

1 MEETING: City of Pontiac Planning Commission Meeting
2 Minutes on September 2, 2015, Pontiac City Hall,
3 48450 Woodward Avenue, Pontiac, Michigan 48342
4 COMMISSIONERS: Chair Ashley Fegley
5 Ms. Mona Parlove
6 Ms. Lucy Payne
7 Mayor Deirdre Waterman
8 Ms. Hazel Cadd
9 Mr. Christopher Northcross
10 FROM THE CITY: C. James Sabo, City Planner
11 Gordon Bowdell, City Planner
12 CHAIRMAN FEGLEY CALLED THE MEETING TO ORDER AT 6:32 P.M.
13 ROLL CALL:
14 PRESENT: Comm. Lucy Payne, Chair Ashley Fegley,
15 Comm. Deirdre Waterman, Comm. Hazel Cadd
16 EXCUSED: Dayne Thomas
17 ARRIVED LATE: Comm. Mona Parlove, Comm. Christopher
18 Northcross
19 Mr. Sabo reported a quorum present.
20 COMMUNICATIONS: None.
21 MINUTES FOR REVIEW: July 22, 2015
22 COMM. WATERMAN MADE A MOTION TO ACCEPT THE MINUTES
23 COMM. CADD SECONDED
24 VOTE: AYES: Payne, Fegley, Cadd, Northcross
25 NAYS: None
26 ABSTAIN: Waterman
27 Vote 4-0-1 motion carries
28 MINUTES FOR REVIEW: August 5, 2015
29 COMM. NORTHCROSS MADE A MOTION TO ACCEPT THE MINUTES WITH
30 NOTED CORRECTIONS
31 COMM. WATERMAN SECONDED

S T O R M R E P O R T I N G
(810) 441-0898

- 1 VOTE: AYES: Parlove, Waterman, Fegley, Cadd, Northcross
NAYS: None
2 ABSTAIN: Payne
- 3 Vote 5-0-1 motion carries
- 4 SITE PLAN REVIEW
- 5 PF-15-63, SITE PLAN REVIEW - FOR PROPOSED CONSTRUCTION OF
6 NINE (9) NEW TRUCK DOCK WELLS AT THE NORTH BUILDING
ELEVATION.
- 7 PROPERTY ADDRESS: 520 E. SOUTH BOULEVARD
- 8 LOCATION: Parcel Number 19-03-101-003
- 9 APPLICANT: CONSTRUCTION RESOURCES ONE, LLC
- 10 Presentation of facts given by Mr. Sabo
- 11 Mr. John Little, Project Manager for Construction Resources
12 One, 158 Elma Drive, Cleveland, Ohio stated that they'll
13 address the trash receptacle with the Engineering
14 Department.
- 15 COMM. CADD ASKED IF IT WAS THE APPLICANT'S FIRST ENTRY INTO
16 MICHIGAN.
- 17 Mr. Little stated that he is not positive but thinks this is
18 their first property in Michigan and that they own a lot of
property.
- 19 Paul Tulikangas from Nowak & Fraus stated that Mr. Little is
20 also involved in the neighboring parcel to the east, which
21 is 2000 Centerpoint address.
- 22 COMM. WATERMAN ASKED ABOUT THEIR OPERATION AND PAINTING
- 23 Mr. Little stated that Construction Resources One is a
24 division of ownership, they manage and prep the space for
25 the new tenants and do the building improvements. He also
stated they plan to paint and have started in the parking
lot with landscaping.
- 26 COMM. PARLOVE INQUIRED IF THE OTHER PROPERTY OF THEIRS WAS
27 PART OF FANUC AND IF THEY ARE TENANTS IN THIS PROPERTY AS
28 WELL. SHE ALSO ASKED IF THERE WOULD BE ADDITIONAL PERMITS
29 ON THE EXTERIOR
- 30 Mr. Little stated that they are not on this one but are on

