

SPECIAL MEETING: City of Pontiac Planning Commission Meeting Minutes on February 4, 2015; Pontiac City Hall, 47450 Woodward Avenue, Pontiac Michigan 48342

COMMISSIONERS: Chair Dayne Thomas
Mayor Deirdre Waterman
Ms. Hazel Cadd
Ms. E. Ashley Fegley
Ms. Lucy Payne
Mr. Christopher Northcross
Ms. Mona Parlove

CHAIRMAN THOMAS CALLED THE MEETING TO ORDER AT 6:37 P.M.

Moment of Silence.

ROLL CALL:

PRESENT: Comm. Payne, Comm. Northcross, Comm. Parlove, Comm. Fegley, Mayor Waterman (arrived 7:22 p.m.), Chair Thomas.

EXCUSED: Comm. Cadd.

ABSENT: None.

Mr. Sabo reported a quorum present.

COMMUNICATIONS: None.

MINUTES FOR REVIEW: January 7, 2015

COMM. NORTHROSS MADE A MOTION TO APPROVE THE MINUTES FROM JANUARY 7, 2015.

COMM. PAYNE SUPPORTED.

VOTE: **AYES:** Northcross, Payne, Parlove, Fegley, Chair Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 5-0-0 motion carries.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

5.1 PF-15-02 SITE PLAN REVIEW

PROPERTY ADDRESS: NO ADDRESS – N. PERRY ST. (1570 N. PERRY ST.)

LOCATION: PROPERTY IS LOCATED ON THE SOUTH SIDE OF N. PERRY ST. BETWEEN GIDDINGS RD. AND PONTIAC RD.

APPLICANT: CHRIS NEWELL

Presentation of facts given by Mr. Bowdell.

Chris Newell, 2647 Riverside, Waterford, states that he recognizes the need for missing information including the tree survey and elevation plan. He states that if this proposal is postponed he will not be present at the next meeting but asks that his father be present to represent him. The petitioner states that 99% of the trees are located in the back property, sitting behind the building and tree removal where the building will sit will be minimal.

COMM. FEGLEY MADE A MOTION TO POSTPONE PF-15-02 SITE PLAN REVIEW UNTIL THE MARCH MEETING.
COMM. NORTHCROSS SUPPORTED.

VOTE:

AYES: Fegley, Northcross, Parlove, Payne, Chair Thomas.
NAYS: None.
ABSTAIN: None.

Vote 5-0-0 motion carries.

5.2 PF-15-04 ZONING MAP AMENDMENT (CONDITIONAL REZONING) R-1 TO C-3

PROPERTY ADDRESS: NO ADDRESS – PARKHURST ST.

LOCATION: PROPERTY IS LOCATED ON THE WEST SIDE OF PARKHURST ST. NEAR THE WHRC ELEMENTARY SCHOOL

APPLICANT: ISAM YALDO

Presentation of facts presented by Mr. Bowdell.

Chair Thomas stated that during the last meeting two commissioners were not present and the vote was not unanimous therefore giving the petitioner the right to come before the Commission again. Chair Thomas also read an insert from the New York Stock Exchange dated January 22, 2015. The article stated the merger of Family Dollar and Dollar Tree stores. There are over 13,000 stores nationwide with each store bringing in an estimated \$1.3 million annually. This merger will be approved and the bottom line is that since 2011, 1,475 stores have opened nationwide. Chair Thomas stated the importance for the Commission to make a fact-based decision and view the context of size and scope of the Family Dollar corporation.

Petitioner, John Kello, 31000 Northwestern Hwy, Farmington Hills, stated that access to the side street to Parkhurst has been modified to a one-way and in lieu of conversations with neighbors; they stated they would like to see more landscaping which has been provided.

CHAIR THOMAS DECLARED PUBLIC HEARING OPEN.

Mr. Bowdell read a letter submitted by the Citizen District 7 Council.

Chuck Johnson, 21 Paddock, Pontiac, referred back to last month's meeting and his comments and his change in stance. Mr. Johnson stated the Family Dollar stores are the way of the future. Family Dollar is a corporation building over 1,000 stores since 2010. He would like to see a way to figure out a way to help the petitioner to remain in the city. He states that the current property does not allow for expansion but suggests another property along Auburn Road, close in proximity where the store can be built.

