

2005-0065 Request for Tentative Preliminary Plat Approval - City File No. 04-011: Grace Parc, a proposed 16-lot subdivision on approximately six acres, located north of South Boulevard between Livernois and Rochester Road, zoned R-4, One Family Residential, known as Parcel Nos. 15-34-402-057 and 15-34-402-035, Grace Street Development, Inc., applicant

(Memo prepared by Deborah Millhouse, dated February 11, 2005 had been placed on file and by record became part of the record thereof).

Present for the applicant were Frank Mancini, Grace Street Development, Inc. 47858 Van Dyke, Shelby Township, MI; Bill Mosher, Apex Engineering Group, 47745 Van Dyke, Shelby Township, MI; and Mr. Mark Kadian, Kalas Kadian, P.L.C., 40900 Woodward Ave., Suite 315, Bloomfield Hills, MI 48304.

Mr. Rosen reminded that there was a motion on the floor to deny the Tentative Preliminary Plat, consideration for which was postponed at the February 1, 2005 meeting. He asked Ms. Millhouse for an update.

Ms. Millhouse explained that after the motion to deny was put on the floor, the matter was postponed and the applicant was asked to bring back potential alternatives for development of the site. The applicant submitted three options which were sent to the Fire and Engineering Departments to determine acceptability. Staff acknowledged that if any were not technically compliant, they could not get approval from the City. She referred to the alternative which showed the road ending in a T turn-around, and said it was deemed unacceptable by both departments. The Fire Department discussed that there would be a lack of maneuverability for the fire trucks and Engineering Services stated that permanent, dead-end T roads were not permissible. Relative to the remaining two options, the first showed a cul-de-sac with two residential lots fronting on Grace Ave. The Fire Department had no objections and Engineering did not recommend it because it would require a Cul-de-sac Waiver (it would be longer than 600 feet). The last alternative was almost the same as submitted for the Preliminary Plat, with one lot and the pond moved. This plan was highly recommended by the Fire Department, and they noted that providing two entrances via McComb and Grace would give the development very good accessibility. Engineering Services also did not object to that plan, and mentioned that it would eliminate a long dead end for the existing Grace Ave. She advised that there was a very basic technical review of the plans.

Ms. Millhouse also advised that a concept plan was received by Staff on February 14, for a property to the northwest of the subject site. She said that the applicant wished to speak about it during public comments. She noted that at the last meeting she mentioned there were wetlands on that property, but found out since that a wetland determination had been

done in September 2004 and that the wetlands did not exist.

Mr. Mancini advised that he had met with the neighbors over coffee to discuss the alternative plans. He appreciated their position about the proposal. They discussed the pros and cons of the alternatives and they determined it would be advantageous to the neighborhood if option one were submitted (with cul-de-sac). The problem with headlights would be eliminated; the possible legal issue with the private road would be avoided; and Grace Ave. would be maintained in the same manner. The cons mentioned included that the Fire Department would not have direct access to Grace and that they would need a Cul-de-sac Waiver. The residents who lived on the cul-de-sac would have premium lots. They discussed construction debris and traffic, and he noted that would be explored further into the process, but they wanted to work something out so that McComb Street residents did not have all of the construction traffic.

Mr. Rosen asked Mr. Mancini if he favored one plan over the other. Mr. Mancini replied that he would be in favor of either plan. Mr. Rosen opened the public comments at 7:46 p.m.

Floyd Vitale, Vitale Development, LLC, 604 Grace, Rochester Hills, MI. Mr. Vitale stated that the main issue of private Grace had been addressed. He advised that they were the developers who proposed a development to connect with the stub on the northwest corner of Grace Parc. The proposed road would be public and continue through to the west side of Grace, also a public road. They felt the plan would be the best possible layout for a public road and would benefit the majority of property owners in the area. They had met many times with Mr. Brown and Mr. Durand and been through many engineering reviews. The road layout they proposed would provide several benefits - it would avoid multiple stubs and cul-de-sacs and would facilitate better traffic flow access for emergency vehicles. He advised that Mr. Brown and Mr. Durand lived on private Grace and they would sign agreements that would place the road far enough north to allow them to maintain their existing lot sizes. The road would allow access to Vitale's property to the north. It would also allow proposed rear lots to face existing rear lots for better privacy. He wanted the Planning Commission to consider those points when they reviewed the location of the western stub from Grace Parc.

Tony Vitale, Vitale Development, LLC. Mr. Vitale stated that he and his brother had been working very closely with the community to make sure that what they proposed was agreed upon throughout, and would be a win-win solution. There was always a concern about Grace being dead ended on the east and west side, and their proposal would resolve

the issue of allowing Grace to continue on to Shortridge.

