

7:00 p.m. Call to Order.

Invocation.

Pledge of Allegiance.

Roll Call.

Proclamations:

A. Consent Agenda:

1. Approve the City Council Meeting Minutes of the:
 - a. Regular Meeting of July 26, 2022
2. Approve the Accounts Payable Register of August 9, 2022 as presented.
3. Receive rezoning application No. 22/23-1 and set a Public Hearing for September 6, 2022, for Streamsong Phase 3, 715 West Osterhout Avenue, to rezone 1.4 acres of land from Planned Development to R-1C One-Family Residential District to facilitate a future single-family detached house.
4. Approve the Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 West Osterhout Avenue, subject to the approval of a public utility plan by the City of Portage prior to construction of the public water and sewer mains.
5. Award:
 - a. a construction contract to Balkema Excavating, Inc. for the West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project in an amount not to exceed \$976,180.25 and
 - b. an engineering services contract to Abonmarche Consultants, Inc, in the amount of \$43,450.00 to provide construction engineering services for the West Osterhout Sanitary Sewer Lift Station Improvement Project

and authorize the City Manager to execute all documents related to the contracts on behalf of the city.
6. Award a construction contract for the West End Drive Sanitary Sewer Improvements Project to Hoffman Brothers, Inc. in the amount not to exceed \$277,925.70 and authorize the City Manager to execute all documents related to the contract on behalf of the city.
7. Set a Committee of the Whole Meeting on Tuesday, August 23, at 5:30 p.m. to receive an update and hold a discussion on workforce housing in the City of Portage.
8. Set a Special Meeting on Tuesday, October 4, 2022, beginning at 5:15 p.m., to interview Board and Commission applicants.
9. Minutes of Boards & Commissions:
 - a. Planning Commission of June 16, 2022
 - b. Brownfield Redevelopment Authority of July 11, 2022
 - c. Planning Commission of July 21, 2022
10. Materials Transmitted of July 26, 2022.
11. Calendar of Meetings.

- Environmental Board, August 10, 2022 at 7:00 p.m. at City Hall.
- Senior Citizens Advisory Board, August 17, 2022 at 2:30 p.m. at Zhang Community Senior

Center.

- Kalamazoo County Public Art Commission, August 17, 2022 at 4:00 p.m. at the Epic Center.
- Planning Commission, August 18, 2022 at 7:00 p.m. at City Hall.

NOTE: All above meetings are subject to cancellation or inclusion/transition of a "virtual" aspect due to the on-going health crisis. Please monitor the City of Portage website at www.portagemi.gov for additional information. Major meetings may be viewed live on Charter channel 995 and AT&T channel 99 or live streaming at portagemi.gov/205.

B. Petitions and Statements of Citizens:

C. Communications:

D. Public Hearings:

1. Subsequent to the resumption of the July 26, 2022 public hearing, consider approving Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive.
2. Subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy.
3. Subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA Portage LLC, 801 E. Milham.

E. Regular Business Agenda:

F. Unfinished Business:

G. Council Committee Reports:

H. New Business:

I. Statements of Citizens:

J. Statements of City Council and City Manager.

Adjournment.

CITY COUNCIL MEETING MINUTES FROM JULY 26, 2022

Mayor Patricia Randall called the Regular Meeting to order at 7:00 PM in the Council Chambers at Portage City Hall.

ROLL CALL: Councilmembers Lisa Brayton, Chris Burns, Terry Urban, and Mayor Patricia Randall were present.

ABSENT: Councilmembers Lori Knapp, Victor Ledbetter, and Mayor Pro Tem Jim Pearson.

ALSO PRESENT: City Manager Pat McGinnis, Deputy City Manager Adam Herringa, Deputy City Manager Michael Carroll, City Attorney Catherine Kaufman, and City Clerk Erica Eklov.

At the request of Mayor Randall, the audience observed a moment of silence to reflect on efforts to make a more equitable and inclusive community to allow all to feel safe and valued. Following the moment of silence, the City Council recited the Pledge of Allegiance.

CONSENT AGENDA: Mayor Randall shared where the public can access the meeting agenda and asked if any Councilmember or anyone in the audience would like an item removed from the Consent Agenda. Motion by Burns, seconded by Brayton, to approve the Consent Agenda as presented. Upon a roll call vote, motion carried 4 to 0.

Approval of Meeting Minutes: Motion by Burns, seconded by Brayton, to approve the City Council Meeting Minutes of the Regular Meeting of July 12, 2022. Upon a roll call vote, motion carried 4 to 0.

Accounts Payable Register: Motion by Burns, seconded by Brayton, to approve the Accounts Payable Register of July 26, 2022 as presented. Upon a roll call vote, motion carried 4 to 0.

Greenspire Phase VII (Tall Timbers) Residential Planned Development at 3413 W Centre Avenue: Motion by Burns, seconded by Brayton, to receive the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, and set a Public Hearing for August 9, 2022. Upon a roll call vote, motion carried 4 to 0.

IPUSA Brownfield Redevelopment Plan Amendment (801 East Milham): Motion by Burns, seconded by Brayton, to receive the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA, 801 E. Milham, as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, and set a public hearing for August 9, 2022. Upon a roll call vote, motion carried 4 to 0.

Fire Apparatus Maintenance and Police/Fire Vehicle Retrofitting Contract: Motion by Burns, seconded by Brayton, to approve a one-year contract with Emergency Vehicle Products of Kalamazoo, Michigan, for Fire Division apparatus maintenance and police/fire vehicle retrofitting as-needed, with the option for three one-year renewals, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 4 to 0.

Sole Source Purchase of 800 MHz Dual-Band Radios: Motion by Burns, seconded by Brayton, to approve the sole source purchase of 800 MHz dual-band radios from Motorola Solutions/Roe-Comm in the amount of \$445,248.07, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 4 to 0.

Ice Control Salt Purchase: Motion by Burns, seconded by Brayton, to award contracts in the amount of \$107,967 (\$63.51 per ton for 1,700 tons) for early delivery of ice control salt from Detroit Salt; in the amount of \$66,480 (\$66.48 per ton for 1,000 tons) for seasonal backup ice control salt on an as-needed basis from Detroit Salt, and authorize the City Manager to execute all documents related to these contracts on behalf of the city. Upon a roll call vote, motion carried 4 to 0.

Cooley Drive Reconstruction Project - Tabulation of Proposals: Motion by Burns, seconded by Brayton, to award a contract to perform engineering services for the Cooley Drive Reconstruction Project to Prein & Newhof, Kalamazoo, Michigan in the amount not to exceed \$136,600 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 4 to 0.

Minutes of Boards & Commissions: Motion by Chris Burns, seconded by Lisa Brayton, to receive the Minutes of the Brownfield Redevelopment Authority of May 4, 2022, and the Historic District Commission of May 4, 2022. Upon a roll call vote, motion carried 4 to 0.

Calendar of Meetings: Motion by Burns, seconded by Brayton, to receive the Calendar of Meetings as presented. Upon roll call vote, motion passed 4 to 0.

PETITIONS AND STATEMENTS OF CITIZENS:

Alan Loveridge (23965 88th Avenue, Marcellus) read a prepared statement regarding towing and alternative options.

Beckett Jones (4725 Tiffany) provided a reminder regarding his campaign for 8th District Judge for Kalamazoo County for the upcoming August 2nd election and echoed Councilmember Burns' earlier statements from the July 12, 2022 City Council meeting regarding the judicial positions.

PUBLIC HEARINGS:

Rezoning Application #21/22-2 and Tentative Plan for Woodway Condominiums at 7425 Oakland Drive: Mayor Randall opened the public hearing at 7:08 p.m. and requested a project summary from City Manager McGinnis. Following his summary, the Mayor invited those in attendance to comment.

Angelique (no last name provided, 7470 Oakland Drive) spoke regarding a petition of neighboring signatures she had gathered in opposition to the proposed development. She noted collective concerns regarding an increase in traffic and congestion, as well as general safety concerns. She provided the petition to the City Clerk. Mayor Randall requested City Manager McGinnis to work with the City Clerk to verify the petition signatures.

Barbara Segura (7330 Oakland Drive) noted her position as a Portage Human Services Board member and expressed appreciation for the proposed housing development; however, she relayed concerns about the proposed location of the development. Ms. Segura also stated her concerns about the potential increase in area traffic, as well as driveway access for current Oakland Drive residents.

Sam McGuire (7470 Oakland Drive) also spoke in opposition to the development, citing concerns about Oakland Drive traffic, especially for area families utilizing the sidewalks. He encouraged keeping the subject area on Oakland Drive and adjacent Schuring Road zoned as single-family residential.

Steven Walsh (7422 Starbrook Street) submitted a comment via a city voicemail message to express opposition to the proposed rezoning. He highlighted that the proposed development parcel abuts his rear property line and backyard. Mr. Walsh expressed concern about the potential loss of the current tree line and vegetation visible from his residence, as well as a resulting loss of property value.

Motion by Burns, seconded by Brayton, to postpone the remainder of the public hearing regarding Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for

Woodway Condominiums at 7425 Oakland Drive to the Regular City Council Meeting of August 9, 2022. Upon roll call vote, motion carried 4 to 0.

Mayor Randall conveyed that the approved motion would continue the public hearing to the next meeting of the City Council on August 9 and the City Clerk would be reviewing the petition signatures in the interim and providing the results with the August 9th meeting agenda information.

Brownfield Redevelopment Plan for Kotobuki Seating at 5200 S. Sprinkle Road: Mayor Randall opened the public hearing at 7:22 p.m. and City Manager McGinnis summarized the project. Seeing no comments, motion by Burns, seconded by Brayton, to close the public hearing. Upon voice vote, motion carried 4 to 0. As there was no further discussion, motion by Burns, seconded by Brayton, to approve the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 9, Kotobuki Seating, 5200 S. Sprinkle Road. Upon a roll call vote, motion carried 4 to 0. Following the vote, Kotobuki Seating President Hal Thomas thanked the City and City Council for their assistance in the development of this project and for approving the brownfield proposal.

COUNCIL COMMITTEE REPORTS: None.

STATEMENTS OF CITIZENS: None.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Urban had no comment.

Councilmember Brayton relayed a reminder regarding the July 28, 2022 Open House at the new Fire Station #2 including the new City Manager.

Councilmember Burns provided a reminder about the upcoming August 2 Primary Election and thanked both the election workers and the City Clerk's Office for their coordination efforts.

City Manager McGinnis announced that the Office of Public Information was recently awarded three Communicator Awards from the Academy of Interactive and Visual Arts. He noted the first two were awards of excellence for the *A Place to be More!* police officer recruitment video, as well as the *Hate Has No Home Here* video. Staff members Mary Ruple, Bobby Boyd, Officer Deleeuw, and Mary Beth Block were present to accept the awards on behalf of the city.

Mayor Randall also acknowledged the upcoming August Election, noting Beckett Jones' earlier comments regarding the judicial races. She issued a reminder regarding verification of voters' polling locations, voter registration options, as well as absentee voting options. Mayor Randall closed by noting the Office of the City Clerk would be open the Saturday before the election and then encouraged everyone to vote.

ADJOURNMENT: Mayor Randall adjourned the meeting at 07:38 PM.

Erica L. Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Accounts Payable Register

SUPPORTING PERSONNEL: Lauren VanderVeen, Finance Director

ACTION RECOMMENDED: Approve the Accounts Payable Register of August 9, 2022 as presented.

The City Council reviews and approves the bi-weekly Accounts Payable Register which includes automated clearing house payments, paper checks, auto-pay payments and electronic payments. The attached Accounts Payable Register covers the period July 17, 2022 through July 30, 2022 and notes \$643,986.36 in automated clearing house payments, \$592,660.39 in paper checks, \$5,204.21 in auto-pay payments and \$3,336,895.51 in electronic payments for a grand total of \$4,578,746.47.

FUNDING: Not Applicable

Attachments: 1. Accounts Payable Register of August 9, 2022

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 1 of 8

Check Type: ACH Transaction

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	17542(A)	A I S CONSTRUCTION EQUIP. CO.	SWEEPER SERVICE CALL	95.34
07/22/2022	17543(A)	A NEW LEAF	CITY HALL PLANT CARE	98.50
07/22/2022	17544(A)	ABONMARCHE CONSULTANTS, INC	8716 OAKLAND DRIVE BOUNDARY SURVEY	2,386.75
07/22/2022	17545(A)	ADP, INC.	ADP PAYROLL & ETIME SERVICES	2,801.77
07/22/2022	17546(A)	AIRGAS USA LLC	WELDING SUPPLIES	408.54
07/22/2022	17547(A)	AMAZON.COM SALES, INC.	UNIFORMS,EQUIP,OFC SUP-FD; TV'S,OFC FURN-CD	8,591.64
07/22/2022	17548(A)	VOID		0.00
07/22/2022	17549(A)	AMERICAN SAFETY & FIRST AID	FIRST AID SUPPLIES	53.88
07/22/2022	17550(A)	ARISTA TRUCK SYSTEMS	OIL/AIR SEPARATOR FILTER	143.31
07/22/2022	17551(A)	AUMACK, MICHAEL	2022 SUMMER UMPIRE PAYROLL	150.00
07/22/2022	17552(A)	AUNALYTICS INC	MONTHLY DISASTER RECOVERY SERVICES	1,757.70
07/22/2022	17553(A)	BATTERIES PLUS	MISC BATTERIES	1,163.26
07/22/2022	17554(A)	BEEBE, RONALD E.	2022 SUMMER UMPIRE PAYROLL	325.00
07/22/2022	17555(A)	BEST WAY DISPOSAL, INC.	CURBSIDE RECYCLING PROGRAM	59,746.76
07/22/2022	17556(A)	BLUE CARE NETWORK-GREAT LAKES	BCNA HEALTH INSURANCE	164,283.53
07/22/2022	17557(A)	C C I SOUTH, INC.	NEW DATA CABLES INSTALLED	660.35
07/22/2022	17558(A)	C D W GOVERNMENT, INC.	FIBER PATCH CABLES	1,370.90
07/22/2022	17559(A)	C T S TELECOM, INC.	INTERNET SERVICES	918.90
07/22/2022	17560(A)	CHARTER COMMUNICATIONS	CABLE TV	825.79
07/22/2022	17561(A)	CIVICPLUS	MUNICODE ADMINISTRATIVE SUPPORT	450.00
07/22/2022	17562(A)	CLEANIT CORP	CAR WASHES	126.00
07/22/2022	17563(A)	CLEARNETWORK, INC.	UNIFIED SECURITY MONITORING SVCS	1,950.00
07/22/2022	17564(A)	CONSOLIDATED ELECTRICAL DIST INC	REPLACE LIGHTS AT CITY ENTRANCE	864.00
07/22/2022	17565(A)	CROWN TROPHY	REPLACE PLATES ON PLAQUE	266.80
07/22/2022	17566(A)	CUSTOMIZED CLEANING SERVICES, INC.	EVERGLAZE CITY HALL RESTROOM FLOORS	1,400.00
07/22/2022	17567(A)	DEER CONTRACTING & LANDSCAPE	BLOCK WALL REPAIRS	1,015.00
07/22/2022	17568(A)	DEPATIE FLUID POWER CO., INC.	HYDRAULIC REPAIRS	28.39
07/22/2022	17569(A)	EARLE, SHELIA L	FITNESS INSTRUCTION	630.00
07/22/2022	17570(A)	ED & TED'S EXCELLENT ADVENTURES	TRIP VENDOR PAYMENT 220725 MYSTERY TRIP	4,006.00
07/22/2022	17571(A)	ENGINEERED PROTECTION SYSTEMS, INC.	ALARM MONITORING PARKS	345.81
07/22/2022	17572(A)	FOREMOST SALES COMPANY LLC	PARK FACILITY CLEANING SERVICES	7,080.00
07/22/2022	17573(A)	FORSHEE, MARK	2022 SUMMER UMPIRE PAYROLL	200.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 2 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	17574(A)	GOLF CARS +	GOLF CART EXTRA TO HELP WITH ARMY CONCERT	310.00
07/22/2022	17575(A)	GORDON WATER SYSTEMS	WATER SERVICES	455.23
07/22/2022	17576(A)	GRAINGER INC	COATED GLOVES	69.60
07/22/2022	17577(A)	GRIFFIN PEST SOLUTIONS	PEST CONTROL SERVICES	289.50
07/22/2022	17578(A)	GRYPHON PLACE	FY 21-22 HUMAN SERVICES BOARD	1,850.00
07/22/2022	17579(A)	HOTRUM, ROBERT	2022 SUMMER UMPIRE PAYROLL	300.00
07/22/2022	17580(A)	HURLEY & STEWART, LLC	WOODHAMS AVE STORM WATER REMEDIATION	1,211.15
07/22/2022	17581(A)	INDUSCO SUPPLY CO., INC.	MISC CLEANING SUPPLIES	271.10
07/22/2022	17582(A)	INSIGHT PUBLIC SECTOR, INC.	SPAMTITAN PLUS EMAIL FILTERING RENEWAL	9,297.57
07/22/2022	17583(A)	IRISH AYRES ENTERPRISES, LLC	MOWING & LANDSCAPE, BED MAINTENANCE	15,439.52
07/22/2022	17584(A)	J & J LAWN SERVICE, INC.	UTILITY MOWING AND TRIMMING	10,156.33
07/22/2022	17585(A)	JB PRINTING	JULY, AUGUST NEWSLETTER PRINT	2,607.30
07/22/2022	17586(A)	JONS TO GO PORTABLE RESTROOM	PORTABLE RESTROOMS FOR HAIRMANIA CONCERT	530.00
07/22/2022	17587(A)	KITE, HENRY	REIMB FOR NASRO MEMBERSHIP	40.00
07/22/2022	17588(A)	LIFEGUARD STORE	RAMONA GUARD APPAREL	68.00
07/22/2022	17589(A)	MACQUEEN EQUIPMENT LLC	SPRING SWEEPER RENTAL	9,790.00
07/22/2022	17590(A)	MATERIALS RESOURCES	LATEX GLOVES & PPE SUPPLIES	1,252.20
07/22/2022	17591(A)	MCCI LLC	JUSTFOIA SOFTWARE SUBSCRIPTION	7,800.00
07/22/2022	17592(A)	MCCULLIN, LARRY W.	2022 SUMMER UMPIRE PAYROLL	100.00
07/22/2022	17593(A)	MCNALLY ELEVATOR CO.	CITY HALL ELEVATOR MAINTENANCE	564.04
07/22/2022	17594(A)	MEJEUR ELECTRIC LLC	MISC ELECTRICAL SERVICES	109.00
07/22/2022	17595(A)	MICHIGAN OFFICE ENVIRONMENTS	OFFICE TABLE	393.52
07/22/2022	17596(A)	MILLS, DANIEL	FBINAA 58TH ANNUAL TRAINING CONF-PER DIEM	259.50
07/22/2022	17597(A)	NAPIER, PEGGY	ARMY BAND FOOD REIMBURSEMENT	398.67
07/22/2022	17598(A)	NYE UNIFORMS	FIRE ADMIN UNIFORMS	150.78
07/22/2022	17599(A)	ONE WAY PRODUCTS	CLEANING SUPPLIES	259.45
07/22/2022	17600(A)	ONSTAFF USA INC	TEMP EMPLOYEE SVCS	9,339.33
07/22/2022	17601(A)	OPENGOV, INC	OPENGOV RENEWAL 1YR	36,750.00
07/22/2022	17602(A)	PARIS CLEANERS	LAUNDRY CONTRACT	1,006.26
07/22/2022	17603(A)	PEOPLEFACTS, LLC	OUT OF STATE DL CHECK	22.82
07/22/2022	17604(A)	PLM LAKE & LAND MANAGEMENT	AQUATIC WEED MANAGEMENT	235.75
07/22/2022	17605(A)	PRECISION PRINTER SERVICES INC	PRINTER SERVICES	1,224.50
07/22/2022	17606(A)	PRINTING SERVICES INC	MISC PRINTING SERVICES	850.25

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 3 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	17607(A)	R W LAPINE INC.	ON-CALL HVAC SERVICES	3,869.03
07/22/2022	17608(A)	RHODES, KEVIN	2022 SUMMER UMPIRE PAYROLL	300.00
07/22/2022	17609(A)	RIDGE AUTO NAPA	EQUIPMENT REPAIR/MAINTENANCE	386.77
07/22/2022	17610(A)	ROAD EQUIPMENT PARTS CENTER	MAINTENANCE SUPPLIES	1,723.42
07/22/2022	17611(A)	S B F ENTERPRISES, INC.	PRINT & PROCESS QTLY WATER/SEWER BILLS	1,025.26
07/22/2022	17612(A)	SARKOZY BAKERY LLC	SNAP REIMBURSEMENT	71.00
07/22/2022	17613(A)	SEVERANCE ELECTRIC COMPANY, INC	TRAFFIC SIGNAL MAINT SVCS	8,308.51
07/22/2022	17614(A)	SIMPLIFILE LLC	DEED RECORDING SERVICE	166.25
07/22/2022	17615(A)	SMART HOMES, INC.	RAMONA SPEAKER REPLACEMENT	1,092.30
07/22/2022	17616(A)	SMITH DAWSON & ANDREWS, INC.	FEDERAL ADVOCACY SERVICES	5,000.00
07/22/2022	17617(A)	TMK WORLDWIDE, LLC	METER SERVICE	273.00
07/22/2022	17618(A)	VEOLIA WATER CONTRACT OPERATIONS	UTILITY OPERATION SYSTEM	200,456.17
07/22/2022	17619(A)	VIRIDIS DESIGN GROUP	DR MARTIN LUTHER KING JR PARK A&E	4,000.00
07/22/2022	17620(A)	WARNER OIL COMPANY INC	DEF DRUMS	283.45
07/22/2022	17621(A)	WEST MICHIGAN STAMP & SEAL, INC	STAFF NAME BADGES, MAGNETIC	104.00
07/22/2022	17622(A)	WIGHTMAN	ENGINEERING SERVICES - ROMENCE ROAD	35,897.50
07/22/2022	17623(A)	WOLVERINE POWER SYSTEMS	BACKUP GENERATOR BATTERY	1,650.04
07/22/2022	17624(A)	XEROX CORPORATION	XEROX COPIER FEE	203.83
07/29/2022	17625(A)	FIDELITY SECURITY LIFE INSURANCE CO	VISION INSURANCE	1,312.40
07/29/2022	17626(A)	MIDWEST ENERGY & COMMUNICATIONS	STREETLIGHT ENERGY COSTS	318.14
Total ACH				643,986.36

Check Type: Paper

07/20/2022	321001	USPS	POSTAGE METER FUNDS	5,000.00
07/22/2022	321002	A BETTER WAY TREE CARE LLC	TREE WORK MULT LOCATIONS	5,750.00
07/22/2022	321003	A PIZZA YEN LLC	PROGRAM LUNCH PAYMENT	136.25
07/22/2022	321004	ABBOTT, DIANE	STUART MANOR DEPOSIT REFUND	150.00
07/22/2022	321005	ALLEGRA PRINT & IMAGING	PRINTING SERVICES	175.00
07/22/2022	321006	AMALGAM LLC	ANNUAL WEB GIS SERVICE	4,500.00
07/22/2022	321007	ARROWHEAD SCIENTIFIC, INC.	MISC EVIDENCE SUPPLIES	374.00
07/22/2022	321008	ASCENSION MICH OCCUPATIONAL HEALTH	POST-OFFER MEDICAL EXAMS/DOT EXAMS	1,492.00
07/22/2022	321009	AT&T	ELECTRONIC COMMUNICATIONS	1,734.96
07/22/2022	321010	BAILEY TERRA NOVA FARMS	SNAP REIMBURSEMENT	45.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 4 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	321011	BARKLEY, JODY	PICKLEBALL SESSION 2 REFUND	15.00
07/22/2022	321012	BATTERY STATION LLC	BATTERIES	500.00
07/22/2022	321013	BAY AREA TOUCHLESS CARWASH LLC	CAR WASHES	768.00
07/22/2022	321014	BEACON ATHLETICS	SOFTBALL FIELD PAINT	496.00
07/22/2022	321015	BELSON OUTDOORS, LLC	WASTE CONTAINER WITH PUSH DOOR	509.40
07/22/2022	321016	BEYOND FINANCIAL PLANNING	DAMAGE DEPOSIT RETURN	150.00
07/22/2022	321017	BLAIN SUPPLY, INC.	MISC MAINT SUPPLIES	1,808.05
07/22/2022	321018	BLUE CROSS/BLUE SHIELD OF MICH	HEALTH INSURANCE	577.20
07/22/2022	321019	BLUE CROSS/BLUE SHIELD OF MICH	HEALTH INSURANCE	18,949.41
07/22/2022	321020	BRODIE, ANGIE	HAYLOFT THEATRE DEPOSIT REFUND	150.00
07/22/2022	321021	BRONSON HEALTHCARE GROUP	OWI COST RECOVERY	100.00
07/22/2022	321022	BRONSON WELLNESS CENTER	CAR SEAT TECHNICIAN TRAINING COURSE	95.00
07/22/2022	321023	BROOKS ARCHERS INC.	CONTINUING ARCHERY FOR ADULTS	120.00
07/22/2022	321024	BROWN, MAUREEN	GRAIN ELEVATOR DEPOSIT REFUND	150.00
07/22/2022	321025	CATHOLIC FAMILY SERVICES	FY 21-22 HUMAN SERVICES BOARD	8,500.00
07/22/2022	321026	CHEESE PEOPLE OF GRAND RAPIDS	SNAP REIMBURSEMENT	32.00
07/22/2022	321027	CHICAGO TITLE OF MICHIGAN	OVERPAYMENT ON WATER BILL	105.90
07/22/2022	321028	CHICAGO TITLE OF MICHIGAN	OVERPAYMENT FINAL WATER BILL	60.39
07/22/2022	321029	CHICAGO TITLE OF MICHIGAN, INC.	CDBG TITLE SEARCHES	900.00
07/22/2022	321030	CHO CONSULTING, INC./NOVINZIO	DIGITAL SIGNATURE SUBSCRIPTION	660.00
07/22/2022	321031	CINTAS CORP.	UNIFORM RENTAL FOR INSPECTORS	263.68
07/22/2022	321032	CITY OF KALAMAZOO TREASURER	WATER SERVICES	38.22
07/22/2022	321033	CITY OF PORTAGE	2022 SUMMER TAX 9138 PORTAGE ROAD	12,788.49
07/22/2022	321034	COMMUNITY HEALING CENTERS	FY 21-22 HUMAN SERVICES BOARD	5,000.00
07/22/2022	321035	COSTAR REALTY INFORMATION, INC.	COMM REAL ESTATE DATABASE	396.61
07/22/2022	321036	CRASH DATA GROUP, INC.	ANNUAL SOFTWARE SUBSCRIPTION	1,250.00
07/22/2022	321037	D C PLUMBING	PLUMBING REPAIRS	359.80
07/22/2022	321038	D L GALLIVAN INC.	SERVICE CONTRACT FEE	144.16
07/22/2022	321039	DAVE'S CONCRETE PRODUCTS, INC.	LIMESTONE-RAMONA PK TENNIS COURT SIDEWALK	611.00
07/22/2022	321040	DEVON TITLE AGENCY	OVERPAYMENT FINAL WATER BILL	30.92
07/22/2022	321041	ELECTION SOURCE	ADDITIONAL "VOTE HERE" PRECINCT FLAGS	969.44
07/22/2022	321042	EMC CORPORATION	EMERGENCY SVCS UNITY 300	25,266.00
07/22/2022	321043	EMERGENCY VEHICLE PRODUCTS	FIRE APPARATUS MAINT	2,672.96

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 5 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	321044	EMPSON, MINDY JO	SNAP AND DUFBI REIMBURSEMENT	73.00
07/22/2022	321045	ENVIRONMENTAL RESOURCES GROUP, LLC	STORM WATER MONITORING PROGRAM	24,383.05
07/22/2022	321046	ERVIN, LISA	SCHRIER PARK DEPOSIT REFUND	150.00
07/22/2022	321047	EVENT PRODUCTION SERVICES OF MI LLC	2022 SUMMER JUNE MOVIE NIGHT	1,250.00
07/22/2022	321048	GARCIA, JACLYN	RAMONA PARK #1 PAVILION REFUND	55.00
07/22/2022	321049	GARDEN SPOT GREENHOUSE, LLC	CELERY FLATS PLANTERS	2,325.00
07/22/2022	321050	GORDON FOOD SERVICE	RAMONA CONCESSIONS	824.38
07/22/2022	321051	HAIST, KATARINA	PADDLEBOARD YOGA REFUND	20.00
07/22/2022	321052	HAMLIN, BOYD & MARGUERITE	TRIP REFUND 221022 NEW ORLEANS	100.00
07/22/2022	321053	HERNANDEZ, ALYSSA	STUART MANOR DEPOSIT REFUND	150.00
07/22/2022	321054	HINKLEY, KYLE BRUCE	CONCRETE PAD FOR K-9 KENNEL	3,250.00
07/22/2022	321055	HOME DEPOT	REPAIR/MAINT SUPPLIES	1,901.18
07/22/2022	321056	VOID		0.00
07/22/2022	321057	HORTON, ELISE	RAMONA PARKING VOUCHERS REFUND	15.00
07/22/2022	321058	HOUSING RESOURCES, INC.	FY21-22 HUMAN SERVICES BOARD	14,500.00
07/22/2022	321059	IMAGESTREAM, INC.	CABLECASTING AND BROADCASTING SVC	22,571.00
07/22/2022	321060	JACKSON, TORI	BANDSHELL & TENT DEPOSIT REFUND	250.00
07/22/2022	321061	K2AVL INC	JUNE SUMMER CONCERT SOUND	1,590.00
07/22/2022	321062	KALAMAZOO AREA TRANSPORTATION STUDY	TRAFFIC TECH SERVICES	442.00
07/22/2022	321063	KALAMAZOO COUNTY TREASURER	COLONIAL ACRES JUNE MOBILE HOME TAXES	527.50
07/22/2022	321064	KALAMAZOO LANDSCAPE SUPPLIES	RESTORATION AROUND NEW PICKLEBALL COURT	1,200.00
07/22/2022	321065	KALAMAZOO LITERACY COUNCIL	FY 21-22 HUMAN SERVICES BOARD	1,375.00
07/22/2022	321066	KALAMAZOO PICKLEBALL	2022 PICKLEBALL LEAGUE SESSION 1	1,250.00
07/22/2022	321067	KAUPA, DELORES	TRIP REFUND 221128 SMOKY MOUNTAIN	50.00
07/22/2022	321068	KAYANI, ANILA	RENTAL DAMAGE DEPOSIT REFUND	150.00
07/22/2022	321069	KONICA MINOLTA BUSINESS SOLUTIONS	COPIER CONTRACT	364.00
07/22/2022	321070	KPI TACTICAL	SURVIVAL ARMOR RAID CARRIER	225.00
07/22/2022	321071	KSS ENTERPRISES	STAINLESS ETTORE	77.34
07/22/2022	321072	KZOO TIRE COMPANY	POLICE VEHICLE REPAIR/MAINTENANCE	822.30
07/22/2022	321073	LAURIE ANN IVANS ESTATE	REFUND CREDIT BALANCE ON FINAL WATER BILL	21.63
07/22/2022	321074	LEXISNEXIS RISK DATA MANAGEMENT INC	MONTHLY ACCURINT CHARGE	1,800.18
07/22/2022	321075	LOUNSBURY EXCAVATING, INC.	STORM DRAIN IMPROVEMENTS-ANGLING RD	103,608.37
07/22/2022	321076	MACK, KRISTI	SCHRIER PARK DEPOSIT REFUND	150.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 6 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	321077	MATYAS, PAUL	SCHRIER PARK DEPOSIT REFUND	150.00
07/22/2022	321078	MCCLISH, JUDE	TRIP REFUND 221017 GRAND HOTEL	200.00
07/22/2022	321079	MCDONALD'S TOWING & RESCUE, INC.	TOWING SERVICES	189.00
07/22/2022	321080	MCPHERSON, CAROL	TRIP REFUND 221128 SMOKY MOUNTAIN	50.00
07/22/2022	321081	MEADOWS, JANE	STUART MANOR DEPOSIT REFUND	150.00
07/22/2022	321082	METTLER, TRILBY	TRIP REFUND 221128 SMOKY MOUNTAIN	50.00
07/22/2022	321083	MICH MUNICIPAL POLICE & FIRE REPAIR	POLICE VEHICLE REPAIR & MAINTENANCE	91.96
07/22/2022	321084	MICHIGAN ASSOC. OF SENIOR CENTERS	MI ASSOCIATION OF SR CENTERS MEMBERSHIP	75.00
07/22/2022	321085	MIDWEST CONSULTING ARBORISTS	MAYORS TREE REPLACEMENT @ CITY CENTER	2,650.00
07/22/2022	321086	MIDWEST CUSTOM EMBROIDERY COMPANY	CITY POLOS FOR NEW STAFF	63.00
07/22/2022	321087	MILLER, VINCENT	FARMERS MARKET MUSICIAN	100.00
07/22/2022	321088	MLIVE MEDIA GROUP	LEGAL AFFIDAVITS AND PUBLIC NOTICES	3,262.58
07/22/2022	321089	MOSHER, DARLENE	NEW ORLEANS TRIP REFUND 221022	50.00
07/22/2022	321090	MOSQUITO BEATERS LLC	SPRAY FOR BANDSHELL CONCERT-HAIRMANIA	199.00
07/22/2022	321091	NATIONAL ASSOCIATION OF SCHOOL RESO	BASIC SRO TRAINING REGISTRATIONS	940.00
07/22/2022	321092	NATIONAL FIRE PROTECTION ASSOC	FIRE CODE ANNUAL SUBSCRIPTION	1,345.50
07/22/2022	321093	NATIONAL LEAGUE OF CITIES	CITY MEMBERSHIP - NATL LEAGUE OF CITIES	4,106.00
07/22/2022	321094	NATIONWIDE POWER SOLUTIONS, INC.	UPS BATTERY REPLACEMENT	2,769.83
07/22/2022	321095	NEEDHAM, SEAN	BD BOND REFUND	523.00
07/22/2022	321096	OFFICE DEPOT, INC.	OFFICE SUPPLIES	2,392.91
07/22/2022	321097	VOID		0.00
07/22/2022	321098	PAPPAS, LYNN M	SNAP DUFEB AND WIC REIMBURSEMENT	488.00
07/22/2022	321099	PATEL, BHAVANA	DAMAGE DEPOSIT FOR RENTAL RETURN	150.00
07/22/2022	321100	PATEL, KEN	DAMAGE DEPOSIT FOR RENTAL RETURN	150.00
07/22/2022	321101	PEDAL BICYCLES	MISC BICYCLE REPAIRS	76.50
07/22/2022	321102	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	420.49
07/22/2022	321103	PETTY CASH-KELLY REED	REPLENISHMENT CHECK	820.80
07/22/2022	321104	PHELPS, MIKE	FIRE TRAINING	384.40
07/22/2022	321105	PLERUS	PRIMARY ELECTION SUPPLIES	3,979.02
07/22/2022	321106	R-COMM MEDIA	2022 DISCOVER KALAMAZOO FULL PAGE AD	1,710.00
07/22/2022	321107	RATHCO SAFETY SUPPLY, INC.	PARK RULES SIGNS	750.00
07/22/2022	321108	RMUS LLC	AUTEL ND FILTERS KIT	74.95
07/22/2022	321109	ROSS, CHRIS	JULY MUSIC - FRI AT THE FLATS	200.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 7 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	321110	SEELYE FORD, INC.	POLICE REPAIR/MAINTENANCE	64.37
07/22/2022	321111	SIGN SHOP OF WESTERN MICHIGAN	STAFFING MAGNETS	40.00
07/22/2022	321112	SPALSBURY, AMY	JANUARY 2022 PORTAGE CULINARY ACAD	240.00
07/22/2022	321113	ST. CLAIR, MARY	GRAIN ELEVATOR DEPOSIT REFUND	150.00
07/22/2022	321114	STATE OF MICHIGAN	SEX OFFENDER REGISTRATION	30.00
07/22/2022	321115	STEENSMA LAWN & POWER EQUIPMENT	SMALL EQUIPMENT REPAIR/MAINTENANCE	174.86
07/22/2022	321116	STEINER, SARAH	GRAIN ELEVATOR DEPOSIT REFUND	150.00
07/22/2022	321117	SUITS U TAILOR SHOP INC	UNIFORM TAILORING	828.00
07/22/2022	321118	SWT EXCAVATING, INC	INSTALL WATER LINE UNDER CEMETERY DRIVE	2,250.00
07/22/2022	321119	TALBOT, MICHAEL J.	FARMERS MARKET MUSICIAN	100.00
07/22/2022	321120	TAYLOR, KAITLYNN	SCHRIER PARK RENTAL REFUND	650.00
07/22/2022	321121	TEAM SUPPORT SERVICES, LLC	CIP PROJECT AND RECORD STORAGE	751.95
07/22/2022	321122	THE POSTMAN AND CONCRETE DESIGNS	GATE POST- GARDEN LANE	507.00
07/22/2022	321123	TK PRODUCTS LLC	DOG KENNEL	1,469.99
07/22/2022	321124	TRIFECTA NETWORKS, LLC	CISCO IP PHONES	1,396.89
07/22/2022	321125	TRUGREEN AND ACTION PEST CONTROL	HERBICIDE TREATMENTS, LAWN CARE	3,645.51
07/22/2022	321126	TRUMAN, LINDA	RAMONA PARKING VOUCHERS REFUND	30.00
07/22/2022	321127	TWELVE BASKETS FOOD PANTRY	FY 21/22 HUMAN SERVICES BOARD	5,046.50
07/22/2022	321128	TYLER HOME IMPROVEMENTS	CDBG EXTERIOR & INTERIOR REPAIRS	16,940.00
07/22/2022	321129	ULINE, INC.	FOLDING TABLES-PARKS DEPT	4,414.90
07/22/2022	321130	UNITED DISTRIBUTION GROUP	RAMONA CONCESSIONS SUPPLIES	535.36
07/22/2022	321131	UNITED PARCEL SERVICE	UPS WEEKLY	6.00
07/22/2022	321132	UNITED STATES TREASURY	IRS FORM 720 - PCORI FEE YEAR ENDED 6/30	320.85
07/22/2022	321133	USPS	PORTAGER POSTAGE-6 MOS	27,600.00
07/22/2022	321134	VANCE, JULIE	GRAIN ELEVATOR DEPOSIT REFUND	150.00
07/22/2022	321135	VECMAR CORPORATION	EPSON CAPTURE CHECK SCANNERS	2,620.47
07/22/2022	321136	VERIZON WIRELESS	CELL PHONE/WIRELESS CARD SVC	3,701.47
07/22/2022	321137	W MICH TACTICAL OFFICERS ASSOC	SWAT TEAM LEADER DEVELOPMENT REGISTRATION	300.00
07/22/2022	321138	W. E. UPJOHN UNEMPLOYMENT TRUSTEE C	HOUSING STUDY	5,000.00
07/22/2022	321139	WASTE MANAGEMENT	WTP IRON WASTE REMOVAL	1,064.93
07/22/2022	321140	WEDEL'S INC.	PUBLIC SAFETY BOULEVARD ANNUAL PLANTING	2,605.39
07/22/2022	321141	WIKLE, KEITH	PADDLESPOITS SAMPLER INSTRUCTOR FEES	300.00
07/22/2022	321142	WITHEE, ROBERT F	ICONIX MUSIC-FRI AT THE FLATS	200.00

ACCOUNTS PAYABLE REGISTER
Check Dates From: 7/17/22 to 7/30/2022

Page 8 of 8

Check Date	Check	Vendor Name	Description	Amount
07/22/2022	321143	WMACP	WMACP MEMBERSHIP	25.00
07/22/2022	321144	WOLVERINE ENGINEERS AND SURVEYORS,	ENGINEERING SERVICES - WEST END DRIVE	5,257.75
07/22/2022	321145	YWCA INC	FY 21-22 HUMAN SERVICES BOARD	9,500.00
07/22/2022	321146	ZANTELO'S INTERIOR CARE. LLC.	FIRE FACILITY MAINTENANCE	1,410.56
07/22/2022	321147	CONSUMERS ENERGY	MLK PARK ELECTRICAL SERVICE INSTALLATION	300.00
07/29/2022	321148	AT&T	ELECTRONIC COMMUNICATIONS	302.54
07/29/2022	321149	CHICAGO TITLE OF MICHIGAN, INC	2022 JULY BOARD OF REVIEW REFUND	3,208.13
07/29/2022	321150	CHICAGO TITLE OF MICHIGAN, INC	OVERPAYMENT STAX21 FOR 5849 STRATFORD DR	75.68
07/29/2022	321151	PETTY CASH-JANET GATES	REPLENISHMENT CHECK	811.04
07/29/2022	321152	STATE OF MICHIGAN (TREASURY)	2021 PILOT - STATE OF MICHIGAN DISTRIBUTION	170,363.45
07/29/2022	321153	WALKER, JEAN	VETERANS LUNCH JULY - SUPPLIES	294.09
Total Paper Checks				592,660.39
Check Type: Auto-Pay Payments				
07/18/2022		CONSUMERS AUTOPAY	GAS-ELECTRIC	4,749.02
07/19/2022		CONSUMERS AUTOPAY	GAS-ELECTRIC	349.89
07/29/2022		CONSUMERS AUTOPAY	GAS-ELECTRIC	105.30
Total Auto-Pay Payments				5,204.21
Check Type: Electronic Payments				
07/22/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 7/15/22	424,664.30
07/29/2022		ICMA	PENSION WITHHOLDINGS	43,212.75
07/29/2022		ICMA	CM, DH, & NON-UNION PENSION PAYMENTS	17,889.49
07/29/2022		MULTIPLE	2021 PILOT TAX DISBURSEMENT	146,103.60
07/29/2022		MULTIPLE	WEEKLY TAX DISBURSEMENT 7/22/22	2,703,250.91
07/29/2022		SBF	WATER/SEWER BILL POSTAGE	1,774.46
Total Electronic Payments				3,336,895.51
Grand Total				4,578,746.47

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Rezoning application No. 22/23-1 for Streamsong Phase 3 at 715 W. Osterhout Avenue

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Receive rezoning application No. 22/23-1 and set a Public Hearing for September 6, 2022, for Streamsong Phase 3, 715 West Osterhout Avenue, to rezone 1.4 acres of land from Planned Development to R-1C One-Family Residential District to facilitate a future single-family detached house.

SDV Development, LLC, seeks a rezoning approval from Planned Development to R-1C for 1.4 acres of land within the Phase 3 Streamsong Condominium development addressed as 715 West Osterhout Avenue. The applicant is requesting the rezoning to facilitate the development of a detached single-family house separate from the planned condominium development. The subject area is located in the northeast corner of Phase 3 of Streamsong Condominium, consisting of 175 feet of road frontage (West Osterhout Avenue) by 350 feet deep for a total size of 1.4 acres.

Overview

This rezoning application has been filed in conjunction with a Final Plan application for Streamsong Phase 3 residential Planned Development Tentative Plan Amendment, which is explained in detail in a separate memo. The Tentative Plan Amendment was approved by the Planning Commission on February 3, 2022, and by the City Council on April 12, 2022, with a condition requiring the applicant to file a rezoning application along with the Final Plan application. The subject rezoning No. 22/23-1 has been filed in response to this condition.

This property is undeveloped and consists of a variety of natural vegetation including trees, bushes, and grasses. Most of the western half of this area is a hillside that slopes towards wetlands. The applicant has submitted a concept site drawing of a future house and driveway. The drawing is provided as background material for the rezoning application. Approval of the rezoning does not equate to approval of the site plan drawing. The applicant has also submitted a Land Division to formally separate and establish the 1.4-acre area as a legal lot of record to facilitate the above-mentioned single-family detached house.

Analysis

The applicant has submitted rezoning application No. 22/23-1 to rezone 1.4 acres from Planned Development to R-1C One-Family Residential District of Streamsong Condominium Phase 3 at 715 West Osterhout Avenue to facilitate a future single-family detached house. The application was reviewed for conformance with *Sec. 42-651 Amendments to this Article*. Staff analysis below includes consistency with the Future Land Use Map, suitability of the existing zoning classification, and the impact of the proposed zoning classification.

Comprehensive Plan

The Future Land Use Map component of the Comprehensive Plan designates the subject property, along with the surrounding properties, as appropriate for Low-Density Residential land use (1-4 units/acre density). The rezoning proposal for R-1C One-Family Residential District is of a similar density and housing type. Both the existing Planned Development and the proposed R-1C Zoning are consistent with the Comprehensive Plan/Future Land Use Map and suitable for the subject property. Therefore, staff finds the rezoning application consistent with the Comprehensive Plan.

Suitability of R-1C Zone/ Neighborhood Harmony

The proposed rezoning will match the existing R-1C district to the east and north (across West Osterhout Avenue). The proposed 1.4-acre site for a future single-family dwelling is allowed in the R-1C zone.

The Planning Commission and the City Council found that this proposed site development would be more appropriate under the R-1C district during the review of the Tentative Plan Amendment. Further, a single-family home under the R-1C is in greater harmony with the adjacent, existing R-1C single-family homes in the area. If the rezoning and the proposed land division are approved, the development of the future single-family house will comply with the following R-1C yard setbacks: front - 40 feet, sides - 12 feet, and rear - 30 feet. The 1.4-acre area is suitable to accommodate one future single-family house while meeting these yard setbacks and building away from wetlands.

Public Hearing

A public hearing for this rezoning application was opened at the July 21, 2022, Planning Commission meeting. During the meeting, the Commission discussed the proposed rezoning. Four members of the public provided testimony and expressed opposition to the project due to perceived concerns about pedestrian safety along and across West Osterhout Avenue and impacts on the adjacent wetlands. Following public testimony, information provided by city staff, and the applicant, the Planning Commission determined no further discussion was needed and voted to close the public hearing.

After careful consideration, the Commission voted unanimously (7-0) to recommend to City Council that Rezoning Application #22/23-1 from Planned Development to R-1C One Family Residential, for 1.4-acres of land within Phase 3 Streamsong Condominium development to facilitate the development of a detached single-family house separate from the planned condominium development, be approved.

Recommendation

It is therefore recommended that City Council receive rezoning application No. 22/23-1 and set a Public Hearing for September 6, 2022, for Streamsong Phase 3, 715 West Osterhout Avenue, to rezone 1.4 acres of land from Planned Development to R-1C One-Family Residential District to facilitate a future single-family detached house.

FUNDING: Not Applicable

- Attachments:**
1. 715 W. Osterhout Ave; Rezone application; PD to R1-C
 2. Streamsong Final Plan Drawing
 3. City Council Approval for Tentative Plan Amendment April 12 2022
 4. Staff's Measurements; 1.4 ac lot; 1.24.22

5. First Reading Rezoning Streamsong Phase 3 -1.4 Acre
6. Planning Commission Transmittal dated August 4 2022
7. PCMin07212022 - PC Approved

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date 2/22/2022

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 8, 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 715 W Osterhout Ave between S Westnedge Ave Street and Oakland Drive Street on the South side of the street, and is known as Lot Number(s) N/A of N/A Plat (Subdivision). It has a frontage of 175 feet and a depth of 350 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).

Part of Parcel #00033-160-B located at 715 West Osterhout Avenue in Portage, Michigan. Proposed parcel for rezoning measures 350 feet north/south by 175 east/west (not including right-of-way area). Area = 1.41 acres.

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: SDV Development, LLC

Address 3820 Stadium Drive, Kalamazoo MI 49008

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: To create one a single family home site with a parcel zoning of R-1C.

4. CURRENT ZONING: PD PROPOSED ZONING: R-1C

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
N/A

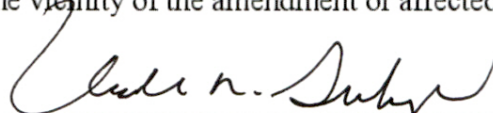
2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
N/A

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
N/A

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.


Key: c14358281e0823f6f66a5773dca0b6a5

(Signature of Applicant)



(Signature of Applicant)

3820 Stadium Drive, Kalamazoo, MI 49008

(Address)

(Address)

(269) 207-6564

(Phone)

(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

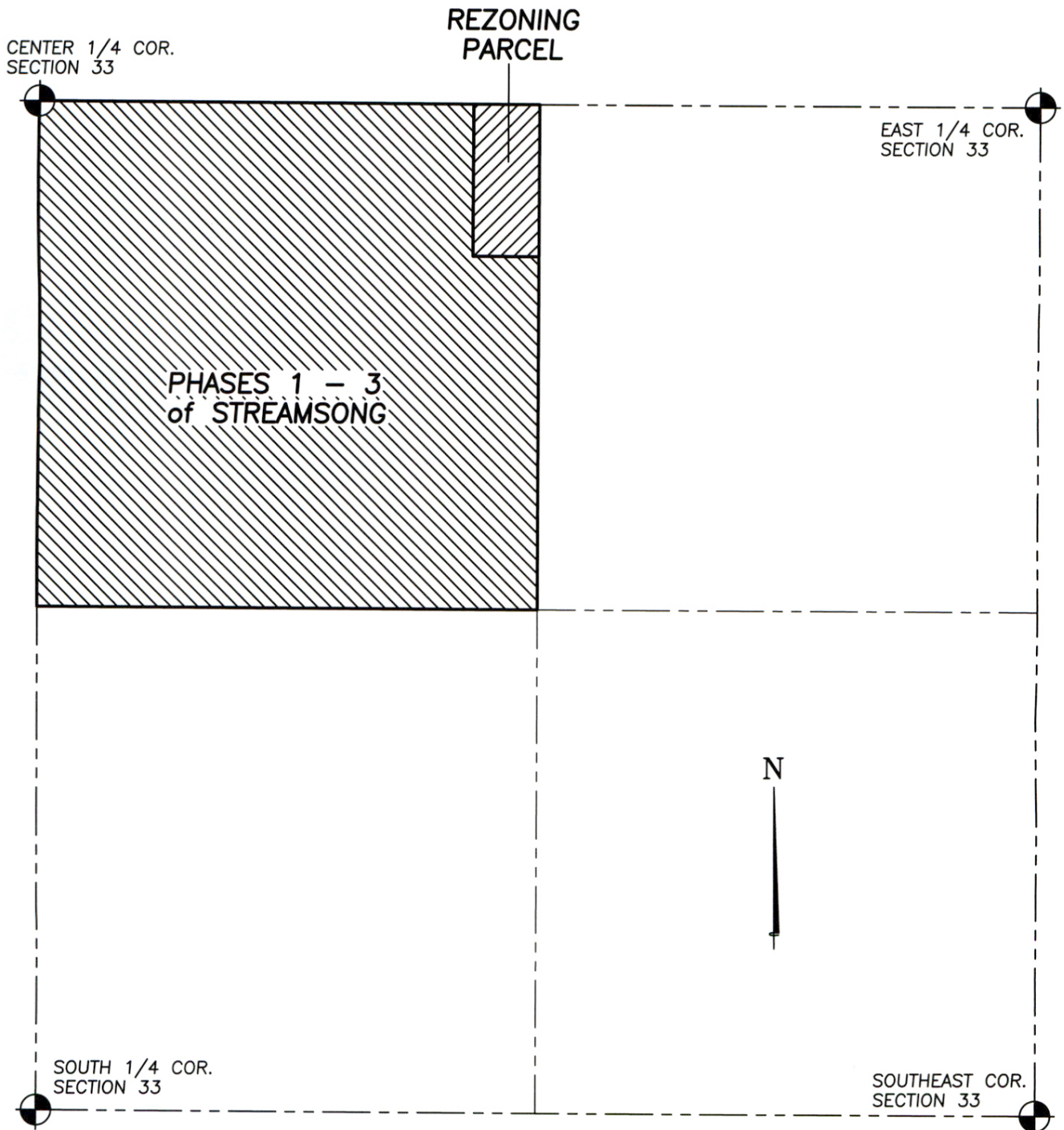
March 11, 2022

**PARCEL DESCRIPTION for
PROPOSED REZONING**

A parcel of land situated in the Southeast quarter of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows:

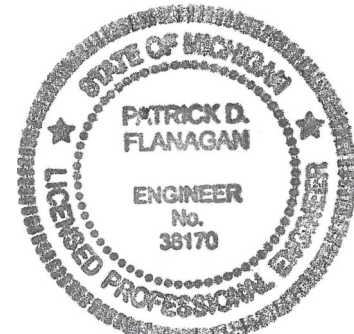
Commencing at the East quarter corner of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence N. $89^{\circ}48'40''$ W. 1329.00 feet along the North line of the Southeast quarter of said Section 33 to the East line of the West half of said Southeast quarter and the **Place of Beginning**; thence S. $00^{\circ}08'25''$ W. 400.00 feet along said West line; thence N. $89^{\circ}48'40''$ W. 175.00 feet parallel with said North line; thence N. $00^{\circ}08'25''$ E. 400.00 feet parallel with said East line to said North line; thence S. $89^{\circ}48'40''$ E. 175.00 feet along said North line to the Place of Beginning, containing 1.61 acres of land.

REZONING PARCEL



FINAL PLAN for PHASE 3 of 'STREAMSONG' CONDOMINIUM in PORTAGE, MICHIGAN

NOTE: "STREAMSONG" IS A CONDOMINIUM WITH PRIVATE STREETS.

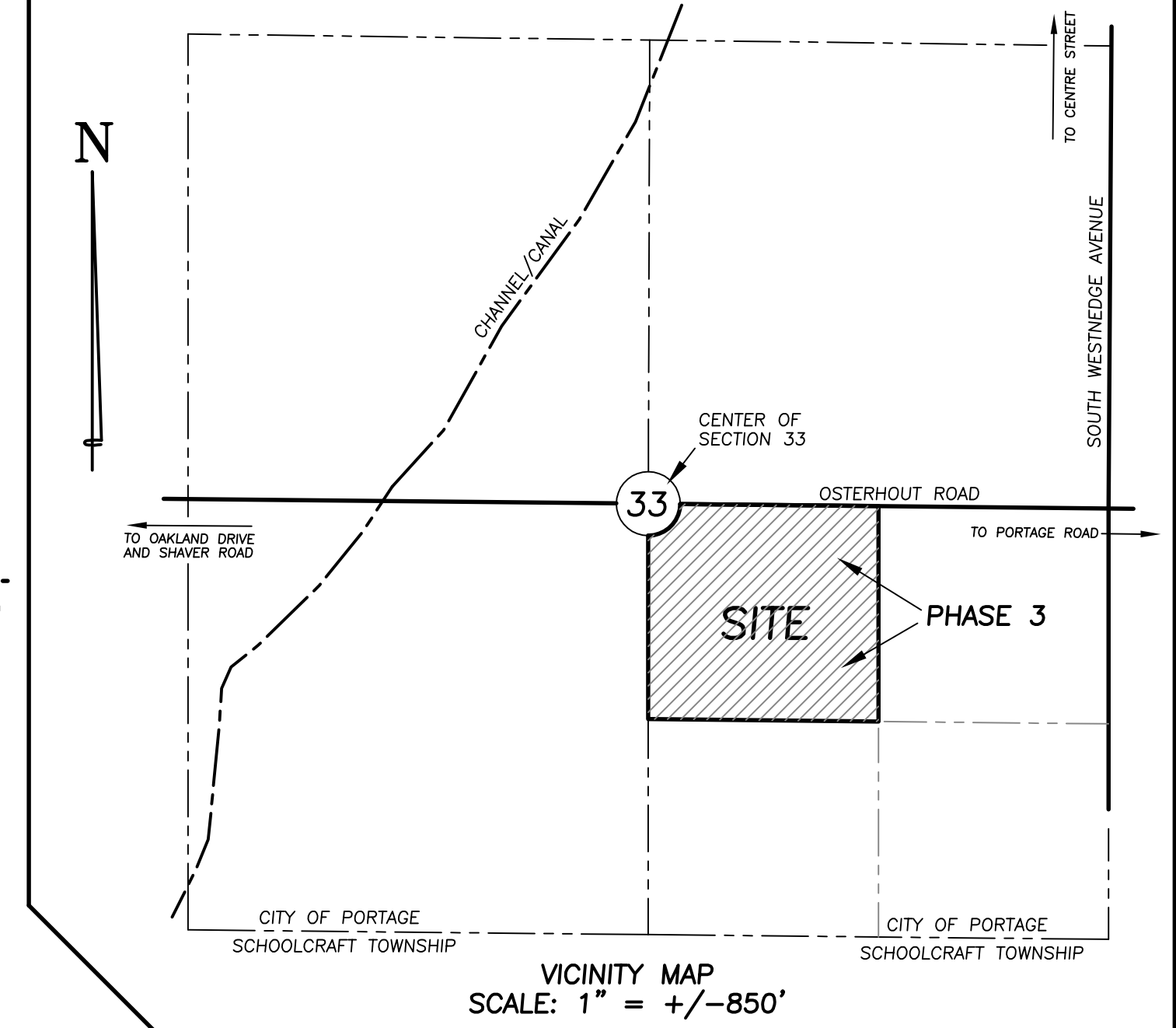


Pat Flan

ENTIRE PROPERTY = 39.0 ACRES
ADDRESS = 715 W. OSTERHOUT AVE.
CURRENT ZONING = PD

PARCEL DESCRIPTION (ALL PROPERTY):

A parcel of land situated in the Southeast quarter of Section 33, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan being more particularly described as follows:
The Northwest 1/4 of the Southeast 1/4 of Section 33, Town 3 South, Range 11 West.



100' 0' 100' 200' 300'

NOTE: WITHIN EXISTING PHASES 1 AND 2, SOME DWELLING UNITS HAVE BEEN BUILT, SOME ARE UNDER CONSTRUCTION, AND SOME HAVE NOT YET BEEN CONSTRUCTED. POOL AREA (POOL, CLUBHOUSE, & PARKING LOT) IS COMPLETE.

FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.
THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.
FIRE APPARATUS ACCESS ROADS 26.1 TO 32 FEET WIDE SHALL BE POSTED ON ONE SIDE AS A FIRE LANE.
ALL STREETS WILL BE WIDE ENOUGH TO ALLOW PARKING ON ONE SIDE OF THE STREET PER THE FIRE CODE.

PROPOSED PHASE 3
= 47 UNITS

AREA INFORMATION:

AREA (EXCLUDING OSTERHOUT AVE) = 39.0 ACRES
AREA OF CONSERVATIVE WETLAND = ±6.35 ACRES
UNDEVELOPED AREA EAST OF CONSERVATIVE WETLAND = ±3.92 ACRES
DEVELOPMENT AREA WEST OF CONSERVATIVE WETLAND = ±28.73 ACRES

NOTE: ALL MDEQ & EGLE APPROVALS AND PERMITS SHALL BE OBTAINED PRIOR TO STARTING UTILITY INSTALLATION. EROSION CONTROL PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY EARTHMOVING ACTIVITIES (INCLUDING APPROVED S.E.S.C. PLAN).



UNPLATTED LAND
OWNER = BRECKENRIDGE, LLC
ADDRESS = 109 W. OSTERHOUT AVE.
CITY ZONING = R-1C

EDGE OF EASEMENT TO THE CITY OF PORTAGE FOR PUBLIC SANITARY SEWER AND WATER MAIN
20' WIDE EMERGENCY ACCESS DRIVE

UNPLATTED LAND
OWNER = BRECKENRIDGE, LLC
ADDRESS = 109 W. OSTERHOUT AVE.
CITY ZONING = R-1C

UNPLATTED LAND
OWNER = CITY OF PORTAGE
ADDRESS = 830 W. OSTERHOUT AVE.

SOUTH 1/4 CORNER, SECTION 33

PHASE DATA

EXISTING PHASE 1: (2017/2018 CONSTRUCTION)
OF UNITS = 29 (PLUS 1 POOL CLUBHOUSE)
AREA = 9.51 ACRES (EXCLUDES OSTERHOUT R/W AREA)
DENSITY = 30 BUILDINGS / 9.51 AC. = 3.15 BUILDINGS/ACRE

EXISTING PHASE 2: (2020 CONSTRUCTION)
OF UNITS = 21
AREA = 6.42 ACRES
DENSITY = 21 UNITS / 6.42 AC. = 3.27 UNITS / ACRE

PROPOSED PHASE 3:
47 UNITS & 1 DWELLING / 23.03 ACRES = 2.08 HOUSES/AC.

SITE DATA (ENTIRE SITE):

SITE AREA = 39.0 ACRES
OF SHOWN DWELLINGS = 98
NET DENSITY = 98 DWELLINGS/39.0 ACRES = 2.51 DWELLINGS PER ACRE

CONDOMINIUM UNIT AREA = INTERIOR OF DWELLINGS
GENERAL COMMON AREA = ROADWAYS, NATURAL AREAS, AND NON YARD AREAS
LIMITED COMMON AREAS = YARD AREAS AROUND EACH DWELLING

EXCLUDES OSTERHOUT AVENUE RIGHT-OF-WAY AREA

GENERAL NOTES:

- 1) SUBJECT PROPERTY CONTAINS 39.0 ACRES AND IS CURRENTLY ZONED "PD".
- 2) SHOWN PROPERTY LINE LOCATIONS AND DIMENSIONS TAKEN FROM PRIOR SURVEY WORK BY THIS OFFICE.
- 3) SHOWN ELEVATION CONTOURS AND TOPOGRAPHIC INFORMATION TAKEN FROM TOPOGRAPHIC MAP PREPARED BY OTHERS.
- 4) SITE SHALL BE SERVED BY PUBLIC WATER MAINS AND SANITARY SEWERS.
- 5) ALL PROPOSED ROADWAYS SHALL HAVE A MINIMUM WIDTH OF 26.1 FEET BETWEEN BACKS OF CONCRETE ROLL CURBS AND SHALL BE PRIVATE. ALL STREETS SHALL BE PAVED AND SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS.
- 6) 4 FOOT WIDE CONCRETE SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL PROPOSED STREETS.
- 7) STREET NAMES ARE PENDING.
- 8) SITE IS PRIMARILY WOODED.
- 9) PROPOSED STORM SEWER SYSTEM SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE ON-SITE CONDOMINIUM ASSOCIATION.
- 10) STREET LIGHTS, STREET SIGNS, TRAFFIC CONTROL, AND LANDSCAPING SHALL BE PROVIDED.
- 11) ALL ON SITE DWELLING CONSTRUCTION SHALL COMPLY WITH CITY OF PORTAGE AND STATE OF MICHIGAN CONSTRUCTION CODES (INCLUDING FOOTING DESIGN NEAR GROUNDWATER IF APPLICABLE).
- 12) THE MAXIMUM NUMBER OF DWELLINGS ON SITE (PER FINAL PLAN) SHALL BE 102.
- 13) OFF-STREET PARKING SPACES MAY BE INCORPORATED IN CERTAIN AREAS.
- 14) ONLY SINGLE FAMILY DETACHED UNITS ARE ALLOWED ALONG WEST PROPERTY LINE.
- 15) EROSION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED.
- 16) SANITARY SEWER AND WATER MAIN CONSTRUCTION PERMITS SHALL BE OBTAINED FROM THE STATE OF MICHIGAN (E.G.L.E.) AS REQUIRED.

BUILDING SETBACK INFORMATION:

MINIMUM DISTANCE BETWEEN BUILDINGS: 20.0'
MINIMUM DISTANCE BETWEEN BACK OF CURB AND FRONT OF BUILDING/GARAGE: 25.0'
MINIMUM PERIMETER REAR YARD SETBACK: 40.0'

BUILDING SIZE INFORMATION:

NO MORE THAN 40% OF THE DWELLINGS WITHIN STREAMSONG SHALL HAVE A FIRST FLOOR SQUARE FOOTAGE OF 1218 TO 1499. AT LEAST 60% OF ON-SITE DWELLINGS SHALL HAVE A FIRST FLOOR SQUARE FOOTAGE OF 1500-2000.

SHEET INDEX:

- 1) COVER SHEET
- 2) LAYOUT PLAN
- 3) UTILITY PLAN
- 4) GRADING PLAN
- 5) PLAN & PROFILE SHEET (NORTH PORTION)
- 6) PLAN & PROFILE SHEET (SOUTH PORTION)
- 7) CONSTRUCTION DETAILS & NOTES

OWNER & APPLICANT:
SDV DEVELOPMENT, LLC
3820 STADIUM DRIVE
KALAMAZOO, MI 49008
(269) 375-3820

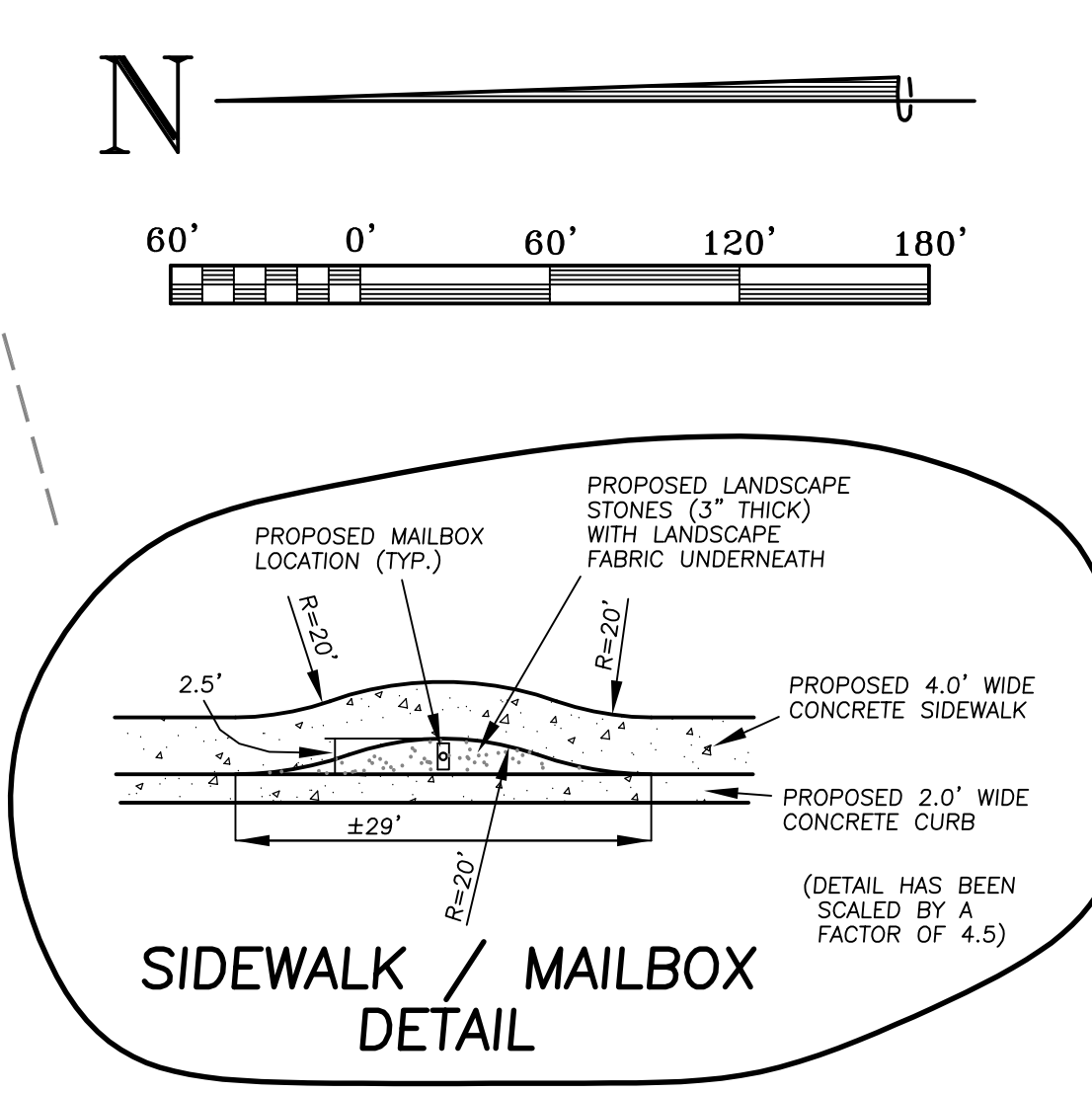
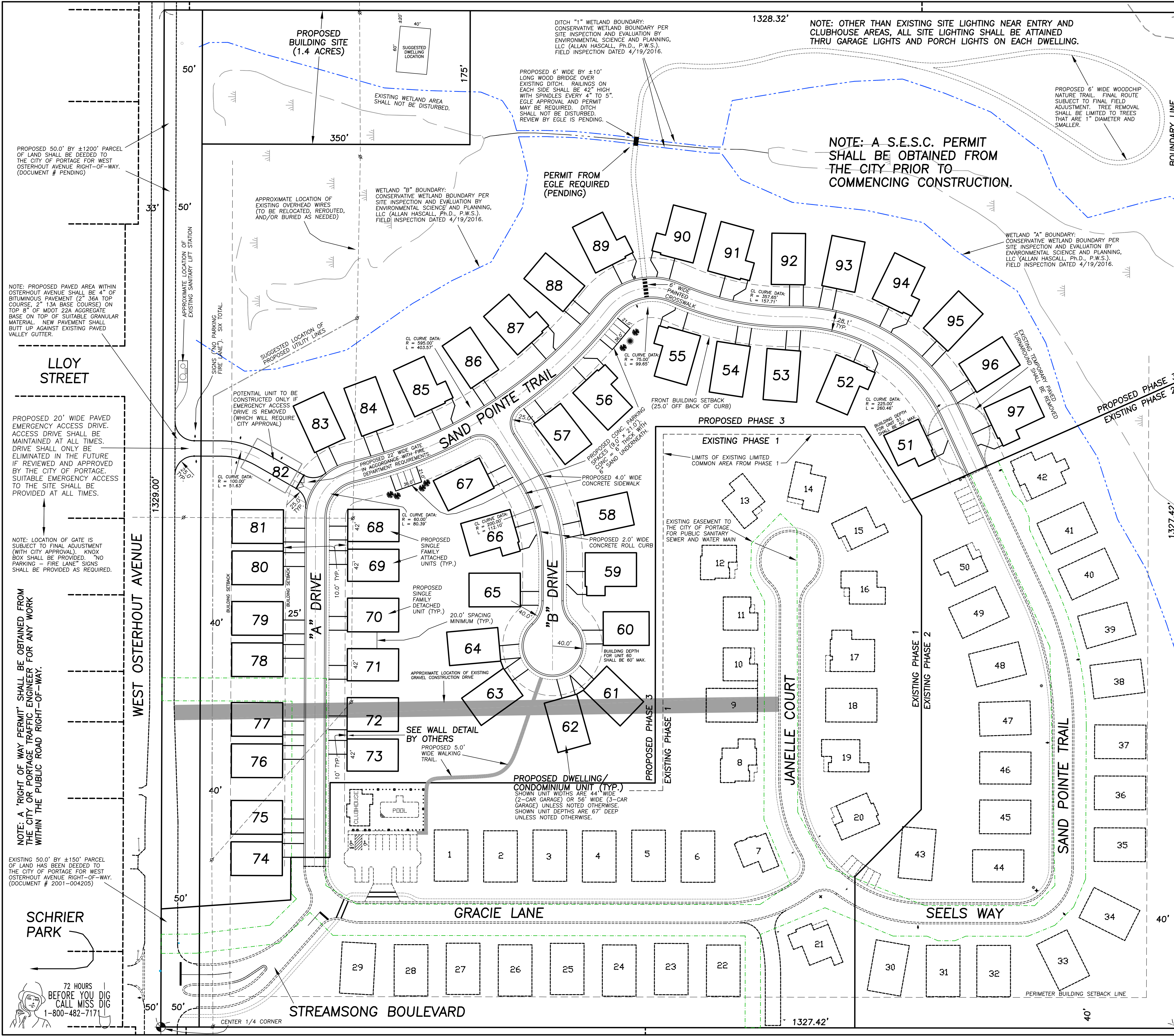
COVER SHEET for FINAL PLAN for
PHASE 3 of STREAMSONG
NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN
MONUMENT ENGINEERING GROUP ASSOC., INC.
Formerly Ingersoll, Watson & McMachen, Inc.
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185

REVISED: 05/26/2022
REVISED: 03/30/2022
REVISED: 11/30/2021

DATE:
8/17/2021

SHEET:
1

JOB No.:
36555-3



NOTE: ON-SITE SPEED LIMIT SHALL BE 25 M.P.H.
(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY CITY OF PORTAGE OR DESIRED BY OWNER)

BUILDING SETBACK INFORMATION:
MINIMUM DISTANCE BETWEEN BUILDINGS: 20.0'
MINIMUM DISTANCE BETWEEN EDGE OF PAVEMENT AND FRONT OF BUILDING OR GARAGE: 25.0'
MINIMUM PERIMETER REAR YARD SETBACK: 40.0'

BUILDING SIZE INFORMATION:
THERE ARE 97 CONDOMINIUM DWELLINGS WITHIN STREAMSONG. AT LEAST 60% OF THOSE (59 UNITS) SHALL HAVE A FIRST FLOOR AREA OF 1500 SQUARE FEET OR GREATER. NO MORE THAN 38 UNITS SHALL HAVE A FIRST FLOOR AREA OF 1218 TO 1499 SQUARE FEET. ALL UNITS MUST HAVE A FIRST FLOOR AREA OF AT LEAST 1218 SQUARE FEET. NOTE THAT 'FIRST FLOOR AREA' EXCLUDES GARAGE AREA.

- GENERAL NOTES:**
- 1) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
 - 2) STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
 - 3) ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.M.U.T.C.D. (CURRENT EDITION).
 - 4) U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
 - 5) SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
 - 6) PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
 - 7) E.G.L.E. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.

PHASE DATA	
EXISTING PHASE 1: (2017/2018 CONSTRUCTION)	
# OF UNITS = 29 (PLUS 1 POOL CLUBHOUSE)	
AREA = 9.51 ACRES (EXCLUDES OSTERHOUT R/W AREA)	
DENSITY = 30 BUILDINGS / 9.51 AC. = 3.15 BUILDINGS/ACRE	
EXISTING PHASE 2: (2020 CONSTRUCTION)	
# OF UNITS = 21	
AREA = 6.42 ACRES	
DENSITY = 21 UNITS / 6.42 AC. = 3.27 UNITS / ACRE	
PROPOSED PHASE 3:	
47 UNITS & 1 DWELLING / 23.03 ACRES = 2.08 HOUSES/AC.	

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

LAYOUT PLAN PHASE 3 of STREAMSONG NW 1/4 of the SE 1/4 of SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN		DATE: 8/17/2021
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185		SHEET: 2
		JOB No.: 36555-3

NOTE: THE PUBLIC WATER MAIN ON SITE WILL NEED TO BE POLYWRAPPED IN ACCORDANCE WITH SEC. 207.1.3.10 OF THE CITY'S 'CONSTRUCTION SPECIFICATIONS'.

LLOY STREET

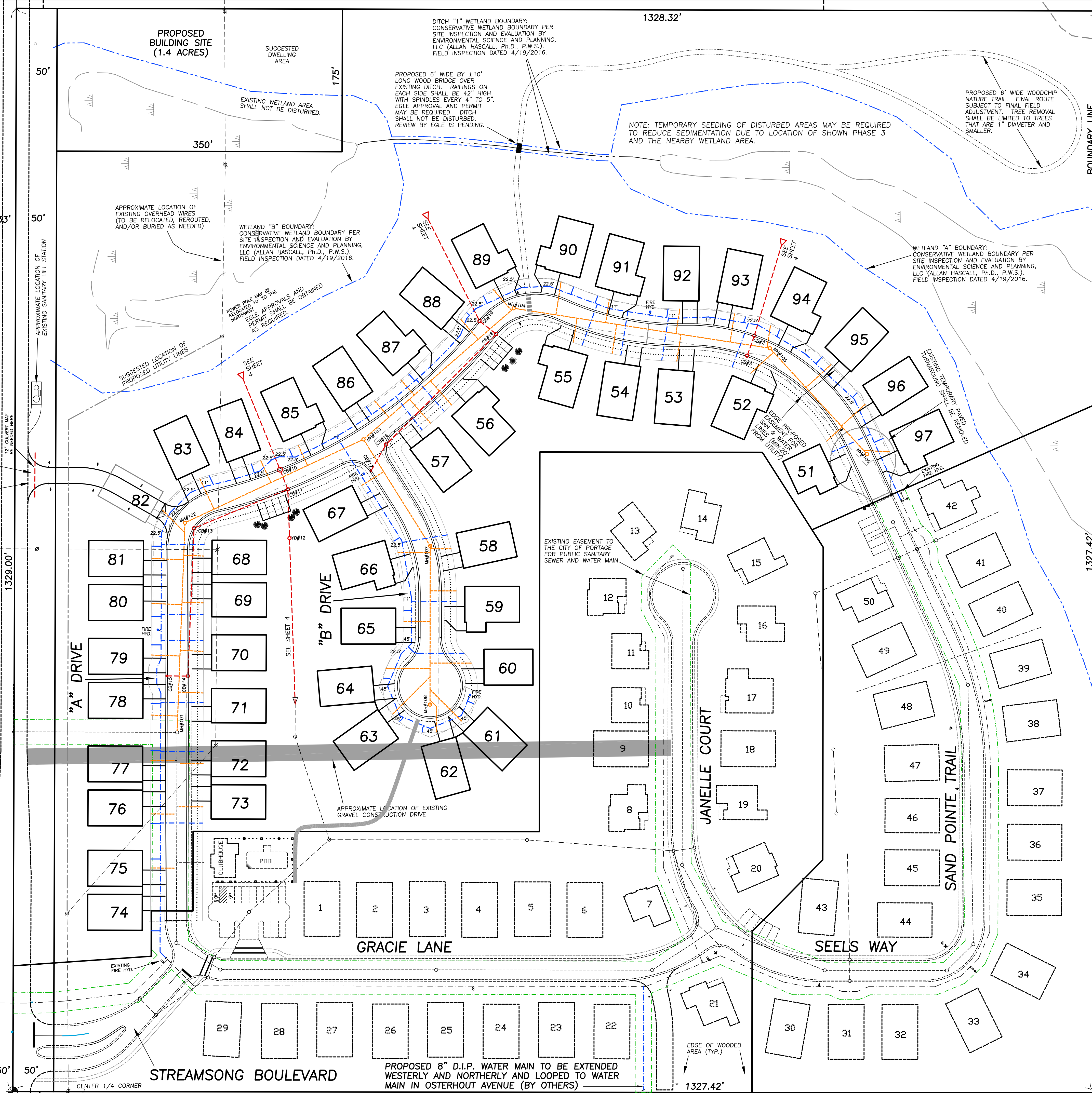
NOTE: PROPOSED PAVED AREA WITHIN OSTERHOUT AVENUE SHALL BE 4" OF BITUMINOUS PAVEMENT (2" 36A TOP COURSE, 2" 13A BASE COURSE) ON TOP 8" OF MODOT 22A AGGREGATE BASE ON TOP OF SUITABLE GRANULAR MATERIAL. NEW PAVEMENT SHALL BUTT UP AGAINST EXISTING PAVED VALLEY GUTTER.

NOTE: A 'RIGHT OF WAY PERMIT' SHALL BE OBTAINED FROM THE CITY OR PORTAGE TRAFFIC ENGINEER FOR ANY WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY.

SCHRIER PARK



WEST OSTERHOUT AVENUE



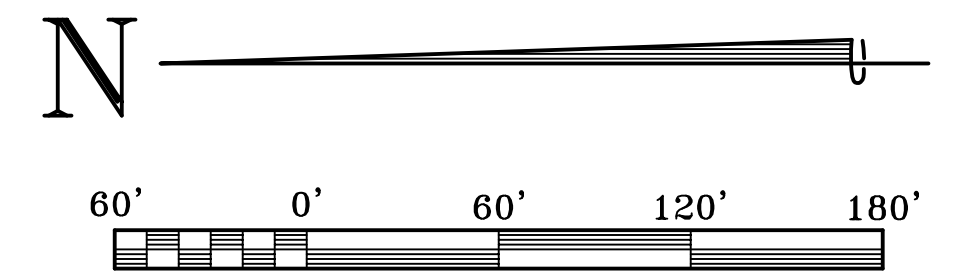
NOTE: OTHER THAN EXISTING SITE LIGHTING NEAR ENTRY & CLUBHOUSE AREAS, ALL SITE LIGHTING SHALL BE ATTAINED THROUGH STANDARD GARAGE LIGHTS & PORCH LIGHTS ON EACH DWELLING.

UTILITY LINE LEGEND

- EXISTING PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED WATER MAIN EASEMENT TO THE CITY OF PORTAGE
- EDGE OF PROPOSED SANITARY SEWER EASEMENT TO THE CITY OF PORTAGE

NOTE: PROPOSED SANITARY SEWER LEADS AND PROPOSED WATER SERVICES SHALL TERMINATE AT A POINT 20 FEET OFF BACK OF CURB. SHOWN LOCATIONS ARE SUBJECT TO FINAL ADJUSTMENT.

NOTE: CERTAIN BUILDING FOOTINGS AND/OR BASEMENT FLOORS MAY SIT ON ENGINEERED FILL MATERIAL. FOR THESE SITES, PLACEMENT OF FILL, INSPECTION, AND/OR TESTING SHALL BE DONE IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.



NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO COMMENCING CONSTRUCTION.

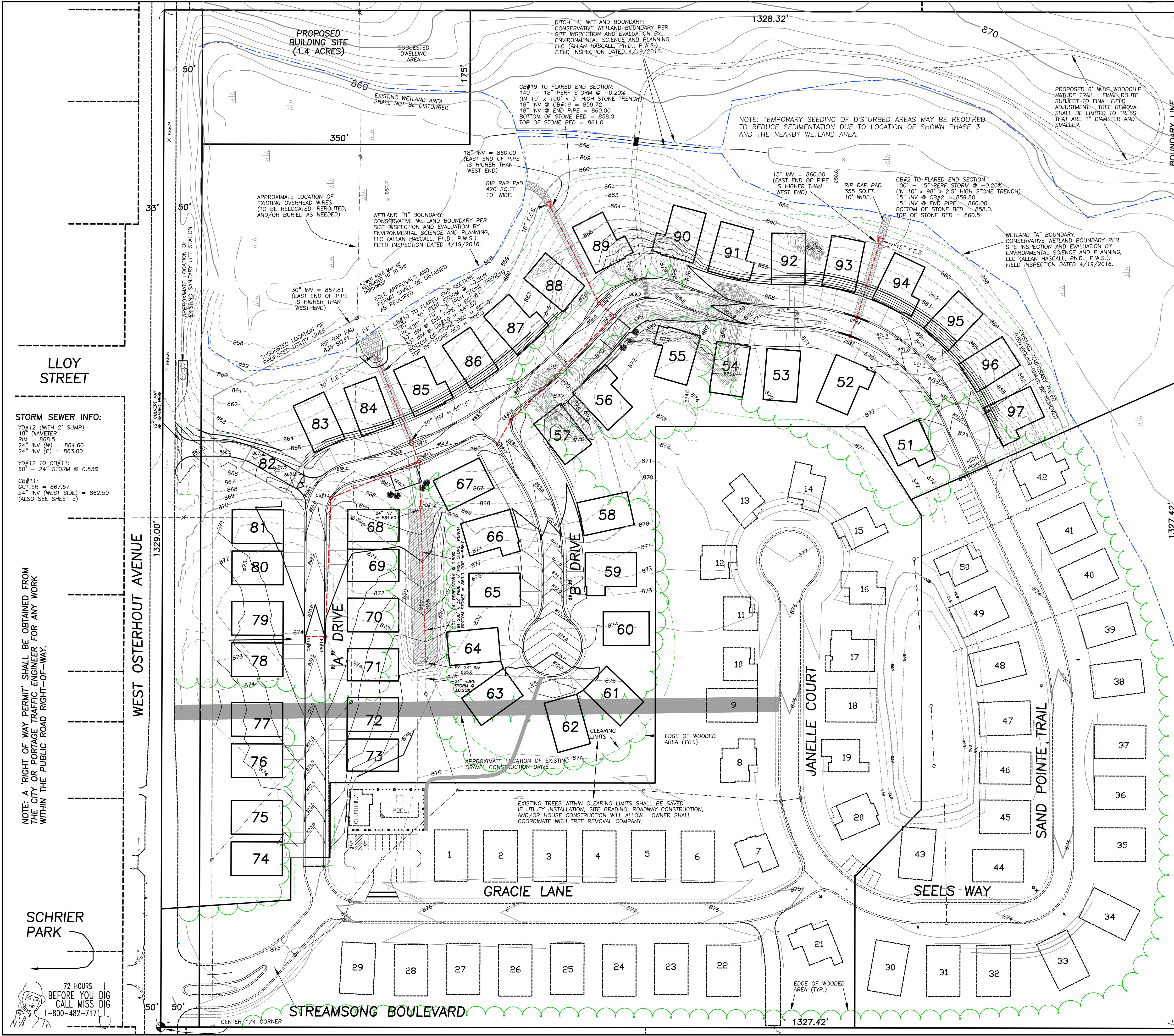
NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED AS REQUIRED. THE PERMIT SHALL BE COORDINATED WITH THE CITY OF PORTAGE DEVELOPMENT REVIEW ADMINISTRATOR PRIOR TO COMMENCING CONSTRUCTION. THE S.E.S.C. PERMIT SHALL BE APPLIED FOR AFTER OBTAINING SITE PLAN APPROVAL. NOTE: TEMPORARY SEEDING OF DISTURBED AREAS MAY BE REQUIRED TO REDUCE SEDIMENTATION DUE TO LOCATION OF SHOWN PHASE 3 AND THE NEARBY WETLAND AREA.

GENERAL NOTES:

- "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
- STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
- ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.U.T.C.D. (CURRENT EDITION)
- U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- E.G.L.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

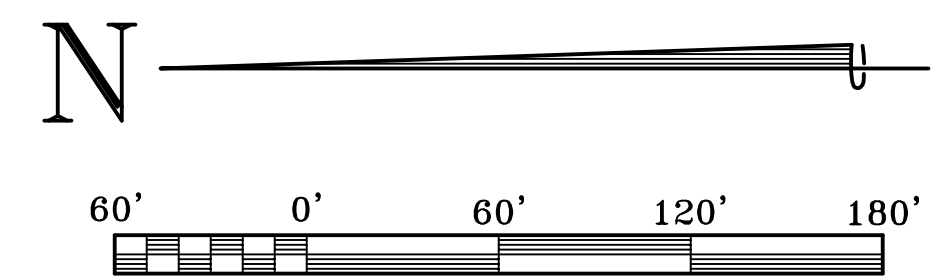
UTILITY PLAN PHASE 3 of STREAMSONG NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN		DATE: 8/17/2021
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185		SHEET: 3
		JOB No.: 36555-3



LEGEND

- 870 --- EXISTING ELEVATION CONTOUR FROM 2022 FIELD MAPPING (1.0' INTERVAL)
- 870 --- EXISTING ELEVATION CONTOUR FROM CITY OF PORTAGE TOPO MAP (2.0' INTERVAL)
- 871.0 --- PROPOSED ELEVATION CONTOUR (0.5' INTERVAL WITHIN ROADWAY, 1.0' INTERVAL OUTSIDE ROADWAY)
- EXISTING PRIVATE STORM SEWER PIPE
- PROPOSED PRIVATE STORM SEWER PIPE

NOTE: CERTAIN BUILDING FOOTINGS AND/OR BASEMENT FLOORS MAY SIT ON ENGINEERED FILL MATERIAL. FOR THESE SITES, PLACEMENT OF FILL, INSPECTION, AND/OR TESTING SHALL BE DONE IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.



NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO COMMENCING CONSTRUCTION.

NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED AS REQUIRED. THE PERMIT SHALL BE COORDINATED WITH THE CITY OF PORTAGE DEVELOPMENT REVIEW ADMINISTRATOR PRIOR TO COMMENCING CONSTRUCTION. THE S.E.S.C. PERMIT SHALL BE APPLIED FOR AFTER OBTAINING SITE PLAN APPROVAL.

NOTE: TEMPORARY SEEDING OF DISTURBED AREAS MAY BE REQUIRED TO REDUCE SEDIMENTATION DUE TO LOCATION OF SHOWN PHASE 3 AND THE NEARBY WETLAND AREA.

NOTE: WHERE FILL MATERIAL IS TO BE PLACED FOR FUTURE FOUNDATION / BASEMENT / HOUSES, GEOTECHNICAL COMPANY SHALL BE HIRED TO MONITOR AND/OR TEST THOSE FILL AREAS. THIS SHALL BE COORDINATED WITH THE CITY OF PORTAGE BUILDING SERVICES DEPARTMENT.

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

GRADING PLAN PHASE 3 of STREAMSONG NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185	
REVIS: 05/26/2022 REVISED: 03/30/2022 REVISED: 11/30/2021	DATE: 8/17/2021
SHEET: 4	
JOB No.: 36555-3	

STORM SEWER INFO:

YO#12 (WITH 2' SUMP)
48" DIAMETER
RIM = 866.5
24" INV (W) = 864.60
24" INV (E) = 863.00

YO#12 TO CB#11:
60' - 24" STORM @ 0.83%

CB#11:
OUTLET = 867.57
24" INV (WEST SIDE) = 862.50
(ALSO SEE SHEET 3)

NOTE: A "RIGHT OF WAY PERMIT" SHALL BE OBTAINED FROM THE CITY OR PORTAGE TRAFFIC ENGINEER FOR ANY WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY.

SCHRIER PARK

72 HOURS BEFORE YOU DIG CALL MISS DIG
1-800-482-7171

LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED UTILITY EASEMENT TO THE CITY OF PORTAGE (PRELIMINARY)
- EDGE OF PROPOSED 4.0' WIDE CONCRETE SIDEWALK OR EDGE OF PROPOSED 5' WIDE WALKING TRAIL
- PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- PROPOSED UNIT #
- EDGE OF EXISTING EASEMENT TO THE CITY OF PORTAGE
- EDGE OF CONSERVATIVE WETLAND
- BUILDING SETBACK LINE

GENERAL NOTES:

- LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
- STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED AT TOP STOP SIGNS).
- ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.U.L.T.C.D. (CURRENT EDITION).
- U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- M.D.E.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
- FIVE INCH "STORZ" FITTINGS SHALL BE USED ON FIRE HYDRANTS.
- FOR ON-SITE DWELLINGS, BASEMENT FOOTINGS AND FOUNDATIONS SHALL COMPLY WITH BUILDING CODE REQUIREMENTS BASED ON TYPE OF SOIL PRESENT AND STABILITY OF SOIL.
- FOR ON-SITE DWELLINGS, REQUIRED RADON VENTING SYSTEM BELOW BASEMENT FLOOR SHALL, AS A PRECAUTION, BE PLUMBED TO ALSO BE A DRAINAGE SYSTEM DURING PERIODS OF HIGH GROUNDWATER.
- ALL PROPOSED STREET LIGHTS SHALL COMPLY WITH CITY OF PORTAGE STANDARDS AND CONSUMERS ENERGY STANDARDS WITH REGARD TO LOCATION AND LIGHT SPECIFICATION.
- ON-SITE SPEED LIMIT SHALL BE 25 MILES PER HOUR.
- UNDERGROUND GAS, ELECTRIC, TELEPHONE AND CABLE TV LINES SHALL BE DESIGNED BY UTILITY OWNERS AND SHALL NOT BE LOCATED IN PROPOSED STREET RIGHT-OF-WAYS UNLESS UTILITY IS CROSSING STREET (SQUARE TO CENTER LINE).
- AS-BUILT CONSTRUCTION PLANS SHALL BE SUBMITTED TO THE CITY UPON COMPLETION OF THE ROADWAY PROJECT.
- PRIOR TO START OF UTILITY WORK, PRE-CONSTRUCTION MEETING SHALL BE HELD AT CITY OF PORTAGE OFFICES.

NOTE: PROPOSED WATER MAIN SHALL HAVE A MINIMUM OF 5.0' OF COVER AND A MAXIMUM OF 6.0' OF COVER AT INSTALLED LOCATION. WATER MAIN SHALL ALSO MAINTAIN 18" OF VERTICAL SEPARATION (MINIMUM) BETWEEN WATER MAIN AND STORM SEWER/ SANITARY SEWER. WATER SERVICES SHALL ALSO MAINTAIN AT LEAST 18" OF VERTICAL SEPARATION AT SEWER CROSSINGS.

ALSO SEE NOTES & INFO ON SHEET 6

EGE APPROVALS AND PERMIT SHALL BE OBTAINED.

NOTE: ALL STREET TREES SHALL BE INSTALLED AT LEAST 2.0' FROM WATER MAIN.

NOTE: IT IS RECOMMENDED THAT HYDRANTS WITH 6" BURY DEPTH BE USED TO REDUCE LIKELIHOOD OF HYDRANT EXTENSIONS BEING REQUIRED.

NOTE: NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TV UNDERGROUND LINES SHALL BE CENTERED APPROXIMATELY 11 FEET OFF BACK OF CURB (ON SIDE OPPOSITE WATER MAIN).

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL INTERSECTIONS.

NOTE: 325' LINE OF SIGHT / SIGHT DISTANCE SHALL BE MAINTAINED AT INTERNAL INTERSECTIONS FOR SAFETY IN ACCORDANCE WITH CITY REQUIREMENTS

NOTE: DEWATERING LIKELY NOT REQUIRED DURING CONSTRUCTION.

NOTE: ON-SITE SPEED LIMIT SHALL BE 25 M.P.H.
(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY CITY OF PORTAGE OR DESIRED BY OWNER)

NOTE: EACH UNIT WILL HAVE A FRONT YARD LIGHT ON A POLE OR BUILDING MOUNTED LIGHTS. "REGULAR" STREET LIGHTS WILL NOT BE INCORPORATED INTO PHASE 3 OF THIS DEVELOPMENT.

ALSO SEE NOTES & INFO ON SHEET 6

SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

"A" DRIVE (PRELIM.) STA 0+00 TO STA 7+75

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' SOUTH OF C.L.
- EXISTING GRADE 50' NORTH OF C.L.

NOTE: FOR CATCH BASINS AT LOW POINTS, GUTTER ELEVATION IS 0.50' BELOW CENTER LINE ELEVATION. FOR ALL OTHER CATCH BASINS, GUTTER ELEVATION IS 0.40' BELOW CENTER

"B" DRIVE (PRELIM.) STA 0+00 TO STA 3+60.70

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' NORTH OF C.L.
- EXISTING GRADE 50' SOUTH OF C.L.

NOTE: STORM SEWER PIPE RUN CB#16 TO #18 SHALL BE IN A 185' x 4' WIDE BY 2.5' HIGH STONE TRENCH. BOTTOM OF STONES = ELEV 858.0.

NOTE: SANITARY SEWER LEADS SHALL PASS UNDER WATER MAIN IF 18" OF VERTICAL SEPARATION CAN BE PROVIDED BETWEEN LEAD AND WATER MAIN. OTHERWISE, LEAD SHALL PASS OVER WATER MAIN WITH 18" OF VERTICAL SEPARATION PROVIDED.

NOTE: ALL 1.25" WATER SERVICES SHALL PASS OVER SANITARY SEWER PIPE AND STORM SEWER PIPE WITH AT LEAST 18" OF VERTICAL SEPARATION. WATER SERVICES SHALL ALSO HAVE AT LEAST 5.0' OF EARTH COVER (AND NO MORE THAN 6.0' OF EARTH COVER) BASED ON FINAL GRADE.



SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

PROPOSED PUBLIC
8" D.I.P. WATER MAIN
(WITHIN MINIMUM 20.0'
WIDE EASEMENT TO BE
GRANTED TO THE CITY
OF PORTAGE)

SEE SHEETS
2, 3, & 4

NOTE: HIGH GROUNDWATER WITHIN
THIS PROPERTY IS IN THE 857 TO
858 RANGE.

ALSO SEE NOTES &
INFO ON SHEET 5

NOTE: DEWATERING LIKELY NOT
REQUIRED DURING CONSTRUCTION.

GENERAL NOTES:

- 1) LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
- 2) STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
- 3) ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.M.U.T.C.D.(CURRENT EDITION)
- 4) U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- 5) SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- 6) PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- 7) M.D.E.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- 8) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
- 9) FIVE INCH "STORZ" FITTINGS SHALL BE USED ON FIRE HYDRANTS.
- 10) FOR ON-SITE DWELLINGS, BASEMENT FOOTINGS AND FOUNDATIONS SHALL COMPLY WITH BUILDING CODE REQUIREMENTS BASED ON TYPE OF SOIL PRESENT AND STABILITY OF SOIL.
- 11) FOR ON-SITE DWELLINGS, REQUIRED RADON VENTING SYSTEM BELOW BASEMENT FLOOR SHALL, AS A PRECAUTION, BE PLUMBED TO ALSO BE A DRAINAGE SYSTEM DURING PERIODS OF HIGH GROUNDWATER.
- 12) ALL PROPOSED STREET LIGHTS SHALL COMPLY WITH CITY OF PORTAGE STANDARDS AND CONSUMERS ENERGY STANDARDS WITH REGARDS TO LOCATION AND LIGHT SPECIFICATION.
- 13) ON-SITE SPEED LIMIT SHALL BE 25 MILES PER HOUR.
- 14) UNDERGROUND GAS, ELECTRIC, TELEPHONE AND CABLE TV LINES SHALL BE DESIGNED BY UTILITY OWNERS AND SHALL NOT BE LOCATED IN PROPOSED STREET RIGHT-OF-WAYS UNLESS UTILITY IS CROSSING STREET (SQUARE TO CENTER LINE).
- 15) AS-BUILT CONSTRUCTION PLANS SHALL BE SUBMITTED TO THE CITY UPON COMPLETION OF THE ROADWAY PROJECT.
- 16) PRIOR TO START OF UTILITY WORK, PRE-CONSTRUCTION MEETING SHALL BE HELD AT CITY OF PORTAGE OFFICES.

LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED UTILITY EASEMENT TO THE CITY OF PORTAGE (PRELIMINARY)
- EDGE OF PROPOSED 4.0' WIDE CONCRETE SIDEWALK OR EDGE OF PROPOSED 5' WIDE WALKING TRAIL
- ===== PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85 PROPOSED UNIT #
- EDGE OF EXISTING EASEMENT TO THE CITY OF PORTAGE
- EDGE OF CONSERVATIVE WETLAND
- BUILDING SETBACK LINE

ALSO SEE NOTES &
INFO ON SHEET 5

NOTE: EACH UNIT WILL HAVE A FRONT
YARD LIGHT ON A POLE OR BUILDING
MOUNTED LIGHTS. "REGULAR" STREET
LIGHTS WILL NOT BE INCORPORATED
INTO PHASE 3 OF THIS DEVELOPMENT.

NOTE: ALL STREET TREES SHALL BE
INSTALLED AT LEAST 2.0' FROM WATER MAIN.

NOTE: IT IS RECOMMENDED THAT HYDRANTS WITH
6" BURY DEPTH BE USED TO REDUCE LIKELIHOOD
OF HYDRANT EXTENSIONS BEING REQUIRED.

NOTE: NATURAL GAS, ELECTRIC,
TELEPHONE, AND CABLE TV
UNDERGROUND LINES SHALL
BE CENTERED APPROXIMATELY
11 FEET OFF BACK OF CURB
(ON SIDE OPPOSITE WATER MAIN)

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE
REQUIREMENTS SHALL BE MAINTAINED AT
ALL INTERSECTIONS.

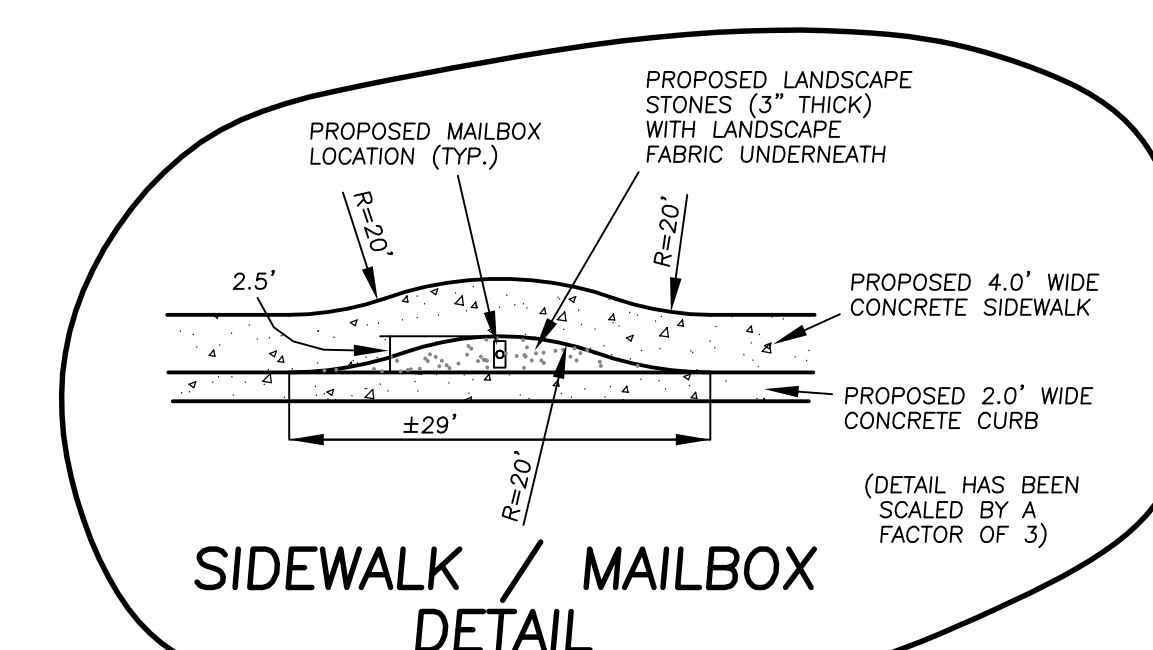
NOTE: 325' LINE OF SIGHT / SIGHT
DISTANCE SHALL BE MAINTAINED
AT INTERNAL INTERSECTIONS
FOR SAFETY IN ACCORDANCE
WITH CITY REQUIREMENTS

NOTE: ON-SITE SPEED LIMIT
SHALL BE 25 M.P.H.

(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY
CITY OF PORTAGE OR DESIRED BY OWNER)

CAUTION: U/G UTIL'S

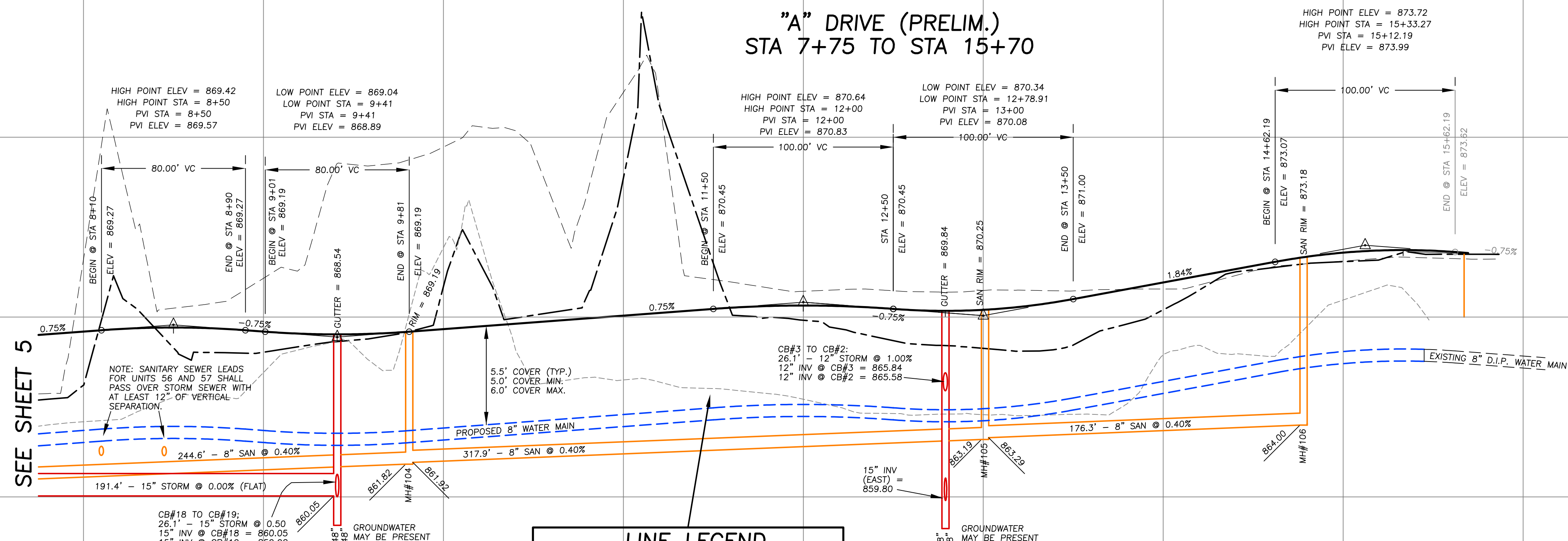
NOTE: PROPOSED WATER MAIN
SHALL HAVE A MINIMUM OF 5.0'
OF COVER AND A MAXIMUM OF
6.0' OF COVER AT INSTALLED
LOCATION. WATER MAIN SHALL
ALSO MAINTAIN 18" OF VERTICAL
SEPARATION (MINIMUM) BETWEEN
WATER MAIN AND STORM SEWER/
SANITARY SEWER. WATER SERVICES
SHALL ALSO MAINTAIN AT LEAST
18" OF VERTICAL SEPARATION AT
SEWER CROSSINGS.



