

FINAL AGENDA FOR THE COUNCIL MEETING
CITY OF PORTAGE
August 23, 2011

7:30 p.m. Call to Order.

Invocation: Rev. Barry Petrucci of Chapel Hill United Methodist Church

Pledge of Allegiance.

Roll Call.

Proclamations.

- A. Approval of the Regular Meeting Minutes of August 9, 2011.
- * B. Approval of Consent Agenda Motions.
- * C. Communication from the City Manager recommending that City Council approve the Accounts Payable Register of August 23, 2011, as presented.
- D. Public Hearings:
 - 1. Public hearing regarding the Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances:
 - a. Subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, as presented for first reading on July 21, 2011, with a minor revision to Section 42-112, Definitions, Work/Live Building.
- E. Petitions and Statements of Citizens:
- F. Reports from the Administration:
 - * 1. Communication from the City Manager recommending that City Council award a two-year contract renewal to Delta Dental Plan of Michigan and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city.
 - * 2. Communication from the City Manager recommending that City Council award a three-year contract renewal to Michigan Employees' Retirement System (MERS) for the administration and investment of the Other Post Employment Benefit Trust Fund and authorize the City Manager to execute all documents related to this contract on behalf of the city.
 - * 3. Communication from the City Manager recommending that City Council approve a one-year contract renewal with Republic Services of Michigan Hauling, LLC, dba Republic Waste Services of Western Michigan, to provide up to three compactor trucks with operators at an hourly rate of \$117.75 for the 2011 Fall Leaf Pickup Program in the not to exceed amount of \$38,000 and authorize the City Manager to execute all documents related to this contract on behalf of the city.
 - * 4. Communication from the City Manager recommending that City Council approve amendment of the 1986 *Urban Cooperation Agreement to Establish a Public Art Commission* to:
 - a. remove the Kalamazoo Chamber of Commerce from the membership of the commission;
 - b. add the Kalamazoo County Convention and Visitors Bureau (dba Discover Kalamazoo) to the membership of the commissionand authorize the City Manager to execute all related documents on behalf of the City of Portage.
 - * 5. Communication from the City Manager regarding the July 2011 Summary Environmental Activity Report – Information Only.
 - * 6. Communication from the City Clerk recommending that City Council grant the request to transfer ownership of 2011 Class C Licensed Business with Dance-Entertainment Permit, Located at 7638-7640 S. Westnedge, Portage, MI 49002, Kalamazoo County from RYR Partners Kalamazoo, Inc. to EOA, LLC (Jac's Pizza).
 - * 7. Department Monthly Reports.

G. Communications:

1. Communication from the Historic District Commission Chairperson Mark Reile regarding a proposed Historic District Commission ordinance amendment.
 - a. Communication from the City Manager recommending that City Council refer the request of the Historic District Commission to the City Administration for further review and development of an ordinance amendment, as appropriate.

H. Unfinished Business:

* I. Minutes of Boards and Commissions Meetings:

1. Portage Park Board of July 6, 2011.
2. Portage Planning Commission of July 21, 2011.
3. Kalamazoo County Board of Commissioners Committee of the Whole and Regular of August 3, 2011.

J. Ad-Hoc Committee Reports:

K. New Business:

L. Bid Tabulations:

- * 1. Communication from the City Manager recommending that City Council approve the purchase of ice control salt from:
 - a. Morton Salt Company in the low bid amount of \$54.81 per ton for 3,500 tons at a total cost not to exceed \$191,835 for early delivery;
 - b. North American Salt Company in the low bid amount of \$65.05 per ton for 1,050 tons at a total cost not to exceed \$68,302.50 for seasonal backup on an as-needed basis; and authorize the City Manager to execute all documents related to these purchases on behalf of the city.
- * 2. Communication from the City Manager recommending that City Council accept the low bid submitted by J. Allen & Company, Incorporated, in the amount of \$23,477.20 for select bikeway trail asphalt improvements and authorize the City Manager to execute all documents related to this action on behalf of the city.
- * 3. Communication from the City Manager recommending that City Council approve the purchase of two Coraid backup/recovery mass storage devices and related hardware/software components at a cost of \$28,041 and authorize the City Manager to execute all documents related to this purchase 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, August 25, 4:30 p.m., Public Media Network Board of Directors, 359 S. Kalamazoo Mall, 3rd Floor, Kalamazoo.
 - b. Thursday, September 1, 6:30 p.m., Human Services Board, City Hall Room #1.
 - c. Thursday, September 1, 7:00 p.m., Planning Commission, Council Chambers.

N. Materials Transmitted of August 5, 2011.

Adjournment.

CITY COUNCIL MEETING SUMMARY

August 9, 2011

CHECK REGISTER

- ◆ Approved the Check Register of August 9, 2011, as presented.

PUBLIC HEARING

- ◆ Approved an Ordinance to amend the City of Portage Code of Ordinances, Ordinance Amendment 10-D, Business Banner Regulations, by amending section 42-548, PD, planned development district; section 42-551, B-1, local business district; and Section 42-552, B-2, community business; B-3, general business; and CPD, commercial planned development districts, of Chapter 42, Land Development Regulations.

REPORTS FROM THE ADMINISTRATION

- ◆ Approved the agreement with Consumers Energy for undergrounding of overhead utility lines and installation of new streetlights on Trade Centre Way from West Fork Crossing to South Westnedge Avenue and authorized the City Manager to execute all documents related to the agreement on behalf of the city.
- ◆ Endorsed an application to the Kalamazoo County Drain Commissioner to designate the Lexington Green ditch as a County Drainage District and authorized the City Manager to execute the document on behalf of the city.
- ◆ Granted final approval of the plat of The Homestead of Portage No. 3 with completion of final grading by November 2011 and sidewalks and street trees by July 2013 and authorized the City Manager to execute all documents related to this action on behalf of the city.
- ◆ Approved a purchase order amendment for the 2011 West Lake Management Program to Aquatic Services, Incorporated, for lake weed treatment measures at a cost not to exceed \$27,840 and authorized the City Manager to execute all documents related to the amendment on behalf of the city.
- ◆ Granted the request to transfer location of 2011 Class C Licensed Business from 633 Romence Road to 7375 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (i.e. Los Amigo's Grill, Inc.).
- ◆ Granted the request for a new Small Wine Maker License by The Sangria Shop, L.L.C. to be located at 5919 South Sprinkle Road, Portage.

AD HOC COMMITTEE REPORT

- ◆ Received the communication from the City Council Ad-Hoc Advisory Board Review Committee, adopted the 2011-2012 Advisory Boards and Commissions Goals and Objectives and amended the Advisory Board Goals and Objectives of the Environmental Board, Historic District Commission, Park Board and Youth Advisory Committee to add a goal to advise City Council on issues or projects pertaining to those specific areas.

STATEMENTS OF CITIZENS

- ◆ Michigan State Representative Margaret O'Brien stated that the Legislature has provided protections within the Urban Cooperation Legislation and PA 312 to prevent forcing a municipality to share services if it necessitates an increase in funding and explained; she indicated the 80-20 hard cap law on health benefits for all government employees passed the House, but not the Senate and emphasized compensation is a local issue; she commented that the City of Portage remained in the 61st Congressional District which lost the City of Parchment, Alamo Township and Kalamazoo Township, but gained Schoolcraft Township; she hypothesized that the Legislature will have to make a decision this Fall and the Presidential Primary regarding the date of the election in February 2012; when she asked for the amount of Portage personal property taxes collected and the per cent of the budget, City Manager Evans responded 18%; she went on record in a work session that she concurred with Mayor Strazdas and Mayor Pro Tem Sackley that it is fair to eliminate P.A. 198 if personal property taxes are eliminated and she asked City Council to weigh in on the issue when it arises; she indicated that the House voted to eliminate healthcare benefits for retiring Legislators, that the House will experience a 13% Office Budget reduction in addition to the 5% reduction imposed earlier this year with a 10% cut in salaries, plus a 20% cut in the Speaker of the House Budget; and, she indicated that there is an attempt to move House employees to a healthcare plan where the employee will pay up to 20% of their healthcare depending upon which plan the employee chooses.

STATEMENTS OF CITY COUNCIL AND CITY MANAGER

- ◆ City Manager Evans pointed out that the contracted crews have been out since August 1, 2011, to pick up tree branches left behind by the July storm, but because of the larger than expected volume of branches, the pick-up would take longer, so he asked for patience from citizens.
- ◆ Mayor Strazdas indicated that, despite the national financial crisis and the uneasiness in the stock market, Portage has no financial crisis and expressed his appreciation for the efforts of past City Councils and past Administrations, who have provided financial stability.

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.

CITY COUNCIL MEETING MINUTES FROM AUGUST 9, 2011

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

At the request of Mayor Strazdas, Deacon Francis Marotti of St. Catherine of Siena Church in Portage provided the invocation and the City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATION: Mayor Strazdas issued a Portage Northern and Portage Central – Top High Schools in the Nation Proclamation. Discussion followed.

APPROVAL OF MINUTES: City Clerk Hudson asked that the announcements by Jim Pearson and Councilmember Cory Bailes as candidates for City Council for the November 8, 2011 General City Election be added to the Minutes for the meeting that ended at 9:40 p.m. Motion by Sackley, seconded by Bailes, to approve the July 26, 2011 Regular Meeting Minutes as amended. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Bailes to read the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF CHECK REGISTER OF AUGUST 9, 2011:** Motion by Reid, seconded by Campbell, to approve the Check Register of August 9, 2011. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

ORDINANCE AMENDMENT 10-D, BUSINESS BANNER REGULATIONS: Mayor Strazdas opened the Public Hearing and introduced Community Development Director Vickie Georgeau, who reviewed the Planning Commission actions and discussion of May 5, May 19, June 2 and June 16, 2011, regarding this ordinance. She inferred that the proposed ordinance amendment would expand banner use opportunities and provide additional options and flexibility for businesses interested in using banner signs since it would eliminate the phrase, “to identify only the name of the business,” increase the area of the banner devoted to sign copy, including the name of the business and related message from four square feet to up to 50% of the banner area, and add the business banner ordinance language to the B-1, local business, and PD, planned development districts. Discussion followed.

In response to Mayor Pro Tem Sackley, Ms. Georgeau indicated that the sign can not contain the name of another business, as this would be an off-premise sign, but food, beverages and general products can be represented. Discussion followed. Mayor Strazdas opened discussion to the public.

There being no further discussion, motion by Sackley, seconded by Bailes, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Urban, seconded by Campbell, to approve an Ordinance to amend the City of Portage Code of Ordinances, Ordinance Amendment 10-D, Business Banner Regulations, by amending section 42-548, PD, planned development district; section 42-551, B-1, local business district; and Section 42-552, B-2, community business; B-3, general business; and CPD, commercial planned development districts, of Chapter 42, Land Development Regulations. Upon a roll call vote, motion carried 6 to 0.

