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CITY OF PONTIAC
PLANNING COMMISSION
WEDNESDAY, OCTOBER 3, 2018
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

MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING
COMMISSION:

Mary Pietila
Scott Davis
Bruce Stein
Craig Kovarik
Setzer Properties representative

MINUTES (ABBREVIATED) RECORDED BY:

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

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

3 ROLL CALL (PRESENT):

4 Ashley Fegley, Vice Chair

5 Mayor Deirdre Waterman, Commissioner

6 Christopher Northcross, Commissioner

7 Lucy Payne, Commissioner

8 Hazel Cadd, Commissioner

9 Mona Parlove, Commissioner

10 ROLL CALL (EXCUSED):

11 Dayne Thomas, Chairman

12 VICE CHAIR FEGLEY: We're going to
13 begin our meeting. We're going to introduce
14 everyone. To my left is Commissioner Northcross,
15 Commissioner Cadd, Mayor Waterman, Planner Vern
16 Gustafsson, Commissioner Mona Parlove, Commissioner
17 Lucy Payne and I'm Ashley Fegley. We have three
18 things on the agenda tonight, so we might as well
19 get started. Vern.

20 MR. GUSTAFSSON: If I may, if we
21 could, following the site plan review for SPR 18-30
22 I would like to -- under new business, I would like
23 to continue our conversation as relates to Medical
24 Marihuana Proposal 1 and also Planning Commission
25 reappointments.

1 VICE CHAIR FEGLEY: Roll call, please.

2 MR. GUSTAFSSON: Yes. Chair Thomas is
3 absent. Vice Chair Fegley.

4 VICE CHAIR FEGLEY: Present.

5 MR. GUSTAFSSON: Commissioner Cadd.

6 COMMISSIONER CADD: Present.

7 MR. GUSTAFSSON: Commissioner
8 Northcross.

9 COMMISSIONER NORTHCROSS: Present.

10 MR. GUSTAFSSON: Commissioner Parlove.

11 COMMISSIONER PARLOVE: Present.

12 MR. GUSTAFSSON: Commissioner Payne.

13 COMMISSIONER PAYNE: Present.

14 MR. GUSTAFSSON: And Mayor Waterman.

15 MAYOR WATERMAN: Present.

16 MR. GUSTAFSSON: Okay. We have a
17 quorum.

18 VICE CHAIR FEGLEY: Any
19 communications?

20 MR. GUSTAFSSON: No.

21 VICE CHAIR FEGLEY: There are no
22 minutes for review. The first item on the agenda is
23 5.1 SEP 18-08, which is a Special Exemption Permit
24 for 1100 Cesar Chavez. This is a public hearing.
25 Mr. Gustafsson.

1 MR. GUSTAFSSON: Actually, Donovan is
2 going to present. He was the architect of our
3 review letter.

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

6 5.1 SEP 18-08

7 Address: 1100 Cesar Chavez

8 Parcel Number: 64-14-19-126-002

9 Applicant: Warehouse Tires

10 Current Zoning C-3 Corridor Commercial

11 Application: Outside Storage.

12 VICE CHAIR FEGLEY: So currently it's
13 C3, and the major accessory storage is only allowed
14 in which one, M?

15 MR. SMITH: M1, M2 and IP, so
16 industrial property.

17 VICE CHAIR FEGLEY: So instead of
18 rezoning, they're trying to just get areas of
19 Special Exemption?

20 MR. SMITH: Correct.

21 MR. GUSTAFSSON: Which will go in
22 front of the Zoning Board of Appeals.

23 VICE CHAIR FEGLEY: Is the Applicant
24 here tonight?

25 MR. SMITH: Yes, the Applicant is here

1 tonight.

2 VICE CHAIR FEGLEY: Would you like to
3 come forward and add anything?

4 MR. SMITH: I don't have anything to
5 add.

6 VICE CHAIR FEGLEY: Okay. Thank you.
7 This is a public hearing, so I'm going to go ahead
8 and open the public hearing and see if there is
9 anyone who would like to speak.

10 MS. PIETILA: Good evening. My name
11 is Mary Pietila. I'm a resident at 195 West
12 Kennett, so I'm a mile away from them. I'm not
13 going to give you my other position because I'm not
14 allowed to do that.

15 But I would ask that you would please
16 grant the Special Exemption Permit for this
17 business. They have been here, I know for a fact,
18 since 1992, because they have always been in my
19 neighborhood. And you cannot see any of these
20 storage tires. You do not see them from the street.
21 The ones that you see they are working with, they're
22 selling that day, but when the time comes that that
23 business is closed, everything is not visible from
24 the street. It's nice, well-kept, clean property
25 that is doing -- I believe they're also (inaudible)

1 for MDEQ. You got a MDEQ license for -- so they
2 are -- they are compatible with MDEQ standards.
3 It's just that our standards are a little bit
4 stricter. So that's why they're here with you. And
5 I would ask that you please, again, consider voting
6 yes on this one. Thank you.

7 VICE CHAIR FEGLEY: Thank you. I'm
8 going to close public hearing. Are there questions?

9 Commissioner Northcross, do you have
10 any questions?

11 COMMISSIONER NORTHCROSS: I do have a
12 concern. I see a need for a tire store. I mean, I
13 think you also do large truck tires and trailers
14 and --

15 VICE CHAIR FEGLEY: Could you please
16 state your name and address for the record.

17 MR. DAVIS: Scott Davis, 464 Maxwell,
18 Pontiac, Michigan 48342.

19 COMMISSIONER NORTHCROSS: I guess I do
20 see a need for tire stores, especially if you're
21 working on large trucks, heavy equipment that have
22 multiple axles and multiple tires per axle. And how
23 that's going to add up very quickly, you know, one
24 tractor trailer or one tractor coming in and having
25 axles that (inaudible). The concern I have though,

1 and this stems from an earlier note from Oakland
2 County Health Department about trying to stem
3 mosquitos, and one of the things they specifically
4 called out were tires, to try to eliminate tires
5 that would collect water.

6 Now, it appears that this outdoor
7 storage will be without any covering and, you know,
8 while I -- steps taken to separate tires and
9 everything because, boy, a tire fire, man, it is a
10 bear if it ever gets going and if you've got them
11 clustered together, you just sit back and let it go.
12 But if you do have them separated and stacked well,
13 that's a good chance of controlling, if it ever
14 goes.

15 But my concern is about the
16 accumulation of water, standing water. Now, how
17 often will these tires be turned over? When you put
18 a tire there, how long does it stay?

19 MR. DAVIS: Generally the tires sit
20 back there two months, maybe three. We have pretty
21 relatively quick turnover on our tires out back.
22 You know, we start accepting (inaudible) vehicles a
23 day. Our primary business is selling used tires,
24 and that's what part of our inventory that sits out
25 back. It doesn't only supply our store, we have

1 another store in Waterford and we usually supply
2 that location as well, but it does not have an open
3 storage out back. So the inventory gets moved quite
4 often. And we work with the mosquito control, they
5 have given us different methods and remedies to, you
6 know, treat these tires as they get put back there
7 to circumvent any type of mosquito growth or larvae
8 growth.

9 COMMISSIONER NORTHCROSS: Oh, you're
10 treating the tires that you put -- okay, that wasn't
11 brought up.

12 MR. DAVIS: Yeah. We've dealt with
13 DEQ for years on this, and over the past two years
14 they've given us different resolutions and different
15 ideas, different ways to combat this and take care
16 of the problem. So, you know, that's what we're
17 working with them, to make sure that stays under as
18 well.

19 COMMISSIONER NORTHCROSS: Yeah.
20 Because that was my only concern, where the tires
21 are, they are away from the main thoroughfare,
22 they're out of sight. If you're going to control
23 the storage of them according to the fire
24 department's regulations, that's great. I was just
25 really concerned about stagnant water and then

1 mosquitos and all the things that come with
2 mosquitos. Because one mosquito, I was just
3 reading, a midwestern mosquito, generally about one
4 to three miles they're traveling. So, as we start
5 to get these stagnant tires, it could be quite a
6 problem. You would have a license from the MDEQ, we
7 know that. Are there requirements under this
8 license to treat?

