

~~recommends approval of an Extension of Tentative Approval of Preliminary Plat until April 20, 2007 for Grace Parc Subdivision.~~

~~This matter was Recommended for Approval to the City Council Regular Meeting. The motion carried.~~

Site Plan Approval Request - Madison Park - City File No. 03-023 - A proposed mixed-use development to be located at the former Suburban Softball site on the south side of Hamlin Road, east of Adams, zoned by Consent Judgment, Parcel Nos. 15-29-151-008, 15-29-151-011, 15-29-151-012, 15-29-151-015, 15-29-151-017, 15-29-176-004, and -006, REI Brownstown, LLC, applicant.

(Reference: Staff Report prepared by Derek Delacourt, dated July 18, 2006, had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Todd Fink, Jon Weaver, and Richard Zanotti, and Bob Carson, REI Brownstown, LLC, 40900 Woodward Ave., Suite 130, Bloomfield Hills, MI 48304; Jim Valenta, Midwestern Consulting, 7478 Gateway Park Drive, Clarkston, MI 48346; John Freeland, Wah Yee Associates, 37911 West Twelve Mile Road, Farmington Hills, MI 48331; Jane Tesner Kleiner, Michelle Post and Dr. Donald Tilton, ETC, Environmental Consulting & Technology, Inc., 501 Avis Dr., Ste. 5C, Ann Arbor, MI 48108.

Chairperson Boswell stated that it was 7:40 p.m. and his intention was to finish the matter by 10:30 p.m. It was his understanding that the applicant would give an overview of the project, which would be followed by more specific discussion.

Mr. Delacourt noted that the Planning Commission had discussed the project, proposed on Hamlin Road, just east of the new Adams Road interchange, once previously. The project had been approved for use with Development Zones through a Consent Judgment entered into with the City several years ago. He advised that the Site Plan had been through several technical reviews and the components included above ground development, improvements to Riverbend Park as defined in the Consent, and a proposed relocation of the Clinton River Trail. The applicant was requesting approval of the first phase of the development, which encompassed most of the Retail Zones, leaving the rest of the site as office, research and technology and a hotel use. He pointed out that the Staff Report had a lot of information and conditions attached to the potential motions, and that there were many issues remaining. Staff felt it was important to seek input from the Planning Commission and City Council before resolving a lot of the Site Plan issues.

Chairperson Boswell outlined that there were 37 conditions, and asked for clarification about the review and approval process, noting that some required Final Staff Approval and some required Planning Commission

recommendation and City Council approval.

Mr. Delacourt advised that Staff did not consider a Site Plan approved until all conditions attached to it were addressed. In the instance of the subject development, there were normal technical issues associated that in the past, the Commission had allowed Staff to review. In other instances, Staff did not feel it appropriate to do a review and Final Approval and would bring the item back to the Commission for approval.

Chairperson Boswell indicated that in the past, if something had to come back before the board(s), the Commission had seen a completed Site Plan. They might have required something, which would be completed prior to the meeting. He asked what the next step would be if the Commission approved the proposed Site Plan, explaining that the applicants would have to come back with certain aspects that might or might not be accepted. He asked what would happen if they were not accepted at that point.

Mr. Delacourt expressed that Staff was very confident the conditions attached would not have an impact on the layout, design, footprints, parking, dimensional requirements of the Ordinance or the Consent. The elevations were separate from the basic design of the site, and the elevations could be prepared without an impact on it. The approved remediation plan from the DEQ might or might not have an impact and if it did, a Revised Site Plan would have to be prepared. He added that if any of the conditions had an impact to the design or dimensional requirements, the Plan would have to come back. He stressed that the Planning Commission had to be comfortable moving the Plan forward, and regardless of whether they decided to take action, Staff would like comments. He noted that Staff had recommended postponing taking action on the Tree Removal Permit because of the timing of the Trail relocation.

Mr. Weaver stated that they were at the meeting to request approval of their Site Plan, contingent upon the items Mr. Delacourt discussed. He continued that since the time they were before the Commission a year ago, they had worked very closely with City Staff. They had gone through six technical reviews, to refine and complete the Plan, and addressed issues that were not in the Consent Judgment. They appreciated the chance to be in front of the Commission, and he hoped everyone would feel comfortable with the Plan. He acknowledged the Plan was a little different, because it did not focus on just one aspect of the development; it focused on the entire commercial development that was approved pursuant to the Consent Judgment. Because of the nature of the commercial there were a lot of things that could not be put on the Site Plan - they might get users according to the market - and he

indicated that they might be before the Commission again to change elevations.

Mr. Weaver related that the Site Plan was made of two separate components. One was a large-format anchor, which was along the eastern boundary and the second was a series of out parcels and multi-tenant buildings along Hamlin. The Riverbend Park portion was to the north, and they would discuss the future Rails to Trails realignment they were asked to provide. He advised that the realignment was attributed to a future phase, although it was mentioned in the Site Plan motion, and it was driven by the user of the future phase. It could stay in its current configuration, but they wanted to show that it could be realigned, if necessary.

Mr. Weaver advised that they wanted to pay special attention to the experience along Hamlin Road. They designed a crescent of multi-tenant buildings, which would serve as an intermediary development zone between the larger format retail and the future office and recreational aspects. They would all be inter-related and have to work together. They designed pedestrian-oriented buildings, which would serve as a linkage to the people using the existing non-motorized pathway system in the community. It would be a stop for people and would interact with the Park to the north. To the degree that the Plan related to the Consent, the commercial square footage was less than what was allowed, and the materials and standards incorporated into the Plan met or exceeded the requirements of the Consent. They were very careful to make sure they complied with all of the requirements and regulations that governed them and the City. He asked the Commission for a recommendation of approval so they could move forward to City Council. He introduced Mr. Jim Valenta, a Traffic Engineer at Midwestern Consulting.

Mr. Valenta provided power point simulation models for traffic for Hamlin and the intersection of Hamlin and Adams, acknowledging that traffic was a major concern. He advised that Madison Park would be the center of four major corridors of the City and the County, including M-59 and the new Adams Road under construction. He explained that they went through several iterations with Staff and the engineering consultants. They looked at existing traffic volumes to identify problems and the background growth rates (2.8% per year) to the culmination of phase one. He zeroed in on areas of concerns and showed the operation of the intersection of Adams and Hamlin roads during the morning rush hour. They had counted the vehicles and noted the signal timings. They looked at the existing turnarounds along Hamlin and the left turn volumes. They verified traffic backups without Madison Park development. There were issues at the Crooks and Hamlin intersection

and a need to do something different there. The eastbound afternoon traffic was more severe than in the morning, and anything developed in the area would have to be treated with transportation improvements. He stated that they must assure safe movement; preserve the capacity in the corridors at the intersections by making needed improvements, and give adequate and flexible access to the Madison Park site.

Mr. Valenta showed how they generated new trips that would be associated with the proposal. They used processes endorsed by Staff, HRC (engineering consultants) and the Institute of Transportation Engineers by generating trips and distributing them according to normal procedures done in traffic studies. He advised that there would be four accesses to the development, labeled as A, B, C, and D. Access D was intended for delivery and employee use only, and would be right turn in and out only, and heavy trucks would be directed to Crooks Road and to M-59. He showed improvements that would be needed to make the morning rush hour function well along Hamlin. No changes were made to the first changes east of Adams. There would be a new signalized turnaround east of that, about halfway between Access A and B. Access A and B would be right turns in and out also. There would be an additional lane for those turns that would terminate at Access B. He noted there was concern about pedestrian access into the Park, and a push button controlled cross walk was shown. Pedestrians could cross safely, and travel diagonally on a paved route to the next traffic signal, where they could obtain access into the Park. That route would ultimately connect to the south with the Trail. They proposed another turnaround beyond the eastern part of the property to get people who wanted to travel down Hamlin out of the site and west to Adams. He reminded that many of the sites in Madison Park would not be occupied in the morning rush hour - from 7:00 a.m. until 8:00 a.m.

Mr. Valenta stressed that the critical time would be from 5:00 p.m. to 6:00 p.m. because there would be a lot more traffic from Madison Park. There would be significant northbound traffic on Adams and a heavy right turn volume. They were not able to completely solve the traffic backup problem at Crooks Road, but there would be some choices that could be made in the future to get acceptable operations at the Crooks intersection. Those included additional through lanes and rephrasing the traffic signals as needed. He indicated that they had worked very hard with Staff.

Mr. Kaltsounis noted that for some past developments, traffic rates had been done during the summer and sometimes during a holiday. He asked when the data received from the County had been gathered. Mr. Valenta advised that they took it themselves, in the fall of 2004, during the week when school was in session, and they counted every

intersection and every existing turnaround.

Mr. Yukon referred to the entrance farthest east and asked if it would be for deliveries only or if other people could access the site through it. Mr. Valenta said it would not be restricted, but noted that for general retail use, the attractive places would be in front of the stores.

Mr. Hooper asked if the improvements at Crooks and Hamlin were reflected on the Plan. Mr. Valenta said they were considered to be offsite and were not part of the Plan. The plans for that intersection were being discussed between the County and the City, but the developer did not know the long range plans for the community. Mr. Hooper asked what improvements shown on the model would be included. Mr. Valenta advised that they were included in a letter he wrote to the City, but explained that they would add a third lane on Hamlin, from Adams eastward through Access B and they would remove the existing turnaround that was not really used and relocate it, along with a traffic signal, to the east. They would remove another turnaround and relocate it with a signal east by the entrance to the Park and close another turnaround and build one with a signal east of that. Mr. Weaver added that had worked very diligently with Staff and the consultants, and he felt they had resolved the issues and had made great strides, offering substantial improvements to Hamlin.

Mr. Zanotti introduced the environmental consultants for the project, Ms. Kleiner, Dr. Tilton and Ms. Post, who started studying Riverbend Park last fall. They were asked to do an evaluation, because of concerns by the Clinton River Watershed Council (CRWC) and the citizens, of the quality of the Park as it related to the Clinton River watershed and the River. The Park had a high quality of wetland area, and because of the Consent and because they had the ability to treat stormwater, they went through varied concepts and had numerous ideas to benefit the Park. He advised that Ms. Kleiner's presentation would show some innovations they introduced, which went well beyond the Madison Park development to capture stormwater.

Ms. Kleiner pointed out two small mitigation areas and the larger area they addressed off of Hamlin Road. She referred to a CRW Management Plan that ETC worked on with the CRWC, and said they were very familiar with the concerns the communities of the Clinton River watershed had regarding treating stormwater. Ms. Kleiner noted the drainage area of capture and said it addressed a couple of other existing conditions. They would be capturing Madison Park, part of Riverbend Park and water from Hamlin. She explained that Hamlin currently came down through a series of catch basins and discharged into two of the wetlands, then directly into the Clinton River without much treatment at

all. They would capture that water and help clean it, and take some of the impacts off the Clinton River. They looked at all the opportunities, including standard detention basins, but given the site, they wanted innovative techniques. They could store water over a wider area, with a shallower depth, perhaps in the existing wetlands. They learned that the forested floodplain adjacent to the River was of very good quality and the River was excellent. The wetlands toward the middle of the site were beautiful from a diversity of wildlife habitat perspective and they did not want to do anything to provide disadvantage to those features. The soils in the upper levels, which were about 15 feet higher than the lower wetlands and River, gave an opportunity for good infiltration. She added that they worked with the Engineering Staff and utilized the infiltration technique to help recharge the groundwater that fed the wetland areas.

Mr. Zanotti advised that there was an extensive floodplain area to the Clinton River because of some bridges downstream. That was an impediment to the design because they did not want to provide something within the floodplain of the Clinton River that would impact upstream property owners or riparian property owners. Through all of the challenges and acknowledgement of the resources, they came up with a design.

Ms. Kleiner continued that the two subject wetlands were constructed previously as wetland mitigation and were currently not functioning very well. They discussed upgrading the wetlands with the City's wetland consultant. They also met with Mr. Hartner, Director of Parks and Forestry, and looked at the Parks Master Plan, to insure that they preserved space for future active use that might occur. She noted that the Park was a very passive use area currently. They took into consideration all those factors, as well as the engineering standards that needed to happen. She pointed out the existing wetland boundary and said there would be some natural features setback impact where rip rap was proposed for the discharge point. If they had a huge storm and there was some discharge from the infiltration-detention area, it would exit and enter there. They would design something very sensitive for the rip rap in the existing natural swale, to avoid any erosion impacts. There would be some excavation of soils to provide stormwater management. All the stormwater that flowed into the basin would be pre-treated and in a vortex pipe system that would remove the sediments and oils. It would discharge via a pipe into an infiltration trench that would primarily treat the small storms. They planned to replant everything with native wildflower and grass species. They would replace any tree that had to be removed for grading. They proposed upgrading the existing foot trails and relocating around on top of a small berm and would hook up to the existing dirt path and add educational signage. It would be a great passive use area to watch birds and wildlife. The other

wetland mitigation would be very similar, and they would remove any sediments; regrade to size it correctly, and upgrade the outlet structure so the two wetlands worked better for hydrology.

Mr. Zanotti explained that they were not designing open water into the basin. The basin would operate such that the soils could actually cool the water by a path through the bottom of the basin into the adjacent wetlands. There had been much talk about building a big basin or lake, but they did not feel that was feasible without a lot of treatment. It became evident that the proposal would enhance the adjacent wetland quality and the River. They would create an educational opportunity for people who wanted to use the Park. There would be a walking path around the wetland area and some great vistas over the wetland for people that did not currently have good access. They were very careful to preserve as much of the Park as was requested by the City for future active use. This would be a good area for office users and people who wanted to park at Madison Park and take advantage of the connection with the Park and the Trail. They also offered a small parking lot for the Trail users. An initial charge was to make an interconnection with the Park, the development uses (restaurants and shops, etc.) and the Trail, and he felt they had accomplished that beyond what a retention basin would be. He declared that the proposal was very innovative, and he hoped that the City and Drain Commission would see that those were not typical, fenced-in retention basins. He indicated that it was a well thought-out, very well engineered system that would be an asset to the Park and bring better water quality to the Clinton River.

Mr. Weaver reiterated that they were not only addressing stormwater from their site, but a large portion and capacity of the system was created because they would take existing Hamlin Road runoff from west of existing Adams Road and bring it in. That currently discharged untreated into the Clinton River. The proposed program would reroute that, and at their expense, put it through the system they were creating. Mr. Zanotti said they spoke with the MEDQ, and they felt it was a good indication for remedying a situation that was not very effective. The City had attempted to slow the velocity of water coming down Hamlin before it ran into the River, and by removing a good amount of that volume into the basin and reducing the water into the two smaller basins, they could capture a significant amount of stormwater and treat it.

Chairperson Boswell asked Mr. Keifer if he would like to comment on the issue, noting he was a representative of the Clinton River Watershed Council.

Mr. Keifer stated that it was a common perception that water was a renewable resource; however the water on the earth was here when the

dinosaurs roamed it. How it was taken care of was very important to everyone, and it started in the communities. It was also a common perception that today's pollution still came from industry and failing waste water treatment plants. He related that stormwater was the number one source of water pollution, especially in urban areas. The people at the CRWC were very attracted to the proposed plan as an opportunity to do innovative stormwater management not only in a development, but in a Brownfield development. Anyone who looked at the hydrology, at the historical area in photographs, and at the outfall in the wetland across Hamlin, should understand the residual pollution coming from the landfill. The CRWC was very supportive of the plan. There were certain conditions in the implementation they would like to see happen, and they had several opportunities to review the Plan. He declared that the work ETC had done was fantastic, and he thought it was not just a model of how everyone should be doing stormwater management; it was award winning for all involved. He commented that Mr. Zanotti gave an explanation of the benefits that he really could not add upon in terms of its innovation. He stated that pipe and pond retention - the old philosophy of keeping water in place - was out of date and a liability rather than an asset and resource that water really is to all. The proposal would help the residents, as well as the development. In terms of its execution, he thought it was important to nearby residents who had concerns about Madison Park that the developments in Riverbend Park be simultaneous with what was going on at Madison Park so residents would see the benefits of what was happening in terms of access, interpretation, the Trail and use of the Park that was now dormant. He felt it was the best park the City had. He felt it would be important to hold a public workshop to explain everything, and said the CRWC would be available for that. He referred to the traffic plan, and indicated that the work being done to integrate the development, the Park, the residents and Hamlin Road, was very important to think about how it worked together, not just for motorized traffic, but for pedestrian traffic. He stressed that they did not want to wind up with another Rochester Road. They had the kind of integrated planning that would make everything accessible to pedestrians, to people who could use the Park, and to those who could come from neighboring subdivisions. He remarked that it was all very exciting to think about.

Mr. Kaltsounis referred to the water retention on Sheet SW-4 that would come in from the development across the street and into the detention area, and he asked what the grading of the arc would be.

Ms. Kleiner replied that the area was relatively flat and sloped just a little, meaning water would move towards one end. The goal was to have the water sit as diversely as possible across the bottom of the basin to get the maximum infiltration, as opposed to having a deep hole where the

water would fill up to the side slopes. The water would infiltrate faster, and once the vegetation was established, at about two to three feet tall, the water would not even be seen. Because it would be so shallow, the water should dissipate in 24-48 hours.

Mr. Kaltsounis asked what type of water volumes would run through the area. He was concerned about the slopes, 804 up to 809, noting that the water would have to rise up to get to the other end and that all the water would be dumped into a small area. Ms. Kleiner explained that they would provide links of the water movement to the wetland. If they lowered the area, there would be a much shorter treatment moving through the soil. Mr. Zanotti added that the slopes would be in that general area because they would be digging into a hill. There were five acres of flat land and three to five acres as it built up, and when the water came in, the crescent channel distributed the water. The more frequent storms would be in the one to five-year frequency. They would have the ability to store the water and the uniqueness was that the gravel soils below were very pervious. They took into account the volumes without that as a component, and it would move much quicker in the soil. They had a conservative design, and they wanted to open things up and move the water quickly through the gravel and pervious trench.

Mr. Kaltsounis asked if there was a cross section of the outlet and the trench, and asked for an example of a water outlet. Ms. Kleiner pointed out the outlet and where the water would move down to the outlet and out of the pipe. She did not have an example of a cross section across the trench to the outlet. Mr. Zanotti said that after outletting, they would try to drop off the slope through boulders and break up the velocity before it got to the wetland. Mr. Kaltsounis was concerned about the silt fence shown. Ms. Kleiner said it would just be for construction, and it would be removed once the vegetation was established. Mr. Zanotti said they were trying to stay away from the valuable resources, and that was why the basin was on the side of the tree row. The area where the basin was being constructed would save certain areas of lesser value. He reiterated that the current discharge from Hamlin Road was directly to the Clinton River. The discharge at the end was directly through the little basins; it flowed out the rip rap and went directly into the River. The proposal would delay the peak considerably.

Mr. Kaltsounis said he understood the benefit, but in his subdivision, there were examples of how water acted, and he felt that the water would never reach the other end of the trench. Ms. Kleiner said that would be great and that was a goal. They wanted the water to dissipate into the ground as much as possible. Mr. Kaltsounis thought the area on the right side would fill up, because the water would come across the

tangent and it would not follow the curve because there would be a pressure loss. It would try to find the easiest way out, which would be straight out from the curve. Ms. Kleiner said that the curve was at grade, and it would have to go up five feet before it would hit the Trail, so that would mean five feet of berm at the location. It would move in both directions. Mr. Kaltsounis said that at 807 and 804, at the right end of the property, there would be a lot more water than at the left because it was higher, (he noted it was at 803). Mr. Zanotti said it was a little lower to the west, and the water would have a tendency to move along the trench into the lower elevation. Once the trench could not handle the flow coming into it, it would build up on the right side, as Mr. Kaltsounis pointed out. The left side would eventually be filled in because it would not be able to go anywhere else. Once it was in the left side and part in the right, it would eventually seep down. They proposed a 50-year design, which had a 2% chance of occurring. Water into the grates in the roadway slowed it down somewhat, so he did not think it would not come with the velocity Mr. Kaltsounis perceived. It would be discharging into 804, and to the west it went down to about 802, and it would have to come up several feet before it got to the outlet point and several feet to infiltrate before it had a chance to discharge into the existing wetlands.

Mr. Kaltsounis asked what would happen if the discharge was in the middle of the arc. Mr. Kleiner said that the discharge point was set up at the higher elevation, which was what they would want, to pull the water in the basin. It would be in that location for maintenance access and to be closer to the parking areas. They also wanted a short length of pipe so there would be a shorter run if anything happened to the pipe. They were trying to work with the existing grade to protect the trees at that end of the Park. Mr. Zanotti said they did not want to put the discharge point near the outlet point and cause a short circuit. That was even desired in a conventional retention basin, so there would be a settlement of sediments. The west end was lower to get gravity to help dissipate any energy, and eventually they would utilize the east end if needed, but primary treatment would be on the west end at the lower elevation.

Mr. Kaltsounis asked if they had pictures or maps to predict how it would fill up in major storms. Ms. Kleiner said they did not have pictures, and stated that it was designed for a 50-year storm, per the Engineering Department standards. They did not think it would act like a standard detention basin and fill up; they believed the existing soil types would allow small storms to dissipate much more quickly because it was a much more pervious soil type. Mr. Zanotti mentioned that there was a stage storage calculation in the Site Plan so they could see how much the volume would increase, which was checked by City Staff and the engineering consultant. Mr. Kaltsounis declared that it was interesting,

and that he looked forward to seeing how it would work out.

Ms. Hardenburg asked who would be responsible for maintaining the system and if an agreement was in place. Mr. Weaver replied that a condition of approval was that an agreement be worked out between the developers and Oakland County. Mr. Zanotti added that there would be monitoring in place; in other words, they would not just build it, plant the trees and walk away. There would be a period of time for an annual investigation of the plantings and how it was operating and after five years, it should be exactly what they wanted it to be. Ms. Hardenburg asked what would happen if it was not what they wanted, and Mr. Zanottie informed her that remedial action would be taken. He indicated that the problem would be in the first few years when alien species were developing. He disclosed that for the first couple of years, they would not really see the advantage.

Mr. Yukon referred to maintenance of the vortex system and asked how often it would be maintained, if there would be disruption to the Park users, and if there would be an odor associated. He asked if a suction truck would be used to clean the system. Mr. Zanotti advised that the only time a suction truck would be used would be in the pre-treatment manhole on the Madison Park side, which was a large manhole structure. They expected the basin to operate in a biological process, and not be something that needed to be scraped out every few years. It was intended to operate naturally. Mr. Yukon asked if the maintenance area in Madison Park would be delineated so people would not park or be around it. Mr. Zanotti said it would be a structure, ten or twelve feet in diameter, with a manhole on top. It would only take a few minutes, and odors would be non-existent because of the sediment quality - there would not be anything brewing in it. Mr. Yukon asked if it was the same type of truck used for a sanitary sewer, which was confirmed.

Mr. Hooper referred to section 8.F. of the Consent and asked if the plans had been developed for the improvements to the parkland. Mr. Zanotti replied that they had not. Mr. Hooper asked if that would be a future condition of the Site Plan. Mr. Delacourt advised that it was already listed as a condition of approval and that Staff would like input from the Commission and Council regarding how to proceed. The options of in-kind services, plans and payments for park improvements were listed, and he expected the City would gather input from the Parks Department, residents and the boards before making a decision about how to utilize the money. Prior to any above ground construction, that would have to be completed.

Mr. Hooper recalled that REI developed Country Club Village, which also had an innovative stormwater treatment plan. It was very successful

program for pretreatment of stormwater, and he assumed that the proposed plan would fall along the same vein.

Chairperson Boswell asked how deep the water would be in the event of a 50-year storm. Mr. Zanotti said it would be about 4 to 6 feet deep. Chairperson Boswell asked what the City's liability would be if someone happened to fall in. Mr. Staran responded that since it was City property, any time someone got hurt or otherwise, there was potential liability. There was a recreational property statute, which was designed to protect and provide immunization from liability for situations where users of recreational properties were injured. That would be an issue whether the improvements were done or not. Ms. Kleiner highlighted that they planned the side slopes off the Trail at one on six, which was recommended by the Parks Department for that very reason.

Discussed

Mr. Weaver said that he thought the Commission could see by the completeness and detail of the Site Plan package relative to traffic modeling and Park improvements that they took the obligations to the City very seriously. They put together a great plan, not withstanding conditions that were attached. He thought the Staff Report was reflective of the fact that they spent a year on the improvements, and suggested that the recommendations were minor in context compared with other Site Plans they had seen. He asked the Commission to take that into consideration because they were very anxious to move forward to City Council and continue the process.

Chairperson Boswell opened the public comments at 9:00 p.m., requesting that comments regard the Site Plan.

Eric Ambrozaitis, 590 Thornridge Dr., Rochester Hills, MI 48307 Mr. Ambrozaitis stated that he was a member of City Council, but was speaking as a private citizen. He indicated to Mr. Staran that he was a sharp guy, but that something was not making sense to him. He read from the Consent: "REI shall provide the City with a detailed phasing and engineering plan regarding the proposed redevelopment of the landfill areas as part of its initial site plan submitted or sooner, if practical, and REI agrees that the excavation, redevelopment and backfilling of the landfill areas will be completed in accordance with the due care plan approved by the MDEQ and all other applicable laws and regulations prior to the City's issuance of building permits for vertical construction." He asked if the City was ahead of itself, behind, or if everything was the way it was supposed to be.

Mr. Staran responded that the question would ultimately be a matter of the Planning Commission's comfort level, as well as the City Council's. It was clear that the Site Plan could not receive Final Approval until those

contingencies that Mr. Ambrozaitis referred to were addressed. He noted that the Staff Report included an expressed, proposed condition that the detailed plans be submitted before the Site Plan received Final Approval. There were practical considerations involved, in that the ultimate remediation plan for the property was a function of what the surface use was going to be, and they could not get the underground part approved until they knew what the surface use was. They did not know what surface use would be allowed until such time that they had gone through the process at least until the point they were at, to get some direction as to what would be involved. It was contemplated from the initial negotiations on the Consent, and it would be a theme carried through that the remediation plan had to be nailed down and satisfactory to everyone involved before there was any development of the site. Mr. Ambrozaitis asked and received clarification that the City was on the proper course. _

Deanna Hilbert, 3234 Quail Ridge Circle, Rochester Hills, MI 48309

Ms. Hilbert referred to the retention area on Riverbend Park and said that voters had approved spending tax dollars to purchase the property for use as a park. She felt that the detention area would render a large amount unusable by the residents. She brought up the comments about maintenance, and said it was confusing because Oakland County was mentioned as a party to the maintenance agreement. She questioned why Oakland County would be involved if it were a City park and why the City would be liable if it was the County's responsibility. She was concerned about the eastbound traffic on Hamlin. She noted that she lived in the area and that it backed up every evening to where the proposed Target would be. Noting that the developers would be removing thousands of truckloads of garbage and bringing fill dirt back, she commented that the road was a nightmare now, and that she could not imagine how it would be with the extra trucks. She did not think the project should be considered until the road was fixed. She asked if the Site Plan, if approved, would be final and run with the property, even if REI went away or for some other reason. She requested that the Planning Commission not recommend the Site Plan for approval because there were too many conditions to be met. She said she spoke with Ben Matthews of MDEQ and in the original Consent, 1,000,000 cubic yards of refuse was to be removed and now they were drilling and looking at building upon the landfill. She thought they should know whether it was a good thing to do before the Plan was approved. She had concerns with the west side - phase two - and said it was her understanding that REI did not have to develop office, research and technology if the market was not good, so there could be a second, large-scale commercial development on the property. She did not think the project should be "pushed through" by the Planning Commission.

Lois Golden, 645 Apple Hill Lane, Rochester Hills, MI 48306 Ms. Golden indicated that most of her questions had been addressed by Mr. Staran and by Mr. Ambrozaitis' question. She urged caution to the Planning Commission, stating that she understood the difficult position they were in dealing with a Consent, and that their hands were tied. They had been handed an approval and it was a ceremonial thing, mainly, although she saw value in the Planning Commission's comment and involvement and she had always been supportive. It would seem more prudent if it were not an approval but more of a comment session. It seemed as if there were too many unknowns. They heard a nice proposal and about the stormwater and the Park, but they did not hear anything about the 381 Work Plan, and that was the whole purpose of the Consent in the first place. She wondered if they knew when that would come forward. She said she realized they had lost the ability to negotiate in the past, and she urged caution.

Brenda Savage, 1715 Northumberland Dr., Rochester Hills, MI 48307 Ms. Savage stated that she was Chairman of "Rochester Hills No New Taxes," and was present with concerns of the taxpayers. She said they knew that the proposed development would not enhance the coffers in the Treasury. As a consequence, the needs a development of this magnitude would present would place a tremendous burden on the taxpayers of Rochester Hills. She indicated that there was a residential majority, and the infrastructure and other needs the proposed development would demand would be shared by residents and other business people who paid taxes in the City. The increased traffic and the wear on inadequate roads due to the proposed development would be paid for by every taxpayer except the Madison Park developer, REI. She had recently observed developments in neighboring communities of Oakland Township and Auburn Hills, where the developer was paving Squirrel Road at his own expense, because the traffic generated by his development would require that. REI could offer something similar as a show of appreciation and good neighbor intent. Her committee found the Site Plan approval request premature. The MDEQ had not yet approved the Wetland Use Permit, and by the information in the packet, they would wait to determine approval based upon the MDEQ findings. She maintained that prudent judgment required that all data be collected, presented, studied, analyzed and discussed publicly before the Site Plan was approved. She asked the Commission to be consistent and postpone the decision until all of the info was available.

Ed Baron, 3310 Greenspring Lane, Rochester Hills, MI 48309 Mr. Baron stated that he was present on behalf of the Quail Ridge Homeowner's Association, for which he was the Environmental Chairman. He advised that he was a former City Council member and former Planning Commissioner for the City. He appreciated the hard

decisions that had to be made. He complimented the Planning Department on having all the material available for the public at the back of the room. He said he had been involved in the project for over two and a half years. At every step of the way, he heard things like, "If you don't do this now, the sky is going to fall;" or "If you don't do this now, the moon won't come up." He remembered in Judge Kuhn's courtroom, when the Consent was approved, that it appeared that jobs for the State of Michigan would stop if the Consent were not approved that very day. When he received a notice about Site Plan approval in the mail, he questioned what the hurry was. Everything discussed, except for the traffic, were nickel and dime items. The big item was the Work Plan and it was important to all residents because it affected their health and safety. They were doing more than approving a building or a drugstore; it was more than an approval for a Best Buy - it was about the health and safety of the neighbors that lived around there. He thought someone from the MDEQ should have been at the meeting. He attended two meetings with reps from the MDEQ, and he was shocked that they talked about landfills. There was no other site in the State of Michigan like this one. He had not seen anything in the State as large. He asked the Commission to kindly be prudent and use caution. A delay for more information was not going to change anything at all. They would still be waiting for the MDEQ Permit because of Lansing's concern about the health and safety of the residents. He said he was sure the Commissioners had that same concerns, and that each were individual thinkers and would put what was right for Rochester Hills first.

Chairperson Boswell closed the Public Comments. He asked Mr. Weaver if he knew what would go into phase two. Mr. Weaver said it would be consistent with the Consent Judgment, which allowed the construction of office, research and development. Any variance from that would be subject to an amendment to the Consent and the approval of the City. Chairperson Boswell asked how many square feet of retail there was in phase one, and Mr. Weaver replied it would be approximately 270,000, noting they were approved up to 500,000. He advised that the Work Plan was a separate issue and was the purview of the Brownfield Redevelopment Authority. He stated that there had been large retail developments constructed on waste in the State, and he mentioned the Ford landfill in Allen Park, and he indicated that a lot of retail developments had been constructed immediately adjacent to landfills, so it was not a new or foreign concept to the MDEQ.

Mr. Weaver, in answer to Ms. Hilbert's question about Oakland County's involvement in the maintenance of the stormwater, said it was because of the discharge into the Clinton River. It would be REI's responsibility for the cost of maintenance, but Oakland County had to be a party to the agreement. He added that the process was not a rush to judgment.

They were in front of the Commissioners last September, had undergone six technical reviews, and had been working on the Site Plan for a year with Staff.

Discussed

Chairperson Boswell asked about the retention area rendering parts of the Park unusable. Mr. Weaver said that pursuant to the Consent, they were granted the rights to discharge stormwater to that location. They had been planning it for over seven months, and pursuant to the City's Parks and Recreation Master Plan, REI had to show that the Parks Department could still fulfill their goals and objectives. REI demonstrated that could be done, and City Staff gave approval of the concept. Mr. Zanotti said that the retention area's design was not typical. There might normally be four feet of water, with weeds growing, but this system would be more of an addition to the Park and would have advantages. There was nothing to make it so someone could not walk down, during the dry times, through the area and look at the various types of vegetation. There would be an opportunity to utilize the Park in a different manner than a soccer field, for example. They tried to do the best they could so it did not purely fit the definition of retention, but it would be a multi-use type of nature preserve. It would integrate very well with what the Parks Department expected for Riverbend Park in the future.

Mr. Delacourt referred to a comment that the basin would render the Park unusable, and stressed that it was not the intent; they intended to have something that was usable by residents. They spent a lot of time with the CRWC and the consultants to make it work from an engineering standpoint, and to draw people to the Park in a passive, natural element. Regarding truck trips to remove waste, he expected it to be fully conditioned as part of the Work Plan and to be limited to times defined by the City. He believed Council would limit the hours of operation to keep the trucks out of peak hour traffic and would require a bond to protect Hamlin Road.

Chairperson Boswell asked Mr. Staran to clarify the issue of the Site Plan running with the property. Mr. Staran said that the Consent Order ran with the property, and the Site Plan, if approved by City Council, would run with the property. If the development did not move ahead, nothing further could be done with the property. The Site Plan approval would be like any other - once it was granted, the property owner had the right to proceed under it. The City was concerned in the beginning that the project might not move forward, and the Consent was drafted so that the remediation activities had to be approved and conducted before they got into the building development. There was concern about areas being built out and the remediation not being properly done, but there would be security in the form of various performance guarantees. That

was part of a separate, Brownfield Plan process that Mr. Weaver referred - the Act 381 Work Plan that would be submitted to the MDEQ by the City's Brownfield Redevelopment Authority. That would give assurance that before anything moved forward, the City would have to be satisfied with the proposed remediation plan. There would be development and reimbursement agreements and tax increment financing to address the security issues, and those processes were still in progress.

Chairperson Boswell clarified that if REI backed out for some reason, someone else could develop the property with an amended Site Plan. Mr. Staran agreed, and said it was not something that could be unilaterally done.

Chairperson Boswell announced a recess at 9:30 p.m. and called the meeting back to order at 9:46 p.m.

Mr. Dettloff noted that the Consent Judgment allowed up to 500,000 square feet of retail and that phase one proposed 270,000. He asked if they were capping the retail on the site at 270,000, or if they were leaving the 230,000 balance open-ended based on the demand.

Mr. Weaver responded that to the extent additional commercial was permitted pursuant to the Consent, he assumed they would be able to build additional commercial on the site. However, by and large, the balance of the site would be predominated by non-commercial Development Zones. There might be portions of the property that remained as commercial Zones, and it was conceivable that commercial buildings could be placed at those locations, so his answer was yes, but he felt the balance of the site would be non-commercial in nature. Mr. Dettloff asked if the Target was under contract or if it were contingent. Mr. Weaver answered that they had a letter of intent with Target, which he added was typical.

Ms. Brnabic thought that what had been presented showed a good awareness of the progress of Madison Park. Her concern with Site Plan Approval was that there were still so many details, processes and revisions to be done, and she mentioned the 37 conditions, which she felt was quite a high number to base an approval. It had just made her aware of everything that still had to be dealt with, and she stated that she wished to have more clarity. She assumed all the conditions had to be met before anything could happen, but she wondered about the benefit of approving the plan with so many conditions to be addressed. She thought it was somewhat premature, and although she was glad for the presentation about the proposal, she thought it should have been an informational meeting.

Mr. Delacourt thought the benefit was more about the Planning Commission's comfort level regarding reviewing and/or recommending the plan. He agreed it was important for the Commission to see the proposal before every detail had been completed. Because of the size and the offsite improvements, it would have more conditions attached than a normal Site Plan. He reminded that seven or eight conditions were related to the Tree Removal Permit and Trail relocation, which might not be part of phase one. He also thought there would be more conditions associated because there were so many other processes involved, including the Work Plan and DEQ involvement and offsite stormwater improvements, for which agreements were needed. He reiterated that he would like input regarding normal Site Plan issues, since a lot of them were under the purview of others. Staff wanted to know about architecture and parking, for example. They needed to put a structure to what still needed to be accomplished with the project, regardless of whether any action was taken. The applicant was still required to come back when the numbers were finalized. He wanted to know if the buildings, light poles, landscaping and parking were acceptable. The benefit of input from the Commission would help provide Staff with direction regarding the remaining issues and how to finalize them. Ms. Brnabic said she agreed from that perspective, but she was talking more about taking action, and she was not yet comfortable doing that.

Chairperson Boswell said Mr. Delacourt hit upon what was bothering some of the Commissioners. Ordinarily, the Commissioners reviewed a Tree Removal Permit along with the Site Plan. They could not do one because of the other, and they could not do the other because of the first. He noted that Mr. Delacourt had asked the Commission's input regarding moving the Trail or whether it should be done with the second phase. Relocating the Trail would affect the Tree Removal Permit, but the Commission did not know what City Council would want to do. Chairperson Boswell concluded that everything was contingent upon everything else.

Mr. Weaver commented that there had been references to the "typical" Site Plan process, but he felt everyone should recognize that it was not a typical Site Plan process. REI was not happy with the conditions and requirements about coming back because they felt they conformed with obligations in the Consent Judgment. They met the technical standards for Site Plan approval. If the items regarding the Tree Removal Permit and some of the environmental issues related to the Park construction were taken out, the conditions left were fairly minor in scope and probably less than what would be seen with developments that large. He stated that they did not want to build the Trail with phase one. They

would like to see the Trail stay right where it was, subject to what happened in future phases. They were asked by the City to demonstrate that they could move the Trail and they did, but it was a conceptual exercise. He did not want to be penalized for that and he suggested that the Trail should not move. He noted that they had provided a lot of detail and two reviews later, the City wanted to see which trees would be taken down. Three months later, after a tree survey, they showed which trees conceptually would be taken down when they conceptually moved the Trail. He thought that perhaps there needed to be some policy direction from the Commission, but he felt the main issues were that they believed they complied, and they were willing to come back for additional reviews.

Mr. Carson added that the only issue that might be involved had nothing to do with the current Trail, it had to do with connecting to the Trail, so a small pathway was provided. Moving the Trail was not necessary and was not impacted by the Site Plan. The Site Plan presentation appeared complex because so many of the issues set forth as conditions appeared foreign to a normal site planning process. There were agreements that had to be undertaken and permits that had to be secured, and involvement of the State and internal boards, which would impact a number of the development processes, including the Brownfield Redevelopment process and the financing decision. The context that REI had been operating under with respect to the Consent contemplated that the Commission reviewed and recommended approval or modification of the Site Plan. In 9.D. of the Consent, there were parameters with respect to timing. When the Site Plan was compliant, City Council would receive the recommendation and act upon it within 45 days. REI had gone through about a year of fine-tuning. He noted that Mr. Staran correctly pointed out, in an answer to an earlier question, that the Site Plan recommendation was a necessary step along the way that was contemplated in the documents between the City and REI. He stressed that no permit for construction would take place until all of the other conditions were met. He informed that it would not be the last touch the Planning Commission would have on the Site Plan, and that it would get very detailed reviews by the consultants, by MDEQ and others.

Chairperson Boswell reminded that the recommendation would be based upon three days of reading notes and three hours of discussion with the applicants. He agreed that it was very complex and involved more than just the Commission, and he felt that was something else bothering them. They did not feel as if they had time to fully digest everything they had to read. He was not quite sure he understood the Brownfield 381 Work Plan process entirely. The project was of a magnitude that the Commissioners might not feel comfortable acting on it after only three

days of reading and three hours of discussing. He explained that he set a time limit on the item because he felt there was a point of diminishing returns after about three hours.

Mr. Kaltsounis said he understood that the Commission's job was not to decide how the extra commercial would affect the community, because that had been determined for them. They had to try to determine if the Conceptual Plan was something they would like to see in that location in the future. He went over the process a regular subdivision went through to get approval, noting that there were two basic steps, and the second plan had to remain very much like the first. He commented that putting the issues aside, if he just looked at the Site Plan for that location - the numbers, the parking, and the trees - he thought it was better than a lot of the plans before the Commission and a positive plan for the area.

Mr. Kaltsounis asked about condition one, which required the applicants to provide a revised 381 Work Plan, reviewed and submitted to the DEQ and approved prior to Site Plan Approval by Staff. He would like the condition changed so that Final Approval was by the Commissioners, who would determine compliance with the original plan that was conditionally approved. He acknowledged that Staff did a great job, but indicated that it was a very large project, and the Site Plan was different from what they had seen before. He thought the conceptual approval should be handled like a subdivision's. It would allow the Commission to see the results of the DEQ approval; it would allow them to see the Tree Removal Permit numbers and allow them to see where everything was going to be, once all the details were worked out. The developers would have their "warm and fuzzy" about moving forward with the process. He thought the Plan would change considerably after the DEQ involvement, and said he would like to be able to look at the changes. He asked if the applicants would agree to that.

Mr. Carson recalled that the Consent provided the procedure similar to what Mr. Kaltsounis brought up, but it was at the City Council or Mayor level. Mr. Kaltsounis asked why there was a condition about Staff Approval. Mr. Carson believed it meant that if the Plan were compliant, Staff would make sure there had not been changes - if there were minor modifications at City Council level.

Mr. Staran agreed with Mr. Carson and said there might be a way to deal with it. He added that they had to be careful because they could not, through the Planning Commission decision or conditions added, change what the Consent Order provided. The reason it provided Final Site Plan Approval by Staff (not discretionary decision; that lied with City Council) was because typically, Staff was charged with the responsibility of making sure that all conditions and technical requirements were

followed. The Consent Order provided that administrative function. He suggested that they could add "after consultation with the Planning Commission" to conditions that had Final Approval by Staff. He did not think that would slow down the process.

Mr. Kaltsounis indicated that the Commission's job was to help City Council. He wanted to take a look at everything after they went through the process to make sure they were on the right path.

Mr. Carson responded that it was on the Commission's side of the table. Mr. Staran could make any arrangement the City wanted regarding providing information within the time parameters, and as long as another layer was not added. Mr. Weaver added that to the extent that one process did not cause large-scale changes in the Plan, he would feel uncomfortable if they came back with the 381 Work Plan and someone wanted to see something done with Riverbend Park.

Mr. Kaltsounis said it was a recommendation by the Planning Commission for Preliminary Approval of a Site Plan, the same as a recommendation of a subdivision. Mr. Weaver said it was the City's process, which they were following. Mr. Kaltsounis said the conditions had to match. He asked Mr. Staran if they could add in the motion that the Planning Commission recommends Preliminary Approval of the Site Plan to City Council.

Mr. Staran said he understood what Mr. Kaltsounis was asking, but he stressed that the Consent Order governed the approval process. The Planning Commission could not change what the Order provided. The Court Order provided for Planning Commission review and recommendation and a final decision by the City Council. It did not provide for adding another tier of Preliminary Approval and Final Approval. The Court Order did not provide for it to come back to the Planning Commission for a subsequent stage.

Ms. Brnabic agreed with Mr. Kaltsounis and said that was the problem. The Commission was at the Preliminary stage and they saw what had to be done. The Commissioners could request things regarding lighting and parking, for example, and City Staff or consultants would work out the conditions and/or issues before the Final Site Plan. The Commission would normally have the answers by this stage in order to make a recommendation. They would have a good idea about how things should end. They would see how everything would look even at phase one, and that was the problem. The Commission had a lot of questions, yet they were being asked to recommend approval of a Final Site Plan.

Mr. Staran reminded that he was not asking the Commission to do

something - the application was by REI and he was simply advising of what the Consent Judgment said. Ms. Brnabic said she realized that, but indicated that there were answers needed and they only had one shot at it.

Mr. Weaver referred to the 381 Work Plan and said it was not under the purview under the Site Plan, but to the extent that there would be changes caused by the Work Plan, for example, if the DEQ wanted them to move something and one of the buildings could not be built, it would be a modification of the Site Plan and they would have to come back to the Commission. He thought the issue was being convoluted and said they were present for something very simple. The Commission saw the Site Plan a year ago as a courtesy. They were asking the Commission to recommend approval of the Site Plan because they were technically compliant, they had gone through a year of review, and felt they had a high quality Site Plan of which they were very proud. Commissioners were saying they wanted to make sure everything was done with the MDEQ before they came back, but he stated that was not required by the Consent Judgment. The Consent read that the remediation had to be done before a Building Permit was issued, not before Site Plan approval. He thought that was the trouble, and people could not separate the processes of the Brownfield Authority and the State and the City, which he said he could understand.

Mr. Kaltsounis stated that the MDEQ approval was very important to him because he was quite sure that the applicants would be back before the Commission. He reiterated that they needed that "warm and fuzzy" to go forward, and that he could consider recommending a Conceptual Site Plan Approval. He wondered if that was possible, but he would like them to come back after everything was done. He thought they were going in a decent direction, but he thought they would have to change a lot before they got a Final Approval.

Mr. Carson thought that one of the problems was semantics - trying to fit the usual language of the approval process into the one they were following, which had its own guidelines. The City Council had been substituted for some of the decisions that might normally be made by the Planning Commission. The Consent Judgment provided another approval process and format than might otherwise be provided strictly by the Ordinances. The City was still well served by a multi-layered approval process. It was just that all layers did not pass through the Planning Commission. The language provided that "All Final Site Plans, Final Condominium Plans and/or Final Plats shall be approved or comments given thereon by the City Council within 45 days, etc." He related that they meant no disrespect to the Planning Commission, and that it was just the way the guidelines were applicable.

Mr. Kaltsounis asked if the applicant would have a problem coming back at the end. Mr. Carson said he could not modify the Consent Judgment. He said he believed that the City was protected through the mechanisms in place and he hoped they would take comfort from that. Mr. Kaltsounis read Finding one: "A Consent Judgment entered in February of 2004 governs the mix of uses and conceptual design for the project," and he suggested they should also add, "processes for approval." He thought that link was needed because in 20 years, when everyone was gone, it would be clearer. He said he understood why they were there, but indicated that there was a big hurdle in front of them and the finish line. Mr. Kaltsounis did not think the word Final should appear in a condition for Staff's approval, he thought it should come to the Commission. Mr. Carson suggested that it should say, "as provided in the Consent Judgment."

Mr. Delacourt explained that the Planning Department put a stamp of approval verifying conditions, if any, with all Site Plans. He was not sure if there was a difference between conditional and conceptual, semantically. They were looking at a Conditional Approval, not a Final Approval. It was mentioned that the Plan was technically compliant, but he stated that it was not. There were things missing required by Ordinance - elevations for every building, for example. He reminded that most Site Plans had conditions that had to be finalized at certain points in times to address compliance, whether for a Tree Removal Permit or a Conditional Land Use by City Council. Those were issues that had to be addressed before a site became technically compliant. He acknowledged that there were a lot of conditions listed to make sure that the other processes were verified before the plans were stamped "approved." He also reminded that the Plan would have to come back before the Commission - for a Tree Removal Permit and additional elevations - and he was not speaking about whether the Commission should or should not feel comfortable taking action.

Mr. Kaltsounis wondered if there could be another list of conditions for another day. Chairperson Boswell noted that they had not even looked at the Site Plan yet.

Mr. Reece referred to Mr. Delacourt's comment about the Site Plan coming back to the Commission. He asked if that was true and if the Commission would have the opportunity to look at all the things that were missing that they normally required an applicant to provide. Mr. Delacourt stated that the Tree Removal Permit action had to be taken prior to Final Site Plan approval. Mr. Reece asked if that was REI's expectation - that they would have to come back and provide elevations and color palettes.

Mr. Weaver said they understood the proposed conditions and had accepted them. Mr. Reece said that would have helped clear up some things in the beginning because they thought they would be done. Mr. Zanotti pointed out that some of the conditions had been taken care of and were reflected in the consultant's reports, including the issues related to traffic. The study they were shown was the institution of the conditions. They had not resubmitted it, but would be a part of the Site Plan. Mr. Reece commented that he thought the traffic presentation was excellent, with very well done animation; however, the improvements shown did not really show what existed today. He maintained that Hamlin Road eastbound, between five and six o'clock, was painful at best. The development would only add to that and it would be worse during construction. They needed to have some type of work plan established to help alleviate that. Mr. Weaver agreed about the interface between the trucks and the traffic.

Mr. Reece mentioned that Mr. Weaver commented about the process being fairly simple, but as a licensed architect for 25 years, when he got a package of over 60 documents on a Friday night to review and approve over a weekend, he knew it was a stretch from a simple process.

Mr. Weaver explained that he meant the process, per se. Mr. Reece said that the Commission was obligated to understand what was in the documentation. He referred to the elevations and said that all masonry that was noted was defined as brick. He clarified that it would be brick masonry, not split face or scored, noting that for a Target store, that was a significant issue. Mr. Weaver said that as brick was defined in the Consent Judgment, he thought that was fine. Mr. Reece asked Mr. Delacourt, and he confirmed that was correct. Mr. Reece asked Mr. Staran what the Consent Judgment said about guidance of building materials. Mr. Staran believed the Commission had some latitude regarding elevations. The Consent Order did not get into the detail because at the time it was entered into, they did not know what buildings would be there. That was why it came to the Planning Commission at the beginning of the process - to get input and recommendation.

Mr. Weaver said that brick was defined as the exterior building material. Mr. Delacourt clarified that it would be brick material and the elevations would have to be revised to specify that. Mr. Reece noted that it would be a huge difference in cost, and the Schostak Brothers drawings on A-4.2 only called it out to be masonry, which could be interpreted in various or sundry ways. He said that since they knew they would have the opportunity to review the elevations, he was not as worried about the technical aspects. He reminded that they were obligated with the

Consent Judgment to provide a building for the community that would be somewhat attractive, so the people living in the apartments to the east would not have to look at a monster of a building. He said it helped clear up what they had to do, and it appeared that they would have more opportunities to see the plans again.

Ms. Brnabic asked for some clarity, reminding that when the Commission made a recommendation, City Council was fairly confident that they had reviewed the plans. She indicated that it was not uncommon to be working on a Site Plan for a year and for the Commission to review plans three or four times. She wondered if the Commission would have the discretion to work with something they disagreed with it if the plan was brought back. It still appeared to her that if they recommended approval to City Council, it would be final. Mr. Delacourt answered that if the Commission had issues with the Site Plan - the parking, the buildings, the light poles, or if some other clarification was needed - it was the time to go over that. The applicant could be asked to review those things. For other than those items conditioned, if the Commissioners chose to take action, they could recommend things about the Site Plan. If the Commission wanted to add conditions or see something revised, that could be accomplished as with any other Site Plan. Ms. Brnabic questioned whether they would see some of the conditions already required before everything was finalized.

Ms. Brnabic noted that the Commission dealt with wetlands and other issues, so she was still more comfortable with the regular process. Mr. Delacourt clarified that it was the regular process. Ms. Brnabic acknowledged that it might be, but that there was too much underlying detail that was usually taken care of and clear at the point they were at. There were always conditions and questions, and more conditions might even be added, which was not what she was disputing. Mr. Delacourt indicated that Staff was not making any recommendation on whether the Planning Commission should take action or whether they should ask for some issues to be addressed prior to taking action. Ms. Brnabic asked if it was true that the Commission would not see revisions on the Site Plan before it was finalized if they made a recommendation regarding the elevations or Permits, or items not included in phase one, such as the Trail location. Mr. Delacourt informed that the Commission would see the items that were conditioned, such as new elevations for approval. If there were changes to the tree removals and landscape plans, the applicant would be asked to revise them and include them in another package to be seen by the Commission. If the Commission wanted other items revised or included that were not part of the Site Plan, it would be wholly within the Commission's comfort level to request the revisions and request to see those revisions. It was the same process the Commission had dealt with for every other Site Plan as far as

reviewing it for technical compliance, making a decision whether to have Staff review it, addressing the changes or demonstrating that the issues had been dealt with.

Mr. Staran believed that was correct. He advised that the process they were dealing with should proceed like a regular Site Plan approval. The larger process was not a normal event because the Commission was not the final decision maker. To a large extent, the pattern, design and concept itself had already been approved through the Consent Order that the City Council, REI and the court approved. For quite a long time the Planning Commission had not even been involved in the review, Site Plan or otherwise, of developments that came about via Consent Judgments. When the subject case was negotiated and approved, the City Council felt that because of the magnitude of it, the mixed use aspects, and so on, that they would like the Commission's input and recommendation. They "re-injected" the Commission into the process, but threw a curve ball because certain things were dictated. Among those was the review process itself. The Consent Order was clear that upon having a technically compliant Site Plan, there was a 45-day window to get through the process. A number of the conditions recommended in the Staff report were really things that went beyond what the Planning Commission would ever look at, and perhaps they had done a disservice by throwing more at the Commission in the Staff Report than they needed to absorb, but they were trying to make it consistent and clear. As had been stated, the Planning Commission would not have anything do to with the 381 Work Plan; it was something the Brownfield Redevelopment Authority handled, and something in which the City Council was involved. There was reference about it throughout because the threshold inducement to the City to even entertain the proposal was the remediation of the large landfill site and the redevelopment that would follow. It was still the most important thing that had to take place. It was a parallel, but separate, process. It related to what the Commission was doing only to the extent that the Site Plan was based on the assumption that a remediation plan would be approved consistent with the Site Plan. If it turned out to not be the case, the Plan would have to be looked at again. He stated that the Site Plan in front of the Commission was a starting point - they had to know what the surface use would likely be before the underground portion could move forward. The Commission had a lot thrown at them, with little time to digest it, and they had been talking in broad terms. He suggested that if there were issues the Planning Commission had relating to the site, it would be helpful to start identifying those. If the Commission was not comfortable, they needed to identify why.

Discussed

Chairperson Boswell asked why they were not using trash compactors rather than dumpsters. Mr. Weaver said he would defer to the architect.

Ms. Hardenburg said she had gone through the packet throughout the weekend, but could not see where the pedestrian crossings were on Hamlin Road.

Mr. Delacourt said that the current traffic iteration did not show the correct alignment of the crossovers and ingress/egress configurations. Until they had the consultant's letters, they could not make a determination as to where the appropriate pedestrian crossings should be. He thought there was a condition about Engineering Services finalizing it. Ms. Hardenburg did not notice a condition under Traffic Improvements, and questioned whether they could add one. Mr. Zanotti pointed out that on Sheet 20 there was a pedestrian crossing shown over Hamlin Road. There were changes made to the traffic and driveway configurations, and the crossover would be changed to adjust for the traffic improvements. Ms. Hardenburg clarified that there was a condition included.

Ms. Hardenburg referred to lighting, and asked what they planned to use along Hamlin Road. Mr. Zanotti did not believe they added lighting on Hamlin because of the proximity of the buildings close to Hamlin. They had very limited setback and they did not designate lighting there. Ms. Hardenburg noted that decorative lamps were shown in the renderings, but in the packet, more industrial-looking lamps were shown. Mr. Zanotti referred to Sheet 35, the Photometric Plan, which showed the locations of the lighting. There were one or two along Hamlin and many of the lighting features were in front of the parking areas. They were shown as small dots in the islands. Mr. Weaver added that lighting was an item prescribed under the Consent Judgment (paragraph F.1., page 13). There was a requirement for uniform street lighting, which might be installed along internal streets. Ms. Hardenburg asked what would be used inside the development. Mr. Zanotti said they would be 20-foot high lights, which was a restriction in the Consent Judgment. Mr. Weaver said they would be happy to look at the right-of-way area. Ms. Hardenburg asked if the lights would look as detailed on Sheet 36, which Mr. Zanotti confirmed, and Ms. Hardenburg said it did not look that way in the renderings. Mr. Weaver advised that they would use a decorative lighting within the pedestrian areas. Ms. Hardenburg wanted to make sure that was done, and Mr. Delacourt agreed the Commission should be able to have some type of input regarding the fixtures, as long as they were within the height guidelines. Mr. Weaver said that as it related to lighting, they would be happy to come back to the Commission with details as conditioned.

Ms. Hardenburg questioned the walkability of the development. She referred to trying to get from the bank to the restaurant without having to dodge traffic. Mr. Weaver said they tried to maximize the design of the

internal pathways to avoid interface between pedestrians and traffic. They understood that a key feature of the development was its walkability. Mr. Zanotti added that there were walkways along Hamlin Road and one that connected all the buildings along Hamlin. Mr. Delacourt pointed out Sheets L-1 and L-2, the Landscape Plans, which showed the crossings the best. Sheet L-1 showed a pedestrian connection from the bank to the match line of Sheet 2, where the whole pedestrian network was shown.

Ms. Hardenburg questioned the Trailway portion of the Consent that said the applicant would supply a nice setting, perhaps a drinking fountain, and she wondered how that would be connected to the development. She explained that the detail showed the Trail being moved, yet they were now saying it would not be relocated. Mr. Weaver said that until the location of the Trail was modified, they would provide a connection to it from the parking lot area to the Trail. They had some slope issues to deal with in the area, but it would be a suitable slope. Ms. Hardenburg confirmed they would go ahead with that portion. Mr. Zanotti felt it was important to connect to the Trail, regardless of what happened in phase two.

Ms. Hardenburg said the words "regardless of what happened in phase two" made her feel very uncomfortable with the Site Plan. According to the Consent Judgment, Zone D was where Target would go. It was up to the applicant's discretion that if an office or hotel located there, they could move the Target to the lower portion of Zone C. She indicated they kept hearing the words "if" or "whatever happens" and it threw up a warning about whether Target would be in Zone D.

Mr. Weaver thought it meant that it would be subject to the Site Plan that was approved for that location. Regarding the Trail relocation, they kind of backed into it, and it took on a life of its own, which he said he regretted. The exact location of the Trail was a function of the ultimate use. If there was a hotel, they would want to do something different with the Trail. If it was a high quality office user, they might opt to run it along M-59 so people coming out of the back of the office could get on the Trail and make it easier. They might provide bicycle parking at that location so people could commute using the Trail. He said they would like to make that decision with the Planning Commission.

Ms. Hardenburg asked if they had a timeline as to when phase two would start. Mr. Weaver responded that the remediation and the financing were involved for that. If there were not enough taxes generated by the project to make the bond repayments, those bond repayments would be the responsibility of REI. It was in their best interest to be able to develop the balance of the site to ensure they were

not making bond payments in the future, which could be sizable. They felt they had a premier office location in southeast Michigan. He commented that it was the best City; there was a new interchange; and the Governor was incentivized to make sure something good happened at this location. They had a high quality development to compliment the office use, and they were very excited about it. He could not, however, predict what the market would dictate, and it was in flux now. They had an economic and vested interest to make sure it happened as soon as possible. They wanted the site to look as great as possible because they wanted to be the top site, so Google would come there rather than Ann Arbor.

Ms. Hardenburg mentioned Ms. Hilbert's comment about ending up with all commercial, noting it would need an amended Site Plan. She read that the Consent said Zone D was where the big box would go unless they put office or a hotel there. She clarified that Zone A would definitely be office and that nothing else could go there, and that B could possibly have retail, but it would be fairly far away. She clarified that the likelihood of commercial in B would only be with the blessing of the City.

Ms. Hardenburg also questioned the trash receptacles. Mr. Weaver advised that the smaller users had dumpsters, but all large stores would be required to have trash compactors.

Mr. Kaltsounis wondered what the neighbors in the apartment complex to the east would see. He referred to the Retail B floor plan and asked what the building was as it related to the first page of the documents. Mr. Zanotti said that Retail B was one of the western crescent-shaped buildings. Mr. Delacourt agreed there was a discrepancy because the first page of the Site Plan referred to that building as Restaurant B and the Landscape plans referred to it as Retail B. He advised that they were the same building.

Mr. Kaltsounis asked which complexes would be behind the Target building. Mr. Weaver advised that they met on several occasions with the owners of the apartment complex, who gave input about the landscape treatment on the eastern face of the project. Mr. Zanotti referred to L-1, which showed Retail A and Major B, and he pointed out L-8, which showed the cross section, and he explained that they would provide screening from the Target store. There was existing vegetation, a good buffer, and there were existing trees. There was a heavy screening of evergreens, and from the line of sight from the apartments someone could see the building, but it would be significantly higher than the adjacent ground. Mr. Weaver said that predominately, the sides of the buildings would face the property, but the apartments would be below the crest of the property. Mr. Kaltsounis wondered what he would

see if he were on the second floor of the apartments. Mr. Weaver said they should see landscape screening augmented by an evergreen buffer. Mr. Kaltsounis thought the screening would do a good job at the back of the property. He wondered if they could add features like the Village of Rochester Hills had, such as special bricking. Mr. Weaver thought the biggest challenge would be the way Hamlin dropped off and being able to do truck deliveries. He thought landscaping would help, and he thought landscaping versus architectural details on the back of such a large store would be easier to incorporate. He noted that the access to the rear parking for the Village was different than this would be. The back doors at the Village were another front door, which was not the case with theirs.

Mr. Kaltsounis asked where the Conceptual Plan was and was told it was attached to the Consent Judgment, shown as Zones A, B, C and D. He read that the "Conceptual Plan depicts alternative uses and areas for parking, which were subject to change and modification as may be determined by REI as it is intended to be a flexible Plan." He thought that what was shown was a Conceptual Plan. There was no parking and other items the document called out. It talked about mixed use and traffic facility improvements, landscaping, parking, ingress, egress, retention, detention stormwater, and how those would benefit the health, safety and welfare of the community and would offer reasonable and coordinated development for the large parcel and a cohesive project.

Mr. Carson advised that the Consent Judgment defined the Conceptual Plan as Exhibit C, and Exhibit C was Zones, with Zone descriptions - entryways, parking, etc. It was a defined term. He understood there were semantics relating to the approval process. Mr. Staran added that it had been worked out and that the Consent Order said what it did, and they were not in a position to change it. Exhibit C was called Conceptual Site Plan. The Site Plan before the Commission was for review. It was far more detailed than a Concept Plan. He reiterated that the process for review and approval was prescribed and they were not at liberty to modify it. He thought Conceptual Site Plan was perhaps not the right label to put on it. It did not show buildings because they did not know at that time what there would be.

Chairperson Boswell excused the consultants, since it was 11:30 p.m., after confirming there were no further questions for them.

Mr. Yukon complimented Staff on the report. He mentioned it was his first meeting and he felt the information provided was very helpful. He asked if the Site Plan could be approved with an addition that the Commission required that all conditions came back for approval or if they could at least review certain ones.

Mr. Delacourt said there were certain conditions proposed for review and verification by Staff prior to Final Approval. He suggested that any conditions that fell under the purview of the Commission could come back. Conditions such as those involving the 381 Work Plan could be reviewed, but there would be no authority to approve those. If they wanted to see it in the process, it would be up to the Commission.

Mr. Anzek asked if Mr. Yukon was asking in the context that demonstrated that proof be shown that the conditions were met. The risk would be if it was brought back again and things were changed. If the Commission wanted to see how certain conditions were met, Staff could do presentations for the Commission. Mr. Staran recalled that he mentioned some language could be added as part of the review process; where Staff needed to sign off on conditions, it could be after consultation with the Commission. The review would be for verification and satisfaction the conditions were met and would not be intended to revisit the Plan. The remediation matters might be helpful information, but the Commission could not approve that plan.

Mr. Yukon indicated that the level of comfort was with the number of conditions attached to the Site Plan approval. He suggested it would help the Commission if it were demonstrated that the conditions were met. Mr. Anzek offered that Staff could provide status reports as the conditions were complied, or status reports of the 381 Work Plan or the remediation process. They would not want to exclude the Commission from any information in the future, and would definitely alert them in the event of a surprise that would change the Site Plan. He stated that what the applicant presented was what they intended to build.

Ms. Hardenburg referred to the back of the buildings on Retail B, C, D and said they had customer parking behind them. She pointed out that there would eventually be office buildings behind them and a hotel, and she asked why they would not want to have nicer looking backs on the retail buildings.

Mr. Freel stated that the rear of the buildings in retail design would need storage space, restrooms and so on. The rear of the buildings would have a masonry façade and utility doors to service the back. In the landscape plan, the back of the "house" was heavily landscaped so there would be more screening than in the front of the buildings. It was a four-sided concept. Ms. Hardenburg asked why there would be parking in the back if there would not be access in the back. Mr. Freel said they would have access through the walkway system throughout the site. The parking in the rear would mostly be for employees or for overflow. Most of the parking would be handled in the front. Ms. Hardenburg did

not think it looked very attractive from the back.

Mr. Delacourt reminded that condition one under Elevations required revisions to the south elevations of B, C and D to include architectural features, to which the applicant agreed. Ms. Hardenburg asked if they would also include doors for public use in the rear. Mr. Weaver did not believe so, because of some of the uses. Ms. Hardenburg noted that many restaurants that backed up to an alley had entrances in front and back. She thought that if people were staying in the hotel, it would be easier for them to go through the back door.

Mr. Weaver said that one of the reasons they put in an extensive pedestrian pathway system was to make it interesting for people to walk and see things. If someone were coming up from the Trail, they would be well directed through a pleasant, landscaped walk. There would be seating, lighting, and it would be a nice experience. Mr. Freel pointed out that a lot of it would be driven by leasing. When a restaurateur looked at the outdoor seating component, he would probably want the end unit of the buildings.

Ms. Hardenburg referred to the Parking Zone where it was shown as a future phase. Mr. Weaver replied that they set up the Site Plan to describe what they would do with the first phase of the project. He said he could not immediately answer what would go in that Zone, but it probably would not be parking. It was a concept and they did not have a lot of information they had now. He encouraged her to not rely too heavily on what it demonstrated because they had the ability to modify it at their sole discretion. It could be a green space or additional square footage, but he did not know, and that was why it was not included.

Ms. Hardenburg asked the location of the trash to be removed. Mr. Weaver said that the remediation was proposed primarily on the eastern portion of the property, under the major retailers, where there was a direct interface between groundwater and solid waste. Ms. Hardenburg asked if the center was the safest space, and Mr. Weaver disagreed, and said there would be landfill material underneath it. They did not intend to remove trash from that portion. Ms. Hardenburg noted it said that area was unbuildable. Mr. Weaver said that was correct because solid waste remained.

Mr. Schroeder asked the applicants if they had considered green building for the construction of the center. Mr. Weaver replied that they had a Leed's certified person on staff but that they had not considered it for the site. He said that the certification was not a requirement of the Consent Judgment. He was not too familiar with the program, but he said he would be happy to ask their staff person.

Mr. Reece asked if they had any other tenants lined up besides Target. Mr. Weaver advised that they had letters of intent for some of the multi-tenant buildings, but he was not comfortable disclosing the tenants. Mr. Reece asked if the islands in the parking lots would be sprinkled, which was confirmed. Mr. Reece asked if there was a note on the plans, and if not, if it could be added, to which the applicants agreed.

Chairperson Boswell referred to the motion and Trail relocation, and asked if that meant the relocation would be done with the first phase. Mr. Delacourt said that if the Planning Commission chose to move in that direction, Staff felt the conditions regarding that needed to be addressed. If the Planning Commission recommended that the Trail not be moved at this point, they would remove the conditions. Staff might include the conditions in a motion to City Council, but note that the Planning Commission recommended that they be deleted.

Chairperson Boswell read over several conditions the Commission discussed adding regarding the Site Plan and asked about the Trail relocation.

Mr. Kaltsounis said that they had talked about a lot of things and it had not been an easy day. He thought that everything hinged on the Conceptual Agreement. In retrospect, if they ever again had to deal with a Consent Judgment, he felt they needed to have more meat on the bones. The documentation said the Mayor's Office could sign off on some contracts, Council could sign off on some contracts, and he understood the Commission's job was to look at the Site Plan. He then moved the Site Plan motion, noting he was doing so without considering what was in the Consent. It was his opinion that that Trail should not be disturbed until at least the second phase, and that the section of the motion should be eliminated. Mr. Hooper suggested adding the words "to the Planning Commission" after the word provide in Condition 4, and after the word submitted in Conditions 1-4 under Elevations, which was agreed upon.

Site Plan:

MOTION by Kaltsounis, seconded by Dettloff, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **recommends** that **City Council Approve the Site Plan**, based on plans dated received by the Planning Department on May 4, 2006 with the following two (2) findings and subject to the following thirty-two (32) conditions.

Findings:

1. *A Consent Judgment entered in February of 2004 governs the mix of uses and conceptual design for the project.*
2. *The Consent allows for a mix of retail and office uses based on defined Development Zones attached to the Judgment.*

Conditions:

1. *That the applicants provide a revised 381 Work Plan, the proposed plan must be reviewed and submitted to the DEQ and the Plan approved by the DEQ prior to Final Site Plan approval by Staff.*
2. *That the applicant and City Council enter into a Reimbursement Agreement, as required by the approved BRA plan, regarding the proposed project prior to Final Site Plan Approval by Staff.*
3. *That the applicants demonstrate how Section 8 (f) of the Consent Judgment shall be addressed and provided to City Council for approval prior any above ground construction.*
4. *That the applicant provide to the Planning Commission a detailed phasing and engineering plan, (381 Work Plan) for the redevelopment of the landfill areas as required in Section 8 (e) of the Consent Judgment prior to issuance of Final Site Plan Approval by Staff.*
5. *Per the approved Consent Judgment the applicant shall demonstrate, on submitted construction plans, the method for correcting the existing collapsed storm structure located on the site. The City Engineer shall approve these plans prior to issuance of a Land Improvement Permit.*
6. *That the applicant revise all applicable tree survey information and replacement counts to address all remaining issues identified in the Forestry Department memo dated May 23, 2006 and Landscape Architect memo dated May 22, 2006.*
7. *That the Planning Commission approves a Tree Removal Permit prior to Final Site Plan Approval by Staff.*

Site Plan

1. *Revise photometric to indicate a maximum average of two-foot candles for the entire site, to be reviewed and approved by Staff prior to Final Site plan Approval.*

2. *That the applicant shall address all issues of the Building Department Memo dated May 10, 2006 on revised site plans to be approved by Staff prior to Final Site Plan approval.*
3. *That the applicant provide information to the City Attorney demonstrating the ability to, and also restricting, the uses allowed in Zone D to those described in the Consent Judgment prior to Final Site Plan Approval by Staff.*
4. *That the applicant incorporates on revised plans appropriate bike and pedestrian amenities, such as bike lockers and racks, throughout the site to be reviewed and approved by Staff prior to Final Site Plan Approval.*
5. *Install decorative lights along the crescent formation of development and other retail and office uses along Hamlin Road.*
6. *Provide note on Plans stating that all landscaped islands will be irrigated.*

Traffic Improvements

1. *Madison Park will include a third eastbound lane between Adams Road and the Access B location. This third lane will provide additional eastbound roadway capacity for traffic entering the Madison Park site via Access A and Access B. At Access B this third lane will end and Hamlin Road will continue to the east in the existing two-lane configuration.*
2. *Access A will be configured as a right-turn ingress, right-turn egress commercial driveway with no median crossover.*
3. *Access B will include a traffic signal and median crossover to be located in coordination with the driveway locations to the parcel on the north side of Hamlin Road. Traffic using the crossover will not have direct access to Access B, but will first need to use the crossover under signal control to gain access to eastbound Hamlin Road. The crossover will have two lanes with sufficient storage lengths. Access B will have one ingress lane and two egress lanes. These lanes will be right-turn only lanes.*
4. *Access C will include a traffic signal and median crossover providing for direct traffic movements into Access C. The crossover will have two lanes with sufficient storage lengths.*

Access C will have two ingress lanes and two egress lanes. There will be a right-turn deceleration lane provided for right-turn ingress movements from Hamlin Road.

- 5. A minimum separation distance of 200 feet will be provided between adjacent median crossovers.*
- 6. The proposed Crossover 4 location will be signalized to provide positive controls for pedestrians crossing from the Madison Park site to the Parkland located on the north side of Hamlin Road. Pedestrian control of the signal will be designed to include push button activation.*
- 7. The applicant shall submit revised plans to the Planning Commission, indicating all of the proposed traffic improvements on revised plans for review and approval by Staff prior to Final Site Plan Approval by Staff.*
- 8. The applicant shall add a note to the plans that the proposed traffic improvements are designed for phase one only and that any additional future proposed phases may require additional review and improvements to be made.*

Elevations

- 1. That revised elevations for the east and west elevations of Retail A, the east elevations of major B and C, and the south elevations of Retail/Restaurant B, C, and D be submitted to the Planning Commission. Architectural features, details and relief should be added, similar to the other facades, which break up long runs of flat masonry facades, prior to Final Site Plan Approval.*
- 2. That masonry material labeled on the current elevations for all proposed buildings be a brick material, no CMU or split faced block, and that revised plans, submitted to the Planning Commission, label the material color to be consistent with the submitted renderings, prior to Final Site Plan Approval.*
- 3. That revised plans be submitted to the Planning Commission, replacing EIFS material on all buildings with a natural stone material, prior to Final Site Plan Approval.*
- 4. That a full revised elevation package be submitted for the four outlot structures, including dimensioned, detailed elevations and*

floor plans for all proposed buildings, for review by Staff, recommendation from the Planning Commission, and approval by City Council prior to issuance of a Land Improvement Permit.

River Bend Park Improvements

- 1. That the existing Park curb cut be relocated to a location consistent with the proposed modifications to Hamlin Road, to be reviewed and approved by the City's Engineering and Parks Department, prior to issuance of a Land Improvement Permit.*
- 2. That the proposed Trail to be located around the improvement be of stabilized crushed limestone material and that any sloped areas greater than 4% be surfaced with asphalt, all materials and final design to be approved by the City's Engineering and Parks Department, prior to issuance of a Land Improvement Permit.*
- 3. That the developers provide and install weather resistant interruptive signage, similar to those presented on the plan documents, explaining the storm water management plan and its effect on the river. Proposed signage type and location to be approved by the City's Parks Department, prior to issuance of a Land Improvement Permit.*
- 4. That the developers provide a maintenance bond in an amount sufficient, as determined by Staff, to insure successful establishment of the proposed native vegetation and for a length of not less than five years, prior to issuance of a Land Improvement Permit.*
- 5. That the applicants, the City, and any other applicable agencies enter into an agreement, to be approved by City Council, for the long term maintenance and operation of the proposed improvements regarding the storm water/retention area proposed for the Park prior to issuance of a Land Improvement Permit.*
- 6. That the applicants agree to participate in a public workshop identifying the proposed Park improvements and related material. The proposed workshop shall be held prior to issuance of Construction Plan Approval and coordinated with City Staff and the Clinton River Watershed Council.*
- 7. That applicant must receive and provide the City with all applicable DEQ permits, if required, related to the proposed work prior to issuance of a Land Improvement Permit.*

Roll Call Vote:

Ayes: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis,
Reece, Schroeder, Yukon

Nays: None

Absent: None

MOTION CARRIED

Chairperson Boswell stated for the record that the vote had passed unanimously.

Natural Features Setback Modification:

MOTION by Hardenburg, seconded by Reece, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **grants a Natural Features Setback Modification** for approximately 50 lineal feet for the construction of a stormwater pipe and its associated end-section in the northeast portion of the proposed infiltration wetland, based on plans dated received by the Department of Planning and Development on May 4, 2006, with the following finding and subject to the following two (2) conditions.

Finding:

1. A Natural Features Setback Modification is needed to construct a stormwater pipe.

Conditions:

1. Depict linear feet of the Natural Features Setback on revised plans prior to Final Site Plan Approval by Staff.
2. Restore area to original grade with original soils or equivalent soils and seed with an appropriate seed mix, where possible, and note on plans, prior to Final Site Plan Approval by Staff.

Voice Vote:

Ayes: All

Nays: None

Absent: None

MOTION CARRIED

Wetland Use Permit:

MOTION by Kaltsounis, seconded by Yukon, in the matter of City File No. 03-023 (Madison Park), the Planning Commission **recommends to City Council Approval of a Wetland Use Permit**, based on plans dated

received by the Planning Department on May 4, 2006 with the following six (6) findings and subject to the following four (4) conditions.

Findings:

1. *The Wetland and Watercourse Protection Ordinance is applicable to the subject site, and a Wetland Use Permit is required for Riverbend Park.*
2. *Approximately 3,750 square feet of temporary wetland impacts will result from the construction of a stormwater pipe and its associated end-section in the northeast portion of the proposed infiltration wetland.*
3. *The hydraulics of the detention area will provide wetland vegetation types and add significant ecological value to Riverbend Park. The current plans will add significant ecotone at the forested area along the Clinton River.*
4. *Significant improvements to stormwater quality will occur.*
5. *There will be increased hydraulic capacity of the two small constructed wetlands near the Clinton River.*
6. *The plans meet the goal of ensuring the conservation of highly sensitive woodland, wetland and wildlife habitats within the City by locating the Riverbend Park improvements in upland areas, leaving undisturbed the high quality bottomlands along the Clinton River.*

Conditions:

1. *Depict wetland/watercourse impacts in square feet prior to Final Site Plan approval by Staff.*
2. *Restore impacted area to original grade with original soils or equivalent soils and seed with appropriate seed mix, where possible. It is suggested that non-native temporary seed cover species, such as timothy, not be used.*
3. *Provide MDEQ Part 303 Permit, if necessary to the City for review prior to Final Approval by Staff.*
4. *Implement site appropriate structural and non-structural best management practices that prevent or minimize the impact on water quality.*

Voice Vote:

Ayes: All
Nays: None
Absent: None

MOTION CARRIED

Chairperson Boswell stated that the motions had again passed unanimously. He called a recess from 12:03 to 12:11 p.m.

Discussed

Natural Features Setback Modification - City File No. 03-023 - Madison Park.

This matter was Approved. The motion carried.

Tree Removal Permit - City File No. 03-023 - Madison Park

Postponed

Wetland Use Permit Recommendation - City File No. 03-023 - Madison Park

This matter was Recommended for Approval. The motion carried.

Revised Site Plan Approval Request - City File No. 82-230.2 - The DPS Facility, a proposed 99,000 square foot building on 10.95 acres, zoned R-4, One Family Residential, Parcel No. 15-26-451-033, City of Rochester Hills, applicant.

(Reference: Staff Report prepared by Ed Anzek, dated July 18, 2006 (revised from October 4, 2005), had been placed on file and by reference became part of the record thereof.)

Present for the applicant were Scott Cope, Director of Building, Roger Rousse, Director of Engineering Services, and Fred Hofmann, Yamasaki Associates, Inc. 900 Tower Drive, Suite 190, Troy, MI 48098.

Mr. Anzek stated that the issue before the Commission was an amended Site Plan Approval, noting that the DPS facility was approved by the Commission last fall. He advised that when the matter went to City Council for funding, it was reconsidered, and Council ultimately decided to downscale the project to reduce the costs. At that time, Council established a three-member committee, who worked with the Finance team and the architects to try to reduce the scope and cost. The changes were significant enough that Staff felt the Planning Commission needed to see them. It was put on the agenda because of the timeframe needed to get bid documents prepared and sent out. He deferred to the applicants to review the changes, noting that the building was within the previous footprint and that the Buffer Modifications in place would still stand.

Mr. Rousse stated that the changes would reduce the cost of the project by \$3.1 million. The revised Plan came about as a result of a Council team-driven project with then Council member Barnett, and Council members Jim Duistermars and Ravi Yalamanchi. They tried to maintain all the functionality while reducing costs. They were able to identify residents who made comments on the project and they were informed of the meeting. Interested parties also had the opportunity to meet with Staff if they wished, and one resident, Mr. Vince Robinson, came in and went over the plans. He seemed pleased with the changes. Mr. Rousse asked Mr. Hofmann to discuss the changes.

Mr. Hofmann advised that they simplified the building all the way around to an insulated metal panel with a block base for safety and security. The entrance would remain as it was, giving the presentation to the public and keeping the aesthetics. The back side of the building would now be a metal paneled building with a block base, which was very simple. The only people who would see that would be the employees and the residents behind the building. With the existing and proposed screening behind the building, however, he did not believe the residents would really see that elevation well. Regarding the layout of the site, they had deferred all the improvements to the west except for a few things. They would keep the fuel canopy proposed over the existing pumps, and they would demolish the existing building and put gravel in its place to be part of the larger exterior lot. They proposed an automated gate at the existing driveway and to restrict access to the building. There would be a six-foot high berm, if needed along the road, to screen the existing parking lot. The concern was the large pile of dirt in the center of the proposed building area used for fill. They did not want to haul it offsite and incur another cost. It contained topsoil and organic material, and they could use it as berm material on the existing site. In addition, a small portion of the back of the building was removed to reduce the cost, and a gravel driveway was put in its place because they needed the access only occasionally. He asked if there were questions.

Ms. Hardenburg stated that she was concerned about having a gravel road, because the City did not allow other developers to use that type of road. Mr. Hofmann said the decision was made because it would save money. Ms. Hardenburg reminded that the Commission saw a College's Master Plan showing gravel, and several churches requesting to use gravel, and they were not allowed to put in that type of road. Mr. Hofmann suggested that it could be changed to asphalt.

Ms. Hardenburg said she also had a concern with the rear of the building. She acknowledged it was a "back" and that it was a DPS

building, but she indicated that the Commission recently saw a developer that showed a similar elevation, and he was asked to add features to make it more appealing to the neighbors. She stressed that if the City demanded it from the developers, they had to follow that charge.

Mr. Cope remarked that it was an interesting comment, noting that they were directed to save costs, but then directed another way. Ms. Hardenburg indicated that developers also liked to save money, but the Commission did not approve of lower standards. She did not think they should "talk out of both sides of the mouth." If it was right for one, it was right for all. She maintained that she could not approve that change.

Mr. Anzek referred to the secured, center entrance, with the berm to the west, and asked the applicants to outline the security fencing. He wondered if people would just be able to walk over a berm into the site or if there would be a fence.

Mr. Hofmann responded that people could walk across the berm and get onto the property as it was currently. The main security fencing was around the retention pond because of the safety hazard. He advised that the current security would not change.

Mr. Dettloff asked the estimated cost initially approved for the facility, and Mr. Cope advised that it was \$15.5 million. Mr. Dettloff asked what the new cost savings would be and was told \$3.1 million. Mr. Dettloff recalled that they discussed items that were important for inclusion in the site because they were projecting the needs of the City in 15 or 20 years, and he wondered how the reductions would impact those needs.

Mr. Rousse stated that one of the biggest changes was the reduction in the footprint of the building. They looked at the size and value of all the vehicles, and the decision was made to leave the pick-up trucks outside. That reduced the footprint by 7,200 square feet. They determined that for about 90 days of the year, someone would have to start and run the vehicles for 15 or 20 minutes to get them warmed up. They put a cost on that and made some value judgments.

Mr. Dettloff said he was not sure it was a good idea to approve the Revised Plan if, in five years, the City decided they needed to do further improvements, tripling the costs. He understood trying to save money, but regarding down the road, he wondered if development plans would come back at some point with a huge price tag.

Mr. Rousse agreed that prices would go up. They did not look at the west side of the lot, which could be added to in the future without affecting the operations. They planned three large buildings; the main

facility, one for material storage, such as topsoil, gravel and asphalt, and a salt storage barn. To compensate for those, they put a new roof on the existing salt barn, which also stored vehicles and equipment. When the new building was done, they would move the vehicles there and use the existing for salt storage. They might need to replace it in the future, but he noted that it would have a new roof and tarps and should last another 5-10 years. They realized there would be additional costs associated with delaying some features.

Mr. Reece agreed with Ms. Hardenburg about the gravel road and the siding. He thought the City would look foolish if they did not uphold the same standards. He acknowledged that it was not the committee's fault, and he felt that was unfortunate. He did not think the \$3.1 million savings would be realized because Yamasaki had additional costs and because of inflation for building materials such as copper and steel. If the project had gone out on the streets when it should, he believed they would have accomplished greater savings. He thought it was unfortunate that they had to compromise their building. He mentioned that when the Plan was before the Commission initially, the building was going to be used as an emergency preparedness center also. They had discussed the security of the site, and he thought there was going to be a fence around the entire perimeter to prevent people from getting onto the site. He asked what had changed.

Mr. Rousse said that they would still have space for an emergency center, a provision for about \$250,000.00 of improvements to the fuel depot, canopy and storage, and an increase in the number of pumps. As part of the deferred costs on the west side of the lot, the fence was dropped. If City Council wanted to designate the building as an emergency operation center, they could add it in. Mr. Reece stated that it would be an added cost in the future to do that, noting Mr. Dettloff's comment. Mr. Rousse said it was proposed because they took a long-term view of the project, but to save costs, it was pulled out.

Mr. Reece asked if there was a contractor on board for the project. Mr. Rousse advised that there was a construction manager. Mr. Reece asked if the manager did the cost estimate, rather than Yamasaki, which was confirmed.

Mr. Hooper thought everyone agreed that the first estimate of \$15.5 million should have stayed in place. He suggested that when they went for bids, that they got an alternate on some relief elements to add something to the rear of the building. If the bids were competitive, they could add some alternates. Mr. Cope agreed that could be done. Mr. Hooper said that the original renderings showed glass relief at the top, and the proposed drawings showed a block wall to the top. Mr. Hooper

questioned nomenclature about eliminating the glass and substituting metal panels for alucabond siding. He noted that according to DeMattia (contractor), it was a \$52,000.00 savings, and he thought that might be considered an alternate they could add, to provide a relief element around the building, while staying within the budget. Mr. Cope said they could consider a number of different options if the prices came in lower. Mr. Hooper realized that City Council had allotted a certain budget.

Mr. Schroeder hoped that the building was designed so it could be expanded without any major interior renovations. Mr. Cope said it had been, noting that the portion being taken off the back could be added in the future.

Mr. Reece indicated that the options were pretty limited with metal siding, and that anything the Commission did would drive up the cost. He asked if additional landscaping was added along the back originally. Mr. Hofmann noted that there was additional landscaping added to the existing in the original Plan. Mr. Schroeder asked if they had talked to the residents about the building. Mr. Cope advised that they met with the residents last summer, who took a tour of the building and were shown the proposed plans and where the building would be located. Mr. Anzek added that the residents were sent a personal invitation to the meeting, and five showed up and seemed contented with the Plan.

Ms. Hardenburg asked what could be used instead of gravel that would be cost effective. Mr. Rousse said they could use asphalt, which was probably the least expensive. Mr. Reece noted that the gravel would have to be put down as a base for the asphalt anyway. Mr. Hooper indicated that it would be relatively minor to add asphalt.

Mr. Rousse stated that the sooner they got the bids out, the better the prices would be, and they wanted to get them out before next quarter's adjustments. Ms. Hardenburg referred to the current building, where they proposed to put gravel, and asked what they would like to use it for in the future. Mr. Rousse said it would be demolished. Ms. Hardenburg said she realized that, but she wondered what they hoped would go in that space. Mr. Hofmann answered that they would have some non-enclosed storage areas for materials, and that the salt building would have gone there as part of the whole development. Ms. Hardenburg agreed that hopefully, in the future, the salt area would go there and suggested that the asphalt bottom might be helpful. Mr. Hofmann expressed that the gravel would not hinder anything they would do.

Ms. Brnabic clarified that there would be an asphalt road rather than gravel, and she asked about the design of the back of the building. Mr.

Cope said they would do alternate bids and see whether they would be within the budget, and they would determine the options from there. Ms. Brnabic said she agreed that the committee should not have had to be in the position they were, and sided with the sentiments that had been expressed. She also agreed with Ms. Hardenburg that they had to uphold the same standards they insisted from everyone else. She was sorry they were in that position, but she felt the City had to lead by example, and she hoped there was a way to do that without causing a further headache.

MOTION by Schroeder, seconded by Dettloff, in the matter of City File No. 82-230.2 (DPS Facility), the Planning Commission **Approves** the **Amended Site Plan**, based on plans dated received by the Planning Department on July 13, 2006 with the following five (5) findings and subject to the following six (6) conditions.

Findings:

- 1. All requirements of the Zoning Ordinance, other City ordinances, standards, and requirements can be met.*
- 2. The location and design of driveways providing vehicular ingress to and egress from the site will promote safety and convenience of both vehicular and pedestrian traffic both within the site, and on access and adjoining streets.*
- 3. Automobile parking areas are designed to avoid common traffic problems and promote safety.*
- 4. There can be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.*
- 5. The proposed development will not have an unreasonably detrimental, nor an injurious effect upon the natural characteristics and features of the parcel being developed and the larger area of which the parcel is a part.*

Conditions:

- 1. That the applicant receive a Land Improvement Permit from the City's Engineering Services Department prior to any construction.*
- 2. That all notes and corrections required by the Fire department be included on revised final plans prior to final approval by Staff.*

3. *That, if applicable, a Landscape Performance and Maintenance bond of \$241,350.00, to be adjusted by Staff if necessary, be submitted to the City prior to issuance of a Land Improvement Permit.*
4. *That the applicant receives the appropriate Soil Erosion Permit from Oakland County prior to issuances of a Land Improvement Permit.*
5. *Obtain alternate bids for clerestory glazing around the top of building and if competitive, add elements to enhance the building.*
6. *Add asphalt paving in lieu of gravel.*

A motion was made by Schroeder, seconded by Dettloff, that this matter be Approved. The motion carried by the following vote:

Aye: Boswell, Brnabic, Dettloff, Hardenburg, Hooper, Kaltsounis, Reece, Schroeder and Yukon

ANY OTHER BUSINESS

There was no further business to come before the Commission.

NEXT MEETING DATE

The Chair reminded the Commissioners that the next regular meeting was scheduled for August 1, 2006.

ADJOURNMENT

Hearing no further business to come before the Commission, the Chair adjourned the regular meeting at 12:40 a.m., Michigan time.

 William F. Boswell, Chairperson
 Rochester Hills Planning Commission

 Maureen Centry, Recording Secretary

Approved as presented/amended at the September 5, 2006 Regular Planning Commission meeting.