - (1) The keeping of more than 4 6 chickens as an accessory use under this section;**
 - (2) The keeping of other fowl or other animals not dangerous or exotic as an accessory use; and**
 - (3) The keeping of chickens in an attached or detached accessory building where the dimensional restrictions contained in this section cannot be satisfied.**
- kh. For paragraph (jg)(1) through (3) above, the following shall apply:**
 - (1) Applicant shall submit written proof to the Planning Commission signed by an owner (or and occupant, (if different than the owner), of adjacent properties stating that the owner and/or occupant are is aware of the applicant's request and the date, time and place of the meeting hearing. If the applicant is unable to obtain necessary signatures after diligent effort is made, applicant may submit written proof in the form of a signed affidavit that the request and the date, time and place of the meeting hearing has been mailed by first class mail or hand delivered to the owner and/or occupant's last known**

address from the City of Portage tax records no later than 15 days prior to the Planning Commission meeting;

(2) In its determination, the Planning Commission shall consider the size of the lot or parcel, proximity of surrounding uses, topography, nature of the animal being requested and any other factor relevant to assure public health, safety and welfare;

(3) The Planning Commission may attach conditions to the accessory use and/or accessory building deemed necessary for the general welfare, for the protection of individual property rights, to mitigate any negative impact on the surrounding uses of land and any other condition reasonably related to, and consistent with, public health, safety and welfare; and

(4) All other applicable conditions and requirements of this section (the keeping of chickens) shall be satisfied.

I. No permit shall be issued by the Director or the Planning Commission without the written authorization from an owner of the property (if different from the applicant) consenting to the application on a form provided. Once authorization is obtained it shall continue for as long as the applicant is in possession of the property.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: _____

City Attorney

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – January 10, 2011

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. Three people were in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Rob Linenger, Betty Schimmel, Marianna Singer, Donald Mordas, Henry Kerr, Lowell Seyburn, Daniel Rhodus

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

APPROVAL OF THE MINUTES: Felicijan moved and Singer seconded a motion to approve the December 13, 2010 minutes with the correction that Seyburn be listed as excused. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

OLD BUSINESS: ZBA #10-10, Greg Dobson, on behalf of Cole Century (GCG, LLC) 6600 South Westnedge Avenue, and 6601 Ring Road: Staff summarized the request for variances to a) modify two nonconforming freestanding signs; and b) to replace 191 square-feet of nonconforming wall signs. Tom Cole was present on behalf of the applicant and stated they were removing Pontiac from their branding, and would also be reducing the size of the two freestanding signs by removing the 'GM' panels. Mr. Cole stated they also needed to change their wall signs to reflect new branding and to that end wished to replace the existing signs with wall signs measuring the same area.

A public hearing was opened. As no one was present to speak for or against the request, the public hearing was closed.

A motion was made by Seyburn, seconded by Singer, to grant variances to a) modify two nonconforming freestanding signs; and b) to replace 191 square-feet of nonconforming wall signs, as the variances represented lesser signage and a reduction in the degree of nonconformity; that the same conditions and practical difficulties cited in previous requests remain present, which include the irregular shape of the zoning lot with significant frontage on private streets, and multiple brands/entities; 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 this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call: Felicijan – Yes, Kerr – Yes, Seyburn – Yes, Singer – Yes, Mordas – Yes, Schimmel – Yes, Linenger – Yes. Motion passed 7-0.

STATEMENT OF CITIZENS: None

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:14 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM JANUARY 25, 2011

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

At the request of Mayor Strazdas, Pastor Richard Hertsel of the Centre Avenue Community Church of God of Portage 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 Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, and Mayor Peter J. Strazdas. Mayor Pro Tem Edward J. Sackley was absent with excuse. Also in attendance were City Manager Maurice S. Evans, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the January 11, 2011 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

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

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JANUARY 25, 2011:** Motion by Urban, seconded by Reid, to approve the Accounts Payable Register of January 25, 2011. Upon a roll call vote, motion carried 6 to 0.

STATEMENTS OF CITIZENS: State Representative Margaret O'Brien representing the 61st District reminded City Council of the invitation she sent them to a meeting of all elected officials on February 18, 2011; that she can be reached by phone or e-mail; that her new toll-free number is 877/347-8061; and, that her first office hours in Portage will be at the ChocolaTea Co., 7642 South Westnedge Avenue, Friday, February 4th from 9 a.m. to 11 a.m. She indicated that her committee assignments are all on the policy side, and not on the appropriations side: Taxation, Insurance, Education, and Family, Children and Senior Services. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **DECEMBER 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT -- INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the December 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Reid, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

PRESENTATION BY YOUTH ADVISORY COMMITTEE (YAC): At the request of Mayor Strazdas, Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden, and Secretary Sarah Perry provided an update of the Youth Advisory Committee activities. Sujay reviewed past YAC activities, pointed out that he was a founding member in 2008 and recognized Deputy City Clerk Adam Herringa. They summarized the various activities and involvement as follows:

- Summer of 2010: welcomed new members, toured various facilities and held sessions on the role of local government and the budget.
- Autumn of 2010: formalized the Youth Advisory Committee leadership with the election of a chair, vice-chair and secretary. Assisted with the Pakistan Flood Relief by assisting with packaging care packages and packed care packages of food at Portage Community Center in December for families in need.
- Winter of 2010/2011: planned for upcoming Winter Snow Party at Oakland Drive Park on February 5 and will be receiving a report from the Kalamazoo County Substance Abuse Task Force and looking for ways to continue and promote the relationship.
- Spring of 2011: planning and hosting the Green-a-thon promoting environmental awareness again this year, working with the Park Board and the Environmental Board and hope to make the event even better.
- Summer of 2011: working with the Parks Department and partnering with the Portage District Library to host a “Teen Movie Night” at the Overlander Bandshell. Discussion followed.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE PORTAGE CODE OF ORDINANCES:** Motion by Urban, seconded by Reid, to adopt an Ordinance to amend the City of Portage Code of Ordinances by amending Section 34-61, Fire Prevention and Protection, Chapter 34, reflecting changes in the 2009 edition of the International Fire Code. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Zoning Board of Appeals of December 13, 2010.

