

CITY OF
PORTAGE
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PLANNING COMMISSION

January 19, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**January 19, 2012
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* January 5, 2012

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Final Report: Tentative Plan Amendment and Final Plan for The Homestead, 3821 West Milham Avenue

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

December 12, 2011 Zoning Board of Appeals meeting minutes
December 20, 2011 City Council meeting minutes

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

PLANNING COMMISSION

January 5, 2012

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The City of Portage Planning Commission meeting of January 5, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 50 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Rick Bosch.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the November 22, 2011 meeting minutes. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was approved 7-0. Chairman Cheesebro referred the Commission to the December 1, 2011 meeting minutes. A motion was offered by Commissioner Reiff, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was approved 7-0.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Kalamazoo Choppers, 9820 Portage Road. Mr. West summarized the staff report dated December 29, 2011 regarding the request by Mr. Michael Kasten, on behalf of Kalamazoo Choppers, to establish a motorcycle repair facility at 9820 Portage Road. Mr. West stated the applicant has been operating from 9820 Portage Road since October 2011 without knowledge that a special land use permit was needed. Mr. West summarized the nature of the business activities and the conflicting land use screening that exists between the site and the adjacent residential condominiums to the west. Mr. West indicated the application satisfies the criteria for issuance of a special land use permit and staff was recommending approval subject to all fabrication, repair and maintenance activities occurring inside the enclosed buildings.

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The Commission and staff discussed how the use was established at the site without a special land use permit, how the city discovered the use and the conflicting land use screening that exists between the site and the residential condominiums located to the west within the Sterling Oaks Planned Development.

Mr. Michael Kasten (property owner) and Mr. Andy Boersma (owner of Kalamazoo Choppers) were present to explain the use and support the application. Chairman Cheesebro asked whether an overhead door was present along the west side of the west building and where within the building motorcycle fabrication would occur. Mr. Boersma stated an overhead door was present along the west side of the west building but only the eastern portion of the building was used for fabrication. The west half of the building is used for storage purposes. Mr. Boersma also explained the fabrication process he utilizes, which produces little, if any, noise.

Chairman Cheesebro opened the public hearing. Two citizens spoke in regard to the proposed motorcycle repair facility. Mr. Brian Blair (property manager representing the Sterling Oaks community) stated the residents of Sterling Oaks were concerned about noise, hours of operation and monitoring of the business. Ms. Heather Ingram (9847 Fort Myers) also expressed concerns about noise and hours of operation. Mr. Boersma stated the business is quiet with all repair and fabrication activities occurring indoors. Mr. Boersma indicated summer hours of operation (April-October) were Mondays, Tuesdays, Thursdays and Fridays from 10:00 a.m. to 7:00 p.m. The facility is closed on Wednesdays. Saturday hours of operation are from 10:00 a.m. to 4:00 p.m. and Sundays from 10:00 a.m. to 1:00 p.m. During the winter (November-March), hours of operation are Monday thru Friday from 10:00 a.m. to 5:00 p.m. and closed on the weekends. No additional citizens spoke regarding the proposed motorcycle repair facility. A motion was made by Commissioner Welch, seconded by Commissioner Dargitz, to close the public hearing. The motion was unanimously approved.

The Commission and staff discussed various aspects of the proposal including noise standards for the use at the west property line and the adequacy of the conflicting land use screening located between the site and the residential condominium buildings. After a brief discussion, the Commission concluded that existing screening was effective and additional installation was not necessary. Commissioner Reiff stated he has visited the Kalamazoo Choppers facility on Lovers Lane and found the business owner to be reputable, dependable with no early morning business hours. Attorney Brown asked Commissioner Reiff if he had any special relationship with Mr. Boersma that might affect his ability to render an impartial decision. Commissioner Reiff clarified that he did not and had only met Mr. Boersma on one occasion. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Kalamazoo Choppers, 9820 Portage Road, subject to all fabrication, maintenance and repair activities being conducted inside the enclosed buildings. The motion was unanimously approved 7-0.

2. Modified Active Home Occupation Permit: Arrow Car/Taxi Service, 3617 Wedgewood Drive. Mr. Forth summarized the staff report dated December 29, 2011 regarding a modified Active Home Occupation permit application submitted by Robert and Kimberly Tatum to operate a car/taxi service business (Arrow Car Service) from their residence located at 3617 Wedgewood Drive. Mr. Forth reviewed the Planning Commission consideration and denial of the original application at the November 22, 2011 meeting and summarized the changes to the business operation proposed in the modified application. Mr. Forth stated the modified application proposes a reduction in the number of on-site fleet vehicles from three to one and no non-occupant employees will visit the residence for business purposes. Prior to taking action on the modified application, Mr. Forth indicated the Planning Commission first needed to conclude whether or not the modified application represented a change in circumstance from the original application.

The Commission discussed whether the modified application represented a significant change from the original application. Commissioner Welch asked what aspect of the modified application makes the proposed business an active home occupation, as opposed to a passive home occupation. Mr. Forth and Attorney Brown responded by stating the majority of the Commission at the November 22nd meeting concluded the fleet vehicles were "equipment" and the passive home occupation regulations do not allow for the storage of

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equipment outdoors or within an attached/detached accessory building. After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, that the modified active home occupation permit application had changed and circumstances were different than the November 2011 request. The motion was unanimously approved 7-0.

Mr. Robert Tatum was present to support the application and explain the modified active home occupation permit application. Mr. Tatum indicated he has changed the business operations to reduce impacts on the neighborhood. Mr. Tatum stated he has a permanent, off-site commercial location (hotel parking garage) to park his other fleet vehicles and stated the modified application involves only one on-site dual purpose fleet/personal vehicle that would be parked inside the attached garage. Also, Mr. Tatum explained that no non-occupant employees or shift changes would occur at his residence. Mr. Tatum stated he and his wife currently only have one personal vehicle and the requested dual purpose fleet/personal vehicle would be utilized to coordinate off-site employee shift changes, paperwork/cash exchange, client driving and sales/marketing activities, in addition to personal use. Mr. Tatum indicated the business activities conducted at his residence do not occur 24 hours a day as stated by neighborhood residents. Mr. Tatum explained how client calls and appointments are coordinated and how fleet vehicles are dispatched. Mr. Tatum stated his Yukon Denali has an Arrow Car Service advertisement in the window, however, is not registered or utilized as a fleet vehicle due to insurance/liability reasons. Mr. Tatum indicated the requested dual purpose fleet/personal vehicle would generate a maximum of eight trips per day, which is fewer than a neighborhood child day care home.

The public hearing was convened by Chairman Cheesebro. A total of five citizens spoke regarding the modified active home occupation permit: 1) Yvone Asken, 3707 Wedgewood Drive; 2) Pam Wesley, 3828 Wedgewood Drive; 3) Melody Nedrud, 3427 Wedgewood Drive; 4) Roberta MacCallum, 3610 Wedgewood Drive and 5) Jim Stordell, 3427 Wedgewood Drive. Ms. Asken spoke in opposition to the application citing concerns about the ordinance, a business operating from a residential cul-de-sac street, enforcement and associated impacts. Ms. Asken stated the applicant has been operating the business from the residence since August 2011 without the necessary approval and did not comply with the Planning Commission's original denial of November 22, 2011. Ms. Wesley expressed concerns about safety and the lack of sidewalks in the neighborhood and children walking to/from Angling Road Elementary School. Ms. Nedrud also spoke in opposition to the application citing concerns about a commercial business operating in a residential neighborhood, staff recommended conditions of approval and enforcement. Ms. MacCullum spoke in opposition to the application stating the ordinance is not consistent with community objectives contained in the City of Portage Vision 2025 Plan. Mr. Stordell also spoke in opposition to the application citing enforcement challenges and suggested the ordinance be revisited to consider specific uses that are allowed/not allowed along with best practices to protect neighborhoods. No additional citizens spoke regarding the modified active home occupation permit application. After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved 7-0.

The Commission, staff and Attorney Brown discussed the proposed application and the specific ordinance requirements for active home occupations. Commissioner Welch asked if eliminating the one on-site fleet vehicle would make the business a passive home occupation. Mr. Forth responded yes. The Commission discussed whether the application could be adjourned until the ordinance was reconsidered by the city. Attorney Brown stated adjourning the application to consider additional information or facts would be acceptable, however, an extensive delay to consider possible changes to the ordinance could present legal issues. Attorney Brown indicated an application has been received pursuant to a recently adopted ordinance and the Commission should follow the ordinance provisions. Attorney Brown discussed several issues expressed by the Commission and the citizens regarding the application including enforcement, prior violations, ordinance provisions and conditions of approval to mitigate adverse impacts. Attorney Brown stated many ordinances require enforcement so the fact that enforcement will be necessary and may be difficult is not a reason to deny the application. Attorney Brown also indicated that prior violations should not

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be the basis for denial, and, if shown the ordinance requirements have been satisfied by the facts presented, then the ordinance provides the applicant the right to establish the active home occupation. In making a determination, Attorney Brown stated the Planning Commission should first determine that conditions 1 through 9 of the ordinance, which are more or less tangible conditions, have been satisfied. Attorney Brown then indicated the Commission should analyze the use under the remaining sections of the ordinance which include more discretionary standards of review. If aspects of the use are determined to cause unreasonable or undue impacts, Attorney Brown stated the ordinance allows the Planning Commission to impose conditions to mitigate these impacts.

Commissioner Dargitz discussed the original version of the ordinance that was prepared by the Planning Commission that included a requirement that an active home occupation be located on a major thoroughfare, which would have addressed many of the concerns expressed by the neighborhood. Commissioner Dargitz discussed the number of residents that signed a petition and/or provided a letter opposing the active home occupation permit and stated she believes the use is not a good fit for the neighborhood. Commissioner Welch stated the distinguishing characteristic of whether the use is an active or passive home occupation is the one on-site fleet vehicle and conditions such as number of permitted vehicle trips can be imposed to address potential impacts and concerns. Attorney Brown stated the Commission should not deny an application merely based on the number of people who have signed a petition or the personalities involved and indicated the facts of the application and the ordinance standards should be the focus of the review. To support a denial, Attorney Brown stated there needs to be evidence on the record that concludes the use will cause adverse impacts on the neighborhood and imposed conditions would not mitigate these impacts. Commissioner Patterson concurred with Commissioner Welch and suggested a maximum number of vehicle trips be established for the fleet vehicle and on-site vehicle repair/maintenance be prohibited. Commissioner Dargitz reviewed condition #11 of the ordinance regarding the "conduct of the use" and the "harmonious" nature of the use and expressed concerns regarding the proposed car/taxi service business. Commissioner Stoffer also expressed concerns with the application in regards to condition #11 and the lack of sidewalks in the neighborhood, safety of pedestrians and children, proximity to Angling Road Elementary School, no outlet nature of the street, size of lots and closeness of homes. Commissioner Welch discussed day care homes which are regularly approved in residential neighborhoods that can generate more vehicular traffic than the proposed car service business. Chairman Cheesebro stated a typical residential home can generate 8-12 vehicle trips a day and the Commission can establish conditions including a maximum number of vehicle trips and hours of operation to address concerns.

After additional discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to approve the Modified Active Home Occupation Permit for Robert and Kimberly Tatum (Arrow Car Service), 3617 Wedgewood Drive, subject to the following conditions: 1) No more than one dual purpose fleet/personal vehicle shall be present at the site and such vehicle shall be parked inside the attached garage at all times when located on the property or in the Wedgewood plat; 2) No non-occupant employees of Arrow Car Service shall be permitted at the residence for purposes of conducting business activities. Employee/vehicle shift changes are to occur at an off-site location; 3) The Arrow Car Service dual purpose fleet/personal vehicle not be operated for business purposes between the hours of 8:00 p.m. and 6:00 a.m.; 4) No vehicle repairs or maintenance of the Arrow Car Service dual purpose fleet/personal vehicle, other than cleaning activities, be conducted on-site. Cleaning activities must be conducted inside the attached garage; 5) The Arrow Car Service dual fleet/personal vehicle is permitted a maximum of 24 vehicle trip ends per day for business-related purposes. The applicant must record all business trips to/from the residence on official daily run sheets and provide copies to the Department of Community Development on a monthly basis; 6) The car/taxi service business must maintain a license from the Michigan Department of Transportation; and 7) The Planning Commission conduct a four month review of the Active Home Occupation permit. Upon a roll call vote: Reiff (yes), Seigfried (yes), Dargitz (no), Welch (yes), Stoffer (no), Cheesebro (yes) and Patterson (yes), the motion was approved 5-2.

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PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

NEW BUSINESS:

1. Historic District Modification: Van Riper Property, 3821 West Milham Avenue. Prior to discussion of this agenda item, Commissioner Dartiz indicated she would be abstaining due to a personal acquaintance with the applicant. Commissioner Stoffer also indicated he would be abstaining from discussion due to residing within 300-feet of the subject property. Mr. Forth summarized the staff report dated December 29, 2011 regarding a request received from Patrick and Lisa Lynch to remove approximately 1.51 acres of land from the existing Van Riper Historic District property located at 3821 West Milham Avenue. Mr. Forth stated the 1.51 acre property is located along the southeast perimeter of the district, adjacent to McGillicuddy Lane, and was proposed to be divided to create three single family residential building sites. In accordance with the Local Historic Districts Act (Public Act 169 of 1970), Mr. Forth indicated the preliminary report prepared by the Portage Historic District Study Committee is provided to the Planning Commission for review and comment.

Following a brief discussion involving the size of the lots and the history of the site, the Commission concluded the proposed modification would have minimal impact on the overall historic district. A motion was offered by Commissioner Welch, seconded by Commissioner Patterson, to recommend to the Historic District Commission approval of the modification involving the Van Riper Historic District Property located at 3821 West Milham Avenue. The motion was approved 5-0-2 with Commissioner Dargitz and Commissioner Stoffer abstaining.

STATEMENT OF CITIZENS:

None

ADJOURNMENT:

The Commission discussed the current active home occupation ordinance and how recommended changes should be conveyed to the City Council. Commissioner Patterson suggested a work session where the Commission can review the background information and decide whether to draft a memorandum to the City Council. Mr. Forth stated a workshop meeting to discuss the Romence Road Parkway Corridor was tentatively scheduled for the February 2, 2012 meeting and this item could be added to the agenda. The Commission concurred and asked that staff provide background information regarding the development of the active home occupation ordinance prior to this meeting.

There being no further business to come before the Commission, the meeting was adjourned at 10:35 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: January 13, 2012

FROM: Vicki Georgeau, ^{VJ} Director of Community Development

SUBJECT: Final Report: Tentative Plan Amendment and Final Plan for The Homestead Planned Development, 3821 West Milham Avenue

I. APPLICATION INFORMATION:

A tentative plan application to amend The Homestead Planned Development (PD) and Final Plan have been received. The 2012 Tentative Plan amendment proposes to eliminate the attached residential condominium buildings, add three single-family parcels (1.5 acres) located south of the historic homestead site, reestablish the cottage offices (14.6 acres) and retain the themed restaurant/office (3 acres) as shown on the previously approved 2001 plan. Please refer to the attached application, narrative and tentative plan submitted by the applicant. Approval of a final plan, which involves the division of three residential lots, is also requested.

The following background information is provided regarding the Homestead Planned Development.

