

SPECIAL MEETING: City of Pontiac Planning Commission Meeting Minutes on October 1 2014; 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

CHAIRMAN THOMAS CALLED THE MEETING TO ORDER AT 6:36 P.M.

Moment of Silence.

ROLL CALL:

PRESENT: Comm. Payne, Comm. Northcross, Comm. Cadd, Comm. Fegley, Mayor Waterman, Chair Thomas, Comm. Cadd (arrived 6:46 p.m.)

EXCUSED: None.

ABSENT: None.

Mr. Sabo reported a quorum present.

COMMUNICATIONS: None.

MINUTES FOR REVIEW: September 3, 2014

Comm. Northcross clarified the change from “feet” to “meters.”

MAYOR WATERMAN MADE A MOTION TO APPROVE THE MINUTES FROM SEPTEMBER 3, 2014 WITH NOTED ADDITIONS.
COMM. NORTHCROSS SUPPORTED.

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

Vote 5-0-0 motion carries.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

5.1 PF-14-65 SITE PLAN REVIEW (MOBILE FOOD VEHICLE VENDOR)

PROPERTY ADDRESS: 321 AUBURN AVE.

**LOCATION: PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF S
JESSIE ST. AND AUBURN AVE.**

APPLICANT: ROSE D ALLEN/UNCLE JERRY'S BBQ

Presentation of facts given by Mr. Bowdell.

Jerry Allen, 321 Auburn Ave., stated he has been located at said property for 30 years.

Mayor Waterman clarified with petitioner as to whether permission was granted to petitioner for use of said property. Petitioner stated permission from said property owner has been acquired. Mayor Waterman stated because permission was obtained, no permit was needed by the ordinance. Mayor Waterman stated that City Council passed an ordinance in order to regulate these kinds of businesses and the ordinance was revised specifically to include non-motorized vehicles.

Comm. Payne inquired whether the use of the coolers as refrigeration storage of meats was approved by the Health Department. The petitioner stated the coolers are approved by the Health Department with use of ice for cold storage. Petitioner also states that a health inspector comes out to his business every two weeks to inspect and petitioner passes health inspection every time. Petitioner also states he buys his fresh meat daily.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING OPEN.

Chuck Johnson, 21 Paddock, stated that the Planning Commission meetings are very important to the residents of the city and is upset that the microphone and the projector are not in working order. He states that the projection has not been functioning for the past few meetings and would like to know where the roadblock is to get either a new one or the old one working again. Mr. Johnson also stated that the petitioner is always a business-minded person and recommends that very resident try his bbq. Mr. Johnson supports this site plan review and would like the Commission to approve.

Deborah Archer, 60 Pleasant View, is the secretary at the church across the street from the petitioner's business, states she has had the pleasure of volunteering at the petitioner's business during busy times. She states patrons travel from Royal Oak, White Lake and other communities to try Mr. Allen's food. She also states that the petitioner's business is not taking away from the existing brick and mortar businesses and that patrons know what they want and travel to get it, which is the petitioner's bbq. She states that the business is an asset to the community.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING CLOSED.

Chair Thomas stated that this is a tremendous venture and opportunity for the city to move forward with good merchants.

COMM. CADD MADE A MOTION TO APPROVE THE PROPOSED SPECIAL EXCEPTION PERMIT AND SITE PLAN REVIEW (PF-14-65) FOR UNCLE JERRY’S BBQ TO ALLOW A MOBILE FOOD VEHICLE VENDOR IN THE LOT ON THE NORTHEAST CORNER OF AUBURN AVE. AND S JESSIE ST. (321 AUBURN AVE.) AND PERMIT HOURS OF OPERATION, AS REQUESTED, FROM TUESDAY THRU SATURDAY FROM 10 AM TO 8 PM; SUBJECT TO THE FOLLOWING CONDITIONS:

1. COMPLIANCE WITH SECTION 2.544 OF THE PONTIAC ZONING ORDINANCE FOR EVIDENCE OF APPROVAL FROM OAKLAND COUNTY HEALTH DEPARTMENT.
2. COMPLIANCE WITH MUNICIPAL CODE STANDARDS FROM SECTION 26-1035.
 - a. SPECIFICALLY 26-1035(B)(vi) FOR PROOF OF LIABILITY INSURANCE.
3. COMPLIANCE WITH ALL CITY OF PONTIAC BUSINESS LICENSING REQUIREMENTS.

