

CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# **PLANNING COMMISSION**

**March 18, 2010**

**CITY OF PORTAGE PLANNING COMMISSION**

**A G E N D A**

**March 18, 2010**

**(7:00 p.m.)**

**Portage City Hall Council Chambers**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES:**

- \* March 4, 2010

**SITE/FINAL PLANS:**

**PUBLIC HEARINGS:**

- \* 1. Height Modification: Centre Meadows Senior Apartments, 1405, 1419 and 1503 East Centre Avenue

**PLATS/RESIDENTIAL CONDOS:**

**OLD BUSINESS:**

**NEW BUSINESS:**

- 1. FY 2010-2020 City of Portage Capital Improvements Program  
-- adjourned to City Hall Conference Room #1

**STATEMENT OF CITIZENS:**

**ADJOURNMENT:**

**MATERIALS TRANSMITTED**

February 23, 2010 City Council meeting minutes

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

## PLANNING COMMISSION

March 4, 2010

 **DRAFT**

The City of Portage Planning Commission meeting of March 4, 2010 was called to order by Chairman Fox at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately ten citizens were in attendance.

### **MEMBERS PRESENT:**

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

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Jim Pearson and Rick Bosch.

### **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, staff and the audience recited the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Fox referred the Commission to the February 18, 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. Mr. West summarized the staff report dated March 4, 2010 involving a site plan submitted by Portage Road Investments LLC to construct a new, approximate 5,700 square foot veterinary hospital building and associated site improvements at 8037 Portage Road. Mr. West stated representatives of Portage Road Investments and Treystar Holdings have agreed on a shared/cross access arrangement consistent with the City of Portage Access Management Ordinance and previously approved CentrePort Commons site plan. Mr. West indicated access for the Portage Animal Hospital site is planned to connect at two locations to the CentrePort Commons "B" Drive located to the north with direct access to Portage Road through a right-in/right-out driveway. Mr. West stated connection to "B" Drive would also provide customers and employees of the Portage Animal Hospital access to the CentrePort Commons full service driveway further south on Portage Road and a right-in/right-out driveway and a full service driveway on East Centre Avenue.

Dr. Andrew Helmholtz and Mr. Steve DeBold of Chester, Inc. (applicant's architect) were present to support the site plan. Dr. Helmholtz confirmed that a shared/cross access agreement had been reached with Treystar Holdings. After a brief discussion, a motion was made by Commissioner Welch, seconded by Commissioner Bailes, to approve the site plan for Portage Animal Hospital, 8037 Portage Road, subject to closure of the northernmost driveway with the final phase of construction and demolition of the existing

 DRAFT

veterinary hospital building and closure of the southernmost driveway when “B” Drive and other common drives located within the adjacent CentrePort Commons project have been constructed in accordance with the approved site plan. The motion was unanimously approved.

### **PUBLIC HEARINGS:**

1. Final Report: Rezoning Application 09-01, Greenspire Planned Development (West Centre Avenue and Greenspire Drive). Mr. Forth summarized the final report dated February 26, 2010 regarding the PD, planned development rezoning application 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 summarized the tentative plan, overall development density modification request and Zoning Code requirements in the PD district. Mr. Forth also reviewed with the Commission Phase IV building setbacks, Phase V building setbacks/orientation and screening adjacent to the single family residences along Shirley Court/Tozer Court, inclusionary zoning and neighborhood/environmental considerations. Mr. Forth indicated staff was recommending approval of the PD rezoning and tentative plan subject to the seven conditions identified in the February 26<sup>th</sup> staff report. Additionally, Mr. Forth referred the Commission to the final agenda material and e-mail communications received earlier in the day from Mr. Bill Schmidt, Michigan Department of Natural Resources and Environment (MDNR-E), responses from staff and the applicant and a March 3, 2010 letter from Ms. Carol Long of Bronson Properties regarding signalization of the West Centre Avenue/Cooley Drive intersection.

Mr. Greg Dobson of American Village Builders was present to explain and support the project. Mr. Dobson provided a summary of changes that have been made since the February 18<sup>th</sup> meeting. Mr. Dobson distributed a revised tentative plan that provided additional screening/landscaping adjacent to the single family residences on Shirley Court/Tozer Court within Phase V. Mr. Dobson summarized recent meetings with adjacent Shirley Court/Tozer Court residents regarding Phase V of the apartment development and also a recent meeting with Ms. Carol Long regarding signalization of the West Centre Avenue/Cooley Drive intersection. Mr. Dobson reviewed ownership, easement and maintenance issues associated with Shirley Court and indicated all new apartment buildings will be sprinkled and will meet applicable Fire Code and Building Code requirements. Finally, Mr. Dobson briefly discussed the e-mail communications from Mr. Bill Schmidt, MDNR-E and stated the 450-foot safety zone was a State law intended to protect adjacent private property owners from hunting activities and discharge of firearms. The safety zone is not intended to establish larger setback requirements that reduce private property values.

The Commission, staff and applicant discussed various issues including the enhanced screening proposal for Phase V apartments, Phase IV apartment building setbacks, the MDNR-E e-mails, 450-foot safety zone, and PD ordinance requirements. The public hearing was reconvened by Chairman Fox. Three citizens spoke during the public hearing: 1) Mr. Terry Hall (8621 Shirley Court), 2) Dr. Russell Mohny (3500 Vanderbilt Avenue) and 3) Ms. Gloria Olson (3411 Fawn Cove). Mr. Hall thanked the applicant for meeting with him and providing additional screening between his residence and the Phase V apartments but was still concerned with the height and proximity of the apartment buildings. Mr. Hall indicated that he was the closest house to the proposed apartments and asked that consideration be given to reducing the building height. Dr. Mohny expressed concern regarding the notice provided to the State of Michigan and stated he believes the largest neighbor to the development should be given the opportunity to provide comments and guidelines regarding the project. Dr. Mohny also expressed concern regarding the proposed 15-foot setback for the apartment buildings in Phase IV and impacts on the adjacent State land. Ms. Olson expressed concerns regarding the loss of habitat and wildlife disturbance with the proposed Phase V apartments and hunters on the adjacent State Game Area discharging firearms within the safety zone. Mr. Forth restated that public notice was provided to the State of Michigan, along with supplemental telephone conversations with representatives of the MDNR-E. Mr. Forth reaffirmed that proper notice was provided and the MDNR-E has had sufficient time to comment and respond. Mr. Forth also indicated that signing of safety zones on State property was the responsibility of the MDNR-E. No additional citizens spoke during the public hearing. A motion was then made by Commissioner Bailes, seconded by Commissioner Cheesebro, to close the public hearing. The motion was unanimously approved.

