

**FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
July 26, 2011**

7:30 p.m. Call to Order.

Invocation: Pastor John Moore of Portage First United Methodist Church

Pledge of Allegiance.

Roll Call.

Proclamations.

A. Approval of the Regular Meeting Minutes of July 12, 2011.

* B. Approval of Consent Agenda Motions.

* C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of July 26, 2011, as presented.

D. Public Hearings:

E. Petitions and Statements of Citizens:

F. Reports from the Administration:

* 1. Communication from the City Manager recommending that City Council authorize a budget amendment (loan/transfer) of \$125,000 from unobligated General Fund balance to the Leaf Pickup/Spring Cleanup Fund, with this previously unappropriated fund balance in the Leaf Pickup/Spring Cleanup Fund being appropriated for a special brush collection necessitated by the July 11, 2011 wind storm event and repaid to the General Fund as soon as sufficient revenue becomes available in the Leaf Pickup/Spring Cleanup Fund.

* 2. Communication from the City Manager recommending that City Council adopt the Resolution awarding the bid for City of Portage Special Assessment Bonds, Series 2011, in the amount of \$1,175,000.

* 3. Communication from the City Manager recommending that City Council:
a. accept Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, for first reading and set a public hearing for August 23, 2011; and
b. subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances.

* 4. Communication from the City Manager regarding the June 2011 Summary Environmental Activity Report – Information Only.

* 5. Department Monthly Reports.

G. Communications:

H. Unfinished Business:

1. Communication from the City Manager recommending that City Council consider additional information provided by the City Administration and approve Ordinance Amendment 10-C, Medical Marijuana Home Occupation.

* 2. Communication from the City Manager recommending that City Council direct the Human Services Board to further review aspects of the proposed Human Services Fair and report back to City Council prior to confirming an event date to ensure a successful, sustainable, well attended and productive Human Services Fair.

- * I. Minutes of Boards and Commissions Meetings:
 - 1. Kalamazoo County Board of Commissioners Committee of the Whole and Regular of July 5, 2011.
 - 2. Portage Planning Commission of July 7, 2011.
- J. Ad-Hoc Committee Reports:
 - 1. Communication from the Community Survey Committee recommending that City Council approve the 2011 Portage Community Survey instrument as recommended by the City Council Community Survey Committee.
- K. New Business:
- L. Bid Tabulations:
 - * 1. Communication from the City Manager recommending that City Council accept the low bid from J. Allen and Company, Incorporated, to provide repairs to selected major street bicycle lanes in the not to exceed amount of \$15,526.30 and authorize the City Manager to execute all documents related to this contract on behalf of the city.
- M. Other City Matters:
 - 1. Statements of Citizens.
 - 2. From City Council and City Manager.
 - * 3. Reminder of Meetings:
 - a. Thursday, July 28, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
 - b. Wednesday, August 3, 8:15 a.m., Historic District Commission, City Hall Room #2.
 - c. Wednesday, August 3, 6:30 p.m., Park Board, Oakland Drive Park followed by Haverhill Park.
 - d. Thursday, August 4, 6:30 p.m., Human Services Board, City Hall Room #1.
 - e. Thursday, August 4, 7:00 p.m., Planning Commission, Council Chambers.
 - f. Monday, August 8, 7:00 p.m., Zoning Board of Appeals, City Council Chambers - Cancelled.
- N. Materials Transmitted of July 8 and July 12, 2011.
Adjournment.

CITY COUNCIL MEETING SUMMARY

July 12, 2011

PROCLAMATION

- ◆ State Representative Margaret O'Brien issued special State of Michigan proclamations to three members of Troop 80331, Portage, who recently received the Girl Scout Gold Star Award.

CHECK REGISTER

- ◆ Approved the Check Register of July 12, 2011, as presented.

PUBLIC HEARING

- ◆ Tabled until the Regular City Council Meeting of July 26, 2011, proposed Ordinance Amendment 10-C, Medical Marihuana Home Occupation.

PETITIONS AND STATEMENTS OF CITIZENS

- ◆ Greg Rosine of the Kalamazoo County Transportation Authority discussed bi-partisan legislation that had been approved by both the Michigan House and Senate and was awaiting signature by the Governor. Mr. Rosine stated that the legislation will help to provide for a true county-wide transit system.

REPORTS FROM THE ADMINISTRATION

- ◆ Adopted the Resolution Approving the Agreement to Implement the Amended Development Plan and Amended Tax Increment Financing Plan; adopted the Resolution Approving the Development Agreement; and authorized the Mayor and City Clerk to execute the documents related to this action on behalf of the city.
- ◆ Accepted Ordinance Amendment 10-D, Business Banner Regulations, for first reading and set a public hearing for August 9, 2011; and subsequent to the public hearing, will consider approval of Ordinance Amendment 10-D, Business Banner Regulations.
- ◆ Authorized the provision of an additional brush collection program to address brush resulting from the July 11, 2011 windstorm.

COMMUNICATIONS

- ◆ Accepted the communication from Portage City Manager Maurice Evans, Kalamazoo City Manager Ken Collard and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/Consolidation and offered the requested affirmation and endorsement for this recommendation.
- ◆ Referred the request of the Human Services Board to plan and host a Human Services Fair to City Administration for review and comment.

BID TABULATION

- ◆ Executed Change Order No. 1 with Michigan Paving and Materials Company of Kalamazoo, Michigan, for the resurfacing of Angling Road (Romence Road to West Milham Avenue) in the not-to-exceed amount of \$221,489.04 and authorized the City Manager to execute all documents on behalf of the city.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ Councilmember Bailes complimented the youth participants in the Youth Triathlon activity that was part of the Park Board's Paddle Fest event at Ramona Park.
- ◆ Councilmember Campbell thanked all who came to watch the fireworks on the 4th of July and hoped that it was successful enough so that Portage Rotary could sponsor the event again next year. She also announced that she will be running for reelection.
- ◆ Councilmember Reid commented that it was good to see neighbors and citizens helping each other in the aftermath of the storm.
- ◆ Mayor Pro Tem Sackley commented that State Representative O'Brien sent him a text message complimenting the City of Portage on its storm clean-up efforts. He also mentioned an open house at Big Brothers Big Sisters.
- ◆ Mayor Strazdas expressed hope that word about the brush pick-up will get out into the community and closed by thanking city staff and residents for their work and support in storm clean-up.

COMPLETE MINUTES OF EACH CITY COUNCIL MEETING ARE AVAILABLE ON THE CITY WEBSITE AT PORTAGEMI.GOV, IN CITY HALL AND IN THE DISTRICT LIBRARY. MINUTES OF CITY BOARDS AND COMMISSIONS ARE AVAILABLE ON REQUEST FROM VARIOUS DEPARTMENTS.

DRAFT

CITY COUNCIL MEETING MINUTES FROM JULY 12, 2011

The Regular Meeting was called to order by Mayor Strazdas at 7:33 p.m.

At the request of Mayor Strazdas, Pastor Paul Nuechterlein of Prince of Peace Lutheran Church of Portage gave the invocation. Mayor Strazdas then invited Elena Potts, winner of the VFW Post 5855 Voice of Democracy Scholarship, and Karen Barnes, Chairperson for the Voice of Democracy for the VFW Post, to come forward and lead City Council and the audience in the Pledge of Allegiance. Mayor Strazdas next asked Ms. Potts to recite her award-winning essay entitled "Does My Generation Have a Role in America's Future."

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

PROCLAMATIONS: Mayor Strazdas invited State Representative Margaret O'Brien to come forward to issue special State of Michigan proclamations to three members of Troop 80331, Portage, who recently received the Girl Scout Gold Award. Representative O'Brien read highlights of the proclamations and handed them to Monica Dubray, Brianna Melgar and Safina Amern who received the proclamation on behalf of her daughter, Allysha Choudhury.

APPROVAL OF MINUTES: Motion by Reid, seconded by Sackley, to approve the June 28, 2011 Regular Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Campbell abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Sackley to read the Consent Agenda. At the request of City Administration, Item F.3, Communication from the City Manager requesting that City Council authorize the provision of an additional brush collection program to address brush resulting from the July 11, 2011 windstorm, was added to the Consent Agenda and Mayor Strazdas asked that it be removed from consent. Motion by Sackley, seconded by Bailes, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JULY 12, 2011:** Motion by Sackley, seconded by Bailes, to approve the Accounts Payable Register of July 12, 2011. Upon a roll call vote, motion carried 7 to 0.

STATEMENTS OF CITIZENS: Greg Rosine of the Kalamazoo County Transportation Authority discussed the separate transit millages between Kalamazoo and other parts of Kalamazoo County and how it has been an impediment to a county-wide transit system. He then informed City Council that, thanks to State Representative Margaret O'Brien of Portage, State Representative Sean McCann of Kalamazoo and State Senator Tonya Schuitmaker, there was bi-partisan legislation that had been approved by both the Michigan House and Senate and was awaiting the signature of Governor Snyder. Mr. Rosine stated that the legislation will help to provide for a true county-wide transit system.

PUBLIC HEARING:**ORDINANCE AMENDMENT 10-C, MEDICAL MARIHUANA HOME**

OCCUPATION: Mayor Strazdas opened the public hearing and asked City Manager Maurice Evans to provide an overview of the proposed ordinance amendment. Mr. Evans reviewed the Medical Marihuana Act (MMA), some of the challenges that communities are facing in regard to the MMA and highlighted some of the reasoning behind the proposed ordinance. Director of Community Development Vicki Georgeau spoke and reviewed key aspects of the proposed ordinance.

Councilmember Urban inquired as to whether City Administration knew what percentage of single-family homes would be excluded given the 1,000 foot distance restrictions as specified in the ordinance and if these restrictions would be overly burdensome. Director Georgeau indicated that she was not aware of the exact percentage of homes that would be excluded but that the proposed ordinance is less restrictive than an earlier proposal.

Mayor Strazdas opened the public hearing. Chris Chiles, 1611 W. Centre Avenue, spoke against the proposed ordinance as being too restrictive and suggested that it should be expanded beyond home occupations. He stated that he operates a professional office and is a caregiver to numerous patients. He then passed out a petition that has been circulating in the City of Kalamazoo regarding medical marihuana dispensaries and asked that the proposed Portage ordinance be amended according to the language on the petition. He also asked that the moratorium be extended for non-residential properties and that those distribution centers that were formally in operation before this ordinance is passed be grandfathered in.

Councilmember Urban asked Mr. Chiles to describe his activities because under the state law he is limited to 5 patients. Attorney Brown advised Mr. Chiles that he did not need to answer the question because the operation he has may violate state law. Mr. Chiles stated that he has attempted to be open and transparent with the city and invited City Council to visit.

John Targowski, 1963 Brighton Lane, spoke in opposition to the proposed ordinance and indicated that he is an attorney that specializes in marihuana cases. He asked that the current moratorium be extended and that City Council not create legislation that may put somebody in jeopardy of being in compliance with state law but not local law and referenced cases that are currently working their way through the courts that may help to clarify legal uncertainties.

Erik Rowe, 7320 Garden Lane, spoke in opposition to the proposed ordinance and indicated he is Director of Alternative Meds located at this address. He stated that his operation is grandfathered under state law and that, what he runs into, like other farmers and caregivers, is that not everyone is successful at cultivation. He primarily deals with older patients with a debilitating condition and emphasized the need for safe and easy access to their medicine. He then discussed the difficulties in cultivation and that categorizing this activity as a home occupation is a departure from the truth. He asked that City Council honor the state law.

Ken Jonatzke, 8318 Portage Road, spoke in opposition to the proposed ordinance. He discussed his operation, security features and the health concerns of his wife. He is concerned that the ordinance will prevent him from cultivating marihuana and he does not want to have to grow inside his home. He expressed concern with the pesticides and other materials used to cultivate marihuana being used in a residence. He also wondered if he would be grandfathered in. Councilmember Urban inquired about the specifics associated with the cultivation of medical marihuana. Discussion followed.

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

Mayor Strazdas asked Attorney Brown to respond to some of the concerns that had been raised in the public hearing. Attorney Brown stated that he agreed with Attorney Targowski that the law is still developing but emphasized that there is enough law out there to support this ordinance. He then reviewed some of the legal cases that are pending in the state and his opinion that forthcoming court

decisions would be supportive of the language used in the proposed ordinance. He also reviewed some of the reasons why the recommendation is to limit facilities to residential districts.

Mayor Strazdas stated that some who spoke inquired if they could be grandfathered. Attorney Brown responded that the matter is complicated and he would rather not make a statement today and that facts and circumstances for each case would need to be evaluated.

Mayor Strazdas asked how the proposed ordinance compares to laws enacted by other municipalities as it relates to the matter of commercial v. residential requirements. Attorney Brown responded that it is a mix, but that fewer are going commercial. Attorney Brown also indicated that our proposed ordinance is very similar to Kalamazoo and Grand Rapids with the exception of the registration requirement in Grand Rapids. Discussion followed.

Councilmember Randall asked if there would be a problem with delaying any type of decision and could the moratorium be extended for less than six months. Attorney Brown responded that the moratorium could be extended, but he would not recommend it and provided some reasons why and suggested that future amendments are likely. He opined that doing nothing means it is not regulated.

City Council next discussed at length health and exposure risks and responsibilities by bringing the cultivation aspect into the home as well as security matters related to the growth and cultivation of medical marijuana.

Councilmember Randall inquired how quickly the ordinance could be modified based on ruling of a court. Attorney Brown responded that it would be within a meeting or two following review and approval of the Planning Commission.

Councilmember Urban stated that the safety aspect of mandating the cultivation occur in the home is concerning to him and asked for portions of the proposed ordinance to be read for clarification.

Next City Council discussed the issue of use of the Federal Drug Free School Zone 1,000 foot distance requirements and whether it was too exclusionary, if there are exceptions to the distance requirements and why the provisions of that law were used to establish the requirements.

Mayor Strazdas stated that there has been much discussion so far on a complicated and involved issue that is still being played out in the courts. He asked City Council for a motion on the matter. Motion by Urban, seconded by Campbell, to table the consideration of the proposed Medical Marijuana Ordinance until the July 26th Regular Meeting of the City Council so that information on health and safety issues and exclusionary zones may be obtained. Discussion followed and Attorney Brown clarified that a "motion to table" is a non-debatable motion except for when it will be tabled to. Upon a roll call vote, motion carried 4 to 3. Yeas: Councilmembers Bailes, Campbell, Randall and Urban. No: Mayor Strazdas, Mayor Pro Tem Sackley and Councilmember Reid.

REPORTS FROM THE ADMINISTRATION:

* **AMENDED DEVELOPMENT PLAN AND AMENDMENT TAX INCREMENT FINANCING PLAN:** Motion by Sackley, seconded by Bailes, to adopt the Resolution Approving the Agreement to Implement the Amended Development Plan and Amended Tax Increment Financing Plan; adopt the Resolution Approving the Development Agreement; and authorize the Mayor and City Clerk to execute the documents related to this action on behalf of the city. Upon a roll call vote, motion carried 7 to 0. Resolutions recorded on pages 267 and 275 of City of Portage Resolution Book No. 44.

* **ORDINANCE AMENDMENT 10-D, BUSINESS BANNER REGULATIONS:** Motion by Sackley, seconded by Bailes, to accept Ordinance Amendment 10-D, Business Banner Regulations, for first reading and set a public hearing for August 9, 2011; and subsequent to the public hearing, consider approval of Ordinance Amendment 10-D, Business Banner Regulations. Upon a roll call vote, motion carried 7 to 0.

STORM RELATED BRUSH COLLECTION: Mayor Strazdas discussed the impact the July 11th severe thunderstorm had on the community and commended the efforts of public safety and public works employees. City Manager Evans stated that there have been many questions about a brush pick-up and reviewed the proposed plan to hold a special brush collection beginning August 1st. He explained that the current pick-up will continue and asked City Council for authorization for the additional pick-up. He explained that, while he would like to start the pick-up immediately, the city must give people an opportunity to prepare. He then reviewed details of the plan and how the effort would be paid for and that the estimated cost is between \$100,000 and \$125,000. He also complimented city staff on their efforts. Mayor Strazdas commended neighbors and residents on coming together and supporting each other in responding to the storm damage. Councilmember Randall pointed out that placing debris on the edge of the road and on sidewalks is a hazard for cyclists and walkers and wondered if the pick-up should be held earlier. Mr. Evans concurred that residents should make every effort to ensure debris is not in the roadways but that starting August 1st is recommended so that everyone has an opportunity to get their materials out. Discussion followed. Motion by Sackley, seconded by Reid, to authorize the provision of an additional brush collection program to address brush resulting from the July 11, 2011 windstorm. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATIONS:

INTERGOVERNMENTAL COLLABORATION - CONSOLIDATION: Mayor Strazdas indicated that this is a follow-up on a previous meeting of members of the Kalamazoo City Commission, Kalamazoo County Commission and Portage City Council. He stated that since that time additional meetings of various elected officials and administrators have been held and that the report presented tonight from the Kalamazoo City Manager, Portage City Manager and County Administrator is a result of these efforts. Mayor Strazdas indicated that the Kalamazoo City Commission and Kalamazoo County Commission were going to be asked to review and vote on the follow-up communication as well. City Manager Evans informed City Council that he and his fellow administrators had met on numerous occasions to come up with the report and recommended service consolidation opportunities. He stated that the goal is the most effective and cost-efficient services as possible and that some consolidation/collaboration is necessary for the long-term health of those involved. He then highlighted the difficulties, planning and time requirements to implement the recommendations from the report. He also indicated that significant financial savings can only be realized through a reduction in personnel, facilities and/or equipment. Mr. Evans then reviewed the various categories of the report and where initial efforts would be focused. He also stressed the importance of involving elected officials and asked that City Council affirm and endorse the content of the report.

Mayor Strazdas complimented the three administrators on their efforts and on their selection of topics to address, such as consolidated dispatch. He also stated that he felt strongly that the significant items should involve some type of public forum so that City Council can hear what residents think about such topics as centralized dispatch. Motion by Sackley, seconded by Reid, that City Council accept the communication from Portage City Manager Maurice Evans, Kalamazoo City Manager Ken Collard and Kalamazoo County Administrator Peter Battani regarding the follow-up on Intergovernmental Collaboration/Consolidation and that we offer the requested affirmation and endorsement for this recommendation.

Mayor Pro Tem Sackley stated that this activity has been a long time coming and that it is in no way meant to exclude the other units of government in the County. He emphasized that the County and two cities represent the largest portion of the budget that will support these efforts as well as the largest portion of the population. He then recommended that, in addition to elected officials, business leaders, not-for-profits, citizens and others be invited to participate in the conversation about service

consolidation. Mr. Sackley congratulated the three administrators as well as township leaders and pointed out that consolidations have been going on long before the current administration in Lansing took office. Mayor Strazdas concurred and referenced the listing of past consolidation efforts in the report.

Councilmember Randall also complimented the administrators and inquired if other items could be added to the list should there be a public demand or need. Mayor Strazdas responded that the administrators felt that this report was a start and that other topics could be added should circumstances dictate.

Councilmember Reid discussed the amount of time and effort needed to implement these efforts and opined that we must be judicious on what we collaborate on. Mayor Strazdas commended the three administrators on their ability to work together. Discussion followed. Upon a roll call vote, motion carried 7 to 0.

COMMUNICATION FROM MARC MEULMAN, HUMAN SERVICES BOARD CHAIRMAN, REGARDING A HUMAN SERVICES FAIR: Mayor Strazdas invited Marc Meulman to discuss the proposed Human Services Fair. Mr. Meulman stated that the Human Services Board has been looking for ways to improve the knowledge of the community about available services. He offered that the Portage Community Center is a crown jewel but cannot do everything for our citizens. He informed City Council that the Human Services Board has determined that citizens find out about services primarily through a loose network of family, friends and contacts. The Human Services Board is proposing to, at the Portage Community Center, hold a fair and invite organizations that provide services to Portage residents to increase community knowledge of available services. Mr. Meulman stated that the Human Services Board is hoping to finalize details of the event in early August for a planned September 27th event.

Mayor Strazdas commended the Human Services Board on their efforts and on this concept. Councilmember Reid asked about the target audience and Mr. Meulman indicated that the target audience is those who come in contact with residents in need. Members of City Council commended Mr. Meulman and the Human Services Board and offered suggestions for event participants. Motion by Bailes, seconded by Sackley, to refer the request of the Human Services Board to plan and host a Human Services Fair to City Administration for review and comment. 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 Zoning Board of Appeals of May 9, 2011.

Portage Park Board of June 1, 2011.

Kalamazoo County Board of Commissioners Regular and Committee of the Whole of June 21, 2011.

BID TABULATION:

* **CHANGE ORDER NO. 1 FOR RESURFACING OF ANGLING ROAD:** Motion by Sackley, seconded by Bailes, to execute Change Order No. 1 with Michigan Paving and Materials Company of Kalamazoo, Michigan, for the resurfacing of Angling Road (Romence Road to West Milham Avenue) in the not-to-exceed amount of \$221,489.04 and authorize the City Manager to execute all documents on behalf of the city.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Bailes complimented the youth participants in the Youth Triathlon activity that was part of the Park Board's Paddle Fest event at Ramona Park.

Councilmember Campbell thanked all who came to watch the fireworks on the 4th of July and hoped that it was successful enough so that Portage Rotary could sponsor the event again next year. She also announced that she will be running for reelection.

Councilmember Reid commented that it was good to see neighbors and citizens helping each other in the aftermath of the storm.

Mayor Pro Tem Sackley commented that State Representative O'Brien sent him a text message complimenting the City of Portage on its storm clean-up efforts. He also mentioned an open house at Big Brothers Big Sisters.

Mayor Strazdas expressed hope that word about the brush pick-up will get out into the community and closed by thanking city staff and residents for their work and support in storm clean-up.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:17 p.m.

Adam D. Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 18, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of July 26, 2011 as presented.

Attached please find the Accounts Payable Register for the period July 3, 2011 through July 17, 2011, which is recommended for approval.

c: Daniel S. Foecking, Finance Director

PREPARED 07/18/2011, 8:30:43
 PROGRAM: GM350L
 CITY OF PORTAGE

A/P CHECKS BY PERIOD AND YEAR
 FROM 07/03/2011 TO 07/17/2011

BANK CODE *ALL*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
7/8/2011	276867	AT&T	849	1,702.05
7/8/2011	276868	ACCOUNTS PAYABLE NETWORK LLC,	4707	695.00
7/8/2011	276869	ALLEGRA PRINT & IMAGING	533	40.25
7/8/2011	276870	ALLIED MECHANICAL SERVICE	974	255.00
7/8/2011	276871	AMERICAN HYDROGEOLOGY CORP.	114	1,734.35
7/8/2011	276872	AMERICAN VILLAGE BUILDERS	999999	1,245.00
7/8/2011	276873	ANY CUTTING & WELDING	3347	2,210.00
7/8/2011	276874	TODD ARBANAS ENTERPRISES INC.	1704	1,550.00
7/8/2011	276875	AUMACK, MICHAEL	670	235.00
7/8/2011	276876	AXE & ECKLUND, PC	2692	10,227.73
7/8/2011	276877	BANK OF NEW YORK MELLON	3939	325.00
7/8/2011	276878	BDO USA, LLP	136	750.00
7/8/2011	276879	BERGER, WAYNE & IMOGENE	999999	178.00
7/8/2011	276880	BESCO WATER TREATMENT, INC.	3339	31.51
7/8/2011	276881	BLUMENSTEIN, JOHN M	999999	137.18
7/8/2011	276882	BOOTH NEWSPAPERS INC	89	3,745.38
7/8/2011	276883	BORGESS HEALTH ALLIANCE	151	511.00
7/8/2011	276884	BRADY, HELEN	999999	1,085.64
7/8/2011	276885	BRADY, HELEN	4466	10.00
7/8/2011	276886	BREATHING AIR SYSTEMS	999999	87.00
7/8/2011	276887	BULLOCK, MARGE	999999	89.00
7/8/2011	276888	BUTLER, BARB	999999	100.00
7/8/2011	276889	BYHOLT INC.	68	1,071.36
7/8/2011	276890	C B C INNOVIS INC	2887	42.75
7/8/2011	276891	C D W GOVERNMENT, INC.	2690	1,929.00
7/8/2011	276892	C M P DISTRIBUTORS, INC.	3556	41,767.00
7/8/2011	276893	CAMPBELL AUTO SUPPLY	437	13.72
7/8/2011	276894	CANDLEWOOD SUITES HOTEL	999999	497.16
7/8/2011	276895	CHARTER COMMUNICATIONS	3080	163.81
7/8/2011	276896	CINTAS CORP.	2206	144.16
7/8/2011	276897	CONSUMERS CONCRETE CORP.	187	1,841.38
7/8/2011	276898	CONSUMERS ENERGY-BILL PMT CNT	189	986.65
7/8/2011	276899	CONTRACTORS EQUIPMENT & SUPPLY	192	3,747.00
7/8/2011	276900	COPSPLUS INC	3946	109.61
7/8/2011	276901	COSTAR REALTY INFORMATION, INC	4620	282.00
7/8/2011	276902	CROSSROADS EXPERT AUTO SERVICE	4109	1,172.29
7/8/2011	276903	CUSTOMIZED CLEANING SERVICES,	3622	2,660.00
7/8/2011	276904	DENOYER BROTHERS, INC.	210	76.03
7/8/2011	276905	DIESEL INJECTION SERVICE, LLC	1874	279.45
7/8/2011	276906	DRENTH, JACOB	4542	258.50
7/8/2011	276907	DRUG & LABORATORY DISPOSAL INC	4701	1,364.38
7/8/2011	276908	EAST JORDAN IRON WORKS	226	5,212.96
7/8/2011	276909	EMERGENCY VEHICLE PRODUCTS	2948	5,684.10
7/8/2011	276910	FARM N GARDEN	833	1,373.25

