

Commission Letter #: 323-09  
Commission Meeting: 11/16/2009

**RE: Amendment to Planned Unit Development for Main/11 Mile: Emagine Theatre**

November 12, 2009

THE HONORABLE MAYOR  
AND  
MEMBERS OF THE CITY COMMISSION

At their regular meeting of November 10, 2009, the Planning Commission referred proposed amendments to the Main North Planned Unit Development (PUD) and associated site plan (SP-05-03-05) located at 100-350 North Main Street to the City Commission with a recommendation to approve subject to contingencies. The amendments consist of a new building with a motion picture theater and bowling center serving alcoholic beverages (Emagine Theatre and Star Lanes), and a restaurant serving alcoholic beverages within the site's existing north tower.

Attached for background purposes is the site plan as reviewed by the Planning Commission and the memorandum of approval listing the contingencies contained in their recommendation. According to Section §770-99 (C)(3)(a) of the Zoning Ordinance the City Commission must review and make a final decision on the modifications to the PUD and site plan including any necessary amendments to the project's existing development agreement. The Planning Commission's action is not binding on the City Commission.

The Planning Commission considered recommendations from the Fire and Engineering Departments to widen both the service drive along the north side of building and also Troy Street. However, the Planning Commission removed those requirements and is recommending that they are not necessary.

The City Commission may not take action at this meeting regarding the Planning Commission's recommendation. According to §770-99 (C)(3)(b) of the Zoning Ordinance, all standards and conditions of approval for a PUD must be incorporated into a revised development agreement. That document has yet to be prepared by the City Attorney and the petitioner's counsel.

The City Commission can instead discuss the proposed amendments, modify, add or delete contingencies and direct the petitioner to submit a revised set of plans that address the contingencies/issues. Those revised documents/plans can then be reviewed by staff to ensure compliance. The proposed amendments and site plan along with the revised development agreement can then be presented to the City Commission for formal review and approval at a future meeting. The City Commission is not required to hold a public hearing on the proposed amendments, one was held by the Planning Commission. However, if the City Commission wants to hold a public hearing it may wish to select a hearing date.

Respectfully submitted,



Timothy E. Thwing  
Director of Planning

Approved,



Donald E. Johnson  
City Manager

Attachments

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