

**City of Rochester Hills
Department of Planning**

STAFF REPORT TO THE CITY COUNCIL AND PLANNING COMMISSION
February 2, 2004

Papa Joe's Final Planned Unit Development Review	
APPLICANT	Curtis Properties, LLC 34244 Woodward Avenue Birmingham, MI 48009
LOCATION	Northwest Corner of Rochester and Tienken Roads.
SIDWELL	15-03-477-018, 019, 020 & 021, 030, 031, 033
FILE NO.	02-004
ZONING	B-2, B-5, I-1, & O-1
STAFF	Derek Delacourt, Planner
REQUEST	Final PUD Recommendation

SITE DESCRIPTION

The subject site is located on the northwest corner of Rochester and Tienken Roads. The site is comprised of multiple properties approximately 15 acres in size and in various states of development. The project includes the gas station located directly on the corner, Lino's restaurant and the bank to the west and the vacant industrial parcels to the north (a location map is included in the staff report identifying the subject parcels).

SUMMARY

The applicant is proposing the redevelopment of the site through use of the PUD section of the City's Zoning Ordinance, Section 138-1004. The applicant has appeared before the City Council and Planning Commission multiple times related to the preliminary portion of the PUD process and the agreed upon offsite roadway improvements and right-of-way dedication. The applicant has received preliminary approval for use of the PUD process and is actively preparing an agreement for all offsite improvements related to the Rochester Road Tienken Road improvements.

PROPOSED PROJECT

The applicant is proposing the development of a mixed use/commercial center to be anchored by a Papa Joe's Market. The project will include the knockdown and rebuild of the existing bank and gas station fronting Tienken Road. The proposed center will also include small specialty retail and small office sweets. Also two out buildings are being proposed for the site. The final combination of permitted and prohibited uses shall be included in this PUD agreement.

Use of the PUD process allows the City to exercise increased design and aesthetic controls as well as the ability to restrict any undesirable uses. Prior to initiating the Final PUD approval by City Council all permitted and prohibited uses must be identified and included in the recommendation to City Council.

FINAL PUD APPROVAL

The applicant is requesting a recommendation to City Council on the PUD agreement and attached exhibits. They are not seeking approval of the Final Site Plans at this time. Approval of the Final PUD Agreement obligates the applicant to develop the site in accordance with the Agreement. Also, it provides the applicant with the assurance that the City will approve the site as long as the Final Site Plans are consistent with the agreement and exhibits included in the Final PUD document. The City's PUD Ordinance allows for the Final Site Plans to be approved by Staff administratively if they are consistent with those included in the agreement. However, in this instance Staff's opinion is that any Final PUD agreement should include a condition that the Final Site Plans shall be required to be reviewed by the Planning Commission and a recommendation made to the City Council regarding final approval. It is Staff's Opinion that there are too many outstanding issues to be addressed prior to Final Site Plan Approval not to have the resolutions to those issues reviewed and approved by the Planning Commission and City Council. Also, Staff's opinion is that the plans as presented in the Final PUD Agreement are acceptable to be approved with the conditions identified in the motion below.

OUTSTANDING ISSUES

Parking

Staff indicated to the applicant, early in the process, that the shopping center parking standard identified in the Ordinance is most appropriate for the subject site. Based on the current configuration of plans in the PUD Agreement approximately 600 parking spaces are required, the current set of plans is 70 – 80 parking spaces short of the Ordinance requirement.

A condition is included in the potential approval motion that requires the applicant to provide the required amount of parking for the site or submit to the City a Parking Study for review and approval by staff and the planning commission that identifies the criteria

used to determine the number of parking spaces for the site. Providing the appropriate parking required by Ordinance or an approvable study is required prior to approval of the Final Site Plans.

Ordinance Amendment:

As discussed previously the City's PUD Ordinance does allow for the B-5 underlying zoning district to be included in the PUD. The Ordinance does not however list the B-5 uses as allowable in the PUD. Staff researched the minutes and information regarding the establishment of the PUD Ordinance and is unable to determine the reason for this. It appears to be a mistake that the uses were left out when the underlying zoning is included.

It is Staff's opinion that the B-5 zoning and uses are important to the success of any proposed redevelopment of this corner. Inclusion of the Gas Station in the proposed project and the willingness of the Gas Station to dedicate right-of-way on both Rochester and Tienken Roads allow the proposed intersection improvements to occur.

Staff is recommending that, if necessary, the City's PUD Ordinance be amended to include B-5 uses prior to Final Approval of the Site Plans and that any approval of the Final PUD by City Council be conditioned on that amendment being approved.

Wetland:

The applicant is proposing to fill a small City and DEQ regulated wetland. Both the city's Wetland Consultant and the DEQ have recommended that it be permitted and that no mediation be required. The subject wetland is of extremely low quality and is described by the DEQ and City Consultants as a "road ditch". It is not regulated due to its size or impact on the environment and/or water quality; it is only regulated because it serves a function as a "surface drainage connection."

Staff recommends that that applicant receive a Wetland Use Permit from the City and a DEQ permit prior to issuance of a Land Improvement Permit.

The specific action requested for consideration by the Planning Commission is a recommendation to City Council regarding Final PUD Approval.

RECOMMENDATION

Based on the above referenced reasons the proposed project meets the required conditions and standards for use of the PUD process. If the Planning Commission and City Council agree that the proposed use of the PUD process is appropriate for the subject sites, Staff recommends the following motion in reference to City File # 02-004:

References: Final PUD package, PUD Agreement and PUD Plans and Exhibits dated January 9, 2004

MOTION by _____, seconded by _____, in the matter of City File No. 02-004 (Papa Joes), the Planning Commission **recommends** that City Council **approve** the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated January 9, 2004 (as may be amended by City Council) and constitutes an amendment to Chapter 138 of the Code of Ordinances to rezone Parcel Nos. 15-03-477-018, currently zoned O-1 and I-1, and 15-03-477-019,-020 & -021, currently zoned I-1 Light Industrial, to B-2, General Business and to add the PUD overlay, and which adds the PUD Overlay District to Parcel Nos. 15-03-477-030, -031 & -033.

Findings:

1. The proposed PUD has met the qualifications of Section 138-1002 of the Zoning Ordinance in that the proposed improvements to the intersection will minimize, alleviate or improve the traffic situation. Further, it provides for the appropriate redevelopment of parcels occupied by obsolete buildings.
2. Dedication of additional road right-of-way, intersection improvements at no cost to the City, increased design and aesthetic controls, and the ability to restrict undesirable uses are substantial public benefits of the proposed PUD that could not be achieved under the B-2 district alone.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment. Moreover, the proposed PUD will improve public utility and circulation systems.
4. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site. Proposed improvements to the intersection will minimize, alleviate or improve the traffic situation to the site.

Conditions:

1. That Final Site Plan Approval shall require recommendation of the Planning Commission to City Council and Approval by City Council.
2. That prior to Final Site Plan approval the applicant shall provide the minimum number of parking spaces required by ordinance on site or provides a Parking Study for the review and approval of Staff and the Planning Commission that identifies the reason for the discrepancy.

3. That approval of a Wetland Use Permit from both the City and DEQ shall be required prior to issuance of a Land Improvement Permit.
4. That vacation of Old Orion Court is approved by City Council and documentation provided by the applicant that indicates the ability to develop the entire vacated area.
5. That if required the City's PUD Ordinance be amended to allow B-5 zoning uses within an approved PUD prior to Site Plan Approval by City Council.
6. That the Final Site Plans and Elevations are consistent with those approved as part of the Final PUD agreement.
7. That appropriate traffic calming devices are incorporated throughout the site, to reduce potential "cut through traffic", to be reviewed and approved by Staff prior to Final Site Plan approval by City Council.
8. That both Building #1 and Building #2 shall be fully sprinkled, to be reviewed and approved by the City's Fire Department prior to Final Site Plan approval by City Council.