



# PLANNING COMMISSION

April 16, 2015



# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**April 16, 2015  
(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **APPROVAL OF MINUTES:**

- \* March 19, 2015

### **SITE/FINAL PLANS:**

### **PUBLIC HEARINGS:**

- \* 1. Special Land Use Permit: Deals Unlimited (used car sales), 10509 Shaver Road and 2419 West Osterhout Avenue
- \* 2. Preliminary Report: Tentative Plan Amendment (The Homestead of Portage), 3821 West Milham Avenue
- \* 3. Ordinance Amendment #14/15-B, Site Plan Review

### **OLD BUSINESS:**

### **NEW BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

April 1, 2015 Communication from Portage Historic District Study Committee  
March 10, 2015 City Council regular meeting minutes  
March 10, 2015 City Council Committee of the Whole meeting minutes  
February 2015 Summary of Environmental Activity Report

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

## PLANNING COMMISSION

March 19, 2015

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The City of Portage Planning Commission meeting of March 19, 2015 was called to order by Chairman Welch at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Two citizens were in attendance.

### PLEDGE OF ALLEGIANCE:

Chairman Welch led the Commission in the Pledge of Allegiance.

### IN ATTENDANCE:

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

### ROLL CALL:

Mr. Forth called the roll and the following Commissioners were present: Richmond (yes), Somers (yes), Dargitz (yes), Felicijan (yes), Welch (yes), Stoffer (yes) and Bosch (yes). A motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the roll excusing Commissioners Patterson and Schimmel. The motion was unanimously approved 7-0.

### APPROVAL OF MINUTES:

Chairman Welch referred the Commission to the March 5, 2015 meeting minutes contained in the agenda packet. Commissioner Stoffer stated under the Roll Call section, Somers should be replaced with Stoffer as being excused. Chairman Welch stated under the Approval of Minutes section of the minutes, Chairman Welch should be replaced with Vice-Chairman Felicijan. A motion was then made by Commissioner Somers, seconded by Commissioner Bosch, to approve the minutes as amended. The motion was unanimously approved 7-0.

### PUBLIC HEARINGS:

1. Special Land Use Permit: Bickford Cottage (expansion), 4613, 4707 and 4713 West Milham Avenue. Mr. West summarized the staff report dated March 13, 2015 regarding an application to amend a previously approved special land use permit to allow an expansion of the Bickford Cottage assisted living care facility. Mr. West discussed the original April 21, 2005 approval that allowed construction of the existing 24,500 square foot Bickford Cottage facility and related improvements. Mr. West discussed the conflicting land use screening arrangement that was approved in 2005 and modifications that would be made along the east side of the existing building with the proposed expansion to accommodate a required fire apparatus drive and turnaround. Mr. West indicated the adequacy of the modified screening arrangement would be reviewed by the Department of Community Development following construction to ensure appropriate screening is provided to the adjacent single family residences to the east.

Mr. Bryan Gillespie of Hurley & Stewart, LLC (applicant's engineer) was present to support the development application. The public hearing was opened by Chairman Welch. No citizens were present to speak regarding the proposed expansion project. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Dargitz, to approve the Special Land Use Permit for Bickford Cottage (expansion) at 4613, 4707 and 4713 West Milham Avenue. The motion was unanimously approved 7-0.

### SITE/FINAL PLANS:

1. Site Plan for Bickford Cottage (expansion), 4613, 4707 and 4713 West Milham Avenue. Mr. West summarized the staff report dated March 13, 2015 regarding a request to construct an approximate 8,400 square foot building expansion and related improvements along the west side of the Bickford Cottage assisted living facility. Mr. West stated the building addition will house a 16-bed memory care unit connected to the existing

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facility. Mr. West discussed storm water management for the project, access to the site (no change) and outdoor lighting units.

Mr. Bryan Gillespie of Hurley & Stewart, LLC (applicant's engineer) and Mr. Rick Crepas (applicant's representative) were present to support the development project. After a brief discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to approve the Site Plan for Bickford Cottage (expansion) at 4613, 4707 and 4713 West Milham Avenue. The motion was unanimously approved 7-0.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. Recommended Planning Commission Goals for FY 2015-2016. Mr. Forth referred the Commission to the February 12, 2015 memo from Deputy City Clerk Herringa and the draft memo from the Commission to City Council regarding recommended Planning Commission goals for FY 2015-2016. Commissioner Dargitz asked how Goal No. 1 differs from Goal No. 3. Mr. Forth and Mr. West responded. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Stoffer, to forward to City Council the Recommended FY 2015-2016 Planning Commission Goals and Objectives. The motion was unanimously approved 7-0.

7:18 p.m. - The Commission took a short recess.

7:22 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

2. FY2015-2025 Capital Improvement Program. Mr. Forth referred the Commission to the e-mail communication received last week from Chairman Welch. Chairman Welch's questions pertained to future sanitary sewer projects, body worn video cameras by police personnel, video surveillance, cost of fire trucks, scheduling another visioning project and accessibility of playground structures for children with disabilities. Mr. Forth noted that responses were provided and each Commissioner received a copy of the responses. The Commission had no additional comments regarding Chairman Welch's questions and the response from the City Administration. The Commission also briefly discussed the proposed Capital Improvement Program (CIP) process planned for next year as detailed by City Manager Shaffer at March 5, 2015 meeting. The Commission indicated it was extremely helpful to have City Manager Shaffer present at the March 5<sup>th</sup> meeting and they were looking forward to the new approach planned for the CIP preparation and review beginning next year.

Commissioner Dargitz asked if there was any additional consideration by the City Administration for land acquisition within the City Centre Area. Mr. Forth stated there were preliminary conversations of possible land acquisition. There being no further discussion/comments concerning the proposed FY2015-2025 Capital Improvement Program, a motion was made by Commissioner Bosch, seconded by Commissioner Somers, to recommend to City Council that the 2015-2025 Capital Improvement Program be approved. The motion was unanimously approved 7-0.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:35 p.m.

Respectfully submitted,

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



**TO:** Planning Commission **DATE:** April 10, 2015  
**FROM:** Vicki Georgeau, <sup>VB</sup> Director of Community Development  
**SUBJECT:** Special Land Use Permit: Deals Unlimited, 10509 Shaver Road and 2419 West Osterhout Avenue

**I. INTRODUCTION:**

A Special Land Use Permit application has been submitted by Hussein Gudah, on behalf of Deals Unlimited, requesting approval to establish a vehicle dealership for used automobiles at the southeast corner of Shaver Road and West Osterhout Avenue. The approximate 1.1 acre zoning lot, which involves parcels addressed as 10509 Shaver Road and 2419 West Osterhout Avenue, is zoned B-3, general business and occupied by a 1,260 square foot garage/service building, a 854 square foot sales office building and associated site improvements. As information for the Commission, Deals Unlimited is currently operating a used car dealership on Portage Road and needs an additional location to handle continued growth.

As background information, the Planning Commission approved a special land use permit and site plan for David Rice Auto Sales that allowed for establishment of a used car sales facility at this location on February 18, 1999. David Rice Auto Sales operated from the site for approximately 10 years and has subsequently been vacant. In November 2014, the property was purchased by Deals Unlimited, LLC. The applicant is proposing to reuse the existing site, as previously approved, with site or building improvements as outlined in the application materials.

**II. BACKGROUND INFORMATION:**

The following background information is provided for Commission consideration:

Existing Land Use/Zoning	<ul style="list-style-type: none"> <li>• <u>Site:</u> Former David Rice Auto Sales facility, 1,260 square foot garage/service building, 854 square foot sales office building and associated site improvements zoned B-3, general business.</li> <li>• <u>West/North:</u> Across Shaver Road and West Osterhout Avenue, various commercial properties zoned B-3.</li> <li>• <u>South:</u> Former Portage Motel (vacant) zoned B-3.</li> <li>• <u>East:</u> Single family residence zoned RM-1, multiple family residential.</li> </ul>
Comprehensive Plan	<ul style="list-style-type: none"> <li>• Future Land Use Map component of the Comprehensive Plan identifies the subject property, along with adjacent properties to the south and north (across West Osterhout Avenue) as appropriate for general business land use. Properties situated to the east and west (across Shaver Road) are designated for high density residential land use.</li> </ul>
Access	<ul style="list-style-type: none"> <li>• Existing full service driveways from Shaver Road and West Osterhout Avenue.</li> <li>• Shaver Road is designated as a 2-3 lane major arterial with approximately 8,810 vehicles per day (2013); capacity of 17,200 vehicles per day (level of service "D").</li> </ul>

Access (con.)	<ul style="list-style-type: none"> <li>West Osterhout is designated as a 2 lane minor arterial with approximately 4,436 vehicles per day (2012); capacity of 16,500 vehicles per day (level of service "D").</li> </ul>
Environmental	<ul style="list-style-type: none"> <li>Review of the Sensitive Land Use Inventory Map does not identify any environmentally sensitive areas (100-year floodplain, wetlands) at the subject site.</li> </ul>
Historic District/ Structure	<ul style="list-style-type: none"> <li>The subject site is not located within a historic district and does not contain any historic structures.</li> </ul>
Land Development Regulations	<ul style="list-style-type: none"> <li>The application has been submitted under Section 42-262.C.1, <i>Special Land Use</i> in the B-3 zoning district: "<i>Vehicle dealerships, licensed by the state, for the sale and rental of new or used motor vehicles and/or recreational vehicles, including accessory uses when related and incidental thereto</i>" subject to conditions.</li> <li>Section 42-462, <i>General Standards for Review of Special Land Uses</i>, sets forth additional criteria for evaluating a special land use and allows conditions to be established.</li> </ul>

### III. ANALYSIS:

The proposal to establish a vehicle dealership at the subject site fulfills the requirements for issuance of a Special Land Use Permit. The vehicle dealership will be licensed by the State of Michigan and all vehicle sales/display areas and related customer and employee parking will occur on the existing paved parking lot. Ingress and egress to the site will be provided through the existing full service driveways from Shaver Road and West Osterhout Avenue, which are situated at least 60 feet from the Shaver Road/West Osterhout Avenue intersection. According to the applicant, there are no immediate plans to use the existing garage building located near Shaver Road, however, the building may be utilized for light servicing and detailing of vehicles in the future. While older, tilt-mounted outdoor light fixtures are present across the site, the applicant is not sure whether the units are operational or whether new outdoor lighting units will need to be installed. Regardless, existing outdoor lighting at the site and any proposed new lighting units will need to be maintained and operated consistent with ordinance standards (i.e., adjusted downward to ensure no glare, maximum 0.3 footcandles along eastern property line where abutting residential zoning/land use, and shielded/sharp-cut off style for all new fixtures). Review of outdoor lighting details will be accomplished in conjunction with any electrical permit application.

As identified on the attached aerial photo map and previously approved site plan for David Rice Auto Sales, the western and northwestern portions of the existing parking lot are not setback 10-feet from the public right-of-way. In conjunction with the special land use permit application and reuse of the site by Deals Unlimited, it is appropriate that this required 10-foot greenstrip be reestablished and landscaping be installed along the Shaver Road and West Osterhout Avenue frontages. The applicant has agreed to these site improvements, along with repaving and restriping the parking lot, maintenance of the previously approved conflicting land use screening (evergreen trees) along the east side of the site and repair of the refuse dumpster enclosure/gate.

Per statutory requirements, residents/property owners within 300 feet of the zoning lot have been notified in writing of the special land use permit application and Planning Commission meeting. A notice was also published in the local newspaper.

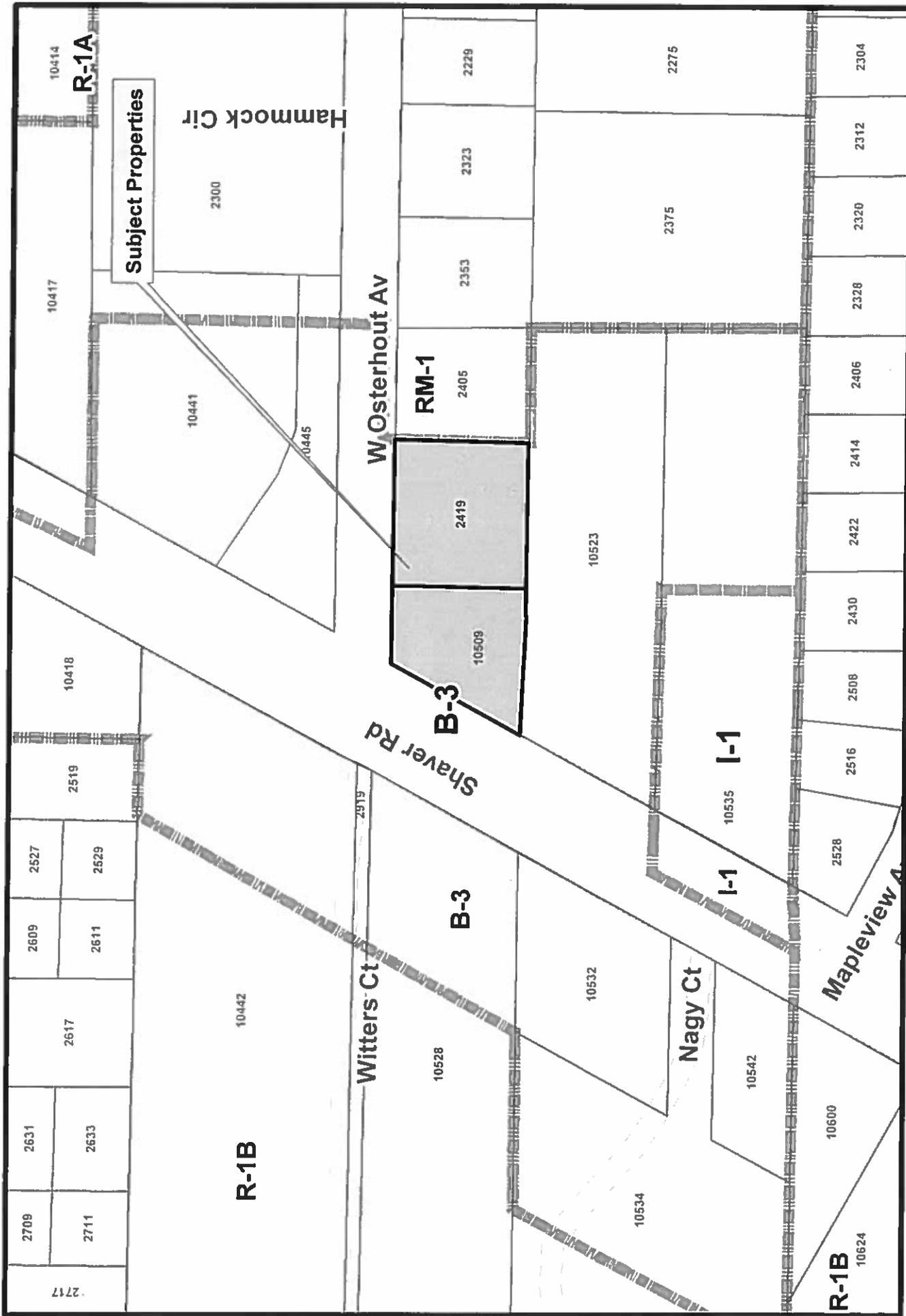
#### **IV. RECOMMENDATION:**

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Special Land Use Permit for Deals Unlimited, 10509 Shaver Road and 2419 West Osterhout Avenue, be approved subject to the following conditions:

- 1) Removal of asphalt along the western and northwestern portions of the site and establishment of a 10-foot wide landscaped greenstrip with tree and shrub plantings consistent with ordinance requirements.
- 2) Submittal of a revised site plan that identifies the above site improvements, along with the parking lot striping and adjustments to vehicle display areas, for administrative review and approval.
- 3) Submittal of a lighting plan and related details for existing and any new outdoor lighting units at the site, for administrative review and approval.

