AGENDA

The City of Auburn Hills
Planning Commission Meeting
Wednesday, May 11, 2016  7:00 p.m.

LOCATION: City Council Chamber
1827 N. Squirrel Road  Auburn Hills MI
PHONE: 248-364-6900  www.auburnhills.org
Meeting minutes are on file in the City Clerk’s office.

1. MEETING CALLED TO ORDER
2. ROLL CALL OF PLANNING COMMISSION
3. PERSONS WISHING TO BE HEARD (regarding items not on the agenda)
4. APPROVAL OF MINUTES – April 13, 2016
5. PETITIONERS
   5a. Dana Corporation
       Motion - Recommendation to City Council for Site Plan and Tree Removal Permit approval to construct a building addition.
   5b. Dutton Corporate Centre
       Public Hearing / Motion - Recommendation to City Council for Revised PUD Step One – Concept Plan approval.
   5c. Summit Place Kia of Auburn Hills
       Motion - Recommendation to City Council for PUD Step Two – Site Plan approval to construct an automobile dealership.
6. OLD BUSINESS
7. NEW BUSINESS
8. COMMUNICATIONS
9. NEXT SCHEDULED MEETING – Wednesday, June 8, 2016 at 7:00 p.m. in the City Council Chamber
10. ADJOURNMENT

NOTE: Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk’s Office at 248-370-9402 or the City Manager’s Office at 248-370-9440 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements. If you wish to receive the Planning Commission meeting agenda on a regular basis via e-mail please call 248-364-6900 and request to be added to the distribution list.

IMPORTANT NOTICE TO PETITIONERS

Items will be presented to the City Council on May 23, 2016. It will be necessary for you to have a representative present to answer any questions from the City Council. CITY COUNCIL WILL NOT ACT ON YOUR ITEM IF YOU OR YOUR REPRESENTATIVE ARE NOT PRESENT.
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7:00 p.m.

2. ROLL CALL OF PLANNING COMMISSION:
   Present: Beidoun, Burmeister, Mendieta, Ochs, Ouellette, Pierce, Shearer
   Absent: Hitchcock, Justice
   Also Present: Assistant City Planner Keenan
   Guests: 9

   LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

3. PERSONS WISHING TO BE HEARD - None

4. APPROVAL OF MINUTES
   Moved by Mr. Beidoun to approve the minutes of March 16, 2016.
   Supported by Ms. Ochs

   VOTE: YES: All
   NO: None
   Motion Carried (7-0)

5. PETITIONERS

   5a. Aqua Tots of Auburn Hills (7:03 p.m.)
   Public Hearing / Motion - Recommendation to City Council for Special Land Use Permit and Site Plan approval to renovate the existing Applebee’s restaurant into an indoor recreational facility.

   Mr. Keenan introduced the request from Abro Design Group to renovate the former Applebee’s restaurant located at the Auburn Mile Shopping Center into an indoor recreational facility. He indicated the parcel is located between Meijer and I-75 and zoned B-2, General Business district.

   Mr. Keenan stated the renovation includes the construction of a 2,708 square foot building addition to the east side of the existing building where the swimming pool will be located. He noted the developer has agreed to prep the parking lot for two electric vehicle charging stations.

   Mr. Keenan indicated the total investment for this project is estimated between $800,000 and $900,000. The renovation is expected to begin this spring with completion expected to take six months to complete.

   Mr. Brian Tomina, of Aqua Tots, 846 E Big Beaver Rd. Troy, MI indicated how excited they are to start this business and be a part of the Auburn Hills Community. They had the option to choose between Lake Orion and Auburn Hills and they decided Auburn Hills was the better choice.

   Mr. John Abro, Abro Design Group Architecture, 30600 Northwestern Hwy, Suite 310, Farmington Hills MI 48334, did want to note a correction regarding the electric car stations. There will not be eight stations, only two and Mr. Keenan noted the correction. This will be the fifth location in Michigan owned by Mr. Tomina.

   Ms. Shearer asked how big the pool will be and Mr. Tomina responded it will be approximately 1,800 square feet and will be fully enclosed with glass so that the children will be completely visible to parents and workers at all times. She also asked if it would be membership based and Mr. Tomina responded yes, it is a monthly fee based on the number of lessons per week desired, and one month’s notice is required to cancel membership.

   Mr. Pierce asked if Mr. Tomina had any other locations besides Michigan and he responded they are building one in Costa Mesa, California. Aqua Tots is a franchise with 54 locations nationwide with 20 more currently in the works. Mr. Tomina himself owns 7 of the stores. Aqua Tots has been in business since 1991. He believes the
environment is a safer alternative to teaching children how to swim rather than a public pool and he is very committed to having a clean, well-cared for facility.

Mr. Burmeister asked about competitors and Mr. Tomina advised Goldfish Swim School is their biggest competitor. There is one in Lake Orion and one in Rochester. Mr. Burmeister commented that the Rochester location always appeared to be very busy.

Mr. Ouellette wanted reassurance from Mr. Tomina that the trees that needed to be replaced will be replaced. He responded yes, but was concerned that the location near I-75 might obscure the building. Mr. Keenan clarified that it is an ordinance requirement to have the trees along the roadway. There can be further discussion about alternate locations of the two trees identified to be planted in the southeast corner, along I-75, that will provide a better view of the building for those traveling north on I-75.

Mr. Burmeister was curious about exactly what the signage would look like and Mr. Tomina stated they will have something prepared within a month to present. The site plan shows approximately where the sign will be placed but the specifics are not known just yet.

Mr. Ouellette inquired about the hours of operation and Mr. Tomina stated it will be a 7 day a week operation and with hours from 10 a.m. to 8 p.m. Closing time on Sunday will probably be a little earlier—possibly 3 p.m.

Ms. Ochs asked about party/activity rentals and Mr. Tomina responded that there will be those opportunities. Birthday parties are popular and they also work with physical rehabilitation groups who may wish to utilize the pool. No food is prepared on site. The party goers bring in their own food. Only a small snack bar with cookies, chips and drinks will be on site.

Mr. Ouellette wanted to know about the level of training the instructors receive. Mr. Tomina explained a 6-8 week, very extensive training program is provided. Master Swim Instructors provide the training. Besides the swim instructors there is also an on-deck supervisor always present during lessons. The extensive training is actually one of the downsides to this type of business. Abundant time is invested in the training and then the trainee, who is usually high school or college aged, moves on to other career opportunities. But it is something that is required, obviously, for the safety of the patrons.

Ms. Ochs commented on Mr. Tomina’s enthusiasm and asked where he developed it. Mr. Tomina responded that it was his sister who planted the seed when she worked at the Goldfish Swim School and they discussed starting their own franchise. He enjoys the concept of the business but also takes it very seriously as there is the whole aspect of child safety involved. Knowing that a child may survive a fall into a body of water because of the skills they learned at their facility is very rewarding.

Mr. Beidoun inquired about the usage of city water and how often the pool is drained. Mr. Tomina stated city water is utilized and the pools are drained completely twice a year. They follow the very strict guidelines set by the county health departments and the chemical levels are monitored by a professional company. There are two chemical rooms on site that are properly ventilated and there isn’t as many chemicals stored on site as most people would assume.

Mr. Mendieta asked about incidents at other locations where medical intervention was necessary. Mr. Tomina stated only one incident has occurred to his knowledge and it was not pool or swimming related. A child had a seizure outside of the pool area and rescue services had to be called. Mr. Mendieta commented on all the positive reviews he has read online about the business.

Chairperson Ouellette opened the public hearing at 7:26 p.m.

Chairperson Ouellette closed the public hearing at 7:26 p.m.

Moved by Ms. Shearer to recommend to City Council approval of the Special Land Use Permit and Site Plan to renovate the existing Applebee’s restaurant into an indoor recreational facility subject to staff and consultants conditions.
Supported by Ms. Ochs
VOTE: YES: Beidoun, Burmeister, Mendieta, Ochs, Ouellette, Pierce, Shearer
NO: None

Motion Carried (7-0)
6. OLD BUSINESS None

7. NEW BUSINESS None

7a. Discussion - Dutton Corporate Centre (7:30 p.m.)

Introduction of new owner, update on the status of the project, and overview of changes proposed to the project's concept plan and Development Agreement.

Mr. Keenan explained that the City has been working with the New Owner of Dutton Corporate Centre for a few months to fix the development agreement to allow the new owner to be successful. Staff believes this was necessary since there has been great changes since the great recession. Staff believe the proposed amendments to the development agreement is a win, win for both the City and the new owner and will help foster the development of the site.

Mr. Keenan noted the revised concept plan is being provided to the Planning Commission today to give the Commission time to receive and review the plan before it is brought back to you on May 11. There have been some changes to what was approved back in 2006 and 2007.

Mr. Keenan indicated the agreement will allow for principle permitted uses in the B-2 district and outdoor recreational facilities on the west portion of the area at the discretion of the City Council and Planning Commission review and recommendation. The light industrial area in the center will allow for principal uses allowed in the T&R and I-1 districts. The T&R area to the east remains basically the same but does allow for a slightly taller building. The grade is much lower in that area.

Mr. Keenan provided an overview of some of the proposed amendments which include: 1) The City secures a larger open space area across from the residents along Bald Mountain road, which will include a trail system for employees and residents. The trail system will be maintained by the association; 2) The removal of the temporary access drive off Bald Mountain Road; 3) Finalizing the paving of Interpark Drive, completion of the pathway along Lapeer Road, additional tree plantings for a buffer at the corner of Dutton and Bald Mountain Road; 4) The owner has provided an easement for the City's tree nursery, in exchange for a reduction of required tree plantings; 5) No gas drilling.

Mr. Keenan also noted that the new owner wishes to build a Kia Dealership at the southeast corner of Lapper Road and Interpark Drive.

Chairperson Ouellette invited Mr. Richard Lalonde to the podium.

Mr. Richard Lalonde, Summit Place Auto Group, currently owns two locations and is excited to be moving to this new location as are the employees. One of the current locations in Waterford near the old Summit Place mall is not in an exciting location and they have outgrown the facility. His two dealerships are the number one and number two dealerships of all Kia dealerships in Michigan. They outsell Toyota and Honda. He is very familiar with this area and when he saw the For Sale Sign on the property he knew he wanted to be here. Taking on all the acreage, more than he really needed for his dealership, is a challenge but one he is very willing to take on. He is very confident in his entire team. They are committed to beautifying the frontage along Lapeer and Dutton Roads and filling up the existing strip mall and they are excited to get started.

Mr. Ouellette asked if there are specific businesses that usually follow a car dealership and Mr. Lalonde responded that the long term vision is to build a motor mall here but having the strip mall there would definitely help. One could drop their car off for service and then walk over to the strip mall that may contain a café, a hair salon, a fitness center, etc. The options are endless but the number one priority is the dealership for him. That is his focus.

Mr. Beidoun asked if the dealership would be full service and only a Kia dealer. Mr. Lalonde responded that it will be full service and only Kia vehicles would be sold. The floor plan calls for 16 service bays and a car wash. The building is made of only high quality materials and the outside lighting is unobtrusive.

Ms. Ochs inquired about the storage of the vehicles and wanted to know if cars would be stored behind the building. Her home is located very close to the back of the property and she is concerned about the lighting. Mr. Lalonde is fine with not having any lights at all but it is the police department’s recommendation to have at least dim lighting at night for security reasons. He does not believe lighting will be necessary for the back of the building.
Ms. Ochs also wanted to know exactly when the walking paths would be completed. Mr. Keenan clarified that it is actually the developer that will be completing the walking paths and the City will be enhancing the landscape along Bald Mountain Road which will include planting additional trees and moving some of the trees in the gaps to improve the screening.

Mr. Burmeister asked if there would be used car sales and Mr. Lalonde answered yes. That is something that the Clerk’s Office oversees. He asked if there would be any fencing and Mr. Lalonde responded that it would not be fenced at all.

Mr. Pierce inquired if the original development agreement goes with the land and the purchaser of the land must go along with it. Mr. Keenan responded that it does but it has been amended with those changes noted in the agreement as it relates to the car dealership. Mr. Pierce wanted reassurance that the only outside storage would be the cars for sale and that was all. Mr. Lalonde replied it would only be those cars and nothing else. Mr. Pierce wondered how many phases there might be in the project. Mr. Keenan stated the dealership is phase one and anything else after that would be considered a different phase.

Ms. Ochs asked if the development name, Dutton Centre, was going to remain in place and Mr. Lalonde responded that at some point it will probably be changed but it is not something that has to be done now.

Mr. Ouellette and Mr. Lalonde discussed LEEDS Certification as it relates to the environment. Mr. Ouellette feels it would be very beneficial for Mr. Lalonde to pursue the certification. Mr. Lalonde explained his business isn’t quite large enough to support having the certification but they definitely explore environmentally friendly practices when building the buildings whenever possible as well as what utilities to put in place. Mr. Keenan interjected that just having this development built on a former landfill is a huge environmental accomplishment. Mr. Ouellette then asked if there was a time line for the development of the entire site—not just the dealership. Mr. Lalonde stated that there is not a definite time line but if for some reason he was unable to develop the rest of the acreage, he is more than willing to plant trees on the rest of the property and not leave it barren.

8. COMMUNICATIONS - The NE Corner Master Plan will be discussed again at the June meeting. Also, there is information in the packet regarding the Golden Triangle development that is being discussed by City Council.

9. NEXT SCHEDULED MEETING - Wednesday, May 11, 2016 at 7:00 p.m. in the City Council Chamber

10. ADJOURNMENT - The meeting was adjourned at 8:13 p.m.

Respectfully Submitted,

Christy Worrell
Clerk III
To: Chairperson Greg Ouellette and the Planning Commission
From: Shawn Keenan, Assistant City Planner
Submitted: May 6, 2016
Subject: Dana Corporation

Motion - Recommendation to City Council for Site Plan and Tree Removal Permit approval to construct a building addition.

INTRODUCTION
This is a request from Dana Corporation to construct a 46,400 square foot building addition on the existing industrial building located at 4440 North Atlantic Boulevard. The site is 7.86 acres in size and zoned I-1, Light Industrial.

The plans include the construction of a 46,400 square foot building addition on the east side of the existing 88,000 square foot manufacturing facility. An additional 47 parking spaces are provided as a result of the building expansion. Dana currently employs 125 people at their facility. The expansion is expected to create 25 new jobs, raising the number of on-site employees to 150.

Dana Holding Corporation is an American-based worldwide supplier of powertrain components such as axles, driveshafts, off-highway transmissions, sealing and thermal-management products, and service parts.

Total investment in the project is estimated at $3 million. Construction is expected to begin in June 2016 with completion expected to take place in December 2016.
KEY ISSUES

1. Fire Lane
   A 20 foot wide access easement, along the east property line, is being sought from ABB to provide room for the 20 foot wide fire lane located along the east side of the building. The fire lane is required to assure adequate firefighting coverage is provided around the building. If the fire lane connection is not granted by ABB the owner shall purchase land or obtain an easement east of the site and provide an emergency vehicle turn around.

2. Plug-In Electric Vehicle Ready Development
   To assist the City in its effort to prepare for alternate fuel vehicles, the Developer has agreed to prep the parking lot for two electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

STAFF RECOMMENDATION

Please be advised that this project has been reviewed by the City’s Administrative Site Plan Review Team (consisting of the City Manager, Police Department, Fire Department, Community Development Department, Department of Public Works, and Engineering Consultant) and has received a recommendation for approval.

We recommend Conditional Approval of the Site Plan and offer the following discretionary findings of fact:
1. The Site Plan contains sufficient basic information required by the Zoning Ordinance for a recommendation.
2. The requirements of Section 1815, Items 7A-7E of the Zoning Ordinance can be met as follows:
   A. All requirements and standards of the Zoning Ordinance, and other city Ordinances, can be met.
   B. Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to North Atlantic Boulevard.
   C. Traffic circulation features within the site and the location of parking areas avoid common traffic problems and can promote safety.
   D. A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   E. The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
3. Based upon the project’s total square footage, 164 parking spaces are required and 171 parking spaces are depicted.
4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (Six spaces are required and six spaces are provided). Two spaces are van accessible.
5. Building and parking setback requirements will be met.
6. Greenbelts will be provided.
7. Landscape requirements will be met and calculations have been submitted.
8. A note indicates that exterior lighting shall meet the requirements of the Zoning Ordinance. Pole and wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields. No new light poles are proposed.
9. A note indicates that signs shall meet the requirements of the Zoning Ordinance.
10. A note indicates that parking spaces shall be double striped.
11. Ground-mounted and roof-mounted mechanical equipment will be screened.
12. A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage.
13. An eight foot wide pathway should be constructed along North Atlantic Boulevard, as identified in the City’s Non-Motorized Pathway Plan. A sidewalk should be provided between the building and the pathway in an effort to meet the City’s Complete Streets initiative.
14. A Tree Removal Permit is not required.

The developer has submitted a USGBC LEED checklist identifying a number of green/sustainable design elements being incorporated into the development. At this time the owner is not proposing to pursue LEED certification.
15. The developer has agreed to prep the parking lot for two electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

Condition:
1. The developer shall construct an eight foot wide pathway along North Atlantic Boulevard, as identified in the City’s Non-Motorized Pathway Plan. Plans shall be submitted during engineering. If feasible, sidewalks shall be provided from the building to the pathway.
2. The developer shall acquire the necessary easement and/or land to construct the required Fire Lane along the east side of the building.

The developer has agreed to prep the parking lot for two electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

Recommended Action:
“Move to recommend to City Council approval of the Site Plan to construct a building addition, subject to staff and consultants conditions.”
Development Application

DANA CORPORATION
Project Name: BUILDING ADDITION

General Project Location: AUBURN HILLS CORPORATE CENTER

Parcel Size: 7.86 ACRES Zoning: I-1

Sidwell Number(s): 02-14-24-200-029 04-

Project Description: LIGHT MANUFACTURING BUILDING ADDITION

BUILDING SIZE (sq. ft.): EXISTING BUILDING = 98,000 SF PROPOSED ADDITION = 46,000 SF

Check requested review(s)

☐ Site Plan
☐ Tree Removal Permit
☐ Special Land Use Permit(s)

☐ Land Division
☐ Land Exchange

☐ Subdivision
☐ Planned Unit Development - Step 1/Step 2/Combined
☐ Rezoning ___________ to ___________
☐ ZBA Variance or Interpretation
(see supplemental application)
☐ Other ________________________________

Name: J. BENNETT DONALDSON
Signature: ______________________________

Business Name and Address: J.B. DONALDSON COMPANY - 37612 HILLCREST TECH DRIVE

City: FARMINGTON HILLS State: MI Zip Code: 48331 Phone Number: 248-344-9045

Fax Number: 248-536-2353 Alt. Phone Number(s): ________________________________

Name: ________________________________ Signature: ______________________________

Business Name and Address: DANA HOLDING CORPORATION - 4440 NORTH ATLANTIC BOULEVARD


(Provide additional sheet if necessary for multiple property owners)

Please contact the City of Auburn Hills Community Development Department,
1827 N. Squirrel Road, Auburn Hills, MI 48326 / Phone: 248-364-6900 / Fax: 248-364-6939
Home Page Address: http://www.auburnhills.org

INV. # 7685 2-01-10 Version # 3915.00

City Use Only
Address: 4440 N. Atlantic Blvd
Date Received: 4-13-14
Fees Paid: 3915.00
Sign(s) Escrow: 16,000
SP #: 16,000
SLU #:(s): ______________________________
LD/LE/SUB #: ______________________________
RZ #: ______________________________
PUD #: ______________________________
ZBA #: ______________________________
**Planning Commission**

**Public Notice**

**Meeting Date, Time, and Location:**
- **Wednesday, May 11, 2016 at 7:00 p.m.**
- City of Auburn Hills - City Council Chambers
  1827 N. Squirrel Road, Auburn Hills, MI 48326

**Project Name:** Dana Corporation

**General Property Location:**
- 4440 North Atlantic Boulevard
  - Sidwell No. 14-04-200-029

**Applicant:**
- Bennett Donaldson, J. B. Donaldson Company – 248-344-9045

**Nature of the Request:**
- Recommendation to City Council for Site Plan and Tree Removal Permit approval to construct a building addition.

**City Staff Contact:**
- Shawn Keenan, AICP
  - Assistant City Planner - 248-364-6926

Notice will be sent via U.S. Mail to properties within 1,000 feet of the site. The proposed application is available for inspection prior to the meeting at the Community Development Department, located in the municipal campus at 1827 N. Squirrel Road, Auburn Hills, MI 48326, during regular City business hours.

Persons wishing to express their views may do so in person at the meeting, or in writing addressed to the Planning Commission c/o Shawn Keenan, Assistant City Planner at the above address.

Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-370-9402 or the City Manager's Office at 248-370-9440 - 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.

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**LOCATION MAP**
May 4, 2016

Mr. Shawn Keenan, AICP
Assistant City Planner
CITY OF AUBURN HILLS
1827 Squirrel Road
Auburn Hills, Michigan 48326

RE: Dana Corporation Building Addition
PSP16-0006

Dear Mr. Keenan:

We have completed the site plan review for the above referenced project with respect to grading, paving, storm drainage/detention, and availability of municipal utilities to serve the site. The site plan, received by this office on May 3, 2016 was prepared by PEA, Inc. The review comments are noted below.

PERMITS:
Various permits will be required for this site, including but not limited to the following:
- Soil erosion permit from O.C.W.R.C.
- Water main extension permit from M.D.E.Q.
- Cross-access and grading easements from adjacent ABB site

GENERAL/PERMITS:
The site is located on the east side of N. Atlantic Blvd. south of Brown Rd. The applicant is proposing to construct a 46,400 sq. ft. single story manufacturing/warehouse addition to the existing Dana Corporation building. The addition will attach to the east end of the building and include light manufacturing facilities. As part of the site improvements they plan to relocate three loading docks, seven (7) parking spaces and a concrete pad for argon/carbon dioxide storage. The proposed parcel along with the adjacent surrounding properties is zoned, Light Industrial (I-1). A complete legal description of the parcel is shown on the plan. The City of Auburn Hills Standard Notes and Fire Department Notes are included on the plans. A landscape plan was included in the plan set and appears to be acceptable. The Auburn Hills Standard Details were not included in the plan set and will need to be included in the engineering review submittal. Further, a soil erosion and sedimentation control plan is needed for engineering review. A soil erosion permit from O.C.W.R.C. will be required for this site.

MUNICIPAL UTILITIES:
A 12-inch water main is currently located interior to the site along the south and east property lines within a 12-foot wide dedicated easement. The plan proposes to remove existing 8 and 12-inch water main within the influence of the proposed addition and replace a portion to re-connect to the south. Several existing hydrants are to be removed and relocated. A proposed easement is indicated for the proposed section of water main. Approval for the proposed fire hydrant locations must be received from the Auburn Hills Fire Department.
An existing 10-inch sanitary sewer runs along the site’s north property line. The building is currently serviced by a 6-inch sanitary lead which extends from the existing run at the north west corner of the existing building. The applicant does not propose any alterations to the sanitary sewer on site.

STORM SEWER AND DETENTION:
An existing storm sewer system (12-inch to 18-inch to 24-inch) exists within the parking and drive areas. The plan proposes to remove existing storm sewer within the influence of the building addition, add a catch basin at the upstream end and a trench drain at relocated loading docks. The site is part of a regional detention area that is located to the north on the ABB Robotics site. The storm water ultimately outlets into the Brown Drainage District, which has an allowable discharge of 0.1 cfs/acre. A comparison table of site overall imperviousness is shown on the plan and indicates proposed condition to be slightly higher than existing condition and below original design calculations which is accommodated within the regional detention basin.

PAVING/TRAFFIC:
Internal site traffic patterns are to remain unchanged with the exception of a proposed emergency access only road to facilitate fire department access to the rear of the site. The drive details shall be in accordance with fire department requirements. The plan proposes to remove the large concrete paved area, east drive and concrete curbing adjacent to the rear loading docks that are within the influence of the proposed building addition. The loading docks are to be re-located adjacent to the existing loading area along the south building wall along with a replacement concrete truck well. Additionally, a 150 ft. long heavy duty asphalt extension of the south drive, a relocated landscape island and seven (7) parking spaces which include concrete curb and gutter are proposed. Pavement cross-section details have been provided and appear to be in compliance with City standards. Parking spaces are dimensioned in the plan set.

GRADING:
Existing and proposed grades are indicated with spot elevations and contours. The finish floor of the proposed addition is provided and is consistent with the existing building’s finish floor. The proposed grading does not appear to substantially alter the existing drainage pattern. The site drains into a series of catch basins internal to the site’s parking lot and the existing drainage pattern is to the north. Pavement slopes are to remain between 1% and 6% for drive areas, and between 1% and 4% for parking areas. Based on the site’s proposed grading, retaining walls will be required in two locations, alongside the relocated truck dock and off the northeast corner of the building addition to accommodate grading for the site’s emergency access road. Specific wall details will need to be provided at engineering review. A grading easement is required from the adjacent property owner for the emergency access road.

RECOMMENDATIONS:
The site plan is in substantial compliance with City of Auburn Hills requirements, and has been stamped “Approved” by our office. We ask that the site plan approval acknowledge the following:

1. The site improvement plan, designed in accordance with Ordinance No. 806, shall be submitted to the City for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

If you have any questions or are in need of any further information, please feel free to contact our office.
Sincerely,
OHM Advisors

Melanie Sobas
Melanie Sobas for Timothy J. Juidici P.E.

Transmitted via e-mail to Shawn Keenan: May 4, 2016
cc:       File

PA\0101_0125\SITE\AUBURNHILLS\CITY\2016\0120161100_DANA BUILDING ADDITION\_MUNI\SITE\SP_RFA\1.DOCX
TO: Mr. Shawn Keenen
FROM: Lieutenant Ryan Gagnon
SUBJECT: Site Plan Review for Dana Corporation
DATE: May 6, 2016

I have reviewed the site plans for the expansion of the Dana Corporation building, located on North Atlantic Dr. in Auburn Hills. We have no objections to the building project as presented in the plans.
Official Memorandum

To: Shawn Keenan, Assistant City Planner
From: Joshua Boyce, Fire Inspector
Date: 5/6/16
Re: Site Plan SP160006

PROJECT: DANA Corporation, 4440 North Atlantic, East building expansion

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<th>APPROVED</th>
<th>XXX</th>
<th>APPROVED</th>
<th>Subject to the following:</th>
<th>DENIED</th>
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Conditions:

1. A 20 foot wide access easement, along the east property line, is being sought from ABB to provide room for the 20 foot wide fire lane located along the east side of the building. The fire lane is required to assure adequate fire-fighting coverage is provided around the building. If the fire lane connection is not granted by ABB the owner shall purchase land or obtain an easement east of the site and provide an emergency vehicle turn around.

Joshua Boyce
Auburn Hills Fire Department
Fire Inspector
CALL TO ORDER: Mayor Harvey-Edwards called the City Council Meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL: Present. Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Kittle, Knight, Newkirk, Sendegas
Absent. Council Member McDonald
Also Present. City Manager Ross, Assistant City Manager Tanghe, Assessor Bennett, City Clerk Shannon, Community Development Department Director McBroom, Department of Public Works Director Culpepper, Fleet Manager Skinner, Police Deputy Chief Mynsberge, Recreation Director Marzolf, City Engineer Westmoreland, Brownfield Redevelopment Authority Chair Capen, Tax Increment Finance Authority Chair Bennett, City Attorney Beckerleg
23 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

8. NEW BUSINESS

8c. Public Hearing on Request from Traction Integration Technologies, Inc. (formerly Spicer Driveshaft) for an Industrial Facility Exemption Certificate

Mr. Bennett presented his July 2, 2003, memo to the City Manager as follows:

An application has been submitted for an Industrial Facility Exemption Certificate by Dana Corporation, on behalf of Torque Traction Integration Technologies, Inc, for a facility to be located on North Atlantic. The name on the original application which was submitted late in 2002 was Spicer Driveshaft Assembly, Inc.

The application was scheduled for review before the Tax Abatement Review Committee at a meeting scheduled on January 14, 2003. However, due to questions about the eligibility of the facility under the city’s policy, the matter was tabled.

The matter was presented again to TARC at the June 11 meeting. After much discussion and dialogue with the company representative the TARC determined that the applicant did not meet the requirements of the current policy which was adopted in July, 2002, but that they would have meet the requirements of the old policy. The committee felt that there were extenuating circumstances which caused the company not to file the application under the old policy and they recommended that an exception should be made for the application and that an abatement be granted, but at a reduced term of 3 years.

If council chooses to follow the recommendation of the TARC, and approve an IFEC for 3 years, I have prepared and attached a resolution.

Ms. Harvey-Edwards opened the public hearing at 8:56 p.m.

Mr. Bennett referenced the timeline provided by the petitioner in answer to Mr. Pillsbury’s inquiry as to why the petitioner was unable to meet the application deadline. There followed an extended discussion on the petitioner’s efforts to get his application ready related to the timing of the City’s tax abatement policy change in July, 2002.

Ms. Harvey-Edwards pointed out that, had the abatement policy not been changed, the petitioner still would have missed the October deadline to qualify for a 2002 abatement. Since 2002 was the last year that abatements would have been granted under the former abatement policy, the petitioner would not have been eligible. Mr. Bennett verified the preliminary application was submitted by the petitioner in August, 2002. Ms. Harvey-Edwards indicated a willingness to change her position, given that the preliminary application was submitted prior to the October, 2002, deadline.
Mr. Kittle stated that, based on extenuating circumstances, he would be inclined to approve the TARC’s recommendation of a three year abatement. He also commented that, because of the competitiveness of the current market, he would prefer to see the company in Auburn Hills rather than elsewhere.

Mr. Ken Andress, Dana Corp., clarified that the company will not be creating new positions, but, rather, transferring 200 employees from Pontiac. He noted, in response to a question from Ms. Sendegas, that the company did not qualify for a MEGA grant because of a deficiency of new positions.

Mr. Tom Giles, plant controller, indicated the company will have opportunities for local workers for maintenance positions.

There being no further comments, Ms. Harvey-Edwards closed the public hearing at 9:15 p.m.

Moved by Mr. Knight to adopt the following resolution approving an Industrial Facilities Exemption Certificate for Torque Traction Integration Technologies, Incorporated for three (3) years:

WHEREAS, the City of Auburn Hills has established an Industrial Development District on the day of 5th day of August, 1985 commonly referred to as the Anthony-Bennett Properties Industrial Development District; and

WHEREAS, an owner of property within said Industrial Development Districts has made application for an Exemption Certificate with the Clerk of the City of Auburn Hills pursuant to the requirements of Act No. 198, Public Acts of 1974, as amended, and

WHEREAS, the Clerk has notified in writing the Assessor of the City of Auburn Hills and the legislative body of each taxing unit which levies ad valorem property tax within the City of Auburn Hills and given notice to the general public so that they shall be afforded an opportunity to be heard at this public hearing to determine whether the Industrial Facilities Exemption Certificate shall be approved or disapproved; and

WHEREAS, said public hearing having been held on the 7th day of July, 2003, at a regularly scheduled meeting; and

WHEREAS, comments on granting of the Industrial Facilities Exemption Certificate were heard and considered; and

WHEREAS, it is hereby found and determined by the City of Auburn Hills Council that the granting of this Industrial Facilities Exemption Certificate, together with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force, shall not have the effect of substantially impeding the operation of the City of Auburn Hills, or of impairing the financial soundness of a taxing unit which levies an ad valorem property tax in the City of Auburn Hills, though it is further found and determined by the City Council that the granting of this Industrial Facilities Exemption Certificate considered with the aggregate amount of the Industrial Facilities Exemption Certificates previously granted and currently in force and the Technology Park Facilities Exemption Certificates previously granted and currently in force, exceeds five (5%) per cent of the State Equalized Valuation of properties within the City of Auburn Hills.

NOW, THEREFORE, BE IT RESOLVED that the application for an Industrial Facilities Exemption Certificate for Torque Traction Integration Technologies, Incorporated is hereby approved with the following conditions:

That the period of time for which the Industrial Facilities Exemption Certificate shall remain in force and effect shall be 3 years at fifty (50%) percent, and that the starting date for the certificate is December 30, 2003 and the ending date is December 30, 2006, and that the estimated project costs for the facility are $6,000,000 for real property and $3,500,000 for personal property.

Supported by Mr. Kittle.

VOTE: Yes: Harvey-Edwards, Kittle, Knight, Newkirk
       No: Pillsbury, Sendegas

RESOLUTION NO. 03.07.187

Motion carried (4-2)
CALL TO ORDER: Mayor Harvey-Edwards called the City Council Meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL: Present. Mayor Harvey-Edwards, Council Members Kittle, McDonald, McMillin, Newkirk, Sendegas
Absents. Mayor Pro Tem Pillsbury
Also Present. City Manager Ross, Assistant City Manager Tanghe, Assessor Bennett, City Clerk Shannon, Community Development Director McBroom, Department of Public Works Director Culpepper, Fleet Manager Skinner, Library Director Hull, Manager of Public Utilities Melchert, Police Chief Olko, Police Communications Supervisor Griffin, Police Service Officers Piper, Brown, Shepherd and Demare, Recreation Director Marzolf, Public Utilities Director Melchert, Police Communications Supervisor Griffin, Police Service Officers Piper, Brown, Shepherd and Demare, Recreation Director Marzolf, Brownfield Consultat Greve, City Engineers Hiltz and Westmoreland, Brownfield Redevelopment Authority Chair Capen, Planning Commissioners Nahass, Schoonfield and McKissack, Retiring Member of the Board of Review and Zoning Board of Appeals Murray, Board of Review Members Chilkott and McAvoy, Zoning Board of Appeals Member Gore, City Attorney Beckerleg
27 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

9. NEW BUSINESS

9b. SLU 02-18, Dana Corporation; and
9c. SP 02-10, Dana Corporation

Mr. McBroom presented the requests for Special Land Use approval to allow outdoor storage of materials, and Site Plan approval to allow the construction of a 98,000 sq. ft. light industrial building on a site zoned I-1, Light Industrial located east of N. Atlantic Boulevard, between Harmon Road and Brown Road.

Mr. McBroom indicated the outdoor storage would not be visible from I-75. He noted product storage racks are the materials intended to be outside.

Mr. Kittle, noting that Dana is already doing work on site, asked if the site plan should have been approved first. Mr. McBroom explained the City has allowed Dana to begin replacement of poor soils, which is not related to the site plan, and has cautioned them against doing any work related to the site plan.

Moved by Mr. McMillin to accept the Planning Commission’s recommendation and approve SLU 02-18, Dana Corporation – Outdoor Storage of Materials, including the discretionary findings of fact from Mr. Steve Cohen.
Supported by Mr. Newkirk.
VOTE: Yes: Harvey-Edwards, Kittle, McDonald, McMillin, Newkirk, Sendegas
No: None
Motion carried (6-0)

Moved by Mr. McMillin to accept the Planning Commission’s recommendation and approve SP 02-10, Dana Corporation [to allow the construction of a 98,000 sq. ft. light industrial building on a site zoned I-1, Light Industrial located east of N. Atlantic Boulevard, between Harmon Road and Brown Road. - Sidwell No. 14-04-200-029], including the discretionary findings of fact from Mr. Steven Cohen, subject to any conditions as recommended by all appropriate agencies.
Supported by Mr. Newkirk.
VOTE: Yes: Harvey-Edwards, Kittle, McDonald, McMillin, Newkirk, Sendegas
No: None
Motion carried (6-0)
EXCERPT  
CITY OF AUBURN HILLS  
PLANNING COMMISSION MEETING  
August 15, 2002

CALL TO ORDER:  Secretary Schoonfield called the meeting to order at 7:30 p.m.

ROLL CALL:  
Present.  Boidoun, Marion, McKissack, Nahass, Newkirk, Ouellette, Schoonfield  
Absent.  Beckett, Hurt-Mendyka  
Also Present.  City Planner Cohen, TIFA Chair Bennett  
29 Guests

LOCATION:  Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

PERSONS WISHING TO BE HEARD - none.  
Mr. Schoonfield alerted the audience that the cases heard at this Planning Commission meeting would be placed on the City Council agenda for September 9, 2002 at 7:30 p.m. in the same council chambers.

PETITIONERS

SLU 02-18, Dana Corporation — Public Hearing  
SP 02-10, Dana Corporation  
(Sidwell No. 14-04-200-029)  
Mr. Schoonfield presented the request to allow outdoor storage of materials and the construction of a 98,000 sq. ft. light industrial building on a site zoned I-1, Light Industrial district. The property is generally located east of N. Atlantic Boulevard, between Brown Road and Harmon Road.

Mr. Schoonfield opened the public hearing at 8:12 p.m.

Mr. Cohen reviewed his SLU 01-18 letter dated August 7, 2002 with the following recommendations:

The Community Development Department is recommending Approval of the Special Land Use request and offer the following discretionary findings of fact:

1. The location of the use will not negatively impact adjacent areas, which are zoned non-residential.
2. The land will be used in accordance with its immediate character, which is planned and zoned for non-residential development.
3. The requirements of Section 1818, Special Land Use Permitted, in Zoning Ordinance No. 372 will be met.
4. The intent of Section 1807(3), Open Storage, in Zoning Ordinance No. 372 will be met.
5. The use will promote the purpose and intent of Zoning Ordinance No. 372.
6. The use will be consistent with the health, safety, and general welfare of the City of Auburn Hills, and purpose and intent of Zoning Ordinance No. 372.

Mr. Cohen reviewed his SP 02-10 letter dated August 7, 2002 with the following recommendations:

We are recommending Conditional Approval of the Site Plan and offer the following discretionary findings of fact:

1. The Site Plan contains sufficient basic information required by Zoning Ordinance No. 372 for a recommendation.
2. The requirements of Section 1815, Items 7A-7E of Zoning Ordinance No. 372 can be met as follows:
   A) All requirements and standards of the Zoning Ordinance, and other City Ordinances, can be met.
   B) Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to N. Atlantic Boulevard.
   C) Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety.
   D) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   E) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
3. Based upon the number of employees and floor area, 117 total parking spaces are required and 182 parking spaces are depicted.
4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (6 are required and 6 are provided). One parking space is van accessible.
5. Building and parking setback requirements will be met.
6. Greenbelts will be provided.
7. Landscape requirements will be met and calculations have been submitted.
8. Loading/unloading area will be met.
9. A note indicates lighting will be provided at 0.5 lumen per sq. ft. of parking. A light pole detail is provided on Sheet P-1 which shows the lamp bulbs will not extend below the light fixture shields.
10. A note indicates that signs shall meet the requirements of Zoning Ordinance No. 372.
11. A note indicates that parking spaces shall be double striped.
12. Ground-mounted and roof-mounted mechanical equipment will be screened.
13. A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage beyond the outside storage requested in SLU 02-18, Dana Corporation.

ADDITIONAL COMMENTS:
1. Site plan approval shall be subject to City Council approval of SLU 02-18, Dana Corporation (Outside Storage of Materials).

Mr. Jim Butler, Professional Engineering, explained there is a 21 foot tall screen wall that juts out from the building with a roof and an entrance at either end that would be used for the temporary storage of empty racks.

Mr. Tony Battaglia, property owner, explained the racks that are stored in the 3,600 sq. ft. storage area are empty racks, and the finished product is placed directly on trucks for delivery.

Mr. Butler stated Dana Corporation is proposing to build a 96,000 sq. ft. building for primary assembly operations. Mr. Butler requested that a modification to the site plan regarding the screening of the trash compactor be made. Mr. Butler explained they would like to make use of the 21-foot tall wall from the outdoor storage, as well as the 50-foot lead wall that extends from the truck well housing the trash compactor. A screen wall would be built on top of the lead wall to complete the enclosure. Mr. Cohen believed the proposal met the intention of screening and didn't think a variance would be needed. Mr. Cohen stated because this request is a minor change on the site plan it can be made at the discretion of the Planning Commission and City Council.

Mr. Butler confirmed for Mr. Cohen that the compactor would be completely screened from N. Atlantic. Mr. Schoonfield was concerned that the compactor not be seen from the road. Mr. Cohen suggested a condition be made that the screen wall be one foot taller than the compactor and screened from N. Atlantic.

Mr. Ouellette was concerned a truck may back into the wall of the outside storage. Mr. Butler explained there is sufficient distance between the truck dock and the wall.

Mr. Butler stated there are doors on the outside storage area that can be closed.

Mr. Ouellette asked about the stacking height requirement for the storage area. Mr. Cohen replied he wasn't aware of any height requirement, but stacking could only be as high as the roof. Mr. Mark Freidrick, Dana Corporation, explained that all metal racks are currently stored three or four high. Mr. Freidrick assured Mr. Schoonfield only racks would be stored in the outside storage area and nothing else. Mr. Freidrick explained the racks interlock so there won't be any tipping or falling, and racks stacked four high measure about 18.5 feet tall.

Since there were no further questions, Mr. Schoonfield closed the public hearing at 8:25 p.m.

Moved by Ms. Marien to recommend to City Council approval of SLU 02-18, Dana Corporation to allow outdoor storage of reusable racks on property zoned I-1, Light Industrial district. The property is generally located east of N. Atlantic Boulevard, between Harmon Road and Brown Road (Sidwell No. 14-04-200-029). This is to include the discretionary findings of fact found in Mr. Cohen's letter dated August 7, 2002.

Supported by Mr. Newkirk.

VOTE: Yes: Beidoun, Marien, McKissack, Nahass, Newkirk, Ouellette, Schoonfield

No: None.

Motion Carried (7-0)
Moved by Mr. Newkirk to recommend to City Council approval of SP 02-10, Dana Corporation to allow the construction of a 98,000 sq. ft. light industrial building on property zoned I-1, Light Industrial district. The property is generally located east of N. Atlantic Boulevard, between Brown Road and Harmon Road (Sidwell No. 14-04-200-029). It is also stipulated that the screen wall for the trash compactor be one foot taller than the compactor, screened from N. Atlantic, and will be situated on top of the retaining wall at the truck dock. This is to include the discretionary findings of fact found in Mr. Cohen’s letter dated August 7, 2002 and all applicable City consultants and agencies.

Supported by Mr. Ouellette.

VOTE: Yes: Beidoun, Marien, McKissack, Nahass, Newkirk, Ouellette, Schoonfield
No: None.

Motion Carried (7-0)
### LEED v4 for BD+C: New Construction and Major Renovation - Project Checklist

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PRELIMINARY SITE PLANS FOR

DANA CORPORATION BUILDING ADDITION

PART OF THE NORTHEAST 1/4 OF SECTION 4, T. 3N., R. 10E.,
CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

APPLICANT:
J. B. DONALDSON COMPANY
37821 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331
CONTACT: J. BENNETT DONALDSON
PHONE: (248) 344-2040

ARCHITECT:
GILLEY ASSOCIATES, INC.
2000 MARKETING COURT, SUITE 211
FARMINGTON HILLS, MI 48334
CONTACT: NATE WADDELL
PHONE: (248) 689-2540

CIVIL ENGINEER:
PEA, INC.
2430 HIGGINS ROAD, SUITE 100
BLOOMFIELD HILLS, MI 48302
CONTACT: STEVE SHERMAN, P.E.
PHONE: (248) 698-4525

LANDSCAPE ARCHITECT:
PEA, INC.
7927 METRO WAY
BLOOMFIELD HILLS, MI 48302
CONTACT: JEFFREY E. SMITH P.L.A., LEED AP
PHONE: (517) 946-8683

PROPERTY ADDRESS:
LAND TRUST, MICHIGAN BOULEVARD
AUBURN HILLS, MI 48326

INDEX OF DRAWINGS:
C-0.0 COVER SHEET
C-1.1 TOPOGRAPHIC SURVEY
C-2.1 UNTESTED SITE PLAN
C-2.2 ENGINEERING SITE PLAN
C-3.1 NOTES AND DETAILS

TREE PRESERVATION PLAN
L-1.0 LANDSCAPE PLAN
PFP-1 PROPOSED ADDITION FLOOR PLAN
PE-1 BUILDING ELEVATIONS

LOCATION MAP
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

CAUTION!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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J. B. DONALDSON COMPANY
37612 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331

DESCRIPTION ERL DN. ERL SUR. P.M. SS
DANA CORPORATION ADDITION
www.missdig.net 1-800-482-7171 (TOLL FREE)
Know what's below
Call before you dig
2430 Rochester Ct, Ste 100
Troy, MI  48083-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com
PEA, Inc.

DATE CHK No. BY
APRIL 13, 2016
SIDWELL #02-14-04-200-029

PART OF THE NORTHEAST 1/4 OF SECTION 4, T. 3N., R. 10E., CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

NOT FOR CONSTRUCTION
SIDWELL #02-14-04-200-029
C-2.1
NOT FOR CONSTRUCTION
SIDWELL #02-14-04-200-029

GENERAL NOTES:

1. ALL CONSTRUCTION WORKERS IN THIS PROJECT SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

LOCAL MANDATORY NOTES:

1. ALL WORKERS SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

ENGINEERING SITE PLAN

SCALE: 1" = 50'

LOCATION MAP - NOT TO SCALE

NOTES:

1. ALL CONSTRUCTION WORKERS IN THIS PROJECT SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

CITY OF AUBURN HILLS ENGINEERED NOTES:

1. ALL CONSTRUCTION WORKERS IN THIS PROJECT SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

CITY OF AUBURN HILLS CONSTRUCTION:

1. ALL WORKERS SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

CITY OF AUBURN HILLS DRAWING NOTES:

1. ALL WORKERS SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

CITY OF AUBURN HILLS LEGEND:

1. ALL WORKERS SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

CITY OF AUBURN HILLS MATERIALS:

1. ALL WORKERS SHALL BE TRAINED TO USE THE EVALUATION SYSTEM TO ENSURE A SAFE WORK ENVIRONMENT.

2. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

3. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.

4. THE CONTRACTOR SHALL PROVIDE APPROPRIATE SAFETY TOOLS AND EQUIPMENT FOR THE WORKERS.
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

CAUTION!!

THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

J. B. DONALDSON COMPANY
37612 HILLS TECH DRIVE
FARMINGTON HILLS, MI 48331

DESCRIPTION ERL DN. ERL SUR. P.M. SS
DANA CORPORATION ADDITION
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(TOLL FREE)

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2430 Rochester Ct, Ste 100
Troy, MI  48083-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com

PEA, Inc.

DATE CHK No. BY
APRIL 13, 2016

SIDWELL #02-14-04-200-029

PART OF THE NORTHEAST 1/4 OF SECTION 4, T. 3N., R. 10E., CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

NOT  FOR  CONSTRUCTION
PER CITY REVIEW04/28/16 GRB 1B Y
PER CITY REVIEW05/04/16 DSK 2B Y

C-3.1
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

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NOT FOR CONSTRUCTION

SIDWELL #02-14-04-200-029

NOT FOR CONSTRUCTION

NOT FOR CONSTRUCTION

L-1.0
INTRODUCTION
This is a request from the new developer of the Dutton Corporate Centre, RJL Equity Holdings LLC, for Revised PUD Step One – Concept Plan approval to allow the modification to the project's original PUD proposal. The PUD was approved by the City Council on June 21, 2004 and later amended on December 18, 2006 and October 15, 2007.

Revised PUD Concept Plan Proposal
SUMMARY OF CHANGES
The attached amendments to the Development Agreement and PUD Concept Plan were developed after considerable discussion and negotiations with R JL Equity Holdings LLC. The project has been stagnant since 2009. Staff believes this proposal is a “win-win” for both the City and R JL Equity Holdings LLC, which should jump start the stalled project.

Below is a summary of the proposed changes to the PUD:

**Requested by the City:**
1. Creation of a new dedicated open space area directly across from the homes on Bald Mountain Road.
2. An easement to improve the use of the City’s tree nursery.
3. Completion of the following improvements at time of the construction of the new owner’s Kia Dealership or by December 1, 2016, whichever is sooner:
   a. Install Welcome to Auburn Hills sign at the southeast corner of Dutton Road and M-24.
   b. Install final paving of Interpark Drive and Technology Court.
   c. Install frontage trees along M-24 per the approved landscape plan.
   d. Install eight foot pathway along Dutton Road and Bald Mountain Road adjacent to the VAST building.
   e. Remove asphalt in former construction trailer location located at the corner of Dutton Road and Bald Mountain Road and install trees/buffer per the approved landscape plan in said location.
   f. Remove temporary access drive on Bald Mountain Road. Replace pathway and trees in said location per approved landscape plan.
   g. Address critical DPW / Engineering “punch list” items agreed upon between the Developer and the City at the time of revised agreement approval.
4. No oil / gas drilling.
5. Removal and relocation of the construction/maintenance access road from Bald Mountain Road.
6. Submittal of copies of future environmental/landfill reporting provided by the owner to the MDEQ (and received by the owner from the MDEQ).
7. Installation of walking trails and trees within the dedicated open space area at the time the Eastern section is developed or by December 1, 2018, whichever is sooner.
8. Completion of all required tree replacements by December 1, 2021.

**Requested by R JL Equity Holdings LLC:**
1. Expanded flexibility in land uses, setbacks, and building height.
2. Flexibility to phase in improvements, not listed above, as each parcel within the corporate park is developed.
3. Permission to build light industrial buildings on the property west of VAST.
4. Removal of the requirement to build a clock tower.
5. Reduction of the overall project’s tree planting by 100 trees (around 1,700 trees estimated to be required for the whole site). This reduction was accepted in exchange of the City’s tree nursery easement.

**RECOMMENDATION**
Please be advised that this project has been reviewed by the City’s Administrative Site Plan Review Team and has received a recommendation for approval.

We are recommending Approval of the Revised PUD Step One – Concept Plan and offer the following discretionary findings of fact:
1. The project is eligible for the PUD option because it provides a recognizable net public benefit to the health, safety, and welfare of the residents of the City of Auburn Hills and accomplishes the following:
   a. Permits flexibility in the regulation of land development.
   b. Encourages innovation in land use and variety in design, layout, and type of structures constructed.
   c. Achieves economy and efficiency in the use of land, natural resources, energy, and the provision of public services and utilities.
   d. Encourages useful open space.
   e. Provides better employment and shopping opportunities particularly suited to the needs of the residents of the City of Auburn Hills.
2. The concept plan contains sufficient basic information required for a recommendation.
3. The PUD Concept Plan promotes the land use goals and objectives of the City of Auburn Hills.
4. There is an adequate means of disposing of sanitary sewage and of supplying the development with water.
5. The road system and storm water drainage system are adequate.

**Recommended Action:**
“Move to recommend to City Council approval of the Revised PUD Step One – Concept Plan for the Dutton Corporate Centre.”
Development Application

Project Name: Dutton Corporate Center

General Project Location: M-24 and Dutton Road

Parcel Size: 93.5 Zoning: PUD

Sidwell Number(s): 02-14-02-202-002 through 010
14-02-200-035, 14-02-200-037

Project Description: Mixed use development.

Building Size (sq. ft.):

Check requested review(s)

☐ Site Plan
☐ Tree Removal Permit
☐ Special Land Use Permit(s)
☐ Land Division
☐ Land Exchange

☐ Subdivision
☐ Planned Unit Development - Step 1/Step 2/Combined
☐ Rezoning to
☐ ZBA Variance or Interpretation

(see supplemental application)

☐ Other

City Use Only

Address:

Date Received: 4-18-16

Fees Paid: 545.00

Sign(s) Escrow:

SP #:
SLU #:
LD/LE/SUB #:
RZ #:
PUD #:
ZBA #:

Applicant

Name: Rich LaLonde
Business Name and Address: RJL Equity Holdings LLC, 3271 Five Points Drive, Suite 200
Fax Number: 248-682-6558

Property Owner(s)

Name: See above
Business Name and Address:

City: State: Zip Code: Phone Number:

(Provide additional sheet if necessary for multiple property owners)

Please contact the City of Auburn Hills Community Development Department,
1827 N. Squirrel Road, Auburn Hills, MI 48326 / Phone: 248-364-6900 Fax: 248-364-6939
Home Page Address: http://www.auburnhills.org

Inv. # 37712 $1545.00
### Planning Commission Public Notice

| Meeting Date, Time, and Location: | **Wednesday, May 11, 2016 at 7:00 p.m.**  
City of Auburn Hills - City Council Chambers  
1827 N. Squirrel Road, Auburn Hills, MI 48326 |
<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Project Name:</td>
<td>Dutton Corporate Centre PUD</td>
</tr>
</tbody>
</table>
| General Property Location:        | South of Dutton Road, between M-24 and Bald Mountain Road  
Sidwell Nos. 14-02-202-002 through 010, 14-02-200-025, and  
14-02-200-032                                   |
| Applicant:                        | Rich LaLonde, RJL Equity Holdings LLC - 248-379-4068            |
| Nature of the Request:            | Recommendation to City Council for Revised PUD Step One –  
Concept Plan approval                                |
| City Staff Contact:               | Steven J. Cohen, AICP  
Director of Community Development - 248-364-6941               |

Notice will be sent via U.S. Mail to properties within 1,000 feet of the site. The proposed application is available for inspection prior to the meeting at the Community Development Department, located in the municipal campus at 1827 N. Squirrel Road, Auburn Hills, MI 48326, during regular City business hours.

Persons wishing to express their views may do so in person at the meeting, or in writing addressed to the Planning Commission c/o Steve Cohen, Director of Community Development at the above address.

Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-370-9402 or the City Manager's Office at 248-370-9440 - 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.
DUTTON CORPORATE CENTRE PUD
CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") between RJL Equity Holdings LLC, a Michigan Limited Liability Company ("Developer"), and the CITY OF AUBURN HILLS, a Michigan municipal corporation ("City"), to confirm certain obligations relating to development and use of an approximately 104.10 acre (+/-) parcel located in the City of Auburn Hills and more particularly described on the attached Exhibit "A" hereto (the "Property").

BACKGROUND

1. The Developer is the proprietor of the Property proposed for the Planned Unit Development ("PUD")

2. The Developer applied to the City for approvals of a PUD on the Property as shown on the "PUD Concept Plan" for PUD Step One Approval, a plan consisting of one (1) sheet, dated 12-09-03, revised __________, prepared by Professional Engineering Associates, which was submitted to the City.

3. On June 21, 2004, the City Council granted Step One PUD Option Qualification approval, including revisions approved on December 18, 2006 and ______________ 2016, for the development pursuant to the information submitted, in accordance with Section 1830 of the City of Auburn Hills Zoning Ordinance with the following conditions:

   a) The land uses permitted for the “Commercial” classification indicated for the 40.7 acre area located along M-24 frontage in the Western Section will be developed in accordance with the following:

      • Only the following Special Land Uses in the B-2 District-Section 902; Heath clubs, Motel/Hotels, Day care facilities, Freestanding full service restaurants with the option of outdoor seating. Pharmacy with a drive-thru facility, Automotive dealerships, Indoor family theaters, Indoor recreational facilities, and Veterinary clinics.
      • Drive-thru facilities for restaurants and retail uses subject to requirements outlined in Section 902, Item 26.
      • Outdoor recreational facilities may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission. Inflatable domes will not be permitted.
b) In addition to the City’s standards listed in Article 18, General Provisions, the following conditions for the Commercial classification shall apply:

- Building heights shall not exceed 40 feet.
- Building setbacks and greenbelts shall meet the B-2 District requirements, with the exception that the greenbelt along M-24 shall be a minimum of 25 feet in width.
- No outside storage shall be permitted. For purposes of clarification, the outside storage of vehicles shall only be permitted when associated with an auto dealership.
- Cross access drives shall be required, as possible.
- All exterior facades shall meet the intent of the City’s Architectural Design Policy.
- Parking lot pole lights shall be uniform in height and color, where feasible, throughout the development and shall not exceed 25 feet to provide a consistent theme.

c) The land uses permitted for the “Light Industrial” classification indicated for the 16.5 acre area located in the Eastern Section (west of Technology Court) will be developed in accordance with the following:

- All Principal Permitted Uses in the T&R District-Section 1200.
- All Principal Permitted Uses in the I-1 District - Section 1300, except automobile repair shops and paramedical emergency facilities. Said light industrial land uses shall be only located in the areas shown in the attached PUD Step One Concept Plan exhibit.
- Outside storage of vehicles or materials, when accessory to the primary use and fully screened, may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission.
- Indoor and outdoor recreational facilities (with associated field lighting) may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission. Inflatable domes will not be permitted.

d) The land uses permitted for the “Technology & Research” classification indicated for the 13.6 acres in the Eastern Section (east of Technology Court) will be developed in accordance with the following:

- All Principal Permitted Uses in the T&R District-Section 1200.

e) In addition to the City’s standards listed in Article 12, Technology & Research District and Article 18. General Provisions, the following conditions shall apply to all the land in the Eastern Section:

- Building heights shall not exceed 50 feet.
- All exterior facades shall meet the intent of the City’s Architectural Design Policy.
- Parking lot pole lights shall not exceed 25 feet. In general, lighting shall be designed to be sensitive to the adjacent residential area.

f) Pole signs, exposed neon signs, and changeable copy signs shall be prohibited in the development.
g) Lighting throughout the development shall be sensitive to the residents on Bald Mountain Road, which are at a higher elevation. One hour after closing, only lights designated for security purposes at all the businesses in the development shall remain on to minimize “night glare” for those residents living on Bald Mountain Road. If a business is to be open 24 hours, an alternative proposal shall be presented to the City Council.

h) Businesses which abut Bald Mountain Road shall be prohibited from using exterior audible intercoms and outdoor alarm systems.

i) Businesses shall also restrict dumpster pick up to the hours of 7:00 a.m. and 7:00 p.m.

j) The 28.7 acre dedicated open space area, shown on the exhibit south of the Eastern Section, shall be open to the general public only after the trail system is added. A trail system, as approved by the City, shall be installed no later than the date of the issuance of the Certificate of Occupancy of the first development in the Eastern Section or December 1, 2018, whichever occurs first. The dedicated open space area will be preserved from development in perpetuity via a conservation easement.

k) The Developer shall grant the City an easement, at no charge to the City, to allow the City to utilize property within the dedicated open space area for tree nursery purposes. The easement shall be approximately 1.2 acres in size and located immediately north and adjacent to Sidwell No. 14-02-200-012, as shown in the revised PUD Concept Plan. In exchange for the easement, the City agrees to reduce the amount of replacement trees required for the overall development by one hundred (100) trees.

l) The commercial development sites, regardless of ownership mechanism utilized, shall not exceed the number of sites permissible under the Land Division Act.

m) Oil and/or gas wells, along with associated pipelines and processing facilities, shall be prohibited.

n) The Developer shall provide the City a copy of all landfill monitoring and maintenance reports provided to, and correspondence received from, the Michigan Department of Environmental Quality (MDEQ) or Environmental Protection Agency (EPA) within thirty (30) days of submittal or receipt.

4. The Developer shall complete the following to the City’s satisfaction prior to the issuance of a Certificate of Occupancy of the Kia Dealership located at __________ Interpark Drive; or by December 1, 2016, whichever occurs first:

   a) Install Welcome to Auburn Hills sign and associated landscaping at the southeast corner of M-24 and Dutton Road. Due to the location of existing utilities, the design and location of the sign may be modified from the previously approved proposal (SP 07-05 dated February 19, 2007), upon mutual agreement between the City and the Developer.

   b) Install final paving of Interpark Drive and Technology Court.

   c) Install frontage trees along M-24 per the approved landscape plan.
d) Install eight foot pathway along Dutton Road and Bald Mountain Road adjacent to the VAST building. Pathway shall only be required to be extended to Technology Court at this time.

e) Remove asphalt in former construction trailer location located at the corner of Dutton Road and Bald Mountain Road and install trees/buffer per the approved landscape plan in said location.

f) Remove temporary access drive on Bald Mountain Road. Replace pathway and trees in said location per approved landscape plan.

g) Address critical DPW / Engineering “punch list” items agreed upon between the Developer and the City at the time of revised agreement approval.

5. It is the purpose of this Agreement to confirm the rights and obligations of the Developer with respect to the Development and the Property.

NOW, THEREFORE, for good and valuable consideration given, the receipt of which is hereby acknowledged by the parties, it is agreed as follows:

1. The Property shall be developed in accordance with the Step One Approval and the PUD Concept Plan, subject to any modifications of the PUD Concept Plan as provided for in paragraph 6 below and said development of the property shall comply and be in accordance with the requirements set forth in Section 2, Section 3 a-n, and Section 4 a-g of the Background portion of this agreement.

2. The Developer shall apply to the City for approvals for the Step Two PUD Final Qualifications for the specific phases.

3. The parties acknowledge that this Property and the Developer are responsible for the replacement trees in accordance with the tree removal permit granted for the “Dutton Technology Park”. These replacement trees shall meet the requirements of the City’s Woodlands Preservation Ordinance. The Developer shall plant a minimum of 250 replacement trees (or woodland mitigation equivalent) per calendar year, with full replanting of the trees required by the tree removal permit occurring no later than December 1, 2021. If all required trees are not planted by December 1, 2021, then the Developer shall pay monies to the City, per City fee resolution, for the deficient trees.

The feasibility of woodland mitigation will be explored by the Developer for the dedicated open space area. Required tree replacement or woodland mitigation for the dedicated open space area (amount based on the tree replacement matrix for the overall development) shall be installed no later than the date of the issuance of the Certificate of Occupancy of the first development in the Eastern Section or December 1, 2018, whichever occurs first.

4. The Developer shall be obligated to design, completely construct, finance and provide financial assurances in accordance with the Approval Requirements for the completion of all improvements on the City approved Site Plan of Dutton Corporate Centre. The Developer may change the name of the Development without the need to obtain approval for the City, but shall notify the City in writing upon making any such change. Such name shall not cause confusion or be similar with other projects or streets within the City.
5. The Developer may modify the approved site plan for specific phases, as follows:

a. To comply with the requirements of the Michigan Department of Environmental (MDEQ), the Oakland County Drain Commission (OCDC), or any other agency of the State of Michigan or Oakland County having approval authority with respect to development of the Property; or

b. The Community Development Department may approve modifications to the Site Plan that do not (i) materially change the parking layout; or (ii) materially increase the total square footage of the proposed buildings. Modifications proposed by the Developer pursuant to this paragraph shall be consistent with the approved Site Plan and shall not adversely affect the character of quality of the Development; or

c. Modifications to the approved Site Plan that the Community Development Department deems to be material shall be reviewed for approval by the City Council pursuant to Step Two approval procedures in the PUD provisions of the Zoning Ordinance.

6. A foundation permit shall be available for each phase upon approval of the mass grading to serve the building site. Building permits for each building shall be issued to allow for concurrent construction with water mains, sanitary sewer lines and other required utilities for each phase provided that financial guarantees are in place per City Ordinances.

7. The Developer has negotiated with the City the terms of this Development Agreement, and such documentation represents the product of the joint effort and agreement of the Developer and the City. The Developer fully accepts and agrees to the final terms, conditions, requirements and obligations of this Development Agreement. The Developer understands that this Agreement is authorized by applicable local, state and federal laws, ordinances and constitutions, and the City shall be entitled to injunctive relief to prohibit any actions by the Developer that are inconsistent with the terms and provisions of the Agreement.

8. The Developer’s rights to develop the Property as provided for in this Agreement are fully vested on the City’s execution of the Agreement. Plans in conformity with the Agreement shall be approved. The Development Agreement shall run with the land constituting the Property, and shall be binding upon and inure to the benefit of the Developer and the City, and their respective heirs, successors, assigns and transferees, and immediately upon execution of the Development Agreement by all parties, a memorandum of the Agreement, or the Agreement itself, shall be recorded with the Oakland County Register of Deeds. This Development Agreement shall be interpreted and construed in accordance with Michigan law, and shall be subject to enforcement only in Michigan courts. The parties understand and agree that this Development Agreement is consistent with intent and provisions of the Michigan and U.S. Constitutions and all applicable law.

9. This Agreement constitutes the entire agreement between the parties, and may not be modified, amended or terminated except in writing executed by the parties.
THIS AGREEMENT is executed by the respective parties on the date specified with the notarization with their names, and shall take effect on the City’s Approval of the Site Plan for Dutton Corporate Centre.

RJL Equity Holdings LLC, L.L.C., A Michigan Limited Liability Company

By: ___________________________
    Rich LaLonde
    Its: Managing Member

CITY OF AUBURN HILLS,
a Michigan Municipal Corporation

By: ___________________________
    Kevin McDaniel
    Its: Mayor

and

By: ___________________________
    Terri Kowal
    Its: Clerk

and

By: ___________________________
    Thomas A. Tanghe
    Its: City Manager

STATE OF MICHIGAN  )
) ss
COUNTY OF OAKLAND  )

The foregoing instrument was acknowledged before me this ___ day of __________, 2016, by Rich LaLonde of RJL Equity Holdings LLC., on behalf of said company.

__________________________Notary Public

__________________________, County, Michigan

My commission expires:________________________
The foregoing instrument was acknowledged before me this ___ day of __________, 2016, by Kevin McDaniel, as Mayor, and Terri Kowal, as Clerk, on behalf of the City of Auburn Hills, a Michigan municipal corporation, on behalf of the corporation.

_________________________ Notary Public
_________________________, County, Michigan

My commission expires:________________________

The foregoing instrument was acknowledged before me this ___ day of __________, 2016, by Thomas A. Tanghe, as City Manager, on behalf of the City of Auburn Hills, a Michigan municipal corporation, on behalf of the corporation.

_________________________ Notary Public
_________________________, County, Michigan

My commission expires:________________________
DUTTON CORPORATE CENTRE PUD
CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

DEVELOPMENT AGREEMENT

This Development Agreement (this "Agreement") between RJL Equity Holdings LLC DUTTON CORPORATE CENTRE, L.L.C., a Michigan Limited Liability Company ("Developer"), and the CITY OF AUBURN HILLS, a Michigan municipal corporation ("City"), to confirm certain obligations relating to development and use of an approximately 104.10 - 105.633 acre (+/-) parcel located in the City of Auburn Hills and more particularly described on the attached Exhibit "A" hereto (the "Property").

BACKGROUND

1. The Developer is the proprietor of the Property proposed for the Planned Unit Development ("PUD")

2. The Developer applied to the City for approvals of a PUD on the Property as shown on the “PUD Concept Plan” for PUD Step One Approval, a plan consisting of one (1) sheet, dated 12-09-03, revised __________, prepared by Professional Engineering Associates, which was submitted to the City.

3. On June 21, 2004, the City Council granted Step One PUD Option Qualification approval, including revisions approved on December 18, 2006 and __________________ 2016, for the development pursuant to the information submitted, in accordance with Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance with the following conditions:

   a) The land uses permitted for the "Commercial/business" zoning district classification indicated for the 28.0 - 40.7 acre area located along M-24 frontage in the Western Section will be developed in accordance with the following:

      • All Principal Permitted Uses in the T&R District Section 1200
      • All Principal Permitted Uses in the B-2 District-Section 900. Freestanding retail stores (e.g., Best Buy, Staples, etc.) shall not exceed 50,000 square feet in size.
      • Only the following Special Land Uses in the B-2 District-Section 902; Heath clubs, Motel/Hotels, Day care facilities, Freestanding full service restaurants with the option of outdoor seating. Pharmacy with a drive-thru facility, Automotive dealerships, Indoor family theaters, Indoor recreational facilities, and Veterinary clinics.
• Drive-thru facilities for restaurants and retail uses may be permitted at the sole discretion of the City Council, after recommendation from the Planning Commission, subject to requirements outlined in Section 902, Item 26.

• Outdoor recreational facilities may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission. Inflatable domes will not be permitted.

b) In addition to the City’s standards listed in Article 18, General Provisions, the following conditions for the commercial/business zoning district classification shall apply:

• Building heights shall not exceed 40 feet, except for the Homewood Suites Hotel which proposed not to exceed 50 feet in height.

• Setbacks shall meet the Technology & Research (T&R) District requirements (Section 1202, Item 2).

• Landscape greenbelts shall meet the T&R District requirements (Section 1202, Item 3).

• Building setbacks and greenbelts shall meet the B-2 District requirements, with the exception that the greenbelt along M-24 shall be a minimum of 25 feet in width.

• No outside storage shall be permitted. For purposes of clarification, the outside storage of vehicles shall only be permitted when associated with an auto dealership.

• Cross access drives shall be required, as possible.

• A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.

• All exterior facades shall meet the intent of the City’s Architectural Design Policy. These buildings shall be constructed of brick, stone, and glass. No more than 10% of the exterior façade may contain decorative masonry block. EIFS material shall only be utilized for minor architectural elements and trim, as permitted by City Council.

• If a retail center is proposed for this development, the architecture for the proposed building shall incorporate design elements unique to Auburn Hills into the façade (e.g. fieldstone silo similar to the City’s DPW facility).

• Parking lot pole lights shall be uniform in height and color, where feasible, throughout the development and shall not exceed 25 feet to provide a consistent theme.

b) In addition to the City’s standards listed in Article 18, General Provisions, the following conditions for the commercial/business zoning district classification shall apply:

• Building heights shall not exceed 40 feet, except for the Homewood Suites Hotel which proposed not to exceed 50 feet in height.

• Setbacks shall meet the Technology & Research (T&R) District requirements (Section 1202, Item 2).

• Landscape greenbelts shall meet the T&R District requirements (Section 1202, Item 3).

• Building setbacks and greenbelts shall meet the B-2 District requirements, with the exception that the greenbelt along M-24 shall be a minimum of 25 feet in width.

• No outside storage shall be permitted. For purposes of clarification, the outside storage of vehicles shall only be permitted when associated with an auto dealership.

• Cross access drives shall be required, as possible.

• A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.

• All exterior facades shall meet the intent of the City’s Architectural Design Policy. These buildings shall be constructed of brick, stone, and glass. No more than 10% of the exterior façade may contain decorative masonry block. EIFS material shall only be utilized for minor architectural elements and trim, as permitted by City Council.

• If a retail center is proposed for this development, the architecture for the proposed building shall incorporate design elements unique to Auburn Hills into the façade (e.g. fieldstone silo similar to the City’s DPW facility).

• Parking lot pole lights shall be uniform in height and color, where feasible, throughout the development and shall not exceed 25 feet to provide a consistent theme.

c) The land uses permitted for the “Light Industrial” classification indicated for the 16.5 acre area located in the Eastern Section (west of Technology Court) will be developed in accordance with the following:

• All Principal Permitted Uses in the T&R District-Section 1200

• All Principal Permitted Uses in the I-1 District - Section 1300, except automobile repair shops and paramedical emergency facilities. Said light industrial land uses shall be only located in the areas shown in the attached PUD Step One Concept Plan exhibit.

• Outside storage of vehicles or materials, when accessory to the primary use and fully screened, may be permitted at the sole
discretion of City Council, after recommendation from the Planning Commission.

- Indoor and outdoor recreational facilities (with associated field lighting) may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission. Inflatable domes will not be permitted.

c) The land uses permitted for the “Technology & Research” zoning district classification indicated for the 77.633 acres in the Eastern Section (east of Technology Court) remaining within the Dutton Corporate Centre will be developed in accordance with the following:

- All Principal Permitted Uses in the T&R District-Section 1200
d) In addition to the City’s standards listed in Article 12, Technology & Research District and Article 18. General Provisions, the following conditions shall apply to all the land in the Eastern Section:

- Building heights shall not exceed 50 feet.
- No outside storage shall be permitted.
- A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.
- All exterior facades shall meet the intent of the City’s Architectural Design Policy.
- Parking lot pole lights shall not exceed 25 feet. In general, lighting shall be designed to be sensitive to the adjacent residential area.

e) All buildings in the development shall have “four sided architecture.” Trash compactors shall be used and integrated into the building design where possible. There shall be a design element that links all the commercial businesses in the development to create a uniform look (e.g., fieldstone was used in the Auburn Mile).

f) The applicant shall design, create, and install a “Welcome to Auburn Hills” sign which shall be oriented towards vehicles entering the City traveling eastbound on Dutton Road. The sign shall require DPW and City Council approval prior to installation.

g) The rear of the buildings along the “transition zone” shall be landscaped to provide a buffer between the commercial and technology/research businesses.

h) Pole signs, exposed neon signs, and changeable copy signs shall be prohibited in the development.

i) Lighting throughout the development shall be sensitive to the residents on Bald Mountain Road, which are at a higher elevation. One hour after closing, only lights designated for security purposes at all the businesses in the development shall remain on to minimize “night glare” for those residents living on Bald Mountain Road. If a business is to be open 24 hours, an alternative proposal shall be presented to the City Council.

j) Businesses which abut Bald Mountain Road shall be prohibited from using exterior audible intercoms and outdoor alarm systems.
k) Businesses shall also restrict dumpster pick up to the hours of 7:00 a.m. and 7:00 p.m.

l) Additional landscape screening shall be provided on south end of the eastern portion of the development.

m) The “park” 28.7 acre dedicated open space area, shown on the exhibit south of the Eastern Section, shall be open to the general public only after the trail system is added. A trail system, as approved by the City, shall be installed no later than the date of the issuance of the Certificate of Occupancy of the first development in the Eastern Section or December 1, 2018, whichever occurs first. The dedicated open space area will be preserved from development in perpetuity via a conservation easement.

k) The Developer shall grant the City an easement, at no charge to the City, to allow the City to utilize property within the dedicated open space area for tree nursery purposes. The easement shall be approximately 1.2 acres in size and located immediately north and adjacent to Sidwell No. 14-02-200-012, as shown in the revised PUD Concept Plan. In exchange for the easement, the City agrees to reduce the amount of replacement trees required for the overall development by one hundred (100) trees.

n) The commercial development sites, regardless of ownership mechanism utilized, shall not exceed the number of sites permissible under the Land Division Act.

m) Oil and/or gas wells, along with associated pipelines and processing facilities, shall be prohibited.

n) The Developer shall provide the City a copy of all landfill monitoring and maintenance reports provided to, and correspondence received from, the Michigan Department of Environmental Quality (MDEQ) or Environmental Protection Agency (EPA) within thirty (30) days of submittal or receipt.

4. The Developer shall complete the following to the City’s satisfaction prior to the issuance of a Certificate of Occupancy of the Kia Dealership located at Interpark Drive; or 2) first project constructed after the City’s approval of this revised agreement by December 1, 2016, whichever occurs first:

a) Install Welcome to Auburn Hills sign and associated landscaping at the southeast corner of M-24 and Dutton Road. Due to the location of existing utilities, the design and location of the sign may be modified from the previously approved proposal (SP 07-05 dated February 19, 2007), upon mutual agreement between the City and the Developer.

b) Install final paving of Interpark Drive and Technology Court

c) Install frontage trees along M-24 per the approved landscape plan
d) Install eight foot pathway along Dutton Road and Bald Mountain Road adjacent to the VAST building. Pathway shall only be required to be extended to Technology Court at this time.

e) Remove asphalt in former construction trailer location located at the corner of Dutton Road and Bald Mountain Road and install trees/buffer per the approved landscape plan in said location.

f) Remove temporary access drive on Bald Mountain Road. Replace pathway and trees in said location per approved landscape plan.

g) Address critical DPW / Engineering “punch list” items agreed upon between the Developer and the City at the time of revised agreement approval.

5.4. It is the purpose of this Agreement to confirm the rights and obligations of the Developer with respect to the Development and the Property.

NOW, THEREFORE, for good and valuable consideration given, the receipt of which is hereby acknowledged by the parties, it is agreed as follows:

1. The Property shall be developed in accordance with the Step One Approval and the PUD Concept Plan, subject to any modifications of the PUD Concept Plan as provided for in paragraph 6 below and said development of the property shall comply and be in accordance with the requirements set forth in Section 2, Section 3 a-n, and Section 4 a-g of the Background portion of this agreement.

2. The Developer shall apply to the City for approvals for the Step Two PUD Final Qualifications for the specific phases.

3. The parties acknowledge that this Property and the Developer are responsible for the replacement trees in accordance with the tree removal permit granted for the “Dutton Technology Park”. These replacement trees shall meet the requirements of the City’s Woodlands Preservation Ordinance. The Developer shall plant a minimum of 250 replacement trees (or woodland mitigation equivalent) per calendar year, with full replanting of the trees required by the tree removal permit occurring no later than December 1, 2021. If all required trees are not planted by December 1, 2021, then the Developer shall pay monies to the City, per City fee resolution, for the deficient trees.

The feasibility of woodland mitigation will be explored by the Developer for the dedicated open space area. Required tree replacement or woodland mitigation for the dedicated open space area (amount based on the tree replacement matrix for the overall development) shall be installed no later than the date of the issuance of the Certificate of Occupancy of the first development in the Eastern Section or December 1, 2018, whichever occurs first.

4. The Developer shall be obligated to design, completely construct, finance and provide financial assurances in accordance with the Approval Requirements for the completion of all improvements on the City approved Site Plan of Dutton Corporate Centre. Financial assurance provided by the Developer shall be in the form and in the amounts required by the
City’s Ordinances unless determined otherwise herein; provided however that the City agrees that the Developer may satisfy all financial assurances required for Dutton Corporate Centre by providing one of the following: a) a title company escrow pursuant to an escrow arrangement satisfactory to the City, b) a bank letter of credit satisfactory to the City or c) a surety bond satisfactory to the City. In all instances in which the City utilizes the proceeds of a financial assurance given to ensure completion of improvements pursuant to City ordinances, the City and its contractors and agents, shall be permitted, and hereby granted authority, to enter upon the Property for the purpose of completing the respective improvements.

5. The Developer may change the name of the Development without the need to obtain approval for the City, but shall notify the City in writing upon making any such change. **Such name shall not cause confusion or be similar with other projects or streets within the City.**

6. The Developer may modify the approved site plan for specific phases, as follows:

   a. To comply with the requirements of the Michigan Department of Environmental (MDEQ), the Oakland County Drain Commission (OCDC), or any other agency of the State of Michigan or Oakland County having approval authority with respect to development of the Property; or

   b. The Community Development Department may approve modifications to the Site Plan that do not (i) materially change the parking layout; or (ii) materially increase the total square footage of the proposed buildings. Modifications proposed by the Developer pursuant to this paragraph shall be consistent with the approved Site Plan and shall not adversely affect the character of quality of the Development; or

   c. Modifications to the approved Site Plan that the Community Development Department deems to be material shall be reviewed for approval by the City Council pursuant to Step Two approval procedures in the PUD provisions of the Zoning Ordinance.

7. A foundation permit shall be available for each phase upon approval of the mass grading to serve the building site. Building permits for each building shall be issued to allow for concurrent construction with water mains, sanitary sewer lines and other required utilities for each phase provided that financial guarantees are in place **per City Ordinances** as defined in item 4 above.

8. The Developer has negotiated with the City the terms of this Development Agreement, and such documentation represents the product of the joint effort and agreement of the Developer and the City. The Developer fully accepts and agrees to the final terms, conditions, requirements and obligations of this Development Agreement. The Developer understands that this Agreement is authorized by applicable local, state and federal laws, ordinances and constitutions, and the City shall be entitled to injunctive relief to prohibit any actions by the Developer that are inconsistent with the terms and provisions of the Agreement.

9. The Developer’s rights to develop the Property as provided for in this Agreement are fully vested on the City’s execution of the Agreement. Plans in conformity with the Agreement shall be approved. The Development Agreement shall run with the land constituting the Property, and shall be binding upon and inure to the benefit of the Developer and the City, and their respective heirs, successors, assigns and transferees, and immediately upon execution of the Development Agreement by all parties, a memorandum of the Agreement, or the Agreement itself, shall be recorded with the Oakland County Register of Deeds. This Development
Agreement shall be interpreted and construed in accordance with Michigan law, and shall be subject to enforcement only in Michigan courts. The parties understand and agree that this Development Agreement is consistent with intent and provisions of the Michigan and U.S. Constitutions and all applicable law.

10. This Agreement constitutes the entire agreement between the parties, and may not be modified, amended or terminated except in writing executed by the parties.

THIS AGREEMENT is executed by the respective parties on the date specified with the notarization with their names, and shall take effect on the City’s Approval of the Site Plan for Dutton Corporate Centre.

**RJL Equity Holdings LLC**
DUTTON CORPORATE CENTRE, L.L.C., A Michigan Limited Liability Company

By: ___________________________________________________________________
*Rich LaLonde*
Its: Managing Member

**CITY OF AUBURN HILLS,**
a Michigan Municipal Corporation

By: ___________________________________________________________________
*Kevin McDaniel* Mari Harvey-Edwards
Its: Mayor

and

By: ___________________________________________________________________
*Terri Kowal* Linda F. Shannon
Its: Clerk

and

By: ___________________________________________________________________
*Thomas A. Tanghe* Michael W. Culpepper
Its: City Manager
The foregoing instrument was acknowledged before me this ___ day of _________, 2016  2007, by Rich LaLonde of RJL Equity Holdings LLC DUTTON CORPORATE CENTRE, L.L.C., on behalf of said company.

_________________________ Notary Public
_________________________, County, Michigan
My commission expires:________________________

The foregoing instrument was acknowledged before me this ___ day of _________, 2016  2007, by Kevin McDaniel Mari Harvey-Edwards, as Mayor, and Terri Kowal Linda F. Shannon, as Clerk, on behalf of the City of Auburn Hills, a Michigan municipal corporation, on behalf of the corporation.

_________________________ Notary Public
_________________________, County, Michigan
My commission expires:________________________

The foregoing instrument was acknowledged before me this ___ day of _________, 2016  2007, by Thomas A. Tanghe Michael W. Culpepper, as City Manager, on behalf of the City of Auburn Hills, a Michigan municipal corporation, on behalf of the corporation.

_________________________ Notary Public
_________________________, County, Michigan
My commission expires:________________________
April 18, 2016

RE:  DUTTON CORPORATE CENTRE PUD
     Proposed Revision to the Development Agreement

Dear Neighbor,

We are notifying you in accordance with the City of Auburn Hills’ Citizen Participation Ordinance that my company has submitted an application to the City to update and amend the existing Development Agreement for the Dutton Corporate Centre PUD.

My company, RJL Equity Holdings, has purchased the Dutton Corporate Centre. We have worked closely with the City over the past few months to update the PUD Concept Plan that governs future development within the property. The attached map shows the land uses proposed, along with improvements we plan to install, weather permitting, this year.

To kick off the rebirth of the project, we plan to build a state-of-the-art Kia automotive dealership at the southwest corner of the site adjacent to M-24. I believe it will be a show piece for the community and jump start development within corporate park.

Lastly, we agreed to create a new 28-acre dedicated open space area across from the homes on Bald Mountain Road. We wish to be good neighbors and are pleased to offer this additional buffer to better preserve the natural character of the Bald Mountain Road area.

The City of Auburn Hills Planning Commission is scheduled to review our application on May 11, 2016. If you have any questions or concerns, please contact me at 248-682-6002. If you wish to speak to a City Representative regarding our project, feel free to call Steve Cohen, Director of Community Development at (248) 364-6941.

Sincerely,

[Signature]

Richard J. Lalonde,
President

Attachment
May 5, 2016

Steven J. Cohen, AICP
City of Auburn Hills
1827 North Squirrel Road
Auburn Hills, MI 48326

Re: Dutton Corporate Center Development Agreement

Dear Steve:

Pursuant to the requirements of Planning Commission related to the amendment of the Dutton Corporate Center Development Agreement, we have taken the following actions:

We mailed 117 notification letters to the residents within 1,000 feet of the development. The letters were sent on April 19th, 2016. We have received no response from the letters.

Feel free to contact me directly should you need any further information.

Sincerely,

Clay B. Thomas
General Counsel
put. Mr. Marzolf indicated with more sites being difficult to build on, there will be impractical bike paths to consider. Ms. Cooper asked how much money was collected from the developers. Mr. Marzolf said $30 per foot.

Mr. McKissack questioned the liability of the City for bike path use, such as if the path ends abruptly and the need to travel in the roadway is necessary. Mr. Beckerleg explained if it is not at the fault of the City there is no liability, however if the traveled portion of the bike path is located in a dangerous place, there could be a liability issue.

Mr. Marzolf mentioned in 1999 when a Parks and Recreation survey was done, the number 1 request was for sidewalks and bike paths in the City.

**Future Land Use of the Fons Landfill Property** (Property located at the terminus of Dutton Road, west of Bald Mountain Road)

Mr. Cohen explained a report dated July 19, 2000 was written by a developer's consultant, and the City consultants concurs with the results of the report and suggest it would not be practical to continue or promote residential use. Mr. Cohen stated there are concerns of methane gas and when the landfill was constructed rules and safety precautions were not as strict as used today. Mr. Cohen believed if a non residential use was determined for this property, T & R would be an appropriate use rather than a light industrial use.

Mr. Beckett asked if there was any thought in using this property for a recreational use, similar to the golf dome located at Joslyn and Great Lakes Boulevard. Mr. Cohen said he has heard no discussion for any recreational use, however the property does need to be capped and properly monitored because of the methane release.

Mr. Cohen explained if this property were developed it would be a brownfield site and need to be brought up to standards set by the MDEQ. Mr. Ouellette had a concern with smoking in relation to the methane gas and commented that Mulligans continuously monitors and burns off the methane gases. Mr. Cohen stated the stacks burn off the methane gas and keeps things under control, however the problem cannot be cured.

Mr. Schoonfield mentioned he had walked the Fons site twice, once in 1986 and once in the 1990's. There were methane flares in 1986, some of which were still lit and burned continuously. There was also a substantial amount of leachate and erosion in which the bottoms of barrels were visible. In Mr. Schoonfield's opinion the site is seriously deficient as far as being safe for any type of use. Mr. Schoonfield also stated if it is capped, a new venting system will be needed. Mr. Schoonfield also noted the serious grade difficulties of more than a 50 foot elevation difference if extending Dutton Road to the Lapeer Road/Brown Road intersection. He continued stating there is a collection point south of the old ski lodge for the leachate which used to be pumped out and hauled off the premises, which he doesn't believe is being done any longer. Mr. Schoonfield mentioned there are some test wells located at the north end of the park that need to be monitored. He also noted concern with the test wells that there was testing of residential wells along Bald Mountain Road, (which did not reveal a problem) and subsequently commented that those residents have gotten city water.

Mr. Cohen suggested a non residential brownfield would be the best approach, noting that if something isn't done the property will remain the same or get worse.

Ms. Cooper asked if there was some interest in the property and if that is why the report was done by BL Companies. Mr. Cohen said there are a number of different developers interested in developing this property. In July, Mr. Cohen met with someone wanting to develop all of that property into a brownfield T & R park, and Mr. Cohen questioned why it couldn't be developed residential as zoned and master planned. The interested party faxed a copy of BL's report to Mr. Cohen of the findings. Mr. Cohen explained the City's own consultant concurs with the findings of BL Companies, Inc., and will submit a more detailed report. Mr. Cohen mentioned he has two files with information on the landfill that dates
back to the 1970's. Mr. Cohen gave a brief history, explaining it was a state licensed landfill, and it was taken over by the Fons' when the ski hill could not be formed because of the rubbish that was used to try to build up a hill.

Mr. Pillsbury reported solvents, fiberglass hardeners, and resins had been dumped in the subject landfill.

Mr. McKissack was troubled with rezoning residential property to another zoning just because the property owner by his own actions made it unusable for residential use. He doesn't want to set a precedent allowing people to destroy their property to down grade their zoning. Mr. Cohen stated this is different, the Fons landfill needed a permit from the State, the City, and Orion Township in order to operate. Mr. Cohen explained if someone today wanted to trash their land, there are laws and ordinances in effect to prohibit it.

Ms. Marien asked about the process and requirements for brownfield clean up. Mr. Cohen explained the key to the brownfield is it must be cleaned up to a standard set by the MDEQ, suitable for development, and there are financial incentives for the cleanup of brownfield sites.

Mr. James Fanzini, P.E., described the 58 acres of property owned by the Road Commission which is east of the Fons property. He stated it has been owned by the Road Commission since 1946 and at one time gravel was mined for road commission purposes and then contracted out, with the contract ending in 1988 because the gravel was gone. The Road Commission currently has its communication facilities there, along with several emergency agencies' communications. The Road Commission does not want the property that currently has the communication towers zoned residential. A portion of the property to the west, 5 acres, for a short period of time was a licensed landfill through an agreement with Pontiac Township. Through an EPA investigation they know what is in the landfill and where the contamination is located. There is a possibility of selling that portion of land and having the same type of zoning that the abutting property (Fons) would have.

Ms. Marien asked if there had been any tests conducted for seepage. Mr. Fanzini didn't think testing had been done. Mr. Schoonfield asked if excluding the 5 acre parcel used for landfill, the balance of the property is clean. Mr. Fanzini said the rest was clean and the balance of property includes a mitigated wetlands area that doesn't seem to have been successful.

Mr. Knight asked if the Road Commission would be willing to sell a portion of the eastern acreage where the towers sit if it was developed to be compatible with the towers. Mr. Fanzini said the Road Commission didn't want anybody interfering with the towers, and they weren't interested in selling any portion of that acreage. Mr. Knight, speaking as a City Council member, said it is a very arbitrary position for the Road Commission to take wanting to keep the property. Mr. Fanzini said if the City wanted to buy the property, there might be a way to do it. Mr. Knight suggested there be no restrictions other than the Road Commission keeping their tower. Mr. Fanzini said he didn't know what type of contract could be written, but he was sure the Road Commissions interests would be preserved.

Mr. Ouellette asked if a portion of the property is currently being used by the Road Commission. Mr. Fanzini said the property is occasionally used for road grading training exercises and ditch clean out may be dumped on the property, but that is it.

Ms. Hurt-Mendyka asked for more detail regarding the wetland. Mr. Fanzini explained the wetland is approximately 2 acres, it is a designated wetland, and is documented as a perpetual easement. Mr. Fanzini also stated the wetland is physically in existence, however he isn't sure if it is wet or dry. Ms. Hurt-Mendyka asked how to go about investigating if the mitigated wetland is appropriate. Mr. Beckerleg suggested it might be on file with the DNR and maintained by them as well.

Legal Aspects of Lowering Residential Density in the Northeast Corner
CALL TO ORDER: Chairperson Beckett called the meeting to order at 7:30 p.m.

ROLL CALL:
Planning Commission:
Present: Beckett, Beidoun, Hurt-Mendyka, Kresnak, Marien, McKissack, Ouellette, Schoonfield
Absent: Newkirk

Environmental Review Board:
Present: Harvey-Edwards, McKissack, Mitchell, Peters, Ostrowski, Strobe
Absent: Parent
Also Present: Community Development Director McBroom, City Planner Cohen, City Manager Ross, Councilpersons Sendegas, Knight, and Kittle, City Engineer Westmoreland, TIFA Chair Bennett, Brownfield Authority Chair Capen
16 Guests

LOCATION: Public Safety Building, Community Room, 1999 N. Squirrel Road, Auburn Hills MI 48326

PERSONS WISHING TO BE HEARD - None

SPECIAL PRESENTATION:
Northeast Area Traffic Study – City Traffic Consultant
Gregory Gaides and Eric Tripi gave a Power Point presentation for the northeast portion of the City. The study area was bounded by Silver Bell Road to the north, Adams Road to the east, Walton Boulevard to the south, and Lapeer Road to the west.

The objective of the study was to assess certain roadways’ ability to accommodate traffic volume changes due to anticipated future development and access changes. The traffic study included future traffic impacts of the construction of Dutton Road between Lapeer Road and Bald Mountain Road, and the re-opening of Tienken Road at the boundary of Auburn Hills and Rochester Hills. The impacts were based on projected year 2025 traffic conditions.

The study was conducted using the SEMCOG regional travel demand model and enhancements were made to facilitate a more detailed level of analysis specific to Auburn Hills.

Three alternatives were analyzed:

- **Alternative 0 – Planned Growth Scenario.** This Alternative represents the planned roadway system for 2025. It is the existing road network, plus those improvement projects that are planned and committed, as provided by SEMCOG. Planned roadway projects within Auburn Hills otherwise not provided by SEMCOG were incorporated into this Alternative and are as follows:
  - Constructing a five-lane section of Dutton Road between Lapeer Road and Bald Mountain Road
  - Widening Walton Boulevard to a five-lane section in the vicinity of Interstate 75
  - Paving a number of local roads

- **Alternative 1 – Opening both Dutton and Tienken Roads.** This Alternative is the same as Alternative 0 (Planned Growth), with an additional project that would re-open Tienken at the Auburn Hills and Rochester Hills boundary.
Alternative 2 – Keeping both Dutton and Tienken Roads Closed. This Alternative is similar to Alternative 0 (Planned Growth), but does not include the project that would open Dutton Road between Lapeer and Bald Mountain Roads.

The following are the major findings of the analysis:

- The changes in traffic demand due to planned growth in land use over the next twenty-five years will far exceed the changes that are forecast resulting from implementing either of the alternatives. In other words, the impacts of the alternatives are small when compared to the anticipated growth over the planning horizon.

- Total east-west travel along the corridors between Silver Bell Road and Walton Boulevard inclusive, will not change appreciably based on whether or not Dutton and/or Tienken Roads are made continuous. Traffic along these corridors will re-distribute within this area under either road-opening scenario. Also, additional traffic from outside this area does not divert into this primary area under either road-opening scenario (Alternatives 0 and 1).

- The planned basic number of through lane requirements does not change whether or not Dutton and/or Tienken Roads are made continuous. It should be noted, however, that Dutton Road east of Squirrel Road would require a modification to its basic cross-section regardless of whether Dutton Road is opened or closed.

- Opening Dutton Road will suggest a need to widen Dutton Road between Bald Mountain and Squirrel Roads.

- The traffic volumes associated with the opening of Tienken Road should not result in a need to change the roadway cross-section on either Tienken or Shimmons Roads.

Mr. Tripi and Mr. Gaides responded as follows to questions they were asked:

- The calculations that were made include all developments that have been approved by the City Council.

- The calculations are not just based on Auburn Hills traffic patterns, but take into account all of the metropolitan Detroit area.

- It is very common in planning that a twenty-five year be projected, as this analysis has been done.

- It is possible to have a five year projection prepared and will take only a couple of weeks.

Mr. Tripi and Mr. Gaides concluded their presentation and a brief recess was taken.

The meeting reconvened at 8:55 p.m.

Mr. Beckett noted a letter was received by the applicant requesting that Item 4, the Mass Grading/Soil Moving be removed from tonight’s agenda.

Mr. Peters opened the public hearing for the Tree Permit at 8:58 p.m.

PETITIONERS
SP 02-12, Dutton Road Extension & Dutton Technology Park – Public Hearing
(Sidwell Nos. 14-02-200-001, 14-02-200-002, 14-02-200-003, and 14-02-200-017)
Brown Road Group, LLC has petitioned for a recommendation from the Planning Commission to the City Council for site plan approval to construct roads, utilities, and a detention area on property zoned I-1, Light Industrial district and T&R, Technology and Research district pursuant to the City of Auburn Hills Zoning Ordinance. In addition, a request for a tree removal permit recommendation from the Environmental Review Board to the City Council is requested pursuant to the City's Woodlands Preservation Ordinance. The property is generally located south of Ellen Drive, between Bald Mountain Road and M-24.
Mr. McBroom reviewed his Background Information letter dated June 12, 2003 as follows:

In addition to the review letters from Mr. Cohen for the three projects listed on the agenda, this memorandum is intended provide additional background information to explain the history and the relationship between these three requests. This information is provided separately for the two parcels involved: the Dutton Technology Park site west of Bald Mountain Road and the Soil Moving and Mass Grading Permit site east of Bald Mountain Road.

**Dutton Technology Park**

The site of the proposed Dutton Technology Park is a former solid waste landfill. The site is also referred to as the former Fons Landfill, or the former Sanicem Landfill. The site was originally developed as a downhill ski facility in the early 1960s. At that time, the owners began to accept fill to increase the height of the ski hill. At that time, the fill came from many sources and included foundry sand, scrap metal and 55 gallon drums. The ski facility closed in the early 1970s when the property was purchased by the Fons family, who operated a solid waste landfill until 1979. The landfill reportedly only accepted residential refuse from the City of Detroit. Recent investigations show a variety of waste was dumped on site, some much more serious than normal residential garbage.

The total site area is approximately 145 acres. Forty five acres are located north of the City limits in Orion Township.

Although the site was operated as a landfill, no clay liner was ever installed beneath the garbage, nor was the site ever properly capped when landfill operations ceased. Additionally, no systems were ever installed for the collection and treatment of leachate or methane gas produced by the decomposing garbage.

The owner of the property, Brown Road Group, LLC, applied to the City of Auburn Hills for brownfield redevelopment assistance and on June 18, 2001, the City Council approved a Workplan for the clean up of the property and preparation of the site for redevelopment. The plan was amended on October 21, 2002. As part of the approval of the Brownfield Workplan, the City Council also approved a Tree Removal Permit to facilitate the grading work necessary to properly cap the landfill and install the leachate and methane collection systems. Last October, work began. In January of this year, we became aware that trees not covered under the Tree Removal Permit were removed and work was occurring within the wetland area at the south end of the site that was not covered by the Wetland Use Permit issued by the state. For these reasons, a City of Auburn Hills Stop Work Order was posted on January 15, 2003.

Only limited work related to the cleanup of the site has been allowed since that time.

**Soil Moving and Mass Grading Permit**

This permit is proposed for the parcel at the southeast corner of Dutton and Bald Mountain Roads. The site was under the control of the Road Commission for Oakland County from 1946 until just recently. It is now owned by a developer who has reached a tentative agreement with the Brown Road Group to provide fill material for the Dutton Technology Park.

During the time the Road Commission for Oakland County owned the property, it has been used for various purposes including mining, dumping, and equipment testing. Apparently, so much material was mined at one time that a conveyor system was installed over Dutton Road and a tunnel for trucks under the road to convey material from this site to a batch plant on the north side of Dutton Road. It does not appear that the site can be developed in its current condition. Significant mass grading is required to develop the property in accordance with the City’s engineering requirements.
The timing of removing the excess soil from this site is ideal. Rather than hauling the material out of the site to some other site, creating excess wear on City roads, it can simply be moved across Bald Mountain Road, avoiding the need for the Brown Road Group to haul in material from outside of the City.

**Dutton Road Extension**

The extension of Dutton Road from Bald Mountain Road to Lapeer Road has been a part of the City’s Major Thoroughfare Plan since at least 1973. From the time the City staff began working towards the redevelopment of the Fons Landfill, we have made it clear that development of the property must include the extension of Dutton Road. Because of the landfill, this section of road is extremely complicated and costly to build.

The road extension itself does not appear to require Site Plan Approval under the City’s Zoning Ordinance. Because the completed road will be under the Road Commission for Oakland County’s jurisdiction, plans for the road have been submitted and must be approved by the County before road construction can begin. Because we do not control the construction or inspection of the road and, therefore, do not control when the road will be completed, we are requiring that the road be open to traffic before any buildings in the Dutton Technology Park (i.e. Atlas Copco) can be occupied.

**Benefits of the Projects**

Although all three projects require separate approvals, they are clearly all related. In the staff’s opinion, the benefits of the three projects together are:

1. The old Fons Landfill is being properly closed and capped, with the necessary leachate and methane gas collection systems installed. Without the assistance provided by the City through the Brownfield Redevelopment Act and the ability to put the property to a productive use, it would not be economically feasible for a developer to remediate the site.

2. The extension of Dutton Road, a key transportation planning objective for 30 years, is being completed at very little cost to the City of Auburn Hills.

3. At a time when vacant developable land in the City continues to decline, 100 acres of developable land will be made available at a strategic location in the City from land that, 10 years ago, was thought to be undevelopable.

Mr. Cohen’s SP 02-12 letter of recommendation dated June 13, 2003 is as follows:

We are recommending **Conditional Approval** of the Site Plan and offer the following discretionary findings of fact:

1. The Site Plan contains sufficient basic information required by Zoning Ordinance No. 372 for a recommendation.

2. The requirements of Section 1815, Items 7A-7E of Zoning Ordinance No. 372 can be met as follows:
   
   A) All requirements and standards of the Zoning Ordinance, and other City Ordinances, can be met.
   
   B) Safe, convenient vehicular and pedestrian ingress/egress has been depicted.
   
   C) Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety.
   
   D) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
   
   E) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.
3. Greenbelts and landscaping will be provided along the existing and proposed roadways abutting and within the development. All trees and landscape areas shall be irrigated with an underground sprinkler system.

4. An Environmental Impact Statement has been submitted and meets the requirements of Section 1814.

5. Eight foot pathways are proposed along M-24, Bald Mountain Road, and the proposed Dutton Road extension. A five foot sidewalk is shown along the proposed Technology Court.

6. A “natural pathway system with wooded boardwalks at wetland crossings” is proposed at the south end of the site around the wetland mitigation area per MDEQ approval. It has not been determined if the natural pathway will be available for public use. This pathway is currently proposed to connect to the proposed 8 ft. pathway along Bald Mountain Road.

7. The applicant, Brown Road Group, LLC, entered into a Development Agreement with the City of Auburn Hills and the Auburn Hills Brownfield Redevelopment Authority on December 17, 2002.

ADDITIONAL COMMENTS:

1. Site plan approval shall be subject to the acquisition of necessary right-of-way from the adjacent property owner (Jacob Properties – Orion Business Park) by the Brown Road Group, LLC or the Road Commission for Oakland County for the proposed Dutton Road extension.

2. The trees proposed to be planted along Bald Mountain Road shall be installed and irrigated within 90 days of City Council approval, except in those areas affected by the proposed soil moving operation.

3. A separate site plan will be required for each project proposed within the Dutton Technology Park to show compliance with the requirements of Zoning Ordinance No. 372 and all other applicable municipal, county, and state codes.

Mr. Cohen’s SP 02-12 Tree Permit letter of recommendation dated June 13, 2003 is as follows:

The petitioner, Brown Road Group, LLC, respectfully requests revised tree removal permit approval from the City to finish the environmental clean up of the Fons Landfill, thus allowing the site to be prepared for future development.

In October 2002, the petitioner received approval from the ERB and City Council to remove 804 protected trees (785 protected trees + 19 landmark trees). The permit was granted for only “Phase One” of the tree removal.

In January 2003, City staff confirmed that the petitioner’s contractor removed additional trees in the northeast corner of the site, which were scheduled to be removed as part of “Phase Two” of the tree removal. This removal required a separate permit from the City, which the petitioner failed to obtain. A stop work order was issued due to the violation on January 15, 2003.

The City received a letter of credit on May 2, 2003 from the applicant for $512,700.00 to insure trees will be replaced per the City’s Woodlands Preservation Ordinance. The amount was based on an initial report provided by the petitioner’s engineer on the number of protected trees removed from the site.

Revised Permit Details

Phase One: 804 protected trees removed (785 protected trees + 19 landmark trees)
839 required replacement trees (785 trees + 54 trees for the landmark tree replacement)

Phase Two: 878 protected trees removed (869 protected trees + 9 landmark trees)
895 required replacement trees (869 trees + 26 trees for the landmark tree replacement)

Total: 1,682 protected trees removed (1,654 protected trees + 28 landmark trees)
1,734 required replacement trees (1,654 trees + 80 trees for the landmark tree replacement)
Letter of Credit or Cash Bond Required – 1,734 trees x $300 = $520,200.00

Lastly, it should be noted Brian Colter, ACRT confirmed that no protected trees were removed by the petitioner within the 100 ft. wide tree preservation buffer easement provided along Bald Mountain Road. The City’s DPW crew removed one tree in the R.O.W. because it had a street sign post embedded in it. The petitioner has prepared a landscape plan which proposes to extensively landscape this section of road with berms and oversized evergreen trees.

After the public hearing, if you find your questions satisfactorily answered it would be appropriate to move to recommend to City Council approval of the revised tree removal permit for SP 02-12, Dutton Road Extension / Dutton Technology Park subject to the collection of a revised letter of credit or cash bond of $520,200.00.

Mr. Jim Butler, Professional Engineering Associates, Inc. explained they are requesting the removal of 1,654 protected trees and 28 landmark trees, which requires 1,734 replacement trees.

Mr. Butler explained the water extension and the sanitary sewer system will connect east of Bald Mountain Road through to Dutton Road. A regional detention basin will collect all of the storm water drainage from this site as well as others in the area, including water runoff from the opposite side of Lapeer Road. The site has regulated wetlands and they are proposing to mitigate the wetlands into the southeast corner of the site, which would become a park. A permit has been obtained from the MDEQ to mitigate the wetlands. This park would connect to a walkway to be constructed along Bald Mountain Road. A walkway is proposed along the Dutton extension as well as Lapeer Road.

Mr. Butler stated there will be 446 eight to twelve foot tall predominately evergreen trees along the serpentine pathway. A dedicated 100 foot wide strip of land will separate the Technology & Research and Light Industrial from the R-1 Residential zoning. The 100 foot wide strip of property is currently heavily vegetated with mostly deciduous trees and will only be slightly graded. An additional 130 are proposed with the development of Dutton Road.

Addressing the Commission’s questions, Mr. Butler noted the following:

- The remaining trees will be spread throughout the remaining lots.
- The park can be accessed by the public via the walkway.
- The pond is designed to hold water only for 24 to 36 hours, so it will not be a breeding ground for mosquitoes.
- The elevation is quite severe for this property to Bald Mountain Road. Because of the elevation, the residents will not see the roof of the buildings.
- There is no intention of planting shrubbery around the detention pond, grass is proposed. However, shrubs can be looked into.

SP 03-08, Atlas Copco
(Sidwell No. 14-02-200-017)
Brown Road Group, LLC has petitioned on behalf of Atlas Copco for a recommendation to City Council for site plan approval to allow the construction of a 58,700 sq. ft. research and development facility on property zoned T&R, Technology and Research district. The property is generally located at the southwest corner of Dutton Road and Bald Mountain Road.

Mr. Cohen’s letter of recommendation dated June 13, 2003 is as follows:

We are recommending Conditional Approval of the Site Plan and offer the following discretionary findings of fact:

1. The Site Plan contains sufficient basic information required by Zoning Ordinance No. 372 for a recommendation.
2. The requirements of Section 1815, Items 7A-7E of Zoning Ordinance No. 372 can be met as follows:
A) All requirements and standards of the Zoning Ordinance, and other City Ordinances, can be met.
B) Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to the proposed Technology Court which will outlet to the proposed Dutton Road extension.
C) Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety.
D) A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
E) The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.

3. Based upon the number of employees and floor area, 188 total parking spaces are required and 190 parking spaces are depicted.

4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (6 are required and 8 are provided). 2 spaces are van accessible.

5. Building and parking setback requirements will be met.

6. Greenbelts will be provided

7. Landscape requirements will be met and calculations have been submitted.

8. Loading/unloading area will be met.

9. Notes on the plan indicate pole and wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields. All light poles are not to be taller than the building.

10. A note indicates that signs shall meet the requirements of Zoning Ordinance No. 372.

11. A note indicates that parking spaces shall be double striped.

12. Ground-mounted and roof-mounted mechanical equipment will be screened.

13. A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage.

14. Eight ft. pathways along Bald Mountain Road and the Dutton Road Extension and the five ft. sidewalk along Technology Court will be constructed by the developer of the Dutton Technology Park.

ADDITIONAL COMMENTS:
1. Site plan approval shall be subject to City Council approval of SP 02-12, Dutton Road Extension and Dutton Technology Park.

2. The Certificate of Occupancy for SP 03-08, Atlas Copco shall not be issued by the City of Auburn Hills until the Dutton Road Extension is opened for public use by the Road Commission for Oakland County. Access to the site shall only be provided as shown on the site plan.

3. A land division is required to create the parcel proposed on the site plan.

Mr. Butler explained the 58,700 sq. ft. building would be built on approximately 7.34 acres. Because of the elevation this is a step-down building. Landscape requirements will be met, with the planting of 84 trees as opposed to the required 72 trees. A sidewalk from this building will be tied to the Technology Court sidewalk.

Mr. Paul Landry, Landry & Newman Architecture explained the building materials used will be brick, glass, and metal siding. Traveling towards the building on Dutton Road, you will be looking into the main lobby of the two story building. The main lobby is also the demonstration area. The building will have
39,000 sq. ft. of office space and 19,000 sq. ft. of prototype, which is a high bay area. The prototype area is where customers can view the actual design work. No roof top mechanicals will be seen, they will be blocked by stairs at either end of the building.

Mr. Ted Mazur, Atlas Copco explained their current offices are located in Farmington Hills and a sister company in Sterling Heights. This new site in Auburn Hills will combine both of the other locations into one, making it easier on both management and customers. Atlas Copco is a Swedish based company who produces hand held industrial tools for fastening applications for the auto companies and all the ancillary companies. They have locations in 55 countries, employ 26,000 employees, and approximately 12,000 of those employees are in the United States, with 150 to 200 in Michigan.

Mr. Mazur stated there is currently a staff of approximately 110 employees, with hopes of increasing the staff by 40% to 50%. This is a wholesale operation; sales and service, there aren’t many trucks entering this site. There may be six or so flat bed trucks at the end of the month for loading the product for shipment to the Belgium warehouse. Mr. Mazur stated they have a 10 year commitment to this building. Atlas Copco has been in Farmington Hills for 12 years and Sterling Heights for 26 years, which was purchased in 1986.

Mr. Landry explained at this time, signage has not been determined for the exterior of the building. The glass lobby has an interior sign which can be seen as approaching the building.

Mr. Beckett asked how the existing well would be closed that is on the site. Mr. Butler stated he would look into the matter and get an answer.

Addressing the Commission’s questions, Mr. Butler noted the following:

- The zoning will not be changed.
- The park will be owned and maintained by the current property owners.
- This complex will be developed as a site condominium.
- The Road Commission for Oakland County will acquire the necessary property for the continuation of Dutton Road from the Jacob Properties; by condemnation if necessary.
- Approximately 860,000 cubic feet will be necessary for this site.
- The fill for this site will be coming from off site sources, currently there are negotiations with an adjacent property owner to the east of this site. All options will be explored.
- Sand, gravel, and clay are welcomed sources of fill.

Discussion ensued regarding trucks entering and exiting this site. Mr. Kresnak was concerned how the trucks would handle the turning radius on M-24. Mr. Butler stated there are turn-arounds specifically for truck use on M-24, and he didn’t feel it was the responsibility of his client to construct more of these turn-arounds. Ms. Harvey-Edwards noted there is currently left hand turns allowed at the intersection of M-24 and Brown Road and they may continue once the Dutton Road extension is completed.

Ms. Harvey-Edwards questioned the amount discrepancy between the letter of credit and the amount Mr. Cohen stated was necessary. Mr. Cohen noted a revision was made after the initial report of the number of protected trees. It will be necessary for the petitioner to provide an additional letter of credit.

Mr. Butler verified there will be eight buildable lots available to accommodate the number of trees that will be planted.

Responding to Mr. Craig Capen, Mr. Landry stated yes, the Atlas Copco building was designed with the intent of expansion.

Mr. Butler explained all of the trees would not be removed in the park area only to be replaced by smaller trees, as was the concern of Ms. Laura Ochs.

Mr. Butler confirmed for Mr. Parent that the total number of trees that need to be replaced is 1,734; this includes the 839 from Phase I and 895 from Phase II. There will be no need to remove any other trees once Phase II is completed, stated Mr. Butler.
Mr. Butler stated he would look into making the pond more natural, with native plants, as suggested by Ms. McKissack. Mr. Cohen stated as the development proceeds, and native landscaping is proposed, this project will come back to the ERB.

Mr. Cohen explained the Bald Mountain Road berm will be constructed prior to other construction on the site. This will control the noise and dust from the residential area. The berm should be completed within 90 days of City Council approval.

Mr. Cohen mentioned that Mr. Heiburn requested more spruce trees in front of his property.

Mr. Parent suggested if all the trees are not planted then possibly a contribution to the tree fund could be made.

Mr. Butler affirmed the berm would be irrigated, and he stated there would be no construction fencing, only the silt fencing.

Since there were no further questions, Mr. Peters closed the ERB public hearing at 10:10 p.m.

**Moved by Ms. Harvey-Edwards to recommend to City Council approval of the revised tree removal permit for SP 02-12, Dutton Road Extension/Dutton Technology Park subject to the collection of a revised letter of credit or cash bond of $520,200.00**

Supported by Mr. Ostrowski.

**VOTE:** Yes: Harvey-Edwards, McKissack, Mitchell, Peters, Ostrowski, Strobe
No: None

Motion Carried (6-0)

**Moved by Ms. Hurt-Mendyka to table SP 02-12, Dutton Road Extension & Dutton Technology Park Public Hearing to June 26, 2003 for determination on the well closure and the fill soil necessary.**

Supported by Mr. Ouellette.

**VOTE:** Yes: All
No: None

Motion Carried

It was noted a joint meeting may not be necessary on June 26, 2003, since a motion was made by the ERB on the Dutton Technology Park. However, if the withdrawn issue for Mass Grading/Soil Moving is presented, it would be necessary for the ERB to be present.

Mr. Ouellette requested possibly taking a tour of the site. Mr. McBroom stated it is private property that is gated, and he will check with the owner and notify the Commission.

**APPROVAL OF MINUTES**

Moved by Ms. Harvey-Edwards to approve the Environmental Review Board minutes of May 22, 2003 as amended to make the correction on page 5, to nominate Mr. Ostrowski as CoChairman.

Supported by Mr. Ostrowski.

**VOTE:** Yes: All
No: None

Motion carried

Moved by Mr. Ostrowski to approve the Environmental Review Board minutes of June 11, 2003 as submitted.

Supported by Ms. Harvey-Edwards.

**VOTE:** Yes: All
No: None

Motion carried
Moved by Mr. Schoonfield to approve the Planning Commission minutes of June 5, 2003 as submitted.
Supported by Ms. Marien.
VOTE: Yes: All
No: None
Motion carried

Moved by Ms. Marien to approve the Planning Commission minutes of June 9, 2003 as submitted.
Supported by Mr. Beidoun.
VOTE: Yes: All
No: None
Motion carried

COMMUNICATIONS
Ms. Marien noted there was black paper flapping in the wind on top of the Best Buy store, and requested somebody look into it.

NEXT MEETING:
Planning Commission Meeting – Churchill Neighborhood
June 23, 2003 at 7:30 p.m.
American Legion Hall – 93 Churchill

Joint Planning Commission and Environmental Review Board Meeting
June 26, 2003 at 7:30 p.m.
Public Safety Building Community Room (Police/Fire Building)

ADJOURNMENT
Moved by Mr. Schoonfield to adjourn the meeting.
Supported by Ms. Hurt-Mendyka.
VOTE: Yes: All
No: None
Motion carried

The meeting was adjourned at 10:22 p.m.

Kathleen Novak
Records Retention Clerk
CALL TO ORDER: Mayor Harvey-Edwards called the City Council Meeting to order at 7:30 p.m. with the Pledge of Allegiance.

ROLL CALL: Present. Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Kittle, Knight, Newkirk, Sendegas
Absent. Council Member McDonald
Also Present. City Manager Ross, Assistant City Manager Tanghe, Assessor Bennett, City Clerk Shannon, Community Development Department Director McBroom, Department of Public Works Director Culpepper, Fleet Manager Skinner, Police Deputy Chief Mynsberge, Recreation Director Marzolf, City Engineer Westmoreland, Brownfield Redevelopment Authority Chair Capen, Tax Increment Finance Authority Chair Bennett, City Attorney Beckerleg
23 Guests

LOCATION: Civic Center, 1827 N. Squirrel Road, Auburn Hills MI 48326

8. NEW BUSINESS
8a. SP 02-12, Dutton Road Extension & Dutton Technology Park
Mr. McBroom presented the requests from Brown Road Group, L.L.C. for site plan approval to construct roads, utilities, and a detention area on property zoned I-1, Light Industrial, and T&R, Technology and Research, and for approval of a tree removal permit, for property located south of Ellen Drive, between Bald Mountain Road and M-24.

Mr. McBroom, noting that the large amount of fill dirt required for the site is an issue, explained that there is currently not an agreement to obtain fill from the property owner on the other side of Bald Mountain Road. He noted that, should an agreement not be reached with that property owner, fill will only be allowed to enter the site from Lapeer Road.

Mr. McBroom noted there is currently enough fill on-site to allow the Road Commission to complete the Dutton Road extension project.

Mr. Jim Butler, Professional Engineering, clarified that eventually almost all the existing trees will be removed from the site to facilitate the efficient placement of fill to cap the landfill.

Moved by Mr. Newkirk to accept the Planning Commission and Environmental Review Board’s recommendations and approve SP 02-12, Dutton Technology Park to allow the removal of trees and the construction of roads, utilities, and a detention area on property zoned I-1, Light Industrial district and T&R, Technology and Research district. The property is generally located south of Ellen Drive, between Bald Mountain Road and M-24. (Sidwell Nos. 14-02-200-001, 14-02-200-002, 14-02-200-003, and 14-02-200-017). This is to include the discretionary findings of fact found in Mr. Cohen’s letter dated June 13, 2003 and all applicable City consultants and agencies.

In addition, the following conditions shall apply:
1. If fill material can not be obtained from the adjacent Mullins site, gravel trucks delivering fill material to the site shall not be permitted to use Bald Mountain Road or Dutton Road to access the site. A permit shall be obtained from MDOT to utilize M-24 as a construction entrance.
2. Demolition permits shall be obtained from the Community Development Department for the existing home and lodge on the site. This permit will address the closure of the wells and septic fields on the site.
3. The new detention basin shall be vegetated with native trees and grasses. The planting plan shall be submitted to the Environmental Review Board for review and approval prior to installation.

Supported by Ms. Sendegas.

Mr. Kittle cautioned about truck traffic in the subject area and the need to monitor the situation. Mr. Pillsbury reiterated the need to monitor compliance with the stipulation that fill enter from Lapeer Road. Mr. McBroom indicated that Community Development and OHM engineers will be monitoring progress at the site.

Mr. Knight emphasized the need to monitor the fill process very carefully.

Mr. Butler assured Council that the developer's intent is to complete the extension of Dutton Road from 300’ east of Bald Mountain Road west to M-24 during the current construction season. Mr. Ross noted that the Road Commission will be completing the extension of Dutton from 300’ east of Bald Mountain Road to the point at which the pavement currently ends in front of the Hawthorn Forest subdivision.

VOTE: Yes: Harvey-Edwards, Kittle, Knight, Newkirk, Pillsbury, Sendegas
No: None

RESOLUTION NO. 03.07.185
Motion carried (6-0)

8b. SP 03-08, Atlas Copco

Mr. McBroom presented the request from Brown Road Group, L.L.C., on behalf of Atlas Copco, for site plan approval to allow the construction of a 58,700 sq. ft. research and development facility on property zoned T&R, Technology and Research, located at the southwest corner of Dutton Road and Bald Mountain Road.

Mr. McBroom confirmed there will be no outside storage on the subject site.

Mr. McBroom verified the facility will be built simultaneously with the two Dutton Road extension projects.

Moved by Mr. Pillsbury to accept the Planning Commission’s recommendation and approve SP 03-08, Atlas Copco to allow the construction of a 58,700 sq. ft. research and development facility on property zoned T&R, Technology and Research, generally located at the southwest corner of Dutton Road and Bald Mountain Road (Part of Sidwell No. 14-02-200-017). This is to include the discretionary findings of fact found in Mr. Cohen’s letter dated June 13, 2003 and all applicable City consultants and agencies.

Supported by Mr. Newkirk.

VOTE: Yes: Harvey-Edwards, Kittle, Knight, Newkirk, Pillsbury, Sendegas
No: None

RESOLUTION NO. 03.07.186
Motion carried (6-0)
CALL TO ORDER: Chairman Peters called the meeting to order at 6:30 p.m.

ROLL CALL: Present: Harvey-Edwards, McKissack, Mitchell, Ostrowski, Parent, Peters, Strube
Absent: None
Also Present: City Planner Cohen
Guests: 14

LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills, MI 48326

PUBLIC HEARINGS:

Dutton/Bald Mountain Parcel – Larry Mullins

Attached is a report from Woodlands Consultant Brian Colter, ACRT Inc. dated June 12, 2003 related to the above mentioned project. Mr. Colter has conducted an on-site inspection to confirm plan correctness and recommends approval of the submittal.

The petitioner proposes to remove the equivalent of 241 protected trees. Trees will be planted at a later date due to the nature of the project.

The developer is required to provide a cash bond or irrevocable letter of credit (241 trees @ $300.00 = $72,300.00) as reassurance that the trees will be replaced per the City’s Woodlands Preservation Ordinance.

After the public hearing, if you find your questions satisfactorily answered it would be appropriate to move to recommend to City Council approval of a tree removal permit for Dutton / Bald Mountain Parcel subject to the following conditions:

1. Collection of a cash bond or irrevocable letter of credit of $72,300.00 prior to the removal of trees.
2. The site shall be seeded for soil stabilization upon the completion of mass grading by spring 2004.
3. The applicant shall be aware and adhere to the requirements of Section 11. Tree Protection During Construction of the City’s Woodlands Protection Ordinance.
4. The applicant shall notify the Community Development Department in writing 48 hours prior to the removal of trees from the site so that appropriate inspections can be arranged.
5. The applicant shall obtain an official tree removal permit/weather card from the Community Development Department. The permit shall be displayed in accordance with requirements of Section 12 of the City’s Woodlands Protection Ordinance.

Mr. Cohen introduced Mr. Jim Butler, with Professional Engineering. Mr. Butler explained this is a fifty acre parcel. They plan on mass grading the site and 850,000 cubic yards of material will be transported to this site. There are two detention ponds that are being developed in the south section of the site.

Mr. Cohen explained there was a road project previously owned by Oakland County and part of that permit stated the county was suppose to mitigate a wetland on this property. This site is gravel and what the road was created the road never took, it all drained off. The Road Commission never recorded the easement and the DEQ never verified it was done. The DEQ legally can not make them mitigate the wetlands since the property has changed owners.
Mr. Butler verified for Chairman Peters that they are mass grading all three parcels. There is an agreement with his client and the Brown Road Group for purchase of this property. Mr. Mullins will provide dirt to this site. In the third phase the land will be restored.

Mr. Butler confirmed for Chairman Peters that he has had phone conversations with the property owners south of the site to discuss this project. They residents are actually 200 to 300 feet away and they are above these sites, noises rises it does not move laterally, the noise should not be an issue.

Mr. Butler verified for Ms. Harvey-Edwards that the elevation will be 20 to 25 feet after completion. He also explained after the Geo tests and soil boring were completed there was no refuge on the site. If they find refuge during the mass grading the will handle appropriately.

Mr. Butler stated they are scheduled to complete the dirt removal in six (6) months. Mr. Mullins will be moving all the dirt.

Mr. Butler confirmed for Mr. Ostrowski that the Mullins property is zoned R-1A and there are no plans to develop the property at this time.

Ms. McKissack stated she was very happy to see that many of the trees were being saved.

There being no comments from the audience the public hearing was closed at 8:25 p.m.

Mr. Parent moved to recommend to City Council approval of a tree removal permit for Dutton/Bald Mountain Parcel subject to the following conditions:

1. Collection of a cash bond or irrevocable letter of credit of $72,300.00 prior to the removal of trees.
2. The site shall be seeded for soil stabilization upon the completion of mass grading by spring 2004.
3. The applicant shall be aware and adhere to the requirements of Section 11. Tree Protection during Construction of the City’s Woodlands Protection Ordinance.
4. The applicant shall notify the Community Development Department in writing 48 hours prior to the removal of trees from the site so that appropriate inspections can be arranged.
5. The applicant shall obtain an official tree removal permit / weather card from the Community Development Department. The permit shall be displayed in accordance with requirements of Section 12 of the City’s Woodlands Protection Ordinance.

Supported by Ms. Harvey-Edwards

Vote:  Yes. Harvey-Edwards, McKissack, Mitchell, Ostrowski, Parent, Peters, Strube
No. None.

Motion carried (7-0)
CALL TO ORDER: Chairperson Beckett called the meeting to order at 7:30 p.m.

ROLL CALL: Present. Beckett, Beidoun, Hurt-Mendyka, Kresnak, Marien, McKissack, Ouellette
Absent. Newkirk
Also Present. City Planner Cohen, TIFA Chair Bennett
Guests 8

LOCATION: 1827 N. Squirrel Road, Auburn Hills MI 48326

PERSON WISHING TO BE HEARD

Mr. Beckett stated recommendations from this meeting will be presented to the City Council at their September 8, 2003 meeting in these same chambers.

PETITIONERS
Mass Grading/Soil Moving – Dutton/Bald Mountain Parcel – Public Hearing
(Sidwell Nos. 14-01-100-002, 14-01-100-022 and 14-01-100-024)
Larry Mullins has petitioned for a recommendation from the Planning Commission to the City Council for approval to export approximately 860,000 cubic yards of material from said site to the adjacent Dutton Technology Park. Approval is sought pursuant to Section 1819 of the City of Auburn Hills Zoning Ordinance and City Ordinance No. 260. The property is generally located south of Dutton Road, east of Bald Mountain Road and is zoned R-1A, One-Family Residential district.

Mr. Beckett opened the public hearing at 7:33 p.m.

Ms. Marien read the following letters received from residents as follows:

Concerns for soil moving operation at Bald Mountain Road and Dutton Roads, adjacent to my property at 4260 Bald Mountain Road.

Safety concern of removal of septic system from home on property.
Can we be notified when work will start near horse area so we will be able to move horse indoors?
Allowable hours of operation are excessive.
Notify workers that electric fence may be on.
Will Dutton Road traffic be visible from our property when grading is completed?
Can large oak trees on south side of property near our home be saved?

Thank you, David Heilbrun, August 27, 2003

And

August 23, 2003

Dear Chairman Beckett:

I am the property owner at 4405 North Squirrel Road in Auburn Hills. My nine acres border a significant part of the southeastern edges of the Dutton/Bald Mountain parcel.
I was planning to attend the public hearing, originally scheduled for August 21st, for Mr. Mullins’ application for massive grading and soil moving. However, I will be out of town on August 27th and unable to participate in the hearing for this project, which has huge implications for my family’s quality of life over the next six months as well as the value of my property. Therefore, I request that my concerns be considered by the Planning Commission and read into the record for the August 27th public hearing on this permit application.

Here are my concerns:

- **PROTECTING TREES:** I ask that significant steps be taken to guarantee that trees not scheduled for removal are protected. I understand the marking system and appreciate the concern the Commission and City have shown for protecting trees. However, my property is surrounded by numerous examples of hundreds of trees that were erroneously removed by contractors. Once mature trees are down, the permanent damage lasts for decades.

- **SECURITY OF HORSES AND PRIVATE FENCES:** I ask that the pre-construction agreement include clear understanding by all on-site employees that two horses live just a few yards from where heavy scrapers and bulldozers will be operating. The safety of the horses depends on awareness of their presence. Heavy equipment must be kept a significant distance from my fence line.

- **NOISE:** The noise of such a massive grading and earth moving project – in an area that is zoned R-1A residential – is a terrible burden for the residents whose homes are nearby. Six months of 7 a.m. – 7 p.m. heavy equipment noise is a heavy load imposed on the neighborhood. Other than hours of operation, what is the Planning Commission doing to protect the quality of life of Auburn Hills residents who will be negatively impacted by approval of this permit?

Thank you for consideration of my concerns.

Sincerely yours, Anne Doyle, Property Owner and Auburn Hills Resident, 4405 N. Squirrel Road, Auburn Hills, MI 48326

Mr. Cohen reviewed his letter dated June 13, 2003 with the following recommendations:

The Community Development Department is recommending Conditional Approval of the request and offers the following discretionary findings of fact:

1. Applicable items listed under Section 1819. Excavation and Filling of Land in the City of Auburn Hills Zoning Ordinance are addressed on the applicant’s mass grading plan dated June 12, 2003.

2. Applicable items listed under Sections 5, 6, 7, 8, and 10 of City of Auburn Hills Soil Excavation and Landfill Ordinance No. 260 are addressed on the applicant’s mass grading plan dated June 12, 2003.

**ADDITIONAL ITEMS:**

1. Pursuant to Section 1819, Item 4 of the City’s Zoning Ordinance, the applicant shall provide bonds and insurance as outlined by the City’s Engineering Consultant review prior to the start of activities on the site.

2. It is recommended that a Development Agreement between Larry Mullins and the City of Auburn Hills be executed prior to start of activities on the site.
Mr. Jim Butler, Professional Engineering Associates, presented an aerial view of the property that was to be graded. Mr. Butler stated there are approximately 612 protected trees on the site and 227 of those trees would be removed. There will be 241 replacement trees planted. Mr. Butler explained there will be no loading of material, it will be scraped and picked up, then delivered to the Dutton Technology Park and the scraper would return and continue this procedure. Mr. Butler pointed out where two detention basins would be constructed. Mr. Butler stated Ms. Doyle’s property line is approximately 600 feet from the property line where the actual detention basin construction would take place. Very few trees would be removed from the thick stand of trees that adjoin Ms. Doyle’s property and elevation difference is quite a buffer. Mr. Butler stated the other detention basin will be constructed near Mr. Heilbrun’s property line with discharge out to Bald Mountain Road. Where the scraping will be taking place and with the new detention basin, there will be a 20 foot natural berm. In the final grade condition there will be a 66 foot grade difference between Mr. Heilbrun and Dutton Road. Mr. Butler explained construction will be 112 feet or so from the property line and the four Pin Oak trees that were requested to remain, will not be removed.

Mr. Butler assured both residents and Planning Commissioners that residents would be contacted prior to any work being done.

Mr. Butler stated the first step in this operation would be to construct the detention basins so the storm water would have someplace to drain once the soil moving starts. Mr. Butler didn’t believe there would be much disturbance for Mr. Heilbrun’s horse.

Regarding the septic field, Mr. Butler stated it would be abandoned to Oakland County specifications, as would a well if found on the property. Responding to Ms. Marien, Mr. Butler stated the existing house would be removed from the site.

Mr. Cohen explained the hours of operation where amended last year to allow work to be done from 7:00 a.m. until 7:00 p.m., or sunrise to sunset, which ever is less, on Monday's through Saturday's. And no construction activity shall be permitted on Sunday’s or legal holidays. Mr. Cohen stated prior to amending the ordinance, hours of operation were much more liberal. Ms. Hurt-Mendyka had some concern with the maintenance of machinery prior to the 7:00 a.m. start. Mr. Cohen stated all expectations could be spelled out in the Development Agreement.

Responding to Mr. Beckett, Mr. Butler explained if the weather cooperates the grading could be completed in as little as three months, however, the application is requesting six months, just in case.

Mr. Ouellette questioned why the detention basins would be constructed prior to any land grading. Mr. Butler stated the detention basins would be constructed to control storm water because of the change in terrain. Mr. Ouellette asked if soil borings were taken, at what depths, and what was found. Mr. Butler said soil borings were taken down to 60 feet and the content was only sand.

Mr. Butler stated water would be used on a daily basis to control the dust, and mud tracked onto Bald Mountain Road would be removed daily as required.

Mr. Ouellette wanted an assurance that soil would only be removed from this site to the Dutton Technology Park site. Mr. Ouellette felt there should be a penalty stipulated if any soil is otherwise removed. Mr. Cohen stated it would be a violation of the permit and the Development Agreement, and would become a code enforcement issue. Mr. Cohen said there is an ordinance provision that refers to a $5,000 fine and 90 days in jail. Mr. Ouellette didn’t feel that was an adequate consequence.

Piggy backing off of Mr. Ouellette’s comments, Mr. McKissack asked if the soil could be removed from the Dutton Technology Park site. Mr. Butler stated the soil was desperately needed at that site, that it wouldn’t be removed.

Pointing out on the aerial view, Mr. Butler demonstrated for Mr. Kresnak that the scraping would take place on the entire site, with the exception of the detention basins.
Mr. Kresnak questioned the number of soil boring samples that were taken and asked what measures would be taken if debris is found on the site during the soil removal process. Mr. Butler stated there were 65 samples taken as depths from 15 feet to 65 feet. Mr. Butler stated there was no detection or evidence of anything other than sand. Mr. Butler assured Mr. Kresnak appropriate measures would be taken if any debris is found on the property. Mr. Butler stated no protocol had been established in the event debris is found on this site.

Ms. Ann Heilbrun suggested that 7:00 a.m. is too early to start work, particularly on the weekend and suggested the possibility of even an 8:00 start. Ms. Heilbrun asked for clarification on the berm Mr. Butler was referring to and questioned the mitigated wetland on the site. She also had great concern for her horse.

Mr. Butler explained the berm he was referring to is not an actual berm; however the elevation change is approximately six to eight feet. According to MDEQ, there was a mitigation plan done in 1987 by the road commission. Mr. Butler stated there was evidence of a mitigated wetland, however, it has been discussed with MDEQ and, if required, it will be constructed in an appropriate location. The appropriate place may be at the southern detention basin.

Mr. Butler agreed to change the Saturday morning start time to 8:00 a.m.

Mr. Butler assured Ms. Laura Ochs, that water would be used to control dust on the parcel where the dirt was being removed as well as the parcel receiving the dirt.

Since there were no further questions, Mr. Beckett closed the public hearing at 8:10 p.m.

Moved by Ms. Hurt-Mendyka to recommend to City Council approval of a mass grading/soil moving permit for the Dutton/Bald Mountain Parcel which would allow the export of approximately 860,000 cubic yards of material from said site to the adjacent Dutton Technology Park. Approval is sought pursuant to Section 1819 of the City of Auburn Hills Zoning Ordinance and City Ordinance No. 260. The property is generally located south of Dutton Road, east of Bald Mountain Road and is zoned R-1A, One-Family Residential district (Sidwell Nos. 14-01-100-002, 14-01-100-022 and 14-01-100-024).

The approval shall also be subject to the final determination of the Michigan Department of Environmental Quality (MDEQ) regarding whether or not a wetland will be mitigated on said site. The final grading limits shall be delineated after the MDEQ reports its findings to the Community Development Department. The approval shall also include that construction shall not start until 8:00 a.m. on Saturday mornings.

Supported by Mr. Beidoun.

VOTE: Yes: Beckett, Beidoun, Hurt-Mendyka, Kresnak, Marien, McKissack, Ouellette
      No: None

Motion Carried (6-0)

APPROVAL OF MINUTES
Moved by Ms. Hurt-Mendyka to table approval the minutes of August 21, 2003 minutes until the September 18th meeting.
Supported by Ms. Marien.

VOTE: Yes: All
      No: None

Motion carried

COMMUNICATIONS – none.
OLD BUSINESS

Parks and Recreation Plan – Status Report
Mr. Cohen presented one of a hundred posters made by Kevin Lent that would be posted throughout the City advertising the Planning/Recreation Planning Commission meeting on September 4, 2003. Mr. Cohen also stated the same poster would be used as the front page of the Auburn Hills Review that will, hopefully, be mailed to residents by this weekend. Mr. Cohen explained the meeting will be held at the Community Center and will have information tables with Planning Commissioners and ERB representatives to answer any questions or take suggestions. Treats, snacks and supervised games for children will also be provided.

Ms. Hurt-Mendyka stated she attended the City Council meeting and announced the City was going to proceed with gating the Kmart parking lot. Mr. Cohen said the City would attempt to recoup any costs from Kmart.

Ms. Hurt-Mendyka also mentioned there were no residents present for the City initiated Churchill rezoning. She explained to the City Council that the Planning Commission suggested to any resident that didn’t want the rezoning to attend the City Council meeting and voice their opposition.

NEW BUSINESS – none.

ANNOUNCEMENT OF NEXT MEETING - The next regularly scheduled meeting is September 4, 2003 at 6:00 p.m. at the Community Center.

ADJOURNMENT
Moved by Ms. Marien to adjourn the meeting.
Supported by Ms. Hurt-Mendyka.  
VOTE: Yes: All  
No: None

Motion carried

The meeting was adjourned at 8:20 p.m.

Kathleen Novak  
Records Retention Clerk
CALL TO ORDER: Mayor Harvey-Edwards called the Regular City Council Meeting to order at 7:00 p.m. with the Pledge of Allegiance.

ROLL CALL: Present. Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Knight, McDonald, Newkirk, Sendegas Absent. Council Member Kittle

Also Present. City Manager Ross, Assistant City Manager Tanghe, Assessor Bennett, City Clerk Shannon, Community Development Department Director McBroom, Department of Public Works Director Culpepper, Golf Professional Marmion, Police Chief Olko, City Engineers Hiltz and Westmoreland, Brownfield Redevelopment Authority Chair Capen, Fieldstone Golf Clubhouse Building Committee Members Pavlinac, Shay, and Gutowski, Tax Increment Finance Authority Chair Bennett, City Attorney Beckerleg

36 Guests

LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills MI 48326

9b. Mass Grading and Soil Moving Permit for Dutton/Bald Mountain Parcel

Mr. McBroom presented the request, pursuant to Section 1819 of the City of Auburn Hills Zoning Ordinance and City Ordinance No. 260, for a Mass Grading/Soil Moving Permit to allow the export of approximately 860,000 cubic yards of material from the Dutton/Bald Mountain parcel to the adjacent Dutton Technology Park, located south of Dutton Road, east of Bald Mountain Road and zoned R-1A, One-Family Residential.

Mr. McBroom and Mr. Jim Butler, engineer, indicated the amount of fill being dumped will be monitored in order to ascertain the final volume moved.

Mr. McBroom noted the Dutton/Bald Mountain Parcel will retain some contour but will be left in a condition that can be easily developed.

Mr. Butler presented a chart contrasting the current elevation to the resulting contour, noting the difference is about 22'-24'.

Mr. Butler requested a possible increase of four hours to the approved hours of operation in order to expedite the completion of the project by three or four weeks. The project would then operate from 5:00 a.m. until 9:00 p.m. with the area possibly lighted after Daylight Savings Time ends. Ms. Harvey-Edwards suggested Council consider the permit request as submitted and revisit the hours of operation after Mr. Butler gains approval from the neighbors.

Moved by Mr. Knight to accept the recommendations of the Planning Commission and Environmental Review Board and approve the mass grading/soil moving permit for the Dutton/Bald Mountain Parcel which would allow the export of approximately 860,000 cubic yards of material from said site to the adjacent Dutton Technology Park. Approval is sought pursuant to Section 1819 of the City of Auburn Hills Zoning Ordinance and City Ordinance No. 260. The property is generally located south of Dutton Road, east of Bald Mountain Road and is zoned R-1A, One-Family Residential district (Sidwell Nos. 14-01-100-002, 14-01-100-022 and 14-01-100-024).

The approval shall also be subject to the final determination of the Michigan Department of Environmental Quality (MDEQ) regarding whether or not a wetland will be mitigated on said site. The final grading limits shall be delineated after the MDEQ reports its findings to the Community Development Department. The approval shall also include that construction shall not start until 8:00 a.m. on Saturday mornings.
Supported by Mr. Newkirk.

VOTE: Yes: Harvey-Edwards, Knight, McDonald, Newkirk, Pillsbury, Sendegas
No: None

RESOLUTION NO. 03.09.240

Motion carried (6-0)
CALL TO ORDER: Chairperson Beckett called the meeting to order at 7:30 p.m.

ROLL CALL: Present. Beckett, Beidoun, Hurt-Mendyka, Luenberger, Ouellette, Pierce, Verbeke
Absent. Kresnak, McKissack
Also Present. City Planner Cohen
Guests Jim Butler

LOCATION: Public Safety Building Conference Room, 1899 N. Squirrel Road, Auburn Hills MI 48326

SPECIAL PRESENTATION
An informal presentation by Jim Butler, PEA regarding the Brown Road Group’s proposed land use plan for the M-24 road frontage in the Dutton Technology Park.

Mr. Butler offered the following information:
- The name has been changed to Dutton Corporate Centre
- MDOT will be funding $400,000 for road improvements, Oakland County is contributing $100,000, and the Brown Road Group will fund the balance.
- There will no longer be direct left turns from either eastbound Brown Road onto northbound Lapeer Road or from northbound Lapeer Road onto westbound Brown Road
- Michigan left turn lanes will be constructed with anticipated completion this summer
- Another 20,000 yards of soil still needs to be moved before the mass grading is completed
- There was nothing hazardous found in the trash that was moved
- The Road Commission for Oakland County has given approval for the construction of Dutton Road, anticipating construction to begin as soon as the weather allows
- There are a few engineering concerns that are being worked out with OHM with regards to the road
- Atlas Copco is hopeful to move into their new building in March
- Site plan approval from Orion Township is needed for the installation of a methane gas collection system.

Mr. Cohen noted one of the Atlas Copco approval conditions was that Dutton Road be completed prior to their moving in. Bald Mountain Road is not an option as an alternative route until Dutton Road is completed.

Mr. Butler stated the Brown Road Group has spent double the amount they had anticipated when this project first contemplated. The Brown Road Group is looking at how to off-set some of the expenses they have incurred, and one option would be to include some commercial elements in this project. An application has been submitted to the City with very rough plans for a PUD since the current zoning for this site is Light Industrial (I1) and Technology and Research (T&R). There has been a request made to Orion Township for a PUD as well. Orion Township has requested that both projects be consistent in architecture and landscaping, and in keeping with Auburn Hills PUD requirements. Guidelines have been submitted as part of the PUD request. Higher-end quality uses are desired by the Brown Road Group, such as drug stores, banks, restaurants, retail, or health/fitness components. Mr. Butler mentioned a few uses that would not be considered: big box stores, fast food restaurants, funeral homes, in-door family theaters, and veterinary hospitals. The landscape would be significantly increased, including a 50 foot buffer along Lapeer Road. Some of the buildings would also exceed the requirements, including four side finish materials on those buildings along Lapeer Road. Mr. Butler requested that the transitional zone between the commercial and the T&R be flexible, eliminating light industrial altogether.
The vision is to have this as a corporate campus, allowing the T&R users the advantage of having a commercial site easily accessible for daily use as well as Lapeer Road travelers.

Mr. Cohen questioned if the Planning Commissioners would prefer to rezone the property or to use the PUD process on this project. Mr. Beckett noted by using the PUD process you can legally exclude specific types of businesses. With regards to rezoning the property, there is no guarantee that the Brown Road Group would complete the project as presented, in which case the property could be purchased by another entity and whatever is permitted under the B-2 Zoning District could be constructed.

It was suggested that square footage of a large box store be stipulated.

The entire development, commercial and T & R will be connected with a walkway.

It was suggested that a fieldstone silo be incorporated into the commercial building area, similar to that of the DPW building.

It was the general consensus of the Planning Commission that the entire site proceed as a PUD as opposed to rezing the property. This will enable the City to have some control over not only the commercial portion of the project but also the T&R portion especially with regards to the south western corner next to the retention pond.
Dutton Corporate Centre

2004 PUD Proposal
EXEMPLARY

CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING

PETITIONERS
PUD 03-04, Dutton Corporate Centre
(Sidwell Nos. 14-02-200-001, 14-02-200-002, 14-02-200-003, and 14-02-200-017)

Mr. Beckett presented the request for “PUD - Step One” consideration (as referenced in Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance) to develop a planned retail development along with technology and research buildings on a site zoned I-1, Light Industrial District and T&R, Technology and Research District, located south of the Auburn Hills/Orion Township border, between Bald Mountain Road and M-24.

Mr. Beckett opened the public hearing at 7:02 p.m.

Mr. Cohen reviewed his letter dated May 14, 2004 with the following comments and recommendations:

The applicant respectfully requests approval of the “master plan” for the site as part of the PUD Step One – Concept Plan review. The applicant would submit PUD Step Two - Final Site Plans for each building in the development in accordance with the approved concept plan.

<table>
<thead>
<tr>
<th>Western Section: Commercial Development with 100 ft. Transition Zone</th>
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<tbody>
<tr>
<td><strong>Land Uses Permitted:</strong></td>
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<tr>
<td>The “commercial/business” zoning districts indicated for the 28.0 acre area located along the M-24 frontage will be developed in accordance with the following:</td>
</tr>
<tr>
<td>- All Principal Permitted Uses in the T&amp;R District - Section 1200</td>
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<tr>
<td>- All Principal Permitted Uses in the B-2 District - Section 900</td>
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<tr>
<td>- Freestanding retail stores (e.g., Best Buy, Staples, etc.) shall not exceed 50,000 sq. ft. in size.</td>
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<td>- <strong>Only</strong> the following Special Land Uses in the B-2 District - Section 902</td>
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<tr>
<td>- Health clubs</td>
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<td>- Motels/hotels</td>
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<td>- Day care facilities</td>
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<td>- Freestanding full service restaurants with the option of outdoor seating</td>
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<tr>
<td>- Pharmacy with drive-thru facility</td>
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<td>- Drive-thru facilities for restaurants and retail uses may permitted at the sole discretion of City Council, after recommendation from the Planning Commission.</td>
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<tr>
<td><strong>Required Conditions:</strong></td>
</tr>
<tr>
<td>In addition to the City’s standards listed under Article 18, General Provisions, the following additional conditions shall apply:</td>
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<tr>
<td>- Building height shall not exceed 40 ft.</td>
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<td>- Setbacks shall meet T&amp;R District requirements (Section 1202, Item 2)</td>
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<tr>
<td>- Landscape greenbelts shall meet T&amp;R District requirements (Section 1202, Item 3)</td>
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<tr>
<td>- No outside storage shall be permitted</td>
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<tr>
<td>- Cross access drives shall be required</td>
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<tr>
<td>- A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.</td>
</tr>
<tr>
<td>- All exterior facades shall be constructed of brick, stone, and glass. No more than 10% of the exterior facade may contain decorative masonry block. EIFS material shall only be utilized for minor architectural elements and trim, as permitted by the City Council.</td>
</tr>
<tr>
<td>- If a retail center is proposed for this development, the architecture for the proposed building shall incorporate design elements unique to Auburn Hills into the facade (e.g., fieldstone silo similar to City’s DPW facility, etc.)</td>
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<tr>
<td>- Pole lights shall be uniform in height and color throughout the development and shall not exceed 25 ft. to provide a consistent theme.</td>
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**Eastern Section: Technology and Research Development**

**Land Uses Permitted:**
The "Technology & Research" zoning district indicated for the 77.94 acres remaining within the proposed Dutton Corporate Centre, will be developed in accordance with the following:

- All Principal Permitted Uses in the T&R District - Section 1200

**Point of Clarification:**
The applicant's proposal states all permitted uses in the T&R District shall be allowed. This is a type. The applicant intends to only propose office and technology/research buildings in this location due to its proximity to the residents on Bald Mountain Road. Thus, special land uses in the T&R District are not proposed by the applicant to be permitted in this location.

**Required Conditions:**
In addition to the City's standards listed under Article 12, Technology and Research District and Article 18, General Provisions, the following additional conditions shall apply:

- Building height shall not exceed 40 ft.
- No outside storage shall be permitted.
- A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with "high quality" materials in accordance with the City of Auburn Hills Zoning Ordinance.
- All exterior facades shall meet the intent of the City's Architectural Design Policy.
- Pole lights shall not exceed 25 ft. In general, lighting shall be designed to be sensitive to the adjacent residential area.

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**RECOMMENDATION:**
We are recommending Conditional Approval of "PUD - Step One" and offer the following discretionary findings of fact:

1. The requirements of Section 1830, Items 3A-D of Zoning Ordinance No. 372 can be met as follows:
   A. The use of this option will not be for the sole purpose of avoiding any applicable Zoning Ordinance No. 372 requirements.
   B. The PUD will not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
   C. The PUD Option will not materially add service and facility loads beyond those contemplated in the Master Land Use Plan.
   D. The PUD will meet the following objectives of the City:
      1. The proposal will promote the goals and objectives of the Master Land Use Plan.
      2. The proposal will be consistent with permanently established land use patterns and will be compatible with existing or planned uses.
      3. The proposal will foster the aesthetic appearance of the City through quality building design, landscaping, and site development.

2. The concept plan contains sufficient basic information required by Section 1830, Item 6A of Zoning Ordinance No. 372 for a recommendation.

**ADDITIONAL COMMENTS:**

1. Per City Council action on March 15, 2004, no additional building permits shall be issued by the City of Auburn Hills within the Dutton Corporate Centre without approval from the City Council until the Dutton Road extension, Bald Mountain Road landscape berm, and associated improvements are completed by the applicant in accordance with the approved plan.

2. The applicant will be required to submit a revised Development Agreement to the Community Development Department within 90 days outlining the conditions of approval. The Development Agreement shall require City Council approval.

3. In addition to the applicant’s proposal, the following conditions shall be added in the Development Agreement:
   - The overall development shall be integrated and maintain a campus look. The two sections of the Dutton Corporate Centre shall be linked via roadway and pathway/sidewalk system so as to allow employees in the T&R businesses to access the commercial area without having to utilize the Dutton Road extension or M-24.
   - All buildings in the development shall have “four sided architecture.” Trash compactors shall be used and integrated into the building design where possible. There shall be a
design element that links all the commercial businesses in the development to create a uniform look (e.g., fieldstone was used in the Auburn Mile).

- The applicant shall design, create, and install a “Welcome to Auburn Hills” sign which shall be oriented towards vehicles entering the City traveling eastbound on Dutton Road. The sign shall require DPW and City Council approval prior to installation.
- The rear of the buildings along the “transition zone” shall be landscaped to provide a buffer between the commercial and technology/research businesses.
- Pole signs, exposed neon signs, and changeable copy signs shall be prohibited in the development.
- Lighting throughout the development shall be sensitive to the residents on Bald Mountain Road, which are at a higher elevation. One hour after closing, only lights designated for security purposes at all the businesses in the development shall remain on to minimize “night glare” for those residents living on Bald Mountain Road. If a business is to be open 24 hours, an alternative proposal shall be presented to the City Council.
- Businesses which abut Bald Mountain Road shall be prohibited from using exterior audible intercoms and outdoor alarm systems. Businesses which abut Bald Mountain Road shall also restrict dumpster pick up to the hours of 7:00 a.m. and 7:00 p.m.
- Additional landscape screening shall be provided for the residents immediately south of the eastern portion of the development.
- The “park” shall be open to the general public. Details will be outlined in the Development Agreement:

Mr. Cohen further remarked that the City wants to ensure the project is “high quality.” The PUD process allows the City to make sure the community's expectations are clear early in the planning process. He outlined the features that will make this project unique:

1. Integrated Project with Campus Feel
   - The site will be integrated via drives and sidewalks.
   - It will have 25% with “high quality” landscaping above and beyond current ordinance requirements.
   - Commercial buildings will have a unifying material (e.g., fieldstone / copper/green colored roofs / similar architectural style).
   - Light poles will have a uniform height and color.
2. Predictable Land Uses – Restricted to a list of select few.
3. Attractive Buildings
   - High quality building materials (e.g., brick, stone, glass, limited decorative masonry block – EIFS restricted).
   - Buildings shall have “earth tone” colors.
4. Restricted Signage
   - Shall be on the buildings and low profile monument signs.
   - No pole, changeable copy, or neon signs
5. Sensitive to the Adjacent Residential Neighborhood
   - Lighting will be restricted to security lighting after closing to lessen “night glare.”
   - Alarm systems, exterior intercoms, and dumpster pick-ups will be restricted along Bald Mountain Road

Mr. Jim Butler, Professional Engineering Associates, provided an progress update:

- Landscaping along the 100’ Dutton greenbelt has begun.
- The berms are being constructed.
- The majority of the vegetation has been installed.
- On the Atlas Copco site work began this week on the irrigation system and the landscaping.
- Construction of the regional detention basin is underway.
- Mitigation of the wetlands, under State permit, is near completion.
- Plans have been submitted to both the Michigan Department of Transportation (MDOT) and the Road Commission for Oakland County (RCOC) for the necessary permits.
• RCOC has approved the design for the Dutton Road extension.
• Plans for Lapeer Road improvements have been submitted to MDOT. Completion is anticipated this season.
• Final infrastructure drawings have been submitted to OHM for review. Installation should begin in about a month.

Mr. Butler briefly summarized the proposal to develop the 105.9 acre parcel, through the PUD process, as commercial (on the front 28 acres) and T&R. He confirmed his agreement to having the uses limited as detailed by Mr. Cohen. Mr. Butler reported that further study of the topography indicates that integrating the two sites with roadways may not be possible.

Mr. Butler presented an executive summary of the traffic impact study:
The initial "Traffic Impact Study" prepared by Parsons (dated September 2002) was based on the facts that development would proposed the construction of the extension of Dutton Road from Bald Mountain to Lapeer Road (M-24). Also, the development of would consist of a light industrial use containing office and manufacturing uses totaling approximately 1.2 million square feet of floor space at build-out. Based on a review of this analysis by the Michigan Department of Transportation (MDOT) it was recommended that a series of improvements be completed on Lapeer Road in order to maintain an acceptable "Level Of Service" (LOS). The recommended improvements are as follows:

1. The intersection would have indirect left-turns on all approaches.
2. The east and west approaches would consist of two through lanes and two exclusive right-turn lane.
3. The north approach at the intersection would consist of two through lanes and one exclusive right-turn lane.
4. The south approach at the intersection would consist of three through lanes and one exclusive right-turn lane.
5. The crossover north of the Brown Road would be signalized and have dual turn lanes.
6. The crossover south of the Brown Road would be signalized and have single turn lanes.

The updated "Traffic Impact Study" prepared by Parsons (dated May 2004) is based on the facts that development would proposed the construction of the extension of Dutton Road from Bald Mountain to Lapeer Road (M-24). Also, the development of would consist of a mix of commercial and technology and research uses. Based on this analysis, it was recommended that a series of improvements be completed on Lapeer Road in order to maintain an acceptable "Level Of Service" (LOS). The recommended improvements are as follows:

1. The intersection would have indirect left-turns on all approaches
2. The east and west approaches would consist of one through lane, one shared through/right turn lane and one exclusive right-turn lane.
3. The north approach at the intersection would consist of two through lanes and one exclusive right-turn lane.
4. The south approach at the intersection would consist of three through lanes and one exclusive right-turn lane.
5. The crossover north of the Brown Road would be signalized and have dual turn lanes.
6. The crossover south of the Brown Road would be signalized and have single turn lanes.

The above referenced analysis and recommendations are based on the proposed PUD development being completed two (2) phases. At a specific build-out point, approximately 50%, additional improvements may be required along Lapeer Road and Dutton Road to maintain acceptable LOS. It is our suggestion that this analysis be updated on a site-by-site basis in order to maintain the acceptable LOS.
Discussion with the Planning Commission yielded:
  • Disagreement with OHM's assessment that four restaurants will not have a significant impact on traffic.
  • Opposition to allowing more divisions of the parcel than permitted by the Land Division Act, regardless of the ownership mechanism utilized.
  • Concern over the on-going problems with sand and dust from the developments in the Squirrel Road/Dutton Road area.
  • Questions about methane gas venting. As explained by Mr. Roger Rehkopf, Rockford Construction, methane wells are being developed and extraction of methane is currently underway. The venting system will not burn off the gas and will be connected to rooftop alarm systems. A leachate collection system is also being constructed.

Answering questions from the Planning Commission, Mr. Butler explained:
  • He will work with adjacent property owners to address their concerns.
  • The conceptual plan proposes one three or four story hotel on the Orion site.
  • Walking pathways are planned along both sides of Dutton Road and along the east side of Lapeer Road.
  • The entire project will utilize one regional detention basin.
  • The park will be accessible to the public by foot, not by vehicle.
  • The grade of the commercial site is 7' lower than the intersection of Lapeer Road and Dutton Road. The grade of the T&R site drops 40' from the commercial site and rises again on the east side.
  • Interconnection between the commercial portion of the site and the T&R portion may not be possible due to the 40 ft. grade difference.

Mr. Cohen indicated a willingness to work with the City's photographer to prepare a visual model of the development site and its surroundings.

Mr. Beckett called for comments from the audience.

Ms. Ann Heilbrun, 4260 Bald Mountain Road:
  • Did not believe the berm is 4' as promised.
  • Was concerned that the trees are not yet full enough to screen the site.
  • Expressed concern about increased traffic and noise, noting that she already contends with noise and too much light from The Palace of Auburn Hills.
  • Was very concerned about the sand blowing from the development and has not witnessed any watering of the development site.
  • Did not feel the developer has addressed all the residents' needs yet.

Ms. Laura Ochs, 4015 Bald Mountain Road, asked:
  • Do homeowners need methane detectors? Mr. Rehkopf explained the MDEQ and EPA have been asked the question. He noted the landfill has been emitting methane gas for 35 years, and the venting system will continue those emissions in a controlled manner. Mr. Rehkopf did not believe methane has an odor.
  • Wasn't the maximum building heights going to be in the 30' range? Mr. Cohen explained the 40' maximum height is based on regulations for industrial districts. He noted the zoning ordinance has no maximum height for T&R districts so it is prudent to set a maximum. The recommendation that the maximum height be 40' is based on experience and is intended to keep the buildings from being too tall. The height is measured from the midpoint of the grade and measured to the rooftop. HVAC screening and architectural accents may extend beyond the 40'.
  • Has any offensive material been found on-site. Mr. Rehkopf noted it has been said that PCP's were once released into the detention pond, but the MDEQ has been unable to produce an analytical report. Both the developer and the City have been periodically taking soil and leachate samples to be analyzed. The heavily contaminated barrels have been removed from the site, as well as the surrounding soils.
Who will maintain the methane venting system after construction is completed? Mr. Cohen said maintenance will be the responsibility of the condominium association.

What will be the maximum number of divisions on the commercial site? Mr. Butler indicated it is determined by acreage.

On which side of the restaurants will the outdoor seating be located? She expressed concern with noise. Mr. Beckett explained outdoor seating requires Special Land Use approval by City Council, and one of the requirements is that sound and lighting has to be contained on-site.

There being no further comments, Mr. Beckett closed the public hearing at 8:10 p.m.

Mr. Cohen recommended that outside storage not be permitted in the development, noting that violation of outdoor storage requirements is becoming a persistent problem in the City. He also commented that the development is intended to attract users that will not need outdoor storage.

Moved by Mr. Pierce to recommend to City Council approval of “PUD - Step One,” as referenced in Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance, for PUD 03-04, Dutton Corporate Centre. The project will consist of a planned retail development along with technology and research buildings on a site zoned I-1, Light Industrial District and T&R, Technology and Research District. The property is generally located south of the Auburn Hills/Orion Township border, between Bald Mountain Road and M-24 (Sidwell Nos. 14-02-200-001, 002, 003, and 017). This is to include the discretionary findings of fact found in Mr. Cohen’s letter dated May 14, 2004 and all applicable City consultants and agencies. Furthermore, the commercial development sites, regardless of ownership mechanism utilized, shall not exceed the number of sites permissible under the Land Division Act.

Supported by Ms. Hurt-Mendyka.

VOTE: Yes: Beckett, Beidoun, Hurt-Mendyka, Luenberger, McKissack, Ouellette, Pierce

No: None

Motion carried (7-0)
CALL TO ORDER: by Ms. Harvey-Edwards at 7:00 p.m. with the Pledge of Allegiance.

LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills MI 48326

ROLL CALL: Present. Mayor Harvey-Edwards, Mayor Pro Tem Pillsbury, Council Members Kittle, Knight, Luenberger, McDonald, Newkirk

Absent. None

Also Present. Acting City Manager Culpepper, Community Development Department Director McBroom, Lt. Tim Farrell, Fleet Manager Skinner, Deputy Police Chief Mynsberge, Water Resource Coordinator Keenan, City Engineers Westmoreland, Brownfield Redevelopment Authority Chair Capen, Tax Increment Finance Authority Chair Bennett. City Attorney Beckerleg

23 Guests

9a. PUD 03-04, Dutton Corporate Centre

Mr. McBroom presented the request for “PUD - Step One” approval (as referenced in Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance) to develop a planned retail development along with technology and research buildings on a site zoned I-1, Light Industrial District and T&R. Technology and Research District, located south of the Auburn Hills/Orion Township border, between Bald Mountain Road and M-24.

Mr. McBroom explained, many months ago, possible rezoning of the frontage along Lapeer Road to B-2 was discussed. It was determined a PUD would be a better choice, due to being able to control the type of retail and having certain conditions attached. The Dutton Corporate Centre is approximately 100 acres, with 28 acres along Lapeer Road dedicated to retail. The rest of the site would remain T & R. The uses would be limited on the retail portion. The building construction for the retail portion would include up-graded architecture, high quality building materials, four fronts on the buildings (finished materials all the way around the buildings), and control access by not allowing a lot of additional driveways on Lapeer Road.

Progress meetings are held on a regular basis with the developer, and the biggest outstanding item is the extension of Dutton Road.

Mr. Pillsbury didn’t feel this would be a viable retail center.

Mr. McBroom explained there is a 100 foot buffer between the commercial and T&R areas. The public would have access to the park-like area around the detention basin.

Mr. Kittle reminded the City Council that no more buildings were to be built until the Dutton Road extension is completed.

Responding to Mr. Kittle, Mr. McBroom explained the fence was installed by Ajax Paving. Ajax Paving has not voluntarily sold a strip of land that is needed for the Dutton Road right-of-way, and the developer is working with the Road Commission to condemn the property. The condemnation is currently proceeding at the county level. The most significant problem for completing Dutton Road is working with MDOT to get the required improvements to Lapeer Road resolved so the construction drawings can be completed.

Mr. Jim Butler, Professional Engineering, explained this corporate center will integrate commercial, retail, and technology uses. The 106 acre site is currently supporting 48 acres of I-1, and 65 acres of T&R.
Through the PUD process, the proposal is for the front 28 acres to be commercial and retail uses and 78 acres to remain T&R.

Mr. Butler noted the following land uses permitted:
- Allow all principles uses in the Technology & Research District
- Allow all principles uses in the B2 District with the size of free-standing stores limited to 50,000 sq. ft.
- Special Land Uses in the B2 District would allow for health clubs, hotel/motels, day-care facilities, free-standing full service restaurants with the option of outdoor seating.
- Drive-thru facilities for restaurants and retail at the sole discretion of City Council.

Mr. Butler noted the following required conditions:
- A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.
- The sites contained within this PUD will be part of a “condominium development” with an association that will be responsible for the maintenance of the common areas.
- The architectural style for each site developed within the PUD shall meet architectural standard requirements as described: all exterior facades shall be constructed of brick, stone, and/or glass; no more than 10% of the exterior façade may contain decorative masonry block; EIFS material shall only be used for architectural elements and features.
- If a “general” retail center is proposed for this development, the architecture must incorporate the “Auburn Hills” design elements into the design.
- Building heights will not exceed 40 feet
- No outside storage allowed
- Cross access drives shall be provided as possible
- Pole mounted light fixtures must be uniform in height and color throughout the development and will not exceed the height of 25 feet

Because of the differential in elevations, the retail portion would be designed in a step-down fashion.

Mr. Butler explained MDOT will review and approve any work that is being done on the M-24 corridor. Mr. Butler stated his company prepared the plans for revisions to M-24, and met with the county in March. After discussions of geometric configurations, the plans were re-submitted with a revised traffic analysis on May 19, 2004, and comments were received back on June 15, 2004 with a request for more information. Mr. Butler continued, that there will be a meeting on Thursday to discuss what improvements are being requested above and beyond what was originally agreed to.

Additional dirt will be needed to cap the landfill, but not nearly as much that has already been brought in. Responding to Mr. Knight, Ms. Harvey-Edwards stated this is a Brownfield site, and must comply with Brownfield Authority guidelines as well as the DEQ. Ms. Harvey-Edwards didn’t agree with Mr. Knight that it should be noted on the site plan that this project is built on a landfill. Mr. Butler explained the Brownfield approval included conditions for utilizing special foundation systems for the areas in the landfill.

Moved by Mr. Kittle to accept the Planning Commission’s recommendation and approve “PUD – Step One,” as referenced in Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance, for PUD 03-04, Dutton Corporate Centre. The project will consist of a planned retail development along with technology and research buildings on a site zoned I-1, Light Industrial District and T&R, Technology and Research District. The property is generally located south of the Auburn Hills/Orion Township border, between Bald Mountain Road and M-24 (Sidwell Nos. 14-02-200-001, 002, 003, and 017). This is to include the discretionary findings of fact found in Mr. Cohen’s letter dated May 14, 2004 and all applicable City consultants and agencies. Furthermore, the commercial development sites, regardless of ownership mechanism utilized, shall not exceed the number of sites permissible under the Land Division Act.

Supported by Mr. Luenberger
Mr. McBroom stated for "PUD Step Two" approval each parcel within corporate center will be presented to the Planning Commission and City Council for consideration. All of the infrastructure will be installed prior to any building construction.

VOTE:    Yes:  Harvey-Edwards, Kittle, Knight, Newkirk, Luenberger, McDonald, Pillsbury
        No:  None
RESOLUTION NO. 04.06.185  Motion carried (7-0)
Dutton Place (revision to PUD 03-04, Dutton Corporate Centre)- Public Hearing
(Sidwell No. 14-02-200-023:024)

Ms. Hurt-Mendyka presented the request for recommendation to City Council for revised “PUD – Step One” approval as referenced in Section 1830, Item 6 of the City of Auburn Hills Zoning Ordinance. The property is zoned I-1, Light Industrial District and T&R, Technology and Research District. The property is generally located south of the Auburn Hills/Orion Township border, between M-24 and Bald Mountain Road.

Mr. John Urbahns of Dutton Corporate Centre provided a status report regarding the progress of Dutton Corporate Centre and Dutton Road Extension.

David Nelson of Nelson Properties Inc. presented an extensive overview of the Dutton Place project. Dutton Place is comprised of two primary components: The Shops at Dutton Place (311,927 sq. ft. of retail, entertainment venues, restaurants, and office space) and The Lofts at Dutton Place (168 residential loft units).

Mr. Cohen noted:
- Applicant is requesting Step One (1) concept plan approval to allow the Dutton Place project.
- Several deviations to the zoning ordinance are required for this project.
- Advise the Planning Commission to focus on policy issues (e.g. density, residential component, and green space requirements). Detailed technical issues (e.g. traffic, utilities) can be addressed at the Step Two (2) site plan review.

The Planning Commission discussion yielded the following:
- Some Commissioners expressed concern regarding the density of the project. A particular concern was the height of the residential buildings (5 stories).
- Increased traffic will be an issue that must be addressed at Step Two review. The Michigan Department of Transportation (MDOT) has not reviewed the applicant’s plan for traffic flow on M-24. The applicant will need to submit plans to MDOT showing how traffic will be handled. Improvements will be required to M-24 and Dutton Road to accommodate the project.
- The Dutton Corporate Centre is located in both Auburn Hills and Orion Township. The developer built the Dutton Road Extension and is in the process of cleaning up the old Fons landfill.
- There is a plan for storm water detention and underground utilities, but the project does not appear to have adequate sanitary sewer capacity. The applicant may need to install a pump station to accommodate sewer flow to M-24.
- Approximately half the site can not accommodate structures/buildings since the soil is unstable.
- Trash from the development will be totally enclosed. The trash enclosures will have roofs on them.
- All interior streets in Dutton Place will be two (2) way roads.
- The site will be improved with the methane collection system. Oakland County has provided financial assistance in installing the new system.
- The landfill and methane issues will be disclosed to all residents of Dutton Place.
- A large vacuum will take the methane to a collection building in Orion Township.
- Atlas Copco has methane detectors in their building.
- Retail stores would not qualify for tax abatements.
- No lease agreements will be signed until the applicant receives approval from the City Council.
The separate PUD application was submitted to Orion Township on November 14, 2005 for development on the north side of the Dutton Road extension.

A bus/trolley system could be an option regarding traffic concerns within the site and for events at the Palace of Auburn Hills.

A detailed sign program will be reviewed at Step Two - site plan.

The opening in the landscape berm on Bald Mountain Road needs to be closed off to prohibit construction traffic and dumping on the site.

Ms. Hurt-Mendyka opened the public hearing at 9:47 p.m.

**Mr. David Hielbrun of Bald Mountain Road** is concerned about the density, lighting, traffic delivery, noise and the size of the project. He is not in favor of this project.

Mr. Nelson explained the closest point to Bald Mountain from the site is 1,600 feet. He is willing to address parking and lights.

**Ms. Laura Ochs of Bald Mountain Road** is very impressed with the project. Her concerns were the height of the residential buildings, traffic, and light pollution. She explained it was her understanding that this development would have day time businesses (light industrial) not evening businesses. She thanked James Butler, Professional Engineering Associates and the Rockford Construction for addressing her concerns in the past.

**Mr. Jared Roth, the Developer for Auburn Business Park**, which is directly south of this project, is in support of this project and feels it will benefit the City.

Public Hearing was closed at 10:17 p.m.

**Mr. Ouellette moved to recommend to City Council approval of the revised PUD “Step One” Concept Plan for the Dutton Corporate Centre as submitted.** The property is generally located south of the Auburn Hills/Orion Township border, between M-24 and Bald Mountain Road. Supported by Mr. Pierce.

VOTE: Yes: Doyle, Hitchcock, Hurt-Mendyka, Luenberger, Ouellette, Pierce
No: Beidoun, Verbeke

**Motion Carried (6-2)**
9c. Motion – Approval of Revised PUD Step 1 - Dutton Corporate Centre

Mr. Randall and Mr. Cohen’s December 1, 2005 memo is excerpted below:

The PUD process involves a two (2) step public review:  Step 1) the concept plan, which gives the applicant the opportunity to present a proposal to the City Council for preliminary feasibility.  If the proposal is found to be acceptable by the City, then the applicant proceeds to Step 2) the development of a site plan and attainment of outside agency approvals.

History
- On June 21, 2004, the Brown Road Group, LLC received PUD Step One – Concept Plan approval from the City Council for a “master plan” for the Dutton Corporate Center which included a commercial district on the “western section” of the site.
- On October 3, 2005, the Dutton Corporate Center (a.k.a., Brown Road Group, LLC) authorized David Nelson representing Dutton Place Investment Company, LLC to submit a revision to the PUD Step One – Concept Plan for a “lifestyle center” to replace the retail concept originally proposed in 2004.
- No changes are proposed by the applicant to the original proposal and conditions of approval for the “eastern portion” of the Dutton Corporate Centre as approved in 2004.

Details of the Proposed Development

Dutton Place is proposed to be comprised of two primary components:  The Shops at Dutton Place (311,927 sq. ft. of retail, entertainment venues, restaurants, and office space) and The Lofts at Dutton Place (168 residential loft units).

The project is proposed in a new type of retail format called a “lifestyle center.”  Lifestyle centers are an innovative reinvention of the conventional shopping mall.  They are designed to encourage long visits, rather than short shopping trips, by creating a pedestrian friendly atmosphere with mixed use.

- The underlying zoning for the property is I-1, Light Industrial district
- The original concept plan as part of PUD 03-04 anticipated a conventional strip commercial development with buildings situated on the landfill.

<table>
<thead>
<tr>
<th>Original Concept – Land Uses</th>
<th>Revised Concept – Land Uses</th>
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</thead>
<tbody>
<tr>
<td>All Principal Permitted Uses in the T&amp;R District - Section 1200</td>
<td>All Principal Permitted Uses in the B-2 District - Section 900. (e.g., office, bank, restaurant, retail, and entertainment uses)</td>
</tr>
<tr>
<td>All Principal Permitted Uses in the B-2 District - Section 900. Freestanding retail stores (e.g., Best Buy, Staples, etc.) shall not exceed 50,000 sq. ft. in size.</td>
<td>Underground parking</td>
</tr>
<tr>
<td>Only the following Special Land Uses in the B-2 District - Section 902 (Health clubs, Hotels/hotels, Day care facilities, Freestanding full service restaurants with the option of outdoor seating, and pharmacy with drive-thru facility)</td>
<td>Movie Theatre</td>
</tr>
<tr>
<td>Drive-thru facilities for restaurants and retail uses may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission.</td>
<td>Bowling Alley</td>
</tr>
<tr>
<td></td>
<td>Fitness Club</td>
</tr>
<tr>
<td></td>
<td>Outside Seating</td>
</tr>
<tr>
<td></td>
<td>Residential units</td>
</tr>
</tbody>
</table>
Deviations from I-1, Light Industrial District for Dutton Place (underlying zoning district)

Key Issues

<table>
<thead>
<tr>
<th>Issue</th>
<th>Required</th>
<th>Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 Land Uses</td>
<td>I-1</td>
<td>B-2 with restrictions and residential units (modification of PUD 03-04, Dutton Corporate Centre which allowed commercial uses)</td>
</tr>
<tr>
<td>2 Greenbelt width along M-24</td>
<td>15’</td>
<td>4’ 7” (closest point)</td>
</tr>
<tr>
<td>3 Parking structure setback</td>
<td>40’ front yard 20’ side yard</td>
<td>27’ (closest point) 0’ (closest point)</td>
</tr>
<tr>
<td>4 Trash enclosure setback from property line along M-24</td>
<td>15’</td>
<td>4’ 7” (closest point)</td>
</tr>
<tr>
<td>5 Frontage trees along M-24</td>
<td>on-site</td>
<td>Proposed in MDOT R.O.W.</td>
</tr>
<tr>
<td>6 Site identification sign height</td>
<td>40’</td>
<td>50’</td>
</tr>
<tr>
<td>7 Sign sizes (potential deviation)</td>
<td>I-1</td>
<td>Sign program to be presented at Step 2</td>
</tr>
<tr>
<td>8 Building height</td>
<td>40’</td>
<td>42’ 8” - R3-6 / 99’ 2” – RR1 / 104’ 10” – RR2 104’ 10” – RR3 / 47’ – O1</td>
</tr>
<tr>
<td>9 Parking</td>
<td>2,062 spaces</td>
<td>1,976 spaces</td>
</tr>
</tbody>
</table>

1. **Overall Density**
   - The design of this proposal has been dictated by the limits of the landfill. The Nelson Companies 1st concept, which was presented informally to the Planning Commission on June 2, 2005, showed the lifestyle center on top of the landfill. The cost associated with dealing with the landfill has caused the applicant to literally take his 1st concept and consolidate it onto the remaining land outside the landfill.

   Staff and the Planning Commission have concluded that the density proposed in Dutton Place is reasonable based on the unique nature of the property. The cost of the land (associated with the clean-up of the site and construction of the Dutton Road extension) along with constraints associated with the landfill justify the density proposed in the project. Further, the quality of the development with its unique architectural design and amenities help mitigate the density of the project.

2. **Residential**
   - The applicant proposes 168 residential units in 3 buildings. The 3 buildings will be 5 stories in height (retail on the 1st floor and covered parking).
   - The residential buildings provide a back drop to the entertainment portion of the lifestyle center which provides a sense of scale to the project.
   - The applicant has provided a study that shows a market for these types of units.

   Staff and the Planning Commission have concluded that the residential component is important for the success of the project. It adds density to the project (helps mitigate land costs) and extends its hours of operation (unlike the defined hours of a shopping mall). In many ways, this project is attempting to recreate an urban environment within the shopping center. Based on our experiences in urban areas such as Grand Rapids, Kalamazoo, and Ann Arbor; we have found that it is important to have people living in an urban center in order to create a sense of life and synergy. If a residential component is not included, the project will be no different than a typical suburban mall.

3. **Traffic**
   - The road geometry and traffic flow for M-24 proposed by the applicant has not been approved by the Michigan Department of Transportation (MDOT). The review will occur after a decision is made on the concept plan.

   Staff’s initial review shows traffic impacts caused by the project can be mitigated by the applicant. Traffic flow and interaction between this project and events at the Palace of Auburn Hills will need to be studied further. It should be noted that the impact of Dutton Place on the current road design and traffic flow will not be acceptable and will require significant alterations at the time of PUD Step Two - Site Plan review.

4. **Sanitary Sewer**
Staff’s initial review shows the project will not have adequate sanitary sewer capacity to accommodate the development unless a pump station is installed by the applicant near M-24. The applicant will also need to relocate the sanitary sewer to the west side of the residential buildings, instead of running one line west of the residential buildings and a second line east of the residential buildings within the limits of the garbage.

5. Landscaping

Staff recommends that the required zoning standard of a 15’ greenbelt be provided along M-24 to accommodate landscaping needed to screen the trash enclosures and service areas of the buildings. This can be mitigated via a redesign of the building depths along Columbus Avenue. This redesign can be addressed at the time of PUD Step Two – Site Plan review. This issue was not specifically addressed by the Planning Commission during the public hearing.

- The project is currently designed with a narrow greenbelt (4’7”) along M-24. The developer proposes to install extensive landscaping in the M-24 right-of-way. Such planting will require MDOT approval. Staff is concerned that MDOT has the right to remove landscaping in its R.O.W at anytime.
- Little vegetation is proposed on the landfill. Additional soil should be placed on the landfill to allow for that area to be vegetated.

The Planning Commission recommended approval on November 17, 2005 by a 6-2 vote.

City staff recommends approval with the following conditions:
- Approval of traffic improvements, geometry, and flow by City staff, MDOT, and RCOC prior to Step Two – Site Plan review of Dutton Place by the Planning Commission and City Council.
- Detailed study shall be provided to the Police Department in regard to traffic coordination between Dutton Place and events at the Palace of Auburn Hills.
- Installation of a pump station to accommodate sanitary sewer demand for Dutton Place.
- Redesign of Dutton Place to accommodate a larger greenbelt along M-24. 15’ greenbelt width recommended.
- Provide plan for supplemental vegetation and amenities on the landfill portion in Dutton Place.
- Closure of the gap in the berm with clean fill along Bald Mountain Road (old entrance to the Fons home) by December 12, 2005.
- Design and install “Welcome to Auburn Hills” sign on M-24 as proposed in the previous PUD submittal.

Mr. McBroom introduced the design team. **Mr. John Urbahn**, partner in Dutton Corporate Center, noted:
- The site was originally a Brownfield site.
- The City asked the developer to complete Dutton Road, which has been done. Dutton Road now ties into Lapeer Road.
- **Mr. David Nelson** has joined the initial partnership in conceiving this development.
- **Mr. Mark Adams** from the Oakland County Economic Development Corporation has been exceedingly helpful.

Mr. Nelson presented the concept of a city-within-a-city, with the goal of bringing in industrial uses, based on 1930’s architectural design when industry shared space with business and residential uses.

Mr. Adams noted the project has been a team approach and indicated the project will be sold to businesses throughout the United States and the world.

The complexity of the 28-acre site was noted, particularly the constraint on the east side by the leachate line from the landfill. Parking is to be situated on the old landfill site.
Following a brief video presentation, Council weighed in with their concerns:

**Ms. Edwards**
- The location of the leachate line in conjunction with residential properties.
- The original PUD called for a five-acre buffer between the leachate collection area and residential property.
- The view from the 4th and 5th floors of the residential properties.
- Whether or not the Michigan Department of Transportation (MDOT) will allow the developer to install curb cuts, a traffic signal and landscaping in the right-of-way.
- Whether or not the development will require a lift station.

**Mr. Pillsbury**
- Opposed to residential use because it wasn’t included in the original PUD and it will increase traffic.
- Doesn’t think the theater is a good placement.
- Doesn’t like the city-within-a-city concept.
- Retail may take business away from the Village Center.
- Concerned with methane, as it is an uncontrolled gas.

**Ms. Hammond**
- No areas designed for children to play; will affect marketability of residential.
- Mr. Nelson explained Dutton Place will be an urban setting which appeals to many people.

**Mr. McDonald**
- Asked where residential parking is to be located. The answer was that residential parking will be completely separate from retail parking.
- City already has one movie theater that has closed down and doesn’t want another empty parking lot.
- Would like to see more results from the traffic study.

**Mr. Newkirk**
- Fumes from Ajax Asphalt. Mr. Nelson commented Ajax is ½ mile away.
- Concerned with a shuttle service.
- Seeing housing to the east when driving north on Lapeer Road, approaching Brown Road.
- Mr. Newkirk received answers to several questions:
  * No hotel on the Auburn Hills portion of the site; 250 hotel rooms on the Orion side.
  * The project will take 18 months to two years to complete.

**Mr. Knight**
- Wants assurance that the leachate has been handled and will be properly drained.
- Methane is also a concern.
- Not sure the residential will work because the cost is very high for homes in the Pontiac school district and connected with an industrial site.
- Does not think the 168 lofts will support the retail; further does not think retail will be supported by the economy.
- Would like to see that the project does not proceed until it gets clearance from the DNR.
- Would like to see that the project has MDOT’s preliminary approval.

**Mr. Kittle**
- Very ambitious project.
- Is also concerned with traffic.
- Dutton Road in not completed, despite what was said.
- The site is a former landfill.
- Is not in favor of the project at this time because there are too many unanswered questions.

Ms. Edwards asked Mr. Randall to look into how the Brownfield loan from the County (strictly for methane) will affect Brownfield sites in Auburn Hills.

Mr. Urbahn noted Dutton Place has been working under an EPA approved plan since last summer. He noted the developers have tackled a multitude of obstacles in this project and would like to have the benefit of the doubt from Council. Mr. Urbahn further commented that he is aware that some new
housing developments are not selling well, and pointed out Dutton Place is only creating 168 housing units which will not create significant additional traffic.

Mr. Nelson requested that the developer be allowed to sit down with City staff to get a definitive list of things staff and Council would require of the proposed project.

Moved by Mr. Pillsbury to table approval of the revised PUD Step One - Concept Plan for the Dutton Corporate Centre until such time as the petitioner requests that it come back before Council.

Supported by Kittle.

VOTE: Yes: Edwards, Hammond, Kittle, Knight, McDonald, Newkirk, Pillsbury

No: None

RESOLUTION NO. 05.12.215

Motion carried (7-0)

NOTE: Project Died … Never went back to Council
5a. Approval of Revised PUD Step One – Concept Plan/Dutton Corporate Centre

Ms. Hurt-Mendyka and Mr. Cohen presented a request from Mr. Roger Rehkopf and Fred Gordon, representing Dutton Corporate Centre, for a revised PUD Step One to allow a modification to the original proposal approved by the City Council on June 21, 2004. The requested modification is to allow the Homewood Suites Hotel proposed near M-24 at a height not to exceed 50 feet, in lieu of the previously approved 40 foot height restriction. The concept plan has also been reviewed to show the majority of the commercial buildings proposed outside the refuse limits. The site is generally located east of M-24, between Dutton Road and I-75.

The Commission’s discussion yielded the following:
- The grade difference from M-24 to bottom of the curve on the site is approximately twelve feet.
- There will be different hotels constructed across Dutton Road on the Orion Township site.
- The LEED Program guidelines will be applied to the hotel as much as possible.
- A clock tower has been proposed along M24 which is approximately 40 feet in height, with Planning Commission and City Council having final approval.
- The hotel will be four stories with 114 rooms.
- The hotel has limited amenities since the intent is for extended stay.
- The developer is not proposing to amend the land use plan.
- A feasibility study was completed regarding the location of this hotel and it was found to be warranted.
- The developer is planning on at least five to six restaurants within the PUD.
- Drive-thru restaurants will need to be approved by City Council.
- There will be no access from Bald Mountain Road into the Dutton Corporate Centre.
- On the south side of the site a 12 acre park is being constructed with pedestrian access.

The public hearing was opened at 7:33 p.m.

David Heilbrun resident on Bald Mountain Road, asked for verification regarding placement of the hotel, traffic coming off of Bald Mountain Road into the site, and the retention pond. Mr. Rehkopf explained the hotel will not be in the landfill area, including the parking lot. The park will be constructed around the natural pond that is already there. Mr. Rehkopf stated once the storm system is in place the generator which powers the leachate field will be removed, hopefully spring 2007, then the road will not be accessible.

The public hearing was closed at 7:47 p.m.

Mr. Pierce stated the wording in the Development Agreement, on page 6, paragraph 6(b), referred to paragraph 8(b), and there is no such paragraph number. It should read “pursuant to this paragraph 6(b) …… The change will be made.

Mr. Beidoun moved to recommend to City Council approval of the revised PUD Step One – Concept Plan for the Dutton Corporate Centre subject to staff and consultant conditions. Supported by Mr. Hitchcock.

VOTE:    Yes:   Beidoun, Doyle, Hammond, Hitchcock, Hurt-Mendyka, Ouellette, Pierce,
No:    None

Motion Carried (7-0)
**Excerpt**

The City of Auburn Hills

Regular City Council Meeting December 18, 2006

**CALL TO ORDER:** by Mayor Edwards at 7:00 p.m. with the Pledge of Allegiance.

**LOCATION:** City Council Chambers, 1827 N. Squirrel Road, Auburn Hills MI 48326

**ROLL CALL:** Present. Mayor Edwards, Mayor Pro Tem Pillsbury Council Members Hammond, Kittle, Knight, McDonald, Newkirk

Absent. None

Also Present. City Manager Culpepper, Assistant City Manager Tanghe, Assessor Bennett, Community Development Department Director McBroom, Department of Public Services Director Melchert, Deputy Clerk Tallman, Fleet Manager Skinner, Police Chief Olko, City Attorney Beckerleg, City Engineers Olsen and Westmoreland, TIFA Chair Bennett

16 Guests

9d. Motion - Approving Revised PUD Step One – Concept Plan / Dutton Corporate Centre

The December 11, 2006 staff memo is excerpted below:

The request for Revised PUD Step One – Concept Plan approval to allow a modification to the original proposal approved by the City Council on June 21, 2004 is to allow the Homewood Suites Hotel proposed near M-24 at a height not to exceed 50 ft., in lieu of the previously approved 40 ft. height restriction. The concept plan has also been revised to show the majority of the commercial buildings proposed outside the refuse limits.

### Western Section: Commercial Development with 100 ft. Transition Zone

<table>
<thead>
<tr>
<th>Land Uses Permitted:</th>
<th><strong>Proposed Change Shown in Red</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The “commercial/business” zoning districts indicated for the 28.0 acre area located along the M-24 frontage will be developed in accordance with the following:</td>
<td>Required Conditions: In addition to the City’s standards listed under Article 18, General Provisions, the following additional conditions shall apply:</td>
</tr>
<tr>
<td>• All Principal Permitted Uses in the T&amp;R District - Section 1200</td>
<td>• Building height shall not exceed 40 ft., except for the Homewood Suites Hotel which is proposed not to exceed 50 ft. in height.</td>
</tr>
<tr>
<td>• All Principal Permitted Uses in the B-2 District - Section 900</td>
<td>• Setbacks shall meet T&amp;R District requirements (Section 1202, Item 2)</td>
</tr>
<tr>
<td>o Freestanding retail stores (e.g., Best Buy, Staples, etc.) shall not exceed 50,000 sq. ft. in size.</td>
<td>• Landscape greenbelts shall meet T&amp;R District requirements (Section 1202, Item 3)</td>
</tr>
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<td>• Only the following Special Land Uses in the B-2 District - Section 902</td>
<td>• No outside storage shall be permitted</td>
</tr>
<tr>
<td>o Health clubs</td>
<td>• Cross access drives shall be required</td>
</tr>
<tr>
<td>o Motels/hotels</td>
<td>• A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.</td>
</tr>
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<td>o Day care facilities</td>
<td>• All exterior facades shall be constructed of brick, stone, and glass. No more than 10% of the exterior facade may contain decorative masonry block. EIFS material shall only be utilized for minor architectural elements and trim, as permitted by the City Council.</td>
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<td>o Freestanding full service restaurants with the option of outdoor seating</td>
<td>• If a retail center is proposed for this development, the architecture for the proposed building shall incorporate design elements unique to Auburn Hills into the facade (e.g., fieldstone silo similar to City’s DPW facility, etc.)</td>
</tr>
<tr>
<td>o Pharmacy with drive-thru facility</td>
<td>• Pole lights shall be uniform in height and color throughout the development and shall not exceed 25 ft. to provide a consistent theme.</td>
</tr>
</tbody>
</table>

The previously approved land use plan is not proposed to be amended. Site plans would be submitted for each building in the development in accordance with the master plan and conditions listed in this report.
### Eastern Section:
**Technology and Research Development**

<table>
<thead>
<tr>
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<th>Required Conditions:</th>
</tr>
</thead>
<tbody>
<tr>
<td>The “Technology &amp; Research” zoning district indicated for the 77.94 acres remaining within the proposed Dutton Corporate Centre, will be developed in accordance with the following:</td>
<td>In addition to the City’s standards listed under Article 12, Technology and Research District and Article 18, General Provisions, the following additional conditions shall apply:</td>
</tr>
<tr>
<td>● All Principal Permitted Uses in the T&amp;R District - Section 1200</td>
<td>● Building height shall not exceed 40 ft.</td>
</tr>
<tr>
<td></td>
<td>● No outside storage shall be permitted.</td>
</tr>
<tr>
<td></td>
<td>● A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.</td>
</tr>
<tr>
<td></td>
<td>● All exterior facades shall meet the intent of the City’s Architectural Design Policy.</td>
</tr>
<tr>
<td></td>
<td>● Pole lights shall not exceed 25 ft. In general, lighting shall be designed to be sensitive to the adjacent residential area.</td>
</tr>
</tbody>
</table>

### PROPERTY HISTORY

- **Early 1960's.** The site was developed as the Silver Bell Ski Lodge. Fill material was accepted to increase the size of the proposed ski hill in the southwest portion of the site. The fill material is believed to have included such waste as foundry sand, scrap metal, and 55-gallon drums. The original developers went bankrupt in the late 1960's and the property was subsequently purchased by Fons.

- **Late 1960's thru 1979.** Fons operated a solid waste landfill on the western half of the site and accepted waste for over a decade. Although the site was operated as a landfill, no clay liner was ever installed beneath the garbage, nor was the site ever properly capped when landfill operations ceased. Additionally, no systems were ever installed for the collection and treatment of leachate or methane gas produced by the decomposing garbage.

- **1979 thru 2000.** The site remained dormant, with the exception of the Fons residence, which was located in the east-central portion of the site.

- **2000.** The City adopted the Northeast Corner Neighborhood Master Plan which allowed the eastern portion of the site to be rezoned from R-1 to T&R in hopes of cleaning up the old landfill via redevelopment.

- **2000-2002.** Brown Road Group, LLC purchased the property from Fons and applied for brownfield redevelopment assistance. The City approved a brownfield workplan for the clean up of the property and preparation of the site for redevelopment in June 2001. The plan was amended in October 2002. As part of the approval of the plan, the City also approved a Tree Removal Permit to facilitate the grading work necessary to properly cap the landfill and install the leachate and methane collection systems. Work began in October 2002.

- **2003-2004.** Urbahns joined the project. Brown Road Group, LLC is renamed Dutton Corporate Centre, LLC. Approximately 1.1 million cubic yards of material moved from adjacent property to the site for the purposes of land balancing and properly capping the landfill, which was exposed at that time. The leachate collection system was installed and a plastic liner was placed on top of the refuse. Atlas Copco was built and the 100 ft. wide greenbelt and vegetation was installed along Bald Mountain Road. Construction started on the Dutton Road extension, but was significantly delayed due to right-of-way acquisition problems near Bald Mountain Road and state funding delays for off-site improvements near the M-24/Dutton Road intersection. Lastly, the Dutton Corporate Centre, LLC received PUD Step One – Concept Plan approval from the City Council for a “master plan” for the Dutton Corporate Centre, which included commercial development on the western portion of the site.

- **2005.** Construction continued on the Dutton Road extension. Dutton Corporate Centre, LLC authorized David Nelson representing Dutton Place Investment Company, LLC to submit a revision to the PUD Step One – Concept Plan for a “lifestyle center” to replace the commercial concept originally proposed in 2004. The proposal was withdrawn by Mr. Nelson due to lack of support from the City.

- **2006.** The Dutton Road extension opens. The methane gas collection system was completed. Dutton Corporate Centre, LLC prepares to move forward with a bank, strip mall, and hotel in the commercial district on the western portion of the site; revisions to the previously approved PUD are necessary.
We are recommending Approval of the Revised PUD Step One – Concept Plan and offer the following discretionary findings of fact:

1. The requirements of Section 1830, Items 3A-D of Zoning Ordinance No. 372 can be met as follows:
   A. The use of this option will not be for the sole purpose of avoiding any applicable Zoning Ordinance No. 372 requirements.
   B. The PUD will not be utilized in situations where the same land use objectives can be accomplished by the application of conventional zoning provisions or standards.
   C. The PUD Option will not materially add service and facility loads beyond those contemplated in the Master Land Use Plan.
   D. The PUD will meet the following objectives of the City:
      1. The proposal will promote the goals and objectives of the Master Land Use Plan.
      2. The proposal will be consistent with permanently established land use patterns and will be compatible with existing or planned uses.
      3. The proposal will foster the aesthetic appearance of the City through quality building design, landscaping, and site development.

2. The concept plan contains sufficient basic information required by Section 1830, Item 6A of Zoning Ordinance No. 372 for a recommendation.

3. In addition to the applicant’s proposal, the following conditions have been added in the Development Agreement:
   A. All buildings in the development shall have “four sided architecture.” Trash compactors shall be used and integrated into the building design where possible. There shall be a design element that links all the commercial businesses in the development to create a uniform look (e.g., fieldstone was used in the Auburn Mile).
   B. The applicant shall design, create, and install a “Welcome to Auburn Hills” sign which shall be oriented towards vehicles entering the City traveling eastbound on Dutton Road. The sign shall require DPW and City Council approval prior to installation.
   C. The rear of the buildings along the “transition zone” shall be landscaped to provide a buffer between the commercial and technology/research businesses.
   D. Pole signs, exposed neon signs, and changeable copy signs shall be prohibited in the development.
   E. Lighting throughout the development shall be sensitive to the residents on Bald Mountain Road, which are at a higher elevation. One hour after closing, only lights designated for security purposes at all the businesses in the development shall remain on to minimize “night glare” for those residents living on Bald Mountain Road. If a business is to be open 24 hours, an alternative proposal shall be presented to the City Council.
   F. Businesses which abut Bald Mountain Road shall be prohibited from using exterior audible intercoms and outdoor alarm systems.
   G. Businesses shall also restrict dumpster pick up to the hours of 7:00 a.m. and 7:00 p.m.
   H. Additional landscape screening shall be provided on south end of the eastern portion of the development.
   I. The “park” shall be open to the general public.

4. The applicant proposes to construct a clock tower along the M-24 frontage of the site, which shall not exceed 40 feet in height. The only signage permitted on the clock tower will be the name of the development. The tower and signage design shall be at the sole discretion of the City Council, after recommendation from the Planning Commission.

5. The commercial development sites, regardless of the ownership mechanism utilized, shall not exceed the number of sites permissible under the Land Division Act.

Mr. McBroom commented:
- The revision is for an increase in hotel height to 50’, which is 4-stories.
- T&R districts have a 40’ height limit.
- Step One approval locks in the hotel height limit.
- Retail use will occupy less than 28 acres of the site as set forth in the conceptual plan.
• The current proposal is not from the same developer who proposed residential use and a movie theater.
• The current proposal is in line with what was contemplated when the concept plan was originally presented in 2003.

Mr. Jim Butler, Professional Engineering, introduced Mr. Roger Rehkopf, Rockford Construction, and commented:
• The grade elevation differential is 22’, meaning the base of the hotel will be 22’ below Lapeer Road.
• The plan has evolved to incorporate more interconnectivity among uses.
• In terms of soil changes, some trash has been moved throughout the site as allowed by the plan.
• Projected uses on the site include two restaurants, a bank, the hotel and a retail center.
• The site is located on a very viable corridor along Lapeer Road which is attracting interest.

Comments from Council included Mr. Knight’s concerns about the project’s marketability, Ms. Edwards’ disapproval of the Bank of Auburn Hills being built on the Orion portion of the site, and Mr. Kittle’s unease with additional hotels in an already declining hotel industry.

Mr. Beckerleg confirmed Council has discretion to grant or deny Step Two in the PUD approval process.

Moved by Mr. McDonald to approve the Revised PUD Step One – Concept Plan for the Dutton Corporate Centre subject to staff and consultant conditions.
Supported by Mr. Kittle.
VOTE: Yes: Edwards, Hammond, Kittle, Knight, McDonald, Newkirk, Pillsbury
No:  None
RESOLUTION NO. 06.12.217 Motion carried (7-0)
CALL TO ORDER: Chairperson Hurt-Mendyka called the meeting to order at 7:00 p.m.

ROLL CALL: Present. Beidoun, Doyle, Hammond, Hitchcock (7:03 pm), Hurt-Mendyka, Ouellette, Patterson, Pierce, Verbeke (7:02 pm)
Abs. None
Also Present. City Planner Cohen
Guests. 9

LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

5d,e,f,g. Recommendation for approval of PUD Step Two - Site Plan / Dutton Corporate Centre: Retail Condominium, Fifth Third Bank, Retail Strip Center, and Homewood Suites Hotel

Ms. Hurt-Mendyka and Mr. Cohen explained that James Butler, representative of Dutton Corporate Centre, LLC, has submitted site plans for three (3) projects within the commercial portion of the Dutton Corporate Centre PUD. In addition, a site plan has also been submitted for the condominium which designates the limits of each unit in this portion of PUD.

The Commission’s discussion yielded the following:
- All buildings will have a 4-sided architecture.
- The 7,763 square foot bank will be a two story building with drive thru service in the rear of the building. The bank is both a branch and operational facility.
- The 24,113 square foot retail center is a one-story building with a drive thru facility at the north end of the center. There are seven units tentatively proposed in the center. There are no tenants signed at this time, but there is strong interest waiting on site plan approval. There will be significant landscape screening behind the retail center.
- The 107 room Homewood Suites is a four story building. It is a limited service hotel. Additional trees will be planted at the east side of the building for screening. The grade for the hotel will be at lower level than Dutton Road.
- Mr. Butler confirmed that the retail condominium will not exceed the number of lots allowed under the Land Division Act.
- A clock tower will be constructed with a steel frame, 35 to 40 feet high, with a brick paver patio around the clock with benches. Another option for the clock tower was discussed: a clock on the arch way between the two retail center buildings (Phase 1 and 2). The Planning Commission preferred the freestanding clock tower as proposed.
- A gateway feature will be constructed at the southeast corner M-24 and Dutton Road stating “Welcome to Auburn Hills.”
- There are over 700 trees to be replaced on Dutton, Lapeer, Bald Mountain Road and through out the site.
- There is enough fill on the site to grade the lower levels on the parcel. No outside fill should be needed for this portion of the development.
- The main road off of Dutton Road will be named “Corporate Center Parkway.” The Planning Commission suggested that another name be considered due to the fact the Corporate Drive already exists in the City.
- There will be walkways and bike paths through out the property connecting all the commercial buildings.
- There is no restaurant with outside seating proposed on the site at this time.
- Wildflower seeding will be used on the landfill area and it will need to be maintained. An association will be responsible for maintaining the landscaping on the site.
- There will be roads off of M-24 and Dutton Road for egress and ingress.
Once the drainage is in place it will improve the entire site, which will be completed this year. The storm sewer is connected to the basin.

The retention pond on the south of the site will be addressed first; once it is completed there will no access off Bald Mountain Road.

The LEED program was not addressed with this project due to the storm sewer and landfill issues.

Mr. Cohen stated that he planned to walk through the Bald Mountain tree buffer area with Mr. Rehkopf, Rockford Construction, to review the trees and any fill needed. Ms. Hammond indicated that she would like to attend the meeting.

Only monument signs are proposed for the sites. Fifth/Third Bank will have a monument sign on M-24; Retail Center – Phase 1 and Homewood Suites will have monuments signs on Corporate Center Parkway.

The lighting throughout the site is restricted in height and type because of the PUD process.

Areas of concern for the Commissioners were:

- Some of the commissioners where concerned about the necessity for the drive-thru at the bank and the retail center.
- The landscape coverage on Bald Mountain Road; some dead trees and sparse planting.
- The flow of traffic onto Dutton Road when turning left out of the site.
- Some of the commissioners are concerned with the traffic on Dutton Road as a whole.
- No traffic light proposed off the north end of site onto Dutton Road.
- Do not want to see the construction crews using Bald Mountain Road as an access to Dutton Road.
- All businesses need to adhere to trash pick up hours
- Post signs advising all construction workers of working hours, like Auburn Grove project.
- A water truck should be on site at all times to keep the dust down during construction.
- Jim Butler confirmed that he plans to be involved in future phases of the project.

Mr. Heilbrun of Bald Mountain Road was concerned about the dust and the traffic generated by the project. He is concerned about the hours of the construction workers and trash haulers on the site. It was verified there will be no bells on the clock tower and no outdoor sound system.

It was confirmed for Mrs. Heilbrun on Bald Mountain Road there will no buildings on the landfill at this time, only parking lots. She suggested some type of electrical shuttle bus be available through the site.

Mr. Ouellette moved to recommend to City Council approval of the PUD Step Two – Site Plan for Dutton Retail Center South Condominium subject to staff and consultant conditions. Also, the following conditions were added:

1. Post the construction hours at all entrances to the site.
2. Utilize appropriate directional/way-finding signs provided along Corporate Center Parkway.
3. Remove all dead trees within two (2) weeks on the Bald Mountain Road, with the developer working with the City to add more trees.
4. The temporary access road off of Bald Mountain Road will be removed within 120 days. Advise contractors not to use Bald Mountain Road as an access to the site.
5. Removed all debris from south end of the site.
6. Keep a water truck on site at all times to address dust concerns.

Supported by Mr. Pierce.

VOTE: Yes: Beidoun, Doyle, Hammond, Hitchcock, Hurt-Mendyka, Ouellette, Patterson, Pierce, Verbeke
No: None

Motion Carried (9-0)

Ms. Verbeke moved to recommend to City Council approval of the PUD Step Two – Site Plan for Fifth Third Bank subject to staff and consultant conditions. Also, the following conditions were added:

1. Post the construction hours at all entrances to the site.
2. Utilize appropriate directional/way-finding signs provided along Corporate Center Parkway.
3. Remove all dead trees within two (2) weeks on the Bald Mountain Road, with the developer working with the City to add more trees.
4. The temporary access road off of Bald Mountain Road will be removed within 120 days. Advise contractors not to use Bald Mountain Road as an access to the site.

5. Removed all debris from south end of the site.

6. Keep a water truck on site at all times to address dust concerns.

Supported by Ms. Doyle.

VOTE: Yes: Beidoun, Doyle, Hammond, Hurt-Mendyka, Ouellette, Patterson, Pierce, Verbeke
No: Hitchcock

Motion Carried (8-1)

Ms. Doyle moved to recommend to City Council approval of the PUD Step Two – Site Plan for Retail Center - Phase I subject to staff and consultant conditions. Also, the following conditions were added:
1. Post the construction hours at all entrances to the site.
2. Utilize appropriate directional/way-finding signs provided along Corporate Center Parkway.
3. Remove all dead trees within two (2) weeks on the Bald Mountain Road, with the developer working with the City to add more trees.
4. The temporary access road off of Bald Mountain Road will be removed within 120 days. Advise contractors not to use Bald Mountain Road as an access to the site.
5. Removed all debris from south end of the site.
6. Keep a water truck on site at all times to address dust concerns.

Supported by Ms. Verbeke.

VOTE: Yes: Beidoun, Doyle, Hammond, Hurt-Mendyka, Ouellette, Patterson, Pierce, Verbeke
No: Hitchcock

Motion Carried (8-1)

Mr. Beidoun moved to recommend to City Council approval of the PUD Step Two – Site Plan for Homewood Suites subject to staff and consultant conditions. Also, the following conditions were added:
1. Post the construction hours at all entrances to the site.
2. Utilize appropriate directional/way-finding signs provided along Corporate Center Parkway.
3. Remove all dead trees within two (2) weeks on the Bald Mountain Road, with the developer working with the City to add more trees.
4. The temporary access road off of Bald Mountain Road will be removed within 120 days. Advise contractors not to use Bald Mountain Road as an access to the site.
5. Removed all debris from south end of the site.
6. Keep a water truck on site at all times to address dust concerns.

Supported by Mr. Patterson.

VOTE: Yes: Beidoun, Doyle, Hammond, Hitchcock, Hurt-Mendyka, Ouellette, Patterson, Pierce, Verbeke
No: None

Motion Carried (9-0)
CALL TO ORDER: by Mayor Edwards at 7:00 p.m. with the Pledge of Allegiance.
LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills MI 48326
ROLL CALL: Present. Mayor Edwards, Mayor Pro Tem Pillsbury, Council Members Hammond, Kittle, Knight, Newkirk
Absent. Council Member McDonald
Also Present. City Manager Culpepper, Assistant City Manager Tanghe, Department of Public Services Director Melchert, Deputy City Assessor Blinkilde, Deputy Clerk Tallman, Fleet Supervisor Skinner, Manager of Municipal Grounds Grice, Police Deputy Chief Mynsberge, City Attorney Hampton, City Engineer Westmoreland, TIFA Chair Bennett
20 Guests

10c. Motion – Approval of PUD Step Two - Site Plan / Dutton Corporate Centre – Retail Condominium; and
10d. Motion – Approval of PUD Step Two - Site Plan / Dutton Corporate Centre – Fifth Third Bank; and
10e. Motion – Approval of PUD Step Two - Site Plan / Dutton Corporate Centre – Retail Strip Center; and
10f. Motion – Approval of PUD Step Two - Site Plan / Dutton Corporate Centre – Homewood Suites Hotel

The April 25, 2007 staff memo is excerpted below:

INTRODUCTION
Request from Jim Butler, representing Dutton Corporate Centre, LLC, for site plan approval to construct three (3) projects within the commercial portion of the Dutton Corporate Centre PUD. In addition, a site plan has also been submitted for the condominium which designates the limits of each unit in this portion of PUD.

PROJECT LOCATION MAP

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**Project Overview:**

- **Dutton Retail Center**
  - South Condominium
  - 7 unit retail condominium

- **Fifth Third Bank**
  - 2 story, 7,763 sq. ft. bank

- **Homewood Suites**
  - 4 story, 107 room hotel

- **Retail Center – Phase 1**
  - 1 story, 24,113 sq. ft. retail center with drive-thru facility
### APPROVED PUD STEP 1 – LAND USE PLAN

#### PUD GUIDELINES FOR THE COMMERCIAL AREA

**Land Uses Permitted:**
The “commercial/business” zoning districts indicated for the 28.0 acre area located along the M-24 frontage will be developed in accordance with the following:
- All Principal Permitted Uses in the T&R District - Section 1200
- All Principal Permitted Uses in the B-2 District - Section 900
  - Freestanding retail stores (e.g., Best Buy, Staples, etc.) shall not exceed 50,000 sq. ft. in size.
- **Only** the following Special Land Uses in the B-2 District - Section 902
  - Health clubs
  - Motels/hotels
  - Day care facilities
  - Freestanding full service restaurants with the option of outdoor seating
  - Pharmacy with drive-thru facility
- Drive-thru facilities for restaurants and retail uses may be permitted at the sole discretion of City Council, after recommendation from the Planning Commission.

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<td>- No outside storage shall be permitted</td>
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<td>- Cross access drives shall be required</td>
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<td>- A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with “high quality” materials in accordance with the City of Auburn Hills Zoning Ordinance.</td>
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<td>- All exterior facades shall be constructed of brick, stone, and glass. No more than 10% of the exterior facade may contain decorative masonry block. EIFS material shall only be utilized for minor architectural elements and trim, as permitted by the City Council.</td>
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<td>- If a retail center is proposed for this development, the architecture for the proposed building shall incorporate design elements unique to Auburn Hills into the facade (e.g., fieldstone silo similar to City’s DPW facility, etc.)</td>
</tr>
<tr>
<td>- Pole lights shall be uniform in height and color throughout the development and shall not exceed 25 ft. to provide a consistent theme.</td>
</tr>
</tbody>
</table>
The City Council and Planning Commission approved the following land uses and required conditions for the commercial section of the PUD:

**ADDITIONAL PUD CONDITIONS**

- **Land Uses.** The uses proposed (bank, strip mall, and hotel) are allowed within the commercial portion of the PUD.
  - The Retail Center – Phase 1 includes a drive thru facility. This City has sole discretion whether or not to allow the drive thru facility. The drive-thru has been designed with 10 stacking spaces counted from the order window on the building, which meets conventional zoning requirements. The City’s stacking requirement starts at the order station, thus orders at this business will be required to be taken at the window. Typically orders are taken before the window from an intercom system, which makes this design unusual. The developer is aware of this limitation.

- **Special Conditions.** The “required conditions” within the commercial portion of the PUD have been met. The developer proposes fieldstone material as the common design element linking all the projects in the retail condominium. The same color and style of fieldstone is proposed to be used on each building to provide consistency. Also, all buildings proposed will have four-sided architecture.

- **Welcome to Auburn Hills Sign.** The developer has designed a “Welcome to Auburn Hills” sign, which is shown on the landscape plans for the condominium. The sign is proposed to be installed this construction season. The sign will be oriented towards vehicles entering the City traveling eastbound on Dutton Road and will match the sign proposed across the street in Orion Township.

- **Clock Tower.** The required clock tower is proposed to be installed this construction season and is shown on the landscape plans for the condominium. It will be located along the M-24 frontage of the site (near the retail center) and will not exceed 40 feet in height. The only signage permitted on the clock tower will be the name of the development.

- **Tree Replacement.** The developer proposes to plant 485 replacement trees this construction season. A tree replacement inventory and plans have been provided in the packet showing where the new trees will be planted.

- **Transition Zone Landscaping.** The rear of the buildings along the “transition zone” shall be landscaped to provide a buffer between the commercial and technology/research businesses. This condition has essentially been met.

- **Signs.** No pole signs, exposed neon signs, or changeable copy signs are proposed in the development.

- **Number of Commercial Sites.** A condition of PUD Step 1 approval was that the amount of commercial sites developed, regardless of ownership mechanism utilized, will not exceed the number of sites permissible under the Land Division Act. The developer’s surveyor has certified that at least 9 development sites would be allowed under the Land Division Act, thus this condition will be met.

- **Lighting.** Lighting throughout the development shall be sensitive to the residents on Bald Mountain Road, which are at a higher elevation. One hour after closing, only lights designated for security purposes at all the businesses in the development shall remain on to minimize “night glare” for those residents living on Bald Mountain Road.

- **Trash Pick-Up.** Businesses will be required to restrict dumpster pick up to the hours of 7:00 a.m. and 7:00 p.m.

Mr. Jim Butler, Professional Engineering, and Mr. Roger Rorskopf, Rockford Construction, offered the following responses to Council’s questions:

- There will be a water truck on site full-time during construction.
- The hotel will have and maintain its own sanitary sewer pump system.
- A feasibility study for the hotel predicted an average occupancy rate of 80%.
- Alternate lighting options are being investigated, but it isn’t likely that uplighting will provide an adequate lighting level for security purposes.
- Large material vegetative screening will be utilized along the back of the property.
• The majority of construction traffic will access the site from Dutton Road, and the Planning Commission has given the developer a deadline for closing access from Bald Mountain Road.

Mrs. Hammond explained Planning Commission Member Hitchcock voted against the bank and the retail outlet because he was not satisfied with the traffic flow and felt the bank drive-through was unnecessary.

Mr. Kittle was in favor of the project with the exception of the hotel. He voiced concern about declining hotel occupancy rates in the City and possible negative impact on existing hotels in the City.

**Dutton Retail Centre South Condominium**
Moved by Mr. Knight; Seconded by Mrs. Hammond.

Resolved: to approve the PUD Step 2 – Site Plan for Dutton Retail Centre South Condominium subject to staff, consultant, and Planning Commission conditions.

VOTE: Yes: Edwards, Hammond, Kittle, Knight, Newkirk
No: Pillsbury

RESOLUTION NO. 07.05.084

Motion carried (5-1)

**Fifth Third Bank**
Moved by Mr. Kittle; Seconded by Mr. Knight.

Resolved: to approve the PUD Step 2 – Site Plan for Fifth Third Bank subject to staff, consultant, and Planning Commission conditions.

VOTE: Yes: Edwards, Hammond, Kittle, Knight, Newkirk
No: Pillsbury

RESOLUTION NO. 07.05.085

Motion carried (5-1)

**Retail Center – Phase 1**
Moved by Mr. Newkirk; Seconded by Mr. Kittle.

Resolved: to approve the PUD Step 2 – Site Plan for Retail Center – Phase 1 subject to staff, consultant, and Planning Commission conditions.

VOTE: Yes: Edwards, Hammond, Kittle, Knight, Newkirk
No: Pillsbury

RESOLUTION NO. 07.05.086

Motion carried (5-1)

**Homewood Suites**
Moved by Mr. Knight; Seconded by Mr. Newkirk.

Resolved: to approve the PUD Step 2 – Site Plan for Homewood Suites subject to staff, consultant, and Planning Commission conditions.

VOTE: Yes: Edwards, Hammond, Knight, Newkirk
No: Kittle, Pillsbury

RESOLUTION NO. 07.05.087

Motion carried (4-2)
PRELIMINARY LANDSCAPE PLAN
GATE FEATURE, CLOCK TOWER
DUTTON CORPORATE CENTRE-SOUTH
CITY OF AUBURN HILLS, MICHIGAN

GATEWAY FEATURE
CLOCK TOWER
LANDSCAPE PLAN

VIEW FROM INTERSECTION
OF LAPEER & DUTTON ROAD

ENTRANCE AND TOWER DETAILS
Dutton Corporate Centre
2007 Revised PUD Proposal
CALL TO ORDER: Chairperson Hurt-Mendyka called the meeting to order at 7:03 p.m.

ROLL CALL: Present. Beidoun, Doyle, Hurt-Mendyka, Ouellette, Pierce, Verbeke
Absent. Hammond, Hitchcock
Also Present. City Planner Cohen
Guests. 20

LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

PETITIONERS

5a. Recommendation for Approval of Rezoning Revised PUD Step One – Concept Plan/ Dutton Corporate Centre

Ms. Hurt-Mendyka and Mr. Cohen explained that this is a request for a Revised PUD Step One – Concept Plan approval to allow a modification to the original PUD proposal approved by the City Council on June 21, 2004 and amended on December 18, 2006.

The requested modification to the PUD land use plan would allow light industrial uses in accordance with the I-1, Light Industrial District (Section 1300) on approximately 15 acres of the site in the eastern section, in addition to the principal uses permitted in the T&R, Technology and Research District. The owner intends to sell the 15 acre parcel to General Development Company, LLC.

Ms. Verbeke read the email from resident Laura Ochs dated September 18, 2007, please see the attachment.

The Commission’s discussion yielded the following:

- This a 15 acre site, with General Development constructing light industrial buildings.
- Building height will not exceed 40 feet.
- Automotive repair and emergency medical facilities will not be considered, and this wording will be put in the development agreement.
- Lighting throughout this development with be sensitive to the residents on Bald Mountain Road, pole lights will not exceed 25 feet.
- All efforts will be made to have loading docks will face M-24 not Bald Mountain Road.
- No outside storage shall be permitted.
- General Development is not sure if additional fill will be needed to grade the site. The concern is that if the grade is brought up too high it will affect the residents on Bald Mountain Road.
- The parking lot design has not been determined.
- Could have multiple buildings on this site.

Public hearing was opened at 7:38 p.m.

Ms. Laura Ochs resident had one concern regarding the lighting. Ms. Hurt-Mendyka explained the 25 foot restriction is directly related to the outside lights and it is possible that the building height could go up to 40 feet.

Public hearing was closed at 7:41 p.m.
Mr. Ouellette moved to recommend to City Council approval of the Revised PUD Step One – Concept Plan for the Dutton Corporate Centre. The Amendment to the Development Agreement shall exclude automotive repair and medical emergency facilities. Also, the construction access on Bald Mountain Road shall be closed prior to City Council review.

Supported by Ms. Doyle.

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Ouellette, Pierce, Verbeke
No: None

Motion Carried (6-0)
CALL TO ORDER: by Mayor Edwards
LOCATION: City Council Chambers, 1827 N. Squirrel Road, Auburn Hills MI 48326
Present: Mayor Edwards, Mayor Pro Tem Pillsbury, Council Members Hammond, Kittle, Knight, McDonald, Newkirk
Absent: None
Also Present: Assistant City Manager Tanghe, Assistant City Manager Walterhouse, Assessor Bennett, Deputy Police Chief Mynsberge, Finance Director Barnes, Finance Accounting Clerk Schulz, Clerk Shannon, Treasurer Valko, DPS Director Melchert, Recreation Director Marzolf, Senior Services Director Adcock, Community Development Director McBroom, Golf Professional Marmion, IT Director Leix, IT Desktop Support Specialist Ronse, Acting Deputy Fire Chief Burmeister, Municipal Grounds Manager Grice, Public Utilities Manager Harran, City Engineer Olson, City Engineer Stevenson, City Attorney Beckerleg, TIFA Chair Bennett

9. NEW BUSINESS
9a. Approval of Revised PUD Step One – Concept Plan / Dutton Corporate Centre

Mr. Bruce Brickman, General Development Company, explained his firm would like this development to have combined uses - technology and research development, commercial development, and business offices. Today, builders are putting as much under one roof as possible. There will be no distribution shipping from this location; it isn’t allowed under this zoning, nor is the building suitable for distribution. Truck docks will be situated to the west or south, with truck traffic flowing Dutton Road to M-24 and onto I-75. Mr. Brickman conceded he could not say with certainty that no trucks would access Bald Mountain Road.

Mr. Brickman stated he does not have a tenant at this time. He also noted there will be no loud noise coming from the site and no heavy stamping presses. Mr. Brickman stated whatever type of business the tenant operates must be within the enclosed building. Mr. McBroom explained stamping presses are not allowed in this zoning, with the exception of small hydraulic type presses which generally don’t produce loud noise.

Mr. Kittle questioned the piles of garbage that are exposed on the site. Mr. McBroom explained as part of the clean-up plan, a portion of the trash will be redistributed from the north side of the site to the south side where the garbage can be buried much deeper. Only a certain percentage of the trash can be disposed of in this manner and AKT Peerless will be looking into the matter. Once a report is complete, Mr. McBroom stated he would pass it on to City Council.

Mr. Brickman explained that, in this type of development, the loading docks will be visible.

Mr. Brickman stated he intends to purchase the property whether he has a signed tenant or not.

Moved by Knight; Seconded by Kittle.

Resolved: To approve the Revised PUD Step One – Concept Plan for the Dutton Corporate Centre

VOTE: Yes: Edwards, Kittle, Knight, McDonald, Newkirk, Pillsbury
No: Hammond

Motion carried (6-1)

RESOLUTION NO. 07.10.193
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7:00 p.m.

2. ROLL CALL OF PLANNING COMMISSION:
Present: Beidoun, Burmeister, Mendieta, Ochs, Ouellette, Pierce, Shearer
Absent: Hitchcock, Justice
Also Present: Assistant City Planner Keenan
Guests: 9

LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326

7a. Discussion - Dutton Corporate Centre (7:30 p.m.)
Introduction of new owner, update on the status of the project, and overview of changes proposed to the project’s concept plan and Development Agreement.

Mr. Keenan explained that the City has been working with the New Owner of Dutton Corporate Centre for a few months to fix the development agreement to allow the new owner to be successful. Staff believes this was necessary since there has been great changes since the great recession. Staff believe the proposed amendments to the development agreement is a win, win for both the City and the new owner and will help foster the development of the site.

Mr. Keenan noted the revised concept plan is being provided to the Planning Commission today to give the Commission time to receive and review the plan before it is brought back to you on May 11. There have been some changes to what was approved back in 2006 and 2007.

Mr. Keenan indicated the agreement will allow for principle permitted uses in the B-2 district and outdoor recreational facilities on the west portion of the area at the discretion of the City Council and Planning Commission review and recommendation. The light industrial area in the center will allow for principal uses allowed in the T&R and I-1 districts. The T&R area to the east remains basically the same but does allow for a slightly taller building. The grade is much lower in that area.

Mr. Keenan provided an overview of some of the proposed amendments which include: 1) The City secures a larger open space area across from the residents along Bald Mountain road, which will include a trail system for employees and residents. The trail system will be maintained by the association; 2) The removal of the temporary access drive off Bald Mountain Road; 3) Finalizing the paving of Interpark Drive, completion of the pathway along Lapeer Road, additional tree plantings for a buffer at the corner of Dutton and Bald Mountain Road; 4) The owner has provided an easement for the City’s tree nursery, in exchange for a reduction of required tree plantings; 5) No gas drilling.

Mr. Keenan also noted that the new owner wishes to build a Kia Dealership at the southeast corner of Lapper Road and Interpark Drive.

Chairperson Ouellette invited Mr. Richard Lalonde to the podium.

Mr. Richard Lalonde, Summit Place Auto Group, currently owns two locations and is excited to be moving to this new location as are the employees. One of the current locations in Waterford near the old Summit Place mall is not in an exciting location and they have outgrown the facility. His two dealerships are the number one and number two dealerships of all Kia dealerships in Michigan. They outsell Toyota and Honda. He is very familiar with this area and when he saw the For Sale Sign on the property he knew he wanted to be here. Taking on all the acreage, more than he really needed for his dealership, is a challenge but one he is very willing to take on. He is very confident in his entire team. They are committed to beautifying the frontage along Lapeer and Dutton Roads and filling up the existing strip mall and they are excited to get started.
Mr. Ouellette asked if there are specific businesses that usually follow a car dealership and Mr. Lalonde responded that the long term vision is to build a motor mall here but having the strip mall there would definitely help. One could drop their car off for service and then walk over to the strip mall that may contain a café, a hair salon, a fitness center, etc. The options are endless but the number one priority is the dealership for him. That is his focus.

Mr. Beidoun asked if the dealership would be full service and only a Kia dealer. Mr. Lalonde responded that it will be full service and only Kia vehicles would be sold. The floor plan calls for 16 service bays and a car wash. The building is made of only high quality materials and the outside lighting is unobtrusive.

Ms. Ochs inquired about the storage of the vehicles and wanted to know if cars would be stored behind the building. Her home is located very close to the back of the property and she is concerned about the lighting. Mr. Lalonde is fine with not having any lights at all but it is the police department’s recommendation to have at least dim lighting at night for security reasons. He does not believe lighting will be necessary for the back of the building.

Ms. Ochs also wanted to know exactly when the walking paths would be completed. Mr. Keenan clarified that it is actually the developer that will be completing the walking paths and the City will be enhancing the landscape along Bald Mountain Road which will include planting additional trees and moving some of the trees in the gaps to improve the screening.

Mr. Burmeister asked if there would be used car sales and Mr. Lalonde answered yes. That is something that the Clerk’s Office oversees. He asked if there would be any fencing and Mr. Lalonde responded that it would not be fenced at all.

Mr. Pierce inquired if the original development agreement goes with the land and the purchaser of the land must go along with it. Mr. Keenan responded that it does but it has been amended with those changes noted in the agreement as it relates to the car dealership. Mr. Pierce wanted reassurance that the only outside storage would be the cars for sale and that was all. Mr. Lalonde replied it would only be those cars and nothing else. Mr. Pierce wondered how many phases there might be in the project. Mr. Keenan stated the dealership is phase one and anything else after that would be considered a different phase.

Ms. Ochs asked if the development name, Dutton Centre, was going to remain in place and Mr. Lalonde responded that at some point it will probably be changed but it is not something that has to be done now.

Mr. Ouellette and Mr. Lalonde discussed LEEDS Certification as it relates to the environment. Mr. Ouellette feels it would be very beneficial for Mr. Lalonde to pursue the certification. Mr. Lalonde explained his business isn’t quite large enough to support having the certification but they definitely explore environmentally friendly practices when building the buildings whenever possible as well as what utilities to put in place. Mr. Keenan interjected that just having this development built on a former landfill is a huge environmental accomplishment. Mr. Ouellette then asked if there was a time line for the development of the entire site—not just the dealership. Mr. Lalonde stated that there is not a definite time line but if for some reason he was unable to develop the rest of the acreage, he is more than willing to plant trees on the rest of the property and not leave it barren.
Mr. Steven J. Cohen, City Planner  
City of Auburn Hills, Community Development Department  
1827 North Squirrel Road  
Auburn Hills, Michigan 48326  

Subject: Woodlands Protection Review for DUTTON CORPORATE CENTRE, (includes Lapeer Road, Dutton Road Extension, Corporate Centre Parkway, and the plantings at Lapeer Road and Dutton Road Extension).

Dear Mr. Cohen:

I received electronic version of the following plans all prepared by PEA, and all dated March 30, 2007 (no revision dates): Dutton Retail Centre-South & Dutton Corporate Centre; the Preliminary Landscape Plan Lapeer Road Frontage; Landscape Plan- Dutton Road Extension Dutton Corporate Center-South; Preliminary Landscape Plan Corporate Centre Parkway Frontage; Gateway Feature Plan Dutton Corporate Centre-South; Gateway Feature Details Dutton Corporate Centre-South; and the Landscape Amenities & Planting Details Dutton Retail Centre - South, and have reviewed the submittal for the above-mentioned project, and **conditionally recommend** approval regarding a Woodlands Permit. The following items (*) should be addressed:

These plans are reviewed in conjunction with the plans for Dutton Retail Center Phase I, Homewood Suites, and Fifth Third Bank.

**Tree Protection**

A Woodlands Permit has been previously granted for the overall site. Based on the information included on the plans, the amount of replacement trees owed for this site should be as follows:

**Total trees owed for Dutton Corporate Centre**  
1734

**Built Projects Total**

- Bald Mountain Greenbelt (to be verified)  
  446
- Atlas Copco (to be verified)  
  84

**Proposed Projects totals**

- Dutton Road & Technology Court Frontages  
  130
- Corporate Drive Frontage  
  95
- Lapeer Road Frontage (including Entry Sign)  
  47
- Dutton Retail Center Phase I  
  99
- Homewood Suites  
  79
- Fifth Third Bank  
  35

**Replacement Trees For Future Phases**  
719
Replacement trees

Coordination may be needed between the proposed plant material for the road frontages / entry sign and the trees of the individual landscape plans of the proposed developments.

- Diversity requirements should be adjusted as follows:
  - Species diversity should be no more than 10% for Gingko biloba on the Dutton Road Extension, Lapeer Road Frontage & Entry Sign, & the Corporate Centre Parkway.
  - Species diversity should be no more than 10% for Gleditsia triacanthos on the Dutton Road Extension, Lapeer Road Frontage & Entry Sign, & the Corporate Centre Parkway.
  - Species diversity should be no more than 10% for Platanus acerifolia on the Lapeer Road Frontage & Entry Sign.
  - Species diversity should be no more than 10% for Acer rubrum on the Corporate Centre Parkway.
- Acer x freemanii should be changed to a different tree such as Sugar Maple, etc. on the Dutton Road Extension Plan.

As-built tree replacement plan may be required. Applicant is responsible for arranging meeting to inspect protective fencing prior to construction.

Please contact me if there are any questions.

Sincerely,

[Signature]

Eric A. Olson
### Tree Replacement Matrix

**Dutton Corporate Centre, Auburn Hills, Michigan**

<table>
<thead>
<tr>
<th>Tree Replacement Required</th>
<th>Total Provided</th>
<th>Remaining Replacements</th>
<th>Bond Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bald Mountain Greenbelt</td>
<td>446 Trees</td>
<td>1288 Trees</td>
<td>$366,400.00</td>
</tr>
<tr>
<td>Atlas Copco</td>
<td>84 Trees</td>
<td>530 Trees</td>
<td>$361,200.00</td>
</tr>
</tbody>
</table>

**Subtotal On-Site Replacements**: 806 Trees

**Total On-Site Replacements**: 928 Trees

**Total Developable Land Area**: 55.23 Acres

**Tree Replacement Ratio**: 16.8 Trees/Per Acre

#### Tree Replacement Completed

<table>
<thead>
<tr>
<th>Location</th>
<th>Total Provided</th>
<th>Remaining Replacements</th>
<th>Bond Amount</th>
</tr>
</thead>
<tbody>
<tr>
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<td>446 Trees</td>
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</tr>
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<td>Atlas Copco</td>
<td>84 Trees</td>
<td>530 Trees</td>
<td>$361,200.00</td>
</tr>
</tbody>
</table>

#### Tree Replacement Pending

<table>
<thead>
<tr>
<th>Location</th>
<th>Total Provided</th>
<th>Remaining Replacements</th>
<th>Bond Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dutton Road Frontage</td>
<td>615 Trees</td>
<td>1119 Trees</td>
<td>$335,700.00</td>
</tr>
<tr>
<td>Entry Sign</td>
<td>619 Trees</td>
<td>1115 Trees</td>
<td>$334,500.00</td>
</tr>
<tr>
<td>Technology Court Frontage</td>
<td>664 Trees</td>
<td>1070 Trees</td>
<td>$321,000.00</td>
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<tr>
<td>&quot;Loop&quot; Drive Frontage</td>
<td>759 Trees</td>
<td>975 Trees</td>
<td>$292,500.00</td>
</tr>
<tr>
<td>Lapeer Road Frontage</td>
<td>802 Trees</td>
<td>932 Trees</td>
<td>$279,600.00</td>
</tr>
<tr>
<td>Homewood Suites (w/Off-Site)</td>
<td>881 Trees</td>
<td>853 Trees</td>
<td>$255,900.00</td>
</tr>
<tr>
<td>5/3 Bank</td>
<td>916 Trees</td>
<td>818 Trees</td>
<td>$245,400.00</td>
</tr>
<tr>
<td>Retail Center-Phase I</td>
<td>1015 Trees</td>
<td>719 Trees</td>
<td>$215,700.00</td>
</tr>
<tr>
<td>Park Plantings</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Copy of TREE REPLACEMENT MATRIX
To: Chairperson Greg Ouellette and the Planning Commission

From: Shawn Keenan, Assistant City Planner

Submitted: May 6, 2016

Subject: Summit Place Kia of Auburn Hills
Motion - Recommendation to City Council for PUD Step Two - Site Plan approval to construct an automobile dealership.

INTRODUCTION
This is a request from Summit Place Kia to construct a 25,749 square foot automobile dealership at the southeast corner of Lapeer Road and Interpark Drive. The 7.38 acre parcel is located within the Dutton Corporate Centre Planned Unit Development (PUD) and zoned B-2, General Business district, for commercial uses.

The proposed Kia Dealership will be the first new automobile dealership to be built in the City. The buildings modern architecture and the enhanced landscaping provided on the site should help improve the visual appearance along the Lapeer Road corridor.

Summit Place Kia has established a solid reputation in the automotive dealership industry and currently operates the top two Kia Dealerships in the state of Michigan, outselling both Honda and Toyota. The proposed dealership is expected to create 25 new jobs.

Total investment in the project is estimated at $4 million. Construction is expected to begin in July 2016 with completion expected to take place in the first quarter of 2017.
KEY ISSUES

1. **Outside Storage**
   Vehicles will be stored in the eastern most parking lot behind the building. The storage lot is approximately nine feet below the final grade of the building, with a staggered row of evergreen trees planted along the east property line.

2. **Outside Vehicle Display Area**
   The plans identify an outside vehicle display area located at the northwest corner of the building.

3. **Flag Polls**
   The plans include two flag polls for the display of the American and Michigan flags. A note is provided on the elevation plan stating the use of neon, flags (e.g. pennant and pennant string flags), or any other type of unapproved signage shall be prohibited per site plan review.

4. **Lighting**
   Summit Place Kia intends to keep night-time lighting of the building at a minimum. The lighting of the vehicle outside storage area will be kept on at night, but at a minimum, at the request of the Police Department. The request is being made to help prevent the theft of auto parts.

5. **Landscape and Screening**
   The landscape plan includes the planting of 50 more trees on site than required by ordinance. The 50 additional trees will be credited towards the required replacement total for Dutton Corporate Centre. The landscape plan also calls for the planting of additional evergreen trees along the east property line. The staggered row of evergreen trees are being planted to provide an additional layer of screening for the residents who reside along Bald Mountain Road.

6. **Sidewalk**
   A five foot wide sidewalk is being provided along Interpark Drive. The sidewalk will connect to the eight foot pathway along Lapeer Road. A five foot sidewalk will also connect the building to the sidewalk along Interpark Drive.

7. **Plug-In Electric Vehicle Ready Development**
   To assist the City in its effort to prepare for alternate fuel vehicles, the Developer has agreed to prep the parking lot for five electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

STAFF RECOMMENDATION

Please be advised that this project has been reviewed by the City’s Administrative Site Plan Review Team (consisting of the City Manager, Police Department, Fire Department, Community Development Department, Department of Public Works, and Engineering Consultant) and has received a recommendation for approval.

We recommend Conditional Approval of the PUD Step Two - Site Plan and offer the following discretionary findings of fact:

1. The Site Plan contains sufficient basic information required by the Zoning Ordinance for a recommendation.
2. The requirements of Section 1815, Items 7A-7E of the Zoning Ordinance can be met as follows:
   A. All requirements and standards of the Zoning Ordinance, and other city Ordinances, can be met.
B. Safe, convenient vehicular and pedestrian ingress/egress has been depicted; primary access will be to Interpark Drive.
C. Traffic circulation features within the site and the location of parking areas avoid common traffic problems and can promote safety.
D. A satisfactory and harmonious relationship will exist between the proposed development and surrounding area.
E. The proposed use will not have an unreasonable, detrimental or injurious effect upon the natural characteristics of the subject parcel, or the adjacent area.

3. Based upon the project’s total square footage and service stalls, 75 parking spaces are required and 444 total spaces are depicted. 75 parking spaces are provided for employees and customers and 369 parking spaces are provided for display vehicles and vehicle storage.

4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (Three spaces are required and four spaces are provided). One space is van accessible.

5. Building and parking setback requirements will be met.

6. Greenbelts will be provided.

7. Landscape requirements will be met and calculations have been submitted.

8. A note indicates that exterior lighting shall meet the requirements of the Zoning Ordinance. Pole and wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall not extend below the light fixture shields. Light poles shall not be taller than the proposed height of 22'-6” from grade.

9. A note indicates that signs shall meet the requirements of the Zoning Ordinance.

10. A note indicates that parking spaces shall be double striped.

11. Ground-mounted and roof-mounted mechanical equipment will be screened.

12. A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage, with the exception to new and used cars.

13. An eight foot wide pathway along Lapeer Road is being constructed by the Michigan Department of Transportation. A five foot wide sidewalk is being constructed along Interpark Drive. Complete Streets considerations were made as part of the site design with a dedicated walkway proposed from the building to the sidewalk along Interpark Drive.

14. A Tree Removal Permit is not required. 122 replacement trees are required to be planted per the previous mass grading for Dutton Corporate Center and 172 trees are being planted.

15. The developer has submitted a USGBC LEED checklist identifying a number of green/sustainable design elements being incorporated into the development. At this time the owner is not proposing to pursue LEED certification.

16. The developer has agreed to prep the parking lot for five electric vehicle charging stations. They will install electrical stubs at planned station locations and will run conduit from the power source to the stubs at time of construction to support the future installation of the charging stations, when needed.

Condition:
1. The developer shall meet all aspects of the Development Agreement for the Dutton Corporate Center.

**Recommended Action:**

“Move to recommend to City Council approval of the Step Two - Site Plan to construct an automobile dealership, subject to staff and consultants conditions.”
# Development Application

**City of Auburn Hills**

**Honoring The Past. Building The Future.**

- **Project Name:** Summit Place Kia
- **General Project Location:** Lapeer Road and Interpark Drive
- **Parcel Size:** 7.38 ac, Zoning: PUD Overlay
- **Sidewell Number(s):** 14-02-202 (006,007,009,010)
- **Project Description:** Car Dealership
- **Building Size (sq. ft.):** 25,749
- **Address:** 4200 Interpark Dr
- **Date Received:** 4-13-16
- **Fees Paid:** 3915.00
- **Sign(s) Escrow:**
- **SP #:** 160007
- **SLU #:**
- **LD/LE/SUB #:**
- **RZ #:**
- **PUD #:**
- **ZBA #:**

**Check requested review(s):**
- [ ] Site Plan
- [x] Tree Removal Permit
- [ ] Special Land Use Permit(s)
- [ ] Land Division
- [ ] Land Exchange
- [ ] Subdivision
- [ ] Planned Unit Development - Step 1/Step 2/Combined
- [ ] Rezoning
- [ ] ZBA Variance or Interpretation (see supplemental application)
- [ ] Other

**Applicant**

- **Name:** J. Bennett Donaldson
- **Business Name and Address:** J.B. Donaldson Company - 37612 Hills Tech Drive
- **City:** Farmington Hills, **State:** MI, **Zip Code:** 48331, **Phone Number:** 248-344-9045
- **Fax Number:** __________, **Alt. Phone Number(s):** __________

**Property Owner(s)**

- **Name:** Rich Lalonde
- **Business Name and Address:** Summit Place Kia, 43774 Gratiot Ave
- **City:** Clinton Twp, **State:** MI, **Zip Code:** 48306, **Phone Number:** 586.868.1101

---

Please contact the City of Auburn Hills Community Development Department,
1827 N. Squirrel Road, Auburn Hills, MI 48326 / Phone: 248-364-6900 Fax: 248-364-6939
Home Page Address: http://www.auburnhills.org

[Stamp: RECEIVED AP 13 2017]

INV #: 37686 39/5.00
Planning Commission
Public Notice

| Planning Commission  
| Public Notice |

Meeting Date, Time, and Location: Wednesday, May 11, 2016 at 7:00 p.m.
City of Auburn Hills - City Council Chambers
1827 N. Squirrel Road, Auburn Hills, MI 48326

Project Name: Summit Place Kia

General Property Location: Southeast corner of Lapeer Road/M-24 and Interpark Drive
Sidwell Nos. 14-02-202-006, 14-02-202-007, 14-02-202-009, and 14-02-202-010

Applicant: Rich LaLonde, RJL Equity Holdings LLC - 248-379-4068

Nature of the Request: Recommendation to City Council for PUD Step Two – Site Plan approval to construct an automobile dealership.

City Staff Contact: Shawn Keenan, AICP
Assistant City Planner - 248-364-6926

Notice will be sent via U.S. Mail to properties within 1,000 feet of the site. The proposed application is available for inspection prior to the meeting at the Community Development Department, located in the municipal campus at 1827 N. Squirrel Road, Auburn Hills, MI 48326, during regular City business hours.

Persons wishing to express their views may do so in person at the meeting, or in writing addressed to the Planning Commission c/o Steve Cohen, Director of Community Development at the above address.

Anyone planning to attend the meeting who has need of special assistance under the Americans with Disabilities Act (ADA) is asked to contact the City Clerk's Office at 248-370-9402 or the City Manager's Office at 248-370-9440 - 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.

LOCATION MAP
May 3, 2016

Mr. Shawn Keenan, AICP
Assistant City Planner
CITY OF AUBURN HILLS
1827 Squirrel Road
Auburn Hills, Michigan 48326

RE: Summit Place Kia/Dutton Corporate Centre

Dear Mr. Keenan:

We have completed the site plan review for the above referenced project with respect to grading, paving, storm drainage/detention, and availability of municipal utilities to serve the site. The site plan, received by this office on April 13, 2016 was prepared Professional Engineering Associates. The review comments are noted below.

PERMITS:
Various permits will be required for this site, including but not limited to the following:

- Soil erosion permit from O.C.W.R.C.
- N.P.D.E.S. permit from M.D.E.Q.
- Right-of-way construction or signing permit from M.D.O.T.
- Water main extension permit from M.D.E.Q.

GENERAL/PERMITS:
The site is located on M-24 south of Brown Road. The applicant is proposing to construct a 25,749 sq. ft. two story car dealership. The dealership will include attached facilities for repairs and service. The proposed parcel is part of the Dutton Corporate Centre PUD and comprised of units 6, 7, 9 and 10 of the Dutton Retail Center South condominium. The adjacent parcel to the south is zoned I-1, Light Industrial. A complete legal description of the parcel is shown on the plan. The City of Auburn Hills Standard Notes and Fire Department Notes are included on the plans. A landscape plan was included in the plan set and appears to be acceptable. The Auburn Hills Standard Details were not included in the plan set and will need to be in the engineering review submittal. Furthermore, a soil erosion and sedimentation control plan is needed for the engineering review.

MUNICIPAL UTILITIES:
There is an existing 12” water main that runs parallel to Lapeer/M-24 with an existing tee and valve providing a service to the site. The applicant proposes to loop the water main through the site by connecting to the existing stubs on the west and north sides of the site. It appears that an additional gate valve and well will be required to reduce the number of hydrants out of service if a shutdown is required. These changes can be addressed during the engineering review. Easements for the proposed water main need to be shown on the engineering plans.
There is an existing 10” sanitary sewer on the site. The applicant proposes to remove a portion that would be beneath the proposed building footprint. A new manhole is proposed over the 10” sewer and a 6” lead from the proposed building to the new manhole. It appears that a portion of the existing 10” sewer will be removed; please show this on the removal sheet on future submissions. An easement for the sanitary sewer needs to be shown on the engineering plans.

STORM SEWER AND DETENTION:
As part of the Dutton Corporate Centre development, the proposed site will utilize an existing regional detention pond for storage. There is an existing 72” storm in an easement running across the north east corner of the site. There is also a 24” storm that runs along the south side of the parcel to the 72” to the east. The applicant is proposing to connect to the existing storm pipes in two places. The west part of the site will drain to the existing 24” pipe, while the north and east part of the site will drain to the 72”. Water quality units are proposed at each discharge point. The proposed storm network appears to be acceptable. However, detention/runoff and conveyance calculations should be provided along with details on the water quality units for the engineering review.

PAVING:
Access to the site is proposed to be provided from a single drive off of Interpark Drive. Internal movement is two-way throughout the site. The applicant is proposing 447 total spaces, including 4 accessible spaces. Only 85 spaces are required based on the City’s zoning ordinance; the additional 362 spaces are to be used for vehicle storage and display cars. Detailed cross sections are provided for concrete sidewalk, curb and gutter, concrete drive approach, heavy duty concrete, standard asphalt pavement, heavy duty asphalt pavement and asphalt pathway. All cross sections appear to be acceptable and in compliance with the City engineering standards.

An 8’ asphalt pathway is proposed along the Lapeer Road frontage. Sidewalk is proposed throughout the site for internal pedestrian circulation and is predominantly 5’ wide, but is increased to 7’ wide where parking spaces abut directly to the walk to allow for bumper overhang. These items can be addressed during the engineering review.

GRADING:
The existing site has been previously mass graded, and slopes from Lapeer Road down to the east. Existing grades are shown on the topographic survey sheet with spot elevations and contours. However, because the original site was graded to be 4 separate businesses the proposed grading will slope more gradually from Lapeer. The existing storm structures on site will need adjusting to ensure that the covers are at finished grade – no structures shall be buried.

There are two retaining walls shown on plans. One wall is proposed on the south side of the site to maintain grades of 1:3 or less to the adjacent property line. There is an existing wall that will be slightly altered on the northwest corner of the site as it slopes up to Interpark Drive. Signed and sealed wall details and calculations will need to be provided during the engineering review.

RECOMMENDATIONS:
The site plan is in substantial compliance with City of Auburn Hills requirements, and has been stamped “Approved” by our office. We ask that the site plan approval acknowledge the following:
1. The site improvement plan, designed in accordance with Ordinance No. 806, shall be submitted to the City for review and approval prior to construction. A detailed cost estimate for the improvements shall be submitted with the plans signed and sealed by the design engineer.

If you have any questions or are in need of any further information, please feel free to contact our office.

Sincerely,

OHM Advisors

Andrew Cousino for Timothy J. Juidici P.E.

Transmitted via e-mail to Shawn Keenan: May 3, 2016
cc: File

P:\0101_0125\SITE_AUBURNHILLSCITY\2016\0120161011_KIA DEALERSHIP-DUTTONCORP\SITE\SITE_APP_DOCX
I have reviewed the site plans for the Kia Dealership development, located on Interpark Drive in Auburn Hills. We have no objections to the building project as presented in the plans. We request one stipulation in the plans to require the dealership to illuminate the parking lot at night. It has been our experience that a lighted parking lot deters property crimes such as larcenies and damage to property. We request that at a minimum the lot be illuminated enough that it can be seen while on the property. This lighting can be less than what is used during normal business hours in the evenings.
Official Memorandum

To: Shawn Keenan, Assistant City Planner
From: Joshua Boyce, Fire Inspector
Date: 5/6/16
Re: Site Plan PSP160007

PROJECT: KIA – Dutton and Interpark

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Joshua Boyce
Auburn Hills Fire Department
Fire Inspector
## LEED v4 for BD+C: New Construction and Major Renovation

### Project Checklist

**Project Name:** Summit Place Kia  
**Date:** 5/2/2016

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Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110
PRELIMINARY SITE PLANS FOR
SUMMIT PLACE KIA OF AUBURN HILLS
PART OF THE NORTH EAST 1/4 OF SECTION 2, T. 3N., R. 10E.,
CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

INDEX OF DRAWINGS:
P-1  COVER SHEET
P-2  TOPOGRAPHIC SURVEY
P-3  DIMENSION PLAN
P-4  ENGINEERING SITE PLAN
P-5  PRELIMINARY GRADING PLAN
P-6  PRELIMINARY UTILITY PLAN
P-7  PRELIMINARY NOTES AND DETAILS
L-1,0  LANDSCAPE PLAN
PFF-1  OVERALL FLOOR PLANS
PFL-1  PRELIMINARY ELEVATIONS
SK-1  ROOF SCREEN STUDY

LOCATION MAP

PEA, INC.
3202 ADAMO WAY, SUITE 115
TROY, MI 48084
CONTACT: JEFF DURAN, RLA, LEED AP
PHONE: (517) 344-6863
FAX: (517) 344-6863
EMAIL: JDURAN@PEAINC.COM

DATE CHK No. BY
APRIL 13, 2016

OWNERS/APPLICANT/DEVELOPER:
PEA, INC.
43774 N. GRATIOT AVENUE
CLINTON TWP., MI 48036
CONTACT: RICHARD LADENBE
PHONE: (586) 806-1001
EMAIL: RLADENBE@PEAINC.COM

ARCHITECT:
PEA, INC.
3202 ADAMO WAY, SUITE 115
TROY, MI 48084
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DATE CHK No. BY
APRIL 13, 2016

NOT FOR CONSTRUCTION
PEA, INC.
43774 N. GRATIOT AVENUE
CLINTON TWP., MI 48036

SUMMIT PLACE KIA OF AUBURN HILLS
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EMAIL: JDURAN@PEAINC.COM

DATE CHK No. BY
APRIL 13, 2016

NOT FOR CONSTRUCTION
PEA, INC.
43774 N. GRATIOT AVENUE
CLINTON TWP., MI 48036
LEGAL DESCRIPTION:
Part of the northeast quarter (NE 1/4) of Section 2, more or less, located in the City of Auburn Hills, Oakland County, State of Michigan, and being more or less as shown on the Sketch filed with the Register of Deeds of Oakland County, Michigan, in Volume 489, Page 117.

CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.

CAUTION!!
THE LOCATIONS AND ELEVATIONS OF EXISTING UNDERGROUND UTILITIES AS SHOWN ON THIS DRAWING ARE ONLY APPROXIMATE. NO GUARANTEE IS EITHER EXPRESSED OR IMPLIED AS TO THE COMPLETENESS OR ACCURACY THEREOF. THE CONTRACTOR SHALL BE EXCLUSIVELY RESPONSIBLE FOR DETERMINING THE EXACT UTILITY LOCATIONS AND ELEVATIONS PRIOR TO THE START OF CONSTRUCTION.

SUMMIT PLACE KIA
DESCRIPTION DSK DN. DSK SUR. MR P.M. SAS
SUMMIT PLACE KIA OF AUBURN HILLS
www.missdig.net 1-800-482-7171
(TOLL FREE)
Know what’s below
Call before you dig
2430 Rochester Ct, Ste 100
Troy, MI  48083-1872
t: 248.689.9090
f: 248.689.1044
www.peainc.com
PEA, Inc.
43774 N. GRATIOT AVENUE
CLINTON TOWNSHIP, MI 48036
NOT  FOR  CONSTRUCTION
PER CITY REVIEW, DATED 04/26/16
04/29/16 DSK 1B Y
PER CITY REVIEW 05/04/16 DSK 2B Y
P-3
DIMENSION SITE PLAN
SCALE: 1" = 40'
CONSTRUCTION CONTRACTOR AGREES THAT IN ACCORDANCE WITH GENERALLY ACCEPTED CONSTRUCTION PRACTICES, CONSTRUCTION CONTRACTOR WILL BE REQUIRED TO ASSUME SOLE AND COMPLETE RESPONSIBILITY FOR JOB SITE CONDITIONS DURING THE COURSE OF CONSTRUCTION OF THE PROJECT, INCLUDING SAFETY OF ALL PERSONS AND PROPERTY; THAT THIS REQUIREMENT SHALL BE MADE TO APPLY CONTINUOUSLY AND NOT BE LIMITED TO NORMAL WORKING HOURS, AND CONSTRUCTION CONTRACTOR FURTHER AGREES TO DEFEND, INDEMNIFY AND HOLD DESIGN PROFESSIONAL HARMLESS FROM ANY AND ALL LIABILITY, REAL OR ALLEGED, IN CONNECTION WITH THE PERFORMANCE OF WORK ON THIS PROJECT EXCEPTING LIABILITY ARISING FROM THE SOLE NEGLIGENCE OF THE DESIGN PROFESSIONAL.
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