

REGULAR MEETING: City of Pontiac Planning Commission Meeting Minutes on June 1, 2011; City Council Chambers of City Hall, 47450 Woodward Avenue, Pontiac, Michigan 48342

CHAIRPERSON SCOTT CALLED THE MEETING TO ORDER AT 6:33 P.M.

MOMENT OF MEDITATION:

ROLL CALL: PRESENT: Glass, Hollis, Jukowski, Scott, Stephens, Turpin, Pietila, Harmon.

EXCUSED: None.

ABSENT: None.

Mr. James Sabo reported a quorum is present.

ALSO PRESENT: James Sabo, City Planner; Mark J. Hotz, City Attorney

COMMUNICATIONS: Letter from EFM order included in packet.

MINUTES FOR REVIEW: May 4, 2011

COMM. HOLLIS MADE A MOTION FOR APPROVAL OF THE MAY 4, 2011 MINUTES AND DEPUTY MAYOR GLASS SUPPORTED.

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

5.1 PF-11-15 STREET VACATION MULTIPLE - WOODWARD AVENUE

Applicant: St. Joseph Mercy Oakland Hospital, 44405 Woodward Avenue, Pontiac, Michigan 48341

Request: Vacate portions of the following four streets adjacent to St. Joseph's Mercy Oakland Hospital at the west property line. The request is part of the south Patient Tower Campus Expansion. Fulton Street from Woodward Avenue to 165 Fulton, 925 feet; Luther Avenue from West St. Joseph property line to 175 Luther, 85 feet; Dellwood Avenue from West St. Joseph property line to 185 Dellwood, 200 feet; Cedardale Avenue from West St. Joseph property line to 181 Cedardale, 160 feet

Complete report submitted by Mr. Sabo, City Planner.

Recommendation: Approval of street vacation requests from Fulton Street, Dellwood Avenue, Luther Avenue and Cedardale Avenue subject to St. Joseph Mercy Oakland Hospital relocating the utilities along Fulton Street and assuming ownership of the private sanitary sewer following the vacation of Fulton Street.

Overhead photographs were shown.

(Comm. Harmon present in the audience)

Presenters/Applicants: David Carpenter, HKS Architects, Jim Salis, Sharon Strevack. Mr. Carpenter indicated the presentation was complete with no additional comments.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING OPEN.

Charles Johnson, 221 North Johnson, happy to see businesses come into Pontiac, and feels the pertinent question is what the developer is offering to the public for bidding of work for subcontractors.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING CLOSED.

No comments: Hollis, Stephens, Scott.

Comm. Pietila satisfied with the work of St. Joe's

Comm. Turpin echoes the comments made by Mr. Johnson.

Deputy Mayor Glass pleased with the progress of the project and also concerned with Pontiac businesses having a part in the construction process.

Mayor Jukowski pleased with the progress. Mayor Jukowski explained the process for considering minority businesses for the contractor work and indicated this is a private business and they cannot put that limit on St. Joseph's.

Jim Salis, Owner, indicated this is a 60 million dollar project and was just completed with minority businesses and other businesses.

MAYOR JUKOWSKI MADE A MOTION FOR APPROVAL OF THE STREET VACATION MULTIPLES AND COMM. PIETILA SUPPORTED.

VOTE: AYES: Turpin, Stephens, Scott, Pietila, Jukowski,
 Hollis, Glass.
 NAYS: None.
 ABSTAIN: None.

Vote 7-0-0 for Approval of the Street Vacation Multiples.

5.2 PF-11-16 - 222 East Columbia Avenue

Request: Zoning Map Amendment/Rezoning Request to change the proposed zoning from M-2 Manufacturing District to M-1 Manufacturing District.

Zoning: M-2 Manufacturing District.

Complete Report submitted by Mr. Sabo, City Planner.

Recommendation: To approve the proposed rezoning request PF-11-16 General Motors and recommend approval to the Pontiac City Council.

Overhead photographs were shown.

Applicant, Jeff Hoda from Nowak and Fraus, agreed presentation was complete.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING OPEN.

No comments.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING CLOSED.

No comments: Jukowski, Turpin, Hollis, Pietila, Scott.

Comm. Stephens inquired of the sole purpose being to fit within the square foot requirement. Mr. Hoda indicated the original variance was to leave it in the M-2 zone, and address square footage and lot width and M-2 is permitted in that area.

