

PONTIAC CITY COUNCIL

President Mike McGuinness, District 7

Pro Tem William A. Carrington, District 6

Melanie Rutherford, District 1

Brett Nicholson, District 2

Mikal Goodman, District 3

Kathalee James, District 4

William Parker, Jr., District 5



47450 Woodward Pontiac, Michigan 48342 Phone: (248) 758-3200 Garland S. Doyle, M.P.A., MiPMC, City Clerk

99th Session of the 11th Council - July 25, 2023 at 6:00 p.m.

Meeting Location: City Council Chambers, Pontiac City Hall, 47450 Woodward Pontiac, Michigan 48342

MEETING AGENDA

Call to Order

Invocation

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call of Councilmembers

Authorization to Excuse Councilmembers from the Meeting

Amendments to and Approval of the Agenda

Approval of the Consent Agenda

- A. July 18, 2023 City Council Meeting Minutes

Recognition of Elected Officials

Agenda Address (Two Minutes Time Limit)

Public Hearing

- 1. Establishment of Obsolete Property Rehabilitation District for 46 N. Saginaw Street

Agenda Items

Ordinances

- 2. Adoption of an Ordinance to amend the City of Pontiac Zoning Ordinance Map to rezone the ten (10) parcels 7.7 acres at 31 N. Astor Street; specifically, to amend the Zoning Ordinance Map which list these properties as R-1 One-Family Dwelling to R-3 Multiple Family Dwelling. **(Second Reading)**
- 3. Resolution to approve the first reading of the Municipal Code Ordinance Text Amendments to Amend Article VI, Division 7, Chapter 22, Section 806 to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail to comply with the requirements to obtain a Certificate of Compliance and/or register as a rental property. **(First Reading)**

Resolution

Planning

- 4. Resolution to approve the conditional rezoning agreement between Red Chickweed LLC and the City regarding 31 N. Astor

Public Comment (Three Minutes Time Limit)

Closed Session

5. Resolution to proceed into Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property

Public Communications

City Council

6. Open Streets for all ages, with free food and bounce houses, July 26, 2023 and August 2, 2023 from 5:00 to 7:00 pm in Oakland Park at Montcalm and Glenwood in Pontiac, presented by Pontiac Community Foundation
7. Walk-N-Talk the "Doc," Honor Community Health Walking Club, Every Wednesday from May 17th to September 27, 2023, held at Wisner memorial Stadium, 441 Cesar E. Chavez, Pontiac 48342. For more information call (248) 724-7600.
8. Oakland County's Historical Society Annual Summer Ice Cream Social, July 29 and 30, 2023 from 12:00 p.m. to 4:00 p.m. each day, free admission, and free ice cream, held at the Oakland History Center, 405 Cesar E. Chavez Avenue, Pontiac 48342. Call (248) 338-6732 for more information.
9. Residents who are behind in paying their water bills or facing a service shut-off can get help from a partnership between the Oakland County Water Resources Commission and OLSHA. Those who qualify could get up to \$1,500 in payments on their water bills and stop a shut-off plan. This program is temporary and expires on September 30, 2023. Schedule an appointment with OLHSA to sign up by calling (248) 209-2600 or emailing info@olhsa.org.
10. Pontiac School District is seeking Mentors, Your Help is Needed for the Structured and Comprehensive Mentoring Program to Support Students at All Grade Levels, Email communications@pontiacschools.org for more information.
11. The School District and the City of Pontiac has announced the sponsorship of the Summer Food Service Program for children. Free meals will be made available to children 18 years of age and under or persons up to age 26 who are enrolled in a recognized educational program for the mentally or physically disabled. Breakfast and Lunch are provided at Whitman Elementary School (125 W. Montcalm in Pontiac) Monday Through Thursday between July 5-25, 2023. Breakfast Service is from 8:00 am to 9:00 am and Lunch Service is from 12:30 to 1:30 pm. WHRC (Whitmer Human Resource Center at 60 Parkhurst Street in Pontiac) is Monday Through Thursday between June 20-July 27, 2023. Breakfast Service is from 7:30 am to 9:00 am and 12:00 pm to 1:00 pm.
12. Pontiac Theatre IV Auditions for Aladdin, Jr. on July 30, 2023, from 3:00 p.m. to 6:00 p.m., July 31 from 6:00 to 8:00 pm, and August 1 from 6:00 p.m. to 8:00 p.m. Contact Director Laura Johns at redskyatnight35@aol.com for more information.
13. Aniya Day at Oakland Park, August 5, 2023 from 1:00 to 8:00 pm, held at Oakland Park, 392 E. Montcalm in Pontiac, free admission, free Uncle Jerry's Barbeque, Dancing, Clowns, Games, Bowling, Petting Zoo, Bounce Houses, more
14. Movie Night at the Museum, presented by the Pontiac Community Foundation and Oakland History Center. August 11, 2023 with free food at 7:00 pm and free movie screening of "Wakanda Forever" at 8:30 pm. Held at the Oakland History Center, 405 Cesar E. Chavez Avenue, Pontiac 48342 with overflow parking at the Wisner Memorial Stadium next door. Bring your lawn chairs and blankets; popcorn, cotton candy, and ice cream provided.

15. 2023 Memorial VFW/AMVETS Classic Car Show, August 12, 2023, starting at 2:00 p.m., held at VFW Post 1370, 800 Cesar E. Chavez Avenue, Pontiac 48340, contact Keith Marbutt at (248) 425-4410.
16. M1 Concourse Cruise-In and Woodward Dream Parade, August 19, 2023, at 8:00 a.m., held at M1 Concourse, South Boulevard and Woodward Avenue in Pontiac.
17. Car Show in Downtown Pontiac During the Woodward Dream Cruise, as part of the M1 Concourse Woodward Dream Show, August 19, 2023, from 10:30 a.m. to 11:30 a.m., on North Saginaw Street between Pike and Huron Streets.
18. Save the Date: Rescheduled Battle of I-75 Basketball and Kickball Tournaments, August 26, 2023
19. Pontiac Second Annual Praise Festival, August 27, 2023, from 2:00 p.m. to 7:00 p.m., held at Wisner Stadium Track Field on Cesar Chavez Avenue in Pontiac.

Mayor's Office

20. Pontiac Music in the Parks Series has started. Shows include, August 3 at Beaudette Park (Dirk Kroll with special guests Accent Pontiac), August 10 at Aaron Perry Park (The Firewalkers with special guest El Charrito), August 24 at Rotary Park (Melanie Rutherford Performing), September 7 at Murphy Park (Persuasion with special guest Consuming Arts). All showtimes are 6:30 pm.
21. Veterans Food Drive- August 17th from 9-12 noon
22. Mayor Tim Greimel State of the City Address, July 27, 2023, from 6:00 to 8:00 pm, held at the CenterPoint Marriott, 3600 CenterPoint Parkway, Pontiac 48341. Registrations required, submit RSVP to Angela Powell at apowell@pontiac.mi.us or call (248) 758-3031.

Closing Comments

Mayor Greimel (Seven Minutes Time Limit)
Clerk and City Council (Three Minutes Time Limit)

Adjournment

CONSENT AGENDA A

July 18, 2023, Draft

**Official Proceedings
Pontiac City Council
98th Session of the Eleventh Council**

Call to order

A Meeting of the City Council of Pontiac, Michigan was called to order at the City Hall Council Chambers, 47450 Woodward Ave Pontiac, MI 48342 on Tuesday, July 18, 2023, at 6:07 p.m. by Council President Pro-Tem William Carrington.

Invocation – Pastor Kathalee James

Pledge of Allegiance to the Flag of the United States

Moment of Silence

Roll Call

Members Present – William Carrington, Kathalee James, William Parker, Jr., and Melanie Rutherford

Mayor Greimel was present.
A quorum was announced.

Excuse Councilmembers

Motion to excuse Councilman Mikal Goodman, Mike McGuinness, and Bret Nicholson for personal reasons. Moved by Councilperson Parker and second by Councilperson Carrington.

Ayes: Carrington, James, Parker, and Rutherford

No: None

Motion Carried

Amendments to and Approval of the Agenda

Motion to approve the agenda. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: James, Parker, Rutherford and Carrington

No: None

Motion Carried

Council President Mike McGuinness arrived at 6:10 p.m. and assumed the chair

Councilman Mikal Goodman arrived at 6:11 p.m.

Consent Agenda

23-258 (A) **Resolution to approve the consent agenda for July 18, 2023.** Moved by Councilperson Rutherford and second by Councilperson Parker.

Whereas, the City Council has reviewed the consent agenda for July 18, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City Council approves the consent agenda for July 18, 2023, including July 11, 2023, City Council Minutes, Resolution to extend date for services through September 30, 2023 for the Art Crawl events (no change to cost), and Resolution to approve the amendments to the Agreements for Local Fiscal Recovery Fund Distribution between Oakland County

July 18, 2023, Draft

and The City of Pontiac for the Healthy Communities Park and Outdoor Recreation Investment Plan Grant award in the amount of \$500,000 for the Crystal Lake Park Revitalization Project.

Ayes: James, McGuinness, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

23-258 (B) **Resolution to extend date for services through September 30, 2023, for the Art Crawl events. (no change to cost)** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, The Purchasing Manager has ensured that the purchase is following the City's municipal code, Division II. Purchasing, Section 2-517, 2-518, and 2-519 pertaining to major purchases;

WHEREAS, the Purchasing Manager is requesting approval to amend the contract with The Major Group, LLC by two months, expiring September 30, 2023.; NOW, THEREFORE

RESOLVED, The Pontiac City Council approves the Mayor or Mayor Designee to execute the contract amendment with The Major Group, LLC.

Ayes: James, McGuinness, Parker, Rutherford, Carrington and Goodman

No: None

Resolution Passed

23-258 (C) **Resolution to approve the amendments to the Agreements for Local Fiscal Recovery Fund Distribution between Oakland County and The City of Pontiac for the Healthy Communities Park and Outdoor Recreation Investment Plan Grant award in the amount of \$500,000 for the Crystal Lake Park Revitalization Project.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, has been awarded \$500,000 from the Oakland County Healthy Communities Park and Outdoor Recreation Investment Plan Grant program in support of Crystal Lake Park; and,

WHEREAS, the City of Pontiac requested this funding to reclaim and revitalize Crystal Lake Park so that its abundant environmental, recreational, and historic resources may be enjoyed and utilized by residents; and,

WHEREAS, Oakland County requires an Agreement for Local Fiscal Recovery Fund Distribution Between Oakland County and The City of Pontiac to be executed before they can disburse the funds; and, WHEREAS, the agreement was previously approved by the Pontiac City Council, but Oakland County requires an updated resolution to reflect amendments to the original agreement.

NOW THEREFORE, be it resolved that the Pontiac City Council hereby authorizes Mayor Tim Greimel to execute the amendments to the Agreement for Local Fiscal Recovery Fund Distribution Between Oakland County and The City of Pontiac for the Healthy Communities Park and Outdoor Recreation Investment Plan Grant award in the amount of \$500,000 for the Crystal Lake Park Revitalization Project.

Ayes: James, McGuinness, Parker, Rutherford, Carrington, and Goodman

No: None

Resolution Passed

Special Presentation

Master Plan Update Process

Presentation Presenter: Mark Yandrick, Planning Manager

Recognition of Elected Officials

1. Tameka Ramsey, Chair of the Charter Revision Commission

July 18, 2023, Draft

2. Beatrice Wright, Precinct #3 Delegate

Agenda Address

1. Robert Bass addressed item #1
2. Beatrice Wright addressed item #1
3. Dr. Deirdre Waterman addressed Charter and item #1
4. Darlene Clark addressed item #1
5. Carlton Jones addressed item #1
6. Gloria Miller addressed Charter and item #1

Agenda Items

City Council

23-259 **Resolution Honoring the Life and Service of Anthony Dombrowski.** Moved by Councilperson Rutherford and second by Councilperson Parker.

