



# Rochester Hills

## Master Report

1000 Rochester Hills Drive  
Rochester Hills, MI 48309  
(248) 656-4660  
Home Page:  
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**File Number: 2004-0052**

|  |                             |                                       |
|--|-----------------------------|---------------------------------------|
| <b>File Number:</b> 2004-0052  | <b>File Type:</b> Ordinance | <b>Status:</b> For Adoption           |
| <b>Version:</b> 1  | <b>Reference:</b> 02-004    | <b>Controlling Body:</b> City Council |
| <b>Requester:</b> Planning/Development                                       | <b>Cost:</b>                | <b>Introduced:</b> 01/19/2004         |
| <b>File Name:</b> Papa Joe's Final PUD - 3<br>Papa Joe's Gourmet Marketplace |                             | <b>Final Action:</b>                  |

**Title:** Approval of the Final Planned Unit Development (PUD) for Papa Joe's Gourmet Market, Specialty Retail and Office Development

**Notes:** Papa Joe's PUD  
For 02/11/04 CC Meeting  
Curtis Properties Group, L.L.C.  
2025 Rochester Road  
Rochester Hills, MI 48307  
248-853-6263  
248-723-9401 fax  
15 acres located west of Rochester Road, north of Tienken  
zoned O-1, I-1, B-5, B-2

**Code Sections:**

**Agenda Date:**

**Indexes:**

**Agenda Number:**

**Sponsors:**

**Enactment Date:**

**Attachments:** Agenda Summary.pdf, Map aerial.pdf, Report Staff FinalPUD.pdf, Minutes pc 20040113.pdf, Papa Joe's PUD.pdf, Road Agreement PUDs 20041213.pdf

**Enactment Number:**

### History of Legislative File

| Ver-<br>sion: | Acting Body:        | Date:      | Action:                  | Sent To:     | Due Date: | Return<br>Date: | Result: |
|---------------|---------------------|------------|--------------------------|--------------|-----------|-----------------|---------|
| 1             | Planning Commission | 01/13/2004 | Recommended for Approval | City Council |           |                 | Pass    |

**Verbose Action:** MOTION by Hooper, seconded by Ruggiero, in the matter of City File No. 02-004 (Papa Joes), the Planning Commission recommends that City Council approve the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated January 9, 2004 (as may be amended by City Council) and constitutes an amendment to Chapter 138 of the Code of Ordinances to rezone Parcel Nos. 15-03-477-018, currently zoned O-1 and I-1, and 15-03-477-019,-020 & -021, currently zoned I-1 Light Industrial, to B-2, General Business and to add the PUD overlay, and which adds the PUD Overlay District to Parcel Nos. 15-03-477-030, -031 & -033, with the following four (4) findings and subject to the following twenty-three (23) conditions.

Findings:

1. The proposed PUD has met the qualifications of Section 138-1002 of the Zoning Ordinance in that the proposed improvements to the intersection will minimize, alleviate or improve the traffic situation. Further, it provides for the appropriate redevelopment of parcels occupied by obsolete buildings.
2. Dedication of additional road right-of-way, intersection improvements at no cost to the City, increased design and aesthetic controls, and the ability to restrict undesirable uses are substantial public benefits of the proposed PUD that could not be achieved under the B-2 district alone.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment. Moreover, the proposed PUD will improve public utility and circulation systems.
4. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site. Proposed improvements to the intersection will minimize, alleviate or improve the traffic situation to the site.

Conditions:

1. That Final Site Plan Approval shall require recommendation of the Planning Commission to City Council and Approval by City Council.
2. That prior to Final Site Plan approval the applicant shall provide the minimum number of parking spaces required by ordinance on site or provide a Parking Study for the review and approval of Staff and the Planning Commission that identifies the reason for the discrepancy.
3. That approval of a Wetland Use Permit from both the City and DEQ
4. That vacation of Old Orion Court is approved by City Council and documentation provided by the applicant that indicates the ability to develop the entire vacated area.
5. That if required the City's PUD Ordinance be amended to allow B-5 zoning uses within an approved PUD prior to Site Plan Approval by City Council.
6. That the Final Site Plans and Elevations are consistent with those approved as part of the Final PUD agreement.
7. That appropriate traffic calming devices are incorporated throughout the site, to reduce potential "cut through traffic", to be reviewed and approved by Staff prior to Final Site Plan approval by City Council.
8. That both Building #1 and Building #2 shall be fully sprinkled, to be reviewed and approved by the City's Fire Department prior to Final Site Plan approval by City Council.
9. That the PUD Agreement will expressly list in words all variances or modifications that are anticipated, as agreed upon by the parties.
10. All signage is to be within the Rochester Hills Ordinance.
11. That the PUD and any related plans show canopies for the Speedway Gas Station that are within Ordinance compliance.

