

# CITY OF PONTIAC, MI

## PLANNING COMMISSION MINUTES

Wednesday, August 7, 2024 – 6:00 P.M.

*City of Pontiac City Council Chambers*

### 1. CALL TO ORDER: (6:06 PM)

Planning Commissioners Present:

Mona Parlove, Chair  
Sam Henley, Vice Chair  
Christopher Northcross  
Sue Sinclair  
Tim Shepard  
Michael McGuinness

Staff Present:

Mark Yandrick, Planning Manager  
Corey Christensen, Senior Planner

### 2. ROLL CALL

Four members were present at the time of the roll call. Commissioner Shepard arrived at 6:17 pm.

### 3. OFFICIAL COMMUNICATIONS

Planning Manager Mark Yandrick informed the Commission that the applicant for 225 East Columbia requests the Commission to table the case. The applicant indicated he is in the process of scheduling a sound study which will be forwarded to the Commission at its completion. The Planning Manager indicated that the Commission if it wishes, can still hear the case or table the case for next month.

### 4. AMENDMENTS TO & APPROVAL OF THE AGENDA

Planning Manager Mark Yandrick asked the Commission to move case SEP 24-020 to after the hearing for SPR 24-007.

**The motion was made by Commissioner Henley and seconded by Commissioner Northcross to move SEP 24-020 to after hearing for SPR 24-007.**

**Yes: 5**

**No: 0**

Motion passed.

## **5. MEETING MINUTES FOR REVIEW**

The commission reviewed the minutes for June 5, 2024. Commissioner McGuinness requested several changes to the names of public speakers.

**Commissioner Henley moved to adopt the minutes. Commissioner Sinclair seconded the motion.**

**Yes: 6**

**No: 0**

Motion passed.

Chair Parlove requested the applicant for SEP 24-007 address the Commission regarding his request to table the public hearing so a sound study can be completed for the project. The Chair asked the applicant when the sound study would be completed the applicant stated the study would be completed shortly.

Commissioner McGuinness stated that he feels the public hearing portion of the case should be held since notifications were sent to the public and several members of the public are in attendance for this case. The Commissioner stated that the decision for the case could be rendered at next month's Planning Commission meeting. Commissioner Sinclair, Northcross, and Henley agreed with Commissioner McGuinness.

Attorney McAtamney stated that there was no reason to delay the public meeting since the notifications were sent out to the public for this particular case.

## **6. PUBLIC HEARINGS**

**Application #: PSEP 24-007**

**Application: Special Exception**

**Applicant: JADC Ventures, LLC/ Mario Vano**

**Address: 225 E. Columbia Ave.**

**Request: Heavy Manufacturing, use of a Concrete Crusher**

Planner Corey Christenson gave a presentation providing information on the applicant's request. The presentation included a description of the site and the proposed use as a heavy industrial facility. The Planner stated the concrete crushing at the site is an important point of the hearing since it has never been approved by the city to be located at 225 E Columbia. The Planning Division is recommending the denial of the request due to the heavy manufacturing use of a concrete crusher since it has negative impacts on the adjacent neighborhoods. The Planner stated if the Commission were to approve the case the Planning Division would provide four recommendations for approval.

1. All conditions of the associated site plan review will be honored.
2. The concrete crushing operation will comply with the noise limitations found in the zoning ordinance.

3. A type “C”; option 1 buffer with a 6 to 8-high masonry wall shall replace the screening fence around the entire site.
4. One street tree for every 35 feet of frontage shall be added along E Columbia.

The Planning Manager stated in 2013 the industrial use was approved at the subject site. The staff planner at the time of the approval indicated that concrete crushing was not a part of the original request at the site. Per the Planner Manager concrete crushing is a general occurrence at the site. Per discussions with the applicant, if the commission wants to approve the use the applicant does not support the masonry wall around the entire site.

The applicant addressed the commission and stated that he would prefer the hearing to be tabled for next month. The applicant stated that concrete crushing does not occur very often at the site, only from time to time during each month. All equipment relating to concrete crushing has been removed. The applicant stated that the sound study is being completed.

Commissioner Parlove opened the public hearing at 6:35 pm.

Steve Home, 316 E. Princeton Street, states he does not support the proposed screening wall since the wall will not hide the mounts of concrete and piles of material. Mr. Home states the concrete crushing site impacts his property with dust, truck noise, and visual pollution.

