

# Planning Commission Comments

## Eddington Square July 18, 2014

### **Analysis Overview:**

It is clear that G&V abandoned the PUD, the best alternative to develop this vacant property according to the City of Rochester Hills and should lose the benefits from the act of vacating the PUD. In this concept of Eddington Square all elements could have been done within the PUD. There is nothing unique than was not considered before.

Once again G&V leaves EPOA out of the loop of information. However thanks for the change from the two right turns in the service drive to a more of an "S" suggested at our last meeting with the City, and G&V meeting by EPOA Board members.

G&V is using the process to increase the value of their property as confirmed by Ed Anzek 7-15-2014 letter to the Planning Commission. The letter spells out the desire for G&V to put in a service drive that "T" off at Eddington Blvd. Thus adding value to their property before selling. I was not aware that this was the role of government – to increase the value of landowner's property! G&V can accomplish the same development while leaving Eddington Blvd right where it is!

The EPOA Board has been clear that to even consider releasing G&V from their contractual agreement for the platted "Right-of-Way" agreement we would need to review a "site plan." How can this Commission continue to waste time with making plans without G&V having the proper approvals for their vision? All conditional approves from MDOT are mute since the PUD was abandoned. The Concept before you is fictional. MDOT was clear that the Boulevard on Drexelgate had to be removed and Eddington cannot be abandoned just because G&V wants a "do over!"

The City appears to be overly concerned that selling the property will warrant creating more access onto Rochester Road M-150 with a LOS of "f" the lowest possible rating provided by MDOT. As a word of caution the Planning Commission and Rochester Hills City Council need to be careful not to create a hazard by putting in a road without a site plan. Caution should be shown, on their planning course taking action only when the results to the action will not cause an increase in traffic congestion. It is well documented that a four way intersection is more dangerous than a three way. No matter what has been said a four way intersection at Drexelgate will not improve safety on M-150. This area would best be served by two sets of lights with a subdivision sensor on the two side streets for the one hour a day of high volume traffic even after development of these sites. This is seen on Adams and it works wonderfully. Cars on the main street are not stopped when volumes are low from the subdivisions.

The last time this site was discussed the Commission stated that they received more emails than most other issues of current memory. Just to remind you that the majority were against closing Eddington Blvd. The historical high turn-out of EPOA residents resulted in a 99% wanting the

Eddington to stay open as our main entrance. Concerns about these concepts are not limited to EPOA but from the whole area. The correct answer to the area's problems would be seen in an engineer study of the road segment of Rochester Road between Avon and Hamlin.

Closure would go against two long standing principles in Rochester Hills. 1) Subdivisions should have two major road exits. Eddington is a large subdivision of 305 homes and would be left with a small exit onto Avon. Most homes have at least two cars and in an evacuation situation, one exit would not provide an element of safety. 2) Identify that a main entrance provides for the marketing of homes and location marker. When we say where we live in RH-- residents state I'm from Shadowood or I'm from Cumberland. If you can't see a house from Rochester Road it becomes something else than a neighborhood.

A few problems exist with this property making this process more difficult and legally messy.

- 1) Provided, created and written by G&V platted Right of Way easement
- 2) MDOT's standards and varying traffic counts
- 3) Development & re-development plans of the surrounding area (Fast Food venue where Bordin's office/house is located now) Meadowfield/Yorktown will met traffic warrants once Wellness Care building is operating
- 4) Acres counts have changed and this concept uses only two of the four sites.
- 5) High wire tension lines, water main & retention/detention drain relocation and increase hazardous conditions
- 6) Concept is not to scale –nor does it reflect the know elements of this site or function
- 7) Unbuildable acreage under electric power lines, and on wetland areas as if they don't exist
- 8) Emergency response times are increase to reach the homes of Eddington Farms

Long-term plans will include Bordine's re-development vision however from a zoning standpoint one needs to examine the past and present conditions as key factors. Rochester Hills is a suburban community. Looking at the 1990/2000 Plan/study, it is more pragmatic in the type of mixed use development that Rochester Hill can realistically sustain. This version places a small amount of Office along Rochester Road with cluster housing. It puts residential across and next to residential, buffering the transitions into commercial at the Hamlin intersection area.

