



## CITY COUNCIL ACTION REPORT

DATE: July 25, 2008

TO: Phillip L. Nelson, City Manager

FROM: Brian P. Murphy, Assistant City Manager/Economic Development Services  
Mark F. Miller, Planning Director

SUBJECT: Rescind Concept Development Plan Approval – The Oasis at Centennial Park Planned Unit Development (PUD 6), South side of Long Lake and West side of John R, Section 14 – Currently Zoned PUD

### Background:

- At the September 10, 2007 Regular meeting, City Council granted Concept Development Plan Approval of The Oasis at Centennial Park Planned Unit Development, including approving the Planned Unit Development Agreement. Additionally, City Council rezoned the property to Planned Unit Development.
- The project consisted of a mixed-use project with a combination of a 20-bed senior housing facility and retail, restaurant, day care, and office uses. The applicant has indicated that the project is no longer viable given the state of the economy in Michigan.
- The applicant has submitted a written request to abandon the Planned Unit Development.

### Financial Considerations:

- There are no financial considerations for this item.

### Legal Considerations:

- City Council has the authority to rescind the PUD Agreement as per Section 35.60.02 of Chapter 39 City of Troy Zoning Ordinance.
- The PUD parcel was assembled from a number of smaller contiguous parcels. The applicant, Oasis at Centennial Park, LLC, has not completed purchase of all of the smaller properties comprising the PUD parcel. The owner of one of the smaller properties is attempting to sell their single family home, but the sale is complicated by the existing PUD zoning and Planned Unit Development Agreement.

- To formally abandon The Oasis at Centennial Park Planned Unit Development, the PUD Agreement needs to be rescinded and the property rezoned to an appropriate designation, as per the requirements of the City of Troy Zoning Ordinance. City Management will initiate the rezoning process with the City of Troy Planning Commission.

Policy Considerations:

- The application is consistent with the following “Outcome Statements” as established at the July 1 Special Council meeting:  
  
III. Troy is rebuilding for a healthy economy reflecting the values of a unique community in a changing and interconnected world.

Options:

- City Council can approve the request to abandon the PUD and rescind the PUD Agreement for The Oasis at Centennial Park Planned Unit Development.
- City Council can deny the request to abandon the PUD and rescind the PUD Agreement for The Oasis at Centennial Park Planned Unit Development.

Approved as to Form and Legality:

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Lori Grigg Bluhm, City Attorney

Attachments:

1. Letter from Oasis at Centennial Park, LLC, dated July 22, 2008.
2. Section 35.60.02 of City of Troy Zoning Ordinance.

Prepared by RBS/MFM

cc: Applicant  
File /PUD 6

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**Oasis at Centennial Park, LLC  
48593 Hayes Road  
Shelby Township, MI 48315**

July 22, 2008

The Honorable  
The City Council  
City of Troy  
500 W. Big Beaver Road  
Troy, MI 48084

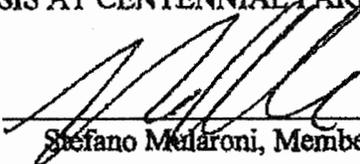
Re: Oasis at Centennial Park -- Abandonment of Development Agreement

Dear Council Members:

We regret to inform you that, due to economic conditions, we have been unable to fully market the property so as to implement the development plan as set forth in the Development Agreement between us dated September 10, 2007. We therefore must abandon the development plan for the Oasis at Centennial Park, as described in the Development Agreement.

Very truly yours,

OASIS AT CENTENNIAL PARK, LLC

By: 

Stefano Mularoni, Member

cc: Susan Lancaster, Esq.  
Mark F. Miller, AICP  
Norman Hyman, Esq.

## Chapter 39 - Zoning Ordinance

### 35.50.03 Step Three: Final Development Plan Approval:

Upon receipt of Preliminary Development Plan approval, the applicant shall be entitled to submit a Final Development Plan for the entire development (or one or more phases) to the Planning Department for its review and approval, and the Planning Department shall have final authority for the review and approval of Final Development Plans. In conjunction with the application for approval of a Final Development Plan, the applicant shall submit evidence of completion of the Preliminary Development Plan Approval process in accordance with this Article. Following their review of the Final Development Plan, the Planning Department shall approve, approve with conditions, or disapprove the Final Development Plan. In the event of denial, the Planning Department shall set forth in writing the reasons for such action. Construction shall commence in accordance with the Final Development Plan within two (2) years from the date of approval. The applicant may apply to the Planning Commission for an extension of the one (1) year period within which to commence construction upon good cause shown.

### 35.60.00 Amendment or Abandonment:

35.60.01 Any proposed amendment of the Planned Unit Development which seeks to alter the intent, the conditions or terms of the Concept Development Plan as approved and/or the terms or conditions of Final Development Plan approval, shall be presented to and considered by the Planning Commission and the City Council at Public Hearings, following the procedures set forth for Concept Development Plan approval.

35.60.02 Abandonment of Concept Development Plan: Following any action evidencing abandonment of the Concept Development Plan, whether through failure to proceed during the Concept Development Plan period as required under this Article, or through notice of abandonment given by the property owners, applicants or their successors, the City Council shall be entitled to take any necessary and appropriate action to rescind the Concept Development Plan approvals, to invalidate any related Development Agreements, and to rezone the subject property from PUD to an appropriate classification. Abandonment shall be deemed to rescind any and all rights and approvals granted under and as part of the Concept Development Plan, and the same shall be deemed null and void. Evidence of such actions shall be recorded in the office of the Oakland County Register of Deeds, and referenced to the subject property.

(Rev. 04-02-07)

### 35.60.03 PUBLIC NOTICE FOR PLANNED UNIT DEVELOPMENT PUBLIC HEARINGS:

- A. For public hearings required with respect to a Planned Unit Development, notice shall be given not less than 15 days before each public hearing at which the Planned Unit Development will be considered. Notice shall be given by publication in a newspaper that circulates in the City of Troy, and by personal delivery or mailing to the following:
1. The applicant.
  2. The owner(s) of the property, if the applicant is not the owner.
  3. The owners of all real property within 300 feet of the boundary for the property for which approval has been requested, as shown by the latest assessment roll, regardless of whether the owner and property is located within the City of Troy.