



**PONTIAC CITY COUNCIL
FORMAL MEETING
September 7, 2017
6:00 P.M.
205th Session of the 9th Council**

It is this Council's mission "To serve the citizens of Pontiac by committing to help provide an enhanced quality of life for its residents, fostering the vision of a family-friendly community that is a great place to live, work and play."

Call to order

Invocation

Pledge of Allegiance

Roll Call

Authorization to excuse councilmembers

Amendments to and Approve the Agenda

Approval of the minutes

1. August 31, 2017

Closed Session

2. Resolution to go in closed Session, Ottawa Towers vs. The COP.

Deputy Mayor or Departmental Head Reports

Recognition of Elected Officials

Agenda Address

Agenda Items

3. Request for approval of the proposed ordinance an ordinance to amend appendix B of the Municipal Code of the City of Pontiac to amend article 2, Zoning Districts and permitted uses, section 2.103 Zoning Map, to change the zoning district classifications for a specific parcel ID number 19-04-126-013 at the southwest corner of Woodward Avenue and South Boulevard for rezoning.
4. Resolution for Noon time change for the October 26, 2017 City Council Meeting.

Public Comment

Mayor, Clerk, City Attorney, and City Council Closing Comments

Adjournment

August 31, 2017

**Official Proceedings
Pontiac City Council
204th Session of the Ninth Council**

A Study Session of the City Council of Pontiac, Michigan was called to order in City Hall, Thursday, August 31, 2017 at 12:00 Noon by the President Pro-Tem Mary Pietila.

Call to Order at 12:00 Noon

Roll Call

Members Present: Carter, Pietila, Taylor-Burks, Williams and Woodward.

Members Absent: Holland and Waterman.

Mayor Waterman was present.

Clerk announced a quorum.

17-284 **Excuse Councilperson Mark Holland and Patrice Waterman for personal reasons.**
Moved by Councilperson Williams and supported by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Williams, Woodward and Carter.

No: None

Motion Carried.

17-285 **Approval of the agenda.** Moved by Councilperson Woodward and supported by Councilperson Taylor-Burks.

Ayes: Pietila, Taylor-Burks, Williams, Woodward and Carter.

No: None

Motion Carried.

17-286 **Journal of August 24, 2017.** Moved by Councilperson Taylor-Burks and supported by Councilperson Williams.

Ayes: Taylor-Burks, Williams, Woodward, Carter and Pietila.

No: None

Motion Carried.

Councilman Mark Holland arrived at 12:01 p.m.

There were 4 individuals who addressed the body during public comment.

17-287 **Council scheduled a reading to change the zoning district classifications for a specific parcel ID number #19-04-126-013 (Motor City Burgers) at the southwest corner of Woodward Avenue and South Boulevard for rezoning on Thursday, September 7, 2017.** Moved by Councilperson Taylor-Burks and supported by Councilperson Woodward.

Be It Resolved, that the Pontiac City Council schedules a reading on Thursday, September 7, 2017 at 6:00 p.m. at a regular meeting in the Council Chambers regarding a Proposed Ordinance for parcel #19-04-126-013, known as Motor City Burgers.

August 31, 2017

Ayes: Williams, Woodward, Carter, Holland, Pietila and Tylor-Burks

No: None

Resolution Passed.

17-288 **Resolution for the Sale of Real Property at 500 W. Huron Street.** Moved by Councilperson Woodward and supported by Councilperson Taylor-Burks.

Whereas, the City of Pontiac advertised and received to the request for proposals for the Sale of Real Property at 500 W. Huron St., Pontiac, MI. on August 28, 2017 and publically opened the bid; and, Whereas, the only bidder is being recommended for the sale of property; and, Whereas, the sale of property will be granted to Dr. Muhammad Awaisi. The amount of \$24,000 is more than the required minimum bid price;
Now, Therefore, Be It Resolved that the Pontiac City Council authorize the Mayor or Deputy Mayor to enter into a purchase agreement with; Dr. Muhammad Awaisi, for the Sale of Real Property at 500 W. Huron St., Pontiac, MI in the amount of \$24,000 as bided.

