

CITY OF
PORTAGE

A Place for Opportunities to Grow

**PLANNING
COMMISSION**

July 7, 2011

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**July 7, 2011
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * June 16, 2011

SITE/FINAL PLANS:

- * 1. Valley Family Church (Kalamazoo), 2500 Vincent Avenue (Parking Plan and Maximum Parking Requirements)

PUBLIC HEARINGS:

- * 1. Final Report: Ordinance Amendment #10-E, Mixed-Use Zoning Ordinances

PLATS/RESIDENTIAL CONDOS:

OLD BUSINESS:

NEW BUSINESS:

1. Election of Officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 23, 2011 Department of Community Development communication (temporary signs)
May 2011 Summary of Environmental Activities Report
May 24, 2011 City Council meeting minutes
June 14, 2011 City Council meeting minutes

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

PLANNING COMMISSION

June 16, 2011

DRAFT

The City of Portage Planning Commission meeting of June 16, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

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 June 2, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Welch, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 10-D, Business Banner Regulations. Mr. West summarized the June 10, 2011 staff report regarding proposed changes to business banner regulations that have been forwarded by City Council for Planning Commission review and recommendation. Mr. West discussed the City Council Ad Hoc Sign Committee review of historical sign related issues and indicated the proposed amendment would expand the opportunity for banner use and provide additional options and flexibility for businesses interested in using banner signs.

Chairman Cheesebro reconvened the public hearing. No citizens spoke in regard to the proposed ordinance amendment. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council that Ordinance Amendment 10-D, Business Banner Regulations, be approved. The motion was unanimously approved.

2. Preliminary Report: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances. Mr. Forth summarized the June 10, 2011 preliminary staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth stated these proposals were previously reviewed and discussed by the

DRAFT

Commission during the March 28, 2011 and May 5, 2011 meetings. Mr. Forth reviewed the major provisions of the three ordinance proposals (City Centre Area – Mixed Use Floating Zone, Commercial Corridor Mixed Use Floating District and Work/Live Accommodations) and refinements that have been made by staff since receipt of these proposals from City Council.

Commissioner Dargitz stated she believes the open space provision (10 percent) contained in the City Centre Area – Mixed Use Floating District ordinance is minimal and asked whether the language should be modified to allow the Planning Commission more discretion in determining appropriate open space. Mr. Forth indicated staff would provide the Commission more information on this matter with the final staff report. Chairman Cheesebro opened the public hearing. No citizens spoke in regard to the proposed ordinance amendment. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to adjourn the public hearing for Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, to the July 7, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

1. Valley Family Church – Kalamazoo, 2500 Vincent Avenue (noise complaint update). Mr. Forth introduced the item and summarized the June 10, 2011 staff report regarding the noise complaint update that was requested by the Planning Commission at the November 18, 2010 meeting. Since November 2010, Mr. Forth indicated only one noise related complaint has been received (March 2011), however, the violation could not be documented since the complainant did not report the noise to the Police Department.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Pearson provided an update regarding temporary signs and efforts to contact the Ad Hoc Sign Committee. As previously indicated, Commissioner Pearson stated he has been approached by small business owners who have expressed frustration regarding the current temporary sign ordinance and application process. Commissioner Pearson stated he recently heard back from two members of the Ad Hoc Sign Committee who indicated the issue of temporary signs would again be discussed by the Committee in the future.

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

TO: Planning Commission **DATE:** July 1, 2011

FROM: Vicki Georgeau, ^{VJ} Director of Community Development

SUBJECT: Valley Family Church - Kalamazoo, 2500 Vincent Avenue (Parking Plan and Maximum Parking Requirements)

I. INTRODUCTION/BACKGROUND:

On May 1, 2008, the Planning Commission approved a special land use permit and site plan that authorized construction of the Valley Family Church – Kalamazoo (VFC-K) facility at 2500 Vincent Avenue. The development project, which was completed in October 2009, included an approximate 85,000 square foot church facility, 681 off-street parking lot and associated site improvements. Several conditions were attached to the Planning Commission approval including a review of the Special Land Use Permit that would occur one year from the granting of the Certificate of Occupancy, but no later than October 2010. In October/November of 2010, the Planning Commission concluded this review.

In addition to the 681 off-street parking spaces constructed with the development project, the 2008 site plan also included a “Future Parking Area” in the southwest portion of the site. This area is located between the existing parking lot and the western driveway and is currently in greenspace (see attached plan). After nearly two years at this new location, the VFC-K has determined that these additional parking spaces are necessary to accommodate church services and is requesting approval to construct this “Future Parking Area”. Construction of these 87 additional parking spaces will result in a total of 768 parking spaces on the site. The Zoning Code establishes a maximum of 734 parking spaces for the VFC-K facility [667 spaces + 67 non-required spaces (10%) = 734 spaces]. Requests to exceed more than 10% of the minimum parking required by the Zoning Code necessitates Planning Commission review and approval pursuant to Section 42-520(O). As information for the Commission, the Department of Community Development administratively approved a parking plan on August 3, 2010 for construction of 53 additional parking spaces in this area. However, VFC-K did not construct these additional parking spaces.

In reviewing/approving requests to exceed the maximum parking provision, the ordinance requires the Planning Commission determine that the additional parking is necessary “based on documented evidence of actual use and demand provided by the applicant” and also consider “impacts on the property and surrounding properties including any natural features thereon”. Consistent with Section 42-520(O), the VFC-K has submitted written documentation in support of these 34 additional parking spaces (see attached).

Since opening the new facility in October 2009, the VFC-K has recorded church attendance and vehicle counts. Based on the data collected, there have been several occasions where on-site parking has been deficient to accommodate church parishioners. In an effort to address this issue, VFC-K officials have adjusted church services and provided shuttle bus transportation for overflow vehicles that have parked at the Angling Road Elementary School and/or the VFC-K facility located at 995 Romence Road. While these efforts have addressed the parking deficiency on a short-term basis, they do not represent an effective long-term solution. Historic attendance and vehicle counts combined with church growth and additional changes planned for VFC-K services and activities will continue to present on-site parking challenges.

Storm water from the proposed expanded parking lot will be collected and conveyed to an existing retention basin located immediately to the west: The 2008 approved site plan incorporated this “Future Parking Area” into the storm water design for the overall development site. Finally, construction of these additional parking spaces will not adversely impact the subject property, surrounding properties or related natural features.

II. RECOMMENDATION:

The request for the additional 87 parking spaces, 34 of which exceed the maximum permitted, has been reviewed by the City Administrative departments and based on documented evidence provided by the applicant is necessary for the use. Staff recommends approval of the parking plan and maximum parking requirements for Valley Family Church-Kalamazoo, 2500 Vincent Avenue.

Attachments: May 1, 2008 Approved Site Plan (Valley Family Church-Kalamazoo, 2500 Vincent Avenue)
 Site Plan Amendment – additional parking facilities
 June 29, 2011 communication from Mr. Aaron Rogers (Valley Family Church - Kalamazoo)

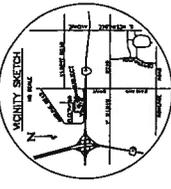
S:\Commdev\2010-2011 Department Files\Board Files\PLANNING COMMISSION\PC Reports\Site Plans\Valley Family Church, 2500 Vincent Avenue (maximum parking).doc

DESIGNED BY
 KALAMAZOO VALLEY FAMILY CHURCH
 2500 VINCENT DR.
 PORTAGE, MI 49094

SITE PLAN
 9925 PORTAGE ROAD
 PORTAGE, MICHIGAN 49002

WIGHTMAN WARD, INC.
 ARCHITECTURE - LANDSCAPE ARCHITECTURE
 Phone: 284-22-2822
 Fax: 284-22-2823

REV	DESCRIPTION	DATE
1	ISSUED FOR CITY COMMENTS	8/17/2003
2	ISSUED FOR CITY COMMENTS	11/17/2003
3	ISSUED FOR CITY COMMENTS	3/7/2004

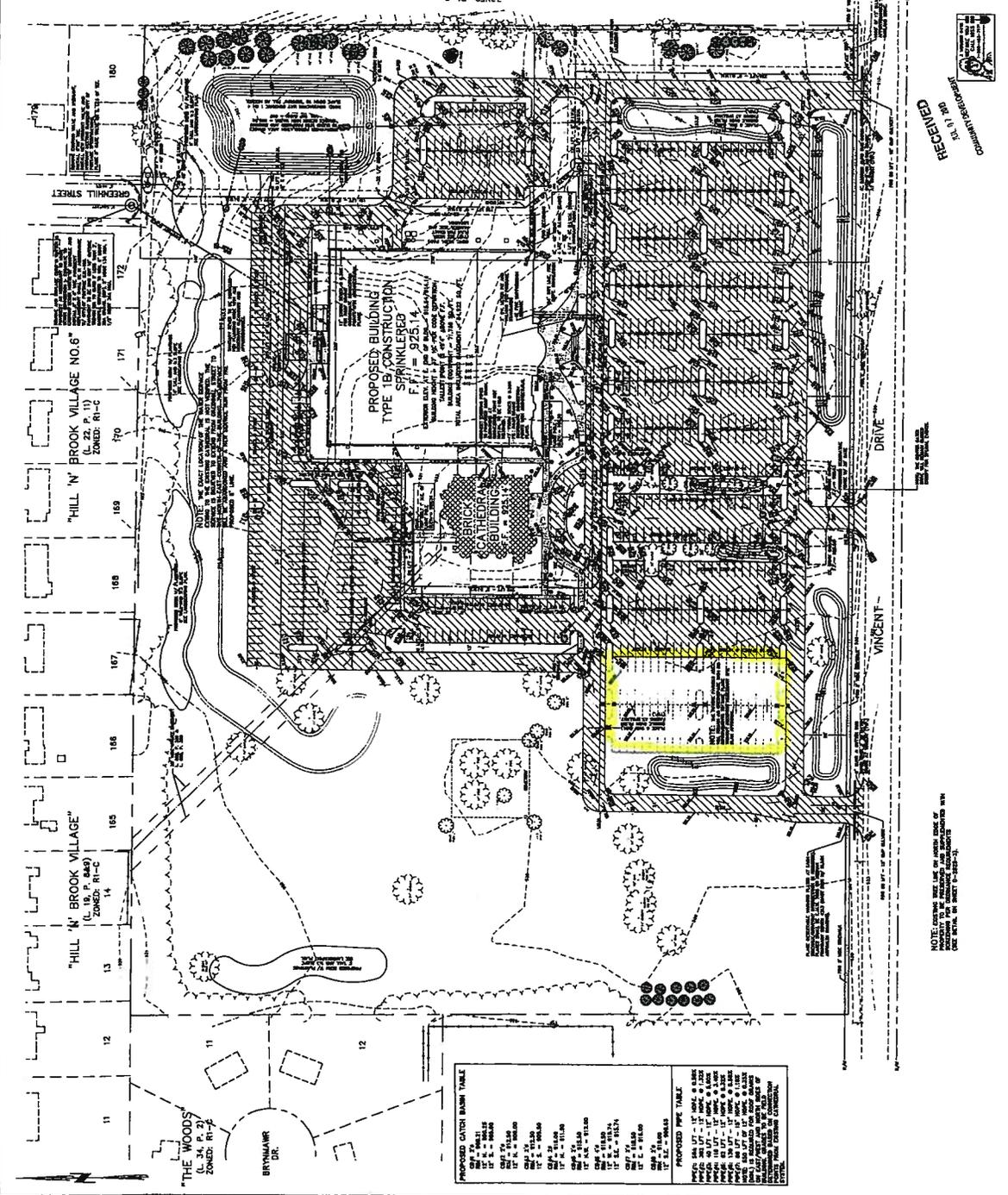


- LEGEND**
- Proposed Building
 - Proposed Parking
 - Proposed Driveway
 - Proposed Walkway
 - Proposed Landscaping
 - Proposed Fencing
 - Proposed Retention Wall
 - Proposed Stormwater Management
 - Proposed Utility Lines
 - Proposed Easement
 - Proposed Right-of-Way
 - Proposed Boundary
 - Proposed Survey
 - Proposed Elevation
 - Proposed Slope
 - Proposed Contour
 - Proposed Spot Elevation
 - Proposed Tree
 - Proposed Shrub
 - Proposed Flowering Shrub
 - Proposed Grass
 - Proposed Mulch
 - Proposed Rock
 - Proposed Water Feature
 - Proposed Light Fixture
 - Proposed Sign
 - Proposed Gate
 - Proposed Wall
 - Proposed Foundation
 - Proposed Footing
 - Proposed Pier
 - Proposed Column
 - Proposed Beam
 - Proposed Joist
 - Proposed Truss
 - Proposed Roof
 - Proposed Floor
 - Proposed Ceiling
 - Proposed Wall
 - Proposed Window
 - Proposed Door
 - Proposed Stair
 - Proposed Ramp
 - Proposed Elevation
 - Proposed Slope
 - Proposed Contour
 - Proposed Spot Elevation



APPROVED
 JUN 8 11 2004
 PORTAGE CITY ENGINEER

NOTICE: THIS PLAN IS THE PROPERTY OF WIGHTMAN WARD, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF WIGHTMAN WARD, INC. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW.



RECEIVED
 JUN 10 11 2004
 PORTAGE CITY ENGINEER

NOTE: OWNER SHALL OBTAIN ALL NECESSARY PERMITS FROM THE APPROPRIATE AGENCIES AND DEPARTMENTS IN ACCORDANCE WITH THE PORTAGE CITY ZONING ORDINANCES.

PROPOSED CATCH BASIN TABLE

NO.	TYPE	SIZE	DEPTH	INLET	OUTLET
1	Rectangular	4' x 8'	18"	12"	12"
2	Rectangular	4' x 8'	18"	12"	12"
3	Rectangular	4' x 8'	18"	12"	12"
4	Rectangular	4' x 8'	18"	12"	12"
5	Rectangular	4' x 8'	18"	12"	12"
6	Rectangular	4' x 8'	18"	12"	12"
7	Rectangular	4' x 8'	18"	12"	12"
8	Rectangular	4' x 8'	18"	12"	12"
9	Rectangular	4' x 8'	18"	12"	12"
10	Rectangular	4' x 8'	18"	12"	12"
11	Rectangular	4' x 8'	18"	12"	12"
12	Rectangular	4' x 8'	18"	12"	12"
13	Rectangular	4' x 8'	18"	12"	12"
14	Rectangular	4' x 8'	18"	12"	12"
15	Rectangular	4' x 8'	18"	12"	12"
16	Rectangular	4' x 8'	18"	12"	12"
17	Rectangular	4' x 8'	18"	12"	12"
18	Rectangular	4' x 8'	18"	12"	12"
19	Rectangular	4' x 8'	18"	12"	12"
20	Rectangular	4' x 8'	18"	12"	12"

PROPOSED PIPE TABLE

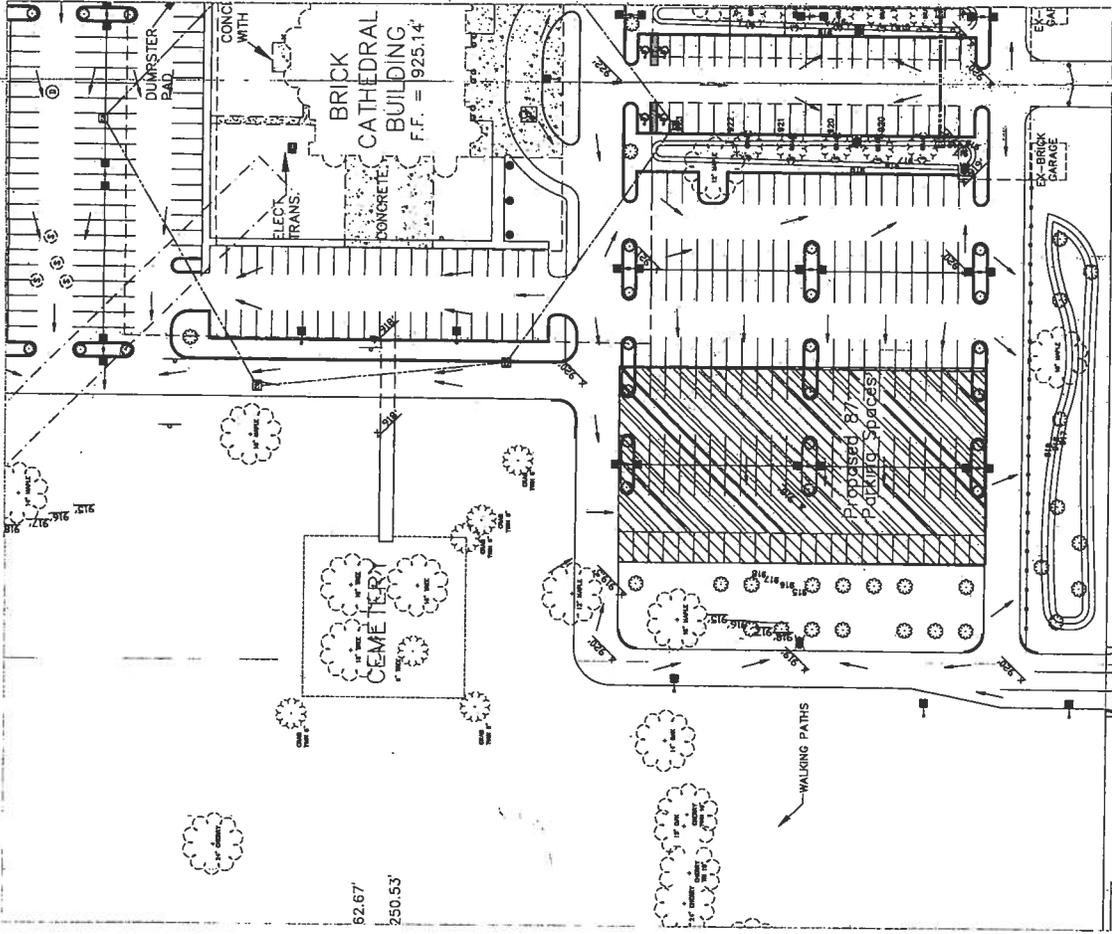
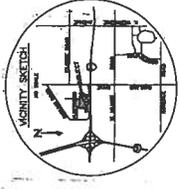
NO.	TYPE	SIZE	DEPTH	INLET	OUTLET
1	Storm	18"	18"	12"	12"
2	Sanitary	12"	18"	12"	12"
3	Storm	18"	18"	12"	12"
4	Sanitary	12"	18"	12"	12"
5	Storm	18"	18"	12"	12"
6	Sanitary	12"	18"	12"	12"
7	Storm	18"	18"	12"	12"
8	Sanitary	12"	18"	12"	12"
9	Storm	18"	18"	12"	12"
10	Sanitary	12"	18"	12"	12"
11	Storm	18"	18"	12"	12"
12	Sanitary	12"	18"	12"	12"
13	Storm	18"	18"	12"	12"
14	Sanitary	12"	18"	12"	12"
15	Storm	18"	18"	12"	12"
16	Sanitary	12"	18"	12"	12"
17	Storm	18"	18"	12"	12"
18	Sanitary	12"	18"	12"	12"
19	Storm	18"	18"	12"	12"
20	Sanitary	12"	18"	12"	12"

REV.	DATE	DESCRIPTION
1		REVISIONS FOR PLANS OF EXISTING SPACES
2		
3		
4		
5		
6		
7		
8		

DESIGN BY:
Valley Family Church

VALLEY FAMILY CHURCH
2500 VINCENT DR
PORTAGE, MI 49884
SITE PLAN

JOB NO.
DRAWN BY
CHECKED BY
DATE
SCALE
D-2825-2





valleyfamilychurch

June 29, 2011

RECEIVED
JUN 29 2011
4:43pm
COMMUNITY DEVELOPMENT

Mike West, Assistant City Planner
Community Development Department
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Re: Development Application Submission for Parking Expansion

Dear Mr. West,

As requested via email on Friday, June 24, 2011, we have enclosed data and documentation in an effort to further clarify the Development Application for the expansion of our current parking that was submitted on June 24, 2011.

Enclosed is a spreadsheet providing data of our attendance and vehicle counts since occupancy of our facility in October 2009. As a way of explaining the data, let me define each column.