9 MR. DAVIS: Oh, absolutely. Yeah. In
10 fact, they were just out two months ago and did
11 their annual inspection. They come out yearly and
12 do an annual inspection to make sure we're well
13 within our bonded area of the tire storage, make
14 sure the tires are properly taken care of, treated
15 and stacked properly and that we're not over
16 (inaudible) tires. And when they came out, again,
17 you know, when we talk about the mosquito issues, I
18 guess there's two new strains of virus found this
19 year alone, so yeah, again, we work with them to
20 treat this to make sure that is not a problem.

21 COMMISSIONER NORTHCROSS: Well, I have
22 no other questions.

23 VICE CHAIR FEGLEY: Commissioner Cadd,
24 do you have any comments or questions?

25 COMMISSIONER CADD: I have no

1 questions.

2 VICE CHAIR FEGLEY: Mayor Waterman, do
3 you have any questions?

4 MAYOR WATERMAN: I do. Mr. Davis, is
5 it?

6 MR. DAVIS: Yes.

7 MAYOR WATERMAN: The question I have
8 is, what do you do and how do you dispose of the
9 used tires that no longer are --

10 MR. DAVIS: We work with a company out
11 of Flint called Environmental Tire Treads. They
12 drop off a semi, and you saw the -- that picture
13 there, that's an actual semi-trailer they brought
14 for us. And as we accrue tires or scrap tires, we
15 load them in the semi-trailer, and probably twice a
16 week they'll come out, they'll pick the trailer up
17 and they drop us a new trailer. They then take them
18 to a storage facility in Flint where they shred
19 them, and I don't know what they do beyond that, I
20 just know that they're also bonded and licensed to
21 process tires in the shredding and recycling
22 facility.

23 MAYOR WATERMAN: Is there somebody who
24 records and keeps track of the inventory? How is
25 that done?

1 MR. DAVIS: The inventory in the back
2 yard?

3 MAYOR WATERMAN: The tires get -- out
4 of the City don't get dumped somewhere.

5 MR. DAVIS: Yeah, everything is done
6 on a DEQ manifest form that we have to fill out.
7 We -- the driver will write down how many tires are
8 taken off the trailer and when it gets to them they
9 sign their paperwork, they have to file and the DEQ
10 follows up with it. In fact, I was just in touch
11 with Wendy, our representative, today and here we
12 have to send her, you know, three or four months
13 worth of paperwork to make sure that everybody has
14 got the paperwork for where these tires came from,
15 and where they ended up at.

16 MAYOR WATERMAN: Very good. And I
17 think our councilwoman, although she wasn't going to
18 say that, I did, thank you for being here to speak
19 in favor. And you've been in Pontiac for how many
20 years now, have you been?

21 FROM THE AUDIENCE: Since 1979.

22 MAYOR WATERMAN: 1979. So
23 congratulations and thank you for continuing to be
24 in Pontiac. So that's all the questions I have.
25 But I asked a question because as you know we have

1 had to clean up some dump piles.

2 FROM THE AUDIENCE: Absolutely.

3 MAYOR WATERMAN: And I wish we could
4 track some of those down.

5 MR. DAVIS: As to how to get rid of
6 the tires?

7 MAYOR WATERMAN: Well, we have someone
8 who's the (inaudible) dumps in the City (inaudible)
9 we don't know, but again, certainly it's been hard
10 to dispose of (inaudible). And so I'm very -- want
11 to make sure that we were given (inaudible) tires
12 don't show up at the bottom of the hill.

13 MR. DAVIS: Absolutely. We actually
14 run a scrap tire collection (inaudible) that is
15 separately bonded with the DEQ, and again, yeah,
16 we'll pick up and we provide proper documentation
17 for all of that. And if the State ever requires
18 tires be removed, feel free to call us.

19 MAYOR WATERMAN: Oh, okay.

20 MS. PIETILA: I know where to find
21 him.

22 MAYOR WATERMAN: Thank you. With
23 that, I'm in favor.

24 MR. DAVIS: So that's how it's done.

25 VICE CHAIR FEGLEY: Commissioner

1 Parlove?

2 COMMISSIONER PARLOVE: Thank you for
3 coming and presenting to us tonight and bringing
4 your proposal for our consideration.

5 Tires at the back of that photo where
6 you need additional storage, are those all used
7 tires?

8 MR. DAVIS: Yes.

9 COMMISSIONER PARLOVE: That they're
10 waiting on shipping them out again?

11 MR. DAVIS: Yes. And the way it's set
12 up in this picture -- this was before we actually
13 started downsizing and moving everything around. We
14 had the trailer set in the center of the yard and
15 the tires surrounded it on both sides. Didn't give
16 us our required 40 feet from the fence line. You
17 know, we were probably 15, 20 feet. And we had
18 three times as many tires. Since all of this has
19 come to fruition and, you know, made aware that we
20 can't have that many tires and it's got to be on a
21 certain level with (inaudible) code, we have now
22 since downgraded. Where the trailer is at is
23 probably about a 50 by 100 area. We moved
24 everything to the center of the yard and it gives
25 them 50 feet on either side of it, 40 feet off the

1 back of the property line.

2 We also are bringing in limestone all
3 around the entire area so that none of the
4 vegetation -- if there ever is a problem, it's never
5 going to make it to the fence line, it's never going
6 to make it to a neighborhood, it's never going to
7 make it to a neighborhood, it will stay contained
8 inside a unit.

9 And, again, it puts us down to about
10 one-third of what you see in that picture there.
11 And it's enough to maintain the business and keep us
12 going without hurting us.

13 COMMISSIONER PARLOVE: Okay. The
14 question, which I believe you touched on, but the
15 question that I had is that they'll sit back there
16 for two to three months. That's a short amount of
17 time? That seems like a long time to me.

18 MR. DAVIS: That is actually a pretty
19 short amount of time. Because there's probably
20 going to be about 2,500 tires back there and
21 that's -- you know, there's so many different sizes
22 on the market you don't know what you're going to
23 sell right away. Again, a certain size you'll sell
24 100 of them in a week. Others you'll sell 100 in
25 three months. So your inventory will fluctuate,

1 what you're going to sell, what you're going to
2 move. Sometimes they move quicker, sometimes they
3 don't. And stock does rotate. If they sit back
4 there too long they do start to dry rot and we pull
5 them and get rid of them, bring something fresh in.

6 COMMISSIONER PARLOVE: So you're
7 actually potentially reselling what's back there?

8 MR. DAVIS: Oh yeah, what you see is
9 inventory.

10 COMMISSIONER PARLOVE: Okay.

11 MR. DAVIS: That's actual -- and
12 that's what this whole proceeding is about, because
13 in order to get rid of everything that's back there,
14 we'd essentially lose three quarters of our
15 business, because that's our bread and butter.

16 COMMISSIONER PARLOVE: Okay. And
17 another detail that came out tonight, which it seems
18 odd to me, but the fire department said that you
19 could have it stacked ten feet tall. So that's
20 taller than a person.

21 MR. DAVIS: That's not -- that's
22 not -- all of our tire stacks -- I know they say ten
23 feet. I want to be able to see front to back and
24 know what's going on in the yard. I have nothing
25 over five and half feet tall, tops. So you can see

1 everything. I would never go ten feet tall. They
2 never stand up anyway.

3 COMMISSIONER PARLOVE: I think that's
4 all I have for the moment. Thank you.

5 MR. DAVIS: No problem.

6 VICE CHAIR FEGLEY: Commissioner
7 Payne, any comments or questions?

8 COMMISSIONER PAYNE: Yes. Good
9 evening. And than you for your services here within
10 the City of Pontiac. I'm sure that you've serviced
11 a lot of residents and non-residents, so I
12 appreciate that.

13 I have a few questions. Most of the
14 questions have been answered that I had, but your
15 neighboring businesses.

16 MR. DAVIS: Yes.

17 COMMISSIONER PAYNE: Have anyone had
18 any concerns in regards to the tires?

19 MR DAVIS: You can't see them from the
20 road. You can't see them from any of the other
21 businesses. Nobody has ever had a complaint or an
22 issue with them.

