

CITY OF

PORTAGE

A Place for Opportunities to Grow

**PLANNING
COMMISSION**

March 4, 2010

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

March 4, 2010

(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * February 18, 2010

SITE/FINAL PLANS:

- * 1. Site Plan: Portage Animal Hospital 8037 Portage Road

PUBLIC HEARINGS:

- * 1. Final Report: Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive)

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 9, 2010 City Council meeting minutes
January 2010 Summary of Environmental Activities Report

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

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PLANNING COMMISSION

February 18, 2010

The City of Portage Planning Commission meeting of February 18, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately ten citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

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 February 4, 2010 meeting minutes. A motion was made by Commissioner Cheesebro, seconded by Commissioner Bailes, 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 February 12, 2010 correspondence from Attorney Nelson Karre, representing the Portage Animal Hospital, requesting the Planning Commission adjourn the site plan until the March 4, 2010 meeting. A motion was made by Commissioner Pearson, seconded by Commissioner Welch, to adjourn the Site Plan for the Portage Animal Hospital, 8037 Portage Road, until the March 4, 2010 meeting. The motion was made at the request of the applicant and was unanimously approved.

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 09-B, Sign Ordinance Regulations. Mr. Forth summarized the staff report dated February 12, 2010 regarding proposed changes to the sign regulations. Following the January 21, 2010 Planning Commission meeting, Mr. Forth indicated Section 42-546(D), RM-1 and RM-2 districts, should have also been included in Ordinance Amendment 09-B since it addresses freestanding and wall signs for non-residential uses in the multi-family residential zoning districts. The changes proposed for Section 42-545(B) are also applicable to Section 42-546(D) and the staff report has been revised to include the proposed changes to Section 42-546(D).

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The public hearing was convened by Chairman Fox. No citizens spoke regarding the proposed ordinance amendment. A motion was then offered by Commissioner Cheesebro, seconded by Commissioner Welch, to close the public hearing. The motion was unanimously approved. A motion was then made by Commissioner Cheesebro, seconded by Commissioner Welch, to recommend to City Council that Ordinance Amendment 09-B, Sign Ordinance Regulations, be approved. The motion was unanimously approved.

2. Preliminary Report: Rezoning Application 09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive). Mr. Forth summarized the revised preliminary staff report dated February 18, 2010 that was provided to the Commission in the final agenda packet and includes an updated narrative and tentative plan provided by the applicant on February 17th. Mr. Forth stated the PD, planned development rezoning application involving an approximate 95 acre tract of land was submitted by American Village Builders and The Hinman Company to facilitate additional multiple family residential development and retail/office land use along West Centre Avenue. Mr. Forth provided background information and summarized existing conditions and Zoning Code regulations and procedures for development in the PD district. Mr. Forth reviewed the PD project as proposed by the applicant and summarized the preliminary analysis contained in the staff report.

Mr. Greg Dobson of American Village Builders was present to explain and support the project. Mr. Dobson briefly summarized the history of land acquisition and development of the Greenspire Apartments, discussed the 1980 Kalamazoo Gazette article provided by Dr. Russell Mohny and stated the commitments referenced in the article would be written into the project narrative. Mr. Dobson reviewed the proposed apartment building layout in Phase IV and the Zoning Board of Appeals (ZBA) consideration of the setback variance request in October 2009. Since the ZBA meeting, Mr. Dobson stated the two apartment buildings have been shifted slightly and will now include a 15-foot setback from the eastern property line, will be fully sprinkled and will meet all Building Code/Fire Code requirements. The layout and setback for these two buildings in Phase IV was desired to retain the overall look and feel of Greenspire. Mr. Dobson also discussed the apartment building layout, orientation, setbacks and efforts to minimize Phase V impacts on Shirley Court/Tozer Court residents. Also discussed was the planned access arrangement, retail/office uses proposed along West Centre Avenue, building construction materials and elevations. The overall density of the apartment portion of the development under the proposed PD zone would be 8.54 units/acre, compared to approximately 9.5 units/acre, which would be allowed under the existing RM-1 district.

The Commission, staff and applicant discussed various aspects of the planned development including the ZBA setback variance request, property ownership, inclusion of affordable housing units and signalization of the Cooley Drive intersection. The public hearing was convened by Chairman Fox. Four citizens spoke during the public hearing: 1) Ms. Betty Ongley (8620 Tozer Court), 2) Mr. Terry Hall (8621 Shirley Court), 3) Dr. Russell Mohny (3500 Vanderbilt Avenue) and 4) Ms. Carol Long (2208 Quincy Avenue). Ms. Ongley expressed concerns regarding possible trespassing from apartment tenants, construction vehicle access, lack of a deceleration lane on West Centre Avenue, timing for signalization of the West Centre Avenue/Cooley Drive access, condition of Shirley Court and suggested slight adjustments in Phase V apartment buildings to lessen impact on adjacent single family residences located on Shirley Court and Tozer Court. Mr. Hall expressed concerns regarding the proposed height of apartment buildings in Phase V, grade differences between these apartment buildings and his residence and the lack of mature trees in this portion of the development. Dr. Mohny thanked Mr. Dobson for volunteering to incorporate the major provisions of the 1980 agreement into the project narrative. Dr. Mohny discussed Building/Fire Code issues associated with the previous ZBA variance consideration, public notice to the State of Michigan and the condition of Shirley Court and the need for improvements. Ms. Long expressed concerns regarding traffic safety at the West Centre Avenue/Cooley Drive intersection and the need to install a traffic signal at this intersection immediately.

The Commission, staff and the applicant discussed how development density was calculated, the PD review process and ordinance provisions, the condition of Shirley Court (a private street with deeded access), signalization of the West Centre Avenue/Cooley Drive intersection and the potential impacts on the Tozer/Shirley Court residents associated with Phase V of the development. Mr. Dobson stated there are no plans to improve Shirley Court to accommodate construction traffic. Mr. Dobson did indicate the proposed drive opposite Cooley Drive would be installed at the time the Phase IV apartment buildings are constructed. No additional citizens

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spoke in regards to the proposed planned development rezoning application. A motion was then offered by Commissioner Welch, seconded by Commissioner Dargitz, to adjourn the public hearing for Rezoning Application 09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive), to the March 4, 2010 meeting. The motion was unanimously approved.

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 8:50 p.m.

Respectfully submitted,

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

TO: Planning Commission **DATE:** February 26, 2010
FROM: Jeffrey M. Erickson, Director of Community Development
SUBJECT: Final 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/or control the properties requested for rezoning.

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

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

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

II. EXISTING CONDITIONS

Land Use/Zoning	<p><u>Rezoning Site:</u> Phases I, II, and III of the Greenspire Apartments, plus vacant properties, which are zoned RM-1, multiple family residential and R-1C, one family residential (extreme northeast corner of rezoning site). A single family residence is also located on a portion of the 8615 Tozer Court parcel, which is zoned RM-1.</p> <p><u>North:</u> Across West Centre Avenue, various office developments zoned OS-1, office service and PD, planned development.</p> <p><u>East, West, South:</u> Vacant land owned by the State of Michigan (Gourdneck State Game Area) zoned R-1C, one family residential. An MDNRE public access from West Centre Avenue is located immediately west of the rezoning site. This public access provides access</p>
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Land Use/Zoning (cont.)	to the Gourneck State Game Area and Hampton Lake. Additionally, six single family residences located on Shirley Court and Tozer Court, also border the rezoning site to the south.
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: <ul style="list-style-type: none"> <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. On October 12, 2009, the Zoning Board of Appeals (ZBA) denied a variance request from Greenspire to construct three 12-unit apartment buildings at 8401 Greenspire Drive 10-feet from the east property line, where 30-feet is required in the RM-1 zoning district. The portion of the Greenspire property involved in this ZBA consideration is referenced as Phase IV, Apartments in the PD rezoning and tentative plan/narrative application.
Public Streets	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 have been installed (and will be extended with new phases).
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 which has a surface area nearly 1 million square feet (or 22 acres), 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 and up to 20% of the total land area can be utilized for nonresidential uses. The planned development applicant is required to provide public

water, public sanitary sewer and a pedestrian system. The applicant must demonstrate that the plan cannot be developed under other sections of the Zoning Code or must provide a mixture of housing types. The overall density of the project may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre. Building setbacks, building height, open space and screening are also regulated under this ordinance section. Additionally, Section 42-375.C of the Land Development Regulations includes 15 required elements that must be addressed in the tentative plan/narrative.

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

IV. PROPOSED TENTATIVE PLAN

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

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

- Pedestrian Walkway – An internal pedestrian circulation network of sidewalks exists within the existing Greenspire Apartments and will continue with future phases of apartment development. Additionally, the applicant has also committed to construct internal sidewalks within the first phase of the retail portion of the development (Phase IV-R), which will link with the apartment complex and provide pedestrian access to the new access drive proposed at the West Centre Avenue/Cooley Drive intersection.
- Open Space Features – Approximately 30 acres (36%) of the overall site will be maintained as open space area for the enjoyment of residents/employees of the planned development. Planned open space areas include woods, marsh and wetlands situated along the southeast and northwest portions of the site and adjacent to Hampton Lake in the southwest portion of the site.
- Storm Water Management - Storm water runoff is proposed to be collected and conveyed to natural open space areas situated across the development site, as well as around individual office sites, in accordance with City of Portage requirements. Storm water discharge locations will utilize natural appearing rain basins and existing wetland areas.
- Vehicular Access – Access to the Greenspire Planned Development is proposed through the existing Greenspire Drive from West Centre Avenue. With construction of Phase IV of the apartments, a second full-service driveway from West Centre Avenue, opposite Cooley Drive, is proposed. Future signalization of this West Centre Avenue/Cooley Drive is also being contemplated and has been studied. When future retail and office development occurs to the west, construction of a right-in/right-out driveway at Shirley Court is also proposed.
- Setbacks – Apartment and office/retail buildings will maintain a minimum 30-foot perimeter setback from outer property lines with the exception of the two apartment buildings proposed in Phase IV of the

development, which are proposed to be setback 15-feet from the eastern property line (10-feet for horizontal projections such as decks, balconies and porches), where adjacent to the Gourneck State Game Area. A minimum 25-foot setback will be maintained from all interior private streets. Minimum 30-foot building separations will be maintained. Apartment buildings within Phase V of the Greenspire PD are proposed to maintain a minimum 80-foot perimeter setback from adjacent single-family property lines located along Tozer Court/Shirley Court and, furthermore, will be setback between 100-250 feet from individual single-family residences.

- Phasing – The development project is planned to be phased beginning in Spring 2010 and extending to 2015 and beyond as indicated in Item 3 of the attached narrative.

V. PUBLIC REVIEW/COMMENT

The Planning Commission convened a public hearing during the February 18, 2010 meeting. Mr. Greg Dobson of American Village Builders was present to explain the planned development; the history of land acquisition and development; 1980 development agreement with area residents and offered to include commitments into the written project narrative; October 2009 Zoning Board of Appeals variance consideration involving Phase IV apartment buildings; Phase V apartment building layout, orientation and setbacks and efforts made to minimize impacts on Shirley Court/Tozer Court residents; retail/office uses, building construction materials/elevations; and development density proposed for the PD project compared to the RM-1 zone.

