



## Department of Planning and Economic Development

Staff Report to the Planning Commission

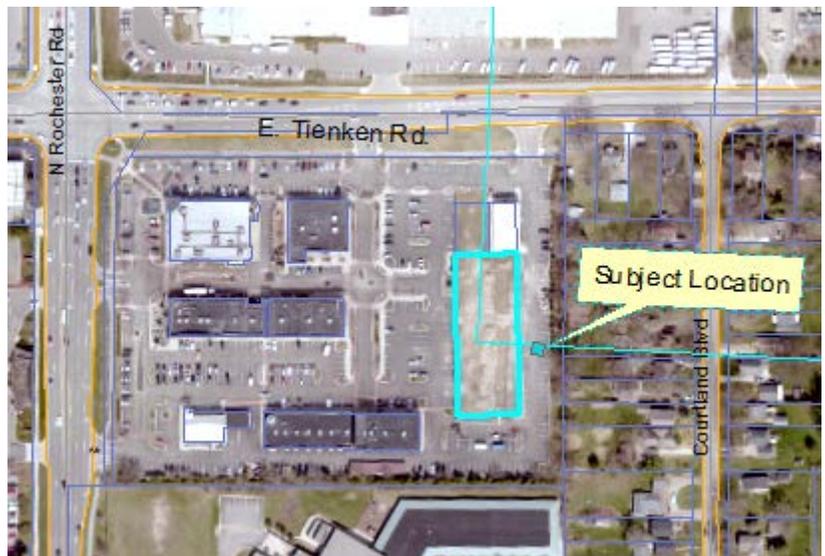
October 28, 2019

### City Apartments Garageports

<b>REQUEST</b>	Third Amendment to PUD Agreement Recommendation Site Plan Approval Recommendation
<b>APPLICANT</b>	Francesca Schovers Designhaus Architecture 301 Walnut Rochester, MI 48307
<b>LOCATION</b>	Near southeast corner of Rochester and Tienken Roads at City Walk
<b>FILE NO.</b>	98-047.5
<b>PARCEL NO.</b>	15-11-103-012
<b>ZONING</b>	B-2 and FB-2 and governed by a PUD
<b>STAFF</b>	Kristen Kapelanski, AICP, Manager of Planning

The applicant is proposing the third amendment to the Planned Unit Development (PUD) Agreement and site plan to construct 21' x 12' garageports in place of previously approved carports on the east and south property lines at City Apartments, located near the southeast corner of Rochester and Tienken Roads.

City Council approved the subject site as a PUD Overlay in 2004. The second amendment in 2016 changed the retail use on the first floor of the apartments to residential, which are in the construction phase. The applicant states that the garageports are necessary due to market demand for enclosed parking spaces, and it would ensure headlight screening to neighboring properties.



This matter was considered by the Planning Commission at the October 15, 2019 meeting where a decision on the matter was postponed. The applicant has made several adjustments to the plan to address the Planning Commission's concerns. Those adjustments are outlined in the October 24, 2019 letter from Designhaus Architecture.

The garageports and overhead doors are proposed to be a metal color to match the apartment building. Masonry was explored; however, it was determined that a masonry structure would reduce the east landscape buffer by 9.5 feet and the south landscape butter by 8 feet and cause other impediments. A watermain easement extends into the south and east parking spaces by 4.5 and 5.5 feet. The applicant is willing to enter into a hold harmless agreement with the City stating that if the City needs to perform infrastructure work affecting or moving the garageports, that the City shall not be liable, among other

stipulations. Please see the agreement attached, which has been updated per the Planning Commission's comments and reviewed and approved by Mr. Staran.

## Amended PUD Agreement Review Considerations

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A PUD amendment requires a recommendation by the Planning Commission and approval by City Council, in accordance with *Section 138-7.109* of the zoning ordinance. The apartment building was approved with carports, and below is a listing of the proposed change:

**2. The Final PUD site plan (Exhibit B) of the agreement is deleted in its entirety and the Exhibit B attached hereto shall be substituted in its place.**

The City Attorney has reviewed and approved the legal form of the proposed revised PUD Agreement.

### Summary

As part of the technical review for this project, the plans and supplemental documentation have been reviewed by all applicable city departments. Based on the review comments included in this report or contained within the enclosed information, and if the Planning Commission agrees that the development will be harmonious and compatible with surrounding development, below are motions relative to City File No. 98-047.5, subject to any changes or conditions recommended by the Planning Commission.

## Staff Recommendations

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Department	Comments & Waivers/Modifications	Recommendation
Planning	No comments	Approval
Fire	No comments	Approval
Building	No comments	Approval
Assessing	Minor comment	Approval
Engineering	Hold Harmless Agreement to be recorded	Approval
Parks & NR	No comments	Approval

## Amended PUD Agreement Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 98-047.5 (City Apartments Garageports PUD), the Planning Commission **recommends** that City Council **approves** the Third Amendment to the PUD Agreement, dated received July 3, 2019, with the following findings and conditions.

### Findings

1. The proposed amended PUD agreement is consistent with the proposed intent and criteria of the PUD option.
2. The proposed amended PUD agreement is consistent with the approved Final PUD plan.
3. The amended PUD agreement will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment.

4. The proposed amended PUD agreement promotes the goals and objectives of the Master Plan as they relate to providing varied housing for the residents of the City.
5. The proposed agreement provides for an appropriate transition between the subject site and existing land uses to the east and south of the property.

### Conditions

Add any applicable.

## Motion to Approve Site Plan

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 98-047.5 (City Apartments Garageports PUD), the Planning Commission **recommends** that City Council **approves** the **Site Plans**, dated received October 24, 2019 by the Planning and Development Department, with the following findings and conditions.

### Findings

1. The site plan and supporting documents demonstrate that all applicable requirements of the zoning ordinance, as well as other city ordinances, standards and requirements can be met subject to the conditions noted below.
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 adjoining streets.
3. There will be a satisfactory and harmonious relationship between the development on the site and the existing and prospective development of contiguous land and adjacent neighborhoods.
4. The proposed development does not have an unreasonably detrimental, nor an injurious, effect upon the natural characteristics and features of the parcels being developed and the larger area of which the parcels are a part.
5. The proposed PUD plan promotes the goals and objectives of the Master Plan by offering a variety of housing.

### Conditions

1. City Council approval of the Third Amendment to the PUD Agreement.
2. Hold Harmless Agreement to be signed by the Mayor and applicant and recorded at Oakland County.
3. Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.

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Attachments: Applicant Letter dated 10/24/19; Applicant Letter dated 7/3/19; Third Amendment to the PUD; Hold Harmless Agreement; Site Plans (Exhibit B) dated received October 24, 2019; Landscape Plan dated received October 1, 2019.

Attachments: Assessing Department memo dated 7/22/19; Building Department memo dated 10/2/19; DPS/Engineering memo dated 9/5/19; Planning Department Memo dated 10/3/19; Fire Department memo dated 7/23/19; Parks & Natural Resources memo dated 7/8/19; Third Amend. PUD Agreement; Hold Harmless Agreement; Email Staran dated 7/26/19 and 10/3/19.