AUBURN HILLS MEETING SCHEDULE

248-370-9402

MAY 2016
(05-09-16)

02 Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room CANCELED
09 City Council, 7:00 p.m., Council Chamber
10 Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room CANCELED
11 Pension / Retiree Health Care, 3:00 p.m., Admin Conference Room CANCELED
11 Beautification Advisory Commission, 6:00 p.m., Community Center for Bus Tour ADDED
11 Planning Commission, 7:00 p.m., Council Chamber
12 Zoning Board of Appeals, 7:00 p.m., Council Chamber CANCELED
16 Downtown Development Authority, 5:30 p.m., Admin Conference Room CANCELED
17 Special Planning Commission, 7:00 p.m., Public Safety Building CANCELED
18 Beautification Advisory Commission, 6:00 p.m., Council Conference Room
23 City Council, 7:00 p.m., Council Chamber
24 Public Safety Advisory Committee, 6:00 p.m., Public Safety Building
26 Library Board, 7:00 p.m., Auburn Hills Public Library

◆ City Council Chamber (Conf. Rm.) – 1827 N. Squirrel Road
◆ Administrative Conference Room – 1827 N. Squirrel Road
♀ Public Safety Building – 1899 N. Squirrel Road
♀ Community Center – 1827 N. Squirrel Road
● Department of Public Services (DPS) – 1500 Brown Road
♀ Fieldstone Golf Course - 1984 Taylor Road
♂ Library - 3400 Seyburn Drive
♀ Downtown City Offices – 3395 Auburn Road, Suite A
♂ University Center, 3350 Auburn Road, Main Floor, Classroom AHUC-02
JUNE 2016
(04-26-16)

06  Tax Incentive Review Committee, 5:30 p.m., Admin Conference Room 
06  Council Workshop, 5:30 p.m., Council Chamber ◆ADDED
06  City Council, 7:00 p.m., Council Chamber ◆ADDED
08  Pension Board and Retiree Health Care Board, 3:00 pm, Admin Conf. 
08  Planning Commission, 7:00 p.m., Council Chamber ◆ADDED
09  Zoning Board of Appeals, 7:00 p.m., Council Chamber ◆
13  City Council, 7:00 p.m., Council Chamber ◆CANCELED
14  Tax Increment Finance Authority, 4:00 p.m., Admin Conference Room 
15  Beautification Advisory Commission, 6:00 p.m., Council Conference Room ◆
15  Special Planning Commission, 7:00 p.m., Council Chamber ◆
20  Downtown Development Authority, 5:30 p.m., Admin Conference Room 
20  City Council, 7:00 p.m., Council Chamber ◆ADDED
21  Brownfield Redevelopment Authority, 6:00 pm, Admin Conference Room ADDED
23  Library Board, 7:00 p.m., Auburn Hills Public Library 
27  City Council, 7:00 p.m., Council Chamber ◆CANCELED
27  Council Workshop – Goals & Objectives, 5:30 p.m. ADDED

◆ City Council Chamber (Conf. Rm.) – 1827 N. Squirrel Road
❖ Administrative Conference Room – 1827 N. Squirrel Road
 Public Safety Building – 1899 N. Squirrel Road
 Community Center – 1827 N. Squirrel Road
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 Downtown City Offices – 3395 Auburn Road, Suite A
 University Center, 3350 Auburn Road, Main Floor, Classroom AHUC-02
1. MEETING CALLED TO ORDER
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL OF COUNCIL
4. APPROVAL OF MINUTES
   4a. Regular City Council – May 9, 2016
   4b. City Council Workshop – May 9, 2016
5. APPOINTMENTS AND PRESENTATIONS
   5a. Presentation – Life Saving Award
6. PUBLIC COMMENT
7. CONSENT AGENDA
   All items listed are considered to be routine by the City council and will be enacted by one motion. There will be no separate discussion of these items unless a Council Member so requests, in which event the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
   7a. Board and Commission Minutes
8. OLD BUSINESS
   8a. Motion – Approve Revised PUD Step One – Concept Plan / Dutton Corporate Centre
   8b. Motion – Adoption of Dispatch Resolution and Cessation Notice
   8c. Motion – Approve Dispatch Memorandum of Understanding and Police and Fire Dispatch Service Agreement with County of Oakland
9. NEW BUSINESS
   9a. Motion – Approve Site Plan / Dana Corporation
   9b. Motion – Approve PUD Step Two – Site Plan / Summit Place Kia of Auburn Hills
   9c. Motion – Approve SAD Cost Share
10. COMMENTS AND MOTIONS FROM COUNCIL
11. CITY ATTORNEY’S REPORT
12. CITY MANAGER’S REPORT
13. EXECUTIVE SESSION – Land Sale
14. ADJOURNMENT

City Council meeting minutes are on file in the City Clerk’s office.  
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 370-9402 or the City Manager’s Office at 370-9440 48 hours prior to the meeting. Staff will be pleased to make the necessary arrangements.
CALL TO ORDER: Mayor McDaniel at 7:00 p.m.
LOCATION: City Council Chamber, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister, Kittle, Knight, Verbeke
Absent: Council Member Hammond
Also Present: City Manager Tanghe, Assistant City Manager Grice, Police Lt. McDonnell, Fire Chief Manning, City Clerk Kowal, Finance Director/Treasurer Schulz, DPW Director Melchert, City Assessor Lohmeier, Mgr. of Public Utilities Michling, Management Assistant Harris, City Engineer Juidici, City Attorney Beckerleg
4 Guests

4. APPROVAL OF MINUTES
4a. Regular City Council – April 25, 2016
Moved by Burmeister; Seconded by Kittle.
RESOLVED: To approve the April 25, 2016 City Council meeting minutes as amended.
VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None
Resolution No. 16.05.071 Motion Carried (6–0)

5. APPOINTMENTS AND PRESENTATIONS
5a. Motion – Reappointment to TIFA – Patrick Hassett
Moved by Kittle; Seconded by Verbeke.
RESOLVED: To confirm the reappointment of Patrick Hassett to the Tax Increment Finance Authority Board of Directors for a term ending February 28, 2020.
VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None
Resolution No. 16.05.072 Motion Carried (6–0)

5b. Motion – Reappointment to Election Commission – Terry Carpenter
Moved by Verbeke; Seconded by Mitchell.
RESOLVED: To confirm the reappointment of Terry Carpenter to the Election Commission for a term ending December 31, 2019.
VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None
Resolution No. 16.05.073 Motion Carried (6–0)

5c. Motion – Reappointment to Election Commission – Jack Brocklebank
Moved by Verbeke; Seconded by Knight.
RESOLVED: To confirm the reappointment of Jack Brocklebank to the Election Commission for a term ending December 31, 2019.
VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None
Resolution No. 16.05.074 Motion Carried (6–0)

5d. Motion – Reappointment to Brownfield Redevelopment Authority – Michelle Hawley
Moved by Knight; Seconded by Mitchell.

RESOLVED: To confirm the reappointment of Michelle Hawley to the Brownfield Redevelopment Authority Board of Directors for a term ending December 31, 2018.

VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None

Resolution No. 16.05.075 Motion Carried (6–0)

5e. Motion – Reappointment to Brownfield Redevelopment Authority – Larry Douglas

Moved by Knight; Seconded by Kittle.

RESOLVED: To confirm the reappointment of Larry Douglas to the Brownfield Redevelopment Authority Board of Directors for a term ending December 31, 2018.

VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None

Resolution No. 16.05.076 Motion Carried (6–0)

5f. Motion – Appointment to TIFA – Robert Waltenspiel

Moved by Burmeister; Seconded by Verbeke.

RESOLVED: To confirm the appointment of Robert Waltenspiel to the Tax Increment Finance Authority Board of Directors for a term ending February 28, 2019.

VOTE: Yes: Burmeister, Kittle, Knight, McDaniel, Mitchell, Verbeke
No: None

Resolution No. 16.05.077 Motion Carried (6–0)

6. PUBLIC COMMENT
Scott Burchfield, 2104 Richwood Road, is concerned with the new business at the corner of University Drive and Pontiac Road, Domino’s Pizza. In the past, there had been a Domino’s Pizza in that same location who used Richwood Road frequently and did not obey the speed limits. With Jimmy John’s moving into the area as well, the traffic on Richwood Road has increased. There is concern with the residents, that the same practice is going to take place with the new Domino’s Pizza, accessing Burchfield and exceeding the speed limit. He is asking that City Officials remind management of Domino’s Pizza that speed limits must be followed, with Richwood, being for local deliveries only, not as a cut-through. He would also like to have signage placed at either end of Richwood, stating no through traffic.

Mayor McDaniel stated the City Manager will discuss the matter with the Police Chief and seek a resolution.

7. CONSENT AGENDA
7a. Board and Commission Minutes

7a.1. Pension Board – April 13, 2016
7a.2. Retiree Health Care – April 13, 2016
7a.3. Beautification Advisory Commission – April 20, 2016

7b. Motion – Approve Renewal of Contract for Oakland County Equalization Division Assistance

RESOLVED: To approve the 2016-2019 Contract for Oakland County Equalization Division Assistance Services with the City of Auburn Hills, personal property services.

7c. Motion – Approve 2016/2017 Used Car Lot License Renewals

RESOLVED: To approve renewal of Used Car Lot Licenses for the 2016/2017 licensing period for A & S RV Center, Newcomb’s Service, Inc., Oakland Truck and Equipment Sales, Inc., and Parts Place, Inc.

7d. Motion – Accept First Quarter Investment Report – Asset Strategies

RESOLVED: To receive and file Asset Strategies 2016 1st Quarter Aggregate Cash Management report, Executive Summary Table and Investment Performance Evaluation Conclusions.

Moved by Verbeke; Seconded by Mitchell.

RESOLVED: To approve the Consent Agenda.

VOTE: Yes: Burmeister, Kittle, Knight, Mitchell, McDaniel, Verbeke
No: None

Resolution No. 16.05.078 Motion Carried (6–0)

8. OLD BUSINESS
8a. Motion – Public Hearing/Motion – Adopt Ordinance for Consumers Energy

Mr. Beckerleg explained Consumers Energy has had a contract with the City since the 1980’s. A new contract must be adopted as required by City Charter. The new contract, which is an ordinance, will be effective for ten years, the maximum number of years allowed by ordinance.

Ms. Verbeke asked what would happen if this ordinance was not approved.

Mr. Beckerleg explained Consumers Energy could discontinue supplying gas to Auburn Hills’ residents.

Moved by Mitchell; Seconded by Verbeke.
RESOLVED: To adopt Ordinance # 16-877, Consumer's Energy Gas Supply Franchise Ordinance for a term of ten years, upon all requirements being satisfied, as determined by City Attorney Derk Beckerleg.

Hearing no comment, Mayor McDaniel opened and closed the public hearing at 7:18 p.m.

VOTE: Yes: Burmeister, Kittle, Knight, Mitchell, McDaniel, Verbeke
No: None

Resolution No. 16.05.079 Motion Carried (6 - 0)

8b. Public Hearing/Motion – Adopt Ordinance to Amend City Ordinance Chapter 70, Article VII, Division 2-Parking Violations

Bureau

Mayor McDaniel noted there are no further comments from the Police Department regarding this ordinance amendment. Mayor McDaniel opened the public hearing at 7:19 p.m., and hearing no comment closed the public hearing at 7:19 p.m.

Moved by Verbeke; Seconded by Burmeister.

RESOLVED: To adopt Ordinance 16-875 to amend City Ordinance Chapter 70, Article VII, Division 2 – Parking Violations Bureau, of the City of Auburn Hills Code of Ordinances, as amended, to Amend Section 70-361 – Parking Offenses; Fines.

Mr. Knight stated he will vote against this amendment, believing there are better ways of enforcing the parking, including closing the parking garage at 2:00 a.m., when the bars close. Anybody parking in the garage after 2:00 a.m., or whatever the designated closing time, should be by parking permit only. Overnight parking without a parking permit should be prohibited in the garage; plenty of overnight parking is available on the street.

VOTE: Yes: Burmeister, Kittle, Mitchell, McDaniel, Verbeke
No: Knight

Resolution No. 16.05.080 Motion Carried (5 - 1)

8c. Public Hearing/Motion – Adopt Ordinance to Amend Chapter 58 (Special Assessment Districts)

Mr. Beckerleg explained this ordinance amendment will allow the City to contribute up to 50% of a special assessment project, up from the current maximum 20%.

Ms. Mitchell asked for clarification, that the City’s contribution can be from 0% up to 50%.

Mr. Beckerleg confirmed that is true.

Hearing no comment, Mayor McDaniel opened and closed the public hearing at 7:23 p.m.

Moved by Mitchell; Seconded by Knight.

RESOLVED: To adopt Ordinance No. 16-876, an ordinance to amend section 58-2, Power, of Chapter 58, Special Assessments, of the Auburn Hills City Code, as amended, to provide with respect to the special assessment for local road construction or improvements, that no more than fifty percent (50%) of the cost of said local road construction or improvements shall be borne by the City at large.

VOTE: Yes: Burmeister, Kittle, Knight, Mitchell, McDaniel, Verbeke
No: None

Resolution No. 16.05.081 Motion Carried (6 - 0)

8d. Motion – Approve Bloomfield Orchard Pipe Bursting

Mr. Michling explained this request is to award the bid and engineering services for the seventh and final phase of the Bloomfield Orchard pipe bursting project that began in 2003. There has been an addition to the contract, ‘Crew Days’, which Mr. Juidici will explain.

Mr. Juidici explained the contract addition of ‘Crew Days’, will help keep costs under control. Crew Days isn’t anything new, a number of communities include this in a contract. The contractor bids the anticipated number of days the project will take, which makes the contractor accountable for their own schedule. Each day past the anticipated number of days will be charged against the contractor.

Mr. Knight noted this has been an ongoing project over a number of years and asked if the technology has changed since the project first began.

Mr. Juidici explained this phase of the project uses the same type of high-density polyethylene (HDPE) piping that was used in the first phase. He confirmed the realistic life expectancy of this pipe is 50 years; however, the manufacturer suggests 100 years. The pipe size throughout most of the project is eight inches, though a few of the pipes are 12 inches in diameter.

Mr. Michling continued explaining the current cast iron pipes will be replaced with high-density polyethylene (HDPE) piping, as well as replacing all fire hydrants and gate valves. The only concrete work done will be what is impacted by the pipe bursting. The majority of the road maintenance has been deferred, combining it with the larger scope of City wide 2017 concrete maintenance, to achieve volume pricing discounts.

This project involves Ashburnham from Hempstead to Old Salem; Hempstead from Ashburnham to Hamlet; Old Salem from Ashburnham to Provincetown; and Provincetown from Hempstead to Old Salem.

