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CITY OF PONTIAC
PLANNING COMMISSION
WEDNESDAY, APRIL 3, 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:

- Mattie Hatchett
- Chuck Johnson
- Mary Pietila
- Kevin (last name unknown)
- Joseph Sinclair
- Charles Frangie
- Al Kajy
- Gus Abro
- Mike Cobis (ph)
- Belinda Douglas
- Robert Huttenhower
- Billy Viverette

1 CALL TO ORDER: Chair Thomas called the meeting
2 to order at 6:30 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: Good evening, ladies
12 and gentlemen. Welcome to the Pontiac Planning
13 Commission meeting for Wednesday, April 3, 2019.
14 Thank you for coming out this evening. Three items
15 on the agenda tonight including the Medical
16 Marihuana Zoning Ordinance. And I always like to
17 introduce my fellow Commissioners prior to starting.

18 So to my far left is Commissioner
19 Chris Northcross. We're waiting on the Honorable
20 Mayor Dr. Deirdre Waterman, who I expect will be
21 here and we'll welcome her once she arrives.
22 Commissioner Hazel Cadd I think is excused tonight.
23 To my immediate right is Planning Manager, Mr. Vern
24 Gustafsson. To my far right is Commissioner Mona
25 Parlove, then next is Commissioner Lucy Payne. And

1 then to my immediate right is Vice Chair Ashley
2 Fegley, and I'm Chair Dayne Thomas. So over to our
3 far left -- way to the far left is City Attorney
4 Tony Chubb. Planning Manager Donovan Smith is to
5 the rear near the computer. And somewhere out there
6 I saw Deputy Mayor Jane Bais-DiSessa.

7 MR. GUSTAFSSON: Yeah, she'll be here
8 -- she was here.

9 CHAIR THOMAS: But anyhow, without
10 further ado, Mr. Gustafsson, roll call, please.

11 MR. GUSTAFSSON: Yes. Chair Thomas?

12 CHAIR THOMAS: Present.

13 MR. GUSTAFSSON: Vice Chair Fegley?

14 VICE CHAIR FEGLEY: Present.

15 MR. GUSTAFSSON: Commissioner Cadd is
16 absent and excused. Commissioner Northcross?

17 COMMISSIONER NORTHCROSS: Present.

18 MR. GUSTAFSSON: Commissioner Parlove?

19 COMMISSIONER PARLOVE: Present.

20 MR. GUSTAFSSON: And Commissioner

21 Payne?

22 COMMISSIONER PAYNE: Present.

23 CHAIR THOMAS: We have a quorum.

24 MR. GUSTAFSSON: We do have a quorum.

25 CHAIR THOMAS: Okay. We'll welcome

1 those that arrive a little bit later. Are there any
2 communications?

3 MR. GUSTAFSSON: None at this time.

4 CHAIR THOMAS: Okay. Minutes for
5 review and I'll start with my far left with
6 Commissioner Northcross.

7 COMMISSIONER NORTHCROSS: No changes.

8 CHAIR THOMAS: Okay. Thank you.
9 Commissioner Parlove?

10 COMMISSIONER PARLOVE: No changes.

11 CHAIR THOMAS: Thank you.
12 Commissioner Payne?

13 COMMISSIONER PAYNE: No changes.

14 CHAIR THOMAS: Vice Chair Fegley?

15 VICE CHAIR FEGLEY: No changes.

16 CHAIR THOMAS: And I have no changes
17 either. And I'd like to thank our adept taker --
18 107 pages from our last meeting so -- so, thank you
19 very much, a tremendous job.

20 Okay. Then that leaves us to a public
21 hearing. So the first item on the agenda, once
22 again, is the Planning Zoning Amendment for medical
23 marihuana. And so Mr. Gustafsson will present.

24 MR. GUSTAFSSON: Sure. Thank you very
25 much, Chair Thomas. And thank you very much for

1 allowing us to -- this is our fourth public hearing
2 as it relates to medical marihuana and hopefully the
3 fourth is the charm here.

4 With that being said, I would like to
5 kind of present kind of the nuances and various
6 amendments that has been created with the help of
7 many to arrive at what we believe is an ordinance
8 for the City of Pontiac, Zoning Text Amendment for
9 Medical Marijuana Facility Uses.

10 Before I get into the depth of all of
11 that, I just would like to remind everybody that all
12 of this started with the referendum that was passed
13 in August. And within the last eight months, we
14 have held four public hearings, like I mentioned.
15 There has been four moratoriums and 19 Zoning Text
16 Amendments and Ordinances that have either been
17 introduced, withdrawn, presented, recommended or
18 denied.

19 So, with that being said, we're here
20 at the -- the last moratorium here, as you can see
21 on the screen here, represents towards the bottom of
22 the fourth moratorium which ends on April 15th,
23 which started on -- which was a 30-day moratorium.
24 There's been one ordinance that has gone back and
25 forth between Planning and also within the City

1 Council with various amendments that was introduced,
2 confirmed and also referred to the Planning
3 Commission as tonight.

4 From here, the recommendation, as you
5 know, would be given over to City Council at the
6 next City Council meeting on April 9th. And they
7 will make a formal vote as relates to this Zoning
8 Text Amendment for Medical Marihuana Facility Uses.

9 (Mayor Waterman entered the chambers.)

10 MR. GUSTAFSSON: With that being said,
11 within those 19 ordinances I just want to remind
12 everybody that what was important to us was no
13 matter the author, how it was created, what
14 amendments were introduced, we always kept in mind
15 what really was best for Pontiac and that may mean a
16 lot to us in regards to that overarching goal. But
17 also more importantly, those objectives that we try
18 to adhere to relating to protecting the residential
19 neighborhoods by minimizing any impacts, looking at
20 corridors and areas that are in need of new, private
21 and public investment that would spur additional
22 investment and newer uses that would come into the
23 City of Pontiac, and further, obviously, generate
24 additional revenue to pay down certain -- pay down
25 debt, particularly TIFA 3.

1 Also with that, we also examined
2 obviously the areas that relates to identifying the
3 significant number of properties that could be
4 developed or redeveloped for medical marihuana
5 facilities. We wanted to make sure it was easy
6 access to get to these facilities and also
7 accessible in regards to parking for patients that
8 would be visiting, particularly the provisioning
9 centers.

10 And the last couple of items that were
11 extremely important was taking a look in regards to
12 the streets and the areas within those right of ways
13 to making sure that the utilities do have sufficient
14 capacity, and could accommodate increase of
15 associated traffic volumes associated with these
16 newer uses coming into Pontiac.

17 And lastly, would meet the standards
18 from Oakland County Sheriff as it relates to the
19 safety and security of the environment in that area,
20 not just for the residents, but also for the
21 businessowners themselves.

22 The next slide I would like to go
23 through, it's a little small, but I do apologize.
24 But what I did do was we did a comparison as it
25 relates to -- we have three overlay districts which

1 are -- which includes Cesar Chavez, Walton Boulevard
2 and what we call the C-2 Downtown overlay districts.
3 And then we have medical marihuana facility uses
4 that are all located outside these three overlay
5 districts.

6 The Planning Commission will be, from
7 a site plan perspective -- site development review
8 perspective, they would be the review authority for
9 the site plan review for all five medical marihuana
10 facilities located either within the districts --
11 overlay districts or outside the districts.

12 Additionally, if a proposed medical
13 marijuana facility was located within one of the
14 three districts, that being C-2 Downtown, Cesar
15 Chavez and Walton Boulevard, it would be considered
16 what we call a "Principal use by right" so there
17 would not be any public hearing and no public notice
18 to those property owners within those areas. If
19 you're outside the district, it would be considered
20 -- what would be required is a special exception use
21 permit and that would require a public hearing by
22 the Planning Commission and notice would be given
23 out to neighboring property owners within 500 feet,
24 okay.

25 When you look at the medical marihuana

1 uses that are located within -- in either inside or
2 outside -- and I'll just go through the inside
3 first, meaning inside the three overlay districts, a
4 grower within the district could be located within
5 an M-1, M-2 or IP-1 zoning district. A processor
6 would be also included within the same districts,
7 M-1, M-2 and IP-1. The medical marihuana
8 provisioning center can be located within C-2, being
9 Downtown, or -- within Walton Boulevard and Cesar
10 Chavez, we're looking at C-3, M-1 and M-2 zoning
11 districts.

12 Safety compliance has the ability to
13 be -- and also secured transporters can be located
14 within C-2, C-3, M-1 and M-2 and IP-1 zoning and.
15 That goes for the same for a secured transporter.
16 They also could be located within C-2, C-3, M-1 and
17 M-2 and IP-1 zoning.

18 As it relates to the uses located
19 outside the district, a grower is not allowed
20 outside the three overlay districts and that goes
21 for the same as a processor. They're not allowed
22 outside the overlay districts. Provisioning centers
23 can be located outside and they are limited to C-1,
24 C-3 and C-4 zoning districts.

25 Safety compliance and secured

1 transporters are able to be located within C-1, C-3,
2 C-4, M-1 and M-2 zoning districts, and that goes for
3 the same thing as a secured transporter. And this
4 obviously -- this as we're talking about planning
5 and zoning, this doesn't have anything to do with
6 the application so obviously we get licensed from
7 the State of Michigan, also a license from the City
8 of Pontiac to make sure that all of the documents
9 are properly vetted and reviewed and approved.

10 As it relates to the number of
11 provisioning centers, there has been a lot of talk
12 about that and we've been -- it's been -- quite a
13 bit of discussion. The way it's working out is that
14 within the three districts, within each district
15 there can be no more than five provisioning centers
16 located within the C-2 Downtown, no more than five
17 within Cesar Chavez, and no more than 5 within
18 Walton Boulevard overlay district. With -- and also
19 outside the overlay districts there is no more than
20 five to be located outside the districts and that
21 would be located within C-1, C-3 and C-4 zoned
22 properties combined. So no more than five outside
23 the district.

24 As it relates to buffers what's
25 required within versus out. What's in, there is no

1 residential buffer required. There is, however, as
2 part of the referendum that was passed by the
3 voters, there is 1,000 feet from an operational
4 public and private school, 500 feet from a licensed
5 and registered commercial child care organization or
6 center, 500 feet from a public park with playground
7 equipment, and lastly 500 feet from a tax-exempt
8 religious institution.

9 The only difference on -- outside the
10 overlay districts is the residential buffer.
11 Everything else maintains the same of 1,000 feet,
12 500 feet, and as I just mentioned. The residential
13 buffer is -- 250 feet would be a residential buffer
14 measured at right angles between zoned residential
15 property, and provisioning centers, secured
16 transporters and safety compliance. And those
17 measurements would be similar for the distance that
18 would be measured from a public and private school,
19 a commercial child care center, a playground with --
20 or public park with playground equipment and a tax
21 exempt religious institution and these are basically
22 measured at right angles down center lines measured
23 from the primary entrance of the facility either
24 being a church or a school, or the medical marihuana
25 facility.

1 So the main door entrance or what we
2 were calling the primary street address entrance to
3 those facilities, okay?

4 So that summarizes the amendments that
5 were injected within the last ordinance that we're
6 reviewing tonight, okay, which is included within
7 your packet which are highlighted so you understand
8 where those -- those amendments were inserted and
9 those were introduced at Council meeting and
10 confirmed back on March 26th by City Council that
11 these were correct in regards to the amendments that
12 were inserted.

13 And now, I would like to go through a
14 series of recommendations that really starts to
15 identify more specific use requirements for medical
16 marihuana facilities and also more descriptive
17 regulations related to the marihuana regulations as
18 it relates to the overlay districts inside and also
19 out.