Based on the information presented, the Commission, staff and the applicant further discussed impacts of the Phase V apartments on the adjacent single family residences, MDNR-E notice and e-mail communications received, hunting on the adjacent State Game Area property and the 450-foot safety zone, the PD ordinance standard of 7.0 units/acre overall development density standard and the requested modification to allow 8.45 units/acre. Commissioner Dargitz and Commissioner Stoffer expressed concern with the overall development density of 8.45 units/acre proposed by the developer and the PD ordinance criteria for issuance of modifications from this standard. Commissioner Dargitz also suggested the developer reduce the height of the two apartment buildings located closest to Mr. Hall's property to two-stories, instead of the proposed three-stories. Mr. Forth stated the proposed apartment development density is consistent with the existing three phases of Greenspire. Mr. Forth also discussed the existing RM-1 zoning and corresponding development densities that are allowed under this designation. Mr. West discussed the benefits of the PD district and the flexibility that is afforded both the developer and the city when reviewing the rezoning/tentative plan. Mr. West stated the proposed Greenspire PD results in a more desirable development layout, than the existing RM-1 district, with increased building setbacks and enhanced screening provisions adjacent the single family residences along Shirley Court and Tozer Court. Mr. West also indicated the proposed Greenspire PD is consistent with Comprehensive Plan and Future Land Use Map designations.

After additional discussion of the PD ordinance criteria for the modification of a development standard, a motion was made by Commissioner Bailes, seconded by Commissioner Cheesebro, to 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 received on March 4, 2010 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.

After a brief discussion of the motion, a subsequent motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to postpone further consideration of the motion involving Rezoning Application #09-01 until the March 18, 2010 meeting. Upon a roll call vote: Patterson (no), Bailes (no), Fox (no), Cheesebro (no), Dargitz (yes), Stoffer (yes) and Welch (no). The motion failed 2-5. The Commission discussed an amendment to the original motion that would provide a rationale for the requested development density modification. An amendment to the original motion was then offered by Commissioner Bailes, seconded by Commissioner Cheesebro, to include a finding that the requested development density modification of 8.45 units/acre is coherent with the existing Greenspire development. Upon a roll call vote: Welch (yes), Stoffer (no), Dargitz (no), Cheesebro (yes), Fox (yes), Bailes (yes) and Patterson (yes), the amendment to the original motion was approved 5-2. Commissioner Stoffer stated he would not be supporting the original motion, as amended, and does not believe the Planning Commission can recommend to City Council an overall development density that exceeds the 8.23 units/acre density present on the existing Greenspire Development. Commissioner Dargitz concurred. After a brief discussion, the original motion (as amended) offered by Commissioner Bailes, seconded by Commissioner Cheesebro, was voted upon by the Commission. Upon a roll call vote: Cheesebro (yes), Dargitz (no), Stoffer (no), Welch (yes), Patterson (yes), Bailes (yes) and Fox (yes), the motion was approved 5-2.

 **DRAFT**

**PLATS/RESIDENTIAL CONDOS:**

None.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

1. FY 2010-2020 City of Portage Capital Improvement Program. Mr. Forth referred the Commission to the 2010-2020 Capital Improvement Program (CIP) document that was provided to each Commissioner prior to the meeting. Mr. Forth briefly reviewed the March 4, 2010 transmittal memo from City Manager Evans and asked the Commission to review the document for further discussion during the March 18, 2010 meeting. Over the course of the next two weeks, Mr. Forth asked the Commission to contact him with any questions or clarifications regarding individual CIP projects so he could research and provide answers prior to, or at the March 18<sup>th</sup> meeting.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business, the meeting was adjourned at 10:05 p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** March 12, 2010

**FROM:** Jeffrey M. Erickson, Director of Community Development

**SUBJECT:** Height Modification: Centre Meadows Senior Apartments, 1405, 1419 and 1503 East Centre Avenue.

**I. INTRODUCTION/BACKGROUND:**

Milham Group, LLC, is requesting a height modification to construct a three-story, multiple family residential apartment building to a height of 36-feet at the midpoint between eave and peak, with one architectural feature/cupola on top of the building that will extend to a height of 49 feet. The proposed building is U-shaped and approximately 290 feet in width with wings that are 250 feet in length and connected by interior corridors. The building area is 126,540 square feet, with each floor being 42,180 square feet. There will be a total of 122 apartment units in this senior apartment facility for use by individuals aged 55 years and older. The south 450 feet of the subject site is zoned OS-1, office service and the north 837 feet is zoned RM-1, multiple family. The building and parking lot will be located in the RM-1 zone.

In 2007, the Planning Commission and City Council approved a height modification for a similar apartment development proposed by Allman Development on the subject property. The proposal was to construct a 104,700 square foot, three-story, 40-foot high apartment building with three architectural features that extended to a height of 57.5 feet. Allman Development did not go forward with this project.

**II. ZONING CODE REQUIREMENTS:**

Section 42-350(B)(6) of the Land Development Regulations establishes a building height standard of 25 feet and two-stories when the zoning lot abuts a single family residential zoning district, which can be increased to 30 feet and three-stories with Planning Commission approval. Increases to structural height beyond 30 feet and three-stories must be approved by the Planning Commission and City Council. In granting building height modifications, the Commission/Council "...shall require that all yards shall be at least equal in their depth to the height of the structure." Furthermore, the Commission/Council must determine that the "...topography, natural features or other land use characteristics, including the distance of the proposed structure from other uses, adequately mitigate adverse impacts on any adjoining or surrounding uses."

**III. ANALYSIS:**

The site is bordered to the north by vacant land and the Consumers Energy Company transmission tower property which is zoned R-1B, one family residential. The Christian Assembly of God church, 7835-7837 Lovers Lane, and a non-conforming duplex, 1319 East Centre Avenue, also zoned R-1B, are to the west. Adjacent to the south are non-conforming single family residences and a small greenhouse operation zoned OS-1, office service. To the east is a non-conforming single family residence, which is zoned OS-1 and R-1M, multiple family residential.

Construction of a single three-story building, as opposed to multiple two-story buildings, will result in a smaller overall building footprint across the property and will also allow for preservation of more open space area. As stated in the applicant's written narrative, "...adjoining properties are impacted less with

*construction of a single structure in the middle of the property than with multiple two-story buildings spread across the site...".* The requested increase in height of the three-story building to 36-feet is necessary to accommodate a gable roof design for the structure. While the proposed architectural feature/cupola will extend to a height of 49-feet, this single feature comprises less than 0.02% of the overall building area.

