

REGULAR MEETING: City of Pontiac Planning Commission Meeting Minutes on December 4, 2013; Pontiac City Hall, 47450 Woodward Avenue, Pontiac Michigan 48342

COMMISSIONERS: Chairman Dayne Thomas
Deputy Mayor Ken Glass
Ms. Hazel Cadd
Ms. E. Ashely Fegley
Ms. Patricia Hollis
Ms. Lucy Payne
Mr. Scott Hudson

CHAIRPERSON THOMAS CALLED THE MEETING TO ORDER AT 6:35 P.M.

Moment of Silence.

ROLL CALL: PRESENT: Cadd, Fegley, Hudson, Hollis, Payne, Chairman Thomas.

EXCUSED: None.

ABSENT: Deputy Mayor Glass.

Mr. Sabo reported a quorum present.

COMMUNICATIONS: None.

MINUTES FOR REVIEW: July 10, July 30, Aug 7, Sept 4, Oct 29, Nov 6, 2013

COMM. HUDSON MADE A MOTION TO APPROVE THE MINUTES FROM JULY 10, JULY 30, AUG 7, SEPT 4, OCT 29, NOV 6, 2013 SUBJECT TO ANY NECESSARY CORRECTIONS.

COMM. HOLLIS SUPPORTED.

VOTE: **AYES:** Hudson, Hollis, Cadd, Payne, Fegley, Chairman Thomas.
 NAYS: None.
 ABSTAIN: None.

Vote 6-0-0 motion carries.

Comm. Hollis referred to the Nov 6 Minutes regarding her letter of resignation. Comm. Hollis would like to rescind her letter of resignation.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

**5.1 PF-13-88 LOT SPLIT REQUEST – R-1 ONE-FAMILY DWELLING
 DISTRICT**

1388 HIGHLAND BOULEVARD

PROPERTY IS LOCATED AT THE INTERSECTION OF HIGHWOOD AND PRINCETON

PROPERTY OWNER, LONNIE FRY

Finding of facts presented by Mr. Bowdell.

Lonnie Fry, 1338 Highland Drive, stated due to mistakes and issues with the tax assessor, he had to take up ownership of his mother's property (parcel A) in order for the lot split to occur. He stated he has to return the property back to his mother once the property split occurs.

COMM. FEGLEY MADE A MOTION TO APPROVE THE PROPOSED LOT SPLIT (PF-13-88), 1388 E HIGHWOOD BLVD; AS IT MEETS ALL PLACEMENT, SETBACK, AND LOT REQUIREMENTS AND APPEARS TO BETTER MEET THE INTENT OF THE R-1, ON-FAMILY DWELLING DISTRICT BY LIMITING THE USE OF A PROPERTY TO A ONE-FAMILY DWELLING UNIT SUBJECT TO THE FOLLOWING CONDITIONS:

1. RECORD ALL PUBLIC AND PRIVATE UTILITIES AND EASEMENTS.
2. PARCEL B TO REMAIN 1338 HIGHWOOD BLVD.

COMM. HOLLIS SUPPORTED.

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

Vote 6-0-0 motion carries.

Applicant stated for the record, parcel A has an in-law suite and would need to be addressed as unit A and unit B.

Mr. Bowdell stated his comment is duly noted and will be processed and sent to Oakland County for the lot split. Once the address is assigned administratively, the applicant can further discuss with staff.

5.2 PF-13-92 (PUBLIC HEARING) STREET RIGHT-OF-WAY VACATION REQUEST – BALBAO PLACE, VALENCIA DR, DESOTA PLACE, GRANADA DR, AND CORTEZ PLACE, WOODCREST COMMONS – R-1 ONE-FAMILY DWELLING DISTRICT

PROPERTY IS LOCATED NEAR THE INTERSECTION OF N. PERRY AND MARTIN LUTHER KING JR. BOULEVARD

ERIE INVESTMENTS #14 LLC

Finding of facts presented by Mr. Bowdell.

Tom Champion, 639 Balboa, stated he had nothing to add to Mr. Bowdell's presentation. The whole idea is to get the streets repaired for the residents. Once questioned, the applicant stated he is fine with Granada Drive being left public.

Comm. Cadd inquired as to the effect on the property owner when the property is up for sale. Mr. Bowdell stated there is no direct effect to the property owner. The property can be sold but on a private street.

Comm. Hudson inquired as to who is responsible for snow removal and who pays for this service.