20 With -- the standards for specific
21 uses, we just want to clarify that provisioning
22 center drive-through windows are not allowed. That
23 all medical marihuana uses are not allowed within
24 the same facilities with non-medical marihuana uses.
25 It seems to be -- that should be a no-brainer, but

1 I've been getting quite a few calls and so I felt it
2 was important that we include that provisioning in
3 there.

4 Secured transporters, that are
5 licensed or those licensees, shall not be a
6 registered qualified patient or caregiver. And
7 lastly, again, to strengthen the ordinance as --
8 creating a very sound and solid ordinance, we want
9 to make sure that all medical marihuana uses shall
10 be within enclosed, locked facility.

11 As relates to the overall -- the
12 overlay district regulations, here we -- we wanted
13 to specify that when we're -- particularly as it
14 relates to the residential buffer and we're talking
15 about residential-zoned properties from that
16 250-foot buffer, it was important to identify
17 because we do have a number of -- you could be
18 zoned, but it could be vacant so we wanted to make
19 sure that the vacant residentially-zoned lot would
20 be measured from the side yard setback, not the
21 entrance to the home if it's -- obviously which is
22 not there.

23 Odor for -- is managed with an
24 activated carbon filter from any rooms that will be
25 used for production, processing, testing, selling,

1 research or warehousing. A generator would
2 definitely have to be installed to operate the air
3 filter system in case of any power outage. The
4 signs must be conformed to State, local and Pontiac
5 Zoning Ordinance. The building exteriors shall
6 prohibit the use of -- or identifying with the
7 medical -- or excuse me, the marihuana leaf or the
8 medical green cross. Window -- window signs should
9 not occupy more than ten percent of the window area.
10 Luminous tube lighting such as, say, neon or rope
11 lighting cannot be -- cannot be used to outline the
12 windows or -- and also doors. Lighting with
13 intermittent fading, blinking, rotating, flashing
14 and strobe lights are not allowed on any medical
15 marihuana property inside or outside the medical
16 marihuana overlay districts. And luminous tube or
17 exposed bulb lighting is prohibited as an
18 architectural detail on any building or structure on
19 the site.

20 And that kind of summarizes the
21 requirements that we have inserted as part of our
22 cover letter. They have not been inserted obviously
23 into the ordinance that the Commission has or the
24 public has as part of our Planning Commission
25 packet. Obviously, we wanted to consider the

1 Planning Commission's comments and public's comments
2 before we move further and depending on the result
3 and depending on what is -- would be required, we
4 would then prepare a packet for the City Council's
5 meeting for next week on April 9th.

6 The last item that was -- included was
7 as it relates to the regulations and the ordinance
8 was the actual location of the overlay districts and
9 that was -- we'll have those here. This represents
10 the Walton Boulevard overlay district. So, the
11 road -- the -- towards the bottom of the graphic
12 area in green, represents Baldwin Road, to the west
13 or to the right side -- or excuse me, to the left
14 side of the graphic represents Telegraph Road. To
15 the -- to the east -- heading to the east, the last
16 north/south roadway is Joslyn, so we're extending it
17 over to just east of Joslyn to the Fuller Road --
18 Fuller Street and it does include Highwood
19 Industrial Properties up to Collier Road, but
20 nothing north of Collier Road as part of this
21 overlay district. Okay.

22 Map number 2, Cesar Chavez overlay
23 district. Here we have a -- Cesar Chavez is the
24 road that kind of traverses the area kind of in a
25 southeast, northwest direction. And that is

1 extending -- they say at the south end would extend
2 from Montcalm over towards the west edge of the
3 city, and heading north which is straight up, and
4 extend over there, up to the -- what we call Kennett
5 Road landfill site with the northern edge of that
6 being Telegraph Road. It extends from Dixie Highway
7 or Cesar Chavez up to Walton Boulevard.

8 And the remaining or the third overlay
9 district is Downtown. Downtown being everything
10 within the loop of -- of the Downtown C-2 district.
11 Okay. That -- that concludes -- yep. Yep.

12 CHAIR THOMAS: Thank you.

13 MR. GUSTAFSSON: I'd be happy to
14 answer any questions.

15 CHAIR THOMAS: Thank you. Well done.
16 I'd like to welcome Honorable Mayor Dr. Deirdre
17 Waterman.

18 MAYOR WATERMAN: Thank you.

19 CHAIR THOMAS: Good evening. This is
20 a public hearing kind of the procedure we follow is
21 we'll go to my fellow Commissioners for their
22 comments and questions and then we'll open it up for
23 public hearing, we'll try to aggregate all of the
24 questions, we'll try to then answer all of the
25 questions, and then we'll come back for a motion,

1 support and a vote.

2 So, without further ado, I would like
3 to go to my far left to Commissioner Northcross. So
4 Commissioner Northcross, any comments or questions.

5 COMMISSIONER NORTHCROSS: Not at this
6 time. I'll listen.

7 CHAIR THOMAS: And Mayor Waterman?

8 MAYOR WATERMAN: Thank you and good
9 evening. And I know many people are here for what
10 they hope is coming to the end of a very long
11 process since the voters approved medical marihuana
12 for the City of Pontiac back last August.

13 Well, since then we've been trying to
14 implement something, as you hear as the ordinance
15 that -- and the Planner says it very well, "What's
16 best for Pontiac." An ordinance that fulfills the
17 will of the voters that we are obliged to listen to
18 and to implement.

19 So, for that purpose, we've had
20 numerous meetings, as the Planner has prepared for
21 us the chronology, because it's kind of hard to keep
22 track of somebody going back and forth. I think
23 what we have here this evening that the Planner
24 proposed is probably now about the ninth version of
25 an ordinance amendment that has gone back and forth

1 for various reasons. But we've also done this
2 information from the public through two town halls
3 now, and numerous meetings with the community, with
4 the district meetings, with the businesspeople, with
5 everybody who wanted to have a part or input into
6 this. So 30 meetings altogether.

7 So it's important to realize that what
8 the voters -- what's best for Pontiac, was something
9 that we got in large from those meetings, those
10 community meetings as well as from the assessment
11 from our Planner and the other elected officials.

12 Now one of those things that you hear
13 is in this ordinance, that was sent from council and
14 this ordinance is a result of the fact that there
15 were several permeations of that to get to this
16 point.

17 And this one is a result of the fact
18 that I did veto the version of the Council's
19 ordinance that did not have the protections for the
20 citizens or the neighborhoods that -- that we had
21 heard from all of the citizens and all of the
22 businesses they wanted to have. And as a result of
23 that veto, Council did put in the additional
24 amendments that are now here in this version of the
25 ordinance that have the protections, have the

1 special exemption permit. And they did take out
2 some -- the areas of the Collier landfill which we
3 could not lease or could not deal with, because
4 we're still under MDEQ requirements for that and
5 again, put back in the Kennett Road landfill that
6 the Planning Commission had put in some time ago
7 because that is something that we can deal with.
8 The Collier landfill is something that we have used
9 as a waste transfer station. We're on a long-term
10 lease, 99-year lease and there's 300 trucks that go
11 in and out of this station every day. So it didn't
12 make sense to have that in there. It was only by
13 the veto that I finally was able to get Council to
14 put in the things that we needed to have in that
15 protected the people, that protected the
16 neighborhoods and that you see here. And I think
17 that was also the result of some conversation,
18 collaboration that I had with the Council president
19 after the veto.

20 So I'm happy that we've come to this
21 point now. There is a few other recommendations
22 that the Planner had made before that weren't in the
23 amendments that Council did put in, but hopefully
24 we're coming to the end now of a sensible process
25 that will yield something that -- that is good for

1 the citizens of Pontiac, implements the will of the
2 voter and that will allow us to bring businesses to
3 the City for this particular industry. Thank you.

4 CHAIR THOMAS: Thank you, Mayor.
5 Commissioner Parlove, please.

6 COMMISSIONER PARLOVE: No questions.

7 CHAIR THOMAS: Thank you.

8 Commissioner -- Commissioner Payne, please.

9 COMMISSIONER PAYNE: No questions at
10 this time. I'd like to hear from the public.

11 CHAIR THOMAS: Okay. Vice Chair
12 Fegley.

13 VICE CHAIR FEGLEY: No comments or
14 questions.

15 CHAIR THOMAS: Okay. Thank you. I --
16 just make a -- a couple comments before we go to
17 public hearing, but as it has been stated here,
18 we've been at this since October. And in October
19 the original proposal was four provisioning centers
20 along Cesar Chavez, four along Walton and 12 to be
21 identified later, which from my perspective, from a
22 supply and demand that sounded about right. Yet
23 here we are in April, and we're about to -- at least
24 I'm going to vote for it this evening, 15
25 provisioning centers with 5 to be determined later.

1 I'm going to vote for it, but it doesn't mean that
2 I'm in agreement with the plan. It fails a simple
3 test of supply and demand. There is a reason that
4 McDonald's -- McDonald's and Starbucks are renowned
5 for drawing customers to their sites, and there
6 isn't a McDonald's or Starbucks Downtown, or a
7 Walgreens or a Rite-Aid or a CVS, because there
8 isn't sufficient traffic downtown to sustain proper
9 retail income.

10 FROM THE AUDIENCE: That's right.

11 CHAIR THOMAS: In fact, there are only
12 six pharmacies in all of the City of Pontiac and yet
13 we are about to approve 15 medical marihuana
14 provisioning centers throughout the City; 5 on Cesar
15 Chavez, 5 on Walton Boulevard and 5 Downtown. There
16 aren't 5 of anything Downtown.

17 FROM THE AUDIENCE: That's right.

18 CHAIR THOMAS: So, there are many that
19 have come to this podium and lobbied hard for 5
20 dispensaries Downtown, and in my opinion, as a
21 planner, marketing planner throughout my corporate
22 life, it's a flawed business plan. But it's time
23 for this Commission to move on, it's time for the
24 City to move on to what I deem complex business
25 development challenges in the Downtown. So those

1 are my comments before we go to public -- public
2 hearing. So --

3 MR. GUSTAFSSON: If I may, thank you
4 very much, Chair Thomas. I just wanted to clarify
5 you are correct, we got 15 provisioning centers, 5
6 located within each of the overlay districts, plus
7 there's 5 that could be located outside the district
8 for a total of 20.

9 CHAIR THOMAS: Right.

10 MR. GUSTAFSSON: And that goes back to
11 the referendum that was approved by the voters back
12 in August.

13 CHAIR THOMAS: Right.

14 MR. GUSTAFSSON: Very good. Thank
15 you.

16 CHAIR THOMAS: Public hearing is open.
17 Anyone wish to come forward please state your name
18 and address for the record, please.

19 MS. MATTIE HATCHETT: Good evening.
20 My name is Mattie Hatchett. I live at 135 Perkins
21 Street in Pontiac, Michigan. And before I make
22 my -- my comments about the marihuana ordinance, I
23 want to commend our City Planner for all of his hard
24 work and all of the challenges that he has been
25 confronted with through this process. I think he

1 had more pressure -- he and his staff have had more
2 pressure on them than anybody else. And yet not one
3 time did I see him express frustration, impatience,
4 he just kept going back in there, kept working until
5 we came up with Ordinance 2361 that is facing you
6 now. So, Vern, I love you and I appreciate you,
7 because you work like a dog. You might have lost a
8 few more hairs off your head in the process, but you
9 worked like a dog to get us to this point.

