

## **PLANNING COMMISSION**

**March 16, 2017**

The City of Portage Planning Commission meeting of March 16, 2017 was called to order by Vice-Chairman Stoffer at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 50-60 citizens were in attendance.

### **PLEDGE OF ALLEGIANCE:**

Vice-Chairman Stoffer led the Commission, staff and citizens in the Pledge of Allegiance.

### **IN ATTENDANCE:**

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services; Michael West, Senior City Planner; and Randy Brown, City Attorney.

### **ROLL CALL:**

Mr. Forth called the role: Joshi (yes), Shoup (yes), Richmond (yes), Dargitz (yes), Schimmel (yes), Stoffer (yes), Patterson (yes) and Bosch (yes). A motion was offered by Commissioner Patterson, seconded by Commissioner Schimmel, to approve the role excusing Chairman Welch. The motion was unanimously approved 8-0.

### **APPROVAL OF MINUTES:**

Vice-Chairman Stoffer referred the Commission to the March 2, 2017 meeting minutes contained in the agenda packet. A motion was made by Commissioner Schimmel, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved 8-0.

### **PUBLIC HEARINGS:**

1. Height Modification: Stryker Instruments, 6520 Portage Road (1941 Stryker Way). Mr. Forth summarized the staff report dated March 10, 2017 regarding a request submitted by Tower Pinkster, representing Stryker Instruments, to construct a 2-3 story, 485,000 square foot research and development facility that will vary in height between 62-77 feet above grade. Mr. Forth stated the Land Development Regulations establish a maximum building height of 60 feet in the I-2, heavy industry district that can be increased subject to review and approval by the Planning Commission and City Council. Mr. Forth discussed the varying height of the proposed building and indicated that less than 10% of the overall building will exceed the 60-foot height standard. Mr. Forth stated the building will be located approximately 1,000 feet from Portage Road and over 950 feet from the Ramona Avenue residential neighborhood. Mr. Forth also discussed the existing mature tree line along the north side of the Ramona Avenue that will be preserved to help minimize visual impacts. Mr. Forth indicated the height modification request satisfies the ordinance criteria set forth in Section 42-350(B)(6)(a) and was recommended for approval. Mr. Forth then referred the Commission to the two citizen communications that were received and included in the final agenda packet.

Ms. Jill VanDyken, Stryker Instruments, was present to support the application. Additionally, Eric Hackman (Tower Pinkster), Ron Masek (Tower Pinkster) and Pete Michell (Rockford Construction) were also present to support the project. Ms. VanDyken thanked staff for their support and assistance and provided a brief overview of the project. In addition to the public notice provided by the city, Ms. VanDyken indicated that Stryker also sent a summary of the project to approximately 60 area residents along Ramona Avenue. Ms. VanDyken stated the Stryker facility would not have any access to/from Ramona Avenue and indicated that construction traffic would be utilizing Portage Road. Mr. Hackman discussed the proposed roof top mechanical units and associated noise. Mr. Masek discussed the existing mature tree line that will be preserved along the north side of Ramona Avenue, along with earth berming and tree plantings proposed along Stryker Way and the internal development site.

The public hearing was opened by Vice-Chairman Stoffer. Two citizens spoke regarding the proposed height modification: 1) Ted Beebe, 1802 Ramona Avenue and 2) Mark Davies, 1721 Lansing Avenue. Mr. Beebe stated he has lived at 1802 Ramona Avenue since 1986 and had several questions/concerns about the proposed development. Mr. Beebe asked if there were any safety concerns associated with the height of the building and the proximity of the airport. Mr. Beebe also expressed concerns about possible increase in property taxes, decrease in property values, increase in traffic and speeding on Ramona Avenue, disruption of wildlife and adverse impact on his view of the wooded area along the north side of Ramona Avenue. Mr. Forth stated that Stryker worked closely with the Federal Aviation Administration (FAA) to determine the best location for the building and approval has been received. Mr. Forth also discussed retention of the existing mature tree line along the north side of Ramona Avenue that would serve as a significant visual buffer and screen. Mr. Forth restated that questions regarding existing speeding along Ramona Avenue and/or possibly lowering the speed limit should be directed to the Department of Transportation and Utilities. Mr. Davies asked whether the FAA would require a flashing beacon on top of the building and possible light pollution from facility. Mr. Michell summarized conversations with the FAA regarding the building placement, flight path and the likely possibility to install lighting on top of the building. No additional citizens spoke during the public hearing. A motion was then made by Commissioner Bosch, seconded by Commissioner Schimmel, to close the public hearing. The motion was unanimously approved 8-0.

