

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

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

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

Commissioners present:

Sultana Chowdhury
Claudette Robinson
Michelle Tutt
Delwar Ansar
John Kupiec
Mahmuda Mouri
Merle Boniecki, Vice Chair
Jonathan Lafferty, Ex-Officio

Also present:

Ronald Wuerth - Planning Director
Michelle Katopodes – Planner III
Mark Gorbett – Planner I
David Crabtree - Temporary Office Coordinator
Jasmine Early – Planner Aide
Mary Michaels – Chief Assistant City Attorney
Christie Laabs – Communications Department
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:
Commissioner Mouri – I need a motion to excuse Commissioner Smith for not being able to attend due to surgery.

MOTION:

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

MOTION:

A motion was made by Commissioner Robinson to excuse Commissioner Ansar, supported by Commissioner Chowdhury. A voice vote was taken and the motion carried unanimously.

4. APPROVAL OF THE AGENDA:MOTION:

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

5. APPROVAL OF MINUTES: March 13th, 2023MOTION:

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

Commissioner Tutt – Madam Vice Chair, I'd like to make a motion to adopt a rule of order. During the public hearing portion of the meeting agenda items starting with 6A, each member of the audience may address the Planning Commission for up to three minutes.

Vice Chair Boniecki – Thank you.

MOTION:

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

6. PUBLIC HEARING ITEMS:

- A. SITE PLAN FOR MOBILE MRI TRAILER, AND PAVEMENT ADDITIONS: Located on the southeast corner of Parkview Boulevard and Dequindre Road; 27650 Dequindre Road; Section 18; 27650 Dequindre Associates LLC/Harold Margolis (Kemp Building and Development/Thomas Kemp). PSP230005.

Vice Chair Boniecki – Please give your name and a description of your project.

PETITIONERS PORTION:

Mr. Craig Varady – Craig Varady of Varady Associates. I'm part of the design team to plan the interior of the building.

Mr. Danny Plantus – I'm Danny Plantus from Kemp Building and Development. I'm the project manager for the construction of the project. Craig and I represent a medical group of physicians that are in this area that have purchase the former Davenport tower this past fall. They bought it with the intent on bringing part of their medical group under one roof.

Currently, they're within the area. Some of them are across the street in Madison Heights in a medical building there. There's some others with offices along Dequindre. In any case, they want to own their own facility and they want to bring in this group of physicians and there's multiple doctors offices on each floor of this building that's proposed.

And as part of this repurposing of the building, they want to also bring in a mobile MRI unit. I'm sure most people are familiar with. It's an MRI within a trailer, it gets dropped off during the week next to the building. Patients come in through the building through a covered walkway and they go in the unit and they have their MRI performed. And then they go back.

So, under this current zoning and because of the changes we're making in the site to accommodate this unit, we have to do some additional pavement, we have to increase a drive approach and we have to provide a path back out from the building. We're here tonight asking for approval to install that MRI equipment, the pad for the MRI and the other additions to gain access

Commissioner Mouri reads the following correspondence:

TAXES: No Delinquent Taxes.

FIRE: Approved.

DTE: No objections.

AT&T: Does not object to this request. AT&T does have facilities on the property and in the vicinity of this pavement work, but as long as proper Miss Dig procedures are used, we should not be affected.

COMCAST: No facilities that would be in conflict with the proposed plans.

Mr. Ron Wuerth reads the recommendation of the Staff:

Vice Chair Boniecki -- This is a public hearing. If there's any members of the audience that wish to speak, please come to the podium and give your name and your address and please allow yourself three minutes to speak.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Kupiec – To the petitioner, have you received a copy of the recommendations?

Mr. Plantus – Yes, sir.

Commissioner Kupiec – And do you agree with the recommendations that are written or do you have any problems with them?

Mr. Plantus – Yes, we do agree with them.

Commissioner Kupiec – Is this going to be the only MRI on the site or is there another MRI in the building?

Mr. Plantus – This is just the one MRI unit.

Commissioner Kupiec – So this will service the medical building?

Mr. Plantus – Yes.

Commissioner Kupiec – There's not another building currently?

Mr. Plantus – No. There's not.

Commissioner Kupiec – How soon will this be operational?

Mr. Varady – Approximately 8 a.m. to 6 p.m.

Commissioner Kupiec – Approximately when will it be in operation? When will you start using it?

Mr. Varady – I'm going to guess a year, year and a half by the time everything is completed with the renovations.

Commissioner Kupiec – So it's been in operation for that long?

Mr. Varady – No. This is a new site.

Commissioner Kupiec – This is a new site?

Mr. Varady – Yes. I'm sorry.

Commissioner Kupiec – It'll be a year before it's in operation?

Mr. Varady – Likely about a year, yes.

Commissioner Robinson – I have a question. You're going to rename the building; what would be the name?

Mr. Plantus – Right now, the unofficial name is the HM Medical Center or Medical Building, I believe.

Commissioner Robinson – HM Medical Building?

Mr. Plantus – Yes.

Mr. Varady – I'm not sure if that's finalized yet.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury.....Yes
 Commissioner Robinson..... Yes
 Commissioner Tutt..... Yes
 Commissioner Ansar.....Yes
 Commissioner Mouri.....Yes
 Commissioner KupiecYes
 Commissioner 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). PSP230001 **Tabled from February 27, 2023. On March 13, 2023, the Planning Commission voted to approve this site plan without removing the item from the table, and thus it has not been approved. Due to this procedural issue, this item remains on the table and has been brought back before the Planning Commission. New public notices have been sent.**

MOTION:

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

ROLL CALL:

The motion carried to remove from the table:

Commissioner ChowdhuryYes
 Commissioner Robinson..... Yes
 Commissioner Tutt Yes
 Commissioner Ansar..... Yes
 Commissioner Mouri..... Yes
 Commissioner Kupiec.....Yes
 Commissioner Boniecki..... Yes

PETITIONERS PORTION:

Mr. Brian Barringer – Hi there, I represent Nita Murad at 25855 Groesbeck. It's a building for a processing center for cannabis. My name is Brian Barringer, I'm the CFO, CPA, and I represent Nita.

We've had multiple meetings to develop this property and get it ready for over 100 jobs created and functioning as a processing facility, non-retail. So we do all the backend and then supply the product to retail centers across Michigan.

Commissioner Mouri 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 Ordinance. Detention and pretreatment shall be required.
2. The outside perimeter of all parve/parking spaces shall be minimum 6" concrete curb and gutter, provide elevations.
3. Any construction within Groesbeck Highway r.o.w. shall require a permit from the moot.
4. 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.
5. Soil erosion and sedimentation control permit/waiver shall be required from the Macomb County Department of Public Works.
6. Site plan shall be drawn to scale. Show the drawing scale on the plan.

FIRE: Approved.

AT&T: AT&T does have facilities on the property and serving the property, but they should not be affected as long as proper Miss Dig procedures are followed. As such, AT&T has no objections.

COMCAST: Please see attached complete utility request markup. Please note that there is an aerial coax feed from the pole to the west side of the building. As long as that does not interfere with the second story renovations, there would be no conflicts.

MCDR: No objections.

MCPW: It appears there will be no work within the Schoenherr Relief Branches Groesbeck Lateral Drain Easement that is within the road right of way, therefore this office would have no objection to the proposed building and parking lot additions.

However, prior to site plan approval, any project that impacts a county drain shall apply the Macomb County public works office design standards. Please note that a formal plan review and approval by the engineering and soil erosion departments from this office will be required prior to construction.

MDOT: Site doesn't appear to have work in MDOT right-of-way.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Eddie Kabacinski – Good evening, Planning Commission. My name is Eddie Kabacinski. I'm at 8679 Hudson Avenue in Warren, Michigan. I am here about this facility again. Again, I'm not here as a Council person but just as a citizen here in the city of Warren.

