

REGULAR MEETING: City of Pontiac Planning Commission Meeting Minutes on September 5, 2012; Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan 48342

CHAIRPERSON TURPIN CALLED REGULAR MEETING TO ORDER AT 6:35 P.M.

MOMENT OF MEDITATION:

ROLL CALL: PRESENT: Hudson, Glass, Hollis, Cadd, Thomas.

EXCUSED: Fegley.

ABSENT: None.

RESIGNED: Turpin

Mr. Sabo reported a quorum is present.

COMMUNICATIONS: Presentation given by Brett Rassagon, Oakland County Transportation Update. Federal Grant target for older communities and downtown area. Addressed better connection from the neighborhood to downtown with transportation. Surveys were discussed, discussion of reconstruction of Woodward Avenue and various streets downtown.

MINUTES FOR REVIEW: August 1, 2012

COMM. HUDSON MADE A MOTION TO APPROVE THE AUGUST 1, 2012 MINUTES WITH ANY NECESSARY CORRECTIONS AND COMM. HOLLIS SUPPORTED.

All in Favor: Ayes: Hudson, Hollis, Cadd, Thomas
Nays: None
Abstain: None
Deputy Mayor Glass not present at time of vote.

Vote 4-0-0 for approval of the 8-1-2012 minutes.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

5.1 PF-12-81 - Site Plan Review - Special Exception Permit - Auto 201 West Walton Boulevard

PRESENTATION OF SITE PLAN REVIEW AND SPECIAL EXCEPTION PERMIT GIVEN BY MR. SABO.

Petitioners: John Baker and Brian Miller, Partners. Mr. Miller indicated they have been in business for 25 years and they need to grow and that's the reason for the expansion and relocation. Mr. Miller commented he is a proud Pontiac business owner and plans to continue his business in Pontiac. He will hire two more employees with the expansion.

Mr. Miller is asking for an alternative screening of a steel fence over six feet tall, which will screen the dumpster and landscaping will be completed but requesting to exclude required trees. Mr. Miller indicated the reasoning for the exclusion is because vehicular traffic wipes them out and those funds can be used for a new sprinkler system and new sod.

Comm. Hudson asked for before pictures. Pictures were presented by the petitioner and Mr. Bowdell.

Comm. Hudson inquired of other business by Mr. Baker. Mr. Baker indicated he has been in business on Baldwin for 40 years, but Mr. Miller is not a partner in that previous business. Mr. Baker indicated the only reason they are before the Planning Commission today is because the zoning was recently changed. Mr. Sabo corrected the record indicating the Zoning Ordinance was changed.

Comm. Hudson agreed the screening was sufficient because it hides the dumpster.

Comm. Hollis thanked Mr. Miller for his positive comments about the City of Pontiac and inquired concerning the hours of operation. Petitioner indicated Monday through Friday 8 a.m. to 6 p.m.

Comm. Cadd thanked the petitioners for their well-maintained businesses in Pontiac.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

None.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

COMM. HUDSON MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN AND SPECIAL EXCEPTION PERMIT FOR AUTO REPAIR (COMMERCIAL) PF-12-81 BAKER'S WHEEL AND RIM REPAIR AND COMM. HOLLIS SUPPORTED SUBJECT TO COMPLIANCE WITH THE FOLLOWING CONDITIONS:

1. Compliance with Section 4.405 Residential Screening Requirements of the Zoning Ordinance.
2. Compliance with specific Department requirements listed in the report.
3. Compliance with all BOCA codes and permitting requirements.
4. Compliance with all City of Pontiac business licensing requirements.
5. Additional three trees on side as requested.

VOTE: AYES: Hudson, Hollis, Glass, Cadd, Thomas
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Site Plan Review and Special Exception Permit.

5.2 PF-12-85 - Zoning Map Amendment - 000 North Telegraph Road, Southwest corner of West Walton and North Telegraph

PRESENTATION OF ZONING MAP AMENDMENT GIVEN BY MR. SABO.

Petitioner Tom Wilhelm, commented he was raised in Pontiac and he is proposing a drugstore, Tim Horton's and a bank at the present time. He will comply with landscape requirements and proposes a friendly atmosphere for the community.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

Eleanor Phillips, 1396 Ernest Court, lives behind the property and she also was raised in Pontiac. Ms. Phillips feels there is insufficient room between her property and the proposed property on Telegraph. Ms. Phillips commented there are sufficient businesses in the surrounding area to support the community needs.