10 MR. GUSTAFSSON: I've been here since
11 July, and I guess I had a full head of hair.

12 MS. MATTIE HATCHETT: Okay. I want to
13 say that -- thank you for giving him a hand. He
14 deserves it.

15 MR. GUSTAFSSON: Very nice.

16 MS. MATTIE HATCHETT: I want to urge
17 you members of the Planning Commission to vote
18 favorably on what is before you tonight. And there
19 are several reasons why I want to urge you. What is
20 before you tonight as the Planner said in his
21 presentation, came through the hands of many. You
22 also heard the Mayor refer to the numerous town
23 halls and meetings that we had and debates to get to
24 the point that we are now. I sincerely hope that
25 you will approve this, I think this is the best

1 plan, and in addition, I think the plan that is
2 before you, will also bring more revenue to the City
3 through those -- I think it's \$5,000 application
4 fees that they have to pay that's non-refundable.

5 So I want to say congratulations to
6 you. I hope it will be a favorable vote. This plan
7 is the best plan that we could come up with because
8 it is a compromised plan that includes the Mayor's
9 input, the Council's input, the citizens of Pontiac
10 input and this particular ordinance says to us
11 private miss and misses and mister that you listen
12 to what we say. Thank you.

13 CHAIR THOMAS: Thank you. Thank you
14 very much.

15 MR. CHUCK JOHNSON: Good evening,
16 ladies and gentlemen. My name is Chuck Johnson.
17 I'm at 377 South Boulevard East. Unless I missed
18 something in the presentation, Vern, I didn't hear
19 you mention anything about the south end of the
20 City, South Boulevard/Woodward Avenue area, you
21 know. South Boulevard from east to west is the
22 south main corridor coming in from the Bloomfield
23 Hills area into Pontiac and I haven't heard a thing
24 regarding something on the south side. But, you
25 want to put five facilities in the Downtown Pontiac

1 and I agree with you, Chair, there isn't five of
2 anything in downtown Pontiac, and I can't see any
3 sense, any sense whatsoever to put or allow five
4 dispensaries or whatever the case may be in the
5 Downtown area. It just don't add up. And then you
6 leave the rest of the City and the business folk in
7 the rest of the City like myself naked without
8 anything. I don't like that.

9 And it don't matter to me one way or
10 the other, but I don't like the fact that this end
11 of the City and those of us who has been here for
12 long-term is being left out. Unless I missed
13 something, Vern, in his presentation, the south side
14 of town -- and the -- the most important side of
15 town with all of the developments and all of the
16 things that are going on on the south side of town,
17 Woodward Avenue as you spoke of the farming season
18 whatever, all of that is in the south end of the
19 City. Nothing is on the north end or in this area
20 that you're proposing. Nothing is there. It's --
21 it's -- it's stupid to even begin to think about the
22 areas that you're talking about.

23 However, I want to applaud this
24 Commission. You've done a great job, each of --
25 each of you have stood your ground. And you spoke

1 your mind and your hearts, but it's just not -- it's
2 not fair to leave those of us who has been here for
3 the long-term, unless I missed something. I might
4 have missed something while -- but South Boulevard
5 is just as important as Walton Boulevard and you
6 need to consider that. Because it's very important
7 from east to west, from Telegraph Road to Opdyke
8 Road, it's a main corridor on the south end of town.

9 I want to also say, and I don't -- I
10 don't want to get too far out here, but the
11 attorney, and I like you a lot, and you're a great
12 guy, but if the attorney has to put any input into
13 this meeting tonight, I'm just wondering if it will
14 be legal, because it's my understanding that the
15 attorney was fired by the Pontiac City Council.
16 Now, I hate to even say that, because I like the
17 guy. He should be right where he's at, but if he's
18 going to give a legal opinion here tonight, we want
19 to be sure that his legal opinion is going to be
20 legal.

21 Now I see a councilperson, Mary
22 Pietila, in the audience and she may even want to
23 speak on it, she may not, it don't matter to me.
24 I'm just saying, if he makes a comment on the legal
25 aspects, I want to be sure that he's legal. And

1 don't think for one minute that I don't want you. I
2 love you, I like you, I want you to stay in that
3 seat. Thank you very much. And when you make your
4 vote, think about us on the south side. Thank you
5 very much.

6 CHAIR THOMAS: Thank you very much,
7 Chuck. Thank you very much. I didn't mention this
8 before and I don't think we're going to have that.
9 But to make sure that we move this along I'd like to
10 hold this to about three minutes, so --

11 MS. MARY PIETILA: I'll be short and
12 sweet. My name is Mary Pietila, I've been
13 identified. I am not just a councilperson, I live
14 at 195 West Kennett Road, which is here in the City
15 of Pontiac. I've been there for -- on that side of
16 town since 1992.

17 The City Attorney is employed by
18 Giarmarco, Mullins & Horton and I said it wrong
19 probably. I don't know. Giarmarco, Mullins &
20 Horton is the City -- the City's attorney. So
21 whether he is here -- whether Council has had
22 dispute because they don't like being told that
23 they're wrong, I'm sorry, I'm just going to put it
24 out there, he is still the City attorney and I
25 believe any legal information that Mr. Chubb gives

1 now.

2 FROM THE AUDIENCE: It's in the
3 amendment.

4 MS. MARY PIETILA: It's in the mix now
5 the way it's already written.

6 FROM THE AUDIENCE: I need to hear
7 that from Vern. He's the man.

8 MS. MARY PIETILA: Okay. Well, Vern
9 said it. Thank you very much. I'm going to take my
10 seat.

11 FROM THE AUDIENCE: Please do.

12 MR. GUSTAFSSON: If -- if I may follow
13 up on comments here real quick before we continue
14 the public hearing, Mr. Johnson and thank you
15 Councilwoman Pietila. I just want to say that that
16 is correct in regards to we did not include south
17 Boulevard as an overlay district, however, the
18 version that is in front of the Planning Commission
19 tonight includes a number of provisioning centers,
20 five that could be located outside those district --
21 outside of the overlay districts locating either in
22 C-1, C-3 or C-4 provisioning centers could be
23 located outside. Also -- that doesn't also limit
24 the number of secure transporters and safety
25 compliance that could also be located outside the

1 overlay districts also.

2 So there is opportunity to have it
3 within other areas of Downtown, such as South
4 Boulevard, such as Woodward Avenue, Telegraph Road,
5 Baldwin, Joslyn, they do open it up.

6 Obviously they have to meet all of the
7 requirements, buffer requirements and other State
8 licensing and so forth, but there is the possibility
9 for those facilities to be located there. The only
10 limit is the number of provisioning centers outside,
11 which is five.

12 FROM THE AUDIENCE: Good evening
13 Planning Commission, Madam Mayor, everyone present.
14 Vern, there appears to be some confusion here.

15 CHAIR THOMAS: Your name and address
16 for the record.

17 FROM THE AUDIENCE: I'm sorry. Kevin
18 (inaudible). I represent a few business properties
19 throughout the City. So appears to be some
20 confusion about zoning outside of the overlays.

21 Let me bring to your attention the
22 proposed amendment of the approved zoning ordinance
23 that is contradicting in itself and Mary said
24 something that was -- I think you may have
25 misunderstood. Ms. Hatchett also addressed it and

1 Vern you just said something a little different.
2 I'll -- I'll -- try to explain all this to you guys,
3 but page 10 of the zoning text amendment, Section F,
4 number 4, it does not include M-1 as an acceptable
5 zone. Then on page 20 of the zoning text amendment,
6 Section 3.110, the first part of this paragraph is
7 contradicting in itself. The first sentence in this
8 paragraph includes M-1 in non-overlay districts and
9 then in the second sentence of this paragraph, it
10 has a line through M-1 and appears to be removing
11 it. Those two sentences in that paragraph are
12 completely contradicting. Take your time.

13 MR. GUSTAFSSON: Okay. So page 10,
14 under licensing number 5 -- F5?

15 FROM THE AUDIENCE: Correct.

16 MR. GUSTAFSSON: Okay. And then what
17 was the last -- other page?

18 FROM THE AUDIENCE: Page 10 under
19 licensing number four, not five. You do not have
20 M-1 included in there. And then if you go down to
21 page 20, Section 3.110 right in that first paragraph
22 there, M-1 and M-2 districts are included. And then
23 in the next sentence there, following that, M-1 and
24 M-2 are crossed off. Again, this is very
25 contradicting. And then if you just scroll down a

1 little lower on that same page, Section 3.110 --
2 1-0, Section A, number 5, M-1 and M-2 zoned
3 properties are included outside of the overlays.

4 MR. GUSTAFSSON: What was that last
5 page? I'm sorry.

6 FROM THE AUDIENCE: Again, page 20.

7 MR. GUSTAFSSON: Page 20. Okay. Got
8 it.

9 FROM THE AUDIENCE: Section A, number
10 5.

11 MR. GUSTAFSSON: Okay. Yes. C-0.

12 FROM THE AUDIENCE: That's in the
13 buffer -- buffer distance restrictions --

14 MR. GUSTAFSSON: Right.

15 FROM THE AUDIENCE: -- where M-1 and
16 M-2 are included outside the medical marihuana
17 overlay district.

18 MR. GUSTAFSSON: Okay. Okay. I can
19 clarify. Okay. Do you want me to comment now?

20 FROM THE AUDIENCE: I'd like to just
21 say that I'd really like to make sure that the M-1
22 zone is included in the non-overlay zoning. M-1 is
23 not including (sic) in the non-overlay for
24 provisioning centers and the property owners who
25 have property in those zones outside of the overlay

1 would not be allowed to have the opportunity to
2 apply.

3 MR. GUSTAFSSON: If you -- if you look
4 at the -- if you look at the chart, let me go back
5 to page 10.

6 FROM THE AUDIENCE: Sure.

7 MR. GUSTAFSSON: Number 4. Okay.
8 Provisioning centers shall be established outside of
9 the medical marihuana overlay districts in C-1, C-3
10 and C-4. That is correct. Okay? I mean this --
11 we'll go on, okay?

12 So then you go to page 20, and in --
13 referring to Section 3.1107, non-overlay districts.
14 We understand that growers and processors are not
15 allowed outside the districts, correct? Okay.
16 However, provisioning centers are only allowed
17 within commercial areas. And since growers and
18 processors are -- can be co-located with
19 provisioning centers, but those can't be located
20 outside of the district -- a stand-alone
21 provisioning center cannot be located within an M-1,
22 M-2 District. Are you following me?

23 FROM THE AUDIENCE: I'm following what
24 you're saying, but this does not --

25 MR. GUSTAFSSON: Okay. So -- so in

1 addition, this is the non-overlay this is Section
2 3.1107 permitted uses in the commercial districts
3 non-overlay or outside the district, saying that all
4 medical marihuana uses excluding growers and
5 processors are permitted within C-1, C-3, C-4 and
6 M-1, M-2. M-1 and M-2 could allow a safety
7 compliance or a secured transporter, okay, within
8 those areas. Then you go down to the second
9 sentence, "There shall be no more than five
10 provisioning centers allowed only within C-1, C-3
11 and C-4 zoning district combined."

12 Because of the fact that we don't have
13 provisioning centers -- we don't have processing and
14 growing allowed outside of those districts and I
15 can't -- and also provisioning centers are located
16 strictly within commercial areas.

17 FROM THE AUDIENCE: Vern, because the
18 referendum calls for unlimited grows --

19 MR. GUSTAFSSON: Yeah.

20 FROM THE AUDIENCE: Why not -- why not
21 considering allowing grows that are stackable or can
22 be used co-location along with provisioning centers
23 outside the district, outside the three overlays?
24 It would just open up a lot more options for a
25 property owners and business owners in those

1 districts. Those -- those zones -- M-1 zoned
2 properties outside of the overlays, they actually
3 would be ideal for this type of business. Those --
4 those facilities are typically -- have a longer -- a
5 further distance from residential, are in less
6 congested areas and could be a lot more private in
7 many instances. I'm just up here trying to make the
8 argument to allowed for M-1 to be considered outside
9 the overlay and if possible, you know, you guys
10 really should look into allowing them -- M-1 outside
11 the overlay that can be used for co-location and
12 stacking of licenses.

