PORTAGE

*A Natural Place to Move*

# PLANNING COMMISSION

September 19, 2013

# CITY OF PORTAGE PLANNING COMMISSION

## A G E N D A

**September 19, 2013**
**(7:00 p.m.)**

**Portage City Hall Council Chambers**

**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**:

* September 5, 2013

**PUBLIC HEARINGS**:

* 1. Preliminary Condominium Subdivision: The Preserve II, 5000 Grand Arbre Trail
* 2. Preliminary Report: Rezoning Application #13-02, Harbors West Planned Development, 5710 Angling Road and 3730, 3734 and 3800 West Milham Avenue

**SITE/FINAL PLANS**:

**NEW BUSINESS**:

**OLD BUSINESS**:

**STATEMENT OF CITIZENS**:

**ADJOURNMENT**:

**MATERIALS TRANSMITTED**

August 27, 2013 City Council meeting minutes

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

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# PLANNING COMMISSION

## September 5, 2013

The City of Portage Planning Commission meeting of September 5, 2013 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Six citizens were in attendance.

**MEMBERS PRESENT:**

Allan Reiff, Rick Bosch, Bill Patterson, Miko Dargitz, Wayne Stoffer, Dave Felicijan, Betty Schimmel and Paul Welch.

**MEMBERS ABSENT:**

None.

**MEMBERS EXCUSED:**

None.

**IN ATTENDANCE:**

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

**PLEDGE OF ALLEGIANCE:**

Chairman Welch led the Commission in the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Chairman Welch referred the Commission to the August 15, 2013 meeting minutes contained in the agenda packet. A motion was made by Commissioner Dargitz, seconded by Commissioner Reiff, to approve the minutes as submitted. The motion was unanimously approved.

**PUBLIC HEARINGS:**

1. Final Report: Rezoning Application #13-01, 120 and 126 East Van Hoesen Boulevard. Mr. West summarized the final staff report dated August 29, 2013 regarding the request by Sonoma Development to rezone 120 and 126 East Van Hoesen Boulevard from R-1A, one family residential to B-3, general business and P-1, vehicular parking. Mr. West indicated the rezoning would facilitate a commercial redevelopment of the southeast corner of South Westnedge Avenue and East Van Hoesen Boulevard. Mr. West reviewed the final analysis contained in the staff report including the Comprehensive Plan/Future Land Use Map designations and the suitability of the existing R-1A zone and potential impacts from the proposed B-3 and P-1 zones. Mr. West indicated staff was supportive of the proposed rezoning.

Kevin Eidson of W.L. Perry Associates (applicant's representative) was present to support the application and explain the redevelopment project. The public hearing was reconvened by Chairman Welch. No citizens spoke regarding the proposed rezoning. A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved. After a brief conversation, a motion was made by Commissioner Stoffer, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #13-01 be approved and 120 East Van Hoesen Boulevard be rezoned to B-3, general business and 126 East Van Hoesen Boulevard be rezoned to P-1, vehicular parking citing the proposed zoning change is consistent with the Comprehensive Plan, Future Land Use Map and

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surrounding land use/zoning pattern and will provide the applicant redevelopment flexibility while affording the adjacent residential neighborhood appropriate screening, buffering and related protections. The motion was unanimously approved.

**SITE/FINAL PLANS:**

1. Final Plan: Oakland Hills Condominiums (Phase III), 8716 Oakland Drive. Mr. Forth summarized the staff report dated August 30, 2013 involving the final plan submitted by American Village Development II, LLC to construct Phase IV of the Oakland Hills Condominium planned development (PD). Mr. Forth stated the final plan represents the last phase of the Oakland Hills PD and proposes construction of 30 single-family attached residential units, extension of the interior private street network and associated site improvements. Mr. Forth briefly discussed the applicant's proposal to modify the 100-year floodplain boundary and realign a portion of the Portage Creek and the pending application submitted to the Michigan Department of Environmental Quality (MDEQ). Mr. Forth indicated the final plan for Phase IV has been designed in substantial conformance with the approved tentative plan and staff was supportive of the final plan.

Mr. Jack Gesmundo of American Village Development II, LLC was present to support the application and explain the development project. Mr. Gesmundo introduced Todd Hurley (applicant's engineer) and Tim Bureau (applicant's environmental consultant) and provided a historical summary of development activities at the Oakland Hills PD. Mr. Gesmundo indicated 97 of the 136 condominium units have been sold, including 14 units so far in 2013. Mr. Gesmundo discussed the proposed "Portage Creek Stream Restoration & Enhancement" project and indicated both the MDEQ and Kalamazoo County Drain Commission were supportive of the project.

Commissioner Felicijan asked what impact the development may have on the existing groundwater table and whether there will be any provisions built into the condominium units to protect against basement flooding. Ms. Gesmundo indicated the elevations across the site have been raised. Mr. Hurley also discussed extensive dewatering that were accomplished, monitoring wells that were installed across the site and the storm water design that includes hydraulically connected storm water basins with an overflow discharge to the Portage Creek. Mr. Bureau discussed the Building Code requirement for basement elevations above the floodplain and indicated the Oakland Hills development is doubling this standard. Mr. Bureau further indicated the groundwater level is below the floodplain elevation and then provided a detailed discussion of the proposed "Portage Creek Stream Restoration & Enhancement" project. Commissioner Dargitz asked the applicant why final plan approval was needed before the MDEQ permits were issued. Mr. Gesmundo responded by stating MDEQ permits are not required for the remaining infrastructure improvements and most condo unit construction, only for modifications to the floodplain and creek. Mr. Gesmundo also indicated he wanted to pave the remaining section of roadway before the asphalt plants close for the season.

After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to recommend to City Council that the Final Plan for Oakland Hills Condominiums (Phase IV), 8716 Oakland Drive, be approved subject to no construction activities occurring within the 100-year floodplain and/or realignment of the Portage Creek until all required approvals/permits have been obtained. Commissioner Dargitz asked if the Planning Commission could be advised when the MDEQ permits are issued. Mr. Forth indicated the Commission could be notified. The motion was unanimously approved.

**NEW BUSINESS:**

1. 2014 Comprehensive Plan Update – Information Only. Mr. Forth reviewed the August 29, 2013 staff report regarding the upcoming 2014 Comprehensive Plan Update and important dates and activities planned. Commissioner Patterson asked if the Planning Commission would be able to review the "preliminary concepts" prior to the October 2, 2013 Open House. Mr. Forth indicated staff would try to get this information to the Commission by the September 19, 2013 meeting. Otherwise, Mr. Forth stated the information would be provided to the Commission via email before the Open House. The Planning Commission next discussed

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Commissioner availability regarding attendance at the Open House. Commissioner Dargtiz asked how the October 2, 2013 Open House is being publicized to encourage citizen participation. Mr. Forth stated the October 2, 2013 Open House is being publicized through a variety of media sources including the September issue of the *Portager*, city web site, news releases, PMN and Planning Commission meetings.

**OLD BUSINESS:**

1. City of Portage 50th Anniversary Celebration – August Passbook Drawing. Commissioners Felicijan and Dargitz conducted the August Passbook drawing and Jan Hurley was selected as the winner of a $20.00 gift card from Yo Go Delights. Commissioner Felicijan discussed how businesses and citizens could participate in the Passbook program and indicated at least four new business registrations have been received in the past few days.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

Commissioner Stoffer indicated he recently spoke with a citizen who commented on how well the chicken ordinance is working with little, if any, impact to adjacent residents.

Commissioner Dargitz stated she recently spoke with a citizen who indicated there may be some hindrances, such as building construction requirements, to reopening the Centre Street Market and asked staff if they were aware of any issues regarding this matter. Mr. Forth indicated the property recently went through foreclosure and he was unaware of any issues involving the city that would prevent the market from reopening.

There being no further business to come before the Commission, the meeting was adjourned at 8:05 p.m.

Respectfully submitted,

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

PORTAGE
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Department of Community Development

**TO:** Planning Commission **DATE:** September 13, 2013

**FROM:** Vicki Georgeau, Director of Community Development

**SUBJECT:** Preliminary Condominium Subdivision for The Preserve II, 5000 Grand Arbre Trail

## I. INTRODUCTION:

The preliminary condominium subdivision for The Preserve II has been submitted by Mr. Larry Harris, on behalf of Patken Construction Management. The Preserve II proposes to continue the vision of an upscale, environmentally sensitive private condominium community design with construction of an internal private cul-de-sac street (White Pine Trail) and 10 single-family residential condominium lots. The first phase of The Preserve received City Council approval in 1993 and included construction of a private street from Oakland Drive (Preserve Boulevard and Grand Arbre Trail) and 24 residential condominium lots that was later reduced to 20 lots. To date, nine custom built single family residential homes have been constructed within The Preserve (Phase 1). A copy of the original 1993 approved condominium subdivision for The Preserve (Phase 1) is attached for reference.

| Applicant | Sites/Area | Location |
|---|---|---|
| Patken Construction Management | 10 lots/14 acres | Northeast ¼ of Section 5, West of Oakland Drive and north of Vincent Drive. |

## II. BACKGROUND INFORMATION:

Article 6, Condominium Projects outlines the requirements for single family detached residential condominium subdivisions within the City of Portage pursuant to the authority conferred by the Michigan Condominium Act, PA 59 of 1978, as amended. Single family residential condominium projects must meet the Zoning Code requirements for the district in which the development is located including minimum lot size (area), width and setbacks. Additionally, all Required Improvements and Design Standards contained in Article 5, Division 4 of the Subdivision and Land Division Regulations are also applicable to the residential condominium subdivision project.

The following summarizes the requirements that are applicable to the preliminary condominium subdivision application.

- Zoning – The subject property is zoned R-1C, one family residential and all lots must be a minimum 12,000 square feet in area with a minimum 100-foot width (120-foot lot width for corner lots). The applicant is proposing to construct considerably larger lots that range between 26,000-78,000 square feet. Minimum lot widths and building setbacks [30-foot (front), 12-foot (side) and 40-foot (rear)], along with other applicable Zoning Code requirements will continued to be maintained with The Preserve II.

  Section 42-803(i) of the Subdivision and Land Division Regulations establishes a maximum of 20-lots on a cul-de-sac street. Since construction of The Preserve II will result in a total of 30-lots on a cul-de-sac street, the applicant is requesting a variance from this provision pursuant to Section 42-864. In

correspondence dated September 11, 2013, the applicant discusses special circumstances and unique conditions of the development as rationale for the proposed variance including topography, natural feature preservation and the wide boulevard private street network. While conceptual at this time, the preliminary condominium subdivision plan for The Preserve II identifies a future third phase of the development that would involve another internal private cul-de-sac street with six additional lots. If proposed in the future, the applicant is aware that this third phase would require additional review by the City Administration to ensure applicable Building Code/Fire Code provisions are met and the Planning Commission and City Council would need to consider a variance request.

- Private Streets and Utilities – Section 42-803(a) of the Subdivision and Land Division Regulations establishes a public street requirement for the condominium subdivision and Section 42-803(j) discusses the location and arrangement of streets, including street interconnections, where possible. As originally planned/approved in 1993, the private street network will be continued with the construction of White Pine Trail. Also consistent with the 1993 approval, a street connection with the existing Hill 'N' Brook Village subdivision to the west is not proposed. In the enclosed correspondence, the applicant requests variances from these provisions citing the unique boulevard private street design, topography and natural feature preservation, difficulties with private/public street connections and previous conversations and commitments made to the adjacent Hill 'N" Brook Village neighborhood during the 1993 review and approval of The Preserve (Phase 1).

  Municipal water and sewer will continued to be provided to the development. Storm water from The Preserve II will be directed existing private retention basins located along the east side of Lots 5-6 and along the south side of Lots 18-20 within The Preserve (Phase 1).

- Sidewalks/Pedestrian Circulation – Section 42-804 of the Subdivision and Land Division Regulations establishes sidewalk requirements including installation of sidewalks along both sides of all streets and interconnection of neighborhoods. For Commission information, sidewalks were optional when The Preserve received approval in 1993. The Subdivision and Land Division Regulations were subsequently amended to require sidewalks on both sides of all streets in 1998. As originally planned/approved in 1993, continuation of the private street network without sidewalks is proposed with The Preserve II. The applicant request a variance from these provisions citing the lack of sidewalks in The Preserve (Phase 1) and no pedestrian generators surrounding the development.

- Vehicular Access/Traffic Generation – The Preserve II proposes to utilize the existing private street entrance (Preserve Boulevard) from Oakland Drive: Upon full build-out, the 10 proposed lots can be expected to generate approximately 100-120 vehicle trips per day (10-12 trips per lot/per day). The existing access arrangement and additional traffic generation was evaluated during the 1993 review and approval of The Preserve (Phase 1) and can be accommodated by Oakland Drive.

- Environmental Impacts – The West Fork of Portage Creek and associated floodplain/wetland areas are located along the extreme northeast portion of The Preserve (Phase 1). No construction activities associated with The Preserve II will occur near these environmental sensitive areas. However, significant topography and natural wooded areas are present across the portion of the property proposed for The Preserve II. As occurred during construction of The Preserve (Phase 1), the developer will continue to incorporate careful infrastructure design and home construction with The Preserve II that blends with the natural topography and continues preservation of wooded areas and other natural features that serve as amenities to this unique residential community.

## III. PUBLIC NOTICE REQUIREMENTS:

In accordance with the Michigan Planning Enabling Act (PA 33 of 2008, as amended), a public notice was published in the local newspaper and notice was mailed to owners of land located within 300-feet of the subject property 15 days prior to the date of the public hearing.

Submission of the preliminary condominium subdivision is intended to provide the community with the opportunity to examine existing and proposed conditions pertaining to the development of the subdivision. After review and approval by the City Council, the preliminary condominium subdivision approval is effective for 12 months. During the 12 month period, detailed engineering drawings will be prepared and submitted to City Council for review and approval. Following construction of the condominium improvements, the developer will request that City Council grant final condominium subdivision approval.

## IV. RECOMMENDATION:

The preliminary condominium subdivision has been reviewed within the context of the Comprehensive Plan, Land Development Regulations and other applicable ordinance requirements. Based on the above information and subject to any additional information received during the public hearing, staff advises the Planning Commission recommend to City Council that the Preliminary Condominium Subdivision for The Preserve II, 5000 Grand Arbre Trail, be approved subject to the following conditions:

1. Private Street/Location and Arrangement of Street Variances – The requested variances involving continuation of private streets and the location and arrangement of streets can be supported. As originally proposed/approved in 1993, The Preserve condominium subdivision was intended to be developed with private streets owned and maintained by the condominium association. Additionally, the 1993 approval identified a future private street layout for Phase 2 that did not identify a street connection to Brookhaven Drive within the adjacent Hill 'N' Brook subdivision to the west due to neighborhood concerns and related issues involving a private/public street interconnection. Finally, the requested variances meet the criteria outlined in Section 42-864 in that there are special circumstances and conditions affecting the property, the variances are necessary for the preservation and enjoyment of a substantial property right and granting the variances will not be detrimental to the public welfare.

2. Lots on Cul-de-Sac Variance – The requested variance involving 30-lots on a cul-de-sac street can be also be supported. As stated above, connection to Brookhaven Drive was previously discussed in 1993 but was opposed by the developer and adjacent neighborhood. While a private street extension and connection to Vincent Drive was conceptually identified in the 1993 review of The Preserve (Phase 1), this connection is no longer envisioned by the developer. As noted above, if no connection to Vincent Drive in future phases is contemplated, additional review of City Code compliance options or a variance will need to be considered. The requested variance with this phase of development meets the criteria outlined in Section 42-864 in that there are special circumstances and conditions affecting the property, the variance is necessary for the preservation and enjoyment of a substantial property right and granting the variance will not be detrimental to the public welfare.

3. Sidewalk/Pedestrian Circulation Variance – With regard to the requested variance involving sidewalks and pedestrian circulation and as originally planned/approved in 1993, continuation of the private street network without sidewalks is proposed with The Preserve II. While a pedestrian interconnection between The Preserve and the adjacent Hill 'N' Brook Village subdivision to the west is desired from a

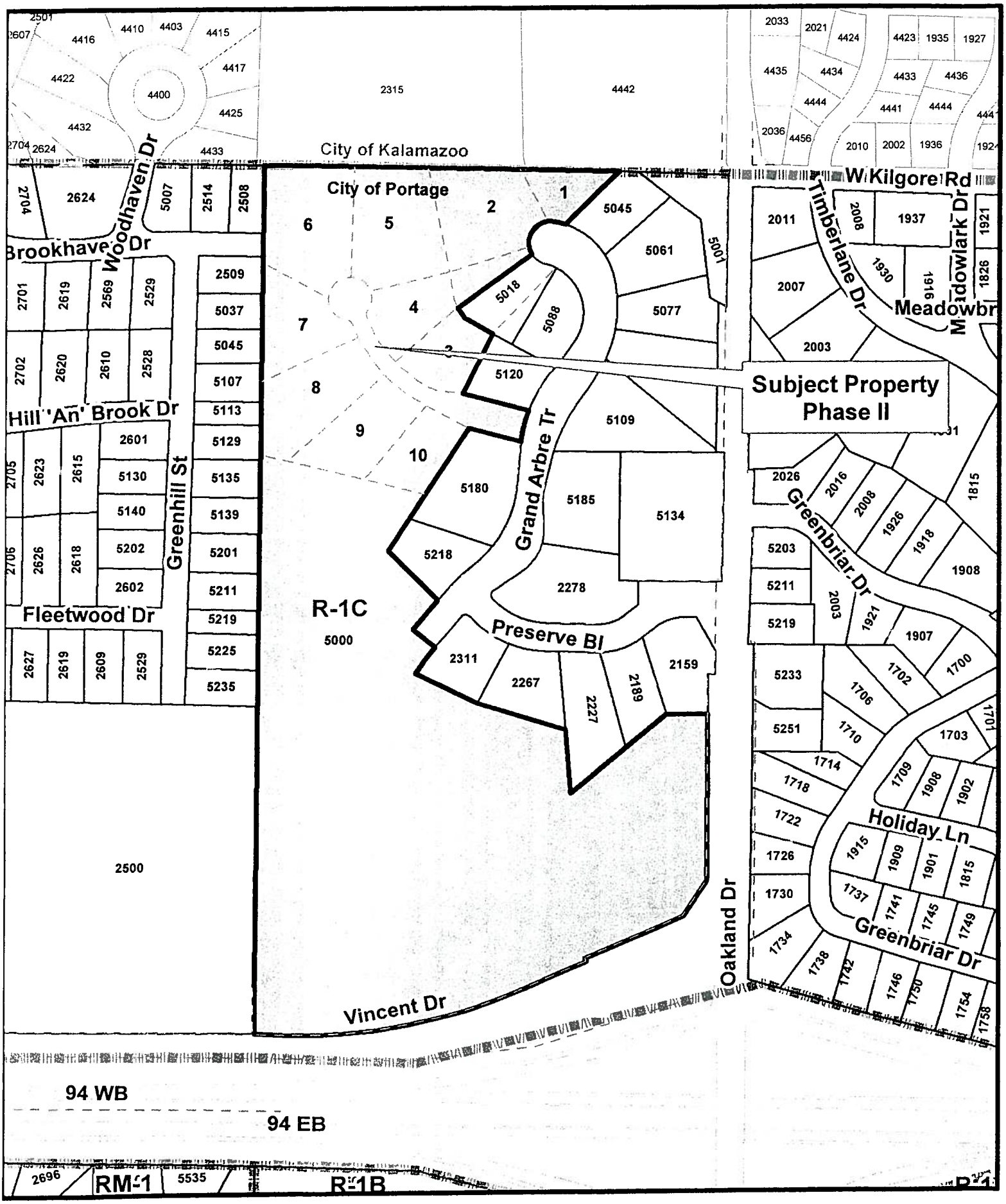
planning perspective, the private nature of the condominium subdivision combined with the lack of existing sidewalks in both neighborhoods and the need for an easement across private property present development issues and challenges. Additionally, a pedestrian interconnection was not envisioned or discussed as part of the original 1993 review/approval of The Preserve (Phase 1) and, according to the applicant, concerns from existing residents can be anticipated. Based on this information, the requested variance can be supported and meets the criteria outlined in Section 42-864 in that there are special circumstances and conditions affecting the property, the variance is necessary for the preservation and enjoyment of a substantial property right and granting the variance will not be detrimental to the public welfare and can be supported.

4. Utilities – The proposed municipal water and sanitary sewer, along with the private storm water system, are acceptable in concept. Final design, location and related issues will be addressed upon submittal of the detailed engineering drawings. Any public utility located on private property will require that an easement(s) be conveyed to the city.

Attachments:
- Zoning/Vicinity Map
- Aerial Photograph Map
- Correspondence from L.L. Harris & Associates dated September 11, 2013
- Preliminary Condominium Subdivision Plan Sheets
- The Preserve (Phase 1) – 1993 Approved Plan



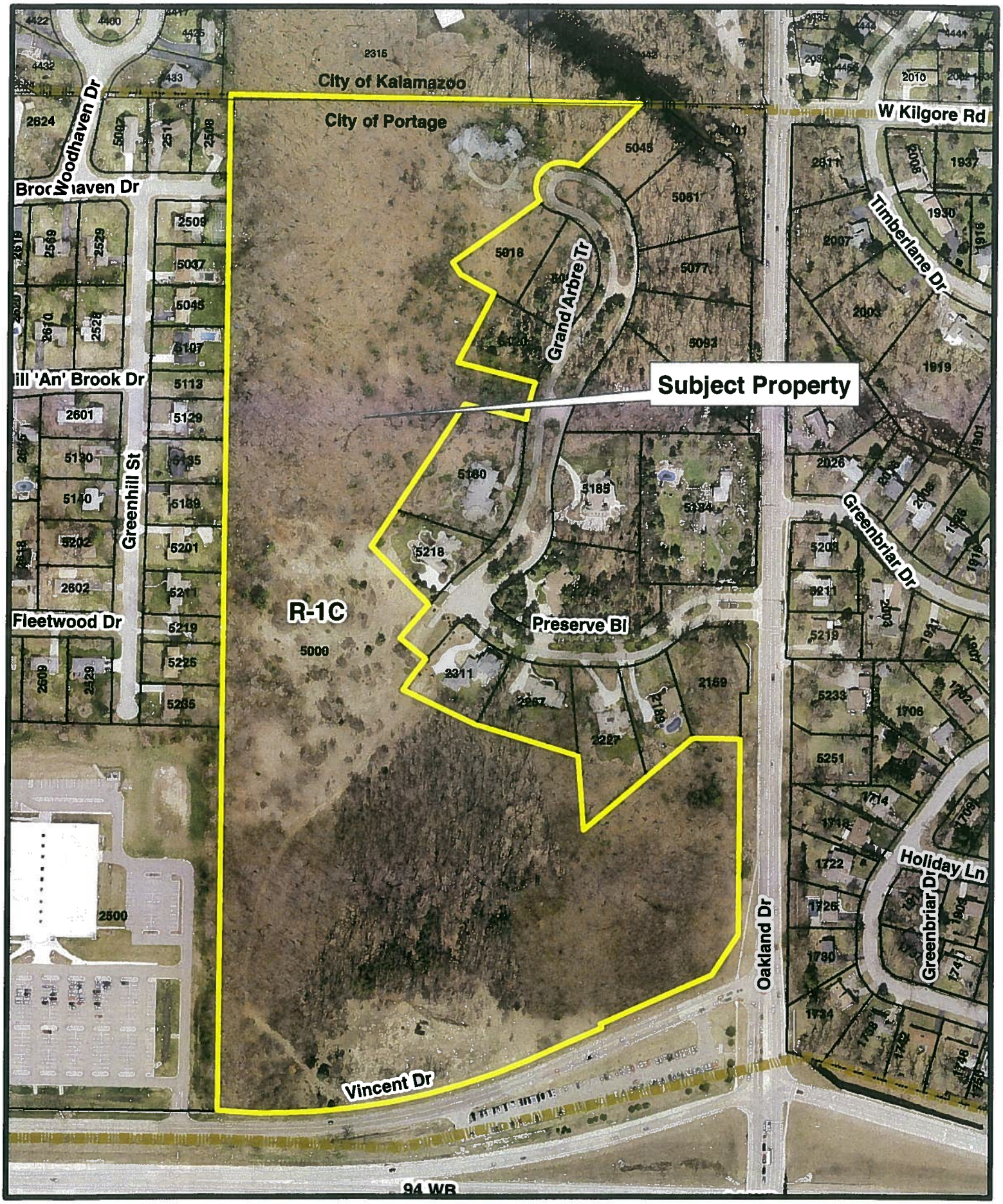
7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477
www.portagemi.gov




Proposed lot lines
Zoning Boundary
Subject Properties

# The Preserve Condominium Subdivision (Phase II)
## 5000 Grand Arbre Trail

1 inch = 350 feet




**Legend**

Subject Property

# The Preserve Condominium Subdivision (Phase II)
# 5000 Grand Arbre Trail

1 inch = 300 feet

# L. L. HARRIS & ASSOCIATES, INC.

Landscape Architecture / Site Planning / Environmental Analysis

3503 Greenleaf Boulevard, Kalamazoo, MI 49008 Phone: 269.375.6859 Fax: 269.375.0410


RECEIVED
SEP 13 2013
COMMUNITY DEVELOPMENT

**THE PRESERVE II CONDOMINIUMS**
A Site Plan Narrative
September 11, 2013

The condominium community known as The Preserve was approve in 1993 and built in 1994 - 95. Its initial phase was proposed to consist of 20 large lots nestled into a unique natural setting. The project design goals were to retain the natural environment, utilize roadways which molded with the terrain, and attain a balance between the natural world and the built environment. Its vision is, and continues to be, a community which embraces modern living, but remains sensitive to the residents who currently resided there, reptiles, a variety of mammals, and an abundant avian population. To encourage and guide implementation of this new community, and to encourage preservation of the native habitat, the design covenants evolved around the concept, and an Architectural Committee were formed to insure that actions support the vision.

Historically, the Preserve was conceived as a private, condominium community with a private road cul-de-sac serving each residential unit, meandered through the natural cover. The entry road were not designed like a normal cul-de-sac, but rather as two meandering trails moving in each direction, sometimes separating 50 to 60 feet as dictated by the terrain. Native vegetation was preserved between the lanes, to encourage and enhance the "trail effect" through a native woods. Actually, the design of the street serves three purposes: to enhance the natural feel of the road as a trail, to serve as two distinct points of ingress or egress in the event of an emergency thereby minimizing the unlikely closure of an entire entry/exit lane, and to reduce noise and intrusion by discouraging pass through vehicular traffic.

Our new condominium project, The Preserve II, consists of 10 lots. To service these lots, we propose to extended the internal private road system to accommodate a total of 30 lots. The road would be built utilizing the standard specifications adopted by the City of Portage as required by the Subdivision and Land Division Regulations. By extending the private road way, we are striving to extend the same goals as the original development. The arrangement and purpose of the street design remains to blend with the natural community and to discourage noise vehicle intrusion.

