

CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

February 18, 2010

CITY OF PORTAGE PLANNING COMMISSION

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

January 11, 2010 Zoning Board of Appeals meeting minutes
January 26, 2010 City Council meeting minutes

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

PLANNING COMMISSION

February 4, 2010

The City of Portage Planning Commission meeting of February 4, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

Jim Pearson, Rick Bosch, Cory Bailes, James Cheesebro, Miko Dargitz, Paul Welch, Wayne Stoffer and Chairman Thomas Fox.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Bill Patterson.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

The Planning Commission and staff recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Fox referred the Commission to the January 21, 2010 meeting minutes. A motion was made by Commissioner Bailes, seconded by Commissioner Welch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

1. Site Plan: Portage Animal Hospital, 8037 Portage Road. Chairman Fox referred the Commission to a January 29, 2010 correspondence from Attorney Nelson Karre (representing the Portage Animal Hospital) which was included in the final agenda packet requesting the Planning Commission adjourn the site plan consideration for the Portage Animal Hospital until the February 18, 2010 meeting. A motion was made by Commissioner Bosch, seconded by Commissioner Pearson, to adjourn the Site Plan for the Portage Animal Hospital, 8037 Portage Road, to the February 18, 2010 meeting, at the request of the applicant. The motion was unanimously approved.

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:02 p.m.

Respectfully submitted,

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

TO: Planning Commission  **DATE:** February 12, 2010
FROM: Jeffrey M. Erickson, Director of Community Development
SUBJECT: Site Plan: Portage Animal Hospital, 8037 Portage Road – request to adjourn.

Since the February 4, 2010 Planning Commission meeting, conversations, communications and meetings have occurred between Portage Animal Hospital (PAH), Treystar and Community Development Department staff regarding a shared/cross access arrangement. Attached for Commission review is a February 11, 2010 email communication from Attorney Nelson Karre (representing PAH) which provides a brief update on these discussions.

According to Attorney Karre, PAH and Treystar have reached a verbal agreement on a shared/cross access arrangement between the two development projects. As illustrated on the preliminary site plan provided by Attorney Karre, the PAH site redevelopment would include no direct access from Portage Road and two internal cross access connections to Private Drive "B" on the adjacent Treystar property. The revised site plan for the PAH is currently being finalized by Chester, Inc, however, is not expected to be ready for Planning Commission consideration at the February 18, 2010 meeting. Therefore, Attorney Karre has provided a written communication requesting the Site Plan for Portage Animal Hospital, 8037 Portage Road, be adjourned to the March 4, 2010 meeting.

Attachments: February 11, 2010 email communication from Attorney Nelson Karre (project update)
Preliminary Site Plan
February 12, 2010 letter from Attorney Nelson Karre (requesting adjournment to 3-4-10)

S:\Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Portage Animal Hospital, 8037 Portage Road - preliminary site plan (2-12-10).doc

From: "Nelson Karre" <NKARRE@vcflaw.com>
To: <westm@portagemi.gov>
CC: "Tony Peugeot" <tonyp@chesterinc.com>, "Andrew Helmholdt" <ahelmholdt@po...
Date: 2/11/2010 4:52 PM
Subject: Portage Animal Hospital

I've attached a preliminary version of the site plan PAH has asked Treystar to accept for private road access purposes. By this email, I'm asking if Chester, Inc. can provide any more detail by way of site plan.

As I said this afternoon, PAH and Treystar have an agreement in conversation, subject to the written easements, that would allow PAH to use Treystar's private roads for a price that is agreed to now in conversation. Use of the roads would occur after all Centerport Commons infrastructure is in place and PAH is done with its construction. Obviously, PAH expects to be able to use its existing drives onto Portage until that point. Attorney Ortega (for Treystar) and I will be working on the necessary agreements. With that, I think PAH is now in pure site plan review mode, and not in appeal mode.

Let me know if you have questions or suggestions.

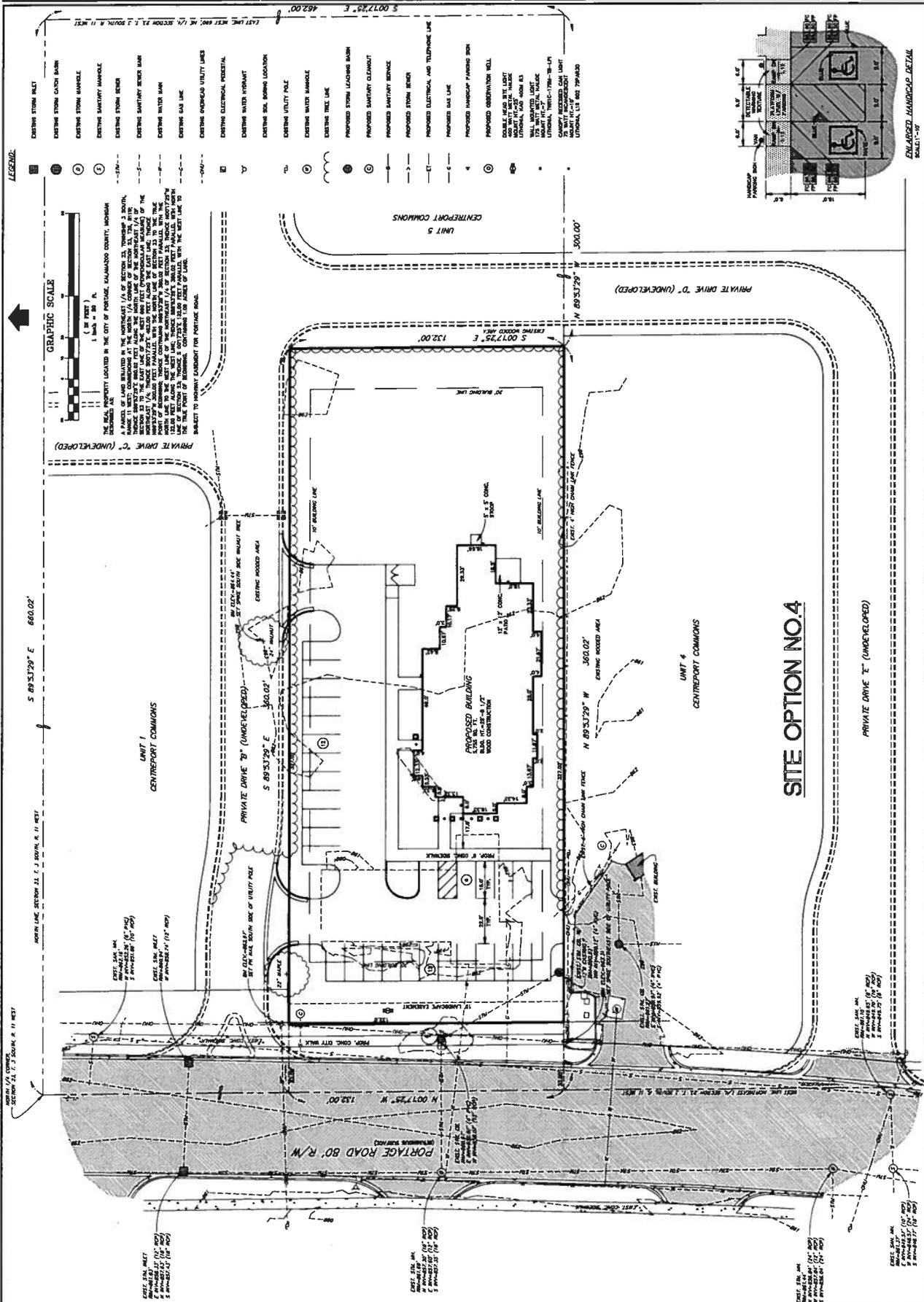
Nelson Karre
Vandervoort, Christ & Fisher, P.C.
Suite 312, 67 West Michigan Avenue
Battle Creek, MI 49017
269/965-7000 - office
269/965-0646 - fax
fax 269/965-0646

1	PROPOSED	FOR APPROVAL	CITY OF ANN ARBOR
2	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
3	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
4	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
5	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
6	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
7	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
8	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
9	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
10	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
11	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
12	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
13	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
14	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
15	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
16	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
17	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
18	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
19	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR
20	EXISTING	FOR APPROVAL	CITY OF ANN ARBOR

A NEW ANIMAL HOSPITAL FOR
 8031 PORTAGE ROAD
 PORTAGE, MICHIGAN



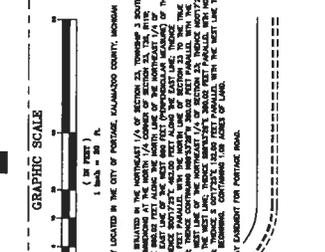
FINAL PROJECT
 SITE LAYOUT
 SHEET
 SHEET NO. SP-13
 SHEET 4 OF 4
 DATE: 10/20/18
 DRAWN BY: JMM



LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

GRAPHIC SCALE



LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

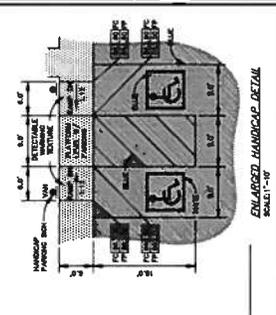
- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER

LEGEND

- 1. PROPOSED STORM SEWER
- 2. EXISTING STORM SEWER
- 3. EXISTING STORM SEWER
- 4. EXISTING STORM SEWER
- 5. EXISTING STORM SEWER
- 6. EXISTING STORM SEWER
- 7. EXISTING STORM SEWER
- 8. EXISTING STORM SEWER
- 9. EXISTING STORM SEWER
- 10. EXISTING STORM SEWER
- 11. EXISTING STORM SEWER
- 12. EXISTING STORM SEWER
- 13. EXISTING STORM SEWER
- 14. EXISTING STORM SEWER
- 15. EXISTING STORM SEWER
- 16. EXISTING STORM SEWER
- 17. EXISTING STORM SEWER
- 18. EXISTING STORM SEWER
- 19. EXISTING STORM SEWER
- 20. EXISTING STORM SEWER



ENLARGED HANDICAP RETAIL
 SCALE: 1"=10'

SITE OPTION NO.4

PRIVATE DRIVE "C" (UNDEVELOPED)

UNIT 4
 CENTREPORT COMMONS

PRIVATE DRIVE "D" (UNDEVELOPED)

UNIT 5
 CENTREPORT COMMONS

PORTAGE ROAD 80' R/W

SECTION 21.7.3 SOUTH, R. 11 WEST

VANDERVOORT, CHRIST & FISHER, P.C.
LAWYERS

CHRIS T. CHRIST
JAMES A. FISHER
NELSON KARRE
ROBERT J. SHARKEY
JAMES E. REED★
DAVID P. LUCAS
MARTHA J. WIDDOWS-WITHAM
HANNAH L. BIVINS
OF COUNSEL:
ROBERT D. MCFEE

⊙ ALSO ADMITTED IN IN
★ ALSO ADMITTED IN WA

BATTLE CREEK OFFICE:
67 WEST MICHIGAN AVENUE, SUITE 312
BATTLE CREEK, MICHIGAN 49017-7016

COLDWATER OFFICE:
COLDWATER EXECUTIVE SUITES, SUITE 2B
28 WEST CHICAGO STREET
COLDWATER, MICHIGAN 49036-1678

BATTLE CREEK OFFICE:
VOICE: (269) 965-7000
FAX: (269) 965-0646

COLDWATER OFFICE:
VOICE: (517) 278-0500
FAX: (517) 278-0501

MILLARD VANDERVOORT (1906-1981)

February 12, 2010

WRITER'S TELEPHONE EXTENSION 323
REPLY TO BATTLE CREEK OFFICE
Email: nkarre@vcflaw.com
Direct fax: 269.441.3232

Portage Dept. Of Community Development
Mike West
7900 S. Westnedge
Portage, MI 49002

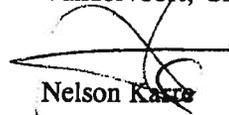
Re: Portage Animal Hospital

Mike:

Concerning the above, please consider this letter a request that the Portage Planning Commission adjourn any consideration of the Hospital's site plan review until the first meeting in March, 2010. I learned today that it will not be possible for Chester, Inc. to develop the revised detailed site plan in time for your review before the hoped for February 18 meeting. Tony Pequet of Chester, Inc. knows what is required, and believes it will be done in time for your review before a March 4, 2010 meeting.

I know you will advise if you have questions or suggestions.

Vandervoort, Christ & Fisher, P.C.



Nelson Karre

nk/

c Portage Animal Hospital

TO: Planning Commission **DATE:** February 12, 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)

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 under the following entities: Lakewood Management Company, Greenspire, Greenspire Equity I and Greenspire II Apartments LLC. Attached is the project narrative, tentative plan and related materials provided by the applicant.

The change in zoning is being requested to facilitate retail and office uses along West Centre Avenue, now zoned RM-1, multi-family residential but planned for general business per the 2008 Comprehensive Plan. Although the remaining land area is zoned RM-1 and can accommodate future Greenspire apartment phases, the developers are also including this area in the rezoning application. Development under the PD section of the Zoning Code provides site design flexibility for the developers but also requires the submission of a tentative plan and written narrative illustrating and describing the proposed project. The tentative plan and narrative allows the community to review and comment on all preliminary improvements as the project proceeds through the rezoning process.

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				

As information, a portion of the land in the rezoning is occupied by Phases I, II and III of the Greenspire Apartments (384 units on 55 acres). The planned development proposes three additional apartment phases of the Greenspire Apartments (Phases IV, V and VI) on approximately 29 acres along with 11 acres of retail/office land use along the northern portion of the site, adjacent to West Centre Avenue.

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, several 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: <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. <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.
Public Streets	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”).
Historic District/ Structures	The subject site is not located within a historic district and does not contain any historic structures.
Public Utilities	Municipal water and sewer are available.
Environmental	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 (approximately 21 acres, 914,760 square feet) and, also, Portage Creek with associated regulated floodplain areas.

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 of which up to 20% of the total land area available 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 which must be addressed the tentative plan/narrative.

IV. PROPOSED TENTATIVE PLAN:

The Greenspire PD tentative plan and narrative was revised by the applicant and provided to the Department of Community Development late afternoon on Friday, February 12, 2010. While staff has not yet reviewed the revised material, it is attached for Planning Commission consideration. An amended preliminary report that includes an analysis of the various elements of the Greenspire PD will be provided to the Planning Commission on, or before, the February 18, 2010 meeting.

V. PRELIMINARY ANALYSIS:

To assist the Planning Commission, the following is provided as a very limited, preliminary review of the information that was submitted and available for this report.

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

Comprehensive Plan

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 and general business (northern portion). That portion of the rezoning site along the West Centre Avenue frontage which is designated for general business land use is also situated within a primary commercial node. 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

While the existing RM-1, multiple family residential zoning pattern is appropriate for the majority of the property, the northern portion of the site located adjacent West Centre Avenue is designated for general business land use and identified within a primary commercial node in the Comprehensive Plan/Future Land Use Map. The proposed PD project with additional apartment development and retail/office uses along the West Centre Avenue frontage is consistent with these designations.

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 based on the square footage of the overall property excluding wetlands/floodplains, divided by a factor of 1,400, which results in a number of "rooms". The portion of the property which is wetlands/floodplains is calculated by dividing the square footage of the wetland/floodplain area by a factor of 5,600, or partially credited, which also results in a number of "rooms". For the purpose of computing the permitted number of dwelling units, the total number of "rooms" is then applied according to the following room assignment formula: one-bedroom unit = 2 rooms; two-bedroom unit = 3 rooms; three-bedroom unit = 5 rooms; four-bedroom unit = 7 rooms. In the PD zone, the above formula which calculates "rooms" is not utilized and there is no difference between a one-bedroom unit, two-bedroom unit, three-bedroom unit and four-bedroom unit. Wetland/floodplain acreage can be included in the overall units/acre calculation in the PD zone.

A comparison development plan that shows the portion of the land area planned for multiple family residential developed under the RM-1 standards has been provided by the applicant. The results of this comparison plan indicates that a slightly higher units/per acre development density could be obtained by utilizing the existing RM-1 zoning than proposed under the PD zoning. Additionally, 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.

TRAFFIC CONSIDERATIONS

Anticipated traffic generation information for the planned development project is contained in the revised narrative provided by the applicant. This information is currently being reviewed by the City Administration and an analysis will be provided in a subsequent staff report.

ENVIRONMENTAL CONSIDERATIONS

Protection of, and minimal impacts on, wetlands and other environmentally sensitive areas are planned by the applicant. 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 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 will also occur at this time.