Whereas, Mr. Anthony Dombrowski was a highly involved member of our Pontiac community for many years, serving through multiple civic organizations and frequent volunteer activities; and, Whereas, Mr. Dombrowski worked for decades for the City of Pontiac, retiring as the Parks and Forestry Supervisor; and, Whereas, through his decades of work, he improved the quality of life for past, present, and future Pontiac residents; and, Whereas, Mr. Dombrowski passed away on July 7, 2023, at the age of 72, which is a tragic loss for his family and our community; now, Therefore, Be It Resolved, that the Pontiac City Council hereby acknowledges the life and service of Mr. Anthony Dombrowski, and mourns his passing; and further Resolved, the City Council extends our deepest sympathies to the family, friends, neighbors, and colleagues of Mr. Dombrowski.

Ayes: McGuinness, Parker, Rutherford, Carrington, Goodman, and James

No: None

Resolution Passed

23-260 **Resolution in support of Webster Community Center.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

Whereas, the City of Pontiac strives to be an exceptional place for all of our residents to live, work, enjoy, and thrive; and, Whereas, the redevelopment of the former Webster Elementary School, currently vacant and in disrepair, into a thriving community center will have a massively positive impact on the surrounding neighborhood and the entire City of Pontiac; and, Whereas, this project will transform the existing large blighted structure into an active center for residents to use for physical activity, health services, fresh produce, nonprofit spaces, and a hub for local entrepreneurs and community gatherings; and, Whereas, the former Webster Elementary School is an important historic landmark for the City of Pontiac as well as the nation, and in January 2022 the Pontiac City Council adopted a resolution supporting the addition of the Webster School to the National Register of Historic Places, which did successfully take place later that year; and, Whereas, the Micah 6 Community nonprofit organization has successfully secured the substantial resources necessary to undertake this project construction; now, Therefore, Be It Resolved, the Pontiac City Council hereby formally declares the City of Pontiac's support for the Webster Community Center project; and further Resolved, the City submits our support of the project via correspondence to the Michigan Strategic Fund for their review; and further Resolved, we are grateful for the Michigan Strategic Fund's continued interest in this crucial project in our Pontiac community.

July 18, 2023, Draft

Ayes: Parker, Rutherford, Carrington, James, and McGuinness

No: None

Resolution Passed

Councilman Mikal Goodman was absent during the vote

Grants and Philanthropy

23-261 **Resolution to approve the agreement for participation in the OCAT Project and Receipt of Automobile Theft Prevention Authority (ATPA) Grant Funds between Oakland County (Oakland County Sheriff's Office) and the City of Pontiac (Oakland County Sheriff's Office-Pontiac)** Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the goal of OCAT is to reduce the number of motor vehicle thefts in each grant area by investigating cases that have the highest potential for reducing the demand for stolen vehicles, arresting individuals who are involved, and reducing false motor vehicle theft reports; and,

WHEREAS, this Agreement will reduce the economic gain associated with motor vehicle theft by recovering stolen vehicles/parts/equipment and by identifying fraudulent insurance activity; and,

WHEREAS, OCAT will submit an application to the ATPA (Auto Theft Prevention Authority) Grant program for reimbursement of Police Officer overtime wages through participation in OCAT; and,

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes the Mayor, Tim Greimel, to sign onto the Agreement for Participation in OCAT between Oakland County and City of Pontiac (Oakland County Sheriff's Office –Pontiac) and City of Hazel Park (Hazel Park Police Dept.) and City of Farmington Hills (Farmington Hills Police Dept.) and City of Detroit (Detroit Police Dept.) and City of Southfield (Southfield Police Dept.)

Ayes: Parker, Rutherford, Carrington, Goodman, James, and McGuinness

No: None

Resolution Passed

23-262 **Resolution to authorize the Mayor to execute the Lowe's Hometowns Grant Program Agreement 2023.** Moved by Councilperson Carrington and second by Councilperson Rutherford.

WHEREAS, the City of Pontiac has been awarded \$200,000 from the Lowe's Hometowns Grant Program; and,

WHEREAS, the Lowe's Hometowns Grant Program will serve as the grant maker, and is administered by Points of Light; and,

WHEREAS, the grant award will support critical improvements to the Ruth Peterson Senior Center; and,

WHEREAS, the grant award does not have a matching requirement; and,

WHEREAS, the term of the Agreement ends November 15th, 2023.

NOW THEREFORE BE IT RESOLVED that the City Council hereby authorizes Mayor Tim Greimel to execute the Lowe's Hometowns Grant Program Agreement 2023 in acceptance of the \$200,000 grant award, and to submit and execute documents requested by Lowe's Hometowns Grant Program related to the grant award.

Ayes: Rutherford, Carrington, Goodman, James, McGuinness, and Parker

No: None

Resolution Passed

23-263 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2023-24 to increase budgeted revenues in the amount of \$200,000 to account 212-000-675.000-LOWESH – Contribution from private source, and appropriations in the amount of \$37,308 to account 212-813-818.000-LOWESH – Other Professional Services, \$70,792 to account**

July 18, 2023, Draft

212-813-976.001-LOWESH - Building Additions and Improvements, and \$91,900 to account 212-813-977.008-LOWESH – Special Equipment, reflecting the Lowe’s Hometowns Grant Award.
Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the City of Pontiac was awarded \$200,000 from the Lowe’s Hometowns Grant Program; and,

WHEREAS, the grant award will support kitchen and flooring renovations at the Ruth Peterson Senior Center; and,

WHEREAS, the funds from the grant will increase the budgeted revenue for the current fiscal year 2023-2024 in the amount of \$200,000 for grant income, and increase the appropriations in the amount of \$200,000, representing grant expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment for the Fiscal Year 2023-24 Budget as requested by the Administration to increase budgeted revenues in the amount of \$200,000 to account 212-000-675.000-LOWESH – Contribution from private source, and appropriations in the amount of \$37,308 to account 212-813-818.000-LOWESH – Other Professional Services, \$70,792 to account 212-813-976.001-LOWESH - Building Additions and Improvements, and \$91,900 to account 212-813-977.008-LOWESH – Special Equipment

Ayes: Carrington, Goodman, James, McGuinness, Parker, and Rutherford

No: None

Resolution Passed

23-264 **Resolution to authorize the City Clerk to publish the proposed budget amendment for Fiscal Year 2023-24 to establish budget appropriations in the amount of \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.** Moved by Councilperson Rutherford and second by Councilperson Parker.

WHEREAS, the City of Pontiac was allocated \$37.7 million from the State and Local Fiscal Recovery Fund (SLFRF) under the American Rescue Plan Act (ARPA), and;

WHEREAS, the funding provided under ARPA provides a unique opportunity for state and local governments to make strategic investments in long-lived assets, rebuild reserves to enhance financial stability, and cover temporary operating shortfalls until economic conditions and operations normalize in the wake of COVID-19, and;

WHEREAS, the City’s Executive Administration worked to build a programming budget for the use of its \$37,700,000 in SLFRF funding that reflects the needs of the community, and;

WHEREAS, the Pontiac City Council unanimously approved the Executive Administration’s ARPA Program Budget on November 10th, 2022, allocating \$3,622,000 to establish a home repair program and fund the administration of the program, and;

WHEREAS, in an effort to put ARPA funds into action, and to mitigate the impacts of COVID-19 on Pontiac residents, the City has established the Pontiac Home Repair Program (PHRP), and;

WHEREAS, the Pontiac City Council approved phase 1 of the PHRP funding on March 13th, 2023, and;

WHEREAS, the number of inquiries the PHRP team received far surpasses the amount of resources that are available under Phase 1 of the program, and;

WHEREAS, the following budget amendment reflects Phase 2 funding for the Pontiac Home Repair Program and associated costs, and;

WHEREAS, the budget amendment will increase the budgeted appropriations in the amount of \$1,100,000, representing the Pontiac Home Repair Program expenditures.

NOW THEREFORE, be it resolved that the City Council hereby authorizes the City Clerk to publish the proposed budget amendment for the Fiscal Year 2023-24 Budget to establish budget appropriations in the amount of \$1,100,000 to account 285-699-818.000-ARPHRP Other Professional Services.

July 18, 2023, Draft

Ayes: Goodman, James, McGuinness, Parker, Rutherford, and Carrington

No: None

Resolution Passed

Mayor's Office

23-265

Resolution to approve an agreement with National Network for Safe Communities to develop and implement a Group Violence Program in the City of Pontiac for a two-year period.

Moved by Councilperson Rutherford and second by Councilperson Carrington.

WHEREAS, the National Network for Safe Communities presented the City of Pontiac with a proposal to implement the Group Violence Intervention Program for two years; and, WHEREAS, the Mayor, has reviewed and recommends the proposal; and WHEREAS, there is available funding through ARPA funds; NOW, THEREFORE BE IT RESOLVED, that the City Council approves the proposal from the National Network for Safe Communities and authorizes the Mayor to enter into a two year agreement with the National Network for Safe Communities for Group Violence Intervention for an amount not to exceed \$283,952.

Ayes: James, McGuinness, Parker, Rutherford, Carrington, and Goodman

No: None

Resolution Passed

Public Comment

1. Carlton Jones
2. Beatrice Wright
3. Robert Bass
4. Jean Matthews
5. Darren Gordon
6. Tameka Ramsey
7. Darlene Clark
8. Dennis Thompson
9. Dr. Deirdre Waterman
10. Gloria Miller

Closed Session

23-266

Resolution to proceed into closed session at 8:27 p.m. pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property. Moved by Councilperson Goodman and second by Councilperson Parker.

WHEREAS, the City Council wishes to consider the purchase or lease of real property and WHEREAS, the Michigan Open Meetings Act Section 8(d) of MCL 15.268 provides that a public body may meet in closed session to consider the purchase or lease of real property up to the time an option to purchase or lease such real property is obtained.

NOW, THEREFORE BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property.

Ayes: Carrington, Goodman, James, McGuinness, and Parker

No: None

Motion Carried

Councilwoman Melanie Rutherford was absent during the vote

July 18, 2023, Draft

Motion to come out of closed session at 9:54 p.m. Moved by Councilperson Parker and second by Councilperson Goodman.

Ayes: Parker, Rutherford, Carrington, Goodman, James, and McGuinness

No: None

Motion Carried

Communications

City Council and Mayor's Office

Mayor, Clerk and Council Closing Comments

Councilwoman Melanie Rutherford and Council President Mike McGuinness made closing comments.

Adjournment

Motion to adjourn the meeting. Moved by Councilperson Rutherford and second by Councilperson Parker.

Ayes: Parker, Rutherford, Carrington, Goodman, James and McGuinness

No: None

Motion Carried

Council President Mike McGuinness adjourn the meeting at 10:01 p.m.

Garland S. Doyle
City Clerk

#2

ORDINANCE

Community Development Department

Rachel Loughrin, Director
Rafael LeFlore, Interim Building Official
Jack McIntyre, Code Enforcement Manager
Deborah Younger, Economic Development Manager
Mark Yandrick, Planning Manager



TO: City Council

FROM: Mark Yandrick, Planning Manager
Corey Christensen, Senior Planner

DATE: June 1, 2023, Updated July 6, 2023

RE: SPR 23-004 Rezoning, 31 N. Astor Rd

Executive Summary

SPR 23-004 is a request by Red Chickweed LLC to rezone 31 N Astor from R-1 (One Family Dwelling) to R-3 (Multiple Family Dwelling). The applicant intends to convert the vacant school into multiple family dwellings with a commercial space on the first floor as well as add two-story multi-family residential buildings on the site. There are 10 parcels in total as part of this rezoning.

Planning Commission recommended approval, 4-0 of this zoning Map Amendment on June 7, 2023 during the public hearing.