REPORTS FROM THE ADMINISTRATION:

- * **TRADE CENTRE WAY RELOCATION PROJECT:** Motion by Reid, seconded by Campbell, to approve the agreement with Consumers Energy for undergrounding of overhead utility lines and installation of new streetlights on Trade Centre Way from West Fork Crossing to South Westnedge Avenue and authorize the City Manager to execute all documents related to the agreement on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- * **LEXINGTON GREEN DRAINAGE DITCH:** Motion by Reid, seconded by Campbell, to endorse an application to the Kalamazoo County Drain Commissioner to designate the Lexington Green ditch as a County Drainage District and authorize the City Manager to execute the document on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- * **FINAL PLAT APPROVAL FOR THE HOMESTEAD OF PORTAGE NO. 3:** Motion by Reid, seconded by Campbell, to grant final approval of the plat of The Homestead of Portage No. 3 with completion of final grading by November 2011 and sidewalks and street trees by July 2013 and authorize the City Manager to execute all documents related to this action on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- * **WEST LAKE MANAGEMENT – 2011 APPLICATION PROGRAM:** Motion by Reid, seconded by Campbell, to approve a purchase order amendment for the 2011 West Lake Management Program to Aquatic Services, Incorporated, for lake weed treatment measures at a cost not to exceed \$27,840 and authorize the City Manager to execute all documents related to the amendment on behalf of the city. Upon a roll call vote, motion carried 6 to 0.
- * **TRANSFER LOCATION OF 2011 CLASS C LICENSED BUSINESS FROM 633 ROMENCE ROAD TO 7375 SOUTH WESTNEDGE AVENUE (I.E. LOS AMIGO'S):** Motion by Reid, seconded by Campbell, to grant the request to transfer location of 2011 Class C Licensed Business from 633 Romence Road to 7375 South Westnedge Avenue, Portage, MI 49002, Kalamazoo County (i.e. Los Amigo's Grill, Inc.). Upon a roll call vote, motion carried 6 to 0.
- * **NEW SMALL WINE MAKER LICENSE (THE SANGRIA SHOP, L.L.C.):** Motion by Reid, seconded by Campbell, to grant the request for a new Small Wine Maker License by The Sangria Shop, L.L.C. to be located at 5919 South Sprinkle Road, Portage. Upon a roll call vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the following Boards and Commissions:

Portage Historic District Commission of June 1, 2011.

Kalamazoo County Board of Commissioners Regular and Committee of the Whole of July 19, 2011.

AD HOC COMMITTEE REPORT:

CITY COUNCIL AD-HOC ADVISORY BOARD REVIEW COMMITTEE: At the request of Mayor Strazdas, Councilmember Campbell indicated that the City Council Advisory Boards and Commissions are asked each year to provide goals and objectives which are reviewed by the City Council Ad-Hoc Advisory Board Review Committee. She indicated that the Committee may provide input or suggestions or modifications and present them to City Council for final review and adoption. Discussion followed.

Councilmember Reid noticed that some of the Boards did not have the goal of advising City Council on matters being addressed on issues or projects pertaining to those specific areas.

Motion by Reid, seconded by Bailes, to receive the communication from the City Council Ad-Hoc Advisory Board Review Committee, adopt the 2011-2012 Advisory Boards and Commissions Goals and Objectives and amend the Advisory Board Goals and Objectives of the Environmental Board, Historic District Commission, Park Board and Youth Advisory Committee to add a goal to advise City Council on issues or projects pertaining to those specific areas. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITIZENS: Michigan State Representative Margaret O'Brien stated that the Legislature has provided protections within the Urban Cooperation Legislation and PA 312 to prevent forcing a municipality to share services if it necessitates an increase in funding and explained; she indicated the 80-20 hard cap law on health benefits for all government employees passed the House, but not the Senate and emphasized compensation is a local issue; she commented that the City of Portage remained in the 61st Congressional District which lost the City of Parchment, Alamo Township and Kalamazoo Township, but gained Schoolcraft Township; she hypothesized that the Legislature will have to make a decision this Fall regarding the Presidential Primary and the date of the election in February 2012; when she asked for the amount of Portage personal property taxes collected and the per cent of the budget, City Manager Evans responded 18%; she went on record in a work session that she concurred with Mayor Strazdas and Mayor Pro Tem Sackley that it is fair to eliminate P.A. 198 if personal property taxes are eliminated and she asked City Council to weigh in on the issue when it arises; she indicated that the House voted to eliminate healthcare benefits for retiring Legislators, that the House will experience a 13% Office Budget reduction in addition to the 5% reduction imposed earlier this year with a 10% cut in salaries, plus a 20% cut in the Speaker of the House Budget; and, she indicated that there is an attempt to move House employees to a healthcare plan where the employee will pay up to 20% of their healthcare depending upon which plan the employee chooses. Discussion followed.

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Mayor Strazdas indicated that, despite the national financial crisis and the uneasiness in the stock market, Portage has no financial crisis and expressed his appreciation for the efforts of past City Councils and past Administrations, who have provided financial stability.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:17 p.m.

James R. Hudson, City Clerk

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

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 15, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Accounts Payable Register

ACTION RECOMMENDED: That City Council approve the Accounts Payable Register of August 23, 2011 as presented.

The attached Accounts Payable Register for the period July 31, 2011 through August 14, 2011 is recommended for approval.

c: Daniel S. Foecking, Finance Director

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	CHECK AMOUNT
08/01/2011	277224	PETTY CASH-PARKS	536	293.42
08/05/2011	277225	AT&T	849	1,652.09
08/05/2011	277226	A-1 SIGNS	2873	29.32
08/05/2011	277227	ACS GOVERNMENT SYSTEMS	999999	795.00
08/05/2011	277228	ADVANCED ALLERGY & ASTHMA CARE	999999	20.56
08/05/2011	277229	ADVANCED POURED WALLS, INC.	4705	1,617.00
08/05/2011	277230	AEG DEVELOPMENT	999999	40.00
08/05/2011	277231	AGRO SALES NORTH LLC	3943	245.52
08/05/2011	277232	ALLEGRA PRINT & IMAGING	333	551.15
08/05/2011	277233	ALLEN, BARBARA	999999	17.30
08/05/2011	277234	AMALGAM LLC	4674	3,500.00
08/05/2011	277235	AMERICAN VILLAGE BUILDERS	999999	2,250.00
08/05/2011	277236	ANY CUTTING & WELDING	3347	960.00
08/05/2011	277237	ARNOLD, CHET	999999	46.00
08/05/2011	277238	ATTEBERRY, LINDSEY	999999	100.00
08/05/2011	277239	AUMACK, MICHAEL	670	282.00
08/05/2011	277240	AUSTIN, MARTHA	999999	86.00
08/05/2011	277241	AUTOMATIC DATA PROCESSING	3305	1,186.19
08/05/2011	277242	AUTOZONE	4446	369.99
08/05/2011	277243	AXE & ECKLUND, PC	2692	29,510.74
08/05/2011	277244	BANK OF NEW YORK MELLON	3939	650.00
08/05/2011	277245	BATES, LOIS	999999	86.00
08/05/2011	277246	BDO USA, LLP	136	750.00
08/05/2011	277247	BELL EQUIPMENT COMPANY	3844	492.00
08/05/2011	277248	BESCO WATER TREATMENT, INC.	3339	12.50
08/05/2011	277249	BILL'S LOCK SHOP, INC.	146	996.00
08/05/2011	277250	BORGESS HEALTH ALLIANCE	151	85.00
08/05/2011	277251	BOYD, LINDA	999999	59.98
08/05/2011	277252	BRANT, HAROLD	2887	4.75
08/05/2011	277253	BRINK'S, INC	437	3.59
08/05/2011	277254	BULLOCK, MARGE	153	86.00
08/05/2011	277255	BURKE, GREGORY	999999	251.62
08/05/2011	277256	BYHOLT INC.	999999	42.00
08/05/2011	277257	C B C INNOVIS INC	68	125.00
08/05/2011	277258	CAMPBELL AUTO SUPPLY	2887	733.18
08/05/2011	277259	CARLETON EQUIPMENT CO.	168	4.75
08/05/2011	277260	CEKOLA, DEE	999999	3.59
08/05/2011	277261	CHARTER COMMUNICATIONS	3080	475.00
08/05/2011	277262	CINTAS CORP.	3080	86.00
08/05/2011	277263	CITY OF KALAMAZOO (TRANS MILLA	2206	60.90
08/05/2011	277264	CITY OF KALAMAZOO TREASURER	4649	166.92
08/05/2011	277265	CITY OF PORTAGE	540	34,954.18
08/05/2011	277266	COMFORT INN & SUITES	177	308.90
08/05/2011	277267	COMSTOCK PUBLIC SCHOOLS	999999	50.00
08/05/2011	277268	CONSUMERS CREDIT UNION	1671	231.84
08/05/2011	277269	CONSUMERS ENERGY-BILL PMT CNT	999999	10,024.15
08/05/2011	277270	COSTAR REALTY INFORMATION, INC	189	1,792.55
08/05/2011	277271	COY, ROSE MARIE	4620	3,005.23
08/05/2011	277272	CROSSROADS EXPERT AUTO SERVICE	999999	282.00
08/05/2011	277273	CUDNEY, MILDRED	4109	86.00
08/05/2011	277274	DEAN, SCOTT	999999	1,249.92
08/05/2011	277274		532	86.00
				472.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/05/2011	277275	DENNY'S SAW CRIB	689		98.34
08/05/2011	277276	DEPATIE FLUID POWER CO., INC.	211		17.03
08/05/2011	277277	DONNA WABER	999999		104.00
08/05/2011	277278	DOUG LOUIS	999999		125.00
08/05/2011	277279	DRENTH, JACOB	4542		329.00
08/05/2011	277280	DRUG & LABORATORY DISPOSAL INC	4701		1,364.38
08/05/2011	277281	ECHELBARGER, HIMEBAUGH, TAMM &	4664		2,493.00
08/05/2011	277282	EDWARDS INDUSTRIAL SALES, INC.	228		21.87
08/05/2011	277283	ELKHART RIVER QUEEN, INC	999999		440.00
08/05/2011	277284	ENTENMANN-ROVIN CO.	8		376.00
08/05/2011	277285	FINN, DALE	999999		212.00
08/05/2011	277286	FRALEY-BURGETT, JAYNE	999999		225.00
08/05/2011	277287	GILBARCO INC.	3864		99.00
08/05/2011	277288	GORDON FOOD SERVICE	502		30.56
08/05/2011	277289	GRAHAM FORESTRY SERVICE, INC.	464		720.00
08/05/2011	277290	GREATER KALAMAZOO FOP LODGE 98	623		494.28
08/05/2011	277291	GREATER KALAMAZOO FOP LODGE 98	623		2,800.92
08/05/2011	277292	GREATER KALAMAZOO UNITED WAY	628		1,119.48
08/05/2011	277293	HARGUS, ELIZABETH	999999		70.00
08/05/2011	277294	HARGUS, ELIZABETH	999999		86.00
08/05/2011	277295	HARTMAN, CHARLES	913		94.00
08/05/2011	277296	HAVENS, ELAINE	999999		70.00
08/05/2011	277297	HERRICK, MARIILYN	999999		28.49
08/05/2011	277298	HOADLEY, LEO	4228		90.00
08/05/2011	277299	HOME DEPOT	691		340.21
08/05/2011	277300	HOPE HEALTH	3890		316.74
08/05/2011	277301	HOT THREADS	4440		1,206.77
08/05/2011	277302	HURLEY & STEWART, LLC	2905		20,094.47
08/05/2011	277303	IERVOLINA, SUSAN	2074		100.00
08/05/2011	277304	INTERSECT TECHNOLOGIES	379		891.00
08/05/2011	277305	THE IRRIGATOR	2047		1,894.09
08/05/2011	277306	THE ISERV COMPANY LLC	4712		50.00
08/05/2011	277307	J & J LAWN SERVICE, INC.	457		1,300.00
08/05/2011	277308	J-AD GRAPHICS, INC	4444		1,026.00
08/05/2011	277309	KALAMAZOO COUNTY TREASURER	514		560.00
08/05/2011	277310	KALAMAZOO LANDSCAPE SUPPLIES	90		324.74
08/05/2011	277311	KALAMAZOO NATURE CENTER, INC.	92		440.00
08/05/2011	277312	KAMINSKY AND ASSOCIATES	999999		400.00
08/05/2011	277313	KEEGAN, KAY	999999		192.00
08/05/2011	277314	KELLOGG COMMUNITY COLLETE	4205		2,358.00
08/05/2011	277315	KENDALL ELECTRIC, INC.	231		1,445.00
08/05/2011	277316	KIRBY BUILT PRODUCTS INC	4171		470.43
08/05/2011	277317	KLINE,ERIC	532		226.82
08/05/2011	277318	KOPEC, CASEY	4409		176.00
08/05/2011	277319	KORN, DAVID	999999		26.58
08/05/2011	277320	KUHN'S YARD & GARDEN CARE, INC	4551		81.25
08/05/2011	277321	KUIPER BROTHERS MOVING INC.	1066		526.00
08/05/2011	277322	KZOO TIRE COMPANY	564		166.50
08/05/2011	277323	LAWLER, FAY & DON	999999		157.00
08/05/2011	277324	LAWSON PRODUCTS, INC	240		788.26
08/05/2011	277325	LEWIS PAPER PLACE, INC.	242		93.73

