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CITY OF PONTIAC - PLANNING COMMISSION

WEDNESDAY, AUGUST 3, 2022

6:00 P.M.

A meeting before the Planning Commission
held at 47450 Woodward Avenue, Council Chambers,
Pontiac, Michigan.

BOARD COMMISSIONERS:

- Ashley Fegley, Chair
- Mona Parlove, Vice Chair
- Christopher Northcross, Commissioner
- Tim Shepard, Commissioner
- Mike McGuinness, Commissioner
- Vernita Duvall, Commissioner

CITY OFFICIALS PRESENT:

- Vernon Gustafsson, Planning Manager
- Donovan Smith, City Planner

REPORTED BY:

Kelly Hairston

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MEMBERS OF THE PUBLIC ADDRESSING THE PLANNING COMMISSION:

- Angelo Taylor
- Vincent Serio
- Mattie Mckinney-Hatchett
- Shequindra Smith
- Melanie Rutherford
- Ayodeji Abejide
- Frank Kerr
- James Richardson
- Ali Ajami

1 (CALL TO ORDER: Chairperson Fegley called
2 the meeting to order at 6:02 p.m.)

3 CHAIR FEGLEY: Good evening, everyone.
4 Welcome to the Pontiac Planning Commission meeting for
5 August 3rd. I will call the meeting to order. I'll
6 briefly introduce everyone. To the my far left is
7 Donovan Smith and then Commissioner Vernita Duvall,
8 Commissioner Northcross, Vernon Gustafsson on the far
9 right, and Tim Shepard and Mona Parlove and my name is
10 Ashley Fegley. Roll call, please.

11 MR. GUSTAFSSON: Yes. Also just make sure
12 you have your microphones on. Chair Fegley?

13 CHAIR FEGLEY: Present.

14 MR. GUSTAFSSON: Vice Chair Parlove?

15 COMMISSIONER PARLOVE: Present.

16 MR. GUSTAFSSON: Mike McGuinness is not
17 here as of yet, might show up. Commissioner Duvall?

18 COMMISSIONER DUVALL: Present.

19 MR. GUSTAFSSON: Commissioner Northcross?

20 COMMISSIONER NORTHCROSS: Present.

21 MR. GUSTAFSSON: And Commissioner Shepard?

22 COMMISSIONER SHEPARD: Present.

23 MR. GUSTAFSSON: We have a quorum.

24 CHAIR FEGLEY: Thank you. I believe there
25 are no amendments to the agenda.

1 MR. GUSTAFSSON: Yeah, sorry. I do -- I
2 would like to under old business 7.2, I'd like to put
3 on the agenda to -- for your approval to schedule a
4 special meeting on Wednesday, August 24th.

5 CHAIR FEGLEY: Can I get a motion to amend
6 the agenda to include 7.2 scheduled special meeting for
7 August 24th?

8 COMMISSIONER NORTHCROSS: So moved.

9 COMMISSIONER SHEPARD: Support.

10 CHAIR FEGLEY: Thank you. Roll call.

11 MR. GUSTAFSSON: Commissioner Northcross?

12 COMMISSIONER NORTHCROSS: Yes.

13 MR. GUSTAFSSON: Commissioner Shepard?

14 COMMISSIONER SHEPARD: Yes.

15 MR. GUSTAFSSON: Vice Chair Parlove?

16 COMMISSIONER PARLOVE: Yes.

17 MR. GUSTAFSSON: Commissioner Duvall?

18 COMMISSIONER DUVALL: Yes.

19 MR. GUSTAFSSON: And Chair Fegley?

20 CHAIR FEGLEY: Yes.

21 MR. GUSTAFSSON: Motion to amend the
22 agenda passes 5-1 -- 5-0.

23 AYES: Fegley, Northcross, Shepard,
24 Parlove, Duvall.

25 NAYS: (None.)

1 ABSTAIN: (None.)
2 MOTION CARRIES 5-0-0
3 CHAIR FEGLEY: Next is meeting minutes for
4 review for the July 6th, 2020 (sic) meeting.
5 Commissioner.
6 (Brief pause in proceedings.)
7 CHAIR FEGLEY: Commissioner McGuinness,
8 welcome to the meeting.
9 COMMISSIONER MCGUINNESS: Thank you. On
10 the minutes, none.
11 CHAIR FEGLEY: Commissioner Duvall?
12 COMMISSIONER DUVALL: No.
13 CHAIR FEGLEY: Commissioner Northcross?
14 COMMISSIONER NORTHCROSS: No changes.
15 COMMISSIONER SHEPARD: No changes.
16 CHAIR FEGLEY: Commissioner Parlove?
17 COMMISSIONER PARLOVE: No changes.
18 CHAIR FEGLEY: I do not have any changes.
19 May I have a motion to approve the meetings minutes for
20 July 6th?
21 COMMISSIONER NORTHCROSS: So moved.
22 COMMISSIONER PARLOVE: Support.
23 CHAIR FEGLEY: Roll call.
24 MR. GUSTAFSSON: Commissioner Northcross?
25 COMMISSIONER NORTHCROSS: Yes to

1 approve.

2 MR. GUSTAFSSON: Commissioner Parlove?

3 COMMISSIONER PARLOVE: Yes to approve.

4 MR. GUSTAFSSON: Commissioner Shepard?

5 COMMISSIONER SHEPARD: Yes to approve.

6 MR. GUSTAFSSON: Commissioner Duvall?

7 COMMISSIONER DUVALL: Yes to approve.

8 MR. GUSTAFSSON: Commissioner McGuinness?

9 COMMISSIONER MCGUINNESS: Yes to

10 approve.

11 MR. GUSTAFSSON: And Chair Fegley?

12 CHAIR FEGLEY: Yes to approve.

13 MR. GUSTAFSSON: Motion passes 6-0.

14 AYES: Fegley, Duvall, Northcross,

15 Shepard, McGuinness, Parlove.

16 NAYS: (None.)

17 ABSTAIN: (None.)

18 MOTION CARRIES 6-0-0

19 CHAIR FEGLEY: There are no special
20 presentations, so our first public hearing will be
21 for SPR 22-19 Preliminary Site Plan Review for 645
22 South Old Telegraph Road and 1056 Golf Drive.

23 MR. SMITH: I'll go ahead and if

24 (inaudible).

25 CHAIR FEGLEY: Sure.

1 MR. SMITH: All right. So good evening,
2 everyone. The first item today is a two-part
3 application of two applications, SPR 2219 and the
4 public hearing is related to ZMA 22-04. So we will --
5 so first we will address the Preliminary Site Plan
6 Review and the context of the site and then following,
7 we will address the public hearing and Proposed Zoning
8 Map Amendment.

9 So the Preliminary Site Plan SPR 22-19, we
10 have the applicant Vincent Serio and Get Your Greens
11 LLC for parcel numbers 64-14-31-381-027 and
12 64-14-31-458-010. Both these parcels are currently
13 zoned C-1 Local Business and a portion is also zoned
14 P-1 Parking. And the request is to rezone these
15 parcels from -- to M-1 and a Preliminary Site Plan
16 review conditionally rezoning to allow what would be a
17 proposed medical marihuana grower and processor.

18 So for context, the property's located at
19 the intersection of Golf Drive, South Telegraph. It
20 would be east of Orchard Lake Road. It's a total of
21 three parcels, but the rezoning request is actually
22 directly related to two of the three directly fronting
23 Golf Drive and South Telegraph. Not directly the Dover
24 residential parcel, but it is -- would be included in
25 the site, the Preliminary Site Plan as a whole.

1 As mentioned, on the zoning map the
2 parcels are zoned C-1 local business, a district that
3 is designated for mixed use developments and uses
4 supporting housing, the surrounding residential
5 neighborhood and local businesses.

6 And then you can see the area designated
7 in blue are the P-1 Parking parcels which currently
8 maintain what is that vacant parking, the parking lot,
9 that vacant land there. The applicant did provide a
10 zoning site context so you can see again those blue
11 areas are zoned and would be reserved for parking, and
12 the purple areas are the C-1 Local Business zoning
13 designation and you can see the footprint of those
14 buildings as they exist today.

15 The applicant did provide us in your
16 packet a site plan or preliminary site plan and I
17 provided the landscaping plan as proposed. We have not
18 done a full review on these. We've just looked at it
19 from a preliminary standpoint and these are the
20 drawings they provided.

21 So, in the preliminary site plan review,
22 regarding those uses, the proposed medical marihuana
23 grow and processor uses are not permitted at that
24 subject location. Those uses are not permitted outside
25 of the designated zoning overlay district. The Cesar

1 Chavez, Downtown, and Walton Boulevard Overlay
2 Districts. So because they're not permitted in these
3 areas, it does require a zoning map amendment and a
4 special exemption permit which is the reason they are
5 requesting these changes today.

6 Conditionally, the site plan does meet the
7 requirements in terms of the items I will mention on
8 the next slide, and if the project is approved and
9 permitted to go forward, they would be required to
10 complete and acquire the requested M-1 Light
11 Manufacturing Zoning designation. They will be
12 required to complete and get approval for a full site
13 plan review and come back before the Planning
14 Commission. They will also be required to receive a
15 special exemption permit from the Planning Commission
16 and then they would also be required to get all of the
17 licenses for the proposed medical marihuana uses from
18 the City Clerk's Office.

19 MR. GUSTAFSSON: And through the Chair, if
20 I may, in their -- and we'll get into a little bit more
21 of a deeper dive when we talk about the Zoning Map
22 Amendment with conditions, they did in their
23 conditions, they did waive the site or the special
24 exemption permit approval for this project. Just want
25 to give you a heads up. So that would not -- if it is

1 approved by City Council, that condition, they would
2 not have to come back to Planning Commission for a
3 special exemption permit.

4 MR. SMITH: And if I may add, the public
5 hearing for the special exemption, the public hearing
6 would not take place. They would still come back for a
7 site plan and that still has to be approved by you.
8 But the additional criteria to hold a public hearing
9 and acquiring special exemption permit is a condition
10 that they are requesting to be waived, a part of their
11 rezoning.

12 COMMISSIONER PARLOVE: So may I ask a
13 question? How does that benefit us because they've
14 chosen to waive that?

15 MR. SMITH: They are to -- with
16 conditional rezoning, the applicant can make proposed
17 conditions. The city cannot alter those conditions, so
18 the applicants are choosing to request those conditions
19 for the reasons they feel necessary to move the project
20 forward.

21 COMMISSIONER PARLOVE: Okay. So then it
22 eliminates the opportunity for the residents to have
23 any input for expressed opinion in a public forum?

24 MR. SMITH: Yes. It would not allow the
25 public to engage with the project from a public

1 hearing, yes.

2 COMMISSIONER PARLOVE: Okay. Just a
3 little footnote, I don't remember this being brought to
4 us before while I've before on Planning Commission.
5 Has this happened before?

6 MR. SMITH: As long as I've been here, I
7 have not seen a scenario where a conditional rezoning
8 request, the special exemption be waived, so this would
9 be the first time.

10 COMMISSIONER PARLOVE: Okay. All right,
11 thank you.

12 MR. SMITH: So moving forward, as I
13 mentioned in the previous slide, the preliminary site
14 plan does meet the standards for a preliminary site
15 plan approval, meaning it does have proper circulation
16 between the streets and the buildings. The buildings
17 and structures are located in a way that is in
18 compliance and minimizes the effects of the surrounding
19 area. The natural features of the property would be
20 maintained in addition to those additional landscaping
21 and natural elements. The overall site and layout as
22 proposed is in compliance and does not adversely affect
23 the surrounding community. And then finally, they
24 would be required to still meet all of the additional
25 site plan requirements which we'll kind of touch on a

1 little later on, from a preliminary site plan
2 perspective.

3 And then just some notes related to
4 medical marihuana uses, all medical marihuana uses are
5 subject to site plan review, so they would have to
6 bring that back for medical marihuana uses outside the
7 overlay districts in compliance with the zoning
8 ordinance to date -- does require a special exemption
9 permit. So that is a requirement located within our
10 zoning ordinance and within the Medical Marihuana
11 Overlay District Ordinance.

12 We have provided in your packet the
13 conditions for special exemption approval. I won't go
14 into all of these today, but they were all provided and
15 if it does come back at a later time, these would be
16 those standards, the typical special exemption criteria
17 and there are 7 of them.

18 Then that concludes the preliminary site
19 plan review for SPR 22-19, thank you.

20 CHAIR FEGLEY: So there's no real changes
21 to the site or anything at this point because they want
22 to just see if the property can be rezoned?

23 MR. SMITH: This would be correct, yes.

24 CHAIR FEGLEY: Okay. Is the petitioner
25 here this evening?

1 MR. SMITH: Yes.

2 VINCENT SERIO: Good evening.

3 CHAIR FEGLEY: Please state your name and
4 address for the record.

5 ANGELO TAYLOR: How you doing? My name is
6 Angelo Taylor. I own properties in Pontiac on this 1
7 Franklin -- 150 Franklin. The other one would be 201
8 State Street. And I had the pleasure of going down
9 this road with them as a business consultant, and I
10 also had the pleasure of going down the road with
11 Glenwood Plaza when they were going through their
12 situation. I watched this James -- Vince, the owner of
13 Get Your Greens, go through this process and basically
14 took an area -- I'm born and raised in Pontiac -- took
15 an area that's been totally, totally just in a terrible
16 situation and yes, they already did major changes to
17 it, major. Like, what we see of those buildings now is
18 not what Pontiac is used to seeing before they even had
19 the opportunity to get anything done.

20 And I do want to say that as they go
21 through this process, I kept wondering what's the big
22 deal with people saying hey, Pontiac, it's hard to work
23 with, hard to do this. And I'm like, no, I'm born and
24 raised in Pontiac and I know these people. These are
25 all good people. These are not people hard to work

1 with. But then when we go down the process, we meet a
2 situation like going through this process with these
3 people and they get a -- emails going back and forth
4 trying to do everything that's compliant. I mean, I
5 met with some of you already about just them being
6 compliant. I wanted to make sure if I'm going to work
7 with them, they at least have to do what y'all say and
8 how y'all say it. I can really assure that I've been
9 sitting with them and they did they best to do what
10 y'all said, how y'all said it. And to get met with
11 some confusion or conflict a day beforehand, it's, you
12 know, that -- I got on a real view of saying oh, that's
13 the frustration that they're talking about. That's the
14 confusion.

15 And I look up here now, I know that that
16 confusion don't apply to y'all. I know how brilliant
17 and smart y'all are, but yet and still, I see where I
18 had an opportunity to see where the confusion lies and
19 our processes in Pontiac. I seen these people go
20 through their situation the best way that y'all saw
21 fit, just for them to come to this situation now and
22 the day before to realize that there may be a conflict.
23 I'm hoping today that that can be solved and y'all will
24 see that this man's vision is real good for this city.
25 Thank you.

1 VINCENT SERIO: Good evening. My name is
2 Vince and I am the owner of the property. I brought
3 Jessie here, he's the surveyor. So I figured if you
4 had some questions for him, we could have you ask him
5 and then we could further go into the second part of
6 that which we'll address with all the other questions
7 of the conditional rezoning. So if you had any
8 questions for the preliminary site plan, you can speak
9 to Jessie.

10 CHAIR FEGLEY: Okay. I guess, is there,
11 and maybe it's in here already, but could you just go
12 over what the stipulations for the conditional rezoning
13 are?

