CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

March 17, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

March 17, 2011
(7:00 p.m.)

Portage City Hall Council Chambers

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* March 3, 2011

SITE/FINAL PLANS:

PUBLIC HEARINGS:

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

1. 2011-2021 Capital Improvement Program (previously provided)
2. 2011 Major Thoroughfare Plan Status Update Report (previously provided)

NEW BUSINESS:

* 1. Mixed-Use Zoning Ordinance Proposals (referral from City Council)
* 2. 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

February 14, 2011 Zoning Board of Appeals Meeting Minutes
February 22, 2011 City Council meeting minutes

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

PLANNING COMMISSION

DRAFT

March 3, 2011

The City of Portage Planning Commission meeting of March 3, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. One citizen was in attendance.

MEMBERS PRESENT:

Miko Dargitz, Wayne Stoffer, Rick Bosch, Paul Welch, Jim Pearson, Mark Siegfried and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Bill Patterson and Allan Reiff.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning and Development Services; Michael West, Assistant City Planner and Randall Brown, City Attorney

PLEDGE OF ALLEGIANCE:

The Planning Commission, staff and the audience recited the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the February 17, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Stoffer, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Special Land Use Permit: Noggle Auto Repair, 6902 Lovers Lane. Mr. West summarized the February 25, 2011 staff report regarding a request by Mr. Curtis Noggle to establish an automobile repair station for both minor and major repairs at 6902 Lovers Lane. Mr. West discussed recent building renovations and site enhancements made during the summer/fall of 2010 and the limited number of parking spaces available at the site. Mr. West stated the owner is aware that all vehicles including employee, customers and vehicles awaiting repair must be parked in designated paved parking spaces or within the building.

Mr. Curt Noggle (applicant) was present to support the application. Chairman Cheesebro opened the public hearing. No citizens spoke in either support or opposition to the proposed automobile repair station. A motion was made by Commissioner Welch, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved. After a brief discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Bosch, to approve the Special Land Use Permit for Noggle Auto Repair, 6902 Lovers Lane, subject to all vehicles being parked in designated paved parking spaces or within the building. The motion was unanimously approved.

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PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. 2011 Major Thoroughfare Plan Status Update Report and 2011-2021 Capital Improvement Program. Mr. Forth referred the Commission to the two documents provided with the final agenda packet. Mr. Forth briefly discussed the proposed 2011-2021 Capital Improvement Program and the role of the Planning Commission in review and recommendation of the document. Mr. Forth indicated the Planning Commission needs to provide a formal recommendation to City Council by the end of March. Mr. Forth then briefly discussed the 2011 Major Thoroughfare Plan Status Update Report that includes updated traffic volume and three-year crash data for various street segments, a summary of the 2010 Holiday Traffic Study and an update of motorized and non-motorized improvement projects programmed in FY 2010-2011. Mr. Forth advised the Commission to review the two documents for further discussion/action at the March 17, 2011 meeting. Mr. Forth asked the Commission to contact the Department of Community Development in advance of the March 17th meeting with any questions or clarifications. Commissioner Welch also suggested that any questions be directed to the Department of Community Development prior to the meeting, if possible. Chairman Cheesebro asked the Commission to focus on the 2011-2021 Capital Improvement Program since this document requires formal action by the Commission.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

There being no further business, the meeting was adjourned at 7:15 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

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CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** March 11, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Mixed-Use Zoning Ordinance Proposals

During the March 8, 2011 meeting, City Council accepted a recommendation by the Housing and Neighborhoods Ad Hoc Committee to refer three mixed-use Zoning Ordinance proposals to the Planning Commission for consideration and initiate the Zoning Code amendment process. The three mixed use ordinance proposals include the following:

1. City Centre Area – Mixed-Use Floating Zone;
2. Commercial Corridor Mixed-Use Floating Zone; and
3. Work/Live Accommodations.

Attached is the February 25, 2011 communication from the City Manager to the City Council, copies of each proposed zoning ordinance and a draft copy of the March 8, 2011 City Council meeting minutes.

The three preliminary ordinances are quite detailed and represent a different and innovative approach to suburban land use planning/zoning by specifically allowing residential uses in commercial zoning districts. As the Commission recalls, mixed use development is encouraged in the City Centre Area as referenced in the 2008 City Centre Area Plan. Also, the 2008 Comprehensive Plan references mixed-use development as a land use objective and identifies an implementation strategy, which can be appropriate in designated commercial nodes, for example. Consequently, it is expected that a thorough review/discussion, together with public input, will occur over the next several months. The Planning Commission is advised to begin review/discussion of the preliminary ordinances during the March 17th meeting. Staff will be prepared to explain each ordinance in detail and answer questions from the Commission members.

Attachments: February 25, 2011 communication from the City Manager to the City Council
Proposed City Centre Area zoning district and City Centre Area Map
Proposed Corridor Mixed-use Floating District with Future Land Use Plan Map
Proposed Work/Live Accommodations
Draft March 8, 2010 City Council meeting minutes

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CITY OF PORTAGE **COMMUNICATION**

TO: Honorable Mayor and City Council **DATE:** February 25, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Mixed Use Zoning Ordinance Proposals

ACTION RECOMMENDED: That City Council refer three mixed use Zoning Code proposals, as recommended by the Housing and Neighborhoods Ad Hoc Committee, to the Planning Commission for consideration and initiate the Zoning Code amendment process.

On February 24, 2011, the City Council Housing and Neighborhoods Ad Hoc Committee met to discuss three preliminary Zoning Code proposals. The proposals developed by the City Administration would allow "mixed use" elements within business zoning districts. The ordinances were prepared consistent with the Portage 2025 Visioning recommendations and the 2008 City Centre Area Plan-A Sub-Area Plan for Central Portage adopted by the Planning Commission. The three "mixed use" proposals would permit residential uses within business zones when ordinance standards have been met. The Ad Hoc Committee discussed these proposals and recommends that the Planning Commission be requested to consider the proposals, obtain community input through the Zoning Code amendment process and provide a recommendation to the City Council.

Following are highlights of the three proposals:

1. City Centre Area – Mixed Use Floating Zone. This district is an incentive-based floating zone that would be initiated by a property owner or developer in a manner that is similar to the PD, planned development district. The intent and purpose of the zoning district is to permit residential uses in the Portage City Centre in the form of "mixed use" development projects. The proposal would also foster a more urban orientation and encourage smaller setbacks, for example, along public streets.
2. Commercial Corridor Mixed Use Floating Zone. This district is also an incentive-based floating zone that would be initiated by a property owner or developer in a manner that is similar to the PD, planned development district. This floating zone would be applicable in office and business zones and within primary and secondary commercial nodes and commercial corridors designated in the adopted 2008 City of Portage Comprehensive Plan. Residential uses would be permitted in forms that create a more compact, pedestrian-oriented development project.
3. Work/Live Accommodations. This ordinance proposal would add language to the General Provisions section and permit an accessory residential unit to any business use located in office and business zoning districts. Standards would allow the business owner to develop a residence within the business use when particular conditions are fulfilled.

Attached is a February 17, 2011 communication from Community Development Director Erickson that includes a summary of the ordinance proposals in preliminary ordinance language format.

It is recommended that City Council refer the "mixed use" proposals to the Planning Commission for consideration and initiate the Zoning Code amendment process as recommended by the Ad Hoc Committee.

Attachment: February 17, 2011 from Community Development Director Erickson

CITY OF PORTAGE **COMMUNICATION**

TO: Maurice Evans, City Manager **DATE:** February 17, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Mixed Use Zoning Ordinance Proposals

In preparation for the February 24, 2011 meeting with the Housing and Neighborhoods Committee, the Department has researched and prepared draft Zoning Ordinance language to permit individual accessory residential units and residential elements within business zones. Three ordinances have been prepared: City Centre Area – Mixed Use Floating Zone; Commercial Corridor Mixed Use Floating Zone; and the Work/Live Accommodations.

City Centre Area – Mixed Use Floating Zone. This zoning district was submitted in May 2010 in response to foster development in the City Centre Area (CCA) as identified in the 2008 City Centre Area Plan-A Sub-Area Plan for Central Portage and Portage 2025 Visioning recommendations. The zone provides an incentive by allowing residential uses to create a mixed-use development in a more urban setting in the CCA. Attached are the most recent draft and a map that show the location identified for the proposed CCA zone(s).

The CCA zone is an incentive-based floating zone that would be initiated by a property owner/developer who desires to use the approach. A floating zone would be fixed to the Zoning Map when a property owner or developer requests the district be fixed as may be approved by City Council. The site development requirements in the floating zone would take precedence over the underlying zone. The CCA zone is a "planned development" with conceptual plan and final (site) plan approval stages. Following are primary elements:

1. Minimum tract of land established at 10 acres to facilitate development and redevelopment of larger tracts that are more likely to result in a significant project with unifying qualities, better incorporate existing uses (and avoid creating nonconformities) and produce a more "urban" orientation.
2. Multi-family residential dwelling units above the first floor are permitted per requirements of the RM-1 district for floor area and density.
3. Development requirements specified including setbacks at a public street of 10 feet from the front lot line. Architectural design and building wall materials to be a unified character, compatible and mutually supportive to proposed and existing buildings in the surrounding area.
4. A degree of protection for existing business and office properties adjacent to the project area.
5. City Council maintains the flexibility to modify or waive standards of development.

Although the concept is an attempt to promote an "urban" development pattern in a suburban environment, the establishment of an urban, walkable center has been successfully accomplished by other suburban communities. There are areas within the CCA likely to redevelop and further consideration of this development option has merit.

Commerical Corridor Mixed Use Floating District. This zoning district is another incentive-based floating zone that would be initiated by a property owner/developer to create a more compact/pedestrian-friendly development. The Corridor Mixed Use Floating District (CCMU) is a "planned development" with conceptual plan and final (site) plan approval stages. Following are primary elements:

1. Applicable only in OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development districts: 50% of the minimum 5 acre area must be so zoned. A developer could expand the development proposal (and rezoning application) to abutting areas zoned for other purposes.
2. Applicable along major thoroughfares and located in/adjacent to a primary or secondary commercial node or commercial corridor per Comprehensive Plan.
3. Single-family units are permitted as are multi-family units above the first story or in a separate freestanding building.
4. Development standards specified including front setbacks along public and private streets/maneuvering lanes. Architectural design and building wall materials must be a unified character, compatible and mutually supportive to proposed and existing buildings in the surrounding area.
5. City Council maintains the flexibility to modify or waive standards of development.

