

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

**April 15, 2021 Virtual Meeting
(7:00 p.m.)**

Portage City Hall Council Chambers

**Public Phone Line: (844) 854-2222 Access Code 529853#
(To voice a question or comment, press *6 to enter the queue.)**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

April 1, 2021

PUBLIC HEARINGS:

1. Special Land Use Permit, Lake Burger, 6814 South Westnedge Avenue Suite F), Microbrewery
2. The Oaks Phase 2, 4800 Bishop Avenue (Preliminary Plat)
 - Letter from Ingersoll, Watson & McMachen, Inc.
 - Letter from Jessica and Tony Briggs (4773 Bahama Lane)
 - Letter from Josh and Amanda Osborn (4723 Bahama Lane)
 - Email communication from Casey Fawley (4700 Bahama Lane)

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

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

Ingersoll, Watson & McMachen, Inc.
Civil Engineering & Land Surveying

RECEIVED
APR 15 2021
COMMUNITY DEVELOPMENT

April 15, 2021

City of Portage Planning Commission
7900 South Westnedge Avenue
Portage, MI 49002

RE: "The Oaks" and "The Oaks No.2"

Dear City of Portage Planning Commission,

This letter is submitted on behalf of Landmark Development partners regarding "The Oaks" and "The Oaks No.2" subdivisions and various concerns that have been expressed by residents in the adjoining neighborhood. Please note the following regarding these concerns:

- 1) Regarding phase 1 of "The Oaks", it was the developer's intent to complete paving operations and other proposed construction during 2020, but the pandemic caused some delays, and we are also required to get the roadway sub-base tested and approved by the City prior to commencing paving operations. The paving season for 2020 ended during November before we were ready for paving. The roadways in phase 1 are currently scheduled to be paved during May 2021. The remaining construction and site restoration is scheduled to be completed shortly after the paving is complete.
- 2) The storm sewer system for phase 1 was installed during 2019 and 2020. Prior to installation, this proposed system was reviewed by the City of Portage, MDEQ, and this office prior to gaining approvals. The previous storm sewer system for the existing neighborhood included a large storm water infiltration basin that was located relatively close to the houses along Jamaica Lane. This 'old' basin had no overflow. Any run-off water that entered this old basin would eventually infiltrate into the ground and potentially raise groundwater levels near the basin. If there was a very large rainfall event, this basin could fill up with run-off water and potentially flood the wooded areas near the basin before infiltrating into the ground and eventually raising ground water levels even more. The storm sewer in the area that directed run-off water to this old basin was re-routed and a new storm water basin was constructed near the northeast corner of "The Oaks". This new basin is about 700 feet northeast of the old basin, and it is situated further away from the existing neighborhood. It is also closer to the existing wetland (which is where groundwater flows to). Ground water in this area flows north.

This new basin also has an overflow that directs water into the existing wetland to the north. This was approved and permitted by the MDEQ. It is also worth noting that the Office of the Kalamazoo County Drain Commissioner installed a new 24 inch diameter storm sewer pipe under Bishop Road to allow ponded water to flow northerly away from the area. This pipe was installed about 2 years ago and it should help to allow ground water to leave the area. In my professional opinion, construction of "The Oaks", including the revised storm sewer and new storm water basin, should help lower groundwater levels in the general area, and should improve the situation for residents who have basement water issues. Lastly, it may be worthwhile to pursue other projects (to the north) with the City or the Drain Commissioner that would further help groundwater exit the area.

3) The new roads within "The Oaks" are in general about 5 feet higher than Jamaica Lane and the existing roads to the west. This design was intentional. In my opinion, some of the existing roads in the area are too low. These 'low' roads have created building sites, houses, and basement levels that are, in some cases, too low relative to high groundwater. Within "The Oaks" we have designed the storm sewer system to help lower groundwater levels. We have also raised the new roads to a more appropriate elevation, and we have also provided a storm sewer pipe just east of the properties on the east side of Jamaica Lane to accept rear yard run-off water, and to also allow residents (if they wish) to tie their basement discharge pump into this storm sewer pipe. Similar design practices will be incorporated into "The Oaks No.2".

4) A resident has brought up several issues regarding house construction on several lots along Bahama Lane and Jamaica Lane. Although I do not have firsthand knowledge of these issues, I did discuss with Landmark Development Partners ('Landmark'). I understand that Landmark addressed the issues that were brought to their attention. I understand that Landmark was not informed of some of the listed issues.

5) A resident also brought up the construction material that remains on Landmark's property. Please note that Landmark has not received any complaints from the City or any neighbors regarding this. If Landmark had been informed, it would have been addressed. Also, note that phase 1 will be completed in the coming months, and much of this material will be cleaned up. Roadway and utility construction for phase 2 may start in 2022, and there will be construction material related to phase 2 in the future. Landmark and the contractors will be mindful of how this impacts the existing residents.

6) As soon as the final approval process is complete for "The Oaks", house construction will commence on some of the lots. House construction has not commenced at this time because "The Oaks" project is not complete and approved.

In my opinion, the main concern regarding these two new developments is their impact on groundwater levels and nearby basements. This is a very valid concern. Again, construction of "The Oaks" and "The Oaks No.2" (with the new storm water disposal system) will only help to lower ground water levels in the area. This does not mean that existing homes with basements that are too low will not, at times, have issues with their basements.

I would be glad to discuss further with the Planning Commission as need be.

