

2007-0221 Request for Recommendation of an additional Extension of the Tentative Preliminary Plat, until April 20, 2010, for Grace Parc, a 16-lot subdivision located north of South Boulevard between Livernois and Rochester Roads, zoned R-4, Grace Street Development, applicant.

(Reference: Memo prepared by Ed Anzek, dated April 17, 2009 had been placed on file and by reference became part of the record thereof.)

Present for the applicant was Franco Mancini, Grace Street Development, 47858 Van Dyke, Suite 410, Shelby Township, MI 48317.

Mr. Mancini introduced himself as the applicant present on behalf of Grace Street Development and First State Bank, 24300 Little Mack, St. Clair Shores, MI 48080.

Mr. Anzek advised that the request was for a fourth Extension of the Tentative Preliminary Plat. It was brought to his attention late in the day that the property was foreclosed upon in October 2008. Staff was not aware of that, and he contacted Mr. Mancini immediately, and it was confirmed. Mr. Mancini told him that the bank permitted him to go forward with the approval process, and to keep it active so they would be in a good position when the recession ended. Another issue was the new engineering standards adopted last year, of which Mr. Mancini was aware. The Engineering Department looked at the plans, and it appeared that the standards would affect the development's layout. It was suggested by Mr. Paul Davis, the City Engineer, that if the applicant completed the construction plan documents prior to getting Final Preliminary Plat approval, the Planning Commission would be able to review the (possibly revised) Plat after the engineering standards were applied.

Chairperson Boswell asked Mr. Anzek if he had called First

State Bank. Mr. Anzek said he only received the fax very late in the day, and he did not have a chance to discuss it with the bank or the City Attorney. He indicated that from his experience, it was not unusual for a bank to want a project to stay active to try to recover its investment.

Chairperson Boswell asked Mr. Mancini if he had anything to add, and he responded that Mr. Anzek was correct. They were in a "workout" process with the bank.

Mr. Dettloff asked if the request was coming from the bank via Mr. Mancini, which was confirmed. He asked if the Extension would be granted to the bank. Mr. Anzek said he had not been able to confirm that. Mr. Dettloff said that he hoped things would settle down during the course of the year, and that Mr. Mancini would get the property back and be able to move forward. He asked Mr. Mancini if he knew who would be getting the Extension, and he replied that technically, he would be, but that he was also representing the bank. Mr. Dettloff asked what was being seen out there, and if there was a light at the end of the tunnel. Mr. Mancini said it was still pretty gloomy, but they were seeing progress and a stabilization of foreclosures, and he advised that he had numerous projects on hold. The banks had halted a lot of the financing, and that had put developers in a precarious situation. They were looking at new partnerships as well.

Mr. Kaltsounis indicated that they were not really clear about the ownership of the property, based upon the foreclosure. He recommended that the matter be postponed until the City Attorney could be contacted. He was concerned that they were not prepared for a different realm.

Chairperson Boswell agreed. He would not have a problem

granting an Extension, but since it was just made known, he would like to give Staff time to speak with the bank and the City Attorney.

Mr. Anzek added that there would be no problem with regards to the timeframe. Mr. Mancini had requested the Extension in time, and in previous situations, Mr. Staran had advised that the clock stopped running at that point. If there were additional inquiries Staff needed to do, there would not be a concern regarding the timeframe. It would not impede Mr. Mancini or the process; it would just delay the approval or denial. He said he would like to have a discussion with Mr. Staran to see if all that was needed was a letter from the bank authorizing Mr. Mancini.

Mr. Mancini agreed it was short notice, and said that he did not really relish driving a long way to get a formal letter. He suggested that it could be made a Condition of approval, to give Mr. Anzek time to confer with the bank and to save him a few extra trips, but he said it was not a problem.

Mr. Anzek noted that the Ordinance stated that the owner of the property had to submit the request. Mr. Kaltsounis moved the following motion:

Motion by Kaltsounis, seconded by Yukon, that in the matter of City File No. 04-011 (Grace Parc Subdivision), the Planning Commission postpones the request for an Extension until such time that Staff has had an appropriate discussion with the owner of the property (First State Bank) and the City Attorney.

Chairperson Boswell had received one card, and he called the speaker forward for public comment.

Vickie Bellinger, 430 Grace Ave., Rochester Hills, MI

48309. *Ms. Bellinger thanked the City for sending a notice of the meeting. She advised that she was a resident that abutted the proposed development. She questioned whether the Extension was being requested by the City or by Mr. Mancini or the bank, which now owned the property. She believed that it was through her husband that the City was made aware the property was owned by the bank. She thought it was confusing that Mr. Mancini was speaking for them. She said that the Grace Parc plan was one that the residents and the developer agreed to after multiple meetings. She thought it was a good exercise, and it was a compromise from what the developer had originally planned, to a plan that was more acceptable to the residents, and she appreciated that effort. She was not convinced it was the best plan; there were other plans, but the developer did not want to take the time to make them work. It would have required cooperation between two developers, which was not always easy. She commented that the development was done in a hurry, but it did not result in a ground breaking. Now that the property had reverted to the bank, she said that she would expect they were looking at a new developer or new alliance. She would prefer to see other ideas given consideration. She would vote for a plan that the residents were interested in, and where there would be more winners. She did not see any benefit to the residents to approve a fourth Extension with the change in circumstances. If it had not changed hands, they would not have much to say. It would help the bank with marketing, but she felt the interest of the residents should also be considered, particularly since it had taken years. She said that she came to the meeting to share her thoughts, but said it would be helpful to hear from those who previously worked on the compromise, i.e., a group of the neighbors, and she would appreciate it if the matter could be deferred, which she then agreed had happened. If Grace Parc were going forward, the residents'*

input would be worthy of consideration. She was endorsing what the Commission had done, and she would be interested in what the other residents thought about a fourth Extension.

Chairperson Boswell closed the public comments and recapped that in the intervening years, there had been some changes to the City's engineering standards, which would have to be met. That meant that there could be some fairly significant changes to the plat.

Mr. Anzek agreed, and said that the Engineer thought there would be significant changes. Chairperson Boswell suggested that would give the neighbors another opportunity to look at things and bring forth suggestions. Mr. Anzek said that the notices went out to people who spoke at the previous meetings or put their name on the mailing list, and each time the matter came up, those people would be notified.

Hearing no further discussion, Chairperson Boswell read the motion and called for a vote.

A motion was made by Kaltsounis, seconded by Yukon, that this matter be Postponed.

The motion CARRIED by the following vote:

Aye 8 - Boswell, Brnabic, Dettloff, Hooper, Kaltsounis, Klomp, Schroeder and Yukon

Abstain 1 - Reece

Chairperson Boswell stated for the record that the motion had passed unanimously.