1. **TOTAL ATTENDANCE:** Is the number of people who occupied the facility during that particular service. This includes the number of individuals in the adult sanctuary (seats 1,500), plus both of the children's and youth auditoriums, the preschool classrooms, the atrium and all other areas of the facility. Please note that our sanctuary attendance accounts for roughly two-thirds (66%) of our total attendance, as roughly one-third (34%) of our total attendance is from our other environments. We do not at any point have all of our attendees in the sanctuary for our services.
2. **SANCTUARY ATTENDANCE:** Is the number of people who occupy the sanctuary during the services. This is adults only and accounts for roughly two-thirds (66%) of our total attendance
3. **VINCENT CAR COUNT:** Is the number of vehicles parked on the property at 2500 Vincent Avenue. Please note that there are a number of instances that the vehicle count exceeded 681 (current number of parking spaces), which required us to park vehicle in the grass areas due to not having sufficient parking at 2500 Vincent Avenue. Please note, that we only exceeded 681 vehicles on the property when Traffic Control Services were provided by local law enforcement.
4. **OFF-SITE CAR COUNT FOR SHUTTLE ATTENDEES:** Is the number of vehicles parked at off-site locations due to not having sufficient parking at 2500 Vincent Avenue. The BLUE numbers represent the number of vehicles parked at 995 Romence Road due to need for overflow

parking and shuttle services. The RED numbers represent the number of vehicles parked at Angling Elementary School due to need for overflow parking and shuttle services.

NOTE: After experiencing the frequency of not having enough parking spaces on the property, we decided to ask overflow guests to park at our other property located at 995 Romence Road and have them brought over the 2500 Vincent Avenue using shuttle buses we rented from the Portage Public Schools. After trying this out for about three months, we determined it to be a logistical challenge for attendees because of the time it would take for them to drive over to 995 Romence Road and wait for shuttle buses to depart and drive over to 2500 Vincent to attend service, as well as returning back to 995 Romence Road after service. Therefore, we contacted Portage Public Schools who graciously accepted our request to rent parking space at Angling Elementary School so we could alleviate the challenges caused by the distance from 995 Romence Road to 2500 Vincent Avenue. Therefore, beginning on Sunday, April 11, 2010, we began shuttling attendees from Angling Elementary. However due to the logistical challenges, the inconvenience to attendees and the increased costs of shuttling attendees from Angling Elementary we were forced to add another service on Monday evenings attempting to help transition some attendees from attending on Saturdays and Sundays. We had our first Monday night service on May 3, 2010. After two weeks of Monday night services, we experienced enough relief in parking lot constraints to currently discontinue the need for the shuttle services. Even though we have sufficient seating and space within the facility, we are forced to have to maintain 3 separate worship service each week because of the insufficient number of parking spaces available to accommodate our attendance capacities.

5. **TOTAL ATTENDANCE / VEHICLE:** Is the ratio of TOTAL ATTENDANCE per Vehicle (includes both VINCENT and OFF-SITE CAR COUNTS). This number is the true number of TOTAL people per vehicle and is the critical ratio to determine our parking needs based on total attendance figures.
6. **SANCTUARY ATTENDANCE / VEHICLE:** Is the ratio of SANCTUARY ATTENDANCE per Vehicle (includes both VINCENT and OFF-SITE CAR COUNTS). This number represents the number of adults per vehicle average because it only accounts for the number of people in attendance in the sanctuary and does NOT account for the number of people in the other venues (children's auditorium, youth auditorium, preschool classrooms, atrium, and other locations within the facility). This number is the true number of ADULTS people per vehicle and is the critical ratio to determine our parking needs based on sanctuary seating (adults) attendance figures.

None of this data includes attendance in the Cathedral, which includes a sanctuary, with seating up to 500 people, and other classrooms, banquet hall, etc. We are also planning to offer another "TRADITIONAL-style" worship service this fall that will occur in the Cathedral Sanctuary. To-date we have not used this sanctuary to house attendees of worship services. Because this will be a different style of worship service, our anticipation based on demographical research is that we will attract several

new attendees that prefer a more “traditional” style worship service versus a more up-tempo, “performance” style of worship service which we have been performing in the main sanctuary.

This additional worship service will occur simultaneously with one of our current Sunday morning worship services resulting in additional attendance during that service time.

Up until this point, all of the challenges of having sufficient parking have occurred with us ONLY using the main sanctuary seating up to 1,500 people. Adding this additional service will give us an increased capacity for seating up to 2,000 adults in our sanctuaries. This will cause there to be even greater restrictions on our ability to park all of the vehicles on the property.

In summary, we would propose the following information in determining the need for the proposed additional parking spaces:

- 1. It is not our desire to maintain 3 separate service times during the week when we have adequate capacity within our facilities to accommodate having only 2 services. There are significantly increased costs of both financial and human resources to facility more worship services than necessary. The only reason we have made the determination to have 3 separate service times is strictly to accommodate the parking lot capacity challenges we have faced. Even though summer attendance decreases, the logistics involved in changing service times (adjusting hundreds of volunteers’ schedules, staffing the services with required employees, communication of the service time changes, etc.), would be significantly more effort than would be worth it.**
- 2. Our facility was designed and built to have up to 2,000 adults in the sanctuaries (main sanctuary and Cathedral sanctuary). Should we fill those sanctuaries to capacity, our historical data since opening in October 2009 provide evidence that our ratio of sanctuary attendance per vehicle is 1.44 people per vehicle. At this ratio, if we had 2,000 adults in attendance, our facility can accommodate that, but our parking lot would need to have 1,389 parking spaces and currently has only 681 spaces. Adding an additional 89 spaces, as proposed, would help to provide some relief in meeting our true needs.**
- 3. Due to adding an additional style of worship service during an already existing worship service time, our anticipation is that we would attract other attendees who would not normally attend our standard up-tempo worship services. Therefore, we will be using more seating which would require more parking spaces on the property.**
- 4. As you are aware, the City of Portage has administratively approved the expansion of our current parking lot to allow for an additional 53 parking spaces. While we had initially desired to pursue this in order to provide some temporary relief, we recognized that this will be a very short-term solution to our parking restrictions. Therefore, if, at a later date, we receive approval to expand that total to 87 spaces, as proposed here, the financial impact would be huge. Based on several quotes we have received, to proceed with 53 spaces and add 34 more spaces later, would cost 50% more than it would be to do all 87 at one time.**

Based on the City of Portage Code of Ordinance, Sections 42-520-O and 42-523 which states *In granting any additional space, the planning commission shall determine that the parking is necessary, based on documented evidence of actual use and demand provided by the applicant*, we feel that the attached data and the information provided in this letter provides sufficient evidence to support the need for additional parking beyond the existing City ordinance limitations of 1 vehicle for every 3 seats in the main unit of worship (or sanctuary). Years ago, it was more common to have all family members attend in the sanctuary during a church service. However, we do not have any plans to do this in the future.

Thank you for your review of this information and the request. We formally request approval of the Development Application submitted for an additional 87 parking spaces to be added at 2500 Vincent Avenue.

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron Johnson". The signature is fluid and cursive, with the first name "Aaron" written in a larger, more prominent script than the last name "Johnson".

Aaron Johnson

Executive Director

Valley Family Church

Email: ajohnson@valleyfamilychurch.org

Phone: 269-324-5599 x117

Enclosures



Attendance and Vehicle Count and Ratios

	Total Attendance		Sanctuary Attendance		Vincent Car Count		Off-site Car Count for Shuttle Attendees		Total Attendance/Vehicle		Sanctuary Attendance/Vehicle	
	Attendance		Attendance		Count		Count		Attendance/Vehicle		Attendance/Vehicle	
24-Oct-09 Saturday 6:00 pm	1331		836	555	836	555	-	-	2.40		2.40	1.51
25-Oct-09 Sunday 10:00 am	1664		1101	745	1101	745	-	-	2.23		2.23	1.48
31-Oct-09 Saturday 6:00 pm	695		440	395	440	395	-	-	1.76		1.76	1.11
1-Nov-09 Sunday 10:00 am	1819		1146	811	1146	811	-	-	2.24		2.24	1.41
7-Nov-09 Saturday 5:00 pm	1885		1257	684	1257	684	-	-	2.76		2.76	1.84
7-Nov-09 Saturday, 7:15 pm	1081		637	492	637	492	-	-	2.20		2.20	1.29
8-Nov-09 Sunday 9:00 am	1039		668	552	668	552	-	-	1.88		1.88	1.21
8-Nov-09 Sunday, 11:15 am	1697		1106	758	1106	758	-	-	2.24		2.24	1.46
14-Nov-09 Saturday 6:00 pm	1624		1030	629	1030	629	-	-	2.58		2.58	1.64
15-Nov-09 Sunday 10:00 am	1787		1070	730	1070	730	-	-	2.45		2.45	1.47
21-Nov-09 Saturday 6:00 pm	1301		733	595	733	595	-	-	2.19		2.19	1.23
22-Nov-09 Sunday 10:00 am	1955		1225	839	1225	839	-	-	2.33		2.33	1.46
28-Nov-09 Saturday 6:00 pm	1496		946	581	946	581	-	-	2.57		2.57	1.63
29-Nov-09 Sunday 10:00 am	1752		1187	727	1187	727	-	-	2.41		2.41	1.63
5-Dec-09 Saturday 6:00 pm	1197		674	476	674	476	-	-	2.51		2.51	1.42
6-Dec-09 Sunday 10:00 am	1653		1062	727	1062	727	-	-	2.27		2.27	1.46
12-Dec-09 Saturday 6:00 pm	1053		606	475	606	475	-	-	2.22		2.22	1.28
13-Dec-09 Sunday 10:00 am	1497		986	730	986	730	-	-	2.05		2.05	1.35
19-Dec-09 Saturday 5:00 pm	1290		1234	558	1234	558	-	-	2.31		2.31	2.21
19-Dec-09 Saturday, 7:15 pm	855		812	404	812	404	-	-	2.12		2.12	2.01
20-Dec-09 Sunday 9:00 am	582		547	318	547	318	-	-	1.83		1.83	1.72
20-Dec-09 Sunday, 11:15 am	1145		1069	504	1069	504	-	-	2.27		2.27	2.12
26-Dec-09 Saturday 6:00 pm	672		586	315	586	315	-	-	2.13		2.13	1.86
27-Dec-09 Sunday 10:00 am	1262		1112	470	1112	470	-	-	2.69		2.69	2.37
2-Jan-10 Saturday 6:00 pm	1458		912	544	912	544	-	-	2.68		2.68	1.68



Attendance and Vehicle Count and Ratios

	Off-site Car									
	Sanctuary		Vincent Car		Shuttle		Total		Sanctuary	
	Attendance	Attendance	Count	Count	Attendees	Attendees	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle
3-Jan-10 Sunday 10:00 am	1475	968	616	56			2.39			1.57
9-Jan-10 Saturday 6:00 pm	1606	996	664	-			2.42			1.50
10-Jan-10 Sunday 10:00 am	1561	1038	654	40			2.39			1.59
16-Jan-10 Saturday 6:00 pm	1696	1005	655	-			2.59			1.53
17-Jan-10 Sunday 10:00 am	1686	1101	683	47			2.47			1.61
23-Jan-10 Saturday 6:00 pm	1701	1090	690	-			2.47			1.58
24-Jan-10 Sunday 10:00 am	1421	927	648	34			2.19			1.43
30-Jan-10 Saturday 6:00 pm	1528	950	623	-			2.45			1.52
31-Jan-10 Sunday 10:00 am	1693	1136	692	46			2.45			1.64
6-Feb-10 Saturday 6:00 pm	1661	1030	711	-			2.34			1.45
7-Feb-10 Sunday 10:00 am	1639	1060	693	17			2.37			1.53
13-Feb-10 Saturday 6:00 pm	1504	921	627	-			2.40			1.47
14-Feb-10 Sunday 10:00 am	1677	1064	732	31			2.29			1.45
20-Feb-10 Saturday 6:00 pm	1537	933	631	-			2.44			1.48
21-Feb-10 Sunday 10:00 am	1528	998	670	21			2.28			1.49
27-Feb-10 Saturday 6:00 pm	1522	924	618	-			2.46			1.50
28-Feb-10 Sunday 10:00 am	1594	1020	687	27			2.32			1.48
6-Mar-10 Saturday 6:00 pm	1597	932	685	-			2.33			1.36
7-Mar-10 Sunday 10:00 am	1808	1154	731	22			2.47			1.58
13-Mar-10 Saturday 6:00 pm	1918	1263	738	-			2.60			1.71
14-Mar-10 Sunday 10:00 am	1531	1027	663	32			2.31			1.55
20-Mar-10 Saturday 6:00 pm	1777	1144	714	-			2.49			1.60
21-Mar-10 Sunday 10:00 am	1766	1141	758	22			2.33			1.51
27-Mar-10 Saturday 6:00 pm	1498	961	638	-			2.35			1.51
28-Mar-10 Sunday 10:00 am	1693	1120	689	27			2.46			1.63



Attendance and Vehicle Count and Ratios

	Total Attendance	Sanctuary Attendance	Vincent Car Count	Off-site Car		Total Attendance/ Vehicle	Sanctuary Attendance/ Vehicle
				Count for Shuttle Attendees	Count for Vehicle		
3-Apr-10 Saturday 5:00 pm	1571	1147	651	-	-	2.41	1.76
3-Apr-10 Saturday, 7:15 pm	883	632	396	-	-	2.23	1.60
4-Apr-10 Sunday 9:00 am	1202	916	554	-	-	2.17	1.65
4-Apr-10 Sunday, 11:15 am	1557	1158	630	-	-	2.47	1.84
10-Apr-10 Saturday 6:00 pm	1467	885	635	-	-	2.31	1.39
11-Apr-10 Sunday 10:00 am	1757	1153	713	-	126	2.09	1.37
17-Apr-10 Saturday 6:00 pm	1575	945	630	-	-	2.50	1.50
18-Apr-10 Sunday 10:00 am	1671	1124	695	-	64	2.20	1.48
24-Apr-10 Saturday 6:00 pm	1676	1062	661	-	-	2.54	1.61
25-Apr-10 Sunday 10:00 am	1803	1158	713	-	65	2.32	1.49
1-May-10 Saturday 6:00 pm	1233	811	468	-	-	2.63	1.73
2-May-10 Sunday 10:00 am	1444	991	600	-	14	2.35	1.61
3-May-10 Monday 7:00 pm	846	581	428	-	-	1.98	1.36
8-May-10 Saturday 6:00 pm	1237	750	591	-	-	2.09	1.27
9-May-10 Sunday 10:00 am	1574	1059	644	-	10	2.41	1.62
10-May-10 Monday 7:00 pm	725	465	360	-	-	2.01	1.29
15-May-10 Saturday 6:00 pm	1055	663	450	-	-	2.34	1.47
16-May-10 Sunday 10:00 am	1268	830	573	-	6	2.19	1.43
17-May-10 Monday 7:00 pm	742	465	417	-	-	1.78	1.12
22-May-10 Saturday 6:00 pm	1015	615	447	-	-	2.27	1.38
23-May-10 Sunday 10:00 am	1463	994	598	-	-	2.45	1.66
24-May-10 Monday 7:00 pm	785	485	382	-	-	2.05	1.27
29-May-10 Saturday 6:00 pm	757	435	360	-	-	2.10	1.21
30-May-10 Sunday 10:00 am	1069	724	488	-	-	2.19	1.48
31-May-10 Monday 7:00 pm	643	408	307	-	-	2.09	1.33



Attendance and Vehicle Count and Ratios

	Off-site Car									
	Sanctuary		Vincent Car		Count for Shuttle		Total		Sanctuary	
	Attendance	Attendance	Count	Count	Attendees	Attendees	Attendance/Vehicle	Attendance/Vehicle	Attendance/Vehicle	Attendance/Vehicle
5-Jun-10 Saturday 6:00 pm	947	544	414	-	-	-	2.29	1.31		
6-Jun-10 Sunday 10:00 am	1251	813	569	-	-	-	2.20	1.43		
7-Jun-10 Monday 7:00 pm	664	415	367	-	-	-	1.81	1.13		
12-Jun-10 Saturday 6:00 pm	874	528	376	-	-	-	2.32	1.40		
13-Jun-10 Sunday 10:00 am	1232	833	514	-	-	-	2.40	1.62		
14-Jun-10 Monday 7:00 pm	842	514	406	-	-	-	2.07	1.27		
19-Jun-10 Saturday 6:00 pm	-	-	-	-	-	-	-	-		
20-Jun-10 Sunday 10:00 am	1458	1047	558	-	-	-	2.61	1.88		
21-Jun-10 Monday 7:00 pm	982	617	487	-	-	-	2.02	1.27		
26-Jun-10 Saturday 6:00 pm	750	433	353	-	-	-	2.12	1.23		
27-Jun-10 Sunday 10:00 am	1047	704	591	-	-	-	1.77	1.19		
28-Jun-10 Monday 7:00 pm	761	447	374	-	-	-	2.03	1.20		
3-Jul-10 Saturday 6:00 pm	548	327	261	-	-	-	2.10	1.25		
4-Jul-10 Sunday 10:00 am	846	577	419	-	-	-	2.02	1.38		
5-Jul-10 Monday 7:00 pm	760	461	339	-	-	-	2.24	1.36		
10-Jul-10 Saturday 6:00 pm	803	506	355	-	-	-	2.26	1.43		
11-Jul-10 Sunday 10:00 am	1119	742	503	-	-	-	2.22	1.48		
12-Jul-10 Monday 7:00 pm	812	490	402	-	-	-	2.02	1.22		
17-Jul-10 Saturday 6:00 pm	696	391	319	-	-	-	2.18	1.23		
18-Jul-10 Sunday 10:00 am	1289	905	509	-	-	-	2.53	1.78		
19-Jul-10 Monday 7:00 pm	704	362	377	-	-	-	1.87	0.96		
24-Jul-10 Saturday 6:00 pm	790	580	371	-	-	-	2.13	1.56		
25-Jul-10 Sunday 10:00 am	1093	829	512	-	-	-	2.13	1.62		
26-Jul-10 Monday 7:00 pm	680	431	376	-	-	-	1.81	1.15		
31-Jul-10 Saturday 6:00 pm	690	449	305	-	-	-	2.26	1.47		



Attendance and Vehicle Count and Ratios

	Total		Sanctuary		Vincent Car		Off-site Car		Total		Sanctuary	
	Attendance	Attendance	Attendance	Count	Count	Shuttle	Attendees	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle	
1-Aug-10 Sunday 10:00 am	1276	928	571	-	-	2.23	1.63					
2-Aug-10 Monday 7:00 pm	685	425	355	-	-	1.93	1.20					
7-Aug-10 Saturday 6:00 pm	790	496	344	-	-	2.30	1.44					
8-Aug-10 Sunday 10:00 am	1177	791	537	-	-	2.19	1.47					
9-Aug-10 Monday 7:00 pm	965	603	446	-	-	2.16	1.35					
14-Aug-10 Saturday 6:00 pm	877	528	343	-	-	2.56	1.54					
15-Aug-10 Sunday 10:00 am	1333	914	530	-	-	2.52	1.72					
16-Aug-10 Monday 7:00 pm	846	494	398	-	-	2.13	1.24					
21-Aug-10 Saturday 6:00 pm	741	504	361	-	-	2.05	1.40					
22-Aug-10 Sunday 10:00 am	1181	1168	616	-	-	1.92	1.90					
23-Aug-10 Monday 7:00 pm	955	630	445	-	-	2.15	1.42					
28-Aug-10 Saturday 6:00 pm	789	459	334	-	-	2.36	1.37					
29-Aug-10 Sunday 10:00 am	1367	930	542	-	-	2.52	1.72					
30-Aug-10 Monday 7:00 pm	841	490	360	-	-	2.34	1.36					
4-Sep-10 Saturday 6:00 pm	931	595	374	-	-	2.49	1.59					
5-Sep-10 Sunday 10:00 am	1317	861	592	-	-	2.22	1.45					
6-Sep-10 Monday 7:00 pm	643	413	287	-	-	2.24	1.44					
11-Sep-10 Saturday 6:00 pm	848	489	390	-	-	2.17	1.25					
12-Sep-10 Sunday 10:00 am	1520	967	633	-	-	2.40	1.53					
13-Sep-10 Monday 7:00 pm	677	412	364	-	-	1.86	1.13					
18-Sep-10 Saturday 6:00 pm	925	551	414	-	-	2.23	1.33					
19-Sep-10 Sunday 10:00 am	1485	950	642	-	-	2.31	1.48					
20-Sep-10 Monday 7:00 pm	683	423	345	-	-	1.98	1.23					
25-Sep-10 Saturday 6:00 pm	878	519	366	-	-	2.40	1.42					
26-Sep-10 Sunday 10:00 am	1363	817	612	-	-	2.23	1.33					



