

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on April 10th, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, April 10th, 2023, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Sultana Chowdhury
John Kupiec
Claudette Robinson
Michelle Tutt
Delwar Ansar
Warren Smith, Secretary
Merle Boniecki, Vice Chair

Also present:

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 note that Assistant Secretary Mouri is in Urgent Care, so we need a motion to excuse her.

MOTION:

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

Secretary Smith – Commissioner Kupiec is not here so we need a motion to excuse him.

Commissioner Robinson – He's usually late.

Secretary Smith – Well he’s not here right now so we’ll make him as absent and if he comes in we will change it.

MOTION:

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

Vice Chair Boniecki – I’d like to take this opportunity to recognize Ex-Officio Councilman Watts and Councilman Lafferty. We currently do not have a full Board so if anybody would like to adjourn their item to 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 Robinson. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF MINUTES MARCH 27TH, 2023:

MOTION:

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

6. PUBLIC HEARING ITEMS:

Members of the audience who wish to address the Planning Commission this evening for a public hearing item may do so by first checking in with the court reporter at the right of the stage and will have three (3) minutes to speak.

- A. SITE PLAN FOR OUTDOOR RETAIL SALES OF GARDENING SUPPLIES: Located on the northeast corner of Eight Mile Road and Le Féver Avenue; 4545 & 4547 Eight Mile; Section 32; Vinson Bahri (Robert Ihrie). **Tabled from February 27, 2023. The petitioner has submitted a concept plan and intends to submit a full revised site plan for review by April 24, 2023, and as such is requesting this item be postponed to a further date. The Planning Staff recommends this item be postponed to May 8th, 2023 Planning Commissioner Meeting.**

MOTION:

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

Vice Chair Boniecki – The Planning Department received written correspondence from the Petitioner’s Attorney Mr. Ihrle requesting that the item be postponed as the petitioner and architect are still working on the revised site plan. The Planning Staff is recommending this item be postponed until May 8th, 2023. We will open this up for public comment if anybody would like to talk on this.

PUBLIC HEARING:

Ms. Holly Fabian – Good evening, everybody should have a copy of a photo that I printed out for you in front of you. That photo was taken from my front porch, it really doesn’t do it justice. The black that you see is the fence that is going around their parking lot at Hydro Depot. Do you notice all the stuff that’s above that fence, that fence is 6 foot tall, the stuff they now have piled out there is 8, 9, and 10 feet tall. I wanted you guys to see this because right now, although you guys had said that there was going to be no more tabling of this it would be the last time it was tabled and now they want to table it again. And since then, until now, they have tripled the amount of stuff that they are putting in that parking lot. If you approve any plan whatsoever, they are just go wacko with this, look at how much stuff is piled up out there. Why is nothing inside, they are not zoned for this but they are doing whatever they want. They are thumbing their noses at the City Council and at the Planning Commission.

I’m not sure what they are doing on the Le Fever side but they got some big heavy Cats over there and the noise where they are breaking concrete and everything they may very well just be fixing some concrete, I don’t trust them. They’ve done everything that they want without following any rules whatsoever. When we were here the last time Ms. Lori Harris had gone and got a FOIA and they said they had no tickets. I called Steve Watripont and he said he personally wrote nine tickets, when I said Mr. Watripont they’re not there and while he was on the phone with me he brought it up on his computer and said where did my tickets go there not showing, they are missing. Number one, where did the tickets go and why aren’t they being enforced. Like I told you guys when we were here the last time if you got pulled over by a police officer and he said where is your proof of insurance on this car you can’t look at the officer and say well I applied can you just wait and I’ll tell you in a month if I’ve

got it, no there going to give you a ticket and you've got to appear in court. Why are they not being held accountable for what is the statute right now instead of they keep building stuff.

When we had that windstorm, we had stuff everywhere all out of their backyard because their dumpster is always open and there's constantly trucks. I have a video on my iPod touch. I had a semi in front of my house and he drove over my lawn trying to back up in there again instead of going around the front way. And from what I understand there now coming down Le Fever even though there's great big signs on Toepfer that say no semi's they just drive they are delivering their stuff. This is not what we should be doing in residential areas and trying to move their stuff more outside, if their not listening to you now their not going to listen to you when you go well okay we'll let you do this they will keep going and going. This needs to be stopped their business is too big for that corner, they are way out of control, they are bad neighbors. I want you to look at that picture and think of how you would feel all summer having to look at all of that and smell all the diesel fuel. Thank you.