**The Subdivision and Land Division Regulations for the City of Portage**

Paragraph ( I ) of the Subdivision and Land Division regulations, recommends the maximum number of lots for cul-de-sac's be limited to 20 sites. My review of a few of the newer plats in the city suggests there are several examples in the community where that number exceeds the recommended number, I am confident with good reason.

Paragraph ( j ) Outlines the location and arrangement of the streets.
Under this paragraph it suggests that the location and arrangement of the streets and positioning of the lots conform as much as possible with the topography. It suggests that through traffic be discouraged and encourages the minimum number of streets. The paragraph also suggests that streets should provide convenient, safe access to the property. In the Preserve, street right of ways and pavement widths are adequate to accommodate the type and volume of traffic that will be generated on them. We have reduced the use of streets to the minimum, and they contour the terrain. When the road ways were constructed we

implemented provisions for future utility expansion, particularly storm water and sanitary sewer. We feel we have satisfied that requirement of this paragraph in a very creative way, by minimizing hard surface area.

As previously commented on above, roads were positioned to minimize impact to the land and native vegetation, reduce noise by discouraging through traffic, and insure accessibility in the event of an emergency. For example, Preserve Boulevard, the entry to the community, followed the old existing farm lane two track which previously provided access to the property. Grand Arbre boulevard, responded to the topography and natural cover in its path. Not only did the boulevard meander horizontally, but based upon the existing topography, varied in elevation vertically. There are very few roadways in this area which reflect this kind of design because of cost.

Roadways are intended to be private in the Preserve community, and as such, we do not propose to connect with the external road network of the Hill 'N' Brook plats bordering our west property line. When the Preserve community was first implemented we meet several times with the abutting neighbors. They were very concerned that we would connect to their streets, and were extremely vocal about it. As a result of those meetings we promised not to connect with their street or walk system. They were sensitive to those issues and so are we. The Preserve is
committed to the promises made at those meetings, and neither neighborhood wishes to encourage connections which intrude on privacy or elevate levels of vehicular intrusion and noise.

Section 42-804 of the Improvement Design Standards suggests pedestrian sidewalks be installed along both sides of the street. While considering the design of the Preserve streets, it was determined that the addition of walk ways, expanded the influence of hard surface, and increased the areas requiring machine grading in some situations by a combined 40 feet of width adjacent to the curbs. On an 80 acre site, a detrimental effect such as that was unacceptable to the goals we were determined to attain.

The Preserve community is not situated in such a way as to encourage outside linkage. Pedestrian generators are not in close proximity to the Preserve. The community is hemmed in on three sides by the I-94 corridor, Oakland Drive ( high traffic volume generators), and the creek to the north. The west side is bordered by the Hill 'N' Brook Plats which because of its own street configuration, effectively discourages more attractive pedestrian destinations from the Preserve Community.

Section 42-864 Offers City Council the option to authorize variances from provisions of the Subdivision and Land Division Regulations when it has been determined to be an undue hardship to strictly comply with some of its directives. It is our hoped that Council members will consider the nature of the land use and the quality of life we have worked so hard to retain. In consideration of this narrative, we respectfully request that Council members consider each variance in light of the unique living experience we have to offer our residents, and our accomplishments over the years, and grant that we be permitted to move forward with The Preserve II condominium plat as proposed and outlined with the submission of our tentative plan.

Respectfully submitted,

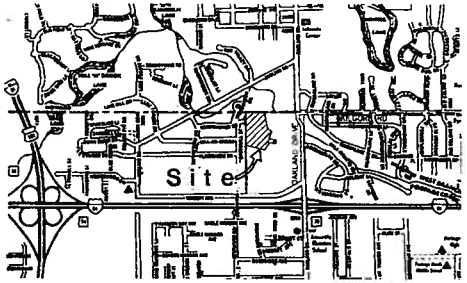
*Larry L. Harris*

Larry L. Harris, Landscape Architect

RECEIVED
SEP 13 2013

# THE PRESERVE II
# SITE CONDOMINIUM

## CITY OF PORTAGE,
## KALAMAZOO COUNTY, MICHIGAN.




VICINITY MAP

NOT TO SCALE

NORTH

LEGAL DESCRIPTION OF "THE PRESERVE II" IN SECTION 5, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

AUGUST 15, 2013
REVISED AUGUST 30, 2013
(PROJECT NO. 130440)

THAT PART OF THE NORTHEAST QUARTER OF SECTION 5, TOWNSHIP 3 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: BEGINNING AT THE NORTH QUARTER CORNER OF SAID SECTION 5; THENCE SOUTH 89° 44' 35" EAST ON THE NORTH LINE OF SAID SECTION 5 A DISTANCE OF 1002.83 FEET TO THE MOST NORTHERLY CORNER OF "THE PRESERVE", BEING KALAMAZOO COUNTY CONDOMINIUM SUBDIVISION PLAN NO. 76, RECORDED IN LIBER 1792, PAGE 0331, KALAMAZOO COUNTY RECORDS; THENCE SOUTH 44° 17' 46" WEST (RECORDED AS SOUTH 44° 15' 28" WEST) ON THE WEST LINE OF SAID CONDOMINIUM 202.68 FEET (RECORDED AS 202.17 FEET); THENCE NORTHWESTERLY 42.53 FEET ON SAID WEST LINE AND ON A 210.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS NORTH 78° 17' 21" WEST 42.46 FEET; THENCE NORTH 84° 05' 26" WEST ON SAID WEST LINE 1.38 FEET; THENCE SOUTHWESTERLY 126.86 FEET ON SAID WEST LINE AND ON A 70.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 43° 59' 16" WEST 110.20 FEET; THENCE SOUTH 71° 42' 28" WEST 234.39 FEET; THENCE SOUTH 13° 33' 29" EAST 84.40 FEET, THENCE SOUTH 35° 41' 00" EAST 24.34 FEET TO THE MOST WESTERLY CORNER OF UNIT 10, SAID CONDOMINIUM; THENCE CONTINUING SOUTH 35° 41' 00" EAST ON THE WEST LINE OF SAID CONDOMINIUM 34.21 FEET; THENCE SOUTH 62° 07' 55" EAST ON SAID WEST LINE 92.38 FEET; THENCE SOUTH 26° 38' 08" WEST ON SAID WEST LINE 185.79 FEET; THENCE SOUTH 76° 43' 13" EAST ON SAID WEST LINE 193.61 FEET; THENCE SOUTHWESTERLY 92.24 FEET ON SAID WEST LINE AND ON A 370.00 FOOT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS SOUTH 13° 01' 41" WEST 92.00 FEET; THENCE NORTH 76° 43' 13" WEST ON SAID WEST LINE 152.62 FEET; THENCE SOUTH 32° 21' 49" WEST ON SAID WEST LINE 228.33 FEET; THENCE NORTH 77° 16' 28" WEST 474.18 FEET TO THE NORTH AND SOUTH QUARTER LINE OF SAID SECTION 5; THENCE NORTH 00° 25' 00" WEST ON SAID QUARTER LINE 819.99 FEET TO THE POINT OF BEGINNING. CONTAINING 13.38 ACRES MORE OR LESS.

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

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

BEARINGS ARE RELATED TO THE RECORDED CONDOMINIUM OF SAID "THE PRESERVE".

STATE OF MICHIGAN
GARY D. HAHN
LAND SURVEYOR
NO. 35198

### SHEET INDEX

1. COVER
2. OVERALL PLAN
3. LAYOUT PLAN
4. GRADING PLAN
5. UTILITY PLAN

LARRY L. HARRIS
3503 GREENLEAF BOULEVARD
KALAMAZOO, MICHIGAN 49008
PHONE: (269) 375-6859
FAX: (269)375-0410

LICENSED LANDSCAPE ARCHITECTS * SITE PLANNERS
*George A. Granger, III, P.E., LLC 9631 Bonita Ct. Portage, MI 49002-6989*
*Gary Hahn, P.S. Wightman & Assoc., Inc. 9835 Portage Rd, Portage, MI 49002*

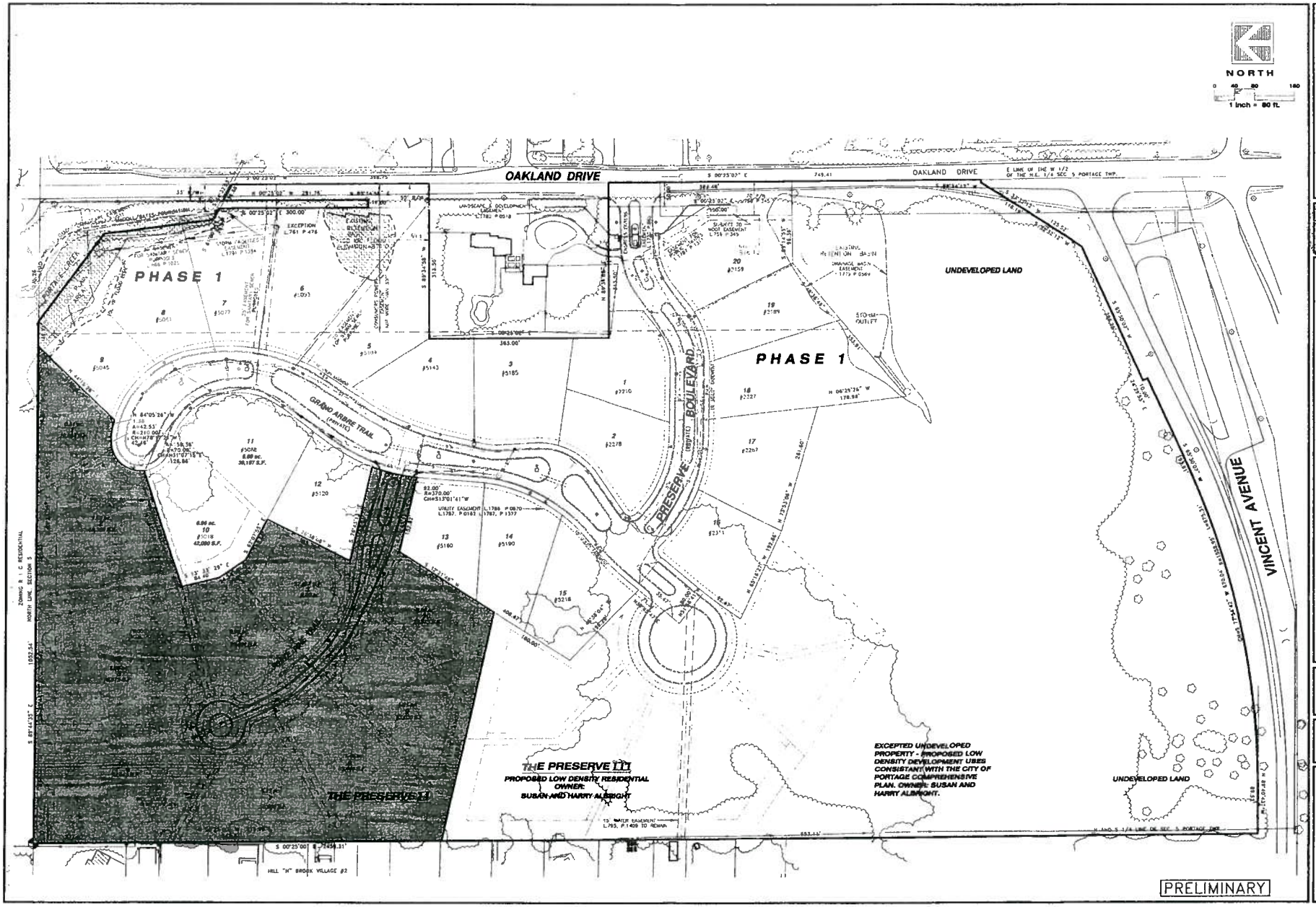
### OWNER:

PATKEN CONSTRUCTION MANAGEMENT, INC.
2620 W. MICHIGAN AVENUE
KALAMAZOO, MICHIGAN 49006
PH. (269) 343-0336

### DEVELOPER:

PRESERVE - II, L.L.C.
6339 STADIUM DRIVE
KALAMAZOO, MICHIGAN 49009
PH. (269) 353-7737

DATE: SEPTEMBER 4th, 2013




LARRY L HARRIS
3301 GREENLEAF BOULEVARD
KALAMAZOO, MICHIGAN 49008
PHONE (269) 375-4659
FAX (269)375-6472
LICENSED LANDSCAPE ARCHITECTS • SITE PLANNERS

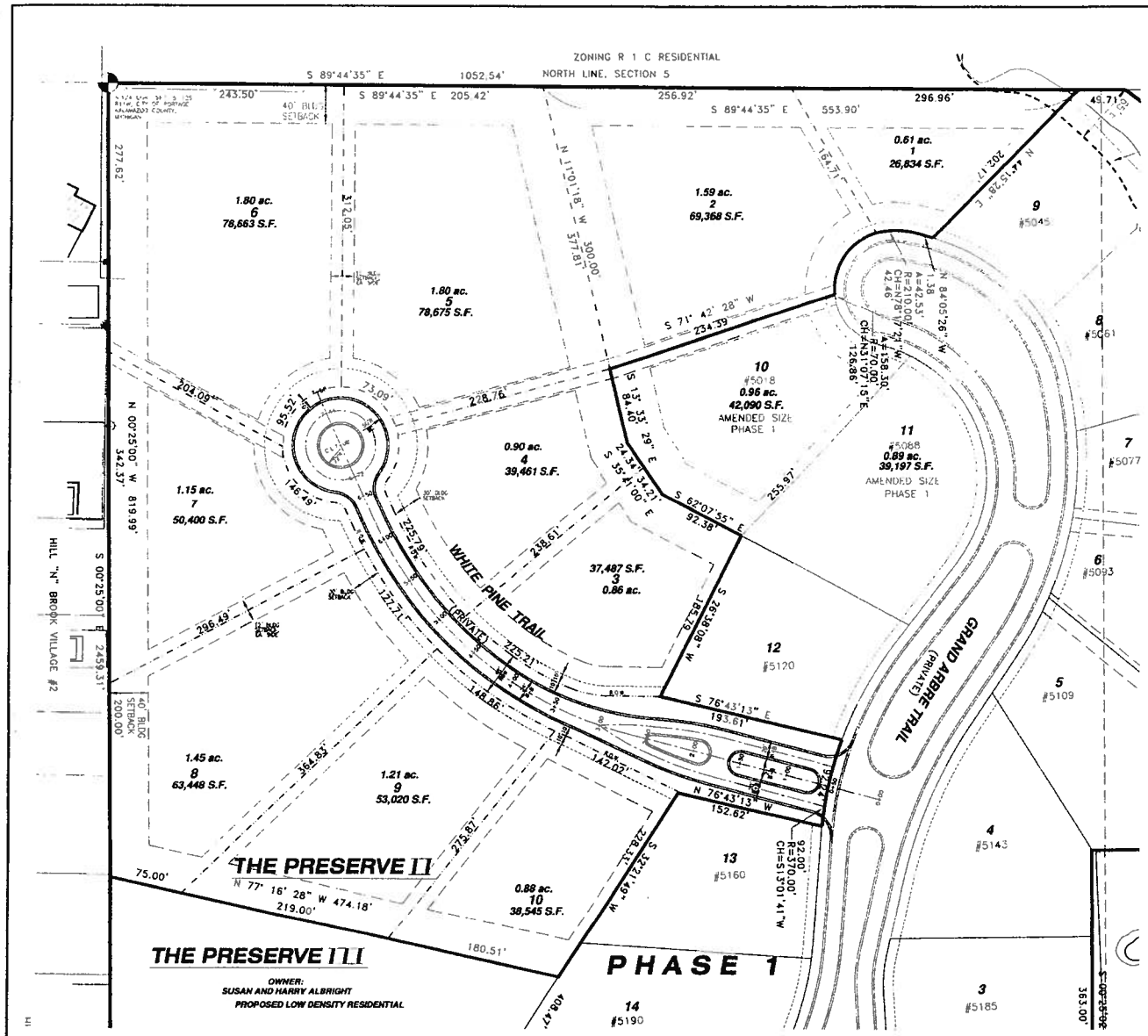
THE PRESERVE SITE CONDOMINIUM PHASE 2
OVERALL SITE PLAN
CITY OF PORTAGE, MICHIGAN

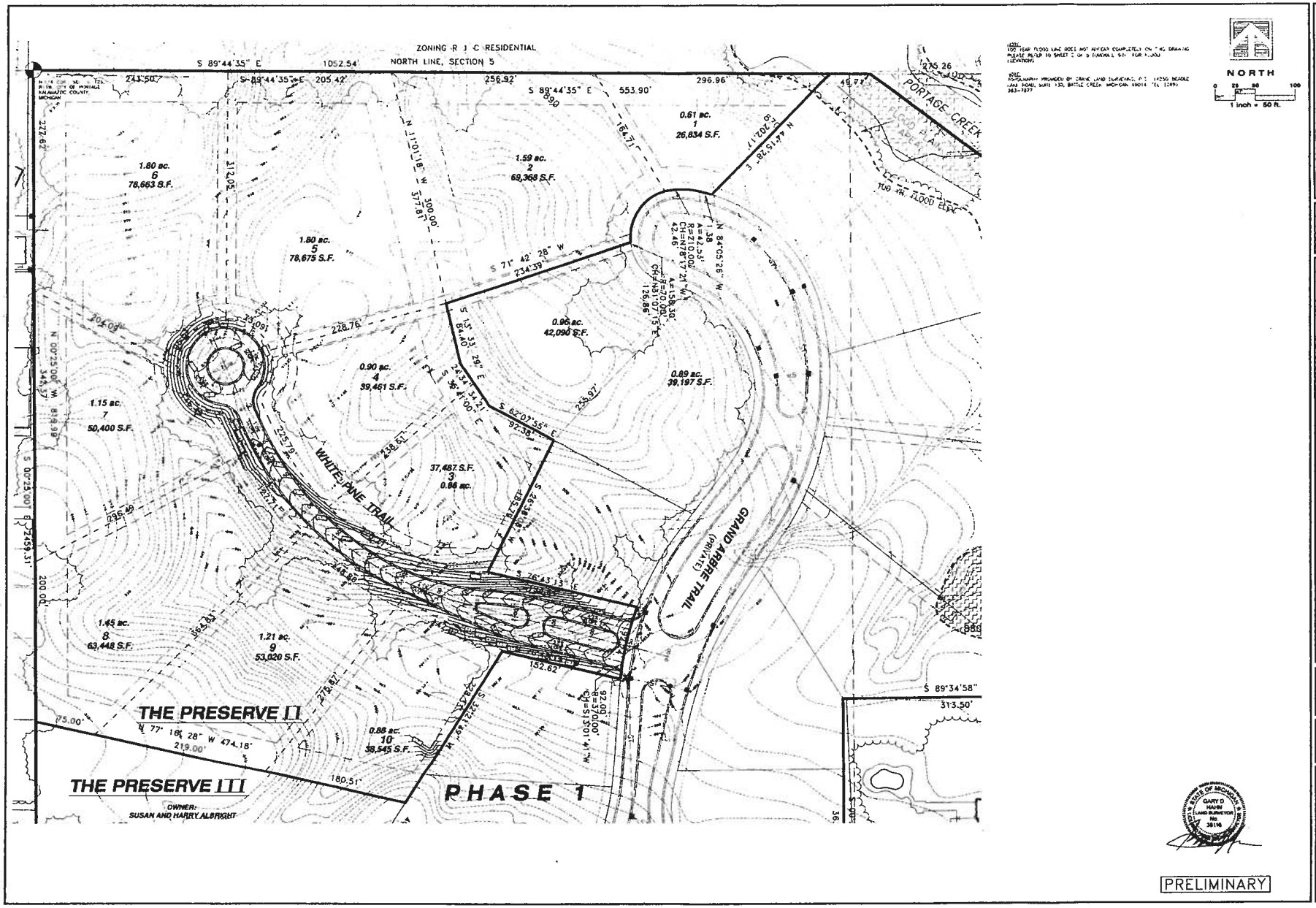
SCALE 1"=80'

DATE 08-02-13
PROJECT 12-142-1

REVISED 9/04/13

SHEET 2of5


ZONING R 1 C RESIDENTIAL
NORTH LINE, SECTION 5
S 89°44'35" E 1052.54'
S 89°44'35" E 205.42'
256.92'
S 89°44'35" E 553.90'
296.96'
40' BLDG SETBACK
1.80 ac. 6 78,663 S.F.
1.80 ac. 5 78,675 S.F.
1.59 ac. 2 69,368 S.F.
0.61 ac. 1 26,834 S.F.
0.90 ac. 4 39,461 S.F.
1.15 ac. 7 50,400 S.F.
37,487 S.F. 3 0.86 ac.
10 #5078 0.96 ac. 42,090 S.F. AMENDED SIZE PHASE 1
11 #5068 0.89 ac. 39,197 S.F. AMENDED SIZE PHASE 1
12 #5120
13 #5160
14 #5190
1.45 ac. 8 63,448 S.F.
1.21 ac. 9 53,020 S.F.
0.88 ac. 10 38,545 S.F.
WHITE PINE TRAIL (PRIVATE)
GRAND ABBRE TRAIL (PRIVATE)
THE PRESERVE II
THE PRESERVE III
OWNER: SUSAN AND HARRY ALBRIGHT
PROPOSED LOW DENSITY RESIDENTIAL
PHASE 1
HILL "N" BROOK VILLAGE #2
N 00°25'00" W 342.37'
S 00°25'00" E 2459.31'
N 00°25'00" W 819.99'
N 77° 16' 28" W 474.18'
219.00'
75.00'
180.51'
S 32°21'49" W
N 76°43'13" W 152.62'
S 76°43'13" E 193.61'
S 62°07'55" E 92.38'
S 26°38'09" W
S 35°41'00" E
S 71° 42' 28" W 234.39'
N 11°01'18" W 377.81'
N 44°15'28" E
N 84°05'26" W
S 00°28'00" E 363.00'
NORTH
1 inch = 60 ft.
PRELIMINARY
LARRY L. HARRIS
LICENSED LANDSCAPE ARCHITECTS * SITE PLANNERS
THE PRESERVE SITE CONDOMINIUM PHASE 2
LAYOUT PLAN
CITY OF PORTAGE, MICHIGAN
SCALE 1"=50'
DATE 08-02-13
PROJECT 13-1142-1
REVISED 9/04/13
SHEET 3of5




PRELIMINARY

LARRY L. HARRIS
3565 GREENLEAF BOULEVARD
KALAMAZOO MICHIGAN 49008
PHONE (269)375-8600
FAX (269)375-8610
LICENSED LANDSCAPE ARCHITECTS • SITE PLANNERS

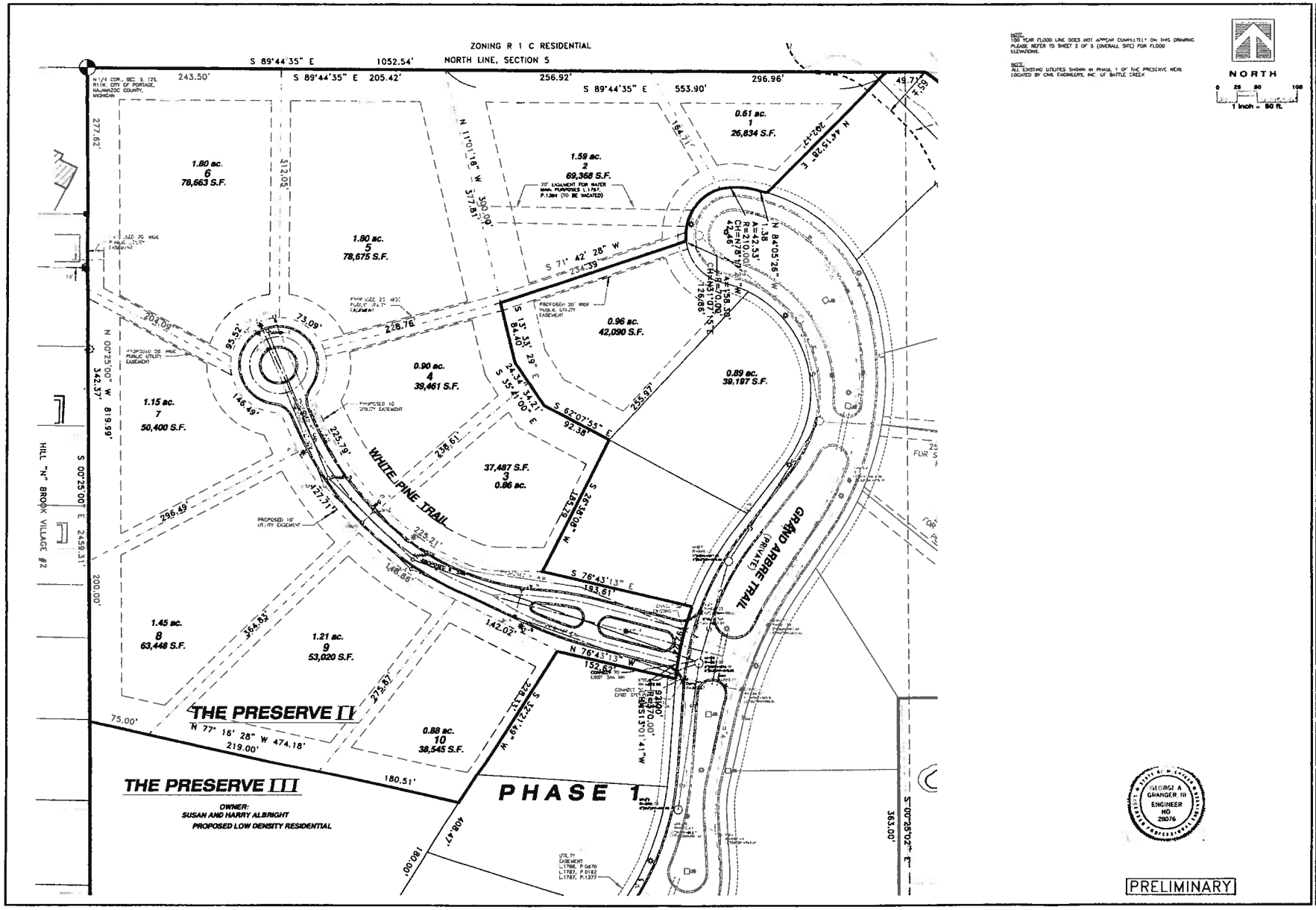
THE PRESERVE SITE CONDOMINIUM PHASE 2
GRADING PLAN
CITY OF PORTAGE, MICHIGAN

SCALE 1"=50'

DATE 08-02-13
PROJECT 2-1142-1

REVISED 9/04/13

SHEET 4of5




NOTE:
100 YEAR FLOOD LINE DOES NOT APPEAR CURRENTLY ON THIS DRAWING PLEASE REFER TO SHEET 2 OF 5 (OVERALL SITE) FOR FLOOD ELEVATIONS.

