

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on February 28th, 2022, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, February 28th, 2022, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Jason McClanahan, Chair
Warren Smith, Secretary
John Kupiec
Claudette Robinson, Assistant Secretary
Merle Boniecki, Vice Chair
Michelle Tutt
Garry Watts, Ex-Officio

Also present:

Ronald Wuerth - Planning Director
Michelle Katopodes - Planner II
Mark Gorbett - Assistant Planner
Mary Michaels - Assistant City Attorney
Christie Laabs - Communications Department

1. CALL TO ORDER:
Chair McClanahan calls the meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:
Chair McClanahan - We did get some correspondence that Commissioner Chowdhury and Commissioner Mouri were not going to be here, do we have a motion to excuse them?

MOTION:

A motion was made by Secretary Smith to excuse Commissioner Chowdhury and Commissioner Mouri, supported by Vice Chair Boniecki. A voice vote was taken and the motion carried unanimously.

Chair McClanahan - We did hear that Commissioner Kupiec was running a little late.

4. APPROVAL OF THE AGENDA:MOTION

A motion was made by Secretary Smith to approve, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF MINUTES: February 7th, 2022MOTION:

A motion was made by Secretary Smith to approve, supported by Assistant Secretary Robinson. A voice vote was taken and the motion carried unanimously.

6. PUBLIC HEARING ITEMS:

- A. SITE PLAN FOR PARKING LOT: Located on the southwest corner of Van Dyke and Prospect Avenues; Section 33; 21351 Van Dyke; Walter Hage (Kerm Billette). **TABLED FROM 1-10-22.**

MOTION:

A motion was made by Assistant Secretary Robinson to remove from the table, supported by Secretary Smith. A voice vote was taken and the motion carried unanimously.

PETITIONER PORTION:

Mr. Walter Hage - Good evening, I own a parking strip next door to a small neighborhood business on Van Dyke. It's showing signs of wear and tear of age so I'd like to resurface it and that's why I've submitted the site plan so I can get an approval to resurface the parking strip. It's 40 x 100 feet and I can meet all the conditions specified by the Planning Department so I'm asking for your approval of my site plan as submitted.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: No objection.

ENGINEERING:

1. It appears that no changes to the existing site layout are being proposed. However some additional notes need to be added to the plan. Indicate the thickness of existing asphalt to be milled and provide a cross section of the proposed pavement.

2. Some existing grades and marching grades will be required to show drainage pattern and ensure that ADA requirements are met.
3. Because of the size of the parking lot and because the existing drainage pattern will be maintained, it is acceptable for the nearest catch basin to be in the right of way, adjacent to the alley, north on Prospect.
4. The survey must be signed and sealed by a Michigan licensed land surveyor, with an original seal and signature, not a scanned copy.
5. The subject property is three parcels, the parcel boundaries shall be shown on the plan. Additionally, it is recommended that the parcels be combined.
6. The plan shall include the proposed acreage of disturbance.
7. All existing proposed and existing utilities with corresponding easements shall be shown on the plan.
8. It is not recommended to allow parking directly adjacent to the building especially where a door is present.
9. It does not appear there is the required distance for parking with a 2-way maneuvering lane at this location. Additionally, it is recommended that there be a physical barrier between the parking lot and public sidewalk.
10. Any work within the Van Dyke Avenues right of way will require the approval of the Michigan Department of Transportation.
11. The note stating cap existing asphalt parking lot shall be modified to reflect that this area has not been previously approved as a parking lot. The proposed pavement section shall be shown on the plans.

MDOT: The applicant's site plan does not appear to have work in MDOT right of way. Any work (water main tap, sanitary sewer tap, and drainage or driveway modifications) in MDOT right of way or changes to the drainage system that may impact MDOT's storm water system, will require a permit.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Secretary Smith to approve, supported by Commissioner Kupiec.

COMMISSIONERS PORTION:

Secretary Smith - Good evening Mr. Hage, I know in the past we had a lot of conditions that we were requiring up against the brick wall and I see that you've worked with the Planning Department to try

and get this matter resolved because it's been dragging on for a while.

Mr. Walter Hage – They've been very helpful, thank you.

Secretary Smith – Are you pleased with all the recommendations?

Mr. Walter Hage – That Planning has made, yes sir.

Secretary Smith – Thank you I'm glad you could bring some closure to this.

ROLL CALL:

The motion carried as follows:

- Chair McClanahan..... Yes
- Secretary Smith..... Yes
- Commissioner Kupiec..... Yes
- Assistant Secretary Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Commissioner Tutt..... Yes

- B. **REQUEST FOR REZONING:** Located on the northeast corner of Ryan Road and Parent Avenue; from the present zoning classification R-1-C, One Family Residential District to R-3, Multiple Family Dwelling District; Section 17; 28530 & 28540 Ryan; Awmi Batarseh (Jack Durbin).

PETITIONERS PORTION:

Mr. Awni Batarseh – That lot 28 x 30 and 28 x 40 is a single family houses in there and I would like to put condominiums in there. It's been vacant for 20 to 25 years and I would like to change the zoning from R-1 to R-3.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

AT&T: No objection. AT&T facilities are existing on the northside of Parent and eastside of Ryan, it should not be affected by any development.

