

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

December 1, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

December 1, 2011

(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

SITE/FINAL PLANS:

PUBLIC HEARINGS:

- * 1. Height Modification: Dicks Sporting Goods, 6355 South Westnedge Avenue
- * 2. Preliminary Report: Tentative Plan Amendment (The Homestead), 3821 West Milham Avenue

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

November 1, 2011 City Council meeting minutes

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

TO: Planning Commission **DATE:** November 23, 2011
FROM: Vicki Georgeau,  Director of Community Development
SUBJECT: Height Modification: Dick's Sporting Goods, 6355 South Westnedge Avenue

I. INTRODUCTION:

An application has been submitted by Dick's Sporting Goods to construct an architectural entry feature along the west side of the existing building located at 6355 South Westnedge Avenue to a height of 43.5 feet as shown on the attached drawing. The height modification is being requested as part of an overall plan to redevelop the former Kmart building which has been vacant since 2009. The existing building is 85,510 square feet in area and Dick's Sporting Goods will occupy the south 51,110 square feet. The remaining 34,400 square feet of the former Kmart building and a vacant 30,840 square foot tenant space to the north are actively being marketed. The development plan also includes a future building located near South Westnedge Avenue (approximately 6,000 square feet) and parking lot improvements including new landscaping.

Redevelopment of the former Kmart shopping center is very good news for the community given the current economic climate. The building is aging and has been subject to code enforcement efforts related to vandalism and forced entry. It is also good news that Dick's Sporting Goods has decided to locate their only store in this market in the City of Portage and along the South Westnedge Avenue commercial corridor.

II. ZONING CODE REQUIREMENTS:

The building is located within the B-2, community business zoning district. Section 42-350(B)(6) of the Land Development Regulations establishes a building height standard of 35-feet in the B-2 district, which can be increased after Planning Commission review/recommendation and with City Council approval. In considering building height modifications, the Commission/Council "*...shall require that all yards shall be at least equal in their depth to the height of the structure.*" Furthermore, the Commission/Council must determine that the "*...topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses.*"

III. ANALYSIS:

The site is bordered to the south (across Gladys Street), west (across South Westnedge Avenue) and north by various commercial land uses zoned B-1, local business, B-2, community business and B-3, general business. To the east, the site is bordered by multiple-family residential land uses zoned RM-1, multiple family residential. While the project proposes to construct an architectural entry feature along the west side of the existing building to a height of 43.5 feet, the project area involves only 800 square feet (less than 1% of the total building footprint) of the former Kmart building.

Furthermore, this portion of the proposed Dick's Sporting Goods building will be located approximately:

- 600-feet from South Westnedge Avenue;
- 200-feet from Gladys Street; and
- 280-feet from the east property line and 380-feet from the nearest multiple family residential dwelling.

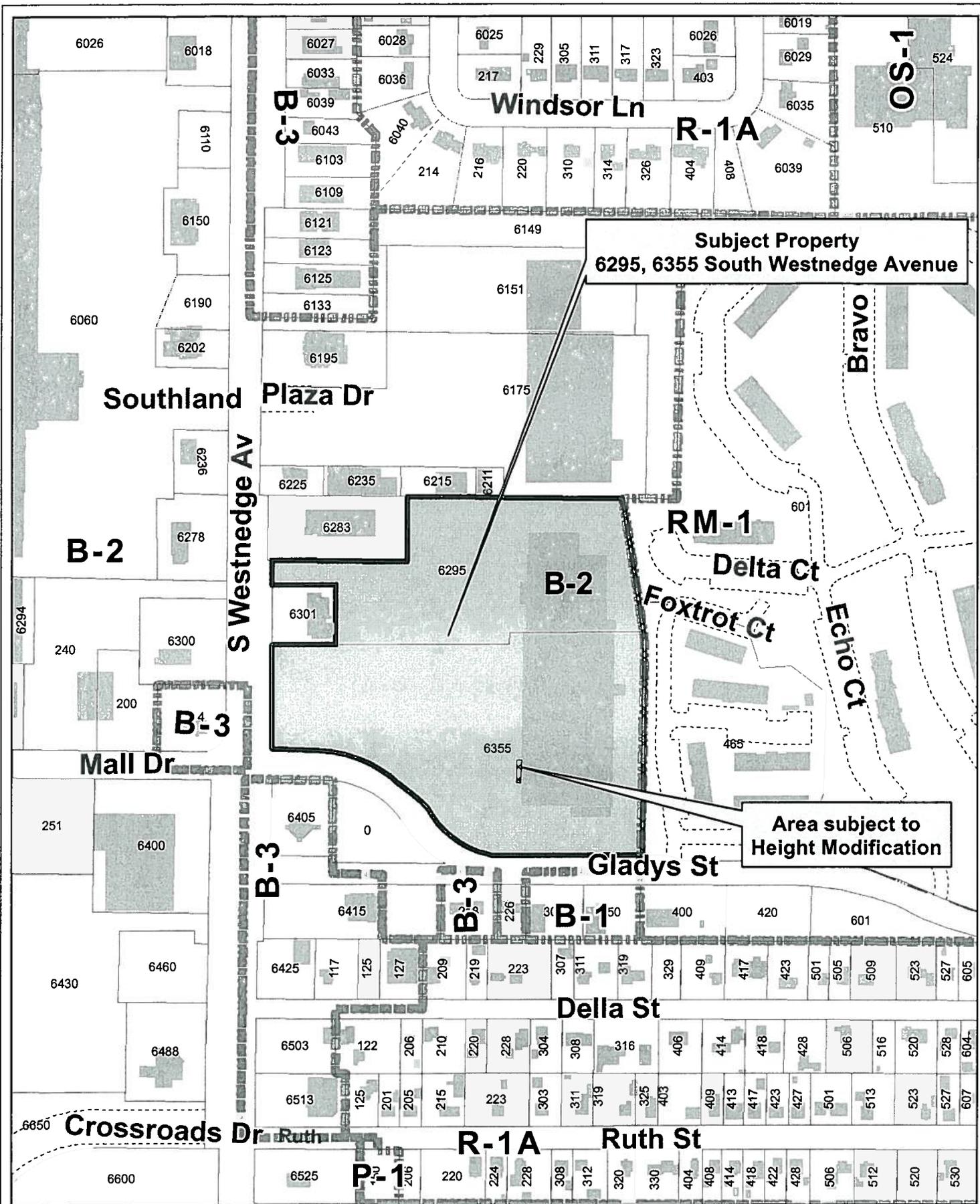
Impacts on the adjacent multiple family residential dwellings to the east are anticipated to be minimal, if any, due to the location, size and proportion of the architectural feature in relation to the overall building and the substantial setback distances. The requested height modification is only 7.5 feet higher than allowed in the zoning district and is consistent with other height modifications granted to other businesses along the South Westnedge Avenue corridor including Celebration Cinema (43 feet), Crossroads Mall (49 feet), Best Buy (40 feet), Sam's Club (41 feet), D & W Food Center (52 feet), Lowes (47 feet) and Trade Center office buildings 1 and 2 (50 feet and 65 feet, respectively). A sign is proposed on the west façade of the architectural feature, which will be internally illuminated. No lighting from the feature will be visible from the east.

Residents/property owners within 300 feet of this property have been notified in writing of the application and Planning Commission meeting. A notice was also placed in the local newspaper. One letter from an adjacent business owner supporting the project and increase in height has been received and is attached.

IV. RECOMMENDATION:

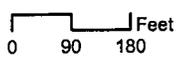
Based upon the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, the Planning Commission is advised to recommend to City Council that the Height Modification for Dick's Sporting Goods, 6355 South Westnedge Avenue, be approved to construct an architectural entry feature along the west side of the existing building to a height of 43.5 feet since the impacts are minimal due to the small area subject to the height modification in relation to the overall building and substantial setback distances from adjacent properties and public streets.

Attachments: Vicinity/Zoning Map
Aerial Photo Map
Communication from Mr. Edward Wade dated October 31, 2011
Site Plan/Building Elevation Sheets
Communication of support received Ed Rose Associates



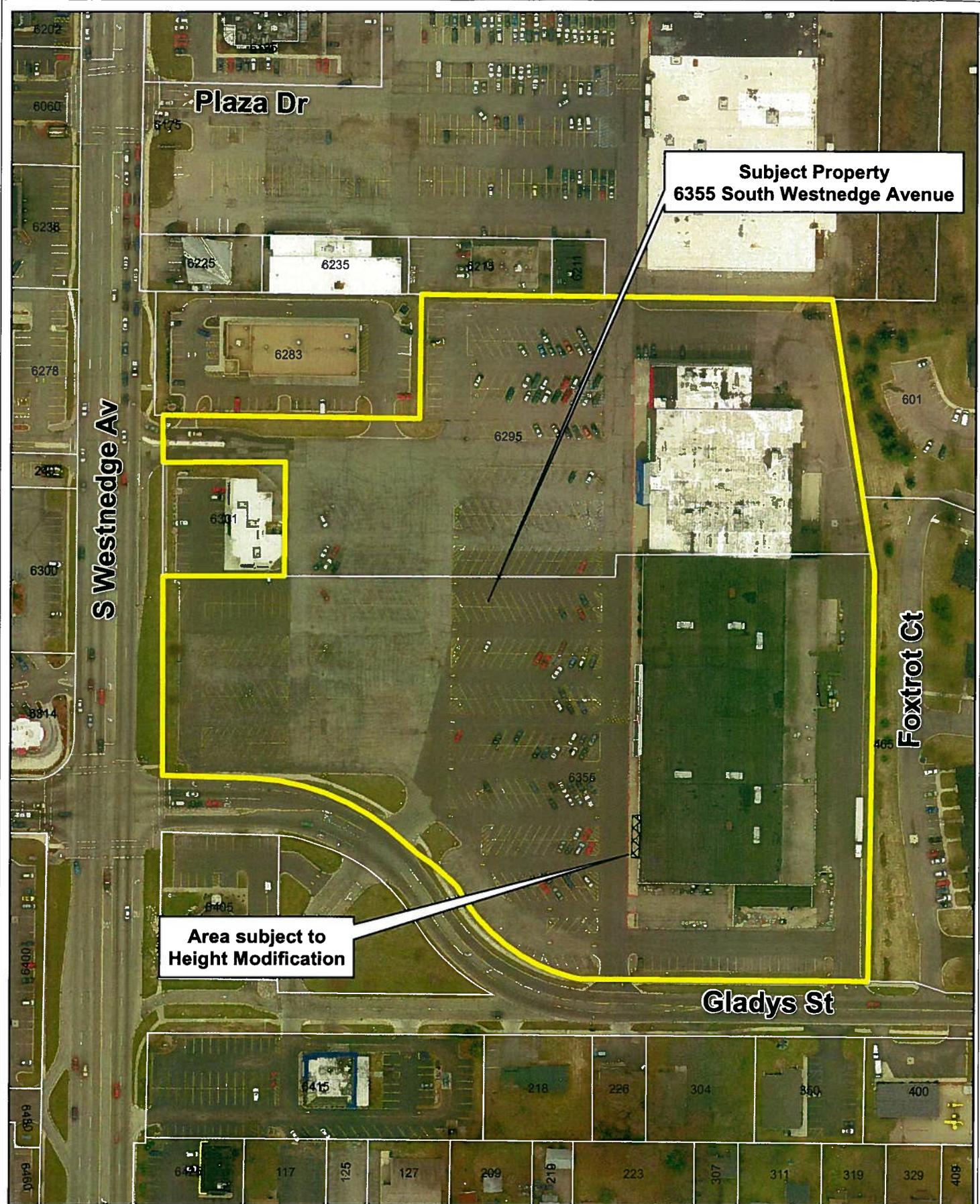
Subject Property
 6295, 6355 South Westnedge Avenue