14 MR. SMITH: We can't actually -- I'll
15 defer to Vern. He'll do the presentation for the
16 conditional rezoning.

17 MR. GUSTAFSSON: I think it would be a
18 good idea that -- and then once we have an opportunity
19 to present here in regards to both the site plan and
20 also the zoning map amendment with conditions, we
21 can -- obviously the applicant and then we can open it
22 up for public hearing at that time. Okay?

23 Go to the next slide, please. So as
24 Donovan mentioned, we talked about the existing zoning
25 within that area that's been highlighted in red,

1 primarily C-1 local business. And I think what's
2 important is -- and we'll touch base with it in regards
3 from a master plan standpoint also, but from a zoning
4 perspective, when it talks about businesses or uses
5 that are within or classified within that C-1 district,
6 they are excluded. They're not included with that
7 because we, we -- the tendency is to not create a
8 nuisance immediately to the, immediately to the
9 surrounding residential development is really the
10 intent of that C-1 zoning district existing.

11 We look at future land use and we talked
12 about this before. Back in 2020, this project came to
13 us in a similar fashion, except for it was just the
14 half of the site that you're seeing right now where
15 Donovan's with the highlighter. It was just the one
16 parcel, it wasn't the other parcel that fronts along
17 Golf Drive. And that was in 2020 that that applicant
18 came, same applicant, looking into to do -- at that
19 time, it was growing and processing for just that one
20 portion of the site. Planning Commission at that time
21 did not recommend approval and it was -- and that vote
22 was held by City Council at that time in 2020.

23 But when you get -- let me just go back in
24 regards to -- particularly in regards to future land
25 use. The future land use does show it in regards to

1 this whole health care center, and you can kind of see
2 why in some ways because of the fact of where it's
3 located in regards to good access. You're also talking
4 about we do have four healthcare centers, like here in
5 the city of Pontiac. We also have the opportunity to
6 take those centers and foster it into an opportunity
7 for other medical services and laboratories and
8 offices. And that's what I think the applicant back in
9 2018 when he came to the Planning Commission, he did
10 get approval for medical office buildings and also an
11 events center, if you remember correctly. A number of
12 improvements were made to the site, same thing with the
13 buildings, but the buildings never received a
14 certificate of occupancy as of yet or still today.

15 So it really becomes this kind of what we
16 kind of refer to as this medical hub that's -- that the
17 future of land use plan is trying to illustrate in this
18 particular area.

19 Next slide. I think we already covered
20 the master plan.

21 So when we -- and I think what's important
22 to note in regards to -- that slide up here, when we
23 talk about existing development patterns, it kind of
24 replicates in regards to what I was just saying in
25 regards to what's occurring from a zoning perspective,

1 but also I think it's important that the frontages of
2 South Boulevard, particularly in this area, say, south
3 of Orchard Lake, there appears to be smaller type of
4 businesses because of the size configuration of the
5 parcels themselves, lends itself to more of office,
6 business services and other types of uses unrelated to
7 uses such as industrial type of services that you do
8 see on the north side of Orchard -- north side of
9 Orchard Lake Road on North Old Telegraph. But if you
10 look at the sites, they're a large -- deeper, a little
11 bit wider. I mean, width-wise, but definitely deeper
12 to accommodate what is needed for a building of
13 manufacturing and so forth.

14 Next slide. Same thing goes with existing
15 zoning, if you start looking at obviously the frontage
16 patterns, not just in the city of Pontiac, but also in
17 regards to Bloomfield Township. All of the frontages
18 along that South Old Telegraph is non residential.
19 It's not -- it's not industrial uses except for when
20 you go north of that on Orchard Lake Road, we do get
21 into some industrial areas.

22 The master plan we kind of already
23 covered. And so when we look at conditional rezonings,
24 I think what's important is -- and we talked about
25 this. Obviously, he's looking to go from a C-1 and

1 P-1, C-1 Local Business and P-1 Parking to M-1 Light
2 Manufacturing for the proposed medical marihuana grow
3 and processings uses here. We talked about in
4 September of 2020 the vote on half of the parcel there
5 ending in 027. We also looked at the attached
6 conditional agreement which is in part of your packet.
7 And as we noted that they're requesting to waive the
8 requirement for a special land use approval for -- and
9 just allow the use under the conditional rezoning
10 approval.

11 And as we've stated before, is that the
12 city cannot request or suggest modifications to those
13 conditions. So what's given is what has been
14 determined by the applicant and we're reviewing just a
15 zoning, but also these conditions as part of this
16 plan.

17 Next slide. Also, I'd like to make note
18 that definitely that the agreement would need to be
19 reviewed by our city attorney to form. There is a
20 little bit of discrepancy in regards to the agreement.
21 It needs to be revised. Basically talking about the
22 existing zoning on the parcel 64-14-31-458-010 is zoned
23 C-1 Local Business and also P-1 Parking.

24 Also, to obtain site plan approval, noted
25 in Condition 2, there's a discrepancy between -- it's

1 written as 18 and in parentheses it says 24, so that
2 needs to be also vetted and make sure that that is true
3 to form in regards to what the applicant is really
4 requesting.

5 Next slide. So we talked about the aspect
6 of waiving requirements of the special land use, also
7 obtaining -- agrees to obtain the site plan approval,
8 either between 18 or 24 months of the effective date of
9 the ordinance amendment. That's been approved for
10 rezoning and also the Zoning Map Amendment. They're
11 also suggesting that the full -- the Planning
12 Commission shall become the final say in the binding
13 development plan for the property, which is accurate.
14 And the final site plan should be valid for 24 months
15 and the owner agrees to complete the development of the
16 proposal -- proposed development within 48 months of
17 obtaining building permits.

18 The last item at the bottom of this slide
19 just speaks to the owner's commitment for the proposed
20 development to be properly maintained, operating as
21 what the proposed development plan has situated and
22 meets all the terms and conditions as it relates to
23 codes and ordinances, making all the approvals through
24 city engineering, fire department, and also building
25 and safety.

1 When we start to look at the criteria, and
2 we've -- I think we've said it once or maybe even twice
3 and I'll say it again. As described as part of our
4 plan for the master plan or the future land use plan
5 for the city of Pontiac, particularly in this area,
6 really is not consistent with the goals and policy and
7 objectives of the city's master plan based upon the
8 fact of planning for the future in regards to office,
9 healthcare type of hub that is being projected along
10 Old South Telegraph Road, which so from that criteria,
11 does not comply.

12 And since this -- since the early '60s,
13 this site has been developed, so any of its geological
14 and natural resources have been lost. There's nothing
15 to -- nothing that we need to be concerned about from
16 the standpoint of preserving and protecting those
17 features, so that does comply with our rezoning
18 criteria.

19 I would say that the -- the next criteria
20 is kind of interesting because the applicant did back
21 in 2018, he did commit and prepare a site plan and
22 prepared development drawings for approval and made
23 attempts in regards to site improvements to develop it
24 as a medical center and also an events center.
25 However, that was in November of 2018. I can't explain

1 what the rationale was not to complete the project,
2 but -- at this point in time. So when you talk about
3 showing us evidence that you cannot, you know, that you
4 can't just do that, we've saw an attempt to make it
5 work, so we're -- we're saying that basically does not
6 comply with that requirement as showing us evidence
7 that you cannot do that project.

8 Also, that doesn't comply in regards to
9 when you talk about the plan development being within
10 M-1 Light Manufacturing with conditions, limiting it to
11 just the grow and processing facility, would not be
12 compatible with the business services and offices that
13 are in that general area and also with in addition to
14 the nearby residential neighborhoods that are within
15 very close proximity further to the east.

16 And also, I guess the question would be
17 is, what will happen in regards to the impact on or
18 influence other future development potentially in this
19 area if this proposed use was going to go into this
20 site or this area of roughly about -- it's about four
21 and a half acres. Between the three existing
22 buildings, we have roughly about 52,800 square feet of
23 building. Two buildings are two-story and one building
24 is three stories.

25 We talk about Number 5, the existing

1 utilities and services that are there. They do have
2 the capacity, that was confirmed so that does comply.
3 We talk about the traffic. Yeah, we would say that
4 yes, Old South Telegraph and Orchard Lake Road in
5 general proximity to the site, probably is
6 sufficient -- or is sufficient in regards to providing
7 capacity for any proposed -- that proposed use of grow
8 and processing with suggested number of employees that
9 would be there, also in regards to any deliveries and
10 depending on how deliveries are handled. The only
11 question now becomes because now we're also looking at
12 the site over on Golf Drive, Golf Drive is a pretty
13 primary east-west connector for the south part of the
14 city. And very bad condition, I understand, but it
15 does go through quite a bit of residential area, so I
16 am a little bit concerned in regards to the impact
17 associated with this use, associated with any type of
18 traffic patterns from this development.

19 When we talk about I think what's also the
20 boundaries of the rezoning, I think primarily it's not
21 so much the regulations or the requirements of
22 setbacks. Yes, the setbacks are there. It's really
23 the intent and I tried to hone in on in regards to my
24 comments, in regards to the intent of the C-1 zoning
25 district was to provide types of uses that not -- would

1 not be hazardous or would not be impactful upon
2 residential areas. So that does not comply.

3 And Number 8 is not appropriate from our
4 perspective, the city's perspective of the -- and would
5 rather see the existing C-1 Local Business zoning
6 district remain.

7 Last two items, we -- and I'm sure the
8 Commission would understand that it would be very
9 inappropriate for us to revise our existing C-1 zoning
10 designation and incorporate industrial uses within that
11 district. And from our perspective, also, the rezoning
12 is not considered to be much more appropriate than
13 what's already currently located within that zoning
14 district and would not, would not -- I would say that
15 in regards it would create an isolated M-1 Light
16 Manufacturing district. We understand there's M-2
17 further to the north. There's a little bit in
18 Bloomfield Township that is much -- not really heavy or
19 light manufacturing, it's more garden and nursery types
20 of uses that have gone in there. That's much more
21 compatible with the retail that's fronting along. And
22 they also within the area have a larger depth in
23 regards to those existing zoning districts. So from
24 that standpoint, that does not comply.

25 And I'll be happy to answer any questions

1 that the Commission may have or if you would like to
2 hear public comment at this time.

3 CHAIR FEGLEY: In the conditional
4 rezoning, is there a stipulation that if the business
5 does not move forward that it will revert back to the
6 C-1 or will it maintain the M-1 zoning?

7 MR. GUSTAFSSON: Their condition did not
8 stipulate a reverter in it in regards to after a
9 certain period of time. It just stipulated in regards
10 to length of site plan, how long it would take them to
11 actually fully develop the project. But no, it was not
12 stipulated as a condition.

13 CHAIR FEGLEY: Okay. Because routinely,
14 whenever we have something that's bumped up to an M-1,
15 there's always a stipulation that if the proposed
16 project does not move forward, it will revert back to
17 the C-1 and that is not the case in this proposal?

18 MR. GUSTAFSSON: That is correct.

19 VINCENT SERIO: May I address a few
20 things, please?

21 CHAIR FEGLEY: Yes, you may.

22 VINCENT SERIO: Sure. So I'd like to
23 start off with, I did not get the report of objections
24 from the city until yesterday, so it kind of gave me a
25 short amount of time to prepare for this meeting.

1 Secondly, I don't recall anything in the conditional
2 rezoning where I took out the special exemption part of
3 that agreement. I have no problem with having
4 community involved. I've walked the neighborhoods. I
5 went door to door and I explained to the neighbors what
6 I wanted to do there. I have a packet full of
7 signatures and also a biography and also other projects
8 I've worked on in the past to show you that I have a
9 good background in what I've done in the previous.

10 Thirdly, in 2018, I did come in front of
11 you guys for medical offices and an events center, but
12 then COVID happened and now COVID, no one wants to go
13 to events centers. I've been trying to fix the place
14 up. I've got graffiti all over my walls on a \$200,000
15 re-bricking project I just did and it's very
16 disheartening and I put a lot of time and effort into
17 this.

18 And lastly, in 2020, I did come in front
19 of the Planning Board, but it was for a partial. I had
20 some bad advice from an advisor then. He told me just
21 do partial rezoning of the whole parcel and that's why
22 it was not approved then. So I would like to hand you
23 the packets of the signatures in the previous
24 reconstruction I've did of other projects and I'd also
25 like my attorney to speak as well after you have your

1 questions or whatever you need to have.

2 CHAIR FEGLEY: Okay.

3 VINCENT SERIO: Or public comment or
4 whatever.

5 CHAIR FEGLEY: This is a public hearing,
6 so normally what I do is I open up public comment, get
7 that information from anyone who'd like to speak.
8 Everyone will have two or three minutes to speak.
9 We'll get the questions and answer at the end. Then
10 after public comments, we'll go to the Commissioners
11 and answer any of our questions and kind of --

12 VINCENT SERIO: Sure. I mean, if it was
13 such a great site and everyone wanted it, the
14 building's been vacant for over 20 years now. So it's
15 not like somebody wants to just go in there and open
16 businesses and hospital buildings. I mean, I'm just
17 really frustrated because I've been trying to work with
18 the city and I've done everything they've asked me to
19 do, and then I come in here with the report a day
20 before the meeting. I just thought that -- I should
21 have had more time to prepare for it. Regardless, I
22 would still like to hand out my packet while you do the
23 public comment.

24 CHAIR FEGLEY: Okay.

25 VINCENT SERIO: Thank you.

1 CHAIR FEGLEY: Yeah. And also, if there's
2 some unanswered questions or you don't feel like we
3 have enough information, we can always table this
4 measure until the next Planning Commission meeting and
5 then maybe try and see if we can come to some type of
6 better relationship here.

7 VINCENT SERIO: Sure. I personally wrote
8 that conditional rezoning with my lawyer and I do not
9 remember putting anything about taking the special
10 exemption out. I would not do that. I want to work
11 with the community. I'm a community, you know,
12 activist. I go and clean the parks. I've worked with
13 the councilpeople. I mean, I'm here for the community,
14 not just for myself.

15 CHAIR FEGLEY: Okay.

16 VINCENT SERIO: So thank you.

17 CHAIR FEGLEY: Let's open public comments.
18 If anyone would like to speak, please go to the podium,
19 state your name and address for the record. And again,
20 we'll answer answer all the questions at the end, so
21 feel free to ask anything that you need.

22 MATTIE MCKINNEY-HATCHETT: Okay. My name
23 is Mattie McKinney-Hatchett. I live at 135 Perkins
24 Street in Pontiac, Michigan. Before I make my comment,
25 I need y'all to check these mics to be sure that they

1 are projecting because at the ZBA meeting we were at,
2 the guy had to come from the back to tell us that they
3 couldn't half hear. And I've been having difficulty
4 hearing what's being said, so I hope the mics are
5 working so that people can hear what's being said. I
6 don't have to worry about them hearing what I'm saying
7 because my mouth is so loud, I'm a mic by myself.

8 First of all, I want to say I am in
9 support of this rezoning. I was at the ZBA meeting
10 where I spoke up for a piece of property that been
11 sitting around empty for 10, 20 years and nobody seemed
12 to have had an idea or wanted to do anything again.
13 Now here we are faced again with the same problem. I
14 know this property that they're talking about, and I'm
15 sick of looking at it in the condition that it's in.

