

# CITY OF PORTAGE PLANNING COMMISSION

## AGENDA

Thursday, October 17, 2024  
7:00 PM

Portage City Hall Council Chambers

### CALL TO ORDER

### PLEDGE OF ALLEGIANCE

### ROLL CALL

### APPROVAL OF MINUTES:

1. Minutes dated September 19, 2024

### PUBLIC HEARINGS

- \* 1. Parking reduction request for 6400 S Westnedge Avenue
- \* 2. Rezoning #24/25-3 to create new mixed use zoning districts with development standards in the Lake Center Commercial Corridor on Portage Road.

### SITE/FINAL PLANS:

### OLD BUSINESS:

### NEW BUSINESS:

### STATEMENT OF CITIZENS:

### ADJOURNMENT:

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

## CITY OF PORTAGE PLANNING COMMISSION

Thursday, September 19, 2024  
7:00 PM Portage  
Portage City Hall Council Chamber

The City of Portage Planning Commission Workshop meeting of September 19, 2024, was called to order by Chair Corradini at 6:00 p.m. The meeting notes of the workshop are provided below under New Business.

The City of Portage Regular Planning Commission meeting of September 19, 2024, was called to order by Chair Corradini at 7:00 p.m.

### IN ATTENDANCE

- Peter Dame, Chief Development Officer
- Biqi Zhao, Deputy Director of Planning and Zoning
- Eric Feldt, Senior City Planner
- Alex Johnson, City Planner
- Catherine Kaufman, City Attorney

### ROLL CALL

Staff called the roll: Chairman Corradini (yes); Vice Chair Baldwin (yes); Secretary Freiman (yes), Adams (yes); Copp (yes); Joshi (arrived 7pm); Fries (yes); Youngs (yes); and Longjohn (arrived 6:30pm).  
9-Present; 0-Absent.

### APPROVAL OF MINUTES

1. Minutes dated September 5, 2024

Motion by Vice Chair Baldwin, seconded by Commissioner Copp to approve the September 5, 2024, as submitted. Upon a voice vote, motion carried 9-0.

### PUBLIC HEARINGS

1. A PD Tentative Plan Amendment and Preliminary Condominium Plan request for McConley Cove Planned Development at 1075 Bacon Avenue:

Mr. Feldt provided a presentation outlining project details and review process, showed various site pictures and project images, compared previous approved planned development vs. new proposal elements, explained applicable zoning and Master Plan elements, and shared public comments.

He concluded the presentation by providing two separate voting recommendations:

1. Planning Commission recommend to City Council the approval of the proposed Tentative Plan Amendment for McConley Cove residential development at 1075 Bacon Road.
2. Planning Commission recommend to City Council the approval of the Preliminary Condominium Plan for McConley Cove residential development at 1075 Bacon Road.

Some commissioners were concerned about impacts to neighborhood harmony due to the proposed street design of curb/ gutter and sidewalks, smaller lot sizes and houses, and general appearance. However, Mr.

Feldt clarified that the proposed houses are larger than what the applicant previously stated in the packet.

Commissioner Copp was concerned with construction traffic nuisance to the surrounding neighborhoods. Mr. Feldt stated that the City will have a pre-construction meeting with the applicant to discuss construction access and the need for possibly temporarily closing roads.

Vice Chair Baldwin questioned the side setback being only five feet due to the worry of fires spreading and wondered if the Fire Marshal had been consulted.

Mr. Feldt stated that there is a higher degree of fire material required for buildings that are in close proximity, and the building department ensures compliance with code, including fire, during the permitting process. And that the Fire Department did review the project.

Chair Corradini raised concerns about the transition from public to private stormwater in the planned development, including potential issues with a neighboring retention pond. He also inquired about the maintenance of roads, if they are public, and if this development will have a looped water main.

Mr. Feldt stated that the stormwater is private due to the development being a site condo, citing successful private stormwater developments like Oakland Farms and The Oaks. The roads will be City maintained. Further details on the water main will be reviewed at a later date by the City Transportation and Utilities Department.

Commissioner Copp wondered if it was possible to eliminate the cul-de-sac islands so kids can play sports in road.

Mr. Feldt indicated that they are proposed by the developer and will be maintained by the future Homeowners Association.

Commissioners Youngs and Fries stated that the Commission's support of smaller lots, houses, setbacks, and resulting less maintenance for future homeowners. This idea is similar to the proposal.

Commissioner Longjohn wondered if there's a formal assessment for the water table and flow for this planned development available now.

Mr. Feldt stated that it will be addressed in next phase, and the developer must submit a Soil Erosion permit during the permitting phase.

Jack Gesmundo, applicant and representative from AVB, highlighted the importance of an increase and balance of housing in the market, which allows room for first-time buyers and allows current homeowners to move within the housing market. He described the previous McConley Cove planned development designs, described the project's harmony with adjacent neighborhoods, and described the project's overall design, unique street and cul-de-sac landscape, and layouts. He stated the street and cul-de-sac sizes cannot be changed due to fire department regulations. He also summarized the neighborhood meeting, where he addressed a single complaint and resolved it with the citizen, who was present at the Planning Commission meeting.

Chair Corradini inquired as to why this development consist of public street and utility infrastructure when many nearby are private.

Mr. Gesmundo specified the reasons of higher cost to maintain private roads, the lack of common elements/areas, and that it's a way to be more cost sensitive without cutting development.

Commissioner Fries asked about basement height for future houses.  
Mr. Gesmundo stated eight or nine feet, as preferred by the homeowner.

Commissioner Longjohn inquired about engineering studies addressing ponding, flooding, or stormwater impacts affecting adjacent property.  
Mr. Gesmundo stated that McConley Cove will have a leeching system, and the lots/houses will direct water toward the streets. He emphasized stormwater is always a big concern of his company.

Chair Corradini opened the public hearing.

No one spoke for or against the request, motion by Commissioner Joshi, seconded by Vice Chair Baldwin to close the public hearing. Upon a voice vote, motion carried 9-0.

Commissioner Joshi expressed her support and asked if the increase in density was due to the type of homes or resulting COVID impacts to the housing/ construction industry.  
Mr. Gesmundo stated it was a little of both.

Motion by Commissioner Copp, supported by Commissioner Youngs, to recommend to City Council the approval of the proposed Tentative Plan Amendment for McConley Cove residential development at 1075 Bacon Road. Upon roll call vote, motion carried 9-0.

Motion by Commissioner Copp, supported by Vice Chair Baldwin, to recommend to City Council the approval of the Preliminary Condominium Plan for McConley Cove residential development at 1075 Bacon Road. Upon roll call vote, motion carried 9-0.

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

None.

#### **OLD BUSINESS**

None.

#### **NEW BUSINESS**

##### 6pm Workshop: Lake Center/Portage Road Commercial Corridor Rezoning

Mr. Feldt presented the proposed zoning standards for the Lake Center/ Portage Road Commercial Corridor rezoning by prefacing its support from the 2021 Lake Center District Corridor and Placemaking Plan ('Lake Center Plan'). He showed various images and maps from the Lake Center Plan envisioning a future walkable, mixed use village corridor. He showed a proposed map of three zoning districts (Edge, Core, and Business) along Portage Road stretching from the intersection of E. Centre Avenue & Portage Road to the intersection of E. Osterhout Avenue and Portage Road. Mr. Feldt indicated that future development and redevelopment would need to meet various building and site standards to achieve the vision of the future of the corridor. Mr. Feldt underlined the importance of building design standards by showing various Google views of downtown Marshall, Midland, Chelsea and other areas. He concluded his presentation by stating the next steps of this rezone process to continue with either another workshop or a future public hearing back in front of the Commission.

Overall, the Commission was supportive of the zoning standards.

Mr. Feldt indicated that these standards will be presented at the next meeting as a public hearing item.

Planning Commission FY23-24 Work Program Report and Proposed FY24-25 Work Program

Mr. Feldt summarized the work program report indicating the Council's FY 24-25 goals, highlighted FY23-24 projects such as Rezones and Special Land Use Permits voted on by the Planning Commission, mentioned future Commission training opportunities, and summarized some new Planning Commission work program items for FY 24-25.

Commissioner Fries inquired about the number of accessory dwelling units (ADU) built, and if any previously-existing ADU owners came forward to get theirs approved and legal.

Mr. Feldt stated that there has been one issued, one in the permitting process now, and one inquiry. No one has come forward with a previously built ADU.

Motion by Commissioner Adams, supported by Vice Chair Baldwin, to accept the FY 23/24 work program report and approve the proposed FY24/25 work program. Upon voice vote, motion carried 9-0.

**STATEMENT OF CITIZENS**

None.

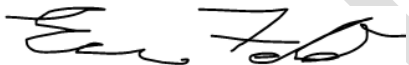
**STATEMENT OF COMMISSIONERS/ STAFF**

None.

**ADJOURNMENT**

There being no further business to come before the Commission, Chair Corradini adjourned the meeting at 8:38 p.m.

Respectfully submitted,



Eric Feldt  
Senior City Planner

**TO:** Planning Commission

**DATE:** October 17, 2024

**FROM:** Peter Dame, Chief Development Officer

**SUBJECT:** Parking reduction request for 6400 S Westnedge Ave

## **I. INTRODUCTION:**

The applicant and property owner, Crossroads Galleria LLC, has submitted a Parking Reduction Request for 6400 S. Westnedge Avenue to facilitate a proposed development on 6460 S. Westnedge Avenue pursuant to Sec 42-520(O). Both properties are owned by Crossroads Galleria LLC and located along the west side of S. Westnedge Avenue near the Crossroads Mall.

The requested parking reduction is to eliminate 40 parking spaces (24%) associated with the multi-tenant commercial development on 6400 S. Westnedge Avenue to allow for a new Chase Bank on 6460 S. Westnedge Avenue. Further details of the proposed development are provided later in this memo.

Per the City's Public Participation Plan, the applicant has discussed this Parking Reduction Request with adjacent property owners. No opposition was received. The landowner to the west (Village Green Properties LTD) is associated with a parking easement (attached) related to the parking reduction request.

## **II. BACKGROUND INFORMATION:**

The subject site (6400 S. Westnedge Avenue) and the location of the proposed Chase Bank (6460 S. Westnedge Avenue) are both owned by Crossroads Galleria LLC. The former property contains an existing multi-tenant commercial development with businesses such as Plato's Closet, Hot Work, Style Encore, Kumo Hirachi & Sushi, and more. The latter property is vacant but contains approximately 84 parking spaces and is occasionally used for outdoor seasonal sales.

### Existing Parking Requirement - 6400 S. Westnedge Avenue

The parking requirement for 6400 S. Westnedge Avenue is 164 spaces, consisting of 113 on-site spaces and 51 off-site spaces located at 6460 S. Westnedge Avenue. These 51 spaces are the subject of the parking reduction request and would be removed for the proposed Chase Bank.

### Proposed Chase Bank – 6460 S. Westnedge Avenue

A submitted Site Plan for a new Chase Bank is under review by City staff and attached to this memo. This development will remove all 84 existing parking spaces (including the aforementioned 51 spaces), leaving 113 on-site spaces for 6400 S. Westnedge Avenue. The 33 additional spaces (84 minus 51 spaces) on this site are a surplus and can be removed. Removing 51 of the overall 164 required spaces

results in a 31% parking reduction for 6400 S. Westnedge Avenue. To allow for this parking reduction and to facilitate the new Chase Bank, the owner has filed the subject Parking Reduction Request per Sec 42-520(O). However, only up to 25% parking reduction can be removed for a parking reduction request.

#### Proposed Parking Easement, Agreement - 6430 S. Westnedge Avenue

To lessen the requested parking reduction, the applicant has entered into a parking easement with the adjacent landowner at 6430 S. Westnedge Avenue (Village Green Properties LTD), who will allow sharing of 11 spaces. These spaces are shown on the Chase Bank Site Plan but are located at 6430 S. Westnedge Avenue immediately west of 6460 S. Westnedge Avenue. Village Green Properties LTD has provided a draft parking easement agreement to allow these 11 spaces to be shared with and counted towards the 6400 S. Westnedge Avenue parking requirement. Therefore, these 11 spaces are added to 113 for a new total of 124 spaces. This results in a new 40-space reduction (24%) of the 164-space parking requirement and it is within the parking reduction allowance.

### **III. ANALYSIS:**

The following sections of [Chapter 42, Division 5](#), Division 6 Subdivision 1- Off-Street Parking & Loading, *Reduction in Parking Requirements* procedures and regulations apply and addressed further in this report: [Parking Reduction Request: Sec 42-520 \(O\)](#).

#### Sec 42-520 (O) Parking Reduction Request

The applicant shall meet standards addressing reduction in parking, impacts on neighbors and adjacent streets. All requests shall be voted by the Planning Commission during a public hearing.

Pursuant to Sec 42-523, the parking requirement for a multi-tenant commercial is calculated either as a single use large shopping center (>100,000 gross lease area) or a smaller shopping center calculated per each individual business (retail, restaurant, office, etc.). When a mix of proposed businesses have different hours of parking demand, staff may provide flexibility, recognizing that some businesses' parking demands do not overlap and, therefore, not require full parking for each tenant. Additionally, the applicant may pursue a parking reduction request if they find that the overall parking demand is lower than the parking requirement. Further, due to the leasing periods of these tenants, there tends to be higher business turnover compared to a detached or owner-occupied business. When turnover occurs, the applicant generally informs staff of where parking is available for the new tenant. Generally, onsite management/ property owner(s) ensures their tenants' customers' parking is available.

The applicant provided a parking analysis (see attachment) performed by Kimley-Horn who calculated the parking demand for the multi-tenant commercial center at 6400 S. Westnedge Avenue and recognized the parking agreement with 6430 S. Westnedge Avenue. This analysis concluded that this parking reduction is not expected to have spillover parking demand. Therefore, the removal of 40 spaces is not expected to be detrimental to the subject property nor adjacent properties or abutting streets/ internal drives.

Staff has prepared a parking agreement acknowledging the proposed parking reduction calculation, location and the private parking easement. The recording of this agreement is recommended as a condition of this parking reduction request to ensure the parking as outlined in this report is followed in the future.

Staff finds that the applicant's parking analysis together with the City's parking agreement and private parking easement agreement with 6430 S. Westnedge Avenue meets Parking Reduction Request Sec 42-520 (O).

#### **PUBLIC NOTICING REQUIREMENTS**

Public notice was published in the Kalamazoo Gazette and a notice was sent to all property owners/occupants within 300 feet of the subject property on October 1, 2024. As of the date of this report (Wednesday, October 9), no public comments have been received.

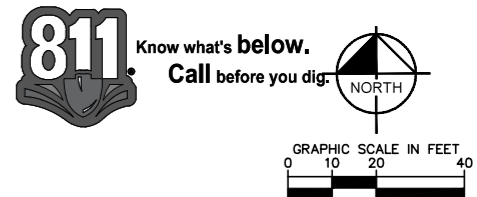
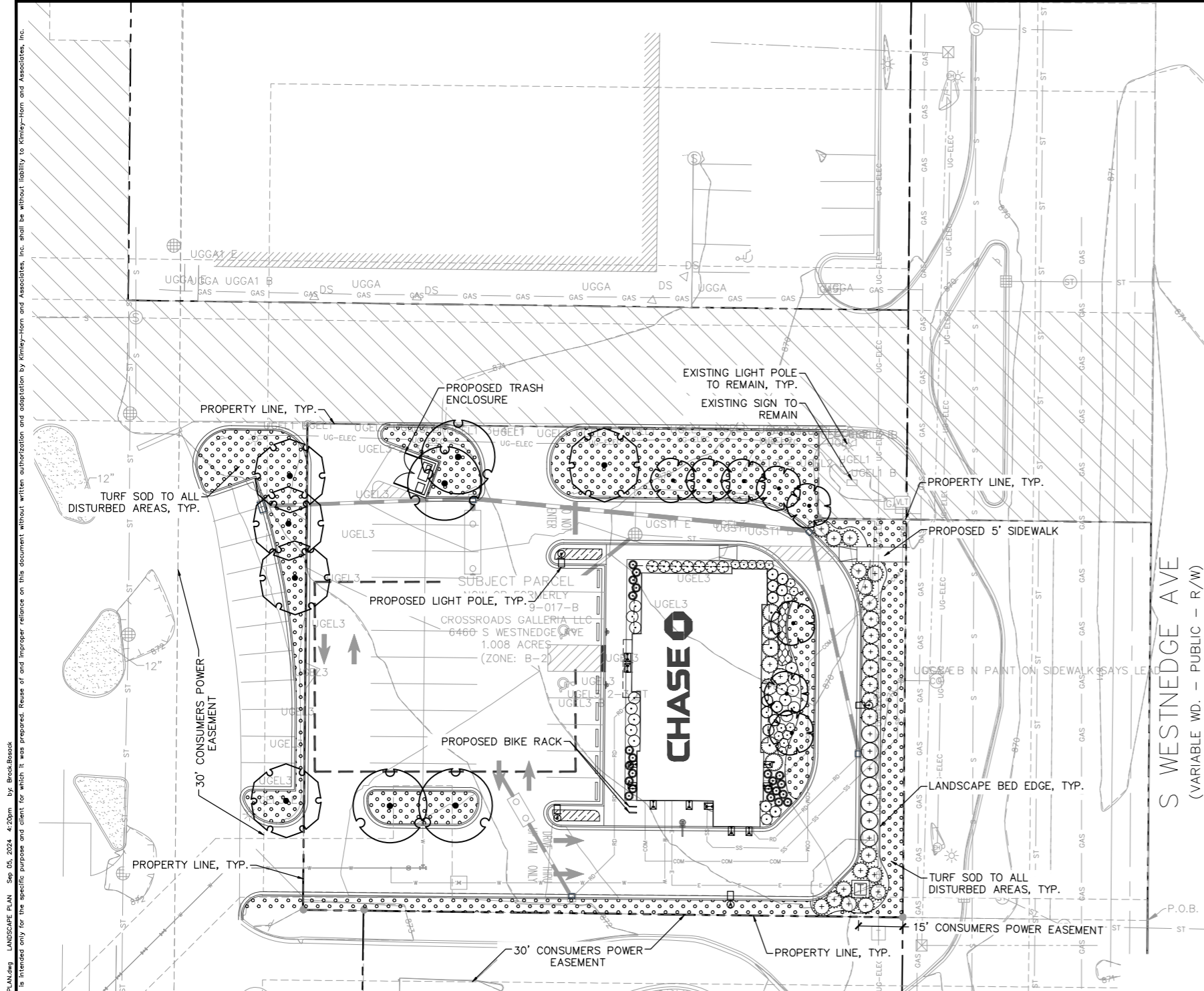
#### **IV. RECOMMENDATION:**

Based on the above analysis and subject to any additional information brought before the Planning Commission during the public hearing, staff recommends the Parking Reduction for 6400 S. Westnedge Avenue be approved with the following condition:

1. Prior to issuance of a Building Permit for developing 6460 S. Westnedge Avenue, the attached City Parking Agreement shall be recorded.

#### **Attachments:**

1. Proposed Site Plan for Chase Bank
2. Parking Reduction Map
3. Galleria Parking Easement Agreement
4. Application
5. 7.24.24 Chase Bank Portage, MI - Parking Reduction Memo
6. Draft City Parking Agreement
7. Vicinity Map
8. Staff's Site Pictures; 10.3.24



**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
<b>CANOPY TREES</b>						
	NS	4	NYSSA SYLVATICA TUPELO	B & B	2.5"	CAL. MIN.
	QE	8	QUERCUS X 'CRIMSCHMIDT' CRIMSON SPIRE™ OAK	B & B	2.5"	CAL. MIN.
	ZA	5	ZELKOVA SERRATA 'AUTUMN GLOW' JAPANESE ZELKOVA	B & B	2.5"	CAL. MIN.
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT	SPACING	SIZE
<b>SHRUBS</b>						
	AY	7	ARONIA MELANOCARPA 'IROQUOIS BEAUTY'™ IROQUOIS BEAUTY BLACK CHOKEBERRY	-	SEE PLAN	18" HT. MIN.
	CA	10	CEANOTHUS AMERICANUS NEW JERSEY TEA	-	SEE PLAN	18" HT. MIN.
	FG	3	FOTHERGILLA GARDENII DWARF FOTHERGILLA	-	SEE PLAN	18" HT. MIN.
	PR	22	PANICUM VIRGATUM 'ROTSTRAHLBUSCH' ROTSTRAHLBUSCH RED SWITCH GRASS	2 GAL.	SEE PLAN	
	PW	14	POTENTILLA FRUTICOSA 'WHITE LADY' HAPPY FACE® WHITE BUSH CINQUEFOIL	-	SEE PLAN	18" HT. MIN.
	VA	5	VIBURNUM DENTATUM 'CHRISTOM' BLUE MUFFIN® ARROWWOOD VIBURNUM	-	SEE PLAN	24" HT. MIN.
	WB	15	WEIGELA FLORIDA 'BRAMWELL' FINE WINE® WEIGELA	-	SEE PLAN	18" HT. MIN.
<b>EVERGREEN SHRUBS</b>						
	JL	7	JUNIPERUS CHINENSIS 'GOLD LACE' GOLD LACE JUNIPER	-	SEE PLAN	18" HT. MIN.
	JF	16	JUNIPERUS CHINENSIS 'SEA GREEN' SEA GREEN JUNIPER	-	SEE PLAN	24" HT. MIN.
	TT	10	TAXUS X MEDIA 'TAUNTONII' TAUNTON'S ANGLO-JAPANESE YEW	-	SEE PLAN	24" HT. MIN.
<b>PERENNIALS AND ORNAMENTAL GRASSES</b>						
	HO	52	HEMEROCALLIS X 'STELLA DE ORO' STELLA DE ORO DAYLILY	1 GAL.	18"	O.C.
	SH	9	SPOROBOLUS HETEROLEPIS PRAIRIE DROPSEED	1 GAL.	36"	O.C.
SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME			
<b>GROUND COVERS</b>						
			TURF SOD			

Drawing name: K:\DET\_DS\168558076\_Chase Bank Portage MI\3\_Design\168558076\_Landscape Plan.dwg LANDSCAPE PLAN Sep 05, 2024 4:20pm D:\BrookBanc  
 This document, together with the concepts and designs presented herein, is an instrument of service, as an instrument of service, is intended only for the specific purpose and client for which it was prepared. Reuse of and improper reliance on this document without written authorization and adaptation by Kimley-Horn and Associates, Inc. shall be without liability to Kimley-Horn and Associates, Inc.

<b>Kimley-Horn</b> of Michigan, Inc.	<small>10000 ONE FIFTH AVENUE OF MICHIGAN 1000 TOWN CENTER, SUITE 1900 PORTAGE, MI 49850 PHONE: (269) 444-4200 WWW.KIMLEY-HORN.COM</small>		<small>SCALE: AS NOTED DESIGNED BY: MMT DRAWN BY: LDF CHECKED BY: BB</small>	<b>CHASE</b>	<b>LANDSCAPE PLAN</b>	<b>CHASE BANK PORTAGE MICHIGAN</b> <small>6460 S WESTNEDGE AVE PORTAGE, MI 49802</small>	<small>ORIGINAL ISSUE: 6/3/2024 KHA PROJECT NO. 168558076 SHEET NUMBER</small> <b>L1.0</b>
REVISED PER 7/3/2024 CITY COMMENTS	DATE	BY	NO.	REVISIONS	7/22/2024	JBB	BY



6400 S. Westnedge Ave.  
Owner: Crossroads Galleria LLC  
Preserve 113 Parking Spaces

6430 S. Westnedge Ave.  
Owner: Village Green Properties LLC

6460 S. Westnedge Ave.  
Owner: Crossroads Galleria LLC  
Remove 84 spaces for Proposed Chase Bank

Share these 11 spaces  
between 6430 & 6400 S.  
Westnedge Ave.  
Owner: Village Green  
Properties LLC

## **PARKING EASEMENT AGREEMENT**

This Parking Easement Agreement (“Agreement”), dated this \_\_\_ day of \_\_\_\_\_ 2024 (“Effective Date”), is between Village Green Properties, LLC, which address is 700 Mall Drive, Portage, Michigan, 49024 (“Grantor”), and Crossroads Galleria, LLC, a Michigan limited liability company, which address is 4668 Vintage Ranch Lane, Santa Barbara, California 93110 (“Grantee”).