NOTE:
ALL EXISTING UTILITIES SHOWN IN PHASE 1 OF THE PRESERVE WERE LOCATED BY CMA ENGINEERS, INC. OF BATTLE CREEK

GEORGE A GRANGER III ENGINEER NO 28076

PRELIMINARY

LARRY L. HARRIS
3501 OREGON/AVE BOULEVARD
KALAMAZOO, MICHIGAN 49008
PHONE (269)375-6418
FAX (269)375-6418
LICENSED LANDSCAPE ARCHITECTS • SITE PLANNERS

THE PRESERVE SITE CONDOMINIUM PHASE 2
UTILITY PLAN
CITY OF PORTAGE, MICHIGAN

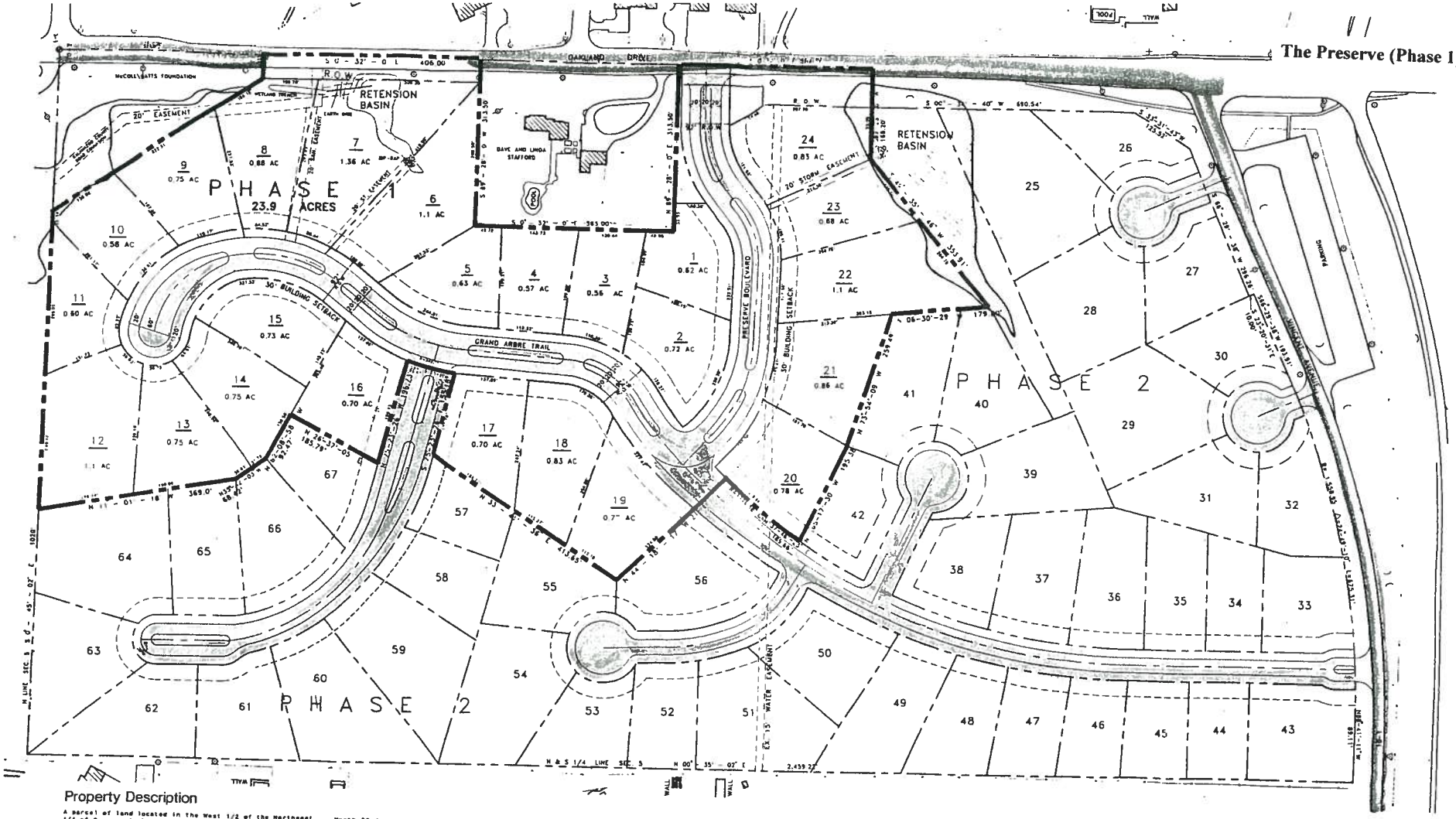
SCALE 1"=50'

DATE 08-02-13
PROJECT 2-1142-1

REVISED 9/04/13

SHEET 5of5

# The Preserve (Phase 1) – 1993




## Property Description

A parcel of land located in the West 1/2 of the Northeast 1/4 of Section 5, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, described as follows:

Commencing at the Northeast Corner of the West 1/2 of the Northeast 1/4 of Section 5, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence South 00 degrees 32' 00" East, along the East line of said West 1/2, 377.00 feet to the true place of beginning; thence continuing South 00 degrees 32' 00" East, 406.00 feet; thence South 89 degrees 28' 00" West, 313.50 feet; thence South 00 degrees 32' 00" East, 383.00 feet, thence North 89 degrees 28' 00" East, 313.50 feet to a point on the East line of said West 1/2, thence South 00 degree 32' 00" East, along said East line, 344.37 feet; thence South 89 degrees 28' 00" West, 186.70 feet; thence South 49 degrees 35' 46" West, 353.91 feet, thence North 05 degrees 30' 29" West, 179.80 feet, thence North 73 degrees 54' 09" West, 259.48 feet; thence North 65 degrees 17' 30" West, 195.38 feet; thence Northeasterly 189.88 feet along the arc of a curve to the right whose radius is 1,116.18 feet and whose chord bears North 37 degrees 48' 23" East, 189.66 feet; thence North 44 degrees 18' 17" West, 218.88 feet; thence North 33 degrees 41' 36" East, 413.65 feet; thence North 10 degrees 56' 32" West, 190.89 feet; thence North 26 degrees 37' 05" East, 185.79 feet; thence North 82 degrees 08' 56" West, 92.47 feet; thence North 35 degrees 42' 03" West, 66.42 feet; thence North 11 degrees 01' 18" West, 369.00 feet, more or less, to the North line of Section 5; thence Easterly along said North line to the intersection of said North line and the Centerline of a creek, said point lying about 300 feet from the intersection of the Drive; thence Southeasterly along said creek to a point which lies 33.00 feet west of the place of beginning; thence East 33.00 feet to the place of beginning.

TOGETHER WITH AND SUBJECT TO any and all easements, rights and restrictions of record.

**Developer :**

ALLIED CAPITAL CORPORATION
4341 SOUTH WESTNEDGE
KALAMAZOO, MICHIGAN 49006

LARRY L. HARRIS A.S.L.A.
landscape architecture/site planning
environmental analysis

Condominium Development
**THE PRESERVE**
SHEET TITLE
PRELIMINARY PROPERTY DESCRIPTION
(PHASE 1) AUG 9, 1993

SCALE 1"=80'

SHEET 2 / 4

PORTAGE
A Natural Place to Move

Department of Community Development

**TO:** Planning Commission **DATE:** September 13, 2013

**FROM:** Vicki Georgeau, Director of Community Development

**SUBJECT:** Preliminary Report: Rezoning Application #13-02, Harbors West Planned Development, 5710 Angling Road and 3800, 3730 and 3734 West Milham Avenue

## I. INTRODUCTION:

A PD, planned development rezoning application has been received from Harbors West, LLC for an approximate 74 acre tract of land addressed as 5710 Angling Road and 3800, 3730 and 3734 West Milham Avenue. Attached is the rezoning application, narrative, tentative plan and supporting materials.

| Applicant | Property Address | Parcel Number | Zoning | |
|---|---|---|---|---|
| | | | Existing | Proposed |
| Harbors West, LLC | 5710 Angling Road | 00006-130-O | R-1B | PD |
| | 3800 West Milham Avenue | 00006-145-B | R-1B | PD |
| | 3730 West Milham Avenue | 00006-160-B | R-1B | PD |
| | 3734 West Milham Avenue | 00006-160-O | R-1B | PD |
| Four parcels – 73.7 acres | | | | |

## II. EXISTING CONDITIONS:

| | |
|---|---|
| Existing Land Use/Zoning | Rezoning Site: One single family residence (3730 West Milham) that was built in 1959 and vacant land (5710 Angling and 3800 & 3734 West Milham) zoned R-1B, one family residential.<br>East: Single family residences within the Harbors West (Phase I) subdivision and the Harbors West Park zoned R-1B.<br>South: Along the north side of West Milham Avenue, single family residences and a church zoned R-1B. Along the south side of West Milham Avenue, single family residences and vacant land zoned PD and R-1B.<br>West/North: US-131 and I-94. |
| Previous Subdivision Review/Approval | In 1998, City Council approved the Preliminary Plat for the Harbors West No. 1 subdivision which was developed under the Subdivision and Open Space Plan provisions of the Zoning Code (Section 42-350.E) and included 42 single family residential lots on 22 acres, construction of Baywood Drive and Bay Meadow Drive and dedication of six acres of land to the City of Portage for construction of the Harbors West Neighborhood Park. In return for the dedication of land for the park construction, the developer received a reduction in lot sizes including a minimum lot width 74-feet and a minimum lot area of 8,880 square feet. At the time, the overall development plan for the Harbors West subdivision proposed a total of 245 single family residential lots on approximately 93 acres. |
| Zoning/Development History | No rezoning of properties in the surrounding area since adoption of the 2008 Comprehensive Plan. However, one rezoning did occur along the south side of West Milham Avenue, opposite the subject properties in 2001. |

| | |
|---|---|
| Zoning/Development History (continued) | • In 2001, 3821 West Milham Avenue and 6413 South 12th Street were rezoned from R-1B to PD to accommodate The Homestead of Portage Planned Development. Public infrastructure associated with the single family residential portion of this PD has been completed and individual home construction is ongoing. The non-residential "cottage office" portion of the PD planned near the corner of US-131 and West Milham Avenue is still pending. |
| Historic District/ Structures | The subject site is not located within a historic district and does not contain any historic structures. |
| Public Streets | West Milham Avenue, between Angling Road and South 12th Street, is designated as a 3-lane minor arterial with 11,672 vehicles per day (2012); capacity of 21,500 vehicles per day (level of service "D"). |
| Public Utilities | Municipal water and sewer are available and will serve the development. |
| Environmental | The City of Portage Sensitive Land Use Inventory Map identifies a small potential wetland area situated within the middle portion of the subject property. Based on a tentative review, the developer believes this area is a non-regulated wetland based on its size and surrounding land use characteristics. However, the developer will conduct a wetland assessment prior to development of this portion of the subject property. This area is identified on the tentative plan for storm water infiltration and open space. |

## III. ZONING CODE/PLANNED DEVELOPMENT PROCEDURES & REGULATIONS

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

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

Section 42-374 of the Land Development Regulations contains the PD district development standards. 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. The planned development is required to provide public water, public sanitary sewer and a pedestrian system. The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types. The overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per

acre. Single family "lots" cannot average less than 6,500 square feet with a minimum of 5,000 square feet. Building setbacks, building height, open space and screening are also regulated under the ordinance.

## IV. PROPOSED TENTATIVE PLAN:

As indicated by the applicant, the objective of the Harbors West PD is to create a vibrant community with a clustered residential development that preserves natural areas while incorporating enhanced open spaces, integrated pedestrian pathways and landscaping features. The project is proposed to be developed as a site condominium subdivision with 204 single family residential homes on approximately 74 acres with over 14 acres (19%) devoted to perpetual open space. Open space areas will be located around the perimeter of the property (adjacent US-131 and I-94) and within central portions of community. To provide this additional open space, the applicant is proposing a minimum lot width of 60-feet and reduced building setbacks to accommodate proposed housing styles. As identified in the attached materials, a variety of floor plans are planned for the community with a minimum 1,400 square foot ranch-style home and 1,800 square foot two-story home proposed by the applicant. The PD narrative and proposed home portfolio also indicate the houses will incorporate architectural upgrades and variations in roof line, porches and construction materials (vinyl siding, brick, stone, etc). All single family homes will also include a two-car attached garage with an option for a third-car garage on larger lots. The overall development density for the residential community will be 2.8 units per acre. Other features of the proposed planned development project include:

- Pedestrian Walkway/Trailway – An internal pedestrian circulation network consisting of concrete sidewalks and an asphalt recreational bike/walking path will be provided throughout the development. Four-foot wide concrete sidewalks are proposed along at least one side of the public streets, with an 8-foot wide asphalt path proposed along the rear portions of building sites within identified open space areas. The 8-foot wide path will connect from West Milham Avenue to the Harbors West Park. Where located within open space areas, the paths will be owned and maintained by the condominium association and, based on discussions with the applicant, the paths will be open to the public. Section 42-804(b)(1) of the Subdivision and Land Division Regulations requires that four-foot wide concrete sidewalks be provided on both sides all streets. In Item 9 of the written narrative, the applicant is requesting a modification from this provision.
- Storm Water Management - Storm water runoff associated with the public streets will be collected and conveyed to an infiltration basin situated within an existing low area located within the middle portion of the subject property. This existing low area is also planned for open space on the tentative plan. While the storm water piping within the public streets will be owned and maintained by the city, the infiltration basin will be owned and maintained by the homeowners association with appropriate easements and indemnification provided to the city. Tentatively, the infiltration basin is planned to include an emergency overflow outlet that will direct to the Michigan Department of Transportation (MDOT) infiltration area situated adjacent US-131. The applicant is aware that MDOT approval will be necessary prior to approval of the detailed engineering plans.
- Vehicular Access – Access to the Harbors West PD will be provided through a new public street from West Milham Avenue (Phase 1), public street extensions from Baywood Drive (Phase 2) and Bay Meadow Drive (Phase 3 and 4) and an internal public street network. The new public street access from West Milham Avenue will include a boulevard entrance with a community monument and significant landscaping. This new public street will also align with the planned access for the remaining portion of The Homestead of Portage PD, along the south side of West Milham Avenue. Construction of Phase 5

and 6 will result in an approximate 1,900 foot long curvilinear road that parallels the US-131/I-94 interchange, along the northwest portion of the overall property. Section 42-806(1)(a) of the Subdivision and Land Division Regulations establishes a maximum block length provision of 1,400 feet, except, where in the opinion of the Planning Commission conditions may justify a greater distance. In Item 9 of the written narrative, the applicant identifies the presence of the US-131/I-94 interchange as a unique condition that supports a longer block length.

- Housing Types and Building Setbacks – The applicant plans to incorporate a variety of different residential elevations and floor plans into the development, with single family homes ranging from 1,658–3,420 square feet with attached two-three car garages. At a minimum, the applicant has committed to construct 1,400 square foot ranch-style homes and 1,800 square foot two-story homes with attached two-car garages. As noted above, the houses will incorporate architectural upgrades as indicated in the narrative and home portfolio. As indicated by the applicant, the majority of lot sizes will range from 7,620-9,144 square feet in size with 60-72 foot widths with larger/wider lots proposed within cul-de-sacs and where abutting the existing Harbors West subdivision to the east and adjacent homes to the south. Homes will maintain minimum setbacks of 25-foot (front), 25-foot (rear) and 5-foot (side) with a minimum 15-foot separation between homes. Additionally, a 15-foot side setback will be provided along the long side of the corner lots. Finally, where adjacent to the existing Harbors West development (Baywood/Bay Meadow Drive) and other existing home sites, a larger 10-foot side yard and 40-foot rear setback will be provided.
- Phasing – The Harbors West PD and construction of the 204 residential dwellings and associated infrastructure is proposed to occur in six phases over an approximate 10-year period with Phase 1 planned for 2014-2015. Phase 1 (39 lots) will begin along the southwest portion of the overall property with a public street constructed from West Milham Avenue. The remaining phases of the development are planned as follows: Phase 2 (42 lots) 2015-2017, Phase 3 (31 lots) 2016-2019, Phase 4 (34 lots) 2017-2021, Phase 5 (29 lots) 2018-2023 and Phase 6 (29 lots) 2019-2025. Since Phase 1 will include a total 39 lots on a cul-de-sac street (until Phase 2 and a connection to Baywood Drive is constructed), the applicant in Item 9 of the written narrative is requesting a modification from the maximum 20-lots on a cul-de-sac provision of the Subdivision and Land Division Regulations [Section 42-803(i)].

## V. PRELIMINARY ANALYSIS:

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

Comprehensive Plan/Future Land Use Map Consistency. The Future Land Use Plan Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties, as appropriate for low density residential land use. The Comprehensive Plan defines this land use classification to include areas planned for future low density residential developments ranging from 1-4 units per acre. The Comprehensive Plan further identifies the purpose of the low density residential classification to establish areas for future low density, single family development, protect existing established neighborhoods from the intrusion of incompatible land uses and encourage additional "higher value" housing taking advantage of available attractive natural features and other amenities.

Development Guidelines. The Development Guidelines are intended to be used by the Commission and staff when reviewing private development proposals, infrastructure improvement programs (i.e. public

expenditures on streets, sewers and water mains that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies that influence the use of land for consistency with community development objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability of Existing R-1B Zone/Impacts of Proposed PD Zone. Both the existing R-1B zone and proposed PD zone proposed single family residential development plan are viable options for the subject property. While the PD ordinance permits up to 20% nonresidential land use, the proposed Harbors West PD does not include a nonresidential land use element. Additionally and while the PD ordinance allows an overall residential development density of up to 7.0 units per acre, the proposed Harbors West PD proposes an overall single family detached residential development density of 2.8 units per acre. The proposed Harbors West PD density (204 total units) is also almost identical to the previously approved 1998 Harbors West Subdivision and Open Space Plan that identified a total of 203 units for future development on the remaining vacant portion of the overall property (see attached).

The proposed PD zone offers flexibility for the applicant and assurances to the community on how the property will be developed (i.e. types of land uses, density, location and so forth). As proposed by the applicant, the Harbors West PD will result in essentially the same number of residential lots that could be developed under the existing R-1B district with a more creative design that preserves open space areas and include additional community amenities.

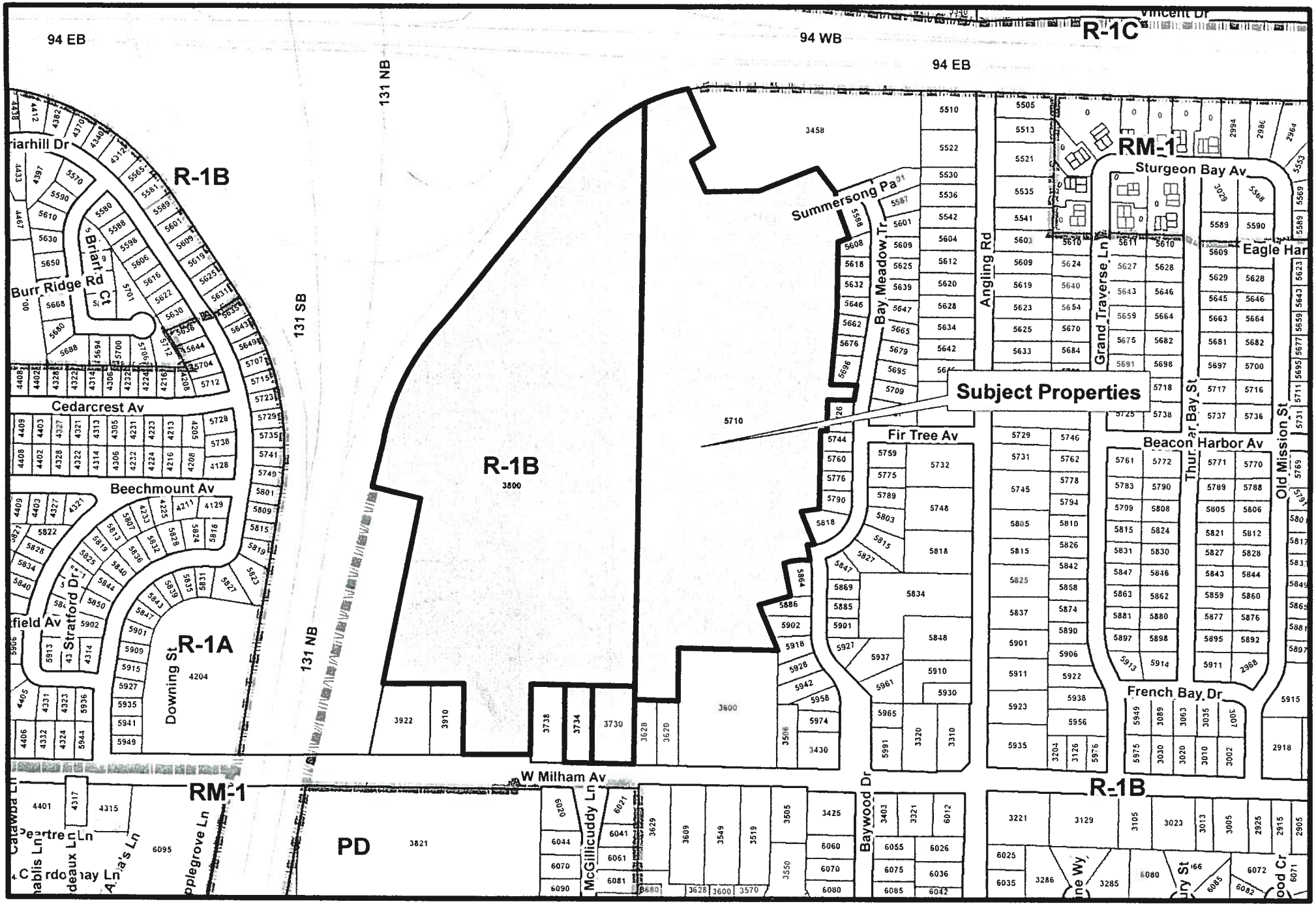
Traffic Considerations. Traffic related impacts and issues associated with single family residential development of the subject property were analyzed during review of the 1998 Harbors West Subdivision and Open Space Plan. Since 1998, significant roadway related improvements have occurred along West Milham Avenue and at the West Milham/Angling Road intersection. The Trip Generation Manual published by the Institute of Traffic Engineers (ITE) estimates that a single family residential dwelling will generate approximately 10-12 vehicle trips per day ("trip" defined as one vehicle movement either in or out of the development). Upon full build-out of the Harbors West PD (estimated at approximately 10 years), the 204-lot single family residential development will generate approximately 2,040-2,448 vehicle trips per day. As previously indicated, West Milham Avenue is a 3-lane minor arterial roadway with 11,672 vehicles per day (2012) and a capacity of 21,500 vehicles per day (level of service "D"). As previously concluded, anticipated traffic generation associated with a single family residential development on the subject property can be accommodated by the adjacent roadway system.

## VI. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, the Commission is advised to receive public comment during the September 19, 2013 meeting and adjourn the public hearing to the October 3, 2013 meeting.

Attachments:
- Zoning/Vicinity Map
- Future Land Use Map
- Aerial Photograph Map
- Rezoning Application, Narrative, Tentative Plan and Concept Portfolio
- Previously Approved Harbor West Subdivision Open Space Plan (1998)

S:\Commdev\2013-2014 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Rezonings\2013 09 13 Rezoning Application #13-02, Harbors West PD, West Milham & Angling (preliminary).doc