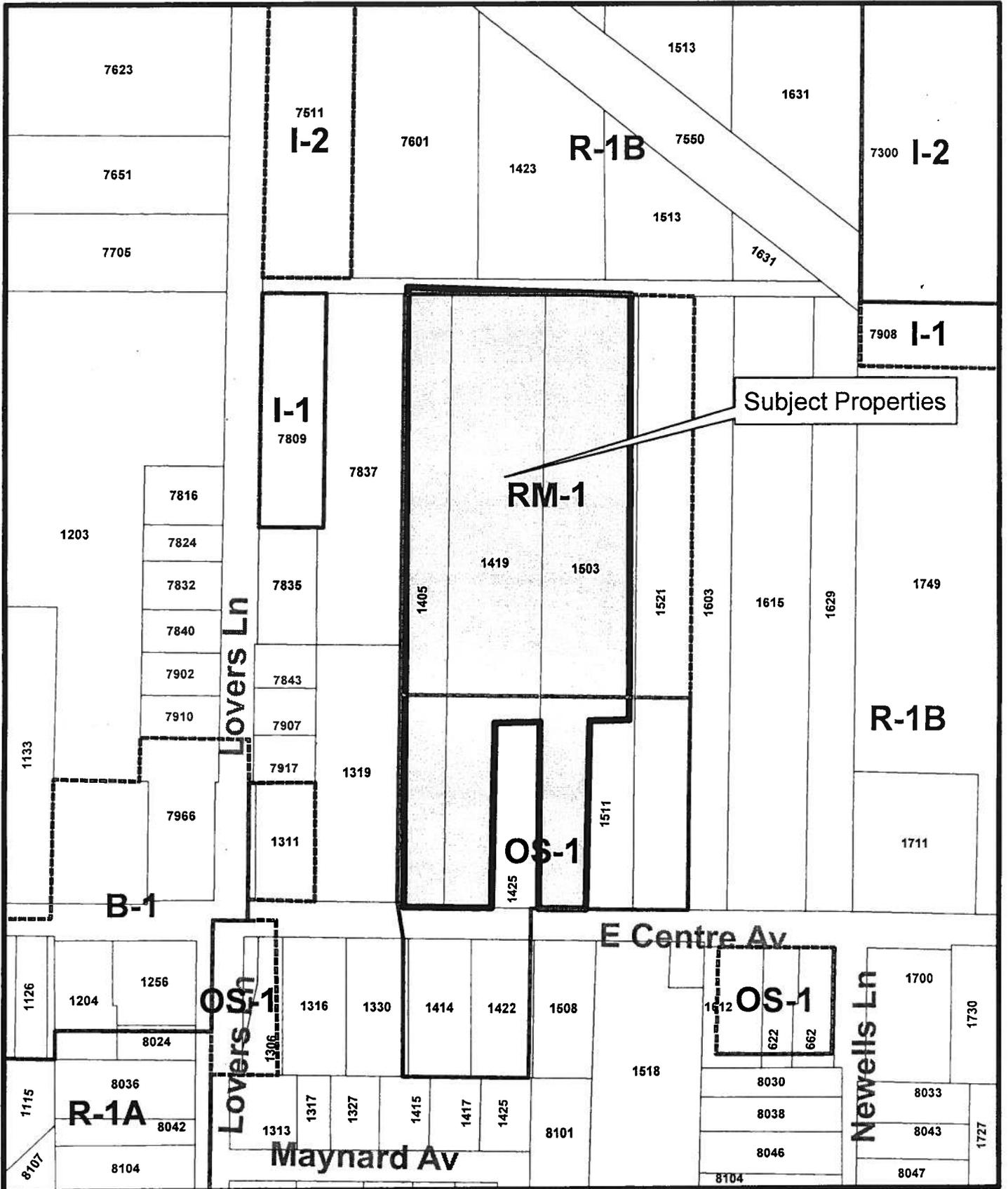
The proposed apartment building will be setback approximately 355 feet from the north property line, 90 feet from the west property line, which abut R-1B zones, 95 feet from the east property line that abuts a RM-1 zone, and 264 feet from the south property line that abuts an OS-1 zone. The apartment building will be situated approximately 350 feet from the nearest single family residential dwelling at 7843 Lovers Lane and will be in excess of 400 feet from Lovers Lane and more than 630 feet from East Centre Avenue.

The natural topography of the subject property and surrounding area will result in the apartment building being situated between 10-16 feet lower in elevation than adjacent single family residences located to the south and southwest, along East Centre Avenue and Lovers Lane. Attached as information is an Aerial Photo/Topographic Overview map with 2009 aerial photography and with existing topography showing the proposed apartment building footprint, access drive and parking areas. In order to mitigate potential adverse impacts of the development on the surrounding single family residences, areas of mature trees/natural vegetation will be preserved along the east and west property lines and along the northern and southern portions of the development. Supplemental tree plantings and landscaping will also be installed within and adjacent the main parking areas and along both sides of the access drive from East Centre Avenue. Additional, specific details including screening/landscaping, parking, storm water management and outdoor lighting will be reviewed as part of the formal site plan consideration.

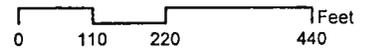
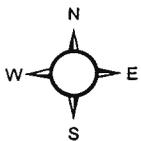
#### **IV. RECOMMENDATION:**

Subject to any public comment received and based information provided by the applicant and foregoing analysis, the Planning Commission is advised to approve the Height Modification for Centre Meadows Senior Apartments, 1405, 1419 and 1503 East Centre Avenue, to construct a three-story, multiple family residential building to a height of 36 feet with an architectural feature/cupola on top of the building that will extend to a height of 49 feet subject to installation of landscaping treatments along the west, south and east sides of the building that soften and break-up the expanse of the three-story building walls. Specific details regarding landscaping treatments will be reviewed as part of the formal site plan consideration. Furthermore, the Planning Commission is also advised to recommend to City Council that the Height Modification for Centre Meadows Senior Apartments be approved subject to the same condition. The proposed building location/orientation, setback distances, natural topography, preservation of mature trees and supplemental landscaping will help mitigate potential adverse impacts on adjacent single family residential districts consistent with Section 42-350(B)(6) of the Zoning Code.

