PLANNING COMMISSION

January 23, 2020
CITY OF PORTAGE PLANNING COMMISSION

AGENDA

January 23, 2020
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:
* January 9, 2020

SITE/FINAL PLANS:

PUBLIC HEARINGS:
* 1. Final Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court
* 2. Special Land Use Permit: Airtech Automation, 8815 South Sprinkle Road

NEW BUSINESS:
* 1. Public Street Vacation – Gladys Street (western portion)

OLD BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED
December 17, 2019 City Council Meeting minutes
January 13, 2020 City Council Pre-Meeting minutes

Star (*) indicates printed material within the agenda packet.
PLANNING COMMISSION
January 9, 2020

The City of Portage Planning Commission meeting of January 9, 2020 was called to order by Chairman Corradini at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

PLEDGE OF ALLEGIANCE

Chairman Corradini led the Commission, staff and citizens in the Pledge of Allegiance.

IN ATTENDANCE

Michael West, Senior City Planner; and Randy Brown, City Attorney.

ROLL CALL

Mr. West called the role: Meyer (yes); Pezzoli (yes); Baldwin (yes); Fries (yes); Schimmel (yes); Corradini (yes); Joshi (yes) and Harrell-Page (yes). A motion was then made by Commissioner Meyer, seconded by Commissioner Harrell-Page, to approve the role excusing Commissioner Patterson. The motion was unanimously approved 8-0.

APPROVAL OF MINUTES

Chairman Corradini referred the Commission to the December 5, 2019 meeting minutes contained in the agenda. Commissioner Joshi identified a typographical error on page 2 and requested the minutes be amended to clarify that an election worker is a paid position, not a volunteer position. A motion was then made by Commissioner Joshi, seconded by Commissioner Baldwin, to approve the minutes as amended. The motion was unanimously approved 8-0.

SITE/FINAL PLANS

None.

PUBLIC HEARING

1. Preliminary Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court. Mr. West summarized the staff report dated January 3, 2020 regarding a request from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 tentative plan for the Greenspire Planned Development. Mr. West stated the tentative plan amendment proposes to: 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Mr. West provided a brief history of the Greenspire Planned Development, and a summary of the proposed tentative plan amendment including a discussion of the requested modifications involving residential development densities.

Mr. Greg Dobson of American Village Builders (applicant representative) was present to support the application and discuss the proposed tentative plan amendments. Mr. Dobson thanked Community Development staff for their assistance in review and finalization of the tentative plan/narrative, then briefly summarized the history of the Greenspire development project. Mr. Dobson stated he has reached out to the residential neighbors along Shirley Court and Tozer Court to discuss the proposed changes to the development and to maintain the
open line communication with these neighbors. Mr. Dobson discussed the changing economy/housing market, and how the multi-story, mixed-use residential/commercial buildings proposed in Phases VII-B and VII-C represent a new model that combines suburban safety with urban design and walkability. Mr. Dobson stated the tentative plan amendment proposes to create a “village concept” where residential, retail and office uses are integrated and supportive of each other. Mr. Dobson also indicated that Phase VII-D proposed a different type of apartment design which includes attached garages.

The Planning Commission, Mr. Dobson and Mr. West next discussed various aspects of the proposed tentative plan amendment. Chairman Corradini stated the concept and plan were well thought out and long overdue for the Portage community. The public hearing was opened by Chairman Corradini. No citizens spoke in regard to the proposed tentative plan amendment. A motion was made by Commissioner Harrell-Page, seconded by Commissioner Joshi, to adjourn the public hearing until the January 23, 2020 meeting. The motion was unanimously approved 8-0.

NEW BUSINESS

None.

STATEMENT OF CITIZENS/COMMISSIONERS

None.

7:35 p.m. – The Commission adjourned to City Hall Conference Room No. 1
7:40 p.m. - The Commission reconvened the meeting in City Hall Conference Room No. 1

NEW BUSINESS

1. 2019-2020 Neighborhood & Community Enhancement Program Applications. Mr. West summarized the January 3, 2020 Department of Community Development staff report regarding the Neighborhood & Community Enhancement Program. Mr. West provided a brief summary of the Planning Commission preliminary application review on December 5, 2019 and asked if Commissioners had completed the Program Evaluation Criteria Scoring sheets for the two applications determined to meet the eligibility requirements: 1) Portage District Library Outdoor Drinking Water Fountain and 2) Woodlawn Drive Sanitary Sewer Lift Station Enhancements.

The Commissioners submitted their individual scoring sheets for the two proposed projects and Mr. West tallied the scores to determine an average score for each application. After tallying the scores, Mr. West indicated the Portage District Library Outdoor Drinking Water Fountain project scored the highest with an average score of 42.75 points, while the Woodlawn Drive Sanitary Sewer Lift Station Enhancements project scored next with an average score of 23.25. The Commission indicated that both applications were well prepared and represented enhancements to the community, however, it was the consensus that the Portage District Library Outdoor Drinking Water Fountain application would impact more of the community given its proposed location and function.

Mr. West thanked the Commission for the review, discussion and scoring and indicated that staff would next contact all the applicants with the results and findings. Mr. West indicated that staff would next work with the two scoring applicants to further define the scope and budget of the projects. Once these details were finalized, Mr. West stated the final scopes and budgets would be provided to the Planning Commission for final review and recommendation to City Council.
ADJOURNMENT:

There being no further business to come before the Commission, the regularly scheduled meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Michael West, AICP
Senior City Planner
TO: Planning Commission
FROM: Christopher Forth, Interim Director of Community Development
SUBJECT: Final Report: Tentative Plan Amendment for Greenspire Planned Development, 3413 West Centre Avenue and 8546 Shirley Court.

I. INTRODUCTION:

An application has been received from American Village Builders and The Hinman Company requesting to amend the previously approved 2017 Tentative Plan for the Greenspire Planned Development (PD) involving the remaining vacant portions of 3413 West Centre Avenue and 8546 Shirley Court. The overall Greenspire Planned Development is comprised of multiple parcels totaling 94.22 acres.

The Tentative Plan Amendment proposes to 1) Reclassify approximately 8.43 acres from commercial to residential/mixed residential-commercial land use; 2) Increase the total number of multiple family residential apartment units from 704 units to 1,020 units with a resulting overall density increase from 8.45 units/acre to 11.12 units/acre; 3) Reconfigure the size and location of proposed commercial and mixed residential-commercial buildings along West Centre Avenue; and 4) Revise the anticipated phasing/construction schedule. Please refer to the attached application, narrative and tentative plan submitted by the applicant for additional details regarding the proposal.

### Tentative Plan Amendment – Greenspire Planned Development

<table>
<thead>
<tr>
<th>Applicant</th>
<th>Property Addresses</th>
<th>Description</th>
<th>Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>American Village Builders and The Hinman Company</td>
<td>3201 and 3413 West Centre Avenue; 3145, 8380 and 8401 Greenspire Drive; 3413 Fawn Cove; 8615 Tozer Court; 8546 Shirley Court</td>
<td>94.22 acre tract of land (Mixed multiple family residential and retail/office development) -Excludes portion of Hampton Lake</td>
<td>PD, planned development (2010/2017)</td>
</tr>
</tbody>
</table>

The original Greenspire Planned Development (PD) rezoning/tentative plan application received City Council approval in April 2010 subject to conditions and proposed the construction of a total of 692 multiple family residential units in multiple apartment buildings (384 apartment units already existing) within the interior of the property and construction of a total of 73,400 square feet of retail and 30,400 square feet of offices in a multiple building arrangement along West Centre Avenue.

In 2017, City Council approved a PD rezoning application that added 1.42 acres (8546 Shirley Court) into the overall Greenspire PD and also approved a tentative plan amendment that increased the total number of apartment units from 692 units to 704 units with a resulting overall density of 8.45 units/acre, and reconfigured the size and location of proposed retail/office buildings along West Centre Avenue.

Below is a summary of final/site plans that have been approved by City Council since the original 2010 PD rezoning and tentative plan approval:

- 2011 - Final Plan for Greenspire Retail I, 3201 West Centre Avenue, which included an approximate 13,400 square foot retail building and associated site improvements (construction complete).
• **2014** - Final Plan for Greenspire Apartments IV, 8380 Greenspire Drive, which included construction of 36 apartment units in two, 3-story buildings and associated site improvements (construction complete).

• **2016** - Final Plan for Greenspire Apartments V-A, 8615 Tozer Court, which included construction of 70 apartment units in three, 3-story buildings and associated site improvements (construction complete).