On review of all the documents on this matter the intent all along appears clear and in the PUD agreement was for NO MORE intensity than B1/FB1. This zoning should not change as long as there are empty stores otherwise we risk overdevelopment of commercial and retail development. The 2010 census shows Rochester Hills at 52% residential.

If and when Bordine's is re-developed as a commercial corner FB1 makes a good transition and allows for cluster housing.

**Going Forward:**

It is with the understanding that G&V intent to only build the roadway to support the marketability of their property, while leaving the vacant land present until they find a buyer, denying EPOA the use of the main entrance for some unknown period of time. The City of Rochester Hills would like to ignore the ROW agreement stating that City Council has the freedom to decide on the fate of Eddington Blvd. The ROW agreement states that this agreement will past with the sale of the property showing it should go on into the future as it changes ownership. It is the understanding that only the Circuit Court could make such a determination on the agreement.

**History:**

Eddington Square required zoning following the knowledge that the PUD would be abandoned. City Council initiated the re-zoning in October 2013 and was acting as the applicant on their request. Subsequently, the landowners filed a separate request on Dec 27, 2013. The two proposals have different zoning levels as part of their requests. The one from the City as the applicant and the other from the landowner G&V (also known as G&V Investments, G&V Properties, G&V Development & G&V Holdings) filed following the Public Hearing 12/17/2013 on Dec 27, 2013.

Rezone four parcels due to a PUD abandonment CC Mtg on Oct 2013:

15-23-152-022

15-23-152-023

15-23-301-002

15-23-301-023

**City of Rochester Hills Proposal for City Place zoning (Now being called Eddington Square):**

The City is recommending an R-4, One-Family Residential with FB-2, Flexible Business Overlay district to remain on all parcels (City File # 02-027).

**G&V Investments LLC Proposal for City Place zoning with NO site plan as part of the request:**

15-23-152-022 (3.56 acres) – to a RM-1, Multiple Family Residential with FB-2 Flexible Business Overlay

15-23-152-023, 15-23-301-002, 15-23-301-023 (23.9 acres) – to an O-1, Office Business with FB-2, Flexible Business Overlay district to remain on three parcels.

The charge of determining the appropriate zoning was given to the Planning Commission (PC) by the City Council. During the Dec 17, 2013 PC meeting staff showed examples of zoning and possible uses for the property on this site. According to the resolution by CC, Planning Commission (PC) can determine and initiate the appropriate zoning designation(s) for the property and to make a report and recommendation to the City Council. The process was started at a Public Hearing labeled **discussion only** at the PC regular Tuesday Mtg of Dec 17, 2013. The PC Chair stated they wanted a workshop on the matter and even if it had to be outside of the regular scheduled meeting times. Instead we had a public hearing that resulted in a re-zoning suggested by City staff.

The EPOA's Attorney provided a letter on the position of the EPOA Board to leave Eddington Boulevard as it is today. The letter also stated that if a "site plan" or any other new information we would again consider the matter. One would have thought that G&V would have provided this before coming to the July 22, 2014 PC's meeting.

On May 30, 2013 G&V submitted a request for rezoning to a B-2; FB-2 without the PUD overlay on six parcels: 15-23-152-015, 15-23-152-021, 15-23-152-022, 15-23-152-023, 15-23-301-002, and 15-23-301-035.