23 COMMISSIONER PAYNE: Okay.

24 MR. DAVIS: You know, they're far
25 enough from the property lines.

1 COMMISSIONER PAYNE: Okay. And, let's
2 see, the old tires were -- are there any plans or
3 anything to do any fencing or cosmetic work within
4 the front of --

5 MR. DAVIS: I have a little bit of
6 fencing area -- I have basically a couple stacks are
7 fenced around the yard. Other than that, it's a six
8 foot fence all the way around the entire building.
9 The front of the building is locked and gated every
10 single night so you can't access the backyard. Like
11 I say, there's a couple spots in the back I got to
12 add a couple pieces of fence, but other than that
13 it's pretty secure.

14 COMMISSIONER PAYNE: Any plans for --
15 for cosmetic, doing a little bit of painting or
16 anything up front area?

17 MR. DAVIS: Dress the place up
18 outside?

19 COMMISSIONER PAYNE: Yes.

20 MR. DAVIS: You've driven by it?
21 We're working on that. I just took over the
22 location as a manager four years ago and when I did
23 we revamped the inside of it, make it more
24 comfortable for customers and things like that. Now
25 that we're out of that profit and loss bubble, I can

1 start working on the outside. That is a regular
2 project.

3 COMMISSIONER PAYNE: And I just say
4 that because I notice a lot of businesses have
5 started doing some things.

6 MR. DAVIS: Oh, absolutely. It looks
7 very 1970s.

8 COMMISSIONER PAYNE: That would be a
9 good thing for our City.

10 Okay. Well, thank you very much, and
11 again thank you for your services.

12 VICE CHAIR FEGLEY: Well, I don't have
13 any comments or questions other than cleaning up the
14 property and keeping it organized and everything in
15 order. May I have a motion?

16 COMMISSIONER NORTHCROSS: Just one
17 comment. One concern is that I didn't see in here
18 where a MDEQ storage license is mandatory for these
19 tires. And I think that what we have is a company
20 that is setting a benchmark, so to speak, for
21 handling tires of this type. I'd like to see that
22 continue and just wonder if that can be made part of
23 our approval, the approval of the licenses, that it
24 is conditional that they maintain a MDEQ storage
25 licensing, which I'm not familiar with, but it

1 sounds good. I mean, are you familiar with that,
2 Mr. Gustafsson?

3 MR. GUSTAFSSON: Yes. I've seen it in
4 other locations with other types of similar
5 facilities in other communities. And they just make
6 sure that they're licensing and programming is all
7 up to speed in regards to the MDEQ.

8 MR. STEIN: My name is Bruce Stein.
9 I'm the owner of Warehouse Tire. I can address
10 that. We're required by the State of Michigan, if
11 we're allowed to haul or store tires you must have
12 that license and it must be (inaudible) and we are
13 inspected every single year, that they come out and
14 they verify everything that goes on. And thank you
15 for the compliment. We're very proud of the fact
16 that we really do what we do in a very conscientious
17 manner. It's not like some of the other facilities
18 that don't adhere to the rules. So, I -- but again,
19 we do have to -- we have to be licensed by the State
20 in order to function.

21 COMMISSIONER NORTHCROSS: So it
22 wouldn't be burdensome if we made that requirement,
23 the MDEQ storage licensing part of our approval?

24 MR. STEIN: It would only be a burden
25 because one more thing that we'd have to clear and

1 get certified and deal with the DEQ on, and then I
2 assume we would have to show you what we're doing
3 and what we're not doing. So I mean, it's not a
4 necessary thing to have to happen, and we would
5 certainly prefer not to do it, because we're -- we
6 are required to be licensed by them, we can't --
7 it's not like we can let that license lapse, because
8 if we do, we're out of business.

9 COMMISSIONER NORTHCROSS: Oh, okay.

10 COMMISSIONER PARLOVE: I'm going to
11 interpret my take on this. Can you just supply the
12 City with your documentation, that you already got
13 it and --

14 MR. STEIN: Oh, sure.

15 COMMISSIONER PARLOVE: Is that what
16 you're saying?

17 COMMISSIONER NORTHCROSS: Well, the
18 thought is, we're giving a Special Exemption.

19 COMMISSIONER PARLOVE: Right.

20 COMMISSIONER NORTHCROSS: And if
21 conditions were to change such that that license
22 went away, I'm not sure that the tires out back
23 would go away.

24 VICE CHAIR FEGLEY: I believe it's
25 mandatory for him to have that to do the business

1 that he's in. So anyone that's in the business of
2 buying or selling tires will automatically be
3 obligated to have that license, I believe. Is that
4 correct?

5 MR. DAVIS: Only for a place that does
6 storage or tire processing like we do. And because
7 of that, that's why we have to be bonded and
8 licensed with the MDEQ. Basic tire stores, not so
9 much, because they don't have the same guidelines,
10 they're not bringing in the same kind of volume.
11 But yes, we do have a license and I can furnish that
12 to you.

13 VICE CHAIR FEGLEY: It will probably
14 be a case-by-case basis whether or not we'll ask
15 anybody for (inaudible.)

16 MAYOR WATERMAN: Another way to say
17 that is just to say that they shall maintain all
18 necessary State licensing.

19 COMMISSIONER NORTHCROSS: Great.

20 MAYOR WATERMAN: That way they don't
21 have to report to us.

22 MR. GUSTAFSSON: And also within our
23 Building and Safety Department there is business
24 licensing, so they would come in and get the
25 licensing. So that could always be done at that

1 time too.

2 COMMISSIONER NORTHCROSS: Excellent.
3 Excellent. Thank you. Thank you.

4 COMMISSIONER PAYNE: I was going to
5 say there is a State law, so it's just a matter of
6 us complying, making sure they are licensed.

7 COMMISSIONER NORTHCROSS: I would make
8 a motion and I would put in -- thank you. Thank
9 you. Okay.

10 I make a motion to approve the
11 proposed Special Exemption Permit SEP 18-08 for 1100
12 Cesar Chavez, Warehouse Tires for major outdoor
13 storage for up to 5,000 square feet of outdoor
14 storage space pending the Applicant acquire a use
15 variance from the Zoning Board of Appeals, and
16 maintains the outdoor storage use of excess tires in
17 accordance with the fire department's criteria.

18 A, per Section 3405.1, individual
19 piles. The storage shall be restricted in
20 individual piles not exceeding 5,000 square feet of
21 continuous area. Piles shall not exceed 50,000
22 cubic feet in volume or 10 feet in height. Piles
23 can be no more than 25 feet by 25 feet.

24 Section 3405.2, separation of piles.
25 Any individual tire storage piles shall be separated

1 from other piles by a clear space of 10 feet.

2 C, 3405.3, distance between piles of
3 other storage products. Tire storage piles shall be
4 separated by a clear space of at least 40 feet from
5 piles of other storage piles.

6 D, distance from lot lines and
7 buildings. The storage piles shall be located at
8 least 50 feet from the lot lines and buildings.

9 And E, maintain all necessary State
10 licensing regulations, all necessary licensing
11 regulations.

12 VICE CHAIR FEGLEY: Okay. Quick
13 question. As part of the Special Exemption there's
14 a mandatory eight-foot high masonry wall that's
15 required. Are you both aware of that?

16 MR. DAVIS: What exists in the
17 backyard now is vegetation.

18 VICE CHAIR FEGLEY: All the way
19 around?

20 MR. DAVIS: All the way around. On
21 one side we have the railroad track, which is
22 20 feet above ground level. So we're completely
23 un -- you cannot see tires in the yard from any
24 other neighbors or from the street.

25 VICE CHAIR FEGLEY: Do we have the

1 ability to make an Exemption for this, because
2 that's a huge (inaudible).

3 MR. GUSTAFSSON: Yeah. Since it's
4 the -- it's not an accessory structure, it's
5 storage --

6 VICE CHAIR FEGLEY: Yes.

7 MR. GUSTAFSSON: -- you really have the
8 ability, you can waive that requirement.

9 VICE CHAIR FEGLEY: Okay. I don't
10 know how anyone else feels, but I don't have an
11 issue with waiving that requirement.