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/05/2011	277326	THE LIFE GUARD STORE	1878		187.45
08/05/2011	277327	LIFELOC TECHNOLOGIES, INC.	3732		99.00
08/05/2011	277328	LOCEY SWIM POOL CO.	243		43.00
08/05/2011	277329	LODEMAN'S CARPET & UPHOLSTERY	4688		150.00
08/05/2011	277330	LOUCKS, JANET	999999		86.00
08/05/2011	277331	LSI TITLE AGENCY	999999		292.80
08/05/2011	277332	LSI TITLE AGENCY, INC	999999		170.31
08/05/2011	277333	MACKS FIRE PROTECTION	3849		105.00
08/05/2011	277334	MASSIE, LARRY B.	3884		15.02
08/05/2011	277335	MCNALLY HOME IMPROVEMENT LTD	4559		10,950.00
08/05/2011	277336	MCNALLY ELEVATOR CO.	256		91.62
08/05/2011	277337	MENARDS, INC	258		223.44
08/05/2011	277338	MI GOVT FINANCE OFFICERS ASSOC	2134		199.00
08/05/2011	277339	MICH. RECREATION & PARK ASSOC.	895		454.00
08/05/2011	277340	MICHIGAN CAT	1307		525.08
08/05/2011	277341	MICHIGAN KAL ELECTRONICS, INC.	266		127.50
08/05/2011	277342	MICHIGAN PAVING & MATERIALS CO	3389		174.36
08/05/2011	277343	MICHIGAN STATE POLICE	999999		220.00
08/05/2011	277344	MICROSYSTEMS, INC.	4671		364.00
08/05/2011	277345	MIDWEST ENERGY COOPERATIVE	2030		220.35
08/05/2011	277346	MIDWEST GOLF AND TURF	4210		395.89
08/05/2011	277347	MORDAS, DON	4003		188.00
08/05/2011	277348	MUNICIPAL FINANCIAL CONSULTANT	681		11,916.63
08/05/2011	277349	MYERS, JAMES	999999		278.00
08/05/2011	277350	NEW FRESH CLEANING SERVICE	4351		5,187.75
08/05/2011	277351	A NEW LEAF	635		85.00
08/05/2011	277354	NEXTEL	1709		3,366.93
08/05/2011	277355	NICHOLS, ANDREW	4229		94.00
08/05/2011	277356	NYE UNIFORMS	299		153.50
08/05/2011	277358	OFFICE DEPOT, INC.	1721		1,405.72
08/05/2011	277359	OFFICEMAX INCORPORATED	301		179.38
08/05/2011	277360	OMNI HOTEL	999999		634.80
08/05/2011	277361	ONE WAY PRODUCTS	440		1,846.09
08/05/2011	277362	PATCHETT, JEAN	999999		86.00
08/05/2011	277363	PATESEL, TERRY	4455		308.00
08/05/2011	277364	PERCEPTIVE CONTROLS, INC.	3764		1,472.00
08/05/2011	277365	PETERMAN CONCRETE CO.	310		674.75
08/05/2011	277366	PHILLIPS, CONNIE & GLEN	999999		172.00
08/05/2011	277367	PHILLIPS, DR. ROMEO	999999		40.40
08/05/2011	277368	PIPIK, REBEKAH	999999		175.00
08/05/2011	277369	PORTAGE FIREFIGHTERS	625		1,440.32
08/05/2011	277370	PORTAGE ON-CALL FIREFIGHTERS	504		138.60
08/05/2011	277371	PORTAGE POLICE OFFICERS ASSOC	624		2,156.78
08/05/2011	277372	THE POSTMAN	2633		1,270.00
08/05/2011	277373	PREMIER PAINTING SPEC & PRES W	4568		300.00
08/05/2011	277374	PRINTEK, INC.	4711		123.03
08/05/2011	277375	PRO-FLEET	3209		1,735.30
08/05/2011	277376	PROFESSIONAL TREE SERVICE, INC	321		1,150.00
08/05/2011	277377	PURITY CYLINDER GASES, INC	323		58.38
08/05/2011	277378	RATHCO SAFETY SUPPLY, INC.	327		132.00
08/05/2011	277379	RELIABLE MANAGEMENT SYSTEMS, I	4354		331.00

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/05/2011	277380	RENEWED EARTH, INC.	4686		9,916.66
08/05/2011	277381	REO SPECIALISTS, LLC	999999		37.80
08/05/2011	277382	REPUBLIC WASTE SERVICES OF W M	4443		1,836.52
08/05/2011	277383	RIDGE AUTO NAPA	438		1,235.69
08/05/2011	277384	RIETH-RILEY CONSTRUCTION CO.,	4386		186.75
08/05/2011	277385	ROBERTS, ART & BETTY	999999		172.00
08/05/2011	277386	RUTHMERE MUSEUM	999999		734.00
08/05/2011	277387	SALVATI, KATHRYN	999999		22.28
08/05/2011	277388	SCHUUR, MAYNARD & JUDITH	999999		140.00
08/05/2011	277389	SHARP SHOP	354		1,286.22
08/05/2011	277390	SHERWIN WILLIAMS	356		143.03
08/05/2011	277391	SIGN SHOP OF WESTERN MICHIGAN	358		75.00
08/05/2011	277392	SIMMONS FORD	2064		18.30
08/05/2011	277393	SLAVIN, NATHAN	532		131.95
08/05/2011	277394	SPELLING PERSONNEL SERVICES	2107		1,401.60
08/05/2011	277395	SPRING CREST CUSTOM DRAPERIES	776		427.00
08/05/2011	277396	STAP BROS LAWN & LANDSCAPE, INC	366		1,167.00
08/05/2011	277397	STATE OF MICH - STATE POLICE	367		25.00
08/05/2011	277398	STATE SYSTEMS RADIO, INC	369		1,264.25
08/05/2011	277399	STEENSMAN LAWN & POWER EQUIPMENT	3222		1,561.82
08/05/2011	277400	STRINGHAM, GARY	999999		86.00
08/05/2011	277401	STRINGHAM, HAROLD	999999		86.00
08/05/2011	277402	NATHAN STUBBLEFIELD	4689		80.00
08/05/2011	277403	SUDS SHINY BRITE	373		110.00
08/05/2011	277404	TAYLOR, JEFF	4436		235.00
08/05/2011	277405	TECHNOLOGY SOLUTIONS	4612		1,244.90
08/05/2011	277406	THOMAS, MELANIE	999999		80.98
08/05/2011	277407	JOHANNA THOMPSON	4682		3,701.48
08/05/2011	277408	TOO CLEAN JANITORIAL	999999		3,065.00
08/05/2011	277409	TOTAL PLUMBING	2220		50.00
08/05/2011	277410	TRACTOR SUPPLY CORP.	2817		308.48
08/05/2011	277411	U A W, LOCAL 2290	1862		484.02
08/05/2011	277412	U S BANK	3497		2,050.00
08/05/2011	277413	ULINE, INC.	4449		1,343.07
08/05/2011	277414	UNITED PARCEL SERVICE	545		73.92
08/05/2011	277415	UNITED WATER ENVIRONMENTAL SER	4609		167,775.40
08/05/2011	277416	UTILITY FINANCIAL SOLUTIONS	3967		6,362.10
08/05/2011	277417	VALENZUELA, JASON	532		278.00
08/05/2011	277418	VANBECK ROOFING & SIDING CO.	399		1,900.00
08/05/2011	277419	VANDER VEEN, DONALD	4230		322.00
08/05/2011	277420	VANDERBILT, JOHN	668		376.00
08/05/2011	277421	VARNUM, RIDDERING, SCHMIDT & H	402		2,406.25
08/05/2011	277422	VERIZON WIRELESS SERVICES, LLC	4653		114.03
08/05/2011	277423	WEBSTER ELECTRIC, INC.	3229		5,465.00
08/05/2011	277424	WELLINGTON, RUTH	999999		86.00
08/05/2011	277425	WINDEMULLER ELECTRIC, INC.	3061		2,600.00
08/05/2011	277426	WINDER POLICE EQUIPMENT, INC.	429		232.24
08/05/2011	277427	WINGFOOT COMMERCIAL TIRE	2613		377.07
08/05/2011	277428	WINTHER, BETTY	999999		86.00
08/05/2011	277429	WOLFE, DONAVON R	999999		8.81
08/05/2011	277430	WOLVERINE POWER SYSTEMS	4322		608.95

