

REGULAR MEETING: City of Pontiac Planning Commission Meeting Minutes on November 7, 2012; Pontiac City Hall, 47450 Woodward Avenue, Pontiac, Michigan 48342

ACTING CHAIRPERSON THOMAS CALLED REGULAR MEETING TO ORDER AT 6:33 P.M.

MOMENT OF MEDITATION:

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

EXCUSED: None.

ABSENT: None.

Mr. Sabo reported a quorum is present.

COMMUNICATIONS: None.

MINUTES FOR REVIEW: None.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

Agenda change request to move 5.4 to 5.1 because Petitioners have to attend another meeting. Vote taken: All in Favor.

5.5 PF-12-106 - Lot Split Request - 382 East Montcalm

PRESENTATION OF LOT SPLIT REQUEST REVIEW GIVEN BY MR. SABO.

Overhead photographs were shown.

Petitioner Joseph Sabbota, Director of Community Development, Assistant to the Emergency Manager, indicated they are selling the excess property, it's been closed for 20 years and there's been a lot of interest in the property. The City will retain a portion for park land. The buyer's uncle is a retired firefighter and the buyer plans to restore the structure to its former glory.

Comm. Hollis inquired of the potential business at the location. Mr. Sabbota indicated small retail.

Comm. Cadd inquired of the exact location of the lot split. Mr. Sabo used the overhead photos to point out the location.

Comm. Cadd inquired of the purchaser. Mr. Sabbota indicated a former Pontiac resident who now lives in Royal Oak and the deal is incomplete at this time.

Comm. Cadd inquired of the condition of inside of the building. Mr. Sabbota indicated it is gutted, the fire poles are gone.

Comm. Hudson inquired if the property was advertised for sale. Mr. Sabbota indicated yes, in January and February 2011 and they received several offers and inquiries.

Comm. Hudson inquired of a legal description. Mr. Sabo indicated there are two formal legal descriptions within the packets.

Deputy Mayor Glass removed himself from the discussion as a conflict as a city employee for the Mayor.

Acting Chairperson Thomas noted that he approached the city concerning this property for restoration, re-purpose and rehab it to its true character; but he did not submit a bid. Comm. Thomas indicated if the deal is incomplete or does not succeed, he would be willing to bid on the property.

COMM. HOLLIS MADE A MOTION TO APPROVE THE PROPOSED LOT SPLIT REQUEST FOR PF-12-106, CITY OF PONTIAC, 382 EAST MONTCALM STREET AND COMM. HUDSON SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Provide and record all necessary public utility and public access easements.
2. Compliance with Building Code, Fire Code and City of Pontiac Business Licensing requirements.

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

Vote 5-0-1 for Approval of the Lot Split Request.

5.1 PF-12-101 - Site Plan Review - Special Exception Permit -
989 University Drive

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

Overhead photographs were shown.

Petitioner/Owner Patel, Rochester Hills, has been the owner for 7 years. This proposed property was a methadone clinic previously. Mr. Patel indicates the new tenants will comply with all regulations and requirements and appreciates the opportunity to appear before the Planning Commission.

Comm. Hudson inquired of the owner and the new tenant. Mr. Patel indicated he is the owner of the building and the new tenants are Sunrise Treatment Center, who are present. Comm. Hudson inquired if the new tenants should be presenting their case. Mr. Sabo indicated petitioner or owner may present the case.

ACTING CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

Ms. Florez, 615 Kenilworth, commented there was currently a rehab center in the building operating.

Mr. Sabo indicated they have a temporary permit from the State of Michigan to start the process.

ACTING CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

Mr. Patel indicated this same use was allowed previously and was concerned that he had to appear before the Planning Commission.

Mr. Sabo indicated in 2009 this was a permitted use by right. In February 2012, the Zoning Ordinance changed which puts this proposal in a special exception category, which requires a hearing before the Planning Commission.

Comm. Fegley inquired if this was the only clinic of that nature in the building. Mr. Patel indicated yes.

Deputy Mayor Glass asked the owner the exact nature of their business. Owner indicated they assist people with substance abuse addiction and counseling. She's been in the business for 10 years in Connecticut. It's an outpatient client. Some

clients use their facility for years, six months, 30 days; it depends on the situation. They come to the facility, receive their medication, counseling, group therapy.

Comm. Hudson inquired if there was any other treatment facility like this in Pontiac. Owner indicated two in Waterford, Michigan.

Comm. Hudson inquired of the employees. Owner indicated one registered nurse, one doctor and six employees.

Comm. Cadd indicated she is familiar with the building and inquired how the methadone is ingested. Owner indicated it is in liquid form. The doses are 100 milligrams, some 50 milligrams.

Comm. Cadd inquired of the frequency of the clients. Owner indicated weekly 200 clients.

Comm. Cadd inquired of any plans for Marijuana clinic. Owner indicated no.

Comm. Hollis concerned because she takes her children to that same building for doctor appointments and the frequency of the clients possibly interacting with the patrons of the other businesses in that building and possibly loitering.