16 Then the other thing that I hear rolling
17 in with this is our three year long fight with
18 marihuana. I'm sick of that too. It is time for us
19 think outside of the box. It's time for us to get a
20 vision for this city other than empty, rotten looking
21 buildings. We got somebody who's coming forth, who's
22 interested in an idea, trying to put it back in
23 circulation -- and I keep hearing this business office
24 and this other stuff. Y'all must be looking at
25 property that I'm not looking at because I don't see

1 all of that business development and stuff that's going
2 on in this area.

3 Give him a chance. Give him a chance.
4 Rezone it. You heard them say it will go back to the
5 old zoning if it doesn't work out. Give him a chance.
6 Let's try to put a new face on Pontiac. Let's try to
7 get some new taxes in here. I didn't hear him say, I
8 don't know if he's asking for it, but I didn't hear him
9 say he wanted a bunch of deals from the city and
10 certain tax, brownfield or none of that. I didn't hear
11 any of that. But I'm asking you, take a drive,
12 postpone it. That's how we got a resolve with the
13 other problem that we had. They took a postponement,
14 they set up a special meeting. You heard the gentleman
15 said some of the information that he was being asked
16 for it, he just got the information yesterday. How
17 many of us would be prepared to make a revision in a
18 plan and you get the information the day before you
19 have to make the presentation?

20 It won't hurt to postpone it, sit down --
21 we came to a resolve with the other situation. Because
22 they met, the attorneys met, they looked at the other
23 things. It was a give and take with it and we got it
24 resolved. We could do that. We could do that with
25 this. So I'm asking you, please give the rezoning that

1 we need. And if you need have a meeting, have a
2 meeting, sit down, talk. Work out the gives and takes
3 and things, that's what progress is about. Thank you.

4 CHAIR FEGLEY: Thank you.

5 MELANIE RUTHERFORD: Good evening. My
6 name is Melanie Rutherford. I stay at 1018 Argyle
7 Road, that's 1018 Argyle, right around the corner from
8 the building that we're talking about. In the last
9 four years, I've -- excuse me, strike that, three
10 years, I've seen this building come from out of the
11 ashes like the Phoenix. I also have seen their windows
12 busted so much that this individual had to have cars
13 parked there and trucks parked there to protect the
14 integrity of the building.

15 I speak from a standpoint, very simply,
16 that it will create jobs and opportunities. I've
17 watched words like "nigger" be painted on their walls
18 this week. And I walk past it every morning because
19 I'm on a weight loss journey. I'm not asking you to
20 give them the rezoning because I have any special
21 interest; I don't. I'm not asking you to give the
22 rezoning because I don't think that they're going to do
23 a good business deal. What I'm asking you to -- is to
24 see the opportunity in creating jobs and economic
25 growth and giving the opportunity for people who

1 normally couldn't get those type of jobs to walk right
2 around the corner and actually be employed. I'm
3 talking about people that just are disenfranchised and
4 simply need a hand up and not a handout.

5 But most importantly, I'm asking because
6 I've watched these individuals service in this city
7 after being told no over and over and over again. And
8 at some point, we have to question our business
9 tactics, ethics and rules to say are we inviting, are
10 we engaging, or are we pushing people away because we
11 may not like their approach or their business idea?

12 Thinking outside of the box, as I quote
13 from Mattie Hatchett, is beyond that. I want to see
14 people in my community in District 1 where I live and
15 reside, given the opportunity to see something happen
16 with a building that has been sitting empty for over 20
17 years. And again, if you don't know my name, my name
18 is Melanie Rutherford and I stay at 1018 Argyle Avenue.
19 Good evening.

20 SHEQUINDRA SMITH: Can everyone hear me?
21 Hi, my name is Shequindra Smith. I've been born and
22 raised in Pontiac myself and I've been all over and
23 constantly -- usually when I was younger, I used to
24 roll with a bunch of friends who played in the vacant
25 lot that's being questioned or being proposed today at

1 the -- for a rezoning. I also agree that -- I also
2 want to go forward with this rezoning.

3 From growing up and playing there, it was
4 very dangerous for us kids to go there. Oftentimes, I
5 would see a lot of smokers hanging out, some gang
6 members hanging out, doing all types of crazy things,
7 bashing windows, putting graffiti onto the walls and
8 I'm sick and tired of it. I want there to be peace. I
9 also want there to be job opportunities in Pontiac
10 because myself, having been born and raised in Pontiac,
11 I've had to look elsewhere for jobs. And I want there
12 to be pride back into my city, and I believe that's
13 possible with this rezoning, especially with something
14 that has been constantly on the ballot with marihuana
15 and its uses and just recently becoming official with
16 use in the community as well. Thank you.

17 JAMES RICHARDSON: Good evening,
18 Commissioners and Vern. My name is James. I do not
19 stay in Pontiac, but I do spend a lot of my time in
20 Pontiac. I currently work for Vince, the owner of the
21 buildings. I've been working for him -- well, I've
22 been knowing him since I was 7 years old. So he's been
23 my mentor this whole time and I'm currently employed by
24 him by managing his properties, not only in Pontiac, he
25 also owns properties in Frasier, Michigan. He also

1 owns properties in Detroit as well.

2 So my job is to pretty much oversee those
3 properties, oversee construction, oversee maintenance,
4 landscaping, you name it, I handle it.

5 So, with this particular -- buildings that
6 he acquired in 2017, when we first got there, I was, I
7 was a little shocked by what I saw. I saw a lot of,
8 you know, needles on the ground, crack pipes, rodents,
9 rats, you name it, we seen it. And I had to put my
10 gloves on and put my boots on and go in and try to make
11 this thing look a little respectful. And, you know, we
12 went in, cleaned it up, boarded up windows, boarded up
13 open areas that was accessible, made it safe, made it
14 safe for the neighborhood.

15 I went by personally, walked the neighbors
16 myself. I walked through, talked to the neighbors.
17 The neighbors personally have my cell phone number.
18 Whenever they have a problem, they always give me a
19 call. I frequent the building at least three times a
20 week. So first thing, we just want to get this
21 building just rezoned. We just want to get it, you
22 know, into a spot to where it makes the neighborhood
23 look safe, it makes it look inviting. And by that
24 building being off of South Telegraph, it is the
25 literally first piece of property that Pontiac has

1 entering into the city of Pontiac through the South
2 Telegraph side. Wouldn't you guys like to see
3 something be done there more than what we've already
4 shown?

5 In the last two years, we have invested
6 over \$200,000 in rebricking of the Golf Drive building.
7 We put new windows in, you know, just to have them
8 broken out, just to have graffiti over the walls now.
9 I had to send a couple of pictures to Vince over the
10 weekend. A couple of months ago we were having semi
11 trucks parked there. And I told him, I said, hey look,
12 we don't want any rent from you, but if you could just
13 keep an eye out on my building. Here's my cell phone
14 number. As long as you're not littering, as long as
15 you clean out my parking lot, that's all I want. And
16 it was doing a great job of curbing the, curbing the
17 things that were happening to the building such as
18 breaking out of the windows which cost \$500 every time
19 we called the window guy out there to go replace it,
20 graffiti, stuff like that. But then we were told that
21 the property was not zoned for semi truck parking and
22 then I had to tell the semi truck drivers to leave.
23 And then when that happened, now they're back to
24 breaking windows again. Now they're back to doing
25 graffiti over the brand new brick work that we just

1 completed last year and I'm just frustrated and I'm
2 just ready for a change.

3 And I've been frequently in Pontiac the
4 last 40 years helping clean parks, events, helping
5 clean numerous streets. We helped out Melanie in her
6 district. We helped out Mikal Goodman in his district.
7 So we've just been anchors for the community, just
8 trying to be good community partners at this point. So
9 that's all I wanted to say, thank you very much.

10 MR. SMITH: And if I may, Chair, if there
11 are no public comments, we did receive today two email
12 public comments I would like to read into the record.

13 CHAIR FEGLEY: Yeah, go ahead.

14 MR. SMITH: The first public comment
15 reads, "Dear Pontiac Planning Commission: I reject the
16 rezoning of parcel number 64-14-31-381-027,
17 64-14-31-458-010 and 64-14-313-81-009 for medical
18 medical marihuana growing and processing for the
19 following reason: The light manufacturing involves the
20 use of hazard -- the light manufacturing involves the
21 use of hazardous chemicals that can leak into the
22 environment and aquifers. Reading from the news,
23 manufacturing facilities will abandon the site, leaving
24 the environment contaminated. The areas are valuable
25 and we pay enough taxes for that area and we cannot

1 afford to devalue our property.

2 Marihuana itself attracts crime and extra
3 policing will be required -- extra policy will be
4 required for the environment which the city cannot
5 provide. The zoning right now is for offices and
6 medical complexes which is the appropriate and ideal
7 use of that space in that area because it is close to
8 the golf course. The smell of growing and processing
9 marihuana is pungent and irritating and should not be
10 near a living environment. For some individuals, the
11 smell of marihuana brings an allergic reaction to them
12 and they cannot move away from their homes in which
13 they have been living for all of their lives. The
14 appropriate thing is for the applicant Get Your Greens
15 to look for a space zoned by the city for marihuana.
16 Thank you, resident."

17 I cannot pronounce the name. I can spell
18 it, I cannot pronounce it.

19 COMMISSIONER McGUINNESS: I think it would
20 be appropriate if you could read it into the record. I
21 mean, we require for public hearing for those to state
22 their names and address.

23 MR. SMITH: Understood. They did not
24 provide the address, but the name is Ayodeji Abejide.
25 I can spell it. It's A-y-o-d-e-j-i, last name

1 A-b-e-j-i-d-e, and they did not provide an address.

2 COMMISSIONER McGUINNESS: As long as the
3 note taker can get that.

4 MR. SMITH: The second comment, he emailed
5 and he did request to be an anonymous. He did make
6 that specific request. This subject is very, very
7 opposed to Get Your Greens LLC located at 645 South
8 Telegraph and 1056 Golf Drive.

9 "To Pontiac City Planner Donovan Smith: I
10 am write this email to you as a resident of the
11 neighborhood adjacent to the above properties. I and
12 others in my neighborhood are strongly opposed to
13 parcel 64-14-31-381-027, 64-14-31-458-010 and
14 64-14-313-81-009 be rezoned for the purpose of medical
15 marihuana growth and processing facilities. We are
16 vehemently opposed to this endeavor and any similar to
17 it. Thank you, District 1 resident."

18 And those are the two comments that were
19 read into the public comment emailed to us today.

20 CHAIR FEGLEY: Okay. If there are no
21 further public comments, I'm going to close the portion
22 of the public comments.

23 I don't believe there were any questions,
24 it was more comments. But I do want to clarify and I
25 don't know if it's my place to, but through the process

1 of growing marihuana, there's nothing that's hazardous
2 that is going to pollute or cause an issue with that
3 property being sold or renovated to another person.

4 Yeah, would you like to comment?

5 VINCENT SERIO: Couple more things that I
6 wanted to address. Number one, I don't know if the
7 neighborhood knows, but a dispensary was just approved
8 around the corner from me. Secondly, this is not spot
9 zoning. If you see the last page of the packet that I
10 provided with you, there's M-1 located northwest of me
11 and to the south of me, there's a huge parcel of land
12 in West Bloomfield that is also M-1. So this is not
13 spot zoning, this is multi-zoning in that area. And
14 Frank, you wanted to say a couple more things?

15 FRANK KERR: Yeah, thank you. Good
16 evening, ladies and gentlemen. For the record, Frank
17 Kerr. I am an attorney representing the applicant here
18 this evening. Likewise, I know my client just received
19 this packet yesterday, but I was in mediation today and
20 apologies if I have to move slowly through this because
21 I've just had an opportunity to review this response by
22 the Planning Commission just prior to this meeting.

23 As I listened to the presentation and the
24 enumeration of the rezoning criteria, understandably
25 these can be subjective elements. These aren't

1 mathematical or scientifically derived, but being as
2 they are -- have some inherent subjectivity to them, I
3 certainly do have some differing perspectives on the
4 various criteria.

5 As to Criteria Number 1, as to the
6 consistency with the goals, policies, objectives, I
7 don't think the goals, policies and objectives of the
8 master plan is to have property that is going to be
9 historically vacant. 20 years is a pretty long window
10 into whether or not this master plan as this property
11 is currently zoned is going to succeed as a C-1. If my
12 client had any opportunity to lease this building out,
13 than go through the cost and expense of maintaining a
14 building for several years of trying to make
15 improvements, of trying to do various rezoning efforts,
16 he would have gladly leased this out to a hospital or a
17 medical use or office. And as he indicated, he, in
18 fact, tried to do that a few years ago, got it rezoned
19 but then circumstances changed and the market for
20 medical and office has certainly deteriorated
21 considerably as a result of world events.

22 No need to comment on Number 2 since that
23 was acknowledged. As far as Number 3, that is -- goes
24 to what I was just saying about the evidence of a
25 reasonable return. There has -- this building has been

1 consistently marketed for release lease and there has
2 not even been a single letter of intent or proposal for
3 lease made to my client during his ownership of it.
4 And again, the history of this building is that this
5 building has not found any use that the market, the
6 pre-market says is of any use to a consumer over the
7 last 20 years.

8 As to Number 4, the compatibility with the
9 potential uses allowed in the proposed zoning district
10 with surrounding uses, land suitability, density of
11 nature, again, as my client indicated, the area to the
12 west, northwest immediately to him is zoned M-1,
13 immediately to the east, southeast is zoned M-1. I
14 understand that that is not in the city of Pontiac, so
15 it doesn't necessarily come under your purview, but if
16 you consider the area as a whole, like my client said,
17 this is not spot zoning and there are other M-1
18 classifications in the area.

19 And as was pointed out by the Commissioner
20 just a few minutes ago, while this is being asked for
21 as a rezoning for M-1, this isn't light industrial or
22 light manufacturing in the sense that normally we would
23 consider these things to be. Perhaps if the master
24 plan was redone, there might be new uses or new zoning
25 classifications like some municipalities are. Detroit

1 is actually considering -- I'm sorry?

2 CHAIR FEGLEY: Do you understand though
3 that with the conditions that you set before us that
4 that M-1 will stay M-1 even if this proposed use does
5 not go forward?

6 VINCENT SERIO: I put in there after four
7 years if it wasn't rezoned, it would revert back to the
8 C-1.

9 CHAIR FEGLEY: Okay. So it would revert
10 back?

11 VINCENT SERIO: Correct.

12 CHAIR FEGLEY: Yes, sir?

13 MR. GUSTAFSSON: Through the Chair, two
14 things. First, I'll take responsibility for the fact
15 that your packet got to you yesterday. I was out of
16 town for a week and a half and between trying to get
17 this packet out because of some other underlying agenda
18 items that did not make it, that's the reason for the
19 delay. And secondly, I did find in here -- let me just
20 read in regards to how this reverter reads. If the
21 owner fails to meet the time limitations set forth in
22 Section 2 point -- or 2C above, including any
23 extensions granted by the city, or if the owner
24 notifies the city in writing that it no longer intends
25 to develop the property in accordance with the

1 development plans, then the zoning of the property
2 shall revert to C-1 zoning classification.

3 CHAIR FEGLEY: Okay. But the usage is
4 what I'm pointing out. If this was to be rezoned, M-1
5 opens the door to a lot of different manufacturing, not
6 just the medical marihuana processing.