Attachments: Vicinity/Zoning Map  
Aerial Photo/Topographic Map  
Communication from Mr. Timothy Woodhams dated February 22, 2010 (revised March 9, 2010)  
Preliminary Site Plan and Building Elevations

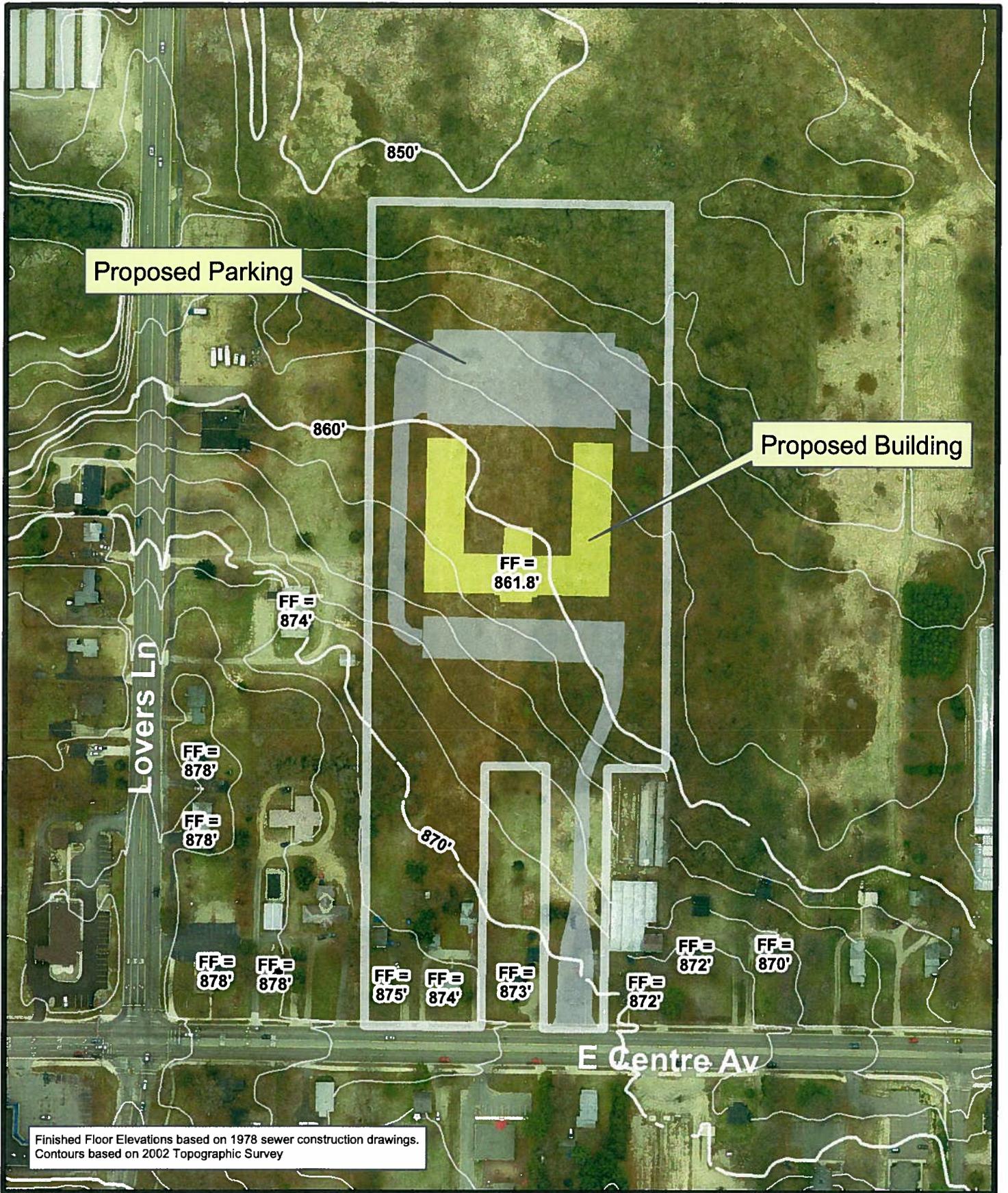


Subject Properties



# HEIGHT MODIFICATION

## 1405, 1419, & 1503 East Centre Avenue



Proposed Parking

Proposed Building

FF = 861.8'

FF = 874'

FF = 878'

FF = 878'

FF = 878'

FF = 878'

FF = 875'

FF = 874'

FF = 873'

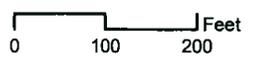
FF = 872'

FF = 870'

Finished Floor Elevations based on 1978 sewer construction drawings.  
Contours based on 2002 Topographic Survey



# Aerial Photo / Topographic Overview 1405, 1419, & 1503 East Centre Avenue



February 22, 2010  
(Revised March 9, 2010)

Mr. Mike West, AICP  
City of Portage  
7900 South Westnedge Avenue  
Portage, Michigan 49002

RECEIVED  
MAR 22 2010  
COMMUNITY DEVELOPMENT

Re: Centre Meadows Senior Apartments  
1405, 1419 and 1503 East Centre Avenue

Dear Mr. West:

Please accept this letter as application for a height modification in the RM-1 zone for a three (3) story senior apartment building. The combined site consists of 1503 East Centre and the rear portions of 1405 and 1419 East Centre. A lot line adjustment application has been made to reflect the revised parcel. Also, enclosed please find twelve sets of the architectural elevations as well as an overall site plan with surrounding uses identified. The site plan application has been made.

Under the current zoning ordinance, buildings in the RM-1 zoning district are limited to two (2) stories when abutting property zoned single family. Currently the properties to the North and to the West are Zoned R-1. The property to the North is vacant and likely to remain undeveloped. The soils to the North of our site have been classified as Houghton Muck by the Soil Conservation Service. The properties immediately to the West located in the R-1 zoning district are institutional and a non-conforming multi-family development. The nearest conforming residential property to the proposed structure is located 380 feet away along Lovers Lane. The homes along Lovers Lane have first floor elevations of approximately 878 feet. The proposed first floor elevation of the new structure is 861.8.

In approving an increase in structural height, the commission and council shall require that all yards shall be at least equal in their depth to the height of the structure. Based on the proposed site plan the depth of the yards to the north is 355 feet, to the east is 95 feet, to the south is 264 feet and to the west is 90 feet. The structure will be located 442 feet from Lovers Lane and 704 feet from Centre Avenue.