Patrica Tossey from Princeton Street is not in favor of any concrete crushing and feels this use should not be permissible in an area surrounded by residential uses. She feels any berm or other obstruction will not help the process.

Danna Pope, 316 Princeton Street, stated that concrete crushing is a continual activity at the site and is ongoing. She does not support tabling the request for another 30 days. The noise and dust are horrible. The amount of dust in the area from the concrete crushing has increased in the past few months. She states that code enforcement is not doing its job at policing the policies of the City. He feels his health is impacted by this use.

Loney Frye, 1338 Highwood Street, states that he will sue the City if a concrete crushing facility is established at the site. He understands the property is industrial, but feels the site is just a dump. He never supported the establishment of industrial use at the site back in 2015.

Commission Parlove requested staff to detail what was approved back in 2015 for the establishment of industrial use. Staff stated that the use was approved for an industrial facility as a storage yard.

Commissioner McGuinness addressed the applicant and asked about the size of the parcel and what type of processes or activities existed at the site. The Commissioner asked the applicant how many other similar facilities are owned by the applicant in Michigan. He requested to understand how much crushing will occur at the site, and whether it will be daily or done periodically.

The applicant stated that the site is being used as a trucking depot for road construction activities. The applicant stated that his company purchased the site in 2014 and has four (4) other similar facilities in Michigan. The applicant stated that he favors a landscape buffer to screen the residential uses. He stated the concrete crushing machine is portable and is moved to various

sites from time-to-time every year. He states that his company works with MDOT and concrete crushing is needed to complete its work for the State. Currently, there is no crushing occurring at the site. The site has 60 employees at the site.

Commissioner Shepard asks the applicant where all the dust is coming from the crusher or the trucks. He wished to understand why there was so much truck noise. He is concerned about all the neighbors complaining about the facility.

The applicant states that he has a dust mediation program at the site and is responsible for EAGLE for any dust issues at the site. The dust is coming mostly from trucks entering and exiting the site. The applicant also indicated the site does have multiple piles of dirt on the site held for road work. He stated that is probably where most of the dust is coming from. The applicant stated that he can minimize the noise and dust at the site with trees and watering down the site. If there are dust issues, the applicant stated that he can address these issues.

Commissioner Northcross asked the applicant about the dust control plan at the site and if the dust at the site is within EAGLEs parameters. The commissioner provided comments on the hours of the facility. What types of material or aggregate is coming into the yard? He stressed interest in the upcoming sound study.

The applicant stated he employs a staffer to work with EAGLE to comply with its mandates. He stated he can increase the amount of watering every week and possibly more watering may be required to assist with dust in the area. The applicant stated that sand, gravel, and concrete pieces are coming into the site and put in piles. The applicant stated the noise study will be ready in the coming weeks.

Commissioner Sinclair asked the applicant about the noise study and why the study was not done at the subject site but at another site owned by the applicant. The Commissioner has issues with the study completed at another site owned by the applicant. She asked questions about the hours of the operation. She requested what measures could be taken to reduce dust in the area.

The applicant stated that the study could not be done at the site since concrete crushing is not allowed at the site. And dust at the site can be reduced by watering the piles. The loading of dirt on trucks does not cause any dust. He explained there are dust mitigation processes of loading trucks and trucks driving on the site.

Commissioner Henley asked staff if the concrete crusher is under review or act of crushing concrete.

Staff stated that the act of crushing is under review by the commission and the act of jackhammering is a part of concrete crushing.

Commissioner Parlove stated she remembers the hearing for the facility reviewed by the commission in 2015 and does not recall concrete crushing in the proposal. The Commissioner asked about the sound study and where the study was done.

The applicant stated he owns four other facilities where concrete crushing is permissible.

Commissioner McGuinness stated that he does not support the establishment of a concrete-crushing use next to residentially zoned property. He stated that is not the best planning option to establish industrial uses near most residential uses.

Commissioner Sinclair asked why the crushing of concrete was not completed at the site of the road work.

The applicant stated there are space issues surrounding concrete crushing and most right-of-way areas are not large enough to handle that type of process, therefore the crushing must occur within large facilities with the space to process the concrete.

Commissioner Parlove stated that she does not support this request.

Commissioner Shepard stated that the commission cannot do anything about the past approval and feels that if the applicant comes back to the commission to intensify the uses at the site, the applicant should come back with more studies on dust and noise.

The applicant stated that the concrete crushing is not as noisy as other processes occurring on the site and a dust mitigation plan is in effect at the site. He does understand the resident's dust complaints.

