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CITY OF PONTIAC
PLANNING COMMISSION
WEDNESDAY, MARCH 6, 2019
6:30 P.M.

A 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:

Vernon Gustafsson, Planning Manager
Donovan Smith, Assistant City Planner
Jane Bais-DiSessa, Deputy Mayor
Tony Chubb, City Attorney

MINUTES RECORDED BY:

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

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MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING
COMMISSION:

- Randy Carter, Council member
- Mike Bahoura
- Sam Thomas
- Greg Serio
- Jesse Parkinson
- Sue Sinclair
- Jay Noonan
- Phyllis Sherwin
- Ron Klezby (ph)

1 CALL TO ORDER: Chair Thomas called the meeting
2 to order at 6:32 p.m.

3 ROLL CALL (PRESENT):

4 Dayne Thomas, Chairman

5 Ashley Fegley, Vice Chair

6 Mayor Deirdre Waterman, Commissioner

7 Christopher Northcross, Commissioner

8 Lucy Payne, Commissioner

9 Mona Parlove, Commissioner

10 EXCUSED: Hazel Cadd, Commissioner

11 CHAIR THOMAS: Welcome. Good evening.

12 Welcome to the Pontiac Planning Commission meeting
13 for March 6, 2019. Thank you for coming out this
14 evening, another cold winter night, but we'll work
15 our way towards spring.

16 There are seven items on the agenda
17 tonight, included but not limited to the Medical
18 Marihuana Zoning Ordinance. And I'd just like to --
19 and by the way, excuse me, let me just call the
20 meeting to order.

21 I'd like to introduce my fellow
22 Commissioners starting from my far left.
23 Commissioner Christopher Northcross. Commissioner
24 Hazel Cadd is excused tonight. Then Honorable Mayor
25 Dr. Deirdre Waterman. To my immediate left is

1 Planning Manager Vern Gustafsson. To my immediate
2 right is Vice Chair Ashley Fegley. And I'm Chair
3 Dayne Thomas. We expect Commissioner Mona Parlove
4 tonight I think, right?

5 MR. GUSTAFSSON: Yes.

6 CHAIR THOMAS: And Commissioner Lucy
7 Payne as well?

8 MR. GUSTAFSSON: Correct.

9 CHAIR THOMAS: And so they'll -- we'll
10 welcome them when they get here. But we have a
11 quorum.

12 So I'd also like to introduce out here
13 City Attorney Tony Chubb. And Commissioner Mona
14 Parlove is walking in as we speak. But we have a
15 quorum and we're going to start.

16 So Mr. Gustafsson, roll call, please.

17 MR. GUSTAFSSON: Yes. Chair Thomas?

18 CHAIR THOMAS: Present.

19 MR. GUSTAFSSON: Vice Chair Fegley?

20 VICE CHAIR FEGLEY: Present.

21 MR. GUSTAFSSON: Commissioner

22 Northcross?

23 COMMISSIONER NORTHCROSS: Present.

24 MR. GUSTAFSSON: Commissioner Parlove?

25 COMMISSIONER PARLOVE: Present.

1 MR. GUSTAFSSON: And Mayor Waterman.

2 MAYOR WATERMAN: Present.

3 MR. GUSTAFSSON: Okay. We have a
4 quorum.

5 CHAIR THOMAS: We have a quorum.
6 Communications, please.

7 MR. GUSTAFSSON: We do have one
8 communication, but it's not here as of yet. We'll
9 get -- the communication will be read into the
10 minutes here when it arrives.

11 CHAIR THOMAS: Okay. Minutes for
12 review. Or is that what you're saying?

13 MR. GUSTAFSSON: Yes, approval of the
14 minutes from -- yeah, looking for approval of the
15 minutes from January 30th, 2019.

16 CHAIR THOMAS: Okay. I'm going to go
17 to my far left, Commissioner Northcross, please.

18 COMMISSIONER NORTHCROSS: I have no
19 changes.

20 CHAIR THOMAS: Mayor Waterman, please.

21 MAYOR WATERMAN: No changes.

22 CHAIR THOMAS: Commissioner Parlove?

23 COMMISSIONER PARLOVE: No changes.

24 CHAIR THOMAS: And Vice Chair Fegley?

25 VICE CHAIR FEGLEY: No changes.

1 CHAIR THOMAS: I must admit, I have
2 not had a chance to -- first time in the meeting
3 where I haven't reviewed the minutes, but I have not
4 reviewed it. So can I add my comments at a
5 subsequent date or just --

6 MR. GUSTAFSSON: You can just abstain.

7 CHAIR THOMAS: So I'll abstain. So
8 with that being said, all in favor of -- do I say
9 abstain from the vote as well?

10 MR. GUSTAFSSON: We can state that the
11 Chair Dayne Thomas is abstaining from the approval
12 of the minutes.

13 CHAIR THOMAS: May we have a motion to
14 accept the minutes.

15 COMMISSIONER NORTHCROSS: So moved.

16 CHAIR THOMAS: May we have support.

17 COMMISSIONER PARLOVE: I support.

18 CHAIR THOMAS: All in favor say "aye."

19 (All ayes.)

20 CHAIR THOMAS: We adopted the minutes.

21 And so, we have a public hearing
22 tonight for medical marihuana. And before we start
23 as Chair, I'd like to add opening comments for the
24 record.

25 As you recall, Pontiac Planning

1 Commission put forth the zoning recommendation for
2 medical marihuana in late October, but that proposal
3 did not pass muster with City Council.

4 Then on January 30th, the Planning
5 Commission rendered another recommendation for
6 medical marihuana. That recommendation also was
7 rejected by City Council.

8 So tonight, the Planning Commission
9 will put forth the third Planning recommendation for
10 medical marihuana in four months.

11 Since medical marihuana was voted into
12 law, there have been numerous educational workshops,
13 two special meetings, and three moratoriums. At
14 each public hearing we, our Commission, listened to
15 all public comments, but the decisions and
16 recommendations of the Pontiac Planning Commission
17 are not made for the benefit of individuals or
18 special interest groups, rather our recommendations
19 are made upon what we deem best for the greater good
20 of the City of Pontiac.

21 While medical marihuana can be a
22 meaningful economic development tool, we should make
23 it clear, it is not a silver bullet or magic plan
24 that will generate enormous commercial traffic for
25 the City of Pontiac.

1 As an economic development tool,
2 medical marihuana is clearly not Google or Apple or
3 Microsoft or Amazon. Nevertheless, while medical
4 marihuana will be a nice enhancement to Pontiac's
5 economy, with the plan to license as many as 20
6 provisioning centers or dispensaries over time,
7 nevertheless it will be closer in size and scope to
8 Walgreens, CVS or Rite Aid pharmacies, and I'm not
9 being glib with that, than it will be to Apple,
10 Google or Amazon.

11 Yet, we will do our best to ensure
12 medical marihuana succeeds and thereby co-exists
13 within the fabric of this City. From the
14 perspective of the Planning Commission, safety is
15 our first priority. We must ensure that medical
16 marihuana, just like every business, is adequately
17 serviced by police, fire, traffic control, proper
18 ingress, proper egress and to ensure safety for the
19 public at-large.

20 So with just two days remaining before
21 expiration of the most recent moratorium, this
22 Planning Commission will put forth yet another
23 recommendation tonight that we believe will be a
24 meaningful step toward implementing medical
25 marihuana. It's worth noting after four months of

1 debate, medical marihuana has usurped an incredible
2 amount of administrative and legal resources. And
3 as it relates to efficient utilization of those
4 resources, it is my belief as Chair, it's time for
5 us to move on. There is an issue of lost
6 opportunity cost, which is to say the longer we
7 spend on medical marihuana, the less time we spend
8 on pending economic development opportunities of
9 which we have six others standing and pending
10 tonight.

11 In closing, we welcome all public
12 speakers, but we ask you to keep your comments on
13 topic. After two previous public hearings of
14 extreme length and duration, we have entertained
15 virtually all iterations of comments both for and
16 against. So tonight we will limit public comments
17 to three minutes. And I've never done that ever
18 since I've been sitting in this chair, thinking that
19 people deserve ample time to state their case, but
20 we have to move on, so we'll limit it to three
21 minutes, I hope you understand, to ensure that the
22 meeting proceeds efficiently, and thereby allow
23 ample time for six pending proposals on the Planning
24 agenda tonight. So without further ado, Mr.
25 Gustafsson will present.

1 MR. GUSTAFSSON: Thank you, Chair
2 Thomas. Thank you for that great introduction.

3 Okay. Before we get into the nuances
4 of the two proposals that we're going to be
5 evaluating tonight in public hearing, before the
6 public hearing I'd just like to present and discuss
7 a little bit of history, chronology that -- which
8 Chair Thomas did get into, into a little more detail
9 and kind of show you the nuances of that. We're
10 going to be discussing two proposals that is in the
11 packets of the Planning Commission, as relates to
12 the third Planning Commission Medical Marihuana
13 Ordinance and then also the third Pro Tem Carter
14 City Council Ordinance.

15 As the slide that shows up there, you
16 can see the first couple of bars up there,
17 represents the first 60 days. After the vote was
18 certified, we had, according to the referendum, that
19 the voters approved, we had 60 days to craft an
20 ordinance as relates to medical marihuana facilities
21 here in the City of Pontiac.

22 Our first Planning Commission meeting
23 was held on October 29th, which we presented our
24 first and then followed up with a City Council
25 meeting on November 8th. At that time, on

1 November 8th, the City Council, Gloria Miller,
2 introduced a -- her version, an ordinance which was
3 withdrawn; and also at the same time, the City
4 approved a 90-day moratorium.

5 At the time, when the first Planning
6 Commission meeting, this was the recommendation, if
7 you remember correctly, which is a -- two overlay
8 districts, including Cesar Chavez and a section of
9 Walton Boulevard. Cesar Chavez extended from
10 Montcalm to the west edge of the City near West
11 Boulevard. And the Walton Boulevard corridor
12 extended from West Road to the east to just past
13 Joslyn Avenue.

14 The maps to my left kind of represent
15 -- you can kind of see those areas on the first map,
16 on the extreme left-hand side, those areas in pink.
17 You can kind of see that was the beginning stage, so
18 to speak, in regards to what the Planning Commission
19 had recommended. Which we did was then following
20 the moratorium, we did have our second public
21 hearing on our second ordinance. That was on
22 July (sic) 30th. Again you start seeing the areas
23 that are still there in pink. Then we did add -- we
24 extended the Cesar Chavez area to the west and north
25 up to the Kennett Road landfill which fronts on

1 Telegraph Road. And we also inserted the Silverdome
2 industrial area on Auburn and Opdyke. And that was
3 the recommendation that we went forth -- at that
4 time. That was on February -- January 30th.

5 February 5th, the -- as was mentioned
6 by the Chair, the City Council voted on that second
7 Planning Commission recommendation. That was
8 rejected. At the same time, City Council Pro Tem
9 Carter and City Council produced their second
10 version of the map for -- Zoning Map Amendment
11 Ordinance for medical marihuana.

12 If you look over to my left again, the
13 third map down from the dais represents the graphic
14 that illustrates this is kind of more of the revised
15 Carter version of the graphic that represents the
16 three overlay districts, along with potentially
17 looking at the commercial areas to be involved.

18 And the one to the left of that in the
19 middle of the three represents the four districts,
20 which is similar to what we proposed in the second
21 and now in the third version of our ordinance.

22 From there, here we are now, here we
23 are on March the 6th. We have third versions of
24 both Planning Commission and City Council for their
25 review.

1 (Commissioner Lucy Payne entered the
2 chambers.)

3 MR. GUSTAFSSON: And we're looking to
4 provide insight and explanation and comparisons and
5 nuances to these ordinances for you, to give you a
6 better understanding, and then go from there into
7 public hearing and public comments.

8 Followed by that, we'll get into
9 making recommendations that will be sent on to City
10 Council for tomorrow's meeting, which starts at
11 noon.

12 For those who have been here and
13 watched these meetings either in the room or on
14 television streaming it live, you know that -- I'll
15 start off by kind of our mantra in regards to where
16 we are now. And that really means what's best for
17 Pontiac, our overarching goal in regards to how
18 these objectives can be elevated, deliberated and
19 also assessed in regards to the importance of them
20 as relates to as we move forward in regards to
21 ordinances that we create as a division and making a
22 recommendation to Council, and then also how we
23 assess what the City Council and Pro Tem Carter
24 presented; that being protecting residential
25 neighborhoods and minimizing those impacts, looking

1 at corridors that are in need of private and public
2 investment, that will spur additional economic
3 development opportunities and also generate revenue
4 to pay down City debt, particularly in regards to
5 TIFA free. Also identifying areas of properties
6 that have a significant number of properties that
7 could be developed and redeveloped.

8 What's also important is definitely
9 making sure that it's accessible, easy access for
10 patients of provisioning centers. Also taking a
11 look in regards to streets and areas that do have
12 the capacity as it relates to -- from a utility
13 standpoint and also to accommodate increase in
14 traffic volumes.

15 And lastly, as the Chair Thomas
16 indicated, talking about the health, safety and
17 welfare and fostering a very safe and secure
18 environment within whatever and wherever these
19 facilities are going to be located.

20 The third Planning Commission
21 recommendation -- and there are some additional
22 maps. These are part of the ordinance that was part
23 of the Planning Commission packet which you could
24 find online. Does include -- the area in green
25 represents the downtown. Represents -- the area of

1 blue represents Cesar Chavez, which is extending it
2 to the west and to the north, up to the Kennett Road
3 landfill, including Kennett Road landfill. Walton
4 Boulevard, along with frontage on both sides of
5 Walton Boulevard from Telegraph Road over to Joslyn.
6 And the fourth represents the Silverdome industrial
7 area which is in purple. Okay?

8 So here is an enlargement of the Cesar
9 Chavez area. Representing the Walton Boulevard area
10 also. Downtown in green within the loop. And
11 lastly, Silverdome Industrial.

12 Just to give you an idea in regards to
13 where all of these are located I'm sure you're very
14 familiar with these and then even discussed in the
15 past, but we just wanted to reiterate that these are
16 the areas and these are the maps that will be
17 inserted as part of the ordinance.

18 With that being said, we did do a
19 technical review of the third Carter and City
20 Council Medical Marihuana Ordinance. That was given
21 to us on February 28th with -- meaning that on the
22 28th we did get an ordinance that does include the
23 amendment that was read into the motion back on the
24 26th. It does note there's no more than five
25 provisioning centers to be located within the three

1 overlay districts, which have been identified and
2 described. Previously they weren't, but they are
3 now in there as relates to Walton Boulevard, Cesar
4 Chavez, and also C-2 downtown.

5 They also included as part of the --
6 let me just say that in their amendment, we don't
7 believe, since we never saw the maps, we're not too
8 sure if it included the extension on Cesar Chavez
9 such as what we're recommending, and I'm not too
10 sure what they mean by the maps did not -- or the
11 maps weren't present. So I wasn't too sure in
12 regards to how further north of Walton Boulevard the
13 areas included.

14 However, it did include the buffer
15 restriction of 200 feet, measured at perpendicular
16 and also straight lines and also at right angles
17 between medical marihuana use and also either a
18 school, a public or private school, a tax exempt
19 religious institution, 500 feet from a park or
20 playground equipment, and a commercial child care
21 center which was also 500 feet. But lastly what
22 they had recommended was a 200-foot buffer from
23 residentially-zoned properties within -- throughout
24 the entire City.

25 What we did find as part of this, was

1 that there are several inconsistencies, which from
2 our assessment renders the ordinance incomplete and
3 does not meet the standards of clarity; that being
4 in the ordinance it does reference C-0, which is an
5 office business industrial district which was not
6 part of the amendment that was read into the motion.
7 The -- there is contradicting regulations as it
8 relates to -- and you can see the number of sections
9 there -- as relates to listing that all medical
10 marihuana uses are a principal permitted use.
11 However, in Section 3.11 it does note that the
12 Planning Commission is the special exemption permit
13 review authority, and that requires a public notice.

14 So this contradiction is not
15 enforceable. It requires a special exemption
16 permit, meaning that the intent that -- the way
17 we're reading it is that these uses -- medical
18 marihuana uses would follow a principal permitted
19 use requiring no public hearing and no notice to
20 area residents as a part of a public hearing in
21 front of the Planning Commission.

22 Additionally, two more, like I
23 mentioned, maps 1 and 2 were not included. It is
24 required to illustrate the location so we have a
25 good understanding of the extent of the facility

1 placement to be located.

2 And lastly, it was just an item as
3 relates to the buffer distant restriction. One of
4 the sections that was referenced does not -- there
5 was an error basically.

6 That being said, in the packet it's
7 probably a little bit clearer, but let me just go
8 through a little bit of the comparison between the
9 two ordinances.

10 On your left and more of the white
11 area represents the third Planning Commission
12 Medical Marihuana Ordinance, however on the right
13 side it's shaded in gray, represents the Pro Tem
14 Carter City Council version of that ordinance.

15 As it relates to the Planning
16 Commission's review, underneath the -- within the
17 regulations of the third Planning Commission
18 ordinance, we do require all medical marihuana uses
19 would need to go through the process of receiving a
20 special exemption permit, which would require a
21 public hearing and notice to the property owners.

22 In the Carter version, that would be
23 considered a principal use by right, which there
24 will be no public hearing and no notice to area
25 property owners that a medical marihuana use was

1 coming into their neighborhood and area.

2 Getting onto medical marihuana uses
3 located within the three overlays, and we'll be
4 talking about the locations of those, within the
5 commercial zoning, within the overlay districts,
6 C-3, would be allowed for provisioning center,
7 safety compliance and secure transporters, which is
8 the same as what was identified in the Carter
9 proposal and City Council proposal.

10 Industrial zoning, being M-1 and M-2
11 will allow all five medical marihuana uses to go
12 within those zoning areas within the three overlay
13 districts. Again, this was the same as what Carter
14 and City Council proposed.

15 And lastly, IP-1, which is what we
16 call industrial park, allows for everything except
17 for provisioning centers, meaning growers,
18 processer, securing -- secure compliance and --
19 excuse me, safety compliance and secure
20 transporters. And that also is the same as what was
21 defined within the Carter City Council version.

22 As relates to the location of these
23 overlay districts, the Planning Commission
24 Division's recommendation, the Planning Commission
25 looks at Cesar Chavez overlay district would extend

1 from Montcalm over to the Kennett Road landfill,
2 which is different from the location of Cesar Chavez
3 within the Carter City Council that extends
4 basically from Montcalm to West Boulevard.

5 Within the Planning Commission's
6 recommendation, in regards to Walton Boulevard, it
7 does extend between Telegraph and Joslyn Road along
8 the frontages of that area on both sides of the
9 road.

10 Also within the medical marihuana
11 overlay districts C-2 downtown Pontiac, and that
12 would be considered within the loop.

13 And the last item would be the
14 Silverdome Industrial Park north of Auburn Road or
15 Avenue and west of Opdyke. Obviously Walton
16 Boulevard within the Carter Pro Tem version extends
17 to the north of Walton Boulevard between Telegraph
18 and Joslyn.

19 Within the downtown area it's the same
20 as the recommendation by Planning Commission, and
21 the Silverdome industrial was not included within
22 the Carter City Council's ordinance, so that overlay
23 district was not identified.

24 Within the overlay districts, as
25 relates to a number of provisioning centers, we're

1 looking at five -- no more than five provisioning
2 centers will be located within the Cesar Chavez
3 overlay area, Walton Boulevard and also downtown
4 Pontiac. So each of them would have no more than
5 five provisioning centers which is those regulations
6 are the same as what was presented in the Carter
7 City Council version. And as you can see by my
8 descriptions here you can see that we have been
9 working very diligently, and taking a very hard look
10 at the recommendations by Council, and pro tem
11 Carter in regards to evaluating to make sure what's
12 good about it, what areas that we're questioning to
13 come up with a kind of a mutual agreement to move
14 this project -- to move this ordinance forward.

15 And lastly, the ordinance as relates
16 to outside the medical marihuana overlay districts
17 that I just identified, there is, in the Planning
18 Commission version I'll just read the nuances as
19 relates to those for the Planning Commission. We
20 would allow no more than five provisioning centers
21 to be established within the C-1, C-3, C-4 zoned
22 properties outside the three medical marihuana
23 overlay districts representing Cesar Chavez, Walton
24 Boulevard and downtown Pontiac.

25 Safety compliance and secure

1 transporters can also be established within those
2 C-1, C-3, C-4 areas zoned properties outside the
3 three districts. Growers and processors are not
4 allowed in the M-1, M-2 industrial manufacturing
5 zoning district outside the medical marihuana
6 zoning -- the -- excuse me, outside the medical
7 marihuana overlay districts.

8 And we did, taking a cue from the
9 Carter City Council version, we assessed it very
10 carefully in regards to there was suggestion as it
11 relates to instituting a residential buffer as
12 relates to outside the medical marihuana overlay
13 districts, and they have recommended a 200-foot
14 buffer within the area measuring it at right angles,
15 measured between the medical marihuana facility and
16 also a residentially-zoned parcel.

17 Okay. And that would be applied for
18 provisioning centers, secured transporters, and
19 safety compliance facilities.

20 However, the Planning Commission we
21 spent considerable amount of time in those two last
22 graphics that are back towards the exit, represents
23 a considerable amount of study in regards to what
24 really needs to be evaluated in regards to if you
25 remember correctly what I said, was trying to

1 protect our -- or protect our residential
2 neighborhoods. And what we instituted and what
3 we're recommending is a 300-foot buffer from a
4 medical marihuana use, and between a medical
5 marihuana use and a residentially-zoned parcel.

6 We wanted to -- that objective was
7 based on the fact we wanted to achieve a higher
8 level of protection for those homes. You know, as
9 businessowners, and as a community, you know, what
10 we had in mind was from a planning and zoning
11 perspective, in regards to examining what is best
12 for Pontiac, it was critical that we keep those
13 objectives in mind and studying it very closely in
14 regards to not just those buffers, but also the
15 buffers that's already in place by distance
16 requirements for schools and churches, and
17 playgrounds and commercial child care centers,
18 already wipes out a number of parcels that might be
19 eligible within those three districts.

20 But then when you start evaluating a
21 little bit closer, we're looking at by increasing
22 the size, we do see the opportunity to maybe
23 slightly reduce the number of those type of
24 facilities. We know we have a limit cap on
25 provisioning centers to five, but there is no limit

1 as relates to secure transporters and safety
2 compliance.

3 However, when we looked at these
4 200-foot buffers, we, in examining that, we just saw
5 a greater impact upon those residential
6 neighborhoods. So with that being said, we're
7 recommending a 300-foot buffer between the medical
8 marihuana facilities of provisioning centers, safety
9 compliance, secure transporters, that buffer would
10 be measured at right angles and projecting straight
11 lines between those facilities and also
12 residentially-zoned parcel or parcels.

13 There was a communication that came
14 in. At this time would you like me to read into --
15 Chair? No problem with that? Okay.

16 This was dated from the Mayor, Deirdre
17 Waterman, dated March 6th, 2019. "Greetings to
18 Planning Commissioners. As the Planning Commission
19 is convened again to consider the Zoning Ordinance
20 Amendment to medical marihuana implementation in
21 Pontiac, I'm writing this communication to share
22 with you some of the questions that were raised at
23 the town hall medical marihuana last Monday,
24 March 4th, 2019.

25 The town hall was held to provide the

1 update on invitation and application process as the
2 moratorium deadline of March 8th approaches. The
3 town hall was held in keeping with the principles
4 set by the medical marihuana task force that I
5 appointed." These questions -- well, I shouldn't
6 say -- that let me go on.

7 "I guess the first question number one
8 is what's best for Pontiac and its citizens and its
9 businesses to have an open process that was guided
10 by what the voters wanted. To have a process that
11 is fair and with integrity, and to that end, each of
12 you, Planning Commissioners, have completed and
13 signed a disclosure statement that ensures you are
14 working in the best interest of the citizens and not
15 in some other self-interest.

16 Throughout this open process, we have
17 now had two town halls, nearly 30 presentations or
18 working groups that were open to the public, and a
19 personal service announcement that is now running in
20 the City Cable Channel. Participants in that PSA,
21 personal service announcement were the Mayor Dierdre
22 Waterman, City Planner Vern Gustafsson, City
23 Attorney Tony Chubb, and interim City Clerk Garland
24 Doyle. The Council President was also invited to be
25 a participant, but has declined to this date.

1 Council President Kermit Williams also did not
2 attend the second hall, although there were
3 questions specifically addressed to him as well as
4 Pro Tem Randy Carter, the other of the
5 Council-approved Zoning Ordinance Amendment
6 according to the interim City Clerk. Questions that
7 the other panelists could not answer and were left
8 to the Council leaders to answer are listed below.
9 Pro tem Carter did agree to answer a few at each of
10 the March 5th, 2019 City Council meeting and others
11 are still being to be answered."

12 Now, these are in a row of 1 through
13 9. Number one being:

14 "Why aren't more City Council people
15 at this town hall meeting? They should be here to
16 answer our questions.

17 Number 2, the proposal from Council
18 doesn't protect residents by notifying us. Why not,
19 if they are moving a weed shop next to my house in
20 district two. Why nothing on the south side or --
21 and west side.

22 Number 4, for your required conflict
23 of interest statement, for anybody who never works
24 on an application, Council members have refused to
25 sign. What are your thoughts? How can Council

1 members be required?

2 Councilman Randy Carter's version of
3 proposal includes call your landfill. The City has
4 a lease and it is, and it's to be sold -- or it's
5 not to be sold. What is Councilman Carter's
6 interest in properties he was in Planning office
7 about? I heard that Councilman President Kermit
8 Williams makes the ethic standards. The Mayor
9 signed a paper to show it's no conflict of interest
10 with special treatment, why not everybody? It's
11 shady the clerk got his own conflict of interest
12 policy. What does the charter say? Councilman
13 Randy Carter makes a post on Facebook talking about
14 secret deals. What does he know about that and why
15 isn't he reported?

16 Council's plan -- number 9. Council's
17 plan represents could not have medical marihuana in
18 residential neighbors. Why doesn't Randy Carter
19 want people to be notified?"

20 I think I read that one again a little
21 bit differently.

22 "Council's plans presented would have
23 medical marihuana in residential neighborhoods. Why
24 doesn't Randy Carter want to be notified?"

25 That's the communication.

1 CHAIR THOMAS: While I was introducing
2 those over here, I didn't have a chance to introduce
3 Commissioner Lucy Payne who is here. Thank you for
4 being here. Honorable Deputy Mayor Jane
5 Bais-DiSessa, and City Planner Donovan Smith. So
6 welcome.

7 This is a public hearing. So I'm
8 going to open public hearing. Again, I hope you'll
9 be respectful. I've never asked for this before,
10 but to be cognizant of the three minutes, and
11 hopefully we can adhere to that.

12 So without further ado, public hearing
13 is open. And may I also say at the end of public
14 hearing, we'll come back -- or let me -- I'm kind of
15 changing a little bit of how I've done this in the
16 past.

17 MR. GUSTAFSSON: Okay.

18 CHAIR THOMAS: Let me open this up to
19 my fellow Commissioners first for any comments and
20 questions as it relates to the presentation that was
21 just put forth. After that has been done, there may
22 be some, there may be none. Then we'll open up
23 public hearing. Then we'll come back to my fellow
24 commissioners for any last comments or questions.
25 And then we -- at that point in time, we'll seek a

1 motion and see where that takes us.