The Commission, staff and the applicant's representatives discussed various aspects of the height modification request including the elevation difference between the building and Ramona Avenue, setback distances of the building from Ramona Avenue and the adjacent residential neighborhood and preservation of the mature tree line along the north side of Ramona Avenue. After additional discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to recommend to City Council that the Height Modification for Stryker Instruments at 6520 Portage Road be approved to allow construction of the building to a height ranging from 62-feet 6-inches to 77-feet as shown on the submitted building elevation drawings. The motion included a finding that the significant building setback distances from Portage Road and Ramona Avenue, small percentage of the overall building that will exceed the maximum 60-foot height requirement and retention of the existing tree line along Ramona Avenue will adequately mitigate adverse impacts on any adjoining and surrounding land use in accordance with Section 42-350(B)(6)(a). The motion was unanimously approved 8-0.

#### **SITE/FINAL PLANS:**

1. Site Plan: Stryker Instruments, 6520 Portage Road (1941 Stryker Way). Mr. Forth summarized the staff report dated March 10, 2017 regarding a site plan submitted by Tower Pinkster, representing Stryker Instruments, to construct a 2-3 story, 485,000 square foot research and development facility and associated site improvements at 6520 Portage Road. Mr. Forth discussed various elements of the site plan including construction of the new public street (Stryker Way) from Portage Road to Lovers Lane, installation of a new traffic signal at the intersection of Portage Road/Stryker Way, construction of multi-use trails/paths, parking, outdoor lighting and storm water management.

Ms. Jill VanDyken of Stryker Instruments was present to support the application and explain the development project. Ms. VanDyken discussed the traffic signal to be installed at the Portage Road/Stryker Way intersection and indicated the new facility would employ approximately 1,300 people with approximately 95% of the employees working a traditional first shift (7:30am-5:30pm). Ms. VanDyken indicated that no manufacturing will occur at the facility. Commissioner Shoup expressed concerns over possible light pollution and visual impacts of the facility from the Ramona Avenue neighborhood and asked whether additional evergreen trees plantings could be installed along the south side of Stryker Way. Mr. Forth discussed the sharp cut-off style of the light poles, the substantial mature tree line that would be preserved along the north side of Ramona Avenue (approximately 150-feet) and distance separation between the Stryker facility and the Ramona Avenue neighborhood. Mr. Forth also discussed the intervening parcel (Parcel B) that was situated between Stryker Way and Ramona Avenue and indicated additional screening could be considered with any future development of this property. Attorney Brown clarified that a requirement for any additional screening would need to be authorized by ordinance/statute. Ms. VanDyken stated the existing mature tree line along the north side of Ramona Avenue provides a substantial buffer

and no trees in this area would be removed with the Stryker project other than for public utility extensions and installation of the path along the south side of Stryker Way.

Two citizens spoke regarding the proposed site plan: 1) Sharon Kuruoglu, 9220 East Shore Drive and 2) Mark Davies, 1721 Lansing Avenue. Ms. Kuruoglu asked what Stryker plans to do with the other five locations they are currently leasing when this facility is constructed. Ms. VanDyken stated the other non-manufacturing locations of Stryker would be consolidated at the new facility location. Mr. Davies expressed concerns over existing vehicle speeding on Ramona Avenue and increased cut-through traffic on Ramona Avenue after construction of the Stryker facility. No additional citizens spoke regarding the site plan.

After additional discussion regarding anticipated traffic generation, mature tree preservation along the north side of Ramona Avenue and whether additional supplemental screening should be installed, a motion was made by Commissioner Bosch, seconded by Commissioner Schimmel, to approve the Site Plan for Stryker Instruments, 6520 Portage Road (1941 Stryker Way), subject to City Council approving the height modification and subject to 1) review and approval of the maintenance and indemnification agreements regarding storm water discharge from Stryker Way into private retention areas and 2) review and approval of the Portage Road multi-use path easement. The motion was unanimously approved 8-0.

