

to work together. They felt it was important to save properties, and they felt they could do it in a way that everyone benefitted. They were walking a careful line, and they might be suggesting things that not everyone agreed with, but he felt that there was a way to save some of the most historic resources before they were lost. He could not imagine the community without some of those buildings. He mentioned the Village of Rochester Hills, and he said it was nice, but that no one lived there, and it was closed at 9 p.m. Downtown Rochester had places to eat dinner later. They wanted to be more than the Village of Rochester Hills, and they needed the Commissioners' help to work with developers. If someone came forward with a delisting, they were just asking for a shot to try to come up with something that worked for everybody.

2009-0235

Extensions Policy

(Reference: Memo prepared by Derek Delacourt, dated June 12, 2009, had been placed on file and by reference became part of the record thereof.)

Mr. Delacourt recapped that over the past few years, the Planning Commission had seen Extension requests, some recurring, from various applicants. In the beginning, Staff would come before the Commission and state that none of the Ordinances or City standards had changed, and that they did not see a reason not to grant an Extension. The circumstances had now changed: There was a new Zoning Ordinance, new Engineering standards and other Ordinance changes. Staff discussed that there should be a policy in place to evaluate the requests, and to be able to make a determination if and when a plan would need to be revised to come into compliance. He noted that the Planning Commission had discussed the issue also. Staff had several meetings with other departments and made recommendations for items to be included in a policy. If applicants applied for an Extension, they would have to acknowledge in writing that their plans would be re-reviewed at some point and have to come into compliance if they were not. Developers were stating that they did not have the money to go through that process each time to get an Extension. They did not want to have to meet Engineering standards when they did not even have money to go forward with the project; however, they would be required to do so prior to Final Approval.

Mr. Delacourt explained that an applicant would have to demonstrate at least four things: That they legally represented the owner; that all taxes

were paid; that all escrows were in good standing, and that all required bonds were still in place or waived. If those items were in place, Staff was proposing to grant one Extension "freebie." After the first Extension, the applicant would be required to send a letter (Staff would come up with the template) that indicated they understood they were foregoing the review process, but at the time of approval, the plans would have to be in compliance with all requirements. He concluded the description of Staff's portion of the future policy, and said he would like any input from the Commissioners.

Mr. Schroeder said that he was very familiar with the process, and he agreed with what Staff had put together. He suggested language change from meeting "new" Ordinances to meeting "current" Ordinances.

Mr. Dettloff clarified that an Extension was defined as 12 months. Mr. Delacourt agreed. Mr. Anzek believed the new Ordinance allowed only 180 days for Staff approval for Site Plans, but he noted that Plats and Site Condos went right to the Planning Commission. Mr. Dettloff noted that given unforeseeable conditions, there had been Extension requests of three or four times, and he asked if the policy would address something beyond a second Extension.

Mr. Anzek said it was Staff's intention that if the project was highly regarded and in good standing, that they would like to keep it alive. If there was a plan that would not work based on current Ordinances or standards, Staff could reserve the right to not allow it to come forward until the plan was updated according to a simple policy. When Grace Parc came forward with a fourth Extension request, Staff found out the day of the meeting that it had been foreclosed upon, and the City did not have a record of that. He added that bringing escrow accounts into good standing meant bringing them up to zero.

Mr. Yukon asked if the previous applicants who had Extensions granted would start new with the policy. Mr. Anzek said that he and Mr. Delacourt discussed whether those applicants would get a free pass or if the previous Extensions granted would count as the first free pass. They wished to defer that question to the Planning Commission.

Ms. Brnabic observed that due to economic conditions, they had seen requests for three or more Extensions. It was understandable, and the Commission was approving them because the developer might be in a pinch. However, for those that already had three or more Extensions, she thought the policy should apply. She did not think it would be really

acceptable for them to get a free pass if they already had been given several Extensions. She wondered how many properties would be required to make major revisions due to changes in the Ordinance.

Mr. Anzek responded that it would be difficult to answer without looking more extensively at the plans, but he felt that about 50% would have changes. A Final Preliminary Plat had to be consistent with the Preliminary, and there could be changes from one to the other. He related that after several Extensions, some projects did fall off. Staff contacted applicants prior to a project expiring and asked them to submit a letter requesting an Extension; however, there were some they could not find. He recalled Saddlebrook Orchards, a ten-unit project off of Auburn, and said that Staff could not contact them at all, and that the plan had expired.

Ms. Brnabic did not think they had to be concerned with developments like those because they took care of themselves. There were enough applicants going on several Extensions, and she did not think they should get a free pass. She thought the policy should apply, and noted that the Planning Commission had been fairly lenient. They understood the economic turmoil and the situations of the applicants, and they looked at the requests logically, but she thought too many requests warranted enforcing the policy.

Mr. Anzek said that the policy could state that anything approved after July 1, 2007 would be entitled to one free pass. They would have had one Extension, but not the second. That would give it a point in time. He maintained that the policy would give Staff the authority to state that the Planning Commission had a policy that had to be adhered to before a plan could be brought forward. Ms. Brnabic and Mr. Hooper agreed.

Mr. Delacourt said that because City Council also had a say in plats and site condos, they would probably ask both boards to recommend and adopt the policy. Staff would draft something up with the appropriate date, and he would talk with Mr. Staran, the City Attorney about the process.

Chairperson Boswell asked if there was any further discussion. Hearing none, he moved to the next Agenda item.

This matter was Discussed

2009-0234

Street Lighting

(Reference: Memo prepared by Ed Anzek, dated June 12, 2009 had been placed on file and by reference became part of the record thereof.)