

CITY OF PONTIAC

PLANNING COMMISSION

WEDNESDAY, JUNE 1, 2016

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
Hazel Cadd, Commissioner
Christopher Northcross, Commissioner
Lucy Payne, Commissioner

CITY OFFICIALS PRESENT:

C. James Sabo, Professional Planner
Derek Dowdell, Assistant Planner

MEMBERS OF THE PUBLIC ADDRESSING THE BOARD:

Karen Sommerville
Chuck Johnson
Dorothy Johnson
Joseph Sinclair
Erik Heiderer
Stephen Pangori
Andy Guest

MINUTES RECORDED BY:

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

1. CALL TO ORDER:

Chairman Northcross called meeting to order at
7:04 p.m.

2. ROLL CALL:

PRESENT: Christopher Northcross, Acting Chair
Lucy Payne, Commissioner
Mayor Deirdre Waterman, Commissioner
Hazel Cadd, Commissioner

ABSENT: Dayne Thomas, Chairman
Ashley Fegley, Vice Chair
Mona Parlove, Commissioner

Mr. Sabo reported a quorum is present.

3. COMMUNICATIONS:

Mr. Sabo reported there are none.

4. ADOPTION OF MINUTES: May 4, 2016

Adoption of minutes postponed, as no quorum is
present due to Commissioner Payne not being present
at the May 4, 2016 meeting.

Motion to table the minutes by Mayor Waterman.

Seconded by Commissioner Cadd.

AYES: Northcross, Payne, Waterman,
Cadd.

NAYS: (None.)

ABSTAIN: (None.)

MOTION CARRIES 4-0-0

5. PUBLIC HEARINGS AND SITE PLAN REVIEWS:

5.1 PF-16-34 (PUBLIC HEARING) SITE PLAN REVIEW -
SPECIAL EXCEPTION PERMIT COMMUNITY SERVICE
FACILITY, SHELTER
ADDRESS: 46264 WOODWARD AVENUE
APPLICANT: K. SOMMERVILLE

(Presentation of facts and recommendation given
by Mr. Sabo.)

Chairman Northcross invited the applicant to speak on this request.

Ms. Karen Sommerville, applicant, PO Box 1667, Royal Oak, Michigan 48068.

Commissioner Cadd inquired of the applicant as to the number of women and children who would be living at the shelter and the length of time.

Ms. Sommerville clarified that the shelter is for women only, that their children will be visitors only. They plan on having 6-8 women at any one time, for a period of 2 years.

Mayor Waterman inquired as to the purpose of the facility. She indicated some places it indicated the shelter was for abused women, and some places where it would be for those who lost custody of their children. She asked the applicant to clarify the proposed purpose of the facility.

Ms. Sommerville clarified it is a shelter providing a holistic environment for women who have been abused. She further clarified that the facility is a part of a program they saw in Nashville named Thistle Farms that has a 20-year track record of success. The women receive restorative services to help get to the root causes of their vulnerability, and begin to control their lives in a stepped, controlled, programmatic way.

Mayor Waterman inquired whether this is a for-profit or non-profit organization.

Ms. Sommerville indicated they are a faith-based non-profit called Monarch Wings.

Commissioner Payne indicated she heard that this was possibly a substance abuse rehab facility.

Ms. Sommerville indicated that they will not be offering rehab services, but will be receiving the women after they have been through rehab. The facility will be helping them with their long-term addiction and return to the community.

Commissioner Payne inquired as to where they will be getting their clients from.

Ms. Sommerville indicated she has made connections

with Common Ground and HAVEN and she will also be connecting with a broader scope of rehab centers, not just limited to Oakland County, but also in Wayne and Macomb.

Commissioner Payne asked if the applicant has connected with the neighbors in the area to see what their thoughts are.

Ms. Sommerville responded that she just met a neighbor at the meeting. She indicated she reached out to President Waterman from City Council, as well as her District 2 Councilman Woodward, but has not heard back from Councilman Woodward in this regard.

Chairman Northcross inquired as to the activities of the women at the facility.

Ms. Sommerville indicated the goal is to connect them to the services they need, and that will be individualized, including therapy, life skills, job skills, group sessions, enrichments, and fun activities.

Commissioner Payne inquired as to the funding.

Ms. Sommerville indicated they are in the process of fundraising and writing grants. Up until now it has been receiving private donations.

Commissioner Payne inquired as to when they are looking to open.

Ms. Sommerville indicated their target date is October 1, 2016.

Chairman Northcross opened the public hearing.

