Meeting Announcement and Agenda Building, Fire and Sanitary Sewer Board of Appeals Thursday, December 4, 2023 4:00 p.m. City Hall, Conference Room A

- I. Roll Call: Cline, Fleming, Kridler, Nieporte, Sommer
- II. Election of a Chair and Vice Chair
- III. Approval of Agenda:
- IV. Approval of Minutes:
 - **A.** April 12, 2022
- V. Communications:
- VI. New Business:
 - A. Case #BFS-23-01 611 & 617 E. Broadway Konwinski Construction. The applicant is seeking relief from the City's Storm Water Ordinance as it pertains to storm water detention, allowable discharge rate, and pipe sizing.
- VII. Other Business:
 - A. None
- **VIII. Old Business:**
 - A. None

All interested persons may attend and participate. Persons with disabilities needing assistance to participate may call the Personnel Office at 779-5314. A 48-hour advance notice is necessary for accommodation.



Building, Fire & Sanitary Sewer Board of Appeals-Staff Report

Case Number BFS-23-01

December 5, 2023

Reviewer: Stacie Tewari, City Engineer

APPLICANT/ PROPERTY

OWNER: Broadway 611 LLC

LOCATION: 611 E. Broadway and 617 E. Broadway

LEGAL

DESCRIPTIONS KINNEY ADD LOT 7 BLOCK 14 E 1/2 LOT 8 BLOCK 14;

KINNEY ADD LOT 6 BLOCK 14

REQUESTS: Requesting storm water management ordinance variance for a

reduction in storm water detention volume required and an increase

in allowable discharge rate due to site contamination

SITE AREA: 0.27 acres and 0.18 acres

ZONING DISTRICT: CD-4 (General Urban)

FUTURE LAND Commercial

USE:

PROJECT BACKGROUND:

The proposed project at 611/617 Broadway is to expand the existing dentist office building at the site, reconstruct the existing western parking lot, and construct new parking on the north side of the site. The city storm water management ordinance requires compliance with storm water detention requirements for any disturbed areas on the site which includes the building expansion and all parking lot reconstruction work. Detention volume is not required for the existing building to remain in place. The ordinance requires a maximum storm water discharge of 0.15 cfs/acre with a minimum 2" outlet restrictor to limit the rate of storm water discharge from the site.

City staff and the project design development team met with environmental staff from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) to discuss existing Tetrachloroethylene (PCE), an acute vapor hazard chemical, contamination in the soils at the site due to leaking chemicals from an adjacent dry cleaner business. The highest concentration of the contamination on the project site is on the western side of the existing 611 E. Broadway

building. Per EGLE, excavation of the soils on the west side of the site could cause release of hazardous vapors. Per EGLE, this PCE contamination is in highest concentrations at 611 E. Broadway, 104 E. Broadway, and 120 S. Fancher. The storm water variance may be applicable to these sites only on a case by case basis.

Per plans submitted with the variance application, the following site designs are proposed to accommodate storm water management on the site while mitigating site contamination:

- 1. Reconstruct the existing west parking lot at 611 E. Broadway utilizing the existing on site storm sewer for drainage and outlet. Storm water detention storage would not be provided on the west side to limit the excavation in the area of highest contamination. The impervious area and storm water discharge rate from the western side would be the same as the existing conditions, but would not be improved to meet current storm water ordinance requirements. A variance is required for this proposed design.
- 2. Some storm water detention volume is proposed for the building expansion and proposed new parking lot on 617 E. Broadway on the north and east sides of the site along with storm piping storage. The amount of storm water detention proposed is lower than the volume required by ordinance in order to minimize excavation in contaminated soils. The allowable discharge rate will also be exceeded based on this design. A variance is required for this proposed design.
- 3. Storm water runoff will be collected on site for the entire project area and outletted to the existing city storm sewer system in Broadway Street. Storm water runoff will not be directed off site to neighboring properties.

Existing detention volume – 0 cft Total detention volume proposed – 853 cft Total detention volume required per ordinance – 2,100 cft

Outlet size proposed – 8" west side, 8" east side Outlet restrictor required – one 2" outlet for whole site

Staff Recommendation:

Staff recommends approval of the variances for a reduction of the storm water detention volume requirements and an increase in the allowable storm water discharge rate from the site based on the proposed design plans submitted along with the variance application. Staff agrees that the proposed storm water management design balances mitigation of contamination with an overall improvement to the drainage conditions at the site from existing conditions.