Since the Planning Commission meeting, the applicant has volunteered a condition that building approvals for vertical construction of any new buildings on the site will not take place until either upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the nonresidential space and a minimum of 2,700 square feet of multifamily residential space if the school is redeveloped or demolition if the building is not structurally or financially feasible. This ensures that development does not occur on the site with the school remaining vacant or becoming blighted.

Overview and History

The proposed rezoning includes 10 parcels as indicated below . The applicant intends to convert the existing school structure into apartments with some commercial space on the first floor. Eventually, the applicant intends to build more multifamily residential structures on the western portion of the property. The property is currently zoned R-1 One Family Dwelling which does not permit mixed use developments or multifamily residences. After meeting with staff, it was determined that the R-3 Multiple Family district was the least change necessary to permit the types of uses the applicant is proposing.

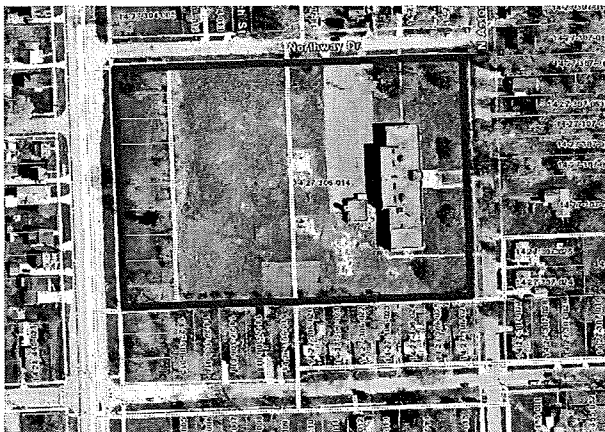
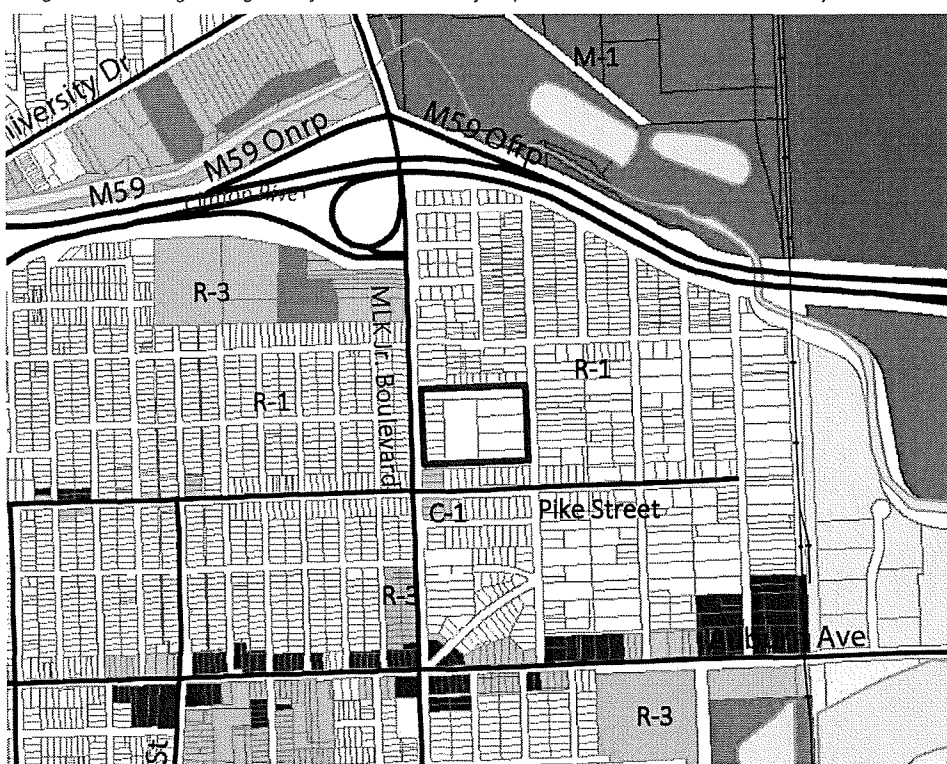


Figure 1: Aerial of the Existing Site between Martin Luther King Drive (left), Astor Drive (right) and Northway Drive (top)

Zoning Districts

The following map in Figure 2 shows the subject property to be rezoned, as well as surrounding districts.

Figure 2: Existing Zoning Classifications. The subject parcels in the red box are currently zone R-1



The difference between the One-Family and Multiple-Family Dwelling is the allowance for multi-family housing and similar uses in the R-3 district according to Table 2, *Uses Permitted by District* of the City's Zoning Code as well as mixed use development.

Condition of Approval

Since the Planning Commission meeting, staff had discussion with the applicant about not wanting the school to remain vacant while the rest of the site was under construction. While this would be formalized in a site plan, Planning Commission and/or staff would not much control of this in a future site plan process if it met the zoning conditions.

The applicant agreed to the following condition of approval for this zoning map amendment:

Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the nonresidential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it shall revert to its original zoning as it exists on Thursday, July 6, 2023.

The size of the former school is approximately 38,450 square feet so the commitment represents approximately 14% of the building will receive final certificates of occupancy before zoning and building permits are issued for vertical construction. Typically, portions of a development will receive a certificates of occupancy in phases so this represents the commitment for both multi-family and non-residential uses before beginning with the rest of the site. The applicant expressed a strong desire for grading and foundation work to be done concurrently, which is why he worded the condition as such.

Standards of Approval

When considering rezonings, the Planning Commission and City Council shall consider the following criteria.

- 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 Master Plan's Future Land Use map classifies the subject property as "Entrepreneurial: Residential, Commercial & Green." This classification is intended to allow for a wide range of uses and site configurations so that residents, neighbors, community groups, investors and other stakeholders might redevelop distressed properties. The applicant's proposed rezoning and future development are consistent with the goals, policies and objectives of the Master Plan.

- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.

The property is not located within a floodplain or wetland. The topography of the site is level and there are no environmental features that would prohibit this type of use or zoning.

- 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.

Under the current designation the property is only permitted to be used as a single-family residence or for some institutional uses such as community centers or schools.

- 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.

The R-3 zoning district permits the same uses as the R-1 district with the addition of higher density residential and some low intensity commercial uses such as restaurants, childcare facilities, and offices

Figure 2: August 2018 Google Streetview of the Vacant School (from N. Astor Street)

- E. The capacity of the City's utilities and services are sufficient to accommodate the uses permitted in the requested district without compromising the health, safety and welfare of the City.

The City's utilities and services are sufficient to accommodate the proposed use. The site was previously used as a public school and the utilities is designed to accommodate large numbers of people

The City's utilities and services are sufficient to accommodate the proposed use. The site was previously used as a public school and the utilities is designed to accommodate large numbers of people.



- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.

The site was previously used as a public school and the roadway is designed to accommodate large numbers of people. The property has frontage along Martine Luther King Jr Blvd.

- 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.

The boundaries of the requested rezoning district are sufficient for the development proposed by the applicant. The area of the rezoning fronts the right-of-way on three sides, to the south the property abuts single family residences.

- 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.

The applicant worked with City Staff to determine the appropriate zoning district for this property and

the development being proposed. The R-3 zoning district was selected because it represents the least change necessary to permit the multifamily residential and commercial uses proposed by the applicant.

- 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.

It would not be appropriate to amend the list of uses permitted in the R-1 One Family district to include multifamily and commercial uses.

- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

The requested rezoning will maintain the residential nature of the property but allow for multifamily style developments. The vacant elementary school sits on a parcel that is significantly larger than other parcels in the R-1 zoning district. Redevelopment of the site is unlikely without a rezoning.

Planning Commission Recommendation

Planning Commission recommended approval, 4-0, of this zoning Map Amendment on June 7, 2023 during the public hearing.

Staff concurs that City Council should consider the condition of approval that the metrics (square feet) of certificates of occupancy for both multi-family and nonresidential uses be issued in the school building before vertical construction begins on any new buildings on site.

City Council Resolution

A resolution for Conditional Rezoning Agreement will be presented at second reading. This agreement, once approved, will be recorded with the property (ies).



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

2MA23-804

Property/Project Address: 31 N Astor St, Pontiac MI 48342

Sidwell Number: 14-27-306-014

Date: 5/4/2023

Office Use Only

PF Number: _____

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least 30 days prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Red Chickweed LLC		
Address	735 W Huron St		
City	Pontiac		
State	MI		
ZIP Code	48342		
Telephone	Main: _____	Cell: (_____) _____	Fax: _____
E-Mail	nm@pimperneldevelopments.com		

Project and Property Information

Name of Proposed Development: Longfellow School Redevelopment (name undecided: Pontiac Eastside Longfellow 2.0)

The subject property is location at 31 N Astor St on the N / S / E / W side of Martin Luther King Jr Blvd between Pike St and Northway St.

The property is zoned: R-1 One Family Dwelling

Proposed Zoning District: R-3 Multiple Family Dwelling

It is proposed that the property will be used as: Multifamily, Multifamily Mixed-use

The subject property is legally described as follows (include sidwell numbers):

T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 TO 189 INCL & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.

Property Owner Information

Name	Red Chickweed LLC		
Address	36400 Woodward Ave / 735 W Huron St 431549 / 31 n Astor St		
City	Bloomfield Hills / Pontiac / Pontiac		
State	MI		
ZIP Code	48304 / 48343 / 48342		
Telephone	Main:	Cell:	Fax:
E-Mail	nm@pimperneldevelopments.com / niccolo.mastromatteo@gmail.com		

Are you the ☒ Owner ☐ Agent/rep. of the owner ☐ Other ☐

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

PHASE I - MULTIFAMILY MIXED-USE (nonprofit/local business center community hub)

- 35 (+/-) loft-style apartment rental units

- 6 (+/-) nonprofit/local business center community hub spaces (kitchen, gym, auditorium, boilerhouse)

PHASE II - MULTIFAMILY

- 145 (+/-) loft-style apartment rental units

TOTAL I&II - 180 (+/-) loft-style apartment rental units and 6 +/- nonprofit/local business center community hub spaces

State the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

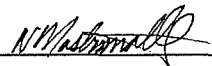
Redevelop longstanding vacant, underutilized, facility property in heart of Eastside Pontiac District 7 Census Tract 1423, Block Group 1

Provide quality rental housing options at reasonable pricing to current Pontiac Citizens and employees (i.e., future citizen residents)

Provide City increased existing and new additional tax revenue, and Citizens increased resident services, property values, jobs, leveling-up opportunities for PCs, and Eastside hub

Beautifully, add value to, & further revitalize already strong, solid, up-and-coming neighborhood, increasing property values, adding jobs, shepharding & creating leveling-up opportunities

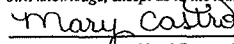
Current zoning severely limits highest best use for property; rezoning enables property to be redeveloped and owner/developer ability to deliver 5-year plans developed alongside Eastsiders, neighborhood residents, community members, influencers, and other Pontiac Citizens


Signature of Owner

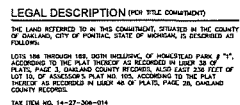

Signature of Applicant

State of Michigan
County of Oakland

On this 4th day of May, A.D., 2023, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.