Attendance and Vehicle Count and Ratios

	Total Attendance		Sanctuary Attendance		Vincent Car Count		Off-site Car Count for Shuttle Attendees		Total Attendance/Vehicle		Sanctuary Attendance/Vehicle	
	Attendance	Sanctuary Attendance	Sanctuary Attendance	Vincent Car Count	Off-site Car Count for Shuttle Attendees	Off-site Car Count for Shuttle Attendees	Total Attendance/Vehicle	Total Attendance/Vehicle	Sanctuary Attendance/Vehicle	Sanctuary Attendance/Vehicle		
27-Sep-10 Monday 7:00 pm	807	493	417	-	-	-	1.94	1.18				
2-Oct-10 Saturday 6:00 pm	838	476	379	-	-	-	2.21	1.26				
3-Oct-10 Sunday 10:00 am	1355	871	592	-	-	-	2.29	1.47				
4-Oct-10 Monday 7:00 pm	1360	540	334	-	-	-	4.07	1.62				
9-Oct-10 Saturday 6:00 pm	1111	719	481	-	-	-	2.31	1.49				
10-Oct-10 Sunday 10:00 am	1689	1175	733	-	41	-	2.30	1.60				
11-Oct-10 Monday 7:00 pm	823	540	389	-	-	-	2.12	1.39				
16-Oct-10 Saturday 6:00 pm	849	497	451	-	-	-	1.88	1.10				
17-Oct-10 Sunday 10:00 am	1250	823	615	-	-	-	2.03	1.34				
18-Oct-10 Monday 7:00 pm	745	453	363	-	-	-	2.05	1.25				
23-Oct-10 Saturday 6:00 pm	844	501	379	-	-	-	2.23	1.32				
24-Oct-10 Sunday 10:00 am	1374	924	611	-	-	-	2.25	1.51				
25-Oct-10 Monday 7:00 pm	698	402	332	-	-	-	2.10	1.21				
30-Oct-10 Saturday 6:00 pm	800	530	343	-	-	-	2.33	1.55				
31-Oct-10 Sunday 10:00 am	1221	797	529	-	-	-	2.31	1.51				
1-Nov-10 Monday 7:00 pm	621	399	399	-	-	-	1.56	1.00				
6-Nov-10 Saturday 6:00 pm	973	572	428	-	-	-	2.27	1.34				
7-Nov-10 Sunday 10:00 am	1817	1129	713	-	-	-	2.55	1.58				
8-Nov-10 Monday 7:00 pm	673	423	367	-	-	-	1.83	1.15				
13-Nov-10 Saturday 6:00 pm	877	611	428	-	-	-	2.05	1.43				
14-Nov-10 Sunday 10:00 am	1444	933	620	-	-	-	2.33	1.50				
15-Nov-10 Monday 7:00 pm	661	408	318	-	-	-	2.08	1.28				
20-Nov-10 Saturday 6:00 pm	894	588	400	-	-	-	2.24	1.47				
21-Nov-10 Sunday 10:00 am	1573	1143	612	-	-	-	2.57	1.87				
22-Nov-10 Monday 7:00 pm	597	386	311	-	-	-	1.92	1.24				



Attendance and Vehicle Count and Ratios

	Total		Sanctuary Attendance		Vincent Car	Off-site Car		Total		Sanctuary	
	Attendance	Sanctuary Attendance	Sanctuary Attendance	Count	Count	Shuttle	Attendees	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle	Attendance/ Vehicle
27-Nov-10 Saturday 6:00 pm	999	677	677	404	-	-	2.47	1.68			
28-Nov-10 Sunday 10:00 am	1251	877	877	503	-	-	2.49	1.74			
29-Nov-10 Monday 7:00 pm	613	392	392	319	-	-	1.92	1.23			
4-Dec-10 Saturday 6:00 pm	855	547	547	393	-	-	2.18	1.39			
5-Dec-10 Sunday 10:00 am	1375	979	979	560	-	-	2.46	1.75			
6-Dec-10 Monday 7:00 pm	508	331	331	288	-	-	1.76	1.15			
11-Dec-10 Saturday 6:00 pm	657	369	369	342	-	-	1.92	1.08			
12-Dec-10 Sunday 10:00 am	1103	758	758	478	-	-	2.31	1.59			
13-Dec-10 Monday 7:00 pm	571	381	381	308	-	-	1.85	1.24			
18-Dec-10 Saturday 5:00 pm	1094	1094	1094	481	-	-	2.27	2.27			
18-Dec-10 Saturday 7:30 pm	676	676	676	334	-	-	2.02	2.02			
19-Dec-10 Sunday 9:00 am	780	780	780	412	-	-	1.89	1.89			
19-Dec-10 Sunday 11:30 am	1058	1058	1058	459	-	-	2.31	2.31			
26-Dec-10 Sunday 9:00 am	563	472	472	285	-	-	1.98	1.66			
26-Dec-10 Sunday 11:30 am	902	807	807	378	-	-	2.39	2.13			
2-Jan-11 Sunday 9:00 am	817	645	645	396	-	-	2.06	1.63			
2-Jan-11 Sunday 11:30 am	1395	1022	1022	590	-	-	2.36	1.73			
8-Jan-11 Saturday 6:00 pm	884	593	593	367	-	-	2.41	1.62			
9-Jan-11 Sunday 10:00 am	1475	1025	1025	653	-	-	2.26	1.57			
10-Jan-11 Monday 7:00 pm	589	372	372	351	-	-	1.68	1.06			
15-Jan-11 Saturday 6:00 pm	894	578	578	368	-	-	2.43	1.57			
16-Jan-11 Sunday 10:00 am	1536	1080	1080	635	-	-	2.42	1.70			
17-Jan-11 Monday 7:00 pm	648	408	408	339	-	-	1.91	1.20			
22-Jan-11 Saturday 6:00 pm	666	412	412	314	-	-	2.12	1.31			
23-Jan-11 Sunday 10:00 am	1376	928	928	632	-	-	2.18	1.47			



Attendance and Vehicle Count and Ratios

	Off-site Car									
	Sanctuary		Vincent Car		Shuttle		Total		Sanctuary	
	Attendance	Attendance	Count	Count	Attendees	Attendees/ Vehicle	Attendees/ Vehicle	Attendees/ Vehicle	Attendees/ Vehicle	
24-Jan-11 Monday 7:00 pm	570	390	319	-	-	1.79	1.22			
29-Jan-11 Saturday 6:00 pm	821	538	374	-	-	2.20	1.44			
30-Jan-11 Sunday 10:00 am	1492		611	-	-	2.44	0.00			
31-Jan-11 Monday 7:00 pm	636	418	304	-	-	2.09	1.38			
6-Feb-11 Sunday 9:00 am	1005	927	538	-	-	1.87	1.72			
6-Feb-11 Sunday 11:30 am	1337	945	629	-	-	2.13	1.50			
7-Feb-11 Monday 6:30 pm	774	522	400	-	-	1.94	1.31			
13-Feb-11 Sunday 9:00 am	1093	669	544	-	-	2.01	1.23			
13-Feb-11 Sunday 11:30 am	1189	845	611	-	-	1.95	1.38			
14-Feb-11 Monday 6:30 pm	660	436	337	-	-	1.96	1.29			
20-Feb-11 Sunday 9:00 am	1040	679	546	-	-	1.90	1.24			
20-Feb-11 Sunday 11:30 am	1097	729	572	-	-	1.92	1.27			
21-Feb-11 Monday 6:30 pm	-	-	-	-	-	-	-			
27-Feb-11 Sunday 9:00 am	1072	670	489	-	-	2.19	1.37			
27-Feb-11 Sunday 11:30 am	1190	852	581	-	-	2.05	1.47			
28-Feb-11 Monday 6:30 pm	803	537	394	-	-	2.04	1.36			
6-Mar-11 Sunday 9:00 am	1015	639	502	-	-	2.02	1.27			
6-Mar-11 Sunday 11:30 am	1296	912	595	-	-	2.18	1.53			
7-Mar-11 Monday 6:30 pm	807	550	397	-	-	2.03	1.39			
13-Mar-11 Sunday 9:00 am	835	542	471	-	-	1.77	1.15			
13-Mar-11 Sunday 11:30 am	1163	821	577	-	-	2.02	1.42			
14-Mar-11 Monday 6:30 pm	747	464	336	-	-	2.22	1.38			
20-Mar-11 Sunday 9:00 am	1002	603	474	-	-	2.11	1.27			
20-Mar-11 Sunday 11:30 am	1122	700	584	-	-	1.92	1.20			
21-Mar-11 Monday 6:30 pm	728	499	374	-	-	1.95	1.33			



Attendance and Vehicle Count and Ratios

	Total Attendance		Sanctuary Attendance		Vincent Car Count		Off-site Car Count for Shuttle Attendees		Total Attendance/Vehicle		Sanctuary Attendance/Vehicle	
	Attendance		Attendance		Count		Count		Attendance/Vehicle		Attendance/Vehicle	
27-Mar-11 Sunday 9:00 am	983		585	560	585	560	-	-	1.76		1.76	1.04
27-Mar-11 Sunday 11:30 am	1210		753	597	753	597	-	-	2.03		2.03	1.26
28-Mar-11 Monday 6:30 pm	684		369	362	369	362	-	-	1.89		1.89	1.02
3-Apr-11 Sunday 9:00 am	807		543	486	543	486	-	-	1.66		1.66	1.12
3-Apr-11 Sunday 11:30 am	936		617	562	617	562	-	-	1.67		1.67	1.10
4-Apr-11 Monday 6:30 pm	598		389	296	389	296	-	-	2.02		2.02	1.31
10-Apr-11 Sunday 9:00 am	988		667	462	667	462	-	-	2.14		2.14	1.44
10-Apr-11 Sunday 11:30 am	1062		704	514	704	514	-	-	2.07		2.07	1.37
11-Apr-11 Monday 6:30 pm	642		409	429	409	429	-	-	1.50		1.50	0.95
17-Apr-11 Sunday 9:00 am	1008		656	441	656	441	-	-	2.29		2.29	1.49
17-Apr-11 Sunday 11:30 am	1245		812	571	812	571	-	-	2.18		2.18	1.42
18-Apr-11 Monday 6:30 pm	672		441	375	441	375	-	-	1.79		1.79	1.18
24-Apr-11 Sunday 9:00 am	1722		1383	729	1383	729	-	-	2.36		2.36	1.90
24-Apr-11 Sunday 11:30 am	1735		1373	690	1373	690	-	-	2.51		2.51	1.99
24-Apr-11 Sunday 4:00 pm	573		451	280	451	280	-	-	2.05		2.05	1.61
24-Apr-11 Sunday 6:30 pm	641		512	280	512	280	-	-	2.29		2.29	1.83
1-May-11 Sunday 9:00 am	1028		707	461	707	461	-	-	2.23		2.23	1.53
1-May-11 Sunday 11:30 am	1143		777	606	777	606	-	-	1.89		1.89	1.28
2-May-11 Monday 6:30 pm	598		408	347	408	347	-	-	1.72		1.72	1.18
8-May-11 Sunday 9:00 am	1004		673	431	673	431	-	-	2.33		2.33	1.56
8-May-11 Sunday 11:30 am	936		641	427	641	427	-	-	2.19		2.19	1.50
9-May-11 Monday 6:30 pm	527		348	318	348	318	-	-	1.66		1.66	1.09
15-May-11 Sunday 9:00 am	943		637	436	637	436	-	-	2.16		2.16	1.46
15-May-11 Sunday 11:30 am	960		624	588	624	588	-	-	1.63		1.63	1.06
16-May-11 Monday 6:30 pm	537		341	349	341	349	-	-	1.54		1.54	0.98



Attendance and Vehicle Count and Ratios

	Sanctuary		Vincent Car Court		Off-site Car		Total Attendance/ Vehicle	Sanctuary Attendance/ Vehicle
	Attendance	Attendance	Court	Count	Shuttle Attendees	Attendance/ Vehicle		
22-May-11 Sunday 9:00 am	900	566	425	-	-	2.12	1.33	
22-May-11 Sunday 11:30 am	1078	718	488	-	-	2.21	1.47	
23-May-11 Monday 6:30 pm	486	264	311	-	-	1.56	0.85	
29-May-11 Sunday 9:00 am	906	632	404	-	-	2.24	1.56	
29-May-11 Sunday 11:30 am	951	632	426	-	-	2.23	1.48	
30-May-11 Monday 6:30 pm	295	178	163	-	-	1.81	1.09	
5-Jun-11 Sunday 9:00 am	909	606	434	-	-	2.09	1.40	
5-Jun-11 Sunday 11:30 am	984	652	470	-	-	2.09	1.39	
6-Jun-11 Monday 6:30 pm	586	384	347	-	-	1.69	1.11	
12-Jun-11 Sunday 9:00 am	861	570	420	-	-	2.05	1.36	
12-Jun-11 Sunday 11:30 am	1030	669	463	-	-	2.22	1.44	
13-Jun-11 Monday 6:30 pm	554	341	340	-	-	1.63	1.00	
19-Jun-11 Sunday 9:00 am	856	570	428	-	-	2.00	1.33	
19-Jun-11 Sunday 11:30 am	838	558	366	-	-	2.29	1.52	
20-Jun-11 Monday 6:30 pm	619	404	291	-	-	2.13	1.39	
AVERAGES	1091.87	724.42	492.60	37.40	37.40	2.18	1.44	

TO: Planning Commission

DATE: July 1, 2011

FROM: Vicki Georgean,  Director of Community Development

SUBJECT: Final Report: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances

I. INTRODUCTION:

The City Administration has prepared three separate zoning ordinance proposals that would allow "mixed-use" elements within business zoning districts and presented each to the City Council Housing and Neighborhoods Ad Hoc Committee. The three ordinances include: City Centre Area – Mixed-Use Floating Zone; Commercial Corridor Mixed-Use Floating Zone; and the Work/Live Accommodations. 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 (City Centre Plan) adopted by the Planning Commission. The three "mixed-use" proposals would permit residential uses within business zones when ordinance standards have been met.

During the March 8, 2011 meeting, City Council accepted the Housing and Neighborhoods Ad Hoc Committee recommendation to refer three mixed-use Zoning Code proposals to the Planning Commission for consideration and initiate the Zoning Code amendment process. A summary of each ordinance is provided below.

II. PROPOSED MIXED-USE ORDINANCES

City Centre Area – Mixed-Use Floating Zone. This zoning district is intended to foster development in the City Centre Area (CCA) as identified in the City Centre Plan and Portage 2025 Visioning recommendations. The zone provides an incentive by allowing residential uses with permitted business and office uses to create a mixed-use development in a more urban setting in the CCA. Attached is the proposed ordinance and a map that shows 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 type of "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 10-foot setbacks from the front lot line at a public street. Architectural design and building wall materials to be of 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.

The proposal is a method to promote an "urban" development pattern in a suburban environment. Establishment of an urban, walkable center has been successfully accomplished by other suburban communities. There are areas within the CCA as identified on the attached City Centre Area Map likely to redevelop and consideration of this development option is recommended.

The northern boundary of the CCA zoning district extends to Schuring Road consistent with the adopted City Centre Area Plan. The area between Schuring Road and Garden Lane is not likely to redevelop in the near future given environmental characteristics and ongoing property development. The CCA zoning district also incorporates a minimum 10% open space requirement and provides additional discretionary review standards that pertain to the location, function, ownership and manner of maintenance for common open spaces, natural features and similar site characteristics.

As a related element to this proposal is the inclusion of signage provisions. The proposed CCA sign regulations are intended to ensure community objectives regarding business signage are fulfilled and a level of consistency with current regulations. The substantive modifications are summarized below.

1. Regarding freestanding signs:
 - a. This section now references one freestanding sign (reference to ground/pylon sign has been removed) is permitted at each vehicular entrance that provides access to an off-street parking facility to identify only the CCA development.
 - b. Area of the sign has been reduced from 50 square feet to 32 square feet.
 - c. Height of the sign has been standardized at 15 feet.
 - d. Setback distance has been reduced from ten feet to five feet to provide better visibility due to the position of the buildings near the property line and smaller sign size.
2. More flexibility with regard to awnings and canopies is provided by permitting barrel designs and/or backlighting.
3. A section that allows a marquee sign for a theater, cinema or performing arts center has been added.
4. The size and location of banners is consistent with the proposed ordinance language now being considered by the Planning Commission.

Commercial Corridor Mixed-use Floating District. This zoning district proposal is another incentive-based floating zone that would be initiated by a property owner/developer to create a more compact/pedestrian-friendly development. The district would be applicable along major thoroughfares when located in/adjacent to a primary or secondary commercial node or commercial corridor per the Comprehensive Plan. The attached Commercial Corridor Mixed-use Floating District (CCMU) is a type of "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. Single-family units are permitted, as are multi-family units above the first story, or in a separate freestanding building.
3. Development standards specified include 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.
4. City Council maintains the flexibility to modify or waive standards of development.

Work/Live Accommodations. The Work/Live Accommodations ordinance proposal 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 be occupied by the business owner(s) or an employee of the business.
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. A residential unit located adjacent to and on the same level as the commercial use cannot exceed one-third of the total floor area for the business use. A residential unit located above a commercial use cannot exceed the square footage of the commercial use below.
4. An interior connection must be maintained between the living and work portions of the use in the building.

Minor modifications to the definition of “business owner or employee”, restrictions on home occupations within a work/live building, and additional specifications on the overall size and separation between the residential unit and commercial use are provided and are recommended.

The proposed City Centre Area and Commercial Corridor Mixed Use zoning ordinances attempt to provide for residential activities through “mixed-use” development concepts. The proposed Work/Live Accommodations zoning ordinance is directed toward the idea that residential uses could be permitted within business districts in Portage. The context is to provide for a business owner or employee 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.

III. PLANNING COMMISSION REVIEW/CONSIDERATION

The Planning Commission reviewed and discussed the three proposed ordinances during the March 17th, March 28th and May 5th meetings (attached are copies of the meeting minutes). During the May 5th meeting, the Commission set the public hearing for June 16, 2011. The Planning Commission convened the public hearing during on June 16, 2011. No citizens spoke regarding the proposed ordinances.

IV. RECOMMENDATION

It is recommended the Planning Commission reconvene the public hearing during the July 7, 2011 meeting and, subject to any additional Planning Commission discussion and comments that may be received during the public hearing, recommend to City Council approval of Ordinance Amendment No. 10-E, Mixed-Use Zoning Ordinances.

Attachments: March 17, March 28, May 5, and June 16, 2011 Planning Commission meeting minutes
City Centre Area Mixed-Use Floating District with Sign Regulations
Commercial Corridor Mixed-Use Floating District with Future Land Use Plan Map
Work/Live Accommodations Ordinance

additional discussion, a motion was made by Commissioner Pearson, seconded by Commissioner Dargitz, to accept the 2011 Major Thoroughfare Plan Status Update Report. The motion was unanimously approved.

NEW BUSINESS:

1. Mixed-Use Zoning Ordinance Proposal (referral from City Council). Mr. Forth reviewed the March 11, 2011 staff report and the three mixed-use ordinance proposals recommended by the Housing and Neighborhood Ad Hoc Committee. Mr. Forth summarized the major provisions of the three proposals: 1) City Centre Area – Mixed Use Floating Zone; 2) Commercial Corridor Mixed-Use Floating Zone; and 3) Work/Live Accommodations. Mr. Forth suggested a special meeting of the Planning Commission to further discuss the three mixed-use ordinance proposals. The Commission briefly discussed the preliminary concepts contained in the three ordinance proposals and reviewed potential special meeting dates. After additional discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Patterson, to schedule a special meeting for Monday, March 28, 2011 at 7:00pm to discuss the Mixed-Use Zoning Ordinance proposals subject to the availability of Commissioner Welch and Commissioner Bosch. Chairman Cheesebro indicated he would contact Commissioner Welch and Commissioner Bosch to confirm their availability and suggested an alternative date of Tuesday, March 29, 2011. The motion was unanimously approved.

2. 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives. Mr. West introduced the item and summarized the staff report dated March 11, 2011. Mr. West then reviewed the draft memo from the Planning Commission to City Council and asked for comments. Commissioner Stoffer suggested Item 8 be added to the Recommended 2011-2012 Goals and Objectives that would reference the conveyance of updates to the City Council in November 2011 and April 2012 and recommended goals for FY 2012-2013 in April 2012. Commissioner Dargitz suggested a revision to the third bullet under Item 2 in the Recommended 2011-2012 Goals and Objectives to read as follows: “Protection of environmentally sensitive areas such as those identified on the City of Portage Sensitive Land Use Inventory Map including regulated wetlands, ground water and surface water.” After a brief discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Dargitz, to forward the 2010-2011 City Council Assigned Goals and Objectives Update (April 2011) and Recommended 2011-2012 Goals and Objectives to City Council with the above changes. The motion was unanimously approved.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Stoffer asked when update of the Comprehensive Plan was scheduled. Mr. Forth stated the Comprehensive Plan was scheduled for review and update in FY 2012-2013. Mr. Forth indicated that U.S. Census information should be available and the City would retain the services of a consultant to assist in the process.

Chairman Cheesebro congratulated Commissioner Welch and his wife and the recent birth of their twins.