• **2017** - Final Plan for Greenspire Retail V-R-I, 3413 West Centre Avenue, which included construction of a 12,000 square foot retail building and associated site improvements (construction never occurred/approval expired).

• **2017** - Final Plan for Greenspire Apartments V-B, 8615 Tozer Court, which included construction of 108 apartment units in five, 3-story buildings and associated site improvements (construction complete).

• **2018** - Final Plan for Greenspire Apartments VI, 3413 Fawn Cove and 3413 West Centre Avenue, which included construction of 100 apartment units in six, 3-story buildings and associated site improvements (construction in progress).

### 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/site 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 7 units per acre and density in any one phase may not exceed 12 units per acre, unless a modification is received. Building setbacks, building height, open space and screening are also regulated under the ordinance.

### III. PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the tentative plan amendment at the January 9, 2020 meeting. Greg Dobson of American Village Builders was present to support the application and explain the development project. No citizens spoke during the public hearing and no written communications have been received regarding the proposed tentative plan amendment.

### IV. FINAL ANALYSIS - PROPOSED TENTATIVE PLAN AMENDMENT:

A summary comparison between the 2017 approved tentative plan amendment and the 2020 proposed tentative plan amendment is provided in the table below. Specific aspects of the proposed tentative plan amendment are discussed in greater detail following the summary table.

<table>
<thead>
<tr>
<th>Greenspire Planned Development</th>
<th>2017 Approved Tentative Plan Amendment</th>
<th>2020 Proposed Tentative Plan Amendment</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Uses</strong></td>
<td>Mixed use multiple family residential apartments and retail/office development</td>
<td>Mixed use multiple family residential apartments and retail/office development</td>
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<tr>
<td><strong>Multiple Family Apartment Acreage</strong></td>
<td>704 units on 83.32 acres (8.45 units per acre) - Combined Phases I, II, III, IV, V and VI</td>
<td>1,020 units on 91.73 acres (11.12 units per acre) - Combined Phase I, II, III, IV, V, VI and VII</td>
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</tbody>
</table>
| **Greenspire Planned Development – Tentative Plan Amendment**
| **3413 West Centre Avenue and 8546 Shirley Court**
| **Page 3**
| **Retail/Office Acreage** | **Phasing** |
| 45,000-60,000 square feet retail and 30,400 square feet office on 10.9 acres  
- Multiple building arrangement  
- 90,400/10.9 = 8,293 square feet per acre | Phases I thru VI Apartments (existing)  
- 700 units on 75.23 acres  
Phase IV-R Retail (existing)  
- 13,000 sq. ft. retail building on 2.47 acres  
Phase VII-A Apartments (Spring 2020)  
- 24 units on 3.36 acres  
Phase VII-B Apartments (Fall 2020)  
- 48 units on 7.87 acres  
Phase VII-C Mixed Use Buildings (Fall 2021)  
- Apartments: 224 units total on 2nd, 3rd, 4th floors  
- Retail/Office: Up to 30,000 sq. ft. on 1st floors  
- 3.86 acres (total)  
Phase VII-D Apartments (Fall 2022)  
- 24 units on 1.42 acres |
| **Setbacks** | **Vehicular Access/Pedestrian Circulation** |
| 30-foot setback around perimeter of property  
(exception: two apartment buildings constructed in Phase IV have a 15-foot setback from east property line)  
80-foot setback from property line where adjacent to single family residences located along Tozer Court/Shirley Court.  
25-foot setback from interior private streets and 30-foot separation between apartment buildings. | Existing full service access drives from West Centre Avenue including Greenspire Drive (eastern portion of site) and full service drive (opposite Cooley Court).  
Shirley Court, right-in/right-out (western portion of site)  
Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development.  
Existing full service access drives from West Centre Avenue including a left-out restricted Greenspire Drive (eastern portion of site) and full service signalized drive (opposite Cooley Court).  
Shirley Court, right-in/right-out (western portion of site)  
Interconnected network of sidewalks along West Centre Avenue and within the interior of the apartment portion of the development. |

**Reclassification of Acreage.** The 2020 tentative plan amendment proposes to reclassify approximately 8.43 acres from previously approved commercial land use (retail/office), to residential (apartments) and mixed residential/commercial land use. This land area is situated in the northwest portion of the overall PD property, along West Centre Avenue, and involves proposed Phases VII-B and VII-C. As a result, the amount of acreage designated for commercial purposes decreased from 10.9 acres to 2.47 acres plus the...
15,000 square feet of first floor commercial use within the two proposed mixed use buildings (total of 30,000 square feet). For Commission information, up to 20% of the land area (20.8 acres) can be designated for non-residential use.

The previously approved 2017 tentative plan proposed up to six, one-story (25-foot tall) retail buildings ranging in size between 6,000 - 25,000 square feet each and 3-story office buildings up to 40-feet in height and up to a total of 30,400 square feet. The 2020 tentative plan proposes to replace this multiple retail/office building arrangement with two, 4-story mixed use residential/commercial buildings with the 1st floor of each building occupied by retail/office uses and the upper 2nd, 3rd and 4th stories occupied by multiple family residential apartment units. Each mixed use building is proposed to be a maximum 65-feet in height and contain approximately 15,000 square feet of commercial space on the 1st floor (30,000 square feet total) and 112 apartment units on the 2nd, 3rd and 4th floors (224 units total). Section 42-374.F of the PD ordinance allows for buildings in excess of 45-feet in height when "...designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services." Given the proposed location of these two mixed use buildings along West Centre Avenue and the surrounding land uses, a maximum building height of up to 65-feet will be consistent with the reasonable enjoyment of neighboring properties, the overall PD and efficiency of existing public services.

The 2020 tentative plan amendment also proposes to reclassify 1.42 acres from Phase V to Phase VII-D with plans to construct two, 12 unit buildings (24 units total). Removal of 1.42 acres from Phase V slightly increased the phase density from 9.989 units per acres to 10.82 units per acre.

Residential Development Density and Requested Modifications – The 2020 tentative plan amendment proposes a total of 1,020 apartment units on 91.75 acres (combined Phases I thru VII) with an overall residential development density of 11.12 units/acre. Individually, Phase VII-C will have a density of 58.03 units/acre (224 units on 3.86 acres) and Phase VII-D will have a density of 16.90 units/acre (24 units on 1.42 acres). The 2017 approved tentative plan proposed a total of 704 apartment units on 83.32 acres with an overall residential development density of 8.45 units/acre. For comparison purposes, the previous RM-1 zoning designation of the property (rezoned to PD in 2010) would have supported approximately 927 apartment units on 91.75 acres with an overall residential density of 10.10 units/acre (assuming an equal mixture of 1-bedroom and 2-bedroom units).

Since the overall residential development density will exceed 7 units/acre and individual phase density for Phase VII-C and Phase VII-D will exceed 12 units/acre, modifications from these standards are being requested by the applicant in conjunction with the proposed tentative plan amendment. Section 42-375.L of the PD ordinance allows City Council to waive or modify specifications and standards for planned developments where it finds, on the basis of evidence supplied by the landowner, "...that such specifications are not in the best interests of the residents of the planned development and that the modification of such specifications are not inconsistent with the interests of the entire city."

The maximum density in the RM-1, multi-family residential zoning district averages 10-15 units per acre depending on the type of units. The 59 units per acre proposed by the developer represents a significant change. However, as the city ages and less land is available to accommodate the demand for residential development and market conditions change, alternative development patterns need to be considered. For several years now, mixed use development projects have been the growing trend. Mixed-use development projects attract residents who want a more urban experience. In order to achieve an urban experience, a variety of uses need to come together. The Urban Land Institute characterizes a mixed-use development as one that 1) provides three or more significant revenue-producing uses (such as retail/entertainment, office, residential, hotel, and/or civic/cultural/recreation), 2) fosters integration, density, and compatibility of land
uses, and 3) creates a walkable community with uninterrupted pedestrian connections. Mixed-use developments represent a significant departure from Euclidean zoning that separates land uses from one another.

While the Greenspire Planned Development may not incorporate all the mixed-use characteristics as identified by the Urban Land Institute, it is moving in that direction with the addition of the two proposed higher density, mixed use buildings along West Centre Avenue. Once complete, Greenspire will represent the first mixed-use type of development in the city. Given the design of the PD and desire to create a more mixed-use type of community, the proposed modifications are supported by staff and will be in the best interest of residents of the PD and not inconsistent with the interests of the entire city.