PREPARED 07/18/2011, 8:30:43
 PROGRAM: GM350L
 CITY OF PORTAGE

A/P CHECKS BY PERIOD AND YEAR
 FROM 07/03/ 2011 TO 07/17/2011

BANK CODE *ALL*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
7/8/2011	276911	FILTRONICS, INC.	3959	4,610.00
7/8/2011	276912	FLETCHER ENTERPRISES	1399	3,037.00
7/8/2011	276913	FRANCIS, DIANA	999999	89.00
7/8/2011	276914	FRIENDS OF PORTAGE SENIOR CENT	4463	196.42
7/8/2011	276915	FUENTES, DANIAL	999999	200.00
7/8/2011	276916	GIPSON, GAYDENE	999999	89.00
7/8/2011	276917	GORDON FOOD SERVICE	502	97.42
7/8/2011	276918	GRAHAM FORESTRY SERVICE, INC.	464	760.00
7/8/2011	276919	GREATER KALAMAZOO FOP LODGE 98	623	1,170.00
7/8/2011	276920	GREATER KALAMAZOO FOP LODGE 98	623	5,889.00
7/8/2011	276921	GREATER KALAMAZOO UNITED WAY	628	1,719.36
7/8/2011	276922	HANSEN BUILDING AND DESIGN COR	999999	670.00
7/8/2011	276923	HARGUS, ELIZABETH	999999	89.00
7/8/2011	276924	B L HARROUN & SON INC.	124	229.80
7/8/2011	276925	HARTMAN, CHARLES	913	47.00
7/8/2011	276926	HOADLEY, LEO	4228	180.00
7/8/2011	276927	HOCKEY SERVICES	2898	1,137.40
7/8/2011	276928	HOLDORF, ERIC	999999	100.00
7/8/2011	276929	HOME DEPOT	691	511.40
7/8/2011	276930	HUITT, CATHY	999999	84.00
7/8/2011	276931	IERVOLINA, SUSAN	2074	100.00
7/8/2011	276932	INSTITUTE FOR NATURAL RESOURCE	4704	84.00
7/8/2011	276933	INTERNATIONAL CITY MANAGEMENT	3344	2,023.88
7/8/2011	276934	INTERNATIONAL COUNCIL OF	999999	100.00
7/8/2011	276935	J B PRINTING COMPANY	1595	3,020.00
7/8/2011	276936	J P CONTROLS	77	722.00
7/8/2011	276937	J-AD GRAPHICS, INC	4444	554.00
7/8/2011	276938	JAGER, RICHARD	999999	89.00
7/8/2011	276939	KALAMAZOO IN BLOOM, INC.	1022	8,710.67
7/8/2011	276940	KALAMAZOO LANDSCAPE SUPPLIES	90	148.50
7/8/2011	276941	KALAMAZOO REGIONAL CHAMBER	3499	65.00
7/8/2011	276942	KLOSTERMAN DISTRIBUTING	3805	182.98
7/8/2011	276943	KOPEC, CASEY	4409	264.00
7/8/2011	276944	LAWSON PRODUCTS, INC	240	547.29
7/8/2011	276945	LAMASON, CRAIG	4691	47.00
7/8/2011	276946	LYNELL CORP.	244	120.00
7/8/2011	276947	Meneses, Artez	999999	47.00
7/8/2011	276948	MACNLOW ASSOCIATES	2189	1,142.00
7/8/2011	276949	MAGLOCCLEN	1552	255.00
7/8/2011	276950	MAGNATAG VISIBLE SYSTEMS	4703	400.00
7/8/2011	276951	MCCARTHY, CAROL & RANDY	999999	1,628.94
7/8/2011	276952	MCDONALD, PATRICK	999999	178.00
7/8/2011	276953	MI Department of Treasury	999999	525.00
7/8/2011	276954	MICHIGAN ASSESSOR'S ASSOC.	763	76.86
7/8/2011				150.00

PREPARED 07/18/2011, 8:30:43
 PROGRAM: GM350L
 CITY OF PORTAGE

A/P CHECKS BY PERIOD AND YEAR
 FROM 07/03/ 2011 TO 07/17/2011

BANK CODE *ALL*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
7/8/2011	276955	MICHIGAN PAVEMENT MARKINGS LLC	1358	86,292.95
7/8/2011	276956	MICHIGAN PAVING & MATERIALS CO	3389	234.00
7/8/2011	276957	MIDWEST ENERGY COOPERATIVE	2030	220.35
7/8/2011	276958	MOORS I, LLC	3834	50.30
7/8/2011	276959	MORAN, LAURA	999999	150.00
7/8/2011	276960	MORDAS, DON	4003	94.00
7/8/2011	276961	MUNICIPAL FINANCIAL CONSULTANT	681	13,278.69
7/8/2011	276963	NEXTEL	1709	2,553.18
7/8/2011	276964	NYE UNIFORMS	299	173.97
7/8/2011	276965	O'REILLY AUTOMOTIVE STORES, IN	999999	50.00
7/8/2011	276966	O'KEY, BRIAN	999999	83.64
7/8/2011	276968	OFFICE DEPOT, INC.	1721	26,545.71
7/8/2011	276969	OFFICEMAX INCORPORATED	301	221.90
7/8/2011	276970	ONE WAY PRODUCTS	440	1,827.61
7/8/2011	276971	ORIENTAL TRADING CO.	3819	151.99
7/8/2011	276972	OTTEN TROPHIES	304	75.00
7/8/2011	276973	P C MALL GOV. INC.	3945	85.96
7/8/2011	276974	PATESEL, TERRY	4455	248.00
7/8/2011	276975	PETERMAN CONCRETE CO.	310	1,459.75
7/8/2011	276976	PETERS, DONNA	999999	89.00
7/8/2011	276977	PETTY CASH-FIRE	610	189.71
7/8/2011	276978	PETTY CASH-PARKS	536	880.89
7/8/2011	276979	PETTY CASH-SENIOR CENTER	537	475.90
7/8/2011	276980	POLLARD, OLIVER	999999	89.00
7/8/2011	276981	PORTAGE FIREFIGHTERS	625	2,237.64
7/8/2011	276982	PORTAGE ON-CALL FIREFIGHTERS	504	226.38
7/8/2011	276983	PORTAGE POLICE OFFICERS ASSOC	624	732.35
7/8/2011	276984	PORTAGE ROTARY	999999	165.00
7/8/2011	276985	POSITIVE PROMOTIONS	2053	111.15
7/8/2011	276986	PRECISION ASPHALT SEALING, LLC	4694	1,100.00
7/8/2011	276987	PRO-FLEET	3209	1,355.00
7/8/2011	276988	RATHCO SAFETY SUPPLY, INC.	327	18.40
7/8/2011	276989	RIDGE AUTO NAPA	438	1,763.79
7/8/2011	276990	RIETH-RILEY CONSTRUCTION CO.,	4386	264.15
7/8/2011	276991	RUDGE, JULIE	999999	100.00
7/8/2011	276992	SCHURING JR CO, JOHN	789	50.00
7/8/2011	276993	DON SEELYE FORD, INC.	218	54.76
7/8/2011	276994	SEMENCZUK, MICHAEL	999999	100.00
7/8/2011	276995	SIMMONS FORD	2064	37.12
7/8/2011	276996	SLAGER CONSTRUCTION	3593	293.25
7/8/2011	276997	SNELLING PERSONNEL SERVICES	2107	1,719.38
7/8/2011	276998	SOCIETY FOR HUMAN RESOURCE MGM	3581	180.00
7/8/2011	276999	STAP BROS LAWN & LANDSCAPE, INC	366	2,776.67
7/8/2011	277000	STATE INDUSTRIAL PRODUCTS CORP	2010	334.23

PREPARED 07/18/2011, 8:30:43
 PROGRAM: GM350L
 CITY OF PORTAGE

A/P CHECKS BY PERIOD AND YEAR
 FROM 07/03/ 2011 TO 07/17/2011

BANK CODE *ALL*

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
7/8/2011	277001	STATE OF MICHIGAN (DOT)	368	42,918.30
7/8/2011	277002	STEENSMA LAWN & POWER EQUIPMEN	3222	1,899.02
7/8/2011	277003	NATHAN STUBBLEFIELD	4689	120.00
7/8/2011	277004	TAYLOR, JEFF	4436	188.00
7/8/2011	277005	TERMINAL SUPPLY CO.	380	3,394.99
7/8/2011	277006	JOHANNA THOMPSON	4682	2,900.71
7/8/2011	277007	TRACTOR SUPPLY CORP.	2817	40.14
7/8/2011	277008	TRUGREEN	390	303.00
7/8/2011	277009	J. TUESLEY GREENHOUSES, INC.	2664	192.00
7/8/2011	277010	U A W, LOCAL 2290	1862	725.28
7/8/2011	277011	U S BANK	3497	275.00
7/8/2011	277012	U S POSTMASTER	392	6,000.00
7/8/2011	277013	ULINE, INC.	4449	563.00
7/8/2011	277014	UNITED PARCEL SERVICE	545	105.32
7/8/2011	277015	UNSWORTH, TRUDY	999999	100.00
7/8/2011	277016	VAN DYKE, STEVE	999999	87.07
7/8/2011	277017	VANBECK ROOFING & SIDING CO.	399	1,900.00
7/8/2011	277018	VANDER VEEN, DONALD	4230	276.00
7/8/2011	277019	VANDERVEEN, BONCILLE	999999	1,198.00
7/8/2011	277020	VOLOGY DATA SYSTEMS	4594	258.00
7/8/2011	277021	WATTS, AMBER	999999	50.00
7/8/2011	277022	WHITE, RICHARD	532	88.78
7/8/2011	277023	WOLVERINE LAWN SERVICE, INC.	1089	156.03
7/8/2011	277024	DAN WOOD COMPANY	2019	505.29
7/8/2011	277025	WYMAN, MARGO	999999	50.00
7/8/2011	277026	57TH DISTRICT COURT	999999	427.00
7/11/2011	277028	ROD SCOTT	2625	325.00
7/15/2011	277029	AUTOMATIC DATA PROCESSING	3305	48.47
7/15/2011	277030	NEW FRESH CLEANING SERVICE	4351	4,999.00
7/15/2011	277031	U S POSTMASTER	391	3,000.00
7/15/2011	277032	AUTOMATIC DATA PROCESSING	3305	880.48

DATE RANGE TOTAL * 362,775.22

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE NUMBER
350	ABONMARCHE CONSULTANTS, INC	7/8/2011	713.75	720003200000001
351	ADMIRAL LOCK & KEY SERVICE	7/8/2011	45.00	720003200000002
352	ANIMAL REMOVAL SERVICE, LLC	7/8/2011	300.00	720003200000003
353	BEEBE, RON	7/8/2011	305.50	720003200000004
354	BEVERIN, TYLER	7/8/2011	168.00	720003200000005
379	CROWN TROPHY	7/8/2011	65.00	720003200000006
380	GRATINGER INC, W W	7/8/2011	2,584.80	720003200000007
381	HI-TECH ELECTRIC CO.	7/8/2011	1,475.00	720003200000008
382	IRISH AYRES ENTERPRISES, LLC	7/8/2011	8,689.00	720003200000009
383	KAHN, WILMA	7/8/2011	240.00	720003200000010
384	KEHOE, EDWARD J	7/8/2011	345.00	720003200000011
385	KNAPP ENERGY, INC.	7/8/2011	26,615.98	720003200000012
400	MEDEMA, TIMOTHY	7/8/2011	60.00	720003200000003
387	PACIFIC TELEMGT SERVS, JAROTH INC	7/8/2011	303.00	720003200000014
364	PARKER, ROBERT	7/8/2011	47.00	720003200000015
389	PRECISION PRINTER SERVICES INC	7/8/2011	350.15	720003200000016
390	ROAD EQUIPMENT PARTS CENTER	7/8/2011	201.31	720003200000017
402	ROBERTS, BRIAN	7/8/2011	235.00	720003200000005
368	ROBERTS, CHARLES D	7/8/2011	141.00	720003200000019
393	SAFETY SERVICES, INCORPORATED	7/8/2011	1,342.85	720003200000020
394	SNELL, DEBRA	7/8/2011	152.00	720003200000021
395	THOMPSON, HELENE	7/8/2011	304.00	720003200000022
404	WEST, STEVE	7/8/2011	235.00	720003200000007
397	360 SERVICES, INC.	7/8/2011	261.22	720003200000024
	GRAND TOTAL		45,179.56	NO. OF CHECKS: 22

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 21, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Budget Amendment – Wind Storm Clean-up

ACTION RECOMMENDED: That City Council authorize a budget amendment (loan/transfer) of \$125,000 from unobligated General Fund balance to the Leaf Pickup/Spring Cleanup Fund, with this previously unappropriated fund balance in the Leaf Pickup/Spring Cleanup fund being appropriated for a special brush collection necessitated by the July 11, 2011 wind storm event and repaid to the General Fund as soon as sufficient revenue becomes available in the Leaf Pickup/Spring Cleanup Fund.

As was authorized by City Council on July 12, 2011, plans have been arranged for conduct of an additional special brush pickup to address the significant debris resulting from the July 11, 2011 wind storm event. Specific information regarding the additional collection program is summarized as follows:

- The special collection period will commence August 1, 2011 and run for approximately three weeks (all residents will be requested to have brush to the street by August 1);
- Collection activity will commence in the northwest quadrant of the city and continue through the city similar to the quarterly brush pickup program;
- Parameters for the size of brush and limbs to be collected will be extended to eight feet in length, with unlimited diameter; however, the city will not collect excessively large tree limbs, tree trunks, tree roots or debris associated with large tree removal by contractors.

As was also communicated at the July 12, 2011 Council meeting, it cannot be determined at this time if sufficient revenue will be available in the Leaf Pickup/Spring Cleanup fund to cover the additional storm related collection. Accordingly, it is proposed that a transfer of \$125,000 from the unappropriated General Fund balance be authorized to support the special brush pickup effort at this time, with the Leaf Pickup/Storm Cleanup fund reimbursing the General Fund during fiscal year 2011-12 or fiscal year 2012-13, as necessary.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 26, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Resolution Awarding Bid

ACTION RECOMMENDED: That City Council adopt the Resolution awarding the bid for City of Portage Special Assessment Bonds, Series 2011, in the amount of \$1,175,000 to Comerica Securities at 4.979156%.

The Bid proposal for bonds was received and opened in Detroit at 11:00 a.m. on July 26, 2011.

The City Finance Director and Mr. John Axe, the City Bond Counsel, tabulated the bid received from Comerica Securities. The interest rate associated with this bid is favorable and competitive with the current interest rate market. The recommendation for the award of bid is to Comerica Securities at 4.979156%.

A bid tabulation is attached. It is advised that Council award the bid as recommended.

c: Daniel S. Foecking, Finance Director

Special Assessment Bonds Series 2011

\$ 1,175,000

Bidder:

Comerica Securities

Interest rate:

4.979156%

Bid opened at 11:00 on July 26, 2011

CITY OF PORTAGE

At a regular meeting of the City Council of the City of Portage, Kalamazoo County, Michigan (the "City") held at the City Hall in Portage, Michigan, on July 26, 2011 at 7:30 p.m. Eastern Daylight Savings Time, there were

PRESENT: Bailes, Campbell, Randall, Reid, Sackley, Strazdas, Urban

ABSENT: None.

The City Finance Director announced that this meeting was scheduled to confirm the appointment of The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan as bond registrar and paying agent and to award the purchase of the \$1,175,000 aggregate principal amount, City of Portage Special Assessment Bonds, Series 2011, dated August 1, 2011 (the "Bonds"), which were offered for sale at a price of not less than 98% of the face amount thereof, as circulated in the Request for Proposal. The City Finance Director next reported that the proposals summarized in the *EXHIBIT A* appended hereto have been received at or prior to 11:30 a.m., Eastern Daylight Savings Time, on July 26, 2011 at the Office of the City Finance Director, 7900 South Westnedge Ave., Portage, Michigan 49002 or at the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan 48226.

The following resolution was offered by Council Member Urban and seconded by Council Member Campbell.

**AWARD RESOLUTION
City of Portage
Special Assessment Bonds, Series 2011**

IT IS RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTAGE, MICHIGAN, as follows:

1. The actions of the City Finance Director in dating the Bonds August 1, 2011, in fixing this date of sale of the above-referenced Bonds, in establishing the final amount of the Bonds to be delivered at \$1,175,000, and in circulating the Request for Proposal as heretofore provided, are hereby ratified and confirmed.

2. The content of the aforementioned Request for Proposal (a copy of which is attached hereto) and the content of the Nearly Final Official Statement, dated July 13, 2011 and distributed in connection with the solicitation of proposals for the purchase of the Bonds, are each hereby ratified and confirmed and the Final

Official Statement to be delivered with the Bonds shall be completed and delivered.

3. The proposal of **Comerica Securities** to purchase the \$1,175,000 aggregate principal amount of the Bonds in the maturities set forth in *EXHIBIT A* at par plus accrued interest to date of delivery, less a discount of \$23,500.00 and bearing interest per annum as shown on *EXHIBIT A* with a true interest rate of 4.979156% which proposal produces the lowest true interest cost to the City, is hereby accepted, and all other proposals (as set forth on *EXHIBIT A*) are hereby rejected and the checks of the unsuccessful proposers are ordered to be returned.

4. The City Council hereby confirms the appointment of The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan as bond registrar and paying agent for the Bonds and hereby shall issue the Bonds in accordance with the terms set forth in the Bond Resolution previously adopted by the City Council.

5. All resolutions and parts of resolutions, insofar as, the same may be in conflict herewith, are hereby rescinded.

A vote on the foregoing resolution was taken and was as follows:

YES: Bailes, Campbell, Randall, Reid, Sackley, Strazdas, Urban

NO: None.

ABSTAIN: None.

The Resolution was declared adopted.

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CERTIFICATION

The undersigned, being the duly qualified and acting Clerk of the City of Portage, Michigan, hereby certifies that (1) the foregoing is a true and complete copy of a resolution duly adopted by the City Council at a regular meeting held on the 26th day of July, 2011, at which meeting a quorum was present and remained throughout; (2) the original thereof is on file in the records of the proceedings of the City Council in my office; (3) the meeting was conducted, and public notice thereof was given, pursuant to and in full compliance with the Open Meetings Act (Act No. 267, Public Acts of Michigan, 1976, as amended) and (4) minutes of such meeting were kept and will be or have been made available as required thereby.

James R. Hudson
City Clerk

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EXHIBIT A
 \$1,175,000
 CITY OF PORTAGE
 Special Assessment Bonds, Series 2011

Sale Date:	July 26, 2011	Good Faith Check:	\$23,500
Time:	11:00 a.m., EDST	Discount:	\$23,500
Dated:	August 1, 2011	Maximum Interest:	8%

Maturities - Due December 1

<u>YEAR</u>	<u>PRINCIPAL</u>	<u>YEAR</u>	<u>PRINCIPAL</u>	<u>YEAR</u>	<u>PRINCIPAL</u>
2015	\$30,000	2022	\$50,000	2029	\$70,000
2016	35,000	2023	55,000	2030	75,000
2017	35,000	2024	55,000	2031	75,000
2018	40,000	2025	60,000	2032	80,000
2019	45,000	2026	60,000	2033	90,000
2020	50,000	2027	65,000	2034	90,000
2021	50,000	2028	65,000		

Proposer: Comerica Securities

2015	2.50%	2025	4.65%*		
2016	2.50%	2026	4.65%*	Discount:	\$23,500.00
2017	3.25%	2027	5.00%**		
2018	3.25%	2028	5.00%**		
2019	3.75%	2029	5.00%**	True Int Rate:	4.979156%
2020	4.00%	2030	5.00%**		
2021	4.00%	2031	5.25%***		
2022	4.25%	2032	5.25%***		
2023	4.65%*	2033	5.25%***		
2024	4.65%*	2034	5.25%***		

*Term Bonds
 **Term Bonds
 ***Term Bonds

Bond Counsel
 AXE & ECKLUND, P.C.
 Grosse Pointe Farms, Michigan

REQUEST FOR PROPOSAL
\$1,175,000
CITY OF PORTAGE
KALAMAZOO COUNTY, MICHIGAN
CITY OF PORTAGE SPECIAL ASSESSMENT BONDS, SERIES 2011

SEALED OR ELECTRONIC PROPOSALS: Sealed written proposals for the purchase of the bonds described herein (the "Bonds") will be received by the undersigned on behalf of the City of Portage (the "City") at the office of the Finance Director, City Hall, 7900 South Westnedge Avenue, Portage, Michigan 49002 on July 26, 2011 until 11:00 a.m., Eastern Daylight Savings Time, at which time and place said proposals will be publicly opened and read.

In the alternative, sealed written proposals will also be received on the same date and until the same time by an agent of the undersigned at the office of the Municipal Advisory Council of Michigan, Buhl Building, 535 Griswold, Suite 1850, Detroit, Michigan 48226, where they will be publicly opened simultaneously. Proposals received at Portage, Michigan, will be read first, followed by the proposals received at the alternate location. Proposers may choose either location to present proposals and good faith checks, but not both locations.

Any proposer may submit a proposal in person at either proposing location. However, no proposer is authorized to submit a FAX proposal to Portage, Michigan.

Also in the alternative, electronic proposals will also be received on the same date and until the same time by an agent of the undersigned Bidcomp/Parity. Further information about Bidcomp/Parity, including any fee charged, may be obtained from Bidcomp/Parity, Eric Washington, 1359 Broadway, 2nd Floor, New York, New York, 10018, (212) 849-5021.

NO ELECTRONIC PROPOSALS WILL BE ACCEPTED UNLESS THE PROPOSER HAS SUBMITTED A FINANCIAL SURETY BOND OR A GOOD FAITH CHECK IN THE AMOUNT REQUIRED.

If any provision of this Request for Proposal shall conflict with information provided by Bidcomp/Parity as the approved provider of electronic proposing services, this Request for Proposal shall control.

The Bonds will be awarded or all proposals will be rejected by the City Council of the City at a meeting to be held beginning at 7:30 p.m., Eastern Daylight Savings Time, on the day of the sale.

BOND DETAILS: The Bonds will be fully registered bonds in any one or more denominations of \$5,000 or a multiple of \$5,000, not exceeding the aggregate principal amount for each maturity, dated August 1, 2011, numbered from 1 upwards and will bear interest from their date of issuance payable on December 1, 2011

and semiannually thereafter on each June 1 and December 1 until maturity. The Bonds will mature on the first day of December in each year as follows:

<u>YEAR</u>	<u>PRINCIPAL</u>	<u>YEAR</u>	<u>PRINCIPAL</u>	<u>YEAR</u>	<u>PRINCIPAL</u>
2015	\$30,000	2022	\$50,000	2029	\$70,000
2016	35,000	2023	55,000	2030	75,000
2017	35,000	2024	55,000	2031	75,000
2018	40,000	2025	60,000	2032	80,000
2019	45,000	2026	60,000	2033	90,000
2020	50,000	2027	65,000	2034	90,000
2021	50,000	2028	65,000		

PRIOR REDEMPTION: Bonds maturing prior to December 1, 2021 shall not be subject to redemption prior to maturity. Bonds maturing on or after December 1, 2021 shall be subject to redemption prior to maturity at the option of the City, in any order, in whole or in part on any date on or after December 1, 2020. Bonds called for redemption shall be redeemed at par, plus accrued interest to the date fixed for redemption.

With respect to partial redemptions, any portion of a bond outstanding in a denomination larger than the minimum authorized denomination may be redeemed provided such portion and the amount not being redeemed each constitutes an authorized denomination. In the event that less than the entire principal amount of a bond is called for redemption, upon surrender of the Bond to the bond registrar, the bond registrar shall authenticate and deliver to the registered owner of the Bond a new bond or bonds in the principal amount of the principal portion not redeemed.

Notice of redemption shall be sent to the registered holder of each bond being redeemed by first class mail at least thirty (30) days prior to the date fixed for redemption, which notice shall fix the date of record with respect to the redemption if different than otherwise provided in the resolution authorizing the issuance of the Bonds. Any defect in such notice shall not affect the validity of the redemption proceedings. Bonds so called for redemption shall not bear interest after the date fixed for redemption provided funds are on hand with the bond registrar to redeem the same.

INTEREST RATE AND PROPOSAL DETAILS: The Bonds shall bear interest at a rate or rates not exceeding 8% per annum, to be fixed by the proposals therefor, expressed in multiples of 1/8 or 1/20 of 1%, or both. The interest on any one bond shall be at one rate only and all bonds maturing in any one year must carry the same interest rate. THE INTEREST RATE BORNE BY BONDS MATURING IN ANY YEAR SHALL NOT BE LESS THAN THE INTEREST RATE BORNE BY BONDS MATURING IN ANY PRECEDING YEAR. No proposal for the purchase of less than all of the Bonds, at a price less than 98% of their par value or at a rate or rates that will result in a net interest cost of more than 8%, will be considered.

TERM BOND OPTION: Bonds maturing in the years 2023-2034, inclusive, are eligible for designation by the original purchaser at the time of sale as serial Bonds or term Bonds, or both. There may be more than one Term Bond maturity. However, principal maturities designated as Term Bonds shall be subject to mandatory redemption, in part, by lot, at par and accrued interest on December 1st of the year in which the Bonds are presently scheduled to mature. Each maturity of Term Bonds and Serial bonds must carry the same interest rate. Any such designation must be made at the time the proposals are submitted.

BOOK-ENTRY-ONLY: The Bonds will be issued in book-entry-only form as one fully-registered bond per maturity and will be registered in the name of Cede & Co., as nominee for The Depository Trust Company, ("DTC"), New York, New York. DTC will act as securities depository for the Bonds. Purchase of the Bonds will be made in book-entry-only form, in the denomination of \$5,000 or any multiple thereof. Purchasers will not receive certificates representing their interest in Bonds purchased. The book-entry-only system is described further in the nearly final official statement for the Bonds.

BOND REGISTRAR, PAYING AGENT AND DATE OF RECORD: The Bank of New York Mellon Trust Company, N.A., Detroit, Michigan has been selected as bond registrar and paying agent (the "Bond Registrar") for the Bonds. The Bond Registrar will keep records of the registered holders of the Bonds, serve as transfer agent for the Bonds, authenticate the original and any re-issued bonds and pay interest on the applicable date of record by check or draft mailed to each registered holder of the Bonds as shown on the registration books of the City maintained by the Bond Registrar. The date of record for each interest payment shall be the 15th day of the month before such payment is due. The principal on the Bonds will be paid when due upon presentation and surrender thereof to the Bond Registrar. As long as DTC, or its nominee Cede & Co., is the registered owner of the Bonds, payments will be made directly to such registered owner. Disbursement of such payments to DTC participants is the responsibility of DTC and disbursement of such payments to the beneficial owners of the Bonds is the responsibility of DTC participants and indirect participants as described in the nearly final official statement for the Bonds. The City may from time to time as required designate a successor bond registrar and paying agent.