Judy Moiette, 96 Parkhurst, Pontiac, purchased the property across the street from her primary residence to avoid unwanted activity along the street and neighborhood. She also states she has lived in her home for 39 years because it is a dead end street with little traffic flow. This neighborhood is full of neighbors watching out for each other and feels that this proposal will not bring anything to the neighbors.

Ramone Trevino, 111 Parkhurst, Pontiac, has a unique perspective to this proposal as he was once employed by Family Dollar for 1 ½ years. Mr. Trevino was raised on Parkhurst and wants the best for his neighborhood. He has seen the ins and outs of how Family Dollar stores operate, stating that the stores lure in customers with the convenience and targeting those customers that are unable to drive to a larger grocery market, therefore leaving them with unhealthy options for food. He does not oppose having a business at that location but at what costs to the residents.

Christopher Meyers, 31 Morava, Pontiac, Chairman of District 7 submitted the letter read into record by Mr. Bowdell. He stated the consensus by the members were 50/50 when permitting the store at that location but unanimous when it comes to rezoning the residential lot to commercial.

CHAIR THOMAS DECLARED PUBLIC COMMENTS CLOSED.

The petitioner wanted to address some concerns. He stated in many communities the Master Plan is a wish list and states the property is already zoned commercial. He states the Master Plan deems land use as civic but puts the owner of the property in a precarious position. The market determines what type of store should be there, not who, that is why Family Dollar is successful for a reason. The lot has been vacant for over 30 years, bringing in zero tax revenue and the city has had problems with inaction in the past. Family Dollar will continue to build stores in other communities but when will the city of Pontiac continue to say "no". The store is there to service the neighborhoods with an estimated \$1.2 million in construction costs. Upon question, the applicant stated the property has not yet been purchased but is under contract if the proposal gets approved.

Comm. Northcross stated the Master Plan is the start of putting in place the type of environment that residents and city leaders could build upon. He stated ordinances need to change to go hand in hand with the new Master Plan and not the old. If Pontiac is a redevelopment ready community, we have to have guidelines to adhere to that. He is concerned that there is no plan to implement the new Master Plan.

Mayor Waterman stated she is an advocate for economic development but by the same token, the city is made up of residents. Because the said property is zoned residential, the commission has to consider the concerns of the residents. The market is not the only driving force, residents are as well.

Comm. Fegley made a suggestion of possibly pursuing another property in close proximity. She states the commission tries to work with petitioners and that the city is very business friendly.

Mr. Bowdell clarified that the conditional rezoning is tied to the specific site plan. If the store were to relocate, the site is to remain retail sales but if the building is torn down, the site goes back to residential.

COMM. NORTHCROSS MADE A MOTION TO APPROVE THE PROPOSED CONDITIONAL REZONING (ZONING MAP AMENDMENT) FOR ISAM YALDO FROM R-1 ONE-FAMILY DWELLING DISTRICT TO C-3, CORRIDOR COMMERCIAL MIXED USE DISTRICT AND RECOMMEND APPROVAL TO THE PONTIAC CITY COUNCIL, SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. APPROVAL OF A CONDITIONAL REZONING AGREEMENT BETWEEN THE CITY OF PONTIAC AND BABJAT AND NUBAD MANSOUR. THE CONDITIONAL REZONING AGREEMENT SHALL BE TIED TO A SPECIFIC APPROVED SITE PLAN AND “RETAIL SALE” USE.**

MAYOR WATERMAN SUPPORTED.

**VOTE: AYES: Chair Thomas.
 NAYS: Northcross, Mayor Waterman, Parlove, Payne, Fegley.
 ABSTAIN: None.**

Vote 1-5-0 motion fails.

5.3 PF-15-05 SITE PLAN REVIEW

ADDRESS: 157 AUBURN AVE.

LOCATION: PROPERTY IS LOCATED ON THE NORTH SIDE OF AUBURN AVE. BETWEEN PARKHURST ST. AND WOODWARD AVE.

APPLICANT: ISAM YALDO

Presentation of facts given by Mr. Bowdell.

Petitioner has left the meeting, therefore negating the proposed site plan review.

