

REGULAR MEETING: City of Pontiac Planning Commission Meeting
Minutes on June 6, 2012; Pontiac City Hall, 47450 Woodward
Avenue, Pontiac, Michigan 48342

**CHAIRPERSON TURPIN CALLED REGULAR MEETING TO ORDER AT THE
SPECIAL MEETING AT 6:30 P.M.**

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

EXCUSED: Thomas.

ABSENT: None.

Mr. Sabo reported a quorum is present.

COMMUNICATIONS: None.

MINUTES FOR REVIEW: May 2, 2012 - Approved at Special Meeting.

PUBLIC HEARINGS AND SITE PLAN REVIEWS:

**S.6 PF-12-39 - Site Plan Review - Special Exception Permit CBU
Manufacturing Building addition -25 Brush Street**

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

Petitioners Tim Evans, Engineering Manager; Michelle Richards,
Site Operations Manager.

Mr. Evans indicated the Special Exception Permit is need to
expand to allow the manufacturing of a water based paint to be
produced in the United States, at this facility in Pontiac,
instead of Amsterdam.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

None.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Commissioners had no comments.

COMM. HUDSON MADE A MOTION FOR APPROVAL OF THE SPECIAL EXCEPTION PERMIT SITE PLAN REVIEW FOR PF-12-39, AKZO NOBEL CBU ADDITION 25 BRUSH STREET AND COMM. HOLLIS SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Compliance with all building codes, fire codes and City of Pontiac business licensing requirements.
- 2) Compliance with Section 2.204 Table 2 of the Zoning Ordinance, Permitted uses in the M-1 zone district regarding auto paint manufacturing.
- 3) Compliance with Section 2.518 Special Exception Permit requirements for M-2 use in an M-1 zone district and approval from the Planning Commission.

Comm. Hudson asked for clarification on the motion concerning condition #2, as to whether or not a use variance was required. Mr. Sabo indicated it is required. Comm. Hudson corrected condition #2 as follows.

- 2) Compliance with Section 2.204 Table 2 of the Zoning Ordinance, Permitted uses in the M-1 zone district regarding auto paint manufacturing, or a use variance from ZBA.

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

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

5.1 PF-12-31 - Lot Split Request - C-3 Corridor Commercial District - 151 Lawrence Street

5.2 PF-12-32 - Lot Split Request - C-3 Corridor Commercial District - 147 Lawrence Street

PRESENTATION OF LOT SPLIT REQUEST GIVEN BY MR. SABO.

Petitioner, David Fritzingler appeared agreed with the recommendations, agreed to plant the necessary trees and commented deer are visiting his property.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Councilperson George Williams, District 2, appeared in support of the proposal.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Comm. Hudson inquired as to ownership. Mr. Fritzinger indicated he has owned the business since 1978 and explained the purpose of his business.

COMM. FEGLEY MADE A MOTION TO APPROVE THE LOT SPLIT REQUEST FOR PF-12-31 DAVID FRITZINGER, 151 LAWRENCE AND DEPUTY MAYOR GLASS SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Provide and record all necessary public utility and public access easements.
2. Compliance with residential/commercial International Building Code standards.
3. Compliance with Section 4.407(A) Street Frontage Landscaping Requirements.

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

Vote 6-0-0 for Approval

COMM. HOLLIS MADE A MOTION TO APPROVE THE LOT SPLIT REQUEST FOR PF-12-32 DAVID FRITZINGER, 147 LAWRENCE AND DEPUTY MAYOR GLASS SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

1. Provide and record all necessary public utility and public access easements.
2. Compliance with residential/commercial International Building Code standards.
3. Compliance with Section 4.407(A) Street Frontage Landscaping Requirements.
4. Compliance with Section 2.301 Table 3 Dimensions Standards for lot area and rear setback or obtain a dimensional variance from the Zoning Board of Appeals.

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

Vote 6-0-0 for Approval

**5.3 PF-12-34 - Site Plan Review - Special Exception Permit -
Automobile Service Facility - Commercial District - 1007 Baldwin
Road**

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

Petitioner, Robert Beach explained his desire to re-open an auto
facility that would provide employment opportunities in Pontiac.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Barbara Bellomy, neighbor lives behind proposed property and
does not want a fence or wall blocking her view, which would
create a place for criminal activity.