PREPARED 08/15/2011, 8:57:52 A/P CHECKS BY PERIOD AND YEAR PAGE 5
 PROGRAM: GM350L FROM 07/31/2011 TO 08/14/2011 *ALL*
 CITY OF PORTAGE

CHECK DATE	CHECK NUMBER	VENDOR NAME	VENDOR #	BANK CODE	CHECK AMOUNT
08/05/2011	277431	WYOMING ASPHALT PAVING CO. INC	1222		58,833.63
08/05/2011	277432	YONKERS, MARY	959999		94.00
08/05/2011	277433	ZURICH NORTH AMERICA	4062		4,636.00
08/09/2011	277435	PETTY CASH-PARKS	536		1,007.25
08/10/2011	277437	PETTY CASH-CITY HALL	767		545.73

DATE RANGE TOTAL * 489,510.79 *

FROM: 07/31/2011 TO: 08/14/2011

PAYMENT NO	VENDOR NAME	TRANSFER DATE	AMOUNT	TRACE		BANK
				NUMBER	EFT	
444	ABONMARCHE CONSULTANTS, INC	08/05/2011	2,857.00	072000320000001	0000001	00
445	AMERICAN SAFETY & FIRST AID	08/05/2011	460.29	072000320000002	0000001	00
446	ANDRUS TRAVEL, GAIL	08/05/2011	1,360.25	072000320000003	0000001	00
447	ANIMAL REMOVAL SERVICE, LLC	08/05/2011	525.00	072000320000004	0000001	00
448	ARISTA TRUCK SYSTEMS	08/05/2011	330.67	072000320000005	0000001	00
449	B & B YARDSCAPE	08/05/2011	13,383.00	072000320000006	0000001	00
450	BEBBE, RON	08/05/2011	376.00	072000320000007	0000001	00
451	BEVERIN, TYLER	08/05/2011	126.00	072000320000008	0000001	00
452	BRENNER OIL CO.	08/05/2011	18,937.73	072000320000009	0000001	00
453	CONTINENTAL LINEN SUPPLY CO.	08/05/2011	81.26	072000320000010	0000001	00
454	CROWN TROPHY	08/05/2011	1,330.00	072000320000011	0000001	00
455	D & D PRINTING CO.	08/05/2011	274.26	072000320000012	0000001	00
456	EMPLOYMENT GROUP, INC.	08/05/2011	871.00	072000320000013	0000001	00
457	ENGINEERED PROTECTION SYSTEMS, INC.	08/05/2011	702.96	072000320000014	0000001	00
458	ETNA SUPPLY, INC.	08/05/2011	308.50	072000320000015	0000001	00
459	INDUSCO SUPPLY CO., INC.	08/05/2011	154.22	072000320000016	0000001	00
460	IRISH AYRES ENTERPRISES, LLC	08/05/2011	7,499.75	072000320000017	0000001	00
461	KEHOE, EDWARD J	08/05/2011	210.00	072000320000018	0000001	00
462	KNAPP ENERGY, INC.	08/05/2011	17,864.28	072000320000019	0000001	00
463	MEDEMA, TIMOTHY	08/05/2011	120.00	072000320000020	0000001	00
464	PARKER, ROBERT	08/05/2011	141.00	072000320000021	0000001	00
465	PLEUNE SERVICE COMPANY	08/05/2011	369.73	072000320000022	0000001	00
466	PRECISION PRINTER SERVICES INC	08/05/2011	790.80	072000320000023	0000001	00
467	ROBERTS, BRIAN	08/05/2011	188.00	072000320000024	0000001	00
468	ROBERTS, CHARLES D	08/05/2011	235.00	072000320000025	0000001	00
469	ROE-COMM, INC.	08/05/2011	293.10	072000320000026	0000001	00
470	SARCOM, INC	08/05/2011	40,424.43	072000320000027	0000001	00
471	SNELL, DEBRA	08/05/2011	84.00	072000320000028	0000001	00
472	THOMPSON, HELENE	08/05/2011	133.00	072000320000029	0000001	00
473	U S SIGNAL COMPANY, LLC	08/05/2011	549.00	072000320000030	0000001	00
474	VISION SERVICE PLAN INSURANCE CO	08/05/2011	2,191.42	072000320000031	0000001	00
475	WEST, STEVE	08/05/2011	141.00	072000320000032	0000001	00
476	360 SERVICES, INC.	08/05/2011	3,150.11	072000320000033	0000001	00

GRAND TOTAL:

116,462.76 NO. OF CHECKS:

33

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 23, 2011

FROM: Maurice S. Evans, City Manager



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

ACTION RECOMMENDED: That City Council, subsequent to the public hearing, consider approval of Ordinance Amendment 10-E, Mixed-Use Zoning Ordinances, as presented for first reading on July 21, 2011, with a minor revision to Section 42-112, Definitions, Work/Live Building as noted below.

Three separate ordinance proposals with "mixed-use" elements have been prepared by the City Administration, which include City Centre Area-Mixed-Use Floating Zone; Commercial Corridor Mixed-Use Floating Zone; and 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. Subsequent to City Council referral, the Planning Commission reviewed the ordinance amendments over during several meetings. At the July 7th public hearing, the Planning Commission voted 8-0 to recommend City Council approve Ordinance Amendment 10-E.

With regard to the Work/Live Accommodations ordinance, the intent is to permit residential units within specified business and office districts, while ensuring the residential use is clearly accessory to the principal use. Further, the proposed definitions and provisions were drafted to ensure that the dwelling unit is occupied by the business owner or employee, as opposed to an accessory apartment occupied by persons not directly involved in the business. In this regard, the intent of the definition of "Work/live building" was to permit a business owner or employee and his or her household or family to live in the residential unit, but restrict occupancy of the residential dwelling unit by a group of unrelated individuals where the common living arrangement or basis for the establishment of the housekeeping unit is temporary in nature.

To ensure consistency with the existing definition of "Family" in the Zoning Code, a minor revision is recommended to the "Work/Live building" definition. As presently defined, "Family" permits persons related by blood, marriage, adoption or guardianship, or a collective group of individuals having a relationship that is functionally equivalent to a family...of a permanent and distinct character, but not a group of individuals where the arrangement is of a temporary nature. The revision to the definition (Section 42-112) is provided as follows:

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 family ~~relatives related by blood, marriage, or adoption.~~

It is recommended that subsequent to the public hearing, City Council consider adoption of the proposed Ordinance Amendment 10-E, with the revisions to Section 42-112, Definitions, Work/Live Building as specified above.

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

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;

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: 7/18/11

 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, 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.

~~F~~G. 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.

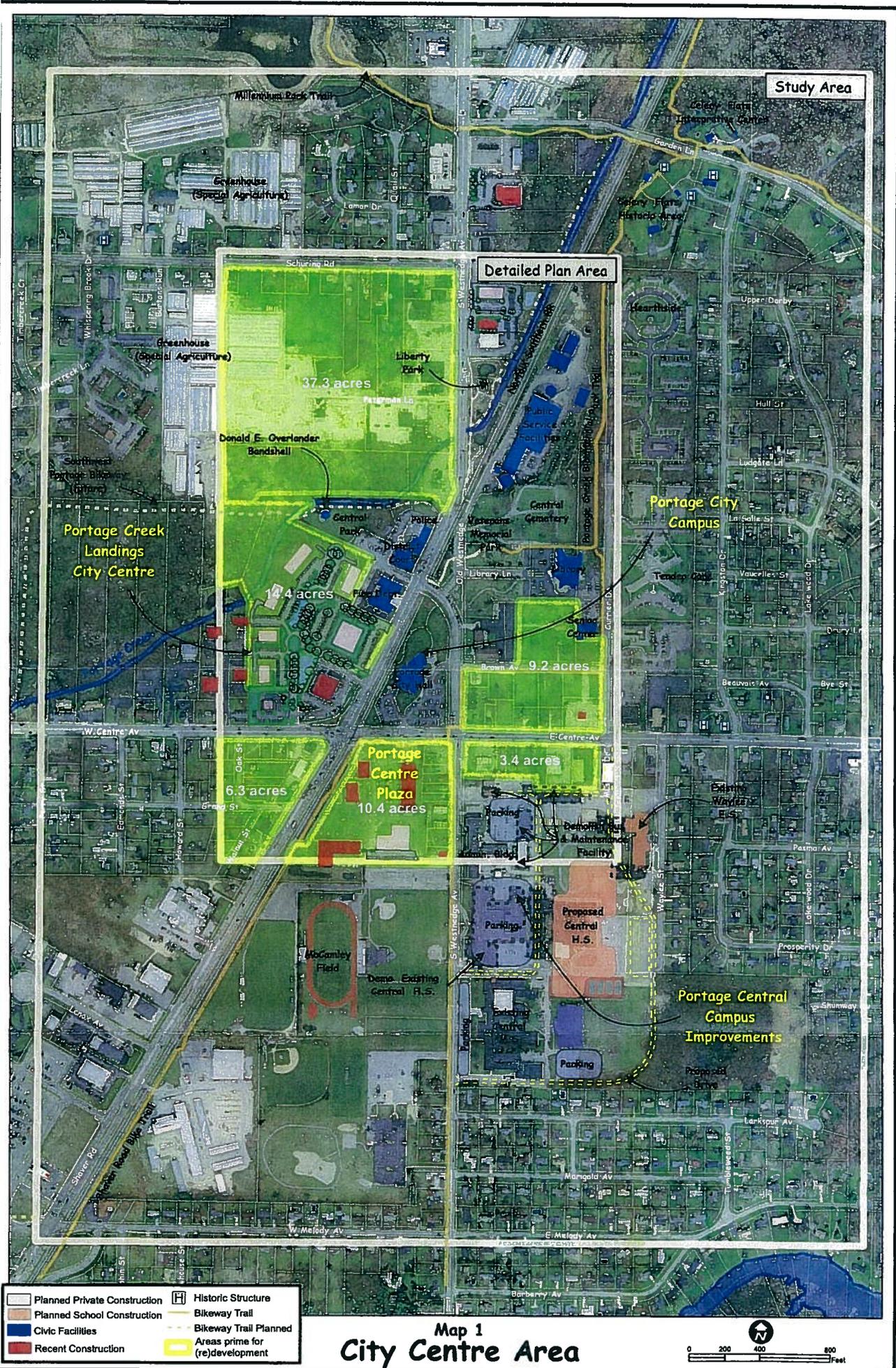
ADJOURNMENT:

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



Study Area

Detailed Plan Area

Portage Creek Landings City Centre

Portage City Campus

Portage Centre Plaza
10.4 acres

Portage Central Campus Improvements

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

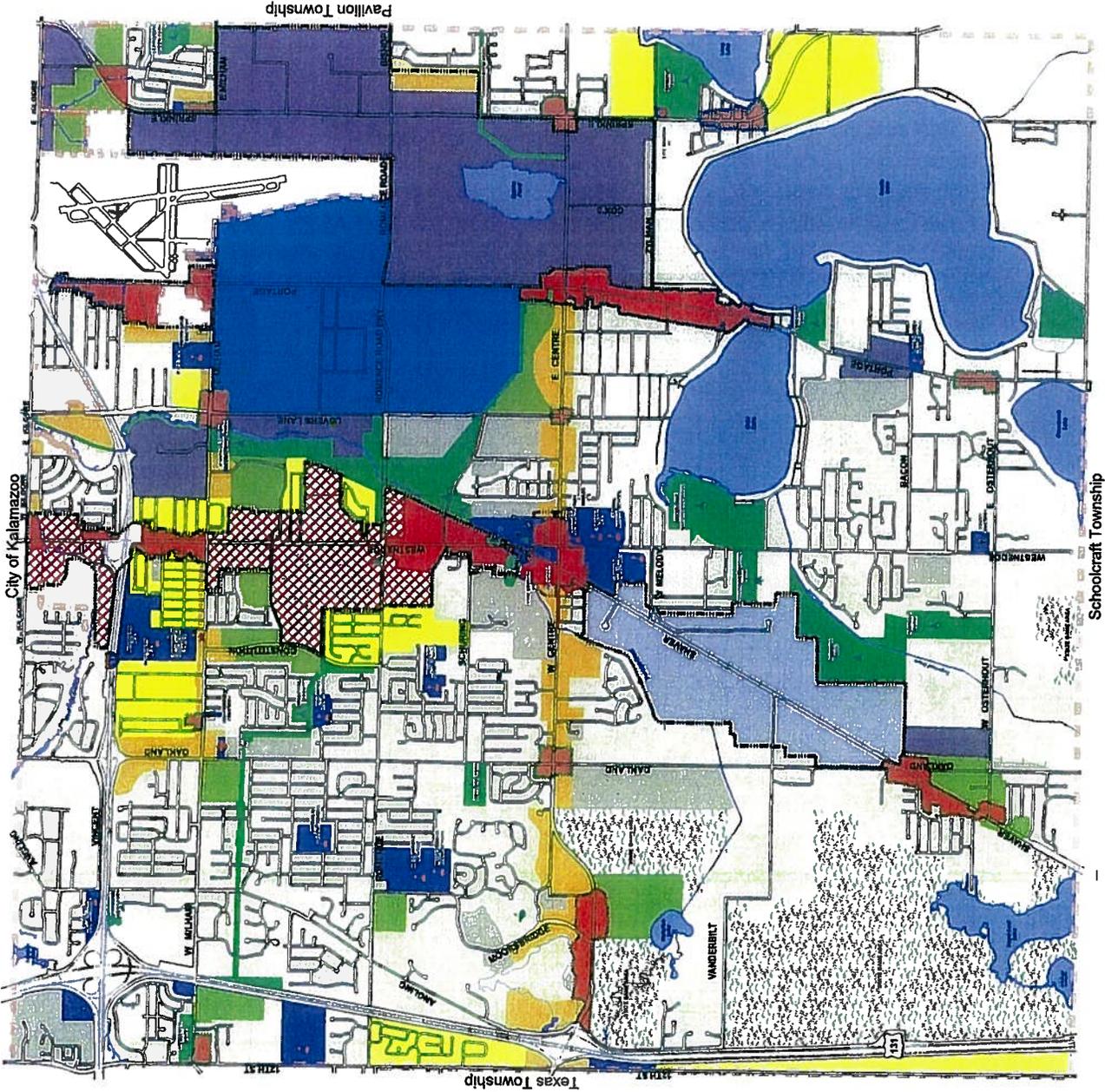
Map 1
City Centre Area



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: August 16, 2011

FROM: Maurice S. Evans, City Manager

MSE (for M. Evans)

SUBJECT: Delta Dental Contract Renewal

ACTION RECOMMENDED: That City Council award a two-year contract renewal to Delta Dental Plan of Michigan and authorize the City Manager to execute all documents related to the contract renewal on behalf of the city.

On August 31, 2011, the contract with Delta Dental Plan of Michigan will expire. The City of Portage provides dental insurance to all full-time employees as part of negotiated labor agreements and the non-union fringe benefit package. The city is contractually obligated by labor agreements to provide current coverage levels through Delta Dental Plan of Michigan. Dental benefits include basic (diagnostic, preventative, radiographs, oral surgery, endodontic, periodontic and restorative services), prosthodontic (services and appliances such as bridges, partial and complete dentures that replace missing natural teeth), and orthodontic (services, treatment and procedures required for the correction of malpositioned teeth) to age 19.

City staff was able to negotiate a two-year contract renewal with no increase to current rates. This contract renewal includes an extension of coverage for dependents to their 26th birthday to coincide with medical insurance coverage for dependents as recently mandated by the Health Care Reform Act.

Council approval of a two-year contract renewal with Delta Dental Plan of Michigan is recommended.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 15, 2011

FROM: Maurice S. Evans, City Manager

M.S. Evans (for M. Evans)

SUBJECT: Contract Renewal - Other Post Employment Benefit Trust Fund Administration

ACTION RECOMMENDED: That City Council award a three-year contract renewal to Michigan Employees' Retirement System (MERS) for the administration and investment of the Other Post Employment Benefit Trust Fund and authorize the City Manager to execute all documents related to this contract on behalf of the city.

In 2005, in response to Government Accounting Standards Board (GASB) rule changes relating to post employment benefits, a trust fund was established for the Other Post Employment Benefit (OPEB) liability of the city and proposals for trust fund administration were received. The lowest cost proposal was received from the Michigan Employees' Retirement System (MERS). Proposals were also evaluated to determine which company would produce the highest returns by investing the money in the trust fund. The initial contract allowed for two, three-year extensions to the contract.

The GASB rules related to OPEB have not changed and the city continues to need an administrator for investing and administration of the trust fund. Contract renewal negotiations were initiated early to ensure sufficient time for the city to establish an acceptable agreement. MERS has proposed to extend the current contract at a decrease from 0.45% to 0.40% for the next three years. There will be an additional reduction of .05% when the total amount invested exceeds \$5,000,000. Fees are estimated to be approximately \$20,000 for Fiscal Year 2011-2012 based on the balance of funds on deposit at MERS at 0.4%, the current charge for administration. MERS has provided satisfactory service to the city relative to trust fund administration and investments for the last six years.

It is recommended that City Council award a three-year contract renewal to MERS to provide for the administration and investment of the Other Post Employment Benefit Trust Fund and authorize the City Manager to execute all documents related to this contract on behalf of the city.

August 1, 2011

Mr. Daniel Foecking
Finance Director
City of Portage
7900 South Westnedge Avenue
Portage, MI 49002

Dear Mr. Foecking,

It has been our pleasure providing The City of Portage with administration for the Retiree Health Funding Vehicle since 2005 and I am glad to hear that your experience has been positive. We understand that the three year contract for this service will be expiring soon and that the City is interested in extending for another three years.

MERS very much wants to continue to provide professional services and to extend the relationship of the contract with the City of Portage. The program would continue to be administered subject to the provisions of the Retiree Health Funding Vehicle Trust Agreement and the fees will continue to reflect the economies of scale that we appreciate with over 750 participating municipalities in Michigan.

Effective August 17th, 2011 MERS will be reducing the fees for the Retiree Health Funding Vehicle as follows:

MERS Operating Costs: Costs to run the day-to-day operations of the plan, which include legal, accounting, auditing, compliance, printing, and overhead costs.	0.20%
Custody and Recordkeeping Costs: Costs related to bookkeeping, settling trade activity, and holding assets in custody at a bank.	0.20%
Investment Management Expense: All costs incurred in the overall management of the fund. The Investment Management Expense varies based on the level of assets. As assets increase, the Investment Management Expense is expected to decline.	

One of the greatest benefits provided to Retiree Health Funding Vehicle employers is our ability to “pool” assets. Pooling creates tremendous buying power and helps reduce the overall fees for the program. MERS gives the following pooling discounts to employers:

\$5 to 9.99 million = 0.05% discount
\$10 to 14.9 million = 0.10% discount
\$15 million or more = 0.20% discount

Additionally in August enhancements will be made to the MERS Employer Portal. Through the portal you will be able to report contributions, request disbursements, make investment changes, and view your account information at your convenience.

MERS looks forward to continuing this relationship and assisting the City of Portage in achieving maximum investment returns by utilizing the strengths of the MERS investment funds and its professional investment managerial services.

Thank you in advance for your time and consideration. Please feel free to contact me with any questions you may have regarding this matter of mutual concern.

Sincerely,



Michael Tackett
Benefit Plan Advisor
MERS of Michigan

p (517) 703-9030 ext. 325
f. (517) 703-9707
c. (517) 974-3387

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 17, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Compactor Truck and Operator Rental – Contract Renewal Recommendation

ACTION RECOMMENDED: That City Council approve a one-year contract renewal with Republic Services of Michigan Hauling, LLC, dba Republic Waste Services of Western Michigan, to provide up to three compactor trucks with operators at an hourly rate of \$117.75 for the 2011 Fall Leaf Pickup Program in the not to exceed amount of \$38,000 and authorize the City Manager to execute all documents related to this contract on behalf of the city.

The Fall Leaf Pickup Program requires up to eight compactor trucks to successfully complete the program on schedule. The city rents five of these compactor trucks from Premier Truck Sales, Incorporated which are operated by city staff. Three additional compactor trucks with operators are rented locally. This public/private arrangement provides the most cost-effective means of providing this specialized service.