1 the next one. He also answered that there would be permits.
2 COMM. PAYNE WANTED TO CONFIRM THAT THEY WERE IN AGREEMENT
WITH PAINTING.
3
4 Mr. Little said he was in agreement with painting.
5 COMM. NORTHCROSS MOVED TO APPROVE AND READ THE CITY'S
RECOMMENDATION AND ADDED A FOURTH TO COMPLY WITH PAINTING
AND MAINTENANCE TO BE DONE BY THE APPLICANT.
6
7 COMM. PAYNE SECONDED
8
9 VOTE: AYES: Parlove, Payne, Fegley, Cadd, Northcross,
Waterman
NAYS: None
ABSTAIN: None
10
11 Vote 6-0-0 motion carries
12
13 SITE PLAN REVIEW
14
15 PF-15-64, SITE PLAN REVIEW - TO ADD ADDITIONAL TRUCK DOCKS
ALONG THE WEST AND SOUTH SIDE OF THE BUILDING, SITE AND
16 UTILITY MODIFICATIONS TO ACCOMMODATE THE DOCKS FOR
CIRCULATION.
17
18 PROPERTY ADDRESS: 2030 CENTERPOINT PARKWAY
19
20 APPLICANT: CONSTRUCTION RESOURCES ONE, LLC
21
22 Presentation of facts given by Mr. Bowdell
23
24 CHAIR FEGLEY INQUIRED IF THEY WERE SEEKING A VARIANCE FOR
THE SCREENING
25
26 Mr. John Little said it's a possibility, that he'd have to
discuss that with ownership, but feels a masonry wall seems
to be excessive but that would be a decision that ownership
and the tenant would make to pursue.
27
28 COMM. NORTHCROSS INQUIRED WHICH STREET THE OUTDOOR STORAGE
CAN BE SEEN FROM
29
30 Mr. Bowdell stated that it can only be seen from Ring Road.
31
32 COMM. NORTHCROSS AGREED A MASONRY WALL IS EXCESSIVE BUT IS
THE CURRENT REGULATIONS
33
34

1 COMM. CADD ASKED IF THERE IS GOING TO BE STORAGE BESIDE THE
TRUCK DOCKS FOR LOADING AND UNLOADING.

2

3 Mr. Tulikangas stated that they're constructing two truck
4 docks on the west side, and that the little rectangle
5 fenced-in area is where they're proposing to fence around
6 that entire area and have a gate so the trucks can pull in
7 there and, at the top of that rectangle, they basically are
8 hauling out several different types of dumpsters. They're a
9 robotics company so they ask for a metal dumpster, a wood
10 dumpster, several garbage dumpsters, a compactor and they
11 also have a hazardous material crib for storing.

7

8 COMM. CADD ASKED HOW MANY EMPLOYEES WILL BE ON SITE.

8

9 Mr. Little stated that he doesn't have the exact amount of
10 employees they plan on hiring but thinks it's in the range
11 of 40 to 50.

10

11 COMM. WATERMAN WANTED TO KNOW WHAT SIZE TRUCKS THEY ARE
BUILDING TO ACCOMMODATE.

11

12 Mr. Little replied that they would be a standard 53-foot
13 tractor-trailer on the south side. On the west side, the
14 trucks are smaller, more like FedEx deliveries and small
15 parts and box trucks. The south side would take a
16 full-sized tractor-trailer, shipping and receiving.

15 COMM. WATERMAN ASKED IF THEY ANTICIPATE HOW THEY'LL ACCESS
THOSE DOCKS, WHAT ROAD PATHWAY.

16

17 Mr. Little indicated that they're entering off of Ring Road,
18 they have a real nice turnaround for them to pull in, pull
19 up and back in and then go out so the trucks are not coming
20 in and out at the same direction, stating that was one of
21 the main requirements, why they picked the property, because
22 they had the room to accommodate their trucks.

20 Mr. Bowdell responded with where those truck turnarounds are
21 and stated that that's the purpose of the removal of
22 landscape beds.