**Attachments:** Vicinity/Zoning Map  
Aerial Photograph Map  
Special Land Use Permit Application, Supporting Letter and Site Plan

S:\Commdev\2014-2015 Department Files\Board Files\Planning Commission\PC Reports\Special Land Use Permits\2015 04 10 Deals Unlimited, 10509 Shaver Road and 2419 West Osterhout (SLUP).doc



Subject Properties

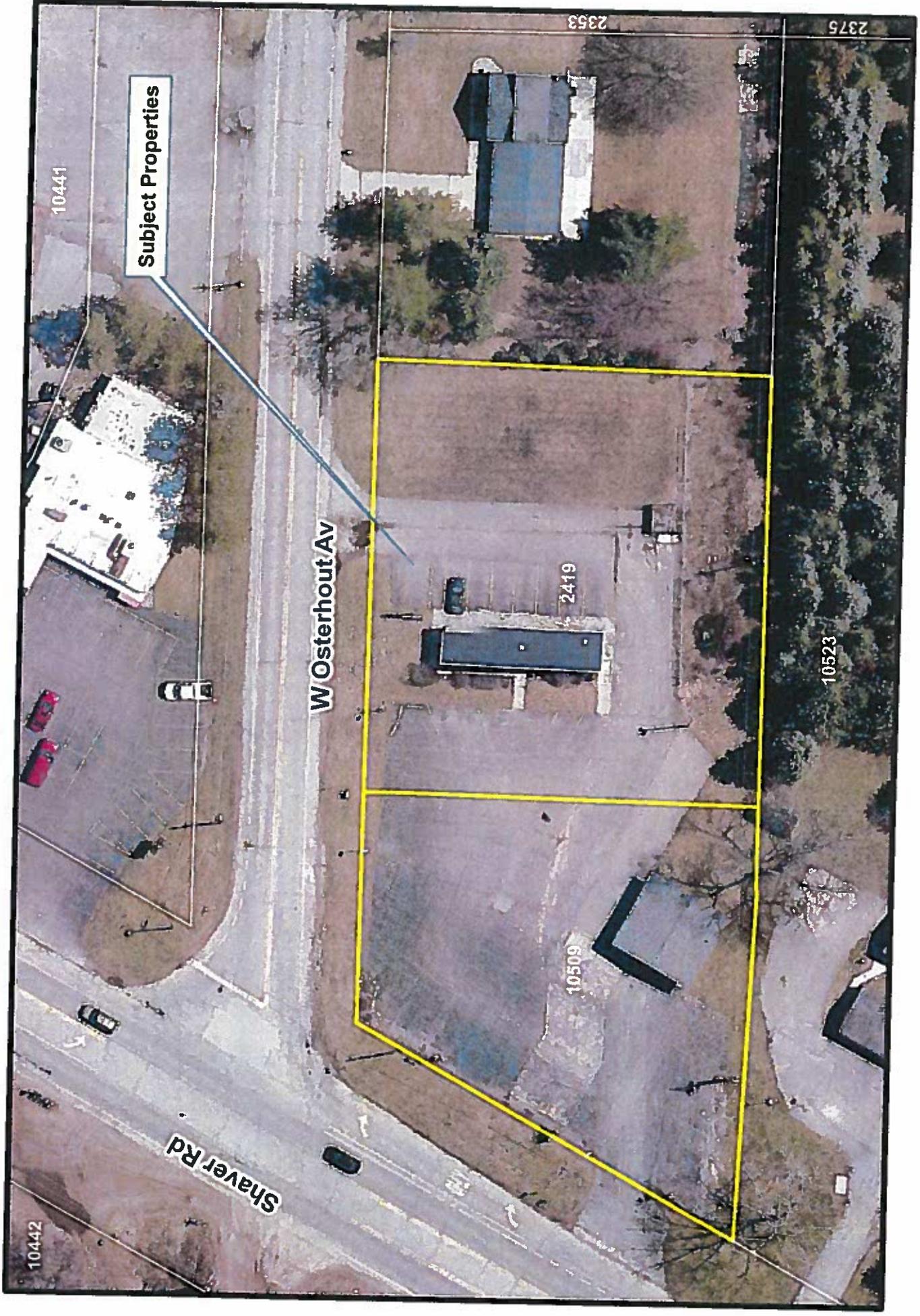
-  Zoning Boundary
-  Subject Property
-  300' Notification area

**Special Land Use Permit**

**10509 Shaver Road, 2419 West Osterhout Avenue**



1 inch = 150 feet



Subject Properties

W Osterhout Av

Shaver Rd

10442

10441

10509

2419

10523

2353

2375

Subject Property



1 inch = 50 feet

# Aerial Photography 10509 Shaver Road, 2419 West Osterhout Avenue

APPLICANT INFORMATION			
Name <b>DEALS UNLIMITED, INC.</b>		Telephone Number <b>269 3244285</b>	
Address <b>8705 PORTAGE RD</b>	City <b>PORTAGE</b>	State <b>MI</b>	Zip code <b>49002</b>
OWNER INFORMATION (if different)			
Name <b>HUSSEIN Y. GUDAH</b>		Telephone Number <b>269 2071111</b>	
Address <b>8440 VALLEYWOOD LN</b>	City <b>PORTAGE</b>	State <b>MI</b>	Zip code <b>49024</b>
PROPERTY INFORMATION			
Address of property <b>10509 SHAWER RD &amp; 2419 W OSTERHOUS AVE</b>		Zoning District <b>PORTAGE MT 49024</b>	Land Area (acres)
Legal Description (for attach separate page) <b>SEE ATTACHED PLEASE</b>			
PROPOSED USE			
Description of proposed Special Land Use (attach additional page(s), if necessary) <b>SEE ATTACHED PLEASE</b>			
<p><b>RECEIVED</b></p> <p>MAR 17 2015</p> <p>COMMUNITY DEVELOPMENT</p>			
OWNER CERTIFICATION			
I hereby certify that I am presently the legal owner for the above-described property and all of the above information is true and accurate. I further acknowledge that approval of this Special Land Use Permit constitutes an agreement with the City of Portage and all conditions or limitations imposed shall be fulfilled.			
Signature 		Date <b>3-17-15</b>	

DEALS UNLIMITED, INC  
8705 PORTAGE RD #A  
PORTAGE, MI 49002  
PH: 269-324-4285 FAX: 269-324-0067

4/17/15

To Whom it may concern,

Re: Special Land Use Permit Information

RECEIVED  
APR 08 2015  
COMMUNITY DEVELOPMENT

Deals Unlimited, Inc. was established and has been doing business as a Used Car Dealership in the city of Portage for the past 25 Years. Growth has been consistent. We outgrew our first location on Shaver Road about 10 years ago. We moved to Portage Rd in 2005 and built and operated a state of the art facility located at 8705 Portage Rd. Once again, we are in need of more room, so we decided to buy property located at 10509 Shaver Road and 2419 W. Osterhout Ave that was previously operated for several years as a Used Car Dealership.

Our intention is to operate within city codes and guidelines with no structural or configuration changes to be done at this present time. At this time we have no immediate plans to make this location into a Repair, Service, or Detail facility. In the future, the garage building on the property may be used for light servicing and detailing. We plan to repave the parking lot. When and if possible we will plant Trees and Shrubs along and Osterhout and Shaver Rd. At the present time, we do not plan to do anything with the current exterior lighting, when we do we will bring the lighting up to code. In regards to the east side of the property, we will be planting more Spruce/Pine Tress to bring this portion of the property up to code. We plan on reconstructing the refuse/dumpster enclosure area where the dumpster is and bring it up to code.

Your time and effort in this matter is highly appreciated.

Please do not hesitate to contact us if you need anything in regards to this matter.

Sincerely,

President @ Deals Unlimited, Inc.  
Hussein Gudah



General Manager  
Jeff Arms



**EXHIBIT "A"**

The land referred to in this commitment is described as follows: City of Portage, County of Kalamazoo, State of Michigan

**Parcel 1:**

Commencing at the center 1/4 post of Section 32, Town 3 South, Range 11 West, thence South 00 degrees 02 minutes 30 seconds West, 16.5 feet for the Place of Beginning; thence South 89 degrees 55 minutes East, 31.67 feet parallel to the East and West 1/4 line; thence South 00 degrees 02 minutes 30 seconds West, 165 feet parallel to the North and South 1/4 line; thence North 89 degrees 55 minutes West, 31.67 feet parallel to the East and West 1/4 line; thence continuing West, 144.36 feet to the East line of U.S. 131; thence North 28 degrees 12 minutes East, 187.22 feet to a point 16.5 feet South of the East and West 1/4 line; thence East to the Place of Beginning.

**Parcel 2:**

Commencing at the center 1/4 post of Section 32, Town 3 South, Range 11 West; thence South 00 degrees 02 minutes 30 seconds West, 16.5 feet; thence South 89 degrees 55 minutes East, 31.67 feet for the Place of Beginning; thence South 89 degrees 55 minutes East, 169.33 feet parallel to the East and West 1/4 line; thence South 00 degrees 01 minutes East, 165 feet; thence North 89 degrees 55 minutes West, 169.49 feet parallel to the East and West 1/4 line; thence North 00 degrees 02 minutes 30 seconds East, 165 feet parallel to the North and South 1/4 line to the Place of Beginning, excepting therefrom the North 16.5 feet for highway purposes.

2014-040023 12/05/2014 04:04:11 PM

Pages: 3 of 3 DEED

ATTORNEYS TITLE AGENCY

Timothy A. Snow County Clerk/Register Kalamazoo County, MI





**TO:** Planning Commission **DATE:** April 10, 2015  
**FROM:** Vicki Georgeau, Director of Community Development  
**SUBJECT:** Preliminary Report: Tentative Plan Amendment for The Homestead Planned Development (Story Point Senior Living Facility), 3821 West Milham Avenue

**I. APPLICATION INFORMATION:**

A tentative plan application to amend The Homestead Planned Development (PD) has been received. The 2015 tentative plan amendment proposes to replace the cottage office land use designation near the northwest portion of the planned development, adjacent to US-131, with an independent/assisted senior living land use designation (17.31 acres). The amendment also proposes to retain the remaining Van Riper historic homestead site (3.70 acres) as either a themed restaurant, office, or as a single family residential use. Refer to the attached application, narrative and tentative plan submitted by the applicant.

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

Applicants	Property Address	Description	Zoning
Mr. Patrick Lynch Triple M Investments	3821 West Milham Avenue	21 acre tract (Planned development area: 88 acres)	PD, planned development (2001)

Triple M Investments has a sales agreement to purchase the 21 acre tract of land from Mr. Lynch.

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

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

to be preserved and restored to either a theme restaurant or office. Construction of this development did not occur and the final plan expired.

- **2006:** Approved the final plan/preliminary plat for The Homestead No. 3, which included a total of 23 single-family residential lots on 19 acres. Construction of this phase of development did not occur and the plan expired.
- **2010:** Re-approved the final plan/preliminary plat for The Homestead No. 3, which included a total of 23 single-family residential lots on 19 acres. Construction of the public infrastructure was completed and home construction is ongoing.
- **2012:** Approved a tentative plan amendment that eliminated the attached residential condominium buildings/clubhouse, added three single family residential parcels (1.5 acres) located south of the historic homestead site, and reestablished the cottage offices and retained the themed restaurant/office use along the northwest portion of the development, as previously shown on the 2001 tentative plan.

Construction of the public improvements associated with the single-family residential portion of the development project is complete and has resulted in 83 new single-family lots (11 less than previously planned). Construction involving the three additional home sites situated south of the Van Riper historic homestead site has not yet occurred. Development of the remaining 21 acres is pending and is included with the tentative plan amendment.

## **II. TENTATIVE PLAN AMENDMENT PROCEDURES/REQUIREMENTS:**

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

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

## **III. HISTORIC DISTRICT COMMISSION REVIEW**

The property is located within the City of Portage Van Riper Historic District. The applicants are proposing to modify the district by removing 17.31 acres of land to accommodate the proposed senior living facility. The proposed modification does not affect any existing historic structure or building. Before the land division necessary to create this new parcel can be approved and removed from the historic district, the City Council must approve the proposed modification after receipt of the Historic District Commission recommendation. Review by City Council is scheduled for the April 28<sup>th</sup>.

During the March 5, 2015 meeting, the Planning Commission reviewed and recommended approval of the historic district modification. The Historic District Committee met on March 11<sup>th</sup> and April 1<sup>st</sup>, 2015

to review and discuss the proposed district modification. Following the public hearing on April 1<sup>st</sup>, the Historic District Committee recommended City Council approve the requested modification to the Van Riper Historic District. Included in Materials Transmitted is the final Historic District Committee report and recommendation.

#### **IV. PROPOSED TENTATIVE PLAN AMENDMENT – PRELIMINARY ANALYSIS:**

The 2015 tentative plan amendment proposes to replace the cottage office land use designation near the northwest portion of the planned development, adjacent to US-131, with an independent/assisted senior living land use designation (17.31 acres). The amendment also proposes to retain the remaining Van Riper historic homestead site (3.70 acres) as either a themed restaurant, office, or as a single family residential use. As identified in the tentative plan amendment narrative, the entire 21 acre property is proposed to be purchased by Triple M Investments.

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

- Senior Living Facility – An approximate 180,000 square foot senior living facility and related improvements is proposed on 17.31 acres of the 21 acre site. The facility will be designed with four “wings” to allow residents to “age in place” with a total of 122 independent living units and 36 assisted living/memory care units. The northern portion (east and west “wings” plus the center area) will include 92 independent living apartments available in studio, one-bedroom and two-bedroom options. This portion of the development project will consist of two and three stories. The two story portion will have an average height of 35.5 feet and the three story portion will have an average height of 40.5 feet. As shown on the tentative plan, future additions to the northeast and northwest of building are also planned and would provide an additional 36 independent living units. Amenities included in this portion of the facility will include dining venues, indoor and outdoor activity areas, shops, postal services, bank, salon/barber shop, library and computer classroom and multi-purpose rooms for larger gatherings, fitness classes and other group activities. Use of these amenities will be restricted to residents and their guests and will not be open to the public.

The southwest “wing” (The Harbors) will be one-story in height (average height of 18 feet) and provide 30 additional apartments offering catered services to seniors requiring moderate assistance, but not the intensity of assisted living or nursing care. The applicant also considers the Harbors area of the project as independent living. Finally, the southeast “wing” will also be one-story in height (average height of 20 feet) and provide 36 assisted living care units for residents with Alzheimer’s or other associated dementias that affect memory and other cognitive skills.

As identified on the tentative plan, the senior living facility building will be setback at least 50-feet from the east property line (adjacent the historic homestead site), 80-feet from the southeast property line (adjacent to the three, vacant single family parcels), 80-feet from the west property line (adjacent to US-131), 160-feet from the north property line (adjacent West Milham Avenue) and in excess of 400-feet from the southern property line (adjacent to the Consumers Energy Company parcel). The three story portion of the building located on the north side of the site proposed with the initial phase of development is approximately 430 feet from the nearest home located on McGillicuddy Lane (the future three story “wing” would be located approximately 330 feet from the nearest home). Parking and drives associated with the development will be situated at least 10-feet from the east property line (adjacent to the historic homestead site), 35-feet from the southeast property line (adjacent to the three, vacant single family

parcels), 40-feet from the west property line (adjacent US-131) and in excess of 330-feet from the southern property line (adjacent the Consumers Energy Company parcel).