Chuck Johnson, 21 N. Paddock, indicated he's not trying to discourage the applicant, however, believes Pontiac has enough halfway houses. He indicated that the applicant doesn't meet all of the requirements they have to meet within the area they are requesting to have this facility. He suggested tabling this item since there is a shortfall of commissioners at the meeting.

Tina Press (sp) (For Dorothy Johnson), 55 Cottage, indicated they are concerned about the supervision of the children who will be visiting, the hours of

operation, and is there a time the facility shuts down at night.

Chairman Northcross closed the public hearing.

Mr. Sabo presented the questions from the public to the applicant.

Ms. Sommerville indicated the doors will be locked at 10:00 p.m., and all residents must be in the home by 10:00. She indicated there are rules and regulations. The house will open at 7:00 a.m. She indicated the children will have restricted visitation with the women during daytime hours.

Commissioner Cadd inquired whether the program will be extended beyond 6 residents.

Ms. Sommerville indicated the goal would be to expand, but it is contingent upon budget and also contingent on meeting proper zoning.

Commissioner Payne inquired further as to the visitation of the children.

Ms. Sommerville indicated the children are visitors only, not residents.

Mayor Waterman asked for further clarification on whether the women can come or go or if they are trusted to go freely.

Ms. Sommerville indicated she does trust people to come and go freely, but that there is an expectation that they are off the streets by 10:00 p.m., as there are activities that go on in the home that will require them to be present.

Mayor Waterman stated she appreciates that the applicant is very well-intentioned, but is concerned about the location since this is a main thoroughfare and may not be such a safe place for abused women. She also expressed concern that Pontiac has been inundated with halfway houses. She said she would like to see the applicant meet with the surrounding neighbors to build some level of confidence in what they are trying to bring to the City.

Mayor Waterman made a motion to table PF-16-34.

Commissioner Cadd seconded.

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

MOTION CARRIES 4-0-0

5.2 PF-16-35 (PUBLIC HEARING) SITE PLAN REVIEW -
SPECIAL EXCEPTION PERMIT AUTOMOBILE SERVICE
COMMERCIAL, GAS STATION
ADDRESS: 1025 N. PERRY STREET
APPLICANT: ERIC HEIDERER

(Presentation of facts and recommendation given
by Mr. Dowdell.)

Commissioner Cadd inquired as to the brand of the gas
station.

Mr. Dowdell indicated the applicant did not specify
the brand.

Chairman Northcross invited the applicant to speak on this
request.

Eric Heiderer, 44045 Gratiot, Clinton Township,
representing the owner of the property. He indicated
the owner is in the process of talking to BP and
Speedway.

Commissioner Cadd inquired as to how many pumps and the
hours of operation.

Mr. Heiderer indicated there would be four pumps. He
indicated the owner also owns the restaurant to the
northeast and the building northeast of the
restaurant. He indicated it would be a 24-hour
station.

Mayor Waterman inquired as to the relationship of the
owner.

Mr. Heiderer indicated he is the architect.

Mayor Waterman inquired as to the location of the gas
pumps.

Mr. Heiderer indicated they are on the front, 30 feet
from the sidewalk, perpendicular to the building. He
indicated there are two means of egress with a five-

foot concrete wall separating the multi-family area, and where the parking is going to be.

Mr. Dowdell pointed out the proposed wall.

Commissioner Payne inquired as to how long the owner has owned the property.

Mr. Heiderer indicated about four years.

Commissioner Payne indicated her concern would be the underground portion of the project, and whether the area would support digging and putting tanks there.

Mr. Heiderer indicated that's part of the civil engineering to determine if the soil conditions and area would support the same.

Mr. Dowdell indicated the applicant would submit the plans, it goes to planning and the engineer and Department of Public Works.

Commissioner Payne inquired as to what would be sold at the gas station, and would liquor be sold. She indicated she's concerned it's a very busy area.

Mr. Heiderer indicated it is a convenience store, so all type of products, supermarket-type of foods, similar to a Speedway. He indicated possibly liquor. He understands they have to go through that process with the Liquor Commission and liquor license. He understands they fall within the one-mile radius. He indicated selling alcohol would be one intent, but if they do not get the liquor license, they would still want to have a gas station and convenience store.

Mr. Dowdell indicated that it would have to come back before the Commission for the liquor license, as well.

Chairman Northcross inquired as to the ingress/egress areas.

Mr. Heiderer pointed those out. He indicated there would be a canopy to the building from the pump stations.

Chairman Northcross inquired as to the front of the building.