Screening/Buffering Adjacent to Existing Residences – Similar to construction of apartment buildings in Phase V and as illustrated on the tentative plan, future construction of the two apartment buildings proposed in Phase VII-D will also incorporate screening/landscaping enhancements (retention of existing vegetation, berming, evergreen tree planting) between the apartments and the adjacent single family residence to the south at 8614 Shirley Court. Details associated with this screening/landscaping will be reviewed further with submittal of the final/site plan for this phase of the development.

Vehicular Access/Pedestrian Circulation – Access to the overall Greenspire PD is currently provided through a full-service, signalized driveway at the intersection of West Centre Avenue and Cooley Drive, and a limited access driveway (right-in, left-in/right-out), Greenspire Drive, located along the eastern portion of the property. An additional limited access driveway (right-in/right-out) from West Centre Avenue, along the western portion of the property, is also proposed with construction of Phase VII-C. Details associated with this proposed driveway will be reviewed with submittal of the detailed final/site plan.

Natural Features/Designated Wetlands/Storm Water Management – The final phases of the Greenspire PD will continue the philosophy and master plan of integrating the development into the natural environment. Previously approved open space areas will be preserved. Continued planning and care will be taken to preserve existing mature trees and install supplemental/complimentary landscaping with these final phases. Designated wetlands areas (approximately 23 acres) have been identified along the western and southern portions of the overall Greenspire PD property. All existing and proposed buildings will be situated outside of these wetland areas. Storm water runoff from the remaining Phase VII portions of the development will be collected and pre-treated prior to overflow release into the these existing natural low areas, as has been done in previous phases, subject to appropriate review, approval and permitting by the Michigan Department of Environment, Great Lakes & Energy (EGLE).

Updated Project Phasing Timeline – The proposed 2020 tentative plan amendment includes an updated phasing schedule for the remaining portions of the planned development. Phase VII-A of the apartment portion of the development is proposed to commence in the Spring of 2020 and includes 24 units on 3.05 acres. Phase VII-B of the apartment portion of the development is proposed to commence in the Fall of 2020 and includes 48 units on 7.145 acres. Phase VII-C which includes the two mixed use residential/commercial buildings with approximately 224 apartment units and 30,000 square feet of retail/office space on 3.48 acres is proposed to commence in the Fall of 2021. Finally, Phase VII-D of the apartment portion of the development is proposed to commence in the Fall of 2022 and includes 24 units on 1.42 acres.

V. PUBLIC NOTICING REQUIREMENTS:

Per statutory requirements, residents/property owners within 300 feet of the overall Greenspire PD property have been notified in writing of the proposed tentative plan amendment and the Planning Commission
meeting. Additionally, a public notice was also published in the local newspaper. Staff also suggested that the applicant reach out to the adjacent property owners along Shirley Court and Tozer Court to discuss the proposed tentative plan amendment. At the time of report preparation, no citizen communications have been received regarding the proposed tentative plan amendment.

VI. RECOMMENDATION:

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that the Tentative Plan Amendment for the Greenspire Planned Development be approved subject to the following conditions:

1. Development standards such as density, open space, building setbacks, building orientation, screening buffering, etc. be established consistent with tentative plan (dated January 2, 2020) and the written narrative (dated January 3, 2020).

2. The requested density modifications be approved to allow an overall development density of 11.12 units/acre (1,020 apartment units on 91.75 acres) and individual phase densities of 58.03 units/acre for Phase VII-C (224 units on 3.86 acres) and 16.90 units/acre for Phase VII-D (24 units on 1.42 acres).

3. Details regarding screening/landscaping enhancements between Phase VII-D and the adjacent single family residence at 8614 Shirley Court be finalized with submittal of the final plan this phase of the project.

4. Appropriate review/approval/permitting by the Michigan Department of Environment, Great Lakes & Energy (EGLE) for any proposed storm water overflow discharge into the adjacent lowland/wetland areas.

Attachments: Zoning/Vicinity Map  
              Future Land Use Map  
              Aerial Photo Map  
              Proposed Narrative, Mixed Use Building Rendering and Tentative Plan Amendment  
              2017 Approved Tentative Plan
January 3, 2020

Mr. Christopher Forth
Deputy Director of Planning and Community Development
City of Portage
2900 S. Westnedge Ave.
Portage, MI 49002

RE: Greenspire Planned Development “PD” Tentative Plan

AVB and The Hinman Company are pleased to submit to you an updated plan for our property on the south side of West Centre Avenue as depicted on the attached site plan. The property is already zoned PD - Planned Development. The following tentative plan (the “Tentative Plan”) is consistent with the City of Portage Land Development regulations. This application seeks to revise and update the overall Tentative Plan. The following items have materially changed since the last Tentative Plan was approved by the City of Portage City Commission on January 24, 2017.

- Reclassify approximately 8.43 acres from commercial to residential and mixed residential/commercial land use.
- Increase the total number of multiple family apartment units from 704 units to 1,020 units with a resulting density increase from 8.45 units/acre to 11.12 units/acre.
- Reconfigure the size and location of proposed commercial and mixed residential/commercial buildings along West Centre Avenue.
- Revise the anticipated phasing/construction schedule

The proposed Tentative Plan provides for the continuation of an excellent development. In addition, it allows for an urban style of development to be executed in our suburban Portage market, something that is gaining significant traction nationally. Greenspire is an excellent location to facilitate this type of development owing to the presence of walkable grocery, shopping and retail. Further, the proposed approach allows this property to achieve its highest and best use while remaining true to the development principles that were originally established at Greenspire over 40 years ago.
Our master plan is consistent with the City of Portage Future Land Use Plan and our most recently approved Tentative Plan. The areas that we suggest as multi-family are shown as high density residential on the Future Land Use Plan and the commercial areas are noted on the Future Land Use Plan as general business. AVB and Hinman have individually and together had a great deal of experience developing within the PD framework both in the City of Portage and in other municipalities. Some of our very best developments have been the fruits of the City of Portage PD. We continue to believe that this development is suited very well to benefit from the PD ordinance and the PD process in general.

What follows are the answers to the 15 required questions that are provided in Section 42-375 of the City of Portage Land Development Regulations.

1. The PD area will include residential and commercial uses that are designed to integrate well with the adjacent existing residential and commercial uses.

2. The proposed PD development area is on all of the 103.98 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments and more recently Greenspire Shoppes. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. Phase VI is under construction and consists of six multi-family apartment buildings containing 96 apartment units. Once phase VI is complete, 700 units of the presently approved 704 units will have been constructed and in operation. Future development would include multi-family expansion (Phase VII) that would consist of approximately 320 (316 newly approved) new multi-family apartment units and approximately 30,000 sq. ft. of retail or office space on the first floor of the two proposed mixed unit buildings that front on Centre Avenue.

Using a cluster development allows us to provide in excess of 30 acres of open space within the development, not including Hampton Lake. The same care that has gone into the existing development of Greenspire to harness the natural beauty of this special land will continue in the PD area with first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of this site by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border and are included within this property.

3. The Greenspire Apartments development started in the early 1970’s when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis
court. In 1981 Phase III was constructed and included six new buildings. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 44.82 +/- acres. For density purposes the 384 units over 44.82 +/- developed acres equals 8.57 units/acre. Phase IV was constructed in 2014 and 2015 and includes 36 units (12 one beds and 24 two beds) over 3.05 acres, bringing the average density over the developed acres to 8.77 units/acre. Phase V was completed in the fall of 2018 and included 184 units (6 studios, 82 one beds and 96 two beds), bringing the average density over developed acres to 9.31 units/acre. Phase VI is being completed in the fall of 2019 and the spring of 2020 and includes 96 units (60 one beds and 36 two beds), bringing the average density over the developed acreage to 9.30 units/acre. Please note that with this proposed amendment, the Phase VI density has increased from 8.45 units per acre to 9.257 units/acre as the acreage of Phase VI has been decreased (17.035 acres to 10.371 acres) to match the new proposed development plan.

Greensprie Phases VII will be developed in approximately three sub-phases beginning the Spring of 2020.


b. Fall 2020. The two buildings of the Phase VII B multi-family residential development are planned to commence construction.

c. Fall 2021. The mixed-use building with 224 units, potentially underground parking, and approximately 30,000 sq. ft. of retail or office space on the first floor of the two proposed mixed unit buildings that front on Centre Avenue will begin.

d. Fall of 2022. The two residential buildings containing 24 units proposed for Phase VII D will commence construction.