The applicant indicates the senior living facility building and related impervious areas (parking areas, drives, sidewalks) will occupy approximately six acres of the 17.31 acre site. The remainder of the property will be maintained in green space/open space. Comparatively, the previously approved 86-unit attached condominium development (buildings, parking, drives) would have occupied approximately 10 acres. A substantial portion of the land area (approximate five acres) situated south and southeast of the senior living facility, adjacent McGillicuddy Lane and the Consumers Energy Company parcel, will remain in green space/open space to provide separation and buffering between the senior living facility and the adjacent single family residential portion of the planned development.

Similar to the previously approved cottage offices and attached condominiums, the proposed senior living facility is an appropriate transitional land use between US-131/West Milham Avenue and the interior single family residential neighborhood to the south/southeast. According to the applicant, the first floor elevation of the senior living facility building will be approximately 893 feet, which is between 8-10 feet below the adjacent historic homestead site to the east. In addition to the grade differences and setbacks referenced above, the applicant has designed the senior living facility so the one-story portion of the building (southeast and southwest “wings”) is situated along the southern portion of the development site, adjacent the single family residential portion of the planned development: The two-three story portion of the building (northeast and northwest “wings”) will be situated along the northern portion of the development site, adjacent West Milham Avenue and US-131. Finally, the applicant is proposing to install landscaping (6-8 foot tall evergreen trees) along the east property line of the historic home site adjacent to the McGillicuddy Lane residences where gaps currently exist.

- Existing Historic Home Site – At this time, the applicant has no current plans to develop the Van Riper historic property, and has indicated that they will continue to explore market opportunities for possible future conversion to a themed restaurant, office, or single family home. The applicant is aware that any other use will require further Planning Commission/City Council review and approval and a tentative plan amendment. The applicant and future owner, Triple M investments, is also aware of the deteriorating condition of the existing buildings as a result of deferred maintenance and the need to address this issue.
- Public Street Access – As shown on the tentative plan, access to the senior living facility will be provided through a new driveway from West Milham Avenue. No access to McGillicuddy Lane will be provided. This new access from West Milham Avenue will be properly aligned with the new public street to the north currently under construction (Copperleaf Boulevard) so as to eliminate left-hand turning movement conflicts. The Van Riper historic homestead site will retain the existing residential driveway from West Milham Avenue. Access to the 3.7 acre historic homestead site will be reevaluated with any future plans to change the use from residential to nonresidential.
- Percentage of Nonresidential Uses – The PD, planned development ordinance states that a maximum of 20% of the total land area may be used for nonresidential land purposes. The applicant has indicated there are no immediate plans to redevelop the remaining 3.7 acres currently occupied by the former Van Riper estate but will continue to explore market opportunities including a themed restaurant, office or single family residential use. The proposed tentative plan amendment will maintain the nonresidential portion of the planned development at or below 20% of the total land area.

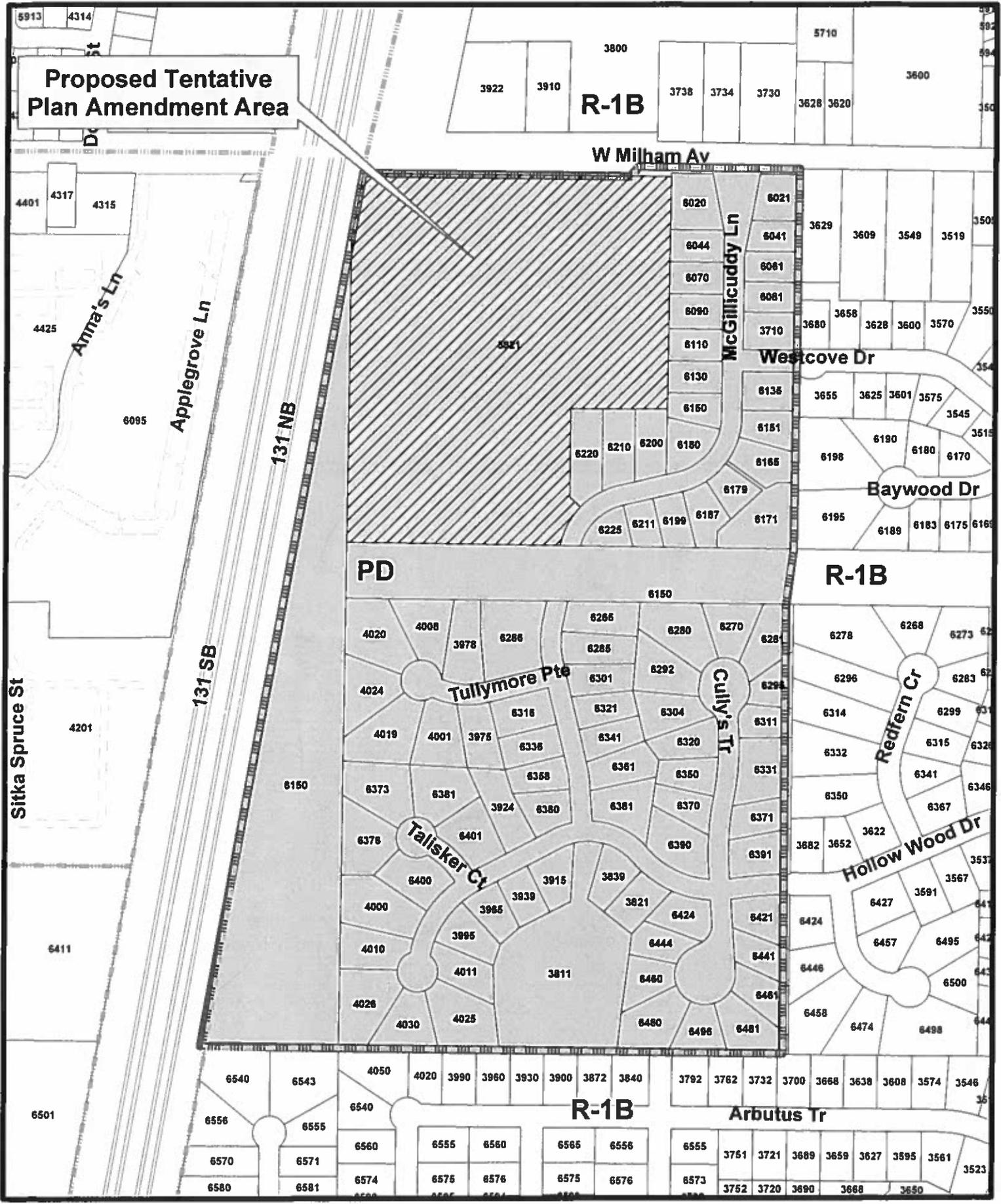
Traffic Impacts – West Milham Avenue is classified as minor arterial roadway with a 2012 average daily traffic volume of 11,672 vehicles. The capacity of this roadway segment is 21,500 vehicles per day. According to the ITE Trip Generation Manual (8<sup>th</sup> Edition), the proposed 194 unit (158 initial units plus the 36 future units) facility will generate approximately 412 vehicle trip ends (206 entering vehicles and 206 exiting vehicles) on an average weekday, with an AM peak hour of 25 vehicle trip ends and 60 vehicle trip ends during the PM peak hour. The traffic generated by this facility can be accommodated by West Milham Avenue. In comparison, the average daily traffic generated by several administrative office buildings totaling 95,000 to 160,000 square feet is approximately 1,300 to 1,916 vehicle trip ends. If a 5,000 square foot themed restaurant were to be developed on the remaining 3.7 acre site, this use would generate approximately 650 vehicle trip ends during an average weekday.

## V. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the Tentative Plan Amendment consideration at a subsequent meeting, the Commission is advised to receive public comment during the April 16, 2015 meeting and adjourn the public hearing to the May 7, 2015 meeting.

Attachments: Zoning/Vicinity Map  
Aerial Photograph Map  
Proposed Tentative Plan Amendment (narrative, tentative plan and building elevation)  
Previously Approved 2012 Tentative Plan Amendment for The Homestead PD (narrative/plan)  
Previously Approved 2001 Tentative Plan for The Homestead PD (narrative/plan)

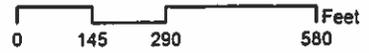
**Proposed Tentative  
Plan Amendment Area**



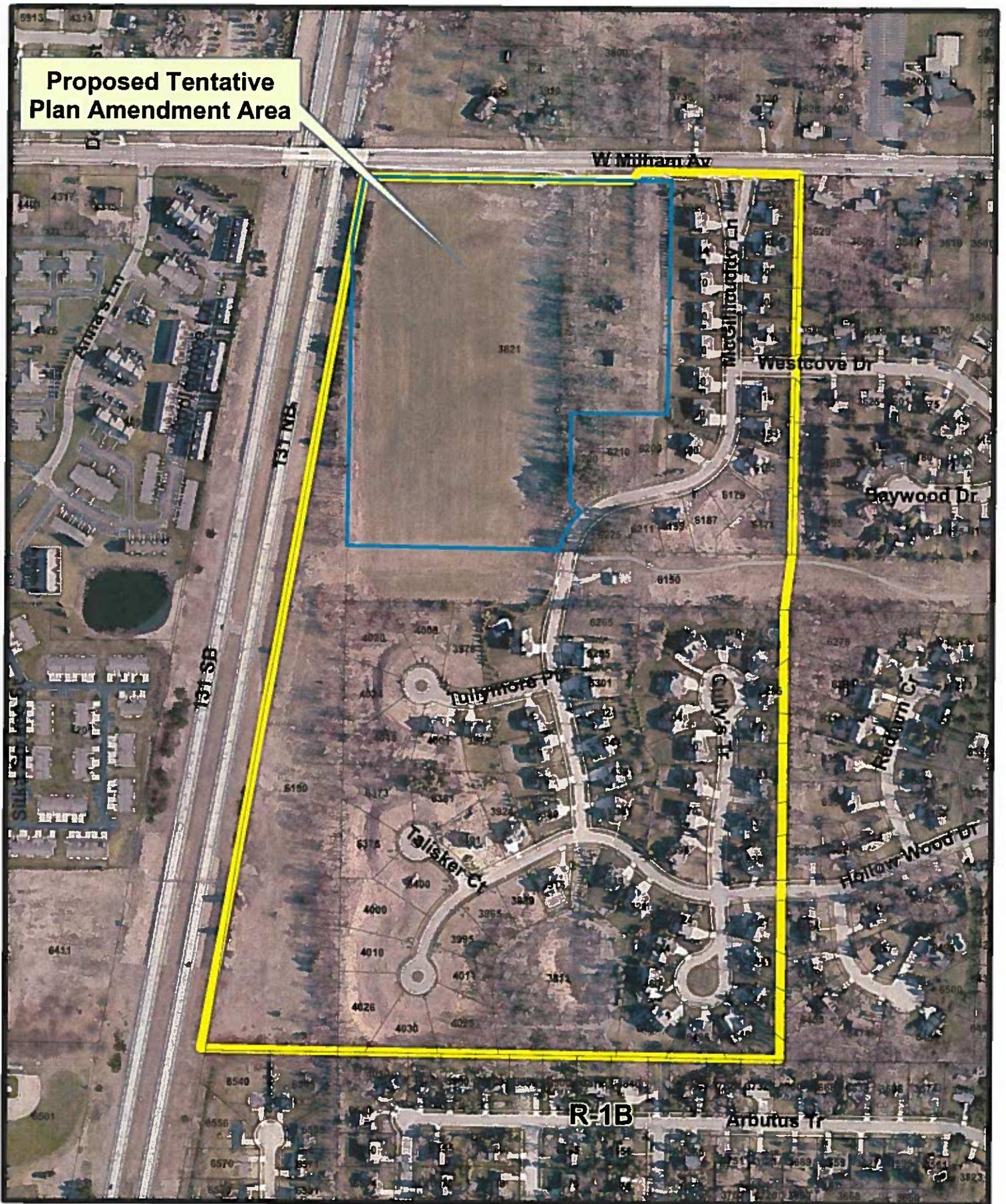
**Tentative Plan (amendment)  
3821 West Milham Avenue**



 Proposed Tentative Plan Amendment Area  
 Planned Development Area



Proposed Tentative  
Plan Amendment Area



 Planned Development Area

# Aerial Photography 3821 West Milham Avenue



0 120 240 480 Feet

April 8, 2015

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

**Re: Submission of Tentative Plan Amendment for The Homestead Planned Development  
(StoryPoint Senior Living Facility)**

Dear Members of the Planning Commission,

Enclosed please find our submission for an amendment to the Homestead planned development, which involves 21.01 acres located at the southeast corner of US-131 and West Milham Avenue.

The following is a brief overview of The Homestead Planned Development. In June 2001 the Planning Commission of Portage approved the rezoning of approximately 88 acres (including property owned by Consumers Energy) from R-1B one-family residential to Planned Development (PD). American Village Development II, LLC ("American Village Development") purchased approximately 55 acres for single family development and Patrick and Lisa Lynch retained the remaining acreage for cottage offices and a themed office/restaurant (the "Lynch Property").

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

In late 2011/early 2012, the Planned Development was further amended. First, the Planned Development split three single family parcels totaling 1.51 acres from the remaining Lynch Property. American Village Development purchased these three parcels from the Lynchs with a view toward building three new home sites in the mid-priced range, leaving the Lynchs with 21.01 acres. Second, the 2011/2012 amendment as it pertains to the land approved for the Villas of Secret Gardens Condominium Project approved in 2006 and 18.05 acres (19.56 acres minus the aforementioned 1.51 acres purchased for single family homes) was returned for use as Cottage Offices, as approved in 2001. Although approved for Cottage Offices, the project was never constructed. This proposed amendment contemplates purchasing 21.01 acres which includes the historic home. The applicant intends to split the property into two parcels as shown on the site plan dated March 25, 2015 from Prein&Newhof. The smaller 3.7 acre parcel, where the historic home is located, will maintain the historic designation and the larger 17.31 acre parcel will be the site for the new senior living facility.

The Homestead Planned Development began with phase 1 housing area on the southeast quadrant of the property. The first phase was followed by three additional phases of single family housing. The final phase contemplated was the three home sites divided from the Lynch Property. These three home sites remain undeveloped.

This proposed plan amendment will provide a senior living facility providing 122 independent living units, and 36 assisted living and memory care units in an approximate 180,000 square foot building that will include one, two and three story sections.

The building is designed to allow a resident to age in place, moving from one wing of the building to another, as the residents' level of care increases. The building will be aesthetically similar to the surrounding single family residences. Additionally, the site is expected to generate approximately 90 to 100 jobs (approximately 75 full time equivalents) ranging from unskilled labor to professional healthcare provider. We believe this use would be attractive to the City of Portage because it addresses a much-needed demand in the community for senior residences, has a low traffic and noise impact (building may actually reduce noise from US-131 traffic for nearby homes) and will generate a good number of jobs.

The building design not only enables residents to age in place but by providing a three story building that is 2'-12' below West Milham Avenue and approximately 8'-10' below the adjoining historic property, the residents are located closer to the amenities. It also enables the applicant to provide substantially more green space than what was previously approved. The senior living building, roadways and sidewalks (impervious areas) represent approximately 6 acres as compared to the 86 condominium unit plan previously approved which covered 10 acres of impervious area.

