

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on July 25th, 2022, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, July 25th, 2022, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Sultana Chowdhury
Mahmuda Mouri
Michelle Tutt
Claudette Robinson, Assistant Secretary
Warren Smith, Secretary
Merle Boniecki, Vice Chair
Garry Watts, Ex-Officio
Jonathan Lafferty, Ex-Officio

Also present:

Ron Wuerth – Planning Director
Michelle Katopodes – Planner II
David Crabtree, Office Assistant
Mark Gorbett, Assistant Planner
Cecil St. Pierre - Assistant City Attorney
Patrick Conlin - Communications Department

1. CALL TO ORDER:
Vice Chair Boniecki calls the meeting to order at 7:01 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

MOTION:

A motion was made by Assistant Secretary Robinson to allow Vice Chair Boniecki to Chair the meeting this evening, supported by Commissioner Mouri.

MOTION:

A motion was made by Assistant Secretary Robinson to excuse Chair McClanahan and Commissioner Kupiec, supported by Commissioner Boniecki. A voice was taken and the motion carried unanimously.

4. APPROVAL OF THE AGENDA:

MOTION:

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

5. APPROVAL OF MINUTES: July 11th, 2022MOTION:

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

6. PUBLIC HEARING ITEMS:

- A. REQUEST FOR REZONING: Located on the east side of Schoenherr Road; approximately 841.58 ft. north of Ten Mile Road; from the present zoning classification R-1-C, One Family Residential District to R-3, Multi-Family Dwelling District; 25480, 25468, 25440 Schoenherr Road; Section 24; Rafi Ahmad.

Vice Chair Boniecki – Since we only have five members tonight if you wish we can table your agenda item until we have a full board, otherwise you can go forward this evening.

Mr. Jeff Graham – Is that enough for a quorum?

Vice Chair Boniecki – Yes.

Mr. Jeff Graham – Yes, we are fine.

Vice Chair Boniecki – Go ahead.

PETITIONERS PORTION:

Mr. Jeff Graham – My name is Jeff Graham I'm a Project Architect I work for Kemtech and Associates and I'm representing the Ahmad family who is also a business owner in the City of Warren. We are looking to build a little small apartment building about 28 units and in order to do that we need to get the property rezoned. We would also like to get a section of the property that is on the right of way on Industrial Drive to be vacated. That road was called Industrial Drive but if you ever have been down there there's no industry at all. It was given a 150 foot right of way but it basically dead ends not far from the end of our property. So the land basically just sits there unused so what we would like to do is take advantage of that extra land so that we can move our building back and make it more of a green space and also to provide for our property.

The other thing that we are asking for is to get it rezoned to a multi-family. There are multi-family units close by, we are right across the road from a major department store and we feel that this is actually a better fit than what was originally zoned and that was also sort of mentioned by the Planning Department.

We have been working very closely with Ron Wuerth and the Planning Department and we've changed our design based upon his recommendations. So we would appreciate any consideration in our request. Thank you.

Secretary Smith – Can I make a comment, he's talking about two different items, the rezoning for the property is item 6A the vacation of the extra land is our next item 6B, so we need to do those separate. And there are no correspondence at this time.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Ms. Grace Mills – Good evening I live at 25484 Industrial Highway in Warren, we are the dead end house. I wanted to find out on this plan is there any retention wall that's going to be put up so that we don't have to see the apartments. Are they dual level or single level, do you have any plans for that.

Mr. Richard Schmidt – I live at 25436 Industrial Highway, Warren. I've been a resident on that street for 30 years, it's a quiet residential street and if you add 30 or so dwellings that would completely change the neighborhood and they aren't going to be one story dwellings I'm sure, which would mean my whole view would be the buildings. And again just like Grace asked is there going to be any kind of a wall put there and are those folks that are going to be living there going to be on Industrial parking, because parking is sort of limited we all have street side mail pickup and if the cars are in the wrong spot the mail carrier won't drop the mail. I'm just concerned about the explosion in the neighborhood of a whole bunch more people that aren't there. Thank you.

MOTION:

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

COMMISSIONERS

Secretary Smith – Good evening sir, there was a comment that the residents made that I want to address first. This is just rezoning to a

multi-family development. As far as the building that's going up that has to come back before us for a site plan approval.

Mr. Jeff Graham – Correct.

Secretary Smith – So any barriers that they were talking about will be discussed at that time. The other thing that I noticed when I went by the property today there's utility poles on the property with lines going across the property, so I don't know if there's a utility easement on there that has to be checked out?

Mr. Jeff Graham – As far as I know on our survey there isn't, the pole was there for the building that was on site. If there was an easement we would deal with it at that point, but as far as I understand from looking at the survey that we had done on the property there was not an easement. It was basically a pole to feed the houses that were right there and since the houses are gone the pole is not necessary.

Secretary Smith – But there is a wire coming from the pole going to the residents across the street on the other side of Industrial, there's another pole on that side of the street the wire is connected to that pole also. So I don't know if the pole is not allowed to be there, that's something you might need to check out in your zoning. They have a pole on their side in their yard it might just be cable but whatever it is you probably need to check it out because it does go across the property also it will probably will have to be rerouted or something like that.

