

CITY OF PORTAGE PLANNING COMMISSION

F I N A L A G E N D A

February 18, 2010

(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

February 4, 2010

SITE/FINAL PLANS:

1. Site Plan: Portage Animal Hospital 8037 Portage Road

PUBLIC HEARINGS:

- * 1. Preliminary Report: Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive)
2. Final Report: Ordinance Amendment #09-B (Sign Ordinance Regulations)

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

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

TO: Planning Commission **DATE:** February 18, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Preliminary Report: Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive)

The preliminary report for this rezoning that was provided to the Planning Commission on February 12, 2010 has been revised based on receipt of revised information from the applicant. On February 17, 2010, the applicant clarified the phasing elements of the PD rezoning application. The following staff report summarizes the proposed tentative plan and Zoning Code standards/requirements and concludes with a preliminary analysis.

I. INTRODUCTION

A PD, planned development rezoning application has been received from American Village Builders Companies and The Hinman Company for a tract of land located along the south side of West Centre Avenue, opposite Cooley Drive. Mr. Joseph Gesmundo and Mr. Roger Hinman own and control the properties requested for rezoning.

Property Address	Owner of Record	Parcel Number	Zoning	
			Existing	Proposed
3201 West Centre Avenue	Lakewood Management	00020-131-O	RM-1	PD
3317 West Centre Avenue	Lakewood Management	00019-105-O	RM-1	PD
3413 West Centre Avenue	Lakewood Management	00019-095-O	RM-1	PD
3423 West Centre Avenue	Lakewood Management	00019-096-O	RM-1	PD
3145 Greenspire Drive	Greenspire II Apartments	00020-135-O	RM-1	PD
8380 Greenspire Drive	Greenspire Equity I	00020-130-O	RM-1/R-1C	PD
8401 Greenspire Drive	Greenspire	00020-136-O	RM-1	PD
3413 Fawn Cove Lane	Greenspire II Apartments	00019-100-O	RM-1	PD
8615 Tozer Court	Lakewood Management	00020-140-O	RM-1	PD
Total: Nine parcels (94.64 acres)*				
* exclude 14.77 acres which is part of Hampton Lake				

The change in zoning is being requested to facilitate additional multiple family development, and retail/office uses along West Centre Avenue, now zoned RM-1, multi-family residential but planned for general business per the 2008 Comprehensive Plan. A portion of the land in the rezoning is occupied by Phases I, II and III of the Greenspire Apartments (384 units on 46.6 acres) approved in 1974, 1977 and 1980, respectively, and constructed. The planned development proposes three additional apartment phases of the Greenspire Apartments (Phases IV, V and VI) on approximately 37 acres along with 11 acres of retail/office land use along the northern portion of the site, adjacent to West Centre Avenue.

Also, six single-family zoned and developed properties abut the rezoning site and are situated on Tozer Court and Shirley Court, which are private streets. Careful consideration of these properties, as well as Hampton Lake and adjacent wetland/natural areas, is necessary and appropriate as part of this rezoning consideration.

II. EXISTING CONDITIONS

Land Use/Zoning	<p><u>Rezoning Site:</u> Phases I, II, and III of the Greenspire Apartments, plus vacant properties, which are zoned RM-1, multiple family residential and R-1C, one family residential (extreme northeast corner of rezoning site). A single family residence is also located on a portion of the 8615 Tozer Court parcel, which is zoned RM-1.</p> <p><u>North:</u> Across West Centre Avenue, various office developments zoned OS-1, office service and PD, planned development.</p> <p><u>East, West, South:</u> Vacant land owned by the State of Michigan (Gourdneck State Game Area) zoned R-1C, one family residential. Additionally, six single family residences located on Shirley Court and Tozer Court, also border the rezoning site to the south.</p>
Zoning/Development History	<ul style="list-style-type: none"> • The existing RM-1 and R-1C Greenspire zoning pattern was established through three separate rezoning applications in 1970, 1973 and 1980. • Rezoning of nearby properties has occurred over the past several years: <p><u>Rezoning Application #05-05 (2301 West Centre Avenue and 8080 Oakland Drive).</u> In July 2006, City Council rezoned this 48 acre tract of land located near the southwest corner of Oakland Drive and West Centre Avenue from OTR, office, technology and research to PD, planned development for the Oakland Hills at Centre Planned Development. This planned development project includes office land use along the West Centre Avenue frontage and attached single-family residential condominiums within the remainder of the property.</p> <p><u>Rezoning Application #04-04 (8706, 8716, 8948 and 9000 Oakland Drive).</u> In February 2005, City Council rezoned this 82 acre tract of land located along the west side of Oakland Drive, north of Vanderbilt Avenue, from R-1C, one family residential to PD, planned development for the Oakland Hills Planned Development with attached single-family residential condominiums.</p> • On October 12, 2009, the Zoning Board of Appeals (ZBA) denied a variance request from Greenspire to construct three 12-unit apartment buildings at 8401 Greenspire Drive 10-feet from the east property line, where 30-feet is required in the RM-1 zoning district. The portion of the Greenspire property involved in this ZBA consideration is referenced as Phase IV, Apartments in the PD rezoning and tentative plan/narrative application.
Public Streets	<p>West Centre Avenue is a designated four-five lane major arterial with a posted 45 mph speed limit and approximately 24,500 vehicles per day (2009); capacity of 32,500 vehicles per day (level of service “D”).</p>
Historic District/Structures	<p>The subject site is not located within a historic district and does not contain any historic structures.</p>
Public Utilities	<p>Municipal water and sewer are available.</p>
Environmental	<p>The City of Portage Sensitive Land Use Map identifies areas of high sensitivity wetlands within the northwest and southeast portions of the rezoning site. The rezoning site borders on Hampton Lake which has a surface area nearly 1 million square feet (or 22 acres), and, also, Portage Creek with associated regulated floodplain areas.</p>

III. ZONING CODE/PLANNED DEVELOPMENT PROCEDURES-REGULATIONS

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

The Planning Commission will provide a recommendation to City Council regarding the tentative plan. If approved, the planned development must proceed in accordance with the tentative plan. Approval of the tentative plan by Council constitutes rezoning of the land to PD and allows the submission of a final plan for Administrative, Planning Commission and City Council review. A final plan is submitted in detailed form and is subject to a review process similar to a site plan. If no final plan for development is submitted

within two years from the date of approval of the tentative plan, Council may either extend the approval for a period not to exceed two years or immediately initiate rezoning proceedings to re-designate the property to a more suitable zoning classification. Under the terms of the ordinance, any change to the tentative plan, such as modifying an approved land use class or adding a land use class, will require formal review and approval, with public hearings, in a manner similar to a rezoning procedure.

Section 42-374 of the Land Development Regulations contains the PD district development design standards. This section provides flexibility in the types of land uses and up to 20% of the total land area can be utilized for nonresidential uses. The planned development applicant is required to provide public water, public sanitary sewer and a pedestrian system. The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types. The overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under this ordinance section. Additionally, Section 42-375.C of the Land Development Regulations includes 15 required elements that must be addressed in the tentative plan/narrative.

The PD district and the tentative plan/narrative, which is required to be submitted with the rezoning application, allows the Planning Commission and City Council to examine the overall development plan layout including building placement, setbacks, height, etc., prior to acting on the PD rezoning request. Essentially, while the applicant is afforded development flexibility, greater control over the proposed planned development is available to the city.

IV. PROPOSED TENTATIVE PLAN:

The Greenspire PD will include a total of six multi-family residential phases. The first three Greenspire Apartment phases including 384 apartment units plus the clubhouse, pool and tennis courts on approximately 47 acres have already been constructed under the current RM-1 zoning classification. The remainder of the multiple family residential portion of the planned development will occur in three additional phases (Phases IV, V and VI) and include three-story, 40-foot tall apartment buildings with 324 apartment units on approximately 37 acres. These three additional phases occur along the east, southeast and west perimeters of the overall project site. The north approximate 11 acres along West Centre Avenue will be developed with two, two-story, 40-foot tall retail/office buildings each 30,400 square feet (60,800 square feet total) and three, one-story, 25-foot tall retail buildings between 6,000–25,000 square feet each (56,000 square feet total). The retail/office portion of the overall development (10.9 acres) will not exceed 20% of the total land area, as required by ordinance.