DTE: No objection to the above request per the site plan provided.

ENGINEERING:

- 1. This site shall comply with the storm water ordinance of the City of Warren including pretreatment of the storm water runoff. All

storm water runoff shall be maintained on the site. Detention shall be required.

2. Show all existing and proposed underground utilities on the site.
3. Parcel(s) combination shall be required.

FIRE: No objections.

Mr. Ron Wuerth reads the recommendation of the Staff:

Secretary Smith reads a letter from a resident Darcy Steel who has comments regarding this property.

Good afternoon,

I thank you for taking the time to read and hear our concerns regarding the rezoning of the lot directly across the street from our home. We had planned to attend the meeting in person but have had a medical emergency, so we were unable to be there this evening.

We would like to formally object to the rezoning of the lot on Ryan Road from single family to multiple family on the following grounds.

1. Noise and disruption of the neighborhood. While we do already live on a major road, the side street remains relatively quiet and peaceful so that our backyard gives us a break, it is a buffer from the noise of Ryan Road. With the addition of the three duplexes directly across from our backyard we are talking about three units of people, plus any visitors, and an increase in traffic. All of this noise will be on the side of the house where the bedrooms are located.
2. Loss of privacy. We purchased our home recently because of the large backyard and because it gave us distance between our neighbors behind us and the neighbors to the north of us. Currently there is a large lot full of mature trees that give us privacy and space. With the building of three duplexes, we will lose this privacy.
3. Impact for the environment. As previously mentioned, there are several major trees in the lot that will be impacted by any construction. This is not only not environmentally friendly, but it will impact any wildlife in the area. We have had birds, squirrels, even deer in the yard in recent history that could be displaced.
4. Property value. The construction of these duplexes will impact our property value. A single family residence could keep it stable or improve the value however, the addition of 6 units crammed

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into the lot across the street would not positively impact the value. We already have 2 external obstacles with the busy road and commercial influence. The addition of 3 duplexes would give us a 3rd.

5. Potential safety hazards. With six units, there is a high throughput of new individuals and the potential for renter turnover which can impact the safety of the neighborhood. The units will also increase noise and light pollution and the potential for littering or loitering on my property.
6. Disruption of lifestyle. I work from home and my child attends school from home. You are talking about the construction of the three buildings, large machinery, power tools, etc., which after would introduce traffic tenants and more.

Thank you for considering our objections.
Darcy and James Thomas

PUBLIC HEARING:

Ms. Madelyn Wesolowski-LePage – My mother and I co-own the house directly across the street from this lot at 4126 Parent. We are concerned about how many units we are talking about on that property. We agree with everything that our neighbors wrote in that letter that they sent to you. We would like to know how many units they are talking about, are they two story?

Chair McClanahan – Please address us.

Mr. Awni Batarseh – It's a 12-unit two story unit with the garage downstairs and the bedrooms upstairs.

Chair McClanahan – Well today what we are addressing is a rezoning, there's no plan here it's just the rezoning from the R-1, we can address the plan at a later date.

Ms. Madelyn Wesolowski-LePage – We agree with our neighbors we would like to see this rezoning be denied. We are in the house right across the street and this is a complete change from what is in that neighborhood. Thank you.

Mr. Terry Rittershaus – My birth mother owns the property right next door and I think our biggest objection would be water runoff. The house that's there is up high enough and does have a basement I think the kennel could be impacted as well as the garage if it's not properly designed. Thank you.

MOTION:

A motion was made by Commissioner Kupiec to approve, supported by Secretary Smith.

COMMISSIONERS PORTION:

Secretary Smith – You heard the concerns that I read in the letter. From my understanding from the concept plan these aren't going to be rental properties these are going to be single homeowners, is that correct?

Mr. Awni Batarseh – I can't understand sir.

Secretary Smith – The people that are going to occupy these apartments or units they are going to buy them, they are not going to rent them, is that correct?

Mr. Awni Batarseh – Buy them.

Secretary Smith – So it's not going to be renters in and out?

Mr. Awni Batarseh – No.

Secretary Smith – I looked at the concept drawing and it does have a buffer on the opposite side towards the other residential properties. I was pleased when I saw that, there was a buffer to the east and then Ryan Road and I saw the trees. The other question I had also, some of those trees are going to be staying right?

Mr. Awni Batarseh – Yes.

Secretary Smith – So not all of them are coming down?

Mr. Awni Batarseh – Some of them are staying I don't know how many of them.

Secretary Smith – But this is just a rezoning just to change it to multi family?

Mr. Awni Batarseh – Yes.

Secretary Smith – So when it comes back to us for site plan approval then we can go over some of the other issues that have been discussed.

Commissioner Kupiec – It’s been along time since that property has been sitting vacant so it’s nice to see some movement on it. You heard the concerns of the neighbors so please keep them in mind when you’re putting together your site plan because we’ll obviously be looking at it very closely when you present the plan to us. This meeting is only for rezoning but you do have to come back for site plan approval. We look forward to seeing your site plan and hopefully it meets the requirements of the neighbors and what Mr. Smith brought up about the purchasing verses rental and the occupancy. Thank you.