City Council awarded a three-year contract in 2006 to provide the additional rental compactor trucks and operators to the low bidder, Republic Services of Michigan Hauling, LLC, dba Republic Waste Services of Western Michigan. The three-year contract included three, one-year renewal options, with the first one-year renewal being approved for 2009 at a modest price increase from \$116.86 per hour to \$117.75 per hour. A second one year renewal was approved for the 2010 program with no price increase. For the 2011 Fall Leaf Pickup Program, Republic Services of Michigan has submitted the third and final one-year contract renewal proposal (attached) to provide three compactor trucks and operators with the hourly rate remaining at \$117.75 per hour.

It is recommended that a one-year contract renewal with Republic Waste Services be approved for three compactor trucks with operators at a hourly rental cost of \$117.75 per hour for a total cost not to exceed \$38,000, and the City Manager be authorized to execute all documents related to this contract renewal on behalf of the city. Funds are budgeted and available for these services in the Leaf Pickup/Spring Cleanup fund.

Attachment



February 14, 2011

Mr. Ray Wario
Deputy Director
Department of Streets and Equipment
7719 South Westnedge Ave.
Portage, MI 49002

Dear Ray,

Thank you for the opportunity to have Republic Waste Services provide the following proposal for the continuation of your contract regarding leaf pick-up and the rental of equipment to the City of Portage. Your current rate is \$117.75 per hour, per truck which includes the truck, a driver and all other associated costs.

Proposed 2011 Rate

\$117.75 per hour, per truck

As you can see the rate will remain firm from 2010 & 2009. We look forward to working with you again this year and if you have any further questions I can be reached at 616-262-2586 or bdeorsey@republicservice.com.

Sincerely,

Bob DeOrsey

Division Sales Manager

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 17, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Kalamazoo County Public Art Commission Urban Cooperation Agreement

ACTION RECOMMENDED: That City Council approve amendment of the 1986 *Urban Cooperation Agreement to Establish a Public Art Commission* to:

- a. remove the Kalamazoo Chamber of Commerce from the membership of the commission;
- b. add the Kalamazoo County Convention and Visitors Bureau (dba Discover Kalamazoo) to the membership of the commission

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

The Kalamazoo County Public Art Commission (KCPAC) was established in 1981 by Kalamazoo County and the City of Kalamazoo by approval of the *Urban Cooperation Agreement to Establish a Public Art Commission*. In 1986, the agreement was amended to add the City of Portage as a public agency member. KCPAC was established:

- a. To make recommendations to the public agencies as to works of art.
- b. To recommend methods of selection and commissioning of works of art with respect to design, execution and placement of works of art for which appropriations have been made.
- c. To recommend the specific location of works of art.
- d. To provide recommendations on acceptance of gifts and donations of public art works, including recommendations as to whether a gift should be accepted or rejected, including possible alternate solutions.
- e. To recommend guidelines on the disposal of works of art.

A June 23, 2011 communication from KCPAC (attached) includes a request to amend section 4.(c) of the 1986 agreement as follows:

“A representative of Discover Kalamazoo who shall be appointed by the Kalamazoo County Convention and Visitors Bureau (dba Discover Kalamazoo) Board of Directors.”

When the amended agreement was approved in 1986, the former Kalamazoo Chamber of Commerce (now known as the Kalamazoo Regional Chamber of Commerce) operated the Kalamazoo County Convention and Visitors Bureau (CVB). Subsequently, the CVB was

established as a separate legal entity (dba Discover Kalamazoo). The current requested amendment would remove the former Kalamazoo Chamber of Commerce and add Discover Kalamazoo to the membership of the Commission. Additionally, the Kalamazoo County Board of Commissioners voted at their August 16, 2011 meeting to approve execution of the proposed amendment to the 1986 agreement.

The City Attorney has reviewed the request from KCPAC and believes a simple vote by the Portage City Council, rather than redrafting the agreement, is sufficient. It is recommended that City Council approve amendment of the 1986 *Urban Cooperation Agreement to Establish a Public Art Commission* to remove the Kalamazoo Chamber of Commerce from the membership of the commission and add the Kalamazoo County Convention and Visitors Bureau (dba Discover Kalamazoo) to the membership of the commission, and authorize the City Manager to execute all related documents on behalf of the City of Portage.

Attachment

KALAMAZOO COUNTY PUBLIC ART COMMISSION

June 23, 2011

Peter Battani, Administrator
County of Kalamazoo
201 W. Kalamazoo Avenue
Kalamazoo, MI 49007

Kenneth Collard, City Manager
City of Kalamazoo
241 W. South Street
Kalamazoo, MI 49007

Maurice Evans, City Manager
City of Portage
7900 S. Westnedge Avenue
Portage, MI 49002

RE: Amendment to the Urban Cooperation Agreement to Establish a Public Art Commission

Gentlemen:

On behalf of the Kalamazoo County Public Art Commission (“KCPAC”), I ask your assistance in obtaining an amendment to the *Amendment to the Urban Cooperation Agreement to Establish a Public Art Commission* (“Agreement”) that was adopted by the County of Kalamazoo, City of Kalamazoo and City of Portage in 1986. KCPAC was initially established by the County and City of Kalamazoo in 1981, but when Portage joined in 1986, an amended and restated document was created which replaced the original agreement. A copy of that document is attached for your reference.

Under Section 4.(c) of the Agreement, membership by “A member of the Board of the Chamber of Commerce who shall be appointed by said Board” is specified. At the time the Agreement was executed, the Kalamazoo Chamber of Commerce operated the Kalamazoo County Convention and Visitors Bureau (“CVB”), which is now a separate legal entity doing business as Discover Kalamazoo. It made sense for the CVB to actively participate in Kalamazoo County’s public art process, but that is not a relevant role for the renamed Kalamazoo Regional Chamber of Commerce. We recommend amending Section 4.(c) to read “A representative of Discover Kalamazoo who shall be appointed by the Kalamazoo County Convention and Visitors Bureau (dba Discover Kalamazoo) Board of Directors.

RECEIVED

JUL 01 2011

CITY MANAGER'S OFFICE
PORTAGE, MI

RE:Amendment to the Urban Cooperation Agreement to Establish a Public Art Commission
June 23, 2011
Page 2

Given the minor nature of this amendment, it is hoped that a simple motion and recorded vote by each participating elected body will be sufficient to proceed. If any of you believe it necessary to re-draft the document, please let us know.

Thank you very much for your support of the Kalamazoo County Public Art Commission.1

Sincerely,



Phil VanderWeg
Chairperson

6791 Penny Lane
Kalamazoo, MI 49009
V: (269) 372-3469



David Jarl
Secretary

161 East Michigan Ave. Ste 200
Kalamazoo, MI 49007
V: (269) 388-7313

FOX, THOMPSON, MORRIS, STOVER & O'CONNOR
LAWYERS
610 COMERICA BUILDING
KALAMAZOO, MICHIGAN 49007

GOULD FOX
EDWARD P. THOMPSON
RICHARD H. MORRIS
GREGG E. STOVER
MICHAEL D. O'CONNOR
ROBERT C. ENGELS

LISA A. GODFREY

AREA CODE 616
381-2730

August 26, 1986

Mr. Michael Stampfler
City Manager
7800 Shaver Rd.
Portage MI 49002

Re: Kalamazoo County Public Art Commission

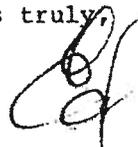
Dear Mike:

Enclosed is the executed copy of the Amendment to the Urban Cooperation Agreement to Establish a Public Arts Commission which completely replaces the old agreement between the City of Kalamazoo and the County of Kalamazoo and changes the name. Because there is only one instrument in existence, I suggest that the City of Portage enter its name in paragraph 1, sign the document, file it with the Portage City Clerk, and send four certified copies to me. I will send copies to the City of Kalamazoo, County of Kalamazoo, and retain two for my own records, with one available for the next participating member.

If there is any question in this regard. I will be glad to talk with you.

Copies of this letter are going to all interested parties.

Yours truly,



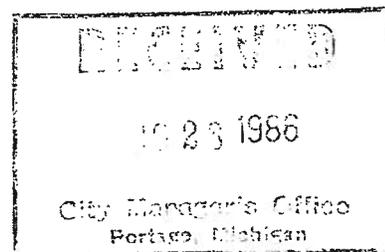
Edward P. Thompson, Chair

*Done
9-15-86*

EPT/chk

Enclosure

cc: Mayor Charles K. Marschke w/o enclosure
Mrs. Anna M. Hinga "
Mr. David O. Collier "
Ms. Sheryl Sculley "



211

AMENDMENT TO THE
URBAN COOPERATION AGREEMENT
TO ESTABLISH A PUBLIC ART COMMISSION

WHEREAS, the development of the visual and aesthetic environment is a fundamental responsibility and function of public agencies; and

WHEREAS, PA 1967, Extra Session #7, provides that public agencies may provide for inter-local public agreements to carry out their functions and responsibilities; and

WHEREAS, the following public agencies desire to create a Public Art Commission to: supervise all public art projects within the member public agencies; make recommendations to the public agencies as to works of art; recommend methods of selection and commissioning of artists with respect to design, execution, and placement of works of art for which appropriations have been made; recommend the specific location of works of art; provide recommendations on all phases of each public art project; recommend guidelines on acceptance of gifts and donations of public art works, including recommendations as to whether a gift should be accepted or rejected, or alternative solutions; and recommend guidelines on the disposal of works of art; and

WHEREAS, the following public agencies have determined that the best approach to implement this Public Art Commission is through an Urban Cooperation Agreement establishing a Public Art Commission for all of the public agencies rather than separate Public Art Commissions for each agency;

WHEREAS, in 1981, the City of Kalamazoo and the County of Kalamazoo established the Public Art Commission by entering into an Urban Cooperation Agreement; and

WHEREAS, it is necessary to amend the original Urban Cooperation Agreement to change the name of the Public Art Commission and to allow additional public entities to become parties to the Agreement.

NOW, THEREFORE, IT IS AGREED BY AND BETWEEN THE FOLLOWING PUBLIC PARTIES, as follows:

1. Membership. The following public agencies shall be members and parties to this Urban Cooperation Agreement:

- | | |
|-------------------------------|-----------|
| 1. <u>COUNTY OF KALAMAZOO</u> | 7. _____ |
| 2. <u>CITY OF KALAMAZOO</u> | 8. _____ |
| 3. <u>CITY OF PORTAGE</u> | 9. _____ |
| 4. _____ | 10. _____ |
| 5. _____ | 11. _____ |
| 6. _____ | 12. _____ |

2. Name. The name of this Commission shall be the Kalamazoo County Public Art Commission (Commission).

3. Purpose and Duties. The Commission shall have the following purpose and duties:

- (a) To make recommendations to the public agencies as to works of art.
- (b) To recommend methods of selection and commissioning of works of art with respect to design, execution, and placement of works of art for which appropriations have been made.
- (c) To recommend the specific location of works of art.
- (d) To provide recommendations on all phases of each public art project.
- (e) To recommend guidelines on acceptance of gifts and donations of public art works, including recommendations as to whether a gift should be accepted or rejected, including possible alternative solutions.
- (f) To recommend guidelines on the disposal of works of art.

