



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

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Legislative File No: 2009-0274 V6

TO: Mayor and City Council Members

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

DATE: September 10, 2010

SUBJECT: Approval of a Revised Planned Unit Development Agreement for City Place, City File No. 02-027, G&V Investments, LLC applicant.

REQUEST:

Approval of a Revised PUD Agreement for City Place, a Planned Unit Development on approximately 28 acres located on the east side of Rochester Road, north of Hamlin.

BACKGROUND:

The subject site was master Planned as mixed use in 1998. The applicant approached the City with a mixed use proposal in 2001/2002. After extensive meetings with the Historic Districts Commission, Planning Commission and City Council, a PUD agreement was approved in May of 2004 and recorded. That agreement currently controls future development of the site. The first phase of development, a Fifth Third bank, is the only construction that has occurred to date.

The applicant indicates that the property is no longer developable as approved. Staff and the applicant met on several occasions over the past years exploring options for flexibility with regard to building placement, type and design and that would also preserve the characteristics of the current agreement that the City found desirable. In addition, it was important to establish a process that would allow for individual portions of the site to be reviewed and approved independent of the whole, while maintaining consistency of design, quality and compatibility for the project as a whole. The adoption of the City's current Master Plan and Zoning Ordinance provided the proposed framework to meet both objectives. In Staff's opinion the appropriate tool to implement the change is a revised PUD agreement using the Flexible Business One (FB-1) district as its base.

The revised agreement is designed to replace the previous approval and to be more flexible in nature. The 2004 PUD includes detailed site plans and associated information consistent with what is necessary for a full site plan approval. At the time of the original PUD approval, the City did not have a Zoning Ordinance regulating mixed-use development. The detailed plans and agreement were a result of a negotiation between the City and the applicant. Subsequently, the City has revised its Master Plan and adopted mixed-use regulations as part of its Zoning Code. The applicant is proposing to use that ordinance, specifically the Flexible Business 1, as the basis of the revised PUD. The adopted regulations will replace the detailed drawings in the agreement, if approved. Any future site plan submittal associated with a revised approval will be required to go through the full review and approval process of the City.

In addition to the requirements of the FB-1 district, the applicant would like to retain some items approved in the original PUD. Those requests include commercial space along Rochester Road and other flexibility with regards to wetlands and natural features setbacks. The revised agreement identifies the criteria for incorporation of the commercial into any future development, and the attached map identifies the locations on the site it would be considered.

The applicant appeared before the Planning Commission in April and in three additional meetings in July, 2010, seeking input and a recommendation from the Commission and residents. On July 27, 2010, the Planning Commission recommended approval of the Revised PUD Agreement with the inclusion of the following conditions:

- All drive-thrus have been prohibited, except for those related to financial institutions
- Restaurant and alcohol sales have been restricted to no more than 35% of sales, and hours of operation were restricted to 7:00 a.m. to 11:00 p.m.
- Additional right-of-way dedicated for future roadway improvements is required to be provided
- Maximum densities have been identified, although the maximum allowable build out restrictions of the FB-1 zoning district supersedes the proposed numbers
- Screening and buffering requirements along the eastern property line are increased above the Ordinance requirements
- Consideration of realigning Eddington Farms Drive to the south, which must facilitate the installation of a traffic signal and be supported by all affected parties

At its July 26, 2010 meeting, the non-contiguous Historic District located at 1585 S. Rochester Rd. was delisted by City Council. The revised PUD is not required to address the home. Future development of the parcel is not required to be reviewed by the Historic District Commission.

The 2004 PUD agreement and plans are too large to attach to Legistar but can be accessed at http://www.rochesterhills.org/city_services/planning_and_zoning/overview.asp

The proposed PUD agreement is attached, as are the Minutes from all meetings in 2010 regarding this item.

RECOMMENDATION:

A PUD is an agreement negotiated by the City and its approval is at the discretion of City Council. The proposed revision will repeal and replace the existing agreement. The Planning Commission has reviewed the proposed agreement and recommends approval.