



Department of Planning and Economic Development

Staff Report to the Planning Commission November 15, 2013

City Walk PUD	
REQUEST	Amended PUD Agreement Recommendation
APPLICANT	Tienken Partners, LLC 37020 Garfield, Suite T-1 Clinton Township, MI 48036
AGENT	Paul Aragona
LOCATION	Southeast Corner of Rochester and Tienken Roads
FILE NO.	98-047.2
PARCEL NOS.	15-11-101-009
ZONING	B-2, General Business with FB-2 and PUD Overlay
STAFF	Jim Breuckman, AICP, Manager of Planning

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Overview

The subject City Walk Planned Unit Development (PUD), which was approved by City Council in 2004, is located at the southeast corner of Rochester and Tienken Roads. The PUD is partially developed, with the exception of Building D which is the long retail building located at the east side of the property.

The applicant is proposing to amend certain sections of the PUD agreement to include upper-story residential uses as a permitted use, adjust the percentage of space that may be used for restaurant uses, to allow for a taller mixed-use building D, to adjust the permitted sign standards, and to adjust the parking requirement to account for residential uses. The applicants met with the Planning Commission in April 2013 to discuss the proposal, and Minutes from that meeting are included.

A PUD amendment requires a recommendation by the Planning Commission and approval by City Council, in accordance with Section 138-7.109 of the PUD Ordinance. The original PUD listed only those uses permitted by right in the B-2, General Business district.

Please refer to the formerly approved PUD and the First Amendment for further details.

Amended PUD Contract Review Considerations

Following is a summary of the requested changes to the PUD agreement:

1. **Section 4.(9) – Permitted Restaurant Uses.** This section would be revised to allow restaurants to be up to 35% of square footage of all buildings, up from 25%.
2. **Section 4.(15) – Upper Story Residential Units.** This new section would be added that allows residential dwelling units on the 2nd story or above for buildings in the development.
3. **Section 12 – Signs.** The proposed language would delete the existing sign standards and replace them with a new set of sign requirements. The new sign standards allow for certain sign types that are allowed in the FB overlay districts (the City Walk site is located in the FB-2 overlay district).
4. **Section 14.(4) – Parking.** This section has been revised to add in parking requirements for residential units at the rate of 1.5 spaces per unit.
5. **Section 14.(6) – 4-Story Residential Building.** This section is new and allows for buildings in the development to exceed the maximum height limit in the B-2 district with conditional use approval by the City Council. Further, no building may exceed 70 feet in height, and also that no part of the building penetrates through a sky plane which is a plane drawn at a 45 degree angle from a point 30 feet above grade level at the 50 foot setback line. This ensures that taller buildings will have a larger setback than the minimum requirement. The conditional use approval provision ensures that both the Planning Commission and City Council will review and approve any taller buildings, and that a public hearing before the Planning Commission will be required.

Also note that the rendering of the 4 story building D is meant to illustrate the signs that would be allowed by the revised sign standards. It is not a site plan for building D and will grant no approval rights to the property owner for the building. Building D would still have to go through the standard site plan/conditional use approval process.

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

Summary

Subject to any changes or conditions recommended by the Planning Commission, staff offers the following motion in reference to City File No. 98-047.2:

PUD Agreement Recommendation Motion

MOTION by _____, seconded by _____, in the matter of City File No. 98-047.2 (City Walk PUD), the Planning Commission **recommends** that City Council **approve** the First Amendment to the PUD Agreement, dated received October 22, 2013, 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 of the property.

Conditions:

Add any applicable conditions.

Attachments: PUD Agreement dated received 10/22/13