In addition to the modification from two (2) stories to three (3) stories a modification in height will be necessary. The current RM-1 zoning only allows for three (3) story buildings to have a height of thirty (30) feet to the midpoint of the roofline. This is not readily achievable for three-story construction. A typical floor system takes approximately ten (10) feet per floor for a height of twenty nine (29) feet to the eave line; which does not include a roof structure.

Our architect has prepared drawings of the proposed building. They have been able to achieve a midpoint height of thirty six (36) feet with attention to minimizing roof slope and floor system structure. A height modification of an additional six (6) feet is therefore requested. With a

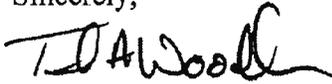
midpoint height of thirty six (36) feet the eave line will be at twenty nine (29) feet and the ridge line of the roof will be at forty three (43) feet with one architectural feature that would be another six (6) feet in height. This architectural feature represents less than 0.02% of the total roof footprint.

The height modification to thirty (36) feet will not create additional impact on the adjoining neighbors beyond that of a traditional market rate multi-family project. It is our opinion that the adjoining properties are impacted less with construction of a single structure in the middle of the property than with multiple two story buildings spread across the site which would likely abut the RM-1 minimum setbacks to achieve density.

The property will be well screened from the existing development to the west. The existing tree rows will remain as a natural buffer. In addition, the finished floor elevation of the building will be sixteen (16) feet lower than the conforming residential properties on Lovers Lane; a story and a half.

We appreciate your continued assistance with this development. Please feel free to contact me at (269) 760-6688 should you have any questions.

Sincerely,

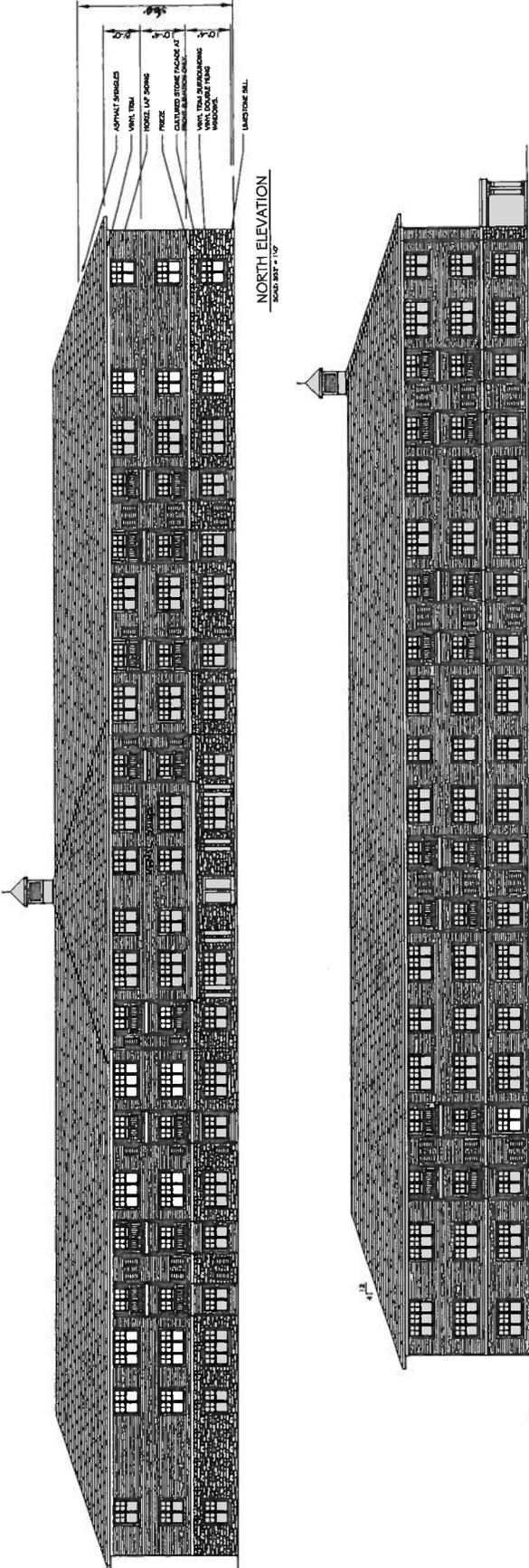
A handwritten signature in black ink, appearing to read 'T.A. Woodhams', written in a cursive style.

Timothy A. Woodhams, PE

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NORTH ELEVATION  
SCALE: 1/8" = 1'-0"

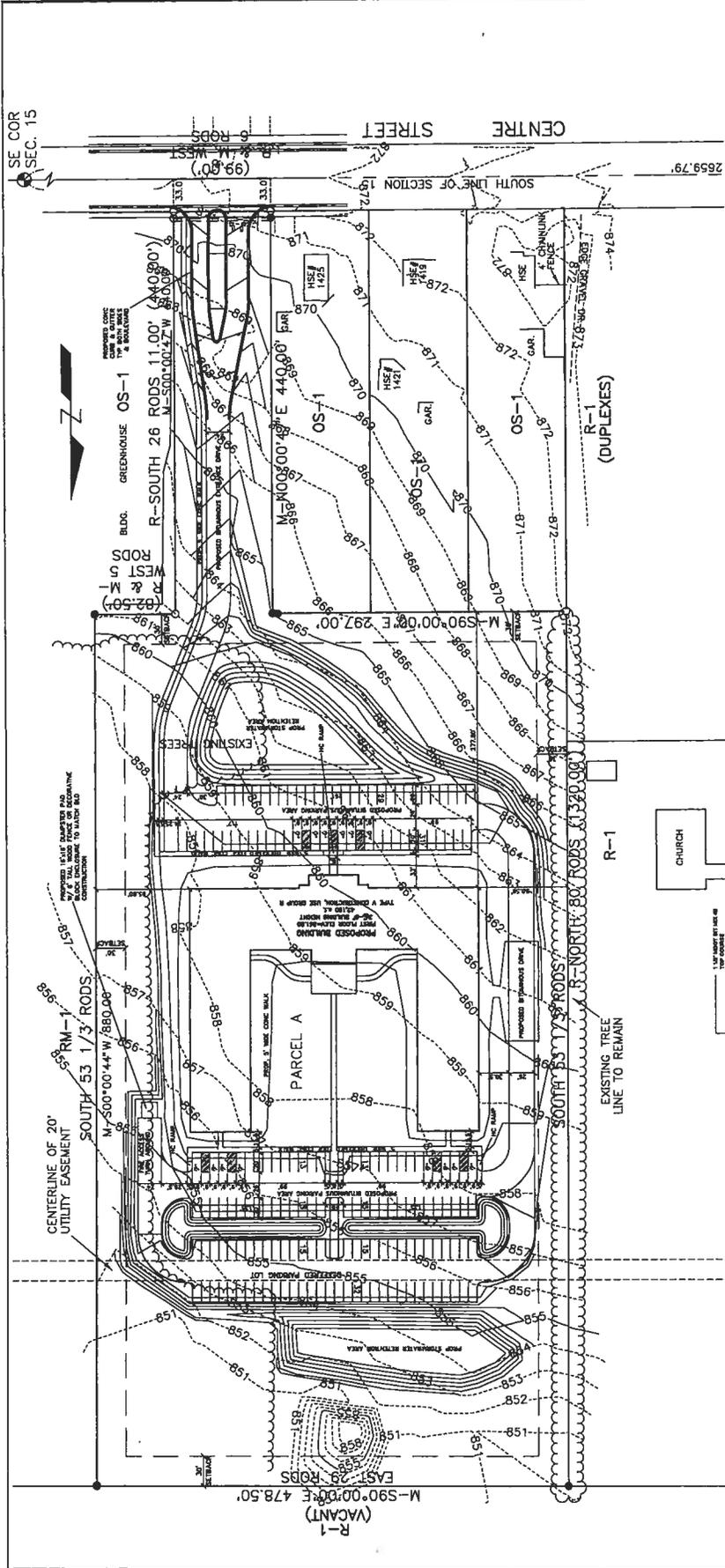
WEST ELEVATION  
SCALE: 1/8" = 1'-0"



