



Rochester Hills Master Report

1000 Rochester Hills Drive
Rochester Hills, MI 48309
(248) 656-4660
Home Page:
www.rochesterhills.org

File Number: 2004-0053

File Number: 2004-0053	File Type: Ordinance	Status: For Adoption
Version: 1	Reference: 98-047.2	Controlling Body: City Council
Requester: Planning/Development	Cost:	Introduced: 01/29/2004
File Name: City Walk Final PUD - 6		Final Action:

Title: Approval of Final Planned Unit Development (PUD) - City Walk

Notes: City Walk PUD
 For 02/11/04 CC meeting
 Tienken Partners, L.L.C.
 37020 Garfield, Suite T-1, Clinton Township, MI 48036
 586-286-0334
 586-286-1215 fax
 15-11-101-027, -029, -030
 zoned ORT Office Research Technology
 12.4 acres located on the southeast corner of Rochester and Tienken Roads

Code Sections:	Agenda Date:
Indexes:	Agenda Number:
Sponsors:	Enactment Date:
Attachments: Agenda Summary.pdf, Map aerial.pdf, Report Staff Final PUD.pdf, PUD Agreement (00174317[1].pdf, Minutes pc 20040113.pdf, 2004-0053 Master Report.pdf	Enactment Number:

History of Legislative File

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

Verbose Action: MOTION by Ruggiero, seconded by Hooper, in the matter of City File No. 98-047.2 (City Walk PUD), 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 8, 2004 (as may be amended by City Council) and constitutes an amendment to Chapter 138 of the Code of Ordinances to rezone Parcel Nos. 15-11-101-027, -029 and -030 zoned ORT, Office, Research, Technology to B-2, General Business and to add the PUD overlay district to all three parcels, with the following five (5) Findings and subject to the following twelve (12) 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. Further, preservation of a vast majority of the existing vegetation along the south and east property lines and additional proposed plantings should mitigate any negative impacts on adjacent properties.
4. A judicious effort has been used to preserve as many existing trees as possible on-site.
5. 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.

Condition:

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.
2. The PUD shall express all variances and modifications that the applicant and City are agreeing to somewhere in the document in full.
3. Delete the second sentence of Parentheses (9) on page 5 and add the sentence, "No restaurant shall provide drive-thru service."
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.
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."
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.

7. On pages ten and eleven, delete the words after buildings to the end of the sentence.
8. On page 13, paragraph #15 will end with "shall be submitted to the Planning Commission for recommendation and to City Council for approval."
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.
10. Page 5, number (14) shall be changed to "One freestanding walk-up ATM."
11. Page 6, paragraph #5, last sentence, shall be changed from five (5) years to three (3) years.
12. The drug store, in the position shown, shall have one drive-thru lane.

Roll call vote:

Ayes: Boswell, Brnabic, Hooper, Kaiser, Kaltsounis, Rosen, Ruggiero

Nays: Hill

Absent: Myers

MOTION CARRIED

Aye: Hooper, Rosen, Ruggiero, Boswell, Kaiser, Brnabic and Kaltsounis

Nay: Hill

Absent: Myers

Text of Legislative File 2004-0053

..Title

Approval of Final Planned Unit Development (PUD) - City Walk

..Body

Whereas, in the matter of City File No. 98-047.2 (City Walk PUD), the Planning Commission recommended that City Council approve the Planned Unit Development, subject to conditions.

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 and Exhibits dated received February 2, 2004 between Tienken Partners, LLC, a Michigan Limited Liability Company, Clinton Township, Michigan, and the City of Rochester Hills, a Michigan Municipal Corporation, Rochester Hills, Michigan with the following findings and subject to the following 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 administration.

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.
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5. 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. Delete the second sentence of Parentheses (9) on page 5 and add the sentence, "No restaurant shall provide drive-thru service."
2. Reword the last sentence of the first full paragraph of paragraph seven on page seven to read: "In any case, no Certificate of Occupancy shall be issued until all road improvements are completed."
3. On page eleven, delete the words after "buildings" to the end of the second sentence in paragraph 13.
4. 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 first sentence shall be deleted.
5. Approval of the Final PUD Plan relative to roadway improvements by the City Engineer.
6. Preliminary acceptance of the Final PUD Plan by the Michigan Department of Transportation.
7. Preliminary acceptance of the Final PUD Plan by the Road Commission for Oakland County.
8. All Final PUD Plan sheets be consistent.

-or-

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4. All Final PUD Plan sheets be consistent.