MAYOR WATERMAN MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN (PF-15-05) FOR FAMILY DOLLAR LOCATED AT 157 AUBURN AVE. WITH THE FOLLOWING LANDSCAPE MODIFICATIONS:

1. MODIFICATION OF REQUIRED LANDSCAPING ABUTTING RESIDENTIALLY ZONED PROPERTY TO PERMIT ALTERNATIVE PLAN AS IDENTIFIED ON SHEET LP-1 OF PLANS REVISED JANUARY 23, 2015.
2. ELIMINATE STREET TREE REQUIREMENT ON AUBURN AVE.

AND SUBJECT TO THE FOLLOWING CONDITIONS:

1. APPROVAL OF A ZONING MAP AMENDMENT (PF-15-04) BY CITY COUNCIL FROM AN R-1, ONE FAMILY DWELLING DISTRICT TO A C-3, CORRIDOR COMMERCIAL MIXED USE DISTRICT.
2. COMPLETION AND APPROVAL OF A CONDITIONAL REZONING AGREEMENT BETWEEN THE CITY OF PONTIAC AND THE APPLICANT TIED TO THIS APPROVED SITE PLAN (PF-15-05).
3. SUBMISSION OF LIGHTING DETAILS AND A PHOTOMETRIC PLAN TO ENSURE COMPLIANCE WITH SECTION 4.501 OF THE ZONING ORDINANCE.
4. TREE NUMBER 375 SHALL NOT BE REMOVED (UNLESS EVIDENCE CAN BE GIVEN BY THE APPLICANT THAT THE TREE IS LOCATED WITHIN THE BUILDING ENVELOPE, REQUIRED DRAINAGE, OR WITHIN UTILITY AREA).
5. COMPLIANCE WITH SECTION 2.303(A)(1) OF THE ZONING ORDINANCE FOR CLEAR VISION AREA – GROUND SIGN MUST BE RELOCATED OUT OF THE CLEAR VISION AREA OF THE PROPERTY OR OBTAIN A VARIANCE FROM THE ZONING BOARD OF APPEALS.
6. ALL SIGNS MUST BE SUBMITTED INDIVIDUALLY FOR REVIEW AND PERMITTING REQUIREMENTS.
7. COMPLIANCE WITH SECTION 4.305(F) OF THE ZONING ORDINANCE FOR PARKING LOT STRIPING REQUIREMENTS.
8. COMPLIANCE WITH ALL ENGINEERING, OAKLAND COUNTY WATER RESOURCE COMMISSION, BUILDING DEPARTMENT, AND FIRE DEPARTMENT REVIEW AND PERMITTING REQUIREMENTS.
9. COMPLIANCE WITH THE CITY OF PONTIAC BUSINESS LICENSING REQUIREMENT.

COMM. PARLOVE SUPPORTED.

VOTE: AYES: Chair Thomas.
 NAYS: Mayor Waterman, Parlove, Payne, Northcross, Fegley.
 ABSTAIN: None.

Vote 1-5-0 motion fails.

5.4 PF-15-08 SITE PLAN REVIEW/SPECIAL EXCEPTION PERMIT

ADDRESS: 1490 BALDWIN AVE.

LOCATION: PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF BALDWIN AVE. AND E COLGATE AVE.

APPLICANT: JOE SHABA

Presentation of facts presented by Mr. Bowdell.

The applicant, Joe Shaba was present as well as his consultant Raphael Patrice, 1490 Baldwin Ave., Pontiac. Mr. Patrice stated the owner, Mr. Shaba, bought said building three years ago and it is currently being used as storage. The applicant currently owns 3 car lots in the city of Pontiac and with the increase in business, he is looking to use this building for reconditioning of cars being bought and sold, not for public services. This is the only lot with a garage. The applicant also addressed his influx of cars on his lot and stated when the load of bulk cars come in at once they are all sent to this lot because of the garage. He does not want to drive the cars to the different lots until they are reconditioned and the expansion will help alleviate the congestion. Applicant has stated lighting will be added to the exterior and all ordinances will be adhered to. Any overflow of cars will go to the Joslyn and Walton lot. He expects to start on construction by the end of March and will finish renovations within a couple of months. The petitioner also stated disposal of used oil is provided by an outside company. The company picks up the full barrels that are provided for disposal.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING OPEN.