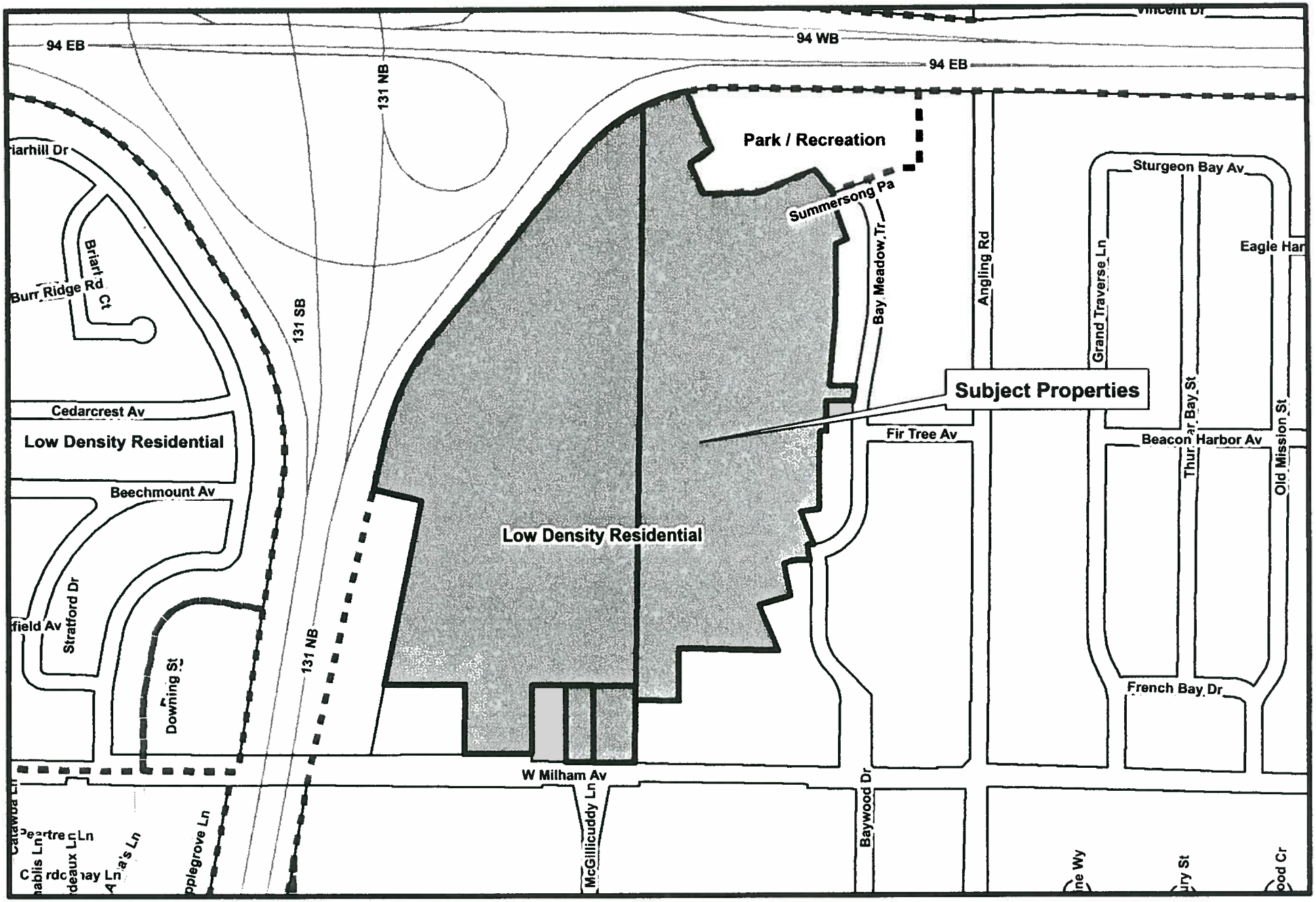



# Rezoning #13-02
# 5710 Angling Road and
# 3730, 3734 and 3800 West Milham Avenue

Zoning Boundary

Subject Properties

1 inch = 484 feet

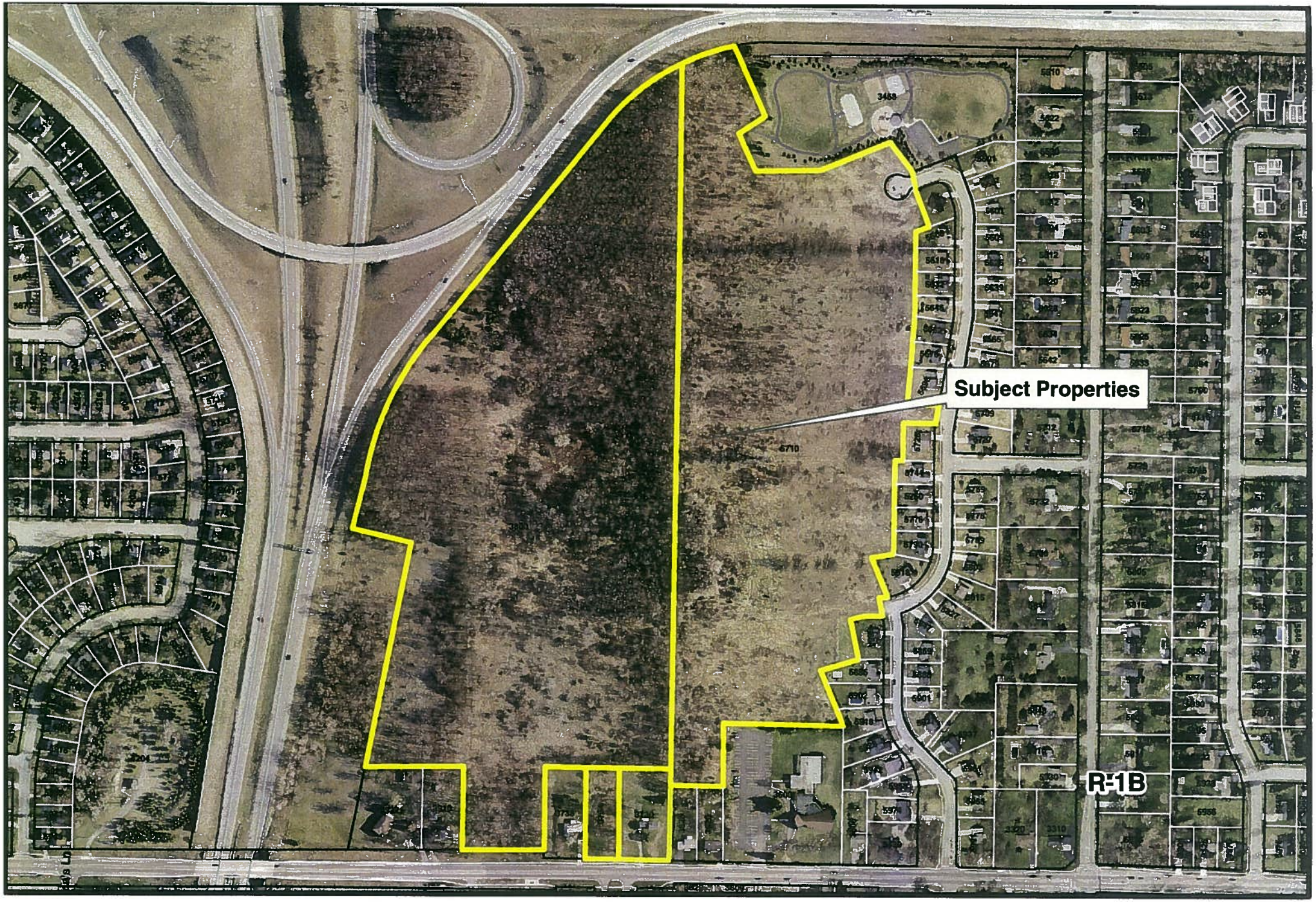



# Future Land Use Map
# 5710 Angling Road and
# 3730, 3734 and 3800 West Milham Avenue

Future Land Use

Subject Properties

1 inch = 484 feet




# Aerial Photo
# 5710 Angling Road and
# 3730, 3734 and 3800 West Milham Avenue

2013 Imagery

1 inch = 395 feet

PORTAGE
A Natural Place to Move

Department of Community Development

RECEIVED
JUN 13 2013
COMMUNITY DEVELOPMENT

**APPLICATION FOR ZONING AMENDMENT**

Application number 13-02

Date 6/10/13

APPLICATION INFORMATION:

Meetings of the Portage Planning Commission are held on the first and third Thursday of each month at 7:00 p.m. in the Council Chambers of Portage City Hall, 7900 South Westnedge Avenue, Portage, Michigan. All zoning amendment applications must be properly filled out and submitted to the Department of Community Development and the zoning amendment fee paid at least 15 working days prior to the meeting at which the public hearing is held. The applicant will be notified in writing of all such public hearing/meetings.

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 2, Subdivision 2.

TO THE PLANNING COMMISSION:

I (WE), the undersigned, do hereby respectfully make application and petition the Portage Planning Commission to amend the Zoning Ordinance and/or change the Zoning Map as hereinafter requested. In support of this application, the following is submitted:

**ZONING MAP AMENDMENT**

1. a. Platted Land:

The property is part of the recorded plat: The property sought to be rezoned is located at _____ between _____ Street and _____ Street on the _____ side of the street, and is known as Lot Number(s) _____ of _____ Plat (Subdivision). It has a frontage of _____ feet and a depth of _____ feet.

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).
Wilham Ave between US 131 and Angling Rd.
West Parcel - 00006-145-B Total Acreage - 74 Acres
East Parcel - 00006-130-C

2. a. Do you own the property to be rezoned? Yes X No _____

b. Name of the owner of the property to be rezoned: Harbors West, LLC

Address 2186 E Centre Ave, Portage, MI 49002

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Site condominium for single family detached homes

4. CURRENT ZONING: R-1B PROPOSED ZONING: PD

**ZONING TEXT AMENDMENT**

1. The proposed language to be considered is (attach additional sheets as necessary):

NA

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
NA

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
NA

We attach a statement hereto indicating why, in our opinion, the change requested is necessary for the preservation and enjoyment of substantial property rights, and why such amendment will advance the public health, safety and welfare. An assessment of the impact of the proposal on the community and property of other persons in the vicinity of the amendment or affected by the amendment is also attached.

(Signature of Applicant) (Signature of Applicant)

2186 E Centre Ave, Portage, MI 49002

(Address) (Address)

616-878-1748x424

(Phone) (Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

8/27/13
Revision 9/10/13

# HARBORS WEST

## Planned Development Narrative

RECEIVED
SEP 10 2013
COMMUNITY DEVELOPMENT

### INTRODUCTION

Harbors West is a proposed residential Planned Development (PD) within the City of Portage that places a strong emphasis on clustered development and preservation of natural areas. The proposed site plan achieves a desirable balance between feasibility challenges inherent in new residential communities with the features of the existing and future landscape. This narrative is tailored to address the requirements of Section 42.375.C and Section 42.373.C of the City of Portage Zoning Ordinance as amended.

### TENTATIVE PLAN STATEMENT

Please consider the following contents for the Planned Development for the Harbors West community as it relates to the City of Portage Land Development Regulations.

1. The purpose and objective of the proposed Harbors West community is to provide long term value to the City of Portage and surrounding neighborhoods through the vision of this community. The vision is to create a vibrant community with a clustered residential development that preserves natural areas while incorporating enhanced open spaces, integrated pedestrian pathways, and landscaping features. The proposed community will be a site condominium for single family homes.

   With the vision of the community and the desirable features that we have incorporated into the design it has become apparent that the Planned Development (PD) designation is required. In an effort to include the desired amenities and to maintain density it was found that the proposed plan cannot be developed under other sections of the zoning ordinance as required by section 42-374.C.

   In addition, this project was previously intended to be developed into a 245 unit single family home community. Harbors West No. 1 which consisted of the first 42 units was approved for construction in 1998 leaving the remaining 203 units for future development. The project was developed under the Subdivision Open Space portion of the Zoning Ordinance. The originally proposed open space plan donated approximately 6 acres of land to the City for Harbors West Park. The remainder of the land was intended to be fully developed for single family homes. The previously approved plan allowed for a reduction in lot widths in the R1-B zone to a minimum of 74 feet at the building line.

   The proposed layout for the remainder of the Harbors West project includes a similar density and adds 14.2 acres or a 237% increase in open space that was not available in the previously proposed

plans. The proposed plan includes 201 units on the original planned future development parcel with 3 more units (units 1-3) on an added parcel adjacent to Milham Avenue for a total 204 units. To allow for a similar density to the previous plan while adding open space, a reduction in lot size is required. Two lot width categories are utilized throughout the proposed plan, 72 feet wide and 60 feet wide. The minimum width proposed is 60 feet at the building setback. The re-designed open space offers many advantages such as greater benefit to the community as a paved path will interconnect the open spaces, Milham Avenue, and the existing Harbors West Park. In addition, the new site plan incorporates a more efficient grading plan with less earth disturbance as a result of preserving natural low areas. Further discussion on the benefit and purpose of the recreational amenities can be found in section 8. The tradeoff that has been incorporated into the design of the new site plan will be a benefit to the future community and the existing natural landscape.

2. Harbors West will occupy a total 73.7 acres over 4 existing parcels of land (5710 Angling Road, 3800 West Milham, 3730 West Milham and 3734 West Milham). The current zoning of the property is R-1B, one family residential and the proposed zoning is PD. The characteristics of the land include rolling meadows covering natural topography and wooded areas, and the design incorporates the preservation of these natural features. Approximately 19.3% of the site will be preserved in perpetual open space.

   The layout of the building sites were carefully designed on upland areas as the majority of preserved areas includes low topography and wooded portions of the property. It is proposed to minimize impacts to the centrally located large open space by filling the grade for units 168-175. This design utilizes the natural topography to capture and store storm water and will allow for very minimal impacts to the wooded areas (i.e. removal would only be necessary for storm sewer, grading and potential infiltration enhancements).

3. The construction of Harbors West will take place over six phases. Phase one will begin at Milham Avenue and includes 39 units. The following is a table outlining the phasing for this project. Please note that the estimated timeframe for construction is market driven. A range has been provided as a best estimate for these phases and may change as a result of market demand.

PHASING TABLE

| Phase | Size [acres] | Number of Units | Time Schedule |
|---|---|---|---|
| 1 | 19.61+/- | 39 | 2014-2015 |
| 2 | 15.55 +/- | 42 | 2015-2017 |
| 3 | 9.35 +/- | 31 | 2016-2019 |
| 4 | 11.67 +/- | 34 | 2017-2021 |
| 5 | 9.51 +/- | 29 | 2018-2023 |
| 6 | 7.92 +/- | 29 | 2019-2025 |

4. Construction on the initial phase is proposed to commence in 2014. The time frame for the completion of this community will take place over a range of six to twelve years with approximately 35 units per phase. The table above outlines the approximate timeframe for each phase.

5. Each phase of the community will be constructed independently, but will be integrated with the overall project and existing residential community and Harbors West Park. All planned road stub streets from the east are incorporated in the design.

6. The land that is under consideration is owned by Harbors West, LLC which is a subsidiary of Allen Edwin Homes. It is situated east of US 131, immediately south of I-94 and directly west of Harbors West Park. The entrance to the community will be located on the north side of Milham Avenue just west of McGillicuddy Lane.

7. The density proposed is 2.8 units per acre with 204 total units. The open space will occupy 14.2 acres, which is approximately to 19.3% of the parcels.

8. The open space will be located throughout the perimeter and central area of the community. A recreational walking path will exist throughout the open space areas and will connect to Harbors West Park and Milham Avenue. The path will function as a means of exploration and interconnectivity within the community. Circulating pedestrian traffic to pathways in common areas reduces the safety concerns that arise with sidewalks crossing multiple driveways within a traditional development. Therefore, sidewalks within the street right of way have been limited to areas where bike paths are not present in the rear of the building sites. All common elements and amenities with the limits of the project will be maintained by the homeowner's association.

   It is also proposed to include a community monument and significant entrance landscaping at the Milham Ave entrance. The design has incorporated boulevard entrances within subsections of the project.

9. All homes will be constructed in the proposed building envelopes. The portfolio that we are offering consists of two story homes and one single story home. The Harbors West Planned Development will deviate from the underlying R1-B zoning regulation regarding the finished floor square footage. The deviation includes eliminating the first floor square footage requirement of 1,000 square feet for two story homes. However, the entire two story portfolio will meet the 1,800 square foot requirement. This allows for an increased floor area on the second floor which results in an energy efficient two story home design.

   To further understand the homes proposed for this project we have submitted a rendered portfolio of elevations and floor plans from our current offerings. As requested, we have included floor plans that indicate the overall width and depth, and have updated the site plan to accurately reflect the proposed portfolio. The portfolio has plans ranging from 1,658 square feet to 3,420 square feet, not including the finished garage space. This includes one ranch plan and several two story floor plans.

The proposed floor plans are subject to change as new plans are developed according to consumer demand, however, Allen Edwin Homes does not intend to construct homes less than 1,400 square feet for ranch style homes, and 1,800 square feet for two story homes when future plans are developed.

These homes incorporate desirable curb appeal through architectural upgrades and variation on vinyl siding, brick, stone and porch sizes. The proposed portfolio offers a three car garage on every home, which is subject to lot sizing restrictions. At a minimum, homes will include a 2 car garage.

The proposed site plan includes a range of lot widths between 60 feet and 90 feet at the setback line. The majority of widths are between 60 feet and 72 feet with square footage between 7,620 square feet and 9,144 square feet. Typical lot coverage will range from 20% to 30%. Building setbacks will be set at 25 feet for the front yard, 25 feet for the rear yard, and 5 feet for the side yard with a minimum of 15 feet between homes. Further detail can be found on the Tentative Plan. The 60 foot width will accommodate a large portion of the proposed portfolio, but the product will typically be limited to a two stall garage. The units that are 70 feet wide and above will accommodate the entire portfolio with a mix of two stall and three stall garages depending on the product.

We are requesting that the City Council waive two provisions of the Subdivision and Land Development Regulations. First, a waiver regarding the maximum units on a cul-de-sac is being requested. The current requirement is a maximum of 20 units per cul-de-sac. The phasing plan indicates that phase one will include 39 units on a cul-de-sac. We are requesting that this requirement be temporarily waived as a result of the phasing and construction schedule. Second, we are requesting a waiver from the provision that requires sidewalk on both sides of the street. As mentioned in item no. 8, sidewalks are proposed only where the bike path is not proposed in the rear yards. We believe the recreational pathways will better serve the community while increasing safety. The proposed pathways will also provide easy access to utilizing the open spaces. Traditional sidewalks will be present in locations that do not have access to open space pathways.

We are also requesting the Planning Commission permit block lengths longer than the 1400 feet maximum length requirement (section 42.806 of the zoning code) for the block adjacent to the MDOT limited access right of way.

10. Sanitary sewer service is available near the Milham Avenue entrance and the northerly Baymeadow Trail entrance. Each location has a previously installed stub for a future connection. All of the future homes will be connected to the sanitary sewer system, which will be designed for gravity service.

    Storm sewer will be provided along the streets and be directed to the proposed infiltration basin located in the existing low area on-site. The basin is tentatively planned to have an emergency overflow outlet to be directed to the storm basin located on the east side of US-131. The design will provide conveyance and volume in the existing storm water system outlet that is currently located

between lots 87 and 88 of the existing plat. The storm water overflow outlet will be installed no later than phase two with approval from MDOT. The storm water management system will be privately owned and maintained by the homeowners association, and The City of Portage will be indemnified.

Public water service will be provided to all future homes. A 12" water main exists on the north side of Milham Ave and an 8" water main stub exists at the three entrances along Bay Meadow Trail and Baywood Dr. With the tentative design a looped system will be achieved.

11. A Master Deed will be prepared for this project to create the units, common elements and easements desired. This will also form the condominium homeowners association for this project. A 10' wide easement will be created adjacent to the right of way for franchise utilities (gas, electric, cable and telephone). Additional easements will be prepared for the path, storm water management and any other easements required. These easements will be detailed on the final plans provided to the City.

12. The main Harbors West entrance will be located on Milham Avenue and will provide access to the proposed public streets throughout the community. A 60 foot wide right of way will be deeded to the city as well as an 80 foot wide right of way at the boulevard entrance. As mentioned, all homes will include a 2 car attached garage for parking vehicles.

13. The Harbors West PD is requesting two waivers from the provisions of the Subdivision and Land Division Regulations. First, a waiver from the Subdivision and Land Division Regulations regarding the maximum units on a cul-de-sac is being requested. The current requirement is a maximum of 20 units per cul-de-sac. The phasing plan indicates that phase one will include 39 units on a cul-de-sac. We are requesting that this requirement be temporarily waived due to the phasing and construction schedule. The cul-de-sac restriction will not be required after the completion of phase 2. Detailed descriptions of departures are provided in section 9

    The second waiver that is being requested is regarding the provision that requires sidewalks on both sides of all public streets. The rationale for the deviation is that the recreational paved paths that will be present in the open space are safer and serve as a more desirable means of circulation throughout the community. Traditional sidewalks will be present in locations that do not have an open space pathway in the rear yard.

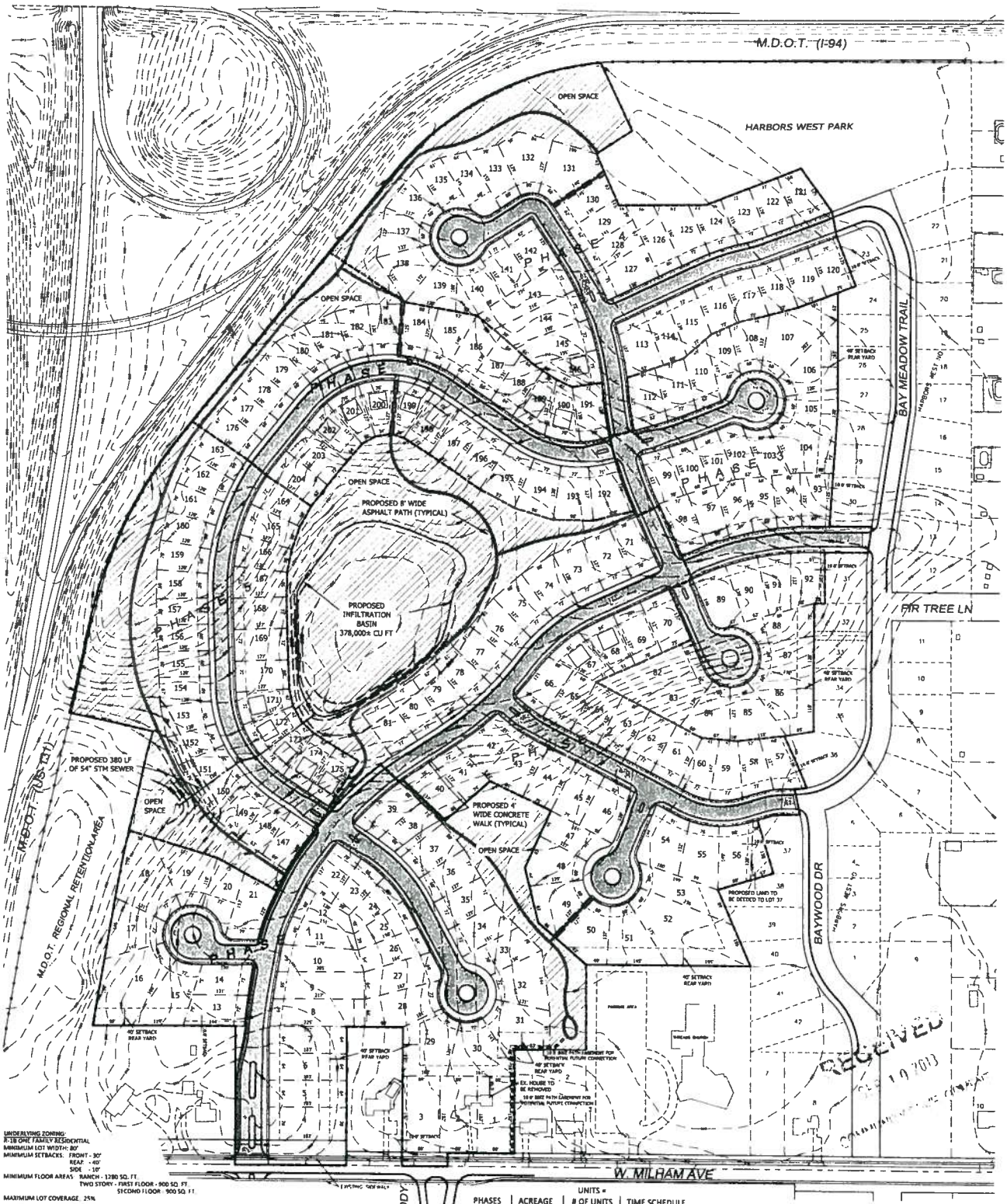
    We are also requesting the Planning Commission permit block lengths longer than the 1400 feet maximum length requirement (section 42.806 of the zoning code) for the block adjacent to the MDOT limited access right of way.

14. The tentative schedule is to commence construction in 2014. Final approval of the last phase is estimated for completion in six to twelve years after the approval and construction of phase one.

15. Required surety deposit will determined prior to construction of the first phase for this project.

**SUMMARY**

The proposed PD includes utilizing the character of the subject property, conservation of natural features as well as promoting pedestrian traffic within the community. The design promotes an enhanced lifestyle and recreational opportunities. While reviewing the proposed site plan it is important to consider the benefit of the open space preservation and the energy efficient home design that is incorporated into the proposed plan. The PD plan presents a viable option for developing this project into a community that will enhance the surrounding area and provide a diverse home style atmosphere. For these reasons, this project meets and exceeds the objectives of PD district. The opportunity to work with City of Portage on the Harbors West neighborhood comes with much anticipation and excitement.




UNDERLYING ZONING:
R-1B ONE FAMILY RESIDENTIAL
MINIMUM LOT WIDTH: 80'
MINIMUM SETBACKS: FRONT - 30'
REAR - 40'
SIDE - 10'
MINIMUM FLOOR AREAS: RANCH - 1280 SQ. FT.
TWO STORY - FIRST FLOOR - 900 SQ. FT.
SECOND FLOOR - 900 SQ. FT.
MAXIMUM LOT COVERAGE: 25%

PROPOSED PD:
MINIMUM LOT WIDTH: 60' (AT FRONT SETBACK)
MINIMUM SETBACKS: FRONT - 25'
REAR - 25'
SIDE - 5' (15' BETWEEN HOMES)
SIDE YARD CORNER LOTS (LONG SIDE) - 15'
MINIMUM FLOOR AREAS: RANCH - 1400 SQ. FT
TWO STORY - FIRST FLOOR - N/A
SECOND FLOOR - N/A
TWO STORY TOTAL - 1800 SQ. FT
MAXIMUM LOT COVERAGE: 30%

TOTAL SITE ACREAGE: 73.68±
TOTAL UNITS PROPOSED: 204
TOTAL OPEN SPACE ACREAGE: 14.2± (19.3%)
DENSITY: 2.8 UNITS PER ACRE

- DIMENSIONS AT FRONT OF LOT MEASURED AT BUILDING SETBACK
- THIS DEVELOPMENT WILL BE A SITE CONDOMINIUM (SINGLE FAMILY) AND WILL BE SUBMITTED UNDER CHAPTER 42, ARTICLE 6 - CONDOMINIUM PROJECTS.
- STREETS ARE PROPOSED TO BE PUBLIC STREETS AND MEET CITY OF PORTAGE DESIGN STANDARDS. 60 FT WIDE R.O.W. WILL BE DEEDED TO THE CITY AND AN 80 FT WIDE R.O.W. WILL BE PROVIDED AT THE BOULEVARD ENTRANCE.
- UNITS 1-3 WILL HAVE DRIVEWAY ACCESS TO W. MILHAM AVENUE.
- SIDEWALKS ARE PROPOSED ON BOTH SIDE OF ALL STREETS, EXCEPT WHERE BIKE PATH IS AVAILABLE

UTILITIES

SANITARY SEWER SERVICE IS AVAILABLE TO THE PROPERTY NEAR THE W. MILHAM AVE. ENTRANCE AND THE NORTHERLY BAY MEADOW TRAIL ENTRANCE TO THE DEVELOPMENT. THE PROPERTY WILL BE SERVED BY THE W. MILHAM AVE. SANITARY STUB AND POSSIBLY THE NORTH STUB ON BAY MEADOW TRAIL. ALL LOTS WILL BE COMNECTED TO THE SANITARY SEWER SYSTEM AND THE ENTIRE SITE CAN BE DESIGNED WITH GRAVITY SEWER SERVICE.

STORM SEWER WILL BE PROVIDED ALONG THE STREETS AND BE DIRECTED TO THE PROPOSED INFILTRATION BASIN LOCATED IN THE EXISTING LOW AREA ON SITE. THE BASIN WILL HAVE AN EMERGENCY OVERFLOW, OR SIZED TO ACCOMMODATE A LARGER STORM, IF POSSIBLE. THE OVERFLOW WILL BE DIRECTED TO THE STORM BASIN LOCATED ON THE EAST SIDE OF US 131. WE WILL ALSO BE PROVIDING CONVEYANCE AND VOLUME IN THE BASIN FOR THE EXISTING STORWATER SYSTEM TO THE EAST WITH THE OUTLET LOCATED BETWEEN LOTS 32 AND 33 ON THE PLAT. THE STORMWATER MANAGEMENT SYSTEM WILL MEET CITY OF PORTAGE DESIGN STANDARDS. THIS BASIN WILL BE PRIVATELY OWNED AND MAINTAINED BY THE PROPOSED HOMEOWNERS ASSOCIATION. EASEMENTS AND INDEMNITY AGREEMENT TO BE PROVIDED TO THE CITY OF PORTAGE. THE STORM SEWER WILL BE OWNED AND MAINTAINED BY THE CITY OF PORTAGE.

PUBLIC WATER SERVICE WILL BE PROVIDED TO ALL LOTS. A 12" WATERMAIN EXISTS ON THE NORTH SIDE OF W. MILHAM AVE. AND 8" WATERMAIN STUBS EXIST AT THE THREE ENTRANCES ALONG BAY MEADOW TRAIL AND BAYWOOD DR. A LOOPED SYSTEM WILL BE PROVIDED THROUGH THE DEVELOPMENT BETWEEN THE 8" WATERMAIN STUBS AND THE 12" WATERMAIN ALONG W. MILHAM AVE

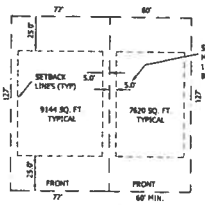
UNITS =

| PHASES | ACREAGE | # OF UNITS | TIME SCHEDULE |
|---|---|---|---|
| 1 | 19.61± | 1-39 = 39 | 2014-2015 |
| 2 | 15.55± | 40-81 = 42 | 2015-2017 |
| 3 | 9.35± | 82-112=31 | 2016-2019 |
| 4 | 11.67± | 113-146 = 34 | 2017-2021 |
| 5 | 9.51± | 147-175=29 | 2018-2023 |
| 6 | 7.92± | 176-204=29 | 2019-2025 |

NORTH

SCALE: 1" = 100'

BASE PLAN OBTAINED FROM CLIENT, PREPARED BY WIGHTMAN WARD, INC. DATED MARCH 2003




TYPICAL UNITS WITH SETBACK

OPEN SPACE

# HARBORS WEST TENTATIVE PLAN

PART OF SECTION 6, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN

PREPARED FOR:
ALLEN EDWIN HOMES
795 CLYDE COURT SW SUITE "C"
BYRON CENTER, MI 49315

PREPARED BY:
Pathfinder Engineering, Inc.
795 Clyde Court S.W. Suite "C" Byron Center, MI 49315
Phone 1-616-878-9004 Fax 1-616-878-9506

DATE: 8-10-13
PROJECT NO.: 13048

REV: 6-26-13
REV: 7-26-13
REV: 8-5-13
REV: 8-27-13
REV: 9-6-13

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# HARBORS WEST

## Concept Portfolio

## City of Portage

ALLEN EDWIN HOMES

We value what you value.