Mr. Jeff Graham – I'll definitely make a note of that.

Secretary Smith – The other thing I was concerned about for the neighbors too is the way the parking is. When people park along the street side and cars area facing the neighbor's house and you got the headlights from the cars facing towards the neighborhoods house, so this could be why you have to have some sort of barrier, but that can come with site plan approval. I just wanted to bring it up tonight so you can talk about it when you're doing your rezoning.

Mr. Jeff Graham – The plot that we're building, we had more than enough adequate parking off street. And whatever the site design needs and the ordinance for the site that's fine too, we've been doing this for many years and we follow the rules.

Assistant Secretary Robinson – I've drove by the site this afternoon and what I found was that the traffic over there is just horrendous,

it's steady with trucks and cars there's a lot of congestion and Meijer's is attracting a lot of traffic over there then you have truck after truck. And the ingress to the proposed units is that going to be off of Schoenherr?

Mr. Jeff Graham – No ma'am it's going to be off of Industrial Drive, we felt the same problem and that's why we put the driveways there so it wouldn't be in the immediate heavy traffic.

Assistant Secretary Robinson – So is the driveway going to be widened because that driveway wasn't very wide?

Mr. Jeff Graham – If you look on the site plan it's two brand new driveways.

Assistant Secretary Robinson – Okay, so it's going to be widened. I'm in agreement that if we do approve it that we definitely have to have some type of greenbelt or something to differentiate so that the houses to the west wouldn't have to be looking at this building.

Mr. Jeff Graham – We have about 30 feet, between the parking curb and the street is about 30 feet. I'm just judging by my drawing, it's more than a parking space, it's at least 30 feet and it will be heavily landscaped.

Assistant Secretary Robinson – Okay thank you.

Commissioner Mouri – I have a question to our Planning Director, it says the plan purposes 29 units and the size doesn't allow more than 16 units, so does us approving it today mean we are approving it for 29 or 16, I know a variance would be required?

Mr. Ron Wuerth – You're not approving it for either one of those numbers but I think the finding did say 16 units with the land area and that is the requirement anything above that number would be a variance obtained from Zoning Board of Appeals.

Commissioner Mouri – Okay.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes
 Commissioner Mouri..... Yes
 Commissioner Tutt..... Yes
 Assistant Secretary Robinson..... Yes

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Secretary Smith..... Yes
 Vice Chair Boniecki..... Yes

- B. INDUSTRIAL HIGHWAY RIGHT OF WAY VACATION: Located on the west side of Industrial Highway, between Schoenherr Road and Malvina Avenue; Section 24; 25480 (lot 55) – 25468 (lot 54) – 25440 (lot 53) Schoenherr Road; Rafi Ahmad.

PETITIONERS PORTION:

Mr. Jeff Graham – My name is Jeff Graham, again from Kemtech and Associations I'm representing the owner. We are looking to vacate on the property lots 53 thru 55 the west 30 feet of it. Right now there is a 150 foot right of way it's a small street so there's quite a bit of room. Even when we vacate the 30 feet we still have between the curb and the street there's still going to be about 30 feet left to be landscaped by us. We just felt that it was a complete waste of property or land and we were hoping that you would consider vacating that property over to us so that we could put it to good use.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

DTE: DTE Electric Company has reviewed the site plan for industrial highway right of way vacation. DTE Electric Company has no objection to the above request impacting 25480, 25468, and 25440 Schoenherr; Section 24, per the site plan provided.

ENGINEERING: Preliminary review of this site indicates no difficulty in development.

Preliminary review of this site indicates that Planning Commission approval should be contingent upon the petitioner's compliance with the following condition (s):

Dedication of 12 feet of additional right of way for extension of the exiting water main to the side of the proposed development.

FIRE: Approved as presented.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Ron Eisinger – Do we have copies or availability to the plans that are going to be done on this property, there was three houses there now you're going to put up 16? I just wanted to know if we could get a plan of what this is going to be on the property?

Mr. Ron Wuerth – I'll answer that question, we have a file in the Planning Department and that's where one can come and take a

look at the file with the plans that are presented and available. And the same with the alley, you can take a look at any file as to what the lots are and that sort of thing.

Assistant Secretary Robinson – I have a question before we close, to the petitioner, could you come up please. Upon approval of this project is it possible that you could meet with the residence that border the Industrial Highway so they'll know some type of concept plan so they know what's going to be in front of them that they'll have to live with.

Mr. Jeff Graham – Yes, we can give them a plan now the problem is the plan hasn't been approved. I'd rather give them the plan that's been approved rather than one that we think we are doing, our wish list on. But that would be no problem for us to get together with them and hand them out or we can just mail them out.

Mr. Rafi Ahmad – Already I discussed with them that the building is not going to be close to Industrial Street. We showed them the map like three times, they only said you're not going to make the building close so we just put the parking lot by Industrial Street and the building is going to be in the middle close to the Schoenherr side.

