

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on February 27th, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, February 27th, 2023, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Claudette Robinson
Michelle Tutt
Mahmuda Mouri, 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 III
Mark Gorbett – Planner I
David Crabtree - Temporary Office Coordinator
Jasmine Early – Planner Aide
Mary Michaels - Assistant City Attorney
Patrick Conlin - Communications Department

1. CALL TO ORDER:
Vice Chair Boniecki - Calls the meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

Secretary Smith – We have a few missing Commissioners tonight, Commissioner Chowdhury is off sick, Commissioner Kupiec can't make it, Commissioner Ansar is out of town, and Chair McClanahan is out of town for work.

MOTION:

A motion was made by Commissioner Tutt to excuse Commissioner Chowdhury, Commissioner Kupiec, Commissioner Ansar, and Chair McClanahan, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

Vice Chair Boniecki – I would like to acknowledge Ex-Officio Councilman Watts, Ex-Officio Councilman Lafferty, Councilman Kabacinski, Councilman Papandrea. We also need a motion to allow the Vice Chair to Chair the meeting tonight.

MOTION:

A motion was made by Commissioner Tutt to proceed with Vice Chair Boniecki this evening, supported by Secretary Smith. A voice vote was taken and the motion carried unanimously.

Vice Chair Boniecki – We have a quorum with five so we do not have a full member Board this evening, so if anybody wants their item tabled until the next meeting please let us know.

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 6TH, 2023:

MOTION:

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

Vice Chair Boniecki – These are public hearings items please be advised that you have three minutes to speak and please give your name and address.

6. PUBLIC HEARING ITEMS:

- A. SITE PLAN FOR OUTDOOR RETAIL SALES OF GARDENING SUPPLIES: Located on the northeast corner of Eight Mile Road and Le Fever Avenue; 4545 & 4547 Eight Mile; Section 32; Vinson Bahri (Robert Ihrle). **Tabled from December 12, 2022. The petitioner requests this item remain tabled until April 10, 2023. Public comments may be taken.**

MOTION:

A motion was made by Secretary Smith to suspend the rules and allow the public to make their comments, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

PUBLIC HEARING:

Ms. Holly Fabian – I'm Holly Fabian, I live at 20776 Cunningham. I'm across the street and behind Hydro Depot, the building in question. We keep tabling this and I understand the reasons why but my biggest request right now is if you're really going to table this again.

I'm trying to come up with analogy that would work on this. If you were trying to get your driver's license would you be allowed to just drive a car without the license until you get it? How about if you didn't have insurance on your car, can you just drive around without insurance until you get it and if a cop stops you you say well I'm working on getting it, and they say oh okay go ahead.

Keeping that in mind these people are not zoned nor licensed to have outside storage. The piles are getting higher, the garbage is getting worse, we had that horrible windstorm the whole entire street was covered in junk and crap blown out of their yard. If you're going to table it can we enforce that there is no outside storage, this needs to be cleaned up and put inside until it's decided. You don't drive, a car tell the cop well I'm working on my license, no, you'd get a ticket for it. They should get a ticket and have it enforced, there's no outside storage. Yet they keep piling it up and every time we come

here it gets tabled again, they've had two or three years now that they can do whatever they want and they are not being held accountable. They get ticket after ticket and then it gets put on hold because we are going to meet in front of the City Council or the Planning Commission and then when we get here and the decision is made then we have to start all over and then they end up back here again so everything gets put on hold. Not one ticket has ever been enforced on these people.

I just found out recently they didn't do what they were supposed to before they opened, they never came in front of Council or anything, they are not answering their letters, they don't do anything they are supposed to do. These are bad neighbors; they don't want to work with anybody. I know I'm not the only one on my street, Le Fever is having problems too, I had one again the other day and I actually sent the video to some of the City Council where another truck driver he came north on Cunningham and decided to was going to back in and the next thing you know he was in front of my house again way past all the signs saying no trucks, on the front of my lawn trying to back in. This is a residential area these people are not good neighbor's they shouldn't even be there with this size of what they've got going. But if they are going to be there they need to stay in their lane and they need to follow the rules, not be told we are going to table it again and in that case just go ahead and do what you're doing until we get around to it.

