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CITY OF  
**PORTAGE**  
*A Place for Opportunities to Grow*

# PLANNING COMMISSION

October 4, 2012

# **CITY OF PORTAGE PLANNING COMMISSION**

## **A G E N D A**

**October 4, 2012**

**(7:00 p.m.)**

**Portage City Hall Council Chambers**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **APPROVAL OF MINUTES:**

- \* September 20, 2012

### **PUBLIC HEARINGS:**

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

### **NEW BUSINESS:**

- \* 1. Business Sign Workshop  
--- adjourn to Conference Room No. 1

### **OLD BUSINESS:**

### **STATEMENT OF CITIZENS:**

### **ADJOURNMENT:**

### **MATERIALS TRANSMITTED**

September 11, 2012 City Council meeting minutes  
August 2012 Summary of Environmental Activities Report

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

## PLANNING COMMISSION

September 20, 2012

The City of Portage Planning Commission meeting of September 20, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

### **MEMBERS PRESENT:**

Wayne Stoffer, Bill Patterson, Dave Felicijan, Rick Bosch, Miko Dargitz, David Artley, Allan Reiff and James Cheesebro.

### **MEMBERS ABSENT:**

None.

### **MEMBERS EXCUSED:**

Paul Welch.

### **IN ATTENDANCE:**

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

### **PLEDGE OF ALLEGIANCE:**

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

### **APPROVAL OF MINUTES:**

Chairman Cheesebro referred the Commission to the September 6, 2012 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from voting since she was not present at this meeting. A motion was offered by Commissioner Bosch, seconded by Commissioner Felicijan, to approve the minutes as submitted. The motion was approved 7-0-1.

Chairman Cheesebro introduced and welcomed new Planning Commissioner David Artley.

### **PUBLIC HEARINGS:**

1 Height Modification: Mueller Plastics (silos), 6700 South Sprinkle Road. Mr. Forth summarized the staff report dated September 14, 2012 regarding a height modification request for approval of three existing silos and two proposed silos up to a height of 60-feet. Mr. Forth stated the three existing silos at the site were installed sometime during the 1980s, prior to Mueller Plastics acquiring the property, without the necessary height modification approval. Mr. Forth indicated these three silos are 50-feet in height (with a 3.5 foot safety railing on top), while the two proposed silos are 60-feet in height (also with a 3.5 foot safety railing on top). Mr. Forth discussed the proposed setback distances of the silos from adjacent property lines and the land use and zoning of adjacent parcels.

Mr. Bob Goodheart of Pathfinder Engineering and Mr. Brendan Caffrey of Mueller Plastics were present to support the application. The public hearing was opened by Chairman Cheesebro. No citizens spoke in regard to the proposed height modification. A motion was then made by Commissioner Artley, seconded by Commissioner Patterson, to close the public hearing. The motion was unanimously approved. After a brief

discussion, a motion was made by Commissioner Stoffer, seconded by Commissioner Dargitz, to recommend to City Council that the Height Modification for Mueller Plastics, 6700 South Sprinkle Road, be approved to allow three existing 50-foot tall silos and construction of two new 60-foot tall silos. The location of the silos in relation to the existing manufacturing building and distance from property lines mitigate potential adverse impacts on surrounding properties and land uses consistent with the Zoning Code provisions. The motion was unanimously approved.

**SITE/FINAL PLANS:**

1. Site Plan: Portage Brewing Company, 7842 and 7908 (portion thereof) Portage Road. Chairman Cheesebro stated he would be abstaining from discussion and voting on this agenda item due to a conflict of interest.

Mr. West summarized the staff report dated September 14, 2012 regarding a request by Mike and Ruth Stoddard to construct an approximate 9,700 square foot micro-brewery/restaurant and associated site improvements. Mr. West stated the applicant has a purchase agreement pending with the current owner of 7842 Portage Road and has recently secured a license agreement with Consumers Energy Company to use a portion of 7908 Portage Road for "vehicle parking and lawn area." Mr. West also indicated that the applicant was in the process of acquiring a 5-foot strip of land from the adjacent property to the north (7840 Portage Road) to accommodate the required setback for the proposed micro-brewery/restaurant building. In conjunction with the site plan review, Mr. West indicated the applicant is also requesting approval to exceed the maximum parking provision of the Zoning Code: A total of 100 parking spaces are proposed. Mr. West stated the applicant has submitted written documentation in support of these additional parking spaces. Mr. West also summarized the applicant's request to defer sidewalk installation along the Portage Road frontage until sidewalks are installed on adjacent property. Mr. West reviewed the sidewalks that exist along East Centre Avenue and Portage Road south of East Centre and the number of people who either live or work in the area that may choose to walk to the Portage Brewing Company. Given the surrounding area characteristics, Mr. West indicated that staff believes installation of sidewalk along the Portage Road frontage was appropriate with the development project.

The applicant, Mr. Mike Stoddard, was present to support the site plan and explain the request to exceed the maximum parking provision of the ordinance and the requested sidewalk deferment. Mr. Stoddard stated the sidewalk installation would cost approximately \$5,000 and he believes most of the patronage of the micro-brewery/restaurant will occur by people driving to the location. The Commission, Mr. Stoddard and staff discussed various aspects of the development project including parking, planned outdoor seating area, sidewalk installation and the staff recommended conditions of approval.

After a brief discussion, a motion was made by Commissioner Bosch, seconded by Commissioner Patterson, to approve the Site Plan for Portage Brewing Company, 7842 and 7908 (portion thereof) Portage Road, subject to the following conditions: 1) Administrative review and approval of a lot line adjustment application for 5-foot strip of land proposed to be transferred from 7840 Portage Road to 7842 Portage Road; 2) Approval of the request to exceed the maximum parking requirement for the use and allow construction of 100 total parking spaces based upon documented evidence provided by the applicant that the additional parking is necessary and will not adversely impact the subject property, surrounding properties or related natural features; 3) Installation of a 6-foot tall screening fence and deciduous tree plantings (minimum 2½ inch caliper, 30-feet on-center) or a staggered row of 6-8 foot tall evergreen trees spaced ten feet on-center along the western portion of 7842 Portage Road; and 4) Installation of a 5-foot wide concrete sidewalk along the full frontage (7842 and 7908 Portage Road) of the zoning lot. The motion was subsequently approved 7-0-1 with Chairman Cheesebro abstaining.

**OLD BUSINESS:**

1. City of Portage 50<sup>th</sup> Anniversary Celebration. Chairman Cheesebro referred the Commission to the draft memo to City Council that was included in the agenda packet and asked if Commissioners had any additional ideas or suggestions for the upcoming City of Portage 50<sup>th</sup> Anniversary celebration. Commissioner Dargitz reviewed her suggestions that were included in the draft memo. Commissioner Felicijan indicated a school contest or competition such as a “quiz bowl” would be an excellent way of educating school children of the history of Portage. Commissioner Artley stated that Portage has a large senior citizen population with a living history/knowledge of the city and suggested involvement of these senior citizens in the 50<sup>th</sup> Anniversary celebration. The Commission next discussed how stories and experiences of these senior citizens could be captured through written narratives or oral recordings for future generations to enjoy. Commissioner Stoffer suggested a smaller version of an “art prize” type contest or competition to help capture the history of Portage. After additional discussion, Mr. Forth indicated the draft memo would be modified with additional Planning Commission ideas and suggestions and forwarded to City Council.

**NEW BUSINESS:**

None.

**STATEMENT OF CITIZENS:**

None.

**ADJOURNMENT:**

There being no further business to come before the Commission, the meeting was adjourned at 7:55p.m.

Respectfully submitted,

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

**TO:** Planning Commission

**DATE:** September 28, 2012

**FROM:** Vicki Georgeau, <sup>WJ</sup> Director of Community Development

**SUBJECT:** Business Sign Issues

Following the City Council retreat in December 2011, Council established a Sign Committee to review issues of potential concern with regard to signs in the City of Portage. The Sign Committee's official charge is to: review user/business friendly issues with regard to signs; clarify banner sign rules/regulations; and clarify protocols for temporary and window signs.

The Council Sign Committee has met and reviewed the above issues, and Committee discussions have touched upon a need to balance sign rules/regulations with business community needs, community aesthetics, and citizen views. At the September 25, 2012 Council meeting, the Sign Committee reported to Council a desire to garner community input on signs. Consequently, the Committee outlined a plan to seek input from the business community, sign industry representatives, the Planning Commission, Zoning Board of Appeals and other interested citizens.

As a first step in the process of obtaining community input, Council has requested that staff facilitate workshop meetings with the Planning Commission and the Zoning Board of Appeals. In this regard, during the October 4, 2012 Planning Commission meeting, a workshop will be held to discuss issues of potential concern or opportunity with regard to signs within the community.