22 Mr. Tulikangas stated that the northern entrance in the
23 south area will be kind of an enter-in only and then, once
24 the trucks get in there, they can pull up, back up to either
25 one of the truck loading areas and then they pull out of the
26 southern entrance.

25

1 COMM. PARLOVE INQUIRED IF FANUC OWNED THE WHOLE BUILDING.

2 Mr. Little stated FANUC does not, that they are a tenant,
and that they own both buildings.

3
4 COMM. PARLOVE ASKED HOW MUCH OF THAT BUILDING WILL FANUC BE
USING AS THEIR TENANT.

5 Mr. Little stated that they are leasing 322,000 square feet.

6 COMM. PARLOVE ASKED HOW BIG IS THAT WHOLE BUILDING.

7 Mr. Little stated that they have over a million square feet.

8 COMM. PARLOVE STATED THAT IT DIDN'T MAKE SENSE TO HER TO
9 HAVE THE FENCING AS WROUGHT IRON INSTEAD OF MASONRY WHERE
TRAFFIC DRIVING BY CAN SEE THE DUMPSTERS.

10 Mr. Little stated that they're not opposed to having that
11 fencing opaque and that can be done with a canvas attached
to the existing wrought iron fence at 6-foot tall, they'll
12 explore other options. He stated the storage center faces
their other property so they're not opposed to having it
13 oblique and having it secured, just have an issue as to the
method.

14 COMM. PARLOVE STATED SHE WOULD RATHER SEE THAT PORTION OF
15 THAT AREA BE A MASONRY WALL BECAUSE THINGS THAT ARE LESS
THAN MASONRY DETERIORATE AND THAT THE COMMISSION WANTS TO
16 MAKE SURE THE NEIGHBORS ARE HAPPY AND ASKED MR. BOWDELL WHAT
HE WAS SUGGESTING FOR THE ADDITIONAL LANDSCAPING.

17 Mr. Bowdell stated that they provided landscape elements in
18 one area and they're proposing a landscape bed at the south
side. He also stated that he doesn't have any specific
19 recommendations, believes that could be worked out
administratively, unless the Planning Commission has
20 specifics that they're looking for.

21 COMM. PAYNE ASKED IF THEY ARE IN AGREEMENT WITH THE
RECOMMENDATIONS.

22 Mr. Little replied they are.

23 CHAIR FEGLEY STATED THAT IF THEY DO GO WITH THE ZONING BOARD
OF APPEALS, MAYBE A MASONRY FENCE WHERE THE DUMPSTERS ARE,
24 BUT SHE WILL BE OKAY WITH A WROUGHT IRON FENCE AROUND THE
OTHER TWO SIDES.

25

- 1 Mr. Little stated that a combination or hybrid may be what
they end up proposing.
- 2 CHAIR FEGLEY STATED THAT MAYBE WITH THE WROUGHT IRON, MAYBE
3 COUPLING THAT WITH SOME LANDSCAPE, ALSO JUST TO GIVE A
LITTLE BIT MORE LAYERING SO THAT IT ISN'T SO SEE-THROUGH,
4 JUST A WROUGHT IRON, MAYBE DOING SOME KIND OF LANDSCAPING IN
FRONT OF IT TO MAKE IT A LITTLE SOFTER.
- 5 COMM. WATERMAN ASKED IF THERE IS A TIMELINE THAT EITHER OF
6 THEIR TENANTS ARE WORKING ON THAT SO THE COMMISSION CAN HAVE
AN IDEA WHEN TO ANTICIPATE OCCUPANCY.
- 7 Mr. Little stated that this construction season they're
8 ready to start, drawings have been submitted to Engineering
and he's hoping to have a permit next week for both of these
9 projects, hoping to do them this summer season.
- 10 COMM. PARLOVE MADE A MOTION TO APPROVE THE PROPOSED SITE
PLAN REVIEW PF-15-64 FOR 2030 CENTERPOINT PARKWAY FOR THE
11 ADDITIONAL TRUCK DOCKS AND THE SITE MODIFICATIONS SUBJECT TO
THE CONDITIONS LISTED IN THE RECOMMENDATION.
- 12 COMM. NORTHCROSS SUPPORTED.
- 13 VOTE: AYES: Parlove, Payne, Fegley, Cadd, Northcross,
14 Waterman
NAYS: None
15 ABSTAIN: None
- 16 Vote 6-0-0 motion carries
- 17 CHAIR FEGLEY STATED THAT PF-15-65 HAS BEEN REMOVED FROM THE
AGENDA.
- 18 SITE PLAN REVIEW/SPECIAL EXCEPTION PERMIT.
19 PF-15-66, ALCOHOLIC BEVERAGE SALES
20 PROPERTY ADDRESS: 1368 BALDWIN AVE.
21 APPLICANT: HANI AWDISH (Super Happy Dollar)
22 Presentation of facts given by Mr. Bowdell
23 Mark Ross, 2347 Stonebridge Drive, Flint, Michigan 48532,
24 stated that he is the attorney for the Super Happy Dollar
Party Store, and that the store has been there for 20 years.
25 Second, he stated the Super Happy Dollar Store did apply for
and receive an SDM license from the Michigan Liquor Control