13. That the drive-thru lanes of the bank be reduced to three, plus an ATM lane.
14. That the drugstore have only one drive-thru lane.
15. That the poles and lighting fixtures be no higher than 20 feet with none being greater than four foot-candles.
16. That the PUD and the related Site Plans specifically recite and express the total maximum building area that will be included in the PUD.
17. That the other textual changes discussed on the record be corrected.
18. That no Certificate of Occupancy be issued to any new business entities until road improvements are made.
19. That the final cul-de-sac dimension be reviewed and approved by the City Engineer prior to Final Site Plan approval (Section 8 of the PUD text).
20. That language be changed to indicate that all signage shall conform to the City of Rochester Hills Sign Ordinance and is to be approved by the Building Department, any additional language should be removed (Section 9 PUD text).
21. That the indicated number of years be changed from 5 to 3, in conformance with the Holiday Village proposed PUD Agreement (Section 10 of the PUD text).
22. That language be revised to be consistent with the proposed condition of approval. Any reference to exception to the ordinance needs to be removed. The change shall be made prior to review and approval of the PUD by City Council (Section 11 of the PUD text).
23. That language should be changed to state that road abandonment/vacation should be done in accordance with established Rochester Hills Process.

Ms. Hill referenced Condition #5 and suggested that when that issue is addressed, if they change the PUD to include B-5 as a use, that it would open the door for other things to happen in future PUDs. She suggested that perhaps the reason it was not included was to not create more gas stations or automotive areas. She felt they should try and find other ways to work with this situation, to which she is not opposed. She said she would be cautious about making this change in the PUD Ordinance. Mr. Kaiser said he agreed with that. He said the Condition would remain as written, but because of the concerns shared, if there is a quick way to do something else, they should try to do so. He did not think it would be a good thing if it slowed the process down, but he felt Ms. Hill's suggestion was a very good one.

Roll call vote:

Aye: Hooper, Ruggiero, Boswell, Brnabic, Myers and Kaltsounis  
Nay: Hill, Rosen and Kaiser

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### Text of Legislative File 2004-0052

..Title

Approval of the Final Planned Unit Development (PUD) for Papa Joe's Gourmet Market, Specialty Retail and Office Development

..Body

Whereas, in the matter of City File No. 02-004 (Papa Joe's), the Planning Commission recommended that City Council approve the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated received by January 29, 2004.

Resolved, that on behalf of the city of Rochester Hills, the Rochester Hills City Council hereby approves the

Planned Unit Development Agreement dated January 29, 2004 between Curtis Properties, L.L.C, Speedway Super America L.L.C., TCF Bank, Lino's Restaurant and the city of Rochester Hills, Michigan, subject to the following findings and conditions:

Be It Further Resolved, that approval of this Planned Unit Development Agreement is subject to finalization of the Agreement, including the incorporated Road Improvement Agreement to the satisfaction of the City.

Be It Further Resolved, that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

Findings:

1. The proposed PUD has met the qualifications of Section 138-1002 of the Zoning Ordinance in that the proposed improvements to the intersection will minimize, alleviate or improve the traffic situation. Further, it provides for the appropriate redevelopment of parcels occupied by obsolete buildings.
2. Dedication of additional road right-of-way, intersection improvements at no cost to the City, increased design and aesthetic controls, and the ability to restrict undesirable uses are substantial public benefits of the proposed PUD that could not be achieved under the B-2 district alone.
3. The PUD will not create an unacceptable impact on public utility and circulation systems, surrounding properties, or the environment. Moreover, the proposed PUD will improve public utility and circulation systems.
4. The proposed PUD has been designed to promote convenient vehicular and pedestrian circulation within the site. Proposed improvements to the intersection will minimize, alleviate or improve the traffic situation to the site.

