

"Not yet approved"
**CITY OF AUBURN HILLS
PLANNING COMMISSION MEETING**

March 17, 2005

CALL TO ORDER: Chairperson Hurt-Mendyka called the meeting to order at 7:00 p.m.

ROLL CALL: Present. Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke
Absent. Luenberger
Also Present. City Planner Cohen, TIFA Chair Bennett
Guests 73

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

PERSON WISHING TO BE HEARD – none

Ms. Hurt-Mendyka stated recommendations from this meeting will be presented to the City Council at their April 4, 2005 meeting in the City Council Chambers.

PETITIONERS

Moved by Mr. Kresnak that item 2. SUB 01-01, Vinewood Creek Subdivision be the first item heard on the agenda.

Supported by Mr. Beidoun

VOTE: Yes: All

No: None

Motion Carried

SUB 01-01, Vinewood Creek Subdivision

(Sidwell Nos. 14-09-252-006 and 14-09-276-001)

Ms. Hurt-Mendyka presented the request to allow an extension of the Final Preliminary Plat and tree removal permit to facilitate the creation of a 10 lot single-family subdivision on a site zoned R-4, One-Family Residential district. The property is generally located south of Vinewood, between Joslyn Road and Hill Road.

Ms. Verbeke read into the record the following letter:

Feb. 28, 2005

1. *Immediate removal or repair of boarded up and abandoned house.*
2. *If Rick Hockenberry conveys the rights to Tom Haner, Ledgestone Development, then the new owners should be subject to current building restrictions, per property size, per dwelling.*
3. *No factory built homes, as they lower property values of existing homes.*
4. *No extension should be granted, 3 years is long enough.*
5. *Sumarizing this matter – we are totally against cluster housing and the privacy we now enjoy. Houses that are backing up the full length of our property creates an invasion of privacy.*
6. *We have complete respect for Rick Hockenberry and his family, we have known them for years. However, dragging his feet on the development of his property leaves us with concerns of what he is really trying to do.*

Don & Mary Nelson, 1130 Vinewood

Mr. Cohen reviewed his letter dated March 8, 2005 highlighting the following:

- *Mr. Rick Hockenberry, applicant, received tentative preliminary plat approval from the City Council on May 6, 2002. Final preliminary plat was approved April 7, 2003 and will expire April 7, 2005 per State law. A one year extension is being requested for the final preliminary plat approval to finalize the detailed engineering drawings and to install the infrastructure*

improvements on the site. The reason for the delay in completing the project was due to the unanticipated death of the applicant's father.

Mr. Hockenberry also noted he plans to sell the rights of the project to Tom Haner of Ledgestone Development, LLC.

- The Subdivision Plat Process steps are: 1. Tentative Preliminary Plat approval which is a conceptual drawing of the subdivision. 2. Final Preliminary Plat shows any changes required by outside reviewing agencies. 3. Engineering Drawings indicate how the streets, storm sewer, water mains and the sanitary sewer would be installed. 4. Final Plat shows the final surveyed drawings for the subdivision. These plans are also reviewed by various County and State agencies. When the final plat is approved by City Council, the developer can then begin to sell lots.
- The project meets all applicable City ordinance requirements.
- It is recommended by Staff that a one-year extension of the tree removal permit and final preliminary plat be approved.

Mr. Jim Butler, Professional Engineering, stated the engineering plans are currently being reviewed by the City's engineers, OHM. Mr. Butler was informed approval for those engineering drawings would be forthcoming in a few days. Next week, plans for the sanitary sewer and water will be submitted, as well as the soil erosion permit application.

Ms. Hurt-Mendykka questioned the plans for the boarded-up house; it has become a concern for the City.

Mr. Rick Hockenberry stated he planned to demolish the house this spring, as was the original intent. Mr. Hockenberry explained he had renters in the house and was finally able to evict them through a court order. Mr. Hockenberry stated the house demolition would be the first step in the land balancing.

Mr. Roger Ingeles, a partner of Mr. Hockenberry, explained he has received the necessary permits for demolition of the home; however, there are currently weight restrictions for the equipment that is needed to demolish the house. Once those weight restrictions have been lifted, demolition can begin.

Mr. Ron Usher, 1153 Vinewood, stated he lives directly across the street from the "eyesore" house. Mr. Usher stated that the renters left piles of trash in the garage and he is concerned with rodents that trash will invite. Mr. Usher is not in favor of the extension, since nothing has been done with the property since the initial approval. Mr. Usher is concerned with the length of time it will take to complete this project once it is started and questioned Mr. Hockenberry's ownership of the property.

Responding to Mr. Usher's questions and comments, Mr. Hockenberry stated he owns the property. Because of the unexpected death of his father, Mr. Hockenberry isn't interested any longer in continuing with this project.

Mr. Hockenberry concurred with Mr. Pierce, that if the extension is approved, the property would be sold and work would begin immediately.

Ms. Doyle didn't think it was necessary to wait for demolition of the house to remove the existing trash from the vacant house and garage. Mr. Hockenberry explained his intent was to remove everything at once; he currently keeps the garage door shut to keep rodents out. Mr. Hockenberry stated he would remove the trash right away and assured Ms. Doyle it would be removed before the end of next week.