Chair McClanahan – That’s a motion by Commissioner Kupiec, supported by Secretary Smith.

ROLL CALL:

The motion carried as follows:

- Chair McClanahan..... Yes
- Secretary Smith..... Yes
- Commissioner Kupiec..... Yes
- Assistant Secretary Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Commissioner Tutt..... Yes

- C. REQUEST FOR REZONING: Located on the north side of Eight Mile Road, between Gentner and Nummer Streets; from the present zoning classification M-1, Light Industrial District to R-1-P, One Family Residential and Parking District to M-1, Light Industrial District; Section 36; 14495 Eight Mile; Jim Boettge (Ronald Syme).

PETITIONERS PORTION:

Mr. Domenic Guadagnino – I’m here on behalf of Jim and Ron. We are just looking to rezone the back half of the property on east Eight Mile. We are looking to accomplish on the shaded area, some outside storage and there’s some fence issues along the back property we are looking to address as well to meet the city’s requirements. That’s pretty much it on the property here.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

AT&T: No objection, AT&T has existing facilities that serve the buildings at this location, but they should not be affected by this rezoning.

DTE: No objection to the above request per the site plan provided as long as all utility rights are reserved in the public alley and the platted easement.

ENGINEERING: No objections.

FIRE: No objections.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Secretary Smith to approve, supported by Assistant Secretary Robinson.

COMMISSIONERS PORTION:

Secretary Smith – I just wanted to mention a correction on note 2 on page 6, the one sentence has been repeated twice. It says this will be addressed during the site plan approval process and then right after it says the same thing, so one line needs to be crossed out on that.

Mr. Ron Wuerth – Okay thank you.

Secretary Smith – I had a chance to look at the drawing, I went by the site and looked at the site so you're going to have pallets of bricks on the west side?

Mr. Domenic Guadagnino – There going to be left over bricks, they are going to be stacked probably waist high and the company DC Buyers, that owns the building they do masonry restoration so when they get done with a project they keep a few bricks left over because by contract they usually have to have a two year warranty. So after about two years they take those bricks and then they throw them out or what we call loose it at another job. So you're not going to have bricks there for 30 years just kind of piled up, they will be constantly rotated. All the bricks usually get delivered to the job so you're not going to see 10,000 bricks stacked up back there waiting for some commercial job to start, we don't operate that way.

Secretary Smith – Okay, because my only concern is with that many piles of bricks, I know it's like a 4 x 4 pile, that they don't just get knocked over and then you have a big pile of bricks. It needs to have some sort of order maintenance and pleasing to the eye for anybody that's driving by.

Mr. Domenic Guadagnino – Understood, they understand that too. And like I said there's going to be a lot of turnover and there's just going to be maybe 50 bricks left over from the job. They'll be there for a little bit, but they'll get used up or tossed out.

Secretary Smith – Thank you sir.

Mr. John Bowman – To Domenic's point yes, the storage in the corner of the property will just be transitory as we have excess material. It will be stored there and then moved to a different project that we will be finishing at that point. So it won't be continuous storage, we are not a storage yard we are a construction company, restoration, weather proofing, so it will just be a very transitory storage facility.

Commissioner Kupiec – I know this is a rezoning request but obviously in the recommendations there's some concern about the buffering requirements so please make sure when you're doing your site plan that you keep that in mind and be in compliance, we would sure appreciate that.

Mr. Domenic Guadagnino – Yes sir, that's part of the reason why we want to take down the (inaudible) and redo it and make it a little bit taller we want to make sure we stay compliant with the city ordinances.

Commissioner Kupiec – What type of use do you have in mind for this property?

Mr. Domenic Guadagnino – The inside is just going to be some storage again for stuff that can't be stored outside like calk, things that would get wet, maybe a couple of work trucks will be stored inside. Everything is done away from the facility, so storage inside.

Commissioner Kupiec – Are materials stored in there?

Mr. Domenic Guadagnino – And a little bit of office space for clerical work will be inside to.

Commissioner Kupiec – Okay thank you we look forward to seeing the site plan.

Chair McClanahan – We have a motion by Secretary Smith supported by Assistant Secretary Robinson.

ROLL CALL:

The motion carried as follows:

Commissioner Tutt..... Yes
 Vice Chair Boniecki..... Yes
 Assistant Secretary Robinson..... Yes
 Commissioner Kupiec..... Yes
 Secretary Smith..... Yes
 Chair McClanahan..... Yes

- D. RIGHT OF WAY VACATION: The north/south 30 ft. wide public right of way Curtis Lane; located approximately 140 ft. west of Behrendt Avenue abutting lot 24 of Behrendt Farm Subdivision and parcel 13-32-357-014; 4401 Eight Mile; Section 32; Wally Hanna (Sundus Hanna and Michele Aboo).

Secretary Smith – Mr. Wuerth did you want to come up and talk about this vacation?

Mr. Ron Wuerth – Thank you Mr. Secretary. I provided a letter to the Planning Commission that describes the issue, the finding in which we found out that a good part of this Curtis Lane that they want to vacate has already been vacated. And another part of it a shorter part of it right at the roadway doesn't exist in our system after a lengthy research project. So, with that all we really want to do is close this out and allow them to begin development of that property. I'm hoping that the group that wants to develop it, and I'll mention their name its Gleaners, I seen what they want to do and it's going to be a very nice addition to Eight Mile Road.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: No objection to the above request per the site plan provided as long as all utility rights are reserved in the public alley.