4. The time schedule is proposed in #3 above.

5. The site plan and its associated phasing lines show how each stage of the development is independent, yet designed to integrate well into the development as well as the existing development pattern. Importantly, each phase of the Greensprie plan has been meticulously designed to integrate into the existing Greensprie Apartments master plan. The Cooley Drive entrance drive has been completed to provide an additional means of ingress and egress into the development. In a shared investment project with the City of Portage, the new traffic signal at Cooley and Centre Ave. was completed in the summer of 2017, and further improved ingress and egress to the Greensprie development. Additionally, when the area southwest of the Cooley and Centre intersection is developed, this area will be benefited by the right in/right out drive, in a location to be agreed upon between Greensprie and the City of Portage.
As we plan for pedestrian circulation throughout the site, we are leveraging miles of existing sidewalks through the existing Greenspire Phases as well as the 13,000 sq. ft. retail center along Centre Ave. As we constructed the new entry drive from Centre Avenue west of the 13,000-square foot retail building, we constructed a sidewalk to provide a pedestrian entrance from Centre Ave. into the existing phases of Greenspire. In 2017 we connected the Greenspire Shoppes sidewalk to the clubhouse in the center of the Greenspire development. By providing access to Centre Avenue to the entire PD via these new sidewalks, we are able to get pedestrians to the signalized intersection at Cooley and Centre Ave. From this point, pedestrians can cross to the north side of Centre Avenue where sidewalks connect the full distance of Centre Avenue east and west. All new/proposed phases of Greenspire include additional sidewalks and pedestrian circulation. Additionally, Greenspire is adding sidewalks each year within Greenspire to improve overall pedestrian circulation.

Shirley Court presently provides legal access, via access easements recorded in 1953, 1962, and 1974, to one of the homes between Tozer Ct. and Shirley Ct. This access is presently a dirt two-track over the northern most 500’+/- and most of its distance south of Fawn Cove Lane. Improvement of the northern 500’ +/- section of Shirley Court was not necessary for proper development of Greenspire to date. Additionally, improving this section of Shirley Court is not required or necessary to provide access to the Greenspire development, nor is it required by the City of Portage Fire Department. We do plan to substantially improve the northernmost 500’+/- of Shirley Court during the construction of Phase VII. It should be further noted that the access agreements, originally recorded in 1953, 1962, and 1974, do not place any burden of maintenance or upkeep on Greenspire.

6. The Tentative Plan land is located on the south side of Centre Avenue, east of Moorsbridge Road and west of Oakland Drive. The parcel is 103.98 acres in total. This 103.98 acres includes 9.76 acres of Hampton Lake. Entities owned or controlled by Joseph Gesmundo and Roger Hinman presently own all of the property under a variety of entity names and is commonly referred to as Greenspire Apartments.

It should be noted that we have done a fair amount of due diligence recently in regards to the property, in addition to our over 30 years of experience in owning the land. We hired and continue to consult with, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, who has reviewed the area in person to assure us that our existing or proposed buildings are not in any wetland. Mr. Bureau has assured us that none of our buildings or proposed are in a wetland. Additionally, our civil engineers have confirmed that these buildings are not within the floodplain.
7. The chart below demonstrates the land use and density for each phase.

<table>
<thead>
<tr>
<th>Phase</th>
<th>Phase Acres</th>
<th>Combined Acres</th>
<th>Phase Units</th>
<th>Phase Density</th>
<th>Combined Units</th>
<th>Combined Density</th>
</tr>
</thead>
<tbody>
<tr>
<td>Existing Buildings:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>8.015</td>
<td>8.015</td>
<td>96</td>
<td>11.978</td>
<td>96</td>
<td>11.98</td>
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<tr>
<td>2</td>
<td>14.975</td>
<td>22.975</td>
<td>168</td>
<td>11.230</td>
<td>264</td>
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<tr>
<td>3</td>
<td>21.840</td>
<td>44.815</td>
<td>120</td>
<td>5.495</td>
<td>384</td>
<td>8.57</td>
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<tr>
<td>4</td>
<td>3.050</td>
<td>47.865</td>
<td>36</td>
<td>11.803</td>
<td>420</td>
<td>8.77</td>
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<tr>
<td>5</td>
<td>17.000</td>
<td>64.865</td>
<td>184</td>
<td>10.824</td>
<td>604</td>
<td>9.31</td>
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<td>6</td>
<td>10.371</td>
<td>75.236</td>
<td>96</td>
<td>9.257</td>
<td>700</td>
<td>9.30</td>
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<td>Proposed Buildings:</td>
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</tr>
<tr>
<td>7a</td>
<td>3.364</td>
<td>78.600</td>
<td>24</td>
<td>7.134</td>
<td>724</td>
<td>9.21</td>
</tr>
<tr>
<td>7b</td>
<td>7.872</td>
<td>86.472</td>
<td>48</td>
<td>6.098</td>
<td>772</td>
<td>8.93</td>
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<tr>
<td>7c</td>
<td>3.860</td>
<td>90.332</td>
<td>224</td>
<td>58.031</td>
<td>996</td>
<td>11.03</td>
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<tr>
<td>7d</td>
<td>1.420</td>
<td>91.752</td>
<td>24</td>
<td>16.901</td>
<td>1020</td>
<td>11.12</td>
</tr>
</tbody>
</table>

Please note in the chart above, the Phase VI density has increased from 8.45 units per acre to 10.824 units/acre as the acreage of Phase VI has been decreased (17.035 acres to 10.371 acres) to match the new proposed development plan.

The chart below explains the breakdown of the total acreage within Greenspire as it relates to the Tentative Plan acreage calculations.

<table>
<thead>
<tr>
<th>Acreage summary</th>
<th></th>
<th></th>
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<th></th>
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</thead>
<tbody>
<tr>
<td>Overall Survey Acreage</td>
<td>103.98</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hampton Lake</td>
<td>9.76</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>2.472</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential Acreage</td>
<td>91.748</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Note that in the chart above the 91.748 acres of “Residential Acreage” includes the mixed residential/commercial portion of the development as well.

Retail/Office 2.472 acres (not including 3.86 mixed use)

It should be noted that the allowable non-residential acreage is 20.79 acres at 20% of 103.98 acres.

30,000 to 45,000 sq. ft. of retail or office

Up to 45,000 sq. ft. /2.472 acres = 18,204 sq. ft./acre, not including the 3.86 acres of mixed-use buildings
8. The roads, storm areas and entry statement areas as shown on the attached site plan, will be owned by the Gesmundo & Hinman entities reference herein and maintained by Lakewood Management Company as they have since the first building was constructed at Greenspire Apartments. Joe Gesmundo and Roger Hinman both hold ownership in and are the General Partners for Phase I which is owned by Greenspire Equity I.

9. The new residential development units within Phase VII will consist of the following types of units:

   Multi-family buildings — three-story buildings, and three-story walk out buildings approximately 40’ feet high (as measure from the front elevation to the mid-point of the roof) with each building being approximately 40,000 sq. ft. Podium buildings — four-story buildings, up to 65’ in height over underground parking. The podium building could include retail/office space as well.

The commercial portion of the development will consist of the following types of buildings:

   The existing one-story retail building type, and as incorporated into the first floors of the mixed-use buildings proposed for Phase VII C.

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will leverage of excellent colors, textures and materials to make every building look and feel great.

The proposed 3-story and 3-story walk-out multi-family buildings are required by current code to be fully protected by a wet-sprinkler system. As such we expect that all the new 3-story and 3-story walk-out multi-family buildings and the proposed 4-story mixed use buildings within Greenspire to be fully sprinkled.

We have used a 30’ set back around the entire perimeter of the property except for the two buildings in Phase IV of the Multi-Family development where a 15’ set back was necessary in order to facilitate our site plan. The 15’ set back, only for two buildings (36 units of Phase IV), was previously approved and allowed us to set the buildings back an appropriate distance from Greenspire Drive. For clarification purposes the decks/patios are now set at 10’ from the property line in Phase IV and the building face will be 15’ from the property line. In addition we have maintained 30’ between each building and a 25’ front setback from the edge of road.
The commercial/retail building heights will not exceed those which are allowed within the PD zoning district. The multi-family buildings are designed at approximately 40' in height. The podium building will be designed at or below 65’ in height.

10. Storm water will be treated and piped via underground structures to the most appropriate common open space area in accordance with City of Portage requirements. In addition, some storm water capacity may be integrated into the design of the office sites. Storm water will be pre-treated according to City of Portage regulations and then released for infiltration into adjacent lowlands according to existing or modified permits (as necessary) from EGLE. These low-lying areas within the development provide plenty of space for this purpose and this plan will be developed to allow for natural looking rain basins/wetlands as opposed to typical, fenced off, deep and unsightly storm systems. Sanitary sewer will be connected to the available City of Portage sanitary sewer system which is available at Centre Avenue and at the Fawn Cove lift station.