Work/Live Accommodations. The Work/Live Accommodations ordinance would add language to Section 42-137, general provisions, that would permit an accessory residential unit to any business located in specified zoning districts. As the name implies, the primary use is the business (work) portion and the residential unit (live) is accessory to the business. Following are primary elements:

1. Applicable only in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development districts. The residential unit can only be occupied by the business owner(s).
2. Subject to review and approval by the Planning Commission as a special land use, or in the CPD district, as part of the CPD approval process.
3. The residential unit cannot exceed one-third of the total floor area for the business use, have an interior connection and located above/adjacent to the business. There are other limited development requirements.

The first two of the above proposed ordinances attempt to provide for residential activities through "mixed use" development concepts. The latter proposal is directed toward the idea that residential uses ought to be permitted within business districts in Portage. The context is to provide for a business owner to live at the workplace if so desired, but to minimize impacts on nearby businesses and owners of business properties, some of which are individual business uses and some are multi-use business centers on one zoning lot.

I am prepared to further discuss the issue at your convenience.

Attachments: Proposed CCA district ordinance and City Centre Area Map
Proposed Corridor Mixed Use Floating District with Future Land Use Plan Map
Proposed Work/Live Accommodations

c. Brian Bowling, Deputy City Manager
Christopher Forth, Deputy Director of Planning and Development Services

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY ADDING SUBDIVISION 15 TO DIVISION 4, ARTICLE 4, OF CHAPTER 42 LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 4, of Chapter 42 shall be amended by adding Subdivision 15 to include the following:

Subdivision 15. CCA, City Centre Area - Mixed Use Floating District.

Sec. 42-434. Intent.

A. The intent of the City Centre Area - Mixed Use Floating district is to:
   1. Support the goals and objectives of the Planning Commission-approved City Centre Area Plan, a sub area plan for central Portage, which envisions an urban, small-scale, pedestrian-friendly, governmental and business center with a cultural identity and including enhanced residential opportunities. Development and redevelopment activities that occur in the City Centre Area should strengthen the city centre as a "place" with a variety of land use activities, open/green space, pedestrian interconnections and gathering places attractive to people.
   2. Permit greater flexibility and, consequently, more creative and imaginative design for development and the efficient use of land in response to market trends than is available under conventional zoning districts.
   3. Protect and enhance access to existing natural resources including Portage Creek and public park, recreation and open space in the City Centre Area.
   4. Encourage residential development in the City Centre Area.

B. The district is further intended to be a specialized floating district that is not mapped on the City of Portage Zoning Map when adopted. The area eligible for the floating district is land within the City Centre Area Plan, Detailed Plan Area. On a future date, the floating district will be fixed in location within the City Centre Area Plan, Detailed Plan Area at the request of the affected landowner(s) or the developer as approved by City Council.

Sec. 42-435. Qualifying Conditions.

A. Applications for City Centre Area - Mixed Use Floating District must fulfill the following qualifying conditions:
   1. The application shall be for a project that is
      a. located entirely within the Portage Planning Commission-approved 2008 City Centre Area Plan, Detailed Plan Area, as may be amended; and
      b. in an area zoned OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development.
   2. The application shall be for a project that consists of a single lot or parcel, or a number of contiguous lots or parcels under single ownership or control of the applicant.

3. In the event that the application for the proposed City Centre Area - Mixed Use Floating District includes more than one parcel not in the same ownership, an agreement signed by the owners of all property included in the project application indicating the intent to develop the project in common shall be submitted.

B. Where a City Centre Area - Mixed Use Floating District development project conceptual plan and development plan have been approved pursuant to this subdivision, the regulations imposed for approval of the development project shall apply.

C. If a lot or parcel in a development project application for conceptual plan approval includes less than the entire lot or parcel owned by the applicant, an explanation shall be provided by the applicant regarding:
   1. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
   2. The future development and access to the remaining lot or parcel.

Sec. 42-436. Principal permitted uses

In an approved development project within a City Centre Area - Mixed Use Floating District, no building or land shall be used, and no building shall be erected, except for one or more of the following specified uses unless otherwise provided in this article:

A. Any principal permitted use in the OS-1, Office Service district or uses subject to special conditions.
B. Any principal permitted use in the B-1, Local Business district or uses subject to special conditions.
C. Any principal permitted use allowed in the B-2, Community Business district, excluding restaurants that provide drive-in or drive-through services.
D. Public transit facilities
E. Motels, hotels
F. Micro Breweries and brew-pubs.
   1. Brewery production shall not exceed 20,000 barrels per year.
   2. No outdoor storage of any kind shall be permitted.
   3. The use shall also include a restaurant having a minimum seating occupancy of 100 persons providing full lunch and dinner service. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
   4. An off-street loading space shall be required in the rear yard, as approved by the planning commission.
G. Multiple family residential dwellings.
   1. Dwelling units must fulfill the requirements of the RM-1, Multifamily Residential district.
   2. Dwelling units must be located in a story above the first story in the same building occupied by a principal permitted use or uses listed in A through F above.

Sec. 42-437. Site development incentives and standards

A. <u>Minimum lot area, Building height, Lot coverage, Residential density/minimum floor area per unit and Mixed use requirements.</u>
   1. A lot or parcel intended for development shall not be less than ten acres. The lot or parcel intended for development shall be considered a zoning lot as defined by this article. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than ten acres, upon finding by the City Council that the proposed development fulfills the intent of this subdivision.
   2. The maximum building/structure height and number of stories shall not be regulated provided that any building or structure in excess of 35 feet shall be designed and located to be consistent with the reasonable enjoyment of nearby land uses internal to the

project area, existing land uses surrounding the project area, and the capacity of the public infrastructure to deliver necessary public services.

3. Maximum lot coverage in the City Centre Area - Mixed Use Floating District shall be determined on the basis of the zoning lot, open space, building, off-street parking and loading, landscaping and screening, setbacks and other requirements specified in this article.
4. In a mixed use development, residential density and Minimum Floor Area Per Unit shall be established pursuant to Section 42-350 A. and B. footnote (7) for dwelling units in the RM-1, Multifamily Residential district.
5. Permitted office and commercial uses may occupy any number of total floors within the building provided that
   a. No permitted commercial or office use shall be located on the same floor as a permitted residential use.
   b. No floor may be used for a permitted commercial or office purpose that is located above a floor used for permitted residential purposes.
   c. In a building where there is mixed commercial/office use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.

B. Use requirements. All permitted uses must be conducted in completely enclosed buildings except for accessory off-street parking and off-street loading areas, automated teller machines and approved outdoor seating and similar areas associated with a permitted use, or as determined by the Planning Commission.

C. Building Setbacks/Perimeter Setbacks
   1. Front. A majority of the front building wall (façade) must abut the front lot line or be located within ten feet of the front lot line for buildings located on the perimeter of the development project area adjacent to a public street.
   2. Side. The side yard building setback must comply with Section 42-350 B. footnote (10).
   3. Rear. The rear yard building setback must comply with Section 42-350 B. footnote (15).
   4. Perimeter setbacks. For a development project that abuts adjacent property that permits residential uses, or uses of less intensity than proposed in the development project, a peripheral transition area shall be incorporated within the development project consistent with the provisions established in Section 42-570 through Section 42-578 of this article.
   5. The above-noted setbacks may be modified where strict adherence would serve no practical purpose or where the overall intent of the City Centre Area - Mixed Use Floating district would be better served by allowing a greater or lesser setback.
   6. In addition to providing for adequate light and air, setbacks (yards) may also be required where access to land, natural resources including Portage Creek or to public park, recreation or open space or other uses beyond the building would be desirable and where it can be found that such exterior setbacks would be in keeping with the intent and purpose of the district. Where it is determined that such exterior setbacks are desirable, this area shall be developed as pedestrian plazas or courts and made an integral part of the site. Wherever such open yards shall be created, they shall be physically connected, when possible, to adjacent open yards and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open yards within the development project or adjacent property.

D. Projections into Right-of-Way.
   A marquee, awning or canopy may extend over a public sidewalk located in a public right-of-way subject to the following:
   1. Does not project more than eight feet over the public sidewalk.
   2. Is at least three feet from the curbline of a public street.
   3. Is at least eight feet in height as measured at its lowest point above the sidewalk.

E. Building Design/Development Project Design.
   1. Architectural design and building wall materials within the development project must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding

area. It is not intended that contrasts in architectural design and use of building wall materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the stability and value of the surrounding area.

2. Elevation drawings of each side of each building in the development project must be submitted.
3. Exterior building walls shall be primarily of brick or stone, which may include other materials complementary to brick or stone. Alternative building wall materials may be used if modified per an approved development project. A report and recommendation by the professional design or architectural consultant of the developer may be requested by the planning commission as a part of its review of alternative materials. Alternative building wall materials may be approved if all of the following conditions are satisfied:
   a. The selected building wall materials and material combinations will be consistent with and enhance the building design concept.
   b. The building wall materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
   c. The use of the selected building wall materials and material combinations will not detract from the future development in the district of bricks and stone buildings, augmented by materials complementary to brick and stone.
   d. The request is accompanied by a written design statement describing how the selected building wall materials will satisfy the above requirements.
4. A minimum of 60 percent of the front building wall (façade) between no more than three feet and not less than eight feet in height as measured from the adjacent grade is the clear window/view of indoor space standard. This front building wall area must consist of clear windows that allow views of indoor space or product display areas, and subject further to a. and c. herein:
   a. The bottom of any window or product display window used to satisfy the clear windows/view of indoor space standard may not be more than three feet above the average grade or elevation of the adjacent sidewalk.
   b. Product display windows used to satisfy the clear windows/view of indoor space standard must have a minimum height of four feet and be internally illuminated.
   c. Signs placed in the front building wall (façade) windows or within three feet of the window may not cover more than 10 percent of the window opening.
5. Each building must have a primary entrance door facing a public sidewalk. An entrance at building corners may be used to satisfy this requirement.
6. A building entrance may include doors to individual businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of businesses.
7. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.
8. Architectural amenities within the development project are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, landscaping and major architectural features at entranceways and focal points of the development project (e.g., arch, gateway, bell tower, fountain).

F. Open Space/Common Area. A minimum of 10 percent of the gross site area of the development project shall be devoted to permanent open space/common area accessible to the public and shall be maintained by the owner of the development project.