7+00 8+00 9+00 10+00 11+00 12+00 13+00 14+00 15+00 16+00

PROPOSED ROAD
CENTER LINE GRADE

"A" DRIVE (PRELIM.) STA 7+75 TO STA 15+70



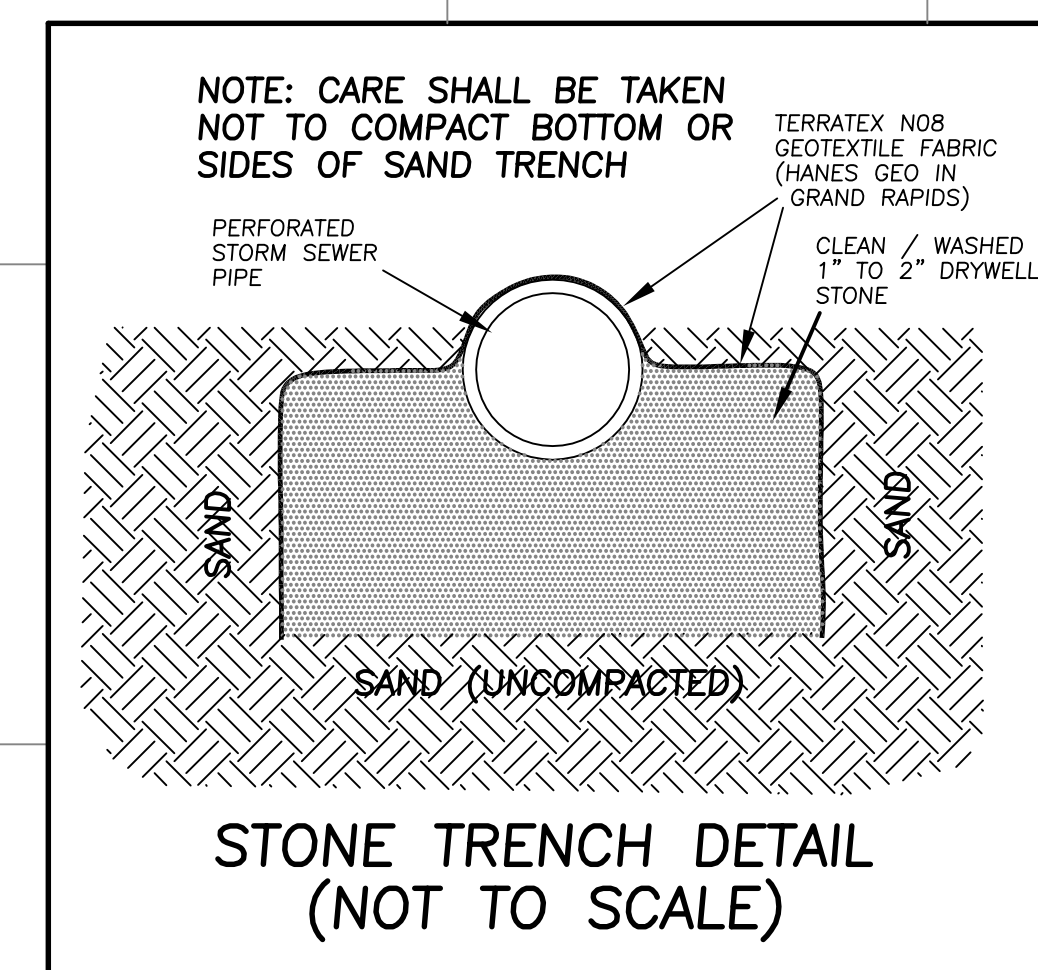
NOTE: STORM SEWER PIPE RUN
CB#16 TO #18 SHALL BE IN A
185' x 4' WIDE BY 2.5' HIGH
STONE TRENCH. BOTTOM OF
STONES = ELEV 858.0.

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' WEST OF C.L.
- EXISTING GRADE 50' EAST OF C.L.

NOTE: ALL 1.25" WATER SERVICES SHALL PASS OVER SANITARY
SEWER PIPE AND STORM SEWER PIPE WITH AT LEAST 18" OF
VERTICAL SEPARATION. WATER SERVICES SHALL ALSO HAVE
AT LEAST 5.0' OF EARTH COVER (AND NO MORE THAN 6.0'
OF EARTH COVER) BASED ON FINAL GRADE.

NOTE: SANITARY SEWER LEADS SHALL PASS UNDER WATER MAIN
IF 18" OF VERTICAL SEPARATION CAN BE PROVIDED BETWEEN
LEAD AND WATER MAIN. OTHERWISE, LEAD SHALL PASS OVER
WATER MAIN WITH 18" OF VERTICAL SEPARATION PROVIDED.



GENERAL NOTES

- 1) CONTRACTOR SHALL NOTIFY MISS DIG AT 1-800-482-7171 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- 2) LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON THIS SITE WHICH ARE NOT SHOWN ON THESE PLANS. CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE AND PROTECT ALL UTILITIES ON SITE, WHETHER SHOWN ON THESE PLANS OR NOT.
- 3) CONTRACTOR SHALL PROVIDE ALL SIGNS, FENCING, LIGHTS, BARRICADES, ETC. NECESSARY TO PROVIDE FOR PUBLIC SAFETY DURING CONSTRUCTION.
- 4) REQUESTS FOR CONSTRUCTION STAKING SHALL BE DIRECTED TO THE ENGINEER A MINIMUM OF 48 HOURS PRIOR TO THEIR ACTUAL NEED.
- 5) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES FOR THE PROTECTION AND/OR RELOCATION OF EXISTING UTILITIES.
- 6) ALL MATERIALS PLACED DURING CONSTRUCTION SHALL BE IN NEW CONDITION, SHALL BE FREE FROM DEFECTS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY AND THEIR INSPECTOR.
- 7) ALL CONSTRUCTION SHALL BE SUBJECT TO CONSTRUCTION INSPECTION BY OWNER, OWNER'S REPRESENTATIVE, AND THE CITY OF PORTAGE.
- 8) ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON USGS DATUM AS PROMULGATED WITHIN THE CITY OF PORTAGE.
- 9) ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTAGE CONTRACT CONDITIONS AND SPECIFICATIONS.
- 10) A SOIL EROSION CONTROL PERMIT NEEDS TO BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITIES.

CONSTRUCTION NOTES

- 1) ALL PIPE LENGTH DISTANCES ARE FROM CENTER TO CENTER OF STRUCTURE.
- 2) ALL TRENCHING AND BACKFILLING FOR UTILITIES SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF PORTAGE STANDARD SPECIFICATIONS AND THE REQUIREMENTS INDICATED ON THE CONSTRUCTION DRAWINGS.
- 3) ALL CONSTRUCTION SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL RULES, REQUIREMENTS, AND LAWS.

WATER MAIN NOTES

- 1) ALL 8" OR 10" WATER MAIN SHALL BE AWWA C151, CLASS 52 DUCTILE IRON PIPE. ALL 12" WATER MAIN SHALL BE AWWA C151, CLASS 53 DUCTILE IRON PIPE. ALL PIPE SHALL HAVE CEMENT LINING AND SHALL BE INSTALLED ACCORDING TO THE CITY OF PORTAGE STANDARD SPECIFICATIONS (AVAILABLE AT CITY OF PORTAGE WEBSITE: www.portage.mi.gov).
- 2) ALL WATER MAIN CONSTRUCTION SHALL BE SUBJECT TO INSPECTION BY A CITY OF PORTAGE APPROVED INSPECTOR.
- 3) MINIMUM 5.0' AND MAXIMUM 6.0' OF COVER OVER NEW WATER MAIN PIPE IS REQUIRED ONCE FINAL SITE GRADING IS COMPLETE.
- 4) WATER SERVICES SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL SD-153, TYPICAL SERVICE LINE AND METER BOX INSTALLATIONS, PLUMBING PERMIT REQUIRED.
- 5) HYDRANT ASSEMBLIES SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL SD-144, AUXILIARY VALVE LOCATION.
- 6) HYDRANT SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL SD-145, STANDARD HYDRANT SIGN. NOTE FIRE HYDRANT SIGNS SHALL BE INSTALLED A MINIMUM 4.0' FROM THE CENTER OF THE INSTALLED HYDRANT PER THE CITY'S NEW REQUIREMENTS.

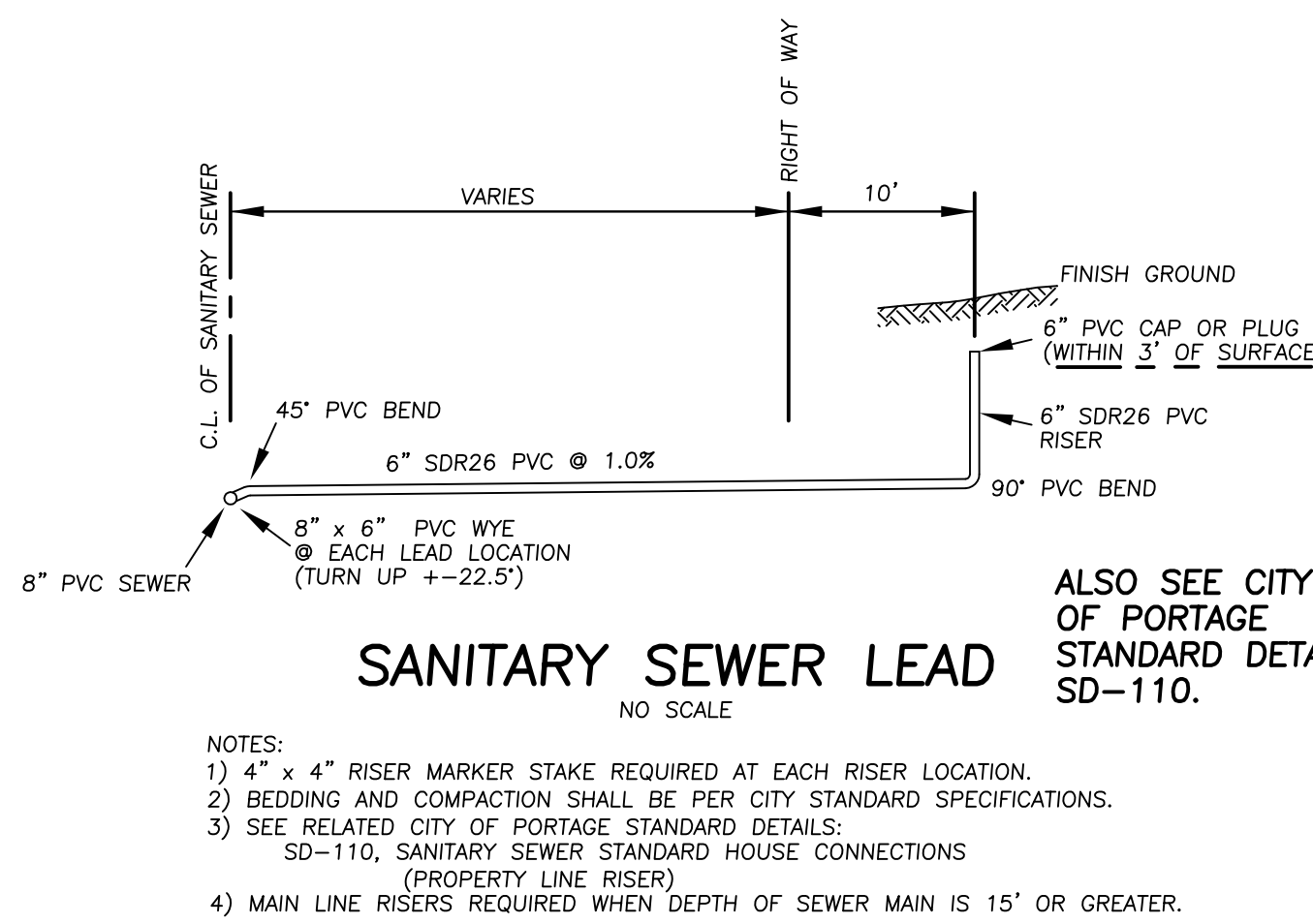
SANITARY SEWER NOTES

- 1) ALL SANITARY SEWER PIPE SHALL BE SDR26 PVC AND SHALL COMPLY WITH ASTM D 3033 OR ASTM D 3034. PIPE SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
- 2) ALL SANITARY SEWER CONSTRUCTION, INCLUDING MAINLINES, LATERALS, MANHOLES, AND APPURTENANCES, SHALL CONFORM WITH THE CITY OF PORTAGE REQUIREMENTS AND SPECIFICATIONS AND SHALL BE SUBJECT TO THEIR INSPECTION.

PRIVATE UTILITY NOTES

- 1) UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE, AND CABLE TV PRIVATE UTILITIES SHALL BE SIZED AND INSTALLED BY UTILITY OWNERS.

NOTE: ALL SANITARY SEWER SHALL BE SDR26 PIPE.



STORM SEWER NOTES

- 1) STORM SEWER PIPE SHALL BE EITHER CORRUGATED POLYETHYLENE (C.P.E.), REINFORCED CONCRETE (R.C.P.), OR OTHER TYPES MEETING MDOT AND CITY OF PORTAGE APPROVAL.
- 2) CORRUGATED POLYETHYLENE (C.P.E.) PIPE SHALL MEET THE REQUIREMENTS OF AASHTO M 294 TYPE 5 (DUAL WALL, SMOOTH INSIDE, CORRUGATED OUTSIDE, NO PERFORATIONS). THE JOINTS SHALL BE WATERTIGHT AND COMPLY WITH ASTM D 3212. (HANCOR HI-Q, ADS N-12, OR EQUIVALENT)
- 3) REINFORCED CONCRETE PIPE (R.C.P.) SHALL MEET THE REQUIREMENTS OF ASTM C 76. THE JOINTS SHALL BE WATERTIGHT AND COMPLY WITH ASTM C 443.
- 4) ~~NON-REINFORCED CONCRETE PIPE (R.C.P.) SHALL MEET THE REQUIREMENTS OF ASTM C 443. THE JOINTS SHALL BE WATERTIGHT AND COMPLY WITH ASTM C 443.~~
- 5) PREMIUM WATERTIGHT JOINTS (RUBBER OR SLIP SEAL) ARE REQUIRED AT EACH STORM SEWER PIPE JOINT IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.
- 6) PIPE CONNECTIONS AT ALL SOLID WALLED STRUCTURES SHALL BE MADE WITH A WATERTIGHT RESILIENT CONNECTOR (RUBBER TYPE BOOT WITH STAINLESS STEEL BANDS, OR OTHER TYPE AS APPROVED BY CITY OF PORTAGE).
- 7) STORM SEWER PIPE SHALL HAVE A MINIMUM OF 24 INCHES OF COVER.
- 8) ALL STORM SEWER PIPE AND INSTALLATION SHALL COMPLY WITH CITY OF PORTAGE "CONSTRUCTION SPECIFICATIONS AND STANDARDS".
- 9) ALL STORM SEWER PIPE, JOINTS, AND GASKETS SHALL BE INSPECTED. ANY DEFECTIVE PRODUCTS SHALL NOT BE INSTALLED AND SHALL BE REMOVED FROM THE SITE.
- 10) ALL SOLID WALLED STRUCTURES SHALL HAVE CONCRETE BOTTOMS.
- 11) DEFLECTION TESTS SHALL BE PERFORMED ON ALL FLEXIBLE PIPE. THE TEST SHALL BE CONDUCTED AFTER THE BACKFILL HAS BEEN PLACED AND PRIOR TO INSTALLING ANY ASPHALT OR CONCRETE SURFACE. NO PIPE SHALL EXCEED A DEFLECTION OF FIVE (5) PERCENT. THE DEFLECTION TEST SHALL BE RUN USING A RIGID BALL OR MANDREL, HAVING A DIAMETER EQUAL TO 95% OF THE INSIDE DIAMETER OF THE PIPE. DEFLECTION SHALL BE CONDUCTED AFTER FINAL BACKFILL HAS BEEN IN PLACE FOR AT LEAST 30 DAYS.
- 12) ALL PUBLIC STORM SEWER PIPE SHALL BE TELEVIEWED IN ACCORDANCE WITH SECTION 208.2.6 (TELEVIEWING) OF THE CITY'S SPECIFICATIONS.

SOIL EROSION CONTROL NOTES

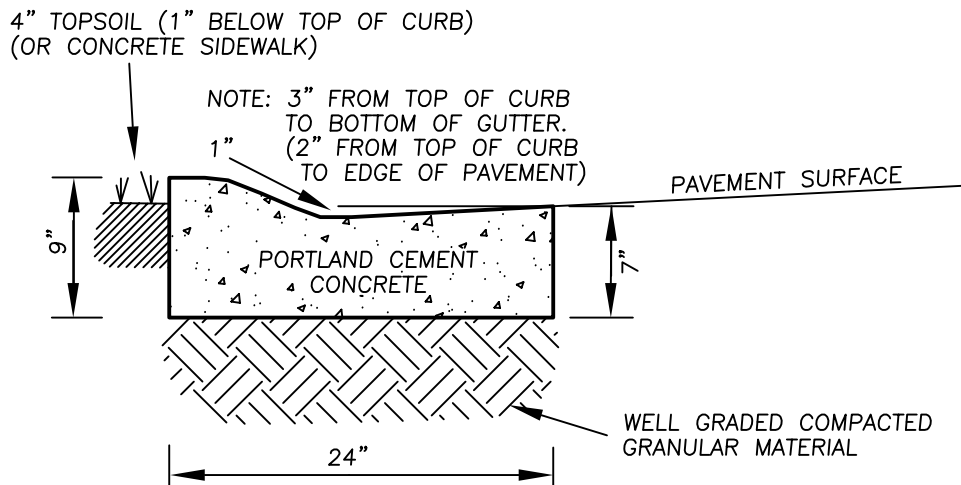
- 1) ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 451 OF 1994, AS AMENDED) AS ADMINISTERED BY THE CITY OF PORTAGE.
- 2) EARTHWORK CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - A) BERMING OR FILTERING OF RUNOFF AT PROPERTY LINES WHERE EROSION COULD OCCUR.
 - B) PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WHETHER ADJACENT TO THE SITE OR ON THE SITE.
 - C) MINIMIZATION OF TRACKING OF MATERIAL OFF-SITE.
 - D) SWEEPING AND CLEANING OF ADJACENT STREETS AS NECESSARY.
- 3) OWNER SHALL OBTAIN 'SOIL EROSION CONTROL PERMIT' FROM THE CITY OF PORTAGE.

RESTORATION NOTES

- 1) ALL DISTURBED AREAS SHALL BE RESTORED WITH MINIMUM 4" TOPSOIL AND GRASS SEED, OR OTHER REQUIRED LANDSCAPING.
- 2) EXISTING STREETS AND YARDS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION.

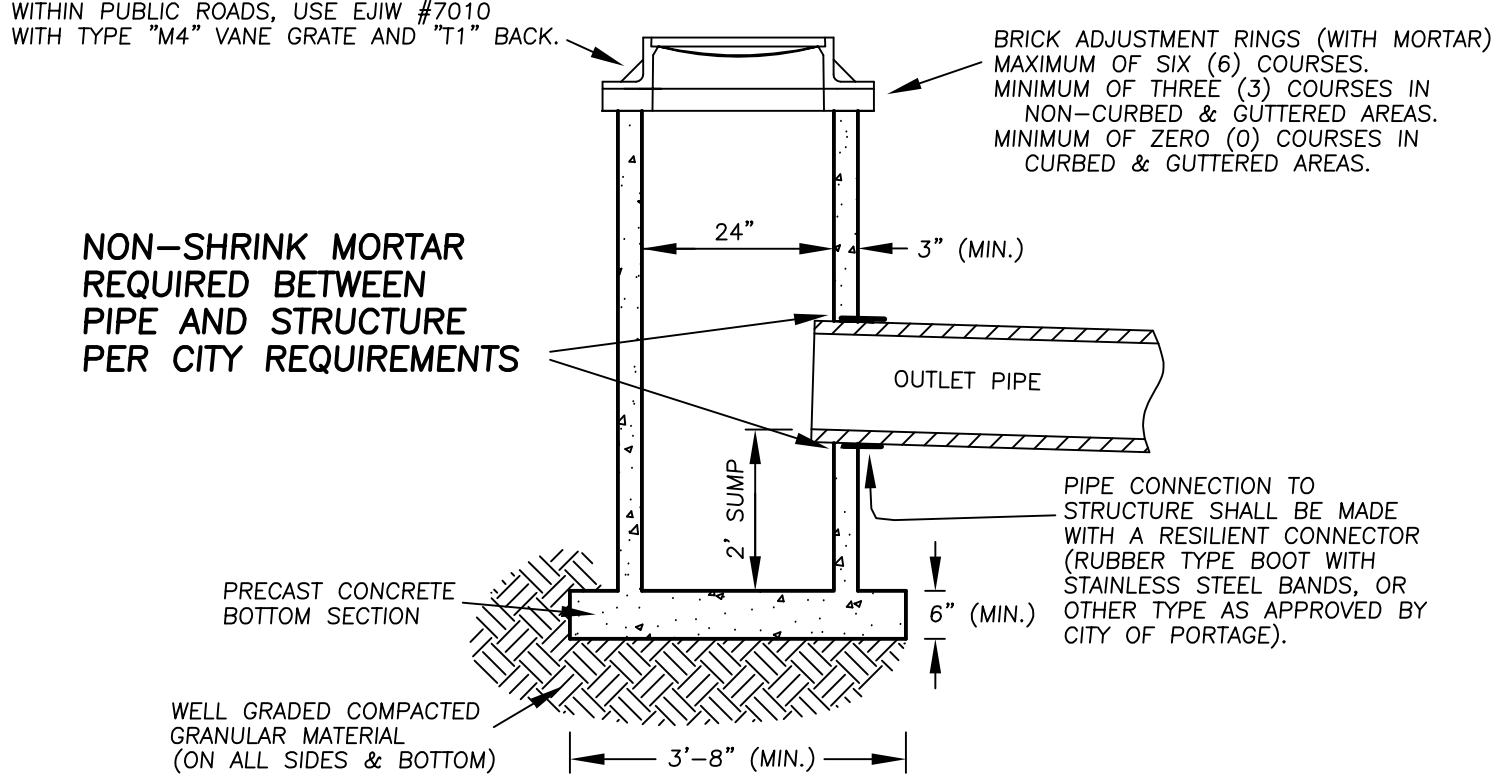
STREET LIGHTS & STREET SIGNS

- 1) DECIDUOUS TREES AT PLANTING SHALL HAVE A MINIMUM CALIPER OF 1.5" AT 6" ABOVE THE ROOT BALL; A CLEAR STEM OF 4 FEET; AND A BURLAP BALL SIZE OF AT LEAST 10 TIMES THE CALIPER. ALLOWED TREES INCLUDE: SARGENT CHERRY, AMUR CORKTREE, GOLDENRAIN TREE, MAPLES (HEDGE, PACIFIC SUNSET, TRIIDENT, TATARIAN MAPLE), AMERICAN & EUROPEAN HORNBEAM, KATSURA TREE, IVORY SILK JAPANESE TREE, LILAC, & ORNAMENTAL PEARS (CLEVELAND AND REDSPIRE CALLERY PEAR).
- 2) STREET LIGHTS SHALL BE 8500 LUMEN, HIGH PRESSURE SODIUM VAPOR. DECORATIVE LIGHT POLES SHALL HAVE A HEIGHT OF 19 FEET. ALL LIGHT STANDARDS AND UTILITY POLES SHALL BE LOCATED AT LEAST 5 FEET OFF PROPOSED BACK OF CURB.
- 3) ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS MUST CONFORM TO THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("M.M.U.T.C.D.").
- 4) ALL STREET SIGNS SHALL CONFORM TO CITY OF PORTAGE PUBLISHED REQUIREMENTS. ALL SIGNS SHALL BE INSTALLED ON 3 POUND GALVANIZED U-CHANNEL POSTS AND SHALL HAVE A MINIMUM POST BURY OF 36 INCHES. DISTANCE FROM BOTTOM OF SIGN TO GROUND SHALL BE 7 FEET. ANYTHING NOT SPECIFIED IN THESE PLANS SHALL BE IN ACCORDANCE WITH THE M.M.U.T.C.D. STREET NAME SIGNS SHALL BE 9 INCHES TALL (VERTICAL DIMENSION OF ACTUAL SIGN).



CONCRETE ROLL CURB

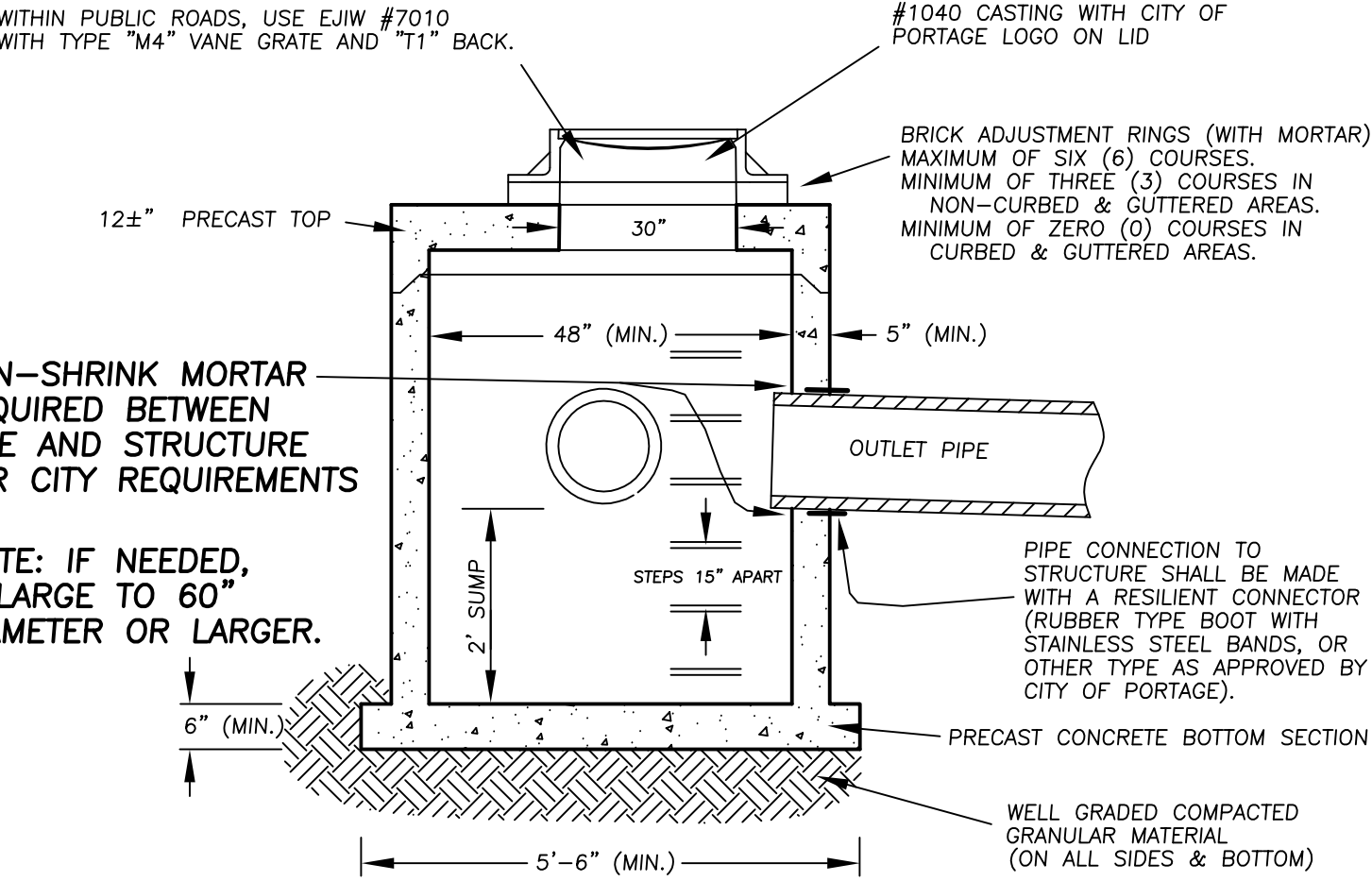
NO SCALE



24" STORM SEWER INLET

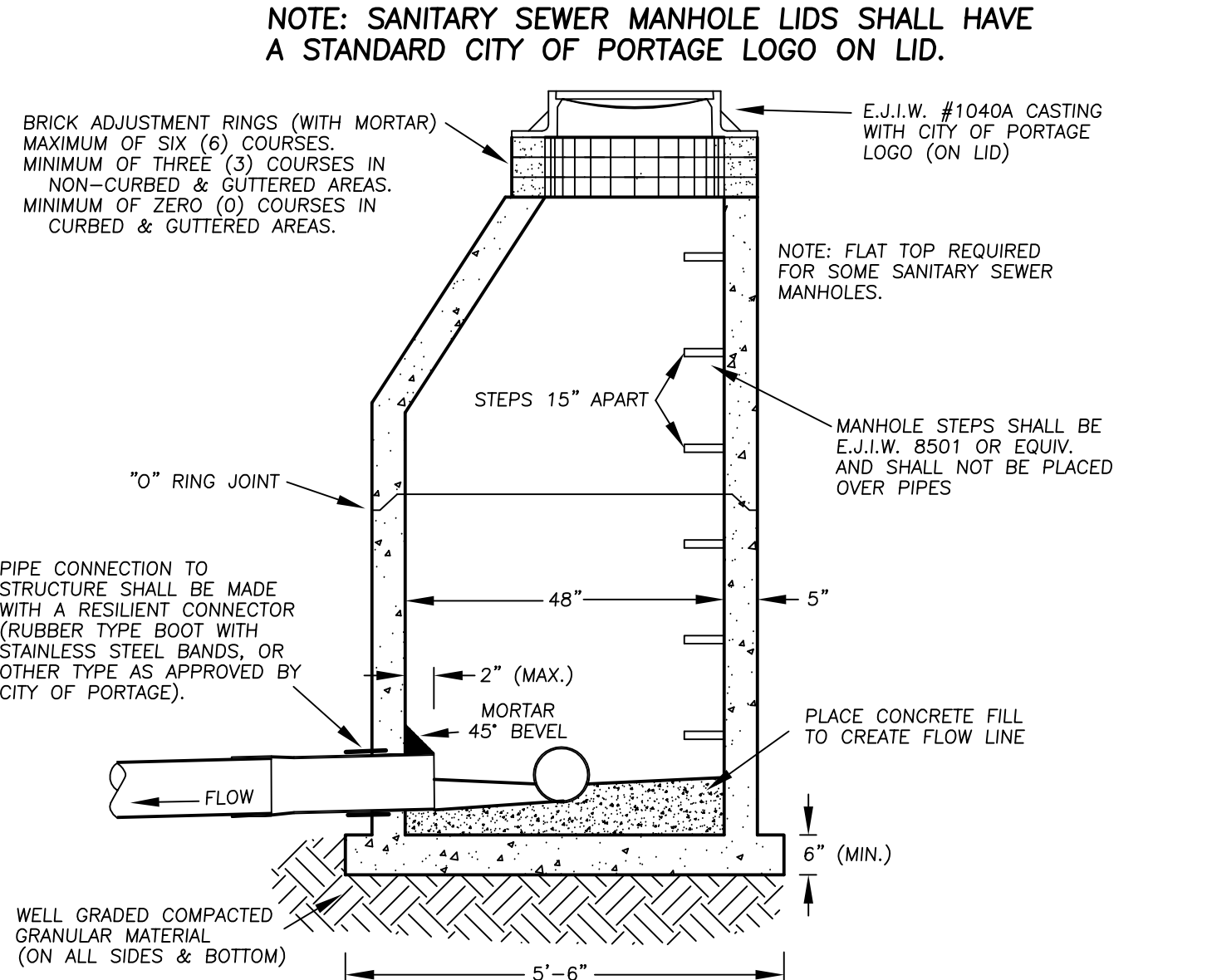
NO SCALE

NOTE: STORM SEWER MANHOLE LIDS SHALL HAVE A STANDARD CITY OF PORTAGE LOGO ON LID AND MANHOLES DO NOT HAVE A SUMP.



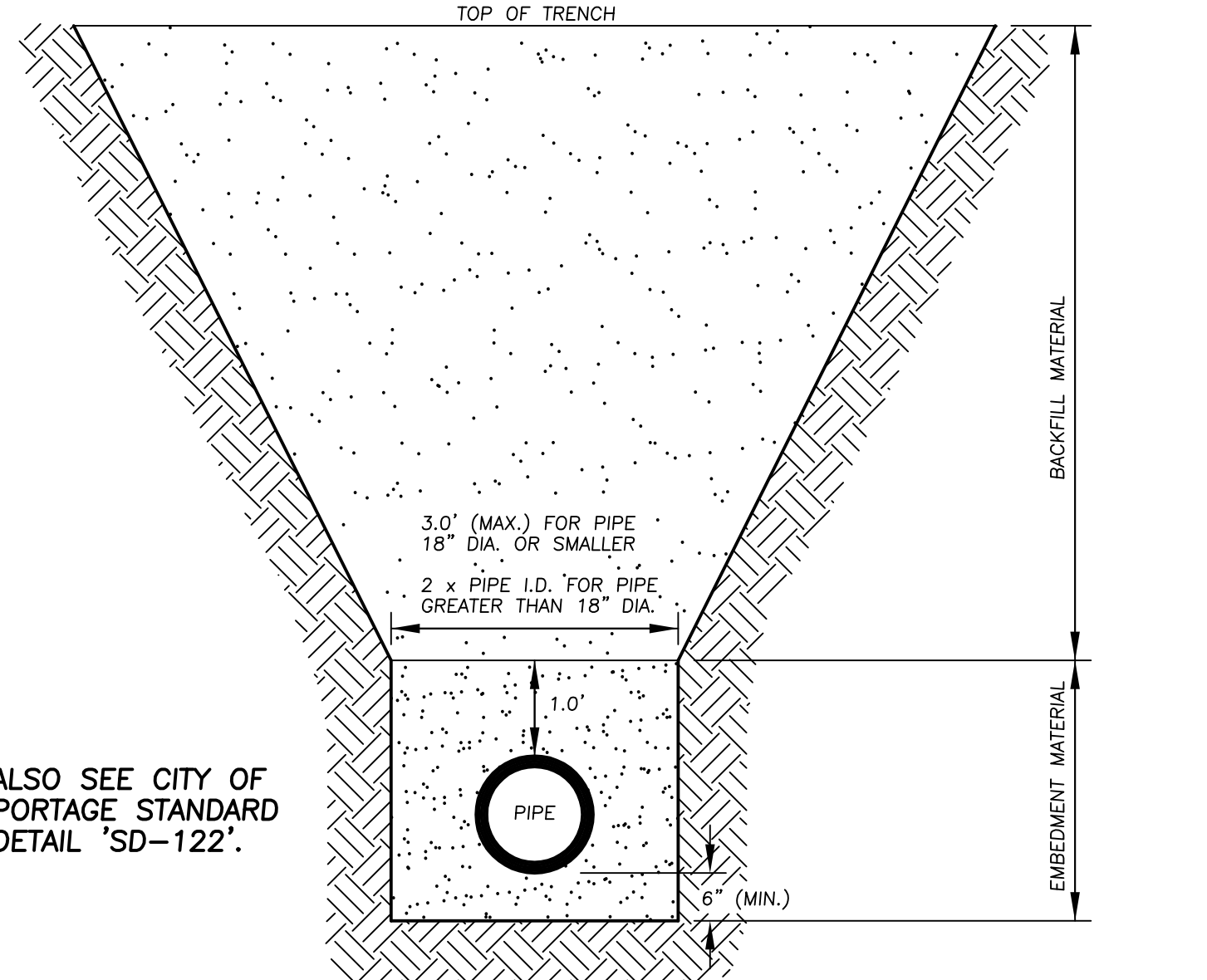
48" STORM SEWER STRUCTURE W/FLAT TOP

NO SCALE



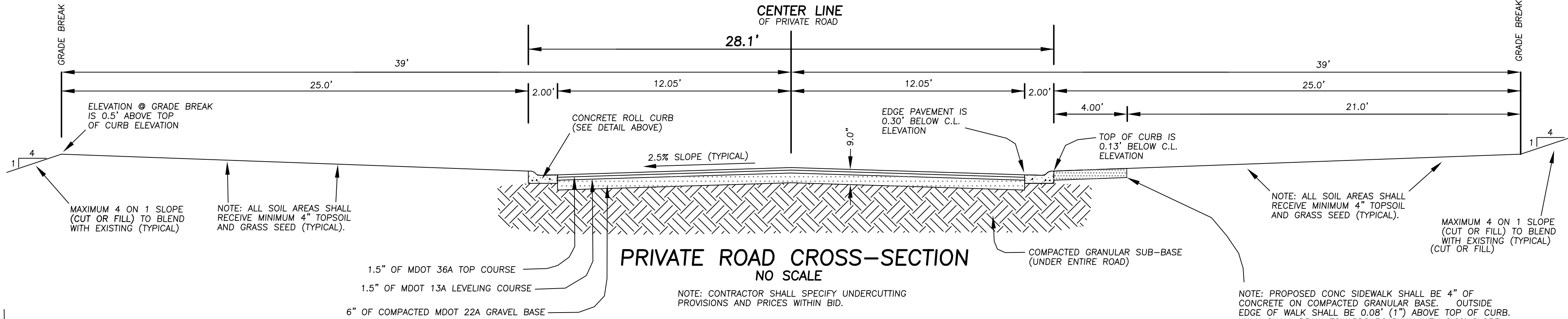
48" SANITARY SEWER MANHOLE

NO SCALE



UTILITY TRENCH DETAIL

NO SCALE



CONSTRUCTION DETAILS & NOTES	
PHASE 3 of STREAMSONG	
NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC.	
Formerly Ingersoll, Watson & McMathen, Inc.	
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165	
REVISED: 03/30/2022	DATE: 8/17/2021
SHEET: 7	JOB No.: 36555-3

TO: Honorable Mayor and City Council

FROM: Adam Herringa, Acting City Manager

SUBJECT: Accept Tentative Plan Amendment for Streamsong Phase 3 Planned Development

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, approve the Tentative Plan Amendment for Streamsong Phase 3 Planned Development, subject to the condition listed in the February 3, 2022 Planning Commission report.

An application has been received from SDV Development, LLC requesting to amend the previously approved 2018 Tentative Plan Amendment and originally approved 2017 Tentative Plan for the Streamsong Planned Development (PD) involving the remaining vacant portion of 715 West Osterhout. Streamsong Phase 3 represents the final phase of the residential condominium development.

The Tentative Plan Amendment proposes to 1) reduce the overall amount of preserved open space by splitting off a 1.4-acre parcel for a future single-family detached home, and 2) allow a 3rd-car garage for approximately 13-14 houses within the Streamsong Planned Development.

In a staff report dated February 3, 2022, the Department of Community Development discusses the proposed tentative plan amendment including the proposed 1.4-acre parcel split for a future single-family detached home, requested the addition of a 3rd car garage for approximately 13 future Streamsong homes, details with regard to past or current required soil erosion permits, potential impacts to the wetlands and an analysis as to whether or not the 1.4-acre parcel should be re-zoned to a different zoning district. Staff provided two paths for advancing the proposed amendment, both with conditions, for the Planning Commission's consideration. Based on the analysis provided in the report, staff supports the proposed Tentative Plan Amendment for Streamsong Planned Development subject to the following condition:

The applicant file a rezone of the future 1.4-acre out-lot from Planned Development (PD) to R-1C as being fully separate from the main Streamsong Condominium Planned Development area and not meeting the intent of the Planned Development zoning district. And that the proposed development of a future single-family house on the out-lot, as described in the project narrative and site drawing, has qualities more similar to the R-1C district development and in the greater neighborhood. Under this condition, the applicant shall file a rezoning application prior to or along with the Final Plan application for Phase 3 of the Streamsong Planned Development.

The Planning Commission convened a public hearing on January 20, 2022, where three public comments were received. The commission voted to continue the public hearing to February 3, 2022, to ensure the commission adequately addressed the neighborhood and Commissioner's concerns about the overall

development impacts discussed during the January 20, 2022 meeting. Five written or verbally expressed concerns were raised between the first and second meeting and were addressed by staff in the Analysis section of the February 3, 2022 staff report. At the February 3, 2022 hearing, one public comment was received. Project representative Pat Flanagan of Monument Engineering Group Associates was present at both meetings to support the application and explain the proposed changes. After careful consideration, the Planning Commission voted 8-1 to recommend to City Council that the Tentative Plan Amendment for Streamsong Planned Development, 715 West Centre Avenue, be approved subject to the above condition contained in the February 3, 2022 staff report.

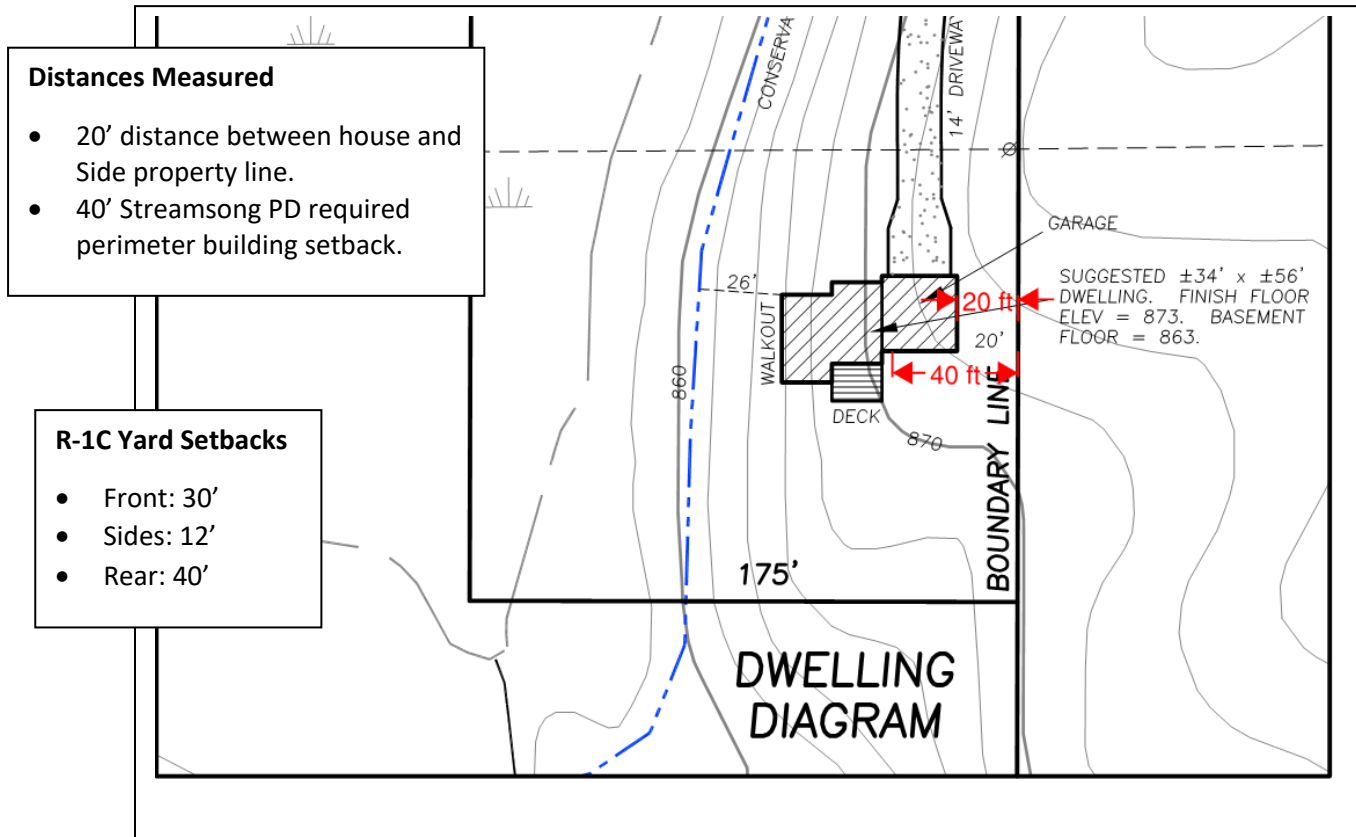
As of March 31, 2022, the applicant has filed the rezoning application for the future 1.4-acre out-lot from Planned Development (PD) to R-1C, which is the initial step toward meeting the condition.

Subsequent to the April 12, 2022, public hearing, it is recommended that City Council consider approving the Tentative Plan Amendment for Streamsong Phase 3 Planned Development, 715 West Osterhout Avenue, subject to the condition listed in the February 3, 2022, Planning Commission report.

FUNDING: Not Applicable

- Attachments:**
1. Communication from Planning Commission Chair dated march 3, 2022
 2. Department of Community Development Staff Report Dated February 3, 2022
With Attachments
 3. Meeting minutes dated January 20, 2022
 4. Meeting minutes dated February 3, 2022

Staff's Measurements



**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

<u>Street Address</u>	<u>Parcel ID Numbers</u>
715 W Osterhout Ave (part)	00033-160-B

From PD, planned development to R-1C, one family residential – as more specifically described:

A parcel of land situated in the Southeast quarter of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows: Commencing at the East quarter corner of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence N. 89°48'40" W. 1329.00 feet along the North line of the Southeast quarter of said Section 33 to the East line of the West half of said Southeast quarter and the Place of Beginning; thence S. 00°08'25" W. 400.00 feet along said West line; thence N. 89°48'40" W. 175.00 feet parallel with said North line; thence N. 00°08'25" E. 400.00 feet parallel with said East line to said North line; thence S. 89°48'40" E. 175.00 feet along said North line to the Place of Beginning, containing 1.61 acres of land.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

Erica Eklov, City Clerk

Approved as to Form:

Date: 8/5/22

By: [Signature]
City Attorney

**ADOPTION OF ZONING ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2022, and will become effective _____, 2022.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Street Address

Parcel ID Numbers

715 W Osterhout Ave

00033-160-B

From PD, planned development to R-1C, one family residential – as more specifically described:

A parcel of land situated in the Southeast quarter of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows: Commencing at the East quarter corner of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence N. 89°48'40" W. 1329.00 feet along the North line of the Southeast quarter of said Section 33 to the East line of the West half of said Southeast quarter and the Place of Beginning; thence S. 00°08'25" W. 400.00 feet along said West line; thence N. 89°48' 40" W. 175.00 feet parallel with said North line; thence N. 00°08'25" E. 400.00 feet parallel with said East line to said North line; thence S . 89°48'40" E. 175.00 feet along said North line to the Place of Beginning, containing 1.61 acres of land.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

Erica Eklov, City Clerk

**FIRST READING
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2022, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2022, at 7:00 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Street Address

Parcel ID Numbers

715 W Osterhout Ave

00033-160-B

From PD, planned development to R-1C, one family residential, or any other classification permitted by law.

As more specifically described: A parcel of land situated in the Southeast quarter of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan, being more particularly described as follows: Commencing at the East quarter corner of Section 33, Town 3 South, Range 11 West, City of Portage, Kalamazoo County, Michigan; thence N. 89'48'40" W. 1329.00 feet along the North line of the Southeast quarter of said Section 33 to the East line of the West half of said Southeast quarter and the Place of Beginning; thence S. 00°08'25" W. 400.00 feet along said West line; thence N. 89'48' 40" W. 175.00 feet parallel with said North line; thence N. 00°08'25" E. 400.00 feet parallel with said East line to said North line; thence S . 89'48'40" E. 175.00 feet along said North line to the Place of Beginning, containing 1.61 acres of land.

PLEASE TAKE FURTHER NOTICE that if the owners of at least twenty percent (20%) of the area of land included in the proposed zoning change, or if the owners of at least twenty percent (20%) of the area of land included within an area extending outward one hundred feet (100') from any point on the boundary of the land included in the proposed change, excluding public right-of-way or other publicly owned land, file a written protest petition against the proposed amendment presented to the City Council before final legislative action on the amendment, a two-thirds vote of the City Council will be required to pass the amendment.

Dated: _____

Erica Eklov, City Clerk

TO: Honorable Mayor and City Council

FROM: City of Portage Planning Commission

DATE: August 4, 2022

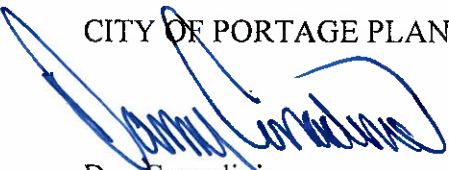
SUBJECT: Rezoning Application # 22/23-1 from Planned Development of Streamsong Phase 3 to R-1C to facilitate a future single family development at 715 W. Osterhout Avenue.

At the July 21, 2022 meeting, the Planning Commission reviewed and discussed rezoning application # 22/23-1 from Planned Development to R-1C One-Family Residential to facilitate a future single family development at 715 W. Osterhout Avenue. Applicant, Pat Flanagan, of Monument Engineering, was present to discuss the rezoning and future intent use of this 1.4-acre site. Four members of the public provided public comments at the meeting, which are noted in the meeting minutes. The rezoning application included a single-family house with a future driveway, outside of wetlands, and complying with the R-1C yard setbacks. If the rezoning is approved, the applicant is expected to submit permits to construct the future house and associated improvements.

The Planning Commission voted unanimously (7-0) to recommend to City Council that rezoning application # 22/23-1 from Planned Development of Streamsong Phase 3 to R-1C to facilitate a future single family development at 715 W. Osterhout Avenue, be approved.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Dan Corradini
Chairman

Attachments: July 21, 2022 Planning Commission meeting minutes.

CITY OF PORTAGE PLANNING COMMISSION

Thursday, July 21, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of July 21, 2022, was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, City Planner
- Catherine Kaufman, City Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Patrick McGinnis, City Manager

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (excused); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (absent*); Youngs (yes); Casper (excused); and Freiman (yes).
Commissioner

Commissioner Baldwin motioned to excuse Vice Chair Joshi, Commissioner Casper, and Commissioner Adams. Commissioner Pezzoli supported the motion. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Commissioner Pezzoli, seconded by Commissioner Youngs to approve the Planning Commission Meeting Minutes of June 16, 2022. Motion carried 6-0.

*Adams arrived after Approval of Minutes.

PUBLIC HEARINGS

1) An application for seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Avenue.

Mr. Feldt summarized the request, site conditions, the proposal which is for a warehouse with two future expansions, and the site drawings. He discussed the applicable zoning regulations: Sec 42-480 thru 485 - Site Plan Review, Sec 42-350 & 350(B)(footnote 6(c) - Building Height Flexibility, and Sec 42-573(F) - Alternative Conflicting Land Use Screening. He provided an overview of public comments received by staff which had concerns about perceived impacts to wildlife, vegetation removal, and emergency access drive. Mr. Feldt indicated that staff finds the project meets the applicable zoning regulations and, therefore, recommends approval with the five conditions outlined in the report. Commissioners inquired about a series of topics, including the definition of a speculative warehouse, soil contamination, the emergency access road, storm water management, and site access management.

Applicant, Jeff Smoke, Great Lakes Capital and Industrial Partners USA, of 112 West Jefferson South Bend, Indiana, provided information and answers to questions by Commissioners. Chairman Corradini opened the public hearing.

Maria Castle, 415 Dawnlee Ave, asked about project access to Dawnlee Avenue, inquired about the recent tree clearing, and what permits are required for the project. Staff detailed reiterated that there will be an gated emergency access at the end of Dawnlee Avenue for Fire Department use only and that construction vehicles will access the site through E. Milham Avenue along with employees. Staff confirmed that the City currently does not require a permit for tree clearing.

David VanDyke 213 Dawnlee Ave, asked if there will be landscape screening at the gate on Dawnlee. Mr. Feldt stated there will be no screening at the gate but noted the access road is designed to limit views of the warehouse.

There being no further public comment, Commissioner Baldwin motioned to close the public hearing. Commissioner Pezzoli seconded the motion. Motion carried 7 to 0. Commissioner Baldwin inquired about height of the gate. Mr. Feldt stated he will check the site plan and provide the specification.

Commissioner Pezzoli motioned to approve the application seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Ave with the five conditions:

- 1) Prior to issuance of a building permit, a landscape plan shall be submitted showing coniferous trees to be planted on the subject site immediately east of 425 Dawnlee Avenue and the opening near 429 Boston Avenue, consistent with ordinance requirements, for the City of Portage review and approval.
- 2) Prior to construction of the public water main, a public utility plan shall be submitted and approved by the City of Portage.
- 3) A new site plan application shall be submitted and reviewed by the Planning Commission prior to construction of any future building additions shown on the current site plan drawings.
- 4) Final stormwater design must be approved by the City of Portage.
- 5) Final execution of a site plan development agreement between the developer and the City of Portage.

Commissioner Fries supported the motion. The Motion passed 7-0.

2) A rezoning application No. 22/23-1 to rezone 1.4 acres of land currently located at 715 W. Osterhout Avenue from Planned Development to R-1C One-Family Residential District to facilitate a future single family detached house development.

Mr. Feldt summarized the request to rezone 1.4 acres of the previously approved Streamsong Phase 3 site plan. He discussed the applicable zoning code Sec 42-651, City Comprehensive Plan, neighborhood harmony elements, and the R-1C requirements. He clarified that approval does not include any approval of submitted conceptual site plans. Commissioner Adams inquired if the PD needs to be amended for the project. Mr. Feldt stated that it does and that the associate Final Plan approval is the next item on the agenda.

Applicant, Pat Flanagan, of Monument Engineering, 1209 East Milham Suite B, Portage, discussed the rezone and future intent of this 1.4-acre area. Commissioner Adams asked about the slope of the site and if there are plans to build a retaining wall. Applicant stated they did not expect a retaining wall but the dwelling potentially being a walkout on the west side.

Chairman Corradini opened the public hearing.

Tammy Pojar 380 West Osterhout Avenue, stated opposition to the rezoning of the Planned Development because the site is part of a wetland.

Carolyn Everts 10607 Gracie Lane, also stated opposition to the rezoning and that in the past the Streamsong site plan had been approved without a sidewalk. She continued that she had requested a crosswalk for W. Osterhout Avenue but they were denied because there was no sidewalk.

Jeff Pojar, 380 West Osterhout Avenue expressed opposition of the rezoning of the lot because the area is a part of a wetland and wildlife area.

Troy Meier, 420 West Osterhout Avenue, stated opposition and that the lot is not a reasonable place to develop especially given the amount of development behind the property.

Mr. Flanagan responded that this parcel is five times as big as the City's minimum lot size and that 7/10ths of the subject parcel is not wetland. Chairman Corradini stated the commission takes every citizen's comments very seriously, expressed appreciation for the members of the public that spoke, and that there will be another opportunity to speak in front of City Council.

Chairman Corradini motioned to close the public hearing and Commissioner Baldwin supported the motion. Motion passed 7-0.

Commissioner Fries motioned to recommend to City Council the rezoning of 1.4 acres of land located at 715 W. Osterhout Avenue from PD to R-1C District to facilitate a future single-family home. Commissioner Pezzoli supported the motion. Motion passed 6-1; Freiman (no)

SITE/FINAL PLANS

A Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue.

Mr. Feldt provide the history of the Streamsong Condominium Planned Development project, and summarized the applicant's proposed amendments of 1) split off the 1.4 acres are in the Northeast; and 2) allow 13 homes to have 3-car garage which were earlier supported by the Planning Commission and City Commission earlier in the year. A summary of public comments received in opposition to the amendment detailed perceived impacts to wetlands, environment and ecosystem. Public comments were addressed in the staff report.

A discussion of the sidewalk issue commenced among Commissioners, and a series of questions and answers by staff ensued related to sidewalk installation and current conditions along Osterhout Ave. Applicant, Pat Flanagan with Monument Engineering 1209 East Milham Suite B, Portage, stepped forward. He discussed the overall reduction in total units, the planned internal sidewalks and trail, and nature trail. Mr. Flanagan indicated that building a sidewalk along W. Osterhout Avenue comes with challenges such as navigating around an existing guardrail, existing sewer lift station, and difficult grades within the area. A more strategic method would be installing a sidewalk in the future when the Osterhout Avenue corridor is evaluated as a whole, and a engineering determinations can be made related to sidewalk feasibility and location.

Commissioner Pezzoli motioned to recommend to City Council approval of the Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue with the following condition: prior to construction of the public water and sewer mains a public utility plan shall be submitted and approved by the City of Portage. Commissioner Adams asked to add a condition for pedestrian crossing. Commissioner Pezzoli asked if that was within the power of the Commission or the Administration. Mr. Feldt stated the City can review a pedestrian crossing request of the Commission between the entrance of Streamsong Condominium and Schrier Park and report back to the Commission. Commissioner Pezzoli accepted the amendment. Commissioner Adams supported the motion. Motion passed 7-0.

NEW BUSINESS

An additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lovers Lane.

Mr. Feldt summarized the proposed use and building dimensions, showed pictures of existing conditions, provided a zoning map, and discussed the applicable zoning codes. He indicated that staff finds the proposal to be consistent with Sec 42-121(B)(b)(3). Commissioner Adams inquired if there is a limit to the number of accessory buildings allowed on an R-1B lot. Mr. Feldt stated no but there is an indirect limit through a 10% limit based on lot size. He also stated that the overall resulting coverage of this project will be minimal.

Applicant, Nemesio Ladkrood 7146 Lover's Lane, stepped forward to present the project and answer questions from the Commission.

Commissioner Adams asked why staff did not recommend the removal of the other accessory buildings. Mr. Feldt stated it is built into the overall project. Attorney Kaufman stated the Commission can include a condition, but Mr. Feldt did not see it as necessary. The Commission discussed whether or not to add a condition requiring the removing of existing accessory buildings after the proposed building is construction. No condition was recommended.

Commissioner Pezzoli motioned to approve the additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lover's Lane. Chairman Corradini supported the motion. Motion passed 7-0.

Chairman Corradini motioned to table the last following items of the agenda to August 4th Planning Commission meeting:

- FY 2021-22 Planning Commission Work Program Report and Proposed FY 2022-23 Work Program.
- Election of Officers

The motion was supported by Commissioner Freiman. Motion passed 7-0.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

None.

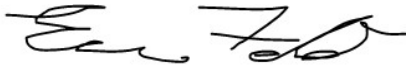
STATEMENT OF STAFF

Mr. Feldt provided follow-up information to the Commission related to the site plan for 801 East Milham to confirm a 4-foot chain link fence with two, 12-foot swinging gates for emergency only fire department access via Dawnlee Ave.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Eric Feldt', written in a cursive style.

Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3 at 715 W. Osterhout Avenue

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Approve the Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 West Osterhout Avenue, subject to the approval of a public utility plan by the City of Portage prior to construction of the public water and sewer mains.

SDV Development LLC, seeks Final Plan approval for Streamsong Phase 3 residential Planned Development amendment at 715 W. Osterhout Avenue to 1) allow 13 more third car garages and, 2) allow the separation of 1.4 acres for a future single-family house. The applicant obtained Tentative Plan Amendment approval for those two changes from the Planning Commission with an 8-1 vote on February 3, 2022, and City Council approval with a vote of 5-2 on April 12, 2022. The granted Tentative Plan Amendment approval was conditioned on the applicant filing a rezoning application to facilitate the future single-family house. The applicant has filed a separate rezoning application under case No. 22/23-1; please see the separate agenda item for staff analysis and Planning Commission recommendation.

OVERVIEW

In 2017, the original Streamsong Planned Development obtained Tentative Plan and Rezoning approval to allow the development of 102 single-family attached and detached condominium homes, new internal streets and utilities, preservation of open space, and a new pedestrian trail. The land was rezoned from R-1C Single Family Residential to Planned Development (PD). Housing types consist of single-story condominiums with 2- to 3-bedrooms, with/without walk-out basements, attached two-car garages, and sizes ranging from 1,550-1,850 square feet. A Homeowners Association (HOA) would be established to maintain new internal private streets, clubhouse and pool, and pedestrian trail, as well as the exterior of homes, gutters, lawns, sidewalks, and driveways. The overall density consists of 2.6 homes/acre (102 units on a 39-acre site).

The development would be built in three phases. Phases 1 and 2 were approved with several amendments, consisting of 1) reducing future home sizes down to 1,218-1,499 square feet for up to 41 future homes; 2) reducing the overall housing units from 102 to 97 (new density of 2.4 homes/ acre); and 3) establishing a revised count of 68-77 detached homes and 19-29 attached homes. Phase 1 is completed and consists of 21 condominiums. Phase 2 is nearing completion with 28 condominiums. Site preparation for Phase 3 began this past spring with the removal of vegetation and regrading of topography. An approved Soil Erosion permit has been issued to allow grading work and no permit is required for vegetation clearing. Public comment was received with concerns about impacts on the wetlands, removal

of trees along West Osterhout Avenue causing visual impacts on existing homes in the area, impacts on wildlife, and whether or not a future home on the 1.4-acre site can be built. These concerns were addressed during previous Planning Commission and City Council meetings. The applicant has also submitted a land division to formally separate the 1.4-acre parcel.

ANALYSIS

The Planned Development review process involves the following two steps per Sec. 42-375:

- Step 1: Tentative Plan review (Items A-G, Sec 42-375) identifies part(s) or whole project features; analyzes the impact on neighborhoods, streets, utilities, and the natural environment; and determines consistency with adopted local plans. This step was completed.
- Step 2: Final Plan review (Items H-M, Sec 42-375) identifies and analyzes detailed drawings of project improvements (streets, utilities, lot dimensions, etc.). The application is at this step.

The applicant has submitted an application and drawings addressing items H - M Standards for the final plan. No changes are proposed between the approved Tentative Plan amendment and the submitted Final Plan drawings for Phase 3. A detailed analysis of the two proposed changes is addressed under the attached Tentative Plan amendment staff report dated February 3, 2022. Phase 3 includes a total of 48 condominiums. 16 units will be attached via a short wall, while the remaining units will be detached condominiums. Further, a connecting pedestrian path between the “B” Drive cul-de-sac and clubhouse and a nature trail at the southeastern edge of the overall development will be developed under the Final Plan. Additional coniferous tree plants are proposed immediately south of West Osterhout Avenue.

After careful consideration, the Commission voted unanimously (7-0) to recommend to City Council the approval of the Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 West Osterhout Avenue with the following condition:

- Prior to construction of the public water and sewer mains, a public utility plan shall be submitted and approved by the City of Portage.

RECOMMENDATION

It is therefore recommended that City Council approve the Final Plan for the Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 West Osterhout Avenue, subject to the approval of a public utility plan by the City of Portage prior to construction of the public water and sewer mains.

FUNDING: Not Applicable

- Attachments:**
1. Applicant's Development Application
 2. Streamsong Final Plan Drawing
 3. Excerpt from 4.12.22 Council Packet; Tentative Plan Streamsong Ph. 3 Background Materials from Jan 20 and Feb 3 Planning Commission Meetings
 4. Staff's Site Pictures; 7.12.22
 5. PCMin07212022 - PC Approved

AUG 20 2021

Department of Community Development

7900 South Westnedge Avenue • Portage, Michigan 49002 • (269) 329-4477

Applicant must complete all items in Sections 1 through 5, if applicable.

Please note: Separate applications must be submitted for Plumbing, Mechanical, and Electrical Work Permits.

COMMUNITY DEVELOPMENT

1. PROJECT INFORMATION			
PROJECT NAME Phase 3 of "Streamsong"		ADDRESS 715 West Osterhout Ave., Portage, MI 49024	
2. IDENTIFICATION			
A. OWNER			
NAME SDV Development, LLC		ADDRESS 3820 Stadium Drive	
CITY Kalamazoo	STATE MI	ZIP CODE 49008	TELEPHONE NUMBER (269) 375-3820
B. ARCHITECT OR ENGINEER			
NAME Pat Flanagan / Ingersoll		ADDRESS 1209 East Milham Road, Suite B	
CITY Portage	STATE MI	ZIP CODE 49002	TELEPHONE NUMBER (269) 344-6165
LICENSE NUMBER 38170		EXPIRATION DATE 7/30/2023	
C. BUILDING CONTRACTOR			
NAME N/A		ADDRESS	
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
BUILDING LICENSE NUMBER		FEDERAL EMPLOYER NUMBER OR REASON FOR EXEMPTION	
FEDERAL EMPLOYER NUMBER OR REASON FOR EXEMPTION		FEDERAL EMPLOYER NUMBER OR REASON FOR EXEMPTION	
D. TYPE OF DEVELOPMENT PROJECT			
☐ SITE PLAN ☐ BUILDING PLAN ☒ FINAL PLAN IN PLANNED DEVELOPMENT ☐ SUBDIVISION ☐ PRELIMINARY ☐ FINAL PRELIMINARY ☐ FINAL ☐ CONDOMINIUM (SINGLE FAMILY DETACHED) ☐ TENTATIVE ☐ ENGINEERING ☐ ACCEPTANCE ☐ LAND DIVISION REQUIRING PUBLIC IMPROVEMENTS ☐ LANDSCAPE PLAN ☐ PUBLIC SANITARY SEWER MAIN ☐ PUBLIC WATER MAIN ☐ OTHER _____			
3. PROJECT TYPE / BUILDING DATA			
PROJECT DESCRIPTION Proposed Condominium with public sanitary sewer, public water main, private storm sewer, private roadways and associated improvements.			
SPECIAL FLOOR AREA ☐ NEW BUILDING _____ ☐ ADDITION _____ ☐ ALTERATION _____ ☐ REPAIR _____		CLASSIFICATION FOR BUILDING CODE BUILDING USE _____ CONSTRUCTION TYPE _____ NO. OF OCCUPANTS _____ AREA/FLOOR _____ NO. FLOORS _____	
		PROJECT VALUATION \$ pending	

SELECTED CHARACTERISTICS OF BUILDING

A. WATER METER SIZE

MINIMUM 1/2" 3/4"

N/A

☐ 5/8" ☐ 3/4" ☐ 1" ☐ 1-1/2" ☐ OTHER _____ ☐ IRRIGATION SIZE _____ ☐ FIRE SPRINKLER SIZE _____

B. ELECTRICAL SERVICE SIZE

N/A

☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☐ OTHER _____

C. TYPE OF MECHANICAL

N/A

AIR CONDITIONING? ☐ YES ☐ NO FIRE SUPPRESSION? ☐ YES ☐ NO HOOD SYSTEM? ☐ YES ☐ NO

4. CONSTRUCTION PLANS SUBMITTED

REQUIRED SUBMITTALS FOR PLAN REVIEW

(Plans shall be signed and sealed when required in accordance with State of Michigan Act No. 289 of Public Acts of 1980.)

All plans shall be drawn on uniform sheets no greater than 36"x42".

All plans shall be drawn to an architectural scale.

All plans shall be clear, legible and accurate.

Plans shall be stapled along the left margin.

TYPE OF PLAN SUBMITTED

YES NO NA

BUILDING CODE: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plans, details, roof plan, roof finish schedule, door schedule, roof live and dead loads.

ELECTRICAL CODE: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

BUILDING ☐ ☐ ☐

PLUMBING CODE: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan. Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

ELECTRICAL ☐ ☐ ☐

MECHANICAL CODE: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

PLUMBING ☐ ☐ ☐

ENERGY CODE: Floor plans, building sections, details, average annual degree days, exterior envelope component materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

MECHANICAL ☐ ☐ ☐

PLEASE NOTE - Additional plan review fee(s) required for all non-concurrent plan submittals.

5. APPLICANT INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

NAME SDV Development, LLC		TELEPHONE NUMBER (269) 375-3820	
ADDRESS 3820 Stadium Drive	CITY Kalamazoo	STATE MI	ZIP CODE 49008

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN AND ORDINANCES OF THE CITY OF PORTAGE. ALL INFORMATION SUBMITTED ON THE APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.



8/16/2021

SIGNATURE OF APPLICANT

Mike Seelye / SDV Development, LLC

DATE

VALIDATION - FOR DEPARTMENT USE ONLY

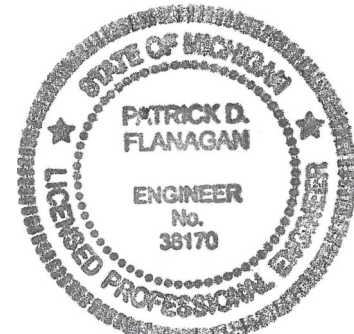
USE GROUP _____ APPLICATION NO. _____

TYPE OF CONSTRUCTION _____ DATE APPLICATION RECEIVED _____

PLAN REVIEW SUBMITTED? ☐ YES ☐ NO FEES RECEIVED _____ INVOICE # _____

FINAL PLAN for PHASE 3 of 'STREAMSONG' CONDOMINIUM in PORTAGE, MICHIGAN

NOTE: "STREAMSONG" IS A CONDOMINIUM WITH PRIVATE STREETS.

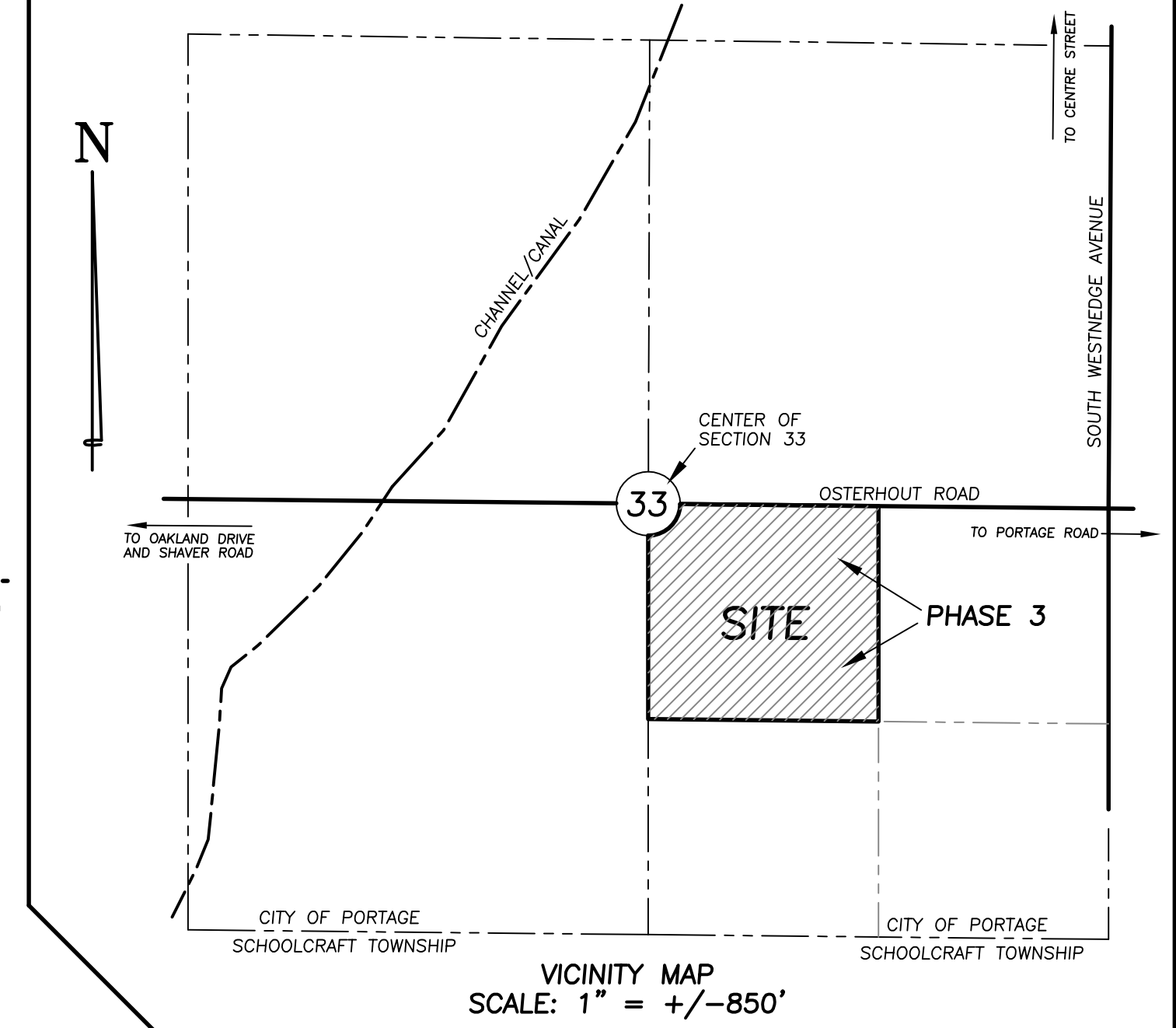


Pat Flan

ENTIRE PROPERTY = 39.0 ACRES
ADDRESS = 715 W. OSTERHOUT AVE.
CURRENT ZONING = PD

PARCEL DESCRIPTION (ALL PROPERTY):

A parcel of land situated in the Southeast quarter of Section 33, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan being more particularly described as follows:
The Northwest 1/4 of the Southeast 1/4 of Section 33, Town 3 South, Range 11 West.



100' 0' 100' 200' 300'

NOTE: WITHIN EXISTING PHASES 1 AND 2, SOME DWELLING UNITS HAVE BEEN BUILT, SOME ARE UNDER CONSTRUCTION, AND SOME HAVE NOT YET BEEN CONSTRUCTED. POOL AREA (POOL, CLUBHOUSE, & PARKING LOT) IS COMPLETE.

FIRE DEPT. NOTES

COMBUSTIBLE BUILDING CONSTRUCTION SHALL NOT COMMENCE UNTIL FIRE HYDRANTS ARE OPERABLE AND AN ALL WEATHER ROAD SURFACE IS IN PLACE.
THE FIRE FLOW FOR EACH BUILDING IS 1000 GPM FROM ONE HYDRANT WITHIN 400' OF ALL PORTIONS OF THE BUILDING. THIS FLOW IS BASED ON THE FLOOR AREA OF ALL FLOORS INCLUDING BASEMENT FOR A BUILDING OF TYPE V-B CONSTRUCTION. SHOULD A BUILDING EXCEED 3600 SQUARE FEET, THE MINIMUM FIRE FLOW WILL BE BASED ON THE SIZE AND TYPE OF CONSTRUCTION FOR THAT BUILDING.
FIRE APPARATUS ACCESS ROADS 26.1 TO 32 FEET WIDE SHALL BE POSTED ON ONE SIDE AS A FIRE LANE.
ALL STREETS WILL BE WIDE ENOUGH TO ALLOW PARKING ON ONE SIDE OF THE STREET PER THE FIRE CODE.

PROPOSED PHASE 3
= 47 UNITS

AREA INFORMATION:

AREA (EXCLUDING OSTERHOUT AVE) = 39.0 ACRES
AREA OF CONSERVATIVE WETLAND = ±6.35 ACRES
UNDEVELOPED AREA EAST OF CONSERVATIVE WETLAND = ±3.92 ACRES
DEVELOPMENT AREA WEST OF CONSERVATIVE WETLAND = ±28.73 ACRES

NOTE: ALL MDEQ & EGLE APPROVALS AND PERMITS SHALL BE OBTAINED PRIOR TO STARTING UTILITY INSTALLATION. EROSION CONTROL PERMIT SHALL BE OBTAINED FROM THE CITY OF PORTAGE PRIOR TO ANY EARTHMOVING ACTIVITIES (INCLUDING APPROVED S.E.S.C. PLAN).

PHASE DATA

EXISTING PHASE 1: (2017/2018 CONSTRUCTION)
OF UNITS = 29 (PLUS 1 POOL CLUBHOUSE)
AREA = 9.51 ACRES (EXCLUDES OSTERHOUT R/W AREA)
DENSITY = 30 BUILDINGS / 9.51 AC. = 3.15 BUILDINGS/ACRE

EXISTING PHASE 2: (2020 CONSTRUCTION)
OF UNITS = 21
AREA = 6.42 ACRES
DENSITY = 21 UNITS / 6.42 AC. = 3.27 UNITS / ACRE

PROPOSED PHASE 3:
47 UNITS & 1 DWELLING / 23.03 ACRES = 2.08 HOUSES/AC.

SITE DATA (ENTIRE SITE):

SITE AREA = 39.0 ACRES
OF SHOWN DWELLINGS = 98
NET DENSITY = 98 DWELLINGS/39.0 ACRES = 2.51 DWELLINGS PER ACRE

CONDOMINIUM UNIT AREA = INTERIOR OF DWELLINGS
GENERAL COMMON AREA = ROADWAYS, NATURAL AREAS, AND NON YARD AREAS
LIMITED COMMON AREAS = YARD AREAS AROUND EACH DWELLING

GENERAL NOTES:

- 1) SUBJECT PROPERTY CONTAINS 39.0 ACRES AND IS CURRENTLY ZONED "PD".
- 2) SHOWN PROPERTY LINE LOCATIONS AND DIMENSIONS TAKEN FROM PRIOR SURVEY WORK BY THIS OFFICE.
- 3) SHOWN ELEVATION CONTOURS AND TOPOGRAPHIC INFORMATION TAKEN FROM TOPOGRAPHIC MAP PREPARED BY OTHERS.
- 4) SITE SHALL BE SERVED BY PUBLIC WATER MAINS AND SANITARY SEWERS.
- 5) ALL PROPOSED ROADWAYS SHALL HAVE A MINIMUM WIDTH OF 26.1 FEET BETWEEN BACKS OF CONCRETE ROLL CURBS AND SHALL BE PRIVATE. ALL STREETS SHALL BE PAVED AND SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH CITY REQUIREMENTS.
- 6) 4 FOOT WIDE CONCRETE SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL PROPOSED STREETS.
- 7) STREET NAMES ARE PENDING.
- 8) SITE IS PRIMARILY WOODED.
- 9) PROPOSED STORM SEWER SYSTEM SHALL BE PRIVATE AND SHALL BE OWNED AND MAINTAINED BY THE ON-SITE CONDOMINIUM ASSOCIATION.
- 10) STREET LIGHTS, STREET SIGNS, TRAFFIC CONTROL, AND LANDSCAPING SHALL BE PROVIDED.
- 11) ALL ON SITE DWELLING CONSTRUCTION SHALL COMPLY WITH CITY OF PORTAGE AND STATE OF MICHIGAN CONSTRUCTION CODES (INCLUDING FOOTING DESIGN NEAR GROUNDWATER IF APPLICABLE).
- 12) THE MAXIMUM NUMBER OF DWELLINGS ON SITE (PER FINAL PLAN) SHALL BE 102.
- 13) OFF-STREET PARKING SPACES MAY BE INCORPORATED IN CERTAIN AREAS.
- 14) ONLY SINGLE FAMILY DETACHED UNITS ARE ALLOWED ALONG WEST PROPERTY LINE.
- 15) EROSION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED.
- 16) SANITARY SEWER AND WATER MAIN CONSTRUCTION PERMITS SHALL BE OBTAINED FROM THE STATE OF MICHIGAN (E.G.L.E.) AS REQUIRED.

BUILDING SETBACK INFORMATION:

MINIMUM DISTANCE BETWEEN BUILDINGS: 20.0'
MINIMUM DISTANCE BETWEEN BACK OF CURB AND FRONT OF BUILDING/GARAGE: 25.0'
MINIMUM PERIMETER REAR YARD SETBACK: 40.0'

BUILDING SIZE INFORMATION:

NO MORE THAN 40% OF THE DWELLINGS WITHIN STREAMSONG SHALL HAVE A FIRST FLOOR SQUARE FOOTAGE OF 1218 TO 1499. AT LEAST 60% OF ON-SITE DWELLINGS SHALL HAVE A FIRST FLOOR SQUARE FOOTAGE OF 1500-2000.

SHEET INDEX:

- 1) COVER SHEET
- 2) LAYOUT PLAN
- 3) UTILITY PLAN
- 4) GRADING PLAN
- 5) PLAN & PROFILE SHEET (NORTH PORTION)
- 6) PLAN & PROFILE SHEET (SOUTH PORTION)
- 7) CONSTRUCTION DETAILS & NOTES

OWNER & APPLICANT:
SDV DEVELOPMENT, LLC
3820 STADIUM DRIVE
KALAMAZOO, MI 49008
(269) 375-3820

COVER SHEET for FINAL PLAN for
PHASE 3 of STREAMSONG
NW 1/4 of the SE 1/4 of SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN
MONUMENT ENGINEERING GROUP ASSOC., INC.
Formerly Ingersoll, Watson & McMachen, Inc.
1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185

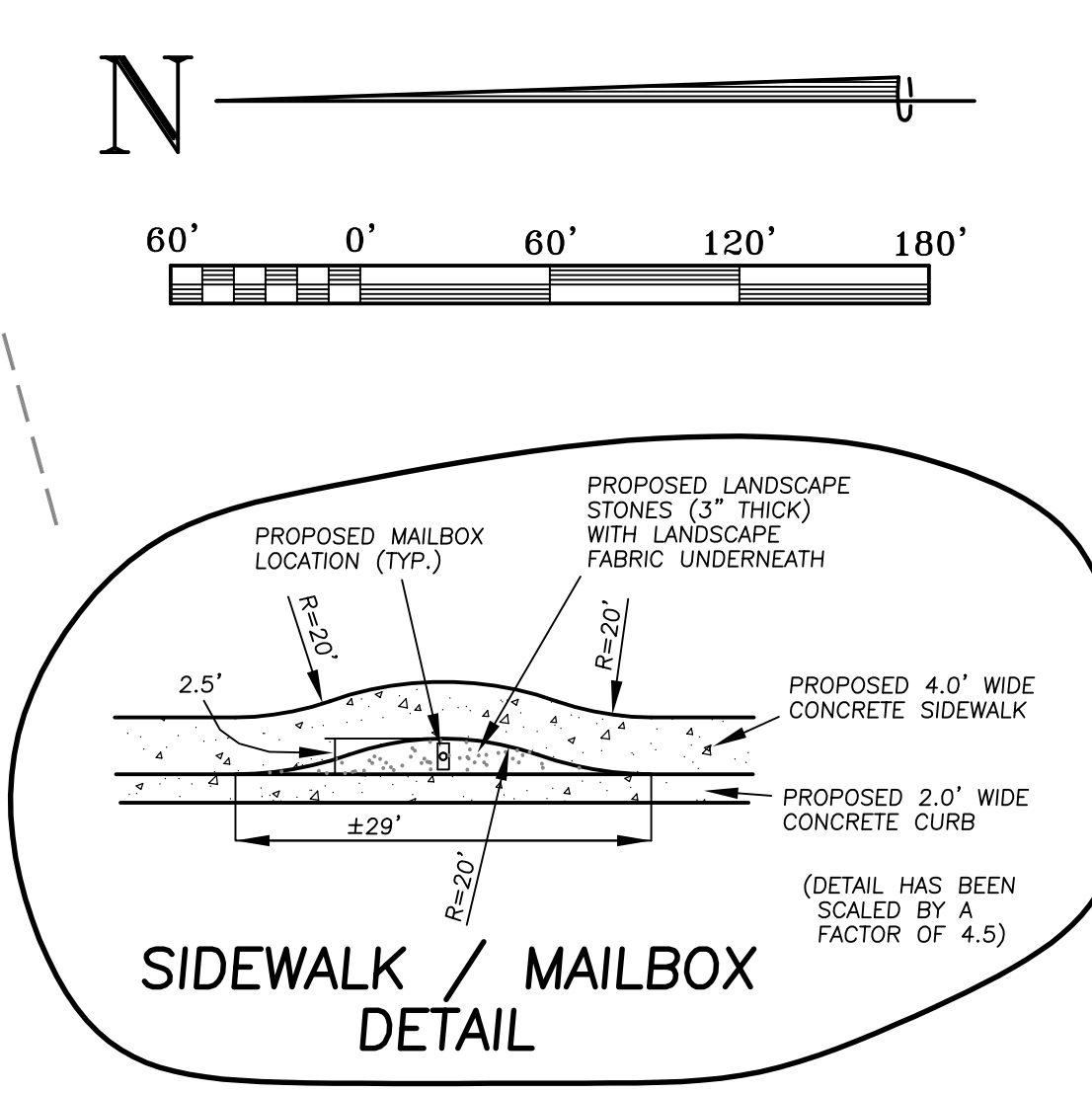
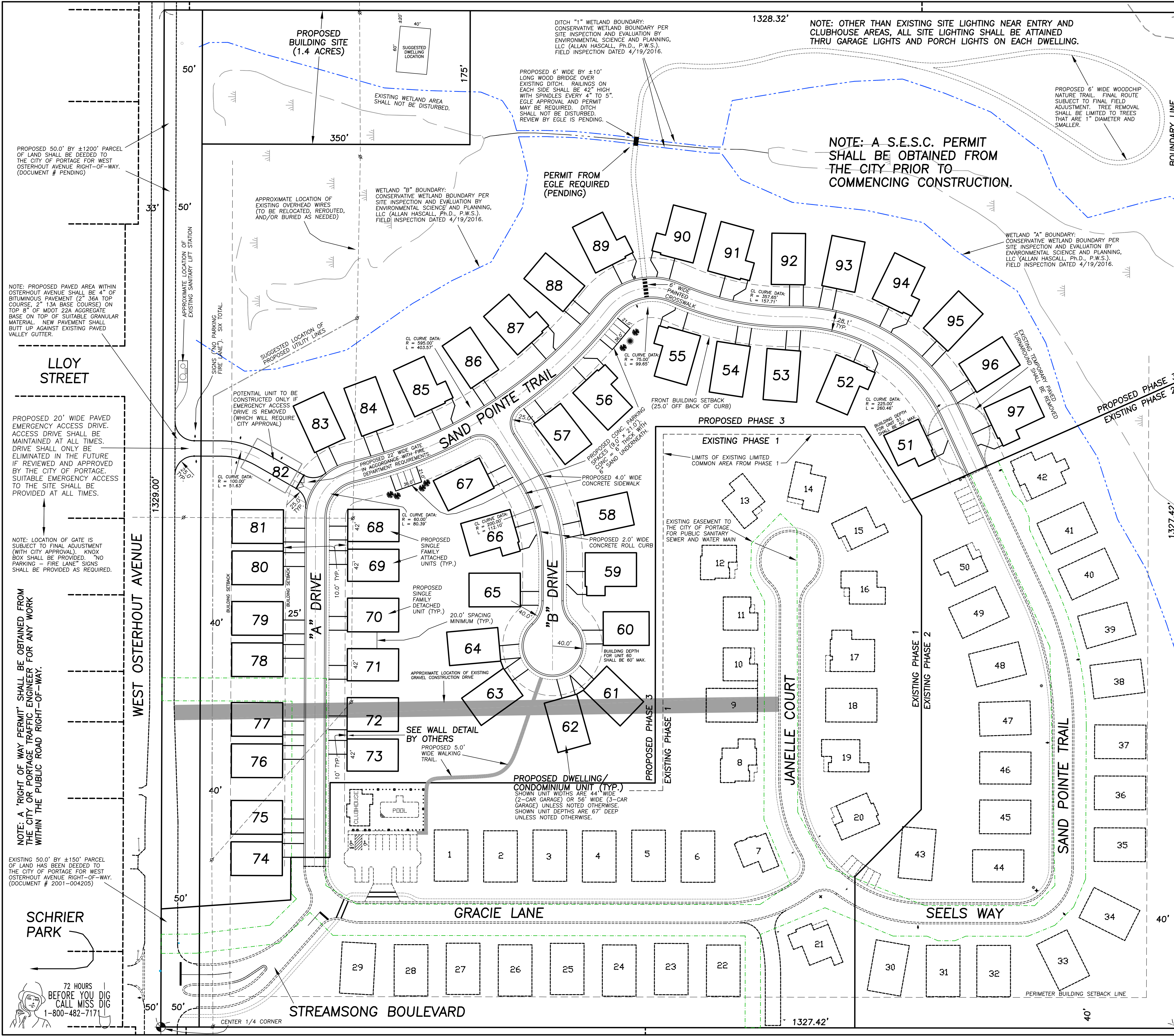
REVISED: 05/26/2022
REVISED: 03/30/2022
REVISED: 11/30/2021

DATE:
8/17/2021

SHEET:
1

JOB No.:
36555-3





NOTE: ON-SITE SPEED LIMIT SHALL BE 25 M.P.H.
(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY CITY OF PORTAGE OR DESIRED BY OWNER)

BUILDING SETBACK INFORMATION:
MINIMUM DISTANCE BETWEEN BUILDINGS: 20.0'
MINIMUM DISTANCE BETWEEN EDGE OF PAVEMENT AND FRONT OF BUILDING OR GARAGE: 25.0'
MINIMUM PERIMETER REAR YARD SETBACK: 40.0'

BUILDING SIZE INFORMATION:
THERE ARE 97 CONDOMINIUM DWELLINGS WITHIN STREAMSONG. AT LEAST 60% OF THOSE (59 UNITS) SHALL HAVE A FIRST FLOOR AREA OF 1500 SQUARE FEET OR GREATER. NO MORE THAN 38 UNITS SHALL HAVE A FIRST FLOOR AREA OF 1218 TO 1499 SQUARE FEET. ALL UNITS MUST HAVE A FIRST FLOOR AREA OF AT LEAST 1218 SQUARE FEET. NOTE THAT 'FIRST FLOOR AREA' EXCLUDES GARAGE AREA.

- GENERAL NOTES:**
- 1) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
 - 2) STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
 - 3) ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.M.U.T.C.D. (CURRENT EDITION).
 - 4) U-CURB POSTS REQUIRED FOR ALL SIGNS.
 - 5) SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
 - 6) PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
 - 7) E.G.L.E. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.

PHASE DATA	
EXISTING PHASE 1: (2017/2018 CONSTRUCTION)	
# OF UNITS = 29 (PLUS 1 POOL CLUBHOUSE)	
AREA = 9.51 ACRES (EXCLUDES OSTERHOUT R/W AREA)	
DENSITY = 30 BUILDINGS / 9.51 AC. = 3.15 BUILDINGS/ACRE	
EXISTING PHASE 2: (2020 CONSTRUCTION)	
# OF UNITS = 21	
AREA = 6.42 ACRES	
DENSITY = 21 UNITS / 6.42 AC. = 3.27 UNITS / ACRE	
PROPOSED PHASE 3:	
47 UNITS & 1 DWELLING / 23.03 ACRES = 2.08 HOUSES/AC.	

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

LAYOUT PLAN PHASE 3 of STREAMSONG NW 1/4 of the SE 1/4 of SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6165	
DATE: 8/17/2021	SHEET: 2
JOB No.:	36555-3

NOTE: THE PUBLIC WATER MAIN ON SITE WILL NEED TO BE POLYWRAPPED IN ACCORDANCE WITH SEC. 207.1.3.10 OF THE CITY'S 'CONSTRUCTION SPECIFICATIONS'.

LLOY STREET

NOTE: PROPOSED PAVED AREA WITHIN OSTERHOUT AVENUE SHALL BE 4" OF BITUMINOUS PAVEMENT (2" 36A TOP COURSE, 2" 13A BASE COURSE) ON TOP 8" OF MODOT 22A AGGREGATE BASE ON TOP OF SUITABLE GRANULAR MATERIAL. NEW PAVEMENT SHALL BUTT UP AGAINST EXISTING PAVED VALLEY GUTTER.

NOTE: A 'RIGHT OF WAY PERMIT' SHALL BE OBTAINED FROM THE CITY OR PORTAGE TRAFFIC ENGINEER FOR ANY WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY.

SCHRIER PARK



WEST OSTERHOUT AVENUE



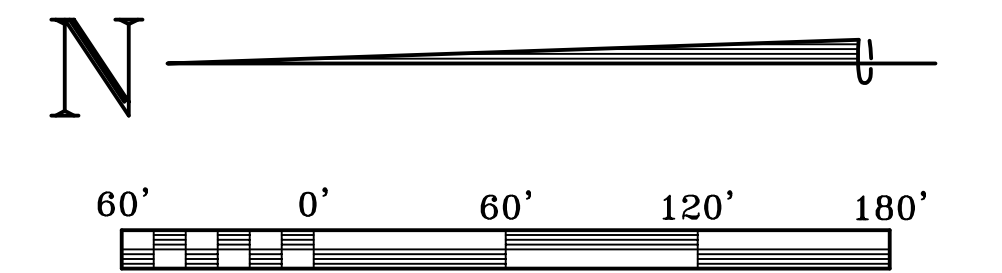
NOTE: OTHER THAN EXISTING SITE LIGHTING NEAR ENTRY & CLUBHOUSE AREAS, ALL SITE LIGHTING SHALL BE ATTAINED THROUGH STANDARD GARAGE LIGHTS & PORCH LIGHTS ON EACH DWELLING.

UTILITY LINE LEGEND

- EXISTING PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED WATER MAIN EASEMENT TO THE CITY OF PORTAGE
- EDGE OF PROPOSED SANITARY SEWER EASEMENT TO THE CITY OF PORTAGE

NOTE: PROPOSED SANITARY SEWER LEADS AND PROPOSED WATER SERVICES SHALL TERMINATE AT A POINT 20 FEET OFF BACK OF CURB. SHOWN LOCATIONS ARE SUBJECT TO FINAL ADJUSTMENT.

NOTE: CERTAIN BUILDING FOOTINGS AND/OR BASEMENT FLOORS MAY SIT ON ENGINEERED FILL MATERIAL. FOR THESE SITES, PLACEMENT OF FILL, INSPECTION, AND/OR TESTING SHALL BE DONE IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.



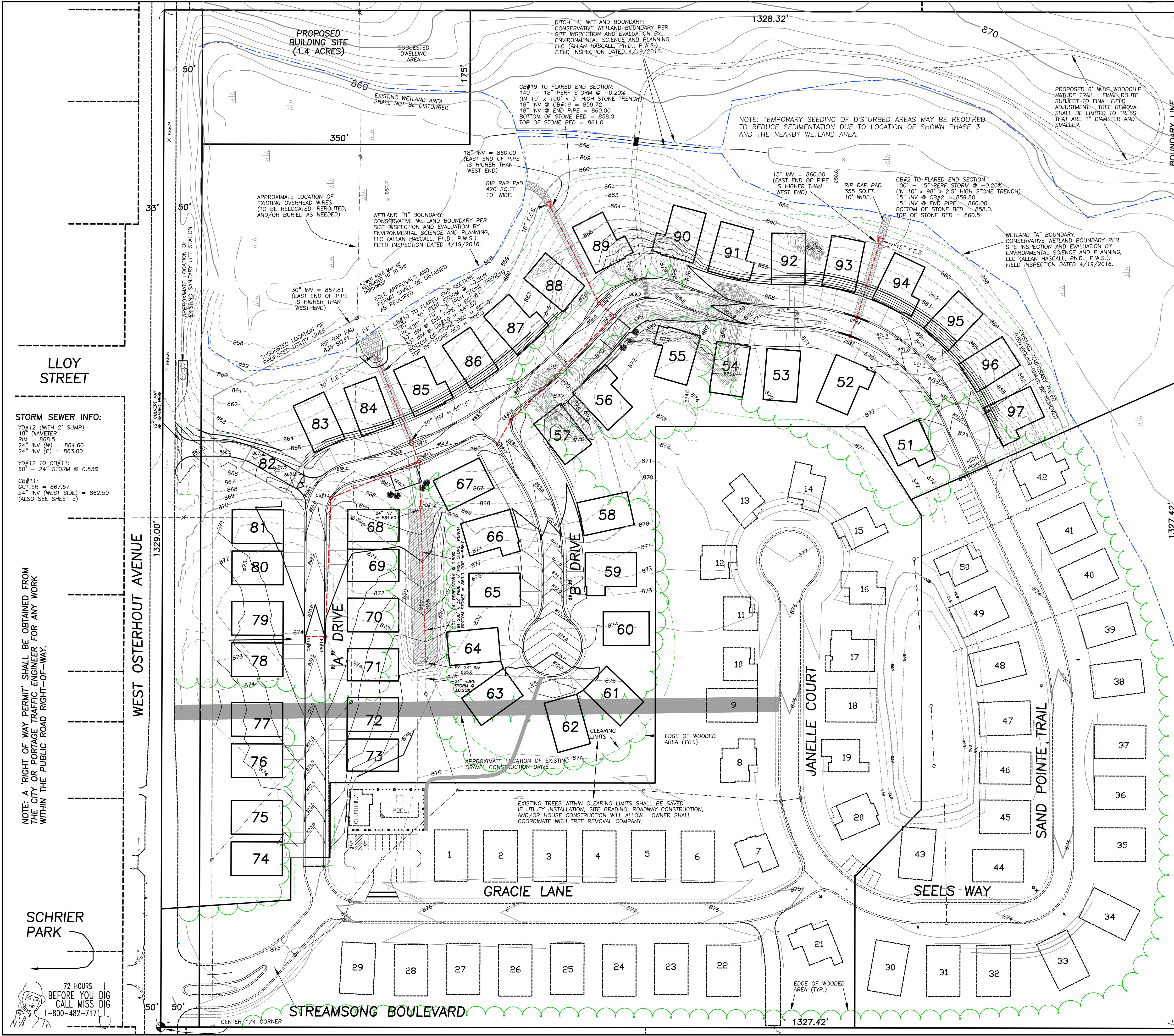
NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO COMMENCING CONSTRUCTION.

NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED AS REQUIRED. THE PERMIT SHALL BE COORDINATED WITH THE CITY OF PORTAGE DEVELOPMENT REVIEW ADMINISTRATOR PRIOR TO COMMENCING CONSTRUCTION. THE S.E.S.C. PERMIT SHALL BE APPLIED FOR AFTER OBTAINING SITE PLAN APPROVAL.

- NOTE: TEMPORARY SEEDING OF DISTURBED AREAS MAY BE REQUIRED TO REDUCE SEDIMENTATION DUE TO LOCATION OF SHOWN PHASE 3 AND THE NEARBY WETLAND AREA.
- GENERAL NOTES:
- "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
 - STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
 - ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.U.T.C.D. (CURRENT EDITION)
 - U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
 - SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
 - PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
 - E.G.L.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

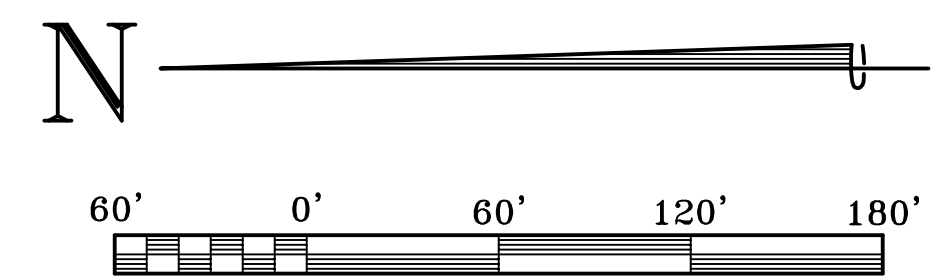
UTILITY PLAN PHASE 3 of STREAMSONG NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN		DATE: 8/17/2021
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McEachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185		SHEET: 3
		JOB No.: 36555-3



LEGEND

- 870 --- EXISTING ELEVATION CONTOUR FROM 2022 FIELD MAPPING (1.0' INTERVAL)
- 870 --- EXISTING ELEVATION CONTOUR FROM CITY OF PORTAGE TOPO MAP (2.0' INTERVAL)
- 871.0 --- PROPOSED ELEVATION CONTOUR (0.5' INTERVAL WITHIN ROADWAY, 1.0' INTERVAL OUTSIDE ROADWAY)
- EXISTING PRIVATE STORM SEWER PIPE
- PROPOSED PRIVATE STORM SEWER PIPE

NOTE: CERTAIN BUILDING FOOTINGS AND/OR BASEMENT FLOORS MAY SIT ON ENGINEERED FILL MATERIAL. FOR THESE SITES, PLACEMENT OF FILL, INSPECTION, AND/OR TESTING SHALL BE DONE IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.



NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED FROM THE CITY PRIOR TO COMMENCING CONSTRUCTION.

NOTE: A S.E.S.C. PERMIT SHALL BE OBTAINED AS REQUIRED. THE PERMIT SHALL BE COORDINATED WITH THE CITY OF PORTAGE DEVELOPMENT REVIEW ADMINISTRATOR PRIOR TO COMMENCING CONSTRUCTION. THE S.E.S.C. PERMIT SHALL BE APPLIED FOR AFTER OBTAINING SITE PLAN APPROVAL.

NOTE: TEMPORARY SEEDING OF DISTURBED AREAS MAY BE REQUIRED TO REDUCE SEDIMENTATION DUE TO LOCATION OF SHOWN PHASE 3 AND THE NEARBY WETLAND AREA.

NOTE: WHERE FILL MATERIAL IS TO BE PLACED FOR FUTURE FOUNDATION / BASEMENT / HOUSES, GEOTECHNICAL COMPANY SHALL BE HIRED TO MONITOR AND/OR TEST THOSE FILL AREAS. THIS SHALL BE COORDINATED WITH THE CITY OF PORTAGE BUILDING SERVICES DEPARTMENT.

NOTE: PHASES 1 AND 2 HAVE BEEN CONSTRUCTED. PHASE 3 IS PROPOSED. NOT ALL DWELLINGS HAVE BEEN BUILT.

STORM SEWER INFO:

YO#12 (WITH 2' SUMP)
48" DIAMETER
RIM = 866.5
24" INV (W) = 864.60
24" INV (E) = 863.00

YO#12 TO CB#11:
60' - 24" STORM @ 0.83%

CB#11:
OUTLET = 867.57
24" INV (WEST SIDE) = 862.50
(ALSO SEE SHEET 5)

NOTE: A "RIGHT OF WAY PERMIT" SHALL BE OBTAINED FROM THE CITY OR PORTAGE TRAFFIC ENGINEER FOR ANY WORK WITHIN THE PUBLIC ROAD RIGHT-OF-WAY.

SCHRIER PARK

72 HOURS BEFORE YOU DIG CALL MISS DIG
1-800-482-7171

GRADING PLAN PHASE 3 of STREAMSONG NW 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN	
MONUMENT ENGINEERING GROUP ASSOC., INC. Formerly Ingersoll, Watson & McMachen, Inc. 1209 East Milham Road, Suite B • Portage, Michigan 49002 • Phone 269 344-6185	
REVIS: 05/26/2022 REVISED: 03/30/2022 REVISED: 11/30/2021	DATE: 8/17/2021
SHEET: 4	
JOB No.: 36555-3	

LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED UTILITY EASEMENT TO THE CITY OF PORTAGE (PRELIMINARY)
- EDGE OF PROPOSED 4.0' WIDE CONCRETE SIDEWALK OR EDGE OF PROPOSED 5' WIDE WALKING TRAIL
- PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- PROPOSED UNIT #
- EDGE OF EXISTING EASEMENT TO THE CITY OF PORTAGE
- EDGE OF CONSERVATIVE WETLAND
- BUILDING SETBACK LINE

GENERAL NOTES:

- LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
- STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
- ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.U.L.T.C.D. (CURRENT EDITION).
- U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- M.D.E.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
- FIVE INCH "STORZ" FITTINGS SHALL BE USED ON FIRE HYDRANTS.
- FOR ON-SITE DWELLINGS, BASEMENT FOOTINGS AND FOUNDATIONS SHALL COMPLY WITH BUILDING CODE REQUIREMENTS BASED ON TYPE OF SOIL PRESENT AND STABILITY OF SOIL.
- FOR ON-SITE DWELLINGS, REQUIRED RADON VENTING SYSTEM BELOW BASEMENT FLOOR SHALL, AS A PRECAUTION, BE PLUMBED TO ALSO BE A DRAINAGE SYSTEM DURING PERIODS OF HIGH GROUNDWATER.
- ALL PROPOSED STREET LIGHTS SHALL COMPLY WITH CITY OF PORTAGE STANDARDS AND CONSUMERS ENERGY STANDARDS WITH REGARD TO LOCATION AND LIGHT SPECIFICATION.
- ON-SITE SPEED LIMIT SHALL BE 25 MILES PER HOUR.
- UNDERGROUND GAS, ELECTRIC, TELEPHONE AND CABLE TV LINES SHALL BE DESIGNED BY UTILITY OWNERS AND SHALL NOT BE LOCATED IN PROPOSED STREET RIGHT-OF-WAYS UNLESS UTILITY IS CROSSING STREET (SQUARE TO CENTER LINE).
- AS-BUILT CONSTRUCTION PLANS SHALL BE SUBMITTED TO THE CITY UPON COMPLETION OF THE ROADWAY PROJECT.
- PRIOR TO START OF UTILITY WORK, PRE-CONSTRUCTION MEETING SHALL BE HELD AT CITY OF PORTAGE OFFICES.

NOTE: PROPOSED WATER MAIN SHALL HAVE A MINIMUM OF 5.0' OF COVER AND A MAXIMUM OF 6.0' OF COVER AT INSTALLED LOCATION. WATER MAIN SHALL ALSO MAINTAIN 18" OF VERTICAL SEPARATION (MINIMUM) BETWEEN WATER MAIN AND STORM SEWER/ SANITARY SEWER. WATER SERVICES SHALL ALSO MAINTAIN AT LEAST 18" OF VERTICAL SEPARATION AT SEWER CROSSINGS.

ALSO SEE NOTES & INFO ON SHEET 6

EGE APPROVALS AND PERMIT SHALL BE OBTAINED.

NOTE: ALL STREET TREES SHALL BE INSTALLED AT LEAST 2.0' FROM WATER MAIN.

NOTE: IT IS RECOMMENDED THAT HYDRANTS WITH 6" BURY DEPTH BE USED TO REDUCE LIKELIHOOD OF HYDRANT EXTENSIONS BEING REQUIRED.

NOTE: NATURAL GAS, ELECTRIC, TELEPHONE, AND CABLE TV UNDERGROUND LINES SHALL BE CENTERED APPROXIMATELY 11 FEET OFF BACK OF CURB (ON SIDE OPPOSITE WATER MAIN).

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE REQUIREMENTS SHALL BE MAINTAINED AT ALL INTERSECTIONS.

NOTE: 325' LINE OF SIGHT / SIGHT DISTANCE SHALL BE MAINTAINED AT INTERNAL INTERSECTIONS FOR SAFETY IN ACCORDANCE WITH CITY REQUIREMENTS

NOTE: DEWATERING LIKELY NOT REQUIRED DURING CONSTRUCTION.

NOTE: ON-SITE SPEED LIMIT SHALL BE 25 M.P.H.

(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY CITY OF PORTAGE OR DESIRED BY OWNER)

NOTE: EACH UNIT WILL HAVE A FRONT YARD LIGHT ON A POLE OR BUILDING MOUNTED LIGHTS. "REGULAR" STREET LIGHTS WILL NOT BE INCORPORATED INTO PHASE 3 OF THIS DEVELOPMENT.

ALSO SEE NOTES & INFO ON SHEET 6

SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

CAUTION: U/G UTIL'S

N

"A" DRIVE (PRELIM.) STA 0+00 TO STA 7+75

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' SOUTH OF C.L.
- EXISTING GRADE 50' NORTH OF C.L.

NOTE: FOR CATCH BASINS AT LOW POINTS, GUTTER ELEVATION IS 0.50' BELOW CENTER LINE ELEVATION. FOR ALL OTHER CATCH BASINS, GUTTER ELEVATION IS 0.40' BELOW CENTER

"B" DRIVE (PRELIM.) STA 0+00 TO STA 3+60.70

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' NORTH OF C.L.
- EXISTING GRADE 50' SOUTH OF C.L.

NOTE: STORM SEWER PIPE RUN CB#16 TO #18 SHALL BE IN A 185' x 4' WIDE BY 2.5' HIGH STONE TRENCH. BOTTOM OF STONES = ELEV 858.0.