COMM. NORTHCROSS SUPPORTED.

VOTE:

AYES: Cadd, Northcross, Fegley, Payne, Mayor Waterman, Chair Thomas.

NAYS: None.

ABSTAIN: None.

Vote 6-0-0 motion carries.

5.2 PF-14-80 SITE PLAN REVIEW (FAÇADE MODIFICATION)

PROPERTY ADDRESS: 547 E WALTON BLVD.

LOCATION: PROPERTY IS LOCATED ON THE NORTHEAST CORNER OF WALTON BLVD. AND JOSYLN AVE.

APPLICANT: JIM H. ATTY

Presentation of facts given by Mr. Bowdell.

The applicant, Jim Atty, 547 Walton Blvd, and a representative from the drawing company stated the petitioner is renovating the entire inside of the property with better insulation and an overall improvement to the appearance of the building.

Comm. Northcross stated the work will be an overall improvement to the current state of the building. Upon his inspection of the property, Comm. Northcross mentioned that he noticed two signs on the property but the presentation mentioned no such signs. Comm. Northcross needed clarification as to whether any changes will be made to the signage and states that one sign is in need of repair or removal.

Mr. Bowdell needed clarification as to whether Comm. Northcross was referring to the existing pole signs or the building mounted sign. Comm. Northcross stated he was referring to the ground pole sign on the northern end of the parking lot. Mr. Bowdell stated the proposal is for the façade of the building only and the signage will need a permit.

Chair Thomas stated the signage needs to be addressed.

The petitioner stated he is willing to work with the city to meet the ordinance.

Mr. Sabo stated the ordinance welcomes removal of the signs and adding building signage but it would be up to the petitioner.

Comm. Cadd inquired as to whether the proposal includes improvements to the parking lot.

The petitioner stated no and the hours of operation would depend on customer demand as to how late/early the business will stay open.

Mayor Waterman welcomed the improvements and states the importance of this commercial corner in the city. She questioned staff as to why the ordinance restricts EFIS material to only ten percent of the façade. Mr. Bowdell stated that the building design standards were developed for natural building materials. EFIS is typically not seen as esthetically pleasing or long-lasting. Primary building material should be brick or stone.

The petitioner states he is willing to meet all requirements and his plan from day one was to apply an EFIS system on the building. Petitioner has owned the building for six months and it has remained closed since his purchase due to renovations.

Chair Thomas stated the condition and surrounding property does not look good. There are overgrown weeds and the signage is distressed.

The petitioner states his focus has been on the improvements inside the building, once the renovation is complete, he will focus on the ground keep of the property.

Comm. Payne inquired as to the completion date of the renovations and whether liquor will be sold at the business and whether a liquor license has been acquired.

The petitioner stated the renovations started two months ago and completion will be in another month. Liquor will be sold at said business and a liquor license is in escrow.

Comm. Fegley inquired as to whether the petitioner will be in compliance with the base and if petitioner is willing to put a parapet. The petitioner will be adding a crown cornice to the top of the building to make it look more appealing. He is also willing to remove one sign.

Mayor Waterman mentioned that more information is needed from petitioner. She stated she would feel more comfortable in the surety of her decision with compliance of architectural esthetics before approving.

Mr. Sabo stated the petitioner needs to address issues as to façade, signage and weeds.

MAYOR WATERMAN MADE A MOTION TO TABLE SITE PLAN REVIEW FAÇADE MODIFICATION (PF-14-80) FOR BANANZA PARTY STORE UNTIL THE NEXT MEETING ON NOVEMBER 5, 2014.
COMM. NORTHCROSS SUPPORTED.