Notary Public, Oakland County, Michigan
My Commission Expires: Dec 19, 2027

MARY CASTRO
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Dec 19, 2027
ACTING IN COUNTY OF Oakland



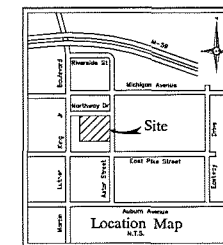
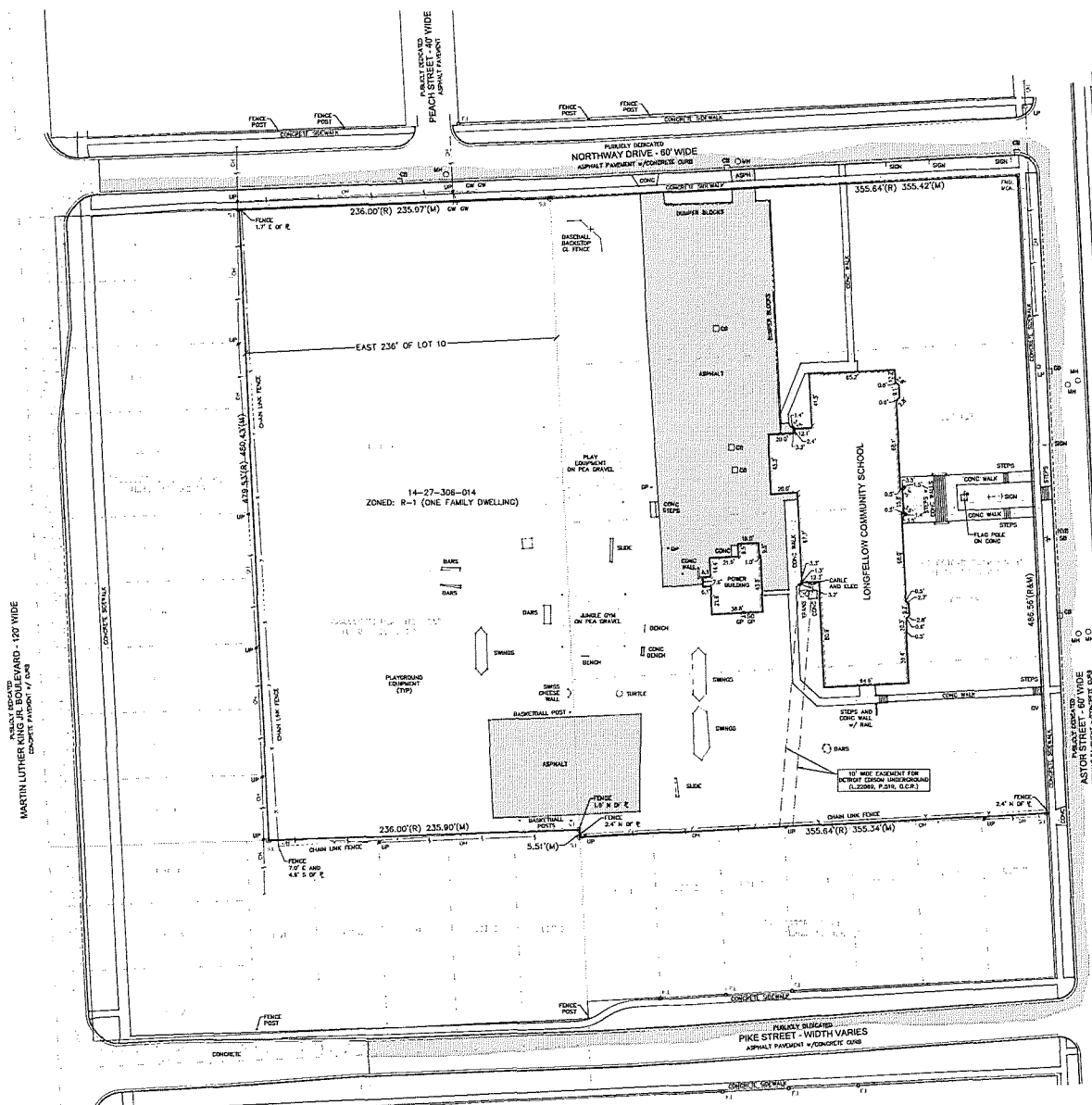
FLOOD HAZARD NOTE

THE PROPERTY DESCRIBED ON THIS SURVEY LIES WITHIN ZONE X,
OUTSIDE OF THE 0.2% ANNUAL CHANCE FLOODPLAIN AS DEFINED BY THE
FEDERAL EMERGENCY MANAGEMENT AGENCY ON THE FLOOD INSURANCE
RATE MAP NO. 261250036H WITH AN EFFECTIVE DATE OF
SEPTEMBER 29, 2006.

SITE DATA

PARCEL 16-27-308-014
GROSS LAND AREA 288,521 SF OR 6.578 ACRES
ZONING: R-1 (ONE FAMILY DWELLING)

LEGEND

[illegible]

TITLE POLICY NOTES

ALL EXCEPTIONS SHOWN OR NOTED ON THIS SURVEY WERE OBTAINED FROM TITLE COMMITMENT NO. 698120, ISSUED BY FIRST AMERICAN TITLE INSURANCE COMPANY, WITH AN EFFECTIVE DATE OF JUNE 28, 2014.

1. COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER PROVISIONS IN
OUTSTANDING INSTRUMENTS, IF ANY, BASED ON RACE, COLOR, RELIGION,
SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS
CONTAINED IN INSTRUMENT RECORDED IN LIEB 672, PAGE 432, PAGE 532
LIEB 672, PAGE 428, AS TO LOT 186. (NOT PLOTTABLE)
2. COVENANTS, CONDITIONS, RESTRICTIONS AND OTHER PROVISIONS IN
OUTSTANDING INSTRUMENTS, IF ANY, BASED ON RACE, COLOR, RELIGION,
SEX, HANDICAP, FAMILIAL STATUS OR NATIONAL ORIGIN AS
CONTAINED IN INSTRUMENT RECORDED IN LIEB 672, PAGE 440, A
TO LOTS 187, 188 AND 189. (NOT PLOTTABLE)
3. DETROIT EDISON UNDERGROUND EASEMENT (RIGHT OF WAY) IN
FAVOR OF THE DETROIT EDISON COMPANY AND THE COVENANTS,
CONDITIONS AND RESTRICTIONS CONTAINED IN INSTRUMENT

SURVEY NOTES

THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS WITHIN RECENT MONTHS.

THERE WAS NO OBSERVABLE EVIDENCE OF RECENT STREET OR SIDEWALK

THERE WAS NO OBSERVABLE EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SLUMP OR SANITARY LANDFILL.

THE LAND DESCRIBED IN THE SURVEY IS THE SAME AS DESCRIBED IN THE 1871 INTERVIEW. COMPOSITE OF PRESENTS, NORTH.

RESPONSE COEFFICIENT DESCRIBED ABOVE.

SURVEYOR'S CERTIFICATION

CERTIFIED FOR
PONTIAC INVESTMENT PROPERTIES, L.L.C.
A LIMITED LIABILITY COMPANY OF THE STATE OF MICHIGAN

FIRST AMERICAN TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP ON PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE "MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS," JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NCPSS IN 1984, AND UNLESS OTHERWISE NOTED, THE FOLLOWING:

ADOPTED BY ALTA AND NSPS AND IN EFFECT ON THE DATE OF THIS CERTIFICATION, UNDERSIGNED FURTHER CERTIFIES THAT IN MY PROFESSIONAL OPINION, AS A LAND SURVEYOR REGISTERED IN THE

THE FIELD WORK WAS COMPLETED ON APRIL 22, 2015.

Chas. L. ...

CHAD L. FINDLEY, P.S. NO. 50308,

WITHIN THE STATE OF MICHIGAN
DATED: 4-30-15



NF
ENGINEERS
CIVIL ENGINEERS
LAND SURVEYORS
LAND PLANNERS
NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

NOWAK & FRAUS ENGINEERS
46777 WOODWARD AVE.
PONTIAC, MI 48342-5032
TEL (248) 332-7931
FAX (248) 332-8257

PROJECT
Longfellow School
31 North Astor Street
Pontiac, Michigan

PROJECT LOCATION
Part of the West $1\frac{1}{2}$ of Section
27, Town 3 North, Range 10
East, City of Pontiac,
Oakland County, Michigan

SHEET
ALTA / ACSM
Land Title Survey

REVISIONS

DRAWN BY:
J. Nelson

APPROVED BY:
C. Findley

EMAIL:
cfindley@nowakfraus.com

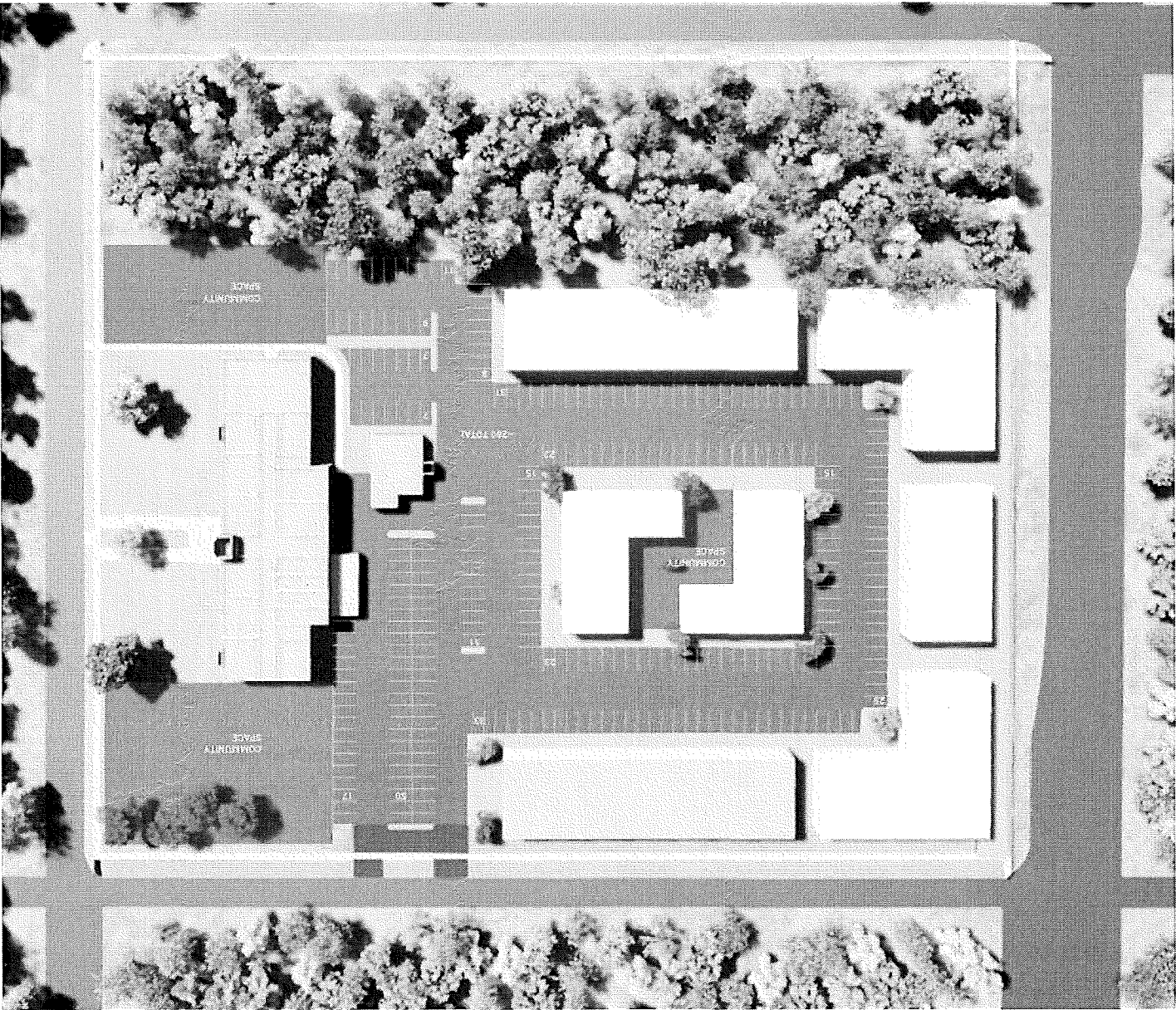
DATE: 4-30-15

SCALE: 1" = 40'

40 20 0 20 40

NET JOB NO. SHEET NO.

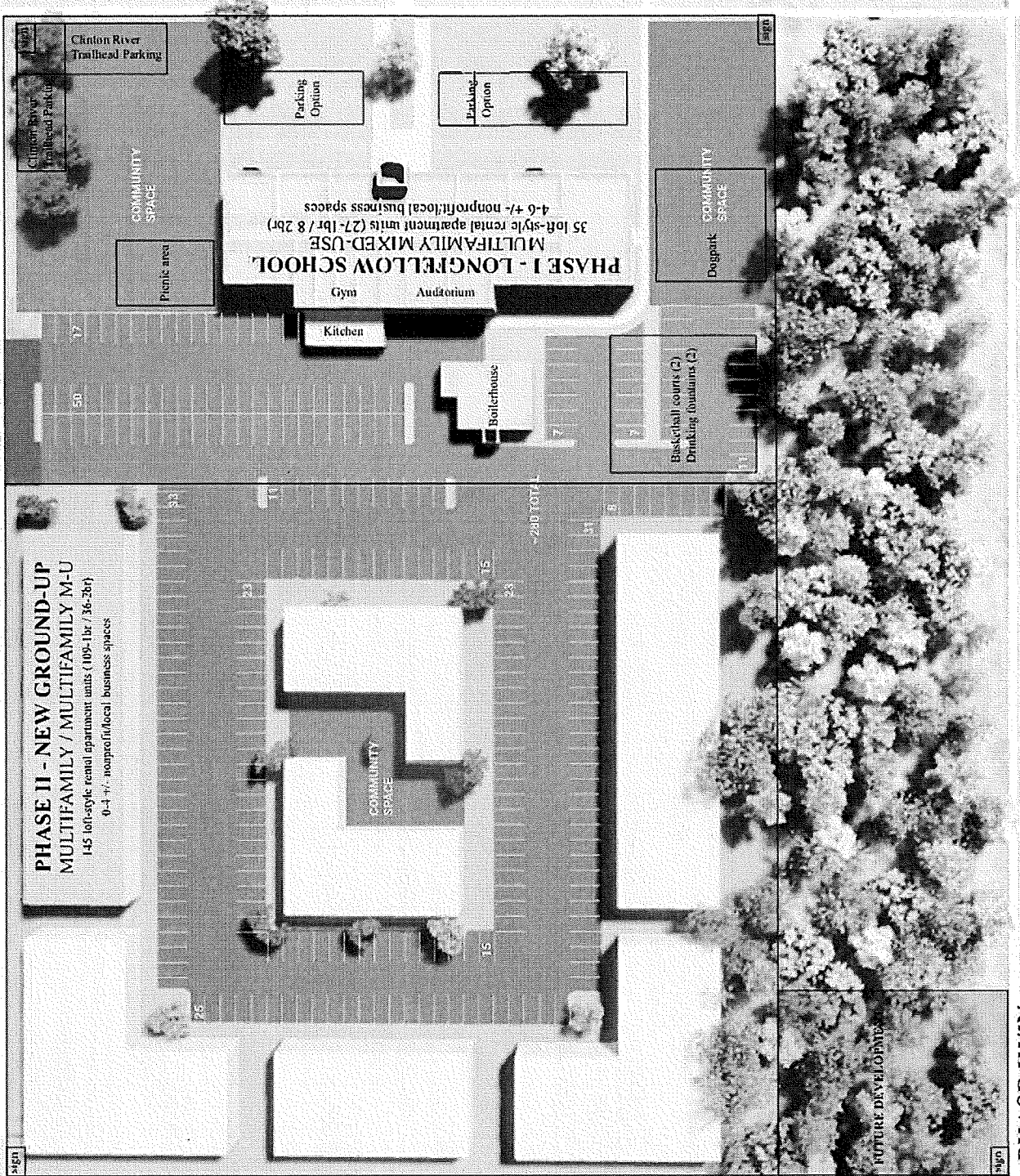
ISS2	1
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PHASE I LONGFELLOW SCHOOL

PHASE II/III

PHASE III/IV



**STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF PONTIAC**

ORDINANCE NO. _____

ZONING ORDINANCE MAP AMENDMENT

AN ORDINANCE TO AMEND APPENDIX B OF THE MUNICIPAL CODE OF THE CITY OF PONTIAC, AMENDING ARTICLE 2, SECTION 2.103—ZONING MAP, TO CHANGE THE ZONING CLASSIFICATIONS FOR TEN (10) SPECIFIC PARCELS ON THE EAST SIDE OF MARTIN LUTHER KING JR. BOULEVARD NORTH BETWEEN PIKE STREET AND NORTHWAY STREET.

THE CITY OF PONTIAC ORDAINS:

Section 1. Amendments.

That the Zoning Map of the City of Pontiac, said map being incorporated by reference in the Zoning Ordinance for the City of Pontiac pursuant to Article 2 therefor, be and the same is hereby amended, changed, and altered so that hereafter the zoning classifications for the below legal description, commonly referred to as 31 N. Astor St., Parcel IDs: 14-27-306-014, 14-27-306-002, 14-27-306-003, 14-27-306-004, 14-24-306-005, 14-24-306-006, 14-24-306-007, 14-24-306-008, 14-24-306-009, and 14-24-306-010 from R-1 One Family Dwelling to R-3 Multiple Family Dwelling.

Provided Legal Description:

14-27-306-014, T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 to 189 INC & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.
14-27-306-02 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 1 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-03 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 2 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-04 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 3 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-05 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 4 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-06 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 5 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-07 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 6 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-08 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 7 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-09 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 8 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR
14-27-306-10 , T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 9 EXC W 30 FT TAKEN FOR

Section 2. Repealer and Severability.

All other parts and provisions of the Zoning Ordinance shall remain in effect, amended only as provided above. 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. Effective Date

The foregoing amendment to the City of Pontiac Zoning Map was approved and adopted by the City Council on _____, 2023, after a public hearing as required pursuant to the Michigan Act 110 of 2006, as amended. The Ordinance shall be effective on _____, 2023, which date is the eighth day after publication of a Notice of Adoption and Posting of the Zoning Map Amendment in a publication in a newspaper of general circulation in the zoning district as required by Section 401 of Act 110 of 2006, as amended. However, this effective date shall be extended as necessary to comply with the requirements of Section 402 of Act 110, as amended.

ORDINANCE DECLARED ADOPTED.

APPROVAL

If the City is satisfied that the Applicant meets the standards of the Zoning Ordinance to be eligible for a rezoning,² It may approve same. If Council approves the conditional rezoning, the Conditional Rezoning Agreement incorporating the voluntarily offered conditions has been provided by our office. An appropriate motion would be:

“I move to approve the second reading and adoption of a conditional rezoning of parcel number 14-27-306-014 commonly known as 31 North Astor Street and parcel number 14-27-306-014, parcel number 14-27-306-002, parcel number 14-27-306-003, parcel number 14-27-306-004, parcel number 14-27-306-005, parcel number 14-27-306-006, parcel number 14-27-306-007, parcel number 14-27-306-008, parcel number 14-27-306-009, and parcel number 14-27-306-010, Pontiac, MI, from R-1 One Family Dwelling to R-3 Multiple Family Dwelling based upon a finding that the Application meets criteria for amendment of the Zoning Map pursuant to the City of Pontiac Zoning Ordinances (Sec. 6.804), subject to the following conditions voluntarily offered by the Applicant: ‘Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more Certificate(s) of Occupancy by the City for at least a minimum of 2,600 square feet of the non-residential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it shall revert to its original zoning as it exists on Thursday, July 6, 2023.’”

² Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning unless *bona fide* development of the Property pursuant to approved building and other permits required by the City commences within the two (2) year period.

DENIAL

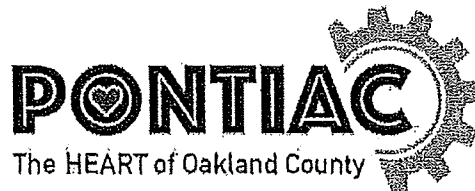
If the Council wishes to deny the conditional rezoning request, an appropriation motion would be:

“I move to deny the conditional rezoning for parcel number 14-27- 306-014, commonly known as 31 N. Astor Street, and ~~parcel~~ 14-27-306-014, parcel number 14-27-306-002, parcel number 14-27-306-003, parcel number 14-27-306-004, parcel number 14-27-306-005, parcel number 14-27-306-006, parcel number 14-27-306-007, parcel number 14-27-306-008, parcel number 14-27-306-009, and parcel number 14-27-306-010, from R-1 One Family Dwelling to R-3 Multiple Family Dwelling, based upon a finding that the Application does not meet the criteria for amendment of the Zoning Map pursuant to the City of Pontiac Zoning Ordinance (Sec. 6.804).”

#3

ORDINANCE

Resolution of the Pontiac City Council
To Approve First Reading of the Municipal Code Ordinance Text
Amendments to Amend Article VI, Division 7, Chapter 22, Section
806 to clarify order to vacate and premises not to be occupied
subsections and to add subsections (m) through (t) to include
suspension of rent payments when rental property owners fail
comply with the requirements to obtain a Certificate of Compliance
and/or register as a rental
property.



Resolution of the Pontiac City Council To Approve First Reading of the Municipal Code Ordinance Text Amendments to Amend Article VI, Division 7, Chapter 22, Section 806 to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail comply with the requirements to obtain a Certificate of Compliance and/or register as a rental property.

At a meeting of the City Council ("Council") of the City of Pontiac, County of Oakland, State of Michigan (the "City") at a meeting held on July 25, 2023, at 47450 Woodward Ave, Pontiac, MI 48342 at 6:00p.m., there were:

PRESENT:

ABSENT:

The following preambles and resolution were offered by _____ and seconded by _____:

WHEREAS, before the City of Pontiac City Council for consideration is an Ordinance to amend the City of Pontiac Municipal Code Ordinance to amend Article VI, Division 7, Chapter 22, Section 806 (Certificate of Compliance) to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owner fails to comply with the requirements to obtain a Certificate of Compliance and/or register as a rental property.

WHEREAS, the City of Pontiac City Council finds it is in the best interest for the health, safety, and welfare, to approve the first reading of the amendments to the Municipal Code Ordinance Text Amendments as presented.

NOW THEREFORE, BE IT RESOLVED by the Pontiac City Council that it hereby adopts the first reading of the text amendments as presented to the City Council on _____, to the City's Municipal Code.

A roll call vote on the foregoing resolution was taken, the result of which is as follows:

YES:

NO:

ABSTAIN:

THE RESOLUTION WAS THEREUPON DECLARED ADOPTED.

CERTIFICATION

I, the undersigned, the duly qualified and acting Clerk of the City of Pontiac, Michigan, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council at a regular meeting held on _____, the original of which is on file in my office, and that such meeting was conducted and public notice thereof was given pursuant to and in compliance with Act No. 267, Michigan Public Acts of 1976, as amended, and that minutes of such meeting were kept and are available as required by such Act.

By: _____
Its: City Clerk

Dated: _____



Rental Property Non-Compliance Letter to Owner

Date

Name

Address

City, State, Zip

RE: Rental Property Address

Dear Mr./Mrs.,

In accordance with City of Pontiac Municipal Code Ordinance Article VI, Chapter 22, Division 7, Section 806, your tenant, TENANT NAME, at ADDRESS has suspended rental payments due to your failure to obtain a Certificate of Compliance, suspension of a Certificate of Compliance and/or failure to register your rental property with the City of Pontiac. All rental payments for the above property will be paid into an escrow account that has been set up with the City of Pontiac Treasurer's Office. An administrative fee of One Hundred Twenty-Five (\$125.00) Dollars has also been applied to your account.

Upon receipt of this letter, please immediately contact the City of Pontiac Building Department Monday through Friday 8:30am to 4:30pm at 248-758-2800 to obtain a Certificate of Compliance. Please direct all questions to the Building Department. ***Failure to obtain a Certificate of Compliance and/or properly register your property as a rental proeprty will result in rent escrow payments being released to the Tenant.***

Sincerely,

Porché Prater
City of Pontiac Treasurer
47450 Woodward Ave.,
Pontiac, MI 48342
248-758-3000



Rental Property Non-Compliance Escrow Account Intake

Owner/ Landlord Information

Name(s): _____

Address: _____

Phone Number: _____

Email: _____

Tenant Information

Name(s): _____

Address: _____

Phone Number: _____

Email: _____

Rental Property Information

Rental Property Address: _____

Monthly Rent Payment: _____

Monthly Rent Due Date: _____

Lease Start Date: _____

Lease End Date (if known): _____

ACKNOWLEDGMENT:

Tenant Name

Date

Tenant Signature

Building Department Name

Date

Building Department Signature

Exhibit A

CITY OF PONTIAC
ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806 TO CLARIFY ORDER TO VACATE AND PREMISES NOT TO OCCUPIED SUBSECTIONS AND TO INCLUDE SUSPENSION OF RENT PAYMENTS WHEN RENTAL PROPERTY OWNER FAILS TO COMPLY WITH THE REQUIRMENTS TO OBTAIN A CERTIFICATION OF COMPLIANCE TO INCLUDE:

ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806

The City of Pontiac Ordains:

Amend Article VI, Chapter 22, Division 7, Section 806- Certificate of compliance is amended to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail comply with the requirements to obtain Certificate of Compliance and/or register as a rental property.

22-806 Certificate of compliance.

- (a) An owner or agent shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this division and with rules and procedures established by the Building Code Official.
- (b) An application for a certificate of compliance shall be made when the owner enrolls in the registry of owners and premises. If the owner fails to register within the time required, any occupant of unregistered or uncertified premises may make application.
- (c) Single- and two-family dwellings regulated by this division shall not be occupied unless a certificate of compliance has been issued by the Department of Building Safety. The certificates shall be issued only upon prior inspection of the premises, except as provided in subsection (h) of this section. The certificate shall be issued within 15 days if the dwelling is entitled thereto at the date of inspection.
- (d) Inspections shall be made prior to first occupancy of single- and two-family dwellings regulated by this division when the construction or alteration is completed.

(e) Upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and the premises are otherwise fit for occupancy, the certificate of compliance shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with this division shall be issued immediately and served upon the owner in accordance with section 22-807. On reinspection and proof of compliance, the order shall be rescinded, and a certificate issued.

(f) When a certificate of compliance is withheld pending compliance, no premises that have not been occupied for dwelling purposes shall be so occupied, and those premises that have been or are occupied may be ordered vacated until reinspection and proof of compliance have been established by the Department of Building Safety.

(g) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful, and fit condition for occupancy. If upon reinspection the Department of Building Safety determines that conditions exist that constitute a hazard to health or safety, the certificate may be immediately suspended, a notice shall be served upon the owner to comply with this division, and the areas may be vacated as provided in subsection (f).

(h) The Department of Building Safety may authorize the issuance of a temporary certificate without inspection for those premises in which there are no violations of record and shall issue such temporary certificates upon application in cases where inspections are not made within a reasonable time. Temporary certificates may also be issued for premises with violations of record when the owner can show proof of having undertaken to correct such conditions.

(i) A violation of this division shall not prevent the issuance of a certificate of compliance, but the Department of Building Safety shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(j) It shall be required, and the responsibility of the owner, to maintain and post on the inside of the main entrance to the dwelling unit one copy of the certificate of compliance, either temporary or permanent, as such certificates are issued, at the premises for which they have been issued.

(k) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner is in compliance with the provisions of the Pontiac Income Tax Ordinance.

(l) Any certificate of compliance issued by the Department of Building Safety after September 1, 2011, with an expiration date less than one year from the date of issuance, shall be deemed to expire three years after the date of issuance. The Department of Building Safety shall correct all records to reflect this change.

(m) It shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid certificate of compliance for the rental property and/or the property is not registered as a rental property with the City of Pontiac. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

(n) Tenants of an occupied rental property that lacks a certificate of compliance and/or has not registered with the City of Pontiac as a rental property shall pay the rent that would otherwise have been due into an escrow account with the City of Pontiac under Municipal Code Chapter 22-765. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

If the owner of the rental property obtains a certificate of compliance and/or registers the property as a rental property with the City of Pontiac within the first 30 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution. If the owner fails to obtain a certificate of compliance and/or properly register the rental property within those first 30 days, the rent in the escrow account shall be paid, at the end of those 30 days, to the tenant and the administrative fees shall be paid by the owner.

Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a certificate of compliance and/or properly registers the rental property with the City of Pontiac. At the end of every 30 days in which the owner fails to obtain a certificate of compliance and/or properly register the rental property, the rent in the escrow account shall be paid to the tenant, and the administrative fees shall be paid by the owner. If the owner of the rental property obtains a certificate of compliance and/or registers the rental property, the rent accrued in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution.

(o) The administrative fee is a monthly fee that will be accrued every month the escrow account remains open. The amount of that fee shall be established by the Building Department. If the rent held in escrow is being paid to the owner, the administrative fees will be deducted at that time. However, if the administrative fees are greater than the amount held in escrow, the remaining balance will be levied as a fine against the owner. If rent held in escrow is being paid to the tenant, all administrative fees will be levied as a fine against the owner. All costs in connection with this section, including administrative fees, shall be a lien upon the land and all the costs of such fees remaining unpaid each year, pursuant to provisions contained in the Charter of the City, shall be collected in the same manner that other special assessments are collected under the Charter.

(p) When the certificate of compliance and/or registration of rental property has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

(q) If the tenant terminates his or her tenancy or right to occupy prior to the owner's undertaking to repair or if an order to vacate is issued, the tenant shall be returned any unexpired part of the rent paid in escrow and the administrative fees shall be paid by the owner pursuant to subsection (o).

(r) Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this Code, and such existing tenants shall have a right under this Code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this section. An owner may not use eviction as a form of retaliation.

(s) Subsection (m) of this Code shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid certificate of compliance.

(t) An owner shall not retaliate in any way, including but not limited to using eviction against a tenant and/or increasing rental rates, for a tenant exercising their rights under this section. If a court rules that an owner has retaliated against a tenant, the court shall award that tenant all fines and costs, including attorney fees incurred by the tenant in bringing or defending against any

associated court proceedings. The court shall award any actual damages incurred by the tenant or alternatively at the discretion of the court, liquidated damages treble the amount of the monthly rent payment the tenant is or had been paying to the owner.

Exhibit B

CITY OF PONTIAC
ORDINANCE No. _____

AN ORDINANCE TO AMEND THE CITY OF PONTIAC MUNICIPAL CODE ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806 TO CLARIFY ORDER TO VACATE AND PREMISES NOT TO OCCUPIED SUBSECTIONS AND TO INCLUDE SUSPENSION OF RENT PAYMENTS WHEN RENTAL PROPERTY OWNER FAILS TO COMPLY WITH THE REQUIRMENTS TO OBTAIN A CERTIFICATION OF COMPLIANCE TO INCLUDE:

ARTICLE VI, DIVISION 7, CHAPTER 22, SECTION 806

The City of Pontiac Ordains:

Amend Article VI, Chapter 22, Division 7, Section 806- Certificate of compliance is amended to clarify order to vacate and premises not to be occupied subsections and to add subsections (m) through (t) to include suspension of rent payments when rental property owners fail comply with the requirements to obtain Certificate of Compliance and/or register as a rental property.

22-806 Certificate of compliance.

- (a) An owner or agent shall apply for a certificate of compliance. Inspection and issuance of certificates shall be in accordance with the requirements of this division and with rules and procedures established by the Building Code Official.
- (b) An application for a certificate of compliance shall be made when the owner enrolls in the registry of owners and premises. If the owner fails to register within the time required, any occupant of unregistered or uncertified premises may make application.
- (c) Single- and two-family dwellings regulated by this division shall not be occupied unless a certificate of compliance has been issued by the Department of Building Safety. The certificates shall be issued only upon prior inspection of the premises, except as provided in subsection (h) of this section. The certificate shall be issued within 15 days if the dwelling is entitled thereto at the date of inspection.
- (d) Inspections shall be made prior to first occupancy of single- and two-family dwellings regulated by this division when the construction or alteration is completed.

(e) Upon finding that there is no condition that would constitute a hazard to the health and safety of the occupants, and the premises are otherwise fit for occupancy, the certificate of compliance shall be issued. If the finding is of a condition that would constitute a hazard to health or safety, no certificate shall be issued, and an order to comply with this division shall be issued immediately and served upon the owner in accordance with section 22-807. On reinspection and proof of compliance, the order shall be rescinded, and a certificate issued.

(f) When a certificate of compliance is withheld pending compliance, no premises that have not been occupied for dwelling purposes shall be so occupied, and those premises that have been or are occupied may be ordered vacated until reinspection and proof of compliance have been established by the Department of Building Safety.

(g) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful, and fit condition for occupancy. If upon reinspection the Department of Building Safety determines that conditions exist that constitute a hazard to health or safety, the certificate may be immediately suspended and a notice shall be served upon the owner to comply with this division, and the areas may be vacated as provided in subsection (f).

(h) The Department of Building Safety may authorize the issuance of a temporary certificate without inspection for those premises in which there are no violations of record; and shall issue such temporary certificates upon application in cases where inspections are not made within a reasonable time. Temporary certificates may also be issued for premises with violations of record when the owner can show proof of having undertaken to correct such conditions.

(i) A violation of this division shall not prevent the issuance of a certificate of compliance, but the Department of Building Safety shall not issue a certificate when the existing conditions constitute a hazard to the health or safety of those who may occupy the premises.

(j) It shall be required, and the responsibility of the owner, to maintain and post on the inside of the main entrance to the dwelling unit one copy of the certificate of compliance, either temporary or permanent, as such certificates are issued, at the premises for which they have been issued.

(k) No certificate of compliance shall be issued for any property unless all property taxes and water and sewer bills associated with the parcel in question are current and that the owner is in compliance with the provisions of the Pontiac Income Tax Ordinance.

(l) Any certificate of compliance issued by the Department of Building Safety after September 1, 2011, with an expiration date less than one year from the date of issuance, shall be deemed to expire three years after the date of issuance. The Department of Building Safety shall correct all records to reflect this change.

(m) It shall be unlawful for an owner to allow any unoccupied rental property to be occupied, or to collect rent from a tenant for occupancy of a rental property, during or for any time in which there is not a valid certificate of compliance for the rental property and/or the property is not registered as a rental property with the City of Pontiac. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

(n) Tenants of an occupied rental property that lacks a certificate of compliance and/or has not registered with the City of Pontiac as a rental property shall pay the rent that would otherwise have been due into an escrow account with the City of Pontiac under Municipal Code Chapter 22-765. This subsection does not apply to a tenant where the owner established that the conditions which constitute a hazard to health or safety were caused by that same tenant.

If the owner of the rental property obtains a certificate of compliance and/or registers the property as a rental property with the City of Pontiac within the first 30 days in which payments are made into the escrow account, the rent in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution. If the owner fails to obtain a certificate of compliance and/or properly register the rental property within those first 30 days, the rent in the escrow account shall be paid, at the end of those 30 days, to the tenant and the administrative fees shall be paid by the owner.