Ms. Hurt-Mendykka reminded the Planning Commission this project met all ordinance requirements when first approved. The Master Plan was updated in 2002, after this request was approved. It will ultimately be the City Council's decision if the extension is granted.

Mr. Kresnak was concerned with the tree removal on the site and requested background information from the petitioner. Mr. Kresnak questioned manufactured homes for this project, and he was assured that type of housing was not approved for this project. Asking for clarification, Mr. Kresnak noted this was

previously two lots, now subdivided to support ten homes and a retention pond, Mr. Hockenberry concurred.

Mr. Butler referred Mr. Kresnak to the landscape plan to see where the 80 replacement trees, for the 51 removed will be located, noting many of the trees are dead. Responding to Mr. Kresnak, Mr. Butler stated the entire site size is 3.45 acres with individual lots being on average 7,452 sq. ft. and the smallest being 6,011 sq. ft. The new owner would be required to adhere to the approved preliminary site plan or to start completely over under the current zoning ordinance.

Ms. Verbeke requested clarification on who Delores was as indicated on the City Assessor's records. Mr. Hockenberry stated that was his mother and she has no involvement in this project. Mr. Hockenberry stated his father was a partner in this development, but since his father's death he has lost all interest in proceeding. Mr. Hockenberry stated the back portion of his mother's property is being sub-divided. Mr. Cohen explained the front portion of Mr. Hockenberry mother's lot will continue to be her home and back portion of the lot will be part of the project. The deed will not reflect the different ownerships until the final plat has been approved and deeded. Final plat approval does not occur until the entire infrastructure is completed. The development agreement will be submitted to the City prior to any home construction by the new developer.

Mr. Cohen confirmed for Mr. Kresnak that an irrevocable letter of credit in the amount of \$18,000 for the tree removal permit is on file with the City, and if the property is sold a new letter of credit by the new owner must be submitted.

Mr. Kresnak asked what options the Planning Commission had for extending this final preliminary plat approval. Mr. Cohen stated the staff recommendation is for one year, since the construction of the infrastructure will need the entire construction season for completion as well as all of the approvals from the state and county. However, Mr. Cohen stated the Planning Commission could decide on a lesser time.

Mr. Cohen stated Michigan law is very vague on the amount of time an extension may be granted.

Moved by Ms. Doyle contingent on the trash removal from the site by March 25, 2005 to recommend to the City Council approval of a one-year extension of the tree removal permit and final preliminary plat for SUB 01-01, Vinewood Creek Subdivision to allow the construction of a 10 lot subdivision on a site zoned R-4, One-Family Residential district. The approval shall expire on April 7, 2006. The site is generally located south of Vinewood, between Joslyn Road and Hill Road (Sidwell Nos. 14-09-252-006 and Part of 14-09-246-001). Supported by Mr. Beidoun.

Ms. Verbeke felt the extension should be reduced, this has been ongoing for three years and no progress has been made. Ms. Verbeke noted the petitioner appeals to the Planning Commission for extensions at the last minute of expiration times. Ms. Verbeke suggested an extension of six months, expiring in October.

Mr. Butler explained the plat approval process must be reviewed by the state and county, as well as the physical part of the construction. Mr. Butler stated the process is lengthy because of all the approvals that must be received; each stage of the plat process is reviewed at the discretion of each entity. Ms. Verbeke argued that this situation was self-created by the petitioner, if the choice had been to work with the City the project wouldn't have taken so long to complete. Mr. Butler stated six months could be enough time to install roads, water and sewers but the reviewing would not be completed by the state and county. No construction of homes can take place until approval has been received from the state and county.

Mr. Cohen strongly recommended a one year extension.

**VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce
No: Verbeke**

Motion Carried (6-1)

TA 05-06, Text Amendment to Zoning Ordinance No. 372 – Public Hearing

Ms. Hurt-Mendyk presented the request for approval for TA 05-06, Text Amendment to Zoning Ordinance No. 372, to create two new residential zoning districts called R-1B and R-1C in the Zoning Ordinance.

Ms. Verbeke read the following communications for the record:

Saturday, February 19, 2005, 4:13 p.m.

Mr. Steve Cohen,

My name is David A. Waggener, I live at 2356 Dexter, Auburn Hills. This e-mail is in regards to the rezoning changes the Auburn Hills Planning Commission proposed at the public meeting on Thursday, February 17th. The changes were said to be needed to preserve the existing lot sizes in the neighborhood between Walton Blvd. and University Drive and Allerton and Joswick. First thank you for bringing this to the neighborhoods attention. I David A. Waggener will back the Planning Commission 100 percent on any idea to preserve the large lot sizes in said neighborhood. Thanks again, and I will be there March 17th to further support you on the text amendment proposal for what I believe was said to be two new residential zoning districts.

Sincerely,

*David A. Waggener
Auburn Hills resident*

and

2/17/05

Attention Planning Commission

Jeff Swartz/Ann Marie Swartz

Rezone our areas to protect our current lot sizes.

2410 Snellbrook

Auburn Hills, MI 48316

Ann Marie Swartz

Jeff Swartz

And an anonymous letter:

Dear Neighbor,

The Auburn Hills City Council Planning Commission is currently in the process of rezoning your property. If, as homeowners, we do not stop this rezoning process, we will no longer have the right to resell our property to whomever you wish (including developers).