Applicants	Property Address	Description	Zoning
Mr. Patrick Lynch Mr. Jack Gesmundo, American Village Development	3821 West Milham Avenue	22 acre tract (Planned development area: 88 acres)	PD, planned development (2001)

The Homestead PD involves an 88 acre tract of land located south of West Milham Avenue and east of US-131. The original Homestead PD rezoning/tentative plan application received City Council approval in 2001. The 2001 plan included the construction of 94 single family residential lots in three stages on 45.1 acres, an approximate 5,000 square foot theme restaurant/conference center on 3 acres, between 95,000 to 160,000 square feet of cottage offices on 14.6 acres and 25.2 acres of green/open space. Attached is a copy of the 2001 approved tentative plan for The Homestead PD. Since the initial 2001 approval, the following projects/amendments have occurred:

- **2001:** Approved the final plan/preliminary plat for The Homestead of Portage No. 1, which included 24 single-family residential lots on 13 acres. Construction activities within this phase have been completed.
- **2003:** Approved the final plan for Cully's Gage Restaurant and Homestead Banquet Facility, which included conversion of the historic homestead site for a 9,725 square foot theme restaurant and banquet facility on seven acres. Construction of this development did not occur and the final plan expired.
- **2004:** Approved the final plan/preliminary plat for The Homestead of Portage No. 2 and The Homestead of Portage North, which included a total of 36 single-family residential lots on 19 acres. Individual home construction within this phase is nearing completion.
- **2006:** Approved a tentative plan amendment and final plan that eliminated the cottage offices and replaced this portion of the development with 22, four-unit attached residential condominium buildings (88 units total) and a clubhouse building on 19.5 acres. Attached is a copy of this approved tentative plan. The historic homestead site was again proposed to be preserved and restored to either a theme restaurant or offices. Construction of this development did not occur and the final plan expired.

- **2006:** Approved the final plan/preliminary plat for The Homestead No. 3, which included a total of 23 single-family residential lots on 19 acres. Construction of this phase of development did not occur and the plan expired.
- **2010:** Re-approved the final plan/preliminary plat for The Homestead No. 3, which included a total of 23 single-family residential lots on 19 acres. Construction of the public infrastructure is complete, Final Plat approval has been granted, and home construction is underway.

Construction of the public improvements associated with the single-family residential portion of the development project is complete and has resulted in 83 new single-family lots (11 less than previously planned). Development of the remaining 22.5 acres is pending and is included with the tentative plan amendment.

II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:

The PD, planned development chapter establishes a two-part review and approval process: Tentative plan review of the overall development concept and final plan review for each phase of the development. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, requires formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations stipulates the development standards in the PD zoning district. This section provides flexibility in the types of land uses of which up to 20% of the total land area available can be utilized for nonresidential uses. Public water and public sanitary sewer is required. Overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under the ordinance.

III. PUBLIC REVIEW/COMMENT:

The Planning Commission convened a public hearing during the December 1, 2011 meeting. The applicants, Mr. Jack Gesmundo and Mr. Patrick Lynch, were present to support the proposed tentative plan amendment. Mr. Gesmundo stated the amendment proposes to restore the cottage offices originally approved in 2001 and construct three additional single family residential home sites along the north side of McGillicuddy Lane that would visually and physically connect the residential portions of The Homestead. One citizen, Ms. Lee Berow, 3608 Arbutus Trail, expressed concerns about the recently installed "No Trespassing" sign adjacent to the pedestrian path near Arbutus Trail that connects to the two neighborhoods.

Since the December 1, 2011 Planning Commission meeting, the applicants have provided a revised written narrative and tentative plan map to include additional information regarding designated open space, size of the cottage office buildings and clarified the acreage of different land uses. Additionally, the applicants have agreed to replace the sign located near the south end of the pedestrian path that connects the Homestead neighborhood to the Arbutus Trail neighborhood that prohibited non-Homestead residents from using this path. As the Commission will recall, several documents related to the 2001 planned development rezoning application and preliminary plat clearly indicates the path is to be owned and maintained by the developer/association and used by residents located in both neighborhoods. The new sign will allow non-Homestead residents to use the pedestrian path at their own risk. The new sign has been ordered but has not yet been installed.

IV. HISTORIC DISTRICT COMMISSION REVIEW

The property is located within the City of Portage Van Riper Historic District. The applicants are proposing to modify the district by dividing 1.51 acres of land located adjacent to McGillicuddy Lane to create three lots for single family residential development. The proposed modification does not affect any existing historic structure or building. Before the land divisions necessary to create these three new parcels can be approved and removed from the historic district, the City Council must approve the proposed modification after receipt of the Historic District Commission recommendation.

The Historic District Study Committee met on December 21, 2011 to review and discuss the proposed district modification. The Historic District Study Committee recommended approval of the district modification and a preliminary report was forwarded to the Planning Commission for review and comment. During the January 5, 2012 meeting, the Planning Commission also recommended approval of the historic district modification.

On January 11, 2012 the Historic District Commission held a public hearing and recommended City Council approve the requested modification to the Van Riper Historic District. City Council can review the proposed historic district modification, The Homestead PD tentative plan amendment and final plan concurrently.

V. FINAL ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

The 2012 tentative plan amendment proposes to eliminate the attached residential condominium buildings, add three single-family parcels (1.5 acres) located south of the historic homestead site, reestablish the cottage offices (14.6 acres) and retain the themed restaurant/office as shown on the previously approved 2001 plan. The cottage office area will also include at least 3.4 acres of open space. The designation of the historic homestead site as a theme restaurant or office on the remaining approximate 3.0 acres is consistent with the previously approved tentative plans. As identified in the tentative plan amendment narrative, the cottage office area and historic homestead site will be retained by Patrick (Mick) and Lisa Lynch and the three new single-family parcels will be owned by American Village Builders.

As submitted, specific aspects of the proposed plan amendment include the following.

- Additional Single Family Parcels – The three single-family parcels are proposed to be located in a 1.5 acre wooded area on the north side of McGillicuddy Lane south of the historic homestead site. The applicant indicates a substantial portion of the wooded areas outside the building zone will be retained as a buffer from the themed restaurant/office use. The additional home sites will visually and physically connect the residential areas along this section of McGillicuddy Lane and buffer the neighborhood from future uses in the planned development. Construction of these three additional home sites is expected to begin after all approvals have been granted.
- Cottage Offices – According to information provided by the applicant, the cottage offices will exhibit a residential architectural style that will compliment the existing residential phases. This design approach is similar to what was accomplished in Woodbridge Hills. The buildings will be one-two stories and range in size from 3,000-10,000 square feet. The total building area is estimated to range between 80,000 and 145,000 total square feet.

Reestablishment of the cottage offices at this location is an appropriate land use situated between US-131 and the future site of the themed restaurant/office use(s) to the east and residential land uses located to the south/southeast. Office uses are low impact commercial uses, typically have a building style and mass similar to residential uses, have limited hours of operation and generate less traffic than

retail uses. Also, the land area proposed for the cottage offices is approximately 8-10 feet lower in elevation than the adjacent property to the east and south.

- Existing Historic Home Site – Future plans for the existing historic home site continues to be conversion to a themed restaurant or office. According to the applicant, the home will be restored but it may be necessary to enlarge the footprint of the building in order to accommodate the intended use. Design of any building addition would be consistent with the current architecture. The building area including any addition is estimated at 5,000 square feet.

With regard to screening/buffering of the existing McGillicuddy Lane residential dwellings to the east, the written narrative submitted by the applicant indicates a landscaped berm was constructed in 2006 and trees installed as the dwellings were constructed. The applicants further state that if the existing trees are maintained, no additional landscaping/screening will be installed when the historic home site is converted to a themed restaurant/office. A review of this area indicates there are significant gaps in the landscape screening between the McGillicuddy Lane residential dwellings and the historic home site. When a final plan for development is submitted, the adequacy of the screening/buffering will be evaluated and supplemental screening/buffering may be necessary.

- Cottage Offices and Themed Restaurant/Office Phasing – The applicant has indicated construction of the cottage offices and themed restaurant/office will commence when the market conditions and the commercial lending environment improves. Based on current and projected economic conditions, construction within the next five years is anticipated.
- Public Street Access – As shown on the tentative plan map and written narrative, access to West Milham Avenue for the cottage offices and themed restaurant/office is proposed from two separate driveways. However, consistent with the 2006 approved tentative plan, the access location for the cottage offices should be moved further east so it can be shared with the theme restaurant/office and align with future development activities planned on the north side of West Milham Avenue. The property to the north is vacant, encompasses approximately 77 acres and is owned by a local residential development company. As information for the Commission, when this section of West Milham Avenue was reconstructed in 2011, a commercial grade driveway approach was installed by the city. The centerline of this driveway is located approximately 435 feet east McGillicuddy Lane and does align with the vacant property to the north.
- Percentage of Nonresidential Uses – The PD, planned development ordinance states that a maximum of 20% of the total land area may be used for nonresidential land purposes. Given the size of the overall development area, 88 acres, the area identified for nonresidential purposes cannot exceed 17.6 acres. The written narrative provided by the applicant indicates a combined area of 21 acres for the cottage office and themed restaurant/office with 3.4 acres designated as green/open space. The applicant has designated the green/open space as "...a strip of land approximately 40'+/- deep surrounding the perimeter of the cottage office area except that area that adjoins McGillicuddy Lane equaling 3.4 acres." Upon submittal of a final plan for development, the location of the green/open space may be modified but in no case can it be less than 3.4 acres.
- Traffic Impacts – It is estimated that a 5,000 square foot themed restaurant would generate approximately 650 vehicle trip ends. The traffic generated by several administrative office buildings totaling 80,000 to 140,000 square feet is approximately 1,800 to 2,785 vehicle trip ends. This compares to 1,056 vehicle trips generated by the 88 attached residential units (12 vehicle trips per unit) included in the 2006 plan.

The traffic generated by the proposed themed restaurant and cottage offices can be accommodated by West Milham Avenue. West Milham Avenue is classified as minor arterial roadway. The 2006

average daily traffic count for this section of West Milham Avenue was 13,340. The capacity of this roadway segment is 21,500 vehicles per day. In 2011, West Milham Avenue was reconstructed from a two-lane roadway to a three-lane roadway with a center turn lane, curb/gutter, sidewalks and bike lanes. Updated traffic volume counts are scheduled for 2012.

VII. FINAL PLAN

Following tentative plan approval, Section 42-375, Plan Review and Approval, requires submittal of a final (site) plan for each area within the planned development project. At this time, the applicants are proposing to develop three, single-family residential lots through a land division process. Attached is a final plan (survey) that shows the location of the proposed land divisions. This 1.5 acre area is located immediately south of the Van Riper historic homestead and each lot is approximately 0.5 acres.

Building setbacks and lot width/area will be consistent with the other single-family residential lots in the The Homestead PD. The front yard setback will be at least 30 feet, side yard 10 feet and rear yard 40 feet. Lot width will not be less than 80 feet (95 feet proposed) and lot area not less than 9,600 square feet (19,100+ square feet proposed). Utilities, including municipal water and sanitary sewer, are available to each lot. Finally, and according to the applicants, the Homestead of Portage Preservation Standards that are applicable to the other residential lots in this planned development will also apply to these three residential lots.

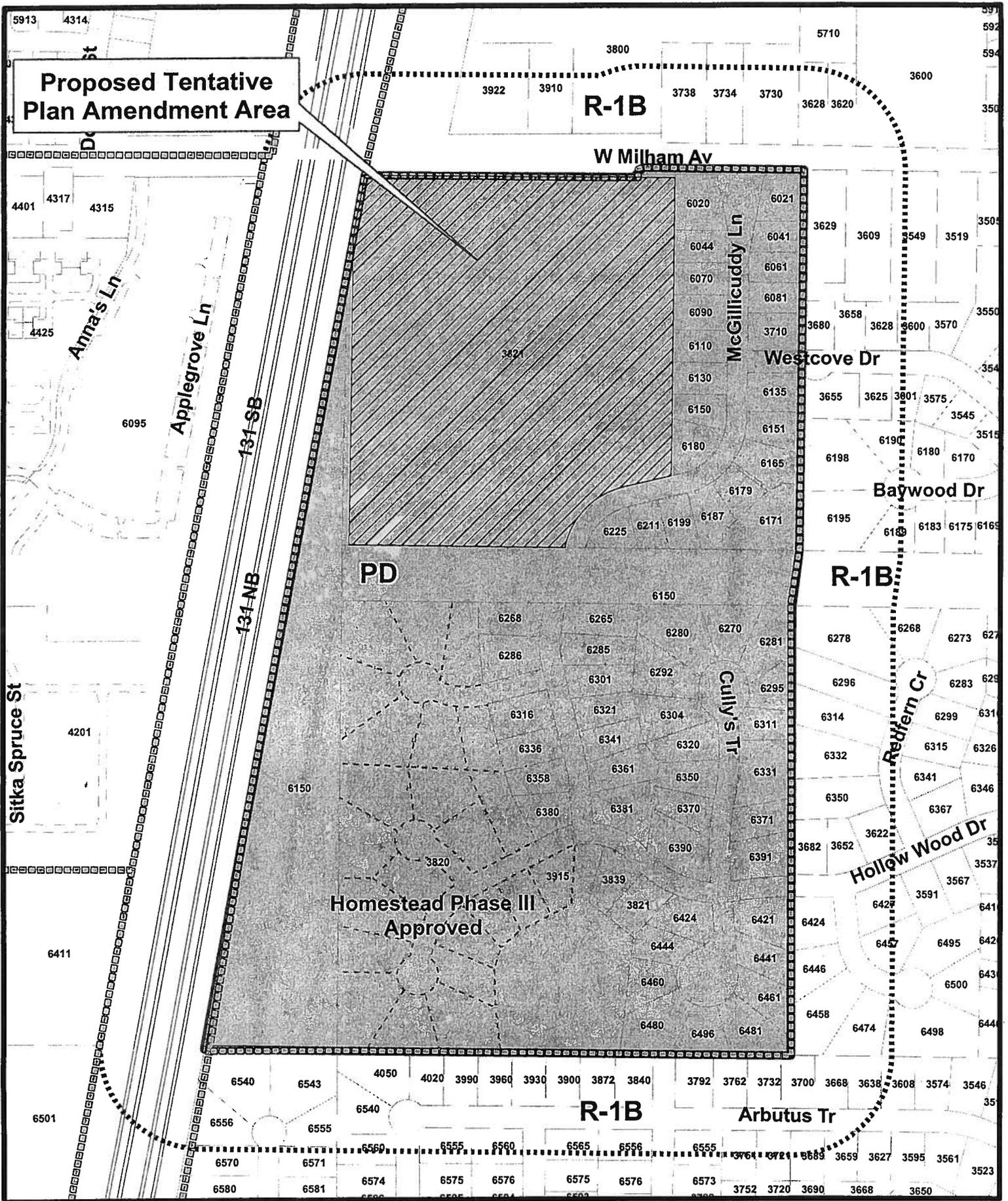
VIII. RECOMMENDATION:

Based upon the above analysis, staff advises the Planning Commission to recommend to City Council that the Tentative Plan Amendment for The Homestead Planned Development, 3821 West Milham Avenue, be approved subject to the following:

1. City Council approval of the request to modify the boundaries of the Van Riper historic district.
2. Consistent with the 2006 approved tentative and final plans, the access drive for the cottage offices must be moved east, shared with the theme restaurant/office, and align with future development activities planned on the north side of West Milham Avenue.
3. When a final plan for development is submitted involving the existing historic home site, the adequacy of the screening/buffering along the east property line be evaluated and supplemental screening/buffering be required as may be necessary.
4. Removal or replacement of the sign located near the south end of pedestrian path that connects the Homestead neighborhood to the Arbutus Trail neighborhood that prohibits non-Homestead residents from using this path.

Finally, and subject to City Council approval of the tentative plan amendment, staff advises the Planning Commission to recommend to City Council approval of the Final Plan for the three McGillicuddy Lane land divisions. The proposed land divisions have been reviewed by the City Administration in accordance with Article 5, Subdivision and Land Division Regulations, and meet the requirements for approval.

Attachments: Zoning/Vicinity Map
 Aerial photograph
 Proposed Tentative Plan Amendment (narrative and tentative plan layout)
 Previously Approved 2001 Tentative Plan for The Homestead PD (narrative and plan)
 Previously Approved 2006 Tentative Plan for The Homestead PD (narrative and plan)
 Final plan
 Communication received



**Proposed Tentative
Plan Amendment Area**

R-1B

W Milham Av

Westcove Dr

Baywood Dr

R-1B

PD

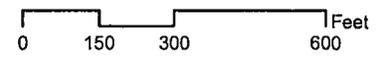
**Homestead Phase III
Approved**

R-1B

Arbutus Tr

-  Proposed Tentative Plan Amendment Area
-  Planned Development Area
-  300' Notification Area

**Tentative Plan (amendment)
3821 West Milham Avenue**



RECEIVED

DEC 30 2011

COMMUNITY DEVELOPMENT

AMERICAN VILLAGE DEVELOPMENT, II

December 30, 2011

City of Portage Planning Commission
C/O Mr. Christopher Forth, AICP
7900 South Westnedge Avenue
Portage, MI 49002

RE: Submission of Tentative Plan Amendment for planned development of The Homestead.