OFFICE US	E ONLY
Filing Fee:	\$500.00
Appeal #_	
Submission	n Date:
Hearing Da	

APPLICATION TO THE BUILDING, FIRE, STORM WATER & SANITARY SEWER BOARD OF APPEALS

City of Mt. Pleasant - Building Safety Department 320 W. Broadway Street, Mt. Pleasant, MI 48858 (989) 779-5347 • www.mt-pleasant.org

PROPERTY/APPLICANT INFORMAT								
Property Address: 611 & 617 E. BROA			858					
Name of Company (if applicable): KC	NWINSKI CONS	TRUCTION						
Name of Applicant: ANDY THEISEN								
Applicant's Address: 1900 GOVER PARKWAY Daytime Phone: 989-621-0325 Mobile: 989-621-0325 Fax Number:								
Daytime Phone: 989-621-0325	Fax Number:							
E-mail: andy@konwinskiconst.com								
BUILDING DATA								
Gross Floor Area								
☐ New building Add	tion <u>2116 sq</u> . ft. □	Alteration .	🗆 Repa	ir Other				
Classification per Building Code								
Building Use _Business Construction	Type _ <i>V-B</i>	No. of Occu	upants <u>41</u> A	rea/Floor <u>_4096</u>	No. of Floors_1_			
PERMIT HOLDER								
Name:		ct Person:		Telephone Number:				
Konwinski Construction Inc	A	ndy Theisen		989-621-0325				
Address:	City:	State:	Zip:	Fax Number:				
1900 Gover Parkway	Mt. Pleasar	nt MI	48858					
BUILDING OWNER								
Name:	Conta	ct Person:		Telephone Number				
BROADWAY 611 LLC			T.	989-773-5299				
Address:	City:	State:	Zip:	Fax Number:				
611 E. BROADWAY ST.	MT. PLEASANT	MI	48858					
ENFORCING AUTHORITY	I =0.1			I= (
Name: Stacie Tewari	Title:	City Engineer		Telephone Number 989-779				
Address	City	41.57	Zip	Fax Number				
320 w. Broadway St.	320 w. Broadway St. Mt. Pleasant MI							
SUMMARY OF APPEAL (attach add								
Code Under Which Appeal is Sought BUILDING FIRE		t: TARY SEWER	■ STORM	WATER 01	THER			
				Provide copies of th	ne following as			
DESIRED RELIEF				appropriate:				
SEE ATTACHED				☑ Statement of Fac				
				☐ Copy of Enforcin Determination	g Agency			
BASIS OF APPEAL				☐ Supporting Mate	erial			
				□ Other				
SEE ATTACHED								

ATTACHMENT TO

APPLICATION FOR BUILDING BOARD OF APPEALS

Statement of Facts and Reasoning, Desired Relief and Basis of Appeal:

The City has a Storm Water Ordinance. The goal of the Storm Water Ordinance is to efficiently and effectively manage storm water runoff within the City limits, utilizing Best Management Practices. Under normal site conditions, this is a practice that needs to be followed to reduce the impacts of flooding, overloading aging systems and minimize sedimentation that enters the storm water system. As part of the Best Management Practices, onsite detention is required. Storm water detention helps with recharge of the groundwater system. As more and more areas are sealed off with building and parking lots, the opportunity for storm water to entire the groundwater table is reduced. However, the site at 611/617 Broadway is in an area of known soil and groundwater contamination. The primary contaminant is Tetrachloroethylene (PCE). This contaminant is an acute vapor hazard chemical. The process of groundwater recharge from a detention basin or underground detention system moves more stormwater through the contaminated soils and into the groundwater table. As more water is introduced, the contaminants are pushed farther from the source, affecting a larger area. This project has been reviewed by The Department of Environment, Greal Lakes & Energy (EGLE), Remediation and Redevelopment Division. In an email from Jeremy Boothroyd, Senior Geologist, EGLE-RRD-Bay City, he states "EGLE has reviewed the conditions in this location and have concerns that the installation of the underground storm water basin will cause a potential migration pathway for vapor intrusion which would be a violation of Section 324.20107a of Part 201 of NEREPA. Section 20107a specifically prohibits activities that would cause exacerbation of contamination."

Based on the comments by EGLE, the site plan has been redesigned to eliminate the underground detention and to avoid disturbing soils in the Western portion of the site which has tested substantially higher for the contaminant. The storm water system being proposed is designed to gather and convey the storm water off the site and limit its contact with contaminated soils and reduce the potential for ground water recharge. EGLE's Representative, Jeremy, has also reviewed the proposed revisions being presented to this Board for consideration. His email states, "I've reviewed the design and I'll preface this by stating that I'm not an engineer or experienced with blueprints like this, but I do not see anything that jumps out as an exacerbation of the current environmental issues."