2 So to my fellow Commissioners, I
3 always go to my far left to start. And sitting in a
4 new seat, who is normally over here is Commissioner
5 Lucy Payne.

6 So Commissioner, good evening. Any
7 comments or questions that you might have as we get
8 started here?

9 COMMISSIONER PAYNE: Good evening, and
10 thank you. I would like to waive my questions until
11 after the public comment piece.

12 CHAIR THOMAS: Thank you.
13 Commissioner Northcross, please.

14 COMMISSIONER NORTHCROSS: I am
15 impressed by the work that's been performed by our
16 Planning Department in terms of outlining both
17 proposals, and doing it in a manner that helps one
18 to understand the strength and weaknesses of both
19 proposals and compare them. And I have to say
20 bravo.

21 Also I have to say that the City
22 Council has worked to put forth changes in the form
23 of ordinances. And I think that's commendable;
24 something in past City Councils I have not always
25 seen occur.

1 So, we're moving more from what I used
2 to see on the City Council and certain areas of just
3 advocacy, to starting to move to administration.

4 But, at the same time, I understand
5 that one of my roles is to advise the City Council,
6 and certainly understanding their directions that
7 they tried to put forth in terms of that ordinance,
8 and the constraints that we're looking at today in
9 terms of the laws and the actual layout of the City,
10 it's taken some time to -- to look at the details.
11 And what's the old saying? That the devil is always
12 in the details.

13 So, I see us moving forward in this
14 process in a number of ways in terms of
15 administrating the City and I'm anxious to hear the
16 comments again, and new comments that will come
17 forward from the audience regarding these two
18 proposals.

19 CHAIR THOMAS: Thank you very much.
20 Mayor Waterman, please.

21 MAYOR WATERMAN: Just a short opening
22 statement, that is to say it's been a long and
23 involved 180 days plus since the voters did pass in
24 the City of Pontiac a medical marihuana referendum.
25 And we can see how as the process has evolved over

1 time from that first Planning Commission
2 recommendation to how we are now -- where we are
3 now, and you can see it's been a lot of public
4 dialogue, a lot of public discussion, as we hoped
5 there would be to the ideas to come forward. But
6 you also see that there have been certain
7 consistency from the very beginning, from the first
8 proposal. The fact that, as the recommendation of
9 the Planner, to have some identified overlay areas,
10 that has been continued throughout all of the
11 proposals, all eight proposals that have been
12 investigated in some form. So we see that has
13 remained constant.

14 The other thing that's been constant
15 is the thing that the residents have told me as
16 Mayor and Council as well, that they did not want
17 them in the neighborhoods. So that is one of the
18 things that might have been before our planners and
19 task force to make sure that we abided by that
20 citizen demand, that it not be in the neighborhoods.
21 And that is why some of the modifications that the
22 Planner talked about are in his final
23 recommendations.

24 So with that, you know, I think it's
25 been good and it's been open dialogue. In the end

1 it has to be an ordinance that will not only meet
2 the requirements of the ordinance that was passed by
3 the voters, but also to meet the needs and what's
4 best for the City of Pontiac. And I hope we can
5 proceed with that and people have been waiting for
6 this process to wind down after all this time, I
7 certainly -- we talked about a lot of bandwidth it's
8 taken here amongst the administration and I can
9 testify to that. So I hope we can have productive
10 discussion today. As you know, we're marching
11 against this deadline, and we'd like to be able to
12 have that so we can fulfill the will of the voters.

13 CHAIR THOMAS: Thank you, Mayor.

14 Commissioner Parlove, please.

15 COMMISSIONER PARLOVE: Thank you to
16 everyone for being here tonight, but I also wanted
17 to say thank you for all who are participating in
18 our town halls. We have been going to the
19 neighborhoods asking people to give opinions or
20 thoughts or concerns. And we are the ones that are
21 going to be living with this. There are people who
22 will be bringing in business but then they go home
23 to a different community; and it's important for
24 those of us who go home to our Pontiac address at
25 night to know that we have done the best that we can

1 to make sure that we're all taking care of each
2 other.

3 So I hear some of the questions that
4 were read tonight, and I also feel the same way. I
5 want to make sure that everything is transparent for
6 all of us and to make good decisions. And also I
7 would hope that going forward we stay as actively
8 engaged as we are with this particular issue. So
9 thank you everybody for coming out.

10 CHAIR THOMAS: Thank you. Vice Chair
11 Fegley.

12 VICE CHAIR FEGLEY: I'll save my
13 comments until later.

14 CHAIR THOMAS: Okay. Thank you. Just
15 a short comment. And I'll probably repeat this
16 before we go to final vote, but I was advised by a
17 wily professor when I was a young undergraduate, and
18 he's a name you would know and I'll say the name, it
19 doesn't really matter, but he said "Do your
20 homework, do your homework, do your homework." But
21 then at some point in time you have to make a
22 determination that there are no perfect plans and
23 you have to say that you've done all you can do.
24 It's time to go forward and then measure and manage
25 and adjust and get started. So, I hope we're

1 mindful of that because not -- we don't gain
2 anything. We have done all of the debating. It's
3 time for us to move on.

4 So, without further ado, open for
5 public hearing, public comments. Please come
6 forward. State your name and address for the
7 record, please. And again, I hope you'll bear with
8 us, but we're going to follow the clock tonight.

9 COUNCIL MEMBER CARTER: Hello,
10 everyone. I'm City Council member Randy Carter Pro
11 Tem, and I'd like to say a few things about the maps
12 and the things -- the Mayor, thank you for -- I
13 appreciate you writing a letter to read to yourself.
14 I love it.

15 Again, I spoke to Planning. I spoke
16 last night. I said, again, the genie was let out of
17 the bottle when the people voted. This whole issue
18 started greater than 240 days that they voted. It
19 started back from last January when the Planning and
20 the Council and Zoning should have took steps before
21 the people voted.

22 Now, the genie is out of bottle, so
23 it's a little difficult. So you and I both know
24 that it says within the moratorium that it's
25 unlimited. So you got unlimited provision -- you

1 got 20 provisional centers, I agree with the
2 Planning and the Mayor's overlay, it's fine. But
3 the other unlimited have to go somewhere. And, yes,
4 I understand I had a 200-foot barrier. You might
5 want 3, might want 5. But it will be challenged by
6 somebody that all those could be amended and
7 replaced. What I did say in the ordinance, whether
8 it's typed or not, I did not want it in residential
9 area, is one. The next thing is that I want all
10 commercial property that already existed that's
11 already zoned, that could be rezoned, to be within
12 this barrier of marihuana -- this -- facilities.

13 As everyone knows, I voted no. I
14 didn't want any in my district, but since my
15 district happens to be in the Walton overlay, I'm
16 trying to deal with it the best I can. Since my
17 district contains two landfills, the Kennett
18 landfill and the Collier landfill. And yes, I did
19 mention there's 2,000 acres, and I brought it up
20 because if you got to have a grow field unlimited,
21 whether they class A, B or C then my recommendation
22 would be to use land that I happen to have that
23 happen to be wetlands, that's the purple area up
24 there. And I figured it would be a good place to
25 have a grow field. We got to have it. We got to

1 have a grow field. We got to have processors. We
2 have to have testing. We have to have compliance.
3 And I understand the difference between the
4 dispensary and the processer. Fine. But when it
5 comes down to processer plus transportation, then I
6 think we have an issue that I don't think we have
7 any barriers. I spoke, Vern, to you last night. I
8 believe C-0 would be a fine thing for
9 transportation. It's like a pizza delivery man;
10 it's only a storefront. And I would highly
11 recommend the C-0 could be a processer since there
12 are no cars. The drivers are wherever they have to
13 be. They receive an order by phone or e-mail and
14 they go make a delivery from point A to point B.
15 And it doesn't have to be in Pontiac, but C-0 makes
16 the perfect storefront for transportation.

17 Pretty much anything else I need to
18 say -- again, if it's a business already
19 pre-existing, then I think it's fine, it can be
20 rezoned. If there was an independent -- I mentioned
21 land use. It was a place that never had a building,
22 then I believe the humble body would go in front of
23 Planning and Zoning to make it zoned to have a
24 particular land use. If you want to have coexisting
25 2, 3 or 4 within one building, we haven't decided

1 that. Because the people voted -- I got five
2 seconds -- I just want whatever it is to get out
3 there and get published and then we can amend it
4 later. Thank you.

5 CHAIR THOMAS: Thank you very much.
6 Next public comment.

7 State your name and address for the
8 record, please.

9 MR. BAHOURA: Mike Bahoura, 1249
10 Baldwin. Good evening, members of the Planning
11 Commission, Madam Mayor. I have been probably to
12 every one of these meetings. I've followed this
13 process for the last 6, 7, 8 months, since this
14 thing began. And finally it seemed like last month
15 we made some headway and City Council, who I think
16 in February some time articulated what they wanted
17 to do orally, and for once it seemed like all of the
18 stakeholders, whether it's businessowners like
19 myself that have been in this city, whether it was
20 other people from downtown, in the overlays, outside
21 the overlays, for once we had kind of a mutual
22 agreement that we were all happy with the way it was
23 being done, including City Council. And I think it
24 was a unanimous vote, if I'm mistaken. And now it
25 seems like we fast forward, it ends up in Planning,

1 and then Planning puts their twist on it and if you
2 want to -- if I look at the agenda packet correctly,
3 you want to throw their text amendments out on some
4 technicalities. And it doesn't seem like you guys
5 are doing your part to try to meet with City
6 Council. You know what their intent was. It's
7 clearly indicated in what -- in the agenda packet.
8 And instead of trying to meet with them or meet them
9 in the middle and try to review what they intended,
10 you want to throw it out on technicalities. You
11 want to increase the residential buffer. People
12 like me who have been out here at every City Council
13 meeting speaking about -- about including C-1s and
14 other areas outside of the overlays, because we have
15 vacant property. I've had vacant property for 10
16 years. And now you want to put a 300-foot
17 residential buffer -- this arbitrary number that
18 came out of nowhere all of a sudden seemingly, and
19 that's going to disqualify me and a whole lot of
20 other people.

21 And so we're just going backwards.
22 You're going back and forth. Now, listen, I'm a
23 lawyer but I'm not a municipal lawyer, so I don't
24 know, but I would suspect that as long as you have
25 reviewed -- technically reviewed their amendments or

1 their ordinance, then tomorrow, I would hope that
2 City Council adopts any amendments that have been
3 technically reviewed, including ones that you may
4 not agree with, and I hope that they would vote to
5 zero residential buffer, they would allow
6 collocating. And to be quite frank, if you want to
7 throw stuff out on technicalities, your ordinance is
8 riddled with things that don't make sense.

9 In Section 2.544 you reference that a
10 grower must be in compliance with the MMMA. That
11 is -- you can't do that. You -- you interchange the
12 Medical Marihuana Facility Licensing Act with the
13 old Caregiver Statute. You interchange them, and
14 they're not interchangeable. I can't be a 1,500
15 plant grower and be in compliance with the Medical
16 Marihuana Act which only allows me to grow 72
17 plants.

18 CHAIR THOMAS: You have 15 seconds.

19 MR. BAHOURA: So if you're going to
20 throw theirs out on technicality, then you guys
21 should look in the mirror and see that your stuff is
22 riddled with technicalities. You know what their
23 intent was and you did it in a different way on
24 purpose, in my opinion. Thank you.

25 CHAIR THOMAS: Thank you. Thank you.

1 Next? Anyone next?

2 Well, I'm going to -- given the time
3 here, looks like probably everyone that wanted to
4 comment over the past two public hearings has
5 commented. So I don't see anyone looking to come
6 up, so without -- with that being said, I'm going to
7 close public comments.

8 I'm going to go back to my -- is there
9 anything with regard to questions that you'd like to
10 answer there with regard to the technical scenario?

11 MR. GUSTAFSSON: Let me see. Let me
12 just back up. I -- I just wanted to chime in, in
13 regard -- first off, before I get into public
14 comments that were raised by the Pro Tem Carter and
15 Mike Bahoura, I also wanted to talk with regard to
16 the Planning Commission standpoint regarding the
17 comments that they made in regards to, you know,
18 talking about -- I think we all realize that over
19 the course of the several months that the districts
20 are in place and they continue to be in place like
21 the Honorable Mayor had mentioned and we did --
22 there has been give and take. I mean, it's not like
23 we're one-sided versus another side. If you
24 remember correctly, when we only had two overlay
25 districts and then we expanded to include the

1 downtown, then we as a Commission took the step to
2 say, okay, well let's take a look at adding
3 provisioning centers and secure transporters and
4 safety compliance within the rest of the community.

5 Yes, we're going to take a close look
6 at it in regards to -- as any professional planner
7 would that's going to be here in this position and
8 try and make a recommendation to this community,
9 that you're looking for me to do, that we would take
10 a look in regards to a special exemption permit
11 process. We would take a close look in regards to
12 the buffer requirements. We would take a close look
13 in regards to what the intent of the various zoning
14 districts there are, such as C-0. C-0 is really
15 intended to be more office services. It was not
16 intended to be any retail.

17 Same thing with regards to -- you
18 know, I can't speak in regards to safety compliance.
19 In regards to all other operations and nuances
20 associated with it, same thing with transporters.
21 Yes, I would say that there is going to be a
22 facility. Yes, there is probably potentially some
23 type of use inside of a building, but also a number
24 of cars.

25 So I -- you know, maybe the impact

1 would not be as great, but it's not appropriate to
2 be within those type of districts. So that's the
3 reason why we, in our recommendation to the Planning
4 Commission, said we're not going to take a look at
5 in regards to C-0. We would allow in C-1, C-3 and
6 C-4.

7 And again getting back to the buffer
8 requirements, I think we held -- we held a
9 conviction in regards to what we're trying to do in
10 protecting our neighbors. And I guess if we can't
11 all agree that that is really what the objective is,
12 and what these ordinances are trying to do, I mean,
13 in some ways, shame on us, because what we're trying
14 to do -- we're not trying to prohibit these uses
15 from coming into our community. We're just trying
16 to make sure that there is -- all of the appropriate
17 tools are in place to ensure that they'll be
18 properly vetted through the entire process, either
19 through the special exemption permit process, site
20 plan review process, building and safety, getting
21 all of the appropriate permits. And also I'm sure
22 everybody had a chance to review the ordinances that
23 -- the last ordinance that we prepared for the
24 Planning Commission for the review. We did bake
25 into it a number of standards as it relates to

1 criteria for special exemption and permits, further
2 identification in regards to licensing regulations
3 that clarify those rules and litigation, colocation
4 which is following the State Act. Building design,
5 we definitely expanded in probably further details
6 in regards to the mechanical systems, electrical
7 systems, owner systems, you know, all of the
8 ventilation systems. All of those were important
9 factors of what -- development standards that would
10 affect all of these type of uses that would come
11 into our community, which we felt again looking at
12 the impact upon neighborhoods, looking at impact on
13 other businessowners and property owners that are in
14 the community, and also restricting signs, further
15 restricting signs in regards to that being symbols,
16 language, color, everything else you would expect.
17 And taking not just -- not just taking a look in
18 regards to what we as a community -- I mean
19 there's -- this has been some deep knowledge and
20 investigation. Looking at other communities, not
21 just here, but touching base with colleagues of mine
22 in -- out west and taking a look in regards to what
23 has worked and what hasn't worked.

24 So this has not been done in a vacuum.
25 This has been some extreme detailed assessment and

1 making a solid recommendation as part of what we're
2 recommending to the Planning Commission. Council
3 has done a great job. Yes, there is some
4 inconsistency. So when you evaluate that, how could
5 I -- I question in regards to from those
6 inconsistencies, you know, the enforcement of that
7 ordinance in the future. That's -- that is what
8 concerns me.

9 CHAIR THOMAS: Okay. Thank you.

10 MR. GUSTAFSSON: Thank you.

11 ATTORNEY CHUBB: Commissioner Thomas,
12 if I could just clarify a couple of things that were
13 referenced in public comment to ensure that everyone
14 has clarity on what we're reviewing and how we're
15 moving forward.

16 Mr. Bahoura referenced the
17 technicalities that were thrown out of the Carter
18 version of the ordinance. Just to make sure
19 everyone understands, what is incorporated into the
20 documents that you reviewed tonight is the -- it
21 does include the oral amendments that they made.
22 The problem initially was that under our City
23 Ordinance, under 6.02 Amendment Review Procedure,
24 this Board -- or this Commission can only review
25 those potential amendments which are properly

1 submitted to it and have undergone technical review.
2 Because oral amendments were made to them and they
3 were not time submitted in a properly formed
4 document, the technical review could not be
5 completed.

6 However, the Planner, Vern, did work
7 with them to ensure that we got that final document.
8 And so nothing has been thrown out by a
9 technicality. Vern was simply referencing the
10 inconsistencies that lie within the document as
11 amended by the oral amendments made by Council. And
12 so I think that that's important.

13 And that I just also wanted to
14 reference with regard to Council Pro Tem Carter's
15 reference likening secured transporters to pizza
16 delivery, there are two significant differences, in
17 that the secured transporters are consistently with
18 large armored-type vehicles. They're not a pizza
19 delivery car.

20 And secondly, the secured transporters
21 under the State Statute are allowed to store
22 marihuana at those facilities. So that does change
23 the nature of the function of the building as well.
24 So I just wanted to make sure I made those
25 clarifications with regard to the proposed

1 ordinance.

2 CHAIR THOMAS: Thank you.

3 MR. GUSTAFSSON: Thank you.

4 CHAIR THOMAS: I'd like to comment to
5 this gentleman over here. Mr. Gustafsson is
6 absolutely correct. We're here to protect the
7 safety of this city and its residents first and
8 foremost, and to improve the liveability and
9 walkability of this neighborhood every single place
10 that we can, to make this a welcoming, inviting
11 place to live. And I'm not sure that medical
12 marihuana in any facet, much like corporations,
13 don't always enhance that, and if the City of
14 Pontiac isn't a perfect fit for your goals with
15 medical marihuana, then maybe you have to reconsider
16 maybe Pontiac isn't the right fit for you with
17 medical marihuana.

18 Amazon found out that New York -- New
19 York and Amazon wasn't a good fit. So --

20 FROM THE AUDIENCE: We just want a
21 level playing field.

22 CHAIR THOMAS: We're just trying to do
23 our best job.

24 FROM THE AUDIENCE: We just want a
25 level playing field, that's all.

1 CHAIR THOMAS: Well, we have been
2 through four months of this. We have some pretty
3 smart people up here --

4 FROM THE AUDIENCE: I don't disagree
5 with you.

6 CHAIR THOMAS: -- working through
7 this. And of the cases that we put out and
8 approved, and I'll repeat it again, M-1 Concourse,
9 Ultimate Soccer, world's largest indoor/outdoor
10 lacrosse facility in the world, Wesson Lawn and
11 Tennis facility, the first lawn tennis center
12 created in this country in a century, M-1 Concourse
13 a \$70 million development. We probably put in
14 business probably more than 370 small businesses
15 over time since I've been sitting in this chair.

16 So, if this particular issue doesn't
17 fit with you, then this Board, at least I am, I'm
18 very sorry. But I'm not going to apologize.

19 So, we have a very valid proposal here
20 -- in this, I might add, is five provisioning
21 centers downtown. Imagine five Walgreens in the
22 downtown area. And Walgreens are more full service
23 than any single one of these provisioning centers.
24 So, please don't tell us that we don't know what
25 we're doing and that we don't know how to put

1 together a coherent plan.

2 FROM THE AUDIENCE: I never said that.
3 Don't put words in my mouth, please.

4 CHAIR THOMAS: So anyhow, without
5 further ado, I'm going to go to my fellow
6 Commissioners for their final comments and
7 questions. Commissioner Northcross.

8 FROM THE AUDIENCE: You had your mind
9 made up already anyways.

10 COMMISSIONER NORTHCROSS: One of the
11 other things is the Master plan that came out in
12 2014. I hope all of you have read that.

13 In the Master plan, there were like 95
14 recommendations of changes to be made to foster and
15 facilitate the direction we said we wanted to go as
16 a city to grow. Some of these recommendations
17 included ordinances and the current changes in the
18 ordinances for current land use. There was a
19 provision that was stated that came out of
20 discussions with our residents.

21 We have had further discussions with
22 our residents, many of whom are saying, "Well, look,
23 we have certain things going on in the residential
24 areas that is starting to grow and we want to
25 preserve that."

1 So we have that backdrop. We now have
2 coming in here -- not -- let me also say, of those
3 many different suggestions, not a whole lot have
4 been incorporated in terms of modifying our current
5 land use. Now for me, I don't know about everyone
6 else, but for me when I saw the overlay districts, I
7 said "Well, we have not modified our current land
8 use plans according to work and other plans that
9 have been done. This allows us to put something in
10 place right now to meet a number of different
11 concerns, speak to the whims of the voters, the
12 different -- not whims but the different directions
13 of the voters and get this thing going like right
14 now." Because we haven't seen a lot of ordinance
15 development coming out of the City Council to this
16 point.

17 Well, I -- I see us having gone
18 through this medical marihuana process, and I -- I
19 see there being a maturity in terms of communication
20 between both the City Council and the Planning
21 Commission that started to occur. And I see us now
22 looking at a number of factors in a systematic
23 manner, and weighing the good items and the bad
24 items. I think we -- I think it was narrowed down
25 in many forms to the pluses and the minuses and the

1 comparisons just in this simple chart, this simple
2 chart that was displayed here.

3 And in viewing this chart, I see some
4 things that I certainly would recommend to City
5 Council to do and some things I would recommend to
6 City Council not to do.

7 Okay. And I'll leave it at that for
8 right now. I just don't -- and I would also
9 recommend that we come to some agreement on
10 something. I would certainly say that something
11 should include input from residents as to what's
12 going to go in next to them, that there should not
13 be an automatic licensing provision there that
14 excludes residents and other businesses that are
15 going to have to live next to these operations, from
16 having (inaudible.) I would think that would be
17 primary.

18 And then I would also ask that we
19 think about not only medical marihuana, but the
20 whole growth of the City and other opportunities
21 that are coming down the pipe, other things. You
22 know, we're in the heart of Oakland County. We got
23 20 square miles that we can optimize and get the
24 best out of; or we have got 20 square miles we can
25 just do something for right now to get a little bit

1 out of.

2 So that -- that's what's in the back
3 of my mind and I hope that you consider, and I'm
4 considering. And I know there are other people that
5 are saying, "Well, look, if I don't have this right
6 now, none of it's any good." Well, hey, we have to
7 look at the whole overall City and the directions
8 that we want to go. And I would strongly suggest
9 that everyone take a look at this 2014 Master plan
10 that has been written because it needs to be
11 rewritten, and we'll probably start working to
12 rewrite this in the next few months. But I would
13 say certainly look at that, look at what we saw,
14 come look at what's happened, look at what we have
15 done, and then also think about all of the
16 opportunities that are out there, what we have to do
17 as a city to really optimize this 20 very valuable
18 square miles of (inaudible) that we have that we
19 call the City of Pontiac that's in the heart of
20 Oakland County; what is it, the 10th richest county
21 in the United States that we're right here involved
22 with. So those are my thoughts.

23 CHAIR THOMAS: Thank you very much,
24 Commissioner Northcross. Mayor Waterman, please.

25 MAYOR WATERMAN: Thank you, Mr. Chair,

1 and thank you for all of those who have been
2 involved in this process and rendered your input,
3 certainly been taken into consideration by the
4 Planning Commission, by the Council and by the task
5 force and everybody who was involved and working
6 with the City in getting this done on behalf of the
7 voters and the citizens of Pontiac.

8 As we moved along, I realize that
9 there was many different ways of doing this as there
10 are people in the room. You heard we had at least
11 30 different presentations and working groups, and
12 sometimes there was many different opinions of
13 people in the room.

14 So, as you said, Mr. Chair, at some
15 point, we have to move ahead and make some decisions
16 and get this going with the will of the voters.

17 I do want to say I do commend our
18 Planner. As you heard, there have been eight
19 different proposals out there written by various
20 people with -- nobody claimed ownership of, dubious
21 authorship, and six that he's had to, by law, do a
22 technical review. And some of those have been very
23 difficult, because in some instances we have had
24 proposals presented to us at the last minute, you
25 know, and one is -- I didn't have a copy of it when

1 I was asked to talk about it at a Council meeting.
2 I had to have a copy of it handed to me by a
3 lobbyist who seemed to have the copies of them.

4 So as the Planner has had to do
5 technical reviews of these as required by law before
6 he makes his recommendation to the Planning
7 Commission, he's been most fastidious and
8 conscientious. And I've seen him work carefully on
9 the thought to make sure that he understood and had
10 the right reviews and applications as he made his
11 recommendations. So I do thank him for the work on
12 that. That has taken tremendous bandwidth and he
13 has spent countless overtime hours getting that
14 done, as he has for the recommendation today.

15 So with that, I am -- I've considered
16 that and I hope the Planning Commission has
17 carefully considered that consciously as they have
18 so many of the things. But one of the things I do
19 want to say that I'm very much in favor of, from
20 the -- the Carter Council version of it, is that I
21 do strongly believe that -- I hear from the voters
22 that they do want to have a special exemption
23 permit, and that means they do want to be notified
24 if there's such a facility that's going to be in
25 their neighborhoods or close to their neighborhoods,

1 or close to them. And this version -- and you can
2 see some of the buffer areas have shown how close
3 some of these facilities can be placed to
4 neighborhoods. It is in my district too, I realize
5 it could have been up and down Franklin Boulevard,
6 you know. So those are things that people and the
7 residents tell me, who put me in office, they want
8 to be notified.

9 This Planning Commission has handled a
10 number of these issues. We had FedEx, made sure
11 that was by special exemption permit to get that
12 rezoning done that was involved with that and the
13 neighbors were notified. It was in terms of talking
14 to the neighbors, figure out what they wanted in
15 terms of that kind of facility.

16 The same thing with Washington School.
17 We had very intense conversations amongst the
18 neighbors that came in here and talked about what
19 their feelings were about that, and that was taken
20 into consideration. So I'm strongly in favor of
21 what the Planner has put in the Planning Commission
22 version of that; that we do have notice of neighbors
23 so people have a right to know, you know, and a
24 right to have some input if they have facilities to
25 move into their neighborhoods.

1 So with that, I have completed my
2 comments and I've done the reviews, and I do thank
3 you, fellow Commissioners, for also giving your
4 conscious decisions to this matter.

5 CHAIR THOMAS: Thank you very much,
6 Mayor. Commissioner Parlove, please.

7 COMMISSIONER PARLOVE: Thank you.
8 Definitely our Planning Department has worked above
9 and beyond. I can't believe the amount of effort
10 that has gone into this and all the nuances that
11 needed to be considered and have been considered
12 time and again, because this has been such a long
13 process. So thank you to Vern and to Donovan, to
14 the whole group. We couldn't be doing this without
15 you. So thank you.

16 MR. GUSTAFSSON: Thank you.

17 COMMISSIONER PARLOVE: For what we
18 have here, first of all, keep in mind that we said
19 yes. We would allow these businesses to come to the
20 community. So we can't forget that. This is
21 something new for our City, so this is good. Having
22 new opportunity here is a good thing. There was an
23 article in the paper today, in the Free Press that
24 talks about how this is helping the State overall.
25 There's a lot of revenue that's potentially coming

1 from this. So there's a lot of positive that needs
2 to be embraced regarding this.