NOTE: SANITARY SEWER LEADS SHALL PASS UNDER WATER MAIN IF 18" OF VERTICAL SEPARATION CAN BE PROVIDED BETWEEN LEAD AND WATER MAIN. OTHERWISE, LEAD SHALL PASS OVER WATER MAIN WITH 18" OF VERTICAL SEPARATION PROVIDED.

NOTE: ALL 1.25" WATER SERVICES SHALL PASS OVER SANITARY SEWER PIPE AND STORM SEWER PIPE WITH AT LEAST 18" OF VERTICAL SEPARATION. WATER SERVICES SHALL ALSO HAVE AT LEAST 5.0' OF EARTH COVER (AND NO MORE THAN 6.0' OF EARTH COVER) BASED ON FINAL GRADE.

72 HOURS
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171



SCALES:
PLAN VIEW: 1" = 40'
PROFILE: 1" = 40' HORIZ.
1" = 4' VERTICAL

PROPOSED PUBLIC
8" D.I.P. WATER MAIN
(WITHIN MINIMUM 20.0'
WIDE EASEMENT TO BE
GRANTED TO THE CITY
OF PORTAGE)

SEE SHEETS
2, 3, & 4

NOTE: HIGH GROUNDWATER WITHIN
THIS PROPERTY IS IN THE 857 TO
858 RANGE.

ALSO SEE NOTES &
INFO ON SHEET 5

NOTE: DEWATERING LIKELY NOT
REQUIRED DURING CONSTRUCTION.

GENERAL NOTES:

- 1) LIGHT POLES AND ANY UTILITY POLE/BOX SHALL BE LOCATED AT LEAST 5.0 FEET OFF BACK OF CURB.
- 2) STREET NAME SIGNS SHALL BE AT LEAST 9" FROM TOP TO BOTTOM OF ACTUAL SIGN (& PLACED ATOP STOP SIGNS).
- 3) ALL PAVEMENT MARKINGS AND ALL TRAFFIC SIGNAGE SHALL COMPLY WITH STANDARDS IN THE M.M.U.T.C.D.(CURRENT EDITION)
- 4) U-CHANNEL POSTS REQUIRED FOR ALL SIGNS.
- 5) SOIL EROSION & SEDIMENTATION CONTROL PERMIT SHALL BE OBTAINED AS REQUIRED BY STATE LAW.
- 6) PERMIT(S) SHALL BE OBTAINED FROM THE CITY OF PORTAGE AS REQUIRED.
- 7) M.D.E.C. CONSTRUCTION PERMITS REQUIRED (FOR BOTH PUBLIC WATER MAIN & PUBLIC SANITARY SEWER) PRIOR TO THE COMMENCEMENT OF UTILITY INSTALLATION.
- 8) "NO PARKING THIS SIDE OF STREET" SIGNS SHALL BE INSTALLED ATOP THE FIRE HYDRANT SIGNS AND MIDWAY BETWEEN THE FIRE HYDRANTS ON THE HYDRANT SIDE OF THE STREETS.
- 9) FIVE INCH "STORZ" FITTINGS SHALL BE USED ON FIRE HYDRANTS.
- 10) FOR ON-SITE DWELLINGS, BASEMENT FOOTINGS AND FOUNDATIONS SHALL COMPLY WITH BUILDING CODE REQUIREMENTS BASED ON TYPE OF SOIL PRESENT AND STABILITY OF SOIL.
- 11) FOR ON-SITE DWELLINGS, REQUIRED RADON VENTING SYSTEM BELOW BASEMENT FLOOR SHALL, AS A PRECAUTION, BE PLUMBED TO ALSO BE A DRAINAGE SYSTEM DURING PERIODS OF HIGH GROUNDWATER.
- 12) ALL PROPOSED STREET LIGHTS SHALL COMPLY WITH CITY OF PORTAGE STANDARDS AND CONSUMERS ENERGY STANDARDS WITH REGARDS TO LOCATION AND LIGHT SPECIFICATION.
- 13) ON-SITE SPEED LIMIT SHALL BE 25 MILES PER HOUR.
- 14) UNDERGROUND GAS, ELECTRIC, TELEPHONE AND CABLE TV LINES SHALL BE DESIGNED BY UTILITY OWNERS AND SHALL NOT BE LOCATED IN PROPOSED STREET RIGHT-OF-WAYS UNLESS UTILITY IS CROSSING STREET (SQUARE TO CENTER LINE).
- 15) AS-BUILT CONSTRUCTION PLANS SHALL BE SUBMITTED TO THE CITY UPON COMPLETION OF THE ROADWAY PROJECT.
- 16) PRIOR TO START OF UTILITY WORK, PRE-CONSTRUCTION MEETING SHALL BE HELD AT CITY OF PORTAGE OFFICES.

LEGEND

- EXISTING PUBLIC SANITARY SEWER
- PROPOSED 8" PUBLIC SANITARY SEWER OR PRIVATE 6" SEWER LEAD
- EXISTING PRIVATE STORM SEWER
- PROPOSED PRIVATE STORM SEWER
- EXISTING PUBLIC WATER MAIN
- PROPOSED 8" PUBLIC WATER MAIN OR PRIVATE 1.25" COPPER WATER SERVICE
- PROPOSED GAS, ELECTRIC, TV, AND PHONE
- EDGE OF PROPOSED UTILITY EASEMENT TO THE CITY OF PORTAGE (PRELIMINARY)
- EDGE OF PROPOSED 4.0' WIDE CONCRETE SIDEWALK OR EDGE OF PROPOSED 5' WIDE WALKING TRAIL
- ===== PROPOSED 2.0' WIDE CONCRETE ROLL CURB
- 85 PROPOSED UNIT #
- EDGE OF EXISTING EASEMENT TO THE CITY OF PORTAGE
- EDGE OF CONSERVATIVE WETLAND
- BUILDING SETBACK LINE

ALSO SEE NOTES &
INFO ON SHEET 5

NOTE: EACH UNIT WILL HAVE A FRONT
YARD LIGHT ON A POLE OR BUILDING
MOUNTED LIGHTS. "REGULAR" STREET
LIGHTS WILL NOT BE INCORPORATED
INTO PHASE 3 OF THIS DEVELOPMENT.

NOTE: ALL STREET TREES SHALL BE
INSTALLED AT LEAST 2.0' FROM WATER MAIN.

NOTE: IT IS RECOMMENDED THAT HYDRANTS WITH
6" BURY DEPTH BE USED TO REDUCE LIKELIHOOD
OF HYDRANT EXTENSIONS BEING REQUIRED.

NOTE: NATURAL GAS, ELECTRIC,
TELEPHONE, AND CABLE TV
UNDERGROUND LINES SHALL
BE CENTERED APPROXIMATELY
11 FEET OFF BACK OF CURB
(ON SIDE OPPOSITE WATER MAIN)

NOTE: VEHICLE DRIVER'S SIGHT DISTANCE
REQUIREMENTS SHALL BE MAINTAINED AT
ALL INTERSECTIONS.

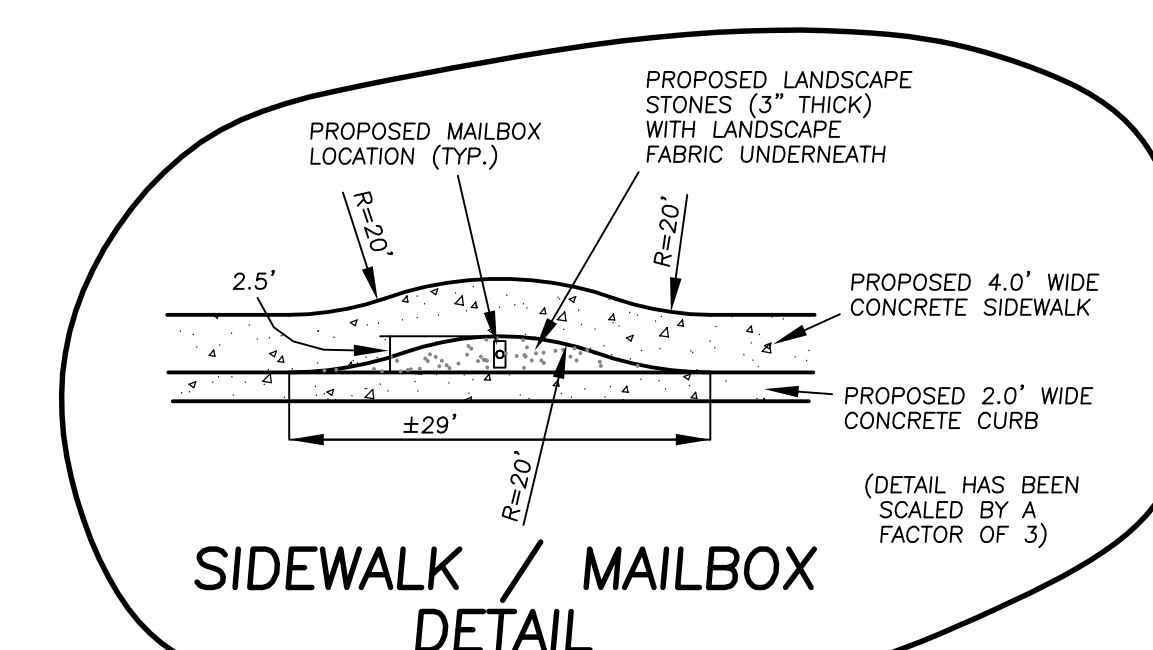
NOTE: 325' LINE OF SIGHT / SIGHT
DISTANCE SHALL BE MAINTAINED
AT INTERNAL INTERSECTIONS
FOR SAFETY IN ACCORDANCE
WITH CITY REQUIREMENTS

NOTE: ON-SITE SPEED LIMIT
SHALL BE 25 M.P.H.

(SPEED LIMIT SIGNS SHALL NOT BE PLACED UNLESS REQUIRED BY
CITY OF PORTAGE OR DESIRED BY OWNER)

CAUTION: U/G UTIL'S

NOTE: PROPOSED WATER MAIN
SHALL HAVE A MINIMUM OF 5.0'
OF COVER AND A MAXIMUM OF
6.0' OF COVER AT INSTALLED
LOCATION. WATER MAIN SHALL
ALSO MAINTAIN 18" OF VERTICAL
SEPARATION (MINIMUM) BETWEEN
WATER MAIN AND STORM SEWER/
SANITARY SEWER. WATER SERVICES
SHALL ALSO MAINTAIN AT LEAST
18" OF VERTICAL SEPARATION AT
SEWER CROSSINGS.

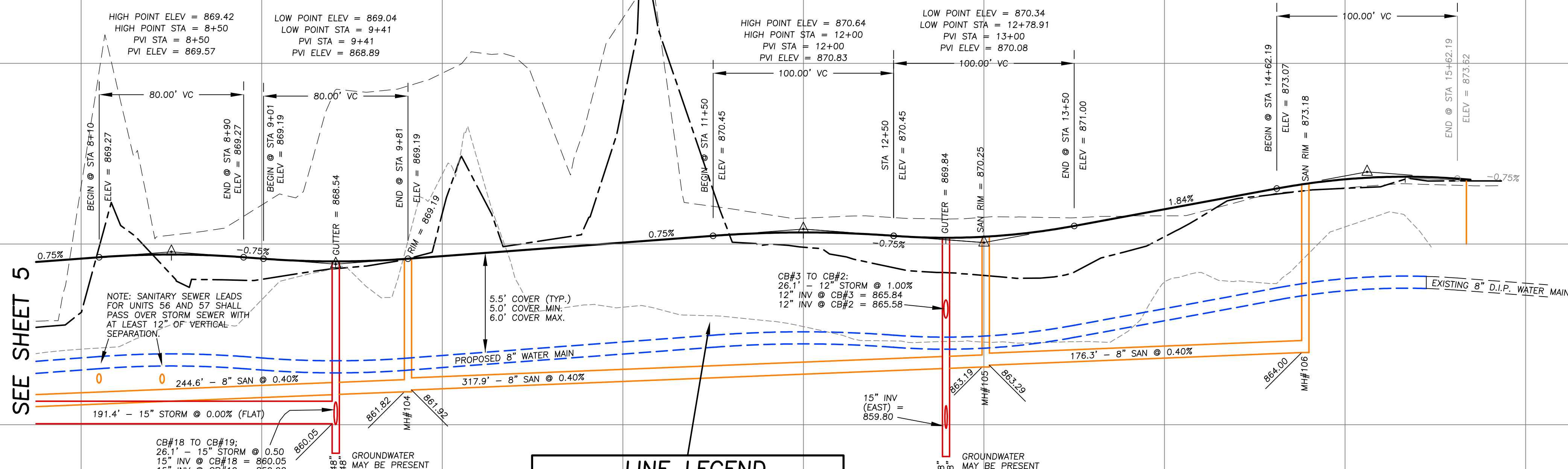


7+00 8+00 9+00 10+00 11+00 12+00 13+00 14+00 15+00 16+00

PROPOSED ROAD
CENTER LINE GRADE

"A" DRIVE (PRELIM.)
STA 7+75 TO STA 15+70

HIGH POINT ELEV = 873.72
HIGH POINT STA = 15+33.27
PVI STA = 15+12.19
PVI ELEV = 873.99



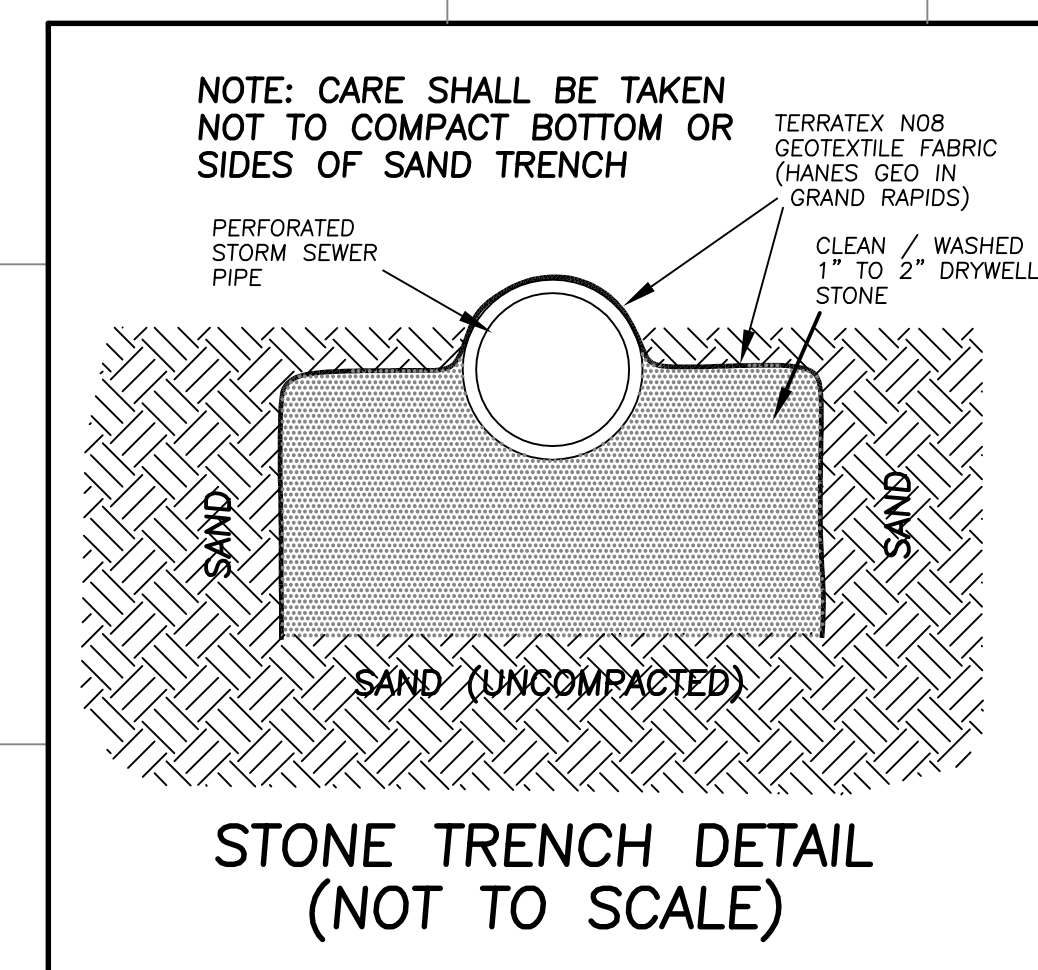
NOTE: STORM SEWER PIPE RUN
CB#16 TO #18 SHALL BE IN A
185' x 4' WIDE BY 2.5' HIGH
STONE TRENCH. BOTTOM OF
STONES = ELEV 858.0.

LINE LEGEND

- PROPOSED C.L. GRADE
- EXISTING GRADE ALONG C.L.
- EXISTING GRADE 50' WEST OF C.L.
- EXISTING GRADE 50' EAST OF C.L.

NOTE: ALL 1.25" WATER SERVICES SHALL PASS OVER SANITARY
SEWER PIPE AND STORM SEWER PIPE WITH AT LEAST 18" OF
VERTICAL SEPARATION. WATER SERVICES SHALL ALSO HAVE
AT LEAST 5.0' OF EARTH COVER (AND NO MORE THAN 6.0'
OF EARTH COVER) BASED ON FINAL GRADE.

NOTE: SANITARY SEWER LEADS SHALL PASS UNDER WATER MAIN
IF 18" OF VERTICAL SEPARATION CAN BE PROVIDED BETWEEN
LEAD AND WATER MAIN. OTHERWISE, LEAD SHALL PASS OVER
WATER MAIN WITH 18" OF VERTICAL SEPARATION PROVIDED.



- 1) CONTRACTOR SHALL NOTIFY MISS DIG AT 1-800-482-7171 72 HOURS PRIOR TO THE START OF CONSTRUCTION.
- 2) LOCATIONS OF UNDERGROUND UTILITIES SHOWN ON THESE PLANS ARE APPROXIMATE. ADDITIONAL UNDERGROUND UTILITIES MAY EXIST ON THE SITE WHICH ARE NOT SHOWN ON THESE PLANS. CONTRACTOR SHALL BE RESPONSIBLE TO LOCATE AND PROTECT ALL UTILITIES ON SITE, WHETHER SHOWN ON THESE PLANS OR NOT.
- 3) CONTRACTOR SHALL PROVIDE ALL SIGNS, FENCING, LIGHTS, BARRICADES, ETC. NECESSARY TO PROVIDE FOR PUBLIC SAFETY DURING CONSTRUCTION.
- 4) REQUESTS FOR INFORMATION SHALL BE DIRECTED TO THE ENGINEER A MINIMUM OF 48 HOURS PRIOR TO THEIR ACTUAL NEED.
- 5) IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES FOR THE PROTECTION AND/OR RELOCATION OF EXISTING UTILITIES.
- 6) ALL MATERIALS PLACED DURING CONSTRUCTION SHALL BE IN NEW CONDITION, SHALL BE FREE FROM DEFECTS AND SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE CITY AND THEIR INSPECTOR.
- 7) ALL CONSTRUCTION SHALL BE SUBJECT TO CONSTRUCTION INSPECTION BY OWNER, OWNER'S REPRESENTATIVE, AND THE CITY OF PORTAGE.
- 8) ELEVATIONS SHOWN ON THESE PLANS ARE BASED ON USGS DATUM AS PROMULGATED WITHIN THE CITY OF PORTAGE.
- 9) ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF PORTAGE CONTRACT CONDITIONS AND SPECIFICATIONS.
- 10) A SOIL EROSION CONTROL PERMIT NEEDS TO BE OBTAINED PRIOR TO THE COMMENCEMENT OF ANY GRADING ACTIVITIES.

- 1) ALL PIPE LENGTH DISTANCES ARE FROM CENTER TO CENTER OF STRUCTURE.
- 2) ALL TRENCHING AND BACKFILLING FOR UTILITIES SHALL COMPLY WITH REQUIREMENTS OF THE CITY OF PORTAGE STANDARD SPECIFICATIONS AND THE REQUIREMENTS INDICATED ON THE CONSTRUCTION DRAWINGS.
- 3) ALL CONSTRUCTION SHALL COMPLY WITH ALL LOCAL, STATE, AND FEDERAL RULES, REQUIREMENTS, AND LAWS.

- 1) ALL 8" OR 10" WATER MAIN SHALL BE AWWA C151, CLASS 52 DUCTILE IRON PIPE. ALL 12" WATER MAIN SHALL BE AWWA C151, CLASS 53 DUCTILE IRON PIPE. ALL PIPE SHALL HAVE CEMENT LINING AND SHALL BE INSTALLED ACCORDING TO THE CITY OF PORTAGE STANDARD SPECIFICATIONS (AVAILABLE AT CITY OF PORTAGE WEBSITE: www.portage.mn.gov).
- 2) ALL WATER MAIN CONSTRUCTION SHALL BE SUBJECT TO INSPECTION BY A CITY OF PORTAGE APPROVED INSPECTOR.
- 3) MINIMUM 5'-0" AND MAXIMUM 6'-0" OF COVER OVER NEW WATER MAIN PIPE IS REQUIRED UNLESS FINAL SITE GRADING IS COMPLETE.
- 4) WATER SERVICE SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL 50-153, TYPICAL SERVICE LINE AND METER BOX INSTALLATIONS. PLUMBING PERMIT REQUIRED.
- 5) HYDRANT ASSEMBLIES SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL 50-144, AUXILIARY VALVE LOCATION.
- 6) HYDRANT SIGNS SHALL BE INSTALLED IN ACCORDANCE WITH CITY OF PORTAGE STANDARD DETAIL 50-145, HYDRANT SIGN. NOTE FIRE HYDRANT SIGNS SHALL BE INSTALLED A MINIMUM 4'-0" FROM THE CENTER OF THE INSTALLED HYDRANT PER THE CITY'S NEW REQUIREMENTS.

- 1) ALL SANITARY SEWER PIPE SHALL BE SDR26 PVC AND SHALL COMPLY WITH ASTM D 3033 OR ASTM D 3034. PIPE SHALL BE INSTALLED ACCORDING TO MANUFACTURER'S INSTRUCTIONS.
- 2) ALL SANITARY SEWER CONSTRUCTION, INCLUDING MAINLINES, LATERALS, MANHOLES, AND APPURTENANCES, SHALL CONFORM WITH THE CITY OF PORTAGE REQUIREMENTS AND SPECIFICATIONS AND SHALL BE SUBJECT TO THEIR INSPECTION.

1) UNDERGROUND ELECTRIC, NATURAL GAS, TELEPHONE, AND CABLE TV PRIVATE UTILITIES SHALL BE SIZED AND INSTALLED BY UTILITY OWNERS.

- 1) STORM SEWER PIPE SHALL BE EITHER CORRUGATED POLYETHYLENE (C.P.E.), REINFORCED CONCRETE (R.C.P.), OR OTHER TYPES MEETING MDOT AND CITY OF PORTAGE APPROVAL. CORRUGATED POLYETHYLENE (C.P.E.) PIPE SHALL MEET THE REQUIREMENTS OF ASTM D 294 TYPE S (DUAL WALL, SMOOTH INSIDE, CORRUGATED OUTSIDE, NO PERFORATIONS). THE JOINTS SHALL BE WATERTIGHT AND COMPLY WITH ASTM D 3212. (HANCOR H=0, ADS N=12, OR EQUIVALENT) REINFORCED CONCRETE PIPE (R.C.P.) SHALL MEET THE REQUIREMENTS OF ASTM C 76.
- 2) ALL JOINTS SHALL BE WATER TIGHT AND COMPLY WITH ASTM C 76.
- 3) ~~NON-REINFORCED CONCRETE PIPE (N.R.C.P.) SHALL MEET THE REQUIREMENTS OF ASTM C 64 CLASS 3. THE JOINTS SHALL BE WATER TIGHT AND COMPLY WITH ASTM C 743.~~
- 4) PRELIMINARY STORM SEWER PIPE (SUMP SEAL) ARE REQUIRED AT EACH STORM SEWER PIPE JOINT IN ACCORDANCE WITH CITY OF PORTAGE REQUIREMENTS.
- 5) PIPE CONNECTIONS AT ALL SOLID WALLED STRUCTURES SHALL BE MADE WITH A WATER TIGHT RESILIENT CONNECTOR (RUBBER TYPE BOOT WITH STAINLESS STEEL BANDS, OR OTHER TYPE AS APPROVED BY CITY OF PORTAGE).
- 7) STORM SEWER PIPE SHALL HAVE A MINIMUM OF 24 INCHES OF COVER.
- 8) ALL STORM SEWER PIPE AND INSTALLATION SHALL COMPLY WITH CITY OF PORTAGE "CONSTRUCTION SPECIFICATIONS AND STANDARDS FOR CONSTRUCTION OF STORM SEWERS".
- 9) ALL STORM SEWER PIPE JOINTS AND GASKETS SHALL BE INSPECTED. ANY DEFECTIVE PRODUCTS SHALL NOT BE INSTALLED AND SHALL BE REMOVED FROM THE SITE.
- 10) ALL SOLID WALLED STRUCTURES SHALL HAVE CONCRETE BOTTOMS.
- 11) DEFLECTION TESTS SHALL BE CONDUCTED ON ALL PERFORATED PIPE. THE TEST SHALL BE CONDUCTED AFTER THE BACKFILL HAS BEEN PLACED AND PRIOR TO INSTALLING ANY ASPHALT OR CONCRETE SURFACE. NO PIPE SHALL EXHIBIT A DEFLECTION OF FIVE (5) PERCENT. THE DEFLECTION TEST SHALL BE RUN USING A RUN IN MANHOLE. BACKFILL SHALL BE MANIPULATED TO EQUAL TO SPECIFIED INSIDE DIAMETER OF THE PIPE. DEFLECTION SHALL BE CONDUCTED AFTER FINAL BACKFILL HAS BEEN IN PLACE FOR AT LEAST 30 DAYS.
- 12) ALL PUBLIC STORM SEWER PIPES SHALL BE TELEVIEWED IN ACCORDANCE WITH SECTION 208.2.6 (TELEVIEWING) OF THE CITY'S SPECIFICATIONS.

- 1) ALL CONSTRUCTION SHALL COMPLY WITH THE SOIL EROSION AND SEDIMENTATION CONTROL ACT (P.A. 451 OF 1994, AS AMENDED) AS ADMINISTERED BY THE CITY OF PORTAGE.
- 2) EARTHWORK CONTRACTORS SHALL BE RESPONSIBLE FOR THE FOLLOWING:
 - A) BERMING OR FILTERING OF RUNOFF AT PROPERTY LINES WHERE EROSION COULD OCCUR.
 - B) PROTECTION OF ALL EXISTING AND NEWLY CONSTRUCTED STORM SEWER STRUCTURES, WHETHER ADJACENT TO THE SITE OR ON THE SITE.
 - C) MINIMIZATION OF TRACKING OF MATERIAL OFF-SITE.
 - D) SWEEPING AND CLEANING OF ADJACENT STREETS AS NECESSARY.
- 3) OWNER SHALL OBTAIN "SOIL EROSION CONTROL PERMIT" FROM THE CITY OF PORTAGE.

- 1) ALL DISTURBED AREAS SHALL BE RESTORED WITH MINIMUM 4" TOPSOIL AND GRASS SEED, OR OTHER REQUIRED LANDSCAPING.
- 2) EXISTING STREETS AND YARDS SHALL BE RESTORED TO A CONDITION AT LEAST EQUAL TO THAT WHICH EXISTED PRIOR TO CONSTRUCTION.

- 1) DECIDUOUS TREES AT PLANTING SHALL HAVE A MINIMUM CALIPER OF 1.5" AT 6" ABOVE THE ROOT BALL; A CLEAR STEM OF 4 FEET; AND A BURLAP BALL SIZE OF AT LEAST 10 TIMES THE CALIPER. ALLOWED TREES INCLUDE SARGENT CHERRY, AMUR CORKTREE, GOLDENRAIN TREE, MAPLES (HEDGE, PYRAMID, SUNSET, SPREAD, SPREAD-LEAF, SPREAD-LEAF, SPREAD-LEAF, SPREAD-LEAF, SPREAD-LEAF), IVORY SILK JAPANESE TREE LILAC, & ORNAMENTAL PEAR (CLEVELAND AND REDSPIRE HEDGE PEAR).
- 2) STREET LIGHTS SHALL BE 8500 LUMEN, HIGH PRESSURE SODIUM VAPOR. DECORATIVE LIGHT POLES SHALL HAVE A HEIGHT OF 18 FEET. ALL LIGHT STANDARDS AND UTILITY POLES SHALL BE LOCATED AT LEAST 5 FEET OFF PROPOSED BACK OF CURB.
- 3) ALL PAVEMENT MARKINGS AND TRAFFIC SIGNS MUST CONFORM TO THE STANDARDS SET FORTH IN THE CURRENT EDITION OF THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES ("M.M.U.T.C.D.").
- 4) ALL STREET SIGNS SHALL CONFORM TO CITY OF PORTAGE PUBLISHED REQUIREMENTS. ALL SIGNS SHALL BE INSTALLED ON 3 POUND GALVANIZED U-CHANNEL POSTS AND SHALL HAVE A MINIMUM POST BURY OF 36 INCHES, DISTANCE FROM BOTTOM OF SIGN TO GROUND SHALL BE 7 FEET. ANYTHING LESS THAN 36 INCHES SHALL BE IN ACCORDANCE WITH THE M.M.U.T.C.D. STREET NAME SIGN SHALL BE 9 INCHES TALL (VERTICAL DIMENSION OF ACTUAL SIGN).



NOTES:

- 1) STRUCTURE SHALL HAVE A 2 FOOT SUMP UNLESS SLOPE OF OUTLET PIPE EQUALS OR EXCEEDS THREE (3) PERCENT.
- 2) HEIGHT OF STRUCTURES WILL VARY BUT SHALL NOT EXCEED FIVE (5.0) FEET.
- 3) STRUCTURES SHALL BE PRECAST CONCRETE AND CONFORM TO ASTM C-478.
- 4) SEE RELATED CITY OF PORTLAND STANDARD DETAILS:
SD-102, 24" CATCH BASIN
SD-103, STANDARD CURB INLET CASTING
SD-104, STANDARD DROP CURB INLET CASTING



NOTES:

- 1) MANHOLE STRUCTURES SHALL NOT HAVE A SUMP AND SHALL REQUIRE EJWJ #1040A CASTING WITH CITY OF PORTAGE LOGO PER CITY STANDARDS.
- 2) HEIGHT OF STRUCTURES WILL VARY.
- 3) STRUCTURES SHALL BE PRECAST CONCRETE AND CONFORM TO ASTM C-478.
- 4) SOIL STRUCTURES SHALL HAVE TO BE ENLARGED TO ACCOMMODATE PIPES AND RESILIENT CONNECTORS. STRUCTURAL DIMENSIONS FOR LARGER DIAMETER STRUCTURES SHALL CONFORM TO ASTM C-478.
- 5) MANHOLE STEPS SHALL BE EJWJ #8501 OR EQUIVALENT.
- 6) INSTALL STEPS AFTER STRUCTURE IS IN PLACE TO INSURE STEPS ARE LOCATED UNDER OPENED TOP OF STRUCTURE. STEPS SHALL BE NO MORE THAN 24 INCHES FROM TOP OF CASTING. BOTTOM STEP SHALL BE NO MORE THAN 24 INCHES FROM BENCH/BOTTOM OF STRUCTURE.
- 7) SEE RELATED CITY OF PORTAGE STANDARD DETAILS:
 - SD-101, STANDARD 48" DRAINAGE STRUCTURE
 - SD-103, STANDARD CURB INLET CASTING
 - SD-104, STANDARD DROP CURB INLET CASTING
 - SD-108, STANDARD MANHOLE STEP



NOTES:

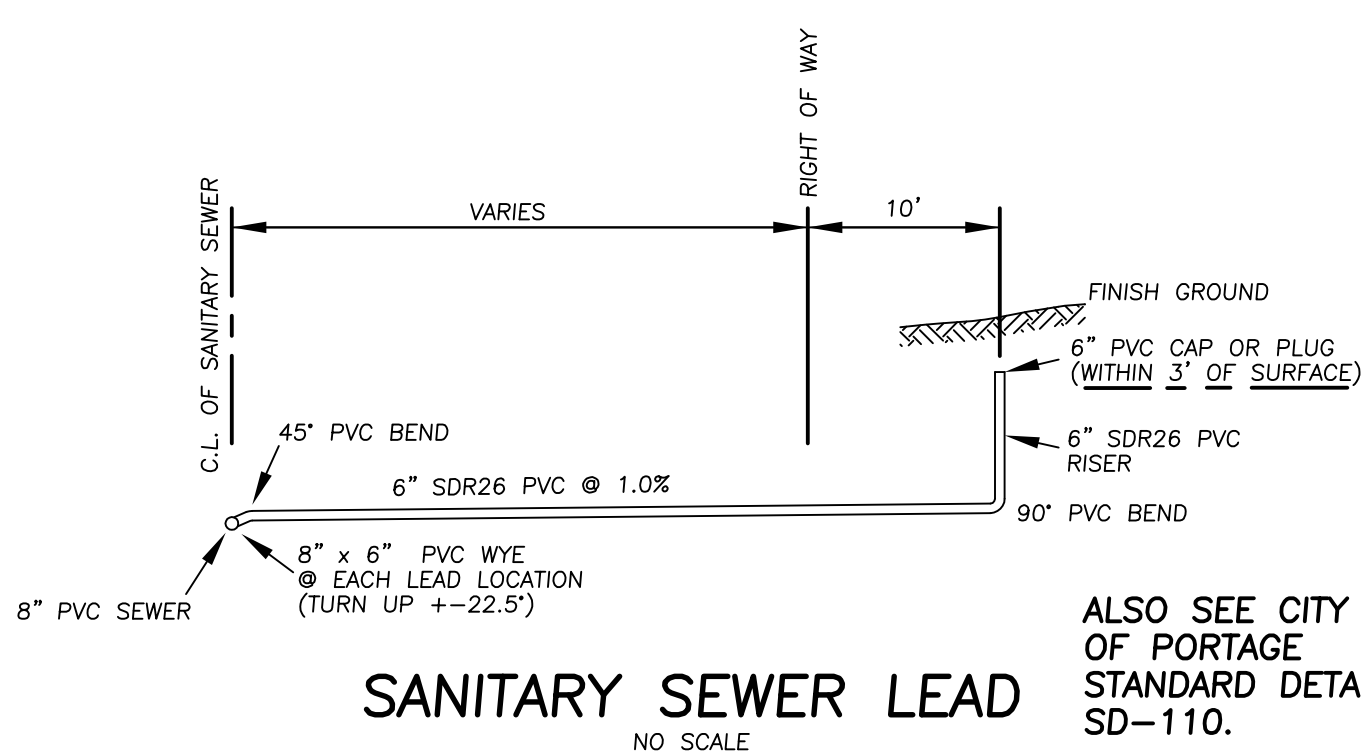
- 1) HEIGHT OF STRUCTURES WILL VARY.
- 2) STRUCTURES SHALL BE PRECAST CONCRETE AND CONFORM TO ASTM C-478 WITH O-RING RUBBER GASKET TYPE JOINTS, ASTM C-443. RUBBER GASKETS SHALL NOT BE REMOVED.
- 3) INSTALL STEPS AFTER STRUCTURE IS IN PLACE. IF NECESSARY, TO INSURE STEPS ARE PROPERLY LOCATED, THE TOP OF THE STRUCTURE SHALL BE NO MORE THAN 10 INCHES FROM THE TOP OF CASTING. BOTTOM STEP SHALL BE NO MORE THAN 24 INCHES FROM BENCH.
- 4) SEE RELATED CITY OF RENTON STANDARD DETAILS:
 - SD-105, STANDARD MANHOLE
 - SD-106, SANITARY SEWER STANDARD MANHOLE CASTING
 - SD-107, SANITARY SEWER PRESSURE-TIGHT MANHOLE CASTING
 - SD-108, STANDARD MANHOLE STEP



NO SCALE

NOTES:

- 1) LARGE ROCKS, BOULDERS, AND STONES OVER ONE (1.0) INCH IN DIAMETER SHALL BE REMOVED TO PROVIDE A CLEARANCE OF SIX (6) INCHES (MIN.) FROM ANY PART OF THE TRENCH.
- 2) ALL EMBEDEDMENT AND BACKFILL MATERIALS SHALL BE FREE FROM FROZEN EARTH, ICE, SNOW, TOPSOIL, MUCK, CINDERS, ASHES, REFUSE, ORGANIC MATTER, BOULDERS, ROCKS, OR OTHER MATERIALS WHICH, IN THE OPINION OF THE ENGINEER, ARE UNSUITABLE.
- 3) EMBEDEDMENT MATERIAL SHALL BE GRANULAR MATERIAL WITH MAXIMUM PARTICLE SIZE OF 1.0" COMPACTED TO 95% OF MAXIMUM UNIT WEIGHT AS DETERMINED BY THE MODIFIED PROCTOR METHOD.
- 4) BACKFILL MATERIAL UNDER PAVEMENT AREAS AND AREAS WITHIN TRENCH INFLUENCE OF BACK OF CURB OR EDGE OF PAVEMENT SHALL BE GRANULAR MATERIAL COMPACTED TO 95% OF MAXIMUM UNIT WEIGHT AS DETERMINED BY THE MODIFIED PROCTOR METHOD.
- 5) BACKFILL MATERIAL FOR PIPE TRENCHES NOT UNDER PAVEMENT AREAS AND AREAS OUTSIDE OF TRENCH INFLUENCE MAY BE NONGRANULAR NATIVE MATERIAL WHICH, IN THE OPINION OF THE ENGINEER, IS SATISFACTORY MATERIAL AND ANGRANULAR MATERIAL FOR SETTLEMENT.
- 6) BACKFILL MATERIAL MAY BE PLACED, SPREAD, AND COMPACTED WITH EQUIPMENT OPERATED LONGITUUDINALLY ALONG THE PIPE LINE. PUSHING MATERIAL INTO THE TRENCH FROM THE SIDE WITHOUT LONGITUDINAL SPREADING AND COMPACTION SHALL NOT BE ALLOWED.
- 7) SEE CITY OF PORTLAND STANDARD DETAIL:
50-122, STANDARD TRENCH DETAIL.



NOTES:

- 1) 4" x 4" RISER MARKER STAKE REQUIRED AT EACH RISER LOCATION.
- 2) BEDDING AND COMPACTION SHALL BE PER CITY STANDARD SPECIFICATIONS.
- 3) SEE RELATED CITY OF PORTAGE STANDARD DETAILS:
SD-110, SANITARY SEWER STANDARD HOUSE CONNECTIONS
(PROPERTY LINE RISER)
- 4) MAIN LINE RISERS REQUIRED WHEN DEPTH OF SEWER MAIN IS 15' OR GREATER



NOTES:

- 1) CONCRETE SHALL BE MDOT GRADES 35P OR 35S, AND MEET THE FOLLOWING REQUIREMENTS:
 - * AGGREGATES SHALL BE LIMESTONE OR SLAG MATERIAL
 - * ENTRAINED AIR, 6 TO 8 PERCENT
 - * COMPRESSIVE STRENGTH AT 28 DAYS = 3500 P.S.I.
 - * SLUMP = 1 TO 3 INCHES
 - * MODULUS OF RUPTURE AT 28 DAYS = 650 P.S.I.
 - * MINIMUM PORTLAND CEMENT CONTENT = 5.50 SACKS PER CUBIC YARD
- 2) EXPANSION JOINTS SHALL BE PLACED AT SPRING POINTS AND UNIFORM INTERVALS OF NOT MORE THAN 100 FEET.
- 3) PLANE OF JOINTS SHALL BE PLACED AT UNIFORM INTERVALS OF TEN (10) FEET. IRREGULAR SECTIONS SHALL NOT BE LESS THAN EIGHT (8) FEET.
- 4) CONCRETE SHALL BE CURED IN A MANNER APPROVED BY THE CITY ENGINEER.



NOTE: CONTRACTOR SHALL SPECIFY UNDERCUTTING PROVISIONS AND PRICES WITHIN BID.

NOTE: COMPACTED MATERIAL SHALL BE COMPACTED TO 95 PERCENT OF MAXIMUM UNIT WEIGHT AS DETERMINED BY THE MODIFIED PROCTOR METHOD.

NOTE: PROPOSED CONC SIDEWALK SHALL BE 4" OF
CONCRETE ON COMPACTED GRANULAR BASE. OUTSIDE
EDGE OF WALK SHALL BE 0.08' (1") ABOVE TOP OF CURB.
WALK SHALL DRAIN TOWARDS ROADWAY WITH 2.0% SLOPE.
WALK WITHIN DRIVEWAY AREAS SHALL BE 6" THICK.
WALK SHALL BE LOCATED ON ONE SIDE OF STREET AS
INDICATED ON CONSTRUCTION PLANS. SEE SIDEWALK DETAIL.



TO: Planning Commission**DATE:** February 3, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** A Tentative Plan Amendment to modify the previously-approved Streamsong Phase 3 residential condominium development; 715 W. Osterhout Avenue.**I. INTRODUCTION:**

As indicated in the January 20, 2022 Planning Commission packet, a Tentative Plan amendment was submitted to facilitate two changes to the original 2017 tentative plan for the Streamsong Planned Development for phase 3 (last development phase) for Commissioner consideration: 1) split off a 1.4 acre parcel for a future single family detached house in the northeast corner of the overall site, and 2) allow 3rd-car garages for 13-14 housing units. This February 3, 2022 report addresses additional public comment and Commission questions posed during the January 20, 2022 meeting for the Commission's consideration and action.

II. BACKGROUND INFORMATION:

During the January 20, 2022 meeting, the Planning Commission continued the public hearing of a proposed Tentative Plan Amendment that would modify the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue consists of two proposed changes for Commission consideration: 1) split off a 1.4 acre parcel in the northeast corner to facilitate a future house; and 2) allow a 3rd-car garage for approximately 13-14 houses within the Streamsong Planned Development condominium. The Commission's action to continue the public hearing was to ensure the Commission adequately addressed neighborhood and Commissioner's concerns about the overall development impacts that were discussed during the January 20, 2022 meeting. Five concerns were brought up, which have been addressed by staff in the Analysis section of this report.

III. ANALYSIS:

To facilitate the Commission's deliberation on the proposed amendment, staff has provided the below responses to questions and concerns relayed by the Commission on 1/20/2022. Additionally, on 1/25/22, the Planning Commission Chair contacted Planning Department staff with additional questions related to this project. That email and staff's responses are attached.

1. Will wetlands be affected? As stated in the January 20, 2022 staff report, wetlands are to be preserved during all construction phases of the Streamsong Planned Development condominium. No development, such as future streets or houses, is planned on wetland areas. Further, no wetlands will be affected with the proposed amendments.

Staff notes that during the January 20, 2022 Commission meeting, the applicant indicated that a wetland delineation was provided in 2017 which helped establish a wetland boundary and a 'conservative'

wetland boundary – an area immediately outside of the actual wetland limits. There is supportive evidence to recommend an updated wetland delineation including recent disturbances related to ongoing earth moving and construction around this wetland area. In addition, stormwater in the wetland area can fluctuate over time, and it has been almost five years since the original wetland delineation was conducted. Since construction for Phase 3 is forecasted to start in 2022 and will be occurring near previously-delineated wetlands, staff recommends a new wetland delineation be established to better locate and protect wetlands in the future as a condition of the subject Tentative Plan amendment.

2. How will the future 1.4 acre parcel be developed while minimizing removal of vegetation and avoiding adjacent wetlands? The applicant has provided a concept site plan showing the location of a future driveway and house located on high elevated uplands. As stated by the applicant during the 1/20/22 Commission meeting, the utilities (water, sewer, etc.) serving the future house will be extended from W. Osterhout Avenue. Therefore, no new utility lines will impact wetlands. Lastly, staff recommended a condition in the January 20, 2022 report that would limit vegetation removal to areas only to facilitate the construction of the future driveway and house. This condition was accepted by the applicant and continues to be part of the subject report recommendation (see end of report).

3. How much increased lot coverage would result from adding a 3rd-car garage for approximately 13 future Streamsong homes? The Streamsong Planned Development consists of a clubhouse and a total build out of 97 dwelling units each with 2-car attached garages. To determine the overall increase in lot coverage by allowing a 3rd-car garage for approximately 13-14 houses, staff first determined a baseline of total building coverage of all 97 houses (plus their attached 2-car garages) plus the clubhouse. Staff reviewed several recently built homes within the Streamsong Planned Development and determined that a general average overall footprint size is approximately 2,200 square feet (includes house, covered porch, and 2-car garage). Therefore, applying this approximate size across the 97 units results in approximately 213,400 square feet of coverage. Adding the clubhouse of approximately 1,360 square feet to the house coverage results in a development total building baseline coverage of approximately 214,760 square feet. Staff then determined an approximate size expected of a 3rd- car garage by measuring a recently built 3rd-car garage located within Streamsong Planned Development, approximately 12' wide x 20' deep = 240 square feet. If 14 future houses were built with a similarly-sized 3rd-car garage, this would result in an increase of 3,360 square feet. Adding 3,360 square feet to 214,760 square feet results in a overall total of 218,120 square feet. This represents a 1.5% increase in building coverage.

4. Any information of past or current required soil erosion permits needed for the development of the Streamsong Planned Development condominium and the future 1.4 acre lot split. A Soil Erosion and Sedimentation Control permit (SESC) is required to be filed with the City of Portage if development affects one or more acres of land or if located within 500 feet of a lake or stream to ensure soil erosion and sedimentation does not impact public health, safety, and general welfare of the community. All SESC permits are filed, reviewed, and inspected by the City of Portage. SESC permits require the installation of best management practice devices and infrastructure (such as silt fencing) to manage soil and sedimentation during construction.

According to City records, there have been two SESC permits (No. PSOIL17-0001 & PSOIL20-0006)

for the construction of the Streamsong Planned Development of Phases 1 & 2. The first permit was filed in 2017 and is expected to be closed out soon with the completion of Phase 1. The second permit was filed in 2020 for Phase 2 and remains open until related items are completed. Under this permit, there was some incidental soil runoff that entered the edge of a wetland. This runoff was likely the result of re-stabilizing the hillside during the construction of Phase 2. An inspector noticed this and required the excess material to be removed, and for additional silt fencing and more inlet protection to prevent further runoff. A third soil erosion permit will be required for Phase 3 of the Streamsong Planned Development.

5. If the 1.4 acre site is approved to be split off from the main Streamsong Planned Development area and will be developed and operated outside of the main development, should it be rezoned to a different zoning district?

Not necessarily. The applicant may choose to file an amendment to change part of the Streamsong Planned Development original tentative plan (today's amendment), and the Planning Commission / City Council may support it if it is generally found to be consistent with the general intent of the Planned Development section of the zoning code (Sec 42-370). On the other hand, if a Planned Development is amended which results in a portion of development (or whole) that no longer meets that intent, rezoning it to a more appropriate and fitting district for the neighborhood, which is more consistent with the Comprehensive Plan, may be preferred.

Staff finds that all five of the Commission's concerns have been met or will be met in the future with the development of Phase 3 Streamsong Planned Development.

IV. RECOMMENDATION:

After reviewing and addressing additional public comment and concerns of the Planning Commission, as discussed in the subject report, staff offers two options for Planning Commission consideration for providing a recommendation to City Council. The two options are provided below, with the first option being preferred by staff.

Option 1) Recommend rezoning to R-1C with conditions

Staff's preferred option. Under this option, staff recommends the proposed Tentative Plan Amendment that modifies the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue, be approved by the City Council with the following two conditions.

Condition 1: The applicant file a rezone of the future 1.4 acre out-lot from Planned Development (PD) to R-1C as being fully separate from the main Streamsong Condominium Planned Development area and not meeting the intent of the Planned Development zoning district. And that the proposed development of a future single family house on the out-lot, as described in the project narrative and site drawing, has qualities more similar to the R-1C district development and in the greater neighborhood. Under this condition, the applicant shall file a rezone application prior to or along with the Final Plan application for Phase 3 of the Streamsong Planned Development.

Condition 2: The applicant establishes and submits to staff a new wetland delineation prior to

construction of Phase 3 improvements to ensure a current wetland delineation is provided.

Next Steps: The process sequence below outlines how a rezoning application process would proceed concurrent with the subject Tentative Plan and subsequent Final Plan of Phase 3 and amendments of the Streamsong Planned Development.

- Planning Commission provides recommendation of Tentative Plan Amendment for Ph. 3 with conditions City Council.
- City Council votes on Tentative Plan Amendment for Ph. 3.
- Applicant files Final Plan of Tentative Plan Amendment for Ph. 3 and files Rezone application (for 1.4 acre out-lot only).
- Planning Commission gives recommendation on Final Plan of Tentative Plan Amendment for Ph. 3, and recommendation of Rezone application (for 1.4 acre out-lot only) to City Council.
- City Council votes on Final Plan Amendment for Ph. 3 and provides 'First Reading' of Rezone application (for 1.4 acre out-lot only).
- City Council votes on rezoning application (for 1.4 acre out-lot only).
- Applicant files Land Division Application to split off 1.4 acre out-lot only; staff review and approval follow.

Option 2) Preserved Planned Development boundary with conditions

Under this option, staff recommends the proposed Tentative Plan Amendment that modifies the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue, be approved by the Planning Commission and recommended to the City Council with the following three conditions.

Condition 1: The Commission finds that the proposed amendment to split off a separate lot can be constructed in a way that meets the Streamsong Song Planned Development 40-foot yard building setback and preserves perimeter natural vegetation buffer. The applicant shall submit documentation prior to or along with the Final Plan application showing compliance with the above yard setback from the exterior perimeter property line, and indicate where natural vegetation buffer along the eastern and northern property lines (Planned Development perimeter) will be preserved.

Condition 2: The applicant establishes and submits to staff a new wetland delineation prior to construction of Phase 3 improvements to ensure a current wetland delineation is provided.

Condition 3: Vegetation removal shall be limited to areas only to facilitate the construction of the future driveway and house on the proposed 1.4 acre out-lot.

Attachments:

1. 1.20.22 PC Packet
2. 1.25.22 PC Chair Email
3. 2022 01 20 Tentative Plan Amendment Streamsong Ph. 3 - 715 W. Osterhout Ave

CITY OF PORTAGE PLANNING COMMISSION

AGENDA

**Thursday, January 20, 2022
7:00 PM**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * 1. December 16, 2021 Meeting Minutes

PUBLIC HEARINGS

- * 1. A Tentative Plan Amendment to modify the previously-approved Streamsong Phase 3 residential condominium development; 715 W. Osterhout Avenue.

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

STATEMENT OF CITIZENS:

ADJOURNMENT:

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

CITY OF PORTAGE PLANNING COMMISSION

Thursday, December 16, 2021

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of December 16, 2021 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Eric Feldt, City Planner;
Daniel Harrington, City Planner; and
Roxanne Seeber (in place of Catherine Kaufman), City Attorney.

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (excused); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (absent); O'Dell (yes); Youngs (yes); and Freiman (yes).

Commissioner O'Dell made a motion to excuse Vice Chair Joshi from the meeting. Motion is supported by Commissioner Baldwin. Motion passes unanimously.

APPROVAL OF MINUTES:

A motion was made by Commissioner Youngs, supported by Commissioner Baldwin to approve the December 2, 2021 meeting minutes. The motion was approved unanimously.

New Business:

Site Plan 10749 Andrews Street. Mr. Feldt explained pursuant to Sec 42-121(B)(1)(b)(3) of the zoning code, the owner of the subject property requests Planning Commission approval to exceed the maximum allowed floor area for additional accessory buildings. The owner seeks approval for one of two development options: 1) an RV carport and a pole barn, or 2) expand existing pole barn and add an RV carport. Mr. Feldt explained the sizes of each buildings/ structures and showed maps with approx. locations to the Commission. Mr. Feldt described the neighborhood and subject site. He also indicated that public notice was provided in the local newspaper and mailings were sent to nearby property owners. Further, Mr. Feldt indicated that the applicant spoke to the neighbor to the south, which is the closest to the proposed development request, whom was supportive of development Option 2. Mr. Feldt indicated that staff recommends denial of the request for both options because staff finds that it would result in unusually-large building massing and, therefore, negatively impacting the neighbor to the south (10711 Andrew Street). If approval is granted, staff recommends a condition ensuring all accessory buildings and items inside are not used for commercial purposes. Mr. Feldt indicated that staff developed an alternative site design that would be supported by staff and result in the requested size by the applicant. Mr. Feldt stated that the applicant did not support staff's alternative because it would result in the following issues: damage to the low-lying grass lawn through frequent driving in/ out of pole barn and proposed buildings, inhibit full access around and into/ out of existing and proposed accessory buildings, and reduce existing trees and vegetation that would otherwise provide a natural screening.

Chair Corradini asked how many neighbors were notified. The applicant stated that one neighbor was contacted.

Chair Corradini stated that he did not see any issue with the plan and asked why the city wants to deny. Mr. Feldt explains that the overall size of the accessory building is unusually large and visible from the neighbor's home to the south (10711 Andrews St.) and, therefore, would result in a negative impact.

Chair Corradini asked why the city proposed a different option. Mr. Feldt stated that since staff is recommending denial, staff discussed alternatives with the applicant which would be supported by staff. Only one alternative was noted in the report. Mr. Feldt explained another alternative which supported Option 1 or 2 with additional landscape trees planted between the southern property line and existing pole barn. Mr. Feldt stated that the trees would 'soften' the views of the large pole barn/ accessory buildings close to view of the neighbor to the south (10711 Andrews Street). The applicant stated that he did not support this alternative as it would block vehicular access around the pole barn to avoid the low lying around in front of the pole barn, and the applicant does not like the recommended tree types proposed by staff.

Commissioner Youngs stated that the property seems maintained and that there is wooded area between some neighbors. He continued that there may be issues with moving the RV carport and that option number one appears best. Commissioner Pezzoli stated preference for Option 2. Commissioner Fries stated that these decisions by staff discourage people to live in Portage. Commissioner Baldwin stated that Option 2 is supported by the applicant and the neighbor and, that she does not see why he cannot do what he wants to do.

Commissioner Freiman asked what the long term negative impact will be. Mr. Feldt explained that this decision will affect future property owners who may not accept this development. Chair Corradini stated that the long term impact does not seem like a serious issue and that a fence would resolve any issue.

Commissioner O'Dell asked what the purpose of the recommended condition is. Mr. Feldt stated that the condition is also in code and it reaffirms standards in place.

Chair Corradini continued to ask the last time an accessory building was denied. Mr. Feldt stated that he can find the answer.

Commissioner Fries stated that the city needs to work with citizens rather than applying the same criteria for different properties. Mr. Feldt stated that flexibility is applied in Portage compared to other cities. Commissioner Youngs stated that perhaps the limitations for a lot should be based on the size of the lot and that flexibility is important. O'Dell stated that the commission is applying flexibility. Commissioner Fries stated that he does not see the code as very flexible.

Applicant, Brian Davis, 10749 Andrews, explained that the size of the building was a consideration. He stated that he is not certain about which option is the best. Commissioner Fries asked what the option that he wants is. Applicant stated adding the addition to the current building is desired. Commissioner Fries asked if electricity is needed for the structure. Applicant stated he will not need electricity. Commissioner Fries asked if the height will be 10 feet to the truss. Applicant stated 10 feet to the first truss. Commissioner Fries asked about the roof pitch. The applicant stated his intent was to keep the building smaller so the neighbors are not upset. Commissioner Youngs asked if applicant expands the pole barn, will he be able to match the siding. Chair Corradini asked the applicant if Option 2 is desired and how long he has lived in

the house. Applicant stated that Option 2 is desired and that he has lived there since September 2014 and his plan is to stay.

Commissioner Freiman motioned to approve option 2. Chair Corradini supported the motion. Upon roll call vote: Chairman Corradini (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); O'Dell (yes); Youngs (yes); and Freiman (yes).

Master Plan Update. Mr. Feldt presented a Master Plan update and stated only one proposal was received from consultants. A new RFP has been recently re-circulated and asked for consultant to indicate an overall project fee. Proposals will now due on January 17th. Updating the City's Master Plan is still expected to start early next year. Commissioner Fries asked for the number of RFP's sent out and why so few RFP's were received. Mr. Feldt responded that consultants were initially strained by COVID and are now busy.

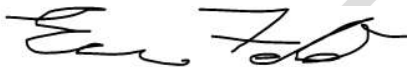
STATEMENT OF CITIZENS/COMMISSIONERS

Commissioner Youngs wished everyone a Merry Christmas. Commissioner Fries stated that he hoped this meeting was helpful for developing the new master plan. Chair Corradini thanked everyone.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:26 p.m.

Respectfully submitted,



TO: Planning Commission**DATE:** January 20, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** A Tentative Plan Amendment to modify the previously-approved Streamsong Phase 3 residential condominium development; 715 W. Osterhout Avenue.**I. INTRODUCTION:**

A Tentative Plan Amendment has been submitted to modify the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue. As noted under Background, Phases 1-2 have been approved and nearly complete with new private streets, utilities, sidewalk, club house/ pool. Recent pictures of the site are attached.

Today's amendment consists of two changes to the original tentative plan approval: 1) reduce the overall amount of preserved open space by splitting off a 1.4 acre parcel for future development; 2) lower the overall minimum number of attached housing units.; and 3) lower the minimum number of attached housing units from the original tentative plan of 20%-30% to 15%. Each amendment is discussed below.

Amendment 1. The developer wishes to reduce the amount of open space by 1.4 acres by separating this sized area in the northeast corner of the site for a new, separate property that would accommodate a future home. If approved, this site would no longer be included in the Streamsong Condominium but would still be in the Planned Development zoning district. See attached layout plan. The 1.4 acre property has some development challenges including mapped wetlands, low-lying ditch, and sloping topography; some developable upland areas might exist. The applicant submitted a magnified view of this area showing a future dwelling area in the southeastern corner of this separate property. Access for this property would likely be off of W. Osterhout Avenue, since it only abuts that right-of-way. The applicant wishes to pursue this land division to facilitate additional housing in a way that will not impact the Streamsong condominium development. Also, the zoning code does not establish a minimum of preserved open space. Instead, it allows the Planning Commission to determine an appropriate amount suitable for the subject development, increase protection for unique environmental conditions, and establish appropriate buffers and natural areas between neighborhoods and adjacent land uses.

Amendment 2) Allow some homes to have a 3-car garage, instead of a 2-car garage. Looking at today's tentative plan, a total of 13 housing units are designed with the large garage option. This will provide an approximately 200 square feet (10' x 20') increase in garage space for extra vehicles or general storage. This may be desirable for residents who need extra storage. Homes within the Streamsong Planned Development are single story with walk-out basements offering limited storage.

In addition to the two amendments above, the applicant is also making two minor changes that can be approved by staff: 1) Slightly reduce the number of required attached houses from 19 units to 18 units; and 2) Install a new pedestrian pathway connecting the 'B' Drive cul-de-sac to the club house/ pool. The applicant indicates that the housing market for this development remains stronger for single family-

detached. Staff notes that the approval of this 'Planned Development' does require a mix of detached and attached housing units. Having 18 attached units continues to meet this requirement. The addition of a pathway will provide a more direct and comfortable route for nearby pedestrians along 'B' Drive and adjacent streets.

II. BACKGROUND INFORMATION:

All phases of the Streamsong development (Ph. 1-3) gained Tentative Plan approval in 2017 for a rezoning from R-1C Single Family district to the Streamsong Planned Development (PD) establishing the layout of 102 homes consisting of a mix of single family attached and detached homes, preservation of open space (approx. 10 acres) including wetlands, and construction of new roads, utilities, and a pedestrian trail. The development would have access to W. Osterhout Avenue. The development layout plan is attached. This is referred throughout today's report as the 'original tentative plan'.

In summary, this original tentative plan creates a condominium of housing ownership, private streets, club house and pool, and an on-site pedestrian trail. The overall density consists 102 units on a 39-acre site, having a density of 2.6 dwelling units per acre. A mix of 70% - 80% single family detached and 20% - 30% single family attached. Homes would consist of single story, many having walk-out basements; 2- to 3-bedrooms; 1,550 - 1,850 square feet with attached two-car garages. A condominium association would be established to manage and maintain the exterior of homes, gutters, lawns, sidewalks, driveways, private streets, club house/ pool, etc.

In 2018, Phase 1 (29 single family detached homes) obtained Final Plan approval to permit construction of new roads, utilities, and homes. That same year, the applicant proceeded with permitting applications for Phase 2 but requested an amendment to reduce the minimum home size from 1,550 -1,850 square feet to 1,218 - 1,499 square feet for up to 40% of the units (41 homes). This amendment was approved as a Tentative Plan amendment and a subsequent Final Plan was gained to permit the construction of Phase 2. This phase consisted of 22 detached single family homes. Under the approval of this Final Plan, the developer also reduced the overall unit count from 102 to 97 homes. Staff notes that this reduction consisted of a minimal change which was allowed to be approved at staff level. Therefore, the new 97-unit count results in a slight change in the number of detached and attached housing to be built and a slight decrease in density. A total of 68-77 detached homes and 19-29 attached homes became the new allowance. And the density decreased slightly from 2.6 dwellings/ acre to 2.4 dwellings/ acre. In 2020, Phase 2 was under construction. As of the date of this memorandum, almost all housing units under Phases 1 & 2 are under construction or built.

III. ANALYSIS:

As stated earlier, the proposal consists of two amendments to the existing tentative plan for the last phase (Ph. 3: Units 51- 97) of the Streamsong condominium Planned Development. These amendments shall be reviewed as a new tentative plan for consistency with Sec 42-375 *Plan review and approved (Planned Development)* items A - G. Staff notes that there are two steps involved in the Planned Development review process: Step 1) Tentative Plan review (Items A-G of Sec 42-375) identifies part(s) or whole project features; analyzes impact to neighborhood, streets, utilities, and the natural environment; and determines consistency with adopted local plans. Step 2) Final Plan review (Items H-M of Sec 42-374), identifies and analyzes detailed drawings of project improvements (streets, utilities,

lot dimensions, etc.). Both steps involve Planning Commission review and recommendation and a subsequent City Council vote during public hearings.

If a modification to the tentative plan is proposed and (generally) results in a greater than 10% variation in project elements, reduction in open space, or changes to other substantive features, a new tentative plan shall be filed for further consideration. The applicant has filed a new Tentative Plan to gain approval of the two proposed amendments. The new plan has been filed and reviewed pursuant to Items A-G of Sec 42-375, as provided below.

Sec 42-375 Plan review and approved (Planned Development); Items A-G Tentative Plan

Items A,B,D,E,F, and G establish the review process and procedure whereby indicating that a complete application, fee and narrative shall be submitted to Community Development. The Department will then prepare a report for Planning Commission consideration during a public hearing. The Commission shall review the report, consider public testimony, and provide a recommendation to City Council for further consideration and final vote. If approval is gained, the applicant shall have up to two years to proceed with an application for a Final Plan of the proposed Planned Development for Planning Commission and City Council consideration. Item C lists required submittals to establish a complete application, such as a general plan of development, proposed uses and location thereof, phases of development, etc. The majority of Item C elements have been addressed under the 2017 and 2018 approval Tentative Plan and Final Plan approvals. The only changes are the two amendments needing Planning Commission and City Council approval, and two minor changes which can be approved at staff level.

Staff has provided an analysis of the two proposed amendments below.

Amendment 1) As mentioned earlier, the developer wishes to split off a 1.4 acre area in the northeast corner of the site for a new, separate property that would accommodate a future home. This amendment does change the overall Streamsong Planned Development original limits and creates new development opportunities. Therefore, the substantial change requires Planning Commission and City Council permission. As shown on the submitted view site drawing of the proposed 1.4 acre site, there is substantial topography and wetlands. The delineated future driveway and house are shown on the hillside, avoiding wetlands and other low-lying areas.

Staff notes that by removing 1.4 acres from the overall Streamsong planned development, the density of this development will slightly increase from 2.48 homes/ acre (97 units/ 39 acres) to 2.57 homes/ acre (97 units/ 37.4 acres). This new density is far below the maximum allowed under the Planned Development (max 7 units/ acre; Sec 42-374 (D)), and is not expected to negatively impact the Streamsong planned development or adjacent property, nor impact environmental areas, such as wetlands.

Further, staff also analyzed the impact of reducing the overall open space from the Streamsong planned development and development clearing resulting from splitting off and building upon the 1.4 acre site. The original tentative plan stated that the preserved open space benefits Streamsong residents by providing viewsheds of natural forests and hillsides, active and passive recreation opportunities, and serves as a natural buffer and visual screening to adjacent development. The area of development for a

future driveway and house within this new parcel is along the eastern portion of the site, containing forested hillside. Based on the necessary clearing of vegetation for the future driveway and house, some natural screening may be reduced. Since the driveway and house will be constructed on the hillside and avoid adjacent wetlands, the future house would be built on higher elevations than the rest of the Streamsong housing. Therefore, the house may be visible from the nearby Streamsong units, especially during the winter months. Although this future house would be located approximately 300 feet away from homes within Streamsong, it could be visible. To ensure the overall development will continue to preserve natural screening, as noted in the original tentative plan, staff recommends a condition that the area of tree removal for development on the separate 1.4 acre site is minimized to only the areas needed to construct the driveway and house. With this condition, staff finds this amendment will generally add another housing opportunity without negatively impacting adjacent development including the future phase of Streamsong Planned Development. This condition has been shared with the developer, who does not oppose it. If this amendment is approved, the applicant shall submit a complete Land Division Application to the Community Development Department and ensure consistency with the Article 5 - *Subdivision and Land Division Regulations* and the State Land Division Act. Also, during building permit review, the developer or contractor shall show limits of construction and clearing for the future driveway and house.

Amendment 2) Increasing the typical 2-car attached garage for the development to a 3-car garage for approximately 13 units will expand the overall building footprint and is a substantial change to the original tentative plan of the Streamsong Planned Development warranting approval by the Planning Commission and City Council. Adding an additional garage space will provide more flexibility in meeting storage needs of residents. It will expand the overall footprint of those units and slightly increase stormwater needs. Since specific stormwater calculations have not yet been determined for Phase 3 (not yet built), this increase in stormwater needs will be determined and designed for during a subsequent review of Phase 3 if and after the subject tentative plan amendments are approved. Further, adding a 3-car garage will increase the overall 'garage appearance' of the facade. Some residents may not desire this, but others may not find it to be an issue. Looking at the submitted tentative plan, 13 housing units would have this option. Staff finds this relatively few number of 3-car garage homes will not create a negative impact of the resulting 'garage appearance' impact to warrant limiting this extra garage space. Another resulting effect of a 3-car garage is having a wider than typical driveway. Per Sec 24-111 *Improved Driveway*, the driveway average width cannot exceed 24 feet nor cover 50% of the front yard area. The Streamsong units are condominium areas and not on separate properties. Therefore, the 50% coverage would be difficult to calculate, but the 24-foot maximum width will need to be met when constructing these large garages. Staff notes that this maximum width is measured and confirmed by staff during the building permit review process.

Overall, staff finds the two proposed amendments meets Sec 42-375 *Plan review and approved*; Items A-G Tentative Plan, will generally continue to be a planned development consistent with the original tentative plan, further the last development phase of Streamsong Planned Development, and provide additional development opportunities without negatively impacting adjacent property or sensitive environments.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the Tentative Plan Amendment consideration at a subsequent meeting, the Commission is advised to receive public comment during the January 20, 2022 meeting and adjourn the public hearing to the February 3, 2022 meeting. If no public comment is received and the Commission is supportive of the proposed amendment, staff advises the Planning Commission to waive a second public hearing and recommend to City Council that the tentative plan amendment to modify the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue be approved.

Attachments:

1. 3.14.17 Original Tentative Plan; Report
2. Application
3. 2019 Google Pictures
4. Separate Lot - Concept House Drawing
5. 01.12.22 Streamsong Tent Plan
6. 01.12.22 Streamsong Narrative
7. 01.04.22 Staff Pictures

TO: Planning Commission **DATE:** January 12, 2017

FROM: Vicki Georgeau, ^hDirector of Community Development

SUBJECT: Final Report: Rezoning Application 16/17-3, 715 West Osterhout Avenue (Streamsong residential condominium PD)

APPLICATION INFORMATION:

A PD, planned development rezoning application has been received from SDV Development, LLC involving an approximate 39 acre parcel addressed as 715 West Osterhout Avenue. SDV Development, LLC has recently purchased the subject property and is requesting to change the zoning from R-1C, one-family residential to PD, planned development to accommodate a residential condominium project (Streamsong) consisting of single family detached and attached homes. Attached is the rezoning application, narrative and tentative plan.

EXISTING CONDITIONS:

The table below summarizes the existing conditions in this general area.

Existing Land Use/ Zoning	• <u>Rezoning Site</u>: Approximate 39 acre vacant property. The former single family dwelling was recently razed. • <u>North</u>: Across West Osterhout Avenue, single family residences and Schrier Park zoned R-1C. • <u>South</u>: Gourdneck State Game Area zoned R-1C. • <u>East</u>: A single family dwelling and vacant land zoned R-1C. • <u>West</u>: A single family dwelling and vacant land zoned R-1C.
Zoning/Development History	A similar PD application (Rezoning Application #15/16-5) involving 715 West Osterhout Avenue was considered by the Planning Commission in May 2016. The application also proposed a mix of attached and detached single family residential condominium units (102 units total). While this PD rezoning was recommended for approval by both staff and the Planning Commission, the applicant withdrew the application prior to City Council consideration. No other recent rezoning activities in the surrounding area.
Historic District/ Structures	This property is not located in a historic district and does not contain any historic structures.
Environmental	The eastern/southeastern portion of the subject property (approximately 6.3 acres) has been identified as regulated wetlands. The applicant hired a wetland consultant who performed a wetland assessment of the property and the wetland boundary is identified on the tentative plan drawing. No encroachment into the wetlands is proposed with the residential condominium development.
Public Streets	West Osterhout Avenue is classified as a 2-lane minor arterial roadway with a 2012 average daily traffic count of 4,436 vehicles. The capacity of this section of West Osterhout Avenue is 16,500 vehicles per day (level of service "D").
Public Utilities	Sanitary sewer and municipal water are available within the West Osterhout Avenue to serve the proposed development project.

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 that outlines the development concept (phases) for the entire project. Although conceptual in nature, specific statements, proposals, plans and a schedule for development of the site are required. 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 initiate rezoning proceedings to re-designate the property to an alternate 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.

In the PD district:

- 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.
- Up to 20% of the total land area can be utilized for nonresidential uses.
- The overall density may not exceed seven units per acre and density in any one phase may not exceed 12 units per acre.
- Single family lots cannot average less than 6,500 square feet with a minimum of 5,000 square feet.

PROPOSED TENTATIVE PLAN:

As indicated by the applicant, the objective of the planned development is to create an attractive, high quality neighborhood of single family detached and attached homes with a clubhouse/pool, private streets, sidewalks, on-site trails and preservation of natural areas for the enjoyment of the residents. A total of 102 residential dwelling units are proposed resulting in an overall development density of approximately 2.6 units/per acre based on the entire 39 acre site. When the density is calculated based on approximately 29 acres of usable land area available for development, density increases to 3.5 units/per acre. The applicant anticipates that approximately 70-80% of the residential structures will be single-family detached dwellings and the remainder will be single-family attached dwellings. Residential condominium units will include two and three bedroom floor plans and range between 1,550–1,850 square feet of living area, excluding any basement area and an attached two-car garage. Other features of the proposed planned development project include:

- Pedestrian Walkway/Trailway – Concrete sidewalks will be constructed on at least one side of the interior private streets. Additionally, a walking trail (stone or wood chip) will be constructed on an upland area along the east side of the property between the east property line and identified wetland area. This trail will also provide pedestrian access to the Gourdneck State Game Area located to the south. Additionally and for enhancement of the interior pedestrian circulation system, a pathway is also planned at the end of the cul-de-sac labeled “F” Drive. Finally, a pedestrian/vehicular connection is planned to connect this development to a future phase of the Stateland Park subdivision located immediately to the west.

- Open Space Features – Open space will be preserved to serve as an amenity to the development and to provide active and passive recreation options for the residents. Primary natural areas that will be preserved include the approximate 6.3 acres of wetlands located along the northeast and southeast portions of the property and an additional approximate 3.9 acres of upland located east and southeast of the wetland areas. A clubhouse/pool is also proposed near the main entry to the development which will offer active recreation for the residents. Finally, the applicant has indicated that mature trees and natural areas present around the perimeter of the property will be preserved to serve as a natural buffer and to provide visual screening.
- Storm Water Management - Storm water runoff associated with the project will be collected and disposed by a combination of infiltration swales and discharge to natural wetland areas. Additional information concerning the design of the storm water system, along with any necessary permits/approvals from the Michigan Department of Environmental Quality will be submitted with the final (site) plan.
- Vehicular Access/Private Streets – Access to the development will be provided through a single access drive from West Osterhout Avenue, along the western portion of the property opposite the Schrier Park entrance. A temporary emergency access drive will be constructed near Lloy Street. This temporary emergency access drive will be installed when the number of dwelling units within the development exceeds 30 and will be abandoned when a connection to the future phase of the Stateland Park subdivision (to the west) is completed. A network of curbed private streets will be provided within the interior of the development with a minimum drivable width of 26-feet.
- Building Setbacks – A minimum 40-foot building setback will be maintained around the perimeter of the property. Additionally and to provide a peripheral transition area to future phases of the Stateland Park subdivision to the west, the applicant has agreed to only construct single family detached condominium units along the western portion of the planned development. Residential condominium buildings will maintain a minimum 20-foot separation and will be setback at least 25-feet from the interior private streets.
- Project Phasing – The applicant envisions that the overall development project will be constructed in four phases with between 18-33 dwelling units constructed within each phase. Phase I of the development is anticipated to begin in 2017 and the last phase in 2023.

PUBLIC HEARING/COMMENTS:

The Planning Commission convened a public hearing to consider the PD rezoning and tentative plan/narrative during the January 5, 2017. Mr. Pat Flanagan of Ingersoll, Watson & McMachen (applicant's engineer) and Mr. Mike Seelye (SDV Development) were present to support the PD rezoning request and explain the planned development project. No citizens spoke during the meeting regarding the proposed PD rezoning and development and no citizen communications have been received.

FINAL ANALYSIS:

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

Comprehensive Plan

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

Future Land Use Plan Map -- The Future Land Use Plan Map component of the Comprehensive Plan designates the subject property, along with the majority of the surrounding properties, as appropriate for Low Density Residential land use. The adjacent State-owned property to the south is designated as the Gourdneck State Game Area, while the adjacent city-owned property to the north (Schrier Park) is designated for Park/Recreation land use. The Comprehensive Plan identifies the purpose of the Low Density Residential classification (1 to 4 units per acre) to establish areas for future low density, single family residential development, to protect existing established residential neighborhoods from the intrusion of incompatible land uses and to encourage new housing development to take advantage of available attractive natural features and other amenities. The Low Density Residential classification generally corresponds to the R-1B, R-1C, R-1D, R-1E and single-family residential uses in the PD zoning districts. The proposed PD zoning and single-family residential condominium development is consistent with the Future Land Use Map and Comprehensive Plan.

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 zone and associated tentative plan/narrative is consistent with applicable Development Guidelines contained in the Comprehensive Plan (see attached).

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

Both the existing R-1C zoning and the proposed PD zoning/tentative plan are consistent with the Comprehensive Plan/Future Land Use Map and suitable for the subject property. Traditional single family residential developments (subdivisions/plats) under the R-1C zoning district are required to provide a minimum lot size of 12,000 square feet (14,400 square feet for corner lots). This minimum lot size requirement generally results in a development density between 2-3 units/acre. Based on approximately 29 acres of usable land area available for development and the location of the wetland areas, the R-1C zone would yield approximately 78 single-family lots (2 units per acre). As proposed by the applicant, 102 dwelling units are planned if the property is rezoned to PD, planned development and tentative plan approved. The approximate 30% increase in the number of dwelling units under the PD district is primarily

attributed to the proposed mixture of housing types (single-family attached, single-family detached and duplexes) and more narrow, private streets (public streets require a 60-foot wide right-of-way) within a condominium form of development. While the PD ordinance establishes a maximum overall development density of 7 units/acre, the proposed PD rezoning and tentative plan/narrative proposes an overall development density of approximately 2.6 units/acre (3.5 units/acre on 29 acres of developable land) consistent with a low density residential development pattern in the vicinity.

Traffic Considerations

According to The ITE Trip Generation Manual, Eighth Edition, a single family residence will generate between 5-6 vehicle trips (10-12 vehicle trip ends) on an average weekday, 24-hour period. At full build-out, a total of 102 single family residences will generate between 510-612 vehicle trips on an average weekday, 24-hour period (1,020-1,224 vehicle trip ends). For Commission information, vehicle trip ends count each car that visits a site twice, once for entering and once for exiting. In conjunction with this residential development, a left-turn lane in West Osterhout Avenue will be required.

Environmental Impacts

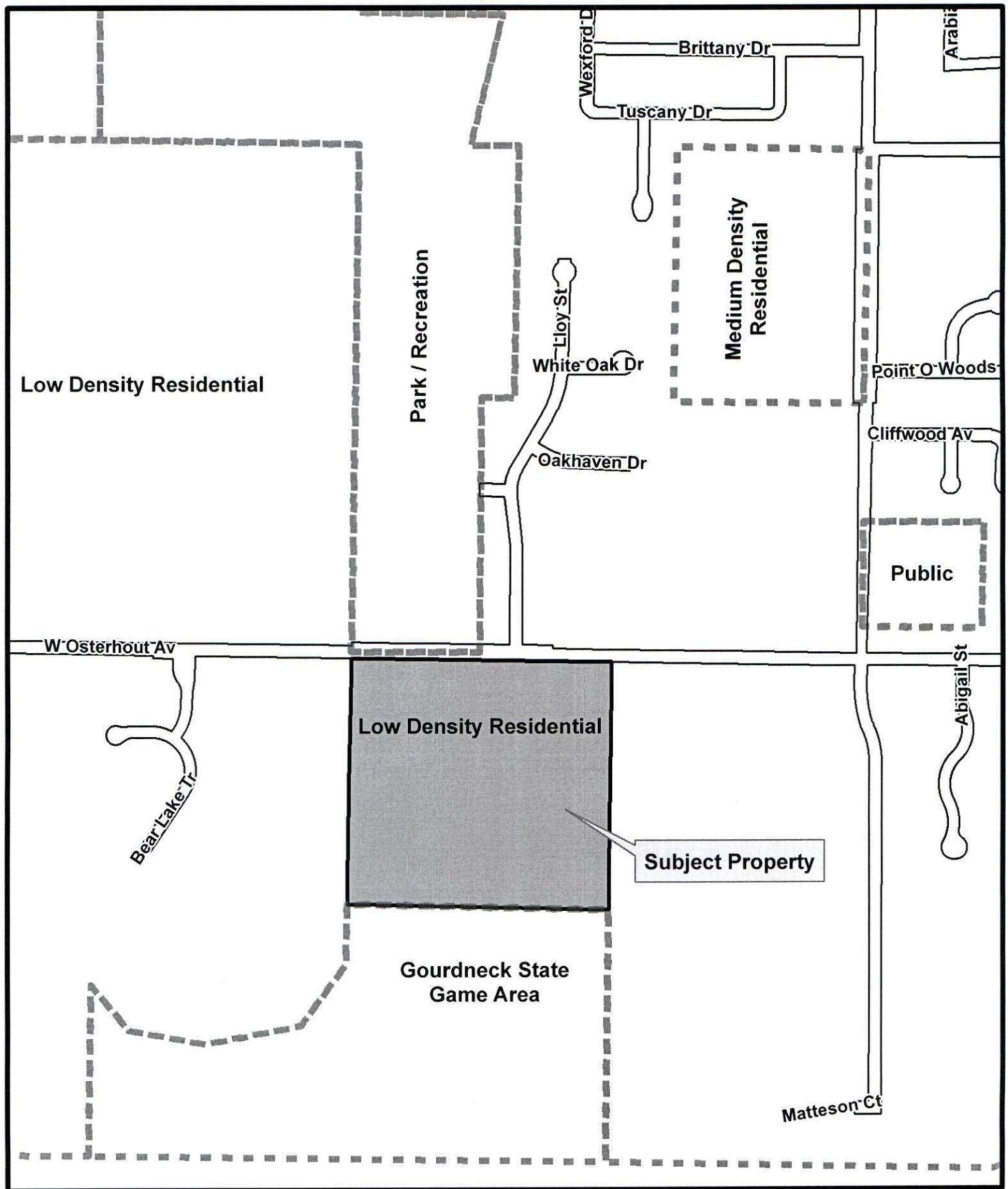
As indicated previously, approximately 6.3 acres located along the eastern portion of the subject property have been identified as regulated wetlands. The tentative plan does not identify any construction activities (homes, private streets, utilities) occurring within designated wetland areas. Additional review of regulated wetlands, including any proposed discharge of storm water from the development, will be considered with submittal of the final (site) plan for each phase of the project.

RECOMMENDATION:

Subject to any additional comments that may be received during the public hearing, staff advises the Planning Commission to recommend to City Council that Rezoning Application #16/17-3 be approved and 715 West Osterhout Avenue be rezoned from R-1C, one family residential to PD planned development.

The PD district and proposed residential condominium development is appropriate in this area of the City and will provide assurances to surrounding property owners on the specific type of development that will be built on the property while providing design flexibility to the developer. The PD district and associated tentative plan/narrative submitted by SDV Development, LLC is consistent with the Comprehensive Plan/Future Land Use Map designations and surrounding zoning/land use pattern along West Osterhout Avenue.

Attachments: Zoning/Vicinity Map
Future Land Use Map
Aerial Photo Map
Development Guidelines Table (PD)
Rezoning Application
December 29, 2016 Narrative and Tentative Plan



 Future Land Use
 Subject Property

Future Land Use Map 715 West Osterhout Avenue



1 inch = 667 feet



 Subject Property

Rezoning: 16/17 - 3
715 West Osterhout Avenue



1 inch = 500 feet
 (178)

DEVELOPMENT GUIDELINES

Rezoning Application #16/17-03 (Planned Development, PD)

Guideline	Description	Consistent	Comments
Rezoning – 1	Rezoning Request	Yes	Future Land Use Map designates rezoning site, along with the majority of the surrounding properties, as appropriate for low density residential land use. The proposed PD zone and associated tentative plan/narrative is consistent with this designation. The residential condominium project proposes a combination of single family detached and attached dwellings with an overall development density of approximately 2.6 units/acre.
Residential – 1	Protection of Residential Neighborhoods	Yes	The proposed single-family residential PD is consistent and compatible with the surrounding zoning and land use pattern: Non-residential land uses are not proposed with the PD.
Residential – 2	Residential Development along Arterial Roadway	Yes	The proposed single-family residential PD project will be situated along West Osterhout Avenue (minor arterial) with access provided from West Osterhout Avenue.
Residential – 3a	Locational Criteria for Residential Uses	Yes	Rezoning site has locational criteria consistent with the low density residential category (1-4 units/acre): Overall development density for single-family residential PD will be approximately 2.6 units/acre with access from a minor arterial roadway, municipal water/sanitary sewer and underground private utilities.
Residential – 4	Compatibility with Adjacent Land Use	Yes	The single-family residential PD and related development density is consistent and compatible with the surrounding low density residential zoning and land use pattern.
Residential – 5	Open Space and Natural Resource Protection	Yes	The single-family residential PD will preserve approximately 6.3 acres of wetlands located along the northeast/southeast portions of the property, and an additional 3.9 acres of upland area located east and southeast of the wetland areas. A clubhouse/pool is also proposed near the main entry to the development. Mature trees and natural areas present around the perimeter of the property will also be preserved to serve as an amenity to the development and also provide natural screening and buffering.
Residential – 6	Streets and Pedestrian Systems	Yes	Access will be provided from West Osterhout Avenue, a minor arterial street. Concrete sidewalks will be constructed on at least one side of the interior private streets. Additionally, a walking trail (wood chips/stone) will also be constructed on the upland portion of the property, between the east property line and wetland areas, which will also provide access to the Gourdneck State Game Area (to the south). Finally, a pedestrian connection is also planned along the west side of the site to connect with a future phase of the Stateland Park subdivision.

Guideline	Description	Consistent	Comments
Residential – 9	Residential Planned Unit Development	Yes	The PD project will create an attractive, high quality neighborhood of single-family detached and attached homes with private streets, sidewalks, trails and preservation of natural areas for the enjoyment of the residents. Each home will feature high quality construction, maintenance free materials and energy efficient features. Floor plans (two and three bedroom) will range from 1,550 – 1,850 square feet, exclusive of any basement area, and include a two-car attached garage. Most, if not all, homes will also have a front porch and either a deck, patio or 4-season room attached to the rear of the dwelling. No nonresidential uses are proposed with the PD.
Natural & Historic Resources – 1	Environmental Protection	Yes	A wetlands assessment of the 39 acre property has identified approximately 6.3 acres of wetlands along the northeast and southeast portions of the site. These wetland areas, plus an additional approximate 3.9 acres of uplands located along the eastern portion of the property will be preserved as an amenity for the development. Additionally, mature trees and natural areas present around the perimeter of the property will also be preserved for the enjoyment of the residents.
Natural & Historic Resources – 2	Floodplain	N/A	The rezoning site is not encumbered by floodplain areas.
Natural & Historic Resources – 3	Water Quality	Yes	Storm water from the project will be collected and disposed by a combination of infiltration swales and discharge to natural wetland areas. Additional information regarding the design of these systems, along with any necessary permits/approvals from the Michigan Department of Environmental Quality will be submitted with the final (site) plan.
Natural & Historic Resources - 4	Noise	N/A	The rezoning site is not situated near excessive noise generators such as the Kalamazoo/Battle Creek International Airport or major freeway arteries.
Natural & Historic Resources - 5	Historic Resource Preservation	N/A	The subject site is not located within a historic district and does not contain any historic structures.
Natural & Historic Resources – 6	Open Space Preservation	Yes	See Residential – 5 and Natural & Historic Resources – 1 comments above
Transportation – 1	Transportation Systems	Yes	West Osterhout Avenue is a 2-lane minor arterial street with 4,436 vehicles per day (2012) and a capacity of 16,500 vehicles per day (level of service D). Anticipated traffic generation from the PD can be accommodated. In conjunction with the residential condominium project, a left-turn lane in West Osterhout Avenue will be constructed by the developer.
Transportation – 2	Street Design	Yes	Access to the development will be provided through a single access drive from West Osterhout Avenue, along the western portion of the property opposite the Schrier Park entrance drive. A temporary emergency access drive will be constructed near Lloy Street when the number of dwelling units within the development exceed 30 and will be abandoned when a connection to the future phase of the Stateland Park

			subdivision to the west is completed. A network of curbed private streets with a minimum drivable width of 26-feet will be provided within the interior of the development. Final design will be further evaluated with the final/site 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.

s:\commdev\2016-2017 department files\board files\planning commission\pc reports\development guideline tables\guideline table 16-17-03 (pd).doc



PORTAGE

A Natural Place to Move

Department of Community Development

RECEIVED
DEC 08 2016

COMMUNITY DEVELOPMENT

APPLICATION FOR ZONING AMENDMENT

Application number #16/17-3

Date 12-8-16

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: n/a

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). #715 West Osterhout Ave. / Parcel # 00033-160-0
The northwest 1/4 of the Southeast 1/4 of Section 33, Town 3 South,
Range 11 West, City of Portage, Kalamazoo County, Michigan.
Area = 39 acres

2. a. Do you own the property to be rezoned? Yes _____ No X (Have signed sales agreement)

b. Name of the owner of the property to be rezoned: SDV Development, LLC

Address 3820 Stadium Drive, Kalamazoo, MI 49008

7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ (269) 329-4477
www.portagemi.gov

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: Own property / rezoning for proposed PD.

4. CURRENT ZONING: R-1C PROPOSED ZONING: PD

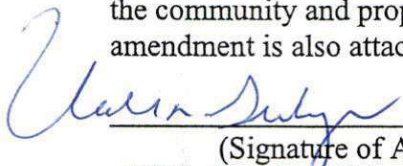
ZONING TEXT AMENDMENT n/a

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.



**Mike Seelye,
SDV Development, LLC**

(Signature of Applicant)

(Signature of Applicant)

**3820 Stadium Drive
Kalamazoo, MI 49008**

(Address)

(Address)

(269) 375-3820

(Phone)

(Phone)

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.

December 29, 2016

RECEIVED
DEC 29 2016
COMMUNITY DEVELOPMENT

**NARRATIVE for Proposed
'STREAMSONG' PLANNED DEVELOPMENT
Located on Osterhout Avenue
in The City of Portage**

**DEVELOPER:
SDV DEVELOPMENT, LLC
Attn: MIKE SEELYE
3820 STADIUM DRIVE
KALAMAZOO, MI 49008**

INTRODUCTION:

This proposed Planned Development, or PD, is situated on the south side of Osterhout Avenue, approximately 3/8 mile west of South Westnedge Avenue, in Section 33, City of Portage, Michigan. The subject property contains 39.0 acres (excluding Osterhout Avenue right-of-way) and measures one quarter mile east/west by one quarter mile north/south. The site is mostly wooded, and is surrounded by properties that are mostly wooded. Despite the property having a rural feel to it, it is located less than 10 minutes from many City of Portage businesses and other City amenities. Proposed on site are approximately 102 dwellings of high quality, energy efficient construction. Each dwelling will be served by a private road network. This PD will offer a variety of dwelling floor plans along with a mixture of housing types (single family detached, single family attached, and possibly duplex dwellings).

PURPOSE & OBJECTIVES:

The objectives of this PD development are as follows:

- 1) To create an attractive, high quality neighborhood of single family homes for couples, small families, and single individuals.
- 2) To eliminate many maintenance duties and responsibilities for homeowners such as mowing, weed control, raking of leaves, cleaning of gutters, snow shoveling, tree trimming, etc.
- 3) To provide a single family neighborhood with high quality, energy efficient homes, but at the same time eliminate much of the maintenance that comes with home ownership.
- 4) To create a neighborhood with typical densities, but at the same time provide permanent open space, on-site natural areas, walking trails, and a clubhouse that can be enjoyed by the residents.

CONDOMINIUM / OWNERSHIP:

The PD will be developed as a condominium with the residents owning and maintaining the inside of the dwelling (the condominium "unit"). The condominium association will own and maintain everything exterior to each unit, including yard areas ("limited common areas") and streets / natural areas ("general common areas"). Exterior maintenance that will be provided by the Condominium Association will include the exterior of the dwellings, gutters, lawns, sidewalks, driveways, private streets, natural areas, etc. The yard area surrounding each dwelling be "limited common area" and will be for the use and enjoyment of that unit owner. The private streets, sidewalks, on site trails, and natural areas will be designated as "general common areas." The clubhouse/pool area that will be constructed as part of phase one will also be a general common area. These general common areas will be for the use and enjoyment of all residents.

THE SITE:

This PD is located on the south side of Osterhout Avenue in the Southeast quarter of Section 33. The property address is 715 West Osterhout Avenue. Situated east of the subject property are two large parcels, each with a home on it. South of the subject property is land owned by the State of Michigan. West of the subject property is a large parcel with a home on it, as well as some vacant land (future development area for the "Stateland Park" subdivision). North of the property, on the north side of Osterhout Avenue, are single family dwellings and Schrier Park. All adjoining properties, as well as the subject property, are currently zoned R-1C per the City's Zoning Map. The subject property is covered by mature trees and younger trees, with the mature trees being spread out. The site is unique with nice hardwoods and rolling terrain, and the intent is to preserve as many trees as possible. Within the southeasterly and easterly portions of the property is land that is significantly lower than the northwesterly portion of the property. A wetland assessment of the property has been completed and the conservative wetland boundary has been shown on the Tentative Plan. The Wetland Assessment report has been provided to the City for reference. The northerly and westerly portions of the property are relatively high. Along the entire north edge of the property is Osterhout Avenue, a City of Portage public street. Soils within the proposed building areas are Oshtemo Sandy Loam per the USDA's Soil Survey of Kalamazoo County.

PHASING:

It is anticipated that the development will be constructed in four phases, with each phase consisting of between 18 and 31 dwellings. Construction of utilities, roadways, and dwellings for phase one is planned to commence during 2017. Construction for each subsequent phase is anticipated to commence approximately every two years. The currently anticipated size, limits, and density of each phase has been shown on the submitted Tentative Plan. Phase one is anticipated to include 28 units on 8.4 acres. Phase one will also include the clubhouse/pool area. Phase two is anticipated to include 31 units on 9.0 acres. Phase three is anticipated to include 25 units on 16.7 acres. Phase four is anticipated to include 18 units on 4.9 acres. Please note that the proposed phasing could be altered based on utility routing, final design, City requirements, etc.

ON-SITE DWELLINGS:

The proposed dwellings within this PD will typically measure approximately 44 feet wide and 60 to 70 feet deep. Each dwelling will have between approximately 1550 square feet and 1850 square feet of living area (excluding any basement area), an attached two-car garage, and the dwellings will typically be single story with a basement. It is anticipated that three dwelling sizes will be offered (1550-1650, 1650-1750, and 1750-1850 square feet). Most or all dwellings will have a front porch. Most dwellings will have a deck, patio, or 4-season room on the rear of the dwelling. A mixture of housing types will be included.

ON-SITE DWELLINGS: (cont.)

It is anticipated that approximately 70 % to 80% of the on site units will be single family detached dwellings and that approximately 20% to 30% of the on site units will be single family attached dwellings. Single family attached dwellings and duplexes shall comply with City requirements. All dwelling construction shall comply with City and State construction codes. Each home will feature quality construction, maintenance free materials, and various energy efficient features. Conceptual Front Building Elevations have been attached to this Narrative for general review. Final Building Plans will be prepared after the property has been rezoned to 'PD'. The units will be constructed to meet and exceed energy codes. The look from the street will be a blend of craftsman, cottage, and New England styles. While the front elevations will be different, the look will have an intentional feel with design consistency among the various building fronts throughout the development. It is anticipated the dwelling prices will start in the \$200,000 range for smaller units. For the larger units with a finished walkout basement and other upgrades, dwelling costs will likely approach or exceed the \$350,000 range.

STREETS, SIDEWALKS, and DRIVEWAYS:

On site paved streets will be private and will incorporate concrete roll curb on each edge and will have a minimum drivable pavement width of 26.1 feet. It is intended that the streets will be wide enough to allow parking on one side of the street per Fire Department requirements. All streets shall be designed and constructed in accordance with City requirements. Access to and from the site will be from one location and shall include one entry lane (14 feet wide) and two exit lanes (lane widths equal 11 feet). A landscaped island may be incorporated into the access drive. A 20 foot wide temporary emergency access drive from Osterhout Avenue will be constructed when the number of units exceeds 30. The temporary emergency access drive will be abandoned when a 20 foot wide permanent emergency access drive is constructed to "Stateland Park." Lighting along each street will be from a yard light within each front yard. Concrete sidewalks will be constructed on at least one side of each street. The sidewalks will be set back from the back of curb a minimum of 3.0 feet. Also incorporated within the development will be a nature trail within the easterly, undeveloped portion of the property. This nature trail will extend southerly to the State owned property adjoining to the south. Other concrete walkways and nature trails may be incorporated into the development. Driveways for each dwelling will be constructed of concrete and will have a length of at least 25.0 feet as measured from the back of curb. The length of the driveways will allow temporary vehicle parking for one or two vehicles depending on driveway width. Off-street parking areas may be incorporated into the PD. All streets, walks, trails, driveways, and parking areas will be maintained by the Condominium Association.

STORM SEWER SYSTEM and DRAINAGE:

Crowned, paved roadways and concrete curb and gutter will direct storm water run-off to the proposed private storm sewer drains and pipes. The storm water run-off will be disposed of by a combination of infiltration and discharge to the on site lowland areas. The storm water system will comply with City requirements. Design of the system will be subject to City review and approval, as well as review and permitting through the State of Michigan MDEQ if required.

WATER MAINS, FIRE HYDRANTS, and SANITARY SEWERS:

Installed along all private roads will be City Portage public water mains and sanitary sewers, including house leads to each dwelling. Fire hydrants will be installed at locations approved by the City of Portage. These utilities shall be designed and installed in accordance with City requirements, and appropriate utility easements shall be granted to the City. Note that there is an existing 20 inch public water main on the north side of Osterhout Avenue, and an existing 8 inch public sanitary sewer near the center line of Osterhout Avenue.

PRIVATE UTILITIES:

The site will be served with underground natural gas, electric, telephone, and cable TV lines. It is anticipated that these underground lines will be situated on the side of the street opposite the public water main. There is an overhead power line within the northerly portion of the property (see Tentative Plan). We are currently working with Consumers Energy to relocate this power line underground or re-route it above ground. We are not proposing that this overhead power line be left in it's current location.

OPEN SPACE and NATURAL AREAS:

A significant portion of the property will be designated as a permanent natural area. This includes the far easterly and southeasterly portions of the property. The area of the subject property is 39.0 acres excluding the Osterhout Avenue right-of-way area. We currently estimate that approximately 6.3 acres of the property is wetland area, and that approximately 3.9 acres of the property (east and southeast of the wetland area) will remain as a permanent natural area. Within this permanent natural area will be a nature trail that extends southerly to the State of Michigan land. Around the perimeter of the development, natural areas and trees will be preserved to serve as a natural buffer and visual screening. A clubhouse and pool area will be included within phase one of this PD project.

ZONING, BUILDING SETBACKS, and DENSITY:

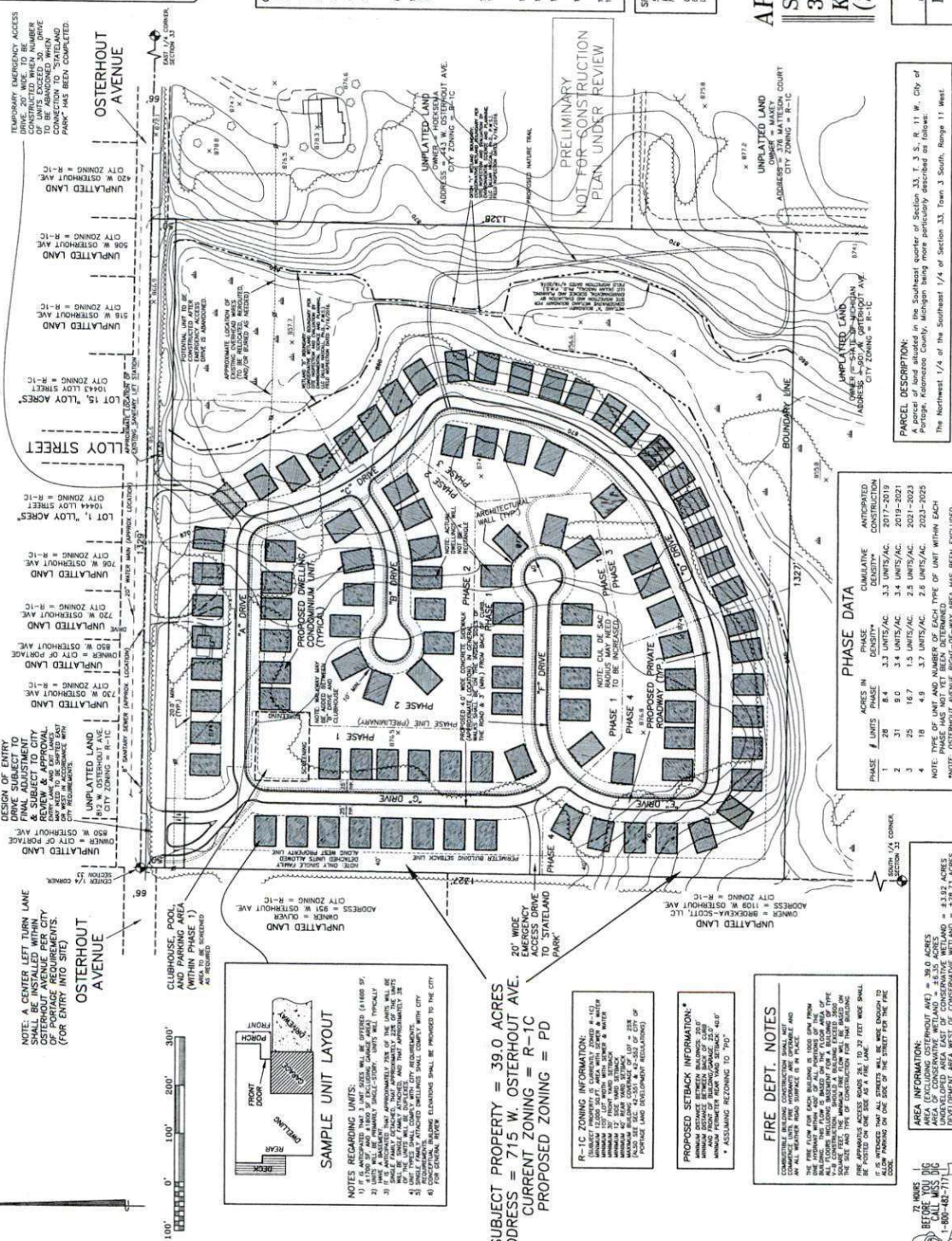
The property is currently zoned R-1C single family residential. Typical lot sizes within R-1C are 12,000 square feet and larger. City required building setbacks for R-1C are 30 feet (front yard), 12 feet (side yard), and 40 feet (rear yard). Typical densities for subdivisions within R-1C are 2 - 3 lots per acre. With this PD development, we are proposing a 40 foot perimeter setback (abutting adjoining properties), a minimum 20.0 feet between buildings, and a minimum distance of 25.0 feet between the back of the concrete curb and the front of the dwelling. Note that any duplex buildings, if incorporated, would share a common building wall, and that any attached single family dwellings would be connected with an architectural wall. With this PD, the density will be approximately 2.6 dwellings per acre. Per the City's Ordinance, the maximum allowable density for a PD is 7 dwellings per acre.

CONDOMINIUM MASTER DEED:

The typical "plat restrictions" or "deed restrictions" for a subdivision will be replaced with the Condominium Master Deed. The Master Deed shall also include survey plans, house plans, rules of ownership, mapping of general common areas, limited common areas, and unit areas, and other rules and regulations. Within the Master Deed, the streets and utilities for each phase will be designated as "need to be built," while each unit will be designated as "need not be built." The Master Deed will be prepared by a local real estate Attorney, and the Survey Plans within the Master Deed will be prepared by a local Land Surveying Office. The Master Deed will be subject to City review and comment prior to recording.



TENTATIVE PLAN for PROPOSED
CONDOMINIUM in PORTAGE, MICHIGAN



72 HOURS -
BEFORE YOU DIG
CALL MISS DIG
1-800-482-7171

AREA INFORMATION:
 AREA (EXCLUDING OSTERHOUT AVE) = 39.0 ACRES
 AREA OF CONSERVATIVE WETLAND = ±6.35 ACRES
 UNDEVELOPED AREA EAST OF CONSERVATIVE WETLAND = ±3.92 ACRES
 DEVELOPMENT AREA WEST OF CONSERVATIVE WETLAND = 48.71 ACRES

	3	25	16.7	1.5 UNITS/AC.	2.5 UNITS/AC.	2021-
	4	18	4.9	3.7 UNITS/AC.	2.6 UNITS/AC.	2023-

NOTE: TYPE OF UNIT AND NUMBER OF EACH TYPE OF UNIT WITHIN EACH PHASE HAS NOT YET BEEN DETERMINED.

NOTE: OCTOBER 1ST YEAR BEGINS OF MAY AFTER THE BEGINS EACH YEAR.

PARCEL DESCRIPTION:
A parcel of land situated in the Southeast quarter of Section 33, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan being more particularly described as follows:
The Northwest 1/4 of the Southeast 1/4 of Section 33, Town 3 South, Range 11 West.

APPLICANT:
SDV DEVELOPMENT, LLC
3820 STADIUM DRIVE
KALAMAZOO, MI 49008
(269) 375-3820

APPLICANT.

SITE DATA:

SITE AREA = 38.0 ACRES
OF SHOWN DWELLINGS = 107
NET DENSITY = 102 DWELLINGS/39.0 ACRES = 2.62 DWELLINGS PER ACRE

EXCLUDES OUTSTANDING INTEREST RIGHT-OF-WAY AREA

CONDOMINIUM UNIT AREA = INTERIOR OF DWELLINGS
GENERAL COMMON AREA = ROADWAYS, NATURAL AREAS, AND NOW YARD
LIMITED COMMON AREAS = YARD AREAS AROUND EACH DWELLING

[illegible]

GENERAL NOTES:

REVISED: 11/29/2016
 REVISION: 11/29/2016
 REVISED: 11/29/2016
 REVISION: 11/29/2016
 REVISED: 11/29/2016
 REVISION: 11/29/2016

DATE: 11/16/2016
 SHEET: 1
 JOB NO: 36555

KALAMAZOO, MI 49008
 (269) 375-3820

PROPOSED CONDOMINIUM
 NW 1/4 OF THE S 1/4 OF SEC. 33, T 3 S, R 11 W, CITY OF PORTAGE, MICHIGAN
 Ingersoll, Watson & McMeckchen, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS

Department of Community Development
 7900 South Washtenaw Avenue • Portage, Michigan 49002 • (268) 329-4477

RECEIVED
DEC 02 2021

Applicant must complete all items in Sections 1 through 5, if applicable.