Letter from Barbara Bellomy

"May 22, 2012

Pontiac Planning Commission
Pontiac, Michigan

Sirs,

Re: Special Exception Permit PF-12-34
Parcel No: 14-17-382-027, 1007 Baldwin Avenue

I own and reside at 20 W. Beverly Ave. directly behind (west) of
his business. I have been here for 53 years.

I am not opposed to Mr. Bob Beach owning and operating an
automobile service at this location.

I am opposed to the city requiring any type of wall or screening
that prevent me from seeing the business. This also prevents
them from seeing me and my property. I believe being able to
see each other gives us protection against thieves and vandals.

I plan to attend your June 6, 2012 meeting at 6:30 p.m. If
necessary, I will speak at this meeting.

Sincerely,
Barbara Bellomy

20 W. Beverly
Pontiac, MI 48340
Ph: 248-332-4069

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Comm. Fegley inquired if a chain-link fence can be approved.
Ms. Bellomy prefers no slats in the fence.

Comm. Hudson indicated to comply with the ordinance would slats be required. Mr. Sabo indicated yes, but it could be changed to comply with the ordinance.

Comm. Hollis visited site and spoke with Ms. Bellomy and feels if that is what she prefers, she is in support of it and also indicated Ms. Bellomy has lived there for 53 years, so why discuss it now.

Comm. Hollis commented the building is nice and clean and supports the ambitions of Mr. Beach.

Deputy Mayor Glass commented the proposal is before the Planning Commission because of a city ordinance to protect the residents with a level of privacy and the Planning Commission has the authority to move on behalf of the residents.

Chairperson Turpin inquired if the property changes hands will different decisions be made. Mr. Sabo indicated he would do further research on that question.

COMM. HUDSON MADE A MOTION FOR APPROVAL OF THE SPECIAL EXCEPTION PERMIT SITE PLAN REVIEW PF-12-34 ACTION AUTOMOTIVE ROBERT BEACH #12180 FOR SECTION 2.509 AUTOMOTIVE SERVICE COMMERCIAL AND COMM. CADD SUPPORTED SUBJECT TO THE FOLLOWING:

- 1) Compliance with Section 4.407(a) for Street Frontage landscaping along Baldwin.
- 2) Compliance with Section 4.405 Table 12 for Buffer Type B or Discretionary approval from the Planning Commission in accordance with Section 4.405(c)(3)(c) for alternate screen material.

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

Vote 6-0-0 for Approval of the Special Exception Permit.

**5.4 PF-12-36 - Site Plan Review - Special Exception Permit -
Metal Heat Treatment Facility - 855 Cesar E. Chavez Avenue**

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

Petitioner, Kenneth Van Tine appeared with Ken Rogge and George
Applebee and had no additional comments.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Councilperson George Williams, District 2, commented he attended
the ZBA meeting and this proposal would create more employment
opportunities for the City of Pontiac and he is in favor of the
proposal.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

No comments by the Commissioners.

COMM. HOLLIS MADE A MOTION FOR APPROVAL OF THE SPECIAL EXCEPTION
PERMIT, SITE PLAN REVIEW FOR PF-12-26 AND PF-12-36, HEAT
TREATING SERVICES 855 CESAR CHAVEZ AND COMM. FEGLEY SUPPORTED
SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Compliance with all building code, fire code and City of
Pontiac business licensing requirements.
- 2) Conform and address City Department concerns regarding
truck turning radii and rear gate access for fire
emergencies.
- 3) Compliance with Section 4.405 Outdoor Storage screening
requirements.

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

Vote 6-0-0 for approval of the Special Exception Permit Site
Plan.

**5.5 PF-12-38 - Site Plan Review - Special Exception Permit -
Community Service Facility - 000 Vanguard Drive**

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

Petitioner, Chris Allard, 2388 Coolidge Road, Berkley, Michigan,
appeared and commented the proposed facility is 35,000 square
feet and fits well within the district and it will be a
compliment to the community.