As background information for the Planning Commission, enclosed is a May 3, 2012 report provided to the Council Sign Committee that includes:

- ♦ a draft survey on business signs;
- ♦ a historical overview/background on sign regulations in the city;
- ♦ the intent of the adopted sign ordinance, and amendments to sign regulations over the years;
- ♦ a summary of current business sign regulations;
- ♦ trends with regard to sign permits issued and variance requests for signs; and
- ♦ educational efforts with regard to business signs.

With regard to the business sign survey, the Council Sign Committee has decided it is premature to proceed at this time. Rather, the Committee will review input received from the Planning Commission, Zoning Board of Appeals and other interested parties, and subsequently report to the full City Council with a recommendation for next steps or actions.

Attachment: May 3, 2012 communication to City Manager Evans, provided to the Council Sign Committee

S:\2011-2012 Department Files\Subject Files\S\Signs 2012\Sign Issues - to PC for 10.4.12 input.doc

## CITY OF PORTAGE

## COMMUNICATION

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**TO:** Maurice S. Evans, City Manager

**DATE:** May 3, 2012

**FROM:** Vicki Georgeau,  Director of Community Development

**SUBJECT:** City Council Ad Hoc Sign Committee – Public Forum and Business Sign Survey

During the Council Ad Hoc Sign Committee meeting on March 22<sup>nd</sup>, a number of issues pertaining to business signs were discussed, including: existing business signs, trends with regard to business sign variances, recent sign regulation amendments, and the manner in which business signs can influence community character and aesthetics. In addition, the Committee again expressed a desire to host a workshop/public forum to obtain additional public input on city sign regulations.

The need to accommodate a wide array of signage options for use by businesses is recognized, and as presented in the attached November 30, 2011 Zoning Code Signage Issues – City Council Retreat Information communication, the City of Portage has a long history of balancing a “business friendly” environment for sign advertising and identification purposes, while improving the overall appearance and quality of the community, particularly within commercial corridors. As indicated in the November 30, 2011 report, in 1986 the city conducted a comprehensive Sign Survey of Portage residents and businesses to obtain public input on signs within the community. The results of the survey provided Council with useful information and direction with regard to public opinion regarding existing business signs and business sign regulations in effect at the time.

With regard to the proposal to organize and host a workshop/public forum to obtain input regarding city sign regulations, it is recommended that the city first conduct a survey on business signs to better understand the issues of interest and concern with regard to this matter. The survey results can then be tabulated and summarized to assist with determining the next steps with regard to the activities of the Sign Committee, and in particular with regard to hosting a workshop/public forum.

Attached is a draft of Business Sign Survey instrument, which incorporates two types of questions:

- a series of questions are included with sign images. These questions comprise a “Visual Preference Survey” to gauge opinion on the effectiveness and appearance of various types of business signs. The visual preference questions ask respondents to rate the sign images on a scale of 1 to 5;
- a series of questions are also included to gauge opinion on regulations that permit various types of business signs. These questions are intended to gauge opinion as to whether the existing sign regulations are appropriate, or if amendments to the Zoning Code are necessary. These more general survey questions are essentially the same or very similar to those included in the 1986 Sign Survey.

With regard to the methodology of the survey, attached is a proposal from the Kercher Center for Social Research at Western Michigan University, which is summarized as follows:

- The scope of work is similar to other surveys completed by the Kercher Center for the city, and includes finalization of the survey instrument, preparing a random sample mailing, collecting the data and preparing a summary report of the data findings.
- The proposal would include a random sample mailing to 1,000 residents and 1,000 businesses in Portage. The residential mailing list would be compiled in the same manner as accomplished for prior surveys, while the business mailing list would be compiled from the list developed for the Business and the City of Portage Council Committee.
- Two budgets for the mail survey have been included in the proposal: Budget A, which includes the cost of a survey that includes several open-ended "Comment" questions, is \$7,931; Budget B includes a lower cost of \$7,094, provided the "Comment" questions are removed from the survey instrument. (Note: Based on the proposal, the open-ended "Comment" questions in the initial draft survey have been removed.)
- The Kercher Center recommends the survey be mailed in either early June or early September 2012, as response rates for surveys are lower during the summer months. If the Kercher Center proposal were approved by May 28<sup>th</sup>, Dr. VanValey indicates the survey could be conducted in early June 2012, with a report provided to the city by July 30<sup>th</sup>. If the proposal is approved after June 15<sup>th</sup>, the survey would be conducted after Labor Day, with a report provided to the city by November 5<sup>th</sup>.

As noted above, obtaining information from businesses and residents regarding business signs will help guide the future work of the Ad Hoc Committee and City Council in regard to this matter. Should the Ad Hoc Committee and Council decide to proceed with hosting a public workshop/forum, the survey results would be an important part of the presentation and discussion.

I am available to meet with you to further discuss this matter at your convenience.

Attachments: DRAFT Business Sign Survey;  
Proposal for the City of Portage Signage Survey, 2012 from the Kercher Center for Social Research;  
November 30, 2011 Zoning Code Signage Issues – City Council Retreat Information communication

c: Brian J. Bowling, Deputy City Manager;  
Christopher Forth, Deputy Director

# BUSINESS SIGN SURVEY

## INTRODUCTION:

The City of Portage has prepared this survey to obtain input on business signs. In particular, this survey has been designed to determine community preferences regarding:

- the effectiveness of signs to identify to a place of business or convey a message;
- the appearance of different types of business signs; and
- the regulations that permit various types of business signs.

The survey includes a series of questions that comprise a “Visual Preference” survey, which are intended to gauge public opinion on the effectiveness and appearance of a variety of sign images. The survey also includes a series of questions intended to gauge public opinion with regard to signs permitted by current regulations, and whether or not changes to the city sign regulations are needed.

Your response to the following questions will provide useful input regarding this matter.

## FREESTANDING SIGNS

1. **Freestanding Sign Size** – The following photos illustrate freestanding business signs that vary in size and height. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of each sign.

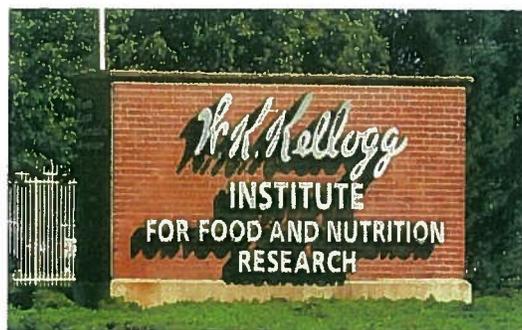
Sign 1



Sign 2



Sign 3



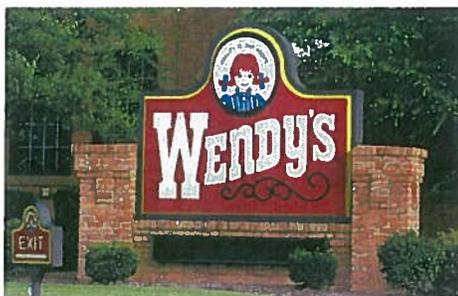
	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

**2. Freestanding Sign Types:** The following photos illustrate freestanding business signs that vary in style. In particular, the following images represent pole signs compared to ground-level signs. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

**3. Multi-Tenant Business Center Freestanding Signs –** The following photos illustrate freestanding signs used to identify multi-tenant business centers. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

**WALL SIGNS**

4. **Wall Sign Size** – The following photos illustrate business signs attached to the exterior wall of a building that vary in size and coverage of the wall facade. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

5. **Wall Sign Types:** The following photos illustrate business wall signs that vary in style. In particular, the following images are of box signs, painted wall signs, and channel letter signs. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

6. **Window Signs:** The following photos illustrate business signs attached to the interior of building windows. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

7. In general, do you find the existing signs in business areas of the City of Portage to be:

- Useful/effective
- Confusing/ineffective
- No Opinion

8. In general, do you find the existing signs in business areas of the City of Portage to be:

- Attractive
- Unattractive
- No Opinion

9. With regard to the number of signs permitted for each business, in general do you favor:

- More signs in business areas along City streets
- Less signs in business areas along City streets
- No change in the number of business signs along City streets

10. With regard to the size of business signs in the City of Portage, in general do you favor:

- Larger signs in business areas
- Smaller signs in business areas
- No change in the size of signs in business areas

**SIGNS FOR TEMPORARY ADVERTISING**

11. **Temporary Signs:** The following photos illustrate business signs that are used for temporary advertising. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

Sign 1



Sign 2



Sign 3



	1- Highly Negative	2-Somewhat Negative	3-Neutral	4-Somewhat Positive	5-Highly Positive
Sign 1	<input type="radio"/>				
Sign 2	<input type="radio"/>				
Sign 3	<input type="radio"/>				

12. Temporary business signs in the City of Portage are permitted for a period of 14 days for a grand opening, change of business, or going out of business. Temporary signs may be freestanding or wall sign banners, flags, streamers, pennants or inflatable signs, up to a combined total area of 40 square feet. Should the regulations pertaining to temporary signs be (select only one response):

- Modified to permit their use anytime
- Modified to increase the frequency of use than currently allowed
- Modified to prohibit their use
- Remain unchanged
- No opinion

**13. Permanent Signs With Temporary Message Displays:** The following photos illustrate business signs intended to display temporary messages. Please rate the following signs on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

**Sign 1 (manual display)**



**Sign 2 (electronic display)**



**Sign 3 (banner)**



	<b>1- Highly Negative</b>	<b>2-Somewhat Negative</b>	<b>3-Neutral</b>	<b>4-Somewhat Positive</b>	<b>5-Highly Positive</b>
Sign 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sign 2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Sign 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

## STREETSCAPES

**14. Streetscapes:** The following photos illustrate business signs along a stretch of roadway or a “streetscape”. Please rate the following streetscape and the manner in which the signs impact the appearance of the streetscape on a scale from 1 to 5, with 1 being highly negative and 5 being highly positive with regard to the effectiveness and appearance of the signs.