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

Vote 6-0-0 motion carries.

5.3 PF-13-45 ZONING MAP AMENDMENT (R-1 TO C-1)

NO ADDRESS (14-10-378-018; 019) (1043 WALTON BLVD.)

**LOCATION: PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF
 WALTON BLVD. AND GIDDINGS RD.**

APPLICANT: WIKI T ACHO

Presentation of facts given by Mr. Sabo.

Mike Acho, 41029 Allspice Dr., Sterling Heights, and David Bruin, consultant to Mr. Acho stated it is important to point out the property was rezoned in 2006. Mr. Bruin stated for some reason, not sure what, the previous Mayor Phillips rescinded the City Council's approval at the last minute. In turn, City Council did not have enough votes to overturn the veto of the Mayor. Mr. Bruin stated that the petitioner is not looking to increase the traffic but rather take advantage of the traffic flow from Notre Dame Prep School.

Comm. Cadd inquired as to when Nikki's restaurant and the daycare were rezoned. Mr. Sabo stated that aerials of the area showed construction beginning in 2004. Comm. Cadd commented that it would make sense to rezone this property to commercial.

Comm. Payne mentioned that at the previous meeting, planning specifics were not yet known. She inquired as to whether any specifics were met. The petitioner stated because the property is zoned residential, he cannot present to investors until the property is rezoned.

Chair Thomas stated the parcel is relatively small and is not viable for residential use. The petitioner would need to find someone to build on the property and traffic would remain the same regardless. Chair Thomas also stated that if assurance from petitioner was given that the center will be organized correctly, he is inclined to think it is better suited for commercial use.

Comm. Cadd stated the board is aware of the residential concerns but also states the petitioner will not recoup his investment if the parcel remains residential. It would be better for the city by way of income if this parcel was rezoned.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING OPEN.

Deborah Guinn, 1481 Giddings, has lived in her home for 16 years and states traffic is horrible during 6-8am, 11am-1pm, and 3-5:30. It is difficult for residents to exit driveways. She is opposed to the rezoning.

Rosa Cardiel, 1471 Giddings, is concerned with traffic and the effect on the neighborhood. She is opposed to the rezoning.

Cathy Homik, 1000 Northfield, understands the city will make revenue if the parcel is rezoned but she wanted the board to also understand that the city makes revenue off of its residents' taxes in the neighborhood as well. She states traffic is a major issue. She notes that nothing from the previous meeting has been addressed by the petitioner. Questions were asked then by concerned residents with no answers from the petitioner as far as what type of business the petitioner will bring in. She would like the board to consider residents when rezoning.

Beverly Graves, 996 and 999 Northfield is concerned with the traffic but also the noise and increased litter. She would like specifics on what type of business will be occupying the property. She would like to know if there is a contingency plan if the business does not survive.

Eilleen Hohum, 1009 Northfield, states there are mornings when she cannot get out of her driveway. She mentions she purchased her home because it was only 1.7 miles to her work. It now takes her nearly 30 minutes to get there some mornings.

Chuck Johnson, 21 Paddock, noted the citizens' concerns but would like to push forward. He stated the Commission has the obligation to rezone or not to rezone but also states what good is an empty lot on a viable corner. He urges the Commission to make a decision. Residents can come back once petitioner has more concrete plans and comes before the board for a site plan review.

The petitioner answered some concerns from residents. As far as what type of business, petitioner states businesses will not give inclination until property is rezoned. But assures the Commission and the citizens that it will not be a pawn shop or a liquor/party store. He also states he has no contingency plan if a business does not survive. Petitioner will put whatever is needed to mitigate the noise, ie. Pine trees, brick wall, whatever is esthetically pleasing. He is mindful of the neighbors with an intent to build to the neighborhood and not take away from it.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING CLOSED.

Comm. Northcross pointed out that the Planning Commission is the recommending body to City Council for approval or denial for rezoning. Should the parcel be approved, it will then come back to the Planning Commission for a site plan review for whatever the business will be. He would like to make sure a public hearing will be held if that be the case.