There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

PLANNING COMMISSION

March 28, 2011

The City of Portage Planning Commission special meeting of March 28, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Conference Room No. 1 of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

None.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Mixed-Use Zoning Ordinance Proposals. Mr. Forth referred the Commission to the previously provided March 11, 2011 staff report and the three mixed-use ordinance proposals referred by City Council and the Housing and Neighborhood Ad Hoc Committee. Mr. Forth discussed the origins for the three mixed-use ordinance proposals including the Portage 2025 Visioning project and the 2008 City Centre Area Plan. Mr. Forth and Attorney Brown stated changes to ordinance language and format would be forthcoming and asked that the Commission discussion focus on concepts contained in the three proposals. Mr. Forth and Attorney Brown indicated the Commission would have opportunities to comment on specific ordinance language at future meetings.

Mr. Forth began with a review of the City Centre Area (CCA) – Mixed Use Floating Zone, a voluntary, incentive-based floating zone that could be initiated by a property owner or developer in a manner similar to the PD, planned development district. Mr. Forth stated the detailed plan area portion of the City Centre Area encompasses approximately 175 acres and then reviewed areas where redevelopment was likely to occur. Commissioner Pearson asked for the rationale behind the ten acre minimum project area provision contained in the draft language. Mr. Forth stated the ten acre provision was intended to encourage a larger, more coordinated form of development and would likely require parcel assemblage and redevelopment activities. Mr. Forth also indicated the ordinance contains a provision whereby City Council can waive the ten acre minimum. The Commission discussed the pros and cons of the ten acre minimum standard, redevelopment areas within the CCA where ten acres could be readily assembled and whether a reduction to a five acre minimum project area would be more appropriate. The Commission next discussed the differences between the CCA and older, more urban communities where integrated commercial/residential development has occurred. Commissioner Pearson stated he believes the CCA needs to include a “catalyst” such as a large feature, landmark and/or building to help encourage development. Commissioner Welch asked what incentives were being offered with the proposed ordinance. Mr. Forth discussed the various incentives including allowance for residential uses in the commercial development, reduced building setbacks, no maximum lot coverage and no building height restrictions. Commissioner Reiff asked why the ordinance only allowed for one type of outdoor lighting (Shepard’s hook). Mr. Forth stated the intent was to establish a consistent and unifying theme. Mr. Forth concluded with a short description of the project review and approval process.

Mr. Forth reviewed the Commercial Corridor Mixed-Use (CCMU) Floating Zone, another voluntary, incentive-based floating zone that could be initiated by a property owner or developer in a manner similar to the PD, planned development district. Mr. Forth stated the CCMU zone would allow for up to 20% residential land use in any of the business zoning districts (B-1, B-2, B-3, CPD and OS-1 zones) located within a designated commercial corridor or primary/secondary commercial node. Mr. Forth indicated the CCMU could not be applied to any property located within the CCA. Mr. Forth stated a five acre minimum project area was required in the CCMU zone and briefly reviewed the site development incentives including integration of residential land use, mixed use buildings and reduced building setbacks. Mr. Forth concluded with a short description of the project review and approval process. At this time, the Commission did not have any comments on the CCMU Floating Zone.

Mr. Forth reviewed the Work/Live Accommodations (WLA) ordinance and its applicability in the business zoning districts (B-1, B-2, B-3, CPD and OS-1 zones). Mr. Forth reviewed the general provisions of the WLA proposal and stated it would be allowed as a special land use subject to Planning Commission review and approval after a public hearing. Commissioner Pearson suggested modification to Section 42-137.A to allow the living quarters to be occupied by the owner of the business and/or employee. The Commission concurred that additional flexibility should be built into the living quarters section of the ordinance. The Commission then also discussed allowing the living area to be more than 1/3 of the total floor area, possibly up to 50%. Mr. Forth discussed the intent of the WLA ordinance not to allow the living quarters to be rented or leased to any individual, but rather provide flexibility to the owner of the business to also live at the premises. Attorney Brown suggested allowing him and the staff to consider a broader scope of options for the living quarters portion of the WLA ordinance. The Commission and staff discussed various sections of the proposal including the provision that prevented the business portion of the use from being situated on a floor above the residential portion of the use.

At the conclusion of the Commission review, Mr. Forth indicated that staff and the City Attorney would consider Commission comments and make appropriate modifications to the proposals and schedule another special meeting for future Commission discussion in either April or May.

STATEMENT OF CITIZENS:

None.

Commission had no further comments at this time. Mr. Forth noted the public hearing is scheduled for the May 19, 2011 Planning Commission meeting.

2. Mixed-Use Zoning Ordinance Proposals. Mr. Forth summarized the April 28, 2011 staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth stated these proposals were previously reviewed and discussed by the Commission during the March 28, 2011 meeting. Mr. Forth reviewed the three different ordinance proposals (City Centre Area – Mixed Use Floating Zone, Commercial Corridor Mixed Use Floating District and Work/Live Accommodations) and changes that were made from the March 28th meeting and discussion.

Commissioners Patterson and Reiff indicated the previous Planning Commission comments regarding the Work/Live Accommodations ordinance had been adequately addressed with the revised ordinance. Chairman Cheesebro asked staff if any additional thought was given to expanding the boundary of the City Centre Area – Mixed Use Floating Zone, particularly further north near Garden Lane. Mr. Forth indicated staff would provide additional information regarding this issue with the preliminary report. After additional discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Patterson, to set a public hearing for the Mixed-Use Zoning Ordinance Proposals for the June 16, 2011 meeting. Attorney Brown referenced the specific Zoning Code sections that would be added or amended with the proposed mixed-use zoning ordinance proposals. The motion was unanimously approved.

NEW BUSINESS:

1. Proposed Business Banner Ordinance (referral from City Council). Mr. Forth reviewed the April 27, 2011 staff report and the transmittals to City Council regarding the proposed business banner ordinance as referred by City Council. Mr. Forth stated the proposed language would amend the sign ordinance regulations and expand the ability of a business to use a banner by eliminating the provision regarding the “name of business”, increasing the area for “copy” to 50% of the banner and by adding the language to all of the business zones (B-1, B-2, B-3, CPD and PD districts). The Commission discussed what meeting date was appropriate to schedule the public hearing. Mr. Forth stated that due to statutory notification requirements, the earliest the public hearing could be scheduled is June 2nd. In the event the Commission desires to further discuss this matter before the scheduled public hearing, Mr. Forth indicated the staff report and proposed ordinance could be included in the May 19th agenda. After a brief discussion, a motion was made by Commissioner Reiff, seconded by Commissioner Stoffer, to set a public hearing for the Proposed Business Banner Ordinance for the June 2, 2011 meeting. The motion was unanimously approved. Attorney Brown stated the specific Zoning Code sections that would be amended with the proposed mixed-use zoning ordinance proposals.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Stoffer stated the Kalamazoo County Marathon was Sunday, May 8, 2011 and asked that the community support this event. There being no further business, the meeting was adjourned at 8:15 p.m.

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

PLANNING COMMISSION

June 16, 2011

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The City of Portage Planning Commission meeting of June 16, 2011 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. No citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

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 June 2, 2011 meeting minutes. A motion was made by Commissioner Dargitz, seconded by Commissioner Welch, to approve the minutes as submitted. The minutes were unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

1. Final Report: Ordinance Amendment 10-D, Business Banner Regulations. Mr. West summarized the June 10, 2011 staff report regarding proposed changes to business banner regulations that have been forwarded by City Council for Planning Commission review and recommendation. Mr. West discussed the City Council Ad Hoc Sign Committee review of historical sign related issues and indicated the proposed amendment would expand the opportunity for banner use and provide additional options and flexibility for businesses interested in using banner signs.

Chairman Cheesebro reconvened the public hearing. No citizens spoke in regard to the proposed ordinance amendment. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to close the public hearing. The motion was unanimously approved. There being no further discussion, a motion was made by Commissioner Patterson, seconded by Commissioner Welch, to recommend to City Council that Ordinance Amendment 10-D, Business Banner Regulations, be approved. The motion was unanimously approved.

2. Preliminary Report: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances. Mr. Forth summarized the June 10, 2011 preliminary staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth stated these proposals were previously reviewed and discussed by the

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Commission during the March 28, 2011 and May 5, 2011 meetings. Mr. Forth reviewed the major provisions of the three ordinance proposals (City Centre Area – Mixed Use Floating Zone, Commercial Corridor Mixed Use Floating District and Work/Live Accommodations) and refinements that have been made by staff since receipt of these proposals from City Council.

Commissioner Dargitz stated she believes the open space provision (10 percent) contained in the City Centre Area – Mixed Use Floating District ordinance is minimal and asked whether the language should be modified to allow the Planning Commission more discretion in determining appropriate open space. Mr. Forth indicated staff would provide the Commission more information on this matter with the final staff report. Chairman Cheesebro opened the public hearing. No citizens spoke in regard to the proposed ordinance amendment. A motion was made by Commissioner Welch, seconded by Commissioner Stoffer, to adjourn the public hearing for Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, to the July 7, 2011 meeting. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

1. Valley Family Church – Kalamazoo, 2500 Vincent Avenue (noise complaint update). Mr. Forth introduced the item and summarized the June 10, 2011 staff report regarding the noise complaint update that was requested by the Planning Commission at the November 18, 2010 meeting. Since November 2010, Mr. Forth indicated only one noise related complaint has been received (March 2011), however, the violation could not be documented since the complainant did not report the noise to the Police Department.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Pearson provided an update regarding temporary signs and efforts to contact the Ad Hoc Sign Committee. As previously indicated, Commissioner Pearson stated he has been approached by small business owners who have expressed frustration regarding the current temporary sign ordinance and application process. Commissioner Pearson stated he recently heard back from two members of the Ad Hoc Sign Committee who indicated the issue of temporary signs would again be discussed by the Committee in the future.

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

Respectfully submitted,

Christopher Forth, AICP
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 multi-family 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 identified in the 2008 City of Portage Planning Commission approved 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 applicant 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 contiguous lots under single ownership or control of the applicant comprising a zoning lot.

3. In the event that the application for the proposed City Centre Area - Mixed Use Floating District includes more than one lot 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. The property comprising the development project shall be considered a zoning lot for the purposes of this section.
- 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 contained in this section and the underlying district requirements shall apply to all development projects and where there are inconsistencies, the regulations contained in this section shall apply.

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 and special land uses subject to the same conditions.
- B. Any principal permitted use in the B-1, Local Business district and special land uses subject to the same 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. The use shall 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.
- 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. Minimum lot area, Building height, Lot coverage, Residential density/minimum floor area per unit and Mixed use requirements.
 1. A zoning lot intended for development shall not be less than ten acres. 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. 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. 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 to the following:
 - 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. When an awning or canopy is incorporated into a building, the following requirements must be met:
 - a. Awnings must be canvas cloth or equivalent (glossy or reflective materials are prohibited).
 - b. Minimum height as measured from grade to the bottom edge of the awning or canopy shall not be less than 9 feet.
 8. 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.
 9. 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).
- E. Projections into Right-of-Way.** An awning, canopy or marquee 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 curb or edge of road of a public street.
 3. Is at least nine feet in height as measured at its lowest point above the sidewalk.
 4. A permit and maintenance/indemnification agreement are required.
- 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 .
- 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 (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. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - a. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - b. The future development and access to the remaining lot or parcel.
 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, including an elevation drawing of each side of the building.

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. 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 submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 2. Time limit for commencing construction. After the 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:

Projecting Sign: A sign attached to a building wall that extends outward from the building wall or a sign suspended below an awning, canopy or marquee.

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

1. An accessory sign permitted in the B-1, B-2, B-3, PD, 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 Area – Mixed Use Floating District.

In the CCA, City Centre Area - Mixed Use Floating district:

A. One freestanding accessory sign per zoning lot to identify the CCA development project may be erected at each vehicular entrance that provides access to an accessory off-street parking lot located in the side or rear yard, provided that such sign:

1. Does not exceed 32 square feet in area per side;
2. Is at least five feet from any property line; and
3. Does not exceed 15 feet in height.

B. For each use on a zoning lot, there are permitted wall signs, awning and/or canopy signs, and projecting wall signs, the combined area of which does not exceed 15% of the total wall area of the wall to which the signs are attached. The total shall not exceed 100 square feet per street frontage. Lots with dual frontage may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage.

1. Wall Signs in the CCA district must meet the following:

- a. Wall Signs: Shall not extend above the sill of the second story window or 16 feet in height, whichever is less.

2. Projecting Signs:

- a. The area of the sign attached to a building wall shall not exceed 20 square feet per side.
- b. Signs attached to a building wall shall not extend above the sill of the second story window or 16 feet in height, whichever is less.
- c. Signs suspended below an awning, canopy or marquee shall not exceed 4 square feet in area per side.
- d. The minimum height as measured from grade to the bottom edge of the sign shall not be less than 8 feet.

3. Awning and Canopy Signs:

- a. Awning signs shall not extend above the sill of the second story window or 16 feet in height, whichever is less.

C. Marquee Signs:

1. A marquee sign is only permitted in conjunction with a theater, cinema or performing arts facility and may include the name of the facility and changeable copy or electronic message display to advertise current or future events.
2. The permitted area of the marquee sign shall be determined by the Planning Commission consistent with the design and scale of the building and the surrounding environment.

D. For each zoning lot, there is permitted one banner. For a lot with frontage on more than one street, one banner is permitted for each street frontage. For each zoning lot that exceeds two acres in area, an additional banner is permitted for each two acres. All banners shall be subject to the following conditions:

1. The banner shall be setback ten feet from any property line.
2. The banner shall not exceed 25 feet in height.
3. The banner shall be not less than six feet from the surface of the ground.
4. The banner shall not exceed 20 square feet in area per side.
5. The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.
6. The banner shall not devote more than a total of 50% of the sign area to sign copy.
7. The owner of the zoning lot or banner shall keep the banner in reasonable repair.

Yeas: _____

Nays: _____

Dated: _____, 2011.

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 _____, 2011.

James R. Hudson, City Clerk

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

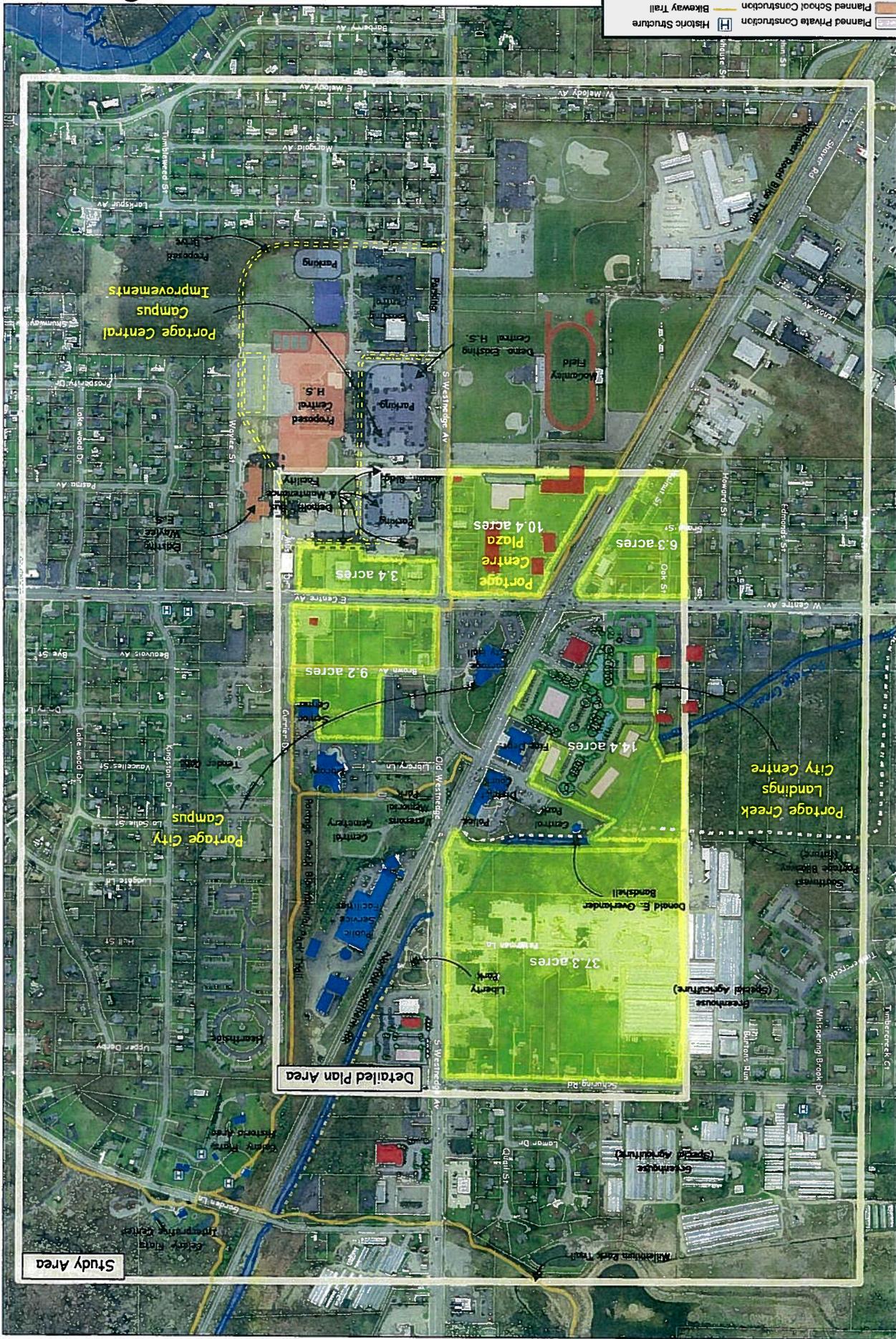
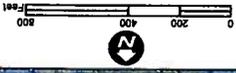
Approved as to Form:

Date: _____

City Attorney

Map 1 City Centre Area

- Recent Construction
- Civic Facilities
- Areas prime for (re)development
- Planned Private Construction
- Planned School Construction
- Bicyway Trail
- Bicyway Trail Planned
- H Historic Structure



Detailed Plan Area

Study Area

Portage Central
Campus
Improvements

Portage City
Campus

Portage
Plaza
Centre
10.4 acres

6.3 acres

9.2 acres

14.4 acres

37.3 acres

Portage Creek
Landings
City Centre

Map 1 City Centre Area

DRAFT

**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 applicant 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 consists of one or more contiguous lots under single ownership or control comprising a zoning lot. In the event that an application for a proposed CCMU district includes more than one lot 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. The property comprising the development project shall be considered a zoning lot for the purposes of this section.

Sec. 42-441. Permitted land uses

- A. 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.
- B. 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 one or more the following specified uses unless otherwise permitted by the article:
 - 1. Principal permitted uses and special land uses subject to the same conditions 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. Multi-family residential dwellings

Sec. 42-442. Site development incentives and standards

- A. Project Area. The zoning lot intended for development shall be not less than five acres. 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

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. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - i. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - ii. The future development and access to the remaining lot or parcel.
 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

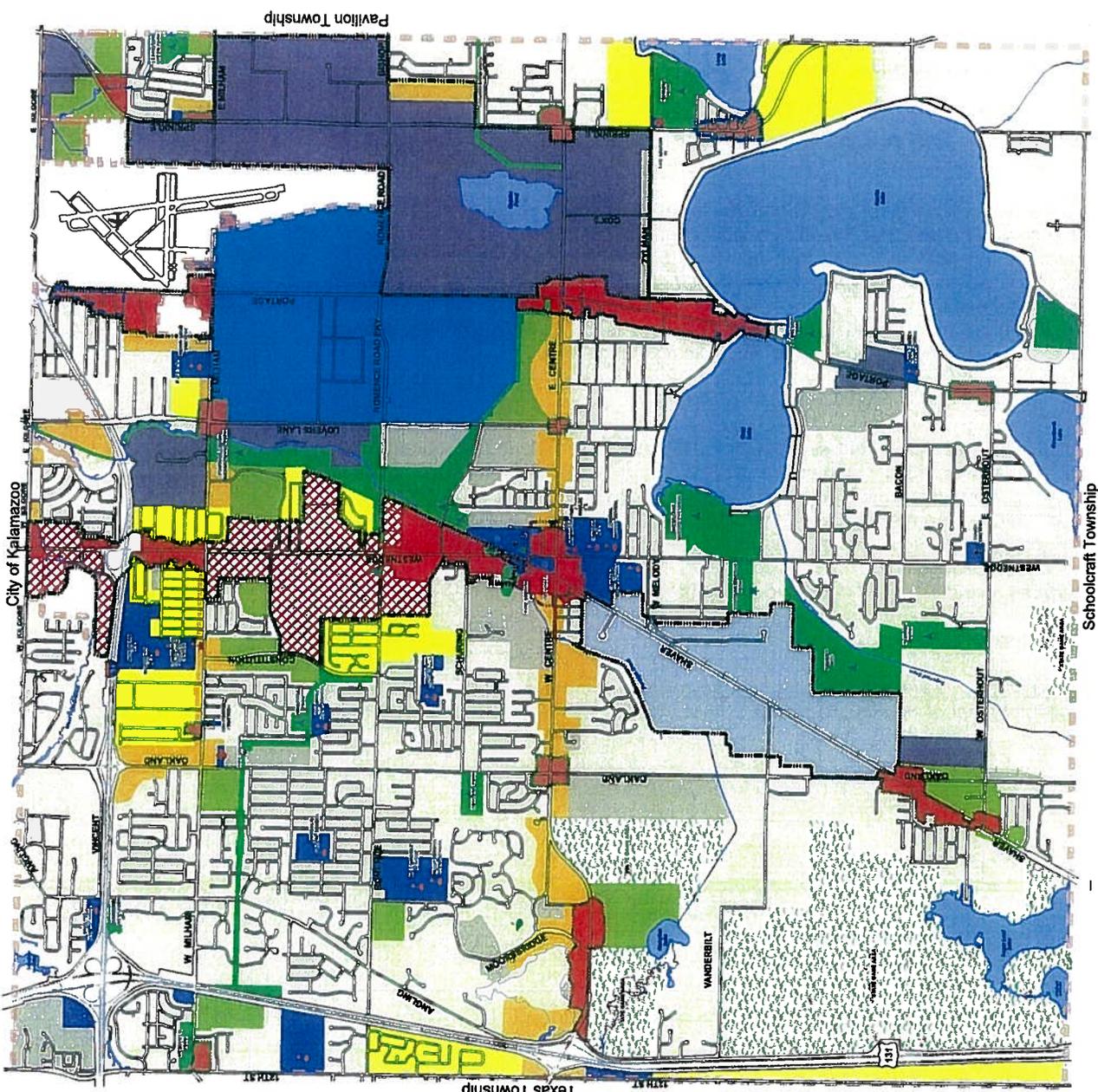
may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.