**Streetscape 1**



**Streetscape 2**



**Streetscape 3**



	<b>1- Highly Negative</b>	<b>2-Somewhat Negative</b>	<b>3-Neutral</b>	<b>4-Somewhat Positive</b>	<b>5-Highly Positive</b>
Streetscape 1	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Streetscape 2	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Streetscape 3	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>



*Proposal for the City of Portage  
Signage Survey, 2012*

Prepared By

Thomas L. Van Valey  
Kercher Center for Social Research  
Western Michigan University

May 1, 2012

Dr. Van Valey can be reached at 655-8081 or via email at [vanvaley@wmich.edu](mailto:vanvaley@wmich.edu)

## *Proposal for the City of Portage Signage Survey*

The Kercher Center for Social Research (KCSR) of Western Michigan University proposes to assist the City of Portage (referred to herein as “the City”) in a survey of residents and businesses to obtain their viewpoints on signage in the City. Results of the survey will provide the City with information needed to evaluate current ordinances and to plan for the future.

This proposal provides an efficient and cost-effective method for conducting a survey which will provide population estimates at a 95 percent confidence level with a level of precision of plus or minus four percent. The Kercher Center will carry out five major tasks, which are further divided into specific research activities. They are described in the following sections.

### **1. Review, pre-testing and finalizing the survey instrument.**

The two major activities associated with this task are to: a) consult with the City to review the instrument, and b) finalize the survey instrument.

The KCSR will assist the City in preparing the research instrument. It is anticipated that the City will first prepare a working draft of the survey which will first be reviewed by the KCSR staff and then prepared for mail distribution. KCSR staff will ensure that the instrument meets the standards of generally accepted practice. That instrument will be presented to the City’s administration for further discussion and approval.

### **2. Sampling.**

The major activity in this area consists of acquiring two random samples. Survey Sampling, Inc. provides randomly drawn samples of residents suitable for mail surveys. In the past, their samples have proven to be highly representative. The City has a data base of

approximately 1900 businesses. A second random sample can be drawn from that data base. The anticipated result of approximately 400 completed surveys should provide for the minimum 95% confidence level and precision within plus or minus 4%, as specified above.

### **3. Data Collection.**

The activities associated with this task are to: a) prepare the survey instrument for distribution by mail, and b) collect the responses and enter the data into a computer readable format.

The staff of the KCSR will coordinate preparation of the instrument for distribution by mail and subsequent data entry. This involves printing an advance announcement, a cover letter, and the survey instrument, and then assembling and mailing the packages to the sample of residents. It is anticipated that two separate mailings will be required. The first would be an announcement of the survey, on city letterhead and over the signature(s) of city officials. In advance of this announcement to the potential respondents, it is expected that the City will also announce the survey to the general public through the newsletter, the website, and any other means that are practical (e.g., social networking media, perhaps a Gazette story). The survey package itself would contain a cover letter, again on city letterhead and over the signature(s) of the same city officials, the survey instrument itself, and a postage-paid return envelope (to the KCSR). The outgoing envelope would also be on city letterhead. The use of City envelopes, City letterhead, and the signatures of City officials marks the survey as legitimate and important to the recipients, and is an important factor in achieving the desired response rate.

As the completed responses are received by the KCSR, staff will enter the data into a computer file. It is likely that the response rate to the mail approach will be sufficient to generate

at least 400 completed responses over a period of 4-6 weeks. To receive 400+ returned surveys, we estimate sending out 2,000, with at least 85% deliverable.

#### **4. Data Processing - Data cleaning and statistical analysis.**

The three activities associated with this task are to: a) convert the data set into a file suitable for analysis via SPSS, b) clean the data prior to the analysis, and c) conduct the statistical analysis.

After the data are entered and verified, and translated into a file suitable for statistical analysis, staff of the KCSR will first check and verify proper data ranges for all variables in the data set. Statistical analysis will only be conducted on the checked and verified file. The descriptive statistical analysis will consist of frequencies and percentages for all questions. If requested, a limited number of crosstabulations can be provided. These, of course, would be specified in advance of data collection to enable efficient programming.

#### **5. Report writing and communication of results.**

The two activities associated with this task are to: a) prepare a written report, and b) if desired, make a presentation of the results at a meeting set by the City.

The KCSR will provide a final report of the project for the City. The report will include the frequency distributions and percentages for all questions (and such crosstabulations as requested). In all instances, tables will be fully labeled for ease of interpretation. The report will also consist of a brief summary and interpretation of the findings of the study. In addition, all of the responses to the open-ended items will be transcribed, edited, and included as an appendix to the final report. The survey itself, with the frequency results for each item, will also be provided

as another appendix. If desired, a copy of the data set and the SPSS program can be made available on a diskette. If desired, the project's Principal Investigator will make a verbal presentation of the results to the City Council at a later time and place set by the City.

### **Time Frame**

If this proposal is approved by May 28, 2012, the final report will be provided to the City no later than Monday, July 30, 2011. If the proposal cannot be approved until after June 15, 2012, it would be better to carry out the data collection in the fall, with the process beginning the week after Labor Day. In that instance, the final report will be provided to the City no later than November 5, 2012. In either instance, invoicing for services rendered shall follow submission of the final report.

Review and revision of the survey instrument can begin as soon as the contract is approved by the City. As noted above, the data collection process could begin within three weeks of that date or in the fall. The initial frequency distributions will be run shortly after the completion of the data collection phase, and the final report will be completed within three weeks of the data entry. If necessary, changes in this schedule can be made, if agreeable to both the City and KCSR.

### **Project Personnel**

The Principal Investigator will be Dr. Thomas L. Van Valey, Professor Emeritus of Sociology and former Director of the Kercher Center for Social Research. Experienced KCSR graduate assistants will be hired on a contract basis to assist in the project and to directly supervise the data collection and data entry. The KCSR has a pool of experienced and competent graduate students for all tasks.

## Budget

Two budgets are provided below. The first (Budget A), takes into account the large number of open-ended items that are implicit in the early draft of the survey instrument. The second (Budget B), assumes that most of those open-ended items will be removed.

### Proposed Budget A: - Portage Signage Survey, 2012

Questionnaire Design/Modification	
.5 days @ \$450/day	\$ 225
Sample of residents from Survey Sampling	
(N=1,000 with 2 sets of mailing labels)	500
Sample of businesses from the City	
(N=1,000 with 2 sets of mailing labels)	0
Printing	
Announcement (2,000 - 1,000 each, to be done by the City)	0
Outside envelope (4,000, to be done by the City)	0
Reply envelope (2,000 @ \$.05)	100
Cover letters (2,000 - 1,000 each, to be done by the City)	0
Survey (2,000 x 8 pages @ \$.03)	480
Mailing	
Announcement (2,000, to be done by the City)	0
Survey (2,000, to be done by the City)	0
Reply (400 @ \$.61)	244
Assembly	
Announcement (6 hours @ \$15/hr)	90
Main mailing (10 hours @ \$15/hr)	150
Data Entry and Verification (400 surveys @ \$15/hr)	750
Cleaning of open-ended items	
30 hours @ \$ 45.00/hour	1350
Training, Supervision and Quality Control	
40 hours @ \$15/hour	600
Tabulation of Results (programming)	
12 hours @ \$40/hour	480
Preparation and Presentation of Report	
2 days @ \$450/day	900
Administrative Services	
20 hours @ \$21.66/hour (includes 21.75% fringe)	527
Total Direct Costs	6,396
Indirect Costs for WMU @ 49%	3,134
<i>(savings for indirect rate of 24% on 6,396)</i>	<u><i>(1,599)</i></u> **
	1,535
Total Budget for the Project	\$7,931

\*\* Proposed reduced indirect cost rate for community service related research.