Can we please enforce no storage and clean up that backyard. And now on Le Fever side close to the Tabernacle there's actually semi's, the semi cab without the trailer, they are parking in there just sitting there. This whole thing is just a mess. I have lived there since 1986 and with all of the companies that come through there I have never had a problem with any of them. Even with HJ Oldenkamp sharing the fence line with me they had some pallets outside there was a rat problem and boom they fixed it just like that. They were the best neighbors in the world there was never a complaint. These guys they don't do that.

Like I said I don't want to see it zoned this way because if you tell them they can put outside stuff they are just going to put more stuff and keep pushing and pushing and pushing to see just how far they can go. You give them an inch they are going to take a mile and once they take a mile how are you going to take that back. If you decide later down the line to say well we are not going to zone for that, try to make them clean it up you can't get them to clean it up

now. It's a mess, it's a disgrace, and I don't like looking at it, the neighbors don't like looking at it and I have no doubt in my mind because the original paperwork we got I have a letter saying they wanted to table this indefinitely. So does that mean you get to just keep doing this indefinitely, come on people this is ridiculous. Like I said I'm sorry they are just too big for that corner, I'm not trying to put them out of business, you can have your business but go somewhere else this is not the place.

Vice Chair Boniecki – Please wrap up your comments.

Ms. Holly Fabian - Thank you.

Ms. Lori Harris – I might of misunderstood, I thought that you moved that there wouldn't be a time constraint on the public hearing for this item and you were asking her to stop, so did I misunderstand?

Vice Chair Boniecki – There's a three minute limit on it.

Ms. Lori Harris – I thought I heard a motion that passed--okay I'm speaking on behalf of the neighbors that live on Le Fever, they are unable to attend, they've been out of power for several days. They were telling me that the semi-trucks while the traffic may be better on Cunningham the semi-trucks are going down Le Fever from Toepfer and they go to Eight Mile and then they try to back into the back of this building, or they go across the front parking lot of the building to Le Fever going north on Le Fever and then try to back up into this building. I agree with Holly it's very discouraging to hear how they're not held accountable.

I did do a FOIA of the police records and there have been four incidents reported to the police, the latest was the September shooting. It was an exchange of gunfire, because the car in the parking lot was shot at also by the person in the building. So there was an exchange of gunfire not just someone that fired shots in the building.

It's confusing to me why a gardening supply store needs an armed guard, it's very confusing, it doesn't make sense. People can buy marijuana growing supplies any place why is this place like this? Why is Planning even considering this, I'll tell you why because the guy is suing the city now because he didn't get what he wanted in 2019. He has tried to sue before and I don't know if that went through, I think it might have been dropped, but he's suing the city.

So we are going to play this game because he wants a settlement and I don't think that the Planning Commission or Planning Department needs to give in on this. There is no reason that a neighborhood should have to suffer through this, it's a real disgrace and I will save the rest of my comments for audience. Thank you.

Mr. Eddie Kabacinski – Good evening, Planning Commission, this is my district, I'm the Councilman for the 5th District. This has been going on ever since I got elected to Council, I think we were three months in and this became a problem, I've know Ms. Holly for that long. The residents have had it with this on Le Fever and Cunningham, the rodent infestation, from the outside storage we had videos of this here that was taken. The constant truck traffic, the violence that has happened in that area on Cunningham and Le Fever, these are all facts and proven. These individuals have come before Council before, they've come before Planning Commission before, the previous businesses that were at this location prior to them being here Enterprise, Blockbuster, there was also an Education Center there, none of these businesses ever caused a problem to the neighbors or the neighborhood. They never caused any problems to the Tabernacle that sits just behind on Le Fever. It's just as Ms. Holly said it's not a right fit for the neighborhood, they've outgrew that space it needs to go somewhere else.