11. Greenspire has provided easements to the required utility providers for water, sewer, data and power. In addition, the various Greenspire parcels benefit from cross-access agreements for pedestrian and vehicular access.

12. Parking will be provided according to the City Ordinance. If feasible, we will try to bank some of the retail parking as typically the City requirements exceed those of our tenants. The existing and proposed road widths are included and dimensioned on the attached site plan. Single story pitched roof garages and/or carports may be implemented into the site plan. The quantity of garages / carports are planned at 50% of total number of bedrooms. The construction finishes / materials will be complimentary to that of the Phase IV, V and VI apartment buildings. The specific quantity, location, and materials of the garages / carports will be detailed on the final site plan. In addition, the two mixed-use buildings along Centre Avenue may include underground parking.

13. We are requesting a density modifications as follows: overall development density to 11.12 units to the acres (1,020 units on 91.73 acres in Phases I- VII), Phase 7c to 58.031 units to the acre (224 units on 3.86 acres) and Phase 7d to 16.901 units to the acre (24 units on 1.42 acres).

The requested modifications are in line with current national trends in development and enhance the quality of life for existing and future residents. First, the increased density allows for a “city feel” in an urban environment, a trend that is gaining popularity nationally. This city feel includes walkable retail spaces which are already present, and which will be enhanced with the proposed expansion of units and density. Second, the increased household population within Greenspire allows for additional amenity spaces to be developed
(additional walking paths, dog park, etc.) that benefit all residents of Greenspire. The reduced amount of retail/commercial square footage (from the previously approved PD Tentative plan) will be less intensive from the traffic standpoint. Further, the traffic signal was installed at the Centre and Cooley to provide for this anticipated growth. Finally, we will be providing enhanced vegetative screening between the units proposed for Phase 7d and the residential home to the south of Phase 7d to include up to a 5’ berm with 6-8’ conifers on 25’ staggered spacing. This screening will be similar to what was constructed east of the residential home for Phase 5.

14. We intend to make our submittal for the final phase of the planned development in 2022.

15. Since the successful implementation of the plan is required both by the ordinance and by our own standards, we do not feel that any performance bonds are necessary. We have a long-standing reputation for successful completion of our projects and the meticulous management of our developments after build-out.

We look forward to the opportunity to discuss this plan with City Staff, Planning Commission and City Council.

Sincerely,

Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman
TO: Planning Commission                                      DATE: January 17, 2020
FROM: Christopher Fort, Interim Director of Community Development
SUBJECT: Special Land Use Permit for Airtech Automation (heating & cooling contractor), 8815 South Sprinkle Road

I. INTRODUCTION:

An application has been submitted by Kyle McLeod, requesting a special land use permit to establish an office/showroom for a heating & cooling contractor (Airtech Automation) within the southern portion of the existing commercial building located at 8815 South Sprinkle Road. The approximate 1.2-acre site is zoned B-3, general business and improved with an approximate 11,800 square foot building and associated site improvements originally constructed/occupied by Printing Services.

II. BACKGROUND INFORMATION:

The following background information is provided for Commission consideration:

<table>
<thead>
<tr>
<th>Existing Land Use/Zoning</th>
<th>Subject Site: Existing 11,800 square-foot commercial building and associated site improvements zoned B-3, general business.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North (across Mahoney Street): Single family residences zoned R-1A, one family residential.</td>
</tr>
<tr>
<td></td>
<td>West (across South Sprinkle Road): Single family residences zoned R-1B, one family residential.</td>
</tr>
<tr>
<td></td>
<td>South (across Lum Street): VFW Post 5855 and other commercial businesses zoned B-3, general business.</td>
</tr>
<tr>
<td></td>
<td>East: Single family residences zoned R-1A, one family residential.</td>
</tr>
<tr>
<td>Access</td>
<td>Existing full service driveway from Sprinkle Road. Existing full service driveway from Lum Street. No new access drives are proposed with project.</td>
</tr>
<tr>
<td>Public Street</td>
<td>South Sprinkle Road is designated a 3-lane major arterial county roadway with 13,901 (2016) vehicles per day and a capacity of 38,700 vehicles per day (level of service “D”).</td>
</tr>
<tr>
<td>Historic District/ Structures</td>
<td>The subject site is not located within a historic district and does not contain any historic structures.</td>
</tr>
<tr>
<td>Environmental</td>
<td>The subject property is not encumbered by wetlands, floodplains or other environmental sensitive areas.</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>Municipal water and sewer are available.</td>
</tr>
<tr>
<td>Land Development Regulations</td>
<td>• The Special Land Use permit application has been submitted under Section 42-262.C.6, Offices and showrooms for building, plumbing, electrical or mechanical contractors, subject to conditions. Section 42-462, General Standards for Review of Special Land Uses is also applicable and sets forth the criteria for evaluating a special land use and allows conditions to be established.</td>
</tr>
</tbody>
</table>
III. ANALYSIS:

The proposal to establish a heating & cooling contractor within the existing commercial building located at 8815 South Sprinkle Road fulfills the requirements for issuance of a Special Land Use Permit. As detailed in the attached materials, the applicant proposes to establish Airtech Automation within the southern approximate 7,300 square feet of this existing commercial building with the remaining portion of the building proposed to be leased to a similar contractor business (building, plumbing, electrical or mechanical) in the future. Required interior building modifications will occur, however, no exterior site changes are planned.

According to the applicant, Airtech Automation will house 3-4 office associates and will be the primary location for nine technicians who will typically take service vehicles home every night. Consistent with ordinance requirements, no fabrication of materials and no exterior storage of equipment or materials/supplies including portable construction offices will occur at the subject property. According to the applicant, “Ninety-nine percent of our work is done on the construction site and equipment or materials delivered directly to that work site not the facility of the business”.

Per statutory requirements, resident/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. At the time of report preparation, no citizen communications and/or phone calls have been received regarding the proposed Special Land Use Permit.

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 Airtech Automation (heating & cooling contractor) at 8815 South Sprinkle Road, be approved subject to the applicant obtaining all necessary building related permits for interior building modifications and any other Building/Fire Code requirements.

Attachments: Vicinity/Zoning Map
Aerial Photograph Map
Special Land Use Permit Application and Supporting Information
# Applicant Information

<table>
<thead>
<tr>
<th>Name</th>
<th>Kyle McLeod</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>3523 Louisma Dr.</td>
</tr>
<tr>
<td>City</td>
<td>Grand Rapids</td>
</tr>
<tr>
<td>State</td>
<td>MI</td>
</tr>
<tr>
<td>Zip code</td>
<td>49548</td>
</tr>
<tr>
<td>Telephone Number</td>
<td>616-534-0032</td>
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# Owner Information (if different)

<table>
<thead>
<tr>
<th>Name</th>
<th>Telephone Number</th>
</tr>
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<tbody>
<tr>
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<table>
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<tr>
<th>Address</th>
<th>City</th>
<th>State</th>
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# Property Information

<table>
<thead>
<tr>
<th>Address of property</th>
<th>Zoning District</th>
<th>Land Area (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>8815 S Sprinkle Rd</td>
<td>B-3</td>
<td>1.2</td>
</tr>
</tbody>
</table>

Legal Description (or attach separate page)

Lots 60, 61, 62, 63, 64, & 65 Ramona Park

# Proposed Use

We will be using the property for offices and storage. Our service team will be using this facility. During working hours there will be three to four individuals in the office. Our technicians bring our work vehicles home everyday. We service commercial heating and cooling units. This facility will also house our controls service division. We would be storing equipment and parts we use for servicing commercial heating and cooling units. Future plans to be a part pick-up or rental store for commercial heating and cooling equipment.

# 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: ____________________
Regarding 8815 S Sprinkle Road Special Land Use Permit and complying with the Section 42-262.C.6 of the Zoning Ordinance. We are a Heating and Cooling Distributor and would be using this particular property’s facility for our growing Service and Technician Heating and Cooling team called Airtech Automation. The primary function for Airtech Automation at this facility is to house three to four office associates and have a primary location for nine technicians. Our technicians take the company service vehicles home with them at all times and if a vehicle is left on site we make accommodations to park the vehicle inside. We do not fabricate materials, we don’t require exterior storage for equipment or materials, and don’t have portable construction offices. Ninety-nine percent of our work is done on the construction site and equipment or materials delivered directly to that work site not the facility of the business. The size of the facility allows us to have plenty of room to temporarily store any small equipment or vehicles inside the facility. We have twelve employees that would work out of this facility and nine of them live in the surrounding areas of Portage.