G. Off-street Parking and Loading. The following provisions shall apply in the district:
   1. Off-street parking must be provided and designed for permitted uses in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading. The applicant may request a reduction or waiver of parking standards based on submittal of a parking impact study that may include, among others, estimated peak use, reductions due to pedestrian accessibility, availability of transit service, likelihood of car pool use and adjacent on-

street parking. The parking study shall be subject to review by the Planning Commission and the City Council.

2. Off-street parking must be located in the side or rear yard.
3. Off-street parking facilities may be shared between two or more adjacent zoning lots and not meet the minimum combined number of parking spaces for each use if the applicant(s) demonstrates the peak parking needs do not overlap, per an approved development plan.
4. A loading area must be provided in the rear yard in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading.

H. Signs. Signage is permitted and shall fulfill the sign requirements established in Section 42-554. CCA, City Centre Floating district.

I. Site Lighting
   1. Site lighting must comply with Division 6, Subdivision 4 – Lighting Standards.
   2. Freestanding, pole-mounted light fixtures must be consistent with the "Shepard's hook" style of light fixture (*Insert picture*).

J. Municipal Utilities. All uses in the City Centre Area - Mixed Use Floating District shall be connected to municipal water and sewer utilities.

K. Other Utilities. All telephone, electric, television and similar communication services distributed by wire or cable shall be placed underground to serve the use and development project.

Sec. 42-438. Development Project review and approval.

A. Development of land in the City Centre Area - Mixed Use Floating District shall be permitted subject to an approved unified form of land development plan (conceptual plan) and an approved site plan or subdivision plan (specific plan) as required by this section.

B. Unified form of land development plan (conceptual plan): The owner or developer of the tract of land to be developed shall submit a conceptual plan to the department of community development. This conceptual plan shall include the following information:
   1. A statement of purpose and objectives.
   2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.
   3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.
   4. The name of the development, legal description, and names and addresses of the landowner and developer.
   5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds.
   6. Property lines and existing land uses of adjacent tracts of land.
   7. The location, width and names of existing streets, and public and private easements.
   8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
   9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
   10. The use, approximate height, density, bulk and location of buildings and other structures.
   11. A program of development outlining the proposed stages of development, including the time schedule.
   12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
   13. The location, function, ownership and manner of maintenance of common open space.
   14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.

15. 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 development.
16. 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.
17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.

C. Review by planning commission: The development project review and public hearing shall be conducted by the planning commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.

D. Action by City Council: After receipt of the planning commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the City Centre Area - Mixed Use Floating District shall be fixed to the Zoning Map to show the extent of the floating district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.

E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.

F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.

G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.

H. Development plan (specific plan):
1. Required; conformance with conceptual plan. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be permitted pursuant to an approved site plan subject to the requirements specified in division 5, subdivision 2, Site Plan Review. The site plan for the specific plan shall be in substantial conformance with the approved conceptual plan.
2. Time limit for commencing construction. After the site plan for a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
3. Resubmission. If the specific plan expires or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.

I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives in reviewing the conceptual plan for development in the City Centre Area - Mixed Use Floating District:
1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
2. The buildings and structures are compatible with and mutually supportive of each other.

3. The buildings and structures are of a unified architectural and structural character.
4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.
7. The plan is designed and will be constructed in such a way as to mitigate to the extent practical the impacts associated with the existing railroad, be compatible with the environment and with neighboring uses, especially residential areas.
8. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
9. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
10. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage Creek and public park, recreation and open space. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development within the City Centre Area.

J. Authority to waive or modify standards: City Council may waive or modify the site development incentives and standards specified in this subdivision for a conceptual plan on the basis of evidence submitted by the developer that:
1. A requirement is inconsistent with the development project as a whole;
2. The objectives of the standard or requirement can be satisfactorily met without strict adherence to it;
3. The waiver or modification will not be detrimental to the public welfare or injurious to other surrounding property; and
4. Because of the particulars of the facilities proposed in the development project, it would be unreasonable to require strict adherence.

DRAFT

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY AMENDING SECTION 42-541(B); SECTION 42-542(I) AND BY ADDING SECTION 42-554, ARTICLE 4 OF CHAPTER 42 ZONING

Sec. 42-541. Definitions.

B. Types of signs referred to in this subdivision are defined as follows:

Ground Sign: A freestanding sign resting directly on the ground, on a base or supported by short poles not attached to a building or wall, the bottom of which is no more than 24 inches above the finished grade.

Projecting Sign: A double-faced sign attached to a building or wall that extends outward perpendicular to the wall or building.

Sec. 42-542(I). Electronic or mechanical sign elements.

1. An accessory sign permitted in the B-1, B-2, B-3, CPD, OS-1, OTR, CCA and I-1 and I-2 zoning districts, and a non-accessory sign permitted in the I-1 and I-2 zoning districts, may include an EMD subject to the following requirements:

   Sections a through g unchanged

Sec. 42-554. CCA, City Centre Floating District.

In the CCA, City Centre Floating district:

Awning or Canopy Sign	
Area, maximum	15% of the total area of the business establishment wall to which the awning or canopy is attached. The total area shall not exceed 100 square feet per street frontage. Awing and/or canopy signs are considered wall signs for the purposes of calculating the total area. Awning and/or canopy signs may project more than 18 inches from the wall to which they are attached.
Materials and Design	Barrel design and plastic/vinyl materials are prohibited
Illumination	External illumination only
Ground Clearance	8 feet as measured from grade to the bottom edge of the sign
Right-of-way	Encroachment into a public right-of-way requires a right-of-way permit
Banner	
Area, maximum combined for each 40 lineal feet of building frontage	40 square feet
Ground Clearance	8 feet as measured from grade to the bottom edge of the banner
Distance from curb	2 feet measured from leading edge of the banner.
Placement, projection	• Banners mounted perpendicular to the building wall must project at a 90 degree angle.

Placement, projection (con.)	• A minimum six inch space between the banner and building wall must be maintained. • Banner shall not extend more than 42 inches from the building wall.
Message	Banners are limited to the name, address or logo of the business.
Right-of-way	A banner that projects into the public right-of-way requires a right-of-way permit.
Electronic Message Display Sign	
See section 42-542(l) for requirements pertaining to size, location, display characteristics and related provisions.	
Ground/Pylon Sign	
Location	At the vehicular entrance to a development to identify the project and uses therein.
Number, maximum	One per vehicular entrance.
Area, maximum	• 50 square feet. • For each additional use of a zoning lot (initial use excluded), eight additional square feet of sign is permitted, the total area of all signs not to exceed 50 percent over the sign size originally permitted for the zoning lot.
Height, maximum	• Ground Sign - Eight feet • Pylon sign – 16 feet
Ground sign base	A base not exceeding one-third the height of the sign shall be excluded from the sign area calculation but shall be included in the overall height calculation.
Property line setback	Ten feet
Vision obstructions	Signs shall be located so as not to create vision obstructions for motorists and pedestrians entering or exiting a site, as determined by the Director of Transportation and Utilities
Projecting Sign	
Area, maximum	12 square feet
Distance from building, maximum	4.5 feet
Ground clearance	8 feet as measured from bottom edge of sign
Distance from curb	2 feet
Height, maximum	The sign shall not extend above the sill of the second story window or 16 feet in height, whichever is less.
Number, maximum	One sign per ground floor establishment
Placement	The sign shall project vertically from the wall at an angle of 90 degrees and shall attach to the wall with a minimum 6-inch space between the building and the sign.
Right-of-way	A permit is required for any sign that projects into a public right-of-way
Wall Sign	
Area, maximum Area, maximum (con.)	Wall signs for ground level tenants shall not exceed 15 percent of the total wall area to which the sign is attached or 100 square feet, whichever is less.
Number, maximum	• More than one wall sign is permitted but the combined area of all wall signs shall not exceed the maximum area as noted above. • For a lot with frontage on more than one street, each frontage may be treated separately for the purpose of calculating wall signage. Wall signage for one street frontage cannot be combined with another street frontage
Height, maximum	The sign shall not extend above the sill of the second story window or 16 feet in height, whichever is less.

Yeas: _____

Nays: _____

Dated: _____, 2010.

_____
Peter J. Strazdas, Mayor

FIRST READING:
SECOND READING:
ORDINANCE #:
EFFECTIVE DATE:

CERTIFICATION

I, James R. Hudson, 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 _____, 2010.

_____
James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002

Approved as to Form:
Date: _____

_____
City Attorney

S:\2010-2011 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Ordinance Amendments\City Centre Area - Mixed Use Floating District\2011 02 16 JME City Centre Area Overlay District v3.doc

Map 1
City Centre Area

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AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF PORTAGE, MICHIGAN BY ADDING SUBDIVISION 16 TO DIVISION 4, ARTICLE 4, OF CHAPTER 42 LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 4, of Chapter 42 shall be amended by adding Subdivision 16 to include the following:

Subdivision 16. CCMU, Commercial Corridor Mixed Use Floating District.

Sec. 42-439. Intent.

A. The intent of the Commercial Corridor Mixed Use (CCMU) floating district is to allow residential uses together with office and business uses in a mixed use development, which is high quality, convenient and attractive to residents, consumers and visitors. The CCMU district encourages greater flexibility and more creative and imaginative design in the new development or redevelopment of land areas with a mix of different types of land uses within a single project area resulting in a more efficient use of land than is available under conventional zoning districts. The CCMU district is further intended to:
   1. Foster a sustainable, more compact form of development that provides for residential uses to be within walking or biking distance of nonresidential destinations, promotes mixed uses, maintains an efficient infrastructure, and preserves open space and natural areas;
   2. Provide roadway and pedestrian connections between residential and nonresidential areas internal to the development and to adjacent land uses;
   3. Encourage a reduction in off-street parking facilities through the use of shared parking facilities;
   4. Promote the health and well-being of residents by encouraging physical activity and promoting alternate transportation modes; and
   5. Facilitate a development pattern that is consistent in intensity with the uses permitted in the existing, underlying office or business district and with the land use objectives in the Portage Comprehensive Plan.