The overall density of the multiple-family residential portion of the development including adjacent wetland areas, but excluding the Hampton Lake area, will be 8.45 units/per acre (708 units on 83.74 acres) which exceeds the 7.0 units/acre standard set forth in the PD ordinance. In conjunction with the PD rezoning application, a modification from this ordinance provision is being requested by the developer. Other aspects of the proposed planned development project include:

- Pedestrian Walkway – An internal pedestrian circulation network of sidewalks exists within the existing Greenspire Apartments and will continue with future phases of apartment development. Additionally, the applicant has also committed to construct internal sidewalks within the first phase of the retail portion of the development (Phase IV-R) which will link with the apartment complex and provide pedestrian access to the new access drive proposed at the West Centre Avenue/Cooley Drive intersection.
- Open Space Features – Approximately 30 acres (36%) of the overall site will be maintained as open space area for the enjoyment of residents/employees of the planned development. Planned open space areas include woods, marsh and wetlands situated along the southeast and northwest portions of the site and adjacent to Hampton Lake in the southwest portion of the site.

- **Storm Water Management** - Storm water runoff is proposed to be collected and conveyed to natural open space areas situated across the development site, as well as around individual office sites, in accordance with City of Portage requirements. Storm water discharge locations will utilize natural appearing rain basins and existing wetland areas.
- **Vehicular Access** – Access to the Greenspire Planned Development is proposed through the existing Greenspire Drive from West Centre Avenue. This existing access will also serve Phase IV of apartment development. With construction of the first 12,000 square foot retail building, a second full-service driveway from West Centre Avenue, opposite Cooley Drive, is proposed. Future signalization of this West Centre Avenue/Cooley Drive is also being contemplated and has been studied. When future retail and office development occurs to the west, construction of a right-in/right-out driveway at Shirley Court is also proposed.
- **Setbacks** – Apartment and office/retail buildings will maintain a minimum 30-foot perimeter setback from outer property lines with the exception of the two apartment buildings proposed in Phase IV of the development, which are proposed to be setback 15-feet from the eastern property line (10-feet for horizontal projections such as decks, balconies and porches), where adjacent to the Gourdneck State Game Area. A minimum 25-foot setback will be maintained from all interior private streets. Minimum 30-foot building separations will be maintained. Apartment buildings within Phase V of the Greenspire PD are proposed to maintain a minimum 80-foot perimeter setback from adjacent single-family property lines located along Tozer Court/Shirley Court and, furthermore, will be setback between 100-200 feet from individual single-family residences.
- **Phasing** – The development project is planned to be phased beginning in Spring 2010 and extending to 2015 and beyond as indicated in Item 3 of the attached narrative.

V. PRELIMINARY ANALYSIS:

The following is a preliminary review of the information that was submitted and available for this report and has been prepared based on general land use considerations, the Comprehensive Plan, traffic conditions and surrounding development patterns. Issues to be considered are consistency with the Future Land Use Plan Map and Development Guidelines, suitability of the existing zoning classification and the impacts of the proposed zoning classification, particularly involving zoning suitability, traffic considerations, neighborhood considerations and environmental considerations.

Comprehensive Plan

Prior to recommending a zoning amendment, a determination that the proposed change is consistent with the Comprehensive Plan is appropriate. In the case of a rezoning, consistency is evaluated based on the Future Land Use Plan Map and also the Development Guidelines.

Future Land Use Plan Map -- The Future Land Use Plan Map component of the Comprehensive Plan designates the properties being considered for rezoning as appropriate for high density residential with general business within a primary commercial node along West Centre Avenue. The Comprehensive Plan identifies four primary commercial nodes across the city “..where both local and general business uses (i.e., grocery, pharmacy, hardware store, restaurant, personal services, business services, etc) are encouraged.”

Development Guidelines -- The Development Guidelines are intended to be used by the Commission and staff when reviewing private development projects, infrastructure improvement programs (i.e. public expenditures on streets, sewers, water mains and others that influence the location, intensity and timing of development) and public programs that affect the physical environment. The guidelines also provide direction and underpinning for regulations that affect land use (e.g. zoning, subdivision, parking, landscaping and others), may suggest incentives to influence community development and preservation and may suggest adjustments to other policies which influence the use of land for consistency with community

development and preservation objectives. An evaluation of the Development Guidelines will be provided with the staff recommendation.

Suitability of Existing RM-1 and R-1C Zones/Impacts of Proposed PD Zone

The proposed PD planned development zone is appropriate and can be effectively used to facilitate additional Greenspire apartment development phases and the retail/office uses along the West Centre Avenue.

Residential development density is calculated differently in the RM-1 zoning district than in the PD, planned development zoning district. In the RM-1 zone, maximum permitted development density is calculated as specified in Section 42-350.B.(7). Developable land area and wetland/floodplain area is “factored” resulting in allowable “rooms” for density purposes. The PD zone and the ordinance establishes an overall development density of 7 units/acre, with no individual phase exceeding 12 units/acre, which can be modified by City Council as part of the PD rezoning and tentative plan/narrative consideration.

A comparison development plan that shows the 83.74 acres of the land planned for multiple family residential developed under the RM-1 zone has been provided by the applicant. The results of this comparison plan indicates that approximately 78 additional apartment units could be constructed under the existing RM-1 zoning (786 units total, 9.38 units/acre), as compared to the proposed PD zoning (708 units total, 8.45 units/acre). A cursory review of allowable density under the current RM-1 zoning, using the formula in Section 42-350.B.(7) was completed by the Department of Community Development. With the assumption that approximately 23 acres (northwest and southeast portion of site) of the 84 acres is designated wetlands, a total of 2,074 rooms would be allowed under the current RM-1 zoning. Depending upon the mixture of apartments, 2,074 rooms would be available with the following potential development scenarios:

- 1,037 one-bedroom units at 12.3 units/acre; or
- 830 one-bedroom and two-bedroom units (equal mix) at 9.9 units/acre; or
- 691 two-bedroom units at 8.3 units/acre; or
- 415 three-bedroom units at 5 units/acre.

Building setback and height are also determined differently in the RM-1 and PD zones. In the RM-1 zone, minimum 30-foot building setbacks are required from all property lines per Section 42-350.A. The PD district requires a “peripheral transition area”. The RM-1 zone establishes a building height at 25-feet and two-stories when abutting a single family residential zoning district (or 30 feet and three stories when not abutting a single family district), which can be increased by the Planning Commission/City Council upon a determination that topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district/structures, will adequately mitigate adverse impacts. The actual height and number of stories in the PD zone is not specifically established. Section 42-374.E and F states “...any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services.”

TRAFFIC CONSIDERATIONS

Based on this planned development and the ITE Trip Generation Manual, Sixth Edition, the proposed additional multiple family residential apartment buildings and retail/office buildings can be expected to generate approximately 5,800 vehicle trips on an average weekday, upon full build-out over at least a five year period (Spring 2010 through Spring 2015 and beyond).

West Centre Avenue carries approximately 24,500 vehicles per day (2009). This four-five lane boulevard is a major arterial with a capacity of 32,500 vehicles per day at a level of service “D”, which is acceptable in an urban area. While anticipated traffic generation associated with the planned development can be

accommodated by the adjacent public roadway, a further review of traffic, access and possible signalization of the West Centre Avenue/Cooley Drive intersection will occur with individual final plan submittals for the various phases of the project.

NEIGHBORHOOD CONSIDERATIONS

During the 1979-1980 rezoning to accommodate an additional phase of the Greenspire Apartment project, there was organized opposition expressed by Hampton Lake area residents and local environmental groups regarding potential impacts on Hampton Lake as a result of planned improvements/activities including initial building locations and development of a beach on Hampton Lake for Greenspire Apartment residents. Attached is a February 1980 Kalamazoo Gazette article provided earlier this week by a Hampton Lake resident that provides general reported information about the issues and an agreement reached between the developer and residents. With regard to the agreement, a review of city records including Planning Commission/City Council meeting minutes indicates a copy was not provided and it appears that the city was not a formal party to the agreement. A copy of the agreement has been requested from the applicant. The deeds on file at the city involving the property subject to the 1979-80 rezoning were also reviewed. The deeds indicate the land conveyance is "Subject to any and all conditions, restrictions, limitations and easements of record." Nonetheless, the proposed PD rezoning request and proposed development activities shown on the tentative plan and as described in the narrative do not appear to violate the terms of the agreement as summarized in the attached article. Additional information will be provided to the Commission with the final report.