Mr. Jeff Graham – The building is only going to be two stories tall and it's going to look like a residential style.

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury.....	Yes
Commissioner Mouri.....	Yes
Commissioner Tutt.....	Yes
Assistant Secretary Robinson.....	Yes
Secretary Smith.....	Yes
Vice Chair Boniecki.....	Yes

- C. SITE PLAN FOR OPEN STORAGE OF EQUIPMENT, TRUCK/TRAILER PARKING AND SCAPPING: Located on the north side of Eight Mile Road; approximately 387.57 ft. west of Mullin Avenue; Section 34; 11177 Eight Mile Road; Dominic Atisha (A-L- I 8 Mile LLC).

PETITIONERS PORTION:

Mr. Carl Dallo – I'm at 11177 E. Eight Mile and with me is Dominic Atisha from the same building. This building has been approved through the Planning in 2018 for outside storage and several delays happened then Covid hit and everything was delayed for a long time so the Planner suggested that we resubmit the applications, and we did. We had a few meetings with the Planner and with the rest of the departments that had concerns and we hope to get approval for the outside storage today.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

ENGINEERING:

It is the understanding of the Engineering Department following a planning review meeting on 6-29-2022:

- There will be no utility work done on site.
- There will be no changes to the pavement or onsite surface material (otherwise stormwater detention would be required)

Preliminary review of this site has yielded the following comments from the Engineering Division.

1. A topographic survey is required. There is very little information given on this site plan. Existing condition such as pavement type, property corners, fences, and existing underground utility locations, and easements need to be provided.
2. It is difficult to distinguish between different site features. Consider using different line weights and line types. Ensure text is not covered by site features and difficult to read. Provide different pavement, millings, and gravel hatch patterns to indicate pavement type.
3. Drawing scale, north arrow and the match lines are not shown on sp2 and sp3.
4. Irons shall be located or set at the property corners.
5. All storm water runoff shall be maintained on this site.
6. All parking areas shall be hard surfaced with concrete curb and gutter.
7. The proposed containers shall not obstruct existing storm water drainage patterns.
8. It does not appear that the minimum maneuvering lane width is met for the entire site.
9. Any improvements within the 8 Mile Road right of way will require an approval from the Michigan Department of Transportation.
10. Ensure ADA parking spaces meet requirements. Provide dimensions and note indicating that pavement slope does not exceed 2%.

11. A larger drive approach is recommended for larger semi-trucks to access the site. Ensure that drive approaches comply with our current standards.
12. Install bollards around the fire hydrants at the drive approach.
13. A raised curb is required to be 5 foot from the property line, where a wall is present.
14. Fire lane and signage must be as far away from the face of the building a distance as tall as the building is.

FIRE: The Warren Fire Department approves this site plan with the following provisions to be made:

1. Knox box installed on the gate for Fire Department access for afterhours.
2. Dumpster to be moved so access road is 20 feet all the way around building.
3. Submittal of letter to the Warren Fire Marshal stating what the outdoor storage racks are made of, the weight they are designed to hold, and how they are secured to the ground to prevent tipping into the access road.

DTE: DTE Electric Company has no objection to the above request impacting 11177 8 Mile Road; section 34, per the site plan provided.

MDOT: In a preliminary review of the site plan, an MDOT permit will be required to construct, reconstruct and exiting, or use an existing driveway for a new purpose. Also any required utility taps in the MDOT, right of way would need to be included in that permit application. Contact owner to contact MDOT, for information on how to apply for an MDOT, right of way construction permit.

Mr. Ron Wuerth reads the recommendation of the Staff:

Secretary Smith reads a letter into the record from a resident. This letter was received on July 13th, 2022.

To Whom it May Concern:

I own a home here on 11251 Rivard, Warren, MI. I have received a letter about this business wanting to use the property they own for a storage, truck, trailer parking and scraping in the parking lot. Letter attached:

Here's some history about this issue. Back a few years ago the owner of the building didn't ask the City of Warren for permission to use this space for the above mentioned, but they did. It brought in the criminal element, there was nights that people were over there hanging all night long taking parts off cars, throwing stuff over the brick wall etc., I think you can get the picture. The tow trucks were in there at all hours of the night beeping making noise waking up all of

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us on the street. Also there was a lot of animals i.e. rats, ground hogs, skunks, etc. I called the city and they put a stop to him using it was the above mentioned. He put in this huge light that blares into our houses, when activated as someone comes on the property.

As of now, the light is still there, they are in and out of there all night still. If you allow this property to be used as asked it will cause many issues, again. Criminal element, rodent infestation, noise issues, hazardous waste, etc. As of now the stuff is stacked so high you can see it over the brick wall. Also as homeowners this will drop our property value dramatically.