Four citizens spoke in regards to the proposed PD rezoning: 1) Ms. Betty Ongley (8620 Tozer Court), 2) Mr. Terry Hall (8621 Shirley Court), 3) Dr. Russell Mohny (3500 Vanderbilt Avenue) and 4) Ms. Carol Long (2208 Quincy Avenue). Ms. Ongley expressed concerns regarding possible trespassing from apartment tenants, construction vehicle access, signalization of the West Centre Avenue/Cooley Drive access, condition of Shirley Court and suggested slight adjustments in Phase V apartment buildings to lessen impact on adjacent single family residences located on Shirley Court and Tozer Court. Mr. Hall expressed concerns regarding the proposed height of apartment buildings in Phase V, grade differences between these apartment buildings and his residence and the lack of mature trees in this portion of the development. Dr. Mohny discussed the 1980 agreement between the developer and residents and thanked the applicant for volunteering to incorporate the major provisions of the agreement into the project narrative. Dr. Mohny discussed Building/Fire Code issues associated with the previous ZBA variance consideration, public notice to the State of Michigan and the condition of Shirley Court and the need for improvements. Ms. Long expressed concerns regarding traffic safety at the West Centre Avenue/Cooley Drive intersection and the need to install a traffic signal at this intersection immediately.

The Commission, staff and applicant discussed various aspects of the planned development including past ZBA setback variance consideration; property ownership; inclusion of affordable housing units; impact of Phase V apartments on adjacent residences; development density calculations; PD review process and ordinance provisions; condition of Shirley Court (a private street with deeded access); and timing of second access construction and possible signalization of West Centre Avenue/Cooley Drive intersection.

VI. FINAL ANALYSIS

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, particularly involving zoning suitability, traffic considerations, neighborhood considerations and environmental considerations.

Comprehensive Plan

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

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

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. The proposed PD rezoning and associated tentative plan/narrative is consistent with applicable development guidelines contained in the Comprehensive Plan. Attached for Commission review is the completed Guideline Table.

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

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

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

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

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

Building setback and height are also determined differently in the RM-1 and PD zones. In the RM-1 zone, minimum 30-foot building setbacks are required from all property lines per Section 42-350.A. The PD district requires a “peripheral transition area”. The RM-1 zone establishes a building height at 25-feet and two-stories when abutting a single family residential zoning district (or 30 feet and three stories when not abutting a single family district), which can be increased by the Planning Commission/City Council upon a determination that topography, natural features or other land use characteristics, including the distance of the proposed structure from the residential district/structures, will adequately mitigate adverse impacts. For Commission information, the existing three-story, 35-40 foot tall buildings are considered non-conforming

since the two-story and 25-foot height standard was not adopted until after the existing buildings were constructed (1990). The actual height and number of stories in the PD zone is not specifically established. Section 42-374.E and F states "...any structure in excess of 45 feet shall be designed to be consistent with the reasonable enjoyment of neighboring property, the entire planned development and the efficiency of existing public services."

With regard to the two apartment buildings in Phase IV, the proposed 15-foot building setback (10-feet for horizontal projections such as balconies and decks) is appropriate and will allow the developer to retain the desired "feel" of the Greenspire Apartments, as referenced by the applicant. The apartment buildings will be fully sprinkled. As information, Building Services and the Fire Department have reviewed the preliminary layout for Phase IV and the proposed setbacks are acceptable: Applicable building and fire protection requirements will be reviewed and fulfilled as final plans are submitted.

The applicant has considered the single family residences located on Shirley Court and Tozer Court. After three meetings and various discussions with neighboring residences, the applicant has shifted the apartment buildings proposed in Phase V further east, away from these adjacent residences. The two apartment buildings situated nearest the existing residences are proposed to be located approximately 80 feet and 120, respectively, from the west property line and between 100-250 feet from the nearest single family residential dwellings. While the existing RM-1 district establishes a building height of 25-feet and two-stories, the RM-1 district allows placement of these apartment buildings 30-feet from the property line. The applicant has also incorporated building design considerations including off-set building orientation and positioning to minimize the building mass viewed by the adjacent residents. Finally and as discussed in the written narrative, the applicant has also committed to "...develop and execute a screening plan for these homes taking advantage of transplanted white pine trees." According to the applicant, the screening/berming plan would be prepared prior to/concurrently with the final plan for Phase V and be subject "...to the preferences of our neighbors". Additional consideration of screening/landscaping details such as retention of existing trees, installation of berms, landforms, trees, decorative fences or walls, between the apartment development (buildings and parking lot) and the adjacent single-family residences, will be further reviewed and finalized with approval of a final plan for this phase of development.

TRAFFIC CONSIDERATIONS

Based on this planned development and the ITE Trip Generation Manual, Sixth Edition, the proposed additional multiple family residential apartment buildings and retail/office buildings can be expected to generate approximately 5,800 vehicle trips on an average weekday, upon full build-out over at least a five year period (Spring 2010 through Spring 2015 and beyond). West Centre Avenue carries approximately 24,500 vehicles per day (2009). This four-five lane boulevard is a major arterial with a capacity of 32,500 vehicles per day at a level of service "D", which is acceptable in an urban area.

While anticipated traffic generation associated with the planned development can be accommodated by the adjacent public roadway, a further review of traffic, access and possible signalization of the West Centre Avenue/Cooley Drive intersection will occur with individual final plan submittals for the various phases of the project. As information for the Commission, a Signal Warrant Study for the proposed development project was prepared by CESO, Inc. (applicant's engineer) and reviewed by the City Administration in 2008-2009. The West Centre Avenue/Cooley Drive intersection currently does not meet engineering warrants for signalization, however, continued traffic monitoring will occur with future development.

NEIGHBORHOOD CONSIDERATIONS

During the 1979-1980 rezoning to accommodate an additional phase of the Greenspire Apartment project, there was organized opposition expressed by Hampton Lake area residents and local environmental groups regarding potential impacts on Hampton Lake including initial building locations and development of a beach on Hampton Lake for Greenspire Apartment residents. Attached is a February 1980 Kalamazoo Gazette article provided by a Hampton Lake resident that provides general, reported information about the

issues and an agreement reached between the developer and residents. With regard to the agreement, a review of city records including Planning Commission/City Council meeting minutes indicates a copy was not provided and it appears that the city was not a formal party to the agreement. According to discussions with the applicant and an area resident, this agreement was never signed and recorded by either party. A copy of the agreement has been requested from the applicant and area resident, however, has not yet been provided. Deeds on file at the city involving the property subject to the 1979-80 rezoning were also reviewed. The deeds indicate the land conveyance is "Subject to any and all conditions, restrictions, limitations and easements of record."

The applicant has agreed to continue to honor the spirit and provisions of the agreement. In Item #11 of the revised project narrative dated February 23, 2010, the applicant agrees to the following:

- “(a) the Tentative Plan does not incorporate a beach facility or apartments within 250 feet of the existing shoreline of Hampton Lake;
- (b) the future phases of the Tentative Plan do not incorporate any new apartment buildings any closer to Hampton Lake than the current apartment buildings to the north of Hampton Lake and the current homes to the east of Hampton Lake;
- (c) easements for future phases of Greenspire 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;
- (d) the Tentative Plan does not include any new water wells on the property;
- (e) a single boat dock has already been constructed and we limit its use to no more than eight watercraft, none with internal combustive engines;
- (f) Greenspire will abide by Michigan Department of Natural Resources and Environmental rules and regulations relative to both wetlands and endangered species.”

Combined with increased building setbacks, building/site design considerations, retention of existing trees/natural vegetation and screening/landscaping treatments, these added commitments will minimize impacts on the adjacent single family residences. Any changes to Tozer Court and/or Shirley Court will be reviewed with final plan submissions to ensure access is maintained for these single-family residences.

In regards to affordable housing units and inclusionary zoning that was discussed by the Commissioners, the City Attorney provided a 2005 legal opinion about inclusionary zoning. In instances where communities in other states have adopted inclusionary zoning ordinances, the following legal challenges resulted: 1) violation of the equal protection clause of the Constitution; 2) taking of property without just compensation; 3) lack of legislative authority. Given the lack of state enabling legislation and local ordinance regulations, the requirement to include affordable housing units in the Greenspire PD is not supportable from a legal perspective.

As additional information, in June 2009, legislation was introduced in the Michigan House of Representatives that would grant local governments the power to impose inclusionary zoning and require developers to construct affordable dwelling units with proposed housing developments. House Bill 5136 has been referred to the House Intergovernmental, Urban and Regional Affairs Committee for consideration. Also, in 1981, Greenspire Phase III apartments was financed through the U.S. Department of Housing and Urban Development (HUD). As part of the HUD financing, at least 20% of the total apartment units were required to meet low income/subsidized rental criteria. Between 1981 and 2001, a total of 48 subsidized apartment units existed at Greenspire: Participation in this program expired in 2001.

ENVIRONMENTAL CONSIDERATIONS

Recognizing the importance of protecting and preserving sensitive land areas, and in particular the Hampton Lake area, several studies have been reviewed including A Water and Land Resource Plan for the Kalamazoo-Black-Macatawa-Paw Paw River Basins (1977), Natural Features Inventory of the Portage Creek Basin (1995) and Portage Creek Assessment, Hampton Lake to Central Park (1998). The inventory and the assessment were contracted and funded by the city. These documents provide useful information to preserve sensitive land areas, including Hampton Lake and Portage Creek.