- 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. 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 submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 - 2. Time limit for commencing construction. After the 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.

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



**ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-112 AND SECTION 42-121 OF CHAPTER 42 AND ADDING
SECTION 42-137 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 building : Means a building or portion of a building that combines a business or office use (hereinafter “commercial use”) that is allowed as a principal permitted or special land use subject to conditions in the zoning district with one accessory residential dwelling unit per commercial use”) for the owner or employee of the commercial use and that person's relatives related by blood, marriage or adoption .

Business owner or employee: Means: 1) a person with a legal ownership interest in the commercial use or who has a right to receive a W-2 tax form from the commercial use and 2) participates in the operation of the commercial use on-site a minimum of 20 hours per week.

Section 42-121. Accessory uses.

A. No change.

B. No change.

C. 1 (a-h). No change.

- i. A residential dwelling unit subject to the provisions of Section 42-137, Work/Live Accommodations.**

Section 42-137. Work/Live Accommodations.

- A. Intent:** The intent of this section is to permit an on-site accessory residential dwelling unit to a commercial use as living quarters for the owner or employee of the commercial use. 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 by the planning commission as 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 building.
3. Residential dwelling units unrelated to commercial activities are prohibited as work/live uses.
4. Home occupations are prohibited in residential dwelling units of a work/live building.

C. Site development standards.

1. Zoning District Site Development Requirements. 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. Live/Work Buildings. The following conditions apply to work/live buildings:
 - a. The residential dwelling unit may be located above or adjacent to (on the same level) as the permitted commercial use subject to the following:
 - i. If a residential dwelling unit is located above a permitted commercial use, the square footage of the residential dwelling unit cannot exceed the square footage of the permitted commercial use below.
 - ii. If the residential dwelling unit is located adjacent to the permitted commercial use, the residential dwelling unit must be located in the rear yard and shall not exceed one third of the total floor area of the commercial use.
 - b. No floor may be used by a commercial use that is located above a floor (including) that is occupied by a residential dwelling unit.
 - c. The following interior connections must be maintained between the residential dwelling unit and the commercial use :
 - i. If the residential dwelling unit is located adjacent to the commercial use, a door meeting the requirements of the building code must be maintained.
 - ii. If the residential dwelling unit is not located adjacent to the commercial use then, in addition to doors, a hallway and stairway must also be maintained.
 - d. The work/live building must meet applicable building and fire code requirements for the type and use undertaken.
 - e. The residential dwelling unit shall be accessory to the commercial use and the commercial use shall remain the principal use of the property.
 - f. Only owners and employees of the business associated with the work/live building and who meet the definition of a business owner or employee may occupy the residential dwelling unit portion.
 - g. 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

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.

MATERIALS TRANSMITTED

TO: Planning Commission

DATE: June 23, 2011

FROM: Jeffrey M. Erickson, Director of Community Development

SUBJECT: Temporary Signs



Informal discussion of temporary signs has occurred at recent Planning Commission meetings. It has been suggested that *"...small business owners have expressed concern that the Portage temporary sign permit process involves excessive costs in terms of labor required to submit requests...(and that)...it takes about \$500 in employee time and fees to get a temporary sign approved in Portage, which may be displayed for only a few days."* It is important that information about the City of Portage sign permit and process in general, and for temporary signs in particular, is accurate so that any misunderstandings can be promptly addressed and corrected as necessary. This communication is provided for this purpose.

As Commissioners are aware, a variety of signage is available for businesses including freestanding signs, wall signs, banner signs, changeable copy boards, electronic message displays and temporary signs, which provide options and opportunities to advertise to customers. Temporary signs including portable signs are permitted for a grand opening, change of business or going out of business event for a maximum period of 14 days with an extension allowed. With regard to public event signs that may be used by non-profit entities, for example, temporary signage is permitted to advertise a noncommercial public service event of community-wide interest. A sign permit is required.

The intent of sign regulations is clear in the Portage Zoning Code intent and purpose section:

"...regulate the use, construction, reconstruction, placement and design of signs in order to protect the public health, safety, peace and general welfare. The regulations involve a recognition that the individual user's right to convey a message must be balanced against the public's right to be free of signs which unreasonably compete, distract drivers and pedestrians, and produce confusion." (Section 42-540 A. and B.)

The Zoning Code also identifies several reasons that sign regulations are desirable:

"...prevent traffic injuries and property damage...minimize risk of damage from signs that are dilapidated, wind blown, electric shock hazards...achieve uniformity...enhance aesthetics of the community...prevent blight...encourage equality among business and property...(and)...protect the public health, safety, peace and general welfare." (Section 42-540 D.)

There is some history to sign regulations in the City of Portage. As reflected in the March 17, 1976 Environmental Board meeting minutes, the board members were particularly concerned about the *"...design, size and position of signs as well as with blinking and portable signs which can distract one while driving."* The Planning Commission assisted the Environmental Board over the course of several years, and on August 14, 1979, City Council approved a comprehensive amendment to the Zoning Code establishing sign regulations with an effective date of September 7, 1979. The community discussion about the sign regulations continued for a number of years through the 1980s including a sign survey of residents and businesses in 1986. The Planning Commission has been continuously involved with the comprehensive update of the Zoning Code in 2001, completed in 2003, and with various sign ordinance amendments since then including the current recommendations concerning "banner signs" as referred by City Council.

Attached is a City of Portage brochure/FAQs about business signs that is also on the city website for added convenience. Fees are indicated. For convenience, sign permit applications may be obtained on the city website and may be submitted by mail, or electronically, to the department for review and approval and do not necessitate a visit to City Hall.

The sign permit application, which is a single form for all sign permits, and the permit process is neither cumbersome nor costly. Attached for Commission information is an example of a temporary sign permit issued by the Department. This approved application certainly does not show a time-intensive, high-fee or costly process is in place. Staff review of a permanent sign permit application is generally accomplished over a maximum of two business days, if complete information is provided by the applicant, while a temporary sign permit application can usually be reviewed and approved while the applicant waits. Assistance with sign permit applications and with sign regulations is regularly provided by the department.

Staff previously reviewed sign permits issued between FY2005/06 to FY2009/10 during which 797 permits were issued. For important perspective, while about 2 temporary sign permits were issued per month, a fraction more than 5 permanent freestanding permits were issued per month and a fraction more than 5 permanent wall sign permits were issued per month during this same five-year period. The type and number of sign permits seems appropriate and not atypical given the sign ordinance provisions.

The administration and enforcement of the sign provisions in the Zoning Code is a responsibility of the department. Much of the administration and enforcement regarding signs is related to educating citizens and businesses about the sign ordinance provisions, permit issuance, and on occasion, sending violation notices and initiating actions to ensure that citizens and businesses follow the ordinance standards. Enforcement, when needed, is for the specific purpose of ensuring that all citizens and businesses are provided with fair, uniform and consistent application of the ordinance standards. Enforcement can involve permanent signs, legal nonconforming signs, obsolete signs and temporary signs, among others. With regard to temporary signs, attached are examples of temporary signs that did not comply with the ordinance and did involve some enforcement due to the size and type of temporary sign, or the location of the temporary sign.

Occasionally, sign issues seem to be the subject of more discussion in the community. The added discussion may be generated for any number of reasons including efforts by businesses to advertise and attract customers in a competitive environment, using new methods/techniques to differentiate themselves, trying new technologies, among other reasons. The large majority of citizens and businesses do, in fact, comply with the ordinance provisions. As stated in the Zoning Code, there is the recognition that there is a right to convey a message. However, this must be balanced with the public interest objectives that include maintaining community quality and pedestrian and motorist safety. The sign ordinance provisions represent an approach to effectively balance these objectives in the City of Portage.

Attachments: Summary Guide to Business Signs
 Sign permit application information
 Temporary sign enforcement examples

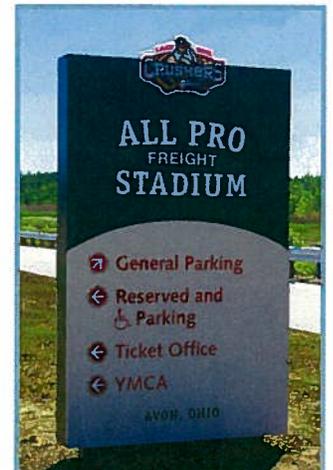
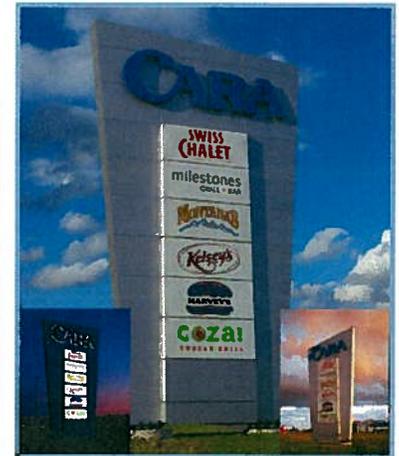
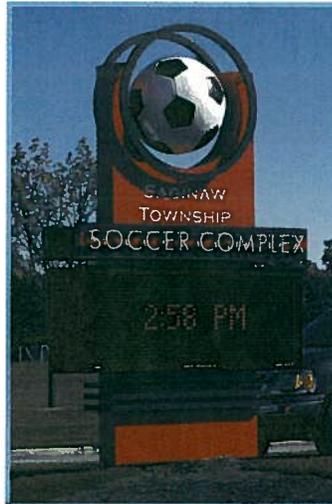
Summary Guide To Business Signs

The City of Portage recognizes the importance of signs to local businesses and the economy. Standards have been adopted by Portage that promote the effective use of signs as a directional and communication tool, while protecting public safety and property values, and promoting community character. The intent and purpose of Portage sign regulations¹ is to:

- ◆ Balance the right to identify a business location and attract customers with the public right to be free of signs that unreasonably compete, distract drivers and pedestrians, and produce confusion.
- ◆ Provide businesses with equal opportunity to attract customers by achieving uniformity in the size, number and placement of signs.
- ◆ Protect public health and safety by regulating the construction of signs.
- ◆ Enhance the aesthetics of the community.

In addition to the specifications included in city sign regulations, businesses are encouraged to carefully consider the following design elements regarding signs²:

- ◆ Signs should use creative and dynamic design, yet be compatible with the surroundings.
- ◆ Signs should be designed and located in a manner that enhances sign legibility.
- ◆ Signs should be constructed and designed to avoid hazards and distractions.
- ◆ Signs should be located so they do not block pedestrian or motorist vision or line of sight.
- ◆ Signs should be constructed of durable, quality material, and should be kept in good repair.



¹ The Code of Ordinances is available on the city web site at: www.portagemi.gov. (See the Code of Ordinances, Land Development Regulations, Chapter 42 of the Code of Ordinances, Article 4, Zoning, and Article 11, Signs.)

² Photos of select award entries in the 2010 Sign Competition by the International Sign Association (Alexandria, VA)

Frequently Asked Questions Regarding Signs

1. What type of sign requires a sign permit?

Sign permits are required to ensure that signs situated on business-zoned property meet applicable city codes. This ensures fairness and consistency for all businesses. A sign is defined in the Zoning Code, as are the rules for various freestanding signs and wall signs that are permitted. A permit is required for new signs and alterations or changes to existing signs on business-zoned property and for some temporary signs.

2. Are there business signs that do not require a sign permit?

Signs that do not require a sign permit (and must meet location, size and duration of display requirements) include: real estate signs, election campaign signs, construction signs, holiday decorations, and household goods signs (e.g., garage/yard sale). Signs inside a building do not require a sign permit.

Interior window displays and advertising on the inside of a building window glass are not regulated by the Zoning Code, and provide added business advertising options.

3. How much does a sign permit cost?

Fees are annually established by City Council. The current fee for a sign permit is: \$110 for a wall sign permit application; \$110 for a freestanding sign permit application; and \$55 for a temporary sign or a directional sign permit application.

4. What kinds of temporary signs are permitted to promote my business?

Businesses can promote special events and sales by using an electronic message display (EMD) or changeable copy sign display. These types of signs can be incorporated into or added to a freestanding sign, for example. In addition, a temporary wall sign or a freestanding sign is permitted for business grand openings, change of business or going out of business events and must meet location, size and duration of display requirements.

5. How many freestanding signs and wall signs can a business use?

For freestanding signs on the property, the number and size permitted is dependent on the business zone where the property is located, the amount of frontage on the street and the number of business uses or tenants on the property.

For wall signs on the building, the number and size permitted is dependent on the business zone where the property is located, and the wall area of the building where the business is located (building width x building height).

Also, additional freestanding signs and wall signs are permitted for a business-zoned property that has frontage on more than one street, such as a corner property.

6. What is a "legal nonconforming sign" and can changes be made to the sign?

A sign is a "legal nonconforming sign" if it does not fulfill the sign requirements in the Zoning Code, but did comply with the sign requirements when it was placed on the business-zoned property. Changes are allowed in the following instances:

- ◆ The sign face may be changed after an "Agreement to Remove Nonconforming Sign" is completed by the sign owner, property owner and the City of Portage.
- ◆ The sign may be changed after an application for a variance is requested and approved by the City of Portage Zoning Board of Appeals. A variance may be authorized if the Zoning Code provisions for a variance are met.

Summary Of Sign Regulations Applicable To Businesses

Zoning District	Freestanding Signs ¹	Wall Signs ¹
OS-1, Office Service and OTR, Office, Technology Research and B-1, Local Business	<u>Sign(s) per business-zoned property (zoning lot):</u> ♦ One (with additional sign for a zoning lot with more than 300 ft. of street frontage) ♦ In an OTR district, 1 additional sign is permitted for each vehicular entrance	<u>Sign(s) per business-zoned property (zoning lot):</u> One or more wall signs permitted per business use
	<u>Sign Area:</u> ♦ 32 sq. ft. minimum to 50 sq. ft. maximum, with area based on street frontage ♦ May be increased up to 50% for multiple use zoning lots, or from 48 sq. ft. to 75 sq. ft.	<u>Sign Area:</u> ♦ 15% of the wall area per street frontage, up to 100 sq. ft. ♦ If no freestanding sign, wall sign area may be increased by 33% per street frontage
	<u>Sign Setback / Height:</u> 10 ft. from all property lines, 15 ft. next to one-family residential / 15 ft. high	<u>Sign Setback / Height:</u> NA
B-2, Community Business and B-3, General Business and CPD, Commercial Planned Development	<u>Sign(s) per business-zoned property (zoning lot):</u> ♦ One, with an additional sign for a: - zoning lot with more than 320 ft. of street frontage - zoning lot that is on a street corner, or - zoning lot with frontage on more than one street	<u>Sign(s) per business-zoned property (zoning lot):</u> One or more wall signs permitted per business use
	<u>Sign Area:</u> ♦ 50 sq. ft. minimum to 120 sq. ft. maximum, with area based on street frontage ♦ May be increased up to 50% for multiple use zoning lots, or from 75 sq. ft. to 180 sq. ft. ♦ For corner lot, if only one sign, area may be increased 100% up to a maximum of 120 sq. ft.	<u>Sign Area:</u> ♦ 15% of the wall area per street frontage, up to 100 sq. ft. ♦ May be increased, up to an additional 125 sq. ft. for buildings with at least 200 ft. of lineal wall frontage ♦ Area may be further increased, up to an additional 125 sq. ft. for buildings with 200 ft. of lineal wall frontage and a building setback of 300 ft. or greater ♦ If no freestanding sign, wall sign area may be increased by 33% per street frontage
	<u>Sign Setback / Height:</u> 10 ft. from all property lines / 25 ft. high	<u>Sign Setback / Height:</u> NA
PD, Planned Development	<u>Sign(s) per business-zone property (zoning lot):</u> One (with additional sign for a zoning lot with more than 300 ft. of street frontage)	<u>Sign(s) per business-zoned property (zoning lot):</u> One or more wall signs permitted per business use
	<u>Sign Area:</u> ♦ Up to 50 sq. ft. ♦ May be increased up to 50% for multiple use zoning lots, or up to 75 sq. ft.	<u>Sign Area:</u> ♦ 15% of the wall area per street frontage, up to 100 sq. ft. ♦ If no freestanding sign, wall sign area may be increased by 33% per street frontage
	<u>Sign Setback / Height:</u> 10 ft. from all property lines, which increases based on sign area, when abutting one-family zones / 15 ft. high	<u>Sign Setback / Height:</u> NA

¹ **Electronic Message Displays (EMD):** These signs may be stationary/permanent freestanding signs or wall signs (and electronically or mechanically changed), and are permitted in zoning districts per the provisions in the Zoning Code. For example, EMD sign messages must be static (limited motion / movement) and may change not more than once per four seconds. To protect neighborhoods, the EMD message may not change between 10 p.m. and 7 a.m. when the EMD sign is located 200 feet from a residential zoning district and use.

Temporary And Other Signs Allowed In Business Zoning Districts

- ◆ Copy Board Sign: An additional 15 square foot changeable letter/panel sign may be added to any freestanding sign including a legal, nonconforming sign in any zoning district (except on new EMD signs erected since October 2007)
- ◆ Banner Sign: One 20 square foot banner sign per business-zoned property to identify business with additional banner permitted for each 2 acres of zoning lot subject to location requirements (B-2, B-3, CPD zoning districts only)
- ◆ Directional Sign: Up to 4 square feet in area (no limit on the number of directional signs)
- ◆ Grand Opening, Change of Business, or Going out of Business Sign:
 - One 40 square foot sign per business use on a business-zoned property for 14 days (with an additional 30-days if permanent sign not available, or other important reason)
 - Flags, banners, balloons, etc. may be used in lieu of, or in combination, up to the maximum 40 square foot sign area
- ◆ Development Sign: One, 64 square foot sign per development on the property may be displayed during active development for a period of up to 2 years
- ◆ Real estate Sign: One, 64 square foot sign per building or property, while the building or property is on the market for sale/rent/lease and 30 days thereafter (No permit required)
- ◆ Holiday Decorations: Decorations associated with a national, state, local or religious holidays may be displayed for not more than 10 days [except decorations may be displayed from the day after Thanksgiving to January 2nd] (No permit required)
- ◆ Public (noncommercial service) Event Sign:
 - One, 64 square foot sign for a property and for each street where the property has frontage on the street with an additional 64 square foot sign for each 2 acres of property (zoning lot)
 - The public event sign may be displayed 7 days before and 2 days after event
- ◆ 20 square foot Public Event Banner Sign: A banner may be mounted on a municipal pole on public property/right-of-way for up to 60 days per calendar year with the approval of a permit from the City of Portage to use the municipal pole

The Department of Community Development is available and happy to assist businesses, property owners, and sign companies with verifying the number, size and location of permitted signs.

Thank you and please call on us for assistance!

Department of Community Development
7900 South Westnedge Avenue
Portage, MI 49002
(269) 329-4477
www.portagemi.gov

If you have additional questions about business signs, please contact the Department of Community Development at (269) 329-4477

SIGN PERMIT APPLICATION

10-863
TEMP



Application Information

Project Address: 8324 SHAVEY RD.

Owner Name: SCOTT EHRHART - Columbus's Floors To Go Address: 2243 PORT SHELTON

City: JENISON State: MI Zip: 49428 Phone: 616-669-6227

Description of Work: TEMPORARY SIGNAGE TO COVER EXISTING ("FOR LEASE") SIGN PANELS ON EXISTING POLE SIGN BOX, UNTIL OUR NEW SIGNS CAN BE INSTALLED; BURKET SIGNS.