As for the property use beyond our needs we would like to rent out a portion of the building. In compliance with the Special Land Use Permit and the City Zoning Ordinance under a Commercial B-3 Zone we would be looking for a company that is either plumbing, electrical, or mechanical contractors. This would mean that we as the owner will strictly enforce the Zoning Ordinance regulations set in Section 42-262.C.6. If a renter was not to comply or agree to this regulation they will not be considered for the renter agreement. If any questions on the renter and if their business is allowed we would ask the city for guidance and approval.

The future of the property we will be utilizing the entire building. We are expanding our control division and they will need the other office area in the short future. The renter would be a short term situation. We would also like to operate in the future with a small parts location. This parts location would mostly be pre-purchased products getting picked up and small tools, small machinery, and other small commercial heating and cooling equipment needs. Commercial parts locations are mainly driven by pre-purchases and only non-public retailing.
Image/Sketch for Parcel: 06900-064-B

MAHONEY STREET
186.00'

SPRINKLE ROAD
106.00'

Land
52272.00 sf

LUM STREET
284.00'

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TO: Planning Commission
FROM: Christopher Forth, Interim Director of Community Development
DATE: January 17, 2020
SUBJECT: Request to Vacate West Portion of Gladys Street

I. INTRODUCTION/BACKGROUND:

An application has been received from McShane & Bowie, PLC, representing PlazaCorp Realty Advisors, requesting the city vacate its interest in 1) the former Gladys Street public right-of-way (west approximate 416 feet) located along the east side of South Westnedge Avenue, and 2) the service drive that extends north/south from the former Gladys Street to the new or realigned Gladys Street (see attached aerial photo map). Both of the former roadway or service drive segments are located in the Curry Plat recorded in Lib 12, Page 3.

Prior to 1994, the western portion of Gladys Street extended to South Westnedge Avenue, as a straight road, between the Burger King property at 6415 South Westnedge Avenue and the former Mercantile Bank property at 6405 South Westnedge Avenue (see attached 1989 aerial photo map). In 1994, Gladys Street was reconstructed and relocated to the north so as to align with the South Westnedge Avenue/Mall Drive signalized intersection. However, the right-of-way of this former public street was never formerly vacated. In addition, and in conjunction with the realignment, a north/south service drive was constructed from the old Gladys Street to the new or realigned Gladys Street. This service drive is open for use by the public and has been maintained by the city since it was constructed. As a result, vacation of this right-of-way is also necessary. Since 1994, both of these roadway segments have primarily functioned as service drives for Burger King and Mercantile Bank employees and customers, between South Westnedge Avenue and Gladys Street.

As further background, City Council on October 1, 2019 approved a purchase agreement to sell excess city property located along the east side of 6405 South Westnedge Avenue (south of Gladys Street) to PlazaCorp Realty Advisors. After the city closes on the property with PlazaCorp and the right-of-way is vacated, PlazaCorp will redevelopment this property with a new retail center.

II. STREET VACATION REVIEW:

Existing Conditions. Following the 1994 Gladys Street/Mall Drive realignment project, the west approximate 416 feet of Gladys Street was converted to a service drive that continues to provide a limited access (right-in only) for northbound South Westnedge Avenue traffic, and full-service access to the realigned sections of Gladys Street. Individual driveways from this service drive currently exist for the former Mercantile Bank site (6405 South Westnedge Avenue) and existing Burger King site (6415 South Westnedge Avenue). While this remaining Gladys Street service drive functions more like a private driveway than a public street, the continued designation as a public street creates continued maintenance responsibilities for the city, as well as development limitations and challenges to the adjacent property owners.
Street Vacation Process. The process to vacate a public street and associated right-of-way that was dedicated and recorded as part of a plat (existing east/west service drive) is established in the State of Michigan Land Division Act and the City Charter. The Land Division Act specifies that when the municipality determines that it necessary for the public health, welfare, comfort and safety of the people in the community to discontinue a public street, a resolution or ordinance must be adopted and recorded with the County Register of Deeds and with the State of Michigan Department of Commerce. Consistent with the statutory requirements, one-half of the vacated right-of-way involving the west approximate 416 feet of the former Gladys Street is conveyed to each abutting property owner (one half to PlazaCorp and one half to Burger King). With regard to the north/south service drive, this drive was not formerly dedicated as public right-of-way as part of a recorded plat and not subject to the same statutory requirements. In any event, the property owner on either side is the same.

Planning Commission and City Administration recommendations are provided to City Council, which makes the final decision. The City Charter requires that Council place the proposed vacation request on file for 28 days to allow for adequate public comment before taking final action.

Finally, vacation of west approximate 416 feet of the former Gladys Street does not convey legal title to the abutting property owners or amend the Curry Plat. In order for the abutting property owners to obtain legal title to their portion of the vacated public right-of-way, the Circuit Court must be petitioned and subsequently approve an amendment to the Curry Plat.

Given the existing development pattern and surrounding land ownership, a future redesignation/reuse of this service drive as a functional public street is not practical and this public right-of-way is not needed by the city. If the vacation is approved by City Council, the existing east/west service drive that provides access to the two northern Burger King driveways will remain. Any changes to this drive, including maintenance, will be a private matter between the two property owners. Finally, public water, sanitary sewer and storm sewer mains are currently located in the approximate 416-foot section of Gladys Street proposed to be vacated. The city will retain appropriate easements for these existing municipal utilities.

III. RECOMMENDATION

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that the west approximate 416-feet of Gladys Street, along with the north/south service drive, be vacated subject to the city retaining appropriate easements for the existing public water, sanitary sewer and storm sewer mains.

Attachments:

Aerial Photograph Map (2018)
Aerial Photograph Map (1989)
December 6, 2019 Communication from the Applicant
Christopher Forth, AICP
Deputy Director of Planning, Development and Neighborhood Services
City of Portage Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

Re: Property Situated Immediately East of 6405 South Westnedge,
Portage, Michigan

Dear Mr. Forth:

We represent PlazaCorp in connection with the proposed acquisition by 6405 SW, LLC of the above referenced property (the “Property”) from the City of Portage, pursuant to a Purchase and Sale Agreement dated November 12, 2019 (the “Purchase Agreement”). Pursuant to section 12 (C) of the Purchase Agreement we hereby request the City of Portage to vacate the west 413 feet of Gladys Street in the Curry Plat and all public streets and right of ways situated on the Property. The areas to be vacated are depicted on the attached drawing. PlazaCorp will deposit the sum of $850 with you in payment of the fee associated with the vacation.

Please proceed with the vacation as expeditiously as possible and let me know if you need anything else from us in connection with the requested vacation.

Very truly yours,

Dan M. Challa

DMC/jit
cc: Randy Brown
MATERIALS TRANSMITTED
CITY COUNCIL MEETING MINUTES FROM DECEMBER 17, 2019

The Regular Meeting was called to order by Mayor Patricia Randall at 7:00 p.m. The following members were present: Councilmembers Chris Burns, Richard Ford, Lori Knapp, Claudette Reid, Terry Urban, Mayor Pro Tem Jim Pearson and Mayor Patricia Randall. Also in attendance were City Manager Joe La Margo, City Attorney Randy Brown and Deputy City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to honor all religions and personal beliefs and in recognition of a safe and happy holiday season.

Following the moment of silence, the City Council and audience recited the Pledge of Allegiance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Councilmember Reid removed Items A.4, Personal Protective Equipment, and A.6, 2020 Fees Schedules, from the Consent Agenda. Councilmember Urban removed Item A.5, Cemetery Fencing, from the Consent Agenda. Motion by Reid, seconded by Burns, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF MINUTES: Motion by Reid, seconded by Burns, to approve the Regular Meeting Minutes of December 3 and Pre-Council Meeting Minutes of December 16, 2019. Upon a roll call vote, motion carried 7 to 0.

APPROVAL OF ACCOUNTS PAYABLE REGISTER OF DECEMBER 17, 2019: Motion by Reid, seconded by Burns, to approve the Accounts Payable Register of December 17, 2019. Upon a roll call vote, motion carried 7 to 0.

CITY HALL HVAC REPLACEMENT: Motion by Reid, seconded by Burns, to authorize the purchase and installation of new City Hall HVAC equipment from the Carrier Corporation utilizing the Sourcewell Cooperative Purchasing Program at a total cost of $98,000, and authorize the City Manager to execute all documents related to the purchases on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

AMENDMENT TO CODE OF ORDINANCES - UTILITIES: Motion by Reid, seconded by Burns, to accept the amendment to Division 7, Section 82-196, Article 2 “Water System” in the City of Portage Code of Ordinances for first reading and set a second reading with final adoption for January 14, 2020. Upon a roll call vote, motion carried 7 to 0.