Beth Morrison, President of Haven, commented they provide
services such as domestic and sexual counseling, court advocacy,
adult and children services.

Chairperson Turpin inquired if this was an expansion and/or
relocation. Ms. Morrison indicated both. They are adding more
work force and a legal clinic.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Councilperson George Williams, District 2, is in support of the
proposal.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Comm. Hudson inquired if the building was in the industrial park
and if they had purchased the building. Mr. Allard indicated it
is in the corporate park and the purchase agreement is
contingent on approval.

Comm. Hudson inquired if the 250-500 feet distance was relevant
to the nearby subdivision. Mr. Sabo indicated no, it's not a
school or a park.

Comm. Hudson inquired about the dog run, dogs barking and an
odor. Ms. Morrison indicated the intent is to keep the dogs in
a specified area and it's needed for their clients who are in
fear of leaving their pets behind.

Comm. Hudson inquired of the development agreement. Mr. Sabo
indicated that agreement is between the owner and the city and
part of the TIFA process.

Comm. Hudson inquired if there has been communication with the project advisor for Oakland County. Mr. Allard indicated they have been in contact with his office, but not him directly.

Comm. Cadd commented she is pleased to see this type of development in the area and feels pets are a good idea for the clients.

Deputy Mayor Glass commented the county may have had other plans for the proposed property and communications should be with the Planning Department, City of Pontiac and the County.

Chairperson Turpin agreed with Deputy Mayor Glass and he has no problems with the proposal and feels it is a great need for the community to have pertinent resources available.

Comm. Hudson inquired of groundbreaking plans. Ms. Morrison indicated Spring 2013.

COMM. FEGLEY MADE A MOTION FOR APPROVAL FOR THE SPECIAL EXCEPTION PERMIT SITE PLAN REVIEW FOR PF-12-38 SHW HAVEN AND COMM. HOLLIS SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Compliance with the MUD zone district requirements for a mutually acceptable Development Agreement between the City and Developer based on Planning Commission approval of a conceptual plan.
- 2) Compliance with all building code, fire code and City of Pontiac business licensing requirements.
- 3) If necessary, compliance with Section 2.523 standards for Community Service Facilities or obtain a variance from the ZBA.

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

Vote 6-0-0 for approval of the Special Exception Permit Site Plan.

**5.5 PF-12-38 - Site Plan Review - Special Exception Permit -
Community Service Facility - 000 Vanguard Drive**

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

Petitioner, Chris Allard, 2388 Coolidge Highway, appeared along with Beth Morrison, President of Haven. Mr. Allard indicated the building was 35,000 square feet and fits well within the district and will compliment the community.

Ms. Morrison indicated Haven provides services to Pontiac citizens such as domestic and sexual counseling, court advocacy, adult and child services.

Chairperson Turpin inquired if this was an expansion and/or relocation. Ms. Morrison indicated both. They are increasing work force and adding a legal clinic.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Councilperson George Williams, District 2, is in support of the proposal.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Comm. Hudson inquired if this was in the industrial park and if the building had been purchased.

Mr. Allard indicated the building is in the corporate park and the purchase agreement is contingent upon approval of this proposal.

Comm. Hudson inquired if the 250-500 feet applied to the nearby subdivision. Mr. Sabo indicated no, it's not a park and not a school.

Comm. Hudson read into the record, Standard of Approval #6 "Not involve uses, activities, processes, materials and equipment or conditions of operation that will be detrimental to any person, property or general welfare as a result of producing excess traffic, noise, smoke, fumes, glare or odors out of proportion to that normally prevailing in the particular district."

Comm. Hudson was concerned the dog run and barking dogs creating noise and odor. Ms. Morrison indicated that is the intent of the dog run, to keep dogs in that particular area. Also their clients are in fear of leaving their dogs behind and Haven wants to alleviate that barrier for their clients by having the option of bringing their pets with them.

Comm. Hudson inquired of the communications of the development agreement. Mr. Allard indicated the development agreement is between the owner, the City of Pontiac and part of the TIFA process.

Comm. Hudson inquired if they were in communication with the project advisor for the County and his recommendations for Telegraph as a boundary between Pontiac and Waterford. Mr. Allard indicated they have worked with his office, but not directly with the project advisor.

Comm. Cadd commented she is glad to see this type of development in the community and pets are a good idea for the clients.

Deputy Mayor Glass commented the county had other plans for this proposed property and the development agreement should include the Planning Department along with the City and County.

Chairperson Turpin agreed with Deputy Mayor Glass and has no problem with the proposal. Chairperson Turpin feels it is a great need for the community to have pertinent resources.

COMM. FEGLEY MADE A MOTION FOR APPROVAL TO CONCEPTUALLY APPROVE THE SPECIAL EXCEPTION PERMIT SITE PLAN REVIEW FOR PF-12-38 SHW HAVEN AND COMM. HOLLIS SUPPORTS SUBJECT TO THE FOLLOWING CONDITIONS:

- 1) Compliance with the MUD zone district requirements for a mutually acceptable Development Agreement between the City and Developer base on Planning Commission approval of a conceptual plan.
- 2) Compliance with all building codes, fire code and City of Pontiac business licensing requirements.
- 3) If necessary, compliance with Section 2.523 standards for Community Service Facilities or obtain a variance from the ZBA.

Comm. Hudson inquired of groundbreaking dates. Ms. Morrison indicated Spring of 2013.

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

Vote 6-0-0 for approval of the Special Exception Permit Site Plan.

**5.7 PF-12-40 - Site Plan Review - P-1 Parking District - 000
North Saginaw Road**

SITE PLAN REVIEW GIVEN BY MR. SABO.

Petitioner, Jeff Cayhan, appeared with the other owners (his brothers) and the engineer. Mr. Cayhan indicated they own the building across the street and their clients need additional parking and more lighting.

THIS IS NOT A PUBLIC HEARING.

Comm. Hudson inquired how will the pedestrians cross the street. Mr. Cayhan indicated there is a pedestrian crosswalk with a signalized intersection.

Chairperson Turpin inquired of the location of the entrance. Mr. Cayhan indicated on the south east corner entrance.

Chairperson Turpin commented the additional parking is very large. Mr. Brickle, Engineer, indicated it is required by the State of Michigan.

Mr. Sabo indicated a signalized crossing is not required for this intersection.

Comm. Cadd inquired if they were using the maximum wattage required. Mr. Brickle indicated yes.

Comm. Fegley commented they have addressed all the bicycle parking issues.

Comm. Cadd indicated the handicap crossing needs to be addressed.

COMM. HOLLIS MADE A MOTION FOR APPROVAL OF SITE PLAN REVIEW PF-12-40- 235 NORTH SAGINAW ASSOCIATES AND COMM. CADD SUPPORTED SUBJECT TO THE FOLLOWING CONDITIONS:

Compliance with Section 4.303 for Bicycle Parking requirements.

Compliance with Section 4.502(d) Lamps, 400 Maximum Wattage.
The applicant should demonstrate the need for added wattage at
the site.

Additionally, consider addressing Pedestrian Crossing.

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

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

**5.8 PF-12-41 - Site Plan Review - Special Exception Permit -
Retail Sales - 165 South Telegraph Road**

SPECIAL EXCEPTION PERMIT, RETAIL SALES GIVEN BY MR. SABO.

Petitioner, Marshall Isso, reported there are two more liquor
license establishments in the immediate area, none on Telegraph
and they have a need to service their tenants. He also
indicated he has several signatures for approval of this
proposal.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING OPEN.

Councilperson George Williams, District 2, commented he had
conversations with Mr. Isso, toured his facility, it is a high
traffic area and the same concept is being done in Bloomfield.

Councilperson Williams indicated the facility and surrounding
area is very clean and he is in support of the proposal.

Mr. Jason Toma indicated he is a tenant in the plaza and he is
relying on this business to be an anchor to promote business for
other tenants. He is the owner of Lucky times Internet Café.

