

City Council Agenda Summary Sheet (Non Purchases)

Agenda No: City Walk Final Planned Unit Development
Date: February 26, 2004
Prepared By: Deborah Millhouse, AICP, Department of Planning and Development,
ext. 2574
City File No: 98-047.2
Meeting Date: March 3, 2004

PURPOSE:

A request for review and final approval by City Council of the proposed City Walk Planned Unit Development.

DISCUSSION:

The subject site (formerly known as Holiday Village Square) is located at the southeast corner of Rochester and Tienken Roads. It consists of three parcels approximately 12.4 acres in size. The applicants are proposing a collection of retail buildings to be newly constructed after demolition of the functionally and physically obsolete building on the site. The project will include approximately 107,367 square feet of floor area versus the 132,000 square feet that currently exists.

Section 138-1004 (4) a states that an application for final PUD approval includes plans, supporting documentation, and PUD Agreement. The PUD Agreement dated February 25, 2004 includes the plans and supporting documentation as exhibits. Exhibit B is the Final PUD Plan and consists of 28 sheets (as attached). Exhibit C is discussed in the PUD Agreement beginning on page 7. Exhibit D (i.e., Building Materials-2 sheets) and Exhibit E (i.e., Signage Concepts-1 sheet) are also included in this packet.

It should be further noted that the Road Improvement Agreement is incorporated in the PUD Agreement by reference and is subject to finalization to the satisfaction of the City administration.

Final PUD approval obligates the applicants to develop the site in accordance with the Agreement. It also provides the applicants with the assurance that the City will approve the site plan as long as it is consistent with the agreement and exhibits in the final PUD document. However, separate site plan approval is still needed. It should be noted that, except for the modifications to the Zoning Ordinance requirements noted in the PUD Agreement, the site plan will need to be in compliance with all applicable City Codes prior to approval. Applicable City, County, and State permits will also be needed prior to construction of the project.

In accordance with the Section 138-1004(4)(b) of the City's Zoning Ordinance, the Planning Commission recommended approval of the Planned Unit Development at its January 13, 2004 meeting, subject to conditions. In response to several of these conditions, the applicants have submitted a revised Final PUD plan and PUD Agreement. The conditions of the Planning Commission's recommendation are noted below, with the applicants' response indicated in italics.

1. Addition of a fifth Zoning Ordinance modification to the PUD Agreement stating that existing and proposed plantings will be used to meet the intent of the six feet opaque screening along the south and east property lines. *This condition has been met on page 13 of the PUD Agreement dated February 25, 2004.*
2. The PUD shall express all variances and modifications that the applicant and City are agreeing to somewhere in the document in full. *This condition has been met beginning on page 11 of the PUD Agreement dated February 25, 2004.*
3. Delete the second sentence of Parentheses (9) on page 5 and add the sentence, "No restaurant shall provide drive-thru service." *The applicants are asking Council to allow drive-through restaurants in the PUD Agreement, subject to revised site plan approval for such drive through by the Planning Commission.*
4. Some ability to pass on westbound Tienken shall be established so that left southbound turns can be made into the site at the eastern most drive. *Staff has included a condition in the enclosed Resolution requiring approval of the Final PUD Plan by the City Engineer relative to roadway improvements.*
5. At the end of the first full paragraph of paragraph seven on page seven add a sentence, "In any case, no Certificate of Occupancy shall be issued until all road improvements are completed." *The applicants are asking Council to approve the proposed PUD Agreement wording that a Certificate of Occupancy will not be issued until all road improvements are substantially completed so as to allow traffic to flow on all lanes of Tienken Road and Rochester Road as improved pursuant to the Road Improvement Agreement.*
6. Paragraph #11 on page nine shall read, "All phases of the Project shall be architecturally harmonious, consistent and compatible with the architectural renderings ("Renderings") and landscaping plans attached hereto as part of the Final PUD Plan, and the exterior building materials identified on Exhibit D attached hereto ("Materials"), which are all hereby approved by the City for the improvements to be constructed on the Property as part of the Project. Notwithstanding the foregoing to the contrary, the parties acknowledge that the Renderings and Materials are conceptual and intended to maintain and indicate a consistent general character of the development. Specific details and materials may vary slightly, dependent upon final tenants selected. Accordingly, the Renderings and Materials may be modified by Developer, with Staff approval, to comply with the requirements of tenants or occupants of the Project, provided that such architectural renderings and building materials are architecturally harmonious, consistent and compatible with the Renderings and the Materials submitted for tonight's review. For purposes of expediency, any such modifications to the architectural renderings shall be reviewed and approved by City Staff. All trees and woodlands will be preserved as shown on the Final PUD Plan. *This condition has been met beginning on page 9 of the PUD Agreement dated February 25, 2004.*
7. On pages ten and eleven, delete the words after buildings to the end of the sentence. *The applicants are requesting that this sentence be revised slightly to enable the Developer to*