CONFIRMATION OF INTERIM DIRECTOR OF COMMUNITY DEVELOPMENT AND INTERIM CITY CLERK: Motion by Reid, seconded by Burns, to confirm the appointments of Christopher Forth as Interim Director of Community Development and Erica Eklov as Interim City Clerk. Upon a roll call vote, motion carried 7 to 0.

NONPROFIT ORGANIZATION RECOGNITION - ANGLING ROAD PARENT TEACHER ORGANIZATION: Motion by Reid, seconded by Burns, to adopt the Resolution for Charitable Gaming License recognizing the Angling Road Parent Teacher Organization as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 7 to 0.
MINUTES OF BOARDS AND COMMISSIONS: Motion by Reid, seconded by Burns, to receive the minutes of the Portage Public Schools Board of Education Regular Business Meeting of November 25 and the Youth Advisory Committee of November 11, 2019. Upon a roll call vote, motion carried 7 to 0.

MATERIALS TRANSMITTED: Motion by Reid, seconded by Burns, to receive the Materials Transmitted of December 3, 2019. Upon a roll call vote, motion carried 7 to 0.

CALENDAR OF MEETINGS: Motion by Reid, seconded by Burns, to receive the Calendar of Meetings. Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Jim Stephanak, 10725 Cora Drive and Sarah Baker, 5769 Stoney Brook Road, spoke on behalf of the Portage Community Senior Center “Engage. Empower. Enrich.” Fundraising campaign. Mr. Stephanak and Ms. Baker thanked everyone for the continued support of the campaign, noting that $3.96 million has been raised to date. They debuted a short video created for continued awareness of the fundraising campaign. Following the video, Mayor Randall thanked Mr. Stephanak and Ms. Baker for their volunteering efforts and noted the remaining funds to be raised. City Manager La Margo also thanked Mr. Stephanak and Ms. Baker for their efforts. City Manager La Margo further noted that the City Administration planned to receive RFPs for professional construction management services for the new Community Senior Center and hoped to have a recommendation to City Council by the end of January. He further stated that the hope is to break ground on the new Community Senior Center by late summer 2020. Mayor Randall further thanked Communications Manager Mary Beth Block, Senior Citizen Services Manager Kim Phillips and City Manager La Margo for their efforts with the fundraising campaign.

Chris Buckley, Executive Director for the Portage Community Center (PCC), provided an update on the status of the PCC holiday programs. To date, he noted that 129 Thanksgiving food baskets and 165 Christmas baskets had been provided, all 99 of the families that had applied for adoption in the Christmas giving program had been adopted and 46 children had attended the PCC holiday party. He thanked Councilmember Burns, City Manager La Margo, the Youth Advisory Committee, Deputy City Manager Adam Herrling, Deputy City Clerk Erica Eklov and City of Portage employees for their generosity, family adoptions and food donations. Mr. Buckley noted the upcoming bid opening for the PCC parking lot improvements and stated PCC is awaiting construction drawings for the planned interior and exterior improvements and modifications. Mr. Buckley highlighted that the funding received from the city’s Human Service Grant program has allowed for these projects to advance. Finally, Mr. Buckley stated that PCC fundraising is ahead by 65 percent at this time in the year. Councilmember Reid asked Mr. Buckley what PCC had been doing differently to have such an increased fundraising amount. Mr. Buckley responded that PCC has increased awareness and social media presence. Mayor Randall asked Mr. Buckley regarding the percentage of Portage families served by the PCC. Mr. Buckley responded that the majority of the community center is solely for Portage residents, with the exception of the clothing donations and food pantry. He offered that approximately 5,400 families utilized the food pantry in 2018 with 40 percent being Kalamazoo residents. Mayor Randall thanked Mr. Buckley for his efforts and thanked Councilmember Burns for getting City Council more involved with PCC.
PUBLIC HEARINGS:

BROWNFIELD REDEVELOPMENT PLAN AMENDMENT NO. 8, CENTREPORT COMMONS:
Mayor Randall opened the public hearing and City Manager La Margo asked Community Development Deputy Director Chris Forth to review the proposed development. Deputy Director Forth explained the proposed Plan Amendment and the development history of the site. He highlighted the current Bronson FastCare development at the noted location at the corner of East Centre Avenue and Portage Road. Mr. Forth noted that the previous Brownfield Redevelopment Plan No. 6 had been terminated in September 2019 to allow the developer, Treystar Holdings, LLC, to begin capturing the $147,000 approved in 2010 for eligible activities.

Mayor Randall inquired as to why the existing veterinary clinic parcel at 8037 Portage Road was excluded from the proposed Brownfield Plan. Deputy Director Forth deferred to the developer.

Mayor Pro Tem Pearson asked if the $25,000 in noted gateway improvements was solely for the southeast corner of the intersection. Deputy Director Forth responded that the current proposal focuses only on the southeast corner.

Councilmember Reid requested clarification regarding the number of employees quoted for the new Bronson facility, whether they were transfers or new hires. Deputy Director Forth responded that the employees will be transfers from existing locations.

Applicant Fritz Brown of Treystar Holdings, LLC, introduced himself and responded to Mayor Randall’s earlier question, noting that the existing veterinary clinic at 8037 Portage Road is included in the condominium association at the site but chose not to participate in the Brownfield Plan.

Councilmember Reid inquired whether Mr. Brown had any other planned tenants for the other parcels. Mr. Brown responded that there has been inquiries and discussions with potential retail vendors, as well as a drive-thru restaurant or pharmacy.

Mr. Brown introduced Joe Agostinelli of Southwest Michigan First as the liaison between Mr. Brown and the city. Mr. Agostinelli thanked City Council for their support.

Mayor Pro Tem Pearson inquired about the design parameters for the condominium association at the location. Mr. Brown responded that the plan is similar to the Woodbridge Shopping Village with similar building exteriors and shared snow plowing costs. Upon further inquiry, Mr. Brown noted that parameters will vary based on the particular retailers.

Mayor Randall closed the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Pearson, seconded by Reid, to accept the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 8 (8015, 8043 and 8061 Portage Road, and 2610 and 2700 East Centre Avenue). Councilmember Ford thanked the developer for remediation efforts at the site. Mayor Pro Tem Pearson stated he was glad to finally see development on the parcel. Mayor Randall echoed Mayor Pro Tem Pearson, noting her excitement to see further improvement in the Portage Road corridor and Lake Center area. Upon a roll call vote, motion carried 7 to 0.

REGULAR BUSINESS:

PERSONAL PROTECTIVE EQUIPMENT - COOPERATIVE PURCHASE RECOMMENDATION:
Councilmember Reid provided a summary of the agenda item and expressed concern that the item did not follow the general bid process. Mayor Randall highlighted the responses provided following the December 16th Pre-Council meeting that noted the recommended purchase was done through a purchasing consortium. City Manager La Margo deferred to Public Safety Director – Police/Fire Chief Nicholas Armold to provide further background.
Chief Arnold summarized the personal protective equipment (PPE) replacement process and associated federal regulations. Following an inquiry from Mayor Pro Tem Pearson, Chief Arnold offered that every five years, the current PPE is rotated to a second-tier lineup while the new PPE serves in the first tier. Chief Arnold stated that the previous second-tier PPE that exceeds the federal 10-year functional life stipulation is donated to a college fire science program. Chief Arnold explained that the prior two calls for bid in 2010 and 2015 only received one bidder, that being the recommended vendor for the current agenda item. He also stated that the City of Grand Rapids had recently put out the same bid and awarded the purchase to that same bidder, who is also the state vendor.

Motion by Pearson, seconded by Ford, to approve the purchase of 30 sets of Personal Protective Equipment from Douglass Safety Systems at a cost of $65,940, and authorize the City Manager to execute all documents related to the purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

CEMETERY FENCING AND TREE REMOVAL - BID TABULATION: Councilmember Urban briefly summarized the agenda item and asked that if any of the older cast iron fencing was still in place that it be saved for historical purposes. Motion by Urban, seconded by Burns, to award a contract in the amount of $45,668 to Dewitt Fence Company, for the removal and replacement of existing fencing and removal of trees at South Cemetery, Indian Fields Cemetery and Dry Prairie Cemetery, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

2020 FEES SCHEDULES: Councilmember Reid provided a summary of the agenda item and expressed concern with the recommended fee increase for the softball teams with the inability to differentiate non-resident members in the team registration software and generically raising the fee for all teams. She also expressed concern with the city’s softball league rates as compared to neighboring municipalities.