There have been several incidents where we've had traffic signs that were damaged because of the truck traffic trying to navigate through the neighborhood. The concrete has been messed up as a result, the police were there several times writing citations for the truck traffic. If this is simply for gardening materials and nothing else is happening there why do you have individuals with long guns there guarding the premises. I understand crime is a problem along Eight Mile but really isn't this a little exasperated. I'm not trying to infringe on anybody's second amendment right but this is the wrong fit for this neighborhood and the residents have said so, you've heard from Ms. Holly and Ms. Harris. Residents have come before not only Planning Commission but Council to express their views on this. I'm not here to impress upon that I know any better than you do as a Councilperson, I'm just saying I've been dealing with this here ever since I've been on Council and I've worked with the residents advocating for them in this regard. Thank you.

Mr. Ron Wuerth – I spoke with Mr. Ihrle last week and he intended to provide the request. First it was a verbal, I have an email request, would you like me to read it or is it satisfactory that you simply know

I'm supporting this tabling until April 10th, of this year and that's when the attorney will be available. I intend to contact him both to get something straightened out about the site plan, which I haven't seen any movement on that, that's got to be improved, needless to say, or whatever they are going to do on that as opposed to what they've had in the past. It's not appropriate what they've supplied in the past. I'm recommending that this continue to be tabled and we can then bring something to the table for April 10th.

Secretary Smith – If we are going to table this to April 10th, can we make a note that this is the last tabling, it's been dragging on for a long time.

Mr. Ron Wuerth – I think you can.

Ms. Mary Michaels – Yes, we can make that condition and let him know but if he doesn't have a full Board he has a right to table regardless, by the rules of procedure. Maybe we can work something out with Mr. Ihrie and he would waive that right so that would be the stipulation.

Vice Chair Boniecki – So we can make a motion to table this to April 10th and discuss it at the next meeting.

Secretary Smith – And have the condition put in there that would be the last tabling so he needs to bring all the information.

Ms. Mary Michaels – I'll speak to Mr. Ihrie about that.

MOTION:

A motion was made by Secretary Smith to table to April 10th, 2023, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

B. SITE PLAN FOR BUILDING AND PARKING LOT ADDITIONS FOR MARIHUANA PROCESSOR FACILITY: Located on the west side of

Groesbeck Highway, approximately 272.29 ft. south of Frazho Road; 25855 Groesbeck Highway; Section 24; 25855 Groesbeck LLC/Nita Murad (Brian Barringer).

PETITIONERS PORTION:

Mr. Brian Barringer – Good evening, thank you for hearing us out. Our plan was to present tonight although I know we have a short Board. I want all the Board Members to be able to see the great things we are doing in Warren. I represent Nita Murad the building owner as her CFO and CPA, so I'm an Internal Operator. I work hand and hand with the company we are planning on bringing 125 jobs to Warren in a manufacturing capacity. Unlike retail or anything else we want to make some changes to the building but I'd like the whole panel to be able to hear it so if we could table it until the next available meeting if that's okay.

MOTION:

A motion was made by Commissioner Robinson to table until March 13, 2023, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

- C. SITE PLAN FOR MISTER CAR WASH NEW BUILDING: Located on the south side of Twelve Mile Road; 311 ft. east of Grobbel Drive; 5580 Twelve Mile Road; Section 17; 12 Mound Development LLC/Frank Jarbou (Symmetry Property Management).

PETITIONERS PORTION:

Mr. Frank Jarbou – Good evening, Frank Jarbou for Symmetry Management, am I understanding that we can't vote on this tonight?

Vice Chair Boniecki – We can vote we have five, we have enough to vote.

Mr. Frank Jarbou – Thank you Mary Michaels and Ron for working with us as always. I'm happy to answer any of your questions.

Secretary Smith reads the following correspondence:

TAXES: Current.

ENGINEERING:

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

1. Site shall comply with the current City of Warren storm water standard. Detention and pretreatment shall be required.
2. Any construction within 12 Mile Road R.O.W. shall require a permit from the Macomb County Department of Roads.
3. Site plan shall show and identify the location of all existing and proposed underground utilities including size, connection, and discharge point in the vicinity of the project.
4. Soil erosion and sedimentation control permit/waiver shall be required from the Macomb County Department of Public Works.

FIRE: The Warren Fire Department approves this site plan with the following changes. Widening of the driveway entrance from 16' to 20'.

AT&T: No Objections.

COMCAST: No conflicts.

MCDR: No Objections.