**The motion was made by Commissioner McGuinness to deny the location of concrete crushing at the site and seconded by Commissioner Sinclair.**

**Yes     6**

**No      0**

Motion passed.

**Application #: ZMA 24-003**

**Application:    Zoning Map Amendment**

**Applicant:      Mahal Hwier**

**Address:        94 Dwight Ave, 104 Dwight Ave, and 95 Mark Ave**

**Request:        Rezone from R-2 to R-3**

Planner Manager Yandrick provided an update on this rezoning request for 3 parcels to be rezoned from R2 to R3. The Planning Manager explained the general zoning categories for the area. The building was developed in 1928 as a multistory residential building. The neighborhood encompasses multiple zoning districts. Many of the existing apartment buildings within the area do have gravel or paved parking lots between residential dwellings. The Commission reviewed the application in May and had a split recommendation to the city council. The applicant is now amending the application to include the three parcels being requested at this meeting. 95 Mark is a vacant parcel, and the two other parcels are developed with a structure. The apartment building will have 59 units and does require parking. Currently, the site can accommodate up to 39 parking spaces. The applicant has provided the following requests.

1. The parking spaces shall be angled and away from the dwellings on Mark Street.

Currently, the applicant has removed the Liberty Street request from this proposal. With any rezoning, the Commission has to review the 10 standards of approval. The rezoning is consistent with the Master Plan. Per the Planning Manager parking is required for this use therefore, the Mark Street site is proposed to be used for off-street parking. Staff recommends approval for this request with one condition.

Commissioner Northcross asked a question regarding the Liberty and Mark parking lots. And wished to know why the Liberty lot was not included in this request. The planning Manager stated that the lot was too small to be developed as a parking lot for a proposed rezoning to R3.

Commissioner Sinclair asked about the required landscape buffer setback requirement. Staff indicated a 10-foot setback is required for any parking lot adjacent to residential property.

Commissioner Parlove asked the applicant how motorists would exit the parking lot on Mark. Staff stated that egress from the parking lot would be from the alleyway and the proposed driveway across the road does align with the driveway across the road.

The applicant stated that angle parking is being requested with a five-foot landscape setback. The parking lots will be lite and safe.

Commissioner Parlove opened the public hearing at 7:53p

Justin Call a resident of Mark Street, stated that there are many children on and around Mark Street. He stated the community was not in favor of any parking lots adjacent to residential dwellings. He stated that he would prefer to see permanent residents move into the neighborhood and not rental housing.

Tory McDonton lives on Mark Street next to the proposed parking lot. She is opposed to the parking lots on Liberty and Mark Streets. She feels that her house will be affected by the parking lot and all the noise associated with the new building. She thought that the building was to be demolished and is upset regarding the redevelopment of the building.

The Planning Manager stated that the Commission split their decision. The parcels requesting to be rezoned to P1 on Liberty and Mark cannot move forward in this proposal. But the Commission may approve the rezoning of the parcels on Dwight and Mark to R3.

Commissioner McGuinness stated that the parcels will have to be combined to move forward. The Commissioner stated that the apartment is zoned R2 and is a nonconforming use, therefore the parcels need to be rezoned to R3. Per review, there is off-street parking on Dwight and Mark and Liberty does not have any on-street parking. He indicated that this neighborhood is dense with several types of residential uses.

Commissioner Parlove asked the applicant about the number of units to be developed in the building and what the parking requirement is for the building. Staff stated there will be 31 units developed which will require 59 parking spaces. Therefore, a parking waiver of 20

spaces will have to be sought to obtain approval for this redevelopment if the Mark Street parking lot is not permitted.

Commissioner Shepard stated that he is happy the building will be redeveloped.

Commissioner Northcross asked the applicant if any conversations had occurred with the community about his request. The applicant stated that he did attend a June District 2 community meeting to explain the proposal to the community.

Commissioner Sinclair asked the applicant to explain the unit makeup of the building. The applicant stated there will be units on all floors of the building. The commissioner stated that she loved the building, but was under the impression the entire building had been gutted. Per her research, the building had 29 units in the building in 1929. She is concerned about the number of units in the building and the required parking needed. She stated that most residents do not support the development of offsite parking lots. She stated that if the applicant reduces the number of units with 2 bedrooms in the building the need for the off-site parking areas will be reduced. The applicant stated that he needs the basement units to make the development feasible. She feels the parking issue is self-created by the applicant. She requested staff to provide the floor plan of the building.