Sec. 42-440. Applicability of Subdivision

A. An application for a CCMU district may be submitted for any tract of land in which not less than 50% of the tract of land is zoned B-1, local business; B-2, community business; B-3, general business; CPD, commercial planned development; or OS-1, office service, or any combination of such districts. On a future date, the district will be fixed in location at the request of the property owner(s), or the developer, as approved by City Council.
B. With the greater intensity of building development and mix of uses, the CCMU district is suitable only for tracts of land located along major thoroughfares and identified as a primary commercial node, secondary commercial node or commercial corridor in the Portage

Comprehensive Plan or situated abutting to a designated primary or secondary commercial node or commercial corridor.

C. The CCMU district is not intended to replace or modify the underlying office or business zoning district, but is intended as a development alternative to foster community growth and development.
D. The CCMU district cannot be applied in the City Centre Area, Detailed Plan Area as identified in the Planning Commission approved City Centre Area Plan.
E. The application and use of the CCMU district shall be for a project area that is comprised of a single lot or parcel, or a number of contiguous lots or parcels under single ownership or control of the applicant. In the event that an application for a proposed CCMU district includes more than one parcel not under the same ownership, an agreement signed by the owners of all property shall be included in the application indicating the intent to develop the property as a single project area.

Sec. 42-441. Permitted land uses

Permitted uses shall provide an orderly, compatible and functional development pattern, be harmonious with existing land uses and be consistent with the Portage Comprehensive Plan. A plan for the project area shall consist of mix of residential, office and business uses as specified in this chapter.

A. Principal permitted uses. In an approved CCMU district and project area, no building or land shall be used, and no building shall be erected, except for:
   1. Principal permitted uses and special land uses allowed in the underlying business or office zoning district; and
   2. The following specified residential uses:
      a. One-family detached dwellings
      b. Child daycare centers
      c. One-family attached dwellings
      d. Two-family dwellings
      e. Adult foster care small and large family homes
      f. Multi-family residential dwellings

Sec. 42-442. Site development incentives and standards

A. Project Area. The project area that is intended for development shall be not less than five acres. The tract of land intended for development shall be considered a zoning lot as defined by this article. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than five acres, upon finding by the City Council that the proposed development fulfills the intent of this subdivision.
B. Building height and number of stories. The maximum height of buildings and structures shall be determined pursuant to the Maximum Building Height in feet provisions for the underlying zoning district in Section 42-350 A. and B. footnote (6)
C. Mixed Use Buildings. Permitted uses in the underlying zoning district may occupy any number of total floors within a building provided that:
   1. No permitted non-residential use shall be located on the same floor in the same building as a permitted residential use.
   2. No floor may be used by a permitted non-residential use that is located above a floor that is occupied by a permitted residential use.
   3. In a building where there is an office use and/or business use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.

D. Lot coverage.
   1. Maximum lot coverage in the CCMU district shall be determined on the basis of the zoning lot, open space, building, off-street parking and loading, landscaping and screening, setbacks and other requirements specified in this article.
   2. A maximum of 20% of the total project area may be used for residential uses, including access roads and parking associated with such residential uses.

E. Residential dwelling unit standards and requirements.
   1. Minimum land area for each one-family residential units shall be 7,800 sq. ft.
   2. Minimum land area for one-family attached or a two-family dwelling unit shall be 6,000 sq. ft. per unit.
   3. Multi-family residential density and minimum floor area per unit shall be established pursuant to Section 42-350 A and B(7) for dwelling unit in the RM-1, Multifamily Residential district. Density shall be based on the entire project area. No more than eighteen units are permitted per each freestanding multi-family residential building.

G. Use requirements. All permitted uses must be conducted in completely enclosed buildings except for accessory off-street parking and off-street loading areas, automated teller machines, open market areas and approved outdoor seating and similar areas associated with a permitted non-residential or a residential use, or as determined by the Planning Commission.

H. Building Setbacks/Perimeter Setbacks
   1. Front (external). The minimum front yard setback for buildings located on the perimeter of the project area adjacent to a public street shall be equal to the average setback for existing buildings located between two intersecting streets or 500 feet in either direction of the project area, whichever is less.
   2. Front (internal). A majority of the front building wall (façade) must be setback a minimum of 25 feet from any internal street or maneuvering lane.
   3. Internal setbacks for multi-family residential structures shall meet the requirements set forth in Division 4, subdivision 10.
   4. Internal setbacks for one-family detached dwellings, one-family attached dwellings and two-family dwellings shall be based on the provision of adequate light and ventilation and vehicular parking.
   5. Perimeter setbacks. It is the intent of the CCMU district to incorporate adjacent residential and nonresidential land uses into the project area by providing roadway and/or pedestrian connections. For a project area that abuts adjacent property that permits residential uses, or uses of less intensity than proposed in the project area, a peripheral transition area consisting of increased setbacks, landscaping/screening or other similar measures may be required.
   6. The above specified setbacks may be modified where strict adherence would serve no practical purpose, or where the overall intent of the CCMU would be better served by allowing a greater or lesser setback.
   7. In addition to providing for adequate light and air, setbacks (yards) may also be required where access to land, natural resources including Portage Creek or to public park, recreation or open space, or other uses beyond the building and associated site improvements, would be desirable and where it can be found that such exterior setbacks would be in keeping with the intent and purpose of this subdivision. Where it is determined that such setbacks are desirable, the area of the setbacks shall be developed as pedestrian plazas, courts and open areas, and made an integral part of the project area.

I. Building Design/Development Project Design.
   1. Architectural design and building wall materials within the project area must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding area. It is not intended that contrasts in architectural design and use of building wall

materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the quality and value of the surrounding area.

2. Elevation drawings of each side of each building in the project area must be submitted.
3. Each building must have a primary entrance door facing a public sidewalk or as otherwise approved by the Planning Commission. An entrance at building corners may be used to satisfy this requirement.
4. A building entrance may include doors to individual offices or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of office or business uses.
5. Architectural amenities within the project area are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian-scale lighting, landscaping and major architectural features at entranceways.
6. Open space/common areas accessible to the public as gathering places that may include focal points such as a plaza, arch, gateway, bell tower or fountain and are connected by pedestrian walkways are strongly encouraged.
7. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.

J. Vehicular Parking. The following provisions shall apply in the district:
   1. Off-street parking must be provided and designed for permitted uses in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading. The applicant may request a reduction or waiver of parking standards based on submittal of a parking impact study that may include, among others, estimated peak use, reductions due to pedestrian accessibility, availability of transit service, likelihood of car pool use and adjacent on-street parking. The parking study shall be subject to review by the Planning Commission and the City Council.
   2. Off-street parking facilities may be shared between two or more adjacent uses and not meet the minimum combined number of parking spaces for each use if the applicant(s) demonstrates the peak parking needs do not overlap, per an approved planned project area plan.

K. Signs. Signage is permitted and shall fulfill the sign requirements established in Division 6, Subdivision 2 - Signs applicable to the underlying office or business zoning district.

L. Site Lighting. Site lighting must comply with Division 6, Subdivision 4 – Lighting Standards.

M. Municipal Utilities. All uses in the CCMU shall be connected to municipal water and sewer utilities.

N. Other Utilities. All telephone, electric, television and similar communication services distributed by wire or cable shall be placed underground to serve the use and development project.

O. Where a plan has been approved for a project area pursuant to this subdivision, the regulations imposed for approval of the project area shall apply.

P. If a lot or parcel in an application for a CCMU district includes less than the entire lot or parcel owned by the applicant, an explanation shall be provided by the applicant regarding:
   1. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
   2. The future development and access to the remaining portions of the lot or parcel.

Sec. 42-443. Development Project review and approval.

A. Development of land in the CCMU district shall be permitted subject to an approved unified form of land development plan (conceptual plan) and an approved site plan or subdivision plan (specific plan) as required by this section.

B. Unified form of land development plan (conceptual plan): The owner or developer of the tract of land to be developed shall submit a conceptual plan to the Department of Community Development. This conceptual plan shall include the following information:

1. A statement of purpose and objectives.
2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.
3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.
4. The name of the development, legal description, and names and addresses of the landowner and developer.
5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds.
6. Property lines and existing land uses of adjacent tracts of land.
7. The location, width and names of existing streets, and public and private easements.
8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
10. The use, approximate height, density, bulk and location of buildings and other structures.
11. A program of development outlining the proposed stages of development, including the time schedule.
12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
13. The location, function, ownership and manner of maintenance of common open space.
14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.
15. 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 development.
16. 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.
17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.

C. Review by Planning Commission: The development project review and public hearing shall be conducted by the Planning Commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.

D. Action by City Council: After receipt of the Planning Commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the CCMU shall be fixed to the Zoning Map to show the extent of the district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.

E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.

F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.

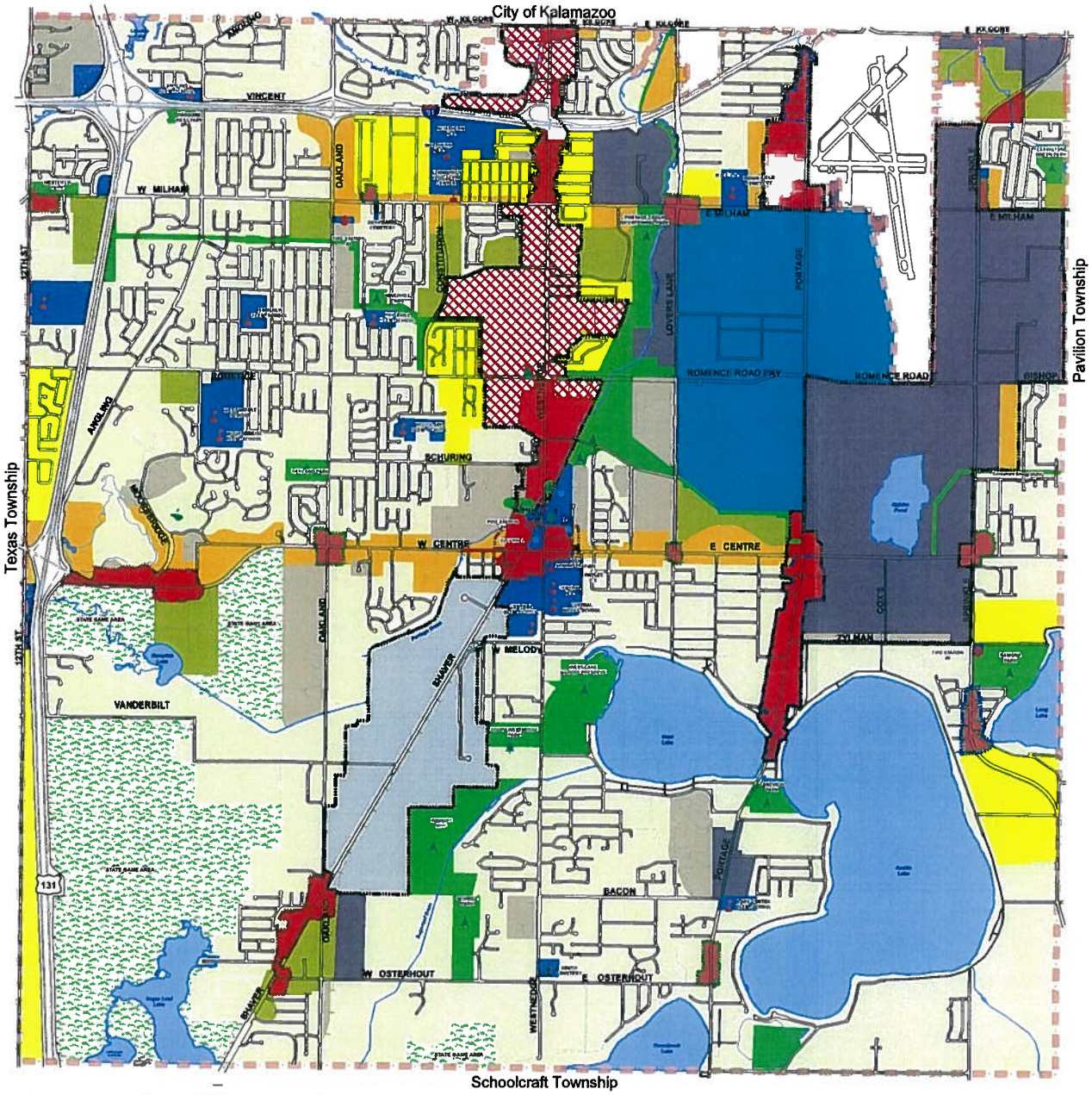
G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.