Ms. Phillips commented she purchased her property for the serenity of the areas and wants to keep it that way. She feels the proposal would be disruptive to her property.

Rocky Phillips, 1396 Ernest Court, commented there are a lot of vehicles that turn on his street and into his driveway to turn around. Mr. Phillips also indicated the adjacent bar causes loud noises and commotion in the area.

Pat W, 413 West Walton, commented she needs a gate to block off her driveway to prohibit vehicles from using it.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

Deputy Mayor Glass inquired of the Phillips' property on the overhead pictures. Mr. Sabo pointed it out on the picture.

Comm. Hudson inquired of the differences in C1 and C3, what is allowed.

Mr. Sabo indicated a C-3 zoning allows hotels, greenhouses, wholesale buildings, public transportation and light manufacturing and none of the above is allowed in C-1 zoning, except a greenhouse with a special exception permit. An auto repair might not be allowed in a C-1.

Comm. Hudson gave a history of Telegraph Road being zoned residential versus commercial and he is in favor of the proposal.

Vice-Chairperson Thomas indicated he supports business friendly and wise business in the City of Pontiac and inquired if the petitioner had any other sites in consideration. Petitioner indicated no, but willing to go with a c-1 zoning with a drive-thru provision.

Deputy Mayor Glass assured the Phillips he is aware of their concerns and encouraged the petitioner to be community friendly. Petitioner indicated southeast of the property would be a retention basin with trees. Next to that would be a bank that would be open from 9-5. The drugstore and Tim Horton's would be farther away from the Phillips' property. Also, he would include a 25 foot landscape buffer with a berm, which would be very esthetic.

Comm. Hudson informed the petitioner if a drive thru or ATM is needed, that should be considered in his proposal. Mr. Sabo indicated a drive thru is allowed with a special exception permit.

COMM. HUDSON MADE A MOTION TO APPROVE THE PROPOSED RE-ZONING REQUEST FOR PF-12-85 (ZMA 12-07) OOO NORTH TELEGRAPH ROAD (UNADDRESSED VACANT PARCELS) FROM R-1A MEDIUM LOT RESIDENTIAL TO C-1 LOCAL BUSINESS DISTRICT AND COMM. CARDD SUPPORTED AND ALSO RECOMMENDS APPROVAL TO THE CITY COUNCIL SUBJECT TO:

1. Adoption of a conditional rezoning agreement in accordance with Section 6.807 between the City and Wilhelm and Associates.
2. Rezoning tied to a specific site plan and/or special exception approval for the subject property.

VOTE: AYES: Hudson, Cadd, Hollis, Glass, Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Zoning Map Amendment.

5.3 PF-12-86 - Site Plan Review - Special Exception Permit Drive Through facility - 000 North Telegraph Road

PRESENTATION OF SITE PLAN REVIEW AND SPECIAL EXCEPTION PERMIT DRIVE THROUGH FACILITY GIVEN BY MR. SABO.

Mr. Sabo indicated the approval would be very preliminarily and a more detailed plan will be submitted with a revised site plan.

Deputy Mayor Glass inquired if all the details are not submitted is approval appropriate. Comm. Hudson had the same concerns. Mr. Sabo indicated it can be preliminarily approve with specific conditions and the petitioner would have to return for final approval. Vice-Chairperson agreed.

Mr. Sabo report Zoning Ordinance 6.204 subsection C allows for preliminary and final site plans.

Petitioner is willing to return with final plans, but wants a reassurance to proceed with the drive through facility.

Further discussion was had concerning preliminary approval.

Deputy Mayor Glass suggest approving a preliminary concept and conceptual approval for a drive through facility and forego the public hearing until a detailed site plan is submitted.

Mr. Sabo agreed on the conceptual approval, but encourage the public hearing to go forward.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

John Shack, 405 West Walton, suggested adding arborvitaes for a very nice noise barrier.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

Comm. Cadd inquired which condition was non-conforming. Mr. Sabo indicated condition #2.

Deputy Mayor glass agrees that the City of Pontiac is pro-business and also want to be pro-community and have the best interest for the public.