13 MR. GUSTAFSSON: So, in other words,
14 what you're suggesting is locating growers and
15 processors outside of those districts.

16 FROM THE AUDIENCE: If they're
17 eligible co-location or stackable site, you know.
18 It would only make sense.

19 MR. CHUCK JOHNSON: That's right.

20 MR. GUSTAFSSON: Did that help to --
21 well, let me respond to your last comment. I
22 guess -- and again, if you go back to what we talked
23 about in regards to what's best for Pontiac and
24 what's best in regards to those objectives of trying
25 to minimize impact upon residential neighborhoods, I

1 think we -- we have come along way in regards to how
2 to facilitate the -- the play and the comprise and
3 looking at the overlay districts and then also
4 looking at outside, but not getting into -- because
5 those growers and processors, secured transporters
6 and safety compliance there's no limit. I mean,
7 that's concerning. I -- that's concerning.

8 FROM THE AUDIENCE: I just feel like
9 we're really limiting the number of potential
10 growers you could have and the number of growers
11 that are going to be, you know, approved or actually
12 used for that use within those overlays is going to
13 be so limited. I mean, you know, to have a grow
14 outside of the overlays is almost no impact on
15 residential, on community, on traffic, there's just
16 so many more opportunities that you guys really,
17 really, really should look into considering.

18 And I hope that you guys, you know,
19 take -- take my suggestions and my concerns here
20 seriously, and you know, hopefully it will work out
21 for a lot more people and give us all an opportunity
22 to do what's best.

23 And again, I want to tell everybody up
24 there thank you all for the past eight months of
25 your hard work, dedication and time. You guys have

1 all you know, opened your ears to us and been here
2 countless hours, days and nights and God bless you
3 all for that. Good night.

4 CHAIR THOMAS: Thank you. Any further
5 public comments? Name and address for the record
6 please.

7 MR. JOSEPH SINCLAIR: Joseph Sinclair,
8 1611 Stirling Lakes Drive, Pontiac, Michigan,
9 District 5.

10 My only concern this evening is
11 previously when this was first introduced, we did
12 not want this in District 5. And I'm being
13 wholeheartedly truthful with you all. Our -- our
14 Councilperson over there spoke against it, I came
15 down here and spoke against -- spoke with you all.
16 In District 5, we are the concentrated area in the
17 school -- in the City where we have the most
18 schools, not only Pontiac School District, but we
19 have parochial schools, Notre Dame Prep and the
20 Marist Academy. We also have charter schools in our
21 district, but again we have the -- the majority of
22 Pontiac Schools in our district. I see no reason
23 why you have to cross Walton if -- if they wanted it
24 in district -- is that 3 -- in 3 and 5?

25 MS. MARY PIETILA: I'm in 3, Walton is

1 4.

2 MR. JOSEPH SINCLAIR: Okay. Yeah, I'm
3 talking Randy's district.

4 MS. MARY PIETILA: 4.

5 MR. JOSEPH SINCLAIR: Put it there.
6 Those type of districts need the increase, put it
7 there. We don't need it over in District 5, am I
8 right? I'm addressing this to Lucy. You know we
9 don't need it over there, and the bottom line is, I
10 don't want our kids' bus and -- and driven in front
11 of. You all coming here and not doing our City a
12 service, you're doing it a disservice, because if I
13 sold drugs out in front of your house, you'll call
14 the police on me.

15 Now, on the subject of grow, let me
16 make this plain. Again, the State is legal.
17 Cultivation is legal. Start thinking agricultural
18 terms, because number 1, you're -- I don't even
19 understand if you -- why -- why you all can't see
20 it. The biggest medical grower in the State can
21 only turn 1,500 plants a cycle. A community-based
22 grow legally 24 -- what -- that's 12 plants per --
23 per two adults per house that's 24 plants.

24 By the time I put 100 to 200 houses
25 together in Pontiac, I've eclipsed what the legal --

1 the biggest grow company in the City is -- in the
2 State is able to do. I'm trying to tell you all
3 again, nobody is looking to jump into the medical
4 marihuana field. You all are fighting over scraps.
5 You're fighting over scraps. When somebody jumps up
6 and tells you unlimited and you still look at 20 as
7 opposed to unlimited, let me tell you what's really
8 going on. If a black man and a Latino would have
9 jumped up and tried to push this in the City, they
10 would have turned this thing -- in the State, they
11 would have turned it straight around and it never
12 would have passed.

13 But the bottom line is this, we Jedi
14 mind-tricked you, because we didn't get up here and
15 say "Let's do it, let's do it, let's do it." We let
16 you all vote it in and now we standing here. No
17 minority in the State has to look at it because the
18 bottom line is more minorities have been jailed and
19 prosecuted on this than anybody else. We're not
20 looking at that now. Bottom line is you can do
21 legal business by cultivating and growing it
22 legally.

23 You don't have to jump into the
24 medical marihuana game that's -- that's busted.
25 Bottom line is you don't even have a banking system

1 here to even put the money away that you're going to
2 try to make in it anyway. Where you going to put it
3 at? So that means you're going to launder it
4 through somewhere. You're in an area that you
5 should not be dwelling in because a lot of you have
6 no clue what it takes. It went from illegal to
7 legal. And you -- and you think that in a year or
8 two that you're going to have it -- the
9 understanding --

10 MR. CHUCK JOHNSON: Chair.

11 MR. JOSEPH SINCLAIR: -- of how to --
12 how to operate in that market?

13 CHAIR THOMAS: Mr. Sinclair, I want to
14 be respectful, but I kind of asked for about three
15 minutes and -- and you're kind of over that.

16 MR. JOSEPH SINCLAIR: Oh, okay. I
17 didn't know we had three minutes.

18 CHAIR THOMAS: I didn't turn it on.

19 MR. JOSEPH SINCLAIR: Okay. I respect
20 that. But again, the citizens -- you're not going
21 to be able to compete with the citizens here. You
22 are not. And you're fighting over scraps. I say go
23 ahead take it out of District 5, but pass the thing
24 tonight and get it to Council so -- so it can be put
25 in place so that they can do business how they want

1 to. So sometimes you got to let somebody see some
2 things. Thank you.

3 CHAIR THOMAS: Thank you very much.
4 Any further public comments? I am going to close
5 public comments. Thank you very much. Everyone who
6 came to speak, all who listened. So, I'll go back
7 to my fellow commissioners for comments and
8 questions before we try to take a motion or before
9 we take a motion. So to Commissioner Northcross,
10 please.

11 COMMISSIONER NORTHCROSS: Thank you.
12 And I too have to commend the Planning staff. They
13 hung right in there and have been very responsive to
14 suggestions and questions I know I have put in on
15 this -- on this particular item and I really like
16 the quality and the value of the information that's
17 been provided and how it was presented.

18 It looks like there's agreement, and
19 that's good. I just ask that we be mindful of the
20 fact that we have about -- a little bit less than 20
21 square miles within the City of Pontiac, and there
22 are a lot of things coming down the pike there are a
23 lot of things here right now. That hopefully we can
24 get into a good balance across the City of
25 everything we do so that we end up getting the best

1 results for our citizens from this 20-square mile
2 area. For all of the citizens.

3 One of the things I'm becoming more
4 and more aware of, is one of the factors that really
5 have marked whether a city is great or not is the
6 likelihood of the development, positive development
7 of its young people and putting together a series of
8 things in terms of business and housing and
9 transportation, and movement and safety and all of
10 these things, to guarantee or rather to maximize
11 that likelihood of positive development for our
12 young people really becomes a good question. And to
13 me that says you can't have all industry, you can't
14 have all business, you can't have all residential,
15 you can't have all just medical facilities. We
16 really have to look and come to some mix which
17 brings me to my next comment that hopefully in May
18 we kick off -- we start putting plans together for
19 your next Master Plan Revision for the City of
20 Pontiac. Having inputs from all and coming to an
21 agreement as to how we can best utilize these
22 20 square miles that we have in the City of Pontiac
23 to optimize the returns for the citizens. So, let
24 me just throw in those items. And too, with Henry
25 Ford, you know kind of paraphrasing him, "If you say

1 you can't, you can't. If you say you can, you can."

2 CHAIR THOMAS: Thank you very much.
3 Mayor Waterman, please.

4 MAYOR WATERMAN: I think we've said a
5 lot over the time, and I just want to add on that
6 this is a comprise. There is no one right way
7 (inaudible), but this is a compromise. And so it's
8 taken a long time to get that.

9 And I would just like to commend as
10 well the Planning director as well as all of the
11 Planning Commissioners who have worked on this for
12 so long, each of which has signed, to my request,
13 disclosure statements saying they're working in the
14 best interest of the City of Pontiac. And I do
15 commend you for that, for the integrity that you
16 have brought to this process. So I just wanted to
17 mention that.

18 So people want to know what the next
19 steps are. As the Planner said, the recommendations
20 from the Planning Commission this evening will go to
21 the City Council on the 9th and Council can then
22 consider it and vote. We hope that we are ending
23 the process, because the moratorium is scheduled to
24 end April 15th. After that, the application process
25 will begin if Council doesn't bring this to

1 completion, and the City clerk is charged by the
2 ordinance of the referendum with drafting that
3 application process and conducting the application
4 process.

5 With the assistance of all of the
6 different departments who are involved in reviewing
7 various parts of the application. City staff are
8 obliged to do that. So the application is -- we've
9 been working on that for quite a while and that is
10 about ready to go out although there was just
11 something that came down about there was a change in
12 the applicant definition that was drawn (inaudible)
13 Marlinga, -- by the attorney that that is applicable
14 in the application that was prepared. So, we are
15 ready to do that, it looks like.

16 And then, as part of the application
17 process, one of the things in the application, it
18 does give a community benefit provision. And so,
19 there are some things that will do clean-up work
20 after we get the ordinance passed. One of those is
21 that the Planning Division will have to go in and
22 identify the buffer businesses that are included in
23 the list of the four buffers so that people will
24 know exactly where those buffers are and be able to
25 include those decisions in their site plans.

1 In addition to that, in terms of
2 community benefit, yes, this community can benefit
3 from the use of these businesses and economic
4 development tool. And to that extent, you know,
5 there are a lot of things that are on the wish list
6 of the City of Pontiac that Council has had that --
7 Tuesday we'll have a goal-setting session and we
8 have a budget to do, and we have revenue to bring
9 in. And we have many things that we want to get
10 done and prepared in the City of Pontiac. So I have
11 taken some of those goals of the City, we'll put
12 them in a list of things so that you can be guided
13 on what kind of community benefits we're looking for
14 in the City of Pontiac that have been decided by our
15 strategic planning, so that will be available to you
16 as you do your applications. So that's where we are
17 right now. And I am -- I think we should move on
18 with this.

19 I do agree with the recommendations of
20 our City Planner who has been so applauded today on
21 his work, a lot of work -- this has taken a lot of
22 bandwidth as he's been here in the few months for
23 him. And so, we're -- he's anxious to not only do
24 this, but finish this to get onto other things and
25 other needs of the City. So I hope the rest of the

1 City Council -- City Planning Commission -- I forgot
2 to put -- sorry, Mary --

3 MS. MARY PIETILA: Two days.

4 MAYOR WATERMAN: -- how late last
5 night. But yes, I do agree with this and I hope
6 that the Planning Commission will be able to
7 finalize the recommendations and get them to the
8 Council.