Richard Slade, 2697 Ghostlade, Waterford, is the owner of the building next to the said property and is concerned with the parking and the overflow of cars onto his property.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING CLOSED.

COMM. FEGLEY MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN AND SPECIAL EXCEPTION PERMIT (PF-15-08) FOR AN AUTOMOBILE SERVICE (COMMERCIAL) FACILITY WITH A MODIFICATION OF ON-SITE LANDSCAPING TO 0 PERCENT, SUBJECT TO THE FOLLOWING CONDITIONS:

1. OBTAIN A SHARED PARKING AGREEMENT WITH A DIFFERENT PROPERTY OWNER THAT WILL ACCOMMODATE THE 10 PARKING SPACES REQUIRED FOR THE PROPOSED USE. PETITIONER MAY USE HIS OTHER PROPERTIES TO PROVIDE ADDITIONAL PARKING.
2. COMPLIANCE WITH SECTION 4.407 STREET FRONTAGE LANDSCAPING REQUIREMENTS (4 DECIDUOUS TREES REQUIRED).

3. COMPLIANCE WITH SECTION 4.408 OF THE ZONING ORDINANCE FOR DUMPSTER RECEPTACLE ENCLOSURE, OBTAIN A VARIANCE FROM THE ZONING BOARD OF APPEALS.
4. PERFORM MAINTENANCE TO THE EXTERIOR OF THE PROPERTY (PAINT).
5. COMPLIANCE WITH ALL DEPARTMENTAL REQUIREMENTS DESCRIBED IN THE REPORT.
6. COMPLIANCE WITH ALL CITY OF PONTIAC BUSINESS LICENSING REQUIREMENTS.

MAYOR WATERMAN SUPPORTED.

VOTE: AYES: Fegley, Mayor Waterman, Northcross, Parlove, Payne, Chair
 Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 6-0-0 motion passes.

5.5 PF-15-09 ALLEY VACATION REQUEST (M-1 CONCOURSE)

ADDRESS: N/A

**LOCATION: ALLEY IS LOCATED ON THE SOUTH SIDE OF SOUTH BLVD. E
 BETWEEN HOWLAND AVE. AND WOODWARD AVE.**

APPLICANT: M-1 CONCOURSE

Presentation of facts presented by Mr. Sabo.

The petitioner was under instruction from Mr. Sabo not to be present.

CHAIR THOMAS DECLARED PUBLIC HEARING OPEN.

None.

CHAIR THOMAS DECLARED PUBLIC HEARING CLOSED.

COMM. FEGLEY MADE A MOTION TO APPROVE THE ALLEY RIGHT-OF-WAY VACATION REQUEST FOR PF-15-09 M-1 CONCOURSE, LLC ALLEYWAY AS LEGALLY DESCRIBED HEREIN SUBJECT TO THE FOLLOWING CONDITION:

1. MAINTAIN OR DEDICATE AND RECORD ANY AND ALL NECESSARY UTILITY EASEMENTS BEING RESERVED IN THE VACATED RIGHT-OF-WAY FOR PUBLIC UTILITY SERVICING PURPOSES.

COMM. PAYNE SUPPORTED.

VOTE: AYES: Fegley, Payne, Parlove, Northcross, Mayor Waterman, Chair
 Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 6-0-0 motion passes.

NEW BUSINESS: None.

UNFINISHED BUSINESS: Comm. Northcross expressed his concern with the process of going from the Master Plan to ordinances that will allow to say with clarity to any interested developers in a consistent and straight forward manner. He is concerned there is no money set aside for this to occur.

Mr. Sabo clarified that anyone has the ability to petition for what they propose and it does not have to meet the Master Plan. The Master Plan is a desired future use and current zoning is what prevails.

OTHER ITEMS: None.

PUBLIC COMMENTS: Chuck Johnson, 21 Paddock, Pontiac, commented with respect to the Chair and the Commissioners, when asking public comments to not repeat what has already been mentioned or discussed, they too are guilty of repetitiveness when it comes to their own comments. This being the reason the meeting has ran over.

Chair Thomas duly noted Mr. Johnson's comment.

COMM. FEGLEY MOVED TO ADJOURNMENT. COMM. PARLOVE SUPPORTED.

VOTE: AYES: Unanimous.

ADJOURNMENT: 9:42 p.m.