DATE	BY	REVISION

C-3

SITE DEVELOPMENT PLAN  
CENTRE MEADOWS OF PORTAGE  
SENIOR APARTMENTS  
PORTAGE, MICHIGAN



**PARKING DATA:**  
PARKING REQUIREMENTS:  
ELDERLY HOUSING  
1/2 SPACE PER UNIT PLUS 1 PER EMPLOYEE

**PARKING REQUIRED:**  
SEE 105 UNITS / 210 SPACES  
1 HANDICAP SPACE PER 100 RESIDENTIAL SPACES = 2 SPACES  
1 HANDICAP VAN SPACE PER 8 REG. HANDICAP SPACES = 2 VAN  
TOTAL REQUIRED: 69 SPACES

**PARKING PROVIDED:**  
RESIDENTIAL PARKING = 100 SPACES  
HANDICAP PARKING = 15 SPACES  
TOTAL PARKING = 115 SPACES - OF WHICH 2 ARE VAN ACCESSIBLE

**PAINT STRIPING LEGEND:**  
STR. 1 - SINGLE YELLOW SOLID LINE / 4" WIDE EACH  
STR. 2 - DOUBLE YELLOW SOLID LINE / 4" WIDE EACH  
STR. 3 - YELLOW DOTTED UNDER FILE STRIPING FOR HANDICAP STAIRWAY

**SITE LIGHTING:**  
LIGHTING SPECIFICATIONS AND PHOTOMETRICS TO BE SUPPLIED BY ELECTRICAL CONTRACTOR AT TIME OF PERMIT APPLICATION. SHAMP OUT OFF LIGHTS TO BE USED

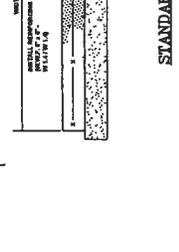
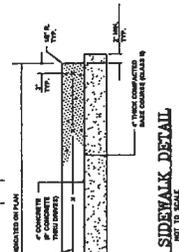
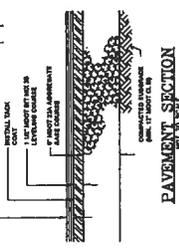
**SITE DATA:**  
SITE ZONING: R-1 (MULTI-FAMILY (OS-1 ENTRY DRIVE))  
SITE USE: SENIOR APARTMENTS  
SITE AREA: 10.5 ACRES (8.56 AC RM-1, 1.03 AC OS-1)  
ALLOWED DENSITY: 9.8 ROOMS/ACRES (RM-1) / 1,400 S.F. = 297 ROOMS  
PROPOSED DENSITY: 88 - 1 BEDROOM UNITS + 2 ROOMS/UNIT = 138  
53 - 2 BEDROOM UNITS + 3 ROOMS/UNIT = 82  
122 UNITS, TOTAL ROOMS EQUIVALENT = 227

**BUILDING AREA (EACH FLOOR):** 42,180 S.F.T.  
TYPE OF CONSTRUCTION: TYPE V CONSTRUCTION, USE GROUP R

**TYPE OF CONSTRUCTION:** 30' MIN  
SITE BUILDING SETBACKS: 30' MIN  
NEAR: 30' MIN  
SIDE: 30' MIN

**NOTES:**

1. HAVE TO CONTRACTORS THESE WORKING DAYS BEFORE YOU DO CALL USE DIG AT 1-800-482-7171.
2. BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY: GRIFF ASSOCIATES
3. LOCAL STANDARDS
4. UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL STANDARDS
5. METAL HANDICAP PARKING AND SIGNAGE PER ADA AND INTERNATIONAL BUILDING CODES SHALL BE IN THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
6. A MONITORED SHOCK DETECTION ALARM SYSTEM SHALL BE PROVIDED.



**PAVEMENT SECTION**  
FINISH SURFACE

**NOTES:**

1. HAVE TO CONTRACTORS THESE WORKING DAYS BEFORE YOU DO CALL USE DIG AT 1-800-482-7171.
2. BOUNDARY AND TOPOGRAPHIC SURVEY PROVIDED BY: GRIFF ASSOCIATES
3. LOCAL STANDARDS
4. UTILITY CONSTRUCTION SHALL BE IN ACCORDANCE WITH LOCAL STANDARDS
5. METAL HANDICAP PARKING AND SIGNAGE PER ADA AND INTERNATIONAL BUILDING CODES SHALL BE IN THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES.
6. A MONITORED SHOCK DETECTION ALARM SYSTEM SHALL BE PROVIDED.

**STANDARD SIDEWALK DETAIL**  
NOT TO SCALE

WITH AS INDICATED ON PLAN

METAL REINFORCEMENT STRIP 1/2" x 1/2" x 1/8" (CONT.)

CONCRETE 4" THICK (CONT.)

COMPACTED SUBGRADE 4" THICK (CONT.)