### **Background**

Grantor is the owner of a retail shopping center located in City of Portage, Kalamazoo County, Michigan, the legal description of which is set forth on **Exhibit A** (the “Grantor Parcel”).

Grantee is the owner of a parcel adjacent to the Grantor Parcel located at 6386 South Westnedge in Portage, the legal description of which is set forth on attached **Exhibit B** (“Grantee Parcel”). Grantee has constructed a large retail building on the Grantee Parcel called the Crossroads Galleria Shopping Center and leases space in the Shopping Center to retail tenants. The tenants’ employees, customers, and other invitees and guests (collectively the “Galleria Parties”) park their vehicles on the Grantee Parcel and, in addition, also park on a separate vacant parcel owned by Grantee located within the Shopping Center and south of the Grantee Parcel (the “Ground Lease Parcel”). The legal description of the Ground Lease Parcel is set forth on attached **Exhibit C**.

The Grantee has entered into a Ground Lease (the “Ground Lease”) with JPMorgan Chase Bank, N.A. (“JPMC”) for the Ground Lease Parcel, on which JPMC proposes to construct a bank branch. Notwithstanding the construction of improvements on the Ground Lease Parcel, the Galleria Parties will continue to park vehicles on the Ground Lease Parcel in the future. However, because of this construction, the City of Portage requires Grantee to obtain from Grantor an easement for eleven (11) additional parking spaces on the Grantor Parcel.

Grantor has agreed to provide an easement to Grantee for these eleven (11) parking spaces under the terms of this Agreement.

This conveyance of easement by Grantor to Grantee, being for consideration less than \$100.00, is exempt from state and county real estate transfer taxes pursuant to MCL §207.526(a) and MCL §207.505(a), respectively.

## Agreement

In consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. Easement Grant. Grantor hereby grants to Grantee (and for all purposes hereunder, the term Grantee shall include all of the Galleria Parties) an exclusive easement (subject to Grantor's existing rights) over the 11 parking spaces located on the Grantor Parcel as shown on the site plan attached hereto as **Exhibit D** (collectively the land on which the parking spaces are located shall be referred to as the "Easement Parcel") Grantee shall only have the right to use the Easement Parcel for the temporary parking of vehicles and for no other use. The easement rights hereunder shall include Grantee's right to use the access drives and other portions of the Grantor Parcel necessary to reasonably exercise the parking rights hereunder. Grantor agrees that it shall not interfere with Grantee's easement rights set forth herein. The initial improvements to be made within the Easement Parcel as shown on **Exhibit D** are approved by Grantor and shall be constructed (including all curbing and stripping) by JPMC, at its sole cost.

2. Parking Fee. As consideration of use of the Easement Parcel and exercise of its easement rights hereunder, Grantee shall pay to Grantor an annual parking fee equal to the amount set forth on attached **Exhibit E** ("Parking Fee"). The Parking Fee shall be paid on or before the first anniversary of the date of the Rent Commencement Date under the Ground Lease and annually thereafter, on or before all successive anniversary dates.

3. Grantor's Termination Rights. At such time that the Ground Lease expires or is otherwise terminated, Grantee shall have the right to terminate this Agreement at any time by delivering written notice to Grantor, in which case the Parking Fee shall be prorated to the date of termination and all prepaid Parking Fee, if any, which is allocable to periods after termination shall be returned to Grantee within thirty (30) days of such termination notice. Grantee shall not terminate this Easement during the term of the Ground Lease without the prior written consent of JPMC. Notwithstanding anything to the contrary under this Agreement, Grantor shall not have the right to terminate this Agreement upon expiration of the Ground Lease; Grantee shall have the right to continue to use the Easement Parcel under this Agreement, provided it continues to pay Grantor the Parking Fee as set forth on **Exhibit E**, which shall include during any period which the Ground Lease Parcel is leased to another tenant for any purpose. At such time that the Ground Lease and all renewals has expired, the parties agree that the Parking Fee will increase by 10% every five (5) years. Thus, for illustration purposes, and assuming this Agreement has not been terminated, the Parking Fee for years 51 through 55 will be \$42,796.74.

4. Maintenance of Easement Parcel. The parties agree that Grantor shall have the sole responsibility to reasonably maintain, repair, and replace (collectively "Maintain" or "Maintenance") the Easement Parcel in good order and repair and at Grantor's sole cost and expense. Maintenance shall include, but not be limited to, the obligation to resurface the paved area; patch holes in the paved areas; Maintain all curbs, gutters, or drains, if any; reasonably restripe the parking spaces; remove snow and ice from the Easement Parcel; and otherwise reasonably Maintain the Easement Parcel for its intended use. Grantor shall have the right to hire third party contractors to assist with the Maintenance of the Easement Parcel and shall have the right to cover the surface of the Easement Parcel with concrete, asphalt, or a reasonable substitute whenever reasonably necessary.

Maintenance shall be completed in a manner which is consistent with sound construction practices and all applicable laws governing the same, including all ordinances of the City of Portage. In addition, Maintenance shall be taken by Grantor with all reasonable speed and not unreasonably interfere with the Grantee's use of the Easement Parcel. If Grantor fails to properly Maintain the Easement Parcel, then Grantee may (and in the absence of action by Grantee, JPMC may) exercise such rights, provided that prior to taking such action, Grantor has been provided written notice that Grantee and/or JPMC will take such action, and Grantor has failed to fully cure the default within thirty (30) days of the delivery to Grantor of such notice. All reasonable costs incurred by Grantee and/or JPMC in performing such Maintenance shall be paid by Grantor or it may be offset by Grantee against the Parking Fee.

5. Insurance. Each party shall, at all times, have in place public liability insurance to reasonably cover all losses, damages, expenses, and costs related to any property damage, personal injury, and death occurring on the Easement Parcel, in amounts of not less than one million (\$1,000,000) single limit coverage. Each party shall list the other party as an additional insured on said policy, provided the same is commercially reasonable. Each party further hereby releases and discharges the other party of and from all claims and causes of action relating to or arising from all losses or damages which are covered by the parties' insurance policies. All insurance policies obtained by the parties shall contain a waiver of subrogation by the insurance company and the parties shall obtain such waiver of subrogation endorsements if necessary. Each party shall provide a copy of such insurance policy or policies, or certificates of the same, to the other party upon request of the other party.

6. Default. If Grantee fails to timely pay the Parking Fee under this Agreement, then Grantor may send written notice to Grantee of such default. Until Grantor receives written notice from JPMC that the Ground Lease has been terminated, all such notices of non-payment or other default by Grantee hereunder from Grantor shall be sent to JPMC at the address listed in Section 12 below at the same time and in the same manner, as such notices are sent to Grantee. If Grantee fails to pay Parking Fee within thirty (30) days thereafter, Grantor may terminate this Agreement and all of Grantee's rights hereunder, provided that Grantor delivers another written notice to Grantee and JPMC of the default and Grantee and JPMC have failed to fully cure such default within fourteen (14) days after delivery of such notice.

7. Permanent Easement. The easement rights granted under this Agreement shall run with the Grantor Parcel and the Grantee Parcel and shall permanently bind and benefit all successors of the parties to this Agreement, unless this Agreement is terminated by its terms or under Michigan law.

8. Attorney Fees. Notwithstanding anything to the contrary in this Agreement, in the event that either party shall bring a lawsuit against the other party for breach of such party's obligations under this Agreement, the losing party shall pay the prevailing party's costs and expenses incurred in connection with such litigation, including without limitation reasonable attorney fees. The "prevailing party", if any, shall be determined by the court hearing such matter.

9. Entire Agreement. This Agreement constitutes the entire agreement between the parties with respect to the matters set forth herein, and there are no representations, warranties, covenants, or obligations except as set forth herein. This Agreement supersedes all prior and contemporaneous agreements, understandings, negotiations, statements and discussions, written or oral, of the parties hereto, relating to the matters contemplated by this Agreement.

10. Amendments. The terms of this Agreement may be amended or modified, provided such amendments or modifications are made in writing and signed by both parties.

11. Governing Law. This Agreement shall be governed by the laws of the State of Michigan.

12. Notice. Any written notice hereunder shall be deemed delivered on the date the same is mailed to such party, or on the date the same is personally delivered upon any such party or an officer, member, shareholder, or other principal of a party if the party is a corporation, limited liability company, or other entity. Notice shall also be deemed delivered on the date notice is sent by email to a party or representative as set forth above, provided the same is sent to a then working email address of such person, party or representative. Notice shall be deemed properly addressed if sent to the following addresses:

To Grantor:	Village Green Properties, LLC Attn: Jenny R. Gately 700 Mall Drive Portage, Michigan 49024
To Grantee:	Crossroads Galleria, LLC Attn: Salim Harik 4668 Vintage Ranch Lane Santa Barbara, California 93110
With a copy to:	Jeffrey D. Swenarton Kreis, Enderle, Hudgins & Borsos, P.C. 750 Trade Centre Way Suite 250 Portage, Michigan 49002
If to JPMC:	JPMorgan Chase Bank, National Association 1111 Polaris Parkway Mail Code OH1-0241 Columbus, Ohio 43240-2050 Attn: Property Administration Manager

Either party may change the name of its contact person at any time by notifying the other party in writing.

IN WITNESS WHEREOF, the parties below have executed or caused this Agreement to be executed by its duly authorized representatives on the date first set forth above.

[Signatures on Following Pages]

GRANTOR:

**Village Green Properties, LLC, a Michigan limited liability company**

Date: \_\_\_\_\_, 2024

\_\_\_\_\_  
By: Joshua T. Weiner  
Its: Manager

STATE OF MICHIGAN            )  
  ) ss.  
COUNTY OF \_\_\_\_\_ )

The foregoing instrument was acknowledged before me this \_\_\_ day of \_\_\_\_\_, 2024, by Joshua T. Weiner, as Manager of Village Green Properties, LLC, a Michigan limited liability company.

\_\_\_\_\_  
\_\_\_\_\_, Notary Public  
\_\_\_\_\_ County, \_\_\_\_\_  
Acting in \_\_\_\_\_ County, \_\_\_\_\_  
My commission expires: \_\_\_\_\_

[Signature Page Continued]



EXHIBIT A  
GRANTOR'S PARCEL LEGAL DESCRIPTION

EXHIBIT B  
GRANTEE PARCEL LEGAL DESCRIPTION

EXHIBIT C

GROUND LEASE PARCEL LEGAL DESCRIPTION

EXHIBIT D

SITE PLAN

EXHIBIT E  
ANNUAL PARKING FEE PAYMENTS

<b>Lease Year</b>	<b>Annual Payment</b>
1-5 (Initial Term)	\$16,500.00
6-10 (Initial Term)	\$18,150.00
11-15 (Initial Term)	\$19,965.00
16-20 (First Renewal Term)	\$21,961.50
21-25 (Second Renewal Term)	\$24,157.65
26-30 (Third Renewal Term)	\$26,573.42
31-35 (Forth Renewal Term)	\$29,230.76
36-40 (Fifth Renewal Term)	\$32,153.83
41-45 (Sixth Renewal Term)	\$35,369.21
46-50 (Seventh Renewal Term)	\$38,906.13



# DEVELOPMENT REVIEW APPLICATION

Department of Community Development  
7900 South Westnedge Avenue – Portage, Michigan 49002 – (269) 329-4477

Applicant must complete all items in sections 1-9 (if applicable).

Please note: Separate applications must be submitted for Plumbing, Mechanical and Electrical Work Permits

**No Work is to Start Prior to the Issuance of Building Permit**

## 1) PROJECT INFORMATION

Project Description Please refer to project narrative attached to submittal package.	Address 6460 S Westnedge Avenue, Portage, MI 49002
--	--

## 2) IDENTIFICATION (OWNER)

Name CROSSROADS GALLERIA LLC	Address PO BOX 715 Portage		
City PO BOX 715 Portage	State MI	Zip 49081	Phone

## 3) ARCHITECT OR ENGINEER

Name John M. Halleran	Address 200 S Michigan Ave. Suite 1020	City Chicago
State Illinois	Zip 60604	Phone 312-583-9800
License Number 1301066023	Expiration Date 08/01/2025	Email halleran@tapchicago.com

## 4) BUILDING CONTRACTOR

Company name	Address	City
State	Zip	Phone
Email	Federal Employer ID	
Builder License Number	Expiration Date	
Workers Comp Insurance Carrier	MESC Employer Number	

## 5) TYPE OF DEVELOPMENT PROJECT

- Site Plan     
  Building Plan     
  Final Plan in Planned Development  
 Subdivision     
  Condominium     
  Land Division Requiring Public Improvements  
 Landscape Plans     
  Public Water Main     
  Public Sanitary Sewer Main

Other: Parking Reduction Request

***(Note: Please provide a Portable Document Format (PDF) of the plans for the project at time of document submittal. The submitted format shall be CD/DVD or USB. If a PDF is not submitted, an additional \$25 fee plus \$1 for each plan sheet after 20 sheets will apply.)***

## 6) TYPE OF IMPROVEMENT

- New Building     
  Alteration     
  Addition     
  Repair     
  Demolition     
  Foundation Only  
 Relocation     
  Special Inspection     
  Solar     
  Other: \_\_\_\_\_

## 7) DESCRIPTION OF WORK

A) Please refer to project narrative in the submittal package

\_\_\_\_\_

\_\_\_\_\_

B) Valuation of Project: \$ 2.5 million

C) Any known soil and/or groundwater contamination?     Yes     No

## 8) CHARACTERISTICS OF THE BUILDING

### A) Water Meter Size

- 5/8"       3/4"       1"       1 1/2"  
 Other 2"       Irrigation Size \_\_\_\_\_       Fire Sprinkler Size \_\_\_\_\_

### B) Electric Service Size

- 200 AMP     400 AMP     600 AMP     800 AMP     1000 AMP     Other \_\_\_\_\_

### C) Type of Mechanical

- Air Conditioning?  Yes     No    Fire Suppression?  Yes     No    Hood System?  Yes     No

## 9) CONSTRUCTION PLANS SUBMITTED

### Required submittals for plan review:

- Plans shall be signed and sealed when required in accordance with State of Michigan Act No.299 of Public Acts of 1980.
- All plans shall be drawn on uniform sheets no greater than 30"X42".
- All plans shall be drawn to an architectural scale.
- All plans shall be clear, legible and accurate.
- Plans shall be stapled along the left margin.

THIS APPLICATION IS FOR SITE PLAN REVIEW  
AND PARKING REDUCTION VARIANCE ONLY.

### Type of Plan Submitted:

- Building       Electrical       Plumbing       Mechanical       Energy

**Building Code:** Site plan, foundation plan, soil bearing capacity, floor plans, building elevations, building sections, framing plan, details, roof plan, roof finish schedule, roof live and dead loads.

**Electric Code:** Lighting layout, circuiting, switching, conductor and raceway sizes, wattage schedule, service location and riser diagram, load calculations, and appropriate plans showing standard symbols of all electrical equipment.

**Plumbing Code:** Site plan, floor plans, DWV riser diagrams and water distribution system and roof plan, Show direction of flow, pipe sizes, grade of horizontal piping, elevations, drainage fixture unit loading of both stacks and drains in the DWV system, supply fixture unit load for the water system, branch supplies serving more than one plumbing fixture, appliance or hose outlet, meter locations.

**Mechanical Code:** Plans indicating heating equipment, air conditioning equipment, ductwork material and layout, fire dampers, ventilation of rooms and areas, location of chimneys and vents, piping layouts, kitchen equipment layout, and combustion air. (Plans for fire suppression systems may be submitted after permit issuance, but are required prior to installation.)

**Energy Code:** Floor plans, building sections, details, average annual degree days, exterior envelope components materials, "U" values of elements, "R" values of insulating materials, size and type of apparatus and equipment, energy calculations.

**Note:** Additional plan review fee(s) required of all non-concurrent plan submittals

## APPLICANT INFORMATION

Applicant is responsible for the payment of all fees and charges applicable to this application and must provide the following information:

Name The Architects Partnership, Ltd. - Terron Wright	Phone 561-628-9845
Address 200 S Michigan Ave. Suite 1020	City Chicago
State Illinois	Zip 60604

I hereby certify that the proposed work is authorized by the owner of record and that I have been authorized by the owner to make this application as his/her authorized agent, and I agree to conform to all applicable laws of the State of Michigan and ordinances of the City of Portage. All information submitted on the application is accurate to the best of my knowledge.

Signature of Applicant: *Spini Hawk, Member* Date: 09/24/2024

## MEMORANDUM

To: Terron Wright – The Architects Partnership, Ltd

From: Rory Fancier, AICP, PTP – Kimley-Horn  
Matt Hadar, P.E. – Kimley-Horn

Date: July 23, 2024

RE: Crossroads Galleria Outlot Development – Parking Review  
Portage, Michigan

---

Kimley-Horn of Michigan, Inc. (Kimley-Horn) was retained by The Architects Partnership, Ltd to perform a parking review for the proposed outlot development at Crossroads Galleria, located on the southwest quadrant of the intersection of S. Westnedge Avenue/Mall Drive-Gladys Street in Portage, Michigan. The proposed development would provide a 4,342 square-foot bank fronting S. Westnedge Avenue. This review was completed in order to assess future parking conditions with development of the outlot.

### Executive Summary

Crossroads Galleria is an approximately 30,400 square-foot shopping center located on the southwest quadrant of S. Westnedge Avenue/Mall Drive-Gladys Street. A total of 211 parking spaces are currently provided for Crossroads Galleria, which exceeds the 164 spaces required per the City of Portage.

The proposed 3,432 square-foot bank with drive-up ATM would provide a total of 30 spaces (28 standard spaces, 2 accessible spaces), which exceeds City of Portage requirements. In order to accommodate the bank, 98 spaces would be removed, and 11 new spaces would be provided for Crossroads Galleria (net reduction 87 spaces). The new spaces would be located along the western boundary of the subject site and would comply with the requirements outlined in Section 42-520(C) of the *City of Portage Code of Ordinances*. Crossroads Galleria would provide a total of 124 parking spaces, which is 40 spaces (24%) less than the 164 spaces required by the City. The proposed parking reduction is less than 25 percent of the required parking. Consistent with Section 42-520(O) of the *City of Portage Code of Ordinances*, the proposed parking supply is expected to support peak demand based on a review of empirical data.

Based on a review of Crossroads Galleria parking conditions on a typical weekday and Saturday, peak parking demand would be accommodated within the 124 spaces. During the weekday, peak parking demand occurred at 4:00PM with 68 occupied spaces. On a typical Saturday, peak parking demand occurred at 12:00PM with 48 occupied spaces.

Based on parking conditions at Crossroads Galleria, spillover parking demand is not anticipated. However, based on a review of parking conditions at Village Green shopping center (i.e., Harding's Marketplace, Planet Fitness, Dollar Tree, CSL Plasma), located immediately to the west, more than 395 vacant spaces were observed during peak weekday and Saturday conditions. Therefore, a shared parking agreement should be considered between Crossroads Galleria, Village Green, and the bank outlot in order to provide parking flexibility during peak conditions, and to support unique parking demand characteristics for existing and future tenants.

This also allows customers visiting multiple destinations to park once and walk between various destinations within the shopping centers.

### Existing and Proposed Site Development

Crossroads Galleria is a multi-tenant shopping center totaling approximately 30,400 square feet. A total of 211 parking spaces are currently provided for Crossroads Galleria, including 113 spaces on the north lot and 98 spaces on the south lot (outlot development site). To accommodate the proposed 3,432 square-foot bank with drive-up ATM, the 98 spaces on the south lot would be removed. The proposed bank development would provide a total of 30 parking spaces. An additional 11 parking spaces would be constructed along the western property boundary and dedicated to Crossroads Galleria. Crossroads Galleria would provide a total of 124 parking spaces.

Access to Crossroads Galleria is provided via two full-access driveways to Mall Drive, a right-in/right/out driveway to S. Westnedge Avenue, and two full-access driveways to Crossroads Drive. These driveways are shared with the adjacent Village Green shopping center. No changes to overall site access are planned with the proposed bank outlot development. The proposed site plan is provided as **Attachment 1**.

### City Code Review

**Table 1** summarizes the parking required for the proposed outlot development and adjacent Crossroads Galleria and Village Green per Section 42-523 (Schedule of off-street parking requirements) of the *City of Portage Code of Ordinances*.

As shown in the table, the proposed 3,432 square-foot bank is required to provide a total of 27 spaces, which assumes an employee headcount of 10. A total of 30 parking spaces would be provided, which exceeds the minimum requirement.

Crossroads Galleria currently provides a total of 211 parking spaces, which exceeds the 164 spaces required by the City. With removal of the south lot to accommodate the bank outlot development, a total of 113 spaces would be provided onsite. In addition, 11 spaces would be constructed along the western boundary of the bank development. These new spaces would comply with the requirements outlined in Section 42-520(C) of the *City of Portage Code of Ordinances* and would be dedicated to Crossroads Galleria. As a result, a total of 124 spaces would be provided for Crossroads Galleria, which is 40 spaces (24%) less than the 164 spaces required by the City. The proposed parking reduction is less than 25 percent of the required parking. Consistent with Section 42-520(O) of the *City of Portage Code of Ordinances*, the proposed parking supply is expected to support peak demand based on a review of empirical data.

The adjacent Village Green shopping center currently provides a total of 597 parking spaces, which exceeds City requirements.

**Table 1. City of Portage Required Parking**

Land Use	Square Footage (GFA)	Land Use	Parking Ratio	Code Required Spaces <sup>5</sup>	Parking Supply			
					Existing	Surplus / Deficit	Future	Surplus / Deficit
Proposed Bank	3,432 SF	Shopping Center	1 / 200 SF <sup>2</sup> + 1 / employee	27	--	--	30	+3
Crossroads Galleria	30,400 SF	Retail	1 / 200 SF <sup>2</sup>	164 <sup>3</sup>	211 <sup>6</sup>	+47	124 <sup>8</sup>	-40
		Restaurant <sup>1</sup>	1 / 60 SF <sup>2</sup>					
Village Green	106,100 SF	Shopping Center	4 / 1,000 SF <sup>4</sup>	424	591	+167	591	+167
<b>Total</b>				<b>615<sup>7</sup></b>	<b>802</b>	<b>+187</b>	<b>745</b>	<b>+130</b>

<sup>1</sup>Assumed 4,985 GFA restaurant (Kumo Hibachi & Sushi) and 25,415 GFA retail for other tenants.

<sup>2</sup>Usable floor area

<sup>3</sup>Per City of Portage

<sup>4</sup>Gross floor area

<sup>5</sup>Calculated based on GFA; UFA not readily available.

<sup>6</sup>Includes 113 onsite spaces and 98 spaces in adjacent outlot property. With the proposed bank development, a total of 113 spaces would be provided for Crossroads Galleria.

<sup>7</sup>Reflects Code-required parking for existing development only; excludes Code-required parking for existing bank.

<sup>8</sup>In addition to the 113 spaces provided onsite, an additional 11 spaces would be provided along the western boundary of the bank development and dedicated to Crossroads Galleria for a total of 124 spaces

### Existing Parking Demand

To evaluate parking demand for Crossroads Galleria and the adjacent Village Green shopping center, Kimley-Horn conducted hourly parking occupancy counts during one typical weekday and one typical Saturday as summarized below. The count periods capture peak periods for the proposed bank and existing commercial development.

- Wednesday, May 29, 2024, from 11:00AM to 5:00PM
- Saturday, June 1, 2024, from 11:00AM to 1:00PM

The parking occupancy counts are summarized for three areas: 1) Crossroads Galleria; 2) Village Green; 3) subject outlot. **Table 2** summarizes the observed parking occupancy on a typical weekday. **Table 3** summarizes the observed parking occupancy on a typical Saturday.

During the weekday, peak parking demand for Crossroads Galleria occurred at 4:00PM with a total of 68 occupied spaces, including 50 spaces in the north lot and 18 spaces in the south lot. On Saturday, the peak occurred at 12:00PM with 48 occupied spaces, including 32 spaces in the north lot and 16 spaces in the south lot. Therefore, peak parking demand for Crossroads Galleria would be accommodated within the 124 spaces proposed.

**Table 2. Observed Parking Occupancy - Weekday**

Time of Day	Wednesday, May 29, 2024							
	Village Green		Crossroads Galleria		Outlot		Total	
	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied
11:00AM	191	32%	35	31%	11	11%	237	30%
12:00PM	195	33%	37	33%	11	11%	243	30%
1:00PM	196	33%	37	33%	13	13%	246	31%
2:00PM	188	32%	37	33%	15	15%	240	30%
3:00PM	184	31%	37	33%	12	12%	233	29%
4:00PM	181	31%	50	44%	18	18%	249	31%
5:00PM	184	31%	47	42%	15	15%	246	31%
Average	188	32%	40	35%	14	14%	242	30%

As shown in Table 2, parking demand for the adjacent Village Green is lower than the existing parking supply (591 spaces). Combined, Crossroads Galleria (north lot only) and Village Green had a total of 458 to 488 vacant spaces during the observation period. This vacancy does not include the Crossroads Galleria south lot (outlot development site).

**Table 3. Observed Parking Occupancy - Saturday**

Time of Day	Saturday, June 1, 2024							
	Village Green		Crossroads Galleria		Outlot		Total	
	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied	Occupied Spaces	Percent Occupied
11:00AM	151	26%	26	23%	11	11%	188	23%
12:00PM	154	26%	32	28%	16	16%	202	25%
1:00PM	138	23%	30	27%	14	14%	182	23%
Average	148	25%	29	26%	14	14%	191	24%

As shown in Table 3, Saturday midday parking demand is lower than the parking supply. Combined, Crossroads Galleria (north lot only) and Village Green had a total of 518 to 540 vacant spaces during the observation period. This vacancy does not include the Crossroads Galleria south lot (outlot development site).

### Future Parking Demand

Parking demand for the proposed bank was estimated using empirical data provided in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5<sup>th</sup> Edition. Data provided for Drive-In Bank (Land Use Code 912) was selected as most closely representative of the proposed development. A summary of the ITE data is provided in **Table 4**.

**Table 4. ITE Peak Parking Demand – Drive-In Bank (LUC 912)**

Period	Peak Period Parking Demand per 1,000 SF GFA	
	Average Rate	85 <sup>th</sup> Percentile
Weekday	3.72	6.00
Saturday	3.05	4.77

Based on ITE data, the average peak parking demand for the proposed 3,432 square-foot bank is 13 spaces on a weekday and 10 spaces on a Saturday. According to the 85<sup>th</sup> percentile data, peak parking demand for the 3,432 square-foot bank is 21 spaces on a weekday and 16 spaces on a Saturday. Parking demand would be accommodated within the 30 parking spaces proposed for the outlot development. Should parking demand may exceed the proposed supply, additional spaces would be available immediately adjacent to the outlot within the Crossroads Galleria and Village Green parking lots.

As existing demand within the outlot parking lot would be accommodated within the adjacent Crossroads Galleria and Village Green parking lots, and peak parking demand for the proposed bank is expected to be accommodated onsite, the proposed outlot development is not expected to materially change parking conditions for the adjacent shopping centers.

**Conclusion**

The proposed bank redevelopment would provide 30 parking spaces, which exceeds City of Portage requirements. The proposed parking supply is expected to accommodate average and 85<sup>th</sup> percentile peak parking demand for the 3,432 square-foot bank. Spillover parking demand is not anticipated; and therefore, the proposed bank redevelopment is not expected to materially impact parking for Crossroads Galleria and Village Green.

With development of the bank outlot, Crossroads Galleria would provide a total of 124 parking spaces which is 40 spaces (24%) less than the 164 spaces required by the *City of Portage Code of Ordinances*. Based on a review of weekday and Saturday parking conditions, the 124 parking spaces are expected to support peak demand. Spillover parking demand is not anticipated. A shared parking agreement is underway between Crossroads Galleria, Village Green, and the bank outlot in order to provide flexibility to accommodate peak parking conditions, to support unique parking demand characteristics for existing and future tenants, and to encourage a “park once” approach for customers visiting multiple destinations within the shopping centers. A copy of the shared parking agreement will be provided to the City as it becomes available.

The shared parking agreement would meet the requirements of Section 42-520 (General requirements) of the *City of Portage Code of Ordinances*, which stipulates off-street parking to be located within 500 feet of the building entrances with a minimum 4-foot sidewalk to the building. Further, the off-site parking for Crossroads Galleria would represent 7 percent of the 164 spaces required by Code, which is less 25 percent per City requirements.

Please do not hesitate to contact us with any questions related to the information in this memorandum.

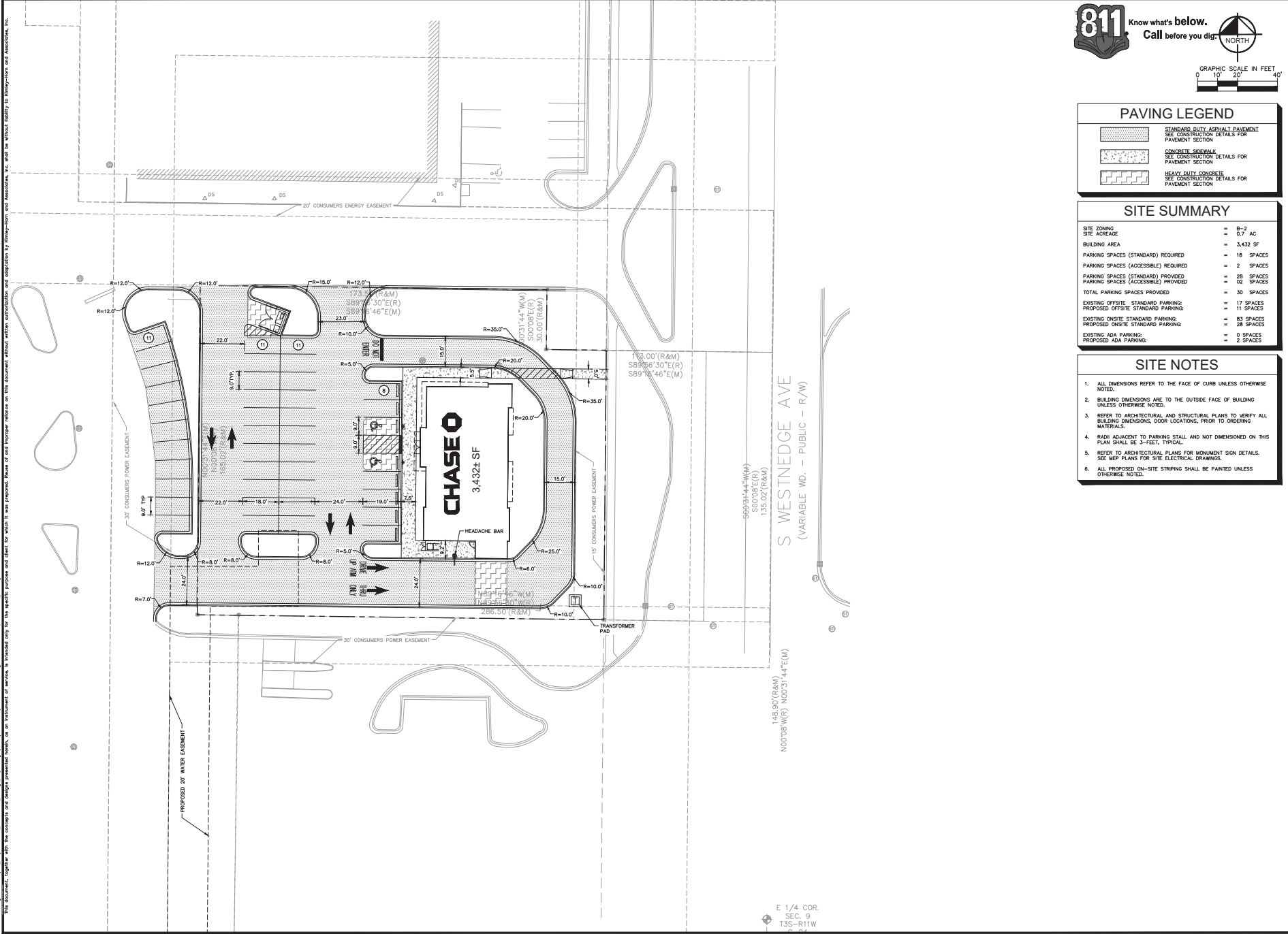
811 Know what's below. Call before you dig.

**811** Know what's below.  
Call before you dig.

PAVING LEGEND	
	STANDARD DUTY ASPHALT PAVEMENT SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	CONCRETE SIDEWALK SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION
	HEAVY DUTY CONCRETE SEE CONSTRUCTION DETAILS FOR PAVEMENT SECTION

SITE SUMMARY	
SITE ZONING	= B-2
SITE ACREAGE	= 0.7 AC
BUILDING AREA	= 3,432 SF
PARKING SPACES (STANDARD) REQUIRED	= 18 SPACES
PARKING SPACES (ACCESSIBLE) REQUIRED	= 2 SPACES
PARKING SPACES (STANDARD) PROVIDED	= 28 SPACES
PARKING SPACES (ACCESSIBLE) PROVIDED	= 02 SPACES
TOTAL PARKING SPACES PROVIDED	= 30 SPACES
EXISTING OFFSITE STANDARD PARKING	= 17 SPACES
PROPOSED OFFSITE STANDARD PARKING	= 11 SPACES
EXISTING ONSITE STANDARD PARKING	= 83 SPACES
PROPOSED ONSITE STANDARD PARKING	= 28 SPACES
EXISTING ADA PARKING	= 0 SPACES
PROPOSED ADA PARKING	= 2 SPACES

- ### SITE NOTES
1. ALL DIMENSIONS REFER TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  2. BUILDING DIMENSIONS ARE TO THE OUTSIDE FACE OF BUILDING UNLESS OTHERWISE NOTED.
  3. REFER TO ARCHITECTURAL AND STRUCTURAL PLANS TO VERIFY ALL BUILDING DIMENSIONS, DOOR LOCATIONS, PRIOR TO ORDERING MATERIALS.
  4. RADI ADJACENT TO PARKING STALL AND NOT DIMENSIONED ON THIS PLAN SHALL BE 3- FEET, TYPICAL.
  5. REFER TO ARCHITECTURAL PLANS FOR MONUMENT SIGN DETAILS. SEE MEP PLANS FOR SITE ELECTRICAL DRAWINGS.
  6. ALL PROPOSED ON-SITE STRIPING SHALL BE PAINTED UNLESS OTHERWISE NOTED.



DESIGNED BY: MHA	 Kimley-Horn of Michigan, Inc. 1000 WEST CHASE, SUITE 200 PORTAGE, MI 49783 PHONE: 268-1100 WWW.KIMLEY-HORN.COM
DRAWN BY: LJP	
CHECKED BY: RBH	 CHASE SITE PLAN
SCALE: AS NOTED	CHASE BANK- PORTAGE MICHIGAN 648 S WESTNEDGE AVE PORTAGE, MI 49783
DATE: 6/3/2024	ORIGINAL ISSUE: 6/3/2024 KHA PROJECT NO: 168558076 SHEET NUMBER: C3.0
REVISIONS:	NO. DATE BY

ATTACHMENT 1

## Parking Agreement

This Parking Agreement ('Agreement') entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2024 by and between Crossroads Galleria LLC, whose address is 6400 S. Westnedge Avenue, Portage, MI, and Village Green Properties LTD, whose address is 6430 S. Westnedge Avenue, Portage, MI, and Parcel Identification Number (PIN) is 00009-017-A.

WHEREAS on [DATE] the City of Portage approved a Site Plan (Exhibit 'A') for the development of Chase Bank financial institution located at 6460 S. Westnedge Avenue. Site Plan approval was conditioned upon the approval of a Parking Reduction Request consisting of a parking analyses, Parking Easement Agreement (Exhibit 'B'), and the subject Parking Agreement by the City Planning Commission as described herein.

WHEREAS the City of Portage requires off-street parking for development per Sec 42-520. The Chase Bank development requires 27 parking spaces but voluntarily will provide 30 parking spaces, resulting in a surplus of three spaces.

WHEREAS the Chase Bank development will displace 51 parking spaces associated with the adjacent existing multitenant development at 6400 S. Westnedge Avenue. 6460 and 6400 S. Westnedge Avenue are both owned by Crossroads Galleria LLC. This multitenant development requires a minimum of 164 parking spaces. There are 113 existing parking spaces on 6400 S. Westnedge Avenue, which will be unaffected by the Chase Bank development. With approval by the Planning Commission, a parking requirement can be reduced via an approved parking reduction request.

WHEREAS 11 surplus parking spaces on 6430 S. Westnedge Avenue (owned by Village Green Properties LTD) and located immediately located west of 6460 S. Westnedge Avenue will be shared with 6400 S. Westnedge Avenue (between Village Green Properties LTD and Crossroads Galleria LLC) through a Parking Easement Agreement (Exhibit 'B'). Therefore, these 11 spaces are added to the existing 113 spaces for use for 6400 S. Westnedge Avenue. This provides 124 spaces, and reduces the required spaces by 40, representing a 24% reduction from the original 164 spaces parking requirement.

WHEREAS approval of the Parking Reduction Request and associated Parking Easement Agreement and the subject Parking Agreement meets the intent of the parking requirement of the City. Further, the Site Plan condition of approval and an executed copy hereof shall be provided to the City of Portage be included in Chase Bank Site Plan record of approval.

NOW THEREFORE it is agreed as follows:

Village Green Properties LTD and Crossroads Galleria LLC agrees to the operations of the parking agreement as addressed herein.

TERM

This Agreement shall be effective upon execution by both parties and shall be accepted by the City's Chief Development Officer or his/her designee and shall not be amended and/or terminated without written consent of both parties and the City's Chief Development Officer or his/her designee.

The terms of this agreement shall be in perpetuity and shall be automatically revoked upon the removal, discontinuation, or change in use of Chase Bank development from the property.

COOPERATION

The parties agree to cooperate and work together in good faith to effectuate the purpose of this Agreement.

SUPPLEMENTAL COVENANTS

No private agreement shall be entered into that overrides this agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the Effective Site Plan approval date of \_\_\_\_\_.  
forth at the outset hereof.

Village Green Properties LTD.:

\_\_\_\_\_ Date: \_\_\_\_\_

Witness: \_\_\_\_\_ By: \_\_\_\_\_

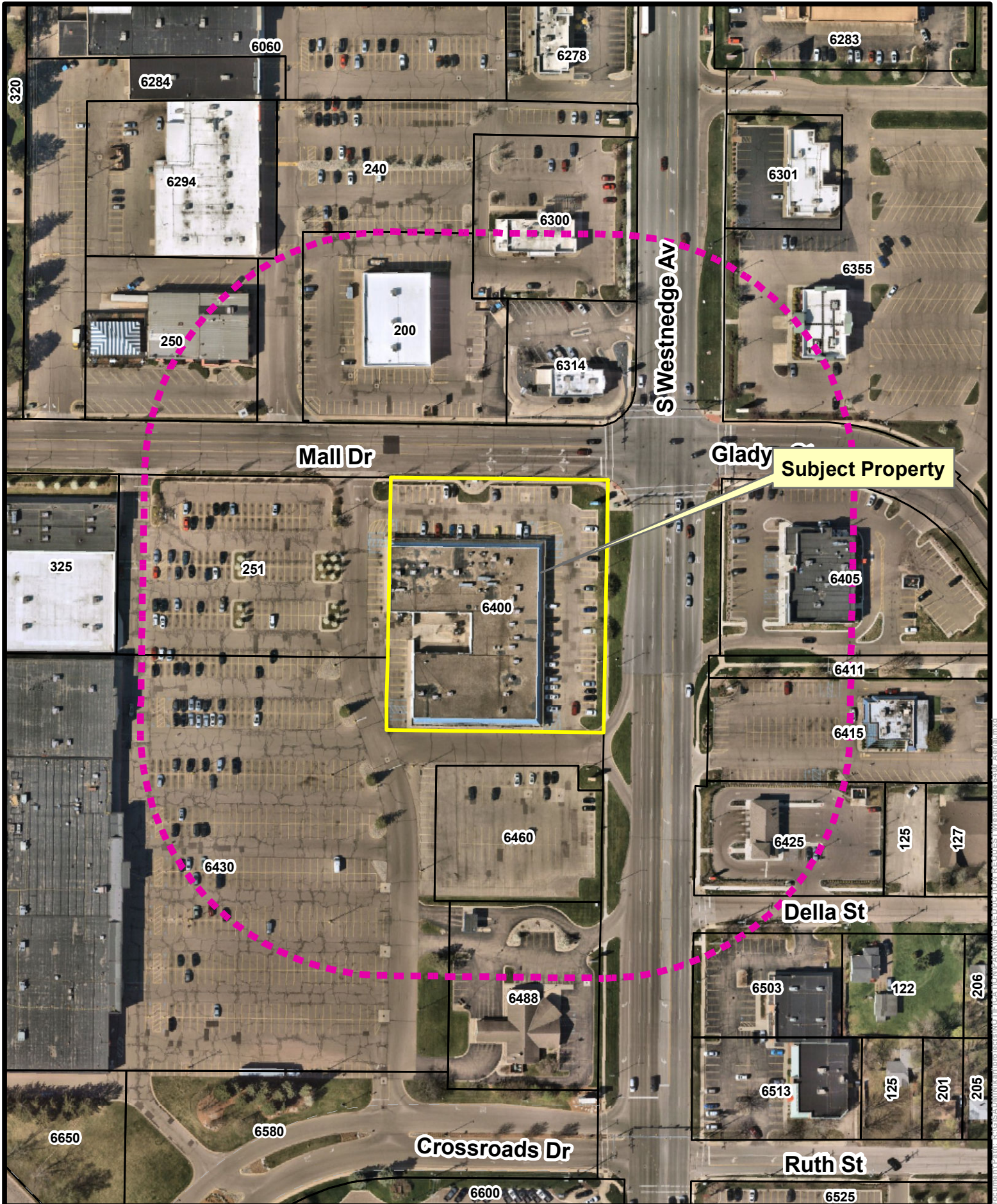
Crossroads Galleria LLC:

Witness: \_\_\_\_\_ By: \_\_\_\_\_

Acceptance by the City of Portage

Witness: \_\_\_\_\_ By: \_\_\_\_\_

\_\_\_\_\_  
Peter J. Dame, Chief Development Officer



**Subject Property**

- Subject Property
- 300' Notification Area

## Aerial Map 6400 South Westnedge Avenue



1 inch = 150 feet  
Date: 9/24/2024  
(32)

Staff's Site Picture – October 3, 2024



Figure 1. Look north at the Crossroads Galleria (6400 S. Westnedge Ave.) multi-tenant commercial building. South Westnedge Ave. is located to the right (outside of picture).



Figure 2. Look northeast across an interior private drive toward Crossroads Galleria commercial building. Eleven spaces (not striped) will be provided near red van and located along drive access on 6430 S. Westnedge Ave.



Figure 3. Look south along S. Westnedge Avenue toward site of proposed Chase Bank (6460 S. Westnedge Ave.) with 81 existing parking spaces.

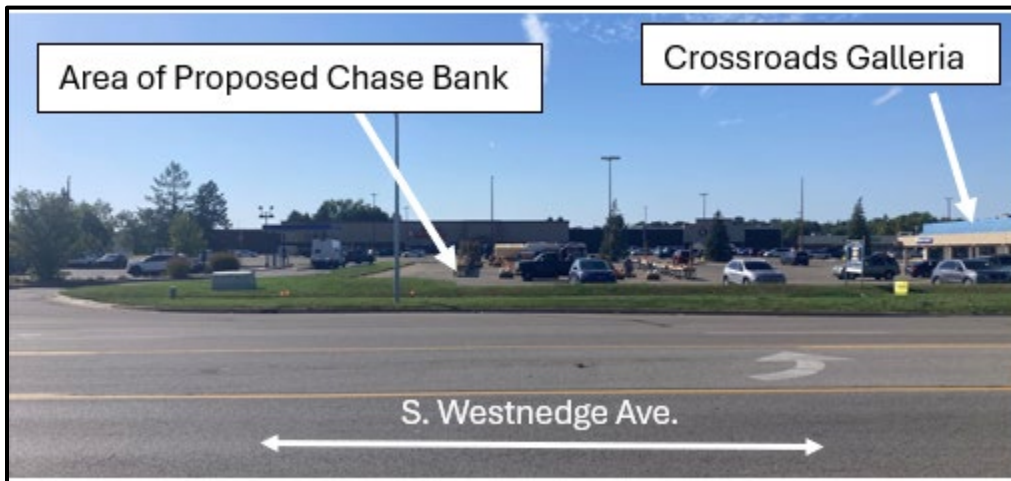


Figure 4. Look west toward site of proposed Chase Bank and Crossroads Galleria.

**TO:** Planning Commission

**DATE:** October 17, 2024

**FROM:** Peter Dame, Chief Development Officer

**SUBJECT:** Rezoning to create new mixed use zoning districts in the Lake Center Commercial Corridor on Portage Road

## **I. INTRODUCTION:**

The City of Portage seeks to amend Article 4 Zoning of Chapter 42 by rezoning and creating new mixed use zoning districts with development standards for parcels abutting Portage Road between E. Centre Avenue and E. Osterhout Avenue. The 172 subject parcels are shown in the attached proposed zoning map. This area comprises the commercial properties in what is known as the Lake Center commercial district. The proposed development standards are attached as the ‘Lake Center District Zoning Amendment’. The purpose of this rezone and development standards is to implement the City’s Master Plan and one of the recommendations of the Lake Center District Corridor & Placemaking Plan (aka ‘Lake Center District’) both of which envision the area as a mixed-use traditional physical form of a neighborhood corridor with safe streets, wide sidewalks, buildings close to the sidewalks, and parking lots behind buildings, and more compatible physical form and uses to encourage a pedestrian friendly and walkable character. The proposed zoning and development standards will guide future development towards this vision.

The existing development along Portage Road is a mix of residential and commercial uses consisting of a general suburban design, with a mix of multiple existing zoning districts. Buildings are located behind front parking lots. Portage Road consists of a multi-lane road with fast and high-volume traffic. Older and renovated single family homes are scattered in and among and between commercial uses even within commercially zoned areas. Overall, the current mix and design of land use do not form a well-planned cohesive corridor. More descriptions of the existing zoning districts are provided in detail later in this memo. By rezoning these parcels and requiring design standards, the overall suburban development setting will change toward a more walkable traditional physical form of a neighborhood commercial corridor setting.