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

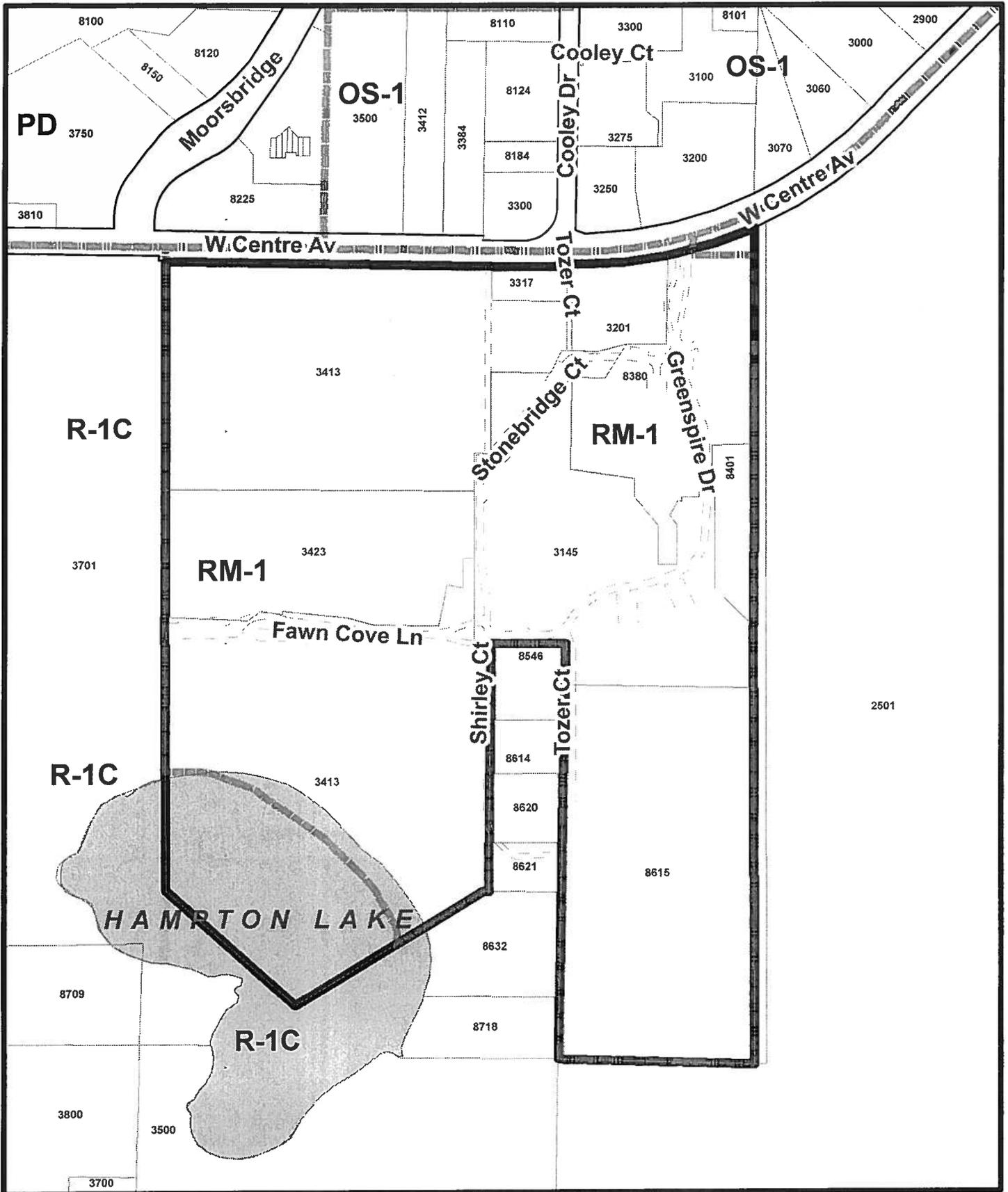
VII. RECOMMENDATION

The Greenspire PD is a creative mixture of multiple-family residential apartments and retail/office uses and represents appropriate development between West Centre Avenue and the Gourneck State Game Area, Hampton Lake, associated wetlands/natural areas and existing land uses. The requested modification to allow an overall multiple-family residential development density of 8.45 units/acre is less than is currently allowed under the existing RM-1 zoning. A combination of increased building setbacks, building orientation and substantial screening/landscaping treatments will help mitigate potential impacts from the Phase V apartments and the adjacent single family residences located along Shirley Court and Tozer Court. The retail/office component of the development project will not exceed 20% of the total project area, consistent with ordinance standards, and will be concentrated along the West Centre Avenue frontage. The PD rezoning would also eliminate the non-conforming status of the existing 3-story apartment buildings.

Based on the above analysis, staff advises that the Planning Commission recommend to City Council that Rezoning Application #09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive) be approved subject to the following conditions:

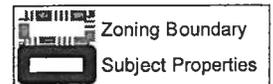
1. Development standards such as density, open space, building setbacks, building orientation, screening/landscaping, etc. be established as indicated in the tentative plan and written narrative dated February 23, 2010.
2. The modification from the 7.0 units/acre density standard be approved, with the further requirement that development density of the apartment portion of the project be a maximum of 8.45 units/acre (708 units on 83.74 acres).
3. No beach facility, additional boat docks or other accesses to Hampton Lake be permitted.
4. Details regarding screening/landscaping enhancements between Phase V of the apartment portion of the development and adjacent single family residences located along Shirley Court and Tozer Court be finalized with submittal of the final plan for this phase of the project.
5. Design and configuration of proposed access drives and interconnection, including any changes to Shirley Court and Tozer Court and possible signalization of the West Centre Avenue/Cooley Drive intersection, be finalized with submittal of the final plan for the applicable phase of the project.
6. MDNRE approvals/permits involving the wetland or other environmentally sensitive areas be submitted with the final plan for the applicable phase of the project, if required.
7. If no final plan is submitted for acceptance within two years following the change in zoning, the process to rezone (or extend the PD classification) be initiated pursuant to the ordinance.

Attachments: Rezoning/Vicinity Map
 Future Land Use Map
 Oblique Aerial Photograph of Greenspire and vicinity
 Development Guidelines Table
 Rezoning Application and Revised Narrative and Tentative Plan (received February 23, 2010)
 Building Elevations (commercial and multi-family)
 RM-1 Comparison Plan and Apartment designs
 February 1980 Kalamazoo Gazette article
 City Council and Planning Commission meeting minutes (Greenspire rezoning and site plans)
 February 18, 2010 letter from Dr. William Hanover (Gastroenterology of SW Michigan)

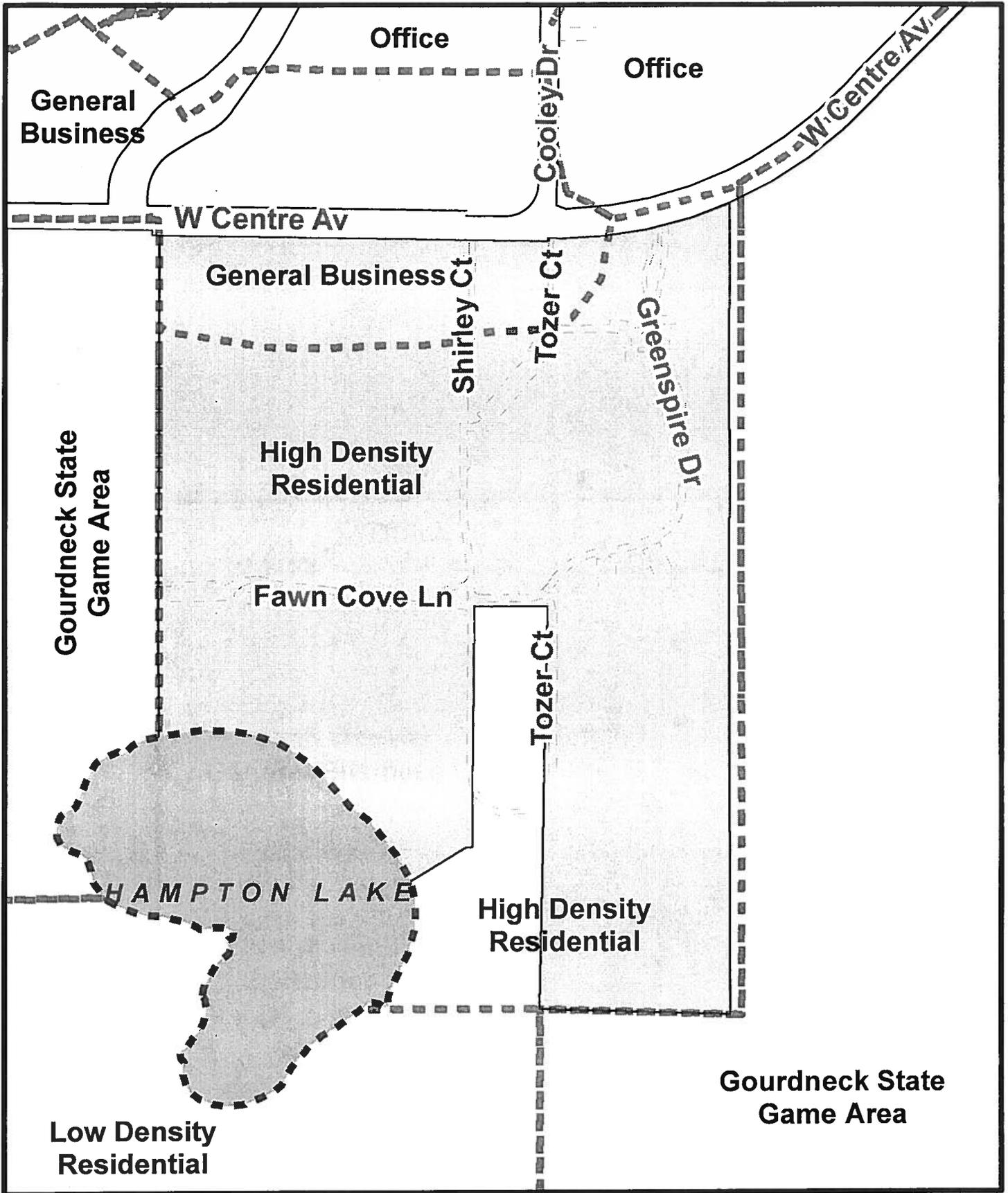


Rezoning #09-01

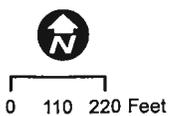
3145-8401 Greenspire Dr, 8615 Tozer Ct,
 3201- 3423 W Centre Av, 3413 Fawn Cove Ln



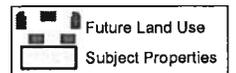
1 inch = 439 feet



Map Document I:\GIS\2011\Kaiten\part\vs\dr\zoning\zoning\zoning_FUL\pmod\20110110_102005.dwg



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



Vicinity Map
Greenspire Apartments



DEVELOPMENT GUIDELINES

Rezoning Application #09-01 (Planned Development, PD)

Guideline	Description	Consistent	Comments
Rezoning – 1	Rezoning Request	Yes	Future Land Use Plan designates rezoning site as appropriate for high density residential and general business land use within a primary commercial node along West Centre Avenue. Proposed Greenspire Planned Development is consistent with these Comprehensive Plan designations.
Residential – 1	Protection of Residential Neighborhoods	Yes	Greenspire Planned Development establishes a retail/office land use pattern along West Centre Avenue and continues the multiple family apartment land use within the interior of the subject property. Design considerations have been included to minimize impacts on single family residences located along Shirley Court and Tozer Court.
Residential – 2	Residential Development along Arterial Roadway	Yes	Access to the planned development will be provided from West Centre Avenue, a major thoroughfare. Interconnections between the apartment and retail/office land uses will occur, where appropriate. The interior street network will be private and owned/maintained by the developer.
Residential – 3c	Locational Criteria for Residential Uses	Yes	Rezoning site has locational criteria consistent with the high density category: Overall development density for the apartment portion of the project is proposed at 8.45 units/acre; access to/from an arterial roadway; municipal water/sanitary sewer available and development will avoid identified wetland areas.
Residential – 4	Compatibility with Adjacent Land Use	Yes	Greenspire Planned Development provides a creative mixture of apartment development and retail/office land uses that is consistent and compatible with the surrounding land use/zoning pattern. The project creates an effective transition between West Centre Avenue and interior areas including single family residences along Shirley Court/Tozer Court, Gourdneck State Game Area, Hampton Lake and natural wetlands and lowlands.
Residential – 5	Open Space and Natural Resource Protection	Yes	Greenspire Planned Development will preserve approximately 30 acres (36%) of the overall site in open space: natural wooded areas and wetlands. Continued protection of Hampton Lake will also occur with development project.
Residential – 6	Streets and Pedestrian Systems	Yes	Access to both apartments and retail/office uses will be provided from West Centre Avenue. Interior private street network and pedestrian circulation network will be maintained and extended within the planned development.
Residential – 9	Residential Planned Unit Development	Yes	Planned development will facilitate additional multiple family residential development (Phases IV, V and VI of Greenspire Apartments) and retail/office land uses. Non-residential (retail/office) portion of development will not exceed 20% of the total land area and will be concentrated along the West Centre Avenue consistent with Comprehensive Plan.