PAVEMENT 1" THICK (CONT.)

**THICKENED EDGE SIDEWALK DETAIL**  
NOT TO SCALE

WITH AS INDICATED ON PLAN

METAL REINFORCEMENT STRIP 1/2" x 1/2" x 1/8" (CONT.)

CONCRETE 4" THICK (CONT.)

COMPACTED SUBGRADE 4" THICK (CONT.)

PAVEMENT 1" THICK (CONT.)

**MATERIALS TRANSMITTED**

## **CITY COUNCIL MEETING MINUTES FROM FEBRUARY 23, 2010**

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

Mayor Strazdas introduced Portage Northern High School Student Senate Adviser Rick Searing, who provided a review of the Mayor and City Council for the Day Program activities and thanked Mayor Strazdas and City Council for the opportunity to learn about local government through hands-on participation.

Mayor Strazdas called forth the student who was voted Student Mayor for the Day, Jordan Wolf, and Mr. Hudson administered the Oath of Office to her. Mayor Strazdas called forth the students who were elected Student Councilmembers for the Day from Portage Northern High School: Joey Droppers, Nate Rajpoot and Joe Schulte, and from Portage Central High School: Lauren Brown, Mari Schoolmaster and Tony Beranke, and City Clerk James R. Hudson administered the Oath of Office to them. The Student Mayor and Student Councilmembers took their seats at the dais.

Student Mayor Jordan Wolf introduced Pastor Ken Hale of the Victory Baptist Church of Portage, who gave the invocation and the City Council and the audience recited the Pledge of Allegiance led by Cub Scout Pack 287 and Boy Scout Troop No. 244. Discussion followed.

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

The City Clerk called the Student Mayor and Student Councilmember roll with the following members present: Jordan Wolf, Joey Droppers, Nate Rajpoot and Joe Schulte, Lauren Brown, Mari Schoolmaster and Tony Beranke.

**APPROVAL OF MINUTES:** Motion by Sackley, seconded by O'Brien, to approve the February 9, 2010 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0 with Mayor Strazdas abstaining.

\* **CONSENT AGENDA:** Student Mayor Wolf asked all of the Student Councilmembers to share in the reading of the Consent Agenda. Councilmember Campbell asked that Item L.1, Water Resource Manuals Update, be removed from the Consent Agenda. Motion by O'Brien, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF CHECK REGISTER OF FEBRUARY 23, 2010:** Motion by O'Brien, seconded by Urban, to approve the Check Register of February 23, 2010. Upon a roll call vote, motion carried 7 to 0.

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

\* **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE COVERAGE:** Motion by O'Brien, seconded by Urban, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of \$544,284 for the period of March 1, 2010, to March 1, 2011, and authorize the City Manager to execute all documents related to the action on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **SOUTH WESTNEDGE PARK AND FORMER PARKS MAINTENANCE FACILITY GROUNDWATER MONITORING PROGRAM:** Motion by O'Brien, seconded by Urban, to award a contract to American Hydrogeology Corporation to perform the 2010 annual groundwater sampling and reporting for the South Westnedge Park and former Parks Maintenance Facility in the not-to-exceed amount of \$13,000 with an option to renew the contract for two additional years 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 7 to 0.

\* **WEST LAKE MANAGEMENT PROGRAM SPECIAL ASSESSMENT DISTRICT NO. 011-Q - RESOLUTION NO. 4:** Motion by O'Brien, seconded by Urban, to adopt Resolution No. 4 for the West Lake Management Program Special Assessment District No. 011-Q, setting a public hearing of necessity on the Assessment Roll for March 9, 2010, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 479 of City of Portage Resolution Book No. 43.

\* **ELECTION POLLING PLACES AND RATE OF COMPENSATION RESOLUTION:** Motion by O'Brien, seconded by Urban, to adopt the Resolution Designating Polling Places and Rate of Compensation for the May 4, 2010 Consolidated School Election. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 483 of City of Portage Resolution Book No. 43.

\* **JANUARY 2010 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by O'Brien, seconded by Urban, to receive the communication from the City Manager regarding the January 2010 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

\* **DEPARTMENT MONTHLY REPORTS:** Motion by O'Brien, seconded by Urban, to receive the Department Monthly Reports from the various city departments. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**GREG ROSINE, KALAMAZOO COUNTY TRANSPORTATION AUTHORITY VICE CHAIR, REGARDING THE FY 2009 ANNUAL REPORT:** City Council received a Presentation from Kalamazoo County Transportation Authority Vice Chair Greg Rosine, 2326 Pine Ridge Road, Kalamazoo, regarding the FY 2009 Kalamazoo County Transportation Authority Annual Report. Mr. Rosine indicated that work towards one bus system instead of two bus systems can continue in earnest once the Comprehensive Operational Analysis is completed. In response to Councilmember Reid, he asked that the public provide input by writing the Kalamazoo Transit Authority or attend one of the meetings. Discussion followed.

#### **UNFINISHED BUSINESS:**

**RESOLUTION IN SUPPORT OF THE LEGISLATIVE COMMISSION ON STATUTORY MANDATES:** At the request of Mayor Strazdas, Deputy City Manager Brian Bowling explained that a report to City Council was provided and a Resolution in Support of the Legislation Commission on Statutory Mandates was before them for consideration.

Councilmember O'Brien provided a reminder that this request for a Resolution stemmed from a visit by State Representative Larry DeShazor, who asked that cities and townships work together and work also with other public officials to address unfunded mandates. She pointed out that the Resolution

was the first step in a demonstration of support. Mayor Pro Tem Sackley, Mayor Strazdas and Councilmember Urban spoke in favor of adopting the Resolution. Discussion followed.

Motion by O'Brien, seconded by Reid, to adopt the Resolution in Support of the Legislative Commission on Statutory Mandates. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 485 of City of Portage Resolution Book No. 43.

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

Portage Senior Center Advisory Board of December 16, 2009.

Portage Human Services Board of January 7 and 21, 2010.

Portage Environmental Board of January 13, 2010.

Portage Planning Commission of January 21 and February 4, 2010.

### **BID TABULATION:**

**WATER RESOURCE MANUALS UPDATE:** Councilmember Campbell recused herself from the discussion and expressed she would be abstaining from the vote on this item as her husband is employed by Fishbeck, Thompson, Carr & Huber, Incorporated.