We tried co-existing with the business in this area due to we are surrounded by many different business. Federal industries causes noise, pollution, etc. every year. I've called the city on them many times due to they spray oil and water outside and it gets all over our house and cars. Every year I call the city and they put a stop to it, we appreciate it so. But again, we have so many issues with the business not respecting that this is our homes, my family has owned this house for 86 years. We also have the old Carbaloy Building being used as a truck parking lot, scrap metal etc. This has become a complete nightmare. Last year they were throwing old asbestos tiles out of the 3rd story and it was blowing all down our street. I called the State people about them and there were tickets written for hazardous materials.

This street has many people that have lived there for over 50 years, even though there's only a few houses on this street. I have talked to all of them, they also will be writing letters that they DO NOT want this business to exist due to the issues I have stated above.

Please do not allow this business to operate this type of business.

Thank you,
Rita Holt
11251 Rivard Avenue
Warren, MI

PUBLIC HEARING:

Mr. Eddie Kabacinski – Councilman Kabacinski in District 5 this is the District that I represent. I was at the property today I know the resident that just wrote that correspondence and I spoke to many residents on Rivard as well, they are completely fed up with conduct of this business. Also the frontage aesthetics are something to be looked at too. There are two trees growing on top of the building as a result of maintenance not being kept up on the front end of the

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building. As I said this is the Carbaloy Building it once looked a lot better then it does now, I think you even have some photos of the front exterior in which the foliage is grown up at least onto the east end of the building on the front end. If you look at the foliage on the front that is unkept there is weeds, all kinds of brush, there are critters that are living in there, groundhogs, and so forth. They do not upkeep the front end of the building at all, you can see where the shrubbery is growing up onto the building and there's the two trees that are growing up on the top of the building on the east end.

Also the front of the complex is chain locked, padlocked the front end of the complex the mosaic tile that was once there is all broken up it's not aesthetically pleasing at all. You walk by this and you're wondering what happened to this place it used to look a lot better back in the day, about 25 years ago. If you go around onto the east fence line there's barbed wire on the fence line, I believe that's against the ordinance as well. As well as the open outside storage that is between the main roadway going back to these two separate semi-truck trailer storage areas. There's all kinds of scrap metal and junk that is left on these racks here.

I understand the concern of the Fire Commissioner and the Fire Marshall when they are asking about the concerns about the racks and being able to hold the weight and the junk that is on there, and it's so close to the building as well. The building on the outside is not maintained well either, there looks like there's punched holes in everyone of the electrical junction boxes and the wires were pulled out of it. So it's been gone through by scrappers that were looking for coper wiring as well.

The main thing is the aesthetics at the front of the building also the guard shack to the west of the building is falling apart it's dilapidated. The east guard shack is well kept but there is no guard on duty. So I understand the concerns of the residents what is going on in this complex over night and over hours, this is totally unsecured. The residents don't know what's going on back there and they are concerned about their quality of life there on Rivard. So I would ask you to consider that when you're going to consider the site plan approval that these individuals need to clean up their act and clean up the front end and make it more aesthetically pleasing for the residents. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – I went by the site today I wanted to go in it but I saw all the signs that said electronic surveillance and restricted area and I didn't want to get locked in there the gates were opened on both sides.

Mr. Carl Dallo – You are welcome to come and visit anytime, there's cameras in the place to secure it.

Secretary Smith – I saw those that's why I was a little hesitate going through there, but anyway there's still a lot of work to be done as far as clean up. On the right side where it shows parking spaces for the cars there's still a lot of junk and trucks over there. Along the new building in the front on the side it looks like a put an addition or something on there with some brick or block work and there's debris from that laying on the ground next to the building.

When we do an approval like this the stuff needs to be completed within a two year period and this project has lagged on for many years. I'm just worried, will you be able to get this all completed within the 2 year period?

Mr. Carl Dallo – We have really completed a lot of work in the past year after the Covid calmed down a little bit and the improvement is very well documented through the Building Departments, the Planning Department and the rest of the departments in the City. We are moving forward on cleaning and complying with everything that is recommended by the Planning to make it a safe and secure place.

Secretary Smith – Mr. Wuerth, I know you did any inspection on the things that needed to be done, like I said I was a little hesitate going through there because I didn't have Planning Department tattooed on my vehicle. Do you think that they would be able to make all these repairs within the two year period?

Mr. Ron Wuerth – As the gentleman just said they are continuing to work with the Property Maintenance, with us the Planning Department, the Attorney's Office, and Public Service. There are inspections ongoing, Zoning is out there and they check it potentially on a weekly basis to make sure that there is continued progress, I do believe that they meet in court about every two weeks. So with that going on they also needed a site plan approval so that they can use that site plan and place the items in the places that you see on that plan. It's far better then the previous plan that you had denied the extension of a little while ago. So we wanted to update that and

that's what they have done and of course there's quite a list here still to work on the just on the plan itself.

As mentioned there were problems no doubt about that, the Councilman mentioned some things and they need to be looked at, everything needs to be looked at beyond what we have and they will be by the City Administration.

Secretary Smith – Now there were some areas I noticed in the findings that some fencing had barbwire on it and we know that has to be removed are they aware of that?