Ms. Mona Par, 170 Erie Road, lives to the east of the proposed
property and commented this property was denied one year ago
because of all of the surrounding liquor stores in the area.
Ms. Par reported that the sign out front already indicates beer
and tobacco already. Also, the windows have grates on them, no
landscaping and a dead body was found in the next door
neighbor's yard.

Mr. Bill Ram, 155 Illinois, lives behind the strip mall, and he
supports the comments by Ms. Mona Par and he does not see the

benefits of a beer and wine store in that location and does not support the proposal.

Mr. Rick Luxon, lives across from the strip mall, his backyard faces the property and he has no problem with the store, but concerned about the bar traffic.

Mr. Richard Aglee, lived in the area for 28 years, and he fought against the construction of the building and he is willing to work with the petitioner for a better solution.

CHAIRPERSON TURPIN DECLARED PUBLIC HEARING CLOSED.

Comm. Fegley inquired of the reason for cutting down trees. Mr. Isso indicated they were dead and dangerous, but he will replenish them.

Deputy Mayor Glass inquired what is the connection with other the businesses to the beer and wine sales. Mr. Isso indicated it would increase traffic and make people aware of the business.

Deputy Mayor Glass inquired of the wording on the sign. Mr. Isso indicated it was an accident by the sign company, the tobacco has already been approved. Mr. Isso indicated it has been state approved, waiting on city approval.

Comm. Hollis inquired of packaged alcohol beverage. Mr. Isso indicated it is beer and wine by the bag, individually.

Comm. Hollis inquired if he could sell liquor. Mr. Sabo indicated he would need a different license to sell liquor and also would need approval from the DDA. Mr. Isso indicated he does not plan to sell liquor, but maybe in the future.

Comm. Cadd inquired if he has his license for beer and wine. Mr. Isso indicated no, approval needed.

Comm. Cadd inquired if there is an ordinance for a number of allotted licenses. Mr. Sabo indicated yes.

Deputy Mayor Glass indicated the proposal was turned down a year ago because the adjacent gas station was denied because the City did not want to load the area with the selling of beer and wine.

Comm. Hudson inquired of when the building was purchased and ownership of other plazas. Mr. Isso indicated two-and-a-half years ago the purchase was made and he owns plazas in Lake

Orion, Garden City and currently building one in Livonia and the two plazas are very successful.

Comm. Fegley commented she lives in the neighborhood and has heard the concerns of the neighbors. The rear needs to be made safe and the acquired signatures of residents, some do not live in the neighborhood. Comm. Fegley suggested tabling the proposal for more community input.

Chairperson Turpin commented it was denied the past because it does not meet the standards within the City of Pontiac. Mr. Sabo indicated the Zoning Ordinance changed in February 2012 from one liquor establishment per mile to two per mile, but still would not benefit Mr. Isso's proposal.

Comm. Hollis inquired if approval is on an individual basis or a city ordinance basis. Mr. Sabo indicated city ordinance basis. Comm. Hollis suggest making some compromises in this situation.

Further discussion was had concerning beer and wine establishments versus specialty store and the benefits to the community.

COMM. HUDSON MADE A MOTION TO DENY THE SPECIAL EXCEPTION PERMIT SITE PLAN REVIEW PF-12-41 MARSHALL ISSO J&J WINES FOR SECTION 2.515 RETAIL SALES (PACKAGED ALCOHOLIC BEVERAGES) AND DEPUTY MAYOR GLASS SUPPORTED FOR THE FOLLOWING REASONS:

The proposed site plan does not conform to the provisions of Section 2.515 Retail Sales (package alcoholic beverages) regarding the 1-mile distance requirements. The proposed use does not comply with the provisions of Section 6.303 Special Exception Permit Standards for approval numbers 3, 4 and 6.

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

Vote 4-2-0 for denial of the Special Exception Permit Site Plan Review.

NEW BUSINESS: None.

UNFINISHED BUSINESS: None.

OTHER ITEMS: Downtown Transportation Assessment - June 14, 2012
at 4 p.m..

Meeting with County Executive Mr. Gibbs plan forthcoming.

PUBLIC COMMENTS: None.

ADJOURNMENT: 9:10 p.m.