

CITY OF PONTIAC, M

PLANNING COMMISSION MINUTES

Wednesday, May 15, 2024 – 6:00 P.M.
City of Pontiac City Council Chambers

1. CALL TO ORDER: (6:04 PM)

Planning Commissioners Present: Mona Parlove, Chair
Christopher Northcross
Sue Sinclair
Tim Shepard
Sam Henley

Staff Present: Mark Yandrick, Planning Manager
Corey Christensen, Senior Planner
Justin Curry, Planner

2. ROLL CALL

Five members were present.

3. OFFICIAL COMMUNICATIONS

There were no official communications

4. AMENDMENTS TO & APPROVAL OF THE AGENDA

The agenda was approved as presented. The motion was made by Commissioner Henley and seconded by Commissioner Sinclair.

5. MEETING MINUTES FOR REVIEW

There were no minutes to present. Staff explained that minutes for the May 3rd and May 15th meeting would be available at the June 5th meeting.

6. PUBLIC HEARINGS

Application #: SEP 24-008
Application: Special Exception Request
Applicant: Ali R Saad
Address: 1375 Baldwin Ave
Request: Automotive Service Facility

Planner Corey Christensen gave a presentation on the applicant's request. The presentation included an

overview of the proposed use of the property, the existing conditions, neighborhood characteristics, zoning, the proposed site plan, and the standards for approval. Staff analyzed the request and provided a recommendation for approval with four (4) conditions.

Planning Manager Mark Yandrick explained that the photos shown in the presentation were taken from Google. He explained to the Commission that the applicant has made adjustments to their site plan since the last time the Commission viewed it. Furthermore, Staff is recommending specific conditions to address concerns about off-site impacts.

The applicant, Ali R Saad, spoke regarding their request. He explained the changes that were made to the site plan since the last meeting. The southern portion of the property is now landscaped and the parking lot has been reconfigured to avoid congestion.

Commissioner Parlove asked if this was the applicant's first business in Pontiac. He explained they own 50 properties in the area but this will be their first development in Pontiac. Most of his other ventures are dealerships.

Commissioner Northcross asked if the applicant had built any car washes. The applicant replied that he had not. Commissioner Northcross asked how loud the noise from the carwash would be. The applicant replied that with modern technology it will be much quieter than older car washes. There will be very little sound heard on the outside of the building. They have selected the quietest they could find in terms of the blowers utilized.

Commissioner Northcross asked if there was any data the applicant could provide regarding noise levels. The applicant replied he did not have any numbers on him and he further clarified that they located the blowers as far from the adjacent residences as possible. He placed them close to the factory on the north side of the property. Commissioner Northcross explained his concern that as the City of Pontiac continues to grow there needs to be more attention paid to addressing nuisances and off-site impacts. He expressed concern for the health, safety, and welfare of the community.

Commissioner Henley asked about the future development of the south side of the property. The applicant replied that although they had previously stated their intent to find another tenant, they have no plans to expand at this time.

Commissioner Parlove asked if the design would be similar to the new gas station built in Royal Oak south of 14 Mile. The applicant replied in the affirmative. They intend to build a very modern-looking car wash. Commissioner Parlove asked about the hours of operation. The applicant replied it will be from 8 am to 7 pm with shorter hours on Sundays. Commissioner Parlove asked about pricing but this has not been determined.

Public comment was opened at 6:26 pm.

Daniel Brisley spoke in opposition to the proposed car washes. He feels there are too many auto service establishments in the City. He expressed concern about the amount of noise emitted from car washes. He would like to see development that benefits the community.

Hassan Hamadi spoke in opposition to the proposed car washes. He represents the owners of some auto-oriented businesses in the community. He stated they are not in opposition to competition but

feel there are too many auto service facilities in the City already. He explained that as consumers switch to EVs there will be less need for these services and having so many in the City will result in struggling businesses.

Darlene Clark stated her concern that out-of-state investors are coming into Pontiac and pushing out residents. She argued that permitting this car wash could lead to an increase in prostitution and homelessness along Baldwin Ave.

Steven McKinsey argued there are too many auto-oriented businesses in the community and is concerned about the sound.

Iola Miller argued there are too many family dollars and she is concerned people are feeding themselves from them. She argues that Pontiac is a food desert and that dollar stores are where families buy their food, so the City should ban or limit the few remaining businesses that offer food.

The Public Hearing was closed at 6:38 pm.

Commissioner Shepard addressed some of the public comments. He stated that the Planning Commission's job is not to pick and choose businesses but to ensure development is not detrimental to the community.

Commissioner Northcross stated that his research has indicated trees do not provide adequate sound protection. He emphasized that the Planning Commission should do more to preemptively avoid sound nuisances.

Commissioner Parlove asked if the Commission has the authority to limit the number of businesses in the community. Attorney McAtamney stated that under the current zoning ordinance, this cannot happen.