4. Membership of Commission. The Commission shall consist of the following individuals:

- (a) The Director of the Kalamazoo Institute of Arts.
- (b) A registered architect who shall be appointed by the local chapter of the American Institute of Architects.
- (c) A member of the Board of the Chamber of Commerce who shall be appointed by said Board.

- (d) Three (3) local artists (one of whom shall be an art historian) appointed by the Greater Kalamazoo Arts Council.
- (e) Three (3) members at-large to be appointed by the above-listed members of the Commission.
- (f) A liaison (non-voting) member from each of the public agencies joining in this agreement and appointed by each of said public agencies.

5. Terms of Membership. A member's term shall be for one (1) year and each member shall be eligible for re-appointment.

6. Duration of Agreement. This agreement shall be in effect for so long as two member public agencies desire to be a part of such agreement.

7. Financial. Each public agency signing this agreement shall use its best efforts to commit one (1) percent of its capital expenditures relating to facility expansion, facility renovation, facility improvements, parks development and land improvement, for public art purposes in said facilities and parks.

8. Termination. Any member public agency may withdraw from this agreement by giving 90 days' written notice to the Commission prior to such withdrawal.

9. By-laws and Rules of Procedure. The Commission shall establish its own by-laws and rules of procedure to carry out its powers and responsibilities.

COUNTY OF KALAMAZOO
PUBLIC AGENCY
BY Curtis C. Haan
Curtis C. Haan, Chairman
Board of Commissioners

CITY OF PORTAGE
PUBLIC AGENCY
BY Lois B. Johnson
Lois B. Johnson, City Clerk

COUNTY OF KALAMAZOO
PUBLIC AGENCY
May 6, 1986
BY James O. Youngs
James O. Youngs
Clerk/Register

PUBLIC AGENCY
BY _____

CITY OF KALAMAZOO
PUBLIC AGENCY
BY Sheryl E. Sculley
Sheryl E. Sculley
City of Kalamazoo
CITY OF PORTAGE

PUBLIC AGENCY
BY _____

PUBLIC AGENCY
BY Charles K. Marschke
Charles K. Marschke, Mayor

PUBLIC AG: This is an executed copy.
BY _____
COP. Return

PUBLIC AGENCY

BY _____

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 11, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: July 2011 Summary Environmental Activity Report – Information Only

Attached please find the July 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: August 11, 2011

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

SUBJECT: July 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
July 2011 (*updates in italics*)

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<p>-City Council awarded a 3 year contract to American Hydrogeologic Corporation 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. <i>2011 annual report submitted to MDEQ.</i></p>
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	<p>-Coordination with property owners and City or State agencies ongoing. -<i>Review of 4 site/building plans and/or plats completed in July 2011.</i></p>
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<p>-<i>Sanitary sewer hookup permits issued in July 2011: 5 residential. One property connected as part of the mandatory sewer ordinance.</i></p>
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<p>-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. On July 8, 2008, City Council awarded contracts to Aquatic Services, Inc. for the 2008 Weed Treatment Program and awarded a contract to ASI Environmental to perform watershed and vegetation survey. The 2009/2010 lake treatments are complete. The 2011 lake survey and treatment preparations are complete. <i>Additional treatment areas requested by the Association for treatment.</i></p>
Retention Basin Sampling Program	Investigation regarding potential impact of retention basins on groundwater levels.	<p>-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on groundwater level information. Sampling of retention basins was completed on</p>

June 25, 2010. The 2010 year report received in January 2011. The 2010 results show declining groundwater levels throughout the city. Declining levels range from 6” to 3’ – 0”. Surface storm water outfall sampling shows stable results. *Current groundwater table measurements show the July 2011 level to be approximately 8” below July 2010 levels.*

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

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

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

-First meeting was held September 17, 2004. Proposals for completing the

Wellhead Protection Program (WHPP)
 Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

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

National Pollution Discharge Elimination System (NPDES) permit implementation
 Five year plan to implement the current NPDES stormwater permit.

National Pollution Discharge
 Kalamazoo River Mainstem

Elimination System (NPDES)
permit implementation

Watershed Management Plan

watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. *Notice received July 18, 2011 that grant application was not awarded.*

Portage River Watershed
Management Plan

-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current watershed plan. 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.

Garden Lane Arsenic Removal Facility

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

-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Project design to include Leadership in Energy and Environmental Design (LEED) criteria. Project construction bids were received on November 25, 2008. Contract awarded by City Council on December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Start up activities began in May 2010. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. *Plant is in regular operation. During hot weather the facility has been producing approximately 1,000,000 gallons of water per day.*

Environmental Incident/Spill Clean Up Notification

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

-*The number of environmental incident/spill investigations performed in July 2011 – 1. One diesel fuel spill due to a traffic accident at Romence Road and Portage Road was remediated on July 22. Approximately 22 gallons of fuel was recovered and remediated. Emergency spill response contract for 2011-13 with Terra Contracting is in place.*

Localized Groundwater Table Investigation

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

-On April 29, 2008, City Council awarded a contract to American Hydrogeology Corporation to investigate the reason and extent of seasonally high groundwater elevation. Special emphasis will be placed on the Black Forest plat area to suggest possible solutions to the basement leaking problems experienced in the area. Study was transmitted to City Council on July 22, 2008. Work was completed on October 31, 2008. City staff continues to investigate other remedies for local groundwater table issues. Work complete on compiling a history of local groundwater table elevations at 19 city-owned retention basins with data from 1994 to 2009. Data from the analysis shows a general upward trend through the Portage area from 2005 to present. Five monitoring wells were installed in the Jamaica Lane area as a result of a number of citizen concerns. Analysis of the Jamaica Lane wells shows that seasonal groundwater table levels have dropped approximately 24” from spring 2009 levels and level has stabilized through December 2010. Current sampling continued to show a slight decline in the groundwater table. *Current groundwater levels are approximately 8” lower than 2010 levels.*

Hampton Wetland Area Water Level

Assistance with the Inverness Condominium Association to Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. *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: August 18, 2011

FROM: James R. Hudson, City Clerk

SUBJECT: Transfer ownership of 2011 Class C Licensed Business with Dance-Entertainment Permit from RYR Partners Kalamazoo, Inc., (Partners Lounge) to EOA, LLC, (Jac's Pizza).

ACTION RECOMMENDED: That City Council grant the request to transfer ownership of 2011 Class C Licensed Business with Dance-Entertainment Permit, Located at 7638-7640 S. Westnedge, Portage, MI 49002, Kalamazoo County, from RYR Partners Kalamazoo, Inc., to EOA, LLC, (Jac's Pizza).

The Michigan Liquor Control Commission has requested City Council consideration of the attached Resolution to transfer ownership of 2011 Class C Licensed Business from RYR Partners Kalamazoo, Inc., (Partner's Lounge) to EOA, LLC, (Jac's Pizza) located at 7638 - 7640 South Westnedge Avenue.

The Community Development, Finance and Public Safety departments recently completed approvals for this request subject to final inspection once construction is completed. Therefore, it is recommended that City Council adopt the Resolution.

Attachment: Resolution (two pages)

c: Maurice S. Evans, City Manager



Michigan Department of Licensing and Regulatory Affairs
MICHIGAN LIQUOR CONTROL COMMISSION (MLCC)

7150 Harris Drive, P.O. Box 30005
Lansing, Michigan 48909-7505

FOR MLCC USE ONLY

Request ID # 612737

Business ID # 226162

LOCAL APPROVAL NOTICE

[Authorized by MCL 436.1501]

MAY 5, 2011

TO: PORTAGE CITY COUNCIL
ATTN: CLERK
7900 S. WESTNEDGE AVENUE
PORTAGE, MI 49002-5160

APPLICANT: EOA, LLC

Home Address and Telephone No. or Contact Address and Telephone No.:

KELLIE CEKOLA, 6625 HUNTERS DOWN, KALAMAZOO, MI 49048, H (269) 207-1136
WILLIAM A. CEKOLA, 6625 HUNTERS DOWN, KALAMAZOO, MI 49048, H (269) 207-1024

The MLCC cannot consider the approval of an application for a new or transfer of an on-premises license without the approval of the local legislative body pursuant to the provisions of MCL 436.1501 of the Liquor Control Code of 1998. For your information, local legislative body approval is also required for DANCE, ENTERTAINMENT, DANCE-ENTERTAINMENT AND TOPLESS ACTIVITY PERMITS AND FOR OFFICIAL PERMITS FOR EXTENDED HOURS FOR DANCE AND/OR ENTERTAINMENT pursuant to the provisions of MCL 436.1916 of the Liquor Control Code of 1998.

For your convenience a resolution form is enclosed that includes a description of the licensing application requiring consideration of the local legislative body. The clerk should complete the resolution certifying that your decision of approval or disapproval of the application was made at an official meeting. **Please return the completed resolution to the MLCC as soon as possible.**

If you have any questions, please contact Unit 3 of the Retail Licensing Division at (517) 636-0204.

**PLEASE COMPLETE ENCLOSED RESOLUTION AND RETURN
TO THE LIQUOR CONTROL COMMISSION AT ABOVE ADDRESS**

rlb

At a _____ meeting of the _____
(Regular or Special) (Township Board, City or Village Council)

called to order by _____ on _____ at _____ P.M.

The following resolution was offered:

Moved by _____ and supported by _____

That the request to TRANSFER OWNERSHIP OF 2011 CLASS C LICENSED BUSINESS WITH DANCE-ENTERTAINMENT PERMIT, LOCATED AT 7638-7640 S. WESTNEDGE, PORTAGE, MI 49002, KALAMAZOO COUNTY FROM RYR PARTNERS KALAMAZOO, INC. TO EOA, LLC

be considered for _____
(Approval or Disapproval)

APPROVAL

DISAPPROVAL

Yeas: _____

Yeas: _____

Nays: _____

Nays: _____

Absent: _____

Absent: _____

It is the consensus of this legislative body that the application be:

_____ for issuance
(Recommended or Not Recommended)

State of Michigan _____)

County of _____)

I hereby certify that the foregoing is a true and complete copy of a resolution offered and

adopted by the _____ at a _____
(Township Board, City or Village Council) (Regular or Special)

meeting held on _____
(Date)

(Signed) _____
(Township, City or Village Clerk)

SEAL

(Mailing address of Township, City or Village)



7900 South Westnedge Avenue ♦ Portage, Michigan 49002 ♦ Telephone (269) 329-4400

TO: Honorable Mayor and City Council

DATE: August 15, 2011

FROM: Mark Reile, Chairperson

SUBJECT: Proposed Historic District Commission Ordinance Amendment

It has been proposed and discussed that issued Certificates of Appropriateness and notices to proceed should include a time limitation to avoid the problem of certificates and notices having a perpetual lifespan. While the Historic District Commission seeks to work with and assist owners of historic homes, the social, economic, historic, and physical circumstances in which an application is approved can change. Projects that were previously approved will sit unfinished for several years. Once certificates are approved without time limitations, a legal property interest is created and there remains a legal question as to the ability for the Historic District Commission to maintain the validity and enforceability of these permits once approved. This uncertainty then challenges the Commission's role and the Commissioner's responsibility in properly fulfilling its function in acting in a proper legal fashion, safeguarding the heritage of the city, fostering civic beauty, and promoting and maintaining the use of Portage's historic districts for the education, pleasure and welfare of the citizens of the city.