The city staff did not feel it was the proper process for this property so it went to City Council the end of June as a discussion item to gain CC input on the matter. City Council appeared to want to continue the PUD on this site as the controlling zoning means. In October 2013 G&V, through their attorney, submitted a letter to City Council informing Council that they intended to abandon their Planned Unit Development (PUD) of overall approximately 10 years in length. Further G&V noted they did not want to develop a site plan and was not interested in any form of extensions. It appears that they want all of benefits of the PUD but discard their commitment to develop the narrow irregular site of four parcel properties as the City Assessor has completed the parcel modifications from the original six parcels. There is some debate as to the acres ranging from 23 to 29. It is clear with the high tension power lines at least 5 acres is not buildable property. G&V was in control of creating this hard to develop piece of property, controlling its lines when planning the Eddington Farms Subdivision and G&V issued the Right-of-Way (ROW) agreement to EPOA for the use of Eddington Blvd as our main entrance and maintenance of the street by the City of Rochester Hills. This has not been a case of others doing something to them! Everything has been the decision of G&V.

During City Council's deliberation at the Oct 2013 meeting, regarding the abandonment of this PUD questions arose concerning how to remedy the property's zoning. The property is currently zoned B-2 due to an error in the 2004 public hearing written notice process. In addition, it has an overlay of FB-2 due to a decision to put dual zoning on most not all of the parcels in the City.

G&V has sought to develop the property and has marketed it for sale since the original PUD. Unfortunately, there was no market for the approved PUD or at least it allured G&V. The City and G&V agreed to amend the PUD in 2010 to allow for additional flexibility. G&V claim they have marketed the property for the past years under the Amended and Restated PUD Agreement, with NO success. The Amended and Restated PUD remains too restrictive and has discouraged potential developers and end users from pursuing the site for a productive use according to G&V. Now they are looking for your approval to put in a road while the rest sets vacant!

Stated in one report the wetlands are described as high quality and another as low quality. It appears to be a decision of convenience however it is unlikely that wetlands will be developable property. This wetland will have to be taken into consideration in the overall site plan and should be considered when looking at function of this concept. Also, the area under the transmission power line is only marginally developable because of the line's easement requirements."

The reports goes on to say "It is intended that residential units are not directly accessed from Rochester Road." The lack of site plan reviews for the area on behalf of G&V has stopped the incorporation of the principles described in the Master Plan Update and the Zoning Ordinance amendments for the area.

Several concerning issues have been identified with this site for any concept:

- Irregular parcel sizes make the area difficult to plan
- Lack of parking, shared entrances and open spaces areas
- Buffer space to residential surrounding the site
- Serve the road segment with cross access connection
- Physical characteristics of the site
- Planning for Bordine's re-development
- The three sites could create 3 new access points off M-150
- Parcel piece #15-23-301-002 under the transmission power line
- Safe sight distance of any traffic light placement at Drexelgate (@ 50 mph safe sight is 425 ft)
- Drainage needs and removing natural feature of present wetlands on 5.1 acres of the site (see page 30 of the Rochester Road Corridor Study 1999)

The Final Rochester Hills Access Management Study of 2010 spells out the MDOT standards that should be incorporated during times of redevelopment and zoning. On MDOT's vision service roads would be incorporation. North of Avon it is on the west side of the street behind Arby's and South of Avon the service road would be on G&V's and Bordine's property on the eastside of Rochester Road.

Conventional zoning approaches which regulated primarily based on use and secondarily based on physical and design characteristics can not be considered due to G&V stand that they will not do a "site plan" with current conditions. The key to Flex Business Overlay Districts is the heavy emphasis on the design of the development which G&V continues to refuse to complete. Less emphasis is placed on its use or requests of the landowner.

### **Chronology for City Place/Eddington Square (G&V) and Eddington Property Owners Association (EPOA)**

1998 – City adopts updated Master Land Use Plan

05/1999 – City adopts Rochester Road Corridor Study with M-150 with Boulevards

2001 – First meeting with Bill Gilbert to discuss what was supported on his site by the City's Master Land Use Plan. In these discussions, it was made clear to Mr. Gilbert that the only means available to the City to effect a mixed-use development was the Planned Unit Development provisions of Conditional Zoning contained in the Zoning Ordinance.