Ayes: Williams, Woodward, Carter, Holland, Pietila and Taylor-Burks

No: None

Resolution Passed.

President Pro-Tem Mary Pietila adjourned at 12:34 p.m.

SHERIKIA L. HAWKINS
CITY CLERK

City of Pontiac

Pontiac City Council

Whereas, Section 8 (e), MCL 15.268, permits a public body “[to] consult with its attorney regarding trial or settlement strategy in connection with specific pending litigation, but only if an open meeting would have detrimental financial effect on the litigation or settlement position of the public body”: and,

Whereas, the Pontiac City Council believes that an open meeting would have a detrimental financial effect on the litigating or settlement position of the City:

Therefore, Be It Resolved that the Pontiac City Council recesses into closed session for the purpose of consulting with its attorney regarding pending litigation in the case of Ottawa Towers vs. The City of Pontiac.

City of Pontiac

Department of Planning

Date: May 30, 2017

To: Pontiac City Planning Commission

From: C. James Sabo, AICP
Professional Planner

Re: PF 17-18 (ZMA 17-18) 44911 Woodward Avenue

Applicant: Motor City Burgers, Nick Luigjuras
44911 Woodward
Pontiac, MI 48342

Property Addresses: 44911 Woodward Avenue

Request: Zoning Map Amendment request to change the zoning classification from R-1, One Family Dwelling district to C-3, Corridor Commercial district to accommodate future parking lot expansion development project

Legal Description: Parcel # 19-04-126-013

Zoning: R-1, One Family Dwelling district

Intent The regulations of the R-1, R-1A, and R-1B one family residential districts are intended to encourage a suitable environment for families typically with children. Uses are limited to one family dwelling unit structures and certain compatible uses that create a neighborhood environment. Commercial and other uses that tend to be incompatible with the intent of the one family residential district are prohibited

Existing Land Use: Residentially zoned vacant, directly adjacent to the restaurant

Proposed Land Use: Parking area and new lot for Motor City Burgers. The applicant has presented a proposed concept plan for the proposed rezoning.

Relationship to Pontiac Master Plan (Future Land Use Map):

Subject Parcel: Traditional Neighborhood Residential

Adjacent: Entrepreneurial: Industrial Commercial Green, Residential

Surrounding Existing Use and Zoning:

North side: C-3, Corridor Commercial

South side: R-1, One-Family Dwelling

West side: R-1, One-Family Dwelling

East side: C-3, Corridor Commercial

2014 Master Plan Update

The Future Land Use Map designation for the proposed rezoning site is Traditional Neighborhood Residential and the provisions are listed here:

Traditional Neighborhood Residential

This land use category is intended to plan for traditional patterns of urban neighborhoods. These areas allow a range of building styles and guidelines seek to replicate Pontiac's traditional neighborhood development pattern. Buildings within this category include two and three-story duplexes and tri-plexes, row houses (attached townhouses), two-story Quad-Plex apartments and detached single-family homes on a wide range of lot sizes. This designation includes most of the City's traditionally single-family neighborhoods. These neighborhoods are meant to be built to a human scale and to prioritize people (pedestrians and bicycles). Historically, these neighborhoods were anchored by a school or a park. A range of community uses have replaced the traditional anchors and flexibility is encouraged to allow for community-generated development to create new anchors or anchor institutions.

GENERAL DEVELOPMENT STANDARDS:

Maximum Building Height: 36 feet

Parking: Garages should not protrude beyond the front façade of the building, and should be located in rear or side yards or as detached buildings in the rear of the main dwelling. Garages may be accessible from a service alley. The building form and setbacks should reflect the surrounding block. Lawn areas are unsuitable for parking.

Front Porches: Unenclosed front porches should be allowed to encroach into the front yard setback area.

Uses: Only residential and civic uses are permitted in the TNR areas. Attached Single family residential buildings (up to 3 attached units) will be permitted where such use does not adversely impact the established character of the neighborhood.

Appearance and Materials: Roof forms and building materials should be compatible with the existing architectural character of the neighborhood.