Bill Craig, 349 Grace Ave., Rochester Hills, MI Mr. Craig confirmed that the neighbors met with Mr. Mancini and reviewed the alternative plans. They preferred the plan with the cul-de-sac. His major concerns at the last meeting had been the headlights, the privacy of Grace and the road Agreement's intent. He stated that he supported the plan with the cul-de-sac and that it would maintain the privacy of the residents on Grace and keep the value for Mr. Mancini.

Arlis Hall, 341 Grace Ave., Rochester Hills, MI Mr. Hall thanked the Commission for allowing the Grace Homeowner's Association to express concerns about the proposed development. On February 1, 2005 during the Planning Commission meeting, the homeowners voiced concerns about headlights that would sweep the first three houses as cars from the proposed development came out onto Grace. Alternate plan two was very similar to the original plan and was not acceptable to the Homeowner's Association. They would be concerned because the legal issue of a private street with public traffic on it would not be solved. It would also hold the homeowners captive to an agreement to provide maintenance on a private street with public traffic with no limits, and no way to judge how to compensate for that. He noted that planting trees to shield the headlights would become a sticky situation because the area was very damp and stayed that way for half the year. Evergreen trees planted in that area would not survive and that would create a burden for the homeowners on the south side to provide maintenance or replace them if they died. If plan two were approved, the Homeowner's Association would have no choice but to take legal action to defend their property rights and the rights of the private street. They would be prepared to take that action as a last recourse. He stated that was not a threat, just something they would have to do. He believed that the Commission and Council had the foresight to bring plan one to a successful conclusion without any animosity. He indicated that he had no objection to plan one at all.

Cliff Durand, 470 Grace Ave., Rochester Hills, MI Mr. Durand stated that they met on February 13, 2005 with Mr. Mancini, who was very cordial. They discussed items of concern, and they felt plan one would be viable for them. He wanted the Commission to also consider the Vitale proposal. It would add some continuity to the area. They had worked very hard to make sure that the integrity of the area would be upheld.

John Brown, 480 Grace, Rochester Hills, MI Mr. Brown advised that Mr. Vitale had been working very hard for the last year, trying to get together with the neighbors to see how they would feel about a road in

the back of their properties. He felt that tying in with the Grace Parc development would work out. As stewards of the land, he hoped the Planning Commission would look at the Vitale proposal very closely.

Mr. Rosen closed the public comments at 7:55 p.m. He said that based on the discussion so far, it appeared there was a significantly different situation than that of two weeks ago. He asked Ms. Hardenburg if she would consider withdrawing the motion to deny, in light of the new information. She replied that she would withdraw the motion.

Mr. Rosen asked about the proposed connection for the Vitale concept plan. Ms. Millhouse said that connection indicated a different stub than shown for Grace Parc. She explained that it was roughly one lot to the north from where the access point was provided by the stub street from Grace Parc. Mr. Rosen asked how long it would be before the Vitale development would be parallel with the Mancini development. Ms. Millhouse said it would probably be months, but she noted the City had not received written verification from Mr. Durand or Mr. Brown that they would be willing to provide property for the Vitale proposal. Without that involvement, there would be no connection. A concept meeting would probably be scheduled in the next few weeks - the application had been received - but the timing would depend upon whether the applicant wanted to continue. They would have to prepare a Preliminary Plat or Site Condo development in a formal submittal. Mr. Rosen said that at the last meeting, Mr. Durand mentioned a potential Vitale development and suggested that the Planning Commission might want to require the two developers to work together. If they were at the same stage of development, the Commission would ordinarily require some type of comprehensive development plan, but given the difference in the timing, he did not think they could delay Mr. Mancini's proposal.

Mr. Anzek said that given the fact that Staff did not have much time to review Mr. Vitale's plan, at first glance it did not appear the alignment would preclude any solution being prohibited. It simply shifted the road to make it work. He commented that to require Mr. Mancini to shift the road to make a concept work would be like putting the cart before the horse.

Mr. Schroeder asked if it would be possible that the construction for both developments could be going on at the same time. He stated that he would not like to see a repeat of the Quill Creek situation (City of Troy). He explained that Mr. Mancini had done infill developments in Troy and there were two developers working in the same area who had several conflicts. Mr. Mancini was very cooperative but it was not easy having "two cooks in the same kitchen." Mr. Mancini said it was possible both developments could happen together, but one would probably be a few

months behind. Because Engineering would be involved more timely, he did not think there would be a problem with a road connection deviation, as happened in Troy.

Ms. Millhouse commented that the applicant was requesting Tentative Preliminary Plat Recommendation, which was, in this case, for a street layout because there had not been a technical review. They were not at the nth degree, and Mr. Mancini could show Mr. Vitale's proposed road. She clarified that if things developed, Mr. Vitale would not discredit anything at this point.

Mr. Hooper thought the applicant should move ahead with alternative one, noting the conditions would have to be modified and that some would no longer apply. Mr. Rosen said he spoke with Ms. Millhouse before the meeting and she advised him that Staff had not done a detailed review. Mr. Hooper indicated that this was the Preliminary review and he felt the issues could be resolved at Final review. Ms. Millhouse reminded that there was a Tree Removal Permit requested and the probability of a Cul-de-sac Waiver. Those motions would be separate actions that Staff did not have time to review and provide necessary information to the Commission. Staff asked Mr. Mancini if he would be willing to allow the Planning Commission to provide direction at the meeting and then Staff would be able to do a technical review and submit the necessary motions at the next available meeting. Mr. Hooper asked Mr. Mancini if he was in agreement.

Mr. Mancini said that he had a plan prepared by his engineers, which showed tree preservation for the alternate plan and he said it would not change. He noted that the City's Landscape Architect would have to review it. It was their position that the situation was rather unique and the street layout and technical aspects of connection might vary.

Mr. Rosen clarified that the Planning Commission could ask the applicant to re-submit plans very quickly. If there were minor deviations, the review would not take long. The applicant could be back before the Commission in a two to four weeks. Ms. Millhouse suggested four weeks, noting that the next meeting was earmarked for a specific agenda item. If the applicant's engineer turned everything around, Staff would promise a quick review, or a minimum of four weeks, subject to conditions if necessary. Ms. Millhouse said there were fire hydrant locations and other items that she could not comment upon at the present time. They also were not able to provide information relative to the Tree Removal Permit, and if the Commission proceeded with the Preliminary Plat, they would have to consider the other motions. It was Staff's recommendation that it all be brought back in one packet.

Mr. Kaltsounis referred to alternative one and asked if lots one and two would have driveways onto Grace, which was confirmed. He questioned if Mr. Mancini moved the road to the north, to line up with Mr. Vitale's development, if lot eleven could be moved and an eyebrow added. He realized that Mr. Vitale's proposal was still very conceptual, but he felt they would be going in a good direction with alternative one.

Mr. Hooper asked if the Tree Removal Permit would have to be re-noticed. Ms. Millhouse replied that it would depend upon the numbers.

Mr. Hooper said the Commission would postpone the matter so the applicant could come back with alternative one details. Mr. Rosen said they could do that, or they could approve a motion that the applicant revise the Tentative Preliminary Plat and Tree Removal Permit submissions, using alternative one, submit it to Staff for review and bring it back to the Commission with a request for a Cul-de-sac Waiver at the earliest opportunity. Mr. Hooper believed they could postpone it to do the same thing.

Ms. Hill asked if Mr. Mancini was willing to go along with the postponement and prepare things as discussed. Mr. Kadian answered that his client was attempting to get a fixed protocol to follow, with a fixed time that the matter would be addressed and a fixed time of approval. Mr. Mancini would like to know specifics to know when final items needed to be done. He felt that postponements, given the amount of time the applicant had gone through the process, did not seem to be appealing. He indicated that they would like a time they could come back with the specific requirements that needed to be met, with the understanding that it would be approved, assuming the requirements were met. That would give his client a more orderly way to proceed. Ms. Millhouse said that was why Staff was in favor of providing a motion that would give the applicant direction. That direction would be based upon technical compliance, because there were certain things that Staff could not provide. The Planning Commission could request, in a motion, that the applicant submit a Preliminary Plat consistent with alternative one and that it should be reviewed by Staff for technical compliance. She advised that Staff had no problem bringing the proposal back with conditions, as long as they were minor.

Mr. Hooper said he did not mind making the motion, but he felt they would get the same end result - with the motion or the discussion. They still would request alternate one for the applicant to bring back when they were ready.

MOTION by Hooper, seconded by Hardenburg, in the matter of City File

No. 04-011 (Grace Parc), the Planning Commission requests that the applicant submit a Tentative Preliminary Plat consistent with alternative one presented at the February 15, 2005 meeting.

Mr. Rosen said he was pleased that if the proposal went through and there was a development to the west, that it would eliminate any concern about an excessively long cul-de-sac and provide the second access. He commented that nothing would preclude Mr. Vitale from coordinating with Mr. Mancini in the interim. They might not get started at the same time, but they might end up closer than they were today.

Ms. Brnabic commented that she was pleased that the applicant took the time to present alternatives. She said she was much happier seeing alternate plan one, which seemed to address the Commissioners' and residents' concerns. She was also pleased that they also took the time to speak with the neighboring community.

Recess 8:17 to 8:29 p.m.

DISCUSSION