



**City of Rochester Hills
AGENDA SUMMARY
NON-FINANCIAL ITEMS**

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Legislative File No: 2010-0094

TO: Mayor and City Council Members

FROM: Ed Anzek, AICP, Planning and Economic Development Department, 2572

DATE: 3-1-2010

SUBJECT: City Place Planned Unit Development

REQUEST:

The applicant is requesting a discussion item regarding revisions to a previously approved Planned Unit Development Agreement, City Place PUD.

BACKGROUND:

The agreement between the City and the applicant was recorded in May of 2004, (the full text of the agreement is included in your packet). The agreement defines future development of the subject site. The site is located on the east side of Rochester Road, north of Hamlin. The site consists of three parcels and immediately abuts Burdines Nursery to south, Eddington Woods and Farms Subdivisions to the east and the Cavaliere Office building to the north.

Land use and dimensional requirements for future development of the site are controlled by the existing PUD agreement. The subject site is zoned B-2 General Business, however, that zoning designation was put in place only to support the applicants requested PUD. At the time, the City's PUD Ordinance required the rezoning to B-2 to accommodate the applicants requested uses. At the time of the agreement it was understood that if the PUD were to become void that the property would revert back to its original zoning classification, Single Family. The reversion would take place automatically or by action of Council. The City's Master Plan identifies the site as FB-2, Flexible Business Overlay; this was put in place to support the existing PUD. It is Staff's opinion that if the PUD agreement no longer governed development of the site that the City would need to revisit both the Master Land Use Plan and existing zoning classification.

The "L" shaped parcel south of Eddington Blvd. is a locally designated historic district. The existing PUD agreement was reviewed and approved by the City's Historic District Commission (HDC) including moving the structure to the southwest corner of the site. The applicant has requested Council review the district to determine if it meets the criteria for local designation, and that Council delist the district. Council forwarded the request to the City's Historic District Study Committee for review in accordance with the City's Preservation Ordinance. If the parcel remains designated any future development will require the review and approval of the City's HDC.

Since the approval of the original Agreement the applicant has worked to develop the site, including the first phase Fifth Third Bank on the north end of the development. In subsequent years the applicant has returned to both the Planning Commission and Council to discuss possible revisions to the Agreement. As approved the applicant does not believe that the site is viable.

Staff and the applicant have met several times over the past years exploring options for a more flexible agreement, one that would allow the applicant to market and/or develop the site in phases and one that would be more adaptable regarding building placement, type, and design. Any new agreement would also need to provide and insure the standard of development, both in aesthetics and compatibility, that the existing agreement provides. Identifying that balance has been difficult.

It's Staff's opinion that the adoption of the City's Master Land Use Plan and the Flexible Business Districts provide a vehicle to potentially meet both the applicants and the City's goals. Adoption of the overlay districts as part of the City's code give the City a defined, adopted, set of standards to use to develop these types of sites. The Flexible District in combination with any agreed upon additions or added controls can provide the structure for a revised agreement.

The proposal is to replace the existing PUD with an agreement that is much simpler and more adaptable. That agreement would be based on the City's existing FB-1 Overlay District. The requirements of that district, dimensional and aesthetically, would control the majority of site development. The FB-1 district is designed to create predominantly a mixed office and residential development under certain established criteria and guidelines. It requires compatibility between abutting developments and a consistency of design, regardless of whether the site is developed in whole or in smaller phases with potentially different owners. This allows the applicant flexibility in both marketing the site and in development of individual projects. It also insures the City that all future development, regardless of ownership, is done in conformance with an approved City standard.

In addition, the applicant would like to retain some items approved in the original PUD and discuss additional flexibility with Council. The applicant is requesting additional commercial space be allowed within portions of the site. The existing PUD provides for a certain amount of retail to be located within approved buildings as part of the development. The applicant has provided a comparison chart between the existing agreement and what they are requesting as part of a revised agreement. Any flexibility from the FB-1 would need to be agreed to by Council and identified in a revised agreement. The City may also request additional controls be incorporated into a revised agreement to protect against concerns regarding the overall future development. The applicant is also requesting that other flexibility related to the City's Wetland and Natural Features Setback Ordinance's remain in a revised agreement.

It is Staff's opinion that a revised agreement is necessary. It is Staff's opinion that FB-1 is the appropriate starting point for that agreement and that a PUD is the appropriate vehicle to establish the framework for future development of this site. It is appropriate at this point to seek input from the Council on the proposed process and any additional flexibility and/or controls that may be included in a revised document.

This is the first step in the process. Staff and the applicant are seeking input from Council about the proposed process and revised agreement. If Council agrees, a revised agreement would be prepared by the applicant for review by Staff, the Planning Commission and Council. Any approval would follow the standard PUD approval process. The applicant has appeared before the Planning Commission regarding this process and received a favorable response, (the minutes from that meeting are included for your review).

Minutes and background information regarding all previous approvals from this site are available from either the Clerks or Planning Department.

RECOMMENDATION:

Discussion only

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA

APPROVALS:	SIGNATURE	DATE
Department Review		
Department Director		
Mayor		
City Council Liaison		