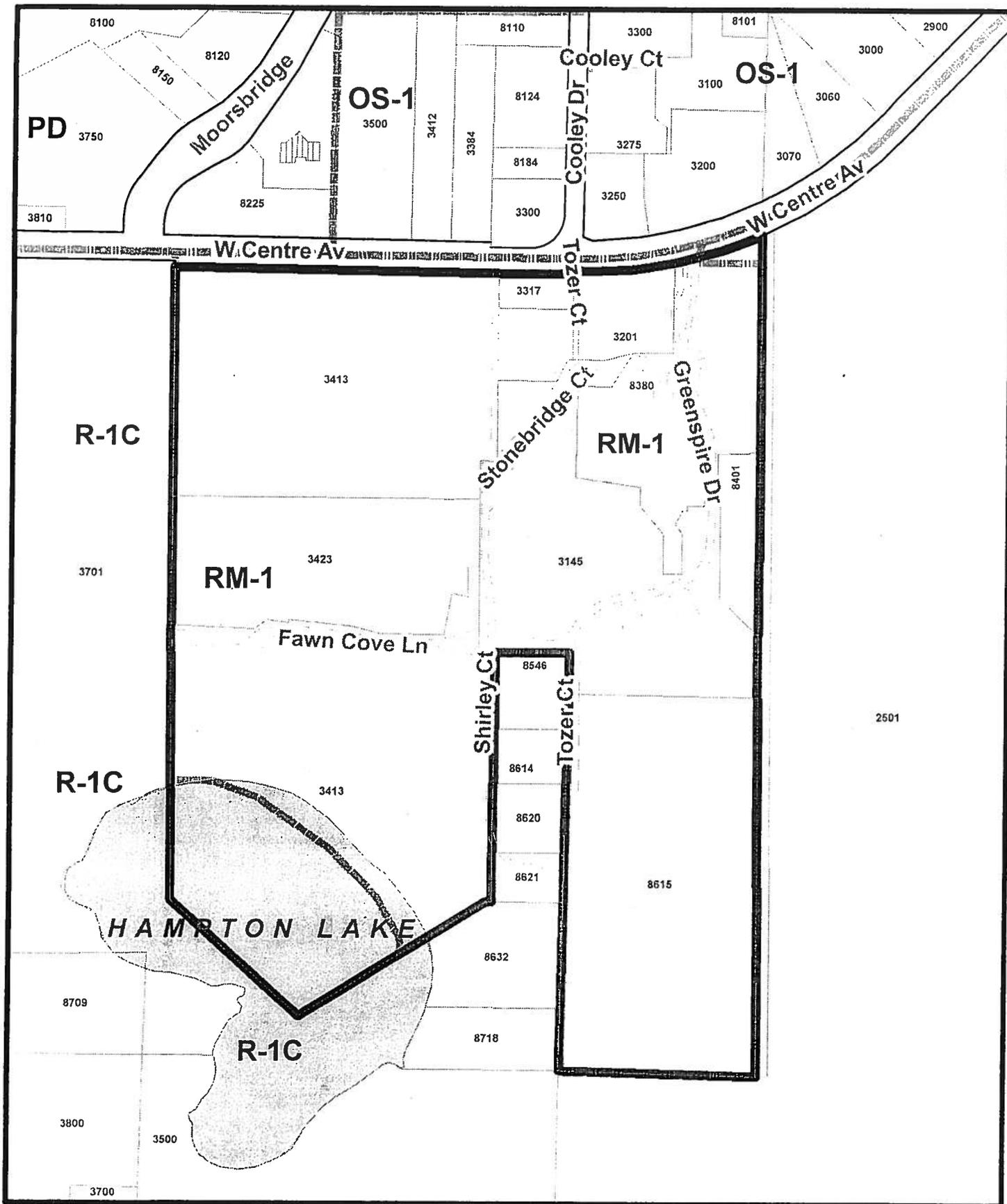
Rezoning Application #09-01 Greenspire PD
West Centre Avenue & Greenspire Drive
Preliminary Report

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 12, 2010)

s:\commdev\department files\board files\planning files\pc reports\rezonings\rezoning application 09-01, greenspire pd - preliminary report (2-12-10)v2.doc



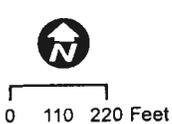
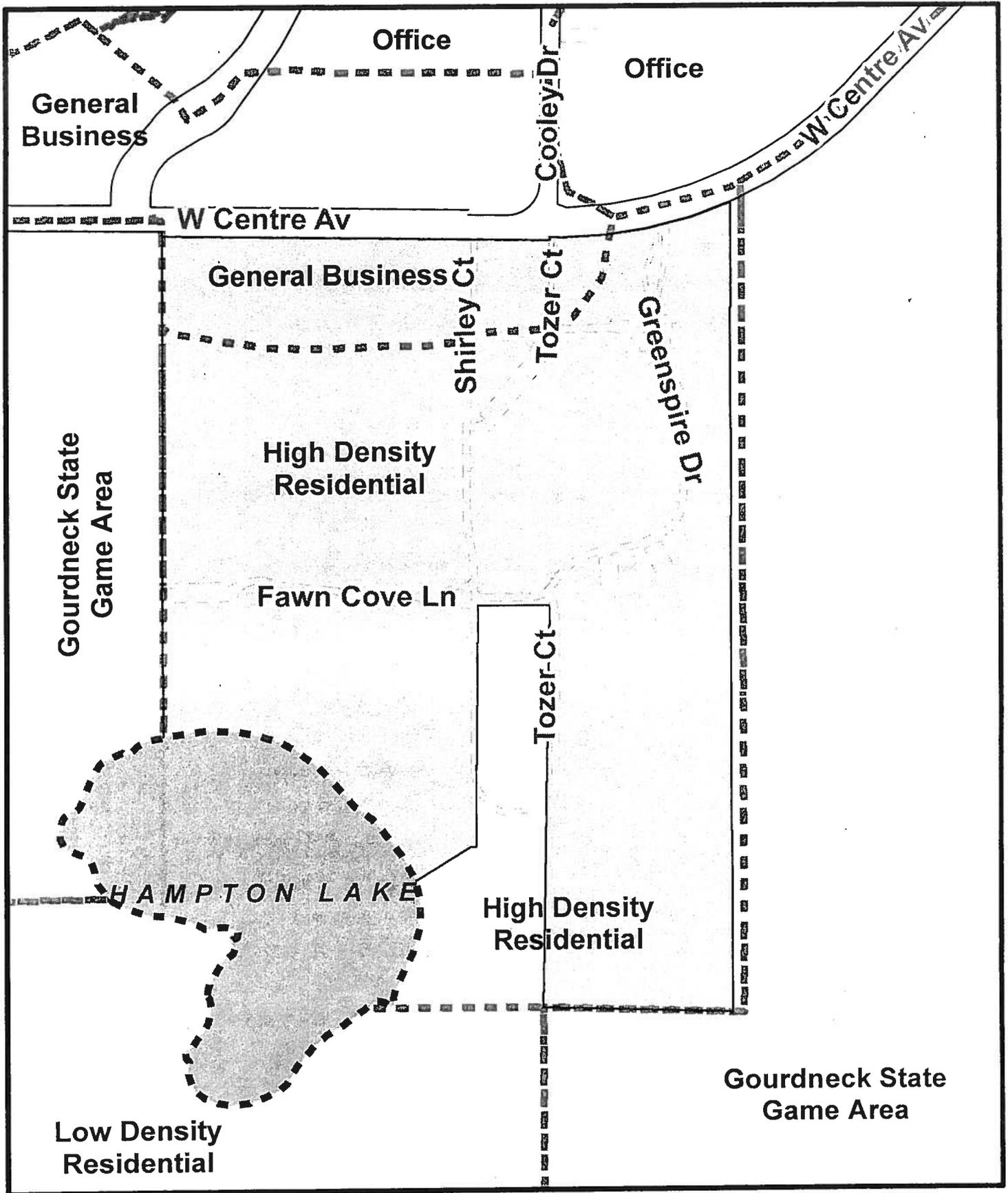
Rezoning #09-01

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

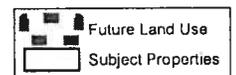
	Zoning Boundary
	Subject Properties



1 inch = 439 feet



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

Address 4200 W. Centre Ave, Portage, MI 49024 Greenspire Equity I, Greenspire

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

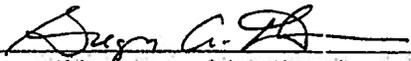
ZONING TEXT AMENDMENT N/A

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 - Portage, MI 49029

(Address)

(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 12 2010
4:22
COMMUNITY DEVELOPMENT

February 10, 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" 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 first phase of retail development would commence construction in the Spring of 2010 (Phase IV) and consist of two multi-family apartment buildings containing 36 apartment units together with approximately 12,000 square feet of retail space. Future developments would include multi-family expansion (Phase V and Phase VI) that would consist of approximately 324 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 Tentative 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 frontage 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 26.43 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 49.405 acres. For density purposes the 384 units over 49.405 acres equals 7.8 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 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 is schedule 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/Shirley Court entrance will provide an additional means of ingress and egress into the development. When the area west of Cooley is developed, that area will be benefited by the right in/right out drive on the western end of the site.

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: 272 weekday A.M. peak hour (in and out), 461 weekday P.M. peak hour (in and out), and 4,732 total daily 24 hour (in and out). Preliminarily, the traffic study indicates possible future signalization at the West Centre Avenue/Cooley Avenue intersection. This traffic study is presently being updated as building square foot totals have changed, although not materially. 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 this link, we are able to get pedestrians to the 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 connections to Phase V when that phase is constructed.

6. The 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.

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 property. 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 development plans were not near any wetlands. He has assured us that we are not near any wetlands. Additionally, PSI conducted soil borings in the area of the southernmost building footprints in Phase V and these 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 .48 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, our calculations use 94.64 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 55.06 acres equals 6.97 units/acre. We are requesting a modification to allow for the overall 7.48 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
		RM 1 Calc	PD Calc	
Phase I	96		7.15	13.42
Phase II	168		9.35	17.96
Phase III	120		5.07	23.68
Phase I-III Combined	384		6.97	55.06
Phase IV	36		3.66	9.83
Ex + Phase IV	420		6.47	64.89
Phase V	168		8.73	19.25
Ex + Phase IV & V	588		6.99	84.14
Phase VI	120		11.43	10.5
Phase I, II, III, IV, V, & VI Combined	708	786	7.48	94.64

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 38’ 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, 38’ 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 15' set back, only on this 1.95 acre parcel, 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 greenspace possible consistent with the overall feel of Greenspire. The 15' set back shown on these drawings pushes the buildings 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 38', well within the height limitation. 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 line extending to the right.

Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman



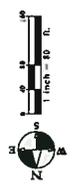
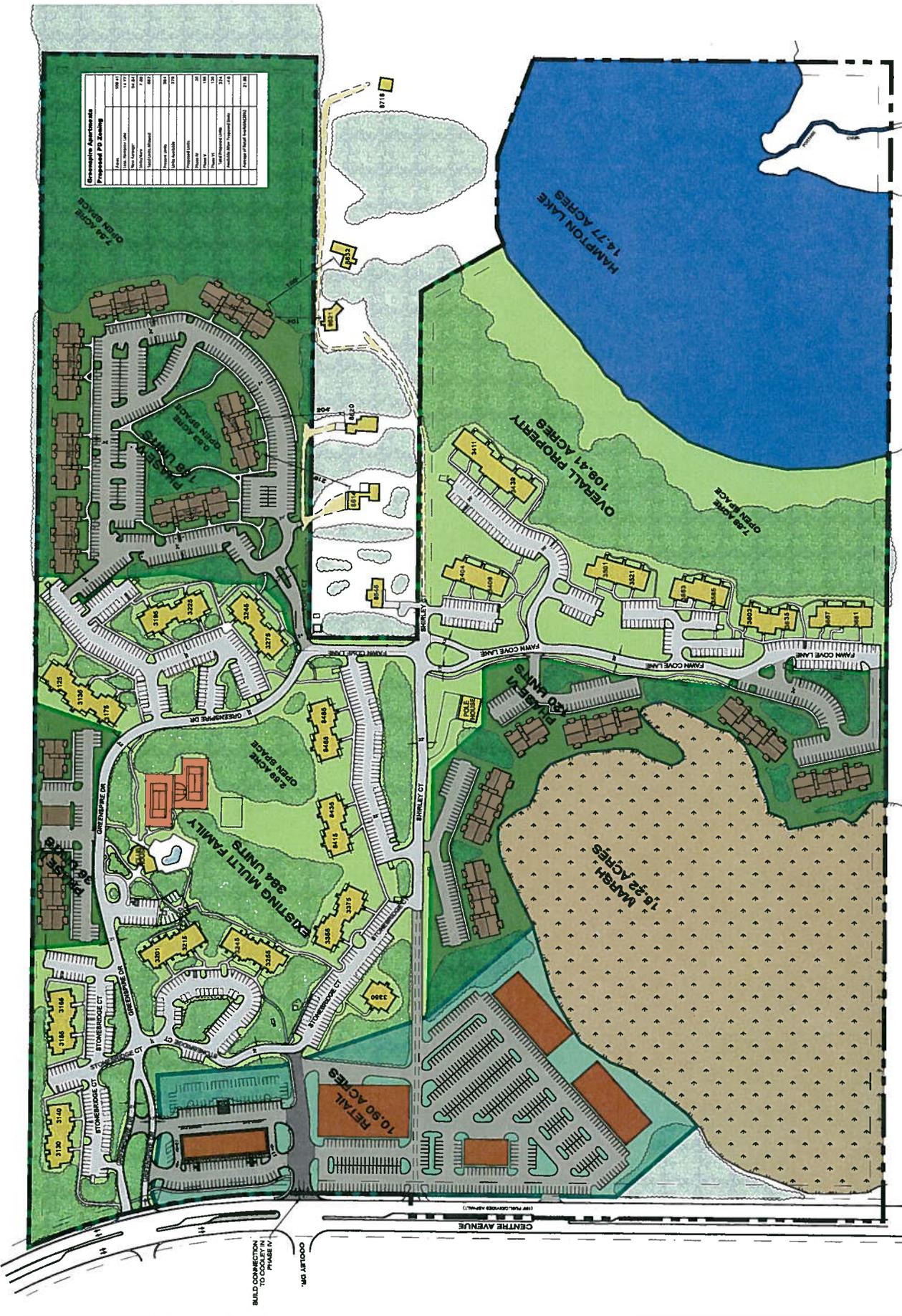
AVB
CONSTRUCTION

HIS
Hurley & Stewart, Inc.
www.hurleyandstewart.com
2809 South 11th Street
Kalamazoo, Michigan 49009
262.521.4860 Fax: 262.521.4961

CONTRACTOR: Hurley & Stewart, Inc.
PROJECT: GREENSPIRE COMPLEX
DATE: 11/20/10
SCALE: AS SHOWN
SHEET: 1

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

Sheet Title: PD ZONE MASTER PHASING PLAN
Project: GREENSPIRE COMPLEX
Client: AMERICAN VILLAGE BUILDERS, INC.



COOLANT DN.
BUILD CONNECTION TO COOLANT IN
REAR OF BUILDING

CENTRE AVENUE

TO: Planning Commission **DATE:** February 12, 2010
FROM: Jeffrey M. Erickson, Director of Community Development
SUBJECT: Ordinance Amendment #09-B, Sign Ordinance Regulations

This communication is intended to advise the Planning Commission that additional consideration of Ordinance Amendment #09-B is necessary.

Following the January 21, 2010 Planning Commission meeting, staff identified an omission in the above-noted ordinance amendment. Section 42-546(D), RM-1 and RM-2, multiple family districts, pertains to freestanding and wall signs for non-residential uses permitted in multi-family residential zoning districts, which was not included in Ordinance Amendment #09-B. The language of Section 42-546(D) is the same as Section 42-545(B) that the Planning Commission reviewed and subsequently recommended an amendment to City Council. It is appropriate that Section 42-546(D) also be included in the proposed ordinance amendment. The staff report involving Ordinance Amendment #09-B has been revised to incorporate this section and is attached. The City Attorney also completed minor formatting changes.

In accordance with statutory requirements, the required zoning amendment public notice has been provided regarding the proposed modification to the sign provisions in Section 42-546(D). The necessary public hearing is scheduled for the February 18, 2010 Planning Commission meeting. Given the nature of the additional section that is to be addressed, the amendment is considered to be minor, but necessary.

Subject to any additional comments received during the public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 09-B, Sign Ordinance Regulations, be approved.

Attachments: February 12, 2010 Department of Community Development report

s:\2009-2010 department files\board files\planning commission\pc reports\ordinance amendments\signs for other than dwelling unit\2010 02 10 revised pc report-sign regulations.doc

TO: Planning Commission

DATE: February 12, 2010

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Final Report: Ordinance Amendment #09-B, Sign Ordinance Regulations

I. INTRODUCTION

Ordinance language has been prepared to amend the following sections of sign regulations contained in the Zoning Code:

- 42-545(A), R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts;
- 42-546(D), RM-1 and RM-2 districts
- 42-550(A), OS-1, office services and OTR, office, technology and research districts; and
- 42-551(A), B-1 local business districts.

Attached is a copy of the above Zoning Code sections. This amendment was initiated to 1) address an inconsistency that occurred during the 2003 Zoning Code update, 2) standardize the sign regulations for non-residential uses allowed in the residential zoning districts with uses permitted in other non-residential zoning district and 3) clarify sign area in the office and business districts. A detailed discussion of proposed changes to these sections is provided below.

II. ZONING CODE PROVISIONS/ANALYSIS

Section 42-545(A) and 42-546(D). The proposed amendment to Section 42-545(A) and 42-546(D) of the Zoning Code would modify regulations pertaining to freestanding and wall signs for non-residential uses permitted in the R-1A through R-1T and RM-1 and RM-2 zoning districts. The following table summarizes the existing and proposed changes:

Proposed Changes to Section 42-545(A) and 42-546(D)			
Type of Sign	Current Sign Requirements ¹	Proposed Sign Requirements	Change
Freestanding	One sign up to 32 sq. ft.	One sign up to 50 sq. ft.	+18 square feet
Wall	One sign up to 32 sq. ft.	15% of the total wall area up to 100 sq. ft. ²	+68 sq. ft. depending on wall area

¹ If a wall and freestanding sign are erected, the combined total cannot exceed 32 sq. ft.

² More than one wall sign may be erected. Combined area cannot exceed 15% or 100 sq. ft., whichever is less

As the table above indicates, the combined total square footage of the freestanding sign and wall sign cannot exceed 32 square feet. Several churches including Valley Family Church – Kalamazoo, 2500 Vincent Avenue, Kalamazoo First Assembly of God, 5550 Oakland Drive and The Bridge, 7198 Angling Road have requested variances to increase the size of the sign(s). After comparing the language of this section before and after the 2003 Zoning Code update, it was discovered, the consultant inserted the word “together” in Sections 42-545(A) and 42-546(D), which clearly limits the total square feet of all signs to no more than 32. The word “together” is proposed to be removed.