### **NEW BUSINESS:**

1. Land Division with Public Improvements: Stryker Instruments, 6520 Portage Road. Mr. Forth summarized the staff report dated March 10, 2017 regarding a land division with public improvements application submitted by Stryker Instruments, in conjunction with the site plan for the new 485,000 square foot research and development facility. Mr. Forth stated there were currently nine parcels comprising the overall 288 acre tract of land that was generally bounded by Portage Road to the east, Lovers Lane to the west, East Milham Avenue to the north and Ramona Avenue to the south. Mr. Forth stated the proposed land divisions will occur as a result of the new public street construction (Stryker Way), which will extend from Portage Road to Lovers Lane. Mr. Forth stated that six of the existing nine parcels will be affected. Mr. Forth indicated that Stryker Way will be constructed as a limited access boulevard and a new traffic signal will be installed at the intersection of Stryker Way and Portage Road, which will also serve the Kenco and future development projects on the east side of Portage Road. With regard to Lovers Lane, Mr. Forth stated the existing curve located south of the proposed intersection of Stryker Way and Lovers lane will be realigned to address safety concerns and a multi-use trail will be installed on the south side of Stryker Way and will connect Portage Road to Lovers Lane. Mr. Forth indicated that storm water from Stryker Way will be directed to private retention basins owned by Stryker Instruments with appropriate maintenance/indemnification agreements executed and recorded between the city of Portage and Stryker Instruments. Mr. Forth stated that municipal water and sanitary sewer will also be installed within Stryker Way.

After finalization of the staff report, Mr. Forth indicated subsequent conversations have taken place with Stryker representatives regarding condition No. 3 that recommends future access to Ramona Avenue be prohibited. Mr. Forth explained that while no access to Ramona Avenue was proposed with the new Stryker facility, Ramona Avenue access for future development projects that may occur on Parcel 1 and Parcel 2 was desired by the applicant. Mr. Forth explained an alternative to condition No. 3 that may allow access to Ramona Avenue involving future development projects, but only along the easterly 212 feet of Parcel 1 (directly opposite the OS-1, office service zoning to the south) and along the westerly 450 feet of Parcel 2 (directly opposite the B-3, general business zoning to the south).

Commissioner Dargitz asked if Parcels 1 and 2 have access to Stryker Way, why is access to Ramona Avenue necessary. Commissioner Dargitz also indicated that alternative condition No. 3 seems to be contrary to what was just discussed with the site plan approval for the new Stryker Instruments facility that has no access to Ramona Avenue. Mr. Forth stated the new Stryker facility will not have access to Ramona Avenue but Stryker would like to leave open access flexibility to Ramona Avenue since future development plans involving these two parcels is unknown at this time. Commissioner Bosch stated the alternative condition No. 3 does not guarantee access to Ramona Avenue for future development involving Parcels 1 and 2: the development project would still be subject to site plan review. Attorney Brown stated the alternative condition No. 3, if approved, would imply an expectation that access would be granted along those specific sections of Ramona Avenue in the future if desired by the

applicant. Mr. Forth stated that any future access to Ramona Avenue for Parcels 1 and 2 would be subject to a specific development proposal. Commissioner Patterson stated that he believes the alternative condition No. 3 was reasonable and would allow for future flexibility and consideration. Commissioner Richmond stated she concurs with Commissioner Dargitz and access should be prohibited from Ramona Avenue. Commissioner Richmond stated industrial development traffic should not use Ramona Avenue and should be restricted to Stryker Way and the adjacent major streets (Portage Road, Lovers Lane). Commissioner Richmond discussed the impact cut-through traffic from the existing Stryker facility at the corner of East Milham Avenue/Sprinkle Road has had on Meredith Street and the Lexington Green neighborhood.