H. Development plan (specific plan):
   1. Required; conformance with conceptual plan. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be permitted pursuant to an approved site plan subject to the requirements specified in division 5, subdivision 2, Site Plan Review. The site plan for the specific plan shall be in substantial conformance with the approved conceptual plan.
   2. Time limit for commencing construction. After the site plan for a specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
   3. Resubmission. If the specific plan expires, or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.

I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives in reviewing the conceptual plan for development in the CCMU:
   1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
   2. The buildings and structures are compatible with and mutually supportive of each other.
   3. The buildings and structures are of a unified architectural and structural character.
   4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
   5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
   6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.
   7. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development.
   8. The plan is designed and will be constructed in such a way as to be compatible with the environment and with neighboring uses, especially residential areas.
   9. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
   10. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
   11. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage Creek and public park, recreation and open space.

J. Authority to waive or modify standards: City Council may waive or modify the site development incentives and standards specified in Section 42-437 for a conceptual plan on the basis of evidence submitted by the developer that:
   1. A requirement is inconsistent with the development project as a whole;
   2. The objectives of the standard or requirement can be satisfactorily met without strict adherence to it;

3. The waiver or modification will not be detrimental to the public welfare or injurious to other surrounding property; and
4. Because of the particulars of the facilities proposed in the development project, it would be unreasonable to require strict adherence.



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CITY OF
PORTAGE
A Place for Opportunities to Grow

Map 13
Future Land Use Map
City of Portage

Legend

- Low Density Residential
- Single-Family Detached-Medium Density Residential
- Medium-Density Residential
- High Density Residential
- General Business
- Local Business
- Regional Business
- General Industrial
- Shaver Road Business Corridor
- Research, Development & Technology
- Office
- Park / Recreation
- Gourdneck State Game Area
- Public
- City Centre
- Primary Commercial Node
- Secondary Commercial Node
- Commercial or Industrial Corridor
- Commercial Revitalization Area
- Airport
- Cemetery
- City Park
- Court
- Fire Station
- Golf Course
- Library
- Municipal
- P.C.O.C.
- Police
- Public School
- CITY BOUNDARY

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**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-112 OF CHAPTER 42 AND ADDING SECTION 137 TO
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Section 42-112 of Chapter 42, Land Development Regulations, are hereby amended as follows:

Section 42-112. Definitions.

Work/live unit or work/live space: Means a structure or portion of a structure that (1) combines a small-scale commercial activity that is allowed in the zoning district with an accessory residential living space for the owner of the commercial business and that person's household; and (2) the resident owner of the business is responsible for the commercial activity performed.

Section 42-137. Work/Live Accommodations.

A. Intent: The intent of this section is to permit an on-site accessory residential unit to a permitted commercial activity as living quarters for the owner of the business. This section is further intended to:

1. Encourage a diversity of uses that contribute to the city's total employment base and provide the services needed by the city's residents and businesses;
2. Provide start-up locations for appropriate new business;
3. Allow the reuse of existing buildings or the construction of new buildings designed for live/work activities; and
4. Ensure that the exterior design of work/live buildings is compatible with the exterior design of existing commercial and residential buildings in the area.

B. Applicability.

1. Work/live buildings are permitted in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; and CPD, commercial planned development zoning districts subject to review and approval of a special land use permit pursuant Division 5, Subdivision 1.
2. Any commercial use permitted in the zoning district applicable to the property is permitted in the work/live unit.
3. Single purpose residential units unrelated to commercial activities are prohibited.

C. Site development standards.

1. <u>Zoning District Site Development Requirements</u>. Unless otherwise permitted by this section, development of work/live buildings and associated site improvements shall meet all the site development requirements applicable to the zoning district in which the work/live buildings are located.
2. <u>Live/Work Buildings</u>. The following applies to the use and interior arrangement of work/live buildings:

a. The living unit may be located above or adjacent to and on the same level as the permitted commercial use. If the living unit is adjacent to and located on the same level as the permitted commercial use, the living unit must be located behind the building.
b. No floor may be used by a permitted non-residential use that is located above a floor that is occupied by a permitted residential use.
c. An interior connection must be maintained between the living and work portions of the building.
d. Within each work/live building, the living area shall not exceed one third of the total floor area.
e. The work/live building must meet applicable building and fire code requirements for the type and activity/use undertaken.
f. The living portion of the unit shall be accessory to the work/live space and the principal use shall be maintained and classified as a business use.
g. Only owners of the business associated with the work/live building may occupy the living unit portion.

3. Residential dwelling unit standards and requirements
   a. The floor area for each residential dwelling unit shall meet the minimum requirements of Section 42-350(A) for a dwelling unit located in the RM-1/RM-2, Multi-family Residential district.

Section 42-242. OS-1, Office Service – Special Land Uses

E. Work/live accommodations in accordance with the provisions of Section 42-137

Section 42-260(C). B-1, Local Business – Special Land Uses,

10. Work/live accommodations in accordance with the provisions of Section 42-137

Section 42-261(C). B-2, Community Business – Special Land Uses

7. Work/live accommodations in accordance with the provisions of Section 42-137

Section 42-262(C). B-3, General Business – Special Land Uses

9. Work/live accommodations in accordance with the provisions of Section 42-137

Section 42-412. CPD, Commercial Planned Development

F. Work/live accommodations in accordance with the provisions of Section 42-137

~~F.~~ G. Accessory uses: Accessory uses are permitted in the CPD, commercial planned development district, including but not limited to the following:
   1. Satellite dishes, antennas and communication devices if not being used in connection with a radio or television station.
   2. Accessory uses permitted in section 42-121, Accessory buildings and uses.

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CITY COUNCIL MEETING MINUTES FROM MARCH 8, 2011

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

At the request of Mayor Strazdas, Elder Del Belcher of the Cherry Creek Community Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmember Claudette S. Reid was absent with excuse. Also in attendance were City Manager Maurice S. Evans, City Attorney Randy Brown and City Clerk James R. Hudson.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Urban, to approve the February 22, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Councilmember Urban asked that Item L.1, Police Protective Ballistic Vests, be removed from the Consent Agenda. Mayor Strazdas added J.4, Presentation by Councilmember Campbell Regarding the Customer Service Committee, and K.1, City Manager Salary Review/Evaluation Committee, to the Agenda. Discussion followed. Motion by Urban, seconded by Sackley, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MARCH 8, 2011:** Motion by Urban, seconded by Sackley, to approve the Accounts Payable Register of March 8, 2011. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

ORDINANCE AMENDMENT 10-B, HOME OCCUPATION ORDINANCE: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who provided background information on the ordinance and an overview of the process involved to initiate an ordinance through the Planning Commission. He acknowledged several non-substantive changes and mentioned that the Planning Commission recommended two full-time non-occupant employees be allowed under Section B.1. He also covered the Administration recommendation under B.5 that outlines the limitations on outdoor activities associated with an active home occupation business. He distinguished the new resolution requiring a fee of $150.00 and referred to his cost analysis regarding staff resources, required legal notices and document preparation and retention costs in his communication to City Manager Maurice Evans dated February 14, 2011. He distinguished active versus passive home occupations and Mayor Strazdas opened the public hearing for comment by the public. There being no comment, motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Councilmember Urban discussed the deliberations of the City Council Neighborhood Revitalization and Engagement Ad Hoc Committee regarding retail sales, coffee shops, outside buildings for storage only and the fact that the committee recommended only one full-time non-occupant employee for an active home occupation permit. He said the guideline throughout the discussion by the Committee was, "When does it become a business that needs to move on?"

Mayor Pro Tem Sackley indicated that the initial requirement that the active home occupation abut a major street was deemed as not necessary, and an active home occupation could be conducted at any residential property in the city. He also pointed out that the resident could also have a sign directly mounted on the home, but it cannot be lighted. He cited the ordinance as an opportunity for Portage

citizens as a stimulant to start or grow a business and still protect the neighborhoods. Discussion followed.

Motion by Sackley, seconded by Urban, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Section 42-112 and 42-129 of Chapter 42, Land Development Regulations, known as Ordinance Amendment 10-B, Home Occupations, and adopt the resolution establishing an application fee of $150.00 for home occupations, and to receive the communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee. Discussion followed regarding the fee by Councilmember Urban.