In an effort to minimize the impacts on the six single family residences located on Shirley Court and Tozer Court, the distance between planned apartment buildings located in Phase V and these existing single family dwellings has been increased. The two buildings nearest the existing residences are located approximately 80 feet and 120, respectively, from the west property line and between 100 feet and 200 feet from the nearest single family residential dwelling. Additionally, building design considerations have been incorporated into the development plan including off-set building orientation, utilization of existing topography and natural features and minimization of "building mass" viewed by the adjacent residents. Consideration of additional screening/landscaping treatments such as installation of berms, landforms, trees, decorative fences or walls, between the apartment development and the adjacent single-family residences, can be further reviewed and discussed upon submittal of a final plan for this phase of development

The PD tentative plan also identifies possible changes to Shirley Court and Tozer Court that provides access to the six single-family residences. Any future changes to these private streets will be reviewed upon submittal of final plans to ensure appropriate access is maintained for these single-family residences.

ENVIRONMENTAL CONSIDERATIONS

Protection and preservation of existing community environmental assets and balancing the needs/rights of property owners to develop their property has been a longtime goal of the city. Recognizing the importance of protecting and preserving sensitive land areas, and in particular the Hampton Lake area, several studies have been completed including A Water and Land Resource Plan for the Kalamazoo-Black-Macatawa-Paw Paw River Basins (1977), Natural Features Inventory of the Portage Creek Basin (1995) and Portage Creek Assessment, Hampton Lake to Central Park (1998). These documents provide useful information to preserve sensitive land areas, including Hampton Lake and Portage Creek.

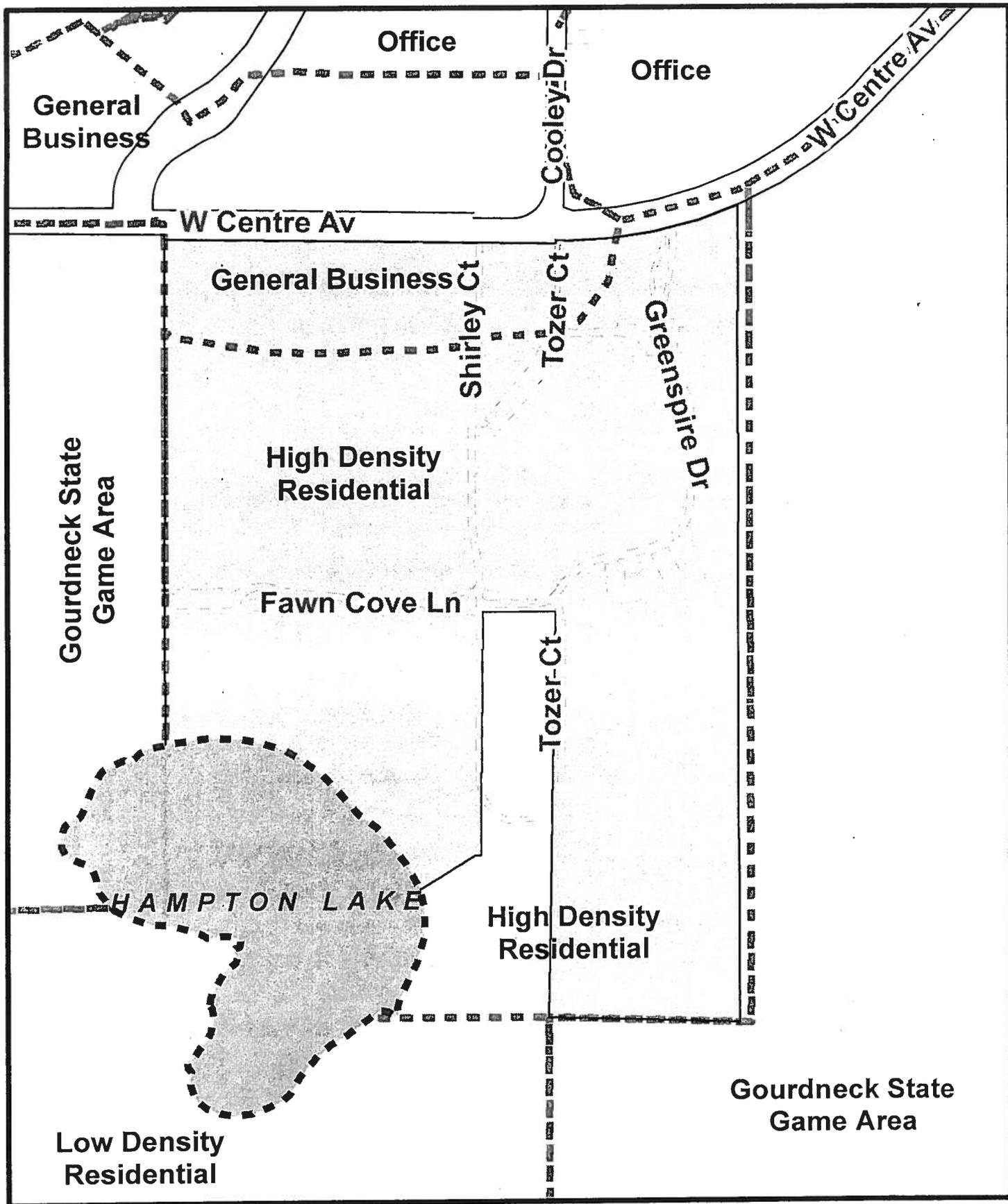
Protection of, and minimal impacts on, wetlands and other environmentally sensitive areas are planned by the applicant. Importantly, no further development proximate to Hampton Lake is proposed with the PD project. A preliminary review performed by Mr. Tim Bureau (environmental consultant for the applicant) along with soil borings performed by the applicant have confirmed that development activities will not encroach within designated wetland and floodplain areas. A detailed wetland/floodplain delineation and

encroach within designated wetland and floodplain areas. A detailed wetland/floodplain delineation and analysis will be provided by the applicant in the future prior to proposing development adjacent to these designated areas. Additional review and analysis by the city, including the Planning Commission, will also occur at this time.

IV. RECOMMENDATION:

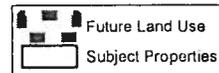
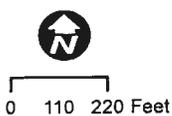
With the Planning Commission policy of accepting public comment at the initial meeting and continuing the rezoning at a subsequent meeting, it is recommended that public comment be received during the February 18, 2010 meeting and the public hearing be adjourned to the March 4, 2010 meeting.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Rezoning Application
Revised Narrative and Tentative Plan (received February 17, 2010)
Building Elevations (commercial and multi-family)
RM-1 Comparison Plan
February 1980 Kalamazoo Gazette article
City Council and Planning Commission meeting minutes (Greenspire rezoning and site plans)
February 18, 2010 letter from Dr. William Hanover (Gastroenterology of SW Michigan)



Future Land Use Map

**3145-8401 Greenspire Dr, 8615 Tozer Ct,
3201- 3423 W Centre Av, 3413 Fawn Cove Ln**



RECEIVED
JAN 21 2010
COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number 09-01
Date 1/15/2010

APPLICATION INFORMATION:

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

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

TO THE PLANNING COMMISSION:

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

ZONING MAP AMENDMENT

1. a. Platted Land:

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

b. Unplatted Land:

The property is in acreage, and is not therefore a part of a recorded plat. The property sought to be rezoned is located and described as follows: (Indicate total acreage and parcel number).

109.41 ACRES - #1- 000190950, 000190960, 000191050, 000201310
#2- 000201350, #3- 000191000, #4 000201300, #5 000201400
#6 - 000201360

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

b. Name of the owner of the property to be rezoned: Lakewood Management Co., Greenspire II Apartments, LLC
Greenspire Equity I, Greenspire
Address 4200 W. Centre Ave, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Owner and General/Managing Partner for Grunspire with a goal to provide/allow for the uses within PD Zoning.

4. CURRENT ZONING: RM1 PROPOSED ZONING: PD

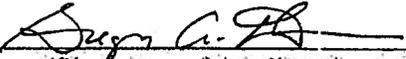
ZONING TEXT AMENDMENT N/A

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

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

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

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



(Signature of Applicant)

(Signature of Applicant)

4200 N. Centre Ave -

(Address)

Portage, MI 49029

(Address)

269-329-3636

(Phone)

(Phone)

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



American Village Builders, Inc.

RECEIVED
FEB 17 2010
COMMUNITY DEVELOPMENT

February 17, 2010

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 Companies and The Hinman Company are pleased to submit to you a plan for rezoning our property on the south side of West Centre Avenue as depicted on the attached site plan. The majority of the property is zoned RM-1 Multiple Family Residential and the extreme northeast corner of the property is zoned R-1C One Family Residential. We are requesting a rezoning to PD - Planned Development. The following tentative plan (the "Tentative Plan") is consistent with the City of Portage Land Development regulations. The Tentative Plan provides for an excellent development for the City of Portage and allows this property to achieve its highest and best use while remaining true to the development principles that have been established at Greenspire over the last 35 years.