DPW: Based on our foreman's investigation, this will not affect DPW operations.

ENGINEERING: No objections.

FIRE: No objections.

MOTION:

A motion was made by Secretary Smith to receive and file, supported by Commissioner Kupiec.

ROLL CALL:

The motion carried as follows:

Chair McClanahan..... Yes
 Secretary Smith..... Yes
 Commissioner Kupiec..... Yes
 Assistant Secretary Robinson..... Yes
 Vice Chair Boniecki..... Yes
 Commissioner Tutt..... Yes

- E. SITE PLAN TO COMPLETE PARKING AREA: Located on the northeast corner of Eight Mile Road and Atlantic Avenue; 5129 Eight Mile; Section 32; Aksana Tanner (Mason L. Brown).

PETITIONERS PORTION:

Mr. Mason Brown – I'm the Engineer for the owners of the building. The project is basically to complete the parking lot, there's an existing concrete lot there now with a large amount of gravel and dirt. They want to get the driveway and the parking paved off, everything else is existing.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

FIRE: No objections.

ENGINEERING:

1. The outside perimeter of all parking/paved/storage areas shall be minimum 6" concrete curb and gutter.
2. All drainage shall be contained in the parcel before discharge.
3. Provide a plan showing the geometrics of the proposed drive relative to the alley. Drive approach and sidewalk at approach shall meet current City of Warren standards. Alleys approach are not intended for through traffic.
4. We recommend creating a secondary drive access on Atlantic Avenue in lieu of the alley. Drive approach and sidewalk at the approach shall meet the current City of Warren standards.

Mr. Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Commissioner Kupiec to approve, supported by Secretary Smith.

COMMISSIONERS PORTION:

Commissioner Kupiec – Have you had a chance to review the recommendations?

Mr. Mason Brown – We seen the recommendations from the Planning Department yes.

Commissioner Kupiec – Do you have any problems with those recommendations?

Mr. Mason Brown – There's a couple of questions, if I may.

First this facility is not open to the public, the owners tell me with their operation there are between six and ten total trips a day in and out of the site. The idea of a second drive approach is something that could be considered, possibly something to discuss with Planning and Engineering if we could, for the practicality of that since there is so little traffic there.

As to the size of the gate itself the owner can talk about some history there but again there's not going to be any two way traffic here. The gate is operated strictly from the inside, people are allowed in one at a time, there is no real need to have to take this gate down and redo it.

As far as the dumpster my clients tell me that they can work their operation, they really haven't been using that dumpster to its capacity and they can switch to curbside pickup. Their office area I've been in there it's a table, a couple of waste baskets, their idea of a kitchen actually doesn't even have a microwave just a coffee pot. So there's not much trash to pickup so they can get rid of the dumpster so that would eliminate the need for a dumpster enclosure. My client would like to talk about the history of the gate.

Ms. Aksana Tanner – This is my husband Sergei we are co-owners. We purchased the building over a year ago in hopes to grow our business, which we operated from our house before but we out grew.

There are a few questions that I have about the proposals and the recommendations. One of them was the trash enclosure, we ordered dumpsters and we were evaluating how we use them and we at this point we don't really use it to the fullest so we were considering actually removing them. So my question is are we

required to do enclosure if we don't have any dumpsters or trash cans outside the building and keep everything inside the building is allow the trash cans? If the dumpsters were an eyesore we do have a fence around our parking lot that covers it from the public view so we were hoping for some accommodations from the city on that part.

Another concern and question that I had is about the property line on the west side, the easement approaching the Atlantic Avenue right of way. We purchased the building with a fence the way it is right now we didn't move any fence, so that was a surprise for us to discover that it was in the easement. I was hoping that we could grandfather the location and if the city needs to do any work in that area we would comply move and rebuild kind of a more budget friendly approach I would say.

And about the gate, the question I had it says that the gate shall not be angled. We had that gate built last year with a permit from the Warren Building Department it was approved and was final the way it is and we paid \$14,000.00 dollars for that gate. So I was looking for accommodations to have more of a budget friendly revision for us to come out of it and finish this parking lot and comply with all the requirements. That's it.

Commissioner Kupiec – What type of operation are you running out of that facility?

Ms. Aksana Tanner – It's a heating and cooling company.

Commissioner Kupiec – You have a dumpster on the property now and yet you're saying you don't need a dumpster.

Ms. Aksana Tanner – We do have a dumpster now, we have a recycling dumpster and one for the garbage and they don't fill up. So we could actually get by without them since the price of the service was going up and up, so we are considering other ways. Even in the future we would require that because we do plan to grow and we would comply and do the building permit.

Commissioner Kupiec – You obviously had the need for a dumpster because you have two in the yard right now, so what are you going to do with your trash if you don't have a dumpster?

Ms. Aksana Tanner – We don't have that much trash.