In addition to removing the word “together” from the ordinance, staff is also recommending the size of freestanding and wall signs for non-residential uses permitted in the R-1A through R-1T and RM-1 and RM-2 zoning districts be standardized with the freestanding and wall signs allowed in other non-residential zoning districts. In other non-residential zoning districts, the standard freestanding sign size is 48-50 square feet and, depending on the zoning district and amount of street frontage, may be increased. The

standard wall sign size is 15% of the wall area with a maximum of 100 square feet. As shown in the table above, the proposed amendment would permit an additional 18 square feet of freestanding sign and up to 68 square feet of wall sign depending on the size of the wall. Although the other non-residential zoning districts can increase the size of a freestanding sign based on street frontage, the maximum size in the residential zones is proposed at 50 square feet regardless of the street frontage. Negative impacts associated with these increases are not anticipated: An additional 18 square feet freestanding sign is considered minor and the size of the wall sign is proportionate to the size of the wall.

Sections 42-550(A) and 42-551(A). Modifications to these two Zoning Code sections involve clarification of the statement "...with a minimum sign size of 32 square feet..." The meaning of this statement appears to be two-fold. First, this statement indicates the sign cannot be less than 32 square feet in area. If a business owner were to request a sign less than 32 square feet in area, a variance from the Zoning Board of Appeals (ZBA) would be necessary. Second, this statement indicates a lot with less than 80 feet in width is permitted to have a freestanding sign up to 32 square feet in area.

From a practical standpoint, business owners generally request the largest sign allowed under the Zoning Code so ZBA requests to approve a sign smaller than 32 square feet have not been received within the recent past. However, there are several existing lots in the city zoned OS-1, office service and B-1, local business that are less than 80 feet in width. Since the intent of the original language was to permit these smaller lots to have a maximum sign size of 32 square feet, the existing statement "...with a minimum sign size of 32 square feet..." is proposed to be replaced with the statement "For lots less than 80 feet in width, one freestanding sign not to exceed 32 square feet is permitted." Attached is a copy of the proposed ordinance language.

The proposed changes to Sections 42-550(A) and 42-551(A) will clarify: 1) a variance from the ZBA is not required if a smaller sign size is desired by a business owner, and 2) the maximum sign size for a lot less than 80 feet in width.

Finally, following the January 7, 2010 Planning Commission meeting, clarification of the maximum sign area per side was discussed. References to permitted sign area are contained in several sections. For Commission information, the square footage of a sign is determined based on the "sign face" as defined in the Zoning Code. While wall signs and freestanding signs are typically one-sided or two-sided, the maximum sign area that is permitted applies to the "sign face": The number of sign faces (sides) is not regulated. To clarify this long-standing application of the Zoning Code and to ensure consistency, the phrase "...of one side of the sign face..." can be added to Section 42-542(B), Sign measurements. This minor additional recommended change clarifies sign area, and is consistent with the proposed amendments.

III. PUBLIC REVIEW/COMMENT

The Planning Commission considered the proposed Ordinance Amendment #09-B at the December 17, 2009 meeting and convened a public hearing during the January 7 and January 21, 2010 meetings. One citizen spoke during the January 21st meeting and inquired how the proposed changes would affect existing uses that have received variances or have developed under the current ordinance.

IV. RECOMMENDATION

Based on the above analysis and subject to any additional comments received during the public hearing, the Planning Commission is advised to recommend to City Council that Ordinance Amendment 09-B, Sign Ordinance Regulations, be approved.

Attachments: Current Zoning Code sections; Proposed Ordinance Amendment

of not being legible and the subsequent message gradually increases intensity to the point of legibility.

- c. Frame. A complete, static display screen on an electronic message display.
- d. Frame effect. A visual effect on an electronic message display applied to a single frame to attract the attention of viewers.
- e. Transition. A visual effect used on an electronic message display to change from one message to another.

(Ord. No. 03-01 (Exh. A, § 42-621), 2-18-2003; Amend. of 10-2-2007)

Sec. 42-542. General requirements.

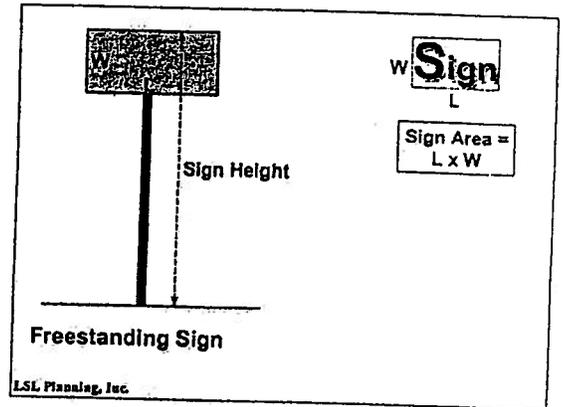
A. Unless not required by this article, all signs shall be required to obtain a permit from the director of community development.

B. Sign measurements:

- 1. The entire area within a circle or four-sided polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area shall also include any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.
- 2. Separated sign elements, not part of any frame, or separated by other material or color forming an integral part of the display that may be used to differentiate such sign from the background against which it is placed, shall have each element of the sign calculated separately for the purposes of determining the total area. The signs elements shall not exceed the total sign display permitted by the district in which it is located.
- 3. The height of a sign is measured from the adjacent street grade or upper surface of the nearest street curb other than an

elevated roadway that permits the greatest height to the highest point of such sign.

- 4. For the purpose of property line setbacks, the setback distance for a freestanding sign shall be measured from that portion of the sign closest to the property line.
- 5. The sign areas for wall signs shall be determined by taking that portion of the front wall of the building applicable to each tenant space, and computing sign requirements for that portion of the total wall.



Sign Measurements Fig. 7

C. All references to the term "lot width," "lot frontage" or "frontage" for the purposes of calculating allowable freestanding sign area shall require that width or frontage be on a public dedicated right-of-way and be measured at the front lot line, notwithstanding the definition and use of these terms in division 2 and division 3 of this article.

D. Signs not permitted.

- 1. A sign not expressly permitted by this article is prohibited.
- 2. No person shall erect or maintain a sign which moves or which has moving or animated parts or images, whether the movement is caused by machinery, electronics, wind or otherwise, including swaying signs, except for an EMD as defined in

3. The granting of a variance will result in the removal of a nonconforming sign and replacement by a sign that, while not meeting the requirements of this article, are, nonetheless, in keeping with the spirit and purpose of this article.

D. Variances. A sign erected as a result of a lawful grant of a variance by the zoning board of appeals shall be subject to the same restrictions and requirements which apply to nonconforming signs in subsection B above and other provisions of this Code.

E. Notwithstanding the provisions of subsection B, above, the face of a nonconforming sign may be changed provided that the owner of the sign and owner of the zoning lot upon which the sign is located (if different from the owner of the sign) shall enter into a written agreement with the city which shall be recorded with the county register of deeds by the owner of the sign and the owner of the zoning lot, and which shall state all of the following:

1. In exchange for the opportunity to change the face of the sign as often as desired, the entire nonconforming sign, which includes the entire face and structure, shall be removed within five years of entering into the agreement.
2. At the conclusion of the five years, the owner of the sign and the owner of the zoning lot shall be responsible for the entire removal of the sign.
3. The owner of the sign and the owner of the zoning lot (including subsequent owners) waive their rights to request variances from the zoning board of appeals a variance from the agreement or any other ordinance provision governing the sign.
4. The agreement shall run with the land and become binding upon any subsequent owners of the sign and zoning lot.
5. The replacement sign, itself nonconforming in any way, may not be erected at the conclusion of the five years.
6. A lien against the zoning lot and any structure on the zoning lot, in the amount

of 1½ times the estimated cost of removing the nonconforming sign at the time the agreement is entered into (as established by the director on the date of the agreement) shall come into existence five years after entering into the agreement and remain in effect until the sign is removed.

(Ord. No. 03-01 (Exh. A, § 42-624), 2-18-2003)

Sec. 42-545. R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts.

A. In any R-1A, R-1B, R-1C, R-1D, R-1E and R-1T residential district:

1. For each dwelling unit, there is permitted one sign, not exceeding one square foot in area, indicating the name of the occupant.
2. For a permitted use other than a dwelling unit, there is permitted one freestanding sign and one wall identification sign together not exceeding a total of 32 square feet in area per side, provided that such a sign:
 - a. Is at least ten feet from any property line; and
 - b. Does not exceed ten feet in height.

B. Except for the signs permitted in section 42-543, a permanent sign identifying a single-family residential development is not permitted except as provided in this section. The city council may approve an agreement between the city and a proprietor desiring a sign identifying a single-family residential development city owned property or right-of-way. The agreement shall specify requirements and conditions regarding the sign, including not limited to the following:

1. Size and height of the sign, construction standards to be followed, appearance, specific location and illumination.
2. The person responsible for maintaining and repairing the sign.
3. Compensation to the city for continued use of the property.

- 4. A provision which indemnifies the city from liability as a result of any personal damage or personal injury resulting from the sign.

(Ord. No. 03-01 (Exh. A, § 42-625), 2-18-2003; Ord. No. 09-03, 4-14-2009)

Sec. 42-546. RM-1 and RM-2 districts.