We are requesting this rezoning for several reasons which may be of interest to you, a few of which are worthy of specific note. First, this rezoning is consistent with the City of Portage Future Land Use Plan. The areas that we suggest as multi-family are shown that way on the Future Land Use Plan and the same is true for the non-residential uses. Further, our companies 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 PD ordinance and working through the PD process with the City of Portage. We think 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 be designed to integrate the existing residential uses with new multi-family residential uses while also seamlessly integrating the planned addition of office and retail uses to the property.
2. The proposed PD development area is on all of the approximately 109 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. The next phase to be constructed, Phase IV, would commence construction in the spring of 2010 (Phase IV) and consist of two multi-family apartment buildings containing 36 apartment units. Following Phase IV, construction on approximately 12,000 square feet of retail space would commence in the fall of 2010. Future developments would include multi-family expansion (Phase V and Phase VI) that would consist of approximately 324 (36 Phase IV, 168 Phase V, 120 Phase VI) new multi-family apartment units. Additional office and retail uses would be expanded as shown on the attached site plan as demand allows.

Using a cluster development allows us to provide in excess of 30.64 acres of open space (15.22, 7.54, and 7.54 acres +/- as shown on the attached site plan) within the development. 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 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 on 8.015 acres 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 on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 23.68 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 46.655 acres. For density purposes the 384 units over 46.655 acres equals 8.23 units/acre.

Greenspire Phases IV through VI will be developed in at least seven sub-phases beginning the Spring of 2010.

- a. Spring 2010. Phase IV of the multi-family residential development will commence. This phase will include 36 units.
- b. Fall 2010. The first 12,000-square foot retail building (shown as Phase IV R on the site plan) is planned to commence construction.
- c. Spring 2011. The first three buildings of the Phase V multi-family residential development is planned to commence construction.

- d. Spring 2013. Two more buildings of the Phase V multi-family residential development is planned to commence construction.
 - e. Fall 2014. The second retail building (shown as Phase V R on the site plan) is scheduled to commence construction.
 - f. Spring 2015. The last two buildings of the Phase V multi-family residential development is planned to commence construction.
 - g. The timeline for construction of the multi-family buildings (Phase VI) and the office and retail buildings west of Shirley Court is unknown at this time. It is expected that construction would take place after the Spring 2015 anticipated start of construction of the last two buildings in Phase V.
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 Greenspire plan has been meticulously designed to integrate into the existing Greenspire Apartments master plan. Phase IV contemplates initially using the existing Greenspire Drive entrance to access the property. As the first 12,000-square foot retail building is developed, the Cooley Drive entrance will provide an additional means of ingress and egress into the development. When the area west of Cooley is developed, this area will be benefited by the right in/right out drive, at Shirley Court.

To assess the potential impact of traffic due to future phases at Greenspire, a traffic study was performed by CESO (Traffic Engineers and Surveyors). According to the traffic study, upon completion of all future phases contemplated by the Greenspire master plan, the following new trips would be generated: 259 weekday A.M. peak hour (in and out), 560 weekday P.M. peak hour (in and out), and 5,810 total daily 24 hour (in and out). Preliminarily, the traffic study indicates possible future signalization at the West Centre Avenue/Cooley Avenue intersection. Traffic impacts will continue to be monitored as construction activities and future phases proceed.

As we plan for pedestrian circulation throughout the site, we are leveraging miles of existing sidewalks through the existing Phase I through Phase III of Greenspire. As we construct the new entry drive from Centre Avenue past the planned 12,000-square foot commercial building, we have included a sidewalk to provide entrance into the existing phases of Greenspire. We are also providing, as we construct the 12,000-square foot shopping center, a sidewalk from the existing boulevard drive to the Cooley/Centre Avenue intersection. By providing access to Centre Avenue to the entire PD via these new sidewalks, we are able to get pedestrians to the proposed future signaled intersection at Cooley/Centre. 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. Phases IV, V and VI all include additional sidewalks and pedestrian circulation as well.

Additionally, we have planned sidewalk connections to Phase V when that phase is constructed.

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 109.41 acres in total. This 109.41 acres includes 14.77 of which a portion is Hampton Lake and a portion is beautiful high ground in the very southwest corner of our property. Entities owned and controlled by Joseph Gesmundo and Roger Hinman presently own all of this 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. Specifically, the south end of Phase V is near some low-lying land. We have had this property evaluated recently in three manners. First, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, reviewed the area in person to assure us that our buildings were not in any wetlands. Mr. Bureau has assured us that none of our buildings are in a wetland. Additionally, PSI was hired to conduct soil borings in the area of the southernmost building footprints in Phase V. The PSI borings show an abundance of sand, down the full 25' of the borings' depth. Finally, 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. Please note that at final build out, our plan exceeds the 7.0 units per acre by 1.45 units per acre. If one were to maintain the existing RM-1 zoning, our density would allow 78 more units than we are requesting under this rezoning. In other words, RM-1 zoning would allow 786 units and we are only requesting 708 in this PD application. Owing to a portion of the property being Hampton Lake, and a portion of our property being dedicated to commercial use, our calculations use 83.74 acres to calculate residential density though the property being rezoned is 109.41 acres. For density comparison purposes the existing 384 units (Phase I through III) over 46.655 acres equals 8.23 units/acre. We are requesting a modification to allow for the overall 8.45 units per acre that we have shown throughout this document, which is the combined density of Phase I through VI.

Phases	Proposed Units	Density Units/Acre Not Including Hampton Lake or Commercial Area		Phase Acreage	Total Acreage
		RM 1 Calc	PD Calc		
Existing Buildings:					
Phase I	96		11.98	8.015	
Phase II	168		11.23	14.960	22.975
Phase III	120		5.07	23.680	46.655
Combined Phase I-III	384		8.23	46.655	
Proposed Buildings:					
Phase IV	36		11.80	3.050	49.705
Phase V	168		9.88	17.000	66.705
Phase VI	120		7.04	17.035	83.740
Phase I, II, III, IV, V, & VI Combined	708		786	8.45	83.740

Retail/Office 10.9 acres

It should be noted that the allowable non-residential acreage is 19 acres at 20% of 94.64 acres.

73,400 sq. ft. of retail and 30,400 sq. ft. of office

103,800 sq. ft./10.9 acres = 9,522 sq. ft./acre

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.

9. The residential development units will consist of the following types of units:

Multi-family buildings – three-story buildings, approximately 40’ feet high with each building being approximately 40,000 sq. ft.

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

Two - Two-story retail/office buildings, 40’ high, 30,400 sq. ft. each
 Three - One-story retail buildings, 25’ high, between 6,000 sq. ft. and 25,000 sq. ft. each

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 take advantage of excellent colors, textures and materials to make every building look and feel great. We have attached an example of our first retail building elevation and apartment building elevation for your review.

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 is necessary in order to facilitate our site plan. The proposed 15' set back, only for these two buildings (36 units of Phase IV), allows us to set the buildings back an appropriate distance from Greenspire Drive. We need to push these buildings close to the property line, adjacent to the State of Michigan property, in order to: a) fit our buildings in the land area available between Greenspire Drive and the property line without placing the buildings too close to Greenspire Drive, b) to allow adequate parking a reasonable distance from the buildings, and to c) preserve the maximum amount of green space possible consistent with the overall feel of Greenspire. The 15' set back shown on these drawings pushes the buildings 5' further west, away from the State of Michigan property, than we had shown in our 2009 ZBA request. 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'. Please see our attached elevations which illustrate the beauty of these elevations.

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 the previously mentioned lowland. 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. Easements will be provided for utilities as required by the utility companies for gas, water, electric, street lights, sanitary sewer, cable television and phone service. Most utilities are already available throughout the site.
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. We expect to build out all of the required spaces for the residential

multi-family units. The existing and proposed road widths are included and dimensioned on the attached site plan.

13. The only modification we are requesting is in regards to our density calculations as outlined in paragraph 7. We do not anticipate the need for any other modifications to allow the subject property to be developed as presented herein.
14. As noted in #4 above, we intend to make our final submittal for the last planned phase in 2015.
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. We feel this can be another first-class development for the City of Portage, The Hinman Company and AVB Companies.

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal flourish extending to the right.