3 If we are -- anyone in this room, if
4 you came home one day and you opened up your mail
5 and you got a glass of water and then you went back
6 outside and you looked out your front yard and you
7 saw a building across the street that wasn't there
8 when you got -- when you left for work that day, and
9 you said "Why didn't they tell me they were going to
10 do that, how come I don't get to know this? I own
11 this property. I live here. I pay taxes. All of
12 the things I do, how come nobody told me?"

13 And I think that this is exactly the
14 same thing. We need to be able to alert the
15 residents that there may be something that's coming.
16 They need to have that opportunity to voice their
17 opinion. And special exemption permit I think is
18 critical to keep it within this ordinance because
19 the residents need to have an opportunity to voice
20 their opinion.

21 Regarding the 300-foot buffer, again,
22 why is this so -- why wouldn't this be wanted? If
23 this is where you live, and you have that
24 opportunity to -- you know, you want to maintain
25 your property, you want to have -- you want to have

1 quiet enjoyment of where you live. So if there is a
2 200-foot buffer that's great, but to have another
3 100 feet, I don't think that that's a negative thing
4 at all. We're not saying it has to be 1,000 feet.
5 It's just a little bit further distance in order for
6 someone to again have that quiet enjoyment of their
7 property.

8 I had a question regarding the -- the
9 tax, the three percent tax that's ending today. Are
10 you familiar with that from the State level for the
11 provisioning centers? Is that something that --

12 MR. GUSTAFSSON: Is that happening
13 today?

14 COMMISSIONER PARLOVE: It says
15 March 6th.

16 MR. GUSTAFSSON: That was the date of
17 the --

18 COMMISSIONER PARLOVE: The excise tax
19 ends March 6th due to its provision in the 2016 law.

20 FROM THE AUDIENCE: March 8th.

21 COMMISSIONER PARLOVE: Well, March 8th
22 is something different. Apparently there was an
23 excise tax that was part of the provisioning for the
24 medical marihuana that may not be in effect any
25 longer. So just to make us aware there may not

1 necessarily be some income coming from this, if this
2 is changing from the State level.

3 But the other thing too that I noticed
4 today, we have the population of about 60,000 people
5 in our City. We have 20 provisioning centers that
6 we're approving. So that comes out to be about for
7 every almost 3,000 people we have a provisioning
8 center. When you look at the numbers for Detroit,
9 it's about 9,000 people per provisioning center. So
10 that makes us even that much more cognizant and
11 sensitive to taking care of the residents to make
12 sure that everyone is going to remain safe where
13 they are, because again this is new for us.

14 So we can always add more, but it's
15 hard to take away once we have opened the door. My
16 comments.

17 CHAIR THOMAS: Thank you very much.
18 Commissioner Payne, please.

19 COMMISSIONER PAYNE: Well, good
20 evening and thank you all for being here. A special
21 thank you to Mr. Gustafsson and Donovan for all of
22 their hard work. I don't think that they go home in
23 the evening. I don't think they go home at night.
24 I don't think they go home in the mornings either.
25 I think the City has become -- this City building

1 actually has become their home, because what they
2 have been trying to do is to make everyone happy and
3 that is not a really -- it's just almost an
4 impossible thing to do. And this City is a very
5 small city. And what we want to do is we want to
6 pack everything in it at once.

7 I was looking at -- on WXYZ probably
8 about a month or so ago, they had the State -- that
9 actually was an attorney that was working with the
10 State on provisions of marijuana. There were a lot
11 of questions that were being asked that even the
12 State doesn't know. The State is still working on
13 this whole process. Now, you can say what you want
14 and that you know, but I know what I heard the
15 attorney from that area from the State say, that
16 they actually don't know what they're doing.

17 So this is something new and a
18 business. If you're talking about doing best
19 business practices, I don't know of any business, I
20 don't care how much money you have, you're going to
21 plant one business and you want to see how it
22 operates, you want to see what the -- what the
23 outcome of your finances -- you want to see the
24 outcome of everything in that before you plant
25 another building.

1 Now, that's just -- that's just good
2 sense. I mean it's best practices for businesses.
3 And by -- someone said well you've already made up
4 your mind, you haven't changed. Well, I'm going to
5 tell you my mind has not changed for the simple
6 reason is because of best business practices. You
7 just don't go and dump things in anywhere without
8 giving a chance to see how the operation is going to
9 work. That's business. The State doesn't even know
10 -- there was a question of how much money is this
11 going to generate. They couldn't even give a number
12 of what the funds were or how much it was going to
13 generate.

14 So I'm just saying that -- the same
15 thing I said before. Is that when you have approved
16 like 1, 2, I think it was 2 or 3, we approved 3 --

17 MR. GUSTAFSSON: We approved --
18 well --

19 COMMISSIONER PAYNE: -- from the very
20 beginning. And then we added another -- I think we
21 added 1 or 2 more because of the -- Council and
22 because of our customer businessowners were not
23 happy. And no one still is happy because you can't
24 give everyone what they want. It's just impossible.
25 So all I'm saying to you is to give our Planning

1 Department, give the City an opportunity to learn
2 how to help you and how to help the City and how to
3 help the patients far more than anyone, because
4 they're the ones that we're supposed to be
5 quote/unquote in this business for.

6 So we really need to look at that.
7 And let's all just try to get along. Thank you.

8 CHAIR THOMAS: Thank you very much.
9 Vice Chair Fegley, please.

10 VICE CHAIR FEGLEY: Okay. I'm going
11 to kind of reiterate what I've said before is I'm
12 not in support of overlay districts. I essentially
13 think it's redlining districts, creating a monopoly
14 and creating inequality amongst business owners. I
15 think there's ways that you can regulate each of
16 these uses within a district instead of only picking
17 certain areas of these.

18 FROM THE AUDIENCE: Thank you.

19 VICE CHAIR FEGLEY: I also think that
20 -- I understand starting small and expanding, but
21 essentially the way this is written, if you have 20
22 provisioning centers, and you have 20 applicants and
23 you grant 20 people the ability to be able to open
24 those businesses and then a year or two passes, it
25 works well, you're limiting other businessowners

1 from getting those applications for provisioning
2 centers because you've already awarded the 20, the
3 first 20.

4 FROM THE AUDIENCE: Right.

5 VICE CHAIR FEGLEY: So hypothetically
6 you're cutting out a large percentage of property
7 and businessowners in the City of Pontiac. And I
8 don't think that's fair. And I can't -- and I want
9 to reiterate too that I did not write either of
10 these amendments. I had no part in doing it because
11 if I did, I wouldn't have had the overlay district.
12 It's basically redlining, and I don't think that's
13 very ethical.

14 CHAIR THOMAS: Thank you.

15 MR. GUSTAFSSON: Can I just make one
16 statement. This is not redlining. A redlining or a
17 redline district represents prostitution, and that's
18 not what we're talking about.

19 VICE CHAIR FEGLEY: I just mean --

20 MR. GUSTAFSSON: Legally that's what
21 that represents.

22 CHAIR THOMAS: Okay, well, anyway. I
23 would like to add onto what Mayor Waterman said with
24 regard to -- this is the supporting documentation
25 for tonight just -- and Commissioner Northcross,

1 would you hold up that Master plan just one more
2 time. This Master plan, I'm going to venture to
3 say, maybe one, maybe two people out there read
4 that. Here you're coming into this City to do
5 business, and talking about doing business, but the
6 total book is about how many pages? 100 and --

7 COMMISSIONER NORTHCROSS: 100 and --

8 CHAIR THOMAS: Whatever. But this
9 committee -- or this Commission, virtually everyone
10 had a hand in the information that's on every page
11 of that Master plan. It's a coherent plan. It's a
12 proper guide with regard to moving this city ahead.

13 But we can do as I mentioned earlier,
14 you can do all of the homework you want and all of
15 the research you want, but if you don't start to
16 take some steps, you're in the same place that you
17 were yesterday.

18 So, with this information in hand, we
19 have done calculated research. But there are no
20 perfect plans. The professor I told you about
21 launched one of the most successful automobiles in
22 this country, the Mustang. He wrote the business
23 plan for Ford. He told them they shouldn't launch
24 the Edsel, and he told them they shouldn't launch
25 the Mustang.

1 So he's the guy that told me do your
2 research, do your research, do your research. But
3 at the end of the day, the research won't launch the
4 product, and you won't find out anything until you
5 launch the product and measure and manage going
6 forward.

7 So with that being said, we have spent
8 four months here and I'm respectful of everyone out
9 here, coming here with your time, but the only thing
10 that's going to make any difference is for us to
11 launch this product and measure and manage it.
12 There was a comment here -- there isn't anybody out
13 there that knows where this is going. Tomorrow,
14 next week, next month, next year, 5 years, 10 years.
15 Maybe it exists, maybe it grows, and maybe it's a
16 grand collapse. But none of us know until we take
17 the first step.

18 So anyhow, without further ado, unless
19 there are any further comments or discussion amongst
20 Commissioners, I'd like to seek a motion, please.

21 MR. GUSTAFSSON: And we have two
22 motions to consider tonight. One would be as
23 relates to the third Planning Commission Zoning Text
24 Amendment and also Pro Tem City Council Zoning Text
25 Amendment.

1 COMMISSIONER NORTHCROSS: I make a
2 recommendation to approve the third Planning
3 Commission Medical Marihuana Zoning Text Amendment
4 and refer recommendation to City Council at their
5 March 7th, 2019 meeting. The ordinance include
6 revisions to amend Article 2, Chapter 1, Section
7 2.10 is Table 1, zoning districts special purpose
8 zoning districts Amend Article 2, Chapter 2, Section
9 2.203, table 2, uses permitted by districts; Article
10 2, Chapter 5, development standards for specific
11 uses is amended to add Sections 2.544, 2.545, 2.546,
12 2.547 and 2.548. Article 3, Special purpose zoning
13 districts is amended to add Chapter 11, medical
14 marihuana overlay district and Article 7,
15 definitions is amended to add Chapter 2 and Chapter
16 3, Section 7.202, 7.203 and 7.301.

17 CHAIR THOMAS: And may we have
18 support, please.

19 MAYOR WATERMAN: Support.

20 CHAIR THOMAS: We have a motion and
21 support. Any further comments or questions before
22 we go to roll call?

23 Mr. Gustafsson, roll call, please.

24 MR. GUSTAFSSON: Commissioner
25 Northcross?

1 COMMISSIONER NORTHCROSS: Yes.

2 MR. GUSTAFSSON: Mayor Waterman?

3 MAYOR WATERMAN: Yes.

4 MR. GUSTAFSSON: Commissioner Payne?

5 COMMISSIONER PAYNE: Yes to approve.

6 MR. GUSTAFSSON: Commissioner Parlove?

7 COMMISSIONER PARLOVE: Yes.

8 MR. GUSTAFSSON: Vice Chair Fegley.

9 VICE CHAIR FEGLEY: No.

10 MR. GUSTAFSSON: And Commissioner

11 (sic) Dayne Thomas?

12 CHAIR THOMAS: Yes.

13 MR. GUSTAFSSON: Motion passes.

14 AYES: Thomas, Payne, Parlove,
15 Northcross, Waterman

16 NAYS: Fegley

17 ABSTAIN: (None.)

18 MOTION CARRIES 5-1-0

19 CHAIR THOMAS: Thanks to all for
20 coming tonight. This --

21 MR. GUSTAFSSON: We have the other
22 one. The Carter --

23 CHAIR THOMAS: Excuse me. Excuse me.
24 I'm sorry. And so may we have a second motion,
25 please. The next motion.

1 COMMISSIONER PARLOVE: I would like to
2 make the next motion. Third Carter City Council
3 Medical Marihuana Zoning Text Amendment. I make a
4 recommendation to deny the third Pro Tem Carter City
5 Council Medical Marihuana Zoning Text Amendment and
6 refer recommendation to City Council at their
7 March 7th, 2019 meeting. The ordinance is
8 incomplete based on several inconsistencies and
9 standard of clarity outlined in technical review.
10 Third Pro Tem Carter City Council Medical Marihuana
11 Ordinance memorandum authored by Vern Gustafsson,
12 Planning Manager dated March 4th, 2019.

13 CHAIR THOMAS: Thank you very much.
14 May we have a support?

15 COMMISSIONER NORTHCROSS: Support.

16 CHAIR THOMAS: Motion and support.
17 Any further comments or questions before we go to
18 roll call?

19 Mr. Gustafsson roll call, please.

20 MR. GUSTAFSSON: Commissioner Parlove?

21 COMMISSIONER PARLOVE: Yes to deny.

22 MR. GUSTAFSSON: Commissioner
23 Northcross?

24 COMMISSIONER NORTHCROSS: Yes to deny.

25 MR. GUSTAFSSON: Vice Chair Fegley.

1 VICE CHAIR FEGLEY: Yes to deny.

2 MR. GUSTAFSSON: Chair Thomas?

3 CHAIR THOMAS: Yes to deny.

4 MR. GUSTAFSSON: Mayor Waterman?

5 MAYOR WATERMAN: Yes to deny.

6 MR. GUSTAFSSON: And Commissioner

7 Payne?

8 COMMISSIONER PAYNE: Yes to denying

9 it.

10 MR. GUSTAFSSON: Motion passes.

11 AYES: Thomas, Payne, Parlove,
12 Northcross, Waterman, Fegley.

13 NAYS: (None.)

14 ABSTAIN: (None.)

15 MOTION CARRIES TO DENY 6-0-0.

16 CHAIR THOMAS: We have last one with
17 regard to special exemption permit. May we have a
18 motion, please. We're not -- wait a second.

19 MR. GUSTAFSSON: This is on -- this is
20 another -- this is related to special exemption
21 permit public hearing. That happens afterwards.

22 COMMISSIONER NORTHCROSS: Do we need a
23 motion to recess?

24 CHAIR THOMAS: Anyhow, let me --
25 thanks all for coming tonight. This obviously will

1 maybe work with some, it won't work for all, but
2 we're still grateful for you coming out still
3 (inaudible) City of Pontiac. So thanks to all. And
4 may I have a motion for a recess.