Of the four bids that were received, Midwest Trenchless Services, LLC, Whitehall, Michigan, is the low bidder, at $1,149,560.
Engineering services for this project include construction staking, observation, engineering, administration, and geotechnical services, for the not-to-exceed amount of $102,800 for OHM and an estimated $4,000 for TEC. There is $1.75 million budgeted in the 2016 Water Fund for this project.

Mr. Michling confirmed for Mr. Knight, as implied by the name, Trenchless, there will be minimal digging.

**Moved by Verbeke; Seconded by Knight.**

RESOLVED: approve the award of the Bloomfield Orchards Water Main Replacement Project to Midwest Trenchless Services, LLC 3129 Benston Rd. Whitehall, Michigan 49461 in the amount of $1,149,560.00. Engineering services for the not to exceed amount of $102,800.00 to OHM Advisors and material testing fees in the estimated amount of $4,000.00 to Testing Engineering and Consultants. Funding provided from account number (592-536-977.001-BMLORCHWTRMN).

**VOTE:** Yes: Burmeister, Kittle, Knight, Mitchell, McDaniel, Verbeke

No: None

**Resolution No. 16.05.082**

**Motion Carried (6 - 0)**

9. NEW BUSINESS – none

10. COMMENTS AND MOTION FROM COUNCIL

Mr. Kittle:
- He is looking forward to attending the North Squirrel Road walk through this week, asking if the project will be done.
- Mr. Melchert stated the landscape is very close to being completed, but the project will not be closed until fall, making sure the vegetation is growing satisfactorily.

Mr. Burmeister:
- Noted the calendar on the City’s website has all the City Council meetings moved to June and asked that the calendar be corrected. Also, Summerfest is not listed on the calendar and asked that too, be checked.
- Asked about the Community Center being closed this past Wednesday.
  - Mr. Grice explained upon opening in the morning there was a high level of carbon monoxide in the building. The Fire Department was contacted, who confirmed the high carbon monoxide reading and evacuated the building. The problem was corrected and the building was open by 1:00 p.m. the same day. There was a cracked heat exchanger that caused the problem which has been repaired, with a new heat exchanger on order.
  - Asked if Ms. Beck’s concern of Grey Road has been addressed, noting she is in attendance at this evening’s meeting.
  - Mr. Tanghe stated the information was forwarded to Police Chief Olko. The Chief will be returning from vacation tomorrow; he will check with her tomorrow.

Ms. Verbeke:
- Asked if City Council Members will be participating in the Memorial Day parade; plans are currently underway for the parade. She asked Council Members to please let her know.

Mr. Knight:
- Noted North Squirrel Road has median irrigation and is very well mowed and maintained. He would like the sides of the road to be equally kept up and mowed, keeping Squirrel Road entirely maintained and looking good.
- The towers from the high tension wires are being taken down, it is quite interesting to watch.
- He too is curious if Ms. Beck’s concerns regarding Grey Road traffic has been addressed.
  - Mayor McDaniel stated Police Chief Olko will be in the office tomorrow and Mr. Tanghe will be checking with her.

Ms. Mitchell:
- Welcomed Mayor McDaniel back.
- The employee recognition program last Thursday was a wonderful event and congratulated all those employees who were recognized.
- Reminded residents she will be holding her Coffee Chat, Friday, May 13th, 6:30 p.m. until 8:00 p.m., at Bigby Coffee on Joslyn Road, and everyone is invited to visit with her.

Mayor McDaniel:
- Reminded all residents with spring cleanup under way, that trash is not to be curbside longer than 24 hours prior to the scheduled pick up day.
- Noted the election in August will include the Headlee Override proposal for the Fire Millage. There are two informational meetings coming up for questions and answers. The next meeting is Wednesday, May 11, 2016, at 7:00 p.m., at Fire Station 2, 1899 N. Squirrel Road and Wednesday, May 18, 2016, at 7:00 p.m., at Fire Station 1, 3483 Auburn Road.
• The City awards and recognition banquet for the Senior Services volunteers, Fire Department and Police Department, was a great event; he congratulated all those that were recognized. Thanked the City Manager and his staff for the great event.

11. CITY ATTORNEY’S REPORT - none
12. CITY MANAGER’S REPORT - none

13. ADJOURNMENT
Hearing no objections, the meeting adjourned at 7:35 p.m.

________________________________    _________________________________
Kevin R. McDaniel, Mayor     Terri Kowal, City Clerk
CALL TO ORDER: Mayor McDaniel at 5:30 p.m.
LOCATION: Admin. Conference Room, 1827 N. Squirrel Road, Auburn Hills, MI 48326
Present: Mayor McDaniel, Mayor Pro Tem Mitchell, Council Members Burmeister, Kittle, Knight, Verbeke
Absent: Hammond
Also Present: City Manager Tanghe, Assistant City Manager Grice, Fire Chief Manning, Asst. Fire Chief Macias, Police Lt. McDonnell, City Clerk Kowal, DPW Director Melchert, City Attorney Beckerleg, City Engineer Juidici, Management Asst. Intern Harris, Executive Assistant Stockley, and 4 Firefighters.

Fire Chief Manning began the discussion by explaining tonight’s meeting would be a brief overview of the department. Funding would not be a part of the discussion because Council already took action to put the millage question on the ballot for August 2nd. He reported that the first Public Meeting regarding the millage had low attendance, but the attendees seemed to be supportive of the millage. There are two more public hearings scheduled.

Chief Manning pointed out that there are currently 19 Career personnel and 27 Paid on Call Personnel in the Fire Department. The breakdown for full time staff is one Fire Chief, one Asst. Chief, and 1 Clerk, as well as 3 Lieutenants and 11 Firefighters in Suppression and EMS, and 2 Inspectors in Fire Prevention. The Paid on Call (POC) staff is assigned to the stations as follows: 2 POC for Station 1; 7 POC for Station 2, and 6 POC for Station 3. There are an additional 12 part time POC. He stressed the difficulty with hiring POC staff now. The demands on families is great, and full time jobs take precedence over part time or temporary positions. He explained it costs about $10,000.00 to train a fire fighter, and requires countless classroom hours for the student, but our retention is only about 1.2 years.

Discussion took place regarding the usual number of staff at each station. Station 1, on Auburn Road, is not staffed with duty personnel. Station 2 is staffed 24/7, with 4 Fire/EMS personnel on each 12 hour shift. Station 3 is staffed with 2 personnel, 9 hours a day, 7 days a week, from 8 am to 5 pm. The average number of POC staff who respond to a structure fire is 1.4.

A normal medical run takes about 50 minutes, from call to returning to the station. That means there are only 2 staff members on site. On occasion, there needs to be 3 persons responding to
a critical EMS call, which only leaves 1 at the station. Full time staff and POC are toned to come in, but there is not always staff available to come in due to family demands, other jobs, and vacations.

The City has seen an increase in the demand on emergency services, up 12.16% in the last 5 years. The total runs in 2011 were 3026 and in 2015 there were 3394. Of those, medical runs have increased from 2033 in 2011 to 2201 in 2015. A further demand is created by the number of calls that come in concurrently. In 2015, there were 372 instances of more than one call coming in at a time, including 62 times with 3 calls and 7 times with 4 calls. There were 125 calls for POC in 2015, and 66.4% of the incidents saw one or less responses from POC. We often need the assistance of other departments to help cover our City’s services.

The Chief explained that the emergency call goal is to have responders turn out in less than 2 minutes. Add to that drive time of about 4 -5 minutes, and we looking at an average of 6 -7 minutes to get to the patient. The American Heart Association (AHA) reports that survival rates after cardiac arrest decrease by 7 to 10% for each minute that defibrillation is delayed. Our average response time from districts 1 & 3 is 7.6 minutes, potentially resulting in less than 30% chance of survival according to the AHA. District 2 is slightly faster on responses due to higher numbers of staff and its location.

District 1 had 841 total calls in 2015, including 29 fires, with an average response time of 9:01 minutes, and 561 EMS runs, with an average response time of 10:25 minutes. District 2 had a total of 1889 calls, with 36 fires responded to in 6:36 minutes, and 1192 EMS calls with an average of 7:53 minutes for response. District 3 had 448 EMS calls with an average response time of 10:42 and 19 fire calls with a response time of 10:01 minutes for a total of 664 calls.

The National Fire Protection Agency (NFPA 1720) recommends 15 fire personnel on the scene of a fire within 9 minutes, 90% of the time. That recommendation includes a combination of on call, POC, and mutual aid personnel.

The Occupational Safety and Health Administration (OSHA – 29 CFR 1910) mandates the 2 in -2 out rule. That rule requires 2 firefighters being available to serve as a rescue team when fire personnel are working in an environment where conditions are Immediately Dangerous to Life or Health (IDLF).

The Chief offered a recommended daily (24/7) staffing profile. It includes 6 firefighters and 1 Command Officer on duty, with an additional 4 personnel during peak hours. The breakdown for the staffing profile is this:

Station 1 – Primary Staffing – 2 firefighters, with 1 additional during peak hours.
Station 2 - Primary Staffing – 2 firefighters plus 1 Command Officer, with 2 additional during peak hours.
Station 3 – Primary Staffing – 2 firefighters, with one additional during peak hours.

The Chief went on to explain that the benefits of the proposed staffing changes include:
* Improved coverage for all districts
* Reduced response time for all districts (decreased to tolerable ranges)
* Improved survival rates for cardiac arrest patients
* Adequate personnel on a fire scene within 9 minutes
* Improved chance of survival for citizens in a fire
* Improved safety for fire personnel at the fire scene
* Reduced property loss by stopping the fire spread

The pros and cons of 24 hours shifts as compared to 12 hour shifts were discussed. Council asked several questions about this topic. The biggest difference in the 2 schedules is that 12 hour shifts require 4 platoons, while 24 hour shifts requires 3. The reduction in costs is equivalent to about $175,863.00, based on overtime statistics from 2015.

Comparable communities were reviewed for staffing and population. Although there are far fewer calls to Orion Twp., Independence Twp., Birmingham and Washington Twp., Auburn Hills has less staff. Our population is deceiving, because while there are about 21,800 residents living in the City, our daytime population is closer to 100,000. The large corporations, colleges and universities, shopping areas and the Palace all create more calls for the Fire Department.

City Council Members thanked Chief Manning for an excellent presentation.

Without objection, the workshop adjourned at 6:51 pm.
To: Mayor and City Council

From: Thomas A. Tanghe, City Manager and Doreen E. Olko, Chief of Police

Submitted: May 16, 2016

Subject: Citizens Award-Life Savings

INTRODUCTION AND HISTORY

On April 27, 2016 at 5:15 p.m., a 29-year-old Clarkston woman was driving on west bound M-59 near Squirrel Road when she experienced a medical episode, which caused her to crash into the median wall. Witnessing the crash, William Cowl and Andrew Combs stopped to check on the driver. They found the driver unresponsive. Joseph Azain, Timothy Wilson, and off-duty Deputy Kyle Lindsay who also had stopped at the crash assisted in removing the unconscious driver from the vehicle. Finding that the driver was not breathing and had no pulse, Timothy Wilson and Kyle Lindsay began CPR. Rasha Hermez phoned 911.

Auburn Hills Police and Fire personnel arrived on scene. The Fire Department took over medical care for the driver transporting her to McLaren Oakland Hospital. The driver arrived at the hospital with a heartbeat and breathing on her own. Officer Brasil went to the hospital to follow-up on the crash and to check on the driver. The emergency room doctor told him that the driver would not be alive if these people would not have stopped and started CPR immediately. A few days later, the driver walked out of the hospital on her own.

The Auburn Hills Police Department would like to recognize William Cowl, Andrew Combs, Joseph Azain, Timothy Wilson, Rasha Hermez and Deputy Lindsay with a Citizen Award for Life Savings.
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7 p.m.

2. ROLL CALL OF PLANNING COMMISSION:
   Present: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
   Absent: Justice
   Also Present: Director of Community Development Cohen, Assistant City Planner Keenan
   Guests: 8

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 Ms. Ochs to approve the minutes of April 13, 2016.
   Supported by Mr. Pierce
   VOTE: YES: All
   NO: None
   Motion Carried (8-0)

5. PETITIONERS

5a. Dana Corporation (7:02 p.m.)
   Public Hearing / Motion - Recommendation to City Council for Site Plan approval to construct a building addition.

   Mr. Keenan introduced the request from Dana Corporation to construct a 46,400 square foot building addition on the east side of the existing industrial building located on North Atlantic Boulevard. The 7.86 site is zoned Light Industrial. An additional 47 parking spaces are provided as a result of the building expansion. Two spaces are designated for future electric vehicle charging stations. An 8 foot wide pathway will be provided along Atlantic Boulevard as identified in the City's Pathway Plan.

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

   Mr. Keenan explained the $3 million expansion is expected to create 25 new jobs, raising the number of on-site employees to 150. Construction is expected to begin in June 2016 with completion expected to take place in December 2016.

   Mr. Bennett Donaldson, J.B. Donaldson Company, 37610 Hills Tech Drive, Farmington Hills, MI 48331, stated Dana Corporation is excited to expand their already existing business. They have been in their current building for 13 years and their lease will be extended for at least 10 more years. Other than the addition there won’t be many changes except for a fire lane in the back of the building required by the fire department. The adjoining land owner has agreed to allow needed access for the fire lane. The new addition will be manufacturing space and their main contract is with Fiat Chrysler.

   Mr. Ouellette was curious as to what off-highway transmissions were and Mr. Donaldson explained those were specifically for off-road trucks but the bulk of the business is domestic highway vehicles.
Mr. Pierce asked if there were current parking issues at the site and Mr. Donaldson said there are no issues and there are actually more spaces than they need but the shifts do overlap a bit with start times and end times so they do not want people to have issues with parking on the grass or in the street while those shifts are changing.

Mr. Ouellette opened the public hearing at 7:09 p.m.

Mr. Ouellette closed the public hearing at 7:09 p.m.

Moved by Ms. Ochs to recommend to City Council approval of Site Plan to construct a building addition subject to staff and consultants conditions.

Supported by Mr. Burmeister

VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer

NO: None

Motion Carried (8-0)

5b. Dutton Corporate Centre (7:10 p.m.)

Public Hearing / Motion - Recommendation to City Council for Revised PUD Step One – Concept Plan approval.

Mr. Cohen introduced the request and provided a PowerPoint with an overview of the history of the Dutton Corporate Center. He explained that City staff believe the revised Development Agreement was a “win-win” for both the City and RJL Equity Holdings LLC, which should jump start the stalled project. The project has been stagnant since 2009.