In RM-1 and RM-2 multifamily residential districts:

- A. For each dwelling unit, there is permitted one wall sign, not exceeding one square foot in area, indicating the name of the occupant.
- B. For a rental or management office, there is permitted one wall sign, not exceeding two square feet in area.
- C. For identifying a multifamily housing project, there is permitted one freestanding or wall sign, not exceeding 32 square feet in area per vehicular entrance, provided that such sign:
 - 1. Is at least ten feet from any property line; and
 - 2. Does not exceed ten feet in height.
- D. For a permitted use other than a dwelling unit, there is permitted one freestanding and one wall identification sign, together not exceeding a total of 32 square feet in area per side, provided that such signs:
 - 1. Are at least ten feet from any property line; and
 - 2. Do not exceed ten feet in height.

(Ord. No. 03-01 (Exh. A, § 42-626), 2-18-2003)

Sec. 42-547. MHC district.

In an MHC manufactured home community district:

- A. For each dwelling unit, there is permitted one wall sign, not exceeding one square foot in area, indicating the name of the occupant.
- B. For each manufactured home park vehicular entrance, there is permitted one free-

standing identification sign, not exceeding 32 square feet in area per side, provided that such sign:

- 1. Is at least ten feet from any property line; and
- 2. Does not exceed ten feet in height.

(Ord. No. 03-01 (Exh. A, § 42-627), 2-18-2003)

Sec. 42-548. PD, planned development district.

In the PD planned development district:

- A. For a permitted use other than a dwelling unit, there is permitted one freestanding accessory sign per zoning lot, not exceeding one square foot for each 2½ feet of lot frontage, provided that the sign may not exceed 50 square feet in area for a lot with less than 300 feet of frontage. A zoning lot with more than 300 feet of frontage may have an additional sign based upon the ratio of one square foot of sign per each 2½ feet of lot frontage over the initial 300 feet of frontage. The maximum size of any one sign is 50 square feet.
- B. Where multiple use zoning lots are involved, for each additional use on a zoning lot beyond the initial use, eight additional square feet of sign area is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the lot.
- C. Where the zoning lot abuts a one-family residential district, the setback distance shall be increased such that one foot of horizontal distance from the residential district is provided for each square foot of sign permitted on the lot, provided that all such signs:
 - 1. Are at least ten feet from any property line; and
 - 2. Do not exceed 15 feet in height.
- D. For each use on a zoning lot, there is permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The

combined total of all wall signs shall not exceed 100 square feet per street frontage.

- E. If no freestanding sign is used, the percentage of total wall area for wall signs may be increased by 33 percent per street frontage. Lots with dual frontage may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.
- F. For each dwelling unit there is permitted one sign not exceeding one square foot in area indicating the name of the occupant.
- G. Except for the signs permitted in section 42-543, a permanent sign identifying a single-family residential development is not permitted except as provided in section 42-545.B.

(Ord. No. 03-01 (Exh. A, § 42-628), 2-18-2003; Amend. of 10-2-2007; Ord. No. 09-03, 4-14-2009)

Sec. 42-549. P-1, parking district.

In a P-1 vehicular parking district:

- A. One freestanding or wall sign is permitted, not to exceed six square feet in area per side, designating conditions of use, provided that a freestanding sign:
 - 1. Is ten feet from any property line; and
 - 2. Does not exceed ten feet in height.
- B. Entrance and exit signs are permitted as provided in section 42-433.E.

(Ord. No. 03-01 (Exh. A, § 42-629), 2-18-2003)

Sec. 42-550. OS-1, office service and OTR, office, technology and research districts.

In an OS-1 office service or OTR, office, technology or research district:

- A. One freestanding accessory sign per zoning lot is permitted, not exceeding one square foot for each 2½ feet of lot frontage, with a minimum sign size of 32 square feet, provided that the sign may not exceed 50 square feet in area for a lot

less than 300 feet wide. A zoning lot in excess of 300 feet wide may have one additional sign based upon the ratio of one square foot of sign area per each 2½ feet of lot frontage over the initial 300 feet of frontage. The maximum size for any sign is 50 square feet. Where multiple-use zoning lots are involved, for each additional use on a zoning lot beyond the initial use, eight additional square feet of sign area is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the lot. Where the zoning lot abuts a one-family residential district, the setback distance shall be increased such that one foot of horizontal distance from the residential area is provided for each square foot of sign permitted on the lot, provided that all such signs:

- 1. Are at least ten feet from any property line; and
 - 2. Do not exceed 15 feet in height.
- B. For each use on a zoning lot, there is permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of wall signs shall not exceed 100 square feet per street frontage. If no freestanding sign is used, the percentage of total wall area for wall signs may be increased by 33 percent per street frontage. Lots with dual frontage may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.
- C. In addition to the sign area allowed in this subsection, one additional freestanding sign may be erected at each vehicular entrance to identify the development and facilities located in an OTR zone therein, provided that such sign:
- 1. Does not exceed 50 square feet in area per side;
 - 2. Is ten feet from any property line; and

3. Does not exceed 15 feet in height.
(Ord. No. 03-01 (Exh. A, § 42-629.1), 2-18-2003)

Sec. 42-551. B-1, local business district.

In a B-1 local business district:

- A. One freestanding accessory sign per zoning lot is permitted, not exceeding one square foot for each 2½ feet of lot frontage, with a minimum sign size of 32 square feet, provided that the sign may not exceed 50 square feet in area for a lot less than 300 feet wide. A zoning lot in excess of 300 feet wide may have one additional sign based upon the ratio of one square foot of sign area per each 2½ feet of lot frontage over the initial 300 feet of frontage. The maximum size for any one sign is 50 square feet. Where multiple-use zoning lots are involved, for each additional use on a zoning lot beyond the initial use, eight additional square feet of sign area is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the lot. Where the zoning lot abuts a one-family residential district, the setback distance shall be increased such that one foot of horizontal distance from the residential area is provided for each square foot of sign permitted on the lot, provided that all such signs:
 - 1. Are at least ten feet from any property line; and
 - 2. Do not exceed 15 feet in height.
- B. For each use on a zoning lot, there is permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of wall signs shall not exceed 100 square feet per street frontage. If no freestanding sign is used, the percentage of total wall area for wall signs may be increased by 33 percent per street frontage. Lots with dual frontage may not combine permissible signs for

one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

(Ord. No. 03-01 (Exh. A, § 42-629.2), 2-18-2003)

Sec. 42-552. B-2, community business; B-3, general business; and CPD, commercial planned development districts.

In a B-2, community business district, B-3, general business district, or a CPD, commercial planned development district:

- A. For each zoning lot, there is permitted one freestanding accessory sign, up to 50 square feet in area per side, for lots 125 feet or less in width, to be increased at a ratio of one square foot per each 2½ feet of lot frontage in excess of the initial 125 feet, up to a lot 300 feet wide. A zoning lot having in excess of 320 feet of frontage may have one additional sign based upon the same ratio of one square foot of sign area for each 2½ feet of lot frontage over the initial 320 feet of frontage. The maximum size for any one sign is 120 square feet.
- B. When multiple-use zoning lots are involved, for each additional use on the zoning lot beyond the initial use, 15 square feet of sign area is permitted, the total area of freestanding signs not to exceed 50 percent over the sign size originally permitted for the lot.
- C. For a lot with frontages on more than one street, each frontage may be treated as a separate frontage for the purpose of establishing permitted freestanding sign area and number.
- D. For a corner lot, the distance between permitted freestanding signs shall be not less than 100 feet, as measured along the property lines, but in no case shall there be a distance of less than 70 feet between such signs. Each such sign shall be oriented to the street frontage it serves. If one freestanding sign is used, then the percentage of freestanding sign area permitted on one street frontage may be

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTIONS 42-542; 42-545; 42-546; 42-550 AND 42-551
ARTICLE 4 OF CHAPTER 42, ZONING**

THE CITY OF PORTAGE ORDAINS:

That Chapter 42, Article 4, shall be amended as follows:

Sec. 42-542. General requirements.

- A. *Unchanged.*
- B. Sign measurements:
 - 1. The entire area of one side of the sign face within a circle or four-sided polygon enclosing the extreme limits of writing, representation, emblem, or any figure of similar character. This area shall also include any frame or other material or color forming an integral part of the display or used to differentiate the sign from the background against which it is placed; excluding the necessary supports or uprights on which the sign is placed.
 - 2. *Unchanged.*
 - 3. *Unchanged.*
 - 4. *Unchanged.*
 - 5. *Unchanged.*
- C. through I. *Unchanged.*

Sec. 42-545. R-1A, R-1B, R-1C, R-1D, R-1E and R-1T districts.

In any R-1A, R-1B, R-1C, R-1D, R-1E and R-1T residential district:

- A. *Unchanged.*
- B. For a permitted use other than a dwelling unit, there is permitted one (1) freestanding accessory sign, not exceeding one square foot for each 2-1/2 feet of lot frontage. The maximum size of the sign may not exceed 50 square feet in area, provided that such freestanding sign:
 - 1. Is at least ten (10) feet from any property line; and
 - 2. Does not exceed ten (10) feet in height.