5 COMMISSIONER PARLOVE: I would like a
6 motion to recess.

7 CHAIR THOMAS: Support?

8 COMMISSIONER NORTHCROSS: Support.

9 COMMISSIONER PARLOVE: 15-minute
10 recess?

11 CHAIR THOMAS: All in favor say "aye."

12 (All ayes.)

13 COMMISSIONER NORTHCROSS: We didn't
14 recognize in addition to Mayor Pro Tem Carter. I
15 believe we also had Councilperson Mary Pietila. And
16 I don't know if we had any other Council people, but
17 we did have those two Council people here in
18 attendance. I want to say thank you to them.

19 (Off the record at 8:00 p.m.)

20 (Back on the record at 8:09 p.m.)

21 CHAIR THOMAS: We're going to restart
22 the second phase of our Planning Commission meeting
23 for March 6th, 2019. We have six after the first
24 item that we just took a moment on, and then took a
25 recess, so we have yet six items on the agenda, so

1 we've still got a lot of work to do. So I'm going
2 to ask for a roll call, please.

3 MR. GUSTAFSSON: We'll call this the
4 second roll call, starting at 8:10.

5 ROLL CALL (PRESENT):

6 Dayne Thomas, Chairman

7 Ashley Fegley, Vice Chair

8 Mayor Deirdre Waterman, Commissioner

9 Christopher Northcross, Commissioner

10 Lucy Payne, Commissioner

11 Mona Parlove, Commissioner

12 EXCUSED: Hazel Cadd, Commissioner

13 MR. GUSTAFSSON: (Indicated that the
14 applicant regarding Agenda Item 6.4 SPR 18-53, 888
15 Baldwin requested to remove it from the agenda, and
16 that they might come back with changes.)

17 5.2 SEP 19-01

18 PROPERTY ADDRESS: 645 S. Old Telegraph

19 PARCEL NO: 64-14-31-381-027

20 APPLICANT: GreenTech Engineers

21 CURRENT ZONING: C-1 Local Commercial

22 INTENDED USE: Medical office/Clinic & Event
23 Center

24 (Presentation of facts given by Mr.
25 Donovan Smith.)

1 CHAIR THOMAS: (Invited the petitioner
2 to come forward and state their name and address for
3 the record.)

4 MR. PARKINSON: (Mr. Jesse Parkinson
5 with GreenTech Engineering approached, stating they
6 are the civil engineers and surveyors for the
7 project. Address is 51147 West Pontiac Trail,
8 Wixom, Michigan 48393. He stated he's here to
9 answer any questions, and has a few comments.)

10 CHAIR THOMAS: (Indicated the floor is
11 his to comment, clarify, modify, whatever he needs
12 to say.)

13 MR. PARKINSON: (Stated at the
14 previous meeting they had some parking and drive
15 aisles in front of the medical office building
16 number two, and those were in the existing Old
17 Telegraph right-of-way. He stated since that time
18 they have kind of worked with the Planning
19 Department and moved those parking spaces and drive
20 aisles outside of the right-of-way, so all parking
21 and drive aisles are on site.

22 He stated relating to the Dover Road
23 access, they have been in communication with the
24 neighbors. The Planning Department requested that
25 they obtain a cross-access easement over a portion

1 of the driveway out to Dover Road. He stated that
2 property is pending sale and the owners didn't
3 really want to work with them on getting that
4 cross-access easement, so they decided to change the
5 driving patterns around that office building to just
6 one way and eliminate any use of that access to
7 Dover Road.

8 He stated with regards to the
9 photometric plan, they just submitted a revised
10 photometric plan for the City for review to solve
11 any of the light problems over the property line
12 right of ways.

13 He discussed the wall that is to be
14 erected. He stated their proposal is a fence with a
15 masonry wall coloring (gray in color.) They
16 submitted a sample for the Commissioners to view.
17 He stated they studied the drainage from the
18 neighboring properties, and a wall really impacts
19 any drainage from those neighboring residences. He
20 believes that the fence substitute would allow
21 drainage to pass underneath.

22 He stated in addition to that they had
23 a meeting with Detroit Edison and have walked the
24 property line. He stated there is a six-foot
25 easement along that property line with poles,

1 pedestals, boxes and large trees, and they would
2 recommend that the applicant stay out of their
3 easement with that wall, and in place of that wall
4 they would prefer to see fencing instead.)

5 MR. SMITH: (Stated this case is for
6 special exception which permits the placement of a
7 medical clinic. He stated the next item is more
8 associated with the site plan review.)

9 MR. GUSTAFSSON: (Suggested they
10 should hold the public hearing as relates to the
11 special exception permit approval, and as it relates
12 to the medical facility and also the event center.)

13 CHAIR THOMAS: (Invited the architect
14 or owner to speak on this issue.)

15 MR. SAM THOMAS: (Indicated Donovan
16 and Mr. Parkinson summed it up very well.)

17 CHAIR THOMAS: (Opened it up to the
18 Commissioners for discussion.)

19 COMMISSIONER NORTHCROSS: (Discussed
20 the parking spaces, inquiring as to the 3 to 1
21 ratio.)

22 MR. PARKINSON: (Stated the 172
23 requirement is based on medical office facility
24 requirements. He stated the site meets those
25 requirements as a medical office. He stated between

1 8 and 5, Monday through Friday, they will be using
2 162 of the 176 for medical office purposes. He
3 stated it's after 5 and on the weekends that they
4 would use those same spaces not for medical office,
5 but for the event center.)

6 COMMISSIONER NORTHCROSS: (Inquired as
7 to the occupancy in the event area.)

8 MR. PARKINSON: (Stated there are 880
9 existing seats in the building; that they are
10 planning to remove most of the mezzanine seats,
11 maybe leaving a few for just additional seating.
12 They are reducing it down to 696 spaces in the event
13 center.)

14 MAYOR WATERMAN: (Stated the event
15 center was conceived after they had purchased the
16 property and came for the initial review that you
17 were going to build the medical office space there.
18 She questioned how much of the business plan is that
19 and what kind of events are they planning at the
20 event center.)

21 MR. PARKINSON: (Stated they had
22 interest in the property to lease space for church
23 purposes. He stated that's their hope and their
24 goal, but they have listed types of events, i.e.,
25 plays, musicals, dance recitals, musical

1 performances, religious services, classes and
2 colleges, they are going to propose or offer to
3 customers with the hopes they get a long-term lease
4 and not have to worry about marketing it.)

5 MAYOR WATERMAN: (Indicated they would
6 need to reduce the number of seats further to get to
7 the 1 to 4 ratio. She indicated when that church
8 was very active, she remembers parking was jammed up
9 all the time, and they used excess parking on a
10 parcel which has been taken over by Common Ground,
11 so that's no longer available. She stated that's
12 now a veterinarian clinic, so that's no longer
13 available for excess parking. She asked the
14 applicant to explain why that would be an adequate
15 ratio of 1 to 4 given that kind of commodity and no
16 overflow availability anymore.)

17 MR. PARKINSON: (Stated they're hoping
18 for some pedestrians from the neighborhood to occupy
19 some of the seats. He stated in addition to that
20 they know there's a requirement, as the Ordinance
21 states, but that this is a compromise for the
22 applicant as well. He stated it's kind of a
23 balancing act. He discussed the Home Depot across
24 the street, that there's no pedestrian access across
25 that road, and Bloomfield across the street parking

1 lots aren't really available. He stated they're
2 working with existing conditions and that's part of
3 our problem with this site.)

4 MAYOR WATERMAN: (Stated she's still
5 concerned about the parking ratio.)

6 COMMISSIONER PARLOVE: (Thanked the
7 applicant for bringing a sample of the fencing. She
8 stated this is a good compromise, that it will look
9 more like masonry from a distance. She questioned
10 if these were in six-foot sections.)

11 MR. PARKINSON: (Answered
12 affirmatively.)

13 COMMISSIONER PARLOVE: (She echoed the
14 same statements the Mayor made about the parking and
15 neighborhood parking.)

16 COMMISSIONER PAYNE: (Stated she likes
17 the concept and she thinks it's something the City
18 needs, theaters for plays and things like that.

19 She stated one of the concerns she has
20 is also in regards to the parking. She talked about
21 the Silverdome parking and how it affected the
22 neighborhood across from there.

23 She inquired if the applicant did meet
24 with the residents regarding their plan.)

25 MR. PARKINSON: (Answered

1 affirmatively that they have a list of the residents
2 that have signed off on the fencing improving their
3 fencing along their property line.)

4 COMMISSIONER PAYNE: (Inquired as to
5 whether they had any interested parties as far as
6 the medical center goes.)

7 MR. PARKINSON: (Stated they have had
8 the leasing signs out for some time, been struggling
9 with getting this application through for about
10 14 months now and they had to turn some down, but
11 they are continuously getting calls.)

12 COMMISSIONER PAYNE: (Inquired as to
13 the target date for completion.)

14 MR. PARKINSON: (Stated as soon as
15 possible. That the medical office building number
16 one is their first building that they're going to
17 fill up and then move westward, hoping to complete
18 it by this summer. He stated they have got a lot of
19 improvements to do internally to the building.)

20 VICE CHAIR FEGLEY: (Had no comments
21 or questions.)

22 CHAIR THOMAS: (Stated when the
23 applicant was last before them they were kind of on
24 other opposite ends looking at things, but it looks
25 like they have done some homework. He discussed the

1 parking area, as well as the fencing. He pointed
2 out they have taken into account some things that
3 they had concerns with before.)

4 MR. SERIO: (Pointed out the
5 additional parking that wasn't available before with
6 the church.)

7 MR. DONOVAN SMITH: (Pointed out on
8 the diagram the areas of parking.)

9 CHAIR THOMAS: (Inquired as to the
10 number of parking spaces.)

11 MR. PARKINSON: (Indicated there are
12 176 proposed parking spaces existing, is adding
13 about 40 with the rear parking lot.)

14 CHAIR THOMAS: (Stated he believes
15 they are taking a calculated risk and got skin in
16 the game.

17 He opened up the public hearing.)

18 MS. SINCLAIR: (Sue Sinclair, 56 Miami
19 approached and asked if they are also discussing the
20 site plan comments right now.)

21 MR. GUSTAFSSON: (Indicated this is
22 really to just the special exception permit, and
23 that maybe what they could do is if there's anybody
24 else in the audience that has specific questions
25 related to it, to approach.)

1 CHAIR THOMAS: (Indicated they would
2 have a chance to talk on the site plan when they get
3 to the site plan.)

4 MS. SINCLAIR: (Stated she had a
5 question regarding the medical clinic, stating
6 that's different than medical offices, and expressed
7 concern for the potential for different hours could
8 be there. She expressed concern that there could be
9 hours that would overlap with the event center, and
10 how that would impact the shared parking.)

11 CHAIR THOMAS: (Closed public
12 comment.)

13 COMMISSIONER NORTHCROSS: (Inquired of
14 the applicant about what happens if the risk goes
15 sour and what happens if there's not enough parking
16 for these events.)

17 MR. PARKINSON: (Indicated they
18 debated back and forth whether they would eliminate
19 more seats to get back to the 1 to 3 ratio and
20 really limit the size of the congregation. He
21 stated, yes, they will take seats away, but what
22 happens then, will people just be standing.)

23 COMMISSIONER NORTHCROSS: (Stated he
24 was wondering what happens if not enough parking
25 spaces and point of congestion, what are things, the

1 other options available.)

2 MR. GUSTAFSSON: (Stated that's
3 something that owner is going to have to figure out.
4 He also stated the other aspect is in regards to
5 safety, crowd control, so to speak, when an event
6 like that would get out. He stated they have been
7 looking at this ratio of 4 to 1 versus 3 to 1, and
8 they just don't know how this will all work out. He
9 stated he would be more inclined to reduce seats to
10 ensure that they can get it down to ratio.)

11 COMMISSIONER NORTHCROSS: (Discussed
12 profitability with the applicant.)

13 MR. PARKINSON: (Explained that he
14 believes if people come into a space and they say
15 it's going to work for them, they do so by visual,
16 not necessarily counting every seat.)

17 CHAIR THOMAS: (Discussed the off-site
18 parking and shuttle.)

19 MR. GUSTAFSSON: (Stated he's never
20 seen shuttle services baked into a site plan. He
21 stated they had the public hearing related to the
22 special exception permit, and so the question is in
23 regards to the use, whether they are comfortable
24 with the findings that staff has recommended and
25 maybe they should get through that process and then

1 they can get onto maybe the site plan from that
2 perspective.)

3 MAYOR WATERMAN: (Indicated they need
4 to know how much of the business plan is related to
5 having these number of seats in this kind of
6 facility. She stated the usage itself she has no
7 problem with, medical office space, and then a
8 church is fine, because there was a church there
9 before and it worked. But, she stated she's been
10 around the City long enough that she remembers how
11 much of a problem that was.)

12 MR. PARKINSON: (Stated they were
13 approached just within the past week that a church
14 wants to buy the building. He stated it would be
15 nice to be able to offer a lease instead, but
16 there's interest in this corner.)

17 COMMISSIONER PARLOVE: (Commented that
18 she has driven past that corner a lot and it has
19 evolved. She stated the problems with lighting in
20 that area and pedestrians being hit.)

21 CHAIR THOMAS: (Clarified that the
22 first order of business is to determine where they
23 are with the special exception and called for a
24 motion.)

25 MR. GUSTAFSSON: (Stated before they

1 continue with the special exception and also site
2 plan, the Department, particularly Donovan, has
3 reached out to the fire department, and they have
4 been out, but they said they don't look at it until
5 everything is built to determine occupancy; so all
6 they can do is look at their own ordinance. He
7 suggested if they could table it until they can get
8 some more information, and if they could solidify as
9 to what type of occupancy, if it's related to chairs
10 or seats or square footage in regards to how they
11 calculate this type of occupancy.)