Dear Members of the Planning Commission:

Enclosed please find our submission for amending the planned development of The Homestead. We have worked in concert with city staff to revise the previously submitted plans.

The following is a brief overview of The Homestead Planned Development: In June, 2001 the planning commission approved the rezoning of approximately 88 acres from R-1B one-family residential Planned Development (PD). American Village Development II, L.L.C. purchased approximately 55 acres for single family development and Patrick and Lisa Lynch retained the remaining 22.5 acres for cottage offices and a restaurant.

In 2006, the Planned Development was amended to include the Villas of Secret Gardens condominium development which included 22 attached residential buildings totaling 86 units on 19.56 acres. The Villas of Secret Gardens project did not proceed at the last minute due to changes in the real estate and financing markets. Additionally, the project replaced cottage offices; however, the original 2001 approval included cottage offices of approximately 95,000- 160,000 square feet.

This revised plan will enhance The Homestead neighborhood by visually and physically connecting the single family portions of the developments along McGillicuddy Lane. This will also help buffer the single family neighborhood from the other future uses in the planned development.

1a. Our general purpose is two-fold, first is to split three single family parcels, a total of 1.51 acres from the remaining Lynch property. If the splits are approved, American Village Development II, L.L.C. will purchase the three parcels from Mr. & Mrs. Lynch and they will have a remaining parcel of approximately 21.02 acres. These three new home sites will provide mid-priced housing. The architecture will complement the existing new homes on McGillicuddy Lane.

1b. The second purpose is regarding the land previously approved for the Villas of Secret Gardens Condominium Development which was approximately 19.56 acres and includes the portion of land we are requesting to be split into three single family home sites as noted above. In addition, we would like the remaining 18.0 acres return to the originally approved “Cottage Office” use.

It is still the intention that the historic farm home will be lovingly restored with the cooperation and craftsmanship of current owner and historic home restoration specialist Patrick Lynch, and into a beautiful office or theme restaurant.

2. The Homestead Planned Development began with phase 1 housing area on the southeast quadrant of the property. The first phase was followed by three additional phases of single family housing. The final phase of the single family housing is the three home sites we are requesting for land division; please refer to the attached plan.

The historical home phase of the development is anticipated to be the development of an office or theme restaurant. This portion of the development comprises of approximately 3.4. The final phase of the development is anticipated to be the cottage office area. The cottage office area comprises 17.6 acres. The combination of the historical home parcel and the cottage office parcel equals 21.0 acres, of that acreage; 3.4 acres will be designated as green space. The green space is defined as a strip of land approximately 40'+/- deep surrounding the perimeter of the cottage office area except that area that adjoins McGillicuddy Lane equaling 3.4 acres.

The proposed three single family home sites are located in a densely wooded area of the project. It is the intention of American Village Development to maintain a substantial portion of the wooded areas outside of the building zone to create a natural buffer from the themed office and restaurant sites.

A landscape berm was constructed in 2006 to establish a buffer between the single family homes and the themed restaurant/office site. This berm has had some trees installed along with the single family homes as they were completed. So long as the existing trees are maintained between the single family homes and the proposed themed restaurant/office site, the property owner is not intending to add any additional landscaping. Should the site plan for the themed office / restaurant require the removal of the natural buffer, the land owner will plant trees along the existing berm to provide appropriate screening.

3. The two remaining stages (*), the first will be the renovation of the historic home and concluding with the cottage office. The work on renovation of the historic home and building of the cottage offices will begin when the market demand increases which will be directly influenced by improvements in the commercial lending environment. Our hope would be that these projects could move forward in the next five years. The single family homes will be built as the new homes are absorbed. The three parcels will be added into the rotation of the existing lots. It is our intention to keep two new homes available in the community. The phasing of the entire planned development is as follows.

- Single Family Phase 1, 2002, 24 upscale home sites, complete.
- Single Family Phase 2-a, 2005, 15 upscale home sites, one site available
- Single Family Phase 2-b, 2005, 21 medium home sites, six sites available
- Single Family Phase 3, 2011, 23 upscale home sites, twenty two sites available
- *Historic Home – office / restaurant, timing to be determined
- *Cottage offices, timing to be determined

4. The construction of homes will begin after we receive of all the necessary approvals for the land division. All the infrastructure improvements are completed except for the utility extensions. The utilities extensions will be installed with the construction of each individual home. As mentioned in item #3 above, when we sell a speculative new home we will start a replacement home for sale. Over the last two years, we have averaged six new home sales a year. Including the three proposed parcels, we will have 32 available home sites, which should be absorbed over the next 5.5 years.

The historical home renovation and cottage office/restaurant will start when market conditions improve. It is anticipated that both projects would commence in the next five years.

5. Each stage of this planned development will be constructed independently of the other stage. Each stage will be integrated with the adjoining community by using sidewalks.

The Homestead meshes well with the existing development pattern in this area of Portage. To the east and south are single family homes which have been complemented by our single family homes.

In the northwest quadrant of the property, the portion of The Homestead that is closest to US 131, we are requesting being reserved for cottage office to buffer the historical home and single family housing to the east and the housing to the south. The historic home office/ restaurant provides a smooth transition from cottage office to single family housing on the northern half of The Homestead.

6. The amended area is located on the southeast corner of US-131 and West Milham Road. The total area involved is 22.5 acres and owned by Patrick and Lisa Lynch, with 1.5 acres proposed for three single family home sites, 17.6 acres for cottage office or themed restaurant and 3.4 acres of green space. The three proposed home sites are currently under contract by American Village Development II, L.L.C., should the land division be approved. The remaining acres will be retained by Patrick and Lisa Lynch.

7. Land Use Density:

Single Family Residential	46.6+/- Acres	53%	1.8 homes per acre
Common Open Space and Green Space	23.8+/- Acres	27%	
Cottage Office & Themed Restaurant	17.6+/- Acres	20%	

The Homestead is a low density high-end development. The three single family phases include 83 home sites plus the 3 proposed sites for a total of 86 home sites. Non-residential land uses are planned for 17.6 acres or 20% of the 88 acre planned development.

Prior to the planned development, this property was original zoned as RI-B which will allow for 3.4-units per acre or 195 homes on the 57.5 acres dedicated in the planned development tentative plan to residential and open space.

In The Homestead Planned Development, building set-backs planned for front yards at 30 feet, side yards at 10 feet and rear yards at 40 feet; comply with the previous R-1B zoning criteria.

8. There is no new common space in the planned development with this request. All the common areas have been fully developed in the single family area of the development including the entry statement, five landscaped cul-de-sacs and the two storm water retention areas. These areas are owned and currently maintained by The Homestead Homeowners Association. These areas will be maintained as required by fees paid to The Homestead Homeowners Association at the direction of the board of directors. The 9.3 acre parcel and the 5.0 acre parcel owned in fee by Consumers Energy will be maintained by Consumer Energy. The remaining 21.02 acres owned and maintained by Patrick and Lisa Lynch.

9. The only known buildings in the planned development will be single family homes, a historic home, and future office buildings. The single family homes will be a combination of ranch and two-story and will not exceed the required height limitations. The historic home will be restored and its height will not change from its current height. It may be necessary to enlarge the footprint of the historic home in order for it to accommodate its anticipated use. However, any addition would be consistent with the current architecture and would not exceed the current height of the home. The final structure may be in the 5,000+/- square foot range depending on the owner's needs.

The cottage office area will contain building architecture that will be residential in nature and compliment the residential phases of the development similar to Woodbridge Hills. Most office buildings are anticipated to be one or two-stories in height. We are anticipating that they will range from 3,000 to 10,000+/- square feet in size. We are anticipating a total of 80,000 to 145,000 square feet of total office space. The site will be served by a separate curb cut from the themed restaurant/office site that was constructed with the recent widening of Milham Avenue. The entry to both sites will be landscaped and signed to give a sense of arrival. It is intended that the office building will meet the current requirements under the OS-1 zoning district.

10. The sanitary sewer will be discharged to the public sanitary sewer system constructed in 2004, which has capacity allocated in sufficient amount to serve this development. The municipal water and all private utilities have been installed underground. The storm sewer will be retained on site and disposed of via infiltration into the ground.

11. Covenants have been recorded on all phases of the single family home sites, a copy of which is attached hereto for reference. Similar covenants will be recorded on the three additional sites should the land division be approved. These covenants control land use, architecture, exterior colors, home-site planning, landscaping and other issues essential to a successful planned development. Certain architectural issues will have to be approved by The Homestead Architectural Review Committee. This committee will ensure that the architectural development of The Homestead is consistent with the wishes of the developers. All easements required by the City of Portage for utilities and roadways are in place.

12. All the streets for the single family area have been built to the required specification of and accepted by the City of Portage. Each home unit will have a minimum of a two-car garage and space in front of the garage for two additional cars to park, a minimum of four spaces per home total. A majority of the homes constructed have three car garages.

13. We have directed all construction traffic through the Milham Road entrance to minimize construction traffic through Hollow Wood.

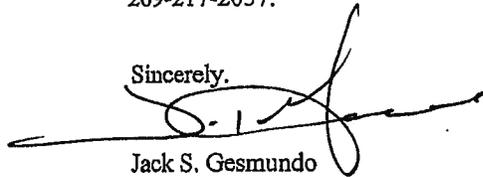
14. This is the last phase of the single family portion of the development. The office and restaurant phases will move forward when the market demand and financing for such improves. Based upon current forecasts, we believe this to be several years out.

15. American Village Development II, L.L.C. has an excellent credit rating and a number of different credit facilities. Performance bonds or bank letters of credit can be supplied as required by the City of Portage.

The Northwest Portage Bikeway was recently constructed along the Consumers Energy Company property and interconnects with the internal sidewalks of The Homestead along McGillicuddy Lane. All streets include sidewalks on both sides of the roadway.

We appreciate your review and consideration for this request. We look forward to continuing this successful project in the City of Portage. Please contact Jack Gesmundo if you have any questions or concerns relative to our tentative plan, I can be reached at jack@avbinc.com or 269-217-2057.

Sincerely,

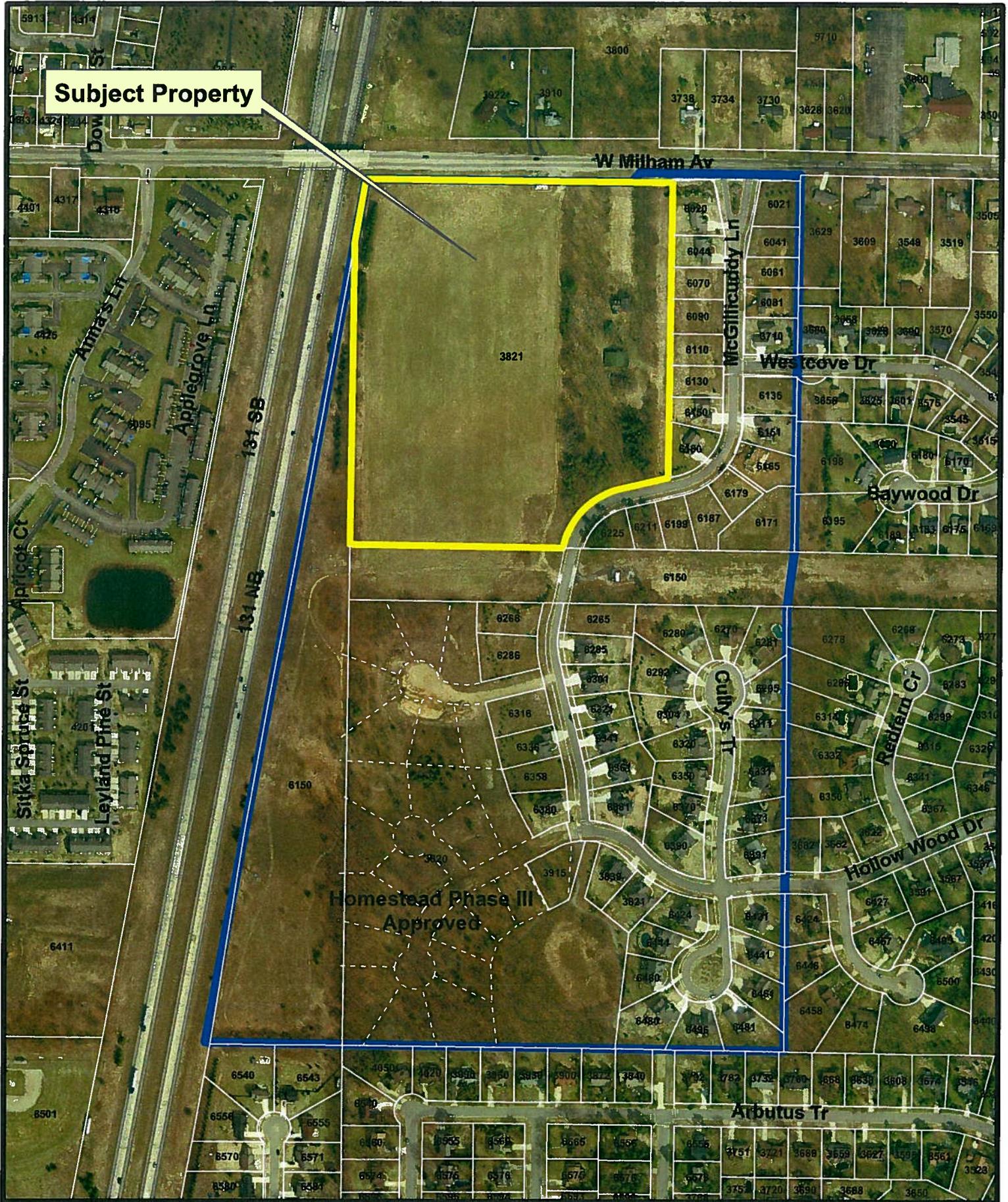


Jack S. Gesmundo



Patrick M. Lynch

enclosure: Tentative Plan for The Homestead Planned Development



The Homestead of Portage
2001 Approved Tentative Plan

American Village
Development Company, Inc.

May 8, 2001

City of Portage Planning Commission
c/o Mr. Jeffrey M. Erickson, AICP
7900 South Westnedge Avenue
Portage, Michigan 49002

RE: Submission of The Homestead Planned Development Tentative Plan

Dear Members of the Planning Commission:

Enclosed please find our submission for re-zoning and approval of a tentative plan for a planned development. The property referenced is 88 acres plus or minus, and is situated at the southeast corner of US 131 and Milham Avenue in Portage.

As you may know, we were involved in the development and construction of Woodbridge Hills, another Portage planned development. We feel this positive experience with another planned development will ensure the City of Portage and its residents that this will be another project of which we will all be proud.

What follows are answers to the fifteen (15) required questions that must be submitted with a tentative plan for a planned development.

1. Our general purpose is to create a new community which provides medium to upscale new housing opportunities, a theme restaurant and conference center and a cottage office area. We are requesting a re-zoning from residential (R-1B) to planned development in order to accommodate the several different uses contemplated in this development; single family residential, restaurant and cottage office. We want to preserve the overall feeling of the historic farm home in the architecture and site planning of The Homestead. The historic farm home will be lovingly restored with the cooperation and craftsmanship of current owner and historic home restoration specialist Mick Lynch, and American Village Builders, into a beautiful upscale theme restaurant. The new housing alternatives in The Homestead will provide mid-priced and upscale housing in a comfortable planned development setting. The architecture will focus around a farm home theme and will compliment the existing historic farm home. As with Woodbridge Hills, this community will feature a linear trail system for the enjoyment of the homeowners of this community and the residents of Portage. We have had discussions with the City of Portage in regards to tying this trail system into the Northwest Portage Bikeway System which is anticipated to be located in the green space property owned by Consumers Energy. In addition, generous common open space has been provided for the enjoyment of the community residents.