City Council received a communication from the City Manager in response to Councilmember Reid regarding the proposed Home Occupation Ordinance Application Fee, and Councilmember Urban asked how the $150.00 fee compares with other fees since the actual cost is reflected as $415.00. Mr. Erickson indicated that the effort of the Administration over time has been to recover a portion of the cost associated with services of this nature, and the one cost that can be quantified for recovery, the legal publication cost, is reflected in the $150.00. He surmised that a balance is necessary, so the Administration asks what constitutes the best cost recovery effort, knowing that full recovery would create a difficulty. He pointed out that the General Fund comes from the city property tax and helps offset the cost for the staff to review and process applications, so the $150.00 represents a balance of the actual $415.00, and is a reasonable cost recovery amount to attempt to collect for an active home occupation. Discussion followed. Mayor Strazdas called for the question. Upon a roll call vote, motion carried 6 to 0.

PETITIONS AND STATEMENTS OF CITITIZENS: Former Mayor Betty Lee Ongley, 8620 Tozer Court, mentioned that today is the 100th Anniversary of National Women's Day celebrated around the world and personally thanked Councilmember Reid in her absence, Councilmembers Randall and Campbell and former Councilmember and State Representative O'Brien, who was present. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **ORDINANCE AMENDMENT, CHAPTER 24, ARTICLE 5, SAFETY, SANITATION AND HEALTH:** Motion by Urban, seconded by Sackley, to accept the Ordinance Amendment to Chapter 24, Article 5, Safety, Sanitation and Health, with provisions for nuisance abatement and cost recovery, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the Ordinance Amendment; and consider adoption of the resolution establishing the nuisance abatement fee. Upon a roll call vote, motion carried 6 to 0.

* **ORDINANCE AMENDMENT 10-A, KEEPING OF CHICKENS AND OTHER ANIMALS:** Motion by Urban, seconded by Sackley, to accept Ordinance Amendment 10-A, Keeping of Chickens and Other Animals, for first reading and set a public hearing for April 12, 2011, at 7:30 p.m. or as soon thereafter as may be heard; subsequent to the public hearing, consider approval of Ordinance Amendment 10-A, Keeping of Chickens and Other Animals; and consider adoption of the resolution establishing a permit fee for the keeping of chickens and other animals. Upon a roll call vote, motion carried 6 to 0.

* **SENIOR CITIZEN ADVISORY BOARD ORDINANCE AND RULES REVISIONS:** Motion by Urban, seconded by Sackley, to accept the proposed amendments to Chapter 2, Article 7, Section 2-293 of the Code of Ordinances for the Senior Citizens Advisory Board to lower the age for advisory board members and Section 2-297 to clarify distribution of records, for first reading; subsequent to the second reading on March 22, 2011, consider approval of the proposed amendments; and consider approval of the revised Senior Citizen Advisory Board rules of operation. Upon a roll call vote, motion carried 6 to 0.

* **FINAL PLAN FOR GREENSPIRE RETAIL (PHASE I), 3201 WEST CENTRE AVENUE:** Motion by Urban, seconded by Sackley, to reapprove the Final Plan for Greenspire Retail (Phase I), 3201 West Centre Avenue. Upon a roll call vote, motion carried 6 to 0.

* **MIXED USE ZONING ORDINANCE PROPOSALS:** Motion by Urban, seconded by Sackley, to refer three mixed use Zoning Code proposals, as recommended by the Housing and Neighborhoods Ad Hoc Committee, to the Planning Commission for consideration and to initiate the Zoning Code amendment process. Upon a roll call vote, motion carried 6 to 0.

* **COMPREHENSIVE LIABILITY, PROPERTY AND AUTO FLEET INSURANCE COVERAGE:** Motion by Urban, seconded by Sackley, to approve a one-year agreement for comprehensive liability, property and auto fleet insurance through the Michigan Municipal Risk Management Authority at a total not-to-exceed cost of $531,557 for the period of March 1, 2011, to March 1, 2012, and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

* **ANDOVER WOODS RESIDENTIAL SUBDIVISION SIGNS:** Motion by Urban, seconded by Sackley, to approve the installation of the Andover Woods residential subdivision signs in the public right-of-way and authorize the City Manager to execute the Portage Andover Woods Sign Islands Agreement. Upon a roll call vote, motion carried 6 to 0.

* **BUDGET AMENDMENT FOR STORM DAMAGE CLEANUP:** Motion by Urban, seconded by Sackley, to approve the budget amendment to the Leaf Pickup Spring Cleanup Fund to provide funds needed to clean up storm damage which occurred on February 20 and 21, 2011. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

COMMUNICATION FROM MR. DAVID ARTLEY, DIRECTOR OF THE KALAMAZOO COUNTY OFFICE OF RESOURCE DEVELOPMENT: David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, provided a review of the Kalamazoo Local Housing Assistance Fund Four Year Report. Discussion followed.

Motion by Urban, seconded by Sackley, to receive the communication from Mr. David Artley, Director of the Office of Resource Development for the Kalamazoo County Government, regarding the Kalamazoo Local Housing Assistance Fund Four Year Report, and to receive the communication from the City Manager with additional background information regarding the Kalamazoo County Local Housing Assistance Fund as information only. Upon a voice vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Board of Education Special and Regular of January 24, Special of January 31, Special and Committee of the Whole Work Session of February 7 and Special of February 9, 2011.
Portage Human Services Board of February 3, 2011.
Portage Planning Commission of February 17, 2011.

AD HOC COMMITTEE REPORTS:

COMMUNITY SURVEY COMMITTEE: City Council received the presentation by Mayor Strazdas regarding the recent activity of the City Council Community Survey Committee.

DRAFT

HOUSING AND NEIGHBORHOODS COMMITTEE: City Council received the presentation by Councilmember Urban regarding the recent activity of the City Council Housing and Neighborhoods Committee.

CITY COUNCIL PROPERTY COMMITTEE: City Council received the presentation by Councilmember Randall regarding the recent activity of the City Council Property Committee.

CUSTOMER SERVICE COMMITTEE: City Council received the presentation by Councilmember Campbell regarding the Customer Service Committee.

NEW BUSINESS:

ANNUAL CITY MANAGER SALARY REVIEW/EVALUATION COMMITTEE: Mayor Strazdas asked that City Council engage the Annual City Manager Salary Review/Evaluation Committee, consisting of Councilmembers Reid and Urban and Mayor Pro Tem Sackley, to perform a salary review and to initiate discussion of the contract renewal with City Manager Maurice Evans. Motion by Sackley, seconded by Urban, to engage the City Manager Salary Review/Evaluation Committee to review the salary and contract with City Manager Evans. Upon a voice vote, motion carried 6 to 0.

BID TABULATION:

POLICE PROTECTIVE BALLISTIC VESTS: Councilmember Urban asked if the use of these vests was part of the collective bargaining agreement and was the level of protection part of the collective bargaining agreement. City Manager Evans answered in the affirmative to both inquiries. Motion by Urban, seconded by Campbell, to award a contract to CMP Distributors, Inc., in the amount of $43,394.40 for replacement protective ballistic vests for all sworn police officers and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall reminded Portage citizens that the Assessment Change Notices have been sent to Portage taxpayers and that the Board of Review begins Friday, March 14, 2011.

Councilmember Bailes reminded everyone that the 2011 Home Expo will be held March 9 through 12, 2011, at 665 Mall Drive, in the former Sam's Club building.

City Manager Maurice Evans indicated that cleanup from the ice storm of February 20 and 21 would be folded into the regular April brush pick-up operation.

Mayor Strazdas implored Portage residents who qualify, or who know of someone who qualifies, to apply for up to $25,000 from the $135,000 received from the Michigan State Housing Development Authority to rehabilitate their home.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:45 p.m.

_____

James R. Hudson, City Clerk

*Indicates items included on the Consent Agenda.

CITY OF
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A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** March 11, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives

In November and April of every year, updates on progress made by the respective advisory boards/commissions on the City Council-assigned activities are requested. Additionally, in April of every year, recommended goals and objectives for the upcoming fiscal year are also requested. Attached is a copy of the City Council assigned Advisory Boards and Commissions 2010-2011 Goals and Objectives (activities) that have been approved.

The Commission is advised to review the attached materials and draft transmittal to City Council and discuss the information during the March 17, 2011 meeting. The progress update must be submitted to the Office of the City Clerk by April 15, 2011. If additional discussion is needed, this item can be included on the April 7, 2011 Planning Commission agenda for finalization.

Attachments: Advisory Board communication from Deputy City Clerk dated February 21, 2011
DRAFT Planning Commission transmittal to City Council dated March 17, 2011
Advisory Boards and Commissions Approved FY 2010-2011 Goals and Objectives
Approved FY 2010-2011 Council Mission Statement and Goals and Objectives

S:/Commdev/2010-2011 Department Files/Board Files/Planning Files/PC Reports/PC G&O's 2010-11 Update (April 2011) and Recommended 2011-2012 G&Os.doc

CITY OF PORTAGE COMMUNICATION

TO: Advisory Board Chairperson* **DATE:** February 21, 2011

FROM: Adam Herringa, Deputy City Clerk

SUBJECT: Goal Updates for 2010-11 and Proposed Goals for 2011-12

This is a reminder that goal updates for 2010-11 need to be prepared and forwarded to the City Clerk Office by April 15, 2011. Additionally, proposed goals and objectives for 2011-12 are also due on or before April 15. The goals and objectives updates and proposed goals and objectives will be compiled and forwarded to City Council for review.

A hard copy of the update as well as an electronic copy, sent to herringa@portagemi.gov, would be appreciated.

Please contact the City Clerk Office if you need further assistance.

* Jason Howard, Chair, Environmental Board
Mark Reile, Chair, Historic District Commission
Marc Meulman, Chair, Human Services Board
Mike Zajac, Chair, Park Board
James Cheesebro, Chair, Planning Commission
Ruth Ann Meyer, Chair, Senior Citizens Advisory Board
Sujay Dewan, Chair, Youth Advisory Committee

c: Maurice S. Evans, City Manager
Staff Liaison: Christopher Barnes, Environmental Board
MaryBeth Block, Historic District Commission
Vicki Georgeau, Human Services Board
William Deming, Park Board
Chris Forth, Planning Commission
Jason Horan, Senior Citizens Advisory Board

DRAFT

TO: Honorable Mayor and City Council

FROM: Planning Commission

DATE: March 17, 2011

SUBJECT: 2010-2011 Planning Commission Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives

The purpose of this communication is two-fold. First, to update Council on the progress made during the second part of the 2010-2011 fiscal year regarding the City Council assigned goals and objectives. Second, to recommend 2011-2012 goals and objectives for City Council consideration.