Mr. Heiderer indicated they would re-face the entire

side, new stone, brick and windows. He indicated right now it's just a block-type building. That they would be adding a higher-end type of façade.

Commissioner Payne inquired as to the building to the right of the property and inquired as to whether the applicant owns that building as well.

Mr. Heiderer indicated that he owns the restaurant and the building that was just renovated, as well. That it is vacant, but up for lease.

Commissioner Payne inquired as to the target date of completion.

Mr. Heiderer indicated sometime this year, that they would like to start July/August.

Commissioner Payne inquired as to letters of intent to the residents.

Mr. Heiderer indicated they have not made contact with the residents, since most of the requirements have been met.

Chairman Northcross inquired as to method of operations regarding security.

Mr. Heiderer indicated there would be security cameras inside and out. He further indicated that the restaurant is also 24 hours.

Chairman Northcross opened the public hearing.

Joseph Sinclair, 1611 Stirling Lakes Drive, Pontiac stated he is concerned about the gas station selling liquor. He also expressed concerned that although he patronizes the restaurant, that the restaurant seems to have had their fair share of incidents. He stated he's not against the project, as he welcomes new business to the City, but is most concerned with it selling liquor.

Chuck Johnson, 21 N. Paddock stated he believes there is a proliferation of gas stations in the community as well, however, doesn't feel like another one on Perry Street would matter one way or another. He's concerned that the owner may be relying on the residential area to support the store, indicating there really are not that many residents in that area

to do so. He also is concerned about the restaurant's problems spilling over into the gas station, and to have a place selling liquor right next door would create bigger problems.

Chairman Northcross closed the public hearing.

Mayor Waterman indicated it's good when you have existing businesses that are looking to expand, you kind of get to know their track record. She inquired of the Planning Department as to the process of obtaining of liquor licenses.

Mr. Heiderer indicated they are not going to circumvent the City, that they would put the request before the City before going to the State of Michigan.

Mr. Dowdell indicated the applicant would have to go for another Special Use Permit. He indicated they would have to do a little more research on it. He further indicated the one-mile radius would play an important part.

Mr. Sabo indicated he spoke with Mr. Heiderer in this regard, specifically regarding Section 2.515, of the ordinance Retail Sales of Alcoholic Beverages. He indicated the applicant is not applying for that this evening.

With regard to circumventing, he explained that in 2012, the State of Michigan stopped requiring municipality approval for issuing of any SDD or SDM licenses. He indicated that the City is much better at following up with these issues with the help of code enforcement officers and business license enforcement officers who find out if people have applied for these licenses and if they are operating.

Mayor Waterman asked Mr. Sabo to talk more about the density of the area of businesses with liquor licenses.

Mr. Sabo mentioned the three businesses in the area.

Mayor Waterman made a motion to approve the Special Exemption Permit and Site Plan Review for PF 16-35, 1025 N. Perry (Sidwell #14-21-226-017), subject to the following conditions listed:

1. Compliance with Section 4.305(E)(F) standards for double striping of parking

spaces and parking space size of 9' x 20'.

2. Compliance with Section 4.303(A) (1) floor area of unit determines the required parking; site requires 10 parking spaces.
3. Applicant must submit a full site plan for administrative review.
4. Compliance with all required permits and requirements; Building code, fire and City of Pontiac business licensing.

Seconded by Commissioner Cadd.

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

MOTION FAILS: 3-1-0

Mr. Sabo inquired as to whether Commissioner Payne's intention was to vote "No."

Commissioner Payne indicated she meant to vote no, not to approve.

Mr. Sabo stated the way to handle it was to have Mayor Waterman make a motion to reconsider the previous motion.

Chairman Northcross indicated the motion failed.

Mr. Sabo indicated that the applicant has to wait 180 days to resubmit an application from the date of denial except on the grounds of new evidence or proof of changed conditions found by the Planning Commission to be valid.

Mr. Heiderer inquired as to the quorum needed to get approved.

Mr. Sabo indicated four out of seven. He further indicated if the Planning Commission wants to postpone action instead of denying, that would give the applicant an opportunity to be heard by the full commission as opposed to just four members.

Mayor Waterman indicated the problem is that a vote has already been taken and recorded, and therefore, at this point they cannot postpone action. She indicated that perhaps the other option is the applicant can return with

new information for reconsideration.

Mr. Sabo indicated if the applicant came back saying they want to open a gas station and that they have no intention of selling beer or wine, then that is perhaps new evidence.

Commissioner Payne indicated that the word "intent" leaves the door open, that it should say "will not."