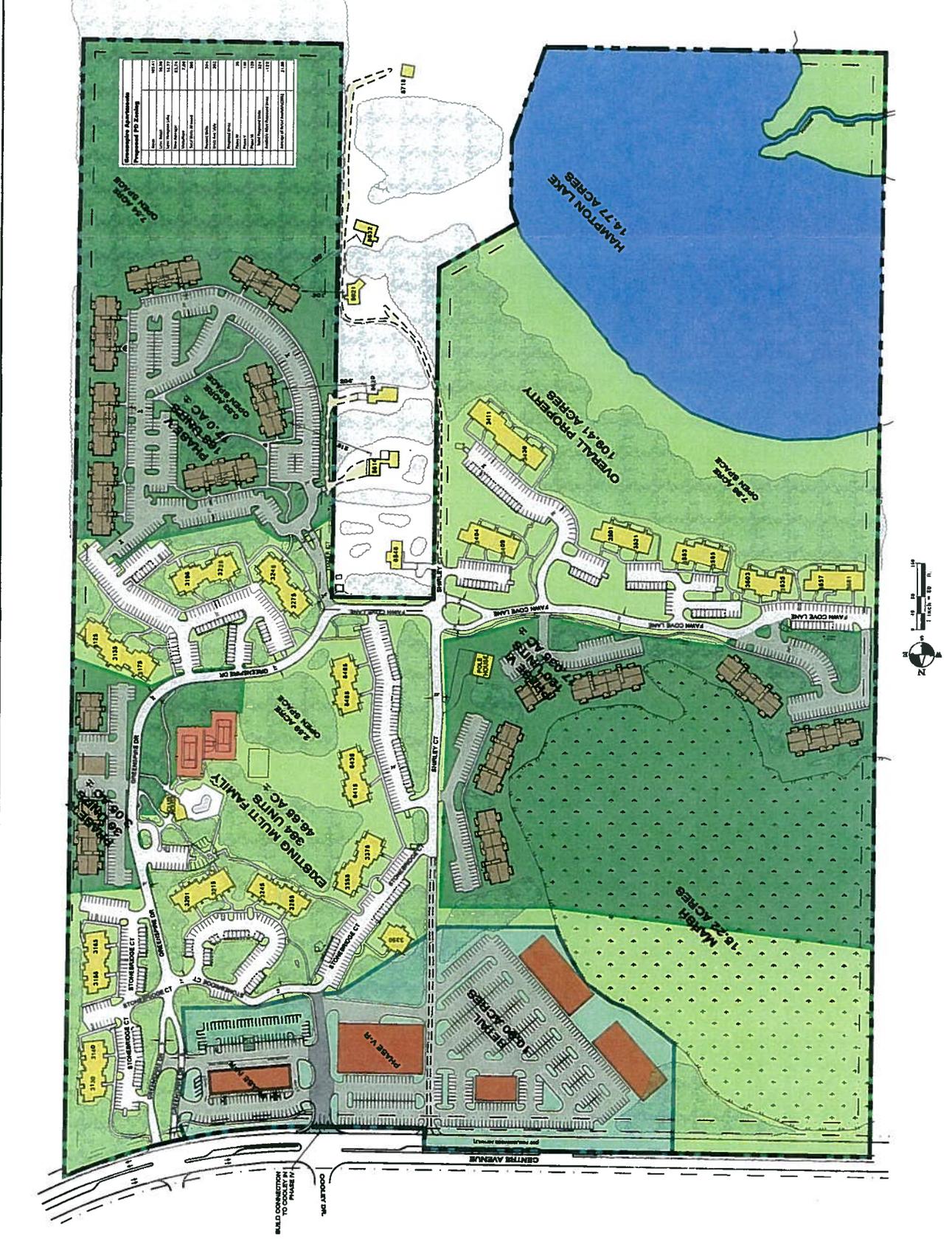
Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman

AMERICAN VILLAGE BUILDERS, INC.
 GREENSPIRE COMPLEX
 PD ZONE MASTER PHASING PLAN

HURLEY & STEWART, INC.
 2808 SOUTH 11TH STREET
 SUITE 200
 ARLINGTON, VA 22204
 TEL: 703.552.4941
 WWW.HURLEYSTEWARD.COM

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CONSTRUCTION SCHEDULE
Proposed PD Zoning

Item	Start Date	End Date	Notes
1. Site Preparation	01/15/2024	03/31/2024	
2. Foundation	04/01/2024	06/30/2024	
3. Framing	07/01/2024	09/30/2024	
4. Mechanical/Electrical/Plumbing	10/01/2024	12/31/2024	
5. Interior Finishes	01/15/2025	03/31/2025	
6. Exterior Finishes	04/01/2025	06/30/2025	
7. Landscaping	07/01/2025	09/30/2025	
8. Final Inspection	10/01/2025	12/31/2025	
9. Occupancy	01/15/2026	03/31/2026	

BUILD CONNECTION TO EXISTING PHASE 10 TO COMPLETE PHASE 11





AVB
CONSTRUCTION

HINMAN
DEVELOPMENT • MANAGEMENT • LEASING

 **Greenspire Apartments**
Revised Front Elevation of 1221

Design+
11.12.09 • #06078

'Peace pact' ends Hampton Lake battle

A disagreement over developments on Hampton Lake in Portage that began with clenched fists and scowls has ended with firm handshakes and smiles.

The change in attitudes is the result of an agreement between developers of a \$7 million Greenspire Apartments expansion proposal and several lake residents.

The peace pact, which basically limits future use of Hampton by Greenspire, has been lauded by both sides as "innovative" and "farsighted."

It also heads off what could have been a long fight, and possible lawsuit, involving the 22-acre lake, the headwaters of Portage Creek.

For the developers, Joseph Gesmundo and Roger Hinman, it also clears the way for city council approval of a request to rezone three parcels of property at Greenspire.

The council will conduct a public hearing at 7:30 p.m. Tuesday on rezoning requests for two of the parcels from single family to multiple family. The third parcel rezoning request will be taken up in a Feb. 19 public hearing.

As part of the agreement, residents and environmental groups have agreed not to fight the rezoning requests.

The storm was over a proposal from Greenspire to build an additional 230 apartments on its 120-acre site off of West Centre Avenue, northwest of the lake.

Included in that plan was development of a beach on Hampton that could be used by Greenspire residents for swimming, sail boating and fishing. Gesmundo said the size and type of beach had not been decided.

Lead by lake resident Dr. Russell Mohney, of 3500 Vanderbilt, some lake residents protested the beach's development, stating it would damage the "fragile" nature of the lake, especially since it could be used by a potential 1,000-plus Greenspire residents.

settlement.

"This is one of the most significant environmental agreements ever made," Mohney, a Kalamazoo neurologist, said. "I know of no remaining environmental conflict over this issue."

Key points of the agreement call for:

- The Hampton Lake shoreline will be left in its natural state, which prohibits any beach facility or apartments within 250 feet of the shoreline.

- Apartments will be located so as to protect the pristine nature of the lake.

- No water wells will be permitted and no person will be permitted to occupy any new Greenspire apartment until municipal services are available.

- A single boat dock will be permitted that can be used by no more than eight watercraft, none with internal combustible engines.

- The DNR must be consulted before any alteration of a nearby bog or other land where there may be unique wildlife or identified endangered species.

- The restrictions will be attached to the Greenspire land title after a building permit is issued, insuring the agreement will be followed by all future owners of the property.

"I consider this agreement not only farsighted," Mohney said, "but broad in scope to insure the future enjoyment of the water for subsequent generations."

"Keeping this lake free from harm is vital not only to the lake but to all residents along Portage Creek and those who enjoy its environment."

"I want to thank Joe for agreeing with us on that. Not every developer would agree to sit down and settle this. To his credit, he did."

Mohney said the dispute also had a secondary, but important benefit because it united several local and state environmental groups.



By Tom Haroldson
Gazette Staff Writer

Mohney and others also opposed building any apartments close to the lake shore, primarily for aesthetic reasons, and the drilling of water wells.

Joining the residents in the battle were the Department of Natural Resources, which has a public access site on the lake, and a drove of environmental groups.

The protestors asked for an environmental assessment study on the development's effects on the lake prior to any consideration of the rezoning requests.

The Portage Planning Commission, after hearing from the residents, DNR and environmental groups, thought otherwise and approved the rezoning, setting the stage for city council consideration. Persistently, Mohney invited city council members, Gesmundo and environmental advocates to his home for an on-site view of the targeted area and further discussions.

It was after a Saturday morning meeting earlier this month that Gesmundo and Mohney began their negotiations to settle the dispute and eventually hammered out the agreement.