2010-2011 Planning Commission Goals and Objectives Update

1. *Continue to guide development to appropriately planned area of the community.*

   The Planning Commission continues to guide development consistent with the 2008 Comprehensive Plan Update and Future Land Use Map. Additionally, the Planning Commission also continues to ensure new development projects are designed consistent with applicable ordinances through review of site plans, plats and other development proposals.

   Since the last update (November 2010), the Planning Commission has reviewed/approved the following private development projects: Fifth-Third Bank, 2610 East Centre Avenue (site plan); Sackett's Fireplace, 7696 South Sprinkle Road (special land use permit); Air Zoo (expansion), 6151 Portage Road (site plan/special land use permit); Valley Family Church-Kalamazoo, 2500 Vincent Avenue (special land use permit review); Centre Meadows of Portage Senior Apartments, 1405-1419-1503 East Centre Avenue (site plan); Auto World of Portage, 7940 South Sprinkle Road (special land use permit); Greenspire Retail (Phase I), 3201 West Centre Avenue (final plan); and Noggle Auto Repair, 6902 Lovers Lane (special land use permit).

2. *Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.*

   Since the last update (November 2010), one rezoning application has been received. Rezoning Application #10-01 involves several properties in and around the former Moose Lodge on Portage Road near Fairlane Avenue. Residential Opportunities, Inc. requests a zoning change from R-1C, one family residential and I-1, light industry to OS-1, office service to accommodate a proposed research and treatment facility for autistic children. The Planning Commission will begin consideration of this rezoning request at the April 7, 2011 meeting.

   In addition to Zoning Map amendments, the Commission also reviewed and recommended to City Council Zoning Code text amendments including a revised Home Occupation Ordinance and a new

Keeping of Chickens or Other Animals Ordinance. The Commission is also beginning the review of the mixed-use ordinances referred by City Council. The South Sprinkle Road Commercial Revitalization Plan (Zylman Avenue to the Long Lake Drain) remains under development by staff and it is expected that additional progress will occur later this spring.

3. *During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.*

   The Planning Commission continues to implement provisions of the Access Management Ordinance during site plan review to achieve ordinance objectives. Site plans approved since the last update (November 2011) include access management related improvements involving Fifth Third Bank, 2610 East Centre Avenue; Senior Meadows of Portage Senior Apartments, 1405 East Centre Avenue; and Greenspire Retail (Phase I), 3201 West Centre Avenue.

4. *Review and recommend the annual Capital Improvement Program.*

   The Planning Commission was provided the 2011-2021 Capital Improvement Program (CIP) at the March 3, 2011 meeting. At the March 17, 2011 meeting, the Planning Commission reviewed, discussed and then recommended to City Council approval of the 2011-2021 Capital Improvement Program.

5. *Review/update of the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.*

   In conjunction with the annual CIP review, the Planning Commission was also provided the 2011 Major Thoroughfare Plan Status Report at the March 3, 2011 meeting. At the March 17, 2011 meeting, the Planning Commission reviewed, discussed and accepted the 2011 Major Thoroughfare Plan Status Report.

6. *Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).*

   Attached.

<u>Recommended 2011-2012 Goals and Objectives</u>

1. Continue to guide development to appropriately planned area of the community.

2. During project plan review, consider the following:
   - Parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.
   - Adjacent residential neighborhood protection measures.
   - Protection of environmentally sensitive areas such as regulated wetlands, ground water and surface water.

3. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high tech development opportunities, as appropriate.

4. Review/recommend Zoning Code text amendments including, but not limited to, the City Council referred mixed-use ordinances and the Landscaping and Screening ordinance.

5. When appropriate, engage the Youth Advisory Committee in the community planning process.

6. Prepare the 2012 Major Thoroughfare Plan (Chapter 8 of the Comprehensive Plan) Status Update.

7. Review and recommend the annual Capital Improvement Program.

If Council needs any further information, please advise.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION

James Cheesebro
Chairman

s:\commdev\2010-2011 department files\board files\planning commission\pc reports\mccpc g&o's2010-2011update(april 2011) and recommended 2011-2012 g&os.doc

ADVISORY BOARDS AND COMMISSIONS
APPROVED 2010-2011 GOALS AND OBJECTIVES

ENVIRONMENTAL BOARD

1. Continue to implement the City Council approved Purple Loosestrife bio-control plan:
   a. Release additional beetles at appropriate surveyed sites as beetle supplies are available.
   b. Provide oversight to the work group.
   c. Submit an annual progress report to City Council.

2. Promote general environmental awareness to the public.
   a. Organizing Earth Day activities
   b. Increase the use of the city's website for environmental education
   c. Publish articles in the *Portager*
   d. Update the public sign in Lakeview Park
   e. Continue to develop the rain garden at the new water treatment plant
   f. Work with other regional organization promoting public environmental programs.

3. Communicate with City Council on environmental issues and periodically discuss the Summary Environmental Activity report with the city staff liaison.

4. Continue to expand relationships with other environmental groups such as Kalamazoo Environmental Council, Sustainable Business Forum, Watershed Council and Portage area lake associations as time permits.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

HISTORIC DISTRICT COMMISSION

1. Safeguard the heritage of the city through the exterior preservation of the historic district by evaluating and considering applications for Certificates of Appropriateness. Identify and evaluate historically significant structures in the City of Portage.

2. Increase visibility and public awareness of the Portage Historic District.
   a. Continue to interview and transcribe select interviews with historic homeowners and other people knowledgeable about Portage's history.
   b. Continue with book sales of *Where the Trails Crossed.*
   c. Continue to support the historic educational programs in the Portage Schools.
   d. Continue to have communication and cooperation with similar organizations in the local community.

3. Maintain a Library exhibit wall of framed photos representing the history of Portage. Continue to add new material throughout the year. This exhibit will be on display at the Portage District Library.

4. Present a Preservation Award to a citizen who has met the criteria as established by the Portage Historic Commission.

5. Continue the biannual newsletter called *Picket Fences* to be distributed to homeowners of Portage historic homes, council members and other supporters.

6. Observe National Preservation Week in May by presenting a special event in the community.

7. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

8. Present an annual verbal report to the City Council.

HUMAN SERVICES BOARD

1. Fulfill advisory role requirements for CDBG program and human/public service funding requests.
   a. To make recommendations regarding the Community Development Block Grant (CDBG) Program.
   b. To make recommendations regarding human/public service funding from the CDBG Program and General Fund to the City Council
      - Convene public hearings for the CDBG Program Consolidated Plan, Annual Action Plan, and Consolidated Annual Performance Evaluation Report.
      - Hear appeals from the CDBG Housing Program Guidelines.
      - Review fair housing activities.
      - Review applications and presentations from agencies for human/public services and recommend funding levels to City Council.

2. To serve as a resource and provide information to City Council regarding public transportation in the City of Portage.
   a. Advise City Council on matters pertaining to public transportation in the City of Portage and make recommendations as appropriate.
      - Review public transportation needs within the City of Portage.
      - Review countywide demand/response of transportation services.

3. To serve as a resource to City Council for special projects.
   a. To take appropriate action on projects as assigned by City Council
   b. Identify and educate City Council on emerging human service issues in Portage.
      - Continue to serve on Metro Transit ADA Advisory Committee.
      - Assist City Council with Red Ribbon Week activities.
      - Review mechanisms for identifying human service needs in the community, such as the community survey.

4. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

5. Present an annual verbal report to the City Council.

PARKS BOARD

1. Continue to participate in Portage cultural and special events as event volunteers and fundraising for marketing efforts. Possible venues include:
   a. Concerts
   b. Festivals
   c. Recreation programs special events

2. Continue implementation of a Kayak Race using Ramona Park as the staging area and expand the event for 2011.

3. Continue cooperative assistance with Youth Advisory Committee and Environmental Board for an Earth Day event, building upon the framework developed for previous years' events.

4. Coordinate a "Health Day" event in one or more park facilities to promote the Healthy Community movement.

5. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

6. Present an annual verbal report to the City Council.

PLANNING COMMISSION

1. Continue to guide development to appropriately planned area of the community.

2. Consider and act appropriately upon site-specific rezonings in the context of the 2008 Comprehensive Plan and the 2008 City Centre Area Plan to encourage residential, commercial, industrial, planned development and high-tech development opportunities, as appropriate.

3. During project plan review, consider parking lot interconnection, driveway consolidation, access from adjacent local/collector street or other methods intended to improve traffic flow and safety.

4. Review and recommend the annual Capital Improvement Program.

5. Review / update the Major Thoroughfare Plan components of the Comprehensive Plan, where necessary.

6. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

SENIOR CITIZEN ADVISORY BOARD

1. Help to increase new and renewal membership to 2,500 or more.

2. Help to increase funding for operational support: investigate new ideas and sources of funding in cooperation with the Friends of the Portage Senior Center.

3. Continue development of innovative programming to reach the population of seniors 50 years of age and older.

4. Conduct discussions on specific senior center topics in cooperation with the Friends of the Portage Senior Center and the City Council on the results of the Portage Visioning Project.

5. Advise the City Council and the Portage Senior Center management on issues or projects pertaining to the seniors and the Portage Senior Center.

6. Assist with the self assessment in preparation for re-accreditation of the Portage Senior Center.

7. Continue working with the Portage Community Center to explore the potential for new opportunities for volunteers, services and other interactions.

8. Forward update to goals for FY 2010-11 (November 2010 and April 2011) and recommended goals for FY 2011-12 (April 2011).

9. Present an annual verbal report to the City Council.

CITY OF
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CITY OF PORTAGE
2010-2011 COUNCIL MISSION STATEMENT and GOALS & OBJECTIVES

Mission Statement of the Portage City Council

To function as the elected body serving the shareholders (all citizens) of the city:

(1) to ensure the long-term financial health of the city;

(2) to promote the highest level of quality of life in all aspects for all residents;

(3) to provide positive leadership for the entire county-wide community in all areas of municipal governance; and

(4) to encourage effective long-term planning in all considerations within Council purview.

(5) to ensure transparency and access to information.

2010-2011 GOALS & OBJECTIVES

COMMUNITY DEVELOPMENT

Goal: Promote quality of life in Portage.