Ms. Jill VanDyken of Stryker Instruments was present to support the application. Ms. VanDyken explained that the alternative condition No. 3 was desired for future development flexibility that may occur on Parcel 1 and/or Parcel 2. Ms. VanDyken indicated they wished not to be tied to a restrictive condition that absolutely prohibits any access from Ramona Avenue, where opposite commercial zoning. Ted Beebe, 1802 Ramona Avenue, spoke regarding the proposed land division with public improvements. Mr. Beebe asked about the location of the proposed traffic signal on Portage Road, opposite the Kenco development, and stated that allowing future access to Ramona Avenue may encourage employees from Stryker to avoid the traffic signal and cut-through to Ramona Avenue.

After additional discussion, a motion was made by Commissioner Dargitz, seconded by Commissioner Shoup, to recommend to City Council that the Land Division with Public Improvements for Stryker Instruments, 6520 Portage Road, be approved subject to the following conditions: 1) The proposed public street, municipal water, sanitary sewer and storm sewer are acceptable in concept. Final design, location and related issues are being addressed with the detailed engineering drawings that have been submitted; 2) The land divisions as shown on the attached drawing will be finalized and the applicant will need to record the documents with the Kalamazoo County Register of Deeds and provide a copy to the City of Portage prior to commencement of construction activities; and 3) Given the amount of residential development on the south side of Ramona Avenue and to minimize impacts on the existing residents, vehicular access to Ramona Avenue for Parcel 1 and Parcel 2 should be prohibited. The motion was unanimously approved 8-0.

8:45 p.m. - The Commission took a short recess. 8:55 p.m. - The Commission reconvened.
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**PUBLIC HEARING:**

1. Preliminary Report; Rezoning Application #16/17-4, 9300 Portage Road (West Lake Condominiums Planned Development). Mr. West summarized the preliminary staff report dated March 10, 2017 regarding a request from AEG Development LLC to rezone 9300 Portage Road from R-1C, one family residential to PD, planned development. Mr. West stated the PD rezoning would facilitate construction of residential condominium project (West Lake Condominiums) consisting of single-family detached, attached and duplex homes. Mr. West indicated a total of 27 dwelling units was proposed on the existing 11.5 acre parcel. Mr. West stated the city would be realigning the Lakeview Drive/Portage Road intersection in FY 2017-2018 and this project would require acquisition of 0.46 acres from AEG Development, along the northeast corner of the subject property. Mr. West also indicated that the northern portion of the property, along the south side of Lakeview Drive, was encumbered by an approximate 2.6 acre wetland area that was delineated by the applicant in the Fall 2016. Mr. West discussed various aspects of the proposed tentative plan including the mixture of housing types, open space features, vehicular access, pedestrian walkway and building setbacks. Mr. West briefly summarized the Comprehensive Plan/Future Land Use Map designation of the subject property and adjacent properties, the suitability of the existing R-1C zone and proposed PD project, comparable development densities, anticipated traffic generation and environmental related impacts. Mr. West then referred the Commission to the citizen petition opposing the zoning change and related correspondence received from area residents that were included in the final agenda packet.

Mr. Brian Wood of AEG Development and Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) were present to support the rezoning application and explain the planned development project. Mr. Wood provided an overview of the proposed project and stated the residential condominium would be governed by a Master Deed and Home Owners Association (HOA) that would have architectural review authority, as well as provide maintenance and upkeep of common elements of the of the community such as the private road, entry sign, landscaping, pathway and open space features. Mr. Wood stated that each condominium unit would have a minimum of 1,400 square feet of living area, an attached two-car garage and a basement, where feasible. Mr. Wood then presented a comparison R-1C subdivision plan that identified a total of 20 single family residential lots. Mr. Wood stated that AEG believes the proposed PD project is a better development plan than the R-1C comparison plat and would have lesser impact on the overall property in regard to site/tree clearance with clustered housing and preservation of common open space areas. Mr. Wood displayed a map of the surrounding area with calculations of existing residential densities and stated the density of the proposed West Lake Condominiums project is less than existing densities of lakefront residential properties along Lakeview Drive and the Sterling Oaks Planned Development located further to the west. Commissioner Dargitz asked for clarification on plans to address storm water runoff from the project. Mr. Flanagan discussed plans to utilize the upland area of the property to manage the majority storm water runoff through a combination of leaching basins and interconnected perforated pipe, while minimizing the amount of storm water runoff that will be directed to the wetland area. Mr. Flanagan stated the storm water design would be finalized with submittal of the final/site plan.