Mr. Sergei Tanner – We recycle for the most part, all the metal scrap goes to the metal and we recycle the cardboard as well so basically we have trash from the office so we can just curbside that on garbage pickup days.

Commissioner Kupiec – Mr. Wuerth, they had a couple questions about the gate and the property line is that something you want to discuss tonight or do you want to talk in your office?

Mr. Ron Wuerth – They called the office this afternoon and spoke to Michelle who then talked to me about these items. We've had a little time to think about them but the real problem with the driveway is that when people try to enter they come in off the alley and then they drive over a manhole, and then they drive on the grass, and then they finally get in through the driveway through the gate on an angle, they don't come straight in. That's a concern because there's curbing and vehicles are driving right over that area they are not going into the alley and then making a turn in perhaps like they should.

I do have a suggestion how to maybe remedy it to some degree to keep them from driving over the manhole and going over the grass and going over the curb and that is to extend that fence that's along the west property line, extend it north about 10 feet that's about two post and a little more fencing. Once it's extended it gets closer to the edge of the alley entrance sort of speak. Assuming they don't want to hit the post then their going to have to pull in and then make a better turn and they won't be driving over the manhole, curb and grass. So it is our suggestion that they put in another 10 feet of fence along the west property line.

Commissioner Kupiec – It sounds like they need to come in and go over this recommendation with you and get a better understanding of what you're asking of them.

Mr. Ron Wuerth – We can have a meeting, you can table it, or I can send the letter that describes that. I can also address two others here, if I may?

Commissioner Kupiec – Go ahead.

Mr. Ron Wuerth – So as far as the trash enclosure is concerned they do have a good enclosed site. Mostly what we are concerned about is trash enclosures being seen from the public's eye and from the

roadway. What they have in their compound, sort of speak, you cannot see it once the gate and everything is pulled across there. As far as I'm concerned it could remain as is, or if they themselves don't care to have one outside they care to retain their trash inside the place then they need to put a note on the site plan that indicates that's indeed what they are going to do. We would put a note in our recommendation describing that whole way and how to work with that operation.

Finally I'll talk about the fencing along the west property line, it's located in the right of way. I did look at some of the documents that we have on file about the approval first of that gate and then as far as the fence is concerned that was approved also through a permit through the Building Division. The thing about it is that it's in the right of way so as opposed to having them relocate the fence we can put a note on the site plan that the fence may remain until such time as the City of Warren has cause or need to use the right of way in that area and then the fence will have to be relocated to the property line or inside their property. There will be a note something to that affect on the site plan.

So what it does is allow them to continue to use it, it doesn't affect anything adversely that I can see. It's common that when we see a survey that has a fence that's either in somebody else's yard or in the right a ways then we ask to have them moved, so that's why you see that. We could potentially change it to that wording that I just talked about. And the performance bond would go back to \$515.00 if the trash enclosure doesn't get built it can stay at \$515.00. So that's my recommendation so either way if you want to table we can fix this up, or I can just send you a recommendation with these changes it's up to the Planning Commission.

Commissioner Kupiec – You understand right now there are some issues here that require understanding on part of the ownership of the property. So we have a couple of choices to make here, we can either table this tonight and you can go in and see Mr. Wuerth and he could explain everything to you and you'd get a better understanding of what needs to be done. Or we could pass it tonight with a letter coming to you with all of the things that have to be done with the understanding that you agree and will do them. If they are not done the certificate of approval will never be issued.

Mr. Mason Brown – In a quick conversation with my clients they agree that if they can get a revised letter and comply with that they'd be most appreciative.

Commissioner Kupiec – With that being said I'll leave it up to the other Commissioners. And again as far as the dumpster it looks like we can agree with doing away with the dumpster. Thank you.

Chair McClanahan – So you're agreeing to put the trash inside the building?

Mr. Sergei Tanner – Yes.

Chair McClanahan – And you understand everything else Mr. Wuerth was saying about the fence?

Mr. Sergei Tanner – Yes.

Secretary Smith – I was by the site yesterday and I looked at it and I saw where they were driving over the manhole and the curb and I saw how the gate was angled. Now on your proposed drawing you're talking about extending the fence 10 feet which would make it more perpendicular to try and make that driveway to come in. It seems like it might be more of an inconvenience if you have to come to the alley and then go in at a right angle. Then I understand about putting something to stop them from running over the manhole in the grass because I saw that. I was thinking about maybe some sort of barrier that would keep them out far enough to where they are not running over that, it was just a thought I had but I'm not sure.

Mr. Ron Wuerth – Mr. Secretary we can't put a barrier in the right of way that's the first thing. And I tried to reason this out the best way I could. If you've got the fence moved out then their going to have to come in the alley a little bit further to the north and then turn a little bit, but there's enough room for them I believe make that turn. I said 10 feet not 14 feet, 14 feet puts it right at their corner and it does create a real problem, 10's not so bad. That's the barrier I came up with.

Just one more thing, the fence just simply gets taken north 10 feet and ends. It's not changing the gate the way the gate figuration is it's just moving it and for the primary purpose of whoever not driving over that area.

Secretary Smith – Thank you sir. One more question to the petitioners could you come up please. What kind of vehicles are going to be coming in and out of the yard there are they going to be service vehicles, installation vehicles because it's heating and cooling?

