

CITY OF PONTIAC

PLANNING COMMISSION

WEDNESDAY, FEBRUARY 1, 2017

6:30 P.M.

Meeting before the Planning Commission, at
47450 Woodward Avenue, 2nd Floor, Council Chambers,
Pontiac, Michigan 48342.

BOARD COMMISSIONERS:

Dayne Thomas, Chairman
Ashley Fegley, Vice Chair
Mayor Deirdre Waterman, Commissioner
Mona Parlove, Commissioner
Christopher Northcross, Commissioner
Lucy Payne, Commissioner
Hazel Cadd, Commissioner

CITY OFFICIALS PRESENT:

C. James Sabo, Professional Planner
Derek Dowdell, Assistant Planner
Jane Bais-DiSessa, Deputy Mayor

MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING COMMISSION:

Dr. Carl Byerly
Gary Washington
Konstantinos (Kosta) Marselis
John Woods
Mary Pietila

MINUTES RECORDED BY:

Quentina R. Snowden, (CSR-5519)
Certified Shorthand Reporter

1. CALL TO ORDER:

Chairman Thomas called meeting to order at
6:34 p.m.

2. ROLL CALL:

PRESENT: Dayne Thomas, Chairman
Mayor Deirdre Waterman, Commissioner
Christopher Northcross, Commissioner
Mona Parlove, Commissioner
Lucy Payne, Commissioner

Mr. Sabo reported a quorum is present.

3. COMMUNICATIONS: (None.)

4. ADOPTION OF MINUTES: January 4, 2017 (Correction to the
minutes, Page 1, line 9.5, change from Chairman Taylor
to Chairman Thomas.)

5. NEW BUSINESS (None.)

6. PUBLIC HEARINGS AND SITE PLAN REVIEWS:

6.1 PF-16-103 SITE PLAN REVIEW FOR AN INDEPENDENT
SENIOR LIVING FACILITY IN AN 4-3, MULTIPLE
FAMILY DWELLING DISTRICT.

Parcel No: 19-05-102-009
Property Address: 819 (825) Golf Drive
Applicant: Dr. Carl Byerly

(Presentation of facts given by Mr. Dowdell.)

Chairman Thomas invited the Petitioner to address the
Planning Commission.

Dr. Byerly presented a PowerPoint for review. He
indicated they have reduced the project to 30 rooms.
He indicated transportation would be available for
appointments. There would be daily activities for
the seniors, along with a hair salon, movie theater,
computer access, activity room, access to golf at the
nearby golf course. He indicated each apartment
would have a private bedroom, kitchen and bathroom.
He further pointed out the reserved parking spaces.

(Mr. Dowdell continued with his presentation of facts.)

Chairman Thomas invited the Petitioner to continue to address the Planning Commission.

Dr. Byerly reiterated that the square footage has been a sensitive area. He indicated that he has found in Oakland County only one senior living facility that met the 600-square foot requirement for one-bedroom apartments. He further pointed out that one project in Pontiac has just 380-square feet.

Mr. Dowdell pointed out that that was a planned unit development, and they negotiated with the City on the conditions for the room sizes. He further explained that this project before the Board is an existing building.

Commissioner Northcross referenced some examples that Dr. Byerly brought before the Board of other apartments in the area. He also inquired about the "short-stay" or "short-term" apartments on the plans.

Dr. Byerly indicated that those would be temporary stay apartments only, not long-term stay.

Commissioner Northcross asked for further clarification if those are available to the people who have apartments or if they are going to be rented out.

Dr. Byerly indicated they are available to whoever would like to rent them.

Mr. Dowdell pointed out that he had a conversation with Dr. Byerly regarding the renting out of temporary apartments and the need for a Special Exemption Permit in order to do so. He stated that Dr. Byerly stated he would take that out of the plans.

Dr. Byerly indicated it would not be assisted living, but an apartment rented out, with a kitchenette and bathroom.

Chairman Thomas requested to bring it back to the Board and let them ask their questions.

Commissioner Northcross stated that becomes a line of questioning, just exactly how to handle the apartments and what the agreements are; do they qualify as apartments or does it kick it over into the hotel/motel arena. He inquired as to whether there are three levels.

Dr. Byerly indicated there is a third level that is identical to the main level with the exception of a movie theater.

Commissioner Northcross stated there was no lower level submitted with the plans.

Mr. Dowdell indicated there was no level plan submitted.

Dr. Byerly indicated that the lower level is mid-grade, above ground.

Commissioner Northcross inquired as to whether it meets egress requirements.

Dr. Byerly answered affirmatively. He indicated Gary Washington, the architect was present to answer questions, as well.

Mayor Waterman noted the changes to accommodate larger sized apartments. She inquired as to what was taken out or taken in to be able to accommodate that. She also inquired as to the basement level, as to whether there are windows.

Dr. Byerly answered affirmatively that there are windows. He indicated they went from 42 to 30 rooms, so they knocked out some walls.

Gary Washington, 2456 Sanders Place, Bloomfield Hills, Michigan explained how they reconfigured the space to make the rooms larger. He indicated plumbing would have to be removed and relocated in order to get the floor plan that is being presented.

Mayor Waterman inquired as to the separation between the living space and the bedroom space.

Mr. Washington said that was not developed yet, but there will be a partitioned wall to separate those areas.

Dr. Byerly indicated that the examples of the studio apartments they presented do not have separation walls.

Mayor Waterman discussed the variance for the less number of parking spaces, wanting the seniors to share with the school. She expressed her concern as to whether there would be sufficient parking, especially during the schoolyear.

Dr. Byerly indicated that the school utilized less than 50 percent of the current parking, so there will be ample parking. He indicated half of the parking area in the school would be designated senior parking.

Mr. Dowdell indicated that the Board has not approved any variance for the parking as of yet.

Mayor Waterman inquired as to the accessibility for the seniors to Crystal Lake.

Dr. Byerly indicated that he has had discussions with the owner for discount rates for the golfing.

Mayor Waterman indicated that the other side of the lake is going to be developed, that the City maintains easements on the north side of the lake, and they plan to revitalize that area once the property is developed.

Commissioner Parlove indicated she looked at the prior plans from the November 2nd meeting. She indicated that the current floor plan that is being proposed would dictate a significant amount of plumbing to be changed. She questioned the cost-effectiveness of renovating versus tearing down and starting over again. She further discussed her concern over the garden-level apartments.

Dr. Byerly indicated he has not considered tearing it down and starting over.

Commissioner Parlove inquired as to the cost of installing an elevator.

Dr. Byerly indicated it would cost between 50 and 75,000.

Commissioner Parlove addressed her concerns over the plans, that they seem to be incomplete. She indicated she feels like we're doing this with chewing gum and duct tape and not feeling strongly over the plan. She discussed the real estate boom in the City, and she doesn't want to lose that momentum. She further expressed her concern over the size of the apartments, as well.

Commissioner Payne expressed her concerns are the same from previous meetings. She expressed she understands Dr. Byerly's vision for this project, but thinks that the living quarters are too small.

Chairman Thomas inquired as to what Gary Washington's role was on the project, as Joseph Germaine had been the named architect.

Mr. Washington indicated that he handles the mechanical, electrical.

Chairman Thomas inquired as to the builder for the project.

Dr. Byerly indicated he is in negotiations with two different companies.

Chairman Thomas indicated the Board approves a lot of plans every year, that they want to fill up every spot in the City. He indicated his frustration that after 5 months the same issues still seem to exist with this project. He indicated that he knows some builders have tried to make contact with Dr. Byerly with no success. He discussed that at the time the original dormitories were built, that they were probably on the low-end of the quality of dormitories.

He further indicated with regard to the senior discounts at the golf course, that anyone could get a discount.

He discussed the fact how there are 14 variances needed for this project.

Mayor Waterman inquired as to whether meals would be provided.

Dr. Byerly answered that they would not be providing meals.

Mayor Waterman indicated the more the Board asks questions, the more questions they have to be answered.

Motion was made by Mayor Waterman to postpone.

Seconded by Commissioner Parlove.

AYES: Thomas, Waterman, Parlove, Payne,
Northcross.
NAYS: (None.)
ABSTAIN: (None.)

MOTION CARRIES 5-0-0

6.2 PF-17-01 (PUBLIC HEARING) SITE PLAN REVIEW AND SPECIAL EXCEPTION PERMITS FOR OUTDOOR STORAGE OR OUTDOOR YARD (MAJOR) AND RECYCLING PLANT OR SCRAP PROCESSING IN AN M-2, HEAVY MANUFACTURING DISTRICT.

Parcel No: 14-20-276-001
Property Address: 501 N. Glenwood
Applicant: Rivore Metals

(Presentation of facts given by Mr. Sabo.)

Chairman Thomas invited the Petitioner to address the Planning Commission.

Konstantinos (Kosta) Marselis, 1289 Creek Pointe Drive, Rochester, Michigan. He indicated that this is a RACER property, and that the investigation of the wells continues. He indicated they would only be using a section of the property for that reason. He

Chairman Thomas made preliminary remarks regarding the Commission giving prudent thought to this proposal. He read his remarks from a prepared statement.

Commissioner Northcross questioned the purpose of the slender portion of land.

Mr. Sabo indicated that it's a rail line.

Mr. Marselis confirmed that it's rail line, and that is one reason why they are interested in this property. He indicated this is a facility where materials would be stored outdoors. He indicated that the company's growth is demanding to have rail access.

Commissioner Northcross inquired as to the area of storage of materials.

Mr. Marselis pointed out where the storage would begin, until the wells were capped and no longer being monitored.

Commissioner Northcross inquired as to the type of metal operation that would be taking place.

Mr. Marselis indicated there would not be any shredding operations taking place. He indicated the materials would be brought into the yard and shipped.

He indicated that most of the material being stored is from stamping operations, and some cutting with shears and oxygen.

Commissioner Northcross expressed his concerns over noise.

Mr. Marselis indicated they are not going to use a shredder and that that would require a special use to do so.

Mr. Sabo indicated the Planning Commission can impose conditions as they see prudent for their consideration.

Mr. Marselis indicated the technology of shredders has advanced so much, that they are much quieter than shredders of the past.

Commissioner Northcross inquired as to whether they would be proposing other ferrous materials such as cars.

Mr. Marselis responded negatively, that they do not do cars. He indicated that they are not a company holding material, they keep moving it; they separate the grades of steel. They provide to foundries and mills with segregated chemistry.

Commissioner Northcross inquired as to the height of the mounds of material.

Mr. Marselis indicated he's seen him as high as 30 feet, but that it doesn't happen often; that most of the time it's 15 to 20 feet.

Commissioner Northcross expressed concern over the noise of loading the material into the railcars.

Mr. Marselis indicated they try not to damage the railcars, because if they damage them, they have to pay for the damage. He indicated the first layers have to go in gently.

Commissioner Northcross inquired about the amount of truck traffic this site will generate.

Mr. Marselis indicated they would be doing more railcars than trucks, with approximately 10 trucks a day. He indicated that there is an entrance on Montcalm, and that's the entrance General Motors' trucks utilize, and they plan to use the same entrance instead of Glenwood. He indicated the

material will come in mostly be roll-off and most of the time leave the site by railcar.

Commissioner Northcross discussed the dust generated, as to whether it would be minimal.

Mr. Marselis indicated it would not be minimal.

Commissioner Northcross expressed visibility from the residential area to the west.

Mr. Marselis indicated there would not be visibility from there, because the neighborhood sits down lower, and he pointed out the sections. He indicated they could add more trees, so long as that section allowed them to do so.

Mayor Waterman mentioned the S. Boulevard site owned by Rivore Metals. She inquired as to the timeline for the operations to be up and running.

Mr. Marselis indicated they still have to put a scale in, and that that would take a couple of months, and that they can't really do anything until the spring. He indicated they have to comply with RACER.

Mayor Waterman as to the truck traffic, and the directions they would be entering from, and what the potential road maintenance cost would be.

She further indicated that the Petitioner would need a development agreement with the City.

Chairman Thomas also discussed the traffic pattern.

Mr. Marselis pointed out the area that they would utilize for an entrance once RACER is out, and he can utilize the entire site.