MCPW: It appears there will be no work within a County Drain or easement, therefore this office would have no objection to the proposed car wash project.

Mr. Ron Wuerth reads the recommendation of the Staff:

I'm going to continue with the letters that were generated by the Attorney's Office, I'm going to read a response. What this had to do with were conditions that were provided to the car wash and the conditional words agreement. You don't see it in the zoning ordinance unfortunately, but it is an agreement between the city and the owner for conditions. The three conditions were inserted prior to the City Council Meeting and they approved it, part of that was not approved by the petitioner there was some back and forth between the Attorney's Office and the petitioner. We received a letter from the Attorney's Office discussing what they thought was appropriate and then there was the Planning Staff's response to that I'll read, that letter was dated today and it's from me.

We are discussing the change of conditions for the car wash in particular Sunday hours of operation. I've reviewed the proposed change to the following condition approved by City Council for the car wash. Business hours of the car wash will only be conducted

Mary Clark CER-6819
February 27th, 2023

within weekday hours of 7:30 a.m., to 7:00 p.m., Saturday from 8:00 a.m., to 5:00 p.m., and no Sunday operations. Reasonable deviations may be coordinated with the Chief Zoning Inspector, when necessary to accommodate seasonal high-demand periods.

The Attorney's Office after some discussion with the petitioners have reworked that so I'll read that. It says business operations of the car wash will be conducted only within the hours of 7:30 a.m., to 7:00 p.m., on weekdays from Monday thru Friday, and from 8:00 a.m., to 5:00 p.m., on Saturdays. On Sundays, car wash operations will be conducted only between 10:00 a.m., and 5:00 p.m. If reasonable deviations are necessary to accommodate the peak seasonal demands, extension of hours must be coordinated in advance with the approval of the Chief Zoning Inspector.

In the event business operations are conducted in a manner that is creating a nuisance for the surrounding area, and that nuisance cannot be adequately addressed by this agreement, the Developer will cooperate with the city by implementing commercially reasonable measures to mitigate the nuisance.

I have discussed this proposed language with the Planning Staff and the Building Director James Cummins and all agree that the following sentence should be removed from the proposed condition. And that sentence is, if reasonable deviations are necessary to accommodate peak seasonal demands, extension of hours must be coordinated in advance with the approval of the Chief Zoning Inspector.

It is thought that this statement leaves too much discretion in decision making to the Chief Zoning Inspector. The last paragraph addresses the issues from a more practical and regular way to monitor the operations of the site. Also, I have reviewed the following conditions. And it states, no idling or storage of vehicles beyond normal car wash operations. If required for detailing, any overnight parking will not exceed one vehicle, one night for week, except for advanced permission of the Chief Zoning Inspector.

It is important that the first sentence shall remain, and it is important as a general statement. The second sentence shall be removed as follows. If required for detailing, overnight parking will not exceed one vehicle, one night for week except with advance permission of the Chief Zoning Inspector. Detailing is a specialized type of work done to a vehicle and requires usually a structure to do the work in and lengthy time to complete the work. Again, the permission of the

Chief Zoning Inspector is required and would be their discretion. So that should be removed.

It is with these changes that the Planning Director and the Building Director recommend the adjusted language.

So, with that the recommendation is submitted.

PUBLIC HEARING:

Ms. Lori Harris – Lori Harris again, I think it's interesting that we can barely hear you at all on the panel and it's very hard to understand Mr. Wuertth when we are sitting in the audience. I'm pretty sure I heard that agreements are being made at the last minute, things are being changed in the documents you have. Wouldn't it make sense to have everything done so you're taking this sentence and that sentence out. I'm wondering if what I heard is that the recommendation was it wouldn't be open on Sunday, the petitioner and the legal department came to agreement that it would be open on Sunday. I'm not sure what the neighbors think of that and do they have any input on this. My understanding from hearing about this is the neighbors were not happy. This is not like Mr. Ernie's Car Wash on Twelve Mile and Ryan this is a much bigger operation. I also think there's another car wash going in on the other side of Twelve Mile very close to this, there's something going in, maybe it's a car repair place. I would hope that you would table this and ask the Planning Department to have things updated so it's clear what you're agreeing to rather than having changes at the table where you're crossing out and adding sentences and trying to understand what's really going on. Thank you.