7 FRANK KERR: Just that -- this particular
8 use under this agreement.

9 CHAIR FEGLEY: Okay. The --

10 MR. SMITH: And if I may through the
11 Chair, the conditional rezoning to tie the specific
12 uses to that use, to that designate change. So they
13 are they are requesting a zoning change to a district
14 that would allow that use and additional of uses, but
15 the condition of the rezoning would only allow a
16 medical grow and processor.

17 MR. GUSTAFSSON: Right.

18 MR. SMITH: So I believe what you're
19 looking for is if this -- the occupant or the applicant
20 proposing to provide that use, if they were to leave
21 the site, the only uses that could come back with
22 another applicant who wants to either continue that use
23 or they would have to, as Vern indicated, provide that
24 in writing that they want to forego the conditions of
25 that rezoning and that it would revert back to the

1 other uses.

2 CHAIR FEGLEY: Okay.

3 FRANK KERR: Thank you for that
4 clarification. So this building would only be used
5 under this proposal for grow and processing of medical
6 marihuana, so we're not talking cutting oils and other
7 machining type operations that might normally be
8 associated with light manufacturing.

9 Number 5, no need to rely. Capability of
10 the street system to safely and efficiently
11 accommodate, I recognize that the location off of
12 Telegraph was acknowledged to be sufficient, although
13 then there's talk about Golf. I mean, we begin to
14 narrow this down considerably. We say that -- first of
15 all, there's no need to enter off of Golf. Second of
16 all, if the proposal or the preferred use is for office
17 and medical, you still have employees just like you
18 would for grow and processing. In fact, I would say
19 you would have fewer grow and processing employees than
20 you would have medical or laboratory employees. I've
21 been in grow and processing facilities. You're talking
22 thousands of square feet that no one's in 24 hours out
23 of the day. So the type of employees, the number of
24 employees would be considerably fewer with the grow and
25 processing operation.

1 Deliveries, likewise, you don't have lab
2 cars coming in and out, picking up labs and dropping
3 off lab results. And also with medical or office, you
4 have patients, you have clients coming in and out. So
5 if we're talking about apples to apples, that should
6 definitely weigh in favor of this particular use
7 because the street system and safety surrounding the
8 street systems would be much more safe for this
9 particular use than the current classification of C-1
10 that would allow office and medical.

11 Number 7, the boundaries of the requested
12 rezoning are reasonable in relationship to the
13 surroundings and construction on the site will be able
14 to meet the dimensional regulations. Again, this
15 clearly is within reasonable relationship to the
16 surroundings as previously discussed.

17 Number 8, if the zoning is appropriate,
18 the requested zoning district is considered to be more
19 appropriate from the city's perspective than another
20 zoning district. Well, here we're saying the rezoning
21 is appropriate because the only way you can operate a
22 grow and processing is for it to be M-1 and there is no
23 other more appropriate zoning classification. It's the
24 only one, so I don't even see -- it's just illogical to
25 me to say that the existing C-1 should remain when the

1 requested use is for grow and processing. If the
2 Commission just doesn't want to approve grow and
3 processing, then that element there would be nullified,
4 but otherwise, that element there is not one that could
5 be scored against my client.

6 Number 9, if the request is for a specific
7 use, rezoning the land is considered to be more
8 appropriate than amending the (inaudible). Likewise,
9 you can't amend the list of permitted and special land
10 uses. You can't amend C-1 to allow grow and
11 processing. So that again is -- I don't understand how
12 that was marked as do not comply.

13 And Number 10, the requested rezoning will
14 not create an isolated or incompatible zone. I've
15 discussed that already. You have M-1 Light
16 Manufacturing to the east, northeast. You have M-1
17 Light Manufacturing to the -- I'm sorry, to the west,
18 northwest and to the east, southeast and you also have
19 a mix of uses in the area. And as my client just
20 indicated, a recently approved medical marihuana
21 dispensary.

22 I think if a fair reading of the 10
23 criteria is taken and some time is taken to consider
24 each one of those elements, I think the 10 criteria
25 weigh heavily in my client's favor. Thank you.

1 CHAIR FEGLEY: Commissioner Duvall, do you
2 have comments or questions?

3 COMMISSIONER DUVALL: Yes, I do. First --
4 more comments than questions. I can imagine it being
5 frustrating for you guys because it's frustrating for
6 me too. We've been doing this for a while and to
7 Angelo Taylor's point, we're open for business. I want
8 that to be clear and I think that a lot of the
9 adversity about some of these projects is from people
10 that don't live in Pontiac and who have not seen the
11 abandoned buildings and who are not planning to occupy
12 any of these abandoned buildings any time soon as is
13 evident.

14 The other thing I want to say is, this may
15 be an anomaly and it sets a precedent, but I think it
16 sets a good precedent that we are open for business and
17 we are open for negotiation and compromise. I know
18 Angelo Taylor. I know some of the partnerships that
19 you've have. I know some of the projects that you've
20 dealt with and in and I know that you're credible and I
21 don't see that this is any different and so I'm just,
22 for the record, I'm in support.

23 CHAIR FEGLEY: Commissioner McGuinness, do
24 you have any comments or questions?

25 COMMISSIONER MCGUINNESS: Yes, thank you.

1 Some of the documentation provided for the site plan
2 references Phase 1 and Phase 2. Is that a practical
3 application for the proposal or is the intention for it
4 to be one comprehensive project? What would that be
5 indicating to us?

6 VINCENT SERIO: Well, my ultimate goal is
7 to wait for the recreational marihuana provisioning
8 center applications to come out. Hopefully to be able
9 to win one of those and then have a site where it has
10 grow, processing and dispensary all located in one
11 parcel or conjoining parcels. So my initial plan is to
12 do the medical marihuana until the recreational
13 ordinance comes out hopefully some time soon.

14 COMMISSIONER McGUINNESS: But so when I'm
15 looking at the Phase 1 and Phase 2 and there's a
16 delineation and the building to the east is Phase 1,
17 how should the community and this Planning Commission
18 interpret that designation?

19 VINCENT SERIO: Well, I plan on working on
20 one building at a time.

21 COMMISSIONER McGUINNESS: Okay. And
22 obviously you're referencing provisioning center, but
23 what we're looking at here in terms of site plan is for
24 a grower and processor situation. Is that building to
25 the east -- and I apologize, I don't have the parcel

1 number or the address committed to memory, but the
2 eastern building that's adjacent to the long open
3 parking lot, would that be sufficient to be the growing
4 and processing facility for your first phase?

5 VINCENT SERIO: Yes, sir.

6 COMMISSIONER MCGUINNESS: What would the
7 community and residents be expecting in terms of
8 volume, is it -- there's multiple floors for the
9 building, so are they looking at the entire capacity of
10 the building functional?

11 VINCENT SERIO: Yes, sir. It's three
12 floors. I believe it's like 16,000 square feet.

13 COMMISSIONER MCGUINNESS: The landscape
14 plan looks very promising in terms of an upgrade for
15 what's the surface level parking lot that that would be
16 enhanced. What is the current situation for the Dover
17 Street P-1 lot? What do the residents on Dover Street
18 see currently, is it used at all or is it dormant? I
19 mean, obviously it's not a functional facility or
20 facilities, but is there a remnant of a surface level
21 parking lot that's overgrown or what's going on there?

22 VINCENT SERIO: Well, originally when I
23 bought the property, there was old junker cars there,
24 had those removed. Now it's an empty field. I've been
25 maintaining the grass. I plan to build a fence around

1 the whole property so it would not -- you know, the
2 neighbors to the left and to the right would not be
3 affected by people parking there and whatnot.
4 Obviously an asphalt or concrete parking lot would go
5 there.

6 COMMISSIONER McGUINNESS: So that would be
7 the intention --

8 VINCENT SERIO: Yes.

9 COMMISSIONER McGUINNESS: -- be it for
10 this short term and long term that the P-1 that's
11 currently P-1 would actually be utilized as parking
12 lot? The landscape plan I think very adequately
13 addresses that and makes that harmonious and compatible
14 with the nearby neighborhood.

15 The -- for staff, I show on this map that
16 the Links at Crystal Lake, formerly the Pontiac
17 Municipal Golf Course has a manufacturing zoning. Can
18 you help me understand what gives with that? If we
19 know the backstory, obviously this might be some
20 historic situation, but is that common for golf courses
21 to be zoned --

22 MR. GUSTAFSSON: No.

23 COMMISSIONER McGUINNESS: --
24 manufacturing?

25 MR. GUSTAFSSON: No. It would be --

1 typically it's either -- in the city of Pontiac, it
2 would be R-1, one family residential.

3 COMMISSIONER McGUINNESS: Okay. So in the
4 city of Pontiac side, zoning is currently R-1, one
5 family dwelling for the Links at Crystal Lake. Across
6 Golf Drive in the Bloomfield Township portion, it is
7 zoned light manufacturing district. So next to the
8 Sunoco gas station -- and so for the community's
9 reference, that Sunoco gas station, that's located in
10 Bloomfield Township, not in the city of Pontiac, at
11 that red southern corner?

12 MR. SMITH: Yes, the gas station, I do
13 believe that is a Pontiac gas station. It's not a
14 Pontiac?

15 VINCENT SERIO: I believe that's
16 Bloomfield if I'm not mistaken.

17 MELANIE RUTHERFORD: Bloomfield Township,
18 I go there every morning.

19 COMMISSIONER McGUINNESS: So Behler-Young,
20 light manufacturing district across the street, that is
21 a Bloomfield Township light manufacturing district?

22 MR. GUSTAFSSON: Correct.

23 COMMISSIONER McGUINNESS: Okay. And
24 kitty-corner, Service King, City of Sylvan Lake,
25 whereas Service King and Inland Lakes Landscaping,

1 that's M-1 Light Manufacturing, but that's external to
2 the city of Pontiac.

3 MR. GUSTAFSSON: Correct.

4 COMMISSIONER McGUINNESS: Home Depot is
5 zoned C-4 Suburban Business. Can you illuminate this
6 Commission and the community what C-4 Suburban Business
7 allows for and other examples that we would have in the
8 city of Pontiac for C-4?

9 MR. GUSTAFSSON: We don't have too many.
10 We obviously had that location for Home Depot. So
11 you're talking about large retailers, auto sales,
12 service, dealerships. The other prime location would
13 be Oakland Pointe on Telegraph, North of Elizabeth
14 Lake.

15 COMMISSIONER McGUINNESS: That's zoned
16 C-4?

17 MR. GUSTAFSSON: Yep, yep.

18 MR. SMITH: And if I may add, the Oakland
19 Pointe parcels, those parcels' immediately south, so
20 it's the other shopping center. Can't think of the
21 exact name of the shopping center. There's a Rite-Aid
22 on the corner. That is zoned C-4. The majority of the
23 Centerpoint area on South Boulevard, that portion of
24 the city of the Diamond Corridor has a large portion of
25 C-4 where the new 2100 Opdyke facility is. The large

1 logistic plant, that area is also C-4.

2 COMMISSIONER McGUINNESS: Thank you.

3 That's more of a sidebar just to help me understand the
4 different impacts of zoning decisions. So for M-1
5 Light Manufacturing -- for manufacturing of M-1 for
6 these parcels in question, to confirm, it would be
7 conditional for four years and it would be for only the
8 use of growing and processing?

9 MR. GUSTAFSSON: Correct. Unless there is
10 a -- it states here "includes any extensions granted by
11 the city or if the owner notifies in writing that it no
12 longer intends to develop the property." So that could
13 be even sooner than four years.

14 COMMISSIONER McGUINNESS: So it's not
15 necessarily a switcheroo saying oh, surprise, it's this
16 manufacturing, it's more so after assessing it's not
17 viable, so therefore it's closing the doors on this --

18 MR. GUSTAFSSON: Right.

19 COMMISSIONER McGUINNESS: -- conditional
20 M-1 manufacturing situation?

21 MR. GUSTAFSSON: So what happens is is
22 that on our zoning map, you'll see it will say like
23 M-1 -- it will be color coded M-1 and that will have CR
24 Conditional Rezoning. So somebody that's looking it up
25 will want to go to that parcel and look for that

1 agreement or underneath that parcel number and get that
2 information in regards to what that agreement states.
3 Because that agreement for approvals like so much of
4 the one we just did on West Lawrence, that was approved
5 by city council. So that agreement has been vetted
6 probably I'm sure between their attorneys and the
7 city's attorney just to re-look at it over again, so
8 both individuals that could -- between the mayor and
9 the applicant or the owner, can execute the agreement.

10 COMMISSIONER McGUINNESS: The -- it's
11 concerning to hear about so much property damage, petty
12 crime, etcetera. Why is this site in particular
13 receiving so much hate? Why is there receiving so much
14 action, is there something going on in the Washington
15 Park Subdivision -- apart from Melanie Rutherford
16 living there -- that -- is there something going on in
17 the Washington Park Subdivision that's causing this
18 first or is it the matter of it being out of the
19 visibility or -- of passersby? And my question is more
20 so not just to vent about it, but to ask about what
21 should we expect as a municipality no matter what the
22 next use is? Is there something -- is there some
23 greater intervention that's necessary here to protect
24 any redevelopment or any zoning classification or use?
25 What's going on at this particular corner? It sounds

1 like there's a special abundance of activity based on
2 your descriptions.

3 VINCENT SERIO: Well, I'd like to say it's
4 very disheartening because I put a lot of time,
5 obviously money into the building. I put a --
6 basically a fake security guard -- I mean, car out
7 there. I bought a car and just put security on there.
8 I put cameras on there. I put new lights out there. I
9 don't know the reason. I personally think because
10 Pontiac doesn't have a police force anymore and it's
11 just kind of whatever happens happens.

12 ANGELO TAYLOR: To answer your question --
13 I'm sorry --

14 CHAIR FEGLEY: Please go.

15 ANGELO TAYLOR: He wouldn't -- Vince is
16 not in that position to answer that question. He's
17 just a businessman doing what he can, being a victim of
18 kind of what happens in Pontiac when something is
19 sitting dormant. He doesn't no more what's going on in
20 that area. It's a dormant place. People are used to
21 going by there. And it could be a wino that just want
22 to sit there and have a drink and a smoke. It could be
23 kids. More than likely it's a kid situation, looking
24 at an abandoned place that used to be abandoned, seeing
25 that oh, somebody's trying to do something. And it's

1 strange that the moment they move their fake security,
2 is what, week or two, and immediately, you know,
3 something like this happened. This is nothing no
4 different than what been going on in Glenwood because
5 Glenwood was dormant. There's nothing, no different
6 than what's going on at the schools because our schools
7 are sitting dormant. This is a trend. We in Pontiac
8 know exactly what's going on. It's not the
9 neighborhood. It's that thing sitting dormant just
10 like everything else that gets vandalized that's
11 dormant in Pontiac.

12 COMMISSIONER McGUINNESS: So are there any
13 police reports or were any apprehensions or -- I'm
14 trying to quantify what --

15 VINCENT SERIO: I have a security system.
16 I got raccoons coming in there all the time, setting
17 the thing off. The sheriffs come there. I've had
18 broken windows, probably replaced at least 10 of them
19 now at 650 bucks a piece. Like I said, I had a brand
20 new \$200,000 brick job spray painted just recently
21 because they wouldn't allow me to park a couple of
22 semis there. I don't know the answers to be honest
23 with you. I wish I could change things and help the
24 community more to not do it, but I really don't know
25 the answers to be honest with you. But my vision was

1 if I had the medical marihuana, obviously you'd have to
2 have security there 24-7.