9 CHAIR THOMAS: Thank you, Mayor.
10 Commissioner Parlove, please.

11 COMMISSIONER PARLOVE: Thank you.
12 Vern, do we have a limit to the square footage
13 that's allowed for provisioning centers; can they be
14 of any size?

15 MR. GUSTAFSSON: The -- yes, they can
16 be. If -- stand-alone. If they are co-located with
17 a processor, grower, they are allowed a maximum of
18 20 percent of that (inaudible).

19 COMMISSIONER PARLOVE: But stand-alone
20 they can be the size of a K-mart?

21 MR. GUSTAFSSON: Yeah.

22 COMMISSIONER PARLOVE: Can we have
23 some say in a size at this point or is the horse out
24 of the barn?

25 MR. GUSTAFSSON: We could. I guess

1 it -- taking a look at it in regards to the
2 properties, that have been you know, identified
3 within the Downtown, within the Cesar Chavez, Walton
4 Boulevard, same thing with the other commercial
5 areas that we have identified, I would say that --
6 take, for instance, I will just -- and we talked
7 about this before, this has been suggested in regard
8 to Glenwood Plaza, you know you're talking sizeable
9 acreage, and what could be potential, but I -- it
10 appears that the provisioning is more ancillary to
11 the fact of more of a growing and processing. It's
12 kind of like a more sub-type use more so than a
13 primary use.

14 COMMISSIONER PARLOVE: Okay.

15 MR. GUSTAFSSON: That's an interesting
16 question.

17 COMMISSIONER PARLOVE: And my concern
18 comes more for the Downtown portion, I'm not so
19 concerned about areas that are not so congested and
20 tight.

21 MR. GUSTAFSSON: Okay.

22 COMMISSIONER PARLOVE: But to have
23 some sort of a limit on what the size would be in
24 the Downtown footprint, if that's possible.
25 Attorney Chubb, what do you think?

1 ATTORNEY CHUBB: Good evening. So, I
2 -- I don't really think is possible in the confines
3 of what we have from us tonight, but from a
4 practical standpoint, I don't think that the makeup
5 of Downtown is one that would really support that
6 type of like a super-center idea I guess is what you
7 would call it. I think that would be more likely to
8 be out in those, you know, redoing one of the big
9 box stores that is now abandoned and that would of
10 course require a special use permit so there would
11 be further review to determine if it was appropriate
12 at that site.

13 COMMISSIONER PARLOVE: Okay. Thank
14 you. And since I have your attention, do you feel
15 comfortable with what we have in front of us? I
16 defer because I have no legal background and I would
17 like your input on what we have.

18 ATTORNEY CHUBB: Yes, absolutely. The
19 Mayor and Vern and I have worked lock step in the
20 development of this from number one through number
21 nine I think we're at here.

22 COMMISSIONER PARLOVE: Great. Thank
23 you. The other thing that I wanted to add in
24 response to one of the guests we have in the
25 audience tonight who I don't believe is a resident

1 of our City, but wants to bring business here so
2 thank you for that. I would think it's better that
3 we take baby steps on this that we can maybe add
4 more as we see how all of this plays out. That is
5 not an impossibility, but I think it's a good place
6 to start for what we have.

7 And the other thing that I saw today
8 was there's someone who is marketing some property
9 along Walton Boulevard that's already advertising
10 that it's in the "Medical marihuana district". So
11 people are thinking things that -- I think they're
12 ready to go.

13 So that's all I have. Thank you. And
14 you thank you, Vern, for all of your hard work, and
15 Donovan.

16 CHAIR THOMAS: Thank you.
17 Commissioner Payne, please.

18 COMMISSIONER PAYNE: Good evening.
19 I'd like to thank the Planning Department, I'd like
20 to thank the administration department. I'd like to
21 thank the residents of the City, our City Council,
22 and our business associates that are here within the
23 City for all of your hard work also.

24 My thoughts on this have not changed,
25 but once again I am voting for it, because I really

1 think that this has become a total distraction to
2 the City, and I really believe that we have lost
3 ground with a lot of business that we could have
4 been actually putting our attention to.

5 One of the things that -- I did go to
6 a conference which I thought was going to be in --
7 well, it was in Nashville, but I thought it was
8 going to be all about medical marihuana, but there
9 was a workshop on Cannibis. And one of the things
10 that -- which I totally agree upon is, is that the
11 speaker stated that it's a big business, it's a
12 money-making business, and that's what we're
13 actually looking at is the money part. And she said
14 for cities, municipalities, that basically what's
15 going to happen is you're going to be pushed and
16 you're going to be pushed and you're going to go
17 into directions that you're going to wish that you
18 had turned around and taken it at a slower pace.
19 And I agreed with her.

20 If you plant a seed, a seed takes time
21 to grow and mature into a big plant so that you can
22 profit, and what I see here is, is that we are
23 planting a big seed and not allowing it to grow in
24 the way that it should grow so that it can be
25 successful. And I -- I don't hear patients in need.

1 I just hear business and I hear money. And I'm
2 hoping those of you that have decided to go into
3 this business, that when our patients come to you,
4 our citizens come to you for services that you treat
5 them with compassion, you treat them with care, and
6 you treat them as if they are patients and not just
7 the money that you're going to be making from them.
8 And that's my --

9 CHAIR THOMAS: Thank you very much,
10 Commissioner Payne. Vice Chair Fegley, please.

11 VICE CHAIR FEGLEY: Good evening. I
12 see a little bit of movement with allowing some
13 provisioning centers outside of the overlay
14 districts, but I still see that most of the
15 manufacturing and industrial is left out of any
16 grower or processing, which, to me, we have
17 buildings that have been dormant because they're
18 brownfields and have environmental hazards in them,
19 and this seemed to me like a good use to bring some
20 buildings back into use again.

21 There are a couple of things that I
22 did notice too. I know that one of the items was
23 growers, processing, processors, provisioning
24 centers, safety compliance and secure transporters
25 are not permitted within the same facility of

1 non-medical marihuana facility uses. And I know one
2 of the overlay districts is a C-2 which is Downtown
3 area, which to me eliminates a lot of those
4 buildings, because of the density. The first floor
5 is usually storefront and then there's apartments
6 above. So either the entire building would have to
7 be converted to a provisioning center or else it
8 wouldn't be eligible for that, because there's not a
9 lot of stand-alone buildings in Downtown that have
10 only one use in them. I guess that's all I have to
11 say. I think I've said pretty much what I wanted to
12 say in the last few meetings.

13 CHAIR THOMAS: Thank you very much.
14 I'd like to kind of add onto what Commissioner Payne
15 said that -- well, first off, I'd like to applaud
16 the Planning Department again. Vern, Donovan, their
17 staff, you know, my corporate career, the
18 complexities of this writing, drafting, editing and
19 revising over and over. This has been, from my
20 business background, one of the more perplexing,
21 confounding plans that I've ever, ever experienced,
22 and you know, I think -- I want to say this once
23 again. We are approving 15 with 5 to be determined
24 later, provisioning centers in the City and there
25 are only 6 pharmacies in the City. I think there

1 are only two McDonald's, I'm not sure how many
2 Starbucks. And those people draw. And there's a
3 reason that they're not Downtown and that there
4 aren't more of them. But in the end, the rules of
5 supply and demand will exert themselves and we'll
6 find out, and you know, I -- but to Commissioner
7 Payne's -- you know, we -- an awful lot of lost
8 opportunity cost. And I hope this energy -- I hope
9 this energy comes forward proactively as we try to
10 wrestle with business development challenges in this
11 City and Downtown specifically, because there are
12 things out there that have been lingering for
13 decades that haven't been attended to.

14 We need public support to come
15 forward. And saving a City with medical marihuana
16 dispensaries, that ain't going to happen. So -- but
17 I'm going to vote for this just because we need to
18 get this in the rearview mirror and get onto other
19 what I would call more important stuff. This is --
20 you know, they're going to be in business, but this
21 isn't going to be any bigger than a Walgreens or a
22 Rite-Aid or a CVS Pharmacy, so sorry for my cynicism
23 here, but -- but again, with that being said thank
24 you for allowing me to offer my comments thanks for
25 everyone who has been here.

1 I don't have all the answers, I don't
2 intend to have all of the answers, but I've got
3 comments and opinions and obviously we have comments
4 and opinions out there and hopefully we can you
5 know, make only not this work, but other things --
6 what I would call "Bigger issues in the City" work
7 as well.

8 Vern, did you have any comment before
9 we go to -- to seek a motion?

10 MR. GUSTAFSSON: Let me just say that
11 -- thanks again -- first off, thank you for
12 everyone's kind words, it has been a pleasure. I
13 didn't expect my first several months to be working
14 on medical marihuana, but it's -- it's been a joy,
15 and I -- I wouldn't give it up for anything. For
16 what we have accomplished and what -- what the
17 opportunities are here in Pontiac I -- I just can't
18 wait to see what's going to happen.

19 With that being said, I heard all of
20 the comments, I -- what I would ask is, is that one
21 thing in regards to what Vice Chair Fegley brought
22 up as very good comment and I would like to add in
23 this part of the motion if that is to be considered
24 that that provisioning centers located within a C-2
25 Downtown district can be located within the same

1 facility with other non-medical marihuana use --
2 non-medical marihuana uses.

3 I -- I think everything else -- I've
4 heard everybody else's comments as it relates to
5 locating. I -- I think I heard very clearly from
6 the commission in regards to the rationale for as --
7 as Commissioner Payne talked about the seed and
8 growing it and we do have the ability, I mean, the
9 ability in regards to the original referendum that
10 was passed, we can -- there could be amendments to
11 that following 18 months after that was -- that was
12 completed. We could also make further amendments as
13 relates to ordinances and seeing how it grows in the
14 future. But for right now, I think this is a solid
15 and sound ordinance that I would like to bring forth
16 to the City Council next meeting.

17 CHAIR THOMAS: Okay. Thank you. Yes,
18 Mayor?

19 MAYOR WATERMAN: I -- I know that Vern
20 is trying to make this on the fly, but I do think
21 that I just want to hear more about that discussion
22 before we just add that on. Because it has been
23 discussed, it has come up in some other meetings.
24 One of the things that people bring up and I'd like
25 to have your comment on it before you just, you

1 know, try to ad lib this add on, is that when -- if
2 you try to colocate different uses with provisioning
3 centers, provisioning centers have a lot of security
4 and a lot of specific kinds of requirements and I
5 don't know that, you know, people have brought to
6 these meetings that doesn't make sense to put those
7 kinds of other uses to combine with a place that has
8 the specific security and all of those kind of
9 requirements.

10 So for that reason, I and most of the
11 people who have been in the discussions did not
12 bring that up, this is the first time here. So I
13 just want to have the Planning Commission think
14 about that a little bit before you try to just make
15 that on-the-fly decision.

16 CHAIR THOMAS: Well, I think that's a
17 good point. I mean, I don't think we should be ad
18 libbing here since we -- I mean, we essentially have
19 an agreement in principle, I believe, with Council
20 with this; is that a fair assessment or fair
21 assumption? So, we need to get this approved, you
22 know, without adding something else into the mix at
23 the eleventh hour.

24 FROM THE AUDIENCE: Yes. Yes.

25 CHAIR THOMAS: That's a wonderful

1 idea, it can come back in 18 months, and -- in my
2 opinion, and --

3 MR. GUSTAFSSON: Okay.

4 CHAIR THOMAS: -- my comments.

5 MR. GUSTAFSSON: Valid points. I
6 guess I was just being a little bit more realistic
7 as it relates to -- particularly the provisioning
8 centers. Safety compliance and secured
9 transporters, that probably wouldn't happen, but
10 these -- these provisioning centers located within
11 storefronts within a Downtown building that has
12 housing, a restaurant next door, could be located
13 within the same building and those are non, you
14 know, medical marihuana uses.

