



City of Rochester Hills  
AGENDA SUMMARY  
NON-FINANCIAL ITEMS

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Legislative File No: 2010-0094 V2

**TO:** Mayor and City Council Members

**FROM:** Ed Anzek, Director of Planning and Economic Development, ext. 2572

**DATE:** June 19, 2013

**SUBJECT:** A request by G&V Investments to discuss the elimination of the City Place Planned Unit Development (PUD) Agreement, City File No. 02-027, that controls the development of their 28+/- acres along Rochester Road between Avon and Hamlin Roads.

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**REQUEST:**

Mr. John Gaber of Williams, Williams, Rattner & Plunkett, P.C., has requested to be put on a City Council agenda to discuss with Council the possibility of eliminating the City Place PUD, which was approved by City Council on May 4, 2004 and an amended PUD was subsequently approved on November 16, 2010.

**BACKGROUND:**

Much of the history and background associated with this issue is summarized in several of the materials provided by Mr. John Gaber, attorney for the William Gilbert and Cornell Vennettilli, owners of G&V investments.

The concept of a mixed-used development on this site was first adopted by the City in the 1998 Master Land Use Plan. The mixed-use concept included the parcel to the north of G&V's land being the Cavaliere Office Building on the southeast corner of Rochester and Yorktowne Dr. and the entire Bordine's property. The intent was to promote a coordinated development across the entirety of these parcels. The 5<sup>th</sup>/3<sup>rd</sup> Bank was the first phase of the City Walk PUD and is a party to the Planned Unit Development Agreement.

In Mr. Gaber's letter of June 12, 2013 he advises Council that his client filed an application to rezone the property to eliminate the City Place Planned Unit Development. I responded in kind with a letter advising that a rezoning is not the proper means to eliminate a contract between G&V Investments and the City. A PUD Agreement is a contract and is confirmed within the PUD Agreement. In addition, 5<sup>th</sup>/3<sup>rd</sup> Bank is a party to this agreement as well. I further suggested that the first order of business is to discuss with the City Council as to any interest to eliminate the PUD. The underlying zoning is irrelevant as long as a PUD remains in effect. I have attached a copy of that letter to this agenda summary.

I believe it is evident in the materials provided that G&V Investments have been working to realign Eddington Blvd to support the installation of a traffic signal enabling better access/egress from their site. The applicants have advised that this limitation is hindering the successful marketing of their holdings.

This matter is both a legal and planning issue and I will trust that the City Attorney will be present to handle the legal matters.

**RECOMMENDATION:**

The applicant has requested the opportunity to discuss this matter with the City Council. Council can discuss the request to eliminate, modify, or leave as is the PUD Agreement.

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<b>APPROVALS:</b>	<b>SIGNATURE</b>	<b>DATE</b>
Department Review		
Department Director		
Mayor		
City Council Liaison		