1 Commission prior to October 14th, 2014, it was approved by
2 the Michigan Liquor Control Commission pursuant to Michigan
3 Liquor Control Commission rules, notice was given to local
4 municipalities to file objections and that none were filed
5 within the objection period. The license was issued and it
6 was almost a year until it was closed down. He stated he's
7 not sure that special use permit is necessarily applicable
8 here because under Section D, although it said not
9 applicable on the plan there or on the paperwork there, he
10 was operating with an SDM license on or before October 16th.
11 He stated they have a license dated September 12th. He also
12 stated that Mr. Awdish does have a Certificate of Occupancy.
13 He stated the second requirement under Subsection D is that
14 he has an SDM license issued by the Liquor Control
15 Commission which he did at that time, it's now escrowed. He
16 stated he obtained a Pontiac business license and that he
17 has paid all his taxes, he's complied with Subsection 2.515D
18 so he believes Mr. Awdish is in compliance with the
19 ordinance as it's written, as it is now. In addition, he
20 stated they have 300 signatures from the neighbors saying
21 they don't have any issues with the store as it is. He
22 stated there was no objection from the City of Pontiac when
23 they received notice for over nine months. He stated he
24 believes Mr. Awdish is in compliance with the local
25 ordinance and he should be allowed to continue to operate at
the store with his SDM license, just a beer and wine
license, not a liquor license.

15 Mr. Bowdell stated that he did not receive a copy of the
16 updated license; if that's the case, they it would have to
17 be reviewed, maybe, in compliance with the Subsection D
18 regarding obtaining a license prior to October 16th, 2014.
19 However, he stated in these first two standards, it says
20 "except as provided in Subsection C for these two separation
21 requirements" it does not say "except as provided in
22 Subsection C or D." So he stated there does need to be some
23 clarification on that. But if the Planning Commission would
24 like to review that, he would recommend the applicant submit
25 that license and that they want Planning Commission
postponement until that clarification is made.

21 CHAIR FEGLEY STATED SHE IS INCLINED TO POSTPONE BUT OPENED
22 THE PUBLIC HEARING.

23 John Clements, 1348 Baldwin Ave. stated that he is the
24 pastor of Tabernacle Church, that he cuts the grass over
25 there and was concerned that he's going to pick up more
empty whiskey bottles there at the church property. He
stated he and his wife were attending that church as young
teenagers, and that area has certainly changed. He feels

1 with the crime in the area, they don't need another outlet
2 for alcohol, especially next to a church. He mentioned all
3 the areas that already sell alcohol and that they've had
4 more than one break-in at the church, at the shed, which
5 makes for a lot of paperwork.