- C. For a permitted use other than a dwelling unit, there is also permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of all wall signs shall not exceed 100 square feet.
- D. Except for the signs permitted in section 42-543, a permanent sign identifying a single-family residential development is not permitted except as provided in this section. The city council may approve an agreement between the city and a proprietor desiring a sign located on city owned property or right-of-way identifying a single-family residential development. The agreement shall specify requirements and conditions regarding the sign, including not limited to the following:
 - 1. Size and height of the sign, construction standards to be followed, appearance, specific location and illumination.
 - 2. The person responsible for maintaining and repairing the sign.
 - 3. Compensation to the city for continued use of the property.
 - 4. A provision which indemnifies the city from liability as a result of any personal damage or personal injury resulting from the sign.

Sec. 42-546. RM-1 and RM-2 districts.

In RM-1 and RM-2 multifamily residential districts:

- A. *Unchanged.*
- B. *Unchanged.*
- C. *Unchanged.*
- D. For a permitted use other than a dwelling unit, there is permitted one (1) freestanding accessory sign, not exceeding one square foot for each 2-1/2 feet of lot frontage. The maximum size of the sign may not exceed 50 square feet in area, provided that such freestanding sign:
 - 1. Is at least ten (10) feet from any property line; and
 - 2. Does not exceed ten (10) feet in height.
- E. For a permitted use other than a dwelling unit, there is also permitted a wall sign or signs, the combined area of which does not exceed 15 percent of the total area of the wall to which the sign or signs are attached. The combined total of all wall signs shall not exceed 100 square feet.

Sec. 42-550. OS-1, office service and OTR, office, technology and research districts.

In an OS-1 office service or OTR, office, technology or research district:

- A. One freestanding accessory sign per zoning lot is permitted, not exceeding one square foot for each 2-1/2 feet of lot frontage, provided that the sign may not exceed 50 square feet in area for a lot less than 300 feet wide. For lots less than 80 feet in width, one freestanding sign not to exceed 32 square feet is permitted. A zoning lot in excess of 300 feet wide may have one additional sign based upon the ratio of one square foot of sign area per each 2-1/2 feet of lot frontage over the initial 300 feet of frontage. The maximum size for any one sign is 50 square feet. Where multiple-use zoning lots are involved, for each additional use on a zoning lot beyond the initial use, eight additional square feet of sign area is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the lot. Where the zoning lot abuts a one-family residential district, the setback distance shall be increased such that one foot of horizontal distance from the residential area is provided for each square foot of sign permitted on the lot, provided that all such signs:
 - 1. Are at least ten (10) feet from any property line; and
 - 2. Do not exceed fifteen (15) feet in height.
- B. *Unchanged.*
- C. *Unchanged.*

Sec. 42-551. B-1, local business district.

In a B-1 local business district:

- A. One freestanding accessory sign per zoning lot is permitted, not exceeding one square foot for each 2-1/2 feet of lot frontage, provided that the sign may not exceed 50 square feet in area for a lot less than 300 feet wide. For lots less than 80 feet in width, one freestanding sign not to exceed 32 square feet is permitted. A zoning lot in excess of 300 feet wide may have one additional sign based upon the ratio of one square foot of sign area per each 2-1/2 feet of lot frontage over the initial 300 feet of frontage. The maximum size for any one sign is 50 square feet. Where multiple-use zoning lots are involved, for each additional use on a zoning lot beyond the initial use, eight additional square feet of sign area is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the lot. Where the zoning lot abuts a one-family residential district, the setback distance shall be increased such that one foot of horizontal distance from the residential area is provided for each square foot of sign permitted on the lot, provided that all such signs:
 - 1. Are at least ten (10) feet from any property line; and
 - 2. Do not exceed fifteen (15) feet in height.

B. *Unchanged.*

Dated: _____

Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing ordinance was adopted by the City of Portage on the _____ day of _____, 20____.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

APPROVED AS TO FORM
DATE 2/12/00
LR
CITY ATTORNEY

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – January 11, 2010

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. four people were in the audience.

MEMBERS PRESENT: Betty Schimmel, Henry Kerr, Rob Linenger, Lowell Seyburn, Marianne Singer, Timothy Bunch (alt.), Donald Mordas (alt.)

MEMBERS EXCUSED: David Felicijan

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator, Charlie Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved, and Mordas seconded a motion to approve the December 14, 2009 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 09-13, 10950 East Shore Drive: Staff summarized the request for a variance to retain two accessory buildings without an existing principal permitted use (one-family dwelling). Phil Woods was present on behalf of Tom Woods and stated they agreed with the conditions in the staff report. Kerr inquired if having building equipment and storage buildings on a site where a house is being built is an issue. Staff responded not normally but in this case the work had already begun without a building permit. Seyburn inquired what was being stored in the accessory buildings. Mr. Woods stated tools, building materials, a lawn tractor, chainsaws and other landscape equipment. Seyburn inquired if the applicant was intending to build the house himself and whose equipment was on site. Mr. Woods stated he owned the equipment and planned to do much of the work himself. Linenger expressed skepticism they could get the necessary approvals from the State by April 30, 2010. Mr. Woods stated he was confident they would.

A public hearing was opened. Shelly Miller and Arthur Gerth, 10711 East Shore Drive both expressed concern for the appearance of the property while being used to store construction equipment and no work was in progress. Ms. Miller inquired if the accessory buildings would be allowed to remain if the variance was approved. Staff responded yes, if they obtained the necessary permits, otherwise they would have to be removed. Ms. Miller inquired if the accessory buildings met the required setbacks. Staff responded they appeared to. Mr. Gerth stated he understood the applicant had submitted an engineering report and wondered if based on that report it appeared likely a building permit for the house would be approved. Staff responded based on the engineer's report it did not appear that the proposed house location was in a wetlands area but could not provide a definitive answer because the State ultimately made that determination. Mr. Gerth inquired if the Board had reviewed similar cases previously. Kerr responded yes. Seyburn inquired of staff if there was any concern with regard to the size of the accessory buildings. Staff explained the code requirements concerning size that building plans for a house would need to meet. An engineering report from Fishbeck, Thompson, Carr & Huber was read into the record. There being no more comment, the public hearing was closed.

After additional discussion concerning a practical difficulty and the presence of construction equipment on site, a motion was made by Linenger, supported by Singer, to deny a variance for two accessory buildings without a principal permitted use, for the following reasons: the variance would be detrimental to adjacent property and the surrounding neighborhood; the immediate practical difficulty causing the need for the variance request was created by the applicant. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. Linenger-Yes, Kerr-Yes, Seyburn-No, Schimmel-No, Mordas- Yes, Singer-Yes, Bunch-No. Motion carried 4-3.

STATEMENT OF CITIZENS: None.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:38 p.m.

Respectfully submitted,

Jeff Mais, Zoning & Codes Administrator

CITY COUNCIL MEETING MINUTES FROM JANUARY 26, 2010

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

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

Mayor Strazdas introduced Mrs. Heather Pownell of The Bridge in Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Sackley, seconded by O'Brien, to approve the January 12, 2010 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. Councilmember Campbell asked that Item F.5, Ordinance to Ban the Use of Hand-Held Devices While Driving, be removed from the Consent Agenda, and City Manager Evans asked that Item F.1, Board of Review, be removed from the Consent Agenda. Motion by Sackley, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF JANUARY 26, 2010:** Motion by Sackley, seconded by Reid, to approve the Check Register of January 26, 2010. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Motion by O'Brien, seconded by Sackley, to receive the letter in opposition from Craig L. Butler, 2012 Eckener Drive, to the Resolution of Intent for the City of Portage to join the Public Media Network for the provision of Cable Access Public, Education and Government programming services within the community adopted by City Council on December 15, 2009. Upon a voice vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

BOARD OF REVIEW: City Manager Maurice Evans introduced this item and indicated that many questions and concerns had been received regarding the Permitting of a Protest of Assessed Valuation to the Board of Review by Letter, and that he felt that it was appropriate for each City Councilmember to be afforded the opportunity to present questions and concerns beyond that already received. He asked that the matter be referred to the City Council Assessing Issues Task Force Committee and to convene the Committee for the sole purpose of addressing this subject keeping the February 15, 2010 deadline in mind to allow the public to receive all necessary and proper notices. Discussion followed. Mayor Strazdas asked that City Council refer all questions and concerns to the City Manager as soon as possible. Discussion followed.

Motion by Sackley, seconded by Reid, to refer the Communication from the City Manager recommending that City Council adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter to the City Council Assessing Issues Task Force Committee. Discussion followed. Upon a roll call vote, motion carried 6 to 0.

* **WEST LAKE MANAGEMENT PROGRAM NO. 011-Q – RESOLUTION NO. 2:** Motion by Sackley, seconded by Reid, to adopt Resolution No. 2 for the West Lake Management

Program Special Assessment District No. 011-Q, setting a public hearing of necessity on February 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 455 of City of Portage Resolution Book No. 43.

* **NONPROFIT ORGANIZATION RECOGNITION:** Motion by Sackley, seconded by Reid, to adopt the Resolution for Charitable Gaming License recognizing Cole Community Solutions, Inc., as a nonprofit organization in the City of Portage. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 461 of City of Portage Resolution Book No. 43.