- build the buildings as separate buildings if in substantial compliance with the approved plans.*
8. On page 13, paragraph #15 will end with “shall be submitted to the Planning Commission for recommendation and to City Council for approval.” *This condition has been met on page 13 of the PUD Agreement dated February 25, 2004.*
 9. Page 13, paragraph #16 shall read, “Final site plan approval for the Project and any modifications or amendments to the site plan shall be by the Planning Commission.” The balance of the sentence shall be deleted. *This revision has not been added. The applicants request that City Council omit this condition, since the only changes requested by the Planning Commission were elimination of one pharmacy drive-through lane and a means to pass on westbound Tienken at the eastern most drive.*
 10. Page 5, number (14) shall be changed to “One freestanding walk-up ATM.” *This condition has been met on page 5 of the PUD Agreement dated February 25, 2004.*
 11. Page 6, paragraph #5, last sentence, shall be changed from five (5) years to three (3) years. *This condition has been met on page 6 of the PUD Agreement dated February 25, 2004.*
 12. The drug store, in the position shown, shall have one drive-thru lane. *This condition has been met on the Final PUD Plan.*

In addition to the above, the City has requested that the following changes be made to the PUD Agreement.

- In the third Whereas Clause on page 1, the words "up to" were added before "seven buildings."
- The words “MDOT and/or RCOC” be substituted for the word “City” in paragraph 14, parentheses (2) and (3) on page 12.
- A sentence be added to paragraph 20 on page 16 stating that the foregoing is not intended to commit or obligate the City to provide financing or issue bonds for brownfield activities.
- Paragraph 28(3) be modified to add “or if the Construction Escrow Funds are not escrowed as provided in the Road Improvement Agreement” to the first sentence and to add “and/or deposit the Construction Escrow Funds pursuant to the Road Improvement Agreement to the second sentence.

It should be further noted that a taper lane extending beyond the eastern most driveway has been added to the Final PUD Plan based on informal comments by the Road Commission for Oakland County.

Staff is also requesting that the following three conditions be added to approval of the PUD Agreement.

- Preliminary acceptance of the Final PUD Plan by the Michigan Department of Transportation.
- Preliminary acceptance of the Final PUD Plan by the Road Commission for Oakland County.
- All Final PUD Plan sheets be consistent.

FISCAL INFORMATION:

None

RECOMMENDATION:

The Planning Commission recommended that City Council approve the Planned Unit Development Agreement and Exhibits, subject to conditions. The first Resolution contains conditions consistent with the Planning Commission's recommendation. The Planning Commission's condition regarding some ability to pass on westbound Tienken at the eastern most drive has been modified by requiring approval of the Final PUD Plan by the City Engineer relative to roadway improvements. The second Resolution is consistent with the applicant's requested modifications.

ATTACHMENTS:

[Click [here](#) and list attachments submitted]

Department Authorization: Ed Anzek, Director of Planning and Development

Reviewed by:

Fiscal: *Jean Farris*

Clerks: *Susan Koliba-Galeczka*

Approved by: *Pat Somerville*

RESOLUTION

NEXT AGENDA ITEM

RETURN TO AGENDA