

CITY OF PONTIAC

PLANNING COMMISSION

WEDNESDAY, MAY 3, 2017

6:30 P.M.

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

BOARD COMMISSIONERS:

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

CITY OFFICIALS PRESENT:

C. James Sabo, City Planner
Jane Bais-DiSessa, Deputy Mayor

MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING COMMISSION:

Carl Byerly
Gary Quesada, Esq.
John Kello
Leon Jukowski

MINUTES RECORDED BY:

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

1. CALL TO ORDER:

Vice Chair Fegley called meeting to order at
6:38 p.m.

2. ROLL CALL:

PRESENT: Ashley Fegley, Vice Chair
Lucy Payne, Commissioner
Mayor Deirdre Waterman, Commissioner
Mona Parlove, Commissioner
Hazel Cadd, Commissioner

EXCUSED: Dayne Thomas, Chair
Christopher Northcross, Commissioner

Mr. Sabo reported a quorum is present.

3. COMMUNICATIONS: (None.)

4. MINUTES FOR REVIEW: April 5, 2017

5. PUBLIC HEARINGS AND SITE PLAN REVIEWS:

5.1 PF-16-103 Site Plan Review - Proposed Senior
Apartment Building
Location: 825 Golf Drive, Pontiac, Michigan
Property is located near the Pontiac
Golf Course
Applicant: Dr. Carl Byerly

(Presentation of facts given by Mr. Sabo.)

Acting Chair Fegley invited the Petitioner to address the
Planning Commission.

Attorney Gary Quesada, 226 E. LaSalle, Royal Oak,
Michigan. He indicated that the renovations are
mostly interior, but they plan on installing new
windows, heating units and upgrade the landscaping,
as they will be re-doing the façade and painting the
trim. He indicated the interior is going to be
refigured per the comments the Planning Commission
have suggested. He indicated they are 600- to 900-
square foot barrier-free apartments. They will be
price-pointed at \$1,500 and \$1,800, targeting young
seniors.

Mayor Waterman inquired as to whether the new facility
would be commensurate with a school that's on the adjacent

property.

Mr. Quesada indicated he doesn't believe there will be a lot of interaction between the two parcels and believes it will be harmonious. He indicated there will be a new patio on the backside overlooking the golf course. He presented a letter from the golf course which supported the project.

Mayor Waterman inquired as to the amenities to the residents.

Mr. Quesada indicated they did have to remove some previously-planned items, such as a shop and a salon to make the apartments larger. He indicated there is still a common area and a patio on the backside, and transportation.

Mayor Waterman inquired as to what makes this project senior living.

Mr. Quesada indicated that is their target market, and that they will have other things that other apartments won't necessarily have, such as a receptionist who will be on site. He indicated it will be more of concierge-type living.

Commissioner Parlove commented about the use of the words luxury and affluent for what they are appealing to. She indicated she was at the site shortly before the meeting and commented about the potholes and the discolored brick and rusting, general overall maintenance of the building. She indicated that as of 37 days ago that the property is listed for sale. She further expressed concern over the price point. She stated that no samples have been provided for the interior nor exterior products.

Dr. Byerly indicated that there is confusion on the properties for sale, that this specific property is not currently listed, that the school is being sold separate from the dormitories.

Commissioner Parlove requested clarification as to the marketing for property that is listed for sale.

Dr. Byerly indicated it is being marketed as a school, but that there can be a variation of other opportunities.

Mr. Sabo indicated the parcel was and had been split in

2011.

Dr. Byerly indicated that it was a mistake on the broker's part on how the property was listed.

Commissioner Parlove questioned whether the school is zoned to be senior living.

Mr. Sabo clarified the school is zoned R1. The re-zoning is for the proposed senior apartment building to R3.

Commissioner Payne indicated she still has concerns with the project, specifically the potential tenants. She inquired as to whether there would be any subsidized units.

Dr. Byerly answered in the negative.

Commissioner Payne inquired as to the petitioner's plan if there are no tenants. She inquired as to whether there's a plan B for the project, should it fail.

Mr. Quesada indicated there are always risks, and that this is a calculated risk.

Acting Chair Fegley indicated she understands Commissioner Payne's hesitance with the re-zoning, but that she believes as part of the approval is that the Planning Commission could make it conditional to this particular project; therefore, if the petitioner were to sell this piece of property, it would go back to an R1, and whoever bought the property would have to come back to the Planning Commission with a different proposal.

She thanked the applicant for making the apartments larger.

Mayor Waterman indicated that City Council still has to approve the re-zoning. She also informed the petitioner that sometimes it's advisable to talk to the district in which the project is proposed, because those are the people who would be their neighbors and others who have invested in that area.

Commissioner Payne inquired as to the target date of starting and completion the project.

Dr. Byerly indicated he is shooting for July 1st for the starting date and moving residents in, in October

1st, 2017.

Mr. Sabo indicated where they were at with the project was, the changes that were requested in terms of the size of the units and lack or removal of the variances that were required for the site. He indicated the Planning Commission is a recommending body in this instance, and one of the earlier requests in the fall was for conditional rezoning. He further explained conditional rezoning.

He explained that this request would then go to City Council and that they still have the opportunity to not grant the conditional rezoning.

Commissioner Parlove indicated she feels like after all of the meetings regarding the project she still doesn't have what she needs to make herself comfortable with the project. She would like samples of materials, indicating that this has been discussed multiple times. She asked Mr. Sabo if there is a way that that can be incorporated before a decision is rendered.

Mr. Sabo asked if Commissioner Parlove is requesting of him to do it. He indicated that if as a Commission they are not comfortable with this project, they need to either act in one manner or another, or get to a point where they are at a comfort level.

Mayor Waterman asked for clarification on the starting date, indicating that if the petitioner is at that point, that construction materials should be available for presentation.

Motion was made by Mayor Waterman to postpone.

Seconded by Commissioner Parlove.

Commissioner Cadd inquired as to the timeline of the start of the project, should they postpone.

Commissioner Parlove, at the request of the applicant, addressed the items they would like to see presented as far as materials and renderings.

Mr. Sabo made a comparison of the site plan submitted and a site plan for another project, to demonstrate the level of detail the Planning Commission is looking for.

AYES: Fegley, Waterman, Parlove, Cadd.
NAYS: Payne
ABSTAIN: (None.)

MOTION CARRIES 4-1-0

Matter postponed until June 7, 2017.

- 5.2 PF-17-16 Site Plan Review - Proposed Retail Commercial Building
Location: 96 Auburn Avenue, Pontiac, Michigan
Property is located at the intersection of Center Street and Auburn Avenue.
Applicant: Aub-Wood, LLC c/o John Kello

AND

- 5.3 PF-17-15 Lot Split Request - Proposed Commercial Building
Location: 84 Auburn Avenue (96 Auburn)
Property is located at the intersection of Center Street and Auburn Avenue.
Applicant: Aub-Wood, LLC c/o John Kello

(Presentation of facts given by Mr. Sabo.)

Vice Chair Fegley invited the Petitioner to address the Planning Commission.

John Kello, 6632 Telegraph Road, Suite 359, Bloomfield, Michigan approached and indicated he thinks the presentation by Mr. Sabo was sufficient and he had nothing additional to add.

Commissioner Cadd asked the applicant if it was a corporate site.

Mr. Kello answered affirmatively.

Mayor Waterman inquired of Mr. Sabo the history of the proposed site.

Mr. Sabo indicated there was a credit union building, and at some point in the 1970s, a 3- or 4-lane drive-through arch was created at the east portion of the site.

Mayor Waterman inquired as to the other properties Mr.

Kello has been involved in.

Mr. Kello indicated two others.

Mayor Waterman inquired as to how many other Family Dollars there are in the City.

Mr. Kello indicated he is the developer and is guessing approximately 9 or 10 others. He indicated the market research is typically done at the corporate level, that that is not his role as a developer for his clients.

Commissioner Payne inquired if Mr. Kello owns the Star Party Store.

Mr. Kello indicated he, nor his client own the Star Party Store, that he is purchasing the property from the owners, and that this is a different lot.

Commissioner Payne inquired of Mr. Sabo the current zoning.

Mr. Sabo indicated it is currently zoned C1 business.

Commissioner Payne requested clarification for what the Commission needs to approve the applicant for.

Mr. Sabo indicated the petitioner is requesting approval for a site plan for a permitted use in a C1 zoned district.

Mr. Kello indicated he made sure there were no variances required for the property.

Commissioner Parlove requested further clarification.

Mr. Sabo indicated it's a 9,000-square foot new construction building, and that's an automatic trigger.

Commissioner Parlove inquired if the Commission does not approve the lot split request, would the project still be able to go forward.

Mr. Sabo answered affirmatively. He further indicated that if the petitioner meets all of the requirements under the ordinance, the Planning Commission is compelled to approve it. He indicated they can still deny it, however, there is a risk with that, because it is identified as a permitted principal use in the C1 zoning district.

Commissioner Parlove indicated she appreciates what the business is, and that the reason she didn't think it was appropriate at the corner of Parkhurst and Auburn, she still does not believe it's an appropriate location for this business at this site.

Commissioner Payne expressed she is still concerned about the number of Family Dollars stores in the same general vicinity. She also expressed concern over the 33 spaces and that they seem to be very small.

Mr. Kello indicated he meets the ordinance in terms of the required parking.

Commissioner Payne expressed concern over the upkeep of the exterior of the current stores.

Mr. Kello indicated he does not maintain them, but pointed out a recent store he built and how it has improved the area. He indicated it was an old gas station that was no buildable, and they created a beautiful retail operation that pays taxes.

Commissioner Cadd inquired of the size of the proposed building.

Mr. Kello indicated it is slightly larger than the one on Montcalm by approximately 800-square feet.

Mayor Waterman inquired as to whether there is a plan to sell liquor at the proposed site.

Mr. Kello indicated he is not aware of such a plan. He stated they have not sold liquor, beer or wine in the State of Michigan.

Mayor Waterman asked if that is information the petitioner can obtain.

Mr. Kello indicated there is a restriction that the seller's put on the property and he can send that to Mr. Sabo.

Mr. Sabo indicated they are within 500 feet of a school, and does not believe the petitioner can get beyond the LCC due to that fact.

Commissioner Parlove made the recommendation to approve the proposed Lot Split Request for PF-17-15, 84 Auburn Avenue, Aub Wood, LLC, c/o John Kello,

subject to the following conditions:

1. Provide and record all necessary public utility and public access easements.
2. Compliance with Building Code, Fire Code, and Water Resource Commissioner requirements for any commercial construction.

Seconded by Cadd.

AYES: Fegley, Parlove, Cadd.
NAYS: Payne, Waterman
ABSTAIN: (None.)

MOTION CARRIES 3-2-0

(Mr. Sabo indicated the motion fails 3 to 2.)

Mr. Sabo indicated the petitioner has a larger piece of property to build the building at this point; the other option would be to provide some changes to the lot split or something along those lines and return.

Mr. Kello indicated he's unclear and confused because he thinks they met every qualification for a lot split.

Mr. Sabo indicated the Planning Commission is a body that can act however they wish, but he would avail himself to the petitioner should he want to talk about this further. He indicated the petitioner could ask the Planning Commission to reconsider the motion.

Chair Fegley indicated that this has never happened in the four years she has been on the Commission.

Mr. Sabo indicated that he thinks the petitioner needs to accept the decision of the Commission; that they can talk about other options.

Recommendation was read by Commissioner Parlove as follows: To approve the Site Plan Review application for PF-17-16 for the proposed new retail building and subject to the following conditions:

1. Compliance with Section 4.408 for service area screening and trash enclosure gates.
2. Compliance with Pontiac local streets weight limit ordinance.

3. Compliance with City of Pontiac business licensing requirements.
4. Compliance with Departmental requirements and compliance standard for Engineering, Fire, Building Code and Water Resource Commissioner.

Seconded by Cadd.

AYES: Fegley, Cadd
NAYS: Payne
ABSTAIN: Parlove, Waterman

MOTION FAILS 2-1-2

Mr. Sabo indicated their options are they can resubmit with changes; perhaps let the dust settle a little bit. He indicated he'll avail himself to the petitioner to discuss further options.

- 5.4 PF-17-20 Site Plan Review - Proposed Second Floor Addition
Location: 175 S. Saginaw, Pontiac, Michigan
Property is located at the intersection of Saginaw and Whittemore
Applicant: St. Frederick Corp.

(Presentation of facts given by Mr. Sabo.)

Vice Chair Fegley invited the Petitioner to address the Planning Commission.

Leon Jukowski, 175 S. Saginaw, Pontiac, Michigan. He further elaborated on the project. He indicated the complex currently has approximately 25 art tenants, and with the completion there would be an additional 5.

Mayor Waterman inquired as to whether these are meant to be work/live spaces.

Mr. Jukowski indicated no, that they are not zoned for that. He said they would be "neat" spaces for apartments, but the cost is too high and that this is not the intention at this time.

Commissioner Cadd inquired as to the age of the building.

Mr. Jukowski indicated as nearly as he can tell it's between 1915 and 1920. He indicated the addition was

added some time in the 1960s.

Commissioner Parlove indicated this project is very complimentary to what is already existing. She indicated she has had many people asking about studio space downtown, and she'd be willing to share his information with these people.

Commissioner Payne indicated she is impressed with how the building has come together, and that it's very complimentary to the area. She inquired as to the intentions of the north side of the building.

Mr. Jukowski indicated that the annex is off-set and there used to be a driveway along there. He indicated they put a French drain in there to properly drain that section. He indicated he owns to the north side of the annex and the driveway on the north side of the building.

Recommendation was made by Commissioner Parlove to approve the Site Plan Review application for PF-17-20 for the proposed new second floor building addition and subject to the following conditions:

1. Compliance with City of Pontiac business licensing requirements.
2. Compliance with Departmental requirements and compliance standards for Engineering, Fire, Building Code and Water Resource Commissioner.

Seconded by Payne.

AYES: Fegley, Waterman, Parlove, Payne, Cadd.

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 5-0-0

6. NEW BUSINESS: (None.)

7. UNFINISHED BUSINESS: (None.)

8. OTHER ITEMS: (None.)

9. PUBLIC COMMENTS:

Commissioner Payne thanked the Planning Commissioner for the opportunity to attend training.

Mayor Waterman indicated she had the occasion to be at an event sponsored by Flagstar with potential investors, regarding economic development of the City.

Commissioner Payne made an announcement about a District 5 meeting on May 4th, 2017 at 6:00 p.m.

10. ADJOURNMENT:

Commissioner Parlove made a motion for adjournment;

(All ayes to adjourn.)

ADJOURNMENT: 7:56 p.m.

Minutes certified by:



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