6 Mike Seema, 6631 Green Anne, Bloomfield, Michigan stated
7 that Mr. Awdish started in business 20 years ago in this
8 location when the economy was good and he was doing great.
9 The economy went down, his business went down, he applied
10 for his license for beer and wine, which they give it to him
11 and they approved it. He stated that they don't want this
12 place to be closed again because he isn't going to make it
13 without the extra sales. He replied to Pastor Clements'
14 comment that the store doesn't sell whiskey, Mr. Awdish has
15 two garbage cans on each side of his door and he sees people
16 take the garbage from their car they go and put in his
17 dumpster in his garbage place. Lastly, he stated that he
18 wants to help this business to stay in Pontiac, not to be
19 another vacant building.

20 Carlos Weir, 37 East Ann Arbor came to support the applicant
21 because he has been an understanding, upstanding business
22 and has given his family and he has provided for the
23 neighborhood just to help people survive. He stated he
24 believes he should be permitted to sell alcoholic beverages
25 and continue to survive his family and his business to have
a chance to make a contribution to Pontiac.

26 Leon Brown, 148 West Walton Boulevard, is in support of
27 Super Happy Dollar investing in their infrastructure for
28 continued growth in the Pontiac market. He stated he's
29 worked with their team to assist them in their energy
30 efficiency goals, doing energy assessments on their property
31 to determine ways of negating some costs. He thinks that
32 their request for increasing their profit margins by way of
33 the sale of additional goods is a good move not only for
34 them to remain as a competitive organization within the City
35 but also to continue to provide goods for the community.

36 CHAIR FEGLEY CLOSED THE PUBLIC HEARING.

37 Mr. Sabo stated that based on the comments from Super Happy
38 Dollar's attorney Mark Ross, there appears to be some
39 information that they may not have had at the outset or
40 during their application. He stated they can review that;
41 if the Commission so desires, they can postpone this item
42 and then review it at a later date or the next meeting.
43 They would re-notice the public hearing, even though we
44 opened here, as it's just a good practice to reopen it and

1 let people know that it's happening again.

2 COMM. PAYNE ASKED IF THE STATE WAS NOT AWARE OF THE
3 SURROUNDING COMMUNITY WHEN THEY FIRST ISSUED THE LICENSE.
4 SHE WOULD LAKE THE COMMISSION TO LOOK INTO THAT FOR FUTURE
5 REFERENCE.

6 CHAIR FEGLEY STATED THAT SHE WOULD LIKE TO POSTPONE IF THE
7 PETITIONER WOULD BE OKAY WITH THAT SO THAT THE COMMISSION
8 COULD GATHER THE INFORMATION THAT IT NEEDS.

9 Mr. Ross stated they don't have any objections to that, he
10 can submit additional documents to the Commission, can give
11 the information regarding the statute and the ordinance. He
12 stated that they're going to be referencing Subsection D but
13 regarding existing stores he knows Subsection D talks about
14 applying for a license but falls under Subsection D of that
15 2.505 and he'll submit the additional documents.

16 COMM. NORTHCROSS WOULD LIKE TO SEE THE WHOLE TIMELINE LAID
17 OUT AND EXACTLY WHAT LICENSE IS BEING APPLIED FOR. ALSO, HE
18 IS PARTICULARLY BOTHERED BY THE PROXIMITY OF BETHEL TEMPLE
19 TO THIS OPERATION. ALTHOUGH HE UNDERSTANDS THAT MR. AWDISH,
20 SUPER HAPPY DOLLAR STORE, HAS BEEN OPERATING THERE FOR QUITE
21 SOME TIME HE WOULD IMAGINE THERE'S AN INVESTMENT MADE IN THE
22 STORE JUST TO OPERATE AND THEN THERE'S BEEN THIS ADDITIONAL
23 INVESTMENT MADE FOR THE LICENSING. SO IT BECOMES VERY
24 IMPORTANT ON THE TIMELINE AND WHO KNEW WHAT WHEN.

25 Mr. Ross stated that when you apply for the license, the
Liquor Control Commission, in his experience, they provide
notices and the statute provides time periods to file
objections for schools, churches, even regarding any issues
that violate any local zoning ordinance because the State
does an investigation and they issues a license and they
give that period to object. He stated that everybody gets
notice of these things, they have to file objections,
there's rules that say you have to file an objection. He
stated that he doesn't know what happened.