*1. A statement of purpose and objectives;*

The general purpose of this planned development is for the creation of senior housing and special care housing for those requiring more supervised living conditions. The independent senior housing portion of the development will be delivered through a three-story building which is approximately 40'-6" tall calculated per City of Portage code. The 92 apartments will be made up of seventy-two (72) 685 SF one-bedroom units, twelve (12) 965 SF two-bedroom units and eight (8) 1085 SF 2-bedroom deluxe units. Future plans contemplate 36 additional independent living units depending on market conditions. Amenities will include a variety of dining venues, indoor and outdoor activity areas, shops, postal services, bank, salon/barber, library and computer classroom and multi-purpose rooms for larger gatherings, fitness or other group activities. The use of these amenities are limited to the residents and their guests and are not open to the public.

The housing programs for those requiring more services/assistance include The Harbors – an independent living program with 30 additional apartments offering "catered" services providing moderate assistance to those with slightly higher needs, but not the intensity required of an assisted or nursing care resident. The Harbors, located in the southwest quadrant, is a 1-story wing at approximately 18' tall calculated per the City of Portage code. This wing is made up of four (4) 480 SF Studios, twenty-four (24) 640 SF 1-Bedroom units and two (2) 950 SF 2-bedroom units.

Finally, a specialized 1-story environment for seniors to accommodate assisted living and/or residents with Alzheimer's or other associated dementias affecting memory and other cognitive skills is planned as a connected, yet stand-alone 36 unit, housing option for those unique seniors.

The A.L. & Memory Care, located in the southeast quadrant, is 1-story wing at 20' in height (plus or minus one foot) calculated per the City of Portage code. This portion of the building is made up of thirty-two(32) 295 SF 1-bed units and four(4) 450 SF 2-bed units.

2. *A general plan of development, including a designation of proposed land uses by relative intensity and proportion of land area intended for each land use;*

Applicant contemplates constructing an approximately 180,000 square foot, multi-story building with private roads. The anticipated first floor elevation of the three story is expected to be about approximately 893'. The grade changes along the east side of the historic property are between 904' to 906' thereby providing a 8'-10' increase in elevation from the senior living finished floor to the east part of the historic property. This creates a natural berm from the residential homes along McGillicuddy Lane and historic/senior living property. Furthermore the closest distance between the McGillicuddy residential houses and the three story portion of the senior living building is approximately 430'. And within this 430' distance there is existing natural vegetation which we will supplement with additional landscaping.

Please note that in light of the changes of elevation from the senior living to the residential properties, the three story is really going to appear to be a two story building from the perspective of the residential homes.

The proposed senior living development will begin approximately 75 feet south of West Milham Avenue ROW, leaving approximately 1.1 acres of green space between West Milham Avenue and the development on the north side. On the south side of the property, there will be approximately 5.0 acres of green space between the development and the adjacent Consumers Energy Parcel to the south with additional landscaping being proposed..

In 2006, a landscape berm was partially constructed to establish a buffer between the single family homes and the proposed restaurant and off-street parking lot planned for the historic home site. The restaurant and associated site improvements were not constructed and so the property has remained as a residential use, albeit vacant.

Although some trees were planted on the berm as the single-family homes were completed, gaps exist adjacent to other homes. Where these gaps exist, additional trees will be planted including adding evergreens 6-8' high on this east side of the historic district property consistent with the surrounding properties. Actual landscaping will be provided once the final grades are established. Finally the applicant will also plant some trees along the south edge of the parking lot on the south end of the site. All together the senior living project has 40% less areas covered by buildings roadways and sidewalks than the approved Villas of Secret Gardens.

3. *A program of development outlining the proposed stages of development;*

The phasing on the PD in the 2011/2012 amendment was contemplated as follows:

- Phase 1: 2002-24 single family upscale homes
- Phase 2a: 2005-15 single family upscale homes

Phase 2b: 2005-21 single family medium homes  
Phase 3: 2011-23 single family upscale homes  
Phase 4: historic home-office/restaurant –timing to be determined  
Phase 5: cottage offices timing to be determined

This senior living 158 unit project (plus potentially 36 future units) as described herein will replace the Cottage Offices in Phase 5 and is planned to be developed in one stage thereby leaving only the themed restaurant and offices (Phase 4) for future development by the senior owner/applicant. Applicant at this time has no plans to develop this but will explore market opportunities including but not limited to a themed restaurant/office or single-family residential use. However, any future plans for the historic site will require city approval from the applicant.

In the interim the existing historic home and surrounding property will be maintained as a single-family use in a presentable condition. Applicant acknowledges the deferred maintenance and will plan to address the deteriorating nature of it with improvements to assure it is properly maintained.

*4. The time schedule;*

Upon site plan approval we will break ground right after we receive the building permit and will complete the project 15 months thereafter. Our intent is to commence construction by August 1, 2015.

*5. A statement demonstrating the independence of each stage and the integration of the proposed development into the proposed or existing development pattern;*

The senior living building will be built in its entirety at once over the 15 month construction schedule thereby eliminating any phasing as typically done with residential developments.

*6. The general location and size of the area involved and the nature of the landowner's interest in the land proposed to be developed;*

The location of the property is 21.01 acres commonly known as 3821 West Milham Avenue, Portage, Michigan 49024, part of PPN: 00007-025-G. The property is south of West Milham Avenue and east of US 131.

The landowner will operate the building/property through Unified Property Group, a seasoned senior living operator who has been in the senior living business for over 30 years. See attached information.

*7. The density of land use to be allocated to parts of the area to be developed;*

The senior living facility will consist of 158 units (194 with future addition) comprised of one bedroom and two bedroom units on 17.31 acres. Based on the City of Portage parking requirements for housing for the elderly it assumes ½ space per unit plus one space per employee:  $194/2 + 75(\text{employees max shift}) = 172$  parking spaces. This proposed amendment plans to have 178 parking spaces, which meets the operator's standard for this size facility.

The anticipated parking demand based on other similar facilities constructed by the applicant across the country: largest working shift, 75 employees, family visits at 40 per day(non-simultaneous), outside contractors at 20 per day(non-simultaneous) and resident vehicle parking which averages 30-35 vehicles = 170 parking spaces required.

*8. The location, function, ownership and manner of maintenance of common open space;*

Common open space in the planned development with this request includes significant green/open spaces areas north, south and west of the facility, which will be properly maintained. The 21.01 acre parcel associated with this request will be maintained by Unified Properties Group, the operator of the facility, in a first class manner similar to its other buildings in Michigan.

The 9.3 acre parcel and the 5.0 acre parcel owned in fee by Consumers Energy will be maintained by Consumer Energy.

*9. The use, approximate height, bulk and location of buildings and other structures;*

The building will have dining areas, a pub, a bistro and a small auditorium as well as a kitchen to provide meals to its residents. The use of these amenities are limited to the residents and their guests and are not open to the public. The building will have one story for its memory care and harbors wings; common areas will be two stories and the independent living wings will be three stories (See site plan for building heights by area). Our three story plan enables us to preserve green space and provide closer access to the common amenities for the senior residents.

The senior housing generates low traffic (approximately only 1 car every 7.6 minutes at peak hours) as compared to the previously approved office or apartment use thereby becoming the ideal neighbor to the adjoining residential community. Furthermore, the applicant will not connect to McGillicuddy Lane which was approved with the Villas at Secret Garden project thereby appeasing those who were opposed to this connection point.

The proposed building and parking lot setbacks from the property lines are as follows:

75'-0" setback from West Milham Avenue

40'-0" setback (excluding drive lanes) from west, east and south property lines

*10. The feasibility of proposals for the disposition of sanitary waste and storm water;*

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

11. *The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities;*

We will issue any easements required for public utilities. There will be no other restrictions necessary for the site as it will be used in its entirety for senior living.

12. *The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed planned development; see site plan*

This proposed amendment plans on having 178 parking spaces. The senior living facility will have a shuttle bus to transport residents to and from locations offsite, further obviating the need for residents to have a car. A bus parking area has been designated on the west side of the property away from the residential lot (see site plan). There will be a 24 foot road that encircles the building, providing access for emergency vehicles to all areas of the building.

13. *The required modifications in the regulations otherwise applicable to the subject property;*

We foresee no modifications in regulations.

14. *In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed; and*

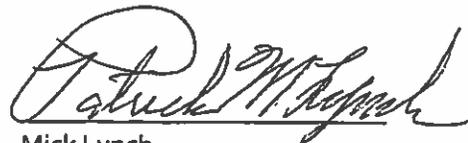
The project is planned to be developed in one stage. See item #4 for schedule.

15. *The proposed conditions and form of performance bonds or irrevocable bank letters of credit to ensure the proper implementation of the plan.*

In light of the size and cost of the project no additional security is necessary. The construction lender will require 100% of the funding to be in place prior to commencing construction. Additionally, this is not a staged/phased development. It will be completed in its entirety by the time we receive the Certificate of Occupancy, thereby protecting the community from any risk.



Mark Murphy, Triple M Investments



Mick Lynch



**[Hi.]**

At StoryPoint™, we cherish the relationships we build with our local community. We strive to become an integral part of the area's economic growth, cultural innovation, and most importantly serve as a resource for the senior population and their families. Through our expertise and collaboration with residents and their families, we are able to deliver premium care while catering to individual needs and preferences.

At StoryPoint™, we value beautiful surroundings and superior service, but more importantly, we value people. Our heart and soul is in relationships. When it comes to our employees, they aren't just experts in their chosen field, they're advocates; demonstrating kindness, collaboration, dedication and caring with every interaction. As for our residents, authenticity is key; we want them to feel so welcome, so comfortable, that they are hopelessly, magnificently, unapologetically themselves at all times, no matter what.

At StoryPoint, we strive to become an integral part of our community's pulse. We believe that it is our duty to not only serve our residents but the community in which we are a part of as well.

- Provide active and stimulating environments for our residents
- Partner with and sponsor local charities and events
- Play an integral role in local culture
- Create visually aesthetic campuses to positively contribute to the face of the community
- Partner with and support local small businesses
- Utilize local agriculture to incorporate local culinary experience

**Over 35 years of senior living experience**

StoryPoint isn't just an innovation in care; it's a pioneer - offering the latest in Independent Living, Enhanced Living, Assisted Living and Memory Care.

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# EXPLORING FREEDOM [LIVING OPTIONS]

Living at StoryPoint means promoting the greatest independence for our residents. Whether our residents are active, appreciate a little extra help around the house, require specialized care and assistance, or all of the above, we'll do whatever it takes to elevate their joy and sense of freedom. We offer the following living options:

#### INDEPENDENT LIVING

Independent Living is designed for seniors who want the privacy and convenience of an apartment home with the added benefit of amenities and services.

#### ENHANCED LIVING

Enhanced Living is designed for seniors who need a little extra support. It includes all the amenities and services, plus custom healthcare packages.

#### ASSISTED LIVING

Assisted Living provides assistance with everyday activities. Trained professionals provide medication administration and coordinate healthcare as needed.

#### MEMORY CARE

Memory Care is designed for seniors living with dementia. Assistance is provided in a licensed and uniquely designed environment. Professionals are specially trained.

## WE'RE HERE FOR YOU

We admire your commitment to preserving your community's rich culture. We look to partner with like-minded communities serve those who are the foundation of your community.

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# STORYPOINT

An Innovation in Senior Living

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## Meet StoryPoint

At StoryPoint™, we cherish the relationships we build with our local community. We strive to become an integral part of economic growth, cultural innovation, and most importantly serve as a resource for the senior population and their families. Through our expertise and collaboration with residents and their families, we are able to deliver premium care while catering to individual needs and preferences.

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# STORYPOINT



## Enhancing Communities

At StoryPoint, we strive to become an integral part of our communities pulse. We believe that it is our duty to not only serve our residents but the community in which we are a part of as well.

- Provide active and stimulating environments for our residents
- Play an integral role in local culture
- Partner with and sponsor local chambers and events
- Create visually aesthetic campuses to positively contribute to the face of the community
- Partner with and support local small businesses
- Utilize local agriculture to incorporate in our culinary experience





## On Going Impact

- **Payroll**
  - \$2,900,000+ annually in payroll once stabilized
  - Over 100 jobs with over 40 being full-time, benefit eligible positions
- **Property Taxes**
  - \$250,000+ annually in property taxes
    - \$30,000+ going to the county
    - \$220,000+ going to the city
- **Utilities**
  - \$300,000+ annually in utilities once stabilized
- **Marketing and Events**
  - \$150,000+ annually in marketing which is almost exclusively spend on high touch, local events and community publications
- **Events and Charities**
  - Community specific fundraising events are held at our properties to raise awareness and money for local charities

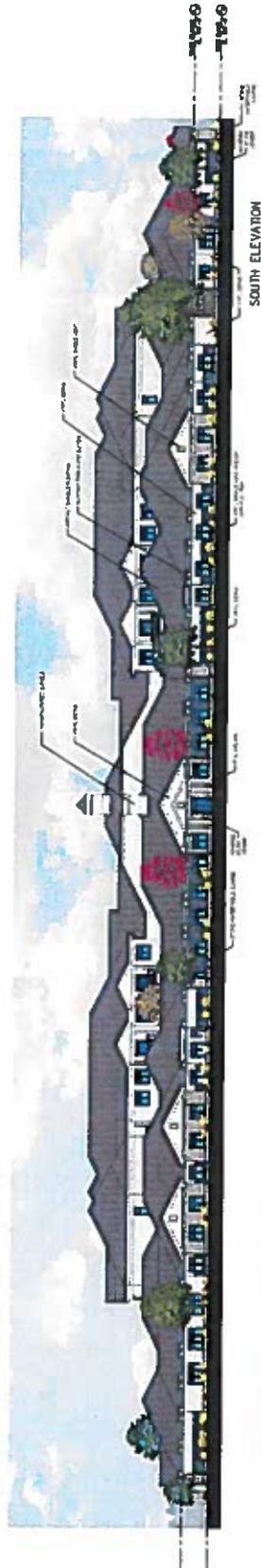


- **Project Cost**
  - \$18,500,000+ in hard construction cost
  - Over \$17,000,000 going to sub-contractors that are typically local
  - Over \$1,000,000 going to a general contractor which will be bid including local companies
  - \$250,000 in marketing before we open which is almost exclusively spend on high touch, local events and community publications

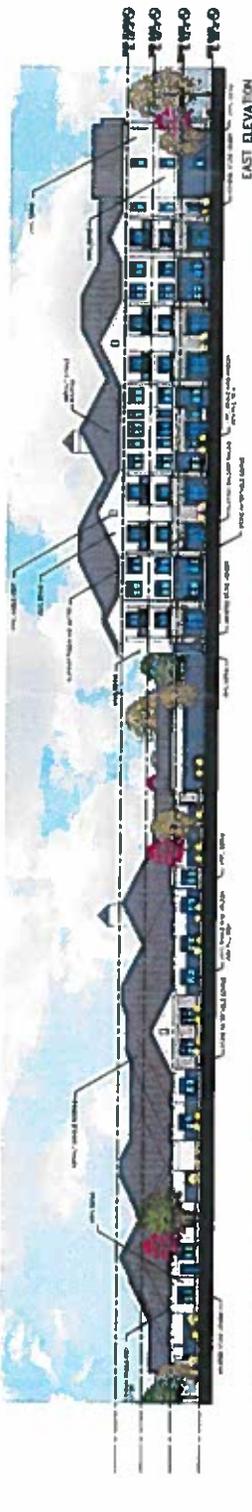




NORTH ELEVATION



SOUTH ELEVATION



EAST ELEVATION



WEST ELEVATION

Note: Alternate masonry option - Brick in lieu of stone



**The Homestead of Portage Planned Development**  
**2012 Approved Narrative/Tentative Plan Amendment**

RECEIVED

## AMERICAN VILLAGE DEVELOPMENT, II

December 30, 2011

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

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

Dear Members of the Planning Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7. Land Use Density:

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

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

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

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

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

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

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

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

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

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

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

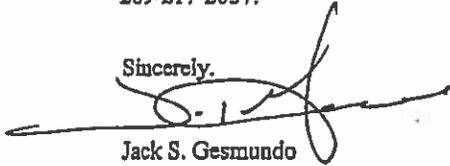
14. This is the last phase of the single family portion of the development. The office and restaurant phases will move forward when the market demand and financing for such improves. Based upon current forecasts, we believe this to be several years out.