Completion date or display date(s): 12-22-10 Zoning District:

Contractor Name: N/A Address:

City: State: Zip: Phone: Fax:

Applicant or Contractor Signature: [Signature] Date: 12-21-10

Required Sign Information

Permanent Freestanding Sign(s) (may include a Changeable Copy Board); AND Temporary Sign(s)

- A scaled plot plan showing locations of existing and proposed sign(s). Please include location, setback from property lines, distance between signs and sign height. NOTE: setback is measured from the leading edge of the sign. Property lines must be staked for verification when the site inspection is performed by the city.

Plot Plan complete: Y N

- A scaled drawing/picture showing new sign(s) face, type, dimension of sign and support structure, and total sign height. NOTE: sign height is measured from adjacent street grade or top of curb to highest point of sign(s).

Sign Drawing/Picture complete: Y N

- Number of signs: 2 Area (per sign) 20 SF/SIDE, 18 SF BANNER

- Type of Construction EXISTING BOX ON POLE Illumination: internal external

- Changeable copy board: [X] EXISTING Area (per sign side) APPROX. 32 SF/SIDE

Permanent or Temporary Wall Sign(s):

- A scaled drawing showing locations of existing and proposed sign(s) including wall dimensions, location(s) and height(s). Also, submit a scaled drawing/picture of the wall sign with dimensions.

Location Drawing/Sign Picture complete: Y N

- Number of signs: Area (per sign)

- Type of Construction Illumination: internal external

RECEIVED

DEC 21 2010

COMMUNITY DEVELOPMENT

Required Permit Fees

<u>Sign Type</u>	<u>Quantity</u>	<u>Fee</u>
Permanent Freestanding	_____	\$110.00 per application, address or tenant
Changeable Copy Board*	_____	\$110.00 per application, address or tenant
Permanent Wall	_____	\$110.00 per application, address or tenant
Temporary Sign(s)	1 _____	\$55.00 per application, address or tenant
Directional(s)	_____	\$55.00 per application, address or tenant

Note: * no fee if installed with new or replacement freestanding sign.

TOTAL CHARGES: 55.00

Sign Permit, Construction and Inspection Reminders

1. Applicant or owner must call the Department of Community Development at 269-329-4477 or 269-329-4466 to request an inspection once sign is installed.
2. Electrical permits are required for all: new wall signs (including within mall), change-out of signs on existing buildings, and new circuits to freestanding signs (does not include change of sign panels). For other signs, electrical inspector will determine electrical permit requirements per applicable code provisions.
3. Michigan Law requires that you must contact **MISS DIG** three working days before you break ground.

DIAL MISS DIG at 1-800-482-7171
4. The sign permit that is obtained will expire and become null and void if the building or work authorized is not commenced within 180 days from the date of issuance, or if the building or work authorized is suspended or abandoned for a period of 180 days, per Michigan Law.
5. Please read and review the City of Portage Sign Permit after it is issued for important information.

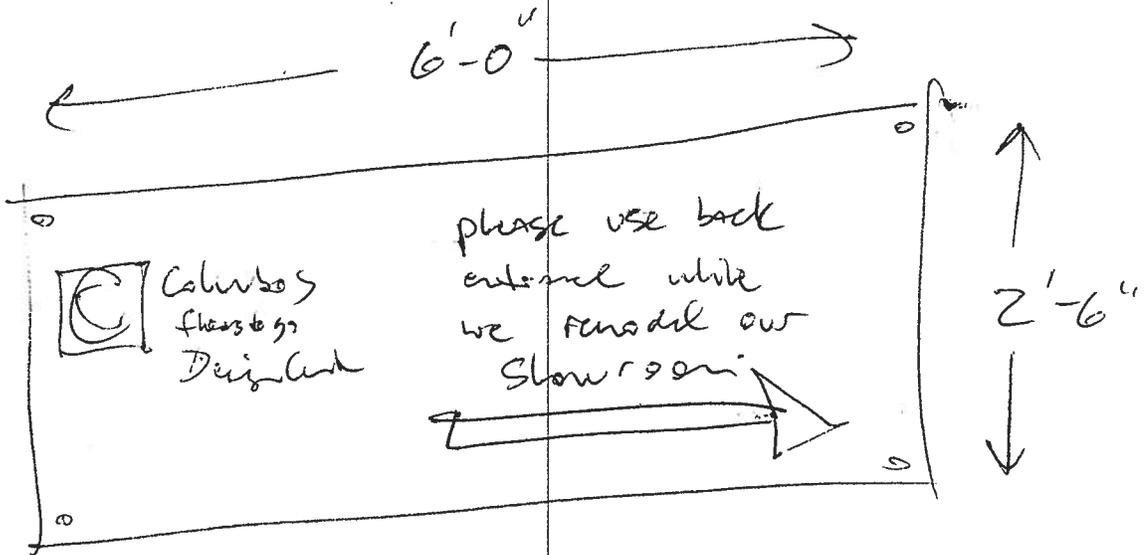
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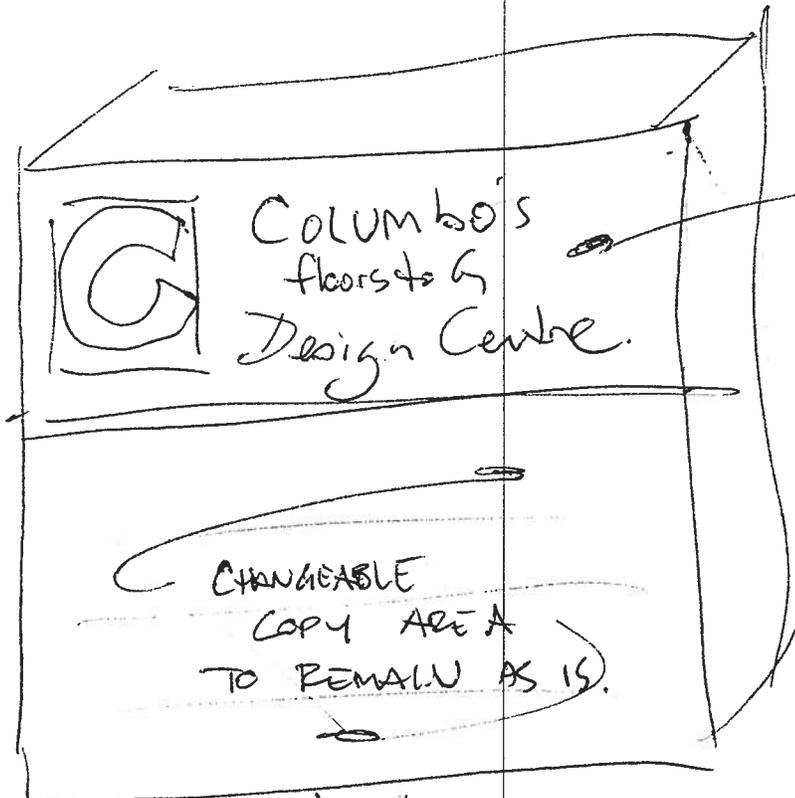
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DEC 2 2010

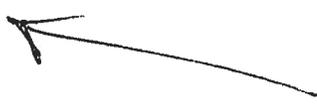
COMMUNITY DEVELOPMENT

TEMPORARY BANNER

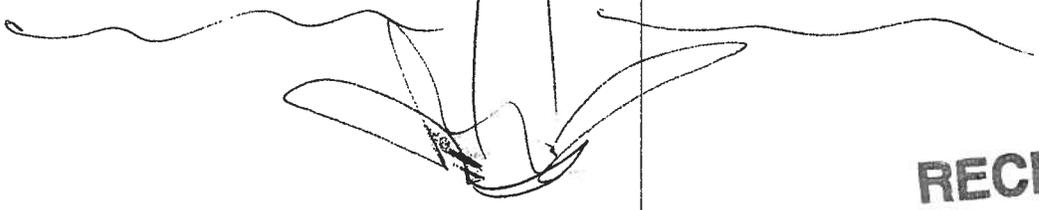




TEMPERARY
SIGN
COVERING
EXISTING
PANELS
2'-6" x 8'-0"



EXISTING
SIGN BOX
ON POLE.



RECEIVED
DEC 2 2010
COMMUNITY DEVELOPMENT

**CITY OF PORTAGE
CITIZEN SERVICE REPORT**

To: Deputy Director of Neighborhood Services

Report Number: NSP

From: JM

Date: 09/15/10

Subject: 325 E Centre

URGENT? _____

Name of Citizen: _____

Request Received by: Phone

Address of Citizen: _____

Mail

Work Ph: _____ Home Ph: _____

In Person

DETAILS EMD sign on truck, also parked in grass @ PCC.

FOR ZCA OFFICE USE ONLY

Request for: Action/Report Report Only ZCA Assigned: VG/EM

Report Classification: NSP

Address of Violation: 325 E Centre

CT # 19.05-5

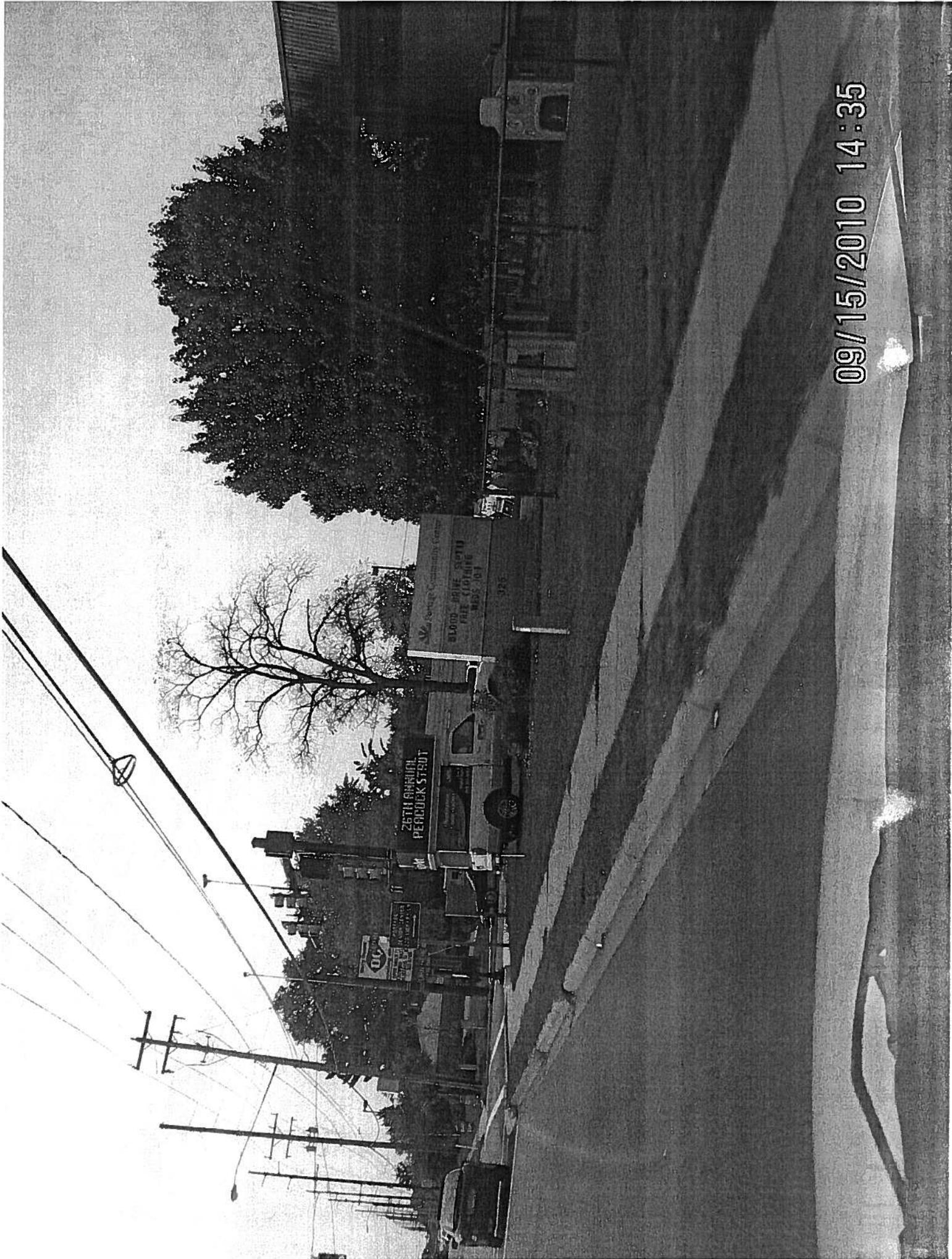
L/M y

REPORT OR DISPOSITION:

DATE	COMMENTS
09/07/2010	DDNS observed EMD sign on truck parked in grass in – advertising PCOC Strut. Called into office requesting staff to photo document violation, which was observed late in the afternoon. By time of inspection next day, sign was gone.
9/15/2010	Mais observed sign again and photo documented truck with EMD sign also parked in grass.
	
9/16/2010	Staff discussion regarding the use of the EMD sign on the Sign Art truck (sign was observed in spring 2010 used by SPCA on Westnedge and recent inquiry from Chocolatea regarding potential use of sign). Determination that primary function of truck is to serve as a sign structure, which is different from other vehicles with signs affixed or painted and used during the normal course of business. Sign may be permitted as a Temporary Sign via a permit and truck may not be parked on grass, maneuvering lane, fire lane, access drive, etc. DDNS phone inquiry to Diane Schrock of PCC. Schrock returns leaves message that sign was used on 4 days and is now gone and won't be used until next year.
9/20/2010	DDNS drafts letter to PCC and Sign Art regarding EMD sign on truck and ways in which the sign may be permitted in accordance with the Zoning Code.

Follow-up Required Case Closed

Deputy Director of Neighborhood Services Signature VG



09/15/2010 14:35

**CITY OF PORTAGE
CITIZEN SERVICE REPORT**

To: Deputy Director of Neighborhood Services

Report Number: NSP

From: JM

Date: 09/18/10

Subject: 6620 SWA

URGENT?

Name of Citizen: _____

Request Received by: Phone

Address of Citizen: _____

Mail

Work Ph: _____ Home Ph: _____

In Person

DETAILS Nonpermitted signs placed at Firestone BSE

FOR ZCA OFFICE USE ONLY

Request for: Action/Report Report Only ZCA Assigned: EM

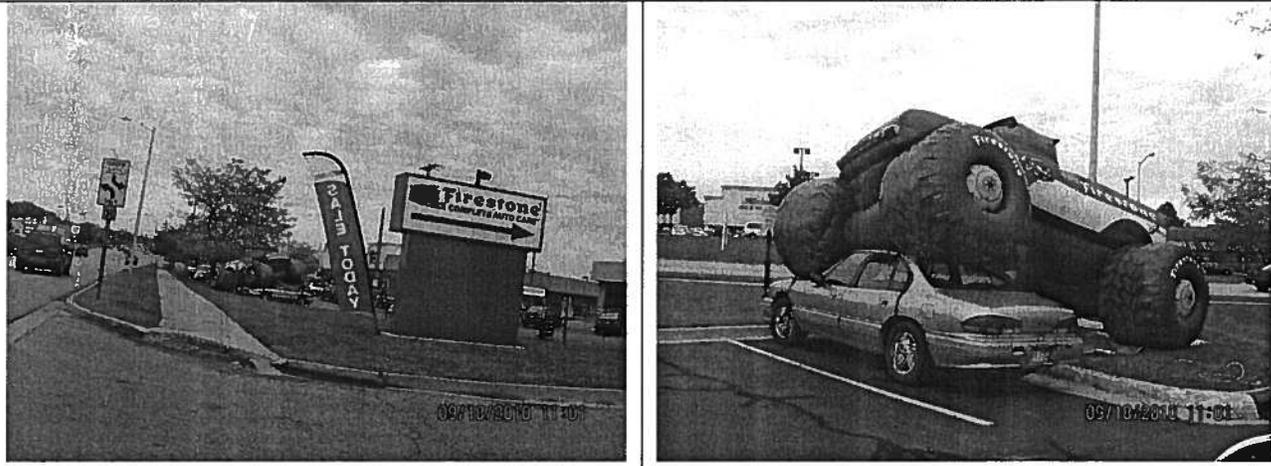
Report Classification: NSP

Address of Violation: 6620 SWA

CT # 19.07-1

L/M no

REPORT OR DISPOSITION:

DATE	COMMENTS
9/18/10	Observe illegal inflatable, tent, and flag signs while inspecting BSE at 6620 S Westnedge. Signage removed by 9/19.
	
9/20/10	Issue civil infraction ticket. Request informal for 10/1/10.
10/1/10	Informal hearing. Firestone admits responsibility and pays fine. Compliance order entered. Close.

Follow-up Required Case Closed

Deputy Director of Neighborhood Services Signature *VM*

**CITY OF PORTAGE
CITIZEN SERVICE REPORT**

To: Deputy Director of Neighborhood Services

Report Number: NSP

From: ELI

Date: 02/08/11

Subject: 8502 Portage

URGENT? _____

Name of Citizen: _____

Request Received by: Phone

Address of Citizen: _____

Mail

Work Ph: _____ Home Ph: _____

In Person

DETAILS Illegal temporary sign in ROW.

FOR ZCA OFFICE USE ONLY

Request for: Action/Report Report Only ZCA Assigned: EM

Report Classification: NSP

Address of Violation: 8502 Portage

CT 21.01-1

L/M N

REPORT OR DISPOSITION:

DATE	COMMENTS
02/08/11	Inspected. Sandwich board sign in ROW. Notice sent.
	
02/14/11	Re-inspected. Sign removed. Closed.

Follow-up Required Case Closed

Deputy Director of Neighborhood Services Signature _____

**CITY OF PORTAGE
CITIZEN SERVICE REPORT**

To: Deputy Director of Neighborhood Services

Report Number: NSP

From: ELI

Date: 09/13/10

Subject: 3750 E Kilgore

URGENT? _____

Name of Citizen: _____

Request Received by: Phone

Address of Citizen: _____

Mail

Work Ph: _____ Home Ph: _____

In Person

DETAILS Multiple yard signs at Venue

FOR ZCA OFFICE USE ONLY

Request for: Action/Report Report Only ZCA Assigned: EM

Report Classification: NSP

Address of Violation: 3750 E Kilgore

CT # 19.05-1

L/M Y

REPORT OR DISPOSITION:

DATE	COMMENTS
09/13/10	Inspected. Temporary signs placed along road.
	
09/22/10	Re-inspected. Signs removed. Closed.

Follow-up Required Case Closed

Deputy Director of Neighborhood Services Signature _____

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: June 17, 2011

FROM: W. Christopher Barnes, Director of Transportation & Utilities



SUBJECT: May 2011 Environmental Activity Report – Information Only

In keeping with goals and objectives adopted by the Council emphasizing the need to enhance environmental quality and protect natural resources, the following information is intended to keep the Council, Planning Commission and Environmental Board apprised of current environmental issues.

Important environmental issues being monitored and coordinated by the Administration are attached. The Summary Environmental Activity Report will continue to be provided on a monthly basis to the Council, Planning Commission and Environmental Board.

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

May 2011 (*updates in italics*)

Project/Activity Portage City Landfill

Description

Ongoing groundwater monitoring of former municipal landfill.

Status

-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Sample analysis underway.

Site Inspection/Development Project Review

Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.

-Coordination with property owners and City or State agencies ongoing.
-Review of 2 site/building plans and/or plats completed in May 2011.

Sewer Connection Program

Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.

-Sanitary sewer hookup permits issued in May 2011: 1 commercial and 5 residential. One property connected as part of the mandatory sewer ordinance. Three properties have ongoing court proceedings.

West Lake Management Program

Special assessment district designed to maintain/improve lake conditions.

-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. The 2011 lake survey and treatment preparations are under way.

Retention Basin Sampling Program

Investigation regarding potential impact of retention basins on groundwater levels.

-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results

show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. Next monitoring will occur in June 2011.

-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan. Plan implementation is ongoing.

-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.

-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff presented public information with other local agencies at the 2011 Home Expo on March 9 - 12, 2011. Implementation is ongoing.

-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.

Five year plan to implement the current NPDES stormwater permit.

Kalamazoo River Mainstem Watershed Management Plan

Wellhead Protection Program (WHPP)

Leaf Compost Monitoring Program

National Pollution Discharge Elimination System (NPDES) permit implementation

National Pollution Discharge Elimination System (NPDES) permit implementation

plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. No update on application status.

Portage River Watershed Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. *Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. No consensus yet, next meeting set for June 20, 2011.*

Plan to implement and maintain an Illicit Discharge Elimination Program (IDEP).

-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of \$152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of \$184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI.

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August

and manganese from the groundwater.

2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. *Plant is in regular operation.*

Environmental Incident/Spill Clean Up Notification

Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.