Guideline	Description	Consistent	Comments
Natural & Historic Resources – 1	Environmental Protection	Yes	Designated wetland areas are located along the northwest and southeast portions of the site while Hampton Lake and floodplain areas border the southwest portion of the site. Planned development activities will avoid these areas and preserved environmentally sensitive areas as open space.
Natural & Historic Resources – 2	Floodplain	Yes	See Natural & Historic Resources – 1 above.
Natural & Historic Resources – 3	Water Quality	Yes	Storm water from planned development will be collected, treated and conveyed to natural open space and wetland areas, as opposed to typical graded/fenced retention basins.
Natural & Historic Resources - 4	Noise	Yes	Retail/office land uses will be concentrated along West Centre Avenue and appropriate separations and buffers will be established to minimize noise related issues.
Natural & Historic Resources - 5	Historic Resource Preservation	N/A	Rezoning site is not situated within a historic district and does not contain historic structures.
Natural & Historic Resources – 6	Open Space Preservation	Yes	Planned Development will preserve approximately 30 acres (36%) of the overall site in open space: natural wooded areas and wetlands. Wooded areas and wetlands/marsh will be preserved for the enjoyment by the residents of the development and will provide habitat for area wildlife.
Transportation – 1	Transportation Systems	Yes	West Centre Avenue is a major arterial street with 24,500 vehicles per day (2009) and a capacity of 32,500 vehicles per day. Anticipated traffic generation from planned development can be accommodated.
Transportation – 2	Street Design	Yes	Access to the development will be provided through the existing Greenspire Drive, from West Centre Avenue. With construction of Phase IV of the apartments, a second full service driveway will be provided from West Centre Avenue, opposite Cooley Drive. When future retail/office development occurs to the west, construction of a right-in/right-out driveway at Shirley Court is proposed. Final design and any related roadway improvements (i.e., traffic signal, acceleration/deceleration lanes) will be further evaluated with the final plan submittal.
Transportation – 3	Access Management	Yes	See Transportation – 1 and Transportation – 2 above.
Transportation – 4	Non Motorized Travel	Yes	See Residential – 6 above.
Municipal Facilities & Services – 1	Sound Fiscal Growth	Yes	Existing and proposed public infrastructure is adequate to accommodate planned development.
Municipal Facilities & Services – 2	Sanitary Service	Yes	Sanitary sewer is available and will serve the planned development.
Municipal Facilities & Services – 3	Underground Utilities	Yes	Underground utilities will serve the planned 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

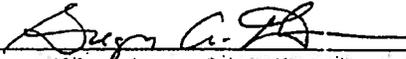
ZONING TEXT AMENDMENT N/A

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)

249 - 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 23 2010
COMMUNITY DEVELOPMENT

February 23, 2010

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

RE: Greenspire Planned Development "PD" Tentative Plan

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

We are requesting this rezoning for several reasons which may be of interest to you, a few of which are worthy of specific note. First, this rezoning is consistent with the City of Portage Future Land Use Plan. The areas that we suggest as multi-family are shown that way on the Future Land Use Plan and the same is true for the non-residential uses. Further, our companies have individually and together had a great deal of experience developing within the PD framework both in the City of Portage and in other municipalities. Some of our very best developments have been the fruits of the PD ordinance and working through the PD process with the City of Portage. We think this development is suited very well to benefit from the PD ordinance and the PD process in general.

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

1. The PD area will be designed to integrate the existing residential uses with new multi-family residential uses while also seamlessly integrating the planned addition of office and retail uses to the property.
2. The proposed PD development area is on all of the approximately 109 acres identified as Greenspire, on the property that is commonly referred to as Greenspire Apartments. In the proposed PD area we plan to develop a combination of multi-family, retail and office uses. The next phase to be constructed, Phase IV, would commence construction in the spring of 2010 (Phase IV) and consist of two multi-family apartment buildings containing 36 apartment units. Following Phase IV, construction on approximately 12,000 square feet of retail space would commence in the fall of 2010. Future developments would include multi-family expansion (Phase V and Phase VI) that would consist of approximately 324 (36 Phase IV, 168 Phase V, 120 Phase VI) new multi-family apartment units. Additional office and retail uses would be expanded as shown on the attached site plan as demand allows.

Using a cluster development allows us to provide in excess of 30.64 acres of open space (15.22, 7.54, and 7.54 acres +/- as shown on the attached site plan) within the development. The same care that has gone into the existing development of Greenspire to harness the natural beauty of this special land will continue in the PD area with first-rate landscaping and natural screening where appropriate. Additionally we will take advantage of the natural features and topography of this site by site planning to allow views of the beautiful forests, waterways, wetlands and sensitive areas that border this property.

3. The Greenspire Apartments development started in the early 1970's when Roger Hinman and Joe Gesmundo first began acquiring the property now known as Greenspire Apartments. Phase I began construction in 1976 on 8.015 acres and included the boulevard entrance from Centre Avenue, four apartment buildings, the clubhouse, the pool and the first tennis court. In 1978 Phase II was constructed and included seven additional apartment buildings and an additional tennis court on 14.96 acres. In 1981 Phase III was constructed and included six new buildings on 23.68 acres. In total Phase I through Phase III included 17 buildings, 384 units (187 one beds, 144 two beds, and 53 three beds) over 46.655 acres. For density purposes the 384 units over 46.655 acres equals 8.23 units/acre.

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

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

- c. Spring 2011. The first three buildings of the Phase V multi-family residential development is planned to commence construction.
 - d. Spring 2013. Two more buildings of the Phase V multi-family residential development is planned to commence construction.
 - e. Fall 2014. The second retail building (shown as Phase V R on the site plan) is scheduled to commence construction.
 - f. Spring 2015. The last two buildings of the Phase V multi-family residential development is planned to commence construction.
 - g. The timeline for construction of the multi-family buildings (Phase VI) and the office and retail buildings west of Shirley Court is unknown at this time. It is expected that construction would take place after the Spring 2015 anticipated start of construction of the last two buildings in Phase V.
4. The time schedule is proposed in #3 above.
5. The site plan and its associated phasing lines show how each stage of the development is independent, yet designed to integrate well into the development as well as the existing development pattern. Importantly, each phase of the Greenspire plan has been meticulously designed to integrate into the existing Greenspire Apartments master plan. Phase IV contemplates initially using the existing Greenspire Drive entrance during construction. Before Phase IV receives an occupancy permit, the Cooley Drive entrance drive will be completed to provide an additional means of ingress and egress into the development. When the area west of Cooley is developed, this area will be benefited by the right in/right out drive, at Shirley Court.

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

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

get pedestrians to the proposed future signaled intersection at Cooley/Centre. From this point, pedestrians can cross to the north side of Centre Avenue where sidewalks connect the full distance of Centre Avenue east and west. Phases IV, V and VI all include additional sidewalks and pedestrian circulation as well. Additionally, we have planned sidewalk connections to Phase V when that phase is constructed.

Shirley Court presently provides legal access, via access easements recorded in 1953, 1962, and 1974, to the homes between Tozer Ct. and Shirley Ct. This access is presently a dirt two-track over the northern most 500'+/- and most of its distance south of Fawn Cove Lane. Improvement of the northern 500' +/- section of Shirley Court is not necessary for proper development of Greenspire through Phase V and Phase VR. Additionally, improving this section of Shirley Court is not required or necessary to provide access to the Greenspire development, nor is it required by the City of Portage Fire Department. Therefore we do not plan to substantially improve the northernmost 500'+/- of Shirley Court until the construction of Phase VI. However, portions of Shirley Court may be improved depending on the final plan site locations of the building labeled Phase V-R.

It should be further noted that the access agreements, originally recorded in 1953, 1962, and 1974, do not place any burden of maintenance or upkeep on Greenspire.

With the construction of Phase V, we will install a new way-finding system throughout Greenspire Apartments. This updated and clarified signage will help allow the residents of Greenspire and their guests to get to their intended locations, on the first attempt. As a part of this package and the development of the proposed screening on the west side of Phase V, we would be willing to include some "private property" signs to remind our residents of the difference between Greenspire Property and the privately owned properties between Tozer Ct. and Shirley Ct.

6. The Tentative Plan land is located on the south side of Centre Avenue, east of Moorsbridge Road and west of Oakland Drive. The parcel is 109.41 acres in total. This 109.41 acres includes 14.77 of which a portion is Hampton Lake and a portion is beautiful high ground in the very southwest corner of our property. Entities owned and controlled by Joseph Gesmundo and Roger Hinman presently own all of this property under a variety of entity names and is commonly referred to as Greenspire Apartments.

It should be noted that we have done a fair amount of due diligence recently in regards to the property, in addition to our over 30 years of experience in owning the land. Specifically, the south end of Phase V is near some low-lying land. We

have had this property evaluated recently in three manners. First, Tim Bureau of Tim Bureau Consulting, LLC, a former long-time MDEQ staffer, reviewed the area in person to assure us that our buildings were not in any wetlands. Mr. Bureau has assured us that none of our buildings are in a wetland. Additionally, PSI was hired to conduct soil borings in the area of the southernmost building footprints in Phase V. The PSI borings show an abundance of sand, down the full 25' of the borings' depth. Finally, our civil engineers have confirmed that these buildings are not within the floodplain.

7. The chart below demonstrates the land use and density for each phase. Please note that at final build out, our plan exceeds the 7.0 units per acre by 1.45 units per acre. If one were to maintain the existing RM-1 zoning, our density would allow 78 more units than we are requesting under this rezoning. In other words, RM-1 zoning would allow 786 units and we are only requesting 708 in this PD application. Owing to a portion of the property being Hampton Lake, and a portion of our property being dedicated to commercial use, our calculations use 83.74 acres to calculate residential density though the property being rezoned is 109.41 acres. For density comparison purposes the existing 384 units (Phase I through III) over 46.655 acres equals 8.23 units/acre. We are requesting a modification to allow for the overall 8.45 units per acre that we have shown throughout this document, which is the combined density of Phase I through VI.

Phases	Proposed Units	Density Units/Acre Not Including Hampton Lake or Commercial Area		Phase Acreage	Total Acreage
		RM 1 Calc	PD Calc		
Existing Buildings:					
Phase I	96		11.98	8.015	
Phase II	168		11.23	14.960	22.975
Phase III	120		5.07	23.680	46.655
Combined Phase I-III	384		8.23	46.655	
Proposed Buildings:					
Phase IV	36		11.30	3.050	49.705
Phase V	168		9.88	17.000	66.705
Phase VI	120		7.04	17.035	83.740
Phase I, II, III, IV, V, & VI Combined	708	786	8.45	83.740	

Retail/Office 10.9 acres

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

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

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

8. The roads, storm areas and entry statement areas as shown on the attached site plan, will be owned by the Gesmundo & Hinman entities; reference herein and maintained by Lakewood Management Company as they have since the first building was constructed at Greenspire Apartments. Joe Gesmundo and Roger Hinman both hold ownership in and are the General Partners for Phase I which is owned by Greenspire Equity I.

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

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

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

Two - Two-story retail/office buildings, 40’ high, 30,400 sq. ft. each

Three - One-story retail buildings, 25’ high, between 6,000 sq. ft. and 25,000 sq. ft. each

The office and retail buildings will be designed to integrate with the residential buildings while maintaining some of the general character of office buildings. The final product at Greenspire will take advantage of excellent colors, textures and materials to make every building look and feel great. We have attached an example of our first retail building elevation and apartment building elevation for your review.

The Phase IV buildings have been designed to LEED standards. It is our intention to design all the multi-family buildings within Greenspire to comply with the current standard for LEED certification.

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

We have used a 30’ set back around the entire perimeter of the property except for the two buildings in Phase IV of the Multi-Family development where a 15’

set back is necessary in order to facilitate our site plan. The proposed 15' set back, only for these two buildings (36 units of Phase IV), allows us to set the buildings back an appropriate distance from Greenspire Drive. We need to push these buildings close to the property line, adjacent to the State of Michigan property, in order to: a) fit our buildings in the land area available between Greenspire Drive and the property line without placing the buildings too close to Greenspire Drive, b) to allow adequate parking a reasonable distance from the buildings, and to c) preserve the maximum amount of green space possible consistent with the overall feel of Greenspire. The 15' set back shown on these drawings pushes the buildings 5' further west, away from the State of Michigan property, than we had shown in our 2009 ZBA request. For clarification purposes the decks/patios are now set at 10' from the property line in Phase IV and the building face will be 15' from the property line. In addition we have maintained 30' between each building and a 25' front setback from the edge of road.