Area subject to
 Height Modification



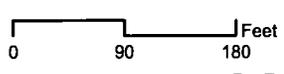
HEIGHT MODIFICATION
 6295, 6355 South Westnedge Avenue





**Subject Property
6355 South Westnedge Avenue**

**Area subject to
Height Modification**



HEIGHT MODIFICATION

6295 & 6355 South Westnedge Avenue





HERSCHMAN ARCHITECTS, INC.
25001 Emery Road, Suite 400
Cleveland, OH 44128
216.223.3200
216.223.3210 fax
www.herschmanarchitects.com

RE: Dick's Sporting Goods #1006
Portage, MI

October 31, 2011

Dick's Sporting Goods is proposed to replace a portion of the vacant Kmart building at 6355 South Westnedge Avenue. The proposed Dick's Sporting Goods building sits back approximately 600 feet from South Westnedge Avenue. The prototypical height for the main entrance feature of Dick's Sporting Goods is 42', with pilasters on either side of the feature at a height of 43'-4". It would be the desire of Dick's Sporting Goods to retain the prototypical height of the entrance feature, due to our proximity of South Westnedge Avenue. Dick's is requesting an additional seven (7) feet in total height on top of what is permitted in a B2 community business district of 35 feet, for a total of 42 feet to the top of the sign (43ft 3inches to the top of the flanking piers). The total square foot of the former Kmart is 84,500+/- sf. The architectural feature accounts for 800 sf which makes up less than one percent of the total building. The entrance feature is approximately 300 feet from the rear property line and the closest multifamily residential structure is plus/minus 400 feet.

We do not believe this would adversely affect any of the adjoining properties because the only change is the structure height. The internally lit signage still remains the same and only appears on the front of the structure. There are no residential properties that face the front of our building and form the rear because of the high parapet of 20+ feet from the ground the top of the piers will not be visible.

The property owner will be making significant improvements to the parking lot, in terms of landscaping, which currently does not exist. The plans for this improvement to my knowledge are not completed at this time but the Developer is working now with the City on the final plans. We feel that the addition of Dick's Sporting Goods to this vacated shopping center will be a great benefit to this corner of Portage and to the City as a whole. The proposed upgrades to the building will bring new life back to the remaining adjacent vacant spaces.

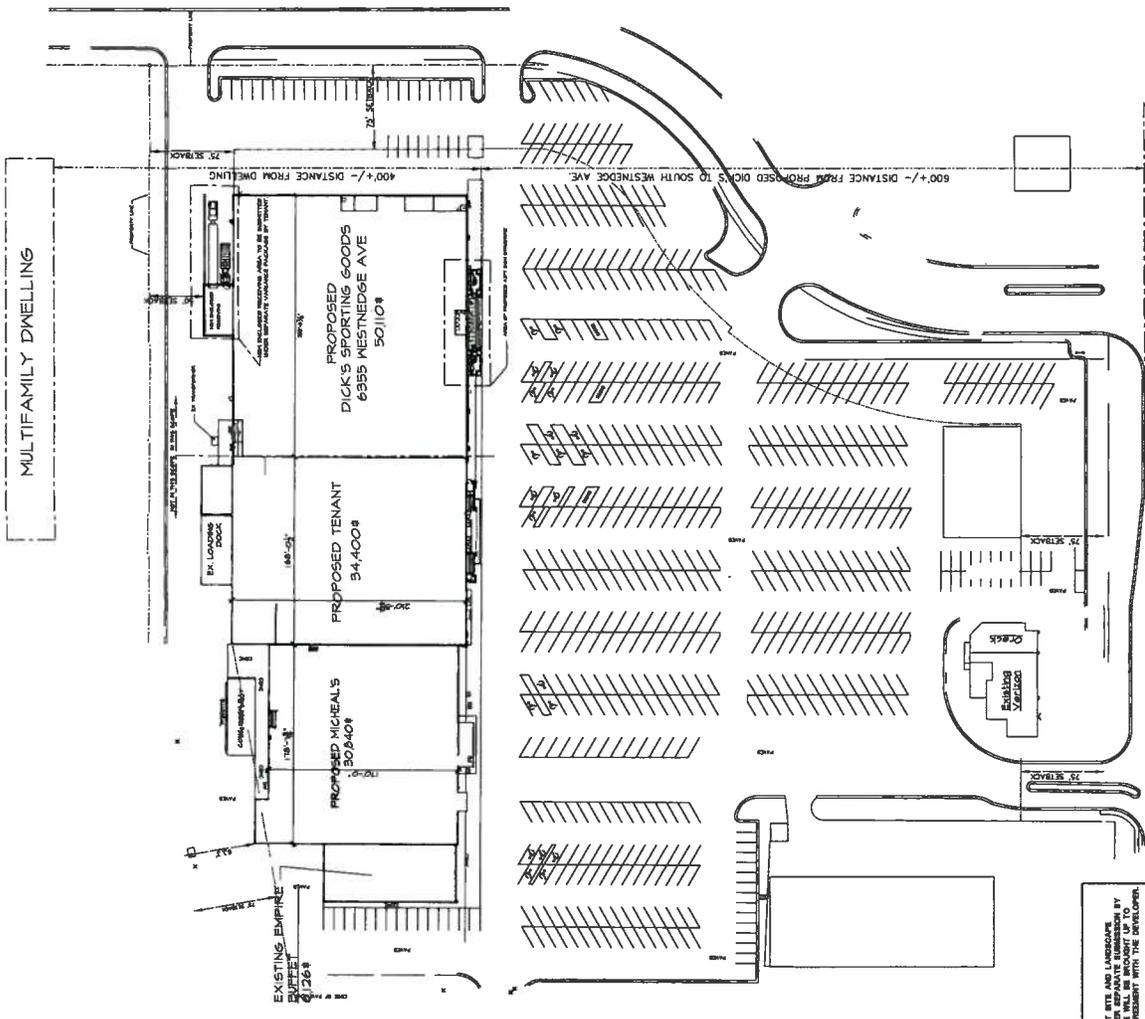
Sincerely

HERSCHMAN ARCHITECTS, INC.

C. Aaron Blue on behalf of Ed. Wade.

Edward Wade

RECEIVED
 NOV 3 2011
 COCONINO COUNTY DEVELOPMENT



NEW SITE WORK NOTE
 THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.
 THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.
 THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.
 THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND LICENSES.

SOUTH WESTNEDGE AVE.

ASI / LANDSCAPE
 SITE PLAN
 11.1

DICK'S SPORTING GOODS
 6955 SOUTH WESTNEDGE AVE PORTAGE, MI
 SIZE # 1008

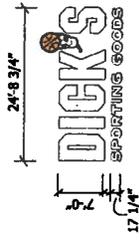


MENSON KLINE ARCHITECT
 1000 W. WASHINGTON ST. SUITE 100
 PORTAGE, MI 49783
 TEL: 269.769.1111 FAX: 269.769.1112
 WWW.MKARCHITECT.COM