PURPOSE AND SECURITY: The Bonds are to be issued in anticipation of, and are payable primarily from, the collection of special assessments for each year through the fiscal year ending June 30, 2035. Such taxes shall be sufficient to promptly pay the principal of and interest on the Bonds. The Bonds are to be a general obligation of the City, secured by a pledge of its full faith and credit for the payment of the

principal of and the interest on the Bonds, which shall include the City's limited tax obligation within applicable constitutional, statutory and charter limits. In the event and to the extent that moneys required to pay such principal and interest are not available to the City from the funds from which such principal and interest are payable in the first instance, the City will promptly advance from its general funds sufficient moneys to pay the principal of and interest on the Bonds. The City does not have the power to levy taxes unlimited as to the rate or amount for the payment of the principal of or interest on the Bonds.

BOND INSURANCE AT PURCHASER'S OPTION: If the Bonds qualify for issuance of any policy of municipal bond insurance or commitment therefor at the option of the proposer/purchaser, the purchase of any such insurance policy or the issuance of any such commitment shall be at the option and expense of the purchaser of the Bonds. Any increased costs of issuance of the Bonds resulting from such purchase of insurance shall be paid by the purchaser. Any additional rating agency fees shall be the responsibility of the purchaser. FAILURE OF THE MUNICIPAL BOND INSURER TO ISSUE THE POLICY AFTER THE BONDS HAVE BEEN AWARDED TO THE PURCHASER SHALL NOT CONSTITUTE CAUSE FOR FAILURE OR REFUSAL BY THE PURCHASER TO ACCEPT DELIVERY OF THE BONDS FROM THE CITY.

GOOD FAITH: A certified or cashier's check drawn upon an incorporated bank or trust company or a wire transfer in an amount equal to 2% (\$23,500) of the face amount of the Bonds, and payable to the order of the City will be required of the successful proposer as a guarantee of good faith on the part of the proposer, to be forfeited as liquidated damages if such proposal be accepted and the proposer fails to take up and pay for the Bonds. If a check is used, it must accompany each proposal. If a wire transfer is used, the successful proposer is required to wire the good faith deposit not later than Noon, prevailing Eastern Time, on the next business day following the sale using the wire instructions provided by Municipal Financial Consultants Incorporated. The good faith deposit will be applied to the purchase price of the Bonds. No interest shall be allowed on the good faith checks, and checks of each unsuccessful proposer will be promptly returned to such proposer's representative or by registered mail. The good faith check of the successful proposer will be cashed immediately, in which event, payment of the balance of the purchase price of the Bonds shall be made at the closing.

AWARD OF THE BONDS - TRUE INTEREST COST: The Bonds will be awarded to the proposer whose proposal produces the lowest true interest cost determined in the following manner: the lowest true interest cost will be the single interest rate (compounded on December 1, 2011 and semi-annually thereafter) necessary to discount the debt service payments from their respective payment dates to August 1, 2011 in an amount equal to the price

proposed, excluding accrued interest. August 16, 2011 is the anticipated date of delivery of the Bonds.

LEGAL OPINION: Proposals shall be conditioned upon the approving opinion of Axe & Ecklund, P.C., Grosse Pointe Farms, Michigan (the "Bond Counsel"), a copy of which will be printed on the reverse side of each bond and the original of which will be furnished without expense to the Purchaser of the Bonds at the delivery thereof. The fees of Bond Counsel for its services in connection with such approving opinion are expected to be paid from bond proceeds. Except to the extent necessary to issue such opinion and as described in the official statement, Bond Counsel has not been requested to examine or review, and has not examined or reviewed, any financial documents, statements or other materials that have been or may be furnished in connection with the authorization, marketing or issuance of the Bonds and, therefore, has not expressed and will not express an opinion with respect to the accuracy or completeness of the official statement or any such financial documents, statements or materials.

TAX MATTERS: In the opinion of Bond Counsel, subject, however to certain qualifications described herein, under existing law, the interest on the Bonds is excluded from gross income for federal income tax purposes, such interest is not an item of tax preference for purposes of the federal alternative minimum tax imposed on individuals and corporations, although for the purpose of computing the alternative minimum tax imposed on certain corporations, such interest is taken into account in determining certain income and earnings. In the further opinion of Bond Counsel, the Bonds and the interest thereon are exempt from all taxation in the State of Michigan except estate taxes, gross receipts taxes and taxes on gains realized from the sale, payment or other disposition thereof.

THE BONDS HAVE BEEN DESIGNATED AS "QUALIFIED TAX-EXEMPT OBLIGATIONS" WITHIN THE MEANING OF SECTION 265 (b)(3) OF THE INTERNAL REVENUE CODE OF 1986.

CERTIFICATE REGARDING "ISSUE PRICE": The Purchaser will be required, as a condition of delivery of the Bonds, to certify the "issue price" of the Bonds within the meaning of Section 1273 of the Code, which will include a representation that a good faith effort has been made to sell at least 10 percent of each maturity of the Bonds to the public (excluding bond houses, brokers or similar persons or organizations acting in the capacity of underwriters or wholesalers) at a price not exceeding the stated initial offering price. In addition, if the successful proposer will obtain a municipal bond insurance policy or other credit enhancement for the Bonds in connection with their original issuance, the successful proposer will be required, as a condition of delivery of the Bonds, to certify that the premium therefor will be less than the present value of the interest expected to be saved as a result of such insurance

or other credit enhancement. The form of an acceptable certificate will be provided by bond counsel.

DELIVERY OF BONDS: The City will furnish Bonds ready for execution at its expense. Bonds will be delivered without expense to the Purchaser. The usual closing documents, including a certificate that no litigation is pending affecting the issuance of the Bonds, will be delivered at the time of delivery of the Bonds. If the Bonds are not tendered for delivery by twelve o'clock noon, Eastern Time, on the 45th day following the date of sale, or the first business day thereafter if said 45th day is not a business day, the successful proposer may on that day, or any time thereafter until delivery of the Bonds, withdraw its proposal by serving written notice of cancellation on the undersigned, in which event the City shall promptly return the good faith deposit. Payment for the Bonds shall be made in Federal Reserve Funds. Accrued interest to the date of delivery of the Bonds shall be paid by the Purchaser at the time of delivery. Notwithstanding the foregoing, the successful proposer will be required to pay for and accept delivery of the Bonds on or about August 16, 2011.

OFFICIAL STATEMENT:

Hard Copy

A copy of the nearly final official statement (the "Nearly Final Official Statement") may be obtained by contacting Municipal Financial Consultants Incorporated at the address listed below. The Nearly Final Official Statement is in a form deemed final as of its date by the City for purposes of SEC Rule 15c2-12(b)(1), but is subject to revision, amendment and completion of a final official statement (the "Final Official Statement"). The successful proposer shall supply to the City within twenty-four (24) hours after the award of the Bonds, all pricing information and any underwriter identification determined by Bond Counsel to be necessary to complete the Final Official Statement.

Internet

In addition, the City has authorized the preparation and distribution of a Nearly Final Official Statement containing information relating to the Bonds via the Internet. The Nearly Final Official Statement can be viewed and downloaded at www.i-dealprospectus.com/PDF.asp?doc=51538 or at www.tm3.com.

The City will furnish to the successful proposer, at no cost, 100 copies of the Final Official Statement within seven (7) business days after the award of the Bonds. Additional copies will be supplied upon the proposer's agreement to pay the cost incurred by the City for those additional copies.

The City shall deliver at closing an executed certificate to the effect that as of the date of delivery the information contained in the Final Official Statement, including revisions, amendments and completions as necessary, relating to the City and the Bonds is true and correct in all material respects, and that such Final Official Statement does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements therein, in light of the circumstances under which they were made, not misleading.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on the Bonds, but neither the failure to print such numbers nor any improperly printed number shall constitute cause for the Purchaser to refuse to accept delivery of, or to pay for, the Bonds. All expenses for printing CUSIP numbers on the Bonds will be paid by the City, except that the CUSIP Service Bureau charge for the assignment of such numbers shall be the responsibility of and paid for by the Purchaser.

ADDITIONAL INFORMATION: Further information may be obtained from the undersigned at the address specified above or from Meredith A. Shanle, Municipal Financial Consultants Incorporated, 21 Kercheval Avenue, Suite 360, Grosse Pointe Farms, Michigan 48236, telephone (313) 884-9824.

THE RIGHT IS RESERVED TO REJECT ANY OR ALL PROPOSALS.

ENVELOPES: Envelopes containing the proposals should be plainly marked "Proposal for the City of Portage Special Assessment Bonds, Series 2011."

DANIEL S. FOCKING
Finance Director
City of Portage

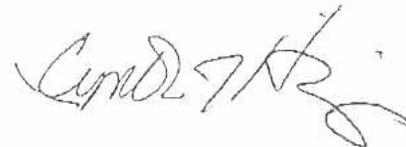
Las.ar-sa-por2011

07-26-2011 Portage, Michigan Special Assessment LTGO
 10:18 AM Kalamazoo County, Series 2011
 Bank Qualified
 Comerica Securities

Int From: 8/ 1/2011 First Coup: 12/ 1/2011 Del Date: 8/16/2011

Maturity	Par Amount	Bond-Yrs	Coupon	Yield	Price	PTC?	1st Call Dt or PTC Date	Call Price
12/01/15	30	130,000	2.500	2.150	101.425			
12/01/16	35	186,667	2.500	2.450	100.244			
12/01/17	35	221,667	3.250	2.800	102.576			
12/01/18	40	293,333	3.250	3.200	100.319			
12/01/19	45	375,000	3.750	3.500	101.781			
12/01/20	50	466,667	4.000	3.750	101.941			
12/01/21	50	516,667	4.000	3.950	100.414			
12/01/22	50	566,667	4.250	4.100	101.339			
12/01/23	55	678,333	Term Bond	1				
12/01/24	55	733,333						
12/01/25	60	860,000						
12/01/26	60	920,000						
12/01/26	230	3,191,667	4.650	4.650	100.000			
13.88 Yrs Avg Sinking Fund Life					4.650 = Sinking Fund Yield			
12/01/27	65	1,061,667	Term Bond	2				
12/01/28	65	1,126,667						
12/01/29	70	1,283,333						
12/01/30	75	1,450,000						
12/01/30	275	4,921,667	5.000	5.000	100.000			
17.90 Yrs Avg Sinking Fund Life					5.000 = Sinking Fund Yield			
12/01/31	75	1,525,000	Term Bond	3				
12/01/32	80	1,706,667						
12/01/33	90	2,010,000						
12/01/34	90	2,100,000						
12/01/34	335	7,341,667	5.250	5.250	100.000			
21.92 Yrs Avg Sinking Fund Life					5.250 = Sinking Fund Yield			
TOTAL	1,175	18,211,667	4.843	4.816				

THIS BID IS IN ACCORDANCE WITH THE OFFICIAL NOTICE OF SALE



	\$Total	Per \$1000 Par Value	Per \$100 Par Value
Par Amount = \$	1,175,000.00		
Gross Prod = \$	1,179,190.55	1,003.5664	100.3566
Bid = \$	1,151,500.00	980.0000	98.0000
Spread = \$	27,690.55	23.5664	2.3566
Accrued Int= \$	2,246.15	1.9116	0.1912
Acc Int/Day= \$	149.74	0.1274	0.0127
Value .05% = \$	6,307.80	5.3683	0.5368

Avg Life = 15 Years, 6 Months, 0 Days or 15.4993 Years

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***** NIC CALCULATION ***** BID SUMMARY *****
*   Total Bond Years:          18,211.67   *
*   Gross Interest Cost: $     882,066.67   *   Dollar Bid = $  1,151,500.00   *
*   Less Premium: $              0.00   *   Discount   = $    23,500.00   *
*   or Plus Discount: $     23,500.00   *
*   Net Interest Cost: $     905,566.67   *   NIC% =      4.972454   *
*$1 of Spread = 0.0065 TO NIC   *   TIC% =      4.979156 to Dated Date *
*.01 of NIC= 1.5499 to Spread(Per 1000) *   TIC% =      4.980115 to Delivery  *
*                                     Arbitrage Yield = 4.754832   *
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----- Other Input Data -----
Minimum Bid%:          98.000   Legal Coupon Multiples: 0.050 0.125
Maximum Bid%:         101.000   Annual Maturities
Required Spread Per Bond: 0.000   SemiAnnual Coupons
Optimization Level:    2         Call Type           0
Bond Insurance Costs   0.00
Bond Bidder Version 5.24, Revised 06/08/98

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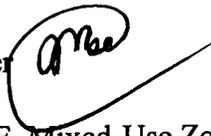
CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 21, 2011

FROM: Maurice S. Evans, City Manager



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

ACTION RECOMMENDED: That City Council:

- a. accept Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, for first reading and set a public hearing for August 23, 2011; and
- b. subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances.

Three separate ordinance proposals were prepared by the City Administration that would allow “mixed-use” elements within business zoning districts. The ordinance proposals were presented to the City Council Housing and Neighborhoods Ad Hoc Committee in February 2011. The three ordinance proposals, which include City Centre Area – Mixed-Use Floating Zone; Commercial Corridor Mixed-Use Floating Zone; and the Work/Live Accommodations, would allow residential uses within business zones when specific standards have been met. The ordinances were prepared consistent with the Portage 2025 Visioning recommendations and the 2008 City Centre Area Plan, A Sub-Area Plan for Central Portage adopted by the Planning Commission October 16, 2008 (a copy of the City Centre Area Plan is available on the city website). During the March 8, 2011 meeting, City Council accepted the Housing and Neighborhoods Ad Hoc Committee recommendation to refer the mixed-use Zoning Code proposals to the Planning Commission for consideration and initiation of the Zoning Code amendment process.

The City Centre Area and Commercial Corridor Mixed Use zoning ordinances attempt to provide for residential activities through “mixed-use” development concepts. The proposed Work/Live Accommodations zoning ordinance would permit residential uses within business districts, in a context that provides for a business owner or employee to live at the workplace if so desired, but to minimize impacts on nearby businesses. The following briefly summarizes each proposed ordinance.

1. City Centre Area – Mixed-Use Floating Zone. Consistent with the City Centre Area Plan, the City Centre Area (CCA) zone is an incentive-based floating zone that would be initiated by a property owner and would allow residential uses with permitted business and office uses to create a mixed-use development in a more urban setting in the CCA. A floating zone would be fixed to the Zoning Map when a property owner or developer requests the district, as may be approved by City Council.
2. Commercial Corridor Mixed-Use Floating Zone. This zoning district proposal is also an incentive-based floating zone that would be initiated by a property owner/developer to create a more compact/pedestrian-friendly mixed-use development. The district would be applicable

along major thoroughfares when located in/adjacent to a primary or secondary commercial node or commercial corridor per the Comprehensive Plan.

3. Work/Live Accommodations Ordinance. The Work/Live Accommodations ordinance would permit an accessory residential unit to any business located in specified zoning districts. Applicable zoning districts include OS-1, office service; B-1, local business; B-2, general business; and CPD, commercial planned development. As the name implies, the primary use is the business (work) portion and the residential unit (live) is accessory to the business.

The Planning Commission reviewed and discussed the proposed ordinance language during the March 17, March 28 and May 5 meetings. Modifications to the CCA sign regulations, and Work/Live Accommodations ordinance language were accomplished in response to comments by the Planning Commission and as suggested by staff and the City Attorney. A public hearing to formally consider Ordinance Amendment 10-E was convened on June 16, 2011. After careful review and consideration, the Planning Commission voted 8-0 at its July 7, 2011 meeting to recommend that City Council approve Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances.

It is recommended that City Council accept Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances for first reading, establish a public hearing on August 23, 2011 and, subsequent to the public hearing, consider adoption of the proposed ordinances.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 18, 2011

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

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

Consistent with the Portage 2025 Visioning recommendations and the 2008 City Centre Area Plan, A Sub-Area Plan for Central Portage (City Centre Plan) adopted by the Planning Commission, the City Administration has prepared three separate zoning ordinance proposals that would allow "mixed-use" elements within business zoning districts and presented each to the City Council Housing and Neighborhoods Ad Hoc Committee. The three ordinances include: City Centre Area – Mixed-Use Floating Zone; Commercial Corridor Mixed-Use Floating Zone; and the Work/Live Accommodations. During the March 8, 2011 meeting, City Council accepted the Housing and Neighborhoods Ad Hoc Committee recommendation to refer three mixed-use Zoning Code proposals to the Planning Commission for consideration and initiate the Zoning Code amendment process.

The three "mixed-use" proposals would permit residential uses within business zones when ordinance standards have been met. A summary of each ordinance is provided below:

City Centre Area – Mixed-Use Floating Zone. This zoning district is intended to foster development in the City Centre Area (CCA) as identified in the City Centre Plan and Portage 2025 Visioning recommendations. The CCA zone is an incentive-based floating zone that would be initiated by a property owner and would allow residential uses with permitted business and office uses to create a mixed-use development in a more urban setting in the CCA. A floating zone would be fixed to the Zoning Map when a property owner or developer requests the district be fixed as may be approved by City Council. The site development requirements in the floating zone would take precedence over the underlying zone. The CCA zone is a type of "planned development" with conceptual plan and final (site) plan approval stages. The following are primary elements of the proposed ordinance:

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

Commercial Corridor Mixed-use Floating District. This zoning district proposal is another incentive-based floating zone that would be initiated by a property owner/developer to create a more compact/pedestrian-friendly development. The district would be applicable along major thoroughfares when located in/adjacent to a primary or secondary commercial node or commercial corridor per the Comprehensive Plan. The Commercial Corridor Mixed-use Floating District (CCMU) is a type of "planned development" with conceptual plan and final (site) plan approval stages. The following are primary elements of the proposed ordinance:

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

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

1. Applicable only in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development districts. The residential unit can be occupied by the business owner(s) or an employee of the business.
2. Subject to review and approval by the Planning Commission as a special land use, or in the CPD district, as part of the CPD approval process.
3. A residential unit located adjacent to and on the same level as the commercial use cannot exceed one-third of the total floor area for the business use. A residential unit located above a commercial use cannot exceed the square footage of the commercial use below.
4. An interior connection must be maintained between the living and work portions of the use in the building.

The Planning Commission reviewed and discussed the proposed ordinance language during the March 17th, March 28th and May 5th meetings. A public hearing to formally consider Ordinance Amendment 10-E was convened on June 16, 2011 and concluded on July 7, 2011. During the Planning Commission and public hearing review process, the ordinances that City Council referred to the Commission were modified to incorporate changes requested by the Commission and suggested by staff and the City Attorney to improve/clarify the language of each ordinance. The substantive changes, if any, to each ordinance are summarized below:

City Centre Area – Mixed-Use Floating Zone

The following changes were made to the City Centre Area sign regulations to ensure community objectives regarding business signage are fulfilled and a level of consistency with current regulations maintained:

1. Barrel designed awning and canopy are allowed.
2. The size and location of banners is consistent with the proposed ordinance language recently considered by the Planning Commission and City Council.
3. Regarding the ground/pylon sign section:
 - a. This section now references one freestanding sign (reference to ground/pylon sign has been removed consistent with current sign regulations) is permitted at each vehicular entrance that provides access to an off-street parking facility to identify only the City Centre Area development.
 - b. Area of the sign has been reduced from 50 square feet to 32 square feet.
 - c. Height of the sign has been standardized at 15 feet.
 - d. Setback distance has been reduced from ten feet to five feet to provide better visibility due to the position of the buildings near the property line and smaller sign size.
 - e. A section that allows a marquee sign for a theater, cinema or performing arts center has been added.

Commercial Corridor Mixed-Use Floating Zone

No substantive changes were made to the Commercial Corridor Mixed-Use zoning district.

Work/Live Accommodations

The following substantive changes were made to the Work/Live Accommodations ordinance:

1. Use of the residential unit has been expanded to include the owner of the business or an employee of the business
2. A definition of business owner and employee has been added.
3. Definition of Work/Live Unit or Work/Live Space has been renamed to Work/Live Building and further clarified.
4. Home occupations are not allowed in the accessory residential unit.
5. A residential unit located above a commercial use can occupy the same square footage as the commercial use located below.
6. An interior connection between the residential and commercial use has been defined.

After careful review and consideration and at the conclusion of the public hearing at the July 7, 2011 meeting, the Planning Commission voted 8-0 to recommend to City Council approval of Ordinance Amendment 10-E.

The Planning Commission transmittal, meeting minutes, Department of Community Development staff report and related materials are attached for your information and review.

Attachments: First Reading
Ordinance for Adoption
Planning Commission transmittal dated July 18, 2011
Planning Commission meeting minutes dated July 7th, 2011
Department of Community Development report dated July 1, 2011

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4, Division 4, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4, Division 4, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

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

Sec. 42-434. Intent.

- A. The intent of the City Centre Area - Mixed Use Floating district is to:
1. Support the goals and objectives of the Planning Commission-approved City Centre Area Plan, a sub area plan for central Portage, which envisions an urban, small-scale, pedestrian-friendly, governmental and business center with a cultural identity and including enhanced residential opportunities. Development and redevelopment activities that occur in the City Centre Area should strengthen the city centre as a "place" with a variety of land use activities, open/green space, pedestrian interconnections and gathering places attractive to people.
 2. Permit greater flexibility and, consequently, more creative and imaginative design for development and the efficient use of land in response to market trends than is available under conventional zoning districts.
 3. Protect and enhance access to existing natural resources including Portage Creek and public park, recreation and open space in the City Centre Area.
 4. Encourage multi-family residential development in the City Centre Area.
- B. The district is further intended to be a specialized floating district that is not mapped on the City of Portage Zoning Map when adopted. The area eligible for the floating district is land identified in the 2008 City of Portage Planning Commission approved City Centre Area Plan, Detailed Plan Area. On a future date, the floating district will be fixed in location within the City Centre Area Plan, Detailed Plan Area at the request of the applicant as approved by City Council.

Sec. 42-435. Qualifying conditions.

- A. Applications for City Centre Area - Mixed Use Floating District must fulfill the following qualifying conditions:

1. The application shall be for a project that is
 - a. located entirely within the Portage Planning Commission-approved 2008 City Centre Area Plan, Detailed Plan Area, as may be amended; and
 - b. in an area zoned OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development.
 2. The application shall be for a project that consists of contiguous lots under single ownership or control of the applicant comprising a zoning lot.
 3. In the event that the application for the proposed City Centre Area - Mixed Use Floating District includes more than one lot not in the same ownership, an agreement signed by the owners of all property included in the project application indicating the intent to develop the project in common shall be submitted. The property comprising the development project shall be considered a zoning lot for the purposes of this section.
- B. Where a City Centre Area - Mixed Use Floating District development project conceptual plan and development plan have been approved pursuant to this subdivision, the regulations contained in this section and the underlying district requirements shall apply to all development projects and where there are inconsistencies, the regulations contained in this section shall apply.

Sec. 42-436. Principal permitted uses.

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

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

Sec. 42-437. Site development incentives and standards.

- A. Minimum lot area, Building height, Lot coverage, Residential density/minimum floor area per unit and Mixed use requirements.
 1. A zoning lot intended for development shall not be less than ten acres. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than ten acres, upon

finding by the City Council that the proposed development fulfills the intent of this subdivision.

2. The maximum building/structure height and number of stories shall not be regulated provided that any building or structure in excess of 35 feet shall be designed and located to be consistent with the reasonable enjoyment of nearby land uses internal to the project area, existing land uses surrounding the project area, and the capacity of the public infrastructure to deliver necessary public services.
 3. Maximum lot coverage in the City Centre Area - Mixed Use Floating District shall be determined on the basis of the zoning lot, open space, building, off-street parking and loading, landscaping and screening, setbacks and other requirements specified in this article.
 4. In a mixed use development, residential density and Minimum Floor Area Per Unit shall be established pursuant to Section 42-350 A. and B. footnote (7) for dwelling units in the RM-1, Multifamily Residential district.
 5. Permitted office and commercial uses may occupy any number of total floors within the building provided that:
 - a. No permitted commercial or office use shall be located on the same floor as a permitted residential use.
 - b. No floor may be used for a permitted commercial or office purpose that is located above a floor used for permitted residential purposes.
 - c. In a building where there is mixed commercial/office use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.
- B. Use requirements. All permitted uses must be conducted in completely enclosed buildings except for accessory off-street parking and off-street loading areas, automated teller machines and approved outdoor seating and similar areas associated with a permitted use, or as determined by the Planning Commission.
- C. Building Setbacks/Perimeter Setbacks
1. Front. A majority of the front building wall (façade) must abut the front lot line or be located within ten feet of the front lot line for buildings located on the perimeter of the development project area adjacent to a public street.
 2. Side. The side yard building setback must comply with Section 42-350 B. footnote (10).
 3. Rear. The rear yard building setback must comply with Section 42-350 B. footnote (15).
 4. Perimeter setbacks. For a development project that abuts adjacent property that permits residential uses, or uses of less intensity than proposed in the development project, a peripheral transition area shall be incorporated within the development project consistent with the provisions established in Section 42-570 through Section 42-578 of this article.
 5. The above-noted setbacks may be modified where strict adherence would serve no practical purpose or where the overall intent of the City Centre Area - Mixed Use Floating district would be better served by allowing a greater or lesser setback.
 6. In addition to providing for adequate light and air, setbacks (yards) may also be required where access to land, natural resources including Portage Creek or to public park, recreation or open space or other uses beyond the building would be desirable and where it can be found that such exterior setbacks would be in keeping with the intent and purpose of the district. Where it is determined that such exterior setbacks are desirable, this area shall be developed as pedestrian plazas or courts and made an integral part of the site. Wherever such open yards shall be created, they shall be physically connected, when possible, to adjacent open yards and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open yards within the development project or adjacent property.