Mr. Sabo indicated the project didn't meet the requirements of hardship and it was more efficient to rezone it to comply with the square footage and rezoning in M-2 district.

Deputy Mayor Glass commented he would not be voting because of his affiliation with General Motors Corporation.

MAYOR JUKOWSKI MADE A MOTION TO APPROVE THE ZONING MAP AMENDMENT AND COMM. HOLLIS SUPPORTED.

VOTE: AYES: Hollis, Jukowski, Pietila, Scott,
Stephens, Turpin.
NAYS: None.
ABSTAIN: Glass.

Vote 6-0-1 for Approval of the Zoning Map Amendment.

5.3 PF-11-19-Special Exception Permit- 165 S. Telegraph Road,
Rainbow Plaza

Request: Special Exception Permit, Site Plan Review for alcoholic beverage sales, a change of use at 165 South Telegraph to a wine shop.

Applicant: Marshal Isso, J & J Wines, Inc., 6937 Carrington Circle E. West Bloomfield, Michigan 48322

Zoning: C-1 Local Business District

Proposed Building: There is no new construction proposed as part of the application. It is a change of use only and a Special Exception Permit for alcohol sales.

Special Exception Permit Conditions:
In accordance with Section 14.3 Special Exception Permit, the Planning Commission must ensure the following:

Pursuant to Section 14.3 of the Zoning Ordinance, in granting a Special Exception Permit, the Planning Commission must make findings concerning and shall prescribe appropriate conditions and safeguards to insure the following:

- The proposed use will not adversely affect the development of the surrounding neighborhood.
- The site will be readily accessible to Police and Fire protection.

- The proposed use will not cause undue traffic congestion or movement in the area.
- The site will provide sufficient off-street parking.
- The performance standards of Article IX shall be satisfied and the site will conform to the area, height and bulk standards of Article VII of Zoning Ordinance.

In accordance with Section 7.4.3(8) retail sales of alcoholic beverages may be permitted provided the following conditions are expressly met:

The property shall be located no less than 500 feet from any churches or any other similar places of worship, parks, playgrounds, daycare facilities or K-12 schools, except as provided in paragraph C.

The property shall be located no less than 1 mile from any other property that retail sales of alcoholic beverages is permitted, except as provided for in paragraph c.

Retail sales of alcohol shall occur only from within a grocery store or pharmacy with useable floor area of no less than 10,000 square feet.

The property is located less than 1-mile from the following (non-grocery or non-pharmacy) properties that sell alcoholic beverages:

- 0.7 miles, Huron Liquor, 694 West Huron Street, beer/wine/liquor sales.
- 0.75 miles, country Party Store, 429 Elizabeth Lake Road, beer/wine/liquor sales.
- 0.5 miles Wine Cellars Liquor, 2425 Voorheis Avenue, beer/wine/liquor sales

Proposal does not conform to Section 7.4.3(8).

The property is located less than 1-mile from the following grocery or pharmacy properties with less than 10,000 square feet of useable floor area that sell alcoholic beverages:

0.8 miles, 3 Sisters Market, 608 West Huron Street, approximately 5000 square feet beer/wine sales.

Proposal does not conform to Section 7.4.3(8).

Recommendations: To deny the proposed Special Exception Permit PF-11-20 for J&J Wine Inc. for the following reason:
The proposed Site Plan and Special Exception Permit to not conform to Section 7.4.3(8) of the Zoning Ordinance.

Overhead photographs were shown.

Mr. Romey Mezi and Marshall Isso appeared. Mr. Mezi everything is in order except for the one mile road. What is proposed is an upscale wine store and the owner owns the development Rainbow Plaza, 19,000 square foot, 10 buildings are empty, 10 are occupied.

Mr. Mezi indicated this is an ideal location and will attract clients because of upscale facility. Mr. Mezi is requesting a variance with the one exception of the one mile area.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING OPEN.

Ms. Mona Parla, 170 Erie, lives exactly behind the project and has lived in the area for 20 years. Ms. Parla indicated a Pub is in that same location and smoking in there is quite heavy.

She also indicated the finished work is mediocre at best and is consistent with the plaza. The clientele has not supported the plaza and also it's open to trespass in the rear. Ms. Parla is not in favor of the proposal.

Charles McBride, 128 Illinois, inquired if the variance was open for modifications in case the proposal does not work and can it be used for something else in the future. Mr. Sabo will have to research the matter.