2 & 3. The Homestead Planned Development will begin with the Stage 1 housing area on the southeast quadrant of the property. The first stage will be followed by an additional three stages of single family housing. The density of these four single family stages is 1.68 units per acre (94 units on 56.0 acres (including common open space)), comprises 45.1 acres and is 51.3 percent of the total planned development.

A second phase of the development is anticipated to be the development of the theme restaurant. The restaurant comprises 3.0 acres and 3.4 percent of the total planned development.

A third phase of the development is anticipated to be the cottage office area. The cottage office area comprises 14.6 acres and 16.6 percent of the total planned development.

The remaining land will be dedicated to common open space and green space. Common open space and green space, which includes 14.3 acres owned by Consumers Energy, comprises 25.2 acres and 28.7 percent of the total planned development. The land owned by our development group in fee, dedicated to common open space, is 10.9 acres and is 12.4% of the 88 acres or 14.8% of the total land owned in fee by our development group.

4. Time Schedule:	
Single Family Stage 1	October 2001 to November 2002
Single Family Stage 2	March 2002 to May 2003
Single Family Stage 3	October 2002 to November 2003
Single Family Stage 4	May 2003 to June 2004
Historic Home/Restaurant	June 2002 to December 2002
Cottage Office	June 2002 to June 2005

5. Each stage of this planned development may be constructed independently of the other stages. In fact, this is the purpose of this phased development process.

The Homestead meshes well with the existing development pattern in this area of Portage. To the east are finely constructed single family homes which will be complemented by our single family homes that cover the entire east portion of the development. The portion of The Homestead that is closest to US 131 has been reserved for cottage office to buffer the restaurant and single family housing to the east and the housing to the south. And, the historic theme restaurant provides a smooth transition from cottage office to single family housing on the northern half of The Homestead.

6. The Homestead will be located at the southeast corner of US 131 and Milham Avenue. The area to be re-zoned planned development is 88 acres. Of the 88 acres, 73.7 acres are currently owned by Mr. Mick Lynch, and the residential portion of this land as shown in our tentative plan is under contract to be purchased by American Village Development Company should our re-zoning request be approved. The remaining land, including the restaurant and cottage office areas, which are owned by Lynch, is expected to be developed in partnership between Lynch and American Village Development Company. The 14.3 acres owned in fee by Consumers Energy shall remain unchanged in ownership. The Consumers Energy property is

comprised of the two green space parcels which are 9.3 acres and 5.0 acres respectively. The 9.3 acre parcel runs along the west edge of the property and the 5.0 acre parcel bisects the property from east to west.

7. Land Use Density:
 Single Family Residential 45.1 Acres +/- 51.3%

<u>STAGE</u>	<u>HOMES</u>	<u>AVERAGE LOT</u>	<u>HOMES/ACRE</u>
Stage 1	24 homes	21,780 sq. ft. lots	1.8 homes/acre*
Stage 2	17 homes	21,780 sq. ft. lots	1.8 homes/acre*
Stage 3	30 homes	19,311 sq. ft. lots	2.2 homes/acre*
Stage 4	23 homes	18,181 sq. ft. lots	2.4 homes/acre*
Total	94 homes		2.1 homes/acre*

*density totals do not include open space, including open space (56.0 acres) reduces average density to 1.68 homes/acre

Common Open Space and Green Space	25.3 Acres +/-	28.7%
Restaurant & Cottage Office	17.6 Acres +/-	20.0%

Current R1-B zoning of 3.4 units/acre would allow 190 homes on the 56.0 acres dedicated in the planned development tentative plan to residential and open space. A plan showing how this land could be developed for single family development under its current zoning has been included for your reference. In The Homestead Planned Development, building set-backs planned for front yard at 30 feet, side yard at 10 feet and rear yard at 40 feet, comply with the current R-1B zoning criteria.

8. The 4.4 acre parcel, the 2.8 acre parcel and the 3.7 acre parcel labeled "common open space" will be owned and maintained by the Homestead Homeowners Association. These common open space areas will contain entry statements, landscaping, signage, linear walking trails, and natural preserve areas. These areas will be maintained as required by fees paid to the Homestead Homeowners Association at the direction of the board of directors. The 9.3 acre parcel and the 5.0 acre parcel labeled green space will continue to be owned in fee and maintained by Consumers Energy.

9. The only known buildings in the planned development will be single family homes, a historic home and restaurant, and future office buildings. The historic home will be restored and its height will not change from its current height. It may be necessary to enlarge the footprint of the historic home in order for it to accommodate its anticipated use. However, any addition would be consistent with the current architecture and would not exceed the current height of the home.

The cottage office area will contain buildings similar in architectural theme to the historic home. Most buildings are anticipated to be two (2) stories in height, and our present thinking is that these buildings will not exceed two (2) stories in height.

10. Disposition of sanitary and storm water has been discussed at length with City of Portage staff. Through these discussions, tentative agreements have been reached which will allow all areas of The Homestead to be served with sanitary service by the City of Portage sanitary collection system. These discussions have included the installation of a lift station on the west boundary of the cottage office area by the City of Portage. The Homestead will be responsible for its pro-rata share of the cost of this lift station when the Homestead connects to this lift station. Storm water for The Homestead will be collected and maintained on site. In addition, we have agreed to cooperate with the City of Portage by allowing for additional land area to be held in anticipation of storm water needs when the City widens Milham Avenue. This storm water collection area, fronting Milham Avenue may serve The Homestead as a decorative water feature at its northwest entrance.

11. Once this property is re-zoned, The Homestead residential property will be purchased by American Village Development Company. At this time, a set of covenants will be placed on the land restricting the use of this land. These covenants will control land use, home-site planning, landscaping and other issues essential to a successful planned development. Certain architectural issues will have to be approved by The Homestead Architectural Control Committee. This committee will ensure that the architectural development of The Homestead is consistent with the wishes of the developers. In addition, we plan to provide various easements as necessary to the City of Portage for sanitary sewer and linear trail system purposes.

12. The streets will be built to City of Portage specifications: 30 feet back of curb to back of curb with a 60 foot right-of-way. The streets will be dedicated to the City of Portage upon completion.

The Homestead Planned Development tentative plan also contemplates a possible future vehicular linkage to Westcove. The vehicular linkage to the historic theme restaurant will be via the Milham Road entry into the cottage office area.

The linear trail system for The Homestead will be maintained by the Homestead Homeowners Association on property owned by the Association. It is expected that this trail system will link to the Northwest Portage Bikeway, which is anticipated to be located in the property owned by Consumers Energy. However, this linkage is dependent on the success of the City of Portage in extending the current Northwest Portage Bikeway System.

13. Stage 1 of the single family housing will be accessed by the public from Hollow Wood. Stage one will also be served by a "construction/emergency ingress/egress drive" that will connect to Stage 1 from Milham. In this manner we will eliminate any construction traffic from Hollow Wood. Additionally, this drive will allow for emergency vehicle ingress and egress in the case of an emergency.

We are requesting that The Homestead be allowed an exemption to allow us to build the first 24 homes from the Hollow Wood access. This request is supported by the fact that development costs associated with extending the road all the way to Milham at the beginning of a development is prohibitively expensive. Additionally, an emergency/construction drive will be

available in case of an emergency. Prior to constructing beyond Stage 1, a second public road connection will be made from the North either via Westcove, or Milham or both.

We are also requesting that 4' sidewalks be required only on one side of each street as was successfully implemented at Woodbridge Hills. The 8' wide multi-purpose pathways throughout The Homestead will complement the sidewalks.

14. We expect to submit the last stage of our planned development for final approval by June, 2004.

15. American Village Development Company has an excellent credit rating and a number of different credit facilities. Performance bonds or bank letters of credit can be supplied as required by the City of Portage.

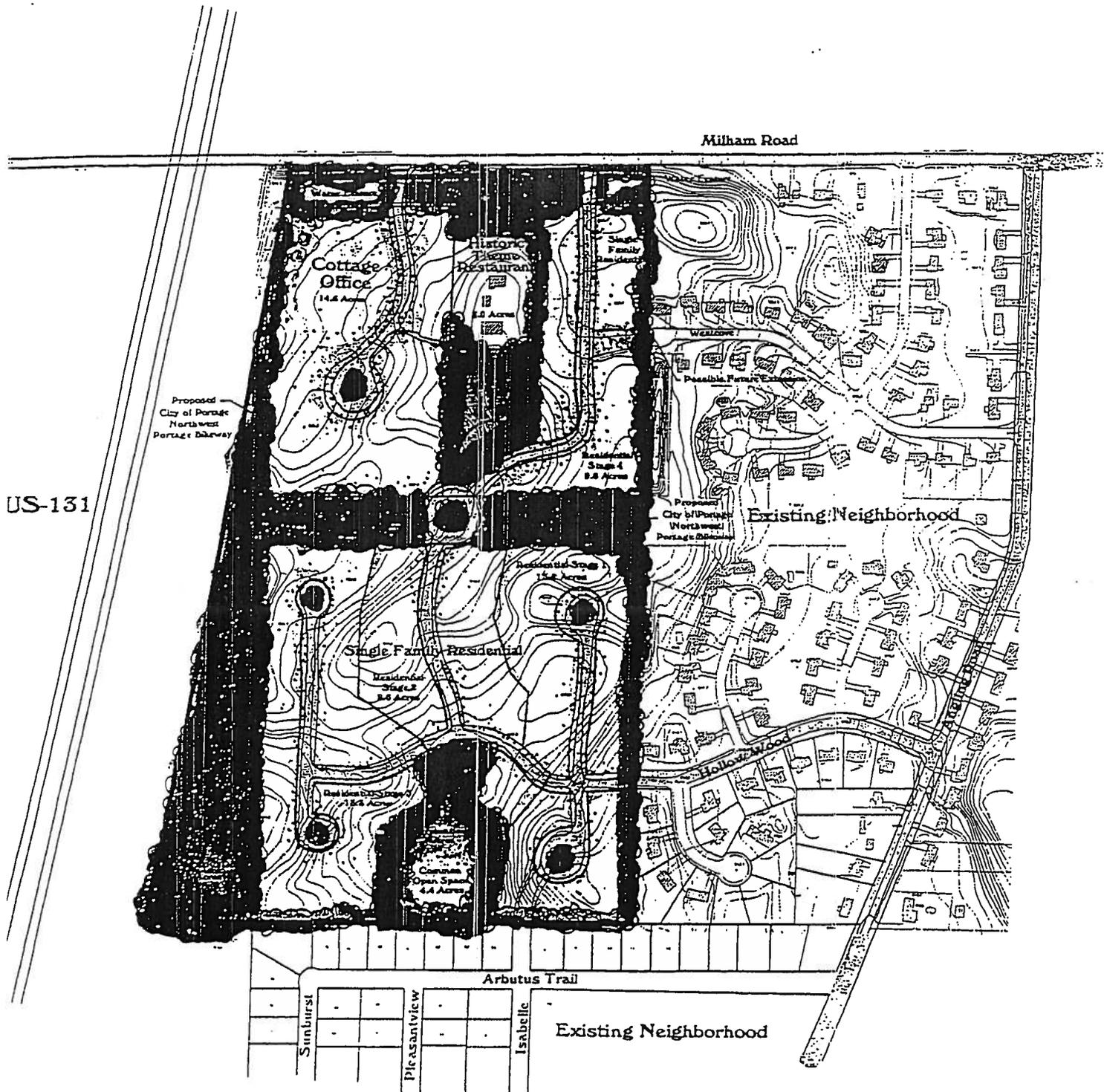
We appreciate your review of our tentative plan for The Homestead Planned Development. We look forward to the opportunity to work on another successful project within the City of Portage. Please contact me directly should you have any questions or concerns relative to our tentative plan at 329-4800.

Sincerely,
American Village Development Company



Greg Dobson

enclosure: Tentative Plan for The Homestead Planned Development



US-131

The Homestead of Portage

Scale: 1" = 500'-0"
 Date: May 8, 2001

North



Presented by: American Village Builders

The Homestead of Portage
2006 Approved Tentative Plan

July 13, 2006

City of Portage Planning Commission
C/O Mr. Jeffery M. Erickson, AICP
7900 South Westnedge Ave.
Portage, MI 49002

RECEIVED
JUL 13 2006
COMMUNITY DEVELOPMENT

RE: Submission of Tentative Plan Amendment for the Villas of Secret Gardens.

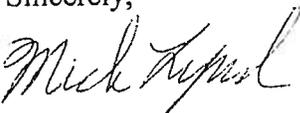
Dear Members of the Planning Commission:

We have worked in cooperation with city staff to revise the previously submitted plan.

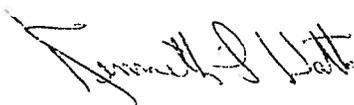
We believe this revised plan addresses all the issues and concerns that were raised at the previous meetings' with the details needed for approval.

We look forward to completion of this unique development.

Sincerely,



Mick Lynch



Kenneth Watts

1. To recap what has transpired to date: On June 7, 2001 the planning commission approved the current property from R-1B one-family residential to PD, planned development. The applicant was American Village Builders. AVB purchased approximately 55 acres and Patrick and Lisa Lynch retained the subject 22.54 acres. The total acreage is 88 acres; this portion of the current request is for the 22.54 acre portion retained by the Lynchs. The Stonehenge Group is buying 19.56 acres and Mick and Lisa Lynch are retaining 2.98 acres.

Stage 1 started in 2002 (24 homes)

Stage 2 started in 2005 (17 homes)

Stage 3 is still to be done (30 homes)

Stage 4 started in 2005 (23 homes)

Cottage office is included in this amendment application

Historic Home/Restaurant – To be determined

See attached plan dated May 8, 2001, which was part of the rezoning application by American Village Builders back in 2001.

Our general purpose is to create a new community that provides new upscale condominiums and a theme restaurant or office with the existing historical home under planned development zoning. Our objective is to develop a community that enhances and embraces the historical property as a centerpiece to the whole community as well as carry on the landscaping theme that has been established in the adjoining homestead development. Our intention is to create an exciting, beautiful entrance with a waterfall, bridge, fountain, ponds and the historical home as the focal point. We believe this provides a much better enhanced transition for the existing single-family homestead development, verses the previously proposed conference center and cottage offices, while at the same time filling a need for active adult luxury condo's. At this time there seems to be an abundance of office space available in Portage. Our proposed community would also lessen the traffic impact during peak time verses the previously proposed development.

2. For the condominium community please see attached plans. As for the remaining 2.98 acres, we will be restoring two of the existing buildings and removing the pole barn structure that is not in keeping with our theme. The 2.98 acres will have a shared entrance as shown on print with access to W. Milham Rd. to help minimize the need for an additional entrance and exit. Various potential restaurant and office tenants are being considered. For the proposed conceptual historical theme restaurant, which includes the existing home, connector and carriage house building total approximate square feet is between 4,000 – 5,000 square feet. Given the nature of these buildings the end usable restaurant space will be approximately 3,000 square feet.