Mayor Waterman discussed the ferrous processing.

Mr. Marselis indicated there are no chemicals used or in the materials, that it's all water-based solutions, so any manufacturing that they have, all the fluids have been reclaimed before it comes on site.

Mayor Waterman inquired as to what to tell the residents regarding the effects that they will sustain from this operation.

Mr. Marselis indicated the site is highly currently contaminated. He pointed out they don't accept hazardous materials, PCBs.

Mayor Waterman inquired as to a mitigation plan for the dust, noise and odor control.

Mr. Marselis indicated as far as noise, they are not shredding anything, just cutting, so noise is very minimal.

Mr. Sabo indicated that the Planning Commission could request submittal of a specific mitigation plan.

Commissioner Parlove discussed the storage of the materials. She asked the Petitioner if he can store not directly on the ground, be it concrete or something else.

Mr. Marselis indicated the entire site is on concrete.

Mr. Sabo indicated the entire site is concrete and it cannot be removed, as part of the mediation plan already so that materials cannot be leached into the ground.

Commissioner Parlove asked if it would belts and suspenders if they asked for concrete bins.

Mr. Sabo responded it would be doubly sure.

Commissioner Parlove also addressed the stacking of materials. She also asked what the possibility would be to have a roof covering the materials.

Mr. Marselis indicated the problem with a roof is that the cranes need to reach out to access the material, and that the risk of damage to the roof would be too high.

Commissioner Parlove inquired as to the wells, what is being monitored.

John Woods, engineer indicated the EPA has required them to put in monitoring wells for the PCB burial. He pointed out where the wells are. He indicated the EPA has yet to determine how long they are going to be sampling. They are sampling the groundwater and the first aquifer. He indicated what they're looking for any leachate from the site that has been capped. There is an agreement that the wells will not be

disturbed. He pointed out the area that is all concrete. He indicated the scrap metal would be piled on the concrete.

Commissioner Parlove inquired as to whether the transaction is pending, and the timeline for due diligence.

Mr. Marselis indicated that they will not go forward if the Planning Commission does not approve the project. He indicated they have signed the purchase agreement and put a deposit down. He indicated they are ready to proceed.

Commissioner Parlove inquired as to if the site is never deemed safe, if there is any recourse for the Petitioner in that regard.

The attorney for Rivore indicated that they are indemnified by RACER, that they are responsible for cleaning up the site. He further indicated that PCBs never go away, and that they are very bad. He further indicated if the Board is concerned about that, that they should get with the EPA. He stated from his perspective, this is the best use for this property. They are restricted, that they can't put any residential use there. He stated it's capped and perfect for the operation, and that no one wants to build on that property because of the PCBs. He indicated they have a 120-day due diligence period, and prepared to proceed upon approval from the Board to go ahead with the project.

Mr. Sabo asked the Petitioner if conditional approval would work for RACER in the agreement.

The attorney indicated he believes it would work, however, they don't want to start spending money and putting a rail line in if they're not going to be able to operate.

Mr. Sabo asked the Petitioner if they can extend their due diligence if there are conditions from the Planning Commission.

The attorney indicated that likely they can go and perhaps try to get it done.

Commissioner Payne questioned the noise level.

Mr. Marselis indicated on a scale of 1 to 5, if General Motors is considered a 5, their operation would be a 4.

Commissioner Payne inquired as to how many people they expect to employ.

Mr. Marselis indicated 25, by the time both phases are completed.

Commissioner Payne pointed out the 11 recommendations and asked the Petitioner if he's willing to conform to those.

Mr. Marselis answered affirmatively.

Commissioner Payne questioned Mr. Sabo about the blank indicated for parking spaces.

Mr. Sabo answered he would suggest 16 parking spaces.

Mr. Marselis answered 16 was fine, as that's what they proposed.

Chairman Thomas asked for clarification on the layout of the site, including the berm area.

Mr. Sabo pointed out various sections of the site.

Chairman Thomas indicated he was a bit apprehensive about this project at first, but he indicated he feels better about the berm that is present and acknowledges that this site cannot really be used for any other business due to the contamination of the site.