It is our belief that we have complied with the requirements of Part 201 of NEREPA and that for this specific site location this is the Best Management Practices for the handling of storm water runoff.

Therefore, we are asking for relief from the City's Storm Water Ordinance as it pertains to storm water detention/retention and pipe sizing.

On behalf of our client, we appreciate your consideration.

Central Michigan Surveying & Development Company, Inc., and Konwinski Construction.

tbebee@cms-d.com

From:

Andy Theisen <andy@konwinskiconst.com>

Sent:

Monday, November 6, 2023 11:03 AM

To:

tbebee@cms-d.com

Cc:

info@cms-d.com

Subject:

RE: Set as approved by Stacie

I think the only thing missing from the application is the 2 comments from EGLE listed below as the reason we are submitting for variance.

The comments in this statement by Jeremy Boothroyd of EGLE sent via email to Andy Theisen of KCl on October 4th 2023

Jeremy Boothroyd Senior Geologist Midland/Sanilac County Project Manager EGLE-RRD-Bay City 989-891-6932 BoothroydJ@Michigan.gov

"The Department of Environment, Great Lakes & Energy, Remediation and Redevelopment Division recognizes the city's goal of efficiently and effectively managing storm water to meet the best management practices. The request for installation of a storm water basin in the location of 611/617 Broadway is in an area of known soil and groundwater contamination with the primary contaminant of Tetrachloroethylene (PCE) which is an acute vapor hazard chemical. EGLE has reviewed the conditions in this location and have concerns that the installation of the underground storm water basin will cause a potential migration pathway for vapor intrusion which would be a violation of Section 324.20107a of Part 201 of NEREPA. Section 20107a specifically prohibits activities that would cause exacerbation of contamination."

As well as the following comment from Jeremy Boothroyd, in a 10-27-23 email to Andy Theisen in response to the latest revision of the Storm Water Plan revisions resulting from the October 12th meeting with EGLE and City of MP.

Jeremy Boothroyd Senior Geologist Midland/Sanilac County Project Manager EGLE-RRD-Bay City 989-891-6932 BoothroydJ@Michigan.gov

"I've reviewed the design and I'll preface this by stating that I'm not an engineer or experienced with blueprints like this, but I do not see anything that jumps out as an exacerbation of the current environmental issues."



Andy Theisen

Vice President – Partner Konwinski Construction Inc. Mobile: 989-621-0325 www.konwinskiconst.com

From: tbebee@cms-d.com <tbebee@cms-d.com>

Sent: Tuesday, October 31, 2023 3:29 PM

To: Andy Theisen <andy@konwinskiconst.com>

Cc: info@cms-d.com

Subject: Set as approved by Stacie

Andy,

Stacie had one request. The storm line in the road right-of-way was upsized from 8" to 12".

This is the set that needs to go in for the variance. Has Shanee gotten you everything that you need on the application?

Tim Bebee

BROADWAY 611, LLC

PROPOSED SITE & STORM WATER MANAGEMENT PLAN 611 & 617 E. BROADWAY STREET, MT. PLEASANT, MICHIGAN



LOCATION SKETCH

1	-	ELD)	138.89'(M) 138.60'(R)		EAST	44"E 297.58 297.00'(R)	ND MAG NAIL	138.89'(M) 138.60'(R)		*		
	66.445'(M) 66.495'(R)	NB9"-47"	2 '-50"E 138.	93'(M)	SOUTH SOUTH	NOO"-O9"-DA	N69'-47	1 ''-50"E 138.9	3'(M)	66.625'(M) 66.495'(R)	(PLA	
Z	66.	FND 1"X1 S 0.21' E 0.26'	138.60'(R)	SOUTH 152.99'(R)	133.08'(M) (52.99'(R)	EAS	138.60'(R)	FTI	South 265.88(8) 66.495'(R) 13.	N. A	
NOC-OS-35W 265.78(M) NORTH 265.98'(R) KINNEY AVENUE KINNEY AVENUE	66.445'(M) 66.495'(R)	FND 3/4" (HELD) N89"-41		3,98'(M) R)	3	8 N	06 N89"-49	4 9'-56"E 138.9		SOUTH 2 50.0TH 2 66.525'(M) -/	ARNOLD	
265.98'(R) YAVEN	59.59 59.4	5'(M) 0'(R)	29.77'(M) 29.70'(R)		N807-	EAST 148.50	48.89'(M)	1	59.55'(M) 59.40'(R)	65.98'(R)	D STI	
ENUE	132.6		NOT-07'-38W NORTH 132	NOC-08'-09'W		TOTAL ARE 0.46 ACRE	S	SOUTH 132.99'(R)		1.33.25'(M) 1.32.99'(R)	STREET	
	99'(M)		132.99'(R)	132.99'(R)		7	. 6	52.99'(R)	LIAN	3/4" PIP	R-0-W)	5
			100	/-	di 0.70'	148.98'(M				D.04'	NE)	

CD-4 - GENERAL URBAN CHARACTI	ER DISTRICT
MAXIMUM FRONT YARD SETBACK	20 FT
MINIMUM SIDE YARD SETBACK	0 FT
MINIMUM REAR YARD SETBACK	3 FT (*)
MAXIMUM BUILDING HEIGHT	40 FT
MINIMUM LOT AREA	N/A
MAXIMUM LOT WIDTH	140 FT
MINIMUM LOT WIDTH	18 FT

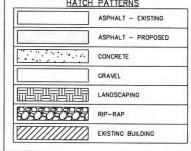
OR 15 FT MINIMUM FROM CENTER LINE OF REAR LANE OR ALLEY.

MISS DIG:
FOR PROTECTION OF UNDERGROUND UTILITIES, THE
CONTRACTOR SHALL CALL "MISS DIG"
1-800-482-7171 A MINIMUM OF 3 WORKING DAYS
PRIOR TO ANY EXCAVATION, ALL "MISS DIG"
PARTICIPATING MEMBERS WILL BE APPROPRIATELY
NOTIFIED. THIS DOES NOT RELIEVE THE
CONTRACTOR OF THE RESPONSIBILITY OF NOTIFYING
UTILITY OWNERS WHO MAY NOT BE A PART OF THE
"MISS DIG" ALERT SYSTEM.

THE UTILITY LOCATIONS AS HEREON SHOWN ARE BASED ON FIELD OBSERVATIONS AND A CAREFUL REVIEW OF MUNICIPAL AND UTILITY COMPANY RECORDS. HOWEVER, IT IS NOT POSSIBLE TO DETERMINE THE PRECISE LOCATION AND DEPTH OF UNDERGROUND UTILITIES WITHOUT EXCAVATION. THEREFORE, WE CANNOT GUARANTEE THE ACCURACY OR COMPLETENESS OF THE BURICU UTILITY INFORMATION HEREON SHOWN. ON COMPLEIENESS OF THE BURIED UTILITY INFORMATION HEREON SHOWN. THE CONTRACTOR SHALL CALL "MISS DIG" (1-800-282-717) PRIOR TO ANY EXCAVATION. THE CONTRACTOR IS RESPONSIBLE FOR VERIFYING THESE UTILITY LOCATIONS PRIOR TO CONSTRUCTION AND SHALL MAKE EVERY EFFORT TO PROTECT AND OR RELOCATE THEM AS REQUIRED. THE CONTRACTOR SHALL NOTIFY THE ENGINEER/SURVEYOR AS SOON AS POSSIBLE IN THE EVENT A DISCREPANCY IS FOUND. UNDERGROUND SERVICE LEADS FOR GAS, ELECTRIC, TELEPHONE AND CABLE MAY BE ACROSS PROPERTY, NO INFORMATION AVAILABLE PLEASE CALL MISS DIG.

			LEGEND		
			SYMBOLS		
0	BOLLARD	0	GAS RISER	٥	SOIL BORING
	CATCH BASIN (CURB INLET)	1	GUY ANCHOR	0	STORM SEWER MANHOLE
0	CATCH BASIN (ROUND)	Ħ	HYDRANT - EXISTING	0	TELEPHONE RISER
	CATCH BASIN (SQUARE)	×	HYDRANT - PROPOSED		TREE - CONIFEROUS
0	CLEAN OUT	•	LIGHT POLE		TREE - DECIDUOUS
\Rightarrow	DRAINAGE FLOW		MAILBOX	P	UTILITY POLE
E	ELECTRICAL BOX	0	MONITORING WELL	W	WATER MAIN VALVE
•	FOUND CONC. MONUMENT	(\$)	SANITARY SEWER MANHOLE	*	WATER SHUT-OFF
0	FOUND IRON		SET IRON	4	FLOOD LIGHT
X	GAS MAIN VALVE		SIGN	(3)	GAS METER

ELEC.	- BURIED ELECTRICAL CABLE					
PHONE-	BURIED TELEPHONE CABLE					
DITCH-CL-	CENTERLINE OF DITCH					
— -ru	FORCE MAIN					
	GAS MAIN					
RD-QL	ROAD CENTERLINE SANITARY SEWER STORM SEWER					
8" SAN-						
12* SS						
EX-10S	TOE OF SLOPE					
Ex-TOB	TOP OF BANK					
—оне——оне—	- UTILITIES - OVERHEAD					
utic.	- UTILITIES - UNDERGROUND					
12" WI	WATER MAIN					



PARCEL DESCRIPTION: (WARRANTY DEED, LIBER 1808, PAGE 808 & LIBER 1894, PAGE 2704)

LOTS 6, 7, AND THE EAST 1/2 OF LOT B OF BLOCK 14 OF KINNEYS ADDITION TO THE VILLAGE [NOW CITY] OF MT. PLEASANT, ACCORDING TO THE PLAT RECORDED IN LIBER 1 OF PLATS, PAGE 12 OF ISABELLA COUNTY, MICORDS, CITY OF MT. PLEASANT, ISABELLA COUNTY, MICHIGAN.

SHEET INDEX COVER SHEET EXISTING TOPOGRAPHY & DEMOLITION OVERALL SITE PLAN SITE GRADING & STORM WATER PLAN SOIL EROSION PLAN

BM #1 SET RAILROAD SPIKE IN POWER POLE ±150' NORTH OF E. BROADWAY STREET, ±139' EAST OF N. KINNEY AVENUE, AND ±10' WEST OF THE CENTERLINE OF THE ALLEY OF BLOCK

BM #2 "+" ON THE FIRST LIP ON THE WEST SIDE OF THE DECORATIVE BASE OF A LIGHT POLE $\pm 27'$ NORTH OF THE CENTERLINE OF E. BROADWAY STREET AND $\pm 132'$ EAST OF N. KINNEY AVENUE, ELEVATION = 770.44

DETAILS SHEET

BEARING BASIS: PER RECORDED PLAT, THE TO BE N89'-45'-44"E.	NORTH	LINE	OF	BLOCK	14	OF	KINNEYS	ADDITION	WAS	DETERMINE
10 BE 1489 -45 -44 E.		_	_		_				_	

SITE: 811 & 617 E. BROADWAY STREET MT. PLEASANT, MI 48858 BROADWAY 511, LLC
C/O KONWINSKI CONSTRUCTION, INC.
1900 GOVER PARKWAY
MT. PLEASANT, MI 48558
CONTACT: ANDY THEISEN
PHONE: (889) 521-0325
EMAIL: ondy@konwinskiconsl.com CLIENT:

CENTRAL MICHIGAN SURVEYING & DEVELOPMENT CO., INC. 2257 E. BROOMFIELD ROAD
MT. PLEASANT, MI 48898
CONTACT PERSON: TIMOTHY E BEBEE
PHONE: (989) 775-0756
FAX: (989) 775-5012
EMAIL: Info@ms=d.com

CHARTER COMMUNICATIONS 915 E. BROOMFIELD STREET MT. PLEASANT, MI 48858

(989) 621-4932 RANDY BUNKER rbunker@chartercom.com CONSUMERS ENERGY 1325 WRIGHT AVENUE ALMA, MI 48801 (989) 466-4282 KIM STUDT kimberly.studt@cmsene

CONSULTANT:

FRONTIER 345 PINE AVENUE ALMA, MI 48801

DTE ENERGY
4420 44TH STREET S.E., SUITE B
KEN'TWOOD, MI 49512
(616) 954-4623
MARY JO MCKERSIE
TRICKERSIEME GEREROY COM

MT. PLEASANT FIRE DEPARTMENT 804 E. HIGH STREET MT. PLEASANT, MI 48858 (989) 779-5100 EXT 5122 LT. BRAD DOEPKER, FIRE MARSHALL CITY OF MT. PLEASANT
PUBLIC WATER/PUBLIC SEWER
320 W. BROADWAY STREET
MT. PLEASANT, MI 48858 (989) 779-5404 STACIE TEWARI, CITY ENGINEER

CITY OF MT. PLEASANT
PLANNING & ZONING
320 W. BROADWAY STREET
MT. PLEASANT, M 48658
(889) 779-5348
MANUELA POWDAYKO, CITY PLANNER
mpowidoyko@mt-pleasant.org

DRAIN COMMISSIONERS OFFICE ISABELLA COUNTY BUILDING 200 N. MAIN STREET ROOM 140 MT. PLEASANT, MI 48857 (989) 317-4072 ROBERT WILLOUGHBY drain Sisabellacounty.org



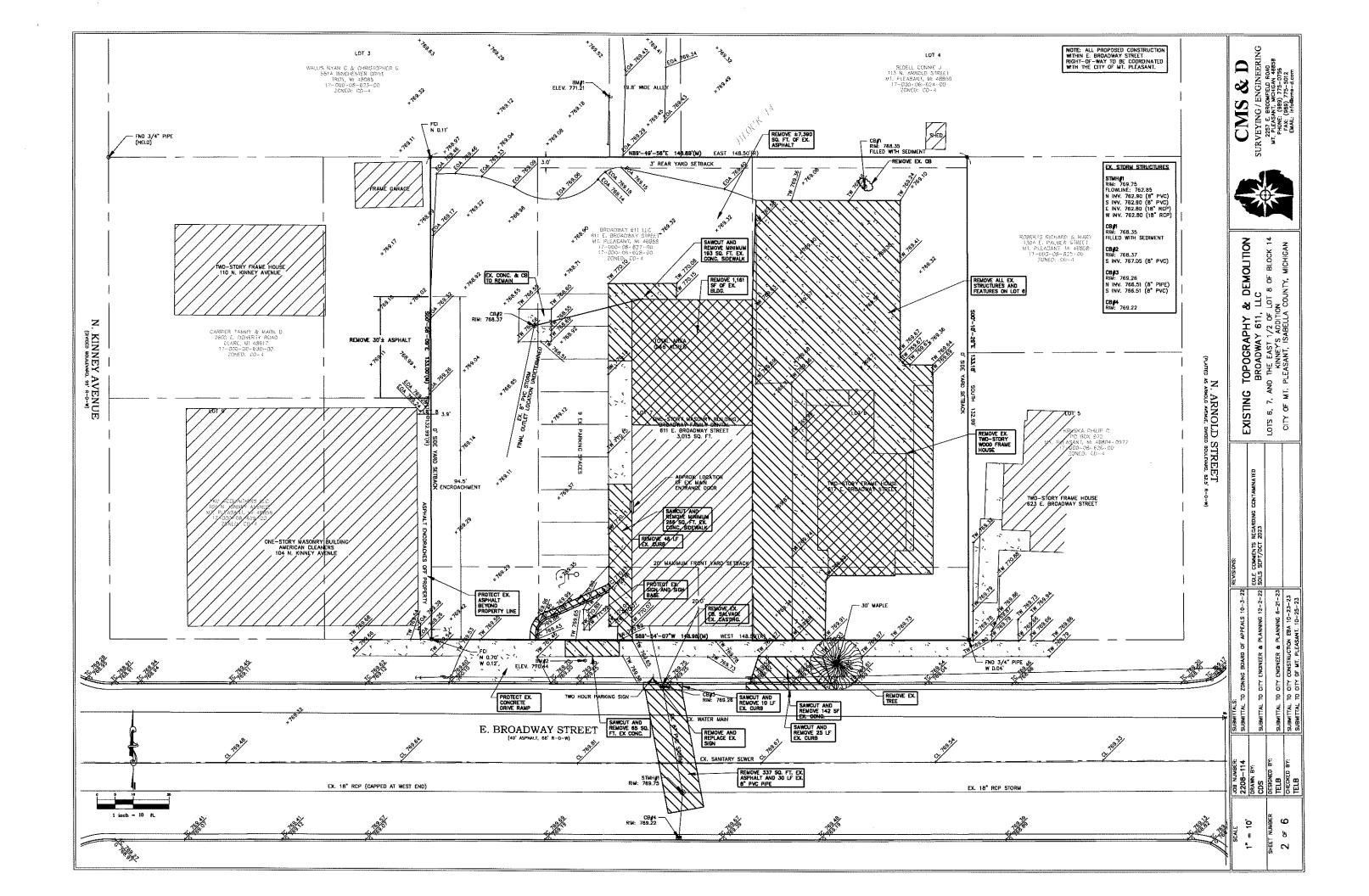
B COVER SHEET
BROADWAY 611, LLC
AND THE EAST 1/2 OF LOT 8 OF 8
KINNEYS ADDITION
T. PLEASANT, ISABELLA COUNTY, M P

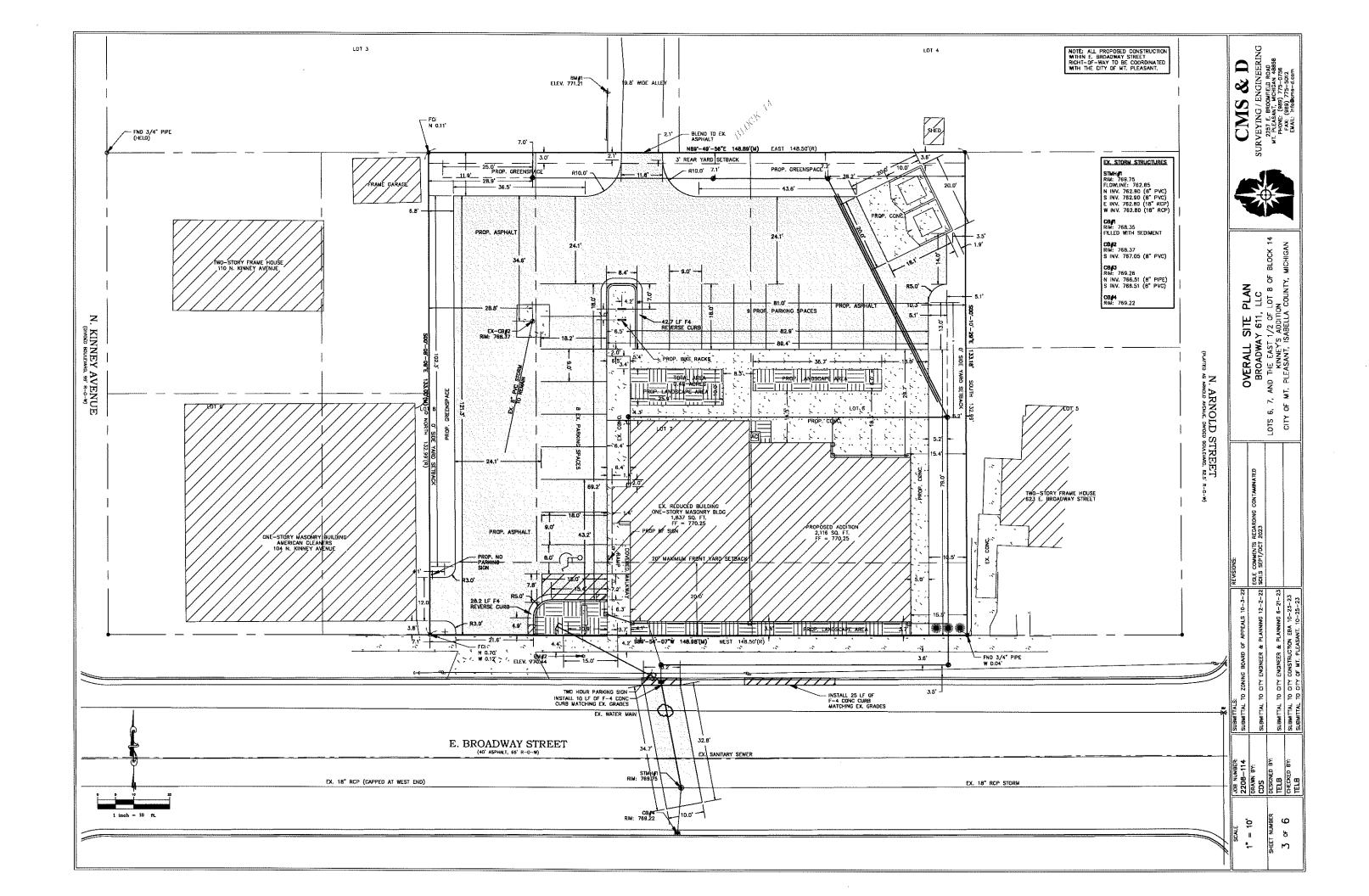
COMMENTS SEPT/OCT

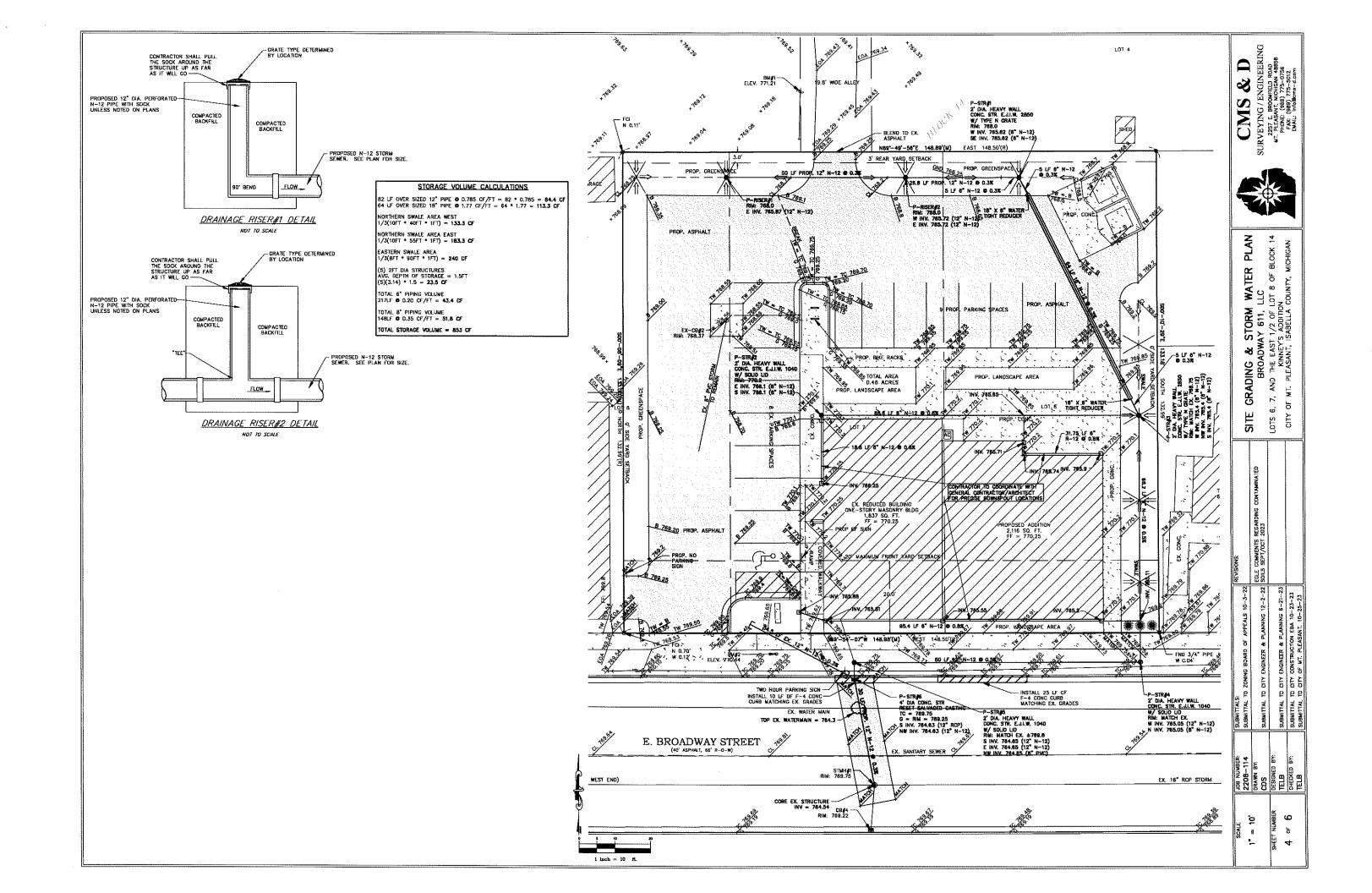
9

P

N/A







MICHIGAN UNIFIED KEYING SYSTEM

SOIL EROSION & SEDIMENTATION CONTROL MEASURES

P = PERMANENT T = TEMPORARY

KEY	DETAIL	CHARACTERISTICS
2	Establish Erading & Disping	Notes can be obserted in minimize excellen Finites alopus winet excellen problems
7	Hydra-sercing	Effective on longe areas Maket tracking agent count to provide improvedints protection until grows in mosted Should include proposed topposit bast
10	Mitching	Used state to protect exposed creek for short puriods: Protects solf from hopest of falling rate Protects only mobilizers and protects gathlinetts; small from temperature inclumes:
15	Poréng	Protects areas which connet alternate he professed, but horsesse current volume and relocity irregular murisos sels help since velocity
24	Grand Milswy	Shieh more stable from of devloopings then bern channel Greek lands to slow moved and filter out endingent Used where have channel would be araded
35	Storm Store	System removes collected numerifiers site, participally from paints areas Can except large semanentrolless at numerificant content of the content of the number of the content of the cont
36	Catah Basin, Orain Intel	Callects high welocity concentrated runself lifey use filter drots over blast