Please note: Separate applications must be submitted for Plumbing, Mechanical, and Electrical Work Permits

1. PROJECT INFORMATION			
PROJECT NAME Phase 3 of "Streamsong"		ADDRESS 715 West Osterhout Ave., Portage, MI 49024	
2. IDENTIFICATION			
A. OWNER			
NAME SDV Development, LLC		ADDRESS 3820 Stadium Drive	
CITY Kalamazoo	STATE MI	ZIP CODE 49008	TELEPHONE NUMBER (269) 375-3820
B. ARCHITECT OR ENGINEER			
NAME Pat Flanagan / Ingersoll		ADDRESS 1209 East Milham Road, Suite B	
CITY Portage	STATE MI	ZIP CODE 49002	TELEPHONE NUMBER (269) 344-6165
LICENSE NUMBER 38170			EXPIRATION DATE 7/30/2023
C. BUILDING CONTRACTOR			
NAME N/A		ADDRESS	
CITY	STATE	ZIP CODE	TELEPHONE NUMBER
BUILDER'S LICENSE NUMBER		FEDERAL EMPLOYER ID NUMBER OR REASON FOR EXEMPTION	
WORKERS COMP INSURANCE CARRIER OR REASON FOR EXEMPTION		INSURANCE EMPLOYER NUMBER OR REASON FOR EXEMPTION	
D. TYPE OF DEVELOPMENT PROJECT			
☐ SITE PLAN ☐ BUILDING PLAN ☐ FINAL PLAN IN PLANNED DEVELOPMENT ☐ SUBDIVISION ☐ PRELIMINARY ☐ FINAL PRELIMINARY ☐ FINAL ☒ CONDOMINIUM (SINGLE FAMILY DETACHED) ☒ TENTATIVE ☐ ENGINEERING ☐ ACCEPTANCE ☐ LAND DIVISION REQUIRING PUBLIC IMPROVEMENTS ☐ LANDSCAPE PLAN ☐ PUBLIC SANITARY SEWER MAIN ☐ PUBLIC WATER MAIN ☐ OTHER _____			
3. PROJECT TYPE / BUILDING DATA			
PROJECT DESCRIPTION: Proposed Condominium with public sanitary sewer, public water main, private storm sewer, private roadways and associated improvements.			
GROSS FLOOR AREA		CLASSIFICATION FOR BUILDING CODE	
☐ NEW BUILDING _____ ☐ ADDITION _____ ☐ ALTERATION _____ ☐ REPAIR _____		BUILDING USE _____ CONSTRUCTION TYPE _____ NO. OF OCCUPANTS _____ AREA/FLOOR _____ NO. FLOORS _____	
		PROJECT VALUATION \$ <u>pending</u>	

SELECTED CHARACTERISTICS OF BUILDING

A. WATER METER SIZE

GENERAL USE SIZE

N/A

☐ 50" ☐ 3/4" ☐ 1" ☐ 1 1/2" ☐ OTHER _____ ☐ IRRIGATION SIZE _____ ☐ FIRE SPRINKLER SIZE _____

B. ELECTRICAL SERVICE SIZE

N/A

☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☐ OTHER _____

C. TYPE OF MECHANICAL

N/A

AIR CONDITIONING? ☐ YES ☐ NO FIRE SUPPRESSION? ☐ YES ☐ NO HOOD SYSTEM? ☐ YES ☐ NO

4. CONSTRUCTION PLANS SUBMITTED

REQUIRED SUBMITTALS FOR PLAN REVIEW

(Plans shall be signed and sealed when required in accordance with State of Michigan Act No. 295 of Public Acts of 1960.)

All plans shall be drawn on uniform sheets no greater than 30"x42".

All plans shall be drawn to an architectural scale.

All plans shall be clear, legible and accurate.

Plans shall be stapled along the left margin.

TYPE OF PLAN SUBMITTED

YES NO NA

BUILDING ☐ ☐ ☐

ELECTRICAL ☐ ☐ ☐

PLUMBING ☐ ☐ ☐

MECHANICAL ☐ ☐ ☐

BUILDING CODE: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plans, details, roof plan, roof finish schedule, door schedule, roof live and dead loads.

ELECTRICAL CODE: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

PLUMBING CODE: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan. Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

MECHANICAL CODE: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

ENERGY CODE: Floor plans, building sections, details, average annual degree days, exterior envelope component materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

PLEASE NOTE - Additional plan review fee(s) required for all non-concurrent plan submittals.

5. APPLICANT INFORMATION

APPLICANT IS RESPONSIBLE FOR THE PAYMENT OF ALL FEES AND CHARGES APPLICABLE TO THIS APPLICATION AND MUST PROVIDE THE FOLLOWING INFORMATION:

NAME SDV Development, LLC		TELEPHONE NUMBER (269) 375-3820	
ADDRESS 3820 Stadium Drive	CITY Kalamazoo	STATE MI	ZIP CODE 49008

I HEREBY CERTIFY THAT THE PROPOSED WORK IS AUTHORIZED BY THE OWNER OF RECORD AND THAT I HAVE BEEN AUTHORIZED BY THE OWNER TO MAKE THIS APPLICATION AS HIS/HER AUTHORIZED AGENT, AND I AGREE TO CONFORM TO ALL APPLICABLE LAWS OF THE STATE OF MICHIGAN AND ORDINANCES OF THE CITY OF PORTAGE. ALL INFORMATION SUBMITTED ON THE APPLICATION IS ACCURATE TO THE BEST OF MY KNOWLEDGE.

11/30/2021

SIGNATURE OF APPLICANT: Mike Seelye / SDV Development, LLC

DATE
11-30-2021

VALIDATION - FOR DEPARTMENT USE ONLY

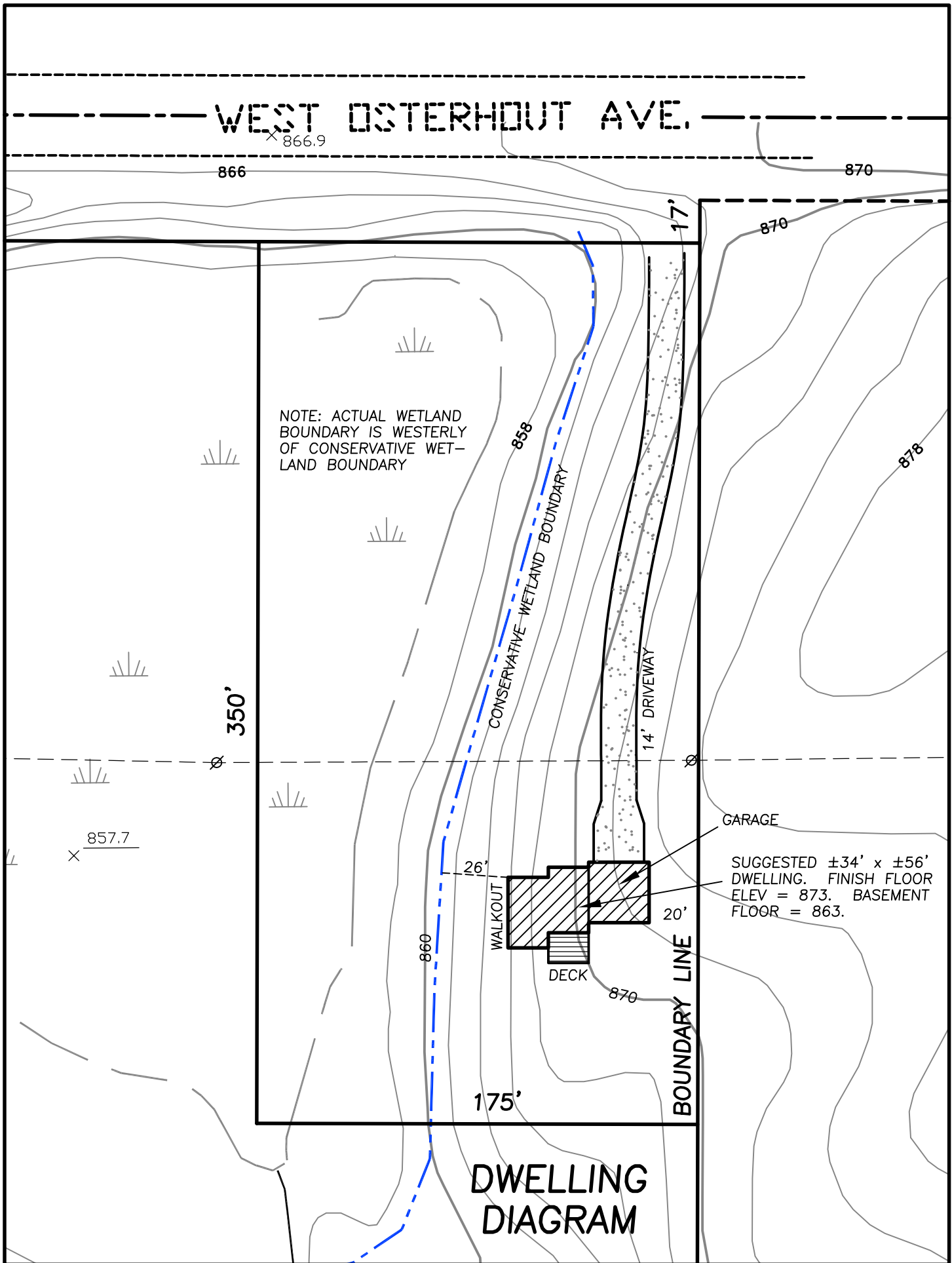
USE GROUP _____ APPLICATION NO. _____

TYPE OF CONSTRUCTION _____ DATE APPLICATION RECEIVED _____

PLAN REVIEW SUBMITTED? ☐ YES ☐ NO FEES RECEIVED _____ INVOICE # _____

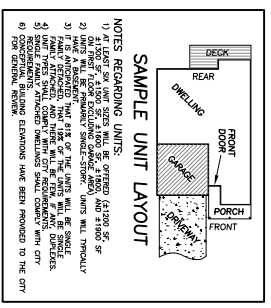
Google Earth 2019 Images





TENTATIVE PLAN for 'STREAMSONG' CONDOMINIUM in PORTAGE, MICHIGAN

NOTE: WITHIN DWELLING PHASES 1 AND 2, SOME DWELLING UNITS HAVE BEEN BUILT, SOME ARE UNDER CONSTRUCTION, AND SOME HAVE NOT YET BEEN CONSTRUCTED. POOL AREA IS COMPLETE. ALL PARKING LOTS IS COMPLETE. ALL PARKING ROADS AND UTILITIES WITHIN PHASE 1 AND 2 ARE COMPLETE.



SUBJECT PROPERTY = 39.0 ACRES
 ADDRESS = 715 W. OSTERHOLT AVE.
 CURRENT ZONING = PD

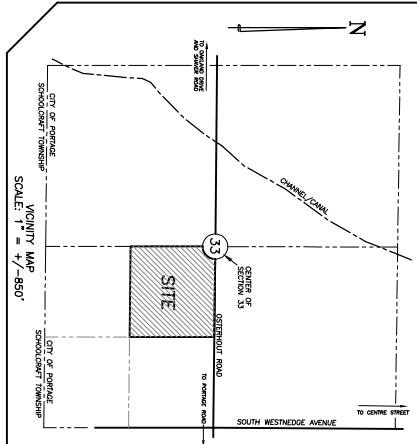
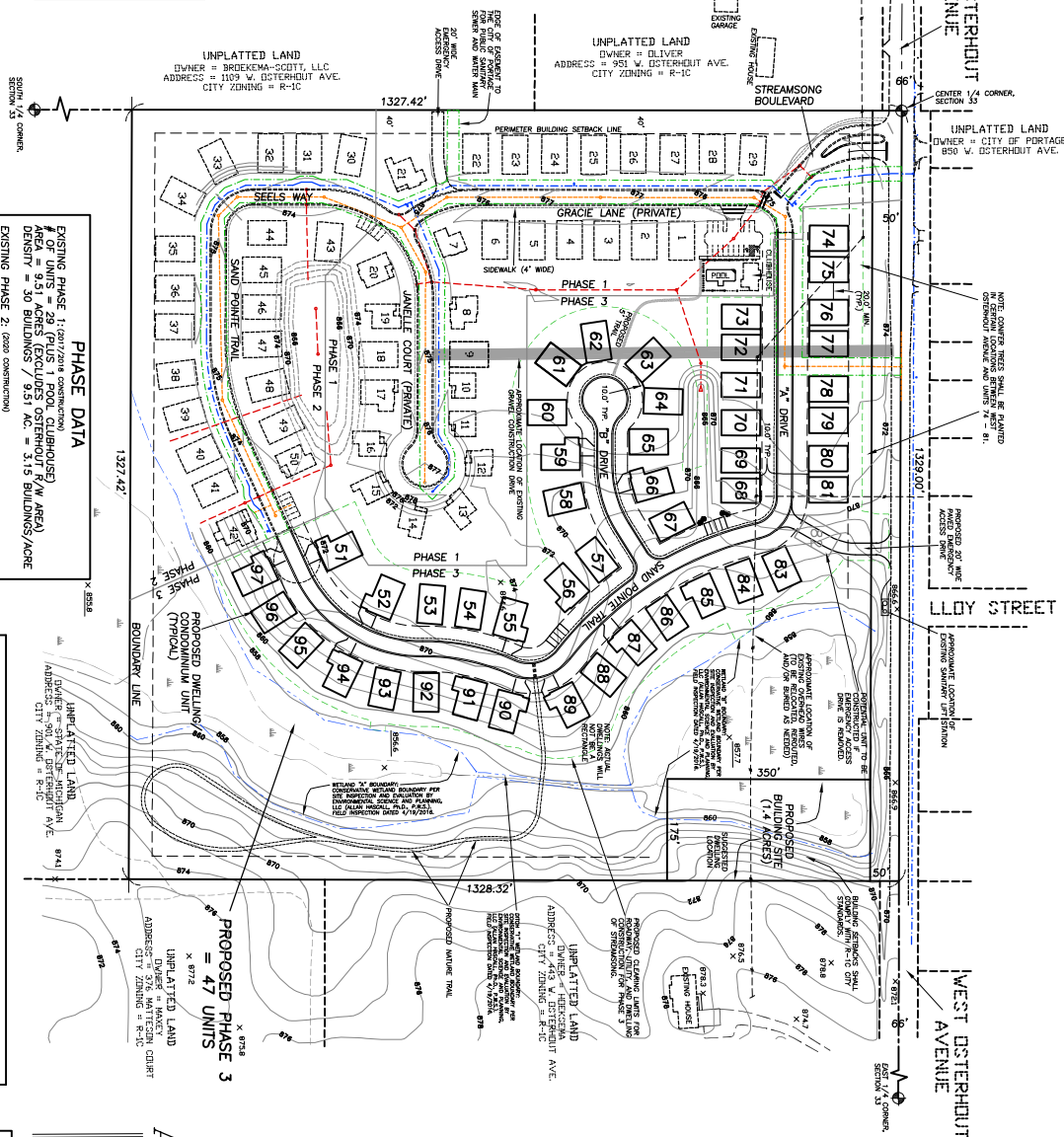


AREA INFORMATION:
 AREA OF CONSERVATIVE WETLAND = 39.0 ACRES
 AREA OF CONSERVATIVE WETLAND = 46.30 ACRES
 CONSERVATIVE WETLAND AREA WEST OF CONSERVATIVE WETLAND = 428.73 ACRES

EXISTING PHASE 1: (EXISTING CONSTRUCTION)
 # OF UNITS = 29 (PLUS 1 POOL CLUBHOUSE)
 DENSITY = 9.31 UNITS / AC. (EXCLUDES OSTERHOLT R/W AREA)
 EXISTING PHASE 2: (2020 CONSTRUCTION)
 # OF UNITS = 21
 DENSITY = 21 UNITS / 6.42 AC. = 3.27 UNITS / ACRE
 PROPOSED PHASE 3:
 47 UNITS & 1 DWELLING / 23.03 ACRES = 2.08 HOUSES/AC.

PARCEL DESCRIPTION:
 In the Southwest quarter of Section 33, T. 3 S., R. 11 W., City of Portage, Kalamazoo County, Michigan being more particularly described as follows:
 The Northwest 1/4 of the Southwest 1/4 of Section 33, Town 3 South, Range 11 West.

TENTATIVE PLAN
 STREAMSONG CONDOMINIUM
 NO. 1/4 OF THE SE 1/4 OF SEC. 33, T. 3 S., R. 11 W., CITY OF PORTAGE, MICHIGAN
 Ingersoll, Watson & McEachen, Inc.
 CONSULTING CIVIL ENGINEERS AND LAND SURVEYORS
 1800 Paul Wilson Road - Portage, Michigan 49801 - Phone 269-341-4885 - Fax 269-341-4885



- GENERAL NOTES:
- 1) SUBJECT PROPERTY CONTAINS 39.0 ACRES AND IS CURRENTLY ZONED "PD".
 - 2) SHOWN PROPOSED BY THE LOCATIONS AND DIMENSIONS TAKEN FROM PRIOR RECORDS.
 - 3) SHOWN ELEVATION CONTIGUOUS AND TOPOGRAPHIC INFORMATION TAKEN FROM RECORDS.
 - 4) EXISTING 8" INCH PUBLIC SANITARY SEWER IS LOCATED ON THE APPROXIMATE CENTERLINE OF THE PROPOSED PHASE 1 AND 2.
 - 5) EXISTING 20" INCH PUBLIC WATER MAIN IS LOCATED ON THE NORTH SIDE OF WEST OSTERHOLT AVENUE.
 - 6) STREETS SHALL BE SERVED BY PROPOSED PUBLIC WATER MAINS AND SANITARY SEWERS.
 - 7) ALL STREETS SHALL BE PAVED AND SHALL BE DESIGNED AND CONSTRUCTED TO ACCOMMODATE TRAFFIC VOLUMES AND SHALL BE PRIVATE.
 - 8) 4 FOOT WIDE CONCRETE SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL STREETS.
 - 9) STREET NAMES ARE REMAINING.
 - 10) SITE IS PRIMARILY A WOODED SYSTEM SHALL BE PRIVATE. STORM WATER RUN-OFF SHALL BE DISPOSED OF BY A COMBINATION OF INFILTRATION AND DISCHARGE INTO THE ADJACENT LAKE MICHIGAN.
 - 11) REQUIREMENTS FOR STORM WATER MANAGEMENT, CATCH BASINS, AND OTHER WATER CONTROL MEASURES SHALL BE DETERMINED BY THE CITY OF PORTAGE.
 - 12) THE TOTAL NUMBER OF UNITS IN THE DEVELOPMENT - SUBJECT TO FINAL APPROVAL BY THE CITY OF PORTAGE - SHALL BE 102.
 - 13) THE TOTAL NUMBER OF UNITS IN THE DEVELOPMENT - SUBJECT TO FINAL APPROVAL BY THE CITY OF PORTAGE - SHALL BE 102.
 - 14) ALL ON SITE DWELLING CONSTRUCTION SHALL COMPLY WITH CITY OF PORTAGE NEIGHBORHOOD DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 15) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 16) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 17) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 18) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 19) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).
 - 20) THE DEVELOPMENT SHALL BE SUBJECT TO THE CITY OF PORTAGE DEVELOPMENT ORDINANCES (INCLUDING FLOODING DESIGN).

SITE DATA (ENTIRE SITE):
 SITE AREA = 39.0 ACRES
 NET DENSITY = 98 DWELLINGS/39.0 ACRES = 2.51 DWELLINGS PER ACRE
 CONDOMINIUM UNIT AREA = INTERIOR OF DWELLINGS
 UNITS COMMON AREAS = ROADWAYS, NATURAL AREAS, AND NON VARIO AREAS
 UNITS COMMON AREAS = ROADWAYS, NATURAL AREAS, AND NON VARIO AREAS

APPLICANT:
 SDV DEVELOPMENT, LLC
 3820 STADIUM DRIVE
 KALAMAZOO, MI 49008
 (269) 375-3820

DATE: 11/16/2016
 SHEET: 1
 JOB NO.: 38555

**November 1, 2021
(Revised January 12, 2022)**

**Revised NARRATIVE for the
'STREAMSONG' PLANNED DEVELOPMENT
Located on Osterhout Avenue
in the City of Portage, Michigan**

**DEVELOPER:
SDV DEVELOPMENT, LLC
Attn: MIKE SEELYE
3820 STADIUM DRIVE
KALAMAZOO, MI 49008**

INTRODUCTION:

This Planned Development, or PD, is situated on the south side of Osterhout Avenue, approximately 3/8 mile west of South Westnedge Avenue, in Section 33, City of Portage, Michigan. The subject property contains 39.0 acres (excluding Osterhout Avenue right-of-way) and measures one quarter mile east/west by one quarter mile north/south. The site is mostly wooded and is surrounded by properties that are mostly wooded. Despite the property having a rural feel to it, it is located less than 10 minutes from many City of Portage businesses and amenities. Proposed on site are approximately 100 dwellings of high quality, energy efficient construction. Each condominium dwelling will be served by a private road network. This PD offers a variety of dwelling floor plans along with a mixture of housing types (single family detached, single family attached, and possibly duplex dwellings).

PURPOSE & OBJECTIVES:

The objectives of this PD development are as follows:

- 1) To create an attractive, high quality neighborhood of single family homes for couples, small families, and single individuals.
- 2) To eliminate many maintenance duties and responsibilities for homeowners such as mowing, weed control, raking of leaves, cleaning of gutters, snow shoveling, tree trimming, etc.
- 3) To provide a single family neighborhood with high quality, energy efficient homes, but at the same time eliminating much of the maintenance that comes with home ownership.
- 4) To create a neighborhood with typical densities, but at the same time providing permanent open space, on-site natural areas, walking trails, and a pool area / clubhouse that can be enjoyed by the residents.

CONDOMINIUM / OWNERSHIP:

This PD has been developed as a condominium with the residents owning and maintaining the inside of the dwelling (the condominium "unit"). The condominium association owns and maintains everything exterior to each unit, including yard areas ("limited common areas") and streets / natural areas ("general common areas"). Exterior maintenance that will be provided by the Condominium Association will include the exterior of the dwellings, gutters, lawns, sidewalks, driveways, private streets, natural areas, etc. The yard area surrounding each dwelling be "limited common area" and will be for the use and enjoyment of that unit owner. The private streets, sidewalks, on site trails, and natural areas will be designated as "general common areas." The clubhouse/pool area that was constructed as part of phase one is general common area. These general common areas are for the use and enjoyment of all residents.

THE SITE:

This PD is located on the south side of Osterhout Avenue in the Southeast quarter of Section 33. The property address is 715 West Osterhout Avenue. Situated east of the subject property are two large parcels, each with a home on it. South of the subject property is land owned by the State of Michigan. West of the subject property is a large parcel with a home on it, as well as some vacant land (future development area for the "Stateland Park" subdivision). North of the property, on the north side of Osterhout Avenue, are single family dwellings and Schrier Park. All adjoining properties are currently zoned R-1C per the City's Zoning Map. The subject property is covered by mature trees and younger trees, with the mature trees being spread out. The site is unique with nice hardwoods and rolling terrain. Within the southeasterly and easterly portions of the property is land that is significantly lower than the northwesterly portion of the property. A wetland assessment of the property has been completed and the conservative wetland boundary has been shown on the Tentative Plan. The Wetland Assessment report has been provided to the City for reference. The northerly and westerly portions of the property are relatively high. Along the entire north edge of the property is Osterhout Avenue, a City of Portage public street. Soils within the proposed building areas are Oshtemo Sandy Loam per the USDA's Soil Survey of Kalamazoo County.

PHASING:

It is anticipated that the development will be constructed in three phases, with each phase consisting of between approximately 20 and 50 dwellings. Note that phase one included 29 units and that phase two included 21 units. Construction of utilities, roadways, and dwellings for phase one began during the Fall of 2017. Construction of phase two occurred in 2020, and phase three is planned for 2022. The size, limits, and density of each phase has been shown on the submitted Tentative Plan. Please note that proposed phasing and number of units could be altered based on utility routing, final design, City requirements, market conditions, etc..

ON-SITE DWELLINGS:

The proposed dwellings within this PD will typically measure approximately 44 feet wide (2-car garage) or approximately 56 feet wide (3-car garage) and 70 feet deep or less. Each dwelling will have between 1200 square feet and approximately 2000 square feet of living area (excluding any basement area and excluding garage area), and an attached two-car garage or three-car garage. The dwellings will typically be single story with a basement. At least six dwelling sizes have been offered. At least 60% of the on-site dwellings will have 1500 square feet or more on the first floor (excluding any garage area). Most or all dwellings will have a front porch. Most or all dwellings will have a deck, patio, or 4-season room on the rear of the dwelling. A mixture of housing types will be included.

ON-SITE DWELLINGS: (cont.)

It is anticipated that 81% of the on-site units will be single family detached dwellings, and that 19% of the on-site units will be single family attached dwellings. At this time we are not proposing any duplex dwellings. All dwellings shall comply with City requirements, and all dwelling construction shall comply with City and State construction codes. Each home will feature quality construction, maintenance free materials, and various energy efficient features. Building Plans for existing units have been submitted to the City. The units have (and will) be constructed to meet and exceed energy codes. The look from the street will be a blend of craftsman, cottage, and New England styles. While the front elevations will be different, the look will have an intentional feel with design consistency among the various building fronts throughout the development. It is anticipated the dwelling prices will start in the \$300,000 range for smaller units. For the larger units with a finished walkout basement and other upgrades, dwelling costs will exceed \$450,000. At the northeast corner of the property is a proposed parcel for a future single family dwelling. This approximate 1.4 acre parcel would be separate from the Streamsong condominium, and the building setbacks for this parcel would comply with City of Portage R-1C standards.

STREETS, SIDEWALKS, and DRIVEWAYS:

On site paved streets will be private and will incorporate concrete roll curb on each edge and will have a minimum drivable pavement width of 26.1 feet. It is intended that the streets will be wide enough to allow parking on one side of the street per Fire Department requirements. All streets shall be designed and constructed in accordance with City requirements. Access to and from the site is from one location and includes one entry lane (14 feet wide) and two exit lanes (lane widths equal 12 feet) along with a landscaped island. A 20 foot wide temporary emergency access drive from Osterhout Avenue has been constructed to the south portion of phase one. The temporary emergency access drive will be abandoned when a 20 foot wide permanent emergency access drive is constructed to "Stateland Park" or Osterhout Avenue. Lighting along each street will be from a house light within each front yard. Concrete sidewalks will be constructed on at least one side of each street. Also incorporated within the development will be a nature trail within the easterly, undeveloped portion of the property. This nature trail will extend southerly to the State owned property adjoining to the south. Driveways for each dwelling will be constructed of concrete and will have a length of at least 25.0 feet as measured from the back of curb. The length of the driveways will allow temporary vehicle parking for one or two vehicles depending on driveway width. Various off-street parking areas will be incorporated into the PD. All streets, walks, trails, driveways, and parking areas will be maintained by the Condominium Association.

STORM SEWER SYSTEM and DRAINAGE:

Crowned, paved roadways and concrete curbing will direct storm water run-off to the proposed private storm sewer drains and pipes. The storm water run-off will be disposed of by a combination of infiltration and discharge to the on site lowland areas. The storm water system will comply with City requirements. Design of the system will be subject to City review and approval, as well as review and permitting through the State of Michigan MDEQ if required.

WATER MAINS, FIRE HYDRANTS, and SANITARY SEWERS:

Installed along all private roads will be City Portage public water mains and sanitary sewers, including house leads to each dwelling. Fire hydrants will be installed at locations approved by the City of Portage. These utilities shall be designed and installed in accordance with City requirements, and appropriate utility easements shall be granted to the City. Note that there is an existing 20 inch public water main on the north side of Osterhout Avenue, and an existing 8 inch public sanitary sewer near the center line of Osterhout Avenue.

PRIVATE UTILITIES:

The site will be served with underground natural gas, electric, telephone, and cable TV lines. It is anticipated that these underground lines will be situated on the side of the street opposite the public water main. There is an overhead power line within the northerly portion of the property (see Tentative Plan). We are currently working with Consumers Energy to relocate this power line underground or re-route it above ground. We are not proposing that this overhead power line be left in its current location.

OPEN SPACE and NATURAL AREAS:

A significant portion of the property will be designated as a permanent natural area. This includes the far easterly and southeasterly portions of the property. The area of the subject property is 39.0 acres excluding the Osterhout Avenue right-of-way area. We currently estimate that approximately 6.3 acres of the property is wetland area, and that approximately 2.5 acres of the property (east and southeast of the wetland area) will remain as a permanent natural area (this 2.5 acre area is separate from proposed 1.4 acre parcel at northeast corner of the site). Within this permanent natural area will be a nature trail that extends southerly towards the State of Michigan land. Around the perimeter of the development, natural areas and trees will be preserved to serve as a natural buffer and visual screening. Existing trees within the proposed 1.4 acre parcel will be retained as much as possible. A clubhouse and pool area has been included within phase one of this PD project.

ZONING, BUILDING SETBACKS, and DENSITY:

The property was rezoned to PD during 2017. Prior to rezoning, the property was zoned R-1C single family residential. Typical densities for subdivisions within R-1C are 2 - 3 lots per acre. With this PD, the density will be approximately 2.6 dwellings per acre. Per the City's Ordinance, the maximum allowable density for a PD is 7 dwellings per acre.

With this PD development, we are proposing a 40 foot perimeter setback (abutting adjoining properties), a minimum 20.0 feet between buildings, and a minimum distance of 25.0 feet between the back of the concrete curb and the front of the dwelling. Note that any duplex buildings, if incorporated, would share a common building wall, and that any attached single family dwellings would be connected with an approximate 10-foot long architectural wall or fence.

CONDOMINIUM MASTER DEED:

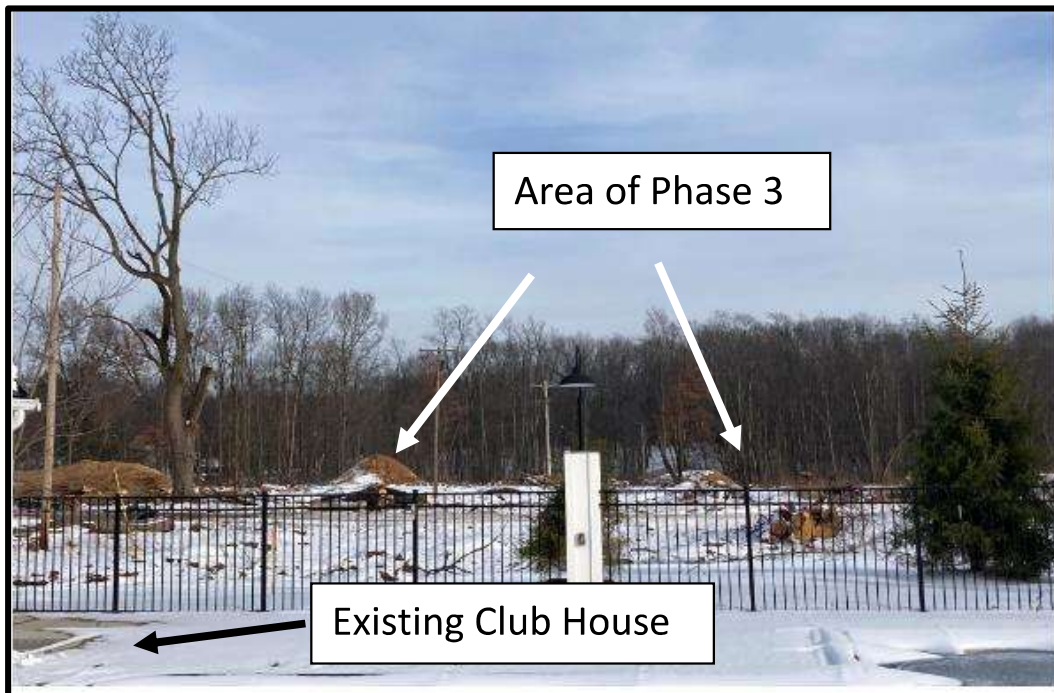
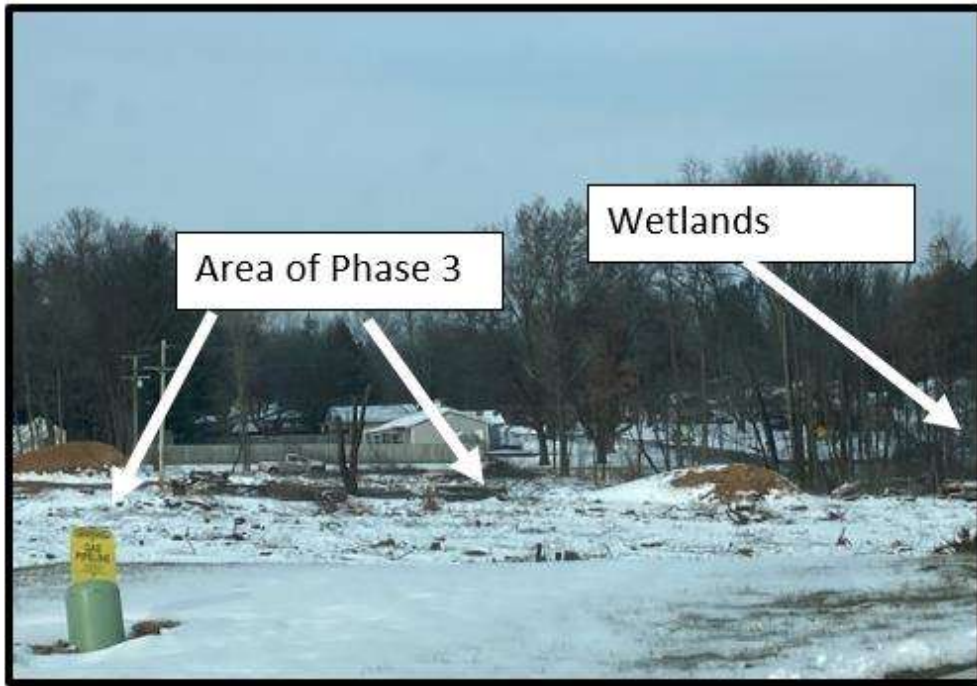
The typical 'plat restrictions' or 'deed restrictions' for a subdivision has been replaced with the Condominium Master Deed. The Master Deed also includes survey plans, house plans, rules of ownership, mapping of general common areas, limited common areas, and unit areas, and other rules and regulations. Within the Master Deed, the streets and utilities for each phase will be designated as "need to be built," while each unit will be designated as "need not be built." The Master Deed has been prepared by a local real estate Attorney, and the Survey Plans within the Master Deed have been prepared by a local Land Surveying Office. The Master Deed will be subject to City review and comment prior to recording.

Staff Pictures - January 04, 2022









Eric Feldt

From: Eric Feldt
Sent: Wednesday, January 26, 2022 8:23 AM
To: Eric Feldt
Cc: Kelly Peterson; Catherine Kaufman
Subject: Streamsong Planned Development; Additional Questions

Dear Commissioners,

RE: Proposed Streamsong Planned Development Amendment

Staff received an email from Chair Corradini on 1/25/22 requesting additional information pertaining to the proposed Streamsong Planned Development Amendment, which was discussed during the 1/20/22 Planning Commission meeting and continued to the 2/3/22 Commission meeting. The Chair's email is provided at the bottom of this email string. Staff has compiled the Chair's questions immediately below in bold and provided a response to each item.

- **Provide a timeline of Planning Commission and City Council actions related to this project since 2016.**
 - 1/5/17 & 1/19/17: Planning Commission reviewed and later recommended in support of Tentative Plan and Rezone to Planned Development (PD) district, Consisting of 3 Phases.
 - 3/14/17: City Council approved Tentative Plan and Rezone to Planned Development (PD) district, Consisting of 3 Phases.
 - 7/20/2017: Planning Commission Recommended in support of Final Plan, Ph. 1
 - 8/8/2017: City Council approved Final Plan, Ph. 1
 - 11/1/2018: Planning Commission Recommended in support of Tentative Plan Amendment for Ph. 2
 - 11/20/2018 & 12/18/2018: City Council reviewed and later approved Tentative Plan Amendment for Ph. 2
 - 4/16/2020: Planning Commission Recommended in support of Final Plan, Ph. 2
 - 5/12/2020: City Council approved Final Plan, Ph. 2
 - 1/20/2022: Planning Commission reviewed Tentative Plan Amendment for Ph. 3; continued public hearing to the 2/3/2022 Planning Commission for further deliberation and recommendation.
 - Reports and meeting minutes related to these public meetings and actions are available on the City's website [here](#).
- **Has there has been any citizen comments (either in person or email) other than those from last week?**
 - No. However, a few Streamsong residents called staff several days prior to the 1/20/22 Planning Commission meeting asking questions about the proposed amendments.
- **Does the storm system from Osterhout Ave. dump into the wetlands?**
 - Yes. As approved by the State of Michigan Department of Environment, Great Lakes, and Energy (EGLE), a stormwater pipe was allowed to be located and discharge road water runoff into the wetlands located within the Phase 3 area. This pipe principally collects rainwater from Lloy Street and W. Osterhout Avenue. The pipe is located just south of the W. Osterhout Ave. roadway, approximately 390 feet east of the intersection of W. Osterhout Ave. & Lloy St.
- **Do you have any pictures of the property of the original 39 acres, prior to any tree removal?**

- Staff is not aware of individual pictures of the site prior to initial construction of the Streamsong Planned Development which did require removal of trees. Each development phase has resulted in removal of trees to construct new internal streets, utilities, houses, etc.
- By using the public City of Portage Fetch GIS scrolling tool, available by clicking [here](#), you can slide between different aerial images to see construction over the past years including tree removal. Once at the Fetch GIS map, click on Miscellaneous Tools on lower right, click on Enable Layer Swipe, choose two different years and then slide the vertical bar to see 'before' and 'after' images. By choosing a year prior to construction of Phase 1 (example 2016) and then choosing the most current year (Spring of 2021), you can then slide back and forth between the two years to see removal of trees that occurred during the construction of Phases 1 & 2 and recent clearing for Phase 3.

Please Note: To ensure this information is properly communicated and does not violate the Open Meetings Act or result in Ex Parte Communication, the above information will be provided as material transmitted in the 2/3/22 Planning Commission agenda packet, and it is requested that you do not reply to this email.

Sincerely,

Eric Feldt, AICP, CFM
City Planner | Project Manager
Department of Community Development
City of Portage, MI
Ph: (269) 329-4471
Email: feldte@portagemi.gov

From: Dan Corradini <dcorradini419@gmail.com>
Sent: Tuesday, January 25, 2022 10:01 AM
To: Eric Feldt <feldte@portagemi.gov>
Subject: Streamsong Info

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Good morning Eric, hope all is well with you. I am going over the meeting from last Thursday and need some additional information, please. First, is there a way you could send me the timeline of actions that not only the Planning Commission but also City Council has heard and approved since the project was first introduced in 2016. Also, could you verify if there has been any citizen comments(either in person or email) other than those from last week. Secondly, could you please verify if the storm system from Osterhout does dump into the wetlands, as was asserted by the citizen. Lastly, is there any chance that there are pictures of the property, prior to any tree removal, of the original 39 acres. If my memory serves, I don't believe that area was as wooded as what is being told from the residents, however I could be wrong. Thanks
Any questions you can always call.
danny

January 4, 2022

Dear Resident/Property Owner:

An application has been submitted by SDV Development, LLC requesting a Tentative Plan Amendment to modify the previously-approved Streamsong Phase 3 residential condominium development at 715 W. Osterhout Avenue. Attached to this notice is a vicinity map that shows the subject property. The application can also be viewed by visiting the City of Portage website at <https://www.portagemi.gov/439/Planning-Commission>. The request will be reviewed by the Planning Commission in Council Chambers at Portage City Hall, 7900 South Westnedge Avenue, at 7:00 p.m. on **Thursday, January 20, 2022**.

Property owners within 300 feet of the subject parcel are being notified of the Commission meeting. This notification is intended to provide you with the opportunity to make comment on the applicant's request either in writing, by personal appearance at the above-mentioned meeting. You watch the meeting remotely on cable channel 995 for Spectrum, channel 99 for AT&T and via live stream at portagemi.viebit.com. Written comments may be submitted to the Department of Community Development prior to 12:00 noon the day of the public hearing via the US Postal Service or emailed to feldte@portagemi.gov. In addition, the January 20, 2022 Planning Commission meeting agenda will be posted to the City of Portage website at <https://www.portagemi.gov/439/Planning-Commission> not later than 5:00 p.m. on Monday, January 17, 2022. Finally, interested persons may also contact the Department of Community Development at (269) 329-4477 for additional assistance.

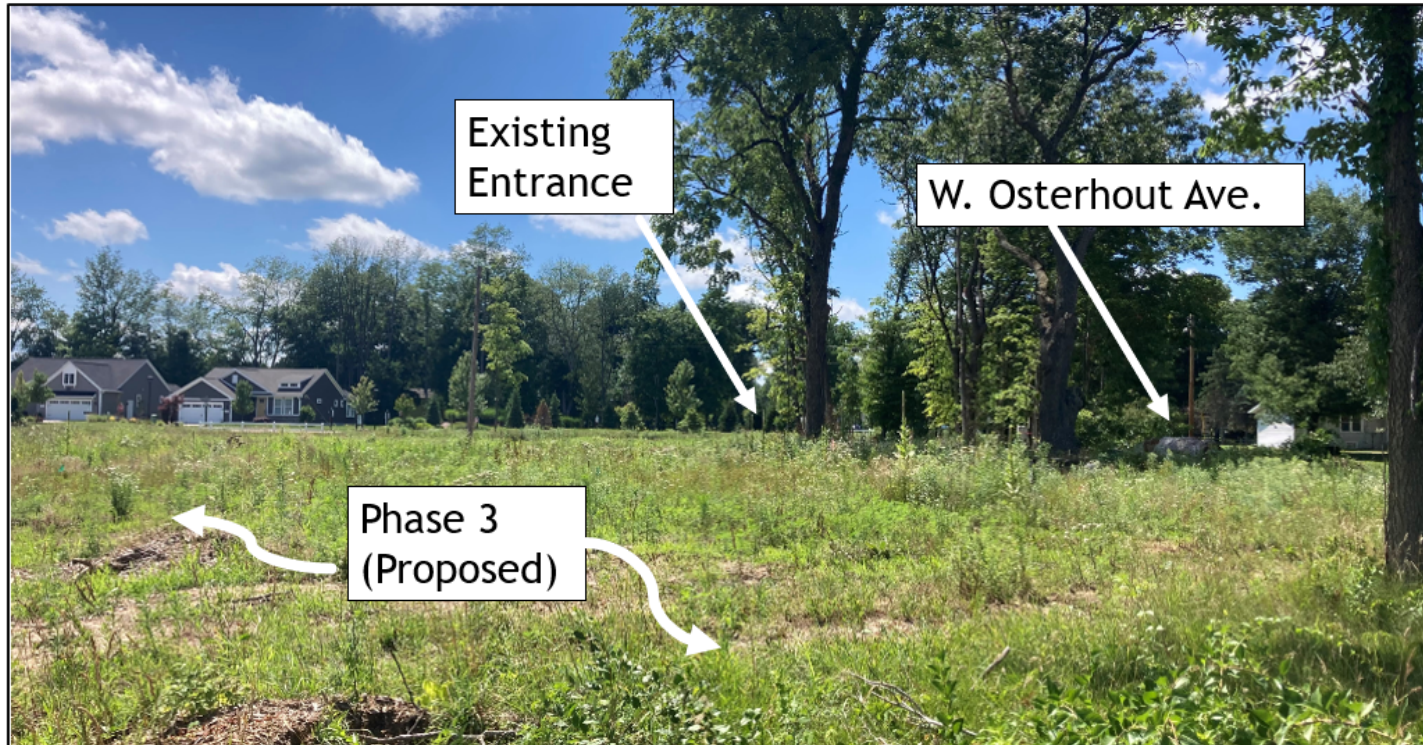
Sincerely,

Kelly Peterson
Director

Enclosure: Vicinity Map

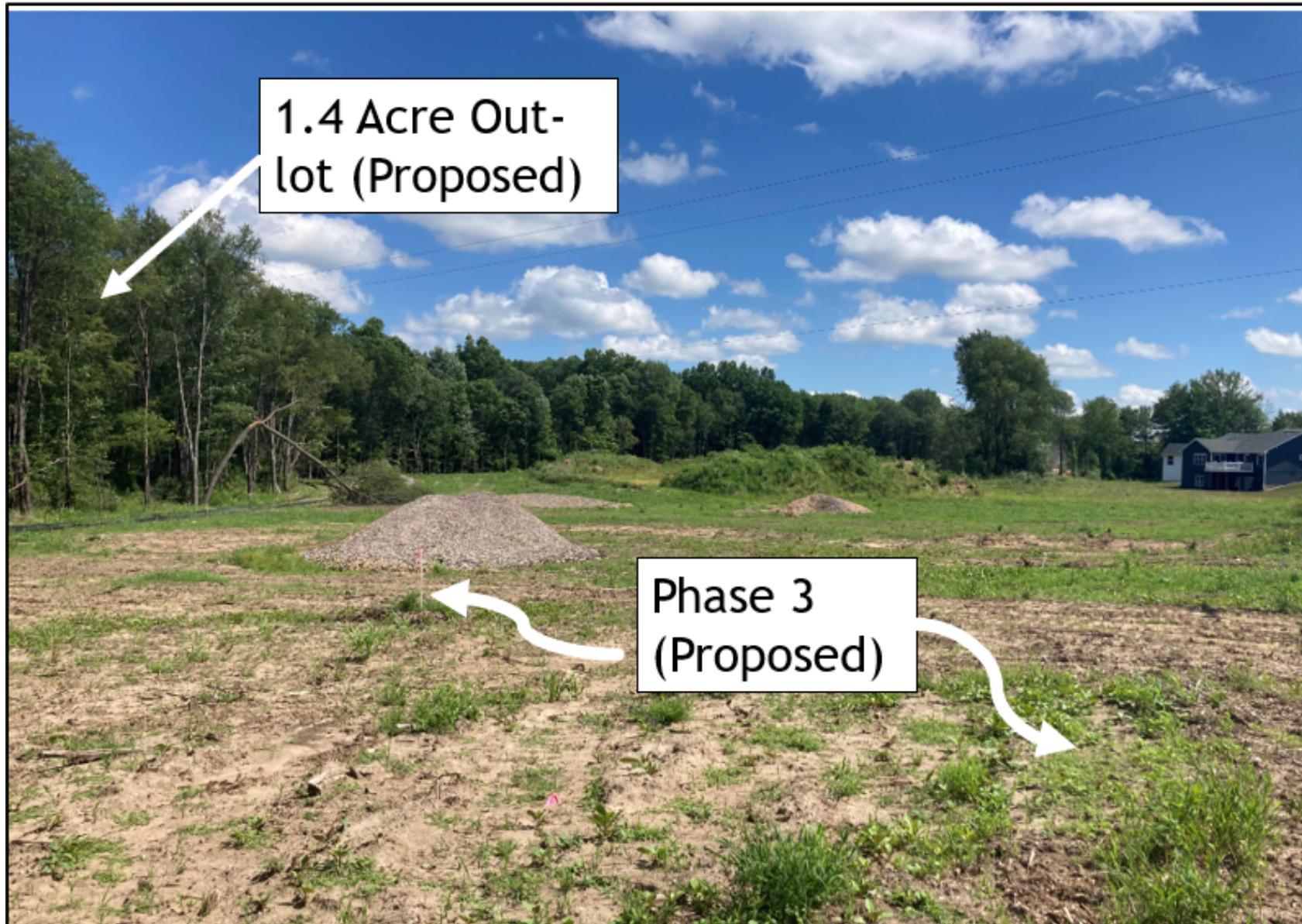
2022 01 20 Tentative Plan Amendment Streamsong Ph. 3 - 715 W. Osterhout Ave.

Staff's Site Pictures – July 12, 2022











Intersection: Lloy St.
& W. Osterhout Ave.

Mapped
wetlands



CITY OF PORTAGE PLANNING COMMISSION

Thursday, July 21, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of July 21, 2022, was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, City Planner
- Catherine Kaufman, City Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Patrick McGinnis, City Manager

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (excused); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (absent*); Youngs (yes); Casper (excused); and Freiman (yes).
Commissioner

Commissioner Baldwin motioned to excuse Vice Chair Joshi, Commissioner Casper, and Commissioner Adams. Commissioner Pezzoli supported the motion. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Commissioner Pezzoli, seconded by Commissioner Youngs to approve the Planning Commission Meeting Minutes of June 16, 2022. Motion carried 6-0.

*Adams arrived after Approval of Minutes.

PUBLIC HEARINGS

1) An application for seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Avenue.

Mr. Feldt summarized the request, site conditions, the proposal which is for a warehouse with two future expansions, and the site drawings. He discussed the applicable zoning regulations: Sec 42-480 thru 485 - Site Plan Review, Sec 42-350 & 350(B)(footnote 6(c) - Building Height Flexibility, and Sec 42-573(F) - Alternative Conflicting Land Use Screening. He provided an overview of public comments received by staff which had concerns about perceived impacts to wildlife, vegetation removal, and emergency access drive. Mr. Feldt indicated that staff finds the project meets the applicable zoning regulations and, therefore, recommends approval with the five conditions outlined in the report. Commissioners inquired about a series of topics, including the definition of a speculative warehouse, soil contamination, the emergency access road, storm water management, and site access management.

Applicant, Jeff Smoke, Great Lakes Capital and Industrial Partners USA, of 112 West Jefferson South Bend, Indiana, provided information and answers to questions by Commissioners. Chairman Corradini opened the public hearing.

Maria Castle, 415 Dawnlee Ave, asked about project access to Dawnlee Avenue, inquired about the recent tree clearing, and what permits are required for the project. Staff detailed reiterated that there will be an gated emergency access at the end of Dawnlee Avenue for Fire Department use only and that construction vehicles will access the site through E. Milham Avenue along with employees. Staff confirmed that the City currently does not require a permit for tree clearing.

David VanDyke 213 Dawnlee Ave, asked if there will be landscape screening at the gate on Dawnlee. Mr. Feldt stated there will be no screening at the gate but noted the access road is designed to limit views of the warehouse.

There being no further public comment, Commissioner Baldwin motioned to close the public hearing. Commissioner Pezzoli seconded the motion. Motion carried 7 to 0. Commissioner Baldwin inquired about height of the gate. Mr. Feldt stated he will check the site plan and provide the specification.

Commissioner Pezzoli motioned to approve the application seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Ave with the five conditions:

- 1) Prior to issuance of a building permit, a landscape plan shall be submitted showing coniferous trees to be planted on the subject site immediately east of 425 Dawnlee Avenue and the opening near 429 Boston Avenue, consistent with ordinance requirements, for the City of Portage review and approval.
- 2) Prior to construction of the public water main, a public utility plan shall be submitted and approved by the City of Portage.
- 3) A new site plan application shall be submitted and reviewed by the Planning Commission prior to construction of any future building additions shown on the current site plan drawings.
- 4) Final stormwater design must be approved by the City of Portage.
- 5) Final execution of a site plan development agreement between the developer and the City of Portage.

Commissioner Fries supported the motion. The Motion passed 7-0.

2) A rezoning application No. 22/23-1 to rezone 1.4 acres of land currently located at 715 W. Osterhout Avenue from Planned Development to R-1C One-Family Residential District to facilitate a future single family detached house development.

Mr. Feldt summarized the request to rezone 1.4 acres of the previously approved Streamsong Phase 3 site plan. He discussed the applicable zoning code Sec 42-651, City Comprehensive Plan, neighborhood harmony elements, and the R-1C requirements. He clarified that approval does not include any approval of submitted conceptual site plans. Commissioner Adams inquired if the PD needs to be amended for the project. Mr. Feldt stated that it does and that the associate Final Plan approval is the next item on the agenda.

Applicant, Pat Flanagan, of Monument Engineering, 1209 East Milham Suite B, Portage, discussed the rezone and future intent of this 1.4-acre area. Commissioner Adams asked about the slope of the site and if there are plans to build a retaining wall. Applicant stated they did not expect a retaining wall but the dwelling potentially being a walkout on the west side.

Chairman Corradini opened the public hearing.

Tammy Pojar 380 West Osterhout Avenue, stated opposition to the rezoning of the Planned Development because the site is part of a wetland.

Carolyn Everts 10607 Gracie Lane, also stated opposition to the rezoning and that in the past the Streamsong site plan had been approved without a sidewalk. She continued that she had requested a crosswalk for W. Osterhout Avenue but they were denied because there was no sidewalk.

Jeff Pojar, 380 West Osterhout Avenue expressed opposition of the rezoning of the lot because the area is a part of a wetland and wildlife area.

Troy Meier, 420 West Osterhout Avenue, stated opposition and that the lot is not a reasonable place to develop especially given the amount of development behind the property.

Mr. Flanagan responded that this parcel is five times as big as the City's minimum lot size and that 7/10ths of the subject parcel is not wetland. Chairman Corradini stated the commission takes every citizen's comments very seriously, expressed appreciation for the members of the public that spoke, and that there will be another opportunity to speak in front of City Council.

Chairman Corradini motioned to close the public hearing and Commissioner Baldwin supported the motion. Motion passed 7-0.

Commissioner Fries motioned to recommend to City Council the rezoning of 1.4 acres of land located at 715 W. Osterhout Avenue from PD to R-1C District to facilitate a future single-family home. Commissioner Pezzoli supported the motion. Motion passed 6-1; Freiman (no)

SITE/FINAL PLANS

A Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue.

Mr. Feldt provide the history of the Streamsong Condominium Planned Development project, and summarized the applicant's proposed amendments of 1) split off the 1.4 acres are in the Northeast; and 2) allow 13 homes to have 3-car garage which were earlier supported by the Planning Commission and City Commission earlier in the year. A summary of public comments received in opposition to the amendment detailed perceived impacts to wetlands, environment and ecosystem. Public comments were addressed in the staff report.

A discussion of the sidewalk issue commenced among Commissioners, and a series of questions and answers by staff ensued related to sidewalk installation and current conditions along Osterhout Ave. Applicant, Pat Flanagan with Monument Engineering 1209 East Milham Suite B, Portage, stepped forward. He discussed the overall reduction in total units, the planned internal sidewalks and trail, and nature trail. Mr. Flanagan indicated that building a sidewalk along W. Osterhout Avenue comes with challenges such as navigating around an existing guardrail, existing sewer lift station, and difficult grades within the area. A more strategic method would be installing a sidewalk in the future when the Osterhout Avenue corridor is evaluated as a whole, and a engineering determinations can be made related to sidewalk feasibility and location.

Commissioner Pezzoli motioned to recommend to City Council approval of the Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue with the following condition: prior to construction of the public water and sewer mains a public utility plan shall be submitted and approved by the City of Portage. Commissioner Adams asked to add a condition for pedestrian crossing. Commissioner Pezzoli asked if that was within the power of the Commission or the Administration. Mr. Feldt stated the City can review a pedestrian crossing request of the Commission between the entrance of Streamsong Condominium and Schrier Park and report back to the Commission. Commissioner Pezzoli accepted the amendment. Commissioner Adams supported the motion. Motion passed 7-0.

NEW BUSINESS

An additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lovers Lane.

Mr. Feldt summarized the proposed use and building dimensions, showed pictures of existing conditions, provided a zoning map, and discussed the applicable zoning codes. He indicated that staff finds the proposal to be consistent with Sec 42-121(B)(b)(3). Commissioner Adams inquired if there is a limit to the number of accessory buildings allowed on an R-1B lot. Mr. Feldt stated no but there is an indirect limit through a 10% limit based on lot size. He also stated that the overall resulting coverage of this project will be minimal.

Applicant, Nemesio Ladkrood 7146 Lover's Lane, stepped forward to present the project and answer questions from the Commission.

Commissioner Adams asked why staff did not recommend the removal of the other accessory buildings. Mr. Feldt stated it is built into the overall project. Attorney Kaufman stated the Commission can include a condition, but Mr. Feldt did not see it as necessary. The Commission discussed whether or not to add a condition requiring the removing of existing accessory buildings after the proposed building is construction. No condition was recommended.

Commissioner Pezzoli motioned to approve the additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lover's Lane. Chairman Corradini supported the motion. Motion passed 7-0.

Chairman Corradini motioned to table the last following items of the agenda to August 4th Planning Commission meeting:

- FY 2021-22 Planning Commission Work Program Report and Proposed FY 2022-23 Work Program.
- Election of Officers

The motion was supported by Commissioner Freiman. Motion passed 7-0.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

None.

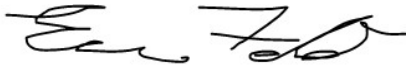
STATEMENT OF STAFF

Mr. Feldt provided follow-up information to the Commission related to the site plan for 801 East Milham to confirm a 4-foot chain link fence with two, 12-foot swinging gates for emergency only fire department access via Dawnlee Ave.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is stylized with a large "E" and "F".

Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project - Bid
Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award:

- a. a construction contract to Balkema Excavating, Inc. for the West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project in an amount not to exceed \$976,180.25 and
- b. an engineering services contract to Abonmarche Consultants, Inc. in the amount of \$43,450.00 to provide construction engineering services for the West Osterhout Sanitary Sewer Lift Station Improvement Project

and authorize the City Manager to execute all documents related to the contracts on behalf of the city.

The FY 2020-2021 Capital Improvement Program budget includes funds for the renovation and upgrade of the West Osterhout Avenue lift station. The project includes the replacement of control panels, pumps, and generators, the lining of the wet well, and other site improvements. Natural gas will be installed at the site to serve the generator and the existing propane tank will be removed. An easement was acquired so that the control panel and generator could be placed away from the travel lanes of West Osterhout Avenue.

The request for construction bids was posted in the Kalamazoo Gazette, on the City of Portage LinkedIn and Twitter accounts, as well as on BidNet, where 690 suppliers were matched and notified of this project. Three local contractors were personally notified. Six vendors attended the pre-bid meeting and demonstrated interest. On July 28, 2022, two bids were received for the West Osterhout Sanitary Sewer Lift Station Improvement Project with the low bid being submitted by Balkema Excavating, Inc. in the amount of \$976,180.25. Balkema Excavating, Inc. has successfully completed many lift station installations and rehabilitation in the city.

The request for engineering proposals was posted in the Kalamazoo Gazette, on the City of Portage LinkedIn and Twitter accounts, as well as on BidNet, where 306 suppliers were matched and notified of this project. Three local consultants were personally notified. On July 28, 2022, one proposal for professional construction engineering services was received for the West Osterhout Sanitary Sewer Lift Station Improvement Project. The lone proposal was submitted by Abonmarche Consultants, Inc. in the amount of \$43,450.00. Abonmarche Consultants, Inc. has completed many similar projects in the city.

It is recommended that City Council award a construction contract to Balkema Excavating, Inc. for the West Osterhout Avenue Sanitary Sewer Lift Station Improvement Project in an amount not to exceed \$976,180.25 and award an engineering services contract to Abonmarche Consultants, Inc, in the amount of \$43,450.00 to provide construction engineering services for the West Osterhout Sanitary Sewer Lift Station Improvement Project and authorize the City Manager to execute all documents related to the contracts on behalf of the city.

FUNDING: Funds are available in the FY 2020-2021 Capital Improvement Program budget.

Attachments:

1. W Osterhout Sanitary Sewer Lift Station Improvement Project - Bid Tabulation
2. W Osterhout Sanitary Sewer Lift Station Improvement Project - Proposal Tabulation

**2022 RFB WEST OSTERHOUT LIFT STATION PROJECT
CONSTRUCTION SERVICES
BID TABULATION
BID OPENING ON JULY 28, 2022 AT 3 PM**

Balkema Excavating, Inc.	\$	976,180.25
1500 River Street		
Kalamazoo, MI 49048		

Hoffman Brothers, Inc.	\$	1,036,067.02
8574 Verona Rd.		
Battle Creek, MI 49014		

Opened by:  _____
Victoria Barboza, Purchasing Manager

**2022 RFP CONSTRUCTION ENGINEERING SERVICES
FOR WEST OSTERHOUT LIFT STATION
PROPOSAL TABULATION
PROPOSAL ON JULY 28, 2022 AT 3 PM**

Abonmarche	\$	43,450.00
700 Mall Drive, Suite C, Portage, Michigan, 49024		

Opened by:  _____
Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: West End Drive Sanitary Sewer Improvements - Bid Tabulation

SUPPORTING PERSONNEL: Kendra Gwin, Director of Transportation & Utilities

ACTION RECOMMENDED: Award a construction contract for the West End Drive Sanitary Sewer Improvements Project to Hoffman Brothers, Inc. in the amount not to exceed \$277,925.70 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

The Fiscal Year 2022-2023 Capital Improvement Program budget includes the West End Sanitary Sewer Improvements project. This project is in response to a petition from property owners that was accepted by City Council on July 27, 2021. The project will promote the development of undeveloped properties in this neighborhood.

The project includes the installation of sanitary sewer leads to vacant properties on the west side of West End Drive. As part of the sanitary sewer lead installation, the street will be resurfaced. Front footage benefit charges will also be included in the assessment at a maximum of 80 feet per benefitting lot. This project is in accordance with City Council Goals and Objectives (Neighborhoods) to “provide a mixture of housing for all income levels” and (Environment) to “promote a healthy and sustainable environment and local ecology.”

The request for bids was posted in the Kalamazoo Gazette, on the City of Portage LinkedIn and Twitter accounts, as well as on BidNet, where 462 suppliers were matched and notified of this project. Additionally, three local contractors were personally notified. Six vendors attended the pre-bid meeting and demonstrated interest. On July 28, 2022, two bids for the construction of the project were received with the low bid being submitted by Hoffman Brothers, Inc. in the amount of \$277,925.70. Hoffman Brothers, Inc. has successfully completed many similar projects for the city, with the most recent being water and sanitary sewer improvements on Lovers Lane.

It is recommended that City Council award a construction contract for the West End Sanitary Sewer Improvements project to Hoffman Brothers, Inc., for the amount not to exceed \$277,925.70 and authorize the City Manager to execute all documents related to the contract on behalf of the city.

FUNDING: Funds are included in the FY 2022-2023 Capital Improvement Program budget for these utility improvements.

Attachments: 1. West End Drive Sanitary Sewer Improvements - Bid Tabulation

**2022 RFB WEST END SANITARY SEWER IMPROVEMENTS
CONSTRUCTION SERVICES
BID TABULATION
BID OPENING ON JULY 28, 2022 AT 3 PM**

Hoffman Brothers, Inc.	\$	277,952.70
8574 Verona Rd.		
Battle Creek, MI 49014		

Balkema Excavating, Inc.	\$	514,098.45
3325 E Kilgore Road		
Kalamazoo, MI 49001		

Opened by:  _____
Victoria Barboza, Purchasing Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Committee of the Whole Meeting on Workforce Housing

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager
Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Set a Committee of the Whole Meeting on Tuesday, August 23, at 5:30 p.m. to receive an update and hold a discussion on workforce housing in the City of Portage.

A key priority area of the City Council is to take steps to encourage and promote the development of workforce housing in the City of Portage. To this end, the City of Portage recently partnered with Kalamazoo Neighborhood Housing Services (KNHS) on the development of two homes. The city continues working to incentivize residential housing developments to include a workforce housing component and to identify additional potential developments within the community. The City Administration recommends that Council set a Committee of the Whole Meeting on Tuesday, August 23, at 5:30 p.m. for the purposes of receiving an update regarding these efforts and to ensure the goals of the City Council relating to workforce housing in the City of Portage are being met.

FUNDING: N/A

Attachments: None

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Board & Commission Interviews

SUPPORTING PERSONNEL: Erica Eklov, City Clerk

ACTION RECOMMENDED: Set a Special Meeting on Tuesday, October 4, 2022, beginning at 5:15 p.m., to interview Board and Commission applicants.

The City of Portage relies upon citizen participation on many Boards and Commissions that help to serve the community. The advice received from these groups assists the City Council and City Administration in making Portage *A Natural Place to Move!* These citizens provide the talent and experience needed to meet the community's diverse challenges. Interviews of Board and Commission applicants are performed each year in January, May and October.

Per the City Council Policy for Appointments to Citizen Advisory Boards, Council will interview applicants to fill vacancies on the following Boards and Commissions. As Council will recall, there were also several vacancies unable to be filled at the prior interview session in May. Those vacancies have also been included in the list below.

EDC/TIFA and BRA	2 expiring terms
Environmental Board	2 expiring terms, 2 vacancies
Historic District Commission	2 expiring terms, 2 vacancies
Human Services Board	3 expiring terms, 1 vacancy
Park Board	3 expiring terms, 1 vacancy
Senior Citizens Advisory Board	3 expiring terms

As such, it is recommended that the City Council set a Special Meeting on October 4 beginning at 5:15 p.m. to interview applicants for these Boards and Commissions.

FUNDING: Not Applicable

Attachments: None

Minutes of Boards & Commissions

CITY OF PORTAGE PLANNING COMMISSION

Thursday, June 16, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of June 16, 2022, was called to order by Vice Chair Joshi at 7:00 p.m.

IN ATTENDANCE

Eric Feldt, City Planner

Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (excused); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); Combs (yes); Youngs (excused); Casper (yes); and Freiman (yes).

Commissioner Baldwin motioned to excuse Chair Corradini and Commissioner Youngs. Commissioner Freiman supported the motion. Motion carried 7 to 0.

APPROVAL OF MINUTES:

Motion by Commissioner Pezzoli, seconded by Commissioner Baldwin to approve the Planning Commission Meeting Minutes of June 2, 2022 with a correction that Commissioner Freiman was present. Motion carried 7 to 0.

Public Hearings:

A Special Land Use Permit and Site Plan for Northern Biomolecular Services to establish a laboratory-related office business at 5528 Portage Road. Mr. Feldt summarized the request for a special land use permit and site plan for Northern Biomolecular Services. He described site conditions, details of the proposal, proposed use, and site plan, and concluded that staff recommended approval for the special land use permit and site plan with a condition that additional landscaping be provided to meet current ordinance requirements. Vice Chair Joshi asked about unnecessary abundance of parking and whether staff would recommend removing parking. Mr. Feldt stated that staff would not recommend removing parking. Commissioner Adams asked if the site is one parcel. Mr. Feldt confirmed it is one parcel.

Applicant, Susan Buckham-Project Manager, Richland, and Roy French- Lab Director, Mattawan, stepped forward. Commissioner Adams asked about splitting the parcel and selling the back parking lot. Applicant stated they would not intend to do that because the lab is growing. Commissioner Pezzoli asked if the applicant owned the building or if they are leasing. Applicant stated they are buying the building. Commissioner Fries asked what are required for the landscaping. Mr. Feldt stated along Yellow Brick Road is an area where landscaping is required, that there are existing trees but there are also gaps, and that 2-4 trees will be required to fill gaps. Applicant stated that is a reasonable requirement. Vice Chair Joshi asked if there was enough space for new trees to be planted. Mr. Feldt shared the location of required trees, and that the requirement is one tree for every 30' per the Code.

Vice Chair Joshi opened the public hearing. There being no public comment, Commissioner Pezzoli motioned to close the public hearing. Commissioner Baldwin seconded the motion. Motion carried 7 to 0. Commissioner Pezzoli motioned to approve the special land use permit and site plan for Northern Biomolecular Services to establish a laboratory-related office business with a condition that additional landscaping, parking lot striping, and general site maintenance be accomplished, at 5528 Portage Road.

Commissioner Adams supported the motion. Mr. Feldt carried out a roll call vote: Adams (yes), Pezzoli (yes), Baldwin (yes), Fries (yes), Freiman (yes), Casper (yes), Joshi (yes). Vote passed 7-0.

Site Plan for IPUSA Portage 1 LLC, in relation to a new warehouse at 801 E Milham Avenue. Vice Chair Joshi stated that the commission is waiting on additional information from the applicant, and it will be tabled until July 7th meeting. Vice Chair Joshi stated that they can accept public comment. Maria Castle 415 Dawnlee Road, asked if a through road will be put on Dawnlee Road to the project. Vice Chair Joshi stated they will be able to speak to that on July 7th.

NEW BUSINESS

None.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

Commissioner Adams thanks the Commission for welcoming his kids.

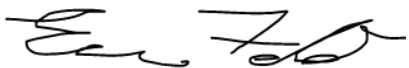
STATEMENT OF STAFF

None.

ADJOURNMENT:

There being no further business to come before the Commission, Vice Chair Joshi adjourned the meeting at 7:25 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY

Monday July 11, 2022

8:00AM Portage

City Hall Conference Room 1

The City of Portage Brownfield Redevelopment Authority meeting of July 11, 2022, was called to order by Chair Barker at 8:04am.

In Attendance

Adam Herringa, Acting City Manager

Elliott Berlin, City Brownfield Attorney

Andrew Falkenberg, Deputy Assessor

Kelly Peterson, Director of Community Development

Biqi Zhao, Deputy Director of Planning and Zoning

Introductions

Introduction of Authority members, staff, applicants, and members of the public in attendance at the meeting were conducted.

Roll Call

Director Peterson called the roll: Chair Barker (yes); Vice Chair Alburtus (excused); Secretary/Treasurer Lenehan (yes); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (yes); Mr. Monroe (unexcused); Mr. Vomastek (excused); Mr. Campbell (yes).

Approval of Minutes

Motion by Mr. Herberg to approve the BRA Meeting Minutes of May 4, 2022. The motion was seconded by Mr. Barker. Motion carried 6-0.

New Business

Attorney Berlin provided a brief overview of the IPUSA Portage, LLC (801 E. Milham) Development Agreement, presented to the Authority for approval following the brownfield plan approval at the May 4, 2022, meeting. Mr. Galin inquired if there were any substantial changes to the project. The applicant's representative Joe Agostinelli confirmed there were none. Mr. Galin moved to approve the development agreement. Mr. Herberg seconded the motion. The Authority voted 6-0 to approve.

Mr. Greg Dobson, representing Tall Timbers Portage LLC (applicant) commenced a presentation on the Tall Timbers brownfield plan submitted to the Authority for review. He provided a brief project history of the collaboration between AVB and Hinman Co. to facilitate Tall Timbers at

3413 W. Centre Ave, which will be a residential-only phase of the existing Greenspire development. Mr. Dobson discussed that the residential project intends to address the City Council's goal of expanding housing availability in Portage, meet a broad range of demographic needs, offers a higher density development with walkable amenities that yields better land use, and will feature key elements including 10% workforce housing units, and LEED Certification that also support the City Council's strategic goals. He detailed some of the residential developments key features and infrastructure in relation to the brownfield application.

The Authority posed several questions about the adjacent state forest land, access management, utilities, green roofs on the top of external garages, property maintenance, site dewatering, and site history. Mr. Lewandowski inquired about the source of contamination. Mr. Dobson noted the presence of arsenic, iron, chromium, and lead and confirmed the source was unknown but could be related to a previous use (homes along W. Centre Ave) that were located as late as 1999. He advised the developer intended to obtain the limits of contamination and if possible, scoop and remove them from the site. Mr. Barker inquired about the accrued \$2.3 million in interest in relation to reimbursable activities. Mr. Dobson confirmed the accrued interest would be related to eligible expenses. Mr. Lenehan inquired about the completion date, which was confirmed by the applicant to be Summer 2024, with a phased approach to bringing the residential towers on line to make units available as expeditiously as possible. Project representative Rich MacDonald (Hinman Co.) discussed the involvement of the Michigan Economic Development Corporation (MEDC) from which the applicant will also be seeking approval of a state brownfield plan and advised that this is one of the first residential-only projects in non-core, non-urban areas in this region that MEDC has expressed a willingness to support.

Mr. Barker inquired about the analyses and impacts to the school millage revenue forgone versus the expected capture from the 180 residential units. Mr. Dobson advised the tax capture doesn't begin until after the 1st year. Mr. Galin advised that funding will be returned to the school district, as is standard, on a per pupil basis. Acting City Manager Herringa advised the Authority that the Administration is supporting this project as an exception to the City's current brownfield redevelopment incentive policy (which currently does not allow for residential projects) as it helps meet City goals, that the City is currently developing an updated policy to accommodate a broader set of needs, noting this project sets a high bar for future projects of this nature. He reminded the Authority that they are not only voting for the project, but also supporting an exception to the current policy in the recommendation to Council.

Mr. Galin inquired if it the Authority was within its rights to vote to approve a project outside of the City's current policy. Attorney Berlin confirmed that the current policy is in the process of being amended, but due to the timing of the applicant's state brownfield application timeline and the policy modifications currently underway, the Authority can be asked to make an exception. Mr. Herberg inquired about a potential date for the modified policy. Acting City Manager Herringa advised that it is anticipated a modified policy would be drafted and shared with the City Council this fall. Mr. Herberg wanted to confirm that there were no legal ramifications for violating or making an exception to the stated policy. Attorney Berlin advised that the City's policy is stricter than what the state brownfield law permits. He advised that as long as the

Authority is complying with the law, an exception to the current policy is effectively a temporary amendment to the policy. This is the same result that would occur if City Council moves to approve the project as an exception to the current City policy. Attorney Berlin advised that all brownfield applications are always discretionary to the Authority and Council. Mr. Herberg asked for confirmation that the Michigan state law currently allows brownfield plans for residential projects. Attorney Berlin confirmed that yes, residential projects are currently allowed within the state law.

Mr. Lewandowski made inquiries about the project's LEED certification components and inquired about use of Consumers Energy Rebates. Mr. Dobson described the focus on mechanical and electrical systems, as well as aspects like green roofs and electric charging stations, and confirmed that the applicant will complete the process for LEED Certification and will consider utilizing rebates where applicable. Mr. Lewandowski inquired about future planned phases. Mr. Dobson described a remaining parcel, known as Phase 8 (located on Parcel B in the proposed brownfield application), approved by the Council that is anticipated to have 120 residential units over 30,000 square feet of retail, and parking which may front W. Centre and create additional walkable, mixed-use amenities in a suburban environment. Attorney Berlin provided clarification to the Authority about Parcel A and Parcel B in the submitted brownfield plan, confirming that the current Development Agreement under review by the Authority only applies to Parcel A, which will be the site of Tall Timbers.

Mr. Lewandowski moved to approve the application for Tall Timbers as presented. Acting City Manager reminded the Authority to make a motion with the recommended language in the City's report, detailing that the application is approved as an exception to the current City policy. Mr. Lewandowski made a motion to approve the project using the recommended motion language which was to approve and recommend to City Council the Tall Timbers Portage LLC brownfield application as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, with a condition to execute a mutually agreed upon development or reimbursement agreement. Mr. Herberg seconded the motion. The Authority voted to approve 6-0.

The meeting was adjourned at 9:18am.

Respectfully submitted,

K. Peterson
Director of Community Development

CITY OF PORTAGE PLANNING COMMISSION

Thursday, July 21, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of July 21, 2022, was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

- Eric Feldt, City Planner
- Catherine Kaufman, City Attorney
- Biqi Zhao, Deputy Director of Planning and Zoning
- Patrick McGinnis, City Manager

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (excused); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (absent*); Youngs (yes); Casper (excused); and Freiman (yes).
Commissioner

Commissioner Baldwin motioned to excuse Vice Chair Joshi, Commissioner Casper, and Commissioner Adams. Commissioner Pezzoli supported the motion. Motion carried 6-0.

APPROVAL OF MINUTES

Motion by Commissioner Pezzoli, seconded by Commissioner Youngs to approve the Planning Commission Meeting Minutes of June 16, 2022. Motion carried 6-0.

*Adams arrived after Approval of Minutes.

PUBLIC HEARINGS

1) An application for seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Avenue.

Mr. Feldt summarized the request, site conditions, the proposal which is for a warehouse with two future expansions, and the site drawings. He discussed the applicable zoning regulations: Sec 42-480 thru 485 - Site Plan Review, Sec 42-350 & 350(B)(footnote 6(c) - Building Height Flexibility, and Sec 42-573(F) - Alternative Conflicting Land Use Screening. He provided an overview of public comments received by staff which had concerns about perceived impacts to wildlife, vegetation removal, and emergency access drive. Mr. Feldt indicated that staff finds the project meets the applicable zoning regulations and, therefore, recommends approval with the five conditions outlined in the report. Commissioners inquired about a series of topics, including the definition of a speculative warehouse, soil contamination, the emergency access road, storm water management, and site access management.

Applicant, Jeff Smoke, Great Lakes Capital and Industrial Partners USA, of 112 West Jefferson South Bend, Indiana, provided information and answers to questions by Commissioners. Chairman Corradini opened the public hearing.

Maria Castle, 415 Dawnlee Ave, asked about project access to Dawnlee Avenue, inquired about the recent tree clearing, and what permits are required for the project. Staff detailed reiterated that there will be an gated emergency access at the end of Dawnlee Avenue for Fire Department use only and that construction vehicles will access the site through E. Milham Avenue along with employees. Staff confirmed that the City currently does not require a permit for tree clearing.

David VanDyke 213 Dawnlee Ave, asked if there will be landscape screening at the gate on Dawnlee. Mr. Feldt stated there will be no screening at the gate but noted the access road is designed to limit views of the warehouse.

There being no further public comment, Commissioner Baldwin motioned to close the public hearing. Commissioner Pezzoli seconded the motion. Motion carried 7 to 0. Commissioner Baldwin inquired about height of the gate. Mr. Feldt stated he will check the site plan and provide the specification.

Commissioner Pezzoli motioned to approve the application seeking site plan approval, building height flexibility, and alternative conflict land use screening for a new speculative warehouse at 801 E. Milham Ave with the five conditions:

- 1) Prior to issuance of a building permit, a landscape plan shall be submitted showing coniferous trees to be planted on the subject site immediately east of 425 Dawnlee Avenue and the opening near 429 Boston Avenue, consistent with ordinance requirements, for the City of Portage review and approval.
- 2) Prior to construction of the public water main, a public utility plan shall be submitted and approved by the City of Portage.
- 3) A new site plan application shall be submitted and reviewed by the Planning Commission prior to construction of any future building additions shown on the current site plan drawings.
- 4) Final stormwater design must be approved by the City of Portage.
- 5) Final execution of a site plan development agreement between the developer and the City of Portage.

Commissioner Fries supported the motion. The Motion passed 7-0.

2) A rezoning application No. 22/23-1 to rezone 1.4 acres of land currently located at 715 W. Osterhout Avenue from Planned Development to R-1C One-Family Residential District to facilitate a future single family detached house development.

Mr. Feldt summarized the request to rezone 1.4 acres of the previously approved Streamsong Phase 3 site plan. He discussed the applicable zoning code Sec 42-651, City Comprehensive Plan, neighborhood harmony elements, and the R-1C requirements. He clarified that approval does not include any approval of submitted conceptual site plans. Commissioner Adams inquired if the PD needs to be amended for the project. Mr. Feldt stated that it does and that the associate Final Plan approval is the next item on the agenda.

Applicant, Pat Flanagan, of Monument Engineering, 1209 East Milham Suite B, Portage, discussed the rezone and future intent of this 1.4-acre area. Commissioner Adams asked about the slope of the site and if there are plans to build a retaining wall. Applicant stated they did not expect a retaining wall but the dwelling potentially being a walkout on the west side.

Chairman Corradini opened the public hearing.

Tammy Pojar 380 West Osterhout Avenue, stated opposition to the rezoning of the Planned Development because the site is part of a wetland.

Carolyn Everts 10607 Gracie Lane, also stated opposition to the rezoning and that in the past the Streamsong site plan had been approved without a sidewalk. She continued that she had requested a crosswalk for W. Osterhout Avenue but they were denied because there was no sidewalk.

Jeff Pojar, 380 West Osterhout Avenue expressed opposition of the rezoning of the lot because the area is a part of a wetland and wildlife area.

Troy Meier, 420 West Osterhout Avenue, stated opposition and that the lot is not a reasonable place to develop especially given the amount of development behind the property.

Mr. Flanagan responded that this parcel is five times as big as the City's minimum lot size and that 7/10ths of the subject parcel is not wetland. Chairman Corradini stated the commission takes every citizen's comments very seriously, expressed appreciation for the members of the public that spoke, and that there will be another opportunity to speak in front of City Council.

Chairman Corradini motioned to close the public hearing and Commissioner Baldwin supported the motion. Motion passed 7-0.

Commissioner Fries motioned to recommend to City Council the rezoning of 1.4 acres of land located at 715 W. Osterhout Avenue from PD to R-1C District to facilitate a future single-family home. Commissioner Pezzoli supported the motion. Motion passed 6-1; Freiman (no)

SITE/FINAL PLANS

A Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue.

Mr. Feldt provide the history of the Streamsong Condominium Planned Development project, and summarized the applicant's proposed amendments of 1) split off the 1.4 acres are in the Northeast; and 2) allow 13 homes to have 3-car garage which were earlier supported by the Planning Commission and City Commission earlier in the year. A summary of public comments received in opposition to the amendment detailed perceived impacts to wetlands, environment and ecosystem. Public comments were addressed in the staff report.

A discussion of the sidewalk issue commenced among Commissioners, and a series of questions and answers by staff ensued related to sidewalk installation and current conditions along Osterhout Ave. Applicant, Pat Flanagan with Monument Engineering 1209 East Milham Suite B, Portage, stepped forward. He discussed the overall reduction in total units, the planned internal sidewalks and trail, and nature trail. Mr. Flanagan indicated that building a sidewalk along W. Osterhout Avenue comes with challenges such as navigating around an existing guardrail, existing sewer lift station, and difficult grades within the area. A more strategic method would be installing a sidewalk in the future when the Osterhout Avenue corridor is evaluated as a whole, and a engineering determinations can be made related to sidewalk feasibility and location.

Commissioner Pezzoli motioned to recommend to City Council approval of the Final Plan for the previously approved Planned Development tentative plan amendment for Streamsong Phase 3, residential condominium development, at 715 W. Osterhout Avenue with the following condition: prior to construction of the public water and sewer mains a public utility plan shall be submitted and approved by the City of Portage. Commissioner Adams asked to add a condition for pedestrian crossing. Commissioner Pezzoli asked if that was within the power of the Commission or the Administration. Mr. Feldt stated the City can review a pedestrian crossing request of the Commission between the entrance of Streamsong Condominium and Schrier Park and report back to the Commission. Commissioner Pezzoli accepted the amendment. Commissioner Adams supported the motion. Motion passed 7-0.

NEW BUSINESS

An additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lovers Lane.

Mr. Feldt summarized the proposed use and building dimensions, showed pictures of existing conditions, provided a zoning map, and discussed the applicable zoning codes. He indicated that staff finds the proposal to be consistent with Sec 42-121(B)(b)(3). Commissioner Adams inquired if there is a limit to the number of accessory buildings allowed on an R-1B lot. Mr. Feldt stated no but there is an indirect limit through a 10% limit based on lot size. He also stated that the overall resulting coverage of this project will be minimal.

Applicant, Nemesio Ladkrood 7146 Lover's Lane, stepped forward to present the project and answer questions from the Commission.

Commissioner Adams asked why staff did not recommend the removal of the other accessory buildings. Mr. Feldt stated it is built into the overall project. Attorney Kaufman stated the Commission can include a condition, but Mr. Feldt did not see it as necessary. The Commission discussed whether or not to add a condition requiring the removing of existing accessory buildings after the proposed building is construction. No condition was recommended.

Commissioner Pezzoli motioned to approve the additional accessory building space of 1,200 square feet for a proposed pole barn at 7146 Lover's Lane. Chairman Corradini supported the motion. Motion passed 7-0.

Chairman Corradini motioned to table the last following items of the agenda to August 4th Planning Commission meeting:

- FY 2021-22 Planning Commission Work Program Report and Proposed FY 2022-23 Work Program.
- Election of Officers

The motion was supported by Commissioner Freiman. Motion passed 7-0.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

None.

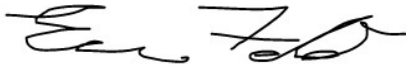
STATEMENT OF STAFF

Mr. Feldt provided follow-up information to the Commission related to the site plan for 801 East Milham to confirm a 4-foot chain link fence with two, 12-foot swinging gates for emergency only fire department access via Dawnlee Ave.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 8:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is stylized with a large "E" and "F".

Eric Feldt, AICP, CFM
City Planner/Project Manager

MATERIALS TRANSMITTED

Tuesday, July 26, 2022

1. Communication from the City Manager regarding a verbiage change to two items on the July 26 City Council meeting agenda – Information Only.



Pat McGinnis, City Manager

cc Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Verbiage Change to Two Items on July 26 Agenda

A small verbiage change has been made to two items on the agenda for this evening's City Council meeting. These changes were made to items A.3 (3413 W. Centre) and A.4 (801 E. Milham) and are reflected below:

A.3 – ~~Aceept~~ Receive the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue, as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, and set a public hearing for August 9, 2022.

A.4 - ~~Aceept~~ Receive the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA, 801 E. Milham, as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, and set a public hearing for August 9, 2022.

The agenda for the July 26, 2022, City Council meeting has been updated accordingly.

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Rezoning Application #21/22-2 and Tentative Plan for Woodway Condominiums at 7425 Oakland Drive

SUPPORTING PERSONNEL: Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Subsequent to the resumption of the July 26, 2022 public hearing, consider approving Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive.

Overview

Applicant Omar Azam has submitted a Rezoning Application and Tentative Plan to rezone 7425 Oakland Drive from R-1B to Planned Development to facilitate the development of "Woodway Condominiums," 15 new attached townhomes with a density of 6.98 units/acre on the 2.15-acre lot. By rezoning the property to Planned Development, the developer seeks more flexibility in housing types than what is currently allowed in the R-1B district. Construction is expected to occur in a single phase over two years, following completion of approval processes.

Proposed Development

The developer's stated design goal is to "*create affordable residential units with a contemporary style using high quality materials... that will appeal to a variety of potential families.*" The proposed development will provide a total of 15 units, with a mix of two single-family dwelling unit layouts that range from 1,932 - 2,087 square feet with forecasted unit price range from \$350,000 - \$400,000. Two types of layouts are proposed:

- One dwelling unit layout will provide all second-floor bedrooms with an office/den option for younger families.
- One dwelling unit layout will feature a first-floor Owner's Suite to accommodate senior populations and that may be used as an in-law suite.

The proposed development comprises three (3) four-unit buildings and one (1) three-unit building, all of which will be two-story buildings with an estimated height of 27 feet. All units will have a front entry porch, back patio area, and an attached two-car garage (385-403 square feet) with additional driveway parking. The planned development includes common open space with sidewalks. The proposed buildings were designed to optimize outdoor space, both private and common, for residents, and sidewalks are provided for connectivity. No basements are proposed.

The buildings would be located 42 feet from the front lot line (Oakland Drive), 53 feet from the northern lot line, 20 feet from the east lot line, and 10 feet from the southern lot line. A proposed driveway off

Oakland Drive will provide access to the entire development for vehicular access, as well as a sidewalk connecting to Oakland Drive for pedestrian access. Landscaping will be provided around the primary driveway and throughout the entire site. Landscape screening is also proposed between the southern property line and the proposed condominiums.

Rezoning to Planned Development

By rezoning the property to Planned Development (PD), the developer seeks more flexibility in housing arrangements than what is currently allowed in the R-1B district. The Planned Development allows the developer to creatively provide a variety of housing styles, and flexibility in building heights and setbacks. The following features are being sought in relation to rezoning to PD:

- The development consists of four rows of attached two-story townhouses, which would not be allowed in the underlying R-1B district.
- The condominium unit would range in size from 1,932 - 2,087 square feet with a two-car attached garage.
- The development results in a density of 6.98 units/acre, allowable in PD but not R-1B.
- Establishment of a homeowners' association to maintain private driveways, shared open spaces, landscaping, and other amenities.

In the Planning Commission staff report dated June 2, 2022, the Department of Community Development recommended: *"If no additional public comment is requested and the Commission is supportive of the proposed Rezoning and Tentative Plan request, staff advises the Planning Commission to make a recommendation to City Council that the Rezoning Application #21/22-2 and Tentative Plan, from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive be approved."*

Public Hearings

A public hearing for this rezoning application was opened at the May 19, 2022, Planning Commission meeting. During the meeting, the Commission discussed the proposed rezoning. Two members of the public provided testimony and expressed opposition to the project due to perceived concerns about traffic safety and congestion, impacts on property values of nearby homes, and impacts on viewsheds of adjacent homes. Additionally, three letters of public comment were received on May 19 (one in support of the project, two against) which were shared with the Commission. The Commission voted to continue the public hearing to the June 2, 2022, Planning Commission meeting and requested additional information from the Administration including:

- Information regarding the density of existing condominiums along Oakland Drive, and
- Information and data from the Transportation and Utility Department to address public concerns regarding perceived traffic impacts of this project.

The requested information was provided to the Commission in a memo prior to the June 2, 2022, Planning Commission meeting. The information is summarized below, and the full memo and data are provided as an attachment to this agenda item. The Commission requested information regarding the density of existing condominiums along Oakland Drive, specifically 'Whisper Rock Condominiums', 'Eagle Meadows Condo', and 'The Village at Brighton Lane'. The density, acreage, and total units of those condominium projects (as well as the proposed Woodway Condominiums for comparison) are shown here:

Whisper Rock Condominiums

- 94 approved condo units
- 47.6 total acreage
- Density = 1.9 units/ acre

The Village at Brighton Lane

- 32 approved condo units
- 5.9 total acres
- Density = 5.4 units/ acre

Eagle Meadows Condo

- 22 approved condo units
- 4.08 total acreage
- Density = 5.3 units/ acre

Proposed Woodway Condominiums

- 15 proposed condo units
- 2.15 total acres
- Density = 6.9 units/ acre

A second public hearing related to this rezoning application was opened at the June 2, 2022, Planning Commission meeting. The applicant's representative, Aswar Madi of J&A Architecture Engineering, was present to support the application and explain the project. Four additional public comments were received, expressing similar traffic concerns, which were shared with the Commission. At the meeting, four members of the public provided testimony and expressed opposition to the project.

City Traffic Engineer, Muhammad Arif was in attendance and presented information highlighting the current traffic data and conditions in relation to this site, answered questions from the Commission and the public, and provided a data-based assessment that *"since both trips generated and the crash history numbers are markedly low, the Department of Transportation and Utilities does not see any adverse traffic congestion or traffic safety issues posed by the proposed development."* Following public testimony, information provided by city staff, and the applicant, the Planning Commission determined no further discussion was needed and voted to close the second public hearing.

After careful consideration, the Commission voted unanimously (7-0) to recommend to City Council that Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive, be approved.

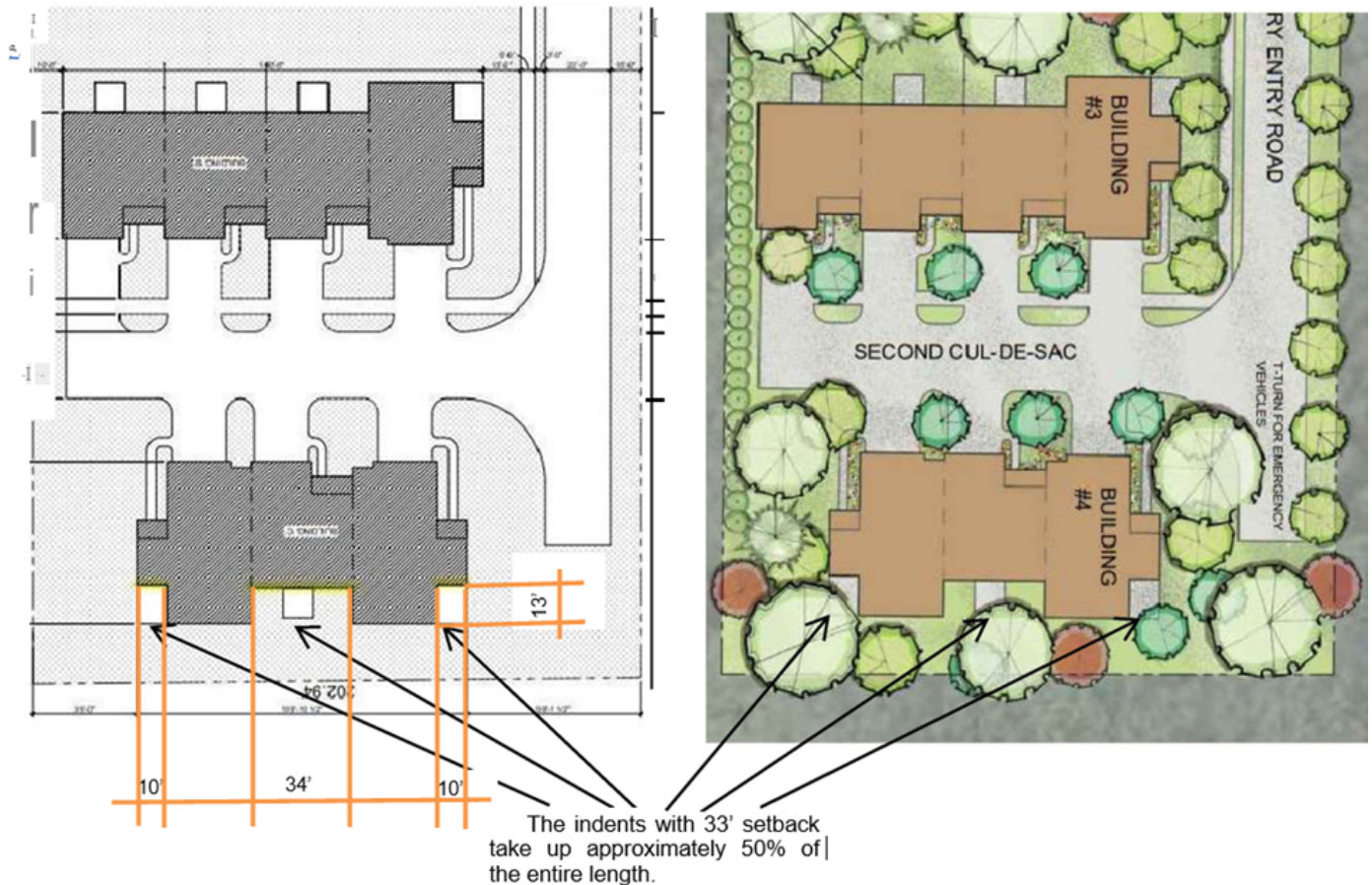
Alignment with City of Portage Strategic Goals

Varying types of residential projects throughout Portage help achieve the City Council's strategic priority of "attracting residential development that provides a mixture of housing for all income levels" in the [Fiscal Year 2022-2023 City of Portage Budget](#) under the "Neighborhood" category. As detailed in the [Michigan Statewide Housing Plan](#), housing is the cornerstone of thriving communities and "Michigan has a pressing need to develop, rehabilitate, and preserve housing across the state at price points for every level of income."

Additional Information Regarding Proposed Setbacks

In response to Council questions at the June 28, 2022 City Council meeting regarding the proposed setbacks of this development relative to abutting single-family residential property, the following information is provided. Per *"Sec. 42-374. - Site development requirements. Setbacks: a. Perimeter setback requirements. In a planned development that abuts property and that permits developments of less intensity than permitted by the planned development, a peripheral transition area shall be incorporated in the planned development that provides development similar in density to that existing or permitted on the abutting land."* A peripheral transition area has been incorporated in the proposed Tentative Plan highlighted as follows:

- Building C, which is the only building to abut residential property, is proposed to have 3 units, 1 unit less than the other buildings, providing more open space at the northeast and southeast corners abutting single-family residential homes; and
- In addition to the proposed 20' setback from the rear property line that will include landscaping, Building C has a series of additional 13' indents in the building design, realizing a greater setback of 33' from the rear property line for 54' in distance (approx. 50% of the entire building length).
- The building will be 2 stories with an estimated height of 27', similar to the existing or permitted heights on the abutting residential properties.
- The site is sloping from east to west towards Oakland Drive, which means neighboring properties to the east are on higher ground than the subject site.
- Existing homes on Starbrook and Schuring have rear yard setbacks of 49' – 79', so the additional 20' plus setbacks leave a minimum of 70 feet (up to 99 feet) between buildings following build-out.





Additional Information Regarding Approvals of Adjacent Non-Residential Uses

Four properties adjacent to this development and fronting Oakland Drive are non-residential and would qualify as Special Land Uses under the current zoning code.



7211 Oakland Dr

- **Built:** 1960, no sale history, no Special Land User Permit (SLUP) on record (pre-dates City of Portage zoning code and 2003 SLUP requirement)
- **Zoned:** R-1B Single Family Residential
- **Existing Use:** Church – ‘St. Michael Lutheran Church’
 - Note: This church appears to also have a day care center – ‘Christ for Kids Day Care’
- Religious Institutions (i.e.; churches) are allowed in the R-1B district with an approved Special Land Use Permit by the Planning Commission (this is the same required permit for the R-1A and R-1D residential districts)
 - Following standards for all Religious Institutions in the R-1A thru R-1D apply: the site occupied by the use must abut a major thoroughfare, and all ingress/ egress shall be directly on such thoroughfare or marginal access service drive.

7331 Oakland Dr

- **Built:** 1967, no sale history, remodel 1990, no SLUP on record
- **Zoned:** R-1B Single Family Residential
- **Existing Use:** Church – ‘Oakland Drive Christian Church’
- Religious Institutions (i.e.; churches) are allowed in the R-1B district with an approved Special Land Use Permit by the Planning Commission (this is the same required permit for the R-1A and R-1D residential districts)
 - Following locational standards for all Religious Institutions apply in the R-1A thru R-1D districts: the site occupied by the use must abut a major thoroughfare, and all ingress/ egress shall be directly on such thoroughfare or marginal access service drive.
 - Note: Oakland Drive is classified as a ‘maior thoroughfare.’

7415 Oakland Dr

- **Built:** 1973, sale and remodel in 1991, no SLUP on record
- **Zoned:** R-1B Single Family Residential
- **Existing Use:** Church - ‘Kingdom Hall of Jehovah’s Witness
- Religious Institutions (i.e., churches) are allowed in the R-1B district with an approved Special Land Use Permit by the Planning Commission (this is the same required permit for the R-1A and R-1D residential districts)
 - Following standards for all Religious Institutions in the R-1A thru R-1D apply: the site occupied by the use must abut a major thoroughfare, and all ingress/ egress shall be directly on such thoroughfare or marginal access service drive.
 - Note: Oakland Drive is classified as a ‘major thoroughfare.’

7455 Oakland Dr

- **Built:** 1979, sale history: 2005, 2015, 2016 (current owner), no SLUP on record (pre-dates 2003 SLUP requirement)
- **Zoned:** R-1B Single Family Residential
- **Existing Use:** Day Care Center – ‘A Touch of Home Childcare’
- Day Care Center is allowed in the R-1B district with an approved Special Land Use Permit by the Planning Commission
 - Following standards apply to all Day Care Centers in the R-1A thru R-1D districts: minimum 150 sq. ft. outdoor play area per child; the property must be adjacent to R-1T, RM-1, RM-2, commercial, or office districts; and property cannot be located in the interior of an R1-A thru R-1D neighborhood.
 - Note: This day care center does not meet the above criteria as it was established under a prior zoning standard and is therefore legal non-conforming.
 - Note: Day Care Home caring for 6 or fewer children is a Principle Permitted Use (allowed by right)

Further, there are two condominium developments on Oakland Dr. north of Romence that abut single family residential districts and have similar characteristics (Eagle Meadows and Brighton Lane). These higher density multiple family configurations have complemented those neighborhoods nicely and have not resulted in substantive traffic impacts.

Citizen Petition

A citizen petition was received related to this rezoning request at 7425 Oakland Drive at the July 26, 2022 Council meeting. Following the Administration’s review of the citizen opposition petition regarding the Woodway rezoning on Oakland Drive, it was determined that there were the following results: 35 total signatures, 10 invalid signatures (not Portage residents or not property owners), 10 signatures that were multiples of one household/property, and 15 valid signatures. The full petition submitted and a map of petition signatures that were determined to be valid are attached. A determination by staff was that the properties opposed to this request constitute over 20% of the land area, as mentioned in the petition. As such, a two-thirds vote of the Council is required to proceed with the proposed rezoning.

Recommendation

It is therefore recommended that City Council, subsequent to the resumption of the July 26, 2022 public hearing, consider approving Rezoning Application #21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive.

FUNDIN Not Applicable

G:

- Attachments:**
1. Planning Commission report dated May 19, 2022 with attachments and public comments
 2. Planning Commission Minutes dated May 19, 2022
 3. Planning Commission report dated June 2, 2022 with attachments
 4. Planning Commission Transmittal dated June 16, 2022
 5. Planning Commission Minutes dated June 2, 2022
 6. 7425 Oakland Drive Adoption notice
 7. Citizen Petition submitted at July 26, 2022 Council Meeting
 8. Map of 20% Threshold related to Citizen Petition

TO: Planning Commission**DATE:** May 19, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** A Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive.**I. INTRODUCTION:**

Applicant Omar Azam has submitted a Tentative Plan to rezone 7425 Oakland Drive from R-1B to Planned Development in order to facilitate the development of 15 new attached townhomes with a density of 7 units/acre on the 2.15-acre lot. By rezoning the property to Planned Development, the developer seeks more flexibility in housing types than what is currently allowed in the R-1B district. Construction is expected to occur in a single phase over two years, following completion of approval processes.

II. BACKGROUND INFORMATION:**Existing Conditions**

The subject property was acquired in 2021 by the applicant, Omar Azam and Saima Munawar of TLG Parkview, LLC to facilitate development. According to City's Assessor records, TLG Parkview, LLC also owns the property to the south (A Touch of Home childcare) located at 7455 Oakland Drive.

The following table summarizes existing conditions in the area:

Existing Land Use/ Zoning	- The subject site is vacant and zoned R-1B Single family residential. <u>North</u>: Kingdom Hall of Jehovah's Witness; 7415 Oakland Dr., R-1B Single Family Residential <u>South</u>: A Touch of Home childcare, 7455 Oakland Dr., R-1B Single Family Residential <u>West (Across Oakland Drive)</u>: Single-family House, 7418 Oakland Dr., R-1B Single Family Residential <u>East</u>: Single-family House, 7422 Starbrook St., R-1B Single Family Residential.
Public Streets	The surrounding roadway network: Oakland Drive (Total of 13,048 average daily trips) to the west (frontage street); Starbrook Street (no counts provided on local residential streets) to the east; and Schuring Road (Total of 2,836 average daily trips-2019) to the south.
Public Utilities	City sanitary sewer and water are available on Oakland Drive.
Environment	The subject site is undeveloped having a forested area with a mix of trees, bushes, grassy areas. The site rises from Oakland Drive to the rear lot line.
Unique Conditions	No mapped wetlands or flood hazards exist on the site. No mapped or identified historic structures or buildings exist.

The following sections of Chapter 42. Division 4. Zoning Districts and District Regulations apply and are addressed further in this report:

- [Subdivision 11 – PD, Planned Development District](#), and
- [Division 8 – Administration and Enforcement](#) (Rezone Applications)

Proposed Development

The developer's stated design goal is to *"create affordable residential units with a contemporary style using high quality materials... that will appeal to a variety of potential families."* The proposed development will provide a total of 15 units, with a mix of two single-family dwelling unit types that range from 1,932 - 2,087 square feet, comprising the following layouts:

- One dwelling unit type provides all second floor bedrooms with an office/den option for younger families.
- The second dwelling unit type provides a first floor Owner's Suite for the senior population that may be used as an in-law suite.

The buildings will be two-stories, with an overall estimated height of 27 feet. There are (3) 4-unit buildings and (1) 3-unit building that will provide for the proposed multifamily condominium units. All units will have a front entry, attached two-car garage (385-403 square feet) with additional driveway parking. The planned development includes common open space with sidewalks for all residences. The

proposed buildings were designed to optimize outdoor space, both private and common, for residents and sidewalks are provided for connectivity. Additionally, each unit will have a front porch and back patio area. No basements are proposed.

The buildings would be located 42 feet from the front lot line (Oakland Drive), 53 feet from the northern lot line, 20 feet from the east lot line, and 10 feet from the southern lot line. A proposed driveway off Oakland Drive will provide access to the entire development for vehicular access, as well as a sidewalk connecting to Oakland Drive for pedestrian access. Landscaping will be provided around the primary driveway and throughout the entire site. Landscape screening is also being proposed between the southern property line and the proposed condominiums.

Rezoning to Planned Development

The Planned Development (PD) allows the developer to creatively provide a variety of housing styles, and flexibility in building heights and setbacks. The following list highlights features that are being sought by rezoning to PD:

- The development consists of four rows of attached two-story townhouses, which would not be allowed in the underlying R-1B district.
- The condominium unit would range in size from 1,932– 2,087 square feet with a two-car attached garage.
- The development results in a density of 7 units/acre, allowable in PD but not R-1B.
- Establishment of a homeowners' association to maintain private driveways, shared open spaces, landscaping, and other amenities.

III. ANALYSIS:

Staff analysis has been prepared with consideration to the following elements:

Comprehensive Plan

Rezoning applications are reviewed for consistency with the Comprehensive Plan. The Future Land Use map designates the subject property, and others in the neighborhood, as 'Low Density Residential', which is defined as single family housing densities of 1-4 units/acre. The existing homes within the neighborhood fall within this density range. The applicant's proposal is a moderately more dense 7 units/acre.

The subject site has abutting commercial properties (church to the north, daycare center to the south) and Oakland Drive Park within walking distance. As developable land in the city becomes scarce and housing demand increases, increased density will help accommodate future needs. The Oakland Drive corridor provides access to multiple neighborhoods, commercial areas, highways, and parks, making it attractive and marketable to many residential users who seek a variety of housing preferences and amenities. Therefore, a moderately higher density proposed is appropriate at this site, with consideration

given to building and site design to ensure harmony with the existing neighborhood and commercial uses.

Preliminary Evaluations from the Development Review Team (DRT)

This project was reviewed by the Development Review Team (DRT) who ensures that the proposed development is consistent with the City's ordinances, policies and standards. In the preliminary review, the proposed project was determined to generally meet the requirements.

Planned Development - Sec 42-374 Site Development Requirements.

Staff finds this section is met with the submitted application for the following reasons:

The attached project narrative and site plan addresses items under this ordinance.

The proposal consists of 15, two-story attached units. Each unit will include a two-car garage and a paved driveway.

Select units will offer a ground-level 'owner's suite' to provide for and attract senior citizens.

City water and sewer will be extended from Oakland Drive. Stormwater will be managed on-site with an anticipated mix of aboveground and underground facilities.

The project provides vehicular and non-motorized access throughout the site. A new, private driveway will serve the development and guide residents to each attached housing unit. Pedestrian connections will be provided via sidewalks internally throughout the development and connect to the existing sidewalk on Oakland Drive, consistent with the City's Complete Streets policy.

The site is within walking distance of Oakland Drive Park.

Landscaping will be provided around the perimeter and interior of the development.

Open spaces in the northeast and southern corners will also be landscaped.

Landscape screening along the southern and eastern property lines will add a more natural feature between the proposed development and the existing residences to the south and east.

Each row of buildings is designed at two-stories, similar in height to the existing two-story homes in the neighborhood.

The proposed density of 7 units/ acre is consistent with the PD district.

The separation distances noted on the site plan provide the setbacks from abutting property lines.

Planned Development - Sec 42-375 Plan review and approval (PD, planned development); Tentative Plan

Staff finds Items A – E of the Tentative Plan to be met with the submitted application; and Sec 42-375 (D - G) indicates required public hearings by the Planning Commission and City Council.