In summary, the 2014 Master Plan Future Land Use designation for Traditional Residential is reasonably restrictive to single family use. The proposed zoning is commercial. Importantly, the proposed rezoning is specifically not consistent with the approved master plan. In the current

Master Plan, commercial zoning in this area is not appropriate or supported. The Planning Commission may wish to consider the 2014 Master Plan update when rendering a decision.

Department Comments:

Engineering Department: *No comments received for rezoning. Will be reviewed as part of Development Review Committee at Final Site Plan.*

Water Resources Comm: *No comments received. Will be reviewed as part of Development Review Committee at Final Site Plan*

Fire Department: *No comments received. See above*

Building Department: *No comments received. See above*

Section 6.804—Criteria for Amendment:

Proposed zoning map amendments are reviewed against the following criteria for amendment. The Planning Commission and City Council shall consider any of the listed criteria that apply to an application in making recommendations and decisions. The Planning Commission and City Council may take other factors into consideration that are applicable, but not listed here.

- A. *Consistency with the goals, policies and objectives of the Master Plan and any sub-area plans. If conditions have changed since the Master Plan was adopted, consistency with recent development trends in the area shall be considered. **The proposed amendment is not specifically consistent with the goals and objectives of the 2014 master plan. The future land use map designates the area as residential. It should be noted that recent development trends in this area include the M-1 Concourse project, which is a significant change from previous vacant industrial land.***
- B. *Compatibility of the site's physical, geological, and hydrological and other environmental features with the uses permitted in the proposed zoning district. **Proposed amendment does not maintain compatibility with physical and environmental features. It is a vacant residential lot. However, there has been recent non-residential development in the area, including the St. Joseph hospital expansion and the M-1 Concourse project.***
- C. *Evidence the applicant cannot receive a reasonable return on investment through developing the property with one (1) or more of the uses permitted under the current zoning. **Does not meet the technical standard, the property could be developed and a single family residence could be built on the property. It is difficult to determine return on investment for a new house adjacent to two hamburger restaurants.***
- D. *Compatibility of all the potential uses allowed in the proposed zoning district with surrounding uses and zoning in terms of land suitability, impacts on the environment, density, nature of use, traffic impacts, aesthetics, infrastructure and potential influence on property values. **Does not meet this standard. Most all the C-3 permitted uses would not be compatible with the residential zone***

district. However, it should be noted the proposed zone district would be compatible with surrounding C-3 Commercial zone districts.

- E. The capacity of the City's utilities and services sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City. **Meets this criterion.***
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district. **Meets this standard, but the Planning Commission may wish to request a traffic impact review from Engineering.***
- G. The boundaries of the requested rezoning district are reasonable in relationship to surroundings and construction on the site will be able to meet the dimensional regulations for the requested zoning district. **Meets this criterion; however, Final Site Plan review will be required to determine bulk and area standards.***
- H. If a rezoning is appropriate, the requested zoning district is considered to be more appropriate from the City's perspective than another zoning district. **Does not meet this standard. The C-3 is not identified as a desired or designated future land use for the parcel.***
- I. If the request is for a specific use, rezoning the land is considered to be more appropriate than amending the list of permitted or special land uses in the current zoning district to allow the use. **Meets this criterion. Amending the list of permitted uses is not appropriate in this case.***
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood. **Meets this criterion. The proposed rezoning does not create an isolated or incompatible zone per se. However, the requested zoning is not consistent with the master plan.***

Planning Department Analysis:

The proposed zoning map amendment site is located along a secondary street Earlmoor, directly adjacent to and behind both Motor City Burgers and McDonald's restaurants. As stated, the request for rezoning does not comply with the future land use designation detailed in the City of Pontiac Master Plan – Future Land Use Map. The Master Plan identifies this parcel as residential, Traditional Neighborhood.

This land use category limits uses to residential buildings or schools. Traditional Neighborhood Residential in the 2014 update states that it's limiting development to predominantly single family detached housing. It's clear the site is surrounded by residential zoning uses and some commercial uses along Woodward Avenue. The future use designation is for residential low density. Additionally, it's clear that the proposed zoning amendment is not consistent with the future land use plan in the 2014 master plan update. It should be noted that there are other similar parcel sites in the City with some parking lot areas located behind commercial businesses along major routes. 45556 Woodward, Cole's Market and 268 N. Perry, Moon Funeral Home are some recent examples.

Additionally, the parcel is uniquely shaped and unique as it's the only parcel along Earlmoor that abuts both restaurants. From the perspective of strict adherence to the Master Plan, the proposed rezoning does not comply. However, with the continued development of the M-1

Concourse area, this area of Woodward will likely experience increasing traffic volumes as the future commercial area of the M-1 project is constructed. The Planning Commission may wish to consider current development trends in the area. Also, they may wish to consider the proposed rezoning location, the residential lot site, and its proximity to the surrounding existing uses (commercial and residential) as they consider action on the request.

Recommendation:

To deny the Zoning Map Amendment request for PF-17-18, 44911 Woodward Avenue as the proposed zoning amendment does not meet the approval criteria from Section 6.804.

Or,

To approve the Zoning Map Amendment request for PF-17-18, 44911 Woodward Avenue as the proposed zoning amendment meets the approval criteria from Section 6.804 for the reasons detailed _____, and to recommend approval for the Zoning Map Amendment to the City Council for their consideration.

City of Pontiac

Department of Planning

Date: July 14, 2017

To: Honorable Mayor and Honorable City Council

From: Charles Smith, AICP
Professional Planner

Re: 44911 Woodward Avenue, Motor City Burgers Parking Lot Project
Planning Commission Rezoning Recommendation

Background:

At their June 7, meeting, the Planning Commission held a public hearing and reviewed an application for a Rezoning request, case number PF-17-18, 44911 Woodward Avenue, Motor City Burgers Parking Lot project. During the public hearing, there was one comment from Terry Hill in support of the project. The comments centered on the space being adjacent to commercial uses and buildings. Following the public hearing, the Planning Commission moved to recommend approval of the Rezoning application for PF-17-18 to the Mayor and City Council based on Section 6.804 of the Zoning Ordinance and that the parcel is directly adjacent to another fast food restaurant to the north of the proposed site. The Planning Department recommendation from the May 30, 2017 report was to deny with an option for approval conditions.

City Council Action Requested

In accordance with Section 6.802 of the Zoning Ordinance, the standard procedure for Rezoning is a public hearing and review by the Planning Commission with a recommendation for action to the City Council. As stated, the recommendation from the Planning Commission is approval of the rezoning request. The motion was approved on June 7, 2017.

The recommended Rezoning for the property is from R-1 One-Family Dwelling district to C-3 Corridor Commercial district. The property is located at the southwest corner of Woodward Avenue and South Boulevard.

The applicant proposes to construct an expanded parking area and trash enclosure on the existing vacant residential lot, which is west of and directly adjacent to the existing Motor City Burgers restaurant space. If approved by the City Council, the proposed parking lot project will require final site plan approval by the Planning Commission following action by the Council. A map detailing the proposed zoning map amendment parcel is attached for review. The Planning Commission department report for the rezoning application is attached as well.

The purpose of this correspondence is to introduce the proposed ordinance, which has been reviewed and approved by the Executive Office and Deputy Mayor. Upon introduction, the Clerk shall distribute a copy to each Council member and to the Mayor, and shall file a

reasonable number of copies in the office of the Clerk and such other public places as the Council may designate, and shall publish a summary of the proposed ordinance in a newspaper of general circulation in the City together with a notice of the time and place for consideration by the Council.

At the first meeting, the Council should pass a resolution setting a time and place for consideration of this proposed ordinance.

At the meeting where the proposed ordinance is considered, City Council is requested to adopt the following resolution:

Whereas, on June 7, 2017, the Planning Commission held a public hearing and reviewed an application for rezoning of the former One-Family Dwelling district property located along Earlmoor Street and directly adjacent to the commercial property at 44911 Woodward Avenue near the intersection of Woodward Avenue and South Boulevard; and,

Whereas, on June 7, 2017, the Pontiac Planning Commission recommended that the existing lot zoned R-1 One-Family Dwelling on Earlmoor Street with parcel ID number 19-04-126-013 be rezoned; and,

Whereas, the Planning Commission finds that the proposed rezoning application meets the approval criteria from Section 6.804 of the Zoning Ordinance; and

Now, therefore, be it resolved, that the Pontiac City Council accepts the recommendation of the Pontiac Planning Commission and adopts:

AN ORDINANCE TO AMEND APPENDIX B, OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC TO AMEND ARTICLE 2, ZONING DISTRICTS AND PERMITTED USES, SECTION 2.103, ZONING MAP, TO CHANGE THE ZONING DISTRICT CLASSIFICATIONS FOR A SPECIFIC PARCEL ID NUMBER 19-04-126-013 AT THE SOUTHWEST CORNER OF WOODWARD AVENUE AND SOUTH BOULEVARD FOR REZONING.

**CITY OF PONTIAC
ORDINANCE NO. xxxx**

AN ORDINANCE TO AMEND APPENDIX B, OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC TO AMEND ARTICLE 2, ZONING DISTRICTS AND PERMITTED USES, SECTION 2.103, ZONING MAP, TO CHANGE THE ZONING DISTRICT CLASSIFICATIONS FOR A SPECIFIC PARCEL ID NUMBER 19-04-126-013 AT THE SOUTHWEST CORNER OF WOODWARD AVENUE AND SOUTH BOULEVARD FOR REZONING.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

Appendix B of the Code of Ordinances, Article 2, Zoning Districts and Permitted Uses, Section 2.103, the Zoning Map of the City of Pontiac, is amended to CHANGE THE ZONING DISTRICT CLASSIFICATION FROM R-1 ONE FAMILY DWELLING DISTRICT TO C-3 CORRIDOR COMMERCIAL DISTRICT AND ALLOW THE USES PERMITTED IN THAT ZONE DISTRICT FOR PARCEL IDENTIFICATION NUMBER 19-04-126-013 LEGALLY DESCRIBED AS:

A PARCEL OF LAND LOCATED ON THE WESTERLY SIDE OF WOODWARD AVENUE, CITY OF PONTIAC, OAKLAND COUNTY, MICHIGAN, TOWNSHIP 2 NORTH, RANGE 10 EAST, SECTION 04 RESUBDIVISION OF THE WOODWARD ESTATES SUBDIVISION, LOT 47, ALSO 1/2 VAC ALLEY, ADJACENT TO SAME 9-8-89 CORR

Section 2. Severability.

If any section, clause, or provision of this Ordinance shall be declared to be unconstitutional, void, illegal, or ineffective by any Court of competent jurisdiction, such section, clause, or provision declared to be unconstitutional, void, or illegal shall thereby cease to be a part of this Ordinance, but the remainder of this Ordinance shall stand and be in full force and effect.

Section 3. Saving Clause.

A prosecution which is pending on the effective date of this ordinance and which arose from a violation of an ordinance repealed by this ordinance, or a prosecution which is started within one (1) year after the effective date of this ordinance arising from a violation of an ordinance repealed by this ordinance and which was committed prior to the effective date of this ordinance, shall be tried and determined exactly as if the ordinance had not been repealed.

Section 4. Repealer.

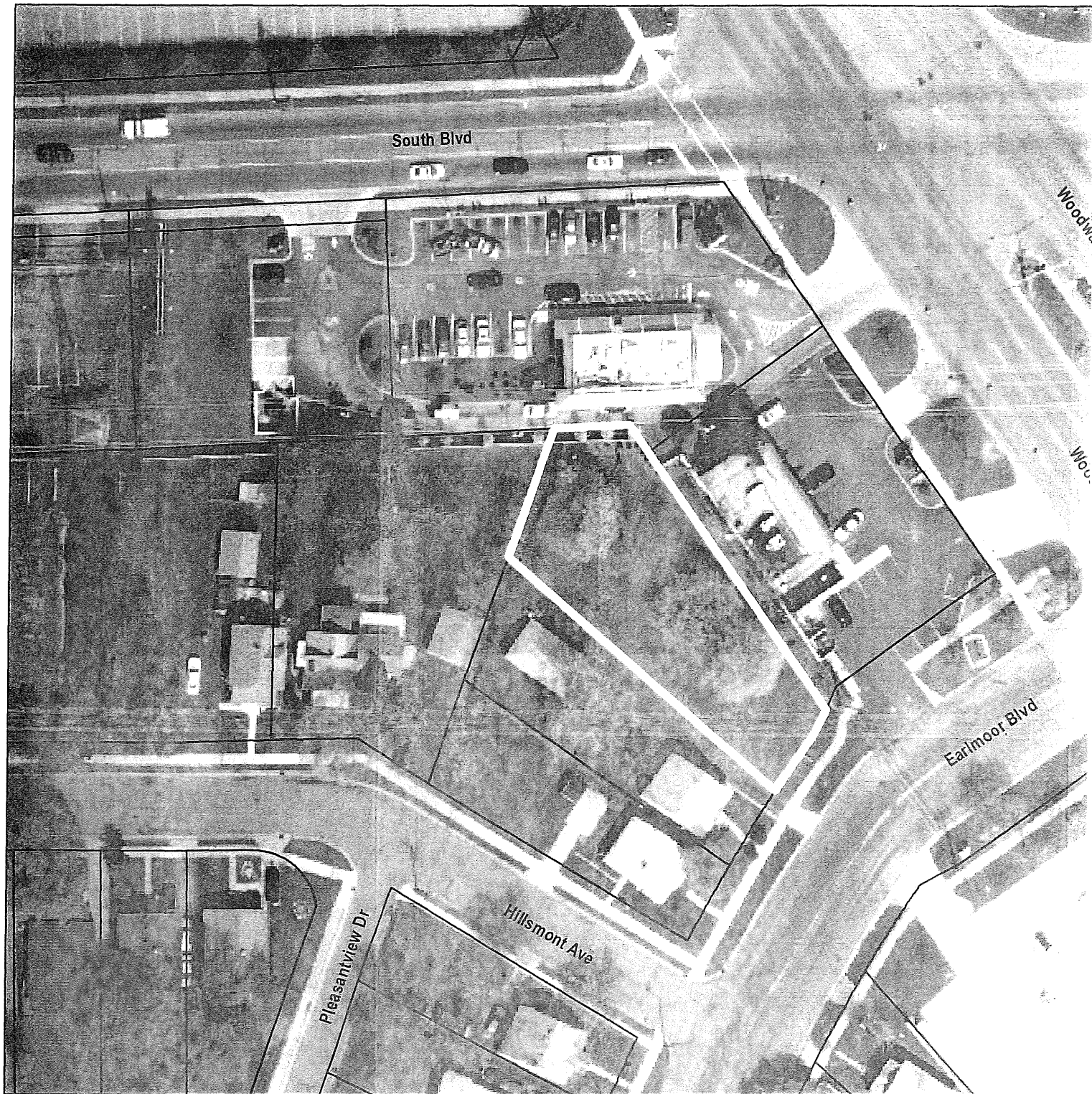
All Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

Section 5. Publication.

The Clerk shall publish this Ordinance in a newspaper of general circulation.

Section 6. Effective Date.

This Ordinance shall be effective ten days after date of adoption by the City Council.





Sheriff Michael J. Bouchard
&
Deputies For Kids
Presents



6th ANNUAL ANGELS NIGHT FUN FEST

FACE PAINTING!

ROCK
CLIMBING
WALL!

INFLATABLE BOUNCE
HOUSES!

PLEASE WEAR YOUR
BEST COSTUME!!

FREE
HOT DOGS & CHIPS



OCTOBER 26, 2017
5PM TO 7:30PM

Aaron Perry Park
345 Edison, Pontiac, MI

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A Second Century of Building Trust

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woodside
BIBLE CHURCH

Peele's Garden Center
Dixie & Telegraph

City of Pontiac

Pontiac City Council

Be it further resolved that the Pontiac City Council City Council Meeting on Thursday, October 26, 2017 start time will be changed to Noon.