- Please note that the Milham access has been changed to align with the future development to the North
- Adding 20' setback to the North line on Milham for a total of 50'

- Adding 15' setback to the Southeast corner for a total of 65'-0"
 - Adding more burming and stone walls along the East property line to protect the future owners (see attached details on pints and pictures)
 - Maintaining a single entry point verses the previously approved two separate drives (see previously approved attached prints)
 - Moving the previously approved parking that was approved on the East line to once again protect the future homeowners (see previously approved attached prints)
3. There will be two stages, one for the condominium community and one for the historical home restaurant/office.
 4. We would begin construction as soon as we receive all the necessary approvals and permits for the condominium community. The historical home renovation would start at the same time and estimated time for conversion to a historic theme restaurant or office to be started before the end of 2007.
 5. Each stage of this planned development will be constructed independently of the other stage. Each stage will be integrated with the adjoining community by using sidewalks and walking easements (see attached prints).
 6. The proposed community is located on the southeast corner of US-131 and W. Milham Rd. The total area involved is 22.54 acres and owned by Mick and Lisa Lynch, with 19.56 acres proposed for the luxury condominium community and currently under contract to be purchased by the Stonehenge Group, LLC. The remaining 2.98 acres will be retained by Mick and Lisa Lynch for a historic theme restaurant or office. As before mentioned we will be continuing the landscaping theme started in the adjoining Homestead development. We will be using stone retaining walls and adding many trees. Our intention is to preserve as many of the mature trees as possible, especially along US-131. We will also be adding berms and additional trees along the west property line (US-131) and along the eastern portion of the property. More specific landscaped design details have been provided to assure property owners along the east edge of our proposed development that their privacy and back yard view will be protected as shown in the attached plan. The entire east property line will be bounded by dense screening including a serpentine 6 foot high berm with dense spruce and pine trees 8' or taller planted on no more than 7' between the center line of trees. In addition a stone wall will be incorporated into the berm along its' east side facing the Homestead lots. The wall height will oscillate rhythmically with a length of 50 feet or greater behind each Homestead lot. The peak height will be 2.5 feet tapering to grade at each end (see additional details on attached drawing and photographs).
 7. In addition to being under the allowable density use we also have maintained a larger distance from US-131. There is a minimum of 50' from the US-131 right of way and a minimum of 50' along W. Milham Rd where we will add additional landscaping for screening. We have also adjusted our design to get as much

distance as possible away from the existing pump station to our buildings. (See attached plans).

8. As part of creating the condominium, a non-profit corporation for the condominium association will be established. Residents of the development will elect officers and trustees to oversee, decide and assess condominium owners for the maintenance of common and limited common areas within the development. Such areas include, driveways, streets, building exteriors, clubhouse, pool, open spaces and green spaces/lawns. The historical home and property will be maintained by its owners (see attached floor plans and photographs).
9. The uses would include the historical home as a theme restaurant or office, a clubhouse, and four unit buildings for residential living. None of the proposed buildings would exceed two stories in height. See attached prints for bulk and location.
10. The sanitary sewer will be discharged to the public sanitary sewer system constructed in 2004, which has capacity allocated in sufficient amount to serve this development. The municipal water and all private utilities will be installed underground. The storm sewer will be retained on site and disposed of via infiltration into the ground. We will have an easement along the Northwest portion of the project area (approximately 500' feet from West Milham South). This easement area is for the purpose of connecting to the Portage trail system (see prints). As mentioned we will have a beautiful entrance to enhance the historical home with three ponds, a waterfall, and fountain as indicated on the prints. We believe this will provide a very aesthetically pleasing view from W. Milham Rd and set the tone for entry into our luxury condominium community.
11. The condominium association will determine and enforce various rules for the development including, clubhouse and pool rules, pet restrictions, building exterior restrictions, and common area usage. Proposed community policies and guidelines are attached. Easements will be granted as necessary to provide utility and city services for the development.
12. Each dwelling unit will have a double garage and space in front of the garage for two additional cars to park, four spaces per dwelling unit total. The clubhouse will be provided with twelve parking spaces. The roadway will be a 28' wide mountable curb & gutter road centered in a 60' private right of way and the road will be private and maintained by the condo association. Public utility easements will mimic the 60' wide private road right of way for construction of public sanitary sewer and water. In reference to traffic, the typical usage will be 2 trips per day x 88 = 176 trips per day during off peak hours. This information supplied by a study done by Epcor of a similar typical community.
13. As per proposed in the attached prints we are installing sidewalks on one side of the street. Sidewalks are not required on both sides of a private street.

14. We expect to submit for the theme restaurant or office by the end of 2007.
15. We will provide performance bonds or irrevocable bank letter of credit as required.

We appreciate your review and consideration for the Villas of Secret Gardens. We look forward to bringing a beautiful new community to the City of Portage. Please contact me or Ken Watts if you have any questions or concerns relative to our tentative plan.