12 MR. GUSTAFSSON: So I just wouldn't
13 put it in the motion.

14 VICE CHAIR FEGLEY: Okay.

15 COMMISSIONER NORTHCROSS: You would
16 not put it in the motion?

17 MR. GUSTAFSSON: I would not.

18 VICE CHAIR FEGLEY: Okay. I just
19 wanted to make sure --

20 COMMISSIONER NORTHCROSS: Then we'll
21 stop with the items as listed.

22 VICE CHAIR FEGLEY: Okay. Did you put
23 down the item in the motion where there shall be no
24 burning of refuse?

25 COMMISSIONER NORTHCROSS: No, I did

1 not.

2 MR. GUSTAFSSON: That was in the paper
3 I gave you guys, the proposed motion.

4 VICE CHAIR FEGLEY: You might want to
5 add that.

6 COMMISSIONER NORTHCROSS: And F?

7 VICE CHAIR FEGLEY: Yes.

8 COMMISSIONER NORTHCROSS: There will
9 be no burning -- there shall be no burning of refuse
10 except in an incinerator, in a manner that meets the
11 performance standards listed in Article IV, Chapter
12 7.

13 And that's of our City Ordinance,
14 Vern.

15 MR. GUSTAFSSON: Yes.

16 COMMISSIONER NORTHCROSS: Okay. Of
17 the Ordinance of the City of Pontiac.

18 VICE CHAIR FEGLEY: May I have a
19 second?

20 COMMISSIONER CADD: I support it.

21 VICE CHAIR FEGLEY: Roll call.

22 MR. GUSTAFSSON: Yes. Commissioner
23 Northcross.

24 COMMISSIONER NORTHCROSS: Yes.

25 MR. GUSTAFSSON: Commissioner Cadd.

1 COMMISSIONER CADD: Yes.

2 MR. GUSTAFSSON: Vice Chair Fegley.

3 VICE CHAIR FEGLEY: Yes.

4 MR. GUSTAFSSON: Commissioner Parlove.

5 COMMISSIONER PARLOVE: Yes.

6 MR. GUSTAFSSON: Commissioner Payne.

7 COMMISSIONER PAYNE: Yes.

8 MR. GUSTAFSSON: And Mayor Waterman.

9 MAYOR WATERMAN: Yes.

10 MR. GUSTAFSSON: Motion passes.

11 AYES: Payne, Parlove, Fegley,
12 Northcross, Cadd, Waterman

13 NAYS: (None.)

14 ABSTAIN: (None.)

15 MOTION CARRIES 6-0-0

16 VICE CHAIR FEGLEY: Thank you.

17 MR. STEIN: Thank you.

18 VICE CHAIR FEGLEY: All right. Next
19 on the agenda is 6.1 SPR 18-06. Donovan, are you
20 presenting?

21 MR. SMITH: Yes.

22 MR. GUSTAFSSON: This plan was
23 presented three months ago and they rendered their
24 site plan, which it did -- they have now relocated
25 the building.

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

3 NEW BUSINESS

4 SITE PLAN REVIEWS:

5 6.1 SPR 18-06.

6 Parcel Number: 64-14-10-378-019,
7 -013 -014 -018 & -019

8 Applicant: Mike Acho

9 Current Zoning: C-1 Local Commercial.
10 Corridor

11 Property Use: Medical & Commercial
12 Plaza.

13 VICE CHAIR FEGLEY: Is the Petitioner
14 here today?

15 MR. SMITH: Yes.

16 VICE CHAIR FEGLEY: Please come
17 forward and state your name and address for the
18 record.

19 MR. KOVARIK: Good evening. My name
20 is Craig Kovarik, 1057 Peppergrove Drive, Brighton,
21 Michigan and I'm on the development team with
22 Bloomfield Alliance.

23 VICE CHAIR FEGLEY: Is there anything
24 you'd like to add to the presentation?

25 MR. KOVARIK: Nope. Other than we --

1 the (inaudible) companies we went through some
2 challenges. There was a challenge with a
3 restriction on how we have -- on one of the parcels
4 where the property was sitting, the building was
5 sitting, and I think the -- the best (inaudible) for
6 us was to relocate this building. I think there's a
7 lot of benefits to that. It moves away from the
8 residential, and also gives us -- instead of having
9 a back space, which we would have a longer building
10 and more isolated and perhaps less illuminated, now
11 we have a building that sits up front and has more
12 front facades, if you will. So it will -- you know,
13 the Big Beaver corridor in Troy or Rochester and
14 some of those areas you'll see a lot of those more
15 streetscape designed buildings and they're very
16 attractive.

17 We show that the two buildings -- and
18 the reason we separated it was one of our tenants
19 asked to have an isolated building themselves, so we
20 took a little bit of our space out of the building
21 area so actually on a square foot basis we're a
22 little bit less than what we were before. And
23 that -- it's shown as 5,000, but that could be
24 (inaudible.) And on the other side we will have
25 some more commercial. One of the tenants that we

1 have wanted to have kind of a little separation of
2 their own. We'll have a courtyard in between there.

3 VICE CHAIR FEGLEY: Commissioner
4 Northcross, do you have any comments or questions?

5 COMMISSIONER NORTHCROSS: Just a
6 question. To the west of the property there is a --
7 what looks to be a retention pond?

8 MR. KOVARIK: Yes, sir.

9 COMMISSIONER NORTHCROSS: I was just
10 curious, you know, given the heavy rains that we had
11 in North Carolina, it kind of jogged my memory -- it
12 kind of jogged my attention. How do you calculate
13 and make sure that you don't flood the house that's
14 to the immediate west? Because it's all kind of
15 like downhill.

16 MR. KOVARIK: You're right. Because
17 we had those rains here too. I remember shortly --

18 COMMISSIONER PARLOVE: Uh-huh.

19 COMMISSIONER NORTHCROSS: I saw some
20 calculations on the drainage drawing, but I wasn't
21 sure of the initial assumption of rainfall falling
22 given the square footage of asphalt and grass.

23 MR. KOVARIK: So referring back to
24 the --

25 COMMISSIONER NORTHCROSS: Is that kind

1 of a standard --

2 MR. GUSTAFSSON: Yes, it is. I mean,
3 obviously it works with also the County Drain
4 Commission. And to review those plans, you know,
5 they're based upon a certain year flood, like
6 100-year flood. And so those ponds are particularly
7 for that purpose.

8 MR. SMITH: And if I could further
9 add, the Applicant does have to go before DPW and
10 the City engineer that reviews the storm
11 calculations to make sure that those kinds of issues
12 such as flooding aren't (inaudible).

13 COMMISSIONER NORTHCROSS: And I think
14 the public hearing we had a few months ago, the
15 person to the west, the house to the west, that
16 would be the only concern, is that he did get
17 flooded out.

18 MR. KOVARIK: I think one of his
19 biggest concerns was that the building and the
20 parking would be close to him, and we purposely
21 moved that away. Our building is -- from this
22 property line it's -- it's 160 feet from his
23 property line to -- to 170 feet to our building.
24 There's quite a distance there. And there's also
25 that buffer of about 40, 50 feet between his

1 property line and the edge of our parking. Those
2 are the outermost parking spots which we'll probably
3 use for retail and that.

4 COMMISSIONER NORTHCROSS: And I do
5 like your parking arrangement, especially on the
6 east end of the building where you have the spaces
7 that go around the front of the building. I just
8 like that, it looks good.

9 MR. KOVARIK: Thank you.

10 COMMISSIONER NORTHCROSS: Okay. I
11 don't have any other questions.

12 VICE CHAIR FEGLEY: Commissioner Cadd,
13 do you have any comments or questions?

14 COMMISSIONER CADD: I like the new
15 configuration, I think it's going to be great
16 advertising (inaudible).

17 MR. KOVARIK: (Inaudible.)

18 COMMISSIONER CADD: It looks like it
19 falls into place. That's my only comment.

20 VICE CHAIR FEGLEY: Any comments or
21 questions, Mayor?

22 MAYOR WATERMAN: What is your
23 relationship to the project?

24 MR. KOVARIK: I'm part of the
25 development team. I've worked with the principal on

1 this project for -- well, not on this project, but
2 with the principal for over two years.

3 MAYOR WATERMAN: Okay. So what kind
4 of retail do you propose having; are you building
5 for specs or are you building (inaudible)?