Mr. Sergei Tanner – We only drive Ford Transits 150 or 250 they are a cargo van.

Secretary Smith – Do they load and unload equipment there?

Mr. Sergei Tanner – At the shop yes we do.

Secretary Smith – My concern also is heating and cooling companies pick up equipment and drop off equipment sometimes they bring some of the old stuff back and have it in the yard. There's no open storage on this site so you're not going to be able to store anything that they brought from the jobs out in the open, do you understand that?

Mr. Sergei Tanner - I understand that.

Secretary Smith – I just wanted to make that clear because I know when you come in and a guys got an old furnace or something on the truck and they throw it in the yard until it can be taken to the scrap or something like that and that's not going to be allowed.

Mr. Sergei Tanner – Okay.

Secretary Smith – With that I guess that's all I have thank you Mr. Chair.

Chair McClanahan – That's a motion by Commissioner Kupiec supported by Secretary Smith with the changes.

ROLL CALL:

The motion carried as follows:

Chair McClanahan.....	Yes
Secretary Smith.....	Yes
Commissioner Kupiec.....	Yes
Assistant Secretary Robinson.....	Yes
Vice Chair Boniecki.....	Yes
Commissioner Tutt.....	Yes

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

SITE PLAN FOR OPEN STORAGE OF EQUIPMENT, TRUCK PARKING AND SCRAPPING: Located on the northside of Eight Mile Road; approximately 300 ft. west of Mullin Avenue; Section 34; 11177 Eight Mile; Najib Atisha. **Approval on January 7, 2019; Requesting a one (1) year extension).**

Chair McClanahan – Do we have a motion to approve the extension until the July 11th, meeting of 2023?

Secretary Smith – I'd like to have some discussion on this before we approve it. We have a letter here that we received to Mr. Wuerth from Cecil St. Pierre.

Secretary Smith – reads letter from Cecil St. Pierre

I'm going to represent the above address for the blight issue and planning site plan approval. The court case has been adjourned and I'm working with the Public Service as to clean up the property. I called Caitlin because there may be an issue as to the court case and the pending site plan request. I have not heard back from her. The doctor said I can't drive for 24 hours after the procedure I hope I can sit. I'm requesting a tabling based on the fact that I will be unable to appear and they are finally cleaning up the property so 30 or 60 days would suffice.

My client claimed to have the east side 80% cleaned, if Caitlin says it has no effect on the blight case we will go along with the request to take off the agenda and amend the site plan after we meet you. I saw the site plan and my client does not need to change much of anything but to clean up the hoarding in the back parking lot. Mr. Atisha has hired someone that knows what they are doing and not afraid to throw things away.

Thanks for your attention to this matter looking forward to working with you on the other side. For the record my procedure is at 11:30 a.m., on February 28th, Monday at Beaumont Hospital.

Chair McClanahan – Mr. Wuerth do we want to table this?

Mr. Ron Wuerth – Our standard procedure with these is that usually there's a recommendation and I do have a recommendation.

Chair McClanahan – Okay.

Mr. Ron Wuerth – Also this gentleman here probably wants to talk also. I'll just get to the recommendation and read it and you've heard from Mr. St. Pierre then we will leave it up to you.

Mr. Ron Wuerth reads the recommendation of the Staff:

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

ENGINEERING:

1. Provide all existing and proposed utility locations and show all existing easements.
2. All parking lot areas shall be hard surfaced unless a variance is granted. Any catch basin structure within an aggregate parking lot shall have a concrete collar.
3. The total amount of earth disturbance shall be provided on the plan. If the amount of proposed earth disturbance exceeds one acre, pretreatment or storm water runoff from this site may be required.
4. Detention may be required.
5. A joint access easement agreement is required with 21551 Mullin Avenue if the 16' wide gates are proposed to allow access between parcels. The same would be true with the parcels east and west with where there are gates.
6. The dumpster enclosure shall be on a concrete pad, not asphalt millings as currently proposed.
7. All maneuvering lane widths shall meet City of Warren requirements.
8. Access to the rack storage along the north side of the building may be limited due to the proposed parking space location. It is recommended that a maneuvering lane be installed between the parking spaces and proposed rack storage area.
9. Any work within the Eight Mile Road right of way will require a permit from the Michigan Department of Transportation.

FIRE:

1. Maintain existing fire apparatus access roads. Fire apparatus access roads must extend to within 150 feet of all portions of the storage areas. Fire apparatus access roads must have a

minimum width of 20 feet and vertical clearance of 13 feet, 6 inches.

2. Provide the Fire Department lock box (knox box) as required by the city ordinance.

ZONING:

1. Outdoor retail sales are not permitted in an M-3 zone.
2. The outdoor retail sales would require an additional 160 parking spaces.
3. Front setback in an M-3 zone is 150 feet. The building is considered legal non-conforming.
4. Current zoning issues regarding barbed wire and unsecure wall.
5. On-going enforcement issues related to outdoor storage (non-compliance with site plans) and property maintenance.

Chair McClanahan – Sir would you like to tell us about this before we turn it over to the commission, would you like to plead your case a little bit here.