Mick Lynch 269-998-2722

Ken Watts 269-217-1123

Sincerely,

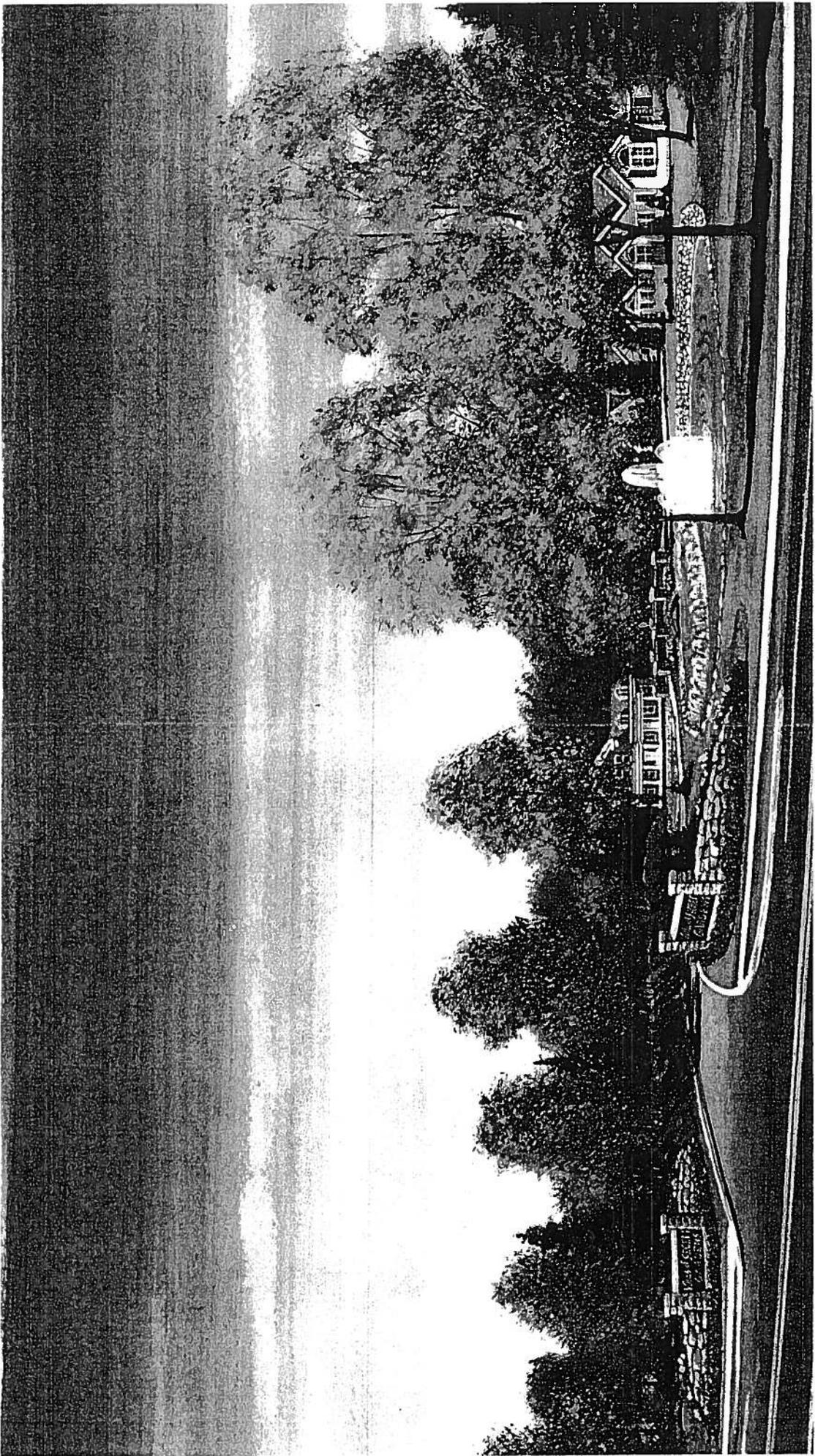


Mick Lynch

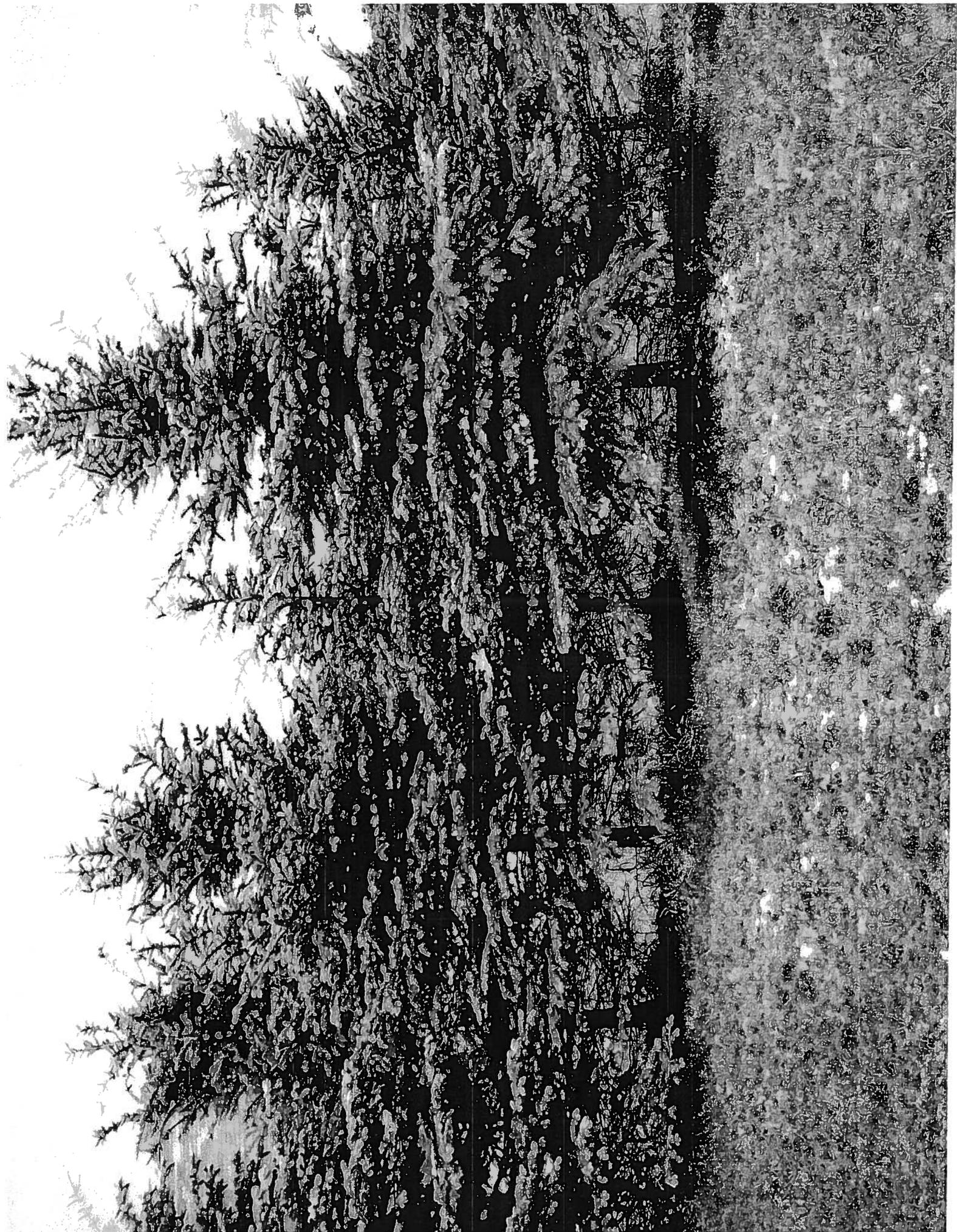


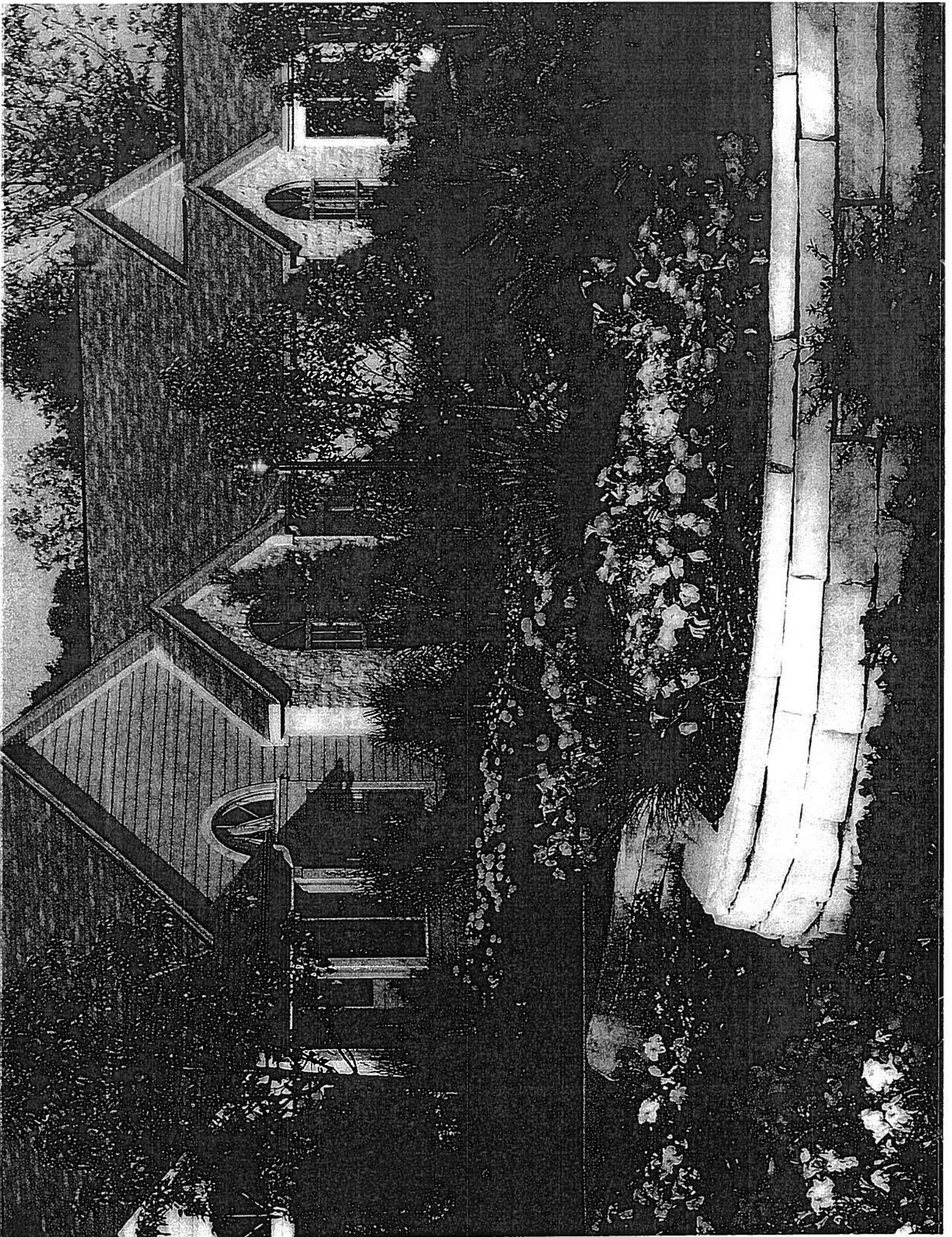
Ken Watts

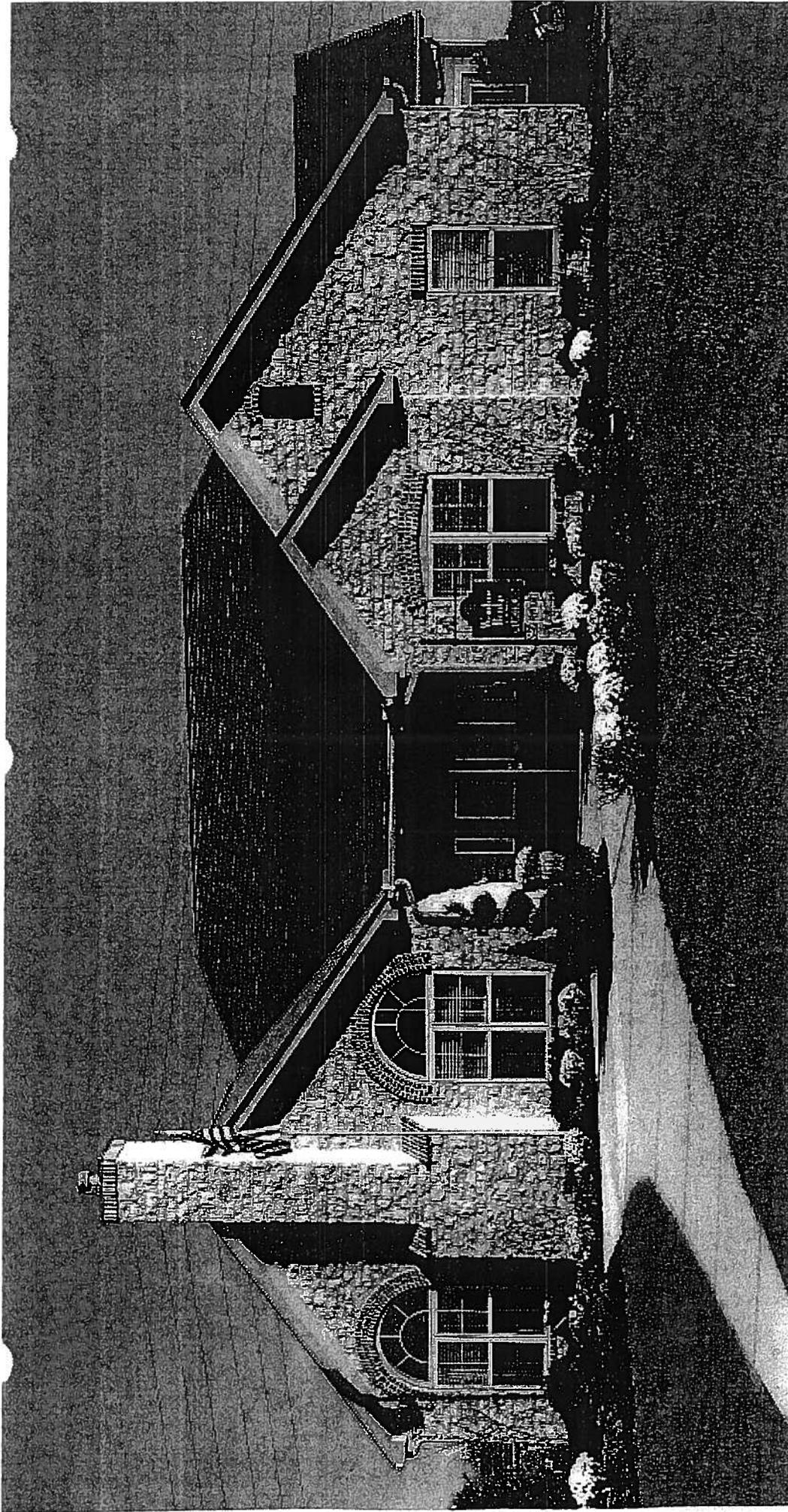
Enclosure: Tentative plan for the Villas of Secret Gardens Planned Development.



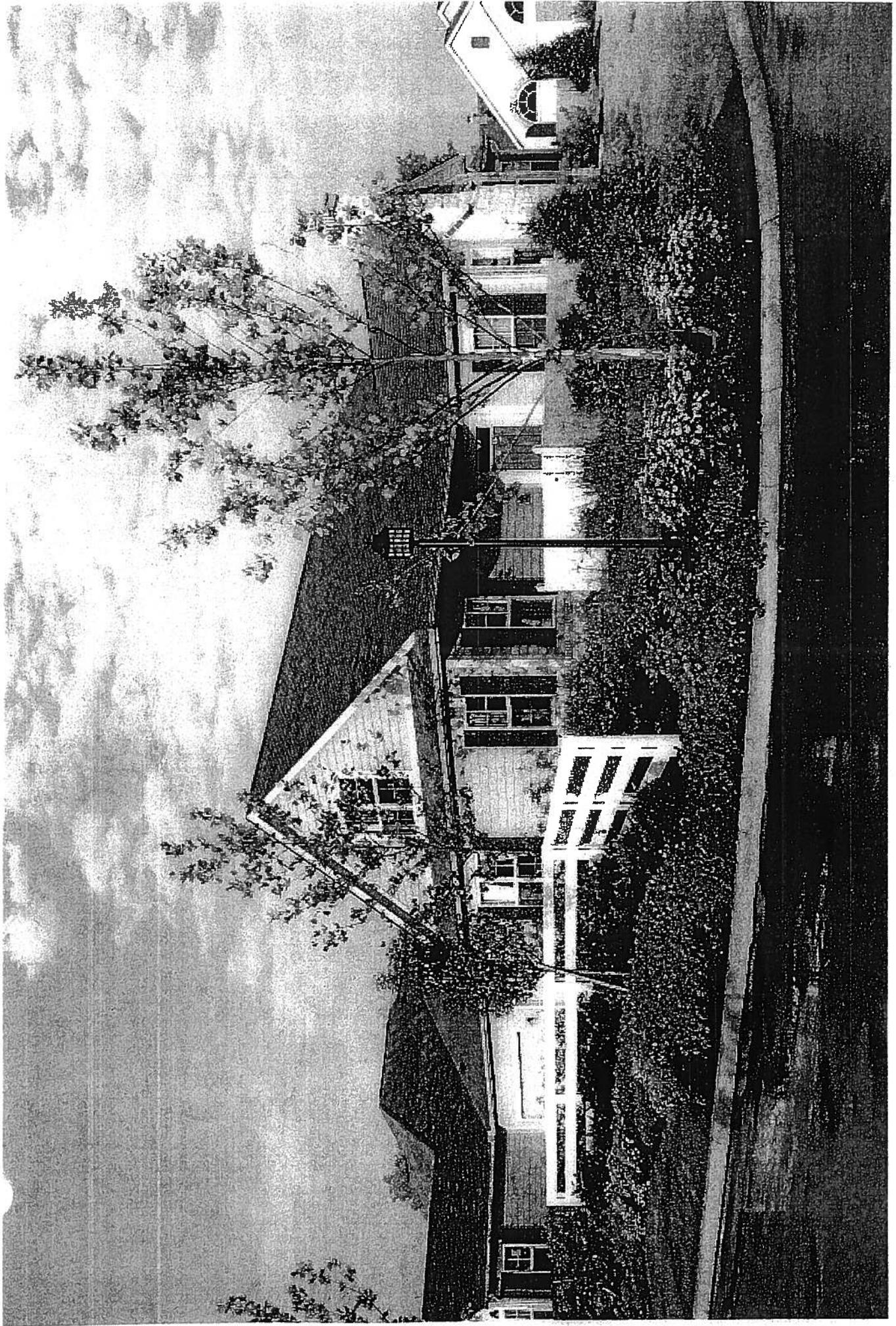








European Country Exterior – Clubhouse 09/13/04
©2004 Epmark, Inc. The designs shown here, as well as the entire development system, are the property of Epmark, Inc. and are subject to both copyright and patent protection.



European Country Exterior Classic Building 09/13/04
©2004 Epmark, Inc. The designs shown here, as well as the entire development system, are the property of Epmark, Inc. and are subject to both copyright and patent protection.

Community Policies and Guidelines

These guidelines have been set forth to expand and detail the information found in the Condominium Declaration and Bylaws under which the Villas ██████████ Condominium Association operates. All residents are asked to support these Guidelines in order that the community will be a more attractive and harmonious place to live.

I. Personal Property

All personal property, such as lawn chairs, bicycles, tables, etc., must be kept inside the patio or porch area or the garage. Personal property maintained within the patio area may not be visible above the patio fence, with the exception of patio table umbrellas.

Nothing may be hung or displayed, nor may signs, awnings, canopies, shutters, antennae or satellite dishes or any other device or ornament be affixed to or placed upon the exterior walls, doors, fences or roof without prior written approval of the Condominium Association Board of Trustees.

II. Decorative Items

Until such time as the Condominium Board of Trustees has been elected and minimum guidelines for decorative items are established, display of any of the following is not allowed:

- Wreaths (door or wall)
- Bird feeders or bird baths (tree-hanging or freestanding)
- Flower/plant pots
- Garden hose hangers
- Wall plaques
- Windsocks/wind chimes/decorative flags

A. Holiday Decorations

Christmas lights and decorations are permitted to be placed in the limited common areas and/or on building exteriors provided the decorations do not damage limited common area, building, gutters or siding. They may not be displayed before Thanksgiving Day, and must be removed by no later than January 7th of the following year. Other holiday decorations are permitted under the same guidelines, and may not be displayed more than one week before or one week after the holiday.

B. The American Flag

The American Flag may be flown or displayed at anytime following normal flag protocol.

III. Flowers/Landscape Plants

A. Flowers

Flowers may be planted inside the patio fence or directly outside the patio fence or screened porch in the existing mulched area. Flowers are not permitted around any tree. Only annuals that will not exceed the height of the patio fence shall be used. Maintenance of the flowers is the responsibility of the resident and dead annuals are to be removed at the end of the season. Annuals which are not maintained during the growing season will be removed by the grounds keepers and the cost for removal will be billed to the resident.

B. Landscape Plants

Any planting of new shrubs outside the patio area must receive advance approval. Variance request forms are available from the Sales Office.

1. Additional landscape plants, which may be considered, will be a species already in use in the community and which, at maturity, will not exceed the height of the patio fence.
2. Any new planting beds will be limited in size by the Board.
3. New beds must be mulched with matching hardwood.
4. New Plants will become the property of the Condominium Association, who will provide future mulching, pruning and fertilization. However, should any one of the plants die, the resident is responsible for replacement.

IV. Other Items

A. Prohibited Items

The following items will be strictly prohibited in any common area of the Community: any type of yard sign, statue, statuette, yard or lawn ornament, artificial flowers, ornamental rocks or stones, cypress mulch, swing sets, mounted hose reels, laundry poles or clotheslines, or other such items. Laundry may not be hung over any patio fence (swim suits, towels, rugs, etc., included).

V. Exterior Alterations

No alteration, additions, fences, walls, patios, decks, etc., may be made to the exterior surface of the building, nor may any trees or shrubs be planted, transplanted or removed without prior written approval of the Board.

A. Patio Gates

Patio gates may be installed at the resident's expense using only the approved design and specifications. Copies of the design and specifications are available at the Sales Office.

B. Storm Doors

Storm Doors may be added at the resident's expense using only the approved design and color. Specific information about approved storm doors may be obtained from the Sales Office.

VI. Windows and Window Coverings

All Window coverings, whether draperies, blinds (vertical or horizontal) or valances must be white, off-white, light beige or light gray on the *exterior side*.

VII. Signs

Nothing may be hung or displayed from inside the windows except professionally prepared "For Sale" and "For Rent" signs or security system decals, which shall be limited in size and number. Developer may place "sold" signs in unit windows prior to owner occupancy. No real estate signs are permitted in any common area.

VIII. Animals

A. No more than one household domestic pet, not bred or maintained for commercial purposes, may be kept in any one home. Pets shall be limited to dogs or cats. However, if an owner has more than one pet when he or she moves into the condominium; and, such pets comply with the requirements of the Declaration of Condominium, up to two (2) pets may be kept by the owner.

B. All animals, when outdoors, shall be maintained on a leash not more than eight (8) feet in length. They shall be supervised by a responsible individual at all times. Such individuals shall be responsible for the immediate clean up of all pet litter.

- C. No pet shall be tethered outside in the lawn or common area; nor shall any pet be tied to any patio fence.
- D. Pet owners may be fined for violation of these policies, at the rate of \$10.00 for the first offense and \$25.00 for each additional offense. If pets become a nuisance, they may be ejected at the discretion of the Board of Trustees.

IX. Parking/Vehicles

No boats, trailers, motor homes, trucks (larger than a ¾ ton pickup), travel trailers, or any vehicle with commercial advertising may be parked on any street or driveway overnight. Other vehicles used for recreation (van conversions/RVs) not garage-able, will be permitted to park in limited common area (in front of garage) for forty-eight (48) hours to allow for loading and unloading. Such vehicles must not exceed twenty (20) feet in length and must not block normal access of other residents. Commercial moving vans, when conducting contract business and commercial trucks when in the area to perform service or repair work are an authorized exception.

All parking by residents or guests *must be*: (a) within the garage, (b) in the limited common area in front of the garage door, (c) in the parking spaces at the Clubhouse area, or (d) on the side drive in such a manner so as not to block any other residents access to the garage or street. **PARKING IS PROHIBITED IN THE "TURN- AROUND" AREAS AT THE END OF THE DRIVEWAY.** No vehicle may be parked in the clubhouse parking areas for more than forty-eight (48) consecutive hours. Vehicles parked there for more than forty-eight (48) hours are subject to being towed.

Inoperable vehicles (with flat tires, expired license tags, etc.), or vehicles which cannot be identified as belonging to a resident, which are parked in any common or limited common area for more than 48 consecutive hours may be towed off the premises at the vehicle owner's expense. No repair work is permitted on vehicles in limited common or common areas except for short-term emergency work (flat tire, battery charge, etc.).

No vehicle shall be parked in any manner which blocks any street or driveway, or the ingress/egress to any garage other than the owners. The speed limit within the community is *14 mph*. Reckless operation, excessive speed, and parking or driving on the lawn areas is prohibited.

X. Swimming Pool

The pool is for the exclusive use of the residents and their guests. Any person who cannot be identified as a resident, or who is not accompanied by a resident, will be asked to leave the pool area. The pool rules are:

- A. All persons using the pool and pool facilities do so at their own risk and sole responsibility. There is no lifeguard.
- B. All children under the age of 18 must be accompanied by an adult resident age 18 or older.
- C. Guests are limited to three (3) per household, and *must be accompanied by a resident at all times*. Guests will be asked to leave if the resident is not present. Pool passes may be required.
- D. The following are *prohibited* in the pool area:
 - Animals or pets
 - Glass or other breakable items
 - Running, diving or disruptive behavior
 - Excessive noise, splashing or radios without headphones
 - Private pool parties
 - All rafts and body floats
 - Electrical Devices
- E. Swimming is permitted only in garments sold as swim wear. Infants must also wear swimsuits – *no diapers are permitted in the water*.
- F. Lounge chairs or tables may not be reserved and must be repositioned in the order intended (orderly fashion), after use.
- G. The pool will be open daily during swimming season until 10:00 p.m.
- H. Wet swimwear is not permitted in the Clubhouse lounge area.
- I. The gas grill is to be operated by adult residents only and cleaned up after use.

XI Community Center (Clubhouse)

The Community Center is for the private use of the residents. It is available for rental to residents only for non-profit parties or meetings. The following policy applies:

- A. A \$175.00 refundable deposit and a \$25.00 rental fee are required. Reservations are granted on a first request basis.
- B. Children and teenage parties are prohibited.
- C. The renting resident will have exclusive use of the party room *only*; the guests *may not* use the pool or exercise equipment, and the pool may not be reserved for any party. No party items will be furnished by the Association.
- D. The renting resident is responsible for *all* clean up and trash removal. Clean up must be done (completely) the day of the party.
- E. Damages to the community center or equipment and any follow-up cleaning done by the Association will be deducted from the deposit. If the deposit is an insufficient amount, the renting resident will be billed for the difference.

XII. Trash Collection

Trash collection regulations require that trash containers not be set out prior to 5:00 p.m. the day preceding collection and the containers must be picked up and put away by 9:00 p.m. the day of collection. Only trash containers with lids, or securely tied plastic bags are permitted for trash disposal.

All trash for collection must be set out at the main street, next to the curb at the end of the driveway. Trash containers, when not set out for collection, must be kept inside the garage. Residents will be responsible for clean up of trash spillage from the containers.

XIII. Solicitation and Garage Sales

Solicitation by commercial enterprises is not authorized within the community. In a like manner and due to restricted parking availability, garage sales and tag sales are specifically prohibited, unless approved by the Condominium Association as a planned activity.