Suitability of Existing R-1B District/ Impacts of Proposed Planned Development

The site is currently zoned R-1B, and is 2.15 acres, thus this property is allowed a maximum of 9.7 houses (density of 4.4 units/ acre). The applicant is pursuing a Planned Development to seek a moderately higher density development (7 units/ acre) and more flexibility than what is allowed under the R-1B district. To ensure neighborhood harmony with the adjacent residential and commercial uses, the applicant has provided the following:

additional landscaping for buffering and beautification;

proposed two-story building height is similar to the height of nearby single family homes;

each housing unit will have an attached garage and consists of a 3-bedroom, 2-bathroom layout, similar

to abutting single family homes to the east and south;
the development will establish a homeowners' association board to oversee the maintenance of the private driveway, general site and landscaping conditions.
the development is expected to have little to no impact on the abutting commercial uses to the north and south.

Public Noticing Requirement

Required public notice was sent to all property owners/occupants within 300 feet of the subject property on May 4, 2022. A public notice published in the Kalamazoo Gazette on May 4, 2022. As of the date of this report, staff has not received any public comments.

IV. RECOMMENDATION:

Consistent with the Planning Commission policy of accepting public comment at the initial meeting and continuing the tentative plan and rezoning consideration at a subsequent meeting, the Commission is advised to receive public comment during the May 19, 2022, meeting and adjourn the public hearing to the June 2, 2022, meeting.

If no additional public comment is requested and the Commission is supportive of the proposed Tentative Plan and Rezoning request, staff advises the Planning Commission to waive the second public hearing and make a recommendation to City Council that the Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive be approved.

Attachments:

1. Applicant's Project Narrative
2. Rezoning Application
3. Commercial Development Application
4. Applicant's Site Plan, Building Drawings
5. Comprehensive Plan - Future Land Use Map
6. Location Map
7. Staff's Picture Map



J&A ARCHITECTURAL ENGINEERING
3250 w. Big Beaver Road
Suite 510
Troy, MI 48084
313-600-1373
eafegley.arch@gmail.com

April 28, 2022

To: City of Portage
Planning Department
c/o Eric Feldt, AICP, CFM
7900 S Westnedge Avenue
Portage, MI 49002

RE: **7425 Oakland Drive**
Portage, MI 49024

1. A statement of purpose and objectives

Our design goal for the Architecture was to create affordable residential units with a Contemporary style using high quality materials. We clustered the buildings to optimize the outdoor space, both private and common, for residences.

2. A general plan of development, including a designation of proposed land uses by relative intensity and proportion of land area intended for each land use

The current zoning for the property located at 7425 Oakland Drive is R-1B (One family residential). We are submitting an application for consideration of a PD (Planned Development) rezoning. The size of the property is 2.15 acres. The proposal includes 4-unit and 3-unit buildings with a mix of two single family dwelling unit types. One dwelling unit type provides all second floor bedrooms with an office/den option for younger families. The second dwelling unit type provides a first floor Owner's Suite for an older population that may be used as an in-law suite. All units have front entry garages with the additional parking in driveways. The planned development includes common open space with sidewalks for all residences. There will be screening and landscaping to provide private outdoor spaces for each Residential unit. This development will provide the City of Portage high quality, affordable housing that will appeal to a variety of potential families.

Reference Sheet A1.1, Conceptual Landscape Plan for location of walks, screening, roadways, etc. Reference Sheet A1.0, Architectural Site Plan for setback dimensions and density calculations.

3. A program of development outlining the proposed stages of development

Site will be developed with overall infrastructure and Building #1 (Building Type 'A') first. Building #2 and Building #3 (Building type 'B') will be built second, followed by Building #4 (Building Type 'C').

4. The time schedule

Upon approval of rezoning, permit applications will be applied for. Site work will begin as soon as possible.

5. A statement demonstrating the independence of each stage and the integration of the proposed development into the proposed or existing development pattern

Overall development of Site to be completed over 2 year period. Each stage will not interfere with built, occupied dwelling units. Construction activity to be limited to area being built.

6. The general location and size of the area involved and the nature of the landowner's interest in the land proposed to be developed

7425 Oakland Drive is located South of Romence Road and North of W. Centre Avenue. The property is 2.15 Acres. Landowner proposes a multi-family development under a Homeowner's Association. Each unit to be individually owned.

7. The density of land use to be allocated to parts of the area to be developed

The overall site is 93,758 s.f. Any mature trees that can remain will be preserved, especially at the perimeter of the site located in the setback areas. The breakdown of area calculation is as follows:

Building footprints:	22,157 s.f.	24% of site
Streets, sidewalks, outdoor patios:	29,367 s.f	31% of site
Green space:	42, 234 s.f	45% of site
Unit Density:	15 D.U./ 2.15 acres = 6.97 D.U. per acre	

8. The location, function, ownership and manner of maintenance of common open space

The Development will have a Homeowner's agreement. Each residence will have an outdoor terrace with privacy fence. The Southeast corner of the property will be open common space for the development.

9. The use, approximate height, bulk and location of buildings and other structures

Buildings will be 2-Story Multi-family Condominium dwelling units. The overall Building Height will be +/- 27'-0" with a Ridge Height of +/- 31'-0". There are (3) 4-unit buildings and (1) 3-unit building, see site plan for locations.

10. The feasibility of proposals for the disposition of sanitary waste and storm water

A private storm water management system will be required in accordance with the Storm Water Design Criteria Manual, including Add No. 1 to the Storm Water Design Criteria Manual. Civil Engineer will determine method of handling storm water once final Site Plan has been approved. Owner would prefer a surface infiltration basin but underground infiltration system may be required.

11. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities

Project will meet all easement requirements for the property.

12. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed planned development

Each Dwelling unit will have a 2 car garage and driveway with the ability to park 2 cars. The site will have a 60 car allotment for parking for 15 dwelling units. All streets are shown at 22'-0" wide. There are (2) Churches located to the North and a Day Care to the South. Oakland Drive Park is located across Oakland Drive and to the South of the property.

13. The required modifications in the regulations otherwise applicable to the subject property

We are applying for rezoning the property to meet the City regulations.

14. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed; and

The development of the property will occur over a 2 year period.

Thank you,

E. Ashley Fegley, RA



J&A ARCHITECTURAL ENGINEERING

3250 w. Big Beaver Road
Suite 510
Troy, MI 48084
313.600.1373
eafegley.arch@gmail.com

April 28, 2022

To: City of Portage
Department of Community Development
c/o Kelly Peterson
7900 South Westnedge Avenue
Portage, MI 49002

RE: **7425 Oakland Drive**
Portage, MI 49024

Dear Kelly Peterson,

Attached are our responses to the plan review completed April 20, 2022.

Community Development:

1. Photo, plans, elevations, and locations of Privacy fences have been added to the submission.
2. Housing density has been added to the Narrative

City Assessor:

1. Acknowledge the additional frontage benefit charges.

Fire Department:

1. The townhome units will be built under the Michigan Residential Code as a townhouse option with a 2-hour rated wall assembly as the demising wall for each unit. A fire suppression system is not required. Rated wall assembly will meet the requirements listed under Building Services of review. IFC 507.5.1 requires that a hydrant must be within 400-feet of all portions of all buildings which would require at least one hydrant on-site.
2. Highest point of roof line is under 30'-0". Dimension added to elevations for documentation.

Building Services:

1. Acknowledge definition of Townhouse as correct for development.
2. Acknowledge building requirements for Townhouse dwelling units under section R302.2 of the Michigan Residential Code.

Engineering & Utilities:

1. Site plan has been updated to show entrance drive to the North of the property.
2. Acknowledge public water and sanitary sewer requirements as stated by Review.
3. Narrative has been updated to include storm water management information.

Thank you,

E. Ashley Fegley, RA

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date March 14, 2022

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. *Please note: City Staff and/or Planning Commissioners may visit the subject property while the application is under review.*

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, 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 7425 Oakland Drive between Romence Road and Schuring Road on the East side of the street, and is known as Lot Number(s) 00017-025-C of SEE LEGAL DESCRIPTION ON SHEET A1.0. It has a frontage of 202.94 feet and a depth of 462 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).

N/A

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: Woodway Home LLC

Address 7425 Oakland Drive, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: The attached proposal includes (15) Single family dwelling units. See attached letter for more detailed information.

4. CURRENT ZONING: R-1B PROPOSED ZONING: PD

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
See attached letter for more detailed information.

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
See attached letter for more detailed information.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
See attached letter for more detailed information.

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.

<u>(Signature of Applicant)</u>	<u>(Signature of Applicant)</u>
<u>7425 Oakland Drive, Portage, MI 49024</u>	
<u>(Address)</u>	<u>(Address)</u>
<u>(Phone)</u>	<u>(Phone)</u>

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.



COMMERCIAL DEVELOPMENT APPLICATION

Department of Community Development
7900 South Westnedge Avenue – Portage, Michigan 49002 – (269) 329-4477

Applicant must complete all items in sections 1-9 (if applicable).

Please note: Separate applications must be submitted for Plumbing, Mechanical and Electrical Work Permits

No Work is to Start Prior to the Issuance of Building Permit

1) PROJECT INFORMATION

Project Description Condominium development	Address 7425 Oakland Drive, Portage, MI 49024
--	--

2) IDENTIFICATION (OWNER)

Name Woodway Home LLC	Address 7425 Oakland Drive		
City Portage	State MI	Zip 49024	Phone

3) ARCHITECT OR ENGINEER

Name J & A Architectural Engineering	Address 3250 W. Big Beaver Rd., Ste. 510	City Troy
State MI	Zip 48084	Phone 248.282.6475
License Number 6201025357	Expiration Date 04/25/2024	Email eafegley.arch@gmail.com

4) BUILDING CONTRACTOR

Company name T.B.D.	Address	City
State	Zip	Phone
Email	Federal Employer ID	
Builder License Number	Expiration Date	
Workers Comp Insurance Carrier	MESC Employer Number	

5) TYPE OF DEVELOPMENT PROJECT

- ☐ Site Plan ☐ Building Plan ☐ Final Plan in Planned Development
☐ Subdivision ☒ Condominium ☐ Land Division Requiring Public Improvements
☐ Landscape Plans ☐ Public Water Main ☐ Public Sanitary Sewer Main

☐ Other: _____

(Note: Please provide a Portable Document Format (PDF) of the plans for the project at time of document submittal. The submitted format shall be CD/DVD or USB. If a PDF is not submitted, an additional \$25 fee plus \$1 for each plan sheet after 20 sheets will apply.)

6) TYPE OF IMPROVEMENT

- ☒ New Building ☐ Alteration ☐ Addition ☐ Repair ☐ Demolition ☐ Foundation Only
☐ Relocation ☐ Special Inspection ☐ Solar ☐ Other: _____

7) DESCRIPTION OF WORK

- A) The proposal includes 4-unit and 3-unit buildings with a mix of two single family dwelling unit types. One dwelling unit type provides all second floor bedrooms with an office/den option. The second dwelling unit type provides a first floor Owner's Suite with remaining two bedrooms on the Second Floor. All units have front entry garages with the additional parking in driveways. The planned development includes common open space with sidewalks for all residences. There will be screening and landscaping to provide private outdoor spaces for each Residential unit. See submitted plans for more information.

B) Valuation of Project: \$ _____

8) CHARACTERISTICS OF THE BUILDING

A) Water Meter Size

☐ 5/8" ☐ 3/4" ☐ 1" ☐ 1 1/2"
☒ Other T.B.D. ☐ Irrigation Size _____ ☐ Fire Sprinkler Size _____

B) Electric Service Size

☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☒ Other T.B.D.

C) Type of Mechanical

Air Conditioning? ☒ Yes ☐ No Fire Suppression? ☐ Yes ☒ No Hood System? ☐ Yes ☐ No

9) CONSTRUCTION PLANS SUBMITTED

Required submittals for plan review:

- Plans shall be signed and sealed when required in accordance with State of Michigan Act No.299 of Public Acts of 1980.
- All plans shall be drawn on uniform sheets no greater than 30"X42".
- All plans shall be drawn to an architectural scale.
- All plans shall be clear, legible and accurate.
- Plans shall be stapled along the left margin.

Type of Plan Submitted:

☒ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Energy

Building Code: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plan, details, roof plan, roof finish schedule, roof live and dead loads.

Electric Code: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

Plumbing Code: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan, Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

Mechanical Code: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, and combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

Energy Code: Floor plans, building sections, details, average annual degree days, exterior envelope components materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

Note: Additional plan review fee(s) required of all non-concurrent plan submittals

APPLICANT INFORMATION

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name Omar Azam	Phone
Address 7425 Oakland Drive	City Portage
State MI	Zip 49024

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent, and I agree to conform to all applicable laws of the State of Michigan and ordinances of the City of Portage. All information submitted on the application is accurate to the best of my knowledge.

Signature of Applicant: _____ Date: _____

FOR DEPARTMENTAL USE ONLY

- | | | |
|---|--|--|
| ☐ Vacant | ☐ F-2: Factory (Low Hazard) | ☐ I-4: Institutional (Day Cares, ETC.) |
| ☐ A-1: Assembly (Theaters) | ☐ H-1: High Hazard (Detonation) | ☐ M: Mercantile |
| ☐ A-2: Assembly (Restaurants) | ☐ H-2: High Hazard (Deflagration) | ☐ R-1: Residential (Hotels, Motels, ETC.) |
| ☐ A-3: Assembly (Library, ETC.) | ☐ H-3: High Hazard (Physical) | ☐ R-2: Residential (Multi Family, ETC.) |
| ☐ A-4: Assembly (Indoor Sports) | ☐ H-4: High Hazard (Health) | ☐ R-3: Residential (1 & 2 Fam. Townhomes) |
| ☐ A-5: Assembly (Outdoor Sports) | ☐ H-5: High Hazard (HPM) | ☐ R-4: Residential (Assisted living) |
| ☐ B: Business | ☐ I-1: Institutional (Supervised) | ☐ S-1: Storage (Moderate hazard) |
| ☐ E: Educational | ☐ I-2: Institutional (Hospital) | ☐ S-2: Storage (Low hazard) |
| ☐ F-1: Factory (Moderate hazard) | ☐ I-3: institutional (Prisons) | ☐ U: Utility (Garage, Shed) |

CHARACTERISTICS OF BUILDING

Frame:

- ☐ Masonry
 ☒ Wood Frame
 ☐ Structural Steel
 ☐ Reinforced Concrete
 ☐ Other

Heating System:

- ☒ Gas
 ☐ Electricity
 ☐ Solar
 ☐ Other _____

New Sewer Connection:

- ☒ Yes
 ☐ No

New Water Connection:

- ☒ Yes
 ☐ No

Type of Mechanical:

- ☒ (Y) Air Conditioning
 ☐ (Y) Fire Suppression

DIMENSIONS / DATA

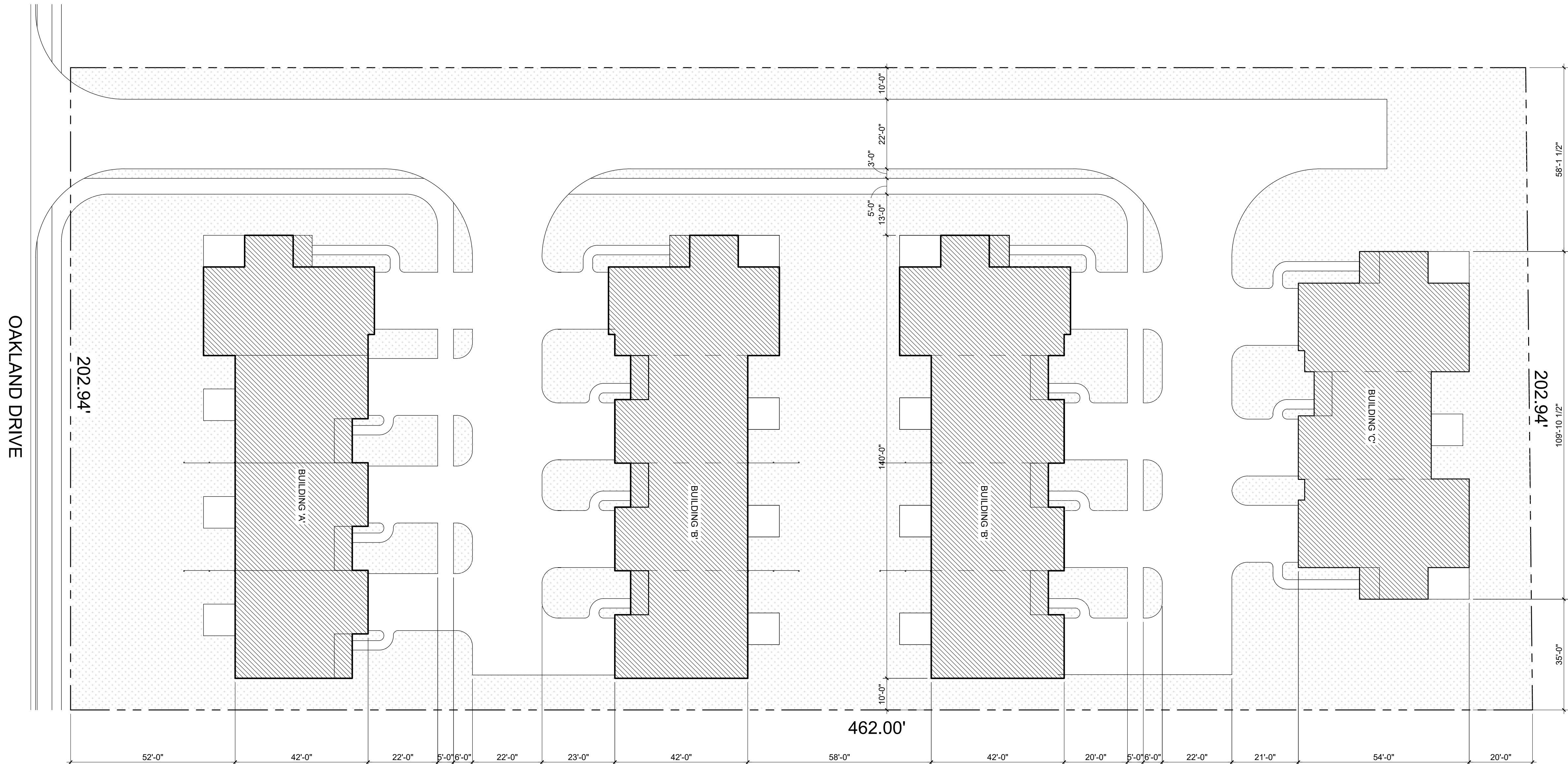
Number of Stories 2 STORY
 Use groups MICHIGAN RESIDENTIAL CODE: TOWNHOUSE OPTION
 Construction Type VB 2-HOUR TENANT SEPARATION

Number of Occupants 15 DWELLING UNITS (3) BEDROOM UNITS

Floor Area	Existing	Alterations	New
Basement			N/A
1 st Floor			STANDARD: 894 S.F. 1ST FLR. BDRM.: 1,227 S.F.
2 nd Floor			STANDARD: 1,193 S.F. 1ST FLR. BDRM.: 705 S.F.
3 rd Floor			
4 th Floor			
5 th Floor			
Total			STANDARD: 2,087 S.F. 1ST FLR. BDRM.: 1,932 S.F.

SEE SUBMITTED PLANS FOR GARAGE S.F.

CODE SUMMARY	SITE DATA CALCULATIONS	PD DEVELOPMENT STANDARDS
GOVERNING CODES 2015 MICHIGAN RESIDENTIAL BUILDING CODE (MRBC) -TOWNHOUSE 2015 MICHIGAN UNIFORM ENERGY CODE (MUEC) TENANT SEPARATION: 2 HOUR RATED WALL ASSEMBLY PROPOSED USE: MULTI FAMILY DEVELOPMENT ZONED: R-1B ONE FAMILY RESIDENTIAL PROPOSED REZONING: PD PLANNED DEVELOPMENT LEGAL DESCRIPTION: COMMENCING AT THE SW CORNER OF THE E 1/2 OF THE NE 1/4 OF SECT 17, TOWN 3 S, RANGE 11 W, TH N 00 DEG-15-05" E 233 FT ALONG THE W LINE OF THE E 1/2 OF THE NE 1/4 OF SAID SECT; TH CONTINUING N 00 DEG-15-05" E 202.94 FT; TH S 89 DEG-25-20" E 495 FT PARALLEL WITH THE E AND W 1/4 LINE OF SAID SECT; TH S 00 DEG-15-05" W 202.94 FT; TH N 89 DEG-25-20" W 495 FT TO THE PLACE OF BEG PARCEL NUMBER: 00017-025-C ACREAGE: 93,758 S.F. (2.15 ACRES)	PROPOSED USE: MULTI-FAMILY RESIDENTIAL (PLANNED DEVELOPMENT) 15 DWELLING UNITS - AVERAGE 7 PER ACRE ALL 3 BEDROOM SINGLE FAMILY DWELLING UNITS UNIT DENSITY: 15 D.U. / 2.15 ACRES = 6.97 D.U. PER ACRE PARKING 2 CAR GARAGE WITH 2 PARKING SPACES FOR EACH UNIT TOTAL 60 PARKING SPACES AREA CALCULATIONS OVERALL SITE AREA : 93,758 S.F. (2.15 ACRES) STREETS/HARDSCAPE : 29,367 S.F. 31% BUILDINGS : 22,157 S.F. 24% OPEN SPACE : 42, 234 S.F. 45%	PER SECTION 42-374 SITE DEVELOPMENT STANDARDS A. DESIGN STANDARDS: 1. HOUSING TYPES: THE PLAN MAY PROVIDE FOR A VARIETY OF HOUSING TYPES. 2. NONRESIDENTIAL USES: A MAXIMUM OF 20 PERCENT OF THE TOTAL AREA MAY BE USED FOR NONRESIDENTIAL USES, INCLUDING ACCESS ROADS AND PARKING ASSOCIATED WITH SUCH NONRESIDENTIAL USES. 3. COMPLIANCE WITH SUBDIVISION REGULATIONS, WATER AND SEWER SERVICE, PEDESTRIAN WAYS, EACH PROPOSAL FOR A PLANNED DEVELOPMENT CONCERNING THE SPECIFICATIONS FOR THE WIDTH AND SURFACING OF STREETS AND HIGHWAYS, ALLEYS AND WAYS FOR PUBLIC UTILITIES, CURBS, GUTTERS, STREETLIGHTS, PUBLIC PARKS AND PLAYGROUNDS, SCHOOL GROUNDS, STORM WATER DRAINAGE AND OTHER IMPROVEMENTS SHALL BE SUBJECT TO THE SPECIFICATIONS ESTABLISHED IN THE SUBDIVISION REGULATIONS (ARTICLE 5 OF THIS CHAPTER.) B. SPECIFIC REQUIREMENTS OF A PLANNED DEVELOPMENT ARE AS FOLLOWS: 1. WATER SUPPLY AND SEWAGE COLLECTION: THE PLANNED DEVELOPMENT SHALL BE SERVED BY THE CITY WATER SUPPLY SYSTEM AND SEWAGE COLLECTION SYSTEM. 2. PEDESTRIAN CIRCULATION: THE PEDESTRIAN CIRCULATION SYSTEM AND ITS RELATED WALKWAYS SHALL BE INSULATED AS COMPLETELY AND AS REASONABLY AS POSSIBLE FROM THE VEHICULAR STREET SYSTEM IN ORDER TO PROVIDE SEPARATION OF PEDESTRIAN AND VEHICULAR MOVEMENT. THIS SHALL INCLUDE, WHEN DEEMED TO BE NECESSARY, A PEDESTRIAN UNDERPASS OR OVERPASS IN THE VICINITY OF SCHOOLS, PLAYGROUNDS, LOCAL SHOPPING AREAS, NONRESIDENTIAL AREAS AND OTHER NEIGHBORHOOD USES WHICH GENERATE A CONSIDERABLE AMOUNT OF PEDESTRIAN TRAFFIC. C. NON-APPLICABILITY OF OTHER ZONING REGULATIONS; MIXTURE OF HOUSING TYPES: THE APPLICANT FOR A PLANNED DEVELOPMENT MUST DEMONSTRATE THAT THE PROPOSED PLAN CANNOT BE DEVELOPED UNDER OTHER SECTIONS OF THIS ARTICLE OR PROVIDE FOR A MIXTURE OF AT LEAST TWO OF THE FOLLOWING THREE HOUSING TYPES: ONE-FAMILY ATTACHED OR DETACHED, TWO-FAMILY OR MULTIFAMILY. D. DENSITY: A. THE OVERALL DENSITY IN A PROPOSED PLANNED DEVELOPMENT SHALL NOT EXCEED SEVEN UNITS PER ACRE. B. IN THE EVENT OF A PROPOSED PHASE DEVELOPMENT, NO ONE PHASE SHALL EXCEED A DENSITY OF 12 UNITS PER ACRE. C. THE DENSITY OF PHASES DEVELOPED AT ANY GIVEN TIME, INCLUDING PHASES ALREADY DEVELOPED, SHALL NOT EXCEED SEVEN UNITS PER ACRE. D. IN ONE-FAMILY RESIDENTIAL AREAS OF A PLANNED DEVELOPMENT, THE AVERAGE LOT SIZE SHALL BE NOT LESS THAN 6,500 SQUARE FEET, WITH A MINIMUM OF 5,000 SQUARE FEET. E. SETBACKS: A. PERIMETER SETBACK REQUIREMENTS. IN A PLANNED DEVELOPMENT THAT ABUTS PROPERTY AND THAT PERMITS DEVELOPMENTS OF LESS INTENSITY THAN PERMITTED BY THE PLANNED DEVELOPMENT, A PERIPHERAL TRANSITION AREA SHALL BE INCORPORATED IN THE PLANNED DEVELOPMENT THAT PROVIDES DEVELOPMENT SIMILAR IN DENSITY TO THAT EXISTING OR PERMITTED ON THE ABUTTING LAND. B. INTERNAL SETBACKS FOR MULTIFAMILY RESIDENTIAL STRUCTURES. INTERNAL SETBACKS FOR MULTIFAMILY RESIDENTIAL STRUCTURES SHALL ADHERE TO THE REQUIREMENTS SET FORTH IN DIVISION 4, SUBDIVISION 10. C. INTERNAL SETBACKS FOR DUPLEX AND ONE-FAMILY RESIDENTIAL STRUCTURES. INTERNAL SETBACKS FOR DUPLEX AND ONE-FAMILY RESIDENTIAL STRUCTURES SHALL BE BASED ON THE PROVISION OF ADEQUATE LIGHT, VENTILATION AND PARKING. F. HEIGHT OF BUILDINGS: THE HEIGHT OF PARTICULAR BUILDINGS SHALL NOT BE A BASIS FOR APPROVAL OR DENIAL OF A PLAN, PROVIDED THAT 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. G. OFF-STREET PARKING: PARKING SHALL BE CONVENIENTLY ACCESSIBLE TO ALL DWELLING UNITS AND OTHER USES, AND SHALL BE PROVIDED PURSUANT TO THE MINIMUM REQUIREMENTS OF DIVISION 6, SUBDIVISION 1. SCREENING OF PARKING AND SERVICE AREAS IS REQUIRED THROUGH AMPLI USE OF TREES, SHRUBS, EARTH BERMS, HEDGES AND SCREENING WALLS. H. SCREENING: WHEN NONRESIDENTIAL USES OR STRUCTURES IN A PLANNED DEVELOPMENT ABUT RESIDENTIAL STRUCTURES, APPROPRIATE SCREENING OF ALL PARKING AND LOADING AREAS SHALL BE PROVIDED AS FOLLOWS: A. A SOLID MASONRY OR STOCKADE FENCE WITH A MAXIMUM HEIGHT OF SIX FEET, OR B. DENSELY PLANTED MATURE SHRUBBERY HAVING A MINIMUM HEIGHT, AT THE TIME OF PLANTING, OF SIX FEET. I. COMMON OPEN SPACE: THE AMOUNT AND LOCATION OF COMMON OPEN SPACE SHALL BE CONSISTENT WITH THE DECLARED FUNCTION OF THE COMMON OPEN SPACE AS SET FORTH IN THE APPLICATION FOR THE PLANNED DEVELOPMENT, AND THERE SHALL BE SUCH PROVISIONS FOR THE OWNERSHIP AND MAINTENANCE OF THE COMMON OPEN SPACE AS ARE REASONABLE TO ENSURE ITS CONTINUITY AND CONSERVATION. J. ACCESSORY STRUCTURES: ACCESSORY STRUCTURES, BUILDINGS AND USES SHALL BE SUBJECT TO THE REGULATIONS CONTAINED IN SECTION 42-121.



1 SITE PLAN
A1.0 SCALE: 1" = 20'-0"

J & A ARCHITECTURAL
ENGINEERING

J & A ARCHITECTURAL
ENGINEERING
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48064
P. 248.282.6475
F. 248.590.0257
azhermaty@gmail.com

PROJECT WOODWAY HOME, LLC 7425 OAKLAND DRIVE PORTAGE, MI 49024	ISSUED FOR	DATE
	PLAN REVIEW	04-28-2022
NOTES: 1.		

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING
This information is protected under U.S. Copyright Law, all rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:

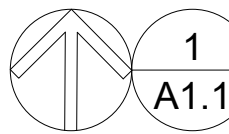
STATE OF MICHIGAN
JOSEPH C. ROCKWOOD
ENGINEER
No. 6261025357
REGISTERED PROFESSIONAL ENGINEER

SHEET NAME:
SITE PLAN &
PRELIMINARY
FLOOR PLANS

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO. :	21-167
SHEET:	

A1.0

SCALE: 1" = 20'-0"



CONCEPTUAL LANDSCAPE PLAN

SCALE: 1" = 20'-0"



J & A ARCHITECTURAL
ENGINEERING
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48064
P. 248.282.6475
F. 248.590.0257
azhermaty@gmail.com

PROJECT
WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

ISSUED FOR
PLAN REVIEW

DATE
04-28-2022

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN
CHARGE:

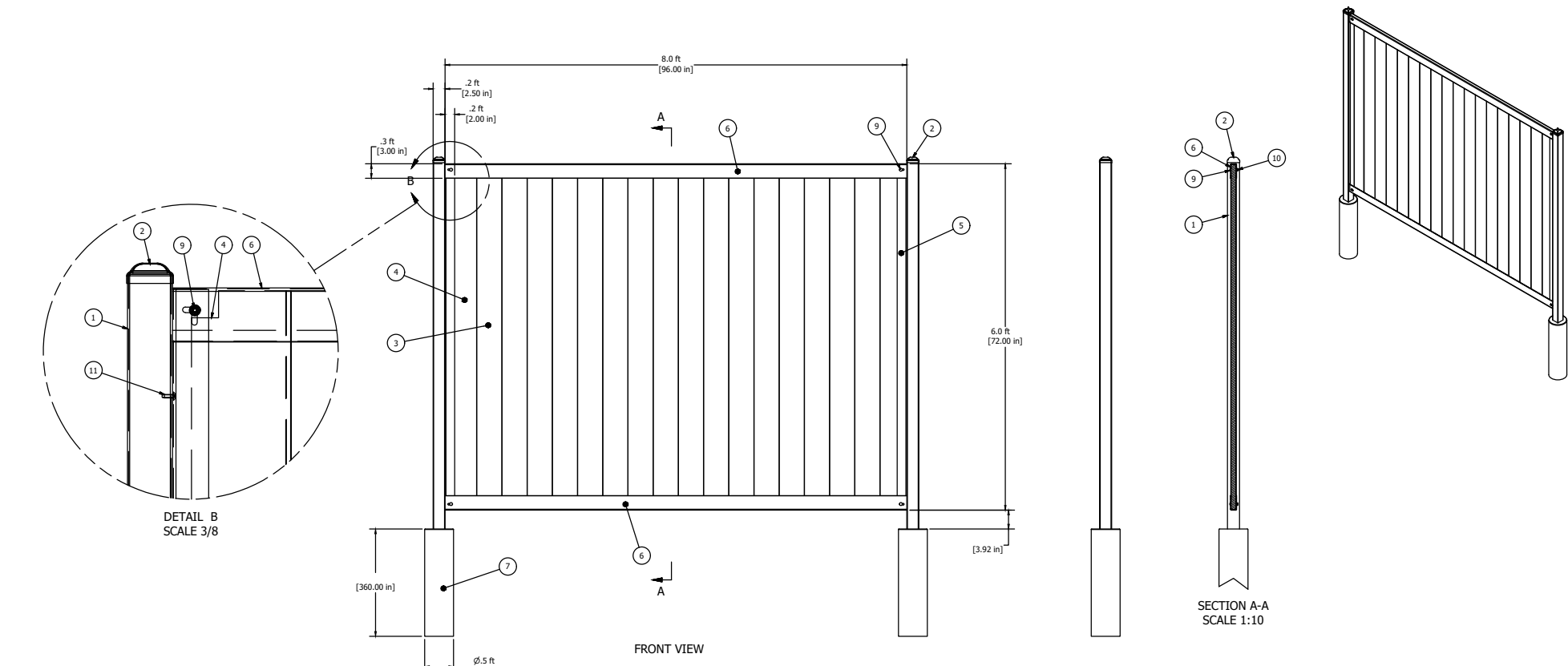


SHEET NAME:
CONCEPTUAL
LANDSCAPE PLAN

DATE : 10-21-2021
DRAWN BY : EAF
CHECKED BY : AM
JOB NO : 21-167
SHEET:

A1.1

SCALE: 1" = 20'-0"



PARTS LIST				FENCE/RAIL	
ITEM	QTY	PART NUMBER	DESCRIPTION		
1	2	2.5in x 2.5in x 9ft. 16ga Post			
2	2	2.5in x 2.5in Post Cap			Vertical 600-Panel
3	16	1in x 6in x 6ft Boards	Quantity may vary depending on the type of boards or infill chosen.		
4	2	1in x 6in x 6ft Boards Notched	2 Boards or infill to be notched for bolt clearance at the left and right ends.		Vertical 508-Panel
5	2	2in x 6ft Fence Rail			
6	2	3in x 8ft Fence Rail			
7	2	Concrete Pillar 6in Diameter			
8	1	Hardware Kit Items Listed Below			
9	4	ANSI B18.5 - 1/4-20 UNC - 1.5	Round Head Square Neck Bolt		
10	4	IFI 100/107 - 1/4 - 20	Prevailing Torque Type Hex Flange Nut		
11	12	ANSI B18.6.4 - No. 10 - 16 - 5/8	Cross Recessed Truss Head Tapping Screw - Type BT - Type I		

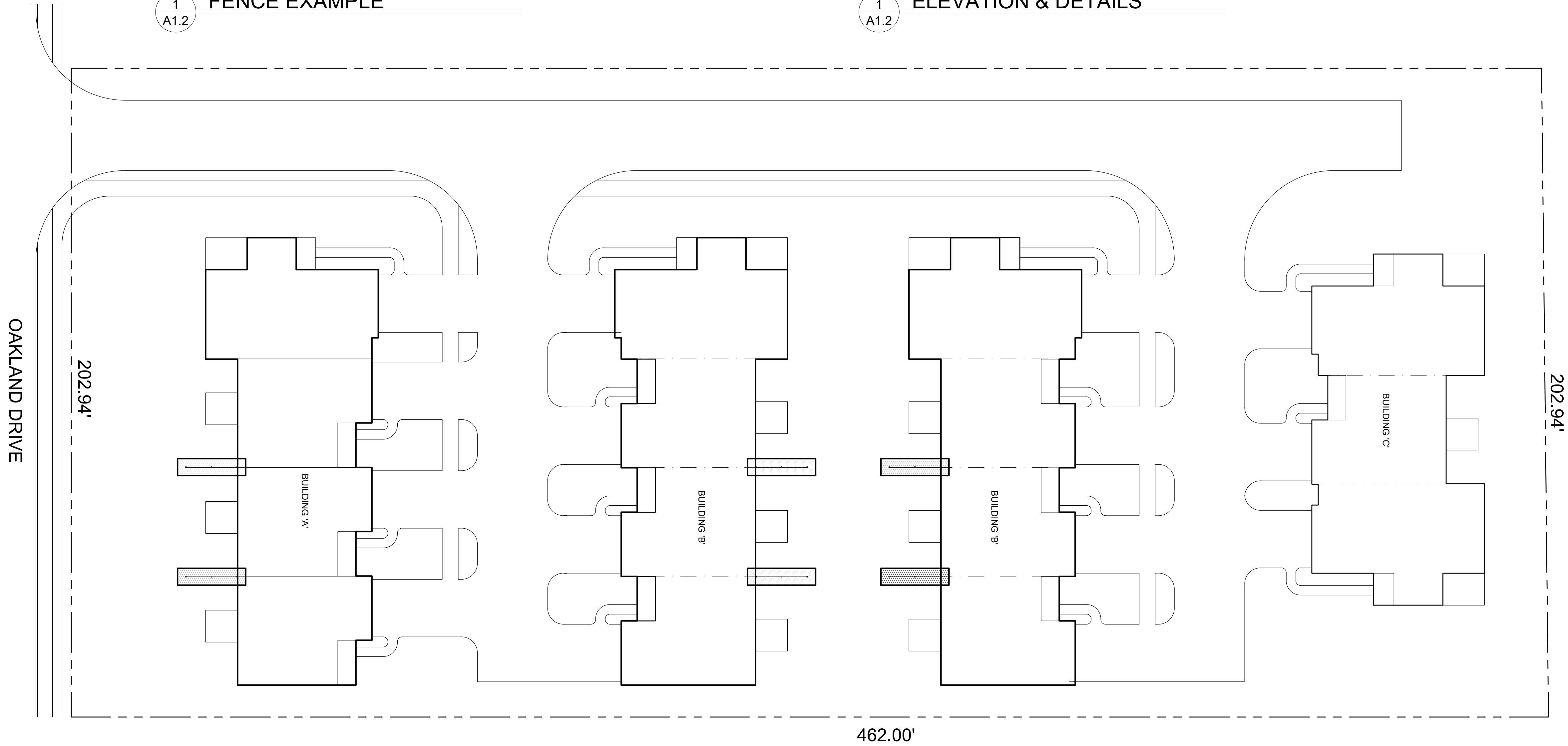
GENERAL NOTES

PRELIMINARY PLANS AND ELEVATIONS ARE SHOWN AS A BASIS OF DESIGN. OWNER HAS THE RIGHT TO USE AS EQUAL AS FINAL PRODUCT.

FENCE LOCATIONS
(2) 8'-0" SECTIONS AT 6'-0" HIGH - TYP.
(6) INSTALLATIONS

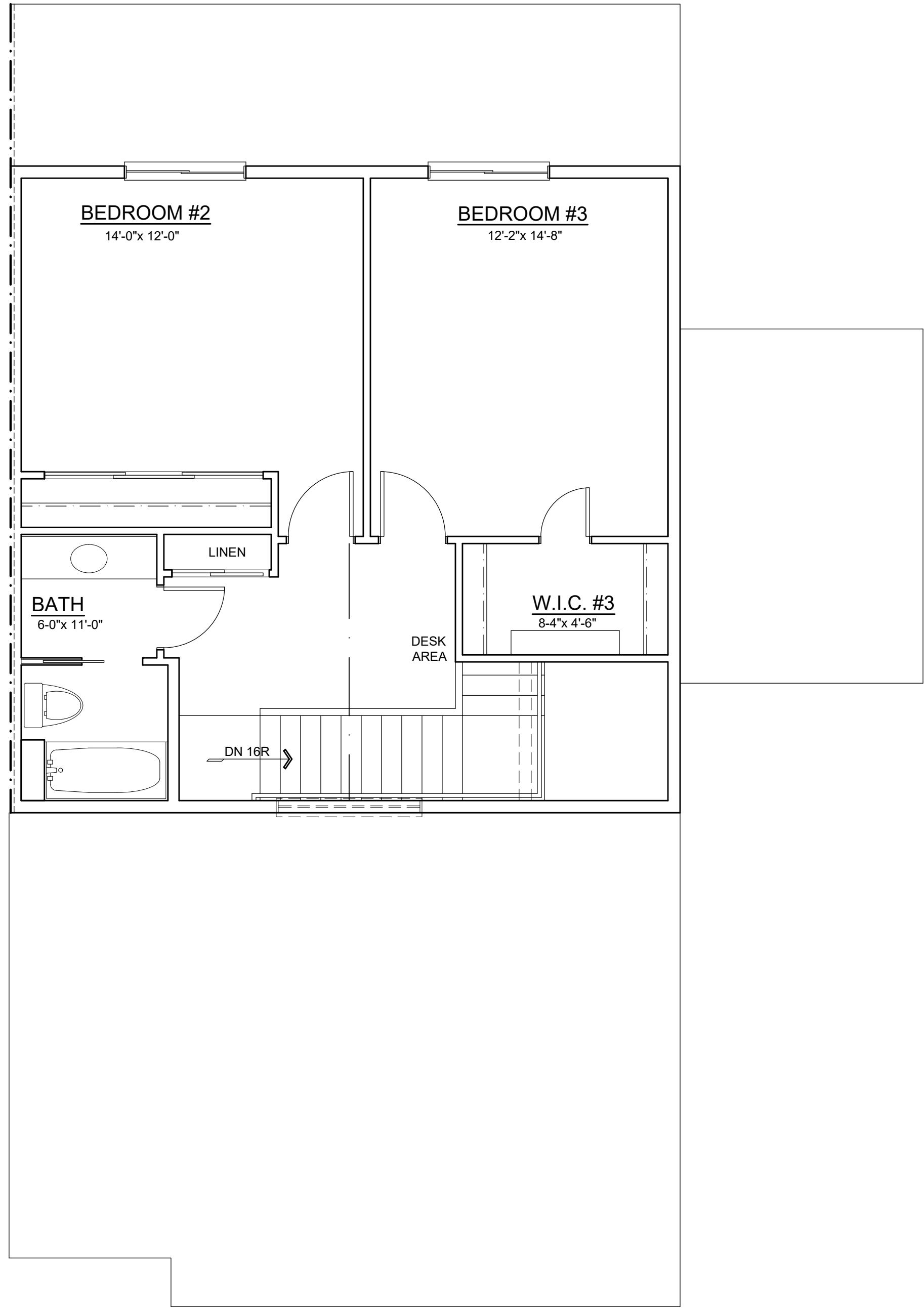
1
A1.2 FENCE EXAMPLE

1
A1.2 ELEVATION & DETAILS



1
A1.2 SITE PLAN
SCALE: 1" = 20'-0"





2 SECOND FLOOR PLAN
A2.1 SCALE: 1/4"= 1'-0"



1 FIRST FLOOR PLAN
A2.1 SCALE: 1/4"= 1'-0"

SQUARE FOOTAGE		
FIRST FLOOR		
LIVING	1,227 S.F.	1,630 S.F.
GARAGE	403 S.F.	
SECOND FLOOR	705 S.F.	705 S.F.
TOTAL	1,932 S.F.	2,335 S.F.



J & A ARCHITECTURAL
ENGINEERING
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48064
P. 248.282.6475
F. 248.590.0257
azhermaty@gmail.com

PROJECT
WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

ISSUED FOR	DATE
PLAN REVIEW	04-28-2022

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN
CHARGE:

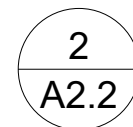


SHEET NAME:
END UNIT
FIRST FLOOR OWNER'S
BEDROOM DWELLING
UNIT

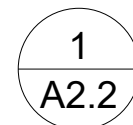
DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A2.1

SCALE: 1/4" = 1'-0"



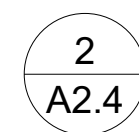
SCALE: 1/8"= 1'-0"



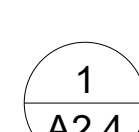
SCALE: 1/8"= 1'-0"



E: $1/8'' = 1'-0''$



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



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

BUILDING 'A' & BUILDING 'C' ELEVATIONS SIMILAR.



**& A ARCHITECTURAL
ENGINEERING**
250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48084
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

ISSUED FOR	DATE
PLAN REVIEW	04-28-2022

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064.
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2011

DESIGN PROFESSIONAL IN CHARGE:



DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A4.0

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



NOTE #1

FINAL COLOR SELECTION MAY VARY.

ARCHITECTURAL
ENGINEERING

**& A ARCHITECTURAL
ENGINEERING**
250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48084
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

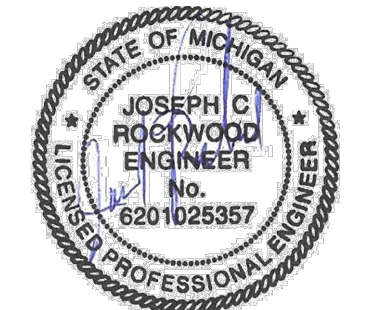
WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

[illegible]

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064.
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:



SHEET NAME:
OVERALL BUILDING
ELEVATIONS
BUILDING 'B'
RENDERINGS

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A4.1

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



3 RIGHT SIDE ELEVATION - BUILDING 'B'
A4.1 SCALE: 1/8"= 1'-0"

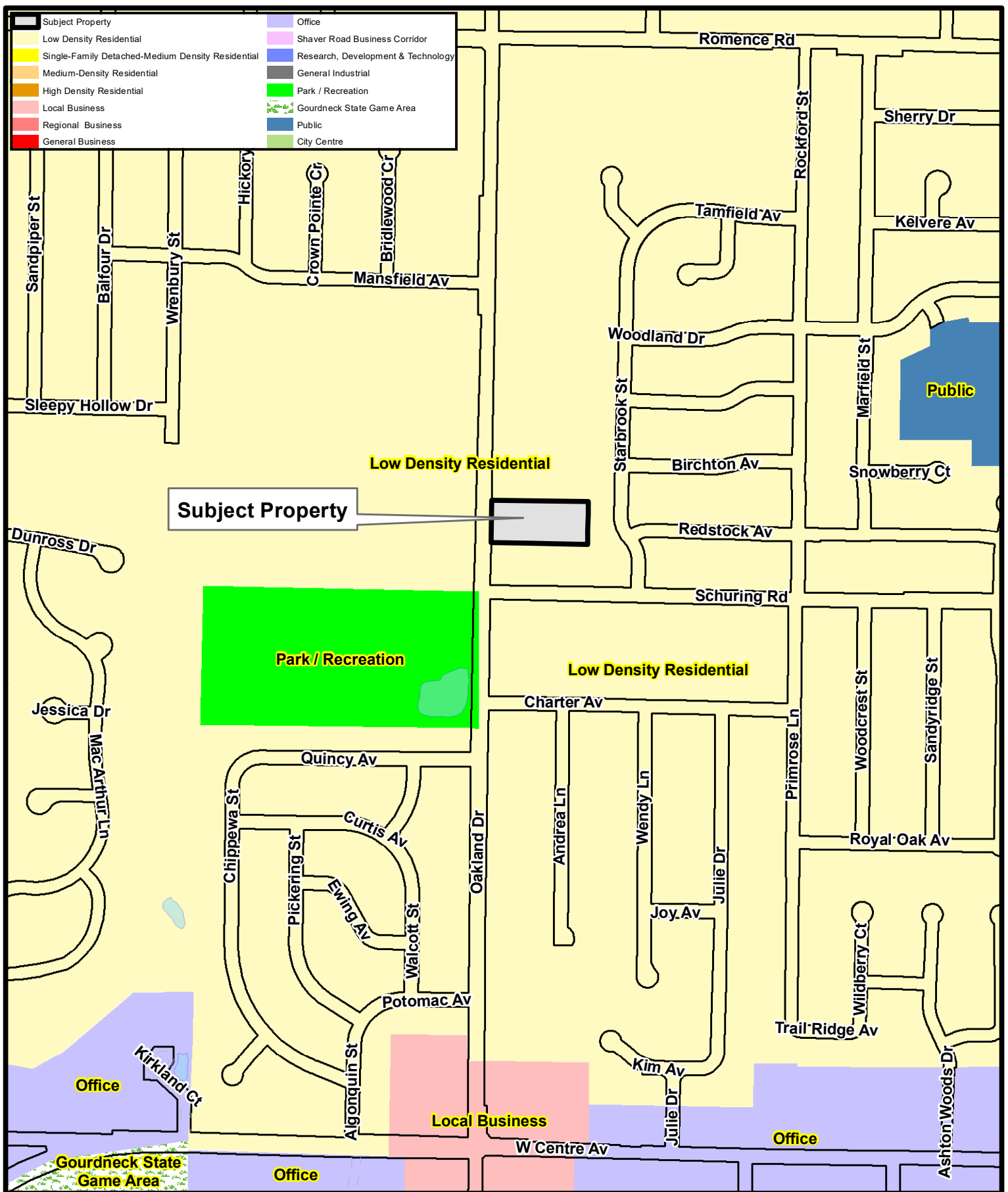


2 LEFT SIDE ELEVATION - BUILDING 'B'

A4.1 SCALE: 1/8"= 1'-0"



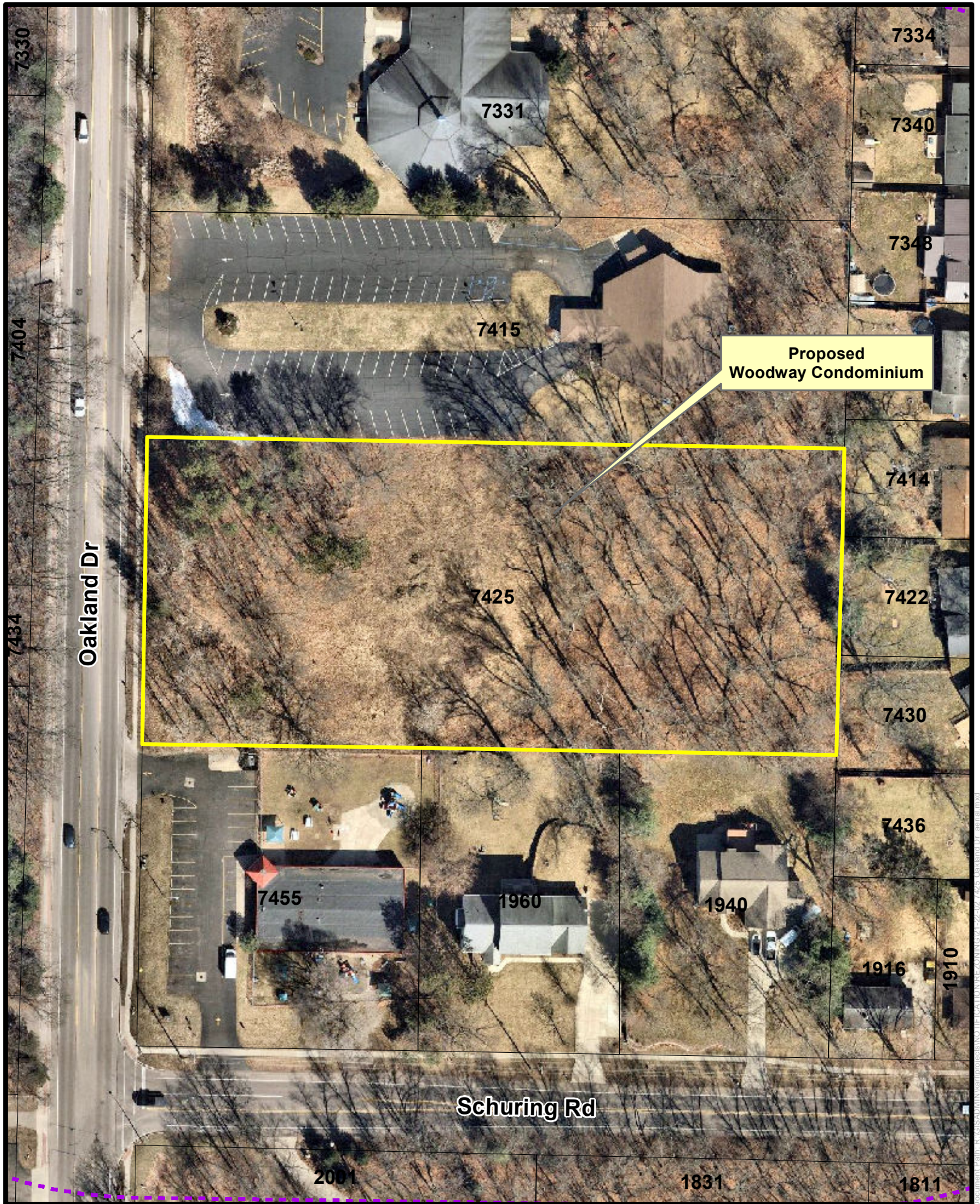
1 FRONT ELEVATION - BUILDING 'B'
A4.1 SCALE: 1/8"= 1'-0"



Future Land Use Map 7425 Oakland Drive



1 inch = 600 feet



 Subject Property
2021 Nearmap Imagery

Aerial Photography
7425 Oakland Drive



1 inch = 80 feet
Date: 4/26/22

Staff's Picture Map





Picture 1. Looking east along Oakland Drive. Subject site is forested lands to the left (north) of sidewalk, beyond the parking lot. Picture taken May 4, 2022.



Picture 2. Looking north toward subject site containing forested lands. Kingdom Hall of Jehovah's Witnesses shown to the left. Picture taken May 4, 2022.



Picture 3. Looking north across subject site. Homes along Starbrook Street shown in background. Picture taken May 4, 2022.



Picture 4. Looking north toward subject site containing forested lands. ‘A Touch of Home Childcare’ daycare center to the right (beyond picture). Picture taken May 4, 2022.



Picture 5. Looking east across subject site. ‘A Touch of Home Childcare’ daycare center and two single family homes along Schuring Road shown in background. Picture taken May 4, 2022.



Picture 6. Looking east across subject site. ‘A Touch of Home Childcare’ daycare center and a single-family home along Schuring Road shown in background. Parking lot of Kingdom Hall of Jehovah’s Witness in foreground. Picture taken May 4, 2022.

Tamara Stephens

From: Steve Walsh <spwalsh1986@gmail.com>
Sent: Thursday, May 19, 2022 9:50 AM
To: Eric Feldt
Subject: 7425 Oakland / Woodway Condo Rezoning Comments

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Hi Eric,

Below please find the statement that my wife and I prepared for today's rezoning meeting. Please let me know if you prefer it to be in an attached document, and I can send that over.

Regards,
Steve

My wife and I live at 7422 Starbrook St, the central property that borders the lot in question on its Eastern/rear side. We chose our house because there is a great sense of space and privacy in the backyard. We spend a lot of time in our yard, and very much appreciate our privacy. The lot in question is a good size for a nice house, but we believe it to be too small for the proposed project. That is evident by the fact they plan to put a building 20 ft from our property line, which will be clearly visible above our privacy fence, overshadowing our backyard and taking away our sense of space and privacy. As it is currently zoned, the minimum rear setback for any residential lot is 40-ft, which would be much more appropriate in this case, rather than the proposed 20-ft.

There are 5 houses in total, whose backyards butt against this lot, so I know we are not the only ones who are concerned. It is a beautiful lot, and we expect something will be built there eventually, but we really hope it will be a house with a backyard of its own, providing more space than 20-ft to our back fence.

In the *Existing Conditions* section, it is mentioned that the Southern border consists of the child care center, when in fact, there are also 2 homes whose entire rear property line borders this lot. Similarly for the Eastern border, only my home is listed, though there are 2 other homes whose entire rear property line also border this lot. The impact on the surrounding neighborhood has been under-emphasized in this section.

If the rezoning is approved and the project moves forward, my wife and I will likely begin seeking other living arrangements.

Respectfully,
Steve and Kim Walsh

May 19, 2022

City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49024

Dear Council,

We are writing to express our strong opposition to the proposed rezoning of the property located at 7425 Oakland Drive from R-1B to Planned Development for condominiums.

We are absolutely opposed to the addition of multi-family housing that will cause traffic and safety problems, and potentially lower the property values of the existing community.

We urge you to disapprove the proposed rezoning.

Thank you for your continued service and support of our communities.

Best regards,

Dan and Sheila Mowry
1940 Schuring Road

I have talked to Omar ~~Abbas~~ ^{about} the Woodway
condemning on their different occasions and I
and I support ~~their~~ his plan to develop property on Oakland
Ave. ~~As a~~ resident of the adjoining property, I
now live ~~there~~ here since 1963 I believe the
proposed development will ~~be~~ have a positive
impact on the neighborhood & city.

Jane Frovander 5/14/2022
7414 Starbrook, Portage, Michigan

CITY OF PORTAGE PLANNING COMMISSION

Thursday, May 19, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of May 19, 2022 was called to order by Chairman Corradini at 7:00 p.m.

IN ATTENDANCE

Eric Feldt, City Planner

Seth Koches, Assistant City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (yes); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (yes); O'Dell (yes); Youngs (yes); and Freiman (excused).

Commissioner Baldwin motioned to excuse Commissioner Freiman. Commissioner Fries supported the motion. Motion passed unanimously.

APPROVAL OF MINUTES:

A motion was made by Vice Chair Joshi, supported by Commissioner Baldwin to approve the April 21, 2022 meeting minutes. The motion was approved unanimously.

Public Hearings:

A Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive. Mr. Feldt stated that the applicant is asking for rezoning and tentative plan for 15 single-family housing units. He described the neighboring properties, zoning, and specifications of the housing units. Staff received one letter of support and two letters of opposition on May 19 which were transmitted to the Commission. The letters of opposition expressed perceived concerns about impacts to traffic and safety, impacts to property values, setback distances, and viewsheds. Staff recommended approval for the tentative plan and rezoning. Vice Chair Joshi asked about location of property lines and if left-hand turns onto Oakland Drive would be an issue. Mr. Feldt stated concerns about left turns did not arise during internal staff review of the project, and that the driveway location was adjusted following the internal review process. Chair Corradini inquired if a traffic study was conducted. Mr. Feldt stated that Department of Transportation staff assessed the project and did not determine a traffic impact study was warranted.

The applicant's architect, Ashley Fegley, of 173 Cherokee Road, Pontiac Michigan, stepped forward. She stated that she did not have any additional comments and was open to answering questions about the project. Vice Chair Joshi asked about increasing setbacks for the plan. The applicant's architect stated the proposed plan has a greater setback than what would be required in the current R1-B zoning.

Chair Corradini opened the public hearing.

Public testimony was received. Angelique McGuire, of 7470 Oakland Drive, stated that she perceived this project may cause traffic issues for properties across the street. She requested a traffic impact study. She expressed that other neighbors were in opposition to the project. Chair Corradini stated that there will be opportunities in the future for public comment. Rebekah Ellwitz, 7418 Oakland Drive, stated concerns about traffic and accidents on Oakland Drive, and requested additional traffic analysis.

There being no further public comment, Vice Chair Joshi motioned to adjourn the public hearing to the June 2nd meeting. Commissioner Pezzoli supported the motion. Motion passed unanimously.

Mr. Feldt inquired if additional materials were requested by the Commission for the continuation of the public hearing at the June 2nd meeting. Vice Chair Joshi requested that City Traffic Engineer, Mr. Muhammad Arif, be invited and that additional information related to traffic and safety concerns be provided. Commissioner Adams asked how this development compares to the Whispering Rock development and other Planned Development townhouse developments along Oakland Drive. Mr. Feldt said he would gather information on the traffic and developments information requested by Commissioners.

NEW BUSINESS

Chair Corradini thanked Commissioner Spencer O'Dell for his time and work on the Planning Commission. He stated that interviews for open board positions will take place next Tuesday, May 24.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

None.

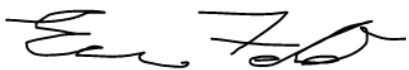
STATEMENT OF STAFF

None.

ADJOURNMENT:

There being no further business to come before the Commission, Chairman Corradini adjourned the meeting at 7:40 p.m.

Respectfully submitted,



Eric Feldt, AICP, CFM
City Planner/Project Manager

TO: Planning Commission**DATE:** June 2, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** A Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive.**I. INTRODUCTION:**

Applicant Omar Azam has submitted a Tentative Plan to rezone 7425 Oakland Drive from R-1B to Planned Development in order to facilitate the development of 15 new attached townhomes with a density of 6.98 units/acre on the 2.15-acre lot. By rezoning the property to Planned Development, the developer seeks more flexibility in housing types than what is currently allowed in the R-1B district. Construction is expected to occur in a single phase over two years, following completion of approval processes.

A public hearing for this rezoning application was opened at the May 19, 2022 Planning Commission meeting. During the meeting, the Commission discussed the proposed rezoning. Two members of the public provided testimony and expressed opposition to the project due to perceived concerns about traffic safety and congestion, impacts on property values of nearby homes, and impacts on viewsheds of adjacent homes. Additionally, two letters of public comment were received on May 19 (one in support of the project, one against) and staff forwarded these to the Commission the day of the Commission meeting (May 19). The Commission requested additional information from the Administration (provided in the attachments to this agenda) and voted to continue the public hearing to the June 2, 2022 meeting.

II. BACKGROUND INFORMATION:**Existing Conditions**

The subject property was acquired in 2021 by the applicant, Omar Azam and Saima Munawar of TLG Parkview, LLC to facilitate development. According to City's Assessor records, TLG Parkview, LLC also owns the property to the south (A Touch of Home childcare) located at 7455 Oakland Drive.

The following table summarizes existing conditions in the area:

Existing Land Use/ Zoning	• The subject site is vacant and zoned R-1B Single family residential. • <u>North</u>: Kingdom Hall of Jehovah's Witness; 7415 Oakland Dr., R-1B Single Family Residential • <u>South</u>: A Touch of Home childcare, 7455 Oakland Dr., R-1B Single Family Residential • <u>West (Across Oakland Drive)</u>: Single-family House, 7418 Oakland Dr., R-1B Single Family Residential • <u>East</u>: Single-family House, 7422 Starbrook St., R-1B Single Family Residential.
Public Streets	The surrounding roadway network: Oakland Drive (Total of 13,048 average daily trips) to the west (frontage street); Starbrook Street (no counts provided on local residential streets) to the east; and Schuring Road (Total of 2,836 average daily trips-2019) to the south.
Public Utilities	City sanitary sewer and water are available on Oakland Drive.
Environment	The subject site is undeveloped having a forested area with a mix of trees, bushes, grassy areas. The site rises from Oakland Drive to the rear lot line.
Unique Conditions	No mapped wetlands or flood hazards exist on the site. No mapped or identified historic structures or buildings exist.

The following sections of Chapter 42. Division 4. Zoning Districts and District Regulations apply and are addressed further in this report:

- Subdivision 11 – PD, Planned Development District, and
- Division 8 – Administration and Enforcement (Rezone Applications)

Proposed Development

The developer's stated design goal is to "*create affordable residential units with a contemporary style using high quality materials... that will appeal to a variety of potential families.*" The proposed development will provide a total of 15 units, with a mix of two single-family dwelling unit types that range from 1,932 - 2,087 square feet with forecasted unit price range from \$350,000 - \$400,000, comprising the following layouts:

- One dwelling unit type provides all second floor bedrooms with an office/den option for younger families.
- The second dwelling unit type provides a first floor Owner's Suite for the senior population that may be used as an in-law suite.

The buildings will be two-stories, with an overall estimated height of 27 feet. There are (3) 4-unit buildings and (1) 3-unit building that will provide for the proposed multifamily condominium units. All units will have a front entry, attached two-car garage (385-403 square feet) with additional driveway

parking. The planned development includes common open space with sidewalks for all residences. The proposed buildings were designed to optimize outdoor space, both private and common, for residents and sidewalks are provided for connectivity. Additionally, each unit will have a front porch and back patio area. No basements are proposed.

The buildings would be located 42 feet from the front lot line (Oakland Drive), 53 feet from the northern lot line, 20 feet from the east lot line, and 10 feet from the southern lot line. A proposed driveway off Oakland Drive will provide access to the entire development for vehicular access, as well as a sidewalk connecting to Oakland Drive for pedestrian access. Landscaping will be provided around the primary driveway and throughout the entire site. Landscape screening is also being proposed between the southern property line and the proposed condominiums.

Rezoning to Planned Development

The Planned Development (PD) allows the developer to creatively provide a variety of housing styles, and flexibility in building heights and setbacks. The following list highlights features that are being sought by rezoning to PD:

- The development consists of four rows of attached two-story townhouses, which would not be allowed in the underlying R-1B district.
- The condominium unit would range in size from 1,932– 2,087 square feet with a two-car attached garage.
- The development results in a density of 7 units/acre, allowable in PD but not R-1B.
- Establishment of a homeowners' association to maintain private driveways, shared open spaces, landscaping, and other amenities.

III. ANALYSIS:

Staff analysis has been prepared with consideration to the following elements:

Comprehensive Plan

Rezoning applications are reviewed for consistency with the Comprehensive Plan. The Future Land Use map designates the subject property, and others in the neighborhood, as 'Low Density Residential', which is defined as single family housing densities of 1-4 units/acre. The existing homes within the neighborhood fall within this density range. The applicant's proposal is a moderately more dense 7 units/acre.

The subject site has abutting commercial properties (church to the north, daycare center to the south) and Oakland Drive Park within walking distance. As developable land in the city becomes scarce and housing demand increases, increased density will help accommodate future needs. The Oakland Drive corridor provides access to multiple neighborhoods, commercial areas, highways, and parks, making it attractive and marketable to many residential users who seek a variety of housing preferences and

amenities. Therefore, a moderately higher density proposed is appropriate at this site, with consideration given to building and site design to ensure harmony with the existing neighborhood and commercial uses.

Preliminary Evaluations from the Development Review Team (DRT)

This project was reviewed by the Development Review Team (DRT) who ensures that the proposed development is consistent with the City's ordinances, policies and standards. In the preliminary review, the proposed project was determined to generally meet the requirements.

Planned Development - Sec 42-374 Site Development Requirements.

Staff finds this section is met with the submitted application for the following reasons:

- The attached project narrative and site plan addresses items under this ordinance.
- The proposal consists of 15, two-story attached units. Each unit will include a two-car garage and a paved driveway.
- Select units will offer a ground-level 'owner's suite' to provide for and attract senior citizens.
- City water and sewer will be extended from Oakland Drive. Stormwater will be managed on-site with an anticipated mix of aboveground and underground facilities.
- The project provides vehicular and non-motorized access throughout the site. A new, private driveway will serve the development and guide residents to each attached housing unit. Pedestrian connections will be provided via sidewalks internally throughout the development and connect to the existing sidewalk on Oakland Drive, consistent with the City's Complete Streets policy.
- The site is within walking distance of Oakland Drive Park.
- Landscaping will be provided around the perimeter and interior of the development.
- Open spaces in the northeast and southern corners will also be landscaped.
- Landscape screening along the southern and eastern property lines will add a more natural feature between the proposed development and the existing residences to the south and east.
- Each row of buildings is designed at two-stories, similar in height to the existing two-story homes in the neighborhood.
- The proposed density of 7 units/ acre is consistent with the PD district.
- The separation distances noted on the site plan provide the setbacks from abutting property lines.

Planned Development - Sec 42-375 Plan review and approval (PD, planned development); Tentative Plan

Staff finds Items A – E of the Tentative Plan to be met with the submitted application; and Sec 42-375 (D - G) indicates required public hearings by the Planning Commission and City Council.

Suitability of Existing R-1B District/ Impacts of Proposed Planned Development

The site is currently zoned R-1B, and is 2.15 acres, thus this property is allowed a maximum of 9.7

houses (density of 4.4 units/ acre). The applicant is pursuing a Planned Development to seek a moderately higher density development (7 units/ acre) and more flexibility than what is allowed under the R-1B district. To ensure neighborhood harmony with the adjacent residential and commercial uses, the applicant has provided the following:

- Additional landscaping for buffering and beautification.
- The proposed two-story building height is similar to the height of nearby single family homes.
- Each housing unit will have an attached garage and consists of a 3-bedroom, 2-bathroom layout, similar to abutting single family homes to the east and south.
- The development will establish a homeowners' association board to oversee the maintenance of the private driveway, general site and landscaping conditions.
- The development is expected to have little to no impact on the abutting commercial uses to the north and south.

Public Noticing Requirement

Required public notice was sent to all property owners/occupants within 300 feet of the subject property on May 4, 2022. A public notice was published in the Kalamazoo Gazette on May 4, 2022. As of the date of this report, staff received three public comments.

May 19, 2022 Planning Commission Update

Planning Commission voted to continued public hearing until June 2, 2022 after hearing public testimony regarding concerns about traffic safety. Planning Commission requested staff to:

- Research the density levels of existing condominiums along Oakland Drive, and
- to have the City Transportation and Utility Department provide any additional comments about resulting traffic impacts from this project.

The above requested information is provided in the attachments.

IV. RECOMMENDATION:

If no additional public comment is requested and the Commission is supportive of the proposed Tentative Plan and Rezoning request, staff advises the Planning Commission to make a recommendation to City Council that the Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive be approved.

Attachments:

1. Applicant's Project Narrative
2. Rezoning Application
3. Commercial Development Application
4. Applicant's Site Plan, Building Drawings
5. Comprehensive Plan - Future Land Use Map
6. Location Map

7. Staff's Picture Map
8. 2022 05 19 Final Agenda packet including public comments received
9. PC Communication_ Additional Information Requested_ Woodway Condos_05 27 2022
10. Communication from Katie MCCoy dated May 31, 2022
11. Communication from Barbara & Mikel Sagara
12. Communication from Steve and Kim Walsh dated June 2, 2022
13. Communication from Patti Chen dated June 2, 2022



J&A ARCHITECTURAL ENGINEERING
3250 w. Big Beaver Road
Suite 510
Troy, MI 48084
313-600-1373
eafegley.arch@gmail.com

April 28, 2022

To: City of Portage
Planning Department
c/o Eric Feldt, AICP, CFM
7900 S Westnedge Avenue
Portage, MI 49002

RE: **7425 Oakland Drive**
Portage, MI 49024

1. A statement of purpose and objectives

Our design goal for the Architecture was to create affordable residential units with a Contemporary style using high quality materials. We clustered the buildings to optimize the outdoor space, both private and common, for residences.

2. A general plan of development, including a designation of proposed land uses by relative intensity and proportion of land area intended for each land use

The current zoning for the property located at 7425 Oakland Drive is R-1B (One family residential). We are submitting an application for consideration of a PD (Planned Development) rezoning. The size of the property is 2.15 acres. The proposal includes 4-unit and 3-unit buildings with a mix of two single family dwelling unit types. One dwelling unit type provides all second floor bedrooms with an office/den option for younger families. The second dwelling unit type provides a first floor Owner's Suite for an older population that may be used as an in-law suite. All units have front entry garages with the additional parking in driveways. The planned development includes common open space with sidewalks for all residences. There will be screening and landscaping to provide private outdoor spaces for each Residential unit. This development will provide the City of Portage high quality, affordable housing that will appeal to a variety of potential families.

Reference Sheet A1.1, Conceptual Landscape Plan for location of walks, screening, roadways, etc. Reference Sheet A1.0, Architectural Site Plan for setback dimensions and density calculations.

3. A program of development outlining the proposed stages of development

Site will be developed with overall infrastructure and Building #1 (Building Type 'A') first. Building #2 and Building #3 (Building type 'B') will be built second, followed by Building #4 (Building Type 'C').

4. The time schedule

Upon approval of rezoning, permit applications will be applied for. Site work will begin as soon as possible.

5. A statement demonstrating the independence of each stage and the integration of the proposed development into the proposed or existing development pattern

Overall development of Site to be completed over 2 year period. Each stage will not interfere with built, occupied dwelling units. Construction activity to be limited to area being built.

6. The general location and size of the area involved and the nature of the landowner's interest in the land proposed to be developed

7425 Oakland Drive is located South of Romence Road and North of W. Centre Avenue. The property is 2.15 Acres. Landowner proposes a multi-family development under a Homeowner's Association. Each unit to be individually owned.

7. The density of land use to be allocated to parts of the area to be developed

The overall site is 93,758 s.f. Any mature trees that can remain will be preserved, especially at the perimeter of the site located in the setback areas. The breakdown of area calculation is as follows:

Building footprints:	22,157 s.f.	24% of site
Streets, sidewalks, outdoor patios:	29,367 s.f	31% of site
Green space:	42, 234 s.f	45% of site
Unit Density:	15 D.U./ 2.15 acres = 6.97 D.U. per acre	

8. The location, function, ownership and manner of maintenance of common open space

The Development will have a Homeowner's agreement. Each residence will have an outdoor terrace with privacy fence. The Southeast corner of the property will be open common space for the development.

9. The use, approximate height, bulk and location of buildings and other structures

Buildings will be 2-Story Multi-family Condominium dwelling units. The overall Building Height will be +/- 27'-0" with a Ridge Height of +/- 31'-0". There are (3) 4-unit buildings and (1) 3-unit building, see site plan for locations.

10. The feasibility of proposals for the disposition of sanitary waste and storm water

A private storm water management system will be required in accordance with the Storm Water Design Criteria Manual, including Add No. 1 to the Storm Water Design Criteria Manual. Civil Engineer will determine method of handling storm water once final Site Plan has been approved. Owner would prefer a surface infiltration basin but underground infiltration system may be required.

11. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities

Project will meet all easement requirements for the property.

12. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed planned development

Each Dwelling unit will have a 2 car garage and driveway with the ability to park 2 cars. The site will have a 60 car allotment for parking for 15 dwelling units. All streets are shown at 22'-0" wide. There are (2) Churches located to the North and a Day Care to the South. Oakland Drive Park is located across Oakland Drive and to the South of the property.

13. The required modifications in the regulations otherwise applicable to the subject property

We are applying for rezoning the property to meet the City regulations.

14. In the case of plans which call for development over a period of years, a schedule showing the time within which application for final approval of all parts of the planned development are intended to be filed; and

The development of the property will occur over a 2 year period.

Thank you,

E. Ashley Fegley, RA



J&A ARCHITECTURAL ENGINEERING

3250 w. Big Beaver Road

Suite 510

Troy, MI 48084

313.600.1373

eafegley.arch@gmail.com

April 28, 2022

To: City of Portage
Department of Community Development
c/o Kelly Peterson
7900 South Westnedge Avenue
Portage, MI 49002

RE: **7425 Oakland Drive**
Portage, MI 49024

Dear Kelly Peterson,

Attached are our responses to the plan review completed April 20, 2022.

Community Development:

1. Photo, plans, elevations, and locations of Privacy fences have been added to the submission.
2. Housing density has been added to the Narrative

City Assessor:

1. Acknowledge the additional frontage benefit charges.

Fire Department:

1. The townhome units will be built under the Michigan Residential Code as a townhouse option with a 2-hour rated wall assembly as the demising wall for each unit. A fire suppression system is not required. Rated wall assembly will meet the requirements listed under Building Services of review. IFC 507.5.1 requires that a hydrant must be within 400-feet of all portions of all buildings which would require at least one hydrant on-site.
2. Highest point of roof line is under 30'-0". Dimension added to elevations for documentation.

Building Services:

1. Acknowledge definition of Townhouse as correct for development.
2. Acknowledge building requirements for Townhouse dwelling units under section R302.2 of the Michigan Residential Code.

Engineering & Utilities:

1. Site plan has been updated to show entrance drive to the North of the property.
2. Acknowledge public water and sanitary sewer requirements as stated by Review.
3. Narrative has been updated to include storm water management information.

Thank you,

E. Ashley Fegley, RA

APPLICATION FOR ZONING AMENDMENT

Application number _____

Date March 14, 2022

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. *Please note: City Staff and/or Planning Commissioners may visit the subject property while the application is under review.*

For more detailed information about the zoning amendment process, please refer to Portage Land Development Regulations, Article 4, Division 8, 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 7425 Oakland Drive between Romence Road and Schuring Road on the East side of the street, and is known as Lot Number(s) 00017-025-C of SEE LEGAL DESCRIPTION ON SHEET A1.0. It has a frontage of 202.94 feet and a depth of 462 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).

N/A

2. a. Do you own the property to be rezoned? Yes ☒ No ☐

b. Name of the owner of the property to be rezoned: Woodway Home LLC

Address 7425 Oakland Drive, Portage, MI 49024

3. My (our) interest in the property and purpose for submitting the proposed Zoning Amendment: The attached proposal includes (15) Single family dwelling units. See attached letter for more detailed information.

4. CURRENT ZONING: R-1B PROPOSED ZONING: PD

ZONING TEXT AMENDMENT

1. The proposed language to be considered is (attach additional sheets as necessary):
See attached letter for more detailed information.

2. The Zoning Code Chapter and Section wherein the proposed text would be modified/inserted.
See attached letter for more detailed information.

3. My (our) interest in and purpose for submitting the proposed Zoning Ordinance Amendment.
See attached letter for more detailed information.

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.

<u>(Signature of Applicant)</u>	<u>(Signature of Applicant)</u>
<u>7425 Oakland Drive, Portage, MI 49024</u>	
<u>(Address)</u>	<u>(Address)</u>
<u>(Phone)</u>	<u>(Phone)</u>

A copy of all actions taken regarding this application shall be attached and shall be considered a part of this application.



COMMERCIAL DEVELOPMENT APPLICATION

Department of Community Development
7900 South Westnedge Avenue – Portage, Michigan 49002 – (269) 329-4477

Applicant must complete all items in sections 1-9 (if applicable).

Please note: Separate applications must be submitted for Plumbing, Mechanical and Electrical Work Permits

No Work is to Start Prior to the Issuance of Building Permit

1) PROJECT INFORMATION

Project Description Condominium development	Address 7425 Oakland Drive, Portage, MI 49024
--	--

2) IDENTIFICATION (OWNER)

Name Woodway Home LLC	Address 7425 Oakland Drive		
City Portage	State MI	Zip 49024	Phone

3) ARCHITECT OR ENGINEER

Name J & A Architectural Engineering	Address 3250 W. Big Beaver Rd., Ste. 510	City Troy
State MI	Zip 48084	Phone 248.282.6475
License Number 6201025357	Expiration Date 04/25/2024	Email eafegley.arch@gmail.com

4) BUILDING CONTRACTOR

Company name T.B.D.	Address	City
State	Zip	Phone
Email	Federal Employer ID	
Builder License Number	Expiration Date	
Workers Comp Insurance Carrier	MESC Employer Number	

5) TYPE OF DEVELOPMENT PROJECT

- ☐ Site Plan ☐ Building Plan ☐ Final Plan in Planned Development
☐ Subdivision ☒ Condominium ☐ Land Division Requiring Public Improvements
☐ Landscape Plans ☐ Public Water Main ☐ Public Sanitary Sewer Main

☐ Other: _____

(Note: Please provide a Portable Document Format (PDF) of the plans for the project at time of document submittal. The submitted format shall be CD/DVD or USB. If a PDF is not submitted, an additional \$25 fee plus \$1 for each plan sheet after 20 sheets will apply.)

6) TYPE OF IMPROVEMENT

- ☒ New Building ☐ Alteration ☐ Addition ☐ Repair ☐ Demolition ☐ Foundation Only
☐ Relocation ☐ Special Inspection ☐ Solar ☐ Other: _____

7) DESCRIPTION OF WORK

- A) The proposal includes 4-unit and 3-unit buildings with a mix of two single family dwelling unit types. One dwelling unit type provides all second floor bedrooms with an office/den option. The second dwelling unit type provides a first floor Owner's Suite with remaining two bedrooms on the Second Floor. All units have front entry garages with the additional parking in driveways. The planned development includes common open space with sidewalks for all residences. There will be screening and landscaping to provide private outdoor spaces for each Residential unit. See submitted plans for more information.

B) Valuation of Project: \$ _____

8) CHARACTERISTICS OF THE BUILDING

A) Water Meter Size

- ☐ 5/8" ☐ 3/4" ☐ 1" ☐ 1 1/2"
- ☒ Other T.B.D. ☐ Irrigation Size _____ ☐ Fire Sprinkler Size _____

B) Electric Service Size

- ☐ 200 AMP ☐ 400 AMP ☐ 600 AMP ☐ 800 AMP ☐ 1000 AMP ☒ Other T.B.D.

C) Type of Mechanical

- Air Conditioning? ☒ Yes ☐ No Fire Suppression? ☐ Yes ☒ No Hood System? ☐ Yes ☐ No

9) CONSTRUCTION PLANS SUBMITTED

Required submittals for plan review:

- Plans shall be signed and sealed when required in accordance with State of Michigan Act No.299 of Public Acts of 1980.
- All plans shall be drawn on uniform sheets no greater than 30"X42".
- All plans shall be drawn to an architectural scale.
- All plans shall be clear, legible and accurate.
- Plans shall be stapled along the left margin.

Type of Plan Submitted:

- ☒ Building ☐ Electrical ☐ Plumbing ☐ Mechanical ☐ Energy

Building Code: Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plan, details, roof plan, roof finish schedule, roof live and dead loads.

Electric Code: Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

Plumbing Code: Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan, Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

Mechanical Code: Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, and combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

Energy Code: Floor plans, building sections, details, average annual degree days, exterior envelope components materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

Note: Additional plan review fee(s) required of all non-concurrent plan submittals

APPLICANT INFORMATION

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name Omar Azam	Phone
Address 7425 Oakland Drive	City Portage
State MI	Zip 49024

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent, and I agree to conform to all applicable laws of the State of Michigan and ordinances of the City of Portage. All information submitted on the application is accurate to the best of my knowledge.

Signature of Applicant: _____ Date: _____

FOR DEPARTMENTAL USE ONLY

- | | | |
|---|--|--|
| ☐ Vacant | ☐ F-2: Factory (Low Hazard) | ☐ I-4: Institutional (Day Cares, ETC.) |
| ☐ A-1: Assembly (Theaters) | ☐ H-1: High Hazard (Detonation) | ☐ M: Mercantile |
| ☐ A-2: Assembly (Restaurants) | ☐ H-2: High Hazard (Deflagration) | ☐ R-1: Residential (Hotels, Motels, ETC.) |
| ☐ A-3: Assembly (Library, ETC.) | ☐ H-3: High Hazard (Physical) | ☐ R-2: Residential (Multi Family, ETC.) |
| ☐ A-4: Assembly (Indoor Sports) | ☐ H-4: High Hazard (Health) | ☐ R-3: Residential (1 & 2 Fam. Townhomes) |
| ☐ A-5: Assembly (Outdoor Sports) | ☐ H-5: High Hazard (HPM) | ☐ R-4: Residential (Assisted living) |
| ☐ B: Business | ☐ I-1: Institutional (Supervised) | ☐ S-1: Storage (Moderate hazard) |
| ☐ E: Educational | ☐ I-2: Institutional (Hospital) | ☐ S-2: Storage (Low hazard) |
| ☐ F-1: Factory (Moderate hazard) | ☐ I-3: institutional (Prisons) | ☐ U: Utility (Garage, Shed) |

CHARACTERISTICS OF BUILDING

Frame:

- ☐ Masonry
 ☒ Wood Frame
 ☐ Structural Steel
 ☐ Reinforced Concrete
 ☐ Other

Heating System:

- ☒ Gas
 ☐ Electricity
 ☐ Solar
 ☐ Other _____

New Sewer Connection:

- ☒ Yes
 ☐ No

New Water Connection:

- ☒ Yes
 ☐ No

Type of Mechanical:

- ☒ (Y) Air Conditioning
 ☐ (Y) Fire Suppression

DIMENSIONS / DATA

Number of Stories 2 STORY
 Use groups MICHIGAN RESIDENTIAL CODE: TOWNHOUSE OPTION
 Construction Type VB 2-HOUR TENANT SEPARATION

Number of Occupants 15 DWELLING UNITS (3) BEDROOM UNITS

Floor Area	Existing	Alterations	New
Basement			N/A
1 st Floor			STANDARD: 894 S.F. 1ST FLR. BDRM.: 1,227 S.F.
2 nd Floor			STANDARD: 1,193 S.F. 1ST FLR. BDRM.: 705 S.F.
3 rd Floor			
4 th Floor			
5 th Floor			
Total			STANDARD: 2,087 S.F. 1ST FLR. BDRM.: 1,932 S.F.

SEE SUBMITTED PLANS FOR GARAGE S.F.

GOVERNING CODES
2015 MICHIGAN RESIDENTIAL BUILDING CODE (MRBC) :TOWNHOUSE
2015 MICHIGAN UNIFORM ENERGY CODE (MUEC)
TENANT SEPARATION: 2 HOUR RATED WALL ASSEMBLY

ZONED: R-18 ONE FAMILY RESIDENTIAL
PROPOSED REZONING: PD PLANNED DEVELOPMENT
LEGAL DESCRIPTION: COMMENCING AT THE SW CORNER OF THE E 1/2
OF THE NE 1/4 OF SECTION 17, TOWN 3 S, RANGE 11 W; TH N 00
DEG-15-05" E 233 FT ALONG THE W LINE OF THE E 1/2 OF THE
NE 1/4 OF SAID SEC; TH CONTINUING N 00 DEG-15-05" E
202.94 FT; TH S 89 DEG-25-20" E 495 FT PARALLEL WITH THE E
AND W 1/4 LINE OF SAID SEC; TH S 00 DEG-15-05" W 202.94
FT; TH N 89 DEG-25-20" W 495 FT TO THE PLACE OF BEG

15 DWELLING UNITS - AVERAGE 7 PER ACRE
ALL 3 BEDROOM SINGLE FAMILY DWELLING UNITS
UNIT DENSITY: 15 D.U. / 2.15 ACRES = 6.97 D.U. PER ACRE

AREA CALCULATIONS

OVERALL SITE AREA	: 93,758 S.F.	(2.15 ACRES)
STREETS/HARDSCAPE	: 29,367 S.F.	31%
BUILDINGS	: 22,157 S.F.	24%
OPEN SPACE	: 42,234 S.F.	45%

1. HOUSING TYPES: THE PLAN MAY PROVIDE FOR A VARIETY OF HOUSING TYPES.

2. NONRESIDENTIAL USES: A MAXIMUM OF 20 PERCENT OF THE TOTAL AREA MAY BE USED FOR NONRESIDENTIAL USES, INCLUDING ACCESS ROADS AND PARKING ASSOCIATED WITH SUCH NONRESIDENTIAL USES.

3. COMPLIANCE WITH SUBDIVISION REGULATIONS: WATER AND SEWER SERVICE, PEDESTRIAN WAYS, EACH PROPOSAL FOR A PLANNED DEVELOPMENT CONSIDERING THE SPECIFICATIONS FOR THE WIDTH AND SURFACING OF STREETS AND HIGHWAYS, ALLEYS AND WALKWAYS, PUBLIC UTILITIES, CURBS, GUTTERS, STREETSIGNS, PUBLIC PARKS AND PLAYGROUNDS, SCHOOL GROUNDS, STORM WATER DRAINAGE AND OTHER IMPROVEMENTS SHALL BE SUBJECT TO THE SPECIFICATIONS ESTABLISHED IN THE SUBDIVISION REGULATIONS (ARTICLE 5 OF THIS CHAPTER).

B. SPECIFIC REQUIREMENTS OF A PLANNED DEVELOPMENT ARE AS FOLLOWS:

1. WATER SUPPLY AND SEWAGE COLLECTION. THE PLANNED DEVELOPMENT SHALL BE SERVED BY THE CITY WATER SUPPLY SYSTEM AND SEWAGE COLLECTION SYSTEM.

2. PEDESTRIAN CIRCULATION. THE PEDESTRIAN CIRCULATION SYSTEM AND ITS RELATED WALKWAYS SHALL BE INTEGRATED AS COMPONENTS OF THE STREET SYSTEM AND THE PEDESTRIAN STREET SYSTEM SHALL BE IN ORDER TO PROVIDE SEPARATION OF PEDESTRIAN AND VEHICULAR MOVEMENT. THIS SHALL INCLUDE, WHEN DEEMED TO BE NECESSARY, A PEDESTRIAN UNDERPASS OR OVERPASS IN THE VICINITY OF SCHOOLS, PLAYGROUNDS, LOCAL SHOPPING AREAS, NONRESIDENTIAL AREAS AND OTHER NEIGHBORHOOD USES WHICH GENERATE A CONSIDERABLE AMOUNT OF PEDESTRIAN TRAFFIC.

A. NON-APPLICABILITY OF OTHER ZONING REGULATIONS; MIXTURE OF HOUSING TYPES: THE APPLICANT FOR A PLANNED DEVELOPMENT MUST DEMONSTRATE THAT THE PROPOSED PLAN CANNOT BE DEVELOPED UNDER OTHER SECTIONS OF THIS ARTICLE OR PROVIDE FOR A MIXTURE OF AT LEAST TWO OF THE FOLLOWING THREE HOUSING TYPES: ONE-FAMILY ATTACHED OR DETACHED, TWO-FAMILY OR MULTIFAMILY.

D. DENSITY:

A. THE AVERAGE DENSITY IN A PROPOSED PLANNED DEVELOPMENT SHALL NOT EXCEED SEVEN UNITS PER ACRE.

B. IN THE EVENT OF A PROPOSED PHASE DEVELOPMENT, NO ONE PHASE SHALL EXCEED A DENSITY OF 12 UNITS PER ACRE.

C. THE DENSITY OF PHASES DEVELOPED AT ANY GIVEN TIME, INCLUDING PHASES ALREADY DEVELOPED, SHALL NOT EXCEED SEVEN UNITS PER ACRE.

D. IN ONE-FAMILY RESIDENTIAL AREAS OF A PLANNED DEVELOPMENT, THE AVERAGE LOT SIZE SHALL BE NOT LESS THAN 6,500 SQUARE FEET, WITH A MINIMUM OF 5,000 SQUARE FEET.

E. SETBACKS:

A. PERIMETER SETBACK REQUIREMENTS: IN A PLANNED DEVELOPMENT THAT ADJUTS PROPERTY AND THAT PROVIDES DEVELOPMENTS OF LESS INTENSITY THAN PERMITTED BY THE PLANNED DEVELOPMENT, A PERIPHERAL TRANSITION AREA SHALL BE INCORPORATED IN THE PLANNED DEVELOPMENT THAT PROVIDES DEVELOPMENT SIMILAR IN DENSITY TO THAT EXISTING OR PERMITTED ON THE ADJUTING LAND.

B. INTERNAL SETBACKS FOR MULTIFAMILY RESIDENTIAL STRUCTURES: INTERNAL SETBACKS FOR MULTIFAMILY RESIDENTIAL STRUCTURES SHALL ADHERE TO THE REQUIREMENTS SET FORTH IN DIVISION 4, SUBDIVISION 10.

C. INTERNAL SETBACKS FOR DUPLEX AND ONE-FAMILY RESIDENTIAL STRUCTURES: INTERNAL SETBACKS FOR

DUPLEX AND ONE-FAMILY RESIDENTIAL STRUCTURES SHALL BE BASED ON THE PROVISION OF ADEQUATE LIGHT, VENTILATION AND PARKING.

F. HEIGHT OF BUILDINGS: THE HEIGHT OF PARTICULAR BUILDINGS SHALL NOT BE A BASIS FOR APPROVAL OR DENIAL OF A PLAN, PROVIDED THAT 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 EFFECT ON EXISTING PUBLIC SERVICES.

G. OFF-STREET PARKING: PARKING SHALL BE CONVENIENTLY ACCESSIBLE TO ALL DWELLING UNITS AND OTHER USES, AND SHALL BE PROVIDED PURSUANT TO THE MINIMUM REQUIREMENTS OF DIVISION 6, SUBDIVISION 1. SCREENING OF PARKING AND SERVICE AREAS IS REQUIRED THROUGH AMPLE USE OF TREES, SHRUBS, EARTHERM, HEDGES AND SCREENING WALLS.

H. SCREENING: WHEN NONRESIDENTIAL, USES OR STRUCTURES IN A PLANNED DEVELOPMENT ABOUT RESIDENTIAL STRUCTURES, APPROPRIATE SCREENING OF ALL PARKING AND LOADING AREAS SHALL BE PROVIDED AS FOLLOWS:

A. A SOLID MASONRY OR STOCKADE FENCE WITH A MAXIMUM HEIGHT OF SIX FEET; OR

B. DENSELY PLANTED MATURE SHRUBBERY HAVING A MINIMUM HEIGHT, AT THE TIME OF PLANTING, OF SIX FEET.

C. COMBINATION SPACE, AMOUNT AND LOCATION OF COMMON OPEN SPACE SHALL BE CONSISTENT WITH THE DECLARED FUNCTION OF THE COMMON OPEN SPACE AS SET FORTH IN THE APPLICATION FOR THE PLANNED DEVELOPMENT, AND THERE SHALL BE SUCH PROVISIONS FOR THE OWNERSHIP AND MAINTENANCE OF THE COMMON OPEN SPACE AS ARE REASONABLE TO ENSURE ITS CONTINUITY AND CONSERVATION.

I. ACCESSORY STRUCTURES: ACCESSORY STRUCTURES, BUILDINGS AND USES SHALL BE SUBJECT TO THE REGULATIONS CONTAINED IN SECTION 42-21.

ARCHITECTURAL
ENGINEERING

**J & A ARCHITECTURAL
ENGINEERING**
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48084
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

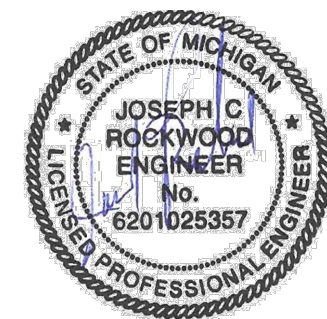
PROJECT
WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

[illegible]

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064.
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:

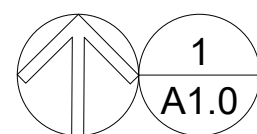
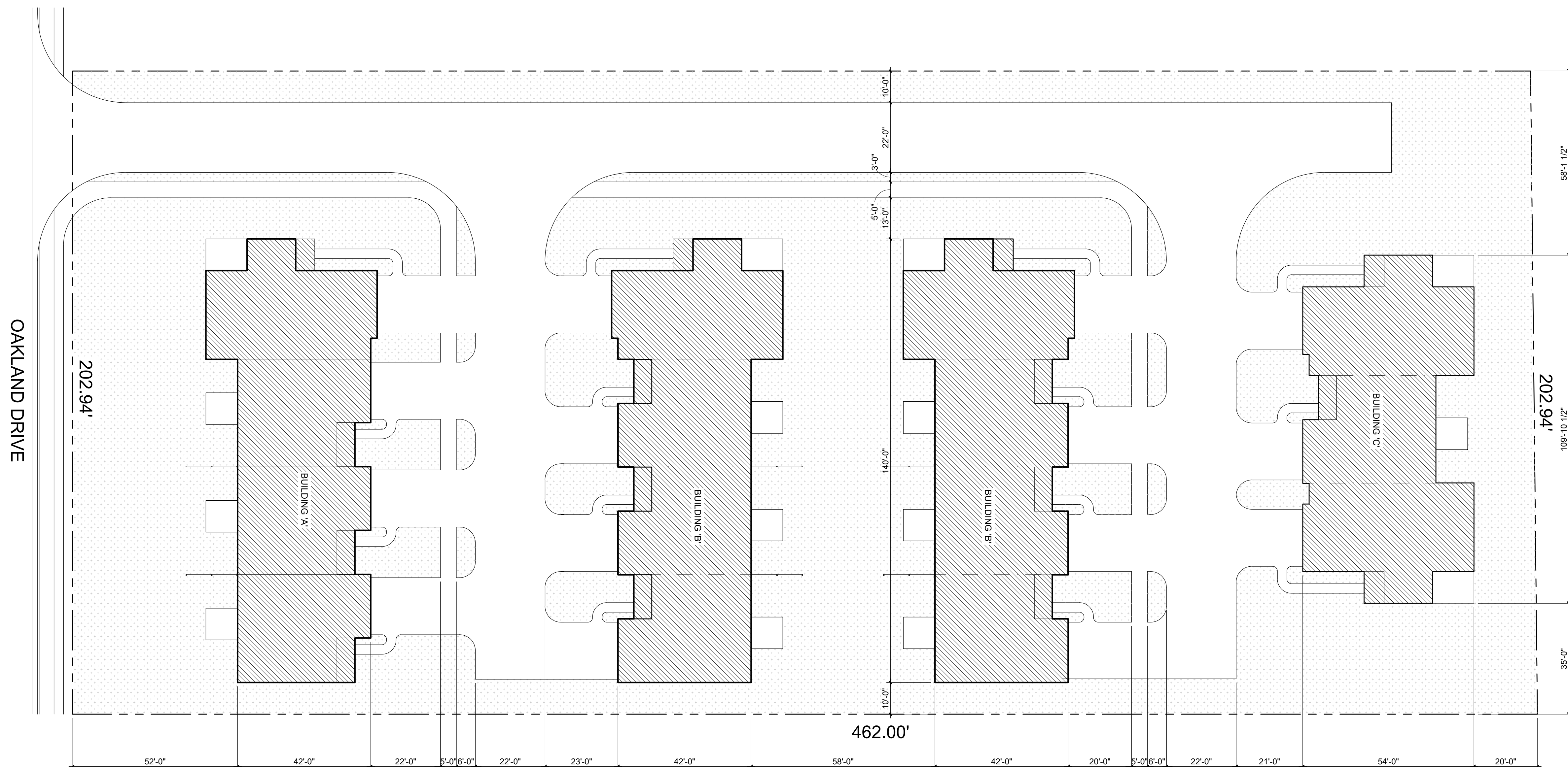


SHEET NAME:
SITE PLAN &
PRELIMINARY
FLOOR PLANS

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

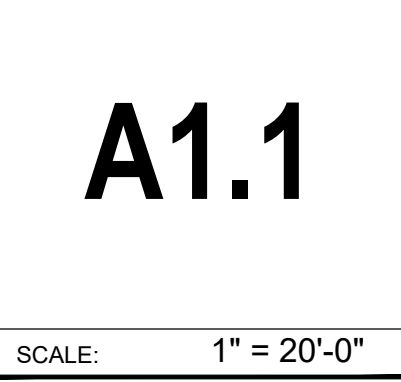
A1.0

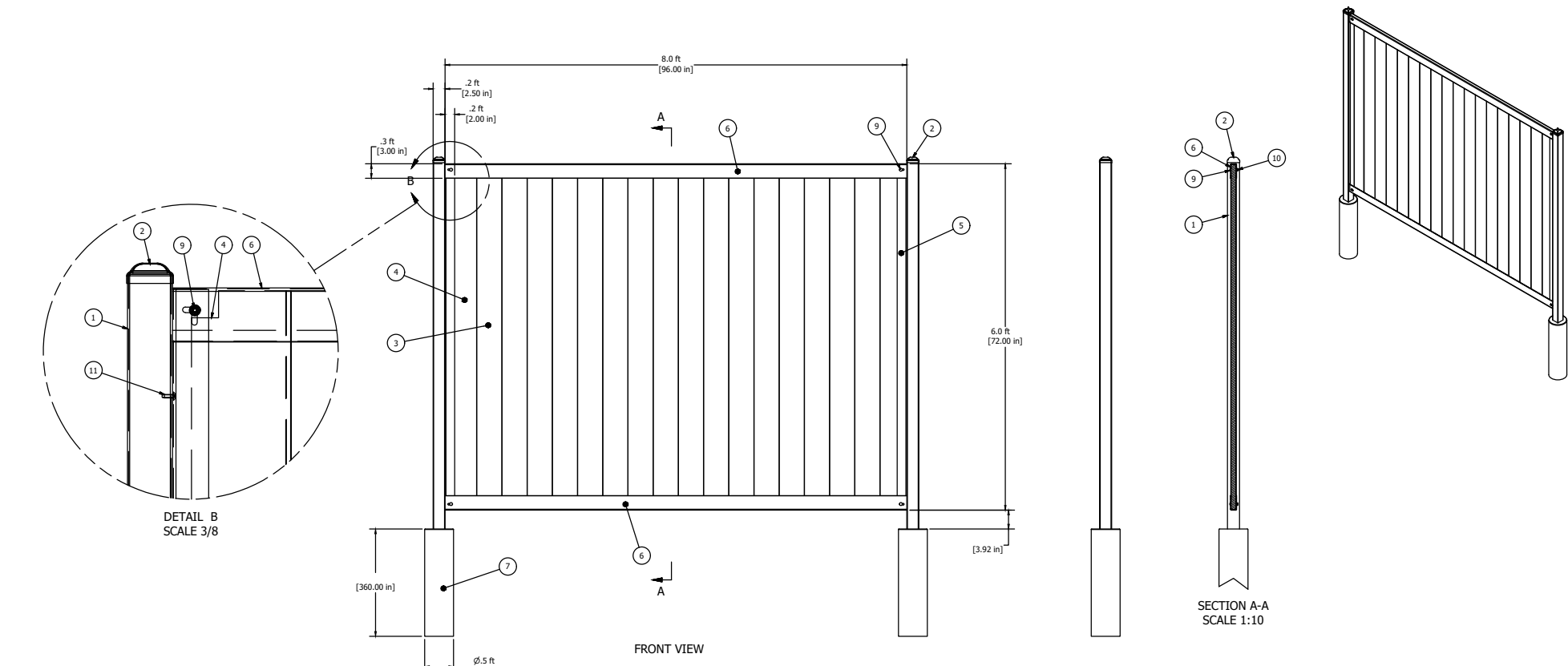
SCALE: 1" = 20'-0"



SITE PLAN

SCALE: 1" = 20'-0"





PARTS LIST				FENCE/RAIL	
ITEM	QTY	PART NUMBER	DESCRIPTION		
1	2	2.5in x 2.5in x 9ft. 16ga Post			
2	2	2.5in x 2.5in Post Cap			Vertical 60B Panel
3	16	1in x 6in x 6ft Boards	Quantity may vary depending on the type of boards or infill chosen.		
4	2	1in x 6in x 6ft Boards Notched	2 Boards or infill to be notched for bolt clearance at the left and right ends.		Vertical 60B Panel
5	2	2in x 6ft Fence Rail			
6	2	3in x 8ft Fence Rail			
7	2	Concrete Pillar 6in Diameter			
8	1	Hardware Kit Items Listed Below			
9	4	ANSI B18.5 - 1/4-20 UNC - 1.5	Round Head Square Neck Bolt		
10	4	IFI 100/107 - 1/4 - 20	Prevailing Torque Type Hex Flange Nut		
11	12	ANSI B18.6.4 - No. 10 - 16 - 5/8	Cross Recessed Truss Head Tapping Screw - Type BT - Type I		

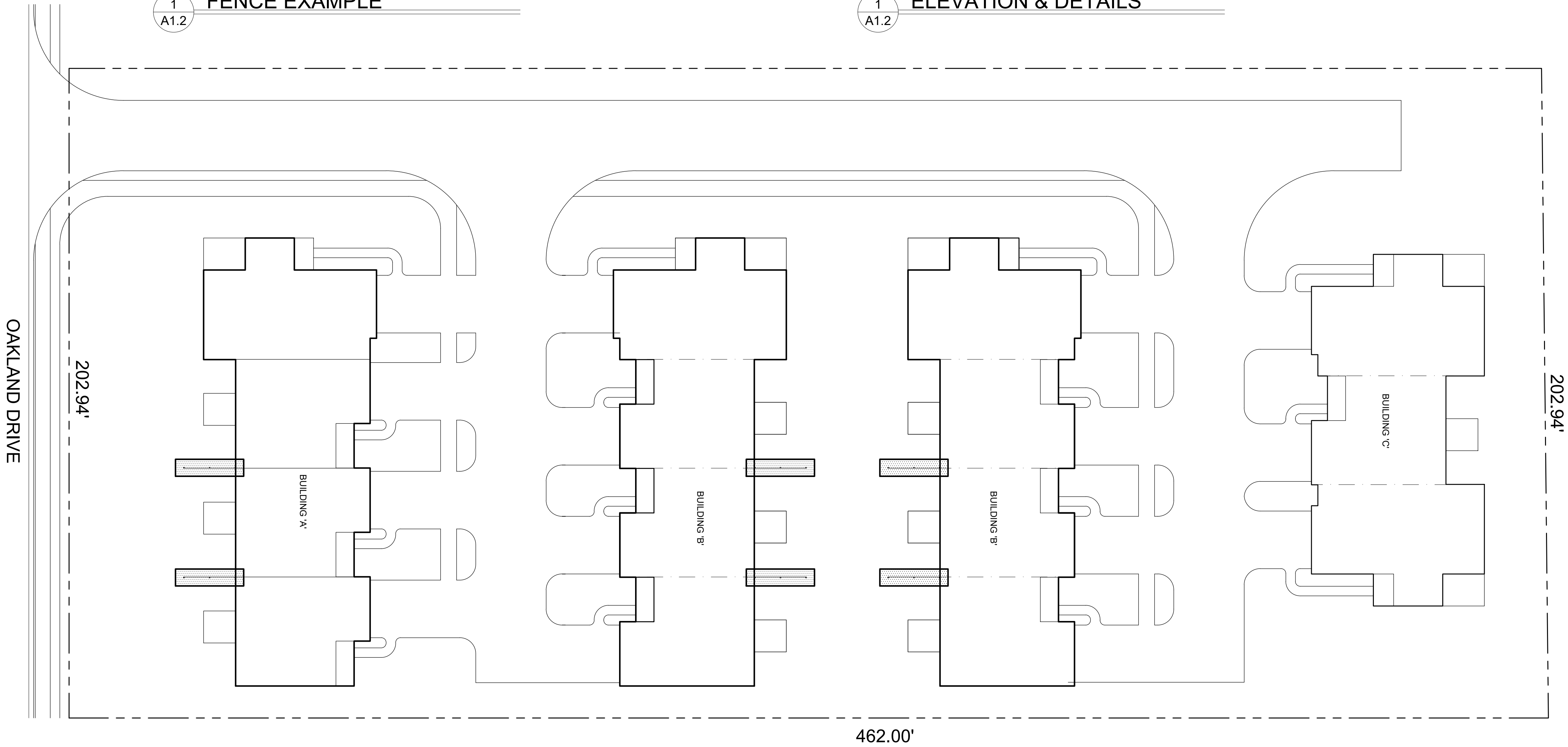
GENERAL NOTES

PRELIMINARY PLANS AND ELEVATIONS ARE SHOWN AS A BASIS OF DESIGN. OWNER HAS THE RIGHT TO USE AS EQUAL AS FINAL PRODUCT.