COMM. CADD MADE A MOTION TO APPROVE PRELIMINARY CONCEPT SITE PLAN APPROVAL AND SPECIAL EXCEPTION PERMIT APPROVAL FOR PF-12-86 WILHELM AND ASSOCIATES AND DEPUTY MAYOR GLASS SUPPORTED, SUBJECT TO THE FOLLOWING ZONING ORDINANCE COMPLIANCE CONDITIONS:

1. Compliance with Section 2.535(b)(c) and provide building elevation drawings for all drive through facilities to determine compliance with construction material and pedestrian front entrance standards.
2. Compliance with Section 2.535 (d)(e) for Restaurant #2 for minimum drive-through window setback of 10 feet from front building wall and show all drive-through stacking spaces (8) for all buildings.
3. Compliance with Section 4.602, Woodland Preservation Ordinance requirements.
4. Compliance with Section 4.502, Exterior Lighting, General Provisions and Standards.
5. Compliance with Section 4.408 for trash receptacle enclosure and screening requirements for all buildings.
6. Compliance with Section 4.404-407 General Site Landscaping Requirements of the Zoning Ordinance (parking, residential screening, interior landscape).
7. Compliance with Section 5.105 Ground Sign Site Plan Review requirements.
8. Compliance with Section 4.303 Parking Standards requirements (double lines) and provide occupancy load estimates for the restaurant buildings for more accurate parking calculations.
9. Compliance with specific City of Pontiac Departmental requirements listed in the report.
10. Compliance with all BOCA codes and permitting requirements.
11. Compliance with all City of Pontiac business licensing requirements.

12. Provide documentation for all property ownership prior to any action for rezoning and deed the right-of-way portion of parcel 14-07-478-014 to the City of Pontiac as North Telegraph Road r.o.w.

VOTE: AYES: Cadd, Glass, Hollis, Hudson, Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Conceptual Site Plan and Conceptual Special Exception permit.

5.4 PF-12-87 - Lot Split Request - 888 Orchard Lake Road

PRESENTATION OF LOT SPLIT REQUEST GIVEN BY MR. SABO.

Representative for Petitioner, Eric Tearts, Professional surveyor, proposes plans to refurbish the north buildings and use it for an indoor car storage and the south building, which is a pole barn has no running water on a concrete slab. They are future plans to upgrade this building and possibly lease it.

Deputy Mayor Glass inquired if the petitioner owned both buildings. Representative indicated yes, the petitioner owns both buildings.

Deputy Mayor Glass inquired why a lot split to lease the building. Representative was unsure.

Comm. Hudson inquired if the petitioner has plans to improve the buildings. Representative indicated yes, they will be refurbished and have running utilities.

Vice-Chair Thomas inquired if the petitioner was a resident of Pontiac. Representative indicated no.

Comm. Hollis inquired if the petitioner needed to be present, because she is not comfortable approving a proposal with the presence of the petitioner. Mr. Sabo indicated this is allowed and that a representative can present on behalf of a petitioner.

Comm. Cadd suggested tabling the matter.

Comm. Hudson suggested approving it and let the petitioner make the decision on the future of the property.

COMM. HUDSON MADE A MOTION TO APPROVE THE PROPOSED LOT SPLIT REQUIRES FOR PF-12-87, 888 ORCHARD LAKE ROAD, TUCKER TROY PROPERTIES LLC AND DEPUTY MAYOR GLASS SUPPORTED, SUBJECT TO THE FOLLOWING CONDITIONS:

1. Provide and record all necessary public utility and public access easements.
2. Compliance with Section 4.101 General Standards for Accessory Structures, Principal Building Required, and demolition of the shed building on Parcel #1.
3. Compliance with Section 4.303 Parking Requirements for Parcel #2 detailing number of parking spaces and number of barrier free spaces.
4. Compliance with Building Code, Fire Code and City of Pontiac Business Licensing requirements.
5. Record an ingress/egress agreement and shared parking agreements with the Oakland County Register of Deeds.

VOTE: AYES: Hudson, Glass, Cadd, Hollis, Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Lot Split Request.

5.5 PF-12-29 - Lot Split Request - 238 South Telegraph Road

PRESENTATION OF LOT SPLIT REQUEST GIVEN BY MR. SABO.