D. Building Design/Development Project Design.

1. Architectural design and building wall materials within the development project must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding area. It is not intended that contrasts in architectural design and use of building wall materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the stability and value of the surrounding area.
2. Elevation drawings of each side of each building in the development project must be submitted.
3. Exterior building walls shall be primarily of brick or stone, which may include other materials complementary to brick or stone. A report and recommendation by the professional design or architectural consultant of the developer may be requested by the planning commission as a part of its review of alternative materials. Alternative building wall materials may be approved if all of the following conditions are satisfied:
 - a. The selected building wall materials and material combinations will be consistent with and enhance the building design concept.
 - b. The building wall materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
 - c. The use of the selected building wall materials and material combinations will not detract from the future development in the district of bricks and stone buildings, augmented by materials complementary to brick and stone.
 - d. The request is accompanied by a written design statement describing how the selected building wall materials will satisfy the above requirements.
4. A minimum of 60 percent of the front building wall (façade) between no more than three feet and not less than eight feet in height as measured from the adjacent grade is the clear window/view of indoor space standard. This front building wall area must consist of clear windows that allow views of indoor space or product display areas, and subject to the following:
 - a. The bottom of any window or product display window used to satisfy the clear windows/view of indoor space standard may not be more than three feet above the average grade or elevation of the adjacent sidewalk.
 - b. Product display windows used to satisfy the clear windows/view of indoor space standard must have a minimum height of four feet and be internally illuminated.
 - c. Signs placed in the front building wall (façade) windows or within three feet of the window may not cover more than 10 percent of the window opening.
5. Each building must have a primary entrance door facing a public sidewalk. An entrance at building corners may be used to satisfy this requirement.
6. A building entrance may include doors to individual businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of businesses.
7. When an awning or canopy is incorporated into a building, the following requirements must be met:
 - a. Awnings must be canvas cloth or equivalent (glossy or reflective materials are prohibited).
 - b. Minimum height as measured from grade to the bottom edge of the awning or canopy shall not be less than 9 feet.
8. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.
9. Architectural amenities within the development project are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated

pedestrian scale lighting, landscaping and major architectural features at entranceways and focal points of the development project (e.g., arch, gateway, bell tower, fountain).

E. Projections into Right-of-Way.

An awning, canopy or marquee may extend over a public sidewalk located in a public right-of-way subject to the following:

1. Does not project more than eight feet over the public sidewalk.
2. Is at least three feet from the curb or edge of road of a public street.
3. Is at least nine feet in height as measured at its lowest point above the sidewalk.
4. A permit and maintenance/indemnification agreement are required.

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

G. Off-street Parking and Loading. The following provisions shall apply in the district:

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

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

I. Site Lighting

1. Site lighting must comply with Division 6, Subdivision 4 – Lighting Standards.
2. Freestanding, pole-mounted light fixtures must be consistent with the “Shepard’s hook” style of light fixture .

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

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

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

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

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

1. A statement of purpose and objectives.
2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.

3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.
 4. The name of the development, legal description, and names and addresses of the landowner and developer.
 5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - a. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - b. The future development and access to the remaining lot or parcel.
 6. Property lines and existing land uses of adjacent tracts of land.
 7. The location, width and names of existing streets, and public and private easements.
 8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
 9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
 10. The use, approximate height, density, bulk and location of buildings and other structures, including an elevation drawing of each side of the building.
 11. A program of development outlining the proposed stages of development, including the time schedule.
 12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
 13. The location, function, ownership and manner of maintenance of common open space.
 14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.
 15. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed development.
 16. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities.
 17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.
- C. Review by planning commission: The development project review and public hearing shall be conducted by the planning commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.
- D. Action by City Council: After receipt of the planning commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the City Centre Area - Mixed Use Floating District shall be fixed to the Zoning Map to show the extent of the floating district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.
- E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the

initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.

- F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.
- G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.
- H. Development plan (specific plan):
 - 1. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 - 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - 3. Resubmission. If the specific plan expires or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.
- I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives in reviewing the conceptual plan for development in the City Centre Area - Mixed Use Floating District:
 - 1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
 - 2. The buildings and structures are compatible with and mutually supportive of each other.
 - 3. The buildings and structures are of a unified architectural and structural character.
 - 4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
 - 5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
 - 6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.
 - 7. The plan is designed and will be constructed in such a way as to mitigate to the extent practical the impacts associated with the existing railroad, be compatible with the environment and with neighboring uses, especially residential areas.
 - 8. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
 - 9. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
 - 10. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage

Creek and public park, recreation and open space. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development within the City Centre Area.

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

Dated: _____

James R. Hudson, City Clerk

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4, Division 6, Subdivision 2, Signs, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4, Division 6, Subdivision 2, Signs, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 6, Subdivision 2, Signs, of Chapter 42, shall be amended as follows:

Section 42-541. Definitions.

- A. No change.
- B. Types of signs referred to in this subdivision are defined as follows:
 - 1-13. No change.
 - 14. Projecting sign: A sign attached to a building wall that extends outward from the building wall or a sign suspended below an awning, canopy or marquee.
 - 15. No change.
 - 16. No change.
 - 17. No change.
 - 18. No change.
 - 19. No change.

Section 42-542. General requirements.

- A.-H. No change.
- I. Electronic or mechanical sign elements.
 - 1. An accessory sign permitted in the B-1, B-2, B-3, PD, CPD, OS-1, OTR, CCA, I-1 and I-2 zoning districts, and a non-accessory sign permitted in the I-1 and I-2 zoning districts, may include an EMD subject to the following requirements:
 - a.- g. No change.

Section 52-554. CCA, City centre area – mixed use floating district.

In the CCA, City Centre Area – Mixed Use Floating District:

- A. One freestanding accessory sign per zoning lot to identify the CCA development project may be erected at each vehicular entrance that provides access to an accessory off-street parking lot located in the side or rear yard, provided that such sign:
 - 1. Does not exceed 32 square feet in area per side;
 - 2. Is at least five feet from any property line; and
 - 3. Does not exceed 15 feet in height.

- B. For each use on a zoning lot, there are permitted wall signs, awning and/or canopy signs, and projecting wall signs, the combined area of which does not exceed 15% of the total wall area of the wall to which the signs are attached. The total shall not exceed 100 square feet per street frontage. Lots with dual frontage may not combine permissible signs for one frontage with another frontage for the purpose of placing the combined area of signs on one frontage. The following requirements apply:
 - 1. Wall signs shall not extend above the sill of the second story window or 16 feet in height, whichever is less.
 - 2. Projecting wall signs shall meet the following requirements:
 - a. The area of the sign attached to a building wall shall not exceed 20 square feet per side.
 - b. Signs attached to a building wall shall not extend above the sill of the second story window or 16 feet in height, whichever is less.
 - c. Signs suspended below an awning, canopy or marquee shall not exceed 4 square feet in area per side.
 - d. The minimum height as measured from grade to the bottom edge of the sign shall not be less than 8 feet.
 - 3. Awning and canopy signs shall not extend above the sill of the second story window or 16 feet in height, whichever is less.

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

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

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

Dated: _____

James R. Hudson, City Clerk

Z:\Jody\PORTAGE\ORD\ZONING\1st Reading Ord Amend 42-541; 542 and adding 554 signs.071811

[COUNCIL VERSION]
ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-541; SECTION 42-542 AND ADDING SECTION 42-554 TO
CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 6, Subdivision 2, Signs, of Chapter 42, shall be amended as follows:

Section 42-541. Definitions.

A. No change.

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

1-13. No change.

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

154. No change.

165. No change.

176. No change.

187. No change.

198. No change.

Section 42-542. General requirements.

A.-H. No change.

I. Electronic or mechanical sign elements.

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

a.- g. No change.

Section 52-554. CCA, City centre area – mixed use floating district.

In the CCA, City Centre Area – Mixed Use Floating District:

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

1. Does not exceed 32 square feet in area per side;

2. Is at least five feet from any property line; and

3. Does not exceed 15 feet in height.

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

frontage with another frontage for the purpose of placing the combined area of signs on one frontage. The following requirements apply:

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

2. Projecting wall signs shall meet the following requirements:

a. The area of the sign attached to a building wall shall not exceed 20 square feet per side.

b. Signs attached to a building wall shall not extend above the sill of the second story window or 16 feet in height, whichever is less.

c. Signs suspended below an awning, canopy or marquee shall not exceed 4 square feet in area per side.

d. The minimum height as measured from grade to the bottom edge of the sign shall not be less than 8 feet.

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

C. Marquee signs.

1. A marquee sign is only permitted in conjunction with a theater, cinema or performing arts facility and may include the name of the facility and changeable copy or electronic message display to advertise current or future events.

2. The permitted area of the marquee sign shall be determined by the Planning Commission consistent with the design and scale of the building and the surrounding environment.

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

1. The banner shall be setback ten feet from any property line.

2. The banner shall not exceed 25 feet in height.

3. The banner shall be not less than six feet from the surface of the ground.

4. The banner shall not exceed 20 square feet in area per side.

5. The banner shall not be attached to the surface of any building, to any existing freestanding sign or to any vehicle, or be stretched between poles or trees.

6. The banner shall not devote more than a total of 50% of the sign area to sign copy.

7. The owner of the zoning lot or banner shall keep the banner in reasonable repair.

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

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 4, of Chapter 42 shall be amended by adding Subdivision 15 as follows:

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

Sec. 42-434. Intent.

- A. The intent of the City Centre Area - Mixed Use Floating district is to:
1. Support the goals and objectives of the Planning Commission-approved City Centre Area Plan, a sub area plan for central Portage, which envisions an urban, small-scale, pedestrian-friendly, governmental and business center with a cultural identity and including enhanced residential opportunities. Development and redevelopment activities that occur in the City Centre Area should strengthen the city centre as a “place” with a variety of land use activities, open/green space, pedestrian interconnections and gathering places attractive to people.
 2. Permit greater flexibility and, consequently, more creative and imaginative design for development and the efficient use of land in response to market trends than is available under conventional zoning districts.
 3. Protect and enhance access to existing natural resources including Portage Creek and public park, recreation and open space in the City Centre Area.
 4. Encourage multi-family residential development in the City Centre Area.
- B. The district is further intended to be a specialized floating district that is not mapped on the City of Portage Zoning Map when adopted. The area eligible for the floating district is land identified in the 2008 City of Portage Planning Commission approved City Centre Area Plan, Detailed Plan Area. On a future date, the floating district will be fixed in location within the City Centre Area Plan, Detailed Plan Area at the request of the applicant as approved by City Council.

Sec. 42-435. Qualifying conditions.

- A. Applications for City Centre Area - Mixed Use Floating District must fulfill the following qualifying conditions:
1. The application shall be for a project that is
 - a. located entirely within the Portage Planning Commission-approved 2008 City Centre Area Plan, Detailed Plan Area, as may be amended; and
 - b. in an area zoned OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development.
 2. The application shall be for a project that consists of contiguous lots under single ownership or control of the applicant comprising a zoning lot.
 3. In the event that the application for the proposed City Centre Area - Mixed Use Floating District includes more than one lot not in the same ownership, an agreement signed by

the owners of all property included in the project application indicating the intent to develop the project in common shall be submitted. The property comprising the development project shall be considered a zoning lot for the purposes of this section.

- B. Where a City Centre Area - Mixed Use Floating District development project conceptual plan and development plan have been approved pursuant to this subdivision, the regulations contained in this section and the underlying district requirements shall apply to all development projects and where there are inconsistencies, the regulations contained in this section shall apply.

Sec. 42-436. Principal permitted uses.

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

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

Sec. 42-437. Site development incentives and standards.

- A. Minimum lot area, Building height, Lot coverage, Residential density/minimum floor area per unit and Mixed use requirements.
- 1. A zoning lot intended for development shall not be less than ten acres. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than ten acres, upon finding by the City Council that the proposed development fulfills the intent of this subdivision.
 - 2. The maximum building/structure height and number of stories shall not be regulated provided that any building or structure in excess of 35 feet shall be designed and located to be consistent with the reasonable enjoyment of nearby land uses internal to the project area, existing land uses surrounding the project area, and the capacity of the public infrastructure to deliver necessary public services.
 - 3. Maximum lot coverage in the City Centre Area - Mixed Use Floating District shall be determined on the basis of the zoning lot, open space, building, off-street parking and loading, landscaping and screening, setbacks and other requirements specified in this article.

4. In a mixed use development, residential density and Minimum Floor Area Per Unit shall be established pursuant to Section 42-350 A. and B. footnote (7) for dwelling units in the RM-1, Multifamily Residential district.
 5. Permitted office and commercial uses may occupy any number of total floors within the building provided that:
 - a. No permitted commercial or office use shall be located on the same floor as a permitted residential use.
 - b. No floor may be used for a permitted commercial or office purpose that is located above a floor used for permitted residential purposes.
 - c. In a building where there is mixed commercial/office use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.
- B. Use requirements. All permitted uses must be conducted in completely enclosed buildings except for accessory off-street parking and off-street loading areas, automated teller machines and approved outdoor seating and similar areas associated with a permitted use, or as determined by the Planning Commission.
- C. Building Setbacks/Perimeter Setbacks
1. Front. A majority of the front building wall (façade) must abut the front lot line or be located within ten feet of the front lot line for buildings located on the perimeter of the development project area adjacent to a public street.
 2. Side. The side yard building setback must comply with Section 42-350 B. footnote (10).
 3. Rear. The rear yard building setback must comply with Section 42-350 B. footnote (15).
 4. Perimeter setbacks. For a development project that abuts adjacent property that permits residential uses, or uses of less intensity than proposed in the development project, a peripheral transition area shall be incorporated within the development project consistent with the provisions established in Section 42-570 through Section 42-578 of this article.
 5. The above-noted setbacks may be modified where strict adherence would serve no practical purpose or where the overall intent of the City Centre Area - Mixed Use Floating district would be better served by allowing a greater or lesser setback.
 6. In addition to providing for adequate light and air, setbacks (yards) may also be required where access to land, natural resources including Portage Creek or to public park, recreation or open space or other uses beyond the building would be desirable and where it can be found that such exterior setbacks would be in keeping with the intent and purpose of the district. Where it is determined that such exterior setbacks are desirable, this area shall be developed as pedestrian plazas or courts and made an integral part of the site. Wherever such open yards shall be created, they shall be physically connected, when possible, to adjacent open yards and shall be designed and constructed so as to be in harmony of appearance and function with the connecting open yards within the development project or adjacent property.
- D. Building Design/Development Project Design.
1. Architectural design and building wall materials within the development project must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding area. It is not intended that contrasts in architectural design and use of building wall materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the stability and value of the surrounding area.
 2. Elevation drawings of each side of each building in the development project must be submitted.
 3. Exterior building walls shall be primarily of brick or stone, which may include other materials complementary to brick or stone. A report and recommendation by the professional design or architectural consultant of the developer may be requested by the planning commission as a part of its review of alternative materials. Alternative building wall materials may be approved if all of the following conditions are satisfied:
 - a. The selected building wall materials and material combinations will be consistent with and enhance the building design concept.

- b. The building wall materials and material combinations will be complementary to existing or proposed buildings within the site and the surrounding area.
 - c. The use of the selected building wall materials and material combinations will not detract from the future development in the district of bricks and stone buildings, augmented by materials complementary to brick and stone.
 - d. The request is accompanied by a written design statement describing how the selected building wall materials will satisfy the above requirements.
4. A minimum of 60 percent of the front building wall (façade) between no more than three feet and not less than eight feet in height as measured from the adjacent grade is the clear window/view of indoor space standard. This front building wall area must consist of clear windows that allow views of indoor space or product display areas, and subject to the following:
 - a. The bottom of any window or product display window used to satisfy the clear windows/view of indoor space standard may not be more than three feet above the average grade or elevation of the adjacent sidewalk.
 - b. Product display windows used to satisfy the clear windows/view of indoor space standard must have a minimum height of four feet and be internally illuminated.
 - c. Signs placed in the front building wall (façade) windows or within three feet of the window may not cover more than 10 percent of the window opening.
 5. Each building must have a primary entrance door facing a public sidewalk. An entrance at building corners may be used to satisfy this requirement.
 6. A building entrance may include doors to individual businesses, lobby entrances, entrances to pedestrian-oriented plazas or courtyard entrances to a cluster of businesses.
 7. When an awning or canopy is incorporated into a building, the following requirements must be met:
 - a. Awnings must be canvas cloth or equivalent (glossy or reflective materials are prohibited).
 - b. Minimum height as measured from grade to the bottom edge of the awning or canopy shall not be less than 9 feet.
 8. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.
 9. Architectural amenities within the development project are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian scale lighting, landscaping and major architectural features at entranceways and focal points of the development project (e.g., arch, gateway, bell tower, fountain).
- E. Projections into Right-of-Way. An awning, canopy or marquee may extend over a public sidewalk located in a public right-of-way subject to the following:
1. Does not project more than eight feet over the public sidewalk.
 2. Is at least three feet from the curb or edge of road of a public street.
 3. Is at least nine feet in height as measured at its lowest point above the sidewalk.
 4. A permit and maintenance/indemnification agreement are required.
- F. Open Space/Common Area. A minimum of 10 percent of the gross site area of the development project shall be devoted to permanent open space/common area accessible to the public and shall be maintained by the owner of the development project.
- G. Off-street Parking and Loading. The following provisions shall apply in the district:
1. Off-street parking must be provided and designed for permitted uses in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading. The applicant may request a reduction or waiver of parking standards based on submittal of a parking impact study that may include, among others, estimated peak use, reductions due to pedestrian accessibility, availability of transit service, likelihood of car pool use and adjacent on-

- street parking. The parking study shall be subject to review by the Planning Commission and the City Council.
2. Off-street parking must be located in the side or rear yard.
 3. Off-street parking facilities may be shared between two or more adjacent zoning lots and not meet the minimum combined number of parking spaces for each use if the applicant(s) demonstrates the peak parking needs do not overlap, per an approved development plan.
 4. A loading area must be provided in the rear yard in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading.
- H. Signs. Signage is permitted and shall fulfill the sign requirements established in Section 42-554. CCA, City Centre Floating district.
- I. Site Lighting
1. Site lighting must comply with Division 6, Subdivision 4 – Lighting Standards.
 2. Freestanding, pole-mounted light fixtures must be consistent with the “Shepard’s hook” style of light fixture .
- J. Municipal Utilities. All uses in the City Centre Area - Mixed Use Floating District shall be connected to municipal water and sewer utilities.
- K. Other Utilities. All telephone, electric, television and similar communication services distributed by wire or cable shall be placed underground to serve the use and development project.

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

- A. Development of land in the City Centre Area - Mixed Use Floating District shall be permitted subject to an approved unified form of land development (conceptual plan) and an approved site plan or subdivision plan (specific plan) as required by this section.
- B. Unified form of land development plan (conceptual plan): The owner or developer of the tract of land to be developed shall submit a conceptual plan to the department of community development. This conceptual plan shall include the following information:
1. A statement of purpose and objectives.
 2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.
 3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.
 4. The name of the development, legal description, and names and addresses of the landowner and developer.
 5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - a. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - b. The future development and access to the remaining lot or parcel.
 6. Property lines and existing land uses of adjacent tracts of land.
 7. The location, width and names of existing streets, and public and private easements.
 8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
 9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
 10. The use, approximate height, density, bulk and location of buildings and other structures, including an elevation drawing of each side of the building.
 11. A program of development outlining the proposed stages of development, including the time schedule.

12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
 13. The location, function, ownership and manner of maintenance of common open space.
 14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.
 15. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed development.
 16. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities.
 17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.
- C. Review by planning commission: The development project review and public hearing shall be conducted by the planning commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.
- D. Action by City Council: After receipt of the planning commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the City Centre Area - Mixed Use Floating District shall be fixed to the Zoning Map to show the extent of the floating district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.
- E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.
- F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.
- G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.
- H. Development plan (specific plan):
1. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 3. Resubmission. If the specific plan expires or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.
- I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives

in reviewing the conceptual plan for development in the City Centre Area - Mixed Use Floating District:

1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
 2. The buildings and structures are compatible with and mutually supportive of each other.
 3. The buildings and structures are of a unified architectural and structural character.
 4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
 5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
 6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.
 7. The plan is designed and will be constructed in such a way as to mitigate to the extent practical the impacts associated with the existing railroad, be compatible with the environment and with neighboring uses, especially residential areas.
 8. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
 9. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
 10. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage Creek and public park, recreation and open space. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development within the City Centre Area.
- J. Authority to waive or modify standards: City Council may waive or modify the site development incentives and standards specified in this subdivision for a conceptual plan on the basis of evidence submitted by the developer that:
1. A requirement is inconsistent with the development project as a whole;
 2. The objectives of the standard or requirement can be satisfactorily met without strict adherence to it;
 3. The waiver or modification will not be detrimental to the public welfare or injurious to other surrounding property; and
 4. Because of the particulars of the facilities proposed in the development project, it would be unreasonable to require strict adherence.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: 2/18/11

City Attorney

**[ORDINANCE FOR ADOPTION]
ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-541; SECTION 42-542 AND ADDING SECTION 42-554 TO
CHAPTER 42, LAND DEVELOPMENT REGULATIONS**

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 6, Subdivision 2, Signs, of Chapter 42, shall be amended as follows:

Section 42-541. Definitions.

- A. No change.
- B. Types of signs referred to in this subdivision are defined as follows:
 - 1-13. No change.
 - 14. Projecting sign: A sign attached to a building wall that extends outward from the building wall or a sign suspended below an awning, canopy or marquee.
 - 15. No change.
 - 16. No change.
 - 17. No change.
 - 18. No change.
 - 19. No change.

Section 42-542. General requirements.

- A.-H. No change.
- I. Electronic or mechanical sign elements.
 - 1. An accessory sign permitted in the B-1, B-2, B-3, PD, CPD, OS-1, OTR, CCA, I-1 and I-2 zoning districts, and a non-accessory sign permitted in the I-1 and I-2 zoning districts, may include an EMD subject to the following requirements:
 - a.- g. No change.

Section 52-554. CCA, City centre area – mixed use floating district.

In the CCA, City Centre Area – Mixed Use Floating District:

- A. One freestanding accessory sign per zoning lot to identify the CCA development project may be erected at each vehicular entrance that provides access to an accessory off-street parking lot located in the side or rear yard, provided that such sign:
 - 1. Does not exceed 32 square feet in area per side;
 - 2. Is at least five feet from any property line; and
 - 3. Does not exceed 15 feet in height.

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

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

C. Marquee signs.

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

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

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

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: 2/18/11
[Signature]
City Attorney

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4, Division 4, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4, Division 4, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

Subdivision 16. CCMU Commercial Corridor Mixed Use Floating District.

Sec. 42-439. Intent.

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

Sec. 42-440. Applicability of subdivision.

- A. An application for a CCMU district may be submitted for any tract of land in which not less than 50% of the tract of land is zoned B-1, local business; B-2, community business; B-3, general business; CPD, commercial planned development; or OS-1, office service, or any

combination of such districts. On a future date, the district will be fixed in location at the request of the applicant as approved by City Council.

- B. With the greater intensity of building development and mix of uses, the CCMU district is suitable only for tracts of land located along major thoroughfares and identified as a primary commercial node, secondary commercial node or commercial corridor in the Portage Comprehensive Plan or situated abutting to a designated primary or secondary commercial node or commercial corridor.
- C. The CCMU district is not intended to replace or modify the underlying office or business zoning district, but is intended as a development alternative to foster community growth and development.
- D. The CCMU district cannot be applied in the City Centre Area, Detailed Plan Area as identified in the Planning Commission approved City Centre Area Plan.
- E. The application and use of the CCMU district shall be for a project area that consists of one or more contiguous lots under single ownership or control comprising a zoning lot. In the event that an application for a proposed CCMU district includes more than one lot not under the same ownership, an agreement signed by the owners of all property shall be included in the application indicating the intent to develop the property as a single project area. The property comprising the development project shall be considered a zoning lot for the purposes of this section.

Sec. 42-441. Permitted land uses.

- A. Permitted uses shall provide an orderly, compatible and functional development pattern, be harmonious with existing land uses and be consistent with the Portage Comprehensive Plan. A plan for the project area shall consist of mix of residential, office and business uses as specified in this chapter.
- B. Principal permitted uses. In an approved CCMU district and project area, no building or land shall be used, and no building shall be erected, except for one or more the following specified uses unless otherwise permitted by the article:
 - 1. Principal permitted uses and special land uses subject to the same conditions allowed in the underlying business or office zoning district; and
 - 2. The following specified residential uses:
 - a. One-family detached dwellings
 - b. Child daycare centers
 - c. One-family attached dwellings
 - d. Two-family dwellings
 - e. Multi-family residential dwellings

Sec. 42-442. Site development incentives and standards.

- A. Project Area. The zoning lot intended for development shall be not less than five acres. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than five acres, upon finding by the City Council that the proposed development fulfills the intent of this subdivision.
- B. Building height and number of stories. The maximum height of buildings and structures shall be determined pursuant to the Maximum Building Height for the underlying zoning district in Section 42-350 A. and B. footnote (6)
- C. Mixed Use Buildings. Permitted uses in the underlying zoning district may occupy any number of total floors within a building provided that:

1. No permitted non-residential use shall be located on the same floor in the same building as a permitted residential use.
2. No floor may be used by a permitted non-residential use that is located above a floor that is occupied by a permitted residential use.
3. In a building where there is an office use and/or business use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.

D. Lot coverage.

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

E. Residential dwelling unit standards and requirements.

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

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

G. Building Setbacks/Perimeter Setbacks

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

would be in keeping with the intent and purpose of this subdivision. Where it is determined that such setbacks are desirable, the area of the setbacks shall be developed as pedestrian plazas, courts and open areas, and made an integral part of the project area.

H. Building Design/Development Project Design.

1. Architectural design and building wall materials within the project area must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding area. It is not intended that contrasts in architectural design and use of building wall materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the quality and value of the surrounding area.
2. Elevation drawings of each side of each building in the project area must be submitted.
3. Each building must have a primary entrance door facing a public sidewalk or as otherwise approved by the Planning Commission. An entrance at building corners may be used to satisfy this requirement.
4. A building entrance may include doors to individual offices or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of office or business uses.
5. Architectural amenities within the project area are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian-scale lighting, landscaping and major architectural features at entranceways.
6. Open space/common areas accessible to the public as gathering places that may include focal points such as a plaza, arch, gateway, bell tower or fountain and are connected by pedestrian walkways are strongly encouraged.
7. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.

I. Vehicular Parking. The following provisions shall apply in the district:

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

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

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

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

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

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

O. If a lot or parcel in an application for a CCMU district includes less than the entire lot or parcel owned by the applicant, an explanation shall be provided by the applicant regarding:

1. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
2. The future development and access to the remaining portions of the lot or parcel.