"Our attitude toward the environment is identical to that of was wrong. But there were enough state. We agreed with that."

"By this agreement, I am not suggesting that the original idea was wrong. But there was enough people with the attitude that the lake shore be kept in a pristine state. We agree with that."

Mohney, who put in long hours to organize the resistance and research his arguments, could scarcely hide his enthusiasm for the

Some of the groups who worked with Mohney on the issue were the Michigan Lakes & Streams Association, the Southcentral Michigan Planning Commission, the DNR, Institute of Public Affairs at Western Michigan University and the Audubon Society.

It also featured the emergence of the Portage Environmental Board, a citizens group that had been inactive on environmental issues facing the city.

The environmental board called for an environmental assessment report on the lake developments and became involved in the dispute, the first major action taken by the board in recent years.

"I hope the environmental board will continue to be active in environmental affairs of the city," Mohney said. "It could have a positive impact on future environmental questions facing Portage."



HAMPTON LAKE BATTLE ENDS WITH HANDSHAKE, SMILES
Developer Joseph Gesmundo (left) and Russell Mohney

—Gazette photo

Also in attendance were City Manager Donald Ziemke, City Attorney John Peters and City Clerk Lois Johnson.

Motion was made by Vandemaele supported by Hinga to approve the minutes of February 12, 1980 as presented. Upon a roll call vote all members present voted in favor.

Motion was made by Vandemaele supported by Bieberle to approve the Check Register and Payrolls of February 19, 1980 as presented. Councilwoman Hinga questioned two bills to outside printers. She asked what is being done by our in-house printing department. The Manager explained ours is a part time person and that we don't have all the equipment as yet but he is printing a lot of forms, permits etc. Upon a roll call vote of the motion all members present voted in favor.

PRESENTATION REGARDING AIRPORT PROPOSAL: Mayor Corstange stated that Kalamazoo Mayor Annen and the Deputy City Manager Ms. Sculley were present with us to speak on the Airport proposal. He introduced Mayor Annen. Mayor Annen stated he would like to thank the administration for their help and consideration in the planning of the joint Policy Board and with the appointment of three members of the Council to serve on this Board. He stated he was here mainly to answer any questions the Council or audience might have regarding the proposed Multijurisdictional Kalamazoo Municipal Airport Policy Board which would serve for a period of 18 to 24 months, with the membership consisting of five members appointed by the Kalamazoo City Commission, three members appointed by the City of Portage City Council and three members appointed by the Kalamazoo County Board of Commissioners, with the Mayors of Kalamazoo and Portage and the Chairman of the County Board of Commissioners automatically being one of the members. Councilmembers asked him several questions to which he gave the answers. It was stated they hoped to have the first meeting of the newly created board by April 1st or possibly mid-March. Mayor Corstange thanked him for attending the meeting.

PUBLIC HEARINGS:

REZONING APPLICATION #79-13 (PARCEL C) GREENSPIRE: Mayor Corstange stated this was a request to rezone Parcel C only from R-1C, single family residential to RM-1, multiple family residential. He then opened the public hearing. Speaking in favor of the request was Mr. Joe Gesmundo, representing Greenspire Developers. Mr. Gesmundo explained the request and showed a drawing as to the location of the property

in conjunction with the other properties of Greenspire. Dr. Mohny asked a couple questions of Mr. Gesmundo which were answered. Mr. Gesmundo explained the agreement with the neighbors. Motion was made by Stern supported by VandeMaele to close the public hearing. Motion carried on an unanimous voice vote. Motion was made by Stern supported by Hinga that an Ordinance to amend the Zoning Code be adopted on second reading amending the Official Zoning Map for Application #79-13 (Parcel C) from R-1C, single family residential to RM-1, multiple family residential to be effective 15 days after publication. Upon a roll call vote all members present voted in favor. Ordinance filed on Page 207 of Ordinance Book #5 of the City of Portage.

CITY MANAGER'S REPORTS:

BUDGET CONTROL EXCEPTION REPORT: Council received the Budget Control Exception Report for the seven month period ending January 31, 1980.

APPOINTMENT OF ACTING DIRECTOR OF PARKS, RECREATION, CEMETERIES AND PROPERTY MANAGEMENT: Council received a recommendation from the City Manager to appoint Mr. Michael R. Collins. Motion was made by VandeMaele supported by Jameyson that Michael R. Collins be appointed as Acting Director of Parks, Recreation, Cemeteries and Property Management at the salary of \$19,360 to become effective March 8, 1980. Upon a roll call vote all members present voted in favor.

PETITIONS: None

STATEMENTS OF CITIZENS: None

COMMUNICATIONS:

FROM CITY ATTORNEY JOHN PETERS: Council received suggested wording for the ballot question regarding the sale of the triangle. Motion was made by Jameyson supported by Bieberle the wording be left as suggested by Councilman Jameyson but to add the location or description of the land. The question will read as follows: "Shall the City retain the land in the so-called triangle, (land bounded by South Westnedge Avenue, Centre Street, and the Conrail Railroad Tracks)?"

FROM MRS. HAROLD PAPE: Council received a letter regarding the necessity of sanitary sewers on Dolphin Street. Councilman Stern acknowledged this was the same situation as Larkspur Avenue. Motion was made by Stern supported by Bieberle to refer the matter to the City Manager and Engineering Staff to give a cost estimate for additional cost if done this year. Motion carried on an unanimous voice vote.

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday - May 15, 1980

City of Portage Planning Commission Meeting of May 15, 1980 was called to order by Chairman Manske at 7:30 p.m. in the community room of the Portage Public Library, 300 Library Lane.

MEMBERS PRESENT:

Nancy Jean; Georgia Vavra; George Ray; Burdell Standish; Hagop Khatchikian; Peggy Hamilton; Paul Manske, Chairman.

MEMBERS EXCUSED:

Wendell Buckland had been excused through action taken at the past Planning Commission meeting. Chairman Manske requested to be excused from the June 5, 1980 Planning Commission meeting. Motion was made by Standish seconded by Babra, that Commissioner Schroeder be excused from the May 15, 1980 Planning Commission meeting and that Chairman Manske be excused from the June 5, 1980 Planning Commission Meeting. Motion was approved 7-0.

MEMBERS ABSENT:

None.

IN ATTENDANCE:

Patrick L. Loeprich, Director of Planning & Community Development; Brian Bowling, Assistant City Planner; Lowell Seyburn, Assistant City Attorney; Norm Smith, Director of Inspections and Code Enforcement.

APPROVAL OF MINUTES:

The minutes of May 1, 1980 were introduced for approval. A motion was made by Ray, seconded by Vavra, that the minutes of May 1, 1980 be approved as written. Motion was approved 7-0.

The minutes of the special meeting of May 8, 1980 were introduced for approval. A motion was made by Vavra, seconded by Ray, that the minutes of the special meeting of May 8, 1980 be approved as written. Motion was approved 7-0.

SITE PLANS:

1. Greenspire III, Apartments. Conditions placed upon this site plan through the administrative review process are as follows:

1. Shirley Court to be graded and maintained so as to function as an emergency access.
2. Sewers and lift stations to be designed, constructed and inspected in accordance with City and State Health Department specifications and are to be dedicated to the City upon completion along with a 20' easement for maintenance purposes and as built drawings.
3. Soil erosion and sedimentation permit is required.
4. Sewer Use Permit is required.

Mr. Loeprich explained that this was a phased development which consisted of 120 units in Phase III and approximately 114 units in Phase IV. Mr. Gesmundo explained that although they have received commitment for funding on the Phase III portion of the project, he would like the Planning Commission to consider approving both phases on this site plan as he believes the balance of the project will receive approval in a short time. Mr. Loeprich explained that the staff had reviewed the project in its entirety and would have no problem with the granting of approval for both Phase III and Phase IV.

Chairman Manske explained that a communication had been received from the Environmental Board requesting that the Planning Commission request an environmental assessment on this project. Mr. Loeprich indicated that the developers had prepared an environmental assessment which had briefly been reviewed by

Staff. It is believed that the primary environmental concerns outlined in the assessment have been addressed through the site design or through deed restrictions imposed on the parcel by the developer. It is therefore believed that the Plan meets adequate environmental standards as presented. A motion was made by Ray, seconded by Standish, that, based upon the staff approval of this plan and acceptance of the environmental assessment, this site plan be approved subject to the above specified conditions being required. Motion was approved 7-0.