The applicant stated Erie Investments pays for snow removal and trash removal. The residents do not have to pay. The applicant will continue to plow and salt the streets and sidewalks. The applicant is looking to resurface the streets and fix several collapsed drainage lines. The property east of Granada is not owned by applicant. There are 235 units and 121 duplexes located on the premises that Erie Investments is responsible for.

Currently all streets are city-owned right-of-ways and the city is responsible for all repairs. Street vacations cannot be sold but requested.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING OPEN.

Robert and Eddie Duson, 740 Granada, objects to the privatization of the streets. He is concerned that Granada will only have one way and one way out. He also has concerns when he puts his property up for sale that the private roads might be a factor in one's decision to purchase. He requests it in writing that the streets not be closed off and remain as the thru way to the public.

Jessie Bass, 552 Granada, is concerned that once the streets are privatized, it can be closed off and gated, limiting access to residents of the complex only. He would like the motion to include the private streets not be gated.

Elton Littles, 504 Granada, has concerns with the snow removal. It was stated by the applicant, the city only removes snow once it is 6 inches or more. Mr. Littles stated the west side of Granada would be the responsibility of Erie Investments because they have residents that occupy the west side of Granada. He has concerns with snow removal because he is paying taxes and it seems to never get done.

Chairman Thomas stated that his concerns would need to go before the Department of Public Works.

Marvis Mitchell, 518 Granada, is concerned with the costs associated if Granada gets privatized.

Fannie Young, 610 Granada, questioned as to whether Granada would get resurfaced if privatized.

Chairman Thomas again clarified that Granada will remain a public street therefore Erie Investments is not responsible for street conditions, snow removal, sidewalks, garbage, lights, etc. The city is responsible for the repairs and maintenance.

Mr. Sabo wanted to clarify with Mr. Bowdell if Granada was included in the original petition. Mr. Bowdell stated it was but upon review, the residents on the east side of Granada were privately owned. Mr. Bowdell spoke to applicant and told them that the city would have to deny the request to vacate Granada without permission from those owners. Applicant agreed to leave Granada a public street.

CHAIRMAN THOMAS DECLARED PUBLIC HEARING CLOSED.

The applicant stated he originally wanted to resurface Granada because his residents stay on the west side of Granada. His intention was to fix all of Granada and not just half. The main purpose of this petition is to improve his complex and make his residents happy. He has no intentions of charging other residents or gating off the complex.

COMM. HUDSON MADE A MOTION TO APPROVE THE PROPOSED RIGHT-OF-WAY/STREET VACATION REQUESTS FOR PF-13-92, WOODCREST COMMONS (DESOTA PL., BALBOA PL., VALENCIA DR.), SUBJECT TO THE FOLLOWING CONDITIONS:

1. GRANADA AND CORTEZ REMAIN PUBLIC STREETS AND NOT BE VACATED.
2. WRITTEN CONFIRMATION FROM 699 DESOTA PL. AND 701 DESOTA PL. STATING THEIR AGREEMENT TO BEING LOCATED ON A PRIVATE ROAD.
3. PROVIDE RECORDED INGRESS/EGRESS AGREEMENTS FOR 699/701 DESOTA PL.
4. SUBMISSION OF A PROFESSIONAL SURVEY AND LEGAL DESCRIPTION FOR THE PROPOSED RIGHT-OF-WAY VACATION.
5. ALL VACATED STREETS MUST REMAIN UNGATED, OPEN TO PUBLIC, AND MAINTAINED AS PRIVATE ROADS AND BE RECORDED AT OAKLAND COUNTY REGISTRAR OF DEEDS.
6. RECORD AND PRESERVE ALL NECESSARY PUBLIC UTILITY EASEMENTS WITHIN FORMER RIGHT-OF-WAY.

COMM. CADD SUPPORTED.

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

Vote 5-1-0 motion carries.

5.3 PF-13-93 SITE PLAN REVIEW – MULTIPLE-FAMILY RESIDENTIAL APARTMENT BUILDING LAND USE, R-3 MULTIPLE FAMILY DWELLING DISTRICT

UNIVERSITY DRIVE (1130)

PROPERTY IS LOCATED AT THE INTERSECTION OF PALMER DRIVE AND UNIVERSITY DRIVE

ALLORA PROPERTIES LLC

Finding of facts presented by Mr. Sabo.

