



CITY OF PONTIAC
OFFICE OF THE EMERGENCY MANAGER
LOUIS H. SCHIMMEL

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Dated: August 12, 2013

ORDER NO. S-322

RE: Approval of Special Exception Permit and Preliminary Site Plan, Kennett Road, LLC

TO: Sherikia Hawkins, City Clerk
James Sabo, City Planner

The Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) in Section 10 empowers an Emergency Manager to issue orders to the appropriate local elected and appointed officials and employees, agents, and contractors of the local government a Manager considers necessary to accomplish the purposes of the Act and any such orders are binding on the local elected and appointed officials and employees, agents, and contractors of the local government to whom they are issued.

Section 12(1) of the Act provides that "[a]n emergency manager may take 1 or more of the following additional actions with respect to a local government that is in receivership, notwithstanding any charter provision to the contrary: (ee) [t]ake any other action or exercise any power or authority of any officer, employee, department, board, commission, or other similar entity of the local government, whether elected or appointed, relating to the operation of the local government. The power of the emergency manager shall be superior to and supersede the power of any of the foregoing officers or entities."

Whereas, the City of Pontiac received a request for a Special Exception Permit for an Outdoor Storage Yard (major) and Salvage Yard/Resource Recovery Facility/Junk Yard, waste transfer station from Kennett Road, LLC; and,

Whereas, the City Planner recommended that the permit be granted with conditions; and,

Whereas, on July 30, 2013, after thoughtful and careful consideration for nearly six hours over two meetings, the Planning Commission denied the request for a Special Exception Permit for an Outdoor Storage Yard (major) and Salvage Yard/Resource Recovery Facility/Junk Yard, waste transfer station from Kennett Road, LLC; and,

Whereas, on August 9, 2013, the City received a petition from the developer requesting an appeal of the decision of the Planning Commission; and,

Whereas, on August 12, 2013, the Emergency Manager heard the appeal at a public meeting while acting in the capacity of the Pontiac City Council.

It is hereby ordered:

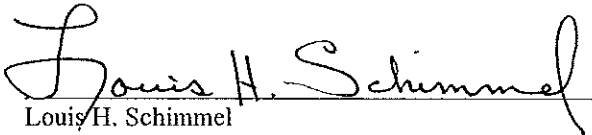
1. The Special Exception Permit PF-13-62 for Outdoor Storage Yard (major) and Salvage Yard/Resource Recovery Facility/Junk Yard, waste transfer station for (14-18-301-002), Kennett Road LLC., is approved subject to the following ordinance compliance conditions:
 - a) Compliance with Zoning Ordinance Article 4 Chapter 7 Performance standards for airborne emissions, odors, gases, noise/vibration, hazardous substances, and industrial waste.
 - b) Submission of a truck traffic impact details to the Engineering and Planning Department for the proposed waste transfer outdoor storage project at the time of final site plan review.
 - c) Compliance with all development standards identified in Section 2.520 and additional standards in Zoning Ordinance as amended.
 - d) Final Site Plan Review in accordance with the Preliminary Site Plan conditions by the Planning Department.

2. The Preliminary Site Plan and concept is approved for PF-13-62, (14-18-301-002), Kennett Road LLC. subject to the following ordinance compliance conditions:
 - a) Submission of a truck traffic impact details to the Engineering and Planning Department for the proposed waste transfer outdoor storage project at the time of final site plan review.
 - b) Compliance with all development standards identified in the City of Pontiac Zoning Ordinance as amended.
 - c) Final Site Plan Review in accordance with the Preliminary Site Plan conditions by the Planning Department.
 - d) Compliance with specific City of Pontiac Departmental requirements and standards.
 - e) Compliance with all international building codes and City permitting requirements.
 - f) Compliance with all City of Pontiac business licensing requirements.

The Order shall have immediate effect.

Copies of the documents referenced in this Order are to be maintained in the offices of the City Clerk and may be reviewed and/or copies may be obtained upon submission of a written request consistent with the requirements of the Michigan Freedom of Information Act and subject to any exemptions contained in that state statute and subject to any exemptions allowed under that statute (Public Act 442 of 1976, MCL 15.231, et. seq.).

This order is effective as indicated and is necessary to carry out the duties and responsibilities required of the Emergency Manager as set forth in the Local Financial Stability and Choice Act (Act 436 of 2012/MCL 141.15411, et. seq.) and the contract between the Local Emergency Financial Assistance Loan Board and the Emergency Manager.



Louis H. Schimmel
City of Pontiac
Emergency Manager

cc: State of Michigan Department of Treasury
Mayor Leon B. Jukowski
Pontiac City Council