* **BUDGET AMENDMENT - FUND 226 LEAF PICKUP:** Motion by Sackley, seconded by Reid, to approve a budget amendment authorizing the City Manager to transfer \$17,000 from Fund 226 Fund Balance to Fund 226 Leaf Pickup Overtime. Upon a roll call vote, motion carried 6 to 0.

ORDINANCE TO BAN THE USE OF HAND-HELD DEVICES WHILE DRIVING: Councilmember Campbell indicated that this item was a safety issue that was discussed at the City Council Retreat and disclosed that the statistics for accidents for drunk driving was 31% while accidents for cell phones and texting was 28% and explained how dangerous this practice can be. Discussion followed. City Attorney Brown indicated that the Michigan State Senate just passed a bill that, if it came into law, would supercede any ordinance passed by City Council. Discussion followed.

Motion by Sackley, seconded by Campbell, to postpone any action on the City Manager recommendation to direct the City Administration and the City Attorney to develop an ordinance that would ban the use of hand-held devices while driving and that would make any violation a primary offense until such time as the Michigan Legislature has fully considered and passed or rejected legislation on that topic. Upon a roll call vote, motion carried 6 to 0.

* **CEMETERY PLOT RESERVATION POLICY:** Motion by Sackley, seconded by Reid, to approve a policy that burial plots may be reserved for six (6) months following a written request submitted to the Office of the City Clerk, with the reservation to be released at the expiration of the reservation period if payment is not made in full within six (6) months of receipt of reservation request. Upon a roll call vote, motion carried 6 to 0.

* **CONSTRUCTION BOARD OF APPEALS DEMOLITION ORDER – 4130 BRANCH AVENUE:** Motion by Sackley, seconded by Reid, to accept the order of the Construction Board of Appeals to demolish the house located at 4130 Branch Avenue; and authorize the City Administration to take the necessary action to demolish the house at 4130 Branch Avenue, place a lien and assess the property to recover the costs associated with demolition consistent with the ordinance. Upon a roll call vote, motion carried 6 to 0.

* **DISPOSITION OF LEGAL MATTERS:** Motion by Sackley, seconded by Reid, to set a meeting to consider the disposition of legal matters on Tuesday, March 9, 2010, City Hall Conference Room #1, beginning at 5:30 p.m. Upon a roll call vote, motion carried 6 to 0.

KALAMAZOO COUNTY LOCAL HOUSING ASSISTANCE FUND – INFORMATION ONLY: City Manager Evans indicated that the City Administration has been working with Office of Resource Development Director David Artley, 10095 Pepperell Court, and has been receiving quarterly reports from them regarding the Kalamazoo County Local Housing Assistance Fund.

Mr. Artley introduced himself and reviewed the 2007 through 2009 homeless prevention statistics, the 2007 through 2009 housing vouchers statistics, the Portage funds through 2009 committed to leveraging, the number of active sponsors, the total sponsor hours donated, lessons learned and the next steps to be taken. Discussion followed.

Motion by O'Brien, seconded by Reid, to receive the communication from the City Manager regarding the Kalamazoo County Local Housing Assistance Fund as information only. Upon a roll call vote, motion carried 6 to 0.

* **DECEMBER 2009 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Sackley, seconded by Reid, to receive the communication from the City Manager regarding the December 2009 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Sackley, seconded by Reid, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

PORTAGE PARK BOARD CHAIRPERSON MARK ANTHONY MARTIN: Motion by Sackley, seconded by Campbell, to receive the communication from Portage Park Board Chairperson Mark Anthony Martin regarding the Spraypark initiative. At the request of Councilmember Reid, Mayor Pro Tem Sackley explained that the Park Board discussed this initiative, but indicated that there were no funds for the project, location was still at issue, recommending putting the project on hold for now but, if future funds are available, perhaps in the form of a grant, that the Park Board would be willing to move the project forward. Discussion followed, including other park initiatives. Councilmember Reid offered the annual survey as a means of obtaining public opinion of park needs and funding options, and Mayor Strazdas indicated that the Park Board agreed with this idea. Upon a roll call vote, motion carried 6 to 0.

ENVIRONMENTAL BOARD CHAIRPERSON WILLIAM SCHWARTZ: Motion by Reid, seconded by Campbell, to receive the Letter of support from Environmental Board Chairperson William Schwartz for the Kalamazoo County Fairgrounds to serve as the host location for the 2010 Michigan Energy Fair. When Councilmember Reid expressed her curiosity about what the Energy Fair is, Councilmember O'Brien explained that she had some limited information about the Energy Fair: that thousands of people attended the fair in its previous location in northern Michigan, that Kalamazoo presents a central location right off of the highway and the hope is that more people would attend if the Energy Fair was held here. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:

- Portage Environmental Board of November 11, 2009.
- Portage Board of Education Special Meeting Minutes of December 2 and 9, 2009.
- Portage Human Services Board of December 3, 2009.
- Portage Zoning Board of Appeals of December 14, 2009.
- Portage Planning Commission of December 17, 2009.

AD HOC COMMITTEE REPORT:

CITY COUNCIL AD HOC COMMITTEE: Mayor Strazdas provided a history of the City Council Assessing Issues Task Force (Mayor Strazdas, Councilmembers O'Brien and Randall) and a summary of the two recent meetings held since the City Council Retreat. Mayor Strazdas noted that the Task Force was looking for direction from the City Council as a whole. He mentioned that the four main areas to be considered are: System Audit and Property Reassessments; Customer Service, Education and Best Assessing Practices. He also mentioned that some new issues need to be reviewed

and that the focus would be on the Board of Review, including: whether the Board of Review dates were appropriate; whether to increase the membership on the Board of Review or not; whether an Alternate Term Member is feasible; determining the best method for providing education to Board of Review Members; and the appropriateness of the City Assessor acting as Clerk of the Board of Review of Portage. He then deferred to his fellow Assessing Issues Task Force Members for comment. Discussion followed.

Councilmember Randall indicated that she has research that shows that the City Assessor is not appropriate as Clerk of the Board of Review. Discussion followed.

Councilmember O'Brien informed City Council that the Task Force had devised some questions to be asked during interviews of potential Board of Review Members and suggested asking for input from past and present Board of Review members regarding any other ideas or improvements. She asked that City Council not limit input or the review process. She recognized two different avenues to take to assign tasks: either to the City Council Assessing Issues Task Force, or to the City Council Advisory Board Review Committee, Councilmembers Campbell, Randall and Reid. Mayor Strazdas asked for dialogue from City Council regarding these suggestions. Discussion followed.

Mayor Pro Tem Sackley expressed a concern for the amount of time that needed to be devoted to these tasks by only one committee. He also expressed a concern for a potential conflict and advocated having the City Council Advisory Board Review Committee review the appropriateness of the City Assessor acting as Clerk of the Board of Review, an increase in the membership on the Board of Review and the feasibility of Alternates questions, as that Board would be separate from the Assessing Issues Task Force that would be reviewing System Audit and Property Reassessments, Customer Service, Education and Best Assessing Practices.

Councilmember Reid expressed her concern that Customer Service be consistent throughout the city, so the Council Advisory Board Review Committee should consider Customer Service in the interest of continuity and consistency. Councilmember O'Brien concurred and recognized that Councilmember Randall serves on both committees and could act as a liaison to help ensure that there are no duplications of effort and no contradictions. Mayor Strazdas asked for a motion at this time.

Motion by O'Brien, seconded by Reid, to affirm that the City Council Assessing Issues Task Force continue to address issues one through four (whether the Board of Review dates were appropriate; whether to increase the membership on the Board of Review or not; whether an Alternate Term Member is feasible; and to determine the best method for providing education to Board of Review Members) as presented in the City Council Assessing Issues Task Force Report dated January 26, 2010, and assign the Board of Review topic to the City Council Advisory Board Review Committee. Discussion followed. Councilmember Reid asked that the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter be added. City Attorney Brown indicated that it could be added to emphasize the matter and there was no problem making the same motion twice. Motion by O'Brien, seconded by Reid, to approve the City Council Assessing Issues Task Force Committee address the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter, also. Discussion followed. Mayor Strazdas complimented Councilmembers O'Brien and Randall for their expertise and assistance on the Assessing Issues Task Force Committee. Upon a roll call vote, motion carried 6 to 0.

BID TABULATION:

* **OHIO AVENUE SANITARY SEWER LIFT STATION RENOVATIONS:** Motion by Sackley, seconded by Reid, to award a construction contract for the Ohio Avenue Sanitary Sewer Lift Station Renovations to Balkema Excavating, Incorporated, at a total bid price of \$209,088.75 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Reid provided local contact information for the Census Bureau: Miguel Rodriguez, Community Action Agency Census Committee, 269/532-7210, and announced that those wishing to work for the Census Bureau should bring two (2) pieces of identification and attend an informational meeting at Cooper Township Hall, at 10 a.m. or 1 p.m. on the Wednesdays in February for an interview and testing.

Mayor Strazdas concurred with Mayor Pro Tem Sackley on the importance of an accurate census in the County of Kalamazoo, indicated that he would not be at the February 9, 2010 City Council Meeting and announced that Mayor and City Council for the Day would take place on February 23, 2010.

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

James R. Hudson, City Clerk

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