12 VICE CHAIR FEGLEY (Stated that the
13 petitioner has been trying to get this completed.
14 She suggested maybe they can give them the option of
15 reducing the seats or tabling it.)

16 COMMISSIONER PARLOVE: (Questioned how
17 many seats that would require to meet the 1 to 3
18 ratio.)

19 MR. GUSTAFSSON: (Stated the main
20 assembly main level would be 696.)

21 MR. PARKINSON: (Indicated they have
22 reached out to fire department and the fire marshal.
23 He stated it's something like 1,200 seats are
24 allowed in this place.)

25 MAYOR WATERMAN: (Pointed out that it

1 doesn't address the proper ratio in terms of
2 parking.)

3 MR. PARKINSON: (Stated removing more
4 seats from the mezzanine would be a better option
5 for them than tabling.)

6 COMMISSIONER PARLOVE: (Stated going
7 down to 528 seats is significantly less, and that is
8 still assuming there are three people per car. She
9 expressed she is still concerned and think they will
10 be short on parking. She stated she's more
11 concerned about people parking across the road and
12 being injured.)

13 MR. PARKINSON: (Stated the applicant
14 is frustrated at this point; that they purchased
15 this property, they want to develop it and bring in
16 tenants.)

17 CHAIR THOMAS: (Stated this has been
18 vacant and derelict for a decade. He stated it's a
19 very difficult and strange-shaped piece of property
20 to repurpose. He stated from his perspective his
21 job is to find resolution to the best of their
22 ability.)

23 COMMISSIONER PARLOVE: (Made a motion
24 to approve the special exception permit SEP 19-01
25 from Serio Properties Pontiac LLC at 645 S.

1 Telegraph Road, Parcel Number 64-14-31-381-027,
2 64-14-31-450-010 and 64-14-31-381-009 for the
3 proposed event center and medical clinic.)

4 COMMISSIONER NORTHCROSS: (Support.)

5 MR. GUSTAFSSON: Vote to approve the
6 special exception.

7 Commissioner Parlove?

8 COMMISSIONER PARLOVE: Yes.

9 MR. GUSTAFSSON: Commissioner
10 Northcross?

11 COMMISSION NORTHCROSS: Yes.

12 MR. GUSTAFSSON: Commissioner Payne?

13 COMMISSIONER PAYNE: Yes.

14 MR. GUSTAFSSON: Mayor Waterman?

15 MAYOR WATERMAN: Yes.

16 MR. GUSTAFSSON: Vice Chair Fegley?

17 VICE CHAIR FEGLEY: Yes.

18 MR. GUSTAFSSON: Chair Thomas?

19 CHAIR THOMAS: Yes to approve.

20 AYES: Thomas, Payne, Parlove,
21 Northcross, Fegley, Waterman.

22 NAYS: (None.)

23 ABSTAIN: (None.)

24 MOTION CARRIES 6-0-0.

25 NEW BUSINESS

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6.1 SPR 18-37

PROPERTY ADDRESS: 645 S. Old Telegraph

PARCEL NO: 64-14-31-381-027

APPLICANT: GreenTech Engineers

CURRENT ZONING: C-1 Local Commercial

INTENDED USE: Medical office/Clinic & Event
Center

(Presentation of facts given by Mr.
Donovan Smith.)

CHAIR THOMAS: (Invited the petitioner
to come forward and state their name and address for
the record.)

MR. GUSTAFSSON: (Stated the only
thing he would add would be in regards to
stipulations that were made in regards to the
occupancy; the parking requirements will be based
upon 3 to 1, which means the removal of 176 seats.)

MR. SERIO: (Clarified it would be
174 seats.)

CHAIR THOMAS: (Opened it up for
discussion amongst the Commissioners.)

COMMISSIONER NORTHCROSS: (Questioned
whether they're going to add in that the total
occupancy will be limited based upon a limit of 3 to
1 parking space availability.)

1 MR. GUSTAFSSON: (Answered
2 affirmatively, with the removal of 174 seats in the
3 existing event center.)

4 COMMISSIONER NORTHCROSS: (Stated he
5 would leave out the removal of the seats thinking
6 that specifying the parking requirement dictates max
7 occupancy.)

8 MR. GUSTAFSSON: (Stated that's a good
9 point, but to ensure that that's being done, he
10 would request that the Planning Commission consider
11 to include that in their motion, to remove 174
12 seats.)

13 COMMISSIONER PARLOVE: (Indicated she
14 would rather have them removed, because she doesn't
15 want to tempt fate.)

16 VICE CHAIR FEGLEY: (Indicated they
17 should remove all of the mezzanine seats.)

18 CHAIR THOMAS: (Confirmed with the
19 applicant that he would prepared to do that.)

20 MR. SERIO: (Answered in the
21 affirmative, although he was hoping it would be
22 satisfactory to just eliminate the mezzanine.)

23 COMMISSIONER PARLOVE: (Indicated they
24 wouldn't be removing enough if they only removed
25 mezzanine seats.)

1 MR. PARKINSON: (Indicated there are
2 878 seats in the facility today; 640 on the main
3 level, 56 on the mezzanine, after removal of what
4 they needed to remove to get down to 1 to 4. To get
5 down to 1 to 3, they would need to remove the
6 remaining 56 from the mezzanine and an additional
7 174 minus 56.)

8 CHAIR THOMAS: (Confirmed with the
9 applicant that he is amenable with just taking out
10 the mezzanine.)

11 MR. SERIO: (Answered affirmatively.)

12 COMMISSIONER PARLOVE: (Pointed out
13 that's only 54 seats.)

14 MAYOR WATERMAN: (Stated everybody
15 needs to get the math right.)

16 MR. SERIO: (Indicated it's a
17 beautiful church, and doesn't want to destroy the
18 whole church taking away all of the seats and stuff,
19 that that's one of the main things.)

20 CHAIR THOMAS: (Inquired of Mr.
21 Gustafsson if they're going to write a provision for
22 shuttle off-site parking.)

23 MR. GUSTAFSSON: (Answered negatively,
24 no, they are not doing that. He stated it's not
25 enforceable.)

1 MR. SERIO: (Stated he understands.)

2 COMMISSIONER NORTHCROSS: (Stated
3 after all is said and done it would be 522 seats.
4 He stated however the applicant wants to arrange
5 them. And his question is, is that enough, 522 for
6 the operation.)

7 MR. SERIO: (Stated if that's all that
8 you're allowing me, then that's all it is.)

9 MAYOR WATERMAN: (Stated that's
10 generous, if you're thinking about people going to
11 church, there's not often always three people in a
12 car; that people do go to church in solo.)

13 MR. SERIO: (Stated if they can find
14 more spaces on site, can they just put it in the
15 written notes for the meeting that it's three times
16 whatever they have on the site, would that be
17 possible, and not stick to a number?)

18 MR. SMITH: (Stated they would have to
19 resubmit a site plan, and that site plan would
20 dictate how many parking spaces they can fit on
21 site, based on that number would dictate how many
22 seats they're permitted to have. They cannot go
23 past that 1 to 3 ratio.)

24 CHAIR THOMAS: (Asked for a motion,
25 keeping in mind the calculation that they just spoke

1 about 522 people, three people per car, 174 parking
2 spaces.)

3 COMMISSIONER NORTHCROSS: (Commented
4 that it's a good point the Mayor brought up, people
5 versus seats.)

6 MR. SERIO: (Agreed. He stated he
7 just wants to get working on it.)

8 COMMISSIONER PARLOVE: (Made a motion,
9 for SPR-18-37 site plan review, to approve the
10 preliminary site plan review application SPR-18-37
11 from GreenTech Engineering, Incorporated at 634 Old
12 Telegraph South Telegraph Road, parcel number
13 64-14-31-381-027, 64-14-31-450-010, and
14 64-14-31-381-009 while sanctioning the Planning
15 Manager authorization to grant final site plan
16 approval upon receipt of revised site plan that
17 reflects the following corrections:

18 Number one, compliance and approval
19 with Waterford Fire Department for event center use
20 occupancy.

21 Number two, revised lighting and
22 photometric plans.

23 Number three, revised site plan that
24 reflects the approved screening of the Dover
25 residential screening requirement, which is the

1 sample of Ashland Nantucket Gray by CertainTeed.
2 The SimTek fence.

3 And then number four, maximum capacity
4 at the event center will be 522 persons based on a
5 three-person to one-car parking ratio and 174
6 parking spaces.)

7 COMMISSIONER NORTHCROSS: (Support.)

8 COMMISSIONER PAYNE: (Stated she had a
9 question or comment. She pointed out in regards to
10 the public hearing, there was a question in regards
11 to the site plan and the Commission did not let the
12 person present that because they told her to wait
13 until they got to that. She stated, however, this
14 is not a public hearing from her understanding. But
15 that the person from the audience didn't have an
16 opportunity to actually express her concerns in
17 regards to that.)

18 CHAIR THOMAS: (Stated technically
19 they were wrong, didn't think through it, stating
20 the first petition was a public hearing and this one
21 is not. He stated he's amenable to allowing her to
22 come forward and make her comments.)

23 MS. SINCLAIR: (Stated her concern is
24 with medical office number two, medical office
25 number three and the event center. She stated there

1 is now a one-way accessibility around those
2 buildings. She stated in the upper left-hand corner
3 there is a blind corner there. She stated that
4 already is a very narrow alley back there.

5 She pointed out it's proposed for
6 medical office facility number two and three for
7 wall-mounted air-handling units which are about
8 midway up on the building along with cage ladders.
9 She stated she believes they were retractable. She
10 discussed with the type of fence that is being
11 proposed she's concerned where the snow is going to
12 go. She was concerned how the garbage truck and
13 fire engines would gain access to that area.)

14 MR. SAM THOMAS: (Indicated that he
15 believes they are set higher than 14 feet to the
16 bottom of the structure so there should not be a
17 problem with the vehicles clearing that area.)

18 MR. GUSTAFSSON: (Stated that when the
19 plans come back they will make sure that the plans
20 are appropriately detailed.)

21 MAYOR WATERMAN: (Questioned where the
22 snow is going to go.)

23 MR. PARKINSON: (Stated the garage
24 truck is maneuverable around the building. He
25 stated as far as the fire truck there is a Knox Box

1 on Dover Road with no parking signs along the curb.)

2 MAYOR WATERMAN: (Stated she would
3 like to see the final site plan come back to the
4 Commission, if everyone would accept that amendment
5 to the motion, because she's a little concerned that
6 things were missed in terms of getting the original
7 site plan to them.)

8 COMMISSIONER NORTHCROSS: (Asked if
9 that is a motion to amend the motion.)

10 MAYOR WATERMAN: (Answered
11 affirmatively.)

12 COMMISSIONER PARLOVE: (Asked if they
13 would add that now.)

14 VICE CHAIR FEGLEY: (Inquired if the
15 amendment was instead of going before the Planning
16 Department and having them doing an internal review,
17 that this petition would come in front of the
18 Commission again?)

19 MR. GUSTAFSSON: (Stated
20 affirmatively, with the revisions that were just
21 mentioned, they'd ask that the applicant submit
22 another set of plans for the Planning Commission
23 review.)

24 VICE CHAIR FEGLEY: (Inquired what the
25 revisions that we need to be done?)

1 MR. GUSTAFSSON: (Indicated compliance
2 and approval with the Waterford Fire Department for
3 event center use occupancy, revised lighting and
4 photometric plans, revised site plan that reflects
5 the approved screening of the Dover Road residential
6 screening requirement. Occupancy, a maximum
7 occupancy of 522 persons which meets a parking
8 requirement of 3 to 1 based upon 174 parking spaces.
9 And that the revised plans to these four items and
10 also in addition to that, item number five would be
11 they would also ask that the site plan and building
12 plans be revised to reflect certain air-handlers and
13 also examine garbage collection circulation.)

14 COMMISSIONER PARLOVE: (Stated she
15 agrees.)

16 MR. SAM THOMAS: (Indicated the
17 air-handlers could go on top of the building as
18 well.)

19 VICE CHAIR FEGLEY: (Stated she
20 personally doesn't want to hold up an applicant
21 that's ready to renovate a property in 30 days. She
22 stated they have already come back to the Commission
23 three or four times.)

24 CHAIR THOMAS: (Stated he is
25 comfortable with that too.)

1 COMMISSIONER PARLOVE: (Concurred.)

2 CHAIR THOMAS: (Inquired of the
3 Commission whether they are okay with allowing the
4 Planning Department to do the final site plan
5 approval.)

6 MAYOR WATERMAN: (Stated the amendment
7 was not seconded so they are still voting on the
8 original motion by Commissioner Parlove.)

9 MR. GUSTAFSSON: Commissioner Parlove?

10 COMMISSIONER PARLOVE: Yes.

11 MR. GUSTAFSSON: Commissioner
12 Northcross?

13 COMMISSION NORTHCROSS: Yes.

14 MR. GUSTAFSSON: Commissioner Payne?

15 COMMISSIONER PAYNE: Yes.

16 MR. GUSTAFSSON: Mayor Waterman?

17 MAYOR WATERMAN: Yes.

18 MR. GUSTAFSSON: Vice Chair Fegley?

19 VICE CHAIR FEGLEY: Yes.

20 MR. GUSTAFSSON: Chair Thomas?

21 CHAIR THOMAS: Yes.

22 AYES: Thomas, Payne, Parlove,
23 Northcross, Fegley, Waterman.

24 NAYS: (None.)

25 ABSTAIN: (None.)

1 MOTION CARRIES 6-0-0.

2 6.2 SPR 18-38

3 PROPERTY ADDRESS: 1234 Baldwin

4 PARCEL NO: 64-14-17-255-004

5 APPLICANT: David Donnellon

6 CURRENT ZONING: C-3 Corridor Commercial

7 INTENDED USE: Auto Care Center Expansion

8 and Site remodel

9 (Presentation of facts given by Mr.
10 Donovan Smith.)