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

- A. Development of land in the CCMU district shall be permitted subject to an approved unified form of land development (conceptual plan) and an approved site plan or subdivision plan (specific plan) as required by this section.
- B. Unified form of land development (conceptual plan): The owner or developer of the tract of land to be developed shall submit a conceptual plan to the Department of Community Development. This conceptual plan shall include the following information:
 1. A statement of purpose and objectives.
 2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.
 3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.
 4. The name of the development, legal description, and names and addresses of the landowner and developer.
 5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - i. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - ii. The future development and access to the remaining lot or parcel.
 6. Property lines and existing land uses of adjacent tracts of land.
 7. The location, width and names of existing streets, and public and private easements.
 8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
 9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
 10. The use, approximate height, density, bulk and location of buildings and other structures.
 11. A program of development outlining the proposed stages of development, including the time schedule.
 12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
 13. The location, function, ownership and manner of maintenance of common open space.
 14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.
 15. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed development.
 16. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities.
 17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.

- C. Review by Planning Commission: The development project review and public hearing shall be conducted by the Planning Commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.
- D. Action by City Council: After receipt of the Planning Commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the CCMU shall be fixed to the Zoning Map to show the extent of the district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.
- E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.
- F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.
- G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.
- H. Development plan (specific plan):
 - 1. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 - 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - 3. Resubmission. If the specific plan expires or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.
- I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives in reviewing the conceptual plan for development in the CCMU:
 - 1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
 - 2. The buildings and structures are compatible with and mutually supportive of each other.
 - 3. The buildings and structures are of a unified architectural and structural character.
 - 4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
 - 5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
 - 6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.

7. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development.
 8. The plan is designed and will be constructed in such a way as to be compatible with the environment and with neighboring uses, especially residential areas.
 9. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
 10. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
 11. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage Creek and public park, recreation and open space.
- J. Authority to waive or modify standards: City Council may waive or modify the site development incentives and standards specified in Section 42-437 for a conceptual plan on the basis of evidence submitted by the developer that:
1. A requirement is inconsistent with the development project as a whole;
 2. The objectives of the standard or requirement can be satisfactorily met without strict adherence to it;
 3. The waiver or modification will not be detrimental to the public welfare or injurious to other surrounding property; and
 4. Because of the particulars of the facilities proposed in the development project, it would be unreasonable to require strict adherence.

Dated: _____

James R. Hudson, City Clerk

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

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 4, of Chapter 42 shall be amended by adding Subdivision 16 as follows:

Subdivision 16. CCMU Commercial Corridor Mixed Use Floating District.

Sec. 42-439. Intent.

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

Sec. 42-440. Applicability of subdivision.

- A. An application for a CCMU district may be submitted for any tract of land in which not less than 50% of the tract of land is zoned B-1, local business; B-2, community business; B-3, general business; CPD, commercial planned development; or OS-1, office service, or any combination of such districts. On a future date, the district will be fixed in location at the request of the applicant as approved by City Council.
- B. With the greater intensity of building development and mix of uses, the CCMU district is suitable only for tracts of land located along major thoroughfares and identified as a primary commercial node, secondary commercial node or commercial corridor in the Portage Comprehensive Plan or situated abutting to a designated primary or secondary commercial node or commercial corridor.
- C. The CCMU district is not intended to replace or modify the underlying office or business zoning district, but is intended as a development alternative to foster community growth and development.

- D. The CCMU district cannot be applied in the City Centre Area, Detailed Plan Area as identified in the Planning Commission approved City Centre Area Plan.
- E. The application and use of the CCMU district shall be for a project area that consists of one or more contiguous lots under single ownership or control comprising a zoning lot. In the event that an application for a proposed CCMU district includes more than one lot not under the same ownership, an agreement signed by the owners of all property shall be included in the application indicating the intent to develop the property as a single project area. The property comprising the development project shall be considered a zoning lot for the purposes of this section.

Sec. 42-441. Permitted land uses.

- A. Permitted uses shall provide an orderly, compatible and functional development pattern, be harmonious with existing land uses and be consistent with the Portage Comprehensive Plan. A plan for the project area shall consist of mix of residential, office and business uses as specified in this chapter.
- B. Principal permitted uses. In an approved CCMU district and project area, no building or land shall be used, and no building shall be erected, except for one or more the following specified uses unless otherwise permitted by the article:
 - 1. Principal permitted uses and special land uses subject to the same conditions allowed in the underlying business or office zoning district; and
 - 2. The following specified residential uses:
 - a. One-family detached dwellings
 - b. Child daycare centers
 - c. One-family attached dwellings
 - d. Two-family dwellings
 - e. Multi-family residential dwellings

Sec. 42-442. Site development incentives and standards.

- A. Project Area. The zoning lot intended for development shall be not less than five acres. Upon application by the owner or developer, the City Council, with the recommendation of the Planning Commission, may approve an area for development that is less than five acres, upon finding by the City Council that the proposed development fulfills the intent of this subdivision.
- B. Building height and number of stories. The maximum height of buildings and structures shall be determined pursuant to the Maximum Building Height for the underlying zoning district in Section 42-350 A. and B. footnote (6)
- C. Mixed Use Buildings. Permitted uses in the underlying zoning district may occupy any number of total floors within a building provided that:
 - 1. No permitted non-residential use shall be located on the same floor in the same building as a permitted residential use.
 - 2. No floor may be used by a permitted non-residential use that is located above a floor that is occupied by a permitted residential use.
 - 3. In a building where there is an office use and/or business use and residential use, there shall be provided a separate, private pedestrian entrance for the residential use.
- D. Lot coverage.
 - 1. Maximum lot coverage in the CCMU district shall be determined on the basis of the zoning lot, open space, building, off-street parking and loading, landscaping and screening, setbacks and other requirements specified in this article.
 - 2. A maximum of 20% of the total project area may be used for residential uses, including access roads and parking associated with such residential uses.

- E. Residential dwelling unit standards and requirements.
1. Minimum land area for each one-family residential units shall be 7,800 sq. ft.
 2. Minimum land area for one-family attached or a two-family dwelling unit shall be 6,000 sq. ft. per unit.
 3. Multi-family residential density and minimum floor area per unit shall be established pursuant to Section 42-350 A and B(7) for dwelling unit in the RM-1, Multifamily Residential district. Density shall be based on the entire project area. No more than eighteen units are permitted per each freestanding multi-family residential building.
- F. Use requirements. All permitted uses must be conducted in completely enclosed buildings except for accessory off-street parking and off-street loading areas, automated teller machines, open market areas and approved outdoor seating and similar areas associated with a permitted non-residential or a residential use, or as determined by the Planning Commission.
- G. Building Setbacks/Perimeter Setbacks
1. Front (external). The minimum front yard setback for buildings located on the perimeter of the project area adjacent to a public street shall be equal to the average setback for existing buildings located between two intersecting streets or 500 feet in either direction of the project area, whichever is less.
 2. Front (internal). A majority of the front building wall (façade) must be setback a minimum of 25 feet from any internal street or maneuvering lane.
 3. Internal setbacks for multi-family residential structures shall meet the requirements set forth in Division 4, subdivision 10.
 4. Internal setbacks for one-family detached dwellings, one-family attached dwellings and two-family dwellings shall be based on the provision of adequate light and ventilation and vehicular parking.
 5. Perimeter setbacks. It is the intent of the CCMU district to incorporate adjacent residential and nonresidential land uses into the project area by providing roadway and/or pedestrian connections. For a project area that abuts adjacent property that permits residential uses, or uses of less intensity than proposed in the project area, a peripheral transition area consisting of increased setbacks, landscaping/screening or other similar measures may be required.
 6. The above specified setbacks may be modified where strict adherence would serve no practical purpose, or where the overall intent of the CCMU would be better served by allowing a greater or lesser setback.
 7. In addition to providing for adequate light and air, setbacks (yards) may also be required where access to land, natural resources including Portage Creek or a public park, recreation or open space, or other uses beyond the building and associated site improvements, would be desirable and where it can be found that such exterior setbacks would be in keeping with the intent and purpose of this subdivision. Where it is determined that such setbacks are desirable, the area of the setbacks shall be developed as pedestrian plazas, courts and open areas, and made an integral part of the project area.
- H. Building Design/Development Project Design.
1. Architectural design and building wall materials within the project area must be of a unified character, compatible and mutually supportive and complimentary to existing buildings within the development project and to the existing buildings in the surrounding area. It is not intended that contrasts in architectural design and use of building wall materials are to be discouraged, but care shall be taken so that any such contrasts do not adversely affect the quality and value of the surrounding area.
 2. Elevation drawings of each side of each building in the project area must be submitted.
 3. Each building must have a primary entrance door facing a public sidewalk or as otherwise approved by the Planning Commission. An entrance at building corners may be used to satisfy this requirement.

4. A building entrance may include doors to individual offices or businesses, lobby entrances, entrances to pedestrian-oriented plazas, or courtyard entrances to a cluster of office or business uses.
 5. Architectural amenities within the project area are strongly encouraged and may include pedestrian walkways, brick or other approved decorative paving, coordinated pedestrian-scale lighting, landscaping and major architectural features at entranceways.
 6. Open space/common areas accessible to the public as gathering places that may include focal points such as a plaza, arch, gateway, bell tower or fountain and are connected by pedestrian walkways are strongly encouraged.
 7. Appropriate pedestrian amenities are encouraged and may include street trees, outdoor seating, bus stops, refuse containers, newspaper vending machines, mailboxes, sidewalk displays, public art and other similar amenities.
- I. Vehicular Parking. The following provisions shall apply in the district:
 1. Off-street parking must be provided and designed for permitted uses in accordance with Division 6, Subdivision 1, Off-Street Parking and Loading. The applicant may request a reduction or waiver of parking standards based on submittal of a parking impact study that may include, among others, estimated peak use, reductions due to pedestrian accessibility, availability of transit service, likelihood of car pool use and adjacent on-street parking. The parking study shall be subject to review by the Planning Commission and the City Council.
 2. Off-street parking facilities may be shared between two or more adjacent uses and not meet the minimum combined number of parking spaces for each use if the applicant(s) demonstrates the peak parking needs do not overlap, per an approved planned project area plan.
 - J. Signs. Signage is permitted and shall fulfill the sign requirements established in Division 6, Subdivision 2 - Signs applicable to the underlying office or business zoning district.
 - K. Site Lighting. Site lighting must comply with Division 6, Subdivision 4 – Lighting Standards.
 - L. Municipal Utilities. All uses in the CCMU shall be connected to municipal water and sewer utilities.
 - M. Other Utilities. All telephone, electric, television and similar communication services distributed by wire or cable shall be placed underground to serve the use and development project.
 - N. Where a plan has been approved for a project area pursuant to this subdivision, the regulations imposed for approval of the project area shall apply.
 - O. If a lot or parcel in an application for a CCMU district includes less than the entire lot or parcel owned by the applicant, an explanation shall be provided by the applicant regarding:
 1. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 2. The future development and access to the remaining portions of the lot or parcel.

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

- A. Development of land in the CCMU district shall be permitted subject to an approved unified form of land development (conceptual plan) and an approved site plan or subdivision plan (specific plan) as required by this section.
- B. Unified form of land development (conceptual plan): The owner or developer of the tract of land to be developed shall submit a conceptual plan to the Department of Community Development. This conceptual plan shall include the following information:
 1. A statement of purpose and objectives.
 2. A general plan of development, including the proposed and special land uses by relative intensity and proportion of land area intended for each use.
 3. A map or maps containing the date and north arrow, to be drawn at a minimum acceptable scale of one inch equals 100 feet.

4. The name of the development, legal description, and names and addresses of the landowner and developer.
 5. All contiguous holdings of the landowner, accompanied by an affidavit of ownership which includes the date of acquisition and liber and page of the conveyance as recorded by the county register of deeds. If a zoning lot in a development project application for conceptual plan approval includes less than the entire zoning lot owned by the applicant, the following shall be provided by the applicant:
 - i. The anticipated relationship between the development project and any existing use on the remaining lot or parcel, and
 - ii. The future development and access to the remaining lot or parcel.
 6. Property lines and existing land uses of adjacent tracts of land.
 7. The location, width and names of existing streets, and public and private easements.
 8. The location of existing sewers, water mains, storm drains and other underground facilities within or adjacent to the property.
 9. The topography, drawn as contours with an interval of not more than two feet. Elevations must be based on North American Vertical Datum 88 (NAVD88).
 10. The use, approximate height, density, bulk and location of buildings and other structures.
 11. A program of development outlining the proposed stages of development, including the time schedule.
 12. A statement demonstrating the independence of any development phase and the integration of the proposed development project into the proposed or existing development pattern.
 13. The location, function, ownership and manner of maintenance of common open space.
 14. The preliminary proposals for the distribution of water and the disposition of sanitary waste and storm water.
 15. The provisions for parking vehicles, the location and width of proposed streets and public ways, and the relationship of proposed streets and other public facilities in proximity to the proposed development.
 16. The substance of covenants, grants of easements or other restrictions to be imposed upon the use of the land, buildings and structures, including proposed easements for public utilities.
 17. An inventory of natural features and characteristics, including bodies of water, floodplains, wetlands, soils, groves of trees, and historical, archeological and similar irreplaceable assets.
- C. Review by Planning Commission: The development project review and public hearing shall be conducted by the Planning Commission on the conceptual plan pursuant to the Zoning Act, and a report and recommendation thereof submitted to City Council.
- D. Action by City Council: After receipt of the Planning Commission report and recommendation, City Council shall hold a public hearing on the conceptual plan pursuant to the Zoning Act. The conceptual plan may be approved, approved with conditions, modified or rejected by the council. If the conceptual plan is approved or approved with conditions, the CCMU shall be fixed to the Zoning Map to show the extent of the district. The record of the approval including the approved conceptual plan and related documents shall be filed in the Office of the City Clerk.
- E. Time limit for submission of specific plan: The approved conceptual plan shall be effective for a period not to exceed two years. If no specific plan for development is received during this two-year period or if no specific plan is received during any four year period after the initial specific plan had been submitted, conceptual plan approval shall expire. City Council may, after receipt of a written request from the applicant before the expiration of the two-year period, grant an additional one-year extension of the conceptual plan.
- F. Time limit for commencing construction: Conceptual plan approval shall expire if construction pursuant to an approved specific plan is not started within two years from the previous specific site plan approval.

- G. Resubmission: If the conceptual plan expires or if modifications are needed, the conceptual plan must be resubmitted in the same manner as provided for review and approval of the original conceptual plan.
- H. Development plan (specific plan):
 - 1. Subsequent to approval of the conceptual plan, development of an individual lot or parcel, or multiple lots or parcels as a development phase, a specific plan shall be submitted pursuant to the requirements specified in division 5, subdivision 2, Site Plan Review. The specific plan shall be in substantial conformance with the approved conceptual plan.
 - 2. Time limit for commencing construction. After the specific plan is approved pursuant to division 5, subdivision 2, Site Plan Review, development shall commence within six months of approval of the specific plan. If development is not begun within this period, the specific plan must be resubmitted for approval per division 5, subdivision 2, Site Plan Review.
 - 3. Resubmission. If the specific plan expires or if modifications are needed, the specific plan must be resubmitted in the same manner as provided for the review and approval of the original specific plan.
- I. Standards for review of conceptual plan: In making their respective determinations, the planning commission and City Council shall consider the following standards and objectives in reviewing the conceptual plan for development in the CCMU:
 - 1. The buildings and structures are of a size and location that achieve economy and efficiency in the use of the land, natural resources and energy, and in the providing of public services and utilities.
 - 2. The buildings and structures are compatible with and mutually supportive of each other.
 - 3. The buildings and structures are of a unified architectural and structural character.
 - 4. The plan incorporates techniques that encourage innovation in land use and variety in design size, layout and type of buildings and structures constructed. The plan incorporates useful open space in an appropriate amount and location.
 - 5. The landscaping is of a common unifying theme that provides integration of the sites within the development.
 - 6. The common drives, parking areas and service areas are designed and sized in a definite relationship to the types and sizes of uses to be located in the development.
 - 7. The conceptual plan provides an attractive, comfortable and convenient setting for residents who inhabit the development and for patrons and others who desire to visit and use the development.
 - 8. The plan is designed and will be constructed in such a way as to be compatible with the environment and with neighboring uses, especially residential areas.
 - 9. The transitions between the various sites and structures within the development project are of a type, nature and size that enhance the ease and safety of vehicular and pedestrian traffic flow and are consistent with the character of the development.
 - 10. The public services and facilities affected by the conceptual plan are capable of accommodating the increased service and facility loads caused by the development project.
 - 11. The conceptual plan considers the natural environment, conserves natural resources and energy and enhances access to existing natural resources including Portage Creek and public park, recreation and open space.
- J. Authority to waive or modify standards: City Council may waive or modify the site development incentives and standards specified in Section 42-437 for a conceptual plan on the basis of evidence submitted by the developer that:
 - 1. A requirement is inconsistent with the development project as a whole;
 - 2. The objectives of the standard or requirement can be satisfactorily met without strict adherence to it;

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

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

NOTICE IS HEREBY GIVEN, that an Ordinance to amend Article 4, Definitions, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan, was introduced for first reading at a regular meeting of the City Council held on _____, 2011, and that the Council will hold a public hearing on the proposed amendment at the Portage City Hall in said City on _____, 2011, at 7:30 p.m. or as soon thereafter as may be heard.

NOTICE IS FURTHER GIVEN that the proposed amendment to Article 4, Definitions, of Chapter 42, Land Development Regulations of the Codified Ordinances of Portage, Michigan reads as follows:

THE CITY OF PORTAGE ORDAINS:

Section 42-112. Definitions.

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

Work/live building : Means a building or portion of a building that combines a business or office use (hereinafter "commercial use") that is allowed as a principal permitted or special land use subject to conditions in the zoning district with one accessory residential dwelling unit per commercial use for the owner or employee of the commercial use and that person's relatives related by blood, marriage or adoption.

That Article 4, Division 3, General Provisions, of Chapter 42 shall be amended as follows:

Section 42-121. Accessory uses.

- A. No change.
- B. No change.
- C. 1 (a-h). No change.
 - i. A residential dwelling unit subject to the provisions of Section 42-137, Work/Live Accommodations.

Section 42-137. Work/Live accommodations.

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

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

B. Applicability.

1. Work/live buildings are permitted as special land uses in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; and CPD, commercial planned development zoning districts subject to review and approval by the planning commission pursuant Division 5, Subdivision 1.
2. Any commercial use permitted in the zoning district applicable to the property is permitted in the work/live building.
3. Residential dwelling units unrelated to commercial activities are prohibited as work/live uses.
4. Home occupations are prohibited in residential dwelling units of a work/live building.

C. Site development standards.

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

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

That Article 4, Division 4, Subdivision 5, OS-1 Office Service District, of Chapter 42, shall be amended as follows:

Section 42-242. Special land uses.

The following uses may be allowed in the OS-1 office service district, subject to the conditions imposed in this section and section 42-243 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Work/live accommodations in accordance with the provisions of Section 42-137.

That Article 4, Division 4, Subdivision 6, Business Districts, of Chapter 42, shall be amended as follows:

Section 42-260. B-1 local business district.

- A. No change.
- B. No change.
- C. Special land uses: The following uses may be allowed in the B-1 local business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:
 - 1-9. No change.
 - 10. Work/live accommodations in accordance with the provisions of Section 42-137.

- D. No change.

Section 42-261. B-2 community business district.

- A. No change.
- B. No change.

C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-6. No change.

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

D. No change.

Section 42-262. B-3 general business district.

A. No change.

B. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-8. No change.

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

D. No change.

That Article 4, Division 6, Subdivision 13, CPD Commercial Planned Development, of Chapter 42, shall be amended as follows:

Section 42-412. Principal permitted uses.

In the commercial planned development district, no building, structure or premises, except as otherwise provided in this article, shall be erected, altered or used, except for one or more of the following uses:

A. No change.

B. No change.

C. No change.

D. No change.

E. No change.

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

G. No change.

Dated: _____

James R. Hudson, City Clerk

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[COUNCIL VERSION]

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-112, SECTION 42-121, SECTION 42-242, SECTION 42-260,
SECTION 42-261, SECTION 42-262 AND SECTION 42-412 OF CHAPTER 42
AND ADDING SECTION 42-137 TO CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 2, Definitions, of Chapter 42 shall be amended as follows:

Section 42-112. Definitions.

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

Work/live building : Means a building or portion of a building that combines a business or office use (hereinafter "commercial use") that is allowed as a principal permitted or special land use subject to conditions in the zoning district with one accessory residential dwelling unit per commercial use for the owner or employee of the commercial use and that person's relatives related by blood, marriage or adoption.

That Article 4, Division 3, General Provisions, of Chapter 42 shall be amended as follows:

Section 42-121. Accessory uses.

- A. No change.
- B. No change.
- C. 1 (a-h). No change.
 - i. A residential dwelling unit subject to the provisions of Section 42-137, Work/Live Accommodations.

Section 42-137. Work/Live accommodations.

- A. Intent: The intent of this section is to permit an on-site accessory residential dwelling unit to a commercial use as living quarters for the owner or employee of the commercial use. This section is further intended to:
 - 1. Encourage a diversity of uses that contribute to the city's total employment base and provide the services needed by the city's residents and businesses;
 - 2. Provide start-up locations for appropriate new business;
 - 3. Allow the reuse of existing buildings or the construction of new buildings designed for live/work activities; and
 - 4. Ensure that the exterior design of work/live buildings is compatible with the exterior design of existing commercial and residential buildings in the area.

B. Applicability.

1. Work/live buildings are permitted as special land uses in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; and CPD, commercial planned development zoning districts subject to review and approval by the planning commission pursuant Division 5, Subdivision 1.
2. Any commercial use permitted in the zoning district applicable to the property is permitted in the work/live building.
3. Residential dwelling units unrelated to commercial activities are prohibited as work/live uses.
4. Home occupations are prohibited in residential dwelling units of a work/live building.

C. Site development standards.

1. Zoning District Site Development Requirements. Unless otherwise permitted by this section, development of work/live buildings and associated site improvements shall meet all the site development requirements applicable to the zoning district in which the work/live buildings are located.
2. Live/Work Buildings. The following conditions apply to work/live buildings:
 - a. The residential dwelling unit may be located above or adjacent to (on the same level) as the permitted commercial use subject to the following:
 - i. If a residential dwelling unit is located above a permitted commercial use, the square footage of the residential dwelling unit cannot exceed the square footage of the permitted commercial use below.
 - ii. If the residential dwelling unit is located adjacent to the permitted commercial use, the residential dwelling unit must be located in the rear yard and shall not exceed one third of the total floor area of the commercial use.
 - b. No floor may be used by a commercial use that is located above a floor that is occupied by a residential dwelling unit.
 - c. The following interior connections must be maintained between the residential dwelling unit and the commercial use :
 - i. If the residential dwelling unit is located adjacent to the commercial use, a door meeting the requirements of the building code must be maintained.
 - ii. If the residential dwelling unit is not located adjacent to the commercial use then, in addition to doors, a hallway and stairway must also be maintained.
 - d. The work/live building must meet applicable building and fire code requirements for the type and use undertaken.
 - e. The residential dwelling unit shall be accessory to the commercial use and the commercial use shall remain the principal use of the property.
 - f. Only owners and employees of the business associated with the work/live building and who meet the definition of a business owner or employee may occupy the residential dwelling unit portion.
 - g. The floor area for each residential dwelling unit shall meet the minimum requirements of Section 42-350(A) for a dwelling unit located in the RM-1/RM-2, Multi-family Residential district.

That Article 4, Division 4, Subdivision 5, OS-1 Office Service District, of Chapter 42, shall be amended as follows:

Section 42-242. Special land uses.

The following uses may be allowed in the OS-1 office service district, subject to the conditions imposed in this section and section 42-243 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. No change.
- B. No change.
- C. No change.
- D. No change.

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

That Article 4, Division 4, Subdivision 6, Business Districts, of Chapter 42, shall be amended as follows:

Section 42-260. B-1 local business district.

- A. No change.
- B. No change.
- C. Special land uses: The following uses may be allowed in the B-1 local business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-9. No change.

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

- D. No change.

Section 42-261. B-2 community business district.

- A. No change.
- B. No change.
- C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-6. No change.

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

D. No change.

Section 42-262. B-3 general business district.

A. No change.

B. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-8. No change.

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

D. No change.

That Article 4, Division 6, Subdivision 13, CPD Commercial Planned Development, of Chapter 42, shall be amended as follows:

Section 42-412. Principal permitted uses.

In the commercial planned development district, no building, structure or premises, except as otherwise provided in this article, shall be erected, altered or used, except for one or more of the following uses:

A. No change.

B. No change.

C. No change.

D. No change.

E. No change.

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

FG. No change.

[ORDINANCE FOR ADOPTION]

ORDINANCE TO AMEND THE CODE OF ORDINANCES
OF THE CITY OF PORTAGE, MICHIGAN
BY AMENDING SECTION 42-112, SECTION 42-121, SECTION 42-242, SECTION 42-260,
SECTION 42-261, SECTION 42-262 AND SECTION 42-412 OF CHAPTER 42
AND ADDING SECTION 42-137 TO CHAPTER 42, LAND DEVELOPMENT REGULATIONS

THE CITY OF PORTAGE ORDAINS:

That Article 4, Division 2, Definitions, of Chapter 42 shall be amended as follows:

Section 42-112. Definitions.

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

Work/live building : Means a building or portion of a building that combines a business or office use (hereinafter "commercial use") that is allowed as a principal permitted or special land use subject to conditions in the zoning district with one accessory residential dwelling unit per commercial use for the owner or employee of the commercial use and that person's relatives related by blood, marriage or adoption.

That Article 4, Division 3, General Provisions, of Chapter 42 shall be amended as follows:

Section 42-121. Accessory uses.

- A. No change.
- B. No change.
- C. 1 (a-h). No change.
 - i. A residential dwelling unit subject to the provisions of Section 42-137, Work/Live Accommodations.

Section 42-137. Work/Live accommodations.

- A. Intent: The intent of this section is to permit an on-site accessory residential dwelling unit to a commercial use as living quarters for the owner or employee of the commercial use. This section is further intended to:
 - 1. Encourage a diversity of uses that contribute to the city's total employment base and provide the services needed by the city's residents and businesses;
 - 2. Provide start-up locations for appropriate new business;
 - 3. Allow the reuse of existing buildings or the construction of new buildings designed for live/work activities; and
 - 4. Ensure that the exterior design of work/live buildings is compatible with the exterior design of existing commercial and residential buildings in the area.

B. Applicability.

1. Work/live buildings are permitted as special land uses in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; and CPD, commercial planned development zoning districts subject to review and approval by the planning commission pursuant Division 5, Subdivision 1.
2. Any commercial use permitted in the zoning district applicable to the property is permitted in the work/live building.
3. Residential dwelling units unrelated to commercial activities are prohibited as work/live uses.
4. Home occupations are prohibited in residential dwelling units of a work/live building.