Owner indicated the State of Michigan warned them against clients loitering and mingling around the location and she indicated some clients receive take home medication.

Petitioner Patel indicated the previous business, the clients would arrive between 6:30 a.m. and 9:30 and the clinic would close at 2 p.m. From his observations, clients would come fast and leave fast.

Comm. Hollis inquired if the other tenants are aware of this proposed clinic coming into that location. Owner indicated yes and a doctor has already sent them referrals.

Acting Chairperson Thomas commented he visited the location today and observed a lease sign for methadone and drug rehabilitation. He also indicated the building looks well maintained.

Comm. Hudson read the waiver into the record. Comm. Hudson concerned that the City of Pontiac may be receiving more per capital of these buildings and has the same concern for children in the building as Comm. Hollis.

Owner indicated he has never received any complaints in the past.

Comm. Cadd inquired if the patients came on their own will. Owner indicated they are referred by the courts and other programs.

Comm. Cadd inquired if approved, does it have to go to the City Council. Mr. Sabo indicated no.

COMM. CADD MADE A MOTION BASED ON SPECIAL EXCEPTION PERMIT STANDARDS FROM 2.523 TO APPROVE THE PROPOSED SITE PLAN AND SPECIAL EXCEPTION PERMIT FOR COMMUNITY SERVICE FACILITY METHADONE CLINIC, PF-12-101, SUNRISE TREATMENT CENTER AND ACTING CHAIRPERSON THOMAS SUPPORTED SUBJECT TO COMPLIANCE CONDITIONS BELOW:

1. Planning Commission waiver of minimum landscape requirements in accordance with Section 4.413 of the Zoning Ordinance.
2. Photo and text documentation of existing site and right-of-way landscape material including species and number of plants, type of ground cover, as well as, the size, material, and condition of fences.
3. Compliance with all BOCA codes, Engineering standards, Fire codes, and City permitting requirements.
4. Compliance with all City of Pontiac business licensing requirements and subject to State requirements.

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

Vote 3-3-0 for Approval of the Site Plan and Special Exception Permit FAILED.

5.2 PF-12-102 - Lot Split Request - 333 North Perry

PRESENTATION OF LOT SPLIT REQUEST REVIEW GIVEN BY MR. BOWDELL.

Overhead photographs were shown.

Petitioner, Amenia G. indicated the lot is between her house and her sister's house and she has been keeping it clean and wants to use it for a space for her dog.

Comm. Hudson inquired of the specific location and Mr. Bowdell pointed it out on the overhead photographs.

Comm. Hudson commented the follow up would be consideration for adding a new parcel. It would be economical and good business sense to combine the lots. Mr. Bowdell indicated a lot split request is for the furniture company. Combining the lots are not required.

Comm. Cadd inquired if they are combined, is it a buildable lot. Mr. Bowdell indicated it is unbuildable as a split. Combined with the existing house, it's buildable with the house.

Comm. Cadd commented combined lots are less taxes. Mr. Bowdell indicated taxes are usually lower if it becomes one lot.

Acting Chairperson Thomas confirmed that the lot is currently owned by the Furniture Resource Center and the petitioner has been maintaining it. Mr. Bowdell agreed.

COMM. FEGLEY MADE A MOTION TO APPROVE THE PROPOSED LOT SPLIT REQUEST FOR PF-12-102, FURNITURE RESOURCE CENTER AND COMM. CADD SUPPORTED SUBJECT TO PROVIDING AND RECORDING ALL UTILITY AND PUBLIC EASEMENTS.

Comm. Hudson added to combine the newly split lot. Comm. Fegley not willing to amend her motion. Amendment failed.

Motion stands as originally stated.

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

Vote 6-0-0 for Approval of the Lot Split Request.

5.3 PF-12-104 - Site Plan Review - 1200 North Telegraph

PRESENTATION OF SITE PLAN REVIEW GIVEN BY MR. SABO.

Overhead photographs were shown.

Comm. Hudson inquired if this was the DiClemente Building and who was the owner. Petitioner indicated it was the DiClemente building and Oakland County is the owner.

Comm. Hudson commented that if Oakland County is the owner, they do not have to come to the City of Pontiac for approval. He also commented this building would be the perfect place for a methadone clinic on this complex.

Petitioner/Architect Lee Monala, 28105 Greenfield, indicated the building would assist citizens for a short term period, it has 16 rooms with accommodations for seven days.

Deputy Mayor Glass inquired if this was a lock down facility. Mr. Monala indicated it is voluntary. Patients can be isolated for no more than 23 hours.

Acting Chairperson Thomas commented it is an appropriate use.

COMM. HUDSON MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN REVIEW PF-12-104 OAKLAND COUNTY COMMUNITY MENTAL HEALTH AND WELLNESS AND COMM. FEGLEY SUPPORTED SUBJECT TO:

Compliance with all City Building, Fire and Engineering Code requirements and any other applicable City Code requirements.
Compliance with all City Business licensing requirements.