11 COMMISSIONER NORTHCROSS: (Requested
12 to see the landscaping details.)

13 MR. SMITH: (Explained there are trees
14 behind where the existing building was.)

15 CHAIR THOMAS: (Inquired if there are
16 street view or aerial views.)

17 MR. SMITH: (Indicated there are
18 elevations included, but no aerial.)

19 CHAIR THOMAS: (Invited the applicant
20 to approach.)

21 MR. NOONAN: (Jay Noonan, staff
22 architect on the project from Design Resources, 1886
23 Lake Point Drive in Ortonville, Michigan approached.

24 He pointed out to the left of the
25 elevation is the renovated building. He stated it

1 is a 16-foot tall block building painted white with
2 a very antiquated and very plain 4/12-pitch shingled
3 roof on it. He stated they are trying to elevate
4 the architectural standard that's been established
5 along that portion of Baldwin Road. He stated they
6 are trying to allude to a railroad station, which
7 that route at one time was near a railroad
8 right-of-way. He stated it's indicative of the type
9 of operation that's currently there, which is the EJ
10 tire operation which has been rather successful for
11 about eight years and has received accommodation,
12 has done really well.

13 He indicated they are maintaining the
14 block and we're putting a brick veneer in a cast
15 concrete. They are looking for an older
16 turn-of-the-century sort of building, with large
17 eight-foot overhangs and historic brackets. He
18 proceeded to discuss the materials which will be
19 used.

20 He stated they are trying to be as
21 sensitive as they can with the neighborhood as well
22 as the specific needs of the plan of this owner.

23 He discussed the sales area,
24 barrier-free bathrooms, employee corridor, inventory
25 storage area, landscaping, lighting and curb cut.)

1 CHAIR THOMAS: (Stated it's a major
2 enhancement to some not-so-elegant automotive
3 facilities that populate that area.)

4 MR. NOONAN: (Introduced Jose Perez
5 who is the owner.)

6 CHAIR THOMAS: (Opened it for
7 discussion amongst the Commissioners.)

8 COMMISSIONER NORTHCROSS: (Stated when
9 he drove by today he was looking at the building,
10 noticing that some demolition had already begun.)

11 MR. PEREZ: (Indicated they did that
12 last year.)

13 COMMISSIONER NORTHCROSS: (Pointed out
14 an area on the drawing and questioned whether they
15 were actual doors.)

16 MR. NOONAN: (Answered affirmatively.
17 They are supposed to look like historic carriage
18 doors.)

19 COMMISSIONER NORTHCROSS: (Indicated
20 there is a pressure-treated fence, and inquired of
21 Mr. Gustafsson what they normally require.)

22 MR. GUSTAFSSON: (Indicated that
23 against residential would be masonry.)

24 COMMISSIONER NORTHCROSS: (Questioned
25 the applicant as to the reason for pressure-treated

1 rather than masonry.)

2 MR. NOONAN: (Indicated they were
3 trying to create something that was more in keeping
4 with the character of the building.)

5 MAYOR WATERMAN: (Indicated it is
6 really nice-looking and obviously a lot of thought
7 was put in to really enhance that neighborhood.)

8 COMMISSIONER PARLOVE: (Thanked the
9 applicant for bringing such a beautiful, handsome
10 plan to them. She stated there is a tire store in
11 Lake Orion on 24 which seems similar.)

12 MR. NOONAN: (Indicated he knows which
13 one she is referring to. He stated he didn't do
14 that one. He stated some portions are different, a
15 taller building, and it's a brick building, but they
16 have a similar type of roof.)

17 COMMISSIONER PARLOVE: (She stated
18 every time she drives by she can't believe it's a
19 tire store. She inquired as to the construction
20 cost.)

21 MR. NOONAN: (Questioned if that is
22 something they are required to share.)

23 COMMISSIONER PARLOVE: (Stated they
24 are not required to share.)

25 MR. NOONAN: (Stated he would prefer

1 not to share that information.)

2 COMMISSIONER PAYNE: (Thanked all of
3 the applicants being patient with the Commission
4 this evening. She discussed the ZBA variance,
5 indicating she was totally shocked with the
6 presentation, because normally what they ask for and
7 what they get is something totally different. She
8 stated it's just good to see the outcome of what a
9 plan really is going to be.)

10 VICE CHAIR FEGLEY: (Indicated she
11 does not have any issues with approving it, with the
12 revised dumpster location or the variance for the
13 residential buffering, landscaping because it's a
14 beautiful plan.)

15 CHAIR THOMAS: (Thanked the applicant
16 stating they are raising the bar, that it's nicely
17 done. He stated hopefully it will inspire other
18 owners up and down that strip to do something
19 comparable, at least clean up and pick up.)

20 MR. SMITH: (Stated if the Commission
21 would like to approve the screen wall variance then
22 the recommendation would be site plan approval.)

23 COMMISSIONER PARLOVE: (Made a motion
24 for SPR 18-38 site plan review, the final site plan
25 review, screening wall variance approved; making a

1 motion to approve the site plan review application
2 SPR 18-38 from David Donnellon, 1234 Baldwin, Parcel
3 Number 65-14-17-255-001 through 005.)

4 VICE CHAIR FEGLEY: (Second.)

5 MR. GUSTAFSSON: Commissioner Parlove?

6 COMMISSIONER PARLOVE: Yes.

7 MR. GUSTAFSSON: Commissioner
8 Northcross?

9 COMMISSION NORTHCROSS: Yes to
10 approve.

11 MR. GUSTAFSSON: Commissioner Payne?

12 COMMISSIONER PAYNE: Yes to approve.

13 MR. GUSTAFSSON: Mayor Waterman?

14 MAYOR WATERMAN: Yes.

15 MR. GUSTAFSSON: Vice Chair Fegley?

16 VICE CHAIR FEGLEY: Yes.

17 MR. GUSTAFSSON: Chair Thomas?

18 CHAIR THOMAS: Yes to approve.

19 AYES: Thomas, Payne, Parlove,

20 Northcross, Fegley, Waterman.

21 NAYS: (None.)

22 ABSTAIN: (None.)

23 MOTION CARRIES 6-0-0.

24 6.3 SEP 18-72

25 PROPERTY ADDRESS: 1360 Fox Run Ct.

1 PARCEL NO: 64-14-15-176-015

2 APPLICANT: Allied Screen & Graphics

3 CURRENT ZONING: R-1 Signal Family Dwelling
4 District

5 INTENDED USE: New Ground Mounted Sign.

6 (Presentation of facts given by Mr.
7 Donovan Smith.)

8 CHAIR THOMAS: (Invited the applicant
9 to approach.)

10 MS. SHERWIN: (Ms. Phyllis Sherwin
11 from Signs and Designs in Royal Oak, Michigan at
12 30414 Woodward approached, stating she is
13 Representing Allied Screen and Graphics, which is
14 located at 73 West Walton Boulevard, Pontiac.

15 She stated she does not have anything
16 to add, that Donovan has been very helpful.)

17 COMMISSIONER NORTHCROSS: (Had no
18 questions; just a comment that he thinks it will be
19 a wonderful improvement.)

20 MAYOR WATERMAN: (Stated it looks
21 great and she's been looking forward to a new sign.)

22 COMMISSIONER PARLOVE: (Agreed with
23 the Mayor.)

24 COMMISSIONER PAYNE: (Stated it's a
25 great improvement and thanked the applicant.)

1 VICE CHAIR FEGLEY: (Had no
2 questions.)

3 CHAIR THOMAS: (Asked for
4 clarification of where the sign is located.)

5 MS. SHERWIN: (Stated Fox Run butts
6 into Waldon Road.)

7 COMMISSIONER PARLOVE: (Made a motion
8 regarding SP 18-72 sign replacement to approve the
9 sign replacement review application SP 18-72 from
10 Allied Screen and Graphic at 1360 Fox Run Court,
11 parcel number 64-14-15-176-015 for the proposed
12 Walton Ridge ground-mounted sign locate at 1360 Fox
13 Run Court.)

14 COMMISSIONER PAYNE: (Second.)

15 MR. GUSTAFSSON: Commissioner Parlove?

16 COMMISSIONER PARLOVE: Yes.

17 MR. GUSTAFSSON: Commissioner
18 Northcross?

19 COMMISSION NORTHCROSS: Yes.

20 MR. GUSTAFSSON: Commissioner Payne?

21 COMMISSIONER PAYNE: Yes.

22 MR. GUSTAFSSON: Mayor Waterman?

23 MAYOR WATERMAN: Yes.

24 MR. GUSTAFSSON: Vice Chair Fegley?

25 VICE CHAIR FEGLEY: Yes.

1 MR. GUSTAFSSON: Chair Thomas?

2 CHAIR THOMAS: Yes.

3 AYES: Thomas, Payne, Parlove,
4 Northcross, Fegley, Waterman.

5 NAYS: (None.)

6 ABSTAIN: (None.)

7 MOTION CARRIES 6-0-0.

8 6.3 SEP 18-48

9 PROPERTY ADDRESS: 339 S. Paddock St.

10 PARCEL NO: 14-33-179-001

11 APPLICANT: Paddock Vehicle Storage

12 CURRENT ZONING: M-1 Light Manufacturing

13 INTENDED USE: Private Auto Wash and Storage

14 (Presentation of facts given by Mr.
15 Donovan Smith.)

16 CHAIR THOMAS: (Invited the applicant
17 to approach.)

18 MR. KLEZBY: (Mr. Ronald Klezby (ph)
19 stated he works with the architects at 79 Oakland
20 Avenue, Pontiac. He stated Donovan pretty much
21 covered everything. He wanted to emphasize that the
22 storage facility is going to be primarily for
23 classic cars, not any type of service on cars.)

24 CHAIR THOMAS: (Inquired if these
25 customers would also be engaged with M-1 Concourse,

1 since it is in the proximity.)

2 MR. KLEZBY: (Stated they could be but
3 that's not the intent at this point.)

4 COMMISSIONER NORTHCROSS: (Stated it
5 looks like it appears that's going to be a real
6 improvement in that area.

7 He inquired as to the colors of the
8 building.)

9 MR. KLEZBY: (Indicated they haven't
10 gotten into choosing color samples or anything like
11 that. He stated the face of the new building is
12 split-faced concrete, and a metal siding, and the
13 intent of the design of the renovation of the
14 existing building is going to kind of coincide with
15 that new building.)

16 MAYOR WATERMAN: (Thanked the
17 applicant for being a Pontiac business.)

18 COMMISSIONER PARLOVE: (Welcomed the
19 applicant.)

20 COMMISSIONER PAYNE: (Thanked the
21 applicant, as well.)

22 VICE CHAIR FEGLEY: (Had no
23 questions.)

24 CHAIR THOMAS: (Inquired as to who the
25 owner is.)

1 (The owner raised his hand.)

2 CHAIR THOMAS: (Called for a motion.)

3 COMMISSIONER PARLOVE: (Made a motion
4 to the site plan review application SPR 18-48
5 conditional site plan approval from Paddock Vehicle
6 Storage LLC at 339 South Paddock, parcel number
7 64-14-20-201-001 while sanctioning the City Planner
8 authorization to grant final site plan approval upon
9 receipt of revised site plan that reflects
10 corrections included in Planning Division review
11 letter dated February 15th of 2019. The conditions
12 for final approval will be pending DPW and
13 engineering approval or waiver of the site plan and
14 site detention requirements.)

15 COMMISSIONER NORTHCROSS: (Support.)

16 MR. GUSTAFSSON: Commissioner Parlove?

17 COMMISSIONER PARLOVE: Yes.

18 MR. GUSTAFSSON: Commissioner

19 Northcross?

20 COMMISSION NORTHCROSS: Yes.

21 MR. GUSTAFSSON: Mayor Waterman?

22 MAYOR WATERMAN: Yes.

23 MR. GUSTAFSSON: Commissioner Payne?

24 COMMISSIONER PAYNE: Yes.

25 MR. GUSTAFSSON: Vice Chair Fegley?

1 VICE CHAIR FEGLEY: Yes.

2 MR. GUSTAFSSON: Chair Dayne Thomas?

3 CHAIR THOMAS: Yes.

4 AYES: Thomas, Payne, Parlove,
5 Northcross, Fegley, Waterman.

6 NAYS: (None.)

7 ABSTAIN: (None.)

8 MOTION CARRIES 6-0-0.

9 7. PUBLIC COMMENTS:

10 COMMISSIONER NORTHCROSS: (Announced
11 on Saturday at the VFW, 800 Cesar Chavez, 11 a.m. to
12 2:00 p.m. will be the Optimist Club chili cook-off.
13 Tickets are \$15.)

14 MAYOR WATERMAN: (Stated it's a really
15 good event, really good cause, really good
16 organization, and she was going to be there.

17 She thanked her fellow Commissioners
18 for hanging in there. Also wanted to thank Donovan
19 for all of his work.)

20 MR. SMITH: (Thanked Quentina Snowden
21 for enduring the long evening.)

22 COMMISSIONER PAYNE: (Announced on
23 March 7 at 6:00 the District 5 Advisory Board
24 Committee will be meeting at Nikko's Koney Kitchen
25 on Walton and Giddings, and stated all are welcome

1 to join them. She also thanked Mr. Gustafsson and
2 Mr. Smith and the Mayor for approving the one-stop
3 ready shop training. She stated it was very
4 interesting.)

5 CHAIR THOMAS: (Asked for a motion for
6 adjournment.)

7 COMMISSIONER PAYNE: (So moved.)

8 COMMISSIONER PARLOVE: (Support.)

9 (All eyes to adjourn.)

10 (Proceedings concluded at 10:32 p.m.)

11 Minutes certified by:

12
13 
14 _____

15 /s/ Quentina Rochelle Snowden, CSR-5519
16 QRS Court Reporting, LLC
17 800.308.0068
18 810.691.4226
19 Certified on: March 26, 2019
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23
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