Michael Furnari, 1700 West Napere Suite #120, has been a part of this development for 10 years and believes it to be the nicest development in Pontiac. He would like to finish the project. This development will consist of 48 units, price point yet to be determined.

COMM. HOLLIS MADE A MOTION TO APPROVE THE PROPOSED SITE PLAN REVIEW FOR ALLORA PROPERTIES LLC, PF-13-93 SUBJECT TO THE FOLLOWING CONDITIONS:

1. SUBMIT ADDITIONAL SITE PLAN AND ENGINEERING PLANS FOR REVIEW AND APPROVAL BY THE ENGINEERING DEPARTMENT RELATED TO SOIL EROSION AND GRADING PERMITS.
2. COMPLIANCE WITH ALL CITY BUILDING CODES AND BUSINESS LICENSING REQUIREMENTS.
3. SUBMIT TO ADDITIONAL SITE PLANS FOR WATER AND DRAINAGE REVIEW AND APPROVAL BY THE OAKLAND COUNTY WATER RESOURCES COMMISSION.
4. COMPLIANCE WITH ALL INTERNATIONAL FIRE CODES.

COMM. FEGLEY SUPPORTED.

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

Vote 5-0-0 motion carries.

5.4 PF-13-94 SITE PLAN REVIEW – BILLBOARD SIGN STRUCTURE USE, C-1 LOCAL BUSINESS MIXED-USE RESIDENTIAL DISTRICT

226 S. TELEGRAPH ROAD

PROPERTY IS LOCATED NEAR THE INTERSECTION OF VOORHEIS AND S. TELEGRAPH ROAD

FIVE STAR OUTDOOR LLC

Finding of facts presented by Mr. Sabo.

Joe Oram of Five Star Media, 1877 Orchard Lake, thanked the commission for their time. The applicant stated they are a family-based business which hires locally. The applicant presented samples of the billboard. The applicant stated that 99% of billboard business is from local businesses and provided at low cost. If the billboard should go unused the applicant provides the billboard to the city or a charity organization free of charge. The applicant stated it will be a standard billboard and not digital.

COMM. HUDSON MADE A MOTION TO DENY THE SITE PLAN REVIEW FOR FIVE STAR OUTDOOR LLC, PF-13-94 FOR THE FOLLOWING NON-COMPLIANCE ISSUES:

1. NONCOMPLIANCE SECTION 5.105(F) BILLBOARD SIGNS PERMITTED IN M-1 AND M-2 ZONE DISTRICTS ONLY.
2. NONCOMPLIANCE SECTION 5.105(F) MINIMUM 1-MILE DISTANCE REQUIRED BETWEEN BILLBOARD SIGNS. (M-1 AND M-2 ZONE DISTRICTS ONLY).
3. NONCOMPLIANCE SECTION 5.105(F) MINIMUM DISTANCE FROM RESIDENTIAL ZONE DISTRICT (300').
4. NONCOMPLIANCE SECTION 5.105(F) EXCEEDS MAXIMUM HEIGHT LIMIT OF 40 FT. (70' PROPOSED).
5. NONCOMPLIANCE SECTION 5.105(F) BILLBOARD SIGN NOT PERMITTED TO PROJECT ABOVE ROOF.

COMM. HOLLIS SUPPORTED.

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

Vote 6-0-0 motion carries to deny.

NEW BUSINESS: COMM. HUDSON MADE A MOTION TO ADOPT 2014 PLANNING COMMISSION MEETING SCHEDULE.

COMM. CADD SUPPORTED.

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

Vote 6-0-0 motion carries.

Mr. Sabo is working on the Master Plan. There is an opportunity for place making and Michigan State land policy extension to come and provide a seminar sometime after January 18, 2014. Mr. Sabo is working with reps from Michigan State make it possible.

Chairman Thomas sent all commissioners an overview plan for Oliver Street Farms.

Comm. Hudson passed out the Public Act that had to do with the Joint Planning Committee last month and stated Charlotte Berkhart has offered to host an informal meeting with Pontiac and Waterford specifically for the corridor of Telegraph Road, which is the boundary between the two cities.

UNFINISHED BUSINESS: None.

OTHER ITEMS: None.

PUBLIC COMMENTS: None.

COMM. PAYNE MOVED TO ADJOURNMENT. COMM. CADD SUPPORTED.

VOTE: AYES: Unanimous.

ADJOURNMENT: 9:25 P.M.