I find it interesting that we will ignore federal law in regards to marihuana and its process, cultivation, sale, and distribution. We'll ignore the federal law in contravention to state law here. But, when we go after the prosecution of a President, we'll go ahead and state local authority over federal jurisdiction. I find that interesting.

But the point of view is the argument I hear is taxes, money and jobs. Okay, well, where are our morals and our values and our ethics? This stuff is killing our citizens. It's killing our youth. Recently a Michigan mother by name of Rebecca Kiessling lost her two sons to marihuana laced with fentanyl.

Now, we've hear this gentlemen's argument, well, this is a processing facility for the oil, the cookies, the gummy bears. Okay, another instance, a father that bought the cookies and the gummy bears recently left his staff out in the open and his child got ahold of the gummy bears and the cookies. His child O.D.'d on the marihuana. That's not laced with fentanyl, that's just regular marihuana product.

We have a facility here nearby named Cookies that regularly advertises here in the city of Warren using cartoon characters to advertise to our use. And the kids are dying and they're overdosing on this marihuana.

What everybody thought was a plus for the state of Michigan in this new industry, all we've done is legalize the drug cartels in the state of Michigan. And, let's mince no words about it, this is exactly what it is, it's legalizing the drug cartels. We're dealing with the drug cartels that are flooding our southern border and now our norther border. As I recently came to this Commission before, recently, Sheriff Matt King and St. Clair County along with the federal authorities intercepted 84 bundles of the marihuana laced with fentanyl including crack cocaine and powder cocaine.

Recently I contacted Commissioner McAdams here from our fire department. Sir, did you know that this now marihuana laced with fentanyl is in your former home city of Pontiac? And they're now dealing with overdoses? There is not enough Narcan that's going to save everybody in this city from overdosing on marihuana.

So my thoughts are here; I know the Planning Commission has their marching orders to go ahead and approve this, but, you're all parents. Think of your children when you conduct this vote.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Robinson – What I'm concerned about is the processing and odor that is going to be emanating from this building, which is going to be grotesque. So are you installing any type of odor detection devices?

I did a little research and there's one facility in Michigan that they are looking in to some type of odor control. And then, are you looking in

to something like that so that it doesn't emanate into the atmosphere and all over Groesbeck because the odor can stretch for miles and miles. Are you planning on or devising some type of device or mechanism to control the odor?

Mr. Barringer -- So what happens in a grow facility, when they're growing the product and it's flower, that's where you get the abundance of smell. Once you convert it and it gets in to oil that you produce, at that point the smell goes away and it becomes a byproduct of flower.

We buy the product already transitioned out of flower into a byproduct that comes into the facility and then gets put into different types of products. So it doesn't have an odor that a grow does. So we don't have open flower, and that's where you have that smell. We don't even have the place to put that type of stuff. So, our product has already been tested by state of Michigan so that it doesn't contain harmful products in it and then it comes to our facility packaged down to that byproduct.

Commissioner Mouri -- I do just want to let everyone know that we did ask a lot of questions last time about hours of operation, the smell, the odor and everything. And the petitioner did answer us, so if there's anything new that you'd like to let us know? I know there was some information was updated to the site and then if there's anything that you'd like to let us know?

Mr. Barringer -- No. We're just following the recommendations and getting those turned in so we can move on and get this up and running.

Commissioner Kupiec -- To the petitioner, you actually received a copy of the recommendations?

Mr. Barringer -- I did.

Commissioner Kupiec -- And you are willing to comply with all of them?

Mr. Barringer -- Absolutely.

Commissioner Kupiec -- How soon will you be up in operation?

Mr. Barringer -- It's currently under production and getting the facility up and running. But we expect June.

Commissioner Kupiec – You say it'll be about 100 people working in this facility?

Mr. Barringer – So, operational people, probably about 80 – 100. But we are always under inspection by the state of Michigan and testing security, full time, 24-hour security. So, we need parking spaces for those individuals also, not just the production people.

Commissioner Kupiec – How many shifts will you be running?

Mr. Barringer – Just one shift. Normal, daytime hours.

Commissioner Kupiec -- So you'll need 100 plus parking spots for just one shift?

Mr. Barringer – Like I said it's like to be around 80 employees. We also have the administrative staff up front. We have two levels for accountants and people running other business from a standpoint of like rental properties and managing and stuff like that. So it encompasses about 80-90 employees plus all the requirements by the state of Michigan and the security and all that stuff.

Commissioner Kupiec – Thank you very much, sir. Good luck with your operation.

ROLL CALL:

The motion carried as follows:

Commissioner ChowdhuryYes
 Commissioner Robinson.....Yes
 Commissioner Tutt Yes
 Commissioner Ansar..... Yes
 Commissioner Mouri..... Yes
 Commissioner Kupiec.....Yes
 Commissioner Boniecki..... Yes

7. CORRESPONDENCE:

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. PMA230001 Tabled from February 27, 2023. **The petitioner**

requests that this item remain TABLED to the April 24, 2023 Planning Commission meeting to have sufficient time to address site plan issues.

MOTION:

A motion was made by Commissioner Robinson to postpone to April 24, 2023, supported by Commissioner Mouri.

ROLL CALL:

The motion carried as follows:

Commissioner ChowdhuryYes
 Commissioner Robinson..... Yes
 Commissioner Tutt Yes
 Commissioner Ansar..... Yes
 Commissioner Mouri..... Yes
 Commissioner Kupiec.....Yes
 Commissioner Boniecki..... Yes

9. BOND RELEASE:

10. NEW BUSINESS:
 None at this time.

11. CITIZEN PARTICIPATION:
 None at this time.

12. PLANNING COMMISSION BUSINESS:
 A) Planning Director's Report:

Mr. Ron Wuerth – Thank you, madam vice chair. Just a few things. We've had many meetings over time here. Usually it includes the Mayor's staff meeting where we get informed on what's happening throughout the weeks before city council meetings.

But, we did have a meeting with the people about the clinic that just got approve. Worked that over. We had the meeting The Royalty House, we just tabled that again, so we're still working on the site plan and the amount of parking spaces that are going to be permitted on that.

I attended a meeting along with some of the staff having to do with the new Historic district. It's an ongoing process and we're getting there. It's taking some time and review and more discussion with State Representatives not in the legislature, but people that run

various parts of the State of Michigan, to get certain language corrected.

We did have a meeting with Take Five Oil Change. That's located on the northeast corner of Schoenherr and 10 Mile. It came to us in a site plan in real poor form, and that's when we asked for a tabling on that. You gave us the tabling and went back to this meeting and they changed the plan, we worked it over some more at the meeting. I'd have to say we're going to get everything we need and want out of a good site on that corner. So we were happy with that. Several of us in another meeting attended a Fair Housing Act meeting that was presented by CDBG at City Hall. That was 3.5 hours of work, listening to that.

So with that said, if you have any questions about some of these things or other things, please, I'll try to answer them.

Commissioner Kupiec – Good evening, Mr. Wuerth.

Mr. Wuerth – Good evening.

Commissioner Kupiec – Has there been a change in the signage ordinance in the city of Warren? I notice in traveling around, there's more and more window displays that are being posted that are taking up the entire window surface with paper signage. There was a time when that was prohibited.

Mr. Wuerth – There hasn't been any change in the sign ordinance for some time.

Commissioner Kupiec – So these window displays should not be displayed like they are. Because it's getting a little out of control.

Mr. Wuerth – I think I can answer the question that they are supposed to – I think it's 50% of the window space is allowed to be used. Half.