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

Vote 6-0-0 for Approval of the Site Plan Review.

5.5 PF-12-105 - Site Plan Review - Special Exception Permit -
539 South Paddock

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

Overhead photographs were shown.

Petitioner Mr. Elam, Brian Magnet, Architect, commented that the on street parking is allowed on Ferry Street and only one corner is not in compliance with the setback requirement. Mr. Magnet also asked for a landscaping exception being shrubs instead of screened wall.

ACTING CHAIRPERSON THOMAS DECLARED PUBLIC HEARING OPEN.

Charles Johnson, 21 North Paddock, indicated he is familiar with this plan and asked who owned the house at 555 Paddock. Pastor Elam indicated he owns the house. Mr. Johnson suggested the church approach the oil company and ask if they could use their vacant land for parking, because that would cut down the foot traffic on other residential streets. Pastor Elam indicated he has spoken with the oil company and they are in agreement to allow them to use the vacant land for parking.

David Richman, 191 West Wilson, inquired if they had plans to redo the other side of Wilson Street. Mr. Bowdell indicated that property is not part of this proposal.

ACTING CHAIRPERSON THOMAS DECLARED PUBLIC HEARING CLOSED.

Comm. Fegley inquired if the petitioner had to appear before the ZBA. Mr. Bowdell indicated yes for the setback from 20 feet to five feet. That requirement cannot be waived by the PC, only the ZBA.

Deputy Mayor Glass suggested that the applicant work with staff on the landscaping requirements.

DEPUTY MAYOR GLASS MADE A MOTION TO APPROVE THE SPECIAL
EXCEPTION PERMIT AND SITE PLAN REVIEW FOR PF-12-105 CHRIST
TEMPLE APOSTOLIC CHURCH AND COMM. HUDSON SUPPORTED SUBJECT TO
THE FOLLOWING CONDITIONS:

1. Compliance with Section 2.524(B) of the Zoning Ordinance for principal building setback for a Religious Institution or obtain a dimensional variance from the Zoning Board of Appeals.
2. Submittal of a tree survey to show compliance with Section 4.602 of the Zoning Ordinance or applicant must certify that no trees related to the Woodland Preservation ordinance exist on the site.
3. Compliance with Section 4.303 (Table 8) Minimum Parking Standards. (Recommendation 69 spaces)
4. Compliance with Section 4.303 Bicycle Parking requirements and Section 4.305 (F) Stripping requirements.
5. Landscaping requirements to be work out with Planning Staff.

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

Vote 6-0-0 for Approval of the Special Exception Permit and Site Plan Review.

MINUTES FOR REVIEW: September 5, 2012 and October 3, 2012

Comm. Hudson changed Vice Chairperson to Acting Chairperson.

Acting Chairperson Thomas requested that the members have ample time to review the minutes in the future.

MINUTES APPROVED.

All in Favor: Ayes: All Nays: None Abstain: None

Minutes approved for September 5, 2012 and October 3, 2012.

NEW BUSINESS: None.

OTHER ITEMS: Deputy Mayor Glass concerned about PF 12-101 Methadone Clinic split 3-3 falling to the negative; was unaware the vote in a tie failed. Deputy Mayor Glass suggested it should be revisited for the community to ask questions.

Deputy Mayor Glass also suggested the need for a study session before the meeting, as long as no deliberations are made on the cases for the day.

COMM. GLASS MADE A MOTION TO RECONSIDER PF-12-101 AND COMM. HUDSON SUPPORTED.

All in Favor: Ayes: All Nays: None Abstain: None

DEPUTY MAYOR GLASS MADE A MOTION TO TABLE PF-12-101 FOR FURTHER INVESTIGATION UNTIL THE NEXT MEETING AND COMM FEGLEY SUPPORTED.

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

Vote 6-0-0 for Tabling PF-12-102 until the next meeting.

Deputy Mayor Glass asked Comm. Hollis to speak with the doctor and if the doctor wants to submit a letter or she can report back on the property.

PUBLIC COMMENT: Charles Johnson thanked Deputy Mayor Glass for his concerns on the split decision and hopes the proposal will be approved and with another commissioner that would prevent a tie vote.

Mr. Johnson commented that Comm. Hudson's comments may prolong the meeting and that Mr. Bowdell is doing a good job.

Ms. Florez commented on PF-12-101, the Methadone Clinic, that she has never had any problems, no loitering, no noise. She only objected to an ambulance company years ago.

Deputy Mayor Glass reported the Mayor sent a letter for interviews to be for the commissioner vacancy position to be possibly be filled in December.

Comm. Hudson inquired of the status of Emergency Manager because of the recent passage of a Public Act. Deputy Mayor Glass indicated there is a lawsuit pending and the EM will be in place until further notice.

Comm. Cadd commented that the ^FPiero Plant was purchased by a company in Lapeer with 50 employees.

Acting Chairperson Thomas commented about a massive demolition project over on Columbia and he is not sure who owns the building.

ADJOURNMENT: 8:55 P.M.