The Planning Manager indicated the Commission can table the review of the floor plans until staff finds the floor plans.

**A motion was made by Commissioner McGuinness and seconded by Commissioner Sinclair to table the case until staff can locate the floor plans of the apartment building.**

**Yes     6**

**No      0**

Motion passed

**Application:    Zoning Map Amendment**  
**Applicant:     Mark Yandrick, Planning Manager, City of Pontiac**  
**Address:        Citywide**  
**Request:        Window Transparency**

Planner Manager Yandrick gave a presentation on city-initiated window transparency standards. Currently, there is a requirement for 40% first-floor façade transparency. The new text will set a level of no more than 20% of the ground-floor level window transparency for all buildings located within C0, c1, c2, c3, and C4 districts. The new language was drafted to improve the look of the community. Additionally, staff stated that marijuana uses were excluded from this proposed ordinance since marijuana uses have their own transparency standards.

#### **Public Comment**

Carlton Jones, 1323 Oaklawn Drive, asked if this only applies to the ground level.

Staff stated that the text applies to only the ground floor, not any additional floors.

Commissioner Parlove asked if a building is under construction and the construction stops will this ordinance impact any building under construction or renovation?

Attorney McAtamney stated this text amendment will only be for new construction at a site. No minor changes to window transparency will impact existing buildings.

Staff stated that if the commission wishes to add a condition on the tint of the windows, staff can research common transparency levels for ground-floor windows.

**A motion was made by Commissioner Henley to approve with one condition, that staff research an acceptable level of tint on the ground floor windows.**

**Yes     6**  
**No      0**

Motion passed.

## **7. Public Comment**

Louis McGuinness, 55 Cort Street, asked if a park space could be developed on Court Street for children in the surrounding area.

Carlton Jones, 1323 Oaklawn Street, stated he commends the commissioner regarding public comment and supports developers contacting nearby residents regarding any development proposals. Mr. Jones had a question about the Master Plan and why there is a presentation on it tonight.

Justin Caw, 65 Mark Street, had a question about telephone poles in the city. He has two utility poles in this yard and is requesting the second pole be removed.

The Planning Manager stated the Master Plan presentation tonight is only to inform the Commission of important dates and provide an understanding of the process.

## **8. OLD BUSINESS**

**Application #: SPR 24-005**

**Application: Site Plan Amendment**

**Applicant: James Pappas, President – Fusco, Shaffer & Pappas, Inc**

**Address: 454 Auburn Rd.**

**Request: Amended Façade Design**

Planner Corey Christensen gave a presentation to amend a site plan approval for the development at 454 Auburn Road. The applicant proposes to amend the façade design approved by the



commission due to budget constraints of the development process. The new façade design will impact areas around balconies, provide new exterior building cladding, and break up the flat portions of the façade. The Planner stated that the commission approved the design. Staff has brought back the case for the commission to review the proposed façade changes. It was indicated that this is the only item to be reviewed by the commission since this new façade will be different from the original façade approval approved by the commission.

The applicant addressed the commission and stated that the amendments to the façade were made because of construction cost increases. The applicant stated that the balcony areas will be impacted by the new rendering. Instead of the balconies being within tower areas, the new design will expose the balconies to the facade. The redesign will also impact the amount of brick and block on the building. The new design will increase the use of flat cement board using more colors on the facades. The redesign will also increase the parapet of the building.

Commissioner Parlove asked about the new material to replace the brick. The applicant stated that the panels will be composite hardy panels.

Commissioner Shepard asked the applicant about the budget, and he stated that the reduction in the materials and balcony towers will impact the design of the project but can support the new design.

Commissioner Sinclair asked if the lighting on the first floor had been removed. The applicant stated that the lighting will not be changed. The commissioner asked about the material for the balcony railings and if the lower ground floor elevation could be changed to add a foundation to the plan to articulate the balconies.

Commissioner Henley asked about the new design relating to the balcony towers. But can support the new design. He understands that the balcony will be impacted by the new design.

Commissioner Parlove stated that she prefers the approved design. She feels the new design is flat and will look a bit underwhelming compared to the approved design.

**Commissioner Henley made the motion to approve the façade change to the building reducing the amount of masonry and exposing the balconies areas and was seconded by Commissioner McGuinness**

**Yes     6**  
**No      0**

Motion passes.