ALLEN EDWIN HOMES

We value what you value

# HARBORS WEST

## Concept Portfolio

## City of Portage

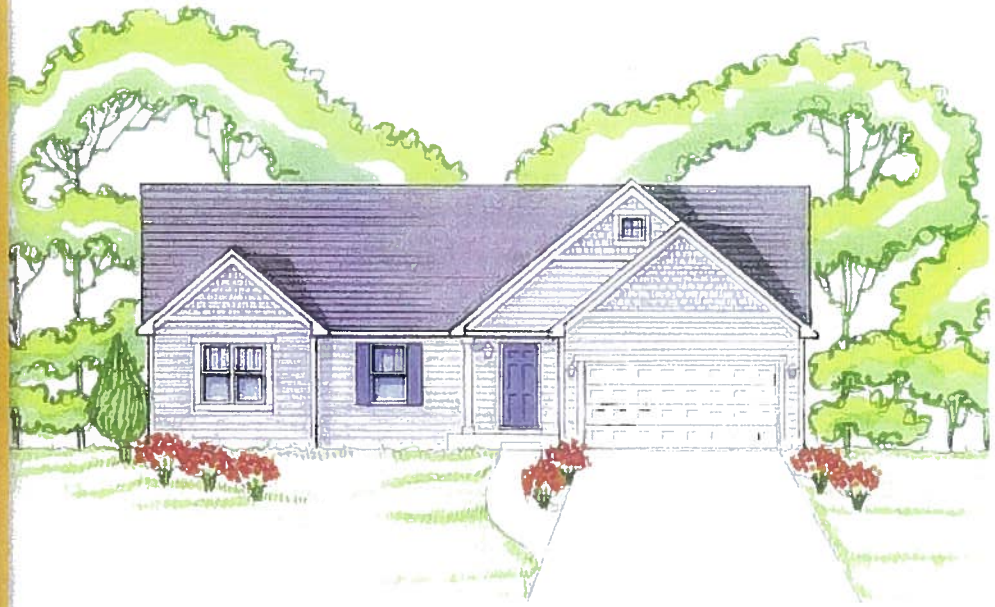
2186 E. Centre Street Portage, Michigan 49002

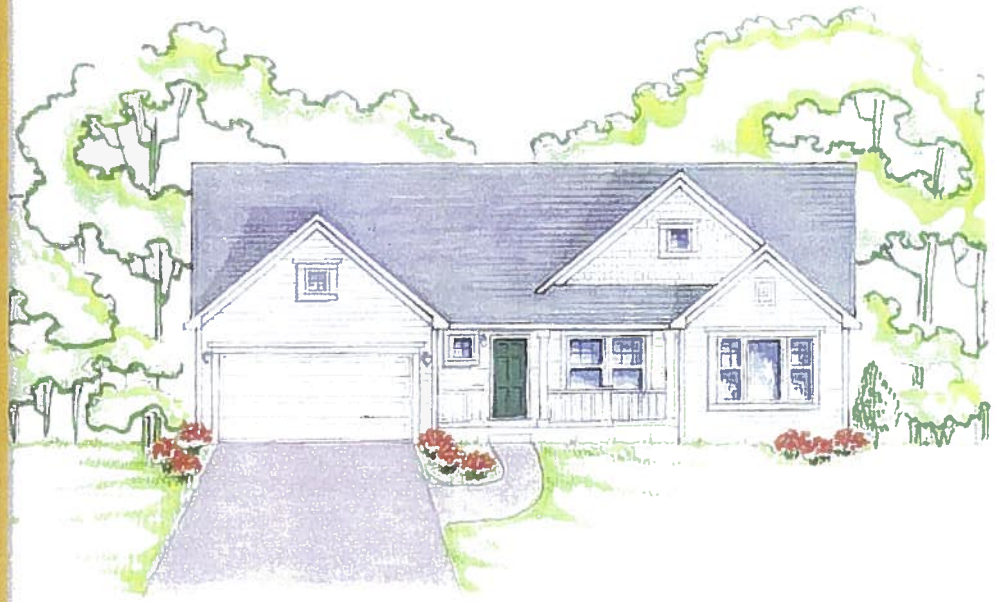
Note: Dimensions are conceptual and subject to change.

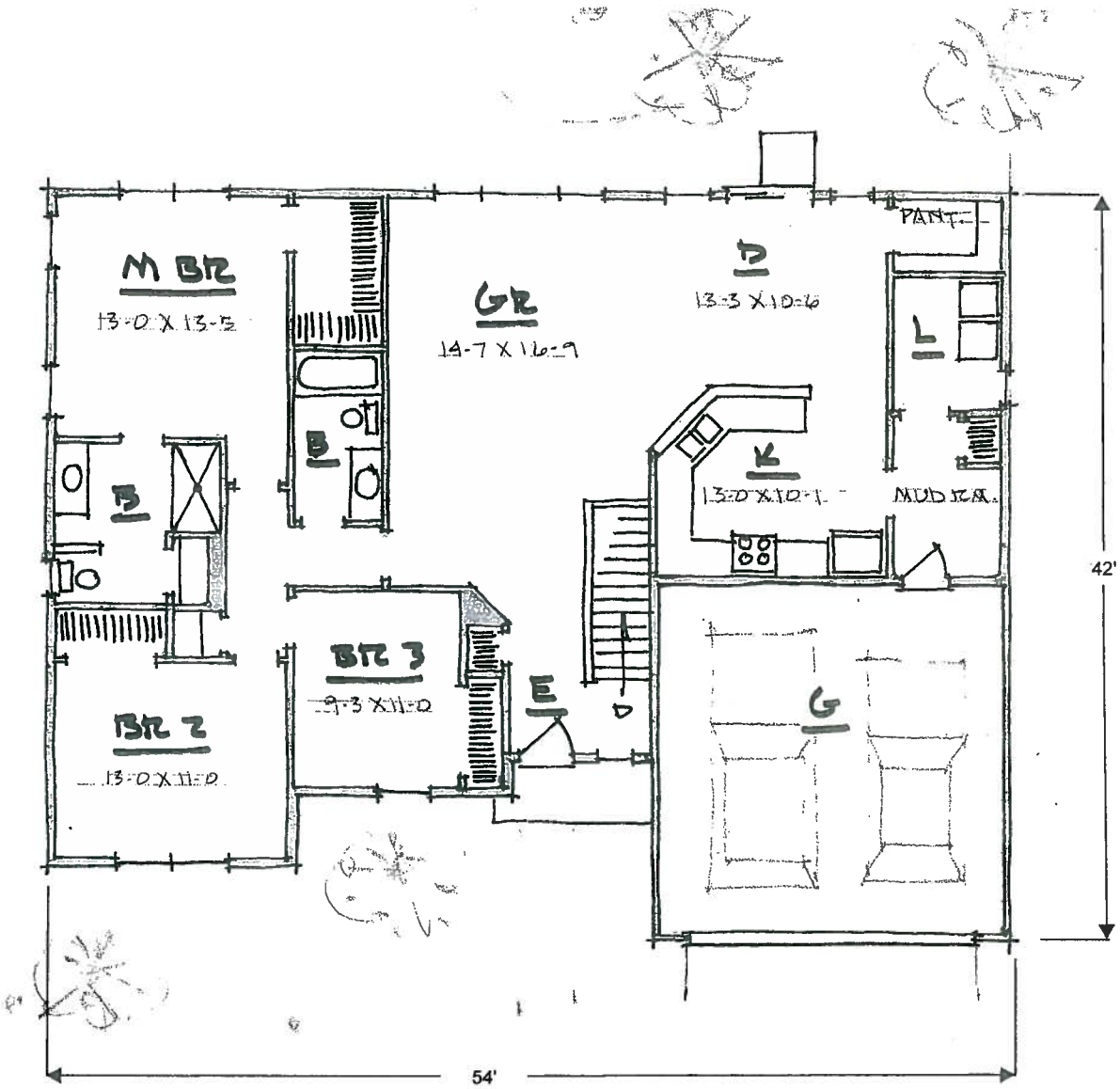
# Floor Plan

1,658 sq. ft.

3 Bedroom
2 Bathroom
2 Car Garage





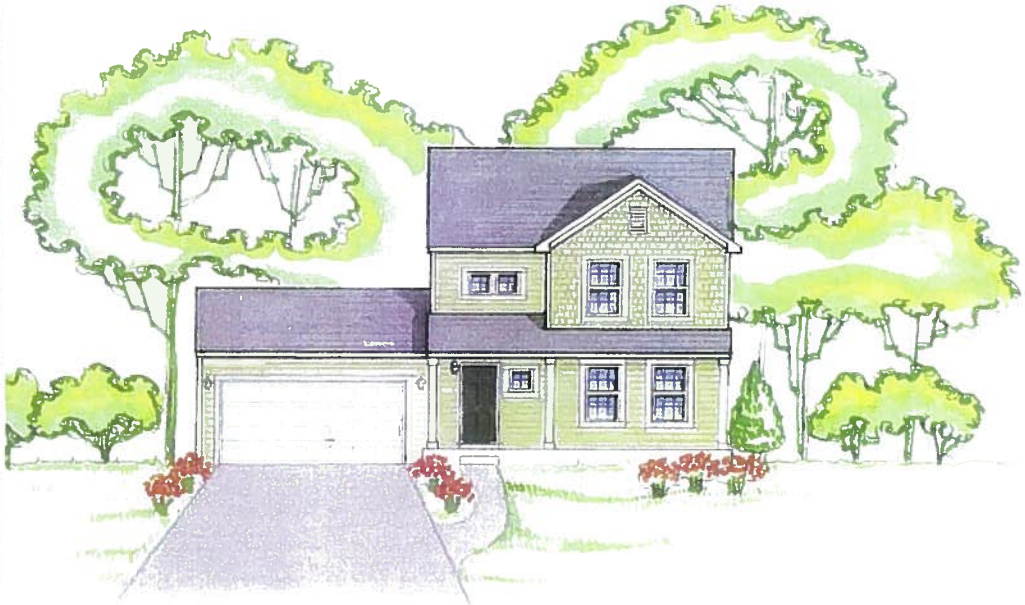



# FLOOR PLAN - 1658

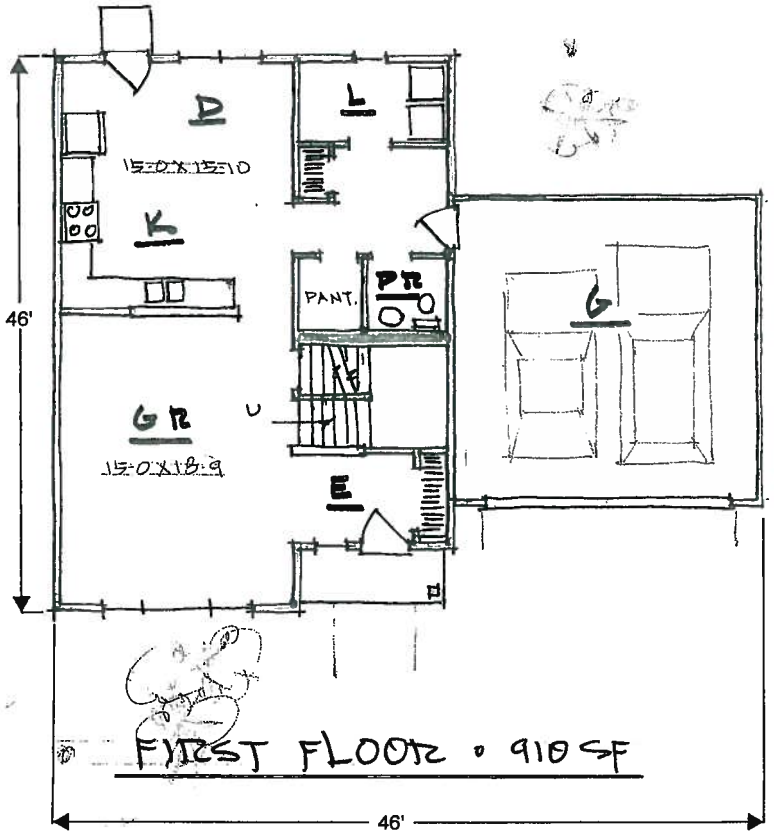
# Floor Plan

1,820 sq. ft.

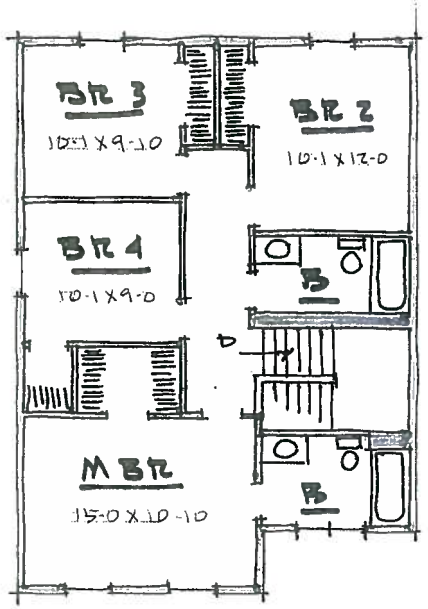
4 Bedroom
2.5 Bathroom
2 Car Garage



# FLOOR PLAN - 1820




FIRST FLOOR • 910 SF

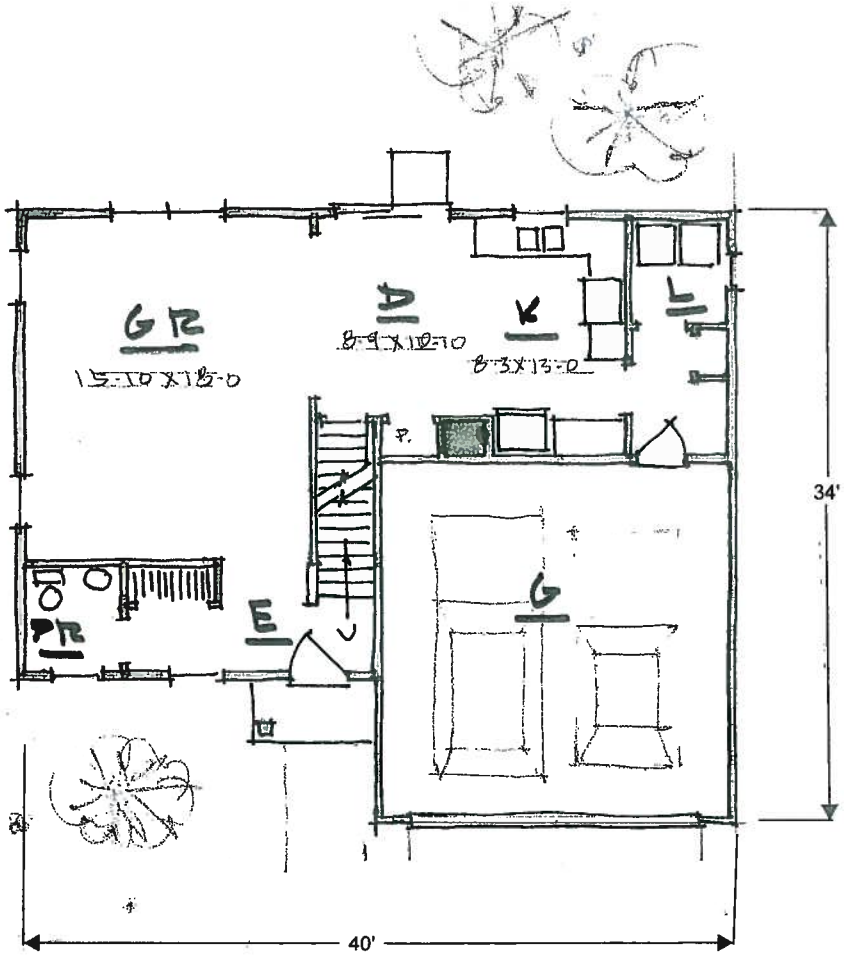



SECOND FLOOR • 910 SF

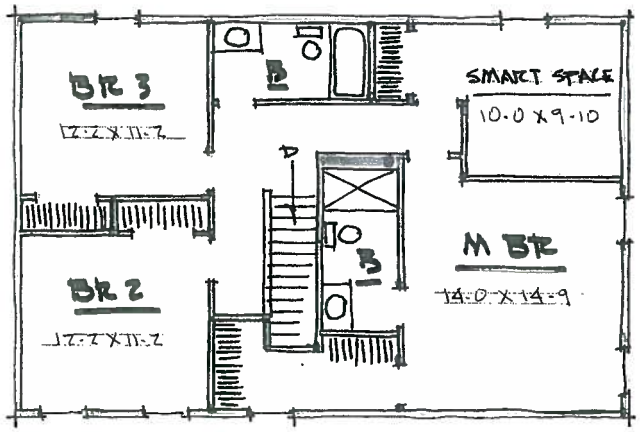
# Floor Plan

1,855 sq. ft.

4 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 815 SF



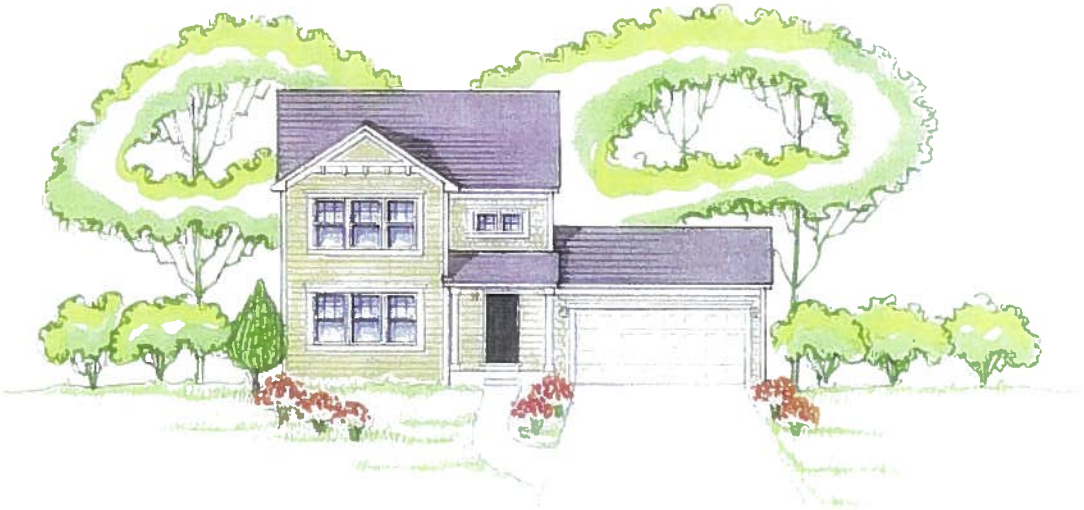

SECOND FLOOR • 1040 SF

FLOOR PLAN - 1855

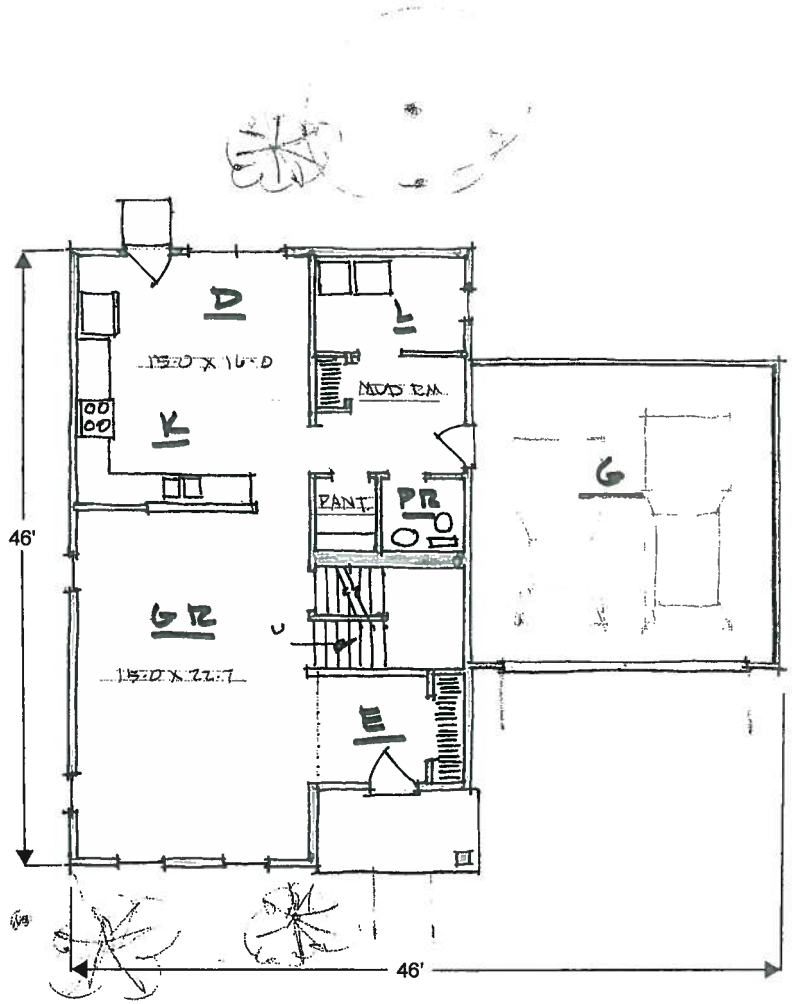
# Floor Plan

2,008 sq. ft.