Commissioner Northcross asked for clarity on the standard of approval number four, specifically, whether it is asking the commission to deny if they have reasonable confidence that it is not disturbing. Attorney McAtamney explained that the Commission must prove there will be a nuisance in order to deny based on standard four. The burden does not fall on the applicant to prove there will not be a nuisance, rather it's the Commission's job to prove there will be a nuisance. Commissioner Northcross emphasized his concern that the Commission and the Zoning Ordinance do not do enough to preemptively protect residents from nuisances.

Commissioner Parlove asked Staff if the applicant had reached out to his neighbors. Planner Christensen replied that he does not know who the applicant has spoken to.

David Allan, the applicant's engineer, spoke regarding the noise that will be generated by the facility. He outlined the ways the sound will be buffered by being enclosed within a building in addition to the buffer provided by the masonry wall proposed for the west side of the property.

Commissioner Northcross asked if they had an estimate of what the sound will be. The engineer replied that this is determined by the equipment that is used in the building. The applicant reviewed their documents from the manufacturer and did not find any information on decibel levels.

Commissioner Shepard made a motion to approve the special exception request for an automobile service facility at 1375 Baldwin Ave based on the findings of fact identified in the staff report and with the four conditions outlined in the staff report. The motion was seconded by Commissioner Sinclair.

Yes: 4 (Sinclair, Henley, Parlove, Shepard)

No: 1 (Northcross)

The motion passed.

7. Public Comment

Hassan Hamadi spoke regarding the standard that approval of a special exception request must comply with the master plan. He stated this was vague and asked what the master plan was. He believes that because the standard is vague the Commission should have denied the request. He repeated that he isn't opposed to competition, he's just opposed to new businesses that might compete with his clients.

Darlene Clark spoke regarding the City's website. She believes the Planning Commission meetings should be listed on the calendar. Furthermore, she would like the names of the Commissioners to be published on the meeting agendas. She believes that car washes are noisy and approving this car wash on Baldwin Avenue will result in too many nuisances for the neighborhood.

8. OLD BUSINESS

Application #: SPR 24-008

Application: Site Plan Review

Applicant: Ali R Saad

Address: 1375 Baldwin Avenue

Request: Automotive Services

Planner Corey Christensen gave a presentation on the applicant's request. The presentation went over the applicant's request, details of their proposed site plan, an analysis of the remaining zoning ordinance compliance issues, the standards for approval, and staff's analysis. Staff is recommending approval with seven (7) conditions.

Commissioner Shepard asked the applicant about any estimate for the sound level at the property line. Without this information, he feels the proposed site plan presents a hazard to the neighbors.

Commissioner Sinclair asked Staff what the specific decibel limit is at the property line. Staff replied that it is 65 decibels.

Commissioner Parlove stated she's impressed with the applicant's submission and feels the site plans are complete. She asked staff if our decibel limits were consistent with other communities. Staff replied that these limits are comparable to other communities, including Flint. Commissioner Parlove asked the applicant if they had developed other car washes. The applicant replied they have primarily been focused on dealerships and this will be their first car wash.

Commissioner Shepard asked the applicant about the aluminum siding at the top of the façade and for clarity on what color the bricks will be. The applied replied that it is an aluminum composite in a silver color. The façade will be made of brick. Commissioner Shepard asked if the siding will look like metal or

more like wood. The applicant's engineer replied that it is an aluminum material and will appear as such.

Commissioner Henley asked about the color of the siding. The applicant replied that the colors have not been decided yet but the brick will be painted in a uniform color.

Commissioner Northcross stated that the site plans were prepared very well and the submission is quality but he is concerned about the proximity of the development to nearby residents.

Commissioner Sinclair shared OSHA requirements for sound levels inside car washes. She explained that OSHA does not permit sound above 85 decibels at the source, which will result in sound far below the 65-decibel limit at the property line. Commissioner Sinclair further noted that the site plans were revised in accordance with the concerns raised by the Commission. She expressed concern about the lack of trees proposed for the south side of the property line. Although the headlight glare will be minimal, she feels these trees are important. She expressed concern about adding commercial traffic to residential streets and was grateful the applicant removed one of the approaches on the residential street. The applicant clarified their intent to put a gate on the exit-only egress on the north side of the property.

Commissioner Henley asked for clarity on the "free" stacking lane. The applicant replied that that is just for customers who received an oil change and are routed to the car wash for a free wash. Commissioner Henley stated his understanding that the burden of proof is on the Planning Commission to identify a nuisance, and in his view, there is no evidence the applicant's site plans will result in a nuisance to neighbors.

Commissioner Henley made a motion to approve the requested site plan for an automobile service facility at 1375 Baldwin Avenue based on the findings of fact identified in the staff report and with the seven (7) conditions outlined in the staff report. The motion was seconded by Commissioner Sinclair.

Yes: 4 (Sinclair, Henley, Parlove, Shepard)
No: 1 (Northcross)

The motion passed.

9. NEW BUSINESS

Application #: SPR 24-003
Application: Site Plan Review
Applicant: Nahidh Kanona
Address: 140 E Huron Street
Request: Expansion to Liquor Store

Planner Justin Curry gave a presentation on the applicant's request. The presentation went over the applicant's request, the location, zoning, details on the site plans, existing conditions of the site, the standards of approval, and staff's recommendation for approval with four (4) conditions.