XIV. Utilities

Residents are responsible for maintenance and payment of their own gas, electric, cable television, telephone, and for calling to initiate service on the date of possession. Water and sewage utilities are paid for by the Condominium Association.

XV. Condominium Sales

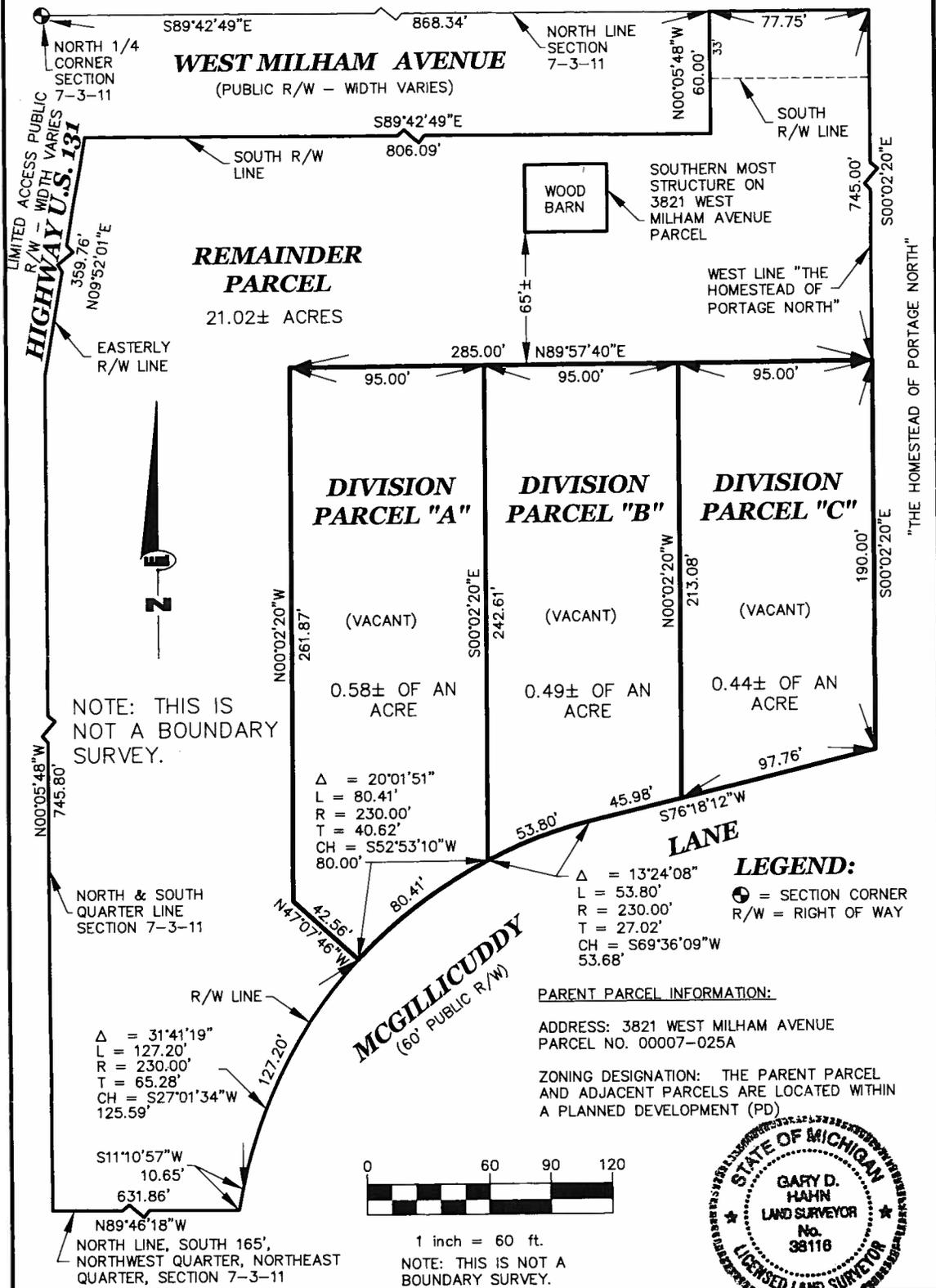
Any owner who sells his or her condominium is responsible for:

- A. Making certain the Association management company is aware of ownership changes at the time a closing date is established.
- B. Making certain all condominium dues are current.
- C. Making certain new owners receive the Condominium Declaration, Bylaws and Community Policies & Guidelines.

XVI. Amendments

These Policies and guidelines may be subject to change from time to time at the discretion, and by a majority vote of the Board of Trustees.

SKETCH OF DESCRIPTIONS IN THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN.



LEGAL DESCRIPTION OF DIVISION PARCEL "A":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 190.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 242.61 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 80.41 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 52° 53' 10" WEST 80.00 FEET; THENCE NORTH 47° 07' 46" WEST 42.56 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.58 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF DIVISION PARCEL "B":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 213.08 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76° 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 45.98 FEET; THENCE SOUTHWESTERLY 53.80 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 69° 36' 09" WEST 53.68 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 242.61 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.49 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF DIVISION PARCEL "C":

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON THE NORTH LINE OF SAID SECTION 7 A DISTANCE OF 946.09 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED: THENCE CONTINUING SOUTH 00° 02' 20" EAST ON SAID WEST LINE 190.00 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTH 76° 18' 12" WEST ON SAID NORTHERLY RIGHT OF WAY LINE 97.76 FEET; THENCE NORTH 00° 02' 20" WEST PARALLEL WITH SAID WEST LINE 213.08 FEET; THENCE NORTH 89° 57' 40" EAST PERPENDICULAR TO SAID WEST LINE 95.00 FEET TO THE POINT OF BEGINNING. CONTAINING 0.44 OF AN ACRE MORE OR LESS.

LEGAL DESCRIPTION OF THE REMAINDER PARCEL - 3821 WEST MILHAM AVENUE:

THAT PART OF THE NORTHEAST QUARTER OF FRACTIONAL SECTION 7, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT A POINT ON THE NORTH LINE OF SAID SECTION 7 THAT IS 868.34 FEET SOUTH 89° 42' 49" EAST OF THE NORTH QUARTER CORNER OF SAID SECTION 7; THENCE SOUTH 89° 42' 49" EAST ON SAID NORTH LINE 77.75 FEET TO THE WEST LINE OF "THE HOMESTEAD OF PORTAGE NORTH", ACCORDING TO THE PLAT THEREOF AS RECORDED IN LIBER 42 OF PLATS, PAGE 16, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 00° 02' 20" EAST ON SAID WEST LINE 745.00 FEET; THENCE SOUTH 89° 57' 40" WEST PERPENDICULAR TO SAID WEST LINE 285.00 FEET; THENCE SOUTH 00° 02' 20" EAST PARALLEL WITH SAID WEST LINE 261.87 FEET; THENCE SOUTH 47° 07' 46" EAST 42.56 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF MCGILLICUDDY LANE; THENCE SOUTHWESTERLY 127.20 FEET ON SAID NORTHERLY RIGHT OF WAY LINE AND ON A 230.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 27° 01' 34" WEST 125.59 FEET; THENCE SOUTH 11° 10' 57" WEST ON SAID RIGHT OF WAY LINE 10.65 FEET TO THE NORTH LINE OF THE SOUTH 165.00 FEET OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 7; THENCE NORTH 89° 46' 18" WEST ON SAID NORTH LINE 631.86 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 7; THENCE NORTH 00° 05' 48" WEST ON SAID QUARTER LINE 745.80 FEET TO THE EASTERLY RIGHT OF WAY LINE OF HIGHWAY U.S. 131; THENCE NORTH 09° 52' 01" EAST ON SAID EASTERLY RIGHT OF WAY LINE 359.76 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST MILHAM AVENUE; THENCE SOUTH 89° 42' 49" EAST ON SAID SOUTH RIGHT OF WAY LINE 806.09 FEET; THENCE NORTH 00° 05' 48" WEST PARALLEL WITH SAID QUARTER LINE 60.00 FEET TO THE POINT OF BEGINNING. CONTAINING 21.02 ACRES MORE OR LESS.

SUBJECT TO SURVEY.

SUBJECT TO ANY AND ALL EASEMENTS AND RESTRICTIONS OF RECORD, OR OTHERWISE.

SUBJECT TO THE RIGHTS OF THE PUBLIC AND OF ANY GOVERNMENTAL UNIT IN ANY PART THEREOF TAKEN, USED, OR DEEDED FOR STREET, ROAD, OR HIGHWAY PURPOSES (REMAINDER PARCEL ONLY).

SUBJECT TO ANY FACTS THAT MAY BE DISCLOSED IN A FULL AND ACCURATE TITLE SEARCH.

ASSUMED THE NORTH LINE OF SAID SECTION 7 TO BEAR SOUTH 89° 42' 49" EAST PER NOTICE OF COMMENCEMENT DOCUMENT NO. 2002-001008.

W WIGHTMAN & ASSOCIATES, INC.
ENGINEERING ♦ SURVEYING ♦ ARCHITECTURE
2303 PIPESTONE ROAD 9835 PORTAGE ROAD
BENTON HARBOR, MI 49022 PORTAGE, MI 49002
PHONE: (269) 927-0100 PHONE: (269) 327-3532
FAX: (269) 927-1300 FAX: (269) 327-7679
www.wightman-assoc.com

CLIENT: AMERICAN VILLAGE BUILDERS, INC.
JOB NO: (110352)
DATE: SEPTEMBER 28, 2011
SCALE:
DRAWN BY: GDH
CHECKED BY:


GARY D. HAHN

CITY OF PORTAGE KALAMAZOO COUNTY

SECTION 7 T 3 S R 11 W

A-110952

November 22, 2011

City of Portage
Portage Planning Commission
7900 South Westnedge
Portage, MI 49002

RECEIVED

NOV 23 2011

COMMUNITY DEVELOPMENT

Re: American Village Development II, LLC

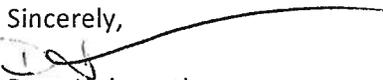
Dear Commissioners,

It is not uncommon for a developer to request an amendment of a "Planned Development" after the original plan is approved. The developer has done a great job with the development so far and I believe they should be required to stick to the original plan.

I realize you may have some negotiations with the developer, but under no circumstances do we believe it is acceptable to change to office use.

We appreciate your notification and consideration.

Sincerely,



Dave Holzwarth
3638 Arbutus Trail
Portage, MI 49024

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – December 12, 2011

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

MEMBERS PRESENT: Mariana Singer, Daniel Douglas Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, David Felicijan, and Jeffrey Bright.

MEMBERS EXCUSED: Lowell Seyburn

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

APPROVAL OF THE MINUTES: Felicijan moved and Singer seconded a motion to approve the November 14, 2011 minutes with one correction. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA #11-12, 3250 West Centre Avenue. Staff summarized the request for a) a variance to permit two non-accessory (off-premise) directional signs on 3200 West Centre Avenue; and b) a 34 square-foot variance to permit an 84 square-foot freestanding sign where a maximum 50 square-foot sign is permitted. Tom King, was present on behalf of the applicant. Mr. King stated that concerning the freestanding sign request, the variance should be granted because the property is unique along West Centre Avenue, as the site is several feet below the adjacent street grade which makes it difficult to see and that trees block visibility for west bound traffic. Mr. King added the request also represented a reduction in the degree of nonconformity, as the existing freestanding sign measured 140 square feet in area when the masonry support structure was taken into account. Mr. King said he differed with staff on two points: the applicant felt a larger sign would improve readability for westbound traffic, and secondly felt that moving the sign closer to the road would not improve sign visibility. Linenger inquired if the applicant had considered reducing the size of one or both freestanding sign panels. Mr. King responded corporate wanted each branch to have uniform signage, and that a different sized sign would have to be custom made. Felicijan stated he struggled with a practical difficulty and did not think that even a 100 square foot sign would be more readable as long as the obstructing trees remained. Singer stated she did not see why the applicant could not have a conforming sign, as the previous occupant, Prudential, had one and were readily identifiable. Bunch requested clarification whether the old sign was in fact larger than the proposed sign. Staff stated the code exempted the support structure from the sign area calculations, and while the old sign had a larger support structure the sign itself was smaller than the proposed sign. Rhodus inquired if a traffic light was going to be installed at the intersection of Cooley and West Centre. Staff responded they did not know. Rhodus inquired if the applicant was going to have multiple tenants. Mr. King said possibly.

A public hearing was opened. No one was present to speak for or against the request. The public hearing was closed.

A motion was made by Singer, supported by Schimmel to grant a) a variance to permit two non-accessory (off-premise) directional signs on 3200 West Centre Avenue for the following reasons: there are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include no direct access to West Centre Avenue; the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify the bank at the West Centre Avenue access; the immediate difficulty causing the need for the variance request was not created by the applicant; the variance

will not be detrimental to adjacent property and the surrounding neighborhood, and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and the findings of the Board, and action of the Board shall be final and effective immediately. Upon roll call vote: Schimmel–Yes, Singer–Yes, Linenger–Yes, Bunch-Yes, Rhodus-Yes, Bright-Yes, Felicijan-Yes. The motion carried 7-0.

A motion was made by Felicijan, supported by Bunch, to deny b) a 34 square-foot variance to permit an 84 square-foot freestanding sign where a maximum 50 square-foot sign is permitted, for the following reasons: there are no exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district; the variance is not necessary for the preservation and enjoyment of a substantial property right similar to that possessed by other properties in the same zoning district, because there are conforming alternatives available such as erecting a conforming sign and removing the vegetation or seeking a setback variance; the immediate practical difficulty causing the need for the variance request was created by the applicant; the variance would materially impair the intent and purpose of the zoning ordinance. In addition, the application and related materials, staff report and all discussion and additional materials presented at this hearing shall be incorporated into the record of this hearing and the findings of the Board, and action of the Board shall be final and effective immediately. Upon roll call vote: Schimmel–Yes, Singer–Yes, Linenger–Yes, Bunch-Yes, Rhodus-Yes, Bright-No, Felicijan-Yes. The motion carried 6-1.

ZBA #11-13, 6295 and 6355 South Westnedge Avenue. Staff summarized the request for a 30-foot variance to allow construction of an enclosed loading dock 45 feet from the rear (east) property line where a 75-foot minimum rear setback is required. Edward Wade stated Dick's Sporting Goods would be occupying the southern portion of the building at 6355 South Westnedge and the new tenant needed their own loading dock which is proposed on the east (back) side of the building. Mr. Wade stated they were mindful of the neighboring apartment complex to the east and proposed to place screening vegetation along the east property line in addition to entirely enclosing the proposed loading dock. Linenger inquired if they had considered placing the loading dock on the south side of the building. Mr. Wade stated that because they were redesigning the entire site in compliance with current code and adding landscaping islands they had to move additional parking to the south. Felicijan inquired what kind of screening vegetation was proposed. Mr. Wade stated another architecture firm is handling the landscape design and he did not know the specifics.

A public hearing was opened. A letter from Edward Rose and Sons, 6101 Newport Road was read. The public hearing was closed.

A motion was made by Felicijan, seconded by Singer to grant a 30-foot variance to allow construction of an enclosed loading dock 45 feet from the rear (east) property line where a 75-foot minimum rear setback is required, conditioned upon conflicting land use screening being installed along the east property line, for the following reasons: the variance is necessary for the preservation and enjoyment of a substantial property right, the right to multiple tenants, which is similar to that possessed by other properties in the same zoning district and vicinity; 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 related materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated into the record of this hearing and the findings of the

Board, and that action of the Board shall be final and effective immediately. Upon roll call vote: Bunch-Yes, Rhodus-Yes, Schimmel-Yes, Felicijan-Yes, Linenger-Yes, Singer-Yes, Bright-Yes, the motion carried 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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

At the request of Mayor Strazdas, Pastor John Moore of the Pathfinder Church gave the invocation. He also complimented the City on the holiday decorations. The City Council and the audience recited the Pledge of Allegiance.

The Deputy City Clerk called the roll with the following members present: Councilmembers Elizabeth A. Campbell, James D. Pearson, Patricia M. Randall, Edward J. Sackley, Terry R. Urban and Mayor Pro Tem Claudette S. Reid and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and Deputy City Clerk Adam Herringa.