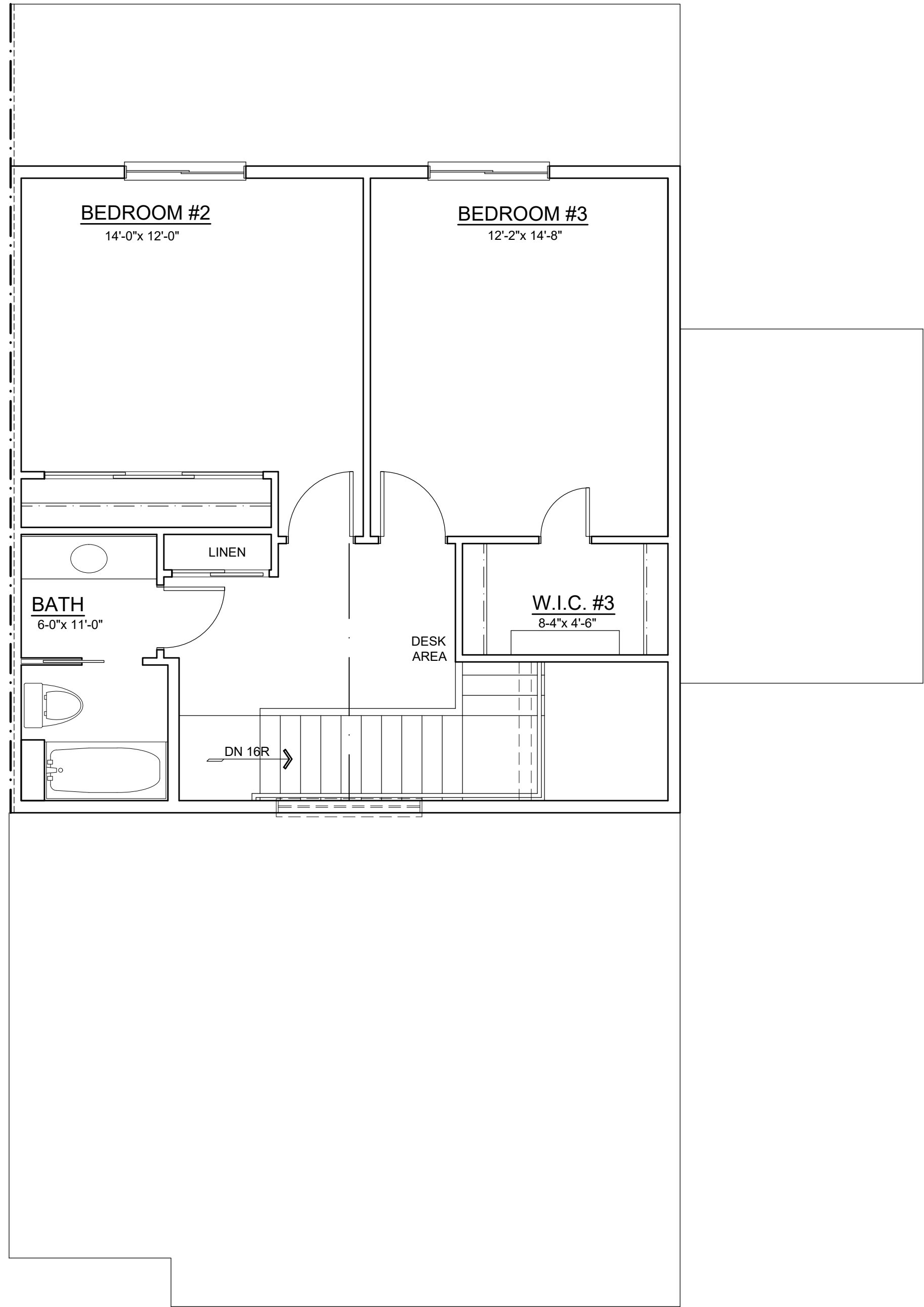
FENCE LOCATIONS
(2) 8'-0" SECTIONS AT 6'-0" HIGH - TYP.
(6) INSTALLATIONS

1
A1.2 FENCE EXAMPLE

1
A1.2 ELEVATION & DETAILS



1
A1.2 SITE PLAN
SCALE: 1" = 20'-0"



2 SECOND FLOOR PLAN
A2.1 SCALE: 1/4"= 1'-0"



1 FIRST FLOOR PLAN
A2.1 SCALE: 1/4"= 1'-0"

SQUARE FOOTAGE		
FIRST FLOOR		
LIVING	1,227 S.F.	1,630 S.F.
GARAGE	403 S.F.	
SECOND FLOOR	705 S.F.	705 S.F.
TOTAL	1,932 S.F.	2,335 S.F.



J & A ARCHITECTURAL
ENGINEERING
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48064
P. 248.282.6475
F. 248.590.0257
azhermaty@gmail.com

PROJECT
WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

ISSUED FOR	DATE
PLAN REVIEW	04-28-2022

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN
CHARGE:

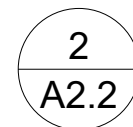


SHEET NAME:
END UNIT
FIRST FLOOR OWNER'S
BEDROOM DWELLING
UNIT

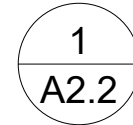
DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A2.1

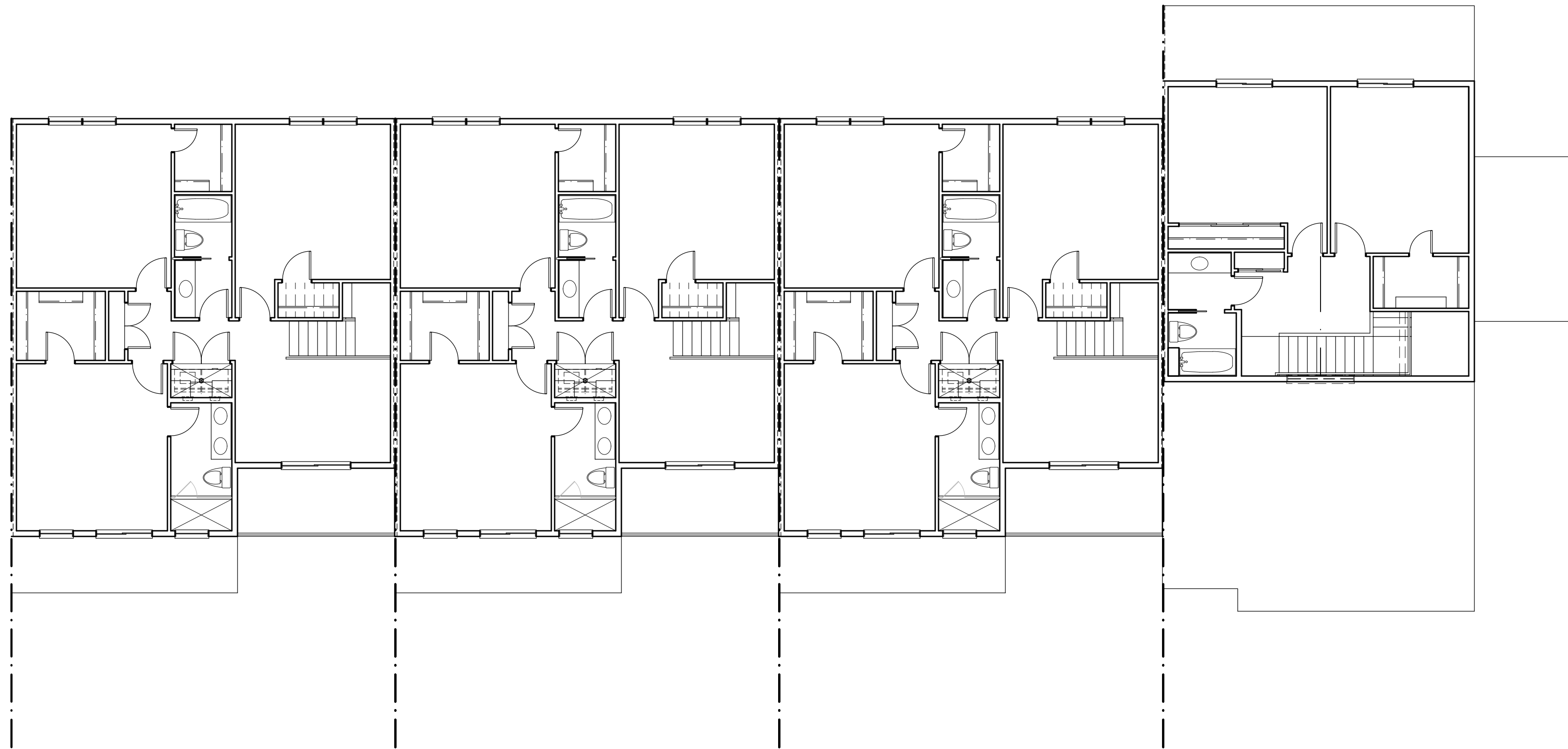
SCALE: 1/4" = 1'-0"



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



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



**J & A ARCHITECTURAL
ENGINEERING**
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48084
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

PROJECT

WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

[illegible]

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48034.
This set of drawings, in whole or in part, may not be reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law; all rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:



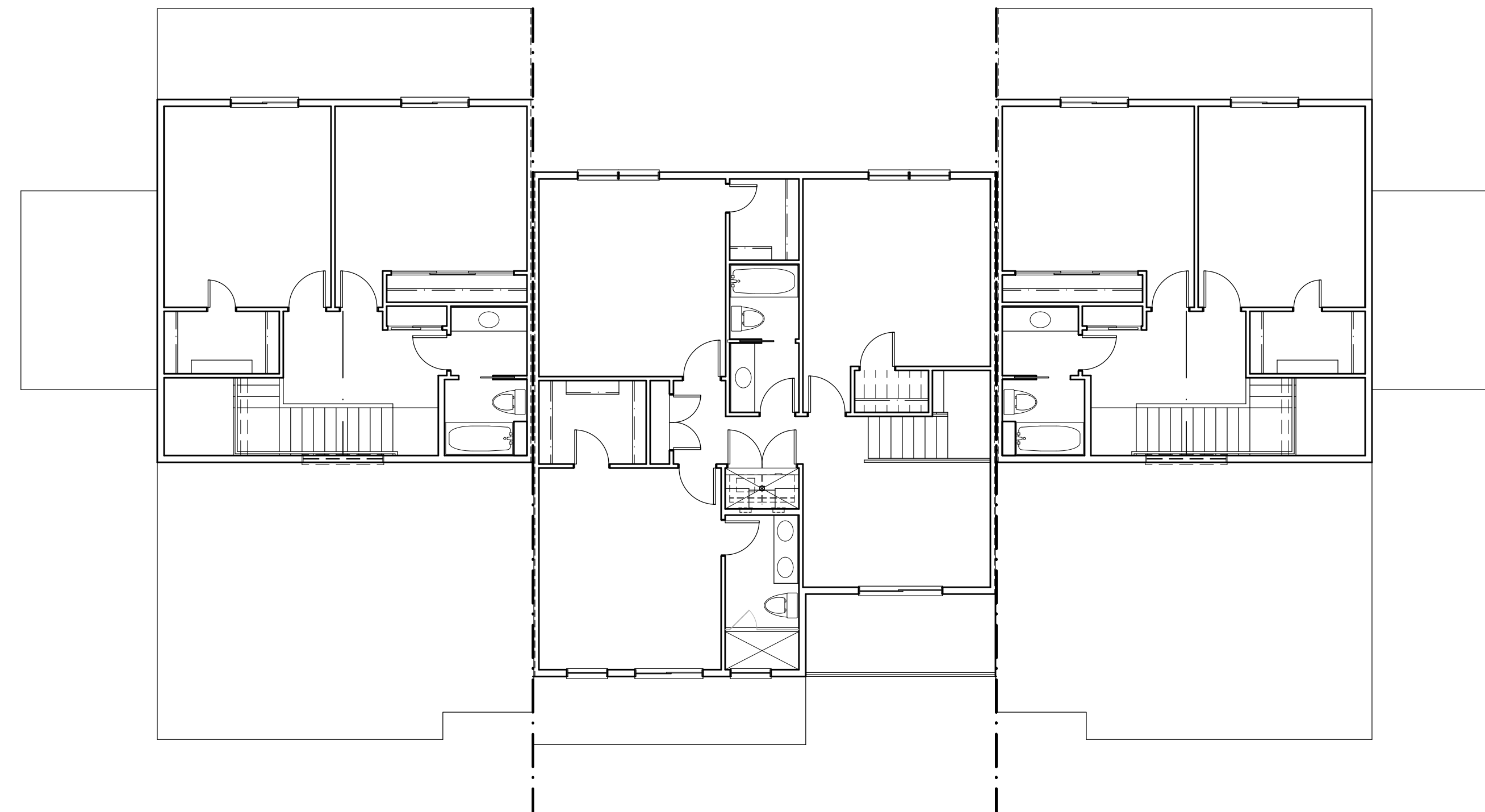
SHEET NAME:
OVERALL BUILDING
PLANS
BUILDING TYPE 'B'

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

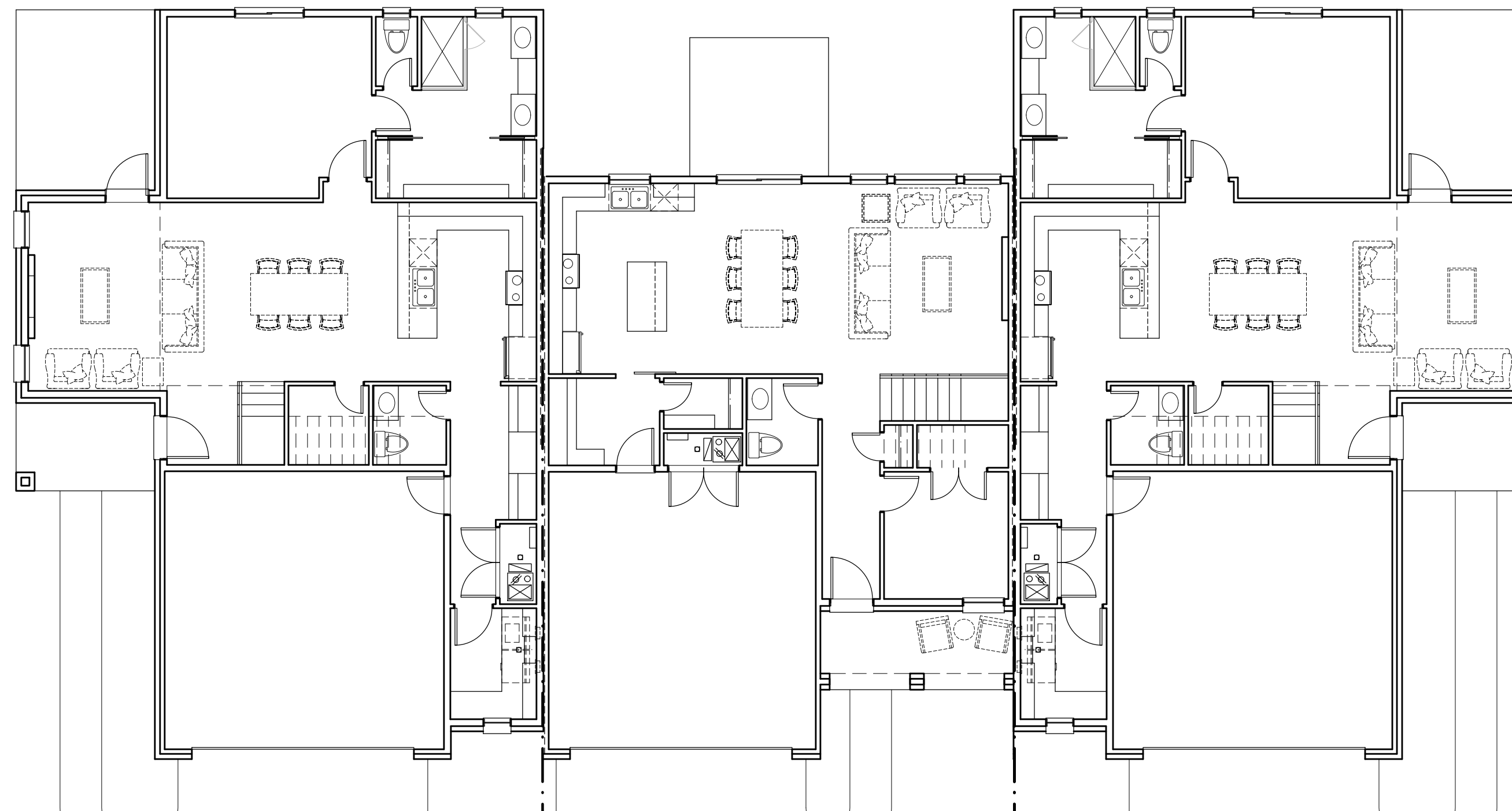
A2.3

SCALE: $1/8" = 1'-0"$

(ZBB)



2 SECOND FLOOR PLAN - BUILDING TYPE 'C'



1
A2.4 FIRST FLOOR PLAN - BUILDING TYPE 'C'
SCALE: 1/8"= 1'-0"

**J & A ARCHITECTURAL
ENGINEERING**
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48084
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

PROJECT

WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

[illegible]

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:



SHEET NAME:
OVERALL BUILDING
PLANS
BUILDING TYPE 'C'

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A2.4

SCALE: $1/8" = 1'-0"$

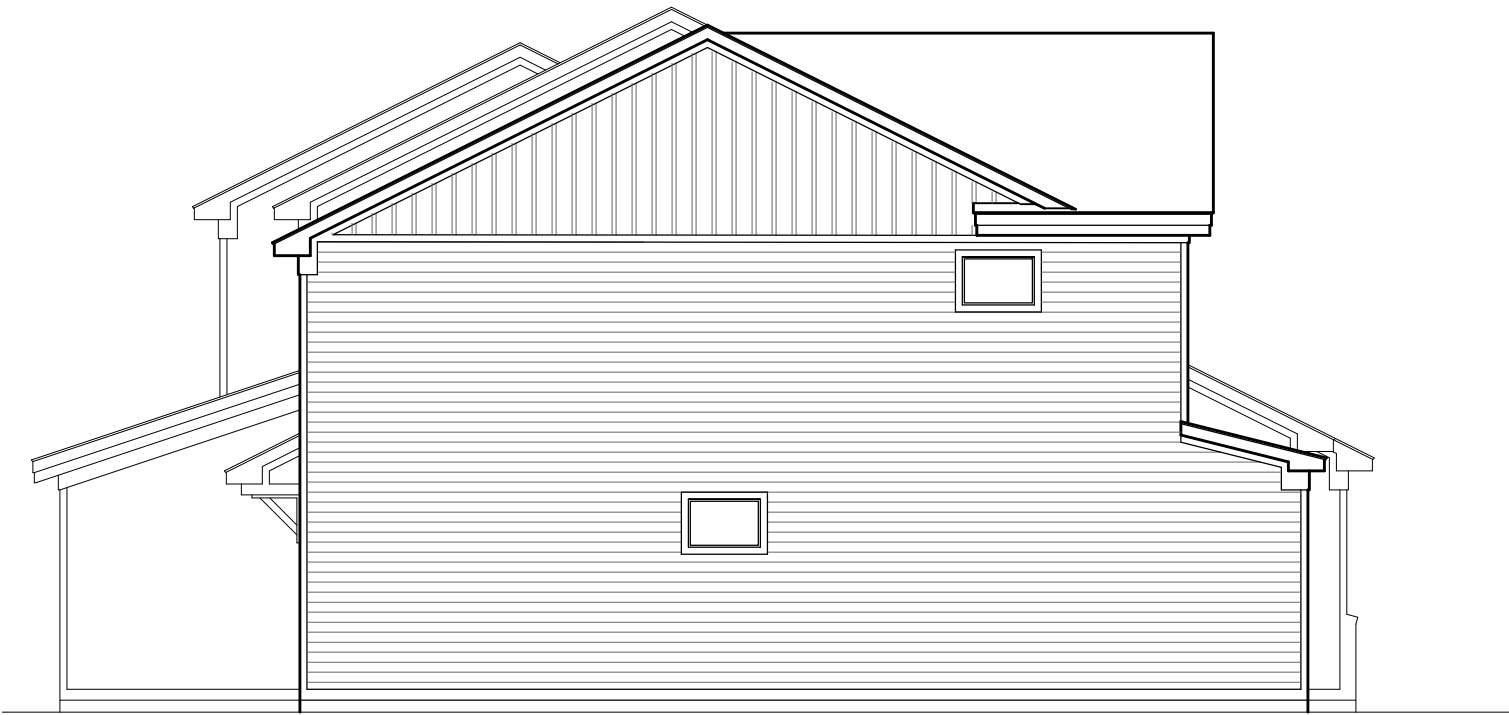
NOTE #1

BUILDING 'A' & BUILDING 'C' ELEVATIONS SIMILAR.



4 REAR ELEVATION - BUILDING 'B'

A4.0 SCALE: 1/8"= 1'-0"



3 RIGHT SIDE ELEVATION - BUILDING 'B'

A4.0 SCALE: 1/8"= 1'-0"



2 LEFT SIDE ELEVATION - BUILDING 'B'

A4.0 SCALE: 1/8"= 1'-0"



1 FRONT ELEVATION - BUILDING 'B'

A4.0 SCALE: 1/8"= 1'-0"

ISSUED FOR	DATE
PLAN REVIEW	04-28-2022

NOTES:

1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN
CHARGE:



SHEET NAME:
OVERALL BUILDING
ELEVATIONS
BUILDING 'B'

DATE :	10-21-2021
DRAWN BY :	EAJ
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A4.0

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



4 REAR ELEVATION - BUILDING 'B'



3 RIGHT SIDE ELEVATION - BUILDING 'B'



2 LEFT SIDE ELEVATION - BUILDING 'B'
A4.1 SCALE: 1/8"= 1'-0"



1 FRONT ELEVATION - BUILDING 'B'
A4.1 SCALE: 1/8"= 1'-0"

NOTE #1

FINAL COLOR SELECTION MAY VARY.

JCH ARCHITECTURAL ENGINEERING

**J & A ARCHITECTURAL
ENGINEERING**
3250 W. BIG BEAVER RD.
SUITE 510
TROY, MI 48064
P. 248.282.6475
F. 248.590.0257
azhermatty@gmail.com

PROJECT

WOODWAY HOME, LLC
7425 OAKLAND DRIVE
PORTAGE, MI 49024

ISSUED FOR	DATE
PLAN REVIEW	04-28-2022

NOTES:
1.

Statement of Intellectual Property
The ideas, concepts, drawings and thoughts conveyed
herein are the intellectual property of
J & A ARCHITECTURAL ENGINEERING
3250 W. Big Beaver Road
Troy, MI 48064.
This set of drawings, in whole or in part, may not be
reproduced, without the written consent of
J & A ARCHITECTURAL ENGINEERING.
This information is protected under U.S. Copyright Law, all
rights reserved.
©Copyright 2021

DESIGN PROFESSIONAL IN CHARGE:



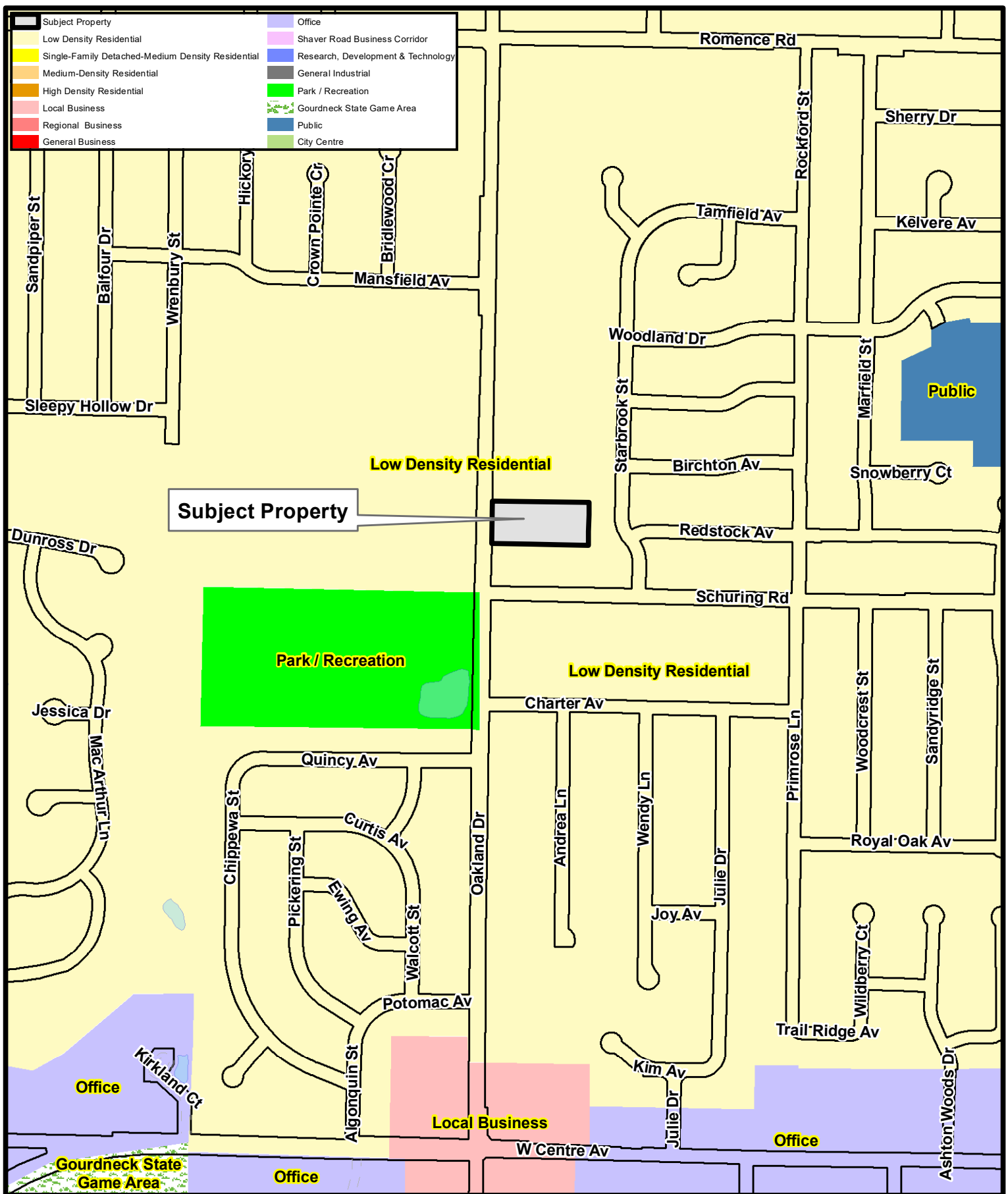
SHEET NAME:

OVERALL BUILDING
ELEVATIONS
BUILDING 'B'
RENDERINGS

DATE :	10-21-2021
DRAWN BY :	EAF
CHECKED BY :	AM
JOB NO :	21-167
SHEET:	

A4.1

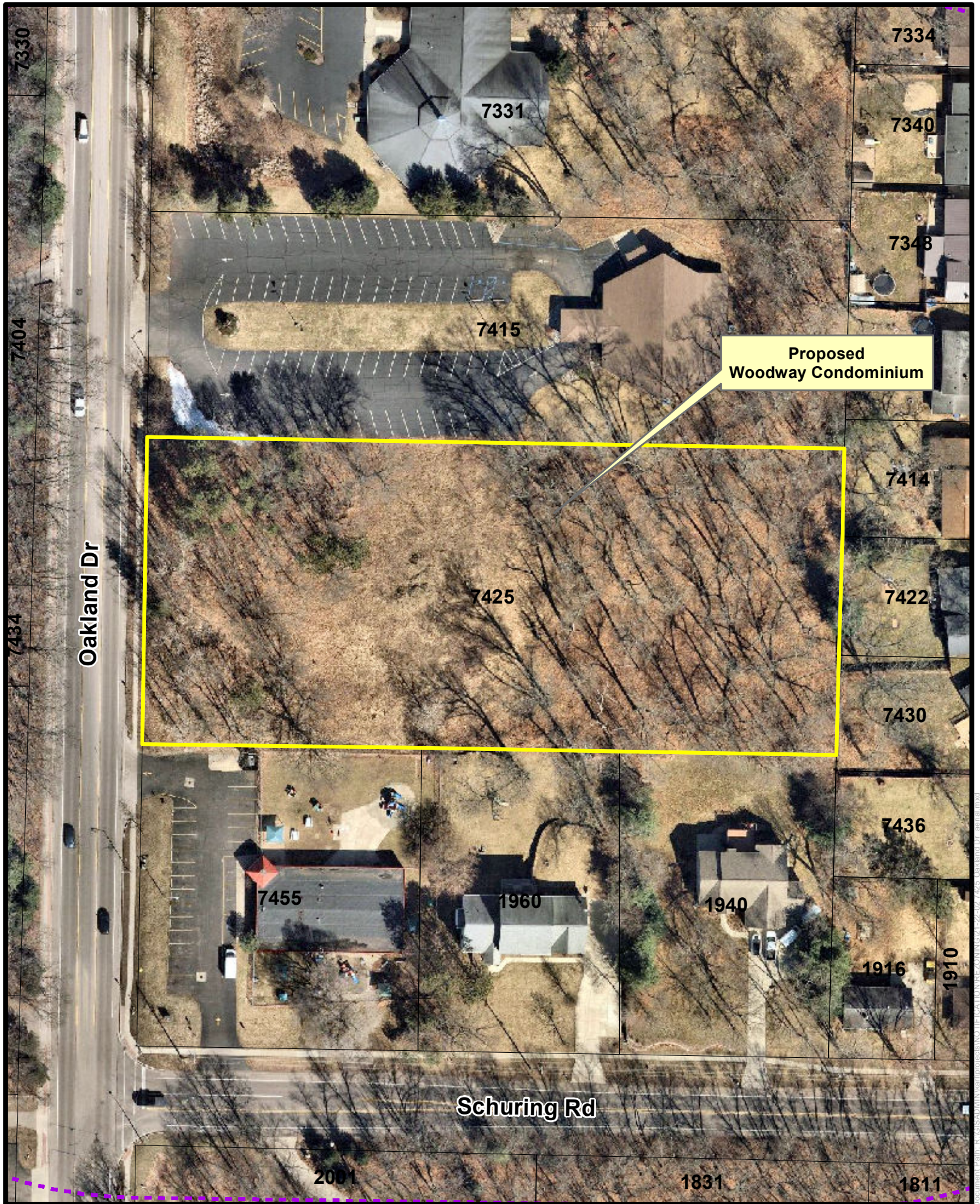
SCALE: 1/8" = 1'-0"



Future Land Use Map 7425 Oakland Drive



1 inch = 600 feet



 Subject Property
2021 Nearmap Imagery

Aerial Photography
7425 Oakland Drive



1 inch = 80 feet
Date: 4/20/2022

Staff's Picture Map





Picture 1. Looking east along Oakland Drive. Subject site is forested lands to the left (north) of sidewalk, beyond the parking lot. Picture taken May 4, 2022.



Picture 2. Looking north toward subject site containing forested lands. Kingdom Hall of Jehovah's Witnesses shown to the left. Picture taken May 4, 2022.



Picture 3. Looking north across subject site. Homes along Starbrook Street shown in background. Picture taken May 4, 2022.



Picture 4. Looking north toward subject site containing forested lands. ‘A Touch of Home Childcare’ daycare center to the right (beyond picture). Picture taken May 4, 2022.



Picture 5. Looking east across subject site. ‘A Touch of Home Childcare’ daycare center and two single family homes along Schuring Road shown in background. Picture taken May 4, 2022.



Picture 6. Looking east across subject site. ‘A Touch of Home Childcare’ daycare center and a single-family home along Schuring Road shown in background. Parking lot of Kingdom Hall of Jehovah’s Witness in foreground. Picture taken May 4, 2022.

CITY OF PORTAGE PLANNING COMMISSION

FINAL AGENDA

**Thursday, May 19, 2022
7:00 PM**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

APPROVAL OF MINUTES:

- * 1. Minutes dated April 21, 2022

PUBLIC HEARINGS

SITE/FINAL PLANS:

OLD BUSINESS:

NEW BUSINESS:

- * 1. A Tentative Plan and Rezoning Application (#21/22-2), from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive.
 - E-mail from Steve Walsh dated May 19, 2022
 - Letter from Dan and Sheila Mowry dated May 19, 2022
 - Letter from Larry Provancher dated May 14, 2022

STATEMENT OF CITIZENS:

ADJOURNMENT:

- 1. Adjourn the meeting and move to Conference Room 1 for a one-hour Planning Commission Workshop related to the Master Plan update

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

Tamara Stephens

From: Steve Walsh <spwalsh1986@gmail.com>
Sent: Thursday, May 19, 2022 9:50 AM
To: Eric Feldt
Subject: 7425 Oakland / Woodway Condo Rezoning Comments

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Hi Eric,

Below please find the statement that my wife and I prepared for today's rezoning meeting. Please let me know if you prefer it to be in an attached document, and I can send that over.

Regards,
Steve

My wife and I live at 7422 Starbrook St, the central property that borders the lot in question on its Eastern/rear side. We chose our house because there is a great sense of space and privacy in the backyard. We spend a lot of time in our yard, and very much appreciate our privacy. The lot in question is a good size for a nice house, but we believe it to be too small for the proposed project. That is evident by the fact they plan to put a building 20 ft from our property line, which will be clearly visible above our privacy fence, overshadowing our backyard and taking away our sense of space and privacy. As it is currently zoned, the minimum rear setback for any residential lot is 40-ft, which would be much more appropriate in this case, rather than the proposed 20-ft.

There are 5 houses in total, whose backyards butt against this lot, so I know we are not the only ones who are concerned. It is a beautiful lot, and we expect something will be built there eventually, but we really hope it will be a house with a backyard of its own, providing more space than 20-ft to our back fence.

In the *Existing Conditions* section, it is mentioned that the Southern border consists of the child care center, when in fact, there are also 2 homes whose entire rear property line borders this lot. Similarly for the Eastern border, only my home is listed, though there are 2 other homes whose entire rear property line also border this lot. The impact on the surrounding neighborhood has been under-emphasized in this section.

If the rezoning is approved and the project moves forward, my wife and I will likely begin seeking other living arrangements.

Respectfully,
Steve and Kim Walsh

May 19, 2022

City of Portage
Department of Community Development
7900 South Westnedge Avenue
Portage, Michigan 49024

Dear Council,

We are writing to express our strong opposition to the proposed rezoning of the property located at 7425 Oakland Drive from R-1B to Planned Development for condominiums.

We are absolutely opposed to the addition of multi-family housing that will cause traffic and safety problems, and potentially lower the property values of the existing community.

We urge you to disapprove the proposed rezoning.

Thank you for your continued service and support of our communities.

Best regards,

Dan and Sheila Mowry
1940 Schuring Road

I have talked to Omar ~~Al-Basha~~ ^{about} the Woodway
condemning on their different occasions and I
and I support ~~their~~ his plan to develop property on Oakland
Ave. ~~As a~~ ^{As a} resident of the adjoining property, I
now live ~~there~~ ^{here} since 1963 I believe the
proposed development will ~~be~~ have a positive
impact on the neighborhood & city.

Jane Froehner 5/14/2022
7414 Starbrook, Portage, Michigan

TO: City of Portage Planning Commission**DATE:** May 26, 2022**FROM:** Kelly Peterson, Director of Community Development**SUBJECT:** Additional information requested related to the Proposed Rezoning #21/22-2 ‘Woodway Condominiums.’

At the May 19, 2022, Planning Commission Meeting, additional information was requested by the Commission from during the discussion of proposed rezoning #21/22-2 ‘Woodway Condominiums.’ The Commission requested information from staff regarding 1) existing condominium project density on Oakland Drive in relation to the proposed project, and 2) a response addressing public comments/concerns regarding traffic congestion and safety impacts in relation to the proposed development. Responses have been provided below for the Commission’s review and consideration.

1. Existing Condominium Densities along Oakland Drive

The proposed density of the project was discussed, and the Commission requested information regarding the density of existing condominiums along Oakland Drive, specifically ‘Whisper Rock Condominiums’, ‘Eagle Meadows Condo’, and ‘The Village at Brighton Lane’. The density, acreage, and total units of those condominium projects (as well as the proposed Woodway Condominiums for comparison) are provided below by the Department of Community Development.

Whisper Rock Condominiums

- 94 approved condo units
- 47.6 total acreage
- Density = 1.9 units/ acre

The Village at Brighton Lane

- 32 approved condo units
- 5.9 total acres
- Density = 5.4 units/ acre

Eagle Meadows Condo

- 22 approved condo units
- 4.08 total acreage
- Density = 5.3 units/ acre

Proposed Woodway Condominiums

- *15 proposed condo units*
- *2.15 total acres*
- *Density = 6.9 units/ acre*

2. Information and data response to public comments/concerns regarding traffic congestion and safety impacts in relation to the proposed development

Public comments and concerns were expressed at the May 19 Commission meeting regarding

traffic congestion and traffic safety related to the proposed condo development at 7425 Oakland Drive. The following response and related data has been provided by the City of Portage Department of Transportation and Utilities to address these concerns.

A raw trip generation table was created utilizing Institute of Transportation of Engineers' 8th Edition Trip Generation Tables (attached). A land use code of 230 was used to generate weekday, AM peak and PM peak hour traffic volume for 15 new condos. As can be seen a total of 123 weekday, 11 AM peak hour and 13 PM peak hour trips are forecasted. When these trips are compared to an existing 24-hour traffic volume count (attached) collected on Oakland Drive north of the development on August 6th, 2020, it appears that the weekday traffic is approximately 0.9% of the 24 -hour traffic volume on Oakland Drive whereas AM peak and PM peak hour volumes of the development are approximately 2% and 1% of the existing AM and PM peak hour traffic on Oakland Drive. The proposed driveway for the development is located approximately 400-ft from Schuring Road which is beyond the functional area of the intersection.

Since both commercial and employment hubs are located to the north of the development, most of the trips are anticipated to make right turn while coming out of the development hence not slowing down Oakland Drive northbound traffic. Southbound left turn vehicles will utilize existing two-way let-turn lane to access development while finding the gaps among on-coming northbound vehicles.

A three-year crash history report (attached) was generated for this segment of Oakland Drive (between Schuring Road and Mansfield Avenue) which indicates only 5 reported crashes occurring over this period without any serious injuries. Since both trips generated and the crash history numbers are markedly low, the Department of Transportation and Utilities does not see any adverse traffic congestion or traffic safety issues posed by the proposed development.

Attachments: ITE Trip Generation Tables
Traffic counts
Crash History Report

Residential Condominium/Townhouses

Trip Generation Analysis

Unadjusted Trip Ends

No.	Land Use				Weekday			AM Peak Hour						PM Peak Hour					
	Type	Code No.	Size	Unit				Adjacent Street			Generator			Adjacent Street			Generator		
					Two Way	In	Out	Two Way	In	Out	Two Way	In	Out	Two Way	In	Out	Two Way	In	Out
1	Residential Condo/Town	230	15	Each	123	50% 62	50% 62	11	17% 2	83% 9	n/a	n/a	n/a	13	67% 9	33% 4	n/a	n/a	n/a

Note: Source: ITE Trip Generation, 8th Edition.

Oakland Drive south of Romence Road

Location Info		Count Data Info	
Location ID	400550	Start Date	8/6/2020
Type	I-SECTION	End Date	8/7/2020
Functional Class	Urban Min Art	Start Time	12:00 AM
Located On	Oakland Dr	End Time	12:00 AM
SOUTH OF	Romence Rd	Direction	2-WAY
Direction	2-WAY	Notes	
Community	Portage	Count Source	Oakland Dr S of Romence
MPO_ID		File Name	Oakland 400550.mdb
HPMS ID		Weather	
Agency	Kalamazoo Area Traffic Study	Study	
		Owner	burly
		QC Status	Accepted

Interval: 15 mins					
Time	15 Min				Hourly Count
	1st	2nd	3rd	4th	
00:00 - 01:00	18	19	9	3	49
01:00 - 02:00	4	11	5	4	24
02:00 - 03:00	3	10	10	4	27
03:00 - 04:00	3	2	6	6	17
04:00 - 05:00	3	10	10	14	37
05:00 - 06:00	15	16	28	32	91
06:00 - 07:00	33	46	87	95	261
07:00 - 08:00	110	147	158	190	605
08:00 - 09:00	146	166	160	199	671
09:00 - 10:00	188	183	168	186	725
10:00 - 11:00	208	189	197	254	848
11:00 - 12:00	203	229	250	266	948
12:00 - 13:00	278	253	258	280	1069
13:00 - 14:00	299	288	299	302	1188
14:00 - 15:00	260	286	251	267	1064
15:00 - 16:00	266	254	256	314	1090
16:00 - 17:00	306	280	332	317	1235
17:00 - 18:00	314	303	272	251	1140
18:00 - 19:00	224	212	207	189	832
19:00 - 20:00	188	169	166	139	662
20:00 - 21:00	111	111	114	94	430
21:00 - 22:00	104	83	86	53	326
22:00 - 23:00	62	41	47	27	177
23:00 - 24:00	37	22	19	8	86
TOTAL					13602

VOLUME_254063409

Standard Crash Report - Milepoints

Portage (CityVillage)

Report Module: Safety Management Analysis

Today's Date: Thursday, May 26, 2022

Dates: 1/1/2018 to 12/31/2020

Animal Crashes: Excluded

PR/RoadName: 3392465 : Oakland Dr

Milepoints: From 2.481 to 2.759

Sort Order: Road Name, Milepoint, Date of Crash

Milepoint Intersection Name

2.481 Oakland Dr & Schuring Rd

Milepoint Intersection Name

2.759 Oakland Dr & Mansfield Ave

Milepoint Intersection Name

Report Filter

Field Name	Operator	Value(s)
Crash Type	=	Angle Driveway or Angle Straight or Angle Turn or Animal or Backing or Bicycle or Fixed Object or Head-on or Head-On Left Turn Driveway or Head-On Left-Turn Not Associated with Driveway or Hit Train or Misc. Multiple Vehicle or Misc. Single Vehicle or Other Driveway or Other Object or Overturn or Parking or Pedestrian or Rear End Driveway or Rear End Left Turn or Rear End Right Turn or Rear End Straight or Side-Swipe Opposite or Side-Swipe Same

Standard Crash Report - Milepoints

UD-10										Number of				Environmental Condition			Relationship To Road	
MilePoint	Number	City/Township	Crossroad Reference	Location	Crash Type	Severity	Greatest Injury Severity	Date	Weekday	Hour of Occurrence	Veh	Occup	Fat	Inj	Weather	Lighting		Surface
PR Number: 3392465			Road Name: Oakland Dr															
2.481	1546832	Portage	SCHURING	0' X	Misc. Multiple Vehicle	PDO	No Injury	11/26/2018	Monday	09AM-10AM	2	2	0	0	Snow	Daylight	Snowy	Out Shou/Curb
2.486	1946165	Portage	SCHURING	26' N	Head-on	Injury	Non-Incapacit Inj	2/6/2020	Thursday	07PM-08PM	2	4	0	4	Snow	Dark,Lighted	Snowy	On Road
2.523	2034128	Portage	SCHURING	222' N	Misc. Single Vehicle	Injury	Non-Incapacit Inj	7/7/2020	Tuesday	03PM-04PM	1	1	0	1	Clear	Daylight	Dry	Out Shou/Curb
2.686	1560046	Portage	MANSFIELD	385' S	Angle Driveway	PDO	No Injury	12/5/2018	Wednesday	03PM-04PM	2	2	0	0	Cloudy	Daylight	Wet	On Road
2.707	2097386	Portage	MANSFIELD	275' S	Rear End Straight	PDO	No Injury	10/3/2020	Saturday	07PM-08PM	2	3	0	0	Rain	Dark,Lighted	Wet	On Road

Total crashes for PR 3392465: 5 (0 Fatal, 2 Injuries, and 3 PDO)

Eric Feldt

From: Katie Mccoy <ktlynn032@gmail.com>
Sent: Tuesday, May 31, 2022 2:48 PM
To: Eric Feldt
Subject: Plan and Rezoning Application (#21/22-2)

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Eric,
My name is Katie McCoy and my family and I live at 1834 Schuring Rd. We were made aware of the possibility of condos being built to the northwest within 300 feet of our property. We definitely would be opposed to this happening. We enjoy the shade we get from the trees currently on that property and we are concerned that the traffic on Oakland Drive will only increase. We have extended wait times when trying to turn off of Schuring onto Oakland, especially to the south, and at certain times of the day we have long waits at the lights at Romence. Also, our family likes to walk to Oakland Drive Park and it feels a bit harrowing to cross the road where Schuring meets Oakland. Crossing the road in front of the park is also quite difficult because people do not always stop for the flashing lights and there is a lot of traffic. Please let us know if there is anything further that can be done.

Thank you,
Katie McCoy

City of Portage
Eric Feldt - Portage City Planning Commission
7900 South Westnedge Avenue
Portage, MI 49024

Dear Commission,

We are writing to express our strong opposition to #21/22-2 which asks for the rezoning of 7425 Oakland Drive from R-1B to Planned Development for 15 single family housing units. We believe this development will be detrimental to the area. We are strongly opposed to the addition of multi-family housing that will cause traffic and safety problems, destroy local wildlife habitat and potentially lower the property values of the existing community.

Traffic and safety of pedestrians are major areas of concern as Oakland Drive is one of the primary North\South throughways and is already problematic at different times of the day. In addition, the intersection of Oakland Drive and Schuring Road is near the Oakland Drive Park and the existing crosswalk (sans traffic light) would also have increased risk with the addition of 15 new homes in such a small area.

There is abundant wildlife in the area. Any development will both destroy habitat and create additional traffic hazards. As greenspace continues to disappear, it becomes even more important to preserve what is still left.

Property values may be negatively impacted as well. Multifamily dwellings are inconsistent with the older, established neighborhoods in the area. We were disappointed that so few notices were mailed as the area of impact is certainly greater than that indicated in the notice we received.

We urge you to disapprove the proposed rezoning, and from recent meetings and discussions with our neighbors, our opinions are shared by many who have not managed to attend meeting or write letters and emails.

Thank you for your continued service and support of our communities.

Best regards,

Barbara & Mikel Sagara

From: [Tamara Stephens](#)
To: [Tamara Stephens](#)
Subject: FW: 7425 Oakland / Woodway Condo Rezoning Comments
Date: Thursday, June 2, 2022 10:52:00 AM

From: Steve Walsh <spwalsh1986@gmail.com>
Sent: Thursday, June 2, 2022 9:47 AM
To: Eric Feldt <feldte@portagemi.gov>
Subject: Re: 7425 Oakland / Woodway Condo Rezoning Comments

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

Hi Eric,
Can you please pass along the following, for this evening's meeting?
Regards,
Steve

Dear Planning Commission:

Thank you for taking our concerns into consideration during the previous meeting. We have some follow-up thoughts, as we are still strongly opposed to the proposal to rezone 7425 Oakland.

I researched the Portage zoning codes and do not agree with the architect's assessment of lot line orientation as she described it in the previous meeting. As currently zoned, the property has only one street frontage (Oakland), and is considered an "interior lot," where Oakland is the front lot line. Therefore, the property line shared with mine would be considered the rear line. The minimum rear setback for an R-1 lot is 40 feet as I stated before. Rezoning and allowing a building to be established at 20 feet would be an enormous nuisance during the build process, and thereafter would be a permanent encroachment on my property.

Next, the proposal describes screening on the South and East lines. However, in the drawn plans with screening, the screening is only drawn on the South line. On the East line (our border), we fear the plan is to rely on the sparse trees and shrubs which already exist and will provide insufficient screening from our property. These trees have been poorly maintained and have dropped branches and one even fell entirely over through our fence last year.

Lastly, it was mentioned that there are other similar developments in Portage with availability. Is there really a need to turn every undeveloped lot in Portage into high-density housing? Not only does this impact green space, but the sense of space in general. We moved into the suburbs to get away from high-density living such as apartments, and I restate that this project would very likely drive us out of Portage.

Respectfully,
Steve and Kim Walsh
7422 Starbrook St.

Here are some of the definitions I pulled from the zoning code documents:

Lot, interior: Any lot other than a corner lot.

Lot lines: The lines bounding a lot defined as follows:

Front lot line: In the case of an interior lot, that line separating such lot from the street. In the case of a corner lot, or double frontage lot, the front lot line is that line separating the lot from either street.

Rear lot line: That lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten feet long, lying farthest from the front lot line and wholly within the lot.

On Thu, May 19, 2022 at 9:56 AM Eric Feldt <feldte@portagemi.gov> wrote:

Thank you, Steve. I will forward your email to the Planning Commission for their consideration of the proposed rezone.

Eric Feldt, AICP, CFM
City Planner | Project Manager
Department of Community Development
City of Portage, MI
Ph: (269) 329-4471
Email: feldte@portagemi.gov

From: Steve Walsh <spwalsh1986@gmail.com>
Sent: Thursday, May 19, 2022 9:50 AM
To: Eric Feldt <feldte@portagemi.gov>
Subject: 7425 Oakland / Woodway Condo Rezoning Comments

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER
Do not click on links or open attachments unless this is from a sender you know and trust.

Hi Eric,
Below please find the statement that my wife and I prepared for today's rezoning meeting. Please let me know if you prefer it to be in an attached document, and I can send that over.
Regards,
Steve

My wife and I live at 7422 Starbrook St, the central property that borders the lot in question on its Eastern/rear side. We chose our house because there is a great sense of space and privacy in the backyard. We spend a lot of time in our yard, and very much appreciate our privacy. The lot in question is a good size for a nice house, but we believe it to be too small for the proposed project. That is evident by the fact they plan to put a building 20 ft from our property line, which will be clearly visible above our privacy fence, overshadowing our backyard and taking away our sense of space and privacy. As it is currently zoned, the minimum rear setback for any residential lot is 40-ft, which would be much more appropriate in this case, rather than the proposed 20-ft.

There are 5 houses in total, whose backyards butt against this lot, so I know we are not the only ones who are concerned. It is a beautiful lot, and we expect something will be built there eventually, but we really hope it will be a house with a backyard of its own, providing more space than 20-ft to our back fence.

In the *Existing Conditions* section, it is mentioned that the Southern border consists of the child care center, when in fact, there are also 2 homes whose entire rear property line borders this lot. Similarly for the Eastern border, only my home is listed, though there are 2 other homes whose entire rear property line also border this lot. The impact on the surrounding neighborhood has been under-emphasized in this section.

If the rezoning is approved and the project moves forward, my wife and I will likely begin seeking other living arrangements.

Respectfully,

Steve and Kim Walsh

CONFIDENTIALITY: Pursuant to the Electronic Communications Privacy Act of 1986, 18 U.S.C. Sec. 2510, et seq. (the "ECPA"), notice is given that the information or documents in this electronic message are legally privileged and confidential information, intended only for the use of the individual or entity to whom it is sent. If you are not the intended recipient, please be aware that any disclosure, distribution, use or copying of the contents of this message is prohibited. If you have received this message in error, notify the sender immediately by return mail or contact helpdesk@portagemi.gov and delete this message and any attachments from your system. Thank you.

From: [Tamara Stephens](#)
To: [Tamara Stephens](#)
Subject: RE: Rezoning app for 77425 Oakland Drive
Date: Thursday, June 2, 2022 12:17:07 PM

From: Patti Chen <CHENP@bronsonhg.org>
Sent: Thursday, June 2, 2022 11:10 AM
To: Eric Feldt <feldte@portagemi.gov>
Cc: Patti Chen <5schensters@gmail.com>
Subject: Rezoning app for 77425 Oakland Drive

CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER

Do not click on links or open attachments unless this is from a sender you know and trust.

I live at 7324 Oakland Drive, directly across from the Oakland Drive Church driveway. Here are my experiences with the traffic on Oakland, for the last 13 years:

Northbound, **cars routinely go into the turn lane instead of slowing down** when the car ahead of them is attempting to turn Right into any driveway. I've been nearly hit 2x this year;

Cars ignore the pedestrian crosswalk; it's very unsafe for kids to cross to the Oakland Drive Park unless they have supervision and/or a brightly colored clothing or bike flag to make them more visible to the drivers;

I can never turn Left out of my driveway to go North bound, without **waiting for the synchronization between Romence and Center St traffic lights;** and even then, I have to pull into the turn lane and wait for someone to let me into the lane or wait till the line of speeding traffic passes;

The traffic that comes and goes from St. Michael's Lutheran preschool and after school activities is growing each year; check the records, there have been a few **fender benders in that vicinity between St. Mike's and Romence rd intersection;**

School buses routinely honk the horn for drivers who ignore the red blinking bus lights. You can call PPS Bus Depot and they'll verify this!

The intersection of Oakland and Schuring is particularly unsafe – daily there are cars gunning to make a turn between the small and few gaps in the traffic; this is another reason why the pedestrian crossing there is unsafe.

There's more and more bike traffic every year, which is a beautiful attraction to living in Portage; let's not forget about our local special needs adults/kids who go traverse Oakland to get to Shannandale pool, or shops on Center Street, or Oakland park to shoot hoops/playground/soccer/baseball; I drive cautiously 100% of the time I enter/exit our driveway,

because bikes appear out of now where, either from the sidewalk or the bike lane; increasing the already speeding traffic on the route puts them each at greater danger.

I strongly urge the City of Portage to not rezone the lot.

Patti Chen
7324 Oakland Drive
269-491-5040

TO: Honorable Mayor and City Council
FROM: City of Portage Planning Commission
DATE: June 16, 2022

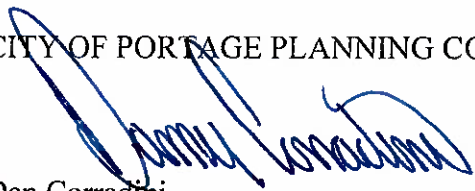
SUBJECT: Rezoning Application # 21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive.

At the June 2, 2022 meeting, the Planning Commission reviewed and discussed Rezoning Application # 21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive. During the meeting, four members of the public provided testimony and expressed opposition to the project. City traffic engineer, Muhammad Arif presented the traffic analysis and answered the questions from the Commission and public. The applicant representative, Aswar Madi from J&A Architecture Engineering, was present to support the application and explain the project details. No additional citizens provided testimony during the public hearing to comment on the proposed development.

The Planning Commission voted unanimously (7-0) to recommend to City Council that Rezoning Application # 21/22-2 from R-1B to Planned Development and Tentative Plan for Woodway Condominiums, 7425 Oakland Drive, be approved.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



Dan Corradini
Chairman

Attachments: June 2, 2022 Planning Commission meeting minutes.

CITY OF PORTAGE PLANNING COMMISSION

Thursday, June 2, 2022

7:00 PM Portage

City Hall Council Chambers

The City of Portage Planning Commission meeting of June 2, 2022, was called to order by Vice Chair Joshi at 7:00 p.m.

IN ATTENDANCE

Eric Feldt, City Planner
Biqi Zhao, Deputy Director of Planning and Zoning
Muhammad Arif, Traffic Engineer
Catherine Kaufman, City Attorney

ROLL CALL

Mr. Feldt called the roll: Chairman Corradini (excused); Vice Chair Joshi (yes); Fries (yes); Pezzoli (yes); Baldwin (yes); Adams (excused); Combs (yes); Youngs (yes); and Freiman (yes).

Commissioner Baldwin motioned to excuse Chair Corradini and Commissioner Adams. Commissioner Fries supported the motion. Motion carried 7 to 0.

APPROVAL OF MINUTES:

Motion by Commissioner Baldwin, seconded by Commissioner Pezzoli to approve the Planning Commission Meeting Minutes of May 19, 2022. Motion carried 7 to 0.

Public Hearings:

A Special Land Use Permit for Kalamazoo Animal Rescue to establish a veterinary clinic with a cat adoption shelter at 4669 Executive Drive. Mr. Feldt summarized the request for a special land use permit for Kalamazoo Animal Rescue to establish a veterinary clinic with a cat adoption shelter at 4669 Executive Drive. He described site conditions, details of the proposal, and site plan, and concluded with staff recommended approval with a condition of a screening buffer of coniferous trees in the rear of the building between the proposed use and the residential zoning on the north. Existing trees on the site are deciduous and do not provide year-round screening.

Applicant, Ken Fisher, President of Board of Directors for the Kalamazoo Animal Rescue, 573 66th Street South Haven, Michigan stated that Kalamazoo Animal Rescue started 30 years ago, started as fostering, and has become a more developed organization providing additional services. Commissioner Fries asked if the South Haven location will be closed and relocated to Portage. Applicant clarified his home address is in South Haven, the office for the organization is located in Kalamazoo, and the office will move to Portage. Commissioner Fries asked if the spade/neuter animals are marked such as clipped ears. Applicant stated the animals are tattooed. Vice Chair Joshi asked about the Department of Natural Resources oversight for the applicant's shelter permit. Applicant stated there are yearly building inspections, required floor drains, and a checklist for review.

Vice Chair Joshi opened the public hearing. There being no public comment, Commissioner Pezzoli motioned to close the public hearing. Commissioner Baldwin seconded the motion. Motion carried 7 to 0. Commissioner Pezzoli motioned to approve the special land use permit for Kalamazoo Animal Rescue to establish a veterinary clinic with a cat adoption shelter at 4669 Executive Drive with the additional

screening condition. Commissioner Freiman requested an amendment to remove the condition of additional screening in the rear of the building. Vice Chair Joshi asked if removing the condition is allowed given the screening requirement required by the ordinance. Mr. Feldt stated that there is some existing screening, and the planning commission may consider factors in deciding whether the screening requirements required by the ordinance be removed. Mr. Feldt conducted a roll call vote for approval of the amended motion: Pezzoli (yes), Baldwin (yes), Youngs (yes), Freiman (yes), Combs (yes), Joshi (yes). Vice Chair Joshi asked if the amended motion would include removing landscape screening from the front. Attorney Kaufman clarified that the screening in the front on the site plan will remain but the additional screening in the rear will be removed based on the amended motion. Baldwin motioned to approve the amended motion to approve the special land use permit for Kalamazoo Animal Rescue to establish a veterinary clinic with a cat adoption shelter at 4669 Executive Drive. Commissioner Youngs seconded the motion. Upon a voice vote, motion carried 7 to 0.

A Tentative Plan and Rezoning Application (#21/22-2) from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive. This case was continued from May 19, 2022, Planning Commission meeting. Mr. Feldt noted additional were materials provided to the Commission since last meeting, including a staff memo detailing the density of other condominium developments along Oakland Drive, a traffic data summary from the Transportation Department, and additional public comments. Mr. Arif, Traffic Engineer for the City of Portage, presented the traffic summary data and concluded the project will generate an insignificant amount of traffic for Oakland Drive. Commissioner Baldwin asked if there was a possibility of adding a traffic light at Schuring Road and Oakland Drive. Mr. Arif responded that traffic volume and traffic delay data would not warrant a traffic signal following the established guideline. Vice Chair Joshi asked if increase in traffic that would warrant a concern for pedestrians and bicyclists. Mr. Arif stated there is no concern based on traffic habits.

Vice Chair Joshi opened the public hearing. Josh Elwits, 7418 Oakland Drive, stated that it is difficult to turn a vehicle out onto Oakland and that he has witnessed two accidents on the road. Azar Gill, 1960 Schuring Road, stated concern about privacy and safety. Specifically, he expressed concern about the proximity of the project to his property. Caroline Kleinschmidt, 7296 Oakland, reiterated some traffic concerns and concerns about the removal of a natural area. Dan Mauwry, 1940 Schuring Road, stated concerns about negative impacts to the environment, sound, and traffic. Applicant representative, Aswar Madi from J&A Architecture Engineering, stated that the data show there will not be adverse effects on traffic. He further noted that the landscape plan will preserve the natural environment and landscaping will be utilized to increase privacy.

There being no further public comment or questions, Commissioner Baldwin motioned to close the public hearing. Commissioner Pezzoli seconded the motion. Motion carried 7 to 0. Commissioner Fries stated his appreciation for Mr. Arif's work, noted that everyone wants to preserve green space, and commented the project will add needed housing units to the city. Commissioner Fries motioned to approve the tentative plan and rezoning application from R-1B to Planned Development for Woodway Condominiums at 7425 Oakland Drive. Commissioner Youngs seconded the motion. Upon a voice vote, motion carried 7 to 0.

NEW BUSINESS

None.

OLD BUSINESS

None.

STATEMENT OF CITIZENS

None.

STATEMENT OF COMMISSIONERS

Commissioner Youngs welcomed the new Commissioner Combs.

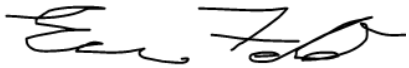
STATEMENT OF STAFF

None.

ADJOURNMENT:

There being no further business to come before the Commission, Vice Chair Joshi adjourned the meeting at 8:00 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Eric Feldt". The signature is stylized with a large "E" and "F".

Eric Feldt, AICP, CFM
City Planner/Project Manager

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF
PORTAGE, MICHIGAN BY AMENDING ARTICLE 4 OF CHAPTER 42,
LAND DEVELOPMENT REGULATIONS OF THE CODIFIED ORDINANCES
OF PORTAGE, MICHIGAN**

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Street Address

Parcel ID Numbers

7425 Oakland Drive

00017-025-C

From R-1B, one family residential to PD, planned development.

FIRST READING:

SECOND READING:

EFFECTIVE DATE:

Patricia M. Randall, Mayor

STATE OF MICHIGAN)
) SS
COUNTY OF KALAMAZOO)

I do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2022.

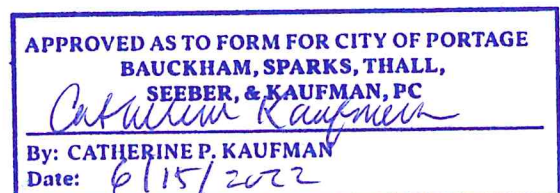
Erica Eklov, City Clerk

Approved as to Form:

Date: _____

By: _____

City Attorney



**ADOPTION OF ZONING ORDINANCE
CITY OF PORTAGE, MICHIGAN
NOTICE**

TO: THE RESIDENTS AND PROPERTY OWNERS OF THE CITY OF PORTAGE AND ALL OTHER INTERESTED PERSONS.

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4 (Zoning) of Chapter 42 of the Codified Ordinances of Portage, Michigan, was adopted by the City Council at a regular meeting held on the _____ day of _____, 2022, and will become effective _____, 2022.

NOTICE IS FURTHER GIVEN that Article 4 (Zoning) of Chapter 42, Land Development Regulations, of the Codified Ordinance of Portage, Michigan, has been amended as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4 (Zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan, Official Zoning Map, be amended as follows:

Street Address

Parcel ID Numbers

7425 Oakland Drive

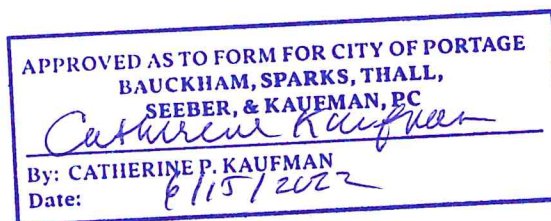
00017-025-C

From R-1B, one family residential to PD, planned development.

PLEASE TAKE NOTICE that a copy of the Ordinance as amended may be purchased or inspected at City Hall on any business day except public and legal holidays from and after publication of this Notice from 8:00 a.m. to 5:00 p.m. local time. Further, a copy of a map showing the property rezoned is also available at the time and days noted above.

Dated: _____

Erica Eklov, City Clerk



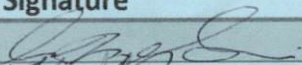
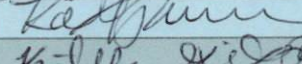
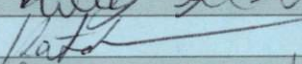
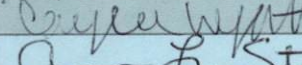
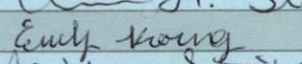
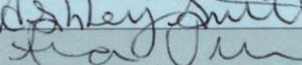
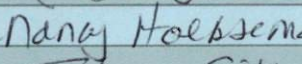
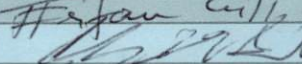
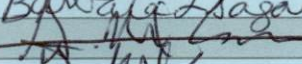
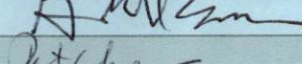
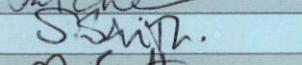
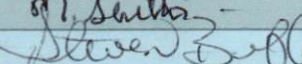
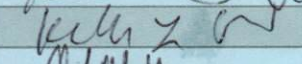
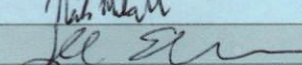
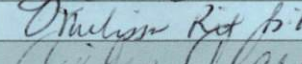
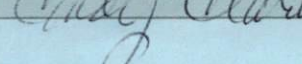
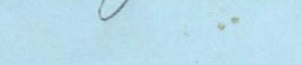
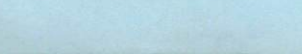
Petition Protesting the Proposed Amendment

Portage City Council will meet on July 26th, 2022 at 7pm to amend Article 4 (zoning) of Chapter 42, of the Codified Ordinances of Portage, Michigan which reads as follows:

Street Address 7425 Oakland Drive/ Parcel ID Number 00017-025-C. From R-1B (one-family residential) to PD (planned development) or any other classification permitted by law, for Woodway Condominiums comprising 15 single family housing units.

This will affect your property and the surrounding neighborhoods by: Increasing congestion and wait times to exit/enter Oakland Drive, lowering safety for pedestrians and bicyclists, increasing noise pollution, increasing light pollution, increasing litter, displacing wildlife, and increasing animal/vehicle accidents.

Turning down this amendment will prevent 15 housing units and instead keep the area zoned for 1 family home.

Printed Name	Address	Signature
McGuire Family	7470 Oakland Dr.	
Kathy Jackson	8624 Tozer Ct	
Kiley Gibson	74254 50th Ave	
Kaitlin Premer	6083 Sunshine Ave	
Caylee Wyatt	703 Station Hill St	
Ann L. Stuk	7854 West A Ave	
Emily Kroening	540 Thomas Ct Apt B6	
Ashley Smith	7099 Dorval Rd	
Anna Vines	7425 7455 Oakland	
Nancy Holkema	7340 Sta. brook st.	
Taukir Gill	1960 Schuring Rd.	
Irfan Gill	1960 Schuring Rd	
Ezer Gill	1960 Schuring Rd	
Barbara L Sagara	7330 Oakland Drive	
A. Wilson	7330 OAKLAND DR	
G. MIKE SAGARA	7330 OAKLAND DR	
Patricia Chen	7324 Oakland Dr	
Shanna Smith	7434 Oakland Dr.	
Marguerite Smith	7404 Oakland Dr	
STEVE BIBLER	1823 REDSTOCK AVE	
Kelly L Snow	1822 Redstock Ave	
Nicholas Mitchell	7401 Starbrook	
Jill Elsmann	7334 Starbrook St.	
Melissa Bibler	1823 Redstock Ave	
Cindy Clark	7419 Starbrook	

Printed Name	Address	Signature
Gloria Visser	2001 Schuring Rd	Gloria Visser
DANIEL Z. Mowry	1940 Schuring Rd	Daniel Mowry
Rebekah Ellwitz	7418 OAKland Dr.	Rebekah Ellwitz
Haley Mowry	1940 Schuring Road	Haley Mowry
Adam Mowry	1940 Schuring Rd.	Adam Mowry
Alan Wagner	1820 SCHURING RD	Alan Wagner
CRUTH WAGNER	1820 SCHURINE RD	Ruth Wagner

Steve Walsh

7422 Starbrook St

Steve Walsh

JUSTIN McCoy

1834 SCHURING

Justin McCoy

Josh Ellwitz

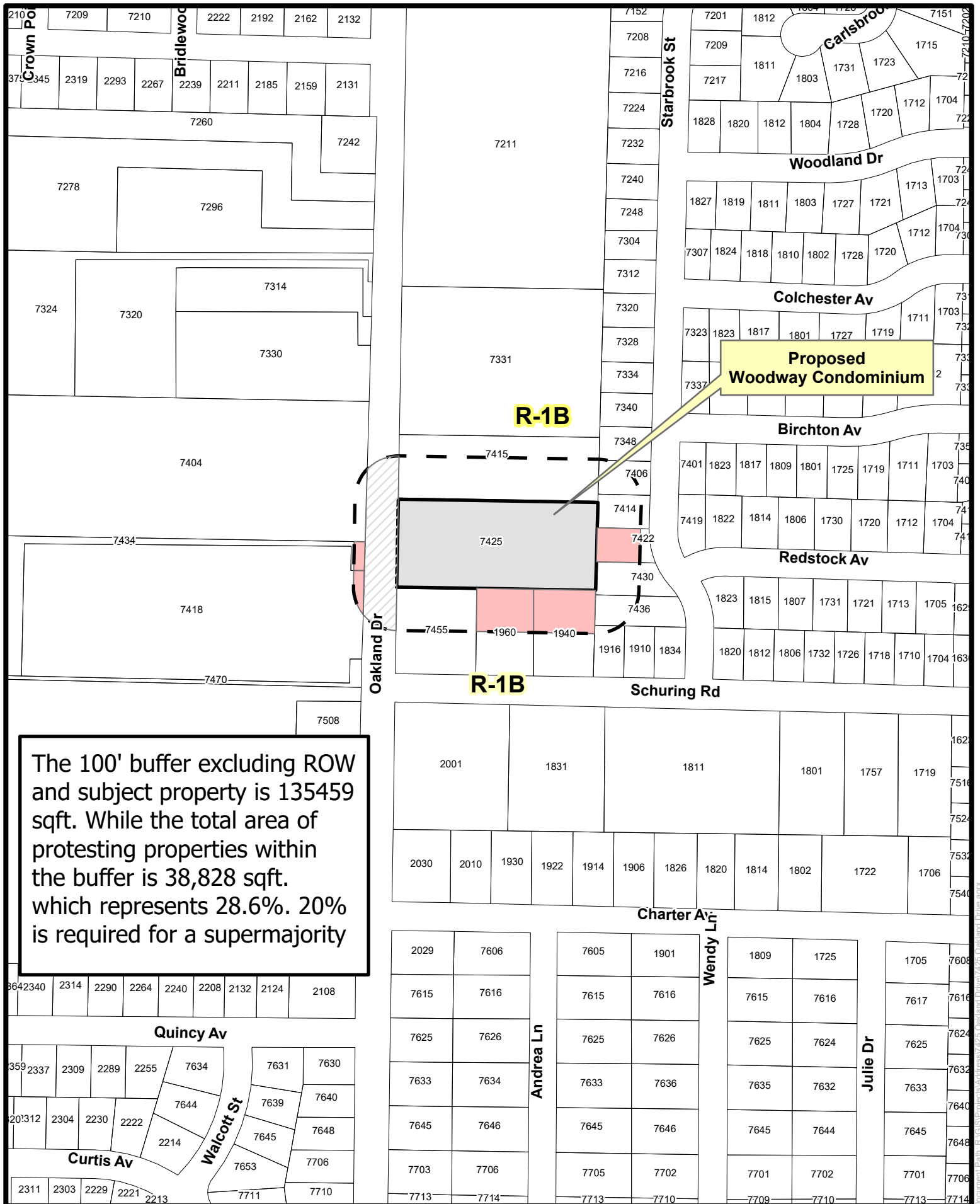
7418 OAKland Dr

Josh Ellwitz

Sheila Mowry

1940 Schuring Rd

Sheila Mowry



The 100' buffer excluding ROW and subject property is 135459 sqft. While the total area of protesting properties within the buffer is 38,828 sqft. which represents 28.6%. 20% is required for a supermajority

- Subject Property
- 100' Buffer
- Protesting Properties within 100'
- ROW

Rezoning #21/22-02 **from R-1B to PD for Woodway Condominium** **7425 Oakland Drive**



1:11,000
 Date: 7/29/2022

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: Greenspire Phase VII (Tall Timbers) Residential Planned Development at 3413 W Centre Avenue

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager
Michael Carroll, Deputy City Manager
Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy.

I. INTRODUCTION:

The [Brownfield Redevelopment Financing Act \(PA 381 of 1996, as amended\)](#) ("Act") allows a city, village, township or county to establish a Brownfield Redevelopment Program for the purposes of facilitating the reuse of contaminated, blighted or functionally obsolete properties.

Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, functionally obsolete, and/or blighted buildings and property in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and also discouraging sprawl development. The City Council is desirous of fostering brownfield redevelopment to strengthen the tax base and encourage job creation, while also recognizing its fiduciary responsibility to the community to provide public services and uphold the quality of life. As detailed in the current [City of Portage Brownfield Redevelopment Incentive Policy](#) which was approved by Council in April 2015, "periodic review of the brownfield policy is necessary to ensure consistency with the community needs and objectives."

The *City of Portage Brownfield Redevelopment Incentive Policy* does not currently include residential projects as eligible for brownfield sites. However, in keeping with current policy directions at the state and neighboring jurisdiction levels, given the decreasing availability of redevelopment sites in Portage, and in an effort to address area socio-economic challenges such as housing availability, the Administration is currently conducting best practices research and developing revised brownfield redevelopment incentive policy criteria to accommodate these evolving conditions and ensure the policy is consistent with the community needs and objectives. The revised criteria will also consider the City Council's strategic priorities, which include goals of "*attracting residential development that provides a mixture of housing for all income levels*" and "*promoting a healthy and sustainable environment and local ecology.*"

It is anticipated that the revised policy criteria proposals will be shared with the Council for consideration in the near term. If approved by the Council, the Administration would then follow the required steps to formally revise the *City of Portage Brownfield Redevelopment Incentive Policy*. The Council is therefore being asked to consider the following project which is being recommended by the Administration and the Brownfield Redevelopment Authority for approval as an exception to the current policy.

Tall Timbers Portage, LLC ("Tall Timbers") proposes to construct a 180-unit LEED certified residential apartment building and a 147-space parking deck on a vacant 13.525-acre parcel zoned as Planned Development, which is located at 3413 W. Centre Ave. in the City of Portage. Tall Timbers is requesting to utilize tax increment financing for reimbursement of eligible expenses related to this project. As discussed below, Tall Timber's Brownfield Redevelopment Plan Application is eligible for tax incremental financing under the Act.

II. BACKGROUND

At the May 24, 2022 City Council meeting, the Council voted to approve a Tentative Plan Amendment to modify the previously-approved Phase VII of Greenspire Planned Development (PD) now known as "Tall Timbers" to be constructed on the northwest corner of the Greenspire PD on 16.96 acres with a density of 10.62 units/acre.

The Tall Timbers Brownfield Plan includes 9.47 acres (designated as "Parcel A" and shown in the Development Agreement Exhibit A) of the 16.96 acres approved for Greenspire Phase VII (the remaining 7.49 acres constitute open space) combined with 4.052 acres (designated "Parcel B" as shown in the Development Agreement Exhibit A) of property proposed for Phase VIII of the Greenspire Tentative Plan Amendment. The total subject property related to the proposed Brownfield Redevelopment Plan is thus 13.525 acres. The attached development agreement is specific to Parcel A, the site of the Tall Timbers development.

III. PROPOSED BROWNFIELD REDEVELOPMENT PLAN

Attached is a copy of the Tall Timbers Brownfield Plan application and development agreement for the Council's review and consideration.

The applicant is applying for both a local brownfield plan from the City of Portage and a state brownfield plan from the Michigan Economic Development Corporation (MEDC). While it is uncommon for the MEDC to support residential-only projects in this part of the state, and the City of Portage does not currently list residential projects as eligible in its brownfield redevelopment policy, both the state and the city have been in discussion about this project and are in agreement that it provides unique benefits including but not limited to: the inclusion of 18 workforce housing units (10% of the 180 proposed units), LEED certification, and that the project addresses the known need for housing in the area and across the state. Workforce housing units grow supply and have a filtering effect across the entire spectrum of housing typologies and affordability. As detailed in the recently published [Michigan Statewide Housing Plan](#), housing is the cornerstone of thriving communities and "*Michigan has a pressing need to develop, rehabilitate, and preserve housing across the state at price points for every level of income.*" In addition, in order to attract major business development opportunities in this area of the state, MEDC and the City are aware that housing is a key component for absorbing new workers and residents to the area.

The City has consulted with the MEDC team to ensure that even as this brownfield plan is submitted, and recommended by the Brownfield Redevelopment Authority, as an exception from the City's current policy, it also remains consistent and in alignment with the terms, limits, and typical standards set by the state for brownfield plans. With the above information in mind, when reviewing the application materials herein, the Council is advised to note in Table 3 "Reimbursement Schedule," that the proposed ratio for school and local tax reimbursement is: 40.9% reimbursement by the state and 59.1% reimbursement by local taxing jurisdictions. The MEDC confirmed that this is in alignment with their typical ratio of 40% state and 60% local wherein there are brownfields occurring at both state and local jurisdictions. As information to the Council, if there are revisions proposed by the local Authority to the plan as a condition of approval, it is typical that the state will mirror those revisions in their approval. Moreover, the state will only approve a brownfield plan at the state level, if the local jurisdiction approves the local brownfield plan first.

The Tall Timbers subject property consists of a single vacant parcel totaling 13.525 acres. The applicant proposes to construct a 180-unit LEED certified apartment building and a 147-space parking deck on the property. The project also involves site preparation and public infrastructure improvements to the subject property. The project is expected to create 3.5 new full-time equivalent positions paying an average wage of \$18 per hour. Ten percent (10%) of the new housing units will be rent restricted to individuals making 80-120% of AMI during the term of the incentives. The total capital investment in the project is expected to be approximately \$42,000,000.

The site is a contaminated eligible "facility" due to the presence of soil and groundwater contamination, detailed in Attachment C of the Brownfield Plan. Eligible activities associated with the site remediation efforts proposed to be funded through state and local tax reimbursement include the following:

Department of Environment, Great Lakes and Energy (EGLE) Eligible Activities

- Limited Due Care Soil Sampling
- Due Care Plan

MSF Eligible Activities Costs and Schedule

- Infrastructure: Parking Structure; water mains, sewer mains
- Site Preparation: Staking, Clearing and Grubbing, Excavation to Support Underground Parking, Land Balancing, Sitework Grading, Geotechnical Engineering, Soil Erosion Control, Temporary Facilities, Site Prep Engineering and Design
- Brownfield Plan and Act 381 Work Plan Preparation

Because the City of Portage is a "qualified local unit of government", additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. Tall Timber's Brownfield Plan includes non-environmental eligible costs for site preparation and infrastructure improvement, among others:

Tall Timbers intends to seek reimbursement for eligible activities through capture of both local and school tax dollars:

- Specifically, Tall Timbers seeks to capture **\$6,407,901 over 30 years** from school tax increment revenues for costs associated with the MSF Eligible Activities above including: a parking

structure, water and sewer mains, site preparation and brownfield/Act 381 work plans. Therefore, Tall Timbers has prepared an Act 381 Work Plan for approval by the Michigan Department of Environment, Great Lakes, and Energy ("EGLE") and the MSF.

- As shown in Table 1 in the Brownfield Plan, the estimated cost to complete all eligible activities, including 3% interest (\$2,527,605) and 6% contingency (\$488,325) is \$11,182,806.
- In addition to the \$11,182,806 estimated cost of all eligible activities, the Brownfield Plan proposes to capture \$592,080 for Authority administrative cost, \$815,618 for the State Brownfield Redevelopment Fund, and \$1,456,384 for the Local Brownfield Revolving Fund.

IV. ANALYSIS

Tall Timber's Brownfield Redevelopment Plan Application is eligible for tax incremental financing under the Act. Notwithstanding the above, approval of any Brownfield Redevelopment Plan Application is discretionary, and the ultimate decision to approve, or deny, an application lies with the Brownfield Redevelopment Authority ("Authority"). MCL § 125.2657. Though each plan is unique, the Council can generally consider the following when evaluating each plan:

- **Job Creation** (quality of the jobs created by a plan)
- **Investment** (how much it will cost to implement a plan)
- **Location** (whether a plan is in a blighted area where the Authority seeks redevelopment, and whether the proposed use is consistent with zoning and urban planning)
- **Project Type** (whether the plan is a project that the City wants to encourage in the community).

Per the *City of Portage Brownfield Redevelopment Incentive Section 3.A.1*, detailing Tax Increment Financing Incentives, the City Council will "support tax increment financing if such financing is necessary for the economic feasibility of an office, commercial or industrial project on a brownfield site."

The Tall Timbers subject parcel totals 13.525 acres and is currently zoned Planned Development "PD" on which the applicant proposes to construct a 180-unit LEED certified **residential** apartment building, which would require an exception from the current policy.

Per the *City of Portage Brownfield Redevelopment Incentive Section 3.A.1*, detailing Tax Increment Financing Incentives, "tax increment financing may be approved to reimburse the applicant only for those costs attributed to approved activities directly related to the brownfield property such as public infrastructure, storm water retention, environmental response, demolition, including reasonable interest expenses as allowed by the Act..."

Tall Timbers is requesting reimbursement to cover a total of \$2.5 million in interest (3% interest rate). For comparison, the Board approved a brownfield plan for 801 E. Milham that included \$373,000 for interest reimbursement (3% interest rate) at the May 4, 2022 meeting. In prior year brownfields, including Centre Port Commons (2019) no interest was submitted or approved for reimbursement. As information, the MEDC confirmed that 3% simple interest rate is within the state's acceptable limit for interest.

Per the *City of Portage Brownfield Redevelopment Incentive Section 3.A.2*, detailing Tax Increment

Financing Incentives, in order for a project to be considered for tax increment financing, the following minimum threshold criteria must be met:

1. The property must be zoned and/or designated for office or business use and located in a “Commercial Revitalization Area”, the Downtown Development Authority, the Lake Centre subarea, or the City Centre subarea as identified in the Comprehensive Plan and meet the guidelines of the state brownfield program; OR
2. The property must be zoned and/or designated for industrial use and located within the general industrial area identified in the Comprehensive Plan and meet the manufacturing guidelines of the state brownfield program; AND
3. The local tax capture is limited to a maximum of 15 years or when 100% reimbursement of eligible expenses is achieved, whichever time period is shorter. Eligible expenses for projects that involve a functionally obsolete building or blighted building/property shall be limited to activities that demolish and/or remove the obsolete or blighted factors of the building/property; AND
4. The applicant is not responsible for any existing on-site environmental contamination and/or blighted building or site conditions.

The subject parcel totals 13.525 acres and is currently zoned Planned Development “PD” on which the applicant proposes to construct a 180-unit LEED certified residential apartment building. This project does not meet the criteria in subsections “1” or “2” above, and therefore would require an exception to the above policy.

Per the *City of Portage Brownfield Redevelopment Incentive Section 3.A.3*, detailing Tax Increment Financing Incentives, the capture of tax increment revenue is limited to 30 years (including projected capture of tax increment revenue for the Local Brownfield Revolving Fund, which is projected to occur from years 26 through 30 in the proposed Brownfield Plan) consistent with the Act. The period of tax increment revenue capture in the Tall Timber’s Brownfield Plan exceeds the typical 15-year limit established by the *City of Portage Brownfield Redevelopment Incentive Policy*. However, the policy provides the City Council with discretion to approve a tax increment capture period exceeding 15 years if the following criteria are considered:

- a. The project is transformative and involves significant economic development benefits to the community; OR
- b. The minimum taxable value of the project upon completion will be at least \$10 million; OR
- c. The project will result in the creation of: 100 or more new jobs with a median annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household; OR 50 new jobs, all of which have an annual salary above 80% of the Kalamazoo County Area Median Income for a single-person household; OR
- d. Other benefits as may be determined by the City Council.

Tall Timber’s Brownfield Plan indicates that the anticipated taxable value upon completion will be less than \$10 million (Subsection “b” above) and the project is not expected to result in job creation that meets or exceeds the standards set forth in Subsection “c” above. Therefore, the Council should consider if the project meets Subsection “a” above in making its recommendation, and the Council will subsequently consider if the project meets Subsections “a” or “d” above in order to grant additional years exceeding the typical 15-year limit.

Along with the above considerations, the City's Brownfield Redevelopment Incentive Policy ("Policy") lists a number of criteria that the City Council will use when reviewing applications. As detailed in the Policy, the following criteria are not intended to be exhaustive. The Council reserves the right to consider such additional criteria that are intended under this policy and that are consistent with promoting the general health, safety and welfare of the City of Portage:

- The plan will facilitate the environmental clean-up to accepted State of Michigan standards and the productive reuse of one or more distressed properties.
- The plan will facilitate the demolition and removal of a functionally obsolete building and site conditions, or a blighted building and site condition.
- The plan involves property that is zoned for office, business or industrial use and/or is planned for office, business or industrial use in the Portage Comprehensive Plan.
- The financial incentives to be provided for the plan will not result in the impairment of the operation or the financial soundness of any affective taxing unit.
- A public purpose will be served (expanded tax base, additional employment, income and capital investment in the community).
- The plan will provide for an expansion of the employment base in the community.
- The plan's proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities, and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the City.

The amounts shown below are the estimated revenues that will not be available to the taxing units. These numbers may be adjusted by changes in millage rates or taxable values during the capture period for the Plan. There may be an increase in revenue for each taxing jurisdiction while the project is under construction. However, once the capture period begins, all taxing jurisdictions will have the revenue set at the pre-construction amount for the remaining life of the project.

First year estimated forgone revenue for the Project for:

- City of Portage – \$83,115
- County – \$61,198
- CCTA/KCTA - \$8,299
- KRESA – \$54,976
- KVCC – \$21,808
- Library – \$15,580
- School Operating & SET – \$188,011

Total estimated forgone revenue during the capture period (30 years) for the Project:

- City of Portage – \$2,892,724
- County – \$2,129,932
- CCTA/KCTA - \$288,837
- KRESA – \$1,913,385
- KVCC – \$759,014

- Library – \$542,250
- School Operating & SET – \$6,543,533

V. RECOMMENDED ACTION

The Brownfield Redevelopment Authority reviewed and unanimously approved and recommended this application be forwarded to City Council as an exception to the City of Portage Redevelopment Incentive Policy through a formal vote on July 11, 2022. The applicant is actively pursuing a state brownfield from the Michigan Economic Development Corporation (MEDC) and intends to present the project at the Michigan Strategic Fund meeting in September 27, 2022.

It is therefore recommended that Council, subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan with Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers, 3413 W. Centre Avenue as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy.

FUNDING: Please refer to financial analysis within the report and attachments.

- Attachments:**
1. Tall Timbers Brownfield Plan Final 06 28 2022
 2. Tall Timbers Development Agreement and Reimbursement Agreement - Fully Executed
 3. City Council Resolution for Brownfield Redevelopment Plan Amendment No. 10, Tall Timbers
 4. Brownfield Redevelopment Authority Meeting Minutes 07 11 2022 Approved
 5. Tall Timbers - Letters of Support

ACT 381 BROWNFIELD PLAN

**Tall Timbers Portage, LLC
3413 W. Centre Ave
Kalamazoo County, City of Portage
City of Portage Brownfield Redevelopment Authority**

June 28, 2022

Prepared by
Joe Agostinelli
Agostinelli Advisors, LLC
1906 Forest Drive
Portage, MI 49002

Approved by the Brownfield Redevelopment Authority on _____

Approved by the Portage City Council on _____

TABLE OF CONTENTS

1.0 INTRODUCTION

- 1.1 Proposed Redevelopment and Future Use for Each Eligible Property
- 1.2 Eligible Property Information

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

- 2.1 Description of Costs to Be Paid for With Tax Increment Revenues
- 2.2 Summary of Eligible Activities
- 2.3 Estimate of Captured Taxable Value and Tax Increment Revenues
- 2.4 Method of Financing and Description of Advances Made by the Municipality
- 2.5 Maximum Amount of Note or Bonded Indebtedness
- 2.6 Duration of Brownfield Plan
- 2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions
- 2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property
- 2.9 Estimates of Residents and Displacement of Individuals/Families
- 2.10 Plan for Relocation of Displaced Persons
- 2.11 Provisions for Relocation Costs
- 2.12 Strategy for Compliance with Michigan's Relocation Assistance Law
- 2.13 Other Material that the Authority or Governing Body Considers Pertinent

EXHIBITS

FIGURES

- Figure 1 Legal Description and Map of the Eligible Property

TABLES

- Table 1 Eligible Activities Costs
- Table 2 Tax Capture Schedule
- Table 3 Reimbursement Schedule

ATTACHMENTS

- Attachment A Brownfield Plan Resolutions
- Attachment B Reimbursement Agreement
- Attachment C Verification of Facility Status
- Attachment D Soil Sampling Map
- Attachment E Site Plan

ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed redevelopment consists of a single vacant parcel totaling 13.525 acres in the City of Portage which is a qualified local governmental unit ("QLGU"). The project will involve preparing the site for development which will include a 180 unit LEED certified apartment building, the first LEED certified multi-family project in Portage, constructed above a 147 space parking deck. A proposed site plan is included as Attachment E to this brownfield plan. The project contemplated by this plan represents the next phase of continued development at this location. There may be future phases on this eligible property not currently contemplated by this plan, which would require an amendment in the future should TIR be necessary to complete the project.

Following significant expansion projects at Stryker, Pfizer and other local and regional businesses, this project will help serve the growing demand for additional housing in Portage. The project maximizes potential density on the project by constructing a vertical development on top of an underground parking structure, which will be the first parking structure in the City of Portage. 10% of the new housing units (18 units) will be rent restricted to individuals making 80-120% of AMI during the term of the incentives. The project is expected to create 3.5 new full time equivalent positions paying an average wage of \$18 per hour.

The total capital investment on the project is expected to be approximately \$42,000,000. Construction on the project is planned to begin in September, 2022 and will be completed by March, 2024.

1.2 Eligible Property Information

Basis of Eligibility

Phase I and limited Phase II environmental site assessments ("ESA") were completed by Stoltz Environmental Solutions, Inc ("SES") in September 2022. 5 number of soil samples and 3 number groundwater samples were collected from the property and submitted for laboratory analysis. A soil sampling map is included as Attachment D. Based on the results of the laboratory analysis, soil at the property is impacted with arsenic, iron and chromium, and the groundwater at the property is impacted with iron and lead at concentrations in excess of the most stringent applicable Michigan Department of Environment, Great Lakes and Energy ("EGLE"), Generic Residential Cleanup Criteria (GRCC).

Based on the findings of SES's soil and groundwater sampling, the Property is a "Facility" as defined by Part 201. Verification of Facility status is contained in

Attachment C.

Location and Legal Description

3413 W. Centre Ave
Portage, MI 49024

Parcel ID: 00019-095-C

13.525 Acres

Legal Description:

THAT PART OF THE NE 1/4 OF SEC 19 COM AT E 1/4 COR, TH N ALONG E LI OF SD SEC 516.15 FT, TH W 299.61 FT TO POB, TH W 148.67 FT, TH W 444.89 FT, TH N 804.24 FT, TH E 433.93 FT, TH N 1.00 FT TO THE S ROW LI OF CENTRE AVE, TH E 434.93 FT, TH S 311.95 FT, TH W 14.58 FT, TH W 81.96 FT, TH W 171.02 FT, TH S 267.08 FT, TH W 52.59 FT, TH S 115.00 FT TO POB. CONTAINING 589,168 SF OR 13.525 ACRES.SUBJECT TO ALL EASEMENTS & RESTRICTIONS OF RECORDS, IF ANY.SPLIT ON 01/24/2012 FROM 00020-131-O, 00019-095-O, 00019-096-O, 00019-105-O;SPLIT ON 12/29/2019 WITH 00019-100-O INTO 00019-095-C, 00019-095-B, 00019-096-A, 00019-100-A;

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse Tall Timbers Portage, LLC ("Developer:") for the cost of eligible activities as authorized by the Brownfield Redevelopment Financing Act (Act 381). Michigan Strategic Fund (MSF) approved non-environmental eligible activities and statutorily approved EGLE environmental eligible activities will be reimbursed with local and school tax increment revenues ("TIR"). The remaining eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities including contingency are anticipated to be \$11,182,806. Authority administrative costs are anticipated to be \$592,080. Funding to the State Brownfield Redevelopment Fund is anticipated to be \$815,618. Capitalization of the Local Brownfield Revolving Fund is estimated to be \$1,456,384. The estimated cost of all eligible activities under this plan are summarized in Table 1.

Environmental Activities

Department specific activities considered under this plan include a Phase I & Phase II Environmental Site Assessment ("ESA"), a Baseline Environmental Assessment ("BEA") and a Due Care Plan.

Non Environmental Activities

Because the City of Portage is a QLGU, additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide for reimbursement of eligible demolition; lead, asbestos & mold abatement, site preparation and/or infrastructure improvements.

Authority Expenses

Actual eligible costs incurred by the City of Portage Brownfield Redevelopment Authority (PBRA) are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2..1 Phase I & Phase II ESA, BEA and Due Care Plan

A Phase I and limited Phase II ESA was completed by SES in September 2022. The total cost for these services was \$15,000. This is a cost statutorily approved for reimbursement with school taxes.

2.2..2 Infrastructure Improvements

Infrastructure improvement activities will include the construction of an underground parking structure containing 147 parking spaces. Additionally new publicly owned water and sewer mains will be installed. Engineering and design of these activities are also included as eligible activities. The total cost of these infrastructure improvement is anticipated to be \$7,747,372.

2.2..3 Site Preparation

Site Preparation activities are expected to include Geotechnical Engineering, Surveying, Staking, Clearing & Grubbing, Cut & Fill, Land Balancing, Temporary Soil Erosion Control and Temporary site control. Engineering and design of these activities are also included as eligible activities. The cost of site preparation activities is estimated to be \$391,379.

2.2..4 Contingency

A 6% contingency is included to account for any unanticipated costs that may be encountered while conducting the eligible activities. The contingency is \$488,325.

2.2..5 Interest

Financing costs associated with the developer's eligible activities are included as an eligible activity. Simple interest will accrue at 3% throughout the duration of the plan and will be reimbursed following reimbursement of the developer's eligible activities. The financing costs associated with eligible activities are anticipated to be \$2,527,605.

2.2..6 Brownfield Plan and Act 381 Work Preparation

The cost to prepare the Brownfield Plan and Act 381 Work Plan is anticipated to be \$15,000.

2.2..7 Local Brownfield Revolving Fund

The Authority intends to capture school and non-school tax increments for deposit in the local brownfield revolving fund for a full five years. This capture is estimated to be \$1,456,384.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR.

2.4 Method of Financing and Description of Advances Made by the Municipality

The eligible activities will be financed by the developer and reimbursed as outlined in this plan and accompanying development agreement. No advances from the City are anticipated at this time.

2.5 Maximum Amount of Note or Bonded Indebtedness

No note or bonded indebtedness for this project is anticipated at this time. Therefore, this section is not applicable.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 25, plus five years of capture to the Local Brownfield Revolving Fund. It is estimated that the redevelopment of the property will be completed in 2024 and that full recapture of eligible costs and eligible administrative costs of the authority will continue until 2049. Capture of TIR is expected to begin in 2025, however could be delayed for up to 5 years after the approval of this plan as permitted by Act 381. In no event shall capture extend beyond 30 year as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of a single parcel which is 13.525 acres in size and is located at 3413 W. Centre Ave in the City of Portage, Kalamazoo County (Parcel Identification Number 00019-095-C). A legal description of the property along with a scaled map showing eligible property dimensions, is attached as Figure 1.

The parcel is considered "eligible property" due to the presence of contaminants, specifically arsenic, chromium, iron and lead at concentrations in excess of the most stringent applicable EGLE GRCC. Therefore, the property is a "Facility" as defined by Part 201.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

The project promotes walkability and transit-oriented development given its location adjacent to a bus line, retail, restaurant, grocery and office businesses. It will enhance stormwater management by placing the parking for the development below the building, thus reducing impervious space as compared to other developments.