3 COMMISSIONER McGUINNESS: Thank you.
4 That's essentially the leading question I was offering
5 up for you to say how this next use would be more
6 secure and more stable for the -- this thoroughfare,
7 this neighborhood, city overall.

8 The South Telegraph Road thoroughfare
9 obviously can handle this type of use. The way in
10 which this site plan conversation started was pretty
11 alarming in a sense that I'm here for information. I
12 was not on the Planning Commission in 2020. I was not
13 on the Planning Commission in 2018. Half of this
14 Planning Commission, this is the first interaction
15 we're having with the site, so we're looking for data
16 and information and prospectively what we're seeing.
17 So when you're opening up this site plan review with
18 sort of a narrative about the difficult situation
19 you're having, that's over my head because that's
20 not -- that's not something that we've interacted with.
21 I'm trying to look at the question of site plan and the
22 zoning map amendment change.

23 The conversation has been raised in terms
24 of future recreational dispensary use or other
25 recreational opportunities. If we're just looking at

1 provisioning in general, right now what's provided in
2 the city of Pontiac is medical marihuana provisioning.
3 This is more of a broader question. Is there something
4 currently that would prevent a growing and processing
5 facility from also being, if it were awarded, a medical
6 marihuana provisioning center? Is there anything not
7 related to this proposal or application, are there
8 other sites in Pontiac that could directly or is there
9 exclusivity, either/or situation that at least the
10 medical marihuana ordinance speaks to?

11 MR. SMITH: If I may through the Chair, as
12 it relates to provisioning centers permitted in the
13 city, the referendum allotted for a window where
14 applicants could apply for those licenses and then that
15 window ended. And until a decision is made to reopen
16 that window, if you have not applied and been awarded a
17 provisioning center license, at this time, you be
18 unable to acquire that until a decision to reopen that
19 is made.

20 In addition, through the process, there
21 were 20 licenses permitted for provisioning, five
22 were allowed to be in the Walton Overlay District,
23 five were allowed to exist in the Downtown Overlay
24 District, five were allowed to exist in the Cesar
25 Chavez Overlay District, and five were allowed to

1 exist outside those overlay districts.

2 COMMISSIONER McGUINNESS: And are any of
3 those -- and that's sort of what I'm getting to -- it's
4 more academic, but are any of those provisioning
5 centers theoretically able to also have growing and
6 processing facilities or is there an either/or? It
7 might not have happened yet or have ever happened, but
8 I'm just trying to think down the road.

9 MR. GUSTAFSSON: They could be -- well,
10 medical marihuana the way it was, they could
11 co-locate.

12 COMMISSIONER McGUINNESS: They could?

13 MR. GUSTAFSSON: Yes.

14 COMMISSIONER McGUINNESS: Okay.

15 MR. GUSTAFSSON: Provisioning centers, the
16 we wrote it, processing and also grow in one facility,
17 yes. That's the way our ordinance read.

18 COMMISSIONER McGUINNESS: Okay. And I can
19 say as an -- my entire adult life this has been a
20 dormant and dilapidated site, although I will obviously
21 acknowledge that since the applicant has acquired the
22 property, it's definitely improved in terms of curb
23 appeal, action, progress and for that, I thank you for
24 those investments because it makes a difference for the
25 surrounding neighborhood. It makes a difference for

1 the city overall that we no longer have rotten,
2 overgrown prominent not commercial structures.

3 We must acknowledge that these buildings
4 that are 60 plus years old, they certainly aren't being
5 used now for what they were originally built for. And
6 that doesn't mean that we should only constrain
7 ourselves as a community to what those sort of 1960s
8 version of the world or buildings were. So I do want
9 to thank you for the work that you've done to make them
10 more aesthetically presentable for lack of a better
11 word. I look forward to the further questions so that
12 we can look at it objectively in terms of what it means
13 for zoning land use and where we want to move our
14 community forward.

15 And obviously, it goes without saying that
16 the residents in that neighborhood, the whole city, and
17 even those that have businesses that have an active
18 stake and interest in Pontiac advancing, we would all
19 benefit from this very prominent corner and stretch to
20 be brought back to life. And what's happened on Golf
21 Drive, a little bit farther south where there was
22 essentially an outdated building and outdated use with
23 a former Bible college, to now have a very different
24 use, I think Pontiac has demonstrated our willingness
25 and interest to look outside the box and look for an

1 adaptive reuse that can benefit the entire city. And
2 just the question remains, what is that best adaptive
3 reuse for these essentially dormant albatross
4 structures? And with that, I am done for this round.

5 CHAIR FEGLEY: Commissioner Northcross?

6 COMMISSIONER NORTHCROSS: Thank you.

7 Again, thank you for coming to Pontiac. I was here in
8 2018 when you came with the idea of the medical
9 facility and I wholeheartedly supported that. I
10 thought that was thinking out of the box, really
11 thinking out of the box and coming up with a great
12 balance between the limitations of the existing site in
13 terms of a building that had been originally built as a
14 church, and kind of a church that grew and grew and
15 grew until it stopped, and the residents that lived in
16 that area also being able to provide that appeared to
17 be something that would be financially stable and
18 viable and sustaining.

19 And since 2018, quite a bit has happened.
20 We've gone through the issues. I was here also in 2020
21 and I would say I was pretty disappointed that one had
22 moved away from what I thought was a really out of the
23 box, unique, progressive project that was presented in
24 2018.

25 And I see what you're saying here. This

1 is -- I can see where this could be a very lucrative
2 operation. Some of the concerns I have, having been
3 here for so long, I have -- maybe I have baggage, but I
4 do remember us going through the discussion on the
5 overview, the whole view in the city of medical
6 marihuana and what that would mean in terms of the
7 different types of facilities, the growing facilities,
8 the testing facilities, provision, processing
9 facilities, what that would mean and how we could take
10 and organize, walk into bringing medical marihuana into
11 the city, and it's been a battle. Great, great theory,
12 great theory, I think initially that was proposed, but
13 facts shot it down.

14 My concern here is that this time I would
15 like to see how growing facilities actually work in
16 Pontiac within the areas that we all had agreement that
17 they should be within. And I really have some concerns
18 about, you know, approving more and more and more when
19 we haven't really worked with the items that we've
20 already agreed to and that we're trying to walk forward
21 on. Having lived in the city for as long as I've lived
22 in the city, I remember the remnants of what was here
23 after -- basically after World War II. Then you had a
24 lot of manufacturing shops and things that because of
25 the urgency, we're here and put operations here and it

1 would -- you know, and then we also had a city that was
2 growing by leaps and bounds through the '50s and '60s
3 and up into the '70s and how land was at a premium.
4 And if land was used for one thing, you could use it
5 for something else. And we started to understand that
6 we were starting to get into situations where there
7 were opportunities that we couldn't grab because we
8 didn't have the land, not to mention there were other
9 constraints on what could be put next door, items that
10 were already there. Did we have uses that really
11 promoted and would lift up those items, lift up those
12 different uses that were in place.

13 So I'm looking at this and I'm saying
14 well, I'm a little concerned that it's a very large
15 project conceivably to go through Phase 1, Phase 2,
16 outside of many of the areas that we originally thought
17 we would go to, not really understanding what's going
18 to be the effect of the areas that we have said should
19 operate and the facilities that we're saying we should
20 operate because of all of the things we've gone
21 through. Just trying to get to what we thought we
22 agreed to going. I think Washington Park Subdivision,
23 a great subdivision, it has a lot of potential, it
24 backs up to great piece of water. The houses there
25 were probably built what, in the '40s and the '50s.

1 There's been another redevelopment, I think was in the
2 '70s. So at that point, where we could see that area
3 starting to regrow.

4 So at this point in time, I'm a little
5 concerned that when we look at the overall vision and
6 growth of the city, that this project may not -- that
7 we need to have some more information. At this point
8 in time, in all honesty, I couldn't approve this
9 project. And let me say, there have been other vacant
10 buildings. I understand the issues of vacant buildings
11 having sat on the school board. I knew that once we
12 started decommissioning schools, we needed to have sold
13 the schools to a private person who then could go
14 through the redevelopment. You're that private person
15 now. Okay.

16 So yes, it is, it is a vacant building and
17 vacant buildings do attract all types of mischief and
18 other things. But I just think that there may be some
19 other uses for this building very close and that would
20 facilitate a number of other -- spur some other growth
21 in that area.

22 FRANK KERR: If I may, and I do appreciate
23 your concerns, here's my thought, not to bring up
24 another electrified theory of our economy, but if you
25 consider a casino, I look at it like a free play. This

1 is a free play. You approve it, he gets to spend the
2 money doing economic studies. He can do his -- bring
3 his contractors in, get bids and test the viability of
4 the project. If it's viable, he's a businessman.
5 He'll put his money in there. And to do the project,
6 we're talking multiple millions of dollars to do this
7 project. If it's not viable, then he won't do the
8 project. It's not medical marihuana M-1 conditional
9 rezoning, it reverts back to C-1. It's a free bet.
10 You either see that this property gets transformed into
11 something that is viable and beneficial to the
12 community, that can bring in jobs from the local
13 community. You know, I don't know how many doctors are
14 living up in that neighborhood behind that building,
15 maybe not too many. I don't know how many nurses are
16 living there, maybe not too many. But if that could
17 have been rented out as a medical office, he would have
18 rented that out as a medical office. The business
19 isn't there, but this is a free bet.

20 If this gets approved, he will spend
21 probably hundreds of thousands of dollars on designs,
22 plans, getting things and determining economic
23 feasibility studies, if this is feasible. If it is,
24 he'll put his money in there and you'll have a
25 beautiful property that will add to the tax base of

1 Pontiac and offer jobs and economic opportunities to
2 the citizens of Pontiac.

3 COMMISSIONER NORTHCROSS: Again, my
4 concern is that we have a number of bets already placed
5 that we're waiting to find out.

6 FRANK KERR: But not all those are winning
7 bets, and we don't know which ones will hit.

8 COMMISSIONER McGUINNESS: Point of
9 order.

10 CHAIR FEGLEY: Let's not go back and
11 forth.

12 COMMISSIONER NORTHCROSS: Anyway, those
13 are my thoughts.

14 CHAIR FEGLEY: Thank you. Commissioner
15 Shepard, do you have any comments or questions?

16 COMMISSIONER SHEPARD: Sure. I guess one
17 thing, and I appreciate what -- I'm sorry, I forgot
18 your name.

19 FRANK KERR: Mr. Kirk.

20 COMMISSIONER SHEPARD: What I haven't
21 really heard yet and maybe I'm missing something is
22 what the budget is and what kind of development is it?
23 Are you building another out building, are you leaving
24 it as-is, are you making the outside look different?
25 Because from our perspective, I think, as somebody

1 said, it's the first building you're kind of seeing
2 coming in there. And if it looks like it is right now,
3 but it happens to have a grow inside, it doesn't really
4 do anything for it. But if that thing is transformed
5 and looks beautiful, I'm your biggest fan of something
6 like that. I'm not against the grow and processing
7 idea if somebody knows what they're doing.

8 I don't know what your experience is with
9 that, but we had one we approved recently, it was a 10
10 million dollar investment into a building versus what
11 would have happened there before. I mean, they would
12 have been a \$4, \$5 square foot building, now it's a \$25
13 square foot building. So it's every landlord's dream.
14 So I think that's what I'm not hearing yet is where
15 that's going.

16 FRANK KERR: Fantastic question. First of
17 all, I think (inaudible) stated, although not
18 finalized, the landscaping proposal is part of the
19 beautification of that property. Also, when you come
20 into a city, it's not just how the building looks, is
21 there anyone there? If there are cars and activity and
22 there are people and people coming in and out and
23 leaving from work, that also portrays a certain image
24 and what the city is about. Either there's abandoned
25 buildings that are unoccupied --

1 COMMISSIONER SHEPARD: And I appreciate
2 that. You've put a lot of trees out there, but if you
3 don't make that building look beautiful, it's still an
4 ugly building. And I don't mean you didn't -- you did
5 a nice job on the other ones. I'm not, I'm not putting
6 down what you just did, but you understand what I'm
7 saying.

8 VINCENT SERIO: The Golf Drive, I've shown
9 you what I've done so far, so clearly I've done already
10 one building.

11 COMMISSIONER SHEPARD: Are you just taking
12 those floors as they are and gutting them and doing
13 your grows in there --

14 VINCENT SERIO: They're already gutted
15 out, it just needs some lighting and gas and water
16 and --

17 FRANK KERR: But you've only done the
18 exterior of one building.

19 VINCENT SERIO: Correct.

20 COMMISSIONER SHEPARD: So you'll do
21 something on the other building, you'll --

22 VINCENT SERIO: Yes.

23 COMMISSIONER SHEPARD: Of course, there
24 are two buildings, I forget.

25 FRANK KERR: The other building would be

1 approved. And also, in, in -- I'm speaking out of
2 turn. This is not -- my client's heart is he's a
3 businessman. He's a family man. He's a man of
4 community, but --

5 CHAIR FEGLEY: Yeah, we've already gone
6 through this.

7 FRANK KERR: No, I understand, but at some
8 point --

9 CHAIR FEGLEY: We'd -- I'd like to hear
10 from the Commissioners. If they have a question
11 directly --

12 COMMISSIONER SHEPARD: Look, I appreciate
13 what you're saying and I think you understood, when you
14 walked in the door, we weren't against you. So -- I
15 mean, and you brought great people with you, so you've
16 got a good thing going for you. But I think what we
17 need to make sure is that this isn't just an obsolete,
18 ugly looking building that has something profitable on
19 the inside. It has to do something for the community.
20 As people drive past Home Depot -- and too, Home Depot
21 is the most popular place on that side of town. I
22 mean, you're going to have at least one or two
23 dispensaries in that area. One where the printing shop
24 is, I think, is that right? And maybe one at the paint
25 shore, I think.

1 MELANIE RUTHERFORD: Yes, that is
2 correct.

3 COMMISSIONER SHEPARD: So you're gonna
4 have this -- and those are going to be hopefully
5 spectacular looking buildings, you know. They're
6 coming to us and we're not going to let something come
7 through here that doesn't look great. So the ones that
8 have gotten approved in this type of use are game
9 changers. They look great, they're doing something
10 great and they're increasing the tax base in a pretty
11 huge way. A \$10,000,000 investment in a property does
12 a heck of lot for a tax base. So not that that's -- we
13 don't get to make decisions based on the tax base, but
14 it does help. And it has to look, it has to look great
15 and it is an obsolete building, so we got to do
16 something with it.

17 VINCENT SERIO: Not one single medical
18 marihuana place that the board which has approved every
19 single person that's came in front of them has opened
20 yet, so not one building is looking great and it's been
21 four years.

22 COMMISSIONER SHEPARD: Well --

23 VINCENT SERIO: At least I. --

24 COMMISSIONER SHEPARD: They're waiting for
25 rec (sp) to be just straight upfront with you, not --

1 no one's opening right now without having rec.

2 VINCENT SERIO: I understand, but I bought
3 this building before the whole marihuana thing even
4 came. I renovating the building without even having
5 marihuana in it. So I feel like I'm going further than
6 just any regular medical marihuana guy.