Rose McBride, concerned neighbor with her grandchildren in the area and would not like to see this close to her property or in the area.

Debbie Parker, 127 Illinois, agrees with her neighbor Ms. McBride. She has lived in the area for 40 years. She would like to see the plaza flourish, but encouraged the Board to rule fairly.

Mr. Isso, Owner, indicated he purchased the Plaza last June and has opened a pharmacy and hair salon, which is upscale and they are Pontiac residents. He will close the trespassing points and he has the approval from the city to remodel the plaza and he has no record of serving to under age individuals in 30 years. He believes he's the perfect owner for the strip mall, because he will maintain it and make it work.

Ms. McBride inquired if she could see the pictures of the other properties. Owner agreed.

CHAIRPERSON SCOTT DECLARED PUBLIC HEARING CLOSED.

No comments: Stephens.

Comm. Hollis inquired of the other locations. Mr. Isso indicate he has a hair salon and liquor store and wine shoppe in Lake Orion.

Comm. Turpin inquired if the representative wanted to put it on hold. Mr. Mezi indicated if the other considerations are made, the commission may want to postpone decision on this.

Comm. Turpin commented the ordinance requires a separation of distances between business selling items such as liquor stores.

Mayor Jukowski indicated he needed clarification on the ordinance.

Mr. Sabo explained the ordinance specifically and used Wal-Mart and Target as examples and distances plays a factors.

Mayor Jukowski inquired if Voorheis Street was over the Pontiac Line. Mr. Sabo indicated yes, but the ordinance doesn't say within Pontiac.

Comm. Turpin and Comm. Pietila indicated that County Farms was not included in the list of establishments, which is located on Voorheis and Orchard Lake Road.

Deputy Mayor Glass commented he hears the passion of the owner and inquired if the owner will he sell liquor. Owner indicated there are no liquor licenses available in Pontiac, Michigan.

Deputy Mayor Glass inquired if approval is granted by this Board and the owner later acquires a liquor license would he have to appear before the Board for approval. Mr. Sabo informed the commissioners that the owner has already applied to the Liquor Commission for a liquor license and the LCC is awaiting the decision from the Planning Commission tonight.

Deputy Mayor Glass inquired of his potential customer base. Mr. Isso indicated he will have the best prices and best service, which will attract customers.

Deputy Mayor Glass indicated the Planning Commission denied a previous gas station owner who wanted to sell beer and wine and some of the same principles apply in this case. Mr. Isso commented that gas station is a disaster and it is not up-to-date.

Comm. Pietila commented she agrees with the residents and also concerned with the number of liquor stores in the area and in the City of Pontiac.

Chairperson Scott agreed with the owner 15 years ago to have an upscale wine shoppe but in Downtown Pontiac. The ordinance is clear and it stands as stated.

COMM. HOLLIS MADE A MOTION TO DENY THE SPECIAL EXCEPTION PERMIT AND COMM. PIETILA SUPPORTED.

COMM. STEPHENS INDICATED THE MOTION SHOULD BE IN THE AFFIRMATIVE AND VOTE NO TO DENY THE PROPOSAL. EVERY ONE AGREED.

COMM. HOLLIS MADE A MOTION TO APPROVE THE SPECIAL EXCEPTION PERMIT AND COMM. PIETILA SUPPORTED.

VOTE: AYES: None.
 NAYS: Hollis, Pietila, Stephens, Turpin, Scott,
 Glass Jukowski
 ABSTAIN: None.

Vote 0-7-0 for Approval of the Special Exception Permit failed.

5.4 PF-11-20, 791 Baldwin Avenue - Site Plan Review

Request: Site Plan Review for a new construction building on a vacant parcel. The proposal is a retail building approximately 9,180 square feet.

Applicant: Nederveld Inc./Family Dollar Store, 217 Grandville Avenue SW, Suite 302, Grand Rapids, Michigan 49503

Zoning: C-1 Local Business.

Proposed Building: New Construction & Buildings

- New standard retail building approximately 102' x 90' for Family Dollar Store.

- New parking area for 28 cars at front entry for the store.
- New sidewalk at the store front and new curb and gutter for the parking area.
- New landscaping treatment in the r.o.w. and rear lot line of the site.

Construction Materials Building Elevation (front)

- Split faced 8 inch concrete masonry units.
- Colored metal wall panels painted "lightstone."
- Gray tint solar glass at the storefront entry.
- New metal canopy roof painted "safety red".
- New parapet cap painted "sagebrush tan".
- Metal halide wall pack lighting all elevations.

Complete report submitted by Mr. Sabo, City Planner.

Recommendation: To approve the proposed Site Plan PF-11-20 Family Dollar subject to:

1. Compliance with the Zoning Ordinance Section 10.3 for a number of parking spaces required (43) or obtain a percentage reduction from the Planning Commission or obtain a variance from the ZBA.
2. Compliance with Zoning Ordinance Section 10.7 parking lot lighting required within the parking lot area or obtain a variance from ZBA.
3. Compliance with Article VII Schedule of Regulations for rear set back of 20 feet or obtain a variance from ZBA.
4. Compliance with Zoning Ordinance Section 18.4.4 Table C for sign letter height or obtain a variance from the ZBA.
5. Compliance with Section 9.2.2 Buffer Type A for non-residential use or ZBA.
6. Compliance with Section 9.2.8 R.O.W. buffer for parking lot or ZBA.

In accordance with Section 9.3.5 of the Zoning Ordinance, the applicant must maintain the landscaping in good condition so as to present a neat and orderly appearance.

Applicant, Jim Card, Construction Developer indicated he has updated landscaping plans and an agreement with the liquor store to share the parking lot, also the lights will be removed from the building. Also, the buffers have been addressed.

CHAIRPERSON SCOTT INDICATED THIS IS NOT A PUBLIC HEARING.

Comm. Stephens inquired of the shared parking. Mr. Card indicated he has a recorded shared parking agreement and the owner of the liquor store is present for verification.

Comm. Pietila indicated she is in favor of the proposal and is familiar with the owner and believes maintenance of the building will not be a problem. Comm. Pietila thanked the owner of the liquor store for sharing his parking lot.

Chairperson Scott inquired of the reason for approval if non-conforming issues are outstanding. Mr. Sabo indicated they are minor compliance issues which can easily be adjusted for compliance.

Motion was made and approved.

Comm. Stephens inquired if the motion needed to be more specific. Mr. Sabo agreed and outlined the specifics.

COMM. STEPHENS MADE A MOTION TO APPROVE THE SITE PLAN REVIEW AND COMM. PIETILA SUPPORTED.

*****Conditions of Approval *****

VOTE:	AYES:	Glass, Hollis, Jukowski, Pietila, Stephens, Turpin, Scott.
	NAYS:	None.
	ABSTAIN:	None.

Vote 7-0-0 for Approval of the Site Plan.

PF-11-21 - 2 North Saginaw Street

Applicant: Creative Design and Signs 4 Brother's Lounge, 146 Cesar E. Chavez, Drive, Pontiac, Michigan 48342

Zoning: C-2 Central Business District

Proposed Building: No new construction at this site. Only a new sign is proposed.

Signage: One sign is proposed. It is a projecting sign at the corner commercial building located at 2 N. Saginaw Street. Completed Report submitted by Mr. Sabo, City Planner.

Recommendation: To approve the proposed Site Plan Review Sign for PF-11-21, 4 Brothers Lounge subject to the following conditions:

1. Compliance with Section 18.2.43 of the Sign ordinance concerning total surface area.
2. Compliance with Section 18.2.41(m) of the Sign ordinance concerning maximum projection into the right-of-way.
3. In accordance with Section 74-55 of the Historic Preservation Ordinance, the application must obtain design approval from the Historic District Commission.

Overhead photographs were shown.

Applicant, Mr. Lalor commented he was frustrated and understands Pontiac is going through some internal revisions. He was not given accurate information in applying for his sign variance and he was unaware it had to be reviewed by the design committee and the Planning Department.

CHAIRPERSON SCOTT INDICATED THIS IS NOT A PUBLIC HEARING.

Mr. Sabo indicated he is willing to work with the applicant and was not aware of the confusion he experienced. Mr. Sabo commented the design review is tonight and if the sign was already constructed, that is out of his realm at this point.

No comments: Hollis, Turpin, Pietila, Scott.

Deputy Mayor Glass apologized for the confusion and misinformation given. There have been a lot of changes in Pontiac.

Comm. Stephen agreed and joined in with the remarks of Deputy Mayor Glass.

Mayor Jukowski inquired if an ordinance is changed by the EFM does the applicant have to return back to the Planning Commission. Mr. Sabo indicated no.