The proposal from the Commission entails amending the current Historic District Commission Ordinance Code 1983 § 282.09 or Section 38.38 to allow for the addition of language detailing a time limitation, to be included as a new subsection as follows:

Time limits – A certificate of appropriateness or a notice to proceed shall be valid for a period of one hundred eighty (180) days from the date of issuance.

- (1) Notwithstanding, the time limit for completing the work described within an application may be extended by the historic district commission upon request of the applicant or upon the determination of the historic district commission, not to exceed one year.*
- (2) All grants of time extensions beyond one hundred eighty (180) days shall be stated in the certificate of appropriateness or notice to proceed as prescribed by this article.*
- (3) Upon the expiration of a certificate of appropriateness or a notice to proceed, an applicant is required to reapply with the historic district commission as prescribed by this article.*

The above language is proposed to be added to Chapter 38 of the Code of Ordinances under Article 2 – Historic Districts, Section 38.38, as approved by the City Council.

cc: Erica L. Eklov, Historic District Commission Staff Liaison

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 16, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Proposed Historic District Commission Ordinance Amendment

ACTION RECOMMENDED: That City Council refer the request of the Historic District Commission to the City Administration for further review and development of an ordinance amendment, as appropriate.

Attached is a communication from Mark Reile, Chairperson of the Historic District Commission, requesting City Council review and approval of an amendment to the current historic preservation ordinance. During the April 6, 2011 meeting, commissioners began expressing an interest in instituting pre-defined time periods on future Certificates of Appropriateness due to recent issues observed within the district. Subsequently during the August 3, 2011 meeting, the Commission agreed to begin the process of amending the city ordinances to allow the Commission to establish project time frames for designated historic property owners.

It is recommended that City Council refer the Historic District Commission's request to the City Administration for review and development of an ordinance amendment, as appropriate.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 17, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Ice Control Salt Purchase

ACTION RECOMMENDED: That City Council approve the purchase of ice control salt from:

- a. Morton Salt Company in the low bid amount of \$54.81 per ton for 3,500 tons at a total cost not to exceed \$191,835 for early delivery;
- b. North American Salt Company in the low bid amount of \$65.05 per ton for 1,050 tons at a total cost not to exceed \$68,302.50 for seasonal back up on an as-needed basis; and authorize the City Manager to execute all documents related to these purchases on behalf of the city.

Each year the city participates in the State of Michigan extended purchasing program, Michigan Delivering Extended Agreements Locally (MiDEAL), for the procurement of winter ice control salt. This purchasing program provides the city excellent economic savings due to the large volume purchasing power of the state. The state's request for ice control salt bids is structured for early deliveries, as well as seasonal back up quantities delivered on an as-needed basis. Salt continues to be the most cost-effective deicing agent for assuring safe roadway travel during the winter months.

The 2011 bid process generated unit prices for salt comparable to those of last year. The Fiscal Year 2011-12 budget reflects these anticipated prices and required quantities can be purchased without impact to budgeted amounts.

It is recommended that City Council approve the purchase of 3,500 tons of ice control salt for early delivery at \$54.81 per ton at a total cost not to exceed \$191,835 from the low bidder, Morton Salt Company and 1,050 tons of ice control salt for seasonal back up on an as-needed basis at \$65.05 per ton at a total cost not to exceed \$68,302.50 from the low bidder, North American Salt Company and the City Manager be authorized to execute all documents related to these purchases on behalf of the city. Funds are budgeted and available in the Major & Local Street budget for these purchases.

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 17, 2011

FROM: Maurice S. Evans, City Manager

SUBJECT: Bikeway Trail Repair – Bid Recommendation

ACTION RECOMMENDED: That City Council accept the low bid submitted by J. Allen & Company, Incorporated in the amount of \$23,477.20 for select bikeway trail asphalt improvements and authorize the City Manager to execute all documents related to this action on behalf of the city.

The City of Portage trail system is heavily used and a key quality of life component in the community. The Fiscal Year 2011-12 Capital Improvement Program (CIP) includes funds for asphalt improvements to the East Centre Avenue, Sprinkle Road, East Milham Avenue, Millennium Trail, Northwest Portage Bikeway, Isabelle Road connector, Garden Lane and Bicentennial Park trails. Improvements to the bikeways include overlays, crack filling, infrared repairs, seal-coating and striping. These comprehensive upgrades are necessary to ensure safe and enjoyable use of the trail system by patrons.

Sealed bids for this project were opened on August 11, 2011 and two viable bids were received. The low bid of \$23,477.20 was submitted by J. Allen & Company, Incorporated of Galesburg, Michigan. A representative from J. Allen & Company has met with city staff and is fully aware of the expectations set forth by the city.

It is recommended that City Council accept the low bid of \$23,477.20 submitted by J. Allen & Company, Incorporated for select bikeway trail asphalt improvements and authorize the City Manager to execute all documents related to this action. The bid tabulation is attached for the information of City Council. Funds are incorporated and available in the CIP budget for this project.

Attachment

BID TABULATION
PARK ASPHALT BIKEWAY IMPROVEMENTS

	<u>J. Allen & Company, Inc. 8288 E. Michigan Ave. Galesburg, MI 49053</u>	<u>Tustin's Asphalt Sealing, Inc. 931 Industrial Pkwy. Plainwell, MI 49080</u>
East Centre	\$3,805.05	\$4,712.20
Sprinkle Road	\$3,511.68	\$3,776.15
East Milham	\$3,465.33	\$4,154.85
Millennium @ Ring Road	\$15.40	\$23.98
Northwest Portage Bikeway	\$9,756.07	\$11,464.39
Isabelle @ Arbutus	\$97.02	\$129.36
Isabelle to Romence	\$556.54	\$601.55
Garden Lane – S. Westnedge to PCBP Trail	\$634.00	\$607.10
North of Milham Along Tech Park	\$311.85	\$415.80
Playground Trail (PCBP @ Milham)	\$1,324.28	\$1,596.50
GRAND TOTAL	\$23,477.20	\$27,481.88

Non-Responsive Bid
Asphalt Solutions Plus

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: August 22, 2011

FROM: Maurice S. Evans, City Manager



SUBJECT: Primary Backup and Recovery Storage Devices

RECOMMENDED ACTION: That City Council approve the purchase of two Coraid backup/recovery mass storage devices and related hardware/software components at a cost of \$28,041 and authorize the City Manager to execute all documents related to this purchase on behalf of the city.

On August 3, 2011, severe local weather caused power surges and power outages at the City Hall facility which resulted in damage to primary backup and recovery mass storage devices located in the Information Technology Department server room. The Chief Information Officer used the services of a local technology expert, Technology Solutions in addition to the city contracted technology provider, SARCOM in an effort to restore the damaged equipment and data. Efforts to restore the damaged equipment were unsuccessful. The damaged storage equipment was used to back up vital electronic data including public safety, assessing and City Council related data. Currently, the IT Department is manually backing up data to stand-alone drives once weekly in order to preserve as much data as possible in the event of a server failure. A true backup and recovery mass storage system is required in order to properly back up the city data.

Quotes were solicited from five leading storage equipment suppliers. As noted in the attached bid tabulation, the best value in terms of price and resolution was provided by Secant Technologies for \$34,041. The purchase price includes free installation, three years of maintenance and warranties, as well as credits valued at \$6,000 bringing the actual cost down to \$28,041. This solution uses Coraid hardware and Backup PC software and provides the city with 32 terabyte backup capacity on a standard Network Attached Storage (NAS) configuration. This new system replaces the five-year old Coraid NAS, 14 terabyte backup and recovery mass storage system.

Because the damage to the storage backup equipment was a result of storm damage, a property damage claim has been submitted to the city insurance company. It is expected that 90 percent of the total cost will be covered by insurance.

It is recommended that Council authorize the purchase of two Coraid backup/recovery mass storage devices and related hardware/software components at a cost of \$28,041 and authorize the City Manager to execute all documents related to this purchase on behalf of the city. Funds have been identified for this purchase in an Information Technology related Capital Improvement Project account which is expected to be 90 percent reimbursed by the city insurance company.

Backup System Replacement Options

Option 1: SARGOM

System:

- HP Hardware
- Symantic Software
- Maintenance
- NAS
- Installation would be additional
- 20TB total

Cost:

- \$64,051

Option 2: Coraid/Secant

System:

- Coraid Hardware
- No software - use Backup PC which we already have
- Maintenance
- NAS
- Free installation
- Trade-in credit for our current Coraid hardware/software - \$6,000
- 32TB total

Cost:

- \$34,041 - \$6,000 credit = \$28,041

Option 3: EMC

System:

- EMC Hardware
- Symantic Software
- Maintenance
- SANS
- Installation not included
- 24TB total

Cost:

- \$45,597

Option 4: IDMEGA

System:

- IDMEGA Hardware (14 window server agents required = \$9,733 additional to the quote)
- Symantic Software
- Maintenance
- SANS
- Installation included
- 16TB total

Cost:

- \$37,184

Option 5: Drobo

System:

- Drobo Hardware (14 window server agents required = \$9,733 additional to the quote)
- Symantic Software
- Maintenance
- SANS
- Rack mount kits
- Installation included
- 16TB total

Cost:

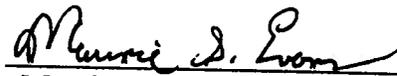
- \$31,110]

Quotes received and reviewed by IT Director: Devin Mackinder

MATERIALS TRANSMITTED

Friday, August 5, 2011

1. Communication from the City Manager regarding the Customer Comment Card Summary for July 2011 – Information Only.
2. Communication from the City Manager regarding the Byrne Memorial Justice Assistance Grant Application – Information Only.



Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager