

CITY OF
PORTAGE

A Place for Opportunities to Grow

PLANNING COMMISSION

July 5, 2012

CITY OF PORTAGE PLANNING COMMISSION

A G E N D A

**July 5, 2012
(7:00 p.m.)**

Portage City Hall Council Chambers

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES:

- * June 21, 2012

PUBLIC HEARINGS:

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

SITE/FINAL PLANS:

- * 1. Specific (Site) Plan for Marriott Courtyard, 420 Trade Centre Way

OLD BUSINESS:

NEW BUSINESS:

1. Election of Officers

STATEMENT OF CITIZENS:

ADJOURNMENT:

MATERIALS TRANSMITTED

June 12, 2012 City Council regular meeting minutes
June 12, 2012 City Council special meeting minutes
May 2012 Summary of Environmental Activities Report

PLANNING COMMISSION

June 21, 2012

 **DRAFT**

The City of Portage Planning Commission meeting of June 21, 2012 was called to order by Chairman Cheesebro at 7:00 p.m. in Council Chambers of Portage City Hall, 7900 South Westnedge Avenue. Three citizens were in attendance.

MEMBERS PRESENT:

Bill Patterson, Wayne Stoffer, Miko Dargitz, Dave Felicijan, Paul Welch and Chairman James Cheesebro.

MEMBERS ABSENT:

None.

MEMBERS EXCUSED:

Allan Reiff and Rick Bosch.

IN ATTENDANCE:

Christopher Forth, Deputy Director of Planning, Development & Neighborhood Services; Michael West, Assistant City Planner and Charlie Bear, Assistant 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 17, 2012 meeting minutes contained in the agenda packet. A motion was offered by Commissioner Dargitz, seconded by Commissioner Patterson, to approve the minutes as submitted. The motion was unanimously approved.

SITE/FINAL PLANS:

None.

PUBLIC HEARINGS:

None.

OLD BUSINESS:

None.

NEW BUSINESS:

1. Preliminary Report: Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way. Mr. Forth summarized the preliminary staff report dated June 15, 2012 regarding a request received from Trade Centre Holdings, Inc. to amend a previously approved conceptual plan involving property addressed as 420 and 750 Trade Centre Way. Mr. Forth provided background information regarding the previously

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approved 2002 conceptual plan submitted by Furniture Row USA LLC that proposed construction of two hotels, one retail furniture store, two specialty retail buildings and two restaurants, and then summarized the conceptual plan amendment submitted by Trade Centre Holdings LLC that proposes the development of two hotels, one office building, and three restaurant/retail buildings. Mr. Forth discussed the 2003 construction of the Trade Centre I Office Building (three-story, 50-foot tall, 83,000 square foot) at 750 Trade Centre Way and the 2005 construction of the Trade Centre II Office Building (four-story, 65-foot tall, 110,000 square foot) at 950 Trade Centre Way. Since submission of subsequent specific (site) plans has not occurred in accordance with the approved program of development, Mr. Forth indicated the original 2002 conceptual plan has expired. Mr. Forth discussed the similarities between the 2002 conceptual plan and the proposed conceptual plan amendment, and, summarized the requested building height/number of stories modification, building setback modification and the conflicting land use screening waiver along the northern portion of the development site where adjacent the 50-acre City of Kalamazoo wellfield. Mr. Forth discussed the MDEQ permit involving planned modifications to a small portion of the 100-year floodplain and wetlands adjacent Portage Creek and the related wetland restoration project planned in downtown Kalamazoo.

Mr. Greg Dobson (representing Trade Centre Holdings LLC) and Mr. Todd Hurley (Hurley & Stewart, applicant's engineer) were present to explain the development project and support the amended conceptual plan. Mr. Dobson discussed the 2011 Amended Development Plan/Tax Increment Financing Plan for the associated public improvements. Mr. Dobson summarized the acquisition of the entire 32 acres of property by H & G LLC, from Furniture Row USA, and the development of the two Trade Centre Office buildings. Mr. Dobson stated the proposed conceptual plan amendment proposes only minor changes (addition of an office building) from the original 2002 approved conceptual plan. Mr. Dobson indicated the Courtyard Marriott hotel would be the first development project associated with the conceptual plan amendment and a site plan was expected to be ready for Planning Commission review at the July 5th meeting. Mr. Dobson reviewed the requested building height/number of stories modification, the building setback modification and the screening waiver along the northern portion of the development site where adjacent the 50-acre City of Kalamazoo wellfield site. Mr. Dobson indicated that he had spoken with Bruce Merchant of the City of Kalamazoo and stated the City of Kalamazoo was supportive of the proposed development project and wetland restoration partnership between the applicant, Nature Ventures and the City of Kalamazoo. Mr. Hurley explained the proposed floodplain/wetland modification and wetland restoration project that represented an approximate two-year collaborative effort with the MDEQ, MDOT and City of Kalamazoo. Mr. Hurley stated the Trade Centre development has resulted in identification and elimination of several illicit discharges to the Portage Creek project and has improved water quality in the area. Mr. Hurley discussed the proposed storm water management system that involved underground collection, storage and treatment of storm water prior to being released to the Portage Creek through a controlled rate discharge. No additional citizens were present in the audience to speak regarding the proposed conceptual plan amendment.

The Commission, staff and the applicant discussed various aspects of the development project including the 2011 Amended Development Plan/Tax Increment Financing Plan, differences between the 2002 approved conceptual plan and the proposed conceptual plan amendment, planned wetland/floodplain modifications, parking and storm water management. There being no further discussion, Mr. Forth stated the public hearing for the proposed conceptual plan amendment has been noticed and scheduled for the July 5, 2012 Planning Commission meeting.

STATEMENT OF CITIZENS:

None.

 **DRAFT**

ADJOURNMENT:

There being no further business to come before the Commission, the meeting was adjourned at 7:50 p.m.

Respectfully submitted,

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

TO: Planning Commission

DATE: June 29, 2012

FROM: Vicki Georgeau, Director of Community Development

SUBJECT: Final 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 amendment is provided 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	<u>Phase I (May 2002)</u> * Hotel (3-story, 101 units, 37,500 square feet) <u>Future (2002)</u> * Retail/Furniture (30,000-50,000 square feet) * Restaurant (3,500-4,500 square feet) <u>Future (2003)</u> * Specialty Retail (30,000-50,000 square feet) * Restaurant (3,500-4,500 square feet) <u>Future (2004)</u> * Hotel (3-story, 100 units, 37,500 square feet) * Specialty Retail (30,000-50,000 square feet)	<u>Phase I (Summer 2013 – Fall 2014)</u> * Hotel (4-story, 50,000-60,000 square feet) <u>Future (Summer 2014 – Fall 2015)</u> * Hotel (4-story, 50,000-60,000 square feet) <u>Future (Summer 2013 – Fall 2015)</u> * Restaurant (5,000-12,000 square feet) <u>Future (Summer 2014 – Fall 2016)</u> * Restaurant (5,000-12,000 square feet) <u>Future (Summer 2015 – Fall 2017)</u> * Restaurant (5,000-12,000 square feet) <u>Future (Summer 2015 – Fall 2017)</u> * 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 a DDA 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. A discussion of this specific (site) plan is provided in a separate report.

III. PUBLIC REVIEW/COMMENT:

The Planning Commission reviewed and discussed the proposed conceptual plan amendment at the June 21, 2012 meeting. Mr. Greg Dobson (representing Trade Centre Holdings LLC) and Mr. Todd Hurley (Hurley & Stewart, applicant's engineer) were present to explain and support the conceptual plan amendment. Mr. Dobson discussed the 2011 DDA Amended Development Plan/Tax Increment Financing Plan and summarized the acquisition of the property by H & G LLC from Furniture Row USA and the development of the two Trade Centre Office buildings. Mr. Dobson stated the proposed conceptual plan amendment proposes only minor changes (addition of an office building) from the original 2002 approved conceptual plan. Mr. Dobson reviewed the requested building height/number of stories modification, the building setback modification and the screening waiver along the northern portion of the development site where adjacent the 50-acre City of Kalamazoo wellfield site. Mr. Hurley explained the proposed floodplain and wetland modifications and discussed the proposed storm water treatment and management system that was planned for the remainder of the development site. No citizens were present to comment on the proposed development project.

IV. FINAL 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 of the proposed development area 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.

For the above stated reasons, staff is supportive of the requested building height/setback modifications and the conflicting land use screening waiver. Consistent with Section 42-414.G (Authority to waive or modify standards) of the Zoning Code, the requests are consistent with the commercial planned development as a whole and will not be detrimental to the public welfare or injurious to other surrounding properties. Additionally, the objectives of the CPD standards can be satisfactorily met without strict adherence to the requirements due to the characteristics of the development and adjacent property to the north (50-acre municipal wellfield).

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.

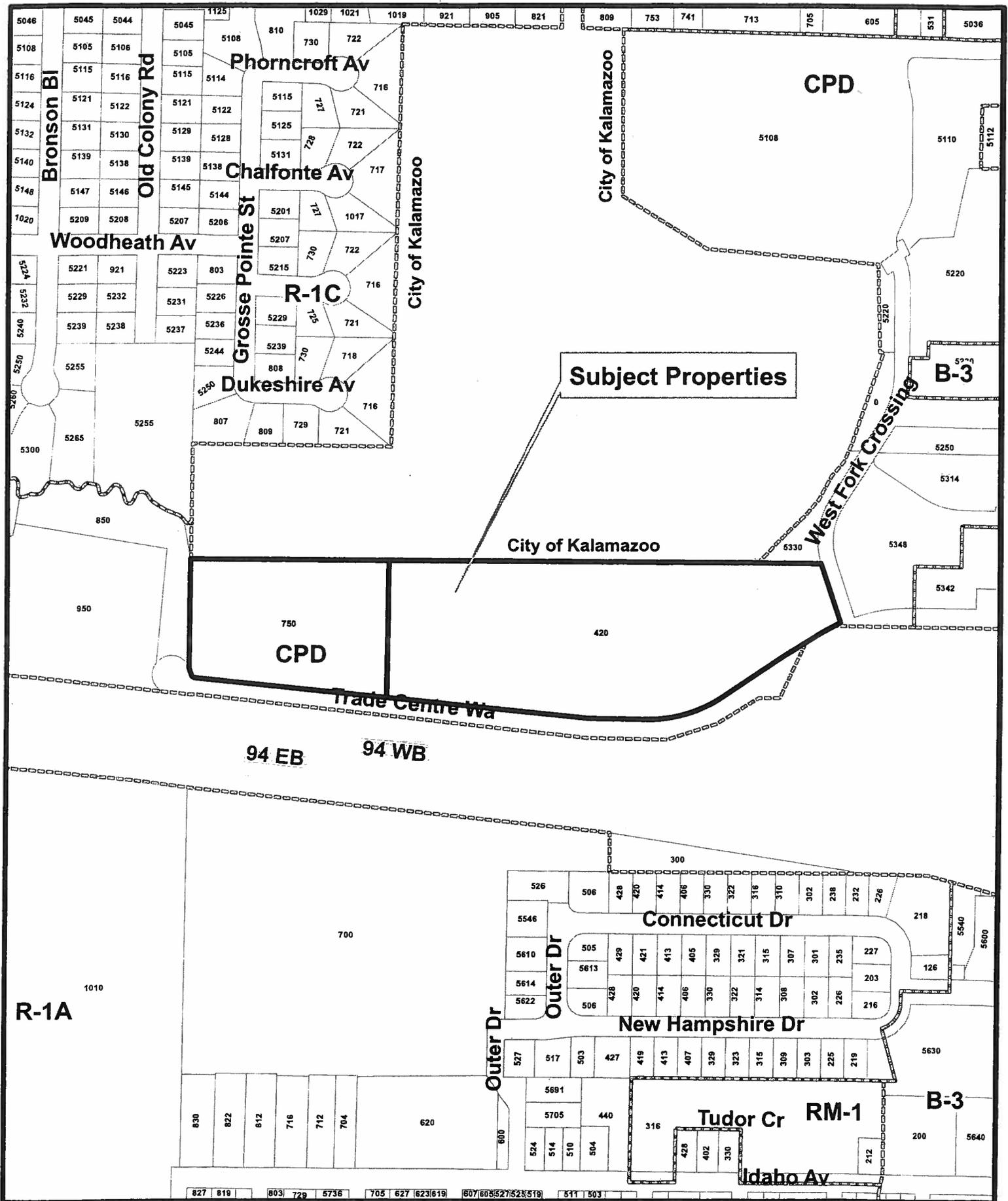
Environmental Issues – The northern portion of the CPD site includes or is adjacent to the Portage Creek and associated floodplain and wetland areas. In conjunction with construction of the two hotel buildings, the applicant is proposing to modify the wetland area and 100-year floodplain adjacent the 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.

V. RECOMMENDATION:

Based upon the above analysis and subject to any comments received during the public hearing, staff advises the Planning Commission to recommend to City Council that the Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way, be approved with the requested building height/number of stories and building setback modifications and the conflicting land use screening waiver. Based on information provided by the applicant and the characteristics of the development and adjacent property to the north, provisions of Section 42-414.G (Authority to waive or modify standards) have been satisfied.

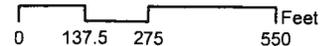
Attachments: Zoning/Vicinity Map
 Aerial Photograph
 Proposed Conceptual Plan Amendment (June 26, 2012 narrative and conceptual plan drawing)
 Building elevation drawings
 Preliminary Site Plan for Marriott Courtyard
 Michigan Department of Environmental Quality – wetland/floodplain permit (March 9, 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



Aerial Photography
420, 750 Trade Centre Way



avb
construction | development

June 26, 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 three modifications, the same ones requested in 2002- a height modification request, a rear setback modification request, and a screening modification 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

*number includes 83,000 sq. ft. from the existing 750 Trade Centre Way building.

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,

A handwritten signature in black ink, appearing to read "Greg Dobson", with a long horizontal flourish extending to the right.

Greg Dobson

C: Joseph L. Gesmundo
Roger E. Hinman
Rich MacDonald

Perspective



650 Trade Center Way



RSA | RSA Design Group LLC
Architects

REFERENCE NOTES

1. PAINT FINISHES SIMILAR TO ADJACENT WALL SURFACE
2. MECHANICAL LOUVERS SHOULD BE ARRANGED SIMILAR TO WINDOW PATTERN
3. REFER TO EXTERIOR FINISH INDEX ON THIS SHEET FOR MATERIALS AND COLORS
- 4.

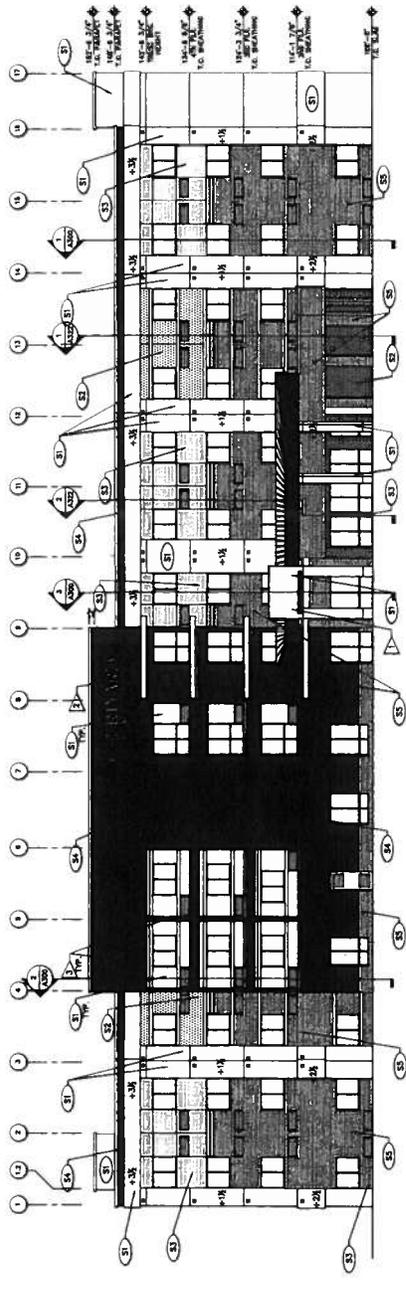
CRITERIA NOTES

- △ POINT COORDINATE, SEE SHEET A313 FOR DETAILS
- △ CENTER SIGN AT JUNCT. OF A/C
- △ 3/4" x 3/4" REVEAL

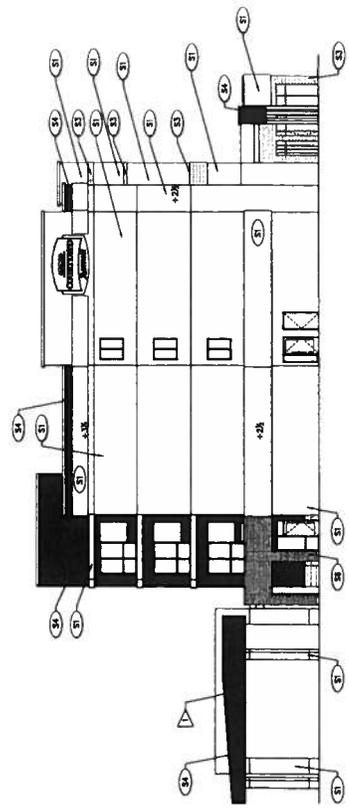
EXTERIOR FINISH KEY

ES-1	EPS COLOR 1 COLOR MATCH UNAVAILABLE
ES-2	EPS COLOR 2 COLOR MATCH UNAVAILABLE
ES-3	EPS COLOR 3 COLOR MATCH UNAVAILABLE
ES-4	EPS COLOR 4 COLOR MATCH UNAVAILABLE
ES-5	EPS COLOR 5 COLOR MATCH UNAVAILABLE

1. ALUMINUM WINDOW: DARK BRONZE
2. MECHANICAL LOUVER: PAINT TO MATCH E.L.F.S.
3. ALUMINUM ENTRANCE DOOR: DARK BRONZE
4. HVAC UNITS: PAINT TO MATCH E.L.F.S.
5. METAL ROOFING: ANTIQUE PATINA



1 SOUTH ELEVATION
SCALE: 3/32" = 1'-0"



2 EAST ELEVATION
SCALE: 3/32" = 1'-0"

REFERENCE NOTES

1. PANEL LOUVERE SIMILAR TO ADJACENT WALL SURFACE
2. MECHANICAL LOUVERE SHOULD BE ARRANGED SIMILAR TO WINDOW PATTERN
3. REFER TO EXTERIOR FINISH INDEX ON THIS SHEET FOR MATERIALS AND COLORS
- 4.

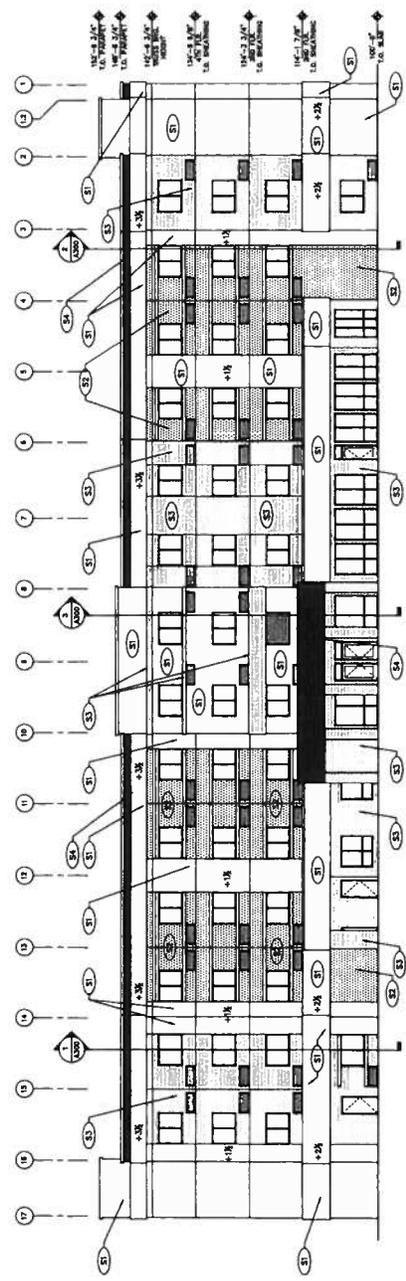
CRITERIA NOTES

PAINT COORDS. SEE SHEET A212 FOR DETAILS
 CENTER SIGN AT JAPS OF ARC
 3/4" X 3/4" REVEAL

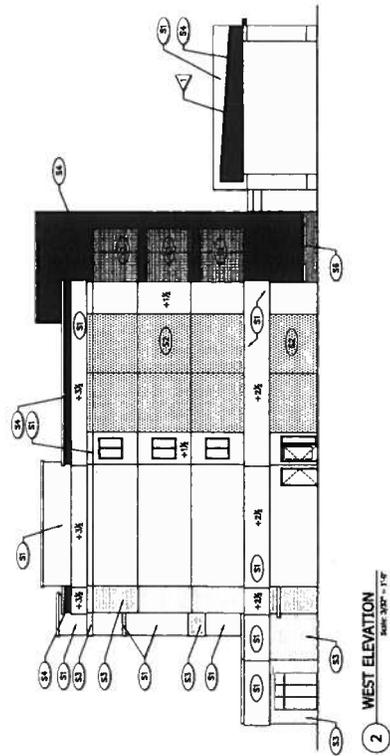
EXTERIOR FINISH KEY

- (S1) EPS COLOR 1
COLOR: DARK
FINISH: UNPAINTED
- (S2) EPS COLOR 2
COLOR: METALLIC
FINISH: UNPAINTED
- (S3) EPS COLOR 3
COLOR: METALLIC
FINISH: UNPAINTED
- (S4) EPS COLOR 4
COLOR: ANTIQUE PATINA
FINISH: UNPAINTED
- (S5) EPS COLOR 5
COLOR: ANTIQUE PATINA
FINISH: UNPAINTED

1. ALUMINUM WINDOW: DARK BRONZE
2. MECHANICAL LOUVERE: PAINT TO MATCH LITZ.F.S.
3. ALUMINUM ENTRANCE DOOR: DARK BRONZE
4. HVAC UNITS: PAINT TO MATCH LITZ.F.S.
5. METAL ROOFING: ANTIQUE PATINA



1 NORTH ELEVATION
Scale: 3/32" = 1'-0"



2 WEST ELEVATION
Scale: 3/32" = 1'-0"



**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:

- | | |
|--|---|
| <input type="checkbox"/> Part 301, Inland Lakes and Streams | <input type="checkbox"/> Part 315, Dam Safety |
| <input type="checkbox"/> Part 325, Great Lakes Submerged Lands | <input type="checkbox"/> Part 323, Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303, Wetlands Protection | <input type="checkbox"/> Part 353, Sand Dunes Protection and Management |
| <input checked="" type="checkbox"/> Part 31, Floodplain/Water Resources Protection | |

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.

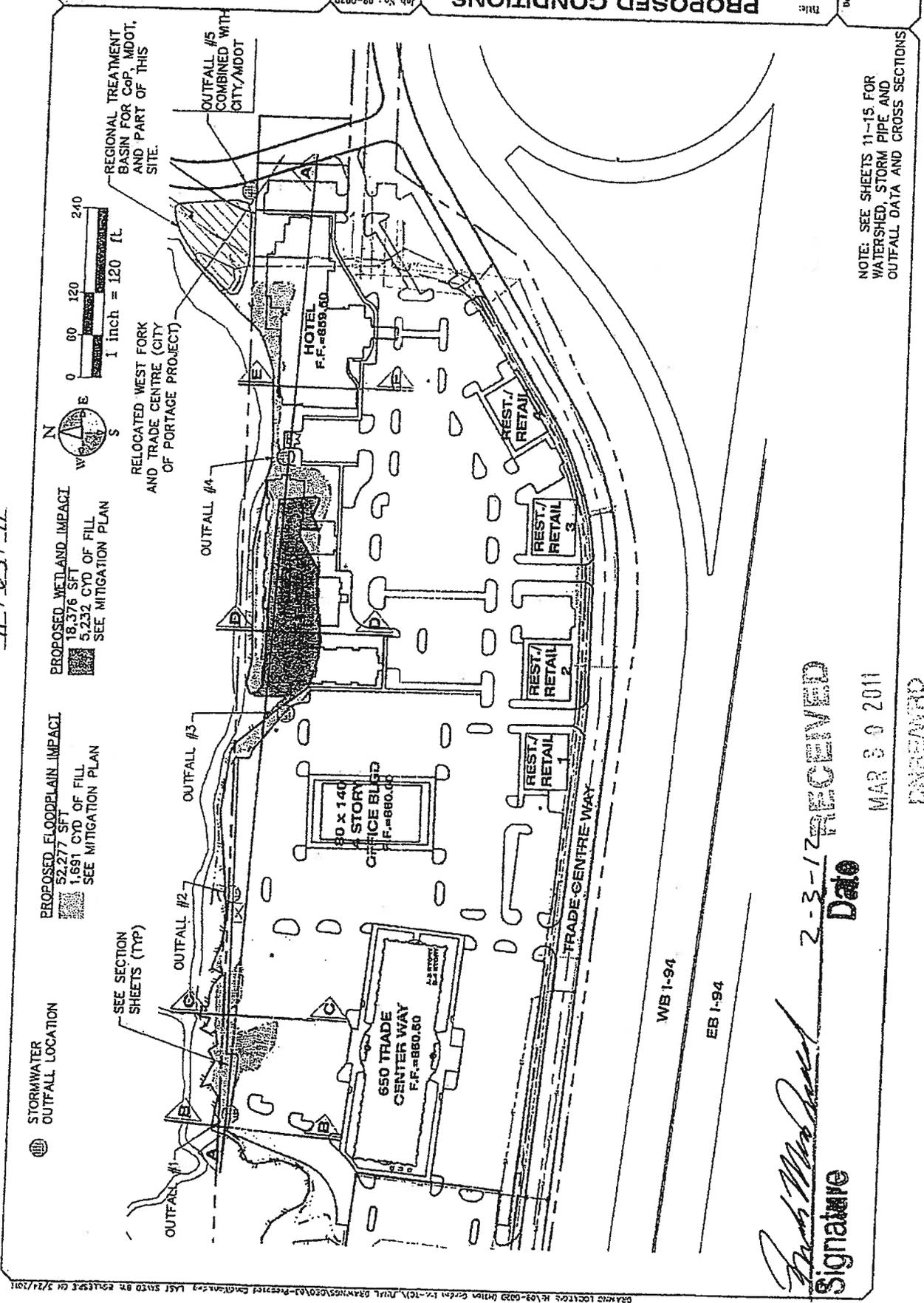
X Richard MacDonald 3-9-12
Permittee Date

X Rich Mac Donald 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

WRP
 DEO: [unclear]
 File # 10-39-0075-P
 APPROVED PLANS
 Page 2 of 15
 11/03/11



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

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

REGIONAL TREATMENT
 BASIN FOR COP, MDOOT,
 AND PART OF THIS
 SITE.

RELOCATED WEST FORK
 AND TRADE CENTRE (CITY
 OF PORTAGE PROJECT)

OUTFALL #5
 COMBINED WITH
 CITY/MDOOT

30 x 140
 OFFICE BLDG
 F.F.=880.00

650 TRADE
 CENTER WAY
 F.F.=880.50

HOTEL
 F.F.=889.00

REST./
 RETAIL 1

REST./
 RETAIL 2

REST./
 RETAIL 3

WB 1-94

EB 1-94

John Maland
 Signature

2-3-12 RECEIVED
 Date

MAR 30 2011

DATED
 PERMIT CONSOLIDATION UNIT

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

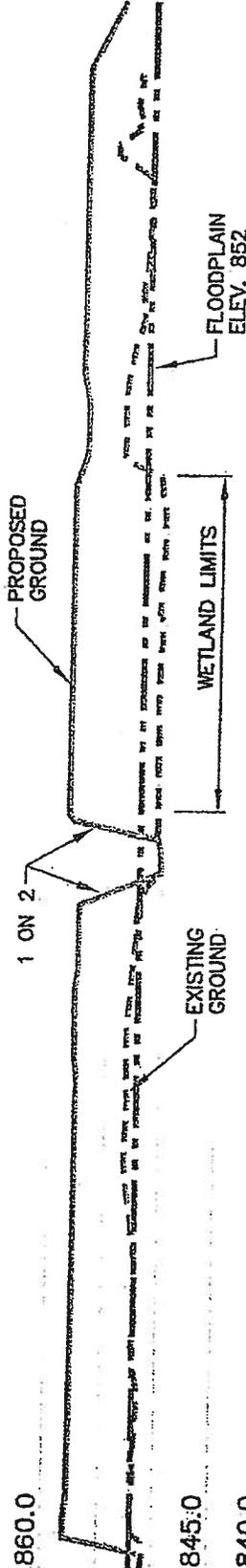
Lab No: 09-0020
 Date: 3/21/11
 Scale: as noted
 P.M.: TON
 Client: TRADE CENTRE WETLANDS, LLC
 Title: PROPOSED CONDITIONS
 Drawing No. 3

Hurley & Elwert
 2800 South 11th Street
 Lincoln, Nebraska 68502
 402.491.9900 fax 402.491.9901
 www.hurleyelwert.com

WSP
 DEC. 11, 2011
 File # 10-39-0075-P
 APPROVED PLANS
 Page 4 of 15
 11/23/11

SECTION: A-A

870.0
 865.0
 860.0
 845.0
 840.0



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

Steve M. [Signature]
 Signature
 Date 2-3-12

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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 MAR 5 2011
 PERMIT REGULATION UNIT



hurley & stewart, llc
 2800 south 11th street
 lakemason michigan 49009
 269.662.4960 fax 269.652.4961
 www.hurleystewart.com

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

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

Drawing No.
4

SECTION: B-B

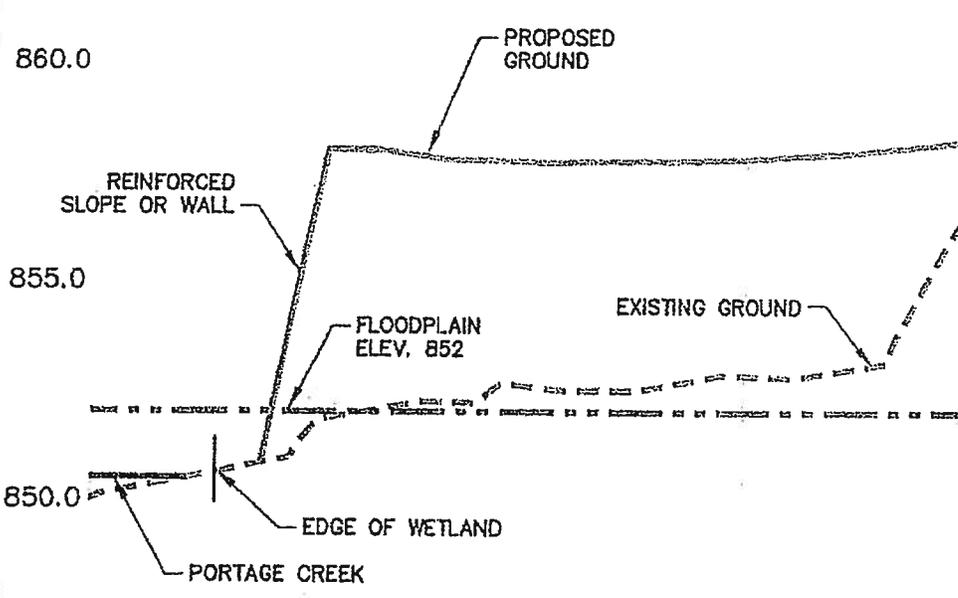
870.0
SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

WRD
DEQ-14444
File # 10-39-0075-P
APPROVED PLANS
Page 5 of 15
11/10/11

NOTE: ALL SPOILS TO BE SPREAD ON UPLAND AREA

865.0

Paul McDonald 2-3-12
Signature Date



RECEIVED
MAR 30 2011
DNR/WRD
PERMIT CONSOLIDATION UNIT

845.0
840.0

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

HS
hurley & stewart

hurley & stewart, llc
2800 south 11th street
kalamazoo michigan 49009
269.852.4900 fax 269.852.4901
www.hurleyandstewart.com

Job No.: 08-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/L: 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

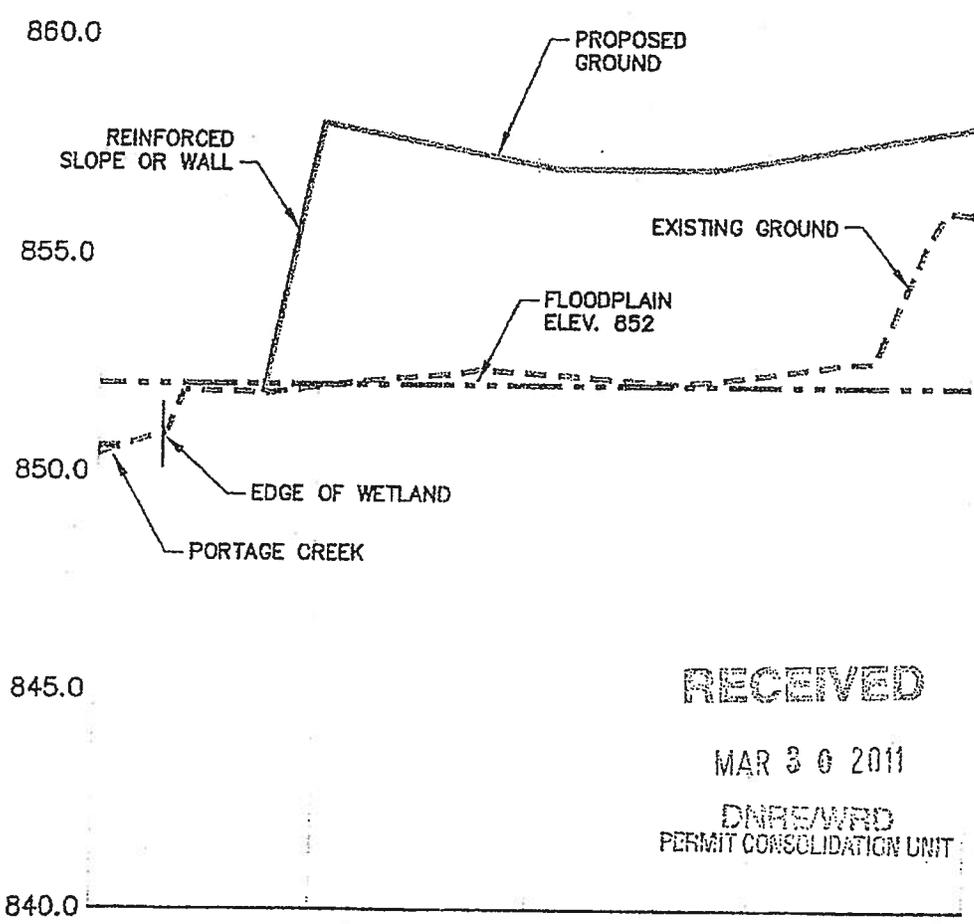
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SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

wrd
DEQ ~~XXXXXX~~
File # *10-39-0075-P*
APPROVED PLANS
Page *6* of *15*
11-1031-11

NOTE: ALL SPOILS TO BE
SPREAD ON UPLAND AREA

865.0

Paul M. ... *2-3-11*
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

HS
hurley & stewart
2800 south 11th street
kalamazoo, michigan 49009
269.652.4900 fax 269.652.4901
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
Dit: 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

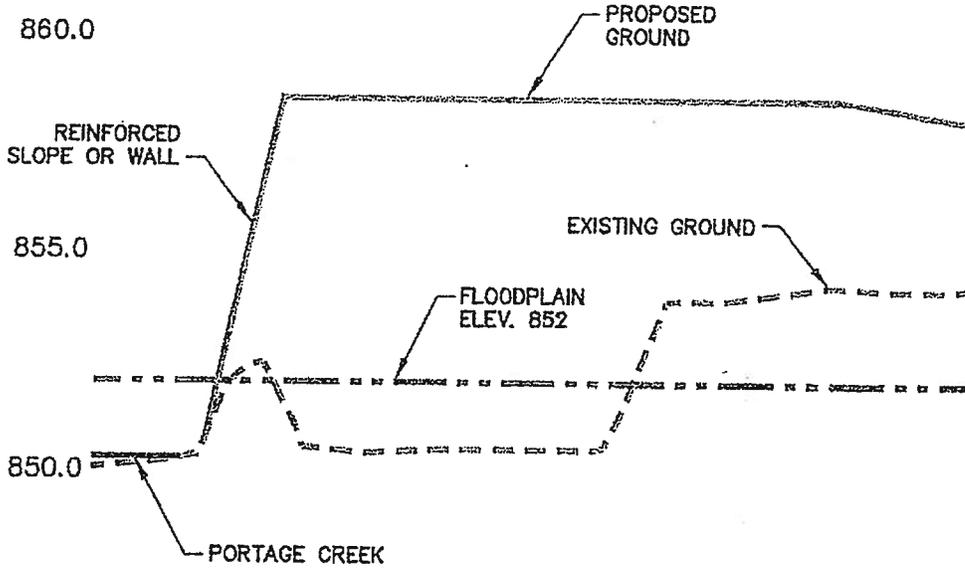
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HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

WRD
DEQ-14410
File # *10-39-0075-P*
APPROVED PLANS
Page *7* of *15*
11/1/2011

NOTE: ALL SPOILS TO BE
SPREAD ON UPLAND AREA

865.0

[Signature] *2-3-12*
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



hurley & stewart, llc
2800 south 11th street
East Lansing, Michigan 48809
269.652.4900 fax 269.652.4981
www.hurleystewart.com

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

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

Drawing No.
7

SECTION: E-E

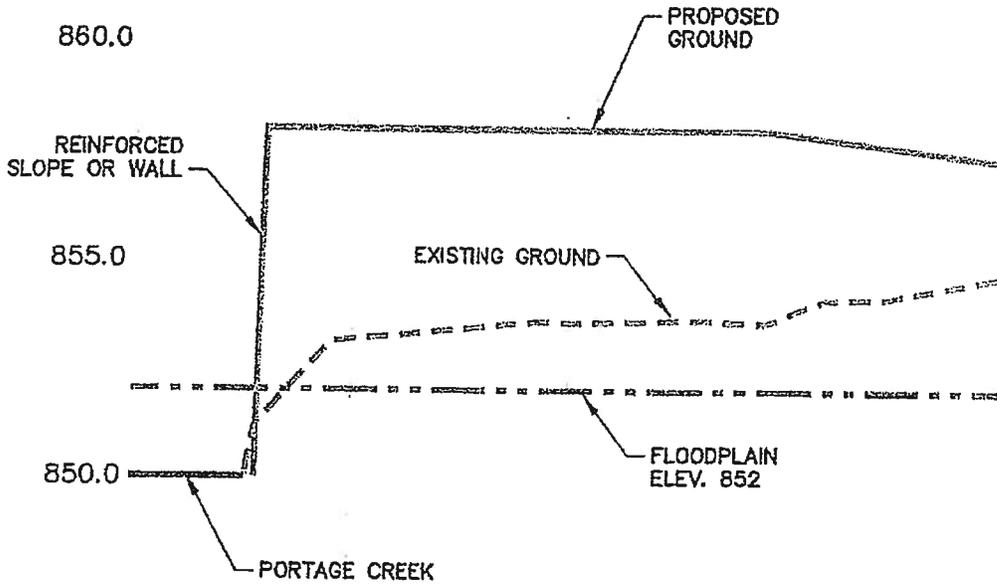
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SCALE:
HORIZONTAL: 1"=40'
VERTICAL: 1"=4'

DEO-LWMB *WRD*
File # *10-39-0075-P*
APPROVED PLANS
Page *8* of *15*
11.1.2011

NOTE: ALL SPOILS TO BE
SPREAD ON UPLAND AREA

865.0

Frank M. Paulson 2-3-12
Signature Date



RECEIVED

MAR 8 0 2011

PROJECT CONTROL 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
2800 south 11th street
kalamazoo, michigan 49009
269.862.4900 fax 269.852.4981
www.hurleystewart.com

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

Title:

Project:

Client:

E-E SECTION

TRADE CENTRE WETLANDS

TRADE CENTRE HOLDINGS, LLC

Drawing No.

8

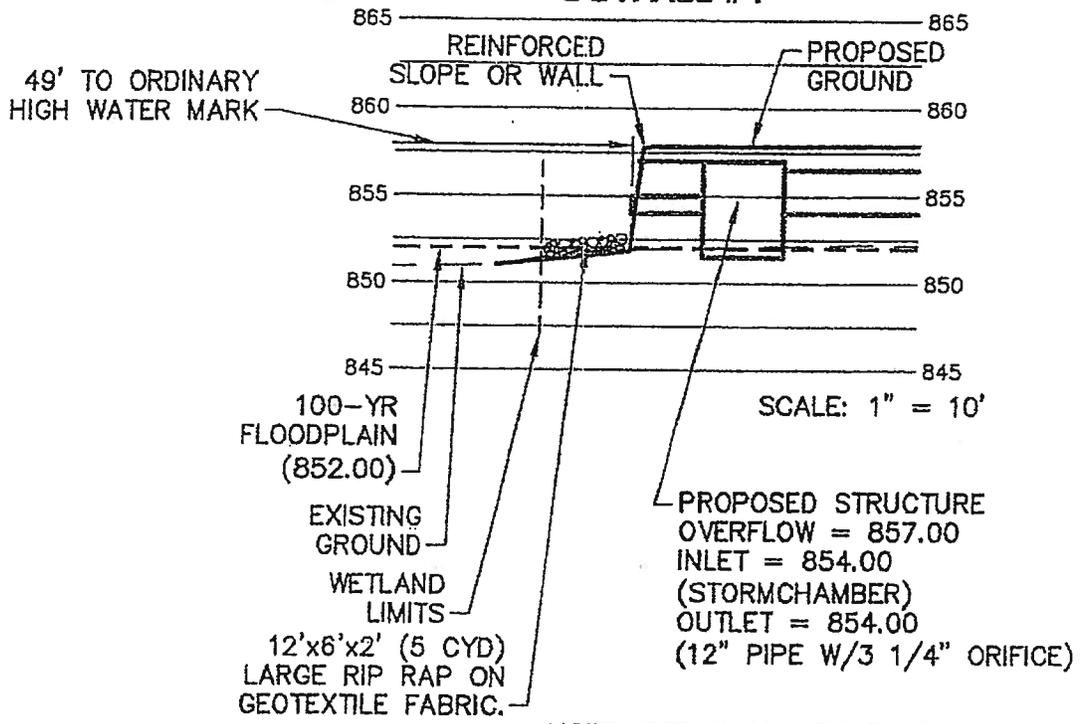
WRD
DEQ-LWMS
File # 10-39-0075-P
APPROVED PLANS
Page 9 of 15
11/03/11

RECEIVED

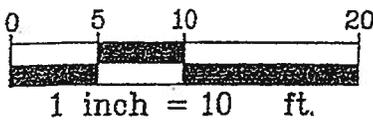
MAR 30 2011

DNRE/WRD
PERMIT CONSOLIDATION UNIT

OUTFALL #1



NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT



Paul M. Wood 2-7-12
Signature Date



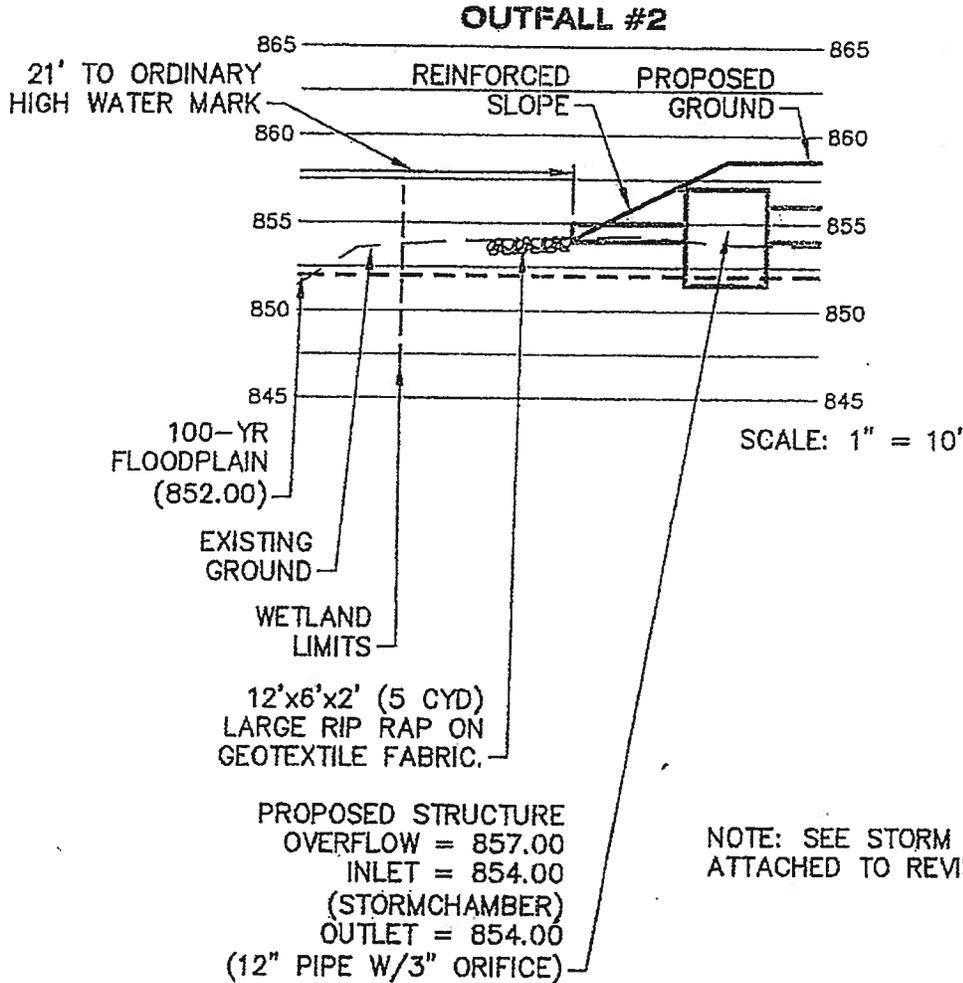
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.652.4930 fax 269.652.4961
www.hurleystewart.com

Job No.: 08-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/L: BG
QA/QC: 3/21/11

Title: WATERSHED AREA 1 DETAIL
Project: TRADE CENTRE WETLANDS
Client: TRADE CENTRE HOLDINGS, LLC

Drawing No. 10A

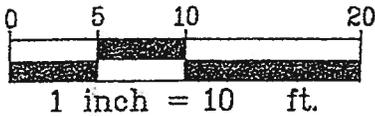
WRD
DEQ-11WRD
File # 10-39-0075-P
APPROVED PLANS
Page 10 of 15
11/03/11



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MAR 30 2011

DNRE/WRD
PERMIT CONSOLIDATION UNIT



Paul Marshall 2-3-12
Signature Date



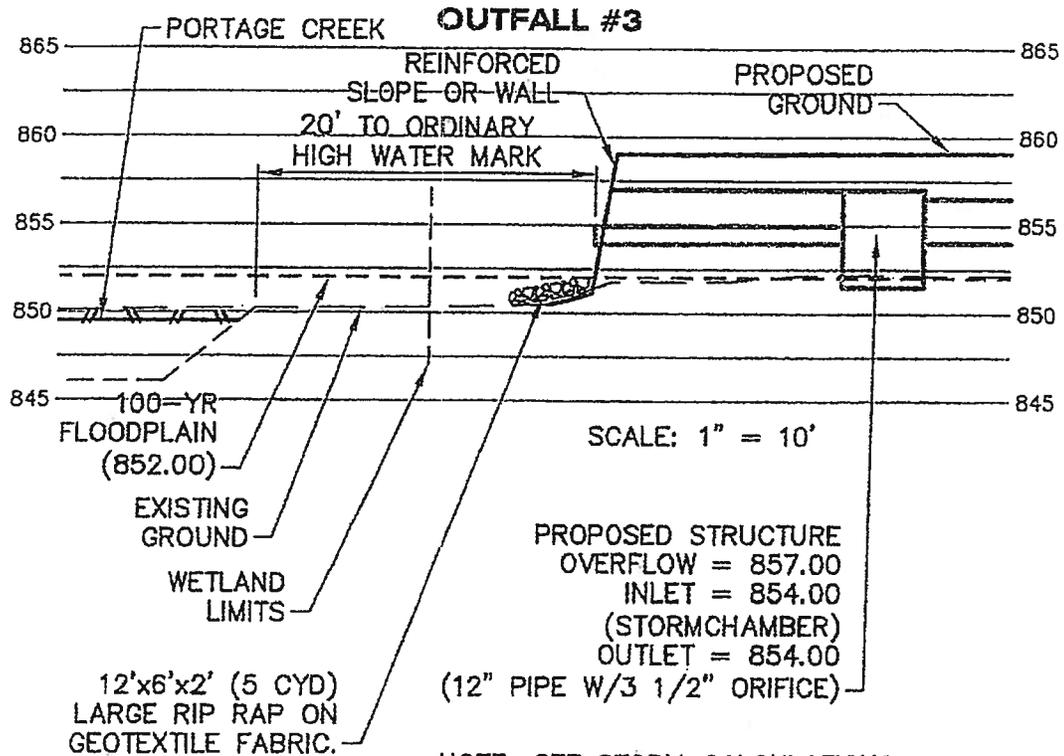
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.632.4960 fax 269.632.4961
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.I.L.: 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

in RD
DEQ. ~~DATE~~
File # *10-34-0075-P*
APPROVED PLANS
Page *11* of *15*
11/03/11



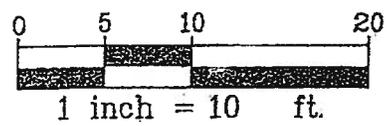
NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

Paul McDowell *2-3-12*
Signature Date

RECEIVED

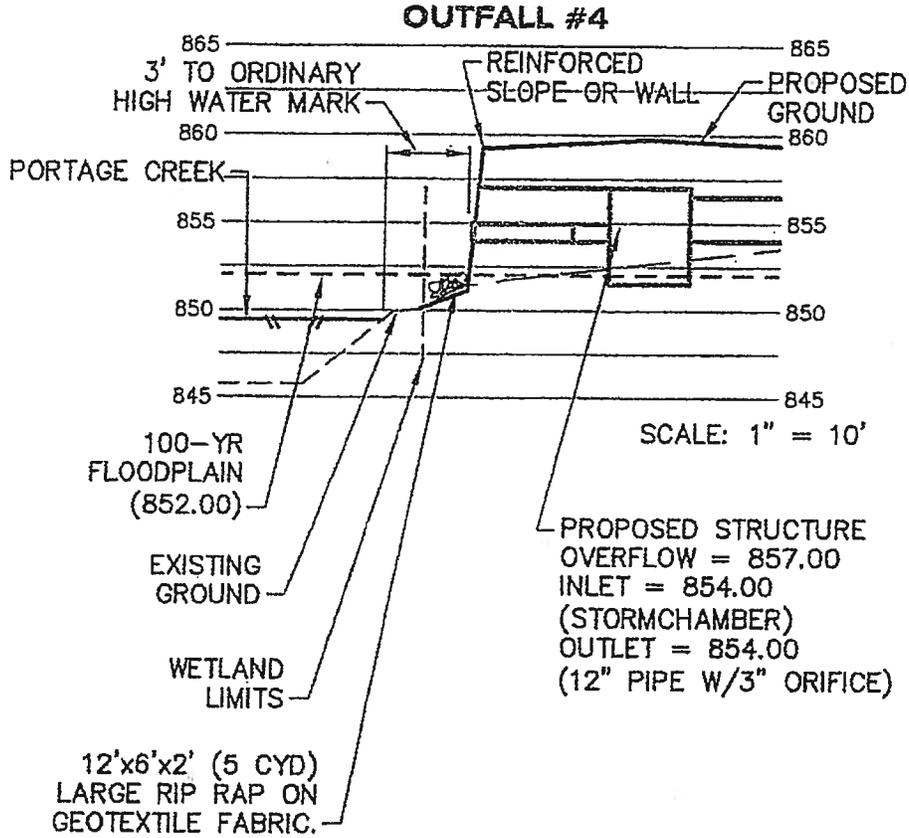
MAR 30 2011

DNRE/WPD
PERMIT CONSOLIDATION UNIT



<p>hurlay & stewart hurley & stewart, llc 2800 south 11th street kalamazoo, michigan 49009 269.552.4900 fax 269.552.4901 www.hurlaystewart.com</p>	Job No.: 09-002D Date: 3/21/11 Scale: as noted P.M.: TDH D/L: BG QA/QC: 3/21/11	Title: WATERSHED AREA 3 DETAIL Project: TRADE CENTRE WETLANDS Client: TRADE CENTRE HOLDINGS, LLC	Drawing No. 12A
--	--	---	---------------------------

WRD
DEC 11 AM 10
File # 10-39-0075-P
APPROVED PLANS
Page 12 of 15
11.1.23.11



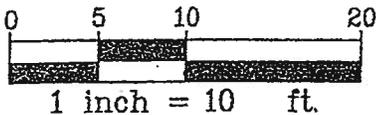
NOTE: SEE STORM CALCULATIONS ATTACHED TO REVISED PERMIT

Paul Max Judd 2-3-12
Signature Date

RECEIVED

MAR 30 2011

WRD
PERMIT CONSOLIDATION UNIT



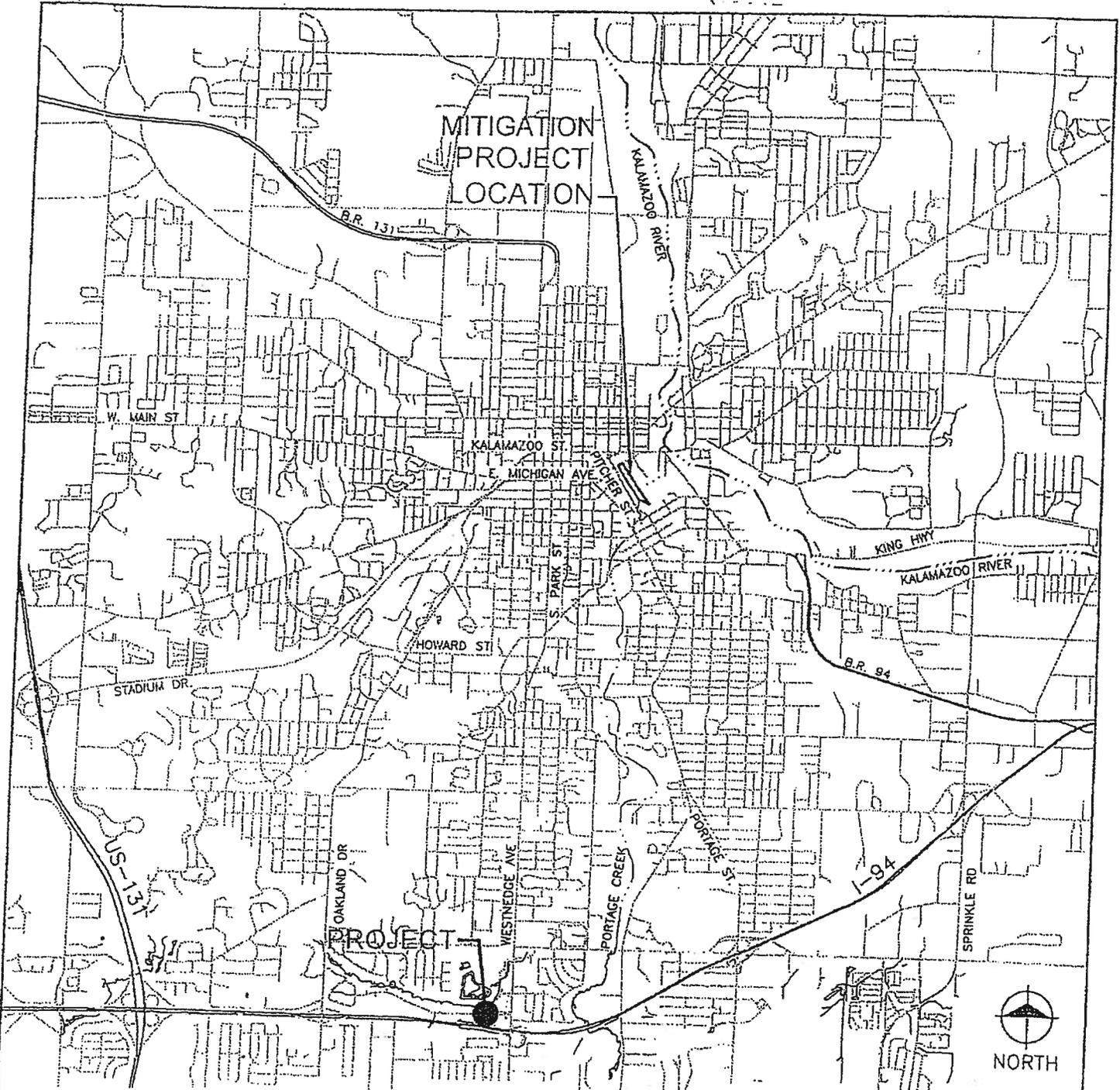
hurley & stewart, llc
2800 south 11th street
kalamazoo, michigan 49009
269.852.4900 fax 269.852.4901
www.hurleystewart.com

Job No.: 09-002D
Date: 3/21/11
Scale: as noted
P.M.: TDH
D/L: 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'

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

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OCT 18 2010

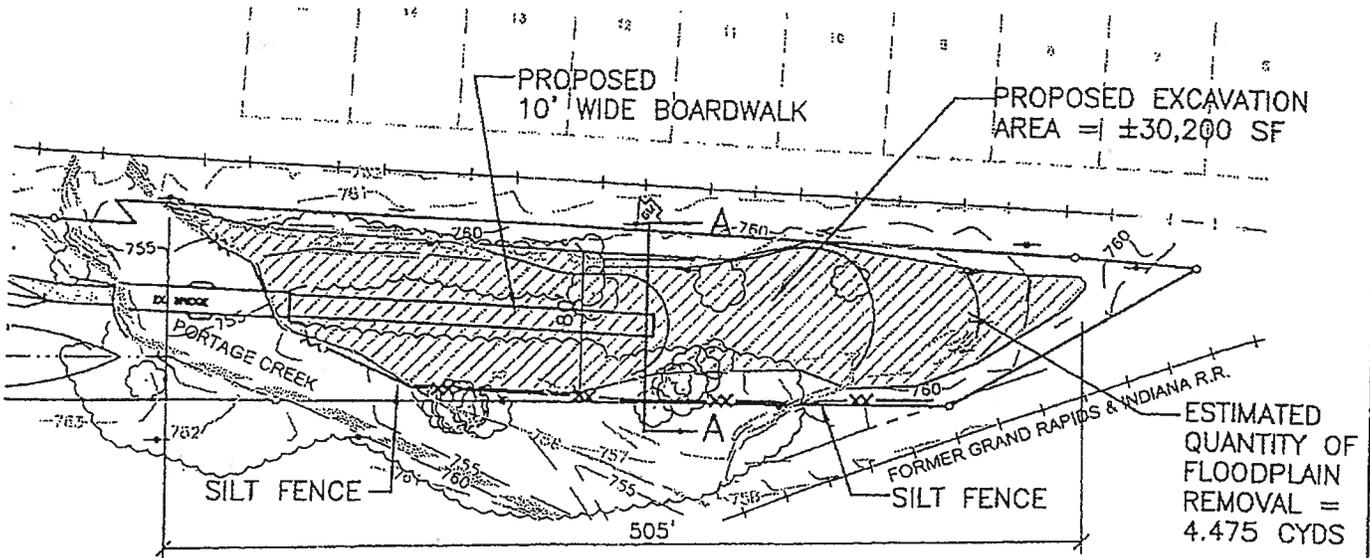
DNRE/WRD
 PERMIT CONSOLIDATION UNIT

2-312 Date

[Handwritten Signature]
 Signature

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

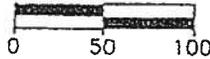


NOTE:
 SEE SEEDING AND PLANTING
 PLAN FOR REVEGETATION
 AND RESTORATION NOTES
 AND SPECIFICATIONS

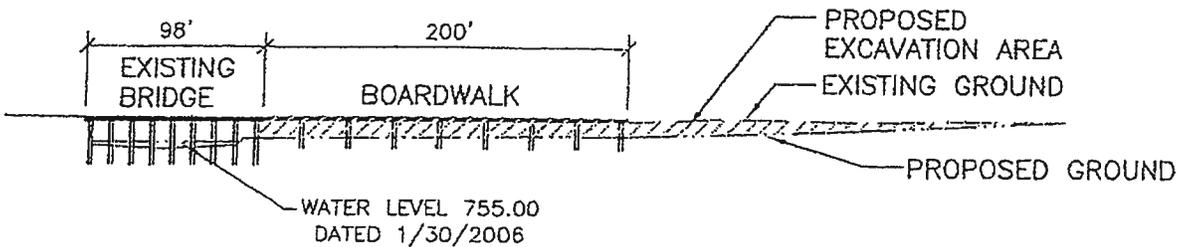


SITE PLAN

SCALE: 1" = 100'

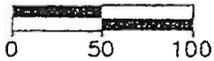


wld
 DEC 14 2010
 File # 10-39-0075-P
 APPROVED PLANS
 Page 15 of 15
 11/23/11



ELEVATION VIEW OF EXCAVATION AREA

SCALE: 1" = 100'



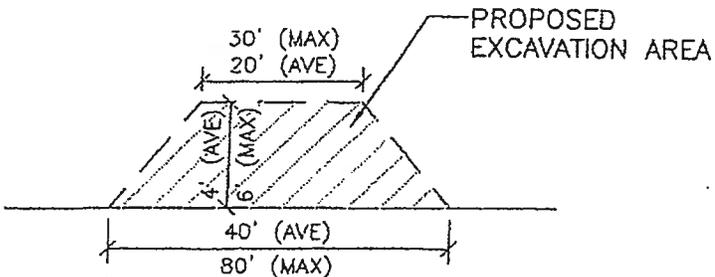
Paul M. Paul
 Signature

2-3-12
 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



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

Economic Development Division

445 W. Michigan Avenue, Suite 101
Kalamazoo, MI 49007
Phone 269.337.8082
Fax 269.337.8429

COKEconomicdevelopment@kalamazoo.org
www.kzoobiz.org

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:

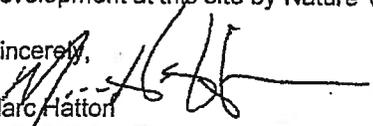
The Urban Nature Park site currently under development by Nature Ventures, Inc. is an approximate 4.1 acre brownfield site located at 426 East Michigan Avenue that was used as a railroad siding and for other railroad operations for over 100-years. Based on historical maps, prior to development in this 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



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.

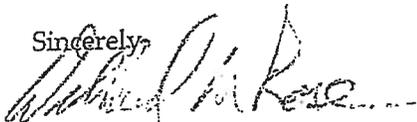
As part of this project, we began to investigate the possibility of funding the wetlands restoration portion of the project through a wetlands mitigation process. We learned about the proposed Trade Centre project along Portage Creek and have inspected that site. If the Trade Centre project is approved, 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:

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 developability 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.

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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).

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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 peak 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

LAND USE	TRIP END RATES		TRIP END TOTALS	
	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.

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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 not 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.

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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

TO: Planning Commission **DATE:** June 29, 2012
FROM: Vicki Georgeau, ^{VG} Director of Community Development
SUBJECT: Specific (Site) Plan for Marriott Courtyard, 420 Trade Centre Way.

I. INTRODUCTION:

A Specific (Site) Plan has been submitted by TMI Hospitality to construct a four-story, 55,123 square foot hotel building and associated site improvements at 420 Trade Centre Way. The Marriott Courtyard hotel represents the first development project under the amended conceptual plan submitted by Trade Centre Holdings LLC for the remaining vacant land located along Trade Centre Way. The approximate 2.3 acre site is zoned CPD, commercial planned development and the hotel development project has been designed in substantial conformance with the proposed amended conceptual plan which is currently being considered by Planning Commission and will subsequently be reviewed by City Council.

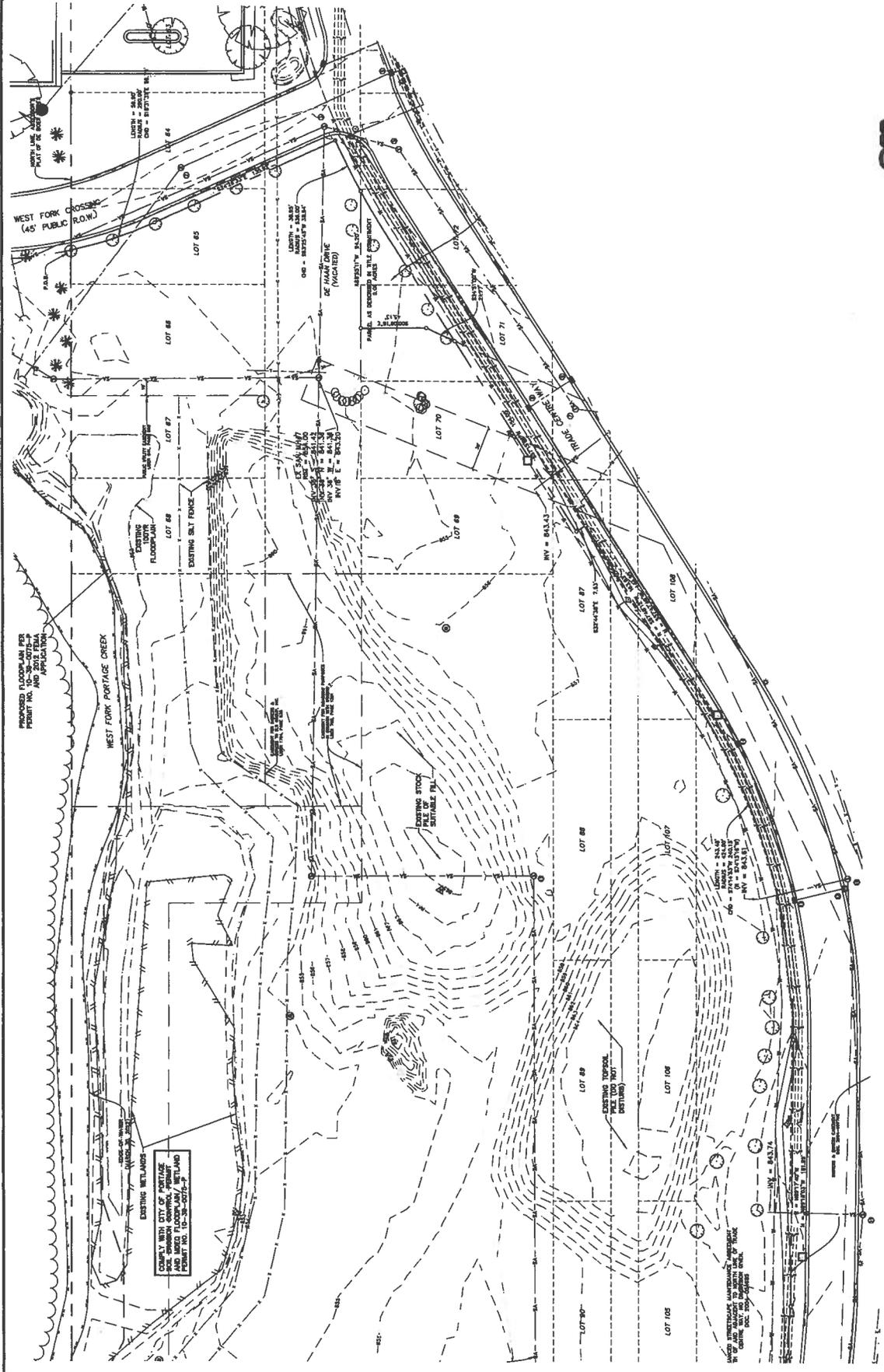
The nearest portion of the hotel building will be setback approximately 43-feet from the northern property line, while the nearest portion of the outdoor plaza will be setback approximately 30-feet from the northern property line. Access to the site will be provided through a new full service driveway from Trade Centre Way and the site will be interconnected with future developments planned to the east and west. Adequate parking will be provided for the hotel use and storm water from the project will be collected, treated and stored underground, prior to being released to the Portage Creek through a controlled rate discharge. All work within the adjacent wetland/floodplain area will be conducted in accordance with the MDEQ issued permit (#10-39-0075-P). Finally, significant interior landscaping areas (approximately three times the minimum requirement) will be provided across the development site and all outdoor lighting units (light poles and building mounted units) will contain shielded fixtures and conform to applicable ordinance standards.

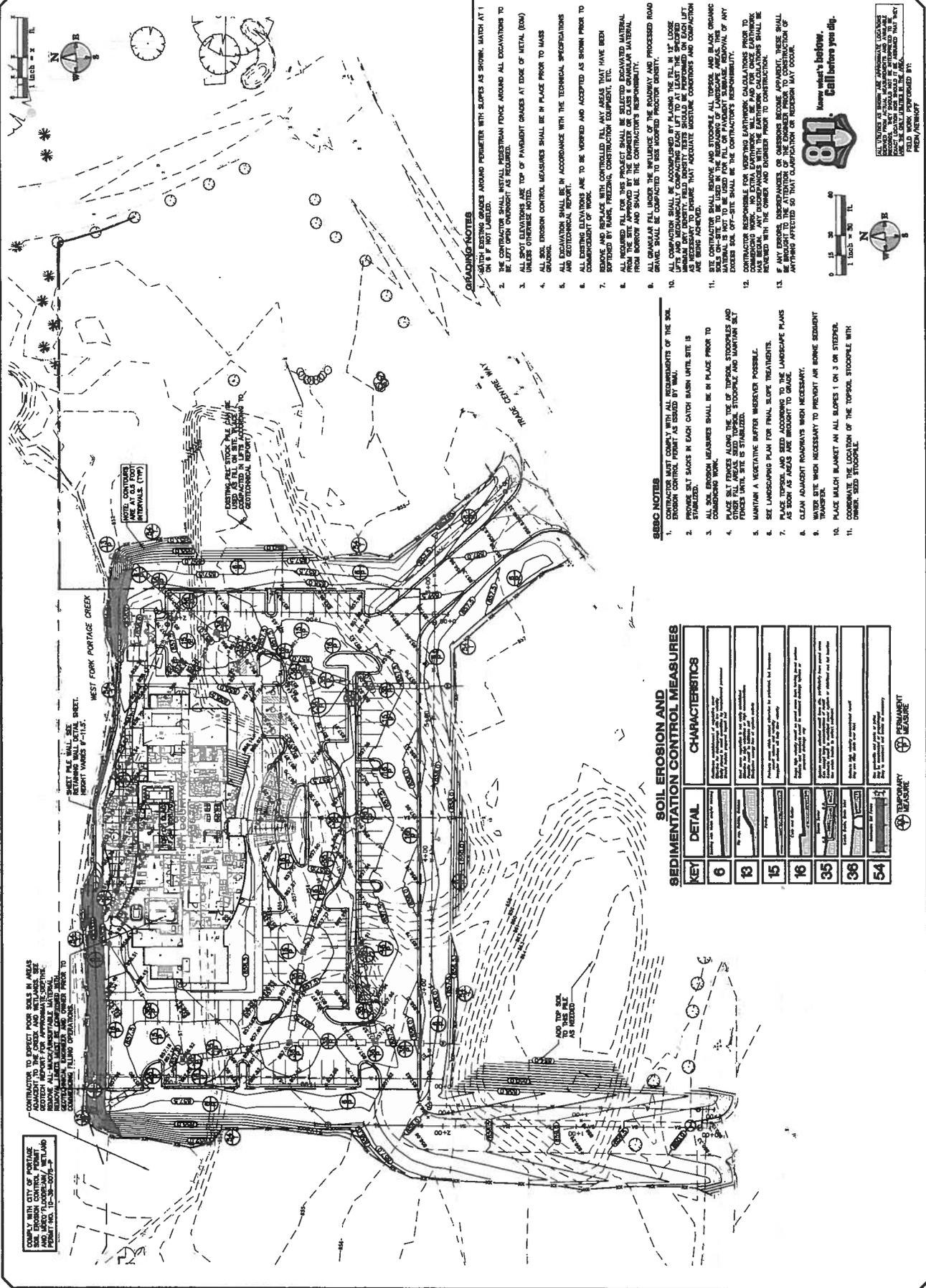
II. RECOMMENDATION:

The development project has been reviewed by the City Administrative departments. Staff recommends that the Specific (Site) Plan for Marriott Courtyard, 420 Trade Centre Way, be approved subject to City Council approval of the Conceptual Plan Amendment for Trade Centre Holdings LLC, 420 and 750 Trade Centre Way.

Attachments: Specific (Site) Plan sheets

USE THE INFORMATION ON THIS SHEET TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT IS RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED. THE INFORMATION ON THIS SHEET IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS SHEET IS NOT TO BE USED FOR ANY OTHER PURPOSE. THE INFORMATION ON THIS SHEET IS NOT TO BE USED FOR ANY OTHER PURPOSE.





CONTRACTOR TO EXPECT POOR SOILS IN AREAS ADJACENT TO THE CREEK AND WILL NEED TO BE REMOVED. ALL INCOMPATIBLE MATERIALS, SUCH AS ROCKS, LIMESTONE, AND CONCRETE, MUST BE REMOVED PRIOR TO COMMENCING FILLING OPERATIONS.

COMPLY WITH CITY OF PORTAGE SOIL EROSION CONTROL PERMIT PERMIT NO. 10-30-0076-05

RETAINING WALL DETAIL SHEET, NORTH WARD 1-11.5.

EXISTING PERIMETER TO BE USED AS FALL OFF SITE. TO BE CONSTRUCTED IN 15' TO 20' INTERVALS (TYP)

AND TOP SOIL TO BE REPRODUCED AS INDICATED

GRADING NOTES

1. MATCH EXISTING GRADES AROUND PERIMETER WITH SLOPES AS SHOWN. MATCH AT 1' INTERVALS.
2. ALL SPOT ELEVATIONS ARE TOP OF PAVEMENT GRADES AT EDGE OF METAL (EOM) UNLESS OTHERWISE NOTED.
3. ALL SOIL EROSION CONTROL MEASURES SHALL BE IN PLACE PRIOR TO MASS GRADING.
4. ALL EXCAVATION SHALL BE IN ACCORDANCE WITH THE TECHNICAL SPECIFICATIONS AND GEOTECHNICAL REPORT.
5. ALL EXCAVATION SHALL BE PROTECTED BY SHIELDING AND ACCEPTED AS SHOWN PRIOR TO COMMENCEMENT OF WORK.
6. REMOVE AND REPLACE WITH CONTROLLED FILL ANY AREAS THAT HAVE BEEN SOFTENED BY WATER, FREEZING, CONSTRUCTION EQUIPMENT, ETC.
7. ALL REQUIRED FILL FOR THIS PROJECT SHALL BE SELECTED EXCAVATED MATERIAL FROM THE SITE APPROVED BY THE OWNER OR CLASS I GRANULAR MATERIAL FROM NEARBY AREAS SHALL BE USED.
8. ALL FILL SHALL BE COMPACTED TO THE DENSITY OF THE ROADWAY AND PROPOSED ROAD GRADES SHALL BE COMPACTED TO THE REQUIRED PROCTOR DENSITY.
9. ALL COMPACTED SHALL BE ACCOMPANIED BY PLACING THE FILL IN 12" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED DENSITY.
10. ALL COMPACTED SHALL BE ACCOMPANIED BY PLACING THE FILL IN 12" LOOSE LIFTS AND MECHANICALLY COMPACTING EACH LIFT TO AT LEAST THE SPECIFIED DENSITY.
11. SITE CONTRACTOR SHALL REMOVE AND STORE ALL TOPSOIL AND BLACK DRIVING TOPSOIL FROM THE SITE. TOPSOIL SHALL BE STORED IN A PROTECTED AREA. MATERIAL IS NOT TO BE USED FOR FILL OR PAVEMENT SUBGRADE. REMOVAL OF ANY EXCESS SOIL OFF-SITE SHALL BE THE CONTRACTOR'S RESPONSIBILITY.
12. CONTRACTOR RESPONSIBLE FOR VERIFYING EARTHWORK CALCULATIONS PRIOR TO CONSTRUCTION. CONTRACTOR SHALL VERIFY ALL EARTHWORK CALCULATIONS SHALL BE REVIEWED WITH THE OWNER AND ENGINEER PRIOR TO CONSTRUCTION.
13. IF ANY ERRORS, OMISSIONS, OR DISCREPANCIES BECOME APPARENT, THESE SHALL BE CORRECTED IMMEDIATELY. CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ANYTHING AFFECTED SO THAT NO DELAY OR INTERRUPTION OF PROGRESS MAY OCCUR.



Know what's below.
 Call before you dig.

THE USER OF THESE DRAWINGS ASSUMES ALL LIABILITY FOR ANY AND ALL DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED AS A RESULT OF ANY FIELD WORK PERFORMED BY THE USER.

SESCO NOTES

1. CONTRACTOR MUST COMPLY WITH ALL REQUIREMENTS OF THE SOIL EROSION CONTROL PERMIT AS ISSUED BY WMI.
2. PROVIDE SILT SACKS IN EACH CATCH BASIN UNTIL SITE IS STABILIZED.
3. ALL SOIL EROSION MEASURES SHALL BE IN PLACE PRIOR TO COMMENCEMENT OF CONSTRUCTION AND MAINTAINED THROUGHOUT OTHER FILL AREAS AND TOPSOIL STOCKPILE AND MAINTAIN SILT FENCES UNTIL SITE IS STABILIZED.
4. PLACE SILT FENCES ALONG THE TOP OF TOPSOIL STOCKPILES AND MAINTAIN SILT FENCES UNTIL SITE IS STABILIZED.
5. MAINTAIN A VEGETATIVE BUFFER WHEREVER POSSIBLE.
6. SEE LANDSCAPING PLAN FOR FINAL SLOPE TREATMENTS.
7. PLACE TOPSOIL AND SEED ACCORDING TO THE LANDSCAPE PLANS AS SHOWN AS AREAS ARE BROUGHT TO GRADE.
8. CLEAN ADJACENT ROADWAYS WHEN NECESSARY.
9. WATER SITE WHEN NECESSARY TO PREVENT AIR BORNE SEDIMENT TRANSPORT.
10. PLACE MULCH BLANKET ON ALL SLOPES 1 ON 3 OR STEEPER. COORDINATE THE LOCATION OF THE TOPSOIL STOCKPILE WITH OWNER. SEED STOCKPILE.
11. COORDINATE THE LOCATION OF THE TOPSOIL STOCKPILE WITH OWNER. SEED STOCKPILE.

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

KEY	DETAIL	CHARACTERISTICS
6	[Symbol]	6' High x 4' Wide x 12' Long Silt Sack
13	[Symbol]	13' High x 4' Wide x 12' Long Silt Sack
15	[Symbol]	15' High x 4' Wide x 12' Long Silt Sack
16	[Symbol]	16' High x 4' Wide x 12' Long Silt Sack
35	[Symbol]	35' High x 4' Wide x 12' Long Silt Sack
36	[Symbol]	36' High x 4' Wide x 12' Long Silt Sack
54	[Symbol]	54' High x 4' Wide x 12' Long Silt Sack

SOIL EROSION AND SEDIMENTATION CONTROL MEASURES

MATERIALS TRANSMITTED

CITY COUNCIL MEETING MINUTES FROM JUNE 12, 2012

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

At the request of Mayor Strazdas, Councilmember Urban gave the invocation and City Council and the audience recited the Pledge of Allegiance.

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

APPROVAL OF MINUTES: Motion by Reid, seconded by Campbell, to approve the May 22, 2012 Special Budget Work Session and Regular Meeting Minutes and May 31, 2012 Special Meeting Minutes. Upon a voice vote, motion carried 6 to 0 with Councilmember Urban abstaining.

* **CONSENT AGENDA:** Mayor Strazdas asked Mayor Pro Tem Reid to read the Consent Agenda. Councilmember Sackley removed Item H.1, Greenspire Retail / Sewer Utility Connection Charges, from the Consent Agenda. Motion by Reid, seconded by Campbell, to approve the Consent Agenda motions as amended. Upon a roll call vote, motion carried 7 to 0.

* **APPROVAL OF ACCOUNTS PAYABLE REGISTER OF JUNE 12, 2012:** Motion by Reid, seconded by Campbell, to approve the Accounts Payable Register of June 12, 2012. Upon a roll call vote, motion carried 7 to 0.

PUBLIC HEARING:

TENTATIVE PLAN AMENDMENT FOR OAKLAND HILLS AT CENTRE PLANNED DEVELOPMENT: Mayor Strazdas opened the public hearing and introduced Community Development Director Vicki Georgeau, who provided a detailed overview of the proposed amendment and the overall history of the Oakland Hills at Centre Planned Development. Director Georgeau emphasized the proposed changes to the plan with a particular focus on the construction of a unique cell phone tower on the development property. She discussed the reason for the selected cell phone tower design, known as the "monopine," as well as the reasons for its proposed location.

Mr. Greg Dobson of American Village Builders, AVB, spoke next and recognized representatives of the various parties involved in the Oakland Hills at Centre Planned Development that were present in the audience. Mr. Dobson reviewed the current status of the development and focused specifically on the monopine tower and why AVB is supportive of including it in their development. He also emphasized that AVB had been working with the property owner to the north, William Nuyen, and that the two parties had come to agreement on the issue of the cell phone tower as well as areas of mutual interest.

Terry Sherman, 4540 Wishing Well Court, spoke and thanked the developer and City for working to add and preserve trees in the development.

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

Motion by Sackley, seconded by Campbell, to approve 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.

Mayor Strazdas thanked the development team for their effort to grow the community with quality projects as well as the good communication between stakeholders in the project. He then briefly discussed the necessity, number, guidelines and maintenance necessary for cell phone towers in communities.

Attorney Brown reviewed the next steps prior to final approval of the plan amendment.

Councilmember Sackley discussed the need for communities to have widespread broadband access. He also stated that he appreciates developments that are created and implemented by those that live here and work here and strive to make their developments great assets to the community.

Mayor Pro Tem Reid recognized the overall efforts of the developer and complimented them on reaching out to the neighbor who had expressed concerns with the project.

Upon a roll call vote, motion carried 7 to 0.

PETITIONS AND STATEMENTS OF CITIZENS: Dr. Romeo Phillips, 1983 Brighton Lane, thanked Councilmember Sackley for interceding on his behalf to assist with closing the sale of his former home and being able move into his new home in a timely manner. Dr. Phillips also thanked Daniel Foecking, City of Portage Finance Director, for taking his time on a lunch hour to personally visit Dr. Phillips in order to answer questions related to a tax matter.

Mayor Strazdas invited Nancy Vandenberg, 4646 Wishing Well Court, to come forward and address the City Council as the spokesperson for a large group of residents attending the meeting on a matter of mutual concern.

Ms. Vandenberg stated that she had contacted several City officials prior to the meeting including Mayor Strazdas, Mayor Pro Tem Reid and City Manager Evans and wondered if there was a representative of Midwest Energy present in the audience. She stated that the City and Midwest Energy were providing different stories as it relates to the cutting of trees in the Angling Road neighborhood she is representing. Ms. Vandenberg then reviewed the tree trimming practices of Consumers Energy and contrasted them with the practices of Midwest Energy which eliminated the trees in the energy company's right-of-way in her neighborhood. She emphasized that the trees that were cut provided protection from wind, snow, dirt, and especially noise pollution as a natural and beautiful barrier between their homes and U.S. 131. Her neighborhood, she stated, was changed in minutes when 150 trees were cut in a matter of minutes.

Ms. Vandenberg stated that she received a notice from the City last Friday of the impending tree cutting but woke up Monday morning to a knock on her door and the sound of chainsaws. She then reviewed a presentation, photos and brief video of the situation. In the presentation she reviewed the history of the tree plantings, emphasized the devastating effect of the cutting, the removal of a tree on Michigan Department of Transportation (MDOT) property, the removal of trees that were not located near the power lines and the future cutting plans of Midwest Energy. She also reviewed a series of questions the residents of her neighborhood would like answered. In reviewing the questions, she expressed concern about items such as differing information she said she received from Midwest Energy and the City of Portage, the planting of trees under power lines, whether Midwest Energy was following Michigan Public Service Commission (MPSC) guidelines, safety as it relates to stranded motorists seeking assistance and decreased property values. Ms. Vandenberg also expressed concern regarding gravel on the roadway, the width of the bikeway along Angling Road and potholes on the roadway. She then asked the City to protect residents from this devastating situation and continued by stating that she is deeply saddened and upset by the abrupt action taken by Midwest Energy and lack of notice.

Ms. Vandenberg then suggested that the City take steps to work with MDOT to plant new trees on the MDOT property. She requested that the City plant tall trees in this area.

Mayor Strazdas then asked if any other citizen would like to speak. Brett Vandenberg, 4646 Wishing Well Court, stated that the neighborhood has been taken back 20 years and would like an adequate replacement of the trees that were taken down.

Mr. Terry Sherman, 4550 Wishing Well Court, said he has been proud to be a Portage resident until yesterday, but the elimination of the trees changed everything. He believes the neighborhood could have come up with a better alternative than cutting the trees and expressed anger and frustration over the situation.

Mr. Leonard Vandenberg, 145 West Main, Mendon, spoke and stated that he helped to plant the trees and build the neighborhood. He emphasized that the neighborhood was simple and they created a beautiful place to live. He emphasized how devastating the situation is for residents and how much hard work it took to get the trees in place. He expressed extreme dismay at how quickly the neighborhood changed when the chainsaws started and that the neighborhood did not have a say on how to handle the situation. He closed by asking City Council for their help.

Ms. Tamara Russell, 4585 Wishing Well Court, stated that she moved to Wishing Well over 14 years ago and, prior to purchase, was concerned about the noise of the highway. She reviewed the changing value of her home in recent years and expressed concern about the value of her home now that the trees have been removed. She also expressed concerns about safety now that the natural barrier has been removed.

Mayor Strazdas informed the audience that City Council did not approve the actions of Midwest Energy and asked City Manager Evans to respond to as many questions that were raised as possible. Mr. Evans emphasized that the City and City Council really do care about residents and apologized for the situation. He stated that neither City Council nor City Administration approved of the actions by Midwest Energy. Mr. Evans then acknowledged the horrible nature of what had happened and provided a brief review of when conversations with Midwest Energy began and the nature of the conversations. He pointed out that Midwest Energy did not plan on notifying residents so the City assumed the responsibility because it was the right thing to do. He also pointed out that the action by Midwest happened faster than anyone in the City expected and that there was no collusion between the City and Midwest Energy.

Mr. Evans then said that he would plan on reviewing and answering the questions posed by residents and that he hoped to have conversations with Midwest Energy to help in getting answers. He also expressed the importance of figuring out what to do now. He emphasized the importance of having a plan in place as any action taken by the City would be precedent-setting and he is willing to work with residents on coming up with a plan.

Ms. Vandenberg expressed hope that the City would use their influence and put forth the effort to influence Midwest Energy and the Public Service Commission. She pointed out that she believes Midwest Energy is not following their own or the Michigan Public Service Commission guidelines.

Mayor Strazdas asked the City Manager to get the facts, meet with residents from the neighborhood and answer questions that have been raised. He continued by stating that various entities have responsibilities and asked City Attorney Brown which agency is responsible for overseeing or oversight of Midwest Energy. Mayor Strazdas also expressed that he would love to be able to tell a utility what to do. Attorney Brown stated that the Michigan Public Service Commission has responsibility over public utilities and asked for time to look into the situation. Mayor Strazdas then inquired what the City can do and asked the City Administration for alternatives. He stated that everyone is in agreement that this is a terrible situation and expressed optimism that there can be a good outcome. He pointed out that it is important for residents to contact their state representatives and stated that he would personally be in contact with Representative Margaret O'Brien and Senator Tonya Schuitmaker.

Councilmember Urban expressed how sorry he is for what happened and shared his own experience with a similar circumstance. He shared that nobody associated with the City made a decision to do this and that, in his experience, no other utility has used the "ground to sky" policy for utility management in the City of Portage. He regrets that things transpired as they did but pointed out that City Administration was trying to get Midwest to change their mind and took the step of informing

residents because Midwest was not going to do it. He stated that he believes the Public Service Commission is the best tool to get Midwest Energy to stop their practice and said he looks forward to receiving the report from the Administration on the matter.

Councilmember Sackley said there are three phases to consider in this situation. The first is to review the history so that we know what happened and why for context. The second is what to do today. He emphasized the importance of getting state legislators involved to deal with the Public Service Commission. He also emphasized the importance of using this as a teaching moment or as a best practice reference. The most important phase, he stated, is tomorrow. He continued by saying that we must take what knowledge is learned today, reflect on the history and use it for informing future developments and decisions. He stated that he looks forward to figuring out what happened so we can learn from the past, develop a plan and figure out what can be done to help restore the neighborhood.

Mayor Pro Tem Reid spoke next and empathized with residents, recognized how devastating this has been for residents and stated that City Council is still getting up to speed as far as what happened and what can be done. She emphasized the importance of contacting state legislators. She then asked the City to be as proactive as possible to make sure residents in upcoming Midwestern Energy trimming areas are aware of what is coming. She stated that while Midwest Energy probably does have a right to do this, it doesn't make it right.

Councilmember Pearson shared in the thoughts of other councilmembers and stated that this is a neighborhood disaster and should be treated as such. He stated that there would be a local level response and that he looked forward to coming to a town hall meeting and to the report by City Administration. He stated that he will work to figure out what can be done and emphasized that City Council is on their side.

Mayor Strazdas informed the audience that the City Manager and Council were in touch with Representative O'Brien. He continued by expressing frustration that the City can't do more to tell the utility company what to do.

Councilmember Randall stated that she is shocked and appalled and expressed heartfelt appreciation for the trees in the neighborhood. She continued by stating that a natural disaster would have been easier to deal with and expressed frustration with the powerlessness of things that are out of our control. She hoped that this would be a catalyst for positive change.

Councilmember Campbell echoed the sentiments of other Councilmembers and expressed hope that the residents know their voices have been heard.

City Manager Evans stated that he had just finished speaking with Councilmember O'Brien and that she would start looking into the matter immediately.

Ms. Vandenberg expressed gratitude for City Council listening to the concerns of the neighborhood and for their response.

Mayor Strazdas asked for a representative of the neighborhood to contact Representative O'Brien and for the City Manager to arrange a date and time for a town hall meeting. He then thanked the residents for coming out and reassured those present that they had the support of City Council. Discussion followed on notifying other residents that may be impacted by the efforts of Midwest Energy.

REPORTS FROM THE ADMINISTRATION:

* **REZONING APPLICATION 11-04:** Motion by Reid, seconded by Campbell, to accept Rezoning Application #11-04 for first reading and set a public hearing for July 10, 2012; and subsequent to the public hearing, consider approving Rezoning Application #11-04 and rezone 7932 Lakewood Drive, 707, 743, 775 and 903 East Centre Avenue, and the southern 264-feet of 801, 809, 815, 821 and 827 East Centre Avenue to OS-1, office service with the northern 198-feet of 801, 809,

815, 821 and 827 East Centre Avenue to remain zoned R-1A, one family residential. Upon a roll call vote, motion carried 7 to 0.

Although the item was approved on the Consent Agenda, some members of the audience expressed a desire to speak on the matter. Mayor Strazdas invited them to come forward. Thomas Rogers, 896 Treasure Island Drive, Texas Township, said he was the person who started the rezoning request and expressed concern with the rezoning as proposed by City Administration. Mr. Rogers discussed the votes of the Planning Commission and shared a letter with City Council regarding the rezoning matter. He expressed that the proposed rezoning would be an excessive taking of property and hopes that City Council takes this into consideration. Mayor Strazdas informed Mr. Rogers of the process for this request and that a public hearing has been set for July 10 to review the matter. Mayor Pro Tem Reid informed Mr. Rogers that information on the topic could be viewed online on the City Council website.

Leroy Butler, 821 E. Centre, spoke and said that the proposed rezoning looks like half of the property will be residential and half commercial. He expressed hope that other options would be considered. Mayor Strazdas assured Mr. Butler that he will be heard.

* **REZONING APPLICATION 11-05:** Motion by Reid, seconded by Campbell, to accept the Rezoning Application #11-05 for first reading and set a public hearing for July 10, 2012; and subsequent to the public hearing, consider approving Rezoning Application #11-05 and rezone 7812, 7840 and 7842 Portage Road 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 to P-1, vehicular parking. Upon a roll call vote, motion carried 7 to 0.

* **NOTICE OF TRANSFER OF UNPAID WATER AND/OR SEWER CHARGES TO CITY TAX ROLL:** Motion by Reid, seconded by Campbell, to order notice to applicable property owners that all water and/or sewer charges remaining unpaid as of June 30, 2012, will be transferred to the 2012 city tax roll and assessed against the property for which the services were furnished. Upon a roll call vote, motion carried 7 to 0.

* **3-YEAR CONTRACT RENEWAL FOR QUARTERLY BRUSH PICKUP:** Motion by Reid, seconded by Campbell, to award a three-year contract renewal to B&B Yardscape to provide quarterly brush pickup services in the amount not to exceed \$87,780 per year for Fiscal Years 2012-2013, 2013-2014 and 2014-2015; and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **3-YEAR LEASE EXTENSION FOR XEROX WORK CENTRE:** Motion by Reid, seconded by Campbell, to approve a three-year lease extension on the Xerox Work Centre 7665P multifunction system for copying, digital printing and scanning and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

UNFINISHED BUSINESS:

GREENSPIRE RETAIL / SEWER UTILITY CONNECTION CHARGES: Mayor Strazdas moved item H.1 in advance of item G.1. Mayor Strazdas asked Councilmember Sackley to speak on the matter. Councilmember Sackley informed the audience that City Council had finished a Special Meeting from earlier in the evening in which unassessed sewer utility connection charges, the 1991 Special Assessment Policy and the application of charges to the Greenspire Retail Development at 3201 West Centre Avenue were discussed at length. Motion by Sackley, seconded by Campbell, that the Administration's application of the 1991 Special Assessment Policy to the Greenspire Retail

Development at 3201 W. Centre Avenue not be supported because: 1) the development is not an adjacent parcel but part of the original development; 2) the original developer installed facilities were never part of a special assessment district; 3) the application 37 years after construction is not fully supported by the 1991 policy; and, 4) the 1991 policy be reaffirmed but amended to include a sunset provision for parcels, single or contiguous, under continuous control by ownership with majority interest since adoption of the 1991 policy.

Councilmember Urban spoke and indicated that he did not support such a motion in the Special Meeting and that there were questions which he would still like to see answered. He then pointed out that the proposed motion raises questions regarding the sunset position and its effect and expressed discomfort in moving forward on voting until questions are answered.

Councilmember Sackley amended his motion that the sunset provision be a 20-year sunset provision for parcels that meet that criteria and asked to add a 20-year provision to the motion. Councilmember Campbell agreed to the amendment. Mayor Pro Tem Reid asked for clarification on the sunset provision and the 20 year provision. Councilmember Sackley stated that once 20 years have passed the provisions would no longer apply to properties that meet the ownership requirement. Motion by Urban, seconded by Reid, to “split the question between Mr. Gesmundo’s appeal and the issues involved with that and amending our current policy.” Attorney Brown indicated that there are separate issues in Councilmember Sackley’s motion and expressed support for not making a policy decision this evening. Mayor Strazdas expressed support in splitting the motion so that a policy change can be reviewed in more detail. Councilmember Sackley stated that he would support splitting the motion and Attorney Brown emphasized the importance of reaffirming the 1991 Special Assessment Policy. At the behest of the Mayor, the makers and supporters of each motion (the one to split and the original motion) withdrew their motions so that a new motion could be put forth. Motion by Sackley, seconded by Campbell, that the Portage City Council reaffirm the 1991 Special Assessment Policy and that the Administration’s application of that policy to Greenspire Retail Development at 3201 W. Centre Avenue not be supported because 1) the development is not an adjacent parcel but part of the original development; 2) the original developer installed facilities were never part of a special assessment district; and 3) the application 37 years after construction is not fully supported by the 1991 policy.

Mayor Pro Tem Reid asked for the functional implication of not supporting the application of the current policy. Discussion followed and Attorney Brown indicated that the \$8,000 charge would not be applied in this case. Councilmember Sackley stated that other factors for the motion include his belief that the parcel in question was always part of the development and that this parcel was never part of a special assessment district. Further discussion on the impact of motion continued. Attorney Brown emphasized the importance of making the motion as specific to the current situation as possible.

Mayor Strazdas called the question. On a roll call vote, motion carried 7 to 0. Councilmember Sackley emphasized the importance of receiving a report outlining how many other situations exist in the City that are similar to that of Greenspire. Mayor Strazdas agreed and asked the City Administration to pursue it.

COMMUNICATIONS:

COMMUNICATION FROM COUNCILMEMBER RANDALL REGARDING BEST PRACTICE DISCUSSION: Mayor Strazdas stated that this topic is a continuation of the last City Council Workshop and there was debate on whether to discuss the material tonight at the regular meeting or at another special session. Councilmember Randall stated the matter in question deals with the formation of City Council Committees and identification of responsibilities. She continued by stating that “if any part of this discussion would impact the ability of elected officials to interact with the public that elected them to serve, that it be conducted at a regularly scheduled council meeting and not during an after-hour workshop.” She also stated that City Council prides itself on openness,

transparency and good governance and that it is only fair for discussions to occur in the most public of meetings.

Mayor Pro Tem Reid stated that this discussion is going to be significant and that it would best take place in a forum that allows easy and full dialogue. She continued by saying that the topic was originally part of an informal work session and that any action taken in an informal session could then be brought back to a regular meeting for formal action. She continued by saying that a draft has been completed but that there may be several edits that will take time to go through.

Councilmember Pearson stated that he has had the draft for two months and the whole topic is about how City Councilmembers are assigned to a committee and consists of a brief one page document. The document, he stated, sets the tone on how committees conduct their business and addresses the issue of transparency. He concluded by pointing out that while citizens can attend workshop sessions it is a rarity but a regular meeting is in full view and better attended by both Councilmembers and the public.

Councilmember Campbell agreed with Councilmember Pearson and said, in the interest of transparency, it should be discussed on camera at a regular meeting.

Councilmember Sackley stated that he is ready to address the matter tonight. Motion by Sackley, seconded by Urban, that "the City Council adopt the Best Practices on Formation of City Council Committees and Responsibilities as presented to us as a draft as a final version."

Mayor Pro Tem Reid said that she has spent time reviewing and editing the document but has been holding her edits for the workshop. She then passed out copies of her edits as did Councilmember Pearson.

Councilmember Urban pointed out that there was a motion on the table and Councilmember Randall stated that she would not support the motion. Councilmember Sackley said that he was not aware there were so many edits but would like to have the matter settled. Councilmember Pearson pointed out the time of day and the extent of the edits and indicated he would prefer to talk about this at another meeting. Attorney Brown informed City Council that he had a few edits to the draft as well.

Councilmember Sackley withdrew the motion and Councilmember Urban agreed. Councilmember Sackley encouraged fellow Councilmembers to share their edits so that everyone can come prepared to discuss at the next meeting.

Mayor Strazdas stated that the planned workshop will be canceled and the matter included on the agenda for the next regular City Council meeting.

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

Portage Board of Education Special of April 11, Regular Business of April 16, Policy Governance of April 23, Special of April 25 and Special Meetings and Committee of the Whole Work Session of May 7, 2012.

Portage Senior Citizen Advisory Board of April 18, 2012.

Portage Park Board of May 2, 2012.

BID TABULATIONS:

* **CONTRACT FOR 2012 LOCAL STREET RECONSTRUCTION PROGRAM AND ASPHALT REPAIRS, CHANGE ORDER FOR ADDITIONAL REPAIRS AND CONSTRUCTION ADMINISTRATION AND MATERIALS TESTING:** Motion by Reid, seconded by Campbell to approve a contract with Michigan Paving & Materials Company for the 2012 Local Street Reconstruction Program and asphalt surface repairs to isolated sections of major streets in the not to exceed amount of \$750,784.77; a change order in the not to exceed amount of \$113,490.29

for additional street repairs at unit pricing within this contract; a contract with Jones & Henry Engineer, Ltd., for construction administration and material testing for the 2012 Local Street Reconstruction Program in the not to exceed amount of \$22,725.00; and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **CONTRACT FOR REPAIRS TO SELECTED MAJOR STREET BICYCLE LANES:** Motion by Reid, seconded by Campbell, to accept the low bid from J. Allen & Company to provide repairs to selected major street bicycle lanes in the amount not to exceed \$18,608.05 and authorize the City Manager to execute all documents related to this contract on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

* **PURCHASE OF MOTOROLA SWAT RADIOS:** Motion by Reid, seconded by Campbell, to approve the purchase of eight Motorola APX7000 SWAT Radios from the Van Buren County Region 5 Fiduciary in the amount of \$12,196 and authorize the City Manager to execute all documents related to this matter on behalf of the city. Upon a roll call vote, motion carried 7 to 0.

OTHER CITY MATTERS:

STATEMENTS OF CITY COUNCIL AND CITY MANAGER: Councilmember Pearson stated his appreciation for living in a small town and to the responsiveness of City Council to the neighborhood disaster discussed earlier in the meeting.

Mayor Pro Tem Reid stated that she was able to attend the opening of the second phase for the Heartland on behalf of the Mayor. She pointed out that, in 2010, City Council approved a Payment in Lieu of Taxes (PILOT) for this affordable housing project for seniors and commented on what a beautiful and functional development it was for people with a variety of challenges.

Mayor Strazdas stated the importance to him of attending Eagle Scout Courts of Honor, but unfortunately, he would be unable to make one this coming weekend and asked for a member of City Council to attend in his place. He also relayed that Portage responded to a fire earlier in the evening and that eight people were safely removed from the burning structure. He then offered kudos to the Department of Public Safety.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 10:38 p.m.

Adam Herringa, Deputy City Clerk

*Indicates items included on the Consent Agenda.

**MINUTES OF THE SPECIAL MEETING OF THE PORTAGE CITY COUNCIL
OF JUNE 12, 2012 – CITY POLICY FOR UTILITY CONNECTION CHARGES
AND APPLICATION OF CHARGES TO THE GREENSPIRE DEVELOPMENT**

Mayor Peter Strazdas called the meeting to order at 6:01 p.m. The following Councilmembers were present: Councilmembers Jim Pearson, Patricia Randall and Edward Sackley, Mayor Pro Tem Claudette Reid and Mayor Peter Strazdas. Councilmember Terry Urban arrived at 6:03 p.m. Councilmember Elizabeth Campbell was absent with excuse. Also present were City Manager Maurice Evans, Deputy City Manager Brian Bowling, Director of Transportation and Utilities Chris Barnes, City Attorney Randy Brown and Deputy City Clerk Adam Herringa.

At the request of Mayor Strazdas, the Director of Transportation and Utilities Chris Barnes handed out and reviewed an overview of the history and application of utility connection charges. He specifically reviewed unassessed utility benefit charges and how each are determined and applied in both commercial and residential circumstances. Mr. Barnes then reviewed the different ways sewer and water lines may be installed (such as developer installed and city installed), how fees are calculated and the advent of extension districts. Mr. Barnes then reviewed the reason for extension districts, how they can be created, how they differ from special assessments and what it means today when somebody wants to connect to an extension district. Next, Mr. Barnes reviewed how and when fees are collected, how much is collected from unassessed sewer and water and what future connections could mean by way of revenue. He also specifically reviewed developer installed sewer and related payback agreements. Councilmember Sackley questioned the payback time and arrangement on developer installed sewer. There was discussion and Deputy City Manager Bowling clarified that he believes the payback period is seven years from installation. Councilmember Randall questioned if the city receives any financial benefit from people connecting to a developer installed sewer or water. Mr. Barnes clarified that the developer may receive payback up until the cost of installation and that the city does not generate any revenue from the arrangement. Discussion followed.

Mr. Barnes reviewed maps of unassessed water and sewer benefit parcels. He pointed out that there are fewer connection opportunities for sewer because of the mandatory connection program. Councilmember Sackley inquired, in the instance of a special assessment situation, whether there was also a benefit charge. Mr. Barnes explained that the benefit charge was included in the special assessment. Discussion followed. Mr. Bowling clarified that there was still a connection charge to connect to sewer and plumbing costs (such as lateral costs) for water connection.

Next, Mr. Barnes reviewed three alternatives should City Council decide to eliminate unassessed benefit charges. Mayor Strazdas summarized the discussion to this point in the meeting. Councilmember Sackley discussed benefit charges, when they are applied and how they are calculated. Mr. Sackley referenced the 1991 Special Assessment Policy and that assessments may be paid over the course of twenty years yet developer installed utilities have a seven year payback. In the case of Greenspire, Councilmember Sackley stated that this situation involves a utility installation that occurred 37 years ago and wondered if a “sunset clause” would be appropriate. Mr. Barnes opined that he believes there is always a benefit for someone to connect to a utility.

The Mayor asked Joe Gesmundo of American Village Builders (AVB) to address the City Council. Mr. Gesmundo thanked City Council for holding the meeting and apologized for missing the last City Council Meeting. He stated that, from a developer's perspective, the City's special assessment policy is fair and competitive and does not need to be changed. He then explained that the Greenspire development is a special circumstance and that he believes the current policy does not apply. He continued by stating that applying such a fee as is being proposed would make Portage uncompetitive.

The attorney for AVB, Pat Lennon, thanked Mr. Barnes for his presentation and explained that the special assessment policy is not usually problematic. However, in this case he questioned why AVB was being charged when AVB paid to extend the sewer line across what is now 3201 W. Centre in the 1970s into the overall development project. He further explained that the parcel in question has always been a part of the Greenspire development plan and expressed surprise that there is now a charge after 37 years of continuous ownership and development. He then explained that it was his belief that the City was inappropriately interpreting the special assessment policy to apply it to Greenspire and expressed support for a review of the policy.

Mr. Barnes next drew a sketch diagram of the streets, parcel and sewer lines involved. He explained that it was the sewer line originally put in by the city that made Greenspire possible. Mayor Strazdas inquired if there was a charge levied against Greenspire in the 1970s when the original connection was made. Mr. Barnes stated that there was not and that he is not sure of the reasoning.

Councilmember Randall inquired as to the time and money spent on looking into what amounts to an approximately \$8,000 connection charge. City Manager Evans stated that he was uncertain as to the time but there was around \$1,200 spent on an attorney opinion.

Councilmember Urban inquired if the sewer put in by Greenspire was ever dedicated to the City. Mr. Barnes responded in the affirmative. Councilmember Urban then asked how this situation differed from a housing development in which a developer pays a connection charge, sells the lots and dedicates the utility infrastructure to the city. He questioned whether there would be a benefit charge should a homeowner buy a lot and connect to sewer. Mr. Barnes replied that there would not be a charge as the original charge is paid when developer connects the utility. He reemphasized that he is not sure why a fee was not charged in the 1970s. He also stated that should a similar development occur today, a connection charge would be levied. In response to discussion, Mr. Barnes stated that none of the sewer installed by the developer was necessary to service the parcel in question.

Mr. Gesmundo opined that he has been engaged in developments in Portage for 40 years and that this is the first time the City has attempted to charge him twice for sewer. Mr. Gesmundo then cited examples to support his assertion. Mr. Lennon interjected and stated that levying the charge in this circumstance is not supported by ordinance or the special assessment policy.

Mayor Strazdas explained that the situation would not be decided in this special meeting but rather in the upcoming regular meeting that is televised. Mayor Strazdas then asked City Administration to provide a report on how many other instances of owner developed land, which include a developer installed sanitary system and an unconnected piece or parcel, are present in the city. The Mayor further clarified by stating he is looking for a report of how many other situations are similar to that of Greenspire. Attorney Brown inquired of the Mayor if it mattered if the unconnected parcel is owned

by a third party or the original owner. The response was that it should be, as in the case of Greenspire, the original owner. Mr. Barnes replied that such a report would take time and emphasized that it would be a “snapshot in time.” Mayor Strazdas then emphasized the precedent-setting nature of any action by City Council and the importance of making sure the policy applies to all similar circumstances. Discussion followed.

Mayor Strazdas asked each Councilmember to share their thoughts on the appeal of AVB. Councilmember Urban indicated that he would be inclined to deny in the hopes of getting additional information. Councilmember Randall stated that enough time and resources had been spent on the matter and that she is ready to move on and supported the appeal. Councilmember Pearson questioned the time and money and emphasized the need for compromise on matters such as this. He said there was a reasonable question on whether the developer was going to be double-charged. He continued by saying that the recommendation by City Administration does not strike him as being business-friendly and that he would like to see a waiver in this circumstance.

Councilmember Sackley stated that he recognized that any decision be made on a firm legal foundation and expressed concern regarding any precedent that might be set. He stated that he wants to make sure that, should the appeal be granted, others don’t approach City Hall looking for refunds or that it looks like only those who have friends at City Hall get heard. He indicated his support of the appeal and mentioned that he was working on a motion to present at the upcoming regular meeting which would emphasize the uniqueness of this situation.

Mayor Pro Tem Reid wondered what the rationale was in the 1970s for the City not applying a benefit charge in this circumstance and stated that the approach taken in the 1970s seems different than the one taken in the 1990s and today. She also wondered, when the developer installed the sewer, if the understanding was that it was for the entire Greenspire property or just the apartments. Mr. Gesmundo indicated that he was there in the 1970s and that the Greenspire development was conducted just like all of his other developments and that he only had to pay once, which was when he paid to install the system.

Mayor Strazdas thanked City Administration for their research and information. He then stated that he believes the connection charge would have been more appropriately applied in the 1970s and that it is difficult to ask the developer to pay to connect this parcel today, especially if the City wants to be consistent. He indicated his preference that the fee be waived but stated he would still like to know how many properties might be in a similar situation in the community. He then emphasized the importance of government conducting “due diligence” on issues and expressed the importance of being able to tell citizens the impact of this and any policy decision.

Attorney Brown emphasized the importance of protecting the integrity of the policy and that the policy should be upheld. He then opined if City Council decided to make an exception to the policy, it be detailed for this particular circumstance.

ADJOURNMENT: Mayor Strazdas adjourned the meeting at 7:24 p.m.

Adam Herringa, Deputy City Clerk

CITY OF PORTAGE

COMMUNICATION

TO: Honorable Mayor and City Council

DATE: June 14, 2012

FROM: Maurice S. Evans, City Manager



SUBJECT: May 2012 Summary Environmental Activity Report – Information Only

Attached please find the May 2012 Summary Environmental Activity Report from Department of Transportation & Utilities Director, W. Christopher Barnes. New material, or material of specific interest to City Council is presented in italics.

These items serve to update the Council on environmental affairs.

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

CITY OF PORTAGE

COMMUNICATION

TO: Maurice S. Evans, City Manager

DATE: June 14, 2012

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



SUBJECT: May 2012 Environmental Activity Report – Information Only

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

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

Attachment

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

<u>Project/Activity</u>	<u>Description</u>	<u>Status</u>
Portage City Landfill	Ongoing groundwater monitoring of former municipal landfill.	<ul style="list-style-type: none"> -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. <i>Investigation into methane gas presence in the groundwater is underway. First round of sampling completed in April 2012. Second round of sampling scheduled for June 2012. Initial results indicate no off-site impact.</i>
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.	<ul style="list-style-type: none"> -Coordination with property owners and City or State agencies ongoing. -Review of 7 site/building plans and/or plats completed in May 2012.
Sewer Connection Program	Groundwater protection program requiring residential/business hookup to the sanitary sewer where available.	<ul style="list-style-type: none"> -Sanitary sewer hookup permits issued in May 2012: 3 residential; 1 commercial. One connection made as part of the Mandatory Sewer Connection Program.
West Lake Management Program	Special assessment district designed to maintain/improve lake conditions.	<ul style="list-style-type: none"> -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. <i>The 2011 program is complete. Lake Association has completed 2012 plan and scheduling for lake treatment in May 2012.</i>
Retention Basin Sampling Program (Groundwater Elevation)	Investigation regarding potential impact of retention basins on groundwater levels.	<ul style="list-style-type: none"> -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 be one foot higher than 2011.*

-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.

-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.*

-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

Development of program to protect City well fields and surrounding area from contamination resulting from improper land use.

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

Five year plan to implement the current NPDES stormwater permit.

Wellhead Protection Program (WHPP)

Leaf Compost Monitoring Program

National Pollution Discharge Elimination System (NPDES) permit implementation

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

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

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

Storm Sewer Outfall Testing

On March 23, 2011 City Council awarded a four year contract to Wightman Environmental to perform testing of (selected storm sewers). surface water discharges. This work is required as part of the NPDES permit. 2011 annual report received with minor surface water impacts from the Woodland Avenue discharge. Testing will continue 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 December 16, 2008 to Adams Building Contractors, Inc., Jackson, Michigan. Preconstruction meeting was held January 29, 2009. Facility is in operation with ribbon cutting held August 2, 2010. City staff gave a presentation on August 9, 2010 to the Michigan Chapter of the American Water Works Association about the arsenic removal of the facility. The facility is producing approximately one million gallons of water per day. Staff conducted a tour of the facility on April 27, 2011 to the local Chapter of the National Society of Professional Engineers. Facility is in regular operation. *Plant tour for Stryker Engineering group is scheduled for June 2012. City Staff in conjunction with the Environmental Board is working on a sustainable native planting landscape design for the facility. Installation is planned for the Fall 2012.*

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 May - 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 Review Surface Water Levels

-Ongoing assistance with the Condominium Association to develop appropriate measures to regulate the rising water level in Hampton Wetlands Area located on the north side of West Centre Avenue and east of Angling Road. Met with MDNRE staff to determine feasible method to lower water levels. Association currently working with MDNRE permit staff on February 26, 2010 to clarify permit requirements. Lower groundwater table elevation has reduced the concerns from the Condominium Association. Conference call with MDNRE held on December 8, 2010 to discuss permit submission updates. Condo Association discussing project with other property owners for support. Association submitted a letter to City Administration asking that the city consider the Wetland Water Level Regulation a municipal project. On March 22, 2011, city staff response recommending the Association consider governmental lake board. The Association is considering next steps. No new developments.

Southwest Michigan Regional Sustainability Covenant

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

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