-The number of environmental incident/spill investigations performed in May 2011 – 1. One spill clean-up on I-94 near South Westnedge Avenue and I-94 ramp. To be completed by the State of Michigan on June 4, 2011. Emergency spill response contract for 2011-13 with Terra Contracting is in place.

Localized Groundwater Table Investigation

Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24" from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. *Sampling will continue through the spring/summer months as staff time permits.*

Hampton Wetland Area Water Level

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify

permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. No new developments.

Southwest Michigan Regional Sustainability Covenant

Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.

-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

CITY COUNCIL MEETING MINUTES FROM MAY 24, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:31 p.m.

At the request of Mayor Strazdas, Rabbi Harvey Spivak of the Congregation of Moses of Kalamazoo gave the invocation. Mayor Strazdas invited the Adult Boy Scout Leader Bob Everett and Boy Scouts Tom Lee and Nate Barts of Troop 244 to lead City Council and the audience in reciting the Pledge of Allegiance.

The City Clerk called the roll with the following members present: Councilmembers Cory A. Bailes, Patricia M. Randall and Terry R. Urban, Mayor Pro Tem Edward J. Sackley and Mayor Peter J. Strazdas. Councilmembers Elizabeth A. Campbell and Claudette S. Reid were 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 May 10, 2011 Special and Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Bailes to read the Consent Agenda. Motion by Urban, seconded by Sackley, to approve the Consent Agenda motions as presented. Upon a roll call vote, motion carried 5 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 24, 2011:** Motion by Urban, seconded by Sackley, to approve the Accounts Payable Register of May 24, 2011. Upon a roll call vote, motion carried 5 to 0.

PUBLIC HEARINGS:

2011 AMENDED TAX INCREMENT FINANCE PLAN / 2011 AMENDED DEVELOPMENT PLAN: Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who provided a history of the process thus far and summarized the report from the City Manager dated April 14, 2011. He explained the Trade Center Area as it relates to the South Westnedge Enhancement Projects (SWEPs) of the Downtown Development Authority (DDA) and discussion followed. Mayor Strazdas opened the public hearing for comment from the public.

Harry Hewitt, 18690 Inglewood, Cleveland, Ohio, representing the MIDAS Muffler Shop, expressed appreciation for City Council efforts to expand economic development. He asked for consideration for the MIDAS Muffler Shop with regards to the infrastructure as this is the only service location on South Westnedge without access from both the northbound and southbound traffic. He praised the boulevard for its aesthetics, but indicated that it has put a cramp on business and introduced Bob Morris, the Franchisee of the MIDAS Muffler Shop.

Mr. Erickson described the location of the proposed development and pointed out that the MIDAS Muffler Shop is along the boulevard that was constructed to provide better traffic control and safety some years ago. He indicated that the impact on MIDAS Muffler Shop is some years in the future with SWEPs Projects in 2018 according to the schedule provided by the Planning Commission. Discussion followed and Mr. Erickson referred Mr. Hewitt to the Director of Transportation & Utilities for more details. Discussion followed.

Mayor Pro Tem Sackley referred to the right-of-way acquisition on the west side of South Westnedge necessary to increase the number of lanes and asked whether the developer would be required to provide cross access in business zones or Commercial Planned Developments. Mr. Erickson responded that city ordinances and the Planning Commission encourage shared access to ensure safe traffic flows. Discussion followed.

Motion by Sackley, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 5 to 0.

Motion by Urban, seconded by Sackley, to accept the public comments on an ordinance amendment to approve the 2011 Amended Tax Increment Finance Plan for the 2011 Amended Development Plan for development area in the City of Portage Downtown Development Authority, and take final action on the ordinance on June 28, 2011. Discussion followed regarding the significance of the investment; that it marks a restart of economic development; and special appreciation for the efforts of Roger Hinman and Joseph Gesmundo for their efforts in this matter. Upon a roll call vote, motion carried 5 to 0.

TRADE CENTRE WAY RELOCATION PROJECT #997-R: Mayor Strazdas opened the public hearing and introduced Transportation & Utilities Director Chris Barnes, who summarized the description of the project as provided to City Council in the Agenda Packet. He highlighted the realignment and improvement of Trade Centre Way from South Westnedge Avenue west 900 feet to just west of West Fork Crossing; the reconstruction of a portion of South Westnedge Avenue south of Trade Centre Way to facilitate left turn-in and right turn-in movements from South Westnedge Avenue to Trade Centre Way and right turn-out movements from Trade Centre Way to South Westnedge Avenue; and the inclusion of curb and gutter, storm sewer, utility relocation, boulevards, first class road landscaping, lighting, fencing and related construction. He also reported that the entire project would be 100% paid by private parties. Discussion followed.

Motion by Sackley, seconded by Bailes, to close the public hearing. Upon a voice vote, motion carried 5 to 0.

Mayor Strazdas opened the public hearing for public comment. There being no further discussion, motion by Sackley, seconded by Urban, to adopt Resolution No. 3 for the Trade Centre Way Relocation Project #997-R, directing the preparation of the special assessment roll, and adopt the Resolution of Intent to issue bonds and authorize publication of the Notice of Intent. At the request of Mayor Strazdas, Mr. Barnes explained the five Resolutions necessary for a Special Assessment Project. Discussion followed. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 225 of City of Portage Resolution Book No. 225.

PETITIONS AND STATEMENTS OF CITIZENS: James Pearson, 3004 East Shore Drive, indicated that 40% of the households in Michigan either lost a job or took a pay cut and asked that City Council consider cutting the salaries of city employees as did the Portage Public Schools Board of Education. City Manager Maurice Evans pointed out that the city employees have not had a pay increase in three years, that the city has done a good job and is not under duress. Discussion followed. He also asked City Council to also take a volunteer pay cut, suggested a 50% pay cut and asked for their opinion on this matter. Mayor Strazdas responded.

REPORTS FROM THE ADMINISTRATION:

HUMAN SERVICES FUNDING ALLOCATIONS OF THE FISCAL YEAR 2011-2012 BUDGET: Mayor Strazdas pointed out that Councilmember Randall graciously serves on the Catholic Family Services Board, but this creates a potential conflict of interest, so she would be abstaining from voting on this portion of the Budget. In response to Mayor Strazdas, Councilmember Randall indicated that she is not benefitting directly from Catholic Family Services. Discussion followed. City Attorney Brown assured City Council that he had had a conversation with Councilmember Randall and had advised her to abstain based on the Michigan Statute. Discussion followed.

Motion by Sackley, seconded by Bailes, to approve the Catholic Family Services Funding Agreement of the Fiscal Year 2011-2012 Human Services Funding Allocations of the General Fund and Community Development Block Grant (CDBG). Upon a roll call vote, motion carried 4 to 0 with Councilmember Randall Abstaining.

FISCAL YEAR 2011-2012 BUDGET APPROVAL: At the request of Mayor Strazdas, City Manager Evans indicated that the Proposed City Budget is a sound, conservative financial plan that does several different things: it accommodates curbside recycling and leaf pick-up funding needs; it maintains the 13% fund balance as prescribed by City Council; it supports adequate economic development with \$8.48 million in infrastructure improvements through the Capital Improvement Program (CIP); and, it continues an efficient cost containment approach by providing a high level of both municipal and privatized services.

Mr. Evans introduced Financial Director Daniel Foecking, who provided a presentation on the General Operating Fund millage and expenditures, Capital Improvement Program (CIP) millage, Curbside Recycling Fund millage, Leaf Pickup / Spring Cleanup Fund millage, and the Municipal Streets Fund millage. Discussion followed. In response to Mayor Pro Tem Sackley, Mr. Foecking spoke briefly about reductions in revenue sharing, volunteer budget cuts, many savings in operational costs, the loss of Act 51 funds used for maintaining roads, and other losses. Discussion followed regarding the importance of the 13% Fund Balance and the fact that employees are contributing 20% toward their benefits.

Councilmember Randall expressed her appreciation for the efforts made by Mr. Foecking. She indicated that she would be voting “no” on the 2011-2012 Budget because she did not believe that increasing taxes at this time is in the best interest of the citizens of Portage, or that every possible deduction has been made. She indicated that land values have declined, hundreds of Portage taxpayers lost their homes and foreclosures are at an all time high with a total of 1,045 homes in the County of Kalamazoo over the year 2010 which exceeds all other foreclosure numbers in preceding years.

Councilmember Randall indicated that Portage Public Schools report that the number of students qualifying for free or reduced hot lunch has soared to 23.8% of the total student population and staff believes that this number is considerably lower than the actual number who could qualify as several Portage Elementary schools are at or near 40% of their student population in free or reduced lunch program. She said that the levels of students using this program declined for students entering into higher grades as many are not comfortable seeking assistance for a variety of reasons. She stated that unemployment in the City of Portage is 8%; that city employees have not received a raise for three consecutive years; yet, the budget asks city employees for more tax revenues.

Councilmember Randall said that the City has increased water and sewer rates by over 70% in the past five years which has been shouldered by our citizens, and she advocated that the city set up a fund to assist the residents who can least afford these staggering increases.

Councilmember Randall said that over the past five year period, the City has increased taxes four times to balance the budget; that the city has pledged to reduce staff through attrition, yet the Deputy City Assessor position was filled in July with another full time employee, and costs budgeted for this department alone under operations has more than doubled since 2009 to this year’s proposed budget. Finally, she indicated that in 1985 City Council prescribed a 13% Fund Balance, but economic conditions were entirely different 26 years ago than they are today with investments earning less than 1/2% while borrowing costs range between 2.85 and 6%. She advocated using the Reserve Fund Balance to cover the current deficit making an increase in taxes not necessary. Discussion followed.

Since the only millage rates proposed for increase were the Curbside Recycling and the Leaf Pick-up millage, Mayor Strazdas asked Councilmember Randall for specific areas she had as targets for cuts, but she responded that that was not her area of expertise and had none, but she offered the suggestion of fewer pick-ups, drop off centers, and people who specialize in these areas could provide some options. Discussion followed. Councilmember Urban asked Councilmember Randall if she was recommending reducing these services and she answered, “Yes, whatever it takes to balance the budget without increasing taxes.” Councilmember Urban indicated that he brought his budget materials with him, that he is willing to do what it takes tonight to balance the budget, but there was a need to find \$300,000 to do that. Councilmember Randall indicated that she was “willing to take it out of the extra 13% funding.” Mayor Strazdas deferred to City Manager Maurice Evans, who indicated that City

Council really should not get into the practice of using the fund balance of one fund to save another fund; and, by having a higher Fund Balance, the bond rating is better which saves the city a lot of money on bond interest. Further, he stated that if the City Council should choose to make cuts from a voter-approved (dedicated) millage because that is where the proposed increases are. When he asked Mr. Foecking if the budget for the Assessor had been doubled, both agreed it had not. Discussion followed.

Mr. Foecking indicated that the State of Michigan has a new Emergency Manager Fiscal Act and a coding scheme where they evaluate cities and counties on a scale of one to ten, the lower the score the better. One question the State asks is does the city have a Fund Balance of 13% or more? If the answer is yes, no points are assigned; otherwise, the city receives a point. Once the city has accumulated enough points, the State has the option of sending in a Fiscal Emergency Manager to run the city, which Mr. Foecking advised was not at all desirable.

Mayor Strazdas summarized the wishes of Councilmember Randall not to increase the cost to the average homeowner of \$6.15 for Curbside Recycling and \$7.50 for Spring Clean-up/Leaf Pick-up, and take the needed funds out of the 13% Fund Balance. He asked if there was another City Councilmember interested in cutting the fund balance below the desirable 13% level, and asked for comments from City Council regarding lowering the fund balance of the City and to have a conversation about cutting leaf pick-up and recycling services. As a point of order, Mayor Pro Tem Sackley asked if it was legal and proper to draw money from the Fund Balance in order to transfer it to a fund derived from dedicated millage for specific services. Mr. Foecking indicated that the fund can lend the money to the fund, but it must be paid back or it is considered poor practice. Discussion followed.

In response to Councilmember Randall, Mr. Foecking indicated that the Water & Sewer Fund has a negative working capital value balance, but has a positive net asset value, unlike any of the other funds, and these funds are fungible with cash in one bank account. He stated that the working capital in the water fund is in a deficit position, and Portage has submitted a plan with the State of Michigan to bring it out of a deficit position as is required. Discussion followed. Mayor Strazdas summed up and asked for comments from City Council regarding lowering the fund balance of the City and to have a conversation about cutting leaf pick-up and recycling.

In response to the concern of Mayor Pro Tem Sackley of whether it was legal and proper to draw money from the Fund Balance in order to transfer it to a fund derived from dedicated millage for specific services, Councilmember Urban opined that it was not illegal, but the city could not afford to pay for these services any longer from the General Fund and Portage citizens voted in favor of a dedicated millage to pay for each of these services. Discussion followed.

Mayor Pro Tem Sackley noted that the \$300,000 would have to be found in the General Fund because the State of Michigan Treasury Department considers the 13% Fund Balance to be a minimum for a city to be considered a healthy city. He then expressed a desire to have Portage be a healthy city and to be viewed in a positive manner for those who want to invest in Portage, for those who wish to buy Portage municipal bonds and for those who want to do business with the City of Portage. He concluded that taking from the Fund Balance to pay for services funded through a voter-approved dedicated millage would be irresponsible and was not interested in doing this. Discussion followed.

Mayor Pro Tem Sackley and Mr. Foecking distinguished the fact that a significant portion of the approximate \$3-3.5 million and the \$700,000 Delta money in the Fund Balance is derived mostly from interest on investments; and, that transferring Fund Balance money to another fund where it is then spent makes it not available the next budget year. Mayor Pro Tem Sackley expressed his appreciation for the discussion as he considered it healthy, but wished it had taken place at the public hearing two weeks ago instead of at the approval stage.

Mayor Pro Tem Sackley questioned his understanding of Councilmember Randall's position by asking for a discussion with her regarding whether she objected to the increase in the dedicated millage approved by the voters or whether she objected to what the increase was going to fund. He expressed an interest in not splitting the issue inappropriately as Councilmember Randall may not have

wanted that. Mayor Strazdas asked Mayor Pro Tem Sackley whether he was interested in lowering the Fund Balance or not, and Mayor Pro Tem Sackley indicated it was not a prudent or responsible fiduciary act.

Councilmember Randall quoted page 84 of the Proposed Fiscal Year 2011-2012 Budget, "Bond rating agencies consider a 10% fund balance to be more than adequate reserve against unexpected contingencies and to make debt payments if regular revenue sources are not sufficient." "With the exception of fiscal 2001/2002 (i.e., the fiscal year in which the major October 2001 windstorm damage and restoration occurred), the fund balance of the General Fund has remained well above the 13% level prescribed by the City Council." She referred to the graph on the page to reinforce her position that 3% of the reserve fund balance should be considered. Mr. Foecking explained and discussion followed. Mr. Foecking emphasized the position of the State of Michigan that a 13% fund balance be retained and pointed out that this has been the budget goal of City Council since 1985. Discussion followed. Mayor Strazdas asked if any Councilmember besides Councilmember Randall wished to spend down the fund balance below the 13%, and each Councilmember answered in the negative, especially because the bond rating of the city would go down and payments would go up and any savings realized by using the fund balance in a voter-approved millage would become nothing more than the well-known short term gimmick. Mayor Strazdas concurred.

Mayor Strazdas then asked if City Council was interested in reducing recycling services and/or the spring clean-up, leaf pick-up services to the citizens. In answer to Councilmember Urban, Mr. Foecking indicated that the fund balance was taken down to \$4.00 to pay for the ice storm damage clean up, that no money was borrowed from the fund and that the expenses were accommodated in the spring clean-up, leaf pick-up fund. He indicated that the millage request in the spring clean-up, leaf pick-up fund is to repay the \$117,000 utilized for the clean-up and to build that fund back up in order to maintain the current service level, to accommodate the new composting procedure requirement and to establish a reasonable 13% fund balance in the spring clean-up, leaf pick-up fund. He emphasized that no money was borrowed for the ice storm damage clean up. Discussion followed.

In response to Mayor Strazdas, Councilmember Urban indicated that Leaf Pick-up Number Three was set up by City Council to accommodate the unpredictable weather and leaf fall in Michigan. He expressed his amazement with the efficiencies and cost containment created over time as the City became more experienced with the program; that this was a time when City Council was considering increasing, not decreasing, the recycling services; and, he questioned whether fewer pick-ups is possible under the current contract.

In response to Mayor Strazdas, Councilmember Bailes expressed his appreciation as a Portage resident for the third pick-up as it would cost more than the millage increase to take care of the leaves that would fall after the second pick-up; therefore, he did not favor reducing the spring clean-up, leaf pick-up services and did favor the current recycling service as his neighbors take advantage of it.

Councilmember Randall asked for feedback on the Pilot Program in Moorsbridge where larger capacity bins were utilized that could contain the recyclables on windy days and could mean fewer pick-ups and a reduction in labor costs. City Manager Evans indicated that the program is very promising, but wanted to give the Environmental Committee a chance to review the program before bringing it to City Council for consideration. In answer to Mayor Strazdas, Deputy City Manager Brian Bowling said that Republic Services has not indicated any cost savings and no cost savings that would be passed on to the City. Discussion followed.

In response to Councilmember Randall's referring to money in the Fund Balance as not being taxpayer dollars, Mayor Pro Tem Sackley emphasized that the money in the Fund Balance is taxpayer dollars. In response to Councilmember Randall's comment that she is not a specialist, Mayor Pro Tem Sackley expressed disbelief because of the many hours spent by City Council for the last two years while she was in office for the retreat, for budget preparation, actual budget work sessions, the budget presentation and the public hearing on the budget with all of the information provided. He stressed that the dedicated millage was voted on by the voters who voted to have the City provide these services; that

a reduction in these services means the homeowner has to pay for them above and beyond the millage; and, that over 50% of the cost for recycling, leaf and brush pick-up are already subsidized by commercial, industrial and apartment complexes that can not even benefit from them. Finally, he asked for specific areas where taxes can be cut instead of “playing games” to be able to say “I voted against a tax increase” because if there’s going to be a tax increase, it is going to be a decision in which all Portage citizens will participate.

In response to Councilmember Randall’s request to provide the poor with water and sewer assistance, Mayor Pro Tem Sackley reminded her that she voted in favor of the water and sewer rate increase and pondered what fund she would want to utilize for assistance to the poor. He then asked for concrete proposals from her. Finally, he stated that he advocated no decrease in services that the voters have requested, and that these services have been funded for a long period time.

Mayor Strazdas characterized the approach of City Council with regard to the dedicated millage has been a good, permissive approach. He indicated that if City Council had levied the maximum amount each year, the fund would have more than enough money to fund these services, but City Council has only levied what was needed each year. He congratulated City Council for not ever having to levy the full amount possible for either funds as cost effective and prudent and indicated he has not heard citizens who are willing to reduce the leaf pick-up or branch pick-up. Discussion followed. He summed up by saying he is not in favor of cutting services, is very much in favor of having a permissive millage and is not in favor of hitting the ceiling to preserve the fund balance. Discussion followed.

Motion by Urban, seconded by Bailes, to approve the Fiscal Year 2011-2012 Budget and adopt the General Appropriations Act Resolution and the Salary and Wage Resolution. Discussion followed and Mayor Pro Tem Sackley stressed that a unanimous vote on the budget is important and he is willing to stay as long as necessary to get a unanimous vote on the budget. He then said that better preparation is necessary so last minute discussions of what might or might not happen are not presented at the last minute because that just corrupts the process. Mayor Strazdas asked for further discussion.

Councilmember Randall complained that she did not believe Mayor Pro Tem Sackley has treated her with the same respect and courtesy as he has treated other Councilmembers, accused him of bullying her and indicated she feels his anger. She indicated that citizens have contacted her privately and stopped her in public about this, then told Mayor Strazdas he has never stepped in to say anything. She stated that diversity is good; different opinions are healthy; and, this is what we were elected to do. She said Mayor Pro Tem Sackley talks about consensus almost as a threat and asked Mayor Strazdas for support as her Mayor.

Mayor Strazdas indicated he appreciates and respects her position and every Councilmember’s opinion. He stated because we live in a Democracy, City Council can respectfully disagree in a professional manner and move forward. He said that elected leaders all believe we should be doing the right thing; we speak our minds, vote the way we think we should vote and the majority rules. He concurred with Mayor Pro Tem Sackley that it would have been better to get into the details months in advance rather than wait until tonight and he sensed the frustration. Mayor Strazdas indicated he was in favor of the motion, but respected Councilmember Randall’s opinion and asked for comments specifically on the motion.