## **II. BACKGROUND INFORMATION:**

For over 20 years, various City’s plans have envisioned Portage Road near West Lake and Austin Lake as a traditional physical form of a neighborhood commercial corridor with a unique sense of place within the community that connects to lakes, residential neighborhoods, commercial places, parks, schools, and more unique assets. The following sections address this vision:

### MASTER PLAN

The City’s new [Forward Together 2045 Master Plan](#) and previous 2014 Comprehensive Plan highlighted the unique location and local interest in creating a lake center district consisting of a future

‘main street’ character with a narrower road, wide sidewalks, street trees, and overall more walkable as well as buildings located close to the street and parking behind. The Master Plan has an entire section dedicated to the Lake Center Subarea recommends key policies such as updating land use standards, promoting a redesign of Portage Road to increase safety, establishing a walkable mixed-use center, and more. Further, the Plan’s Future Land Use Map classifies large areas in this area for ‘Mixed Residential’, ‘Mixed-Use’, ‘Local Commercial’, and ‘Single Family Residential’.

#### LAKE CENTER PLAN

The Lake Center Subarea in the Master Plan draws from the 2021 [Lake Center District Corridor and Placemaking Plan](#) (Lake Center Plan) adopted by City Council. It provides a more detailed vision by illustrating a redesign of Portage Road from 5 lanes to 3 lanes, future pedestrian crosswalks, future building improvements, future code regulations and design guidelines, future traffic lights at Forest Drive & Portage Road intersection, future connecting alleys and more. This plan recommended zoning changes to achieve this redesign as it applies to private properties.

#### DRAFTING PROPOSED REZONING; PLANNING PROCESS

To direct future private and public development towards this vision, in late 2023 the Council approved a contract with McKenna Associates (planning consultants) to assist city staff in a planning process to establish future code regulations and design guidelines for the Lake Center area. Starting in January of this year, staff and McKenna held three public meetings inviting all Portage Road residents, businesses and property owners to provide feedback on various village-like illustrations of building designs, parking lot and landscaping designs, multi-story residential and mixed-use buildings, and more. Also, a Steering Committee made of neighborhood interests was formed to provide a more local-based representation for further review. Based on public meeting feedback and guidance from the adopted City plans for the area, McKenna provided drafts of the rezoning districts and development guidelines for Steering Committee review. Development concepts and ordinance drafts were reviewed in depth over the course of six public Steering Committee meetings. The Steering Committee unanimously supported the draft rezoning and development standards on August 14, 2024 and recommended Planning Commission consideration and adoption.

#### PLANNING COMMISSION MEETINGS

On September 5, 2024, McKenna provided a presentation in summary of the draft zoning regulations and guidelines to the Planning Commission. On September 19, staff provided a workshop on this draft to the Commission for a more detailed discussion. The Commission was generally supportive of continued consideration of the draft zoning regulations and guidelines and did not suggest any changes.

The draft zoning regulations and guidelines are the subject of this memo and are discussed in detail later in this memo. In short, the proposed ordinance establishes and replaces the existing mix of commercial zones with a new zoning district for the Lake Center area. The new district has three sections based on location within the district referred to as the Edge, Core or Business. The three sections have some variations and in heights and uses for new or significantly expanded buildings, but all three sections would allow mixed-use buildings with commercial on the ground floor and residential above. New or significantly expanding buildings would also be subject to development standards intended to create an enhanced and more walkable district.

### III. ANALYSIS:

The following sections of Chapter 42. Division 8. Subsection 651 *Amendments to this Article*. procedures and regulations apply and addressed further in this report:

- [Sec. 42-651. Amendments to this Article](#)

Under this article, the rezoning request shall file a rezoning application, fee and to be scheduled for review during public hearings for the Planning Commission and City Council. The Planning Commission shall determine if the rezoning is appropriate based on the Comprehensive Plan, surrounding development patterns, and general land use considerations. Issues to be analyzed include consistency with the Future Land Use Map, suitability of the existing zoning classification, neighborhood harmony, impacts of the proposed zoning classification, and impacts to adjacent streets and utilities.

#### ANALYSIS

The area of proposed rezoning is along Portage Road between E. Centre Avenue (north point) and E Osterhout Avenue (south point). The subject parcels are those abutting Portage Road. See attached map. Some parcels that do not have any street frontage but are connected to development fronting Portage Road are also included. Parcels along Portage Road which are currently zoned One-Family Residential area are not included (except for a small City-owned parcel).

#### Existing Zoning Districts

There are a total of 172 parcels considered in the proposed rezoned. The following provides the number of parcels in their associated existing district.

- 104 zoned B-3 General Business
- 53 zoned I-1 Light Industrial
- 8 zoned RM-1 Multifamily Residential
- 2 zoned OS-1 Office Service
- 2 zoned B-1 Local Business
- 1 zoned B-2 Community Business
- 1 zoned P-1 Parking
- 1 zoned R-1C One Family Residential (City-Owned)

Due to the mix of zoning districts and permitted uses within these districts, there is a wide variety of allowed land uses, yard setbacks, parking requirements, and other elements which resulted in a non-cohesive development pattern having a more suburban setting. This mix of standards can be seen in Table 1. Without any overall direction or vision, these districts cannot create a well-planned cohesive mixed-use village setting.

	EXISTING	EXISTING	EXISTING	EXISTING	EXISTING
	OS-1 Service Office	B-1 Local Business	B-2 Community Business	B-3 General Business	I-1 Light Industrial
Uses Allowed	Professional, Medical Offices Salons, Spas Art/ photography studios	Same as OS-1, plus small restaurants and retail businesses, etc.	Same as B-1, plus larger restaurants and retail businesses, theaters, contractor's offices, breweries, etc.	Same as B-2, plus car washes, auto repair, churches, hotels/ motels, dry cleaners, etc.	Manufacturing, processing, assembly and similar uses
Max. Building Height	35 ft	35 ft	35 ft	35 ft	30-40ft
Setbacks	Front: 27'	Front: 27'	Front: 75'	Front: 27'	Front: 75'
	Sides: 0 or 15' where abutting Residential)	Sides: 0 or 15' where abutting	Sides: 0 or 15' where abutting Residential)	Sides: 0-15' (where abutting Residential)	Sides: 12-75' (where abutting Residential)
	Rear: 20'	Rear: 20'	Rear: 20'	Rear: 20'	Rear: 12-75' (where abutting Residential)

Table 1. Summary of development standards in existing zoning districts along Portage Rd.

Proposed Zoning Districts

Three new zoning districts are proposed to direct future development to achieve the cohesive village goal: 1) Lake Center Edge (LC-E), 2) Lake Centre – Core (LC-C), and 3) Lake Center-Business (LC-B). See the proposed zoning map for the general locations of these new districts.

All 172 parcels would fall into one of these new districts (See Parcel List of Existing, Proposed Zoning District). Below provides the total number of parcels in each of the three proposed districts.

- 78 rezoned to LC- Edge
- 19 rezoned to LC – Core
- 75 rezoned to LC – Business

	PROPOSED	PROPOSED	PROPOSED
	LC - Edge	LC - Core	LC - Business
<b>Uses Allowed</b>	Residential Multifamily, Townhomes	Residential only on upper floors	Residential only on upper floors
	Offices, Animal Vet., Restaurants (w/ out drive-thru), etc.	Offices, Animal Vet., Restaurants (w/ out drive-thru), etc.	Offices, Animal Vet., Restaurants (w/ out drive-thru), etc.
	Art Galleries, Salons, Retail	Art Galleries, Salons, Retail	Art Galleries, Salons, Retail
<b>Max. Building Height</b>	50 ft	30 ft	40 ft
<b>Setbacks (Min. - Max. Distance)</b>	Front: 0-10'	Front: 0-5'	Front: 10-15'
	Sides: 0 or 10' where abutting Non-LC District)	Sides: 0 or 10' where abutting Non-LC District)	Sides: 0 or 10' where abutting Non-LC District)
	Rear: 5 or 10' where abutting Non-LC District)	Rear: 5 or 10' where abutting Non-LC District)	Rear: 5 or 10' where abutting Non-LC District)

Table 2. Summary of development standards of proposed zoning districts along Portage Rd.

The LC-Edge (northern district) starts at the intersection of E. Center Ave and stretches south near Forest Drive intersection, is the largest district, and generally allows larger buildings. The LC-Core (Forest Drive to Clarence Drive) is the smallest district, is located in the ‘isthmus’ between Austin and West Lakes, and consists of the most specific site and building standards as being the most critical area for creating a walkable village. And, the LC-Business (southern district) is located in three separate areas: 1) Woodbine Avenue to Bacon Avenue; 2) area just north of Wetherbee Avenue; and 3) between Lancelot Court and E. Osterhout Avenue. This district allows the greatest amount of commercial/ industrial uses and is separated by existing single family zoning districts.

Proposed Building Standards

In addition to new site development standards in Table 2, all three proposed districts require all future buildings and additions to meet specific exterior building material, window sizing, and overall façade design. Further, new buildings and major additions would need to meet specific frontage types. Details of these standards are included in the attached Lake Center District Zoning Amendments. These new building standards will ensure future development creates a mixed-use, walkable village.

Future Portage Road Construction

Though not part of the subject rezoning but within the scope area, the City is pursuing redesigning and narrowing Portage Road to improve vehicular and pedestrian/ bicycle safety. Another goal is to transform the road into a ‘main street’ setting with wide sidewalks, street trees, street lighting, and more. This critical improvement will greatly link the public sidewalks to private businesses and land uses along Portage Road. The City will provide a public planning process in the future for the Portage Road redesign.

Overall, the proposed rezoning will achieve the goals of the Master Plan and Lake Center Plan to guide future development along Portage Road toward a mixed-use walkable village setting.

#### **PUBLIC NOTICING REQUIREMENTS**

Public notice was published in the Kalamazoo Gazette and a notice was sent to all property owners of the 172 subject parcels on October 1, 2024. As of the date of this report (Wednesday, October 9, 2024), no public comments have been received.

#### **IV. RECOMMENDATION:**

If no additional public comment is requested by and the Commission is supportive of the proposed rezoning, staff recommend the Planning Commission to City Council the approval of the Rezoning #24/25-3 to rezone and create new mixed use zoning districts with development standards of Lake Center Commercial Corridor on Portage Road.

#### **Attachments:**

1. Parcel List of Existing, Proposed zoning Districts
2. Proposed Lake Center District Zoning Amendments
3. Proposed Zoning Map
4. Public Comment 10 09 2024
5. Public Comment 10 15 2024

<b>Address</b>	<b>Parcel Number</b>	<b>Existing Zoning</b>	<b>Proposed Zoning</b>
		RM-1;R-1A;R-	
10429 PORTAGE RD	00520-011-O	1B	LC-B
10420 PORTAGE RD	05760-009-O	B-3	LC-B
10496 PORTAGE RD	05760-006-A	B-3	LC-B
10412 PORTAGE RD	05760-010-O	B-3	LC-B
10406 PORTAGE RD	05760-012-O	B-3	LC-B
10336 PORTAGE RD	05760-013-O	B-3	LC-B
10334 PORTAGE RD	05760-014-O	B-3	LC-B
10371 PORTAGE RD	00520-001-O	RM-1	LC-B
10341 PORTAGE RD	00035-045-O	RM-1	LC-B
10351 PORTAGE RD	00035-050-O	RM-1;R-1B	LC-B
10331 PORTAGE RD	00035-040-O	RM-1	LC-B
10332 PORTAGE RD	05760-015-A	B-3	LC-B
10244 PORTAGE RD	05760-019-O	R-1C	LC-B
10145 PORTAGE RD	00035-012-O	RM-1	LC-B
10143 PORTAGE RD	00035-011-O	RM-1	LC-B
10131 PORTAGE RD	00035-010-H	RM-1	LC-B
9950 PORTAGE RD	00026-041-O	I-1	LC-B
9918 PORTAGE RD	00026-045-O	I-1	LC-B
9945 PORTAGE RD	00026-155-V	I-1	LC-B
9848 PORTAGE RD	00026-040-O	I-1	LC-B
9879 PORTAGE RD	00026-155-Y	I-1	LC-B
9830 PORTAGE RD	00026-050-O	I-1	LC-B
9835 PORTAGE RD	00026-156-O	I-1	LC-B
9820 PORTAGE RD	00026-055-O	I-1	LC-B
9810 PORTAGE RD	00026-056-O	I-1	LC-B
9801 PORTAGE RD	00026-159-O	I-1	LC-B
9782 PORTAGE RD	00026-057-O	I-1	LC-B
9764 PORTAGE RD	00026-058-O	I-1	LC-B
9741 PORTAGE RD	00026-165-O	I-1	LC-B
9735 PORTAGE RD	00026-160-O	B-2	LC-B
9717 PORTAGE RD	00026-095-O	I-1	LC-B
9711 PORTAGE RD	00026-090-O	I-1	LC-B
9718 PORTAGE RD	00026-060-O	I-1	LC-B
9702 PORTAGE RD	00026-065-O	I-1	LC-B
9650 PORTAGE RD	00026-066-O	I-1	LC-B
9651 PORTAGE RD	00026-085-B	B-3	LC-B
9599 PORTAGE RD	00026-085-A	B-3	LC-B
9617 PORTAGE RD	00026-070-J	B-3	LC-B
9616 PORTAGE RD	00026-070-B	OS-1	LC-B
9551 PORTAGE RD	00026-080-O	B-3	LC-B
CONDO BARN	COMMON AREA	I-1	LC-B

9917 PORTAGE RD UNIT 18	01630-018-O	I-1	LC-B
9917 PORTAGE RD UNIT 28	01630-028-O	I-1	LC-B
9917 PORTAGE RD UNIT 19	01630-019-O	I-1	LC-B
9917 PORTAGE RD UNIT 29	01630-029-O	I-1	LC-B
9917 PORTAGE RD UNIT 20	01630-020-O	I-1	LC-B
9917 PORTAGE RD UNIT 30	01630-030-O	I-1	LC-B
9917 PORTAGE RD UNIT 1	01630-001-O	I-1	LC-B
9917 PORTAGE RD UNIT 21	01630-021-O	I-1	LC-B
9917 PORTAGE RD UNIT 17	01630-017-O	I-1	LC-B
9917 PORTAGE RD UNIT 27	01630-027-O	I-1	LC-B
9917 PORTAGE RD UNIT 2	01630-002-O	I-1	LC-B
9917 PORTAGE RD UNIT 22	01630-022-O	I-1	LC-B
9917 PORTAGE RD UNIT 16	01630-016-O	I-1	LC-B
9917 PORTAGE RD UNIT 3	01630-003-O	I-1	LC-B
9917 PORTAGE RD UNIT 26	01630-026-O	I-1	LC-B
9917 PORTAGE RD UNIT 23	01630-023-O	I-1	LC-B
9917 PORTAGE RD UNIT 15	01630-015-O	I-1	LC-B
9917 PORTAGE RD UNIT 4	01630-004-O	I-1	LC-B
9917 PORTAGE RD UNIT 25	01630-025-O	I-1	LC-B
9917 PORTAGE RD UNIT 24	01630-024-O	I-1	LC-B
9917 PORTAGE RD UNIT 14	01630-014-O	I-1	LC-B
9917 PORTAGE RD UNIT 5	01630-005-O	I-1	LC-B
9917 PORTAGE RD UNIT 13	01630-013-O	I-1	LC-B
9917 PORTAGE RD UNIT 6	01630-006-O	I-1	LC-B
9917 PORTAGE RD UNIT 12	01630-012-O	I-1	LC-B
9917 PORTAGE RD UNIT 7	01630-007-O	I-1	LC-B
9917 PORTAGE RD UNIT 11	01630-011-O	I-1	LC-B
9917 PORTAGE RD UNIT 10	01630-010-O	I-1	LC-B
9917 PORTAGE RD UNIT 9	01630-009-O	I-1	LC-B
9917 PORTAGE RD UNIT 8	01630-008-O	I-1	LC-B
9830 NAVY PIER ST	00605-130-R	I-1	LC-B
2050 STANLEY AVE	00026-157-O	I-1	LC-B
2020 STANLEY AVE	00026-155-T	I-1	LC-B
9138 PORTAGE RD	02140-005-O	B-3	LC-C
9125 PORTAGE RD	02140-083-O	B-3	LC-C
9113 PORTAGE RD	02140-081-A	B-3	LC-C
9110 PORTAGE RD	02140-001-A	B-3	LC-C
9029 PORTAGE RD	00026-001-B	B-3;R-1A	LC-C
9009 PORTAGE RD	00026-005-O	B-3	LC-C
9001 PORTAGE RD	00026-003-O	B-3;R-1A	LC-C
9008 PORTAGE RD	00340-058-O	B-3	LC-C
8948 PORTAGE RD	00340-061-O	B-3	LC-C
8991 PORTAGE RD	00023-364-O	B-3	LC-C
8944 PORTAGE RD	00340-062-O	B-3	LC-C

8969 PORTAGE RD	00023-360-O	B-3	LC-C
8928 PORTAGE RD	00340-066-O	B-3	LC-C
8901 PORTAGE RD	00023-356-B	B-3	LC-C
8910 PORTAGE RD	00340-069-O	B-3	LC-C
8847 PORTAGE RD	00023-355-A	B-3	LC-C
8842 PORTAGE RD	00340-087-A	B-3	LC-C
8827 PORTAGE RD	00023-350-O	B-3	LC-C
8915 PORTAGE RD	00023-356-C	B-3	LC-C
8817 PORTAGE RD	00023-345-O	B-3	LC-E
8822 PORTAGE RD	00340-089-A	B-3	LC-E
8811 PORTAGE RD	00023-347-O	B-3	LC-E
8818 PORTAGE RD	00340-091-O	B-3	LC-E
8810 PORTAGE RD	00340-093-A	B-3	LC-E
8801 PORTAGE RD	00023-348-O	B-3	LC-E
8748 PORTAGE RD	00340-094-A	B-3	LC-E
8736 PORTAGE RD	00340-096-A	B-3	LC-E
8726 PORTAGE RD	00340-098-O	B-3;R-1B	LC-E
8725 PORTAGE RD	00023-336-O	B-3	LC-E
8715 PORTAGE RD	00023-340-O	B-3	LC-E
8724 PORTAGE RD	00340-099-A	B-3	LC-E
8712 PORTAGE RD	00340-101-O	B-3;R-1B	LC-E
8705 PORTAGE RD	00023-337-D	B-3	LC-E
8710 PORTAGE RD	00340-102-O	B-3;R-1B	LC-E
8648 PORTAGE RD	00340-104-O	B-3;R-1B	LC-E
8642 PORTAGE RD	00340-105-O	B-3;R-1B	LC-E
8636 PORTAGE RD	00340-106-O	B-3;R-1B	LC-E
8675 PORTAGE RD	00023-337-C	B-3	LC-E
8632 PORTAGE RD	00340-107-O	B-3;R-1B	LC-E
8626 PORTAGE RD	00340-108-O	B-3;R-1B	LC-E
8639 PORTAGE RD	00023-337-B	B-3	LC-E
8620 PORTAGE RD	00340-109-O	B-3;R-1B	LC-E
8606 PORTAGE RD	00340-111-O	B-3	LC-E
8542 PORTAGE RD	00340-112-A	B-3	LC-E
8585 PORTAGE RD	00023-337-A	B-3	LC-E
8534 PORTAGE RD	00340-113-A	B-3	LC-E
8524 PORTAGE RD	00340-115-O	B-3	LC-E
8516 PORTAGE RD	00340-116-O	B-3	LC-E
8509 PORTAGE RD	00023-346-O	B-3	LC-E
8502 PORTAGE RD	00340-117-O	B-3;R-1B	LC-E
8444 PORTAGE RD	00340-120-O	B-3	LC-E
2485 ZYLMAN AVE	00023-126-O	I-1	LC-E
8441 PORTAGE RD	00023-135-O	B-3	LC-E
8434 PORTAGE RD	00340-122-O	B-3	LC-E
8435 PORTAGE RD	00023-130-O	B-3	LC-E

8430 PORTAGE RD	00340-123-O	B-3;R-1B	LC-E
8415 PORTAGE RD	00023-125-A	B-3;I-1	LC-E
8418 PORTAGE RD	00340-125-O	B-3;R-1B	LC-E
8414 PORTAGE RD	00340-126-O	B-3;R-1B	LC-E
8405 PORTAGE RD	00023-120-A	B-3	LC-E
8404 PORTAGE RD	00340-127-O	B-3;R-1B	LC-E
8344 PORTAGE RD	00340-129-O	B-3;R-1B	LC-E
8379 PORTAGE RD	00023-115-D	B-3	LC-E
8340 PORTAGE RD	00340-130-O	B-3;R-1B	LC-E
8328 PORTAGE RD	00340-132-O	B-3;R-1B	LC-E
8387 PORTAGE RD	00023-115-C	B-3	LC-E
8324 PORTAGE RD	00340-133-O	B-3;R-1B	LC-E
8318 PORTAGE RD	00340-134-O	B-3;R-1B	LC-E
8314 PORTAGE RD	00340-135-O	B-3;R-1B	LC-E
8312 PORTAGE RD	00340-136-O	B-3;R-1B	LC-E
8302 PORTAGE RD	00340-137-O	B-3;R-1B	LC-E
8229 PORTAGE RD	00023-110-O	B-3;I-2	LC-E
8232 PORTAGE RD	00340-140-O	B-3;R-1B	LC-E
8222 PORTAGE RD	06780-001-O	B-3	LC-E
8211 PORTAGE RD	00023-100-A	B-3	LC-E
8204 PORTAGE RD	06780-026-O	B-3	LC-E
8131 PORTAGE RD	00023-075-O	B-3	LC-E
8136 PORTAGE RD	00023-195-O	B-3	LC-E
8139 PORTAGE RD	00023-080-A	B-3;I-2	LC-E
8127 PORTAGE RD	00023-065-O	B-3	LC-E
8118 PORTAGE RD	00023-200-O	B-3	LC-E
8119 PORTAGE RD	00023-060-O	B-3;I-2	LC-E
8111 PORTAGE RD	00023-055-O	B-3	LC-E
8043 PORTAGE RD	00023-504-O	B-3	LC-E
8037 PORTAGE RD	00023-045-A	B-3	LC-E
8086 PORTAGE RD	00023-205-E	B-3;R-1B	LC-E
8015 PORTAGE RD	00023-501-O	B-3	LC-E
8050 PORTAGE RD	00023-140-O	B-3	LC-E
7920 PORTAGE RD	00014-080-A	OS-1	LC-E
7908 PORTAGE RD	00014-015-O	B-1;1-2	LC-E
CENTREPORT COMMONS	COMMON AREA	B-3	LC-E
8722 PORTAGE RD	00340-099-B	B-3;R-1B	LC-E
2327 PROSPERITY DR	06780-025-O	B-3	LC-E
2404 PLEASANT DR	06780-027-O	P-1	LC-E
8061 PORTAGE RD	00023-505-O	B-3	LC-E
2700 E CENTRE AVE	00023-503-A	B-3	LC-E
7171 PORTAGE RD	00014-001-C	B-1	LC-E



# Lake Center District Zoning Amendments

**TO:** City of Portage Planning Commission  
Paul Lippens, AICP, NCI

**FROM:** Kyle Mucha, AICP  
Aayush Patel

**SUBJECT:** Lake Center Zoning District Standards

**DATE:** August 28, 2024

## Subdivision 17, Lake Center (LC) Corridor District

### **Sec. 42-4xx. Statement of purpose.**

The purpose of the Lake Center (LC) District is to create clear and simple regulations on the design of new mixed-use development or redevelopment in the Lake Center District along Portage Road. Specifically, these regulations encourage a pedestrian friendly and walkable character; permit a mixture of land uses; encourage streets that serve the needs of pedestrians, bicycles, and motorized vehicle traffic equitably; encourage places for informal social activity and recreation in the corridor area; and encourage building frontages that define the public space of streets. With proper physical form, a building can accommodate a wide range of uses without generating undue impact on neighboring properties or the corridor as a whole.

The Lake Center (LC) District is commonly referred to as “LC” throughout this subdivision.

It is further the purpose of the LC district to:

1. Create a core corridor area that establishes the traditional physical form of a neighborhood commercial corridor.
2. Create a unique walkable mixed-use district including residential, retail, entertainment, office, and other compatible uses.
3. Promote the orderly development, redevelopment, and continued maintenance of Portage's Lake Center business district.
4. Encourage shared parking areas throughout the corridor rather than requiring each individual property owner to provide physical parking space on their property.
5. Create quantitative and qualitative building design guidelines that ensure new development is compatible with the recommended building quality standards in this section.
6. Ensure buildings create a solid street wall that helps to define streets as public spaces.
7. Ensure that permitted uses complement each other in terms of character and location, and to ensure that uses in the LC district do not have an adverse impact on the overall economic and social vitality of the corridor area, street capacity, public utilities or services, or the overall image and function of the district.
8. Lessen automobile-oriented development to achieve a more walkable, character of the corridor area.
9. Encourage harmonious residential infill and adaptive reuse of noteworthy buildings to provide a mix of housing types, unit sizes, and compatible uses within walking distance of Portage's Lake Center area.
10. Encourage a variety of housing options in the corridor area.
11. Create a new zoning district to guide development that achieves the purpose of this district.



#### Sec. 42-4xx. Instructions.

1. **Application of requirements.** The provisions of this article are activated by "shall" or "must" when required, "should" or "encouraged" when recommended, and "may" when optional.
2. **Applicability to sub-areas.** The regulations herein shall apply to both the corridor core, and the corridor edge, and the corridor business sub-areas of the LC district unless specifically noted otherwise herein.
3. **Conflict.** Wherever there is, or appears to be, a conflict between the regulations of this article and other sections of this chapter (as applied to a particular development), the requirements specifically set forth in this article shall prevail. For development standards not addressed in this article, the other applicable sections of this chapter shall be used as the requirement.

#### Sec. 42-4xx. Lake Center (LC) district sub-areas.

The Lake Center (LC) district is comprised of three subareas: Core, Edge, and Business as shown on the City of Portage Zoning Map. The Core is the smallest subarea, is located in the 'isthmus' between Austin and West Lakes, and consists of the most specific site and building standards as being the center of the Portage Road corridor. The Edge is the northern subarea, establishes the north point of entry into the corridor, is the largest subarea, and generally allows larger buildings. Lastly, the Business subarea is the southern subarea, is mostly commercial/ industrial in nature, and has three separated areas. Although, each subarea consists of unique site and building standards, they collectively help achieve the purpose of the LC district.

#### Sec. 42-4xx. Approval process.

1. **Site plan approval.** Site plan approval shall be required in accordance with the requirements of Article x, Division x Subdivision x of this chapter, and shall follow the procedures established therein and submit elevation designs of the building with material list/samples and exterior color template (architectural renderings may also be needed).
2. **Special land use approval.** Any development that contains a use requiring special land use approval shall be reviewed following the procedures and review criteria of Article X, Division X Subdivision X.

#### Sec. 42-4xx. Existing development in the LC district.

1. **Expansions of developed sites.**
  - a. Whenever a building expansion of greater than 50% of the floor area is proposed, the improved area shall comply with the requirements of this section. However, any new building area or site improvements should result in the site being more compliant, and shall not result in the site being less compliant with the requirement of this Subdivision.
  - b. More than 50 percent of existing condition: Whenever a building or site improvement expansion of greater than 50 percent of the existing condition is proposed, measured by square footage, or other relevant measure, the improved area shall comply with the requirements of this article.
  - c. Expansions measured cumulatively: For the purposes of determining compliance with this section, expansions shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this chapter.
2. **Redevelopment.** Redevelopment of existing buildings shall comply with the following requirements, in addition to the requirements of subsection xx-xxx(x), above.
  - a. Whenever 50 percent or less of the existing building will be demolished or replaced, measured by square footage, the development activity need not comply with the requirements of this article. However, any site layout or building design changes that may occur as a result of the development activity should result in the site being more compliant with the requirements of this article.
  - b. Whenever more than 50 percent of an existing building will be demolished or replaced, measured by square footage, the development activity shall comply with all of the requirements of this article.
  - c. Renovated areas measured cumulatively: For the purposes of determining compliance with this



section, renovations shall be measured cumulatively, with the baseline being the building area and improved site area that existed at the date of adoption of this chapter. For acts of god Section 42-133, D. 2. shall apply.

3. **Change in Use.** Change in use of the existing building and/or site shall comply with the following requirement, in addition to the requirements of the sections listed within this Article.
  - a. For the purpose of determining compliance with this section, a change in use that is **more** intensive than the previous lawful existing use shall render the need to conform to this Article.

**Sec. 42-4xx. Waiver of requirements.**

1. **Purpose and limitations.** The Planning Commission may grant a waiver from certain dimensional requirements contained in this article. Regulations that may be altered through the waiver process are described in the various sections of this article, along with the specific parameters by which the regulation may be altered.
  - a. Waivers are separate and distinct from dimensional variances in that they are limited in their bounds and are intended to permit reasonable use of property where the strict application of the requirements of this article would not further the public purpose, and a relaxed or altered dimensional standard will still meet the intent and purpose of the LC district.
  - b. Whenever a regulation may be altered through the waiver process, specific bounds are listed within which the waiver must be maintained. If an alteration to a dimensional requirement is requested that is greater than that listed in this article, the applicant must obtain a variance following the procedures and review standards **Sec. xxx.**
2. **Application and review procedures.** The applicant shall clearly identify all requested waivers on the application and site plan. The reviewing authority shall evaluate the requested waivers and approve, approve with conditions, or deny the waiver request. In evaluating a waiver request, the reviewing authority shall take into account the following considerations:
  - a. Approval of the waiver will not result in development that is incompatible with, or will negatively impact, existing or potential future development in the vicinity of the property to be developed.
  - b. The requested waiver is consistent with the intent and purpose of this article.
  - c. The waiver will result in a superior development when compared with what could be achieved through the strict application of the requirements of this article.
  - d. A lesser waiver will not accomplish the same purpose as the requested waiver.
  - e. The waiver will not negatively impact the potential of adjacent parcels to develop according to the requirements of this article.



**Sec. 42-4xx. Permitted use table.**

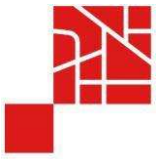
The following uses are or may be permitted in the LC district. For uses that are similar to those uses listed below as permitted, but are not expressly identified, the Director of Community Development (or their designee) may permit such use.

Key:	Principal Permitted Use: P	Special Land Use: S	[—] Use Not Permitted
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USE	SUB AREA			DESIGN STANDARD
	CORE	EDGE	BUSINESS	
<b>RESIDENTIAL USES:</b>				
Multi-Family Residential	—	P	S	section xxxx
Assisted Living Facility	—	S	P	section xxxx
Attached Single-Family Dwelling Unit	—	P	S	section xxxx
Bed and Breakfast	—	—	S	section xxxx
Housing for the Elderly (55 years or older and independent)	—	S	P	section xxxx
Nursing/Convalescent Home	—	S	P	section xxxx
Upper Story Dwelling Unit / Mixed Used Building	P	P	P	section xxxx



COMMUNITY AND INSTITUTIONAL USES:				
	CORE	EDGE	BUSINESS	
Municipal and Government Buildings and Uses	P	P	P	
Private Clubs and Lodge Halls	—	S	S	
Public Parks and Recreation Facilities	P	P	P	
Religious Institutions	S	—	P	section xxxx Not permitted on the ground floor in the Core area
COMMERCIAL, OFFICE AND RETAIL USES:				
Bakeries, Coffee shops, ice cream parlors and other similar establishments	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Bank/Credit Union	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Banquet Hall/Conference Center	—	S	S	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Commercial Recreation - indoor	—	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Day Care Centers	—	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Drive-in or Drive-through facility such as banks, pharmacies	—	P	—	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Gallery (art, photography, etc.)	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Hotel	—	S	S	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Micro-Brewery/ Brewpub / Winery/ Distillery	P	P	P	Single Story Commercial see section xxxx



	CORE	EDGE	BUSINESS	
				Multi Story Mixed Use see section xxxx
Office, medical or professional (ground floor)	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Office medical or professional (upper story or rear ground floor)	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Personal Service Establishment	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Restaurant: carry out	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Restaurant: drive-in or drive-through	—	S	—	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Restaurant: sit down	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Restaurant having sidewalk café or outdoor patio	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Retail Sales <15,000 sq. ft. gross area	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
≥15,000 sq. ft. gross area	—	S	S	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Outdoor Retail	S	S	S	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Studio (dance, martial arts, music, etc.)	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Theatre, live performance	S	P	P	Single Story Commercial see section xxxx



	CORE	EDGE	BUSINESS	
				Multi Story Mixed Use see section xxxx
Trades Showroom	—	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
Veterinary Clinic	P	P	P	Single Story Commercial see section xxxx Multi Story Mixed Use see section xxxx
INDUSTRIAL, TRANSPORTATION AND UTILITY USES:				
Utility and Public Service Buildings	S	S	S	No outdoor storage permitted
Warehouse Light Manufacturing and Wholesale/Retail Outlets; Under 20,000 Sq. Ft.	—	—	S	No outdoor storage permitted. section xxxx
Wireless Communication Facilities	—	—	P	section xxxx



## **Section 42.xxxx Supplementary Design and Land Use Standards**

### **1. Veterinary clinics, subject to the following:**

- a. Buildings housing this use shall be freestanding and not connected to any other building containing any other use.
- b. The part of the lot shall not abut a residential district or use lot line.
- c. No boarding of animals for reasons other than medical procedures or recovery shall be permitted.
- d. No services shall be provided to large animals, such as horses, cows, and other similar size animals.
- e. No cremations or crematory facilities shall be operated on the premises.

### **2. Microbrewers, Brewpubs, Wineries, and Distilleries, subject to the following requirements,**

- a. Brewery production shall not exceed 18,000 barrels per year.
- b. No outdoor storage of any kind shall be permitted.
- c. The use shall also include a seating or tasting area having a minimum seating occupancy of 25 persons serving food for consumption on premises. These uses do not include those for the exclusive production and/or service of alcoholic beverages.
- d. An off-street loading space shall be required in the rear yard, as approved by the director.
- e. Temporary food vendors and food trucks are permitted, with City approval, within 150 feet of the property line provided parking requirements are met. Vehicles shall not be parked in one place for a period of more than 24-hours.

### **3. Religious institutions.**

- a. The main building of a religious institution, not including the height exceptions of section 42-123.C may exceed the maximum height allowed in this district, provided that the front, side and rear yard setbacks are increased above the minimum required setback by one foot for each one foot of building height over the maximum height allowed.
- b. The site shall be located to have at least one property line abutting a major thoroughfare, as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly onto such major thoroughfare or a marginal access service drive thereof.
- c. Existing religious institutions and religious institution lands purchased before December 14, 1965, and not meeting the requirements of this subsection shall not be prevented from constructing and/or expanding their facilities and, for the purposes of this article, shall be considered a conforming use or building.

### **4. Utility and public service buildings.** without storage yards, when operating requirements necessitate the locating of the building within the district in order to serve the immediate vicinity.

### **5. Day care centers, not including dormitories.**

- a. A minimum of 150 square feet of outdoor play area for each child cared for shall be provided and maintained, except in no case shall the play area shall have less than 5,000 square feet. The play area shall be screened from any adjoining residential district lot.
- b. Lots containing these uses must be located adjacent to an R-1T, RM-1, RM-2 district or OS-1, OTR, LC, B-1, B-2, B-3, or CPD district and not located in the interior part of any one-family residential district.

### **6. Private Clubs and Lodge Halls.**

- a. The proposed site shall have one property line abutting a major thoroughfare as designated on the major thoroughfare plan, and the site shall be so planned as to provide ingress and egress directly onto or from such major thoroughfare. The planning commission may allow access from any other public street provided that a majority of the members live within one mile of the facility.



- b. Front, side and rear setbacks shall be at least 80 feet, except on those sides adjacent to nonresidential districts, and shall be landscaped in trees, shrubs, grass and terrace areas. Sufficient off-street parking shall be provided to accommodate not less than one-half of the member families and/or individuals. Bylaws of the organization shall be provided with the application for the special land use to compute off-street parking requirements.
- c. When the planning commission finds that travel to the facility would be safe and convenient, the requirement for frontage on a major thoroughfare may be waived and the off-street parking requirements reduced to a number the commission deemed sufficient.

**7. Bed and breakfast establishments.**

- a. Bed and breakfast establishments shall be located in a one-family residence existing at the date of the adoption of this article.
- b. The property on which the use is located shall be at least 500 feet from the property line of any other bed and breakfast establishment.
- c. The site shall be so located as to have one property line abutting a major or collector thoroughfare as designated on the major thoroughfare plan. All ingress to and egress from the site shall be directly on to such major thoroughfare or marginal access service drive thereof. The planning commission may allow access from a local street when it finds that no adverse effects on the surrounding area would result.
- d. No exterior alterations to the main building are permitted for additional sleeping accommodations and all accommodations must be within the main building.
- e. There shall be no more than one kitchen or other similar area in the main building and all cooking appliances must be located in the allowable cooking area.
- f. All food shall be served on the premises and be for the consumption of the innkeeper and guests only.
- g. The bed and breakfast establishment must be the innkeeper's principal residence.
- h. The maximum stay of any guest is 14 days on any single occasion. A guest register is required to be maintained showing the arrival and departure dates of guests and must be made available for inspection by the director or his representative.
- i. One wall sign and one freestanding sign are permitted. No sign shall be illuminated or animated, or exceed 16 square feet in area. The freestanding sign shall be no more than ten feet in height and placed at least ten feet from any property line.

**8. Warehouses, Wholesale/Retail Outlets under 20,000 Sq. Ft.**

- a. Due to the nature of their operations, the size of their buildings, or some other peculiarity, warehouses and wholesale/retail outlets are equally or better suited to be located in an I-1 district with access to a major thoroughfare. Planning Commission shall find that the thoroughfare is sufficient for the amount of traffic volume generated by the wholesale retail outlet and not disturb other developments in the district.

**Sec. 42-4xx. Dimension and Design Standards.**

The following dimensional and design standards regulate the physical characteristics of development in the LC district. The standards are broken into sections addressing a specific development characteristic: Blocks and streets, lot requirements, and building requirements.

**Sec. 42-4xx. Purpose of Dimension and Design Standards.**

The purpose of the development design standards in this article is to establish design standards applicable to new commercial and office development located inside the Lake Center district to improve and enhance the visual and functional impact of new development in the City of Portage, and therefore, to enhance the public health, safety, and welfare. The intent of these regulations is to provide specific design guidelines that achieve the following:

1. Encourage development and redevelopment that protects and enhances the traditional small-town character, fits within the traditional urban form and creates a character that reinforces a sense of community identity.
2. Encourage a form of development that will achieve the physical qualities necessary to maintain and



enhance the economic vitality of the various business districts, maintain the desired character of the city, prevent the creation of blight and protect property values.

3. Promote the preservation and renovation of structures, and ensure new buildings are compatible with, and enhance the character of, the City's cultural, social, economic, and architectural heritage.
4. Establish an integrated pedestrian system to encourage a walkable pedestrian environment.
5. Encourage quality development to provide employment and diversify the tax base.
6. Ensure that new development services the anticipated increased population and is designed to complement the community character.
7. Encourage new development of existing areas.
8. Implement recommendations of the City of Portage's current and future plans. For example, city's master plan, parks and recreation plan, et al.

#### **Section 42.xxx Site Layout**

1. **Physical features and site relationships.** All development in the LC district shall minimize its impact on the natural environment and adjacent properties. Site design should preserve and incorporate any natural features unique to the site. Specifically.
  - a. Topography and grading. Site improvements should be designed to minimize changes to existing topography. Topography and existing vegetation should be utilized for screening, buffering, and transition of uses and developments. Grading should be blended with the contours of adjacent properties.
  - b. Existing site features. The design should retain and incorporate existing natural site amenities such as, creeks, wetlands, views, trees, natural ground forms, and similar features into the overall site design.
  - c. Building orientation. The design should be sensitive to the existing terrain, existing buildings in the surrounding area in terms of size, design, and orientation of buildings. Outdoor spaces should be sensitive to views, climate, and the nature of outdoor activities that could occur in association with the project.
  - d. Building design. The design of buildings should neither impair nor interfere with the development or enjoyment of other properties in the area. Through site planning and design, projects proposed near dissimilar land uses should carefully address potential negative impacts on existing uses. These impacts may include, but are not limited to, traffic, parking, circulation and safety issues, light and glare, noise, odors, dust control, and security concerns.
  - e. Distance between buildings. In a development in which there is more than one building, the distance between buildings should be limited. Covered walks, arcades, landscaping and/or special paving should be provided to connect buildings with each other and with the street. A variety in building size and massing should be encouraged provided that architectural and spatial consistency can be maintained through the use of proportion, height, materials and design.
2. **Streetscape and pedestrian orientation.** Developments shall create a walkable, pedestrian scale. Site and building design shall address pedestrian needs and include creative approaches to improving pedestrian interest, access, and enjoyment.
  - a. Spatial gaps and interruptions caused by parking or other non-pedestrian elements, such as building gaps, driveways, and service entries shall be avoided. Continuous pedestrian activity is strongly encouraged.
  - b. Pedestrian spaces, such as covered walkways, courtyards, and plazas are encouraged to be provided and are accessible and visible from the street. The design shall encourage the development of open and attractive passageways between buildings and adjoining developments.
  - c. Solid, blank walls and other "dead" or dull spaces at street level are to be avoided. Visually interesting building facades should be maintained and/or established to engage pedestrian interest. Outdoor seating and dining areas are encouraged.



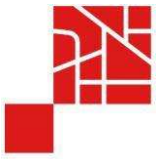
- d. Decorative outdoor lighting and sidewalk design shall be consistent and uniform.
  - e. Intersections, crosswalks, and main building entries should be emphasized by a change in sidewalk color, texture, or material. The use of paint striping to accentuate these areas is discouraged.
  - f. Rear façades of both new and existing buildings must be designed to permit public access from parking lots whenever appropriate.
  - g. Vehicular cross-access between properties shall be provided to minimize the number of curbs cut openings onto public streets. Generally, vehicular access shall be limited, with no more than one access per street frontage.
3. **Pedestrian and vehicular circulation.** Developments shall be conveniently accessible to both pedestrians and automobiles. On-site circulation patterns shall be designed to adequately accommodate all types of traffic. Potential negative impacts of pedestrian and vehicular circulation on adjacent property must be minimized and mitigated.
- a. Pedestrian circulation patterns shall be safe, clearly defined, and direct. Unintentional pedestrian routes, which provide unsafe "shortcuts" and tend to damage landscape areas, shall be discouraged by providing appropriately located pedestrian routes along with pedestrian friendly barriers such as decorative fencing, feature walls, or landscaping to protect appropriate pedestrian routes.
  - b. Pedestrian access routes shall be buffered from the street, vehicular traffic, and parking areas through the use of greenspace and landscaping where possible. Pedestrian amenities such as benches, pergolas, gazebos, and water features along pedestrian access routes are strongly encouraged.
  - c. Pedestrian access to building entrances from public sidewalks and parking areas shall be provided. The pedestrian access routes shall be designed to separate pedestrian and vehicular traffic, and shall not detract from the design of the building and adjacent properties. Pedestrian circulations shall take precedence over vehicular circulation.
  - d. Pedestrian linkages between adjacent uses shall be provided and emphasized. Distinct pedestrian access routes leading to primary buildings or structures from parking areas in large commercial developments, such as shopping centers or multi-use developments are encouraged.
  - e. Bicycle parking shall be located in highly visible areas and be designed to permit users to lock bicycles to the parking rack. An internal bike circulation system is encouraged for large developments and shopping centers.
  - f. Developments should consolidate access driveways to lessen walking distances between buildings and conflicts with vehicles. Alleys should also be used to achieve this.



**Sec. 42-4xx. Building scale and relationships.**

The following building design standards are applicable to all buildings. Refer also to **section xx-xxx** for design standards applicable to large-format retail buildings:

1. **Scale.** Building and site design shall be compatible with the architecture, mixture of uses, and compact layout of a traditional small town.
  - a. **Scale.** Buildings should be designed with a walkable village setting. When building transitions are deemed necessary and architecturally appropriate, such transitions shall be well articulated and defined.
  - b. **Human scale design.** All building designs should be based on a human scale instead of incorporating overly large or exaggerated design elements oriented towards high-speed vehicular traffic. Wall insets, offsets, balconies, entries, and window projections are examples of building elements that shall be used.
  - c. **Mass and proportion.** The mass and proportion of structures should be similar to structures on adjacent lots and on the opposite side of the street as long as those buildings comply with design standards identified in this ordinance. Larger buildings may be broken up with varying building lines and rooflines to provide a series of smaller scale sections, which are individually similar in mass and proportion to surrounding structures.
  - d. **Residential density.** Residential density in the LC district shall be determined by building height, setbacks and parking requirements. There is no minimum dwelling unit size provided units are consistent with Michigan Building Code.
2. **Relationships to neighboring development.** The site design and building features of the proposed development shall be consistent with the design standards set forth in **Section xx-xxx**
  - a. **Compatibility with the area.** Architectural design shall be compatible with the developing character of the area. Design compatibility shall include complementary building style, form, size, color and materials.
  - b. **Compatibility within the site.** Multiple buildings on the same site shall be designed to create a cohesive visual relationship between the buildings.
  - c. **Public spaces.** Buildings shall be located to provide functional outdoor and public spaces that enhance the use of the building and the neighboring buildings or properties.



**Sec. 42-4xx. Lot requirements.**

The following requirements apply to the development of lots in the LC district. For the purposes of determining compliance with these regulations, lots that are assembled under one ownership may be considered a single lot.

- 1. Lot width and area.** The minimum lot width in the LC district is 50 feet, and the minimum lot area is 5,000 square feet.
- 2. Setbacks.** Buildings in the LC district shall comply with the following minimum and maximum setback requirements. When there is a minimum and a maximum requirement for a setback, the building must be located in the build-to area that is created by the minimum and maximum setback requirement.

SETBACK	CORE AREA		EDGE AREA		BUSINESS AREA	
	MIN.	MAX.	MIN.	MAX.	MIN.	MAX.
Primary Front Yard- <b>A</b>	0 ft.	5 ft.	5 ft.	10 ft.	5 ft.	10 ft.
Secondary Front Yard- <b>B</b>	0 ft.	10 ft.	5 ft.	15 ft.	5 ft.	15 ft.
Side Yard- <b>C</b>						
adjacent to LC zoning district	0 ft.	—	0 ft.	—	0 ft.	—
adjacent to any non-LC zoning district	5 ft.	—	10 ft.	—	10 ft.	—
Rear Yard- <b>D</b>						
adjacent to LC zoning district	5 ft.	—	5 ft.	—	5 ft.	—
adjacent to any non-LC zoning district	10 ft.	—	10 ft.	—	10 ft.	—



- a. Primary vs. secondary front yards. When a lot is located on a corner lot, the primary front yard setback shall be measured from the right-of-way line of the street having higher pedestrian importance or intensity (e.g. traffic volume, number of lanes, etc.). Any lot line that borders on a street shall be considered a front yard.
  - i. The applicant shall identify primary and secondary front yards on any site plan for approval by the reviewing authority. In reviewing an applicant's designation of primary and secondary front yards, the reviewing authority shall consider the following:
    1. Every lot shall have at least one primary front yard.
    2. A lot may have more than one primary or secondary front yard.
    3. Yards along Portage Road shall always be designated a primary front yard whenever a lot has sufficient developable frontage on Portage Road.
    4. The yard facing a minor street may be considered a primary or a secondary front yard.
  - b. Waiver. The maximum setback requirements may be increased by up to 50 percent following the waiver procedures in **section xxxx**.
- 3. **Required Building Frontage.** In order to maintain a pedestrian scale environment, it is important that buildings maintain a minimum frontage within the front setback area. This prevents buildings from being spaced too far apart, which creates gaps in the street wall. Building frontage is defined as the width of the building in the build-to area divided by the lot width at the front property line. By way of example, a building that is 70 feet wide in the build-to area located on a lot that is 100 feet wide would have a building frontage of 70 percent ( $70/100 = 70\%$ ).

STREET TYPE	BUILDING FRONTAGE REQUIREMENT		
	CORE AREA	EDGE AREA	BUSINESS AREA
Portage Road	90%	70%	60%
Cross Streets	70%	60%	50%

- a. Waiver. The frontage requirements may be altered by the Planning Commission if the applicant can demonstrate that, in addition to the review considerations in **section xxxx it meets the following:**
  - i. The building is designed consistent with the intent of the frontage requirements; and that
  - ii. Reasonable development potential exists on adjacent lots or on the same lot in the future to fill in the street wall over time.

**Sec. 42-4xx. Building Frontage Design.**

Buildings in the LC district shall comply with the following requirements, in addition to any applicable requirements of **section xx-xxx**. The requirements of this section and **section xx-xxx**. are intended to be complimentary; however, in any instance where there is an apparent conflict, the provisions of this section shall prevail.

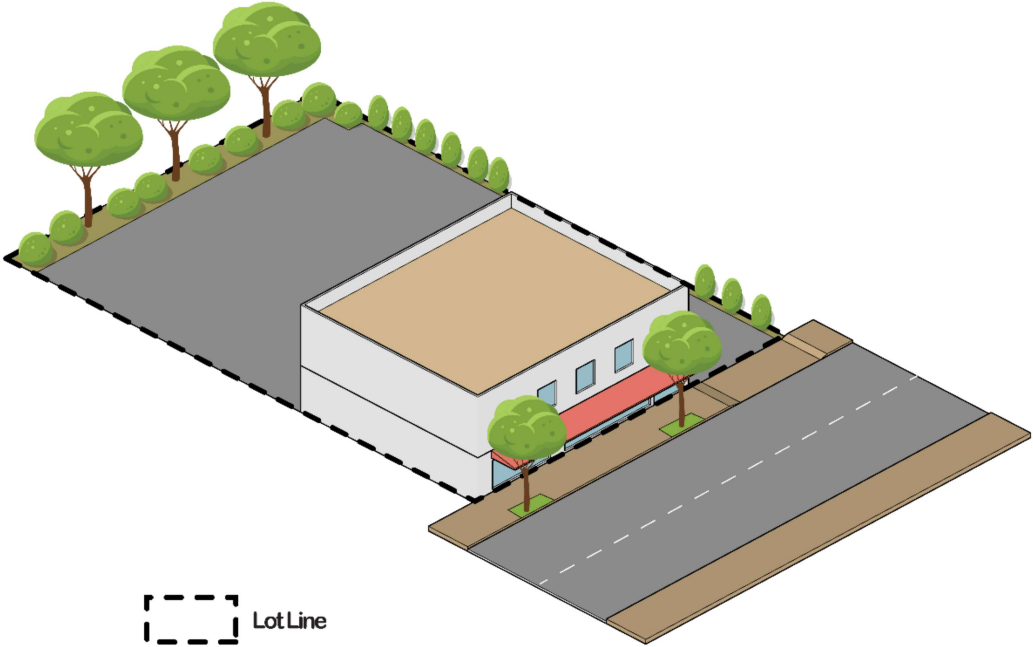


1. **Private frontage.** The private frontage is the area between the right-of-way and the principal building façade and must contain architectural elements consistent with one of the following four Frontages Types. Each frontage is designed to be consistent with some or all of the uses permitted in the LC district.

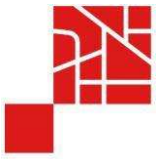
Note that the following table includes specific dimensional requirements for each of the frontages. Unless otherwise noted, the dimensional requirements are in addition to any other dimensional requirement of this article.

FRONTAGE TYPE	WHERE PERMITTED	DIMENSIONAL REQUIREMENTS
<p><b>Shopfront.</b> A frontage where the building facade is located close to the front lot line with the building entrance at sidewalk grade. This frontage type is suitable for nonresidential uses on the first floor.</p>	<p>Core area Edge area Business area</p>	<p>The build to line shall comply with minimum setback for the Core, Edge, and Business Areas.</p>

Shopfront Illustration:

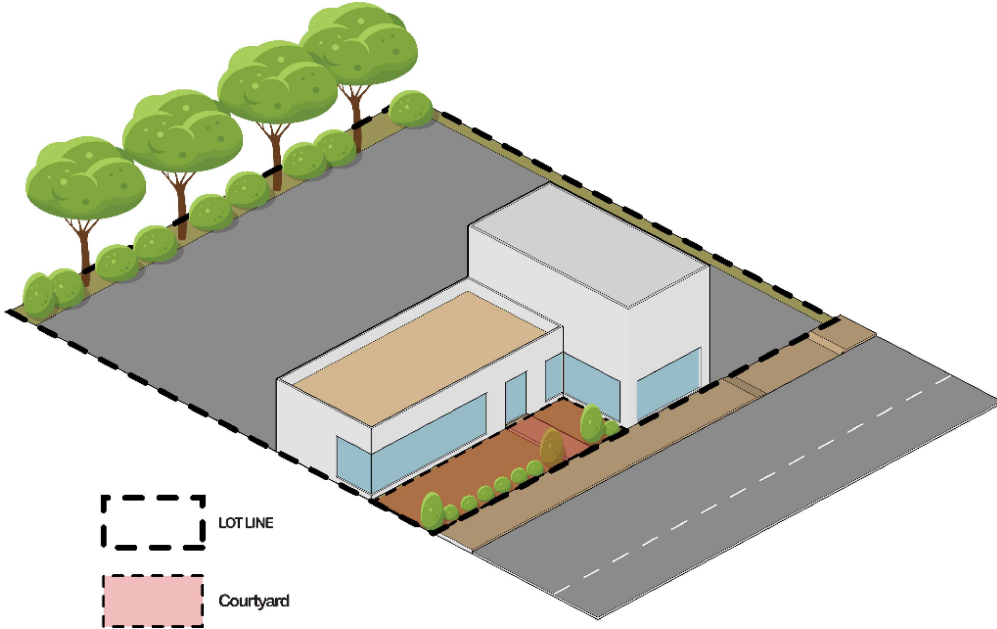


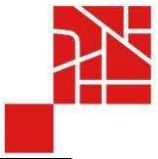
 LotLine



<p><b>Courtyard.</b> A frontage where a portion of the building facade is close to the front lot line with a portion set back. This frontage is suitable for any building use.</p>	<p>Core area Edge area Business area</p>	<p>The build to line shall comply with minimum setback for the Core, Edge, and Business Areas. The courtyard area shall be considered part of the front building facade for the purposes of determining compliance. Items within this private space may include lawn, hardscape, landscaping, outdoor dining and furniture, and others approved by the Director.</p>
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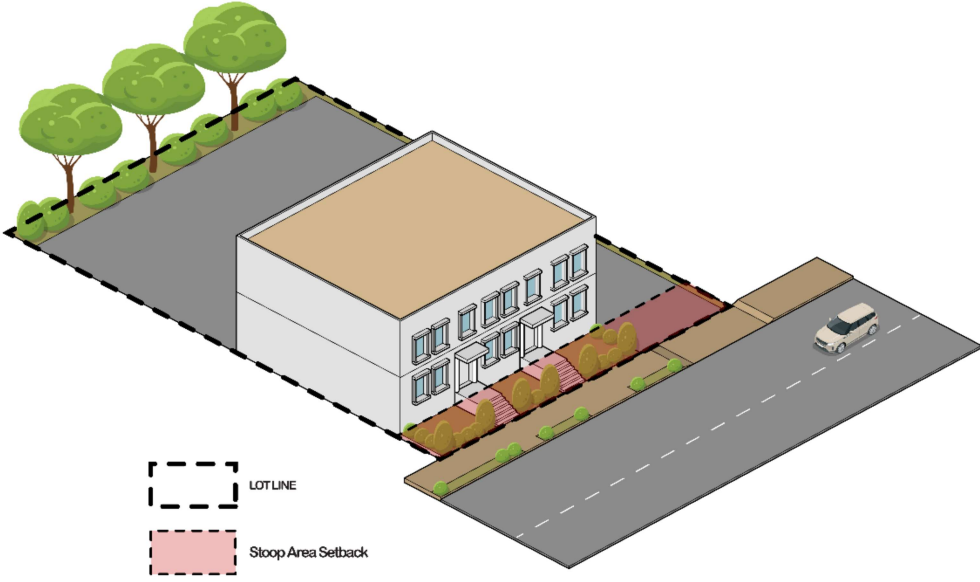
Courtyard Illustration:





<p><b>Stoop.</b> A frontage where the first floor is elevated from the sidewalk to provide privacy for first floor windows. The entrance is usually from an exterior stair and landing. This frontage is suitable for ground-floor residential use.</p>	<p>Edge area Business area</p>	<p>The build to line shall comply with minimum setback for the Edge, and Business Areas from the front lot line. The stoop or porch area shall be set back a minimum of 2 feet from the front lot line. Items within this private space may include lawn, landscaping and furniture, and others approved by the Director.</p>
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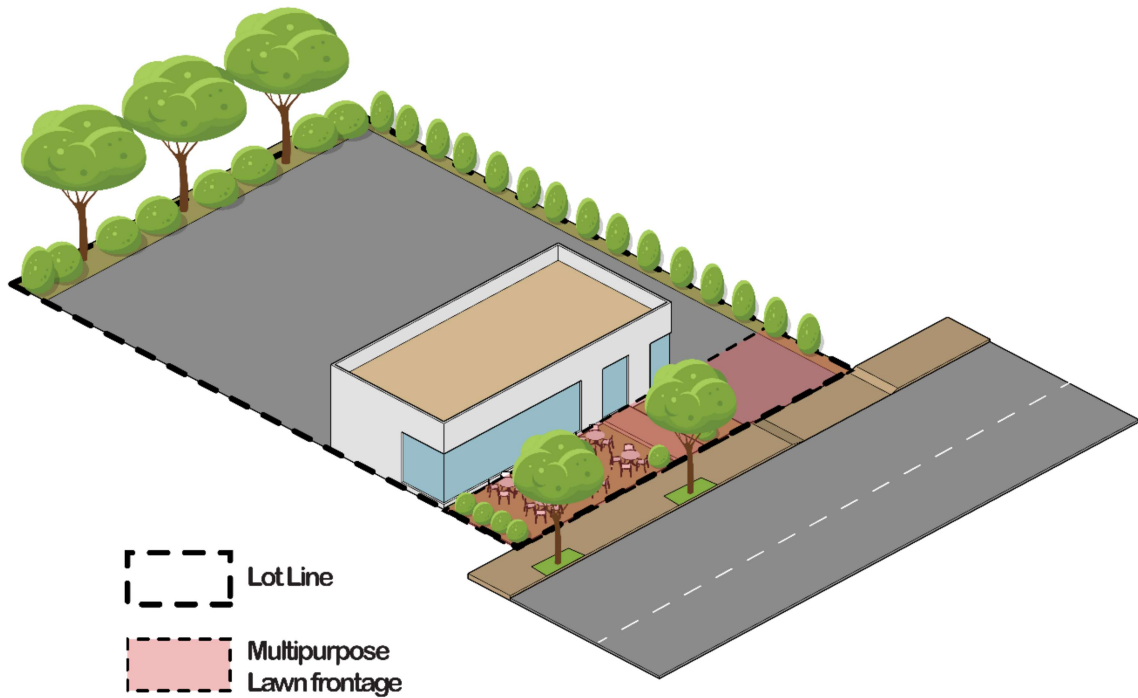
Stoop Illustration:





<p><b>Lawn.</b> A frontage where the building is set back from the street with a landscaped front yard area. This frontage is suitable for any building use.</p>	<p>Edge area Business area</p>	<p>The build to line shall comply with maximum setback for the Edge and Business Areas. Unenclosed front porches shall be set back a minimum of 5 feet from the front lot line. Items within this private space may include lawn, landscaping, outdoor dining and furniture, and others approved by the Director.</p>
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Lawn Illustration:





**Sec. 42-4xx. Building design.**

Building design shall complement the intended small-town character and architectural heritage of the community. The design shall consider the adaptive reuse of the building. Building design shall incorporate a clear and well-articulated design concept, and architectural detailing that creates a positive and visually consistent image shall be encouraged.

**1. Building height.**

	Edge	Core	Business
Maximum Height	50	30	40

a. . See subsection xxx for height exceptions.

**2. Base, middle, and cap.** All buildings shall incorporate a base, middle, and cap, as is applicable.

- a. Base. The base shall include an entryway with transparent windows and a horizontal molding or reveal placed between the first and second stories or over the second story.
- b. Middle. The middle shall include windows having a symmetrical, matching, or pattern design and may include balconies.
- c. Cap. The cap includes the area from the top floor to the roof of the building and shall include a cornice or roof overhang. Changes in roof height between facades or bays shall be required to include a terminating vertical break.



Figure 1 : A-Cap of the building. B-Middle includes the windows and balconies of this second floor units. C- The base encompasses the first floor and the street-front of this buildings with primary entrances to units above and or units on the first floor. E- Deep protruding cornice and molding. D- Horizontal molding to separate the base and the middle.

Figure 1: A regular 2 story building with a base, middle and a cap. The horizontal molding or reveal (1) can be considered as base with entrances located in between and the windows of the first floor sitting between the horizontal band and the “middle (2)” which visually separates the first floor and the second floor. The Cap (3) is the thick molding on the roof running along the perimeter of the building.

- 3. Alignment.** Windowsills, moldings, and cornices shall align with those of adjacent buildings. The bottom and top line defining the edge of the windows (the "windowsill alignment") shall not vary more than two feet from the alignment of surrounding buildings as long as the surrounding buildings comply with design



standards identified in his ordinance. If the adjoining buildings have windowsill alignments that vary by more than two feet from one another, the proposed building shall align with one of the adjoining buildings. This requirement may be waived per [section xx-xxx](#)

#### 4. Ground floor design.

- a. Building entrance(s). All buildings shall have their principal entrance or entrances open onto a street, sidewalk, or public space. The principal building entrance shall not open onto a parking lot, although a secondary or subordinate entrance may be provided to a parking lot.
- b. Entryway alignment.
  - i. Nonresidential Ground-floor Uses. First floor of building shall have the principal entrance grade align with the elevation of the adjacent sidewalk. Sunken terraces or stairways to a basement shall not constitute principal entrances for the purposes of this section. It is not the intent of this section to preclude the use of below or above grade entryways, provided that such entryways are not principal entrances. Main entrances to buildings shall incorporate features such as canopies, roof overhangs, recessed entranceways, or other similar features to provide protection from the elements. In addition, long blank walls along the sidewalk leading to the entrance should be avoided.
  - ii. Residential Ground-floor Uses. First-floor of building (including principal entrance) in the Edge and Business areas may be raised up to three feet above the grade of the adjacent sidewalk. This is intended to create greater privacy for first floor residential uses by elevating windows above the view of passing pedestrians.

#### 5. Encroachments.

The following building elements may encroach into a public right-of-way or setback area:

- a. Balconies. Balconies on upper stories may encroach up to eight feet into any required setback area and up to four feet into any right-of-way area.
  - b. Stoops. Unenclosed and uncovered front stoops may encroach up to five feet into a front yard setback area, provided that the stoop maintains a minimum setback of five feet from any right-of-way line.
  - c. Awnings.
    - i. Ground-story awnings may encroach up to six feet from the face of the building into the setback or right-of-way area, but may not interfere with street lighting or trees.
    - ii. Awnings shall have at least eight feet above grade of sidewalk from the bottom of the awning or any support structure, and no higher than 12 feet to the highest point of the canopy.
    - iii. Awnings shall be constructed out of fabric, and may not be internally illuminated. Metal or other materials may be used for awnings if a waiver is approved per [section xxxx](#).
  - d. Bay windows. Bay windows on the ground story may encroach up to three feet into any setback area, but shall not encroach into the right-of-way. On upper floors, they may encroach up to three feet into any setback or right-of-way.
  - e. Eaves. Roof eaves may encroach up to three feet into any setback or right-of-way area.
- #### 6. Service areas.
- All service areas, including utility access, above ground equipment and dumpsters shall be located in the rear or non-required side yards. They shall be screened from view of any public right-of-way with a solid wall, fence or live landscape material of at least six feet high per [section 42-574](#).

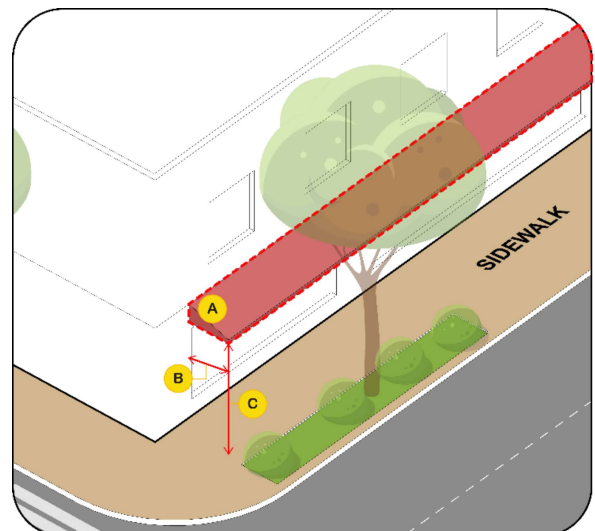


Figure 2. A. Awning projection to be reduced to accommodate streetlights and street trees., 12 Ft. B. Maximum Encroachment 8 Ft. C. Minimum clear Height, 8 FT.

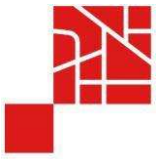


- 7. Mechanical and utility equipment.** Mechanical equipment, electrical and gas meter and service components, and similar utility devices (whether ground level, wall mounted, or roof mounted) shall be screened from view of any public right-of-way or adjacent residential district or use by a wall, fence, or live landscape material and not face primary street. Exterior screening materials shall be the same as the predominant exterior materials of the principal building.
- 8. Front façade design.** All building façade that are visible from a public street or public space such as a plaza or square shall conform to the following design criteria:
- a. Blank walls are prohibited on the front façade.
  - b. Encourage architectural features, details and ornaments such as archways, colonnades, cornices, contrasting bases, contrasting masonry courses, water tables, molding pilasters, columns, and corbelling, contrasting bands of color, stone or accent features.
  - c. Windows. Large window openings shall be provided at ground level with transparent, nonreflective, minimally tinted glass. Window shapes should be rectangular, square or Palladian (mostly rectangular with a semi-circular top). Circular, octagonal, or diamond shaped windows may be allowed as accent features or when part of a specific architectural style. Windows above the ground floor should have a height to width ratio of at least 2:1, or have a ratio that complements the architectural style.
  - d. Ground floor facade transparency.
    - i. All buildings with first floor nonresidential uses shall maintain transparency for at least 70 percent of the first-floor facade area between two and eight feet above grade level. Doors and windows may be included.
    - ii. All windows shall use transparent, non-reflective glass.
    - iii. Areas of solid wall shall not exceed a length of 20 feet.
  - e. Recessed entrances encouraged. Doors are encouraged to be recessed into the face of the building to create a sense of entry and to add variety to the streetscape.
- 9. Rear or side wall design.** All sides of a building shall be similar in detail and material to present a cohesive appearance to the front façade.
- 10. Building materials.** The selection of materials shall enhance the architectural ambiance of the area and shall reinforce the permanency of the structure and the development as set forth herein.

a. Materials visible from the street. Permitted Primary Materials (≥ 60% of building façade)	CORE	EDGE / BUSINESS
Brick, cut stone, field stone, cast stone, manufactured stone, or burnished concrete masonry	•	•
Timber or dimensional wood	•	•
Fiber cement siding or panels	•	•
Engineered equivalent of any material listed above <sup>a</sup>	NP	•

<sup>a</sup> Engineered building materials should convincingly match the appearance of natural building materials.

Permitted Accent Materials	CORE	EDGE / BUSINESS
Clear or lightly tinted glass	•	•
Metal and metal paneling	•	•
Decorative masonry veneer	NP	•
Timber or dimensional wood	•	•
Polymer plastic (e.g., Fypon, Azek)	•	•
Stucco, not to exceed 10% of building façade	•	•
Pre-cast concrete	•	•
Split-face masonry (not to exceed 5% of total wall area)	•	•



Permitted Roofing Materials	CORE	EDGE / BUSINESS
Architectural shingles (e.g., cedar, asphalt, and fiberglass)	•	•
Standing metal seam	•	•
Natural or artificial slate	•	•
Copper	•	•
Clay tile	•	•
EPDM, rubber sheet, or other layered roofing system	•	•

1. **Prohibited Materials.** Prohibited materials include, but are not limited to: vinyl, Exterior Insulation and Finishing Systems (EIFS), painted or scored concrete masonry units (CMU), dark-tinted, reflective, or mirrored glass, and exposed neon, except as permitted with a waiver by the Planning Commission who shall determine consistency with the intent of Building Design standards.

**c. Material or color changes.** Material or color changes shall only occur at a change of plane. Material changes at the outside corners of buildings shall be integrated into the overall architectural design of the building as a corner treatment. Inconsistent adornment and frequent changes in material or color shall be avoided.