Conditions:

1. That Final Site Plan Approval shall require recommendation of the Planning Commission to City Council and Approval by City Council.
2. That prior to Final Site Plan approval the applicant shall provide the minimum number of parking spaces required by ordinance on site or provide a Parking Study for the review and approval of Staff and the Planning Commission that identifies the reason for the discrepancy.
3. That approval of a Wetland Use Permit from both the City and DEQ shall be required prior to issuance of a Land Improvement Permit.
4. That vacation of Old Orion Court is approved by City Council and documentation shall be provided by the applicant that indicates the ability to develop the entire vacated area.
5. That the City's PUD Ordinance be amended to allow B-5 zoning uses within an approved PUD prior to Site Plan Approval by City Council.
6. That the Final Site Plans and Elevations are consistent with those approved as part of the Final PUD agreement.
7. That appropriate traffic calming devices are incorporated throughout the site, to reduce potential "cut through traffic", to be reviewed and approved by Staff prior to Final Site Plan approval by City Council.
8. That both Building #1 and Building #2 shall be fully sprinkled, to be reviewed and approved by the City's Fire Department prior to Final Site Plan approval by City Council
9. That the PUD Agreement will expressly list in words all variances or modifications that are anticipated, as agreed upon by the parties.
10. All signage is to be within the Rochester Hills Ordinance and shall require permits from the City's Building

Department prior to Installation.

11. That the PUD and any related plans show canopies for the Speedway Gas Station that are within Ordinance compliance.
12. That the proposed gas station be compatible with the other structures on the site and will be approved during Final Site Plan.
13. That the drive-thru lanes of the bank be reduced to three, plus an ATM lane.
14. That the drugstore have only one drive-thru lane.
15. That the poles and lighting fixtures be no higher than 20 feet with no greater than four foot-candles of light be projected on the site.
16. That the PUD and the related Site Plans specifically recite and express the total maximum building area that will be included in the PUD.
17. That the other textual changes discussed on the record be corrected.
18. That no Certificate of Occupancy be issued to any new business entities until road improvements are made.
19. That the final cul-de-sac dimension be reviewed and approved by the City Engineer prior to Final Site Plan approval (Section 8 of the PUD text).
20. That language be changed to indicate that all signage shall conform to the City of Rochester Hills Sign Ordinance and is to be approved by the Building Department, any additional language should be removed (Section 9 PUD text)
21. That the indicated number of years be changed from 5 to 3, in conformance with the Holiday Village proposed PUD Agreement (Section 10 of the PUD text).
22. That language be revised to be consistent with the proposed condition of approval regarding parking. Any reference to exception to the ordinance needs to be removed. The change shall be made prior final approval of the PUD by City Staff (Section 11 of the PUD text).
23. That language should be changed to state that road abandonment/vacation should be done in accordance with established Rochester Hills Process.
24. Preliminary acceptance of the Final PUD Plan by the Michigan Department of Transportation.
25. Preliminary acceptance of the Final PUD Plan by the Road Commission for Oakland County.
26. Remove Exhibit D (Roadway Improvements) from the Final PUD Agreement.

OR

The following resolution contains the deletion of the three conditions (1, 13 and 15) as requested by the applicant:

Whereas, in the matter of City File No. 02-004 (Papa Joes), the Planning Commission recommended that City Council conditionally approve the Planned Unit Development. Such approval shall include the Planned Unit Development Agreement and Exhibits dated received by January 29, 2004.

Now Therefore Be It Resolved, that on behalf of the City of Rochester Hills, the Rochester Hills City Council hereby approved the Planned Unit Development Agreement between Curtis Properties, L.L.C., Speedway Super America I I C TCF Bank I ino's Resturant and the City of Rochester Hills a Michigan Municipal

Corporation, Rochester Hills, Michigan, subject to the following findings and conditions.

Be It Further Resolved, that the Mayor and the City Clerk are authorized to execute and deliver the Agreement on behalf of the City.

Be It Further Resolved, that approval of this Planned Unit Development Agreement is subject to finalization of the Agreement, including the incorporated Road Improvement Agreement to the satisfaction the City.

Findings:

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11. That the proposed gas station be compatible with the other structures on the site and will be approved during Final Site Plan.
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