Client No. _____
 Project No. _____
 Date _____

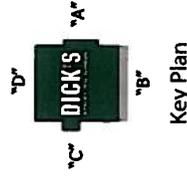


**6355 S WESTNEDGE AVE
PORTAGE, MI
EXHIBIT K
Store # 1006**



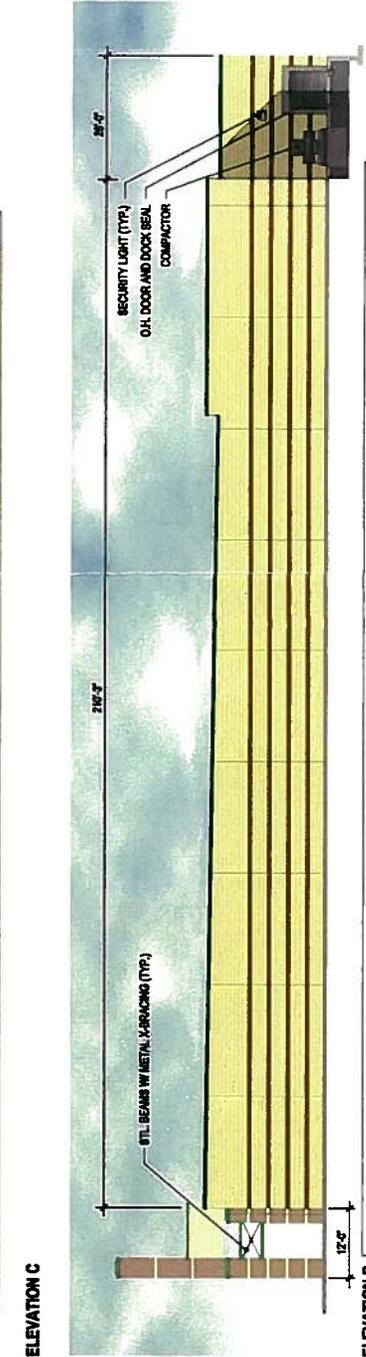
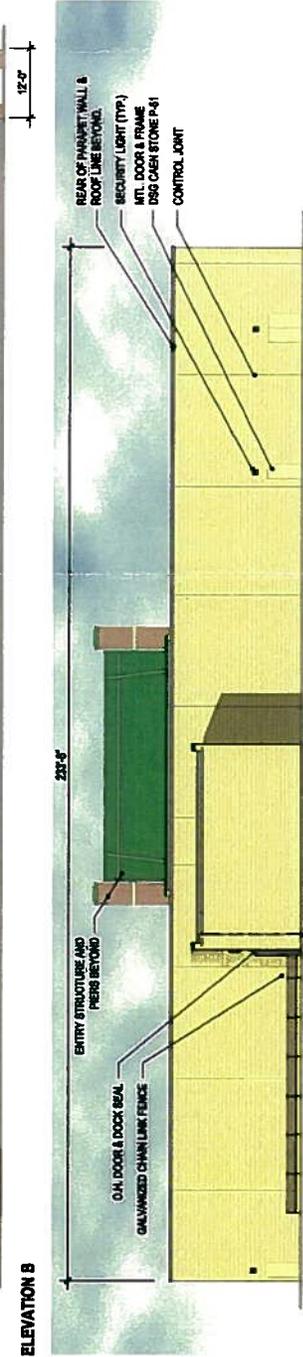
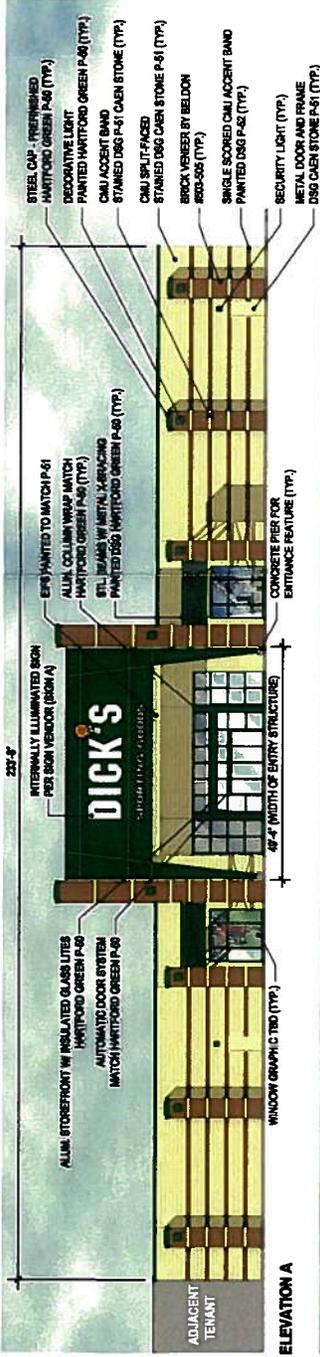
SIGN A

RECEIVED
REV. 3 2011
APPROVAL DEPARTMENT

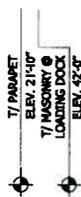
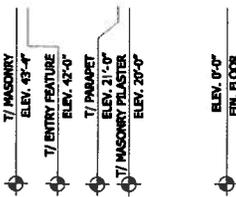


Key Plan

REV. 04.20.2011
REV. 07.14.2011
REV 3
REV 4
REV 5
DIS APPROVAL SY DATE 3.4.2011
DIS APPROVAL DATE
LL APPROVAL HL DATE 4.13.2011



All information contained on this exhibit is representative of the architectural materials and heights proposed to be used. This exhibit is NOT intended to be a Construction Document. All final adjustments will be incorporated into the Construction Documents and will be mutually agreed upon by the Landlord and Dick's Sporting Goods.



6101 NEWPORT ROAD
POST OFFICE BOX 3015
KALAMAZOO, MICHIGAN 49003-3015
PHONE (269) 323-9484
FAX (269) 321-7884

RECEIVED

NOV 17 2011

COMMUNITY DEVELOPMENT

November 4, 2011

Department of Community Development
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49002

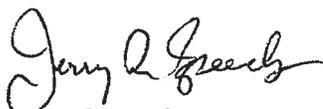
Request By: Dick's Sporting Goods
Date of Hearing: Thursday, November 17, 2011 at 7:00 p.m.

Dear Sir/Madam:

The purpose of this letter is to respond to the notice of the captioned request and to let you know that Edward Rose Assoc., Inc. does not oppose the granting of the application filed by Dick's Sporting Goods.

Sincerely,

EDWARD ROSE ASSOC., INC.



Jerry R. Speedy
/mr

c: Jeff Barnum

TO: Planning Commission

DATE: November 23, 2011

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Preliminary Report: Tentative Plan Amendment – The Homestead Planned Development, 3821 West Milham Avenue

I. APPLICATION INFORMATION:

A tentative plan application to amend The Homestead Planned Development (PD) has been received. Please refer to the attached application, narrative and tentative plan submitted by the applicant.

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 and proposed the construction of 94 single family residential lots in three stages, an approximate 5,000 square foot theme restaurant/conference center and between 95,000 to 160,000 square feet of cottage offices within the northwestern portion of the subject property adjacent to US-131. 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 17.6 acres is pending.

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. PRELIMINARY ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

The 2011 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 and reestablish the cottage offices (14.6 acres) as shown on the previously approved 2001 plan. The cottage office area will also include at least 3.4 acres of additional open space. The designation of the historic homestead site as a theme restaurant or offices on the remaining approximate 3.0 acres remains unchanged from the previously approved plans. As identified in the tentative plan amendment narrative, the 14.6 acre 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.

For Commission information, the revised tentative plan map and written narrative were received from the applicant late on Tuesday, November 22nd. Since there has been minimal time to review and discuss the revised changes with the applicant prior to dissemination of the Planning Commission agenda, changes to the narrative and map are likely to occur between the preliminary and final hearings. 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 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.

Also, this 22.5 acre tract of land is located within the City of Portage Historic District. Staff has been advised that before the land divisions necessary to create these three new parcels can be approved and removed from the historic district, the property owner must submit an application to the Historic District Commission for approval to modify the district. The Historic District Study Committee must meet and prepare a report concerning the application, which will be presented to the Planning Commission for review and comment. Subsequently, the Historic District Study Committee will hold a public hearing and comments from the Planning Commission and a recommendation from the Historic District Study Committee will be forwarded to City Council for final action. Before the Planning Commission provides a recommendation to City Council regarding the tentative plan amendment, review of the Historic District Study Committee report and the Historic District Study Committee's public hearing involving the entire development site should occur.

- 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 applicant has not, however, indicated an approximate range of total square footage as was provided in the 2001 plan. The 2001 plan estimated between 95,000 and 160,000 total square feet based on 15% to 25% lot coverage. This information should be included in the narrative.

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.
- Cottage Offices/Themed Restaurant or Office Phasing – The applicant has indicated construction of the cottage offices and themed restaurant/office will commence when the market conditions increase and the commercial lending environment improves. Based on current and projected economic conditions, construction in 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. 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 indicates this green/open space will be defined with submittal of the site plan. This green/open space needs to be generally shown on the tentative plan map as it can be used, for example, to buffer residential from nonresidential uses.
- **Traffic Impacts** – It is estimated that a 5,000 square foot themed restaurant would generate approximately 650 vehicle trip ends. An estimate of traffic generated by the cottage office portion of the development will be provided when the applicant provides the anticipated total square footage.

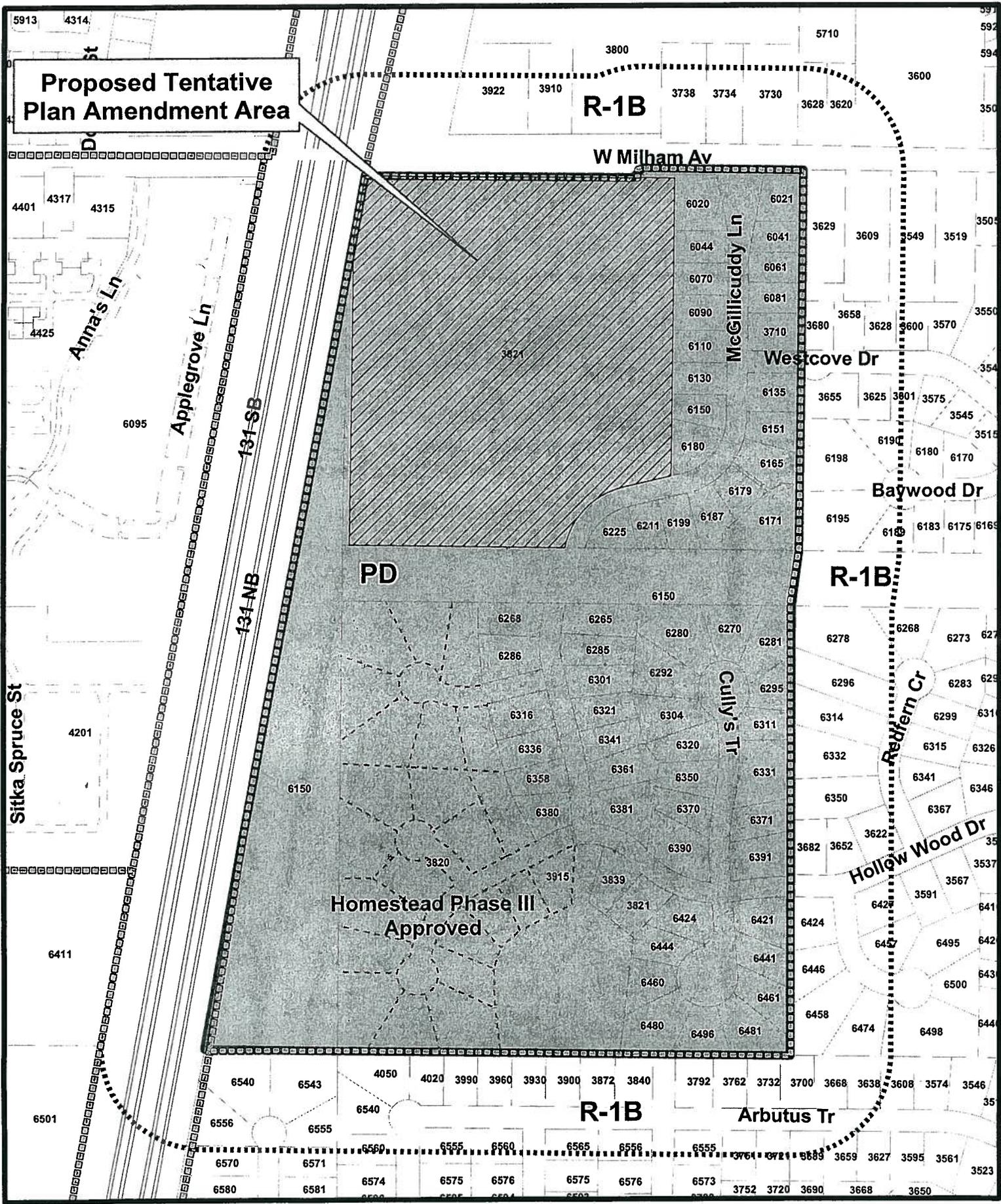
Finally, in number five of the tentative plan narrative, the applicants note each stage of the development will be integrated with the adjoining community by using sidewalks. With regard to the pedestrian path installed in 2002 that connects the Homestead neighborhood to the Arbutus Trail neighborhood to the south, in September 2011 a sign was installed at the south end prohibiting non-Homestead residents from using this path. Installation of this pathway to connect the two neighborhoods in lieu of extending Isabelle Street was discussed at length as part of the PD, planned development rezoning application, and included in the review and subsequent approval involving the plat for Homestead of Portage No. 1 in 2001. Several documents related to the 2001 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. Staff requested the sign be removed since it is inconsistent with previous approvals. The sign has not been removed. As the sign has not been removed, this matter should be resolved prior to approval of the proposed tentative plan amendment.

