



innovative by nature

Bryan K. Barnett
Mayor

June 4, 2013

City Council

Cornell Vennettilli

Ravi Yalamanchi
District 1

G & V Investments

Adam Kochenderfer
District 2

990 E. South Blvd.

Greg Hooper
District 3

Troy, MI 48086

Nathan Klomp
District 4

Re: **Rezoning Application for 28+/- acres along the eastern side of Rochester Road.**
Parcels 15-23-152-015, -021, -022, -023; and 15-23-301-002, and -035.

James Rosen
At-Large

Dear Mr. Vennettilli:

Mark Tisdell
At-Large

Upon review of your rezoning application it appears that you are requesting the removal of the Planned Unit Development Agreement (PUD) as part of the rezoning request. I must advise that the rezoning procedure is not the means to vacate the PUD that is in place. Your application appears to acknowledge the PUD as it is shown as part of the Current Zoning but is not shown as part of the Proposed Zoning. Your accompanying narrative also indicates this in the second paragraph of page 2 where it is stated. "Without a rezoning to remove the PUD overlay..." .

Michael Webber
At-Large

The Planned Unit Development is a 3-party contractual agreement separate and apart from Zoning entered into between G&V Investments, 5th/3rd Bank based in Cincinnati, and the City of Rochester Hills. I would refer you to the PUD document Section 19. Contract, on page 13. It is also acknowledged that a PUD agreement contains certain development standards associated with Zoning but it is more a performance contract than a zoning assignment.

It is my opinion that the question of a rezoning is not the proper forum to address the elimination of the PUD Agreement, if that is your intent. As a contractual agreement that matter rests with the City Council and I would direct you to begin your efforts with the City Council.

To take this matter as presented to the Planning Commission, the first order of business would be the question of the status of Planned Unit Development Agreement. Staff would recommend to the Planning Commission that the matter be deferred to the City Council to

determine if the City Council is supportive of taking the question under consideration and direct the Planning Commission to evaluate and provide recommendation.

In closing I would state that your Rezoning Application is inaccurate in the sense that it requests more than can be accomplished by a rezoning; that being the elimination of a contract. I cannot proceed as it is has been submitted and would suggest you make request of Ms. Tina Barton, City Clerk, to be placed on the City Council agenda to discuss your desire to eliminate the PUD with the City Council.

Sincerely,



Edward P. Anzek, AICP
Director, Planning and Economic Development

Cc: Bryan K. Barnett, Mayor
John Staran, City Attorney
Tina Barton, City Clerk
James Breuckman, Manager of Planning

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