Commissioner Shepard stated his agreement that some of the conditions staff has are appropriate and he is in support.

Commissioner Northcross asked about potential odors that may be emitted from the proposed take-out restaurant. Planning Manager Yandrick stated that typically restaurants are not required to put any odor filtration systems. This is a requirement that is commonly applied to marihuana dispensaries or factories working with noxious odors, but not carry-out restaurants. Commissioner Northcross expressed concern about off-site impacts such as odors considering the growing population of the City. He believes this concern is something that can be addressed during the Master Plan process. Commissioner Northcross spoke regarding his support for this business expansion. He believes the location is appropriate.

Commissioner Sinclair asked if the Fire Department had reviewed this plan. Planner Curry stated the Fire Department has reviewed the plans. Commissioner Sinclair expressed her concern that two rear entrances are being eliminated from the site plan.

Planning Manager Yandrick replied that this is a concern the Fire Department typically addresses during the building permit process rather than the site plan.

Commissioner Sinclair brought attention to the lack of rear yard setback. Requiring a masonry wall in the three (3) foot six (6) inch setback reduces the rear yard to less than three (3) feet.

Staff expressed that the applicant was not present but was notified of the meeting. Chair Parlove asked if the item should be considered if the applicant was not in attendance.

Commissioner Sinclair made a motion to postpone the requested site plan for a commercial kitchen expansion at 140 E. Huron until the regularly scheduled June 5, 2023 Planning Commission meeting. The motion was supported by Commission Shepard.

Yes: 5
No: 0

Motion passed.

Application #: SPR 24-011
Applicant: David Dedvukaj
Application: Site Plan Review
Address: 1590 N Perry Street
Request: Light Manufacturing / Window Assembly Facility

Planner Corey Christensen gave a presentation on the applicant's request. The presentation included an overview of the request, the applicable conditions of the associated rezoning, the location, the zoning, the landscaping plan, façade details, remaining ordinance compliance concerns, and staff's recommendation to approve with six (6) conditions.

Commissioner Northcross asked for clarification on the rezoning agreement. Attorney McAtamney clarified that the section identified by Commissioner Northcross states that if the rezoning agreement is challenged in court, it will be tried under Michigan law. Commissioner Northcross commended Contour Windows for interacting with the community and being responsive.

Holly Carroll spoke as a representative of the applicant, David Dedvukaj. She provided clarity on their

intent to address the various concerns raised by staff. They intend to place a gate where the site connects with Galloway Estates and will be providing the proper façade materials and a number of bike spaces. She provided an overview of the tree survey that was conducted the morning of the meeting.

Commissioner Sinclair asked which entrance will be utilized by trucks. The applicant replied that they would use the northernmost approach. Commissioner Sinclair asked about the vinyl-coated chain-link fence along the north property and asked if it would go up to the water line. The applicant replied that it would. Commissioner Sinclair asked staff about the proposed approaches and whether their close proximity to the neighboring residence presents a safety risk or zoning violation. Staff replied that they do not believe it is a zoning violation but will investigate further. Commissioner Sinclair expressed disappointment in the fire gate. She had asked the applicant to return with the best gate possible and she feels what is being proposed does not rise to that level. She would like to see something opaque, such as "an aluminum metal deck in a vertical application with a tube frame." Commissioner Sinclair emphasized her desire to see a non-rust material.

Commissioner Henley asked about the footprint of their current facility. The applicant replied they do not know the square footage but that the entire building is roughly equal to the warehouse portion of the proposed site plans. Commissioner Henley asked about the hours of operation at the site. The applicant replied there would be two shifts. Commissioner Henley asked about the number of employees on-site during each shift. He further asked if the applicant has made any contact with the residence that will be surrounded by the proposed development. The applicant replied that despite several attempts to meet with the neighboring resident they have not had any success. Commissioner Henley expressed concern about the impact this development will have on the neighbor and would like more clarity on how the applicant intends to buffer their operation. The applicant intends to use a masonry wall and landscaping to buffer the adjacent residence.

Commissioner Parlove asked about the view of the facility from the adjacent park. The applicant replied that the subject parcel sits at a slightly higher elevation than the park, furthermore, there is a floodplain with vegetation that will block people's view.

Commissioner Sinclair asked about pedestrian circulation. The applicant replied that there would be marked crosswalks in the parking lot. The applicant further clarified that the striping will be yellow.

Commissioner Sinclair made a motion to approve the requested site plan for a light manufacturing facility at 1590 N Perry based on the findings of fact identified in the staff report and with the six (6) conditions outlined in the staff report and the added a seventh (7) condition that the fire access gate be metal in nature and opaque. Commissioner Shepard supported the motion.

Yes 5
No 0

Motion passed.

10. STAFF COMMUNICATIONS

Planning Manager Mark Yandrick gave an update on pending cases, and text amendments that are before City Council and reminded the Commission that the next meeting is scheduled for June 5.

11. ADJOURNMENT

Commissioner Henley made a motion to adjourn. Commissioner Northcross supported.

The meeting ended at 8:41 pm.