2. Wilson Air Equipment, 5080 Meredith Drive. Conditions placed upon this site plan through the administrative review process were as follows:

1. Thirty-five foot radii are required on the drive entrance.
2. A soil erosion and sedimentation permit is required.
3. Sewer Use Permit is required.
4. Water and sewer lines must be 10' apart.
5. Automatic sprinklers are required.

After some limited discussion, a motion was made by Hamilton, seconded by Jean, that this site plan be approved subject to the above specified conditions being required. Motion was approved 7-0.

PUBLIC HEARINGS:

1. Preliminary Plat, Swan Creek Estates, Phase I (Stage I). Speaking in favor of the proposed plat was Charles Glasner of Gove Associates, engineer for the project. Mr. Glasner commented that the proposed plat conforms to City and State regulations for subdivisions and, therefore, it is requested that Phase I be approved.

Speaking in opposition to the proposed plat were the following: Mr. and Mrs. Larry Smith, 3907 Wedgewood and Mrs. Erich, 3828 Wedgewood. Concerns expressed related to the extension of Tamworth into the proposed development in later phases of the plat and the development of a lift station in the western portion of the plat in a later phase. Mr. Loeprich explained that Tamworth was a stub street which was originally intended to go through to the north and is recommended for future connection, however, it is not a part of the first phase of the development. Mr. Glasner indicated that the lift station must be installed because of the grades in the area. Commissioner Vavra questioned if the Planning Commission was dealing with the first 14 lots or the total 55 lots at this time. It was explained that the first 14 lots are the only lots of concern presently. Mr. Glasner pointed out that the first 14 lots would not involve the construction of the lift station as the sewers in this area would operate on a gravity system. Mr. Smith commented that he believed the dead end nature of Wedgewood Street should be maintained and no tie-in should be provided to the north through Tamworth. Other residents from the area questioned the potential future development and the possibility of multiple family structures being instituted in the area. It was indicated that the land was presently zoned for single family purposed only. At this time the public hearing was declared closed. This item will appear on the next Planning Commission Agenda for action.

2. 12 month review for Conditional Use Permit for Eugene Pifer, 10028 Shaver Road, to operate a car sales lot at 10028 Shaver Road.

Mr. Carl Erickson, an attorney representing Mr. Pifer, addressed the Commission. It was explained by staff that through review of the site plan and conditional use permit previously approved for this use three elements have gone unaddressed. These are:

- a. appropriate radii (approximately 25') are needed on the drives. Improving the drives as such will necessitate the extension of the existing culverts.
- b. A barrier installed at the ingress/egress point originating at the Shaver/Oakland intersection.
- c. The lot or lot area shall be provided with a permanent, durable and dustless surface, and shall be graded so as to dispose of all surface water accumulated within the area.

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, May 5, 1977

MEMBERS PRESENT:

Wendell Buckland; George Ray; Victor Schroeder; Ted Vliek; Burdell Standish; Paul Manske, Chairman. Margaret Gailey arrived after the approval of the minutes.

MEMBERS ABSENT: Excused.

Don DeSmit; Georgia Vavra.

IN ATTENDANCE:

Patrick L. Loeprich, Director of Planning; Brian Bowling, Assistant City Planner; Lowell Seyburn, Assistant City Attorney; Norman Smith, Director of Inspections; John Hodges, Block Grant Administrator.

The meeting was called to order at 7:35 p.m. by Chairman Manske in the Community Room of the Portage Public Library.

The minutes of April 21, 1977 were introduced for approval. A motion was made by Ray, seconded by Schroeder, to approve the minutes of April 21, 1977 as written. Motion was approved 5-0, with Vliek abstaining since he was absent at the last meeting.

SITE PLANS:

1. 2375 E. Milham - Beacon Park - Behrens Construction. This was an amended site plan. The original site plan for the proposed structure was approved June 17, 1976. A sidewalk waiver had been granted on June 17, 1976. The only condition attached to the approval of this site plan was that signs must meet City Zoning and Sign Code specifications with a permit to be issued by the Department of Inspections. A motion was made by Gailey, seconded by Standish, to approve this site plan with the above-identified condition. Motion was approved 7-0.

2. 6133 S. Westnedge - Burger Chef Addition - Ron Palmer. Director Loeprich explained that the center ingress and egress drive to this site will be eliminated as indicated on the site plan. One point which failed to appear on the Departmental Checklist as a condition for approval was that parking spaces no. 1, 16, 17 and 58, as identified on the site plan, are to be removed to provide an adequate maneuvering lane. A motion was made by Vliek, seconded by Standish, to approve this site plan with the above-identified condition. Motion was approved 7-0.

3. W. Centre Street - Greenspire, Phase II. Commissioner Buckland questioned whether school children within the development would have to walk in the access drive to reach the school bus which stops on Centre. Mr. Joseph Gesmundo indicated that a sidewalk system will be provided.

Several conditions were attached to the approval of this site plan. These are:

- a. Conformance to building height regulations will be determined when building specs are submitted. If above 30 ft. requirement, will be necessary to obtain a variance from the Zoning Board of Appeals prior to the issuance of building permit.
- b. All maneuvering lanes must be 22 ft. in width.
- c. Shirley Ct. to be double seal upon the completion of Phase II or provide (begin construction) on ultimate drive access as part of Phase III.

- d. Grade storm drainage retention area in accordance with soil erosion and sedimentation permit.
- e. Sewers are to be designed, constructed and inspected in accordance with City and State Health Dept. specifications and are to be dedicated to the City upon completion along with a 20' easement for maintenance purposes and as-built drawings. A 20' easement will also be provided to the City running from a point along Phase II Building IV sanitary sewer line to the adjacent properties to the south and west.
- f. Signs must meet City Zoning and Sign Code specifications with a permit to be issued by the Dept. of Inspections.
- g. Add one fire hydrant between buildings IV and V.

A motion was made by Standish, seconded by Vliek to approve this site plan with the above-identified conditions. Motion was approved 7-0.

4. Garden Lane - Barrington Woods Quadplex - Martz. Two conditions were attached to the approval of this site plan. These are:

- a. Signs must meet City Zoning and Sign Code specifications with a permit to be issued by the Dept. of Inspections.
- b. Extend 6" water line to Upper Darby and provide a 20' easement along the length of the water main.

Mr. Martz was present and explained that he believed the requirement of extending the water main to Upper Darby was unfair. Director Loeprich explained that if this was not done Mr. Martz would be required to provide an 8" rather than a 6" main to the interior of his property. This would be to ensure adequate pressure levels for fire protection. Mr. Martz then agreed to the 6" main extension to Upper Darby.

A motion was made by Ray, seconded by Standish, to approve this site plan with the above-identified conditions. Motion was approved 7-0.

5. 6415 S. Westnedge - Burger King Addition - Phil Renuart. All conditions were met on this site plan. A motion was made by Vliek, seconded by Schroeder, to approve this site plan. Motion was approved 7-0.

HOME OCCUPATION:

Duane and Evelyn Soderquist - 719 Shumway. Duane and Evelyn Soderquist have applied to the Portage Planning Commission seeking a home occupation permit for the utilization of a hand operated printing press and the subsequent sale of small business cards at 719 Shumway Street. The total actual floor area of the story on which the home occupation will take place is 1,200 sq. ft. Eighty sq. ft. will be utilized for the home occupation. No sign will be utilized. A motion was made by Ray, seconded by Gailey, to grant Duane and Evelyn Soderquist of 719 Shumway a home occupation permit to operate a hand printing press. Motion was approved 7-0.

OLD BUSINESS:

Split uses within particular zoning districts. Mr. Seyburn explained he was seeking Planning Commission input on allowing split uses to exist within particular zoning districts. Commissioner Gailey suggested an owner-occupant requirement would be basic to this type of arrangement. After some further discussion, Chairman Manske directed Mr. Seyburn to develop a recommendation and present it to the Planning Commission.

NEW BUSINESS:

1. Set for Public Hearing Appl. #77-6, Howard S. Brown, Van Oak Corporation, 1913 Vanderbilt Road, from R-1C, single family residential to I-1,

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, May 2, 1974

MEMBERS PRESENT:

Paul Manske; Georgia Vavra; Burr Standish; Don DeSmit; George Ray; Ted Vliek, Chairman.

MEMBERS ABSENT: EXCUSED

Margaret Gailey

IN ATTENDANCE:

Ronald Carlson, Building Inspector; Jim Smith, Dept. of Public Works; Martin McDaniel, Assist. Dept. of Public Works; Dennis Stuckey, Admins. Assist; Lowell Seyburn, Assist. City Attorney.

The meeting was called to order at 7:30 P.M. by Chairman Vliek.