PETITIONERS PORTION:

Mr. Carl Dallo – I'm here for the building and we are working on most of the items that the Commissioner was mentioning as far as cleaning and providing the lanes for the Fire Marshall.

MOTION:

A motion was made by Commissioner Kupiec to deny, supported by Secretary Smith.

COMMISSIONERS PORTION:

Secretary Smith – The reason I voted to deny is because this has been dragging on since 2010 that's a long time. We've had extensions and we've had tabling I understand that you do have another attorney that's working on it at this point and time but I think until we see more progress, he's saying he's seen progress but our department hasn't seen that much progress. Therefore that would be the reason for denying it because it's just taking too long to get things accomplished.

Mr. Carl Dallo – I appreciate that, I know we go back to 2010 and 11 and I know we had a very bad two years with the Covid and all of that. Now we've been working there all the time and it's unfortunate that Mr. St. Pierre couldn't make it today because he had a procedure in the hospital but he's hands on also in there. We are doing all of the recommendations that the Building Department is requiring and the Zoning Department is requiring. As far as us hiring

professional people, which we did hire the people from Metro Sanitation, we hired the people next door to get all of the metal out of there. Mr. Atisha is not doing the recycling of the old equipment anymore so we are there working and cleaning up.

I do respect whatever decision you will make but a denial at this moment might not be the right decision. We are asking to table this maybe two or four weeks, I don't know how much time you could give me and with that I'm going to prove to the Director and the Building Department that the things that they are requiring have been worked on and completed most of them.

So other than that, if you're going to deny it and what does that denial mean to all of us. All I need is an adjournment and again the Attorney is not here to explain it better than me, I'm not a public speaker. I'm cleaning the garbage and with the weather not permitting none of that we are working on all of it. I know there was a lot of time given but now we are working with different people with a different imagine and we have a totally different mentality of how we want to keep the property there and not the way it was.

Secretary Smith – So how much time do you think you would really need?

Mr. Carl Dallo – I don't know how much time, you could adjourn it but we need time. According to the Director he needs to change the site plan. We just found out we had this meeting last week there was no previous notice for us to prepare for any plans or anything. And now the Director wants to change the plan and we are willing to do that but we want to know what are we changing it to and what does the city want to see there so we can work with that. And with all of that said if it's not going to work then you could do whatever it requires you to do. Until we meet and see whether it's required for us to submit a new plan and we will submit a new plans. But denial our request, I don't know how that is going to help. We need help to help each other and if you think that's going to help the city then I respect that, but I don't think so.

Secretary Smith – Mr. Wuerth can you come up and make some comments on this please?

Mr. Ron Wuerth – To deny this would mean that we would no longer use the site plan that was approved in 2019. And it would prompt Mr. Atisha to then provide a new site plan that would be more

descriptive of what he would plan on his site for the future and in my mind there would be meetings with the Planning Department, Zoning and Building to discuss exactly how that site would be laid out. So that would be the process and that's what we are looking for is to have a new site plan.

Now the other option of course here is you mentioned tabling, but I would say not to table this if you even contemplate it not to table then anymore then two weeks or to the next meeting March 14th. Certainly if you want to hear Mr. St. Pierre present before the Board then he should be ready to do that then. So you have to weigh both situations. Is that what you wanted to hear from me?

Secretary Smith – Yes thank you.

Commissioner Kupiec – I'm going to stand firm with my recommendation for a denial. As far as the petitioner if you take a look at the violations that you've had from the Zoning Department, from the Blight Department and all the problems that you've had with tickets that needed to be complied with that should tell you what needs to be done. I think we need to start from scratch so doing away with the old site plan and coming up with a new site plan and before you get to far into the site plan make sure you spend time with the Planning Department discussing what the needs and requirements will be for your future site and then come up with a good constructive plan that makes sense for the community and the city and for you doing business. I will stand firm with my recommendation to deny.

Chair McClanahan – We've got a motion to deny by Commissioner Kupiec, Secretary Smith do you still support that?

Secretary Smith – I'll still support that for the simple reason that you need to come up with a new site plan because what we're basically doing is denying the old one because it's not working. We are denying it tonight the old site plan that was in effect is not going to be able to be used. So you'll have to come up with a whole new site plan and everything like that. This also gives you time to make all the blight adjustments and get everything cleaned up and stuff like that.

Ms. Mary Michaels – I just want the Commission to be aware that I spoke with Mr. St. Pierre and he wishes he could be here but there is a medical reason. He did say if the Commission was amenable to

tabling it two weeks he would be able to attend. I just wanted the Commission to be aware of that.

Chair McClanahan – We have a motion by Commissioner Kupiec, supported by Secretary Smith to deny.

MOTION:

The motion carried as follows:

Chair McClanahan.....	No
No I say give him the two weeks	
Secretary Smith.....	Yes
Commissioner Kupiec.....	Yes
Assistant Secretary Robinson.....	Yes
Vice Chair Boniecki.....	Yes
Commissioner Tutt.....	No

Secretary Smith – Okay its four to two to deny.

Chair McClanahan – So it goes on the next agenda, does it go on the next agenda?

Ms. Mary Michaels – Yes it does.

Secretary Smith – So it goes on the agenda for March 14th, 2022.