Mr. Ron Wuerth – That's still up for discussion because the barbwire that you see out there Zoning Board of Appeals gave a variance for. You can talk to them, they expressed to us that there was a problem with people entering the site and they feel that they still need that, it might be one of the few sites in town that may need that. If things get better as time goes by maybe they won't need it in the future I couldn't say at this point.

Secretary Smith – Okay because I know the one side has a 9 foot high wall and I don't know that they really need a barbwire over there. Thank you.

Assistant Secretary Robinson – As you mentioned it's two years for them to clean it up, why are we giving them two years due to deficiencies that have been prevalent for a while, isn't that rather generous?

Secretary Smith – Every petitioner that comes before us has two years to meet the requirements.

Assistant Secretary Robinson – Regardless of their past history?

Secretary Smith – Right.

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Mouri..... Yes
- Commissioner Tutt..... No
- Assistant Secretary Robinson..... No
- Secretary Smith.....Yes
- Vice Chair Boniecki..... Yes

Secretary Smith – So the vote is 4 to 2 so we didn't get a pass or approval on this, Mr. Attorney?

Mr. Cecil St. Pierre – Thank you, the bylaws section 8.4 states that the concurring vote of 5 seated Commissioners shall be necessary to take the following action to approve a site plan, which this is. They mentioned 1-5 I won't go through all of them I will mention that this is a site plan and that's what this was noted for on the agenda. Should an item requiring 5 concurring votes from seated Planning Commissioners not receive the 5 votes either in favor or against the item, which we have here. The item is automatically postponed until the next regularly scheduled Planning Commission Meeting, should the item fail to receive the requisite 5 votes the second time the item would be considered denied, so they get a second bite at the apple.

Mr. Ron Wuerth – Madame Vice Chair, the two members who voted no, they are required to indicate why they voted no.

Commissioner Tutt – I voted to deny this, honestly I'm tired of hearing about it. We constantly hear that this place needs to be cleaned up and taken better care of. When we were here previously it was year after year of the same thing, I'm not understanding why we are being so generous. Are you deciding not to be compliant I don't understand this?

Mr. Carl Dallo – I understand and I know the frustration of everybody including us but denying something like that is not going to make us move forward then approve our stuff. We have really been working hard for the past year and a half and we put the property to where it is today which is much better.

Mr. Ron Wuerth – Excuse me, this wasn't the time for a response back and forth, all we needed was the reason why.

Commissioner Tutt – I wasn't finished, so to piggyback what I was saying, my vote here is thinking of the people that live in that neighborhood. I don't live in that area but if I did I wouldn't want to live down the street from something that's not aesthetically pleasing as well.

Assistant Secretary Robinson – Okay, I'm going on the residents side, living with the deficiencies here that they've had to contend with over a number of years. So I just put myself in their place and I just feel that in order to be a good neighbor to the residence that I think things should have been more diligently moved along more efficiently to not get to this point. I don't know what else needs to be

done speedily, is it a matter of finances or that things are not in order and in place maybe that could be the problem as well. So that was my sole purpose for not voting to approve at this time.

Secretary Smith – Do we need to set a date for them to come back?

Mr. Cecil St. Pierre – According to your bylaws the item is automatically postponed to the next regularly scheduled planning commission meeting.

Secretary Smith – So it would be August 8th.

- D. SITE PLAN FOR NEW PROFESSIONAL BUILDING: Located on the South Side of Nine Mile Road; approximately 880.80 ft. east of Warner Avenue; 3492 Nine Mile Road; Section 31; Shyama Haldar.

PETITIONERS PORTION:

Mr. Shyama Haldar – Thank you everyone, good evening. My name is Shyama Haldar my profession is I'm an Engineer I work for General Motors and I'm close to my retirement. I bought this land this year in March I was looking to make a medical professional building, 7000 square feet. Before I bought this land I checked with the City and the City told me it's okay because it's a commercial lot. I bought this because my boy will be graduating as a Dentist next year so he will take one place and I'm still looking for other medical professionals. I'm very impressed with the City of Warren they have a preapproval meeting without any cost so I'm grateful to Ron and his team for the meeting. It's a two and a half hour meeting I'm very pleased. So at the meeting everyone from the city from Zoning, Planning, Building, Engineering was there and I was accompanied with my Architect to implement everything and we are not looking for any variances on this. Thank you.

Secretary Smith reads the following correspondence:

TAXES: No Delinquent Taxes.

FIRE: Approved.

DTE: DTE Electric Company has no objection to the above request impacting 3492 Nine Mile Road; Section 31, per the site plan provided.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Mahaveer Khetawat – I represent the religious property at 3560 Nine Mile Road, so we have been specifically invited because we

are adjacent to this professional building to the east of it. When we were developing this religious property about three years ago we were advised by the City Planning Department to build a brick and bossed wall to replace the wooden fencing on the south side of our property and also onto the east side of the property those were the lots which were already occupied, so therefore we were advised a brick and bossed wall. The professional building that's coming up now, which was a vacant lot three years ago, they said you can leave that wooden fencing just the way it is it is, okay. Now that lot has been purchased by the professional building, so I'm assuming that this professional building will be requested to build a similar brick and boss wall to their east which would be our west side. So between the two properties there will be a brick and bossed wall this is my assumption and my question. Thank you.

Mr. Joey D – Joey D on Dallas Avenue. I'm trying to determine on this print that you have up here there's three pieces of property that abut this and I'm not exactly sure which two they are using. One of these backs up directly to my piece of property. The gentleman that was just here he backs up to my next door neighbor's property and for some reason for the last, I don't know how many years, we've had horrible neighbor's behind us. The gentleman that was just here they had a party a couple of weeks ago from sun up to sun down they blasted music so loud you could hear it over the air conditioning and the T.V. and they must have had a 150 cars parked in this gentleman's property. The gentleman that used to own his property used to own a tree service and he put up wooden fences that were always falling down and he would patch them back together and they used to dump mulch when they came in at the end of the day. On two different times I had to pay somebody to come in and cut all that down along the fence because it would just blow through the fence every time there was wind.

So I'm trying to figure out A, if they are going to put up a wall, how tall the wall is going to be and what they are going to do about the lighting situation. The other problem is the elevation was higher so my backyard used to constantly flood, I actually had to pay somebody \$8000.00 dollars to come and grade by backyard to eliminate that problem. Like I said they used to constantly dump mulch so that elevation was so much higher then mine. So are they going to make sure the grades are even, put up a wall and then put up lights that are going to glare into the back of my house every single day. Thank you.

Mr. Eugene Kondziolka – I live at 3493 Dallas directly behind this proposal, I've been a resident for about 45 years there, I have similar

concerns as Joey has. Is the plan to put up a stone wall and how tall and what are you going to do about the water runoff. The back of my yard floods as well because of the previous owner. I have similar concerns with the lighting but I think the Planner said that there's requirements for that. This looks like a strip mall from the front are we going to have retail businesses there or are they going to be all medical facilities. Where would we find these answers, do you publish these notes someplace because this is the first time at one of these meetings. A long-time resident, a first time caller, where will I get the answers to this? There's a house there on that property I don't know if that's remaining or is that coming down, or is it not affected by this proposal? The wall, drainage, lights, and is it a strip mall or what's going to happen behind the building. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – Good evening sir, I noticed the wood fence on the back of the property, normally when we go from commercial to residential we have a 6 foot high brick and boss wall that has to be built along that property line.

Mr. Shyama Haldar – That's 100% correct, Ron did explain to us that the back of the property is residential so there is on the proposal today there is a 6 foot high brick wall.

Secretary Smith – The other thing is as far as any water that is on the property will have to be retained you'll have to have water retention on the property so it doesn't drain onto the neighbors behind you.

Mr. Shyama Haldar – Yes 100%.

Secretary Smith – If these are all medical facilities that are going to be in here it's probably going to be normal hours where you're not going to have anything after hours that's going to cause any disturbance in the neighborhood. And as far as the lighting 20 foot high no glare on the neighbors. It will be nice to have a professional building there. Thank you.

Commissioner Tutt – Mr. Wuerth, one of the neighbors asked about getting updates in regards to this project is that something they would contact the Planning Office for?

Mr. Ron Wuerth – It’s all available in the Planning Department anyone can come into our office and take a look at the file, our findings, our recommendations, and plans.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes
 Commissioner Mouri..... Yes
 Commissioner Tutt..... Yes
 Assistant Secretary Robinson..... Yes
 Secretary Smith..... Yes
 Vice Chair Boniecki..... Yes

- E. SITE PLAN FOR PARKING LOT EXPANSION: Located on the southwest corner of Mound Road and Heathdale Avenue; 27663 Mound Road; Section 17; Anthony Lentine (JAL Property Investment, Inc.)

Secretary Smith – We received a letter from them that they want to withdraw their petition for the site plan.

MOTION:

A motion was made by Commissioner Tutt to withdraw the site plan, supported by Commissioner Chowdhury.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes
 Commissioner Mouri..... Yes
 Commissioner Tutt..... Yes
 Assistant Secretary Robinson..... Yes
 Secretary Smith..... Yes
 Vice Chair Boniecki..... Yes

- 7. CORRESPONDENCE:

None at this time.

- 8. OLD BUSINESS:

- A. SITE PLAN FOR OPEN STORAGE EXPANSION: Located on the west side of Mound Road; approximately 916 ft. north of Eleven Mile Road; Section 17; 27365 Mound Road; Glenn Neuner (Joseph Demski). **Approved on July 13, 2020. Extension Requested to July 13, 2023.**

MOTION:

A motion was made by Assistant Secretary Robinson to extend until July 13, 2023, supported by Secretary Smith.

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Mouri..... Yes
- Commissioner Tutt..... Yes
- Assistant Secretary Robinson..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

- B. SITE PLAN FOR RELOCATED TRASH ENCLOSURE AND REPLACE THE PROPOSED LANDSCAPING AND BERM WITH A MODIFIED GREENBELT: Located on the south side of Fourteen Mile Road; approximately 716 ft. east of Ryan Road; 4320 Fourteen Mile Road; Section 5; Imad Potres (St. Mary’s Church, George Yousif). **Approved on January 13, 2020. Never finished. Expired.**

MOTION:

A motion was made by Assistant Secretary Robinson to recognize as a expired site plan, supported by Commissioner Chowdhury.