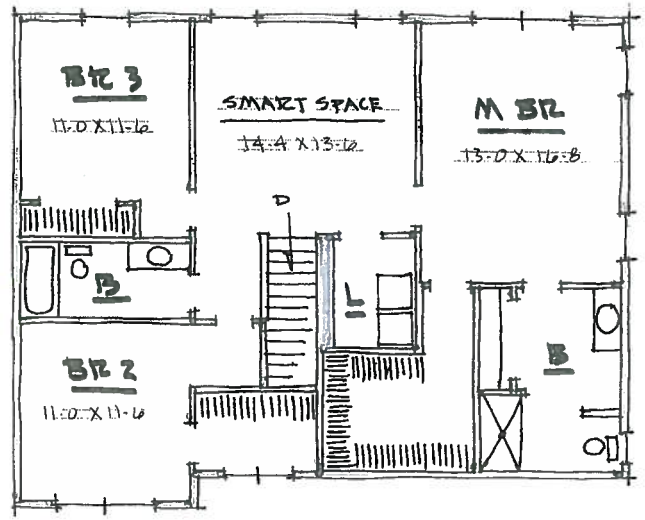
3 Bedroom
2.5 Bathroom
2 Car Garage



# FLOOR PLAN - 2008




FIRST FLOOR • 1004 SF

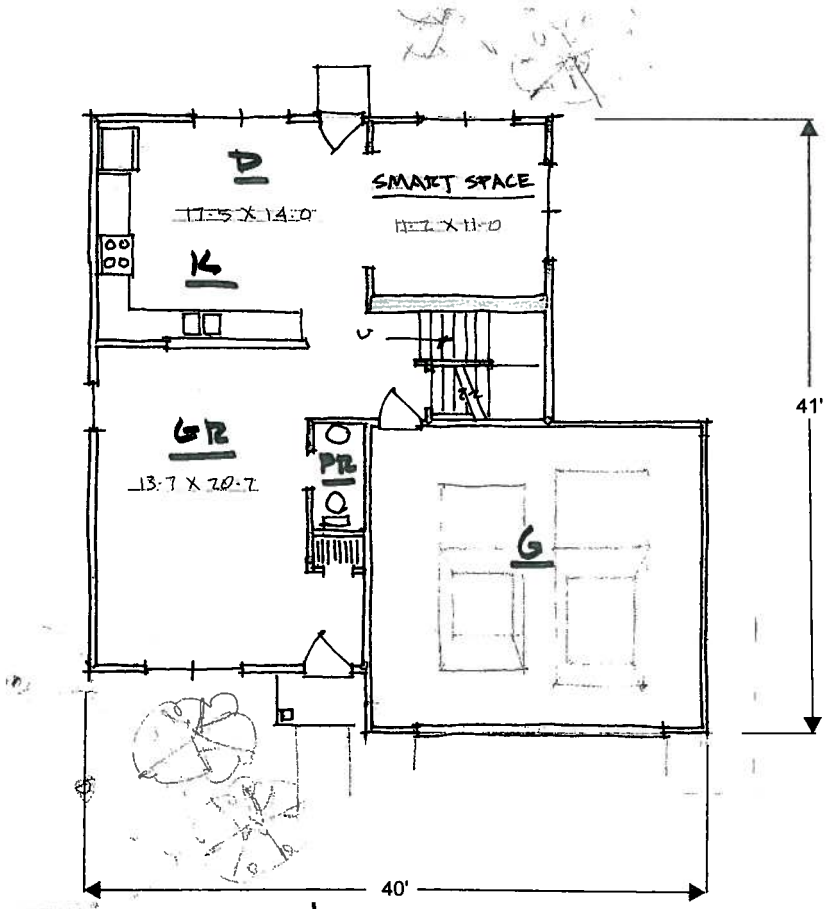



SECOND FLOOR • 1242 SF

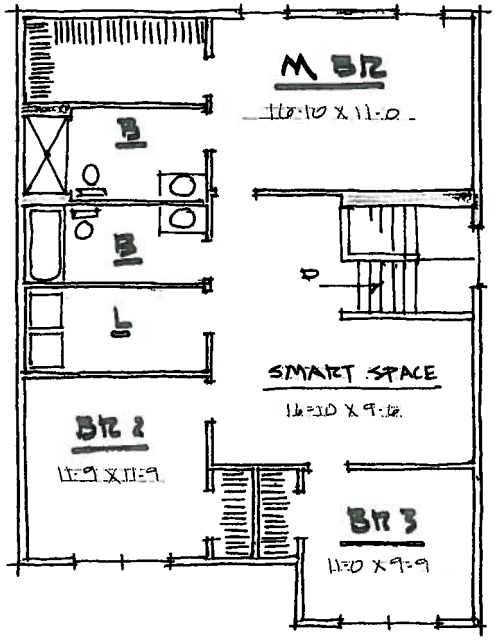
# Floor Plan

2,047 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 901 SF



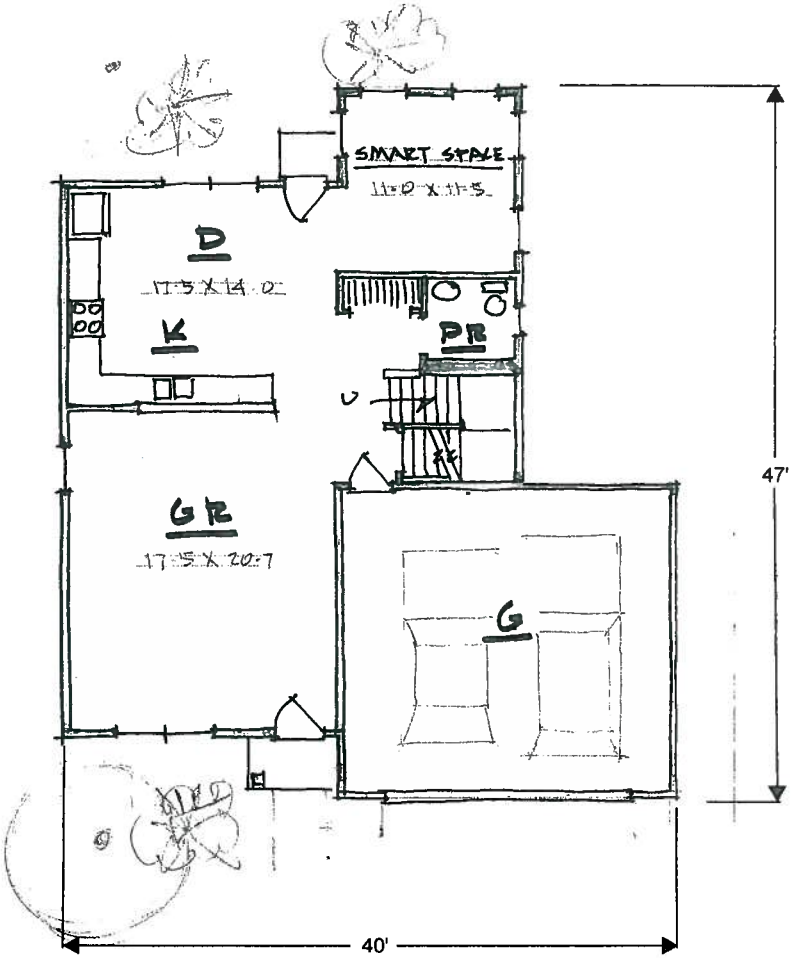

SECOND FLOOR • 1146 SF

# FLOOR PLAN - 2047

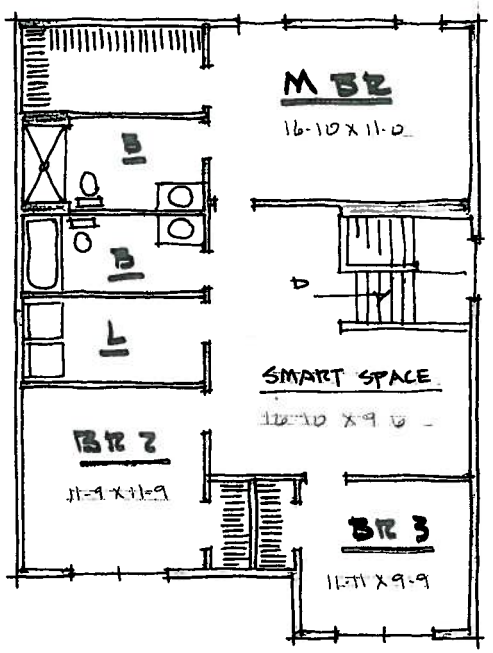
# Floor Plan

2,121 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 975 SF




SECOND FLOOR • 1146 SF

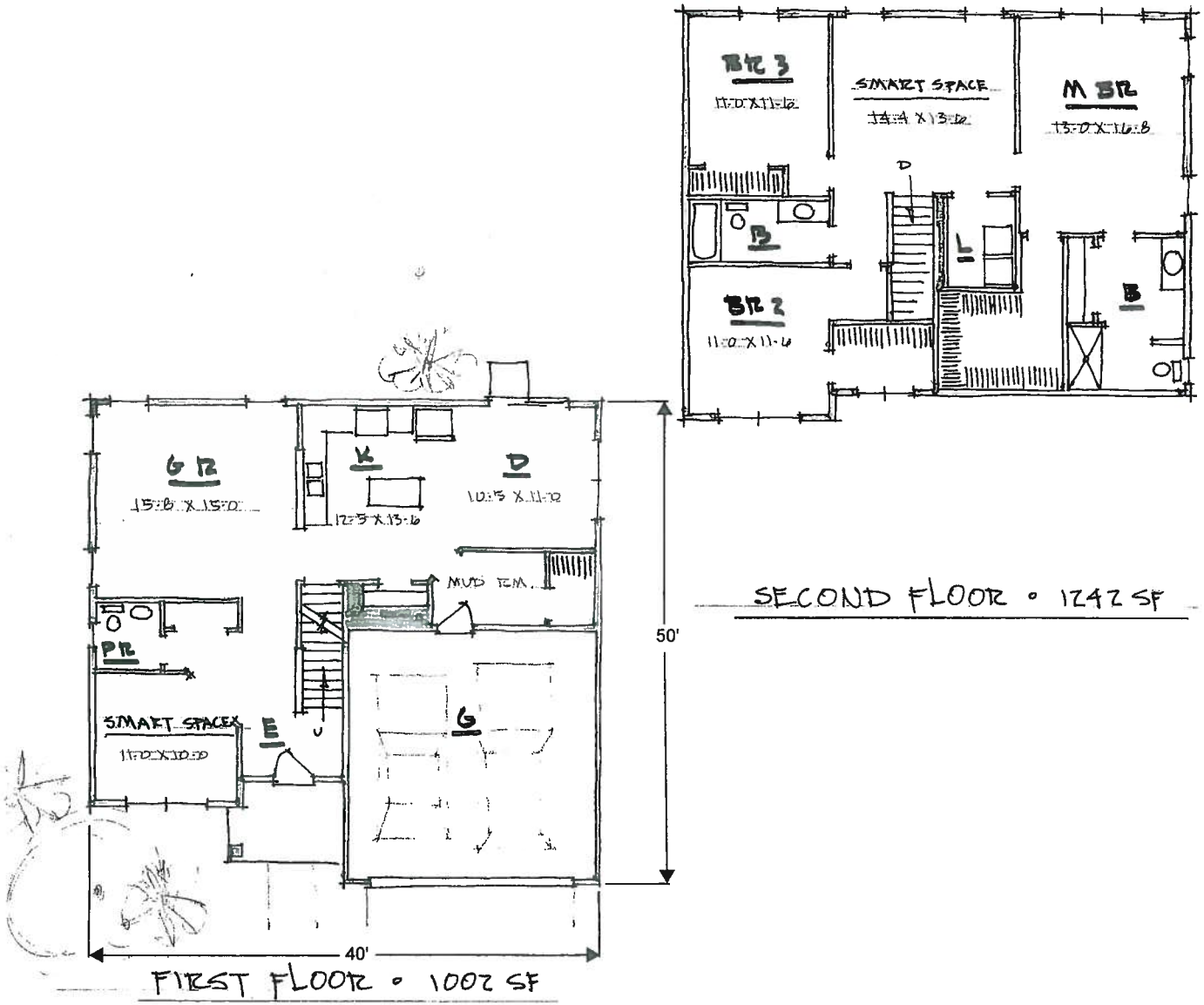
FLOOR PLAN - 2121

# Floor Plan

2,244 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage

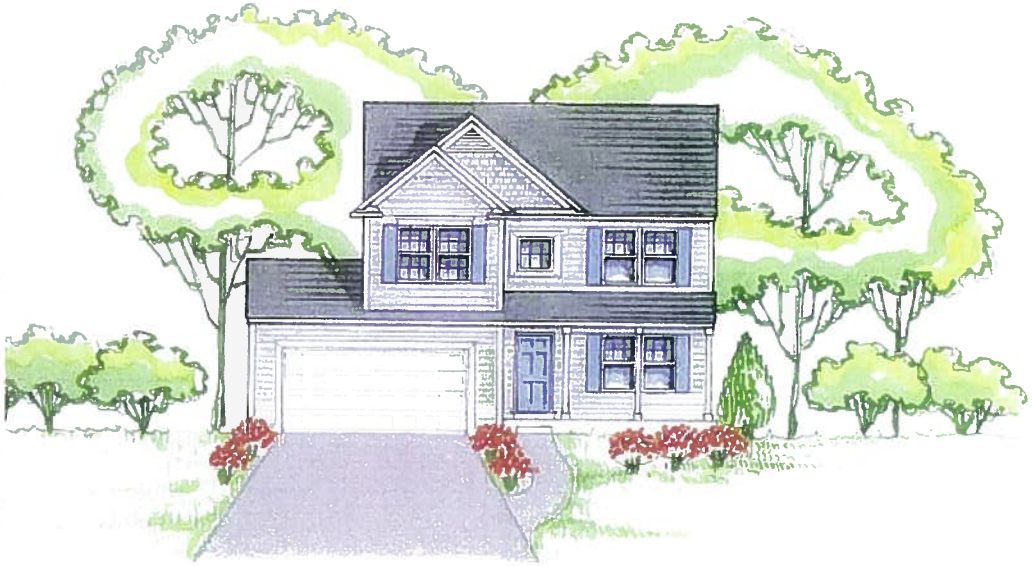
# FLOOR PLAN - 2244



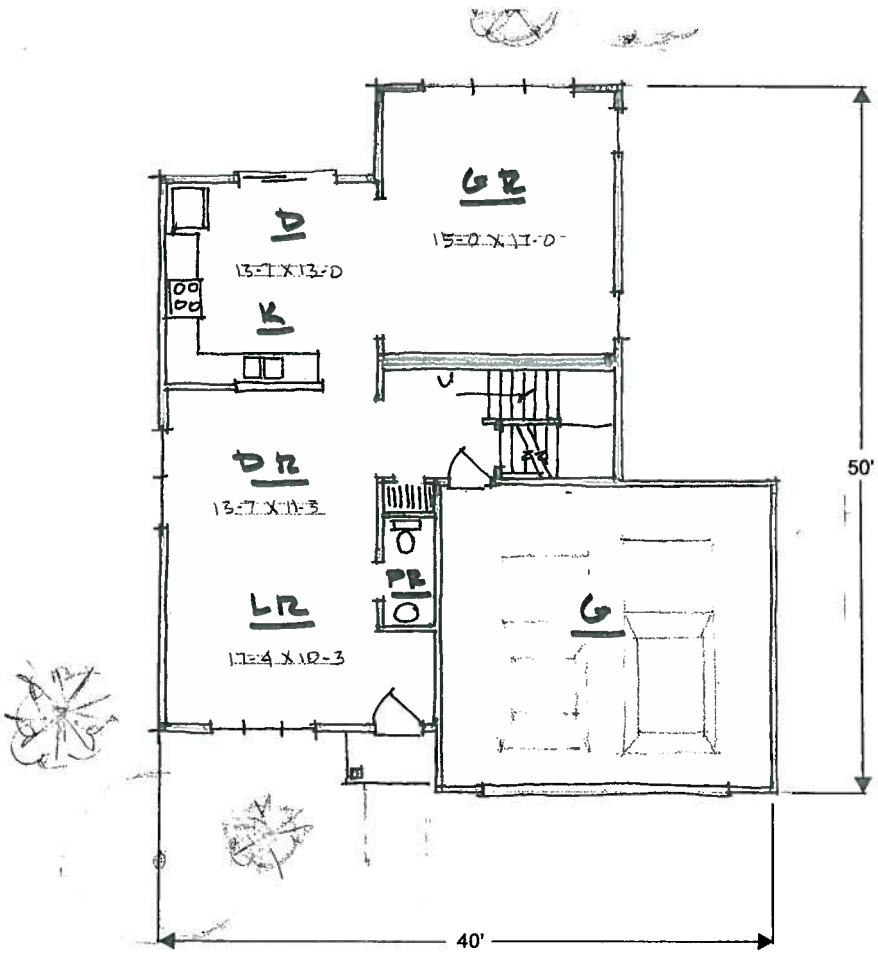
# Floor Plan

2,246 sq. ft.

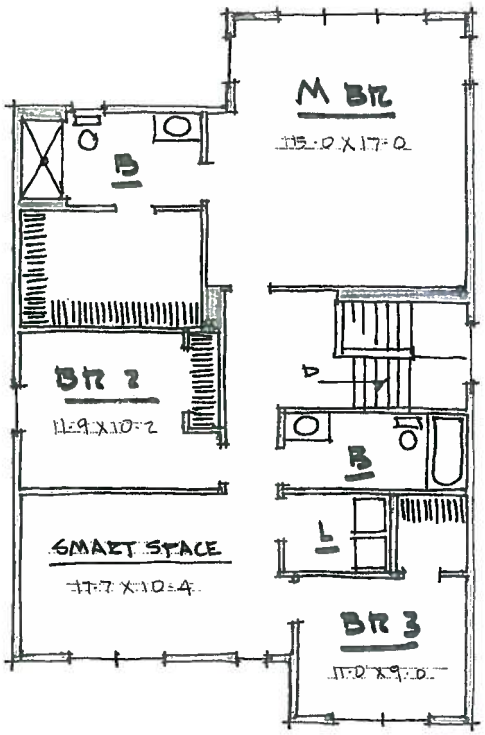
3 Bedroom
2.5 Bathroom
2 Car Garage



# FLOOR PLAN - 2246




FIRST FLOOR • 1003 SF

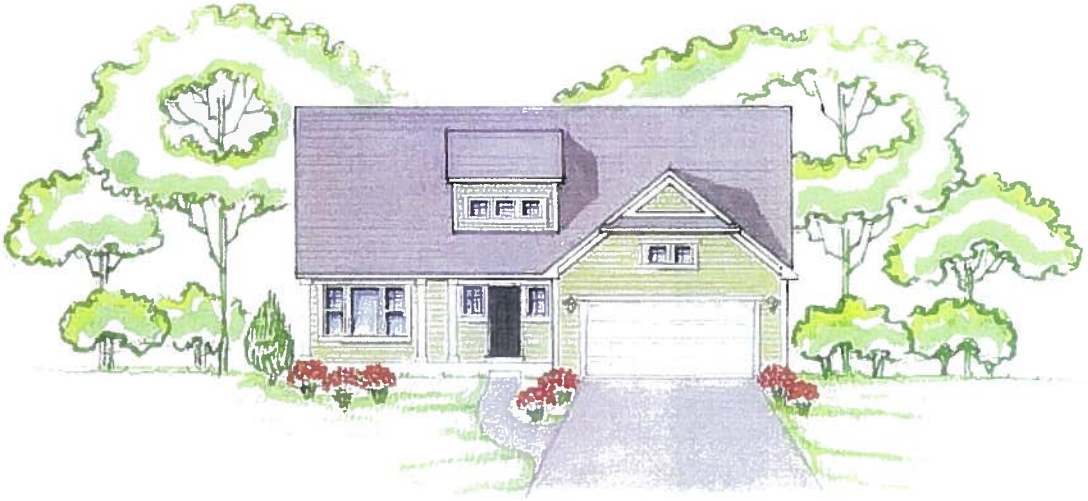



SECOND FLOOR • 1243 SF

# Floor Plan

2,330 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage



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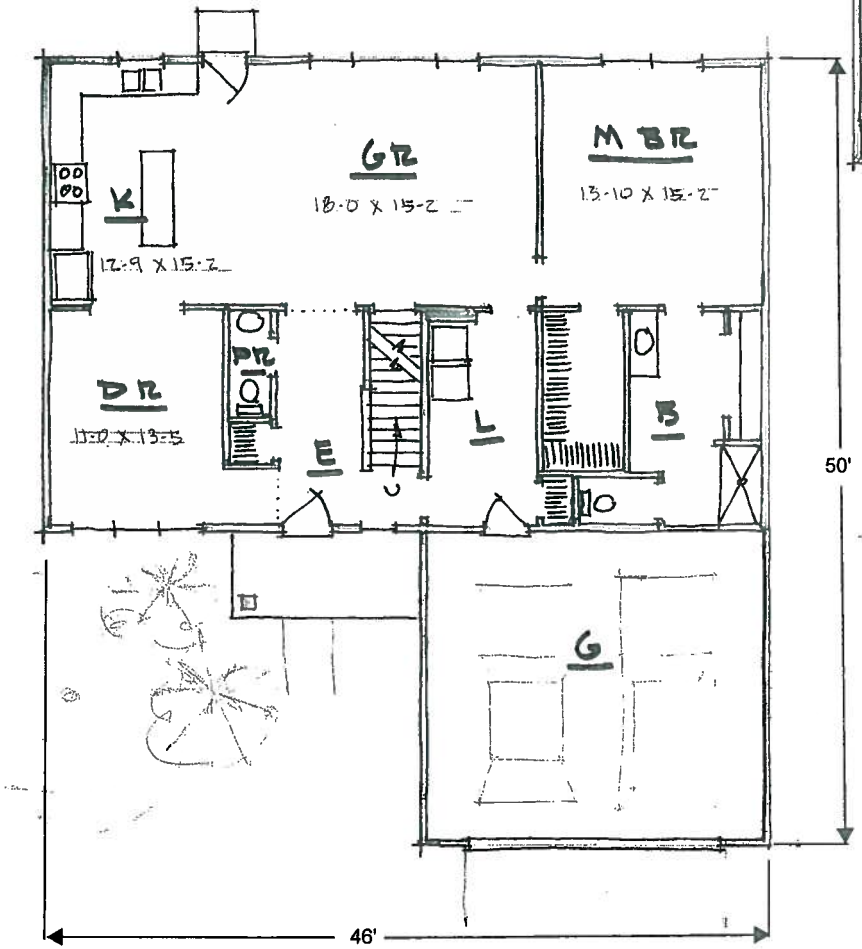
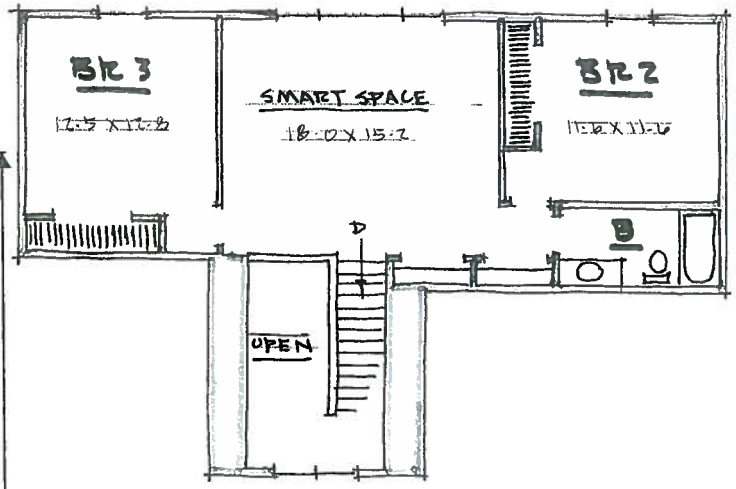



FIRST FLOOR • 1400 SF

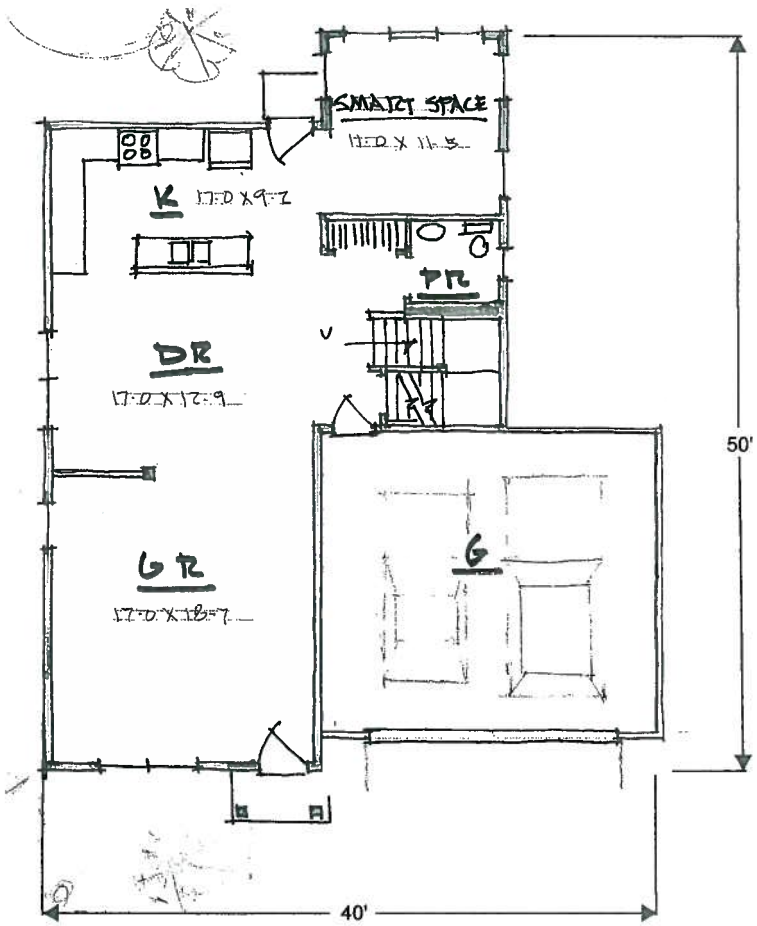



SECOND FLOOR • 930 SF

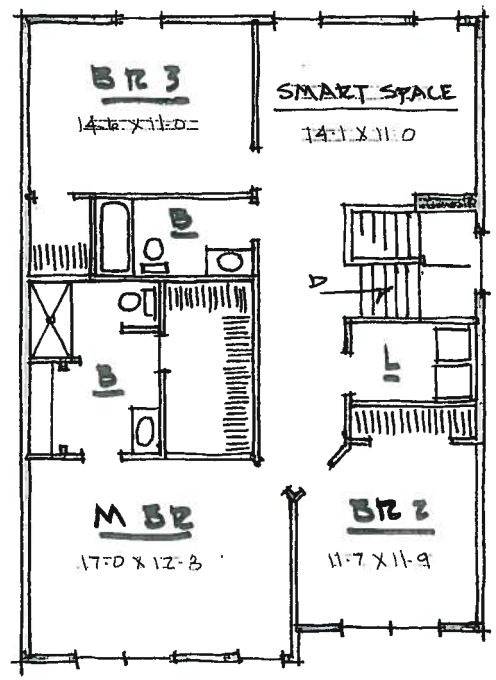
# Floor Plan

2,338 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 1084 SF



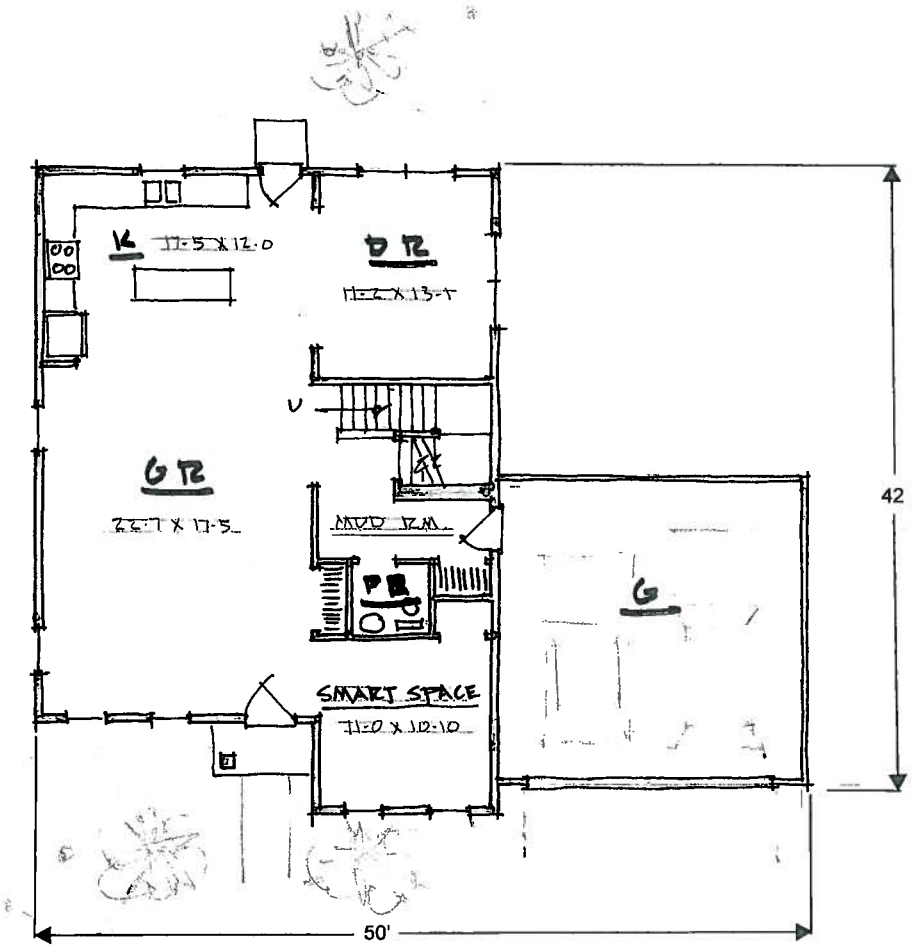

SECOND FLOOR • 1254 SF

FLOOR PLAN - 2338

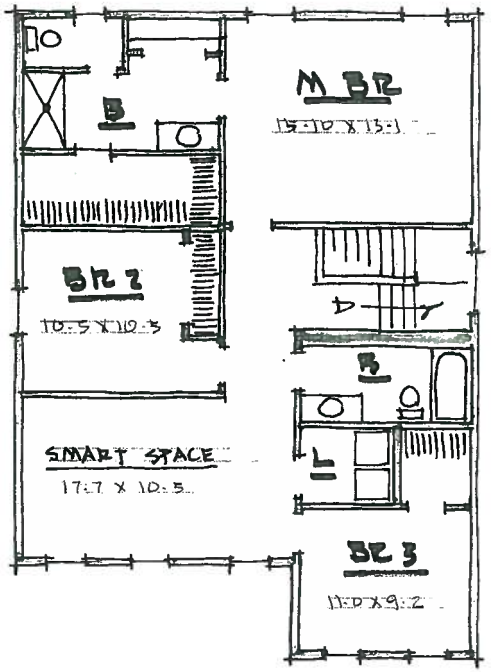
# Floor Plan

2,340 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 1170 SF



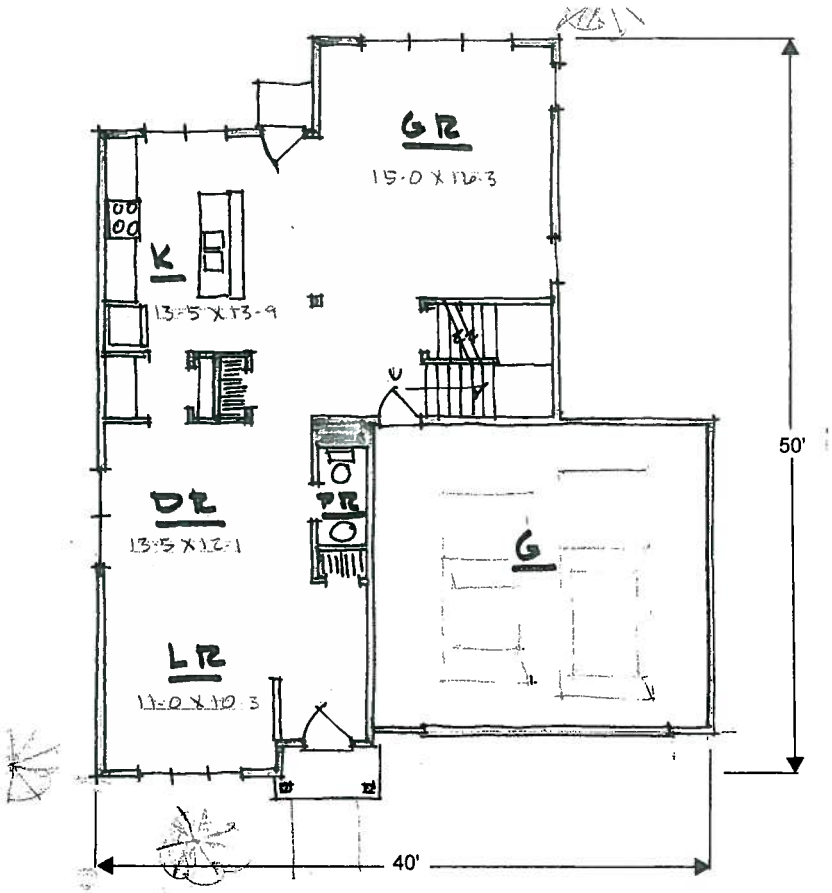

SECOND FLOOR • 1170 SF

# FLOOR PLAN - 2340

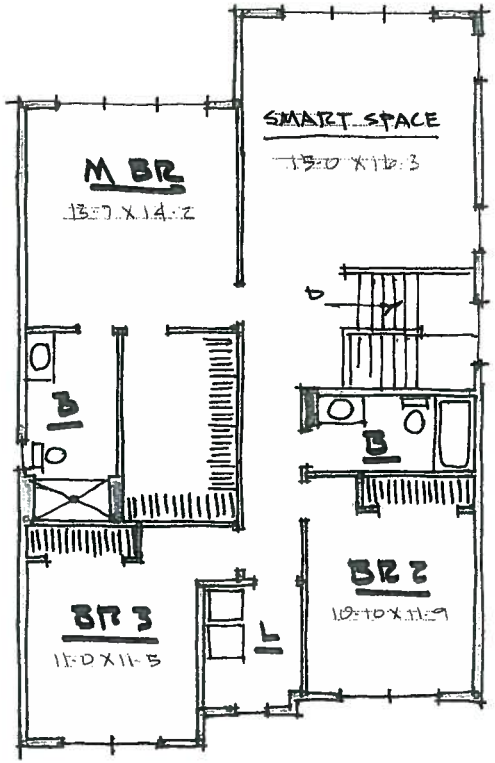
# Floor Plan

2,410 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 1082 SF




SECOND FLOOR • 1328 SF

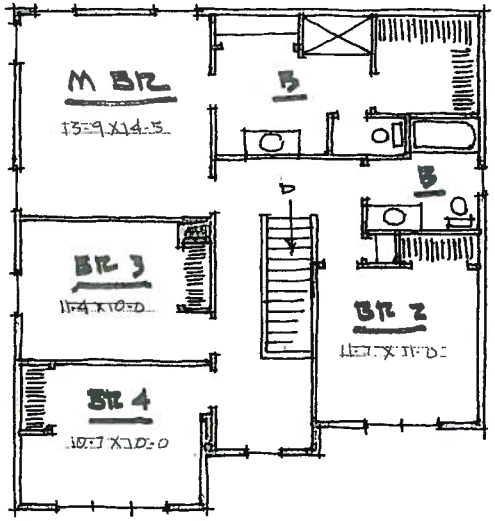
FLOOR PLAN - 2410

# Floor Plan

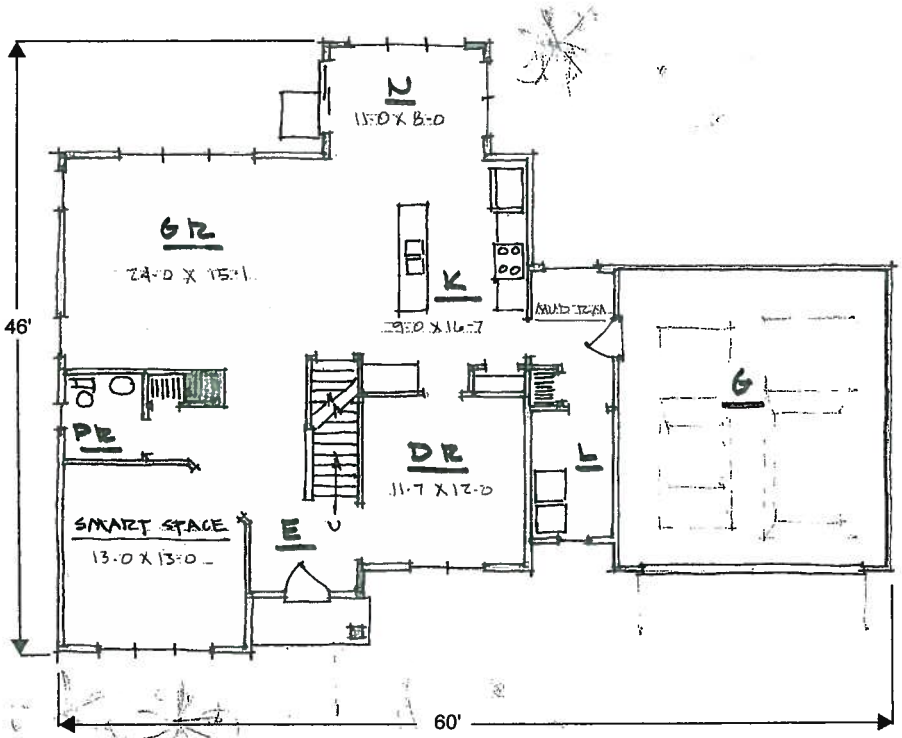
2,496 sq. ft.

4 Bedroom
2.5 Bathroom
2 Car Garage

# FLOOR PLAN - 2496




SECOND FLOOR • 1138 SF

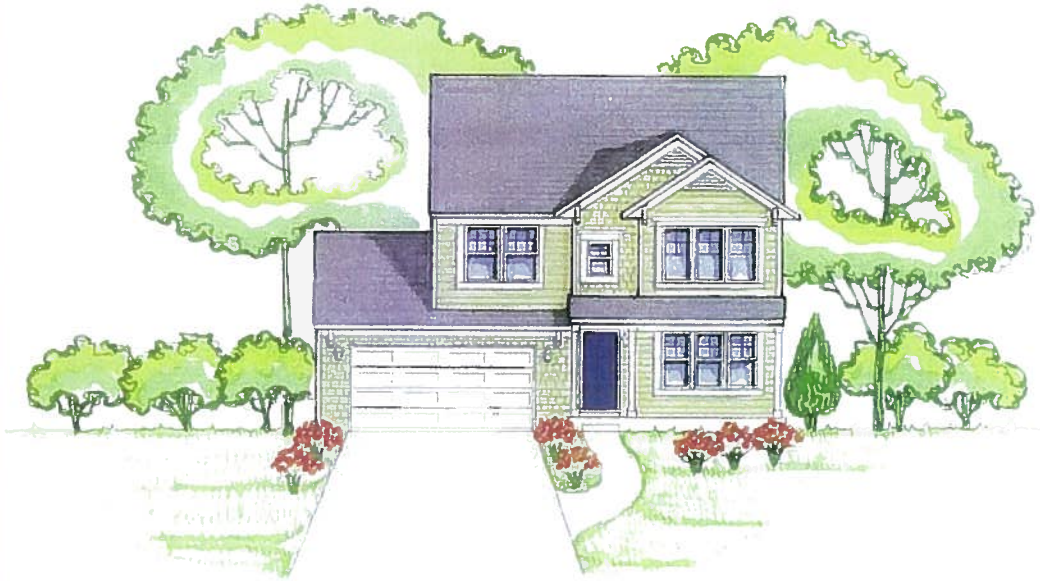


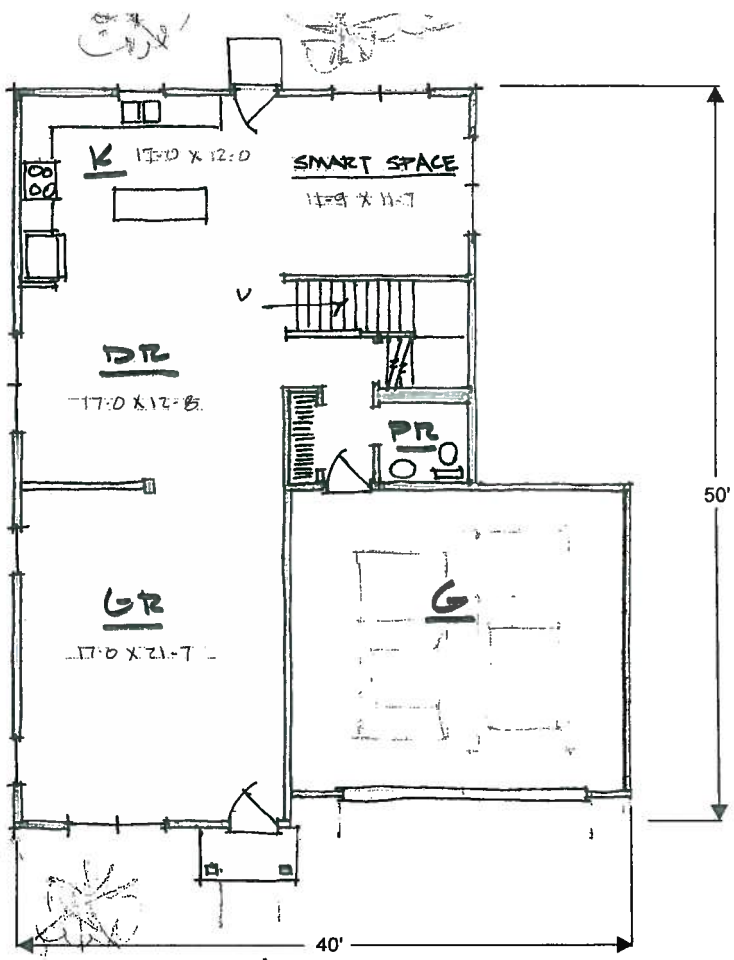

FIRST FLOOR • 1358 SF

# Floor Plan

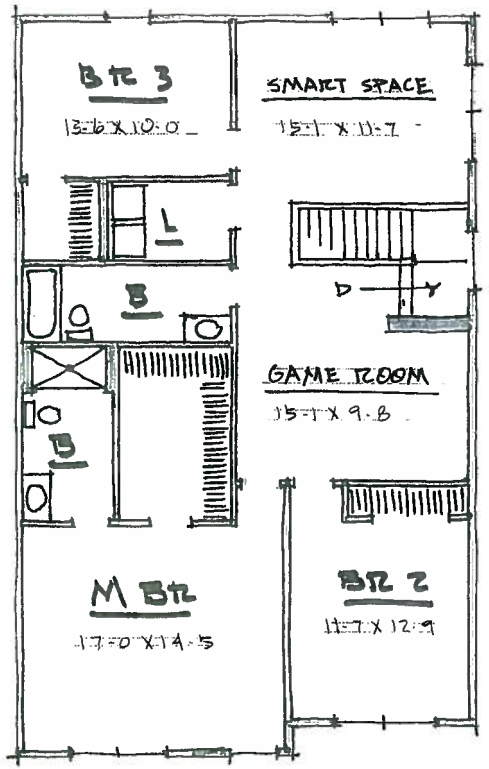
2,626 sq. ft.

3 Bedroom
2.5 Bathroom
2 Car Garage






FIRST FLOOR • 1191 SF




SECOND FLOOR • 1435 SF

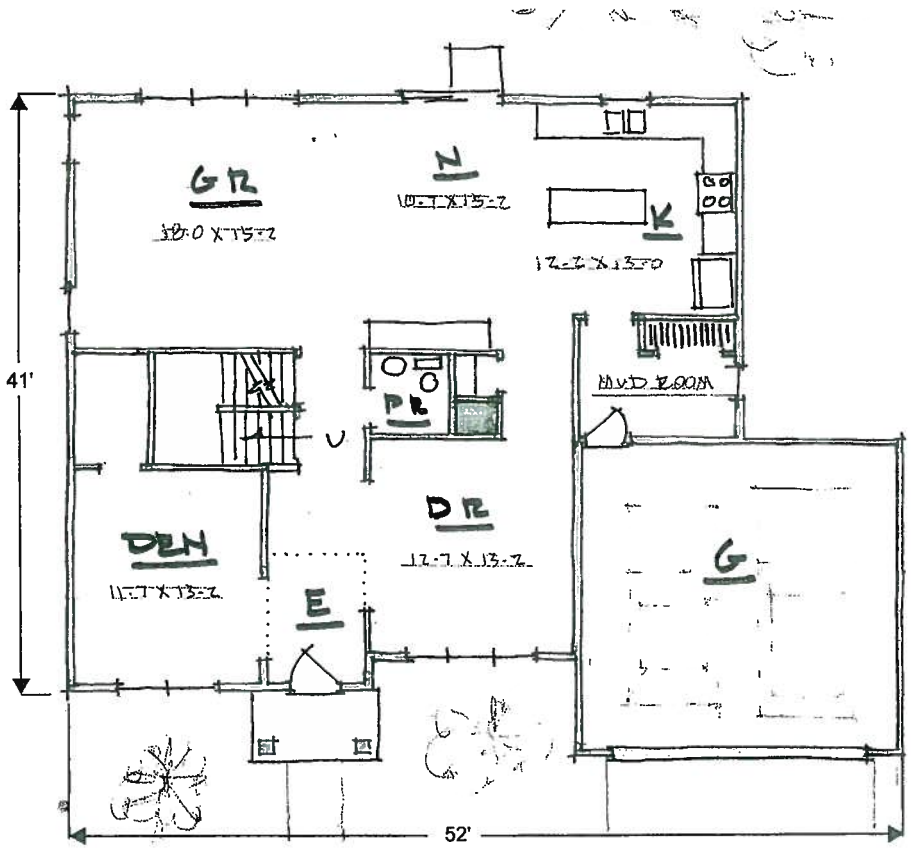
# FLOOR PLAN - 2626

# Floor Plan

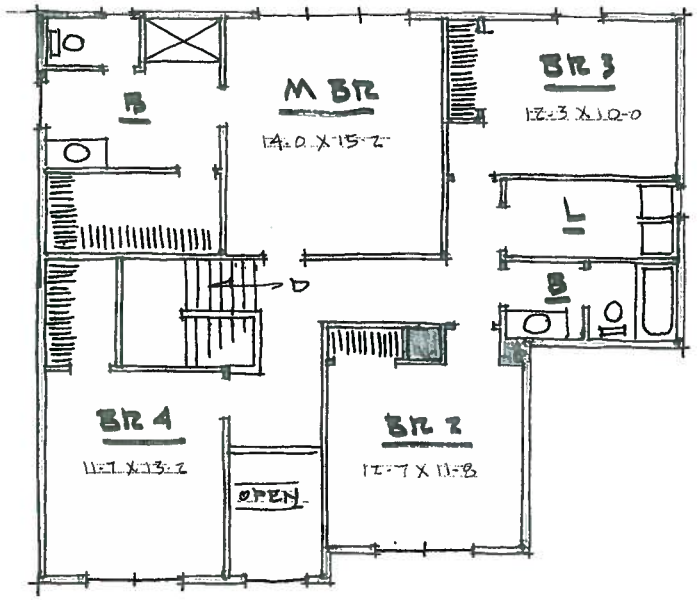
2,780 sq. ft.

4 Bedroom
2.5 Bathroom
2 Car Garage

# FLOOR PLAN - 2780




FIRST FLOOR • 1390 SF

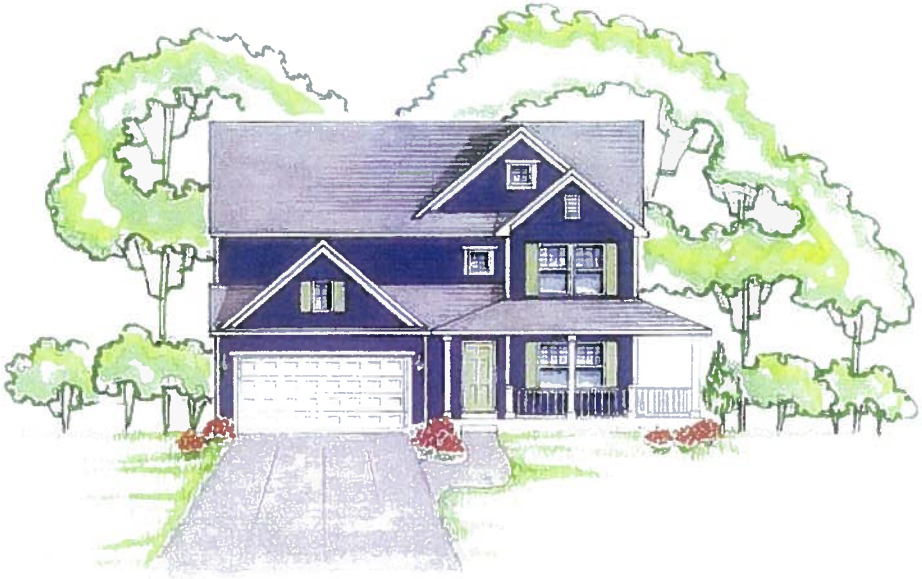


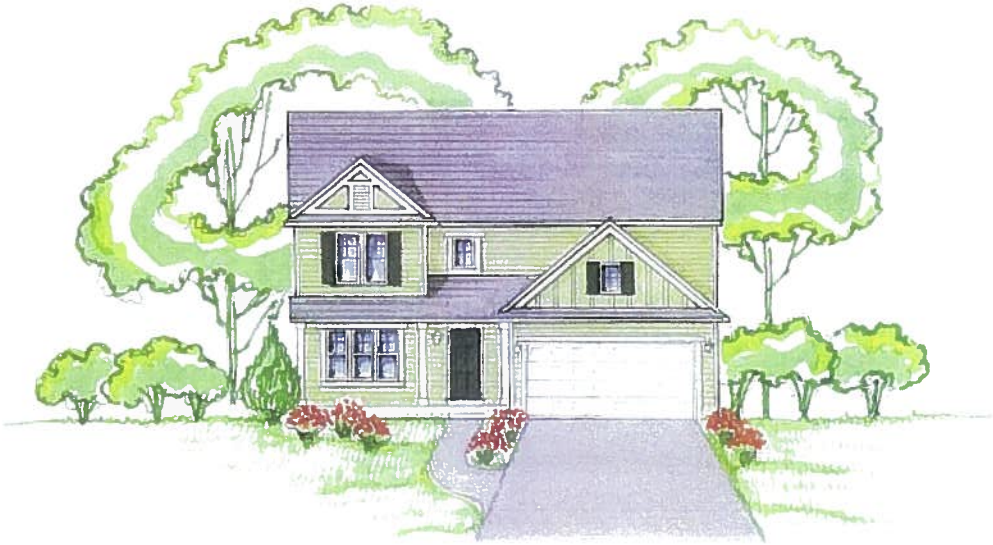

SECOND FLOOR • 1390 SF

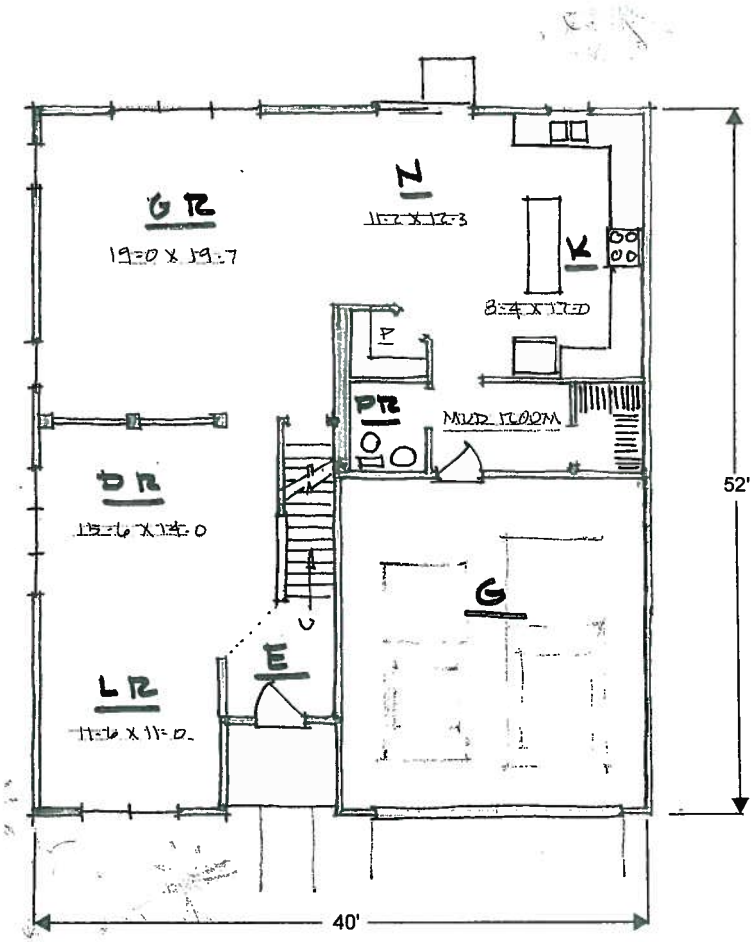
# Floor Plan

3,070 sq. ft.

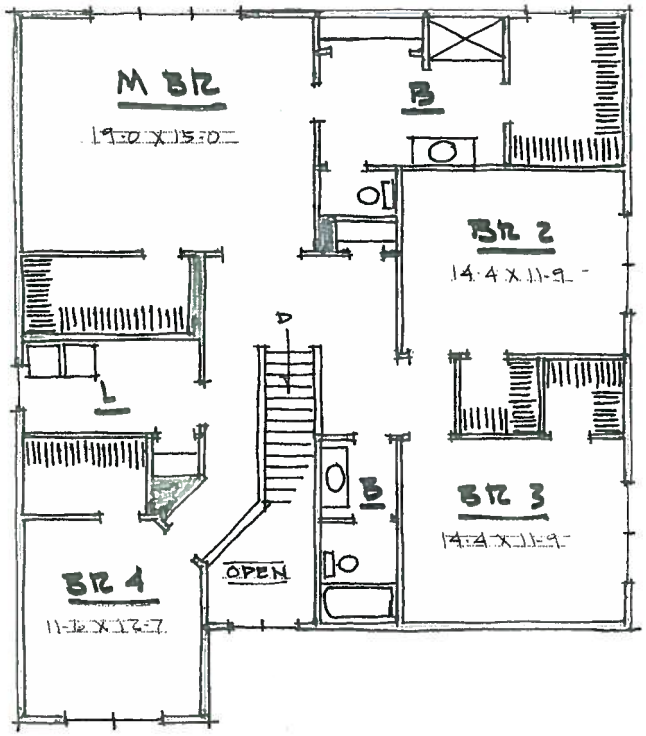
4 Bedroom
2.5 Bathroom
2 Car Garage








FIRST FLOOR • 1372 SF



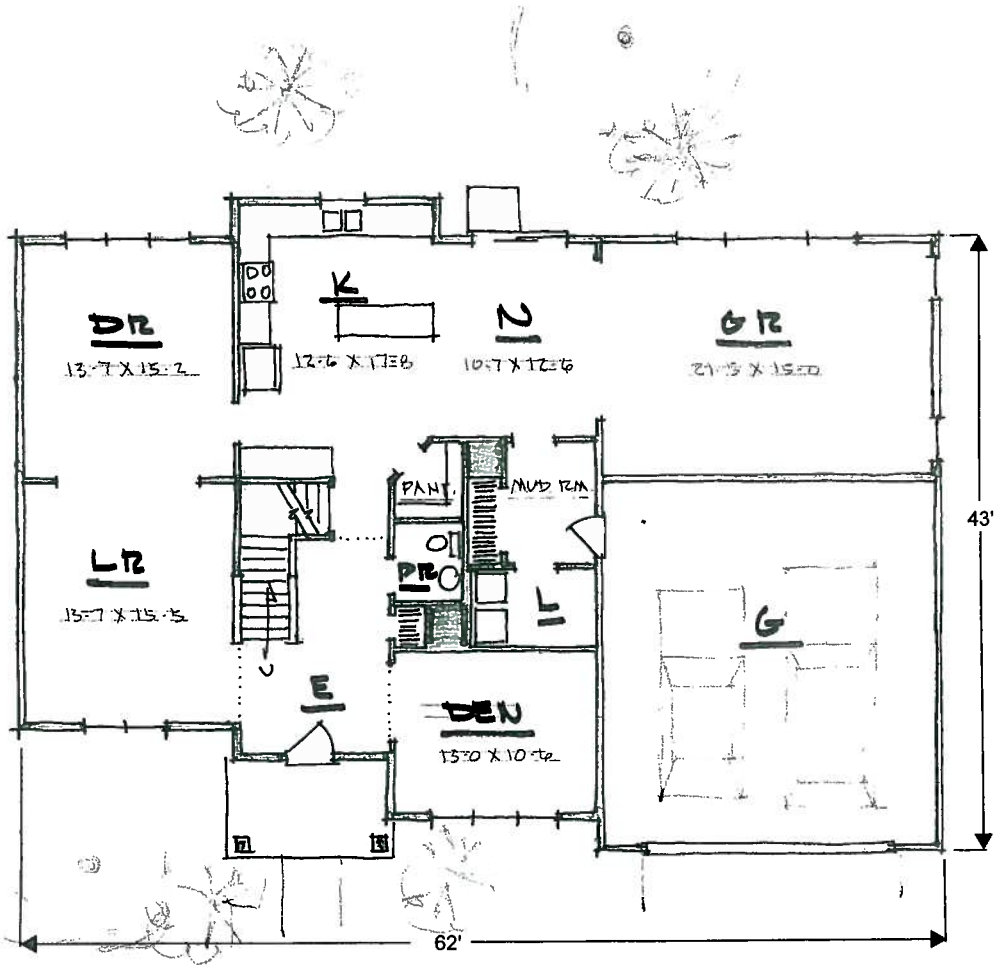

SECOND FLOOR • 1696 SF

FLOOR PLAN - 3070

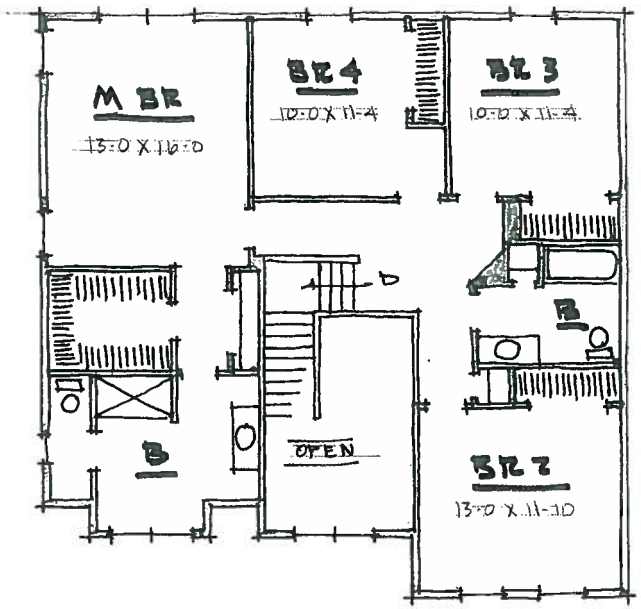
# Floor Plan

3,080 sq. ft.

4 Bedroom
2.5 Bathroom
2 Car Garage




FIRST FLOOR • 1725 SF




SECOND FLOOR • 1355 SF

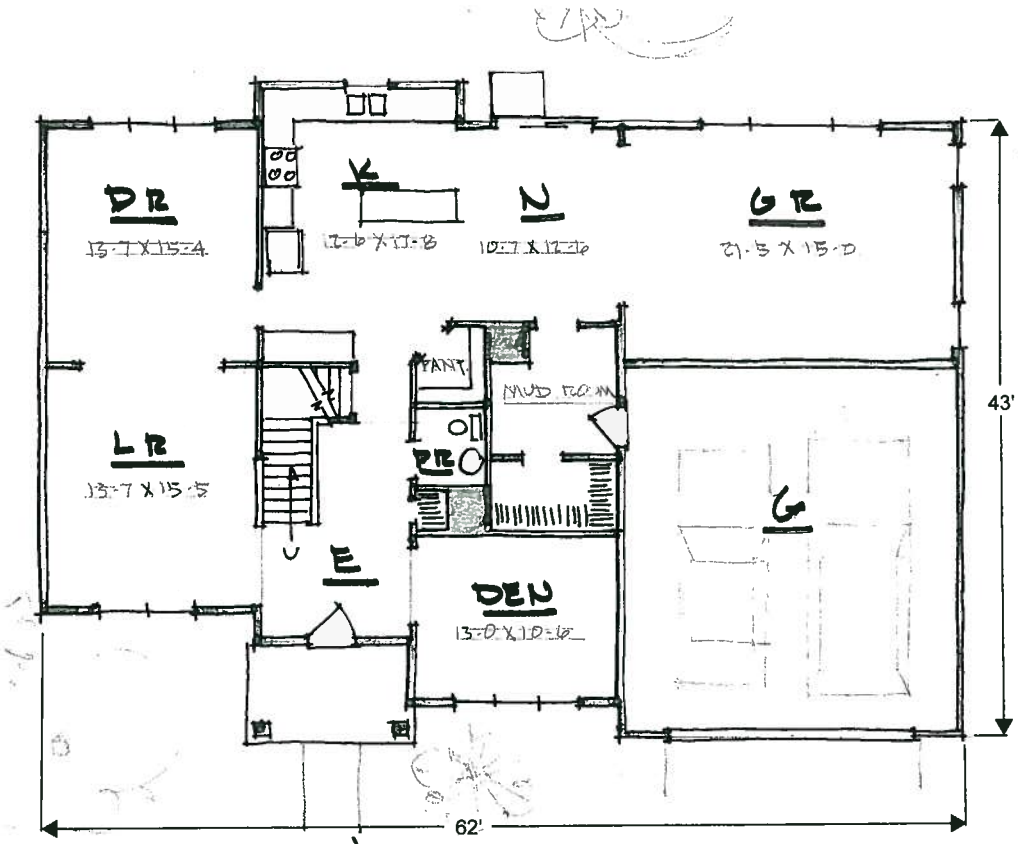
FLOOR PLAN - 3080

# Floor Plan

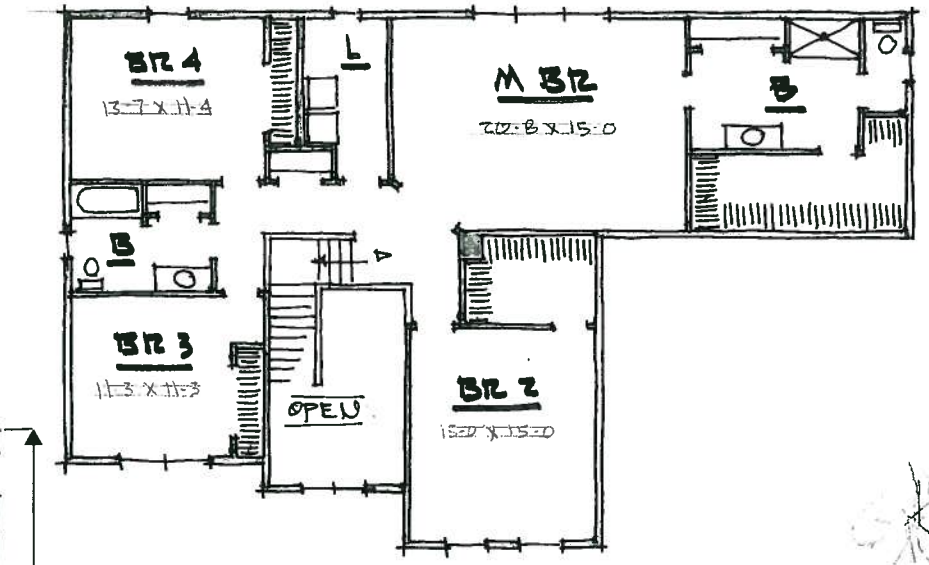
3,420 sq. ft.

4 Bedroom
2.5 Bathroom
2 Car Garage

# FLOOR PLAN - 3420




FIRST FLOOR • 1725 SF




SECOND FLOOR • 1695 SF

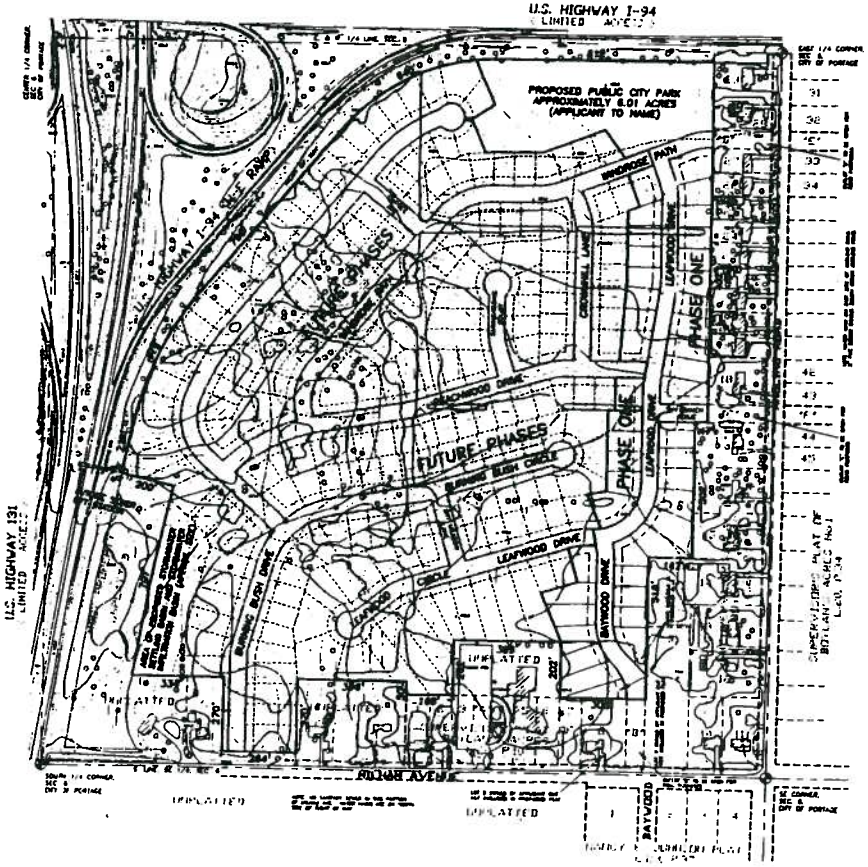
# PRELIMINARY PLAT
# PHASE ONE of "HARBORS WEST"
# in PORTAGE, MICHIGAN

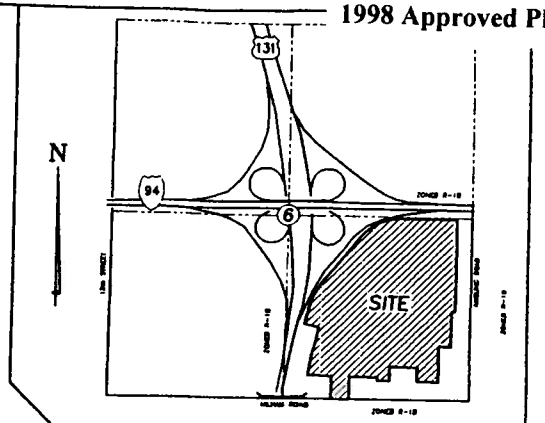
**1998 Approved Plan**

N

200' 0' 200' 400' 800'

SCALE: 1" = 800'




VICINITY MAP
SCALE: 1" = 800'

## NOTES

1) PROPOSED PHASE ONE SHALL CONSIST OF 42 LOTS AND 21 ACRES OF LAND.
2) THE PROPERTY IS CURRENTLY ZONED R-1B
3) ALL LOTS SHALL CONFORM TO CITY REQUIREMENTS
4) ALL LOTS SHALL BE SERVED BY MUNICIPAL SANITARY SEWER AND MUNICIPAL WATER
5) ALL IMPROVEMENTS SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS
6) ALL STREET SIGNS, STREET LIGHTS, HYDRANT PLACEMENT, AND SIDEWALK PLACEMENT SHALL BE IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.
7) THE PROPOSED STORM SEWER SYSTEM SHALL BE A SOLID PIPE SYSTEM WITH 24" AND 48" INLET STRUCTURES AND SHALL DRAIN TO THE SHOWN PROPOSED STORMWATER DISPOSAL BASIN.
8) ALL PROPOSED STREETS SHALL HAVE A RIGHT OF WAY WIDTH OF 60 FEET AND A CURBING WIDTH FROM BACK OF CURBS OF 30.0 FEET.
9) NO PORTION OF THE PROPOSED PLAT IS WITHIN THE LIMITS OF THE F.E.M.A. DESIGNATED 100 YEAR FLOODWAY OR WITHIN AN AREA DESIGNATED AS A WETLAND
10) ALL DIMENSIONS SHOWN SUBJECT TO FINAL ADJUSTMENT
11) ELEVATION CONTOURS SHOWN ARE FROM A MAP PROVIDED BY OTHERS. ELEVATION DATUM IS U.S.C.S. AS PROMULGATED within THE CITY OF PORTAGE

ZONING INFORMATION:
ZONED R-1B (SUBJECT PROPERTY & SURROUNDING PROPERTY)
FRONT SETBACK = 30'
REAR SETBACK = 40'
SIDE SETBACK = 10'
(AREA AND WIDTH OF PROPOSED LOTS SHALL COMPLY WITH CITY OF PORTAGE ZONING ORDINANCE SECTION 1278.04)

APPLICANT:
EAST DEVELOPMENT, L.L.C.
P.O. BOX 715
PORTAGE, MI. 49081

SEE PHASE ONE DETAIL ON SHEET 2 OF 2

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

SITE DATA (ALL PHASES):
-TOTAL SIZE = 93+ - ACRES
-# LOTS = 245+ -
-DENSITY = 2.63+ - LOTS/ACRE

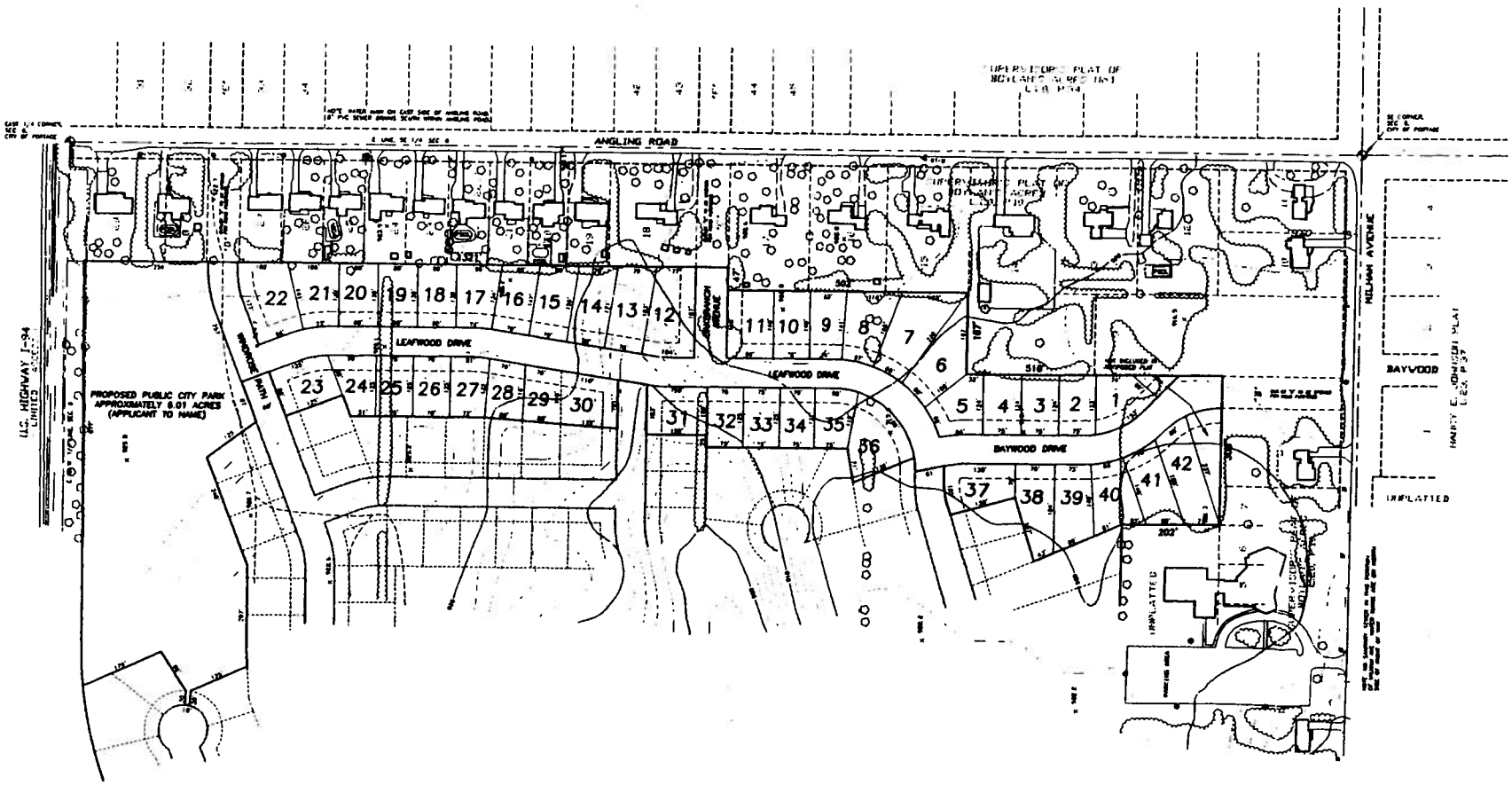
PRELIMINARY PLAT
PHASE ONE of "HARBORS WEST"
PART OF SEC. 6 T 3 S R 11 W CITY OF PORTAGE, KALAMAZOO CO., MICH.

Ingersoll, Watson & McMachen, Inc.
CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
1135 Bell Hilltop Road - Kalamazoo, Michigan 49009 - Area 616 381-6180 - Fax 616 381-0832

DATE 7/22/98
REV 7/29/98
SHEET 1 OF 2
JOB No. 28700-1

1998 Approved Plan

# PRELIMINARY PLAT
# PHASE ONE of "HARBORS WEST"




PRELIMINARY PLAT
PHASE ONE of "HARBORS WEST"
Ingersoll, Watson & McMachen, Inc.
7/22/98
2 OF 2
28798-1

# MATERIALS TRANSMITTED

# CITY COUNCIL MEETING MINUTES FROM AUGUST 27, 2013

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

At the request of Mayor Strazdas, Reverend Barry Petrucci of the Chapel Hill United Methodist Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by Reid, to approve the August 13, 2013 Regular Meeting Minutes as amended to include the charge of the Council Advisory Board of Review Committee referred to in the meeting. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE OF AUGUST 27, 2013:** Motion by Reid, seconded by Urban, to approve the Check Register of August 27, 2013, as presented. Upon a roll call vote, motion carried 5 to 0.

**REPORTS FROM THE ADMINISTRATION:**

* **CONSTRUCTION BOARD OF APPEALS ORDER - 2918 WEST MILHAM AVENUE:** Motion by Reid, seconded by Urban, to accept the order of the Construction Board of Appeals to remove all debris from the house and property exterior at 2918 West Milham Avenue; and authorize the City Administration to take the necessary action to remove all debris from the house and property exterior, place a lien and assess the property to recover the costs associated with abatement consistent with the ordinance. Upon a roll call vote, motion carried 5 to 0.

* **NEW WORLD SYSTEMS CONTRACT:** Motion by Reid, seconded by Urban, to award a three-year contract to New World Systems Corporation for software maintenance to the Computer-Aided Dispatch and Records Management Systems at a total cost of $365,107 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 5 to 0.

* **ICE CONTROL SALT PURCHASE:** Motion by Reid, seconded by Urban, to award a contract to Detroit Salt Company in the low bid amount of $41.80 per ton for 3,500 tons of ice control salt at a total cost not to exceed $146,300 for early delivery; and North American Salt Company in the low bid amount of $50.18 per ton for 1,000 tons of ice control salt at a total cost not to exceed $50,180 for seasonal back up on an as-needed basis; and authorize the City Manager to execute all documents related to these purchases on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

* **ACQUISITION OF 1614 WEST OSTERHOUT AVENUE:** Motion by Reid, seconded by Urban, to approve the purchase of property at 1614 West Osterhout Avenue in the amount of $155,000, plus current real estate taxes for a total cost of $162,534.39, and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

* **JULY 2013 SUMMARY ENVIRONMENTAL ACTIVITY REPORT:** Motion by Reid, seconded by Urban, to receive the communication from the City Manager regarding the July 2013 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 5 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Urban, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 5 to 0.

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

Portage Environmental Board of June 12, 2013.
Portage Senior Citizen Advisory Board of June 19, 2013.
Portage Zoning Board of Appeals of July 8, 2013.
Portage Public Schools Board of Education of July 15, 2013.

**NEW BUSINESS:**

**FILLING CITY COUNCIL VACANCIES:** Mayor Strazdas opened the discussion after noting that he was in favor of having the most typical process used in the past: City Council would ask anyone in the community to participate through the use of a letter of intent with a resume submitted in person or through a Portage City website link created for receipt and have that open and available through noon on the Friday before the next City Council Meeting, giving everyone a full week and a half to review the resumes. City Council could convene the September 10, 2013 Meeting and make a determination or establish a short list from which to work. He suggested that Council decide at the next meeting who is to be interviewed and to set a public date for the interview. Discussion followed.

Mayor Pro Tem Reid concurred with the proposed process presented by Mayor Strazdas and pointed out that this would be for a term that should be filled within six weeks. She then asked about the possibility of whether this Council could discuss what the process would be in November for the two-year appointment as a means of providing as much information as possible for the applicants, noting that a new Council would be making the decision.

City Attorney Brown indicated that by *City Charter*, the Council shall appoint a new Councilmember, and saw no reason why City Council could not discuss the process to be utilized in November, but that the new Council would not be bound by any decision of this Council. Discussion followed.

Mayor Pro Tem Reid indicated that she would be looking for the same attributes in the two-year term Councilmember as she would for the two meeting Councilmember. Mayor Strazdas indicated that he would hope that anyone applying would consider serving the two meetings together with the two-year term. Councilmember Randall noted that perhaps applicants could stipulate whether they were interested in just the short term or want the short term plus the additional two-year term. Mayor Strazdas concurred with her idea perhaps as a question on an application and suggested more discussion on the criteria or content on the application.

Councilmember Sackley offered the suggestion of appointing someone to fill the position now, as it would expire the first Monday following the November 5, 2013 City Election, and allow the person to serve two meetings in September, two in October and the first meeting of November with the possibility of being reappointed. He indicated that City Council has a duty to serve the citizens of Portage, that the *City Charter* authorizes the City Council to make an appointment to fill the vacancy, but is silent on the process. He expressed his appreciation for the Communication in the Agenda Packet from City Manager Evans dated August 27, 2013, that provides a wide variety of past methods used for filling City Council vacancies. He noted that there are five out of six City Councilmembers present, that he would be absent from the September 10, 2013 City Council Meeting and one more absence and the

Council could be potentially down to four members. He noted, again, that the *City Charter* authorizes Council to make decisions and that the proposed process would be time consuming. He said that he had heard from two people who are interested in serving, one of whom is a former Councilmember, and noted the presence of a former Councilmember in the audience who could also possibly be interested in serving. As a result, he indicated his preparedness to put names in nomination to get the Council up to full strength because of the need to address the business of the citizens of Portage. He explained his rationale and restated his preference, especially in a political campaign season. Mayor Strazdas expressed his respect for Councilmember Sackley's opinion, but only if a past sitting City Councilmember is under consideration.

Councilmember Sackley disclosed that the two individuals who expressed an interest to him are Jim Hoppe, Planning Commissioner, and former State Representative and former City Councilmember Larry DeShazor, and recognized and asked former City Councilmember Cory Bailes, who was present in the audience, if he was interested in serving, and he indicated that he was.

Councilmember Urban indicated the uniqueness of the situation as it has not occurred in all of the years he has served on City Council and since the term to be filled is of short duration. He expressed his opinion that using half of the remaining time of this short term going through a selection process is counterproductive and said he would be willing to move forward tonight, also, recognizing that the appointee would only be sitting for four or five meetings and another process might be used after the election of the new Council to fill the two-year term.

Councilmember Randall expressed her concern that if she were not here as Councilmember Pearson is not here, that person's views would not be represented. She said she understood the need for process and to expedite this matter, but felt it would be prudent to do it when a full Council was in session. Discussion followed and Councilmember Urban emphasized the uniqueness of the situation as he mentioned earlier and noted to Mayor Strazdas that although he conditioned the appointment on it being a former Councilmember, that he did not have that same condition if the interview process was utilized and asked for an explanation. Mayor Strazdas responded that he had planned to reserve his comments until the next meeting for the short term position had the discussion continued with the interview process discussed earlier, but admitted he would probably have preferred a former Councilmember for the term requiring "just a handful of meetings." Discussion followed and Mayor Strazdas entertained a motion.

Motion by Sackley, seconded by Urban, pursuant to *City Charter*, Chapter 3, Section 13, I hereby place in nomination the name of Cory Bailes, former Portage City Councilmember, to fill the vacancy created by the resignation of Elizabeth Campbell with a term ending on the first Monday following November 2013 Regular City Election.

Councilmember Randall indicated that if Council was going to make a decision this evening that anyone who had expressed an interest in this position would have chosen to be here. She addressed Mayor Strazdas by saying that at the last Council meeting he specifically said Council would discuss the process and that was what was indicated on the agenda and she expressed a concern for other people who might be interested since the last time there were six candidates who came forward. She challenged him by saying he was not doing what he originally set out to do and what is on the agenda this evening.

Mayor Strazdas responded that he has every intention of having City Council make a decision on a process tonight and that he believes that the proposed motion is how the process will be conducted tonight. Further, he expressed his preference for the more traditional process discussed earlier, but the matter remains at the pleasure of the Council.

Councilmember Sackley said he reached out to Mr. DeShazor, who indicated that he would serve if called, but that he was not seeking the appointment, and Mr. Hoppe is a former Planning Commissioner, not a former Councilmember, which he thought was important in order to get up to speed on matters before Council. He said he was not aware of others who have approached Councilmembers with an interest in being appointed and restated his support for his motion in the form of appointing Cory Bailes in accordance with the *City Charter*, Chapter 3, Section 13.

Mayor Pro Tem Reid concurred with the thought of appointing a former Councilmember, expressed her reluctance to cut off those who might also be interested yet stated her concern for putting off the appointment.

In answer to Councilmember Randall, City Manager Evans confirmed that former Mayor Pro Tem Ted Vliek expressed an interest in serving, also.

Councilmember Urban indicated that he would be in support of the process outlined in the beginning of the discussion for the longer term, but he did not consider it appropriate to spend two and perhaps three of the four or five meetings left to fill the position because of the process, especially when there are people available to fill the position. Motion by Urban, seconded by Sackley, to call the question. Upon a roll call vote, motion carried 4 to 1. Yeas: Councilmembers Sackley, Urban, Mayor Pro Tem Reid and Mayor Strazdas. No: Councilmember Randall.

At the request of City Attorney Brown, City Clerk James Hudson read the motion. The maker and supporter of the motion indicated that the motion should read, "appoint Cory Bailes" instead of "hereby place in nomination the name of Cory Bailes." Upon a roll call vote, motion carried 4 to 1. Yeas: Councilmembers Sackley, Urban, Mayor Pro Tem Reid and Mayor Strazdas.
No: Councilmember Randall. Discussion followed.

Councilmember Sackley asked if it is appropriate to swear in the new Councilmember and City Attorney Brown indicated that there was nothing in the *City Charter* with respect to when the appointee would take office and City Clerk Hudson concurred stating that there are no requirements beyond the City Charter, either.

**NEW COUNCIL:**

**OATH OF OFFICE AND SEATING OF NEW COUNCILMEMBER:** The City Clerk administered the Oath of Office to Cory Bailes as Councilmember, and at the invitation of Mayor Strazdas, City Councilmember Bailes took his seat at the dais.

**BID TABULATIONS:**

* **PORTAGE ROAD / SOUTH WESTNEDGE AVENUE ENGINEERING CONSULTANT PROPOSALS:** Motion by Reid, seconded by Urban, to award an engineering services contract to Driesenga & Associates, Incorporated, of Kalamazoo, Michigan for the Portage Road (Lakeview Drive to East Centre Avenue) and South Westnedge Avenue (South Shore Drive to Melody Avenue) street reconstruction in the amount not to exceed $120,488 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 5 to 0.

* **CRACK SEALING MAJOR STREETS AND PARK TRAILS:** Motion by Reid, seconded by Urban, to accept the low bid submitted by Schodeller Construction, Incorporated, of Wixom, Michigan in the amount of $75,618.16 for select major street and park trail asphalt crack sealing repairs and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Councilmember Sackley complimented the City Administration for excellent bicycle paths.

Councilmember Urban reminded the public that school starts next week and to be careful and mindful of the children on the streets, on their bikes and other activities that bring them in contact with motorists.