The commercial/retail building heights will not exceed those which are allowed within the PD zoning district. The multi-family buildings are designed at approximately 40'. Please see our attached elevations which illustrate the beauty of these elevations.

Through the three meetings that we held with the residential neighbors of Greenspire we learned that a primary concern with our proposed development was the Phase V buildings and their height and proximity to the residences between Shirley Ct. and Tozer Ct. As such, before submission of this Tentative Plan, and at the request of the residents, we moved these buildings as far as practicable away from the residences. The Tentative Plan now shows the nearest buildings are actually further away from the living portion of the residences than the now existing buildings in Phase III. For example, 8620 Tozer Ct. is 233' from our proposed Phase V building while it is presently 172' from the existing Phase III, 3411 building off of Fawn Cove. The residence at 8614 Tozer Ct. is 257' from our proposed Phase V building while it is presently 209' from the existing Phase III, 3404 building off of Fawn Cove. The residence at 8546 Shirley Ct. is over 275' from our proposed Phase V building while it is presently 132' from the existing Phase III, 3404 building off of Fawn Cove.

In addition, we have offered, at our expense, to develop and execute a screening plan for these homes taking advantage of transplanted white pine trees, to further shield their residences and associated view lines from our proposed development. As recently as today we have followed up on this offer to work with these neighbors and our landscape architect to finalize a screening and/or berming plan for Phase V. We are also willing to wait and finalized a screening and/or berming plan prior to or concurrently with our final plan for Phase V-subject only to the preferences of our neighbors.

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. At the February 18, 2010 Planning Commission meeting, an undated newspaper article written by Tom Haroldson was presented to the Planning Commission. The article, from some 30 +/- years ago, discussed a peace pact between Greenspire and Russell Mohny and identified several bulleted items. Russell Mohny inquired as to our intent with respect to those items. In response, Greenspire submits the following which it believes addresses the bulleted points from the article as well as some other required items for the PD narrative. It should be noted that the bulleted items were part of a "proposed agreement", the spirit of which we feel Greenspire has followed since the time of this article. The "proposed agreement" also included requirements of Mohny and others that have not been fully complied with to date. Despite this inequity, we propose the following in the spirit of Greenspire's side of the "proposed agreement": (a) the Tentative Plan does not incorporate a beach facility or apartments within 250 feet of the existing shoreline of Hampton Lake (b) the future phases of the Tentative Plan do not incorporate any new apartment buildings any closer to Hampton Lake than the current apartment buildings to the north of Hampton Lake and the current homes to the east of Hampton Lake, (c) easements for future phases of Greenspire 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, (d) the Tentative Plan does not include any new water wells on the property. (e) a single boat dock has already been constructed and we limit its use to no more than eight watercraft, none with internal combustive engines. (f) Greenspire will abide by Michigan Department of Natural Resources and Environment rules and regulations relative to both wetlands and endangered species.

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. Single story pitched roof garages and/or carports may be implemented into the site plan. The quantity of garages / carports shall not exceed 50% of total number of bedrooms. The construction finishes / materials will be complimentary to that of the phase 4 apartment building conceptual elevation submitted with this narrative. The specific quantity, location, and materials of the garages / carports will be detailed on the final 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,

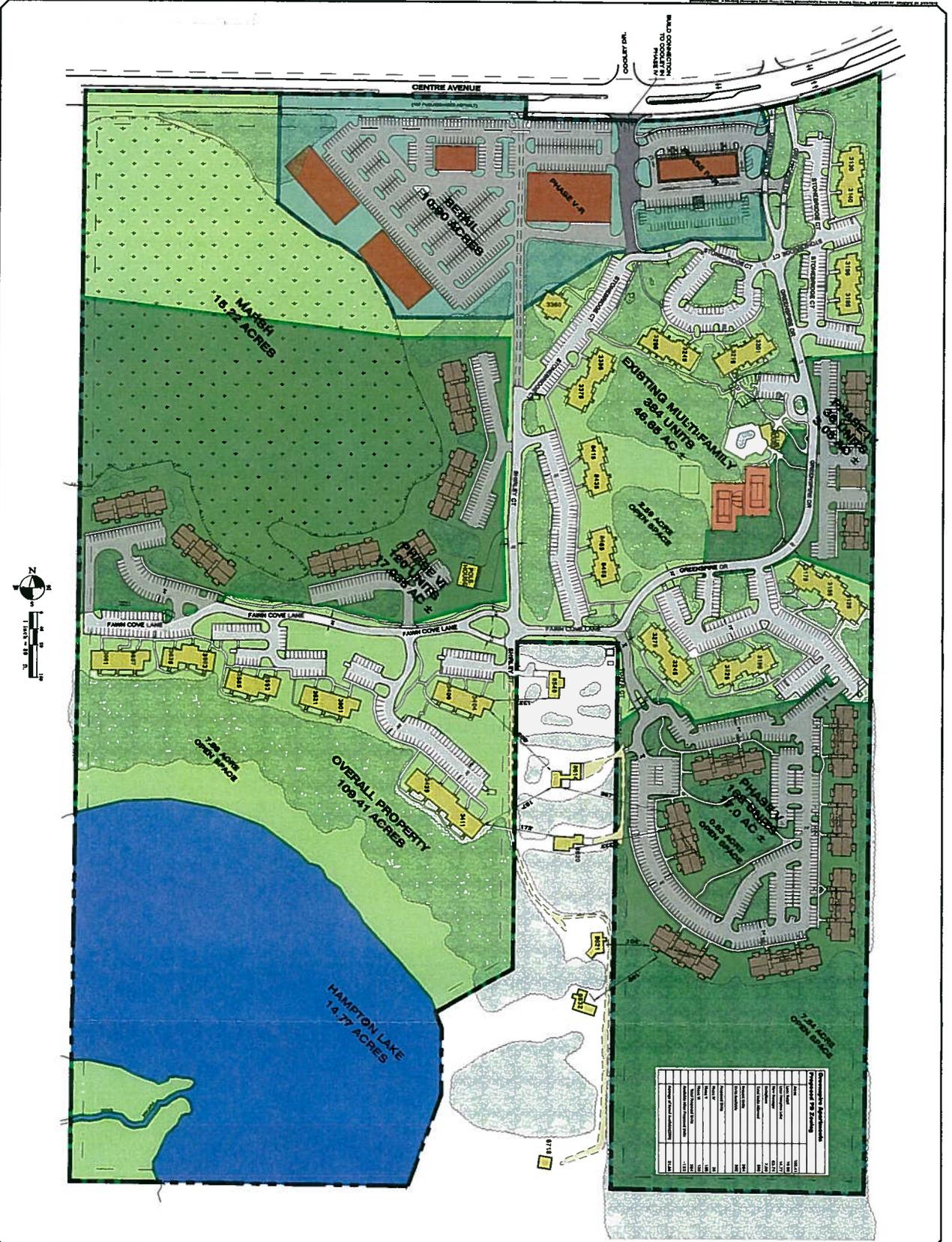
A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal line extending to the right.

Greg Dobson

cc: Joe Gesmundo, Rich MacDonald, Roger Hinman

RECEIVED

NOV 3 2010



NO.	DESCRIPTION	AREA (SQ. FT.)	AREA (ACRES)
1	PHASE V-1	100,000	2.30
2	PHASE V-2	150,000	3.45
3	PHASE V-3	120,000	2.77
4	EXISTING MULTIFAMILY	1,500,000	34.55
5	MARSH	1,250,000	28.70
6	HAMPTON LAKE	1,250,000	28.70
7	2.8 ACRES OPEN SPACE	121,000	2.80
8	2.4 ACRES OPEN SPACE	104,000	2.40
9	PARKING	1,000,000	23.00
10	OTHER	100,000	2.30
TOTAL		3,420,000	78.47



AVB
CONSTRUCTION

HINMAN
DEVELOPMENT • MANAGEMENT • LEASING

 **Greenspire Apartments**
Revised Front Elevation of 1221

Design+
11.12.09 • #08078



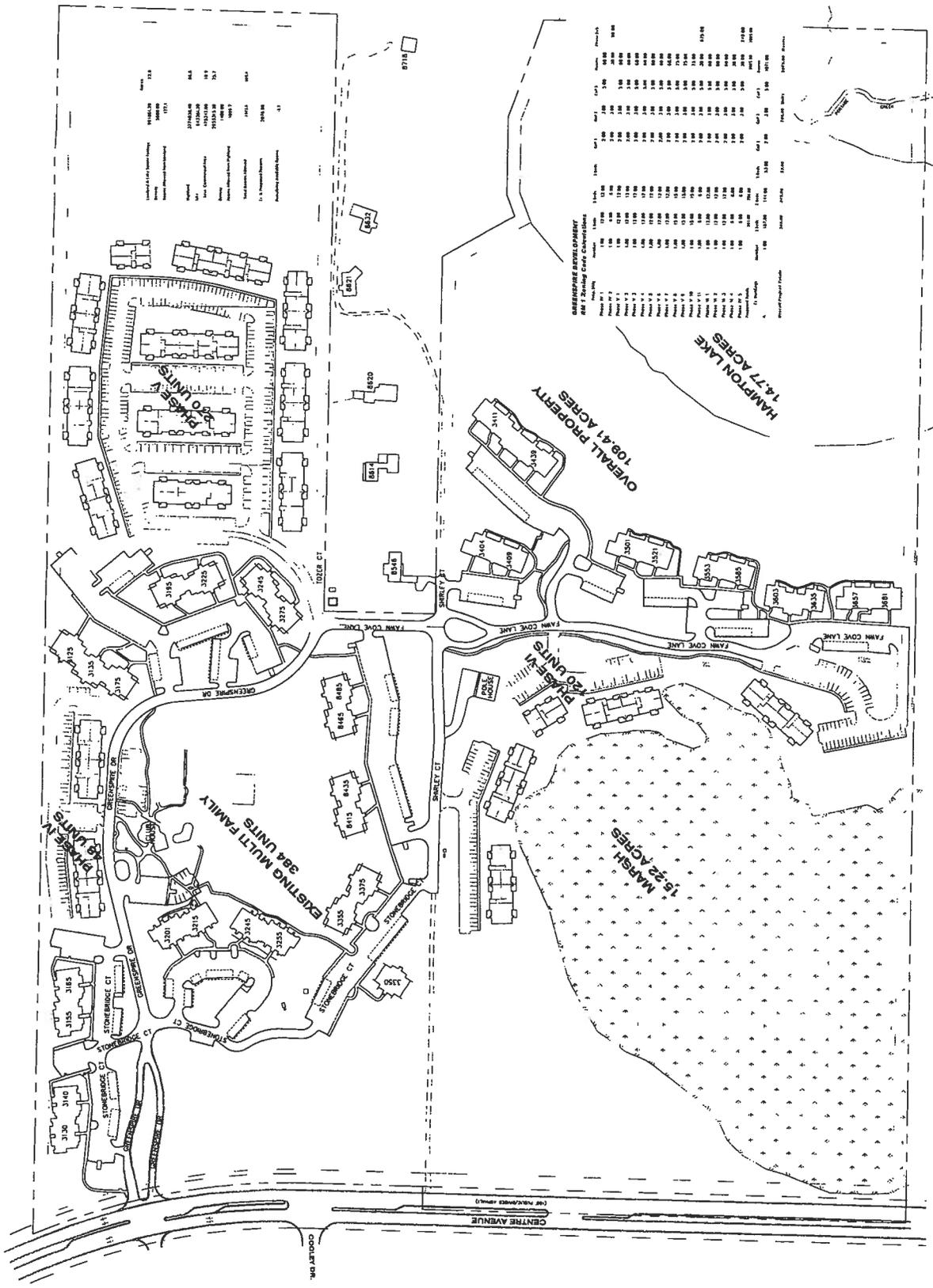
AVB
CONSTRUCTION

HURLEY & SLOWART
www.hurleyslowart.com
3400 South 11th Street
Schaumburg, Illinois 60196
815.352.4380 fax 815.352.4381