Chair McClanahan – You’ve got a couple weeks.

9. BOND RELEASE:

- A. SITE PLAN FOR BUILDING ADDITION TO CREDIT UNION:
 Located on the east side of Ryan Road; approximately 200 ft. north of 13 Mile Road; 31130 Ryan Road; Section 5; William Hass (John Schwark). **Cash Bond in the amount of \$21,000.00. Project completed, request to release.**

MOTION:

A motion was made by Secretary Smith to release the bond, supported by Assistant Secretary Robinson.

ROLL CALL:

The motion carried as follows:

Chair McClanahan..... Yes
 Secretary Smith..... Yes
 Commissioner Kupiec..... Yes
 Assistant Secretary Robinson..... Yes
 Vice Chair Boniecki..... Yes
 Commissioner Tutt..... Yes

- B. SPECIAL LAND USE FOR INDOOR BASEBALL FACILITY:
 Located on the side of Chicago Road, approximately 341 ft. east of Denton Drive; Section 4; 7001 & 7007 Chicago; George Champane.
Cash Bond in the amount of \$300.00. Conditions satisfied, request to release.

MOTION:

A motion was made by Commissioner Tutt to release the bond supported by Assistant Secretary Robinson.

ROLL CALL:

The motion carried as follows:

Commissioner Tutt..... Yes
 Vice Chair Boniecki..... Yes
 Assistant Secretary Robinson..... Yes
 Commissioner Kupiec..... Yes
 Secretary Smith..... Yes
 Chair McClanahan..... Yes

10. NEW BUSINESS:

- A. To fill vacancies for Planning Commission Committee Memberships and Representatives; By-Laws and Rules of Procedure Committee and Council of Commissions Representative.

Mr. Ron Wuerth – We have six members and two were out we should have eight and I think we're going to have a new one maybe in a month. So maybe we should table this maybe for a month and then get these committees set up.

MOTION:

A motion waws made by Secretary Smith to table until April 11, 2022, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

- B. Public announcement that the next Planning Commission meeting on March 14, 2022 will be held in the Warren Community Center cafeteria.

MOTION:

A motion was made by Secretary Smith to receive and file, supported by Vice Chair Boniecki. A voice vote was taken and the motion carried unanimously.

11. CITIZEN PARTICIPATION:

None at this time.

12. PLANNING DIRECTOR'S REPORT:

Mr. Ron Wuerth – This is the two week time period between meetings and just the highlights. On February 8th City Council approved the changes to Lorenzo Cavaliere's PUD, it's agreement, so that was completed. And on that same meeting the City Council approved the amendment, the very important amendments to the zoning ordinance mostly regarding parking. So we are going to see a change in the future with development in this town as a result of that.

On the 14th we had a meeting with a representative from the Descent of the Holly Ghost Romanian Catholic Church on Ryan Road and they are going to provide a new building addition to the church. It's quite a facility now, it's going to be even more impressive when they get that built. On the 16th Michelle, Mark and I were part of the Transportation Bonanza Seminar with Michigan Association of Planning. On the 22nd we had an in house meeting regarding Shady Lane Manufactured Housing Park, otherwise known as a trailer park. We reviewed a lot of issues with the Building Division, Jim Cummings the Director, and those plans are coming up, Shady Lane and Warren Estate on this next meeting, it's rather interesting on how to review this. We talked about other changes to regulatory and zoning ordinance in the code.

Then on that same day the City Council approved a rezoning that was recommended by the Planning Commission Zahler on Ten Mile just east of Dequindre next to U-Haul and that was just a R-1-C to a M-2. And then finally they also approved the vacation of Ruehle Avenue and an associated alley. Which all has to do with Glenn Eckert and his proposal to create a nine unit development there for single family homes. So those were the highlights for the past couple weeks.

Commissioner Kupiec – The church on Ryan Road which one was that again?

Mr. Ron Wuerth – It's on Ryan east side north of the Charter School, north of Thirteen, Descent of the Holly Ghost Romaine Catholic Church. To see the church itself you have to kind of look back it's set back a ways.

Commissioner Kupiec – I've seen the church back there so I was wondering if that was it or not. So they are going to put an addition on that church?

Mr. Ron Wuerth – Yes.

Commissioner Kupiec – You mentioned Jim Cummings, is that the same Jim Cummings that used to come before us representing petitioners?

Mr. Ron Wuerth – Yes he's an Architect.

Commissioner Kupiec – So he's now working for the City?

Mr. Ron Wuerth – He's the Building Director, has been for several months now.

Commissioner Kupiec – They don't introduce us to anybody so I wouldn't know but I recognized the name, I thought to myself, for years he came up here and argued with us. Thanks for the information.

Chair McClanahan – FYI, the Church, someone hand painted the mural, that dome, there it is gorgeous, I think someone from Romania came over and hand painted it.

Mr. Ron Wuerth – I've never been in it, I hope to go inside and take a look at it.

13. CALENDAR OF PENDING MATTERS:
None at this time.

14. ADJOURNMENT:

MOTION:

A motion was made by Secretary Smith to adjourn, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 8:33 p.m.

Jason McClanahan, Chair

Warren Smith, Secretary

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