

**City of Rochester Hills
Department of Planning**

**STAFF REPORT TO THE PLANNING COMMISSION
July 2, 2010**

City Place Revised PUD Review	
APPLICANT	G&V Investments, LLC 2565 Rochester Road Rochester Hills, MI 48307
LOCATION	East side of Rochester Road, North of Hamlin, South of Avon
SIDWELL	15-23-301-002, 15-23-152-022, 15-23-152-023, 15-300-035, 15-23-152-021
FILE NO.	02-027
ZONING	Planned Unit Development
STAFF	Derek Delacourt, Deputy Director Planning & Econ. Dev.
REQUEST	Amended PUD Recommendation

SITE DESCRIPTION

The subject site is located on the east side of Rochester Road, north of Hamlin Road. The site is comprised of five properties approximately 29 acres in size. The site is currently developed with a single family home south of Eddington Blvd. and a Fifth Third Bank building on the northern portion of the site fronting on Rochester Road, (a location map is included in the staff report identifying the subject parcels). A county drain that qualifies as a regulated watercourse bisects the subject site. Also, a Detroit Edison easement separates the southern parcels from the parcel on the north end of the site.

SUMMARY

The applicant is requesting a revised PUD agreement be reviewed and approved by the City.

The revised PUD agreement is designed to replace the previous approval and to be more flexible in nature. The current 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 submission for this site, the City did not have a Zoning Ordinance

regulating mixed-use development. The detailed plans are a result of a negotiation between the City and the applicant to determine what the final product would be. Since that time, the City has revised in its Master Plan and adopted Mixed-Use regulations as part of its Zoning Code. The applicant is proposing to use that standard, Flexible Business 1, as the base of the revised PUD. Those regulations are identified in Chapter 8 of the City's Zoning Ordinance. The City's adopted regulations would replace the detailed drawings currently included in the packet. Any site plan submittal would be required to go through the full review and approval process at the time of submission. The Commission's full review authority would remain intact, as opposed to ensuring conformance with the PUD exhibits.

In addition to the requirements of the Code, the applicant is requesting flexibility from the use requirements and is offering additional dimensional restrictions, the largest requested addition being the addition of 50,000 square feet of general retail. 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 may be considered.

Based on conversation at the March City Council and April Planning Commission meeting, the applicant has made additional revisions to the proposed agreement.

- All drive-throughs have been prohibited, except for those related to financial institutions.
- Restaurants and alcohol sales have been further restricted to no more than 35% of sales.
- Maximum densities have been identified; however, the maximum allowable build out of the FB-1 zoning district supersedes the proposed numbers.
- Commercial and office setbacks were increased for the entire site and continued along the south side of the Eddington Farms Subdivision.

Staff also requested some minor modifications that were addressed and clarified in the current proposed agreement.

STAFF RECOMMENDATIONS

In addition to the proposed agreement Staff, recommends the following language be included in the agreement.

- Staff recommends that the hours of operation for any establishment serving alcohol be limited to 7:00am to 11:00pm. This will help to further address residents' concerns regarding late night noise and light issues related to "bar" type establishments. It should also be noted in the agreement that any

restaurant establishment is required to receive Conditional Land Use approval at the time of site plan submittal.

- That the agreement be revised to indicate that all future development will conform to the City's Master Transportation Plan, (current at the time of site plan submittal) for proposed ROW. Language should also be included indicating that any applicant will dedicate ROW identified in the plan as necessary for future road way improvements at the time of any future site plan approval, (page 8, Section 11 (A)).
- That language is included in the agreement agreeing that at the time of future applicable site plan submittal, the applicant agrees to consider the possible realignment of Eddington Farms Drive to the south. The realignment shall be agreeable to the City and the Homeowner's Association, and any such realignment must facilitate the installation of a traffic signal. The language is not intended to bind any future applicant to realignment; only that if the conditions allow and all parties agree that it may be incorporated in to a proposed site plan.
- That page 3, Section(J) be further clarified to indicate that the existing FB-2 overlay identified in the Master Plan and the B-2 zoning was not only put in place to facilitate the existing PUD, but also that it does not represent the future desired land uses or zoning requirements for the subject site.
- That page 10, Section (D) be revised to indicate that Certificates of Occupancy will be issued according to applicable City requirements at the time they are requested.
- Revise language in Section (22), page 13, indicating that the total number of spaces may be reduced administratively in connection with an approved site plan if the proposed reduction conforms with applicable parking standards.

APPROVAL PROCESS

The applicant is requesting an amendment to the existing, approved PUD. The proposed revision will, for all intensive purposes, repeal and replace the existing agreement. As proposed, the approval process treats the revision as a new Final PUD and includes a noticed public hearing with a recommendation from the Commission and final approval by City Council.

As noted in the City Ordinance, a PUD is a negotiated agreement at the discretion of City Council. The proposed agreement and Staff additions are suggestions. The Planning Commission and City Council may ask for additional modifications or changes they feel are appropriate.

The proposed agreement letter, dated June 21, 2010, and a previously submitted comparison table are attached for your review. Also, minutes from the March City Council and April Planning Commission meetings are included for review. The proposed agreement, the previously approved PUD and the HDSC's final report regarding the requested elimination of the district are all available for review on the Planning and Economic Development home page.

http://www.rochesterhills.org/city_services/planning_and_zoning/overview.asp

If you have trouble accessing the information or do not have access to the internet please contact (248) 656-4660 and we will make copies available to you.

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

References: Aerial Map; Letter from J. Gaber, dated June 21, 2010; Proposed PUD Agreement dated June 18, 2010; Planning Commission Minutes dated April 20, 2010; City Council Minutes dated March 1, 2010; Comparison Chart revised April 12, 2010; Letter from L. Weston, dated June 28, 2010; Letter from N. Wagner, dated June 27, 2010.

POTENTIAL MOTION

MOTION by _____, seconded by _____, in the matter of City File No. 02-027 (City Place PUD), the Planning Commission hereby recommends to City Council approval of the Revised PUD Agreement for City Place, a mixed-use development on approximately 28 acres located on the east side of Rochester Road, north of Hamlin, zoned PUD, Parcels No. 15-23-300-035, and Parcel Nos. 15-23-301-002, 15-23-152-023, 15-23-152-021, 15-23-152-022, with the following findings and subject to the following conditions:

Findings:

1. The Revised PUD has met the qualifications of Article 7, Planned Unit Development, of the Zoning Ordinance.
2. The City's Master Plan identifies the subject site for future mixed-use development. The proposed development is consistent with that recommendation.

3. Increased design and aesthetic controls and the ability to restrict undesirable uses are public benefits of the proposed PUD that could not be achieved under standard zoning requirements.
4. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties or the environment.
5. The proposed PUD will be designed to promote convenient vehicular and pedestrian circulation within the site.
6. The PUD will enhance the aesthetic appearance of the City through quality building design and site development.
7. The PUD will establish land use patterns that are compatible with or will protect planned uses.

Conditions:

1. That the PUD be revised to indicate that hours of operation for any establishment serving alcohol be limited to 7:00am to 11:00pm prior to final review by City Council.
2. That the agreement be revised to indicate that all future development will conform to the City's Master Transportation Plan, (current at the time of site plan submittal) for proposed ROW, prior to review by City Council.
3. Prior to review by City Council, revise the Agreement to indicate that ROW identified in the City's Master Transportation Plan, and determined to be necessary by the City Engineer, will be dedicated to the City at the time of Site Plan Approval for any portion or phase submitted.
4. That language is included in the agreement agreeing that at the time of future applicable site plan submittal, the applicant agrees to consider the possible realignment of Eddington Farms Drive to the south. The language should indicate that any realignment shall be agreeable to the City and the Homeowner's Association and must facilitate the installation of a traffic signal.
5. That page 3, Section(J) be further clarified to indicate that the existing FB-2 overlay identified in the Master Plan and the B-2 zoning was not only put in place to facilitate the existing PUD but also that it does not, and at no time did, represent the future desired land uses or zoning requirements for the subject site.

6. That page 10, Section (D) be revised to indicate that Certificates of Occupancy will be issued according to applicable City requirements at the time they are requested.
7. Revise language in Section (22), page 13, indicating that the total number of spaces may be reduced administratively in connection with an approved site plan if the proposed reduction conforms with applicable parking standards.