5.3 PF-16-36 SITE PLAN REVIEW - RENEWAL, PRIMARY OR SECONDARY IN RESIDENTIAL ZONE (ORIGINAL APPROVAL DATE 4/2/14)

ADDRESS: 1425 GIDDINGS ROAD

APPLICANT: NOTRE DAME PREPARATORY ACADEMY,
MARIST FATHERS

(Presentation of facts and recommendation given by Mr. Sabo.)

Chairman Northcross invited the applicant to speak on this request.

Mr. Stephen Pangori with Anderson, Eckstein & Westrick, engineering consultants for the project, as well as a parent at the school and a trustee.

Mr. Andy Guest, executive vice president of the school, 1300, 1425 and 1389 Giddings. He gave some background information regarding the change of the lower division location from Waterford to Pontiac, and indicated that enrollment grew from approximately 125 to a projected 195 students for the coming year. In the two years they have been open, they have seen the growth they were looking for and would now like to go ahead with the plan that was originally proposed to add six more classrooms, with the ability to accommodate 60 more students, additional restrooms and an entranceway.

Commissioner Cadd says she likes what the school has done so far. She inquired as to whether the traffic pattern is working for them.

Mr. Guest indicated it's been wonderful, safer for the parents and the community as a whole.

Mayor Waterman indicated she is glad to see the expansion, and invited the applicant to speak about the school.

Mr. Guest mentioned a young man originally from the City of Detroit. The school hooked him up with a program called Building Bridges to provide scholarships for children who have the potential to succeed in a high academic environment but who have no financial means to do so. He was denied the scholarship because the program thought the young man was so smart that he could go to any school and get a scholarship. The school then met with the family and gave them a 100 percent school-funded tuition. They moved from the City of Detroit to the City of Pontiac and he is now graduating and going to Stanford.

He indicated the mission of the school is to create good Christian persons, upright citizens and academic scholars. He indicated they graduated 180 seniors and all have been accepted and attending college. They were accepted to 140 different colleges and universities across the country. The average ACT score was 27.2, which is more than 7 points above the State and National average. They performed, collectively, more than 1,500 hours of community service during their time in the high school.

Commissioner Payne asked for clarification as to the location of the addition of the building.

Mr. Guest clarified.

Mr. Pangori indicated when the site plan was approved two years ago, that the site plan included the addition and the additional parking.

Motion was made by Mayor Waterman for approval.

Seconded by Commissioner Payne.

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

MOTION CARRIES 4-0-0

6. NEW BUSINESS: (None.)
7. UNFINISHED BUSINESS: (None.)
8. OTHER ITEMS:

Mayor Waterman spoke of the upcoming Dream Cruise. She indicated the theme for the week is called Pontiac Power Week. She indicated this year there will be a week-long celebration of Dream Cruise in Pontiac. It is something they are doing in concert with M1 Concourse.

Mr. Sabo provided information regarding the logistics.

9. PUBLIC COMMENTS:

Chuck Johnson, 21 N. Paddock, indicated he's pleased to hear the Mayor's comments regarding the Dream Cruise. He inquired of Mr. Sabo "The green building" on Orchard Lake. He indicated that Ms. Parlove had some significant add-ons in the motion. He is wondering what the consequences are if the applicant does not abide by what the Commissioners have stated are a condition required under said approval.

Mr. Sabo indicated it's a violation of their approval conditions, and they have to meet those. If they don't, they'll get letters, and if they don't meet them, they'll get further letters. Eventually if they don't, they will be issued a Code Ordinance Violation ticket, which ends up in court, and the judge will determine if the City is right or the owner is right.

Mr. Johnson stated it was indicated that the trailer in the front yard and some other related stuff in the back needed to be removed. He indicated he spoke with the Building Department regarding the trailer. He states the trailer is still there.

Mayor Waterman stated she understands Mr. Johnson's concerns, however, reminding him that the Planning Commission is not an enforcement commission. She stated that it needs to go to Code Enforcement. She indicated there are priorities, and that there are a lot of things the City is trying to bring back into proper code, for instance, she alluded to a property which is of great concern.

Mr. Johnson mentioned the South Boulevard property.

Mayor Waterman says she is not going to speak to the property by name. She reiterated that there are properties that are priorities.

Chairman Northcross made an announcement regarding a blood drive that will occur at Newman AME Church on June 25th from 10 a.m. to 4 p.m.

Commissioner Cadd made a motion for adjournment.
Commissioner Payne seconded.

10. ADJOURNMENT: 9:06 p.m.

Minutes certified by:



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