Commissioner Kupiec – Well, one you'll be probably very familiar with is Friar Tucks on the corner of 12 Mile and Ryan. It recently just opened up some type of a store and restaurant. He has got his window plastered wall to wall treetop tall. There's not an inch of glass on the windows. All kinds of display in different writings.

Mr. Wuerth – I see.

Commissioner Kupiec – What do we do?

Mr. Wuerth – I can contact the building division and talk to them about perhaps an inspection of the site by a zoning inspector.

Commissioner Kupiec – He's the most recent one. There's numerous ones around the city. It seems like it's getting out of control and more and more window signs than there are sign signs.

Mr. Wuerth – The zoning inspectors are very busy, that's all I can tell you, every day. I think there's five of them and they all have a lot of work on their plate but sometimes with certain ones that are new, like this one that you're speaking of, I can check on it. I can have it checked on.

Commissioner Kupiec – Thank you.

Mr. Wuerth – You're welcome.

b) Voting of Proposed Bylaw Amendment. Planning Commission received proposed bylaw amendment for review on March 13, 2023.

Attorney Mary Michaels – What it would do is limit – when there's a public hearing, it would establish a 3 minute limitation on when a member of the public could address the Commission.

The Commission has been doing it ad hoc at meetings and this would at least provide some permanency. And, so people would have an expectation of what to expect going forward. What it would also do is just for point of order, maintain communication between the speaker and the Commission. And then in turn, when the speaker address an item of interest, it's up to the Commission to address that issue to the city staff or the petitioner.

In the past, it's become a controversy whether somebody could present audio/visual or point of some type of audio visual to the commission. We'd have a rule that would require any backup information to be produced in written form. And then the Commission could decide if an audio/visual would be allowed.

And, nothing is set in stone, there's flexibility. And also, Mr. Crabtree had given me some samples from bylaws from other communities and there's a lot to draw from. I outline that in the memo to the Commission. So there's some helpful information going forward so we can establish rules that make sense and it's fluid throughout the community and the Commission. So it sets some parameters.

Commissioner Mouri – Are we extending the time for the presenters?

Attorney Michaels – Not this time. That was one of my recommendations. Many communities have a ten-minute limitation for petitioners, we only allow five. I was keeping this draft at a minimum and maybe going forward we can address that in the bylaw rewrite.

Commissioner Mouri – Thank you so much for summarizing that.

Mr. Wuerth – On that extended time, didn't you say, Mary, that they could make a decision after five minutes? You know, they're doing really well and all this, and five minutes is up.

Attorney Michaels – Thank you. Yes. If the chair has that discretion, if the Commission needs more information to understand the proposed project, the chair has the discretion to allow additional time for the petitioners.

Mr. Wuerth – You had said that in there and if they want to go more, no problem with that. And, the staff agrees with every part of this. This is very good. Thank you.

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner ChowdhuryYes
 Commissioner Robinson..... Yes
 Commissioner Tutt Yes
 Commissioner Ansar..... Yes
 Commissioner Mouri..... Yes
 Commissioner Kupiec.....Yes
 Commissioner Boniecki..... Yes

c) Planning Commission Discussion and Concerns

Commissioner Kupiec – I do have one request. Between agenda items, there seems to be a rush. And don't get me wrong, I like to get done early, too. But I also like to finish up what I was doing before I start my next phase. And, maybe it's because of my age,

I'm getting behind. It seemed to me that we're rushing between a, b, c, and d. It seems to me when we finish up and we get through with voting, you know, a minute or two or three, to let the audience clear, let our heads clear, let our paperwork clear, to start the next plan.

We're just pushing, pushing, pushing. I personally object to it. If we could consider slowing down a bit between announcements, I would appreciate it.

Vice Chair Boniecki – We'll try. Thank you.

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

14. ADJOURNMENT:

MOTION:

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

The meeting adjourned at 7:49 p.m.

Merle Boniecki, Vice Chair

Warren Smith, Secretary

Meeting recorded and transcribed by
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