7 COMMISSIONER SHEPARD: And I appreciate
8 that. And I'm going to take this -- don't take this as
9 a negative, but if I was a doctor looking for an
10 office, I'm not going to that building the way it is
11 right now.

12 VINCENT SERIO: I understand.

13 COMMISSIONER SHEPARD: You know, but I
14 also understand why you wouldn't spend \$5 million to
15 make it look like -- I mean, it's a chicken and egg
16 scenario. You spend 5 million on it, you're going to
17 get doctors and medical stuff there. Is it worth it?
18 Obviously not, it doesn't make sense for you. But I
19 think what we want to make sure is that something is
20 done great with that building and it's not. And I
21 don't know -- but you know the business, I assume, if
22 you're a grower already. I don't know, but are you
23 going bring a partner in on that?

24 VINCENT SERIO: I can learn the business.
25 I have friends in the industry.

1 COMMISSIONER SHEPARD: Okay. I don't know
2 if I have a lot of questions, but I think you
3 understand where we're coming from.

4 VINCENT SERIO: Clearly I do.

5 COMMISSIONER SHEPARD: I mean, if you're
6 making a building something exceptional -- and I also
7 think a question was answered earlier that everyone was
8 a little frustrated with, as long as this reverts to
9 C-1. I mean, what we don't want is five oil change
10 places or whatever manufacturing stuff that's going
11 into that area. So I think that that was answered by
12 several people. And maybe it is a free bet, but we
13 also we got to be careful how we make those
14 decisions.

15 VINCENT SERIO: I understand.

16 COMMISSIONER SHEPARD: I think that's all
17 I have.

18 CHAIR FEGLEY: Commissioner Parlove, do
19 you have any comments or questions?

20 COMMISSIONER PARLOVE: Yes, I have
21 several, several comments and questions. Can you hear
22 me? A few of us have been on the Planning Commission
23 for a while. You have been here before, I remember
24 that you've been here, and I want to go over a few
25 things. I want to just do a reality check here. That

1 had been the church, it is a Emmanuel Baptist for a
2 very long time and eventually they lost their
3 congregants, their congregation dwindled so they no
4 longer needed a facility. They put the building up for
5 sale and people freely came to buy the building. No
6 one said you have to buy this building. I think there
7 was several owners before you had purchased it in 2017.

8 The building was not cared for. It fell
9 into disrepair as each day passed. You chose to buy it
10 in 2017. You had it for a while. You didn't maintain
11 the building. There was a banner out there, "Medical
12 Office, call this number." And the banner ripped and
13 tore and the building looked terrible and we talked
14 about this when you were with us before and people
15 don't seem to remember the past, but this is the fact.
16 We had people here tonight that came up and said -- and
17 Ms. Hatchett said empty, rotten buildings in Pontiac,
18 give him a chance. This gentleman's had a chance since
19 2017 to put money into the building, to appeal to the
20 type of tenant that would want to be in a building that
21 looked good and he chose not to spend that money. For
22 whatever the reasons were, if it wasn't in his budget,
23 that's not for me to guess, but the fact is as I
24 continue to drive by it, it didn't improve.

25 Ms. Rutherford, cars and truck were parked

1 to protect the building. The cars and the trucks that
2 were parked to protect the building were doing so
3 illegally. It was not zoned for that. There needs to
4 be outdoor storage and zoning --

5 MS. RUTHERFORD: I --

6 COMMISSIONER McGUINNESS: Order.

7 COMMISSIONER PARLOVE: And there were
8 emails that went back and forth between the owner of
9 the building, between myself and the head of the
10 planning department and there was pushback by the owner
11 that he felt he was being picked on, that he couldn't
12 do what he wanted to do and he was out of compliance
13 with the zoning, that he wanted to park these trucks
14 there, which were illegal, because that was protecting
15 his building, while he's choosing not to hire security
16 that drives the property. If you park a vehicle there,
17 people looking at the vehicle that says security on it
18 can see no one's in there and just then continue to do
19 whatever they want to do at a vacant property.

20 Ms. Smith, job opportunities. Well, yes,
21 there could be job opportunities if the building were
22 completed and ultimately occupied, and it doesn't have
23 to be medical marihuana.

24 James, the employee, you were hired to
25 protect the property against vandalism, but there are

1 things that are still happening there, not that it's
2 your fault. The Oakland County Sheriff's Department I
3 think has done a fantastic job of protecting our city
4 since they've taken us over. I have no complaints
5 about that. I appreciate that they're doing what
6 they're doing, but it's not their job to be the
7 security for that building.

8 So the owner ultimately is the victim of
9 his own investment. He's trying to turn this around to
10 us as the city residents on the Planning Commission.
11 "Look at my building, it hasn't been occupied. I can't
12 get anybody to stay in it." But he hasn't spent the
13 money to bring the right people to it, so that's not
14 our problem, that's the business owner's problem,
15 that's the investors' problem.

16 The businessman who will spend millions,
17 per his attorney, to make this building into a medical
18 marihuana who has never even done this before? This is
19 crazy. Thank you for saying that you haven't done it.
20 You don't just walk into this business and start doing
21 it. There are people all over the state that are doing
22 it and they have multiple facilities that they're doing
23 it in and there's more competition and it becomes like
24 anything else, you'd better be savvy if you've got a
25 lot of competition and he's never done it before.

1 So he doesn't even have a license on this
2 and he's looking for this rezoning? And to put light
3 manufacturing on this corner with all these residences
4 around that property? And we have no control over what
5 happens in Bloomfield or Sylvan.

6 So I am absolutely opposed to -- spot
7 rezoning, that's what this is. In Pontiac, it's spot
8 rezoning. I would love you to have something
9 successful as an idea, but for all of the information
10 that's been given to us on this project, I see no
11 viability. There's no compelling reason to give you
12 this spot zoning based on the fact that you've owned
13 the building since 2017 and your track record isn't
14 really that sterling with us, including the very
15 recent, within the last couple months pushback about
16 you want to have somebody park their trucks there and
17 it's not allowed in the zoning.

18 So those are my thoughts, thank you.

19 VINCENT SERIO: Excuse me, may I comment,
20 Chair?

21 CHAIR FEGLEY: Briefly, yeah.

22 VINCENT SERIO: Okay. Number 1, would you
23 rather have a couple semis parked there or the N-word
24 sprayed on the buildings? Would you rather have broken
25 windows there or a couple of semis parked there?

1 CHAIR FEGLEY: Well, if you do a medical
2 marihuana, you would have video cameras all over the
3 place.

4 VINCENT SERIO: Correct.

5 CHAIR FEGLEY: There should be video
6 cameras there --

7 VINCENT SERIO: I have a few. Secondly,
8 when I got in the cell phone business, I knew nothing
9 about cell phones. That was 22 years ago, so I do know
10 how to learn things and people learn as they grow. So
11 I can do the business.

12 Thirdly, I do have a license for a medical
13 marihuana facility. So -- and Number 4, you said spot
14 zoning, it's not spot zoning. Clearly showed there's
15 M-1 for the northwest, there's an M-1 to the south. So
16 I don't understand why you're so against it. Every
17 single person that's came in front of this board has
18 been approved to change it from either C-1 to M-1, so I
19 don't understand why I'm having such a difficult time,
20 but I'll leave my argument at that.

21 CHAIR FEGLEY: Okay. Now (inaudible)
22 questions from me. I guess I've been on the board when
23 you came in front of us for the rezone -- or for the
24 medical facility and we went through two meetings, one
25 or two meetings.

1 COMMISSIONER PARLOVE: At least two.

2 CHAIR FEGLEY: Two hours probably each
3 time that we did that. And this will be probably
4 another hour and a half, two hours for this proposal.
5 I understand that there's a lot of information here
6 that kind of is on the fence, (inaudible) waive the
7 requirement for the special land use is kind of, you
8 said no, Vern says yes, so I think that wasn't really
9 worked out. I don't know --

10 MR. GUSTAFSSON: It is in there.

11 CHAIR FEGLEY: -- if everyone would like
12 to vote on this tonight, if we would like to table it.
13 I guess I kind of want to get feedback from my fellow
14 Commissioners on what direction you would like to go
15 with this proposal, so I'll start with Commissioner
16 Duvall.

17 COMMISSIONER DUVALL: I think we should
18 table it and give them an opportunity to come back with
19 some information that's a little more agreeable. I
20 don't want to deny it at this point.

21 CHAIR FEGLEY: Okay. Commissioner
22 McGuinness?

23 COMMISSIONER MCGUINNESS: This is the most
24 adversarial and just tense situation. I think that it
25 would be better for us to consider it another, another

1 juncture when we're able to look at it objectively.
2 And I can tell you that I don't want to make an adverse
3 decision in part because of how, how confrontational
4 and diverting from the actual facts of the proposal
5 this conversation is going, which I'm not a fan of,
6 which I imagine many people are already picking up on
7 that. So I think that it would be best not to make a
8 decision, speaking for myself, individually tonight.

9 CHAIR FEGLEY: Commissioner Northcross?

10 COMMISSIONER NORTHCROSS: Well, I do feel
11 that there's additional information that's needed.
12 However, I don't think that additional information is
13 needed in regards to this project. I think the
14 additional information is needed as to the performance
15 of items that have already been approved within the
16 city and how that's operating. And at that point, if
17 we understand that these items are really as good as we
18 think they are, and that they are working within the
19 areas that we've approved for them, that we've
20 already -- everybody's already agreed for them to work
21 within, and we're getting that, that good feedback, I
22 think at that point we should reconsider opening up
23 things further. But right now, I don't see that
24 information there.

25 CHAIR FEGLEY: I don't think that it's

1 going to be there for a while. City clerk, has he been
2 releasing permits and --

3 MR. SMITH: There have been -- through the
4 Chair, apologize, the clerk has conditionally approved
5 provisioning center licenses as we are aware of. And
6 it may have been some issue of conditional approval for
7 growing and processing. None have been approved from a
8 planning, zoning perspective and permitted with a
9 certificate of occupancy to open. So at this time,
10 none of the medical marihuana facilities that have gone
11 through the city clerk's office have certificates of
12 occupancy and have a track record of operation that I
13 believe Commissioner Northcross is looking for.

14 CHAIR FEGLEY: And Commissioner
15 Northcross, you might want to consider looking at other
16 cities that have operation because here in Pontiac,
17 it's taking a little longer for people to actually get
18 what they need to start their business and begin their
19 operations. But it is functioning in other cities and
20 you can get that information and those statistics from
21 maybe other cities. Pontiac's just been a little slow
22 with getting operations (inaudible).

23 MR. SMITH: And if I may, through the
24 Chair, as the members of this Commission were not
25 present at the time that we developed the medical

1 marihuana overlay ordinance, it may benefit if a
2 refresher or additional historical content rely -- for
3 example, the overlay district exists where they are,
4 that may provide some additional context to the
5 ordinance in itself. So we could provide that
6 (inaudible) meeting and possibly update to where we are
7 with the other applications in the greater context with
8 planning and the city clerk's office.

9 COMMISSIONER McGUINNESS: I have a
10 follow-up question.

11 COMMISSIONER NORTHCROSS: Just making a
12 summary of all of this. I would not be opposed to
13 putting this on the table and gathering additional
14 information. We can use, as a surrogate, information
15 from surrounding communities, but I still think we need
16 to overlay that information on top of our ordinance
17 structure that we've agreed to, our land use structure
18 that we've agreed to here in Pontiac.

19 You know, it's great to look at other
20 things and to analyze and then try to extrapolate
21 from where you are, but one has to understand that
22 when you extrapolate into an area you haven't gone
23 before, it's (inaudible). But I'm willing to try and
24 do that if we could get high confidence that this is
25 very close to some other things made. So I guess I

1 would not at this point be opposed to putting this on
2 the table for some further study and then some
3 homework on my part.

4 CHAIR FEGLEY: Commissioner McGuinness?

5 COMMISSIONER MCGUINNESS: Forgive me, can
6 you summarize what was the request in 2020 that wasn't
7 favorably decided upon for this site and from this
8 applicant? Because the signatures that are provided
9 from residents are from 2020.

10 MR. GUSTAFSSON: Right.

11 COMMISSIONER MCGUINNESS: So I'm curious
12 what was --

13 MR. SMITH: We can -- if it may please the
14 Commissioner, we would like to bring that information
15 to you at a following meeting.

16 MR. GUSTAFSSON: Yeah, we can provide you
17 the transcripts of that meeting also which would
18 probably be helpful to read.

19 COMMISSIONER MCGUINNESS: That will
20 provide context, because obviously it's been referenced
21 by some of the veteran Commissioners --

22 MR. GUSTAFSSON: I think it would.

23 VINCENT SERIO: Through the Chair, if I
24 may, he -- it was, it was --

25 CHAIR FEGLEY: Well, let's let --

1 VINCENT SERIO: It was a partial rezoning.
2 I just wanted to answer his question.

3 CHAIR FEGLEY: Well, Vern can get all that
4 information.

5 VINCENT SERIO: Okay. Sure.

6 COMMISSIONER McGUINNESS: Partial rezoning
7 is --

8 VINCENT SERIO: Yeah, it's just a partial
9 rezoning of the one building, not all the whole parcel,
10 so that was why it was denied.

11 COMMISSIONER McGUINNESS: But that was a
12 medical marihuana kind of -- okay. All right. I look
13 forward to learning more about it, thank you.

14 CHAIR FEGLEY: Commissioner Shepard?

15 COMMISSIONER SHEPARD: Yeah, I guess if
16 the question is, do we table it or try to make a
17 decision on it, I probably wouldn't give you the right
18 decision that you wanted right now. So I would look at
19 it that way, but I'd rather see you come in with
20 renderings and your budget and what -- I mean, I know
21 we're not quite at that stage yet. But in my head I'm
22 still picturing the building that exists there right
23 now and I don't mean the one you just rebricked, but
24 the other one has just a -- no offense, but an ugly
25 building that has a processing facility inside. And

1 the other ones that we did approve -- so I don't think
2 you should look at this as, well, they got approved
3 so -- it's a different location. So one of them was
4 the old Salvation Army building, you know where that's
5 at. You know those guys and their proposal was pretty
6 significant and it was an obsolete building that not
7 much can be done with. Yours is obsolete too, and I
8 get that, right? I've had my own buildings that are
9 medical style buildings that I couldn't figure out what
10 to do with. But again, it's -- I'm an investor too.
11 We do things like that and we find out maybe it didn't
12 work the way we planned it. But if you're going to
13 dump millions of dollars into it, I think it's a
14 different thing to bring to the table for us.

15 If you're kind of just sampling it and not
16 really into it and I think if you -- I don't know if
17 this is the place to recommend it, but if I was you, I
18 might bring a grower and partner with somebody who's
19 already a large scale grower-processor. It is a hard
20 business and I've been around it enough to not just say
21 it as a planner, but as somebody who was involved in
22 that, in that business. It's not an easy business, I
23 think you had mentioned it earlier, and it's so
24 competitive. We all know that. The prices have
25 dropped through the floor.

1 So, not to tell you your business, but if
2 you wanted me to give you a vote right now, it would
3 probably be a negative vote. But if you came back with
4 something exceptional, I'm the first one who loves
5 seeing something like that. If that building is a
6 beautiful building when you're driving into town,
7 that's what we all want.

8 So that would be my perspective. I mean,
9 if you're not time sensitive, I would table it. If
10 it is a time issue, then ask for the vote, I guess.
11 But that's kind of what I would say on this.