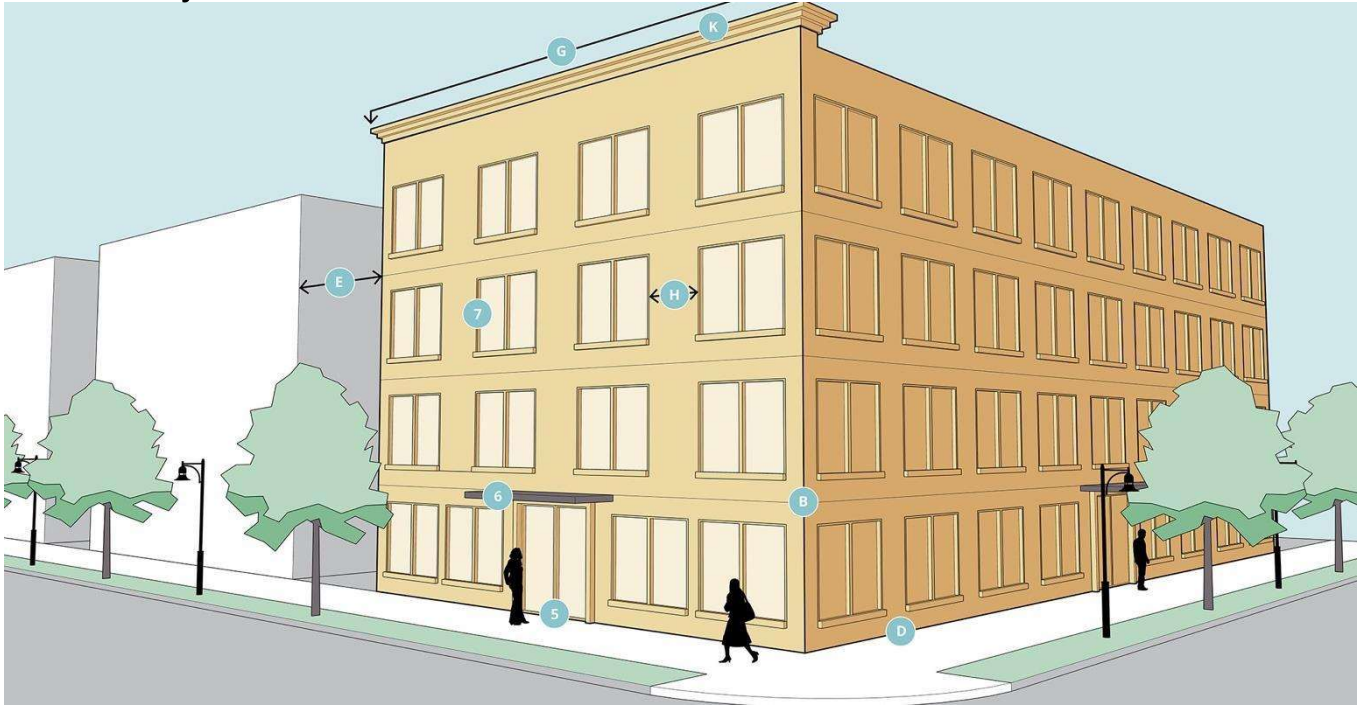
- i. **Building material colors.** The Community Development Director, or designee, shall review building colors as a part of site plan approval.
  1. For new construction, a color palette showing primary and accent colors of exterior finish materials shall be provided.
  2. For building additions or renovations, exterior finish materials and colors shall be consistent or compatible with existing finish materials/colors.
  3. As part of review, samples of building materials may be required.

- d. **Soffits and other architectural elements.** Soffits and other architectural elements visible to the public shall utilize materials compatible with other exterior materials on the building.
- e. **Accessory buildings.** Accessory buildings that are part of a new development shall incorporate the same materials and colors as are utilized in the primary structure. Accessory buildings that are connected to an existing site should incorporate a unifying element(s) with the existing principal building. The structure should meet the requirements listed in **Section 42-121**.
- f. **Stylized or prototype buildings.** Building design such that the building itself is an advertisement shall not be permitted. Building architecture shall not be of a design which intends to advertise a particular corporate or franchise style.



**Sec. 42-4xx. Design Standards for Specific Uses and Buildings**

**A: Multi-Family Residential.**



Building Form and Massing Standards						
Main Body		Min.	Max.	Massing and Composition	Min.	Maxi.
A	Minimum building height	2 stories	Varies	G	Bay Width	20' / 40'
B	Ground floor height	12'	15'	H	Blank wall length	-- / 20'
C	Upper floor height	10'	15'	I	Flat (low-slope) roof	Permitted
D	Finished floor elevation	0'	3'	J	Pitched roof	Permitted
E	Building separation	0' / 15'*		K	Terminating vertical break	Required
F	Pedestrian pass-through	Not Required		L	Roof pitch (rise: run)	4":12" / 12":12"

\*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.



### General Design Notes:

1. All exterior building walls are designed with attention to detail and quality of material especially when facing streets and public accesses. There are no blank or unarticulated façades.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
3. Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings have at least one entrance addressing each street frontage.
4. Primary building entrances at grade for accessibility.
5. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
6. Windows and doors shall be into the facade wall, to appear as if they were “punched” through the building façade.
7. All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
8. Ground floor may contain interior lobby, vestibule, and similar areas and, amenities, such as mail rooms, fitness centers, and community rooms. Ground floor apartments are allowed in the Edge and Business areas only.
9. In larger developments with more than one multifamily building, buildings shall be arranged and clustered to maximize opportunities for shared circulation and parking. The location and design of buildings and uses (including community amenities and open space) shall be designed for pedestrian access. Internal setbacks between all buildings shall be based on the provision of adequate light, ventilation, parking, and all other applicable building codes



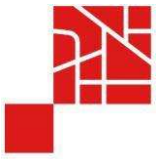
**B. Mixed-Use Building.**



Building Form and Massing Standards						
Main Body		Min.	Max.	Massing and Composition	Min.	Max.
A	Minimum building height	2 stories	Varies	G	Bay Width	16' / 40'
B	Ground floor height	12'	15'	H	Blank wall length	-- / 16'
C	Upper floor height	10'	15'	I	Flat (low-slope) roof	Required
D	Finished floor elevation	0'	3'	J	Pitched roof	Not Permitted
E	Building separation	0' / 15'*		K	Terminating vertical break	Required
F	Pedestrian pass-through	P (Min. 15')		L	Roof pitch (rise: run)	4":12" / 12":12"

\*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.

\*Maximum of two-stories in LC Core area.

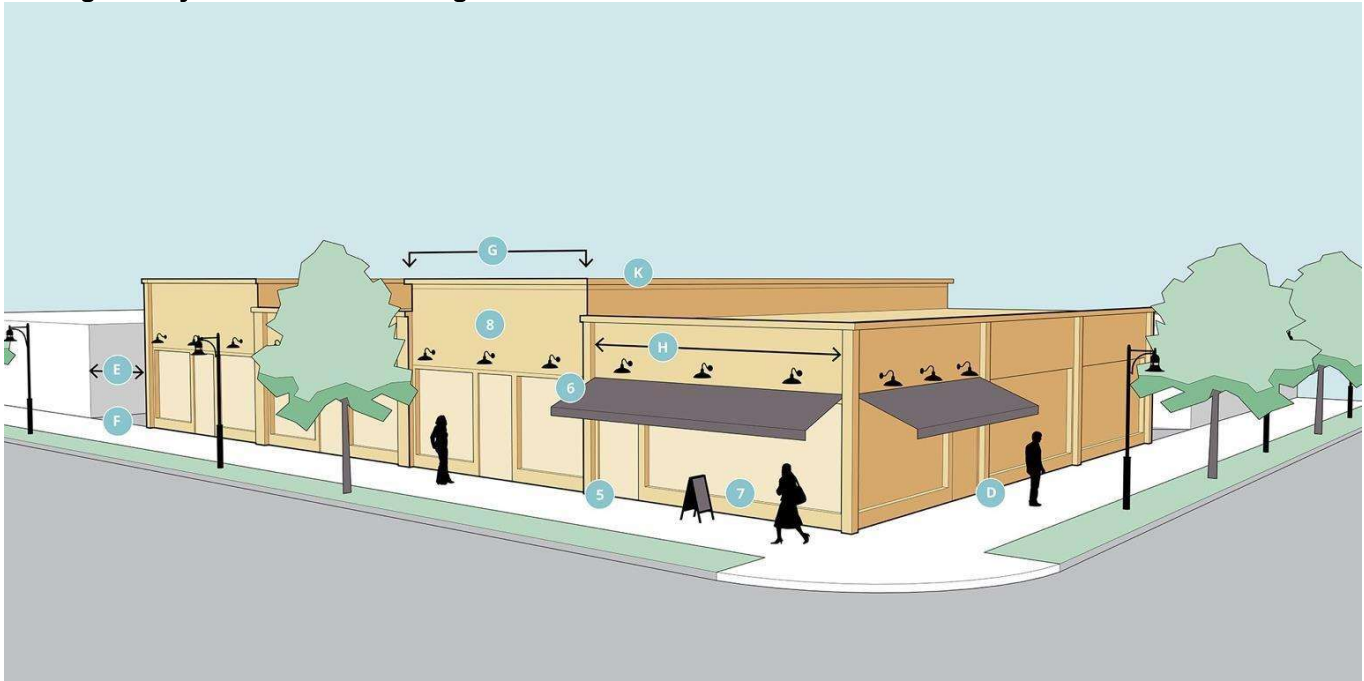


### General Design Notes:

1. All exterior building walls are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades, unless façade is not visible from public right-of-way, residential zoning district, or parking lot.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
3. Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot. Corner buildings should have at least one entrance addressing each street frontage.
4. Primary building entrances at grade for accessibility.
5. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
6. Entablatures, sign bands, cornices, or a similar horizontal expression line define the transition of ground floor storefronts and the second floor of all mixed-use buildings.
7. Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
8. Windows above the first floor are vertical in proportion, with a height to width ratio of at least 2:1, or have a ratio that complements the architectural.
9. (Core Only) Non-storefront windows shall have decorative sills and/or hoods. Full and segmented arches are allowed atop rectangular windows on upper stories.
10. All architectural features, including awnings, overhangs, roof projections, window accents, and similar are compatible with the style, materials, and colors of the building.
11. Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
12. Pedestrian pass-through connects the front of the building to rear parking or alleys.



### C. Single Story Commercial Building



#### Building Form and Massing Standards

Main Body	Min.	Max.	Massing and Composition	Min.	Max.
A Minimum building height	1 story	NA	G Bay Width	16'	40'
B Ground floor height	12'	24'	H Blank wall length	--	16'
C Upper floor height	NA	NA	I Flat (low-slope) roof	Permitted	
D Finished floor elevation	0'	3'	J Pitched roof	Permitted	
E Building separation	0' / 15**		K Terminating vertical break	Required	
F Pedestrian pass-through	1 per 200 feet (Min. 15')		L Roof pitch (rise: run)	4":12"	12":12"

\*0 feet where connected to adjacent building or 15 feet where separation between buildings is provided.



### **General Design Notes:**

1. All four facades are of equal importance. There are no blank or unarticulated façades unless façade is not visible from public right-of-way, residential district, or parking lot.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
3. Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a parking lot and must be ADA compliant. Corner buildings have at least one entrance addressing each streetfrontage.
4. Primary building entrances at grade for accessibility.
5. Building entrances clearly defined by recessing the entrance, or utilizing elements such as lintels, pediments, pilasters, columns, awnings, overhangs, or solar shades.
6. (Core Only) Building storefronts have open, plate-glass storefronts located above a plinth measuring 18 to 24 inches in height above grade.
7. Sign band and/or secondary cornice integral to the storefront located above plate-glass storefronts or transom windows.
8. Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Storefronts need not meet this standard.
9. All architectural features, including awnings, overhangs, roof projections, window accents, and the like are compatible with the style, materials, and colors of the building.
10. Buildings with multiple storefronts are unified in storefront design treatment, such as the design of windows and door openings, materials, and colors.
11. Pedestrian pass-through connects the front of the building to rear parking or alleys.
12. Drive-thrus, where permitted by the underlying district, shall be located to the side or rear of the building. Drive-thrus shall comply with all other requirements of this ordinance.
13. Canopies, such as over gasoline pumps or drive-thru structures, shall be designed to be consistent with permitted building materials and colors for the primary building type.



**D. Attached Single-Family.**



Building Form and Massing Standards							
Main Body		Min.	Max.	Massing and Composition			
A	Minimum building height	2 stories		G	Bay Width	16'	25'
B	Ground floor height	10'	14'	H	Blank wall length	--	15'
C	Upper floor height	10'	14'	I	Flat (low-slope) roof	Permitted	
D	Finished floor elevation	0'	3'	J	Pitched roof	Permitted	
E	Building separation	0 / 10*		K	Terminating vertical break	Required	
F	Pedestrian pass-through	P (15' min.)		L	Roof pitch (rise: run)	4":12"	12":12"

\*0 feet where connected to adjacent building or 10 feet where separation between buildings is provided.



### General Design Notes:

1. All four façades are of equal importance. All visible façades designed with attention to detail and quality of material. There are no blank or unarticulated façades.
2. Pattern of solids and voids generated by the vertical and horizontal alignment of similarly-sized windows and doors.
3. Distance between façade breaks, bay widths, and spacing of windows and doors consistent with scale and rhythm of adjacent buildings.
4. Windows and doors recessed into the facade wall, to appear as if they were “punched” through the building façade. Exceptions shall be approved by the Community Development Director, or designee, where integrated into architectural design.
5. Primary building entrances open onto a street, sidewalk, or public space. Secondary entrances may be provided from a garage or parking lot.
6. All architectural features, including decorative railings and posts, overhangs, roof projections, window accents, and the like, are compatible in style, materials, and colors to the primary building.
7. Each entrance to a unit shall consist of a porch, stoop, or similar and designed with railings, spindles, columns, etc. Entrances may be shared between units when stacked or horizontally attached.
8. Garages are permitted in only the rear of the ground floor of individual units. No garage or individual unit driveway shall front onto a public street, except alleys.
9. Shared parking lots may be located in a side or rear yard.

### Sec. 42-4xx. Signs.

All signs shall be architecturally integrated and complement their surroundings in terms of size, shape, color, texture, and lighting. Signs shall complement the overall design of the building and shall not be designed to be in visual competition with other signs in the area.

1. **Materials and Color.** Signs should incorporate the same building materials and color used in the primary structure and should be in scale and style with the architecture of the principal building. Lettering should be selected that is consistent with the building.
2. **Overall sign plan.** All development shall have a sign plan which anticipates future development. New building design shall provide logical sign areas, allowing flexibility for new and additional users. Design shall provide for convenient and attractive replacement of signs. Buildings with multiple tenants shall include all tenants in the sign plan.
3. **Neon Lettering and Outlines.** Neon, and similar outlines lights signs are prohibited, with the exception of open and closed signs that are included in a site plan approval.
4. For each zoning lot, there is permitted one freestanding accessory sign, up to 50 square feet in area per side, for lots 125 feet or less in width, to be increased at a ratio of one square foot per each 2½ feet of lot frontage in excess of the initial 125 feet, up to a lot 300 feet wide. A zoning lot having in excess of 320 feet of frontage may have one additional sign based upon the same ratio of one square foot of sign area for each 2½ feet of lot frontage over the initial 320 feet of frontage. The maximum size for any one sign is 120 square feet.
5. When multiple-use zoning lots are involved, for each additional use on the zoning lot beyond the initial use, 15 square feet of sign area is permitted, the total area of freestanding signs not to exceed 50 percent over the sign size originally permitted for the lot.
6. For a lot with frontages on more than one street, each frontage may be treated as a separate frontage for the purpose of establishing permitted freestanding sign area and number.
7. **Freestanding Signs.** For a corner lot, the distance between permitted freestanding signs shall be not less than 100 feet, as measured along the property lines, but in no case shall there be a distance of less than 70 feet between such signs. Each such sign shall be oriented to the street frontage it serves. If one freestanding sign is used, then the percentage of freestanding sign area permitted on one street frontage may be increased 100 percent to a maximum of 120 square feet in area per side, provided that such sign is located not more than 25 feet from both street frontages.
8. Where a zoning lot is permitted to have more than one freestanding accessory sign under this section, the distance between such freestanding signs shall not be less than 300 feet.



9. Signs may not exceed 15 feet in height.
10. Signs must be at least ten feet from any property line.
11. **Wall Signs:** For each use on a zoning lot, there are permitted wall signs, the combined area of which shall not exceed 15 percent of the total area of the wall to which the signs are attached. The total shall not exceed 100 square feet per street frontage. If no freestanding sign is used, the percentage of total wall area for wall signs may be increased by 33 percent per street frontage. Lots with dual frontages may not combine permissible signs for one frontage with another frontage for the purpose of placing a combined area of sign area on one frontage.
12. **Additional Area for Wall Signs:** In addition to the wall signage permitted in subsection 11 above, the permitted wall sign area may be increased if the criteria listed below is satisfied:
  - For buildings with wall frontage at the main building entrance that exceeds 99 lineal feet:

Wall (in lineal feet)	Additional Sign Area Permitted (in square feet)
100-199	25
200—299	50
300—399	75
400—499	100
Greater than 500	125

- For buildings with wall frontage at the main building entrance that exceeds 99 lineal feet and with a setback greater than 299 feet from a public or private street:

Building Setback (in feet)	Additional Sign Area(in square feet)
300—399	50
400—499	75
500—599	100
Greater than 600	125

13. **Canopy or Awning Signs.** Sign copy may comprise up to 35 percent of the total exterior surface of a canopy or awning. Canopies or awnings with back-lit graphics or other kinds of internal illumination are prohibited.

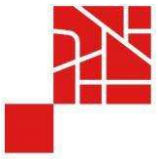
**Sec. 42-4xx. Screening (fences and walls).**

The impact of those elements of a site, which have an adverse effect on the subject site and surrounding sites, should be minimized.

1. The intent of this section is to protect neighboring residential and park properties from any adverse external effects and negative impacts of nonresidential development. A screen and buffer required by this section is intended to limit visual contact between uses and to create a strong impression of spatial separation.
2. Screening materials.
  - a. Screening materials shall consist of evergreen trees and shrubs, walls, fences and berms or a combination thereof and be opaque in all seasons of the year from the ground to a height of at least six feet.
  - b. Screening fences shall not be constructed of corrugated metal, corrugated fiberglass, sheet metal, chain link or wire mesh. If a long stretch of screening is required, options should be combined or alternated, or plant materials should be varied.
  - c. Other creative options, such as changes in elevation, existing vegetation, or plant materials within a buffer area, are encouraged, but the applicant must demonstrate that comparable or superior screening will be provided.
3. Except as provided in subsection 7, below, a zoning lot that contains a parking lot, office, commercial, industrial use or any combination thereof which abuts a public park facility or a residential district or use shall be separated by screening as specified in subsection 2, above, between it and all abutting areas of such park or residential district or use. In addition to the above screening, there shall be required a landscaped green strip of at least ten feet in width and one tree for each 30 feet or fraction thereof of land adjacent to the parking lot and use.



4. An industrial or research park development, or combination thereof abutting a public park facility or a residential district or use must have as separation screening an earth berm with a minimum height of eight feet. The berm shall meet the requirements of section 42-576.l in regards to slope and erosion control. The berm shall also be landscaped with at least one tree and five shrubs per 30 lineal feet.
5. Non-residential uses with a minimum zoning lot area of three acres abutting a public park or land principally used or zoned for residential purposes shall have a separation screening and earth berm with a minimum height of six feet. The berm shall meet the requirements of section 42-576(l) material standards in regards to slope and erosion control. The berm shall also be landscaped with at least one tree and five shrubs per 30 lineal feet.
6. **Existing screening.**
  - a. For the purposes of 2 3, and 4, above, the planning commission may approve screening consisting of existing vegetation, planted vegetation and topographic characteristics of the land or a combination thereof if it satisfies the intent and purpose of this subdivision concerning opaque screening.
  - b. The planning commission shall consider the characteristics of the land and vegetation present, the adequacy of the screening proposed, and other factors which impact upon adjoining residential and park uses.
  - c. The planning commission on approving the use of existing topographical characteristics of the land or existing and/or planted vegetation may condition such approval on the planting of new vegetation in the number, size and type to satisfy the intent and purpose of this section.
7. **Additional landscaping.**
  - a. The planning commission may increase the height of the separation screening and/or require additional landscaping as part of the site plan review under division 5, subdivision 2 if the minimum requirements of subsection 2 would not adequately protect existing or future abutting residential uses.
  - b. In deciding whether the requirements of subsection 2 protect abutting residential uses, the planning commission may consider factors which include, but are not limited to, the topography of the land, the type(s) of use(s) involved, the materials and vegetation to be utilized and the distance between structures and uses.



**Sec. 42-4xx. Street design.**

**1. Street design guidelines.**

- a. Travel. Two-way streets are encouraged in the LC district. One-way streets are not permitted, excepting alleys.
- b. Curb radius. The curb radius at the intersection of two streets should be the minimum necessary to permit vehicle circulation. A smaller curb radius shortens the distance that pedestrians must travel to cross the street, and leads to a safer pedestrian environment by reducing the speed at which cars can travel around corners. It is recommended that the curb radius not exceed 30 feet at the intersection of any two streets.
- c. Sidewalks at driveway crossings. When a sidewalk crosses a vehicle driveway, the driveway shall retain the elevation of the sidewalk. The appearance of the sidewalk shall be maintained across the driveway to indicate that the sidewalk is a part of the pedestrian zone and that pedestrians have the right-of-way.
- d. Pedestrian zone. The pedestrian zone is considered to be the area in between the curb and the edge of the right-of-way, frontage, or building facade, and includes area for sidewalks, landscape plantings, street furniture, public transit facility, and other pedestrian-scale uses and amenities. The treatment of the pedestrian zone determines the character of the street, and the quality of the public realm within the right-of-way. Streets are the most common public space in the city, and must be designed to be welcoming and accommodating for pedestrians as well as motorized traffic.

As shown in Figure 1 below, the pedestrian zone in the LC district should contain four distinct areas:

- 1) Edge area that allows car doors to open freely and accommodates parking meters, streetlights;
- 2) Furnishings area that accommodates amenities such as landscaping, planters, and sidewalk furniture;
- 3) Walkway area where pedestrians walk;
- 4) Frontage area adjacent to the building.

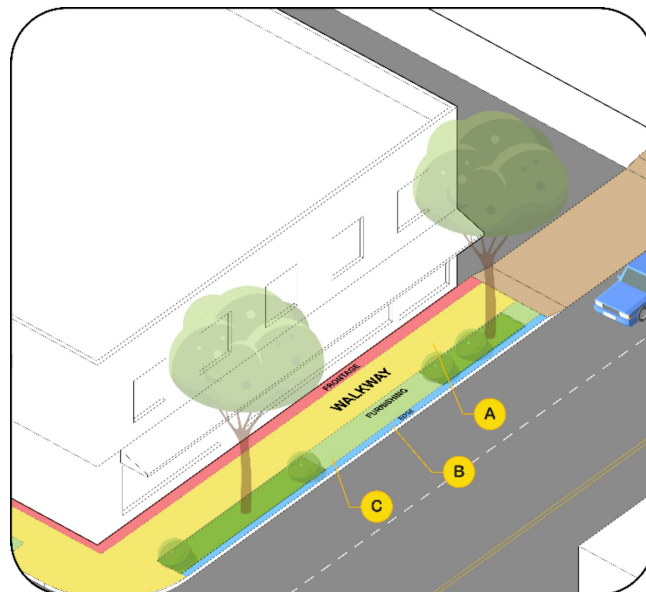
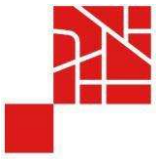


Figure 3. : A- min 5 -feet. B-min 1.5 feet. C- min 5 feet.



The following design requirements and recommendations are intended to create an inviting public space alongside city streets:

- i. Pedestrian zone width. The pedestrian zone should have a minimum width of 10 feet. A lesser width may be appropriate in constrained areas.
- ii. Edge/Curb area. The edge/curb area should have a minimum width of 1.5 feet, normally contained within the right-of-way, and should remain clear of obstructions to permit the doors of parked cars to open freely. Streetscape elements such as parking meters, streetlights, traffic control signs, and tree grates may be located in the edge area. The edge area may be paved, or if a tree lawn is combined, it may be combined with the furnishings area and landscaped.
- iii. Furnishings area. The furnishings area accommodates amenities such as street trees, planters, public transit facilities, and sidewalk furniture. The furnishings area can be paved (with street trees located in tree grates), or it may be landscaped with a street lawn. Outdoor eating areas, sidewalk cafes, or other similar uses associated with a use in a directly adjacent building may be located in the furnishings area. The furnishings area should have a minimum width of 5 feet.
- iv. Walkway area. The walkway area is the basic sidewalk area where pedestrians walk. The walkway area must maintain a 5-foot-wide clear path free of obstructions at all times to permit free pedestrian travel. No permanent structures or uses may be located in the walkway area.
- v. Frontage area. The frontage area is the portion of the pedestrian zone adjacent to the edge of the right-of-way. The frontage area is an optional area, and may be used for street furniture or other uses accessory to the use in the adjacent building. When a building is constructed at the lot line, the frontage area should have a minimum width of two feet to accommodate opening doors and window shopping; in the LC-Edge and LC-Business area, the frontage area can be in the required setback.
- vi. Access Management and Driveways. Driveway consolidation is required when feasible to share access between properties. Additionally, driveways providing access to parcels and parking lots are encouraged to be accessed from minor streets.