Councilmember Reid referenced the reason given for selecting Fishbeck, Thompson, Carr & Huber, Incorporated, in the February 18, 2010 City Manager Communication was that the proposal clearly shows a depth of knowledge of the Portage area, sufficient project hours and qualified staff to successfully complete the project, but pointed out that it was the second highest proposal and no other criteria, such as the number of hours involved, had been presented for consideration. Based on the presumption that all of the companies that presented proposals and were listed on the bid tabulation met the minimum qualifications as outlined in the request for proposals, she questioned why none of the other companies with a lower bid were considered. Further, presuming Fishbeck, Thompson, Carr & Huber, Incorporated, had qualifications over and above what was mandated, she expressed her confusion as to why at least one of the other less expensive proposals were not recommended if the requirements were fully identified in the request for proposals.

Deputy City Manager Brian Bowling answered that selection of a consultant is based on a qualitative evaluation. Mr. Bowling further indicated that Fishbeck, Thompson, Carr & Huber, Incorporated, has been the stormwater consultant for the City of Portage for many years, and he emphasized that this consultant has a depth of knowledge giving them a distinct advantage over any other consultant wishing to bid on this project. He then stressed the importance of continuity in this area. He indicated that staff reviews these proposals by considering the cost factor, project hours submitted, the scope of the work as submitted, the qualifications of the firm and previous experience with the firm. He summarized by saying that staff recommended Fishbeck, Thompson, Carr & Huber, Incorporated, primarily because of their depth of knowledge of the systems and their involvement with the systems in Portage. He revealed that the hours contained in the bids range from 245 to 528 hours and the number of hours presented by Fishbeck, Thompson, Carr & Huber, Incorporated, was 463 hours.

In answer to Councilmember Reid's question whether a history and past experience with the city should be identified in the request for proposal, Mr. Bowling indicated that this was not the sole factor considered, and pointed out that the experience level of the firm of high quality would weigh into their evaluation, but there is an added cost to the community anytime staff engages a new firm because staff has to dedicate a significant number of hours to bring them up to speed.

In the interest of keeping costs as low as possible and to protect against a misperception by the citizens, Councilmember Reid wondered out loud whether there might be a way to make the request for professional services or consultants proposal requirements more clear. Mr. Bowling indicated that staff is open to all suggestions and continued his analysis for City Council. Mayor Pro Tem Sackley pointed out that it was unusual to have four bidders that meet the specifications of the request for proposal below

the recommended bid and asked when does price come into play and used \$60,000 as an example. Mr. Bowling indicated that the bulk of the bids in this case were from \$41,000 to \$45,000, so the highest bid and the lowest bid were discarded because these would be considered responsible, confident bidders who know what they are bidding. Based upon that methodology, Mr. Bowling indicated that a \$60,000 bid from Fishbeck, Thompson, Carr & Huber, Incorporated, would also be discarded. Mayor Strazdas concurred and expressed an appreciation for the difference between a professional services contract and a contract for specifically defined goods, and questioned whether it is worth the \$4,000 spread in this case.

Councilmember Randall indicated that there would be no reason for a company to bid on a professional services contract if the City of Portage is going to award only to companies with whom they are comfortable. To her question regarding whether any effort is made to contact the low bidder to make sure they are covering the same project scope as the other bidders, Mr. Bowling answered that there is no guarantee that Fishbeck, Thompson, Carr & Huber, Incorporated, is even going to bid on the project; that the city puts these matters out for competitive bid to make sure we are getting the best buy; that if a company has worked for the City of Portage for years and has performed well, that this has a value; and, the question to ask is whether it is worth \$4,000 of staff time to educate a new consultant. Discussion followed. Mr. Bowling offered to provide more detail of the proposal if that was the wish of City Council, but no one requested it, and Mr. Bowling offered it for all professional contracts to come before City Council in the future. An analysis and discussion followed.

At the request of Councilmember Urban, Mr. Bowling provided the hours contained in the proposals and the cost per hour. An analysis and discussion followed.

City Engineer Chris Barnes indicated that this proposal for the services of a consultant was for a manual and mapping; that specialty mapping was required; and some of the companies have looked at the existing maps and explained the factors considered in the evaluation and ranking of the proposals. Mr. Barnes expressed his concern that Prein & Newhof bid less than one-half of the hours of everybody else, and that shaving cost to get the job becomes an issue. He explained the process of obtaining the best bid for professional services and the most cost effective means of getting the best services. Discussion followed.

Motion by O'Brien, seconded by Sackley, to accept the proposal submitted by Fishbeck, Thompson, Carr & Huber, Incorporated, in the amount of \$45,000 to update two water resource manuals and authorize the City Manager to execute all documents related to the contract on behalf of the city. Discussion followed.

Councilmember O'Brien referred to an e-mail she sent earlier to the Administration in which she asked what procedures are in place to protect against having a bidder present a low bid only to refuse to continue because they did not anticipate how much work was involved, or who may ask for a change order to complete the project, thus costing the City money. Discussion followed. Upon a roll call vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

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

**STATEMENTS OF STUDENT MAYOR AND STUDENT CITY COUNCIL FOR THE DAY:** At the request of Mayor Strazdas, the Student Councilmembers and the Student Mayor expressed their appreciation for the opportunity to participate in the Student Council and Mayor for the Day Program. Each of them indicated that the experience was enjoyable, rewarding and enlightening.

**STATEMENTS OF CITY COUNCIL AND CITY MANAGER:** Mayor and City Council expressed their appreciation to the students who participated in the Student Council and Mayor for the Day Program.

Councilmember Reid invited everyone to attend the Walk For Warmth, Saturday, February 27, 2010, at the First Baptist Church, Kalamazoo: 8:30 a.m., registration and refreshments, 9:00 a.m., the kick-off of the event, and 9:15 a.m., the Walk For Warmth event and, for more information, call (269) 373-5314 or email [MLRODR@kalamazocounty.com](mailto:MLRODR@kalamazocounty.com).

Councilmember Randall announced that the Change of Assessment Notices are being mailed soon; that the Board of Review will be better informed than in the past; that appeals will be heard; and a greeter and refreshments will be made available for citizen participants.

Councilmember O'Brien highlighted an e-mail that she received and indicated that moving snow from your property on to the street is not allowed.

Mayor Strazdas read a commendation letter that he received from the J.C. Penney Company for Detective James Meyers who was instrumental in catching a criminal who was recruiting groups to shoplift large quantities of merchandise from several retail stores across the state of Michigan, saving over \$60,000 for the J.C. Penny Company.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:00 p.m.

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James R. Hudson, City Clerk

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