6 MR. KOVARIK: Well, this will be -- we
7 have some tenants, a couple of the partners are
8 doctors themselves, and the intent is to have a
9 medical presence there. They are not part of -- the
10 only tenant we have is also another medical use for
11 that isolated building, and certainly we have the
12 capacity for a drive-through because we had looked
13 at being able to provide, and we discussed before
14 some kind of a food, it would be a healthful -- no
15 fried foods, we won't have that, but maybe a coffee
16 shop, maybe a Panera. There are some of
17 these casual dining, I guess, restaurants that do
18 have drive-throughs now too. And there's a lot of
19 those smoothie, the smoothies that are popping up.
20 We're in discussions with several of those.

21 MAYOR WATERMAN: All right. Thank
22 you.

23 VICE CHAIR FEGLEY: Commissioner
24 Parlove, do you have any comments or questions?

25 COMMISSIONER PARLOVE: I do. First of

1 all, thank you for coming from Brighton. I have a
2 question about one the items that have been noted in
3 the package about the building and architectural
4 details. We have a few simple line drawings in here
5 that don't really detail what the exteriors are
6 going to be.

7 Do you have any of that information
8 yet or are you still in the planning stages?

9 MR. KOVARIK: We have some materials
10 that we typically use and I think for our final
11 review that we will start (inaudible) with the
12 Planning Department and go through (inaudible).
13 Some typical buildings we have that we do
14 (inaudible).

15 We'll probably do two textures, one
16 textured and one kind of flat so it gives a little
17 bit of a contrast to the appearance and feel, glass
18 and steel.

19 COMMISSIONER PARLOVE: Okay. It's no
20 secret that I'm not a fan of the EIFS, the stucco or
21 the fake --

22 MR. KOVARIK: Nope.

23 COMMISSIONER PARLOVE: Thank you. And
24 the more brick, the better.

25 MR. KOVARIK: A few projects with that

1 and (inaudible).

2 COMMISSIONER PARLOVE: Okay. That's
3 all I have.

4 MR. KOVARIK: But we're looking at
5 building something that will be for -- generational
6 kind of building.

7 COMMISSIONER PARLOVE: Thank you.

8 MR. KOVARIK: Some of the other
9 (inaudible).

10 COMMISSIONER PARLOVE: Thank you.

11 VICE CHAIR FEGLEY: The elevations do
12 have EIFS system labeled on it, so this proposal
13 does say EIFS system on the ends. It's in the white
14 area.

15 COMMISSIONER PARLOVE: Can we make a
16 request that it not be that? I mean, there's so
17 many other products out there that would be
18 beautiful. It just is so unappealing.

19 MR. KOVARIK: It should be all --

20 COMMISSIONER PARLOVE: It's there.
21 It's so tiny.

22 MR. KOVARIK: I think what -- the EIFS
23 is reference to the cornice. And sometimes those
24 cornices are. But the -- the sides of the building,
25 I think what you're looking at is like stucco look

1 on the outside of the building, but we -- some of
2 those materials are used in the cornice area.

3 VICE CHAIR FEGLEY: Yeah, it also says
4 EIFS system and it's pointing to that hatch area on
5 the left there.

6 MR. KOVARIK: It does and that's not
7 correct.

8 VICE CHAIR FEGLEY: Okay.

9 MR. KOVARIK: This is a -- kind of
10 an -- the architect that's been involved in this has
11 been working with us a little bit and we did
12 honestly hustle -- I think Donovan will comply (sic)
13 with that, that we did hustle to get this in kind
14 of -- because this is kind of a last minute change
15 for us. We had to scramble on a few. Some of this
16 is cut and paste from other projects that he had
17 done, not that we have done. We haven't done any
18 other projects with this specific material.

19 COMMISSIONER PARLOVE: Okay.

20 MR. KOVARIK: We asked them to put
21 something in place and we liked the architectural
22 look of it. The materials we have not defined yet.

23 COMMISSIONER PARLOVE: Okay. I agree
24 that the design is appealing and I appreciate that
25 it's closer to the street. I think it makes it a

1 warmer facade in that regard, as far as traffic, the
2 visual on that. In our proposal can we stipulate
3 that the amount of EIFS is minimal to none with the
4 exception of the cornice? Is that something that
5 would be acceptable to you as well?

6 MR. KOVARIK: Absolutely.

7 COMMISSIONER PARLOVE: I would agree
8 then.

9 VICE CHAIR FEGLEY: It is acceptable
10 at the cornice, but not on the facade.

11 COMMISSIONER PARLOVE: Okay.

12 MAYOR WATERMAN: I didn't hear that.

13 VICE CHAIR FEGLEY: The EIFS system is
14 acceptable on the cornice, not on the facade.

15 MR. GUSTAFSSON: Is there a motion?

16 COMMISSIONER NORTHCROSS: I just want
17 to make sure, I -- I realize, and I'm assuming that
18 to the east in front, that's parallel parking of
19 cars on the layout?

20 MR. GUSTAFSSON: I believe that is for
21 the drive-through?

22 MR. KOVARIK: That's actually the
23 drive-through.

24 COMMISSIONER NORTHCROSS: Oh, that's
25 showing a lane of cars that can drive through.

1 MR. GUSTAFSSON: Yes. That's the --

2 COMMISSIONER NORTHCROSS: Oh, and that
3 would be the stack of the cars?

4 MR. GUSTAFSSON: Exactly.

5 MR. KOVARIK: Then the exit of the
6 drive-through would be to the right onto
7 (inaudible).

8 COMMISSIONER NORTHCROSS: Still works.
9 I was thinking, boy, if that was parallel parking,
10 that would be great. Okay.

11 MR. KOVARIK: We can provide some
12 parallel parking, if you'd like.

13 COMMISSIONER NORTHCROSS: No. I just
14 thought that was your idea and I was just looking
15 the route for going in and out and saw there was
16 someplace there to park cars. You're doing that to
17 show the maximum stacking --

18 MR. KOVARIK: (Inaudible).

19 MR. GUSTAFSSON: And we review it to
20 make sure that there is enough stacking per the
21 Ordinance.

22 COMMISSIONER NORTHCROSS: Okay.

23 VICE CHAIR FEGLEY: Commissioner
24 Parlove, do you have any further comments or
25 questions?

1 COMMISSIONER PARLOVE: I'm all done.
2 Thank you.

3 VICE CHAIR FEGLEY: Commissioner
4 Payne, do you have any comments or questions?

5 COMMISSIONER PAYNE: (Inaudible.)
6 Thank you once again for coming and your interest in
7 the area.

8 How many tenants are there going to be
9 for that building? Is that --

10 MR. KOVARIK: Well, it's typically, I
11 would -- it's partitioned, as you can see, on the
12 right there's three, four, five, six, seven -- seven
13 different sections, and we have that eighth one on
14 the right. That is expected --

15 COMMISSIONER PAYNE: So you'll be
16 looking for seven tenants?

17 MR. KOVARIK: I don't believe that we
18 have would have seven. It's partitioned that way,
19 so you can have two or three or four. Gives some
20 flexibility in the layout of those. I would expect
21 that the largest case it would be eight, if you look
22 at it this way. Typically there's some of those
23 units that --

24 COMMISSIONER PAYNE: So you're not
25 sure of what the drive-in will be? Are you --

1 MR. KOVARIK: In the moment, that
2 is --

3 COMMISSIONER PAYNE: -- certain of
4 what the drive-in is going to be, is it going to be
5 a restaurant or is it going to be a -- I notice that
6 you --

7 MR. KOVARIK: That is correct. We do
8 not yet know what it is. It could be a pharmacy.
9 It could be coffee. It could be a healthful
10 restaurant.

11 COMMISSIONER PAYNE: I just have
12 concerns in regards to that area being so -- I'm not
13 sure if that -- I just don't see it supporting that
14 type of business. And I know the residents, I think
15 that was Northfield when this first came to us, they
16 had quite a few concerns with regards to -- to
17 the -- and it just keeps coming back. So that's
18 all.