12 CHAIR FEGLEY: Commissioner Parlove?

13 COMMISSIONER PARLOVE: I'm indifferent. I
14 could vote tonight or I can wait.

15 CHAIR FEGLEY: Okay. I kind of feel like
16 everyone knows where everyone's at. I cannot bring a
17 motion to the table, so if someone would like to bring
18 a motion to the table?

19 COMMISSIONER DUVALL: I make a motion that
20 we table the discussion.

21 CHAIR FEGLEY: May I have a second?

22 COMMISSIONER SHEPARD: I'll support.

23 CHAIR FEGLEY: Roll call.

24 MR. GUSTAFSSON: Commissioner Parlove?

25 COMMISSIONER PARLOVE: Yes to table.

1 MR. GUSTAFSSON: Commissioner Duvall?

2 COMMISSIONER DUVALL: Yes to table.

3 MR. GUSTAFSSON: Commissioner Shepard?

4 COMMISSIONER SHEPARD: Yes to table.

5 MR. GUSTAFSSON: Commissioner Northcross?

6 COMMISSIONER NORTHCROSS: Yes to table.

7 MR. GUSTAFSSON: Commissioner McGuinness?

8 COMMISSIONER MCGUINNESS: Yes to table.

9 MR. GUSTAFSSON: And Chair Fegley?

10 CHAIR FEGLEY: Yes to table.

11 MR. GUSTAFSSON: Okay. Motion passes to
12 table.

13 AYES: Fegley, Duvall, Northcross,
14 Shepard, McGuinness, Parlove.

15 NAYS: (None.)

16 ABSTAIN: (None.)

17 MOTION CARRIES 6-0-0

18 VINCENT SERIO: One last thing, just so
19 I'm clear, you wanted to see a rendering and the
20 budget, is there anything further --

21 COMMISSIONER SHEPARD: That was only my
22 opinion, so I don't want you basing it on what I
23 said.

24 VINCENT SERIO: Was there anything else
25 that the city planning wanted to see?

1 CHAIR FEGLEY: Just to the conditional
2 rezoning, like you had said, you didn't have a problem
3 with the special exemption, so maybe look at the
4 verbiage on the conditional zoning and make it written
5 as what you propose you want to do.

6 VINCENT SERIO: Sure.

7 CHAIR FEGLEY: And I know in the
8 conditional rezoning when I'm reading through it, it
9 just says development plans and that's a little vague
10 for me. I would like to see something that says
11 exactly what's going to go -- I can't tell you what I
12 want to see, but development plans are very vague to
13 me.

14 VINCENT SERIO: I understand. Got it.

15 CHAIR FEGLEY: And just make sure it reads
16 what you want it to read. If you're saying that what
17 this is is not what you wanted, make sure it is what
18 you wanted.

19 VINCENT SERIO: Sure. And this would come
20 back in a couple weeks, a month?

21 CHAIR FEGLEY: Our next Planning
22 Commission meeting is September what?

23 MR. GUSTAFSSON: Next regularly scheduled
24 is -- yeah.

25 CHAIR FEGLEY: I have to look at a

1 calendar, I don't know. The first Wednesday of
2 September.

3 VINCENT SERIO: Okay.

4 CHAIR FEGLEY: Whatever that date is.

5 VINCENT SERIO: Sure. Can we get those
6 packets back that we handed out? Thank you for your
7 time, appreciate it.

8 CHAIR FEGLEY: Next on the agenda is 7.1
9 which is Site Plan Review SPR 22-10, for address 1091
10 Joslyn Avenue.

11 MR. SMITH: All right. Thank you, Chair
12 and Commissioners. The next item is a site plan review
13 for 22-10. This was a site plan that was reviewed at
14 your July 4th previous Planning Commission meeting.
15 This is a site plan for a car wash, automotive center.
16 At the previous meeting, this item came with a special
17 exemption permit. The special exemption permit to
18 permit the automotive commercial use was approved.
19 However, the preliminary site plan at that time was not
20 approved. There were comments related to hours of
21 operation, screening, and other requests such as
22 renderings or just more details on what the final site
23 would like.

24 So the applicant did provide that
25 information, it is in your packet. I will briefly

1 touch on some of those items as we move forward.

2 So briefly, just to recap, the property is
3 located at intersection of 2nd and Joslyn Avenue. It
4 currently exists two vacant parcels that are zoned C-1
5 Local Business. You can see on the renderings as it
6 exists today, it is vacant. They used to be a former
7 parking lot a long, long time ago. That no longer
8 exists and it has remained vacant since.

9 As mentioned, the parcel is zoned C-1
10 Local Business, designated or designed to accommodate
11 housing and commercial uses that cater the local
12 community and other retail uses.

13 Briefly, in the previous meeting, we did
14 review the special exemption criteria or the specific
15 use criteria, I apologize, for automobile service uses.
16 The applicant did provide a site plan where the
17 setbacks did comply with the ordinance. The criteria B
18 for operations within the enclosed buildings such as
19 repairs wouldn't apply, but the proposed use of car
20 wash would be operated within an enclosed building. In
21 the C-1 district, you are limited to no more than three
22 service bays. This project only would have two service
23 bays. And then there are specific screening
24 requirements when adjacent to residential uses and it
25 does require a Type B buffer which was a point of

1 conversation at the last meeting and we'll briefly
2 touch on that soon here.

3 There were comments in the last meeting
4 related to the traffic capacity. I believe that was
5 brought up by Councilperson Carrington, and does the
6 road maintain proper capacity or what would the impacts
7 of this development have on that road. We did pull the
8 MDOT annual average daily traffic study and it did show
9 that in 2019 was likely one of the largest -- not
10 largest, but in the most recent years one of the larger
11 average daily traffic counts at roughly 19,000 vehicles
12 annually, that average daily amount; whereas in 2020,
13 it's actually down to 16,000. And then the between the
14 2019 era time period and 2022, it's actually kind of
15 gone down and most likely as a result to the behavior
16 patterns changes related to COVID and working from
17 home.

18 But however, that Joslyn Avenue does have
19 the capacity as it did carry predominantly most, if not
20 a large amount, of the traffic related to GM when it
21 was operating at that time. So based on the
22 information we researched and the historical nature of
23 that corridor, we do believe that Joslyn Avenue would
24 not be negatively impacted by this proposed car wash.

25 MR. GUSTAFSSON: If I may, we also found

1 in regards to when you take a look at trends in regards
2 to what a number of lanes are roadway, so when you have
3 four lanes, two in each direction, this our turn lane,
4 typically you're looking at roughly that type of
5 roadway can start to have capacity problems, anything
6 above like, say, 37,000 vehicles per day, okay.

7 So we're at the threshold of roughly 18
8 and lower per -- you know, on average. So we do
9 definitely have the capacity. And as Donovan was
10 saying, when GM at its height, there's 55,000 people
11 were going to work there everyday. And now we have
12 maybe like 10, you know. So the capacity from a road
13 perspective, you know, I think no matter what his trip
14 generation is or number of vehicles per day or
15 whatever, it's going to be minuscule increase of
16 traffic. And usually in talking with -- some good
17 friends of mine own car washes similar to what's being
18 proposed and their business plan always looks to
19 capture a certain number of passing vehicles. If
20 you're driving down the street and say oh, I need a car
21 wash, it's not busy. I'm just going to stop in. So
22 it's not like people are driving specifically to go
23 there. So traffic shouldn't be an issue on Joslyn.

24 MR. SMITH: Thank you. The applicant did
25 provide an updated site plan and I will briefly touch

1 onto the changes regarding landscaping. Next slide.
2 And then we also had conversation with the applicant as
3 it related to hours of operation, that was a topic of
4 concern or question.

5 The zoning ordinance does not restrict
6 this specific use as it relates to noise. However, the
7 municipal code does have a noise ordinance that is
8 observed at 10 p.m. So while the applicant would be
9 permitted to operate a facility that may generate a
10 level of noise, it would not be until there are
11 substantial complaints if that were to occur where the
12 noise ordinance would allow the flexibility to require
13 changes to the hours of operation.

14 And then in the next slide, I'll touch on
15 the screening requirements that would further assist in
16 providing a type of buffer between the existing site,
17 the potential noise and the residential properties to
18 the west.

19 So in your packets, the applicant did
20 provide the landscaping plan and previously I did
21 mention the required Type B buffer, and there are
22 several criteria that go into what that buffer
23 requires. It does require a buffer at least 5 feet
24 wide. That may need to be adjusted on this plan. It
25 does not appear to be a complete 5 foot wide buffer.

1 That is a minor change that can be implemented and then
2 approved in the final site plan.

3 The applicant did provide the required 6
4 foot high masonry wall that is a requirement for that
5 buffer requirement, so that is included.

6 The Type B buffer does not have a
7 requirement for any deciduous trees -- let me take a
8 step back. The Type B buffer allows for two types of
9 screening: There is a screening with a wall and there
10 is a screening without a wall. The screening with the
11 wall does not require any additional trees. They can
12 include the wall and the ordinance says that is
13 adequate.

14 The other screening which does not require
15 a wall, it's a trade off. It's if you have a wall, you
16 have no trees; if you have trees, a wall is not
17 required. This buffer that is provided does have a
18 wall, so that requirement for a wall is included.
19 However, trees and shrubs would not be included.

20 Based on the plan provided, applicant has
21 provided trees in addition to the screening wall
22 requirement where they do have -- that portion of the
23 property is lined with evergreen trees, 56 in total
24 across the site, but 34 factually, in addition to one
25 deciduous tree which would be located in that bottom

1 left corner on your screen.

2 So the applicant has met the requirements
3 for the Type B buffer that is required with the special
4 exemption permit for automotive service uses.

5 The applicant did provide elevations which
6 did not change. They were in compliance in the
7 previous site plan and in our previous meeting, so the
8 elevations would remain the same and I'll provide it to
9 you.

10 When we look at the standards for site
11 plan approval, the applicant -- the site plan does meet
12 those standards, in addition to the specific standards
13 for the use and the categorized standards for site plan
14 approval provided in the technical report that is in
15 your packets.

16 There are conditions that would be
17 associated with this final site plan approval and those
18 would be as follows: First, the Planning Commission
19 does approve the site plan review 22-01 that we'll
20 review today. Any changes related to the technical
21 site plan review and comments from water and fire
22 department, Department of Public Works, Engineering and
23 Site Planning, any comments that have yet to be
24 addressed would be included in the final approval. The
25 applicant will continue to meet all the requirements

1 for landscape and design, the general site landscaping
2 requirements which they do meet; these specific
3 requirements related to Section 4.405, the buffer Type
4 B such as requiring that 5 foot wide buffer, grass
5 buffer; and then the Section 4.406 for the parking lot
6 landscaping requirements which they have demonstrated
7 compliance with.

8 And lastly, there were requests that
9 renderings be provided at the site and how it may
10 function, how it may look when it is completed, so
11 those are provided in your packet and here on the
12 screen as well.

13 So in this image, you are looking at the
14 site as if you were standing at that intersection at
15 2nd and Joslyn, looking towards the back corner of the
16 property. In the upper left, you can see the
17 screening, the wall screening. It doesn't show the
18 actual evergreen trees that are proposed in the site
19 plan that shows shrubs, but that is where the evergreen
20 trees will be located, screening the back of that
21 property from the adjacent of residential home.

22 Again, more images from the street. These
23 are in your packet, so I won't belabor these. And then
24 that's the last one in this presentation. And that
25 concludes the presentation for the site plan.

1 CHAIR FEGLEY: Thank you. Yeah, this is
2 already before us, and I believe most of the
3 requirements that we were talking about have been met.
4 Commissioner Duvall, do you have any comments or
5 questions?

6 COMMISSIONER DUVALL: I do not.

7 CHAIR FEGLEY: Commissioner McGuinness, do
8 you have any comments or questions?

9 COMMISSIONER MCGUINNESS: Welcome back.
10 Thank you very much for the work that was put in, staff
11 and applicant for the final touches. I feel very
12 excited and comfortable for us to approve the final
13 site plan review. I think it will be a great addition
14 to our community and the renderings look beautiful.

15 CHAIR FEGLEY: Commissioner Northcross?

16 COMMISSIONER NORTHCROSS: Thank you. Yes,
17 yes, good job, good job. One question, I was reading
18 through my packet, was I mistaken, did I see something
19 about the photometric, photometric items submitted did
20 not comply?

21 MR. SMITH: I will review that, I believe
22 they did.

23 COMMISSIONER NORTHCROSS: Okay. I was
24 going down, I thought I saw that when I was looking
25 through my packet. That was the only thing, and I

1 believe the area of intensity that was too high was on
2 the other side of the buffer.

3 MR. SMITH: Yeah.

4 COMMISSIONER NORTHCROSS: That's what I
5 was reading, very, very quickly. But other than that,
6 I mean, yeah, I think this is a wonderful addition to
7 that corner of 2nd and Joslyn.

8 MR. SMITH: I am checking, just reviewing
9 the photometrics now.

10 COMMISSIONER MCGUINNESS: Speaks of
11 footcandles, which I do not know what it means, but
12 that footcandles exceeded at property lines and that is
13 why that does not comply. And (inaudible) details box
14 was checked, but that might be before these additional
15 buffer considerations were made. Because I recall that
16 when it was here before as well.

17 COMMISSIONER NORTHCROSS: Well, that and
18 also the type of fixture, the light fixture that's
19 used.

20 MR. GUSTAFSSON: Shielded and all of
21 that.

22 COMMISSIONER NORTHCROSS: Yeah. But I
23 just saw that there and I said hmm, okay. What does
24 that mean?

25 MR. SMITH: And briefly, as I look at it,

1 that may be just comments from that previous review.
2 The photometrics, they do not exceed the footcandles at
3 the property line, which would be in excess of 1. In
4 additional to, there is a -- wattage requirements where
5 you are not allowed to have light fixtures with
6 wattages in excess of 250. And I just reviewed them,
7 they are below 250 and they do not have those
8 footcandles at the property line in excess of 1.

9 COMMISSIONER McGUINNESS: And what's the
10 technical definition of footcandle?

11 MR. SMITH: The technical?

12 COMMISSIONER McGUINNESS: Or at least an
13 understandable version.

14 MR. SMITH: It's the measurement of light
15 at specific points.

16 COMMISSIONER McGUINNESS: Understood.

17 MR. SMITH: And our ordinance, they're
18 measured at 5 feet above grade. And then at the
19 property lines, they are limited to 1. For the site as
20 a whole, they are not to exceed 10 footcandles, and the
21 higher that number is, the more light, the brighter
22 that light is.

23 CHAIR FEGLEY: Commissioner Shepard?

24 COMMISSIONER SHEPARD: You did exactly
25 what we asked for. I mean, I think that was nice to

1 see you came back with more than we asked for, I think.
2 So I think it's acceptable, 100.

3 CHAIR FEGLEY: Commissioner Parlove?

4 COMMISSIONER PARLOVE: Everything looks
5 great. I was intrigued by the aerial shots. It looked
6 like your car wash is up in the Upper Peninsula. But I
7 still think it's great, thank you.

8 MR. SMITH: Thank you.

9 CHAIR FEGLEY: Thank you for your patience
10 tonight too. I am comfortable with the proposal. Does
11 anyone have a motion?