Mr. Sabo stated only special exception businesses would have a public hearing. Standard commercial businesses will not require a public hearing. Special exception businesses include

auto service, small inn, medical clinic, pawn shops, workshops, community service, drive-thru facilities.

Mayor Waterman made a point of clarification. She stated the rezoning process starts with the Planning Commission but the Planning Commission does not have the prerogative to determine the character of the business, as long as the business meets the criteria. Mayor Waterman also states there is a reason this parcel is zoned residential in the Master Plan. The Master Plan reflects the community by receiving residents' input. She wants to make the community a kind of place that people will want to live in and is taking the residents' concerns into account, therefore she is opposed to rezoning. She does not want to change the character and distinction of the neighborhood.

Comm. Payne is concerned that if rezoning is granted and the owner sells the property, a new owner could come in and build with something the community is not pleased with.

Comm. Fegley inquired if a stipulation could be adhered to the approval, stating the property would convert back if property is sold.

Mr. Sabo stated that conditional rezoning would need to be requested from the petitioner from the State at the beginning of this process. Conditional rezoning is a set of property conditions and once property is sold, rezoning converts back.

Comm. Fegley stated she would like to approve a conditional rezoning because of petitioner's good track record and hears the residents' concerns and would like stipulations/conditions on approval to appease some concerns.

Chair Thomas stated he is mindful of Schram's Auto, which took over a vacant industrial site despite concerned neighbors over their site proposal. He is mindful that the city has to reset its compass and bring businesses in. He states this parcel has been derelict for over 30 years and the city cannot sit on vacant parcels. The city needs to move forward and states that there are a lot of questions and no perfect solutions.

Mr. Sabo stated that postponing the action would allow the Planning Commission to a conditional rezoning, which gives the most options and addresses the concerns.

**MAYOR WATERMAN MADE A MOTION TO DENY THE ZONING MAP AMENDMENT REQUEST FOR PF-13-45, 1043 E. WALTON AS THE PROPOSED ZONING AMENDMENT DOES NOT MEET THE APPROVAL CRITERIA FROM SECTION 6.804.
COMM. PAYNE SUPPORTED.**

Discussion on the floor.

Mr. Sabo made mention that once the rezoning is denied by City Council, a new application for the same amendment cannot be applied for another 180 days. The petitioner is not shut out but will be required to pay for a new application fee.

Mayor Waterman clarified that rezoning adheres to the property and not the owner.

VOTE: AYES: None.
 NAYS: Mayor Wateman, Northcross, Payne, Cadd, Fegley, Chair Thomas.
 ABSTAIN: None.

Vote 0-6-0 motion fails.

COMM. FEGLEY MADE A MOTION TO POSTPONE (PF-13-45) FOR THE NEXT MEETING WITH CONDITIONAL REZONING APPLIED. MAJOR WATERMAN SUPPORTED.

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

Vote 6-0-0 motion carries.

5.4 PF-14-85 SITE PLAN REVIEW (C-1/M-2 TO MUD)

PROPERTY ADDRESS: 45399 WOODWARD AVE.

LOCATION: PROPERTY IS LOCATED ON THE NORTHWEST CORNER OF WOODWARD AVE. AND SOUTH BLVD.

APPLICANT: M-1 CONCOURSE

Presentation of facts given by Mr. Sabo.

Brad Oleshansky, 990 Pilgram, Birmingham, stated that nothing has changed with the project, he just does not want to come before the board another 15 times to move a building 6 feet. The project is moving forward with a projected \$20 million investment in Pontiac and an additional \$30 million in the next 4-5 years. M-1 Concourse will upkeep sidewalks and snow removal. It will open up in phases, with private storage, the test track and office spaces with 20,000 sq. ft. being the first phase. A huge component to M-1 Concourse is public access. Sales on private storage will commence end of October 2014. Phase 1 will be complete in less than one year with the goal to open by 2015 Dream Cruise.

Comm. Northcross inquired about the noise the test track will produce. The petitioner stated the track is not a NASCAR racetrack but a test track for street legal vehicles. The noise will be no different than that of traffic on Woodward. The track was designed to buffer noise and those using the track will have to adhere to strict track regulations and rules that enforce the noise quality.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING OPEN.

Heather Sejowski, 186 West Wilson, stated the commission answered her questions regarding noise but would like to know the hours for the track and the facility's availability to the private garages. She also expressed her concerns with the traffic signal and the fact that there is no left turn light, which will be a major issue in the future.

The petitioner stated the test track does not have lights so there will be no evening use of the track. The private garage will have 24 hour private access, with the only entrance being on South and Woodward.

Mona Harlow, 170 Eerie, is pleased with the proposed project and would like the Commission to approve. She also thanked the petitioner for taking the project above and beyond.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING CLOSED.

The petitioner stated he is required by the city to do a traffic study, which is still in process. He states that Woodward is the responsibility of MDOT and that there will be changes made to Woodward/South but is unsure of when. To address the traffic at Woodward and South will require additional assistance with funds.

Mayor Waterman commended the petitioner's patience and tenacity for taking on a project of this scale and bringing it to the city.

COMM. FEGLEY MADE A MOTION TO APPROVE THE PROPOSED RE-ZONING REQUEST FOR PF-14-85, 45399 WOODWARD AVENUE FROM M-2 GENERAL INDUSTRIAL & C-1 LOCAL BUSINESS DISTRICT TO MUD, MIXED USE DISTRICT AND RECOMMEND APPROVAL TO THE MAYOR AND CITY COUNCIL SUBJECT TO:

1. AMENDMENT OF THE DEVELOPMENT AGREEMENT BETWEEN THE CITY AND M-1 CONCOURSE LLC IN ACCORDANCE WITH RACER TRUST REQUIREMENTS RELATED TO THE PROPERTY SALE TRANSFER.
2. REZONING TIED TO A SPECIFIC SITE PLAN AND/OR SPECIAL EXCEPTION APPROVAL FOR THE SUBJECT PROPERTY.

COMM. PAYNE SUPPORTED.

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

Vote 6-0-0 motion carries.

NEW BUSINESS: None.

UNFINISHED BUSINESS:

1. Mr. Sabo stated the Silverdome is not condemned but under the designation of “Not Safe for Entry.”
2. Mayor Waterman stated her reservations of the Verizon tower. Upon further research, she came across a community that had a wireless pole blend with a bridge. She would like to ask for modifications to make the monopole more fitting with the residential area.

OTHER ITEMS:

Mayor Waterman commented on the status of the revised Master Plan. A special meeting will be held on October 7, 2014 at 6:00 p.m. This is a public hearing.

Comm. Payne mentioned that Triple Investment group has been increasing the parking. She notes the fence keeps moving further away and would like to know if there is a penalty for this action.

Comm. Cadd stated the last One Stop Ready meeting will be held on October 29, 2014. She also mentioned a huge sink hole on Hollywood and Tennisyon. She has mentioned it to the council rep and knows WRC is backed up but would like it looked into. She also mentions that the grass on Kinette to Dixie Highway has not been cut in 9 months. Signs are obscured. Mr. Sabo stated she should report to Building and Safety and find out ownership.

Comm. Fegley mentioned on Johnson and Orchard Lake, there is a rubber man tire with wooden posts in the sidewalk. She has ran into the posts while riding her bike and was tossed in the air. She has told the business owner to remove the posts for public safety but the owner has not done so. Mr. Sabo will look into it.

Comm. Northcross mentioned on South Blvd. between MLK and Sanford, the vacant, contaminated lot has seems to have had some activity as far as additional digging. He has turned in a complaint 6-7 months ago and would like a status update.

PUBLIC COMMENTS: None.

COMM. FEGLEY MOVED TO ADJOURNMENT. COMM. PAYNE SUPPORTED.

VOTE: AYES: Unanimous.

ADJOURNMENT: 10:30 p.m.