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Mouri..... Yes
- Commissioner Tutt..... Yes
- Assistant Secretary Robinson..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

- 9. BOND RELEASE:
None at this time.

- 10. NEW BUSINESS:
2023 Planning Commission Schedule.

MOTION:

A motion was made by Assistant Secretary Robinson to receive and file, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

11. CITIZEN PARTICIPATION:

Ms. Mary Mataczynski – Good evening Planning Commission and Mr. St. Pierre. I'd like to please ask you for five minutes so I can bring Mr. Ronald Wuerth up to speed, this is not going to be easy. The problem began with Mr. Floyd Underwood a very not nice City Councilman in the 1970's. Mr. Wuerth I'm going to go as fast as I can. In 1972 the Planning Commission stated at a regular meeting held Tuesday, December 12th, 1972, a motion concurred with your recommendation and denied the above captioned request. This is about a barricade put up at Gerald and Roan so now nobody has an egress at Londonderry, Aspenwood Condo's, Islamic Education Center, and Huntington Club, we are locked in.

Whereas the Planning Commission of the City of Warren dually recommended to the Council of the City of Warren by resolution adopted on the 6th of November 1972 that the vacation of the hearing after described Gerald Street be denied. Resolution adopted at the meeting of February 13th, 1973. Adopted by the Council of the City of Warren at its meeting held on February 13th, 1973. Council received recommendation from the Planning Commission to deny a request to vacate Gerald Avenue west of Road in section 14. City of Warren petitioner Chairman Miller stated that this is a public hearing in the City of Warren and inquired whether there was anyone in the audience that has any question regarding the matter to come forward at this time. Mr. Edward Weshler (sic) appeared before the Council and stated that he represented some residents and that the Council had made a commitment concerning the vacation of Gerald Avenue and advised that this be done.

Chairman Miller inquired whether there was anyone else in the audience who wished to speak, there being no response Chairman Miller closed the public hearing and turned the discussion over to the Council. Councilman Underwood moved to vacate a portion of Gerald Avenue as agreed previously and leave a right of way for the children to get thru to the school, supported by Councilman Stilwell. Councilman Underwood clarified his motion by stating that the avenue would be vacated reserving a 28 foot easement thru the pedestrian traffic. The avenue would be vacated to the west to the edge of the pavement. Councilman Underwood stated that a barricade would also be placed at the end. A roll call was taken all

eyes except Councilman Montgomery who voted no, the motion was carried. The most illegal motion ever.

I'm going to go real fast now, 2016 from the Mr. Ron Wuerth, this is after I brought this up. At the public hearing of December 12, 2016 the City of Warren Planning Commission passed a motion that the Engineering and Police Department be advised of Mary Mataczynski's concern. During the citizen's participation portion of the Planning Commission Mary raised concerns that there egress and ingress issues on the south side of Twelve Mile Road along Imperial, Gerald and Roan.

In between there in 1992 the Mayor, Ronald Bonkowski, I'm going to just leave this in the packet I give to you Mr. Wuerth. August 12, 2021, keep in mind I bought my condo in 1995 I didn't know there was no egress at that time. Two years later Councilman James Fouts came to Aspenwood Condo Association Meeting he walked down my street, he walked to the barricade he went what is this, I go it's a barricade we can't get out, he goes I'll handle it. That was 1998 we are now in 2022, I'll just leave this here.

It is important to note that the only way to gain access to Islamic Center, the apartments, and the condominium complex Imperial from Twelve Mile, it is my guess that the barricade was originally erected to prevent traffic from entering the former schools parking lot for safety. After evaluating the barricade points of entry and egress to the surrounding structures it is my opinion that the removal of the barricade will cause no safety issues. In fact will aide first responders in accessing the aforementioned structure in case of an emergency, this was written by Commission Dwyer through the chain in August of last year.

Commissioner McAdams wrote on August 13th, 2021 per our conversation yesterday I would like to see the barrier removed on the public road of Gerald. I do not know who or how this was ever installed on a City of Warren public street. The barrier will 100% compromise our efforts to assist citizens, the Fire Marshall David Evans submitted this whole report to Commissioner McAdams 8-13-2021.

August 16, 2021, Jennifer Pierce, Assistant City Attorney, wrote the City of Warren's Attorney's opinion, I'll leave that for Mr. Wuerth to read, I'm not reading it it's too long. Honorable Mayor James R. Fout's, the City of Warren. The legal opinion in processed to consider the removal of Gerald Avenue barricade, that was written by City Attorney Jennifer Pierce, I'll leave that for Mr. Wuerth.