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

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

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

Sincerely,



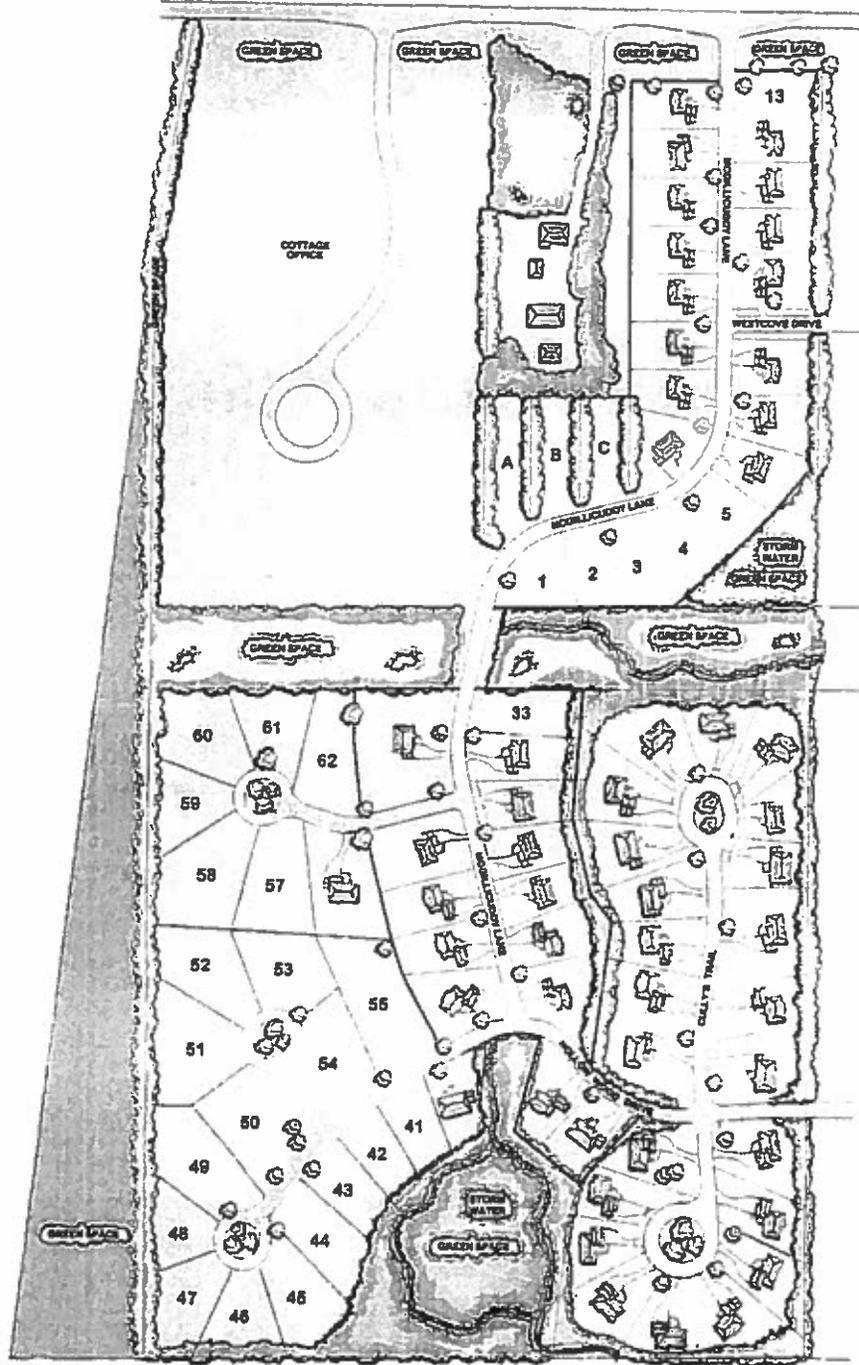
Jack S. Gesmundo



Patrick M. Lynch

enclosure: Tentative Plan for The Homestead Planned Development

MILHAM ROAD



THE ARLTUS TRAIL  
NEIGHBORHOOD



**The Homestead of Portage Planned Development**

**2001 Approved Narrative/Tentative Plan**

American Village  
Development Company, Inc.

May 8, 2001

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

**RE: Submission of The Homestead Planned Development Tentative Plan**

Dear Members of the Planning Commission:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

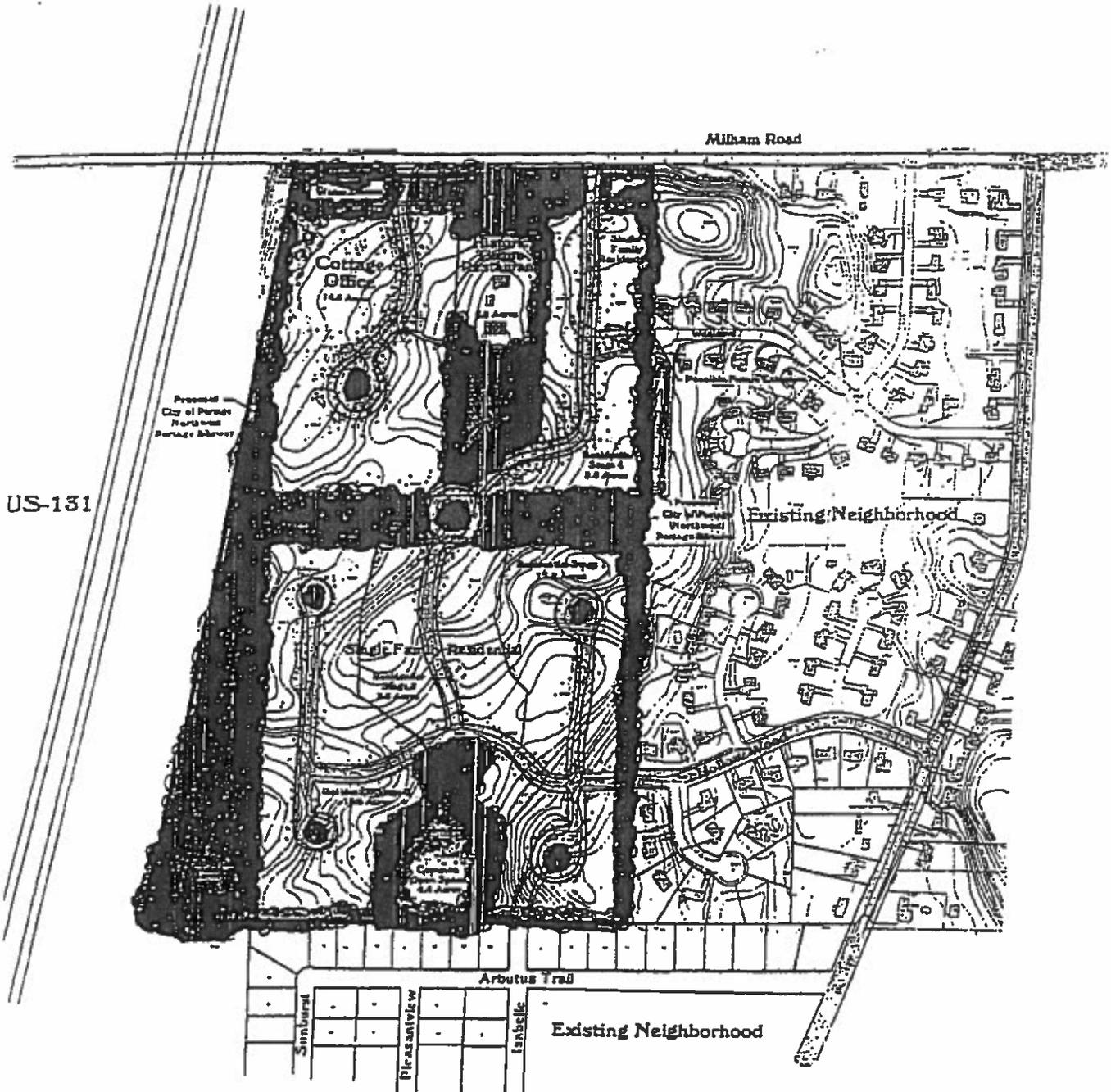
We appreciate your review of our tentative plan for The Homestead Planned Development. We look forward to the opportunity to work on another successful project within the City of Portage. Please contact me directly should you have any questions or concerns relative to our tentative plan at 329-4800.

Sincerely,  
American Village Development Company



Greg Dobson

enclosure: Tentative Plan for The Homestead Planned Development



# The Homestead of Portage

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

North



Presented by: American Village Builders

**TO:** Planning Commission

**DATE:** March 27, 2015

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

**SUBJECT:** Ordinance Amendment 14/15-B, Site Plan Review

## I. INTRODUCTION

During the January 20, 2015 and February 10, 2015 Council Committee of the Whole (COW) meetings, efforts to enhance economic development were discussed, which included “speed to permitting.” After further discussion, Council indicated an interest in the City Administration reviewing ways to expedite the development review process, especially for industrial uses and “primary” job generating businesses.

In an effort to streamline the development review process, several changes to Section 42-481, site plans reviewed, are proposed. This section allows administrative review and approval of site plans under certain conditions. The proposed amendments are shown on the attachment and summarized in the ensuing paragraphs.

## II. PROPOSED AMENDMENTS

Section 42-481(A)(3). This section is intended to address property owned by the Pfizer Corporation. Given the size of the Pfizer land holdings and amount of construction activity that occurs within the interior manufacturing complex, which has no impact on surrounding properties or the adjacent roadways, submission of site plans is not required. Building plans, however, must still be submitted for review and approval. Since the “southwest quarter of the southeast quarter of Section 11” (northeast corner of Portage Road and Romence Road occupied by the large three-story office building) is no longer owned by Pfizer, this property is proposed to be removed and will then be subject to site plan review.

Section 42-481(B)(2)(a). This section currently permits the City Administration to approve new nonresidential development on a zoning lot of two acres or less with a building area of 20,000 square feet or less. Modifications to this section include specifying the zoning district (OS-1, B-1, B-2 or B-3) and removing the two acre maximum size requirement. The specific zoning districts were added since a new section is proposed for industrial zoning districts (see below). The two acre maximum requirement was removed since the intensity of the land use (i.e. impacts) is related to the size of the development project and not the size of the parcel. For example, the salon recently constructed at 1106 West Centre involved a building size of 1,200 square feet but since the zoning lot was four acres in size, review by the Planning Commission was required.

Section 42-481(B)(2)(b). This is a new section specific to the industrial zoning districts (I-1, light industrial and I-2, heavy industrial). Similar to Section 42-481(B)(2)(a) above, this section would allow the City Administration to approve new nonresidential development in the I-1 and I-2 zoning

districts involving a building area up to 50,000 square feet. Industrial land uses often involve larger buildings and are primarily located along primary industrial corridors: Sprinkle Road, Portage Road and Shaver Road. If development presents potential impacts on adjacent land uses, Section 42-481(B)(3) can be used to trigger review by the Planning Commission.

Section 42-481(B)(2)(c). This section pertains to building additions to previously approved site plans. Similar to Section 42-481(B)(2)(a) above, this section has been modified to apply to the office and commercial zoning districts (OS-1, B-1, B-2 or B-3) and eliminate the two acre maximum size requirement.

Section 42-481(B)(2)(c). This section has been modified to apply only to the I-1 and I-2 zoning districts; the percent of gross floor area has been increased from 30% to 50%; and the not to exceed total square footage increased from 20,000 square feet to 50,000 square feet consistent with Section 42-481(B)(2)(b).

Section 42-481(B)(3). This section has been modified slightly to include reference to “neighborhoods” and community “overall” in an effort to emphasize the importance of protecting/preserving residential areas and the community in general.

### III. RECOMMENDATION

The Planning Commission is advised to discuss the proposed amendments during the April 2, 2015 meeting. Subsequent to this discussion, the Commission is advised to set a public hearing for May 7, 2015.

Attachments: Ordinance Amendment (DRAFT)

[HIGHLIGHT & STRIKE VERSION]

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES  
OF THE CITY OF PORTAGE, MICHIGAN  
BY AMENDING SEC. 42-481, SITE PLANS REVIEWED, OF ARTICLE 4, ZONING,  
OF CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Chapter 42 shall be amended as follows:

ARTICLE 4. ZONING.

Sec. 42-481. – Site plans reviewed.

A. No Change.

1. No Change.
2. No Change.
3. For any use or development in an I-1, light industrial district or I-2, heavy industrial district, where such use or development does not take place within 200 feet of the zoning district boundary, and within 200 feet of any owner other than the property to be used or developed, and where it is proposed that no driveway intersects a public street within 200 feet of an intersection of two or more public streets. This section will only apply in the following quarter sections:
  - ~~a. Southwest quarter of the southeast quarter of Section 11.~~
  - ab. West one-half of the northwest quarter of Section 13.
  - be. West one-half of the southwest quarter of Section 13.
  - cd. Northeast quarter of Section 14.
  - de. Southeast quarter of Section 14.
  - ef. Northeast quarter of the northwest quarter of Section 14.

B. The following shall have the authority to review, approve or deny site plans as provided by this subdivision:

1. No change.
2. City administration: The director shall be authorized to approve, deny or approve with conditions site plans submitted for review that meet at least one of the following criteria.
  - a. New nonresidential development in an OS-1, B-1, B-2 or B-3 district on a zoning lot of two acres or less with developments comprised of 20,000 square feet or less of building area;
  - b. New nonresidential development in an I-1 or I-2 district with developments comprised of 50,000 square feet or less of building area;

- cb. Existing nonresidential development in an OS-1, B-1, B-2 or B-3 district ~~on a zoning lot of two acres or less~~ which involves a building addition to a previously approved site plan when, combined with the existing building, will not exceed 20,000 square feet;
  - ds. Nonresidential building additions to previously approved site plans in an I-1 or I-2 district that involve a gross floor area increase of 530 percent or less and will not exceed 520,000 square feet;
  - ed. Multifamily residential developments involving eight or fewer total dwelling units;
3. Should the director determine that a site plan presents issues such as, but not limited to, traffic or environmental conditions which have a greater potential impact on adjacent land uses, neighborhoods and/or the community overall, the director may, with ten-day written notice to the applicant, refer the site plan to the planning commission for review in accordance with the procedures and standards set forth in this subdivision.