COMM. HOLLIS MADE A MOTION TO APPROVE THE SITE PLAN SIGNAGE AND DEPUTY MAYOR GLASS.

VOTE: AYES: Hollis, Jukowski, Pietila, Turpin,
 Glass, Scott
 NAYS: None.
 ABSTAIN: Stephens.

Vote 6-0-1 for Approval of the Site Plan Signage.

NEW BUSINESS: Update Ordinances upcoming.

UNFINISHED BUSINESS: None.

OTHER ITEMS: Comm. Hollis wanted the letter from the EMF read into the record.

PUBLIC COMMENT: Charles Johnson, 221 Paddock Street, indicated he was very pleased with the Planning Commission conducting business this evening and moving the city forward. He is not pleased with the approaching developers coming into the city and not utilizing city based contractors and companies for their proposed constructions. Mr. Johnson feels that question should be asked of each developer coming into the city of Pontiac. Mr. Johnson indicated he feels Mr. Sabo is fair and will help the process.

Maureen Young, DDB Associates, indicated she read an article in the newspaper to change the name of the Pontiac Loop. 52 new businesses have come into the Loop and they have plans to embrace the Loop, instead of fighting it. They have "Cruising in the Loop, "Loving in the Loop", "Street Sales in the Loop" and this will promote the Downtown area.

Charles Johnson inquired if the demand for the developers to go to the CDC will be enforced. Mr. Sabo indicated there is no requirement in the new ordinance for that provision.

COMMISSIONERS' COMMENTS: Chairperson Scott reported this is the Planning Commission's last meeting and also everyone that has been appointed has brought the city down, \$500,000 has been spent on attorney fees and the EFM has no idea what he is doing. His performance proves he will not be here much longer.

Chairperson Scott indicated he has enjoyed his time while serving on the Planning Commission and this is the best Planning Commission he has served on.

Comm. Pietila thanked everyone for helping her on the Planning Commission and wished Mr. Sabo good luck. It's hard to say good bye and God be with us.

Comm. Pietila indicated she has been in contact with individuals concerning the Loop because of the advertisement and discussions are still forth coming. She is also glad the Family Dollar is in her district.

Comm. Turpin indicated it's very disheartening for someone to look at the Planning Commission Board and say they don't know what they are doing. There is a skill process that has to be developed and he wished all of the commissioners well for what's to come in the future.

Comm. Hollis indicated it was good to see Comm. Harmon and invited him to join the commissioners upfront.

Comm. Hollis commented the Planning Commission is a volunteer position and the Planning Commission is dear to her heart and she will miss you all. She realizes she made some mistakes and realized them and her position is for the citizens of Pontiac. She wished the new appointees well in the future.

Comm. Harmon indicated it has been a good journey with a profession group of commissioners and it was a great opportunity and everyone will be missed.

Comm. Stephens commented it is a pleasure to serve with everyone on this board. He also indicated Mr. Sabo referred to the ordinance and stayed true to it and we care enough to petition to have the ordinances reviewed and or changed.

Deputy Mayor Glass thanked the commissioners for their support, dedication and commitment to the City of Pontiac. Everyone made

their own decisions and he feels they made great decisions in a professional manner.

Deputy Mayor Glass indicated as a courtesy to the community items are referred to the CDC so the community is made aware of what may be coming into their community. He indicated he is trying to move the city forward and not being a member of the team and the players aren't allowed to talk with outsiders is difficult.

Deputy Mayor Glass feels the commissioners still have an obligation to the citizens and the community and he is not giving up or going away.

Mayor Jukowski commented to Mr. Johnson that he is not sure they completely disagree on everything, but 130 million has been given back to the city by St. Joseph's and indicated this meeting is not the place to address the concern about using Pontiac residents on construction projects.

Mayor Jukowski commented it was ironic the EFM's order has been issues, because all of the Commissioners are professionals in their own business. Mayor Jukowski read a couple sentences from the EFM order. (copy not received by stenographer for insertion)

Mayor Jukowski commented the public has the right of speech and the Planning Commission has thick skin. Mayor Jukowski feels the dismantling of the Planning Commission may have been because of his comments at the last meeting. Also, having a tentative agenda only with the EFM is not a good decision.

Mayor Jukowski commented it is an honor to serving with all the commissioners and encouraged them to apply and continue serving.

ADJOURNMENT: 9:10 p.m.