Mary Clark CER-6819
July 25th, 2022

June 7th, 2022, Mr. Ethan Vinson, City Attorney, says he reviewed your correspondence of June 5th where you request that a resolution be drafted by the legal department to rescind the 1973 resolution. This is a matter that should be initiated by City Council since the City Council initiated the resolution. That was the City Council of 1973 not the City Council we have now and not the City Council Mr. St. Pierre was on when I went through this with him for 10 years.

The last thing, the interoffice communications that states to Mr. James Fouts from the City Council, the current City Council, states that City Council Secretary Moore, Gerald Street barricade, the Administration has stated that Council needs to rescind the 1973 adoption that allowed for the barricade. Council does not have the authority to just do that, this should be sent to the Planning Department for recommendation from the Planning Commission. Council will have special legal Counsel Jeff Schroeder draft a resolution once that recommendation is received with a real signature.

Mr. Lafferty came two weeks to this podium and said, asked, and inquired about the public hearing. I assumed that on tonight's agenda there would be a public hearing. So I get my agenda nothing, there's not one thing on here about a public hearing regarding removal of the barricade at Gerald and Roan. I started writing an email to Mr. Wuerth on Thursday, I waited for him to call Thursday, I waited for him to call Friday, I called his office three times. Finally his secretary put me through and he would only say that this is an administrative issue. Mr. Wuerth right here--

Vice Chair Boniecki – Please address the Commission.

Ms. Mary Mataczynski – This is just one picture and I have thousands of when the snow falls on Imperial it fills both sides of the street. Two sides of the street are parked on and if people don't move their cars we cannot get out. There was an attempted murder on Imperial, the police had the street blocked. Years ago there used to be a Columbus Day Parade, we used to get a letter in the mail saying you cannot get out of your houses for 2 hours on Columbus Day from 10:00 am to 12:00 pm.

Vice Chair Boniecki – Could you please wrap it up, you are way past your three minutes.

Ms. Mary Mataczynski – There's been a fatality accident at Twelve Mile and Imperial nobody could get out for three hours or get in,

people can't get in either. Thank you for your time, I greatly appreciate it. I'd like to give this data now and again because I've given it so many times to everybody, to Mr. Ronald Wuerth, the Planning Commissioner.

Mr. Eddie Kabacinski – Again Eddie Kabacinski, Councilman for District 5. I won't need 5 or 3 minutes, I just wanted to indicate that on the item earlier on Eight Mile. I don't think that the residents intentions on Rivard is to stifle the business from their growth or their conduct of their business. I think their intention as well as mine was to improve the aesthetic value their on Eight Mile Road. The way that it looks right now does not look inviting for somebody to want to live in the City of Warren or to have their business in the City of Warren. The way it looks right now is like an abandoned piece of property with a lot of junk on it. I don't buy the argument that the China Virus prevented these individuals from cleaning up the outside façade. It doesn't prevent you from mowing the lawn, it doesn't prevent you from taking care of knocking down the trees from the roof.

Another item on this building, he's got severed garage doors that are covering the first floor windows and then drilled into the frame of the window pane to have covered the glass windows. This is the property owners idea of securing the property, taking old garage doors and using that to secure the building. It looks very hazardous it's not aesthetically pleasing. If you walk along the sidewalk there or drive by it it does not look like Carbaloy used to look and these individuals here have not improved this property when they got it. The back may look a lot better then the front does, but the front is what the people see, it is what business owners see when they drive by to decide on whether or not they want to bring their business to Warren, the Eight Mile corridor. And it's what residents see when they want to come from Wayne County to live in Macomb County in south Warren. That's why I got involved, I got contacted by the residents and I advocate and represent for them. It's not to stifle the business but the business has taken advantage of the City of Warren for the last few years and they are trying to use the China Virus as their rational for not making the improvements. To me that's a load of crap and I'm glad that at least two Commissioners seen right through it today. Thank you.

12. PLANNING DIRECTOR'S REPORT:

Mr. Ron Wuerth – Good evening, at this time I do not have a Director's Report I'll provide something at the next meeting. However, I'll take any questions you may have regarding any other issues that have been brought up this evening.

Assistant Secretary Robinson – Is there any hope for, the resident who brought the barricade sign, for her and those other residents living near her. Do you see anything in the foreseeable future that would relieve some of their anxiety about this matter?

Mr. Ron Wuerth – Yes I do, the citizen brought up some good points. She's right, this issue needs to go before the Planning Commission. There has to be fact finding, a report which you can read so you're able to give a recommendation to City Council about whether the barricade should remain or be removed or changed. It will come before the Planning Commission, I can't give you a time but I can use the word soon.

Assistant Secretary Robinson – What is the address over there?

Mr. Ron Wuerth – I don't have the address, it's on the street of Gerald I can tell you that much. An address was attached to that particular location.

13. CALENDAR OF PENDING MATTERS:

None at this time.

14. ADJOURNMENT:

MOTION:

A motion was made by Assistant Secretary Robinson to adjourn, supported by Commissioner Chowdhury. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 8:31 p.m.

Merle Boniecki, Vice Chair

Warren Smith, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

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July 25th, 2022

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Approved

Mary Clark CER-6819
July 25th, 2022