19 MR. KOVARIK: The primary focus in
20 this location is for medical, but the ancillary
21 commercial aspects of it, there are some medical
22 appliance manufacturers and pharmacies that have
23 drive-through, but the food aspect is something that
24 we don't want to -- we don't want to eliminate and
25 take off the table, but we would have (inaudible)

1 our prior discussions with you that it was going to
2 be a healthful direction we would take with that.

3 VICE CHAIR FEGLEY: I noticed on the
4 site plan too, the front of the building doesn't
5 really have a separation between (inaudible) and
6 then the particular traffic that's going to be going
7 through the drive-through. There's not much of a
8 sidewalk that separates the people entering the
9 front of the businesses and people driving.

10 MR. KOVARIK: You're absolutely right.
11 Because this was done, as I mentioned earlier, on a
12 little bit of urgency, when I did submit it to
13 Donovan I did mention to him that we did have that
14 condition and we wanted to make sure that -- for him
15 that it wasn't lost on us. But this was the drawing
16 we had and we do want to be able to either show a
17 corridor on the back of the building that would
18 empty into that courtyard or we would have a
19 sidewalk there so that there was a buffer between
20 stepping out of those rear doors into traffic.

21 VICE CHAIR FEGLEY: Yeah, I definitely
22 would like to see some type of sidewalk or something
23 separating people driving past those front entrances
24 to that drive-through.

25 MR. KOVARIK: Absolutely.

1 VICE CHAIR FEGLEY: Okay.

2 MR. KOVARIK: And it may become an
3 internal corridor, we're not quite certain.

4 VICE CHAIR FEGLEY: Okay. And I don't
5 even know too if you could landscape it to show some
6 type of green space within that separation between
7 -- I don't know how much room you have there, it
8 seems like it's pretty tight. But if you just have,
9 you know, the one lane to the drive-through and make
10 that a one-way street and be able to provide some
11 type of sidewalk with green space to have a little
12 bit of landscaping to add to the front of that
13 facade.

14 MR. KOVARIK: That is an area that we
15 certainly (inaudible).

16 VICE CHAIR FEGLEY: Okay. Do you
17 think you have enough room to fit that type of green
18 area in there?

19 MR. KOVARIK: I don't know that we
20 have enough room to get a sidewalk, notwithstanding
21 what those requirements would be and the green
22 space, because there are certain permits that are
23 required for that too. And then we have to have
24 circulation. But we can absolutely look at it. We
25 do have landscaping by the roadside and if it -- if

1 we add -- if we added the sidewalk and a green space
2 that (inaudible) is too significant at this end of
3 the building, then we probably would build an
4 internal hallway. So it's going to be a flat facade
5 on that side and an exit into the courtyard.

6 VICE CHAIR FEGLEY: Okay. So you will
7 have the main entrances into those medical retail
8 areas from the rear of the building, not necessarily
9 from the front is what you're saying?

10 MR. KOVARIK: That's correct. The
11 doors and the access from here is not intended as
12 the primary entrance. I mean, the drawing is again
13 a little bit of a carryover.

14 VICE CHAIR FEGLEY: This will not come
15 in front of us again, correct?

16 MR. GUSTAFSSON: No. We could -- I'd
17 be more than happy to. And I -- and I -- I think
18 with the astute comments that the Commission made, I
19 think it would be wise that we put in -- you know,
20 once the plans are revised that he can come back
21 before you to ensure that all of the comments have
22 been addressed.

23 VICE CHAIR FEGLEY: Because the
24 sunshades look like they're towards the rear of the
25 building. The facades at the rear of the building

1 will have the sunshades above them, but what I --

2 MR. KOVARIK: The north of the -- yes.
3 Towards the north.

4 VICE CHAIR FEGLEY: Okay.

5 MR. KOVARIK: If there's any on the
6 south side it would be (inaudible).

7 VICE CHAIR FEGLEY: Because that kind
8 of flips the whole program if you're entering from
9 the rear than from the front.

10 MR. KOVARIK: I think the rear of the
11 building, as you approach it as a pedestrian, the
12 rear of the building will be on the Walton Road
13 side. So I think that's one of the benefits of
14 (inaudible) what that side of the building will look
15 like on the front based on materials. So that --
16 this layout allows for that front facade to kind of
17 detail (inaudible).

18 VICE CHAIR FEGLEY: Because the south
19 elevation does not have as much grass as the front
20 (inaudible) facing elevation.

21 COMMISSIONER PARLOVE: So with that
22 being said -- and I'm glad we're talking about this
23 because I think we need the south/north
24 distinctions. The south side becomes the front of
25 the building, this side of the building?

1 VICE CHAIR FEGLEY: Yeah, based on
2 these renderings.

3 COMMISSIONER PARLOVE: And I was
4 looking at it actually as the north elevation is
5 what you would see on the Walton side. So, I would
6 prefer that we got some landscape on the south side
7 of the building. This is kind of -- I don't know,
8 minimal to what's (inaudible) south side.

9 VICE CHAIR FEGLEY: Yeah, the north,
10 east and the west elevations are definitely more
11 detailed than the south elevation, and the south
12 elevation looks like it's (inaudible).

13 COMMISSIONER PARLOVE: Exactly.

14 VICE CHAIR FEGLEY: And if that's --
15 I'm just --

16 MR. KOVARIK: When they're unloading
17 and loading this, so --

18 VICE CHAIR FEGLEY: Yeah.

19 MR. KOVARIK: -- it was not intended
20 (inaudible). That side of the building, the Walton
21 side of the building is all our -- that's our --

22 COMMISSIONER PARLOVE: That's your
23 marquee, basically.

24 MR. KOVARIK: Yeah, that's our --
25 that's our representation and we want that to be

1 fresh and there will be some signage (inaudible) put
2 a small sign on the corner to highlight the medical
3 (inaudible).

4 VICE CHAIR FEGLEY: Is there an
5 additional charge if we postpone this to our next
6 meeting or is there -- what is the timeline for this
7 project?

8 MR. KOVARIK: We would like to have an
9 approval from you this evening so that we can
10 proceed on our design and development of this. So,
11 I -- if we can get an approval of the site plan
12 with -- if you'd like to see our final architecture
13 that's -- that's certainly acceptable, we'll work
14 with you guys to lay out a solution that's ideal,
15 but for us to invest further and move onward
16 (inaudible) concerns for it if this is something
17 that we will deal with (inaudible).

18 MAYOR WATERMAN: Madam Chair?

19 VICE CHAIR FEGLEY: Yes.

20 MAYOR WATERMAN: You might consider if
21 there are things that we want to see included on
22 this that (inaudible). And then have him come back
23 before us unless (inaudible).

24 MR. GUSTAFSSON: I'm happy with either
25 way you want to go. I mean, if there's a strong

1 sense that you'd like to see these revisions at the
2 next meeting here in November, that's fine. I have
3 no problem with that. Or we could review it kind
4 of based on recommendation to, you know, authorize
5 us to administer and review to ensure that all of
6 the comments that you've made here in regards to
7 architecture and -- is included in -- in your
8 motion.

9 COMMISSIONER PARLOVE: Can we do kind
10 of a little bit of each? Can we give approval of
11 everything with the exception of the renderings of
12 the exterior so they can start to move forward, but
13 just provide us with their next set of sketches?
14 You're not going to be breaking ground on this
15 in the next 30 days.

16 MR. KOVARIK: Well, certainly not
17 until --

18 COMMISSIONER PARLOVE: (Inaudible) to
19 deal with the building, the rendering of the
20 building as opposed to holding up the whole project.
21 Would that be something that works for you, kind of
22 a split to say yes, but please come back to us with
23 the renderings for the exterior, does that work?

24 MR. KOVARIK: Yeah, I think that in
25 general, yes, but we would need an approval and I

1 (inaudible) subject to or are we just doing this?

2 MR. GUSTAFSSON: I think --

3 VICE CHAIR FEGLEY: As long as they
4 hit those three requirements I would be comfortable
5 with --

6 COMMISSIONER PARLOVE: Yeah.

7 MR. GUSTAFSSON: And I believe in
8 hearing your comments, we will be obviously strong
9 (inaudible) in regards to the comments that you've
10 made. And if -- if it's determined -- or upon our
11 administrative review, if we have any questions with
12 you moving forward, we will do that, okay?