Councilmember Ford offered a response based on prior participation in the city softball leagues, noting the inconvenient locations of the fields outside Portage. He noted that the teams he has previously participated with would incorporate any non-resident fees into the overall team costs. Councilmember Ford stated he deferred to the recommendation of the Parks Department based on the staff’s experience with the administration of the program.

City Attorney Brown stated that any user fee that a municipality charges in the State of Michigan has to be based on the actual cost to administer the program and a non-resident fee can be charged as long as it is a reasonable charge.

Councilmember Urban inquired regarding the status of the proposed Farmers’ Market fee following discussion on the proposed fee increase at the Pre-Council Meeting. Following discussion, Deputy City Clerk Eklav clarified the fee remained as originally proposed.

Motion by Urban, seconded by Ford to adopt the: 2020 Freedom of Information Act fees, 2020 Recreation and Park Facility fees, 2020 Community Development and Building Permit fees, 2020 Right-of-Way Permit Fees, and 2020 Special Assessment Rates. Councilmember Reid motioned to divide the question to separate the 2020 Recreation and Park Facility fees item for an individual vote. Councilmember Urban obliged with an amendment to his motion. Amended motion by Urban, seconded by Ford, to adopt the: 2020 Freedom of Information Act fees, 2020 Community Development and Building Permit fees, 2020 Right-of-Way Permit Fees, and 2020 Special Assessment Rates. Upon a roll call vote, motion carried 7 to 0. Additional motion by Urban, seconded by Burns, to adopt the 2020 Recreation and Park Facility fees. Upon a roll call vote, motion carried 6 to 1 with Councilmember Reid voting no.
COUNCIL COMMITTEE REPORTS: Councilmember Urban shared an update regarding the activity of the Gourdneck Lake Governmental Lake Board. He stated the Board recently met to review financial status, weed treatment analysis and future planning. Mayor Pro Tem Pearson inquired how the weed reduction was proceeding. Councilmember Urban responded that treatment was going well and there had been no complaints. Motion by Pearson, seconded by Knapp, to receive the Council Committee Report as presented. Upon a voice vote, motion carried 7 to 0.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Burns wished everyone a happy holiday season and New Year.
Councilmember Ford thanked staff for attendance at the meeting and offered congratulations to the Parks Department for a well-attended Annual Tree Lighting event.
Councilmember Urban also wished everyone a happy holiday season and stressed the importance of safe winter driving.
Councilmember Reid echoed the prior holiday season wishes and noted recent issues in her neighborhood with package thefts. She highlighted the recent state law passage allowing law enforcement to better address stolen package matters and her hopes that this will help. She offered wishes for safe holiday travels.
Councilmember Knapp stated she was happy to see the new video for the Portage Community Senior Center fundraising campaign. She noted the confirmation of the interim appointments of Chris Forth and Erica Eklov, thanking each for their efforts and years of service. Councilmember Knapp also offered thanks to Councilmember Burns for his assistance and coordinating City Council adoption of a Portage Community Center family.
City Manager La Margo began by noting that the city was pre-treating streets for the night’s expected snow. He then highlighted four recent awards the city had received for the new Celery Flats Pavilion, the Portage-Lakeview Safety Project, the Idaho Avenue Reconstruction Project and the West Milham/Oakland Drive Improvements. At City Manager La Margo’s invitation, Directors Gwin and Russell came forward to speak regarding the awarded projects.
Mayor Pro Tem Pearson wished everyone a happy holiday season and also thanked Councilmember Burns for his efforts with the Portage Community Center. He closed by asking everyone to be safe in the winter weather.
Mayor Randall complimented the Office of the City Clerk on the excellent results of a recent election audit. Mayor Randall then thanked the Parks Department for the well-attended Annual Tree Lighting Ceremony, Holiday Market and Ice Rink opening. She noted the upcoming holiday closures of city offices. Mayor Randall closed by wishing everyone a happy holiday season.

ADJOURNMENT: Mayor Randall adjourned the meeting at 8:20 p.m.

Erica L. Eklov, Interim City Clerk
MINUTES FROM THE PRE-MEETING
OF THE PORTAGE CITY COUNCIL
OF JANUARY 13, 2020

Mayor Patricia Randall called the meeting to order at 8:00 a.m. Councilmembers Chris Burns, Lori Knapp and Mayor Pro Tem Jim Pearson joined via the conference phone line. Councilmembers Richard Ford, Claudette Reid and Terry Urban were absent with excuse. Also in attendance were City Manager Joseph La Margo, Deputy City Manager Mike Carroll, Deputy City Manager Adam Herringa and Interim City Clerk Erica Eklov.

With regard to Item A.5, Mayor Randall noted the questions previously e-mailed by Councilmember Reid. Councilmember Knapp stated she shared Councilmember Reid’s questions, inquiring as to the answers. Mayor Randall deferred to City Manager La Margo to respond. City Manager La Margo noted that Councilmember Reid’s main concern was whether the in-kind donation proposed by AVB was an opportunity available for all interested vendors. He stated that the in-kind donation from AVB entailed assistance with review and vendor selection for the architect and engineer portion of the project. At the request of the Mayor, City Manager La Margo noted that the amount of $503,713 listed in the bid tabulation included the in-kind donation amount and that the bid would have been $648,713 without the donation. Councilmember Knapp inquired whether all bidding vendors had the same opportunity and if the city was proceeding appropriately. City Manager La Margo stated that the RFP was written as such and it was included as part of the pre-bid meeting with vendors that an in-kind donation could be part of the bid structure. Councilmember Knapp inquired whether the other in-kind donation submitted was also factored into the bid totals shown. City Manager La Margo confirmed that it was part of the prices listed and noted the other vendor offered a flat discount in the amount of $10,000.

Councilmember Burns inquired as to the city’s contract obligation should the fundraising goal run short. Mayor Randall responded that the project will move forward regardless, but noted that less funds will ultimately result in building less and more modestly.

Mayor Randall inquired why the City Manager’s report quoted a construction start date of fall 2020 when the goal was summer 2020. City Manager La Margo responded that the plan remains summer 2020, but the fall 2020 date is provided for caution. Mayor Randall further inquired whether the city has a complete timeline for the project. City Manager La Margo stated that he will research and respond.

With regard to Item A.6, Mayor Pro Tem Pearson noted that the amount of $70,400 from Kalamazoo County seemed somewhat small. He asked that the City Administration provide responses to two questions regarding the senior millage before the next City Council Retreat. First, he inquired on the amount of funding the other jurisdictions included in the millage received. Second, he asked to know the identities of the top six entities that received the largest funding amounts. He noted his desire to ensure Portage receives equal distribution with future millages.
Councilmember Burns noted that some of the entities receiving County millage funding may not be governmental agencies, but non-profits. City Manager La Margo offered to ascertain the County’s formula for funding distribution.

Mayor Randall inquired as to the dollar amount originally asked for by the city. Deputy City Manager Carroll responded that it was $90,000.

Mayor Pro Tem Pearson asked whether responses to Councilmember Reid’s e-mailed questions on this item had been provided. City Manager La Margo stated that he will research and respond.

With regard to Item C.1, City Manager La Margo noted Councilmember Reid had several questions listed in her e-mail regarding working with the DNR to determine deer population numbers and whether this was more of a regional issue. City Manager La Margo stated that he planned to research and respond.

Mayor Pro Tem Pearson asked staff to check with neighboring jurisdictions to inquire how they are approaching the deer population issue. Mayor Randall stated she would like an opinion regarding the relation of deer population numbers and automobile-deer accidents. Councilmember Burns noted the DNR might be able to provide guidance regarding deer count limits for comparison with any city count. Mayor Randall inquired whether there is a potential threat of Lyme Disease occurring locally.

Deputy City Manager Herringa requested clarification regarding the expected timing for deer population answers, citing the recommendation on the agenda to refer the item to the City Administration and report back at a later time. Councilmembers responded that answers can be provided in the comprehensive report. Mayor Randall asked Interim Clerk Eklov to contact the Environmental Board Chair to clarify whether a board representative would be present at the Council Meeting.

With regard to the Board and Commission Interview Session, Mayor Randall reminded City Council of the meeting start time and asked for clarification on receipt of the applicant packets. Interim Clerk Eklov responded that the Interview Session packet was uploaded to BoardView, but understood that the prior City Clerk would provide City Council the full packet via e-mail with the agenda the Friday before. She stated she would e-mail City Council with the full packet after conclusion of the Pre-Council Meeting.

**ADJOURNMENT:** Following a summary of the meeting, Mayor Randall adjourned the meeting at 8:29 a.m.

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Erica L. Eklov, Interim City Clerk