C. Site development standards.

1. Zoning District Site Development Requirements. Unless otherwise permitted by this section, development of work/live buildings and associated site improvements shall meet all the site development requirements applicable to the zoning district in which the work/live buildings are located.
2. Live/Work Buildings. The following conditions apply to work/live buildings:
 - a. The residential dwelling unit may be located above or adjacent to (on the same level) as the permitted commercial use subject to the following:
 - i. If a residential dwelling unit is located above a permitted commercial use, the square footage of the residential dwelling unit cannot exceed the square footage of the permitted commercial use below.
 - ii. If the residential dwelling unit is located adjacent to the permitted commercial use, the residential dwelling unit must be located in the rear yard and shall not exceed one third of the total floor area of the commercial use.
 - b. No floor may be used by a commercial use that is located above a floor that is occupied by a residential dwelling unit.
 - c. The following interior connections must be maintained between the residential dwelling unit and the commercial use :
 - i. If the residential dwelling unit is located adjacent to the commercial use, a door meeting the requirements of the building code must be maintained.
 - ii. If the residential dwelling unit is not located adjacent to the commercial use then, in addition to doors, a hallway and stairway must also be maintained.
 - d. The work/live building must meet applicable building and fire code requirements for the type and use undertaken.
 - e. The residential dwelling unit shall be accessory to the commercial use and the commercial use shall remain the principal use of the property.
 - f. Only owners and employees of the business associated with the work/live building and who meet the definition of a business owner or employee may occupy the residential dwelling unit portion.
 - g. The floor area for each residential dwelling unit shall meet the minimum requirements of Section 42-350(A) for a dwelling unit located in the RM-1/RM-2, Multi-family Residential district.

That Article 4, Division 4, Subdivision 5, OS-1 Office Service District, of Chapter 42, shall be amended as follows:

Section 42-242. Special land uses.

The following uses may be allowed in the OS-1 office service district, subject to the conditions imposed in this section and section 42-243 for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

- A. No change.
- B. No change.
- C. No change.
- D. No change.
- E. Work/live accommodations in accordance with the provisions of Section 42-137.

That Article 4, Division 4, Subdivision 6, Business Districts, of Chapter 42, shall be amended as follows:

Section 42-260. B-1 local business district.

- A. No change.
- B. No change.
- C. Special land uses: The following uses may be allowed in the B-1 local business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:
 - 1-9. No change.
 - 10. Work/live accommodations in accordance with the provisions of Section 42-137.
- D. No change.

Section 42-261. B-2 community business district.

- A. No change.
- B. No change.
- C. Special land uses: The following uses may be allowed in the B-2 community business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-6. No change.

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

D. No change.

Section 42-262. B-3 general business district.

A. No change.

B. No change.

C. Special land uses: The following uses may be allowed in the B-3 general business district, subject to the conditions imposed in this section for each use, and subject further, to the review and approval of the planning commission in accordance with the provisions of division 5, subdivision 1 of this article:

1-8. No change.

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

D. No change.

That Article 4, Division 6, Subdivision 13, CPD Commercial Planned Development, of Chapter 42, shall be amended as follows:

Section 42-412. Principal permitted uses.

In the commercial planned development district, no building, structure or premises, except as otherwise provided in this article, shall be erected, altered or used, except for one or more of the following uses:

A. No change.

B. No change.

C. No change.

D. No change.

E. No change.

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

G. No change.

FIRST READING:
SECOND READING:
EFFECTIVE DATE:

CERTIFICATION

STATE OF MICHIGAN)
)SS
COUNTY OF KALAMAZOO)

I, James R. Hudson, do hereby certify that I am the duly appointed and acting City Clerk of the City of Portage and that the foregoing Ordinance was adopted by the City of Portage on the _____ day of _____, 2011.

James R. Hudson, City Clerk

PREPARED BY:
Randall L. Brown (P34116)
Portage City Attorney
1662 East Centre Avenue
Portage, MI 49002
(269) 323-8812

Approved as to form
Date: 7/18/11
RLB
City Attorney

TO: Honorable Mayor and City Council
FROM: Planning Commission
DATE: July 18, 2011
SUBJECT: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances

At the direction of City Council, the Planning Commission on March 17th began the process to consider Ordinance Amendment 10-E, which includes three separate zoning ordinance proposals that would allow “mixed-use” elements within business districts. The Commission reviewed and discussed the proposed ordinances at the March 17th, March 28th and May 5th meetings. A public hearing to formally consider Ordinance Amendment 10-E was first convened during the June 16, 2011 meeting. The public hearing concluded at the July 7, 2011 meeting. One citizen spoke in regard to the Work/Live Accommodations ordinance during the July 7, 2011 meeting. No additional citizens spoke regarding the proposed ordinance amendment during any of the above referenced meetings.

After careful review and consideration of the proposed ordinance language, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, be approved. The motion was approved 8-0.

Sincerely,

CITY OF PORTAGE PLANNING COMMISSION



James Cheesebro
Chairman

There being no further discussion, a motion was then made by Commissioner Welch, seconded by Commissioner Patterson, to approve the parking plan and request to exceed the maximum number of off-street parking spaces by 34 allowing a total of 768 off-street parking spaces. The motion was unanimously approved.

PUBLIC HEARINGS:

1. **Final Report: Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances.** Mr. Forth summarized the July 1, 2011 final staff report regarding the three mixed-use ordinance proposals referred by City Council. Mr. Forth provided additional information regarding the ordinance provision requiring a minimum of 10% open space required in the City Centre Area district and summarized City Attorney and staff revisions made to the Work/Live Accommodations ordinance since the June 16, 2011 meeting.

Commissioner Pearson commented that he appreciates the changes made to the Work/Live Accommodations ordinance since the June 16th meeting. Commissioner Dargitz indicated that requiring a minimum of 10% open space in the City Centre Area district may not be enough. Mr. Forth indicated that 10% is a minimum and could be more; provides some guidance to the developer; Section 42-437(C)(6) requires additional yard (open) space if the project area is adjacent to natural features; the Standards of Review allow the Planning Commission and City Council to evaluate the amount of open space; and each project is reviewed on a case-by-case basis. Commissioner Patterson concurred with an evaluation based on a case-by-case basis and referenced the Woodlands at Austin Lake as an example. Commissioner Stoffer asked for clarification on the size of the residential unit in the Work/Live Accommodations ordinance if located above or adjacent to the commercial use. Mr. Forth responded. Commissioner Reiff noted that employees from temporary agencies would be excluded from living in the residential unit since the definition of a business owner/employee requires the employee to receive a W-2 tax statement. The Commission discussed this issue and concluded no changes to the definition were necessary. Commissioner Dargitz noted problems could occur if one or more property owners involved in a City Centre Area development projects decides to withdraw from the project after the project has been approved and construction commenced. Attorney Brown and Mr. Forth indicated this issue could be addressed in the agreement required between owners during review and approval of the development plan(s).

Chairman Cheesebro opened the public hearing. Mr. Thomas Rogers, 895 Treasure Island Drive, Kalamazoo, Michigan, was present to comment on the Work/Live Accommodations ordinance. Mr. Rogers stated the Commission should consider allowing temporary employees and contract workers to live in the residential unit. No other citizens spoke in support or opposition to the proposed ordinance amendments. The public hearing was closed. There being no further discussion, a motion was made by Commissioner Welch, seconded by Commissioner Patterson, to recommend to City Council that Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, be approved. The motion was unanimously approved.

PLATS/RESIDENTIAL CONDOS:

None

OLD BUSINESS:

None

TO: Planning Commission

DATE: July 1, 2011

FROM: Vicki Georgean,  Director of Community Development

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

I. INTRODUCTION:

The City Administration has prepared three separate zoning ordinance proposals that would allow "mixed-use" elements within business zoning districts and presented each to the City Council Housing and Neighborhoods Ad Hoc Committee. The three ordinances include: City Centre Area – Mixed-Use Floating Zone; Commercial Corridor Mixed-Use Floating Zone; and the Work/Live Accommodations. The ordinances were prepared consistent with the Portage 2025 Visioning recommendations and the 2008 City Centre Area Plan, A Sub-Area Plan for Central Portage (City Centre Plan) adopted by the Planning Commission. The three "mixed-use" proposals would permit residential uses within business zones when ordinance standards have been met.

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

II. PROPOSED MIXED-USE ORDINANCES

City Centre Area – Mixed-Use Floating Zone. This zoning district is intended to foster development in the City Centre Area (CCA) as identified in the City Centre Plan and Portage 2025 Visioning recommendations. The zone provides an incentive by allowing residential uses with permitted business and office uses to create a mixed-use development in a more urban setting in the CCA. Attached is the proposed ordinance and a map that shows the location identified for the proposed CCA zone(s).

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

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

5. City Council maintains the flexibility to modify or waive standards of development.

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

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

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

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

Commercial Corridor Mixed-use Floating District. This zoning district proposal is another incentive-based floating zone that would be initiated by a property owner/developer to create a more compact/pedestrian-friendly development. The district would be applicable along major thoroughfares when located in/adjacent to a primary or secondary commercial node or commercial corridor per the Comprehensive Plan. The attached Commercial Corridor Mixed-use Floating District (CCMU) is a type of "planned development" with conceptual plan and final (site) plan approval stages. Following are primary elements:

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

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

1. Applicable only in the OS-1, office service; B-1, local business; B-2, community business; B-3, general business; or CPD, commercial planned development districts. The residential unit can be occupied by the business owner(s) or an employee of the business.
2. Subject to review and approval by the Planning Commission as a special land use, or in the CPD district, as part of the CPD approval process.
3. A residential unit located adjacent to and on the same level as the commercial use cannot exceed one-third of the total floor area for the business use. A residential unit located above a commercial use cannot exceed the square footage of the commercial use below.
4. An interior connection must be maintained between the living and work portions of the use in the building.

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

The proposed City Centre Area and Commercial Corridor Mixed Use zoning ordinances attempt to provide for residential activities through “mixed-use” development concepts. The proposed Work/Live Accommodations zoning ordinance is directed toward the idea that residential uses could be permitted within business districts in Portage. The context is to provide for a business owner or employee to live at the workplace if so desired, but to minimize impacts on nearby businesses and owners of business properties, some of which are individual business uses and some are multi-use business centers on one zoning lot.

III. PLANNING COMMISSION REVIEW/CONSIDERATION

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

IV. RECOMMENDATION

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

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

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

NEW BUSINESS:

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

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

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

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

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

PLANNING COMMISSION

March 28, 2011

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

None.

IN ATTENDANCE:

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

APPROVAL OF MINUTES:

None.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

None.

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

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

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

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

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

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

STATEMENT OF CITIZENS:

None.

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

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

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

NEW BUSINESS:

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

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services

PLANNING COMMISSION

June 16, 2011

DRAFT

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

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Allan Reiff.

IN ATTENDANCE:

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

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

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

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

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

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

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

DRAFT

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

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

PLATS/RESIDENTIAL CONDOS:

None.

OLD BUSINESS:

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

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

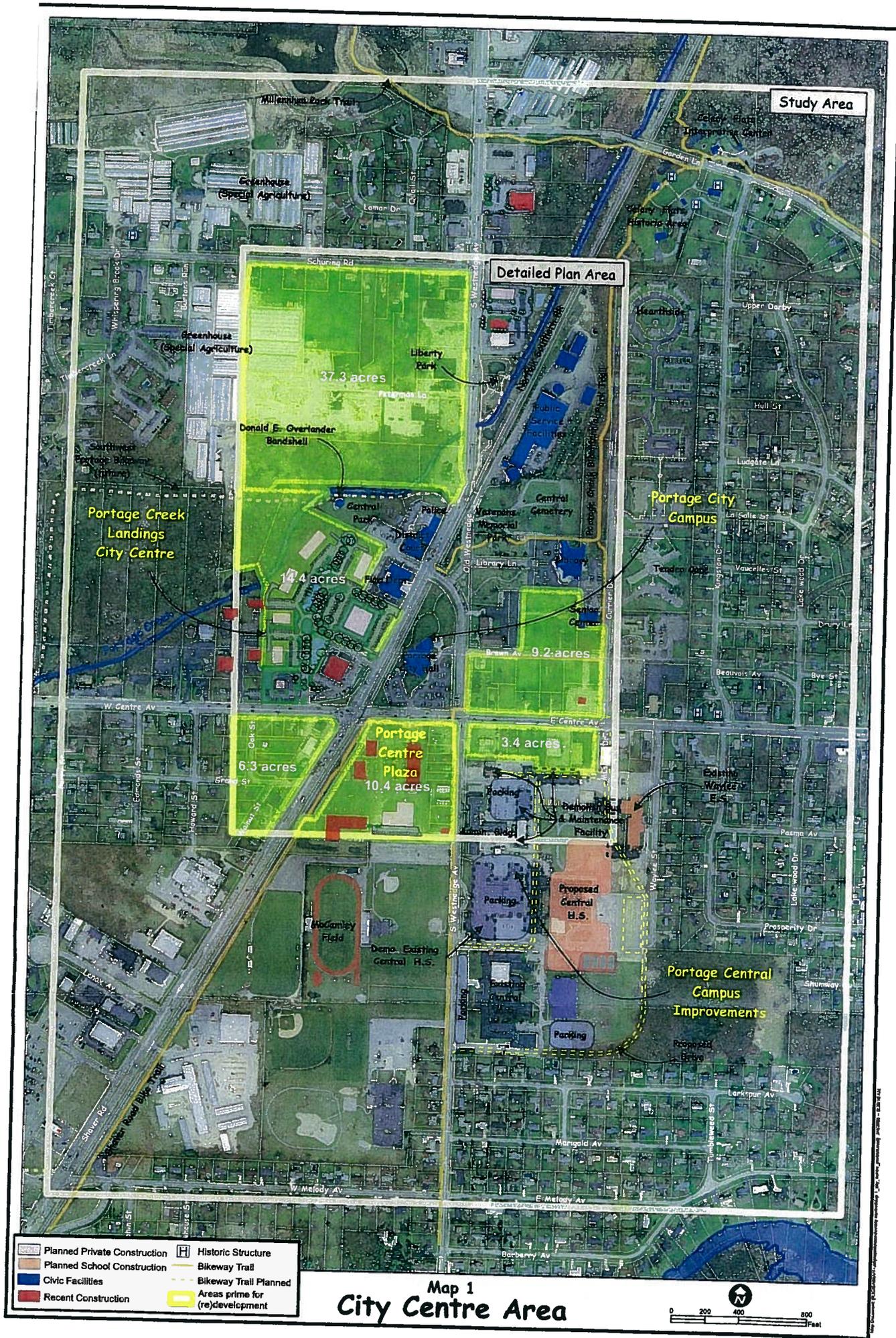
ADJOURNMENT:

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

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

Respectfully submitted,

Christopher Forth, AICP
Deputy Director of Planning and Development Services



37.3 acres

Donald E. Overlander Bandshell

Liberty Park

Central Park

Palace

Public Service Facilities

Veterans Memorial Library

Central Cemetery

12.4 acres

6.3 acres

10.4 acres

9.2 acres

3.4 acres

Proposed Central H.S.

Packing

Detention Bus & Maintenance Facility

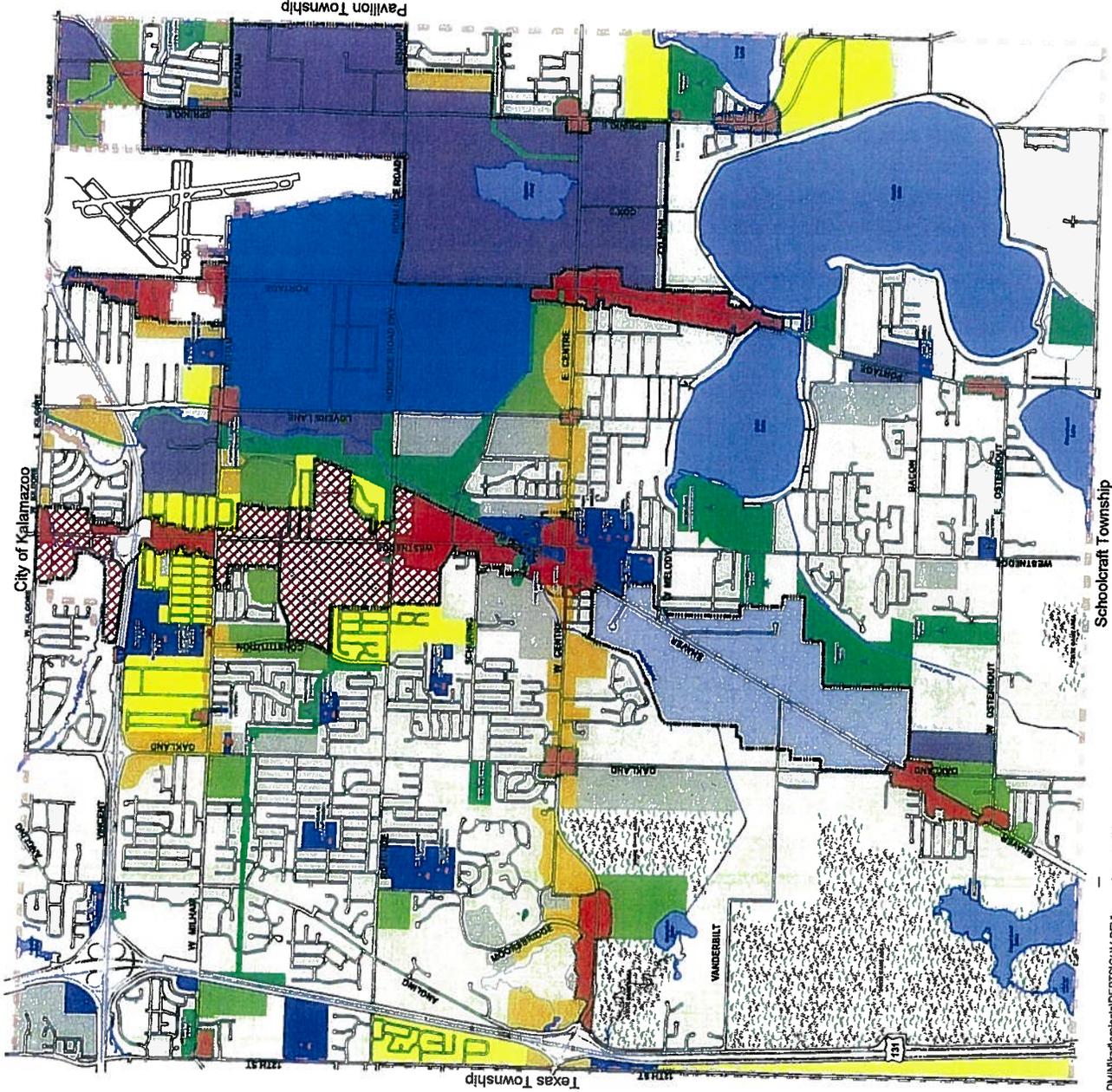
Edgington E.S.

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

Map 13 Future Land Use Map City of Portage

Legend

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



CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 21, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: June 2011 Summary Environmental Activity Report – Information Only

Attached please find the June 2011 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

c: W. Christopher Barnes, Director of Transportation & Utilities
Planning Commission
Portage Environmental Board

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 18, 2011

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

SUBJECT: June 2011 Environmental Activity Report – Information Only

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

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

Attachment

SUMMARY ENVIRONMENTAL ACTIVITY REPORT

June 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. Draft report submitted for city staff review.
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. <i>-Review of 3 site/building plans and/or plats completed in June 2011.</i>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<i>-Sanitary sewer hookup permits issued in June 2011: 6 residential. One property connected as part of the mandatory sewer ordinance.</i>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. <i>The 2011 lake survey and treatment preparations are complete.</i>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2010 results

permit implementation

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. No update on application status.

Portage River Watershed Management Plan

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

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

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

show declining groundwater levels throughout the city. Declining levels range from 6" to 3' - 0". Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the June 2011 level to be approximately 15" below June 2010 levels.*

Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Next sampling scheduled for July 2011.
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year time frame with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. MDNRE expected to issue new permit in 2012. City staff presented public information with other local agencies at the 2011 Home Expo on March 9 - 12, 2011. Implementation is ongoing.
National Pollution Discharge Elimination System (NPDES)	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

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.	<p>-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. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. <i>Plant is in regular operation. During hot weather the facility has been producing approximately 2,000,000 gallons of water per day.</i></p>
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	<p>-<i>The number of environmental incident/spill investigations performed in June 2011 – 1. One spill clean-up on I-94 near South Westwedge Avenue and I-94 ramp was completed by the State of Michigan on June 4, 2011. Emergency spill response contract for 2011-13 with Terra Contracting is in place.</i></p>
Localized Groundwater Table Investigation	Hydrogeologic study of the Portage area, especially in the Sprinkle Woods plat area, to determine causes of increase in groundwater elevation.	<p>-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24” from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. <i>Current groundwater levels are approximately 15” lower than 2010 levels.</i></p>
Hampton Wetland Area Water	Assistance with the Inverness	<p>-Ongoing assistance with the Condominium Association to develop appropriate</p>

Level

Condominium Association to Review Surface Water Levels

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.

Southwest Michigan Regional Sustainability Covenant

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

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

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 18, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Ordinance Amendment 10-C, Medical Marihuana Home Occupation

ACTION RECOMMENDED: That City Council consider additional information provided by the City Administration and approve Ordinance Amendment 10-C, Medical Marihuana Home Occupation

At the July 12, 2011 meeting, the City Council postponed action on the proposed Medical Marihuana Home Occupation ordinance until the July 26th City Council meeting. The City Administration and Office of City Attorney were requested to provide additional information on health and safety issues associated with the cultivation of medical marihuana. In addition, information was requested regarding the effect of the spacing requirements between the location of a primary caregiver home occupation and schools, playgrounds, housing facilities owned by a public housing authority, youth centers, public swimming pools or video arcades. Questions regarding location of the home occupation in the residential structure vs. an accessory building were also presented.

In response, attached is a communication from Community Development Director Georgeau, developed in consultation with the City Attorney, which provides additional information regarding the concerns raised by City Council.

It is recommended that City Council consider adoption of Ordinance Amendment 10-C as proposed.

Attachment: Communication from the Department of Community Development

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 18, 2011

FROM: Vicki Georgeau, ¹⁶Director of Community Development

SUBJECT: Ordinance Amendment 10-C, Medical Marihuana Home Occupation

At the July 12, 2011 meeting, the City Council postponed action on the proposed Medical Marihuana Home Occupation ordinance until the July 26th City Council meeting to allow the City Administration and Office of City Attorney to provide additional information on the health and safety issues associated with the cultivation of medical marihuana, and the effect of the spacing requirements between the location of a primary caregiver home occupation and schools, playgrounds, housing facilities owned by a public housing authority, youth centers, public swimming pools or video arcades. Questions were also presented regarding location of the Medical Marihuana home occupation within the dwelling unit as opposed to an accessory building.

➤ With regard to the health and safety issues associated with the cultivation of medical marihuana involved in a home occupation, the following information is provided for Council consideration:

- While specific comments pertaining to health and safety concerns associated with the cultivation of medical marihuana within the dwelling unit were not received during the Planning Commission review of the proposed ordinance, this issue was considered during the development of the proposed ordinance by the Committee. Potential health and safety concerns associated with grow operations may include: improper and/or overloaded electrical wiring, improper or insufficient ventilation that may result in mold due to high humidity, improper use of chemicals and gases (such as pesticides and/or carbon dioxide), indoor use of generators, and other modifications that necessitate compliance with Building Code requirements, amongst others. In this regard, Subsection 6 of the proposed ordinance specifies:

“6. The home occupation shall be conducted consistent with the Portage Code of Ordinances including but not limited to securing all building, electrical, plumbing, mechanical permits for any portion of the residential structure in which electrical wiring, lighting, and/or watering devices are located, installed or modified that support the cultivation, growing or harvesting of marihuana, compliance with Article 4, Chapter 24 Noise, Article 5, Chapter 24, Safety, Sanitation and Health, as well as Article 14, Chapter 42, Housing/Property Maintenance Code.”

The language of Subsection 6 of the proposed ordinance requires a primary caregiver to obtain proper permits to ensure health and safety concerns related to grow operations can be prevented. If a primary caregiver does not obtain proper permits, the city could address potential hazards in response to complaints received, or violations observed by or brought to the attention of city staff.

In specific regard to the use of carbon dioxide (CO₂) in growing operations (used to enhance photosynthesis indoors) different methods are utilized, which include: the use of fans to bring outdoor air inside the building; the use of pressurized CO₂ tanks with regulators and timers to emit CO₂ at set levels and intervals, and/or the use of generators that emit CO₂ by the burning of propane or natural gas (which may also produce carbon monoxide). The Residential Building Code and portions of the Fire Code have provisions that regulate the use of exhaust fans, ventilation, pressurized tanks, indoor generators (which are prohibited without proper ventilation) and the storage and use of hazardous materials. In addition, both the Residential Building Code and Fire

Code permit the city to require submission of manufacturer installation instructions, and/or technical reports that analyze the safety properties of the design, operation or use of the building. Information obtained can be utilized to recommend modifications, as determined appropriate by the city. If such documentation cannot be provided, the indoor use of CO₂ tanks, generators or other equipment, gases and chemicals would not be permitted.

➤ The following outlines the rationale for requiring the home occupation to be conducted within the dwelling unit, as opposed to an attached or detached accessory building:

- Consistent with the intent of the Act, which establishes a primary caregiver to qualifying patient relationship with privacy and confidentiality safeguards, a home occupation ordinance that restricts the location of primary caregivers to residential districts is proposed. This type of ordinance has been adopted in many other Michigan communities. Further, the proposed ordinance prohibits the location of primary caregivers in commercial areas.
- The Michigan Medical Marihuana Act of 2008 (“Act”) requires cultivation to take place in an “enclosed, locked facility, which means a closet, room or other enclosed area equipped with locks or other security devices that permit access only by a registered primary caregiver or registered qualifying patient”. This language has been interpreted by the City Attorney to mean that the indoor cultivation of medical marihuana is intended by the Act.
 - While the primary caregiver home occupation regulations would not fall under the current “passive” or “active” home occupation regulations provided in Sections 42-129(A) and (B) of the Zoning Code, the primary caregiver operation is proposed as a home occupation, with characteristics most similar to a “passive” home occupation given the low intensity nature (serving not more than five qualifying patients) of the use. Further, both passive and active home occupations under the current Zoning Code are limited to the main residential structure to reduce the potential for adverse impacts on adjacent property owners. Active home occupations, after review and approval by the Planning Commission, are permitted to utilize up to 50% of an accessory building area, but the use of such accessory building is limited to the only storage of materials, equipment and goods.
 - Because the cultivation of medical marihuana is required to occur within an “enclosed, locked facility”, location within the main residential structure is considered the best method to ensure a secure, private and confidential location for the use. If an accessory building is utilized for cultivation, it would be more difficult to ensure that only the primary caregiver has access to the “enclosed, locked facility”. This is especially the case for an accessory building regularly used for the parking of vehicles, storage of yard care and play equipment.