Thank you for your attention to this matter. Please contact Landmark Development Partners or this office if there are any questions.

Sincerely,
Ingersoll, Watson & McMachen, Inc.

A handwritten signature in black ink that reads "Pat Flanagan". The signature is written in a cursive, slightly stylized font.

Patrick D. Flanagan, P.E.

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APR 9 2021

COMMUNITY DEVELOPMENT

Dear members of the planning commission,

As a homeowner on Bahama Lane and the owner of a home built by Landmark builders have very serious concerns about water management in phase two of The Oaks development.

Phase one has caused water issues in many homes along Jamaica Lane. We were told the city installed a special drainage system behind currently built homes, but they still have flooding issues. The road in phase one looks to be much higher above grade than the existing homes which is only going to make this problem worse as development continues. There have been 0 lots sold or developed in phase one, which is also concerning.

On Bahama Lane, each house that Landmark has constructed has a higher grade than the next causing multiple issues with flooding. Examples include

- Flooding at 4750 Bahama Lane when 4774 and 4724 Bahama Lane were completed.
- Flooding at 4723 after an addition at 4701 completed by Landmark.
- Construction at 4700 Bahama caused flooding to 4686 Bahama Lane and on Tiffany.
- 7470 Jamaica has water issues from 7486 Jamaica.
- 4773 Bahama Lane caused flooding and fence damage to 7470 Montego Bay.

As we have talked to several neighbors, we also have concerns about the care for the neighborhood by the developers. There has been a massive pile of cement debris behind our house for the past 3 years. Cement trucks regularly dump excess concrete in the woods where the road ends. There have been cement culvert tubes sitting there for 2 years. The road development for phase 1 has left dirt and sand covering the road many times and there is still part of the road missing in that area. We do not want further development to be at the expense of the homeowners who are already living in this area.

We understand that development and housing are very important to the city, but it must be done responsibly and without damage to current homes. The land where The Oaks is being built was a swamp and we are all very concerned with where the water will be going as development continues. We hope you will be able to address these issues in a sufficient way before construction is allowed to begin.

Thank you for your consideration.

Jessica and Tony Biggs
4773 Bahama Lane

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COMMUNITY DEVELOPMENT

Members of the Portage Planning Commission,

We own a home in the Holiday Village subdivision next to where "The Oaks – Phase II" is being proposed. There are definite concerns about water from this proposed development.

Our understanding from neighbors in the subdivision is that the "Phase One" development has caused water issues at numerous homes on Jamaica Lane.

As I am sure you are aware, there are numerous homes along Jamaica Lane that have had previous water issues, and I believe the water table is quite high in the area. With the road built for "Phase One," the road is quite a bit higher than the existing neighborhood, which will only make the issues worse for the existing homeowners in the area.

The fact that no lots on "Phase One" have been built on is concerning to us, as we have no idea what any potential construction will do to existing homes. The current developer of the Holiday Village neighborhood has created issues with grading all along Bahama Lane, which is another major concern to us.

We welcome development in the city, as that will only strengthen the area businesses and labor force. However, we believe it must be done without harm to the existing homeowners in the neighborhood. Please understand we would like assurances that there will be no issues from any proposed construction before it can continue.

We would ask you to please consider delaying the "Phase II" of construction until the effects of Phase I can be seen and processed.

Please feel free to contact either of us with any questions or concerns.

Thank you for your time,

Josh & Amanda Osborn

4723 Bahama Lane

Christopher Forth

From: Christopher Forth
Sent: Wednesday, April 14, 2021 12:27 PM
To: John Lovely
Subject: FW: Letter from Resident Re: The Oaks

From: Melissa Dekker <dekkerm@portagemi.gov>
Sent: Wednesday, April 14, 2021 11:52 AM
To: Christopher Forth <forthc@portagemi.gov>
Subject: FW: Letter from Resident Re: The Oaks

Melissa Dekker

Administrative Assistant
City of Portage | Community Development Department
7900 South Westnedge Avenue | Portage, MI 49002
office (269) 329-4477 | fax (269) 329-4506
dekkerm@portagemi.gov
www.portagemi.gov

From: Casey Fawley <tcfawley@fawleydoor.com>
Sent: Tuesday, April 13, 2021 11:33 PM
To: Melissa Dekker <dekkerm@portagemi.gov>
Cc: Becky Sue Baldwin <baldwin.bs69@gmail.com>; Bill Fries <billfriesjr@gmail.com>; Catherine Kaufman <kaufman@michigantownshiplaw.com>; Danny Corradini <dcorradini419@gmail.com>; Gerald Myer <gerald.a.myer@gmail.com>; Paul Pezzoli <paulpezzoli1@gmail.com>; Reed Youngs <omryoungs@gmail.com>; Rick Freiman <richard.freiman@gmail.com>; Roxanne Seeber <seeber@michigantownshiplaw.com>; Sandi Bosse <Bosse@michigantownshiplaw.com>; Sarah Joshi <joshi.sarah@gmail.com>; Tamara Stephens <stephent@portagemi.gov>
Subject: Re: Letter from Resident Re: The Oaks

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

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Good evening Commissioners and Melissa,

FYI, I am at 4700 Bahama Lane. My home's construction didn't cause any neighbor's homes to flood. There was a broken sprinkler incident with my neighbor to the west, and the neighbor to the east blamed me for a wet yard that turned out to be his own buried downspout. I can't speak to the other assertions necessarily.

Thanks,
Casey Fawley

Sent from my iPad