15 So it kind of makes sense particularly
16 from the standpoint that a lot of them are not
17 free-standing buildings and they would just be
18 renting out storefronts.

19 COMMISSIONER PAYNE: Mr. Chair? It's
20 been my experience when you're implementing any kind
21 of plan there's monitoring and there's changes. So
22 as we look at this whole process of what has come
23 about, I think -- I know there's going to be a lot
24 of time to make changes where they're needed and I
25 think that that's what we should look at. Take a

1 look at it from where it started and just keep the
2 monitors going -- monitoring going and make changes
3 as needed.

4 CHAIR THOMAS: Measure and manage, I
5 agree.

6 MR. GUSTAFSSON: Okay.

7 CHAIR THOMAS: May we have a motion,
8 please.

9 COMMISSIONER PARLOVE: Go for it,
10 Chris.

11 COMMISSIONER NORTHCROSS: A lot of
12 reading, I was going to let you do it.

13 COMMISSIONER PARLOVE: I'll do the
14 next one.

15 COMMISSIONER NORTHCROSS: Okay. I
16 make a recommendation to approve the City of Pontiac
17 Zoning Text Amendment for medical marihuana facility
18 usage along with amendments introduced and confirmed
19 by City Council on March 12th, 2019 and March 26th,
20 2019 respectively and Planning Division suggested
21 amendments included in Planning Manager's report
22 titled April 3, 2019 medical marihuana public
23 hearing dated March 27th, 2019 and refer
24 recommendations to City Council at their April 9,
25 2019 meeting. The ordinance includes revisions to

1 amend Article 2, Chapter 1, Section 2.101, Table 1,
2 zoning district, special purpose zoning districts.
3 Amend Article 2, Chapter 2, Section 2.203, Table 2,
4 uses permitted by district. Article 2, Chapter 5,
5 development standards for specific uses is amended
6 to add Sections 2.544, 2.545, 2.546, 2.547 and
7 2.548.

8 Article 3, special purpose zoning
9 districts is amended to add Chapter 11, medical
10 marihuana overlay district and Article 7,
11 definitions is amended to add Chapter 2 and Chapter
12 3, Section 7.202, 7.203 and 7.301.

13 CHAIR THOMAS: Very good. And we have
14 a support?

15 COMMISSIONER PARLOVE: Support.

16 CHAIR THOMAS: Any further comments or
17 questions before we go to roll call? Okay. Mr.
18 Gustafsson, roll call, please.

19 MR. GUSTAFSSON: Yes. Commissioner
20 Northcross?

21 COMMISSIONER NORTHCROSS: Yes, to
22 approve.

23 MR. GUSTAFSSON: Commissioner Parlove?

24 COMMISSIONER PARLOVE: Yes, to
25 approve.

1 MR. GUSTAFSSON: Commissioner Payne?

2 COMMISSIONER PAYNE: Yes, to approve.

3 MR. GUSTAFSSON: Mayor Waterman?

4 MAYOR WATERMAN: Yes, to approve.

5 MR. GUSTAFSSON: Vice Chair Fegley?

6 VICE CHAIR FEGLEY: No.

7 MR. GUSTAFSSON: And Chair Thomas?

8 CHAIR THOMAS: Yes, to approve.

9 AYES: Thomas, Payne, Parlove,
10 Northcross, Waterman

11 NAYS: Fegley.

12 ABSTAIN: (None.)

13 MOTION CARRIES TO APPROVE 5-1-0.

14 CHAIR THOMAS: Very good. I hope that
15 is helpful to some if not all.

16 FROM THE AUDIENCE: Thank you.

17 CHAIR THOMAS: Thank you very much for
18 coming. Thank you for your proactive comments and
19 your continued support. We're going to take a
20 recess and we're going to reconvene in about five
21 minutes and I'm going to respectfully ask to be
22 excused for the second two items on the agenda. And
23 so Vice Chair Fegley will sit in, in my role.
24 Thanks to all for tonight. So we're officially
25 taking a recess. Thank you very much.

1 (Off the record at 7:48 p.m.)

2 (Back on the record at 8:07 p.m.;

3 Chair Thomas was excused from the remainder of the
4 meeting.)

5 VICE CHAIR FEGLEY: (Welcomed everyone
6 back.)

7 6.1 SEP 19-02.

8 PROPERTY ADDRESS: 1430 Joslyn Avenue

9 PARCEL NO: 64-14-16-201-028

10 APPLICANT: Joslyn Shell

11 CURRENT ZONING: C-4 Suburban

12 Commercial

13 INTENDED USE: SDD Liquor License

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

16 VICE CHAIR FEGLEY: (Invited the
17 petitioner to come forward and state their name and
18 address for the record.)

19 MR. CHARLES FRANGIE: (Mr. Charles
20 Frangie an attorney for petitioner, office address
21 is 30600 Telegraph Road in Bingham Farms, Michigan.)

22 VICE CHAIR FEGLEY: Thank you.

23 MR. CHARLES FRANGIE: (Asked if
24 everyone had received a copy of the petition.)

25 VICE CHAIR FEGLEY: (Answered

1 affirmatively.)

2 MR. CHARLES FRANGIE: (Indicated his
3 client owned the gas station at 1340 Joslyn at the
4 corner of Joslyn and Walton and have been selling
5 beer and wine lawfully since 2009. His client used
6 to own a liquor store on Walton just across the
7 street from his gas station. He indicted his
8 client, because of economic situations, lost the
9 license and he lost the store and he had to sell
10 that store and the license to someone else. Mr.
11 Frangie's client now has the money to buy the
12 license and he applied to the Liquor Control
13 Commission last year in 2018, and the Liquor Control
14 Commission investigated and they sent the notice to
15 the City at that time. He stated the Liquor Control
16 Commission approved his client. He pointed out the
17 licensing approval order transferring the license.

18 He stated they're not adding a new
19 license to the area. He stated his client used to
20 own the license, he's familiar with the business.
21 He stated it's his client's license that he's moving
22 from one side of the street to the other side of the
23 street. He stated the Liquor Control Commission is
24 the State agency for that matter. He stated his
25 client has an excellent record and has no

1 violations. He stated it's a service to the
2 neighborhood to have liquor in the area. And he
3 stated imagine if he's been denied here and goes to
4 court and tells the judge "I'm moving from one side
5 to the other side not adding anything." He says
6 they were discussing the marihuana matter, and
7 marihuana licenses and he stated they're far away
8 from that. He stated his client used to have the
9 license and got over 300 signatures from the
10 neighbors. He stated nobody has objected and there
11 is nobody here to object and the business had
12 existed across the street for many years.)

13 VICE CHAIR FEGLEY: (Opened the matter
14 for public comments. No one approached. Public
15 comments closed.)

16 COMMISSIONER NORTHCROSS: (Stated the
17 biggest concern right now, was the State overriding
18 the City ordinance.)

19 VICE CHAIR FEGLEY: (Asked for
20 clarification between what the State does in terms
21 of licensing alcohol and what the City's rule is.)

22 MR. GUSTAFSSON: (He stated he would
23 like to defer to Donovan. Donovan has been working
24 in regards to these two cases.)

25 MR. SMITH: (Stated the Liquor Control

1 Commission does have the authority to provide
2 applicants licenses, but there is also language
3 within the Liquor Control Commission that says those
4 applicants have to comply with local municipal
5 ordinances. He stated when an applicant is awarded
6 a license from the State, whether SDD or SDE,
7 they're obligated to come before this Board because
8 the ordinance requires a special exemption permit
9 which has been the process to approve applicants
10 interested in doing any business related to selling
11 packaged alcoholic beverage.)

12 VICE CHAIR FEGLEY: (Clarified they
13 got the State license, they don't meet the
14 requirements of the special exemption permit, and so
15 they're asking for permission outside of what the
16 City's ordinance allows. She stated they have never
17 approved any liquor license if it doesn't meet the
18 requirements that are set by the rules and
19 regulations.)

20 COMMISSIONER NORTHCROSS: (Stated it's
21 his understanding that the City Council maybe two
22 years ago or a year ago went out of their way to
23 specify the density that they wanted to maintain of
24 different facilities selling alcoholic beverages.)

25 MAYOR WATERMAN: (Stated the question

1 about the State is always one of her questions. She
2 mentioned in 2010, the Council minutes talk about a
3 facility located at 1124 Joslyn. She questioned how
4 does that play into what they are talking about
5 now.)

6 MR. SMITH: (Clarified that that's the
7 next case.)

8 MAYOR WATERMAN: (Stated there are
9 three other liquor store facilities within the
10 buffer area that the applicant is in. She
11 questioned why they need another in the area.)

12 MR. FRANGIE: (He stated the Liquor
13 Control Commission checked the distances and they
14 said there were none and that's why they got the
15 approval. He stated there are no licenses within
16 that area.)

17 MAYOR WATERMAN: (Stated there were
18 three in the area.)

19 FROM THE AUDIENCE: (Stated the three
20 they are talking about is a beer and wine store that
21 is more than a half a mile away. He stated that's
22 what the State looks at, a half mile more or less.)

23 MR. GUSTAFSSON: (Questioned whether
24 it's within 500 feet.)

25 FROM THE AUDIENCE: (Stated the beer

1 and wine store is more than 500 feet and he stated
2 the City Side Market is more than 500 feet. He
3 stated he doesn't understand how they're coming up
4 with that.)

5 MAYOR WATERMAN: (Stated she wanted to
6 finish her questions. She stated she's looking at
7 the drawing and maybe there's some discrepancy.)

8 MR. SMITH: (Stated there are two
9 criteria when determining special exemption permits
10 for alcoholic packaged sales. He discussed parks,
11 schools, and churches, the measuring buffer is
12 500 feet. Regarding other facilities that do sell
13 packaged alcoholic beverage, that criteria is one
14 mile and the ordinance makes that distinction.)

15 MAYOR WATERMAN: (Addressed the
16 applicant. She stated given that explanation, she
17 questioned why they need another one within the
18 buffer area, which in this case is a mile that
19 somebody can be located within that mile.)

20 MR. FRANGIE: (He stated it's not
21 another one, it is the same license from across the
22 street, that he's moving it from one side of the
23 street to the other side of street so they're not
24 adding a new license.)

25 FROM THE AUDIENCE: (Stated the

1 Bonanza Liquor Store at the corner of Walton and
2 Joslyn that's been sitting there that they have
3 owned for many years. He explained they are just
4 moving that liquor license from that building to the
5 building across the street. He stated he's already
6 been existing and doing business for many years.)

7 MAYOR WATERMAN: (Stated in order to
8 grant the transfer it must follow the local
9 municipal zoning ordinance. She stated there are
10 three.)

11 MR. FRANGIE: (Stated they can't
12 revoke that license, the license is there. It can
13 open at any time.)

14 MAYOR WATERMAN: (She stated she
15 understands what he's saying.)

16 COMMISSIONER PARLOVE: (Stated she's
17 reading what is in the packet, they know about the
18 500 feet for the church, the park. She stated the
19 second criteria according to the zoning ordinance
20 prohibits no more than two properties whom engage in
21 the retail sale of packaged alcohol beverages to be
22 located within one mile of the proposed location, so
23 no more than two. She stated she sees three stars
24 on the graph so there's already more than two, so
25 whether it moves across the street or not is of no

1 bearing, it doesn't matter because it's within the
2 mile of the more than two, there's three. She
3 stated she doesn't even understand why this is in
4 front of them, that it's pretty crystal clear
5 they're over the limit.)