Mr. Cohen provided a summary of the proposed changes to the PUD, as follows:

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   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
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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 RJL 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.

Mr. Bennett Donaldson, J.B. Donaldson Company, 37610 Hills Tech Drive, Farmington Hills MI 48331, explained Mr. Lalonde will be present shortly but he would answer questions in the meantime. He stated the improvements Mr. Cohen mentioned would be constructed in concert with the car dealership should it be approved by Council. Mr. Lalonde then arrived and said he is satisfied with everything that has been discussed thus far and he is ready to proceed.

Ms. Ochs asked if more auto dealerships would be forthcoming. Mr. Cohen stated that here is a desire for more dealerships as there are not many options for development when building on top of a landfill. She then asked who owned the piece of property that seems to be left out of the depiction (south of the site, adjacent to Bald Mountain Road). Mr. Cohen stated that piece is owned by the City and used as a tree nursery. Mr. Lalonde is actually
granting an easement so that the City vehicles can continue to have access easily. Mr. Lalonde will also be maintaining all of the infrastructure within the development.

Mr. Burmeister was concerned with the elevation drop and if it would cause homeowners to be forced to view rooftops with HVAC units and such. He wanted reassurance that the landscaping would conceal such a view and Mr. Cohen stated dead trees are currently being removed by the City within the buffer so that new trees could be planted and it would provide more than adequate screening.

Ms. Ochs asked if the property was ever sold to a new owner would the new owner be required to maintain the open space. Mr. Cohen responded by saying all agreements being made with Mr. Lalonde would transfer to a new owner. One of the main goals on the City’s part was to obtain the permanent open space with the trees and the walking paths across from the residents on Bald Mountain Road.

Ms. Shearer asked exactly how many dealerships may be brought in in the future. Mr. Lalonde stated that it would never be anywhere near the size of the Troy Motor Mall which has about twelve dealerships. He contemplated that space would allow no more than three more dealerships.

Chairperson Ouellette opened the public hearing at 7:30 p.m. 

Mr. David Heilbrun of 4260 Bald Mountain Rd., Auburn Hills, had concerns about excessive lighting that may be disturbing, the elevation views for Bald Mountain Road residents, and whether or not residents would have access to the open space. He is concerned for himself and for his neighbors and also for future generations who may live in the neighborhood.

Mr. Ouellette stated the police department did recommend lighting for security reasons but there will be much effort put in to shield the lighting. Mr. Cohen stated the park would be open to the public with a deadline of December 1, 2018. It will be for employees of the development to use as well as residents. Mr. Cohen reiterated the natural buffer will be heavily landscaped and all lighting will be directed downward. The goal is to make the whole site more appealing than it is now.

Mr. Mendieta questioned why the site was ideal for parking lot type facilities. He wanted the difficulties of building on top of a landfill explained. Mr. Donaldson explained that as the trash underneath deteriorates there is constant settlement. It would be very costly to repair a building as the settlement occurs. It is not nearly as costly to repair a parking lot. The load is spread out over a very wide area.

Ms. Ochs wanted to discuss the lighting that will be in place. Mr. Donaldson stated the lighting will be cast downward and not thrown out. The poles will be only twenty feet high and LED lighting will be used. Mr. Lalonde prefers to have the lights off at night as a cost saving measure but he will do what is asked of him by the police department. Mr. Cohen stated that excessive lighting is an issue considered by the Code Enforcement officers and action will be taken if necessary.

Mr. Heilbrun was concerned about the noise level when pilings are installed for the buildings. He remembers other buildings going up in the area and the sound of the pilings being driven into the ground was very disturbing. Mr. Donaldson explained that there is a new procedure for pilings. They are no longer pounded into the ground with a pile driver. The new system uses auger which are basically screwed into the ground creating much less of a noise disturbance. There are no banging noises whatsoever and the process can be completed for each building in about one week.

Chairperson Ouellette closed the public hearing at 7:44 p.m.

Moved by Mr. Beidoun to recommend to City Council approval of the Revised PUD Step One – Concept Plan for Dutton Corporate Center as presented.

Supported by Mr. Mendieta

VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
NO: None

Motion Carried (8-0)

5c. Summit Place Kia of Auburn Hills (7:46 p.m.)

Public Hearing / Motion - Recommendation to City Council for PUD Step Two – Site Plan approval to construct an automobile dealership.

Mr. Keenan introduced the request from Summit Place Kia to construct an automobile dealership at the southeast corner of Lapeer Road and Interpark Drive. The 7.38 acre parcel is located within the Dutton Corporate Centre. The proposed Kia Dealership will be the first new automobile dealership to be built in the City.

Mr. Keenan explained some of the key items that are worth mentioning include:
1) The outdoor storage of vehicles in the eastern most parking lot behind the building. The storage lot is approximately nine feet below the building grade. A staggered row of evergreen trees planted along the east property line to help screen the lot from the residential properties to the east along Bald Mountain Road.

2) The outside vehicle display area located at the northwest corner of the building.

3) 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) The landscape plan includes the planting of 50 more trees on site than required by ordinance. The additional trees will be credited towards the required replacement total for Dutton Corporate Centre. The landscape plan provides additional evergreen trees along the east property line planted in a staggered row to provide an additional layer of screening for the residents who reside along Bald Mountain Road.

5) A five foot wide sidewalk is being provided along Interpark Drive. The sidewalk will connect to the eight foot pathway along Lapeer Road. A sidewalk is also being provided to connect the building to the sidewalk along Interpark Drive.

6) An electrical stub is provided for five future electric vehicle charging stations.

7) Summit Place Kia intends to keep night-time lighting of the building at a minimum. The lighting of the vehicle outside storage will 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.

Mr. Keenan indicated the proposed dealership is expected to create 25 new jobs. Total investment in the project is estimated at $4 million. He stated construction is expected to begin in July 2016 with completion expected to take place in the first quarter of 2017.

Mr. Lalonde wanted to emphasize that the night time lighting would be facing Lapeer Road and should not be a detriment to the Bald Mountain Road residents at all. He stated his Clinton Township location has been very well received by residents and it also draws other businesses.

Mr. Burmeister asked if there would be any fencing around the lot at all. Mr. Lalonde stated he didn’t believe fencing was necessary as they want people to be able to view the cars even if it is after business hours. Mr. Ouellette asked if KIA makes an electric car. Mr. Lalonde stated there is one being made and currently being sold in the west coast. He anticipates it making its way here within a year.

Mr. Lalonde opened the public hearing at 7:50.

Mr. Heilbrun asked why this Japanese company would be a good fit for the City when it is home of Chrysler Headquarters. Mr. Lalonde pointed out that Fiat Chrysler does import cars and that Kia does in fact manufacture its two biggest sellers’ right here in the U.S.

Mr. Ouellette closed the public hearing at 7:52.

Ms. Ochs had one last question regarding the trees. She wanted to know if there would be a good number of evergreens planted since deciduous trees lose their leaves a good portion of the year so the screening would not be as effective. Mr. Keenan stated there was a conscious effort to provide plant enough evergreens along the east property line to facilitate screening in both summer and winter.

Moved by Ms. Ochs to recommend to City Council approval of PUD Step Two – Site Plan to construct an automobile dealership subject to staff and consultants conditions. Supported by Ms. Shearer.

VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
NO: None

Motion Carried (8-0)

6. OLD BUSINESS - None

7. NEW BUSINESS - None

8. COMMUNICATIONS - The next Planning Commission meeting has been moved up by one week on June 8, 2016 and a special meeting will be held June 15, 2016 for the Northeast Corner Neighborhood Plan.

9. NEXT SCHEDULED MEETING - Wednesday, June 8, 2016 at 7:00 p.m. in the City Council Chamber.

10. ADJOURNMENT - The meeting was adjourned at 8:00 p.m.

Respectfully Submitted,
Christy Worrell, Clerk III
To: Mayor and City Council
From: Thomas A. Tanghe, City Manager and Steven J. Cohen, Director of Community Development
Submitted: May 18, 2016
Subject: Motion – Approval of Revised PUD Step One – Concept Plan / Dutton Corporate Centre

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 RJL Equity Holdings LLC. The project has been stagnant since 2009. Staff believes this proposal is a “win-win” for both the City and RJL 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. 28.7 acre permanently dedicated open space area directly across from the homes on Bald Mountain Road
2. 1.2 acre 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.
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   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 RJL 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

**PLANNING COMMISSION RECOMMENDATION**

Recommended approval on May 11, 2016 (8-0 vote)
MOTION
“Move to accept the Planning Commission’s recommendation and approve the Revised PUD Step One – Concept Plan for the Dutton Corporate Centre.”

I CONCUR: __________________________

THOMAS A. TANGHE, CITY MANAGER
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7 p.m.

2. ROLL CALL OF PLANNING COMMISSION:
   Present: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
   Absent: Justice
   Also Present: Director of Community Development Cohen, Assistant City Planner Keenan
   Guests: 8

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

5b. Dutton Corporate Centre (7:10 p.m.)
   Public Hearing / Motion - Recommendation to City Council for Revised PUD Step One – Concept Plan approval.

Mr. Cohen introduced the request and provided a PowerPoint with an overview of the history of the Dutton Corporate Center. He explained that City staff believe the revised Development Agreement was a “win-win” for both the City and RJL Equity Holdings LLC, which should jump start the stalled project. The project has been stagnant since 2009.

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Chairperson Ouellette closed the public hearing at 7:44 p.m.

Moved by Mr. Beidoun to recommend to City Council approval of the Revised PUD Step One – Concept Plan for Dutton Corporate Center as presented.

Supported by Mr. Mendieta

VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
NO: None

Motion Carried (8-0)
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

Name: Rich LaLonde
Signature: [Signature]

Business Name and Address: RJL Equity Holdings LLC, 3271 Five Points Drive, Suite 200


Fax Number: 248-682-6558 Alt. Phone Number(s):

Name: See above
Signature: [Signature]

Property Owner(s)

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 $1,545.00
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  )
COUNTY OF OAKLAND ) ss

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:________________________
STATE OF MICHIGAN )
 ) ss
COUNTY OF OAKLAND )

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:________________________

STATE OF MICHIGAN )
 ) ss
COUNTY OF OAKLAND )

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, 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; Health 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. 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 13.6 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.
Businesses 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 on south end of the eastern portion of the development.

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.

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.

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

The applicant shall 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.

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

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.

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:

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.

Install final paving of Interpark Drive and Technology Court

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, LLC, 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:________________________
INSTALL "WELCOME TO DUTTON HILLS" SIGN AND ASSOCIATED LANDSCAPING

FINALIZE PAVING OF INTERPARK DRIVE

REMOVE ASPHALT FROM FORMER CONSTRUCTION TRAILER
CONSTRUCT PATH ALONG DUTTON AND CONNECT TO BALD MOUNTAIN PATHWAY

FINALIZE PAVING OF TECHNOLOGY COURT

ADD TREE BUFFER PER APPROVED PLAN

REMOVE TEMPORARY DRIVE
REPLACE PATHWAY AND TREES
CONSTRUCT ALTERNATIVE ACCESS TO POND AND LEACHATE SYSTEM

OPEN SPACE 28.7 Ac.

1-1 or T&R 16.5 Ac.

T&R 13.6 Ac.

COMMERICAL 40.7 Ac.

5 FT WIDE CONCRETE SIDEWALK

INTERIOR ROADS = 4.6 Ac.
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 concur 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. Ouellie had 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 McBroome, 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)
Excerpt
CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING

February 5, 2004

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 rezoning 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
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 &quot;commercial/business&quot; 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>
</tr>
<tr>
<td>• All Principal Permitted Uses in the B-2 District - Section 900</td>
</tr>
<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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<tr>
<td>• Only 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</td>
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<tr>
<td>with the option of outdoor seating</td>
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<tr>
<td>○ Pharmacy with drive-thru facility</td>
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<tr>
<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>
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<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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<tr>
<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>
</tr>
<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 &quot;high quality&quot; 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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</table>
**Eastern Section:**

**Technology and Research Development**

<table>
<thead>
<tr>
<th><strong>Land Uses Permitted:</strong></th>
<th><strong>Required Conditions:</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>The &quot;Technology &amp; Research&quot; 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></td>
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<tr>
<td>• All Principal Permitted Uses in the T&amp;R District - Section 1200</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><strong>Point of Clarification:</strong></td>
<td>• Building height shall not exceed 40 ft.</td>
</tr>
<tr>
<td>The applicant's proposal states all permitted uses in the T&amp;R District shall be allowed. This is a typo. 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&amp;R District are not proposed by the applicant to be permitted in this location.</td>
<td>• No outside storage shall be permitted.</td>
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<tr>
<td><strong>RECOMMENDATION:</strong></td>
<td>• A minimum of 25% of the net site area (exclusive of right-of-way) shall be landscaped with &quot;high quality&quot; materials in accordance with the City of Auburn Hills Zoning Ordinance.</td>
</tr>
<tr>
<td>We are recommending Conditional Approval of &quot;PUD - Step One&quot; and offer the following discretionary findings of fact:</td>
<td>• All exterior facades shall meet the intent of the City's Architectural Design Policy.</td>
</tr>
<tr>
<td>1. The requirements of Section 1830, Items 3A-D of Zoning Ordinance No. 372 can be met as follows:</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>
<tr>
<td>A. The use of this option will not be for the sole purpose of avoiding any applicable Zoning Ordinance No. 372 requirements.</td>
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<tr>
<td>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.</td>
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<tr>
<td>C. The PUD Option will not materially add service and facility loads beyond those contemplated in the Master Land Use Plan.</td>
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<tr>
<td>D. The PUD will meet the following objectives of the City:</td>
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<tr>
<td>1. The proposal will promote the goals and objectives of the Master Land Use Plan.</td>
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<tr>
<td>2. The proposal will be consistent with permanently established land use patterns and will be compatible with existing or planned uses.</td>
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<tr>
<td>3. The proposal will foster the aesthetic appearance of the City through quality building design, landscaping, and site development.</td>
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<tr>
<td>2. The concept plan contains sufficient basic information required by Section 1830, Item 6A of Zoning Ordinance No. 372 for a recommendation.</td>
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**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 uses 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, 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)
EXEMPLARY

Planning Commission Minutes – November 17, 2005

**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.

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

Motion Carried (6-2)
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 (arrived at 7:04 p.m.), Newkirk
Absent. None
Also Present. City Manager Randall, Assistant City Manager Tanghe, City Clerk Shannon, Community Development Department Director McBroome, DPW Director Culpepper, Golf Professional Marmion, Police Chief Olko, Finance Director Barnes, Recreation Director Marzolf, Senior Director Adcock, Information Technologies Director Leix, Tax Increment Finance Authority Chair Bennett, City Attorney Beckerleg, City Engineer Westmoreland
24 Guests

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.