Petitioner, Elan Bauer, 238 S. Telegraph Road, indicated currently lots 8 and 9 are under one sidwell number and lots 10, 11, 12, 13, 14 and 15 are under another sidwell number. The proposed business Detroit Fish and Shrimp is leasing the building and they purchased lots 8, 9 and 10. As such, a lot split is required to complete the real estate deal.

This is not a public hearing.

Comm. Hudson indicated he is familiar with the property and the senior Mr. Bauer was a great man.

COMM. CADD MADE A MOTION TO APPROVE THE PROPOSED LOT SPLIT REQUEST FOR PF-12-29, 238 SOUTH TELEGRAPH ROAD AND COMM. HOLLIS SUPPORTED, SUBJECT TO THE FOLLOWING CONDITIONS:

Compliance with Section 2.308 for Minimum Rear Setback of 10 feet via an application to the Zoning Board of Appeals for a dimensional variance.

Provide and record all necessary public utility and public access easements.

Compliance with Section 4.305 Modification of Minimum Parking Requirements in order to meet parking standards and draft/record a shared parking agreement for both new lots Parcel #1 and Parcel #2.

Compliance with Building Code, Fire Code and City of Pontiac Business Licensing requirements.

Record an ingress/egress agreement and share parking agreement with the Oakland County Register of Deeds.

VOTE: AYES: Cadd, Hollis, Glass, Hudson, Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Lot Split Request.

5.6 PF-12-89 - Site Plan Review - Special Exception Permit - Automobile Service Facility - 44732 Woodward Avenue

PRESENTATION OF SITE PLAN REVIEW AND SPECIAL EXCEPTION PERMIT GIVEN BY MR. SABO.

Petitioner Don Tillman and Willie Ellis, Operator. Mr. Ellis commented on the trash receptacle location and discussed proposed landscape in the front yard. Mr. Ellis indicated there will be no major changes to the building and he is excited about opening a business in the City of Pontiac.

Mr. Ellis outlined his opportunities in the City of Pontiac as a child group up in Pontiac and he believes those opportunities are no longer available in Pontiac. He indicates he is pro-business and wants to give back to Pontiac through his auto service with quality work and inexpensive costs.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

None.

VICE-CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

Deputy Mayor Glass applauded Mr. Ellis as a new business owner and for his endeavors to help the community.

Comm. Hudson commented Mr. Ellis is very eloquent and he reminds him of Mohammad Ali.

Comm. Cadd feels it is a great idea.

Comm. Hollis thanked Mr. Ellis for returning to home to Pontiac and thanked Mr. Tillman for supporting and believing in Mr. Ellis. Vice-Chairperson Thomas agreed.

COMM. HOLLIS MADE A MOTION TO APPROVE THE PROPOSED SEPCIAL EXCEPTION PERMIT AND SITE PLAN REVIEW PF-12-80 BLOOMFIELD AUTO REPAIR FOR SECTION 2.509 AUTOMOBILE SERVICE (COMMERCIAL) AND COMM. CADD SUPPORTED, SUBJECT TO:

1. Compliance with Section 2.509 maximum vehicle weight services less than 9000 lbs.
2. Compliance with Section 4.404 General Site Landscape (add shrubs to grass areas)
3. Compliance with Section 4.407(a) for Street Frontage landscaping for street trees along Woodward Avenue.
4. Compliance with Section 4.408 Service Area Screening Requirements for trash receptacle screening.
5. Compliance with Section 4.303 for barrier free parking spaces.
6. Compliance with all City Departmental Code Requirements and City Business licensing requirements.

VOTE: AYES: Hollis, Cadd, Hudson, Glass, Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 for Approval of the Special Exception Permit and Site Plan Review.

NEW BUSINESS: Vice-Chairperson Thomas indicated he has started 1.5 acres of urban gardening and more information is forthcoming.

UNFINISHED BUSINESS: None.

OTHER ITEMS: Comm. Hudson discussed a resolution for Dr. Bruce Turpin. Deputy Mayor Glass indicated the mayor will propose a letter of appreciation and possibly the City Council will have a resolution. Comm. Hudson suggested that the resolution be combined with the City Council and Planning Commission.

PUBLIC COMMENT: None.

ADJOURNMENT: 8:20 p.m.