MOTION:

A motion was made by Secretary Smith to approve with the new conditions from the Planning Department, supported by Commissioner Tutt.

COMMISSIONERS PORTION:

Secretary Smith – Good evening, sir, are you aware of these changes that were proposed?

Mr. Frank Jarbou – Absolutely, we've been working with City Attorney Mary Michaels, and she's been awesome to work with, we were definitely aware of these changes.

Secretary Smith – Mr. Wuerth, the changes that the Planning made with the petitioner he seems in agreement with them so how is that going to affect what was originally approved by us. Originally we approved the changes that were originally with no operation on Sunday?

Mr. Ron Wuerth – The Planning Commission never recommended those. Those conditions came to be after the Planning Commission Meeting.

Secretary Smith – You said those conditions were approved by City Council?

Mr. Ron Wuerth – They were.

Secretary Smith – If we approve the new conditions that would have to go back to City Council again?

Mr. Ron Wuerth – Yes, they should.

Assistant Secretary Mouri – So I had the opportunity to look at some of the other car wash hours and some of the hours that I saw were going on Sundays up until 6:00 p.m. I was wondering is there any specific details to this one going up to five o'clock and also the other conditions of not being open on Sunday at all?

Mr. Ron Wuerth – The difference between five o'clock and six o'clock, is that what you're asking?

Assistant Secretary Mouri – No, I know at first we were going for not being open on Sunday's at all, and then the condition now is until five o'clock. Was it the neighbors that didn't want it open on Sunday's?

Mr. Ron Wuerth – The only way I can answer that is that there was talk between the petitioner and the Attorney's Office, Mary also spoke to me about it and it ended up being five o'clock, it seemed like a more logical time. It's not late and people want to have a quiet morning so they can open at ten o'clock and then have a quiet evening so closing at five o'clock on Sunday seemed like an appropriate time.

Assistant Secretary Mouri – Thank you.

Ms. Mary Michaels – Maybe I can help shed some additional light on this, it's a case of no good deed goes unpunished. In the offer of conditions there was never anything about hours and typically we have construction hours and some operational hours when there's a rezoning with conditions. So when it came to Planning Commission it did not come with those conditions either in the agreement or in the offer of conditions. So even though it discussed it with Mr. Jarbou's attorney we didn't come to an agreement. Through an exchange I asked him what construction hours could be and also if there could be operational hours so we can give assurance to the city that there would not be a 24 hour operation. There was a misunderstanding that when said construction hours were fine I said that based on my question to mean business hours could be the same. So that's the form it went when it went to City Council. It was a mistake, we can rectify it today but hours of operation would just be to give the city some assurance that it wouldn't run into late hours or early morning and be disruptive. We are trying to make it harmonious for the city and we also discussed idling too. The petitioner was very cooperative, but the franchisor could not agree to no Sunday operations, that's why this is in discussion right now. Thank you.

Mr. Frank Jarbou – Can I add that we did agree to no construction on Sunday's.

Ms. Mary Michaels – Yes you did.

ROLL CALL:

The motion carried as follows:

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

Mr. Frank Jarbou – Thank you very much, thank you Mary and Ron.

7. CORRESPONDENCE:
None at this time.

8. OLD BUSINESS:

- A. MINOR AMENDMENT TO SITE PLAN FOR ROYALTY HOUSE BANQUET HALL: Located on the north side of Old Thirteen Mile Road, approximately 712.48 ft. east of Van Dyke; 8201 Old Thirteen Mile Road; Section 03; Larsa LLC/Faris Hermez (Dream House Estates/Zack Hanna). The Minor Amendment is for a building addition and other exterior improvements to the building. **Tabled from February 6th, 2023.**

MOTION

A motion was made by Commissioner Tutt to remove from the table, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

PETITIONERS PORTION:

Mr. Zack Hanna – Good evening, we've been in talks with Mr. Ron the last couple weeks to address his comments and I think we are in agreement with most of the items. I think the only outstanding item is the landscaping and I would request more time to keep discussion open with the Planning Department and the city to resolve all the issues.