A motion was made by DeSmit, seconded by Manske, to approve the minutes of April 18, 1974, as written. Motion was approved 6-0.

SITE PLANS:

600 block on south side of Schuring - Cedar Crest - Apartment Development. It was explained by Mr. Stuckey that maneuvering lanes in the parking area should be 22 feet wide instead of the 20 feet provided; the drive approaches onto Schuring Road should allow for 30 foot turning radii; both water and sewer should be provided as well as storm drainage to Portage Creek; approval of the site plan should be subject to approval of plans for these utilities by the Engineering Department; a sidewalk along Schuring Road would be beneficial. There was discussion of a four-foot six-inch obscuring wall to be provided along the east and south sides of the proposed development. It was suggested that the developer meet with the adjacent property owners and submit a plan to provide adequate screening inasmuch as the industrial development should have had an obscuring wall at the time they built. Mr. Ray asked if sidewalk construction could be deferred until such time as the water and sewer lines were built and the street improvement made. Mr. Smith said it could be figured so that the sidewalk would not have to be torn up in the future. Mr. Arnold Zomber, Mr. Field, and Mr. Demetrius Economidis, developers, explained the project. They stated that an easement would be required to the south in order to connect into existing sanitary sewer and storm sewers. A motion was made by DeSmit, seconded by Manske, to approve this site plan subject to the above recommendations by Mr. Stuckey except those regarding the obscuring wall. The matter of the obscuring wall was tabled for further study. Motion was approved 6-0.

302 E. Centre - Centre Street Shops - small shopping center. Mr. Stuckey explained that the projections on the southern portion of the proposed drive with the four-foot radii should be eliminated; the site plan proposes to connect to the municipal sanitary sewer system which will have to be extended to serve this property; a 4'6" obscuring wall is required along the south boundary of the property; sidewalks should be installed. There was discussion concerning the possibility of having the 4'6" obscuring wall waived by the Zoning Board of Appeals. It was noted that the Portage Public Schools would be the party of primary concern with respect to this fence. Ted Vliek stated that the school would probably be amendable to having the fence waived along the portion of the school's bus barn that abutts this property. Mr. Shave, representing the developer, explained the proposed plan. He stated they were agreeable to putting up the fence but probably would seek a variance for the portion adjacent to the bus barn. A motion was made by Ray, seconded by Standish, to approve this site plan subject to the above recommendations. Motion was approved 6-0.

3400 Block of W. Centre - Greenspire - apartment development (Phase I). It was explained by Mr. Stuckey that the maneuvering lanes in the parking area are required to be 22 feet in width instead of the 20 feet provided; city water and sewer must be installed to meet the Ordinance density standards; approval of the Kalamazoo County Road Commission for the drive onto Centre Street should be submitted; sidewalks should be installed along Centre Street. No screening is required under the Ordinance and does not seem necessary in this case because the adjoining property is owned by the Department of Natural Resources and is undeveloped. Tozer Lane is owned by the developers and may be closed when a new road through the project is built. A request is before the Zoning Board of Appeals to construct the apartment buildings and Phase I with basements which are less than 50% below ground level. Motion was made by Manske, seconded by Ray, to approve the site plan subject to the recommendations stated above and also subject to the approval of the Zoning Board of Appeals. Motion was approved 6-0.

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, February 6, 1975

MEMBERS PRESENT:

Paul Manske; Georgia Vavra; Victor Schroeder; Don DeSmit; George Ray; Margaret Gailey; Ted Vliek, Chairman.

MEMBERS ABSENT: Excused.

Wendell Buckland; Burr Standish.

IN ATTENDANCE:

Jim Smith, Department of Public Works; Richard Leland, Admin. Assist. Engineering Dept; Glen Hagen, Assist. City Attorney.

The meeting was called to order at 7:30 P.M. by Chairman Vliek in Council Chambers in the Police Building.

A motion was made by Schroeder, seconded by Vavra, to approve the minutes of January 16 and January 20, 1975, as written. Motion was approved 7-0.

SITE PLANS:

3400 block West Centre - Greenspire - apartments - revised. This site plan had previously been approved but a few changes were made in placement of buildings in order to save more trees. The parking spaces meet the minimum requirement, set back exceeds the minimum 30 feet and all surface water will be held and absorbed on the site. Sidewalks are planned adjacent to buildings and parking areas. A motion was made by DeSmit, seconded by Ray, to approve this site plan. Motion was approved 7-0.

5830 S. Westnedge - Wendy's - Restaurant. Surface water will be taken into 3 catch basins, all connected by 12" perforated pipe. A 12" overflow to the existing storm sewer is provided. Enter only on Westnedge. Exit only from the eastern-most drive on Van Hoesen. Enter/Exit through the western-most drive on VanHoesen. Parking spaces exceed the minimum requirement, set backs are in accordance with the Ordinance and a 10 foot green strip is provided. A motion was made by Manske, seconded by DeSmit, to approve this site plan. Motion was approved 7-0.

OLD BUSINESS:

APPL. #74-23 - Don Probasco - 619 Romence - 5.85 acres on south side of Romence - from R-1B, one family residential to I-1, light industry or any other zoning allowed by the Portage Zoning Ordinance. The request was read by the Chairman. Mr. Robert Travis, attorney representing Mr. and Mrs. Andrew Gregor, 805 Romence, said the residents in the area would be agreeable to multiple family zoning but felt that light industry was too much. Mr. Steve Early, representing the petitioner, said he had a talk with the Vilican-Leman consultant and Mr. Ambrose had said because the property was scared up, two sides border on I-1 zone already and because of the topography of the land, this parcel would probably never go single family. The property is 197 feet wide and 1129 feet deep. It could be developed multiple family by putting a road down one side. Tom Tobin said he was representing the people in Winter Forest Plat and that they were objecting to light industry zoning but would be favorable to multiple family. A motion was made by Gailey, seconded by Ray, to recommend to Council that Appl. #74-23 be changed to RM-1, multiple family, rather than the I-1, light industry as requested. Motion was approved 7-0.

NEW BUSINESS:

APPL. #75-1 - Oswalt, Sanderson Sewing Machine Co., Mr. Jim's of Kalamazoo, and Wm. McVeigh, Jr.; 1204, 1210, 1224, and 1302 W. Milham; Lots 1, 2, 3, 5, and 6 of Homeacres Plat; from OS-1, office service to B-1, local business or any other zoning allowed by the Portage Zoning Ordinance. A motion was made by Ray, seconded by Manske, to set this for Public Hearing on February 20, 1975. Motion was approved 7-0.

APPL. #75-2 - Meyle & Coash, Lot 328, Lakewood Homesites; from R-2, duplex to RM-1, multiple family or any other zoning allowed by the Portage Zoning Ordinance. A motion was made by DeSmit, seconded by Vavra, to set Appl. #75-2 for Public Hearing on February 20, 1975. Motion was approved 7-0.

APPL. #75-3 - Cities Service, 6012 S. Westnedge; southwest corner of Milham and Westnedge, from B-2, community business to B-3, general business or any other zoning allowed by the Portage Zoning Ordinance. A motion was made by Manske, seconded by Vavra, to set Appl. #75-3 for Public Hearing on February 20, 1975. Motion was approved 7-0.



Robert D. Brouwer, MD
 William F. Hanavan, MD
 Thomas P. Gushurst, MD
 Heidi S. Gjersoe, MD
 William W. Webb, Ph.D, MD
 Kim T. Nguyen, MD

RECEIVED
 FEB 18 2010
 COMMUNITY DEVELOPMENT

February 18, 2010

To: City of Portage
 Department of Community Development

We are business owners of Gastroenterology of Southwest Michigan, and Kalamazoo Endo Center. Our property is across Centre Street from the proposed Hinman Development. Aside from the loss of more green space, we have other major concerns with the proposed changes to our area:

- 1) Cooley Street and Centre Street is already an extremely dangerous intersection due to poor visibility in all directions, poor signage on both sides of Centre indicating Cooley Streets location and a high rate of speed being posted in both directions. Serious accidents are inevitable since many of our patients are older and/or unfamiliar with the area which places them at serious risk.
- 2) Should the proposed development come to fruition, this increase in population will bring even more traffic to this busy intersection and we will strongly object to any further development.

We respectfully propose that should further development be decided upon, that no further action is taken in the area **without first installing a traffic signal** at this critical intersection.

Sincerely,

William Hanavan MD

William Hanavan, M.D., President
 Robert Brouwer, M.D.
 Thomas Gushurst, M.D.
 Heidi Gjersoe, M.D.
 William Webb, M.D.

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