07/30/2002 - Special Planning Commission Meeting - workshop discussion – G & V proposed PUD. City calls this a pre-application workshop with PC

- Bill Gilbert stated their plan includes moving historic home to another location on site and restoring it. He realizes it is a landmark and identifiable home. House will be moved south on Rochester Road.
- Honeywell Drain (basically a stream) would be left essentially intact to achieve minimal disruption and filling of the wetlands; decided to make wetlands more of a feature of the project so people would be able to see the greenery.
- Existing berm along eastern side of property will be added to in height. Buildings will be oriented east-west axis for least amount of dimension adjacent to Eddington Farms residents.
- Several acres of uplands on south of property will be left in natural state as open space.
- Current percentage breakdown would be 3-1/2% retail, 13% office space, and 83% residential.

09/24/02 – City Council Meeting

Proposed PUD development discussion (informational only)

10/29/02 – Informal Meeting with EPOA Board of Directors

- Buildings will be 50 feet from Farnborough property line.
- More separation and screening will be done with dozen or so present homeowners.
- Yorktowne and Meadowfield will be aligned and a traffic light will be installed.
- Eight buildings with 19,000 sq. ft. each.
- Traffic count: 55,300 daily from Hamlin to Avon; 50,600 daily from Avon to Rochester City Limit.

07/15/2003 – Preliminary PUD Recommended by PC

08/20/03 – Preliminary PUD approval by CC

03/1/2004 – Public notice was sent out to announce the PC Public Hearing of 3/16/04 with an error of B2 instead of considering only B1. PC approved B2 as stated in the required notice with only the safety net of the PUD overlay.

03/16/04 – Final PUD Recommended by PC. Note: PUD ordinance in place at the time required underlying zoning to support the use being proposed by PUD. RH had no underlying zoning that supported mixed-use at this time.

04/21/04 – Final Approval first reading by CC

05/05/04 – City Council Meeting- Final Adopted second read by CC

- Granted preliminary site approval.
- Mr. Barnett's response outlining the benefits of the PUD process: "Ability to restrict square footage of both commercial and office uses to maintain a mostly residential development."
- President Dalton acknowledged "the developer's cooperation with the Historic District Commission in relocating and restoring a historic building as part of the development".
- City Place PUD Agreement signed.

04/4/2006 – PC Discussion Re: Robertson Brothers design for all townhouse apartments

and using the historical house as a community center and adding a pool

#### 05/17/06 – City Council Meeting

- Original plan for City Place had not proved feasible. Gilbert proposed a revised plan called The Townes at Eddington that would essentially eliminate the mixed-use plan of including retail and office and would concentrate almost exclusively on residential development with the exception of the new bank already completed at the site.
- Responding to concerns raised by Council members and residents, it was stated: “Technically that area of Rochester Road does not yet meet the traffic warrants to require a traffic signal.”

#### 08/18/2009 – Planning Commission Minutes – Discuss revisions to City Place PUD

- Developer wants to revise PUD using flex use new standards for portions of the site.
- Developer would also like some of the flexibility of the PUD that would not be allowed under the flex use districts.
- 90% of the site would be tied to flex use one with any negotiated, additional protections or flexibilities, and a **small** portion of the site would be tied to flex use 2 (two) with the same negotiated protections.
- Mr. Kaltsounis stated that the PUD was based on the historic home on the site. He asked what was going on with the house.
- Mr. Gilbert did not believe the PUD was predicated around the house – it was just there.
- Mr. Kaltsounis recalled that the PUD was based on certain criteria.
- Mr. Gilbert agreed it was a part of it, and they had to deal with the Historic Districts Commission, but he did not believe the motivation was centered on the house.
- Mr. Gilbert stated they were asking for less rather than more.
- Mr. Anzek stated they had played devil’s advocate, and they knew if they used the FB overlay, the developer could start **splitting the property** and there could be demands for curb cuts. Staff felt that a PUD would be the best way to ensure that there were minimal curb cuts. There would be other questions, but he felt that the PUD protected and provided better flexibility.
- Mr. Gilbert added that they also discussed the possibility of getting a traffic light to line up with the street across Rochester, which he felt made sense to service his property.
- Mr. Anzek said that it was a moving target with MDOT, but Sandalwood was the only location they would approve a signal.