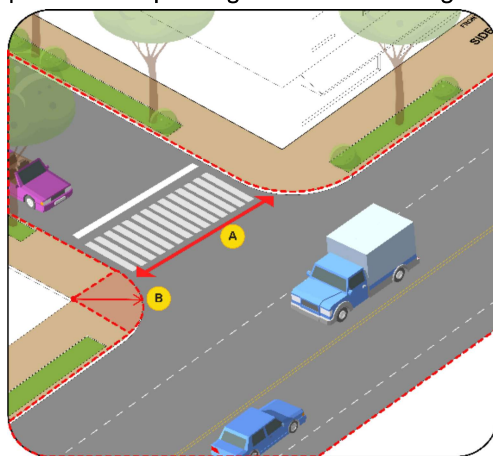


Figure 4. B-It is recommended that the radius be less than 30-feet. A- Least possible distance recommended for increased pedestrian safety.

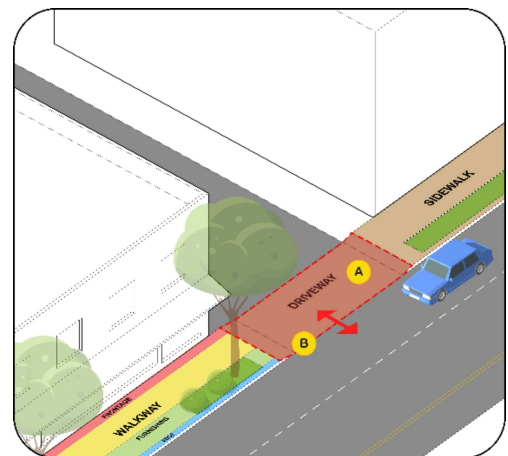


Figure 5. A-Shared driveway access between properties is encouraged. B-Driveways should emulate the material of sidewalk for continuity and should be at the same level as the travel lanes.

#### Sec. 42-4xx. Parking.

The following parking requirements are applicable in the LC, and replace any similar requirements set forth in Division 6, Subdivision 1, Off Street Parking:



- 1. **Minimum parking required.** All new development or expansions of existing sites shall provide off-street parking spaces for the use according to the following requirements. The parking spaces shall be provided within 500 feet of the building.
  - a. Residential uses. One parking spaces per residential dwelling unit.
  - b. Nonresidential uses. One parking space per 500 square feet of nonresidential building space.
  - c. Waiver. The minimum parking requirements may be waived by the reviewing authority per **section xxx.**
- 3. **Parking lot layout.** Off-street parking lot layout, maintenance, and construction shall comply with all of the requirements of **article xx.**

The planning commission may modify the dimensional requirements of **Division x, Subdivision x** based on evidence submitted by the applicant indicating that the modification will result in superior site design, will achieve the same purpose as if the parking lot were designed according to conventional standards, and will function in a safe and efficient manner.

- 4. **Parking lot access. Multiple** entrances to parking lots must be consolidated in the Core area of the LC district. Where feasible, shared cross access between parcels shall be provided.
  - a. Setback Portage Road: All parking spaces shall comply with the maximum setback of the Core, Edge and Business areas.
  - b. Setback from cross streets: All parking spaces shall be set back a minimum of 5 feet from any cross street.
  - c. Loading space:
    - i. On the same premises with a building, structure or part thereof involving the receipt or distribution of vehicles or materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading in order to avoid undue interference with public use of dedicated rights-of-way. The space shall meet the requirements of this section.
    - ii. Except as otherwise required in **section 42-522 E.**, below, off-street loading spaces shall be provided in commercial and industrial districts in the rear yard in the ratio of at least one space per each establishment and shall be provided in addition to any required off-street parking area. If the adjacent land area is zoned residential or designated for residential use in the planned development, the loading area may be located in the rear or side yard.
    - iii. In a business district, when a planned commercial or shopping center with 100,000 GLA or more is to be developed, off-street loading space may be provided either in the rear yard or in a loading area in the front or side yard which is completely screened from view and separate from fire lanes and in a manner that will not obstruct the flow of traffic in the parking area.
    - iv. All loading spaces in an industrial district shall be provided in the following ratio of spaces to floor area:

GFA (sq. ft.)	Loading and Unloading Spaces Required
0 - 1,400	None
1,401 - 20,000	1 space
20,001 - 100,000	1 space plus 1 space for each additional 20,001 sq. ft. of UFA not exceeding 100,000 sq. ft. UFA
100,001 and over	5

- v. Off-street loading and unloading space in an industrial district may be provided in either the side or rear and/or outside of the required front yard, provided that it is separate from fire lanes, maneuvering lanes and parking areas and does not obstruct the flow of traffic in the parking area.
- vi. All spaces shall be laid out in the dimensions of at least ten feet by 50 feet, or 500 square feet in area, with a clearance of at least 14 feet in height. Loading dock approaches shall be provided with pavement having an asphalt or Portland cement binder so as to provide a permanent, durable and dustless surface.



- vii. Deferred loading areas.
- viii. Where an applicant demonstrates that the loading requirements for a particular proposed use would be excessive, a plan designating portions of required loading spaces and paving reserved for future use must be submitted in accordance with division 5, subdivision 2.
- ix. Alterations to the deferred loading area to add loading spaces may be initiated by the owner or required, based on loading needs, and shall require the submission and approval of an amended site plan, as required by division 5, subdivision 2.

**Sec. 42-4xx. Outdoor amenity space.**

Any development or redevelopment of a building with more than 20,000 square feet of floor area, or 1 acre in total lot size, in the LC district shall provide outdoor amenity space. The outdoor amenity space shall have a minimum area of two percent of the gross floor area of the building. The size and disposition of the amenity space shall be proportionate to the size and scale of the development, and any amenity space used to satisfy this requirement shall be adjacent to or visible and accessible from a public right-of-way. The emphasis of the amenity space requirement is on the quality rather than the quantity of the space.

**Sec. 42-4xx. Temporary Outdoor Retail Sales.**

Outdoor retail sales are permitted in the Core and Edge subareas subject to the following requirements:

1. **No permit required.** Temporary or moveable outdoor retail sales activity or displays accessory to a principal use in the LC district are permitted, subject to the following requirements:
  - a. Area. The total of all outdoor sales display areas on the site shall not exceed 0.75 square feet per linear foot of building frontage in the build-to zone.
  - b. Location. Outdoor sales areas may be located in the build-to zone, in an area adjacent to and not extending farther than 20 feet from the rear of the building, and/or in the right-of-way. Outdoor sales in the right-of-way shall be located in the frontage or furnishings area of the pedestrian zone directly adjacent to the building containing the use to which it is accessory. A minimum six-foot wide clear pedestrian pathway on the sidewalk shall be maintained at all times.
  - c. Time. The outdoor sales display shall only be set out during business hours,.
2. **Permit required.** A permit from Community Development Director or his/her designee is required for outdoor sales that exceed the area limitations in subsection (a), above; for special outdoor sales events that will be located anywhere besides the frontage or furnishings area of the pedestrian zone; or for times outside of normal business hours. The permit will specify the permitted size and duration for the outdoor sales event.

**Sec. 42-4xx. Outdoor storage.**

In the Core and Edge subareas, limited outdoor storage of merchandise, materials, or equipment is permitted in the rear yard if it is not visible from public ROW. In no case shall materials or merchandise being stored outdoors exceed a height of six feet.

**Sec. 42-4xx. Landscaping and buffering.**

All landscaping requirements of **Subdivision 3 – Landscaping and Screening** shall apply in the LC unless an alternate landscape requirement is specifically identified in this Subdivision



**Sec. 42-4xx. Definitions used in this article.**

This division provides definitions for terms that are used in this article that are technical in nature or that might not otherwise reflect a common usage of the term. Where a definition in this section conflicts with a definition provided in **Section xxx**, the definition presented in this section shall prevail for the purposes of administering the LC district requirements. If a term is not defined in this section, the planning and development director shall determine the correct definition of the term.

**Balcony:** An open portion of an upper floor that extends beyond or indents into a building's exterior wall.

**Block:** The aggregate of private lots, pedestrian pass-throughs, rear lanes and alleys, the perimeter of which abuts perimeter or internal streets.

**Block perimeter:** The linear distance around a block measured along the right-of-way line or road easement.

**Buffer:** An area of land, including landscaping, walls, and fences located between land uses of different characters and which is intended to mitigate negative impacts of the more intense land use on the less intense land use.

**Build-to area:** An area at the front of the lot in which a front building facade must be located.

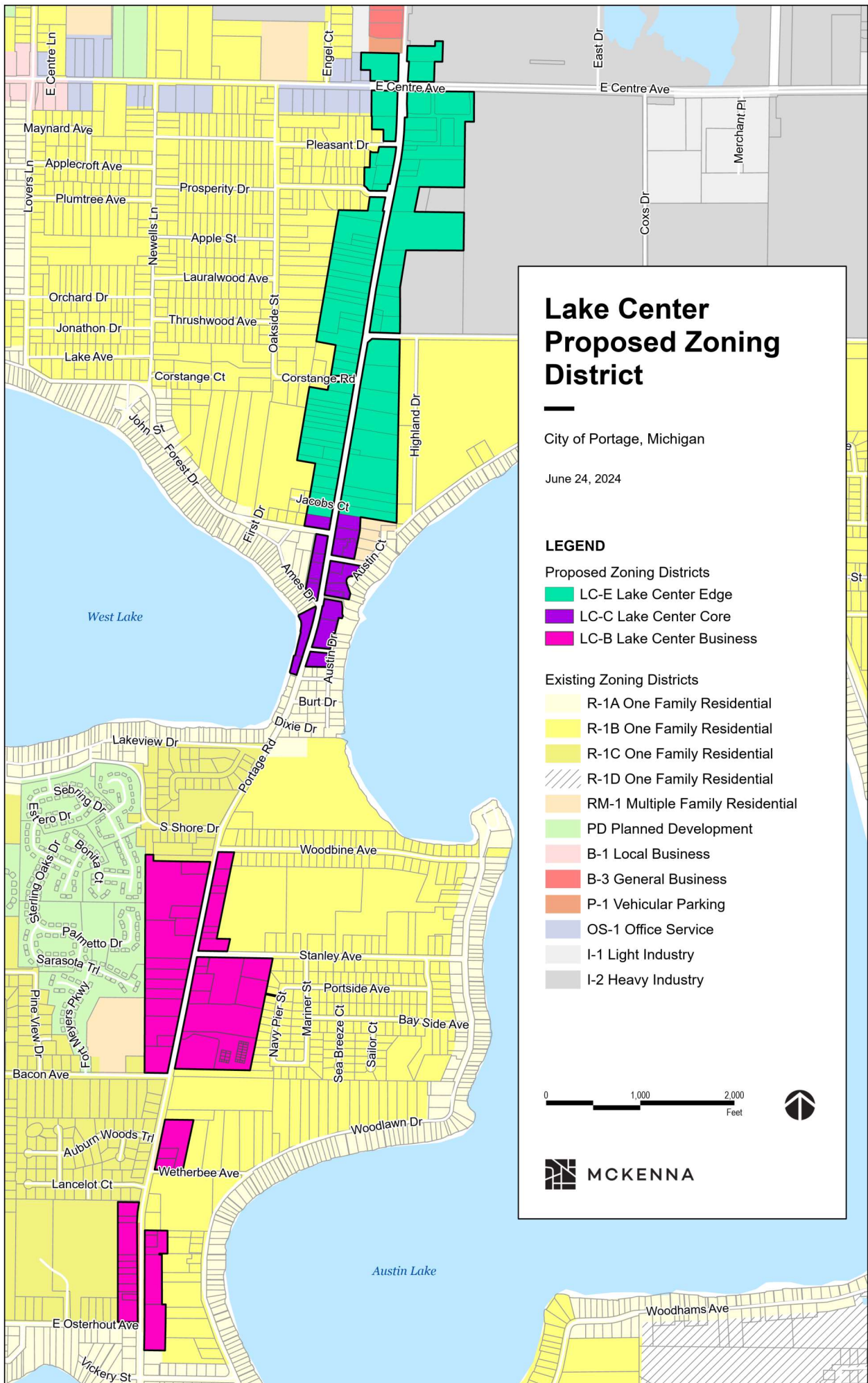
**Floorplate:** The total indoor floor area of any given story of a building, measured to the exterior of the wall or balcony.

**Frontage lot line:** The lot line that coincides with the public right-of-way or edge of a space dedicated for public use. Building facades parallel to frontage lines define public space and are therefore subject to a higher level of regulation than the elevations that face other lot lines.

**Habitable space:** Building space that involves human presence with direct view of the enfronting streets or public or private open space. Habitable space does not include parking garages, storage facilities, warehouses, and display windows separated from retail activity.

**Liner shop or Liner building:** A building or part of a building with habitable space specifically designed to enfront a public space while masking a function without the capacity to monitor public space such as a parking garage, storage facility, or large building exceeding the building width limitations of this article.

**Tree lawn:** A grassed or landscaped area located between the sidewalk and the curb of the street intended to accommodate street tree plantings.



# Lake Center Proposed Zoning District

City of Portage, Michigan

June 24, 2024

## LEGEND

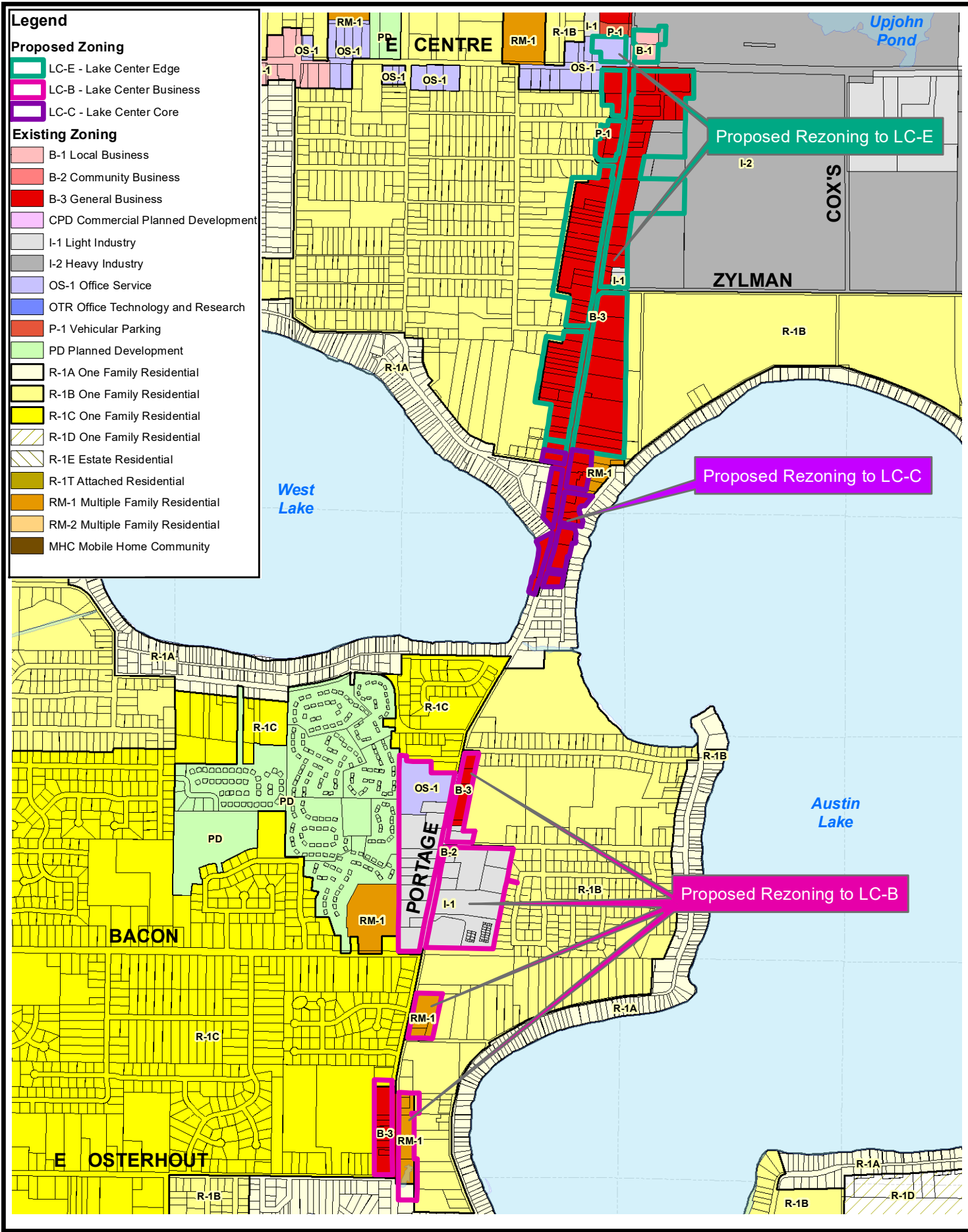
Proposed Zoning Districts

- LC-E Lake Center Edge
- LC-C Lake Center Core
- LC-B Lake Center Business

Existing Zoning Districts

- R-1A One Family Residential
- R-1B One Family Residential
- R-1C One Family Residential
- R-1D One Family Residential
- RM-1 Multiple Family Residential
- PD Planned Development
- B-1 Local Business
- B-3 General Business
- P-1 Vehicular Parking
- OS-1 Office Service
- I-1 Light Industry
- I-2 Heavy Industry





**Eric Feldt**

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**From:** Compliance Osprey <compliance@osprey-management.com>  
**Sent:** Wednesday, October 9, 2024 1:32 PM  
**To:** Eric Feldt  
**Subject:** Fw: Portage,MI - Stowaway Storage (Portage) - Rezoning proposal  
**Attachments:** Portage rezone.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

**CAUTION: THIS EMAIL IS FROM AN EXTERNAL SENDER**  
Do not click on links or open attachments unless this is from a sender you know and trust.

Eric,

Thank you for taking my call. I appreciate you explaining the changes to me in details.  
There is no objection on our side for this re-zoning.

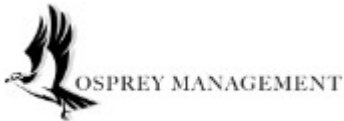
Dalton Manley  
Compliance Coordinator

702-472-7877  
[www.osprey-management.com](http://www.osprey-management.com)

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**From:** Tyra Al Mujadidi  
**Sent:** Wednesday, October 9, 2024 10:26 AM  
**To:** Compliance Osprey <compliance@osprey-management.com>  
**Subject:** Portage,MI - Stowaway Storage (Portage) - Rezoning proposal

Tyra Al Mujadidi  
Support Specialist



**CROCKER LAW FIRM II, PLLC**  
ATTORNEYS AT LAW

**BLAKE D. CROCKER, JD, LL.M.**  
[blake@crockerlawfirm.com](mailto:blake@crockerlawfirm.com)

October 16, 2024

City of Portage Planning Commission  
Council Chambers  
Portage City Hall  
Portage Michigan 49002

Re: Proposed Zoning Amendments for the Lake Center District  
October 17, 2024 Meeting of the City Planning Commission

Dear Planning Commission:

We are the attorneys for Crystal Car Wash II, PLLC. Our Client has owned and operated a car wash business at 8387 Portage Road, Portage, Michigan for over 18 years; Mr. Kothawala, the owner, has been a car wash owner and operator for over 30 years. He designed and built his car wash in a location where the Portage zoning ordinance permitted its operation. Our client's car wash business is a small enclosed automatic car wash, located North of Zylman Avenue and South of Centre Street. It is not located near the two lakes which are the focus of the plan and the revision of the zoning ordinance. As the name of the zone indicates, it is on the "edge". In reliance upon his rights to operate his business in that location, our client has invested hundreds of thousands of dollars in his business over the past 18 years. The value of this business represents a lifetime investment of our client's time, money and skill.

Currently, our client's business is a Permitted Use under Section B-3, General Business District, of the current zoning ordinance. The proposed amendments to the City of Portage Zoning Ordinance changing the zone in which our client is located to LC-E would arbitrarily remove car washes from the list of "permitted uses", irreparably damaging our client's business value, potentially causing his business to close. The entire focus of the re-zoning appears designed to unfairly target our client's legitimate family-owned small business which utilizes drive through vehicles as a means of generating revenue and devaluing that business, potentially putting him out of business.

Zone B-3 is currently defined as follows:

**"Sec. 42-262. - B-3 general business district.**

**A. Intent:** The B-3 general business district is designed to provide sites for more diversified businesses and are often located to serve pass by traffic. Locations for the B-3 district are thus typically mapped along major traffic arteries and/or adjacent to B-2 community business districts.

**B. Principal permitted uses:** In a B-3 general business 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:

1. Any principal permitted use in the B-1 local business district, or uses permitted subject to special conditions.

4<sup>th</sup> Floor KALAMAZOO BUILDING  
107 W. MICHIGAN AVENUE  
KALAMAZOO, MICHIGAN 49007

**CROCKER LAW FIRM II, PLLC**  
Attorneys at law

City of Portage Planning Commission  
October 16, 2024  
Page 2

2. Any principal permitted use in the B-2 community business district, or uses permitted subject to special conditions.

**3. Automatic and self-service carwashes, when completely enclosed in a building.**

It appears the proposed zoning amendment will re-zone our client's property to Lake Center Edge (LC-E), which is promoted as Mixed Use, and that this zone does not permit drive through car washes.

Furthermore, the proposed Lake District Plan reduces the number of vehicle lanes, among other things, to reduce the number of vehicles utilizing Portage Road right in front of our client's business. This unfairly and specifically damages his drive through car wash business; therefore, unfairly and arbitrarily targeting our client's legitimate and lawful business, damaging its value, threatening to reduce his revenues, and potentially killing his business.

We are writing in order to communicate our client's serious concerns and strong objections to the proposed amendments and the overall plan for the LC-E zone which incorporates his business, as follows:

1. It is unfair to remove our client's business from "permitted uses" thereby converting his legitimate business into a non-conforming use, specifically damaging our client's business.
2. Reducing the number of vehicle lanes in the "edge", the LC-E zone, in which our client is located will specially damage our client because his business is directly reliant upon drive through vehicle traffic which passes in front of its business.
3. Shutting down traffic during the lengthy period of construction of the "edge" zone (the LC-E) will directly damage our client, causing him to suffer significant monetary losses as a direct result of closing off the road for lengthy construction.

Our client respectfully requests the Commission consider the inordinate and extraordinary impact the reduction of vehicle lanes and removal of car washes as a permitted use will have on our client's long time business.

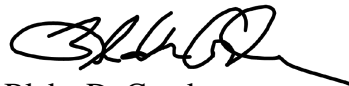
Given the above, our client requests the Commission simply revise the plan and proposed zoning ordinance amendments as follows:

1. Keep the road a 5 lane road between Centre and Zylman; and,
2. Retain our client's car wash as a permitted use under the new ordinance.

Thank you for your prompt attention to this matter.

Yours truly,

CROCKER LAW FIRM II, PLLC



Blake D. Crocker  
Direct; (269) 501-4516