The public hearing was opened by Vice-Chairman Stoffer. A total of seven citizens spoke regarding the proposed PD rezoning application and residential condominium development plan: 1) David VanDyk, 1725 Lakeview Drive; 2) Douglas Slager, 9310 Portage Road; 3) Carol Pratt, 1711 South Shore Drive; 4) Sharon Kuruoglu, 9220 East Shore Drive; 5) Tess Bagley, 1701 South Shore Drive; 6) Joan Herbon, 515 Southland; and 7) Keir Knapp, 2007 Lakeview Drive. Mr. VanDyk stated he was person who coordinated the citizen petition in opposition to the proposed rezoning and the various communications that were provided to the Planning Commission. Mr. VanDyk indicated that he was asked by many of the area residents to serve as a neighborhood spokesperson to expressed concerns and opposition to the proposed rezoning and development proposal. Mr. VanDyk discussed many of the area residents concerns including increased traffic on Lakeview Drive, construction traffic routes, the proximity of the proposed private road from Portage Road, the density of the proposed development, the reputation of the developer and the quality of the homes to be constructed, adverse impact on surrounding property values, the accuracy of the wetland delineation, disruption to wildlife habitat, the loss of trees and the increased impervious surfaces and related impacts on the wetland area and existing homes along Lakeview Drive. Mr. VanDyk stated the area residents request that the zoning change be denied and the property remain zoned R-1C which will result in a lower density single family residential development that was more consistent with the surrounding neighborhood. Mr. Slager stated he has resided at 9310 Portage Road for 43 years and was concerned about the developer possibly purchasing a lakefront property and then deeding access to the future residents of the condominium project. Ms. Pratt indicated that a secondary access to the development should be required and also expressed concerns about impacts to the wetland area, storm water runoff and loss of existing mature trees. Ms. Kuruoglu stated she was a member of the Lord of Life Lutheran and was also concerned about the quality of the home construction, impacts on the wetland area, loss of trees and potential flooding issues. Ms. Bagley stated she recently purchased her home and was concerned about people and dogs from the proposed condominium trespassing on her property and impacts on surrounding property values. Ms. Herbon stated she was the pastor at the Lord of Life Lutheran Church and members of the church have been taking care of the property for years and enjoy the trees and wildlife. Ms. Herbon also expressed concerns about increased traffic and impacts to neighboring properties. Mr. Knapp stated he owns the property along the north side of Lakeview Drive, opposite the proposed private street, and was also concerned about increased traffic, construction vehicle traffic, headlights from vehicles shining into his house and storm water runoff related issues.

Mr. Wood responded to many of the citizen concerns and stated he understands the residents passion for the property. Mr. Wood indicated that AEG Development has owned the property since the late 1990s and has a legal right to develop the site. Mr. Wood restated that AEG Development believes the proposed PD zoning and condominium project represents a much better development plan for the surrounding residents and will result in less tree removal, site clearance and associated impacts. Mr. Wood stated the comparison subdivision plan under

the existing R-1C zoning (20 lot plat) would have much greater impact on the property, however, AEG Development would move forward with the traditional subdivision plan if the PD rezoning was denied.

After additional discussion, a motion was made by Commissioner Schimmel, seconded by Commissioner Shoup, to adjourn the public hearing for Rezoning Application #16/17-4, 9300 Portage Road, to the March 30, 2017 meeting. The motion was unanimously approved 8-0.

**OLD BUSINESS:**

1. 2017-2018 Neighborhood and Community Enhancement Program Process. Vice-Chairman Stoffer stated that this Planning Commission item of Old Business would be postponed to a future meeting.

**STATEMENT OF CITIZENS:**

Ms. Deb Slater, 9310 Portage Road, asked if the rezoning consideration for 9300 Portage Road could be the first item on the March 30, 2017 meeting. Mr. West stated it would be the first item of business.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 10:45 p.m.

Respectfully submitted,

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