**Proposed Budget B: - Portage Signage Survey, 2012**

Questionnaire Design/Modification		
1 day @ \$450/day		\$ 450
Sample of residents from Survey Sampling		
(N=1,000 with 2 sets of mailing labels)		500
Sample of businesses from the City		
(N=1,000 with 2 sets of mailing labels)		0
Printing		
Announcement (2,000 - 1,000 each, to be done by the City)		0
Outside envelope (4,000, to be done by the City)		0
Reply envelope (2,000 @ \$.05)		100
Cover letters (2,000 - 1,000 each, to be done by the City)		0
Survey (2,000 x 8 pages @ \$.03)		480
Mailing		
Announcement (2,000, to be done by the City)		0
Survey (2,000, to be done by the City)		0
Reply (400 @ \$.61)		244
Assembly		
Announcement (6 hours @ \$15/hr)		90
Main mailing (10 hours @ \$15/hr)		150
Data Entry and Verification (400 surveys @ \$15/hr)		750
Cleaning of open-ended items		
10 hours @ \$ 45.00/hour		450
Training, Supervision and Quality Control		
40 hours @ \$15/hour		600
Tabulation of Results (programming)		
12 hours @ \$40/hour		480
Preparation and Presentation of Report		
2 days @ \$450/day		900
Administrative Services		
20 hours @ \$21.66/hour (includes 21.75% fringe)		527
Total Direct Costs		5,721
Indirect Costs for WMU @ 49%		2,803
(savings for indirect rate of 24% on 5,721)		<u>(1,430)**</u>
		1,373
Total Budget for the Project		\$7,094

\*\* Proposed reduced indirect cost rate for community service related research.

# CITY OF PORTAGE

# COMMUNICATION

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**TO:** Maurice S. Evans, City Manager

**DATE:** November 30, 2011

**FROM:** Vicki Georgeau, <sup>VG</sup> Director of Community Development

**SUBJECT:** Zoning Code Signage Issues – City Council Retreat Information

As was communicated with the 2010 City Council retreat information, the following information is organized to assist the City Council and City Administration as this subject is discussed:

- A brief historical overview/background on sign regulations in the community
- Summary of the Zoning Code sign regulations applicable to businesses
- Review of 2005 – 2011 period and business sign permits
- Overview of 2005 – 2011 Zoning Board of Appeals variance applications
- Recent changes resulting from the City Council Sign Committee recommendations

A conclusion/summary is at the end of this communication.

## Historical Overview/Background

From time-to-time, signage issues seem to come to the forefront. There are various factors that may generate this discussion that could include the declining economic situation/business environment, efforts by businesses to advertise, attract consumers and differentiate themselves, attempts to adapt new technology/techniques, among others. Notwithstanding these factors, regulations to address the use of advertising signs are common by municipalities across the country. In Michigan, sign regulations were the subject of Michigan Supreme Court decision as early as 1937 (Michigan Zoning and Planning, 3<sup>rd</sup> Edition, Clan Crawford, Jr., page 328). The intent of sign regulations is straightforward and the Portage Zoning Code intent and purpose section presents the overall objective of community sign regulations:

“...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 identifies several reasons that sign regulations are desirable, which include in summary:

“...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. In the late 1970s, there was considerable concern about signage in the community and the City of Portage Environmental Board was instrumental in the development of the first, comprehensive sign regulations that were incorporated into the Zoning Code. 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 Board also discussed the existing regulations and expressed concern that the 1976 sign code and zoning ordinance were “*incomprehensible*” (September 16, 1976 meeting minutes). The Planning Commission assisted the Environmental Board over the course of

several years, and culminating 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. Attached are several photos of business signage that were taken in the late 1970s within Portage business areas that help illustrate the concerns expressed by the Environmental Board and other community members.

The community discussion about the sign regulations continued for a number of years. Amendments to the sign regulations occurred during this period. In the effort to reach agreeable regulatory compromise, City Council formed ad hoc committees on several occasions in the early to mid 1980s to suggest amendments to the sign regulations. Of note, on December 20, 1983, City Council convened a work session on sign regulations and at the following regular meeting established a seven member Ad Hoc Sign Committee with business, citizen at-large, sign industry, City Administration and Environmental Board participants. The charge to the committee was to report back in February 1984 and: *"...to see what areas they can still improve the overall appearance of our city but still modify the present ordinance to be easier for the businesses to comply."* (December 20, 1983 Council meeting minutes, page 469). The results of this effort are summarized in January 31, 1984 correspondence from the committee chairperson that recommended changes to allow temporary signs (40 square foot sign, increased use/display days and for non-commercial public service events), changes to nonconforming signs (five-year non-conforming sign agreement), and changes to existing freestanding signs (allow changeable copy signage to be permanently attached to a sign).

In 1986, with continuing discussion of signage, a formal survey of residents and businesses was authorized by City Council that involved mailing of 2,142 surveys. All businesses in Portage received a survey and every 12<sup>th</sup> resident in the Property Tax Master File also received a survey. A very good response rate of 28% (605 returned surveys) resulted. While there were differences between the responses from businesses and the responses from residents about signage, the report to City Council indicated that, in general, respondents believed that the sign regulations in the Zoning Code were reasonable and appropriate. The report concluded that no modifications were recommended. The conclusion was also based, in part, on the concern that too-frequent code changes and modifications would create confusion, inequities and inconsistencies in administration with additional negative impacts on the community.

In December 2001, the Zoning Code was the subject of a comprehensive update that concluded with approval by City Council of the ordinance update on February 18, 2003. In this amendment, 29 substantive changes were recommended, which included sign regulation changes. Additional sign flexibility was incorporated for business wall signage, for example, as were changes to definitions, sign measurements, among others. A copy of the changes to the sign regulations that was summarized and provided to the City Council in January 2003 is attached.

In addition, the sign regulations in the Zoning Code have been the subject of regular review and, where appropriate, amended. The purposes for this review include incorporating emerging sign technology and techniques, clarification and correction of sign provisions and improved/uniform administration. Following is a summary of sign regulation changes since 2003, including an amendment to the Zoning Code in 2011 that was recommended by the City Council Sign Committee:

2006:

Section 42-552(E), Signs in the B-2/B-3 Zoning Districts -- Distance between two freestanding signs. Before the amendment, this section referred to "a developed B-2 parcel." Consistent with other sections of the Zoning Code, this section was amended to refer to zoning lot since there may be more than one parcel of land. This section also uniformly applies to signs in the B-3 district.

Section 42-553(C)(2), Billboard Sign Area -- When the Zoning Code was updated in 2003, the consultant inadvertently changed the maximum sign area: The maximum area was corrected and is 300 square feet as previously established.

2007:

Section 42-542(I), Electronic or Mechanical Sign Elements -- Electronic message display (EMD) signs added.

2009:

Section 42-545(C), Single-family Residential Subdivision Signs – Construction of a sign to identify a single-family residential subdivision in R-1A, R-1B R-1C R-1D, R-1E and R-1T residential districts has been permitted and now pertains to the PD, planned development district.

2010:

Section 42-545(B)(C), Signs Permitted in the Single-family and Attached Districts -- Increased the size of wall and freestanding signs for non-residential uses permitted in the R-1A through R-1T districts.

Section 42-546(D), Signs Permitted in the RM-1 and RM-2 Districts -- Increased the size of wall and freestanding signs for non-residential uses permitted in the RM-1 and RM-2 districts.

Section 42-550(A), Signs Permitted in the OS-1 and OTR districts; and Section 42-551(A), Signs Permitted in the B-1, local business District. Modifications to these two sections involved clarification of the statement "...with a minimum sign size of 32 square feet..." The changes to Sections 42-550(A) and 42-551(A) clarified that 1) a variance from the ZBA is not required if a smaller sign size is desired by a business owner and 2) the maximum sign size for a lot less than 80 feet in width is 32 square feet.

2011:

Sections 42-548, 42-551, 42-552 were amended to provide additional flexibility with regard to the use of freestanding banner signs, as well as expand the business districts where such signs are permitted, including the B-1, Local Business and PD, Planned Development zoning districts. In addition, new sign regulations were adopted for the City Centre Area–Mixed Use Floating (CCA) District to permit signs that better align with a more urban, mixed-use development pattern that is encouraged in the CCA district.

Current Zoning Code Sign Regulations Applicable to Businesses

In addition to the sign amendments adopted over the past several years and most recently in 2011, the attached "Summary Guide To Business Signs" was developed as recommended by the City Council Sign Committee. The four-page guide provides information regarding the intent and goal of community sign regulations, design considerations, Frequently Asked Questions, and a summary table of the sign regulations applicable to the business community. The recent sign amendments and summary guide were also highlighted in the September 2011 edition of the Portager. The summary guide is posted on the City of Portage web site.