Figure 1

Legal Description and Eligible Property Map



Legal Description:

THAT PART OF THE NE 1/4 OF SEC 19 COM AT E 1/4 COR, TH N ALONG E LI OF SD SEC 516.15 FT, TH W 299.61 FT TO POB, TH W 148.67 FT, TH W 444.89 FT, TH N 804.24 FT, TH E 433.93 FT, TH N 1.00 FT TO THE S ROW LI OF CENTRE AVE, TH E 434.93 FT, TH S 311.95 FT, TH W 14.58 FT, TH W 81.96 FT, TH W 171.02 FT, TH S 267.08 FT, TH W 52.59 FT, TH S 115.00 FT TO POB. CONTAINING 589,168 SF OR 13.525 ACRES.SUBJECT TO ALL EASEMENTS & RESTRICTIONS OF RECORDS, IF ANY.SPLIT ON 01/24/2012 FROM 00020-131-O, 00019-095-O, 00019-096-O, 00019-105-O;SPLIT ON 12/29/2019 WITH 00019-100-O INTO 00019-095-C, 00019-095-B, 00019-096-A, 00019-100-A;

Table 1

Eligible Activity Costs

EGLE Eligible Activities Costs and Schedule		
EGLE Eligible Activities	Cost	Completion Season/Year
Department Specific Activities	\$ 13,125	Summer 2021
<i>Limited Due Care Soil Sampling</i>	\$ 7,875	
<i>Due Care Plan</i>	\$ 5,250	
EGLE Eligible Activities Subtotal	\$ 13,125	
MSF Eligible Activities Costs and Schedule		
MSF Eligible Activities	Cost	Completion Season/Year
Infrastructure Improvements Sub-Total	\$ 7,747,372	Winter 2023
<i>Parking Structure</i>	\$ 7,512,445	
<i>Water Mains</i>	\$ 143,480	
<i>Sewer Mains</i>	\$ 91,446	
Site Preparation Sub-Total	\$ 391,379	Fall 2022
<i>Staking</i>	\$ 13,600	
<i>Clearing and Grubbing</i>	\$ 36,230	
<i>Excavation to Support Underground Parking</i>	\$ 47,769	
<i>Land Balancing</i>	\$ 76,160	
<i>Sitework Grading</i>	\$ 76,160	
<i>Geotechnical Engineering</i>	\$ 5,440	
<i>Soil Erosion Control</i>	\$ 16,320	
<i>Temporary Facilities</i>	\$ 67,200	
<i>Site Prep Engineering and Design</i>	\$ 52,500	
MSF Eligible Activities Sub-Total	\$ 8,138,751	
Contingency (6%)	\$ 488,325	
Interest (3%)	\$ 2,527,605	
Brownfield Plan & Act 381 Work Preparation	\$ 15,000	Summer 2022
EGLE Eligible Activities Total Costs	\$ 13,125	
MSF Eligible Activities Total Costs	\$ 11,169,681	
Total Eligible Activities Total Costs	\$ 11,182,806	

Table 2

Tax Capture Schedule

Tax Increment Revenue Capture Estimates																				
Tall Timbers Portage																				
Portage, Michigan																				
June 2022																				
Estimated Taxable Value (TV) Increase Rate:		1%																		
Plan Year		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	
Calendar Year		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	
*Base Taxable Value		\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	
Estimated New TV		\$ 7,842,658	\$ 7,921,085	\$ 8,000,295	\$ 8,080,298	\$ 8,161,101	\$ 8,242,712	\$ 8,325,140	\$ 8,408,391	\$ 8,492,475	\$ 8,577,400	\$ 8,663,174	\$ 8,749,805	\$ 8,837,303	\$ 8,925,676	\$ 9,014,933	\$ 9,105,082	\$ 9,196,133	\$ 9,288,095	
Incremental Difference (New TV - Base TV)		\$ 7,811,544	\$ 7,889,971	\$ 7,969,181	\$ 8,049,184	\$ 8,129,987	\$ 8,211,598	\$ 8,294,026	\$ 8,377,277	\$ 8,461,361	\$ 8,546,286	\$ 8,632,060	\$ 8,718,691	\$ 8,806,189	\$ 8,894,562	\$ 8,983,819	\$ 9,073,968	\$ 9,165,019	\$ 9,256,981	
School Capture		Millage Rate																		
State Education Tax (SET)		6.0000	\$ 46,869	\$ 47,340	\$ 47,815	\$ 48,295	\$ 48,780	\$ 49,270	\$ 49,764	\$ 50,264	\$ 50,768	\$ 51,278	\$ 51,792	\$ 52,312	\$ 52,837	\$ 53,367	\$ 53,903	\$ 54,444	\$ 54,990	\$ 55,542
School Operating Tax		17.5695	\$ 137,245	\$ 138,623	\$ 140,015	\$ 141,420	\$ 142,840	\$ 144,274	\$ 145,722	\$ 147,185	\$ 148,662	\$ 150,154	\$ 151,661	\$ 153,183	\$ 154,720	\$ 156,273	\$ 157,841	\$ 159,425	\$ 161,025	\$ 162,641
School Total		23.5695	\$ 184,114	\$ 185,963	\$ 187,830	\$ 189,715	\$ 191,620	\$ 193,543	\$ 195,486	\$ 197,448	\$ 199,430	\$ 201,432	\$ 203,453	\$ 205,495	\$ 207,557	\$ 209,640	\$ 211,744	\$ 213,869	\$ 216,015	\$ 218,182
Local Capture		Millage Rate																		
City of Portage		10.6400	\$ 83,115	\$ 83,949	\$ 84,792	\$ 85,643	\$ 86,503	\$ 87,371	\$ 88,248	\$ 89,134	\$ 90,029	\$ 90,932	\$ 91,845	\$ 92,767	\$ 93,698	\$ 94,638	\$ 95,588	\$ 96,547	\$ 97,516	\$ 98,494
KVCC		2.7918	\$ 21,808	\$ 22,027	\$ 22,248	\$ 22,472	\$ 22,697	\$ 22,925	\$ 23,155	\$ 23,388	\$ 23,622	\$ 23,860	\$ 24,099	\$ 24,341	\$ 24,585	\$ 24,832	\$ 25,081	\$ 25,333	\$ 25,587	\$ 25,844
KRESA Allocated		0.1444	\$ 1,128	\$ 1,139	\$ 1,151	\$ 1,162	\$ 1,174	\$ 1,186	\$ 1,198	\$ 1,210	\$ 1,222	\$ 1,234	\$ 1,246	\$ 1,259	\$ 1,272	\$ 1,284	\$ 1,297	\$ 1,310	\$ 1,323	\$ 1,337
KRESA Operating		2.8946	\$ 22,611	\$ 22,838	\$ 23,068	\$ 23,299	\$ 23,533	\$ 23,769	\$ 24,008	\$ 24,249	\$ 24,492	\$ 24,738	\$ 24,986	\$ 25,237	\$ 25,490	\$ 25,746	\$ 26,005	\$ 26,266	\$ 26,529	\$ 26,795
KRESA Enhancement		1.5000	\$ 11,717	\$ 11,835	\$ 11,954	\$ 12,074	\$ 12,195	\$ 12,317	\$ 12,441	\$ 12,566	\$ 12,692	\$ 12,819	\$ 12,948	\$ 13,078	\$ 13,209	\$ 13,342	\$ 13,476	\$ 13,611	\$ 13,748	\$ 13,885
KRESA Special ED		1.4988	\$ 11,708	\$ 11,825	\$ 11,944	\$ 12,064	\$ 12,185	\$ 12,308	\$ 12,431	\$ 12,556	\$ 12,682	\$ 12,809	\$ 12,938	\$ 13,068	\$ 13,199	\$ 13,331	\$ 13,465	\$ 13,600	\$ 13,737	\$ 13,874
KRESA CTE		1.0000	\$ 7,812	\$ 7,890	\$ 7,969	\$ 8,049	\$ 8,130	\$ 8,212	\$ 8,294	\$ 8,377	\$ 8,461	\$ 8,546	\$ 8,632	\$ 8,719	\$ 8,806	\$ 8,895	\$ 8,984	\$ 9,074	\$ 9,165	\$ 9,257
School Site SF		0.4989	\$ 3,897	\$ 3,936	\$ 3,976	\$ 4,016	\$ 4,056	\$ 4,097	\$ 4,138	\$ 4,179	\$ 4,221	\$ 4,264	\$ 4,306	\$ 4,350	\$ 4,393	\$ 4,437	\$ 4,482	\$ 4,527	\$ 4,572	\$ 4,618
County Operating		4.6514	\$ 36,335	\$ 36,699	\$ 37,068	\$ 37,440	\$ 37,816	\$ 38,195	\$ 38,579	\$ 38,966	\$ 39,357	\$ 39,752	\$ 40,151	\$ 40,554	\$ 40,961	\$ 41,372	\$ 41,787	\$ 42,207	\$ 42,630	\$ 43,058
CCTA Transport		0.7500	\$ 5,859	\$ 5,917	\$ 5,977	\$ 6,037	\$ 6,097	\$ 6,159	\$ 6,221	\$ 6,283	\$ 6,346	\$ 6,410	\$ 6,474	\$ 6,539	\$ 6,605	\$ 6,671	\$ 6,738	\$ 6,805	\$ 6,874	\$ 6,943
KCTA Transport		0.3124	\$ 2,440	\$ 2,465	\$ 2,490	\$ 2,515	\$ 2,540	\$ 2,565	\$ 2,591	\$ 2,617	\$ 2,643	\$ 2,670	\$ 2,697	\$ 2,724	\$ 2,751	\$ 2,779	\$ 2,807	\$ 2,835	\$ 2,863	\$ 2,892
District Library		1.4959	\$ 11,685	\$ 11,803	\$ 11,921	\$ 12,041	\$ 12,162	\$ 12,284	\$ 12,407	\$ 12,532	\$ 12,657	\$ 12,784	\$ 12,913	\$ 13,042	\$ 13,173	\$ 13,305	\$ 13,439	\$ 13,574	\$ 13,710	\$ 13,848
Library Extra		0.4986	\$ 3,895	\$ 3,934	\$ 3,973	\$ 4,013	\$ 4,054	\$ 4,094	\$ 4,135	\$ 4,177	\$ 4,219	\$ 4,261	\$ 4,304	\$ 4,347	\$ 4,391	\$ 4,435	\$ 4,479	\$ 4,524	\$ 4,570	\$ 4,616
County Public Safety		1.4380	\$ 11,233	\$ 11,346	\$ 11,460	\$ 11,575	\$ 11,691	\$ 11,808	\$ 11,927	\$ 12,047	\$ 12,167	\$ 12,290	\$ 12,413	\$ 12,537	\$ 12,663	\$ 12,790	\$ 12,919	\$ 13,048	\$ 13,179	\$ 13,312
County Housing		0.7485	\$ 5,847	\$ 5,906	\$ 5,965	\$ 6,025	\$ 6,085	\$ 6,146	\$ 6,208	\$ 6,270	\$ 6,333	\$ 6,397	\$ 6,461	\$ 6,526	\$ 6,591	\$ 6,658	\$ 6,724	\$ 6,792	\$ 6,860	\$ 6,929
County Senior		0.3477	\$ 2,716	\$ 2,743	\$ 2,771	\$ 2,799	\$ 2,827	\$ 2,855	\$ 2,884	\$ 2,913	\$ 2,942	\$ 2,972	\$ 3,001	\$ 3,031	\$ 3,062	\$ 3,093	\$ 3,124	\$ 3,155	\$ 3,187	\$ 3,219
County 911		0.6487	\$ 5,067	\$ 5,118	\$ 5,170	\$ 5,222	\$ 5,274	\$ 5,327	\$ 5,380	\$ 5,434	\$ 5,489	\$ 5,544	\$ 5,600	\$ 5,656	\$ 5,713	\$ 5,770	\$ 5,828	\$ 5,886	\$ 5,945	\$ 6,005
Local Total		31.8597	\$ 248,873	\$ 251,372	\$ 253,896	\$ 256,444	\$ 259,019	\$ 261,619	\$ 264,245	\$ 266,897	\$ 269,576	\$ 272,282	\$ 275,015	\$ 277,775	\$ 280,562	\$ 283,378	\$ 286,222	\$ 289,094	\$ 291,995	\$ 294,924
Non-Capturable Millages		Millage Rate																		
County Juvenile Home Debt		0.1685	\$ 1,316	\$ 1,329	\$ 1,343	\$ 1,356	\$ 1,370	\$ 1,384	\$ 1,398	\$ 1,412	\$ 1,426	\$ 1,440	\$ 1,455	\$ 1,469	\$ 1,484	\$ 1,499	\$ 1,514	\$ 1,529	\$ 1,544	\$ 1,560
Portage School Debt		6.8500	\$ 53,509	\$ 54,046	\$ 54,589	\$ 55,137	\$ 55,690	\$ 56,249	\$ 56,814	\$ 57,384	\$ 57,960	\$ 58,542	\$ 59,130	\$ 59,723	\$ 60,322	\$ 60,928	\$ 61,539	\$ 62,157	\$ 62,780	\$ 63,410
KRESA Debt		0.3650	\$ 2,851	\$ 2,880	\$ 2,909	\$ 2,938	\$ 2,967	\$ 2,997	\$ 3,027	\$ 3,058	\$ 3,088	\$ 3,119	\$ 3,151	\$ 3,182	\$ 3,214	\$ 3,247	\$ 3,279	\$ 3,312	\$ 3,345	\$ 3,379
Total Non-Capturable Taxes		7.3835	\$ 57,677	\$ 58,256	\$ 58,840	\$ 59,431	\$ 60,028	\$ 60,630	\$ 61,239	\$ 61,854	\$ 62,474	\$ 63,101	\$ 63,735	\$ 64,374	\$ 65,020	\$ 65,673	\$ 66,332	\$ 66,998	\$ 67,670	\$ 68,349
Total Tax Increment Revenue (TIR) Available for Capture		\$ 432,987	\$ 437,335	\$ 441,725	\$ 446,160	\$ 450,639	\$ 455,162	\$ 459,731	\$ 464,346	\$ 469,006	\$ 473,714	\$ 478,468	\$ 483,270	\$ 488,120	\$ 493,018	\$ 497,966	\$ 502,963	\$ 508,010	\$ 513,107	
Footnotes:																				

Tax Increment Revenue Capture Estimates
Tall Timbers Portage
Portage, Michigan
June 2022

Estimated Taxable Value (TV) Increase Rate:

	Plan Year	19	20	21	22	23	24	25	26	27	28	29	30	TOTAL
	Calendar Year	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	
	*Base Taxable Value	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ 31,114	\$ -
	Estimated New TV	\$ 9,380,976	\$ 9,474,785	\$ 9,569,533	\$ 9,665,229	\$ 9,761,881	\$ 9,859,500	\$ 9,958,095	\$ 10,057,676	\$ 10,158,252	\$ 10,259,835	\$ 10,362,433	\$ 10,466,058	\$ -
	Incremental Difference (New TV - Base TV)	\$ 9,349,862	\$ 9,443,671	\$ 9,538,419	\$ 9,634,115	\$ 9,730,767	\$ 9,828,386	\$ 9,926,981	\$ 10,026,562	\$ 10,127,138	\$ 10,228,721	\$ 10,331,319	\$ 10,434,944	\$ -
School Capture		Millage Rate												
State Education Tax (SET)	6.0000	\$ 56,099	\$ 56,662	\$ 57,231	\$ 57,805	\$ 58,385	\$ 58,970	\$ 59,562	\$ 60,159	\$ 60,763	\$ 61,372	\$ 61,988	\$ 62,610	\$ 1,631,236
School Operating Tax	17.5695	\$ 164,272	\$ 165,921	\$ 167,585	\$ 169,267	\$ 170,965	\$ 172,680	\$ 174,412	\$ 176,162	\$ 177,929	\$ 179,714	\$ 181,516	\$ 183,337	\$ 4,776,665
School Total	23.5695	\$ 220,372	\$ 222,583	\$ 224,816	\$ 227,071	\$ 229,349	\$ 231,650	\$ 233,974	\$ 236,321	\$ 238,692	\$ 241,086	\$ 243,504	\$ 245,946	\$ 6,407,901
Local Capture		Millage Rate												
City of Portage	10.6400	\$ 99,483	\$ 100,481	\$ 101,489	\$ 102,507	\$ 103,535	\$ 104,574	\$ 105,623	\$ 106,683	\$ 107,753	\$ 108,834	\$ 109,925	\$ 111,028	\$ 2,892,724
KVCC	2.7918	\$ 26,103	\$ 26,365	\$ 26,629	\$ 26,897	\$ 27,166	\$ 27,439	\$ 27,714	\$ 27,992	\$ 28,273	\$ 28,557	\$ 28,843	\$ 29,132	\$ 759,014
KRESA Allocated	0.1444	\$ 1,350	\$ 1,364	\$ 1,377	\$ 1,391	\$ 1,405	\$ 1,419	\$ 1,433	\$ 1,448	\$ 1,462	\$ 1,477	\$ 1,492	\$ 1,507	\$ 39,258
KRESA Operating	2.8946	\$ 27,064	\$ 27,336	\$ 27,610	\$ 27,887	\$ 28,167	\$ 28,449	\$ 28,735	\$ 29,023	\$ 29,314	\$ 29,608	\$ 29,905	\$ 30,205	\$ 786,962
KRESA Enhancement	1.5000	\$ 14,025	\$ 14,166	\$ 14,308	\$ 14,451	\$ 14,596	\$ 14,743	\$ 14,890	\$ 15,040	\$ 15,191	\$ 15,343	\$ 15,497	\$ 15,652	\$ 407,809
KRESA Special ED	1.4988	\$ 14,014	\$ 14,154	\$ 14,296	\$ 14,440	\$ 14,584	\$ 14,731	\$ 14,879	\$ 15,028	\$ 15,179	\$ 15,331	\$ 15,485	\$ 15,640	\$ 407,483
KRESA CTE	1.0000	\$ 9,350	\$ 9,444	\$ 9,538	\$ 9,634	\$ 9,731	\$ 9,828	\$ 9,927	\$ 10,027	\$ 10,127	\$ 10,229	\$ 10,331	\$ 10,435	\$ 271,873
School Site SF	0.4989	\$ 4,664	\$ 4,711	\$ 4,759	\$ 4,806	\$ 4,854	\$ 4,903	\$ 4,952	\$ 5,002	\$ 5,052	\$ 5,103	\$ 5,154	\$ 5,206	\$ 135,632
County Operating	4.6514	\$ 43,490	\$ 43,926	\$ 44,367	\$ 44,812	\$ 45,262	\$ 45,716	\$ 46,174	\$ 46,638	\$ 47,105	\$ 47,578	\$ 48,055	\$ 48,537	\$ 1,264,588
CCTA Transport	0.7500	\$ 7,012	\$ 7,083	\$ 7,154	\$ 7,226	\$ 7,298	\$ 7,371	\$ 7,445	\$ 7,520	\$ 7,595	\$ 7,672	\$ 7,748	\$ 7,826	\$ 203,904
KCTA Transport	0.3124	\$ 2,921	\$ 2,950	\$ 2,980	\$ 3,010	\$ 3,040	\$ 3,070	\$ 3,101	\$ 3,132	\$ 3,164	\$ 3,195	\$ 3,228	\$ 3,260	\$ 84,933
District Library	1.4959	\$ 13,986	\$ 14,127	\$ 14,269	\$ 14,412	\$ 14,556	\$ 14,702	\$ 14,850	\$ 14,999	\$ 15,149	\$ 15,301	\$ 15,455	\$ 15,610	\$ 406,694
Library Extra	0.4986	\$ 4,662	\$ 4,709	\$ 4,756	\$ 4,804	\$ 4,852	\$ 4,900	\$ 4,950	\$ 4,999	\$ 5,049	\$ 5,100	\$ 5,151	\$ 5,203	\$ 135,556
County Public Safety	1.4380	\$ 13,445	\$ 13,580	\$ 13,716	\$ 13,854	\$ 13,993	\$ 14,133	\$ 14,275	\$ 14,418	\$ 14,563	\$ 14,709	\$ 14,856	\$ 15,005	\$ 390,953
County Housing	0.7485	\$ 6,998	\$ 7,069	\$ 7,140	\$ 7,211	\$ 7,283	\$ 7,357	\$ 7,430	\$ 7,505	\$ 7,580	\$ 7,656	\$ 7,733	\$ 7,811	\$ 203,497
County Senior	0.3477	\$ 3,251	\$ 3,284	\$ 3,317	\$ 3,350	\$ 3,383	\$ 3,417	\$ 3,452	\$ 3,486	\$ 3,521	\$ 3,557	\$ 3,592	\$ 3,628	\$ 94,530
County 911	0.6487	\$ 6,065	\$ 6,126	\$ 6,188	\$ 6,250	\$ 6,312	\$ 6,376	\$ 6,440	\$ 6,504	\$ 6,569	\$ 6,635	\$ 6,702	\$ 6,769	\$ 176,364
Local Total	31.8597	\$ 297,884	\$ 300,872	\$ 303,891	\$ 306,940	\$ 310,019	\$ 313,129	\$ 316,270	\$ 319,443	\$ 322,647	\$ 325,884	\$ 329,153	\$ 332,454	\$ 8,661,774
Non-Capturable Millages		Millage Rate												
County Juvenile Home Debt	0.1685	\$ 1,575	\$ 1,591	\$ 1,607	\$ 1,623	\$ 1,640	\$ 1,656	\$ 1,673	\$ 1,689	\$ 1,706	\$ 1,724	\$ 1,741	\$ 1,758	\$ 45,811
Portage School Debt	6.8500	\$ 64,047	\$ 64,689	\$ 65,338	\$ 65,994	\$ 66,656	\$ 67,324	\$ 68,000	\$ 68,682	\$ 69,371	\$ 70,067	\$ 70,770	\$ 71,479	\$ 1,862,327
KRESA Debt	0.3650	\$ 3,413	\$ 3,447	\$ 3,482	\$ 3,516	\$ 3,552	\$ 3,587	\$ 3,623	\$ 3,660	\$ 3,696	\$ 3,733	\$ 3,771	\$ 3,809	\$ 99,233
Total Non-Capturable Taxes	7.3835	\$ 69,035	\$ 69,727	\$ 70,427	\$ 71,133	\$ 71,847	\$ 72,568	\$ 73,296	\$ 74,031	\$ 74,774	\$ 75,524	\$ 76,281	\$ 77,046	\$ 2,007,371
Total Tax Increment Revenue (TIR) Available for Capture		\$ 518,255	\$ 523,455	\$ 528,707	\$ 534,011	\$ 539,368	\$ 544,779	\$ 550,244	\$ 555,764	\$ 561,339	\$ 566,970	\$ 572,657	\$ 578,400	\$ 15,069,675

Footnotes:

Table 3

Reimbursement Schedule

Tall Timbers Portage
Portage, Michigan
June 2022

Estimated Total Years of Plan:	30
-----------------------------------	----

Estimated Capture	
Administrative Fees	\$ 592,080
State Brownfield Redevelopment Fund	\$ 815,618
Local Brownfield Revolving Fund	\$ 1,456,384

Total State Incremental Revenue	\$ 184,114	\$ 185,963	\$ 187,830	\$ 189,715	\$ 191,620	\$ 193,543	\$ 195,486	\$ 197,448	\$ 199,430	\$ 201,432	\$ 203,453	\$ 205,495	\$ 207,557	\$ 209,640	\$ 211,744	\$ 213,869
State Brownfield Redevelopment Fund (50% of SET)	\$ (23,435)	\$ (23,670)	\$ (23,908)	\$ (24,148)	\$ (24,390)	\$ (24,635)	\$ (24,882)	\$ (25,132)	\$ (25,384)	\$ (25,639)	\$ (25,896)	\$ (26,156)	\$ (26,419)	\$ (26,684)	\$ (26,951)	\$ (27,222)
State TIR Available for Reimbursement	\$ 160,680	\$ 162,293	\$ 163,922	\$ 165,568	\$ 167,230	\$ 168,908	\$ 170,604	\$ 172,316	\$ 174,046	\$ 175,793	\$ 177,557	\$ 179,339	\$ 181,139	\$ 182,957	\$ 184,793	\$ 186,647
Total Local Incremental Revenue	\$ 248,873	\$ 251,372	\$ 253,896	\$ 256,444	\$ 259,019	\$ 261,619	\$ 264,245	\$ 266,897	\$ 269,576	\$ 272,282	\$ 275,015	\$ 277,775	\$ 280,562	\$ 283,378	\$ 286,222	\$ 289,094
BRA Administrative Fee (5%)	\$ (12,444)	\$ (12,569)	\$ (12,695)	\$ (12,822)	\$ (12,951)	\$ (13,081)	\$ (13,212)	\$ (13,345)	\$ (13,479)	\$ (13,614)	\$ (13,751)	\$ (13,889)	\$ (14,028)	\$ (14,169)	\$ (14,311)	\$ (14,455)
Local TIR Available for Reimbursement	\$ 236,430	\$ 238,803	\$ 241,201	\$ 243,622	\$ 246,068	\$ 248,538	\$ 251,033	\$ 253,552	\$ 256,097	\$ 258,668	\$ 261,264	\$ 263,886	\$ 266,534	\$ 269,209	\$ 271,911	\$ 274,639

DEVELOPER	Beginning Balance																
DEVELOPER Eligible Activity Balance	\$ 8,655,201	\$ 8,258,092	\$ 7,856,996	\$ 7,451,873	\$ 7,042,683	\$ 6,629,385	\$ 6,211,939	\$ 5,790,302	\$ 5,364,433	\$ 4,934,290	\$ 4,499,829	\$ 4,061,008	\$ 3,617,783	\$ 3,170,110	\$ 2,717,944	\$ 2,261,241	\$ 1,799,955

EGLE Environmental Costs	\$ 13,125	\$ -																
State Tax Reimbursement		\$ 244	\$ 246	\$ 249	\$ 251	\$ 254	\$ 256	\$ 259	\$ 261	\$ 264	\$ 267	\$ 269	\$ 272	\$ 275	\$ 277	\$ 280	\$ 283	
Local Tax Reimbursement		\$ 359	\$ 362	\$ 366	\$ 369	\$ 373	\$ 377	\$ 381	\$ 384	\$ 388	\$ 392	\$ 396	\$ 400	\$ 404	\$ 408	\$ 412	\$ 416	
Total EGLE Reimbursement Balance		\$ 12,523	\$ 11,915	\$ 11,300	\$ 10,680	\$ 10,053	\$ 9,420	\$ 8,781	\$ 8,135	\$ 7,483	\$ 6,824	\$ 6,158	\$ 5,486	\$ 4,807	\$ 4,122	\$ 3,429	\$ 2,730	

Total Annual Developer Reimbursement		\$ 397,109	\$ 401,096	\$ 405,123	\$ 409,190	\$ 413,298	\$ 417,446	\$ 421,637	\$ 425,869	\$ 430,143	\$ 434,461	\$ 438,821	\$ 443,225	\$ 447,673	\$ 452,166	\$ 456,703	\$ 461,286
---	--	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------	------------

LBRF Deposits *																				
State Tax Capture	\$	-																		
Local Tax Capture	\$	-																		
Total LBRF Capture		\$	-												\$	-	\$	-	\$	-

* Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from EGLE & Local TIR only.

Footnotes:

Tax Increment Revenue Reimbursement Allocation Table
Tall Timbers Portage
Portage, Michigan
June 2022

	17	18	19	20	21	22	23	24	25	26	27	28	29	30	
	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	TOTAL
Total State Incremental Revenue	\$ 216,015	\$ 218,182	\$ 220,372	\$ 222,583	\$ 224,816	\$ 227,071	\$ 229,349	\$ 231,650	\$ 233,974	\$ 236,321	\$ 238,692	\$ 241,086	\$ 243,504	\$ 245,946	\$ 6,407,901
State Brownfield Redevelopment Fund (50% of	\$ (27,495)	\$ (27,771)	\$ (28,050)	\$ (28,331)	\$ (28,615)	\$ (28,902)	\$ (29,192)	\$ (29,485)	\$ (29,781)	\$ (30,080)	\$ (30,381)	\$ (30,686)	\$ (30,994)	\$ (31,305)	\$ (815,618)
State TIR Available for Reimbursement	\$ 188,520	\$ 190,411	\$ 192,322	\$ 194,252	\$ 196,201	\$ 198,169	\$ 200,157	\$ 202,165	\$ 204,193	\$ 206,241	\$ 208,310	\$ 210,400	\$ 212,510	\$ 214,642	\$ 5,592,283
Total Local Incremental Revenue	\$ 291,995	\$ 294,924	\$ 297,884	\$ 300,872	\$ 303,891	\$ 306,940	\$ 310,019	\$ 313,129	\$ 316,270	\$ 319,443	\$ 322,647	\$ 325,884	\$ 329,153	\$ 332,454	\$ 8,661,774
BRA Administrative Fee (5%)	\$ (14,600)	\$ (14,746)	\$ (14,894)	\$ (15,044)	\$ (30,389)	\$ (30,694)	\$ (31,002)	\$ (31,313)	\$ (31,627)	\$ (31,944)	\$ (32,265)	\$ (32,588)	\$ (32,915)	\$ (33,245)	\$ (592,080)
Local TIR Available for Reimbursement	\$ 277,395	\$ 280,178	\$ 282,989	\$ 285,829	\$ 273,502	\$ 276,246	\$ 279,017	\$ 281,816	\$ 284,643	\$ 287,499	\$ 290,383	\$ 293,295	\$ 296,237	\$ 299,209	\$ 8,069,693
Total State & Local TIR Available	\$ 465,915	\$ 470,590	\$ 475,311	\$ 480,080	\$ 469,702	\$ 474,415	\$ 479,174	\$ 483,981	\$ 488,836	\$ 493,740	\$ 498,693	\$ 503,695	\$ 508,747	\$ 513,850	
DEVELOPER															\$ -
DEVELOPER Eligible Activity Balance	\$ 1,334,040	\$ 863,451	\$ 388,139	\$ -											\$ -
															\$ -
															\$ -
															\$ -
MSF Non-Environmental Costs															\$ -
State Tax Reimbursement	\$ 188,234	\$ 190,123	\$ 192,030	\$ 158,637	\$ -	\$ -	\$ -								\$ 3,498,609
Local Tax Reimbursement	\$ 276,974	\$ 279,753	\$ 282,560	\$ 228,914	\$ -	\$ -	\$ -								\$ 5,143,467
Total MSF Reimbursement Balance	\$ 1,332,017	\$ 862,141	\$ 387,551	\$ -	\$ -	\$ -	\$ -								
EGLE Environmental Costs															\$ -
State Tax Reimbursement	\$ 286	\$ 289	\$ 292	\$ 241											\$ 5,313
Local Tax Reimbursement	\$ 421	\$ 425	\$ 429	\$ 348											\$ 7,812
Total EGLE Reimbursement Balance	\$ 2,023	\$ 1,309	\$ 589	\$ -	\$ -	\$ -	\$ -								
Interest															\$ -
Accrued Interest	\$ 40,021	\$ 25,904	\$ 11,644												\$ 2,527,605
State Interest Reimbursement		\$ -	\$ -	\$ 35,374	\$ 196,201	\$ 198,169	\$ 200,157	\$ 202,165	\$ 204,193	\$ 16,191					\$ 1,052,449
Local Interest Reimbursement		\$ -	\$ -	\$ 56,567	\$ 273,502	\$ 276,246	\$ 279,017	\$ 281,816	\$ 284,643	\$ 23,364					\$ 1,475,156
Total Interest Reimbursement Balance	\$ 2,490,057	\$ 2,515,961	\$ 2,527,605	\$ 2,435,664	\$ 1,965,961	\$ 1,491,547	\$ 1,012,372	\$ 528,391	\$ 39,555						
Total Annual Developer Reimbursement	\$ 465,915	\$ 470,590	\$ 475,311	\$ 480,080	\$ 469,702	\$ 474,415	\$ 479,174	\$ 483,981	\$ 488,836	\$ 39,555	\$ -	\$ -	\$ -	\$ -	\$ 11,182,806
LOCAL BROWNFIELD REVOLVING FUN															
LBRF Deposits *															
State Tax Capture										\$ 13,125					\$ 13,125
Local Tax Capture	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 264,135	\$ 290,383	\$ 293,295	\$ 296,237	\$ 299,209	\$ 1,443,259
Total LBRF Capture	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 277,260	\$ 290,383	\$ 293,295	\$ 296,237	\$ 299,209	\$ 1,456,384

* Up to five years of capture for LBRF Deposit:

Footnotes:

Attachment A

Brownfield Plan Resolutions

Attachment B

Reimbursement Agreement

Attachment C

Verification of Facility Status



October 4, 2021

Greenspire Apartments
c/o Mr. Greg Dobson
AVB
4200 West Center Avenue
Portage, Michigan 49024

RE: Limited Environmental Sampling (Round 2)
10-Acre Parcel
3413 West Centre Avenue
Portage, Michigan

Dear Mr. Dobson:

Introduction

Stolz Environmental Solutions, LLC (SES) is pleased to present the findings of our limited soil and groundwater sampling for the referenced site (Property). Your objective was to perform limited environmental sampling of the Property in an attempt to establish that the Property is a facility, for the purpose of creating/amending a brownfield plan for the Property to facilitate future development of the Property.

Scope of Services

The proposed Scope of Services for the Limited Environmental Sampling was as follows:

- SES collected five near-surface soil samples from approximately 1-2 feet below grade (bg) using a hand auger. Samples were collected from areas agreed upon by you and SES.
- SES performed three shallow (three feet bg) soil borings for the purpose of installing temporary wells to collect three groundwater samples from the west portion of the east parcel of the Property near the east edge of the pond.
- SES submitted the collected samples for laboratory analysis of arsenic, lead, selenium, and iron only. One soil sample, collected from the stormwater outfall on the northwest portion of the Property, was analyzed for volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PNAs), and the 10 Michigan List metals.

6806 Hickory Point Drive W
Portage, MI 49024

Phone: 269-321-5020
Fax: 866-856-8921

Soil Sampling

On September 21, 2021, SES performed soil boring activities. The Sample Location Diagram, attached as Figure 1, illustrates the soil sample locations. SES selected soil sample locations based on information provided by you, historic research, and previous site visits. Soil borings were identified as SS-11 through SS-16, as well as soil borings completed as temporary monitoring wells identified as MW-1, MW-2, and MW-3. (Previous soil sampling efforts resulted in sample locations identified as SS1 through SS10, which did not indicate the Property was a Facility). The following table depicts sample locations, depths, media sampled, and rationale for the selection of the location:

TABLE 1 - SAMPLE LOCATIONS

Sample ID	Groundwater Sampled?	Boring Completion Depth (Feet bg)	Rationale/Source
SS-11	No	2	Assess fill on east portion of Property
SS-12	No	2	Assess fill on east portion of Property
SS-13	No	2	Assess fill on central portion of Property
SS-14	No	2	Assess Centre Avenue stormwater outfall on north portion of Property
SS-15	No	2	Assess area of dumped metal and concrete debris
SS-16	No	2	Assess former garage of residence on north-central portion of Property
MW-1	Yes	3	Assess groundwater near pond
MW-2	Yes	3	Assess groundwater near pond
MW-3	Yes	3	Assess groundwater near pond

Each soil boring was advanced using a stainless steel hand auger. SES continuously sampled soil from each boring to the completion depth. Soil samples from each boring were collected directly from the stainless auger bucket into a 4-ounce glass jar. The soil sample collected from SP-14 was also collected into a methanol-preserved 40 milliliter glass VOA jar. All sample containers were laboratory supplied and certified clean.

Groundwater Sampling

SES extended MW-1, MW-2, and MW-3 to a depth of three feet bg. Groundwater was encountered at a depth of 2 feet bg at MW-1, 1 foot bg at MW-2, and 1.5 feet bg at MW-3. SES collected groundwater samples from each of these boring locations.

To facilitate the collection of groundwater samples, SES installed temporary monitoring wells constructed of 5-foot-long 40-mil PVC screen attached to 40-mil PVC well points. SES installed the temporary wells to straddle the water table surface, as observed during boring activities. Using a Heron Instruments water

level indicator, SES measured groundwater levels after installation of the temporary wells to verify the screen properly straddled the water table surface prior to sampling.

Using a peristaltic pump, SES purged groundwater from the temporary wells with low flow volumes until the visual turbidity of the water appeared to stabilize. SES transferred groundwater directly into a nitric acid-preserved plastic bottle. The sample containers and preservatives were laboratory-prepared.

Decontamination Procedures

SES followed decontamination procedures during field activities. SES cleaned soil boring sampling tools with a phosphate-free detergent and distilled water solution wash and double rinsed them with distilled water between samples and prior to performing each probe. SES used new disposable gloves, well screens, points, and/or tubing for the handling and collection of each soil and/or groundwater sample.

Subsurface Conditions

With the exception of MW-1, MW-2, and MW-3, each soil boring was advanced to a depth of 2 feet bg. At each of these boring locations (SS-11 through SS-16) SES encountered sandy topsoil that was strong brown to black in color in the first horizon to a depth of approximately 16 inches. From 16 inches to 24 inches bg, soil was lighter in color with less organic content. Groundwater was not encountered at SS-11 through SS-16.

At MW-1, MW-2, and MW-3, SES encountered organic soils from the ground surface to a depth of approximately one to two feet bg. SES encountered saturated sandy soils underlying the organic soils. SES collected groundwater samples at these locations.

Analytical Testing

Samples collected for laboratory analysis were placed into an ice-containing cooler until delivery to the analytical laboratory. SES submitted the collected samples to Merit Laboratories, Inc. of East Lansing, Michigan (Merit) for laboratory analysis of arsenic, lead, iron, and selenium by EPA Methods SM2540B, SW3050B, and SW6020A. The samples collected from SS-14 were analyzed for VOCs using EPA Method 8260, PNAs using EPA Method 8270, and the 10 Michigan List metals using various EPA methodologies. The following table depicts the samples and analytical parameters assessed by Merit:

TABLE 2 - LABORATORY ANALYTICAL PARAMETERS REQUESTED BY SES

Sample	Media	Analytical Parameters
SS-11	Soil	Arsenic, Lead, Selenium, Iron
SS-12	Soil	Arsenic, Lead, Selenium, Iron
SS-13	Soil	Arsenic, Lead, Selenium, Iron
SS-14	Soil	VOCs, PNAs, 10 Michigan List Metals
SS-15	Soil	Arsenic, Lead, Selenium, Iron
SS-16	Soil	Arsenic, Lead, Selenium, Iron
MW-1	Groundwater	Arsenic, Lead, Selenium, Iron
MW-2	Groundwater	Arsenic, Lead, Selenium, Iron
MW-3	Groundwater	Arsenic, Lead, Selenium, Iron

The analytical laboratory method detection levels (MDLs) for the various compounds were reported in general accordance with the "Target Detection Limits and Designated Analytical Methods" document produced by the MDEGLE Remediation and Redevelopment Division, dated March 10, 2016.

Analytical Test Results

SES compared the reported soil analyte concentrations to the MDEGLE Part 201 Generic Residential Cleanup Criteria (GRCC) including the Statewide Default Background Levels (SDBLs), Residential Drinking Water Protection Criteria (DWPC), Groundwater Contact Protection Criteria (GCPC), Residential Soil Volatilization to Indoor Air Criteria (SVIAC), Infinite Source Volatile Soil Inhalation Criteria (SVIC), Particulate Soil Inhalation Criteria (PSIC), the Direct Contact Criteria (DCC), and the Groundwater / Surface Water Interface Protection Criteria (GSIPC).

SES compared the reported groundwater analyte concentrations to the MDEGLE Part 201 GRCC including the Drinking Water Criteria (DWC), the Groundwater Volatilization to Indoor Air Criteria (GVIAC), Water Solubility (WS), Flammability and Explosivity Screening Levels (FESL), the Acute Inhalation Screening Levels (AISL), and the Groundwater/Surface Water Interface Criteria (GSIC).

Soil

Merit's analytical report, included as an attachment to this letter, indicated arsenic, chromium, and iron were detected in the soil at concentrations in excess of the DWPC. Barium, copper, lead, and/or zinc were detected at concentrations not in excess of the most stringent applicable MDEGLE GRCC in the soil samples submitted for laboratory analysis. Additionally, PNAs, including benzo(a)anthracene, benzo(a)pyrene, benzo(k)fluoranthene, benzo(g,h,i)perylene, chrysene, fluoranthene, indeno(1,2,3-cd)pyrene, phenanthrene, and pyrene were detected in the soil sample from SS-14 at concentrations not in excess of the most stringent applicable MDEGLE GRCC. VOCs and other PNAs were not detected at concentrations in excess of the laboratory MDLs.

The following table depicts the analytes detected at concentrations in excess of the laboratory MDLs in the soil samples analyzed from the Property:

TABLE 3 - SOIL ANALYTES DETECTED IN EXCESS OF LABORATORY MDLS (UG/KG)

Analyte	Location (Feet bg) / Concentration						MDEGLE DWPC	MDEGLE DCC	MDEGLE GSIPC	MDEGLE SVIAC
	SS-11 (1-2)	SS-12 (1-2)	SS-13 (1-2)	SS-14 (1-2)	SS-15 (1-2)	SS-16 (1-2)				
Arsenic	6,520	4,130	13,500	1,380	2,160	7,010	4,600 (SDBL = 5,800)	7,600 (Non- Residential = 37,000)	4,600	NLV
Iron	9,270,000	9,780,000	43,900,000	NT	3,740,000	14,100,000	6,000 (SDBL = 12,000,000)	160,000,000	ID	NLV
Barium	NT	NT	NT	21,800	NT	NT	1,300,000	37,000,000	ID	NLV
Chromium	NT	NT	NT	25,300	NT	NT	30,000	2,500,000	3,300 (SDBL= 18,000)	NLV
Copper	NT	NT	NT	32,700	NT	NT	5,800,000	20,000,000	ID	NLV
Lead	7,900	14,800	4,250	18,200	54,700	14,800	700,000	400,000	ID	NLV
Zinc	NT	NT	NT	160,000	NT	NT	2,400,000	170,000,000	ID	NLV
Benzo(a)anthracene	NT	NT	NT	1,000	NT	NT	NLL	20,000	NLL	NLV
Benzo(a)pyrene	NT	NT	NT	1,400	NT	NT	NLL	2,000	NLL	NLV
Benzo(b)fluoranthene	NT	NT	NT	2,900	NT	NT	NLL	20,000	NLL	ID
Benzo(k)fluoranthene	NT	NT	NT	3,200	NT	NT	NLL	200,000	NLL	NLV
Benzo(ghi)perylene	NT	NT	NT	1,100	NT	NT	NLL	2,500,000	NLL	NLV
Chrysene	NT	NT	NT	1,600	NT	NT	NLL	2,000,000	NLL	ID
Fluoranthene	NT	NT	NT	3,200	NT	NT	730,000	46,000,000	5,500	46,000,000
Indeno(1,2,3-cd)pyrene	NT	NT	NT	900	NT	NT	NLL	20,000	NLL	NLV
Phenanthrene	NT	NT	NT	1,200	NT	NT	56,000	1,600,000	2,100	28,000,000
Pyrene	NT	NT	NT	2,800	NT	NT	480,000	29,000,000	ID	1.0E+09

Notes:

1. NLV = Not likely to volatilize, 2. ID = Insufficient Data to Calculate Criterion, 3. ND = Analyte not detected in excess of MDLs

Stolz Environmental Solutions, LLC

6806 Hickory Point Drive W
Portage, MI 49024

Phone: 269-321-5020
Fax: 866-856-8921

Groundwater

Based on SES's review of the analytical laboratory results for the collected groundwater samples, iron and lead were detected in the groundwater at concentrations in excess of the MDEGLE GRCC. Although not detected at concentration in excess of the MDEGLE GRCC, arsenic and selenium were detected in groundwater at the Property at concentrations in excess of the laboratory MDLs. No other groundwater analytes were detected at concentrations in excess of the laboratory MDLs. The following table depicts analytes detected in the groundwater at the Property at concentrations in excess of the laboratory MDLs.

TABLE 4
GROUNDWATER ANALYTES DETECTED IN EXCESS OF LABORATORY MDLS (UG/L)

Analyte	Location (Feet bg) / Concentration			MDEGLE DWC	MDEGLE GSIC	MDEGLE GWVIAC
	MW-1 (2)	MW-2 (1)	M-3 (1.5)			
Arsenic	6	ND	ND	10	10	NLV
Iron	12,400	5,420	11,000	300	NA	NLV
Lead	25	8	28	4	ID	NLV
Selenium	ND	ND	ND	50	5	NLV

Notes:

- 1) Shaded indicate concentration in excess of applicable criteria.
- 2) NLV= No Listed Value
- 3) ND = Analyte Not Detected
- 4) ID = Insufficient Data to Calculate Criterion

Discussion

Based on information obtained during SES's limited environmental sampling, areas of adverse soil and groundwater impact were identified. Six soil samples and three groundwater samples were collected from the Property and submitted to Merit for analysis. Based on the results of the laboratory analysis performed by Merit, soil at the Property was impacted with arsenic, iron, and chromium at concentrations in excess of the MDEGLE GRCC. Groundwater at the Property was impacted with iron and lead at concentrations in excess of the MDEGLE GRCC. No other analytes were detected at concentrations in excess of the most stringent MDEGLE GRCC in the soil or groundwater samples collected from the Property. Based on the findings of SES's limited environmental sampling, the Property is a "Facility" as defined by Part 201.

General Comments

This summary letter report is an instrument of service of SES. SES intends this report to be used solely and exclusively by you and your assigns. The report's contents may not be relied upon by any other party without the express written permission of SES. The findings of the limited sampling are based on conditions that existed on the date of SES's Property visit and should not be relied upon to represent conditions at any other time. The Scope of Services executed for this project does not comprise an audit

for regulatory compliance nor does it comprise a detailed condition survey for the presence of asbestos, lead paint, PCBs, radon, or other naturally occurring materials.

SES has based the conclusions included in this report on its observations of existing Property conditions. Be aware that conditions may change at any sampled or unsampled location as a function of time in response to natural conditions, chemical reactions, and/or other events.

Conclusions about Property conditions under no circumstances comprise a warranty that conditions in all areas of the Property are of the same quality as those areas that SES has inferred from observable Property conditions and readily available Property history. This report was prepared by an Environmental Professional as defined by 40 CFR Part 312. We declare that, the best of our knowledge, we meet the definition of Environmental Professional as defined in §312.10 of 40 CFR Part 312. We have specific qualifications based on education, training, and experience to assess a property of the nature, history, and setting of the subject Property.

SES's findings and conclusions must be considered probabilities based on professional judgment applied to the limited data SES was able to gather during the course of the assessment. In performing this assessment, SES has endeavored to observe that degree of care and skill generally exercised by other consultants undertaking similar studies at the same time, under similar circumstances and conditions, and in the same geographical area.

The Scope of Services SES implemented was based, in part, on rules and regulations that SES understood to be current or expected at the time SES developed its proposal. Changes in regulations, interpretations, and/or enforcement policies may occur at any time and such changes could affect the extent of assessment required. Any additional information about this Property that becomes available should be provided to SES for its review, so SES can modify its recommendations as necessary.

Thank you for the opportunity to provide these services. If you have any questions regarding this report, please contact us.

Very truly yours,
Stolz Environmental Solutions, LLC

A handwritten signature in black ink, appearing to read 'T. Stolz', enclosed within a large, loopy oval shape.

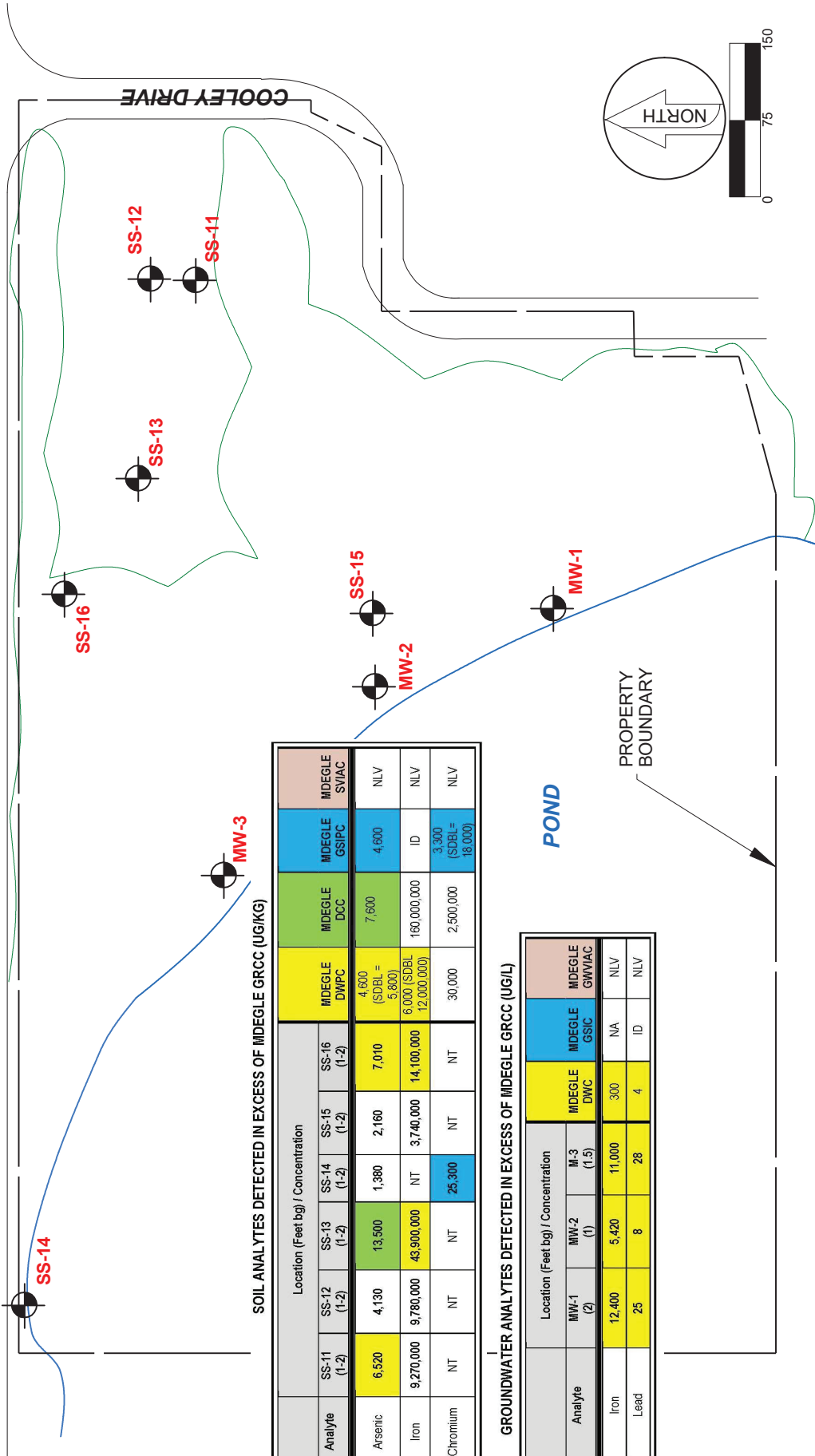
Thomas N. Stolz, CPG

Attachments: Sample Location Diagram
Laboratory Report

Attachment D

Soil Sampling Map

WEST CENTRE AVENUE



SOIL ANALYTES DETECTED IN EXCESS OF MDEGLE GRCC (UG/KG)

Analyte	Location (Feet bg) / Concentration						MDEGLE GSIPC	MDEGLE SVAC
	SS-11 (1-2)	SS-12 (1-2)	SS-13 (1-2)	SS-14 (1-2)	SS-15 (1-2)	SS-16 (1-2)		
Arsenic	6,520	4,130	13,500	1,380	2,160	7,010	MDEGLE DWPC	MDEGLE DCC
							4,600 (SDBL = 5,800)	7,600
Iron	9,270,000	9,780,000	43,900,000	NT	3,740,000	14,100,000	6,000 (SDBL 12,000,000)	180,000,000
Chromium	NT	NT	NT	25,300	NT	NT	30,000	2,500,000
								3,300 (SDBL = 18,000)
								NLV

GROUNDWATER ANALYTES DETECTED IN EXCESS OF MDEGLE GRCC (UG/L)

Analyte	Location (Feet bg) / Concentration					MDEGLE GWIAC
	MW-1 (2)	MW-2 (1)	M-3 (1.5)	MDEGLE DWC	MDEGLE GSIC	
Iron	12,400	5,420	11,000	300	NA	NLV
Lead	25	8	28	4	ID	NLV

LEGEND



SS-11 = SAMPLE LOCATION (SES 9/21)

SAMPLE LOCATION DIAGRAM (R2)

DRAWN TNS

DATE 9/21/21

SCALE 1" = 150' +/-

PROJECT 21-1069

FIGURE 1



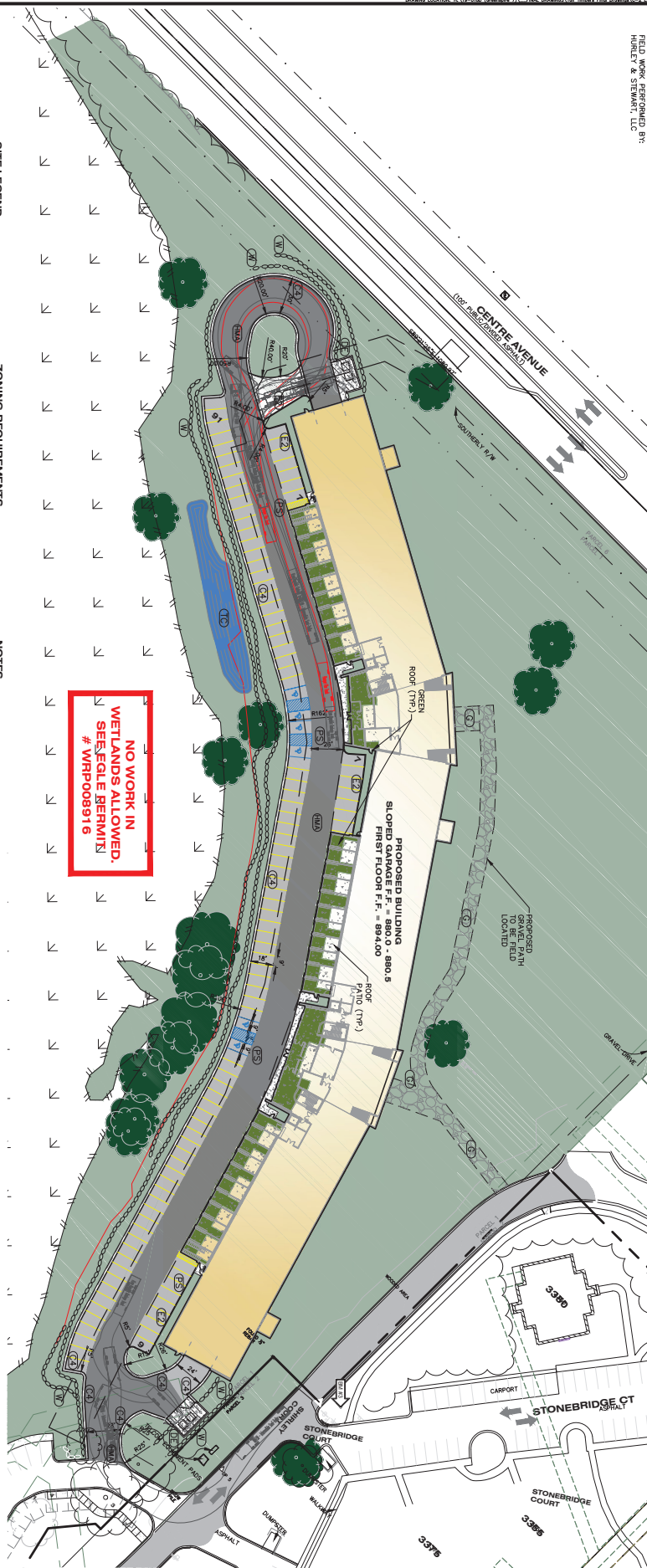
10-ACRE PARCEL
3413 W CENTRE AVE
PORTAGE, MI

Attachment E

Site Plan



ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS BASED ON RECORD DRAWINGS AND FIELD SURVEY. FIELD SURVEY RECORDS, THEY SHOULD NOT BE CONSIDERED TO BE THE ONLY UTILITIES IN THE AREA. FIELD WORK IS REQUIRED BY THE USER. HURLEY & STEWART, LLC



SITE LEGEND

- (1) HMA PAVEMENT
- (2) C&G AND GUTTER
- (3) CURB AND GUTTER
- (4) PAVEMENT STRIPING (8'x18')
- (5) WALL STONE
- (6) DUMPSTER ENCLOSURE
- (7) TREATMENT CELL
- (8) GRAVEL

LEGEND

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- PROPOSED BUILDING
- GREEN ROOF
- CONCRETE SIDEWALK
- HEAVY DUTY CONCRETE PAVEMENT
- CONCRETE CURB AND GUTTER
- TYPE VANCES
- CONCRETE STAINING WALL
- DETERMINED IN FIELD

ZONING REQUIREMENTS

- ZONING**
THE SITE IS ZONED PD (PLANNED DEVELOPMENT)
- SETBACKS**
FRONT - 30'
SIDE - 10'
REAR - 10'
- PROPOSED USE**
MULTI-FAMILY APARTMENTS
- PARKING**
TOTAL PARKING SPACES REQUIRED = 180 X 2 = 360 SPACES
TOTAL PARKING PROVIDED = 114 SPACES, LOT SPACES
BARBER FREE SPACES REQUIRED = 132 UNDER BUILDING
BARBER FREE SPACES REQUIRED LOT = 8 PROVIDED
ALL BARBER FREE SPACES DESIGNED PER ADA REQUIREMENTS
TYPICAL PARKING SPACE DIMENSION = 9'x18'
- BUILDING INFORMATION**
THE PROPOSED BUILDING HAS FIVE STORIES
FIRST FLOOR: 28,471 SF
SECOND FLOOR: 28,471 SF
THIRD FLOOR: 28,471 SF
FOURTH FLOOR: 28,471 SF
FIFTH FLOOR: 28,471 SF
SEE FLOOR PLAN AND ELEVATIONS FOR MORE DETAIL.
BUILDING HEIGHT = 69'-4"
- INTERIOR LANDSCAPING**
LANDSCAPING AREA REQUIRED = 1,288 SFT
LANDSCAPING AREA PROVIDED = 1,542 SFT

NOTES

1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/PARKS AT ALL BARRIER FREE ACCESS POINTS.
3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN CODE OF VEHICULAR TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
5. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF HIGHWAY CONSTRUCTION, 2012 EDITION, AND CITY OF PORTAGE STANDARDS FOR HIGHWAY CONSTRUCTION, 2012 EDITION.
6. THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND SHALL BE RESPONSIBLE FOR THE ATTENTION OF THE OWNER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REVISION MAY OCCUR.
7. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
8. ALL EXTERIOR CONCRETE SHALL BE ADOT GRADE P1 (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROWN FINISHED, CORING SEAL.
9. ANY BATHROOMS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
10. ALL CONSTRUCTION SIGNING TO BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF STANDARD PRACTICE, 2012 EDITION.
11. ALL LIGHTING SHALL BE UPGRADED TO MEET CURRENT PORTAGE STANDARDS. FIXTURES TO BE SHIELDED CUT-OFF STYLE. ANY ADDITIONAL FIXTURES TO BE NO GREATER THAN 25' HIGH.

LAYOUT PLAN GREENSPIRE TALL TIMBERS H&G II, LLC

Sheet Title:
Project:
Client:

C-2
2/28/22

Job No: 19-018D	P.M.T.HI	Drt: BSC	QA/QC: 2/25/22
ISSUED FOR/REVISIONS:			
1	PRELIMINARY SITE PLAN	05/26/21	
2	OWNER REVIEW	8/31/21	
3	CITY OF PORTAGE	9/3/21	
4	CITY OF PORTAGE	2/28/22	
COPYRIGHT © of Hurley & Stewart, LLC			



hurley & stewart, llc
2800 s. 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

TALL TIMBERS

DEVELOPMENT AGREEMENT AND BROWNFIELD REIMBURSEMENT AGREEMENT

THIS TALL TIMBERS DEVELOPMENT AGREEMENT AND BROWNFIELD REIMBURSEMENT AGREEMENT, is made and entered into effective as of the 12th day of July, 2022, by and among the City of Portage "Brownfield Redevelopment Authority" a Michigan public body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended, MCL 125.2651 et seq. ("Act 381"), whose address is 7900 South Westnedge Avenue, Portage, Michigan 49024 (the "Authority") and TALL TIMBERS PORTAGE, LLC a Michigan limited liability companies ("Developer").

RECITALS

- A. The Authority, and the City of Portage (the "City"), have determined that brownfield redevelopment constitutes the performance of an essential public purpose which protects and promotes the public health, safety and welfare.
- B. The City has established a Brownfield Redevelopment Authority and the Authority, and the City have adopted a Brownfield Plan specifically for this site (the "Plan"), pursuant to the provisions of Act 381.
- C. The Authority and the City have designated certain properties that have conditions of environmental contamination, blight or obsolescence as appropriate sites for creating a Plan.
- D. Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the "Increment" or "Tax Increment Revenue or "TIR") to brownfield sites constituting Eligible Property under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs of conducting Eligible Activities (these costs are referred to as "Eligible Costs") and permits the reimbursement to Developer of "Eligible Costs" it has incurred.
- E. Developer is the long-term ground lease lessee at the property in the City located at 3413 West Centre Avenue, Portage, MI 49024 (the "Property") and legally described and depicted on the attached Exhibit A as "Parcel A".
- F. The Property has been included in the Plan and qualified as an "Eligible Property" under the terms of Act 381.
- G. Developer intends to redevelop and improve the Property by constructing a four-story building(s) consisting of approximately 233,000 square feet on the Property containing approximately 180 total units consisting of 162 market-rate residential units and approximately eighteen (18) work force housing residential units together with surface and underground parking spaces ("Project"). The total investment for the Property and Project is estimated at \$42,000,000.00.
- H. The Project will require Developer to incur "Eligible Costs" including demolition, site preparation, infrastructure improvements or environmental activities to satisfy Due Care obligations under the Developer's Brownfield Plan and "381 Work Plan" dated June 28, 2022, all of which may require the services of various contractors, engineers, environmental consultants, attorneys and other professionals. The Eligible Costs are estimated at \$11,182,806.00. The parties are entering into this Agreement to establish the procedure for the reimbursement from Tax Increment Revenues under Act 381 as amended and to set forth the Authority's commitments to the Project and to establish the use of the Authority's Tax Increment Revenues to reimburse Developer for Developer's Act 381 Eligible Costs.
- I. The Authority may retain funds to pay Administrative Costs from the annual Tax Increment Revenues attributable to the Property. The amount the Authority may retain shall not exceed the actual administrative operating costs or the amounts permitted by Act 381.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth herein, the parties agree as follows:

1. Recitals. The above recitals are acknowledged as true and correct and are incorporated by reference into this Paragraph.

2. The Plan. The Plan, approved by the Authority and the Portage City Council, is attached as Exhibit B and incorporated as part of this Agreement. To the extent provisions of the Plan or this Agreement conflict with Act 381, Act 381 controls.

3. CONTINGENCIES: The obligation of Developer to develop the Project on the Property is contingent upon Developer's ability to secure the following:

3.1. Developer shall have obtained all necessary governmental and quasi-governmental approvals needed to develop the Property and permit the use of the Property for the Project, including, for example and not limitation, a special use permit, site plan approvals, zoning variances and/or rezoning, building permits, and any and all other permits, consents and final approvals and authorizations necessary to develop, construct and utilize the Property for the Project.

3.2 Approval by Michigan Economic Development Corporation ("MEDC") of the Act 381 Work Plan and other financial incentives needed by Developer for the Project and The Plan approved by the Authority and City Council.

4. Term of Agreement. Pursuant to the Plan, the Authority shall capture and reimburse Developer that amount of Tax Increment Revenues generated from real and personal property taxes allowed by law on the Eligible Property and based upon Developer's actual Eligible Costs. Capture of TIR and reimbursement of Developer's Eligible Costs is anticipated to begin in 2024, but the Project commencement and Completion Date could be delayed for up to 5 years after the approval of the Plan as permitted by Act 381, and will continue until the earlier of (hereinafter, the "End Date"):

4.1 Both the full reimbursement to the Authority of its Administrative Costs, and reimbursement to the Developer of Developer's actual Eligible Costs for those Eligible Activities set forth in Paragraph 6, plus an additional amount captured by the Authority for an additional five full years of tax capture ("Additional Authority Amount") such Additional Authority Amount to be designated for the Local Brownfield Revolving Fund "Local Fund"; or

4.2 30 years from the beginning date of the capture of Tax Increment Revenues, with the final five years designated for the Local Fund only.

The period of reimbursement to Developer under this Paragraph 4 shall be referred to as the "Reimbursement Term".

5. Evidence of Property Control. Prior to the execution of this Agreement, Developer has provided to the Authority a copy of its long-term ground lease agreement with its affiliate owner of the Property, Lakewood Management Company.

6. Eligible Activities. The Developer shall diligently pursue completion of the Eligible Activities summarized in the Plan and set forth in this Paragraph. The Authority shall reimburse the Developer for Eligible

Costs incurred and included in the Plan and may include environmental due diligence and Due Care Activities, site preparation, and infrastructure improvements which may require the services of various contractors, engineers, environmental consultants, attorneys and other professionals.

7. Reimbursement Source. During the term of this Agreement and except as otherwise set forth in this Agreement, the Authority shall reimburse the Developer for its Eligible Costs from all available Tax Increment Revenues collected from the real and personal property taxes on the Property.

8. Reimbursement Process.

8.1 Cost Reimbursement Request. The Developer will submit to the Authority the Eligible Costs incurred including the dates of each Eligible Activity, a detailed description of the work, proof of payment, detailed invoices for the costs involved for each Eligible Activity, and other back up documentation reasonably requested by the Authority, and a written statement certifying to the Authority that all such costs are "Eligible Costs"; and upon completion of the Project, a final certificate of occupancy to document project completion (the "Completion Date"). After Developer has completed the Project and in no event more than 18 months following the Completion Date the Developer will submit to the BRA the above documentation of the Eligible Costs incurred by Developer for the Project. Failure to provide the above noted information when due, or within the time permitted by the Authority may result in foregone reimbursement, to the Developer by the Authority, for Eligible Costs that have not been requested within the timeframe described above.

8.2 Authority Staff Review. The Authority Staff shall review each reimbursement request within 30 days after receiving it. If Authority Staff determines that the documentation submitted by the Developer is not complete, then Developer shall cooperate in the Authority's review by providing, within 30 days of the Authority's request, any additional documentation of the Eligible Costs as deemed reasonable and necessary by the Authority in order to complete its review. Within 45 days following the receipt of such supplemental information, the Authority shall make the determination of whether the submittals of incurred costs are Eligible Costs. If the Developer wishes to challenge that determination, it shall provide written notice to the Authority within thirty (30) days of the determination, and the issue shall be brought to the Authority within 45 days thereafter for a final determination. The Developer shall not have any further appeal rights to challenge the final determination of the Authority and shall not be entitled to any claim or cause of action against the City or the Authority as a result of any determinations made in good faith regarding whether or not any cost submitted by the Developer constitutes an "Eligible Cost," and hereby grants the City and the Authority and their respective officers, agents and employees, a complete release and waiver of any claims or causes of action as a result of the foregoing.

8.3 Reimbursement. After collection of each of the summer and winter taxes on the Property, the Authority shall reimburse its Eligible and Administrative Costs and pay approved Eligible Costs to the Developer from Tax Increment Revenues that are generated from the Property in accordance with the Plan and Paragraph 7 to the extent that taxes have been captured and are available in that fiscal year. Under Act 381, the Authority shall collect one hundred percent (100%) of Tax Increment Revenues from the Project for purposes of reimbursing Developer for its Eligible Costs until Developer is fully reimbursed and the Authority has been reimbursed its Administrative Costs. Simple interest at the rate of three percent (3%) per annum ("**Interest**") shall accrue on all approved Eligible Costs as described in the Plan, in each case calculated from the date that the Authority approves the Developer's request for reimbursement for the pertinent Eligible Costs until such Eligible Costs are reimbursed in full. Interest will be calculated at the end of each calendar year based on the total unreimbursed Eligible Costs outstanding at the time (other than accrued Interest). Principal amounts of the Eligible Costs shall be reimbursed to the Developer prior to Interest accruing thereon. In the event that there are insufficient Tax Increment Revenues available in any given year to reimburse all of the Authority's Administrative Costs and Developer's Eligible Costs, as such Administrative Costs and Eligible Costs are described in this Agreement and

in the Plan, then the Authority shall reimburse the Authority or Developer only from available Tax Increment Revenues. Once the Authority is fully reimbursed for its Administrative Costs, the Developer shall receive the available Tax Increment Revenue, less Administrative Costs, during the term of this Agreement, until all of the amounts for which submissions have been made have been fully paid to the Developer, or the repayment obligation expires, whichever occurs first. The Developer shall not be entitled to reimbursement under this Agreement unless all real and personal property taxes have been timely and completely paid, including all penalties, interest and other amounts due in relation thereto when due. For purposes of this Agreement, to be timely paid, taxes must be paid before the date on which they can no longer be paid without penalties or interest. The repayment obligation under this Agreement shall expire on the End Date.

8.4 Method of Reimbursement. The Authority will reimburse the Developer for Eligible Costs as follows:

Checks shall be payable to and delivered by certified mail (or through electronic transfer if available through Developer) to:

Lakewood Management
c/o Ryan Minier, CFO
4200 W. Centre Ave
Portage, MI 49024

9. Adjustments. The parties acknowledge that adjustments regarding the amount of Tax Increment Revenue paid to the Developer may occur under any of the following circumstances:

9.1 Audit or Court Ruling: In the event that a state agency of competent jurisdiction conducting an audit of payments made to the Developer under this Agreement or a court of competent jurisdiction determines that any portion of the payments made to the Developer under this Agreement is unlawful, the Developer shall pay back to the Authority that portion of the payments made to the Developer within 30 days of the determination made by a state agency or the court as the case may be. However, the Developer shall have the right, before any such repayment is made, to appeal on its or the Authority's behalf, any such determination made by a state agency or court as the case may be. If the Developer is unsuccessful in such an appeal, the Developer shall repay the portion of payments found to be unlawful to the Authority within thirty (30) days of the date when the final determination is made on the appeal. The Developer shall be responsible for payment of all of the City and Authority's legal fees associated with any determination of whether a cost for which reimbursement is requested constitutes an "Eligible Cost" and all of the City's and Authority's legal fees associated with the review or determination of such issues by any state agency or court.

9.2 Property Tax Appeal: In the event the Developer, or any other owner of real estate on the Property, files an appeal with the Michigan Tax Tribunal, related to the taxable value of parcels of property included in the Brownfield Plan, the Authority shall do the following:

- a. Any Tax Increment Revenue that is collected shall be held in a separate account of the Authority until the pending appeal is adjudicated;
- b. Once any tax appeals are adjudicated, the Authority will either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or will resume payments to Developer based upon the conclusion of such tax appeal pursuant to Section 8 of this Agreement.

9.3 Reduction of Property Assessments: If Developer successfully petitions the Michigan Tax Tribunal (Tribunal) to lower the assessments levied by the City against the Property for tax purposes, the provisions under Paragraph 8.3 may require a redetermination regarding the amount of TIR that would be captured

over the remaining Reimbursement Term of this Agreement as a result of such lower assessments. If such amount is less than the actual amount of TIR that Authority has already paid to the Developer, Developer shall reimburse Authority the difference between the total amounts of adjusted TIR captured over the balance of the Reimbursement Term of this Agreement and the amount actually paid to Developer. Otherwise, any refund due Developer as a result of the lower assessments is limited only to the amount such refund exceeds the amount of TIR paid to Developer for those years covered by the Tribunal's order.

10. Responsibilities of Developer. In consideration of the inclusion of the Property into the Plan and the resulting financial benefits, which it expects to receive, Developer agrees to the following (collectively the "Undertakings"):

10.1 Project. At its sole expense, Developer shall use its best efforts to conduct the activities described in the Plan and construct the Project. Subject to matters beyond the reasonable control of Developer (e.g., matters of force majeure, war, acts of God, the covid-19 pandemic or a future similar pandemic, failure to obtain governmental approvals, etc.) ("Force Majeure"), Developer shall commence construction of the Project within a commercially reasonable time after the date that Developer secures all necessary approvals, authorizations, permits and entitlements for the Project and otherwise satisfies all requirements of Developer's lenders or other financing parties for the Project, but in no case later than 8/9/2024 (collectively, the "Approvals", and such date on which Developer is required to commence construction being the "Commencement Date"), and shall use commercially reasonable efforts to substantially complete the Project - defined as date when Developer receives a temporary or final occupancy permit from the City - within thirty-six (36) months of the Commencement Date. Under no circumstances shall the Authority have any responsibility or liability for remediation or redevelopment of the Property, or for conducting any "Eligible Activities" at the Property, except for its obligations under this Agreement to provide funds to the extent available as permitted in Paragraph 8 hereof with respect to payments from Tax Increment Revenues.

10.2 Work Force Housing Developer commits to an allocation of eighteen (18) Workforce Housing Units within the residential component of the Project (the "**Workforce Housing Set-Aside**"), upon the following terms and conditions:

i. For purposes of this Agreement, the term "**Workforce Housing Units**" or "**WFH Units**" shall mean units offered at the rental rates specified in Paragraph 10.2 (ii) below. The Workforce Housing Units shall be "floating" units in that such Units may be relocated within the Project from time-to-time during the Reimbursement Term (as defined below) provided that Developer maintains the minimum number of Workforce Housing Units required to satisfy the Workforce Housing Set-Aside during the Reimbursement Term.

ii. Subject to the terms herein, monthly rent for a Workforce Housing Unit shall not exceed the "Rent by Bedroom" rates as published in the Michigan State Housing Development Authority Income and Rent Limits report for Kalamazoo County in effect at the time the lease for the Workforce Housing Unit is executed (the "**MSHDA Rent Report**"), in accordance with the following proportions:

1. Monthly rent for six (6) of the WFH Units shall not exceed Rent by Bedroom at 80% per Exhibit C. Two (2) of these units will be a 2-bedroom unit.

2. Monthly rent for six (6) of the WFH Units shall not exceed Rent by Bedroom at 100% per Exhibit C. Two (2) of these units will be a 2-bedroom unit.

3. Monthly rent for six (6) of the WFH Units shall not exceed Rent by Bedroom at 120% per Exhibit C. Two (2) of these units will be a 2-bedroom unit.

“Monthly rent” shall include gas, water, heat and electric. “Monthly rent” shall exclude parking, security deposits, internet service, application fees, storage, pet fees and similar fees and deposits.

iii. Monthly rent charged for the WFH Units will increase or decrease from time to time during the Reimbursement Term in accordance with increases or decreases in the “Rent by Bedroom” rates published in the MSHDA Rent Report; provided, however: (A) such increases or decreases in Monthly rent shall only affect new leases for WFH Units executed after the changed “Rent by Bedroom” rates are published in the MSHDA Rent Report; and (B) in no event shall the Monthly rent charged for the WFH Units decrease below the “Rent by Bedroom” rates published in the MSHDA Rent Report as of April 1, 2022, which is attached as Exhibit C.

iv. If the MSHDA Rent Report is no longer published during the Reimbursement Term, Monthly rent for new leases of WFH Units shall be based on 30% of Gross Annual Area Median Income for the Portage-Portage MSA as published by the U.S. Department of Housing and Urban Development (“HUD”), divided by 12, and adjusted to “Rent by Bedroom” rates in the same proportions as set forth in the last published MSHDA Rent Report.

v. The WFH Unit types (studio, 1 Bedroom, 2 Bedroom, etc.) sizes, quantities, and location will be determined by Developer in its sole discretion.

vi. The Workforce Housing Set-Aside component of the Project as described in this Paragraph 10.2 shall expire automatically upon the expiration of the Reimbursement Term.

vii. Subject to subsection (ix) below, Developer is entitled to retain and exercise full and exclusive authority for the management of its operations, and shall remain the sole judge in selecting tenants for the Workforce Housing Units, utilizing the same tenant selection and screening criteria as used by Developer for the non-WFH Units.

viii. Upon request by the Authority, but not more than once annually, Developer shall provide a written certification annually to the BRA (which will be due to the Authority on March 1 of the following calendar year), certifying as to Developer’s compliance with the Workforce Housing Set-Aside.

ix. If the Authority believes that Developer has not met its obligations pursuant to this Paragraph 10.2, the Authority shall provide a written document to Developer describing in reasonable detail, the specific obligation not being satisfied, including an analysis of such non-performance (a “**Written Notice**”). Within 10 days after receipt of the Written Notice, Developer shall respond in writing, either a) agreeing to the Authority’s findings and including a written plan for achieving compliance with this Paragraph 10.2 that is acceptable to the Authority, or b) disagreeing with the Authority’s findings and the reasons therefor. If Developer disagrees with the Authority’s position, Developer and the Authority shall meet (one or more times) within 30 days following the date of the Written Notice to attempt to resolve the WFH issues raised in the Authority’s Written Notice. Should those meetings fail to reach a resolution satisfactory to the parties the Developer shall not have any further appeal rights to challenge the final determination of the Authority and shall not be entitled to any claim or cause of action against the City or the Authority as a result of any determinations made in good faith regarding whether or not the Developer is complying with the obligations of Paragraph 10.2 and hereby grants the City and the Authority

and their respective officers, agents and employees, a complete release and waiver of any claims or causes of action as a result of the foregoing.

Authority agrees and acknowledges if Developer terminates this Agreement for a failure of any of the contingencies set forth in Paragraph 3 hereof, or does not otherwise proceed with the development for any other reason, the foregoing Undertakings in Section 10.2 shall be void and of no force or effect.

10.3 Ordinances. Develop the Property, including landscaping and all other improvements required for the Project, in compliance with all local ordinances, site plan reviews and this Agreement. The improvements to the Property shall be subject to all zoning approvals. This Agreement does not obligate any governing municipality to grant any such approvals.

10.5 Project Sign. Place on the Property during the Project a development sign provided by the Authority to promote the Project and the Authority's participation in it.

10.6 Promotion and Marketing. Permit the Authority to cite or to use any renderings or photographs or other materials of the Project as an example of private/public partnership and brownfield site redevelopment.

10.7 Cooperation. Assist and cooperate with the Authority in providing information that the Authority may require in providing necessary reports to governmental or other agencies, including, but not limited to, information regarding the amount of Developer expenditures and capital investments, jobs created, and square footage developed or rehabilitated with respect to the Project.

10.8 Payment of Authority Legal and Professional Fees. To the extent the following costs and fees under paragraph 4.1 or 8.3 hereof are not paid to the Authority from Tax Increment Revenues it receives under paragraph 4.1 or 8.3 hereof, the Developer shall reimburse the Authority for its legal and professional fees and disbursements incurred in connection with the review, approval and administration of the Plan for this Project, including any further amendments thereto; the preparation and negotiation of this Agreement, as it may be amended from time to time; and all documents and matters related thereto, including future expense. Developer shall reimburse the Authority for such expenses within 30 days from the date that the Authority sends an invoice and request for payment to Developer, provided Developer shall be eligible for reimbursement for such expenses to the extent permitted by law from Tax Increment Revenues.

11. Responsibilities of the Authority. In consideration of the preceding commitments of Developer the Authority further agrees to:

11.1 Cooperation. Cooperate and utilize its best efforts to obtain any governmental approvals required to close the transaction contemplated by this Agreement.

11.2 Reimbursement of Eligible Costs. Authority shall extend to Developer the benefits outlined in the Plan, subject to the provisions of Act 381 (Brownfield Redevelopment Financing Act of 1996 as amended). Those benefits include reimbursement for Eligible Activities, plus the Interest thereon, from Authority Tax Increment Revenues as more fully set forth in Paragraph 7. These Eligible Cost activities may include, without limitation, demolition, site preparation (soil removal, grading, filling, etc.), parking facility and other infrastructure improvements, environmental assessment, due care obligations, or environmental response activities; and the services of various contractors, engineers, environmental consultants, attorneys and other professionals retained regarding such activities, in each case to the extent included in the Plan. Developer has undertaken discussion with the City regarding Eligible Activities that will be incurred by Developer and the

Plan reflects those discussions. The Plan, as approved by the Authority and the City Council of the City of Portage as it relates only to the Property is attached as Exhibit B and incorporated as part of this Agreement. To the extent provisions of the Plan or this Agreement violate or would cause any party to be in violation of Act 381, Act 381 controls.

11.3 No official, board member, officer or employee of Authority or the City is personally liable to Developer or its successor in interest upon a breach or default by Authority for any amount payable to Developer or its successor or any obligation under this Agreement.

11.4 The Authority represents and warrants that it has the full authority to enter into and perform this Agreement in accordance with its terms, without breaching or defaulting on any obligation or commitment that it has to any third parties.

12. Developer's Representations, Warranties and Covenants. The Developer hereby makes the following representations, warranties and covenants:

12.1 Eligible Property. The Property is "eligible property" as defined in Act 381 and is eligible for the capture of Tax Increment Revenues pursuant to Act 381.

12.2 Eligible Costs. The Developer will only submit for reimbursement under Paragraph 7 hereof such costs that it has reasonably determined are reimbursable in connection with "Eligible Activities" within the meaning of Act 381.

12.3 Due Authorization. The representatives signing this Agreement are duly authorized by the Developer to enter into this Agreement.

13. Events of Default. Each of the following shall constitute an event of default:

13.1 Any representation or warranty made by the Developer in this Agreement proves to have been incorrect or incomplete in any material respect when made or deemed to be made.

13.2 Developer's failure for reasons other than Force Majeure to observe or perform any covenant or agreement contained in this Agreement, or otherwise violates any term of this Agreement, and fails to perform such covenant or agreement or otherwise cure such violation within 45 days after written notice thereof shall have been given to the Developer by the Authority (subject to Developer's right to cure as provided in Section 14).

13.3 The Developer abandons or withdraws from the reuse and redevelopment of the Property or indicates its intention to do so.

13.4 The Developer fails to pay any funds within 60 days of the date due which are required to be paid to the Authority pursuant to this Agreement, including but not limited to its real and personal property taxes as set forth herein.

13.5 Except as provided in Section 22 of this Agreement, any assignment of this Agreement or the rights or obligations hereunder by Developer, or transfer or other conveyance of the Property, or transfer or other conveyance of more than fifty (50%) percent of the beneficial ownership interests or voting control of the Developer, in each case whether directly or indirectly, or if the Developer terminates its existence.

13.6 Any material provision of this Agreement shall cease to be valid and binding on the Developer or shall be declared null and void; the validity or enforceability of such provision shall be contested or denied by the Developer; or the Developer denies that it is bound by this Agreement.

14. Remedies upon Default. If any event of default as defined above shall occur and be continuing for 30 days (or such additional time as specified in Section 13) after written notice of default from the Authority specifying the alleged default (or such additional time as may be reasonably necessary to cure the default at issue provided that Developer has commenced such cure within the initial cure period described above and is proceeding in good faith to cure but not more than three (3) months), the Authority shall have the right, but not the obligation, to exercise any of the following rights and remedies either individually or concurrently:

- (a) withhold or suspend reimbursement to Developer for Eligible Costs from TIR until Developer has cured that default to the satisfaction of Authority. Any action by the Authority shall not under any circumstances extend the Reimbursement Term unless specifically approved by Authority. In the event Authority suspends or withholds reimbursement, and such default by Developer related to such suspension or withholding of reimbursement is not cured within 12 months from the end of any applicable cure periods specified under this paragraph 14 or 13, the Authority may terminate this Agreement upon written notice to Developer.
- (b) Receive reimbursement from the Developer for all costs which the Authority has incurred in connection with the Project, the Property, or this Development Agreement (within 30 days following demand); and
- (c) To secure any amount owed by Developer to Authority under this Paragraph, Authority has the right to place a lien against the Property in the same manner as delinquent taxes, including the accrual of interest, penalties and administrative expenses until the lien is fully satisfied.
- (d) All other remedies available at law or in equity.

In addition, if the Developer fails to substantially complete the Project within the timelines required by this Agreement, or if Developer otherwise defaults prior to substantial completion of the Project, Developer shall pay back to the Authority (within thirty (30) days following demand by the Authority) any amounts paid to Developer as reimbursement for Eligible Costs pursuant to the terms of this Agreement or otherwise.

Following a default by Developer, or following expiration or termination of this Agreement for any reason, Developer shall then be responsible for all subsequent Project costs, including Eligible Costs, without contribution from Tax Increment Revenues collected by the Authority from taxes levied on the Property.

15. Authority Default and Developer Remedies. If the Authority in any material respect fails to perform or provide the Incentives, and such undisputed failure continues for a period of thirty (30) days after written notice from Developer to the Authority specifying the alleged default (or such additional time as may be reasonably necessary to cure the default at issue provided that the Authority has commenced such cure within the initial thirty (30) days and are proceeding in good faith to cure but not more than three (3) months, the Developer shall have the option to exercise one or any combination of remedies under this Agreement or otherwise available at law or in equity, including without limitation:

- a. To withhold or suspend the performance of all or any of the Undertakings.
- b. To seek specific performance of the Authority under this Agreement.

c. To seek any other available remedies under the law.

16. Legislative Authorization. This Agreement is governed by and subject to the restrictions set forth in the Act. In the event that there is legislation enacted in the future which alters or affects the amount of Tax Increment Revenues subject to capture, Eligible Properties, or Eligible Activities, then the Developer's rights and the Authority's obligations under this Agreement may be modified accordingly by agreement of the parties.

17. Freedom of Information Act. Developer stipulates that all petitions and documentation submitted by Developer shall be open to the public under the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCL 15.231 et seq., and no claim of trade secrets or other privilege or exception to the Freedom of Information Act will be claimed by Developer as it relates to this Agreement or petitions and supporting documentation.

18. Plan Modification. The Plan and this Agreement may be modified to the extent allowed under the Act and the City's applicable Brownfield Redevelopment Policy (as amended from time to time) by mutual agreement of the parties.

19. Notices. All notices and other communications required or permitted under this Agreement shall be in writing, shall be deemed given when delivered, and shall be sent by personal delivery, overnight courier, or registered mail, return receipt requested, to the following addresses (or any other address that is specified in writing by either party):

If to Developer: TALL TIMBERS PORTAGE, LLC
Attn: Property Manager
4200 W. Centre Ave.
Portage, Michigan 49024,

With copy to: The Hinman Company
attn.: Property Manager
750 Trade Centre Way, Suite 100
Portage, MI 49002;

AND

LAKEWOOD MANAGEMENT COMPANY
Attn: Greg Dobson
4200 W. Centre Avenue,
Portage, Michigan 49024

If to the Authority: City of Portage Brownfield Redevelopment Authority
C/O Department of Community Development
7900 S. Westnedge Avenue
Portage, Michigan 49002

20. Indemnification. Developer shall defend, indemnify and hold harmless the Authority and the City, and any of their respective past, present and future members, officials, employees, agents or representatives from all losses, demands, claims, judgments, suits, costs and expenses (including without limitation the costs and fees of attorneys or other consultants) arising from or related to (i) the capture and use of Tax Increment Revenue paid

to Developer as a reimbursable payment under this Agreement made in excess of the amount of tax increment revenues the Authority is determined by the State or court to be allowed by law to use for that reimbursement, and (ii) the Project.

21. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Michigan.

22. Binding Effect/Third Parties. This Agreement is binding on and shall inure to the benefit of the parties to this Agreement and their respective successors, but it may not be assigned by any party without the prior written consent of the other party. The Authority shall not unreasonably withhold its consent to such assignment so long as the assignee assumes all of Developer's obligations and liabilities under this Agreement. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.

23. Waiver. No failure of either party to complain of any act or omission on the part of the other party, no matter how long this same may continue, is considered as a waiver by that party to any of its rights hereunder. No waiver by either party, expressed or implied, of any breach of any provision of this Agreement is considered a waiver or a consent to any subsequent breach of this same or other provision.

24. Authorization. Each of the parties represents and warrants to the other that this Agreement and its execution by the individual on its behalf are authorized by the board of directors or other governing body of that party.

25. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to the subject matter. There are no other understandings or agreements between them.

26. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

27. Additional Actions. Developer and the Authority agree to execute and deliver such additional documents and to perform such additional acts as may become necessary to effectuate the transfers contemplated by this Agreement.

28. Definitions. The following capitalized terms are used in this Agreement with the following meanings:

"**Administrative Costs**" means the Authority's out-of-pocket costs associated with the Project (including reasonable attorney fees and costs, environmental consulting fees and costs, and similar fees and costs) as well as the Authority's indirect costs associated with the Project (including allocation of the fixed costs of the Authority staff.)

"**Brownfield Plan**" is defined by Section 2(e) of Act 381;

"**Due Care Activities**" is defined by Section 2(m) of Act 381;

"**Eligible Activities**" is defined by Section 2(o) of Act 381;

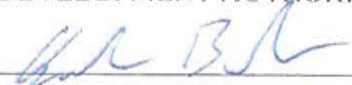
"**Eligible Property or Properties**" is defined by Section 2(p) Act 381;

"**Tax Increment Revenues**" is defined by Section 2(ss) of Act 381, and, for purposes of this Agreement, includes school taxes and local (non-school) taxes.

[Signature Page Follows]

In witness of their intent to be legally bound by the terms of this Agreement, each of the parties has set forth its signature below by its duly authorized representative.

CITY OF PORTAGE BROWNFIELD
REDEVELOPMENT AUTHORITY

By: 

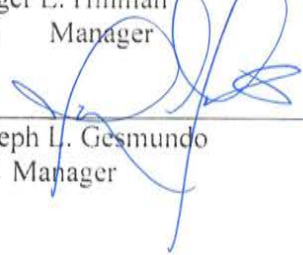
Print Name: Jacob Barker

Title: Chairman
BRA Chairperson

Date: July 11, 2022

TALL TIMBERS, LLC

By: 
Roger E. Hinman
Its: Manager

By: 
Joseph L. Gesmundo
Its: Manager

EXHIBITS:

A (Legal Description of Property)

B (Copy of the Plan)

C (MSHDA Rent Report)

Exhibit A – Legal Description

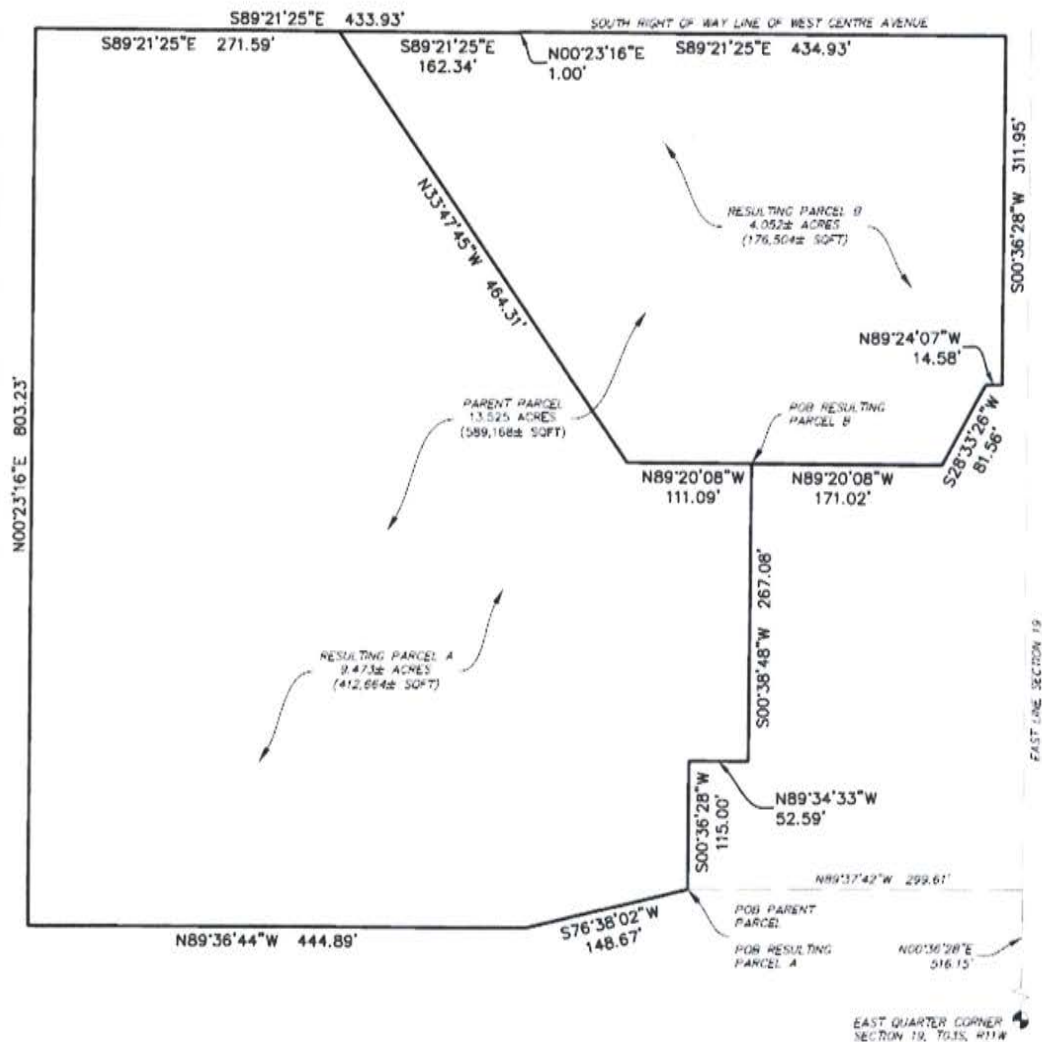
PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST QUARTER CORNER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 36 MINUTES 28 SECONDS EAST 516.15 FEET (SAID EAST LINE OF SECTION 19 BEING PREVIOUSLY DEEDED AND RECORDED AS NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST); THENCE NORTH 89 DEGREES 37 MINUTES 42 SECONDS WEST 299.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 76 DEGREES 38 MINUTES 02 SECONDS WEST 148.67 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS WEST 444.89 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 803.23 FEET; THENCE SOUTH 89 DEGREES 21 MINUTES 25 SECONDS EAST 271.59 FEET; THENCE SOUTH 33 DEGREES 47 MINUTES 45 SECONDS EAST 464.31 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 08 SECONDS EAST 111.09 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 48 SECONDS WEST 267.08 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 33 SECONDS WEST 52.59 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 28 SECONDS WEST 115.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 9.473± ACRES (412,664± SQFT). SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

[Exhibit A continued of following Page]

TENTATIVE PARCEL MAP

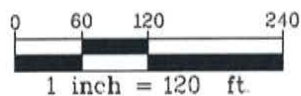
SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST,
CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN



LEGEND

- SET MONUMENT
- FOUND MONUMENT
- SET CAPPED REBAR
- FOUND IRON
- ⊗ SET CHISELED "X"
- ⊗ FOUND CHISELED "X"
- △ CONTROL POINT
- C= CALCULATED
- M= MEASURED
- R= RECORDED

NOTE: THIS IS NOT A BOUNDARY SURVEY



Drawn To:
1
1 OF 2

Title:
**TENTATIVE PARCEL MAP
TALL TIMBERS
AVB**

Job No: 19-0180
Date: 04/26/22
Scale: AS NOTED
F M TAX
E M ROR
04/26/22



Hurley & Stewart, Inc.
2000 S. 11th Street
Kalamazoo, Michigan 49006
269.552.4990 fax 269.552.4961
www.hurleyandstewart.com

**EXISTING (PARENT) PARCEL
PER "SURVEY SKETCH" PROVIDED BY LANDTECH 4/02/19**

PART OF THE NORTHEAST 1/4 OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN DESCRIBED AS: COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 19; THENCE NORTH 00°36'28" EAST ALONG THE EAST LINE OF SAID SECTION A DISTANCE OF 516.15 FEET (SAID EAST LINE OF SAID SECTION BEING PREVIOUSLY DEEDED AND RECORDED AS NORTH 00°29'46" WEST); THENCE NORTH 89°37'42" WEST A DISTANCE OF 299.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 76°38'02" WEST A DISTANCE OF 148.67 FEET; THENCE NORTH 89°36'44" WEST A DISTANCE OF 444.89 FEET; THENCE NORTH 00°23'16" EAST A DISTANCE OF 804.24 FEET; THENCE SOUTH 89°21'25" EAST A DISTANCE OF 433.93 FEET; THENCE NORTH 00°23'16" EAST A DISTANCE OF 1.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF CENTRE AVENUE; THENCE SOUTH 89°21'25" EAST A DISTANCE OF 434.93 FEET; THENCE SOUTH 00°36'28" WEST A DISTANCE OF 311.95 FEET; THENCE NORTH 89°24'07" WEST A DISTANCE OF 14.58 FEET; THENCE SOUTH 28°33'26" WEST A DISTANCE OF 81.56 FEET; THENCE NORTH 89°20'08" WEST A DISTANCE OF 171.02 FEET; THENCE SOUTH 00°38'48" WEST A DISTANCE OF 267.08 FEET; THENCE NORTH 89°34'33" WEST A DISTANCE OF 52.59 FEET; THENCE SOUTH 00°36'28" WEST A DISTANCE OF 115.00 FEET TO THE POINT OF BEGINNING. CONTAINING 589,168 SQUARE FEET OR 13.525 ACRES.

RESULTING PARCEL DESCRIPTIONS

RESULTING PARCEL 'A'

PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 36 MINUTES 28 SECONDS EAST 516.15 FEET (SAID EAST LINE OF SECTION 19 BEING PREVIOUSLY DEEDED AND RECORDED AS NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST); THENCE NORTH 89 DEGREES 37 MINUTES 42 SECONDS WEST 299.61 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 76 DEGREES 38 MINUTES 02 SECONDS WEST 148.67 FEET; THENCE NORTH 89 DEGREES 36 MINUTES 44 SECONDS WEST 444.89 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 803.23 FEET; THENCE SOUTH 89 DEGREES 21 MINUTES 25 SECONDS EAST 271.59 FEET; THENCE SOUTH 33 DEGREES 47 MINUTES 45 SECONDS EAST 464.31 FEET; THENCE SOUTH 89 DEGREES 20 MINUTES 08 SECONDS EAST 111.09 FEET; THENCE SOUTH 00 DEGREES 38 MINUTES 48 SECONDS WEST 267.08 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 33 SECONDS WEST 52.59 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 28 SECONDS WEST 115.00 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 9.473± ACRES (412,664± SQFT). SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

RESULTING PARCEL 'B'

PART OF THE NORTHEAST QUARTER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST, CITY OF PORTAGE, COUNTY OF KALAMAZOO, STATE OF MICHIGAN AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST QUARTER CORNER OF SECTION 19, TOWN 03 SOUTH, RANGE 11 WEST; THENCE ALONG THE EAST LINE OF SAID SECTION, NORTH 00 DEGREES 36 MINUTES 28 SECONDS EAST 516.15 FEET (SAID EAST LINE OF SECTION 19 BEING PREVIOUSLY DEEDED AND RECORDED AS NORTH 00 DEGREES 29 MINUTES 46 SECONDS WEST); THENCE NORTH 89 DEGREES 37 MINUTES 42 SECONDS WEST 299.61 FEET; THENCE NORTH 00 DEGREES 36 MINUTES 28 SECONDS EAST 115.00 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 33 SECONDS EAST 52.59 FEET; THENCE NORTH 00 DEGREES 38 MINUTES 48 SECONDS EAST 267.08 FEET TO THE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 20 MINUTES 08 SECONDS WEST 111.09 FEET; THENCE NORTH 33 DEGREES 47 MINUTES 45 SECONDS WEST 464.31 FEET; THENCE SOUTH 89 DEGREES 21 MINUTES 25 SECONDS EAST 162.34 FEET; THENCE NORTH 00 DEGREES 23 MINUTES 16 SECONDS EAST 1.00 FEET TO THE SOUTH RIGHT OF WAY LINE OF WEST CENTRE AVENUE; THENCE ALONG SAID SOUTH RIGHT OF WAY LINE, SOUTH 89 DEGREES 21 MINUTES 25 SECONDS EAST 434.93 FEET; THENCE SOUTH 00 DEGREES 36 MINUTES 28 SECONDS WEST 311.95 FEET; THENCE NORTH 89 DEGREES 24 MINUTES 07 SECONDS WEST 14.58 FEET; THENCE SOUTH 28 DEGREES 33 MINUTES 26 SECONDS WEST 81.56 FEET; THENCE NORTH 89 DEGREES 20 MINUTES 08 SECONDS WEST 171.02 FEET TO THE POINT OF BEGINNING. PARCEL CONTAINS 4.052± ACRES (176,504± SQFT). SUBJECT TO EASEMENTS AND RESTRICTIONS APPARENT AND OF RECORD.

Exhibit B – Copy of Brownfield Plan

Exhibit C (MSHDA Rent Report)
04/18/2022 INCOME AND RENT LIMITS

County: 39 Kalamazoo		Effective Date: 4/18/2022							
Income	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person	
20%	12,140	13,860	15,600	17,320	18,720	20,100	21,480	22,880	
25%	15,175	17,325	19,500	21,650	23,400	25,125	26,850	28,600	
30%	18,210	20,790	23,400	25,980	28,080	30,150	32,220	34,320	
35%	21,245	24,255	27,300	30,310	32,760	35,175	37,590	40,040	
40%	24,280	27,720	31,200	34,640	37,440	40,200	42,960	45,760	
45%	27,315	31,185	35,100	38,970	42,120	45,225	48,330	51,480	
50%	30,350	34,650	39,000	43,300	46,800	50,250	53,700	57,200	
55%	33,385	38,115	42,900	47,630	51,480	55,275	59,070	62,920	
60%	36,420	41,580	46,800	51,960	56,160	60,300	64,440	68,640	
70%	42,490	48,510	54,600	60,620	65,520	70,350	75,180	80,080	
80%	48,560	55,440	62,400	69,280	74,880	80,400	85,920	91,520	
100%	60,700	69,300	78,000	86,600	93,600	100,500	107,400	114,400	
120%	72,840	83,160	93,600	103,920	112,320	120,600	128,880	137,280	
125%	75,875	86,625	97,500	108,250	117,000	125,625	134,250	143,000	
140%	84,980	97,020	109,200	121,240	131,040	140,700	150,360	160,160	
150%	91,050	103,950	117,000	129,900	140,400	150,750	161,100	171,600	
Rent By Person	1 Person	2 Person	3 Person	4 Person	5 Person	6 Person	7 Person	8 Person	
20%	303	346	390	433	468	502	537	572	
25%	379	433	487	541	585	628	671	715	
30%	455	519	585	649	702	753	805	858	
35%	531	606	682	757	819	879	939	1,001	
40%	607	693	780	866	936	1,005	1,074	1,144	
45%	682	779	877	974	1,053	1,130	1,208	1,287	
50%	758	866	975	1,082	1,170	1,256	1,342	1,430	
55%	834	952	1,072	1,190	1,287	1,381	1,476	1,573	
60%	910	1,039	1,170	1,299	1,404	1,507	1,611	1,716	
80%	1,214	1,386	1,560	1,732	1,872	2,010	2,148	2,288	
100%	1,517	1,732	1,950	2,165	2,340	2,512	2,685	2,860	
120%	1,821	2,079	2,340	2,598	2,808	3,015	3,222	3,432	
125%	1,896	2,165	2,437	2,706	2,925	3,140	3,356	3,575	
140%	2,124	2,425	2,730	3,031	3,276	3,517	3,759	4,004	
150%	2,276	2,598	2,925	3,247	3,510	3,768	4,027	4,290	
Rent By Bedroom	0 Bedroom	1 Bedroom	2 Bedroom	3 Bedroom	4 Bedroom	5 Bedroom			
20%	303	325	390	450	502	554			
25%	379	406	487	563	628	693			
30%	455	487	585	675	753	831			
35%	531	568	682	788	879	970			
40%	607	650	780	901	1,005	1,109			
45%	682	731	877	1,013	1,130	1,247			
50%	758	812	975	1,126	1,256	1,386			
55%	834	893	1,072	1,238	1,381	1,524			
60%	910	975	1,170	1,351	1,507	1,663			
70%	1,062	1,137	1,365	1,576	1,758	1,940			
80%	1,214	1,300	1,560	1,802	2,010	2,218			
100%	1,517	1,625	1,950	2,252	2,512	2,772			
120%	1,821	1,950	2,340	2,703	3,015	3,327			
125%	1,896	2,031	2,437	2,815	3,140	3,465			
140%	2,124	2,275	2,730	3,153	3,517	3,881			
150%	2,276	2,437	2,925	3,378	3,768	4,158			

CITY OF PORTAGE, KALAMAZOO COUNTY

**RESOLUTION APPROVING AN AMENDED REDEVELOPMENT PLAN
BY ADDING BROWNFIELD PLAN NO. 10 FOR THE CITY OF PORTAGE
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the city Council of Portage, Kalamazoo County, Michigan, held at the City Hall, City Chambers, 7900 South Westnedge Avenue, Portage MI 49002 on the _____ day of _____ 2022 at 7:00 p.m.

PRESENT:

ABSENT:

Resolution offered by Councilmember:

Seconded by Councilmember:

WHEREAS, the City Council pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of the City of Portage (the "Authority") and have designated that all related activities shall proceed through the Authority; and

WHEREAS, the authority, pursuant to and in accordance with Section 13 of the Act, seeks approval by the City Council, of the Brownfield Plan (the "Plan") attached as Exhibit A hereto, to be carried out within the City of Portage, relating to the development of the property located at 3413 W. Centre Avenue in the City of Portage, Kalamazoo County, Michigan (the "Site"), as shown in Figures 1 of the Plan and more particularly described in the legal description of the property contained within the attached plan; and

WHEREAS, the City Council has reviewed the Plan, and was provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Section 14(5) of the Act; and

WHEREAS, the City Council has noticed and held a public hearing in accordance with Section 14 of the Act, and

WHEREAS, THE City Council makes the following determinations and findings:

1. The Amended Plan constitutes a public purpose under the ACT;
2. The Amended Plan meets all of the requirements for a Brownfield plan set forth in Section 13

of the Act;

3. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing.
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
6. The owner and/or developer of the property which is included in the Amended Plan shall finance all eligible activities under the Amended Plan and the Authority shall not issue any notes or bonds related to the Amended Plan.

WHEREAS, as a result of the review of the Amended Plan the City Council concurs with the approval of the individual plan granting a TIF capture period of 30 years.

NOW, THEREFORE BE IT RESLOVED THAT:

1. **Amended Plan Approved.** Pursuant to the authority vested in the City Council, by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form attached as Exhibit A to this Resolution.
2. **Severability.** Should any section, clause or phrase of this resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions of parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)

)

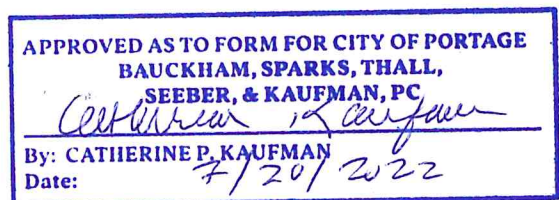
CITY OF PORTAGE)

I, the undersigned, the fully qualified and acting Clerk of the City of Portage, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of Portage at a regular meeting held on this _____ day of _____ 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this _____ day of _____ 2022.

Erica Eklov, City Clerk

Patricia M. Randall, Mayor



CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY

Monday July 11, 2022

8:00AM Portage

City Hall Conference Room 1

The City of Portage Brownfield Redevelopment Authority meeting of July 11, 2022, was called to order by Chair Barker at 8:04am.

In Attendance

Adam Herringa, Acting City Manager

Elliott Berlin, City Brownfield Attorney

Andrew Falkenberg, Deputy Assessor

Kelly Peterson, Director of Community Development

Biqi Zhao, Deputy Director of Planning and Zoning

Introductions

Introduction of Authority members, staff, applicants, and members of the public in attendance at the meeting were conducted.

Roll Call

Director Peterson called the roll: Chair Barker (yes); Vice Chair Alburtus (excused); Secretary/Treasurer Lenehan (yes); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (yes); Mr. Monroe (unexcused); Mr. Vomastek (excused); Mr. Campbell (yes).

Approval of Minutes

Motion by Mr. Herberg to approve the BRA Meeting Minutes of May 4, 2022. The motion was seconded by Mr. Barker. Motion carried 6-0.

New Business

Attorney Berlin provided a brief overview of the IPUSA Portage, LLC (801 E. Milham) Development Agreement, presented to the Authority for approval following the brownfield plan approval at the May 4, 2022, meeting. Mr. Galin inquired if there were any substantial changes to the project. The applicant's representative Joe Agostinelli confirmed there were none. Mr. Galin moved to approve the development agreement. Mr. Herberg seconded the motion. The Authority voted 6-0 to approve.

Mr. Greg Dobson, representing Tall Timbers Portage LLC (applicant) commenced a presentation on the Tall Timbers brownfield plan submitted to the Authority for review. He provided a brief project history of the collaboration between AVB and Hinman Co. to facilitate Tall Timbers at

3413 W. Centre Ave, which will be a residential-only phase of the existing Greenspire development. Mr. Dobson discussed that the residential project intends to address the City Council's goal of expanding housing availability in Portage, meet a broad range of demographic needs, offers a higher density development with walkable amenities that yields better land use, and will feature key elements including 10% workforce housing units, and LEED Certification that also support the City Council's strategic goals. He detailed some of the residential developments key features and infrastructure in relation to the brownfield application.

The Authority posed several questions about the adjacent state forest land, access management, utilities, green roofs on the top of external garages, property maintenance, site dewatering, and site history. Mr. Lewandowski inquired about the source of contamination. Mr. Dobson noted the presence of arsenic, iron, chromium, and lead and confirmed the source was unknown but could be related to a previous use (homes along W. Centre Ave) that were located as late as 1999. He advised the developer intended to obtain the limits of contamination and if possible, scoop and remove them from the site. Mr. Barker inquired about the accrued \$2.3 million in interest in relation to reimbursable activities. Mr. Dobson confirmed the accrued interest would be related to eligible expenses. Mr. Lenehan inquired about the completion date, which was confirmed by the applicant to be Summer 2024, with a phased approach to bringing the residential towers on line to make units available as expeditiously as possible. Project representative Rich MacDonald (Hinman Co.) discussed the involvement of the Michigan Economic Development Corporation (MEDC) from which the applicant will also be seeking approval of a state brownfield plan and advised that this is one of the first residential-only projects in non-core, non-urban areas in this region that MEDC has expressed a willingness to support.

Mr. Barker inquired about the analyses and impacts to the school millage revenue forgone versus the expected capture from the 180 residential units. Mr. Dobson advised the tax capture doesn't begin until after the 1st year. Mr. Galin advised that funding will be returned to the school district, as is standard, on a per pupil basis. Acting City Manager Herringa advised the Authority that the Administration is supporting this project as an exception to the City's current brownfield redevelopment incentive policy (which currently does not allow for residential projects) as it helps meet City goals, that the City is currently developing an updated policy to accommodate a broader set of needs, noting this project sets a high bar for future projects of this nature. He reminded the Authority that they are not only voting for the project, but also supporting an exception to the current policy in the recommendation to Council.

Mr. Galin inquired if it the Authority was within its rights to vote to approve a project outside of the City's current policy. Attorney Berlin confirmed that the current policy is in the process of being amended, but due to the timing of the applicant's state brownfield application timeline and the policy modifications currently underway, the Authority can be asked to make an exception. Mr. Herberg inquired about a potential date for the modified policy. Acting City Manager Herringa advised that it is anticipated a modified policy would be drafted and shared with the City Council this fall. Mr. Herberg wanted to confirm that there were no legal ramifications for violating or making an exception to the stated policy. Attorney Berlin advised that the City's policy is stricter than what the state brownfield law permits. He advised that as long as the

Authority is complying with the law, an exception to the current policy is effectively a temporary amendment to the policy. This is the same result that would occur if City Council moves to approve the project as an exception to the current City policy. Attorney Berlin advised that all brownfield applications are always discretionary to the Authority and Council. Mr. Herberg asked for confirmation that the Michigan state law currently allows brownfield plans for residential projects. Attorney Berlin confirmed that yes, residential projects are currently allowed within the state law.

Mr. Lewandowski made inquiries about the project's LEED certification components and inquired about use of Consumers Energy Rebates. Mr. Dobson described the focus on mechanical and electrical systems, as well as aspects like green roofs and electric charging stations, and confirmed that the applicant will complete the process for LEED Certification and will consider utilizing rebates where applicable. Mr. Lewandowski inquired about future planned phases. Mr. Dobson described a remaining parcel, known as Phase 8 (located on Parcel B in the proposed brownfield application), approved by the Council that is anticipated to have 120 residential units over 30,000 square feet of retail, and parking which may front W. Centre and create additional walkable, mixed-use amenities in a suburban environment. Attorney Berlin provided clarification to the Authority about Parcel A and Parcel B in the submitted brownfield plan, confirming that the current Development Agreement under review by the Authority only applies to Parcel A, which will be the site of Tall Timbers.

Mr. Lewandowski moved to approve the application for Tall Timbers as presented. Acting City Manager reminded the Authority to make a motion with the recommended language in the City's report, detailing that the application is approved as an exception to the current City policy. Mr. Lewandowski made a motion to approve the project using the recommended motion language which was to approve and recommend to City Council the Tall Timbers Portage LLC brownfield application as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, with a condition to execute a mutually agreed upon development or reimbursement agreement. Mr. Herberg seconded the motion. The Authority voted to approve 6-0.

The meeting was adjourned at 9:18am.

Respectfully submitted,

K. Peterson
Director of Community Development

August 3, 2022

Ms. Michelle Audette-Bauman, EDFP
Senior Community Assistance Team Specialist
Michigan Economic Development Corporation
300 N. Washington Square
Lansing, Michigan 48913

RE: Support for Tall Timbers Project, Portage, Michigan

It is my pleasure to provide Southwest Michigan First's support for the Tall Timbers Project in Portage, Michigan. As we continue our economic development retention and attraction work in Southwest Michigan, housing plays an important role. In particular, housing that provides both new opportunities and also helps to free up other existing workforce housing. When our customers are evaluating where to locate a project, they are not only looking for what the community has to offer today but also what is planned in the next 3-5 years for their future employees. In addition to new companies coming into the area, a project like Tall Timbers is also beneficial to local companies like Pfizer and Stryker who have been actively hiring new employees in Portage.

In addition to providing housing for Portage and Southwest Michigan, Tall Timbers has many unique characteristics that interest companies that are looking to join, grow and expand in our region. Those project characteristics include but are not limited to the following:

- The project size at 180 units of apartments on a dense site is helpful from an immediate impact standpoint.
- 10% of the units have been reserved for workforce housing, something that is beneficial to the community.
- An urban feel project with a high degree of walkability to services while being just a few hundred yards away from outdoor activities.
- A high-quality project which is also the first LEED Gold, multi-family residential project in Portage.
- The regions that Portage and Southwest Michigan recruit against have this type of highly desirable housing in suburban settings.
- Both the MEDC and Southwest Michigan First need housing like this to support growth and attraction projects.

The developers, Joe Gesmundo of AVB and Roger Hinman of the Hinman Company, have a long history of successful residential, office, commercial and mix-used projects in Southwest Michigan. We know that you can expect a quality project with these Portage-based developers.

Please feel free to reach out with any questions or concerns.



Jonas Peterson
CEO



August 4, 2022

Ms. Michelle Audette-Bauman, EDFP
Michigan Economic Development Corporation & MSF
300 N. Washington Square
Lansing, MI 48913

Re: Support for Tall Timbers Multi-Family Project – Portage, MI

Dear Michelle,

We are familiar with the new construction Tall Timbers project being proposed in the City of Portage by regional developers, The Hinman Company and AVB. The project consists of 180 units of new construction on a properly zoned brownfield site and will be LEED certified and will have an emphasis toward providing workforce housing.

We urge local, regional, and state leaders to continue to support projects like this. The creation of more, high quality workforce housing in the region is necessary and will support Battle Creek Unlimited's efforts in job creation and job attraction at important regional sites like the Fort Custer Industrial Park and the Marshall Mega Site.

Regards,

A handwritten signature in blue ink, appearing to read "Joe Sobieralski", is written over a blue ink scribble.

Joe Sobieralski
President & CEO



MICHIGAN ECONOMIC
DEVELOPMENT CORPORATION

July 1, 2022

Rich MacDonald
Tall Timbers, LLC (“Applicant”)
4200 West Centre Avenue
Portage, Michigan 49024

Re: Letter of Interest – Tall Timbers (TIF) (“Project”)

Dear Rich MacDonald:

Thank you for giving the Michigan Economic Development Corporation (the “MEDC”) the opportunity to review your proposed Project in the City of Portage. We appreciate the economic development benefits that this project is intended to achieve. The project is anticipated to redevelop a brownfield site to create a new multifamily development with structured parking and these improvements are likely to have a positive impact on the local and state economy.

The MEDC provides administrative services, including making recommendations to the Michigan Strategic Fund (the “MSF”), a public-body corporate and politic (the “MSF”). The MSF’s community development programs administered by the MEDC are designed to advance community development by means of economic support to eligible projects. The MEDC recognizes the potential impact of this Project. Based on the MEDC’s preliminary review of the information provided, and subject to the conditions set forth below, the MEDC is interested in continuing discussions with you toward a possible recommendation to the MSF to approve economic support for the Project.