# **MATERIALS TRANSMITTED**

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Portage Planning Commission

**DATE:** April 1, 2015

**FROM:** Portage Historic District Study Committee

**RECEIVED**

**SUBJECT:** Historic District Modification – 3821 West Milham Avenue

APR 01 2015

COMMUNITY DEVELOPMENT

Subsequent to the Historic District Study Committee's March 11 and April 1, 2015 public hearing(s) and concluding meeting, the final report concerning the request for a historic district modification at 3821 West Milham Avenue is attached. Following review by the Planning Commission, submission of the joint Planning Commission/Historic District Commission recommendation may be forwarded to City Council. The modification to the legal description for 3821 West Milham within the City of Portage Ordinances, Section 38-35, will be submitted by the Historic District Commission to City Council under separate cover on April 28, 2015.

c: Erica L. Eklov, Historic District Commission Staff Liaison  
Mary Beth Block, Assistant to the City Manager

Attachment

# City of Portage, Michigan Historic District Study Committee

Historic District Modification  
The "Van Riper" Property  
3821 West Milham Avenue · Portage, Michigan 49024

## Final Report

April 1, 2015

### Summary

A request from Patrick and Lisa Lynch/ Story Point-Triple M Investments, owners of the property commonly known as 3821 West Milham Avenue, seeks to remove an approximately 17.31 acre portion from the approximately 21.02 acres from the Van Riper property located within the City of Portage Historic District. It is the recommendation of the Historic District Study Committee ("HDSC") that the City Council **APPROVE** the request as outlined and requested.<sup>1</sup>

### Authority

*The Local History Districts Act*, being Act 169 of 1970 as amended;  
The City of Portage City Council resolution designating the Historic District Commission as the standing Historic District Study Committee, pursuant to MCL 399.214, to review and make recommendations as recited in the February 9, 2015 Communication from Erica L. Eklov, Administrative Assistant to the City Manager.

### The Charge of the Committee

The Historic District Study Committee is charged with reviewing the request and acting as set forth in Public Act 169 of 1970. Specifically, the HDSC must:

1. Conduct a photographic inventory of resources within the existing historic district.
2. Conduct basic research of the historic district and the historic resources located within the district.
3. Determine the total number of historic and non-historic resources within the historic district and the percentage of historic resources of that total. In evaluating the significance of historic resources, the committee shall be guided by the selection criteria for evaluation issued by the United States secretary of the interior for inclusion of resources in the national register of historic places.
4. Prepare a preliminary report that addresses at a minimum all of the following:
  - a. The charge of the committee.
  - b. The composition of the committee membership.
  - c. The historic district studied.
  - d. The boundaries for the historic district in writing and on maps.
  - e. The history of the historic district.

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<sup>1</sup> The filing by Patrick and Lisa Lynch was originally styled as an "*Application for Certificate of Appropriateness for Modification to Historic District Structures*." The HDSC has treated said *Application* as a request for a recommendation from the Historic District Study Committee for removal of property from the historic district pursuant to MCL 399.214 and related authority as granted by the City Council.

- f. The significance of the district as a whole, as well as a sufficient number of its individual resources to fully represent the variety of resources found within the district, relative to the evaluation criteria.
5. Transmit copies of the preliminary report for review and recommendation to the Portage Planning Commission, to the Michigan Historical Commission and to the state Historic Preservation Review Board.
6. Make copies of the preliminary report available to the public.
7. Hold a public hearing within 60 days after the transmittal of the preliminary report.
8. Following the public hearing, prepare and submit a final report with its recommendations and the recommendations, if any, of the Portage Planning Commission to the City Council. If the recommendation is to modify the historic district, the final report must include a draft of a proposed ordinance.

### **The Composition of Committee Membership**

#### Voting Members

The HDSC is comprised of members of the Portage Historic District Commission, including: Christine Broberg, Suzanne Nemeth, Russell Randall, E. James Ebert, Jamie Jager, Larry Ahleman, Fred Grunert.

#### Non-Voting Participants

City of Portage Liaison: Erica Eklov

#### Abstentions

Mark Reile and Katie VanLonkhuyzen have abstained from participation in this review due to potential conflicts of interest.

### **Historic District Studied**

Property Address: 3821 West Milham Avenue  
Portage, Michigan (County of Kalamazoo)

Parcel ID No.: 00007-025-A

This property is commonly referred to as the "Van Riper Property." The total size of the property is approximately 21.02 acres of which approximately 17.31 acres is sought to be removed from the historic district for a senior living facility development.

On February 7, 2015, Fred Grunert visited the property and photographed the historic resources, which include the house, outbuilding, and the property generally. Photographs were taken of proposed area to be removed from the historic district, in context within existing boundaries and the street, are attached hereto.

The proposed modification of the Van Riper Property would remove approximately 17.31 acres to the west of the historic home. The modification does not affect any existing structure, building, or edifice and leaves the historic property with approximately 3.70 acres of the remaining land. Any new construction on the new parcel will be subject to the City of Portage construction and development regulations.

## The Boundaries for the Historic District in Writing and on Maps

The legal description for the historic property under the prior Historic District Ordinance (approximately):

SEC 7-3-11 W ½ NE ¼ SEC 7 EXC S 165 FT ALSO EXC US 131 ROW, ALSO EXC MICHIGAN HIGHWAY EASEMENT.

The legal description of the current historic district property under the City Assessor (approximately):

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

The new legal description of the proposed modified district (approximately):

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 233.00 feet; thence North 00°-02'-20" West parallel with said West line, 518.35 feet; thence North 18°-54'-25" East, 77.00 feet; thence North 00°-02'-20" West parallel with said West line, 95.00 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 130.32 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 3.70 Acres.

The legal description of the property to be removed from the district (approximately):

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said

right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

### **The History of the Historic District**

The property located at 3821 West Milham Avenue was first owned by Allison Kivine (asa Kinne), sold in 1836 to brother-in-law Stephen Howard. It is believed that the first brick home, in the style of Greek Revival, was built on the site which is today within the City of Portage territorial limits. The home-structure currently existing on the property was built in 1859. The barn is considered to have been built at the same time. The house was constructed using hand-hewn oak timbers, cut by Howard himself, for the basement along with handmade bricks. In the 1920s, the house was then utilized by Albert Henwood and his family, who modernized the home with the installation of plumbing and electricity.

The Henwoods also planted the well-known rows of lilac bushes that still exist on the property. The Van Ripers planted approximately 300 oaks and maples, which still exists on the south side of the property.

In 1945, Dr. Charles Gage Van Riper and his wife bought the property. Van Riper was a well-known audiologist and speech therapist, and founder of the Van Riper Speech Clinic at Western Michigan University.

A written history of the home is at the Portage District Library entitled "Our House."

### **The Significance of the District**

The Van Riper Property, with its structures and vegetation (lilac bush plantings), are historically significant to preserve. However, the proposed removal of 17.31 acre parcel from the historic district will have an insignificant contextual impact on the historic resources.

### **Recommendation**

Following the study of the information contained within, the March 9, 2015 Planning Commission recommendation and the absence of any public comment at the March 11 and April 1, 2015 Public Hearing(s), the Historic District Study Committee recommends that the request to modify the Historic District as presented be **APPROVED**. It is recommended that City Council approve amending the City of Portage Historic District Ordinance, specifically Section 38-35 "District Established; Boundaries," to reflect the ensuing legal description for 3821 West Milham Avenue. (parcel #00007-025-A).

**Photos of 3821 West Milham for HDSC Report**



**1. View looking East at proposed drive**



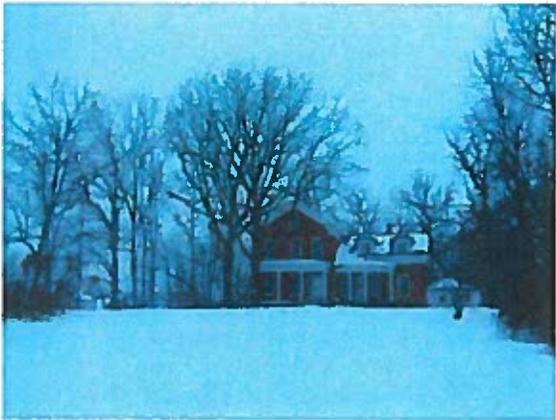
**2. View looking South at proposed drive**



**3. View looking at House from drive**



**4. View of tree line separation at drive**



**5. View looking South at House**



**6. View of tree line West of Barns**

**Photos of 3821 West Milham for HDSC Report**



**7. View from corner of house looking West**



**8. View looking from house to Milham**



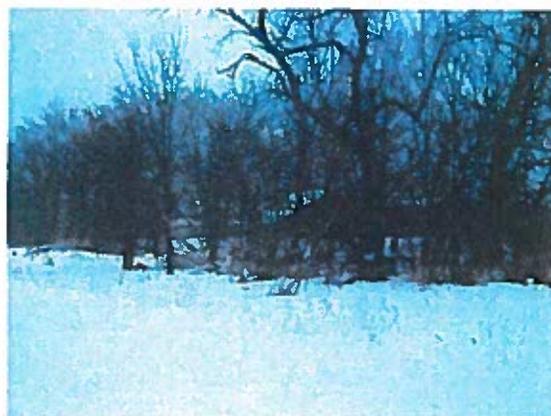
**9. View from South West corner of property**



**10. View of tree line looking North East**



**11. View of barns looking North East**



**12. View of barns looking North**

**Photos of 3821 West Milham for HDSC Report**



**13. View of barns looking East**



**14. View of barns looking East**



**15. View of tree line looking North**



**16. South of property looking North**



**17. South of property looking North at barns**



**Current Parcel**  
**3821 W. Milham**



1:5000

Map Publication:

Wed Dec 31 2014 01:48:07 PM

**Disclaimer:**

This map does not represent a survey or legal document and is provided on an "as is" basis. City of Portage expresses no warranty for the information displayed on this map document.

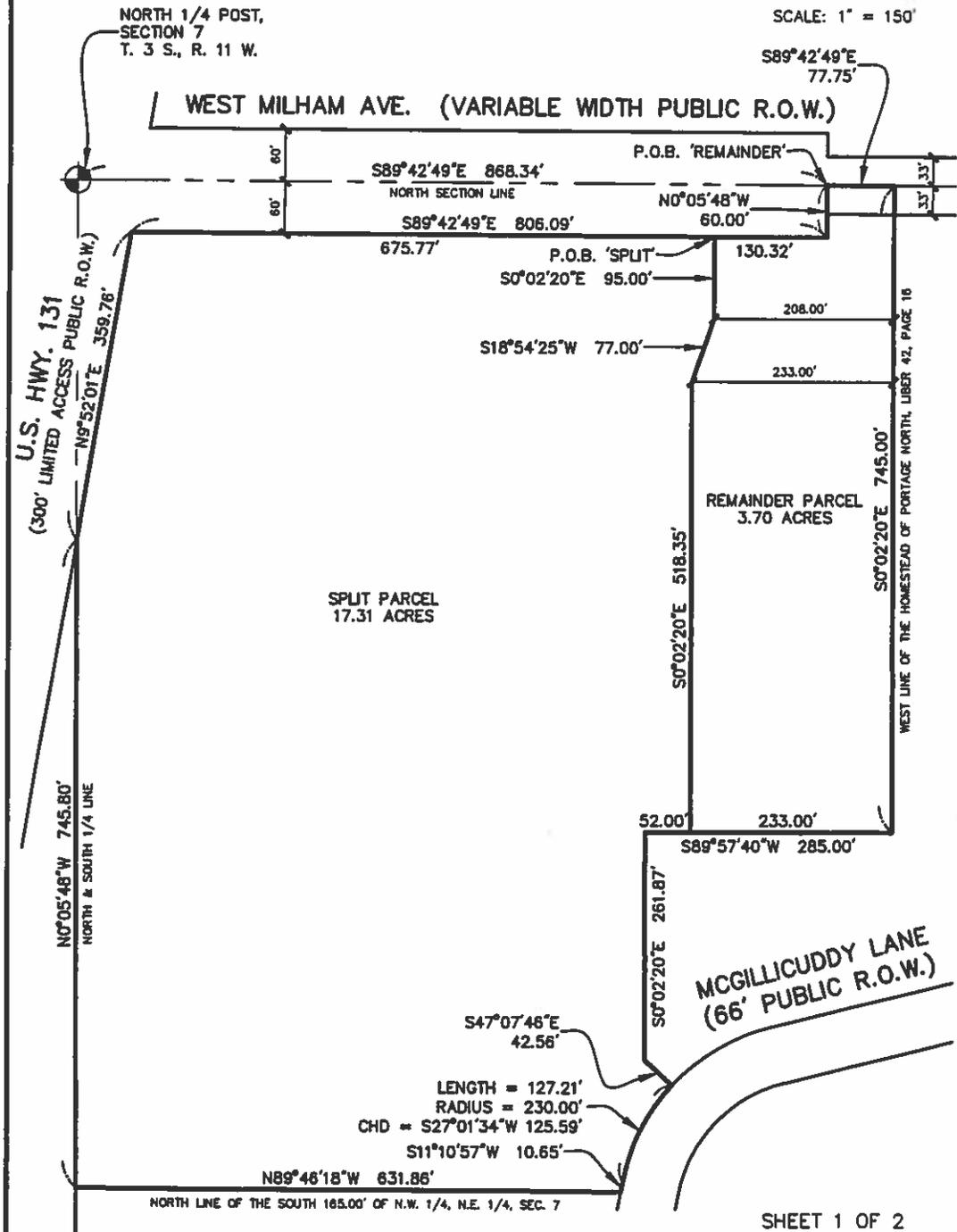
TENTATIVE PARCEL MAP  
 FOR  
**MMM DEVELOPMENT**  
 LOCATED IN SECTION 7, T. 3 S., R. 11 W.  
 CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN  
 BY

**Prein & Newhof**  
 Engineers • Surveyors • Environmental & Soils Laboratory

7123 STADIUM DRIVE  
 KALAMAZOO, MICHIGAN 49009  
 PHONE: (269) 372-1158  
 FEBRUARY 17, 2015  
 REV. MARCH 17, 2015



SCALE: 1" = 150'



T:\CIVIL3D PROJECTS\2014\2140651 PH7 PORTAGE SENIOR HOUSING.DWG\2140651 PARCEL DIVISION.DWG - RLS - Mar. 17 2015

TENTATIVE PARCEL MAP  
FOR  
MMM DEVELOPMENT  
LOCATED IN SECTION 7, T. 3 S., R. 11 W.  
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PHONE: (269) 372-1158

FEBRUARY 17, 2015  
REV. MARCH 17, 2015

**Split Parcel:**

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

**Remainder Parcel:**

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet for the place of beginning of the land hereinafter described; thence continuing South 89°-42'-49" East along said North line, 77.75 feet to the West line of The Homestead of Portage North, as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records; thence South 00°-02'-20" East thereon, 745.00 feet; thence South 89°-57'-40" West, perpendicular to said West line, 233.00 feet; thence North 00°-02'-20" West parallel with said West line, 518.35 feet; thence North 18°-54'-25" East, 77.00 feet; thence North 00°-02'-20" West parallel with said West line, 95.00 feet to the South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 130.32 feet; thence North 0°-05'-48" West parallel with the North and South 1/4 line of said Section, 60.00 feet to the place of beginning. Containing 3.70 Acres.

**NOTE:** The above descriptions were prepared from available records, no field survey was performed.

DESCRIPTION OF PROPERTY  
FOR  
MMM DEVELOPMENT

Located in Section 7, T. 3 S., R. 11 W.  
City of Portage, Kalamazoo County, Michigan

Split Parcel:

Commencing at the North 1/4 post of Section 7, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan; thence South 89°-42'-49" East along the North line of said Section, 868.34 feet; thence South 0°-05'-48" East parallel with the North and South 1/4 line of said Section, 60.00 feet to the South right-of-way line of West Milham Avenue; thence North 89°-42'-49" West thereon, 130.32 feet for the place of beginning of the land hereinafter described; thence South 0°-02'-20" East parallel with the West line of The Homestead of Portage North as recorded in Liber 42 of Plats on Page 16, Kalamazoo County Records, 95.00 feet; thence South 18°-54'-25" West, 77.00 feet; thence South 00°-02'-20" East parallel with said West line, 518.35 feet; thence South 89°-57'-40" West, 52.00 feet; thence South 00°-02'-20" East parallel with said West line, 261.87 feet; thence South 47°-07'-46" East, 42.56 feet to the Northwesterly right-of-way line of McGillicuddy Lane; thence Southwesterly thereon, 127.21 feet along a non-tangent curve to the left with a radius of 230.00 feet and a chord bearing South 27°-01'-34" West, 125.59 feet; thence continuing South 11°-10'-57" West along said right-of-way, 10.65 feet to the North line of the South 165.00 feet of the Northwest 1/4 of the Northeast 1/4 of said Section; thence North 89°-46'-18" West thereon, 631.86 feet to the North and South 1/4 line of said Section; thence North 0°-05'-48" West thereon, 745.80 feet to the Easterly right-of-way line of Highway U.S. 131; thence North 09°-52'-01" East thereon, 359.76 feet to said South right-of-way line of West Milham Avenue; thence South 89°-42'-49" East thereon, 675.77 feet to the place of beginning. Containing 17.31 Acres.