Original Concept – Land Uses
- 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, Hotels/hotels, Day care facilities, Freestanding full service restaurants with the option of outdoor seating, and 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.

Revised Concept – Land Uses
- All Principal Permitted Uses in the B-2 District - Section 900. (e.g., office, bank, restaurant, retail, and entertainment uses)
- Underground parking
- Movie Theatre
- Bowling Alley
- Fitness Club
- Outside Seating
- Residential units
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>
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<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></td>
<td>4’ 7” (closest point)</td>
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<tr>
<td>3 Parking structure setback</td>
<td>40’ front yard</td>
<td>2’7 (closest point)</td>
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<tr>
<td></td>
<td>20’ side yard</td>
<td>0’ (closest point)</td>
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<tr>
<td>4 Trash enclosure setback from property line along M-24</td>
<td></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>
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<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>
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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 M-24 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)
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.

<table>
<thead>
<tr>
<th>Western Section: Commercial Development with 100 ft. Transition Zone</th>
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</thead>
<tbody>
<tr>
<td><strong>Land Uses Permitted:</strong></td>
</tr>
<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>
</tr>
<tr>
<td>- All Principal Permitted Uses in the B-2 District - Section 902</td>
</tr>
<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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<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>
</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>
</tr>
</tbody>
</table>

**Required Conditions:**
In addition to the City’s standards listed under Article 18, General Provisions, the following additional conditions shall apply:
- Building height shall not exceed 40 ft., except for the Homewood Suites Hotel which is proposed not to exceed 50 ft. in height.
- Setbacks shall meet T&R District requirements (Section 1202, Item 2)
- Landscape greenbelts shall meet T&R District requirements (Section 1202, Item 3)
- No outside storage shall be permitted
- Cross access drives shall be required
- 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 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.
- 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.)
- Pole lights shall be uniform in height and color throughout the development and shall not exceed 25 ft. to provide a consistent theme.

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.
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)

Absent. 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 throughout 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 be 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 monument 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)
The City of Auburn Hills
Regular City Council Meeting ♦ 7:00 p.m. May 7, 2007

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

Project Overview:
Dutton Retail Center
South Condominium
7 unit retail condominium

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

Retail Center – Phase 1
1 story, 24,113 sq. ft. retail center with drive-thru facility

Homewood Suites
4 story, 107 room hotel
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.

**Required Conditions:**
In addition to the City’s standards listed under Article 18, General Provisions, the following additional conditions shall apply:

- Building height shall not exceed 40 ft., except for the Homewood Suites Hotel which is proposed not to exceed 50 ft. in height.
- Setbacks shall meet T&R District requirements (Section 1202, Item 2)
- Landscape greenbelts shall meet T&R District requirements (Section 1202, Item 3)
- No outside storage shall be permitted
- Cross access drives shall be required
- 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 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.
- 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.)
- Pole lights shall be uniform in height and color throughout the development and shall not exceed 25 ft. to provide a consistent theme.
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)
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, TIIF 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:  

<table>
<thead>
<tr>
<th>Total trees owed for Dutton Corporate Centre</th>
<th>1734</th>
</tr>
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<tbody>
<tr>
<td><strong>Built Projects Total</strong></td>
<td>530</td>
</tr>
<tr>
<td>Bald Mountain Greenbelt (to be verified)</td>
<td>446</td>
</tr>
<tr>
<td>Atlas Copco (to be verified)</td>
<td>84</td>
</tr>
<tr>
<td><strong>Proposed Projects totals</strong></td>
<td>485</td>
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<tr>
<td>Dutton Road &amp; Technology Court Frontages</td>
<td>130</td>
</tr>
<tr>
<td>Corporate Drive Frontage</td>
<td>95</td>
</tr>
<tr>
<td>Lapeer Road Frontage (including Entry Sign)</td>
<td>47</td>
</tr>
<tr>
<td>Dutton Retail Center Phase I</td>
<td>99</td>
</tr>
<tr>
<td>Homewood Suites</td>
<td>79</td>
</tr>
<tr>
<td>Fifth Third Bank</td>
<td>35</td>
</tr>
</tbody>
</table>

**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>Location</th>
<th>Total Trees</th>
<th>Additional Notes</th>
<th>Total Bond Amount</th>
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</thead>
<tbody>
<tr>
<td>Tree Replacement Required</td>
<td>1734</td>
<td>Trees (Phase I and II Tree Removals)</td>
<td>$520,200</td>
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<tr>
<td>Bald Mountain Greenbelt</td>
<td>446</td>
<td>Trees</td>
<td></td>
</tr>
<tr>
<td>Atlas Copco</td>
<td>84</td>
<td>Trees</td>
<td></td>
</tr>
<tr>
<td>Dutton Road Street Trees</td>
<td>85</td>
<td>Trees, 2550' of Frontage along Dutton</td>
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<tr>
<td>Technology Court Street Trees</td>
<td>45</td>
<td>Trees, 1348' of Frontage along Technology Court</td>
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<tr>
<td>Corporate Drive Street Trees</td>
<td>95</td>
<td>Trees, 2846' of Frontage along Corporate Drive</td>
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<tr>
<td>Lapeer Road Frontage (w/4 entry sign trees)</td>
<td>51</td>
<td>Trees, 1409' of Frontage along Lapeer Road</td>
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<td>Subtotal On-Site Replacements</td>
<td>806</td>
<td>Trees</td>
<td></td>
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<tr>
<td>Total On-Site Replacements</td>
<td>928</td>
<td>Trees, (1734-806)</td>
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<tr>
<td>Total Developable Land Area</td>
<td>55.23</td>
<td>Acres</td>
<td></td>
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<tr>
<td>Tree Replacement Ratio</td>
<td>16.8</td>
<td>Per Acre, (928/55.23)</td>
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</table>

### Tree Replacement Completed

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<th>Location</th>
<th>Total Provided</th>
<th>Remaining Replacements</th>
<th>Bond Amount</th>
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</thead>
<tbody>
<tr>
<td>Bald Mountain Greenbelt</td>
<td>446 Trees</td>
<td>1288</td>
<td>$386,400.00</td>
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<tr>
<td>Atlas Copco</td>
<td>530 Trees</td>
<td>1204</td>
<td>$361,200.00</td>
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### Tree Replacement Pending

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<th>Remaining Replacements</th>
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<tbody>
<tr>
<td>Dutton Road Frontage</td>
<td>615</td>
<td>1119</td>
<td>$335,700.00</td>
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<tr>
<td>Entry Sign</td>
<td>619</td>
<td>1115</td>
<td>$334,500.00</td>
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<tr>
<td>Technology Court Frontage</td>
<td>664</td>
<td>1070</td>
<td>$321,000.00</td>
</tr>
<tr>
<td>&quot;Loop&quot; Drive Frontage</td>
<td>759</td>
<td>975</td>
<td>$292,500.00</td>
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<tr>
<td>Lapeer Road Frontage</td>
<td>802</td>
<td>932</td>
<td>$279,600.00</td>
</tr>
<tr>
<td>Homewood Suites (w/Off-Site)</td>
<td>881</td>
<td>853</td>
<td>$255,900.00</td>
</tr>
<tr>
<td>5/3 Bank</td>
<td>916</td>
<td>818</td>
<td>$245,400.00</td>
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<tr>
<td>Retail Center-Phase I</td>
<td>1015</td>
<td>719</td>
<td>$215,700.00</td>
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<tr>
<td>Park Plantings</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
INTRODUCTION AND HISTORY
We have taken the necessary steps to transfer our dispatch services to the Oakland County Sheriff's Department. On or about July 11, 2016, we are expected to close our dispatch center. In the meantime, Chiefs Olko and Manning, along with City Attorney Beckerleg, have worked with me to bring forward all of the necessary documents to make this occur. With the cooperation and professionalism of members of the County staff, including Oakland County administration and from the Sheriff’s Department administration, we have been able to agree upon everything that we feel makes for a successful transition and prepares us for a very good service level. Our current dispatchers are preparing to either accept positions with Oakland County Dispatch, accepts positions with other agencies, remain with the City in other capacities, or in one case, retire. It would appear at this time that all ten dispatchers will successfully transition.

STAFF RECOMMENDATION
Staff recommends adoption of the resolution designating Oakland County Dispatch as the Primary Public Safety Answering Point (PSAP) for all 911 calls originating out of Auburn Hills and to authorize the City Manager to execute the Notice of Cessation, transferring the responsibility of 911 dispatch services to the Oakland County Sheriff’s Dispatch Center.

MOTION
Move to adopt the Resolution designating Oakland County Sheriff’s Department as the Primary Public Safety Answering Point (PSAP) for all 911 calls originating out of Auburn Hills; and authorize the City Manager to execute the Notice of Cessation, which terminates 911 dispatching responsibilities by Auburn Hills effective on or about July 11, 2016.

I CONCUR:

THOMAS A. TANGHE, CITY MANAGER
At a regular meeting of the City Council of the City of Auburn Hills, Oakland County, Michigan held in the Council Chambers at 1827 N. Squirrel Road, Auburn Hills, Michigan, 48326 at 7:00 p.m. on May 23, 2016, the following resolution was offered by Councilperson ___________________ and supported by Councilperson ___________________:

WHEREAS, the City of Auburn Hills is desirous of contracting with Oakland County and the Oakland County Sheriff’s Office to have the Oakland County Sheriff’s Office provide certain police and fire dispatch services for the City of Auburn Hills for the period from July 11, 2016 through March 31, 2018; and

WHEREAS to effectuate the Oakland County Sheriff’s Office providing police and fire dispatch services for the City of Auburn Hills, the City of Auburn Hills will be entering into a Police and Fire Dispatch Service Agreement Between County of Oakland and City of Auburn Hills, July 11, 2016 – March 31, 2018, and entering into a Memorandum of Understanding Regarding the July 11, 2016 – March 31, 2018 Police and Fire Dispatch Service Agreement with the Oakland County Sheriff’s Office; and

WHEREAS in order to effectuate the City of Auburn Hills contracting with Oakland County and the Oakland County Sheriff’s Office to provide certain police and fire dispatch services commencing on July 11, 2016, it is necessary for the City of Auburn Hills to execute and forward to Oakland County a PSAP Cessation Notice.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Auburn Hills City Council that:

1. Effective July 11, 2016, the City of Auburn Hills designates the Oakland County Sheriff’s Department as the Primary Public Safety Answering Point (PSAP) for all 911 calls originating from within the City of Auburn Hills and the Auburn Hills Police Department shall, as of July 11, 2016, cease functioning as a Primary PSAP within the Oakland County 911 Service District and the City of Auburn Hills directs the Oakland County 911 Coordinator, the Oakland County Clerk, and all applicable communications service providers, to implement this directive by July 11, 2016.

2. The PSAP Cessation Notice is approved and the Auburn Hills City Manager shall sign the PSAP Cessation Notice and shall forward the same to the Oakland County Clerk.

AYES:
NAYES:
ABSTENTIONS:
STATE OF MICHIGAN )
COUNTY OF OAKLAND )ss.

I, Terri Kowal, the duly qualified and Clerk of the City of Auburn Hills, Oakland County, Michigan, do hereby certify that the foregoing is a true and complete copy of the Resolution adopted at a regular meeting of the Auburn Hills City Council held on the 23rd day of May, 2016, the original of which is on file in my office.

IN WITNESS WHEREOF, I have hereunto affixed my official signature this ____ day of May, 2016.

____________________________________
Terri Kowal, City Clerk

3570402_1.docx
Pursuant to Section 318 of the Michigan Emergency Telephone Service Enabling Act (PA 32 of 1986, as amended) the City of Auburn Hills designates the Oakland County Sheriff Department as the Primary Public Safety Answering Point (PSAP) for all 9-1-1 calls originating from within the City.

Furthermore, pursuant to Section 502 of the Michigan Emergency Telephone Service Enabling Act (PA 32 of 1986, as amended), the Auburn Hills Police Department shall cease functioning as a primary PSAP within the Oakland County 9-1-1 Service District.

The City of Auburn Hills directs the Oakland County 9-1-1 Coordinator, the Oakland County Clerk, and all applicable communication service providers to implement this directive by July 11, 2016 date.

DATE: ___________________________
INTRODUCTION AND HISTORY

The City’s transition of its dispatch services to the Oakland County Sheriff’s Department requires the approval of a Memorandum of Understanding which defines certain expectations between the Sheriff’s Department dispatch operation and the City of Auburn Hills; and the approval of Police and Fire Dispatch Service Agreement between the City of Auburn Hills and the County of Oakland. These documents have been a part of ongoing discussions and negotiations with County personnel which have included on behalf of the City, Chief Olko and Chief Manning, City Attorney Beckerleg, and me. The contract period runs from July 11, 2016 through March 31, 2018 at which time an extension/renewal would be required.

STAFF RECOMMENDATION

Staff recommends approval of the MOU and the Agreement, as submitted.

MOTION

Move to approve the Memorandum of Understanding between the City of Auburn Hills and the Oakland County Sheriff’s office for dispatch services to be performed from July 11, 2016 through March 31, 2018; and the Police and Fire Dispatch Agreement between the City of Auburn Hills and the County of Oakland for the period July 11, 2016 through March 31, 2018; and authorize the City Manager to execute both documents on behalf of the City.

I CONCUR: ________________________________

THOMAS A. TANGHE, CITY MANAGER
To: City of Auburn Hills

From: Oakland County Sheriff's Office

Re: Memorandum of Understanding Regarding the
July 11, 2016 – March 31, 2018 Police and Fire Dispatch Service Agreement.

This Memorandum of Understanding (MOU) sets forth, in general terms, the manner by which the Oakland County Sheriff's Office (OCSO) will provide certain police and fire dispatch services for the City of Auburn Hills (Auburn Hills) under the terms of the Parties' July 11, 2016 - March 31, 2018 Police and Fire Dispatch Service Agreement (Agreement).

1. The OCSO will work in good faith with Auburn Hills to ensure that the dispatching services that it provides under the Agreement are consistent with the operational procedures and practices of Auburn Hills' police and fire departments.

2. From July 11, 2016 to March 31, 2017, representatives from the OCSO and Auburn Hills will meet on a monthly basis to address any issues or concerns. After March 31, 2017, the OCSO and Auburn Hills will periodically meet when and as agreed between the parties.

3. Any issues or complaints received by the OCSO concerning dispatch services for Auburn Hills, including 911 calls, shall be immediately forwarded by OSCO to an Auburn Hills representative.

The Parties commit to working together in a professional manner to carry out the terms of the Agreement.
Memorandum of Understanding Regarding the
July 11, 2016 – March 31 2018 Police and Fire Dispatch Service Agreement

2
This Agreement is made between the COUNTY OF OAKLAND, a Michigan Constitutional and Municipal Corporation, whose address is 1200 North Telegraph Road, Pontiac, Michigan 48341 (COUNTY), and the CITY OF AUBURN HILLS, a Michigan Constitutional and Municipal Corporation, whose address is 1827 N. Squirrel Road, Auburn Hills, MI 48326 (MUNICIPALITY). In this Agreement, the COUNTY shall also be represented by the OAKLAND COUNTY SHERIFF, Michael J. Bouchard, in his official capacity as a Michigan Constitutional Officer, whose address is 1200 North Telegraph Road, Bldg. 38 E., Pontiac, Michigan 48341 (SHERIFF). In this Agreement, the COUNTY shall also be represented by the "OAKLAND COUNTY SHERIFF’S OFFICE" (O.C.S.O.).

INTRODUCTION

WHEREAS, the MUNICIPALITY is authorized by law to provide police and fire protection service for residents of the MUNICIPALITY; and

WHEREAS, to provide effective police and fire protection services for its residents, the MUNICIPALITY also must provide for municipal police and fire department communication and dispatch functions; and

WHEREAS, the MUNICIPALITY has concluded that it is more cost effective for the MUNICIPALITY to contract for POLICE and FIRE DISPATCH SERVICE with the O.C.S.O. than to equip and staff its own police and fire communication and dispatch center; and

WHEREAS, the O.C.S.O. agrees to provide POLICE and FIRE DISPATCH SERVICE for the MUNICIPAL POLICE and FIRE PERSONNEL, as defined in this Agreement, under the following terms and conditions;

NOW, THEREFORE, in consideration of these premises, and the following promises, representations, and acknowledgments, it is agreed as follows:

1. The COUNTY, with the cooperation and approval of the SHERIFF, shall, in conjunction with its existing O.C.S.O. police communications functions, provide POLICE and FIRE DISPATCH SERVICE to POLICE and FIRE PERSONNEL for the MUNICIPALITY.

2. For all purposes and as used throughout this Agreement, the words and expressions listed below, whether used in the singular or plural, within or without quotation marks, or possessive or non-possessive, shall be defined, read, and interpreted as follows:

   a. "POLICE DISPATCH SERVICE" shall be defined to include: any emergency or non-emergency telephone call or notice, of any kind, received by the O.C.S.O., which either requests, requires or, in the sole judgment of the O.C.S.O. or designated COUNTY AGENT(S), appears to request or require the presence, attention, or services of any MUNICIPAL POLICE PERSONNEL to address, respond, or attend to any issue, event, or circumstance involving public safety, a breach of peace, public health, an accident or accidental injury, the protection of property, any emergency (including, but not limited to criminal, medical, fire, health, civil disputes, and/or civil infractions), which results in any O.C.S.O. or designated COUNTY AGENT(S) radio communication, or any attempted radio communication, to any MUNICIPAL POLICE PERSONNEL.

   b. "MUNICIPAL POLICE PERSONNEL" shall be defined to include: any and all uniformed, non-uniformed, civilian, command, volunteer, administrative and/or supervisory personnel employed and/or contracted by the MUNICIPALITY either to provide, supply, support, administer, or direct any MUNICIPAL police or law enforcement services and/or any persons acting by, through, under, or in concert with any of them; or any other MUNICIPAL official, officer, employee or
agent whose MUNICIPAL job duties may include the receipt of any O.C.S.O. POLICE DISPATCH SERVICE(S).

c. "FIRE DISPATCH SERVICE" shall be defined to include: any emergency or non-emergency telephone call or notice, of any kind, received by the O.C.S.O., which either requests, requires or, in the sole judgment of the O.C.S.O. or designated COUNTY AGENT(S), appears to request or require the presence, attention, or services of any MUNICIPAL FIRE PERSONNEL to address, respond, or attend to any issue, event, or circumstance involving public health or safety, an accident or accidental injury, the protection of property, any emergency (including, but not limited to medical, fire, and/or health), which results in any O.C.S.O. radio communication, or any attempted radio communication to any MUNICIPAL FIRE PERSONNEL.

d. "MUNICIPAL FIRE PERSONNEL" shall be defined to include: any and all uniformed, non-uniformed, civilian, command, volunteer, administrative and/or supervisory personnel employed and/or contracted by the MUNICIPALITY either to provide, supply, support, administer, or direct any MUNICIPAL fire or emergency related services and/or any persons acting by, through, under, or in concert with any of them; or any other MUNICIPAL official, officer, employee or agent whose MUNICIPAL job duties may include the receipt of any O.C.S.O. FIRE DISPATCH SERVICE(S).

e. "COUNTY AGENT(S)" shall be defined to include the OAKLAND COUNTY SHERIFF, SHERIFF Michael J. Bouchard, and any and all other COUNTY elected and appointed officials, commissioners, officers, boards, committees, commissions, departments, divisions, volunteers, employees (including any SHERIFF'S DEPUTY or SHERIFF'S DEPUTIES), agents, representatives, contractors, predecessors, successors, assigns, attorneys, or auditors (whether such persons act or acted in their personal, representative, or official capacities), and any and all persons acting by, through, under, or in concert with any of them. COUNTY AGENT(S) as defined in this Agreement shall also include any person who was a COUNTY AGENT(S) at any time during the term of this Agreement but, for any reason, is no longer employed, appointed, or elected in his/her previous capacity.

f. "CLAIM" shall be defined to include any and all losses, complaints, demands for relief or damages, lawsuits, causes of action, proceedings, judgments, deficiencies, penalties, and costs and expenses, including, but not limited to, any reimbursement for reasonable attorney fees, witness fees, court costs, investigation and/or litigation expenses, any amounts paid in settlement, or any other amount for which either party becomes legally and/or contractually obligated to pay, or any other liabilities of any kind whatsoever whether direct, indirect or consequential, whether based upon any alleged violation of the constitution (federal or state), any statute, rule, regulation, or the common law, whether in law or equity, tort, contract, or otherwise, and/or whether commenced or threatened.

3. The MUNICIPALITY agrees that under the terms of this Agreement, except for the POLICE and FIRE DISPATCH SERVICE(S) expressly contracted for herein, neither the O.C.S.O. nor any COUNTY AGENT shall not be obligated, in any other way, to provide or assist the MUNICIPALITY or any MUNICIPAL POLICE and FIRE PERSONNEL with any other direct, indirect, backup, or supplemental support or police or fire or emergency-related service or protection, of any kind or nature whatsoever, or required to send any COUNTY AGENT(S) to respond, in any way, to any call for MUNICIPAL POLICE and FIRE PERSONNEL services.

4. The MUNICIPALITY agrees that it shall, at all times and under all circumstances, remain solely and exclusively responsible for all costs and/or liabilities associated with providing available on-duty MUNICIPAL POLICE and FIRE PERSONNEL to receive and respond to any O.C.S.O. or designated COUNTY AGENT(S) POLICE and FIRE DISPATCH SERVICE(S) in a timely and professional manner.

5. The MUNICIPALITY acknowledges that there may be circumstances when, despite all reasonable O.C.S.O. or COUNTY AGENT(S) efforts, an O.C.S.O. or COUNTY AGENT(S) attempt to communicate or provide POLICE and FIRE DISPATCH SERVICE(S) for MUNICIPAL POLICE and FIRE PERSONNEL may be unsuccessful and, as a result, MUNICIPAL POLICE and FIRE PERSONNEL'S timely response to a call for MUNICIPAL POLICE and FIRE PERSONNEL assistance may not be forthcoming.
6. The MUNICIPALITY agrees that this Agreement does not, and is not intended to, include any O.C.S.O.
warranty, promise, or guaranty, of any kind or nature whatsoever, concerning the provision of POLICE
and FIRE DISPATCH SERVICE(S) to the MUNICIPALITY except that the COUNTY will make a
reasonable effort to provide POLICE and FIRE DISPATCH SERVICE(S) for MUNICIPAL POLICE and
FIRE PERSONNEL consistent with existing O.C.S.O. communication and dispatching policies,
procedures, orders, and standards.

7. The MUNICIPALITY agrees that under the terms of this Agreement the MUNICIPALITY shall be solely
and exclusively responsible for all costs, expenses and liabilities associated with the purchase, lease,
operation, and/or use of any MUNICIPAL POLICE and/or FIRE PERSONNEL radio or other
communication equipment, and that the O.C.S.O. shall not be obligated to provide any MUNICIPAL
POLICE and/or FIRE PERSONNEL with any radio or other communication equipment of any kind.
Similarly, the COUNTY agrees that the MUNICIPALITY shall not be obligated under the terms of this
Agreement to supply or provide the O.C.S.O. with any additional telephones, telephone lines, radios, or
other communications equipment or property.

8. The MUNICIPALITY agrees that this Agreement does not, and is not intended to, obligate or require the
O.C.S.O. to change, alter, modify, or develop any different dispatch related codes, policies, practices or
procedures; purchase or use any special or additional equipment; or, alternatively, prohibit the O.C.S.O.
from implementing any future communication-related changes that the O.C.S.O., in its judgment and
discretion, believes to be in its best interest.

9. The MUNICIPALITY agrees that it shall be solely and exclusively responsible, during the term of this
Agreement, for guaranteeing that: (a) all MUNICIPAL POLICE and FIRE PERSONNEL radios and/or
other communication equipment will be properly set and adjusted to receive any POLICE and/or FIRE
DISPATCH SERVICE(s) from the O.C.S.O. and/or COUNTY AGENT(s) and otherwise maintained in full
and proper working order; (b) all MUNICIPAL POLICE and FIRE PERSONNEL will be adequately trained
and will comply with all applicable O.C.S.O. communications codes, practices, policies and procedures,
as well as any applicable state or federal (FCC) communication requirements; (c) the MUNICIPALITY
and all MUNICIPAL POLICE and FIRE PERSONNEL shall, at all times, promptly and properly notify the
designated COUNTY AGENT(S) of any on-duty or off-duty status and/or availability or unavailability of
MUNICIPAL POLICE and FIRE PERSONNEL to receive POLICE and/or FIRE DISPATCH SERVICE(S)
from the O.C.S.O.; and (d) all MUNICIPAL POLICE and FIRE PERSONNEL radio and communication
equipment, policies, practices and procedures shall conform to those of the O.C.S.O. as they now exist
or may be changed in the future.

10. Subject to the following Paragraph, and unless canceled as provided for in this Paragraph, this
Agreement shall become effective on July 11, 2016 and shall remain in effect continuously until it expires,
without any further act or notice being required of any party, at 11:59 P.M. on March 31, 2018. The
COUNTY, the SHERIFF, or the MUNICIPALITY may cancel this Agreement, for any reason, including the
convenience of any party, and without any penalty, before its March 31, 2018 expiration by delivering a
written notice of the cancellation of this Agreement to the other signatories to this Agreement, or their
successors in office. Such written notice shall provide at least a ninety (90) calendar day notice of the
effective date of cancellation, and such cancellation of this Agreement shall be effective at 11:59 P.M. on
the last calendar day of the calendar month following the expiration of the 90 calendar day notice period.

11. This Agreement, and any subsequent amendments, shall not become effective prior to the approval by
concurrent resolutions of the COUNTY Board of Commissioners and the MUNICIPALITY'S Governing
Body. The approval and terms of this Agreement shall be entered into the official minutes and
proceedings of the COUNTY Board of Commissioners and MUNICIPALITY Governing Body and also
shall be filed with the Office of the Clerk for the COUNTY and the MUNICIPALITY. In addition, this
Agreement, and any subsequent amendments, shall be filed by a designated COUNTY AGENT(S) with
the Secretary of State for the State of Michigan and shall not become effective prior to the filing of this
Agreement with the Secretary of State.

12. In consideration of the COUNTY'S promises and efforts under this Agreement, the MUNICIPALITY
agrees to pay to the COUNTY $32,419.00 per month for service for the months of July 11, 2016 through
March 31, 2017; and $32,870.83 per month for service for the months of April 1, 2017 through March 31,
2018 as follows:
a. The COUNTY shall send an invoice to the MUNICIPALITY on the first calendar day of each month for services rendered the previous month. The MUNICIPALITY shall have 30 days from the date of each invoice to make payment. For example, for services rendered in July of 2017, the COUNTY will bill the MUNICIPALITY on August 1, 2017 and the MUNICIPALITY shall pay the invoice within 30 days of the invoice date.

b. All Monthly payments shall be due and payable by the MUNICIPALITY without any further notice or demand from the COUNTY.

c. Each monthly payment shall be made by a check drawn on a MUNICIPALITY account and shall be made payable to the County of Oakland and delivered to the attention of: Mr. Andy Meisner, Oakland County Treasurer, 1200 N. Telegraph Road, Pontiac, MI 48341-0479 (or such other person as the COUNTY may from time to time designate in writing).

d. Each such payment shall clearly identify that it is a monthly payment being made pursuant to this Agreement and identify the calendar month for which the MUNICIPALITY intended the payment to apply. The MUNICIPALITY agrees that the COUNTY, in its discretion, may apply any monthly payment received from the MUNICIPALITY to any past due amount or monthly payment then due and owing to the COUNTY pursuant to this Agreement.

13. If the MUNICIPALITY fails, for any reason, to pay the COUNTY any moneys due when and as due under this Agreement, the MUNICIPALITY agrees that unless expressly prohibited by law, the COUNTY or the County Treasurer, at their sole option, shall be entitled to setoff from any other MUNICIPALITY funds that are in the COUNTY'S possession for any reason. Funds include but are not limited to the Delinquent Tax Revolving Fund (DTRF). Any setoff or retention of funds by the COUNTY shall be deemed a voluntary assignment of the amount by the MUNICIPALITY to the COUNTY. The MUNICIPALITY waives any CLAIMS against the COUNTY or its Officials for any acts related specifically to the COUNTY’S offsetting or retaining such amounts. This paragraph shall not limit the MUNICIPALITY'S legal right to dispute whether the underlying amount retained by the COUNTY was actually due and owing under this Agreement. If the COUNTY chooses not to exercise its right to setoff or if any setoff is insufficient to fully pay the COUNTY any amounts due and owing the COUNTY under this Agreement, the county SHALL HAVE THE RIGHT TO CHARGE UP TO THE THEN-MAXIMUM LEGAL INTEREST ON ANY UNPAID AMOUNT. Interest charges shall be in addition to any other amounts due to the COUNTY under this Agreement. Interest charges shall be calculated using the daily unpaid balance method and accumulate until all outstanding amounts and accumulated interest are fully paid. Nothing in this paragraph shall operate to limit the COUNTY’S right to pursue or exercise any other legal rights or remedies under this Agreement against the MUNICIPALITY to secure reimbursement of amounts due the COUNTY under this Agreement. The remedies in this paragraph shall be available to the COUNTY on an ongoing and successive basis if the MUNICIPALITY at any time becomes delinquent in its payment. Notwithstanding any other term and condition in this Agreement, if the COUNTY pursues any legal action in any court to secure its payment under this Agreement, the MUNICIPALITY agrees to pay all costs and expense, including attorney's fees and court costs, incurred by the COUNTY in the collection of any amount owed by the MUNICIPALITY.

14 The MUNICIPALITY agrees that all MUNICIPALITY representations, liabilities, payment obligations, and/or any other related obligations provided for in this Agreement with regard to any acts, occurrences, events, transactions, or CLAIM(S), either occurring or having their basis in any events or transactions that occurred before the cancellation or expiration of this Agreement, shall survive the cancellation or expiration of this Agreement. The parties agree that the expiration, cancellation, or termination of this Agreement shall be without prejudice to any rights or claims of either party against the other and shall not relieve either party of any obligations which, by their nature, survive expiration or termination of this Agreement.

15 Each Party shall be responsible for any CLAIM made against that Party and for the acts of its Employees or Agents.

16. In any CLAIM that may arise from the performance of this Agreement, each Party shall seek its own legal representation and bear the costs associated with such representation, including any attorney fees.
17. Except as otherwise provided in this Agreement, neither Party shall have any right under any legal principle to be indemnified by the other Party or any of its agents or employees in connection with any CLAIM.

18. This Agreement does not, and is not intended to, impair, divest, delegate or contravene any constitutional, statutory, and/or other legal right, privilege, power, obligation, duty, or immunity of the Parties. Nothing in this Agreement shall be construed as a waiver of governmental immunity for either Party.

19. The MUNICIPALITY and the COUNTY agree that neither the COUNTY nor any COUNTY AGENT(S), by virtue of this Agreement or otherwise, shall be considered or asserted to be employees of the MUNICIPALITY and further agree that, at all times and for all purposes under the terms of this Agreement, the COUNTY and/or any COUNTY AGENT(S) legal status and relationship to the MUNICIPALITY shall be that of an Independent Contractor. The parties also agree that no MUNICIPAL POLICE and FIRE PERSONNEL or any other MUNICIPALITY employee shall, by virtue of this Agreement or otherwise, be considered or asserted to be an employee, agent, or working under the supervision and control of the COUNTY and/or any COUNTY AGENT(S).

20. The MUNICIPALITY and the COUNTY agree that, at all times and for all purposes relevant to this Agreement, the MUNICIPALITY and the O.C.S.O. shall each remain the sole and exclusive employer of each of their respective employees. The MUNICIPALITY and the COUNTY each agree to remain solely and exclusively responsible for the payment of each of their respective employees' wages, compensation, overtime wages, expenses, fringe benefits, pension or retirement benefits, training expenses, or other allowances or reimbursements of any kind, including, but not limited to, workers' disability compensation, unemployment compensation, Social Security Act protection(s) and benefits, employment taxes, or any other statutory or contractual right or benefit based, in any way, upon employment of any COUNTY AGENT(S) or any MUNICIPAL POLICE AND FIRE PERSONNEL or any other MUNICIPAL employee.

21. This Agreement does not, and is not intended to, create, change, modify, supplement, supersede, or otherwise affect or control, in any manner, any term(s) or condition(s) of employment of any COUNTY AGENT(S), any applicable O.C.S.O. employment and/or union contract(s), any level(s) or amount(s) of supervision, any standard(s) of performance, any sequence or manner of performance, and/or any O.C.S.O. rule(s), regulation(s), training and education standard(s), hours of work, shift assignment(s), order(s), policy(ies), procedure(s), directive(s), ethical guideline(s), etc., which shall, solely and exclusively, govern and control the employment relationship between the O.C.S.O. and/or all conduct and actions of any COUNTY AGENT(S).

22. The MUNICIPALITY agrees that neither the MUNICIPALITY nor any MUNICIPAL POLICE and FIRE PERSONNEL shall provide, furnish or assign any COUNTY AGENT(S) with any job instructions, job descriptions, job specifications, or job duties, or, in any manner, attempt to control, supervise, train, or direct any COUNTY AGENT(S) in the performance of any COUNTY or COUNTY AGENT(S) duty or obligation under the terms of this Agreement.

23. The MUNICIPALITY agrees that it shall promptly deliver to the O.C.S.O. written notice and copies of any CLAIM(S), complaint(s), charge(s), or any other accusation(s) or allegation(s) of negligence or other wrongdoing, whether civil or criminal in nature, that the MUNICIPALITY becomes aware of which involves, in any way, the O.C.S.O. or any COUNTY AGENT(S). The MUNICIPALITY agrees to cooperate with the O.C.S.O. in any investigation conducted by the SHERIFF of any act(s) or performance of any duties by any COUNTY AGENT(S).

24. Any signatory or any signatories' successor in office to this Agreement shall send, by first class mail, any correspondence and written notices required or permitted by this Agreement to each of the signatories of this Agreement, or any signatories' successor in office, to the addresses shown in this Agreement. Any written notice required or permitted under this Agreement shall be considered delivered to a party as of the date that such notice is deposited, with sufficient postage, with the U.S. Postal Service.

25. This Agreement is made and entered into in the State of Michigan and shall in all respects be interpreted, enforced and governed under the laws of the State of Michigan. The language of all parts of this Agreement is intended to and, in all cases, shall be construed as a whole, according to its fair meaning.
and not construed strictly for or against any party. As used in this Agreement, the singular or plural number, possessive or non-possessive, shall be deemed to include the other whenever the context so suggests or requires.

26. Absent an express written waiver, the failure of any party to pursue any right granted under this Agreement shall not be deemed a waiver of that right regarding any existing or subsequent breach or default under this Agreement. No failure or delay on the part of any party in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall a single or partial exercise of any right, power or privilege preclude any other or further exercise of any other right, power or privilege.

27. The COUNTY and the MUNICIPALITY acknowledge that this Agreement shall be binding upon each of them and, to the extent permitted by law, upon their administrators, representatives, executors, successors and assigns, and all persons acting by, through, under, or in concert with any of them.

28. The MUNICIPALITY acknowledges that it has reviewed all of its current or proposed contracts, including any and all labor or union contracts with any MUNICIPAL POLICE OR FIRE PERSONNEL, and hereby warrants that the MUNICIPALITY does not have and will not have at any time during the term of this Agreement, any other contractual agreements that will in any manner restrict, interfere with, or prohibit the MUNICIPALITY and any MUNICIPAL POLICE OR FIRE PERSONNEL, or any other person from complying with the MUNICIPALITY’S obligations and duties as set forth in this Agreement and/or the MUNICIPAL POLICE OR FIRE DISPATCH SERVICES as described herein.

29. This Agreement, and Exhibit A and Exhibit B which are attached and incorporated into this Agreement, sets forth the entire contract and understanding between the COUNTY and the MUNICIPALITY and fully supersedes any and all prior contracts, agreements or over any actual or apparent conflict with any term or condition in such a lease. It is further understood and agreed that the terms of this Agreement are contractual and are not a mere recital and that there are no other contracts, understandings, or representations between the COUNTY and the MUNICIPALITY in any way related to the subject matter hereof, except as expressly stated herein. This Agreement shall not be changed or supplemented orally. This Agreement may be amended only by concurrent resolutions of the COUNTY Board of Commissioners and the MUNICIPALITY Governing Body in accordance with the procedures set forth herein.

30. For and in consideration of the mutual promises, acknowledgments, representations, and agreements set forth in this Agreement, and for other good and valuable consideration, the receipt and adequacy of which is hereby acknowledged, the COUNTY and the MUNICIPALITY hereby agree and promise to be bound by the terms and provisions of this Agreement.
IN WITNESS WHEREOF, Thomas Tanghe, City Manager, hereby acknowledges that he or she has been authorized by a resolution of the MUNICIPALITY'S governing body (a certified copy of which is attached) to execute this Agreement on behalf of the MUNICIPALITY and hereby accepts and binds the MUNICIPALITY to the terms and conditions of this Agreement on this _____ day of _____________, 2016.

WITNESSES: CITY OF AUBURN HILLS, a Michigan Municipal Corporation

By: ________________________________
   Terri Kowal
   Clerk

   ________________________________
   Thomas Tanghe
   City Manager

IN WITNESS WHEREOF, Michael J. Gingell, Chairperson, Oakland County Board of Commissioners, hereby acknowledges that he has been authorized by a resolution of the Oakland County Board of Commissioners (a certified copy of which is attached) to execute this Agreement on behalf of the COUNTY and hereby accepts and binds the COUNTY to the terms and conditions of this Agreement on this _____ day of _____________, 2016.

WITNESS: COUNTY OF OAKLAND, a Michigan Municipal Corporation

By: ________________________________
   Printed Name: 
   Michael J. Gingell
   Chairperson, Oakland County Board of Commissioners

IN WITNESS WHEREOF, Michael J. Bouchard, in his official capacity as SHERIFF, hereby concurs and accepts the terms and conditions of this Agreement on this _____ day of _____________, 2016.

WITNESS: OAKLAND COUNTY SHERIFF, a Michigan Constitutional Officer

By: ________________________________
   Printed Name: 
   Michael J. Bouchard,
   Oakland County Sheriff
Exhibit A
Disposition of Property at Existing Auburn Hills PSAP

The County owns and will remove the property listed below from the existing Auburn Hills Public Safety Answering Point (PSAP), with the exception of: LIC Card #010 (S/N 0208094), LIC Card #019 (S/N 0209096), LIC Card #022 (S/N 0208034), and LIC Card #025 (S/N 0208054), which is owned by Auburn Hills. Auburn Hills will sell the four LIC Cards to the County in exchange for $5,000. The County will remove the four LIC cards from the existing Auburn Hills PSAP. Auburn Hills will make available for transfer to the County its existing ProQA licenses for EMD & EFD (3 each). The County would be responsible for any fee to ProQA for the transfer and maintenance of any of the licenses.

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<th>Dispatch Position Equipment</th>
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<td><strong>Position One</strong></td>
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<tr>
<td>Device</td>
<td>Model</td>
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<td>PC</td>
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<td>Monitor</td>
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<td>IPC AT59401.01</td>
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<tr>
<td>Speaker</td>
<td>IPC A1309105/T5</td>
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<td>UPS</td>
<td>APC SUA 750</td>
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<td><strong>Position Two</strong></td>
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<td>Speaker</td>
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POLICE AND FIRE DISPATCH SERVICE AGREEMENT BETWEEN COUNTY OF OAKLAND AND CITY OF AUBURN HILLS July 11, 2016 – March 31, 2018
### T5 Radio Server Equipment

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POLICE AND FIRE DISPATCH SERVICE AGREEMENT BETWEEN COUNTY OF OAKLAND AND CITY OF AUBURN HILLS
July 11, 2016 – March 31, 2018
Rev. 5/16/16 - FINAL
Page 9 of 10
Exhibit B
Consideration for Cessation of Auburn Hills PSAP

No later than 30 days after the Municipality ceases its functions as a Public Safety Answering Point (PSAP), the O.C.S.O accepts that role, and the County Board of Commissioners passes a resolution to modify the County’s PSAP Plan to reflect that the Municipality will cease functioning as a PSAP and has designated the O.C.S.O. as its PSAP, the County will pay the Municipality $50,000 as consideration for the following:

1. The Municipality ceases its dispatch operations.

2. If the Municipality ever terminates its agreement with the County for dispatch services or restores any of its dispatch operations, the County will have no obligation whatsoever to fund any of the requisite dispatch equipment costs then required to stand up a dispatch center operation. Instead, the Municipality will be fully responsible for all capital costs associated with the restoration of its dispatch operations.
To: Mayor and City Council
From: Thomas A. Tanghe, City Manager, Steven J. Cohen, Director of Community Development, and Shawn Keenan, Assistant City Planner
Submitted: May 19, 2016
Subject: Motion – Approval of Site Plan / Dana Corporation

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 98,000 square foot building. 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, drive shafts, 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 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.

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 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.
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 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.
Conditions:
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.

PLANNING COMMISSION RECOMMENDATION
Recommended Approval on May 11, 2016 (8-0 vote).

MOTION
“Move to accept the Planning Commission’s recommendation and approve the Site Plan for Dana Corporation subject to staff and consultants conditions.”

I CONCUR: ____________________
THOMAS A. TANGHE, CITY MANAGER
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7 p.m.

2. ROLL CALL OF PLANNING COMMISSION:
   Present: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
   Absent: Justice
   Also Present: Director of Community Development Cohen, Assistant City Planner Keenan
   Guests: 8

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

5. PETITIONERS

5a. Dana Corporation (7:02 p.m.)
   Public Hearing / Motion - Recommendation to City Council for Site Plan approval to construct a building addition.

Mr. Keenan introduced the request from Dana Corporation to construct a 46,400 square foot building addition on the east side of the existing industrial building located on North Atlantic Boulevard. The 7.86 site is zoned Light Industrial. An additional 47 parking spaces are provided as a result of the building expansion. Two spaces are designated for future electric vehicle charging stations. An 8 foot wide pathway will be provided along Atlantic Boulevard as identified in the City’s Pathway Plan.

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

Mr. Keenan explained the $3 million expansion is expected to create 25 new jobs, raising the number of on-site employees to 150. Construction is expected to begin in June 2016 with completion expected to take place in December 2016.

Mr. Bennett Donaldson, J.B. Donaldson Company, 37610 Hills Tech Drive, Farmington Hills, MI 48331, stated Dana Corporation is excited to expand their already existing business. They have been in their current building for 13 years and their lease will be extended for at least 10 more years. Other than the addition there won’t be many changes except for a fire lane in the back of the building required by the fire department. The adjoining land owner has agreed to allow needed access for the fire lane. The new addition will be manufacturing space and their main contract is with Fiat Chrysler.

Mr. Ouellette was curious as to what off-highway transmissions were and Mr. Donaldson explained those were specifically for off-road trucks but the bulk of the business is domestic highway vehicles.

Mr. Pierce asked if there were current parking issues at the site and Mr. Donaldson said there are no issues and there are actually more spaces than they need but the shifts do overlap a bit with start times and end times so they do not want people to have issues with parking on the grass or in the street while those shifts are changing.

Mr. Ouellette opened the public hearing at 7:09 p.m.

Mr. Ouellette closed the public hearing at 7:09 p.m.

Moved by Ms. Ochs to recommend to City Council approval of Site Plan to construct a building addition subject to staff and consultants conditions.
Supported by Mr. Burmeister
VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
NO: None
Motion Carried (8-0)
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

Project Description:
LIGHT MANUFACTURING BUILDING ADDITION

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

City Use Only
Address: 4440 N. ATLANTIC BLVD

Date Received: 4-13-14
Fees Paid: 3915.00

Sign(s) Escrow: 160000

SP #: 160000

SLU #(s): 

LD/LE/SUB #: 

RZ #: 

PUD #: 

ZBA #: 

☐ 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 HILLS 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. # J7685 3915.00
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. Judici 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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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.
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)
The City of Auburn Hills  
Regular City Council Meeting  
September 9, 2002

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  
Absent. 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, Brownfield Consultant 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)
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 1½ 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 98,000 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 360-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 13.5 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)
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Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110

Project Name: Dana Corporation
Date: 5/2/2016
CHECK LIST

PROJECT NAME

Dana Corporation

(Check all that apply)

✓ SITE PLAN

SPECIAL LAND USE

✓ TREE REMOVAL PERMIT

REZONING

PUD

The following items have not been included in your packet of information since they are either common non-controversial items or the recommendations have been noted in the project’s cover letter. However, if you wish to see a copy they are on file in the Community Development Department.

(Check all that apply)

✓ Public Notice

N/A Woodland Consultant Approval Letter

N/A Citizen’s Participation Letter and Report
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 permitted 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 Centre.

**PLANNING COMMISSION RECOMMENDATION**

Recommended Approval on May 11, 2016 (8-0 vote).

**MOTION**

“Move to accept the Planning Commission’s recommendation and approve the PUD Step Two - Site Plan for Summit Place Kia of Auburn Hills subject to staff and consultants conditions.”

I CONCUR: ______________

THOMAS A. TANGHE, CITY MANAGER
1. CALL TO ORDER: Planning Commission Chairperson Ouellette called the meeting to order at 7 p.m.

2. ROLL CALL OF PLANNING COMMISSION:

   Present: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer
   Absent: Justice
   Also Present: Director of Community Development Cohen, Assistant City Planner Keenan
   Guests: 8

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

5. PETITIONERS

5c. Summit Place Kia of Auburn Hills (7:46 p.m.)
Public Hearing / Motion - Recommendation to City Council for PUD Step Two – Site Plan approval to construct an automobile dealership.

Mr. Keenan introduced the request from Summit Place Kia to construct an automobile dealership at the southeast corner of Lapeer Road and Interpark Drive. The 7.38 acre parcel is located within the Dutton Corporate Centre. The proposed Kia Dealership will be the first new automobile dealership to be built in the City.

Mr. Keenan explained some of the key items that are worth mentioning include:

1) The outdoor storage of vehicles in the eastern most parking lot behind the building. The storage lot is approximately nine feet below the building grade. A staggered row of evergreen trees planted along the east property line to help screen the lot from the residential properties to the east along Bald Mountain Road

2) The outside vehicle display area located at the northwest corner of the building

3) 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) The landscape plan includes the planting of 50 more trees on site than required by ordinance. The additional trees will be credited towards the required replacement total for Dutton Corporate Centre. The landscape plan provides additional evergreen trees along the east property line planted in a staggered row to provide an additional layer of screening for the residents who reside along Bald Mountain Road

5) A five foot wide sidewalk is being provided along Interpark Drive. The sidewalk will connect to the eight foot pathway along Lapeer Road. A sidewalk is also being provided to connect the building to the sidewalk along Interpark Drive

6) An electrical stub is provided for five future electric vehicle charging stations

7) Summit Place Kia intends to keep night-time lighting of the building at a minimum. The lighting of the vehicle outside storage will 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.

Mr. Keenan indicated the proposed dealership is expected to create 25 new jobs. Total investment in the project is estimated at $4 million. He stated construction is expected to begin in July 2016 with completion expected to take place in the first quarter of 2017.

Mr. Lalonde wanted to emphasize that the night time lighting would be facing Lapeer Road and should not be a detriment to the Bald Mountain Road residents at all. He stated his Clinton Township location has been very well received by residents and it also draws other businesses.
Mr. Burmeister asked if there would be any fencing around the lot at all. Mr. Lalonde stated he didn't believe fencing was necessary as they want people to be able to view the cars even if it is after business hours. Mr. Ouellette asked if KIA makes an electric car. Mr. Lalonde stated there is one being made and currently being sold in the west coast. He anticipates it making its way here within a year.

Mr. Ouellette opened the public hearing at 7:50.

Mr. Heilbrun asked why this Japanese company would be a good fit for the City when it is home of Chrysler Headquarters. Mr. Lalonde pointed out that Fiat Chrysler does import cars and that Kia does in fact manufacture its two biggest sellers' right here in the U.S.

Mr. Ouellette closed the public hearing at 7:52.

Ms. Ochs had one last question regarding the trees. She wanted to know if there would be a good number of evergreens planted since deciduous trees lose their leaves a good portion of the year so the screening would not be as effective. Mr. Keenan stated there was a conscious effort to provide plant enough evergreens along the east property line to facilitate screening in both summer and winter.

Moved by Ms. Ochs to recommend to City Council approval of PUD Step Two – Site Plan to construct an automobile dealership subject to staff and consultants conditions. Supported by Ms. Shearer

VOTE: YES: Beidoun, Burmeister, Hitchcock, Mendieta, Ochs, Ouellette, Pierce, Shearer

NO: None

Motion Carried (8-0)
Development Application

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

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
Business Name and Address: J.B. Donaldson Company - 37612 Hills Tech Drive

Fax Number: ___________________________ Alt. Phone Number(s): ___________________________

Name: Rich Lalonde
Signature: ___________________________

Business Name and Address: Summit Place Kia, 43774 Gratiot Ave
City: Clinton Twp State: MI Zip Code: 48306 Phone Number: 586.868.1101

City Use Only

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 #: __________________

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.# 37688
39/5.00
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

[Signature]

Andrew Cousins for Timothy J. Juidici P.E.

Transmitted via e-mail to Shawn Keenan: May 3, 2016
cc: File
TO: Mr. Shawn Keenen  
FROM: Lieutenant Ryan Gagnon  
SUBJECT: Site Plan Review for Kia Dealership  
DATE: May 6, 2016

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

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<th>PROJECT:</th>
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Joshua Boyce
Auburn Hills Fire Department
Fire Inspector
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### Location and Transportation (16 Credits)

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### Sustainable Sites (10 Credits)

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### Indoor Environmental Quality (16 Credits)

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### Totals (110 Possible Points)

Certified: 40 to 49 points, Silver: 50 to 59 points, Gold: 60 to 79 points, Platinum: 80 to 110
CHECK LIST

PROJECT NAME

Summit Place Kia of Auburn Hills

(Check all that apply)

SITE PLAN
SPECIAL LAND USE
TREE REMOVAL PERMIT
REZONING

✓ PUD

The following items have not been included in your packet of information since they are either common non-controversial items or the recommendations have been noted in the project’s cover letter. However, if you wish to see a copy they are on file in the Community Development Department.

(Check all that apply)
✓ Public Notice
N/A Woodland Consultant Approval Letter
N/A Citizen’s Participation Letter and Report
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 ELEVATION PLAN
P-4 ENGINEERING SITE PLAN
P-5 PRELIMINARY GRADES PLAN
P-6 PRELIMINARY UTILITIES PLAN
P-7 PRELIMINARY NOTES AND DETAILS

LOCATION MAP

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

OWNERS/APPLICANTS/DEVELOPERS:

SUMMIT PLACE, LLC
43774 GRATIOT AVE
CLINTON TWP, MI 48038
CONTACT: RICHARD LAURANCE
PHONE: (586) 956-1650
EMAIL: RL@LAURANCE.COM

ARCHITECT:

CALEY ASSOCIATES, INC.
5290 HAILEY CT SUITE 211
FARMINGTON HILLS, MI 48334
CONTACT: MATT MACDONAILD
PHONE: (248) 469-2340
FAX: (248) 469-2344
EMAIL: MCALEY@CALEYASSOCIATES.COM

CIVIL ENGINEER:

PEA, INC.
9227 MIDCAY WAY, SUITE 115
TROY, MI 48084
CONTACT: JEFF DINNER III, LEED AP
PHONE: (248) 564-8083
FAX: (248) 564-8083
EMAIL: JDINNER@PEARINC.COM

LANDSCAPE ARCHITECT:

PEA, INC.
9227 MIDCAY WAY, SUITE 115
TROY, MI 48084
CONTACT: JEFF DINNER III, LEED AP
PHONE: (248) 564-8083
FAX: (248) 564-8083
EMAIL: JDINNER@PEARINC.COM

NOT FOR CONSTRUCTION
SUMMIT PLACE KIA
NO. 2015-319
SUMMIT PLACE KIA OF AUBURN HILLS
SUMMIT PLACE KIA OF AUBURN HILLS
www.missdig.net1-800-482-7171
(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

DATE CHK No. BY
APRIL 13, 2016

1/4
N
P-1
43774 N. GRATIOT AVENUE

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CLINTON TOWNSHIP, MI 48036

DATE CHK No. BY
APRIL 13, 2016

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P-1
ORIGINAL ISSUE DATE:

DRAWING NUMBER:

REVISIONS

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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.

PEA JOB NO. 2015-319

PART OF THE NE 1/4 OF SECTION 2, T. 3 N., R. 10 E., CITY OF AUBURN HILLS, OAKLAND COUNTY, MICHIGAN

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.

DATE CHK No. BY

APRIL 13, 2016

43774 N. GRATIOT AVENUE
CLINTON TOWNSHIP, MI 48036

NOT FOR 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.
To: Mayor and City Council
From: Thomas A. Tanghe, City Manager
Submitted: May 18, 2016
Subject: SAD Cost Share Method

INTRODUCTION AND HISTORY

Historically, with only one known limited exception, the City has not established Special Assessment Districts (SAD’s) to fund public roadway projects. With the downturn in the economy in 2008 resulting in a loss of more than $1 billion in taxable value, the City’s ability to fully fund road construction projects exclusively utilizing its own funds, has greatly diminished. As a result, City Council recently came to the conclusion that private property owner contributions will need to be made by those who are direct beneficiaries of the improvements, and subsequently amended the ordinance regarding SAD’s to allow for a maximum City contribution of up to 50%.

Four projects are being planned for 2017 that will total approximately +/- $4.7 million. Two of the four were scheduled for this year but are being pushed back to 2017 so that we may package them into a larger contract for engineering and construction. In the meantime, it will become necessary for City Council to settle on the amount to which they will provide for these projects. In any case, the City will provide the up-front funding, but through either a SAD process or contract among the benefitted property owners, we will begin collecting a property owner share over a period of years.

A SAD process will begin sometime later this year, and for now, we will simply need to determine how the sharing of the costs will be handled. Since we are preparing to notify the property owners for each of the upcoming projects, it will be important for us to determine their percentage of cost that they will need to contribute once we meet with them. You have already received notes from an internal staff meeting on the items we discussed about the creation of these SAD’s. These minutes are attached again herein.

STAFF RECOMMENDATION

Staff recommends a 50/50 cost share approach for the upcoming road improvements, with 50% of the total project costs being shared equally among all properties located within a SAD project, and the other 50% being contributed by the City.

MOTION

Move to adopt a 50/50 cost share methodology for road improvements, with 50% of the total project costs being shared equally among all properties located within a SAD project, and the other 50% being contributed by the City; and authorize the City Manager and staff to proceed utilizing this cost-sharing approach.

I CONCUR: 

THOMAS A. TANGHE, CITY MANAGER
Three Methods:

1. Total road frontage
2. Total acreage
3. Number of properties

- Of the three methods, total linear foot road frontage and number of properties are commonly used. Total acreage is not a commonly used method.
  - Total linear foot road frontage is typically used when projects have several properties that all have similar road frontages and there are also a small number of properties with significantly greater road frontages. Total frontage is also typically used for residential properties.
  - Number of properties is the method most often used and is the most conservative approach and usually the most defensible approach.

- Per City ordinance, SAD cannot exceed 20 years. Options discussed include: 5, 10, 15 or 20 years. These can also be adjusted to any amount of years up to 20.

- Interest Rate is established by Resolution of City Council and can be any amount that is not usurious. Typically, municipalities use prime + 1%.

- All SAD’s can be made by a written contract between the city and property owners, if all of the property owners in the Special Assessment District and the City agree. This avoids the more cumbersome and time-consuming SAD process.

Cost Split

The cost for each improvement can be split:

- 50% paid by the City
- 50% paid by the beneficiaries/ property owners.

However, the City can elect any amount of cost share between for its portion from zero to 50%. Staff favors and recommends a 50/50 cost sharing method in light of the fact that the City has no history of sharing the cost with the property owners for reconstruction projects such as these. A 50/50 cost sharing methodology is also expect to generate far greater cooperation and acceptance.
Projects/with recommended payback schedules

Deepwood Drive      TOTAL COST: $250,000.00
  • Method: Cost divided by number of properties
  • 5 year

West Entrance      TOTAL COST: $750,000.00
  • Method: Cost divided by number of properties
  • 10 year

N. Atlantic/ Continental      TOTAL COST: $2,904,038.00
  • Method: Cost divided by number of properties
  • 10 year

Pacific Drive      TOTAL COST: $750,000.00
  • Method: Cost divided by number of properties
  • 5-10 year
  • Parcels 1 and 2 (Autoliv Sign and MDOT property) are not included in this SAD

Timeline
  • 2017 – City pays for project costs
  • March 2017 – SAD costs must be included on Assessing Tax Roll for Board of Review
  • December 2017 – First bill for SAD

SAD costs will be included on tax bill for all property owners and not on a separate bill.

Action Items
  • Tom to send a letter to affected businesses regarding the SAD’s.
  • Staff will schedule follow-up meetings after the letter is sent to discuss the SAD and project timelines with the property owners.
Brass, percussion players from across county join together for free concert

The Zenith Brass, made up of some of the best high school brass and percussion players in the northern suburbs, will perform a free concert at 7 p.m. Sunday, May 22 at Oakland University’s Varner Recital Hall.

This 21st annual Spring Concert is entitled “Tributes” and will feature teenage musicians performing musical tributes to several different people, places and things including Love, Princess Diana, Olympic athletes, the composer Gabrieli and a WWI National Guard Regiment. Also featured are two soundscapes by Canadian composer David Marlatt.

The 30 members of Zenith Brass come from 18 area schools across Oakland and Macomb counties. Graduating seniors include 5-year member Frank Suriano of Auburn Hills, 4-year members Annie Cunningham of Armada, Nathan Hyde of Clarkston and Aaron Meissner of Troy, 2-year members Morgane Chretien of Macomb and Maxx Haehn of Waterford and 1-year member Spencer Haithcock of Utica.

“As it has since its founding in 1996, the concert will feature an interesting explanation of each piece and background about its composer,” said director Mark Petty of Troy. The audience can meet members at a reception following the concert. To find a program listing and a campus map showing Varner Recital Hall, visit ZenithBrass.org.

Oakland University is located at 2200 N Squirrel Road, Auburn Hills.

—Submitted by Mark Petty

OAKLAND COUNTY

Man stops traffic to help swans cross on I-75

A man held up traffic on I-75 at University Drive in Auburn Hills to help swans cross the road safely on Tuesday morning, WDIV reported.

Two adult swans and one baby swan were crossing the highway on the on-ramp and holding up traffic, so the man decided to get out of his car and escort them the remaining way. After they were safely across, the man got back into his vehicle and traffic continued to move.

—Staff writer Jenna Jakowatz
Auburn Hills officials cracking down on temporary signs, long grass

By Paul Kampe, The Oakland Press

Monday, May 9, 2016

A recent drive through northwestern Auburn Hills drew the ire of City Manager Tom Tanghe.

As he traveled north along Squirrel Road between Walton Boulevard and Dutton Road, Tanghe counted more than 20 temporary signs placed in the public right of way, 12 of which were located at an intersection.

The advertising can be a distraction and obstruction for drivers, officials said, noting it also can degrade the city’s aesthetic value.

“I realized just how much it negatively impacts the image of our community,” Tanghe wrote in a recent blog post. “Based upon the dozens and dozens of signs that are showing up, it is incumbent upon to take a stand to stop this from happening. We love to promote business in this town, but not to the detriment of our residents.”

Tanghe noted individuals do not, in fact, have the right to place anything in the area known as the public right of way. That responsibility is left for the city’s council.

Officials recently launched a more concerted effort to crack down on the proliferation of temporary signage placed in the public right of way.

On another recent weekend, community development director Steven Cohen noted 45 temporary signs were removed from right of ways around the city, mostly near major intersections.

Cohen said some people think they have the right to use the public right of way, which is intended for maintenance and other activities.

“If the sign is in the right of way, it’s pulled,” he said. “The key is using common sense.”

Temporary signs are allowed on private property, Cohen noted.

The issue is not isolated to Auburn Hills, officials added.

“This is a problem happening across the nation and we said ‘enough is enough,’ ” Cohen said. “Once people get the message, it will not be an issue.”
Police and parks and recreation employees are helping round up the rogue signage on weekends, when officials say it is most commonly placed.

Officials are also on the lookout for uncut lawns, which has become less of an issue as the city recovers from the foreclosure crisis and vacant homes and buildings are again occupied.

City ordinance limits the length of residential grass to eight inches. Grass on undeveloped properties is limited to 16 inches.

Fewer than one percent of the city’s property owners are in need of a reminder to cut their grass officials noted, but failing to contain the issue could lead others to fall out of the routine, they said.

“It’s not a huge problem, but it’s something we have to watch,” Cohen said.

If a property is not up to code, officials will leave a green sticker at the home notifying the owner of a 72-hour grace period.

After three days, barring an arrangement with the city, officials are allowed by city ordinance to have the grass cut by a contractor and invoice the property’s owner for the service as well as a “substantial” administrative fee.

Last year, city contractors were used to cut 76 of the more than 8,600 properties around the community — some of which multiple times — most of which were not maintained due to vacancy or foreclosure, according to officials.

If the bill for the mowing service goes unpaid, the fee is then rolled into the owner’s property tax bill, as well as an additional fee.

The ordinance is in effect May 1 to Oct. 15.
Avondale School District Students Celebrated as Role Models

APRIL 25, 2016 BY ROCHESTER MEDIA LEAVE A COMMENT

Avondale Youth Assistance Honors Students for Community Service and Personal Achievement

Avondale School District staff and administrators nominated more than 100 students to receive special recognition during the 49th Annual Youth Recognition Awards Night hosted by Avondale Youth Assistance (AYA). Students were nominated in two categories – Community Service and Personal Achievement – and received recognition awards from dignitaries and elected officials representing various levels of local and state government and public service.

Sisters Brianna and Bridgette Morris celebrate their awards with Avondale High School Principal, Sharon Hyde; Assistant Principal, Jamie Brooks; and Superintendent, Dr. James Schwarz
More than 40 students received the Personal Achievement nomination for effecting a dramatic positive change in their life; overcoming a significant obstacle; or making a strong positive academic turnaround. “These student experienced significant changes in attitude and behavior through hard work and committed effort. They turned adversity into success even though some of them faced very difficult circumstances,” said AYA Chairman, Mike Kazyak who served as the Master of Ceremonies for the event. “These students serve as role models for all of us,” he added.

Community Service nominees included students who have performed community volunteerism through the school district or through a church or other community-based organization. A large number of Avondale High School students were recognized for volunteering to assist AYA with special projects and events like the Fall Pumpkin Painting Party, the after-school tutoring program KAMP (Kids Academic Mentoring Program), and serving on the AYA Board of Directors. Likewise, many student from Avondale Middle School received Community Service recognition including members of the school Bridge Buddy Program and a group of Leadership Class students. The Bridge Buddy students volunteer to mentor their classmates who have autism and the Leadership Class students raised money for an Avondale family in need by organizing and hosting a dodgeball tournament. Students in the Avondale School District SKILL Program were honored for their work with Blessings in a Backpack.

Three students received special honors during the event. Receiving the Avondale Youth Assistance Award for Community Service and Personal Achievement was Avondale Middle School eighth-grader, Alexus Riera. Receiving the Auburn Hills Morning Optimist Club Award was Avondale High School senior Tristan Townsend and Avondale Middle School eighth-grader Noelle Chan who received their awards for exemplifying the tenets of the Optimist Creed. The Morning Optimist Club, co-sponsors of the event, provide funding and volunteer support for several programs and initiative around the Avondale School District community including the Oratorical Contest, AYA Back-to-School and Holiday Shopping trips, AHS All-State Student Athlete plaques, Girls State and Boys State scholarships, the AEF Hearts and Hands 5K Fun Run and much more.

At the end of the evening, after all the awards had been given out, Kazyak reflected on the event. “These students are role models for all of us,” he repeated.
Kia dealership may be able to revive stalled development

By Paul Kampe
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@paulkampe on Twitter

Auburn Hills officials are expected to discuss a possible new Kia dealership — the city's first automotive dealership to sell new vehicles — planned for the southeast corner of Lapeer Road and Interpark Drive.

Summit Place Kia of Auburn Hills could revive a stalled more than 100-acre Dutton Corporate Centre project, which surrounds the seven-acre site of the proposed dealership.

The more than 25,000-square-foot dealership is expected to bring with it an initial investment of $4 million and 25 new jobs, according to city officials.

The Dutton Corporate Centre project has been stalled since the Great Recession in 2009 and city officials are calling the new plan "win-win."

Construction on the car dealership could begin in July with completion possible early next year.

The city's planning commission is expected to discuss the plan at today at a meeting.

Summit Place Kia also has locations in Waterford Township — adjacent to the long-vacant Summit Place Mall — and Clinton Township.

The dealerships are the two best-selling Kia sellers in the state, according to city officials.

Summit Place Kia owner Rich LaLonde said his company needs the additional space to accommodate "a tremendous amount of growth year over year."
Development of Dutton Corporate Centre, located on the southeast corner of Lapeer and Dutton roads, has been stagnant since 2009.

**Kia**

**FROM PAGE 1**

It has not yet decided what will become of the Waterford location, LaLonde said, adding it could continue to be used by the business in some fashion.

"We're not sure what's going to happen in Waterford," he said, adding the Auburn Hills spot was ideal for his company. "Location is everything for an auto franchise."

According to a blog post by community development director Steven Cohen, the site of the corporate center, situated along the city's northern boundary, was originally developed in the early 1960s as a ski lodge before being converted to a landfill, which closed in the late 1970s.

The property was purchased in 2001 and plans for the mixed-use corporate park took shape in the 2000s before the recession hit.

Many of the unfinished items of the original development are expected to be completed as a result of the new project, city officials said.

A proposed revised concept plan also calls for a new 28-acre open space area separating the development from neighboring homes along Bald Mountain Road.

The plan also stipulates the property not be used for oil or natural gas drilling.

If approved by the planning commission, the development requires final approval from the city council at a later date.

The commission is also expected to discuss a possible $3 million, more than 46,000-square-foot addition to an industrial facility owned by Dana Corporation.

The Ohio-based automotive parts supplier currently employs 125 people at the 145,000-square-foot facility. Twenty-five jobs could be added as a result of the project.

Construction could begin as early as June and could be complete by December.

Auburn Hills officials are expected to discuss a possible new location for Summit Place Kia on the city's northwest side.

Wednesday's meeting begins at 7 p.m. at Auburn Hills City Hall, located at 1827 North Squirrel Road.
Luxury apartments proposed for Five Points

BY PAUL KAMPE
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@paulkampe on Twitter

A proposed $25 million luxury apartment development could be coming to the Five Points area on the northeast side of Auburn Hills.

A Farmington Hills-based company has submitted plans for six, three-story buildings on nearly seven acres on the east side of Five Points Drive, across from the campus of Oakland University.

The nearly 180-unit Five Points of Auburn Hills would be situated north of University Drive and west of Squirrel Road. Construction could begin as early as this fall, according to city officials.

The “Golden Triangle” where the complex is planned already includes retail, restaurants, a hotel and office buildings.

“This is a really nice addition,” City Manager Tom Tanghe said.

The location, near Oakland University, is one officials expect to be in high demand for apartment developments.

Development also is expected to begin soon on a nearby retail plaza located on approximately two acres on the northwest corner of University Drive and Squirrel Road.

Auburn Marketplace will be anchored by a Starbucks store, but the other five building tenants have yet to be announced.

The project will be built on the site of the former Palm Palace, a Mediterranean restaurant which closed last fall and was recently demolished.

The $2.75 million, 12,000-square-foot retail center is expected to open this fall.

Developers have promised nationally known companies will occupy the other storefronts.

Any future development in the Five Points area would likely have to come through similar redevelopment, Tanghe noted, as the apartment development was among the last vacant property in the area.

Five Points of Auburn Hills would include six three-story buildings consisting of nearly 180 luxury apartments.
Auburn Elementary students take on reading challenge

Monday, May 16, 2016

Third, fourth and fifth grade students at Auburn Elementary in Avondale School District are participating in a reading initiative called The Golden Eagle Challenge and naming one book to receive their school’s highest honor.

The challenge requires students to read three of eight books chosen by their teachers and then cast a vote for their favorite read.

The eight-week reading program was launched during an assembly for the students featuring their teachers dressed for a red-carpet occasion and then showing of book trailers.

The books, “Hamster Princess” by Ursula Vernon, “El Deafo” by Cece Bell, “Get to Work Hercules” by Kate McMullen, “Stella by Starlight” by Sharon Draper, “Fish in a Tree” by Lynda Mullaly Hunt, “House Arrest” by K.A. Holt, “Who was Ghandi” by Dana Meachen Rau, and “I Survived Hurricane Katrina” by Lauren Tarshis were chosen by the upper-elementary teachers in the building and reflect a variety of student interests.

Over the next two months, teachers and students will provide reviews and recommendations during the morning announcement broadcast throughout the school. In addition, as part of the Book Club conversations, the students will be expected to summarize plot and discuss story elements and characters.

Funding for The Golden Eagle Challenge was provided by the Avondale Education Foundation (AEF). Auburn Elementary third grade teacher Lyn Moore wrote an AEF Dare to Dream grant to obtain the funding.

“We are so grateful for the support provided by the Foundation,” she said. “They recognize how the Challenge will help our elementary learners develop as lifelong readers.”

Submitted by Annette McAvoy

URL: http://www.theoaklandpress.com/lifestyle/20160516/auburn-elementary-students-take-on-reading-challenge

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http://www.theoaklandpress.com/lifestyle/20160516/auburn-elementary-students-take-on-r... 5/17/2016
POLICE BRIEFS

Crash closes Baldwin Road

No injuries were reported in a three-car crash which closed northbound Baldwin Road in Auburn Hills for approximately 45 minutes Sunday, May 8.

Three vehicles were traveling northbound in the right lane just south of Gallogly Road when the lead vehicle slowed for traffic, according to police.

The third vehicle did not stop in time, rear-ending the middle vehicle and forcing it into the vehicle at the front of the group.

Drugs and alcohol were not a factor in the crash, police said.

The road was closed beginning around 4:30 p.m. as crews worked to clear debris from the road. It was reopened around 5:15 p.m.

Fire reported outside Dollar General

Auburn Hills authorities are working to determine how storage racks caught fire outside a Dollar General store Sunday, May 8.

The fire, which occurred outside the store located at 645 South Opdyke Road, was reported around 6 p.m.

The business was open at the time of the incident, but no injuries were reported, according to Auburn Hills Fire Chief James Manning.

The Oakland County Sheriff's Office's Fire Investigations Unit is assisting with the investigation.

— Staff writer Paul Kampe

AUBURN HILLS

Man hit by vehicle outside Palace

A Pontiac man suffered non life-threatening injuries after being struck by a motorist while bicycling outside the Palace of Auburn Hills Thursday morning, according to police.

Auburn Hills Police Lt. Jill McDonnell said the man, 49, was riding northbound on the shoulder of southbound Lapeer Road around 8:30 a.m. when he was struck by a vehicle exiting the venue's parking lot.

Drugs and alcohol are not believed to be a factor in the collision, she added.

The man was transferred to an area hospital by fire department personnel.

With warming springtime temperatures, McDonnell noted the incident serves as a reminder for motorists to be mindful of pedestrians and bicyclists.

— Staff writer Paul Kampe

AUBURN HILLS

Morning crashes slow traffic near Palace

A three-vehicle crash slowed traffic on southbound Lapeer Road in front of the Palace of Auburn Hills Tuesday morning, according to police.

There were no injuries in the collision, which occurred just south of Harmon Road around 7:30 a.m.

Another crash involving a car and a semitruck occurred in the same area around 9:45 a.m.

No injuries were reported in the latter incident, either.

Police said crashes are common in that stretch of the road, also known as M-24, due to the high volume of traffic bound for nearby I-75.

— Staff writer Paul Kampe