For the reasons noted above, it is recommended that the ordinance language be adopted as proposed.

➤ With regard to the effect of the spacing requirements between the location of a primary caregiver home occupation and schools, playgrounds, housing facilities owned by a public housing authority, youth centers, public swimming pools or video arcades, the following information is provided for Council consideration:

- Attached are two maps that show the spacing requirements as: 1) initially proposed by the Committee; and 2) as revised during the Planning Commission review of the proposed ordinance. The first map includes a 1,000 foot spacing requirement from all schools, day care centers (excluding day care homes), public parks, and a 100 foot spacing requirement from arcades. Under this scenario, 8,710 dwelling units (including duplexes and multiple-family dwelling units) would be excluded from operating a primary caregiver home occupation. This figure represents 42% of

the total dwelling units in the city, and was determined to be overly restrictive and the spacing requirements were subsequently revised. The second map includes the recommended 1,000 foot spacing requirement from all schools, playgrounds and housing facilities owned by a public housing authority and 100 foot spacing requirement from arcades, public swimming pools, and public or private youth centers. Under this scenario, which is consistent with the federal Drug Free School Zone requirements, 6,994 residential dwelling units, or 34% of the total dwelling units in the city would be excluded from operating a primary caregiver home occupation.

- It is iterated that the proposed ordinance overall, and whatever specific spacing requirements are determined appropriate do not apply to the activities or location of a qualifying patient's use of medical marihuana. The proposed ordinance only regulates the primary caregiver.
- Federal Drug Free School Zone requirements have been utilized by many Michigan municipalities as the appropriate distance standard for medical marihuana home occupations. Since the Drug Free School Zone restrictions are still applicable to medical marihuana, it is sound policy to be consistent with these restrictions.
- The city cannot pass an ordinance which has the effect of totally prohibiting the establishment of a land use within the city and there is a presence of demonstrated need for that land use within either the city or the surrounding area within the state, unless there is no appropriate location within the city for that use or the use is unlawful (see MCLA 125.3207). Certainly, with 66% of residential dwelling units available for use, the distance requirements would not have the effect of "totally prohibiting" medical marihuana uses.

For the reasons noted above, it is recommended that the ordinance language be adopted as proposed. Nevertheless, the City Administration has prepared the attached map based on a reduced spacing requirement of 500 feet from all schools, playgrounds and housing facilities owned by a public housing authority and 100 feet from arcades, public swimming pools, and public or private youth centers. Under this scenario, 2,663 residential dwelling units, or 13% of the total dwelling units in the city would be excluded from operating a primary caregiver home occupation. Said differently, 87% of all dwelling units in the city would be available as potential locations for a medical marihuana home occupation under this standard.

With regard to the citizens who spoke during the Planning Commission and City Council public hearings, many desire the establishment of commercial dispensaries. There is a statewide effort to convince local municipalities that certain provisions of the Act, if read favorably, would support their position. To date, the majority of lower courts, the Michigan Attorney General and even one non-binding decision of the Court of Appeals have interpreted the Act under its express provisions that one primary caregiver can assist no more than five qualifying patients connected to that primary caregiver by the State's registration process. Therefore, most medical marihuana advocates reject the home occupation ordinance approach for this reason. However, after careful consideration by the City Administration and City Attorney of alternative approaches to regulating medical marihuana, and after review by Planning Commission, it is recommended that City Council approve Ordinance Amendment 10-C as proposed.

Attachments: Primary Caregiver Home Occupation maps illustrating alternate spacing requirements

Initial Proposed Spacing Requirements (includes 1,000 feet from child care centers and city parks)¹



Proposed Medical Marihuana Primary Caregiver Distance Provisions

NAME	ADDRESS	TYPE	DISTANCE
ALL PORTAGE PUBLIC SCHOOLS		SCHOOL	1000
APPLE TREE LEARNING PRE SCHOOL (P.S.)	4286 BISHOP AV	PARK	1000
CHapel Hill United Meth. (CHUM) P.S.	5902 S 12TH ST	PRE SCHOOL	1000
CHILD DEVELOPMENT CENTER P.S.	7028 OAKLAND DR	PRE SCHOOL	1000
CHRIST'S CREATIVE CORNER P.S.	6325 OAKLAND DR	PRE SCHOOL	1000
KALETZ CATHOLIC CENTRAL H.S.	9416 SHAVER RD	PRE SCHOOL	1000
KALAMAZOO VALLEY FAMILY CHURCH P.S.	1000 W KILGORE RD	SCHOOL	1000
KINDER CARE P.S.	525 W MILHAM AV	PRE SCHOOL	1000
LAZAR LAND	7455 OAKLAND DR	PRE SCHOOL	1000
LITTLE TYKES	8302 PORTAGE RD	ARCADE	100
NATURE'S WAY P.S.	1422 E CENTRE AV	PRE SCHOOL	1000
OAKLAND ACADEMY	4442 OAKLAND DR	SCHOOL	1000
OTIS MONTESSORI	OAKLAND DR	PRE SCHOOL	1000
PCGN P.S.	810 E CENTRE AV	PRE SCHOOL	1000
POY AND LEARN ZONE P.S.	8125 VALLEYWOOD	PRE SCHOOL	1000
PITTERS FAMILY FUN CENTER	1700 WESTNEDGE AV	PRE SCHOOL	1000
SHAMROCK MONTESSORI	7208 OAKLAND DR	PRE SCHOOL	1000
ST JAMES LUTHERAN P.S.	2381 ROMANCE DR	PRE SCHOOL	1000
ST MICHAEL LUTHERAN CHURCH P.S.	7211 OAKLAND DR	PRE SCHOOL	1000
TUTOR TIME P.S.	530 W KILGORE RD	SCHOOL	1000
UNIVERSITY OF PHOENIX	6500 CONSTITUTION BL	PRE SCHOOL	1000
WEE CARE P.S.	960 TRADE CENTRE WA	HIGHER ED	1000
WOODSEDGE LEARNING CENTER (KRESA)	1501 E MILHAM AV	PRE SCHOOL	1000

Excluded Areas for Primary Caregiver Home Occupation

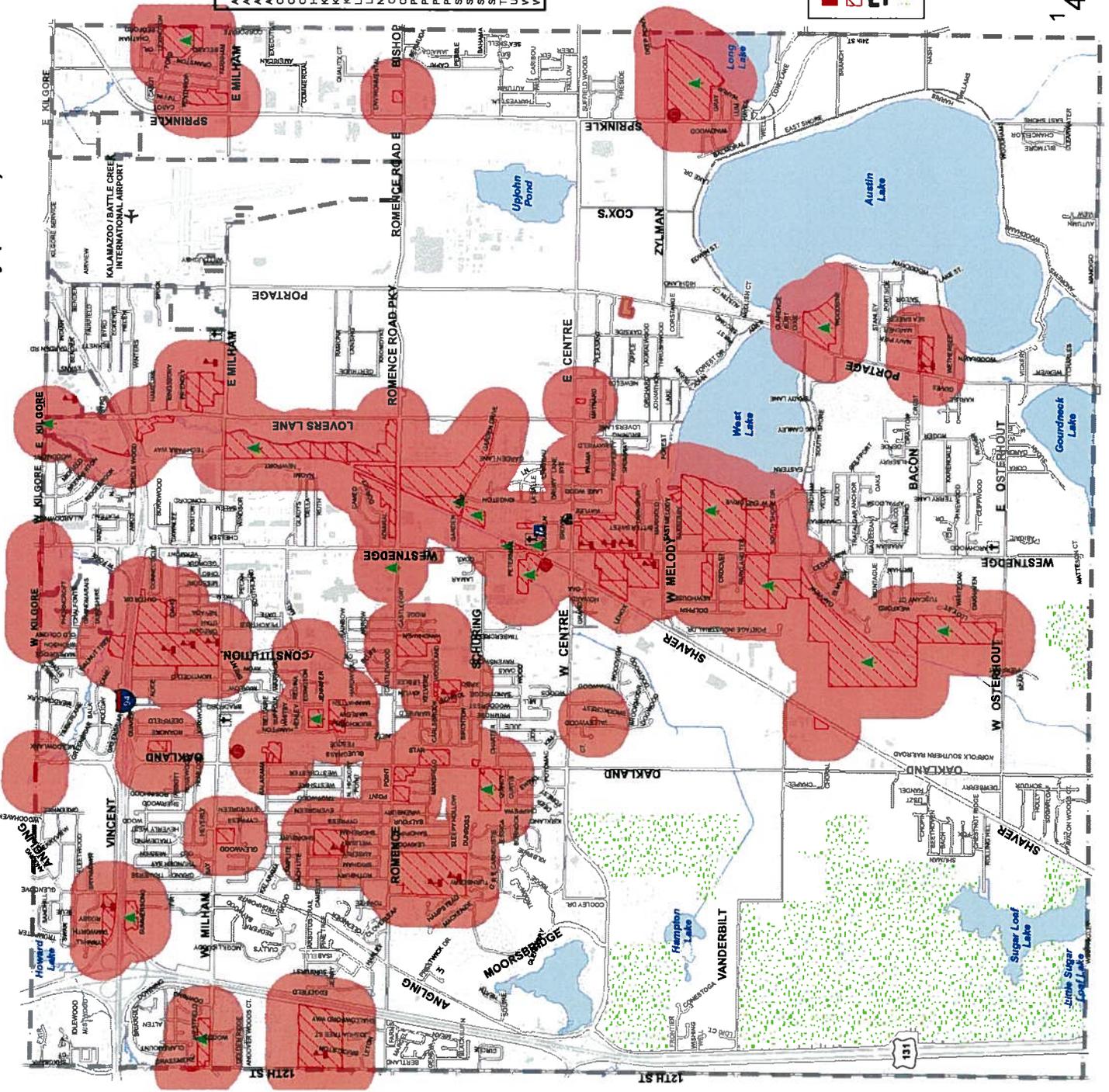
- Parks, Schools, Pre Schools, etc.
- City Boundary
- State Game Area



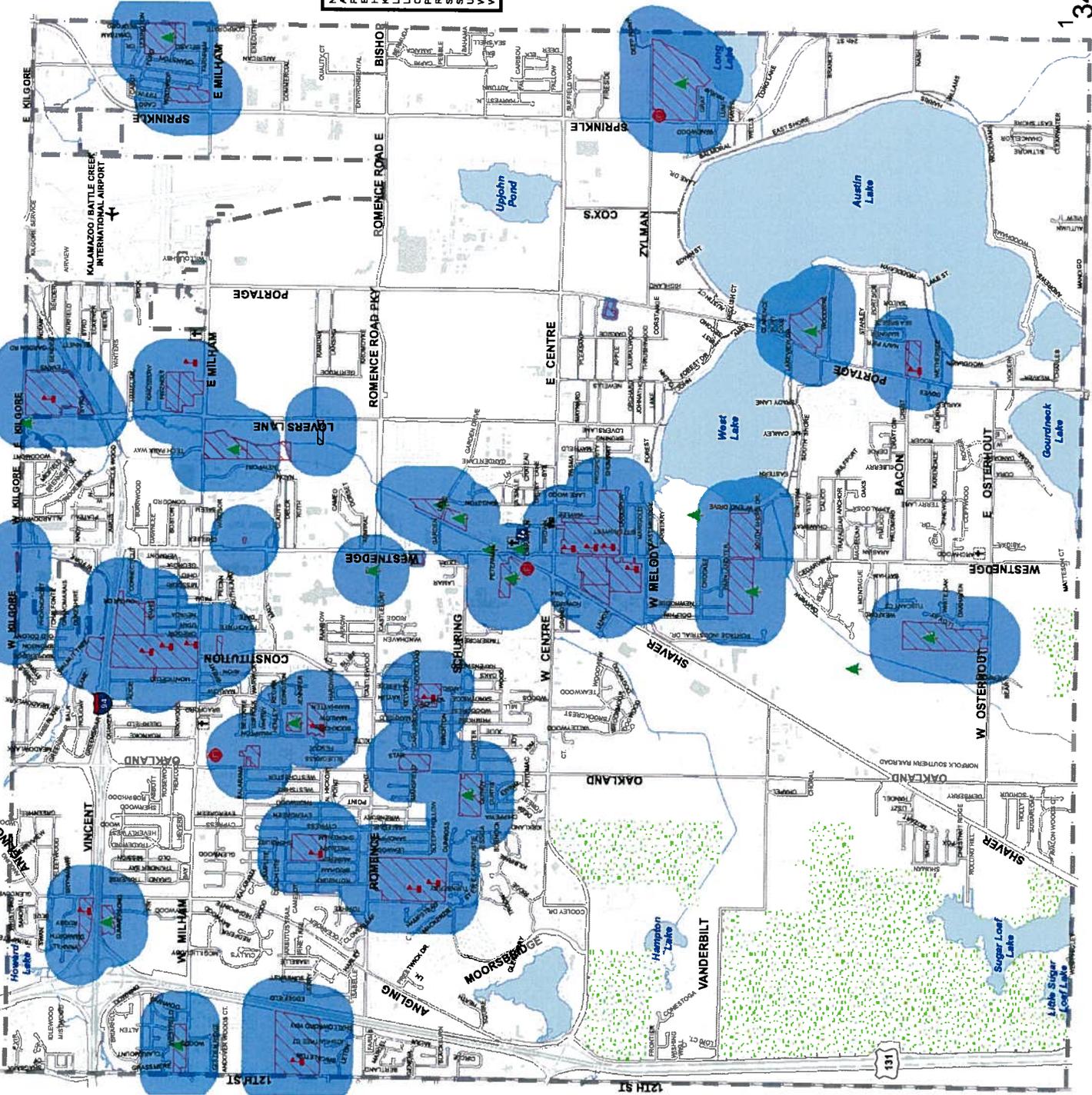
1 in = 0.86 miles

Date: 7/21/2011

¹ 42% of total dwelling units excluded.



Drug Free School Zone Spacing Requirements (1000 feet from schools, playgrounds, 100 feet from arcades)¹



Proposed Medical Marihuana Primary Caregiver Distance Provisions

NAME	ADDRESS	TYPE	DISTANCE
ALL PORTAGE PUBLIC SCHOOLS		SCHOOL	1000
PORTAGE PARKS		PARK	1000
EMPIRE BEAUTY SCHOOL	806 CONSTITUTION	SCHOOL	1000
HACKETT CATHOLIC CENTRAL H.S.	1000 W KILGORE RD	SCHOOL	1000
KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL	1000
LOWLAND H.S.	8302 PORTAGE RD	ARCAD	100
LOWLAND H.S.	E KILGORE	SCHOOL	1000
OAKLAND ACADEMY	7208 S WESTEDGE AV	ARCAD	1000
PUTTERS FAMILY FUN CENTER	7208 S WESTEDGE AV	ARCAD	1000
ROSS MEDICAL	8235 S WESTEDGE AV	SCHOOL	1000
ST MICHAEL LUTHERAN CHURCH SCHOOL	7211 OAKLAND DR	SCHOOL	1000
ST MONICA SCHOOL	530 W KILGORE RD	SCHOOL	1000
UNIVERSITY OF PHOENIX	950 TRADE CENTRE WA	HIGHER ED	1000
WRIGHT BEAUTY CENTER (KRESA)	1501 E MILHAM AV	SCHOOL	1000
WRIGHT BEAUTY ACADEMY	6888 LOVERS LN	SCHOOL	1000

Excluded Areas for Primary Caregiver
 Schools, Playgrounds etc.
 City Boundary
 State Game Area



1 in = 0.84 miles

Date: 7/21/2011

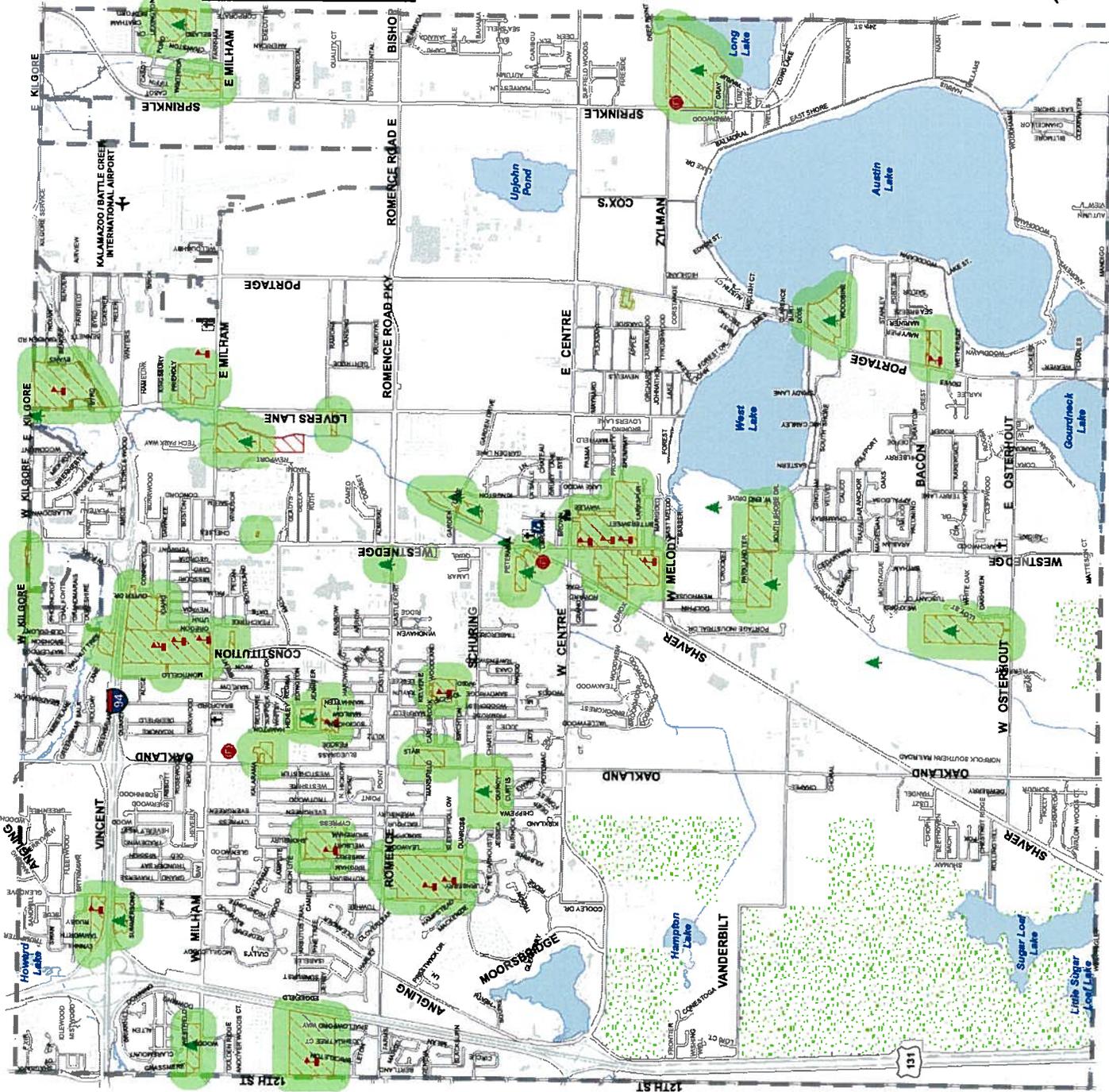
¹ 34% of total dwelling units excluded.

Alternative Spacing Requirements (500 feet from schools, playgrounds, 100 feet from arcades)¹



Proposed Medical Marijuana Primary Caregiver Distance Provisions

NAME	ADDRESS	TYPE	DISTANCE
ALL PORTAGE PUBLIC SCHOOLS		SCHOOL	500
PORTAGE PARKS		PARK	500
EMPIRE BEAUTY SCHOOL	609 CONSTITUTION	SCHOOL	500
HACKETT CATHOLIC CENTRAL H.S.	1000 W KILGORE RD	SCHOOL	500
KALAMAZOO ACADEMY, INC	4221 E MILHAM AV	SCHOOL	500
LAZAR LAND	8302 PORTAGE RD	ARCADE	100
LOT NORRIS H.S.	E KILGORE	SCHOOL	500
OAKLAND ACADEMY	OAKLAND DR	SCHOOL	500
PUTTERS FAMILY FUN CENTER	7206 S WESTNEDGE AV	ARCADE	100
ROSS MEDICAL	6235 S WESTNEDGE AV	SCHOOL	500
ST MICHAEL LUTHERAN CHURCH SCHOOL	7211 OAKLAND DR	SCHOOL	500
ST MICHAEL SCHOOL	530 W KILGORE RD	SCHOOL	500
UNIVERSITY OF PHOENIX	960 TRADE CENTRE WA	HIGHER ED	500
WOODSEDGE LEARNING CENTER (KRESA)	1501 E MILHAM AV	SCHOOL	500
WRIGHT BEAUTY ACADEMY	6868 LOVERS LN	SCHOOL	500



- Excluded areas for Primary Caregiver
Schools, Playgrounds etc.
- City Boundary
- State Game Area



1 in = 0.86 miles
Date: 7/21/2011

¹ 13% of total dwelling units excluded.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 21, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Human Services Board – Human Services Fair

ACTION RECOMMENDED: That City Council direct the Human Services Board to further review aspects of the proposed Human Services Fair and report back to the City Council prior to confirming an event date to ensure a successful, sustainable, well attended and productive Human Services Fair.

Attached is a communication from Community Development Director Georgeau regarding the Human Services Fair proposed by the Human Services Board.

At this time, the City Administration recommends additional planning and research be undertaken by the Board regarding the event prior to proceeding. Once additional event details have been determined, it is recommended that the Board provide Council with an update prior to setting a date and location for the event.

Attachment: July 19, 2011 communication from Director Georgeau
June 8, 2011 memo from Marc Meulman
May 5, 2011 Human Services Board draft meeting minutes

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: July 19, 2011

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: City of Portage Human Services Fair

During the July 12, 2011 Council meeting, Chairperson Meulman, on behalf of the Human Services Board, requested Council authorization to plan and host a Human Services Fair to improve the knowledge of human services available to Portage residents within the community. Mr. Meulman indicated that the Portage Community Center has offered to host the event and a tentative date has been set for September 27, 2011. In addition, while the general public would be invited, the target audience includes individuals and organizations that may come in contact with residents in need (such as religious organization staff, school counselors, neighborhood watch groups, etc.) who may be in a position to refer citizens to appropriate service providers. It is understood that the intent of the Board is to improve information and referral systems amongst organizations and individuals that are not traditional or main stream human service providers.

The proposed Human Services Fair is not specifically included in the Council approved goals for this Advisory Board. However, a 2009 amendment to Section 2-272 of the City Code that pertains to the Human Services Board "Purpose" indicates the "board shall seek to facilitate the satisfaction of the basic human needs of Portage citizens by advising the city council, and as may be directed by city council, educating human service agencies and the community at large." In this regard, the Human Services Fair proposal is consistent with the City Code, and can be recommended.

With regard to the planning and promotion of this event, additional research by the Board is necessary prior to confirming the event date to ensure a successful, sustainable, well attended and productive Human Services Fair. In particular, attention in planning the event should be focused on ways to standardize and/or repeat the informative/educational objective of the activity, as a one-time event is not viewed as being an optimal way in which to establish /improve a referral system. The following actions are recommended, but not limited to:

- Confirmation that Board members are able to commit to assisting with the planning of the event;
- Confirmation that Board members are available to attend the proposed city-hosted event;
- Development of agenda for the event, including agencies to speak and topics to be covered;
- Development of a targeted invitation list for the event that captures non-traditional or main stream human service providers. In this regard, the Board is encouraged to seek assistance from the Portage Community Center, the Greater Kalamazoo United Way and the Gryphon Place (the latter two agencies have extensive experience with information and referral systems, outreach and training).
- Further evaluation by the Human Services Board of opportunities for partnering with Portage Community Center or Greater Kalamazoo United Way in establishing reference materials for regular distribution and an annual referral event.

Provided the event details noted above are further developed and confirmed by the Board, the proposed Human Services Fair can be recommended by the City Administration. At this time, it is recommended that the Board further review this matter and report back to Council prior to confirming an event date.

**CITY OF PORTAGE
HUMAN SERVICES BOARD**

MEMO

TO: The Honorable Mayor Strazdas
City Council

DATE: June 8, 2011

FROM: Marc T. Meulman, Human Services Board Chairman

SUBJECT: City of Portage Human Services Fair

The Human Services Board (HSB) has spent some time considering how to assist the citizens of Portage with finding the services available to them when they have a need. The research completed indicates a majority of people seeking services find out about the service through an informal network of family and friends or through a referral from another organization with which they are already connected. With that in mind the HSB is planning to host a Human Services Fair to increase the knowledge of programs and services that are available to Portage citizens.

The Human Services Fair will take place on Tuesday, September 27, 2011 beginning at 6:30 PM. Portage Community Center has agreed to host the event. The HSB will invite a variety of service providers including the current Human Services grantees as well as other organizations that provide services to Portage residents. The HSB will compile a complete list of organizations to invite at the regular August meeting.

The target audience for the event includes the general public with plans to target potential referral sources such as religious leaders, counselors, etc. The HSB is working to compile a list of individuals and organizations that should receive a personal invitation. The HSB has discussed utilizing the Portager, the Portage Gazette, and direct mailings to promote the event.

The plan for the event is to have service provider booths/tables where they can provide information about services and answer questions. Those that attend the event will be able to gain valuable information about resources available within the community and will have the opportunity to ask specific questions of the agency representatives.

CITY OF PORTAGE HUMAN SERVICES BOARD
Minutes of Meeting, May 5, 2011

DRAFT

CALL TO ORDER: 6:40 p.m.