As shown in the summary guide, freestanding, wall and other types of signage are permitted for all businesses. Signage is regulated by zoning lot and by business use to ensure fairness, consistency and uniformity with applicable law and judicial decisions. A variety of signage is permitted with significant flexibility to assist retail, office, service, specialty business uses that operate in differing situations (i.e., in individual buildings, in multi-use business centers, on small and large parcels, in ownership/lease tenancies, in new business development projects, redevelopment projects, and so forth). Additionally, "temporary" signage is specifically permitted for business purposes and can be standard signs, strings of flags, streamers, balloons, etc., electronic message signs, or other types. These various types of signs are allowed within the context of the applicable sign regulations and in: "... the 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."

With specific regard to stationary/mobile electronic message signs for business use, these signs are permitted and can be permanent or temporary signs. Stationary/permanent electronic message display (EMD) sign examples include among others the new Sonic Restaurant sign, the Mulligan's Restaurant sign, the electronic elements on the Walgreens signs and, also, the Shoppes at Romence Village sign. For mobile/temporary sign examples, EMD signs can be/have been used as a 40 square foot grand opening, change/going out of business sign and, also, as a 64 square foot public noncommercial service event sign.

Finally, the sign regulations include other elements that provide “flexibility” in the interests of assisting businesses. First, legal, nonconforming signs are allowed to continue to exist and be used. It is intended that these signs conform to the regulations over time. Provisions that allow re-use and encourage eventual conformity have been incorporated into the regulations including allowing unlimited sign changes for a five year period after which the legal nonconforming sign must conform and the attachment of changeable copy signage to any sign to assist businesses with temporary sales, special event activities, and so forth. Also, the standards for variances involving re-use of legal nonconforming signs (i.e., reduction in the degree of nonconformity and replacement signs that are more in conformance with the code) assist the business community. Further, there are unregulated sign/messaging options available to businesses. These options include, among others, advertising on licensed motor vehicles, costumed/mascot advertising in the parking area or along a public street and interior window displays, which are commonly employed by businesses. Finally, the Zoning Code provides the Zoning Board of Appeals with the responsibility to hear appeals and to consider interpretations of code provisions, which can be helpful to businesses seeking clarification or the ability to use certain sign/messaging technologies/techniques.

FY2005 – 2011 Sign Permit and Zoning Board of Appeals Information

A brief analysis of sign permits that were issued and Zoning Board of Appeals (ZBA) sign variance/appeal applications that were acted on during the FY2005/06 to FY2010/11 period was accomplished. With regard to the issuance of permits, 942 sign permits were issued during this six-year period. These permits were for the following sign types:

<u>Permit Type</u>	<u>Number of Permits</u>
Freestanding sign	398
Wall Sign	408
Temporary Sign	136

On an annual basis, 157 sign permits were issued during this period. As for fees, a sign permit cost is as follows – Permanent freestanding or wall sign is \$110.00; Temporary sign is \$55.00. (The fees associated with sign permits have not been increased since January 2006.) For convenience, sign permits may be submitted by mail, or electronically, for review and approval.

The ZBA applications involving signs that were acted on during this six-year period were also reviewed. A total of 46 sign applications were considered (involving 35 properties), or an average of eight applications annually. Thirty-six (36) applications were approved by the ZBA (78%), while ten were not approved (22%). Specifically regarding signs for businesses that were considered by the ZBA over the six-year period, 31 applications were considered, with 23 applications (74%) approved. Fifteen applications involved freestanding signs and required sign area, setback or separation distance. Also, fifteen applications involved changes to nonconforming signs. The next category of business sign applications considered by the ZBA was wall sign area (five applications), where a larger wall sign(s) was requested. The remaining six applications involving businesses considered by the ZBA involved two appeals of a denied permit, one roof sign variance and three non-accessory (billboard) requests. In summary, during the past six years, an average of 157 sign permits were issued annually. During this same period, an average of eight ZBA sign applications were received annually.

Conclusion

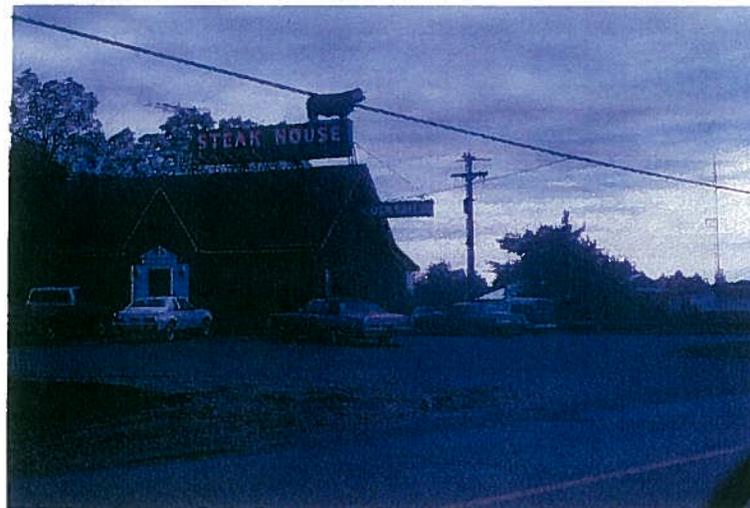
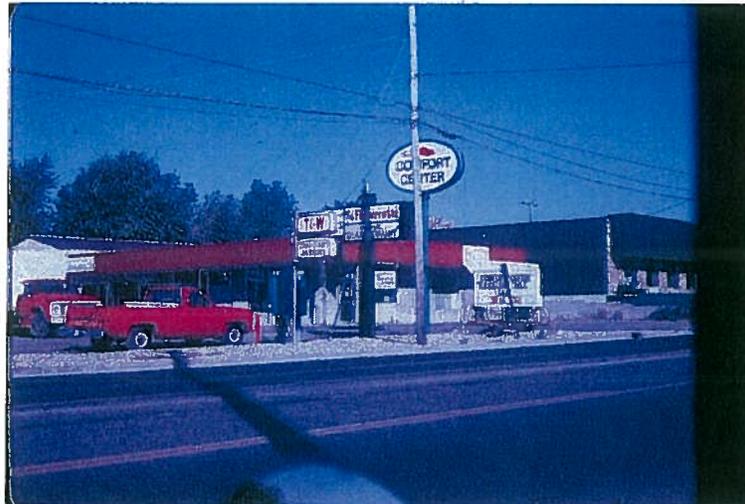
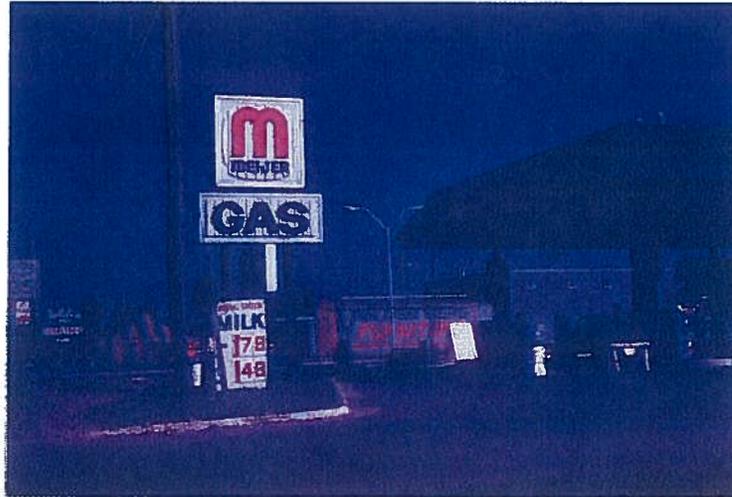
There exists considerable history regarding the subject of sign regulations in the community. A comprehensive sign ordinance amendment occurred in 1979 that more effectively regulated signs that could be erected in the city. Regular efforts have been made to ensure reasonable sign options for businesses by various advisory board, ad hoc committee and professional staff, with the most recent

comprehensive amendment approved in 2003. Ongoing review of signage including provisions that provide flexibility for business advertising purposes and to incorporate new technology and techniques is also evident. A significant number of sign permits, including business sign permits, have been issued on an annual basis over the past six fiscal years. Also, comparatively few applications for sign variances submitted by businesses have been considered by the ZBA over this same six-year period. Where the ZBA has considered sign variance applications, a majority of applications by businesses have been approved. The sign regulations appear to have achieved an effective balance between the need for business advertising while reducing clutter and motorist distractions to enhance community quality and traffic safety.