Finally, there appear to be inconsistencies in the written narrative involving land uses and acreage. The applicant will need to review these sections and modify/clarify the information.

RECOMMENDATION:

In accordance with the Planning Commission policy of accepting public comment at the initial meeting and concluding the discussion at a subsequent meeting, it is recommended that public comment be received during the December 1, 2011 meeting and the public hearing be adjourned to the January 19, 2012 meeting. An adjournment until January 19, 2012 will allow 1) the Historic District Commission to review the development area; 2) the applicant time to finalize the written narrative and tentative plan map; and 3) further discussion regarding the use of the pedestrian path that currently connects the Homestead neighborhood with the Arbutus Trail neighborhood.

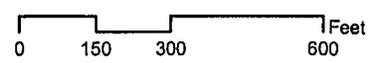
Attachments: Zoning/Vicinity Map
 Aerial photograph
 Proposed Tentative Plan Amendment (narrative and tentative plan layout)
 Previously Approved 2001 Tentative Plan for The Homestead PD (narrative and plan)
 Previously Approved 2006 Tentative Plan for The Homestead PD (narrative and plan)
 Communication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

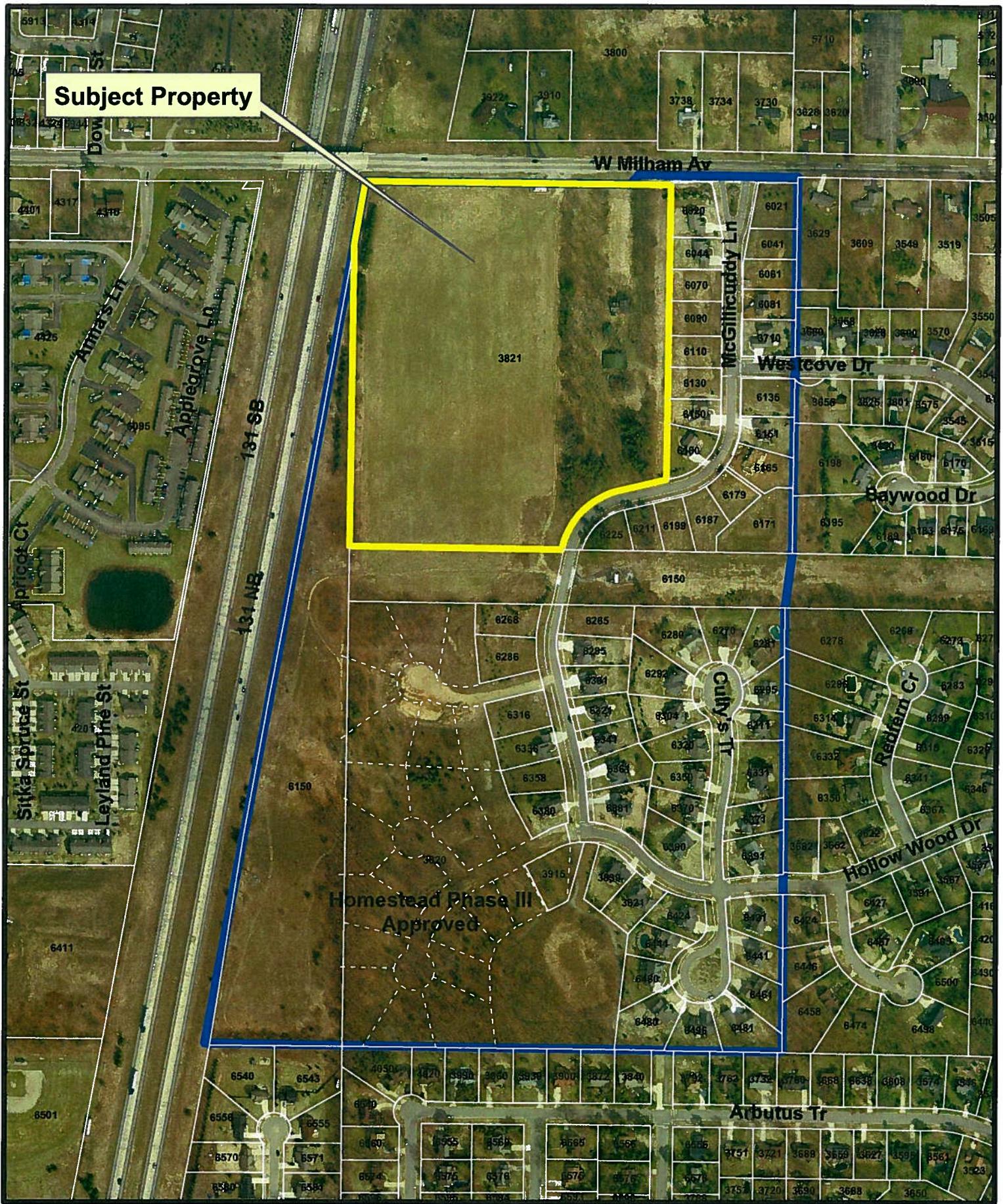


**Proposed Tentative
Plan Amendment Area**

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

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





Subject Property

W Milham Av

McGillicuddy Ln

Westcove Dr

Baywood Dr

Cully's Tr

Radfarm Cr

Hollow Wood Dr

Arbutus Tr

Homestead Phase III
Approved

131 SB

131 NB



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



AMERICAN VILLAGE DEVELOPMENT, II

RECEIVED

NOV 22 2011

COMMUNITY DEVELOPMENT

November 21, 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 parcel comprises approximately 3.0 acres and 3.4 percent of the total planned development. The final phase of the development is anticipated to be the cottage office area. The cottage office area comprises 18.0 acres and 20.5 percent of the total planned development. The combination of both parcels equals 21.0 acres of which 17.6 acres will be developed and 3.4 acres will be green space.

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, 17 upscale home sites, one site available
- Single Family Phase 2-b, 2005, 30 medium home sites, six sites available
- Single Family Phase 3, 2011, 24 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 absorb 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%	2.1 homes per acre
Common Open Space and Green Space	23.8+/- Acres	27%	1.4 homes per acre w/open & green space
Cottage Office & Themed Restaurant	17.6+/- Acres	20%	

The density of the three single family phases is 1.5 units per acre, 86 units on 57.5 acres including common open space which comprises 43.6 acres and is 49.5 percent of the total planned development. Non-residential land uses are planned for 17.6 acres or 20% of the 88 planned development.

Prior to the planned development, this property was original zoned as R1-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. 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.

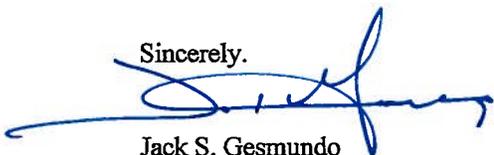
14. This is the last phase of the single family portion of the development. The office and restaurant phases will move forward when the market demand and financing for such improves. Based upon current forecasts, we believe this to be several years out.

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.

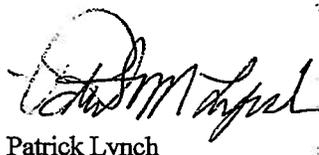
The Northwest Portage Bikeway was recently constructed along the Consumers Energy Company property and interconnects with the internal sidewalks of The Homestead along McGillicuddy Lane. All streets include sidewalks on both sides of the roadway.

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 Lynch

enclosure: Tentative Plan for The Homestead Planned Development

MILHAM ROAD



THE ARUTUS TRAIL
NEIGHBORHOOD



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 490002

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.

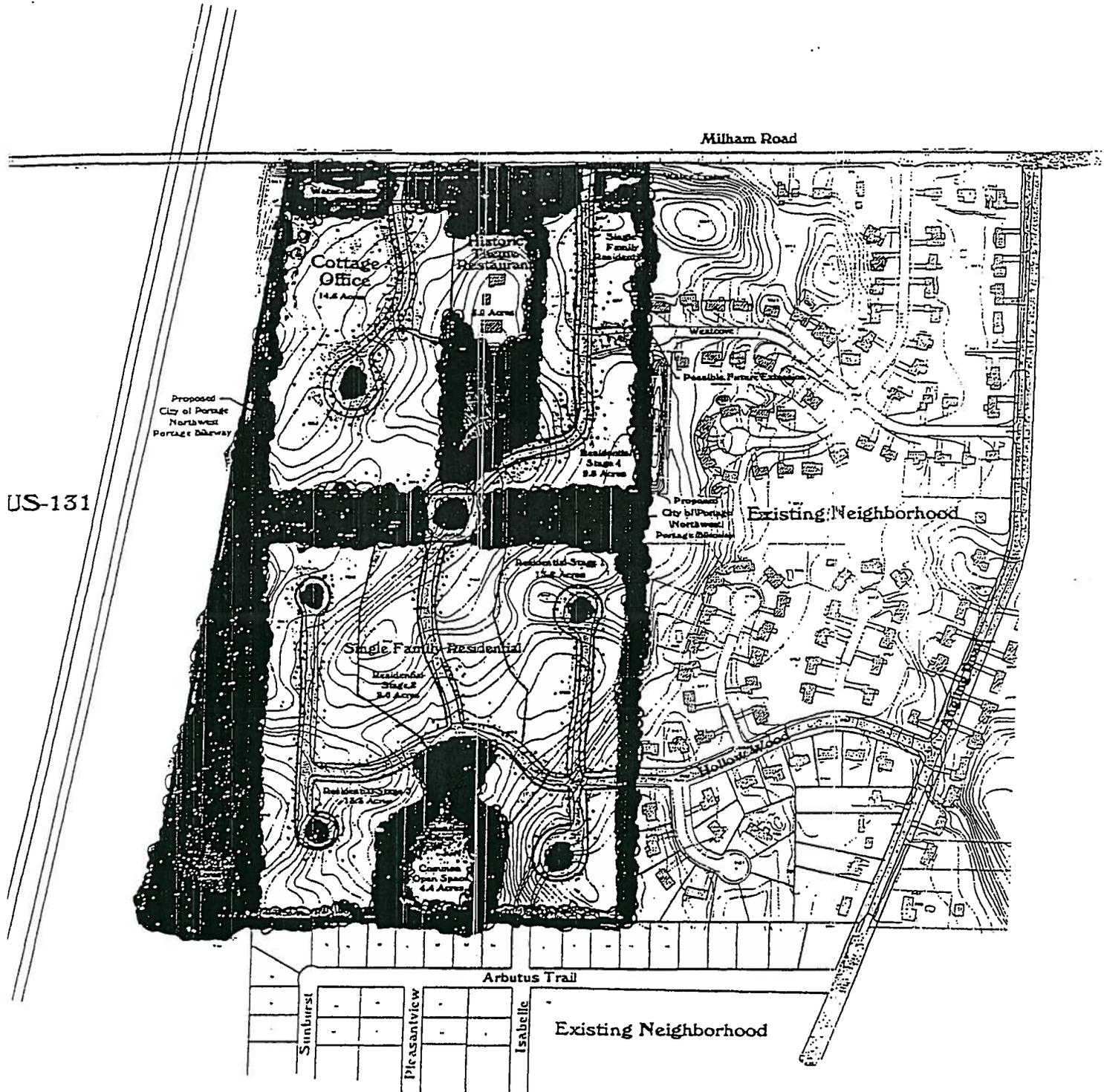
We appreciate your review of our tentative plan for The Homestead Planned Development. We look forward to the opportunity to work on another successful project within the City of Portage. Please contact me directly should you have any questions or concerns relative to our tentative plan at 329-4800.

Sincerely,
American Village Development Company



Greg Dobson

enclosure: Tentative Plan for The Homestead Planned Development

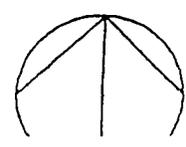


US-131

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.

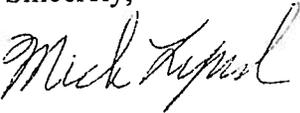
Dear Members of the Planning Commission:

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 burning 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 Epcon 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,

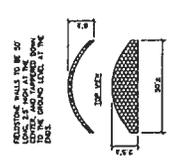
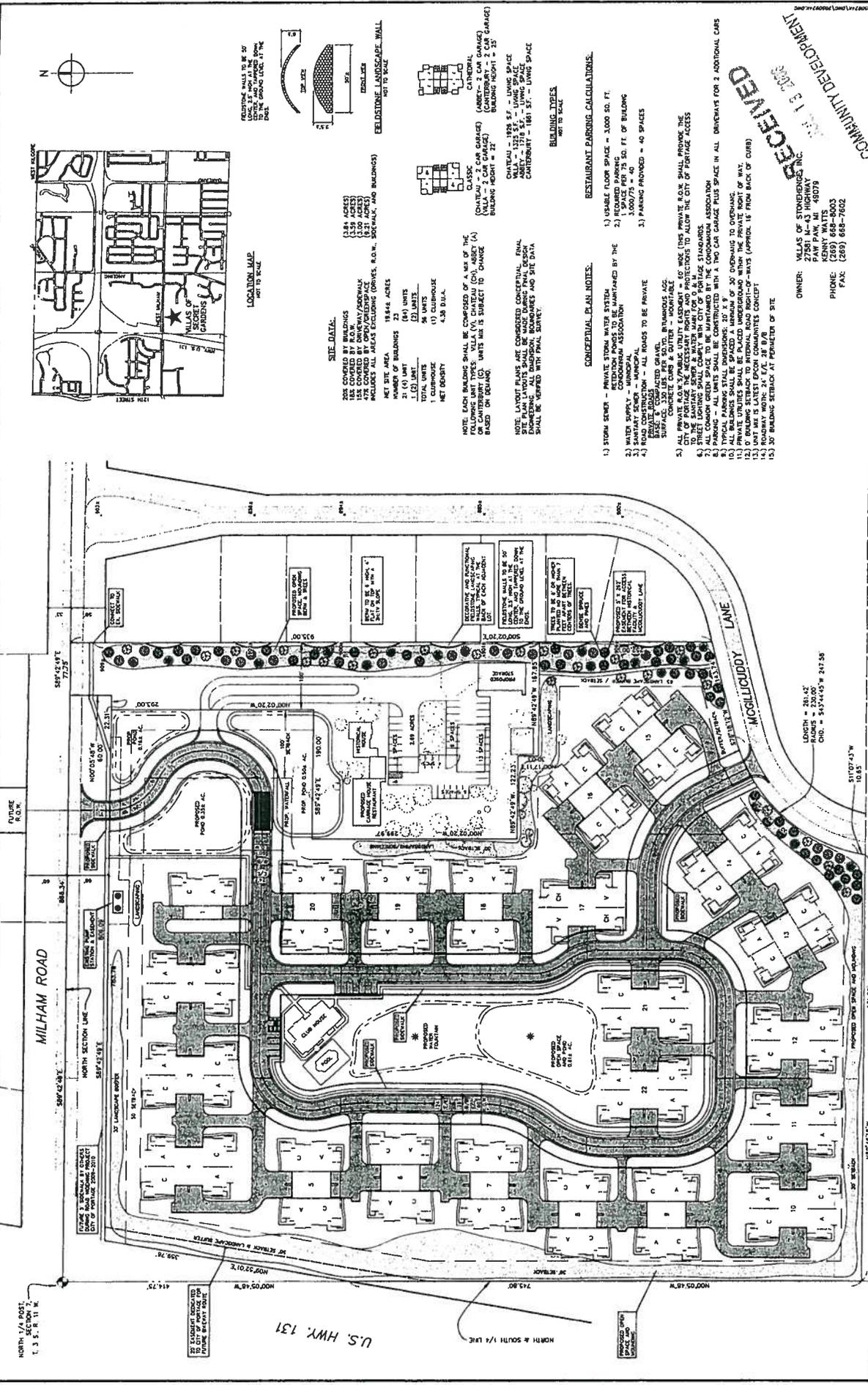


Mick Lynch



Ken Watts

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



SITE DATA

AREA COVERED BY BUILDINGS 13.84 ACRES
 AREA COVERED BY DRIVEWAY/PARKING 1.00 ACRES
 TOTAL AREA INCLUDING DRIVEWAY, PARKING, AND LANDSCAPE 14.84 ACRES
 NET SITE AREA 18.84 ACRES
 NUMBER OF BUILDINGS 23
 31 (4) UNIT
 1 (2) UNIT
 1 (1) UNIT
 1 (3) COLONADE
 NET DENSITY 4.28 D.U./AC

NOTE: EACH BUILDING SHALL BE COMPOSED OF A MIX OF THE FOLLOWING UNIT TYPES: VILLA (V), CHATEAU (CH), ABBEY (A), CHATEAU - 2 CAR GARAGE (C2G), CHATEAU - 1 CAR GARAGE (C1G), VILLA - 2 CAR GARAGE (V2G), VILLA - 1 CAR GARAGE (V1G). UNITS ARE TO BE SUBJECT TO CHANGE BASED ON DEMAND.

NOTE: LANDSCAPE PLANTS ARE CONSIDERED CONCEPTUAL. FINAL SITE PLAN LAYOUTS SHALL BE MADE DURING FINAL DESIGN. ENGINEERING ALL BUILDINGS, ROADS, AND SITE DATA SHALL BE VERIFIED WITH FINAL SURVEY.

CONCEPTUAL PLAN NOTES:

- STORM SEWER - PRIVATE STONE WATER SYSTEM
- RETENTION POND TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION
- WATER SUPPLY - MUNICIPAL
- SEWAGE TREATMENT - MUNICIPAL
- PRIVATE ROADS - ALL ROADS TO BE PRIVATE
- CONCRETE CURB & GUTTER - MOUNTABLE
- SHRIMPAGE 3.00 LBS PER SQ. FT. BUTANOUS AGG.

RESTAURANT PARKING CALCULATIONS:

- USABLE FLOOR SPACE = 1,000 SQ. FT.
- REQUIRED PARKING 1,000 SPACES PER 75 SQ. FT. OF BUILDING
- PARKING PROVIDED = 40 SPACES

RESTAURANT PARKING CALCULATIONS:

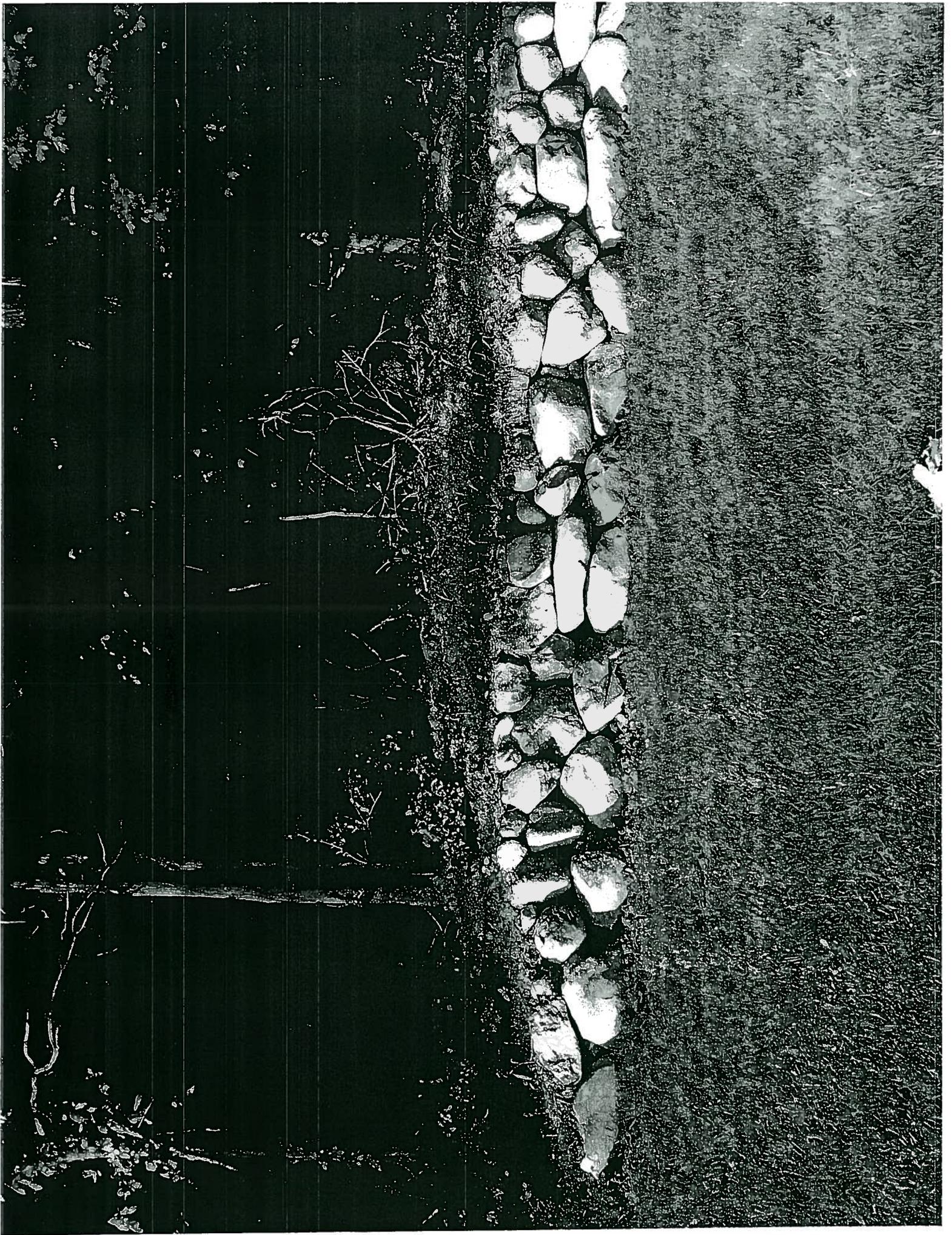
- AS PER THE CITY OF STONINGHAM, MASS. THE USE OF NEW PRIVATE P.A.W. SHALL PROVIDE THE CITY OF STONINGHAM THE NECESSARY PROTECTION TO ALLOW THE CITY OF STONINGHAM TO MAINTAIN THE NECESSARY STANDARDS
- TYPICAL PARKING SHALL BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION
- ALL COMMON GREEN SPACE TO BE MAINTAINED BY THE HOMEOWNERS ASSOCIATION
- ALL BUILDINGS SHALL BE SPACED WITH A MINIMUM OF 30' OVERHUNG TO OVERHANG
- ALL BUILDINGS SHALL BE PLACED UNDERGROUND WHEN THE PRIVATE RIGHT OF WAY
- ROADWAY WIDTH: 24' F.T. 28' B/W
- 30' BUILDING SETBACK AT COMPLETION OF SITE

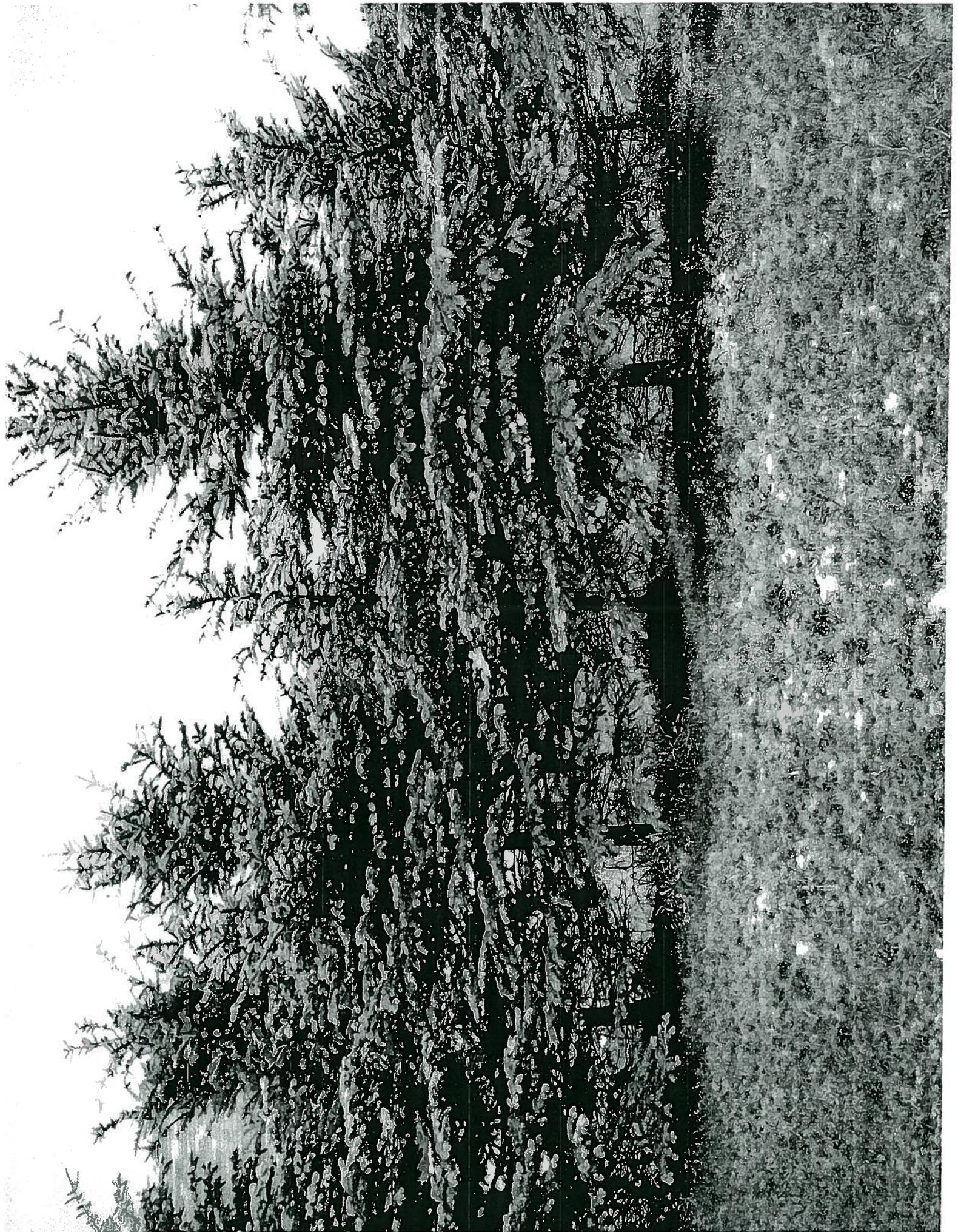
OWNER: VILLAGES OF STONINGHAM, INC.
 100 W. MAIN ST., 2ND FLOOR
 STONINGHAM, MA 01907
PHONE: (508) 688-8000
FAC: (508) 688-7602

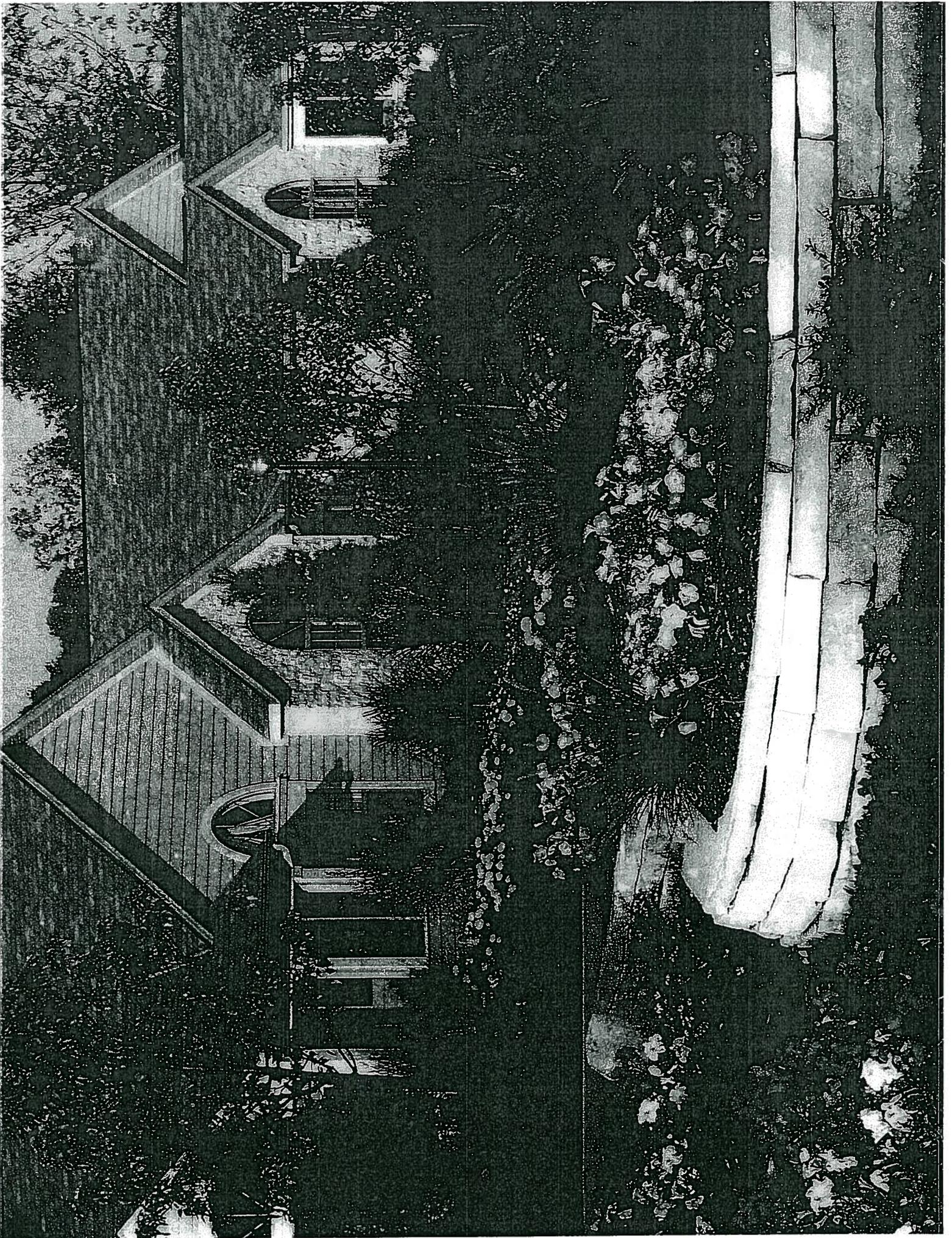
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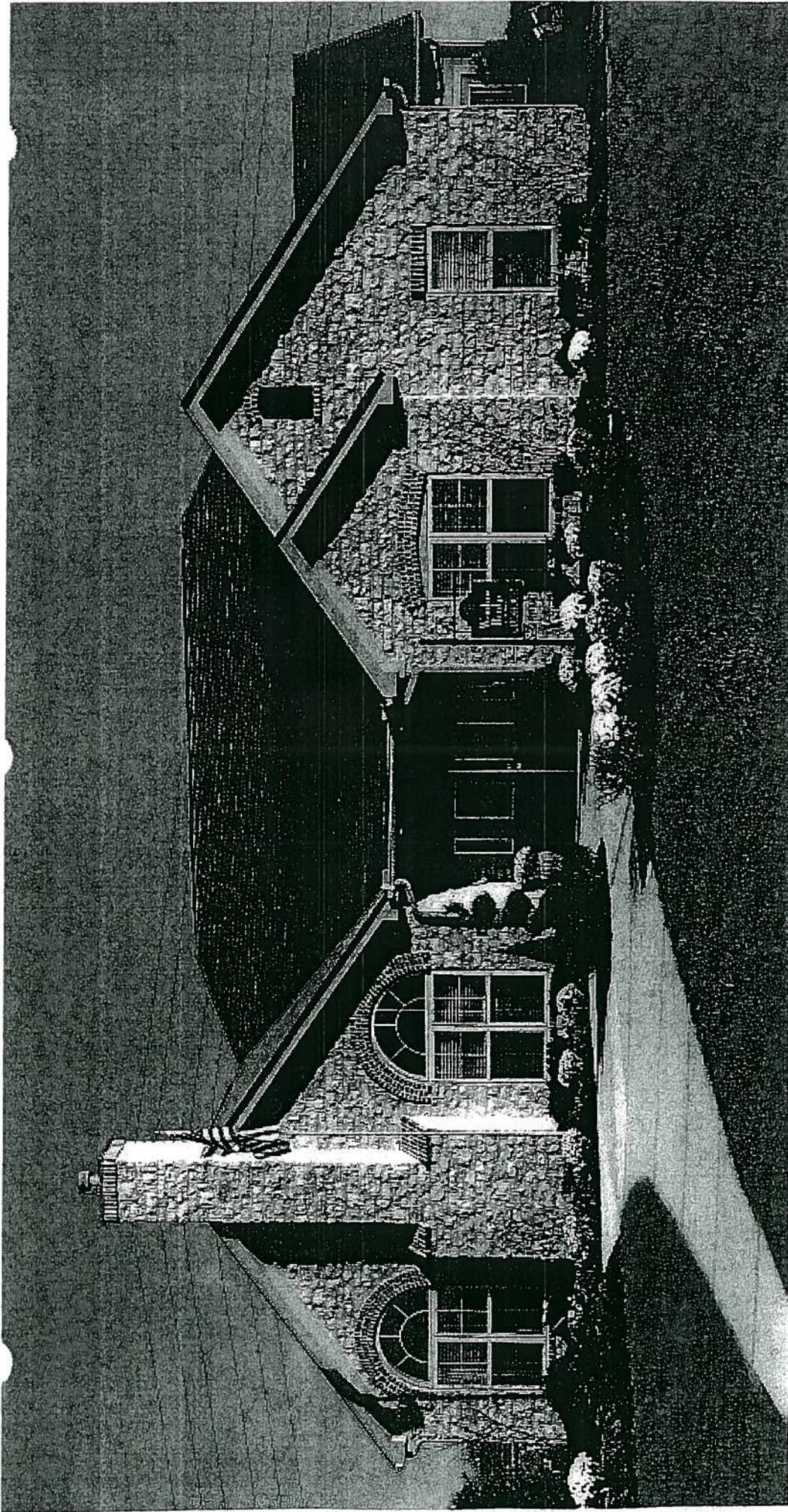
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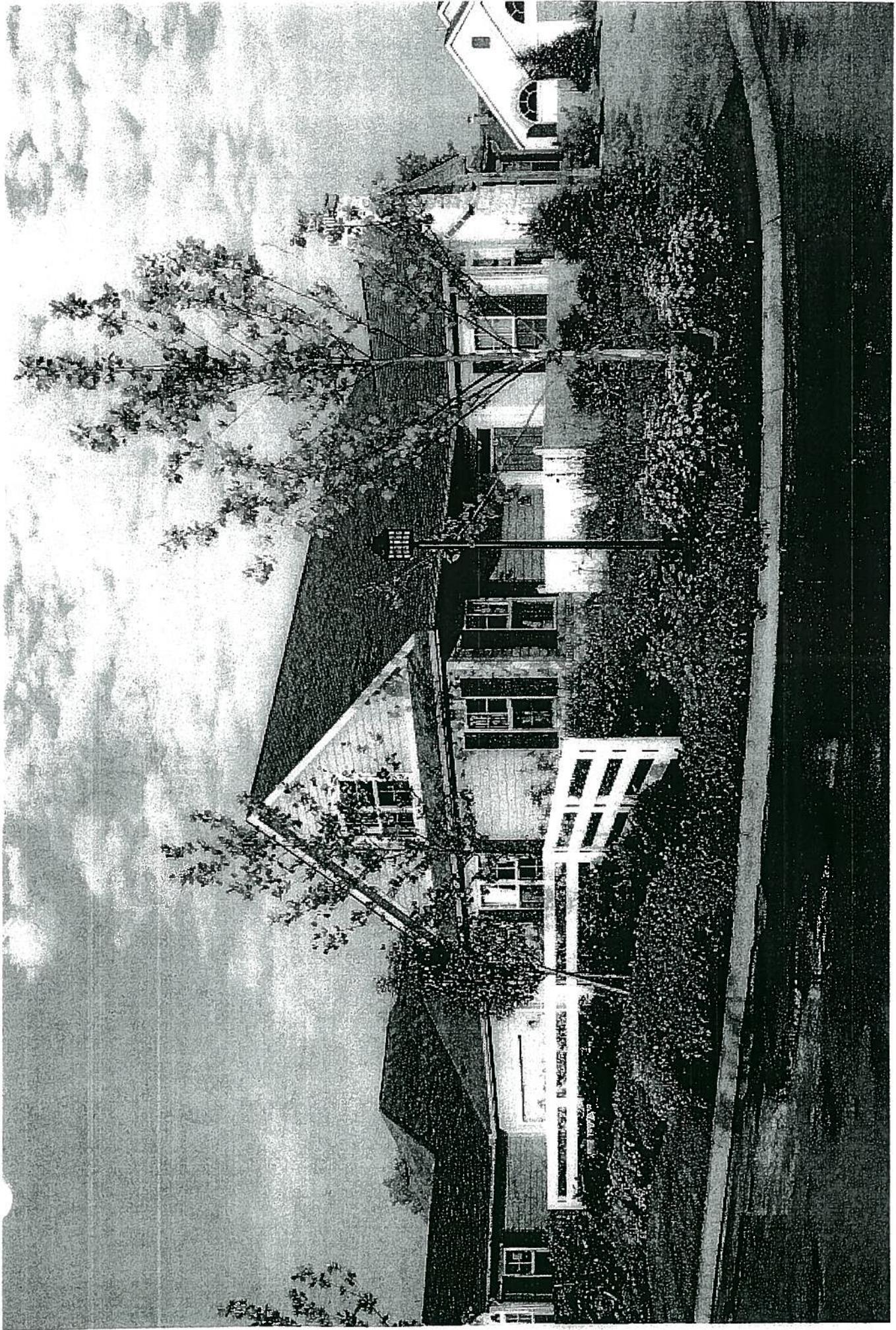








European Country Exterior - Clubhouse 09/13/04
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European Country Exterior - Classic Building 09/13/04

©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 [REDACTED] 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.

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 COUNCIL MEETING MINUTES FROM NOVEMBER 1, 2011

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

At the request of Mayor Strazdas, Minister Michael O'Berski of the Oakland Drive Christian Church gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Sackley, seconded by Campbell, to approve the October 18, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

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

* **APPROVAL OF CHECK REGISTER OF NOVEMBER 1, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of November 1, 2011. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

* **SALE OF PROPERTY, 7130 SOUTH WESTNEDGE AVENUE:** Motion by Urban, seconded by Reid, to consider adoption of the resolution to sell a 2.5-acre portion of excess city property at 7130 South Westnedge Avenue to Jason M. Klein & Associates at a purchase price of \$370,000, place the resolution on file with the Office of the City Clerk for 28 days and take final action on December 6, 2011. Resolution recorded on page 289 of City of Portage Resolution Book No. 44.

* **2012 CITY COUNCIL MEETING SCHEDULE:** Motion by Urban, seconded by Reid, to establish the 2012 Schedule of Regular City Council Meetings. Upon a roll call vote, motion carried 6 to 0.

I-94 CONSTRUCTION PROGRESS AND COMPLETION SCHEDULE – INFORMATION ONLY: At the request of Mayor Strazdas, City Manager Maurice Evans outlined the efforts to encourage Michigan Department of Transportation (MDOT) to proceed post haste with the I-94 Construction Project as delays have occurred resulting in postponement of the completion of the project. He outlined the schedule for the next two weeks that was obtained after a progress meeting with MDOT officials:

- 11/3/2011 - Curb median installation of South Westnedge Avenue.
- 11/4/2011 - Interchange traffic signal of South Westnedge Avenue.
- 11/7-15/2011 - Asphalt work, including leveling, milling and asphalt surface of South Westnedge.
- 11/15-11/17/2011 - Project clean –up.
- 11/18/2011 - Open the ramp for full traffic and signal activation.