6 MR. FRANGIE: (He questioned what you
7 do with the existing license that they're talking
8 about.)

9 COMMISSIONER PARLOVE: (She stated the
10 State of Michigan gives licenses out like popcorn,
11 that the State doesn't care, because they take your
12 money from you then you got this license and now
13 you're on your own to figure out where you're going
14 to put it. She stated they are not the only one
15 that this has happened to and she's sorry that it
16 happened, however, this is the ordinance and they
17 have more than enough alcohol to serve this
18 population from every corner. She stated she is not
19 feeling any compelling reason to say she's okay with
20 this.)

21 MR. FRANGIE: (Questioned what would
22 happen if he opens across the street.)

23 COMMISSIONER PARLOVE: (Stated he's
24 within the same radius, that he can't open it.)

25 FROM THE AUDIENCE: (Stated it existed

1 for the past 40 years at that corner.)

2 MR. FRANGIE: (Stated they can,
3 because it's located there.)

4 VICE CHAIR FEGLEY: (She stated that's
5 not in front of them and what is, is the license at
6 this location that does not meet any of the
7 requirements for the City of Pontiac.)

8 COMMISSIONER PAYNE: (Thanked the
9 applicant for the services within the City. She
10 questioned whether this is a different case because
11 at one time there was a case which she thought was a
12 store that was across from the Shell service station
13 that came before them and had gone to the State to
14 get a license, and then came to the Planning
15 Commission to approve the liquor. She asked if the
16 owner of the store was there.)

17 MR. FRANGIE: (He stated he was with
18 his client.)

19 COMMISSIONER PAYNE: (She questioned if
20 he was the owner.)

21 FROM THE AUDIENCE: (Stated he was the
22 owner of the store for the past 25 years.)

23 COMMISSIONER PAYNE: (Stated she
24 understands business, but doesn't understand
25 alcohol. She stated it's such a small city, and

1 there are so many stores selling alcohol and that's
2 her concern.)

3 PETITIONER: (He stated that business
4 has been there for the past 40 years and the City is
5 still the same as it's been for the last 40 years.)

6 MR. FRANGIE: (Stated it can continue
7 to sell there if he opens.)

8 COMMISSIONER PAYNE: (Stated the gas
9 station is a small area when trying to get in to get
10 the gas, it's pretty hard to get in because cars are
11 parking, and she questioned whether a liquor store
12 would support the traffic there.)

13 FROM THE AUDIENCE: (He stated it's a
14 good size building, not a small store he has over
15 4,000 square-foot store.)

16 COMMISSIONER PAYNE: (She stated the
17 traffic is pretty congested.)

18 VICE CHAIR FEGLEY: (Stated the
19 petition in front of them does not meet any of the
20 requirements listed in the City of Pontiac and
21 that's what they have to go by. She called for a
22 motion.)

23 COMMISSIONER PARLOVE: (Made a motion
24 for SEP 19-02 to deny special exemption permit for
25 proposed SDD license and sale of packaged alcoholic

1 beverages at 1430 Joslyn Avenue.)

2 COMMISSIONER NORTHCROSS: Second.

3 MR. GUSTAFSSON: Commissioner Parlove?

4 COMMISSIONER PARLOVE: Yes, to deny.

5 MR. GUSTAFSSON: Commissioner

6 Northcross?

7 COMMISSIONER NORTHCROSS: Yes, to

8 deny.

9 MR. GUSTAFSSON: Vice Chair Fegley?

10 VICE CHAIR FEGLEY: Yes, to deny.

11 MR. GUSTAFSSON: Mayor Waterman?

12 MAYOR WATERMAN: Yes, to deny.

13 MR. GUSTAFSSON: Commissioner Payne?

14 COMMISSIONER PAYNE: Yes, to deny.

15 AYES: Payne, Parlove, Northcross,

16 Waterman, Fegley

17 NAYS: (None.)

18 MOTION CARRIES TO DENY 5-0-0.

19 6.2

20 SEP 19-03

21 PROPERTY ADDRESS: 1124 Joslyn Avenue.

22 PARCEL NO: 64-14-16-402-030.

23 APPLICANT: A&S Kajy Enterprise Inc.

24 CURRENT ZONING: C-1 Local Commercial

25 INTENDED USE: SDD Liquor License

1 (Presentation of facts given by Mr.
2 Smith.)

3 VICE CHAIR FEGLEY: (Invited the
4 petitioner to the podium.)

5 MR. AL KAJY: (Stated he is the owner
6 of 1124 Joslyn, Pontiac. He indicated he would have
7 his attorney speak on his behalf.)

8 MR. GUS ABRO: (Greeted the Planning
9 Commission. Introduced himself as Gus Abro, address
10 is 500 South Old Woodward, Second Floor, Birmingham,
11 Michigan 48009. He addressed the drawing and stated
12 he respects that the City has done their due
13 diligence, but he's going to challenge the drawing.
14 He stated he feels that the Kingsley Liquor is not
15 within a mile radius and stated that Joslyn Market
16 falls within the requirement.

17 He stated Mr. Kajy has owned the
18 establishment for over ten years and as the previous
19 slide has indicated, he was approved by the City
20 Council back in March of 2010 for SDM.

21 He stated now he's here before the
22 Commission to add SDD, which is liquor. He stated
23 he is not expanding the use, he's not expanding the
24 footprint. He stated in his area there is a need.
25 He stated his business is dependent on it. He

1 stated there's too much competition. He stated they
2 have approved other liquor establishments in the
3 City and he understands the argument of
4 over-congestion.

5 He stated there is a waiver that the
6 churches can apply for and they have established
7 both Liquor Control and each church congregation has
8 not objected. He stated they were sent notices and
9 they have it in the approval dated March 27, 2019
10 that both churches, St. Paul Community Lutheran
11 Church as well as the Bible Fellowship Christian
12 Church who are customers of Joslyn Market. He
13 stated they frequent the business and Mr. Kajy knows
14 them personally and they have no objection with
15 adding additional inventory. He stated Pontiac is
16 the only municipality to distinguish between beer
17 and wine and liquor. He stated when they submitted
18 the application to Liquor Control, they voluntarily
19 submitted the request for application for special
20 use which is before the Planning Commission dated
21 January 29th, 2019. He stated the owner gives back
22 and supports local law enforcement, supports local
23 children and schools. He stated he could have
24 filled this room with the support. So he's
25 respectfully asking for approval.

1 He indicated if they have a doubt
2 about the demographics, he'd ask to table this
3 matter and allow them to provide the proper survey
4 for.)

5 VICE CHAIR FEGLEY: (Opened public
6 comments.)

7 FROM THE AUDIENCE: (Mike Cobis (ph)
8 (inaudible) 3rd Avenue approached and stated he's
9 known Mr. Kajy since he opened the business. He
10 stated he's a man of integrity, he does give back to
11 the community, donates to churches, helps people out
12 when they are down on their luck. He stated he
13 takes pride in his business. He spoke about
14 customer appreciation days. He stated he would urge
15 and ask that the Council consider not only these
16 boundaries but what the people would like just as
17 they did on the medical marihuana licenses.)

18 MS. BELINDA DOUGLAS: (Address, 2700
19 Shimmons Road. She stated she lived in the
20 neighborhood where Mr. Kajy's store is for 20 plus
21 years. She stated he's very well accepted and
22 respected in the neighborhood and the community.)

23 MR. ROBERT HUTTENHOWER: (Address, 570
24 4th Avenue. Stated he's known Mr. Kajy and his
25 brother for over ten years since they opened the

1 store. Stated they have been very well-received and
2 they take care of the neighborhood. He indicated
3 they have upgraded the property and just made it
4 stand out so that it shines; that you couldn't ask
5 for a better businessowner and couldn't ask for a
6 better friend. Stated the guy will help you out and
7 give you the shirt off his back. He stated he
8 thinks it would be a mistake to hold him down and
9 they should grant the request.)

10 MS. MARY PIETILA: (Stated address was
11 195 West Kennett Road, Pontiac, Michigan. She
12 stated she was an 11-year council person. She
13 stated she was here in 2010, and they worked very
14 hard. They have ordinances in place and want the
15 ordinances executed. She stated if they have two
16 parties coming together in front of you in one night
17 asking for the same thing, and will not give it to
18 one, they have to deny both.)

19 MR. BILLY VIVERETTE: (Address, 776
20 Second Avenue, resides in the same area that the
21 store is in. He stated that Al brings a lot of good
22 to the neighborhood. He stated all of the kids in
23 the area love him, and if he can help you in any
24 way, he will. He stated he has in a lot of cases
25 helped him. He stated he's a credit to the

1 neighborhood. He states he doesn't drink so can't
2 say anything about the alcohol thing, he's just
3 saying that he thinks that he should be granted the
4 license.)

5 MR. KAJY: (Stated he's been on
6 location since 2009 and hasn't sold to any minors
7 alcohol or tobacco for any reason. He stated he'd
8 appreciate them granting the license.)

9 MR. ABRO: (Addressed what Council
10 member Pietila mentioned regarding conformity with
11 the ordinance. He stated, however, every situation
12 is unique. He explained this is not a gas station
13 or a fuel petroleum establishment, that it is a
14 party store that's trying to survive. He stated Mr.
15 Kajy is a pillar in the community. He stated Liquor
16 Control has eliminated the half-mile rule. He
17 stated this investment is significant and these
18 licenses are going upwards of \$300,000.)

19 VICE CHAIR FEGLEY: (Closed public
20 comments.)

21 MR. GUSTAFSSON: (Asked Donovan to
22 clarify the 1,000-foot in regards to the other
23 establishments in regards to the green dot versus
24 the star to the south.)

25 MR. SMITH: (Stated the graphic to the

1 left indicates the one-mile buffer requirement where
2 you're only permitted to have no more than two
3 facilities that sell packaged alcoholic beverages.
4 He explained the ordinance strictly speaks to
5 packaged alcoholic beverages. He stated this system
6 that produces the measurements for all of the
7 applications is the Oakland County Land System. He
8 stated it is also the same system that provides
9 legal notices and distances and the addresses.)

10 MR. GUSTAFSSON: (He stated even if
11 King's Liquor is there at the edge of the one mile,
12 that technically they can only have two and there
13 are already three.)

14 MR. SMITH: (Stated if you want to be
15 technical there are four because the existing
16 business also sells beer and wine.)

17 MR. GUSTAFSSON: (Stated even if
18 King's Liquor was out they still would exceed the
19 requirements through the Zoning Ordinance.)

20 MR. KAJY: (Asked if he could respond
21 briefly.)

22 VICE CHAIR FEGLEY: (Stated they were
23 going to get feedback from the Commissioners and
24 called on Commissioner Northcross.)

25 COMMISSIONER NORTHCROSS: (Pointed out

1 there are two religious organizations and facilities
2 in that area. He stated that if you're looking at
3 not meeting the ordinance, that that's the clearer
4 example of lack of conformance with the ordinance.
5 He stated being associated with an organization in
6 the City, they look toward government to follow
7 their stated rules in operating. He stated that
8 right there alone is non-conformance.)

9 MAYOR WATERMAN: (Stated he sounded
10 like a really good guy, been a treasure to the
11 neighborhood. She stated she hopes they find a
12 business model to succeed, not to match their profit
13 margin by having to add liquor. She stated she
14 already sees the applicants from the prior case
15 lingering around to see if they get different
16 treatment, so that's one way for the City definitely
17 to get in trouble; that they want to be consistent
18 and also want to follow steps that have been put
19 before them by the City Council in terms of the
20 ordinance they have passed. She stated in addition
21 to the fact that as they City now has medical
22 marihuana, they have taken a measure of what they
23 feel the City of the size can bare and that's
24 something that is also apparent in the discussions
25 and review as Planning Commissioners.)