DESIGN BY: HURLEY & SLOWART, LLC
DATE: 05/08/2018 2:32 PM
PROJECT: AMERICAN VILLAGE BUILDERS, INC.
SHEET TITLE: RM-1 ZONE MASTER PHASING PLAN

AMERICAN VILLAGE BUILDERS, INC.
GREENSPIRE COMPLEX
RM-1 ZONE MASTER PHASING PLAN

Sheet Title: RM-1 ZONE MASTER PHASING PLAN
Project: GREENSPIRE COMPLEX
Date: 05/08/2018 2:32 PM
Scale: 1" = 100'

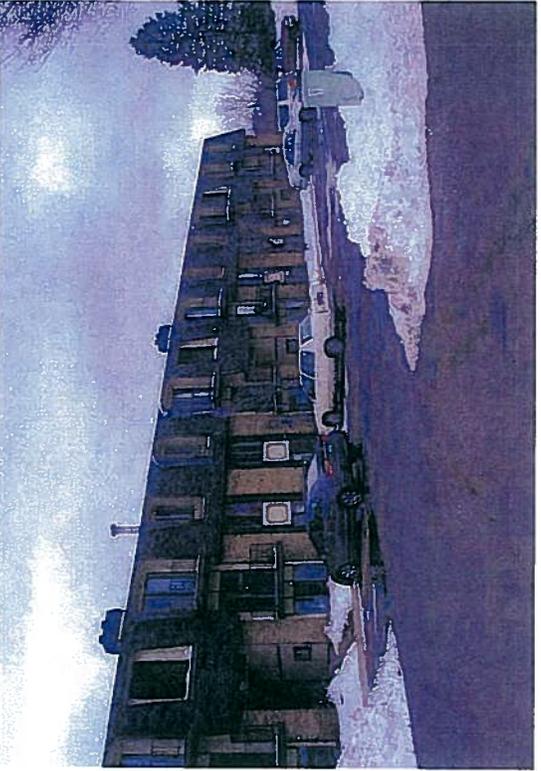
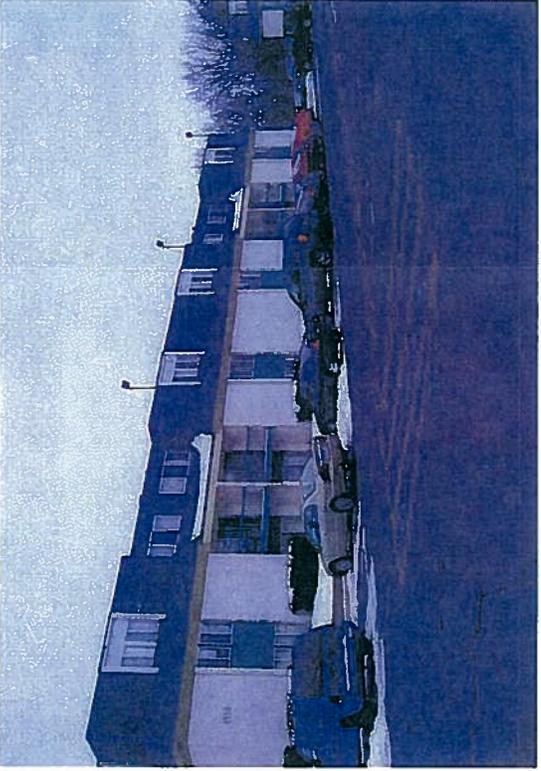


PHASING SCHEDULE

Phase	Start Date	End Date	Units	Area (Acres)
Phase 1	06/01/2018	06/30/2018	100	10.00
Phase 2	07/01/2018	07/31/2018	100	10.00
Phase 3	08/01/2018	08/31/2018	100	10.00
Phase 4	09/01/2018	09/30/2018	100	10.00
Phase 5	10/01/2018	10/31/2018	100	10.00
Phase 6	11/01/2018	11/30/2018	100	10.00
Phase 7	12/01/2018	12/31/2018	100	10.00
Phase 8	01/01/2019	01/31/2019	100	10.00
Phase 9	02/01/2019	02/28/2019	100	10.00
Phase 10	03/01/2019	03/31/2019	100	10.00
Phase 11	04/01/2019	04/30/2019	100	10.00
Phase 12	05/01/2019	05/31/2019	100	10.00
Phase 13	06/01/2019	06/30/2019	100	10.00
Phase 14	07/01/2019	07/31/2019	100	10.00
Phase 15	08/01/2019	08/31/2019	100	10.00
Phase 16	09/01/2019	09/30/2019	100	10.00
Phase 17	10/01/2019	10/31/2019	100	10.00
Phase 18	11/01/2019	11/30/2019	100	10.00
Phase 19	12/01/2019	12/31/2019	100	10.00
Phase 20	01/01/2020	01/31/2020	100	10.00
Phase 21	02/01/2020	02/28/2020	100	10.00
Phase 22	03/01/2020	03/31/2020	100	10.00
Phase 23	04/01/2020	04/30/2020	100	10.00
Phase 24	05/01/2020	05/31/2020	100	10.00
Phase 25	06/01/2020	06/30/2020	100	10.00
Phase 26	07/01/2020	07/31/2020	100	10.00
Phase 27	08/01/2020	08/31/2020	100	10.00
Phase 28	09/01/2020	09/30/2020	100	10.00
Phase 29	10/01/2020	10/31/2020	100	10.00
Phase 30	11/01/2020	11/30/2020	100	10.00
Phase 31	12/01/2020	12/31/2020	100	10.00
Phase 32	01/01/2021	01/31/2021	100	10.00
Phase 33	02/01/2021	02/28/2021	100	10.00
Phase 34	03/01/2021	03/31/2021	100	10.00
Phase 35	04/01/2021	04/30/2021	100	10.00
Phase 36	05/01/2021	05/31/2021	100	10.00
Phase 37	06/01/2021	06/30/2021	100	10.00
Phase 38	07/01/2021	07/31/2021	100	10.00
Phase 39	08/01/2021	08/31/2021	100	10.00
Phase 40	09/01/2021	09/30/2021	100	10.00
Phase 41	10/01/2021	10/31/2021	100	10.00
Phase 42	11/01/2021	11/30/2021	100	10.00
Phase 43	12/01/2021	12/31/2021	100	10.00
Phase 44	01/01/2022	01/31/2022	100	10.00
Phase 45	02/01/2022	02/28/2022	100	10.00
Phase 46	03/01/2022	03/31/2022	100	10.00
Phase 47	04/01/2022	04/30/2022	100	10.00
Phase 48	05/01/2022	05/31/2022	100	10.00
Phase 49	06/01/2022	06/30/2022	100	10.00
Phase 50	07/01/2022	07/31/2022	100	10.00
Phase 51	08/01/2022	08/31/2022	100	10.00
Phase 52	09/01/2022	09/30/2022	100	10.00
Phase 53	10/01/2022	10/31/2022	100	10.00
Phase 54	11/01/2022	11/30/2022	100	10.00
Phase 55	12/01/2022	12/31/2022	100	10.00
Phase 56	01/01/2023	01/31/2023	100	10.00
Phase 57	02/01/2023	02/28/2023	100	10.00
Phase 58	03/01/2023	03/31/2023	100	10.00
Phase 59	04/01/2023	04/30/2023	100	10.00
Phase 60	05/01/2023	05/31/2023	100	10.00
Phase 61	06/01/2023	06/30/2023	100	10.00
Phase 62	07/01/2023	07/31/2023	100	10.00
Phase 63	08/01/2023	08/31/2023	100	10.00
Phase 64	09/01/2023	09/30/2023	100	10.00
Phase 65	10/01/2023	10/31/2023	100	10.00
Phase 66	11/01/2023	11/30/2023	100	10.00
Phase 67	12/01/2023	12/31/2023	100	10.00
Phase 68	01/01/2024	01/31/2024	100	10.00
Phase 69	02/01/2024	02/28/2024	100	10.00
Phase 70	03/01/2024	03/31/2024	100	10.00
Phase 71	04/01/2024	04/30/2024	100	10.00
Phase 72	05/01/2024	05/31/2024	100	10.00
Phase 73	06/01/2024	06/30/2024	100	10.00
Phase 74	07/01/2024	07/31/2024	100	10.00
Phase 75	08/01/2024	08/31/2024	100	10.00
Phase 76	09/01/2024	09/30/2024	100	10.00
Phase 77	10/01/2024	10/31/2024	100	10.00
Phase 78	11/01/2024	11/30/2024	100	10.00
Phase 79	12/01/2024	12/31/2024	100	10.00
Phase 80	01/01/2025	01/31/2025	100	10.00
Phase 81	02/01/2025	02/28/2025	100	10.00
Phase 82	03/01/2025	03/31/2025	100	10.00
Phase 83	04/01/2025	04/30/2025	100	10.00
Phase 84	05/01/2025	05/31/2025	100	10.00
Phase 85	06/01/2025	06/30/2025	100	10.00
Phase 86	07/01/2025	07/31/2025	100	10.00
Phase 87	08/01/2025	08/31/2025	100	10.00
Phase 88	09/01/2025	09/30/2025	100	10.00
Phase 89	10/01/2025	10/31/2025	100	10.00
Phase 90	11/01/2025	11/30/2025	100	10.00
Phase 91	12/01/2025	12/31/2025	100	10.00
Phase 92	01/01/2026	01/31/2026	100	10.00
Phase 93	02/01/2026	02/28/2026	100	10.00
Phase 94	03/01/2026	03/31/2026	100	10.00
Phase 95	04/01/2026	04/30/2026	100	10.00
Phase 96	05/01/2026	05/31/2026	100	10.00
Phase 97	06/01/2026	06/30/2026	100	10.00
Phase 98	07/01/2026	07/31/2026	100	10.00
Phase 99	08/01/2026	08/31/2026	100	10.00
Phase 100	09/01/2026	09/30/2026	100	10.00



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'Peace pact' ends Hampton Lake battle

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

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

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

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

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

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

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

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

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

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

settlement.

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

Key points of the agreement call for:

- The Hampton Lake shoreline will be left in its natural state, which prohibits any beach facility or apartments within 250 feet of the shoreline.
- Apartments will be located so as to protect the pristine nature of the lake.
- No water wells will be permitted and no person will be permitted to occupy any new Greenspire apartment until municipal services are available.
- A single boat dock will be permitted that can be used by no more than eight watercraft, none with internal combustive engines.
- The DNR must be consulted before any alteration of a nearby bog or other land where there may be unique wildlife or identified endangered species.
- The restrictions will be attached to the Greenspire land title after a building permit is issued, insuring the agreement will be followed by all future owners of the property.

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

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

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

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



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

—Gazette photo

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

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

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

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

MINUTES OF THE PORTAGE CITY COUNCIL MEETING OF FEBRUARY 19, 1980

Meeting was called to order by Mayor Corstange at 7:30 p.m.

The Invocation was given by Rev. Roland Gani, Centre Avenue Community Church of God.

The Pledge of Allegiance was given by the Council and the Audience.