Objectives:

- Continue prevention and enforcement efforts concerning substance abuse.
- Continue effective community safety programs through prevention, enforcement, and education.
- Ensure decent and safe housing and the livability of community neighborhoods.
- Maintain effective planning and development programs to promote orderly, attractive, and environmentally sound growth.
- Continue a commitment to human services to enhance the desirability of the community.
- Continue to encourage citizen involvement in crime prevention measures – business and residential.
- Maintain a coordinated and innovative approach toward developing park land and providing recreational opportunities.
- Continue planning and implementing programs and projects to enhance the City Centre area.
- Promote aesthetic and cultural enhancement.

ECONOMIC DEVELOPMENT

Goal: Demonstrate a commitment to quality economic growth and development.

Objectives:

- Develop an improvement strategy to ensure the continued strength of the city.
- Promote business diversification.

TRANSPORTATION

Goal: Continue to plan and implement improvements to move people and commerce safely and effectively through the community.

Objectives:

- Implement projects proposed within the major thoroughfare plan.
- Continue to implement operational and functional improvements to improve traffic safety and movement.
- Evaluate and promote alternate modes of transportation.
- Continue appropriate improvement of the local street system.
- Continue to seek alternative approaches and methods to enhance preventive maintenance programs.

CUSTOMER RELATIONS

Goal: Promote excellent customer relations.

Objectives:

- Continue emphasis on courteous public service.
- Continue efforts to enhance communication between local government, citizens, the business community and the local educational institutions on city projects and services.

PUBLIC IMPROVEMENTS

Goal: Continue to improve the infrastructure to meet demonstrated needs.

Objectives:

- Continue to improve the wastewater and stormwater systems.
- Continue to improve the water system.
- Promote underground utilities within the city.
- Continue to expand, update and maintain equipment and facilities to provide for the effective operation of city departments.
- Maintain a systematic preventative maintenance program for city-owned buildings.

QUALITY OF ENVIRONMENT

Goal: Enhance environmental quality and protect natural resources.

Objectives:

- Continue to promote effective recycling plans, the use of recycled/recyclable products, and the responsible disposal of hazardous and solid waste.
- Protect water quality through the continued implementation of water management principles, including surface water, groundwater, and stormwater programs.
- Promote environmental protection, planning, monitoring, and educational programs.

SERVICE DELIVERY

Goal: Continue to provide high quality, effective and cost efficient municipal services.

Objectives:

- Continue to evaluate alternatives to meet increased service demands.
- Promote teamwork and unity of purpose between the public and private sectors.
- Continue to increase efficiency by applying new technology.
- Continue to prioritize existing services--including the elimination of low-priority services.
- Monitor, evaluate, and communicate service delivery options.
- Continue to pursue mutually beneficial intergovernmental ventures.
- Expand employee training and wellness programs and opportunities to ensure a well trained, healthy and motivated work force.
- Improve the utility of citizen advisory boards.
- Evaluate and propose possible Charter and ordinance revisions.
- Continue to evaluate contracting or privatizing city services and programs.

FINANCE AND BUDGETING

Goal: Maintain the financial health of the city.

Objectives:

- Continue to pursue revenue enhancement through alternate funding opportunities.
- Assess financing methods for future capital improvement needs.
- Continue to evaluate expenditures to provide for the most effective and efficient use of city resources.
- Promote volunteerism to assist in providing important services.
- Promote safety and minimize risk exposure by continuing to identify and prevent accident/ liability exposure.
- Consider and implement alternative means of addressing city insurance needs to further enhance financial health of the city.

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS
Minutes of Meeting – February 14, 2011

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Henry Kerr at 7:00 p.m. in the Council Chambers. Two people were in the audience.

MEMBERS PRESENT: Timothy Bunch, David Felicijan, Henry Kerr, Rob Linenger, Betty Schimmel, Marianne Singer, Daniel Rhodus
MEMBERS EXCUSED: Donald Mordas
MEMBERS ABSENT: Lowell Seyburn
IN ATTENDANCE: Vicki Georgeau, Deputy Director of Neighborhood Services, Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Linenger moved and Singer seconded a motion to approve the January 10, 2011 minutes as submitted. Upon voice vote, motion was approved 7-0.

NEW BUSINESS:

ZBA# 10-11, 8350, 8536 Shaver Road: Staff summarized the request for a variance to modify a nonconforming non-accessory sign situated on 8350 Shaver Road, where Wal-Mart is located. Clark Peterson, on behalf of Golf Performance Academy located at 8536 Shaver Road, and Rich Raschke of A-1 Signs, were present to explain the requested sign change for the new tenant on site. In addition, Mr. Raschke noted that Wal-Mart has granted an easement for the sign to be located on the property at 8350 Shaver Road in perpetuity.

A public hearing was opened. As no written or verbal comments were received, the public hearing was closed.

Rhodus requested clarification as to the ownership of the property at 8536 Shaver Road. Staff and the City Attorney indicated that BNA Enterprises LLC has the same address as the property address, and the parties involved are Betty and Norm Collins, who have provided authorization to Golf Performance Academy to apply for the sign variance.

A motion was made by Linenger, supported by Singer, to approve a variance to modify a nonconforming non-accessory sign located on 8350 Shaver Road for the following reasons: the practical difficulty is the pre-existing off-premise sign and there are exceptional circumstances applying to the property as the property has no public street frontage, the variance is necessary for the preservation and enjoyment of a substantial property right, the right to identify a business, the variance will not be detrimental to adjacent property; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at the hearing are to be incorporated in the record and the action of the Board shall be final and effective immediately. After further discussion and upon roll call vote (Linenger-Yes, Kerr-Yes, Schimmel-Yes, Felicijan-Yes, Singer–Yes, Bunch-yes, Rhodus-yes) motion carried 7-0.

Election of Officers: A motion was made by Felicijan, supported by Singer to nominate Linenger for Chair. Upon roll call vote, the motion carried 6-0 (Kerr abstained). A motion was made by Linenger, supported by Singer, to nominate Felicijan as Vice-Chair, and Schimmel as Secretary. Upon roll call vote, the motion carried 6-0 (Kerr abstained).

STATEMENT OF CITIZENS: Linenger read a proclamation for Henry Kerr, acknowledging his many years of service on the Zoning Board of Appeals. Kerr thanked the Board, noted he has learned a lot and hopes he has helped the city grow in an orderly fashion and improve signage, especially on South Westnedge Avenue.

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 7:20 p.m.

Respectfully submitted,

Vicki Georgeau, AICP
Deputy Director of Neighborhood Services

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CITY COUNCIL MEETING MINUTES FROM FEBRUARY 22, 2011

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

At the request of Mayor Strazdas, Pastor Ken Hale of the Victory Baptist Church of Portage gave the invocation and the City Council and the audience recited the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Elizabeth A. Campbell, Patricia M. Randall, Claudette S. Reid and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Also in attendance were City Manager Maurice S. Evans, Assistant City Attorney Charlie Bear and City Clerk James R. Hudson.

PROCLAMATIONS: Mayor Strazdas issued the 18th Annual Kalamazoo County Walk For Warmth Proclamation and discussion followed. State Representative Margaret O'Brien issued a Proclamation honoring the Portage Community High School Co-ed Volleyball for their third straight M.A.A.A. State Championship and Mayor Strazdas issued a similar one and discussion followed.

APPROVAL OF MINUTES: Motion by Campbell, seconded by Reid, to approve the February 8, 2011 Regular Meeting Minutes as amended reflecting that Councilmember Bailes read the Consent Agenda. Upon a voice vote, motion carried 6 to 0 with Mayor Pro Tem Sackley abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Campbell to read the Consent Agenda. Councilmember Reid asked that the Community Survey Committee Meeting, Wednesday, March 23, 4:00 p.m., City Council Conference Room, be added under M.3, Reminder of Meetings. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF FEBRUARY 22, 2011:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of February 22, 2011. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Ryan Simpson from the Kalamazoo Regional Chamber of Commerce announced that Chris Barnes received the Public Servant of the Year Award through the Chamber. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

* **SALE OF EXCESS CITY PROPERTY – 2125 BENDER ROAD:** Motion by Reid, seconded by Campbell, to accept the $1,600 offer from Mr. Jim Traill and Ms. Patricia O'Rourke to purchase lot 115 and the east 40 feet of lot 114 of the plat of Fairfield No. 1 located at 2125 Bender Road; and place the purchase offer on file for 28 days and take final action on March 22, 2011. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 123 of City of Portage Resolution Book No. 44.

* **JANUARY 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Reid, seconded by Campbell, to receive the communication from the City Manager regarding the January 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 7 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Campbell, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

* **AMENDMENT TO THE PORTAGE CODE OF ORDINANCES:** Motion by Reid, seconded by Campbell, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Section 50-222, Article 7 of Chapter 50, Providing False Information to Public Officer. Upon a roll call vote, motion carried 7 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes for the following boards and commissions:

Portage Park Board of January 5, 2011.
Portage Zoning Board of Appeals of January 10, 2011.
Kalamazoo County Board of Commissioners Committee of the Whole and Regular of January 18 and Committee of the Whole and Regular February 1, 2011.
Portage Planning Commission of February 3, 2011.

AD-HOC COMMITTEE REPORT:

BUSINESS AND THE CITY OF PORTAGE COMMITTEE: City Council received the presentation by Councilmember Reid regarding the recent activity of the Business and the City of Portage Committee. Discussion followed.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: State Representative Margaret O'Brien outlined three proposals being discussed in the State House of Representatives: the complete repeal of Public Act 312, competitive Health Plan options and an Urban Cooperation Act that makes financial sense and controls cost. Discussion followed.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: City Council, Mayor Strazdas and City Manager Evans congratulated the Portage Community High School Co-ed Volleyball Championship Team for winning three consecutive state championships and Chris Barnes for receiving the Public Servant of the Year Award through the Chamber of Commerce.

Councilmember Reid discussed Governor Snyder's proposed budget and negative effects on tax assistance and Head Start.

Councilmember Randall reminded everyone of the two information sessions on the Assessment Process by Joyce Foondle, Southwest Michigan Governmental Consultants, on the Assessment Process, the Board of Review and the Michigan Tax Tribunal Appeals process, and asked if City Manager Evans could provide information on the Mathieu Gast Home Improvement Act.

Mr. Evans discussed the ice storm and branch removal plans and commended staff for a fine storm clean-up effort.

Mayor Strazdas asked everyone to be careful around downed power lines and expressed sincere gratitude to the Red Cross, the Westminster Presbyterian Church of Portage and area citizens for their acts of kindness during the crisis.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:30 p.m.

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James R. Hudson, City Clerk

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