This rezoning is an infringement of your rights as a homeowner.

If you do not wish to have your rights taken away from you, please voice your concern by attending the next meeting Thursday, March 17th at 7:00 p.m., in the City Council Chambers, 1827 N. Squirrel Rd.

It is very important that you tell the Planning Commission to leave things just as they have been all these years. This will be the last chance you will have to stop the Planning Commission from doing as they please.

Your Attendance is Imperative!

Ms. Verbeke noted an error in the previous letter, stating the Planning Commission does not have the ability to take away the right of any property owner to sell their own property. This is to create new zoning districts.

Mr. Cohen reviewed his letter dated March 7, 2005 highlighting the following:

- *The purpose of the new zoning districts is to preserve the existing lot sizes in the Central City Neighborhood.*
- *This proposes to adopt two new residential districts - R-1B: minimum lot size 16,000 sq. ft./minimum lot width 70 ft. and R-1C: minimum lot size 12,000 sq. ft./minimum lot width 60 ft. The current zoning if R-2, allowing minimum lot size of 7,200 sq. ft./minimum lot width 60 ft.*
- *The impact of the change would protect the neighborhood from infill developments.*
- *The time frame for the proposed amendment would be completed and possibly adopted by City Council at their April 4th meeting; the Planning Commission will hold a public hearing on May 5th for the rezonings and forward to the City Council for approval at their May 16th or June 6th meeting.*

Mr. Cohen noted this item will move forward to City Council on April 4, 2005. If the City Council approves the new zoning districts, then the Planning Commission will proceed with rezoning the property. Letters will be mailed out to neighborhood residents. He stated the intent is not to take away property rights, even though with the rezoning some of those rights will be gone.

Ms. Hurt-Mendykya opened the public hearing at 7:50 p.m.

Mr. Scott Birchfield, 2104 Richwood, opposes the concept of the previous petitioner, Mr. Hockenberry. The lot sizes for those houses are 6,000 to 7,000 sq. ft. with 50 foot of frontage after combining two lots for a total of 3.45 acres.

Ms. Jeanette Alderman, 2056 Richwood, is happy with the pending rezoning of the neighborhood.

Mr. David Ward, 2416 Dexter agrees with the rezoning, to maintain the character of the neighborhood.

Ms. Hurt-Mendykya mentioned detailed notices would be sent to homeowners announcing the public hearing being held to rezone the neighborhood. The information will be available prior to the meeting in the Community Development Department.

In response to the questions regarding non-conforming lots Mr. Cohen explained it isn't unusual to have non-conforming lots in a city and will not have any affect on selling the property.

Ms. Hurt-Mendykya stated a property owner can apply for a property split prior to this item being approved by City Council.

Since there were no further questions, Ms. Hurt-Mendykya closed the public hearing at 8:02 p.m.

**Moved by Mr. Pierce to recommend to City Council approval of TA 05-06, to create two new residential zoning districts.
Supported by Mr. Ouellette.**

Mr. Cohen stated there are no lot splits currently being sought officially.

Mr. Pierce stated beside the reasons heard previously to maintain the lot sizes, he felt it was beneficial for the City to maintain large residential lots so the City has a variety of housing stock.

Ms. Doyle thanked the residents for participating in the meeting, noting it helps give direction to the Planning Commission. Ms. Doyle noted she was disappointed in the anonymous letter stating "this is the last chance to stop the Planning Commission from doing as they please". The goal of the Planning Commission is to make good decisions for Auburn Hills and it helps having input from residents.

Mr. Kresnak supports this amendment noting with such an outpouring of residential involvement it seems to be the right decision.

Ms. Hurt-Mendykya thanked the residents for their participation in this matter.

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke
No: None

Motion Carried (7-0)

Ms. Hurt-Mendyka took a brief recess and reconvened the meeting at 8:14 p.m.

SP 04-21, Auburn Business Park – Lot 2

(Sidwell No. 14-02-201-002)

Ms. Hurt-Mendyka presented the request for approval of a site plan to facilitate the construction of a 19,509 sq. ft. industrial building on property zoned I-1, Light Industrial district. The property is generally located north of Superior Court, east of M-24.

Mr. Cohen reviewed his letter dated March 8, 2005 recommending the following:

We are recommending 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 Superior Court.*
 - 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 37 total parking spaces are required and 45 parking spaces are depicted.*
4. *The parking layout meets minimum requirements and parking spaces are provided for the handicapped (two are required and two are provided). One handicapped space is van accessible.*
5. *Building, parking, and dumpster 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 wall-mounted lighting shall be shielded and directed downward. Lamp bulbs and lens shall 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. *All roof-mounted and ground-mounted mechanical equipment will be screened.*
13. *A note indicates that there will be no pallet storage, overnight vehicles, or trailer storage.*
14. *Parcel was legally created via City Council approval of SLU 00-02 and SP 00-07, Auburn Business Park on May 15, 2000.*
15. *The tree removal permit originally granted on May 15, 2000 will be completed as part of this project.*

Mr. Jared Roth explained this was the last site to be developed in his park, and this building would have a somewhat different look than the other buildings.

In response to Mr. Beidoun, Mr. Roth stated he didn't have a tenant currently signed, but was confident it would be occupied soon after construction. Mr. Roth explained that he finishes the exterior of the building but leaves the inside until he has a tenant. He stated this includes not pouring a concrete floor until he is sure of the floor plan the tenant wishes.