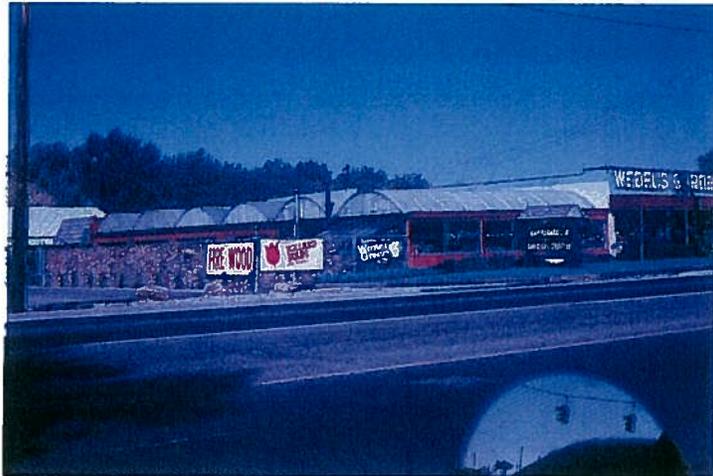
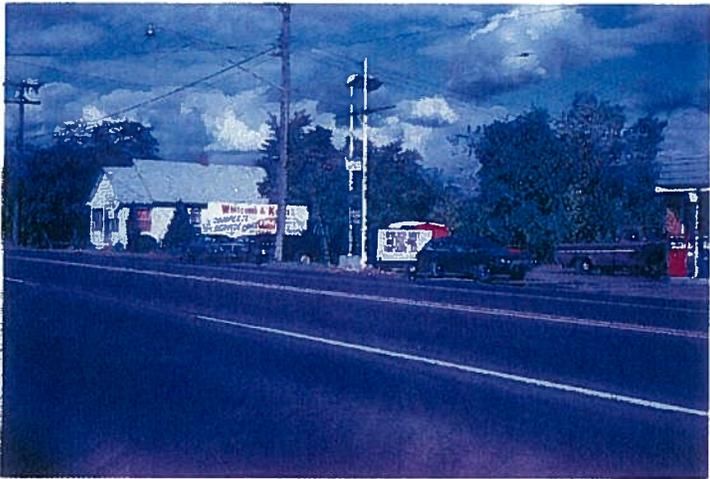
Attachments: Sign Photos from 1979-era City of Portage  
2003 Zoning Code Update: Sign changes (#25 Signs)  
Summary Guide To Business Signs

c: Brian J. Bowling, Deputy City Manager

## Historical Business Sign Photos



**Historical Business Sign Photos**



## 2003 Zoning Code Update – Sign Changes

### 25. Signs (Division 6, Subdivision 2)

- a. The Intent and Purpose section has been added.
- b. Several definitions were added including sign face, awning/canopy sign, construction sign and identification sign.
- c. A section related to sign measurements has been added to eliminate confusion on how to calculate and locate signage.
- d. The erection of a one-family residential construction sign identifying the builder, contractor or subcontractor is now permitted. No permit is required.
- e. A 64 square foot maximum has been established for public event signs. The current code section did not specify a maximum square footage.
- f. A section has been added which requires removal of a nonconforming sign if a substantial improvement is made to the site or building that equals or exceeds 25% of the market value of the structure or site improvement.
- g. The R-1E, OTR and CPD zoning districts have been added.
- h. In response to court decisions and Zoning Board of Appeals (ZBA) decisions involving the size of wall signs, a section has been added that allows an increase in the size of wall signs based on the size of the wall and the setback distance from a public or private street. The proposed increases are consistent with recent ZBA variances granted to several retail establishments.
- i. The current sign regulations permit one additional freestanding sign if the property is within 200 feet of any US-131 or I-94 interchange. This section has been eliminated. Uses intended to attract the interest of freeway motorists are encouraged to use the Michigan Logo Signing Program. This program allows eligible businesses to display their business logos to motorists at interchanges along freeways. Elimination of this section will create several nonconforming signs at the South Westnedge and Portage Road interchange areas. An inventory of these signs has been completed.

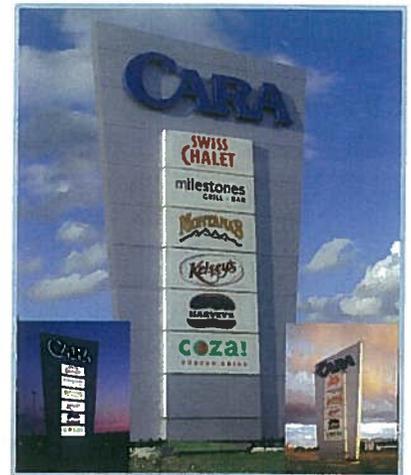
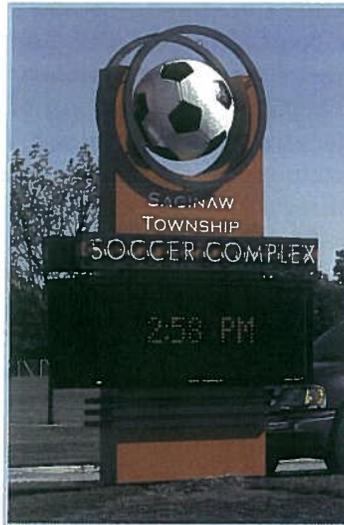
## Summary Guide To Business Signs

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 regulations<sup>1</sup> 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 signs<sup>2</sup>:

- ◆ 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.



<sup>1</sup> The Code of Ordinances is available on the city web site at: [www.portagemi.gov](http://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.)

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

# Frequently Asked Questions Regarding Business 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 <sup>1</sup>	Wall Signs <sup>1</sup>
<b>OS-1, Office Service</b> and <b>OTR, Office, Technology Research</b> and <b>B-1, Local Business</b>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <ul style="list-style-type: none"> <li>◆ One (with additional sign for a zoning lot with more than 300 ft. of street frontage)</li> <li>◆ In an OTR district, 1 additional sign is permitted for each vehicular entrance</li> </ul> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ 32 sq. ft. minimum to 50 sq. ft. maximum, with area based on street frontage</li> <li>◆ May be increased up to 50% for multiple use zoning lots, or from 48 sq. ft. to 75 sq. ft.</li> </ul> <p><u>Sign Setback / Height:</u> 10 ft. from all property lines, 15 ft. next to one-family residential / 15 ft. high</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ 15% of the wall area per street frontage, up to 100 sq. ft.</li> <li>◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage</li> </ul> <p><u>Sign Setback / Height:</u> NA</p>
<b>B-2, Community Business</b> and <b>B-3, General Business</b> and <b>CPD, Commercial Planned Development</b>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <ul style="list-style-type: none"> <li>◆ One, with an additional sign for a:                             <ul style="list-style-type: none"> <li>- zoning lot with more than 320 ft. of street frontage</li> <li>- zoning lot that is on a street corner, or</li> <li>- zoning lot with frontage on more than one street</li> </ul> </li> </ul> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ 50 sq. ft. minimum to 120 sq. ft. maximum, with area based on street frontage</li> <li>◆ May be increased up to 50% for multiple use zoning lots, or from 75 sq. ft. to 180 sq. ft.</li> <li>◆ For corner lot, if only one sign, area may be increased 100% up to a maximum of 120 sq. ft.</li> </ul> <p><u>Sign Setback / Height:</u> 10 ft. from all property lines / 25 ft. high</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ 15% of the wall area per street frontage, up to 100 sq. ft.</li> <li>◆ May be increased, up to an additional 125 sq. ft. for buildings with at least 200 ft. of lineal wall frontage</li> <li>◆ 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</li> <li>◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage</li> </ul> <p><u>Sign Setback / Height:</u> NA</p>
<b>PD, Planned Development</b>	<p><u>Sign(s) per business-zone property (zoning lot):</u></p> <p>One (with additional sign for a zoning lot with more than 300 ft. of street frontage)</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ Up to 50 sq. ft.</li> <li>◆ May be increased up to 50% for multiple use zoning lots, or up to 75 sq. ft.</li> </ul> <p><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</p>	<p><u>Sign(s) per business-zoned property (zoning lot):</u></p> <p>One or more wall signs permitted per business use</p> <p><u>Sign Area:</u></p> <ul style="list-style-type: none"> <li>◆ 15% of the wall area per street frontage, up to 100 sq. ft.</li> <li>◆ If no freestanding sign, wall sign area may be increased by 33% per street frontage</li> </ul> <p><u>Sign Setback / Height:</u> NA</p>

<sup>1</sup> **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-1, B-2, B-3, CPD, PD 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 with, 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

**Public Event Banner Sign:** A 20-square-foot 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](http://www.portagemi.gov)

# **MATERIALS TRANSMITTED**

## CITY COUNCIL MEETING MINUTES FROM SEPTEMBER 11, 2012

The Regular Meeting was called to order by Mayor Strazdas at 7:32 p.m.

At the request of Mayor Strazdas, Pastor Neil Kelly of The Rock of Portage gave an invocation and City Council and the audience recited the Pledge of Allegiance.

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

**APPROVAL OF MINUTES:** Motion by Reid, seconded by Pearson, to approve the August 28, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 7 to 0.

\* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Mayor Strazdas removed Item F.1, Regional Special Weapons and Tactics Team Agreement, from the Consent Agenda. Councilmember Urban asked that item F.2, 2010 Liquor License application - Consideration of Conditional Approval of the Repertoire Coffee House and Theater, Inc., be removed from the Consent Agenda. Motion by Pearson, seconded by Reid, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

\* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF SEPTEMBER 11, 2012:** Motion by Pearson, seconded by Reid, to approve the Accounts Payable Register of September 11, 2012. Upon a roll call vote, motion carried 7 to 0.

### PUBLIC HEARINGS:

**REZONING APPLICATION #11-04, EAST CENTRE AVENUE BETWEEN LAKEWOOD DRIVE AND GARDEN LANE:** Mayor Strazdas opened the public hearing and Community Development Director Vicki Georgeau reviewed the history of the Rezoning Application #11-04 request to rezone various properties on East Centre Avenue between Lakewood Drive and Garden Lane. She indicated that the Rezoning Application #11-04 is a reconsideration of the request to rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service, with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. She provided a background of the process, the Planning Commission discussion of the options, including buffer areas, and the zoning uses of surrounding parcels. She explained the reasoning behind each of the alternatives discussed in her communication to the Planning Commission dated July 27, 2012, and indicated that the staff recommendation is still Alternative #3 outlined above as it is the most consistent with the Comprehensive Plan.

Mayor Strazdas called the applicant, Thomas Rogers, 895 Treasure Island Drive, Mattawan, who spoke in favor of Alternative #5 and indicated that four of the five property owners concurred with the remaining property owner neutral on the matter as he owned a "HUD home" and was in the process of selling it. He outlined the procedures followed by the Planning Commission and expressed his opinion that the Planning Commission felt pressure from City Council on the reconsideration order to ratify the recommendation of staff. At the request of Mayor Strazdas, Ms. Georgeau provided a rationale in support of Alternative #3 and explained her opinion why this is the most viable option; however, she did admit that Alternative #5 is also a viable option, although not as consistent with the Comprehensive Plan as Alternative #3. Discussion followed.

At the request of Mayor Strazdas, City Attorney Brown explained "Taking" and the "Substantive Due Process Clause" which requires utilization of the reasonableness standard, and can not

be arbitrary and capricious; he distinguished this case by applying the concept of a "sliding scale" approach to the question of damages. According to Mr. Brown, the lowest risk to the City would be to rezone the property OS-1, office service, even though this is not in complete conformance with the Future Land Use Map. With regard to Alternative #3 and Alternative #5, he indicated each of them may have problems; but, he indicated that between the two, Alternative #3 has the next lowest risk factor because it is more in conformance with the Comprehensive Plan. Also, if these parcels can be developed individually, not assembled necessarily, so that each one of those parcels can develop residential without extreme excessive burdens and without the hinging upon the consent of particular property owners to get some type of access, then he indicated that Alternative #3 is the next lowest risk alternative. Finally, he pointed out that Alternative #5 is not necessarily a high risk, but a court could say it is not a taking but it does violate due process because the question arises, why do you need a 50' buffer strip because it is an office and one of the purposes of an office is to buffer anyway, so deal with it in the city ordinances if you want to, but not as a rezoning.

When Mayor Strazdas asked him to discuss the process of logic of rezoning for elected officials, Mr. Brown advised the use of consistency with Future Land Use Map and the Comprehensive Plan, compatibility with surrounding uses and traffic patterns as being the most cited, and the fact that a rezoning diminishes the value of the property is not a consideration because that is a real estate matter as it deals with the highest and best use of property, not zoning standards, and there is no due process claim as long as it does not take the entire value of the property. At the request of Councilmembers Urban, Campbell and Pearson, Ms. Georgeau helped sort out and distinguish the Alternatives further for City Council and explained the pro's and con's of each of the options. Discussion followed. In response to concerns raised by Councilmember Pearson, City Attorney Brown explained that a covenant not to sue is probably illegal under Michigan law, was not considered and nothing was brought up regarding litigation; with four of the five property owners in agreement; further, if the property changes hands, the transfer of land to the new owner creates a situation where the new owner did not sign a covenant not to sue and could bring suit at that time. Discussion followed and Ms. Georgeau distinguished some of the options in more detail in response to questions by Council.

Mayor Strazdas opened the public hearing to the public and Leroy Butler, 821 East Centre Avenue, commented that he talked with the owner of parcel known as "815" who indicated that he would go along with whatever was decided and spoke in opposition to splitting the properties and spoke in favor of all OS-1, office service, or OS-1, office service, with a 50' buffer.

Steve Nuss, 809 East Centre Avenue, spoke in opposition to splitting the properties, indicated he had no problem with the 50' buffer and would prefer having his property withdrawn should City Council decide to split the zoning. Discussion followed.

Bryan Mohney, 7911 Lakewood Drive, indicated he filed a Petition in Partial Opposition to Rezoning Application #11-04, asked for depth control to protect the neighborhood and spoke in favor of the 50' buffer and Alternative #3. Discussion followed.

Thomas Rogers spoke in opposition to having to traverse a parcel zoned OS-1, office service, in order to access a parcel zoned R-1, Residential. Discussion followed.

Discussion followed regarding site plan review procedures, such as set back requirements, screening, positioning of the screening, and permitted uses in OS-1, office service. Discussion followed.

Motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0. Motion by Sackley, seconded by Campbell, to approve Rezoning Application #11-04 and rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and all but the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service, with the northern 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential, with the rationale that it is generally consistent with the Future Land Use Plan, is supported by the majority of the applicants here tonight, is consistent with the discussion of the Planning Commission during various sessions over the summer and the 50' buffer is a reasonable application to protect surrounding residential uses. Discussion followed. Upon a roll call vote, motion carried 7 to 0. Ordinance recorded on page 237 of City of Portage Resolution Book No. 12.

**FEMA CORPORATION, 1716 VANDERBILT AVENUE – PA 198 TAX ABATEMENT:**

Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who provided an explanation of the tax abatement process thus far regarding the application for tax abatement filed by FEMA Corporation for a \$3.65 million building addition and machinery and equipment purchase. Discussion followed.

In answer to Mayor Strazdas, John Pula, FEMA Corporation, indicated that the footings are being looked at with the goal of occupancy by the first of the year, and the hiring process continues.

Motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 7 to 0.

Motion by Campbell, seconded by Sackley, to adopt Resolution No. 4-12, approving the Industrial Facilities Exemption Certificate for the planned FEMA Corporation's \$3.65 million building addition and machinery and equipment purchase at 1716 Vanderbilt Avenue; and approve the tax abatement agreement and the affidavit between the City of Portage and FEMA Corporation. Mayor Strazdas thanked John Pula and the owners of FEMA Corporation who were present, and discussion followed. Upon a roll call vote, motion carried 7 to 0. Resolution recorded on page 437 of City of Portage Resolution Book No. 44.

**REPORTS FROM THE ADMINISTRATION:**

**REGIONAL SPECIAL WEAPONS AND TACTICS TEAM AGREEMENT:** At the request of Mayor Strazdas, Public Safety Director Richard White explained that this is a collaborative effort with other enforcement agencies in Kalamazoo County. Although minimal savings are anticipated, Mr. White indicated that there will be benefits operationally and the KM-SWAT Team will work in a more coordinated fashion. Discussion followed.

Motion by Urban, seconded by Reid, to approve the Kalamazoo Metro, Special Weapons and Tactics Team Agreement and authorize the City Manager to execute the agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**2010 CENSUS LIQUOR LICENSE – CONSIDERATION OF CONDITIONAL APPROVAL FOR THE REPERTOIRE COFFEE HOUSE AND THEATER, INC.:**

Councilmember Urban indicated that he was in support of this business and looked forward to its development, but he expressed a concern about all of the changes that have taken place since the initial approval.

Gary Barton, Barton Group, explained all of the lease issues incurred by the applicants since City Council approval of the original application.

Motion by Urban, seconded by Sackley, to approve the requested 120-day extension for consideration of conditional approval of the Repertoire Coffee House and Theater, Inc., 2010 Liquor License application. Upon a roll call vote, motion carried 7 to 0.

\* **CITY OF PORTAGE 50TH ANNIVERSARY EVENTS:** Motion by Pearson, seconded by Reid, to accept as presented the activities, events and actions to commemorate the 50th Anniversary of the City of Portage; appoint a City Council Ad Hoc Committee to consider additional suggested activities and events from Advisory Boards and Commissions and Portage residents; and request that the Ad Hoc Committee present the additional suggested activities and events to the City Council no later than October 23, 2012. Upon a roll call vote, motion carried 7 to 0.

\* **SPECIAL ASSESSMENT PETITION - METSA COURT WATER:** Motion by Pearson, seconded by Reid, to direct the City Administration to include the installation of water main on Metsa Court for consideration in the Fiscal Year 2013-2014 Capital Improvement Budget. Upon a roll call vote, motion carried 7 to 0.