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the December 6, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0. Councilmember Randall abstained.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Sackley to read the Consent Agenda. Councilmember Urban asked that Item F.4, Height Modification for Dick's Sporting Goods, be removed from the Consent Agenda. Mayor Strazdas asked that Item F. 6, 2011 Portage Community Survey Results, be removed from the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 20, 2011:** Motion by Sackley, seconded by Reid, to approve the Accounts Payable Register of December 20, 2011. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARINGS:

REZONING APPLICATION 11-01: Mayor Strazdas invited Vicki Georgeau, Director of Community Development, to review the rezoning request. Director Georgeau provided an overview of the history of parcel, current circumstances and the nature of the request. She explained that the current property owner is optimistic that the demand for office space at 1901 Romence Road Parkway will increase and that there may be a need to expand the parking lot into the area in question. She explained that such expansion would not be permitted under the current R-1B designation, that I-2 would allow this use but that the Planning Commission is planning conduct a corridor study of this area and may ultimately recommend an Office, Technology and Research (OTR) designation which would be consistent with the Comprehensive Master Plan and still allow the property owner to utilize the parcel as they intend.

Councilmember Urban expressed concern of rezoning the property to I-2 (Heavy Industry) as this may allow for development that would not be appropriate in this particular area. Director Georgeau explained that the only immediate plan is for a possible parking lot expansion but that members of the Planning Commission shared his concern and that they planned to take a second look at the issue.

Mayor Strazdas expressed interest in keeping the zoning in this area specific to research development and technology, not a high intensity industrial land use and was curious why, instead of I-2, City Council was not being asked to rezone the whole piece of property to OTR. Director Georgeau explained that this rezoning was to promote consistency and to address an "island" R-1B zoning designation surrounded by I-2. The Mayor also asked if it was typical to have these two zoning designations adjacent to each other and what remedies can be afforded to nearby residents should an industrial development take place. Director Georgeau explained that it is atypical to have these two zoning designations next to each other. She also explained that conditions are in place and could be added to help buffer the impact on nearby property owners should an industrial type development occur.

Mayor Pro Tem Reid inquired if there was a reason for the rush to an I-2 designation and what the consequences would be should City Council refer the matter back to Administration and the Planning Commission to request an OTR designation. Director Georgeau explained the necessary steps to accomplish this designation and that the time period would be between 90 and 120 days.

Councilmember Sackley inquired as to the history of the various zoning designations of the property and inquired if the property owner could utilize the parcel in question that has the R-1B designation. Ms. Georgeau explained the history of the property and that the developer could not truly utilize the parcel in question given its current zoning designation.

Councilmember Pearson disclosed that he was on the Planning Commission in October and voted in support when this matter was brought forward to them for review. He indicated that some residents came forward to express concern but seemed to be satisfied from the response of Administration which explained the rezoning and plans of the developer.

Councilmember Urban stated that it is his understanding that the Planning Commission will be reviewing this corridor in terms of its zoning. Director Georgeau responded in the affirmative.

Donald Shoemaker of Franklin Partners and member of 1901 Romence, LLC, explained that the company he is with buys and renovates underutilized buildings and cited some examples of their work. He then provided an overview of the current status of the development of 1901 Romence and outlined possible future plans including a continued expansion of Stryker. He also explained some stipulations of the lease with Stryker including that manufacturing is not permitted. Mr. Shoemaker indicated that he simply wants the property ready-to-go should the need arise and that the current R-1B designation is a hindrance to this. He then explained that while another 90 to 120 days may not seem like much it really is significant given the development that has gone on, the taxes that have been paid and that he needs the flexibility to facilitate further development as quickly as possible.

Mayor Strazdas thanked the applicant and Stryker for their redevelopment effort. He also stated that the City may rezone this entire parcel to OTR and the applicant indicated that the OTR designation would be acceptable. Mayor Strazdas then summarized that, in order to allow the applicant to continue development at this time, some action by the City Council is needed at the meeting tonight. Mr. Shoemaker explained the need to be ready and that he was optimistic that Stryker would be looking to expand in the very near future.

Councilmember Randall spoke in full support of the rezoning request and stated that this is exactly the type of redevelopment that is needed.

Mr. Shoemaker complimented the City in supporting their efforts to develop this property as well as the efforts of Southwest Michigan First. He concluded by stating that this was a great community in which to do business.

Mayor Strazdas opened the public hearing. There being no comments, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Attorney Brown offered that there is no conflict that he is aware of in Councilmember Pearson having served on the Planning Commission when this matter was addressed and voting on the matter now as a member of City Council.

Motion by Campbell, seconded by Sackley, to approve Rezoning Application #11-01 and rezone the 1.3 acre portion of 1901 Romence Road Parkway from R-1B, one family residential to I-2, heavy industry.

Councilmember Reid stated that she would like to see increased consistency in the zoning code and recognizes the need of the applicant. She would like to see the Planning Commission address this matter with a focus on promoting consistency.

Councilmember Sackley stated that he did not believe the City Council should have had to address this matter given the length of time the parcel has been zoned I-2. He opined that businesses are looking for predictability and consistency and that this matter of the R-1B designation should have been addressed long before now. He questioned the fairness of collecting taxes from someone who owns a parcel like this that cannot be used and expressed a desire that a review be completed to identify instances similar to this one so that they can be corrected administratively and not by request of an applicant.

Mayor Strazdas called the question. Upon a roll call vote, motion carried 7 – 0.

Mayor Strazdas requested that City Staff and the Planning Commission review the Future Land Use Plan and asked Director Georgeau if she understood the desire of City Council to conduct a review of the matters discussed this evening with special attention being paid to the OTR vs. I-2 designation of this particular property. Director Georgeau responded that both she and the Planning Commission were “in sync” with City Council and were already taking steps to further review this particular situation and conduct a broader review of zoning designations as part of the upcoming Comprehensive Plan update. Ordinance recorded on page 215 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **VACATION OF PORTIONS OF WEST FORK CROSSING & TRADE CENTRE WAY, EASEMENT FOR INSTALLATION OF STORM DRAINAGE IMPROVEMENTS AND A CONTRACT AMENDMENT FOR ADDITIONAL SURVEY SERVICES:** Motion by Sackley, seconded by Reid, to adopt a resolution setting a public hearing on the vacation of a portion of West Fork Crossing and a portion of Trade Centre Way, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; adopt a resolution to grant an easement to the Michigan Department of Transportation on city-owned property for the installation of storm drainage improvements, place the resolution on file with the City Clerk for 28 days and take final action on January 24, 2012; and approve a contract amendment to Prein & Newhof, Incorporated, in the amount of \$26,000 to perform final survey services related to the conveyance of Michigan Department of Transportation right-of-way to the City; and authorize the City Manager to execute all documents related to the above on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 301 and 307 of Resolution Book No. 44.

* **2012-2013 COUNCIL MISSION STATEMENT & GOALS AND OBJECTIVES:** Motion by Sackley, seconded by Reid, to approve the Resolution adopting the 2012-2013 Council Mission Statement and Goals and Objectives for the City of Portage as established at the City Council Goal Setting Session on December 9, 2011. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 313 of City of Portage Resolution Book No. 44.

* **2012 PROPOSED FEE SCHEDULES:** Motion by Sackley, seconded by Reid, to adopt the Proposed 2012 Charges for Documents fee schedule; the recommended fee schedules for recreation programs and park facilities for 2012; the Resolution for Community Development Fees and the 2012 Special Assessment Rate Resolution. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 319 and 323 of City of Portage Resolution Book No. 44.

HEIGHT MODIFICATION FOR DICK’S SPORTING GOODS: Councilmember Urban stated that he removed this from the Consent Agenda because he wanted City Council to have the opportunity to discuss the matter. He noted that the height modification being requested is significant and that, given his negative experience with the results of some other approved height modification requests, he has reservations about approving this one. He indicated that he understands that the sign is part of the signature of Dick’s Sporting Goods, but that Dick’s seems to be simply asking for authorization to put up a large sign holder that is twice as high as the rest of the building.

Mayor Strazdas stated that, in his opinion, these types of modification requests are about balance and that, given the distance Dick’s will be from South Westnedge, he felt that the larger sign is appropriate.

Councilmember Pearson indicated that, like the Mayor and Councilmember Urban, he dealt with sign issues as chair of the Zoning Board of Appeals. He indicated his support of the modification especially given the distance from the storefront to South Westnedge.

Councilmember Sackley emphasized that the height modification request is not counter to prevailing law and that the City must be able to be responsive to the needs of the both residents and the business community.

Mayor Pro Tem Reid questioned the businesses that have been constructed in front of Dick's and other similar businesses that are set back a substantial distance from South Westnedge as it relates to signage.

Director Georgeau explained that the placement of businesses on outlots is a trend and reviewed the permitted sign sizes and how sign size is calculated. She also explained that signs such as the proposed one for Dick's help to attract customers by breaking up the relief of the building and generating architectural interest. Discussion followed.

Attorney Brown explained that height modification requests have nothing to do with the sign itself. Rather, such requests should be considered by examining the proposed feature and determining whether there are adverse impacts on the surrounding area.

Councilmember Randall expressed excitement that a national retailer is planning to locate at a vacant property along South Westnedge. She also indicated that perhaps the City Council Ad Hoc Sign Committee could look at ways to ease or modify some sign restrictions.

Councilmember Urban indicated that Portage is not close to the most restrictive when it comes to sign requirements in Kalamazoo County, but he would like to look at building modifications that are tantamount to simple sign holders.

Motion by Sackley, seconded by Campbell, to approve the height modification for Dick's Sporting Goods, 6355 South Westnedge Avenue, to allow construction of an architectural entry feature along the west side of the building to a height of 43.5 feet. Upon a roll call vote, motion carried 7 to 0.

* **DATES AND TIMES FOR 2012 MARCH BOARD OF REVIEW SESSIONS:** Motion by Sackley, seconded by Reid, to adopt the Resolution setting the dates and times for the 2012 March Board of Review sessions. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 327 of City of Portage Resolution Book No. 44.

2011 PORTAGE COMMUNITY SURVEY RESULTS: Mayor Strazdas asked Deputy City Manager Brian Bowling to provide a brief report on the results of the 2011 Portage Community Survey. Deputy City Manager Bowling informed City Council that this was the 25th community survey and that these surveys have proven to be a useful tool in providing both policy and budgetary guidance. Mr. Bowling stated that the results of the survey are consistent with past surveys and that service delivery and quality have been maintained over time and that the survey results are encouraging. Mr. Bowling then highlighted various statistical results including such topics as snow removal, parks, trails, traffic, interactions with employees, the *Portager* newsletter and whether respondents felt as though they were receiving good services for their tax dollars. Mr. Bowling also highlighted the responses to two new questions that were placed on the survey. The first question was whether, given tight budgetary circumstances, the community would prefer to reduce services and maintain existing tax levels or to maintain services but raise taxes to do it. Of those who answered the question, 53% of respondents indicated a preference to reduce services and maintain current tax levels while 47% would prefer to maintain services and raise taxes. Mr. Bowling indicated that it would be tough to draw a definitive conclusion as to how to proceed based on this split response. The other question he highlighted was related to intergovernmental cooperation. Mr. Bowling concluded his report that the results of the survey indicate that the City has a well defined understanding of the issues important to the community and that City Council is on the right path in both its budget and service delivery decisions.

Mayor Strazdas thanked those citizens who responded to the survey and implored City Council to keep up the good work. He then stated that he had thought there would be a greater divide on the question of whether to raise taxes but that there was no strong conclusion in either direction.

Motion by Urban, seconded by Reid, to accept the results of the 2011 Portage Community Survey

conducted by the Kercher Center for Social Research at Western Michigan University. Upon a voice vote, motion carried 7 to 0.

* **POLLING PLACES AND RATES OF COMPENSATION FOR 2012 PRESIDENTIAL PRIMARY:** Motion by Sackley, seconded by Reid, to adopt the Resolution Designating Polling Places and Rate of Compensation for the February 28, 2012 Presidential Primary. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 329 of City of Portage Resolution Book No. 44.

* **SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Sackley, seconded by Reid, to receive the November 2011 Summary Environmental Activity Report as Information Only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENTAL MONTHLY REPORTS:** Motion by Sackley, seconded by Reid, to receive the monthly reports from the various departments. Upon a roll call vote, motion carried 7 to 0.

* **2012 APPOINTMENTS TO CITY COUNCIL COMMITTEES:** Added to the Consent Agenda by Councilmember Sackley per the request of Mayor Strazdas. Motion by Sackley, seconded by Reid, to approve the appointments to the 2012 City Council Committees. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

COMMUNICATIONS REGARDING CONSOLIDATED DISPATCH: City Manager Evans shared that there are six governmental entities that have signed off on moving this project forward and that these entities are recommending putting out a request for proposals (RFP) to develop a business plan. Mr. Evans then reviewed the various components of the business plan and the timeline for issuance of the RFP and development of the plan. Once a plan is in place and all parties agree, then the dispatch authority can be created. Mayor Strazdas expressed optimism that the approach of creating a plan, determining costs and then creating an authority will be more successful than past efforts which took the opposite approach. Mayor Strazdas summarized that the initial step being considered is to get an RFP out and see, based on the results, if the various participating governmental units would like to continue.

Councilmember Sackley questioned the allocation of cost and who all is part of this process. City Manager Evans explained that all Kalamazoo County jurisdictions that have their own Public Safety Answering Points (PSAPs) have been included but that the various townships are being asked to get involved as well. However, with regard to cost, Mr. Evans pointed out that it will be determined based on the 2010 census and number of residents in each participating jurisdiction. Kalamazoo County will pick up the costs of the townships following the contribution of the City of Portage, City of Kalamazoo, Kalamazoo Township and Western Michigan University. Discussion followed.

Mayor Strazdas pointed out that City Council is not making a final decision on whether to consolidate dispatch; rather it is deciding whether to issue an RFP for the development of a business plan.

Motion by Urban, seconded by Sackley, to accept the recommendation of the City Manager and support the issuance of a Request for Proposals for development of a business plan for a consolidated dispatch authority funded through a cost sharing arrangement between prospective authority participants on a basis of jurisdictional population. Upon a roll call vote, motion carried 7 to 0.

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

1. Portage Construction Board of Appeals of April 12, 2010.
2. Portage Youth Advisory Committee of October 17, 2011.
3. Portage Park Board of November 2, 2011.
4. Portage Historic District Commission of November 2, 2011.
5. Kalamazoo County Board of Commissioners Regular and Committee of the Whole of November 15, 2011.
6. Portage Board of Education Special and Regular of November 21 and Special of November 29, 2011.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL: Councilmember Campbell wished everyone a happy holiday season and encouraged shoppers to be patient on Westnedge Avenue.

Councilmember Sackley encouraged people to shop locally.

Councilmember Urban noted that the traditional bottleneck on Westnedge Avenue at I-94 is gone and how much easier it is to get through that intersection now that the construction project is complete.

Councilmember Randall wished everyone happy holidays and a healthy 2012.

Councilmember Pearson informed that he had an opportunity to volunteer for the Salvation Army at a Red Kettle located at Sam's Club. He expressed enjoyment for the ability to work with Portage students who also gave of their time and gratitude for the shoppers who were very spontaneous and generous.

Mayor Pro Tem Reid mentioned that City Council approved a number of fees as part of the Consent Agenda and that while a few fees increased, most stayed the same and some were decreased. She also indicated that a City Council task force will be looking at fees in the near future. She expressed surprise at the split response to the community survey question regarding whether to cut services or raise taxes. She expressed that there is a third option which is to grow the economy and increase the tax base so that services do not need to be cut or taxes increased. She expressed that City Council, as evidenced by action taken earlier in the meeting, is committed to growing the economy.

Mayor Strazdas also encouraged people to shop locally and informed that he has had the opportunity to speak with business owners and that several businesses have indicated this has been a very good holiday season. He concluded by expressing the importance of family during the holiday season, especially in this community.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:09 p.m.



Adam Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.