Mr. Sabo explained that in March 2012 the State changed the
laws relating to the SDM and SDD license and they just began
to issue them without any zoning compliance or any
municipality approvals, he's not sure why the State did that
but they put a lot of burden on municipalities to follow up
with the State licenses that were issued in objection to
City and municipal ordinances. He stated that since 2012
it's been an issue.

COMM. CADD STATED THAT SHE IS PARTIAL IF THEY'RE IN

1 AGREEMENT OF POSTPONING IT UNTIL THEY SEE A BETTER TIMELINE.
2 SHE STATED THAT SHE IS A PATRON OF THAT STORE AND HAS ALWAYS
3 RECEIVED GOOD SERVICE THERE. SHE REITERATED ALL THE PLACES
4 IN HER DISTRICT THAT SELLS ALCOHOL ALREADY, THINKS EVERYBODY
5 DESERVES A FAIR SHOT AND, DEPENDING ON WHAT THEY HAVE THAT
6 THE COMMISSION HASN'T SEEN, WOULD FEEL MORE COMFORTABLE IF
7 THEY AGREE TO A POSTPONEMENT.

8 COMM. CADD MADE A MOTION TO POSTPONE.

9 COMM. NORTHCROSS SUPPORTED.

10 COMM. PAYNE ASKED MR. BOWDELL IF THE STORE IS PROHIBITED
11 FROM SELLING ALCOHOL PERIOD.

12 Mr. Bowdell stated that the Building Department put a cease
13 and desist on all alcohol, beer, wine, liquor sales. He
14 doesn't believe they're applying for liquor through the
15 State, at this time. But for all sales, their license is
16 currently in escrow so they are not selling at the moment.

17 Mr. Sabo reminded everyone that there is a motion and a
18 second to postpone it and said they would move it to the
19 October 7th meeting.

20 VOTE: AYES: Parlove, Payne, Fegley, Cadd, Northcross,
21 Waterman
22 NAYS: None
23 ABSTAIN: None

24 Vote 6-0-0 motion carries

25 Mr. Sabo asked Mr. Ross if he would contact the Planning
Department with all those documents in the morning.
Mr. Ross stated that he will.

COMM. WATERMAN WANTED TO CLARIFY THE FACT THAT IT DOESN'T
MEET THE ZONING ORDINANCE FOR DISTANCE FROM A CHURCH FOR THE
RECORD ON OCTOBER 7TH.

CHAIR FEGLEY OPENED PUBLIC COMMENTS.

Pastor Clements wanted to mention that the church has been
there over 70 years, they were built in 1934 and that he,
too, is a customer, occasionally, but brought up the moral
issue of alcohol. He stated that the young man came to him
and said they need this to help make their living but he
believes whatever the monetary gain, the cost of alcohol
consumption way outweighs any monetary gain.

1 Mike McGinnis, 26 Union, Pontiac, Michigan wished
Commissioner Northcross a happy recent birthday.

2
CHAIR FEGLEY CLOSED PUBLIC COMMENT.

3
COMM. NORTHCROSS COMMENTED ON SOME PAST EVENTS HE HAD A
4 CHANCE TO ATTEND AND INFORMED EVERYONE OF SOME EVENTS THAT
ARE COMING UP.

5
COMM. WATERMAN MADE A COUPLE OF ANNOUNCEMENTS, INCLUDING
6 THAT THEY ARE GOING TO BE PUBLISHING A BUSINESS DIRECTORY
WITH ALL THE BUSINESSES IN PONTIAC LISTED AND THE NUMBER TO
7 CALL IF YOU'RE INTERESTED IN DOING THAT IS (248)904-3491.

8
COMM. WATERMAN MOVED TO ADJOURN.

9
COMM. NORTHCROSS SUPPORTED.

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ADJOURNMENT: 7:48 p.m.

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