\* **SPECIAL MEETING WITH BOARD AND COMMISSION APPLICANTS:** Motion by Pearson, seconded by Reid, to set a Special Meeting on Tuesday, October 9, 2012, beginning at 5:15 p.m. to interview board and commission applicants. Upon a roll call vote, motion carried 7 to 0.

#### **COMMUNICATION:**

**COMMUNICATION FROM MR. MICHAEL MARSHBURN OF PCL CURTIS, LLC:** At the request of Mayor Strazdas, Ms. Georgeau explained the request from Mr. Michael Marshburn of PCL Curtis, LLC, regarding Renewing of Previously Approved Conceptual Plan for NW Corner of Centre and Shaver. In answer to Councilmember Pearson, Ms. Georgeau indicated that the Site Plan will still go through the regular process. Discussion followed.

Motion by Pearson, seconded by Randall, to receive the communication from Mr. Michael Marshburn of PCL Curtis, LLC, regarding Renewing of Previously Approved Conceptual Plan for NW Corner of Centre and Shaver; and grant a waiver from the CPD, Commercial Planned Development, Conceptual Plan resubmission requirement; and approve a two-year extension of the conceptual plan for the Portage Creek Landings – City Centre development project, 412 West Centre Avenue, pursuant to the standards in the ordinance based on the facts and circumstances of this particular application. Upon a roll call vote, motion carried 7 to 0.

#### **UNFINISHED BUSINESS:**

**KALAMAZOO COUNTY COUNCIL OF GOVERNMENTS (COG) VICE PRESIDENT MAYOR PRO TEM CLAUDETTE REID:** Mayor Pro Tem Reid explained the reason for considering new By-laws at this time. Motion by Sackley, seconded by Pearson, to direct the Portage COG Representatives to approve the revised By-laws as presented or amended. Councilmember Urban asked why this action is being requested for this organization and Mayor Pro Tem Reid explained it was agreed by the COG members that direction from the respective Boards was appropriate. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

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

Portage Historic District Commission of June 6, 2012.  
Portage Park Board of August 1, 2012.

#### **AD HOC COMMITTEE REPORT:**

**FOIA/INFORMATION REQUEST COMMITTEE:** Councilmember Elizabeth Campbell provided a summary of the meeting. She indicated that the members are Jim Pearson, Terry Urban and herself and that this was their second meeting. She said the committee discussed the follow-up report provided by City Clerk Jim Hudson regarding questions raised at the first FOIA committee meeting and the current FOIA policy that the committee found to be effective and appropriate with no changes necessary at this time. She indicated that Ms. Georgeau was present for questions regarding Community Development utilization of the FOIA system. When Councilmember Pearson inquired as to the reasons why there should be a formal City Council Policy for Councilmembers seeking public information, City Manager Maurice Evans discussed the April 2010 communications policy which works well, but offered to look into the practices of other municipalities to check their policy with regard to serial requesters and how information is provided to elected officials. Also, she indicated that the committee agreed to meet one more time to review this information. Discussion followed.

Motion by Reid, seconded by Campbell, to receive the presentation from Councilmember Elizabeth Campbell regarding the recent activity of the FOIA/Information Request Committee. Upon a voice vote, motion carried 7 to 0.

**NEW BUSINESS:**

\* **APPOINTMENTS TO PLANNING COMMISSION:** Motion by Pearson, seconded by Reid, to appoint David Artley with unfulfilled term ending May 31, 2013, to the Planning Commission. Upon a roll call vote, motion carried 7 to 0.

**BID TABULATIONS:**

\* **SPRING CLEANUP VENDOR - RECOMMENDATION:** Motion by Pearson, seconded by Reid, to award a three-year contract to Waste Management of Michigan, Incorporated, to provide the annual Spring Cleanup service in the amount of \$134,000 for Fiscal Year 2012-2013, \$138,000 for Fiscal Year 2013-2014 and \$142,000 for Fiscal Year 2014 -2015 with the option to renew the contract for up to three years and authorize the City Manager to execute all documents related to the contract and subsequent renewals on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **TWO-WAY RADIO COMMUNICATION UPGRADE RECOMMENDATION:** Motion by Pearson, seconded by Reid, to authorize the purchase of 70 radios, accessories, tower and repeater service from State Systems Radio at a total cost of \$73,975 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **SOUTH 12TH STREET LIFT STATION RENOVATIONS:** Motion by Pearson, seconded by Reid, to award an engineering services contract for the South 12th Street Lift Station Renovations to Abonmarche, Incorporated, with the low cost proposal in the not to exceed amount of \$33,100 and authorize the City Manager to execute all documents related to the contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

\* **CENTRAL CEMETERY ASPHALT DRIVE RESURFACING – RECOMMENDATION:** Motion by Pearson, seconded by Reid, to award a contract to A-1 Asphalt of Wayland, Michigan for Central Cemetery asphalt drive resurfacing in the amount of \$26,412.21 and authorize the City Manager to execute all documents related to this agreement on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

**OTHER CITY MATTERS:**

**STATEMENTS OF CITY COUNCIL:** Councilmember Urban reminded the community of the upcoming meeting of the Long Lake Governmental Lake Board. He stated that this meeting is to review and consider approval of the Special Assessment Roll.

Councilmember Sackley commented on the success of the Kalamazoo Area Foot Chase held at Celery Flats, Saturday, September 9, 2011, and Mayor Pro Tem Reid thanked her fellow Councilmembers for participating and Portage Parks for their assistance. She also mentioned that the cause will benefit the family of the police officer who was killed in the line of duty this week.

Mayor Strazdas called for ideas and volunteers to assist with the commemoration of the 50<sup>th</sup> Anniversary of Portage.

**ADJOURNMENT:** Mayor Strazdas adjourned the meeting at 9:45 p.m.

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James R. Hudson, City Clerk

\*Indicates items included on the Consent Agenda.

**CITY OF PORTAGE**

**COMMUNICATION**

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**TO:** Maurice S. Evans, City Manager

**DATE:** September 14, 2012

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



**SUBJECT:** August 2012 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  
August 2012 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation (AHC) 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. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. <i>Investigation into methane gas presence in the groundwater is underway.</i> First round of sampling completed in April 2012. Second round of sampling completed in June 2012. Initial results indicate no off-site impact. <i>Annual report under staff review for submission to MDEQ. Review meeting set for September 21, 2012.</i></p>
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.	<p>-Coordination with property owners and City or State agencies ongoing.  <i>-Review of 5 site/building plans and/or plats completed in August 2012.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p><i>-Sanitary sewer hookup permits issued in August 2012: 5 residential; 1 commercial. One connection made as part of the mandatory sewer connection program.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-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. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. Lake Association has completed 2012 plan and lake treatment completed in May 2012. <i>Review of program underway by Lakeshore Environmental Consultants. Additional treatment is likely based on consultants review.</i></p>

Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-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. The 2011 annual report received. Groundwater results show that the general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. <i>Groundwater levels, especially on the east side of Portage, have decreased in 2012 as a result of seasonal rainfall deficiencies.</i></p>
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	<p>-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 pending grant opportunities. Plan implementation is ongoing.</p>
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	<p>-City Council awarded contract on August 21, 2001 to Soil &amp; 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. <i>Semi annual sampling was performed from 2002 to 2011 in June and January.</i> 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. Annual sampling completed in June 2011 minimal impacts noted. <i>Sampling completed in June 2012.</i></p>
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	<p>-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 timeframe 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 from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new</p>

permit requirement was received February 2011. MDNRE expected to issue new permit in 2014. City staff presented public information with other local agencies at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012. MDEQ scheduled an audit of the program for July 12, 2012. Audit completed with satisfactory results. Several follow-up items with MDEQ to be addressed by staff. *Program implementation is ongoing.*

National Pollution Discharge  
Elimination System (NPDES)  
permit implementation

Kalamazoo River Mainstem  
Watershed Management Plan

-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 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. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011. No new developments.

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 watershed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant outcome

pending.

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. Implementation is ongoing.

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). Surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. *Testing will continue in November 2012 and June 2013. Testing results are reported to MDEQ.*

Garden Lane Arsenic Removal Facility

Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.

-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 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. 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. Facility is in regular operation. Plant tour for Stryker Engineering group was held on June 19, 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design with Native Connections Inc. for the facility. *Installation to begin in October 2012.*

Environmental Incident/Spill Clean Up Notification

Environmental Protection Program to assist Portage Police/Fire Departments

-The number of environmental incident/spill investigations performed in August 2012 - 0. Number of environmental cleanups in August - 0. Emergency spill

with spill containment and spill cleanup.	response contract for 2012-13 with Terra Contracting is in place.
Hampton Wetland Area Water Level Assistance with the Inverness Condominium Association to Review Surface Water Levels	<p>-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. The Association is considering next steps. No new developments.</p>
Southwest Michigan Regional Sustainability Covenant Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	<p>-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.</p>