13 COMMISSIONER PAYNE: (Inaudible.)

14 COMMISSIONER PARLOVE: All right. I
15 would like to make a motion to approve the
16 preliminary site plan approval while sanctioning the
17 City Planner authorization for 6.1 SPR 18-06, the
18 site plan review -- I make a motion to approve the
19 preliminary site plan approval, while sanctioning
20 the city planner authorization, grant final site
21 plan approval upon receipt of revised site plans
22 that reflect corrections of the above detailed
23 issues, and pending review of the amended SPR 18-16
24 sit plans by the city engineer.

25 In addition, that E-I-F-S, EIFS is

1 only being used at the cornice on the buildings, the
2 south elevation will be at the same level of detail
3 and materials as the north elevation, and that there
4 will be a separate pedestrian -- a separation of
5 pedestrian traffic from vehicular traffic on the
6 south side of the building.

7 VICE CHAIR FEGLEY: Yep. Do we have a
8 second?

9 MAYOR WATERMAN: Support.

10 MR. GUSTAFSSON: Okay. Commissioner
11 Parlove?

12 COMMISSIONER PARLOVE: Yes.

13 MR. GUSTAFSSON: Mayor Waterman?

14 MAYOR WATERMAN: Yes.

15 MR. GUSTAFSSON: Commissioner Payne?

16 COMMISSIONER PAYNE: No.

17 MR. GUSTAFSSON: Commissioner
18 Northcross?

19 COMMISSIONER NORTHCROSS: Yes.

20 MR. GUSTAFSSON: Commissioner Cadd?

21 COMMISSIONER CADD: Yes.

22 MR. GUSTAFSSON: Vice Chair Fegley?

23 VICE CHAIR FEGLEY: Yes.

24 MR. GUSTAFSSON: Motion passes.

25 AYES: Parlove, Fegley, Cadd,

1 Northcross, Waterman.

2 NAYS: Payne

3 ABSTAIN: (None.)

4 MOTION CARRIES 5-1-0

5 MR. KOVARIK: Thank you.

6 VICE CHAIR FEGLEY: Thank you.

7 Congratulations.

8 Okay. Next on the agenda is 6.2 SPR
9 18-30, which is 1000 Vanguard. Are you presenting?

10 MR. GUSTAFSSON: I am.

11 6.2 SPR 18-30.

12 Address: 1000 Vanguard

13 Parcel Number: 64-14-19-351-022

14 Applicant: Setzer Properties

15 Current Zoning: M-1 Light

16 Manufacturing District

17 Property Use: FedEx Freight

18 Terminal

19 (Presentation of facts given by Mr.
20 Gustafsson.)

21 APPLICANT REP: Good evening. Darcy
22 (indecipherable.) I'm at 2430 Rochester Court,
23 Troy, Michigan. And basically I'll refer to the
24 site plan. I'll walk over here. So basically we
25 took this whole site plan and pushed it up as far

1 north as possible. For instance, the south had
2 issues with us being close. Up here we've got
3 retaining walls because of the amount of grade
4 that's up there.

5 The site is oppressed based on the
6 sound study. The sound study dictated where the
7 finished grade is going to be, so we're actually
8 suppressing the site almost 16, but it cuts right
9 here. Again, I can show you what it looks like.

10 MR. GUSTAFSSON: (Inaudible).

11 APPLICANT REP: Yeah, right up here.
12 Sorry. So along this whole edge, so this edge all
13 the way down and around to the south, this is all
14 where we're adding five feet on top of the existing
15 berms. And all the way over here, almost 16 feet.
16 If you look at the finished space almost 28 feet
17 difference from the top of this berm and the
18 finished grade up here. So it's significant. It's
19 a lot of fall. This is kind of an older plan here,
20 so if you would -- so we have this area right here
21 is going to be where the trash compactor is and the
22 trash receptacles. The compactor is going to be
23 right down through here, so it's going to be covered
24 not only by the berms and the cut, so we got 16-foot
25 of cut coming down, but also screened by the

1 buildings here. This is coming down almost five
2 percent, which is pretty close to a 20 feet fall.

3 We have berms along the railroad track
4 and we have, like I said, berms to the south. So
5 the sound study dictated what we had to do to
6 actually meet all your both daytime and nighttime
7 sound requirements. Landscaping all across -- I
8 wish we had a landscape plan up here, I could show
9 you plans here with us too, but we landscaped all
10 this whole area between the front of this. We're
11 getting rid of the pond up here.

12 We're actually going to bring it to
13 the retail retention facility down here, which is an
14 issue in itself. We're actually fixing storm water,
15 not only for this site, but also for Stonegate. The
16 Stonegate residents have issues with their storm
17 pond, which is designed for our site as well, but
18 we're going to fix it.

19 So, you -- so basically the site is
20 going to be draining down and into our four-bay down
21 here at the bottom, which then goes down into the
22 Stonegate residents which is the regional retention
23 facility. So it's based on the (indecipherable)
24 plans in 2003, that retention pond is allowed -- our
25 site is allowed to go inside that retention pond.

1 So, there's nothing that we're doing that is
2 comprising Stonegate.

3 Traffic studies. We've have had
4 traffic studies, there's no impact with regards to
5 the light at Telegraph. Both in phase one and phase
6 two. So if you have any questions I can easily
7 ask -- or answer them for you.

8 If you want to look at the grading
9 plan, I can also bring the grade plan out and show
10 you the actual cut.

11 MR. GUSTAFSSON: They had the entire
12 packet in the --

13 VICE CHAIR FEGLEY: Commissioner
14 Northcross, do you have any comments or questions?

15 COMMISSIONER NORTHCROSS: I'm just
16 curious, on the sound studies, what were the
17 assumptions? I don't believe our Ordinance calls
18 out a decibel number or --

19 APPLICANT REP: It's 55 at night.

20 COMMISSIONER NORTHCROSS: 55 at night?

21 APPLICANT REP: Yeah. 61 during the
22 daytime.

23 COMMISSIONER NORTHCROSS: Now, that
24 is -- is that our ordinance?

25 VICE CHAIR FEGLEY: (Inaudible.)

1 COMMISSIONER NORTHCROSS: Okay. I
2 didn't see that in the report. Okay. 55 at night
3 and 65 --

4 APPLICANT REP: 61 during the day.

5 COMMISSIONER NORTHCROSS: Okay. Then
6 61 during the day. Okay. Thank you. Thank you.
7 And your projections meet that?

8 APPLICANT REP: Correct. Yeah. With
9 the inclusion of the berms, yes. That's based on
10 our models, yes.

11 COMMISSIONER NORTHCROSS: And that's
12 measured at the outer edge of the --

13 APPLICANT REP: It's measured right at
14 the resident's home.

15 COMMISSIONER NORTHCROSS: At the
16 resident's home?

17 APPLICANT REP: I'm sorry, it's at the
18 property --

19 COMMISSIONER NORTHCROSS: Right at the
20 property line.

21 APPLICANT REP: Which is basically on
22 the opposite side of that berm. So that berm is
23 essentially split, Stonegate and our FedEx site.

24 COMMISSIONER NORTHCROSS: Thank you.

25 VICE CHAIR FEGLEY: Is that it?

1 COMMISSIONER NORTHCROSS: That's it.

2 VICE CHAIR FEGLEY: Commissioner Cadd,
3 do you have any comments or questions?

4 COMMISSIONER CADD: No, I don't.
5 Thank you.

6 VICE CHAIR FEGLEY: Mayor Waterman, do
7 you have any comments or questions?

8 MAYOR WATERMAN: I do. I just wanted
9 to ascertain something. This project is familiar,
10 it's been to the Planning Commission because we
11 passed a zoning map amendment some time ago. A lot
12 has happened since you were able to approve that.
13 So included some detail in here.

14 But one of the things that we did
15 relate that there were some community benefits
16 written that greatly benefit the Stonegate community
17 residents around there in addition to the \$37
18 million (inaudible) that have been detailed
19 (inaudible) department, which did allow the Board in
20 the meantime to make sure residents had their
21 questions answered (inaudible).