2010 – City receives the RH Access Management Plan without Rochester Rd blvds



03/01/2010 – City Council Meeting

- G & V requested revisions to PUD for more flexibility.
- If the PUD were to become void, **the property would revert back to its original zoning classification – single family residential. The reversion would take place automatically or by action of City Council.**
- Developer requests that Council de-list the historic house on the site.

03/23/10 – Informational Meeting at the City with EPOA residents.

03/24/10 – EPOA Board agreed to come up with a compromise to G & V's demands.

04/20/10 – Discussed revised PUD with PC

07/6/10 – Tabled discussion of revised PUD with PC

07/13/10 – Postponed discussion of revised PUD with PC

7/27/10 – PC recommended approval of revised PUD. Note: In 2009 the City eliminated the provision from the PUD portion of the Zoning Ordinance that required the underlying zoning to support the proposed uses. The 2009 adoption of the Official Zoning Map did apply the FB Districts throughout the City and made threat concerning the process available for use as an option to the landowner.

09/20/10 – CC Approved Revised PUD should the PUD be dissolved at this point the City Council should assign the task to the Planning Commission to undertake an analysis to determine the appropriate zoning for the site.

- Mr. Webber expressed his appreciation to the residents who came forward at the PC level and stated that the market will dictate the site's development. He noted that the proposed PUD revision attempts to alleviate traffic concerns without any source of how that will happen.
- Mr. Gilbert stated they are looking for flexibility noting that the market will drive the percentage for each use and

stated that it was entirely possible that a future proposed plan might include offices and condos and no retail.

- Hooper pointed out that this recent proposed revision has been before the Planning Commission five times and had been previously discussed at City Council. He commented that he wishes to see the property developed to become an added-benefit for the City.

11/16/10 – Amended and Restated City Place PUD Agreement signed.

- All food drive-thrus prohibited.
- Bars prohibited, as are restaurants where alcohol sales comprise more than 35% of the restaurant's gross revenues.
- Maximum densities have been added for various development scenarios for the project.
- Commercial building setback from Eddington Farms property line increased to 200 feet.
- 100 foot office building set back from Eddington Farms property line added.
- Building setbacks and height restrictions continued along the south side of Eddington Farms.
- Height of office buildings located between 100 and 150 feet from Eddington Farms property line limited to two stories.
- Architectural style of retail, restaurant or office building must be harmonious with the Fifth Third Bank building.
- Eddington Farms Entrance Island (sign and landscaping) will be left to the control of EPOA.

09/2011 Final Rochester Hills Access Management Plan arrived at the City

05/17/2013 EPOA's Attorney letter to answer the question of Eddington Blvd closure

05/30/13 G&V Attorney files a request for rezoning without the PUD overlay on six parcels of their site

06/ 2013 CC discussion item on the direction of the PUD

07/13 City Council discussed the City Walk with G&V

08/05/13 Meeting at City Hall with EPOA Brd members, G&V and City Staff. Also present was Tom McMillin, Michael Webber and N Klomp.

10/2013 CC meeting where G&V notified the City of their wishes to abandon the PUD before the Nov 16<sup>th</sup> deadline for a site plan. They had no interest in extensions

11/19/13 EPOA's Attorney letter to Planning Commission Members concerning zoning after the abandonment of the PUD

12/17/13 PC Mtg: Public Hearing on 2010-0094; this was a discussion only to receive staff and public input regarding the City Place PUD- file # 02-027- now stated as a 28-acre site

12/27/13 G & V submitted request for rezoning to the City

1/21/2014 PC meeting with the decision to pass on the recommendation of R4/FB2

2/2014 CC Mtg: Established the rezoning as R4 with an overlay of FB2 instead of deterring the zoning Now that the PUD was being removed

7/22/2014 Issue of the abandonment of Eddington Blvd was on the agenda. Residents that had spoken before the PC on this topic received notification the Saturday before of the agenda item