Secretary Smith reads the following correspondence:

TAXES: Current.

ENGINEERING: No Comments.

FIRE: Approved.

AT&T: No Objections.

MCDR: No Objections.

MCPW: Please be advised that this letter is for comment on right of way and drain easements only. It appears there will be no work within the Bear Creek Drain easement, therefore this office would have no objection to the proposed building addition and canopy reconstruction. Prior to the site plan approval, any project that impacts a County Drain shall apply for the Macomb County Public Works Office design standards. Please note that a formal plan

review and approval from this office will be required prior to construction.

Mr. Ron Wuerth – Before I begin the petitioner said the words I need more time, what does that mean?

Mr. Zack Hanna – Because of the landscaping we still haven't finalized it with the Planning Department. When I discussed it with you I went back to the owner but we are still not inline.

Mr. Ron Wuerth – The petitioner is asking for another tabling.

MOTION:

A motion was made by Commissioner Robinson to table until March 27th, 2023, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

B. SITE PLAN FOR NEW RETAIL AND RESTAURANT BUILDING:

Located on the east side of Dequindre Road; approximately 977.37 ft. south of Eleven Mile Road; Section 19; 26620 Dequindre Road; Geoffrey Sargent (Michael Malone). **Approved on December 7th, 2020. Extension requested to December 7th, 2023.**

PETITIONERS PORTION:

Mr. Kevin Barbieri – We would request that it be tabled to the next meeting for a full Commission.

Secretary Smith – So you don't want the extension?

Mr. Kevin Barbieri – We do want the extension, yes.

Vice Chair Boniecki – Do you want us to continue with the five members to vote on the extension?

Mr. Kevin Barbieri – No, we would prefer to have it tabled.

MOTION:

A motion was made by Commissioner Tutt to table until March 13, 2023, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

- C. SPECIAL LAND USE AND SITE PLAN FOR NEW FITNESS CENTER CLUB, A NEW DRIVE THRU RESTAURANT AND TRUCK DOCK REMOVAL: Located on the south side of Fourteen Mile Road and the east side of Schoenherr Road; Section 1; 13700 Fourteen Mile; Edward Boutrous (Alan Boyer). **Approved on September 9th, 2019; First extension request approved to March 4th, 2023; Section extension request to March 4th, 2024.**

PETITIONERS PORTION:

Mr. Tom Boutrous – Tom Boutrous, 2851 High Meadow Circle, Suite 160, Auburn Hills, 48326. This is the former Kroger Center at Fourteen and Schoenherr that is now Edge Fitness. We were originally approved on September in 2019 shortly before Covid and Edge Fitness terminated the lease with us. When Covid died down a little bit Edge Fitness reupped their lease, we weren't able to get them in until the end of 2021 early 2022.

We also were approved for a 4000 square foot building where the former Kroger Fuel Center was. That is the portion of the property we'd like an extension on. We've had several tenants that we've been working with, we haven't been able to secure a lease yet, it's very hard to get a construction loan without a lease in place. We are moving closer with a couple of tenants, we'd like to construct the building if we could but we really don't want to have to go through the site plan process again if we don't have to. I think an extension to early 2024 would give us the opportunity to secure a tenant and get this building going. I ask that you approve this and thank you for letting me speak tonight.

MOTION:

Mary Clark CER-6819
 February 27th, 2023

A motion was made by Secretary Smith to extend to March 4, 2024, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

9. BOND RELEASE:

- A. SITE PLAN FOR NEW RAINBOW CHILD CARE CENTER WITHIN A COMMERCIAL COMPONENT “B” OF THE HERITAGE VILLAGE PUB: Located on the west side of Mound Road and approximately 394 ft. north of Waterview Drive; 30061 Mound, Section 8; Reed Fenton (Alexander Orman). **Cash bond in the amount of \$7500.00. Project completed. Request to release bond.**

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS:
 None at this time.

11. CITIZEN PARTICIPATION:

Ms. Lori Harris – Lori Harris again, I have several comments, one is the lack of attendance by members of this Commission. There must be some kind of attendance policy there have been way too many people missing, including the President of this Commission and I’m wondering who addresses this in the city. This is not a way to do

business when you don't have an appropriate panel of people, if they are not able to attend, they need to be replaced.