Portage Planning Commission of December 16, 2010 and January 6, 2011.

BID TABULATIONS:

* **INDEPENDENT AUDIT SERVICE:** Motion by Urban, seconded by Reid, to award the independent audit service contract to Rehmann Robson for a three-year cost not to exceed \$73,950 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **SENIOR CENTER FIRE ALARM SYSTEM – BID RECOMMENDATION:** Motion by Urban, seconded by Reid, to accept the low responsive bid submitted by Engineered Protective Services, Incorporated, in the amount of \$10,900 for a replacement fire alarm system at the Portage Senior Center and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: City Council and Mayor Strazdas expressed their appreciation to Youth Advisory Committee Chairperson Sujay Dewan, Vice-Chairperson Eric Alden and Secretary Sarah Perry for their fine presentation and for their yeoman efforts as volunteers in the community.

Councilmember Campbell expressed her condolences to the family of Dr. Tom Berglund, who passed away January 11, 2011, in Snowmass, Colorado. She reflected on his involvement in Rotary, his love for his family, his sense of humor and his love for University of Michigan Football. Mayor Strazdas echoed her sentiments and City Manager Evans indicated he had the pleasure of sharing a meal with him before he left for Snowmass and indicated that Dr. Berglund had a love for skiing and was the epitome of a Rotarian.

Councilmember Reid pointed out that the fire alarm system approved for the Senior Center was a significant upgrade as it makes the Senior Center compliant with the Americans with Disability Act. She also indicated that, for those who are interested, the recent school board meeting had a ten-minute glitch, but the entire meeting was recorded and can be viewed on line at www.publicmedia.org.

Councilmember Urban indicated that he does not usually comment on letters to the editor, but felt compelled to address some errors found in a recent letter to the editor in the Monday, January 24, 2011 *Kalamazoo Gazette*. He acknowledged that the article was correct that the Regular Meeting started late owing to a continuation of the discussion in a Special Meeting regarding the implementation of the new Charter Amendment passed by the voters allowing for City Council to determine the size and composition of the Board of Review as there is now an option of a three, six or nine member Board. He disagreed with the reference in the letter that City Council was “behind closed doors trying to put a lid on the property tax information that Councilmember Patricia Randall exposed” when in fact they were in an open meeting, properly advertised; everyone present in City Council Chambers was personally invited to that meeting at least twice while the Board of Review discussion took place; none of the discussion was about “trying to put a lid on the property tax information that Councilmember Patricia Randall exposed;” and, some of the citizens came from Council Chambers and attended the meeting. Councilmember Urban agreed that perhaps some of the residential properties in Portage are very likely incorrectly assessed, but pointed out that not all of the properties in Portage are incorrectly assessed. He acknowledged that there are probably a few properties that are over assessed and a few properties that are under assessed, and concluded that it is likely that there are as many citizens paying too little in taxes as there are paying too much in taxes owing to an error in the system designed and run by people. With regards to the contention that “Randall spent more than \$10,000 in legal fees to prove that point and won,” he indicated that he did not know if the \$10,000 figure was correct or not, but did know that the matter was settled, and there was no winner or loser; however, the *Kalamazoo Gazette* had this fact correct in only one of the various articles on the subject, so it was understandable why the letter reflected this misperception. As the letter gave Councilmember Randall’s contact information, he pointed out that contact information for all of City Council is on the City of Portage website at www.portagemi.gov. He referred to the end of the letter where it read, “Did your property values go down and your tax bill go up? Fight back. Don’t let them gag the truth.” He explained the effect of Proposal A (1994) and how many property values likely did go down and taxes likely did go up because of Proposal A where the capped amount property taxes could go up each year is based on the Consumers Price Index (CPI) and the property values continued to go up at a higher rate. (Capped value is calculated by multiplying the Taxable Value of the prior year, with adjustments for additions and losses, by the Consumer Price Index (CPI) as calculated by the State Tax Commission and cannot increase by more than 5%). He went on to say that with the value of properties going down, those property values that have not reached the capped increase in taxable value likely did go up. He emphasized that he wished to address the factual errors in the letter; that he was not disputing anyone’s opinion; and

objected specifically to the allegation that City Council was busy meeting behind closed doors, since City Council was meeting in an open meeting discussing a completely different subject than that averred to in the letter.

Councilmember Randall said she was looking forward to the Portage Snow Party sponsored by the Youth Advisory Committee, Saturday, February 5, 2011, from 12:00 p.m. to 3:00 p.m. at Oakland Drive Park and indicated she hoped to be there.

Mayor Strazdas thanked City Council for their involvement in committee assignments at the present time, asked them to report back and asked City Clerk James Hudson to check with City Manager Maurice Evans to make sure there is a place on the Agenda for their reports. He indicated that at the February 12, 2011 Eagle Scout Court of Honor, he has the privilege of being the keynote speaker for the Eagle Scouts in the Region at the Kalamazoo Country Club, and will be attending three more Court of Honors in the coming weeks. He also announced that, in the evening on February 12, 2011, the Portage Police and Fire Departments will be playing the Kalamazoo Public Safety Department in Ice Hockey as a fundraiser at Wings Stadium, and that the "Stepping Out" fundraiser at the State Theater for the Portage Athletic Foundation would be that evening at 7:30 p.m.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:05 p.m.

James R. Hudson, City Clerk

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