Thereafter, the tenant shall continue paying rent into the escrow account until the owner obtains a certificate of compliance and/or properly registers the rental property with the City of Pontiac. At the end of every 30 days in which the owner fails to obtain a certificate of compliance and/or properly register the rental property, the rent in the escrow account shall be paid to the tenant, and the administrative fees shall be paid by the owner. If the owner of the rental property obtains a certificate of compliance and/or registers the rental property, the rent accrued in the escrow account shall be paid to the owner, prorated based on a 30-day calendar, less the actual administrative fees charged by the City of Pontiac and third-party financial institution.

(o) The administrative fee is a monthly fee that will be accrued every month the escrow account remains open. The amount of that fee shall be established by the Building Department. If the rent held in escrow is being paid to the owner, the administrative fees will be deducted at that time. However, if the administrative fees are greater than the amount held in escrow, the remaining balance will be levied as a fine against the owner. If rent held in escrow is being paid to the tenant, all administrative fees will be levied as a fine against the owner. All cost in connection with this section, including administrative fees, shall be a lien upon the land and all the costs of such fees remaining unpaid each year, pursuant to provisions contained in the Charter of the City, shall be collected in the same manner that other special assessments are collected under the Charter.

(p) When the certificate of compliance and/or registration of rental property has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

(q) If the tenant terminates his or her tenancy or right to occupy prior to the owner's undertaking to repair or if an order to vacate is issued, the tenant shall be returned any unexpired part of the rent paid in escrow and the administrative fees shall be paid by the owner pursuant to subsection (o).

(r) Nothing in this article shall be construed to permit eviction of an existing tenant from a rental property or to deprive existing tenants of their rights to possession of a rental property under the laws of this state and this Code, and such existing tenants shall have a right under this Code to retain possession of a rental property notwithstanding an owner's inability to collect rent from such tenants pursuant to this section. An owner may not use eviction as a form of retaliation.

(s) Subsection (m) of this Code shall not be construed to penalize the tenant or occupant of a rental property for occupancy of a rental property that does not have a valid certificate of compliance.

(t) An owner shall not retaliate in any way, including but not limited to using eviction against a tenant and/or increasing rental rates for a tenant exercising their rights under this section. If a court rules that an owner has retaliated against a tenant, the court shall award that tenant all fines and costs, including attorney fees incurred by the tenant in bringing or defending against any

associated court proceedings. The court shall award any actual damages incurred by the tenant or alternatively at the discretion of the court, liquidated damages treble the amount of the monthly rent payment the tenant is or had been paying to the owner.

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Exhibit C

HOUSING LAW OF MICHIGAN (EXCERPT)

Act 167 of 1917

125.530 Certificate withheld; premises not to be occupied; conditions of issuance; suspension of rent payments, escrow; account for rent and possession.

Sec. 130. (1) When a certificate is withheld pending compliance, no premises which have not been occupied for dwelling or rooming purposes shall be so occupied, and those premises which have been or are occupied for dwelling or rooming purposes may be ordered vacated until reinspection and proof of compliance in the discretion of the enforcing agency.

(2) A certificate of compliance shall be issued on condition that the premises remain in safe, healthful and fit condition for occupancy. If upon reinspection the enforcing agency determines that conditions exist which constitute a hazard to health or safety, the certificate shall be immediately suspended as to affected areas, and the areas may be vacated as provided in subsection (1).

(3) The duty to pay rent in accordance with the terms of any lease or agreement or under the provisions of any statute shall be suspended and the suspended rentals shall be paid into an escrow account as provided in subsection (4), during that period when the premises have not been issued a certificate of compliance, or when such certificate, once issued, has been suspended. This subsection does not apply until the owner has had a reasonable time after the effective date of this article or after notice of violations to make application for a temporary certificate, as provided in section 131. Nor does this subsection apply where the owner establishes that the conditions which constitute a hazard to health or safety were caused by the occupant or occupants. The rent, once suspended, shall again become due in accordance with the terms of the lease or agreement or statute from and after the time of reinstatement of the certificate, or where a temporary certificate has been issued, as provided in section 131.

(4) Rents due for the period during which rent is suspended shall be paid into an escrow account established by the enforcing officer or agency, to be paid thereafter to the landlord or any other party authorized to make repairs, to defray the cost of correcting the violations. The enforcing agency shall return any unexpended part of sums paid under this section, attributable to the unexpired portion of the rental period, where the occupant terminates his tenancy or right to occupy prior to the undertaking to repair.

(5) When the certificate of compliance has been suspended, or has not been issued, and the rents thereafter withheld are not paid into the escrow account, actions for rent and for possession of the premises for nonpayment of rent may be maintained, subject to such defenses as the tenant or occupant may have upon the lease or contract.

History: Add. 1968, Act 286, Eff. Nov. 15, 1968.

#4

RESOLUTION

**CITY OF PONTIAC
CONDITIONAL REZONING AGREEMENT**

This Conditional Rezoning Agreement (the “**Agreement**”) is made this ____ day of _____, 2023, by and between THE CITY OF PONTIAC, with its offices located at 47450 Woodward Ave., Pontiac, MI 48342 (the “**City**”), and Red Chickweed LLC (“Red Chickweed”) with its principal office located at 735 W Huron St., Pontiac, MI 48342.

THE PARTIES RECITE THAT:

WHEREAS, Red Chickweed owns a certain parcel of real property located within the City of Pontiac, Parcel ID: 14-27-306-014 which is commonly described as 31 N. Astor, Pontiac, Michigan, 14-27-306-002, 14-27-306-003, 14-27-306-004, 14-27-306-005, 14-27-306-006, 14-27-306-007, 14-27-306-008, 14-27-306-009, and 14-27-306-310.

WHEREAS, Red Chickweed seeks re-zoning of the referenced parcel, as shown on **Exhibit A**. The parcels where rezoning is sought shall be referred to herein as the “Property.” The Property is currently zoned as follows and the legal description for the Property is on **Exhibit A** attached hereto:

Table A1:

Parcel Number	Previous Zoning District	Rezoned to the following Zoning District:
14-27-306-014, 14-27-306-002, 14-27-306-003, 14-27-306-004, 14-24-306-005, 14-24-306-006, 14-24-306-007, 14-24-306-008, 14-24-306-009, 14-24-306-010.	R-1 One Family Dwelling	R-3 Multiple Family Dwelling

WHEREAS, under, and pursuant to, Section 405 of the Michigan Zoning Enabling Act, 2008 PA 110, as amended (codified at MCL §125.3405 *et seq*), certain conditions voluntarily offered by the owner of land, including an agreement between the City and Red Chickweed, may become a condition of rezoning of the Property; and

WHEREAS, Red Chickweed submitted the Application for Conditional Rezoning, which was supplemented by the Offer of Conditions on June 29, 2023, attached as **Exhibit B** (collectively “**Application**”), voluntarily offering, in writing, certain conditions to rezone the Property as set forth in the table above, subject to the conditions of this Agreement; and

WHEREAS, the City Council on July 25, 2023, voted to approve the request for Conditional Rezoning and adopted Ordinance No. [add Ordinance number] to amend the City’s Zoning Map Ordinance based upon the conditions set forth in this Agreement and the attached Exhibits;

NOW, THEREFORE, in consideration of the foregoing and the mutual promises hereinafter set forth, the City and Red Chickweed agree as follows:

1. CONDITIONAL REZONING, PROJECT DEVELOPMENT, AND CONDITIONS AND EXCEPTIONS TO USE OF PROPERTY

A. **Conditional Rezoning.** Consistent with MCL §125.3405, the Property has been conditionally rezoned from the classification(s) One Family Dwelling (R-1) to Multiple Family Dwelling (R-3), as set forth in Table A1 above, with conditions as approved by the City Council based upon Red Chickweed’s Offer of Conditions, subject to, and in accordance with, this Agreement, unless this Agreement is amended by mutual agreement of the City and Red Chickweed, following public hearing, or unless Red Chickweed determines to use the Property in accordance with the zoning applicable to the Property under and in accordance with the termination provisions set forth herein. Red Chickweed and future owners of the Property shall not develop and use the Property in a manner inconsistent with this Agreement.

B. **Project Definition.** The Project shall be based on Red Chickweed’s Site Plan Approval Application Submittal Package that is to be submitted subsequent to the approval and execution of this Agreement and is a condition of this Agreement as more fully set forth below. Except as modified herein, or pursuant to any variances or deviations approved by the City, the Property shall remain subject to all other zoning and use district regulations of the City Zoning Ordinance, for property zoned One Family Dwelling (R-1) and Multiple Family Dwelling (R-3), as applicable in accordance with the zoning of each respective parcel as set forth in Table A1 above, and as limited by Red Chickweed’s Offer of Conditions, and shall remain subject to all other requirements of the City’s building, zoning, and other land use regulations.

C. **Offered Conditions.** Red Chickweed has voluntarily offered the following condition in consideration for the City's granting of the rezoning:

Red Chickweed agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, the vertical construction can begin upon the issuance of one or more Certificate(s) of Occupancy by the City for at least a minimum of 2,600 square feet of the non-residential space and a minimum of 2,700 square feet of the multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it shall revert to its original zoning as it exists on Thursday, July 6, 2023.

D. **Acknowledgement.** Red Chickweed hereby acknowledges that the rezoning with conditions was proposed by Red Chickweed to induce the City to grant the rezoning, and that the City relied upon such proposal and would not have granted the rezoning but for the terms spelled out in the Conditional Rezoning Agreement; and, Red Chickweed further agrees and acknowledges that the conditions and Conditional Rezoning Agreement are authorized by all applicable state and federal laws and constitution, and that the Agreement is valid and was entered into on a voluntary basis, and represents a permissible exercise of authority by the City. Red Chickweed further represents and warrants that it agrees to all of the following:

- i. That the property in question shall not be developed or used in a manner inconsistent with this conditional rezoning agreement.
- ii. That each of the requirements and conditions set forth in this Agreement represents a necessary and reasonable measure which, when considered with all other conditions and requirements, is roughly proportional to the increased impact created by the use represented in the approved rezoning with conditions, taking into consideration the changed zoning district classification and the specific use authorization granted.
- iii. Nothing in this Agreement shall be construed as replacing the requirement for Red Chickweed to obtain preliminary and final Site Plan, subdivision, condominium, or special land use review and approval, as applicable.

2. **PERIOD OF APPROVAL.** Unless extended by the City Council for good cause, the rezoning with conditions shall expire following a period of two (2) years from the effective date of the rezoning, unless bona fide development of the property pursuant to approved building and other permits required by the City commences within the two (2) year period and proceeds diligently and in good faith as required by ordinance to completion.

A. **Expiration.** In the event *bona fide* development has not commenced within two (2) years from the effective date of the rezoning, the rezoning with conditions and the Conditional Rezoning Agreement shall be void and of no effect. Red Chickweed may apply for a one (1) year extension one (1) time. The request must be submitted to the City Clerk before the two (2) year time limit expires. Red Chickweed must show good cause as to why the extension should be granted.

B. **Effect of Expiration.** If the rezoning with conditions becomes void in the manner provided in this section, no development shall be undertaken or permits for development issued until a new zoning district classification of the property has been established. Either or both of the following actions may be taken:

- i. Red Chickweed may seek a new rezoning of the property and the City may approve same; and/or
- ii. Pursuant to MCL 125.3405, the land shall revert to its former zoning classification following the process for approval of a rezoning with conditions.

C. **Extension.** If an extension of approval is granted by the City Council, a new conditional rezoning agreement with the new expiration date shall be recorded.

3. **RECORDATION.** This Rezoning shall become effective following publication in the manner provided by law and recording of the Conditional Rezoning Agreement with the County Register of Deeds.