In sum, Mr. Evans indicated that, weather permitting, South Westnedge Avenue would be open on the 18th of November 2011, and expressed concern for the safety of Portage citizens and out of town shoppers during the holiday shopping season. Mayor Strazdas thanked Mr. Evans and staff for their collaborative effort with MDOT, regarding what is arguably the largest public works project in the history of the City of Portage and has a significant impact on South Westnedge Avenue and is the reason he expressed his concern in the letter dated October 20, 2011, to Bobbi Welke, P.E., Southwest Region Engineer of MDOT found in the city Council Agenda Packet. He expressed his appreciation for their cooperation to get the project finished in time for “Black Friday” on South Westnedge Avenue. Discussion followed.

Mayor Pro Tem Sackley asked if the City Traffic Control Engineer will have control over the single point traffic signal at the interchange. Mr. Barnes responded the signal will be controlled by MDOT, that it is interconnected with the City of Portage system, so our engineer can view it and make modifications to the Portage system on South Westnedge Avenue from Kilgore Road to Shaver Road. Also, the City of Portage traffic plans for the holidays has been given to MDOT for consideration. Discussion followed.

Councilmember Urban asked if there are any plans to educate the public regarding how the interchange works and Mr. Barnes responded that there are single point interchanges across the state; that MDOT has a video available; that the signal will be in flash mode for two weeks; and, that the message boards will notify the motorist of when the signal will be activated.

Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the I-94 Construction Progress and Completion Schedule as information only. Upon a voice vote, motion carried 6 to 0.

*** 2011 SUMMER PROPERTY TAX BILL FOR 9124 EAST SHORE (TURK) – INFORMATION ONLY:** Motion by Urban, seconded by Reid, to receive the communication from the City Manager regarding the request of Aisha Turk, 9124 East Shore Drive, to waive the late fee assessed to her 2011 Summer Property Taxes as information only. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

FOLLOW-UP ON INTERGOVERNMENTAL COLLABORATION/

CONSOLIDATION – PURCHASING: At the request of Mayor Strazdas, Mr. Evans distinguished some of the differences among the City of Portage, the City of Kalamazoo and the County of Kalamazoo and the challenges of coordinating the three Charters, ordinances and general practices and indicated that the three governmental bodies were looking for opportunities to improve service deliveries. He discussed the recommendation. Motion by Sackley, seconded by Bailes, to accept the communication from Kalamazoo City Manager Ken Collard, Portage City Manager Maurice Evans and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/ Consolidation – *Purchasing* as a foundation document. Discussion followed and there was an amended motion by Sackley, seconded by Bailes, to include the language “that will be used as a reference point with regard to collaborative purchasing efforts.” Upon a roll call vote, motion carried 6 to 0.

ANNUAL PRESENTATION BY SENIOR CITIZEN ADVISORY BOARD

CHAIRPERSON RUTH ANN MEYER – INFORMATION ONLY: Senior Citizen Advisory Board Chairperson Ruth Ann Meyer provided an update and a review of the activities of the Senior Center and the Senior Citizens Advisory Board, including recertification of the Senior Center, the July Celebration and Commemoration of over 30 years of service to the City of Portage and surrounding

communities and the Portage Senior Center becoming the only three-time nationally accredited senior center in Michigan. She indicated that the replacement of Jason Horan, who left to serve the United Way, is soon to be selected and she outlined some of the Senior Center Programs and thanked staff and the volunteers for all of their efforts, including the establishment of the Goals for the next fiscal year. Discussion followed. Parks Director Bill Deming announced that Jill Hess has been appointed to the position of Deputy Director of Parks beginning November 14, 2011, and will begin to assist the Senior Center in that capacity at that time. He expressed his appreciation for the efforts and hard work of the Senior Citizen Advisory Board. Discussion followed. Motion by Urban, seconded by Campbell, to receive the Annual Presentation by Senior Citizen Advisory Board Chairperson Ruth Ann Meyer. Upon a voice vote, motion carried 6 to 0.

COMMUNICATION FROM DAVID STEFFENS OF THE LONG LAKE ASSOCIATION REGARDING THE NEED FOR AN AQUATIC PLANT MANAGEMENT PROGRAM FOR LONG LAKE: At the request of Mayor Strazdas, Mr. David Steffens, President of the Long Lake Association, spoke in favor of the request to open a dialogue with the City of Portage and Pavilion Township regarding an Aquatic Plant Management Program for Long Lake as they have discovered four invasive species there. He reviewed a survey that had a positive response in favor of investigating the Program and mentioned that Councilmember Urban participated in the discussions and was very helpful. Discussion followed.

Mayor Pro Tem Sackley asked why the Governmental Lake Board was preferred over the Riparian Association and Mr. Steffens responded that the Governmental Lake Board was in existence since the 1990's, worked well as a means of obtaining the pump to stabilize water levels in Long Lake and appeared to be the most efficient method available to address the establishment of an Aquatic Plant Management Program. Councilmember Urban pointed out that the Governmental Lake Board still has to do its due diligence and the action by City Council tonight does not necessarily mean that a program will be established.

Motion by Urban, seconded by Reid, to receive the communication from David Steffens, President of the Long Lake Association, requesting that City Council refer a project for an aquatic plant management program to the Long Lake Governmental Lake Board, and adopt the Resolution Regarding Long Lake Improvement Pursuant to the Inland Lake Improvement Act and direct the Governmental Lake Board for Long Lake to proceed with the necessary steps to improve Long Lake. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 293 of City of Portage Resolution Book No. 44.

UNFINISHED BUSINESS:

* **RESOLUTION TO CONVEY EASEMENT - CONSUMERS ENERGY:** Motion by Urban, seconded by Reid, to reconfirm the resolution to grant an easement to Consumers Energy. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 295 of City of Portage Resolution Book No. 44.

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

Portage Board of Education Special Meeting and Committee of the Whole Work Session of September 12, Special and Regular Meeting of September 26 and Committee of the Whole Work Session of October 10, 2011.

Portage Youth Advisory Committee of September 19, 2011.

Portage Planning Commission of October 6, 2011.

NEW BUSINESS:

CITY COUNCIL POLICY FOR USE OF CITY HALL: At the request of Mayor Strazdas, Councilmember Campbell reviewed the City Hall Use Policy, the process used and the recommendation proposed by the City Council Customer Service Committee. Discussion followed. Motion by Campbell, seconded by Bailes, to adopt the City Council Policy for Use of City Hall dated November 1, 2011, and the City of Portage Application / Agreement for Use of City Hall. Upon a roll call vote, motion carried 6 to 0.

BID TABULATIONS:

* **AT&T – POLICE POSITRON 9-1-1 CONTRACT:** Motion by Urban, seconded by Reid, to approve a one-year contract with AT&T in the amount of \$11,600 for 9-1-1 maintenance, with the option to annually renew provided the terms, conditions and price do not change, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: James Pearson, 3004 East Shore Drive, referred to himself as the Vice Chairman of the Planning Commission and a candidate for City Council, and asked for an opinion from City Attorney Randy Brown if the newly adopted City Hall Policy would preclude future nonpartisan forums, and Mr. Brown referred him to C.1 in the Policy where it limits the use of City Hall by elected officials within 90 days of a primary or general election and that would include a forum type event. He spoke in favor of City of Portage candidates participating in a forum together and mentioned the alternative of viewing the virtual forums that are available on Public Media Network at *kzootv.com*. Discussion followed.

Tim Earl, 6862 Shallowford Way, apologized for not being present to participate in the discussion regarding secular invocations at the last meeting, but he was out of town. He indicated that he will work with the City Clerk to be a part of the invocation rotation for City Council Meetings in 2012. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid reminded everyone that Tuesday, November 8, 2011, is the General City Election for Mayor and three City Council seats. She and Councilmember Urban exchanged Halloween stories.

City Manager Evans indicated that there is a brief article on the city website regarding the South Westnedge Avenue Project and briefed City Council and citizens about the eight inch water main break on South Westnedge Avenue that will have to be repaired under the railroad tracks and poses a challenge. Discussion followed.

Mayor Pro Tem Sackley indicated that the elephant in the room tonight and something that can not be viewed on *kazoo.com* is the absence of Councilmember Randall, who has missed four consecutive meetings and five of the past seven meetings. He indicated that as the election approaches, he reminded citizens that service does require that a person shows up and based upon knowledge from the City Clerk and others, each of the absences was a voluntary absence** and not for something like an illness, for example. He stressed that if a Councilmember is to serve the public, it is important to show up and not attending five of the last seven City Council Meetings before an election, including four in a row, is of a concern to him. He pointed out that he is not a candidate at this time, but felt that this should be an issue for the voters. When James Pearson indicated he wished to approach the podium, Mayor Strazdas informed him that he wished to finished up the meeting and would speak with him later.

Mayor Strazdas addressed some of the stress caused by world events that are impacting the country and even the City of Kalamazoo, locally, and assured citizens that the City of Portage has taken the steps necessary to minimize any negative impact on operations and the quality of life here.

Mr. Pearson approached the City Clerk and asked him to ask Mayor Strazdas to allow him to address the comments made by Mayor Pro Tem Sackley regarding all of the recent absences by Councilmember Randall. City Attorney Brown indicated that this is a question of the Mayor to decide if Mr. Pearson could speak out of order. Mr. Pearson indicated he had a communication from Councilmember Randall. Discussion followed. Mr. Pearson indicated that Ms. Randall “just sent a text message that she could not be here tonight because of health reasons; that she sent it to the City Clerk; it was bounced back; and she said to mention it after the meeting with comments by Mr. Sackley (sic); I’m just mentioning it now.”

Mayor Strazdas expressed his appreciation for Mr. Pearson’s comments and a preference that the comment could have been made before the meeting or during public comment time, but expressed his appreciation for her thoughtfulness. He wished Councilmember Randall well, expressed his hope that she gets through her frailness and thanked Mr. Pearson for sharing.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:38 p.m.

James R. Hudson, City Clerk

* Indicates items included on the Consent Agenda.

** SEE NOVEMBER 15, 2011 CITY COUNCIL REGULAR MEETING MINUTES (Page 1):
Comments on the minutes from Councilmember Randall and her objection to the wording used by Mayor Pro Tem Sackley regarding her excused absences.