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February 17, 2015  
Revised: March 17, 2015

Ck'd 

NOTE: The above descriptions were prepared from available records, no field survey was performed.

7123 Stadium Drive Kalamazoo, MI 49009 t. 269-372-1158 f. 269-372-3411 www.preinnewhof.com

## CITY COUNCIL MEETING MINUTES FROM MARCH 10, 2015

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

At the request of Mayor Strazdas, Councilmember Terry Urban gave the invocation and City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall, Claudette Reid and Terry Urban, and Mayor Peter Strazdas. Mayor Pro Tem Jim Pearson was absent with notice. Also in attendance were City Manager Laurence Shaffer, City Attorney Randy Brown and City Clerk James R. Hudson.

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Ansari, to approve the Committee of the Whole Meeting Minutes and the Regular Meeting Minutes of February 24, 2015, as presented. Upon a voice vote, motion carried 6 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Urban to read the Consent Agenda. Mayor Strazdas removed Item F.2, March 24, 2015 Committee of the Whole (COW) Meeting, from the Consent Agenda. Motion by Reid, seconded by Ansari, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0 with Mayor Strazdas abstaining from Item L.4, West Lake Weed Management – 2015 Application Program.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 10, 2015:** Motion by Reid, seconded by Ansari, to approve the Accounts Payable Register of March 10, 2015. Upon a roll call vote, motion carried 6 to 0.

### PUBLIC HEARING:

**WEST OSTERHOUT AVENUE SANITARY SEWER PROJECT #414-S:** Mayor Strazdas opened the public hearing and deferred to City Manager Larry Shaffer, who indicated that Rick Griffioen, 325 West Osterhout Avenue, objected to the Special Assessment and wanted time to combine the two properties to save the charges for 66 feet of frontage, as it is vacant land and is not really much of a benefit to him. Mr. Shaffer indicated that Mr. Griffioen combined the parcels and the Special Assessment Roll reflects the adjusted amounts as a result. Mr. Shaffer also pointed out that if the combined property was split in the future, the newly formed parcel would be assessed at the rate of an 80 foot lot, so the cost would be higher than that of the 66 foot lot as it exists currently.

Mayor Strazdas introduced Transportation & Utilities Director Chris Barnes, who explained that the public hearing is for sanitary sewer on West Osterhout Avenue, from Lloy Street to South Westnedge Avenue. He indicated that the project will be completed in conjunction with the planned reconstruction of the street and other improvements, including individual sewer laterals.

In response to Councilmember Ford, Mr. Barnes indicated that the life expectancy of the road is 20 years.

Dave Hoeksema, 443 West Osterhout Avenue, objected that he does not see a benefit to him from the project. He said that there are four houses on the street that take up 67 acres of land, which is rural to him. He indicated that the City has placed his property in a Tier 2, which is installation of sewer, but not hooking up to it, and he argued that he is a Tier 3 owing to the rural nature of this area. Discussion followed.

Motion by Reid, seconded by Ansari, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Reid, to adopt Resolution No. 5 for the West Osterhout Avenue Sanitary Sewer Project #414-S, confirming the Special Assessment Roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 419 of City of Portage Resolution Book No. 45.

**STATEMENTS OF CITIZENS:** Mayor Strazdas congratulated newly appointed Parks, Recreation and Senior Citizens Services Director Adam Herringa, asked City Manager Laurence Shaffer to comment on his selection and invited Mr. Herringa to say a few words. Mr. Shaffer reflected that he has interviewed many, many candidates over the years and Mr. Herringa was chosen by a large margin in this instance noting that he has provided a multitude of services to this community, his creativity, energy and enthusiasm giving him a great expectation that he will continue the fine work of Bill Deming and the quality of life of our citizens will be enhanced by his time in office. Mayor Strazdas concurred and all of Council and the City Clerk congratulated Adam, expressed their appreciation for his work and admiration of his leadership and confidence that he will perform very well in his new position.

Mr. Herringa introduced his wife, Rebecca Clore, who has always been supportive of him and his career and said, "Hell-o" to his two daughters at home. He thanked all for their kind words, indicated that he was looking forward to this exciting opportunity, as he considers it a privilege to continue to serve the citizens of the community in new and even greater ways. He thanked them for his support and said he was looking forward to "getting started."

#### **REPORTS FROM THE ADMINISTRATION:**

\* **INDUSTRIAL TAX ABATEMENT INCENTIVE POLICY - REVISIONS:** Motion by Reid, seconded by Ansari, to approve the revisions to the city's Industrial Tax Abatement Incentive Policy. Upon a roll call vote, motion carried 6 to 0.

**MARCH 24, 2015 COMMITTEE OF THE WHOLE:** Mayor Strazdas indicated that the topic for the next Committee of the Whole (COW) needs to change slightly and asked for a motion to reflect that. Motion by Urban, seconded by Reid, to set a Committee of the Whole Meeting for Tuesday, March 24, 2015, at 6:00 p.m. in Conference Room No. 1 to discuss promoting Community Engagement and the role of social media in order to communicate with Portage citizens. Upon a roll call vote, motion carried 6 to 0.

\* **DIRECTOR OF PARKS, RECREATION & SENIOR CITIZEN SERVICES APPOINTMENT:** Motion by Reid, seconded by Ansari, to confirm the appointment of Adam Herringa as the Director of Parks, Recreation & Senior Citizen Services, effective March 30, 2015. Upon a roll call vote, motion carried 6 to 0.

#### **UNFINISHED BUSINESS:**

**CODE OF ORDINANCES AMENDMENT - FIRE PREVENTION AND PROTECTION:** Mayor Strazdas deferred to Mr. Shaffer, who indicated that at the behest of the City Council, two public meetings were held to discuss the 2012 International Fire Code on February 5 and February 11, 2015, and were hosted by Public Safety Director Richard White, Senior Deputy Fire Chief John Podgorski, Assistant Fire Chief Stacy French and himself. He noted that some Councilmembers and interested citizens attended the sessions and two citizens were very interested and very instrumental in working with the City of Portage on this particular code segment, including Park Board Member Tim Earl, 6862 Shallowford Way, who was present, and Charles Agosti, 1723 Romence Road.

He mentioned that he, Chief White and Chief Podgorski met with Mr. Agosti and worked out some of the issues for him and his business. Mr. Shaffer pointed out that the 2012 Fire Code replaces

the 2009 Fire Code and is in sync with the 2012 Building Code as adopted by the State of Michigan, so this allows the City to eliminate conflicts among the three codes.

Mr. Shaffer listed the issues created as a result of the new 2012 Fire Code, including the cost of in-building amplification for public radio systems, alternative radio systems at less cost and still be more effective and explained the need for uniformity of systems among responders. He described a Portage Fire Safety system based on educating the public that is very effective in protecting the people we serve. Discussion followed.

Councilmember Urban indicated that when this item first came before Council, he initiated the delay for action as he did not feel he had enough support information. After some quick research, he found that the changes would impact his activities at a non-profit group with which he works where he coincidentally was responding to a fire inspection and asked for more information; also, he never meant for the delay to indicate that he did not support the 2012 Fire Code, but to get more information.

Motion by Urban, seconded by Ford, to adopt the proposed amendment to the City of Portage Code of Ordinances, Chapter 34, Fire Prevention and Protection, reflecting changes in the 2012 edition of the International Fire Code. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

**PROPOSAL TO EXTEND LEAF, BRUSH AND SPRING CLEANUP COLLECTIONS TO PRIVATE STREETS:** Mayor Strazdas deferred to Mr. Shaffer, who indicated that two public sessions were held on a very snowy and cold weather day, yet 75 to 80 people showed up to discuss the pickup of leaves and brush along private roads. Public Services Director Rod Russell visited those sites that might be affected, worked up some plans, but no agreements, with how to address those associations with the available resources, and his findings were very encouraging. He said the original estimate for this service was just over \$100,000, but based on Mr. Russell's review, that the cost can be reduced considerably. Indemnification (hold harmless) Agreements drafted by City Attorney Randy Brown have been shared with interested parties are structurally sound, may only need slight changes to meet the satisfaction of some of the parties, and will not prevent an agreement with the City. He indicated that the policy holds that those who become interested in the service must apply on or before April 1<sup>st</sup> of each year for the July 1<sup>st</sup> pick-up and explained. He mentioned that the current millage at 0.3455 generates approximately \$675,000 per year, and the full 0.4 millage rate would generate approximately \$790,000, well within the range of expenses listed by the former Director of Public Services, plus optional efficiencies can be implemented for any anticipated excesses and gave examples. Discussion followed.

Mayor Strazdas reflected back on a 1997 Communication from then City Manager Michael Stampfler, who informed citizens on private streets of the option of placing leaves, branches or materials for Spring Cleanup on public streets for pick-up, so the option was always there within budget ever since the inception of the program. Discussion followed.

Councilmember Ansari spoke in support on the basis of fairness and welcomed the option since people were getting taxed, so they should be getting the service.

In answer to Councilmember Ford, Mr. Shaffer explained that the original cost estimate from Fall 2014 was \$100,889 and was based upon an estimated 1,000 participants and explained some of the various alternatives discovered by Mr. Russell that will reduce those costs. He said there may be some surprises, yet he is confident that no big surprises should present themselves.

Councilmember Randall expressed her support for the matter and thanked Mr. Shaffer for his efforts quoting him by saying, "to expand services to the people we serve."

Mayor Strazdas indicated that City Council does not have a policy before them, but it is his understanding if a property owner applies after April 1, they will not get the service until the following year, and the property owner must provide an indemnification agreement in order to get the service. Mr. Shaffer concurred and distinguished that those properties on the private roads are inseparable from the balance of the properties adjacent or contiguous to that private road, so all of those properties must indemnify the City. Discussion followed. Mayor Strazdas asked that a policy document be created to cover this matter.

Councilmember Reid expressed her support of this concept, but had questions regarding the implementation. She questioned whether there is an artificially small cost regarding implementing this policy because many entities are moving cautiously. She commented that condominiums will ask for more service as time goes on and only one of the citizens on the private streets has worked with us and, even though many have received the letter of information on the matter, the Administration has not reached out to them like they have with the condominiums. She commented on the issue of future costs and the changes in the process over the years. Discussion followed.

Councilmember Urban asked whether the individual indemnification agreements come back to City Council for approval, and City Attorney Randy Brown indicated that they would not be coming back to City Council. He said that tonight Council is giving the Administration the authority to implement the program with no specifics about the program and no particular properties involved and explained. In answer to Councilmember Urban, Mr. Brown indicated that a license does not have to go before City Council, either; and many times a license resembles an easement, so to be safe, it comes to Council. He noted that the indemnification agreements do not involve the expenditure of any funds, but are just to protect the City; therefore, the City Manager can sign them. Councilmember Urban referenced the complete history and expenditures of the millage received by Council on the dais which reflects that the millage has been at the maximum a number of times and at a maximum plus a deficit at times and analyzed the program based upon the funding from the millage and the cost of the service. He made it clear that the City has not been doing anything wrong by not providing the service based upon the City Attorney's opinion and case law. He expressed his discomfort for not having the detailed policy or the indemnification agreements before Council for consideration. Discussion followed.

In answer to Councilmember Urban and Mayor Strazdas, City Attorney Brown indicated that Council is approving the program just as you approve entering into a contract and the City Manager negotiates the contract, the City Attorney approves it and the City Manager signs it. He drew a comparison between contracts and indemnification agreements and noted that a Council very rarely approves every contract of the City. Discussion followed.

Motion by Randall, seconded by Ansari, to authorize the City Administration to begin Leaf, Brush and Spring Cleanup collections with residential property owners along private streets who have fulfilled the required conditions with the Department of Public Services for extending the collection programs to private streets. In answer to Mayor Strazdas, Mr. Shaffer indicated that this policy would include a report back at least once every six months throughout the operation of this program, including: what we have learned; who has come on board; what it has cost the City; what is our rate of expenditures; and a prediction of the effect of this program in future years.

In answer to Mayor Strazdas, Mr. Shaffer confirmed that, if the Administration wishes to alter the level of services of this program, the question will come to Council; that the Administration will follow the indemnification process as clarified by the City Attorney; and, that the program will operate within budget.

In answer to Councilmember Reid, who asked about the rationale behind the manufactured housing parks which are not included in the program because they are commercial and to distinguish this from condominiums, Mr. Shaffer indicated that the condominium owner owns not only their unit, but also owns an undivided share of the common area. He also pointed out that with a manufactured housing park, the property owner owns not only the manufactured housing, but also the fee interest in the property underneath it; it is owned by the managing rental company, which makes the manufactured housing park more like an apartment complex, plus it has always been listed as a commercial property rather than a residential property. Discussion followed.

Councilmember Urban expressed a concern that the information is being presented without enough time to fully digest and coordinate it with other information available to him. Discussion followed.

Catherine Kaufman, 7640 West Saint Andrews Circle, spoke on behalf of the Inverness Condominium Association as President. She thanked City staff and Councilmember Randall for bringing this matter forward, expressed her appreciation for the public sessions and her understanding of

the program. She indicated that it is an issue of fairness since the property owners have paid for seventeen years, but have not received the service. Discussion followed. When she indicated that she applied to serve on a Board or Commission twice on line, but was never contacted, Mayor Strazdas asked Mr. Shaffer to look into why this happened.

Mike Yager, 7415 Bryn Court, expressed his opinion that the \$100,889 figure was high, that he only heard of the \$4,000 figure tonight and asked that City Council analyze the figures. He cited the four elements to the program: leaf pick-up, branch pick-up, Spring Cleanup and composting. He noted that Mr. Bill Deming did not project any increase in cost for composting or branch pickup; he projected a 10% increase for the Spring Cleanup Program which made sense to him owing to the inclusion of another 1,100 properties; however, Mr. Deming increased the estimate of the leaf pickup by 30% for the key elements of temporary laborers, rental equipment and fuel costs which Mr. Yager thought was excessive. He advocated efficiencies over millage increases by reducing the number of leaf pickup to two instead of three. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

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

Portage Public Schools Board of Education Regular Meeting of January 26, 2015, Committee of the Whole Work Session of February 9, Special Meeting of February 11 and Special Meeting of February 17, 2015.

Portage Human Services Board of February 5, 2015.

Portage Planning Commission of February 19, 2015.

#### **COUNCIL COMMITTEE REPORTS:**

**CITY MANAGER EMPLOYMENT MANUAL TASK GROUP:** Councilmember Ford provided a brief introduction of the March 10, 2015 City Manager Employment Manual Task Group Report and he and Councilmember Reid indicated that the focus of the Report regarded procedures for filing grievances against the City Manager by employees. Councilmember Reid identified a range of options for actions that employees can take when bringing a grievance against the City Manager, such as: presenting the grievance to the entire City Council at a Council Meeting; to the Mayor or any Councilmember in writing or via email addresses on the website; to the Human Resources Director; or to any department director. Councilmember Randall expressed her appreciation for the professionalism of Deputy City Manager Rob Boulis and for his skill set from working in Human Resources. Discussion followed.