22 But these new benefits outlined in the
23 community benefit agreement, which is still
24 present --

25 APPLICANT REP: Yeah, we're working on

1 it, yes.

2 MAYOR WATERMAN: You're working on it.
3 Okay.

4 APPLICANT REP: Correct. It's part of
5 the -- it's part of the rezoning that we have to
6 donate that money. Basically it's a million dollars
7 that we're donating towards (inaudible.)

8 MAYOR WATERMAN: Exactly. So I'm just
9 trying to see what the -- what the interplay between
10 getting that signed and getting this done and
11 actually granting a business license. How do we --
12 how do you proceed?

13 APPLICANT REP: I believe that's tied
14 to the -- getting the opening of the building -- the
15 C of O is tied to that.

16 MAYOR WATERMAN: So the C of O is tied
17 to the business license and then (inaudible.)

18 APPLICANT REP: Correct. I'm sorry?

19 MAYOR WATERMAN: That's something that
20 they have you bound to as well; is that correct?

21 APPLICANT REP: Correct. City Council
22 (inaudible) is handled by a third party that they're
23 working with so the residents can basically figure
24 out what they want to do.

25 MAYOR WATERMAN: All right. So the C

1 of O will be contingent upon signing that
2 (inaudible). Because the City is supposed to
3 monitor those agreements. So I just want to make
4 sure we are agreed on what stage that that needs to
5 be signed and verified.

6 So it's tied to the C of O site plan.
7 All right.

8 VICE CHAIR FEGLEY: All right.
9 Commissioner Parlove, do you have any comments or
10 questions?

11 COMMISSIONER PARLOVE: I do. I was
12 unfortunately not at the other Planning Commission
13 meeting when you first -- I was not at the first
14 meeting when you were here and zoning was changed.
15 However, I want to say thank you, because I
16 understand what you were saying as you were pointing
17 to your slides. This is not an inexpensive project
18 that's being taken on, and I am so grateful that
19 it's here in this city and that you're willing to
20 work with us to make it happen.

21 There's a lot of moving parts and some
22 people only see certain things, but they don't
23 understand the much more detailed things that you
24 took before the building goes up.

25 So I really appreciate what you're

1 doing. Thank you. This City needs it and you're a
2 huge help. Thank you.

3 APPLICANT REP: We're also -- we're
4 also removing contaminations on site too, so part of
5 this we're going through and fixing environmental
6 issues. So that's happening basically as we're
7 going to go through our engineering.

8 So there are things that we're doing
9 to help benefit this site and clean this up.

10 COMMISSIONER PARLOVE: Thank you for
11 that as well.

12 VICE CHAIR FEGLEY: Commissioner
13 Payne, do you have any comments or questions?

14 COMMISSIONER PAYNE: Thank you for
15 sticking with us, and including the residents in
16 your planning, which I think is very important that,
17 you know, everyone is on board. I'd like to thank
18 the Mayor for her hard work on this and the City
19 Council, along with the residents. So
20 congratulations to you all.

21 APPLICANT REP: Thank you.

22 VICE CHAIR FEGLEY: I have no further
23 comments or questions.

24 COMMISSIONER CADD: You still plan to
25 have (inaudible) this year, right?

1 APPLICANT REP: Yeah. Yeah, we're
2 pushing it through. As soon as I get the plans
3 turned around and submitted to Donovan. Yeah, we're
4 looking to push through.

5 COMMISSIONER CADD: Yep.

6 COMMISSIONER PARLOVE: It's moving
7 along. I would like to make a motion to approve
8 regarding SPR 18-30, the site plan review, I make a
9 motion to approve phase one and two preliminary site
10 plan SPR 18-30 and allow the planning manager
11 authorization to grant phase one and two final site
12 plan approval upon receiving revised site
13 development plans.

14 Additionally, I motion to approve the
15 following waivers:

16 Number one, increase light intensity
17 up to 2.0 foot candles at or near the office/dock
18 building and other secured areas.

19 Two, increase the up wattage up to 400
20 watts to provide adequate light near buildings in
21 critical safety areas.

22 And three, screen walls for waste
23 receptacles and compactors are not required. These
24 rubbish areas will not be seen by virtue of the
25 100-foot wide, 10 to 12-foot high landscape berm.

1 The final grade of the site will be lowered
2 approximately 15 feet and receptacles and compactor
3 well be located 1,200 feet from the nearest
4 residential dwelling unit.

5 VICE CHAIR FEGLEY: May I have a
6 second?

7 COMMISSIONER NORTHCROSS: Support.

8 MR. GUSTAFSSON: Commissioner Parlove?

9 COMMISSIONER PARLOVE: Yes.

10 MR. GUSTAFSSON: Commissioner
11 Northcross?

12 COMMISSIONER NORTHCROSS: Yes.

13 MR. GUSTAFSSON: Commissioner Cadd?

14 COMMISSIONER CADD: Yes.

15 MR. GUSTAFSSON: Commissioner Payne?

16 COMMISSIONER PAYNE: Yes.

17 MR. GUSTAFSSON: Mayor Waterman?

18 MAYOR WATERMAN: Yes.

19 MR. GUSTAFSSON: And Vice Chair
20 Fegley?

21 VICE CHAIR FEGLEY: Yes.

22 AYES: Parlove, Fegley, Payne

23 Northcross, Cadd, Waterman

24 NAYS: (None.)

25 ABSTAIN: (None.)

1 MOTION CARRIES 6-0-0

2 MR. GUSTAFSSON: Motion approved.

3 APPLICANT REP: Thank you, ladies and
4 gentlemen.

5 MAYOR WATERMAN: Thank you.

6 VICE CHAIR FEGLEY: Next is new
7 business.

8 (Mr. Gustafsson brought information
9 regarding medical marihuana. He discussed the
10 proposal and wanted to open it up for questions from
11 the Commissioners.)

12 (Mayor Waterman gave an update on the
13 vote recount. The margin of passage after the
14 recount was one vote. She discussed what the
15 Planning Commission's responsibility is in this
16 process. She stated there is a zoning, as well as
17 an application process that has to be gone through.
18 She stated that a town hall meeting would be
19 appropriate so people can bring their questions and
20 they can have the right expert on site to address
21 their concerns. It will be Thursday, October 18th
22 at the Bowens Senior Center in Pontiac.)

23 (Commissioner Parlove questioned since
24 ultimately this is a business, do they have the
25 capacity to have input on the taxes that are

1 collected above and beyond what the traditional
2 business would be paying.)

3 (Mayor Waterman indicated the tax
4 structure is set at the State level. She stated
5 there are things such as application fees, etc.)

6 (Vice Chair Fegley asked whether there
7 are any other resources they can look at to educate
8 themselves on how other communities have done their
9 planning.)

10 (Mr. Gustafsson indicated right now
11 they are doing that, and that some great examples in
12 regards to their application process, their
13 ordinances and so forth, would be Ann Arbor, Grand
14 Rapids, Flint, Lansing and Bay City, as well as
15 Rochester Hills and Lake Orion. He stated some
16 communities use a Special Exemption Permit, which
17 would require a public hearing in front of the
18 Planning Commission as a solution. He stated they
19 are examining those type of things right now.)

20 (Vice Chair Fegley inquired as to the
21 appointments to the Planning Commission.)

22 (Mayor Waterman reported the status of
23 appointments/reappointments, and that the current
24 appointments are still pending.)

25 (Commissioner Cadd discussed the

1 medical marihuana issue further.)

2 (Mayor Waterman discussed that the
3 Commission needs to be a little careful in their
4 official position as Planning Commissioners, because
5 it is not proper to use municipal funding to lobby
6 for particular issues.)

7 8. Public Comments:

8 Mary Pietila approached and discussed
9 how difficult it is to hear any of the speakers,
10 including the Planning Commission members. She
11 apologized for being rough, but it is frustrating
12 because it happens often.

13 9. Adjournment.

14 (Commissioner Parlove made a motion to
15 adjourn.)

16 (Commissioner Cadd seconded.)

17 (All eyes to adjourn at 8:30 p.m.)

18
19 Minutes certified by:

20
21 
22
23

24 /s/ Quentina Rochelle Snowden, CSR-5519
25 Certified on: October 26, 2018