Mr. Roth assured Mr. Kresnak that there hasn't been any significant settling of the road because of the pre-condition of the property, nothing more than usual.

Responding to Ms. Doyle, Mr. Roth stated approximately 75% of his tenants are auto related businesses. Mr. Roth said the leases he has range from three years to 10 years.

Moved by Mr. Beidoun to recommend to City Council approval of SP 04-21, Auburn Business Park – Lot 2, to allow the construction of a 19,509 sq. ft. industrial building on property zoned I-1, Light Industrial district. The property is generally located east of M-24, north of Superior Court (Sidwell N. 14-02-201-002). This is to include the discretionary findings of fact found in Mr. Cohen's letter dated February 23, 2005 and all applicable City consultants and agencies.

Supported by Ms. Verbeke

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke

No: None

Motion Carried (7-0)

SP 05-03, Palace of Auburn Hills – Building Addition, Public Hearing for Tree Removal Permit

(Sidwell No. 14-02-300-021)

Ms. Hurt-Mendyka presented the request to approve a site plan and tree removal permit to facilitate the construction of a 59,905 sq. ft. building addition on a site zoned I-2, General Industrial district. The property is located at 4 Championship Drive.

Mr. Cohen reviewed his letter dated March 8, 2005, with the following recommendations:

We are recommending 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 Harmon Road and M-24.*
 - 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 arena's seating, 8,000 total parking spaces are required and 9,096 parking spaces are depicted. The new addition will have a nominal effect on parking due to the fact that patrons need a ticket to enter the facility.*
4. *The plan exceeds handicapped parking space requirements:*
 - *Required: 101 spaces with 17 of those spaces being van accessible*
 - *Provided: 129 spaces with 59 of those spaces being 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 that exterior lighting shall meet the requirements of Zoning Ordinance No. 372.*
10. *A note indicates that new 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. *The Police Department continues to not recommend the installation of eight foot pathways along Harmon Road and M-24 due to pedestrian/vehicle conflict concerns.*
15. *A tree removal permit is required for this project due to the proposed transplanting of trees.*
 - *Forty-three landscaped trees are proposed to be temporarily removed due to construction and will be transplanted planted back in the same area when the project is completed.*
 - *Nine trees are proposed to be removed where the building addition will be placed. The applicant proposes not to replace those trees and pay \$3,150 into the City's Tree Fund (Nine trees x \$350 per tree).*

Mr. David Richards, architect, explained the proposed 60,000 sq. ft. addition is located at the northwest corner of the Palace. The addition will be three levels, two levels above the ground and one below ground. The addition will be constructed in a diagonal pattern of glass, similar to the current Palace exterior design. The purpose of the addition is to enhance the amenities and facilities available. The grade level, which would be concourse level would have the entrance as well as concessions, the upper level would be a club restaurant that would seat approximately 600 people and the lower level would be suites. The lower level suites would also have a private club for those suite holders and their guests. The suites would not have a view of the arena floor, there would be assigned seats for those suites.

Ms. Hurt-Mendyka opened the public hearing at 8:27 p.m.

Mr. Richards noted the lower suites are quite popular and successful in the six or so other arenas that have them. Mr. Richards stated these suites would have similar services as the others in the building and lease arrangements would also be similar to the existing suites. The commons area would include a fireplace, pool tables and a large screen colored TV.

Ms. Doyle questioned why pathways are discouraged from being constructed at the Palace. Mr. Cohen explained walkways have always been a concern of the Police department along Lapeer Road in front of the Palace and Harmon Road to the north of the Palace. The Palace is a self-contained type of facility, unlike the Silverdome where parking was necessary off-site. The main concern is pedestrians crossing Lapeer Road and pick-up points for patrons who have been dropped off, thus creating traffic jams. One other factor is there is no place for a pathway to continue south on Lapeer Road because of the on-ramp for I-75. If there was a pathway installed along Lapeer Road, it would most likely be on the east side of the road. Police consultation would be required to proceed with any type of pathway construction in that area.

Mr. Kresnak was concerned with the light visibility from the new addition and if the brightness would hamper traffic along I-75. Mr. Richards stated the visibility from I-75 is not very good and the lights will only be on during event time.

Mr. Richards assured Mr. Ouellette there is sufficient parking to accommodate this addition. Mr. Ouellette asked about the gravel parking on the front side of the Palace. Mr. Cohen explained that was over-flow parking to accommodate all of the extra media that was in town for the basketball play-off games. This was a temporary parking lot approved by the previous City Manager. Mr. Richards stated the gravel lot is now being used for employee parking. Ms. Hurt-Mendyka questioned if the gravel parking lot should be upgraded since it is being used on a regular basis. Mr. Cohen stated that issue should be discussed with the City Manager, however, improving the parking lot will increase the impervious surface and it might be better to leave it as gravel to absorb the water instead of run-off. Ms. Hurt-Mendyka commented the ground absorption would be of contaminated water from all of the cars. Mr. Cohen suggested investigating another type of solution, with so many new green possibilities. Mr. Cohen stated he would have an answer prior to the City Council meeting.

Mr. Beidoun requested something be done with the brightness of the Palace sign along I-75. **Mr. Jim Summers**, vice president of operations, suggested spreading out the letters on the sign making less of an impact on the brightness. Mr. Cohen stated he would work with Mr. Summers on a solution.

Responding to Ms. Hurt-Mendyka's concern regarding homeland security measures, **Mr. Chip Robinson**, event operations, explained traffic patterns flow from the north drive and the Harmon drive to the back lot

and fill in forward. The VIP parking provides a natural barricade, but nothing is actually barricaded. Handicap patrons can be dropped off near the door, but generally all traffic is funneled to the back.

Ms. Verbeke questioned the handicapped seating inside the arena. Mr. Robinson replied any problems should be directed to him and he will work with that individual.

Responding to Ms. Hurt-Mendyk, Mr. Robinson stated the general rule is patrons are allowed to stay in their suites for approximately an hour after the event. This policy will hold true for the new suites as well.

Ms. Liz Dueweke, Oakland Post reporter, asked the following:

- What is the estimated cost of the project.
- How is the project going to be paid for, will there be a price increase.
- When will construction start and how long will it take.
- Will the construction interfere with events.
- The Palace has been voted arena of the year eight times, why is it necessary to expand the building.

Mr. Robinson replied to Ms. Dueweke's questions:

- The construction cost is estimated to be \$12 million.
- The project is private development and will be paid for by Palace Sport and Entertainment.
- Construction time frame should take about one year, beginning as soon as possible.
- Impact should be minimal on current events.
- There will be no direct cost impact on patrons.
- In an effort to continue to be competitive and continue to be arena of the year, there is the need to provide better amenities for the patrons.

Responding to Mr. Pierce, Mr. Robinson stated most of the construction will take place in the arena roadway, and not eliminate many parking spaces.

Since there were no further questions, Ms. Hurt-Mendyk closed the public hearing at 8:55 p.m.

Moved by Ms. Doyle to recommend to City Council approval of the site plan and tree removal permit for SP 05-03, Palace of Auburn Hills – Building Addition to allow the construction of a 59,905 sq. ft. addition on a site zoned I-2, General Industrial district. The property is located at 4 Championship Drive (Sidwell No. 14-02-300-021). This is to include the discretionary findings of fact found in Mr. Cohen's letter dated March 8, 2005 and all applicable City consultants and agencies.

Supported by Mr. Kresnak

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyk, Kresnak, Ouellette, Pierce, Verbeke

No: None

Motion Carried (7-0)

SP 05-05 and Special Land Use 05-03, Fred's Shopping Center – Public Hearing for Tree Removal Permit

(Sidwell Nos. 14-14-151-042, 14-14-151-043, and 14-14-151-044)

Ms. Hurt-Mendyk presented the request for approval of a special land use permit and site plan to facilitate the construction of a gas station and 10,134 sq. ft. shopping center on a site zoned B-2, General Business district. The property is generally located at the northwest corner of Pontiac Road and Opdyke Road.

Mr. Cohen reviewed his SLU 05-03 letter dated March 10, 2005 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 use will promote the purpose and intent of Zoning Ordinance No. 372.
5. 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.
6. The applicable requirements of Section 902, Item 19 of Zoning Ordinance No. 372 will be met.

Mr. Cohen reviewed his SP 05-05 letter dated March 10, 2005 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 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 Pontiac Road and Opdyke Road.
Note: Left turns out of the site from Opdyke Road shall be prohibited per Police Department review.
 - 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 65 total parking spaces are required and 67 parking spaces are depicted.
4. The parking layout meets minimum requirements and parking spaces are provided for the handicapped (Three are required and three are provided). One handicapped space is van accessible.
5. Building and parking setback requirements will be met. The applicant is commended for setting his buildings back from the future R.O.W line. The applicant has also indicated that he will work with the City Manager on an agreement to provide the future right-of-way.
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 that exterior lighting shall meet the requirements of Zoning Ordinance No. 372. Lamp bulbs and lens shall not extend below the light fixture shields. Light poles shall not be taller than the buildings.
Note: The applicant is aware of the following zoning restrictions for gas station lighting:
 - Light fixtures mounted on canopies shall be recessed or flush with the bottom of the canopy. Where a drop-down fixture is used, the lens shall be flush with the casing so that light is directed down and not sideways. Fixtures shall not be mounted on the top or sides of canopies.
 - The illumination of canopy sides is prohibited
10. A note indicates that new signs shall meet the requirements of Zoning Ordinance No. 372. The applicant proposes a low-profile sign (approximately 7½ feet tall) on Opdyke Road.
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. The applicant is aware that vending machines, ice machines, public phones, or merchandise shall not be placed outside of the building.
14. An eight foot pathway along Opdyke Road is shown on the plan to be installed. No pathway is required along Pontiac Road in this location per the City's Pathway Master Plan.
15. An administrative tree removal permit is required for this project. Seven protected trees will be removed and 32 replacement trees are proposed.

ADDITIONAL COMMENTS:

1. Site Plan approval shall be subject to City Council approval of the special land use permit for the gas station.
2. Site Plan approval shall be subject to land combination approval by the City Assessor's Office.
3. The gas station building needs to be redesigned to have a cylinder rear wall to accommodate the required fire truck turning radius. The applicant has agreed to address the issue.

Mr. Hussein Bakri explained they didn't want a straight line of buildings; they wanted to give the shopping center a more interesting look and that is why it's been curved. Mr. Bakri stated working with Mr. Cohen was both a pleasure and informative.

Ms. Hurt-Mendyka opened the public hearing at 9:02 p.m.

Ms. Verbeke asked about the façade materials. Mr. Bakri stated the buildings will be brick; however, the gas station will also have some steel on the upper half, supporting the windows. The brick color is between and brown and a gray color, with the building having a modern/contemporary look.

Mr. Beidoun asked if the no left turn onto Opdyke Road, as suggested by the Police, can be enforced. Mr. Cohen explained the sign is there as a directional submission, and only enforced by the Police if there is a traffic control order approved by City Council.

Mr. Bakri suggested gas deliveries be made at off hours to address Mr. Beidoun's concern that a gas truck could possibly block parked cars from leaving.

Ms. Doyle suggested that pathways be considered along Pontiac Road, since this new shopping center will have different types of shops. Mr. Cohen stated a pathway was initially included on the site plan; however it was requested that the pathway be removed. The pathway master plan does not include a pathway for that area because of the topography and there is no connection to the west. The Planning Commission recommended the pathway be placed on the plan.

Mr. Ouellette asked what the main sign would include. Mr. Bakri stated the gas station will have its own sign; the main sign will be for the tenants of the strip mall. The sign will be a monument sign, not a pole sign. The lot lighting will aim downward, with six-inch lights pointing upwards on the sign strictly as decorative lighting.

Mr. Bakri stated he has no agreements with any tenants at this time. The size of each retail store-front can be adapted for a tenants needs, but the exterior will remain the same.

There will be parking behind the building for some of the employees and additional employee parking out front.

Mr. Ouellette suggested the cross-easement become part of the site plan approval. Mr. Cohen stated the applicant has agreed to provide the cross access.

Responding to Mr. Kresnak, Mr. Bakri stated he isn't aware of any environmental issues with the site and the canopy clearance is adequate to accommodate a tanker truck. Regarding an accidental spill, Mr. Kresnak asked what safety measures are in place. Mr. Cohen stated it would probably be a vortex chamber, but that will be addressed in the detailed engineering drawing that will be carefully reviewed by

OHM. Mr. Kresnak asked that the turning radius be reviewed for tankers turning left into the site from Opdyke Road. Mr. Bakri stated that item will be addressed and they will abide by what the City suggests.

Ms. Verbeke questioned the home that is located on the site. Mr. Cohen stated that home was removed and there are no homes on the site. Ms. Verbeke wanted to make sure trash pick-up didn't occur prior to 7:00 a.m. as required in the Zoning Ordinance, because of the residential homes in the area.

Ms. Hurt-Mendyka requested that no-parking be posted in front of the doors of the gas station, either by signage or with striping.

Mr. David Lonier, 1842 Commonwealth, is not pleased with a gas station being built so close to his home, since there are a number of stations in the area. He is concerned with contamination affecting his well water that he uses to water his vegetable gardens.

Mr. Kresnak stated Auburn Hills requires double-walled tanks as well monitoring devices, which are extremely sensitive.

Since there were no further comments, Ms. Hurt-Mendyka closed the public hearing at 9:33 p.m.

Moved by Mr. Beidoun to recommend to City Council approval of the site plan and special land use permit for SP 05-05 and SLU 05-03, Fred's Shopping Center, to allow the construction of a 10,134 sq. ft shopping center and associated gas station on a site zoned B-2, General Business district. The property is generally located at the northwest corner of Opdyke Road and Pontiac Road (Sidwell Nos. 14-14-151-042, 14-14-151-043 and 14-14-151-044). This approval is contingent upon the following being included on the site plan: a vortex or another system approved by OHM, the turning radius into the site, the sign, the cross easement, no parking sign/hash marks, no trash pick-up prior to 7:00 a.m. This is to include the discretionary findings of fact found in Mr. Cohen's letters dated March 10, 2005 and all applicable City consultants and agencies.

Supported by Ms. Doyle

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke

No: None

Motion Carried (7-0)

SP 05-06, Eagle Ottawa and BK North Buildings – Public Hearing for Tree Removal Permit

(Sidwell Nos. 14-13-301-008 and 14-13-301-011)

Ms. Hurt-Mendyka presented the request for approval of a site plan and tree removal permit to facilitate the construction of two office/high-tech buildings on a site zoned T&R, Technology and Research district. The property is generally located south of University Drive, west of Pond Run.

Mr. Cohen reviewed his letter dated March 9, 2005 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 Pond Run.*
 - 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 useable floor area, both buildings will meet minimum parking space count requirements:*
 - *Eagle Ottawa Building (118 total parking spaces are required and 134 parking spaces are provided)*
 - *BK North Building (112 total parking spaces are required and 112 parking spaces are provided)*
 4. *The parking layout meets minimum requirements and parking spaces are provided for the handicapped:*
 - *Eagle Ottawa Building (Five are required and five are provided). Two handicapped spaces are van accessible.*
 - *BK North Building (5 are required and 5 are provided). One handicapped 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 that exterior lighting shall meet the requirements of Zoning Ordinance No. 372.*
 10. *A note indicates that new signs shall meet the requirements of Zoning Ordinance No. 372. The applicant proposes to install monument signs.*
 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. *The eight foot pathway along University Drive has already been installed.*
 15. *A tree removal permit is required for this project. 73 protected trees will be removed and 90 replacement trees are proposed.*

ADDITIONAL COMMENTS:

1. *Site Plan approval shall be subject to land exchange approval.*

Ms. Hurt-Mendyka opened the public hearing at 9:42p.m.

Mr. Marlin Wroubel, Burton Katzman, explained these buildings would be built simultaneously and the Citizens Bank building construction will also be under construction at the same time. Mr. Wroubel stated Eagle Ottawa is the largest leather supplier for automobile interiors in the world. They will be moving from their Rochester Hills location to Auburn Hills. The two, two-story buildings will have a façade of brick, split block and drivet. The second building is currently a spec building.

Responding to Ms. Verbeke's wetland concerns, Mr. Butler stated there is a 25 foot buffer around the wetland and will be planted with natural grasses and other native seeds. Storm water run-off will pass through a sedimentation basin and discharge into the existing wetland, and proceed into Galloway Creek.

Mr. Wroubel stated at the request of Ms. Hurt-Mendyka, customized shielding is being made for the existing lights on Pond Run.

Mr. Butler stated the plans will reflect the changes in the boulevard and cul-de-sac as requested by the Fire Department and Police Department. There will be one exit onto University Drive from this development and another access out to Cross Creek Parkway.

Since there were no further questions, Ms. Hurt-Mendyka closed the public hearing at 9:56 p.m.

Moved by Ms. Verbeke to recommend to City Council approval of the site plan and tree removal permit for SP 05-06, Eagle Ottawa/BK North Buildings to facilitate the construction of two office/high-tech buildings on a site zoned T&R, Technology and Research district. The property is generally located south of University Drive, west of Pond Run (Sidwell No. 14-13-301-008 and 011).

This is to include the discretionary findings of fact found in Mr. Cohen's letter dated March 10, 2005 and all applicable City consultants and agencies.

Supported by Ms. Doyle

VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke

No: None

Motion Carried (7-0)

SP 05-07, Pontiac Equity Partners Development – Public Hearing for Tree Removal Permit

(Sidwell Nos. 14-14-176-006 and 14-14-177-001)

Ms. Hurt-Mendyka presented the request to approve a site plan and tree removal permit to facilitate the construction of a 27,312 sq. ft. office/high-tech building on a site zoned T&R, Technology and Research district. The property is generally located north of Pontiac Road, between Opdyke Road and I-75.

Mr. Cohen reviewed his letter dated March 10, 2005 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 Pontiac Road.*
 - C) *Traffic circulation features within the site, and the location of parking areas, avoid common traffic problems and can promote safety. A two-drive, one-way circulation design is proposed around the site for better Fire Department and semi-truck access.*
 - 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 85 total parking spaces are required and 85 parking spaces are depicted.*
4. *The parking layout meets minimum requirements and parking spaces are provided for the handicapped (Four are required and four are provided). One handicapped 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 that exterior lighting shall meet the requirements of Zoning Ordinance No. 372.*
10. *A note indicates that new 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. *An eight foot pathway along Pontiac Road is shown on the plan to be installed.*
15. *A tree removal permit is required for this project. Fifteen protected trees will be removed and 35 replacement trees are proposed.*

ADDITIONAL COMMENTS:

1. *Site Plan approval shall be subject to land combination approval by the City Assessor's Office.*

Ms. Hurt-Mendyka opened the public hearing at 10:02 p.m.

Mr. Jeff Hauswirth, Pontiac Road Equity Partners Development, stated they are proposing to build a 27,312 sq. ft. building, with 14,000 sq. ft. of the building to be office space and the remaining area is light industrial. Mr. Hauswirth noted the building is an all brick and block building and screening for the roof mechanical units. With I-75 crossing over Pontiac Road, they will do their best to screen the roof mechanical units from I-75 view.

Replying to Mr. Ouellette, Mr. Hauswirth stated there are no tenants for the back portion of the building. Mr. Hauswirth explained, unlike Mr. Roth, these units are generally leased to other type businesses than automotive related businesses. The tenants generally are non-machinery/non-manufacturing; they would more likely be a pharmaceutical distributor; quality control inspectors, or training companies. The office size Mr. Hauswirth has found to be the most requested is generally 4,000 to 5,000 sq. ft.

Since there were no further questions, Ms. Hurt-Mendykya closed the public hearing at 10:11 p.m.

Moved by Mr. Kresnak to recommend to City Council approval of the site plan and tree removal permit for SP 05-07, Pontiac Road Equity Partners Development to allow the construction of a 27,312 sq. ft. office/high-tech building on property zoned T&R, Technology and Research district. The property is generally located north of Pontiac Road, between Opdyke Road and I-75 (Sidwell Nos. 14-14-176-006 and 14-14-177-001). This is to include the discretionary findings of fact found in Mr. Cohen's letter dated March 10, 2005 and all applicable City consultants and agencies.

Supported by Ms. Verbeke

VOTE: Yes: Beidoun, Doyle, Hurt-Mendykya, Kresnak, Ouellette, Pierce, Verbeke

No: None

Motion Carried (7-0)

Special Land Use 05-04, Verizon Wireless Co-Location (Holiday Inn)

(Sidwell No. 14-23-126-010)

Ms. Hurt-Mendykya presented the request to approve a special land use permit to facilitate the co-location of a wireless communication facility on a site zoned B-2, General Business district. The property is located at 1500 N. Opdyke Road.

Mr. Cohen reviewed his letter dated March 10, 2005 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 use will promote the purpose and intent of Zoning Ordinance No. 372.*
- 5. 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.*
- 6. The applicable requirements of Section 1832 of Zoning Ordinance No. 372 will be met.*
Note: The antennas will be painted to match the building and the equipment will be located within the penthouse.

Ms. Sherry Andrews, Verizon Wireless, stated the new antenna is proposed for the penthouse roof of the Holiday Inn. The equipment supporting the antenna will be housed in the penthouse.

Moved by Mr. Ouellette to recommend to City Council approval of Special Land Use 05-04, Verizon Wireless Co-Location (Holiday Inn) to facilitate the co-location of wireless communication antennas on the penthouse of the Holiday Inn hotel, which is zoned B-2, General Business. The property is located at 1500 N. Opdyke Road (Sidwell No. 14-23-126-010). This is to include the discretionary findings of fact found in Mr. Cohen's letter dated March 10, 2005.

Supported by Ms. Doyle

**VOTE: Yes: Beidoun, Doyle, Hurt-Mendyka, Kresnak, Ouellette, Pierce, Verbeke
No: None**

Motion Carried (7-0)

TA 05-05, Text Amendment to Zoning Ordinance No. 372

Item tabled at the February 3, 2005 Planning Commission meeting.

Motion to withdraw proposed amendment to Section 1813. Storage of Vehicles, Machinery, and Like Items.

Responding to Ms. Verbeke, Mr. Cohen stated this item must be discussed with the City Manager and the new Code Enforcement Officer. Once that has been done, the item will be brought back to the Planning Commission and discussed during a study meeting.

Moved by Mr. Beidoun to withdraw TA 05-05, regarding Section 1813. Storage of Vehicles, Machinery, and Like Items.

Supported by Ms. Doyle

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

Motion Carried

APPROVAL OF PREVIOUS MINUTES

Moved by Ms. Verbeke to approve the minutes for the January 27, 2005 Joint Environmental Review Board/Planning Commission Meeting, February 3, 2005 Planning Commission Meeting, and February 17, 2005 Planning Commission Meeting. Ms. Verbeke requested the Old Business portion of the February 3, 2005 minutes reflect she was speaking in regards to the Central City Neighborhood and approve the other minutes as submitted.

Supported by

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

Motion Carried

COMMUNICATIONS

Plans to Honor former Planning Commission Ted McKissack

It was decided that Mr. McKissack be honored at the joint Environmental Review Board/Planning Commission pot luck on April 28, 2005.

Staff Update Regarding Auburn Financial Center PUD and Auburn Hills Community Center

Anticipated Planning Commission review on April 7th for the Auburn Financial Center PUD and the Auburn Hills Community Center.

Auburn Financial Center is planning to hold another meeting for area residents. Ms. Doyle stated there were very few residents that attended, stating Friday evening was not a good choice for a meeting. Many residents felt the meeting was set for a Friday evening to intentionally limit the number of participants. However, there weren't any objections by the residents that did attend.

Baker College may also be on the April 7th.

Mr. Cohen stated he has a conflict with the May 19th meeting and requested the meeting be moved to either Tuesday, May 17th, or the following Thursday, May 26th. The issue will be addressed at the April 7th meeting.

May 5th meeting will be the Central City Neighborhood rezoning.

Discussion Regarding New Agenda Format, New Packet Format and 11x17 Site Plans

Mr. Cohen has stated the Planning Commission will now be using the same agenda format as the City Council.

After a brief discussion the following points were made with respects to 11 x 17 Site Plans:

- The 11x17 site plans are very difficult to read and even more so when the applicant does not bring in the big site plan presentation. The Planning Commission instructed Mr. Cohen to make sure the petitioners are aware that if a presentation is not available, then the item will be tabled.
- Mr. Cohen stated presentations will be electronic once the meetings are conducted in the new City Council chambers and should eliminate many of the problems.
- The Planning Commissioners were in agreement that Mr. Cohen use his discretion for which site plans be scaled down to 11x17 and which should not.

Mr. Kresnak stated it was a shame that the last petitioner sat through the entire meeting when her petition was so cut and dry. The Planning Commission asked Mr. Cohen to draft an amendment to the Zoning Ordinance that co-locations such as this evenings and similar, proceed with an administrative review.

OLD BUSINESS - none

NEW BUSINESS

Mr. Cohen explained there is a developer that would like to pursue a residential development on Baldwin Road, north of Collier Road. The problem is the area is not zoned for residential though the proposal is for a PUD. Mr. Cohen suggested the Planning Commissioners think about it, indicating no decisions need to be made now and could be discussed at a later date.

ANNOUNCEMENT OF NEXT MEETING - The next regularly scheduled meeting is April 7, 2005.

ADJOURNMENT

There being no objections the meeting was adjourned at 10:43 p.m.

Kathleen Novak
Records Retention Clerk

O:clerks/PLANNING COMMISSION/2005/031705