Chairman Thomas questioned the Petitioner about his site on South Boulevard, and the status of same.

Mr. Marselis indicated they are making progress.

Chairman Thomas further inquired as to the berms and fencing.

Mr. Marselis pointed out where additional berms are located on the site.

(Chairman Thomas opened the public hearing.)

Councilmember Mary Pietila, 195 W. Kennett Road, Pontiac, Michigan. She indicated this area is not

her district, however, she is asking for the Planning Commission to approve this project. She indicated there are no immediate residential neighbors to this site.

(Chairman Thomas closed the public hearing.)

Mayor Waterman addressed the question about how the City is protected by the deal that the Federal government made with General Motors in establishing the RASER trust. RASER trust is responsible in perpetuity for any leaching problem, or other problems like that, unless the City excepts that. She indicated with those kinds of controls and specifications that they would add, that that gives the City a comfort level.

Commissioner Parlove questioned the hours of operation.

Mr. Marselis indicated 7 to 5 in the summertime; 8 to 5 in the wintertime, with some Saturdays perhaps 8 to 4, that it would not be a full day.

Commissioner Parlove asked if it could be 8 to 3 on Saturdays.

Mr. Marselis indicated he would agree to that, if that's what the Board wants, on Saturdays.

Commissioner Parlove questioned the height of the piles and the length of time the materials would remain. And also asked if they would be okay with no shredding.

Mr. Marselis indicated he would keep them about 20 feet, for no more than 45 days. He indicated there should be no shredding. He indicated the materials are stored on the concrete ground.

Commissioner Northcross asked if there would be any compactors.

Mr. Marselis responded there would be no compactors on the site.

Motion was made by Commissioner Parlove to approve with the following conditions:

1. Compliance with Section 2.313(b) Dimensional Standards for front setback interior standards.
2. Compliance with Section 4.405 General Landscape

- percentage requirements
- 3.. Compliance with Section 2.520 Special Exception standards for screening requirements for screen wall or obscuring fence 8 feet height required.
 4. Compliance with Section 4.407 Street Trees in the right-of-way, 35 trees required.
 5. Approval by the Planning Commission and Compliance with Section 4.303 Parking Uses Not Listed for Wholesale and Distribution of Office Uses, 16 spaces required.
 6. A mitigation plan from a licensed environmental consultant for dust control, noise control and odor control prior to issuance of any building permits.
 7. Compliance with all State and Federal environmental regulations related to recyclable material and scrap processing NAICS code 421930.
 8. Compliance with City Engineering requirements: Estimated truck traffic volumes should be provided to engineering. A valid queue for truck traffic must be provided. Any damaged sidewalk must be replaced. All other City of Pontiac engineering standards and policies should be met.
 9. Compliance with City Fire Department requirements: Must have 24-hour access knock keys, motorized gate, lock pad for manual gates. Any outdoor storage areas must be within 400 feet of a hydrant.
 10. Compliance with all BOCA codes, Engineering standards, Fire codes and City permitting requirements.
 11. Compliance with all City of Pontiac business licensing requirements.
 12. Hours of operation; Saturday 8-3; Monday through Friday 7-5.
 13. No car recycling.
 14. No metal shredding.
 15. Maximum height of storage materials 20 feet; maximum 45 days.
 16. 10-foot fence height for screening.

Seconded by Commissioner Northcross.

AYES: Thomas, Waterman, Northcross, Parlove,
Payne.

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 5-0-0

7. OLD BUSINESS: (None.)

8. OTHER ITEMS: Michigan Planners Association Education Programs Leaflet.

9. PUBLIC COMMENTS:

Mary Pietila expressed her concerns about the senior housing at 819 (825) Golf Drive. She indicated the units are too small. She stated she doesn't think the Petitioner has thought this whole project through.

10. ADJOURNMENT:

Commissioner Parlove made a motion for adjournment; Mayor Waterman seconded.

(All eyes to adjourn.)

ADJOURNMENT: 8:53 p.m.

Minutes certified by:



/s/ Quentina Rochelle Snowden, CSR-5519
QRS Court Reporting, LLC
800.308.0068