12 COMMISSIONER McGUINNESS: I make a motion
13 to approve the final site plan SPR 22-10 from Ali
14 Ajami, Parcel Identification Number 64-14-16-328-031
15 and 032 and allow the Planning Manager authorization to
16 grant Final Site Plan approval.

17 COMMISSIONER PARLOVE: Support.

18 CHAIR FEGLEY: Roll call.

19 MR. GUSTAFSSON: Give me a moment. Okay.
20 Commissioner McGuinness?

21 COMMISSIONER McGUINNESS: Yes to
22 approve.

23 MR. GUSTAFSSON: Vice Chair Parlove?

24 COMMISSIONER PARLOVE: Yes to approve.

25 MR. GUSTAFSSON: Commissioner Shepard?

1 COMMISSIONER SHEPARD: Yes to approve.

2 MR. GUSTAFSSON: Commissioner Northcross?

3 COMMISSIONER NORTHCROSS: Yes to

4 approve.

5 MR. GUSTAFSSON: Commissioner Duvall?

6 COMMISSIONER DUVAL: Yes to approve.

7 MR. GUSTAFSSON: Chair Fegley?

8 CHAIR FEGLEY: Yes to approve.

9 MR. GUSTAFSSON: Motion passes 6-0.

10 ALI AJAMI: Thank you vary much.

11 AYES: Fegley, Duvall, Northcross,
12 Shepard, McGuinness, Parlove.

13 NAYS: (None.)

14 ABSTAIN: (None.)

15 MOTION CARRIES 6-0-0

16 COMMISSIONER PARLOVE: Can't wait to get
17 my car washed.

18 ALI AJAMI: Can't wait to get started.

19 CHAIR FEGLEY: Okay. Next on the agenda
20 is 7.2 which is scheduled Special Meeting on August
21 24th.

22 MR. GUSTAFSSON: I guess I made it kind of
23 a -- more of a formal thing. We're looking to -- it's
24 related to Crown Enterprise, the concrete batch plant
25 facility.

1 CHAIR FEGLEY: Okay. My personal feeling
2 on that is unless there's an absolute compelling reason
3 why we have to do a special meeting, I would prefer to
4 have whatever they would like to present to us
5 presented at the September meeting. I don't know how
6 my other Commissioners feel, but that's kind of where
7 I'm at with that.

8 MR. GUSTAFSSON: Okay. If I could shed a
9 little bit of light on -- the reason -- there was a
10 little bit of disconnect I believe in regards to what
11 was happening to get us to this point. And again, I
12 hate to -- I'll take the blame because I was out of
13 town. It was not probably paying attention too much to
14 my emails and going back and forth. What had happened
15 is is that the zoning map application, the request has
16 changed and the parcel numbers have changed. They've
17 increased the number of parcels that would be
18 considered for rezoning also.

19 So there's a lot of missing parts --
20 missing information that they were scrambling to put
21 together. So I'm just requesting that -- I know that
22 they, the applicant, would be quite -- would be honored
23 to be making sure they could be on the 24th's agenda,
24 put it that way, because they are pushing because of
25 certain projects and commitments to at least get the

1 response that they need from the Planning Commission
2 and then move forward.

3 COMMISSIONER McGUINNESS: Chair Fegley?

4 CHAIR FEGLEY: Yes.

5 COMMISSIONER McGUINNESS: So, in addition
6 to the applicant having time sensitivity, there's some
7 considerations that the mayor's office and the city
8 council has because of a related aspect of this
9 development. So if your schedule allowed, it might be
10 very helpful for us to know where the Planning
11 Commission stands because -- and the planning manager
12 might have a more up to date sense of this, but Crown
13 Enterprises in comprehensive nature of wanting to put
14 this application forward and receive favorable
15 consideration from the city, is contemplating the
16 donation of many dozens of acres on related parcels
17 that would do many, many things, but add a great deal
18 of value to the city of Pontiac. And so we want to
19 know where the Planning Commission stands on that
20 before that offer expires, if you will.

21 And I don't have enough knowledge to say
22 what those time sensitive deadlines are, but Crown
23 Enterprises had submitted their application to be at
24 this evening's meeting, but in order to satisfy the
25 requirements for posting, with that updated final

1 agreement, with what they were negotiating with the
2 city of Pontiac, that's what created that -- or limited
3 our ability to consider that tonight. And the planning
4 manager might be able to say if my interpretation is
5 right or not.

6 MR. GUSTAFSSON: It's spot on.

7 COMMISSIONER SHEPARD: May I? Did their
8 plans change? I mean, the plans for this facility, did
9 it change? It's still the same thing, right?

10 MR. GUSTAFSSON: It's still the same
11 thing, but they're looking at some other -- the site
12 plan probably will expand also in regards to the batch
13 plant.

14 COMMISSIONER SHEPARD: So how do we -- I
15 think we're all against this idea for what it was going
16 to do to the community.

17 CHAIR FEGLEY: Correct.

18 COMMISSIONER SHEPARD: How do we backtrack
19 because they're trying to -- I mean, we don't get to
20 have a say in the --

21 MR. GUSTAFSSON: No, I understand. The
22 applicant obviously has his right to be here and not --
23 at that time, they just made a presentation. So you
24 didn't -- you have not seen any technical reviews. You
25 have not seen the conditional rezoning agreement that's

1 been fleshed out. And I -- hopefully it's not going to
2 change any more, it better not. So that's just coming
3 before us.

4 So I would just ask, you know, let's be
5 open. Just like we're here in regards to our -- Vince
6 Serio in regard to his project and tabling it and
7 giving it -- you know, making sure that everything is
8 moving forward or moving in the right direction and
9 give us some time to think and plus giving more time
10 for him to prepare, same thing here. And I usually
11 typically don't, I don't like particularly adding
12 another meeting on for Planning Commission. I know
13 times you got to go -- particularly in August and the
14 summer and I understand, but this one here is pretty
15 critical for not just the applicant, but for the city
16 of Pontiac.

17 COMMISSIONER SHEPARD: Thank you. One of
18 the bigger concerns is where they're bringing their
19 trucks through. So have they changed their proposal,
20 is there another way to get their trucks into another
21 area?

22 MR. GUSTAFSSON: They're looking at --
23 yeah.

24 COMMISSIONER SHEPARD: I think that's the
25 only -- that would be the thing that might change some

1 of our views.

2 MR. GUSTAFSSON: Yes, yep, yep, yep, it
3 probably will. It probably will change some of your
4 opinions. I can't say totally, but it will change the
5 direction that you would go in. That's why I think
6 it's important you see the full package of what's being
7 presented.

8 COMMISSIONER SHEPARD: And I won't be here
9 that day, so if it's without a quorum, I'm one that
10 won't be here. I'm out of town on that day.

11 MR. GUSTAFSSON: You will or won't?

12 COMMISSIONER SHEPARD: I will -- I'll be
13 out of town. I won't be here that day. I've got a
14 trip (inaudible).

15 MR. GUSTAFSSON: Okay. Okay.

16 CHAIR FEGLEY: Would anyone else like to
17 speak on the matter?

18 MR. GUSTAFSSON: Well, how about -- let's
19 consider this --

20 CHAIR FEGLEY: I'm not available August
21 24th either, so it would be up to the remaining --
22 because the 24th is not going to work for me either.

23 MR. GUSTAFSSON: Okay. I mean, obviously
24 I've got to have four people here for a quorum so --

25 COMMISSIONER PARLOVE: That would be us.

1 COMMISSIONER NORTHCROSS: Well, I plan to
2 attend if we hold the meeting.

3 MR. GUSTAFSSON: Okay.

4 COMMISSIONER NORTHCROSS: I would be
5 available.

6 COMMISSIONER SHEPARD: Is it a bad thing
7 to put it off for 10 days or whatever it is?

8 MR. GUSTAFSSON: Yeah, 12.

9 COMMISSIONER SHEPARD: It is? Because
10 that's the offer.

11 MR. GUSTAFSSON: Yeah.

12 COMMISSIONER PARLOVE: No pressure.

13 MR. GUSTAFSSON: That's what I live for.

14 COMMISSIONER NORTHCROSS: The package that
15 we're going to consider would be available when?

16 COMMISSIONER PARLOVE: Yeah, when do we
17 get to review all this information that --

18 MR. GUSTAFSSON: If you tell me it's a go,
19 we will post it in regards -- as needed in the paper
20 and I will confirm tomorrow also that all the pieces
21 parts are here and I will call the applicant.
22 Actually, I have a call in to him about something else
23 anyway. So I would say we can probably get it to you
24 by Monday.

25 COMMISSIONER McGUINNESS: I'm also

1 available August 22nd, Monday night if that makes it
2 easier for anybody.

3 COMMISSIONER DUVALL: Not for me.

4 COMMISSIONER McGUINNESS: But does the
5 24th work for you?

6 MR. GUSTAFSSON: We have to keep in mind
7 we have the 15 day notice too. I think we can make
8 that, but we'll have to see.

9 MR. SMITH: It's possible.

10 MR. GUSTAFSSON: Also I've been trying --
11 (inaudible) any time we did have special meetings,
12 particularly when we were looking at ordinances and
13 stuff like that, always tried to pick a Wednesday. It
14 was just our method of madness, so to speak. We always
15 met on Wednesday, so it might be the third Wednesday.

16 COMMISSIONER SHEPARD: Will there be four
17 for the 24th or did we only have three?

18 COMMISSIONER PARLOVE: Right now I think
19 I'm good. If things pop up --

20 COMMISSIONER DUVALL: Right now, I think
21 I'm good. I can't -- I won't confirm until I -- until
22 I know more.

23 COMMISSIONER NORTHCROSS: Lord will.

24 MR. GUSTAFSSON: Okay. Do you want to
25 take a vote or do you just want to tell me if you can

1 be here or not?

2 COMMISSIONER NORTHCROSS: Lord willing,
3 I'm planning on being here.

4 MR. GUSTAFSSON: Okay. So we've got
5 Chris, Mona.

6 COMMISSIONER PARLOVE: I will know more in
7 about an hour if that helps you. Right now, I'm --
8 looks like I'm here.

9 MR. GUSTAFSSON: Okay, okay. We don't
10 have to take a formal vote. All I ask you to do is by
11 noon tomorrow, you have to email me if you'll be here
12 or not.

13 COMMISSIONER PARLOVE: Okay.

14 MR. GUSTAFSSON: On the 24th.

15 COMMISSIONER PARLOVE: I can do that.

16 MR. GUSTAFSSON: And then go from there,
17 I --

18 CHAIR FEGLEY: So we don't need to do a
19 motion on this then?

20 MR. GUSTAFSSON: No.

21 CHAIR FEGLEY: All right. I will open for
22 public comment at the end of the meeting if anyone
23 would like to speak.

24 MELANIE RUTHERFORD: Good evening once
25 again. My name is Melanie Rutherford, I stay at 1018

1 Argyle. I appreciate you guys for doing your due
2 diligence and tabling that. I think it gives people an
3 opportunity to present something better. My only
4 thought is that -- I've learned this in council because
5 sometimes I'm very passionate when I don't agree about
6 things is that we'll be slow to talk and -- excuse me,
7 slow to talk and quick to listen. It is important that
8 we make sure that we tell everyone, even if we don't
9 agree with them, that this is a city where we want to
10 see business. And I applaud Ms. Parlove for doing her
11 due diligence. Did I say your name right, ma'am, Ms.
12 Parlove?

13 COMMISSIONER PARLOVE: Parlove. Par like
14 golf and love like tennis.

15 MELANIE RUTHERFORD: Thank you so much.

16 COMMISSIONER PARLOVE: You're welcome.

17 MELANIE RUTHERFORD: I appreciate her for
18 doing her due diligence and explaining to me why it was
19 illegal, didn't know that they were. So for that, I
20 appreciate. But most importantly, I just want us to
21 see growth in the city of Pontiac. I was born and
22 raised here. I'm a fifth generation of someone that
23 was born and raised here and I had the pleasure of
24 being a part of the solution and I want us all to be a
25 part of the solution.

1 So again, I thank you for giving me an
2 understanding because the Bible says in all thy ways,
3 get an understanding and I hope to see you guys do
4 something great for the city. Thank you so much.

5 CHAIR FEGLEY: If there are no further
6 public comments, I'm going to --

7 COMMISSIONER NORTHCROSS: Can I make an
8 announcement?

9 CHAIR FEGLEY: Yeah, go ahead.

10 COMMISSIONER NORTHCROSS: Okay. This is
11 from the Water Resource Commission and there will be a
12 town hall meeting -- and this has probably been
13 announced in a number of places, but let me announce it
14 again. Thursday, August 11th, and this is concerning a
15 plan for water affordability and it's going to be
16 proposed. A proposed plan for water affordability.
17 And this meeting on Thursday, August 11th at 7 p.m.
18 will be held here at Pontiac City Hall. Now this
19 affordability plan has a number of factors and features
20 in it that -- I know I've sat on that Affordability
21 Task Force to come up with this plan. I wholeheartedly
22 recommend that folks at the very least listen in
23 possibly -- if possible, to attend this town hall
24 meeting about water affordability.

25 CHAIR FEGLEY: Yes?

1 COMMISSIONER MCGUINNESS: For the
2 community, there is -- there will be two opportunities
3 on Monday, August 15th to have an information session
4 about the Pike Street improvements that will be made as
5 well as the Clinton River Trail Connector. That is
6 again, Monday, August 15th. The first session is 11
7 a.m. to 1 p.m. here at Pontiac City Hall in the council
8 chambers, and the evening session is at 7 p.m. at
9 Prospect Missionary Baptist Church at 381 Prospect
10 Street during the east side community meeting. It will
11 be the focus of our east side community meeting.

12 So it's impacting District 1, District 7
13 for the city's footprint where we're reconstructing
14 Pike Street, but also adding recreational and aesthetic
15 improvements as well as a connector opportunity for the
16 Clinton River Trail. So it will have a big impact on
17 the neighborhood and the downtown, and so we welcome
18 the community that might have questions or want to
19 learn more about that information. Thank you.

20 COMMISSIONER PARLOVE: I learned this from
21 experience today. The recycling bins, railroad cars,
22 whatever you want to call them that are located at GFL
23 at 888 Baldwin that's available to the residents
24 through the week, are not accessible to the residents
25 right now. They have not been for a couple of weeks

1 because they're doing a big project there apparently.
2 You can see there's construction going on at the GFL
3 Transfer Facility. And if you want to take your
4 recycling, you need to take it to Collier Road and
5 Highwood, and the hours there are 8 until 4 through the
6 week. I asked if it was something that was gated and
7 they told me that they are sitting in an area that you
8 can drive up if for some reason you don't make it there
9 by 4 p.m. So don't take your recycling to 888 Baldwin
10 just yet because you won't be leaving it there. You're
11 going to drive away with it. That's all.

12 CHAIR FEGLEY: All right. I will close
13 public comments. May I have a motion to adjourn?

14 COMMISSIONER PARLOVE: Let's adjourn.

15 CHAIR FEGLEY: May I have a second?

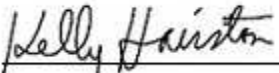
16 COMMISSIONER DUVALL: Support.

17 CHAIR FEGLEY: All in favor, say aye.

18 (All ayes.)

19 (Meeting adjourned at or about the hour of
20 8:30 p.m.)

21 Minutes transcribed and prepared by:

22 

23 KELLY HAIRSTON

24 Dated: August 23rd, 2022

25