4. **DEFAULT.** If development and/or actions are undertaken on or with respect to the property in violation of the Conditional Rezoning Agreement, such development and/or actions shall constitute a *nuisance per se*. In such case, the City may issue a stop work order relative to the property and seek any other lawful remedies. Until curative action is taken to bring the property into compliance with the Conditional Rezoning Agreement, the City may withhold, or, following notice and an opportunity to be heard, revoke permits and certificates in addition to, or in lieu of, such other lawful action to achieve compliance. In the event that Red Chickweed defaults on the condition(s) of this Agreement, then, the City may, at its option and within its sole discretion, terminate this Agreement. In the event that this Agreement is terminated by then, by written notice given by the City to Red Chickweed within three (3) months following such failure by Red Chickweed, the City may, at its option and within its sole discretion, declare the

Property to revert back to its previous Zoning District(s) and terminate the approval of any Site Plan for the Project.

5. **ENTIRE AGREEMENT.** This Agreement, the exhibits attached hereto, if any, and the instruments which are to be executed in accordance with the requirements hereof set forth all the covenants, agreements, stipulations, promises, conditions, and understandings between the City and Red Chickweed concerning the Project as of the date hereof, and there are no covenants, agreements, stipulations, promises, conditions or understandings, either oral or written, between them other than as set forth herein.

6. **RELATIONSHIP OF THE PARTIES.** The relationship of the City and Red Chickweed shall be defined solely by the expressed terms of this Agreement, including the implementing documents described or contemplated herein, and neither the cooperation of the parties hereunder nor anything expressly or implicitly contained herein shall be deemed or construed to create a partnership, limited or general, or joint venture between the City and Red Chickweed, nor shall any party or their agent be deemed to be the agent or employee of any other party to this Agreement.

7. **MODIFICATION.** This Agreement can be modified or amended only by a written instrument expressly referring hereto and executed by the City and Red Chickweed.

8. **MICHIGAN LAW TO CONTROL.** This Agreement and the rights and obligations of the parties hereunder shall be construed in accordance with Michigan law.

9. **DUE AUTHORIZATION.** The City and Red Chickweed each warrant and represent to the other that this Agreement and the terms and conditions thereof have been duly authorized and approved by, in the case of the City, its City Board and all other governmental agencies whose approval may be required as a precondition to the effectiveness hereof, and as to Red Chickweed, by the members thereof, and that the persons who have executed this Agreement below have been duly authorized to do so. The parties hereto agree to provide such opinions of counsel as to the due authorization and binding effect of this Agreement and the collateral documents contemplated hereby as the other party shall reasonably request.

10. **SUCCESSORS AND ASSIGNS.** The approval of the terms, provisions, and conditions of this Agreement are for the benefit of the Property and shall run with the Property and shall bind and inure to the benefit of the parties to this Agreement and their respective successors, assigns, and transferees.

Exhibit A

11. **NO PERSONAL LIABILITY.** The obligations hereunder of the City and Red Chickweed shall constitute solely the obligations of the respective entities to be satisfied solely from their respective assets, and no officer, Board member, agent, employee, or partner of any of said entities shall have any personal obligation, responsibility, or liability for the performance of the terms of this Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date first set forth above.

WITNESSED:

WITNESSED:

Approved as to Form:

By: _____
Its: _____

SIGNED:

CITY OF PONTIAC

By:
Its:

By:
Its:

SIGNED:

RED CHICKWEED DEVELOPMENTS

By: Niccolo G. Mastromatteo
Its: President

EXHIBIT A

(Legal Description)

Provided Legal Description:

14-27-306-014, T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 to 189 INC & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.

14-27-306-002, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 1 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-003, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 2 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-004, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 3 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-005, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 4 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-006, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 5 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-007, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 6 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-008, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 7 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-009, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 8 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

14-27-306-010, T3N, R10E, SEC 27 ASSESSOR'S PLAT NO. 162 LOT 9 EXC W 30 FT TAKEN FOR RD 11-10-10 CORR

Exhibit B

2MA23-004



Application for Zoning Map Amendment

City of Pontiac

Office of Land Use and Strategic Planning

47450 Woodward Ave, Pontiac, MI 48342

T: 248.758.2800

F: 248.758.2827

Property/Project Address: 31 N Astor St, Pontiac MI 48342

Sidwell Number: 14-27-306-014

Date: 5/4/2023

Office Use Only

PF Number: _____

Instructions: Completed applications with appropriate fee shall be submitted to the Office of Land Use and Strategic Planning at least **30 days** prior to the regularly scheduled Planning Commission meeting. Applications must be complete in all respects with supporting documents such as site plan, property survey etc. Planning staff will schedule the application for consideration by the Planning Commission in accordance with the attached schedule. Incomplete applications will delay the review process.

Applicant (please print or type)

Name	Red Chickweed LLC		
Address	735 W Huron St		
City	Pontiac		
State	MI		
ZIP Code	48342		
Telephone	Main: _____	Cell: _____	Fax: _____
E-Mail	nm@pimperneldevelopments.com		

Project and Property Information

Name of Proposed Development: Longfellow School Redevelopment (name undecided: Pontiac Eastside Longfellow 2.0)

The subject property is location at 31 N Astor St on the N / S / E / W side of Martin Luther King Jr Blvd between Pike St and Northway St.

The property is zoned: R-1 One Family Dwelling

Proposed Zoning District: R-3 Multiple Family Dwelling

It is proposed that the property will be used as: Multifamily, Multifamily Mixed-use

The subject property is legally described as follows (include sidwell numbers):

T3N, R10E, SEC 27 HOMESTEAD PARK NO. 1 LOT 186 TO 189 INCL & E 236 FT OF LOT 10 A.P. NO 105 ADJ ON WEST.

Property Owner Information

Name	Red Chickweed LLC		
Address	36400 Woodward Ave / 735 W Huron St 431549 / 31 n Astor St		
City	Bloomfield Hills / Pontiac / Pontiac		
State	MI		
ZIP Code	48304 / 48343 / 48342		
Telephone	Main:	Cell: 1-800-233-1234	Fax:
E-Mail	nm@pimperneldevelopments.com / niccolo.mastromatteo@gmail.com		

Are you the X Owner _____ Agent/rep. of the owner _____ Other _____

The proposed will be used for the following purpose (provide as much detail as possible with photographs, sketches, site plans, written documents, etc.).

PHASE I - MULTIFAMILY MIXED-USE (nonprofit/local business center community hub)

- 35 (+/-) loft-style apartment rental units

- 6 (+/-) nonprofit/local busienss center community hub spaces (kitchen, gym, auditorium, boilerhouse)

PHASE II - MULTIFAMILY

- 145 (+/-) loft-style apartment rental units

TOTAL I&II - 180 (+/-) loft-style apartment rental units and 6 +/- nonprofit/local business center community hub spaces

Sate the reason for the Zoning Map Amendment, particularly the manner in which the City will benefit if the amendment is approved and why such change will not be detrimental to the public welfare and/or the property rights of other persons located in the vicinity of the site.

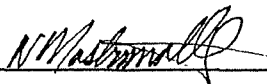
Redevelop longstanding vacant, underutilized, facility property in heart of Eastside Pontiac District 7 Census Tract 1423, Block Group 1

Provide quality rental housing options at reasonable pricing to current Pontiac Citizens and employees (i.e., future citizen residents)

Provide City increased existng and new additional tax revenue, and Citizens increased resident services, property values, jobs, leveling-up opportunities for PCs, and Eastside hub

Beautify, add value to, & further revitalize already strong, solid, up-and-coming neighborhood, increasing property values, adding jobs, sheparding & creating leveling-up opportunities

Current zoning severely limits highest best use for property, rezoning enables property to be redeveloped and owner developer ability to deliver 5-year plans developed alongside Eastsiders, neighborhood residents, community members, influencers, and other Pontiac Citizer



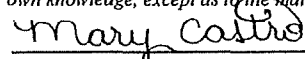
Signature of Owner



Signature of Applicant

State of Michigan
County of Oakland

On this 4th day of May, A.D., 2023, before me personally appeared the above named person, who being duly sworn, stated he/she has read the foregoing application, by him/her signed, and know the contents thereof, and that the same is true of his/her own knowledge, except as to the matters therein stated to be upon information and belief and so as to those matters he/she believes it to be true.



Notary Public, Oakland County, Michigan

My Commission Expires: Dec 19, 21

MARY CASTRO
NOTARY PUBLIC, STATE OF MI
COUNTY OF OAKLAND
MY COMMISSION EXPIRES Dec 19, 2027
ACTING IN COUNTY OF Oakland

June 29, 2023

Conditional Rezoning 31 N Astor

Applicant agrees to the renovation or demolition of the vacant building known as the former Longfellow School Facility (the "Building") prior to the commencement of any vertical construction of any new building, home, or other permanent structure on the rezoned Property. The Applicant shall renovate the Building if it is structurally and/or financially feasible. If it is not structurally or financially feasible to renovate the Building, the Applicant shall demolish the Building. In the event Applicant renovates the building, upon the issuance of one or more certificate of occupancies by the City for at least a minimum of 2,600 square feet of the non-residential space and a minimum of 2,700 square feet of multifamily residential space. Additionally, in the event any one or more of the ten (10) vacant land parcels included in this conditional rezoning are removed or separated from the project site, it/they shall revert to its/their original zoning as it exists on Thursday, July 6, 2023.



Niccolo Mastromatteo, Applicant

6/29/2023

Date

Exhibit B

- D. If the proposed amendment would require a change in the zoning map, the names and addresses of the owners of all land within the area to be changed by the proposed amendment.
- E. The alleged error in this ordinance, if any, which would be corrected by the proposed amendment together with a detailed explanation of such error in the ordinance, which is alleged, and detailed reasons as to how the proposed amendment will correct the same.
- F. The changed or changing conditions, if any, in the area or in the municipality generally, which make the proposed amendment reasonably necessary.
- G. All other circumstances, factors and reasons which applicant offers in support of the proposed amendment.

Section 6.804 Criteria for Amendment of the Official Zoning Map

In considering any petition for an amendment to the official zoning map, including the designation of street type (A, B, and C) and designation of small front setback lots, the Planning Commission and City Council shall consider any of the following criteria that apply to the application in making findings, recommendations, and a decision. The Planning Commission and City Council may also take into account other factors or considerations that are applicable to the application but are not listed below.

- 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.
- B. Compatibility of the site's physical, geological, hydrological and other environmental features with the uses permitted in the proposed zoning district.
- 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.
- 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.
- 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.
- F. The capability of the street system to safely and efficiently accommodate the expected traffic generated by uses permitted in the requested zoning district.
- 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.
- 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.
- 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.
- J. The requested rezoning will not create an isolated or incompatible zone in the neighborhood.

Section 6.805 Re-application

Whenever an application for an amendment to this Ordinance has been denied by the City Council, a new application for the same amendment shall not be accepted by the Planning Commission for consideration for a period of 180 days, unless the Planning Commission determines that one or more of the following conditions has been met:

#5

**CLOSED
SESSION**

CITY OF PONTIAC
Oakland County, Michigan

RESOLUTION TO PROCEED IN CLOSED SESSION
TO CONSIDER THE PURCHASE OR LEASE OF REAL PROPERTY

RESOLUTION # _____

Minutes of a regular meeting of the City Council for the City of Pontiac, held City Hall, 47450 Woodward Ave, Pontiac, MI on July 25, 2023 at 6:00 p.m., local time.

The following resolution was offered by Council member _____ and supported by Council member: _____:

WHEREAS, the City Council wishes to consider the purchase or lease of real property;
and

WHEREAS, the Michigan Open Meetings Act Section 8(d) of MCL 15.268 provides that a public body may meet in closed session to consider the purchase or lease of real property up to the time an option to purchase or lease such real property is obtained.

NOW THEREFORE BE IT RESOLVED, the City Council will proceed in Closed Session pursuant to Section 8(d) of the Open Meetings Act, MCL 15.268(d) to consider the purchase or lease of real property.

YEAS: Council Members _____

NAYS: Council Members _____

ABSTAIN: Council Members _____

RESOLUTION DECLARED ADOPTED.

Garland Doyle, Clerk
City of Pontiac