I would also note why would there be a process where the car wash can contact the Zoning Director if he needs to leave a car outside more than one car per night. Is there a special hotline where the car washes can get permission from the Zoning Director because I'm going to guarantee you that the citizens don't get to call the Zoning Director to get permission everyday for something.

And number three, the Royalty House Banquet Hall. It was shocking to watch the last meeting or to be here and see that he managed to get building permits and not Planning approval, how did that happen? How does it happen in a city when certainly the computer system must be connected to Planning and Building or there better be something where you don't give a building permit if Planning hasn't approved it. That's disgusting and then in two weeks he'll be here and everything will be approved, how does that happen. That's a problem and how many times do we have that problem, how many times do we have people going ahead and doing what they want to do and then we have to play catchup afterwards and we don't know that it's been done right. Haven't there been inspectors even from the building department who want to know if they got approval from Planning because this might not look right. It's very frustrating, I think those are pretty much my comments, thank you.

Ms. Holly Fabian – When you look at the Hydro Depot, I wonder if any of you have gone to any of the other Hydro Depot's, none of them have the volume this guy's got going through there. My girlfriend text me while I was sitting here, she said there's none of this stuff going on at the Hydro Depot out by her in Livonia. So I would definitely wonder why this one is so massively huge and again I just want to reiterate they don't belong on this corner.

Is there any possible way you can give us some hope in the fact of even though it's tabled they will be enforced for what the current zoning is. They are not licensed or zoned to have outside storage while this is tabled, and we are waiting to come back. Can somebody come out and write them a ticket for what they're doing make them follow the rules. None of us would be able to drive a car without a license or insurance and when we get stopped say well I'm in the process of getting it.

This should not be allowed that they're in the process of trying to get it they may or may not get it, I'm hoping they don't because like I said they're all ready doing whatever they want and if you give them an inch they are going to run wild with this. I really would like to see something done not just pushed off until it gets there.

The only other thing I can say is I can reiterate what Eddie said, I've seen the guy behind the building with the long rifle, Chuck Sterling, my neighbor, has seen the buy behind the building with it. They've got deliveries coming in at one and two in the morning and they are backing right up to the building so you can't even see what's coming in and out. I'm sorry they're closed, why are we delivering any product of any kind at two in the morning, this should not be happening. They are blocking the streets, they are tearing up the streets, there are signs posted on Toepfer that say no semi's. Yet like Ms. Harris said they come down Le Fever, they come down Cunningham and then they go out on Eight Mile. They are coming off of Eight Mile and going up the street and around the block. No, I can't go out and stand in front of the truck, but I have done it. Somebody please hold them accountable while we are waiting, is there anyway we can do that. Thank you.

Mr. Eddie Kabacinski – Good evening again Planning Commission. It's been intimated that I come before this body here to add influence on this body's decision, that is not my intent to do that. It is my intent to express for those residents those citizens that fear repercussion or retribution for them coming here. Ms. Holly, she's not concerned about it, she's not afraid she's a fighter. But there are those on Cunningham, there are those on Le Fever that are afraid and the fear of God is put into them not to come forward, not to testify, and not to say anything about what occurs at Hydro Depot. At least for the time that I will be left in this position it is my responsibility to come here and speak on their behalf so that is what I'm doing, I'm being their voice and speaking on their behalf. My intent again is not to (inaudible) any undue influence on this body. Thank you.

12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Mr. Ron Wuerth – The Director's Report is as follows. On the 8th of February we had a meeting in our office with a trucking outfit located on Nine Mile and Warner they want to obtain some property from the Chrysler Group that's on Nine Mile to create a larger trucking piece

of property. It was very interesting, and they had some good plans on what they could do, it requires a rezoning. One thing I'll say in addition to that Chrysler property there are a couple of big parcels in the back to the south of the main building that haven't been used for 40 years. It would be really something if the city could make an offer to the Chrysler Group to purchase those two very large pieces of property and double the size of Shaw Park. That was part of the discussion when we first started talking to these people about expanding their trucking outfit but it really came down to what Chrysler is doing with their property and how they want to dispense of it. We are looking into that and so is the Parks and Recreation Director is also actively looking into getting those two pieces of property. So with the help of everyone maybe that will be possible.

