CITY OF
PORTAGE
A Place for Opportunities to Grow

PLANNING COMMISSION

June 21, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

June 21, 2012
(7:00 p.m.)

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

* May 17, 2012

SITE/FINAL PLANS:

PUBLIC HEARINGS:

OLD BUSINESS:

NEW BUSINESS:

* 1. Preliminary Report: Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

May 14, 2012 Zoning Board of Appeals meeting minutes
May 8th and 22nd, 2012 City Council meeting minutes
April 2012 Summary of Environmental Activities Report

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

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PLANNING COMMISSION

May 17, 2012

The City of Portage Planning Commission meeting of May 17, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Approximately 10 citizens were in attendance.

MEMBERS PRESENT:

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

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Mark Siegfried and Paul Welch

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development and Neighborhood Services and Randall Brown, City Attorney.

PLEDGE OF ALLEGIANCE:

Chairman Cheesebro led the Commission in the Pledge of Allegiance.

APPROVAL OF MINUTES:

Chairman Cheesebro referred the Commission to the May 3, 2012 meeting minutes contained in the agenda packet. Commissioner Dargitz indicated she would be abstaining from any discussion and vote since she was excused from the May 3, 2012 meeting. A motion was offered by Commissioner Stoffer, seconded by Commissioner Bosch, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None

PUBLIC HEARINGS:

1. Final Report: Rezoning Application #11-04 (expanded), East Centre Avenue between Lakewood Drive and Garden Lane. Mr. Forth summarized the final staff report dated May 11, 2012 regarding the expanded rezoning consideration involving properties located at 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue. The applicants are requesting that the current zoning of R-1A and R-1B, one-family residential be changed to OS-1, office service. Mr. Forth summarized four alternatives for Planning

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Commission consideration. Staff was recommending Alternative No. 3, which involves rezoning 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential.

Commissioner Dargitz asked for a brief summary of the historic nature of the house located at 903 East Centre. Mr. Forth indicated the property is located in the City of Portage Historic District and certain changes to the structure or district boundaries would require review by the Historic District Commission. Commissioner Reiff asked how much it might cost to extend water and sewer utilities to any future residential lot located on the north half of 801, 809, 815, 821 and 827 East Centre Avenue. Mr. Forth stated he did not have an estimate of cost.

Mr. Thomas Rogers, applicant and owner of 775 and 801 East Centre Avenue, was present to support the rezoning application. Mr. Rogers indicated he supports Alternative No. 1 and would also support a 20-30 foot buffer adjacent to the residential lots located on Drury Lane. Mr. Rogers also indicated that development of the northern half of 801, 809, 815, 821 and 827 East Centre Avenue would be difficult due to utility extensions and the availability of other residential lots in the area that have not sold. Leroy Butler, 821 East Centre, also spoke in support of rezoning the entire area to OS-1 and expressed concern about the development potential of the north 198 feet if the R-1A zoning is retained. Mr. Butler indicated it would be easier to sell the property if it was all zoned OS-1. Commissioner Dargitz asked staff about future assemblage, land divisions and parcel configurations. Mr. Forth explained that three residential lots with frontage on Garden Lane could be created by assembling the north 198 feet of 815, 821 and 827 East Centre. A residential lot with frontage on Bye Street is also possible. Mr. Rogers stated that retaining the north portion of the property for residential uses would require the owners to split the parcels, one person to assemble the property and then determine if the lots will sell. Ms. Lucinda Owen, speaking on behalf of Ms. Joyce Anderson, 827 East Centre Avenue, indicated support only if the entire lot is rezoned to OS-1. Mr. Stephen Nuss, 809 East Centre, also spoke in support of the rezoning, but indicated a buffer along the north property line would be acceptable.

Commissioner Patterson indicated he does not prefer split zoning on a lot(s) unless there is a viable use for each zoning district. Commissioner Patterson did indicate he would support a change to OS-1 for the entire area with a residential buffer area long the north property line adjacent to the Drury Lane residential lots.

Chairman Cheesebro opened the public hearing. Brian Mahoney, 7911 Lakewood Drive, indicated he spoke with the applicant about a potential compromise and noted the alternatives presented in the staff report seemed to be an attempt to reach a compromise. Mr. Mahoney noted that while many of the applicants want to sell their property and move away, he is there to stay. Mr. Mahoney prefers option two since it provides an adequate buffer for the Drury Lane residents and also to the resident who lives at 728 Bye Street. Mr. Mahoney indicated he was concerned about noise, lighting and criminal activity if off-street parking lots were constructed near the existing single-family homes. Mr. Doug Champagne, 728 Bye Street, indicated he is the only property owner that will have OS-1 zoning on two sides (south and east) if the proposal to change the zoning to OS-1 is approved. Mr. Champagne noted that many of the trees that buffered his home from the impacts associated with East Centre Avenue traffic were removed last summer and today, trees were being removed from the property located to the east. Mr. Champagne is opposed to a zoning change adjacent to his east property line. There being no further public comment, a motion was then made by Commissioner Reiff, seconded by Commissioner Bosch, to close the public hearing. The motion was unanimously approved.

Commissioner Dargitz indicated she prefers Alternative No. 2 since it is most consistent with the Comprehensive Plan, provides protection to the existing residential neighborhood and office redevelopment options for the East Centre Avenue property owners. Commissioner Bosch agreed with Commissioner Patterson's earlier comments about split zoning. Commissioner Bosch does not believe that residential use on the north 198 feet is a viable use but would support a buffer. Commissioner Bosch also commented on the difficult task to assemble land owned by different property owners and then redraw property lines.

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Commissioner Bosch believed that if the residential zoning of the north 198 feet of 809, 815 and 821 East Centre were retained, that portion of the property could be landlocked and unusable. Commissioner Felicijan concurred with Commissioners Patterson and Bosch. Chairman Cheesebro noted that due to the narrow width of 801 East Centre, recommending retention of a residential buffer along the east side of 728 Bye Street is difficult.

The City Attorney discussed the concept of a buffer to protect the adjacent residences versus an area retained for future residential development. Attorney Brown stated that incorporation of a buffer is supportable since one of the factors to consider in a rezoning request is neighborhood protection. However, the depth of the buffer must be reasonable. Attorney Brown further stated that retaining a much larger area zoned for residential use should not be considered a buffer, but rather an area for future residential development. It is also important to demonstrate that this area retained for future residential use can in fact be developed. If it cannot be developed, Attorney Brown cautioned the Commission about a potential taking issue. Commissioner Bosch asked Attorney Brown if the Commission could impose a greater setback during site plan review. Attorney Brown responded that the Commission does not have flexibility with regard to building setback distances since the setback distance is regulated in the Zoning Code. Attorney Brown did state the Zoning Code allows the Commission flexibility with regard to landscaping and conflicting land use screening.

Commissioner Reiff asked staff to comment on the size of an office building that could be constructed under Alternative No. 3. Mr. Forth responded a single story building of nearly 22,000 sq. ft. based on 25% lot coverage could be constructed if the proposed OS-1 portions of 801 through 827 East Centre Avenue were combined. Chairman Cheesebro asked if a R-1A residential buffer was retained on the north side of 601 and 609 East Centre when that property was rezoned. Mr. Forth responded no. Commissioner Dargitz noted there would likely need to be an assemblage of residential land to accommodate residential building sites as well as an assemblage of land to accommodate an office project. With the exception of Alternative No. 2, Commissioner Dargitz asked staff if there other options to protect 728 Bye Street from negative impacts. Mr. Forth mentioned there are provisions in the Zoning Code through the site plan review process that allow staff and the Commission to consider screening/buffering options. Commissioner Dargitz suggested the lots on Bye Street should be given the same amount of protection (buffer area) as those along Drury Lane. Commissioner Reiff noted the Comprehensive Plan was prepared with the intent to protect the existing residential lots but also provide the property owners with office redevelopment options. As a result, he is supporting Alternative No. 3. Commissioner Reiff acknowledged the difficulty with providing a buffer area for the Bye Street properties given the narrow width of 801 East Centre. Commissioner Dargitz noted Alternative No. 2 is most consistent with the Comprehensive Plan. Mr. Forth concurred but stated the Future Land Use Plan Map is not intended to be parcel specific and is a guide for future development. Mr. Forth stated that staff support for Alternative No. 3 was intended to provide the property owners flexibility involving future office redevelopment activities through an appropriate lot depth as well as neighborhood protection. Screening/buffering provisions intended to minimize the impacts on the Bye Street residents would be evaluated/implemented during the site plan review process.

Chairman Cheesebro stated he supports Alternative No. 1 with a buffer along the north property line adjacent to the Duruy Lane lots and along the west side of 801 West Centre. Chairman Cheesebro also stated he does not believe that residential development is possible on the north portion of 801 through 827 East Centre Avenue. Commissioner Stoffer commented that rezoning the entire area to office is too much of an encroachment into the neighborhood and supports Alternative No. 3. A developer/property owner always has the option of requesting the north 198 feet be zoned to office at a later date. Commissioner Dargitz stressed the need to protect the adjacent residential neighborhood but also recognized the negative impacts on the East Centre Avenue residents as a result of current traffic volumes.

Attorney Brown clarified that the 198 feet of retained residential zoning on the north portions of 801 through 827 East Centre Avenue is not a buffer but is land to be developed. Attorney Brown noted that there should be redevelopment options for individual property owners in addition to participating in a land assembly arrangement. Attorney Brown suggested the idea of constructing a residential dwelling unit in the north portion

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of each individual lot be explored. Mr. Forth indicated the Zoning Code does allow storm water retention areas designed to collect storm water from buildings and parking lots to be located in an area zoned for residential use. Mr. Forth also noted the Zoning Code would not prohibit the construction of residential dwelling unit in the north portion of each individual lot.

Commissioner Bosch reiterated his support for Alternative No. 1 with a 50 foot buffer along the north portion of lots 801 through 827 East Centre Avenue adjacent to the Drury Lane and was willing to make a motion. Commissioner Reiff reiterated his support of Alternative No. 3 and offered a motion to recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue be rezoned to OS-1, office service with the northern 198-feet of 801, 809, 815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential with the understanding that the north 198 feet of retained residential zoning has the ability to be developed. The motion was supported by Commissioner Stoffer. Commissioner Dargitz asked if Commissioner Reiff would accept an amendment to the motion to include a 50 buffer along the west property line of 801 East Centre. Commissioner Reiff indicated he would not accept the amendment due to the narrow width of the 801 East Centre and the impact retaining a 50 foot buffer of residential zoning would have on future office development potential. Commissioner Dargitz asked what other options were available to protect the Bye Street residents. Commissioner Reiff responded by stating screening/buffering provisions can be considered during site plan review. Commissioner Stoffer asked for clarification regarding the last statement inserted in the motion offered by Commissioner Reiff. Mr. Forth referred the Commission to the last sentence of the last paragraph in the staff report which states "This option provides the property owners reasonable redevelopment options consistent with the Plan designations and surrounding development pattern and protects the adjacent residential neighborhood from further nonresidential encroachment." Chairman Cheesebro asked Commissioner Reiff if that was his intent. Commissioner responded yes. Chairman Cheeesbro also asked Commissioner Stoffer if he was in agreement. Commissioner Stoffer responded yes as well.

Commissioner Patterson indicated he did not agree with the motion on the floor. Commissioner Patterson stated that regardless if the entire area is rezoned to office as requested by the applicants or if the zoning district boundary is moved 198 feet to the south, office zoning will still be directly adjacent to residential zoning. Commissioner Dargitz responded by saying if a person moves to the 198 foot area retained for residential use, this person would do so knowing the area to the south is zoned for office use. The residents who currently live on Drury Lane moved to the area and may have known the property to south was zoned and planned for residential use. Commissioner Patterson noted a 50 foot buffer would provide additional protection for the Drury Lane residents and screening/buffering requirements contained in the Zoning Code could be utilized to protect the Bye Street residents during the site plan review process. Commissioner Stoffer indicated Alternative No. 3 provides the property owner options for redevelopment such as operating an art studio located along the East Centre Avenue frontage and living in a house in the northern half of the property. If it were all zoned office, the option to construct a dwelling unit on the property is eliminated. Commissioner Stoffer also indicated that if a property owner is ready to move forward with a site plan involving development of the entire property, a request could be submitted to rezone the northern portion to office. Commissioner Patterson noted that he did not believe a business owner would construct an office in the front and live in a separate dwelling in the back. Access to a residential use through an office use would make the residential use less valuable. Although the Zoning Code may permit this arrangement, Commissioner Patterson did not believe it would happen. Commissioner Dargitz asked Commissioners Reiff and Stoffer if they would consider any level of residential zoning adjacent 728 Bye Street. Commissioner Reiff reiterated the narrowness of 801 East Centre and, as a result, a buffer would impact redevelopment potential. Commissioner Stoffer noted the screening/buffering adjacent to 728 Bye Street could be evaluated during the site plan review process.

Attorney Brown noted that there has been some discussion involving the value of land and under Michigan case law, a rezoning is sustainable even if it results in a decrease in property value. Also, Attorney Brown

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clarified that the Commission does not have to consider the highest and best use of land when deliberating zoning issues. Chairman Cheesebro commented that the proposed residential area outlined in Alternative No. 3 had little chance of being developed and will likely become a buffer area. Chairman Cheesebro indicated support for Alternative No. 1 with a 30 foot buffer area along the north portions of the 801 through 827 East Centre.

There being no further discussion, Chairman Cheesebro asked for a roll call vote: Patterson (no), Stoffer (yes), Cheesebro (no), Dargitz (yes), Bosch (no), Reiff (yes) and Felicijan (no). Motion failed 3-4. Commissioner Bosch offered a motion that the Planning Commission recommend to City Council that Rezoning Application #11-04 be approved and 7932 Lakewood Drive, 707, 743, 775, 801, 809, 815, 821, 827 and 903 East Centre Avenue be rezoned to OS-1, office service except for the north 50 feet of 801, 809, 815, 821 and 827 East Centre Avenue that will remain zoned R-1A as a buffer. The motion was supported by Commissioner Patterson. Commissioner Dargitz asked if there was any support for retaining a R-1A buffer along the east side of 728 Bye Street. Commissioner Bosch responded no citing the same reasons expressed by Commissioner Reiff earlier. Chairman Cheesebro mentioned there are screening/buffering options, such as the use of trees, berms and fences during the site plan review process that are intended to minimize impacts on the adjacent resident. Commissioner Dargitz asked staff if the Commission can justify a buffer along the north end but not on the east adjacent to 728 Bye Street. Mr. Forth stated the Planning Commission must justify its recommendation; however, comments have been made by both Commissioners Reiff and Bosch why a buffer adjacent to 728 Bye Street is not being recommended. Commissioner Bosch concurred with the previous reasons and also reiterated the tools available during the site plan review process. Chairman Cheesebro stated if the Commission is inclined to require a buffer along the west side of 801 East Centre, then a buffer on the north side of 707, 743 and 775 East Centre should also be considered. However, screening in these situations will be adequate given the size of the lots.

Commissioner Reiff asked if the Planning Commission must forward the rezoning application to City Council with a recommendation. Attorney Brown responded by saying a recommendation is not required, only a public hearing per statutory requirements.

There being no further discussion, Chairman Cheesebro asked for a roll call vote: Felicijan (yes), Reiff (no) Bosch (yes), Dargitz (no), Cheesebro (yes), Stoffer (no), Patterson (yes). Motion for support failed 4-3. Commissioner Bosch asked if there could be a compromise regarding the depth of the proposed R-1A zone along the north portions of 801 through 827 East Centre. Commissioner Reiff responded no citing the need to ensure residential redevelopment options. Commissioner Reiff also stated rezoning the entire area would allow a larger office development resulting in greater impacts on the neighborhood. Commissioner Felicijan asked if Alternative No. 3 were to be recommended and approved, would Commissioner Reiff support a future rezoning application involving the northern area. Commissioner Reiff indicated he would be in a better position to consider a change in zoning if it involved a site plan for redevelopment. Commissioner Stoffer indicated Alternative No. 3 provides the most flexibility and is also consistent with the intent of the Comprehensive Plan. Retaining a portion of the residential zoning reduces the impact on the adjacent neighborhood, is still developable as it was intended and as currently zoned. Finally, Commissioner Stoffer stated Alternative No. 3 also provides the land owners an increase in property value by changing the zoning of the southern portion to OS-1. Commissioner Felicijan asked if it were all zoned to OS-1 and, at some point in future, a person desired to construct residential unit, could the zoning be changed back to residential. Mr. Forth responded that the zoning could be changed but other options exist, such as the Work/Live ordinance recently adopted by City Council.

The Planning Commission discussed whether or not to adjourn the public hearing until the June 7, 2012 meeting when there would likely be a full nine member commission. Attorney Brown indicated the discussion could be carried over to another meeting but would have to be noticed since the public hearing had been closed. Commissioner Bosch did not believe another meeting before the Planning Commission was necessary since the

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City Council makes the final decision, the extensive discussion that took place, the split between Commission members, and uncertainty how the other two Commission members would vote. Commissioner Bosch suggested the rezoning application be forwarded to City Council without a recommendation. Commissioner Patterson concurred and also added that it was a very good discussion with different perspectives and opinions. If the Commission cannot come to an agreement, Commissioner Patterson stated it is appropriate to forward the application to City Council. The consensus of the Planning Commission was to forward the rezoning application to the City Council without a recommendation.

2. Final Report: Rezoning Application #11-05, 7812, 7840, 7842 and 7908 (portion thereof) Portage Road. Chairman Cheesebro stated he would be abstaining from discussion and voting on this rezoning request since his employer was one of the applicants. Commissioner Stoffer also indicated he would be abstaining from discussion and voting on this rezoning request due to a personal relationship with one of the neighboring property owners to the west. Since there was no other officer present, Chairman Cheesebro nominated Commissioner Reiff as the Chair Pro Tem. There being no discussion, Commissioner Reiff assumed the role of Chair Pro Tem. Both Chairman Cheesebro and Commissioner Stoffer left Council Chambers for the duration of the discussion.

Mr. Forth summarized the final staff report dated May 11, 2012 regarding a request received from the owners of 7812, 7840, 7842 and 7908 (portion thereof) Portage Road from B-2, community business and I-1, light industry to B-3, general business and P-1, vehicular parking. Mr. Forth stated the rezoning was being requested, in part, to facilitate construction of a micro-brewery and restaurant at 7842 and 7908 Portage Road. Mr. Forth stated staff was recommending the rezoning be approved as submitted. Commissioner Bosch asked if staff has received any other public comments since the last public hearing. Mr. Forth responded that no further comments have been received.

Mr. Todd Neuman, representing the applicant, was present to support the rezoning request. Commissioner Reiff asked if only beer and wine would be sold. Mr. Neuman responded yes, only beer and wine.

The public hearing was opened by Chair Pro Tem Reiff. There being no further public comment, a motion was offered by Commissioner Bosch, seconded by Commissioner Patterson to close the public hearing. The motion was unanimously approved. Commissioner Dargitz asked staff to explain the Comprehensive Plan designation of park/recreation that involves the Consumers Energy property. Mr. Forth explained the intent is to extend a multi-use trail to/from the Portage Road area similar to the Northwest Portage Bikeway. Upon submittal of a site plan for development of the Consumers Energy property in conjunction with the proposed micro-brewery, staff would work with the applicant to preserve a multi-use trail route to Portage Road.

There being no further discussion, a motion was made by Commissioner Felicijan, seconded by Commissioner Bosch, to recommend to City Council that Rezoning Application #11-05 be approved and 7812, 7840 and 7842 Portage Road be rezoned to B-3, general business and the portion of 7908 Portage Road (approximately 351-feet by 178-feet) located immediately south of 7842 Portage Road be rezoned to P-1, vehicular parking. The motion was approved 5-0-2 with Chairman Cheesebro and Commission Stoffer abstaining.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

STATEMENT OF CITIZENS:

None.

ADJOURNMENT:

Commissioner Reiff asked about the first meeting in July since it is scheduled to occur the day after the 4th. No Commissioners indicated they would not be able to attend. There being no further business to come before the Commission, the meeting was adjourned at 9:35 p.m.

Respectfully submitted,

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

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CITY OF
PORTAGE
A Place for Opportunities to Grow

Department of Community Development

TO: Planning Commission **DATE:** June 15, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Preliminary Report: Conceptual Plan Amendment for Trade Centre Holdings, LLC, 420 and 750 Trade Centre Way

I. APPLICATION INFORMATION:

An application to amend a previously approved conceptual plan involving property addressed as 420 and 750 Trade Centre Way has been received from Trade Centre Holdings LLC (Roger Hinman and Joseph Gesmundo). The conceptual plan amendment proposes the development of two hotels, one office building, three restaurant/retail buildings and associated site improvements on the approximate 20 acre tract of land.

The original conceptual plan for this property submitted by Furniture Row USA LLC received City Council approval in March 2002 and proposed construction of two hotels, one retail furniture store, two specialty retail buildings and two restaurants. In 2003, H & G LLC acquired the property from Furniture Row USA LLC and constructed Phase I of the development, which included a three-story, 50-foot tall, 83,000 square foot office building (Trade Centre I) and related improvements along the western portion of the site. This office building replaced two 30,000 square foot retail buildings that were previously identified in the original conceptual plan. Consistent with the CPD, commercial planned development ordinance and since submission of subsequent specific (site) plans has not occurred in accordance with the approved program of development, the previously approved conceptual plan has expired. Trade Centre Holdings LLC has submitted an updated conceptual plan with revisions to the program of development and associated phasing schedule. Please refer to the attached conceptual plan, narrative and supporting information submitted by the applicant for additional details. A summary comparison between the original 2002 approved conceptual plan and the proposed conceptual plan is provided in the table below.

CPD Conceptual Plan - Program of Development		
Element	**2002 Approved Conceptual Plan**	**2012 Proposed Conceptual Plan Amendment**
Uses	Hotel (3-story, 37,500 square feet) Hotel (3-story, 37,500 square feet) Retail/Furniture (30,000-50,000 square feet) Specialty Retail (30,000-50,000 square feet) Specialty Retail (30,000-50,000 square feet) Restaurant (3,500-4,500 square feet) Restaurant (3,500-4,500 square feet)	Hotel (4-story, 50,000-60,000 square feet) Hotel (4-story, 50,000-60,000 square feet) Office (4-story, 110,000 square feet) Restaurant/Retail (5,000-12,000 square feet) Restaurant/Retail (5,000-12,000 square feet) Restaurant/Retail (5,000-12,000 square feet)
Phasing	Phase I (May 2002) * Hotel (3-story, 101 units, 37,500 square feet) Future (2002) * Retail/Furniture (30,000-50,000 square feet) * Restaurant (3,500-4,500 square feet) Future (2003) * Specialty Retail (30,000-50,000 square feet) * Restaurant (3,500-4,500 square feet) Future (2004) * Hotel (3-story, 100 units, 37,500 square feet) * Specialty Retail (30,000-50,000 square feet)	Phase I (Summer 2013 – Fall 2014) * Hotel (4-story, 50,000-60,000 square feet) Future (Summer 2014 – Fall 2015) * Hotel (4-story, 50,000-60,000 square feet) Future (Summer 2013 – Fall 2015) * Restaurant (5,000-12,000 square feet) Future (Summer 2014 – Fall 2016) * Restaurant (5,000-12,000 square feet) Future (Summer 2015 – Fall 2017) * Restaurant (5,000-12,000 square feet) Future (Summer 2015 – Fall 2017) * Office (4-story, 110,000 square feet)

In 1998, City Council approved the Community Investment Initiative that included establishment of the Downtown Development Authority (DDA) north of I-94 and west of South Westnedge Avenue. With the creation of the DDA, public street (Market Place and West Fork Crossing) and sanitary sewer infrastructure were financed and completed that resulted in significant investment in the community by several property owners. In 2003, City Council approved additional public improvements within the DDA including construction of Trade Centre Way from West Fork Crossing together with public storm drainage and water main utilities to further induce redevelopment of deteriorating properties and new development on previously inaccessible vacant land. In 2005, a related program was approved by City Council (South Westnedge Enhancement Project–SWEPs) that included public street and utility improvements along the South Westnedge Avenue Commercial Corridor designed to occur in conjunction with reconstruction/widening of I-94 and reconstruction of the I-94/South Westnedge Avenue interchange.

In 2011, City Council approved an Amended Development Plan/Tax Increment Financing Plan to facilitate further economic expansion consistent with the amended conceptual plan submitted by Trade Centre Holdings LLC. This most recent initiative, which has been completed, included property transfers between the City of Portage, State of Michigan and H & G 2, LLC (Roger Hinman and Joseph Gesmundo) for purposes of constructing a relocated Trade Centre Way/West Fork Crossing intersection and related utility and storm water drainage facilities and public improvements at the South Westnedge Avenue/Trade Centre Way intersection. The resulting planned development projects include the two upscale hotels, multi-story office building and retail/restaurant buildings with an anticipated market value of more than $12 million and involve several hundred new jobs.

Municipal water and sanitary sewer will serve the commercial planned development. Access will be provided from Trade Centre Way and to/from South Westnedge Avenue via West Fork Crossing/Marketplace and the through the limited turning access (right-in/left-in, right-out) at Trade Centre Way. Storm water from the development is planned to be stored and treated underground, prior to discharge to the Portage Creek. If necessary, some storm water may be stored and treated in aboveground systems similar to the existing basin located between the Trade Centre I and II Office Building along the west end of Trade Centre Way. The approximate 20 acre CPD tract of land is bordered to the north by the City of Kalamazoo wellfield, to the south by Trade Centre Way and Interstate 94 and to the east by West Fork Crossing. As indicated previously, the western portion of the CPD site is occupied by the three-story, 50-foot tall, 83,000 square foot Trade Centre I Office Building and related improvements that was constructed in 2003. A four-story, 65-foot tall, 110,000 square foot office building (Trade Centre II Office Building) and related improvements constructed in 2005 is also located to the west, at 950 Trade Centre Way. This Trade Centre II Office Building received approval in 2005 and was developed under a separate conceptual plan/narrative and specific (site) plan.

In conjunction with the proposed conceptual plan amendment, the applicant is also requesting consideration of three ordinance modifications/waivers:

1) The height/number of stories for the two hotel buildings and one office building. The applicant is proposing four-stories and a maximum height of 59-feet for the two hotel buildings and four-stories and a maximum of height of 65-feet for the office building. Section 42-350.B(6) of the Zoning Code establishes a building height of 25-feet and one-story when the zoning lot abuts a single family residential district that can be increased with City Council approval.

2) The building setback for the two hotel buildings. The applicant is proposing a 30-foot setback from the northern property line for the east hotel building and a 10-foot setback from the northern property line for the west hotel building. Section 42-350.B(15) of the Zoning Code establishes a 75-foot building setback from the outer perimeter of the CPD district that can be reduced with City Council approval.

3) Conflicting land use screening for the remaining northern portion of the development. The applicant is proposing a waiver from the conflicting land use screening requirement along the northern portion of the CPD site where adjacent the 50-acre City of Kalamazoo wellfield site. Section 42-573.E of the Zoning Code requires construction of a six-foot tall high landscaped berm between property either zoned or used for residential purposes unless a modification/waiver is approved by City Council.

II. COMMERCIAL PLANNED DEVELOPMENT PROCEDURES/REQUIREMENTS:

For development projects within the CPD zone, the Zoning Code requires that City Council approve a conceptual plan for development after a public hearing and after Planning Commission review and recommendation. The conceptual plan is intended to show the overall development of the area including proposed uses, number and location of building sites, parking, location of streets/driveways and so forth. The specific/site plan shows the proposed development details and characteristics for each individual site. The Zoning Code stipulates that the Planning Commission subsequently reviews and approves the specific/site plan. If a specific/site plan is not received by the time required in an approved program of development, or two years after approval of the conceptual plan, whichever is less, the conceptual plan approval shall expire. While a specific/site plan for the Trade Centre I office building was submitted and approved in 2003, approximately one year after the original conceptual plan approval, additional specific/site plan submittals have not occurred in accordance with the previous approved program of development. Therefore, the applicant is submitting an updated conceptual plan and narrative with an amended program of development including a revised project phasing schedule. In conjunction with the amended conceptual plan, the applicant has also submitted a specific/site plan for the first hotel development (Marriott Courtyard) along eastern portion of the overall property. While details associated with the specific/site plan are still being finalized, a preliminary copy of this plan is included in the attachments. A revised, final specific/site plan is anticipated for Planning Commission review at the July 5, 2012 meeting.

III. PRELIMINARY ANALYSIS - PROPOSED CONCEPTUAL PLAN AMENDMENT:

Specific aspects of the proposed conceptual plan amendment are discussed in greater detail below.

Surrounding Property Issues – Consistent with the CPD ordinance, the proposed conceptual plan amendment has been designed to minimize impacts on surrounding properties through site design, access, building use/location and related details. The portion of the CPD development addressed as 420 Trade Centre Way is situated adjacent to a 50-acre City of Kalamazoo wellfield property to the north which is characterized by natural wetlands, floodplain, Portage Creek, mature trees and associated vegetation. While the wellfield property is zoned residential (RS-5: Residential, single-dwelling) under the City of Kalamazoo Zoning Ordinance, it has been exclusively utilized as a municipal wellfield and natural area. Single family residences, situated within the City of Portage, are located west of the City of Kalamazoo wellfield property. However, the nearest single family residences (located along Dukeshire Avenue) will be situated in excess of 600-feet from the proposed office building and western hotel building. Additionally, the single family residences located to the northwest of the CPD site are situated approximately 30-35 feet higher than the proposed hotels, office and restaurant/retail buildings within the development. As indicated previously, the Trade Centre I (three-story, 50-foot tall, 83,000 square feet) and Trade Centre II (four-story, 65-foot tall, 110,000 square feet) office buildings are located to the west at 750 and 950 Trade Centre Way.

With regard to the proposed building height/setback modifications and screening waiver, the presence of the 50-acre City of Kalamazoo wellfield to the north, combined with the setback distances, elevation differences and the presence of the Portage Creek and associated natural area (trees/wetlands) will mitigate any potential impacts to the existing single family residences situated northwest of the CPD site. As

indicated in the attached materials, the applicant is designing the layout of the CPD site, particularly the two hotel buildings, so as to provide scenic views over this large natural wetland area. Additionally, the proposal to construct two four-story hotels and one four-story office building is consistent and compatible with the existing three-story and four-story Trade Centre I and II office buildings that were previously approved and constructed along the western portion of Trade Centre Way.

Traffic, Access and Parking Issues – The capacity of the adjacent street network to accommodate land development within and adjacent to the DDA has been carefully considered over the past several years. In preparation of establishing the DDA and changing the area zoning, a planning level traffic study was prepared in 1998 by Traffic Engineering Consultants, P.C. that evaluated the entire approximate 60 acre CPD area, which included the Trade Centre Way development site. This study assumed a land use matrix and anticipated traffic generation that is consistent with existing and proposed development pattern within the surrounding area. Another traffic study was completed in 2009 by Abonmarche Consultants that specifically evaluated the Trade Centre Holdings, LLC project area, redesign/reconstruction of the South Westnedge Avenue and I-94 interchange area and concluded with several recommendations regarding the design of the South Westnedge Avenue and Trade Centre Way intersection.

Significant investment has been made to the surrounding public street network (Trade Centre Way, West Fork Crossing, Marketplace and South Westnedge Avenue) over the past decade in and around the DDA to support existing and planned development projects based, in part, on the results of these previously completed traffic studies. As such, traffic generation from the existing and proposed uses in the conceptual plan amendment can be accommodated by the adjacent street network. While additional traffic reviews will occur with subsequent specific/site plan submittals, planned access drives from Trade Centre Way and vehicular connections between uses will continue to further integrate proposed and existing developments.

Finally, and consistent with the site design for 750 and 950 Trade Centre Way, the applicant is proposing to bank or defer several parking areas for future use, if necessary. These banked parking areas are highlighted in green on the attached conceptual plan. Further evaluation of these banked/deferred parking areas will be completed upon submission of the specific (site) plans.

Environmental Issues – The northern portion of the CPD site includes or is adjacent to the Portage Creek and associated floodplain and wetland areas. In conjunction with construction of the two hotel buildings, the applicant is proposing to modify the wetland area and 100-year floodplain adjacent the Portage Creek, along the northern boundary of the CPD site. A proposal that involves placement of approximately 6,923 cubic yards of fill in approximately 0.42 acres of emergent wetland and a portion of the 100-year floodplain, along with off-site wetland restoration, has been reviewed and approved by the Michigan Department of Environmental Quality (MDEQ). A copy of the MDEQ Permit issued on March 9, 2012 is included as an attachment. As part of the wetland/floodplain modifications, the applicant will be working with the City of Kalamazoo and Nature Ventures Inc. to restore a natural area on a 4.1 acre brownfield site in downtown Kalamazoo. Attached are letters from the City of Kalamazoo and Nature Ventures Inc. that further explain this wetland restoration project.

Integration of the Development – The applicant has indicated in the attached narrative that each building within the CPD site will be designed to be part of a cohesive development with an integrated architectural theme. Orientation of buildings will occur so as to be aesthetically pleasing from I-94 and Trade Centre Way and to overlook natural wetland/floodplain areas located to the north within the City of Kalamazoo wellfield property. Exterior building finishes will mainly consist of concrete or unit masonry materials such as split face block, brick, pre-cast or synthetic materials (DRIVIT) with integration of natural stones or woods for architectural diversity. Color schemes for the primary building surfaces will be limited to those that integrate positively with the existing Trade Centre I and II office buildings and the masses of the

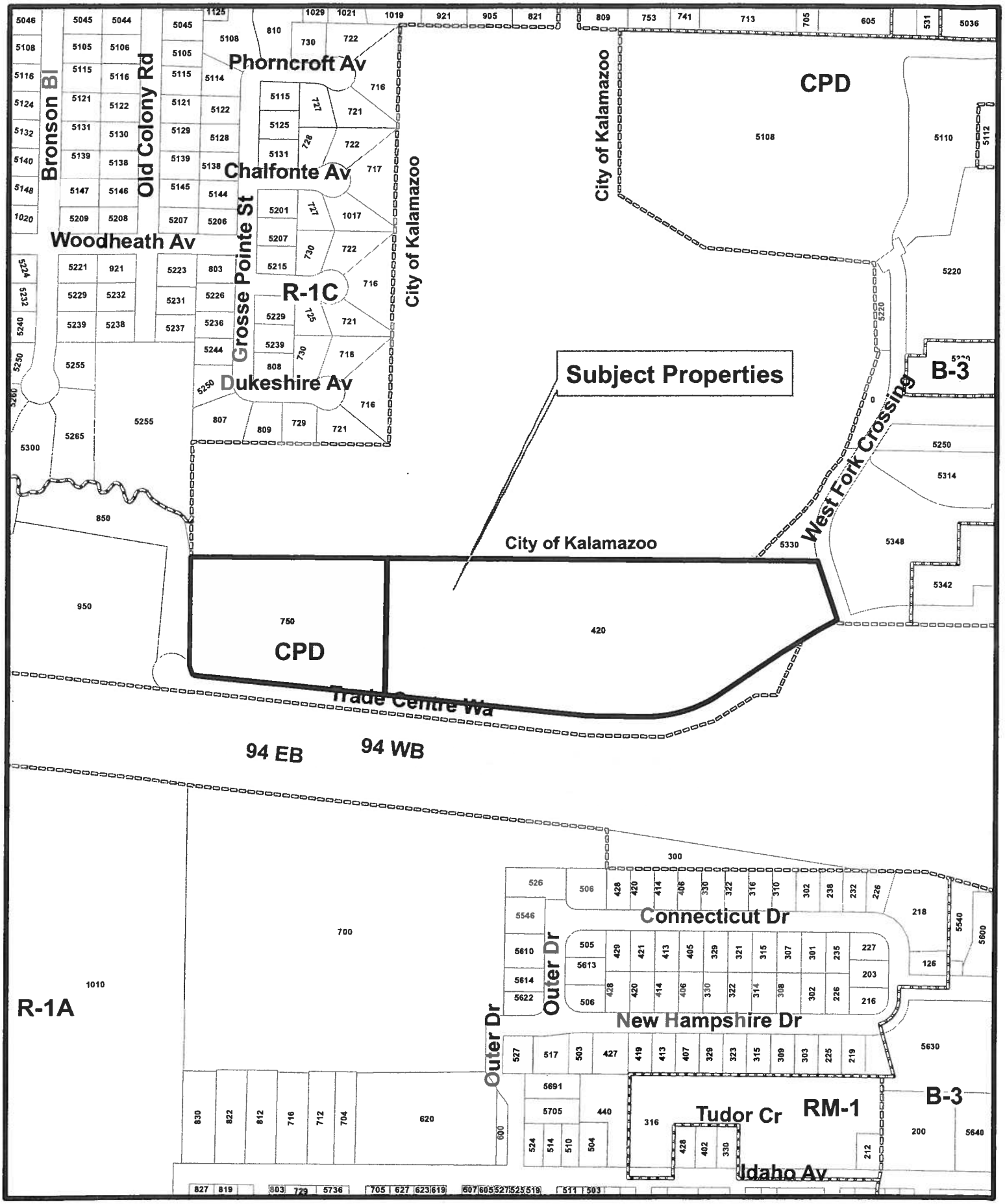
larger hotel and office buildings will include banding or similar treatments. Landscaping throughout the CPD development will also consist of upscale and unifying themes that emphasis the adjacent Portage Creek and associated wetland/floodplain vegetation. Individual development sites will also be integrated through interior vehicular and pedestrian interconnections. Finally, the overall CPD site will be subject to a reciprocal easement agreement (REA) that will ensure the property is developed in a cohesive manner with common drives, cross access and shared utility corridors and connections. Copies of preliminary building elevations are attached for Commission review.

IV. RECOMMENDATION:

While the conceptual plan was originally noticed for a public hearing at the June 21, 2012 Planning Commission meeting, an error in the surrounding property owner/resident notification (exclusion of the City of Kalamazoo) has resulted in the need to postpone and renotice the public hearing to the July 5, 2012 meeting. All property owners/residents included in the original notice have been informed of this matter.

The Planning Commission is advised to review and discuss the proposed conceptual plan amendment, along with the background information, during the June 21, 2012 meeting. A public hearing to formally review the application and formulate a recommendation to City Council has been scheduled for the July 5, 2012 meeting.

Attachments:
- Zoning/Vicinity Map
- Aerial Photograph
- Proposed Conceptual Plan Amendment (June 15, 2012 narrative and conceptual plan drawing)
- Building elevation drawings
- Preliminary Site Plan for Marriott Courtyard
- Michigan Department of Environmental Quality – wetland/floodplain permit (March 9, 2012)
- Letters from the City of Kalamazoo and Nature Ventures Inc
- Previously Approved 2002 Conceptual Plan for Furniture Row USA, LLC (narrative/conceptual plan)



Legend

Zoning Boundary

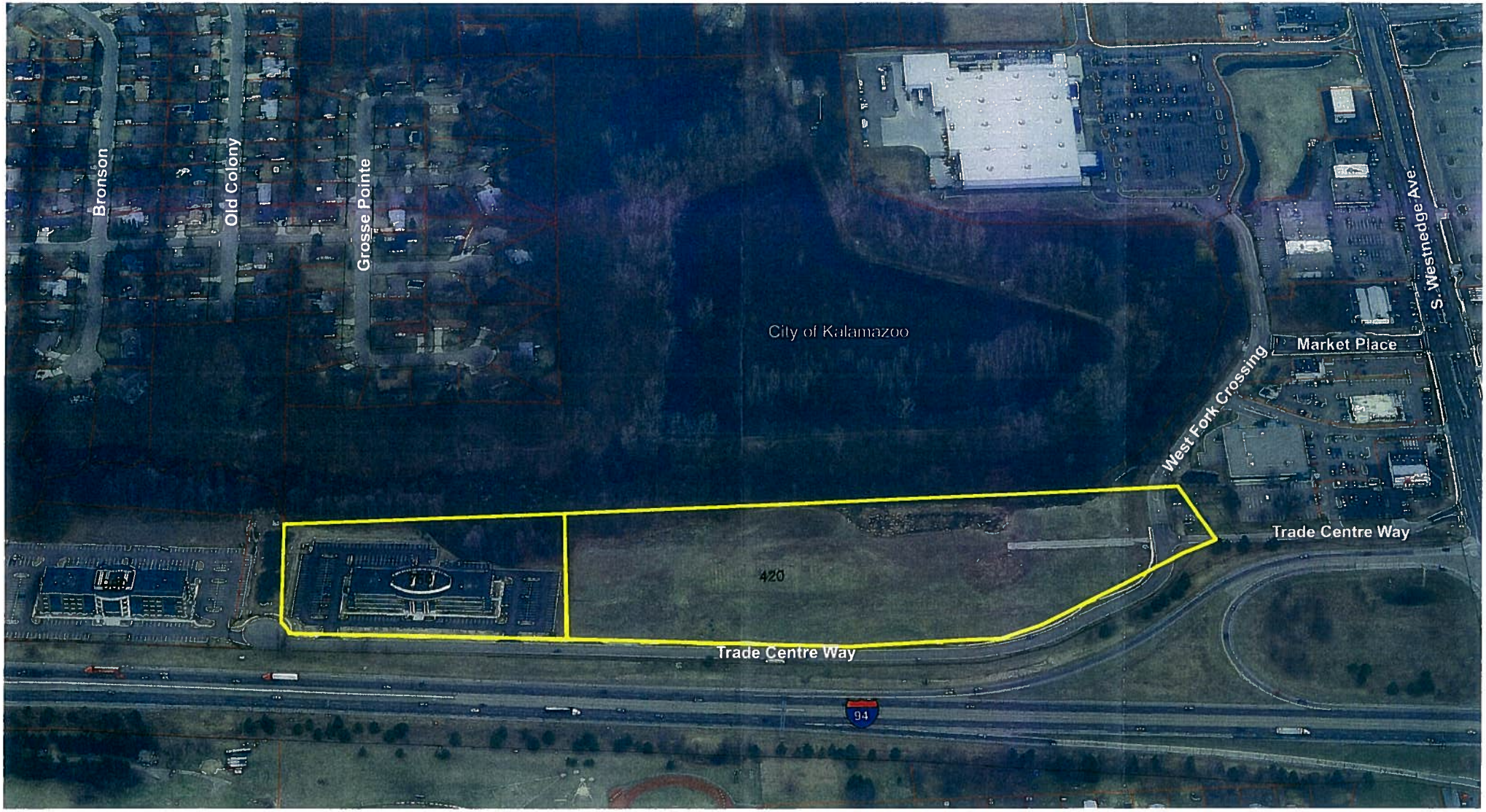
Subject Property

Conceptual Plan
420 & 750 Trade Centre Way

N

0 137.5 275 550 Feet

Aerial Photography
420, 750 Trade Centre Way



Pictometry Image
March 30, 2009

avb
construction | development

June 15, 2012

Mr. Michael K. West, AICP
Assistant City Planner
City of Portage
7900 South Westnedge Avenue
Portage, Michigan 49002

RE: Conceptual Plan for 420 Trade Center Way-Trade Centre Holdings, LLC

Dear Mike:

What follows is our revision to the conceptual plan for the 20.00 acre +/- property which includes 420 and 750 Trade Centre Way. The original conceptual plan was approved by Portage City Council in 2002. Interestingly, at that time, the developers Furniture Row, LLC had envisioned the property for hotel, restaurant and retail use-three uses we still proposed today. Further, they planned for an Extended Stay America hotel and had requested modifications for screening, setbacks and heights – all to accommodate the Extended Stay America hotel.

Since this time, significant progress has been made in relation to this conceptual plan. Importantly, in 2003, the property was sold to H & G, LLC a 50/50 partnership of local developers Roger Hinman from the Hinman Company and Joe Gesmundo from AVB – paving the way for new development to actually commence on the property. Very shortly thereafter, a 83,000 square foot, Class A office building was developed and is 100% occupied on the conceptual plan property. In addition, in 2006/07, the property to the west, which is not part of this conceptual plan, was developed as a 110,000 square foot Class A office building.

This property is comprised of the 750 Trade Centre Way office building, and the currently vacant property which sits at the at the east end of Trade

Center Way west of West Fork Crossing and east of 750 Trade Centre Way. The information contained in this narrative is intended to be used in connection with the concept plan. Within this document we are requesting two modifications and a waiver, similar to what was requested in 2002- a height modification request, a rear setback modification request, and a screening waiver in accordance with City of Portage Land Development Regulations.

Statement of Purpose: The purpose of this conceptual plan is to allow for the development office buildings, hotels, restaurants and retail space in a manner is that consistent with the high quality that has been established in the Trade Center development. Specifically, we are requesting to revise the Commercial Planned Development conceptual plan for the Trade Centre as noted herein.

General Development Plan: The concept plan indicates one additional four-story office building along with two four story hotels and three one to two-story restaurants. While the actual mix of office to hotel to restaurant may change, we are working to develop a cohesive development with a well-developed sense of place. While this plan is conceptual in nature and name, we expect the following approximate sizes and square footages for each use. The 110,000 square foot +/- office building will occupy between five and six acres, the 5,000 to 12,000 square foot restaurants will occupy pad sites between one and two acres and the 50,000 to 60,000 square foot hotel buildings will occupy between two and three acre sites each. The buildings will be of an architectural and structural character that will express an architectural character that integrates well into the existing development. In addition, the landscaping will be upscale through the development and will emphasize the adjacent West Fork of the Portage Creek where appropriate. We intend to orient the buildings so that they are aesthetically pleasing from I-94 and Trade Centre Way. The exterior building finishes will be mainly concrete or unit masonry materials such as split face block, brick, pre-cast or synthetic materials such as DRIVIT which have the appearance of masonry. Some natural stones or woods may be integrated in for architectural diversity. The color schemes for the primary building surfaces will be limited to those that integrate positively with the existing Trade Center office buildings and the masses of the larger hotel

and office buildings will be broken with banding, or movement in the elevation.

Property Map: We have attached a conceptual plan per the CPD requirements.

Developer: The developer is H & G, L.L.C, (Roger Hinman, Principal of The Hinman Company and Joe Gesmundo, Principal of AVB) of 4200 W. Centre Avenue, Portage, MI, 49024 and 750 Trade Centre Way, Portage, MI 49024. The land owner entity is Trade Centre Holdings, LLC of 750 Trade Centre Way, Portage, MI, 49024. Both entities, H & G, L.L.C. and Trade Centre Holdings, LLC, are owned 50/50 by Joe Gesmundo and Roger Hinman.

Holdings: A Warranty Deed showing this property is owned by Trade Centre Holdings, LLC is included in this package. Please note that two properties are owned by the City of Portage as shown on the attached concept plan. The easternmost holding is a street vacation which will be deeded to Trade Centre Holdings shortly. The southernmost holding will be retained by the City of Portage, but an easement will be given to Trade Centre Holdings, LLC for off street parking. Both properties are being conveyed, as noted above, according to a development agreement between the City of Portage and Trade Centre Holdings, LLC.

Property Lines, Streets and Utilities: The attached conceptual plan provides the adjacent tract property lines, the public streets, easements, and the locations of the underground water and sanitary sewer. All of these utilities are in place and ready to serve this portion of the development.

Topography: The topography is also shown on the conceptual plan.

Use, Height & Setbacks: The Class A office building will be four stories and will not exceed 65 feet tall to the top of the screen wall (tallest point on the building). The hotel buildings will be four stories and will not exceed 59 feet tall. The Class A office building is the same height as the existing 950 Trade Centre Way office building which was granted the same modification we are requesting herein.

We are therefore requesting, in accordance with Section 42-414(G) of the Land Development Regulations of the City of Portage, a height modification request to allow the construction of an office building to a height not to exceed 65 feet above the existing elevation of the land and hotel buildings not to exceed 59 feet above the existing grade. We ask that when considering this request you note the following factors which mitigate the impact of the height of this building.

- The property immediately north of these buildings is an approximately 50 acre natural area, owned by the City of Kalamazoo, presently used a well field.

- The property to the north and west contains a significant number of mature trees that will further screen the homes to the west from our proposed building. Further the residential property to the north and west is 30 to 35 feet higher in grade higher than the conceptual plan property.

- The nearest proposed building itself will be approximately 525 feet from the nearest residential property line, located on Dukeshire, to the north and approximately 600 feet from the nearest home to the north.

- Expert testimony, during development of the 950 Trade Centre building, indicated that the additional building mass reduces road noise impact on the residential properties to the north. Some resident comments have also indicated that the construction of the 950 Trade Centre building has reduced the sound impact of I-94.

We are also hereby requesting a rear set-back modification to 30' for the easterly hotel and 10' for the westerly hotel. These setback modifications are necessary owing to the following important factors:

- The property is wide (east to west) and fairly shallow in depth (north to south)
- Our goal with this plan is to allow for smooth vehicular circulation which requires drive aisles to be coordinated between the hotel

sites, the restaurant pad sites and the 650 Trade Centre Way proposed office site

- Further, we desired to the best-looking front elevations front on I-94
- The westerly hotel proto-type requires a north and south orientation while the easterly hotel proto-type requires and east west orientation
- The general alignment of the hotels allows for a symmetrical repetition of the of the restaurant pads

These factors combined require the two hotel buildings to be pushed further to the north than normal and hence the requested set-back medication.

We are also requesting a waiver from the screening requirement from the adjacent City of Kalamazoo well field. It is our desire to allow the hotel guests and users to overlook the natural adjacent wetland properties. The easterly hotel is being designed with an outdoor open space and plaza to specifically orient to the natural views. As the property to the immediate north is a combination of wetlands and floodplain and presently serves as the City of Kalamazoo well field, we do not see that our requested waiver will create any negative impact on the property to the north.

Development Staging: What follows is our present anticipated staging of the development. However, no final commitments exist beyond the first hotel building.

- Hotel Building #1 – Summer 2013 to Fall 2014
- Hotel Building #2 – Summer 2014 to Fall 2015
- Restaurant #1 – Summer 2013 to Fall of 2015
- Restaurant #2 – Summer 2014 to Fall of 2016
- Restaurant #3 – Summer 2015 to Fall of 2017
- 650 Trade Centre Way Office Building –Summer of 2015 to Fall of 2017

Development Integration & Independence: Each building proposed herein is designed to be a part of a cohesive development while maintaining the ability to fully stand on its own merits. As such the buildings rely on being

designed around an integrated architectural theme. Additionally the buildings will be benefited by a REA (Reciprocal Easement Agreement) to allow for the integrated development of the area as a whole. As such, common drives are shared, utility corridors and connections are ensured, and each parcel requires at least one vehicular and pedestrian connection to each adjacent parcel.

Common Open Space: The common open space within the Trade Centre is best demonstrated by viewing the attached conceptual plan. To outline the conceptual plan, common open space includes the Westnedge and Trade Centre Way entry statement, sign, and boulevard, the landscaping along the entire Trade Centre both north and sides, the storm retention area west of 750 Trade Centre Way. Additionally, for aesthetics, the Trade Centre mows the I-94 right of way between I-94 and the decorative fence (which is also owned and maintained as common space). This common area maintenance program would be one of many common areas that have been maintained by the developer successfully over the last 35 years. These common areas facilitate a natural and well-maintained feel to the entire development and is a unifying theme for the entire development.

Water & Sanitary Sewer: The water and sanitary sewer already run through the development, mainly along Trade Centre Way. The proposed buildings would be served by tying directly into these existing utilities. The storm system is worthy of particular note as that it is a bit unusual and relates directly to the permit that we have received from the MDEQ which is attached to this submission for reference. We presently anticipate maintaining all storm water underground, with overflows of said underground system being release to the West Fork of Portage Creek according to the flows approved by the MDEQ permit. If above ground storm water detention becomes necessary, such storm water volume would be proposed in a manner substantially similar to the storm water area between the 750 and 950 Trade Centre Way buildings. These storm water area has been an enhancement to our overall development and is commented on often by current and prospective tenants for its attractiveness and natural feel.

Traffic & Parking: The traffic will be routed to the development along the newly constructed Trade Center Way, West Fork Crossing and Westnedge Avenue. As these roads has been recently constructed, we assume they have been designed in anticipation of the approved 2002 conceptual plan. Therefore we expect that this road has been designed to handle exactly the traffic that is proposed for it. The width of the street is 32 feet which can also been seen on the attached conceptual plan. Parking will all be accommodated around the buildings as can be seen on the attached conceptual plan.

For your information, we provide the below table showing the anticipated traffic flows, based on the ITE Trip Generation Manual.

Future Traffic Impacts

Use	Amount	Trip Ends/Day
Hotels	180 Rooms	1250
3 Restaurants	30,000 sq. ft.	2700
Office	193,000 sq. ft.	1850
	Total	5800

Covenants, Restrictions, Easements: As mentioned previously, the property will be developed subject to the REA (Reciprocal Easement Agreement). This document will ensure that the property is developed in a cohesive manner and is maintained properly into the future.

Natural Features: The property is bordered on the west by the natural storm water detention area, on the north by the City of Kalamazoo well field, on the east by West Fork Crossing and on the South by Trade Centre Way and I-94. As such the property is exposed to a significant amount of visual inspection on a daily basis and the main natural features have either been created in our re-development of this property or by the City of Kalamazoo well field to the north.

It should be noted that there are existing wetlands on the north edge of the property, immediately adjacent to Portage Creek. A small portion of this

northern edge of the property is also within the floodplain. We have designed our hotels and the 650 Trade Centre office building to overlook the natural wet lands of the City of Kalamazoo well fields to the north and we think this is an especially appealing feature of these properties which are positioned so closely to I-94.

Over the last several years we have employed two highly regarded consultants to help us revise the current location of the floodplain line by filing a Letter of Map Amendment with FEMA. The Michigan Department of Environmental Quality has granted H & G the required permits to relocate a portion of the wetland that was in conflict with our proposed development. The permit includes a FEMA letter of map amendment to redefine the floodplain line and allows the relocation of the existing wetlands on our property. This is a particularly interesting and innovative project which is a cooperative venture between Trade Centre Holdings and The Nature Centre. The project features mitigating this wetland from the Trade Centre to downtown Kalamazoo as part of a larger Kalamazoo Nature Center rehab project.

This proposed concept plan is fully in compliance with the MDEQ permit, including the manner in which storm water is handled on site with controlled releases to the West Fork of the Portage Creek in volumes that are controlled by said permit.

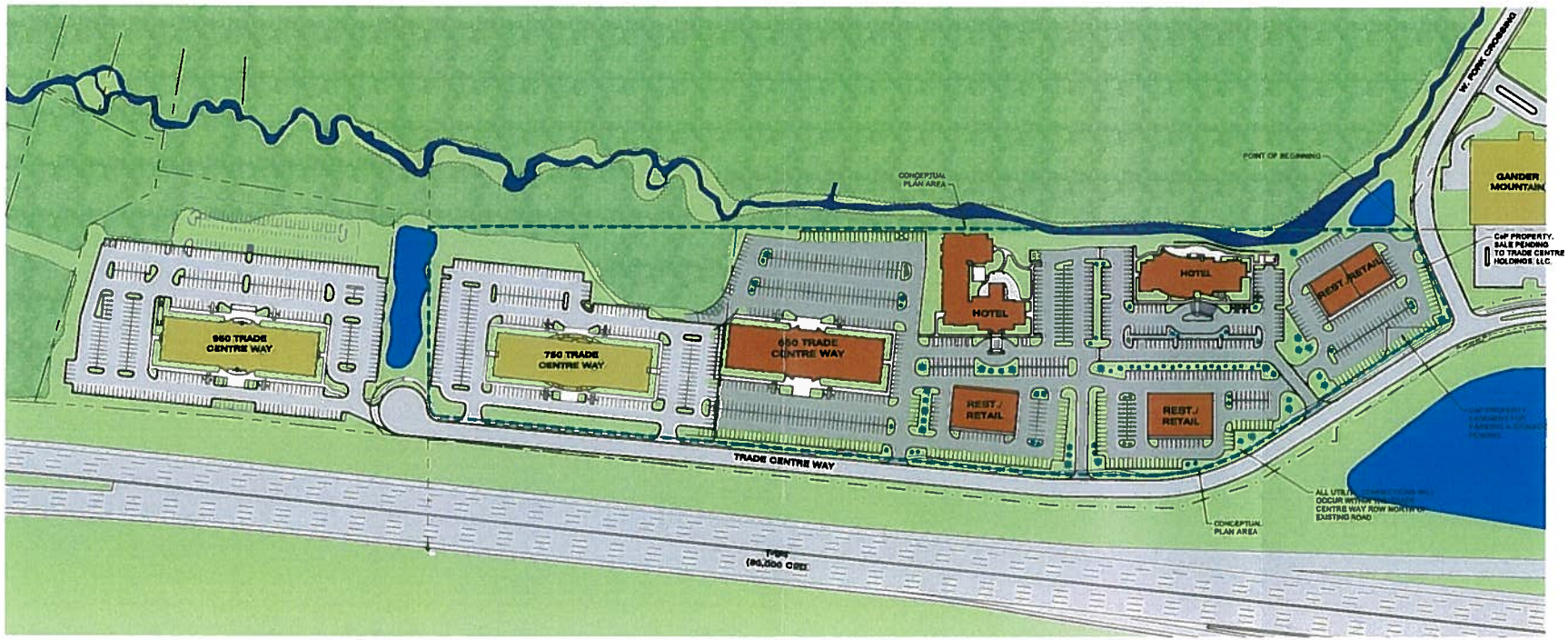
In summary we at H & G look forward to working with both the City of Portage and our neighbors in a positive manner. Please direct any questions to me at (269) 329-3636 or gdobson@avbinc.com.

Sincerely,

Greg Dobson

C: Joseph L. Gesmundo
Roger E. Hinman

Rich MacDonald



PROPERTY DESCRIPTION

COMMENCING AT THE EAST 1/4 POST OF SECTION 4, T. 3 S., R. 11 W., CITY OF PORTAGE, KALAMAZOO COUNTY, MICHIGAN; THENCE NORTH 00°-10'-09" EAST, ALONG THE EAST LINE OF SAID SECTION, 850.20 FEET (RECORDED AS N00°10'32"E, 850.43 FEET), TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, AS RECORDED IN LIBER 14 OF PLATS ON PAGE 6, KALAMAZOO COUNTY RECORDS; THENCE N89°55'00"W ALONG SAID NORTH LINE, 968.32 FEET TO THE WESTERLY RIGHT-OF-WAY OF WEST FORK CROSSING AS RELOCATED, AND THE PLACE OF BEGINNING OF THE LAND HEREINAFTER DESCRIBED; THENCE SOUTHEASTERLY ALONG THE WESTERLY LINE OF SAID RIGHT-OF-WAY, 59.80 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 290.00 FEET AND A CHORD BEARING S18°31'31"E, 59.79 FEET; THENCE S24°26'33"E, 135.92 FEET TO THE NORTHERLY RIGHT-OF-WAY OF TRADE CENTRE WAY AS RELOCATED; THENCE SOUTHWESTERLY ALONG THE NORTHERLY LINE OF SAID RIGHT-OF-WAY, 38.86 FEET ALONG A CURVE TO THE LEFT WITH A RADIUS OF 538.00 FEET AND A CHORD BEARING S83°25'49"W, 38.84 FEET TO THE NORTHEAST CORNER OF LAND OWNED BY THE CITY OF PORTAGE; THENCE N89°55'11"W ALONG THE NORTH LINE OF SAID LAND, 84.20 FEET; THENCE S00°09'18"E ALONG THE WEST LINE OF SAID LAND, 48.13 FEET; THENCE S24°51'00"W, ALONG SAID WEST LINE, 31.77 FEET TO THE NORTHERLY RIGHT-OF-WAY OF TRADE CENTRE WAY AS RELOCATED; THENCE CONTINUING ALONG THE NORTHERLY LINE OF SAID RIGHT-OF-WAY FOR THE NEXT 8 COURSES: S57°15'22"W, 194.05 FEET; THENCE S32°44'38"E, 7.83 FEET; THENCE S57°47'49"W, 144.55 FEET (RECORDED AS S57°48'12"W, 163.83 FEET); THENCE SOUTHWESTERLY 243.48 FEET ALONG A CURVE TO THE RIGHT WITH A RADIUS OF 424.00 FEET AND A CHORD BEARING S74°14'53"W (RECORDED AS S74°15'18"W), 240.15 FEET; THENCE N89°18'03"W (RECORDED AS N89°17'40"W), 181.89 FEET; THENCE N84°43'37"W (RECORDED AS N84°43'14"W), 688.21 FEET; THENCE N85°51'28"E (RECORDED AS N85°51'51"E), 433.28 FEET TO THE NORTH LINE OF SAID PLAT EXTENDED; THENCE S89°55'00"E ALONG SAID NORTH LINE, 1,364.71 FEET TO THE PLACE OF BEGINNING. CONTAINING 14.07 ACRES.

ALSO INCLUDING 750 TRADE CENTRE WAY DESCRIBED AS:
PART OF THE N 1/2 OF SEC 4 T3S R11W , COMMENCING AT THE E 1/4 POST OF 3D SEC 4 THENCE N00°10'32"E ON THE E LINE OF 3D SEC 4 A DISTANCE OF 850.43 FEET TO THE NORTH LINE OF THE ASSESSOR'S PLAT OF DEBOER HOMESTEAD ACRES, SAID NORTH LINE BEING PREVIOUSLY REFERRED TO AS THE NORTH LINE OF THE NORTH 1/2 OF THE SOUTH 1/2 OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 4. THENCE N89°55'00"W ON SAID NORTH PLAT LINE AND ON AN EXTENSION OF SAID NORTH PLAT LINE 2034.83 FEET TO THE POINT OF BEGINNING OF THE LAND HEREIN DESCRIBED. THENCE S05°51'51"W 433.28 FEET, THENCE N84°43'14"W 580.48 FEET, THENCE NORTHWESTERLY 22.16 FT ON A 15.00 FT RADIUS CURVE TOY HE RIGHT WHOSE CHORD BEARS N42°23'53"W 20.20 FT, THENCE NORTHWESTERLY 18.75 FT ON A 60.00 FT RADIUS CURVE TO THE LEFT WHOSE CHORD BEARS N09°30'27"W 18.68 FT TO THE NORTH AND SOUTH 1/4 LINE ON SAID SECTION 4 THENCE N00°07'48"E ON SAID NORTH AND SOUTH 1/4 LINE 346.00 FT TO THE WESTERLY EXTENSION OF THE NORTH LINE OF SAID DEBOER HOMESTEAD ACRES, THENCE S89°55'00"E ON SAID NORTH LINE EXTENDED 618.44 FT TO THE POINT OF BEGINNING.

OWNER

Trade Centre Holdings, LLC
750 Trade Center Way
Suite 100
PO Box 50751
Kalamazoo, MI 49005

DEVELOPER

H&G, LLC
750 Trade Center Way
Suite 100
PO Box 50751
Kalamazoo, MI 49005

0 50 100 200
1 inch = 100 ft.

N E S

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

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS SERVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

hurley & stewart, llc
7300 south hills street
kalamazoo, michigan 49009
269.352.4960 fax 269.352.4961
www.hurleystewart.com
hurley & stewart

Job No. 12-012D FAL TBM Drft: BG QACC: 5/21/12

	ISSUED FOR REVISIONS:	
1	CITY REVIEW	5/21/12

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Sheet Title: **AMENDED & REVISED CONCEPT PLAN 2012**
TRADE CENTRE
H&G, LLC

Project:
Client:

5/21/12

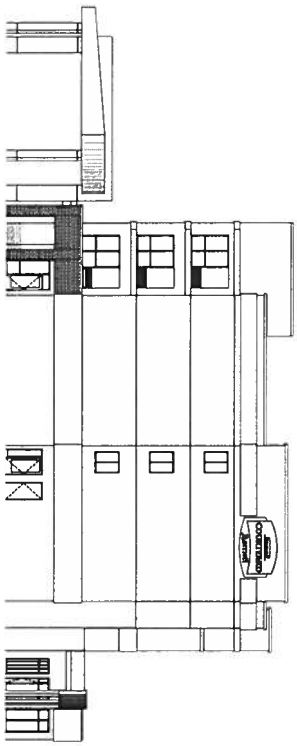
Sheet
1

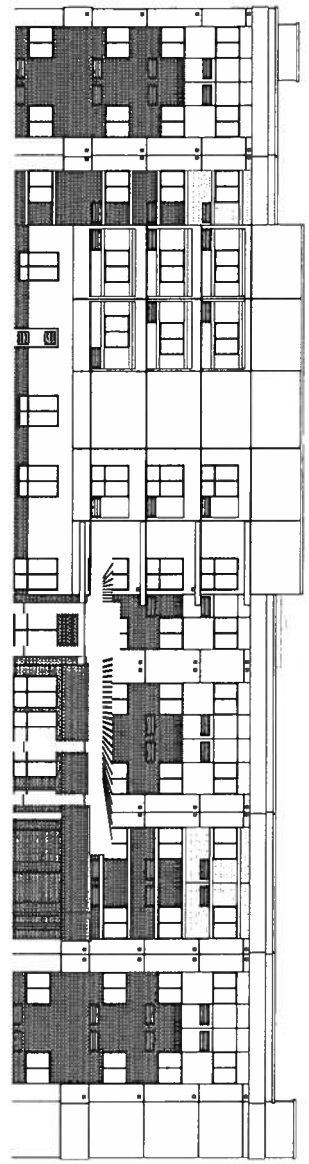
Perspective

650 Trade Center Way

THE HINMAN COMPANY

RSA | RSA Design Group LLC Architects





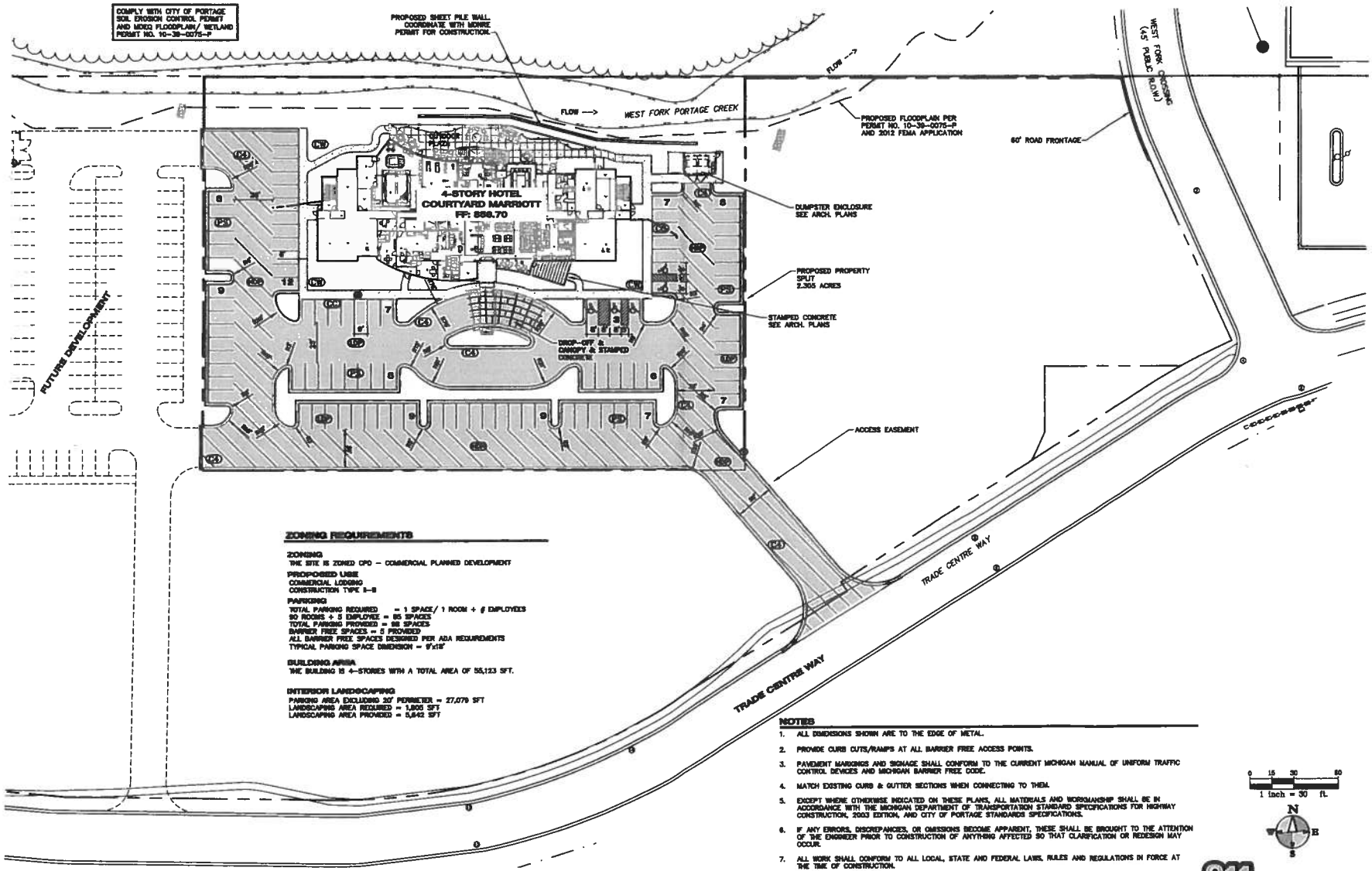
SHEET DESCRIPTION	PROJ. DATE:	04-24-12	
	PROJECT #:	1202	
	FILE NAME:	A3B-01-DLRV	
	DWG. SCALE:		
	CHECKED BY:		
	DRAWN BY:		

COURTYARD BY MARRIOTT
90 UNITS - 4 STORY
TRADE CENTRE WAY
PORTAGE, MICHIGAN

DATE
DATE
REVISIONS

Lightowler Johnson Associates
architects engineers
BISMARCK, ND
FARGO, ND
PHONE: 701 . 224 . 1606
PHONE: 701 . 282 . 1388
FAX: 701 . 282 . 1363
WEBSITE: WWW.LJA-1.COM

TMI HOSPITALITY
1201 PAGE DRIVE
FARGO, NORTH DAKOTA
58103



ZONING REQUIREMENTS

ZONING
THE SITE IS ZONED CPD – COMMERCIAL PLANNED DEVELOPMENT

PROPOSED USE
COMMERCIAL LODGING
CONSTRUCTION TYPE II-B

PARKING
TOTAL PARKING REQUIRED = 1 SPACE/ 1 ROOM + # EMPLOYEES
90 ROOMS + 5 EMPLOYEE = 95 SPACES
TOTAL PARKING PROVIDED = 98 SPACES
BARRIER FREE SPACES = 5 PROVIDED
ALL BARRIER FREE SPACES DESIGNED PER ADA REQUIREMENTS
TYPICAL PARKING SPACE DIMENSION = 9'x18'

BUILDING AREA
THE BUILDING IS 4-STORIES WITH A TOTAL AREA OF 55,123 SFT.

INTERIOR LANDSCAPING
PARKING AREA EXCLUDING 30' PERIMETER = 27,079 SFT
LANDSCAPING AREA REQUIRED = 1,805 SFT
LANDSCAPING AREA PROVIDED = 5,842 SFT

NOTES

1. ALL DIMENSIONS SHOWN ARE TO THE EDGE OF METAL.
2. PROVIDE CURB CUTS/RAMPS AT ALL BARRIER FREE ACCESS POINTS.
3. PAVEMENT MARKINGS AND SIGNAGE SHALL CONFORM TO THE CURRENT MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES AND MICHIGAN BARRIER FREE CODE.
4. MATCH EXISTING CURB & GUTTER SECTIONS WHEN CONNECTING TO THEM.
5. EXCEPT WHERE OTHERWISE INDICATED ON THESE PLANS, ALL MATERIALS AND WORKMANSHIP SHALL BE IN ACCORDANCE WITH THE MICHIGAN DEPARTMENT OF TRANSPORTATION STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, 2003 EDITION, AND CITY OF PORTAGE STANDARDS SPECIFICATIONS.
6. IF ANY ERRORS, DISCREPANCIES, OR OMISSIONS BECOME APPARENT, THESE SHALL BE BROUGHT TO THE ATTENTION OF THE ENGINEER PRIOR TO CONSTRUCTION OF ANYTHING AFFECTED SO THAT CLARIFICATION OR REDESIGN MAY OCCUR.
7. ALL WORK SHALL CONFORM TO ALL LOCAL, STATE AND FEDERAL LAWS, RULES AND REGULATIONS IN FORCE AT THE TIME OF CONSTRUCTION.
8. ALL EXTERIOR CONCRETE SHALL BE MDOT GRADE P1 (3500PSI), AIR ENTRAINED, LIMESTONE AGGREGATE, BROOM FINISHED, CURING SEAL.
9. ANY BITUMINOUS OR CONCRETE PAVEMENT, SANITARY SEWER, SANITARY SEWER SERVICE LEADS, OR STORM SEWER, WHICH IS DAMAGED BY THE CONTRACTOR DURING HIS OPERATIONS, SHALL BE REPAIRED TO THE OWNER'S SATISFACTION AND AT THE CONTRACTOR'S EXPENSE.
10. ALL CONSTRUCTION SIGNING TO BE IN ACCORDANCE WITH THE MICHIGAN MANUAL OF UNIFORM TRAFFIC CONTROL DEVICES. REGULATORY SIGNAGE (IF SPECIFIED) SHALL BE PER THE MDOT.
11. ALL LIGHTING SHALL BE UPDATED TO MEET CURRENT PORTAGE STANDARDS. FIXTURES TO BE SHIELDED CUT-OFF STYLE. ANY ADDITIONAL FIXTURES TO BE LESS THAN OR EQUAL TO 25' HIGH.
12. BUILDING WILL BE PROTECTED WITH AUTOMATIC SPRINKLER SYSTEM OR ACCEPTABLE ALTERNATIVE.

SITE LEGEND

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- C4 CURB AND GUTTER
- E2 CURB AND GUTTER
- COMBINED CURB WALK
- CONCRETE WALK
- CONCRETE SURFACE
- PARKING STRIPING (8"x18')
- SIDEWALK RAMP– TYPE P

LEGEND

- LIGHT DUTY HMA PAVEMENT
- HEAVY DUTY HMA PAVEMENT
- CONCRETE SIDEWALK
- CONCRETE CURB AND GUTTER TYPE VARIES

0 15 30 60
1 inch = 30 ft.

N W E S

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

ALL UTILITIES AS SHOWN ARE APPROXIMATE LOCATIONS DERIVED FROM ACTUAL MEASUREMENTS AND AVAILABLE RECORDS. THEY SHOULD NOT BE INTERPRETED TO BE EXACT LOCATION NOR SHOULD IT BE ASSUMED THAT THEY ARE THE ONLY UTILITIES IN THE AREA.

FIELD WORK PERFORMED BY:
PREIN/NEWHOF PROFESSIONAL SURVEYING

hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.382.4960 fax 269.382.4981
www.hurleystewart.com
hurley & stewart

Job No.: 10-0003 P.M.:TMK Drfr:--- 04/05/06 06/01/12
ISSUED FOR/REVISIONS
1 SITE PLAN SUBMITTAL 06/01/12

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Sheet Title: SITE PLAN
Project: TRADE CENTRE MARRIOTT COURTYARD
Client: TMI HOSPITALITY

06/01/12
Sheet C-3

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
WATER RESOURCES DIVISION
PERMIT

ISSUED TO:

Trade Centre Holdings, LLC
Attn: Mr. Rich MacDonald
750 Trade Centre Way, Suite 100
Kalamazoo, MI 49002

Permit No.	10-39-0075-P
Issued	**March 9, 2012**
Extended	
Revised	
Expires	**March 9, 2017**

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and specifically:

- ☐ **Part 301, Inland Lakes and Streams**
- ☐ **Part 325, Great Lakes Submerged Lands**
- ☒ **Part 303, Wetlands Protection**
- ☒ **Part 31, Floodplain/Water Resources Protection**
- ☐ **Part 315, Dam Safety**
- ☐ **Part 323, Shorelands Protection and Management**
- ☐ **Part 353, Sand Dunes Protection and Management**

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Permitted Activity:

Place approximately 6,923 cubic yards of fill in approximately 0.42 acres of emergent wetland, of which 1,691 cubic yards is in the 100-year floodplain of the West Fork of Portage Creek, for the purpose of constructing a multi-use commercial facility. Place approximately fifteen cubic yards of clean riprap to construct three storm water outlets adjacent to the West Fork of Portage Creek.

Excavate approximately 4,475 cubic yards of material from the compensation & mitigation site to restore floodplain and wetland functions adjacent to Portage Creek, resulting in a minimum of 0.63 acres of wetland restoration. Construct a 10 foot wide by 200 foot long elevated, open-pile boardwalk following the mitigation construction. All work shall be completed in accordance with the attached plans dated by the WRD.

Water Course Affected: Wetland contig. to Portage Creek
Property Location: Kalamazoo **County,** City of Portage, **Section** 4
Town/Range 3S, 11W **Property Tax No.** 01900-150-B

Authority granted by this permit is subject to the following limitations:

A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
D. All work shall be completed in accordance with the plans and specifications submitted with the application and/or plans and specifications attached hereto.
E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.

G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits, or complying with other state statutes.
H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
I. Permittee shall notify the MDEQ within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached preaddressed postcard to the office addressed thereon.
J. This permit shall not be assigned or transferred without the written approval of the MDEQ.
K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific state act, federal act, and/or rule under which this permit is granted.
L. Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. The design flood or 100-year floodplain elevation at this location on the West Fork of Portage Creek is approximately 852 feet NAVD88.

2. The project is located within a community that participates in the National Flood Insurance Program (NFIP). As a participant in the NFIP, the community must comply with the Michigan Building Code 2009 (including Appendix G and listed supporting materials), the Michigan Residential Code 2009, and Title 44 of the Code of Federal Regulations, Part 60 Criteria for Land Management and Use. The community is also responsible to ensure that its floodplain maps and studies are maintained to show changes to flood elevations and flood delineations as described in 44 CFR, Part 65.

3. Any other filling, grading, or construction within the 100-year floodplain will require a separate MDEQ permit before starting the work.

4. The compensating cut (excavations) for floodplain fill, as authorized by this permit, shall be completed prior to, or concurrently with, the placement of the fill. Alternatively, should the mitigation/compensation site be unavailable at the time of construction, the permittee may delay the compensating cut excavations until such time that the site is available. **Failure to complete the compensating cut prior to expiration of this permit shall be considered a permit violation.** The compensating cut and fill areas shall be properly stabilized to prevent soil erosion and off site sedimentation in conformance with Part 91, Soil Erosion and Sedimentation Control (Part 91), of the NREPA.

5. The proposed fill will change the 100-year floodway boundary and the 100-year flood elevation that are published in the community's Flood Insurance Rate Map and/or Flood Elevation Study.

   A Conditional Letter of Map Revision must be received from the Federal Emergency Management Agency (FEMA) prior to placement of the fill or start of work. A Letter of Map Revision must be obtained upon completion of the project.

   The requirements found in Section 65.5(a) of the FEMA's 44 CFR Part 65 must be followed. Along with the review of the technical data involving the potential impacts to the regulatory floodway, the local community must determine that areas that will be removed from the floodplain and any existing or proposed structures are "reasonably safe from flooding." ("Reasonably safe from flooding" means that base flood waters will not inundate the land or damage structures to be removed from the SFHA and that any subsurface waters related to the base flood will not damage existing or proposed buildings.)

   This information shall include professional certification regarding the fill material, compaction tests, etc.; and it may also include a signed and stamped certification by a qualified design professional indicating the land or structures to be removed from the SFHA are reasonably safe from flooding according to the criteria described in Technical Bulletin 10-01. Technical Bulletin may be accessed on the internet at www.fema.gov/plan/prevent/floodplain/techbul.shtm.

6. The lowest floor of any structure, including basement, shall be elevated one foot above the design flood elevation.

7. MBC 1612.4.2 Type II buildings (as defined in ASCE 24 table 1-1) shall have the lowest floors elevated one foot above 100-year design flood elevation.

The elevation requirements of referenced standard ASCE 24 must be met for electrical, plumbing, mechanical, heating, ventilation, and air conditioning components.

8. Authority granted by this permit does not waive permit requirements under Part 91 of the NREPA, or the need to acquire applicable permits from the City of Portage Municipal Enforcing Agency (MEA).

9. A storm water discharge permit may be required under the Federal Clean Water Act for construction activities that disturb one or more acres of land and discharge to surface waters. For sites over five (5) acres, the permit coverage may be obtained by a Part 91 permit and filing a "Notice of Coverage" form to the MDEQ's Water Resources Division. For sites with disturbance from one acre up to five acres, storm water coverage is automatic once the Part 91 permit is obtained. These one to five acre sites are not required to apply for coverage, but are required to comply with storm water discharge permit requirements. Information on the storm water discharge permit is available from the MDEQ's Water Resources Division's Storm Water Permit Program at: www.mi.gov/deqstormwater.

10. The permittee acknowledges that the dredged material at the mitigation/compensating site has not been classified as to contaminant status. Disposal of the dredged sediments is to uplands. If the dredged sediments are determined to be contaminated at a future date, permittee is considered a potentially responsible party and remains liable for any and all necessary site restoration and clean up under Part 115, Solid Waste Management, and Part 201, Environmental Remediation, of the NREPA.

11. The riprap shall consist of clean stone/rock that is free of paint, soil, other "fines", asphalt, soluble chemicals, and organic material. The riprap shall be of appropriate weight and dimension necessary to achieve the intended erosion protection.

12. Fill shall not be placed to prevent surface water drainage across the site. Site runoff shall be directed to public or natural drainage ways and not unnaturally discharged onto adjacent properties.

13. The permittee is cautioned that grade changes resulting in increased runoff onto adjacent property is subject to civil damage litigation.

Wetland Mitigation

The permittee shall, as a primary condition of this permit, mitigate the loss of 0.42 acres of emergent wetland. The authorization granted by this permit is contingent upon the completion of mitigation as follows:

a. A minimum of 0.63 acre of historically impacted urban former wetland area shall be restored in accordance with plans approved by the MDEQ. If the permit conditions modify the mitigation plan, the permit conditions shall take precedence over the mitigation plan.

b. The approved wetland mitigation area is adjacent to, and is contiguous to Portage Creek. Portage Creek is the subject of a current United States Environmental Protection Agency (EPA) clean-up effort. The stream reach adjacent to the wetland mitigation site is scheduled for completion in approximately two years. Final construction of the wetland mitigation is scheduled to occur upon completion of the EPA clean-up effort. If, due to unforeseen circumstances, the completion of the EPA clean-up effort is delayed beyond the expiration date of this permit, the MDEQ will allow additional reasonable time to complete the wetland mitigation, provided that the financial assurance document remains in full force and effect. If the financial assurance document expires for any reason prior to the completion of construction of the wetland mitigation site, and subsequent monitoring and reporting requirements, a new financial assurance document will be provided to the MDEQ by the permittee. All wetland mitigation requirements and permit conditions must be adhered to.

c. The mitigation grading, planting, and introduction of hydrology shall be constructed prior to or concurrent with initiating any other permitted activities and shall be completed concurrent with or

prior to the date of construction completion or permit expiration, whichever comes first (see permit condition #4).

d. The permittee shall provide a bond or letter of credit to the MDEQ in a form identical to the financial assurance models on the MDEQ's website at www.mi.gov/wetlands in the amount of $40,000.00 to ensure that the mitigation wetland is restored, the conservation easement is recorded, monitoring is completed, and corrective actions are performed as required to comply with the mitigation requirements and conditions of this permit. **The financial assurance document will be provided and accepted by the MDEQ prior to signature of this permit by the MDEQ.**

Prior to the transfer of this permit to another person, the new person must obtain and provide a financial instrument acceptable to the MDEQ in the name of the new person and in the amount required by this permit.

Upon request of the permittee and with the submittal of adequate proofs, the MDEQ may release portions of the financial instrument in accordance with the following guidelines:

50 percent of the financial instrument may be released after the MDEQ concurs that the mitigation grading and planting have been completed, and that proper hydrology has been established for a minimum of two years after construction of the mitigation wetland.

The remaining 50 percent of the financial instrument will be released upon all of the following:

i. Submittal of all the required monitoring reports,

ii. Substantial compliance with the performance standards as outlined in this permit, and
iii. Final approval by the MDEQ.

e. The permittee shall execute a conservation easement over the mitigation area (less the area around and for the elevated boardwalk, for maintenance purposes) as shown on the permit plans in a form identical to the conservation easement model on the MDEQ's website. The original executed conservation easement and associated exhibits must be sent to the MDEQ for review and recording within 60 days of mitigation construction. Send to: Conservation Easement Coordinator, MDEQ, Water Resources Division, P.O. Box 30458, Lansing, Michigan, 48909, with a copy of the executed easement mailed to the Kalamazoo District Office.

An acceptable executed conservation easement must be submitted to the MDEQ by the permittee within 60 days of mitigation construction.

The conservation easement boundary shall be demarcated by the placement of signs along the perimeter. The signs shall be placed at an adequate frequency, visibility, and height for viewing, made of a suitable material to withstand climatic conditions, and should be replaced as needed. The signs shall include the following language:

WETLAND CONSERVATION EASEMENT
NO CONSTRUCTION OR PLACEMENT OF STRUCTURES ALLOWED.
NO MOWING, CUTTING, FILLING, DREDGING OR
APPLICATION OF CHEMICALS ALLOWED.
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

Except as otherwise provided by this permit or approved in writing by the MDEQ, the following activities are prohibited in perpetuity within the mitigation area: alteration of topography, creation of paths, trails, or roads; placement of fill, dredging, or excavation; drainage of surface or groundwater; construction or placement of any structure; plowing, tilling, or cultivating the soils or vegetation; cutting, removal, or alteration of vegetation; including the planting of non-native plant species; construction of unauthorized utility or petroleum lines; storage or disposal of garbage, trash, debris, abandoned equipment; accumulation of machinery or other waste materials; use or

storage of off-road vehicles; placement of billboards or signs; or the use of the wetland for the dumping of storm water (except as otherwise allowed in this permit).

f. The mitigation site shall not be fine graded, but shall be left in a rough grade state (allowing for the establishment of micro-topography). Any planting or seeding of the mitigation site must consist of native Michigan plant materials, as submitted by Timothy Bureau Consulting, LLC.

g. The permittee shall notify the MDEQ's Kalamazoo District Office, in writing and within 20 days of completion of each of the following items:

1) final grading
2) seeding and plant installation

h. In the event the permitted activity is begun but not completed, the permittee or owner of record shall remain responsible for completion of the mitigation wetland and associated conditions, as determined by the MDEQ. Such determinations shall be based upon the extent of the disturbance to the existing wetlands.

i. Should the mitigation wetland fail to become established after two complete growing seasons, or fail to progress satisfactorily towards a self-sustaining wetland system as required by this permit, the permittee shall:

i. Assess the problem and its probable causes;
ii. develop reasonable and necessary corrective measures as a revision to original plans;
iii. submit proposed corrective measures to the MDEQ for confirmation and approval within 60 days of identification of the problem; and
iv. upon MDEQ approval, implement corrective measures.

Additional mitigation monitoring may be required to evaluate the success of the corrective measures.

Wetland Mitigation Performance Standards

The following performance standards will be used to evaluate the mitigation wetland:

a. Construction has been completed in accordance with the MDEQ's approved plans and specifications included in the permit and mitigation plan.

b. The mitigation wetland is characterized by the presence of water at a frequency and duration sufficient to support a predominance of wetland vegetation and the wetland types specified at the end of the monitoring period.

c. A layer of high-quality topsoil, from the A horizon of an organic or loamy surface texture soil, is placed (or exists) over the entire wetland mitigation area at a minimum thickness of six (6) inches.

d. The mitigation wetland shall be free of debris. Any contaminants remaining above acceptable use and applicable criteria shall be appropriately managed as required under all applicable State and Federal rules and regulations. The wetland mitigation site is known to currently contain soil and groundwater contamination from sources unrelated to Trade Center Holdings, LLC and/or Nature Ventures. All material removed from the site shall be appropriately managed as required under all applicable state and federal rules and regulations.

e. A minimum of five (5) habitat structures, consisting of at least three (3) types, have been placed in the mitigation wetland. At least 50 percent of each structure shall extend above the normal water level. The types of acceptable wildlife habitat structures are:

i. Tree stumps laid horizontally within the wetland area. Acceptable stumps shall be a minimum of 6 feet long (log and root ball combined) and 12 inches in diameter.

ii. Logs laid horizontally within the wetland area. Acceptable logs shall be a minimum of 10 feet long and 6 inches in diameter.
iii. Whole trees laid horizontally within the wetland area. Acceptable whole trees shall have all of their fine structure left intact (i.e., not trimmed down to major branches for installation), be a minimum of 20 feet long (tree and root ball), and a minimum of 12 inches in diameter at breast height (DBH).
iv. Snags which include whole trees left standing that are dead or dying, or live trees that will be flooded and die, or whole trees installed upright into the wetland. A variety of tree species should be used for the creation of snag habitat. Acceptable snags shall be a minimum of 20 feet tall (above the ground surface) and a minimum of 12 inches DBH. Snags should be grouped together to provide mutual functional support as nesting, feeding, and perching sites.

f. Extensive open water and submergent vegetation areas having no emergent and/or floating vegetation shall not exceed 20 percent of the mitigation wetland area. Extensive areas of bare soil shall not exceed five percent of the mitigation wetland area. For the purposes of these performance standards, extensive refers to areas greater than 0.01 acre (436 square feet) in size.

g. The mean percent cover of invasive species including, but not limited to, *Phragmites australis* (Common Reed), *Lythrum salicaria* (Purple Loosestrife), and *Phalaris arundinacea* (Reed Canary Grass) shall in combination be limited to no more than ten (10) percent within each wetland type. Invasive species shall not dominate the vegetation in any extensive area of the mitigation wetland.

   If the mean percent cover of invasive species is more than ten (10) percent within any wetland type or if there are extensive areas of the mitigation wetland in which an invasive species is one of the dominant plant species, the permittee shall submit an evaluation of the problem to the MDEQ. If the permittee determines that it is infeasible to reduce the cover of invasive species to meet the above performance standard, the permittee must submit an assessment of the problem, a control plan, and the projected percent cover that can be achieved for review by the MDEQ. Based on this information, the MDEQ may approve an alternative invasive species standard. Any alternative invasive species standard must be approved in writing by the MDEQ.

If the mitigation wetland does not satisfactorily meet these standards by the end of the monitoring period, or is not satisfactorily progressing during the monitoring period, the permittee will be required to take corrective actions.

Wetland Mitigation Monitoring

The permittee shall monitor the wetland mitigation for a minimum of three (3) years following grading, planting, and introduction of hydrology. A monitoring report, which compiles and summarizes all data collected during the monitoring period, be submitted annually by the permittee. Monitoring reports shall cover the period of January 1 through December 31 and be submitted to the MDEQ prior to January 31 of the following year. The permittee shall conduct the following activities and provide the information collected in the monitoring reports:

a. Hydrology data shall be measured and provided at sufficient sample points to accurately depict the water regime of each wetland type.

b. Sample vegetation in plots located along transects once between July 15 and August 31. The number of sample plots necessary within each wetland type shall be determined by use of a species-area curve or other approach approved by the MDEQ. The minimum number of sample plots for each wetland type shall be no fewer than five (5). Sample plots shall be located on the sample transect at evenly spaced intervals or by another approach acceptable to the MDEQ. If additional or alternative sample transects are needed to sufficiently evaluate each wetland type, they must be approved in advance in writing by the MDEQ.

   The herbaceous layer (all non-woody plants and woody plants less than 3.2 feet in height) shall be sampled using a 3.28 foot by 3.28 foot (one square meter) sample plot. The shrub and tree layer shall be sampled using a 30 foot radius sample plot. The data recorded for each herbaceous layer

sample plot shall include a list of all living plant species, and an estimate of percent cover in five (5) percent intervals for each species recorded, bare soil areas, and open water relative to the total area of the plot. The number and species of surviving, established, and free-to-grow trees and surviving, established, and free-to-grow shrubs shall be recorded for each 30-foot radius plot.

Provide plot data and a list of all the plant species identified in the plots and otherwise observed during monitoring. Data for each plant species must include common name, scientific name, wetland indicator category from the U.S. Fish and Wildlife Service's "National List of Plant Species That Occur in Wetlands" for Region 3, and whether the species is considered native according to the Michigan Floristic Quality Assessment (Michigan Department of Natural Resources, 2001). Nomenclature shall follow Voss (1972, 1985, and 1996) or Gleason and Cronquist (1991).

The locations of sample transects and plots shall be identified in the monitoring report on a plan view showing the location of wetland types. Each transects shall be permanently staked at a frequency sufficient to locate the transect in the field.

c. Delineate any extensive (greater than 0.01 acre in size) open water areas, bare soil areas, areas dominated by invasive species, and areas without a predominance of wetland vegetation, and provide their location on a plan view.

d. Document any sightings or evidence of wading birds, songbirds, waterfowl, amphibians, reptiles, and other animal use (lodges, nests, tracks, scat, etc.) within the wetland noted during monitoring. Note the number, type, date, and hour of the sightings and evidence.

e. Inspect the site, during all monitoring visits and inspections, for oil, grease, man-made debris, and all other contaminants and report findings. Rate (e.g., poor, fair, good, excellent) and describe the water clarity in the mitigation wetland.

f. Provide annual photographic documentation of the development of the mitigation wetland during vegetation sampling from permanent photo stations located within the mitigation wetland. At a minimum, photo stations shall be located at both ends of each transect. Photos must be labeled with the location, date photographed, and direction.

g. Provide the number and type of habitat structures placed and representative photographs of each structure type.

h. Provide a written summary of data from previous monitoring periods and a discussion of changes or trends based on all monitoring results. This summary shall include a calculation of the acres of each wetland type established, a plan view drawing depicting each ecological type, and identification of all performance standards and whether each standard has been met.

i. Provide a written summary of all the problem areas that have been identified and potential corrective measures to address them.

A qualified individual able to identify plants to genus and species must conduct the wetland monitoring. The MDEQ reserves the right to reject reports with substandard monitoring data.

The MDEQ will determine if the performance standards have been met. If the performance standards have not been met, the MDEQ may require subsequent annual monitoring until final approval from the MDEQ can be granted.

Prior to final written approval of the mitigation by the MDEQ, the permittee shall submit the following:

i. A written statement that the mitigation is complete and request for final approval of the mitigation.
ii. A copy of the permit.

iii. "As-built" plans and specifications signed and sealed by a registered surveyor or licensed engineer.
ii. A surveyed boundary of the established wetland within the mitigation area, including the total acreage of the mitigation wetland and the acreage of each type of wetland created.
iii. Complete all monitoring requirements including the submittal of all required monitoring reports.

14. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representatives of the permittee, undertaken in connection with this permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.

15. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the MDEQ. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.

16. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer of the permit. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and if approved, will provide written notification to the new owner.

17. When issued, this permit will be issued for the maximum 5-year duration allowed under Part 303, Wetlands Protection (Part 303), of the NREPA, including all permit extensions allowed under the relevant Part 303 Administrative Rules, being R281.923. Therefore, **no extensions of this permit can be granted**. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition.

This permit shall become effective on the date of the MDEQ representative's signature. Upon signing and dating by the permittee named herein, this permit and all of the signed and dated permit drawings must be returned to the MDEQ's Water Resources Division, Kalamazoo District office at MDEQ-WRD, 7953 Adobe Road, Kalamazoo, MI, 49009 for final execution.

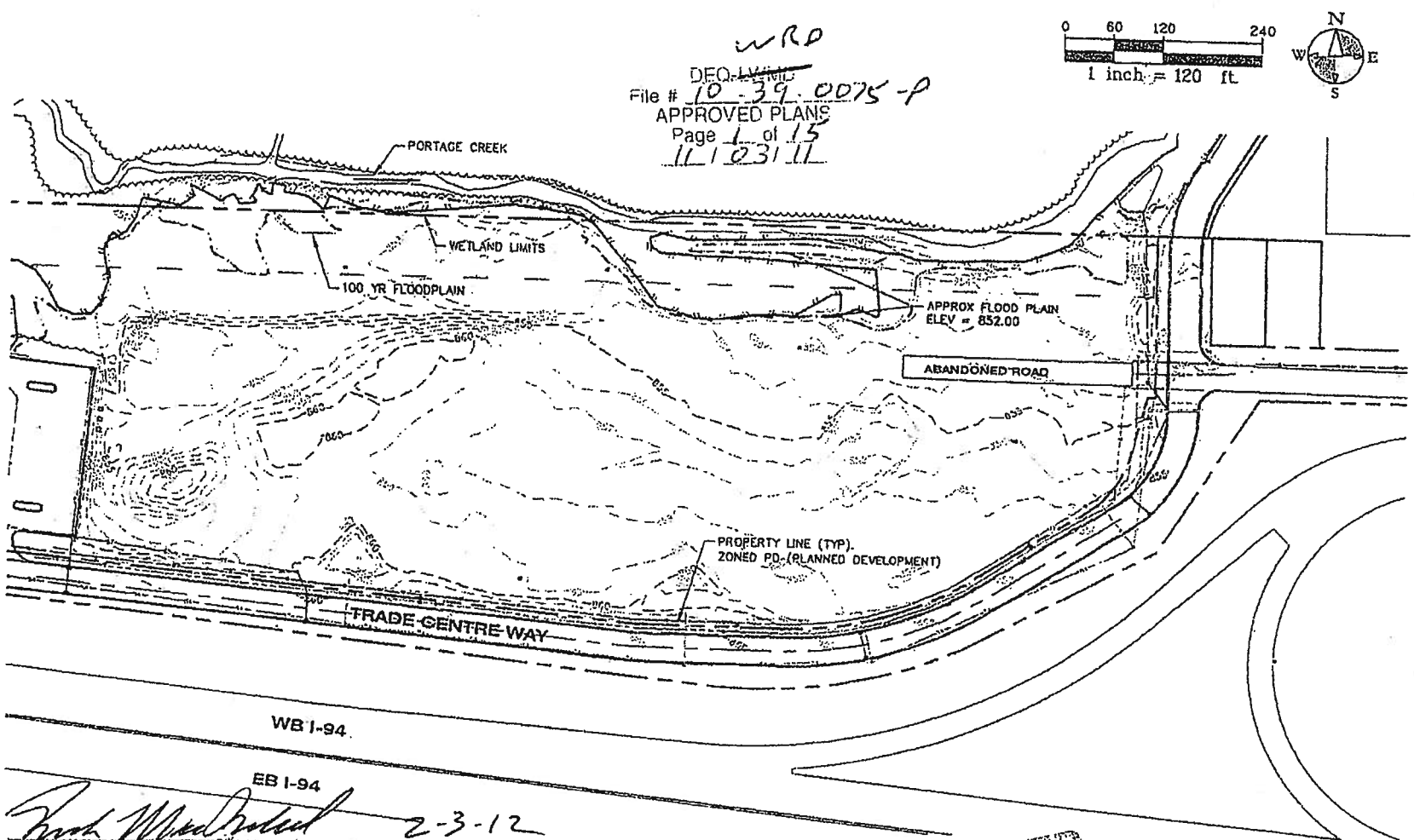
The Permittee hereby accept and agree to comply with the terms and conditions of this permit.

X Richard MacDonald 3-9-12
Permittee Date

X Rich MacDonald Authorized Agent
Printed Name and Title of Permittee

By: Larry Poynter
Larry Poynter
Water Resources Division
269-567-3566

cc: Mr. Roger Himnan, Trade Center Holdings, LLC
Mr. Andy Wenzel, Hinman Company
Dr. William M. Rose, Nature Ventures, Inc.
City Manager, City of Portage
Mr. Chris Barnes, City of Portage Engineer
Dr. Pat Crowley, Kalamazoo County Drain Commissioner
City of Portage MEA
City of Portage Building Department
Hurley & Stewart
Mr. Tim Bureau, Timothy Bureau Consulting, LLC
Mr. David L. Schultz, Schultz Land & Water Consulting, Inc.
Mr. Kregg Smith, MDNR Fisheries Div., Plainwell OSC
Mrs. Colleen O'Keefe, MDEQ
Mr. Ernie Sarkipato, MDEQ



WRD
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 1 of 15
11/03/11

2-3-12
Signature Date

RECEIVED
MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

SURVEY DATUM IS NAVD1988

DRAWING LOCATION: H:\09-002D (Milton Garden Inn-TC)_FINAL DRAWINGS\DEQ\02-Existing Conditions.dwg LAST SAVED BY: JPAULSON 04 3/14/2011

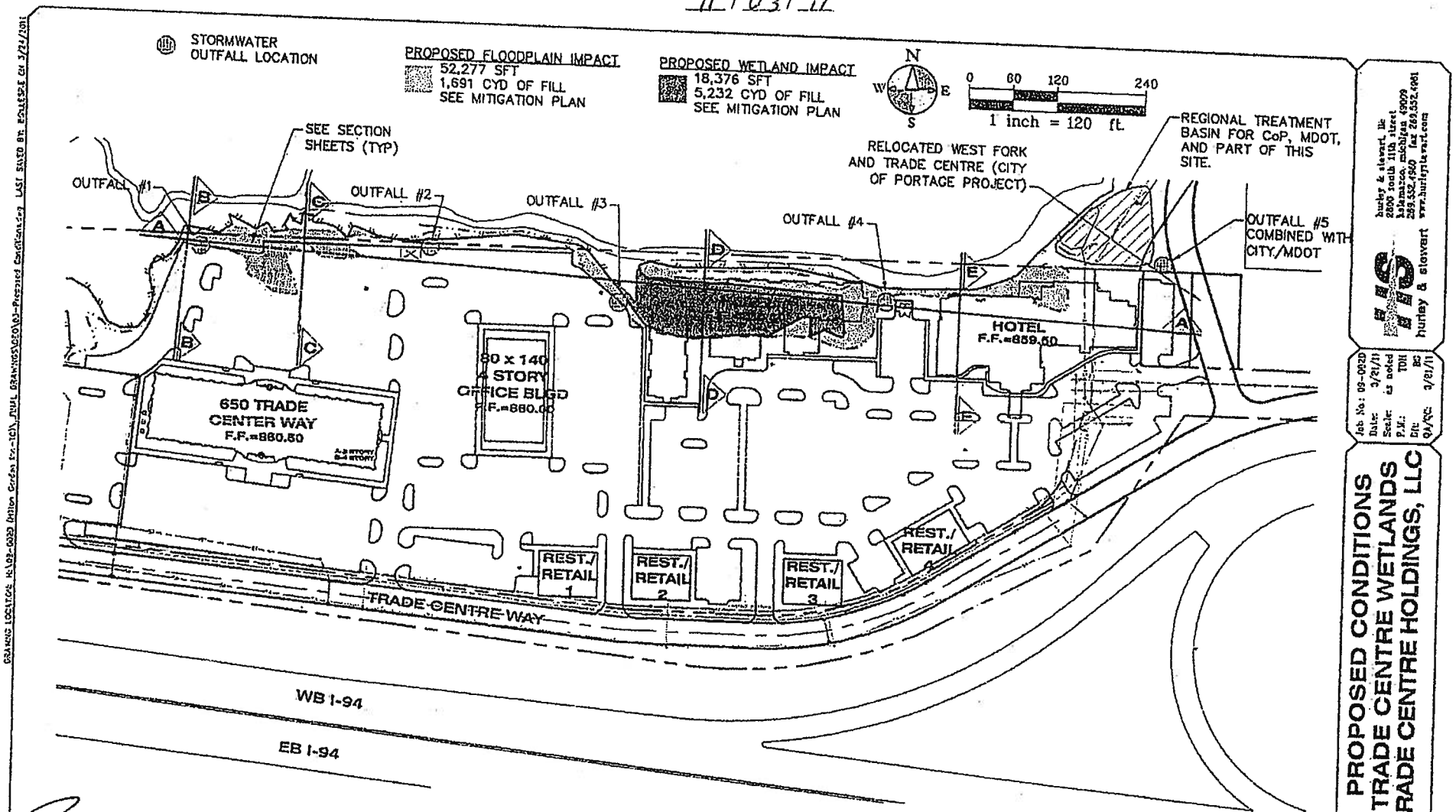
hurley & stewart
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dft: BG
QA/QC: 3/21/11

Title: EXISTING CONDITIONS
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No.
2

WRD
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 2 of 15
11/03/11



Signature

2-3-12
Date

RECEIVED
MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

NOTE: SEE SHEETS 11-15 FOR WATERSHED, STORM PIPE AND OUTFALL DATA AND CROSS SECTIONS

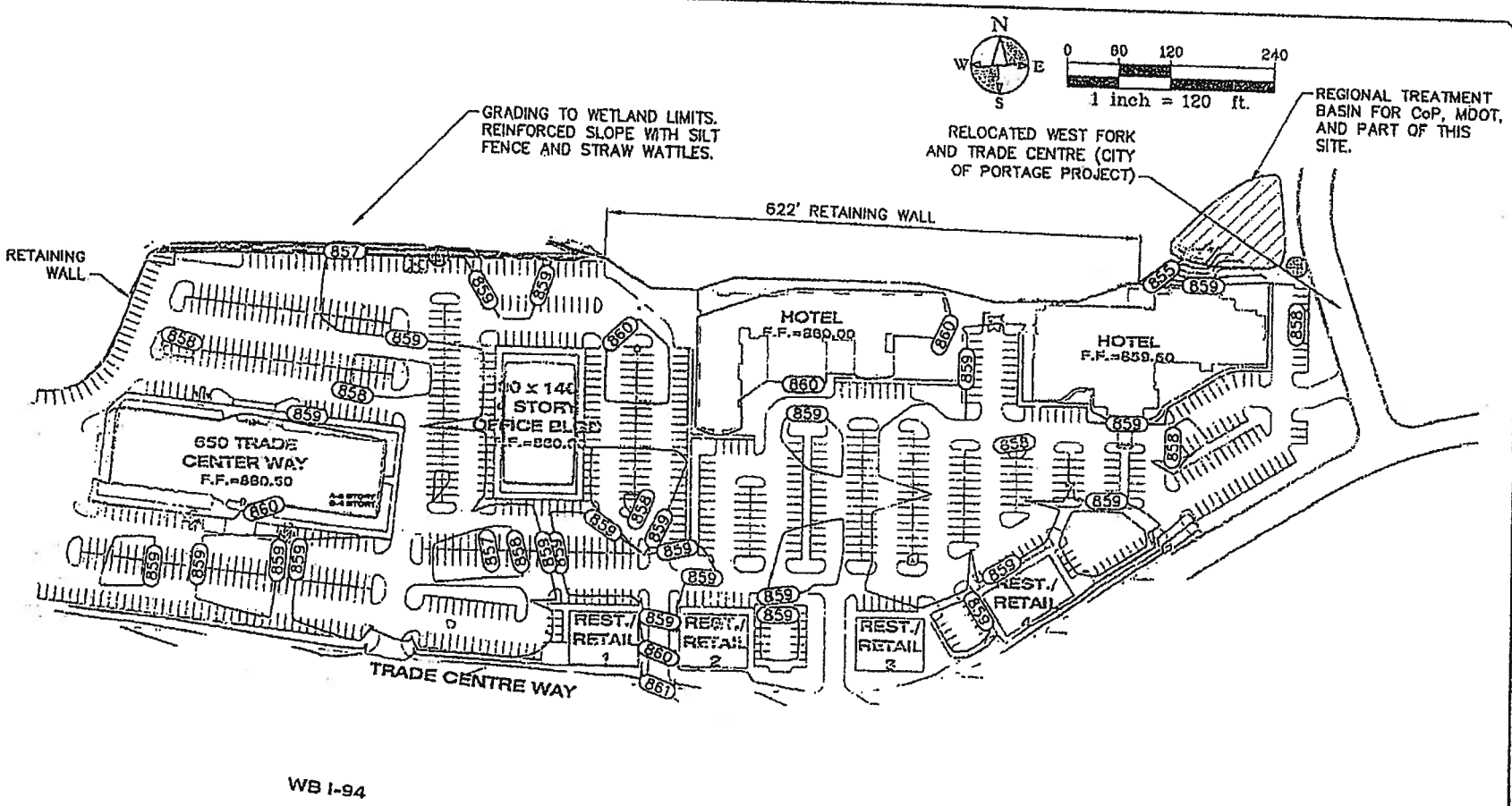
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-0020
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dft: BC
QA/QC: 3/21/11

Title: PROPOSED CONDITIONS
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 3

WRD
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 3 of 15
11/03/11



WB I-94

EB I-94

Signature 2-3-12 Date

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MAR 30 2011
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PERMIT CONSOLIDATION UNIT

hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

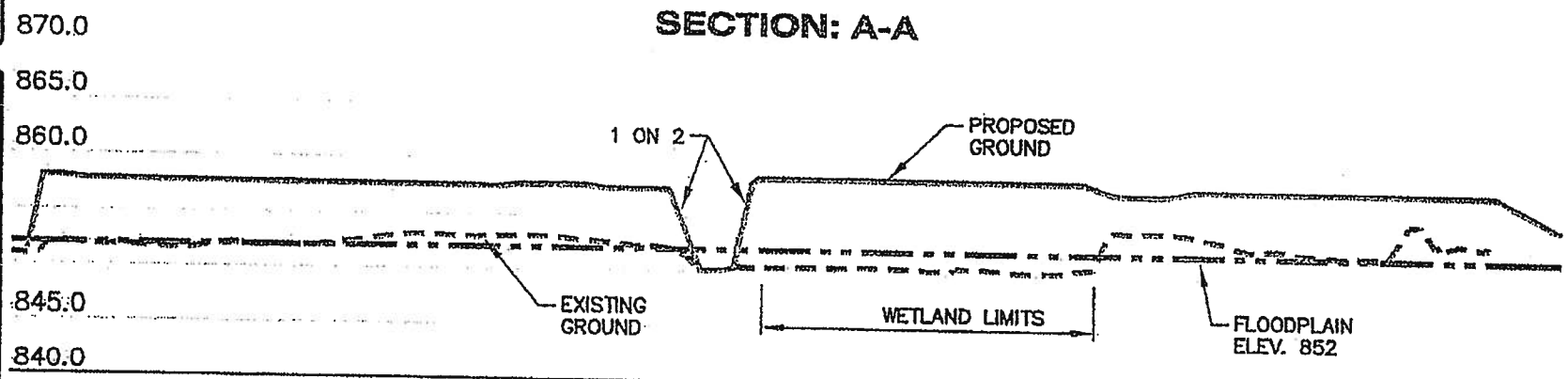
hurley & stewart

Job No: 09-0020
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dft: BC
QA/QC: 3/21/11

Title: PROPOSED GRADING
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No.
3A

WRP
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 4 of 15
11/03/11



SCALE:
HORIZONTAL: 1"=150'
VERTICAL: 1"=15'

Signature 2-3-12 Date

RECEIVED
MAR 30 2011
DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMIT CONSOLIDATION UNIT

PROPOSED FLOODPLAIN IMPACT
52,277 SFT
1,691 CYD OF FILL
SEE MITIGATION PLAN

PROPOSED WETLAND IMPACT
18,376 SFT
5,232 CYD OF FILL
SEE MITIGATION PLAN

hurley & stewart
hurley & stewart, llc
2600 south 11th street
kalamazoo, michigan 49009
269.652.4960 fax 269.652.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
DH: BG
QA/QC: 3/21/11

Title: A-A SECTION
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 4

DRAWING LOCATION: H:\09-002D (Hilton Garden Inn-TC)_FINAL DRAWINGS\DEQ\04 A-A Section.dwg LAST SAVED BY: BGILLESPIE ON 3/24/2011

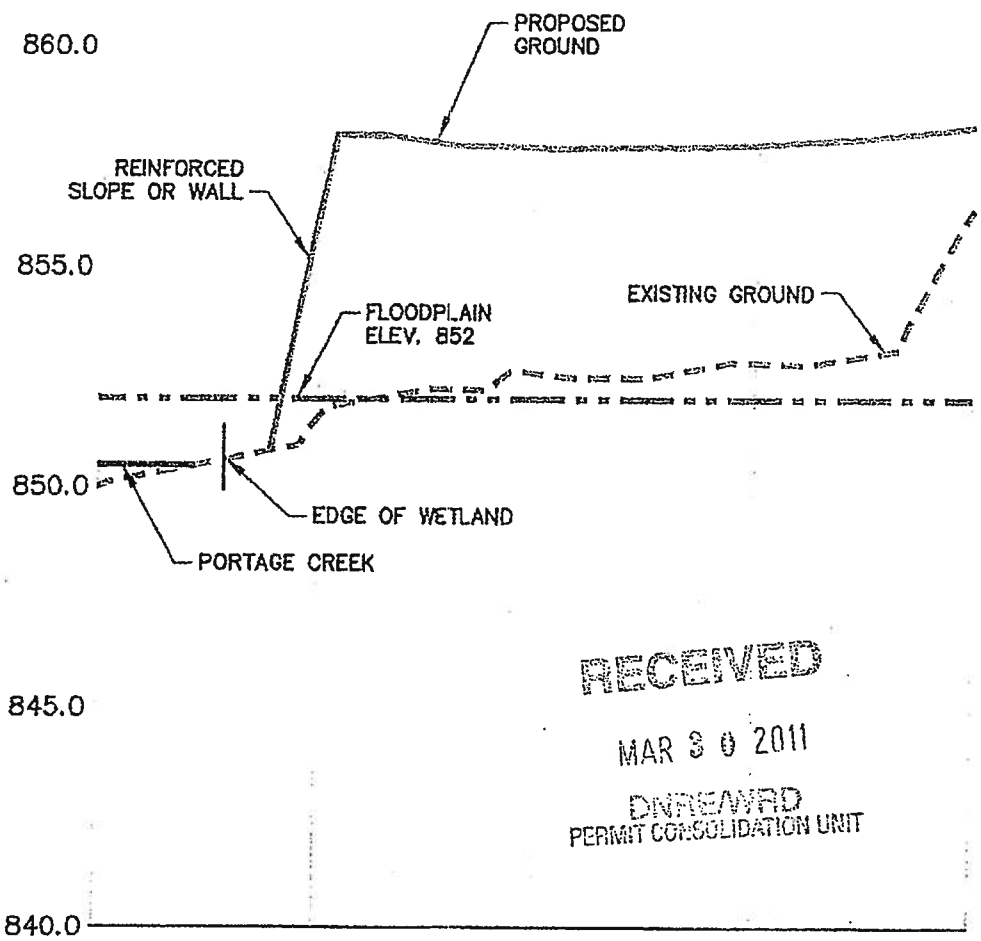
SECTION: B-B

SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

WRD
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 5 of 15
11/03/11

NOTE: ALL SPOILS TO BE SPREAD ON UPLAND AREA

Signature 2-3-12 Date



RECEIVED
MAR 30 2011
DNR/EMWD
PERMIT CONSOLIDATION UNIT

PROPOSED FLOODPLAIN IMPACT
52,277 SFT
1,691 CYD OF FILL
SEE MITIGATION PLAN

PROPOSED WETLAND IMPACT
18,376 SFT
5,232 CYD OF FILL
SEE MITIGATION PLAN

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kalamazoo, michigan 49009
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www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/I: BG
QA/QC: 3/21/11

Title: B-B SECTION
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 5

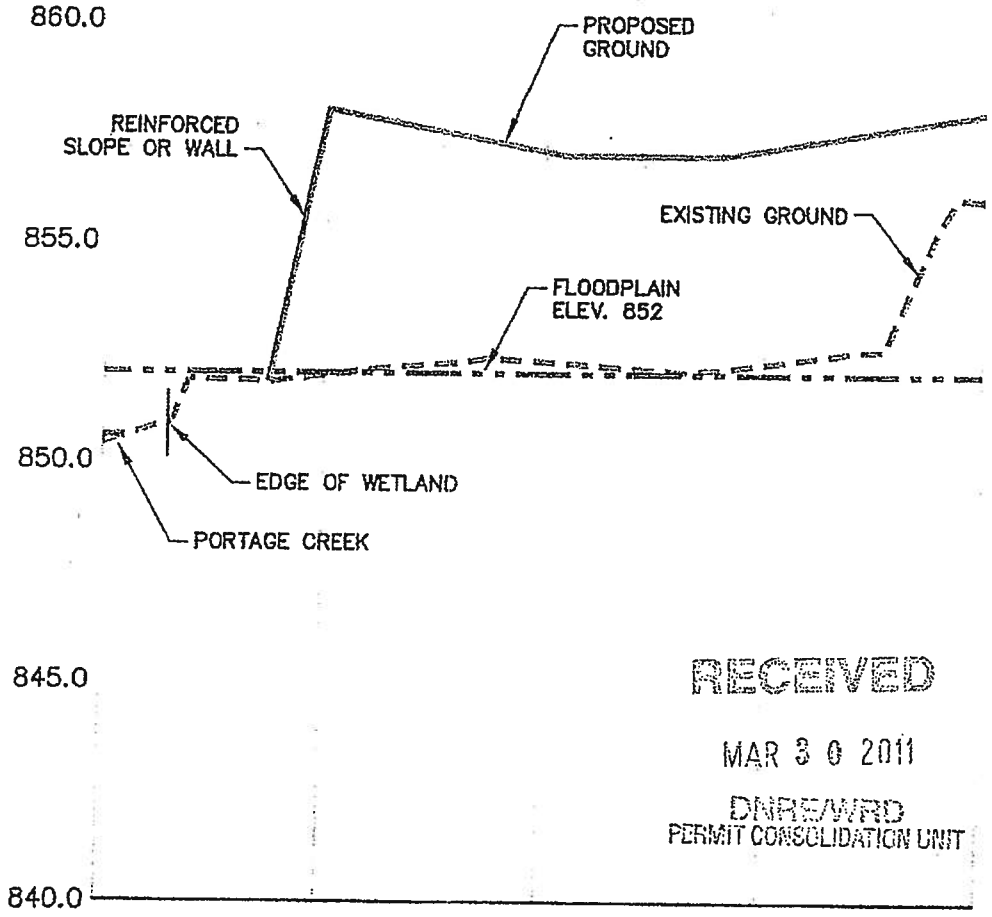
SECTION: C-C

SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

WRD
DEQ ~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 6 of 15
11/03/11

NOTE: ALL SPOILS TO BE SPREAD ON UPLAND AREA

2-3-17
Signature Date



RECEIVED
MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

PROPOSED FLOODPLAIN IMPACT
52,277 SFT
1,691 CYD OF FILL
SEE MITIGATION PLAN

PROPOSED WETLAND IMPACT
18,376 SFT
5,232 CYD OF FILL
SEE MITIGATION PLAN

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2600 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
DR: BG
QA/QC: 3/21/11

Title: C-C SECTION
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 6

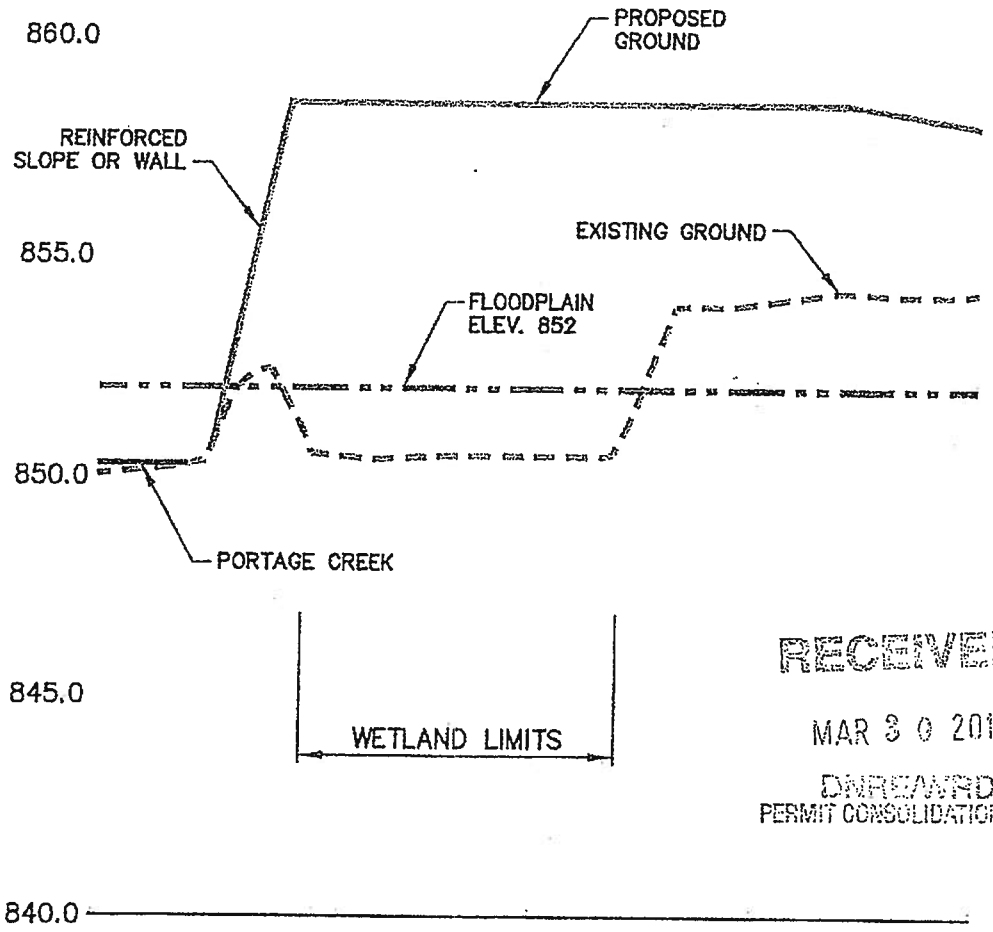
SECTION: D-D

SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

DEQ-~~LWMD~~ WRD
File # 10-39-0075-P
APPROVED PLANS
Page 7 of 15
11/03/11

NOTE: ALL SPOILS TO BE SPREAD ON UPLAND AREA

Signature 2-3-12 Date



RECEIVED
MAR 30 2011
DNR/EA/WRD
PERMIT CONSOLIDATION UNIT

PROPOSED FLOODPLAIN IMPACT
52,277 SFT
1,691 CYD OF FILL
SEE MITIGATION PLAN

PROPOSED WETLAND IMPACT
18,376 SFT
5,232 CYD OF FILL
SEE MITIGATION PLAN

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2600 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dft: BG
QA/QC: 3/21/11

Title: D-D SECTION
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 7

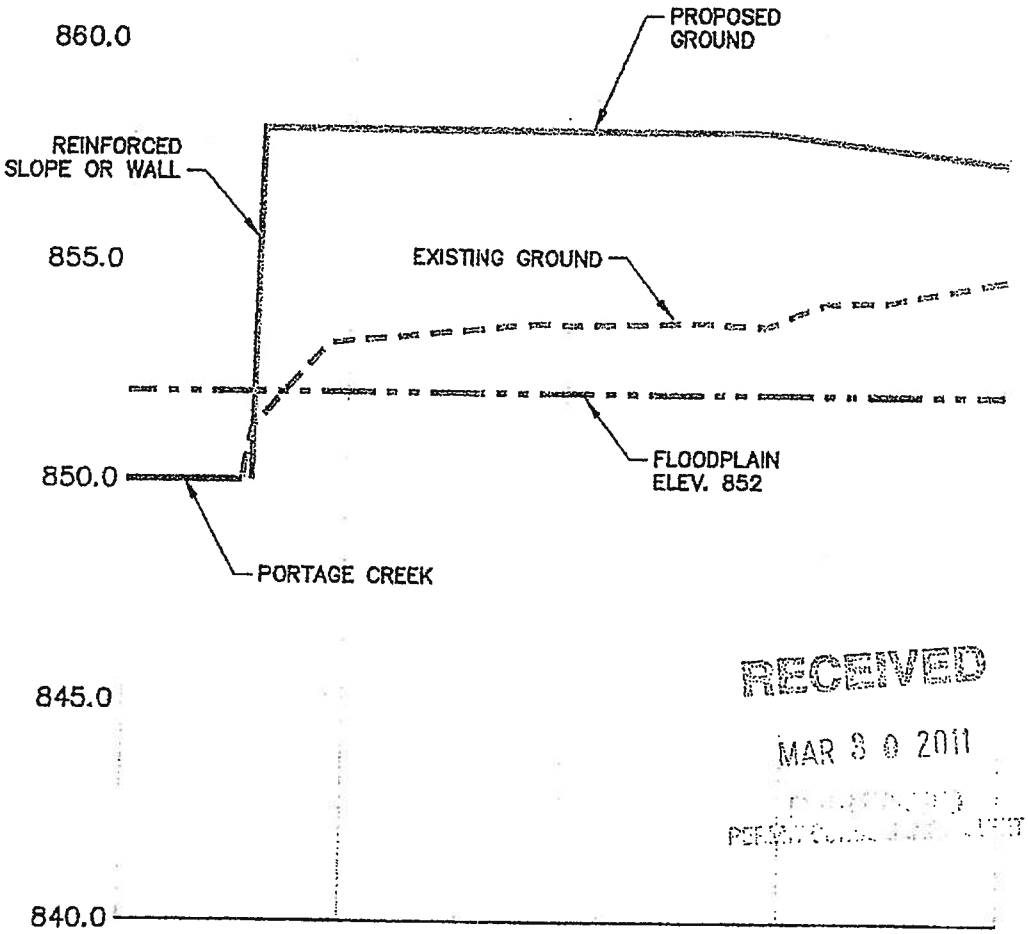
SECTION: E-E

SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

DEQ ~~LWMD~~ WRD
File # 10-39-0075-P
APPROVED PLANS
Page 8 of 15
11/03/11

NOTE: ALL SPOILS TO BE SPREAD ON UPLAND AREA

2-3-12
Signature Date



RECEIVED
MAR 30 2011

PROPOSED FLOODPLAIN IMPACT
52,277 SFT
1,691 CYD OF FILL
SEE MITIGATION PLAN

PROPOSED WETLAND IMPACT
18,376 SFT
5,232 CYD OF FILL
SEE MITIGATION PLAN

hurley & stewart
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4981
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
DR: BG
QA/QC: 3/21/11

Title: E-E SECTION
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 8

DRAWING LOCATION: H:\09-0020 (Hilton Garden Inn-TC)_FINAL DRAWINGS\DEQ\10 Detailed Watershed Area 1.dwg LAST SAVED BY: BGILLESPIE ON 3/22/2011

WRD
DEQ-~~LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 9 of 15
11/03/11

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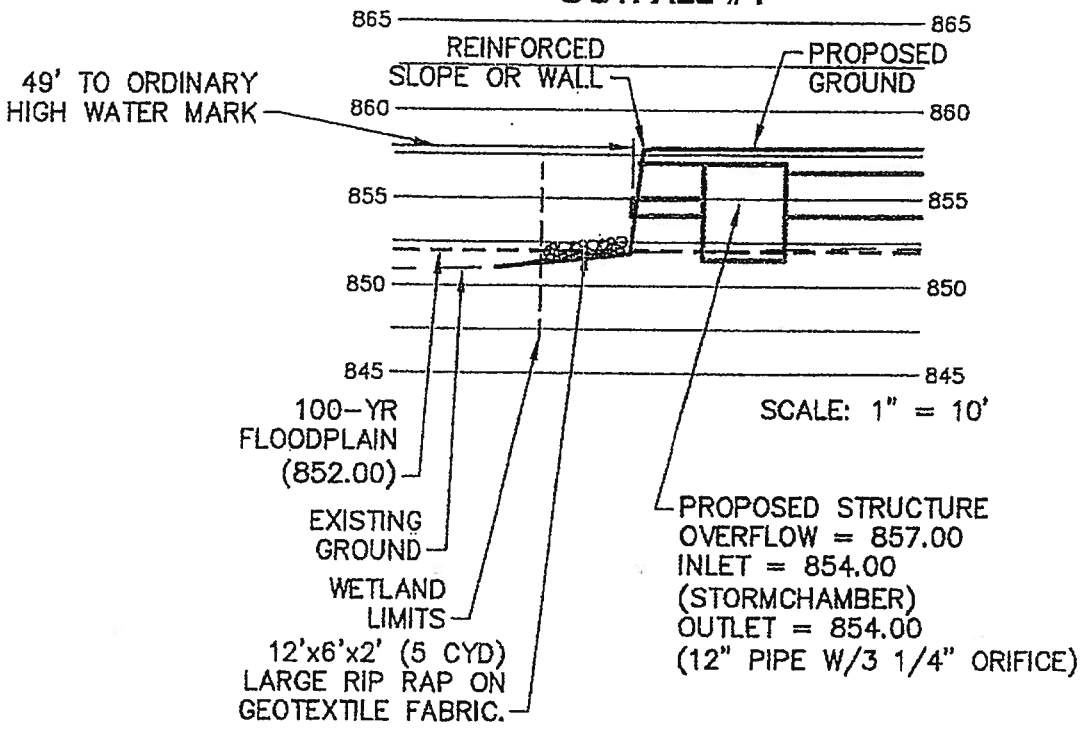
OUTFALL #1



NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

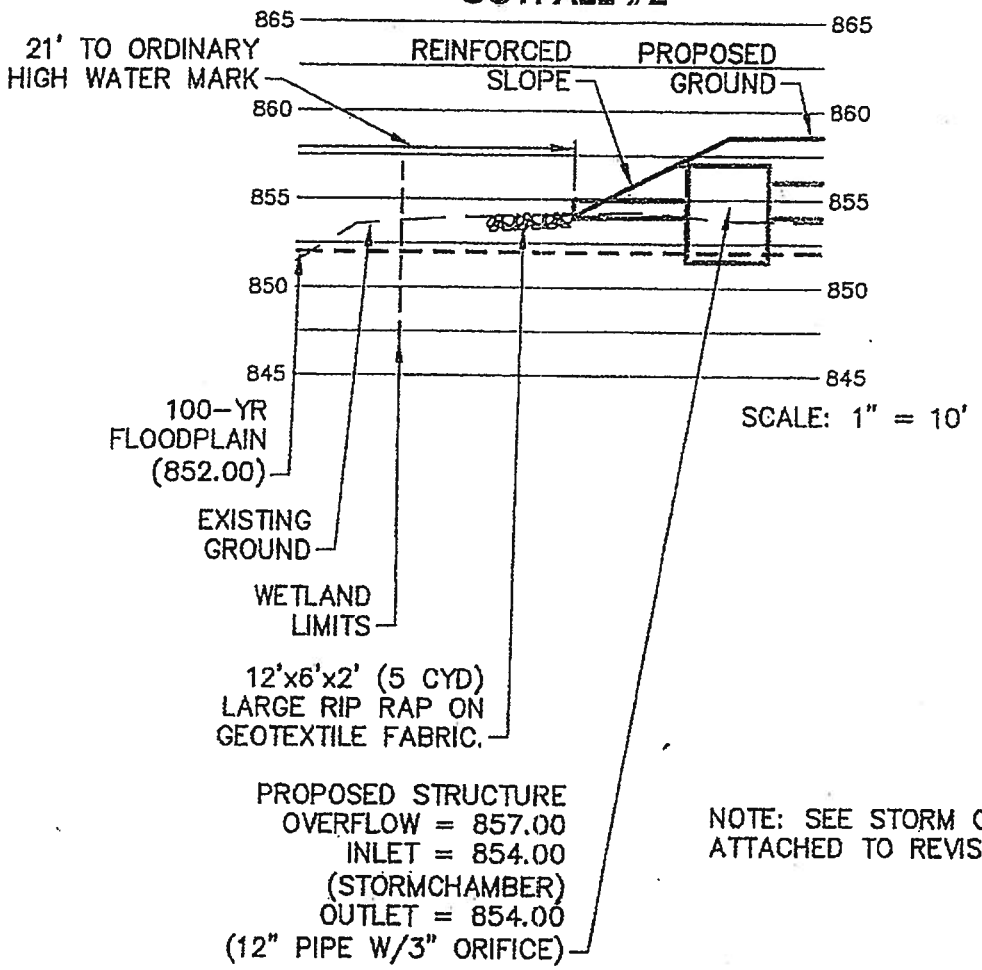
0 5 10 20
1 inch = 10 ft.

Signature 2-7-12 Date

hurley & stewart hurley & stewart, llc 2600 south 11th street kalamazoo, michigan 49009 269.552.4960 fax 269.552.4961 www.hurleystewart.com	Job No.: 08-002D Date: 3/21/11 Scale: as noted P.M.: TDH Dft: BG QA/QC: 3/21/11	Title: WATERSHED AREA 1 DETAIL Project: TRADE CENTRE WETLANDS Client: TRADE CENTRE HOLDINGS, LLC	Drawing No. 10A

WRD
DEQ-LWMD
File # 10-39-0075-P
APPROVED PLANS
Page 10 of 15
11/03/11

OUTFALL #2



NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

RECEIVED
MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

0 5 10 20
1 inch = 10 ft.

2-3-12
Signature Date

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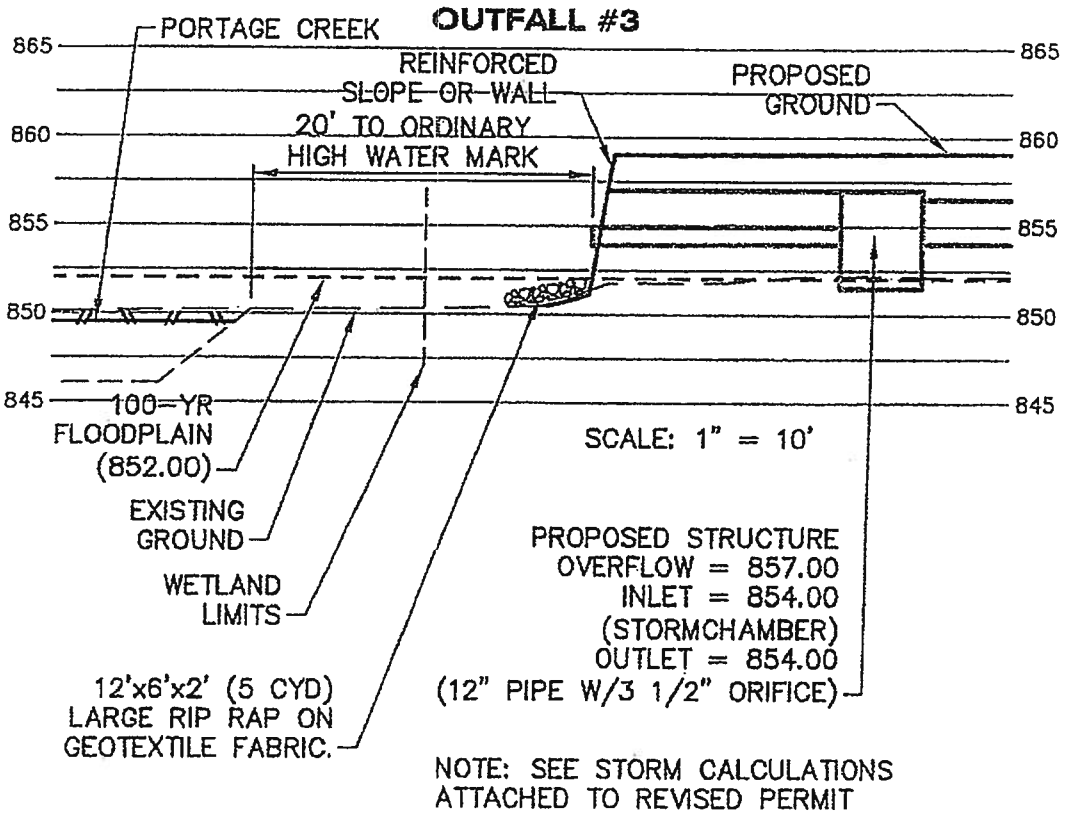
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/I: BG
QA/QC: 3/21/11

Title: WATERSHED AREA 2 DETAIL
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 11A

inRD
DEQ-LWMD
File # 10-39-0075-P
APPROVED PLANS
Page 11 of 15
11/03/11



NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

2-3-12
Signature Date

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MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

0 5 10 20
1 inch = 10 ft.

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2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

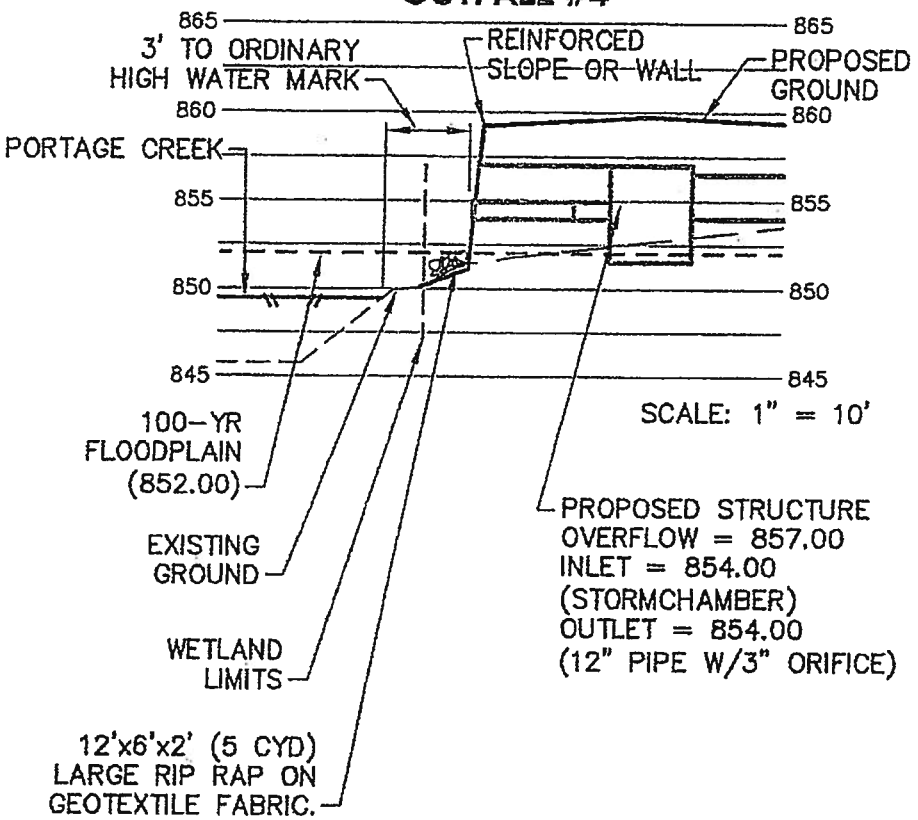
Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dft: BG
QA/QC: 3/21/11

Title: WATERSHED AREA 3 DETAIL
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 12A

WRD
~~DEQ-LWMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 12 of 15
11/03/11

OUTFALL #4



NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

2-3-12
Signature Date

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MAR 30 2011
DNRE/WRD
PERMIT CONSOLIDATION UNIT

0 5 10 20
1 inch = 10 ft.

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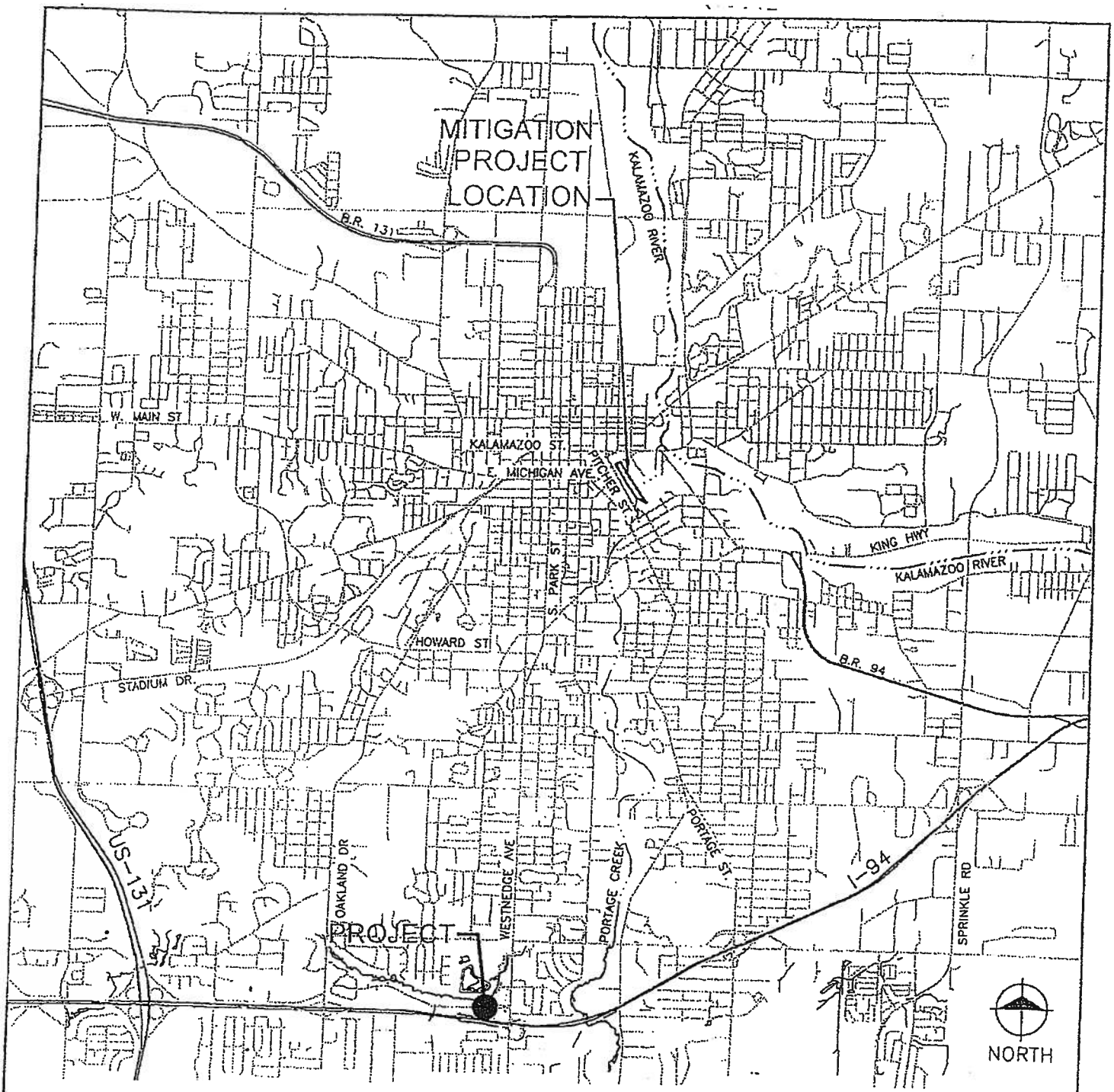
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.552.4960 fax 269.552.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/T: BG
QA/QC: 3/21/11

Title: WATERSHED AREA 4 DETAIL
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 13A



LOCATION MAP

SCALE: 1" = 5000'

WRD
DEQ-LWMD
File # 10-39-0075-P
APPROVED PLANS
Page 14 of 15
11/03/11

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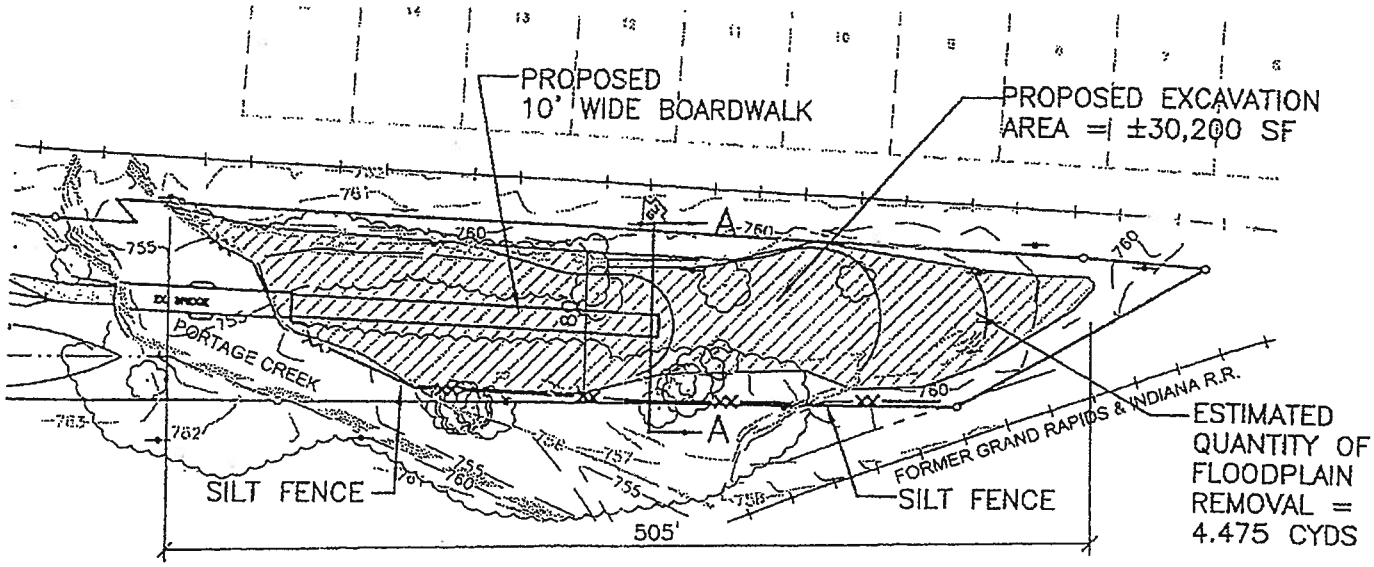
OCT 18 2010
DNRE/WRD
PERMIT CONSOLIDATION UNIT

Signature

2-3-12 Date

LOCATION MAP
APPLICANT: TRADE CENTRE HOLDINGS, L.L.C. WATERWAY: PORTAGE CREEK CITY/TOWNSHIP: CITY OF KALAMAZOO COUNTY: KALAMAZOO COUNTY NUMBER OF SHEETS: 1 OF 2 DATE: 7/28/2009

BENCHMARK ELEVATION: 761.94
COTTON SPINDLE ON WEST SIDE OF UTILITY POLE; 39' NORTHEAST OF MW-703D; 17' WEST OF WESTERLY RAIL FOR RAILROAD.
DATUM: NAVD88



NOTE:
SEE SEEDING AND PLANTING PLAN FOR REVEGETATION AND RESTORATION NOTES AND SPECIFICATIONS

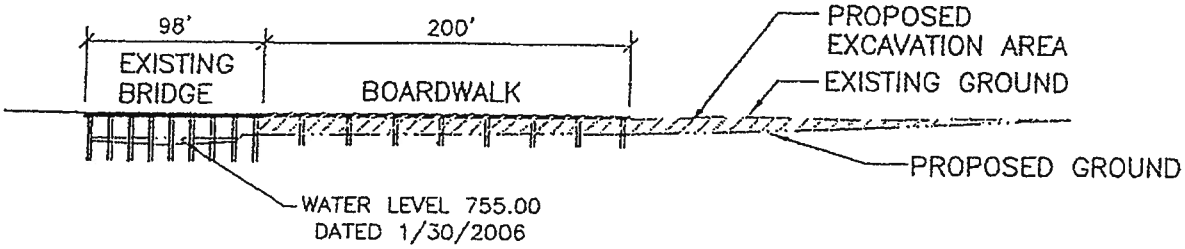
NORTH

SITE PLAN

SCALE: 1" = 100'

0 50 100

WRD
DEQ-~~WMD~~
File # 10-39-0075-P
APPROVED PLANS
Page 15 of 15
11/03/11



ELEVATION VIEW OF EXCAVATION AREA

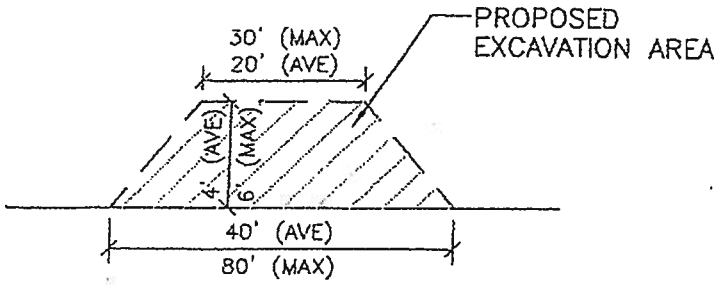
SCALE: 1" = 100'

0 50 100

[signature] 2-3-12

Signature Date

RECEIVED
OCT 18 2010
DNRE/WRD
PERMIT CONSOLIDATION UNIT



SECTION A-A

NO SCALE

WETLAND/FLOODPLAIN MITIGATION PLAN
APPLICANT: TRADE CENTRE HOLDINGS, L.L.C. WATERWAY: PORTAGE CREEK CITY/TOWNSHIP: CITY OF KALAMAZOO COUNTY: KALAMAZOO COUNTY NUMBER OF SHEETS: 2 OF 2 DATE: 7/28/2009

U:\CADD\06361\CD\MDEQ\MITIGATION PLAN.dwg

THE CITY OF Kalamazoo

Economic Development Division
445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Phone 269.337.8082
Fax 269.337.8429
COKeconomicdevelopment@kalamazoocity.org
www.kzooblz.org

April 24, 2009

Mr. David O'Donnell
Kalamazoo District Supervisor
Land & Water Management Division
Michigan Department of Environmental Quality
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, MI 49009-5026

RE: Application for Permit 08-39-0025-P
Letter of Support for Nature Ventures, Inc. Downtown Kalamazoo Urban Nature Park
Portage Creek Wetland and Floodplain Restoration Project

Dear Mr. O'Donnell:

The Urban Nature Park site currently under development by Nature Ventures, Inc. is an approximate 4.1 acre brownfield site located at 426 East Michigan Avenue that was used as a railroad siding and for other railroad operations for over 100-years. Based on historical maps, prior to development in this area of downtown Kalamazoo, Portage Creek was a free flowing stream that had extensive wetlands and floodplain adjacent to its banks. These wetlands and low-lying areas were gradually filled in to the current condition where only a very small remnant wetland exists adjacent to the channelized Portage Creek. The majority of this fill material is known to be contaminated with heavy metals and various organic compounds.

It is our understanding that Nature Ventures, Inc. plans to remove several thousand cubic yards of contaminated fill material from the area on the site adjacent to Portage Creek, including the elevated former railroad bed that bisects the former wetland and floodplain area at the site. The original floodplain elevation will be established and a diverse, native wetland plant community will be re-established. The proposed work in the vicinity of the creek will also include the removal of debris, trash and non-native/invasive plant species. The upland area, an approximate 3.5 acres, of the site will be restored to a native prairie, similar to pre-development conditions for the area. A significant amount of work has already been conducted by Nature Ventures, Inc. on the upland portion of the property, including the removal of contaminated soil, recyclable debris, solid waste items and non-native vegetation.

The proposed plans for the site include pedestrian trails, a boardwalk and bridge over the creek and restored wetland, an approximate 0.5 acre area, with interpretive/informational signage. This project is consistent with the on-going efforts of the City of Kalamazoo in the creation of publically-accessible greenspace throughout the City, including the nearby Jack Coombs trailway and the Kalamazoo River outlook, both of which are either on or adjacent to City-owned brownfield sites.

The City will also benefit from the creation of additional floodplain at the site. This area of the City undergoes frequent flooding and the additional flood water storage will assist in reducing the impact to nearby businesses and residents. The City of Kalamazoo is excited and supportive of the proposed development at this site by Nature Ventures, Inc.

Sincerely,

Marc Hatton
Redevelopment Project Manager

CITY OF KALAMAZOO

July 1, 2009

Mr. Kameron Jordan
Kalamazoo District Supervisor
Land & Water Management Division
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, MI 49009

Dear Mr. Jordan,

Nature Ventures, Inc., a non-profit conservation organization, is working on a project to restore a natural area on a 4.1 acre brownfield site in downtown Kalamazoo. We are referring to the site as the Urban Nature Park located at 426 East Michigan Avenue. The majority of the property is currently upland and will be restored with native pre-settlement prairie vegetation. Our plan also calls for the restoration of a native plant wetland in the area along Portage Creek.

As part of this project, we began to investigate the possibility of funding the wetlands restoration portion of the project through a wetlands mitigation process. We learned about the proposed Trade Centre project along Portage Creek and have inspected that site. If the Trade Centre project is approved, it is our opinion that a wetland mitigation at the Urban Nature Park will result in a net positive for the resource and our community.

We have worked with the applicant on the plan and have given our permission to conduct the restoration on our land. Nature Ventures owns the land being proposed for the wetland and floodplain restoration/mitigation and we have no objection to a perpetual conservation easement being placed over the area.

This proposed project will assist us in completing our vision for the Urban Nature Park. There are numerous ecological, environmental and societal benefits to our project. Invasive species will be removed and replaced with a highly diverse mix of native vegetation that will create an ecologically sustainable natural community of plants and animals. Contaminants and debris will be removed as well as thousands of yards of fill creating natural flood water storage in the downtown area. This park should result in increased redevelopment of the nearby old urban core and residents and businesses will be able to experience a bit of nature along the pathways in the Park.

We look forward to working with the Department of Environmental Quality and the applicant to restore a part of the natural heritage of downtown Kalamazoo.

Sincerely,

Willard M. Rose, Ph.D.
President & CEO
Nature Ventures Inc.

phone: 616-327-3532
fax: 616-327-7679

WIGHTMAN WARD, INC.
ENGINEERING • LAND SURVEYING
ARCHITECTURE • TESTING • ENVIRONMENTAL

E-mail:
wightmanward@ameritech.net

GARY D. HAHN, P.S.
THOMAS A. DENEAU, P.E.
JOHN G. KAMER, P.S.
MICHAEL E. KIEWEL, P.E.
WAYNE A. KOCH, A.I.A.

9835 PORTAGE ROAD,
PORTAGE, MICHIGAN 49002

JAMIE J. DYER, P.E.
THOMAS M. RUSHLOW, P.E.
DARYL J. VELDMAN, P.E.
CHRISTOPHER J. BRAYAK, A.I.A.
MICHAEL A. FREEHLING, P.S.

January 23, 2002

Mr. Jeffrey M. Erickson, AICP
Director of Community Development
7900 South Westnedge Avenue
Portage, MI 49002

Subject: Furniture Row USA, L.L.C. Commercial Planned Development

Dear ~~Mr. Erickson~~ Jeff:

The following narrative is intended to supplement the conceptual plan submitted for the Furniture Row USA, L.L.C. development site, pursuant to Portage Code Sec. 42-350 "Procedure for Plan Review". The Furniture Row site is located in the Commercial Planned Development (CPD) district located north of I-94 and west of South Westnedge Avenue (see drawing for specific site location). The paragraph headings are paraphrased from the lettered required conceptual plan elements as stated in the aforementioned code section.

A. PURPOSE AND OBJECTIVES

Furniture Row intends to develop the subject parcel as a site condominium, providing building sites custom tailored to suit the varying needs of potential commercial uses. We are fully aware that this site is a "showcase" location for the City of Portage with tremendous visibility to the public, being integral to the I-94/South Westnedge Avenue interchange. Furniture Row appreciates the steps the City has taken to enhance the developabilty of this site (e.g. trunk sewer relocation within the site, West Fork/Andy Street extension, etc.) and looks forward to continuing this partnership to create an up-scale commercial center. The site condominium concept will serve this goal by allowing individual property ownership while maintaining high development standards and integration of the overall development as specified in the Condominium Master Deed, which will be expanded upon later in this text. The anticipated commercial uses for the site include hotel(s), restaurant(s) and retail establishments.

B. GENERAL PLAN OF DEVELOPMENT

The first condominium site to be developed will be at the extreme west end of the CPD zoned parcel. A tentative site layout is indicated on the drawings for Extended Stay America, a 101 unit hotel.

The remainder of the property is being actively marketed at this time. It is anticipated that the ultimate condominium will contain five to ten building sites. It is very difficult to provide meaningful numbers relating the to proportions of property to be devoted to each land use as no sales are imminent other than the Extended Stay America site. For discussion purposes, it is estimated that the Extended Stay America and a second hotel (approximately 100 rooms each) will occupy 20% - 30%, restaurant(s) will occupy 15% - 20% (approximately 3,500 sft - 4,500 sft buildings) and retail establishments will occupy 50% - 65% (approximately 30,000 sft - 50,000 sft buildings) of the CPD zoned parcel.

Furniture Row also owns the 12 acre (more or less) parcel immediately west of and adjacent to the CPD zoned parcel. The 12 acre parcel will be utilized in conjunction with the condominium development. As you know, the 12 acre parcel is zoned R1-C, although a court order specifically allows non residential use of the property for certain medical related uses. The northern portion of the property will be utilized, as necessary, for wetland and/or flood plain mitigation areas, storm water disposal and possibly passive recreation area (i.e. nature trails). Further development of the parcel will be considered at a later date.

C. MAP

See accompanying conceptual plan drawing.

D. OWNER/LEGAL DESCRIPTION

The owner/developer of the property is Furniture Row USA, L.L.C., 300 Union Boulevard, Suite 350, Lakewood Colorado. Legal descriptions are indicated on the conceptual plan drawing.

E. CONTIGUOUS HOLDINGS

As referenced in paragraph B. above, Furniture Row owns (in addition to the CPD zoned parcel) approximately 12 acres west of and contiguous to the CPD zoned parcel. This parcel is clearly depicted on the conceptual plan drawing. An affidavit of ownership is included with this letter.

F. PROPERTY LINES OF ADJACENT TRACTS

See accompanying conceptual plan drawing.

G. EXISTING STREETS/EASEMENTS

See accompanying conceptual plan drawing.

H. EXISTING UNDERGROUND UTILITIES

See accompanying conceptual plan drawing.

I. TOPOGRAPHY

See accompanying conceptual plan drawing.

J. USE, HEIGHT, SETBACKS

As previously stated, Extended Stay America is the only proposed site development within the CPD at this time. The hotel building is very much residential in character, as depicted on the elevation drawings. I have included a black and white, 11" x 17" drawing with this correspondence, however we will have a color elevation sheet to include in the Planning Commission and City Council agendas. These are "generic" Extended Stay America elevations. When site plan approval is sought the City will be provided with elevation drawings specific to the Portage site.

The height of the main roof line of the Extended Stay America building is 35 feet per definition of building height (this is the average of an eve line 27' 6" above grade and a ridge line 42' 3"above grade). A 35 foot building height is allowed in the CPD district, however, because the site adjoins residentially zoned property the height is limited to 25 feet and one story. Therefore, we are requesting a modification to Portage Code Section 42-551 to permit construction of the three story structure with a principle roof height of 35 feet. In addition, a "trademark" feature of Extended Stay America is their signage, which is affixed to an architectural element with a hip roof extending somewhat above the ridge of the principle roof line (see attached building elevation). The top of the sign (Eve line of the hip roof) is 46' 5" above grade and the peak is 50' 3" above grade. By definition, the building height of this small building element is 48.5 feet (rounded to the next highest 0.5 feet). We are requesting that a height modification also be granted to be allow a roof height of 48.5 feet for the small architectural element supporting the signage. The signage would be located at the extreme south end of the building (adjacent to I-94). The building "foot print" of the prototype is 14,490 square feet, while the architectural feature supporting the signage is approximately 250 square feet, a mere 1.7 % of the overall building size. The applicant would have no problem with the wording of the height modification for the sign element specifying the location (south end of the building) and maximum size (square footage).

As the applicant owns the adjoining residentially zoned property to the west, granting such a modification will not impact any independently owned adjacent Portage properties. Furthermore, the aforementioned court order allows non residential use of the property so it is certainly not a typical residentially zoned property that needs to be shielded from the hotel use. The adjoining property north of the west fork of Portage Creek is also residentially zoned property in the City of Kalamazoo. This property is a fully developed well field owned by the City of Kalamazoo, therefore the hotel height will have no negative impact. The closest home to the Extended Stay America facility (on parcel 4-059 A) is approximately 400 feet from the rear of the hotel and over 650 feet from the sign. The rears of the homes on Dukeshire are approximately 460 feet from the rear of the hotel and over 700 feet from the sign. It should also be pointed out that the elevation of Dukeshire is significantly higher than the Extended Stay America site. The sanitary sewer casting grades shown on the aerial photo indicate that the road grade averages an elevation of 891.4, while the topography on the Extended Stay America site indicates an average elevation of approximately 854.5 (a difference of roughly 37 feet). While the site may be filled somewhat, wetland and floodplain issues dictate that the amount of fill be minimized due to the high cost to mitigate modifications to the floodplain or wetland. It is unlikely that the floor elevation of the hotel will exceed elevation 860.0. With the first floor at elevation 860.0, the ridge of the principle roof would be at elevation 902.3 and the "point" of the hip roof over the sign would be at elevation 910.3. Even the extreme peek of the roof over the signage is only approximately 19 feet above the Dukeshire road grade while the peak of the principle roof is approximately 11 feet above the Dukeshire road grade. Therefore, the heights requested for the Extended Stay America Hotel should be very close to roof heights of the Dukeshire homes. We do not feel the requested height modification will have any significant negative impact.

While the site plan for Extended Stay America is not final at this time, the conceptual plan indicates the building encroaching into the required 75 feet rear yard setback from the district boundary. We are requesting a second modification to Portage Code Section 42-551 to permit a reduction of the rear yard setback from 75 feet to 40 feet This reduction will allow for more efficient use of the property, placing the rear development line approximately at the wetland boundary and creating more green space at the front of the property which is highly visible from I-94. The adjoining property to the north is developed as a City of Kalamazoo well field and the immediately adjacent segment of the Kalamazoo property (between the Extended Stay America site and the creek) is totally undeveloped wetland/flood plain. Given the unusual circumstances associated with this property we believe the modification can be granted with no negative impact to the surrounding area.

Lastly, we are requesting a modification to Portage Code Section 42-503, specifically paragraph (3), a, 3, which would require a six-foot high berm adjacent to the residentially zoned properties. It is our desire to keep the 12 acre parcel as "natural" as possible and we feel the berm would look out of place. Additionally, the berm at the northern reaches of the property would be problematic due to wetland/flood plain issues. As you know, the cited ordinance is titled "Conflicting Land Uses". Due to reasons stated in the proceeding paragraphs we do not feel that there are any conflicting land uses, therefore the berm serves no practical purpose and we are requesting that this requirement be deleted.

K. PROGRAM OF DEVELOPMENT

The initial stage of building development will be construction of the Extended Stay America hotel. A site plan is intended to be submitted shortly after approval of the conceptual plan. The target date for construction to commence is May 2002. The storm water detention/treatment area for the overall site will be designed/constructed in conjunction with Extended Stay America. It is also anticipated that a restaurant and one of the retail buildings will be constructed during the 2002 construction season.

The second phase of construction, anticipated for the 2003 construction season, will include a second restaurant and a second retail store.

It is anticipated that build out of the CPD site will be complete during 2004, with construction of a second hotel and another retail site.

Screening, landscaping and buffering will be accomplished per code and master deed requirements as individual sites are developed, as further described in paragraph M.

L. INDEPENDENCE/INTEGRATION OF DEVELOPMENT

The site condominium form of ownership will provide for independence of the development stages in that each owner will have responsibility for pursuing site plan approval for their facility. At the same time the condominium concept provides for integration of the overall development in that the master deed will require unifying concepts (see paragraph P).

M. COMMON OPEN SPACE/LANDSCAPING

Furniture Row will own the aforementioned 12 acre parcel initially. Once it is determined what portion of this property is required for the common storm water disposal area and wetland/flood plain mitigation the area will be more clearly defined. This area will remain as common area for the aforementioned uses as

Well as passive recreation, with maintenance of the common area to be the responsibility of the Condominium Association. To keep with the "natural" setting adjacent to the creek/wetland areas, plantings and other landscape materials will be selected from native species typical to this type of environment. Trees may include, but will not be limited to: Red Maple, Downy Serviceberry, River Birch, Eastern Redbud, Alternate-leaf Dogwood, Flowering Dogwood, Green Ash, Black Gum, White Spruce, Burr Oak, American Arborvitae and Basswood. Shrubbery may include, but will not be limited to: Black Choke Berry, Cornelian Cherry Dogwood, American Hazelnut, Witch Hazel, Spicebush, Bust Cinquefoil, Fragrant Sumac, Meadow Sweet, Maple Leaf Viburnum, Arrowwood Viburnum and American Cranberry Bush Viburnum. Groundcover in landscape islands may be a variety of natural materials including cobble, grass, wood chips, etc., supplemented with accent features such as boulders.

Landscaping will be the responsibility of the individual site developers. The required landscaping must meet City requirements as well as requirements in the master deed which will state the unifying theme for the overall development. Plant species will be selected based on their availability and suitability to the proposed location.

N. WATER/SEWER/STORM SEWER

The site will be served by municipal water, which will be extended to the site from South Westnedge Avenue or the present terminus on West Fork. Depending on flow requirements and flow availability the system may be "looped" by connecting to other available mains in the well field or platted areas to the west/northwest.

It is also possible to connect to the Portage system, however this would entail a bore and jack under I-94 from the Milham wellfield behind the Portage Northern School complex. We will be discussing the alternatives and finalize the water system provisions in the near future.

The City of Portage sewer system extends the full length of the site in a general east-west direction, which will provide municipal sewer service to the development sites.

An integrated storm sewer system is proposed for the overall development with retention/detention provided on the 12 acre site adjoining the CPD property. Drainage from the I-94 right-of-way to the lowland adjoining the creek will be maintained. The conceptual plan indicates an existing storm sewer pipe, which currently serves this purpose. There is a restriction in the deed to the property, which requires that the drainage flow not be impeded.

O. TRAFFIC/PARKING

The vicinity map on the conceptual plan shows the relationship of this site to existing roadways in the area. Primary access to the site will be via the recently completed West Fork Drive. Per meetings with Portage Staff, it is our understanding that during the development of the recent project undertaken by the City, some reasonable assumptions were made to allow for traffic exiting the Furniture Row site. The proposed hotel will generate a minimal impact on existing infrastructure. As additional traffic generators locate in the development there may be need to revisit the earlier traffic study to ensure the transportation facilities are adequate.

For discussion purposes, the Institute of Traffic Engineers Trip Generation Manual was consulted to provide ball park traffic generation figures. The following table illustrates this information. It must be stressed that these should be considered ball park figures since actual uses and building sizes are all conceptual:

TRIP GENERATION

	TRIP END RATES		TRIP END TOTALS	
LAND USE	AVERAGE	PM PEAK	AVERAGE	PM PEAK
All Suites Hotel*	4.95/Room	0.40/Room	495	40
Hotel*	8.23/Room	0.61/Room	823	61
Furniture Store **	5.06/1,000sf	0.53/1,000sf	253	27
Specialty Retail Center***	40.67/1,000sf	4.93/1,000sf	2,440	296
High-Turnover (sit-down) Restaurant	130.34/1,000sf	19.38/1,000sf	1,043	155
		TOTALS	**5,054**	**579**

* Weekday numbers used
** Based on 50,000sft furniture store
*** Based on 60,000 sft

Parking issues will be jointly handled by individual site developers (meeting code requirements) and the condominium requirements. The condominium master deed will contain provisions providing for joint access and interconnection of parking areas.

P. COVENANTS/EASEMENTS/RESTRICTIONS

The condominium master deed will provide for easements as may be necessary to ensure that every unit in the development has access to municipal sewer and water facilities, common storm sewer piping and private utilities such as electric, gas, telephone, etc.

The condominium master deed will also specify building materials and colors as well as building orientation. All buildings will be required to be oriented such that the front or side of the building faces the service road and must present an architecturally pleasing appearance. Screening issues relating to loading areas, dumpsters, etc. are effectively covered in the Portage Code. Exterior building finishes will be restricted to concrete or unit masonry materials (e.g. split face or other decorative block, brick,) or synthetic materials (EIFS, e.g. DRIVIT) having the appearance of masonry. Color schemes for the primary building surfaces will be limited to black, white or earth tones. Trim, architectural accent features and signage may be other colors to preserve corporate identification. Vertical mass will be broken with horizontal banding having differing color and/or texture than the main building. As stated previously, landscaping standards are also proposed in the master deed. Specifically, we wish to carry the "natural" theme of the creek/wetland area throughout the development. To that end, the master deed will require plant materials that are common to these or that are commonly used to promote wildlife/songbird habitat (See M for listings).

Q. NATURAL FEATURES

An aerial photograph is included in the drawing submittal to provide a visual of the property. The property either immediately abuts or is closely adjacent to the West Fork of Portage Creek. Subsequently portions of the property are wetland and/or flood plain. The wetland boundary was defined by Resource Management Group, a wetland consultant who will also be developing any required mitigation plans. Development of a permit submittal for altering the flood plain and/or wetland mitigation will be developed in conjunction with preparation of the final plan for the Extended Stay America site. As I am sure you are aware, permit application to the Michigan Department of Environmental Quality cannot be submitted based on a speculative development and at this point we do no even have conceptual approval from the City. During final plan development for the Extended Stay America we will endeavor to eliminate any encroachment on the wetland and grade the site to minimize the amount of fill required in the wetland. It should also be noted that removal of the dam in the west fork of Portage Creek downstream of this site (done
In conjunction with the Lowes development) will lower the flood plain elevation approximately 0.5 feet according to Resource Management Group, although we cannot take advantage of this until the FEMA flood plain map is modified.

I trust that this narrative and the drawings submitted provided you with the necessary information to complete your review. If you have any questions or need additional information please feel free to call me.

Respectfully Submitted,

WIGHTMAN WARD, INC.

Jamie J. Dyer, P.E.
JJD/jm

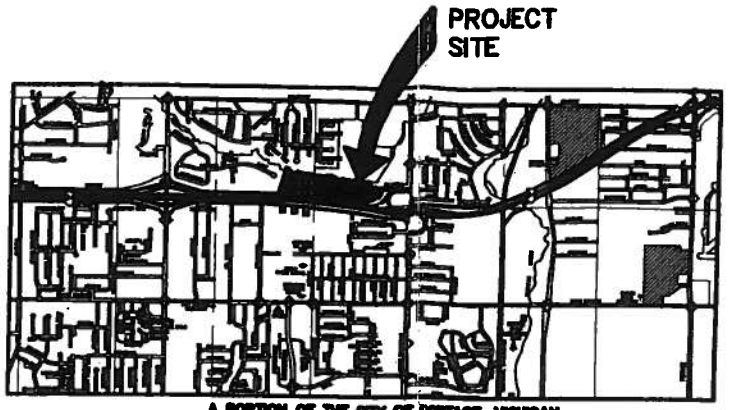
LEGAL DESCRIPTIONS PER DEED:

CPD ZONED PARCEL

CPD ZONED PARCEL (CONT.)

EASEMENTS

ADJOINING 12± ACRE PARCEL



A PORTION OF THE CITY OF PORTAGE, MICHIGAN
VICINITY SKETCH NOT TO SCALE

TENTATIVE DEVELOPMENT SCHEDULE

FACILITY TYPE	SIZE	CONSTRUCTION STARTS
EXTENDED STAY AMERICA	101 ROOMS	SPRING 2002
RESTAURANT	3,500–4,500 SFT	2002
RETAIL	30,000–50,000 SFT	2002
RESTAURANT	3,500–4,500 SFT	2003
RETAIL	30,000–50,000 SFT	2003
HOTEL	100 ROOMS	2004
RETAIL	30,000–50,000 SFT	2004

LANDSCAPING MATERIAL, ARCHITECTURAL STYLE/BUILDING MATERIALS AND SITE LIGHTING WILL CARRY A COMMON THEME TO UNIFY THE DEVELOPMENT.

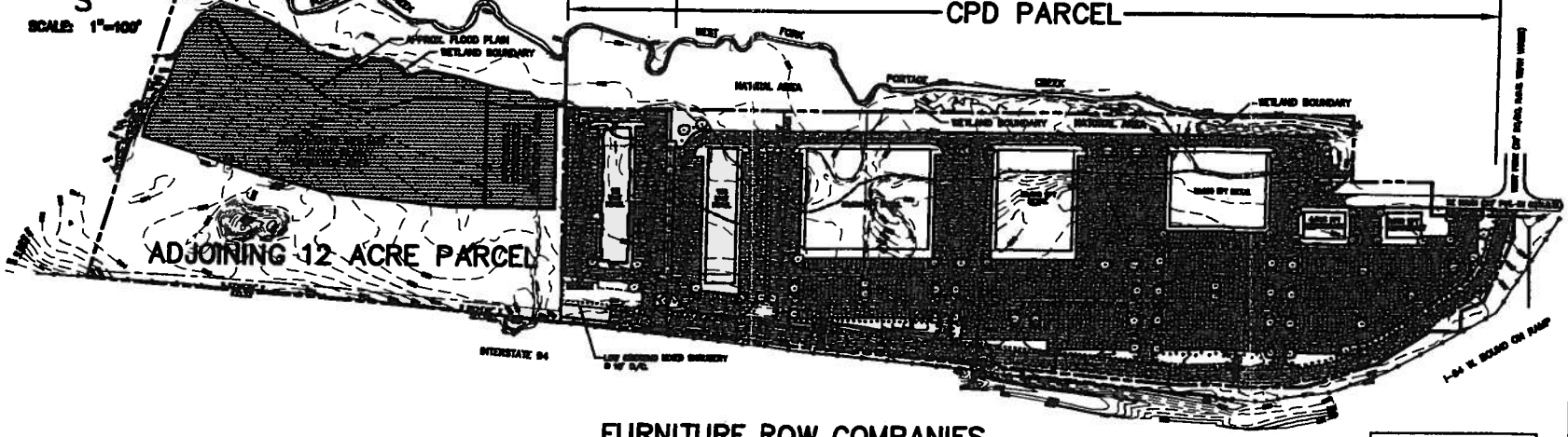
N
W E
S

SCALE: 1"=100'

12 ACRES MORE OR LESS TO BE USED FOR WETLAND AND/OR FLOODPLAIN MITIGATION AS MAY BE NECESSARY, STORMWATER DISPOSAL AND DEVELOPMENT AS ALLOWED BY LAW.
NOTE: THIS PARCEL IS NOT IN THE COMMERCIAL PLANNED DEVELOPMENT ZONING DISTRICT, IT IS ZONED R1–C.

EXTENDED STAY AMERICA OCCUPYING 2.6 ACRES MORE OR LESS ZONED CPD

CPD PARCEL



FURNITURE ROW COMPANIES
COMMERCIAL PLANNED DEVELOPMENT – PORTAGE MICHIGAN
CONCEPTUAL PLAN

LANDSCAPE KEY:
TREE SELECTED FROM LISTING PROVIDED IN NARRATIVE
SHRUB SELECTED FROM LISTING PROVIDED IN NARRATIVE

WILLITMAN WARD INC.
PROFESSIONAL LAND SURVEYING
ENGINEERING • LAND DEVELOPMENT CONSULTANTS

FURNITURE ROW C.P.D.
FURNITURE ROW USA, L.L.C.
300 UNION BLVD., SUITE 200 LAKEWOOD, CO. 80228
CONCEPTUAL PLAN

JOB NO. 00-0-0
DRAWN BY JAMIE DYER
DESIGNED BY M. GOOD
CHECKED BY J. DYER
DATE DECEMBER 2001
SCALE 1" = 100'

D-2361

MATERIALS TRANSMITTED

CITY OF PORTAGE ZONING BOARD OF APPEALS

Minutes of Meeting – May 14, 2012

The City of Portage Zoning Board of Appeals meeting was called to order by Chair Linenger at 7:00 p.m. in the Council Chambers. Eight people were in the audience.

MEMBERS PRESENT: Glenn Smith, Doug Rhodus, Timothy Bunch, Betty Schimmel, Rob Linenger, Lowell Seyburn, Michael Robbe, and Jeffrey Bright.

MEMBERS EXCUSED: Mariana Singer

IN ATTENDANCE: Jeff Mais, Zoning & Codes Administrator and Charles Bear, Assistant City Attorney

APPROVAL OF THE MINUTES: Schimmel moved and Singer seconded a motion to approve the April 9, 2012 minutes as submitted. Upon voice vote, motion was approved 7-0.

OLD BUSINESS:

ZBA #11-16, 5602 Lovers Lane: Staff summarized the variance requests for a) a single face 672 square-foot non-accessory sign that exceeds the maximum allowed 300 square-foot sign area; b) a 99 foot variance to erect a sign two feet from the (north) property line where a maximum 101 foot setback is required; and c) a 43-foot variance to erect a sign seven feet from the (east) property line where a minimum 50 foot setback is required. Kevin Green was present on behalf of Adams Outdoor Advertising and stated the proposed billboard would be located over 350 feet from the westbound lane. Mr. Green stated that 672 square-foot billboards were an industry standard size sign found throughout the state and country, and while a maximum permitted 300 square-foot sign may be a reasonable standard for the billboards found along surface roads in town, the higher traffic speeds on highways necessitated larger signs for improved legibility. Mr. Green stated the MDOT sound wall erected in 2010 reduced visibility of the existing sign for east bound traffic and because they were proposing to eliminate the west face of the sign they were also reducing the degree of nonconformity. Linenger noted the city issued a permit for a 300 square-foot sign in 1994 and inquired how it came to pass that a 672 square-foot sign was erected. Mr. Green noted the State of Michigan issued a permit for a 672 square-foot sign, but could not otherwise account for the actions of his predecessor 18 years ago. Smith inquired if there were any other 'standard' size signs produced in between the 378 square-foot sign referenced in the staff report and the proposed 672 square-foot sign. Mr. Green stated there was also a 504 square-foot 'substandard-sized' sign available. Robbe inquired why detuning equipment was needed now. Mr. Green said Midwest Communications, owner of the broadcast towers to the east, suggested they should equip their sign with the device to eliminate electrical interference and Adams has already agreed to install the equipment. Seyburn inquired how large the billboard on the other side of I-94 was. Staff stated the sign was 378 square feet and its size was the result of a Settlement Agreement between the city and the sign owner. Seyburn inquired if there was a "me too" clause in that Agreement. Staff and Mr. Bear both stated no.

A public hearing was opened. A communication from Kevin Green to staff was read into the record and a maintenance agreement between the property owner of 5602 Lovers Lane and Adams Outdoor Advertising was also entered into the record. Mr. Peter Tanz, Midwest Communications, stated he was present to answer any other questions the Board may have about the detuning equipment. There were no further questions or comments. The public hearing was closed.

A motion was made by Seyburn, seconded by Schimmel, to grant a) a variance for a one-sided 504 square foot (12' x 42') sign conditioned upon the installation of a de-tuner, and painting the back side

of the billboard to minimize potential aesthetic impacts to properties to the south and west, the practical difficulties include giving up rights to have a two-sided sign is a reduction in the degree of nonconformity and the significant distance of the sign from the westbound lane of I-94 (which is much further than the sign on the opposite side of the highway); the variance is necessary for the preservation of a substantial property right, the right to have a freestanding sign that can be seen from the highway which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

A motion was made Smith, seconded by Bright, to grant variances allowing the sign to be setback b) two feet from the north property line and c) seven feet from the east property line. The practical difficulty is the significant distance of the sign from the westbound lane of I-94; the variance is necessary for the preservation of a substantial property right, the right to have a freestanding sign that can be seen from the highway which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

NEW BUSINESS:

ZBA #11-20, 7634 Hampton Oaks: Staff summarized the request for a) a four-foot variance to retain an existing garage six feet from the (north) side property line; and b) a four-foot variance to construct a 12-foot by 14-foot three season porch six feet from the north property line where a 10-foot setback is required. Mr. Donald Kitchin was present to answer any questions.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Smith, seconded by Seyburn, to grant a) a four-foot variance to retain an existing garage six feet from the (north) side property line; and b) a four-foot variance to construct a 12-foot by 14-foot three season porch six feet from the north property line where a 10-foot setback is required. There are exceptional circumstances applying to the property that do not apply generally to other properties in the same zoning district, which include the narrow corner lot, the existing floor plan (split level design) and orientation of existing dwelling on the lot. The variance is necessary for the preservation of a substantial property right, the right to have a screened-in porch which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and the surrounding neighborhood and; the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of

the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

ZBA #11-21, 6430 South Westnedge Avenue: Staff summarized the request for a 10 square-foot variance to replace a nonconforming 96 square-foot sign, with a 75 square-foot sign for Harding's Market, where 65 square feet is the maximum allowed. Steve Vandersloot, Sign Art, was present on behalf of the applicant to answer questions. Robbe inquired if the applicant had looked into different sign configurations to possibly erect a conforming sign. Mr. Vandersloot stated they had but felt the proposed sign represented the best sign design based on both aesthetic and functional characteristics.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

A motion was made by Seyburn, seconded by Smith, to grant a 10 square-foot variance to replace a nonconforming 96 square-foot sign with a 75 square-foot sign for Harding's Market, where 65 square feet is the maximum allowed, as the proposed sign represents an appreciable reduction in the degree of nonconformity consistent with Section 42-544(C)(2) and (3); the variance will not be detrimental to adjacent property; and the variance will not materially impair the intent and purpose of the Zoning Ordinance. In addition, the application and supporting materials, staff report, and all comments, discussion and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board be final and effective immediately. Upon roll call vote: Bunch-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Singer-Yes, Bright-Yes. Motion passed 7-0.

ZBA #11-22, 6605 Lovers Lane: Staff summarized the request for a variance to modify a nonconforming freestanding sign. Bunch abstained from participation due to a conflict of interest. Mr. Locey explained he received a variance in 1984 that allowed him to have the sign and did not understand why he needed another variance. Staff responded that the Zoning Code did not allow staff to issue sign permits for tenant panel changes to nonconforming signs without Board approval. Smith noted it appeared there were two freestanding signs in close proximity that looked nearly identical. Staff clarified the 1984 variance included two signs but that ownership of the two adjacent properties had subsequently changed along with the zoning lots. Seyburn and Smith observed it would look strange if one of the signs were moved to a conforming location and that the view of one sign would be partially blocked by the other sign.

A public hearing was opened. No one spoke for or against the request. The public hearing was closed.

After additional discussion, a motion was made by Bright, seconded by Smith, to grant a variance to modify a nonconforming freestanding sign, with the condition that the owner be permitted to change sign panels without additional review and approval by the Board, provided the sign is not structurally altered or increased in size and a sign permit is obtained, and that no more than four tenant panels be permitted on each sign face. There are exceptional circumstances or conditions applying to the property that do not apply generally to other properties in the same zoning district, which include that the two freestanding signs are located approximately equal distance (one foot) from the road and that moving the sign to a conforming location would block the view of one sign and cause them not to line up; the variance is necessary for the preservation of a substantial property right, the right to identify tenants which is similar to that possessed by other properties in the same zoning district and the vicinity; the immediate practical difficulty causing the need for the variance was not created by the applicant; the variance will not be detrimental to adjacent property and; the variance will not materially impair the intent and purpose of the zoning ordinance. In addition, the application and supporting materials, staff report and all comments, discussions and materials presented at this hearing be incorporated in the record of this hearing and the findings of the Board, and that action of the Board

be final and effective immediately. Upon roll call vote: Robbe-Yes, Linenger-Yes, Rhodus-Yes, Schimmel-Yes, Seyburn-Yes, Smith-Yes, Bright-Yes. Motion passed 7-0.

STATEMENT OF CITIZENS:

ADJOURNMENT: There being no further business, the meeting was adjourned at approximately 8:55 p.m.

Respectfully submitted,

Jeff Mais
Zoning & Codes Administrator

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CITY COUNCIL MEETING MINUTES FROM MAY 8, 2012

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

At the request of Mayor Strazdas, Associate Pastor Kevin DeVries of the Portage Free Methodist Church of Portage gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATIONS: Mayor Strazdas issued a National Safe Boating Week Proclamation and a 160th Anniversary of the Ladies' Library Association Proclamation.

APPROVAL OF MINUTES: Motion by Urban, seconded by Reid, to approve the April 24, 2012 Regular Meeting Minutes as presented. Upon a voice vote, motion carried 6 to 0. Motion by Urban, seconded by Reid, to approve the Budget Meeting Minutes of April 30, 2012, and the Budget Meeting Minutes of May 1, 2012, as presented. Upon a voice vote, motion carried 6 to 0.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Pearson to read the Consent Agenda. Councilmember Pearson asked that Item K.1, Appointments to Various Boards and Commissions, be added to the Consent Agenda. Motion by Reid, seconded by Urban, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 8, 2012:** Motion by Reid, seconded by Urban, to approve the Accounts Payable Register of May 8, 2012. Upon a roll call vote, motion carried 6 to 0.

PUBLIC HEARING:

PUBLIC HEARING FOR FISCAL YEAR 2012-2013 PROPOSED BUDGET: Mayor Strazdas indicated that there is before City Council a communication from City Manager Maurice Evans recommending that City Council hold a Public Hearing on the Fiscal Year 2012-2013 proposed Budget and the tax rate of 10.7778 mills required to support the proposed budget. Mayor Strazdas opened the public hearing and introduced City Manager Evans, who provided a brief overview of the proposed 2012-13 Fiscal Year Budget. He began by providing a little history of Portage and pointing out that it is the 50th Anniversary of the City of Portage. He indicated that over the years, the City has practiced low cost service delivery which includes privatization of utilities and information technology as well as utilizing part-time, on-call and contract personnel to supplement full time personnel. He indicated that the overall Budget of $61.4 million continues this practice and is an excellent Budget that allocates funds for core city services, capital improvement projects, debt payment as well as the voter approved millages for services.

He pointed out that when considering the Budget, the Administration not only looked at this year, but also looked into the future. He highlighted some of the elements of the Fiscal Year 2012-13 Budget by explaining that there is a decrease in the overall city tax rate from 10.8916 mills to 10.7778 mills and the General Fund has $22.8 million in expenditures which is a 2.4% reduction or $548,000 when compared with the current budget year. He expressed his appreciation for the 1.5% increase in personal property tax revenue due mostly to the investments by Pfizer Corporation, but pointed out that

it is personal property, and those revenues will not be available when Michigan eliminates personal property taxes in the future. He also mentioned that the budget reflects an incorporation of the Economic Vitality Incentive Program payments from the State of Michigan, which is a replacement of Statutory Revenue Sharing, which has been reduced over the years to $270,000.

Mr. Evans referred to the allocation of an Intergovernmental Collaboration Studies Fund of $100,000 to address funding needs associated with planned collaborative service studies, and referred to one of the two Budget Work Sessions wherein Councilmember Sackley asked whether the City of Kalamazoo or Kalamazoo County had allocated funds in their budgets for these studies. He responded that Kalamazoo County has made the allocation, that the City of Kalamazoo has not, but Kalamazoo City Manager Ken Collard indicated that the Kalamazoo City Commission would be very supportive of such an allocation.

Because the City of Portage has a plan to reduce its overall debt level and the funding of post employment benefits has been sufficiently addressed, Mr. Evans proposed that this Budget has a prescribed fund balance for the General Fund to increase from 13 percent to 25 percent to accommodate future liabilities. He discussed some of the cost containment measures in the Budget, such as reducing the work force from 184 to 179 employees and the savings realized by responding to Act 152, which restricts the amount of employer contributions to employee health premiums. He also mentioned that the Budget has been on the City of Portage website as a public document for weeks under the Finance Department segment, so the public has had time to review it.

Next, he referred City Council to the Materials Transmitted document distributed earlier in the evening for their review realizing that they had had little time to spend on it. He enlisted the services of Finance Director Daniel Foecking, explained the report and reviewed all of the charts depicting: General Fund Expenditures and General Fund Ending Balance since 2002/2003, Ending Fund Balance at Selected Percentages by dividing the Ending Fund Balance by the actual 2010/2011 General Fund expenditures (including Transfers), Projected Personal Property Tax Revenue Loss For Industrial and Under $40,000 in Investment Only from 2013/2014 to 2022/2023, a Community Survey of Fund Balances of various cities and counties in Michigan, and a Community Survey of Fund Balances/Long-Term Debt of various cities and counties in Michigan. Discussion followed. Mayor Strazdas opened the public hearing for public comment. There being none, motion by Reid, seconded by Urban, to close the public hearing. Upon a voice vote, motion carried 6 to 0. Discussion followed. Mayor Pro Tem Reid asked that the information contained in the Materials Transmitted be posted online for public viewing and asked citizens to contact any City Councilmember with any questions or concerns. Mayor Strazdas commended City Council for their hard work in the Budget Sessions and their conscientious approach to the Budget process. Discussion followed. Councilmember Pearson encouraged Portage citizens to read the Budget, especially someone who has expertise in this area, because each Councilmember wants the feedback such an exercise could bring.

REPORTS FROM THE ADMINISTRATION:

* **COMMUNITY DEVELOPMENT BLOCK GRANT RECOMMENDATION:** Motion by Reid, seconded by Urban, to approve the Community Development Block Grant (CDBG) Program FY 2012-13 Annual Action Plan element of the Consolidated Plan and authorize the City Manager to submit the application to the Department of Housing and Urban Development. Upon a roll call vote, motion carried 6 to 0.

* **TENTATIVE PLAN AMENDMENT FOR OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT AT 2275, 2301 AND 2401 WEST CENTRE AVENUE AND 8080 OAKLAND DRIVE:** Motion by Reid, seconded by Urban, to accept the Tentative Plan Amendment for Oakland Hills at Centre Planned Development and set a public hearing for June 12, 2012, at 7:30 p.m. or as soon thereafter as may be heard; and, following the public hearing, consider approving the Tentative Plan Amendment for Oakland Hills at Centre Planned Development at 2275, 2301 and 2401 West Centre Avenue and 8080 Oakland Drive, subject to the conditions outlined in the April 13, 2012 Department of Community Development report. Upon a roll call vote, motion carried 6 to 0.

* **PRELIMINARY PLAT OF OAKLAND FARMS NORTH, 9810 OAKLAND DRIVE:** Motion by Reid, seconded by Urban, to approve a request from Hyland Associates, LLC, allowing for an additional 90-day time period for City Council action on a preliminary plat of Oakland Farms North, 9810 Oakland Drive. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATIONS:

PRESENTATION BY HISTORIC DISTRICT COMMISSION CHAIRPERSON MARK REILE: At the request of Mayor Strazdas, Historic District Commission Chairperson Mark Reile indicated that May is designated National Preservation Month by the National Trust for Preservation. He also indicated that the annual Homeowners Gathering will be held at 6:30 p.m. on Thursday, May 17, 2012, on the bottom floor of the Portage District Library to honor the homeowners who care for the properties within the Historic District and to increase awareness to let the public know that the Historic District does exist in Portage. He mentioned that Randy Case, a local Architect from Battle Creek, who is within our Region, will speak about local hidden treasures at the event. He also said for a small donation, an attendee would receive the 67-page full color book highlights the story of 42 of the oldest properties in the City of Portage, *Where the Trails Crossed.* Discussion followed. Mayor Strazdas thanked him for his service and discussion followed. Motion by Reid, seconded by Campbell, to receive the presentation by Historic District Commission Chairperson Mark Reile. Upon a voice vote, motion carried 6 to 0.

PRESENTATION BY PARK BOARD CHAIRPERSON MIKE ZAJAC: At the request of Mayor Strazdas, Park Board Chairperson Mike Zajac came forward, introduced Parks Director Bill Deming, and listed some of the events organized and attended by the Park Board, including: traditional holiday events, The Taste of Portage, a family fishing fair and the Third "Annual Get Active, Portage" event. He also noted some of the Park Board initiatives such as the Recycled Art Event and the cooperative efforts with other committees, such as the joint venture with the Youth Advisory Board and the Environmental Board to get rid of Garlic Mustard. He indicated that the Park Board is very ambitious so the need for more help inspired the Friends of the Park Initiative to get the public involved and to get more volunteer support. He thanked everyone for their support of city parks and asked for any questions from City Council. Mayor Strazdas thanked him for his service and discussion followed. Motion by Reid, seconded by Campbell, to receive the Presentation by Park Board Chairperson Mike Zajac. Upon a voice vote, motion carried 6 to 0.

* **MINUTES OF BOARDS AND COMMISSIONS:** City Council received the minutes of the:
  Portage Historic District Commission of March 7, 2012.
  Portage Human Services Board of March 28, 2012.
  Portage Park Board of April 4, 2012.
  Portage Youth Advisory Committee of April 9, 2012.
  Kalamazoo County Board of Commissioners Committee of the Whole and Regular of April 17, 2012.
  Portage Planning Commission of April 19, 2012.

NEW BUSINESS:

* **APPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS:** Motion by Reid, seconded by Urban, to appoint Eric Alden, Austin Atkinson, Taylor Bruinwood, Catherine Cartier, Matthew Cartier, Ansh Chaudhary, Sujay Dewan, Kyle Huitt, Nadia Javeed, Kitu Komya, Abhiram Krishnan, Nicholas Lansendorfer, Humza Mirza, Robbie Overlander, Arju Patel, Sarah Perry, Richard Phillips, Aayushi Priya, Audrey Searing, Genevieve Sertic, Abbas Shariff, Jodi Stoffer, Nolan Stoffer, Zachery Stoner, Reinie Thomas, Raoul Wadhwa, Timothy Wilger, Logan Wilson, Tori Wilson and Lai Zhexuan with terms ending June 30, 2013, to the Youth Advisory Committee; appoint Raoul Wadhwa with term ending June 30, 2013, as Youth Participant to the Environmental Board; appoint Timothy Wilger with term ending June 30, 2013, as Youth Participant to the Human Services Board; appoint Sarah Perry with term ending June 30, 2013, as Youth Participant to the Park Board; appoint Audrey Searing with term ending June 30, 2013, as Youth Participant to the Senior Citizens Advisory Board; reappoint Carllyn Compton and Gary Gilchrist with terms ending June 1, 2015, to the Construction Board of Appeals; reappoint Richard Bosch, David Felicijan and Wayne Stoffer with terms ending May 31, 2015, to the Planning Commission; appoint Jeffrey Bright as Member and Mike Robbee as Alternate with unfulfilled terms ending February 28, 2014, to the Zoning Board of Appeals; appoint Arnett Williamson with unfulfilled term ending October 1, 2012, and Luis Henriquez with unfulfilled term ending October 1, 2013, to the Environmental Board; reappoint Ayesha Mangla with term ending May 31, 2015, to the Public Media Network Board; appoint Russell Randall with unfulfilled term ending December 31, 2013, to the Historic District Commission; and appoint Kelly Williams with unfulfilled term ending October 1, 2013, to the Human Services Board. Upon a roll call vote, motion carried 6 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Randall mentioned the Kalamazoo County Bike Week, May 13 through May 18, 2012, for families and wellness.

Mayor Pro Tem Reid noted the efficiencies created in the administration service areas of the Community Development Department that resulted in a drop from 19% funding to 8% funding from the CDBG funds thereby increasing the amount of funds going to serve the needs of Portage families.

Mayor Strazdas highlighted the Special Meeting held earlier to interview Boards and Commission Applicants and was awestruck by the number of youth in the community who expressed an interest in serving on the Youth Advisory Committee.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 8:18 p.m.

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James R. Hudson, City Clerk

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

CITY COUNCIL MEETING MINUTES FROM MAY 22, 2012

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

At the request of Mayor Strazdas, Rabbi Harvey Spivak of the Congregation of Moses gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

PROCLAMATION: Mayor Strazdas issued a Letter of Honor to Portage Northern High School and Portage Public Schools received by Superintendent Ric Perry and School Board Chair Bo Snyder. Discussion followed.

APPROVAL OF MINUTES: Motion by Reid, seconded by Sackley, to approve the Special and Regular Meeting Minutes of May 8, 2012 as presented. Upon a voice vote, motion carried 5 to 0 with Councilmember Sackley abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Councilmember Randall to read the Consent Agenda. Mayor Strazdas removed Item G.4, Greenspire Retail / Sewer Utility Connection Charges, from the Consent Agenda. Discussion followed. Motion by Reid, seconded by Randall, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 6 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF MAY 22, 2012:** Motion by Reid, seconded by Randall, to approve the Accounts Payable Register of May 22, 2012. Upon a roll call vote, motion carried 6 to 0.

COMMUNICATION:

PRESENTATION BY LINDA TEETER OF THE KALAMAZOO COUNTY TRANSPORTATION AUTHORITY: City Council received a presentation by Linda Teeter of the Kalamazoo County Transportation Authority (KCTA). She introduced KCTA Member Paul Ekland and KCTA Executive Director Sean McBride. She spoke about the 2011 KCTA Annual Report and the KCTA taking steps towards integrated Countywide Public Transit Services. She mentioned the resultant plan called the "Roadmap" that resulted from the collaboration with key staff from the City and County of Kalamazoo and serves as the guiding strategic document for the KCTA and focuses on: strengthening the governance and the capacity of the KCTA board; recruiting and hiring a strategic leader for the KCTA, Sean McBride; increasing the commitment and ownership of governmental jurisdictions throughout the county; strengthening the vision for a public transportation system throughout the County; and, to look toward achieving financial stability beyond 2012.

Next, she mention the two legislative changes necessary to create a Countywide Public Transit System: the law making it possible to create a second transportation authority in Kalamazoo and to pass and amendment to the incompatible offices statute that allows the members from the first authority to serve on the second authority. She discussed the bipartisan support throughout the process and the successes that resulted from these efforts, financial and governance policies, the grant obtained by the Public Transit and Regional partners, and a financial review of 2011.

She discussed the service to the City of Portage and mentioned that there were 63,513 rides on three routes, now four routes, serving the City of Portage, and thanked Portage Community Center Director Diane Schrock and Mayor Pro Tem Reid for their assistance in the analysis and the process. She thanked City Manager Evans for his assistance in placing a service van in Portage. She disclosed that Kalamazoo Metro Transit operates a community service van program with access to six vans with service to Vicksburg beginning soon.

Ms. Teeter indicated that once the second KCTA board is formed and the Articles of Incorporation are adopted by the Kalamazoo County Board of Commissioners, the boundaries will have to be established and an election for funding of 1 mill would have to take place in May 2013. She then discussed the people who are using public transportation, the travel trainer position created to help people use the system more efficiently, the plan to engage in a visioning process, the end goal of transferring assets and responsibility of operating, overseeing and the governance of the transportation system under the Kalamazoo County Transportation Authority and the responsibilities of the Executive Director in the process. Discussion followed.

In answer to Mayor Pro Tem Reid's question about the length of the millages and, once the goals are completed, what will the millage breakdown be, Ms. Teeter indicated that the proposed 0.6 renewal millage that funds the fixed route within the City of Kalamazoo is being considered for the November 2012 Election. She stated that KCTA has opted to wait for the County Board of Commissioners to form the new KCTA and set the boundaries before asking for the millages as they will be separate issues on the same ballot. Discussion followed.

In answer to Councilmember Sackley, Ms. Teeter agreed to find out where the people who use transit service lives, perhaps by zip code. Discussion followed.

PUBLIC HEARING:

REZONING APPLICATION #11-03, ROMENCE ROAD PARKWAY: Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who provided a review and summary of the request to approve Rezoning Application #11-03 and rezone: 1901 Romence Road Parkway to OTR, office technology and research, with the exception of the northwest area that is to remain R-1B, one family residential, and the southwest area that is to be rezoned to OS-1, office service; 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road and 2328 and 2402 Lansing Avenue to OTR, office technology and research; and 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1, office service. She analyzed the proposed zoning change for each parcel in detail using three zoning maps that reflected the proposed changes; she explained the process of the Planning Commission thus far, including requests from local neighborhoods; and, she introduced the new zoning category, Office Research Technology (OTR).

In answer to Councilmember Campbell, Ms. Georgeau indicated that, at the request of the Planning Commission, Community Development staff did "reach out" to all of the property owners in the corridor and got their input, that none of the property owners provided anything in writing, nor did they attend any of the Planning Commission meetings to provide input.

Mayor Strazdas opened the public hearing for public input. There being no discussion, motion by Sackley, seconded by Reid, to close the public hearing. Upon a voice vote, motion carried 6 to 0.

Motion by Sackley, seconded by Reid, to approve Rezoning Application #11-03 and rezone: 1901 Romence Road Parkway to OTR, office technology and research, with the exception of the northwest area that is to remain R-1B, one family residential, and the southwest area that is to be rezoned to OS-1, office service; 2301 Romence Road Parkway, 6710, 6718 and 6726 Portage Road and 2328 and 2402 Lansing Avenue to OTR, office technology and research; and 6646 Portage Road and 6941, 7013 and 7019 Lovers Lane to OS-1, office service. Councilmember Pearson expressed his

appreciation to the Planning Commission and Community Development staff for bringing this rezoning to fruition. At the suggestion of City Attorney Randy Brown, motion by Sackley, seconded by Reid, to amend the original motion to include the language "as further described in the Ordinance" to ensure that the "areas" language in the motion was specifically defined. Discussion followed. Upon a roll call vote, motion carried 6 to 0. Ordinance recorded on page 229 of City of Portage Ordinance Book No. 12.

PETITIONS AND STATEMENTS OF CITIZENS: Portage Community Center Board Chair Mike Ortega, 5539 Green Pine Land, Texas Township, expressed his appreciation for the continued support of City Council on behalf of the Portage Community Center Board, the Director Diane Schrock, the Portage Community Center Staff and the people who receive service from the Portage Community Center. Discussion followed.

REPORTS FROM THE ADMINISTRATION:

FISCAL YEAR 2012-2013 BUDGET APPROVAL: At the request of Mayor Strazdas, City Manager Evans indicated that the proposed Fiscal Year 2012-2013 proposed Budget is $61.4 million, and is a sound, conservative financial plan that does several different things: it meets the service demands with a reduction in curbside recycling levy; it provides for maintenance of the city streets; and it has a tax rate of 10.7778 mills which keeps Portage in the lowest 25% of Michigan cities with population greater than 25,000. He indicated that the Administration is recommending an increase in the Fund Balance from the 13% fund balance as prescribed by City Council to 25% to assist the city in the future because of the uncertainties with all of the various revenue sources and the Budget supports economic development with $10.9 million in infrastructure improvements through the Capital Improvement Program (CIP); and, it continues a balanced cost containment approach by providing a high level of both municipal and privatized services.

Mr. Evans had great praise for the excellent Budget Team of Deputy City Manager Brian Bowling, Financial Services Director Bob Luders, Finance Director Dan Foecking and Deputy Finance Director Pat Fitnitch; also, Community Development Director Vicki Georgeau, who helps out with the CIP. Discussion followed.

Motion by Sackley, seconded by Reid, to approve the Fiscal Year 2012-2013 Budget. Discussion followed.

Motion by Pearson, seconded by Randall, to amend the motion to reduce the City Council prescribed Fund Balance from 25% to 13%. Discussion followed.

Councilmember Pearson explained that some Councilmembers wanted the 25% Fund Balance to pay for uncertainties instead of using the funds to pay down some debt and, after some very good discussion in a public workshop, there was an agreement to disagree.

Councilmember Randall indicated that for months City Council has been receiving information about the Budget, including excellent graphs and hypothetical situations because of the future always being uncertain. Next, she indicated that one of the uncertainties was the proposed elimination of the Personal Property Tax and recently the Bill was passed by the Senate and instead of the Michigan Municipal League and the County Governments actively opposing the measure, they are now neutral, so she felt that the immediate fear of losing $4 million is not going to happen this fiscal year. She pointed out that there are no cuts, no lay-offs and no reduction of services; there is only a question of what to do with excess "cash." She reflected that City Council has had a 13% Fund Balance for 27 years, and this year it is 34%. She indicated that the City has $94 million in outstanding debt and recognized that Portage has excellent bike trails, parks and services that now have to be "paid for." She referred to the legally required 7% allocated for the CIP bond for Fiscal Year 2012-13 and reflected that there are Portage municipal bonds currently paying 5.5%, yet the City of Portage interest income is only 0.0012%, so she said that the city has an "opportunity cost" of $240,000 in interest and opined that it is a significant amount and the 13% is preparation enough for "rainy day" expenses.

Mayor Pro Tem Reid corrected Councilmember Randall indicating that the Fund Balance is currently 26% and not 34% with the projection being 26 to 27% by the end of this fiscal year. She indicated that the reason for the increase in savings is the result of the efficiencies and efforts of the City staff which have come primarily from not filling positions as they become vacant through attrition, rearranging and restructuring duties, and requiring more from staff. She pointed out that the City of Portage can not keep cutting employee positions in order to generate more revenue without reducing services; and, if the funds are used to reduce debt, those funds are no longer available, so the prudent measure to take is to increase the Fund Balance in order to anticipate the many unknowns in the economy with the cuts in the Personal Property Tax as only one of those uncertainties. She pointed out that of the other indicators show that revenues continue to go down; that there are no increases coming; and, the 25% only provides the funds to run the city for only three months which is problematic since revenue only comes in two times a year. She noted that the Fund Balance is set aside for emergencies and indicated that she is not in support of the amendment to the original motion, but is in support of the original motion and the increase in the Fund Balance to 25% at least for this fiscal year.

Councilmember Campbell indicated that because of the uncertainties, debt costs associated with the building of the infrastructure of the city, deficiencies in the water fund, and the possibility of a disaster such as the straight line wind storm in October 2001 that cost $1.2 million for only a portion of the city that was affected. She viewed this as a one-time opportunity that would probably not be available again, and indicated that she is not in support of the amendment to the original motion.

Mayor Strazdas indicated that he had respect for everyone's position; that this is a wonderful problem to have, the question of what to do with a Fund Balance at the end of the year of 26 to 27%. He repeated the two options, buy down debt or increase the fund balance, and indicated that all Councilmembers agreed at the earlier work session that the city needs to have a fund balance; however, as a policy-making board, the question remains of what kind of policy do we want to have this year and with the unknowns, the use of these funds needs to be protected by the policy. He indicated that there are no right or wrong answers, only the question of what is in the best interest of the city. He indicated that this year the best choice is to set the funds aside and let future City Councils determine how to use the Fund Balance in the future, and he cited some comparisons among other cities and Kalamazoo County at 25% or higher. He thanked City Council for their professional approach to the question and expressed his opinion that 25% is prudent at this time and he is not in support of the amendment to the original motion. Upon a roll call vote, the motion on the amendment failed 4 to 2. Yeas: Councilmembers Pearson and Randall. No: Mayor Strazdas, Councilmembers Campbell and Sackley and Mayor Pro Tem Reid. Mayor Strazdas asked for any other amendments.

Councilmember Randall recused herself from the Catholic Charities portion of the Community Development Block Grant (CDBG) segment of the Fiscal Year 2012-2013 Budget. Discussion followed. Motion to approve the Fiscal Year 2012-2013 Budget carried 6 to 0. Discussion followed.

Motion by Sackley, seconded by Reid, to adopt the Resolution to adopt the Salary and Wage Schedules for the Fiscal Year July 1, 2012, to June 30, 2013. Upon a roll call vote, motion carried 6 to 0. Discussion followed. Resolutions recorded on page 401 and 403 of the City of Portage Resolution Book No. 44.

ADOPTION OF BOND RESOLUTIONS: Mayor Strazdas asked if these resolutions should be taken separately and City Attorney Brown indicated that it was up to the discretion of City Council. City Manager Maurice Evans indicated that this is the initiation of the legal process required for the city to issue bonds. Motion by Reid, seconded by Sackley, to adopt the: Bond Resolution authorizing the sale of Capital Improvement Bonds, Series 2012, in the amount of $2,135,000; and the Resolution Approving the Undertaking to Provide Continuing Disclosure by the City of Portage for the Capital Improvement Bonds, Series 2012. Upon a roll call vote, motion carried 6 to 0. Resolutions recorded on pages 405 and 417 of Resolution Book No. 44.

* **KALAMAZOO AREA TRANSPORTATION STUDY IN-KIND SERVICE CONTRIBUTIONS FOR 2013:** Motion by Reid, seconded by Randall, to support the 2013 In-kind Service Commitment for the City of Portage portion of the Kalamazoo Area Transportation Study budget. Upon a roll call vote, motion carried 6 to 0.

GREENSPIRE RETAIL / SEWER UTILITY CONNECTION CHARGES: Mayor Strazdas indicated that because Joe Gesmundo was out of town, he asked that City Council defer this matter until a future meeting so he can be a part of the conversation. Councilmember Randall said she agreed with Mr. Gesmundo and moved to defer the matter to the Special Meeting, to be held on Thursday, May 31, 2012, at 2 p.m. The motion was seconded by Councilmember Pearson. Discussion followed.

Councilmember Sackley expressed confusion as to why this matter was set for a Special City Council Meeting in the middle of the day when the last time it was before City Council, it was at a Regular City Council Meeting, plus the Special Meeting was called for a specific purpose with an outside facilitator. He pondered why a Regular Meeting was not the appropriate forum and also interjected that no one knew when Councilmember Urban would be back into Portage. He expressed a preference to have the matter addressed at a Regular Meeting unless Mr. Gesmundo asks that the matter be handled as expeditiously as possible. Mayor Strazdas indicated that Mr. Gesmundo did not make any of these requests, only a request for dialogue and explained that it would take an hour to understand the complexities and details of this matter.

Mayor Pro Tem Reid concurred and offered that the motion could perhaps contain a proviso that the developer be available and can be at the Special Meeting.

Councilmember Randall indicated that she was in phone contact with Mr. Gesmundo, who said he would make himself available for the Special Meeting, May 31, 2012.

Councilmember Campbell expressed her concern that she had allowed herself her lunch hour to attend the workshop as it was scheduled for one and one-half hours, but she had not planned for a two and one-half hour session of City Council. Mayor Strazdas asked for an early meeting before the next regularly scheduled meeting on Tuesday, June 12, 2012, at 5:15 p.m. Councilmember Randall suggested 6 p.m. to 7:30 p.m. since dinner is always rushed and not a good dining experience. Motion by Randall, seconded by Pearson, to amend the motion to be Tuesday, June 12, 2012, from 6 p.m. to 7:30 p.m.

Councilmember Sackley advocated addressing the item of business at a Regular City Council Meeting; he indicated a concern that any time an order of business calls for lengthy discussions, the City Council would be in the practice of anticipating that and would set a special work session or meeting instead of addressing these matters at a regular meeting day and time. Discussion followed.

Councilmember Pearson expressed his preference for the meeting prior to the Regular City Council Meeting because of the large amount of time and detail to be covered and did not want to put the public through that.

Councilmember Sackley pointed out that Regular City Council Meetings are broadcasted with proper notice and citizens expect these types of things to be discussed at this type of meeting. Also, one of the reasons this matter is being discussed at this time is because there was a question about how the matter was discussed at the committee meeting and the City Attorney said a recommendation to do nothing was in essence a recommendation. He proposed that if a citizen came forward to the podium with a petition, the City Council would most likely discuss it at the Council Meeting, and expressed his frustration that he could not figure out how this matter was different than any other order of business. He indicated that he would not be supporting the motion as he preferred that the matter be discussed on a normal agenda at a Regular City Council Meeting.

Mayor Pro Tem Reid spoke as Chairperson of the Committee and pointed out that the discussion was on whether the handling of this issue was consistent with the policy; the discussion at this point is whether there is a need to change the policy, so there is a need to understand the discussion up to this point to determine whether there is a need to change the policy and if so, how would City Council do that.

Councilmember Sackley conveyed his appreciation for the clarification as the discussion was about the policy, but he expressed his understanding that Mr. Gesmundo does not believe the policy is fair or should be applied, and as City Attorney Brown has said, since it is Council Policy and not an Ordinance that City Council has the ability to grant exceptions or adjustments to the policy; and if at a special or prior meeting, there is discussion to change the policy itself, it is a good use of our time, but if it is specific to the application of the policy to Mr. Gesmundo's situation and the concerns that he has as to applicability of that, he indicated that he would rather see that decision in Council Chambers at a Regular City Council Meeting. Mayor Strazdas concurred. Discussion followed.

City Attorney Brown asked what purpose would be stated in the Notice for the Special Meeting, and Mayor Strazdas indicated that it would be as stated in Item G.4, the appropriateness of unassessed sewer utility connection charges in accordance with the 1991 Special Assessment Policy and the application of this charge to the Greenspire Retail Development at 3201 West Centre Avenue.

City Attorney Brown commented that the Special Meeting is to confirm the appropriateness; it is not to make changes and vote on the changes, so any discussion of how we are going to change this or motions making changes would not be a part of the Special Meeting; and, the specifics of the Greenspire Development will be discussed at the Special Meeting in relation to the established policy. Mayor Strazdas expressed his intent to weigh into the details with no action taken. City Attorney Brown indicated that that can happen, but it is also possible that a motion can be made at the Special Meeting because it is a meeting open to the public, properly noticed under the City Charter, so a motion can be made to confirm the appropriateness of the policy and to determine the application of that policy to the Greenspire Development without coming out to the Regular City Council Meeting. He also stated that if City Council chooses, it can go either way, but he did not want City Council to believe that it had to be done at the Regular City Council Meeting and not at the Special Meeting.

After discussion of whether City Council can approve the appropriateness of the policy or not, Councilmember Randall asked for a clarification, and Mr. Brown indicated that City Council has the authority to alter the policy, but not under this reading of the notice of the Special Meeting because it is not noted to make changes, so it has to be either noted in the motion, and therefore the notice, or City Council must make the changes at the Regular City Council Meeting.

Mayor Strazdas called for the question. Upon a roll call vote, motion carried 6 to 0.

* **APRIL 2012 SUMMARY ENVIRONMENTAL ACTIVITY REPORT - INFORMATION ONLY:** Motion by Reid, seconded by Randall, to receive the communication from the City Manager regarding the April 2012 Summary Environmental Activity Report as information only. Upon a roll call vote, motion carried 6 to 0.

* **DEPARTMENT MONTHLY REPORTS:** Motion by Reid, seconded by Randall, to receive the Department Monthly Reports. Upon a roll call vote, motion carried 6 to 0.

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

Portage Zoning Board of Appeals of April 9, 2012.
Portage Environmental Board of April 11, 2012.
Kalamazoo County Board of Commissioners Committee of the Whole and Regular of May 1, 2012.
Portage Planning Commission of May 3, 2012.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Pearson invited everyone to participate in the Memorial Day Parade and the Veterans Memorial Ceremony afterwards.

Councilmember Sackley congratulated Portage Northern High School Senate President Nathan Novaria, for becoming the latest Portage Eagle Scout from Scout Troop 205.

Mayor Pro Tem Reid congratulated all of the graduating high school and college seniors and invited everyone to the Memorial Day Parade.

Mayor Strazdas asked for one surrey for City Council to use in the Memorial Day Parade and invited everyone to participate.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 9:00 p.m.

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James R. Hudson, City Clerk

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

SUMMARY ENVIRONMENTAL ACTIVITY REPORT
April 2012 (*updates in italics*)

Project/Activity	**Description**	**Status**
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	-City Council awarded a 3 year contract to American Hydrogeologic Corporation on February 23, 2010 to perform annual groundwater sampling. The site groundwater data will continue to be monitored to confirm continuation of the natural attenuation process. Sampling shows continued improvement in groundwater quality. Sampling completed in April 2010. Annual report submitted to MDNRE in June 2010. General groundwater quality continues to improve, but site will require monitoring for the foreseeable future. 2011 sampling completed in March. 2011 annual report submitted to MDEQ, with moderate groundwater quality improvements. *Investigation into methane gas presence in the groundwater is underway. Sampling completed in April 2012.*
Site Inspection/Development Project Review	Review of existing business & industries and review of proposed business and industrial development projects for environmental protection purposes and/or building plans completed.	-Coordination with property owners and City or State agencies ongoing. *-Review of 4 site/building plans and/or plats completed in April 2012.*
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	*-Sanitary sewer hookup permits issued in April 2012: 4 residential; 1 commercial.*
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	-Five Year Lake Management Assessment District process was approved by City Council on March 23, 2010. Construction began on the Austin Dam reconstruction in December 2006 and new structure completed in March 2007. Filtration system construction was substantially completed in July 2008. The 2011 lake survey and treatment preparations are complete. Additional areas requested by the Association for treatment. Amendment to the 2011 Treatment Program approved by City Council on August 9, 2011. *The 2011 program is complete. Lake Association has completed 2012 plan and scheduling for lake treatment in May 2012.*
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	-Historical monitoring continues to show minor impacts at most basins. From 1993 through 2009 the monitoring program showed stable groundwater impacts due to stormwater infiltration. Alternative road salt practices continue to be considered and evaluated. On March 23, 2010, City Council awarded a four-year contract to Wightman Environmental. Program will focus primarily on

		groundwater level information. Sampling of retention basins was completed on June 25, 2010. The 2010 year report received in January 2011. The 2011 results show declining groundwater levels throughout the city. The 2011 annual report received and under review. Groundwater results show that general groundwater table on the east side of Portage has risen approximately one foot in 2011 and is generally at levels seen in 2009. *Groundwater levels, especially on the east side of Portage, continued to rise approximately six inches in April.*
Wellhead Protection Program (WHPP)	Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.	-Wellhead Protection Grant award received from MDEQ on August 30, 1999 and Council accepted the grant on October 5, 1999. Council also awarded contract to Earth Tech to complete WHPP. Earth Tech completed the final wellhead protection plan and MDEQ submittal was made on October 14, 2000. Plan was reviewed by MDEQ with written approval received in March, 2001. Staff has met internally to discuss the future needs to update the plan pending grant opportunities. Plan implementation is ongoing.
Leaf Compost Monitoring Program	Monitoring and analysis of groundwater at the new Oakland Drive Leaf Compost site.	-City Council awarded contract on August 21, 2001 to Soil & Materials Engineers for monitoring and analysis of groundwater impact of the new compost operation. Drilling was completed in October 2001 and first sampling cycle was completed in February 2002. Semi annual sampling was performed from 2002 to 2009 in June and January. Sampling and analysis results continue to show no groundwater impacts from the leaf composting. Sampling schedule was reduced to annual sampling in 2009 with results showing continued minor impact on groundwater quality. The 2010 report was received with results showing minimal impact on groundwater. Annual sampling completed in June 2011 minimal impacts noted. *Next sampling scheduled for June 2012.*
National Pollution Discharge Elimination System (NPDES) permit implementation	Five year plan to implement the current NPDES stormwater permit.	-Received NPDES general permit on August 15, 2001. Renewal Application submission was made to MDEQ on March 7, 2003. New permit received in 2004 mandates involvement in several county watershed groups. City staff completed the submission of a Stormwater Pollution Prevention Initiative (SWIPPI) as required by NPDES permit. SWIPPI submitted on October 21, 2005. New certificate of coverage permit was issued by MDEQ on September 30, 2009. New permit covers a 5 year timeframe with first work item (updating the Public Participation Plan) due December 11, 2009. Plan update completed with other local governments and submitted November 24, 2009. Staff completed an updated SWIPPI submittal to MDNRE. SWIPPI was submitted for MDNRE approval on June 25, 2010. Permit implementation is ongoing. Received a notice from MDNRE rescinding the 2008 permit due to a recent court case ruling. MDNRE reinstated the 2003 permit for implementation. Information on new permit requirement was received February 2011. *MDNRE expected to issue new permit in 2014.* City staff presented public information with other local agencies

		at the 2011 Home Expo on March 9-12, 2011. Tour of Liberty Park Stormwater treatment was held September 6, 2011 for the Southwest Michigan Soil Control Association. 2010-11 annual report was submitted on January 20, 2012. Implementation is ongoing. *Stormwater informational talk was given to Pfizer, Inc., employees on April 28, 2012.*
National Pollution Discharge Elimination System (NPDES) permit implementation	Kalamazoo River Mainstem Watershed Management Plan	-First meeting was held September 17, 2004. Proposals for completing the watershed plan were received by Kalamazoo County on September 15, 2005 and a contract awarded to Kieser & Associates in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Review comments received from MDEQ and revised watershed plan due in December 2006. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Kalamazoo River Water Festival was held on August 14, 2010 with City of Portage participation. Preliminary grant request submitted September 16, 2010 for West Fork of Portage Creek storm water enhancements. Complete grant application was submitted on October 25, 2010. Notice received July 18, 2011 that grant application was not awarded. Kalamazoo River Watershed council completed a watershed update in November, 2011. *No new developments.*
	Portage River Watershed Management Plan	-Public participation plan submitted June 28, 2004. Proposals for a Watershed Management Plan were received by the Kalamazoo County Road Commission and a contract awarded to the Kalamazoo County Conservation Service in November 2005. Draft watershed plan submitted to MDEQ on December 30, 2005. Follow-up meetings are held monthly to facilitate an implementation schedule. Portage River Watershed public meeting held in Vicksburg on April 11, 2006. Review comments received from MDEQ and revised watershed plan due November 2006. Revised Watershed Plan submitted November 30, 2006, follow up meetings to be held as necessary. A letter not to revise the Watershed Plan was submitted to the MDEQ on March 17, 2008. Public participation plan update submitted to MDEQ on November 24, 2009. Based upon MDEQ comments, the plan was revised and resubmitted on December 21, 2009. Interest has been raised by local conservation groups to update the current Watershed Plan using grant funds. Meeting held on May 9, 2011 among stakeholders to determine interest in updating the current water shed plan. Second meeting held on June 20, 2011, and grant application submitted by Kalamazoo and Calhoun County Conservation District to update the Watershed Plan. Grant outcome pending.
	Plan to implement and maintain an Illicit Discharge Elimination	-On October 21, 2001, City Council awarded a contract to Fishbeck, Thompson, Carr and Huber for the Portage Creek element of the IDEP, which was

	Program (IDEP).	completed in July 2002. On February 19, 2002, City Council approved a new ordinance as required by the NPDES permit titled "Storm Water Illicit Discharges and Connections". On April 28, 2004, City Council accepted a grant from the State of Michigan in the amount of $152,264 and awarded a contract to Fishbeck, Thompson, Carr and Huber in the amount of $184,264 for the remainder of the IDEP for the entire city. Program implementation is ongoing as funding allows. Continued outfall sampling is required by permit and will be budgeted accordingly. IDEP program was updated for submittal to MDNRE on June 25, 2010, and part of the SWIPPI. *Implementation is ongoing.*
	Storm Sewer Outfall Testing	On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. Testing will continue annually and is reported to MDEQ.
Garden Lane Arsenic Removal Facility	Construction of a water treatment facility at the Garden Lane Wellfield to remove arsenic, iron and manganese from the groundwater.	-City Council approved an agreement with Fishbeck, Thompson, Carr & Huber, Inc. on January 10, 2006 to prepare a feasibility study to meet new USEPA arsenic standards for drinking water. Feasibility study completed in August 2006. Engineering proposals for the project were received August 14, 2007. Project engineering awarded to Earth Tech by City Council on September 11, 2007. Contract awarded by City Council on December16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation.
Environmental Incident/Spill Clean Up Notification	Environmental Protection Program to assist Portage Police/Fire Departments with spill containment and spill cleanup.	*-The number of environmental incident/spill investigations performed in April 2012 – 0. Number of environmental cleanups in April – 0.* Emergency spill response contract for 2012-13 with Terra Contracting is in place.
Hampton Wetland Area Water Level	Assistance with the Inverness Condominium Association to	-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on

	Review Surface Water Levels	the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.
Southwest Michigan Regional Sustainability Covenant	Collaborative effort with local government, academic, and other stakeholders to lead toward environmental, economic and social sustainability.	-On May 12, 2009, City Council approved the Southwest Michigan Regional Sustainability Covenant. A sustainability work session was held April 14, 2010, to review elements of the covenant in cooperation with the City of Kalamazoo and the City of Battle Creek. A grant application was made to MDNRE for a greenhouse gas inventory study of the area. Notice received July 15, 2010 that the grant application was not successful. City staff attended a September 10, 2010 meeting in Grand Rapids to discuss sustainable economic, environment, and society programs. No new developments.

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CITY OF
PORTAGE
A Place for Opportunities to Grow

MATERIALS TRANSMITTED

Tuesday, May 8, 2012

1. Communication from the City Manager regarding the April 2012 Citizen Comment Card Summary – Information Only.

2. Communication from the City Manager regarding the Proposed Fund Balance of the General Fund – Information Only.

Maurice S. Evans, City Manager

cc: Brian J. Bowling, Deputy City Manager

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