Motion by Ford, seconded by Ansari, to receive the March 10, 2015 City Manager Employment Manual Task Group Report. Upon a voice vote, motion carried 6 to 0.

#### **BID TABULATIONS:**

\* **PAVEMENT MARKINGS SERVICES BID TABULATION – RECOMMENDATION:** Motion by Reid, seconded by Ansari, to award a two-year contract for pavement marking services to selected streets to Michigan Pavement Markings, LLC in an amount not to exceed \$89,000 for the first year and an estimated amount of \$126,583.75 for the second year, with an option for four one-year renewals, and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **TRAFFIC SIGNAL POLE AND MAST ARM PROCUREMENT:** Motion by Reid, seconded by Ansari, to award a contract for the purchase of traffic signal poles, mast arms and assemblies for select city locations to Carrier and Gable, Incorporated, in the amount not to exceed

\$77,654 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **FIRE STATION 1 OIL AND GRIT SEPARATOR:** Motion by Reid, seconded by Ansari, to approve the bid for oil and grit separator improvements to Lounsbury Excavating Inc., of Paw Paw, Michigan in the amount of \$34,000 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

\* **WEST LAKE WEED MANAGEMENT – 2015 APPLICATION PROGRAM:** Motion by Reid, seconded by Ansari, to, at the request of the West Lake Improvement Association: award a contract for the 2015 West Lake Management Program to Professional Lake and Land Management Corporation, for lake weed treatment measures in the estimated annual amount of \$15,120; approve three additional one-year extensions to the contract, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

#### **OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Ford expressed his enthusiasm to be able to discuss Social media at the next Committee of the Whole (COW) Meeting.

Councilmember Randall expressed her appreciation for the COW, the opportunity to work together on some long overdue topics that are long overdue. She said she is filled with optimism on many different fronts, and weather is one of them. Mayor Strazdas concurred and mentioned the PA 198 Policy approved tonight that was the result of the work by Council at a COW Meeting.

Councilmember Urban expressed his enjoyment when he attended his Father-Daughter Dance at Portage Central Elementary School with his seven and nine year old daughters.

Councilmember Reid explained that Councilmember Ansari's reference to the \$23,000 from Public Media Network (PMN) stems from their standardizing the equipment among the municipalities, purchasing the City of Portage equipment and supplementing it as necessary which makes it easier for staff and volunteers to operate and provides system back-up equipment.

City Manager Shaffer announced that the Zoetis Corporation is giving the City of Portage \$10,000 in support of the Dog Park effort. Also, an anonymous donor will be committing \$20,000 to the effort where \$56,000 will be necessary.

Mayor Strazdas thanked AT&T for their annual donation to the Winter Blast Race of Portage. He also highlighted the Revisions of the Industrial Tax Abatement Policy passed by City Council earlier in the meeting and thanked them for it. He thanked the media for the coverage of the South Westnedge project although he had a number of phone calls over the weekend on it from many businesses who expressed concern for a potential negative impact and asked for a report back from the City Manager on the plan of action regarding this matter.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:13 p.m.

James R. Hudson, City Clerk

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

## MINUTES OF THE COMMITTEE OF THE WHOLE WORK SESSION OF MARCH 10, 2015

Mayor Strazdas called the meeting to order at 6:03 p.m. The following Councilmembers were present: Councilmembers Nasim Ansari, Richard Ford, Patricia M. Randall and Claudette Reid, and Mayor Peter Strazdas. Councilmember Terry Urban arrived at 6:07 p.m. Mayor Pro Tem Jim Pearson was absent with notice. Also present were City Attorney Randy Brown, City Manager Larry Shaffer, Deputy City Manager Rob Boulis, Community Development Director Vicki Georgeau and City Clerk James Hudson.

Mayor Strazdas reviewed the past COW Meetings and confirmed that the topic, "Study of the City Retail Profile to guide City Council efforts," had been deferred to the COW Meeting tonight from the last meeting. He announced that the March 24, 2015 COW Meeting would be a discussion of promoting community engagement through the use of social media which is an extension of the discussion tonight. He mentioned the plan to discuss a portion of the Comprehensive Plan, the "Miracle Three miles" of Portage, Portage Commerce Square and the risk of an overbuilt commercial community.

Councilmember Reid asked that the impact of the switch to retail on-line be addressed.

Mayor Strazdas introduced Community Development Director Vicki Georgeau, who began a discussion of the City Retail Profile as a guide for City Council efforts and referenced the Crossroads Mall, South Westnedge Avenue, Milham Avenue, Centre Avenue and the mixed uses on Shaver Road. She pointed out that there has not been plans for large areas, but core nodes to serve neighborhoods, and emphasized that in 2002 and 2008, a key strategy of the plan was not to build to compete with what we have. She said that the amount of land area in the City designated for commercial use has remained relatively stable during the ten year period between 2002 and 2012 with land area used for commercial purposes averaging approximately 910 acres, or 4.1% of the total during this time period. She discussed the commercial revitalization area, large malls that are failing because of the recession and vacancies such as Kmart and the old Sam's Club properties that are filling up and are strong for now. She said that the trend now is going from the big boxes to mixed use and small or midsized boxes and this was made possible in 2011 with the Zoning Code Amendments regarding redevelopment. Discussion followed.

In answer to Councilmember Ansari, Ms. Georgeau indicated that there has been internal planning around large parcels in the industrial corridors to ensure the parcels are ready for development. She mentioned particular interest has been given recently to the Brownfield sites, and gave the example that Accu-Mold wants to move to Industrial Drive. She stressed this is important for employment, tax base and higher paying jobs.

City Manager Larry Shaffer indicated that the revisions to the Industrial Tax Abatement Incentive Policy is on the Regular City Council Meeting Agenda for Council Consideration at 7:30 p.m. He listed some of the many assets the City of Portage has to offer and indicated that the process and incentives of the Policy are commensurate with the Industrial growth needs of the City. Discussion followed.

In answer to Councilmember Randall, Ms. Georgeau indicated that there is no control over the types of stores or concerns that may rent space in the various business zoned properties in the City. City Attorney Randy Brown indicated that when the property is owned by the City, more control is possible. Discussion followed.

Councilmember Reid expressed a concern that the quality of some stores was going down, and she asked whether the City was assessing the quality of the current commercial retail establishments and/or tracking what kinds of stores are in close proximity to one another in order to get a proper mix. Discussion followed regarding the frustration that the Chamber of Commerce no longer has a support system for small businesses and the need to work with them to formulate one.

Councilmember Urban reminded Council that the West Main and the Maple Hill Malls disappeared and that the City needs to be prepared in order to minimize any impact from events such as this here in Portage.

Councilmember Ford expressed his opinion that the anchor stores would possibly be closing owing to an outlet mall that is planned to be built 45 minutes away.

Councilmember Ansari emphasized the need to work with the Chamber of Commerce and Southwest Michigan First. Mayor Strazdas summed up the need to find out how the City can work with the owners of the Crossroads Mall to help them to be successful.

Mayor Strazdas introduced the discussion of the City Visioning Process letting everyone know that there were 150 participants in Portage 2025 in 2007 with four forums that were two hours in length, and a renewal event in 2008. He reviewed some of the many goals presented by the first event that were opportunities for citizen engagement, including: the City Center Area Plan, the 2011 Community Survey, the 2013 Business Sign Forum, the Lake Center District Informational Planning Meeting of April 2013, and the 2014 update of the Comprehensive Plan. He offered the suggestion to host a one-evening visioning project similar to the Portage 2025 Renewal Event of 2008 as an effective means of increasing citizen engagement. He also advocated the use of a professional facilitator plus a keynote speaker along with community wide announcements and any other promotions to get the word out. He said topics should include Comprehensive Plan topics, and a discussion of “branding” was mentioned.

Since it has been seven years since Portage 2025 and there has been contraction and survival in the commercial realm, and Mayor Strazdas indicated that there is a need to get citizens of Portage engaged for a brighter future, and that he believes Portage citizens are ready for another visions process. He recommended a keynote speaker and to connect the things that happened since 2008 to the 2025 Visioning Process to see what has been done. Discussion followed regarding brainstorming and transformation.

When asked by Mayor Strazdas, Environmental Board Member Martha Dahlinger, 2612 Chopin Avenue, agreed that this strategy would be very useful and Councilmember Reid concurred saying it is important for citizen participation to know what has been done in the past. She proposed a series of programs on Public Media Network and that they also be posted on the city website. Discussion followed.

Councilmember Reid mentioned that that the Council of Governments (COG) has been discussing the citizen engagement topic and COG is really focusing on notification and informing as it is important to let the public know at what stage they are entering into a process and to know where the work performed has had an impact.

Discussion followed and City Manager Shaffer stressed that a good Capital Improvement Program starts with the neighborhoods to let them know what the City is doing and that measurement is key. He noted that the option of Big Data research with the BS&A Software is used to inform citizens whether or not we accomplished the goals of a plan.

Councilmember Reid indicated that the development of Center Avenue took nine months of visiting and planning and suggested the use of Portage Alert to target a particular area and to utilize social engagement tools to get citizens involved.

Mayor Strazdas interjected that that is the topic of the next COW where Technology Director Devin Mackinder will present the technology tools and techniques applicable for this purpose.

**STATEMENTS OF CITIZENS:** Martha Dahlinger, 2612 Chopin Avenue, indicated that the last Census revealed that things are changing dramatically. She noted that a lot of stores no longer exist; that sustainability and brainstorming are important considerations for growth; and, that preparation should include contacting neighborhoods to get citizens together so they can establish a comfort level ahead of time for their discussions.

**ADJOURN:** Mayor Strazdas adjourned the meeting at 7:08 p.m.

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James R. Hudson, City Clerk

SUMMARY ENVIRONMENTAL ACTIVITY REPORT  
February 2015 *(updates in italics)*

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-Beginning in 1991, South Westledge Park (landfill) has been monitored for on-site and off-site contamination. On July 23, 2013, City Council approved a three-year contract with American Hydrogeologic Corporation (AHC) to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. Initial groundwater and methane results indicate no off-site impact. AHC currently compiling MDEQ sampling requirement costs necessary for closure at the former landfill site. Weekly methane sampling is continuing on-site to collect base line data. AHC is completing the installation of private methane detection devices at several adjacent properties. Soil boring installation was completed on May 28, 2014. Current methane readings have been below detection levels. The 2<sup>nd</sup> year of AHC's contract is underway.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -Review of 6 site/building plans and/or plats completed in February 2015.</p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-Sanitary sewer hookup permits issued in February 2015: 0 residential; 0 commercial.</p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions. Special emphasis on weed control and non-point source pollution reduction.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Permitting complete for the 2014 season. Treatment to be performed by Aquatic Services, Inc. The Association has selected to use Restorative Lake Sciences, LLC for consulting services for 2014. Treatment application schedule for mid-June. Follow-up inspection of treatment will be done by Restorative Lake</p>

Sciences, LLC. The West Lake Improvement association has completed a five year plan in preparation for a new special assessment district. Special assessment process for 2015-2019 began on August 26, 2014. Resolution No. 5 completing the assessment was adopted October 21, 2014. Year-end report by the consultant is complete. *The 2015 weed treatment bids were received on February 24, 2015. On the City Council agenda for March 10, 2015.*

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to storm water infiltration. Alternative road salt practices continue to be considered and evaluated. The 2013 report was received noting minimal impacts. The 2013 report is available on the website for public information. Bids were received for a new four year program on April 16, 2014. The low bidder, Nova Consultants, was awarded a four-year contract by City Council on April 29, 2014. Monitoring performed in July 2014 and October 2014. Monthly sampling at two retention basins continues. *Current findings show a rise in groundwater levels of approximately eight inches over 2014 levels.*

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Staff participated in a MDEQ Water Supply Emergency planning roundtable on June 10, 2013. Update of the program will be initiated as part of the Water Reliability Study in conjunction with Fishbeck, Thompson, Carr & Huber update work currently underway. Wellfield delineation completed. Engineering intern has completed contamination source inventory. Final report preparation underway.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first

Investigation regarding potential impact of retention basins on groundwater levels.

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

Retention Basin Sampling Program (Groundwater Elevation)

Wellhead Protection Program (WHPP)

Leaf Compost Monitoring Program

sampling cycle was completed in February 2002. Semi-annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show negligible groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. Sampling completed in June 2014, with report submitted. No significant change in groundwater impacts.

National Pollution Discharge Elimination System (NPDES) Permit Implementation  
 Five year plan to implement the current NPDES stormwater permit.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Storm Water Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) completed December 11, 2009. Received a notice from MDEQ rescinding the 2008 permit due to a recent court case ruling. MDEQ reinstated the 2003 permit for implementation. Information on new permit requirement was received in February 2011. MDEQ expected to issue new permit in 2014. MDEQ scheduled an audit of the program on July 12, 2012. Audit completed with satisfactory results. City website updated in February to provide education of Illicit Storm Water Discharge. Program implementation is ongoing. Annual 2012-13 report was submitted on December 24, 2013. Comments received back have been reviewed by staff and response submitted to MDEQ. MDEQ concurred with city staff response. New permit application process announced in November 2014. *New permit application is underway and due in April 2015.*

National Pollution Discharge Elimination System (NPDES) Permit Implementation  
 Kalamazoo River Mainstream Watershed Management Plan

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River

Watershed council completed a watershed update in November, 2011. No new developments.

#### Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the Watershed Plan using grant funds. Grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan in 2012. Grant for watershed update was awarded to Calhoun County Conservation District. First kick-off meeting held December 13, 2012 to introduce working partners and information gathering. A meeting was held on March 12, 2013 to discuss the designated uses of the Portage River/Little Portage Creek watershed, the total maximum daily load of E-coli from samples taken and a review of community ordinances and policies that help protect the Watershed. Meeting held on June 11, 2013 to discuss identified water quality problems in the watershed. Meeting held on December 11, 2013 to inform stakeholders of progress on data collection. Canoe trip inspection was held on September 13, 2014. No new developments.

#### Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP) Storm Sewer Outfall Testing.

-On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections." Program implementation is ongoing. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDEQ on June 25, 2010, and part of the SWIPPI. Completed an area-wide brochure to educate the public on Illicit Storm Water Discharges in conjunction with the Kalamazoo County Drain Commissioner. On April 29, 2014 City Council awarded a contract to Nova Consultants, Inc., to perform annual investigations of storm outfalls and investigate all outfalls on a four-year cycle. Investigations scheduled for 2014 were completed in July with summary

report received. Report will be submitted to MDEQ as part of the annual report.

Garden Lane Arsenic  
Removal Facility

*Native Prairie Restoration*

Staff currently working with the Environmental Board on informative signs and long-term maintenance plans for the native planting landscape design in front of the Garden Lane Treatment Plant. New informational sign design for three signs is complete and sign fabrication is underway.

Environmental  
Incident/Spill Clean Up  
Notification

Environmental Protection  
Program to assist Portage  
Police/Fire Departments with  
spill containment and spill  
cleanup.

Emergency spill response contract for 2013-14 with Terra Contracting has been renewed. *The number of environmental incident/spill investigations performed in February – 0. Number of environmental cleanups in February – 0. 2015 Contract is in process.*

Southwest Michigan  
Regional Sustainability  
Covenant

Collaborative effort with local  
government, academic, and other  
stakeholders to lead toward  
environmental, economic and  
social sustainability.

On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDEQ for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.