Mayor Pro Tem Sackley reiterated that his comments to Councilmember Randall were specific to the process and that he stood by his willingness to work as long as necessary to explore opportunities to satisfy Councilmember Randall’s desire to see no increase in the millage rate. He expressed disappointment that his comment on the process was instead met with a personal attack that was not specific to the request of what can be done to satisfy the desire to see no increase in the millage rate. He indicated that the straw poll was that the funds were not going to come out of recycling or leaf pick-up and asked, “If not that, then what?” He reminded City Council that they had spent hundreds of hours and tens of thousands of dollars pursuing initiatives brought by Councilmember Randall to City Council with regards to assessments and the millions of data points analyzed in the Randall Report. He implored

Councilmember Randall to bring forth a recommendation this evening and offered to stay as long as necessary; and, he asked for anything, anything specific. He noted that the funds are not going to come from leaf pick-up, nor recycling, nor from the Fund Balance. He also recognized that if there is nothing else open for conversation, then it will just have to be left at that. He offered the idea that if Councilmember Randall could find any thing else that can be cut from the General Fund budget to reduce the General Fund millage below 7.5 mills, that would be an alternative that could be accomplished through a budget amendment. He expressed an interest in finding common good as the voters elected City Council to do the work without excuses.

Mayor Strazdas called the question. Upon a roll call vote, motion carried 4 to 1. Yeas: Councilmembers Bailes and Urban, Mayor Pro Tem Sackley and Mayor Strazdas. No: Councilmember Randall. Discussion followed. Resolutions recorded on pages 233 and 235 of City of Portage Resolution Book No. 44.

* **MAJOR STREET RECONSTRUCTION PROGRAM:** Motion by Urban, seconded by Sackley, to support the substitution of the West Centre Avenue (Shaver to Oakland) project for the Romence Parkway (Lovers Lane to Sprinkle) project in the 2011-2012 Major Street Reconstruction Program. Upon a roll call vote, motion carried 5 to 0.

* **DIRECTOR OF PUBLIC SAFETY – POLICE/FIRE CHIEF:** Motion by Urban, seconded by Sackley, to confirm the appointment of Richard White as the City of Portage Director of Public Safety – Police/Fire Chief. Upon a roll call vote, motion carried 5 to 0.

* **MICHIGAN STATE HOUSING DEVELOPMENT AUTHORITY - HOME BUYER PURCHASE:** Motion by Urban, seconded by Sackley, to approve the \$35,000 grant amendment to the Michigan State Housing Development Authority for the North Portage Home Buyer Purchase Rehabilitation Program and authorize the Mayor and City Manager to execute all documents related to the amendment in the event the request is awarded. Upon a roll call vote, motion carried 5 to 0.

* **MEMBERSHIP OF YOUTH INVOLVEMENT PROGRAMS:** Motion by Urban, seconded by Sackley, to adopt a Resolution amending the Program Guidelines for the Youth Advisory Committee and Appointments of Youth Participants to City Boards and Commissions. Upon a roll call vote, motion carried 5 to 0. Resolution recorded on page 237 of City of Portage Resolution Book No. 44.

* **DOWNTOWN DEVELOPMENT AUTHORITY – REAPPOINTMENTS AND CONFIRMATION OF TERMS:** Motion by Urban, seconded by Sackley, to confirm the reappointments of the City Manager to the Portage Downtown Development Authority Board of Directors. Upon a roll call vote, motion carried 5 to 0.

* **RESPONSE TO COMMENTS OF MR. DAVID MCGAVIN - INFORMATION ONLY:** Motion by Urban, seconded by Sackley, to receive the communication from the City Manager regarding the response to comments of Mr. David McGavin as information only. Upon a roll call vote, motion carried 5 to 0.

* **LEXINGTON GREEN DRAINAGE CHANNEL/DITCH RESPONSE – INFORMATION ONLY:** Motion by Urban, seconded by Sackley, to receive the communication from the City Manager regarding the Lexington Green Drainage Channel/Ditch response as information only. Upon a roll call vote, motion carried 5 to 0.

* **APRIL 2011 SUMMARY ENVIRONMENTAL ACTIVITY REPORT – INFORMATION ONLY:** Motion by Urban, seconded by Sackley, to receive the communication from the City Manager regarding the April 2011 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 5 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Urban, seconded by Sackley, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 5 to 0.

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

Portage Zoning Board of Appeals of April 11, 2011.
Portage Environmental Board of April 13, 2011.

BID TABULATIONS:

* **STREET PAVING RECONSTRUCTION/REPAIRS - RECOMMENDATION:** Motion by Urban, seconded by Sackley, to approve a contract with Michigan Paving and Materials Company to provide reconstruction to selected local streets and asphalt surface repairs to isolated sections of major streets in the not-to-exceed amount of \$638,707.09; approve the added expenditure of \$156,279.79 for additional street repairs at unit pricing within this contract; 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 5 to 0.

* **LEAF COMPOST SITE MANAGEMENT AND PROCESSING - RECOMMENDATION:** Motion by Urban, seconded by Sackley, to approve a three-year contract with Renewed Earth, Incorporated, to provide yard waste recycling services in a total amount not to exceed \$309,000 and authorize the City Manager to execute all documents related to this contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

* **2011 STORM DRAINAGE IMPROVEMENTS PROGRAM:** Motion by Urban, seconded by Sackley, to award a contract to the low bidder, Peters Construction Company, for the construction of the 2011 Storm Drainage Improvements in the not-to exceed amount of \$134,257.17 and authorize the City Manager to execute all documents on behalf of the city. Upon a roll call vote, motion carried 5 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: State Representative Margaret O'Brien indicated that the State will be adopting the State Budget for the first time before June 1st in 50 years. She indicated she always talks about Portage being proactive at the Capitol Building with the foresight to make hard decisions to privatize services to save money, to be in a very healthy position with no risk of a Fiscal Emergency Manager, to be able to pave streets and to be able to maintain infrastructure. She cited some of the shortcomings of the early 1990's when the State spent down the Fund Balance, the increase in the number of State employees and said once you do a one-time gimmick such as spending down the Fund Balance, there is structural deficiency in your budget that will be extremely hard to overcome. She praised the floating dedicated millage as many cities across the state wished they had one where you only levy the amount needed to provide the service. She recognized that hard decisions are never popular, but that City Council is not here to be popular, only to be proper stewards of the tax dollars of

the City of Portage; and, she thanked them for their service and recognized the importance of diversity of opinions as an opportunity to learn valuable lessons. Discussion followed.

In response to James Pearson, 3004 East Shore Drive, Mayor Strazdas indicated that he would be assisting members of City Council to work through any conflicts they may have.

David McGavin, 611 South Shore Drive, objected to having a third leaf pick-up as this was not approved by the voters, only two pick-ups and objected to the reference to the average increases being six and seven dollars as those with more expensive homes will pay more. He agreed with Mayor Pro Tem Sackley, as did Mayor Strazdas, that this discussion should have taken place earlier in the process and that citizens with financial expertise do live in Portage and could come forward to contribute. Mayor Strazdas reminded him that the budget sessions are advertised, but if there are no issues, people do not typically attend the detailed budget work sessions. Mayor Strazdas agreed that citizens should be involved early on in the process and thanked him for that comment.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall extended congratulations to all graduating students, reminded everyone of the upcoming Memorial Day Parade and wished everyone a safe and happy holiday weekend.

Councilmember Bailes offered respect to his neighbor, 20-year Air Force Veteran, Master Sergeant Mike Reverski, and recognized the services of all who fought for the freedom of this country and that they not be forgotten in commemoration of Memorial Day.

Councilmember Urban commented on Item F.2, the substitution of the West Centre Avenue (Shaver to Oakland) project for the Romence Parkway (Lovers Lane to Sprinkle) project, and congratulated Richard White and his appointment as the City of Portage Director of Public Safety – Police/Fire Chief. Also, as an example of good stewardship of the public money, he cited the fact that the City of Portage will spend fewer dollars on health benefits in Fiscal Year 2011-2012 than in Fiscal Year 2004-2005, which reflects a 13% increase per employee over the last six years, and he complimented Benefit Services Director Patti Thompson for her work in this area.

City Manager Evans complimented State Representative Margaret O'Brien for her work in Lansing and for the State presenting an early budget for approval and the tough decisions and work being done at the State level. He commended those from the Administration who helped him with the work for the last nine months on the budget, specifically, Deputy City Manager Brian Bowling, Finance Director Daniel Foecking and Deputy Finance Director Pat Fitnitch. He thanked City Council for their support on confirming Richard White and his appointment as the City of Portage Director of Public Safety – Police/Fire Chief and for their support on the budget. Discussion followed.

Mayor Pro Tem Sackley indicated he has lived in the City of Portage for thirty-three years, loves this city and is very passionate about the City of Portage. He said it can be easy to characterize passion for anger. He reflected that Margaret O'Brien has only been in office for four months, but knows she has been a participant in the budget process, and elected officials are expected to be quick learners.

He acknowledged that there is always the opportunity to amend the budget and that there are learned people in the community who could help with the process. He referred Mr. David McGavin to Item F.7, and confirmed that Mr. McGavin received the supplemental information provided to City Council regarding his questions. He pointed out that City Council can also amend the budget and welcomed any suggestions to reduce the General Fund expenditures as the other funds are off of the table, realizing that some of the rhetoric may have something to do with this being an election year for City Council. He thanked everyone for all of their participation in the budget process this year, apologized that there was not a unanimous vote on the approval of the budget and indicated that consensus is not a "dirty" word. He referred to State Representative O'Brien and the times she moved him to vote with her on matters that were important to her. He applauded her ability to bring people of diversity together and for her passion that hopefully has never been construed as anger.

Mayor Strazdas focused on the 9.5 mills as a herculean task to not move that rate up and still provide the services with fewer employees and complimented City Council and the Administration for making this possible. He expressed best wishes to Councilmember Reid as she is on her honeymoon in northern Michigan and congratulated Councilmember Campbell on her speaking engagement with the graduating Community Education students. He polled City Council regarding which of the Councilmembers would be attending the Memorial Day Parade and who wished to walk and who wished to ride on a surrey.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:36 p.m.

James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM JUNE 14, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:35 p.m.

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

Mayor Strazdas asked Mr. Kyle Douglas of the Life Point Church of Portage to give the invocation and the 100th Eagle Scout from Troop 244, Nolan Stoffer, led the City Council and the audience in the recitation of the Pledge of Allegiance.

APPROVAL OF MINUTES: Motion by Sackley, seconded by Urban, to approve the May 24, 2011 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 5 to 0 with Councilmembers Campbell and Reid abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Pro Tem Sackley asked that Item F.7, Eliason Corporation Land Donation, be removed from the Consent Agenda. Motion by Urban, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF CHECK REGISTER OF JUNE 14, 2011:** Motion by Urban, seconded by Reid, to approve the Check Register of June 14, 2011. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

REZONING APPLICATION #10-01, PORTAGE ROAD AND FAIRLANE AVENUE: Councilmember Campbell recused herself as her employer owns the subject property, and then left the City Council Chambers for the duration of the discussion on this item. Mayor Strazdas opened the public hearing and introduced Community Development Director Jeffrey Erickson, who reviewed the rezoning application from Residential Opportunities, Inc., (ROI) requesting that 9616 and 9602 Portage Road, 1704 South Shore Drive, 1712, 1720, 1726 and 1806 Fairlane Avenue be rezoned from I-1, light industry and R-1C, one family residential to OS-1, office service. Mr. Erickson indicated that the purpose of the rezoning is to facilitate reuse of the former Moose Lodge building/site for The Great Lakes Center for Autism Treatment and Research, a residential treatment center for up to 12 children combined with an outpatient clinic for children with autism and is a joint venture between ROI and the Western Michigan University Psychology Department.

Mr. Erickson referred to a report dated April 15, 2011, from the Department of Community Development that recommended the seven properties be rezoned to OS-1 and pointed out that the Comprehensive Plan recognizes that the OS-1 district can provide an effective transition between higher intensity uses and major streets and interior residential neighborhoods; moreover, since reuse of the former Moose Lodge building by a traditional light industrial user is limited given the nature of the building design, i.e. configuration, one-story, low ceilings, etc., redevelopment under the existing I-1 zoning designation would more likely necessitate demolition of the existing building and construction of a new industrial facility, and the environmental impact on adjacent residential land uses to the north and west would likely be much greater under the existing I-1 zone, depending upon the type of industrial use. He reviewed the Planning Commission activity in April on the matter and indicated that the Commission considered this letter, along with an April 21, 2011 response from the Department of Community Development, and voted unanimously to recommend to City Council that Rezoning Application #10-01 be approved and the seven parcels/lots be rezoned to OS-1, office service. Discussion followed.

Residential Opportunities Inc. Chief Executive Officer Scott Schrum, 5752 Castleton Lane, Oshtemo, introduced Residential Opportunities Inc. Director of Properties Tom Ihling, and spoke in favor of the rezoning. In response to Councilmember Reid, Mr. Schrum indicated that besides accommodating up to 12 residents, there would be an estimated 100 children annually, 35 full time employees, including a speech therapist and an occupational therapist and internship opportunities for Western Michigan University students with ten on the residential side and ten on the outpatient side. In answer to her question about traffic generated by the facility, he said there would be eight staff members with three trips per day, two or three cars for the interns and pointed out that there would be limited visitation, so extra traffic beyond that mentioned would be 15-18 per day.

Motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Bailes, to approve an Ordinance to amend the City of Portage Code of Ordinances by amending Article 4 of Chapter 42, Official Zoning Map, changing the zoning of 9616 Portage Road, Parcel ID Number 00026-070-A; 9602 Portage Road, Parcel ID Number 05100-024-O; 1704 South Shore Drive, Parcel ID Number 05100-001-B; 1712 Fairlane Avenue, Parcel ID Number 05100-017-O; 1720 Fairlane Avenue, Parcel ID Number 05100-018-O; 1726 Fairlane Avenue, Parcel ID Number 05100-019-O; and 1806 Fairlane Avenue, Parcel ID Number 05100-020-O; from R-1C, one family residential and I-1, light industry, to OS-1, office service. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Councilmember Campbell returned. Ordinance recorded on page 169 of City of Portage Ordinance Book No. 12.

REPORTS FROM THE ADMINISTRATION:

* **RESOLUTION AWARDING BID:** Motion by Urban, seconded by Reid, to adopt the Resolution awarding the bid for the City of Portage Capital Improvement Bonds, Series 2011, in the amount of \$1,700,000, to Fifth Third Securities, Inc., at 3.752893%. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 241 of City of Portage Resolution Book No. 44.

* **COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM RECOMMENDATION:** Motion by Urban, seconded by Reid, to approve the revised Community Development Block Grant (CDBG) Program FY 2011-15 Consolidated Plan and FY 2011-12 Annual Action Plan in the approved FY 2011-12 budget; and authorize the City Manager to execute and submit the revised documents to the Department of Housing and Urban Development. Upon a roll call vote, motion carried 7 to 0.

* **ORDINANCE AMENDMENT 10-C, MEDICAL MARIHUANA HOME OCCUPATION:** Motion by Urban, seconded by Reid, to accept Ordinance Amendment 10-C, Medical Marihuana Home Occupation, for first reading and set a public hearing for July 12, 2011, at 7:30 p.m. or as soon thereafter as may be heard; and subsequent to the public hearing, consider approval of Ordinance Amendment 10-C, Medical Marihuana Home Occupation. Upon a roll call vote, motion carried 7 to 0.

* **TRADE CENTRE WAY RELOCATION PROJECT #997-R:** Motion by Urban, seconded by Reid, to adopt Resolution No. 4 for the Trade Centre Way Relocation Project #997-R, setting a public hearing on the Assessment Roll for June 28, 2011, at 7:30 p.m. or as soon thereafter as may be heard. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 245 of City of Portage Resolution Book No. 44.

* **DELINQUENT WATER AND SEWER BILLS:** Motion by Urban, seconded by Reid, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2011 will be transferred to the 2011 city tax roll and assessed against property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

* **RENEWAL OF CONTRACT FOR POLICE UNIFORM CLEANING:** Motion by Urban, seconded by Reid, to approve a one-year extension of the contract with Kal Clean, Inc., dba Paris Cleaners, for police uniform cleaning services in the amount up to \$30,000.00, through June 10, 2012, and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

ELIASON CORPORATION LAND DONATION: Mayor Pro Tem Sackley indicated that he wanted the Eliason family recognized, especially Linda Eliason, for the donation of the property adjacent to Bishop's Bog in the City of Portage Park System. He commented that there was an area off of Shaver Road that could be used for parking in the future and offered the idea that this could be an area where a disc golf course could be set up. Discussion followed. Motion by Sackley, seconded by Reid, to accept the donation of 123 acres of land as a preservation area from Mrs. Linda Eliason, in memoriam, subject to finalization of the donation, memorial, land appraisal, title documentation and a Phase I Environmental Assessment. Upon a roll call vote, motion carried 7 to 0.

* **LOCAL OFFICERS COMPENSATION COMMISSION REPORT:** Motion by Urban, seconded by Reid, to receive the communication from the Local Officers Compensation Commission. Upon a roll call vote, motion carried 7 to 0.

* **CLOSED SESSION:** Motion by Urban, seconded by Reid, to hold a closed session immediately following the Regular City Council Meeting of June 14, 2011, to discuss a personnel matter. Upon a roll call vote, motion carried 7 to 0.

PARK BOARD CHAIR MIKE ZAJAC, GET ACTIVE PORTAGE!: City Council received the communication from Park Board Chair Mike Zajac concerning *Get Active Portage!*

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:
Portage Public Schools Board of Education Special of April 14 and Special and Regular of April 18, 2011.
Portage Youth Advisory Committee of April 11 and May 16, 2011.
Portage Park Board of May 4, 2011.
Portage Historic District Commission of May 4 and May 11, 2011.
Portage Planning Commission of May 5 and May 19, 2011.
Portage Environmental Board of May 10, 2011.
Portage Local Officers Compensation Commission Draft of June 7, 2011.

BID TABULATIONS:

* **BID RECOMMENDATION – PARK FACILITY CLEANING MAINTENANCE:** Motion by Urban, seconded by Reid, to approve the low bid from Too Clean, Incorporated, for cleaning maintenance of park facilities for the period July 1, 2011 through June 30, 2012 in the amount of \$21,630, with an option for a contract renewal up to three years 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 7 to 0.

RECESS: 7:58 p.m.
RECONVENE: 9:04 p.m.

NEW BUSINESS:

CONTRACT RENEWAL OF CITY MANAGER MAURICE EVANS: Upon return from closed session where City Council performed an employment evaluation of City Manager Maurice Evans, Mayor Strazdas explained that there were three members of the City Council on the City Manager Evaluation Committee: Mayor Pro Tem Sackley, Councilmember Urban and Councilmember Reid. He explained that each Councilmember evaluated Mr. Evans, found that he exceeds expectations and provided feedback regarding his work performance. He called on each City Manager Evaluation Committee Member for discussion and for each Councilmember to comment on Mr. Evans. Discussion followed regarding the decrease in revenues from all sources; no increase in pay for Mr. Evans and city employees for the last three years, and the ability of staff to still do a fine job with good customer service and professionalism; City Manager's public recognition of staff; City of Portage use of best practices; and the leadership qualities exhibited by Mr. Evans every day.

Mr. Evans responded that he enjoys working with all of you (City Council, City Attorney and City Staff). He commented on their great leadership during the Council retreat process that results in the City Goals and Objectives each year and, even though these are challenging times, the City of Portage is "ahead of the curve." Discussion followed.

Motion by Sackley, seconded by Reid, that City Council accept the recommendation of the City Council City Manager Evaluation Committee to approve the contract for the City Manager as circulated and to authorize signature in accordance with the Portage City Charter. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Bailes expressed his appreciation to the VFW of the Memorial Day Parade and found it very enjoyable.

Councilmember Reid recognized city staff for their efforts at her wedding reception at the Hayloft Theater. She also commented on the budget proceedings of the last meeting and recognized Councilmember Randall's concern for Portage citizens who have income loss; however, she concurred with the rest of City Council on the importance of maintaining a 13% Fund Balance for emergencies. She then announced that citizens who have difficulty meeting financial obligations may go to the Salvation Army for help with financial literacy and because the Salvation Army can point those citizens to the best agency to assist them such as the Michigan Department of Human Services or the Community Action Agency.

City Manager Maurice Evans thanked City Council for approving his employment contract.

Mayor Pro Tem Sackley thanked the Eliason family for the land donation under Item F.7, again, described the property in detail and said Portage is fortunate to have Bishop's Bog as a jewel in the City Parks System.

Mayor Strazdas said he had just returned from a volunteer effort in Washington, D.C., and indicated that Washington, D.C. had nothing on Portage, Michigan, and that it was great to be back. He noted some recent examples of local improvements: the Air Zoo expansion, Trade Center Way road improvements, the beam installation for the bridge over South Westnedge Avenue, the 123 acres donated to the Parks System by Eliason Corporation, the recently announced countywide learning network for youth, and the 4th of July fireworks in Portage paid for by local businesses and donations.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:43 p.m.

James R. Hudson, City Clerk

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