The Clerk called the roll with all members present except Councilman Overlander. Also in attendance were City Manager Donald Ziemke, City Attorney John Peters and City Clerk Lois Johnson.

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

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

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

PUBLIC HEARINGS:

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

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

CITY MANAGER'S REPORTS:

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

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

PETITIONS: None

STATEMENTS OF CITIZENS: None

COMMUNICATIONS:

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

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

PCOC: Council received a letter from the Portage Community Outreach Center informing us they do not have the money to pay their half of the repair of the roof. Also they requested a lease agreement be drawn up between PCOC and the City for the use of the former VanderRoest Building on West Centre Avenue. There was discussion. Motion was made by VandeMaele supported by Bieberle that we go ahead with the repairs with the money coming from the Contingency Reserve Account if not available in Block

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday - May 15, 1980

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

MEMBERS PRESENT:

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

MEMBERS EXCUSED:

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

MEMBERS ABSENT:

None.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

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

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

SITE PLANS:

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

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

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

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

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

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

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

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

PUBLIC HEARINGS:

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

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

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

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

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

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, May 5, 1977

MEMBERS PRESENT:

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

MEMBERS ABSENT: Excused.

Don DeSmit; Georgia Vavra.

IN ATTENDANCE:

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

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

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

SITE PLANS:

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

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

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

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

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

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

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

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

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

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

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

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

HOME OCCUPATION:

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

OLD BUSINESS:

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

NEW BUSINESS:

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

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, May 2, 1974

MEMBERS PRESENT:

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

MEMBERS ABSENT: EXCUSED

Margaret Gailey

IN ATTENDANCE:

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

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

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

SITE PLANS:

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

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

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

CITY OF PORTAGE PLANNING COMMISSION

Minutes of Meeting - Thursday, February 6, 1975

MEMBERS PRESENT:

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

MEMBERS ABSENT: Excused.

Wendell Buckland; Burr Standish.

IN ATTENDANCE:

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

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

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

SITE PLANS:

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

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

OLD BUSINESS:

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

NEW BUSINESS:

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

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

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



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

February 18, 2010

RECEIVED
 FEB 18 2010
 COMMUNITY DEVELOPMENT

To: City of Portage
 Department of Community Development

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

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

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

Sincerely,

William Hanavan MD

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

269-349-2266 phone
 269-349-0792 fax
 3304 Cooley Ct.
 Portage, MI 49024
 www.gsm-kec.com

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM FEBRUARY 9, 2010

The Regular Meeting was called to order by Mayor Pro Tem Edward J. Sackley at 7:30 p.m.

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

Mayor Pro Tem Sackley introduced Pastor Jeff Jones of the Kalamazoo Valley Family Church, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by O'Brien, seconded by Campbell, to approve the January 26, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Pro Tem Sackley asked Councilmember Urban to read the Consent Agenda. Councilmember Urban asked that Item F.2, Ordinance Amendment #09-C, Home Occupation Regulations, be removed from the Consent Agenda. Motion by Urban, 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 FEBRUARY 9, 2010:** Motion by Urban seconded by Reid, to approve the Check Register of February 9, 2010. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARINGS:

APPROVAL OF ORDINANCE AMENDMENT #09-A: Mayor Pro Tem Sackley opened the public hearing and asked Jeff Erickson, Director of Community Development, to review the proposed ordinance amendment. Mr. Erickson reviewed the Flood Insurance Rate Map provided by the Federal Emergency Management Agency (FEMA) and provided background information on the National Flood Insurance Program. He indicated that each community in the nation must ensure that their flood plain regulations are consistent with national standards. The goal of national, state and local flood plain regulations is to minimize loss of life and property in flood hazard areas. Mr. Erickson then reviewed the proposed ordinance changes in more detail and indicated that the Planning Commission had reviewed the proposed regulations and recommended approval.

Councilmember O'Brien inquired how many properties in Portage were considered to be in the floodplain and stated that the primary concern of the regulations is new construction in flood prone areas. She also mentioned that the City of Portage qualifies for a "Class 8 rating" from FEMA meaning that residents receive a 10% discount on flood insurance premiums. Mr. Erickson indicated that there are numerous properties in Portage that are in a flood plain.

Mayor Pro Tem Sackley discussed the efforts of FEMA to revise floodplain maps all across the country. He stressed the importance of accurately determining floodplains and making sure citizens understand what the FEMA efforts mean.

Mayor Pro Tem Sackley opened the public hearing for discussion from the audience. There being no discussion, motion by Campbell, seconded by Reid, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Motion by Urban, seconded by O'Brien to approve Ordinance Amendment #09-A, and

- a. adopt Appendix G of the 2006 State of Michigan Construction Code, 2009 Flood Insurance Study and 2009 Flood Insurance Rate Maps, which updates Section 42-991 and inserts Section 42-995, Floodplain Management Regulations, designating the city as the enforcing agency;
- b. repeal Zoning Code Sections 42-320 to 42-330, Flood Hazard Areas;

- c. repeal Zoning Code Section 42-162(D)(1)(2), Flood Boundaries; and
- d. adopt the Resolution to Manage Floodplain Development for the National Flood Insurance Program, required by the Federal Emergency Management Agency.

Upon a roll call vote motion carried 6 to 0. Ordinances recorded on pages 121, 123 and 125 of City of Portage Ordinance Book No. 12.

RESOLUTION NO. 3 FOR THE WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT DISTRICT NO. 011-Q: Mayor Pro Tem Sackley opened the public hearing and asked City Engineer Christopher Barnes to introduce the item. Mr. Barnes discussed the necessity of creating the 5-year lake management program and the desire of the West Lake Improvement Association to control nuisance aquatic plants. Mr. Barnes then reviewed the program and its history. He then reviewed the costs of the project and how it will be funded. He also explained why the assessment would be applied on a per parcel basis.

Councilmember Reid inquired as to why the project is being managed via the West Lake Improvement Association and not a formal governmental lake board. Mr. Barnes explained that this is largely due to past practice with this project and the lack of controversy among involved property owners. Councilmember O'Brien agreed that this project has not been controversial and that there is a broad consensus regarding the weed abatement program. Councilmember Urban explained why there is a governmental lake board for Long Lake and that the project in question is relatively simple as compared to lake improvement efforts that have been discussed for Austin Lake. Mayor Pro Tem Sackley stated that the scope of the West Lake project is rather simple but that more complex projects can best be served by a formal lake board. Mr. Barnes then reviewed efforts of the City of Portage to support the weed abatement program.

Mayor Pro Tem Sackley opened the public hearing for discussion from the audience. There being no discussion, motion by O'Brien, seconded by Campbell, to close the public hearing. Upon a roll call vote, motion carried 6 to 0. Motion by O'Brien, seconded by Reid, to adopt Resolution No. 3 for the West Lake Management Program Special Assessment District No. 011-Q, directing the preparation of the special assessment roll. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 467 of City of Portage Resolution Book No. 43.

REPORTS FROM THE ADMINISTRATION:

* **TRANSPORTATION FUND REFUNDING BONDS, SERIES 2010:** Motion by Urban, seconded by Reid, to adopt the Resolution awarding the bid for the City of Portage Michigan Transportation Fund Refunding Bonds, Series 2010, in the amount of \$6,725,000 to Stifel, Nicolaus & Co., Inc., at 2.752054 percent. Upon a roll call vote motion carried 6 to 0. Resolution recorded on page 471 of City of Portage Resolution Book No. 43.

ORDINANCE AMENDMENT #09-C, HOME OCCUPATION REGULATIONS: Mayor Pro Tem Sackley asked Councilmember Urban to begin discussion on this topic. Councilmember Urban began by indicating that the ordinance amendment is up for "first reading" and that no final action can be taken tonight. He explained that the ordinance expands the current home occupation ordinance and land development regulations by adding a second class of home occupation. He then reviewed several aspects of the new home occupation class and read B.6 of the proposed ordinance. He indicated that he believed the language to be awkward and asked if, should the language be clarified, the first reading would be nullified. City Attorney Randall Brown indicated that the First Reading would remain valid. Councilmember Urban inquired as to why the decision was made to expand home occupation permits and why a property must abut a major thoroughfare to even be considered for a permit.

Mr. Erickson explained that the ordinance would allow for more home business occupation opportunities but, at the same time, tightly regulate them. He then stated that the genesis of this revised

ordinance was Portage 2025 and City Council Goals and Objectives. Mr. Erickson reviewed the requirements for the permit and the role of the Planning Commission in granting one.

Councilmember Reid stated that anyone can have a passive business in their home but, if they wanted to hire an employee, it would be allowed under the proposed ordinance only if the property involved abutted a major thoroughfare. She then asked if this proposed ordinance would restrict a business from growing. Mr. Erickson responded in the affirmative and indicated that this is designed to limit the impact of a home-based business on a neighborhood.

Mayor Pro Tem Sackley expressed concerns with the Planning Commission being able to uniformly and equitably review and grant permits. He also stated that he saw no distinction between a parcel that abuts a major thoroughfare and one located in a neighborhood interior. Mr. Erickson explained that the Planning Commission deliberated these and other matters at length and also stated that streets are designed to carry traffic and promote flow. He does support allowing home-based businesses to open up additional access points on major thoroughfares.

Mayor Pro Tem Sackley inquired as to the details of what type of structure could be used as a location for a home-based business under the proposed ordinance and cited an example of someone opening up an auto repair shop in their garage. Mr. Erickson explained why it is unlikely that an individual would be able to meet the requirements of the proposed ordinance and open an auto repair shop in his garage. He also explained that there is a public hearing aspect of the ordinance allowing neighbors to voice any concerns or support to a permit request.

Councilmember Urban explained that he remembers significant controversy in the early 1980s when changes to the ordinance were proposed. He then indicated that the subjective nature of the review by the Planning Commission and potential inequity of allowing a permit for properties that abut a major thoroughfare and not others is of concern to him. He asked that a history of past changes to the ordinance in question be provided to City Council in advance of any public hearing. Discussion followed.

Councilmember Reid inquired as to whether anyone had inquired about opening a home business as outlined in the proposed ordinance and asked that the ordinance better define what qualifies as a home occupation. Mr. Erickson replied that no one had asked about obtaining a home-based permit since the Planning Commission began deliberating the ordinance and Attorney Brown opined that providing a listing of allowable businesses is not possible. He continued by stating that it is more appropriate to set more universal standards that must be followed and met. Councilmember O'Brien stated that it is important to clarify for residents and entrepreneurs what requires a permit. Attorney Brown stated that there should be an education component but that enforcement would likely be driven by complaints.

Mayor Pro Tem Sackley stated that he was pleased that the Planning Commission, Administration and City Council were looking at this matter and that it may expand opportunities for people to work at home. Councilmember Urban indicated that he had a home occupation permit for a long time and inquired whether activities related to fine arts can be regulated by a locality. Attorney Brown responded in the affirmative. Discussion followed.

Motion by Urban, seconded by O'Brien, to accept Ordinance Amendment #09-C, Home Occupation Regulations, for first reading and establish a public hearing on March 9, 2010. Upon a roll call vote, motion carried 6 to 0.

* **SANITARY SEWER SERVICE REPAIR CALL-IN CONTRACT:** Motion by Urban, seconded by Reid, to approve a one-year renewal with Peters Construction Company for the Sanitary Sewer Service Repair Call-in Contract at the original not-to-exceed amount of \$26,212.87 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.