Also, on the 8th we went to the Civil Service Meeting with Mark Gorbett and we have him approved for the City Planner I position now, so we are real happy about that. On the 9th there was a meeting, the Royalty House. That gentleman was here, we've had discussions with him about the parking lot, he wants to maintain a certain level of parking. After, myself and our staff had a meeting with the Engineering Group, it was a separate meeting, it was all about storm water and storm water regulations. It was apparent that what we wanted to do is have islands inserted into that parking lot to help take some of the drainage rainwater runoff. It made more sense than ever to have that, although they don't want to because they'd lose parking spaces so that's going to be part of the discussion again with them in our office and perhaps we can work out something. I hope so otherwise that decision might just come down to you the Planning Commission making a decision.

We had a meeting with a Traffic Engineer the city hired to address the issue with the Gerald barricade issue south off of Twelve Mile, Imperial Drive that area, so we had a meeting with that person. In doing so we also had meetings with both sides of with Mataczynski and Jim and Gina Hensley both on opposite sides of the issue, so we had discussions with them. We've come up with some thoughts and ideas on how to proceed with that and it will be evident in April I'll explain more of what I'm talking about but we've got to make some arrangements to expand the study that's basically what we are going to try and do.

We had a meeting with an old time business in time called Variety Food they are located on Hoover just south of Engleman and they're looking to enlarge the site they'd like to buy properties and get

bigger and we are excited about that. We had discussions about rezoning and site plan approval the usual types of discussions.

On the 17th we have a meeting with people who are now interested in the old Continental Trailer Park just north of Eight Mile. A long discussion, a lot of information shared so the developer seemed interested, so much so he's called back for another meeting so we'll meet once again with him and discuss the issues of the site. On the 22nd, the Planning Staff attended a Michigan Association of Planning it's called the Transportation Bonanza and that implies just a whole lot of different seminars and things you get to learn about transportation, new innovated things that are going on in the State of Michigan.

I mentioned the storm drainage meeting with Tina Gapshes, the City Engineer, there will be changes to our Planning Application that's going to include more information that they think we need to be asking for concerning a storm water drainage on these sites, especially with anything that's one acre or larger.

And finally, I attended a Zoom Meeting with Beckett and Raider, MDOT Representative and there was more discussion on the Van Dyke Corridor Plan, we are having plenty of discussion regarding improvements along there. So with that it pretty much rounds up what I've done for the past couple weeks with the staff.

B) Planning Commission Discussion and Concerns:

Commissioner Robinson – I'd like to piggyback on the issue that was brought before us with the issues ongoing at 4547 Eight Mile. It seems to me like there has to be a record of police report incidents at that location. There has to be a record of citizens ongoing complaints about that business there. So in view of that is there anyway that the city can take action to shut that place down with what has been going on from the very beginning. My heart goes out to the residents who have to live with that, that has to be a nightmare. It seems to me that someone in the city, the police department, up to the Mayor, something is not above board over there.

Mr. Ron Wuerth – I can't really answer that question appropriately, I can only tell you that from a planning point of view we work with the site plan, that's our focus.

Commissioner Robinson – Maybe the residents need to bombard the police department and the Mayor's Office, I don't know what else they can do.

Mr. Ron Wuerth – It involves the Building Division who keeps records of all the complaints, it involves the police department, the Mayor is always responsible for all of these things. They are very good record keepers they know what's going on down there, but there's not much discussion I'm working from this end of it. That's about the only way I can answer that.

Commissioner Robinson – It's just a thought that just came over me that was heavily on my mind.

Mr. Ron Wuerth – We are all concerned about it and we are trying to work to the end result.

Commissioner Robinson – Okay.

Vice Chair Boniecki – I do want to update the record to show that Councilman Eddie Kabacinski was in attendance on February 6th and was not publicly acknowledged.

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 8:15 p.m.

Vice Chair Boniecki, Chair

Warren Smith, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

E-mail: maryclark130@gmail.com

DRAFT