1 COMMISSIONER PARLOVE: (Thanked Mr.
2 Kajy for having a good business in the City and for
3 giving back to the community and he's got a great
4 support system that's come out and always nice when
5 people take the time to do that. She stated she
6 believes the information is accurate and there's no
7 need to give a special exemption permit for the
8 case.)

9 MR. KAJY: (Asked if he could say
10 something.)

11 VICE CHAIR FEGLEY: (Stated no, public
12 comments are closed. She asked Commissioner Payne
13 if she had questions or comments.)

14 COMMISSIONER PAYNE: (Stated she would
15 like to thank the applicant for his services here
16 within the City, giving back to community. She
17 stated she has concerns when it comes to saying the
18 business depends on it. She stated in Pontiac
19 they're trying to make a turnaround where they're
20 trying to become a healthy city. She stated they
21 have been trying to do sidewalks or things for
22 people to start walking and start caring for their
23 health and their well-being. She stated the
24 question would be, does the liquor come before the
25 health of the community?)

1 MR. ABRO: (He stated they're in no
2 way saying that at all. He stated by adding liquor
3 doesn't diminish the other products that he is still
4 going to carry that are health-conscious.)

5 VICE CHAIR FEGLEY: (Stated the rules
6 are very clear, this proposal does not follow two
7 distinct rules. The church is being within one area
8 and then more than two in other area. She stated if
9 everyone came in and said "I'm going to lose my
10 business if I don't get this" they would have a
11 problem discerning between who would get it and who
12 wouldn't, and that's why the rules are in place.)

13 MR. ABRO: (Stated there's been other
14 applicants that have liquor requests and been
15 approved.)

16 VICE CHAIR FEGLEY: (Stated that's not
17 true. She further stated she's not going to get
18 into a back and forth with the applicant.)

19 COMMISSIONER PARLOVE: (Made a motion
20 for SEP 19-03 to deny SEP 19-03 special exemption
21 permit for proposed SDD license and sale of packaged
22 alcoholic beverages at 1124 Joslyn Avenue.)

23 COMMISSIONER PAYNE: (Second.)

24 MR. GUSTAFSSON: Commissioner Parlove?

25 COMMISSIONER PARLOVE: Yes, to deny.

1 MR. GUSTAFSSON: Commissioner Payne?

2 COMMISSIONER PAYNE: Yes, to deny.

3 MR. GUSTAFSSON: Mayor Waterman?

4 MAYOR WATERMAN: Yes, to deny.

5 MR. GUSTAFSSON: Commissioner

6 Northcross?

7 COMMISSIONER NORTHCROSS: Yes, to

8 deny.

9 MR. GUSTAFSSON: Vice Chair Fegley?

10 VICE CHAIR FEGLEY: Yes, to deny.

11 AYES: Payne, Parlove, Northcross,

12 Waterman, Fegley

13 NAYS: (None.)

14 ABSTAIN: (None.)

15 MOTION CARRIES TO DENY 5-0-0.

16 MR. GUSTAFSSON: Last item is in

17 regards to administrative oversight.

18 VICE CHAIR FEGLEY: New business. 7.1

19 Private Recreation use in C-4 Suburban Business

20 District.

21 MR. GUSTAFSSON: (Stated Donovan will

22 take the lead on this, but he would give an

23 overview. He stated there's been a couple of

24 applicants interested in locating some indoor

25 recreational facilities within the C-4 District

1 particularly at Telegraph and Elizabeth Lake Road on
2 that larger shopping area. And as they take a
3 closer look it's not permitted by right or a special
4 exemption particularly as relates to indoor. So
5 that leads them to believe there potentially could
6 have been an oversight as related because when they
7 look back at the 2006 ordinance, that type of use
8 wasn't even considered, wasn't even a thought about
9 having indoor trampolines and things like that going
10 on. He stated with that being said Donovan has done
11 a great job and he'd give a summary as relates to
12 the findings are and what they're looking to do is
13 just based upon their thoughts if this is something
14 that they would accept as an oversight and would
15 make this change in the ordinance.)

16 MR. SMITH: (Explained they reviewed
17 the ordinance and see that there may be something
18 that may not be what the original intention was. He
19 stated the history behind this is earlier the year
20 the department received two team inspections. He
21 stated when the applicant comes into the Building
22 and Safety Office, one of the first things they do
23 is they make a determination if in fact the location
24 permits the use.

25 He stated both of the requested uses

1 in the ordinance were related to entertainment on
2 the inside of the facility. He pointed out the
3 C-4 district, the applicants applied to utilize
4 space in the Oakland Pointe Shopping Center which is
5 currently zoned C-4. He stated these uses are not
6 permitted by right or special exemption. He stated
7 you can compare this use to a Chuck E. Cheese which
8 used to exist in that area, whereas now if Chuck E.
9 Cheese wanted to occupy that space, they would also
10 be no longer permitted to go into that area.

11 He also discussed the smaller outdoor
12 facilities which are not permitted in most of the
13 commercial zones and they're only permitted in the
14 residential and manufacturing.

15 He stated today they're focusing on
16 C-4 and private recreation uses on the inside. He
17 stated the intent of the C-4 district in accordance
18 with the Ordinance Section 2.311, the intent of the
19 C-4 suburban district is designated to accommodate
20 community and regional scale shopping centers and
21 automobile-oriented commercial development that draw
22 customers from the City as well as surrounding
23 communities.

24 He stated these commercial uses
25 require large parking lots because nearly all

1 patrons of the uses permitted in the district arrive
2 by automobile. He stated these districts rely upon
3 and generate large traffic volumes and are
4 appropriately located along major thoroughfares.

5 He stated the Oakland Pointe property
6 and other C-4 zoned properties are planned as
7 entrepreneur industrial commercial and green
8 recreational or neighborhood commercial uses which
9 are defined as areas that provide flexibility to
10 encourage the positive reuse of vacant or
11 underutilized properties or buildings in strategic
12 locations around the City. He stated this
13 flexibility is necessary so that those centers can
14 respond to evolving market trends and remain
15 competitive.

16 He discussed two recent applications
17 which are looking to provide space within the
18 shopping plaza providing two different private
19 recreation uses.

20 He stated it is their determination
21 that the C-4 business district is a correct
22 designation for private small recreation uses and
23 should be a permitted use in Table 2, Section 2.204
24 for the Pontiac Zoning Ordinance.)

25 COMMISSIONER NORTHCROSS: (Stated he

1 tends to agree that should be a permitted use, it
2 does look like it's an oversight.)

3 MR. GUSTAFSSON: (Stated that him and
4 Donovan had the conversation today and had been
5 thinking that they're seeing a light at the end of
6 the tunnel. There are a number of smaller
7 ordinances and revisions not just administration
8 oversight but actual ordinance changes they'd like
9 to make.)

10 COMMISSIONER PARLOVE: (Asked what
11 these smaller recreational things might be.)

12 MR. SMITH: (Stated as mentioned,
13 Chuck E. Cheese would be one; perhaps indoor
14 trampoline facilities, like Sky Zone, larger
15 arcades. He stated he does not want to give away
16 the business ideas of the applicants, so he doesn't
17 want to give anymore details.)

18 COMMISSIONER PARLOVE: (Inquired if
19 one of the facilities may be a place that serves
20 alcohol and where you can throw axes.)

21 MR. SMITH: (He said it depends on the
22 size of the facility and that's what makes the
23 determinations. That if it was small enough, less
24 than 30,000 square feet and they wanted to go into a
25 space like this then they would fall into the

1 category, yes.)

2 COMMISSIONER PARLOVE: (Asked if it
3 could be an indoor driving range.)

4 MR. SMITH: (Answered affirmatively,
5 that it's a private recreation and entertainment.)

6 COMMISSIONER PARLOVE: (Stated she
7 thinks they need to resolve this so they could bring
8 more business so she's going to vote yes.)

9 VICE CHAIR FEGLEY: (Stated she agrees
10 with the change. It's a great idea. She called for
11 a motion.)

12 COMMISSIONER PARLOVE: (Made a motion
13 for administrative oversight that the C-4 suburban
14 business district is the correct designation for the
15 private recreation small indoor uses and should be a
16 principal permitted use in Table 2, Section 2.204 of
17 the Pontiac Zoning Ordinance.)

18 COMMISSIONER NORTHCROSS: (Support.)

19 MR. GUSTAFSSON: Commissioner Parlove?

20 COMMISSIONER PARLOVE: Yes, to approve
21 the change.

22 MR. GUSTAFSSON: Commissioner
23 Northcross?

24 COMMISSIONER NORTHCROSS: Yes, to
25 approve the change.

1 MR. GUSTAFSSON: Vice Chair Fegley?

2 VICE CHAIR FEGLEY: Yes, to approve.

3 MR. GUSTAFSSON: Commissioner Payne?

4 COMMISSIONER PAYNE: Yes to approve.

5 MR. GUSTAFSSON: And Mayor Waterman?

6 MAYOR WATERMAN: Yes.

7 VICE CHAIR FEGLEY: (Asked for any
8 public comments.)

9 AYES: Fegley, Payne, Parlove,
10 Northcross, Waterman.

11 NAYS: (None.)

12 ABSTAIN: (None.)

13 MOTION CARRIES 5-0-0

14 MS. MARY PIETILA: (Wanted to thank
15 everyone for all of the hard work that they do. She
16 appreciated that they also upheld the ordinances
17 with two issues tonight.)

18 COMMISSIONER PAYNE: (Stated in regards
19 to District 5, the district meeting is tomorrow
20 night at 6:00 at the Koney Kitchen which is on
21 Walton and Giddings in Pontiac. She invited them
22 all out. The guest speaker will be Andy Meisner who
23 is the Oakland County Treasurer.)

24 COMMISSIONER NORTHCROSS: (Stated on
25 April 19th, which is Good Friday, at 6:00 p.m. at

1 Newman AME Church on 233 Bagley, the play "I Am the
2 Vine" a reenactment of the Last Supper with a
3 contemporary twist will be presented. He stated all
4 are welcome, no admission fee, but donations will be
5 accepted.)

6 MAYOR WATERMAN: (Gave some highlights
7 of goings-on in the City. She stated yesterday they
8 had a meeting with a group of the businesses along
9 Centerpoint to discuss with them about the
10 \$5.8 million grant they have to improve the
11 Centerpoint and Campus drives along that area,
12 providing they can match \$22 million.

13 She stated also a number of businesses
14 want to hire City of Pontiac residents. She stated
15 they have partnered with Michigan Works, and that
16 they are going to have a job fair on April 15th from
17 10:00 a.m. to 4:00 p.m. in the City Hall lobby.

18 COMMISSIONER PARLOVE: (Wanted to
19 discuss the orange barrels on Telegraph Road south
20 of Huron all the way down to James K and down to the
21 Old Telegraph split. She thanked MDOT for putting
22 in pedestrian islands for crossing Telegraph where
23 the Mobil station is and a few other areas along the
24 stretch which is extremely dangerous and very
25 difficult for pedestrians to cross. She stated that

1 the construction starts now and goes through June.

2 VICE CHAIR FEGLEY: (Closed public
3 comments. Asked for a motion to adjourn.)

4 COMMISSIONER NORTHCROSS: (So moved.)

5 COMMISSIONER PAYNE: (Support.)

6 (All ayes to adjourn.)

7 (Proceedings concluded at 9:25 p.m.)
8

9 Minutes certified by:

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11
12

13 /s/ Quentina Rochelle Snowden, CSR-5519
14 QRS Court Reporting, LLC
15 800.308.0068
16 810.691.4226
17 Certified on: April 22, 2019
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