MEMBERS PRESENT: Diane Durian, Pamela Gilchrist, Bill Lenehan, Elma (Pat) Maye, Marc Meulman, Sandra Sheppard, Kyle Huitt (Youth Advisory Committee Liaison)

MEMBERS EXCUSED: Angela Manahan Ilori

MEMBERS ABSENT: Genna Nichols

STAFF PRESENT: Vicki Georgeau, Deputy Director of Neighborhood Services, Elizabeth Money, Neighborhood Program Specialist

APPROVAL OF MINUTES: April 11, 2011 minutes were approved as submitted, 6-0.

OLD BUSINESS:

1. Human/Public Services Public Education – Community Forum – Board discussion: Meulman reviewed the draft proposal for the forum included in the agenda, and indicated the event could be held at PCC, as Diane Schrock had suggested their facility could be made available. Existing city grantees (i.e. PCC, YWCA, Housing Resources, Catholic Family Services, Gryphon Place) and other service providers such as the Portage Senior Center, Prevention Works, etc. could kick off the forum with a very brief overview of services provided to Portage residents. After presentations, agencies would be available at booths/tables to provide additional information to attendees. As previously discussed, the target audience would be primarily local employers and citizens that come into daily contact with residents in need, such as: school counselors, principals, teachers, PTA members, church pastors and social justice committee members, day care providers, emergency and non-emergency medical providers, neighborhood watch groups/associations, elected and appointed officials (school board, city advisory boards, substance abuse task force members, etc.), amongst others as determined by the Board. Sheppard suggested the forum be held in conjunction with another event such as a Summer Entertainment Series event. Gilchrist and Meulman expressed concern that the event would get lost within a larger festival. Maye suggested the forum be held in the late afternoon/early evening if the target attendees were not general public. If the general public is the target audience, evening hours with services or “give-aways” such as food baskets, etc. may be helpful. Lenehan expressed concern regarding ways in which the Board would get attendance from the general public. Meulman indicated the Portager newsletter and the Kalamazoo Gazette could be utilized, in addition to targeted mailings. Huitt suggested two events, one for the general public with services geared towards kids, and one for employers and citizens in a position to refer persons in need of services. Gilchrist suggested developing a brief guide to services for Portage residents as a hand out at any event. Staff noted that whatever the Board decides to do, a recommendation to City Council to obtain authorization to proceed with planning for and hosting the event is necessary. In addition, prior to transmittal of a recommendation to Council, additional event details (date, time, location, expenses, if any) should be flushed out. Meulman noted that he would work with staff and the Ad Hoc Committee members to finalize additional details, and that further event preparations could take place during, and outside of, the regular Board meetings scheduled for August and September. After further discussion, a motion was made by Maye, supported by Lenehan, that the Board recommend to City Council that a Human Services Fair be held at the Portage Community Center in the fall 2011. Sheppard noted concern that the goal of the fair and target audience did not seem clearly defined by the Board. Upon voice vote, the motion was approved 5-1.

NEW BUSINESS:

1. Board Meeting Schedule – Summer 2011: A motion was made by Gilchrist, supported by Maye to cancel the regular Board meetings scheduled for June 2, 2011 and July 7, 2011. The motion was approved 6-0.
2. Metro Transit ADA Advisory Committee–Member report: Lenehan indicated the Committee had not met recently and had nothing new to report. Meulman noted that City Council accepted the Board recommendation that he serve on the Committee starting in October 2011.

STATEMENT OF CITIZENS: None

ADJOURNMENT: There being no further business before the Board, the meeting was adjourned at 7:55 p.m.

Respectfully submitted,
Vicki Georgeau, Deputy Director of Neighborhood Services

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 22, 2011

FROM: City Council Community Survey Committee
Councilmember Claudette Reid, Chair
Mayor Peter J. Strazdas
Councilmember Terry R. Urban

SUBJECT: 2011 Portage Community Survey Instrument

ACTION RECOMMENDED: That City Council approve the 2011 Portage Community Survey instrument as recommended by the City Council Community Survey Committee.

On May 10, 2011, City Council awarded a contract to the Kercher Center for Social Research (KCSR) at Western Michigan University in the amount of \$10,019 to conduct the 2011 Portage Community Survey. Subsequently, the City Council Community Survey Committee, comprised of Councilmember Reid (Chair), Mayor Strazdas and Councilmember Urban, met with Dr. Thomas VanValey of the KCSR on June 9, 2011 to continue planning for the 2011 Community Survey.

As in previous years, the Committee, along with Dr. VanValey, reviewed the 2009 survey instrument and discussed changes for the 2011 survey instrument. Changes to the survey instrument are recommended to ascertain citizens' attitudes toward current issues facing the city. A "red-line/strike-out" version of the survey instrument, showing all of the suggested changes, and a final version of the survey instrument are attached for the review of the Council.

Along with some minor editing, the Committee recommends the following substantial changes be made to the 2009 survey instrument:

Delete Question 6: *Do you feel that the city is doing too much, just enough or too little to encourage economic development in Portage?*

Delete Question 7: *Do you think the city is doing enough to encourage the redevelopment of existing commercial and industrial*

Combine Two Questions: *How satisfied are you with the condition of neighborhood streets? and Is there a problem with the condition of pavement on roads and streets in Portage?*

Final Resulting Question: *How satisfied are you with the condition of the pavement on roads and streets in Portage?*

- Very satisfied*
- Somewhat satisfied*
- Neutral*
- Somewhat dissatisfied*
- Very dissatisfied*
- Don't know*

Add a Question: *Due to the state of the economy, the city may need to increase taxes or further reduce services. If it becomes necessary, would you rather the city ...*

- maintain services and raise taxes?*
- maintain taxes and further reduce services?*
- Don't know*

Add a Question: *If city services must be reduced, which service(s) would you suggest? _____*

Add a Question: *Under which of the following conditions would you support intergovernmental cooperation and/or consolidated services?*

- If it saves Portage money and results in improved service*
- If it saves Portage money and reduces service*
- If it costs Portage more money and results in improved service*
- If it costs Portage more money and reduces service*
- None of the above*
- Don't know*

Add a Question: *What is your preferred method of obtaining information about what is going on in Portage city government? (Check all that apply.)*

- City website*
- Portager newsletter*
- Public Media Network*
- Contact with city employees*
- Kalamazoo Gazette / Portage Gazette*
- Local television and / or radio*
- Social media (e.g., NIXLE, Facebook, Twitter)*
- Other (please specify): _____*
- None of the above*

Delete Question 29: *Has the condition of neighborhoods in the city, other than yours, changed in the last five years?*

- They are better than they were*
- They are about the same*
- They are worse than they were*
- Don't know*

Delete Question 31: *Is there a problem with the flow of traffic on Oakland Drive?*

- No, it is not a problem*
- Yes, slight problem*
- Yes, moderate problem*
- Yes, severe problem*
- Don't know*

The 2011 Portage Community Survey process will begin early in September with an announcement letter on city letterhead to each of the 2,000 Portage residents selected at random to participate in the survey. The letter will advise the residents of the nature of the survey and request their participation. Approximately a week later, the survey packets will be mailed to the selected participants. Each packet will contain a cover letter on city letterhead reminding the respondent of the purpose and importance of the survey, the survey instrument itself and a postage paid envelope for return to the KCSR for processing. Final results of the 2011 Portage Community Survey will be available in early November. It is recommended that Council approve the 2011 Portage Community Survey instrument.

Attachments

1. Red-line / strike-out version of proposed 2011 Portage Community Survey instrument
2. Final version of proposed 2011 Portage Community Survey instrument

2009-2011 PORTAGE COMMUNITY SURVEY

Please check the box next to the answer that best represents your opinion or experience. Skip any question you do not want to answer. There is space at the end for comments.

LEISURE & CULTURE & ENVIRONMENT

1. How satisfied are you with the condition of city parks?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not visited/Don't know

2. If you have participated in any of the recreation programs offered by the city (such as softball leagues, the Summer Fun Center, Summer Drama Camps, Ramona Park Beach, etc.), how satisfied are you with these programs?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not participated/Don't know

3. If you have attended any of the programs offered at the Bandshell, Celery Flats Historical Area, Amphitheatre, or the Hayloft Theater, how satisfied were you with these programs?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not attended/Don't know

4. If you have used any of the city bikeways or trailways within the last year, how satisfied are you with the condition of these facilities?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not used/Don't know

5. Do you feel that the city is doing too much, just enough or too little in making cultural opportunities available in Portage?
 - Too much
 - Just enough
 - Too little
 - Don't know

ECONOMIC DEVELOPMENT

6. Do you feel that the city is doing too much, just enough or too little to encourage economic development in Portage?

- Too much
- Just enough
- Too little
- Don't know

7. Do you think the city is doing enough to encourage the redevelopment of existing commercial and industrial properties?

- Yes
- No
- Don't know

ENVIRONMENT AND NATURAL RESOURCES

8. If you have participated in the weekly Portage Curbside Recycling Program in the last year, how satisfied are you with it?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

9.6. If you have city water, is there a problem with the quality of the drinking water?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem (Please specify what) _____
- Don't have city water/Don't know

10.7. Have you utilized the Kalamazoo County Household Hazardous Waste Center in the last year?

- Yes
- No
- Don't know

HUMAN SERVICES

11.8. If you have utilized the services offered at the Portage Senior Center, how satisfied are you with these services?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not used/Don't know

12.9. Is there a problem with illegal drug use in your neighborhood?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

13.10. Is there a problem with underage drinking in your neighborhood?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

MUNICIPAL SERVICES

14.11. If you have utilized the Fall Leaf Pickup Program in the last year, How how satisfied are you with the ~~Fall Leaf Pickup Program~~ program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

15.12. If you have utilized the Spring Cleanup Program in the last year, How how satisfied are you with the ~~Spring Cleanup Program~~ program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

13. If you have utilized the weekly Curbside Recycling Program in the last year, how satisfied are you with the program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

16. How satisfied are you with the street snow removal?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Don't know

~~17. How satisfied are you with the condition of neighborhood streets?~~

- ~~Very satisfied~~
- ~~Somewhat satisfied~~
- ~~Neutral~~
- ~~Somewhat dissatisfied~~
- ~~Very dissatisfied~~
- ~~Don't know~~

19.14. If you have utilized the Curbside Brush Collection Program, how satisfied are you with the program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not used/Don't know

15. How satisfied are you with the street snow removal?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Don't know

16. How satisfied are you with the condition of the pavement on roads and streets in Portage?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Don't know

19.17. If you have had any direct contact with Portage city employees over the past year, how satisfied were you with the quality of service received from the employee?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied (Please specify why) _____

-
- Have had no contact/Don't know

20.18. Do you think there is a problem with the level of police protection in Portage?

- No, it is not a problem
- Yes, there is a slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

21.19. Do you think there is a problem with the level of fire protection in Portage?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

~~22. Is there a problem with the condition of pavement on roads and streets in Portage?~~

- ~~No, it is not a problem~~
- ~~Yes, slight problem~~
- ~~Yes, moderate problem~~
- ~~Yes, severe problem~~
- ~~Don't know~~

20. Due to the state of the economy, the city may need to increase taxes or further reduce services. If it becomes necessary, would you rather the city ...

- maintain services and raise taxes?**
- maintain taxes and further reduce services?**
- Don't know**

21. If city services must be reduced, which service(s) would you suggest? _____

22. Under which of the following conditions would you support intergovernmental cooperation and/or consolidated services?

- If it saves Portage money and results in improved service**
- If it saves Portage money and reduces service**
- If it costs Portage more money and results in improved service**
- If it costs Portage more money and reduces service**
- None of the above**
- Don't know**

23. How do you *currently* obtain information about what is going on in Portage city government? (Check all that apply.)

- City website
- Portager* newsletter
- ~~Portage Cable Access (Channels 19 and 20)~~ **Public Media Network**
- Contact with city employees
- Kalamazoo Gazette / Portage Gazette*
- Local television and / or radio
- Other (please specify): _____
- None of the above

24. What is your preferred method of obtaining information about what is going on in Portage city government? (Check all that apply.)

- City website
- Portager* newsletter
- Public Media Network
- Contact with city employees
- Kalamazoo Gazette / Portage Gazette*
- Local television and / or radio
- Social media (e.g., NIXLE, Facebook, Twitter)
- Other (please specify): _____
- None of the above

24.25. As a source of information about what is going on in Portage city government, how important is the *Portager* newsletter?

- Very important
- Somewhat important
- Not important
- Don't know

25.26. As a source of information about what is going on in Portage city government, how important is the City of Portage website?

- Very important
- Somewhat important
- Not important
- Don't know

26.27. Do you think you are getting good services for your city tax dollars?

- Yes
- No (Please specify why not) _____

- Don't know

NEIGHBORHOODS

27.28. Is there a problem with the condition of neighborhood homes and yards in Portage?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem (Please specify what) _____

- Don't know

28.29. Has the condition of your neighborhood changed in the last five years?

- It is better than it was
- It is about the same
- It is worse than it was
- Don't know

~~29. Has the condition of neighborhoods in the city, other than yours, changed in the last five years?~~

- ~~They are better than they were~~
- ~~They are about the same~~
- ~~They are worse than they were~~
- Don't know

TRANSPORTATION

30. Is there a problem with the flow of traffic on South Westnedge Avenue?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

~~31. Is there a problem with the flow of traffic on Oakland Drive?~~

- ~~No, it is not a problem~~
- ~~Yes, slight problem~~
- ~~Yes, moderate problem~~
- ~~Yes, severe problem~~
- ~~Don't know~~

~~32.~~**31.** Is there a problem with the flow of traffic on any ~~other~~ Portage streets **other than South Westnedge Avenue?**

- Yes (Please specify streets) _____
- No
- Don't know

GENERAL OPINION

~~33.~~**32.** In general, what do you feel are the best two features of Portage?

~~34.~~**33.** Looking at the next ten years, what do you think is the single most important problem facing Portage?

DEMOGRAPHICS

35.34. About how many years have you lived in Portage?

- Less than 1 year
- 1 to 4 years
- 5 to 9 years
- 10 or more years
- Don't know

36.35. Are you male or female?

- Male
- Female

37.36. What is your age, please? Are you...

- 29 years or younger
- 30-39
- 40-49
- 50-54
- 55-59
- 60 years or over
- Don't know

38.37. How would you classify your racial or ethnic heritage?

- White/non-Hispanic
- Black/African American
- Alaskan Native, American Indian, Eskimo
- Asian American or Pacific Islander
- Hispanic
- International/non-US resident
- Multiracial
- Other (please specify) _____
- Don't know

39.38. What is the highest level of education you have completed?

- High school or less
- Some college/technical school
- Bachelor's degree
- Graduate degree
- Don't know

40.39. Which of the following best describes where you live?

- Single-family home
- Mobile home
- Apartment
- Condominium
- Other (please specify) _____
- Don't know

41.40. Using Centre Avenue and South Westnedge Avenue as dividing streets, do you live in the northwest, northeast, southwest, or southeast portion of Portage?

- Northwest (Near Crossroads Mall)
- Northeast (Near the airport)
- Southwest (Near the state game area)
- Southeast (Near the lakes)
- Don't know

42.41. Which of the following categories represents your total family income for the last year before taxes?

- Less than \$25,000
- \$25,000 to \$49,999
- \$50,000 to \$74,999
- \$75,000 to \$99,999
- \$100,000 or more
- Don't know

43.42. If you have access to the Internet from home, what type of internet service do you have?

- No internet service
- Dial-up
- DSL
- Satellite
- Cable
- Other (Please specify) _____
- Don't know

44.43. Do you have conventional land line telephone service or cell phone service in your home?

- Land line only
- Both land line and cell phone
- Cell phone only
- Don't know

45.44. Please indicate below any other comments, concerns, or suggestions you may have for the City of Portage.

That was the last question! Thank you for your time and cooperation. Just put the survey in the postage-paid return envelope and drop it in the mail.

2011 PORTAGE COMMUNITY SURVEY

Please check the box next to the answer that best represents your opinion or experience. Skip any question you do not want to answer. There is space at the end for comments.

CULTURE & ENVIRONMENT

1. How satisfied are you with the condition of city parks?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not visited/Don't know

2. If you have participated in any of the recreation programs offered by the city (such as softball leagues, the Summer Fun Center, Summer Drama Camps, Ramona Park Beach, etc.), how satisfied are you with these programs?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not participated/Don't know

3. If you have attended any of the programs offered at the Bandshell, Celery Flats Historical Area, Amphitheatre, or the Hayloft Theater, how satisfied were you with these programs?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not attended/Don't know

4. If you have used any of the city bikeways or trailways within the last year, how satisfied are you with the condition of these facilities?
 - Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not used/Don't know

5. Do you feel that the city is doing too much, just enough or too little in making cultural opportunities available in Portage?
 - Too much
 - Just enough
 - Too little
 - Don't know

6. If you have city water, is there a problem with the quality of the drinking water?
- No, it is not a problem
 - Yes, slight problem
 - Yes, moderate problem
 - Yes, severe problem (Please specify what) _____
- _____
- Don't have city water/Don't know
7. Have you utilized the Kalamazoo County Household Hazardous Waste Center in the last year?
- Yes
 - No
 - Don't know

HUMAN SERVICES

8. If you have utilized the services offered at the Portage Senior Center, how satisfied are you with these services?
- Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not used/Don't know.
9. Is there a problem with illegal drug use in your neighborhood?
- No, it is not a problem
 - Yes, slight problem
 - Yes, moderate problem
 - Yes, severe problem
 - Don't know
10. Is there a problem with underage drinking in your neighborhood?
- No, it is not a problem
 - Yes, slight problem
 - Yes, moderate problem
 - Yes, severe problem
 - Don't know

MUNICIPAL SERVICES

11. If you have utilized the Fall Leaf Pickup Program in the last year, how satisfied are you with the program?
- Very satisfied
 - Somewhat satisfied
 - Neutral
 - Somewhat dissatisfied
 - Very dissatisfied
 - Have not participated/Don't know

12. If you have utilized the Spring Cleanup Program in the last year, how satisfied are you with the program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

13. If you have utilized the weekly Curbside Recycling Program in the last year, how satisfied are you with the program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not participated/Don't know

14. If you have utilized the Curbside Brush Collection Program, how satisfied are you with the program?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Have not used/Don't know

15. How satisfied are you with the street snow removal?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Don't know

16. How satisfied are you with the condition of the pavement on roads and streets in Portage?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied
- Don't know

17. If you have had any direct contact with Portage city employees over the past year, how satisfied were you with the quality of service received from the employee?

- Very satisfied
- Somewhat satisfied
- Neutral
- Somewhat dissatisfied
- Very dissatisfied (Please specify why) _____

Have had no contact/Don't know

18. Do you think there is a problem with the level of police protection in Portage?

- No, it is not a problem
- Yes, there is a slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

19. Do you think there is a problem with the level of fire protection in Portage?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

20. Due to the state of the economy, the city may need to increase taxes or further reduce services. If it becomes necessary, would you rather the city ...

- maintain services and raise taxes?
- maintain taxes and further reduce services?
- Don't know

21. If city services must be reduced, which service(s) would you suggest? _____

22. Under which of the following conditions would you support intergovernmental cooperation and/or consolidated services?

- If it saves Portage money and results in improved service
- If it saves Portage money and reduces service
- If it costs Portage more money and results in improved service
- If it costs Portage more money and reduces service
- None of the above
- Don't know

23. How do you *currently* obtain information about what is going on in Portage city government?

(Check all that apply.)

- City website
- Portager* newsletter
- Public Media Network
- Contact with city employees
- Kalamazoo Gazette / Portage Gazette*
- Local television and / or radio
- Other (please specify): _____
- None of the above

24. What is your *preferred* method of obtaining information about what is going on in Portage city government? (Check all that apply.)

- City website
- Portager* newsletter
- Public Media Network
- Contact with city employees
- Kalamazoo Gazette / Portage Gazette*
- Local television and / or radio
- Social media (e.g., NIXLE, Facebook, Twitter)
- Other (please specify): _____
- None of the above

25. As a source of information about what is going on in Portage city government, how important is the *Portager* newsletter?

- Very important
- Somewhat important
- Not important
- Don't know

26. As a source of information about what is going on in Portage city government, how important is the City of Portage website?

- Very important
- Somewhat important
- Not important
- Don't know

27. Do you think you are getting good services for your city tax dollars?

- Yes
- No (Please specify why not) _____
- _____
- Don't know

NEIGHBORHOODS

28. Is there a problem with the condition of neighborhood homes and yards in Portage?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem (Please specify what) _____

Don't know

29. Has the condition of your neighborhood changed in the last five years?

- It is better than it was
- It is about the same
- It is worse than it was
- Don't know

TRANSPORTATION

30. Is there a problem with the flow of traffic on South Westnedge Avenue?

- No, it is not a problem
- Yes, slight problem
- Yes, moderate problem
- Yes, severe problem
- Don't know

31. Is there a problem with the flow of traffic on any Portage streets other than South Westnedge Avenue?

- Yes (Please specify streets) _____
- No
- Don't know

GENERAL OPINION

32. In general, what do you feel are the best two features of Portage?

33. Looking at the next ten years, what do you think is the single most important problem facing Portage?

DEMOGRAPHICS

34. About how many years have you lived in Portage?

- Less than 1 year
- 1 to 4 years
- 5 to 9 years
- 10 or more years
- Don't know

35. Are you male or female?

- Male
- Female

36. What is your age, please? Are you...

- 29 years or younger
- 30-39
- 40-49
- 50-54
- 55-59
- 60 years or over
- Don't know

37. How would you classify your racial or ethnic heritage?

- White/non-Hispanic
- Black/African American
- Alaskan Native, American Indian, Eskimo
- Asian American or Pacific Islander
- Hispanic
- International/non-US resident
- Multiracial
- Other (please specify) _____
- Don't know

38. What is the highest level of education you have completed?

- High school or less
- Some college/technical school
- Bachelor's degree
- Graduate degree
- Don't know

39. Which of the following best describes where you live?

- Single-family home
- Mobile home
- Apartment
- Condominium
- Other (please specify) _____
- Don't know

40. Using Centre Avenue and South Westnedge Avenue as dividing streets, do you live in the northwest, northeast, southwest, or southeast portion of Portage?

- Northwest (Near Crossroads Mall)
- Northeast (Near the airport)
- Southwest (Near the state game area)
- Southeast (Near the lakes)
- Don't know

41. Which of the following categories represents your total family income for the last year before taxes?

- Less than \$25,000
- \$25,000 to \$49,999
- \$50,000 to \$74,999
- \$75,000 to \$99,999
- \$100,000 or more
- Don't know

42. If you have access to the Internet from home, what type of internet service do you have?

- No internet service
- Dial-up
- DSL
- Satellite
- Cable
- Other (Please specify) _____
- Don't know

43. Do you have conventional land line telephone service or cell phone service in your home?

- Land line only
- Both land line and cell phone
- Cell phone only
- Don't know

44. Please indicate below any other comments, concerns, or suggestions you may have for the City of Portage.

That was the last question! Thank you for your time and cooperation. Just put the survey in the postage-paid return envelope and drop it in the mail.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: July 21, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Bicycle Lane Asphalt Repairs – Recommendation

ACTION RECOMMENDED: That City Council accept the low bid from J. Allen and Company, Incorporated, to provide repairs to selected major street bicycle lanes in the not to exceed amount of \$15,526.30 and authorize the City Manager to execute all documents related to this contract on behalf of the city.

The 2011-2012 Capital Improvement Program Budget includes funding to repair bicycle lanes incorporated within the shoulder area of various major street segments. Routine asphalt surface maintenance is required on bike lane areas to maintain a safe and smooth riding surface for cyclists. Paved shoulder bike lanes were surveyed this spring for repair needs and bids were requested to provide necessary surface asphalt repairs. Approximately 918 feet of major street shoulder bike lanes are included in the paving schedule.

Bids were requested for necessary bicycle lane repairs and a total of three bids were received. The low bid in the amount of \$15,526.30 was submitted by J. Allen and Company, Incorporated, of Galesburg, Michigan. A bid tabulation is attached for the information of City Council.

J. Allen and Company, Incorporated, has performed these type of repairs successfully for the city in the past. It is recommended that a contract be awarded to J. Allen and Company, Incorporated, in the not to exceed amount of \$15,526.30 to perform asphalt repairs to selected bike lanes and that the City Manager be authorized to execute all documents related to this contract on behalf of the city. Funds are budgeted and available for this work in the 2011-2012 Capital Improvement Program Budget.

Attachment

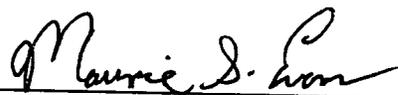
BID TABULATION
BIKE LANE REPAIRS

ITEM DESCRIPTION	UNITS	EST. QTY.	J. Allen & Company, Inc. 8288 E. Michigan Ave. Galesburg, MI 49053		Michigan Paving & Materials Co. 2300 Glendenning Rd. Kalamazoo, MI 49001		Wyoming Asphalt 470 N. 12th St. Plainwell, MI 49080	
			PER UNIT	TOTAL	PER UNIT	TOTAL	PER UNIT	TOTAL
1 Remove/Replace Asphalt	Ton	60.5	\$155.00	\$9,377.50	\$275.00	\$16,637.50	\$390.00	\$23,595.00
2 Cold Mill Surface	Syd.	628	\$6.35	\$3,987.80	\$9.00	\$5,652.00	\$6.75	\$4,239.00
3 4" White Solid Line Striping	Ft.	918	\$2.00	\$1,836.00	\$2.00	\$1,836.00	\$1.25	\$1,147.50
4 Bike Symbol & Arrow, Inlay Plastic	Ea.	1	\$325.00	\$325.00	\$500.00	\$500.00	\$500.00	\$500.00
Total				\$15,526.30		\$24,625.50		\$29,481.50

MATERIALS TRANSMITTED

Friday, July 8, 2011

1. Communication from the City Manager regarding the Customer Comment Card Summary for June 2011 – Information Only.



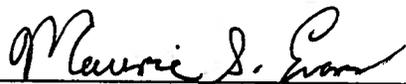
Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

MATERIALS TRANSMITTED

Tuesday, July 12, 2011

1. **To be added to the July 12, 2011, City Council Agenda as Item F.3: Communication from the City Manager regarding a Special Storm-Related Brush Collection resulting from the July 11, 2011 wind storm.**
2. **Communication from the City Manager regarding the Ordinance Amendment 10-D, Business Banner Regulations – Agenda Item F.2.**
3. **Communication from the City Manager regarding a citizen concern for 8302 Portage Road.**



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager