



## Department of Planning and Economic Development

Staff Report to the Planning Commission

June 26, 2015

### City Walk PUD/City Apartments

<b>REQUEST</b>	Second Amendment to PUD Agreement Recommendation Conditional Use Recommendation Site Plan Approval Recommendation
<b>APPLICANT</b>	City Walk, LLC 37020 Garfield, Suite T-1 Clinton Township, MI 48036
<b>AGENTS</b>	Paul and Francis Aragona
<b>LOCATION</b>	Southeast Corner of Rochester and Tienken Roads
<b>FILE NO.</b>	98-047.3
<b>PARCEL NOS.</b>	15-11-101-009
<b>ZONING</b>	B-2, General Business with FB-2 and PUD Overlay
<b>STAFF</b>	Sara Roediger, AICP, Manager of Planning

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#### **Overview**

The applicant is proposing the second amendment to the Planned Unit Development (PUD) Agreement and site plan to construct a 5,330 sq. ft. single story retail building and four story, 52 to 60 unit apartment building at City Walk, a 12-acre development located at the southeast corner of Rochester and Tienken Roads.

City Council approved the subject site as a PUD Overlay in 2004. The site was substantially constructed with the exception of the majority of easternmost building D (a Sherwin Williams retail building was constructed). The applicant is proposing to amend certain sections of the PUD agreement to include residential uses on the first floor (in addition to any upper floor level(s)) as permitted uses and allow Building D to be constructed as separate buildings with limited setbacks between buildings.

The applicants appeared before the Planning Commission in November 2013 for approval of a first amendment to the PUD, which allowed the residential uses on all but the first floor of Building D as well as other proposed changes. The first floor was planned at that time for commercial and retail uses. There was no site plan for approval at that time; the applicants were just seeking the ability to come back with a plan in the future, which is now ready for your review. The minutes from that meeting are included as is the First Amended PUD document.

### *Adjacent Land Uses and Zoning*

The property to the north is zoned Industrial with an FB-1 Overlay; to the south and east, it is zoned R-4 One Family Residential; and to the west, across Rochester Rd. it is zoned B-3 Shopping Center Business with an FB-2 Overlay.

## **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 original PUD listed only those uses permitted by right in the B-2, General Business district. Following is a summary of the requested changes to the PUD agreement:

1. **Section 4.(15) – Permitted Uses.** This section would be deleted in its entirety and the following substituted in its place to allow for residential uses on all floors, not just upper floors: “Residential dwelling units shall be permitted on the ground floor in addition to any upper floor level or levels. Associated accessory structures shall be permitted.”
2. **Section 13 – Zoning Ordinance Requirements.** The PUD agreement states that the project shall meet the requirements of the B-2 district, including the 25 foot separation between buildings, except for buildings B and C and E and F. There is 8 to 10 ft. between the proposed apartment building and the existing and proposed retail building, and as such the Second Amendment to the PUD agreement is proposed to be modified to allow for the buildings as illustrated. Section 13 of the Agreement is amended by inserting the following at the end of Section 13: “Notwithstanding the foregoing, the Building D location as shown in the Final PUD Plan may be constructed as multiple separate buildings, and there shall be no set back requirements between these buildings and between buildings and other accessory use structures. The total number of residential dwelling units constructed in the Building D location shall be any number from 52-60 units.”

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

## **Conditional Use Review Considerations**

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Per the First Amendment to the PUD agreement, buildings can exceed the 30 ft. height limit in the B-2 district, subject to conditional use approval, provided no part of the building may penetrate the sky plane which is a line drawn at a 45° angle from a point 50 ft. from the property line and 30 ft. above grade level at the 50 ft. setback line (but in no case shall be taller than 70 ft.) The proposed building has a maximum height of 60 ft., and a sky plane detail has been provided on sheet L100 that ensures the building does not penetrate the sky plane as described above.

The conditional use e requires a recommendation from Planning Commission and approval by City Council following a public hearing. Below are the general requirements for a conditional use.

Per *Section 138-2.302* of the zoning ordinance, there are five areas of consideration for the Planning Commission to regard in the discretionary decision of a conditional use. The Planning Commission shall find that the conditional use will:

1. Will promote the intent and purpose of the ordinance.
2. Will be designed, constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing or planned character of the general vicinity, adjacent uses of land, the natural environment, the capacity of public services and facilities affected by the land use and the community as a whole.
3. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, refuse disposal, or that the persons or agencies responsible for the establishment of the land use or activity shall be able to provide adequately any such service.
4. Will not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.
5. Will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

## Site Plan Review Considerations

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The applicant has had preliminary discussions with the Planning Commission and many City departments, so the apartments are anticipated and fit the footprint approved for Building D. Other considerations:

1. **Site Layout.** The proposed project is in compliance with the area, setback and building requirements of the B-2 district and approved PUD Plan. Please refer to the Planning Dept. memo (item 4.) for details. Building D is planned as a 5,330 square-foot, single-story retail building and four-story, 66,940 square foot, 52 to 60 unit (depending on market demand for one versus two bedroom units) apartment building. A 4,140 square-foot Sherwin Williams retail building has been constructed at the northeast corner of the original footprint of Building D. The proposed footprint for Building D remains the same, and in addition, 17 garages with a rooftop gazebo and open space and two separate car ports for 41 cars are also proposed.
2. **Parking.** The minimum parking requirement for the overall project is 451 spaces including 15 barrier free spaces. There are 480 existing spaces and 17 proposed for the garages, for a total of 497 spaces, and 21 barrier-free in the development.
3. **Landscaping.** A landscape plan has been provided for landscaping to be installed around the base of the building; however, the applicant must provide landscape costs estimates. The previously approved PUD Plan provided all of the required site buffer and parking lot landscaping requirements.
4. **Building Design.** The proposed building elevations for the proposed buildings consist of predominately brick with block accents, metal panels, EIFS trim and a metal roof that is consistent with the approved PUD agreement and meets the intent of the Architectural Design Standards.
5. **Fire Comments.** The fire review dated June 23, 2015 does not recommend approval based on four comments. The first comment relates to aisle widths, which have been constructed as part of the previous approval, including the west drive. A note can be added to the plans in response to comment 2. Comments 3 and 4 are at the applicant's option. Residential uses do not require loading areas.

## 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, staff recommends approval of the following motions relative to City File No. 98-047.3, subject to any changes or conditions recommended by the Planning Commission.

## Amended PUD Agreement Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 98-047.3 (City Walk PUD), the Planning Commission **recommends** that City Council **approves** the Second Amendment to the PUD Agreement, dated received June 11, 2015, 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*

Insert any applicable conditions.

## Conditional Use Recommendation Motion

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 13-016.3 (City Apartments PUD) the Planning Commission **recommends** to City Council **approval** of the **conditional use** for the height of the apartment building, based on plans dated received by the Planning and Economic Development Department on June 11, 2015, with the following findings.

### *Findings*

1. Per the PUD Agreement, the Planning Commission is authorized to make a recommendation to City Council for the height of the building.
2. The maximum height of the apartment building is 60 feet.
3. The proposed building and other necessary site improvements meet or exceed the standards of the zoning ordinance.
4. The expanded use will promote the intent and purpose of the Planned Unit Development Agreement.
5. The proposed building has been designed and is proposed to be constructed, operated, maintained, and managed so as to be compatible, harmonious, and appropriate in appearance with the existing and planned character of the hospital, the general vicinity, adjacent uses of land, the natural environment, and the capacity of public services and facilities affected by the land use.
6. The proposal should have a positive impact on the community as a whole and the surrounding area by further offering an alternative housing option.
7. The proposed development is served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage ways, and refuse disposal.
8. The proposed development should not be detrimental, hazardous, or disturbing to existing or future neighboring land uses, persons, property, or the public welfare.

9. The proposal will not create additional requirements at public cost for public facilities and services that will be detrimental to the economic welfare of the community.

### *Conditions*

Insert any applicable conditions.

## **Site Plan Recommendation Motion**

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**MOTION** by \_\_\_\_\_, seconded by \_\_\_\_\_, in the matter of City File No. 98-047.3(City Apartments PUD), the Planning Commission **recommends** that City Council **approves** the **Final Site Plans**, dated received June 11, 2015 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 final plan promotes the goals and objectives of the Master Plan by offering a variety of housing.

### *Conditions*

1. Provision of landscape cost estimates to determine the amount of the performance bond, prior to issuance of a Land Improvement Permit.
2. Provision of an irrigation plan and cost estimate, prior to issuance of a Land Improvement Permit.
3. Address all applicable comments from city departments and outside agency review letters, prior to final approval by staff.

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Attachments: PUD Site Plans dated received 06/11/15: Cover Sheet, Sheet CP-1 prepared by Ziemet Wozniak; Concept Site Plan, Sheet CP-2, prepared by Felino A. Pascual and Associates; Grading and Drainage Plan, Sheet CP-3, Utility Plan, Sheet CP-4 prepared by Ziemet Wozniak; Landscape Plan, Details, Sheet CP-5, prepared by Felino A. Pascual and Associates; Topographic Survey, Sheet CP-6 and Boundary Survey, Sheet CP-7, prepared by Ziemet Wozniak.

Planning memo dated 6/24/15; Building memo dated 6/22/14; DPS/Engineering memo dated 6/17/15; Fire memo dated 6/23/15; Parks and Forestry memo dated 4/29/15; Second Amendment to the PUD dated received 5/20/15; Original PUD 2004; First Amendment to the PUD; PHNs.