In Michigan, the Brownfield Redevelopment Financing Act, 1996 PA 381, as amended (“Act 381”) authorizes and permits the use of State and local tax increment financing to help reduce the burden of brownfield related costs when redeveloping affected properties. Brownfield tax increment financing for the Project, specific to reimbursement of non-environmental MSF eligible activities, may be recommended for an award by the MEDC to the MSF based on the support provided through both local and State tax millages.

Please work closely with the undersigned to identify a realistic timeframe for the MEDC to be in a position to finalize a recommendation to the MSF and to identify application material deadlines.

This letter does not embody all of the terms and conditions of the Brownfield TIF program and is not intended to be a legally binding agreement. This letter should not in any way be viewed as a commitment by, or an obligation of the MEDC, the MSF or any other entity to extend economic support of any kind to the Applicant or for the Project. Proceeding toward an MEDC recommendation and finalizing an MSF award for the Project is contingent upon several factors, the form, substance and results of which must be satisfactory to the MEDC and the MSF including without limitation: (i) submission by the Applicant of a completed application and all other documentation as required, (ii) local support, as applicable, (iii) available MSF funding, as applicable (iv) completion of financial review, as applicable, (v) required background checks, and all other business and legal review and due diligence, (vi) approval of an award by the MSF Board, and (vii) as applicable, execution of the final project documents by all required parties with



established performance based milestones, reporting requirements and all other required terms and conditions.

If you are interested in continuing discussions with the MEDC about your Project, please sign and date this letter and return to the MEDC by Friday, July 8, 2022 or this letter of interest will expire. Additionally, Projects that fail to receive an MEDC recommendation which results in MSF approval of an award by Friday, January 13, 2023 may be reconsidered against the community development project pipeline.

Thank you for the opportunity to review your Project. If you have any questions, please contact me any time at (269) 568-0371 or by email at audette-baumanm@michigan.org.

Sincerely,

DocuSigned by:

Michelle Audette-Bauman

F1290615B68240B...

Michelle Audette-Bauman, Community Assistance Team Specialist
Michigan Economic Development Corporation

The Applicant acknowledges the above and is interested in continuing discussions with the MEDC.

Applicant:

DocuSigned by:

Rich MacDonald

59EBB821C76141B...

Tall Timbers, LLC ("Applicant")

By: Rich MacDonald

Its: Developer

Date: 7/1/2022

cc: Genna Hines, Managing Director - Regions 7, 8, 9
Jake Winder, Manager, Community Development Incentives
Julius Edwards, Director, Commercial Real Estate Investment
Kelly Peterson, Director of Community Development, City of Portage
Sharon Cassidy, Group Administrative Assistant

TO: Honorable Mayor and City Council

FROM: Pat McGinnis, City Manager

SUBJECT: IPUSA Brownfield Redevelopment Plan Amendment, 801 East Milham

SUPPORTING PERSONNEL: Adam Herringa, Deputy City Manager
Kelly Peterson, Director of Community Development

ACTION RECOMMENDED: Subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA Portage LLC, 801 E. Milham.

I. INTRODUCTION

The Brownfield Redevelopment Financing Act (PA 381 of 1996, as amended) ("Act") allows a city, village, township or county to establish a Brownfield Redevelopment Program for the purposes of facilitating the reuse of contaminated, blighted or functionally obsolete properties. Per the resolution adopted by the City Council in July 2001, the City of Portage Brownfield Redevelopment Program was established to facilitate reuse of environmentally distressed, functionally obsolete, and/or blighted buildings and property in the community. This economic development program is intended to place vacant and/or underutilized/blighted properties back into productive use, fostering reinvestment in the city and also discouraging sprawl development.

IPUSA Portage, LLC ("IPUSA") proposes to construct a new 240,000 square foot industrial building located on a vacant parcel located at 801 E. Milham Ave in the City of Portage. The development is speculative in nature. IPUSA is requesting to utilize tax increment financing for reimbursement of eligible expenses related to this project. As discussed below, IPUSA Portage, LLC's Brownfield Redevelopment Plan Application is eligible for tax incremental financing under the Act.

II. PROPOSED BROWNFIELD REDEVELOPMENT PLAN

Attached is a copy of the IPUSA Brownfield Plan and Development Agreement. The Council is advised that in the period since the Authority's approval of the documents (on May 4, 2022 and July 11, 2022 respectively), the applicant made modifications to the Plan and Development Agreement, which are reflected in this Council transmittal. The Brownfield Redevelopment Authority Board met on August 4, 2022 to review the modifications to the IPUSA Brownfield Plan and Development Agreement. The modification to the plan included a revised TIF table from the original 19-year TIF table to a 20-year TIF table, with figures updated accordingly, consistent with the twenty-year term throughout the submission materials. The modification to the Development Agreement was a correction in the recitals to confirm the interest rate of three percent (3%). The Board voted unanimously 6-0 to approve the modifications as presented at the August 4, 2022 meeting and recommend approval to the City Council.

The subject property consists of a single vacant parcel that is approximately 35.865 acres in size and is

located at 801 E. Milham Ave. in the City of Portage. IPUSA proposes to construct a new 240,000 square foot industrial building on the property. The project also involves site preparation and public infrastructure improvements to the subject property. The development is speculative in nature and does not have a lease signed with a tenant for the proposed building as of the drafting of the plan. As such, IPUSA is unable to anticipate the number of new jobs that will be created. The total capital investment on the project is expected to be approximately \$20 million. Pending approvals, construction on the project is anticipated to begin in the 2nd quarter of 2022 and will be completed by the 1st quarter of 2023.

The site is a contaminated eligible “facility” due to the presence of soil and groundwater contamination. Eligible activities associated with the site remediation efforts proposed to be funded through state and local tax reimbursement include the following:

Department of Environment, Great Lakes and Energy (EGLE) Eligible Activities

- Baseline Environmental Assessment

Local Tax Capture Only Activities

- Site Demolition
- Site Preparation: Surveying and Staking, Clearing and Grubbing, Strip and Stockpile Topsoil, Cut & Fill, Regrade Topsoil, Sitework Grading, Geotechnical Engineering, Soil Erosion Control, Security fencing, and Temporary Facilities
- Public Infrastructure Improvements: Water main, Urban Stormwater Management System
- Brownfield Plan Preparation

Because the City of Portage is a “qualified local unit of government”, certain non-environmental costs can be reimbursed through a brownfield plan. IPUSA's Brownfield Plan includes non-environmental eligible costs for demolition, site preparation, and infrastructure improvement, among others.

IPUSA's Brownfield Plan includes capture of school taxes only to cover statutorily approved activities, and therefore IPUSA has indicated that they do not intend to submit an Act 381 Work Plan for approval by the Michigan's Department of Environment, Great Lakes, and Energy ("EGLE") and/or the Michigan Economic Development Corporation ("MEDC"). Statutorily approved activities for which IPUSA intends to seek reimbursement from school taxes include the Baseline Environmental Assessment.

III. ANALYSIS

As shown in Table 1 in the Brownfield Plan, the total cost of eligible activities, including contingency and interest, are anticipated to be \$2,146,901. Authority administrative costs are anticipated to be \$348,055. The capitalization of the Local Brownfield Revolving Fund is estimated to be \$1,199,080. The estimated cost of all eligible activities under this plan are summarized in Table 1. Capture of tax increment revenue for reimbursement of IPUSA's eligible expenses is proposed for 20 years. The [City of Portage Brownfield Redevelopment Incentive Policy](#) allows capture of tax increment revenue for 15 years, but allows flexibility in section 3.A.3.: *The City Council may increase the financial assistance and level of city participation, by granting a TIF capture period that exceeds 15 years but is not longer than 30 years, consistent with the requirements of Act 381 and objectives stated in this policy.*

The amounts shown below are the estimated revenues that will not be available to the taxing units. These

numbers may be adjusted by changes in millage rates or taxable values during the capture period for the Plan. There may be an increase in revenue for each taxing jurisdiction while the project is under construction. However, once the capture period begins, all taxing jurisdictions will have the revenue set at the pre-construction amount for the remaining life of the project.

First year estimated forgone revenue for the Project for:

- City of Portage – \$36,671
- County – \$27,001
- CCTA/KCTA - \$3.662
- KRESA – \$24,257
- KVCC – \$9,622
- Library – \$6,874
- School Sinking fund - \$1,719
- School Operating & SET – \$101,911 (only captured first year)

Total estimated forgone revenue during the capture period (20 years) for the Project:

- City of Portage – \$1,163,380
- County – \$855,868
- CCTA/KCTA - \$116,024
- KRESA – \$768,852
- KVCC – \$304,994
- Library – \$217,891
- School Sinking fund - \$54,501

IV. CONCLUSION

IPUSA's Brownfield Redevelopment Plan Application is eligible for tax incremental financing under the Act. Notwithstanding the above, approval of any Brownfield Redevelopment Plan Application is discretionary, and the ultimate decision to approve, or deny, an application lies with the Brownfield Redevelopment Authority ("Authority"). MCL § 125.2657. Though each plan is unique, the Council should generally consider the following when evaluating each plan:

- **Job Creation** (quality of the jobs created by a plan)
- **Investment** (how much it will cost to implement a plan)
- **Location** (whether a plan is in a blighted area where the Authority seeks redevelopment, and whether the proposed use is consistent with zoning and urban planning)
- **Project Type** (whether the plan is a project that the City wants to encourage in the community).

Along with the above considerations, the City of Portage Brownfield Redevelopment Incentive Policy ("Policy") lists a number of factors for the Council to consider. As explained in the Policy, the City Council will use the following criteria when reviewing applications:

- The plan will facilitate the environmental clean-up to accepted State of Michigan standards and the productive reuse of one or more distressed properties.

- The plan will facilitate the demolition and removal of a functionally obsolete building and site conditions, or a blighted building and site condition.
- The plan involves property that is zoned for office, business or industrial use and/or is planned for office, business or industrial use in the Portage Comprehensive Plan.
- The financial incentives to be provided for the plan will not result in the impairment of the operation or the financial soundness of any affective taxing unit.
- A public purpose will be served (expanded tax base, additional employment, income and capital investment in the community).
- The plan will provide for an expansion of the employment base in the community.
- The plan's proposed facilities will be compatible with the present and future requirements for city services such as roads, utilities, and public safety.
- The applicant meets current financial obligations to the city, is in compliance with all applicable state and city codes and ordinances and has no pending or current litigation against the City.

V. RECOMMENDATION:

The Brownfield Redevelopment Authority unanimously approved and recommended the application be forwarded to City Council through a formal vote on May 4, 2022.

It is recommended that the Council, subsequent to the public hearing, consider approving the City of Portage Brownfield Redevelopment Plan, with Brownfield Redevelopment Plan Amendment No. 11, IPUSA, 801 E. Milham.

FUNDING: Please refer to financial analysis within the report and attachments.

- Attachments:**
1. Brownfield Redevelopment Authority Meeting Minutes 05 04 2022 Approved
 2. City Council Resolution for Brownfield Redevelopment Plan Amendment No. 11, IPUSA
 3. Brownfield Plan -IPUSA Portage 1 LLC_Revised 07 14 2022
 4. Development Agreement -IPUSA Portage 1 LLC Portage_ Revised 07 13 2022
 5. Brownfield Redevelopment Authority Meeting Minutes 07 11 2022 Approved

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY

Wednesday May 4, 2022

8:30AM Portage

City Hall Conference Room 1

The City of Portage Brownfield Redevelopment Authority meeting of May 4, 2022 was called to order by Chair Barker at 8:35am.

In Attendance

Elliott Berlin, City Brownfield Attorney]

Andrew Falkenberg, Deputy Assessor

Kelly Peterson, Director of Community Development

Introductions

Introductions of Authority members, staff, applicants, and members of the public in attendance at the meeting were conducted.

Roll Call

Ms. Peterson called the roll: Chair Barker (yes); Vice Chair Alburtus (excused); Secretary/Treasurer Lenehan (excused); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (yes); Mr. Monroe (yes); Mr. Vomastek (yes); Mr. Campbell (yes).

Approval of Minutes

Motion by Mr. Herberger to approve the BRA Meeting Minutes of June 18, 2020. The motion was seconded by Mr. Monroe. Motion carried 7-0.

New Business

A voting quorum at the meeting was confirmed by Chair Barker, who introduced the first item and turned over the floor to City Attorney Berlin for an overview of the applications.

Attorney Berlin presented an overview of the Kotobuki Seating, Inc. Brownfield Plan proposed for 5200 S. Sprinkle Road, confirming legal compliance and reviewing key figures of the proposed plan, reminding the Authority of the City's Brownfield Redevelopment Incentive Policy including evaluation criteria and recommendation process. Applicant, Mr. Hal Thomas (President of Kotobuki Seating International/CEO of Interkal Spectator Seating) answered Authority member questions about the property, ownership structure, project phasing and an overview of the business history and current activities of Kotobuki Seating, Inc. Additional questions were asked of the applicant regarding the size of building, timing of the project, and exterior site design, who provided responses and clarifications to the Authority.

Following this series of questions and answers between the Authority members and applicant, Chair Barker called for a vote. Mr. Galin made a motion to approve the application as presented. Chair Barker seconded the motion. The Authority voted 7-0 to recommend the the brownfield application for Kotobuki Seating, Inc. to the City Council.

Attorney Berlin then presented an overview of the IPUSA Partners Brownfield Plan for 801 E. Milham, confirming legal compliance and reviewing key figures of the proposed plan, reminding the Authority of the City's Brownfield Redevelopment Incentive Policy including evaluation criteria and recommendation process. The applicant's representative, Mr. Joe Agostinelli (Agostinelli Advisors) provided the Authority with additional information about the project, the ownership structure of IPUSA, describing it as a joint venture between Clark Logic and Great Lakes Capital who manage speculative building space in southwest Michigan and northwest Indiana, and detailing the statewide need for large warehouse space that is currently unmet.

Mr. Agostinelli confirmed that the project is speculative in nature, and that discussions are ongoing with potential tenants but that as of the meeting date, no letters of intent or leases had been signed. Authority members broached questions to Mr. Agostinelli about site access, traffic concerns, and neighborhood buffer issues. Staff confirmed that site plan access issues will be addressed through the site plan review process still underway, and that a traffic impact study would be required to address site access issues. It was also confirmed that the financing for the project is entirely private equity. Additional queries by the Authority members were made to the applicant representative about site history and contamination.

Chair Barker reviewed the evaluation criteria with the Authority, noting it was difficult to gauge the impact to jobs for the City, based on the application; presented questions about interest as an eligible activity, which Attorney Berlin confirmed was consistent with the City policy, depreciation, and tax captures. Discussion was held among Authority members. Mr. Vomstack inquired if the next step was for the application to be presented to the City Council and noted that the financial impact was much greater on the City than the schools as presented in the application. Additional questions and discussion were offered by the Authority members regarding site access, circulation, proximity to the railroad tracks, and buildable floor area.

Mr. Lewandowski inquired about the timing of the project. Mr. Agostinelli advised that the applicant hopes to break ground 30 days after all City approvals and permits are issued, and that the urgency of the project is related by a desire to have the project in place by Spring 2023. Chair Barker inquired how the project was intended to help correct areas with environmental damage if the intent is to build on top of the contamination. Mr. Campbell, speaking from his professional expertise as a geologist, was able to advise that the low concentration of heavy metals (such as zinc) found on site wouldn't migrate a significant distance (versus PFAS by comparison) or create exposure issues to drinking water. Additionally, he noted there are no wells on the site, the site accesses city water.

Mr. Vomastek moved to approve the application as presented. Mr. Monroe seconded the motion. The Authority voted 7-0 to recommend the application to the City Council.

Old Business

None

Adjournment

There being no further business to come before the Authority, Chair Barker requested a motion to adjourn the meeting. A motion was made by Mr. Lewandowski and was seconded by Mr. Vomastek. The Authority voted 7-0 to adjourn the meeting.

Respectfully submitted,

K. Peterson

Director of Community Development

T:\COMMDEV\2021 2022 Department Files\Board Files\Brownfield\May 4, 2022 BRA Meeting\DRAFT Brownfield Redevelopment Authority meeting minutes 05 04 2022.docx

CITY OF PORTAGE, KALAMAZOO COUNTY

**RESOLUTION APPROVING AN AMENDED REDEVELOPMENT PLAN
BY ADDING BROWNFIELD PLAN NO. 11 FOR THE CITY OF PORTAGE
PURSUANT TO AND IN ACCORDANCE WITH
THE PROVISIONS OF ACT 381 OF THE PUBLIC ACTS
OF THE STATE OF MICHIGAN OF 1996, AS AMENDED**

At a regular meeting of the city Council of Portage, Kalamazoo County, Michigan, held at the City Hall, City Chambers, 7900 South Westnedge Avenue, Portage MI 49002 on the _____ day of _____ 2022 at 7:00 p.m.

PRESENT:

ABSENT:

Resolution offered by Councilmember:

Seconded by Councilmember:

WHEREAS, the City Council pursuant to and in accordance with the provisions of the Brownfield Redevelopment Financing Act, Act 381 of the Public Acts of the State of Michigan of 1996, as amended (the "Act"), has formally resolved to participate in the Brownfield Redevelopment Authority (BRA) of the City of Portage (the "Authority") and have designated that all related activities shall proceed through the Authority; and

WHEREAS, the authority, pursuant to and in accordance with Section 13 of the Act, seeks approval by the City Council, of the Brownfield Plan (the "Plan") attached as Exhibit A hereto, to be carried out within the City of Portage, relating to the development of the property located at 801 E. Milham in the City of Portage, Kalamazoo County, Michigan (the "Site"), as shown in Figures 1 of the Plan and more particularly described in the legal description of the property contained within the attached plan; and

WHEREAS, the City Council has reviewed the Plan, and was provided a reasonable opportunity to express their views and recommendations regarding the Plan and in accordance with Section 14(5) of the Act; and

WHEREAS, the City Council has noticed and held a public hearing in accordance with Section 14 of the Act, and

WHEREAS, THE City Council makes the following determinations and findings:

1. The Amended Plan constitutes a public purpose under the ACT;
2. The Amended Plan meets all of the requirements for a Brownfield plan set forth in Section 13

of the Act;

3. The proposed method of financing the costs of the eligible activities, as described in the Plan, was feasible and the Authority has the ability to arrange the financing.
4. The costs of the eligible activities proposed in the Plan are reasonable and necessary to carry out the purposes of the Act; and
5. The amount of captured taxable value estimated to result from the adoption of the Plan is reasonable; and
6. The owner and/or developer of the property which is included in the Amended Plan shall finance all eligible activities under the Amended Plan and the Authority shall not issue any notes or bonds related to the Amended Plan.

WHEREAS, as a result of the review of the Amended Plan the City Council concurs with the approval of the individual plan granting a TIF capture period of 20 years.

NOW, THEREFORE BE IT RESLOVED THAT:

1. **Amended Plan Approved.** Pursuant to the authority vested in the City Council, by the Act, and pursuant to and in accordance with the provisions of Section 14 of the Act, the Amended Plan is hereby approved in the form attached as Exhibit A to this Resolution.
2. **Severability.** Should any section, clause or phrase of this resolution be declared by the courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.
3. **Repeals.** All resolutions or parts of resolutions in conflict with any of the provisions of this resolution are hereby repealed.

AYES:

NAYES:

ABSTAINED:

RESOLUTION DECLARED ADOPTED.

STATE OF MICHIGAN)

)

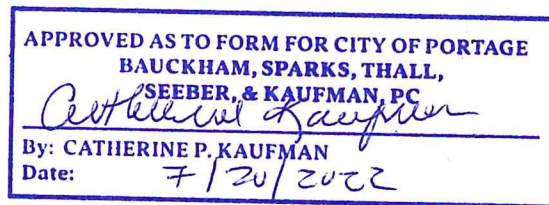
CITY OF PORTAGE)

I, the undersigned, the fully qualified and acting Clerk of the City of Portage, State of Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of Portage at a regular meeting held on this _____ day of _____ 2022, the original of which resolution is on file in my office.

IN WITNESS WHEREOF, I have hereunto set my official signature this ____ day of _____ 2022.

Erica Eklov, City Clerk

Patricia M. Randall, Mayor



ACT 381 BROWNFIELD PLAN

**IPUSA Portage, LLC
801 E. Milham
Kalamazoo County, City of Portage
City of Portage Brownfield Redevelopment Authority**

7/14/2022

Prepared by:
Joe Agostinelli
Agostinelli Advisors, LLC
1906 Forest Drive
Portage, MI 49002
269.567.0669

Approved by the Brownfield Redevelopment Authority on _____

Approved by the Portage City Council on _____

TABLE OF CONTENTS

1.0 INTRODUCTION

- 1.1 Proposed Redevelopment and Future Use for Each Eligible Property
- 1.2 Eligible Property Information

2.0 INFORMATION REQUIRED BY SECTION 13(2) OF THE STATUTE

- 2.1 Description of Costs to Be Paid for With Tax Increment Revenues
- 2.2 Summary of Eligible Activities
- 2.3 Estimate of Captured Taxable Value and Tax Increment Revenues
- 2.4 Method of Financing and Description of Advances Made by the Municipality
- 2.5 Maximum Amount of Note or Bonded Indebtedness
- 2.6 Duration of Brownfield Plan
- 2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions
- 2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property
- 2.9 Estimates of Residents and Displacement of Individuals/Families
- 2.10 Plan for Relocation of Displaced Persons
- 2.11 Provisions for Relocation Costs
- 2.12 Strategy for Compliance with Michigan's Relocation Assistance Law
- 2.13 Other Material that the Authority or Governing Body Considers Pertinent

EXHIBITS

FIGURES

- Figure 1 Legal Description and Map of the Eligible Property

TABLES

- Table 1 Eligible Activities Costs
- Table 2 Tax Capture Schedule
- Table 3 Reimbursement Schedule

ATTACHMENTS

- Attachment A Brownfield Plan Resolutions
- Attachment B Reimbursement Agreement
- Attachment C Verification of Facility Status
- Attachment D Soil Sampling Map
- Attachment E Site Plan

ACT 381 BROWNFIELD PLAN

1.0 INTRODUCTION

1.1 Proposed Redevelopment and Future Use for Each Eligible Property

The proposed project consists of the construction of a new 240,000 square foot industrial building located on a single 35.865 acre vacant parcel in the City of Portage, which is a qualified local governmental unit ("QLGU"). The project will involve preparing the site and installing the necessary infrastructure required to bring this class A industrial & warehousing space online in the City. A proposed site plan is included as Attachment E to this brownfield plan. The development is speculative in nature and does not have a lease signed as of the drafting of this plan. Therefore, the anticipated job creation, while anticipated to be significant given the size of the project, is unable to be identified at this time.

The total capital investment on the project is expected to be approximately \$20 million. Construction on the project is planned to begin in the 2nd quarter of 2022 and will be completed by the first Quarter of 2023.

1.2 Eligible Property Information

Basis of Eligibility

Environmental investigations were conducted by SME in 1992 and 2000 while Envirollogic conducted a Phase II ESA in January 2012. A soil sampling map is included as Attachment D. The results of the previously completed environmental investigations have identified the presence of selenium and arsenic in soil, as well as the presences of zinc in groundwater at concentrations in excess of the Michigan Department of Environment, Great Lakes and Energy ("EGLE") Residential cleanup criteria on the subject property.

Therefore, the Property meets the definition of a "facility as defined by Part 201 of the Natural Resources and Environmental Protection Act. Verification of Facility status is contained in Attachment C.

Location and Legal Description

801 E. Milham Ave.	Parcel ID: 00003-155-B	35.865 Acres
Portage, MI 49002		

Legal Description:

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, PORTAGE TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE SOUTH 89°19'05" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1332.65 FEET TO THE WEST 1/8 LINE OF SAID SECTION; THENCE NORTH 00°39'17" EAST ALONG SAID WEST 1/8 LINE AND THE EAST RIGHT OF WAY OF CONCORD ST. (PUBLIC) A DISTANCE OF 999.37 FEET TO THE POINT

OF BEGINNING; THENCE CONTINUING NORTH 00°39'17" EAST ALONG SAID WEST 1/8 LINE A DISTANCE OF 1254.55 FEET TO THE SOUTH RIGHT OF WAY OF I-94 (PUBLIC); THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 588.24 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6345.45 FEET, A CENTRAL ANGLE OF 05°18'41" AND A CHORD BEARING NORTH 84°14'24" EAST 588.03 FEET; THENCE SOUTH 08°24'57" EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 50.00 FEET; THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 511.31 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6395.45 FEET, A CENTRAL ANGLE OF 04°34'51" A CHORD BEARING NORTH 79°17'37" EAST 511.18 FEET; THENCE SOUTH 52°21'52" EAST A DISTANCE OF 235.31 FEET TO THE WEST RIGHT OF WAY OF NYC RAILROAD; THENCE SOUTH 00°37'18" WEST ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 1124.83 FEET; THENCE NORTH 89°19'05" WEST A DISTANCE OF 734.64 FEET; THENCE SOUTH 78°19'15" WEST A DISTANCE OF 494.25 FEET; THENCE NORTH 89°19'05" WEST A DISTANCE OF 64.54 FEET TO THE POINT OF BEGINNING. CONTAINING 1,562,299 SQUARE FEET OR 35.865 ACRES.

2.0 Information Required by Section 13(2) of the Statute

2.1 Description of Costs to Be Paid for With Tax Increment Revenues

Tax increment revenues will be used to reimburse IPUSA Portage, LLC ("Developer:") for the cost of eligible activities as authorized by the Brownfield Redevelopment Financing Act (Act 381). Only statutorily approved EGLE environmental eligible activities will be reimbursed with local and school tax increment revenues ("TIR"). The remaining eligible activities will be reimbursed with local TIR only.

The total cost of eligible activities including contingency are anticipated to be \$2,146,901. Authority administrative costs are anticipated to be \$348,055. Capitalization of the Local Brownfield Revolving Fund is estimated to be \$1,199,080. The estimated cost of all eligible activities under this plan are summarized in Table 1.

Environmental Activities

Department specific activities considered under this plan include a Phase I & Phase II Environmental Site Assessment ("ESA"), a Baseline Environmental Assessment ("BEA") and a Due Care Plan.

Non-Environmental Activities

Because the City of Portage is a QLGU, additional non-environmental costs ("Michigan Strategic Fund ("MSF") Eligible Activities") can be reimbursed through a brownfield plan. This plan will provide for reimbursement of eligible demolition; lead, asbestos & mold abatement, site preparation and/or infrastructure improvements.

Authority Expenses

Actual eligible costs incurred by the City of Portage Brownfield Redevelopment Authority (PBRA) are included in this plan as an eligible expense. These expenses will be reimbursed with local tax increment revenues only.

2.2 Summary of Eligible Activities

2.2..1 Phase I & Phase II ESA, BEA and Due Care Plan

A BEA was completed by Envirologic in September 2021. The total cost for these services was \$10,000. This is a cost statutorily approved for reimbursement with school taxes.

2.2..2 Demolition

Demolition activities include site demolition of existing concrete and asphalt to facilitate new construction. The total cost of demolition is estimated to be \$20,000.

2.2..3 Infrastructure Improvements

Infrastructure improvement activities will include the construction of a urban stormwater management system which will prevent the direct runoff of stormwater into Portage Creek. Costs under this category will include the excavation and construction of a stormwater collection basin and associated collection structures and piping. Infrastructure improvements will also include the construction of a new City owned watermain loop. The total cost of these infrastructure improvement is anticipated to be \$486,082.

2.2..4 Site Preparation

Site Preparation activities are expected to include surveying and staking; clearing and grubbing; strip and stockpile topsoil; cut and fill; regrade topsoil; sitework grading; geotechnical engineering; soil erosion control; security fencing; and temporary facilities. The cost of site preparation activities is estimated to be \$968,164.

2.2..5 Interest

Financing costs for the project are considered an eligible activity. This plan allows for 3% interest rate on the developer's eligible activities. The total interest associated with eligible activities is anticipated to be \$426,519.

2.2..6 Contingency

A 15% contingency is included to account for any unanticipated costs that may be encountered while conducting the eligible activities. The contingency is \$221,137.

2.2..7 Brownfield Plan and Act 381 Work Plan Preparation

The cost to prepare the Brownfield Plan and Act 381 Work Plan is anticipated to be \$15,000.

2.2.8 Local Brownfield Revolving Fund

The Authority intends to capture school and non-school tax increments for deposit in the local brownfield revolving fund for a full five years. This capture is estimated to be \$1,199,080.

2.3 Estimate of Captured Taxable Value and Tax Increment Revenues

An estimate of the captured taxable value for this redevelopment by year is depicted in Table 2. This plan captures all available TIR, including real and personal property TIR.

2.4 Method of Financing and Description of Advances Made by the Municipality

The eligible activities will be financed by the developer and reimbursed as outlined in this plan and accompanying development agreement. No advances from the City are anticipated at this time.

2.5 Maximum Amount of Note or Bonded Indebtedness

No note or bonded indebtedness for this project is anticipated at this time. Therefore, this section is not applicable.

2.6 Duration of Brownfield Plan

The duration of this plan is estimated to be 20 years consistent with current city policy which limits the duration of developer reimbursement to 15 years, plus five full years of capture to the Local Brownfield Revolving Fund. It is estimated that the redevelopment of the property will be completed in 2023 and full recapture of eligible costs and eligible administrative costs of the authority through TIR will be completed by 2038. Capture of TIR is expected to begin in 2024, however could be delayed for up to 5 years after the approval of this plan as permitted by Act 381. In no event shall capture extend beyond 30 years as required by Act 381. An analysis showing the reimbursement schedule is attached as Table 3.

2.7 Estimated Impact of Tax Increment Financing on Revenues of Taxing Jurisdictions

An estimate of the impact of tax increment financing on the revenues of all taxing jurisdictions is illustrated in detail within Table 2.

2.8 Legal Description, Property Map, Statement of Qualifying Characteristics and Personal Property

The property consists of a single parcel which is approximately 35.865 acres in size and is located at 801 E. Milham Ave (Parcel Identification Number 00003-155-B). A legal description of the property along with a scaled map showing eligible property dimensions, is attached as Figure 1.

According to environmental due diligence completed by Envirologic, the parcel is considered "eligible property" due to presence of selenium and arsenic in soil, as well as the presences of zinc in groundwater at concentrations in excess of the

Michigan Department of Environment, Great Lakes and Energy ("EGLE") Residential cleanup criteria on the subject property. Therefore, the property is a "Facility" as defined by Part 201.

Taxable personal property, if any, is included in this plan.

2.9 Estimates of Residents and Displacement of Individuals/Families

No persons reside at the property therefore this section is not applicable.

2.10 Plan for Relocation of Displaced Persons

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.11 Provisions for Relocation Costs

No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.12 Strategy for Compliance with Michigan's Relocation Assistance Law

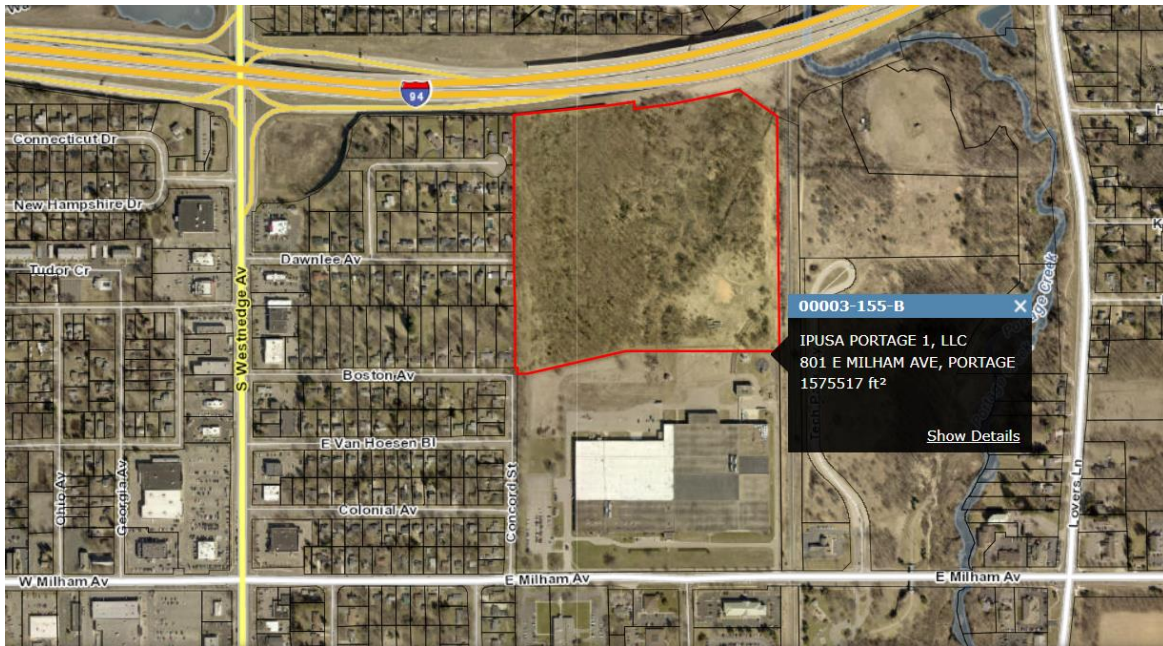
No persons reside at the property thus none will be displaced. Therefore, this section is not applicable.

2.13 Other Material that the Authority or Governing Body Considers Pertinent

None.

Figure 1

Legal Description and Eligible Property Map



Legal Description:

PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, PORTAGE TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE SOUTH 89°19'05" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1332.65 FEET TO THE WEST 1/8 LINE OF SAID SECTION; THENCE NORTH 00°39'17" EAST ALONG SAID WEST 1/8 LINE AND THE EAST RIGHT OF WAY OF CONCORD ST. (PUBLIC) A DISTANCE OF 999.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00°39'17" EAST ALONG SAID WEST 1/8 LINE A DISTANCE OF 1254.55 FEET TO THE SOUTH RIGHT OF WAY OF I-94 (PUBLIC); THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 588.24 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6345.45 FEET, A CENTRAL ANGLE OF 05°18'41" AND A CHORD BEARING NORTH 84°14'24" EAST 588.03 FEET; THENCE SOUTH 08°24'57" EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 50.00 FEET; THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 511.31 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6395.45 FEET, A CENTRAL ANGLE OF 04°34'51" A CHORD BEARING NORTH 79°17'37" EAST 511.18 FEET; THENCE SOUTH 52°21'52" EAST A DISTANCE OF 235.31 FEET TO THE WEST RIGHT OF WAY OF NYC RAILROAD; THENCE SOUTH 00°37'18" WEST ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 1124.83 FEET; THENCE NORTH 89°19'05" WEST A DISTANCE OF 734.64 FEET; THENCE SOUTH 78°19'15" WEST A DISTANCE OF 494.25 FEET; THENCE NORTH 89°19'05" WEST A DISTANCE OF 64.54 FEET TO THE POINT OF BEGINNING. CONTAINING 1,562,299 SQUARE FEET OR 35.865 ACRES.

Table 1

Eligible Activity Costs

Table 1

EGLE Eligible Activities Costs and Schedule		
EGLE Eligible Activities	Cost	Completion Season/Year
Department Specific Activities	\$ 10,000	Fall 2021
<i>Baseline Environmental Assessment</i>	\$ 10,000	
EGLE Eligible Activities Subtotal	\$ 10,000	
MSF Eligible Activities Costs and Schedule		
MSF Eligible Activities	Cost	Completion Season/Year
Demolition Sub-Total	\$ 20,000	Spring 2022
<i>Site Demolition</i>	\$ 20,000	
Infrastructure Improvements Sub-Total	\$ 486,082	Summer 2023
<i>Watermain</i>	\$ 294,966	
<i>Urban Stormwater Management</i>	\$ 191,116	
Site Preparation Sub-Total	\$ 968,164	Fall 2022
<i>Surveying and Staking</i>	\$ 10,000	
<i>Clearing and Grubbing</i>	\$ 139,920	
<i>Strip and Stockpile Topsoil</i>	\$ 57,215	
<i>Cut & Fill</i>	\$ 310,032	
<i>Regrade Topsoil</i>	\$ 72,997	
<i>Sitework Grading</i>	\$ 216,000	
<i>Geotechnical Engineering</i>	\$ 25,000	
<i>Soil Erosion Control</i>	\$ 12,000	
<i>Security fencing</i>	\$ 75,000	
<i>Temporary Facilities</i>	\$ 60,000	
MSF Eligible Activities Sub-Total	\$ 1,474,246	
Contingency (15%)	\$ 221,137	
Interest (3%)	\$ 426,519	
Brownfield Plan & Act 381 Work Preparation	\$ 15,000	Winter 2022
EGLE Eligible Activities Total Costs	\$ 10,000	
MSF Eligible Activities Total Costs	\$ 2,136,901	
Total Eligible Activities Total Costs	\$ 2,146,901	

Table 2

Tax Capture Schedule

Tax Increment Revenue Capture Estimates																																												
Spec Building 801 E. Millham Portage, Michigan July 2022																																												
Estimated Taxable Value (TV) Increase Rate:		1%																																										
	Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	TOTAL																						
	Calendar Year	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043																							
	*Base Taxable Value	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$ 703,000	\$																						
	Estimated New TV	\$ 7,596,000	\$ 7,671,960	\$ 7,748,680	\$ 7,826,166	\$ 7,904,428	\$ 7,983,472	\$ 8,063,307	\$ 8,143,940	\$ 8,225,380	\$ 8,307,633	\$ 8,390,710	\$ 8,474,617	\$ 8,559,363	\$ 8,644,957	\$ 8,731,406	\$ 8,818,720	\$ 8,906,907	\$ 8,995,976	\$ 9,085,936	\$ 9,176,796	\$																						
	Incremental Difference (New TV - Base TV)	\$ 6,893,000	\$ 6,968,960	\$ 7,045,680	\$ 7,123,166	\$ 7,201,428	\$ 7,280,472	\$ 7,360,307	\$ 7,440,940	\$ 7,522,380	\$ 7,604,633	\$ 7,687,710	\$ 7,771,617	\$ 7,856,363	\$ 7,941,957	\$ 8,028,406	\$ 8,115,720	\$ 8,203,907	\$ 8,292,976	\$ 8,382,936	\$ 8,473,796	\$ -																						
School Capture	Millage Rate	IFT Rate																																										
State Education Tax (SET)	6.0000	6.0000	\$	41,358																		\$	41,358																					
School Operating Tax	17.5695	8.7848	\$	60,553																		\$	60,553																					
School Total	23.5695	14.7848	\$	101,911	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$	-	\$ 101,911																					
Local Capture	Millage Rate	IFT Rate																																										
City of Portage	10.6400	5.3200	\$	36,671	\$	37,075	\$	37,483	\$	37,895	\$	38,312	\$	38,732	\$	39,157	\$	39,586	\$	40,019	\$	40,457	\$	40,899	\$	41,345	\$	83,592	\$	84,502	\$	85,422	\$	86,351	\$	87,290	\$	88,237	\$	89,194	\$	90,161	\$	1,162,380
KVCC	2.7918	1.3959	\$	9,622	\$	9,728	\$	9,835	\$	9,943	\$	10,052	\$	10,163	\$	10,274	\$	10,387	\$	10,500	\$	10,615	\$	10,731	\$	10,848	\$	21,933	\$	22,172	\$	22,414	\$	22,657	\$	22,904	\$	23,152	\$	23,403	\$	23,657	\$	304,994
KRESA Allocated	0.1444	0.0722	\$	498	\$	503	\$	509	\$	514	\$	520	\$	526	\$	531	\$	537	\$	543	\$	549	\$	555	\$	561	\$	1,134	\$	1,147	\$	1,159	\$	1,172	\$	1,185	\$	1,198	\$	1,210	\$	1,224	\$	15,775
KRESA Operating	2.8946	1.4473	\$	9,976	\$	10,086	\$	10,197	\$	10,309	\$	10,423	\$	10,537	\$	10,653	\$	10,769	\$	10,887	\$	11,006	\$	11,126	\$	11,248	\$	22,741	\$	22,989	\$	23,239	\$	23,492	\$	23,747	\$	24,005	\$	24,265	\$	24,528	\$	316,224
KRESA Enhancement	1.5000	0.7500	\$	5,170	\$	5,227	\$	5,284	\$	5,342	\$	5,401	\$	5,460	\$	5,520	\$	5,581	\$	5,642	\$	5,703	\$	5,766	\$	5,829	\$	11,785	\$	11,913	\$	12,043	\$	12,174	\$	12,306	\$	12,439	\$	12,574	\$	12,711	\$	163,869
KRESA Special ED	1.4988	0.7494	\$	5,166	\$	5,223	\$	5,280	\$	5,338	\$	5,397	\$	5,456	\$	5,516	\$	5,576	\$	5,637	\$	5,699	\$	5,761	\$	5,824	\$	11,775	\$	11,903	\$	12,033	\$	12,164	\$	12,296	\$	12,430	\$	12,564	\$	12,701	\$	163,738
KRESA CTE	1.0000	0.5000	\$	3,447	\$	3,484	\$	3,523	\$	3,562	\$	3,601	\$	3,640	\$	3,680	\$	3,720	\$	3,761	\$	3,802	\$	3,844	\$	3,886	\$	7,856	\$	7,942	\$	8,028	\$	8,116	\$	8,204	\$	8,293	\$	8,383	\$	8,474	\$	109,246
School Site SF	0.4989	0.2494	\$	1,719	\$	1,738	\$	1,757	\$	1,777	\$	1,796	\$	1,816	\$	1,836	\$	1,856	\$	1,876	\$	1,897	\$	1,918	\$	1,939	\$	3,919	\$	3,962	\$	4,005	\$	4,049	\$	4,093	\$	4,137	\$	4,182	\$	4,227	\$	54,501
County Operating	4.6514	2.3257	\$	16,031	\$	16,208	\$	16,386	\$	16,566	\$	16,748	\$	16,932	\$	17,118	\$	17,305	\$	17,495	\$	17,686	\$	17,879	\$	18,074	\$	36,543	\$	36,941	\$	37,343	\$	37,749	\$	38,160	\$	38,574	\$	38,992	\$	39,415	\$	508,148
CCTA Transport	0.7500	0.3750	\$	2,585	\$	2,613	\$	2,642	\$	2,671	\$	2,701	\$	2,730	\$	2,760	\$	2,790	\$	2,821	\$	2,852	\$	2,883	\$	2,914	\$	5,892	\$	5,956	\$	6,021	\$	6,087	\$	6,153	\$	6,220	\$	6,287	\$	6,355	\$	81,935
KCTA Transport	0.3124	0.1562	\$	1,077	\$	1,089	\$	1,101	\$	1,113	\$	1,125	\$	1,137	\$	1,150	\$	1,162	\$	1,175	\$	1,188	\$	1,201	\$	1,214	\$	2,454	\$	2,481	\$	2,508	\$	2,535	\$	2,563	\$	2,591	\$	2,619	\$	2,647	\$	34,129
District Library	1.4959	0.7480	\$	5,156	\$	5,212	\$	5,270	\$	5,328	\$	5,386	\$	5,445	\$	5,505	\$	5,565	\$	5,626	\$	5,688	\$	5,750	\$	5,813	\$	11,752	\$	11,880	\$	12,010	\$	12,140	\$	12,272	\$	12,405	\$	12,540	\$	12,676	\$	163,421
Library Extra	0.4986	0.2493	\$	1,718	\$	1,737	\$	1,756	\$	1,776	\$	1,795	\$	1,815	\$	1,835	\$	1,855	\$	1,875	\$	1,896	\$	1,917	\$	1,937	\$	3,917	\$	3,960	\$	4,003	\$	4,046	\$	4,090	\$	4,135	\$	4,180	\$	4,225	\$	54,470
County Public Safety	1.4380	0.7190	\$	4,956	\$	5,011	\$	5,066	\$	5,122	\$	5,178	\$	5,235	\$	5,292	\$	5,350	\$	5,409	\$	5,468	\$	5,527	\$	5,588	\$	11,297	\$	11,421	\$	11,545	\$	11,670	\$	11,797	\$	11,925	\$	12,055	\$	12,185	\$	157,096
County Housing	0.7485	0.3743	\$	2,580	\$	2,608	\$	2,637	\$	2,666	\$	2,695	\$	2,725	\$	2,755	\$	2,785	\$	2,815	\$	2,846	\$	2,877	\$	2,909	\$	5,880	\$	5,945	\$	6,009	\$	6,075	\$	6,141	\$	6,207	\$	6,275	\$	6,343	\$	81,771
County Senior	0.3477	0.1739	\$	1,198	\$	1,212	\$	1,225	\$	1,238	\$	1,252	\$	1,266	\$	1,280	\$	1,294	\$	1,308	\$	1,322	\$	1,337	\$	1,351	\$	2,732	\$	2,761	\$	2,791	\$	2,822	\$	2,852	\$	2,883	\$	2,915	\$	2,946	\$	37,985
County 911	0.6487	0.3244	\$	2,236	\$	2,260	\$	2,285	\$	2,310	\$	2,336	\$	2,361	\$	2,387	\$	2,413	\$	2,440	\$	2,467	\$	2,494	\$	2,521	\$	5,096	\$	5,152	\$	5,208	\$	5,265	\$	5,322	\$	5,380	\$	5,438	\$	5,497	\$	70,868
Local Total	31.8597	15.9298	\$	109,804	\$	111,014	\$	112,237	\$	113,471	\$	114,718	\$	115,977	\$	117,249	\$	118,533	\$	119,830	\$	121,141	\$	122,464	\$	123,801	\$	250,301	\$	253,028	\$	255,782	\$	258,564	\$	261,374	\$	264,212	\$	267,078	\$	269,972	\$	3,480,549
Non-Capturable Millages	Millage Rate	IFT Rate																																										
County Juvenile Home Debt	0.1620	0.0810	\$	558	\$	564	\$	571	\$	577	\$	583	\$	590	\$	596	\$	603	\$	609	\$	616	\$	623	\$	630	\$	1,273	\$	1,287	\$	1,301	\$	1,315	\$	1,329	\$	1,343	\$	1,358	\$	1,373	\$	17,698
Portage School Debt	6.8500	3.4250	\$	23,609	\$	23,869	\$	24,131	\$	24,397	\$	24,665	\$	24,936	\$	25,209	\$	25,485	\$	25,764	\$	26,046	\$	26,330	\$	26,618	\$	53,816	\$	54,402	\$	54,995	\$	55,593	\$	56,197	\$	56,807	\$	57,423	\$	58,045	\$	748,337
KRESA Debt	0.3650	0.1825	\$	1,258	\$	1,272	\$	1,286	\$	1,300	\$	1,314	\$	1,329	\$	1,343	\$	1,358	\$	1,373	\$	1,388	\$	1,403	\$	1,418	\$	2,868	\$	2,899	\$	2,930	\$	2,962	\$	2,994	\$	3,027	\$	3,060	\$	3,093	\$	39,875
Total Non-Capturable Taxes	7.3770	3.6885	\$	25,425	\$	25,705	\$	25,988	\$	26,274	\$	26,562	\$	26,854	\$	27,148	\$	27,446	\$	27,746	\$	28,050	\$	28,356	\$	28,666	\$	57,956	\$	58,588	\$	59,226	\$	59,870	\$	60,520	\$	61,177	\$	61,841	\$	62,511	\$	805,909
Total Tax Increment Revenue (TIR) Available for Capture	\$	211,716	\$	111,014	\$	112,237	\$	113,471	\$	114,718	\$	115,977	\$	117,249	\$	118,533	\$	119,830	\$	121,141	\$	122,464	\$	123,801	\$	250,301	\$	253,028	\$	255,782	\$	258,564	\$	261,374	\$	264,212	\$	267,078	\$	269,972	\$	3,582,461		
Footnotes:																																												
*Assumes 12 Year PA 198 Tax abatement																																												
**Assumes Taxable value of \$31.65/sf																																												

Table 3

Reimbursement Schedule

Tax Increment Revenue Reimbursement Allocation Table
Spec Building
801 E. Milham
Portage, Michigan
July 2022

Developer Maximum Reimbursement	Proportionality	School & Local Taxes	Local-Only Taxes	Total
State	2.5%	\$ 81,232		\$ 81,232
Local	97.5%	\$ 3,132,494		\$ 3,132,494
TOTAL		\$ 3,213,727		\$ 3,213,727
EGLE	0.6%	\$ 10,000		\$ 10,000
MSF	99.4%	\$ 1,710,382		\$ 1,710,382

Estimated Total
Years of Plan: 20

Estimated Capture	
Administrative Fees	\$ 348,055
State Brownfield Redevelopment Fund	\$ 20,679
Local Brownfield Revolving Fund	\$ 1,199,080

	Plan Year	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	
		2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	TOTAL
Total State Incremental Revenue		\$ 101,911	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 101,911
State Brownfield Redevelopment Fund (50% of SET)		\$ (20,679)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ (20,679)
State TIR Available for Reimbursement		\$ 81,232	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 81,232
Total Local Incremental Revenue		\$ 109,804	\$ 111,014	\$ 112,237	\$ 113,471	\$ 114,718	\$ 115,977	\$ 117,249	\$ 118,533	\$ 119,830	\$ 121,141	\$ 122,464	\$ 123,801	\$ 250,301	\$ 253,028	\$ 255,782	\$ 258,564	\$ 261,374	\$ 264,212	\$ 267,078	\$ 269,972	\$ 3,480,549
BRA Administrative Fee (10%)		\$ (10,980)	\$ (11,101)	\$ (11,224)	\$ (11,347)	\$ (11,472)	\$ (11,598)	\$ (11,725)	\$ (11,853)	\$ (11,983)	\$ (12,114)	\$ (12,246)	\$ (12,380)	\$ (25,030)	\$ (25,303)	\$ (25,578)	\$ (25,856)	\$ (26,137)	\$ (26,421)	\$ (26,708)	\$ (26,997)	\$ (348,055)
Local TIR Available for Reimbursement		\$ 98,824	\$ 99,913	\$ 101,013	\$ 102,124	\$ 103,246	\$ 104,379	\$ 105,524	\$ 106,680	\$ 107,847	\$ 109,027	\$ 110,218	\$ 111,421	\$ 225,271	\$ 227,725	\$ 230,204	\$ 232,708	\$ 235,236	\$ 237,790	\$ 240,370	\$ 242,975	\$ 3,132,494
Total State & Local TIR Available		\$ 180,056	\$ 99,913	\$ 101,013	\$ 102,124	\$ 103,246	\$ 104,379	\$ 105,524	\$ 106,680	\$ 107,847	\$ 109,027	\$ 110,218	\$ 111,421	\$ 225,271	\$ 227,725	\$ 230,204	\$ 232,708	\$ 235,236	\$ 237,790	\$ 240,370	\$ 242,975	
DEVELOPER	Beginning Balance																					\$ -
DEVELOPER Reimbursement Balance	\$ 1,720,382	\$ 1,611,558	\$ 1,511,645	\$ 1,410,632	\$ 1,308,508	\$ 1,205,263	\$ 1,100,883	\$ 995,360	\$ 888,680	\$ 780,833	\$ 671,806	\$ 561,589	\$ 450,168	\$ 224,897	\$ 423,691	\$ 193,487	\$ 193,487	\$ 193,487	\$ 193,487	\$ 193,487	\$ 193,487	\$ -
																						\$ -
MSF Non-Environmental Costs	\$ 1,710,382																					\$ -
State Tax Reimbursement			\$ -	\$ -	\$ -																	\$ -
Local Tax Reimbursement		\$ 98,824	\$ 99,913	\$ 101,013	\$ 102,124	\$ 103,246	\$ 104,379	\$ 105,524	\$ 106,680	\$ 107,847	\$ 109,027	\$ 110,218	\$ 111,421	\$ 225,271	\$ 224,897							\$ 1,710,382
Total MSF Reimbursement Balance		\$ 1,611,558	\$ 1,511,645	\$ 1,410,632	\$ 1,308,508	\$ 1,205,263	\$ 1,100,883	\$ 995,360	\$ 888,680	\$ 780,833	\$ 671,806	\$ 561,589	\$ 450,168	\$ 224,897	\$ -							\$ -
EGLE Environmental Costs	\$ 10,000	\$ -																				\$ -
State Tax Reimbursement		\$ 10,000																				\$ 10,000
Local Tax Reimbursement		\$ -																				\$ -
Total EGLE Reimbursement Balance		\$ -																				\$ -
Interest Accrual	3%	\$ -																				\$ -
Accrued Interest		\$ 51,611	\$ 48,347	\$ 45,349	\$ 42,319	\$ 39,255	\$ 36,158	\$ 33,027	\$ 29,861	\$ 26,660	\$ 23,425	\$ 20,154	\$ 16,848	\$ 13,505								\$ 426,519
Interest Reimbursement													\$ -	\$ -	\$ 2,828	\$ 230,204						\$ -
Interest Balance		\$ 51,611	\$ 99,958	\$ 145,308	\$ 187,627	\$ 226,882	\$ 263,040	\$ 296,066	\$ 325,927	\$ 352,587	\$ 376,012	\$ 396,167	\$ 413,014	\$ 426,519	\$ 423,691	\$ 193,487						\$ -
Total Annual Developer Reimbursement		\$ 108,824	\$ 99,913	\$ 101,013	\$ 102,124	\$ 103,246	\$ 104,379	\$ 105,524	\$ 106,680	\$ 107,847	\$ 109,027	\$ 110,218	\$ 111,421	\$ 225,271	\$ 227,725	\$ 230,204	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,953,415
LOCAL BROWNFIELD REVOLVING FUND																						
LBRF Deposits *																						
State Tax Capture	\$ -	\$ 10,000																				\$ 10,000
Local Tax Capture	\$ -	\$ -																				\$ 1,189,080
Total LBRF Capture	\$ 10,000														\$ -	\$ -	\$ 232,708	\$ 235,236	\$ 237,790	\$ 240,370	\$ 242,975	\$ 1,199,080

* Up to five years of capture for LBRF Deposits after eligible activities are reimbursed. May be taken from EGLE & Local TIR only.

Footnotes:

Attachment A

Brownfield Plan Resolutions

Attachment B

Reimbursement Agreement

Attachment C

Verification of Facility Status



**BASELINE ENVIRONMENTAL ASSESSMENT
CONDUCTED PURSUANT TO SECTION 20126(1)(C) OF 1994 PA 451, PART 201,
AMENDED, AND THE RULES PROMULGATED THEREUNDER**

FOR

**APPROXIMATELY 34-ACRE NORTHERN PORTION OF
701 EAST MILHAM AVENUE
PORTAGE, MICHIGAN**

SEPTEMBER 16, 2021

Prepared for:

**IPUSA Portage, LLC
112 W. Jefferson Blvd., Suite 200
South Bend, Indiana 46601**

Prepared by:

**ENVIROLOGIC TECHNOLOGIES, INC.
2960 Interstate Parkway
Kalamazoo, Michigan 49048
(269) 342-1100**

TABLE OF CONTENTS

1. INTRODUCTION AND DISCUSSION	1
A. OWNER/OPERATOR INFORMATION	1
B. INTENDED USE OF PROPERTY	1
C. PHASE I ESA SUMMARY – RECOGNIZED ENVIRONMENTAL CONDITIONS	1
D. EXCEPTIONS/DELETIONS FROM ASTM 1527-13	2
E. PHASE I ESA DATA GAPS DISCUSSION	2
F. SAMPLING DISCUSSION—PURPOSE/METHODS	2
G. KNOWN CONTAMINATION—LOCATIONS AND ENVIRONMENTAL MEDIA	4
H. “FACILITY” DEMONSTRATION	5
2. PROPERTY INFORMATION	6
A. PROPERTY LEGAL DESCRIPTION	6
B. SURVEY MAP, PROPERTY TAX IDENTIFICATION NUMBER(S)	6
C. SITE MAP WITH SAMPLING RESULTS	8
D. LOCATION MAP	10
E. PROPERTY LOCATION	12
F. SPATIAL DATA	12
3. FACILITY STATUS.....	13
A. ANALYTICAL TABLE	13
B. LABORATORY ANALYTICAL DATA SHEETS AND CHAIN OF CUSTODY	13
4. IDENTIFICATION OF THE AUTHOR OF THE BEA	14
5. ASTM 1527-13 PHASE I ESA	15
6. REFERENCES.....	16

FIGURES

FIGURE 1: <i>Location Map</i>	11
FIGURE 2: <i>Site Plan</i>	7
FIGURE 3: <i>Site Plan w/ Analytical Data of Facility Contaminants</i>	9

TABLES

TABLE 1: <i>Spatial Data</i>	12
TABLE 2: <i>Summary of “Facility” Contaminants</i>	13

1. INTRODUCTION AND DISCUSSION

A. Owner/Operator Information

Current Owner	Current Operator
FLM Holdings, LLC	FLM Holdings, LLC
Prospective Owner	Prospective Operator
IPUSA Portage, LLC	IPUSA Portage, LLC

B. Intended Use of Property

IPUSA Portage, LLC intends to acquire the subject property and redevelop the site with a 270,000-square-foot industrial building. Additional improvements will include a stormwater basin and asphalt parking lot. The initial development will occur in the southwestern portions of the parcel.

The future use of the site will not involve the significant use of hazardous substances. Therefore, the potential future detection of hazardous substances on site would not be an indication of a new release and would be attributable to historic operations.

C. Phase I ESA Summary – Recognized Environmental Conditions

The property subject to this Phase I ESA consists of approximately 34 acres of the parent parcel occupying the northern portion of the site, north of the existing fence line. Two rail spurs are present in the southeastern portion of the site, which extend southward through the gated fence to the adjacent off-site parcel to the south. A clearing is present in the south/central portion of the site, immediately north of the fence line. Remnant asphalt from a semicircular drive associated with the former wastewater treatment plant is present north of the rail spur in the eastern portion of the site. A stormwater drainage ditch is located west-northwest of the former wastewater treatment plant. The majority of northern portions of the site consist of wooded land with some scrub and brush ground cover.

An ASTM E1527-13 Phase I Environmental Site Assessment (ESA) of the subject property was completed by Envirologic on June 18, 2021. The following Recognized Environmental Condition (REC) was identified in the Phase I ESA:

- The subject property formerly operated as a wastewater treatment plant that utilized two rail spurs from c. 1954 to 1991. Further, an approximately 1-acre area of fill material was located near the northeast corner of the subject property. Previous environmental investigations conducted on the subject property identified concentrations of selenium and arsenic in soil and concentrations of zinc in groundwater in excess of Part 201 Residential cleanup criteria.

D. Exceptions/Deletions from ASTM 1527-13

No exceptions to or deletions from the ASTM 1527-13 Phase I ESA standard were identified.

E. Phase I ESA Data Gaps Discussion

A data gap is the inability to obtain information within the scope of the Phase I ESA. No data gaps were encountered during the course of the Phase I ESA.

A data failure is the absence of information typically used to complete a Phase I ESA. No data failures were encountered during the course of the Phase I ESA.

F. Sampling Discussion—Purpose/Methods

Soil and Material Engineers (SME) completed an investigation of the former wastewater treatment facility on behalf of Upjohn in June 1992, subsequent to the completion of demolition of the facility structures. This investigation included the installation of 11 soil borings within the area of the former wastewater treatment plant and eight borings within two fill soil stockpiles associated with the former wastewater treatment plant. A total of 25 discreet soil samples, eight composite samples from the two soil piles, and three groundwater samples were collected in association with the investigation. The discreet soil sampling included the vertical characterization of soils through the collection of samples from multiple intervals within select borings: 0–2 feet, 4–6 feet, 6–8 feet, 10–12 feet, and 12–14 feet. The groundwater samples were collected from temporary monitoring wells set to straddle the shallow water table.

SME completed Phase II ESA activities on a portion of the subject property referred to as “Parcel D” in January of 2000. The Phase II ESA was completed at the request of Pharmacia & Upjohn in order to investigate the potential for impact associated with the presence of fill material on the subject property. The Phase II ESA was also conducted in order to investigate the presence of an 8-inch clay pipe associated with the former wastewater treatment plant that discharged to the

drainage ditch located on site. The reference to “Parcel D” does not represent a specific legal parcel, and limited documentation was provided in the Phase II ESA regarding the specific location of assessment activities. However, based upon a review of historic aerial photographs from 2000 and additional documentation regarding historic operations, it has been concluded that the area subject to the January 2000 SME Phase II ESA was an approximately 1-acre area located north of the former wastewater treatment plant near the eastern boundary of the subject property.

The January 2000 SME Phase II ESA included the removal of 50 feet of the clay pipe from near the drainage ditch extending to the southeast toward the former wastewater treatment plant, the use of an excavator and backhoe to characterize areas of fill material, and the installation of 20 GeoProbe soil borings. Two soil samples from beneath the former pipe were collected subsequent to pipe removal and analyzed for polychlorinated biphenyls (PCBs). The PCBs analysis was based upon the 1991 detection of PCBs at the outfall of the pipe. The concentration of PCBs identified at the pipe outfall in 1991 was below current Residential cleanup criteria. PCBs were not identified in the two soil samples collected from beneath the former pipe as part of the 2000 Phase II ESA.

The presence of concrete, asphalt, coal pieces, and metal scrap was noted during excavator/backhoe investigation of fill materials. Where encountered within the fill, scrap metal was reportedly removed from the subject property.

For the purposes of the January 2000 GeoProbe boring installation, the 1-acre area of fill was separated into four separate “cells” or sampling units. Five borings were installed within each of the four cells. A single soil sample was prepared from each cell through the compositing of soils from the five borings installed within an individual cell. The soil samples were generally collected from beneath fill material at a depth of approximately 4 to 7 feet bgl. Two groundwater samples were collected from the central and northern portions of the 1-acre fill area. The soil and groundwater samples were analyzed for a broad range of volatile organic compounds (VOCs), polynuclear aromatic hydrocarbons (PNAs), and Michigan 10 metals. The soil samples were additionally analyzed for PCBs.

Envirologic completed Phase II ESA investigation activities in January 2012, subsequent to the completion of a Phase I ESA on the larger parent parcel from which the subject property is being split. The Phase II ESA investigation activities were conducted to investigate the potential for impact and document site conditions at the subject property and southern adjoining property

relative to the identified RECs of the Phase I ESA. The Phase II ESA activities specific to the property subject to this Phase I ESA consisted of the installation of 12 GeoProbe soil borings and one hand-auger soil boring for the collection and analysis of nine soil samples and two groundwater samples. Based upon the identified site use history, all soil and groundwater samples were analyzed for a broad range of VOCs (EPA Method 8260B), PNAs (EPA Method 8270C), and Michigan 10 Metals (EPA Methods 6020/7471A). The samples submitted in association with the former wastewater treatment plant and 1-acre fill area were additionally analyzed for PCBs (EPA Method 8270). The collected soil and groundwater samples were submitted to KAR Laboratories, Inc. of Kalamazoo, Michigan, for laboratory analysis. The sample containers were placed into a chilled cooler for transportation to the laboratory using standard chain-of-custody procedures.

G. Known Contamination—Locations and Environmental Media

The analytical results of SME's June 1992 investigation of the former wastewater treatment facility indicate the presence of arsenic in soil at concentrations in excess of the current Residential Drinking Water Protection criterion. Specifically, arsenic was identified in excess of the Residential Drinking Water Protection criterion at the following locations: B5 (4–6 feet below ground surface [bgs]); B2, B5, B6, and B7 (6–8 feet bgs); and B8 (10–12 feet bgs). The metal zinc was identified in excess of the current Residential Drinking Water criterion within two unfiltered metals samples collected from former monitoring wells MW-4 and MW-5, with screens set at 16–20 feet bgs and 11–15 feet bgs, respectively. Subsequent re-sampling of the wells for filtered dissolved metals resulted in the continued detection of zinc in excess of the Residential Drinking Water criterion from MW-4 and below current criterion from MW-5. Based upon the lack of detailed documentation, the specific location of MW-4 and MW-5 within the property subject to this Phase I ESA is not known. However, MW-4 is depicted as being located within the former footprint of a clarifier tank, and MW-5 was located within the westernmost sand filter bed.

The analytical results of SME's January 2000 Phase II ESA investigation indicated that no contaminants of concern were identified above Statewide Default Background Levels and/or Residential cleanup criteria in the soil and groundwater samples collected.

The analytical results of Envirologic's January 2012 Phase II ESA investigation resulted in the identification of selenium in shallow soil on the subject property at concentrations exceeding the Groundwater-Surface Water Interface Protection (GSIP) criterion at two locations in the

northeastern portion of the subject property: the outfall of a former clay pipe (outfall – surface sample) and the northernmost sample collected from the 1-acre fill area (GSB-30 @ 1.5 ft.).

Refer to Figure 3 for a site plan of the subject property which details the locations and concentrations of contaminants exceeding Michigan Department of Environment, Great Lakes, and Energy (EGLE) Residential cleanup criteria.

H. “Facility” Demonstration

As detailed on Figure 3, the results of the previously completed environmental investigations have identified the presence of selenium and arsenic in soil, as well as the presence of zinc in groundwater, at concentrations in excess of EGLE Residential cleanup criteria on the subject property. Therefore, the subject property meets the definition of a “facility” as defined by Part 201 of NREPA.

2. PROPERTY INFORMATION

A. Property Legal Description

The subject property is located at the northern portion of 701 East Milham Avenue, Portage, Michigan 49002. The tax identification number for the parent parcel of the subject property is 00003-155-O. The legal description of the 701 East Milham Avenue parent parcel, obtained from the City of Portage, is as follows:

SEC 3-3-11 E 1/2 SW 1/4 SEC 3 EXC NYC RR ROW

B. Survey Map, Property Tax Identification Number(s)

A scaled site map detailing the subject property boundaries is presented as Figure 2.



I-94

APPROXIMATE PROPERTY BOUNDARY

APPROXIMATE PROPERTY BOUNDARY

APPROXIMATE PROPERTY BOUNDARY

APPROXIMATE PROPERTY BOUNDARY

NORTHERN PORTION OF
PARCEL #00003-155-O



SCALE 1" = 150'
0 50 100 150 300

NOTE:
THIS IS NOT A PROPERTY BOUNDARY SURVEY, PROPERTY BOUNDARIES SHOWN ON THIS MAP
ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND
SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

VACANT PROPERTY

NORTHERN PORTION OF
701 EAST MILHAM AVE
PORTAGE, MI 49002

SITE PLAN



environmental consulting + services
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
PH: (269) 342-1100 FAX: (269) 342-4945

PROJECT NO.
210099

FIGURE No.

2

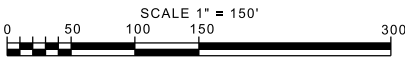
C. Site Map with Sampling Results

A site plan detailing the location of the concentrations of “facility” contaminants is presented below as Figure 3. Additional figures and tables associated with the previous environmental investigations of the subject property and southern adjoining property from 1992 to 2012 detailing sample locations, depths (where available), and facility contaminants are presented in Appendix H of the ASTM E1527-13 Phase I ESA of the subject property. Additional documentation is also available through EGLE.



LEGEND

- SOIL BORING/ MONITORING WELL (1991/1992 SME)
- SOIL PROBE LOCATION (2000 SME)
- GEOPROBE SOIL BORING LOCATION (2012 ENVIROLOGIC)
- SAMPLE POINT AT OUTFALL (2012 ENVIROLOGIC)



NOTE:
THIS IS NOT A PROPERTY BOUNDARY SURVEY, PROPERTY BOUNDARIES SHOWN ON THIS MAP ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

VACANT PROPERTY

NORTHERN PORTION OF
701 EAST MILHAM AVE
PORTAGE, MI 49002

SITE PLAN w/ ANALYTICAL
DATA OF FACILITY
CONTAMINANTS



environmental consulting + services

2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
PH: (269) 342-1100 FAX: (269) 342-4945

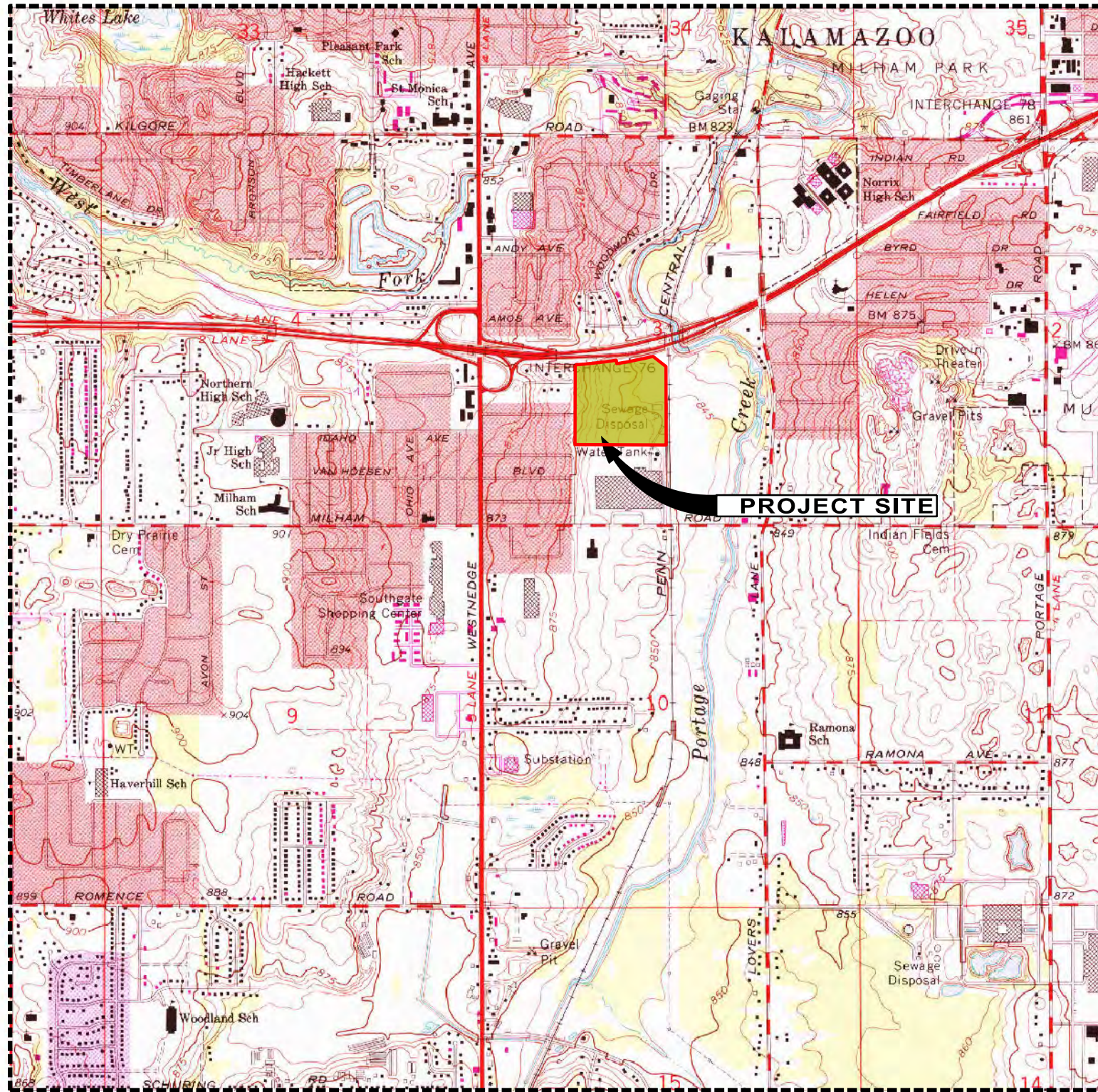
PROJECT NO.

210099

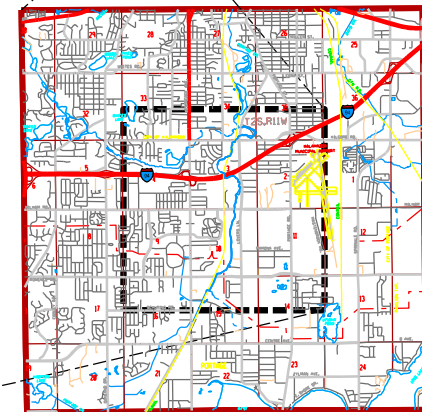
FIGURE No.

3

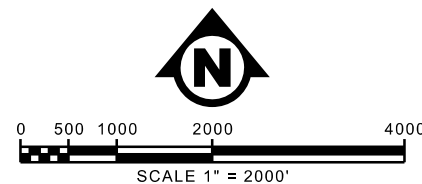
D. Location Map



SOURCE: PORTAGE, MICHIGAN USGS 7.5 MINUTE TOPOGRAPHIC QUADRANGLE MAPS
 MAPTECH® U.S. TERRAIN SERIES™ ©MAPTECH®, INC. 606-433-8500



T 3 S. R. 11 W.
 KALAMAZOO COUNTY
 PORTAGE, MICHIGAN



envirollogic
 environmental consulting + services
 2960 INTERSTATE PARKWAY
 KALAMAZOO, MICHIGAN 49048
 PH: (269) 342-1100 FAX: (269) 342-4945

VACANT PROPERTY
 NORTHERN PORTION OF
 701 EAST MILHAM AVE
 PORTAGE, MI 49002
LOCATION MAP

PROJECT NO.
 210099

FIGURE NO.

1

E. Property Location

Envirologic has conducted a Baseline Environmental Assessment (BEA) of the approximately 34-acre northern portion of 701 East Milham Avenue, Portage, Michigan 49002. The property location is depicted on Figure 1 above.

F. Spatial Data

Table 1: Spatial Data

County	City/Village/ Township	Town	Range	Section	Quarter	Quarter- Quarter	Latitude	Longitude
Kalamazoo County	City of Portage	3S	11W	3	SW ¼	NE ¼ of SW ¼	42.234944°	-85.582349°

Latitude and longitude information was obtained from Google Earth.

3. FACILITY STATUS

A. Analytical Table

Table 2: Summary of Contaminants

Hazardous Substance	CAS Number	Maximum Concentration	Sample Location and Depth	Media Affected
Arsenic	7440382	11,000 µg/kg	B-7 @ 6.0' – 8.0'	Soil
Selenium	7782492	1,300 µg/kg	GSB-30 @ 1.5'	Soil
Zinc	7440666	7,250 µg/L	MW-5 @ 11' – 15'	Groundwater

B. Laboratory Analytical Data Sheets and Chain of Custody

Laboratory data sheets and chains of custody from the previous investigations at the subject property are available in the previous environmental investigations, which are located in Appendix H of the ASTM E1527-13 Phase I ESA of the subject property. Additional documentation is available through EGLE.



Attachment D

Soil Sampling Map



LEGEND

- SOIL BORING/ MONITORING WELL (1991/1992 SME)
- SOIL PROBE LOCATION (2000 SME)
- GEOPROBE SOIL BORING LOCATION (2012 ENVIROLOGIC)
- ▲ SAMPLE POINT AT OUTFALL (2012 ENVIROLOGIC)



SCALE 1" = 150'

NOTE: THIS IS NOT A PROPERTY BOUNDARY SURVEY. PROPERTY BOUNDARIES SHOWN ON THIS MAP ARE BASED ON AVAILABLE FURNISHED INFORMATION AND ARE APPROXIMATE ONLY AND SHOULD NOT BE USED TO ESTABLISH PROPERTY BOUNDARY LOCATION IN THE FIELD.

VACANT PROPERTY

NORTHERN PORTION OF
701 EAST MILHAM AVE
PORTAGE, MI 49002

**SITE PLAN w/ ANALYTICAL
DATA OF FACILITY
CONTAMINANTS**

PROJECT NO.
210099

FIGURE No.

3

envirollogic
environmental consulting + services
2960 INTERSTATE PARKWAY
KALAMAZOO, MICHIGAN 49048
PH: (269) 342-1100 FAX: (269) 342-4945

Attachment E

Site Plan

BROWNFIELD PLAN DEVELOPMENT AGREEMENT

THIS BROWNFIELD PLAN DEVELOPMENT AGREEMENT (the “Agreement”), is entered into on _____, 2022 between the **CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY**, a Michigan public body corporate established pursuant to Act 381 of the Public Acts of 1996, as amended, MCL 125.2651 et seq. (“Act 381”), whose address is 7900 S. Westnedge Ave, Portage, Michigan 49002 (the “Authority”), and **IPUSA PORTAGE 1, LLC**, a Michigan limited liability company having an address of 3700 E. Milham Avenue, Portage, Michigan 49002 (the “Developer”).

RECITALS

WHEREAS, the Authority and City of Portage (the "City") have determined that brownfield redevelopment constitutes the performance of an essential public purpose which protects and promotes the public health, safety and welfare.

WHEREAS, City of Portage has established a Brownfield Redevelopment Authority and the Authority and the City have adopted a Brownfield Plan specifically for this site (the “Plan”), pursuant to the provisions of Act 381.

WHEREAS, the Authority and the City have designated certain properties that have conditions of environmental contamination, blight or obsolescence as appropriate sites for creating a Plan.

WHEREAS, Act 381 permits the use of the real and personal property tax revenues generated from the increase in value (the “Tax Increment Revenue”) to brownfield sites constituting Eligible Property under Act 381 resulting from their redevelopment to pay or reimburse the payment of costs of conducting Eligible Activities (these costs are referred to as “Eligible Costs”) and, unless Developer is a liable party for the site contamination, permits the reimbursement to Developer of Eligible Costs it has incurred.

WHEREAS, Developer owns property in the City of Portage located at 801 E. Milham Ave (the “Property”) and legally described on the attached Exhibit A.

WHEREAS, the Property has been included in the Plan and qualified as an “Eligible Property” under the terms of Act 381.

WHEREAS, Developer intends to redevelop approximately 35.86 acres located at the Property. The Developer is proposing the construction of a new 240,000 square foot speculative industrial building (the “Project”).

WHEREAS, the Project will require the Developer to incur Eligible Costs associated with certain Eligible Activities including environmental due diligence, site preparation, and infrastructure improvements which may require the services of various contractors, engineers,

environmental consultants, attorneys and other professionals. The Developer's Eligible Costs shall not exceed \$1,720,382, together with Interest thereon, as provided in Paragraph 5).

WHEREAS, the parties are entering into this Agreement to establish the procedure for the reimbursement from Tax Increment Revenues under Act 381 as amended.

NOW THEREFORE, in consideration of the mutual covenants, conditions and agreements set forth herein, the parties agree as follows:

1. Recitals. The above recitals are acknowledged as true and correct, and are incorporated by reference into this Paragraph.

2. The Plan. The Plan, approved by the Authority and the City Council is attached as Exhibit B and incorporated as part of this Agreement. To the extent provisions of the Plan or this Agreement conflict with Act 381, Act 381 controls.

3. Term of Agreement. Pursuant to the Plan, the Authority shall capture that amount of Tax Increment Revenues generated from real and personal property taxes allowed by law on the Eligible Property. Capture will begin in the first year after completion of the Project and will continue until the earlier of (hereinafter, the "End Date"):

3.1 Full reimbursement to the Authority of its Administrative Costs, plus reimbursement to the Developer of the Property as outlined in the Plan, including reimbursement of Eligible Costs for those Eligible Activities set forth in Paragraph 5, plus an additional amount captured by the Authority for an additional five full years of tax capture ("Additional Authority Amount") such Additional Authority Amount to be designated for the Local Brownfield Revolving Fund "Local Fund"; or

3.2 Twenty (20) years. With five (5) of the twenty (20) years designated for Local Fund only.

4. Evidence of Ownership. Prior to the execution of this Agreement, Developer shall provide to the Authority each of the following: (a) evidence satisfactory to the Authority that the Developer has acquired fee simple title to the Property, which evidence shall include (without limitation) a copy of a recorded deed to the Property in favor of the Developer; and (b) a copy of a commitment for owner's title insurance with respect to the Property (the "Commitment"), which Commitment shall show the Developer as record owner of the Property, shall reflect that all material conditions to the issuance of a policy thereunder have been satisfied, and shall otherwise be in form and substance satisfactory to the Authority.

5. Eligible Activities. The Developer shall diligently pursue completion of the Eligible Activities summarized in the Plan and set forth in this Paragraph. The Authority shall reimburse the Developer for Eligible Costs incurred on or after the date of the inclusion of this Project in the Plan and may include environmental due diligence and Due Care Activities, demolition, site preparation, and infrastructure improvements which may require the services of various contractors, engineers, environmental consultants, attorneys and other professionals. Simple interest at the rate of three percent (3%) per annum ("**Interest**") shall accrue on all approved Eligible Costs as described in the Plan, in each case calculated from the date that Authority

approves the Developer's request for reimbursement for the pertinent Eligible Costs until such eligible costs are reimbursed in full. Interest will be calculated at the end of each calendar year based on the total unreimbursed Eligible Costs outstanding at the time (other than accrued Interest). Principal amounts of the Eligible Costs shall be reimbursed to Developer prior to Interest accruing thereon. After disbursement of the incremental tax revenues as described above, if any additional incremental tax revenues are generated by the Project, they shall be deposited into the Local Site Remediation Revolving Fund, to the extent permitted by law.

6. Reimbursement Source. During the term of this Agreement and except as otherwise set forth in this Agreement, the Authority shall reimburse the Developer for its Eligible Costs, as limited under this Agreement, from all available Tax Increment Revenues collected from the real and personal property taxes on the Property,

7. Reimbursement Process.

7.1 Cost Reimbursement Request. The Developer will provide sufficient documentation of the Eligible Costs incurred including the dates of each Eligible Activity, a complete description of the work, proof of payment, detailed invoices for the costs involved for each Eligible Activity, sworn statements, lien waivers and other back up documentation reasonably requested by the Authority, and a written statement certifying to the Authority that all such costs are "Eligible Costs". Failure to provide the above noted information when due, or within the time permitted by the Authority under Paragraph 7.2, may result in foregone reimbursement, to the Developer by the Authority, for Eligible Costs that have not been requested within the timeframe described above.

7.2 Authority Staff Review. The Authority Staff shall review each reimbursement request within 30 days after receiving it. If Authority Staff determines that the documentation submitted by the Developer is not complete, then Developer shall cooperate in the Authority's review by providing, within 30 days of the Authority's request, any additional documentation of the Eligible Costs as deemed reasonable and necessary by the Authority in order to complete its review. Within 45 days following the receipt of such supplemental information, the Authority shall make the determination of whether the costs are eligible for reimbursement. If the Developer wishes to challenge that determination, it shall provide written notice to the Authority within 15 days of receipt of Authority's written determination, and the issue shall be brought to the Authority within 45 days thereafter for a final determination. The Developer shall not have any further appeal rights to challenge the final determination of the Authority and shall not be entitled to any claim or cause of action against The City of Portage or the Authority as a result of any determinations made in good faith regarding whether or not any cost submitted by the Developer constitutes an "Eligible Cost," and hereby grants the City and the Authority and their respective officers, agents and employees, a complete release and waiver of any claims or causes of action as a result of the foregoing.

7.3 Reimbursement. After both the summer and winter taxes are captured and collected on the Property, the Authority shall reimburse its Eligible and Administrative Costs and pay approved Eligible Costs to the Developer from Tax Increment Revenues that are generated from the Property in accordance with the Plan and Paragraph 7 to the extent that taxes have been captured and are available in that fiscal year. The Authority shall receive one hundred (100) percent of Tax Increment Revenues until fully reimbursed, unless otherwise designated by the Authority. In the event that there are insufficient Tax Increment Revenues available in any given year to reimburse all of the Authority's and Developer's Eligible Costs, as described in Paragraph 5, then the Authority shall reimburse the Authority or Developer only from available Tax Increment Revenues. Once the Authority is fully reimbursed for its Eligible Costs, the Developer shall receive the available Tax Increment Revenue, less Administrative Costs, during the term of this Agreement, until all of the amounts for which submissions have been made have been fully paid to the Developer, or the repayment obligation expires, whichever occurs first. The Authority shall make additional payments, on an annual basis, toward the Developer's remaining unpaid Eligible Costs during the term of this Agreement. The Developer shall not be entitled to reimbursement under this Agreement unless the Developer has timely and completely paid its real and personal property taxes (or industrial facilities taxes) including all penalties, interest and other amounts due in relation thereto when due. For purposes of this Agreement, to be timely paid, taxes must be paid before the date on which they can no longer be paid without penalties or interest. The repayment obligation under this Agreement shall expire on the End Date.

7.4 Method of Reimbursement. The Authority will reimburse the Developer for Eligible Costs as follows:

Checks shall be payable to and delivered by certified mail to the address above (or through electronic transfer if available through Developer) to such instructions as may be provided by Developer, by written notice to the Authority with respect to this Agreement from time to time)

8. Adjustments. The parties acknowledge that adjustments regarding the amount of Tax Increment Revenue paid to the Developer may occur under any of the following circumstances:

8.1 Audit or Court Ruling: In the event that a state agency of competent jurisdiction conducting an audit of payments made to the Developer under this Agreement or a court of competent jurisdiction determines that any portion of the payments made to the Developer under this Agreement is unlawful, the Developer shall pay back to the Authority that portion of the payments made to the Developer within 30 days of the determination made by a state agency or the court as the case may be. However, the Developer shall have the right, before any such repayment is made, to appeal on its or the Authority's behalf, any such determination made by a state agency or court as the case may be. If the Developer is unsuccessful in such an appeal, the Developer shall repay the portion of payments found to be unlawful to the Authority within thirty (30) days of the date when the final determination is made on the appeal. The Developer shall be responsible for payment of all of the City's and Authority's legal fees associated with any determination of whether a cost for which reimbursement is requested constitutes an "Eligible Cost" and all of the City's and Authority's legal fees associated with the review or determination of such issues by any state agency or court.

8.2 Property Tax Appeal: In the event the Developer, or any other owner of real estate on the Property, files an appeal with the Michigan Tax Tribunal, related to the taxable value of the Property, the Authority shall do the following:

- a. The Authority will remit Tax Increment Revenue reimbursement payments based upon the lowest taxable value being sought pursuant to the appeal;
- b. Any Tax Increment Revenue that is collected but not remitted as a result of a tax appeal shall be held in a separate account of the Authority until the pending appeal is adjudicated;
- c. Once any tax appeals are adjudicated, the Authority will either return the escrowed funds to the local unit in compliance with any tax appeal rulings, or will make payments pursuant to Section 7 of this Agreement.

8.3 Reduction of Property Assessments: If the Authority (i) incurs Administrative Costs on behalf of the Developer with respect to the Project, Site or Application and (ii) the Developer initiates, participates in or supports any proceeding or process which results in a reduction of the tax increment capture for the Project from that projected and along the same term as contained within the Plan, the Developer indemnifies and will fully reimburse the Authority within 30 days of notification from the Authority as to the amount and the due date for all Administrative Costs as defined within the Plan, expenses or reduction in revenue from what was projected as the tax increment capture.

9. Responsibilities of Developer. In consideration of the inclusion of the Property into the Plan and the resulting financial benefits, which it expects to receive, Developer agrees to the following:

9.1 Project. At its sole expense, Developer shall use its best efforts to conduct the activities described in the Plan and to demolish the existing buildings on the Property and construct the Project. The Developer intends to transform the property into a new 240,000 square foot speculative industrial building. The new investment planned for this site is approximately \$20,000,000. The redevelopment of the Property shall commence no later than September 30, 2022 and shall be completed no later than December 31, 2023. Under no circumstances shall the Authority have any responsibility or liability for remediation or redevelopment of the Property, or for conducting any "Eligible Activities" at the Property, except for its obligations under this Agreement to provide funds to the extent available as permitted in Paragraph 7 hereof with respect to payments from Tax Increment Revenues.

9.2 Employment Opportunities. Make every reasonable effort to work with the City and community employment agencies to hire City residents for new employment opportunities created by the Project, and to encourage the local contracting of construction and site related work.

9.3 Ordinances. Develop the Property, including landscaping and all other improvements required for the Project, in compliance with all local ordinances, site plan reviews and this Agreement. The redevelopment of the Property shall be subject to all zoning approvals. This Agreement does not obligate any governing municipality to grant any such approvals.

9.4 Project Sign. Place on the Property during rehabilitation/redevelopment a development sign provided by the Authority to promote the Project and the Authority's participation in it. Upon completion of the Project, the sign will be returned to the Authority.

9.5 Promotion and Marketing. Permit the Authority to cite or to use any renderings or photographs or other materials of the Project as an example of private/public partnership and brownfield site redevelopment.

9.6 Cooperation. Assist and cooperate with the Authority in providing information that the Authority may require in providing necessary reports to governmental or other agencies, including, but not limited to, information regarding the amount of Developer expenditures and capital investments, jobs created, and square footage developed or rehabilitated with respect to the Project.

9.7 Payment of Authority Legal and Professional Fees. To the extent the following costs and fees are not paid to the Authority from Tax Increment Revenues, the Developer shall reimburse the Authority for its legal and professional fees and disbursements incurred in connection with the review, approval and administration of the Plan for this Project, including any further amendments thereto; the preparation and negotiation of this Agreement, as it may be amended from time to time; and all documents and matters related thereto, including future expense. Developer shall reimburse the Authority for such expenses within 30 days from the date that the Authority sends an invoice and request for payment to Developer, provided Developer shall be eligible for reimbursement for such expenses to the extent permitted by law from Tax Increment Revenues.

10. Responsibilities of the Authority. In consideration of the preceding commitments of Developer the Authority further agrees to:

10.1 Agency Contacts. Provide Developer with appropriate service/employment agency contacts for the identification of City residents to interview for potential employment; and

10.2 Cooperation. Cooperate and utilize its best efforts to obtain any governmental approvals required to close the transaction contemplated by this Agreement.

11. Developer's Representations, Warranties and Covenants. The Developer hereby makes the following representations, warranties and covenants:

11.1 Eligible Property. The Property is "eligible property" as defined in Act 381 and is eligible for the capture of Tax Increment Revenues pursuant to Act 381.

11.2 Eligible Costs. The Developer will only submit for reimbursement under Paragraph 7 hereof such costs that it has reasonably determined are "Eligible Costs" within the meaning of Act 381.

11.3 Due Authorization. The representatives signing this Agreement are duly authorized by the Developer to enter into this Agreement.

12. Events of Default. Each of the following shall constitute an event of default:

12.1 Any representation or warranty made by the Developer in this Agreement proves to have been incorrect or incomplete in any material respect when made or deemed to be made.

12.2 The Developer fails to observe or perform any covenant or agreement contained in this Agreement for 30 days after written notice of such failure shall have been given to the Developer by the Authority.

12.3 The Developer abandons or withdraws from the reuse and redevelopment of the Property prior to completion of the Project or indicates its intention to do so.

12.4 The Developer fails to pay any funds within 30 days of the date due which are required to be paid to the Authority pursuant to this Agreement, including but not limited to its real and personal property taxes as set forth in Paragraph 78hereof.

12.5 The Developer terminates its existence.

12.6 Any material provision of this Agreement shall cease to be valid and binding on the Developer or shall be declared null and void; the validity or enforceability of such provision shall be contested or denied by the Developer; or the Developer denies that it is bound by this Agreement.

13. Remedies upon Default. If any event of default as defined above shall occur and be continuing for 30 days after written notice of default from the Authority, the Authority shall have the right, but not the obligation, to exercise any of the following rights and remedies either individually or concurrently:

- (a) Terminate this Agreement effective immediately upon notice to the Developer;
- (b) Receive reimbursement from the Developer for all costs which the Authority has incurred in connection with the Project, the Property, or this Development Agreement (within 30 days following demand); and
- (c) All other remedies available at law or in equity.

In addition, if the Developer fails to substantially complete the Project within the timelines required by this Agreement, or if Developer otherwise defaults prior to substantial completion of the Project, Developer shall pay back to the Authority (within thirty (30) days following demand by the Authority) any amounts paid to Developer as reimbursement for Eligible Costs pursuant to the terms of this Agreement or otherwise.

Following a default by Developer, or following expiration or termination of this Agreement for any reason, Developer shall then be responsible for all subsequent Project costs, including Eligible Costs, without contribution from Tax Increment Revenues collected by the Authority from taxes levied on the Property.

14. Legislative Authorization. This Agreement is governed by and subject to the restrictions set forth in Act 381. In the event that there is legislation enacted in the future which alters or affects the amount of Tax Increment Revenues subject to capture, Eligible Properties, or Eligible

Activities, then the Developer's rights and the Authority's obligations under this Agreement may be modified accordingly by agreement of the parties.

15. Freedom of Information Act. Developer stipulates that all petitions and documentation submitted by Developer shall be open to the public under the Freedom of Information Act, Act No. 442 of the Public Acts of 1976, MCL 15.231 et seq., and no claim of trade secrets or other privilege or exception to the Freedom of Information Act will be claimed by Developer as it relates to this Agreement or petitions and supporting documentation.

16. Plan Modification. The Plan and this Agreement may be modified to the extent allowed under the Act by mutual agreement of the parties.

17. Notices. All notices and other communications required or permitted under this Agreement shall be in writing, shall be deemed given when delivered, and shall be sent by personal delivery, overnight courier, or registered mail, return receipt requested, to the following addresses (or any other address that is specified in writing by either party):

If to Developer: IPUSA Portage 1, LLC
3700 E. Milham Avenue, Portage, Michigan 49002

If to the Authority: City of Portage Brownfield Redevelopment Authority
7900 S. Westnedge Ave
Portage, Michigan 49002

With copy to: Authority Attorney

18. Indemnification. Developer shall defend, indemnify and hold harmless the Authority and the City, and any of their respective past, present and future members, officials, employees, agents or representatives from all losses, demands, claims, judgments, suits, costs and expenses (including without limitation the costs and fees of attorneys or other consultants) arising from or related to (i) the capture and use of Tax Increment Revenue paid to Developer as a reimbursable payment under this Agreement made in excess of the amount of tax increment revenues the Authority is determined by the State or court to be allowed by law to use for that reimbursement, and (ii) the Project.

19. Governing Law. This Agreement shall be construed in accordance with and governed by the laws of the State of Michigan.

20. Binding Effect/Third Parties. This Agreement is binding on and shall inure to the benefit of the parties to this Agreement and their respective successors, but it may not be assigned by any party without the prior written consent of the other party. The parties do not intend to confer any benefits on any person, firm, corporation, or other entity which is not party to this Agreement.

21. Waiver. No failure of either party to complain of any act or omission on the part of the other party, no matter how long this same may continue, is considered as a waiver by that party to any of its rights hereunder. No waiver by either party, expressed or implied, of any breach of any provision of this Agreement is considered a waiver or a consent to any subsequent breach of this same or other provision.

22. Authorization. Each of the parties represents and warrants to the other that this Agreement and its execution by the individual on its behalf are authorized by the board of directors or other governing body of that party.

23. Entire Agreement. This Agreement supersedes all agreements previously made between the parties relating to the subject matter. There are no other understandings or agreements between them.

24. Headings. Headings in this Agreement are for convenience only and shall not be used to interpret or construe its provisions.

25. Definitions. The following capitalized terms are used in this Agreement with the following meanings:

"Administrative Costs" means the Authority's out-of-pocket costs associated with the Project (including reasonable attorney fees and costs, environmental consulting fees and costs, and similar fees and costs) as well as the Authority's indirect costs associated with the Project (including allocation of the fixed costs of the Authority staff.)

"Brownfield Plan" is defined by Section 2(e) of Act 381;

"Due Care Activities" is defined by Section 2(m) of Act 381;

"Eligible Activities" is defined by Section 2(o) of Act 381;

"Eligible Property or Properties" is defined by Section 2(p) Act 381;

"Tax Increment Revenues" is defined by Section 2(ss) of Act 381, and, for purposes of this Agreement, includes school taxes and local (non-school) taxes.

[Signature Page Follows]

In witness of their intent to be legally bound by the terms of this Agreement, each of the parties has set forth its signature below by its duly authorized representative.

CITY OF PORTAGE BROWNFIELD
REDEVELOPMENT AUTHORITY

By _____

Title _____

Date _____

DEVELOPER
IPUSA PORTAGE 1, LLC
By: Industrial Partners USA, LLC
Its: Manager

By _____

Title _____

Date _____

EXHIBITS:

A (Legal Description of Property)

B (Copy of Brownfield Plan)

EXHIBIT A
LEGAL DESCRIPTION OF THE ELIGIBLE PROPERTY

PART OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, PORTAGE TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE SOUTH 89 DEGREES 19 MINUTES 05 SECONDS EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1332.65 FEET TO THE WEST 1/8 LINE OF SAID SECTION; THENCE NORTH 00 DEGREES 39 MINUTES 17 SECONDS EAST ALONG SAID WEST 1/8 LINE AND THE EAST RIGHT OF WAY OF CONCORD STREET (PUBLIC) A DISTANCE OF 999.37 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 39 MINUTES 17 SECONDS EAST ALONG SAID WEST 1/8 LINE A DISTANCE OF 1254.55 FEET TO THE SOUTH RIGHT OF WAY OF I-94 (PUBLIC); THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 588.24 FEET, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6345.45 FEET, A CENTRAL ANGLE OF 05 DEGREES 18 MINUTES 41 SECONDS, AND A CHORD BEARING NORTH 84 DEGREES 14 MINUTES 24 SECONDS EAST 588.03 FEET; THENCE SOUTH 08 DEGREES 24 MINUTES 57 SECONDS EAST ALONG SAID RIGHT OF WAY A DISTANCE OF 50.00 FEET; THENCE EASTERLY ALONG SAID RIGHT OF WAY A DISTANCE OF 511.31 FEET ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 6395.45 FEET, A CENTRAL ANGLE OF 04 DEGREES 34 MINUTES 51 SECONDS, A CHORD BEARING NORTH 79 DEGREES 17 MINUTES 37 SECONDS EAST 511.18 FEET; THENCE SOUTH 52 DEGREES 21 MINUTES 52 SECONDS EAST A DISTANCE OF 235.31 FEET TO THE WEST RIGHT OF WAY OF NYC RAILROAD; THENCE SOUTH 00 DEGREES 37 MINUTES 18 SECONDS WEST ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 1124.83 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 05 SECONDS WEST A DISTANCE OF 734.64 FEET; THENCE SOUTH 78 DEGREES 19 MINUTES 15 SECONDS WEST A DISTANCE OF 494.25 FEET; THENCE NORTH 89 DEGREES 19 MINUTES 05 SECONDS WEST A DISTANCE OF 64.54 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT DESCRIBED AS:

ALL THAT PART OF THE SOUTHWEST QUARTER OF SECTION 3, TOWN 3 SOUTH, RANGE 11 WEST, PORTAGE TOWNSHIP, KALAMAZOO COUNTY, MICHIGAN, DESCRIBED AS: COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION; THENCE SOUTH 89°19'05" EAST ALONG THE SOUTH LINE OF SAID SECTION A DISTANCE OF 1332.65 FEET TO THE WEST 1/8 LINE OF SAID SECTION; THENCE CONTINUING SOUTH 89°19'05" EAST ALONG THE SAID SOUTH LINE A DISTANCE OF 1282.65 FEET; THENCE NORTH 00°37'18" EAST A DISTANCE OF 33.00 FEET TO THE NORTH RIGHT OF WAY OF E. MILHAM AVE. (66' PUBLIC) AND THE POINT OF BEGINNING; THENCE NORTH 89°19'05" WEST ALONG SAID NORTH RIGHT OF WAY A DISTANCE OF 93.00 FEET; THENCE NORTH 00°37'18" EAST A DISTANCE OF 154.69 FEET; THENCE NORTH 90°00'00" EAST A DISTANCE OF 27.64 FEET; THENCE NORTH 43°21'29" EAST A DISTANCE OF 30.01 FEET; THENCE NORTH 00°37'18" EAST PARALLEL TO THE WEST RIGHT OF WAY OF NYC RAILROAD A DISTANCE OF 895.09 FEET; THENCE SOUTH 89°19'05" EAST A DISTANCE OF 45.00 FEET TO THE WEST RIGHT OF WAY OF NYC RAILROAD; THENCE SOUTH 00°37'18" WEST ALONG SAID WEST RIGHT OF WAY A DISTANCE OF 1072.17 FEET TO THE POINT OF BEGINNING. CONTAINING 55,909 SQUARE FEET OR 1.283 ACRES. SUBJECT TO ANY EASEMENTS, OR RIGHTS OF WAY OF RECORD.

EXHIBIT B
Brownfield Plan

See attached.

CITY OF PORTAGE BROWNFIELD REDEVELOPMENT AUTHORITY

Monday July 11, 2022

8:00AM Portage

City Hall Conference Room 1

The City of Portage Brownfield Redevelopment Authority meeting of July 11, 2022, was called to order by Chair Barker at 8:04am.

In Attendance

Adam Herringa, Acting City Manager

Elliott Berlin, City Brownfield Attorney

Andrew Falkenberg, Deputy Assessor

Kelly Peterson, Director of Community Development

Biqi Zhao, Deputy Director of Planning and Zoning

Introductions

Introduction of Authority members, staff, applicants, and members of the public in attendance at the meeting were conducted.

Roll Call

Director Peterson called the roll: Chair Barker (yes); Vice Chair Alburtus (excused); Secretary/Treasurer Lenehan (yes); Mr. Lewandowski (yes); Mr. Herberg (yes); Mr. Galin (yes); Mr. Monroe (unexcused); Mr. Vomastek (excused); Mr. Campbell (yes).

Approval of Minutes

Motion by Mr. Herberg to approve the BRA Meeting Minutes of May 4, 2022. The motion was seconded by Mr. Barker. Motion carried 6-0.

New Business

Attorney Berlin provided a brief overview of the IPUSA Portage, LLC (801 E. Milham) Development Agreement, presented to the Authority for approval following the brownfield plan approval at the May 4, 2022, meeting. Mr. Galin inquired if there were any substantial changes to the project. The applicant's representative Joe Agostinelli confirmed there were none. Mr. Galin moved to approve the development agreement. Mr. Herberg seconded the motion. The Authority voted 6-0 to approve.

Mr. Greg Dobson, representing Tall Timbers Portage LLC (applicant) commenced a presentation on the Tall Timbers brownfield plan submitted to the Authority for review. He provided a brief project history of the collaboration between AVB and Hinman Co. to facilitate Tall Timbers at

3413 W. Centre Ave, which will be a residential-only phase of the existing Greenspire development. Mr. Dobson discussed that the residential project intends to address the City Council's goal of expanding housing availability in Portage, meet a broad range of demographic needs, offers a higher density development with walkable amenities that yields better land use, and will feature key elements including 10% workforce housing units, and LEED Certification that also support the City Council's strategic goals. He detailed some of the residential developments key features and infrastructure in relation to the brownfield application.

The Authority posed several questions about the adjacent state forest land, access management, utilities, green roofs on the top of external garages, property maintenance, site dewatering, and site history. Mr. Lewandowski inquired about the source of contamination. Mr. Dobson noted the presence of arsenic, iron, chromium, and lead and confirmed the source was unknown but could be related to a previous use (homes along W. Centre Ave) that were located as late as 1999. He advised the developer intended to obtain the limits of contamination and if possible, scoop and remove them from the site. Mr. Barker inquired about the accrued \$2.3 million in interest in relation to reimbursable activities. Mr. Dobson confirmed the accrued interest would be related to eligible expenses. Mr. Lenehan inquired about the completion date, which was confirmed by the applicant to be Summer 2024, with a phased approach to bringing the residential towers on line to make units available as expeditiously as possible. Project representative Rich MacDonald (Hinman Co.) discussed the involvement of the Michigan Economic Development Corporation (MEDC) from which the applicant will also be seeking approval of a state brownfield plan and advised that this is one of the first residential-only projects in non-core, non-urban areas in this region that MEDC has expressed a willingness to support.

Mr. Barker inquired about the analyses and impacts to the school millage revenue forgone versus the expected capture from the 180 residential units. Mr. Dobson advised the tax capture doesn't begin until after the 1st year. Mr. Galin advised that funding will be returned to the school district, as is standard, on a per pupil basis. Acting City Manager Herringa advised the Authority that the Administration is supporting this project as an exception to the City's current brownfield redevelopment incentive policy (which currently does not allow for residential projects) as it helps meet City goals, that the City is currently developing an updated policy to accommodate a broader set of needs, noting this project sets a high bar for future projects of this nature. He reminded the Authority that they are not only voting for the project, but also supporting an exception to the current policy in the recommendation to Council.

Mr. Galin inquired if it the Authority was within its rights to vote to approve a project outside of the City's current policy. Attorney Berlin confirmed that the current policy is in the process of being amended, but due to the timing of the applicant's state brownfield application timeline and the policy modifications currently underway, the Authority can be asked to make an exception. Mr. Herberg inquired about a potential date for the modified policy. Acting City Manager Herringa advised that it is anticipated a modified policy would be drafted and shared with the City Council this fall. Mr. Herberg wanted to confirm that there were no legal ramifications for violating or making an exception to the stated policy. Attorney Berlin advised that the City's policy is stricter than what the state brownfield law permits. He advised that as long as the

Authority is complying with the law, an exception to the current policy is effectively a temporary amendment to the policy. This is the same result that would occur if City Council moves to approve the project as an exception to the current City policy. Attorney Berlin advised that all brownfield applications are always discretionary to the Authority and Council. Mr. Herberg asked for confirmation that the Michigan state law currently allows brownfield plans for residential projects. Attorney Berlin confirmed that yes, residential projects are currently allowed within the state law.

Mr. Lewandowski made inquiries about the project's LEED certification components and inquired about use of Consumers Energy Rebates. Mr. Dobson described the focus on mechanical and electrical systems, as well as aspects like green roofs and electric charging stations, and confirmed that the applicant will complete the process for LEED Certification and will consider utilizing rebates where applicable. Mr. Lewandoski inquired about future planned phases. Mr. Dobson described a remaining parcel, known as Phase 8 (located on Parcel B in the proposed brownfield application), approved by the Council that is anticipated to have 120 residential units over 30,000 square feet of retail, and parking which may front W. Centre and create additional walkable, mixed-use amenities in a suburban environment. Attorney Berlin provided clarification to the Authority about Parcel A and Parcel B in the submitted brownfield plan, confirming that the current Development Agreement under review by the Authority only applies to Parcel A, which will be the site of Tall Timbers.

Mr. Lewandowski moved to approve the application for Tall Timbers as presented. Acting City Manager reminded the Authority to make a motion with the recommended language in the City's report, detailing that the application is approved as an exception to the current City policy. Mr. Lewandowki made a motion to approve the project using the recommended motion language which was to approve and recommend to City Council the Tall Timbers Portage LLC brownfield application as an exception to the current City of Portage Brownfield Redevelopment Incentive Policy, with a condition to execute a mutually agreed upon development or reimbursement agreement. Mr. Herberg seconded the motion. The Authority voted to approve 6-0.

The meeting was adjourned at 9:18am.

Respectfully submitted,

K. Peterson
Director of Community Development