* **EMERGENCY PURCHASE OF HP PROLIANT VIRTUAL SERVER AND RELATED HARDWARE COMPONENTS:** Motion by Urban, seconded by Reid, to authorize payment for the

emergency purchase of one HP Proliant virtual server and related hardware components at a cost of \$12,381 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **TRANSFER OWNERSHIP OF THE 2009 CLASS C LICENSED BUSINESS, LOCATED AT 5690 SOUTH WESTNEDGE:** Motion by Urban, seconded by Reid, to grant the request from Carrabba's/Birchwood, Limited Partnership (A Florida Limited Partnership), to transfer ownership of the 2009 Class C licensed business, located at 5690 South Westnedge, Portage, to Carrabba's Italian Grill, LLC (A Florida Limited Liability Company). Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 475 of City of Portage Resolution Book No. 43.

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

Portage Board of Education Regular of December 14, 2009, and Committee of the Whole Work Session of January 11, 2010.

Portage Park Board of January 6, 2010.

Portage Planning Commission of January 7, 2010.

AD-HOC COMMITTEE REPORTS: Mayor Pro Tem Sackley asked if a member of the City Council Assessing Issues Task Force would like to speak to this item. Councilmember O'Brien expressed satisfaction with the deliberative process that led to the proposed resolution allowing property owners to appeal their assessment via letter. She emphasized the importance of treating every property owner fairly and equitably. Councilmember Randall stated that the proposed resolution will benefit property owners that are out-of-town, have difficult work schedules, are dealing with a medical condition, etc., by allowing them to appeal their assessment via a letter as opposed to exclusively in person. She also indicated that the committee will be looking at other methods of appeal, such as via electronic transmission in the future.

Councilmember Reid expressed concern as to what would happen to a person who appeals via letter but, for whatever reason, the information provided is incomplete and how the Board of Review would handle such a circumstance. She stated that she believed the Board of Review would likely let the stated property value stand and asked if the committee had discussed this. Councilmember O'Brien responded by stating there are limits when somebody appeals via letter and extolled the importance of providing tools so that property owners understand the appeals process. She then explained that detailed information on how to appeal will be available online and at the Office of the City Assessor.

Councilmember Reid then asked about the role of an agent in the appeals process. Councilmember Randall said that Michigan law allows for an agent or personal representative in the appeals process. She continued that a written authorization, such as a simple letter, is all that is needed to designate an agent. Discussion followed regarding the role of an agent.

Councilmember Reid asked what would happen if somebody submitted a written appeal and designated an agent to attend the Board of Review on his or her behalf. Councilmember O'Brien responded that a person must choose how to appeal as he or she has one opportunity to be heard. Attorney Brown explained that the Board of Review would look at all information presented, whether it is an appeal by letter, in-person or somebody who sends both a letter and appeals in person. He continued that the burden of proof lies with the taxpayer and any inconsistencies among information would be for the Board of Review to determine.

Councilmember Urban expressed confusion between the proposed resolution and in-person appeals and Councilmember O'Brien clarified that the resolution applies exclusively to appeals that are made in writing.

Mayor Pro Tem Sackley thanked everyone for a healthy discussion and complimented Councilmember Randall on her efforts to raise awareness of the appeals process. He continued by

stating that neither the City Council nor Administration will be able to answer every question that may arise regarding an appeal. It is up to the Board of Review to make a determination.

Motion by O'Brien, seconded by Campbell, to adopt the Resolution Permitting Protest of Assessed Valuation to the Board of Review by Letter. Upon a roll call vote, motion carried 6 to 0. Resolution recorded on page 477 of City of Portage Resolution Book No. 43.

BID TABULATIONS:

* **AWARD AN ENGINEERING PROFESSIONAL SERVICES CONTRACT TO PREIN & NEWHOF, INCORPORATED:** Motion by Urban, seconded by Reid, to award an engineering professional services contract to Prein & Newhof, Incorporated, for the South Westnedge Avenue/Trade Centre Way Realignment in the not-to-exceed amount of \$56,072 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 Campbell congratulated the Boy Scouts of America on their 100th anniversary and reminded everyone of the planned community fireworks on July 3rd.

Councilmember Reid discussed the Community Action Agency program to assist those who earned \$45,000 or less in 2009 with their taxes. Sessions will be held at the Portage Community Center and Portage Senior Center. She also encouraged the community to come out and support the annual Walk-for-Warmth to be held on February 27th in Kalamazoo.

Councilmember Urban thanked City Council for indulging him by debating the proposed changes to the Home Occupation Regulations in advance of the public hearing.

Councilmember Randall thanked City Council for approving the resolution allowing property owners to appeal their assessments in writing so quickly. She then discussed a successful fundraiser she attended for the Portage Athletic Foundation and thanked all those who support this foundation.

Councilmember O'Brien shared news that Mr. Grady Biby, former Kalamazoo County Commissioner who represented a portion of Portage, passed away last week. She stated that the thoughts and prayers of the Portage City Council are with his family. She then thanked City Manager Evans for his report on the costs associated with giving residents the option of receiving the Portager electronically. She then expressed interest in City Council adopting a resolution regarding unfunded mandates at their next meeting.

City Manager Evans discussed the Transportation Fund Refunding Bonds that were approved by Council on the Consent Agenda and indicated that the action will save \$476,805 over several years. This is an example of City Administration working diligently to find savings and he complimented Financial Services Director Robert Luders and Finance Director Daniel Foecking on their efforts.

Mayor Pro Tem Sackley informed the public that he started with another third grade class in support of the Junior Achievement program. He then discussed the Kalamazoo Valley Community College (KVCC) Wind Energy Center in which students are trained to install, operate and repair large wind turbines. He continued by stating that the program is unique in the United States and the only one qualified under internationally recognized BZEE standards. The entire community should be proud of KVCC and of the support it receives.

ADJOURNMENT: Mayor Pro Tem Sackley adjourned the meeting at 9:17 p.m.

Adam D. Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: February 5, 2010

FROM: Maurice S. Evans, City Manager

SUBJECT: January 2010 Summary Environmental Activity Report – Information Only

Attached please find the January 2010 Summary Environmental Activity Report from the Department of Transportation and Utilities Director, Dallas Williams. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: Dallas Williams, Director, Department of Transportation and Utilities
Planning Commission
Portage Environmental Board

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
January 2010 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation on April 10, 2007 to perform annual groundwater sampling. The site groundwater data will be monitored to confirm continuation of the natural attenuation process. Consultant completed 2007 sampling and analysis in June 2007 and submitted the report to MDEQ. Sampling shows continued improvement in groundwater quality. Sampling performed in May 2009. Annual report submitted in June 2009. General groundwater quality continues to improve.</p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. <i>-Review of 2 site/building plans and/or plats completed in January 2010.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in January 2010: 2 residential, 1 commercial.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process initiated (Resolution #1) on December 7, 2004. Resolution #3 was approved by City Council on January 11, 2005. Resolution #5 was adopted by City Council on February 8, 2005. On March 22, 2005, City Council approved a contract with Aquatic Services, Goodrich, MI, to perform annual weed treatment. West Lake currently working with the Kalamazoo County Drain Commissioner to create a filtration system on the Austin Lake Drain. On July 10, 2007, City Council authorized the Administration to submit a grant application in the amount of \$5,000 to the Kalamazoo Foundation to assist funding the filtration system. Construction bids received by the Drain Commissioner on November 14, 2006. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and</p>

awarded a contract to ASI Environmental to perform watershed and vegetation survey. Weed treatment completed in July 2008. Fall weed and fish survey began in September and was completed in October. The Lake Association used Lake Shore Environmental, LLC. Spring 2009 weed control application was completed in June 2009. *Lake Association currently working on new 5 year improvement plan and special assessment process through City Council.*

Retention Basin Sampling Program
Investigation regarding potential impact of retention basins on groundwater.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2005 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On April 11, 2006, City Council awarded contract to Kieser & Associates. 2008 semi-annual sampling complete. City staff has initiated a compilation of all city retention basin groundwater levels. 2008 annual report received with consistent water quality results. June 2009 sampling complete. *Winter sampling performed in early December 2009 with results pending.*

Wellhead Protection Program (WHPP)
Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. City staff made a presentation to the American Water Works Association at their April 25, 2008 meeting to highlight current city initiatives. Plan implementation is ongoing.

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

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2008 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule reduced to annual sampling with results showing continued minor impact on groundwater quality. Sampling completed in July 2008 with minimal groundwater impacts noted. Sampling completed in July 2009 with minimal impacts.

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

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. Permit implementation is ongoing. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution

Prevention Initiative (SWPPI) as required by NPDES permit. SWPPI submitted on October 21, 2005. Revised SWPPI to incorporate watershed management plans. Annual report was submitted December 29, 2006. SWPPI comments received from the MDEQ and revisions resubmitted. Public education plan submitted to MDEQ on October 31, 2007. Additional NPDES SWPPI data and public education plan submitted on November 6, 2007. Annual report was submitted December 31, 2007. The MDEQ approved the revised public education plan and SWPPI on January 15, 2008. Re-application for permit extension was submitted on March 24, 2008. New permit applications are due August 1, 2008 for a 5 year permit cycle. The permit application for the city was submitted to MDEQ on July 31, 2008. Annual permit report submitted in December 31, 2008. Next five year permit expected in fall 2009. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009.

**National Pollution Discharge
Elimination System (NPDES)
permit implementation**

**Kalamazoo River Mainstem
Watershed Management Plan**

First meeting was held September 17, 2004. The public participation plan for the Watershed was submitted on November 22, 2004. The Public Education Plan was submitted December 31, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Watershed Committee meeting held November 22, 2005. Watershed planning focused on threatened uses and potential correction of water quality. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. Public information meeting was held at County Fairgrounds on October 24, 2006. Revised Watershed Plan submitted November 30, 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009.

**Portage River Watershed
Management Plan**

Public participation plan submitted June 28, 2004. The Public Education Plan was submitted December 31, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. First watershed meeting was held November 29, 2005. Meeting focused on water quality in the watershed and identification of pollution sources. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review

comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. *Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009.*

Five year plan to implement an Illicit Discharge Elimination Plan (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On May 27, 2003, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the West Fork element of the IDEP. On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Due to a less than anticipated number of illicit connections, city staff asked MDEQ to expand mapping activities under the grant program. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly.

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Feasibility study recommended construction of a filter system using various filter media materials. Small scale pilot studies began in spring 2007. Pilot studies completed with generally favorable results. Geotechnical soils report completed in April 2007 and wetlands delineation received in May. Operating plants visited in May to familiarize staff with various arsenic removal processes. City staff currently evaluating three possible treatment vendors to make a final equipment selection. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Construction underway with clearing and earth work complete. Underground piping and foundation work complete. Concrete floors and wall construction complete. Outside

pipng and inside plumbing complete. Building interior and exterior site work complete. Interior painting ongoing. Garden Lane Well #4 drilling is complete and well building is underway. *Anticipated project start up in February 2010, with final completion in spring 2010.*

Environmental Incident/Spill Clean Up Notification

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

The number of environmental incident/spill investigations performed in January 2010-0. The number of incidents requiring city forces/contractor emergency cleanups-0. Close out of gasoline spill on Sprinkle Road near Zylman Road due to a vehicle crash is complete.

Localized Groundwater Table Investigation

Hydrogeologic study of the
Portage area, especially in the
Sprinkle Woods plat area, to
determine causes of increase in
groundwater elevation.

On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Current activities are focused on assisting the affected property owners with possible solutions. A storm drainage line extension project has been designed with a bid opening set for September 18, 2008. City Council awarded a contract to Peters Construction Company on September 23, 2008. Construction began in mid October. Project was extended to serve 3 additional properties. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work underway on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. *Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 18" from spring 2009 levels and level has stabilized through January 2010. Sampling will continue through the fall and winter months.*