**Application #: SPR 24-024**

**Application:    Site Plan Review**

**Applicant:     Nathan Stephenson**

**Address:       148 E Howard St**

**Request:       Personal Services Establishment and Retail**

Planner Corey Christensen gave a presentation on the applicant's request for a site plan review. The applicant is requesting to redevelop the site for a personal services establishment and retail. The previous structure at the site suffered a fire. The site has been rezoned to R1 to C1 (retail building) and R1 to P1 (parking lot). The new building will be developed with 3 tenant spaces and a parking lot on East Howard. The property is now in front of the commission for site plan review. Staff reviewed the site plan with the following amendments to the site plan:

1. The site plan should be revised to include setbacks on the site plan page.
2. The two C1 parcels must be combined and the two P1 parcels must be combined.
3. A new elevation plan shall be provided with increased information on material and windows.
4. The P1 parcel must be setback 25 feet from the right of way. The parking area will need to be set back from both Gingell Court and E Howard St by 25 feet.
5. Parking lots in the P1 district must maintain a Type B buffer were adjacent to residential.
6. Will the second approach off East Howard Street be removed?
7. Will a crosswalk be provided for pedestrian movement on E Howard from the parking lots to the place of business?
8. Identify the color of the striped parking lot lines.
9. Verify on the plans how the parking areas will be paved.
10. A type A buffer is required where the C1 parcels are adjacent to the residentially zoned parcels.
11. All parcels must provide one tree for every 30 feet of street frontage.
12. Photometrics are not required at this time but will be required at the final site plan stage.

The applicant provided a presentation on this development. He stated that he has received the deficiencies and can comply with the requirements.

Commissioner Henley commented that the floor plan egress doors go out to the grass and requested the applicant to change this detail on the site plan.

Commissioner Parlove asked a question about the banquet facility being proposed within the building. The applicant stated that he wants the facility for after-school programs. She thanked the applicant and stated that the commission would see the applicant next month at the second reading.

**At this point the commission reopened case ZMA 24-003.**

Staff provided the commission with the floor plans for 95-104 Dwight.

Commissioner Sinclair stated that the bedrooms are small, but they meet the code. The den and libraries are bedrooms. She counts 39 bedrooms without the basement level. She feels that there will be 43 bedrooms within the building. She states that if the basement apartments were not developed, the development would only need 43 parking spaces. She states that she would prefer on-street parking and to eliminate the Mark Street parking lot.

The applicant stated that if street parking is approved instead of developing the Mark Street off-site parking lot, he can support this change to the development.

Commissioner Sinclair stated that she would like to see the site plan again to review the Mark Street Parking lot so that the parking plans do not impact the adjacent homeowners.

Commissioner McGuinness stated that the neighbors might not like the increase in on-street parking with such a large development. The Commissioner asked when the waiver of the dimensional requirements of the parking lot be required at the Planning Commission.

Commissioner Henley stated that he does not support the Mark Parking Lot, he would prefer on-street parking.

Commissioner McGuinness asked if the request for the redevelopment of the building and the Mark Street Parking Lot be split. The Commission can support the building and deny the Parking Lot.

Staff stated that if the Mark Street property were ever developed as an R3 parcel, the lot would not be buildable based on the lot width.

Commissioner McGuinness stated that he could support a parking waiver or approve a rezoning.

Commissioner Shepard stated that he does not support a parking waiver, but does support a rezoning of the Mark Street parcel.

**Commissioner Henley made a motion to bifurcate ZMA 24-003 as two separate rezoning requests to rezone the Dwight parcels and Mark parcels separately the motion was seconded by Commissioner Shepard**

**Yes 5 (Commissioners Northcross, Henley, Parlove, Shepard, and McGuinness)**  
**No 1 (Commissioner Sinclair)**

Motion Passed.

**Commissioner Henley made a motion to approve the rezoning of 94 and 104 Dwight Ave from R-2 to R-3 based on the findings of fact identified in the staff report. Commissioner Sinclair Supported.**

**Yes 6**  
**No 0**

Motion Passed.

**Commissioner Henley made a motion to approve the conditional rezoning of 95 Mark Avenue from R-2 to R-3 based on the findings of fact identified in the staff report and with the condition offered by the applicant.**

Yes     6  
No      0

Motion Passed

Mckenna Association is provided a presentation on the Master Plan and providing the timing for the Master Plan review with community meetings.

**9. STAFF COMMUNICATIONS**

Planning Manager Mark Yandrick gave comments on the Master Plan.

**10. ADJOURNMENT**

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

The meeting ended at 10:15 pm