Ms. Lori Harris – Hi Lori Harris in support of Holly and my friends that live on Le Fever. I want to remind you that this is a business for marijuana supplies, and they have not been good neighbors. The city is allowing bad neighbors to be in our neighborhoods, that's very disappointing and very frustrating. I believe Holly has been fighting this for a few years already so I'm going to support what Holly said and ask for the city to follow through on the ordinances that are already existing or the requirements for this business to issue the tickets, to enforce the tickets, to shut down the outside sales until this next proposal comes through. I believe Holly really wanted you to not table this, you did say at the last meeting, Mr. Wuerth said it would be the last time it was tabled and here we are again. This could end up going to the end of the summer and they have to deal with bad neighbors, crime, and the traffic of semitrucks in a neighborhood full of children who will be off school I think you need to consider not tabling it. Thank you.

Ms. Mary Michaels – Madame Chair, do not close the public hearing just entertain the motion. You can't close the public hearing because we want to entertain more comments at the next meeting.

Secretary Smith – Madame Chair, we have to take a vote on removing it from the table, we didn't take a vote on that.

MOTION:

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

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Kupiec..... Yes
- Commissioner Robinson..... Yes
- Commissioner Tutt..... Yes
- Commissioner Ansar..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

MOTION:

A motion was made by Secretary Smith to postpone the item until May 8th, 2023, supported by Tutt.

Secretary Smith – Just to let the audience know this is not a tabling this is a postponement, which is a little bit different. So that’s why the public comment is still open to allow you to speak today and then on May 8th you’ll still be allowed to speak on the same item.

Commissioner Kupiec - Mr. Secretary could you explain to the audience what the difference is between postponement and tabling so they understand or by City Attorney.

Ms. Mary Michaels – A postponement is to a certain scheduled date, tabling means you start the item, decide there’s other business to proceed to, then you would table the main item proceed with the business and then make a motion to remove from the table. So whenever there’s a date that’s scheduled it would be a postponement.

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Kupiec..... Yes
- Commissioner Robinson..... Yes
- Commissioner Tutt..... Yes
- Commissioner Ansar..... Yes

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

- B. REQUEST FOR REZONING FROM “P” TO “M-2”: Located on the south side of Nine Mile Road, approximately 160 ft. west of Warner Avenue; from the present zoning classification of “P”, Parking District, the south 150 ft. of the property, to “M-2” Medium Light Industrial District; Section 31; 2700 Nine Mile Road; Great Lakes Trucking MI, Inc/Liliya Skikun (Paul Reschke). PR230001.

PETITIONERS PORTION:

Mr. Paul Reschke – Paul Reschke on behalf of Great Lakes Trucking. The project is 2700 Nine Mile where the building was purchased late 2018 the occupant is a transportation logistics company. They did receive a certificate of occupancy when they purchased the property, our request at this time is the property is one parcel of land and about 4/5 of the front end is zoned M2 and backend of the same parcel is zoned P. We are just requesting that we have the backend, the balance of the property rezoned to M2 to continue operations and parking of some trailers in the backend. You have the plan with the parking details.

Ms. Michelle Katopodes reads the recommendation of the Staff:

Vice Chair Boniecki – This is a public hearing if members of the audience wish to speak on this item come to the podium state your name and you’re allowed three minutes to speak. I encourage you to state your address for the record. If you choose not to do so please indicate if you got a notice of the hearing.

PUBLIC HEARING:

Ms. Karen Peres – I am a resident, I live on Warner Avenue and Great Lakes Trucking parking lot is right behind me in my backyard, separated by a chain link fence. I strongly urge you do deny GLT’s request as a help to the neighbors to keep some sense of quality of life in the neighborhood. Allowing this rezoning poses several concerns with trucks always parked in such close proximity of my backyard and my children. I’ve taken down my pool partially because of that. I have pictures of them parked really close to the fence. I have a dog that I don’t let freely into the yard any longer because I have encountered food thrown over the fence. The dumpster is constantly open with garbage blowing into my yard.

On January 11th I let my dog out, that was the last time I let him out on his own, he came in smelling of gasoline and I know there was an employee leaving in a truck, I don't know what was sprayed on him. I strongly urge you not to approve this plan. Thank you.

Mr. Gary White – Good evening, my name is Gary White, and I also live directly behind the trucking company. I'm not against a firm trying to better themselves, I'm for that but in this case here I'm a little bit luckier than my other two neighbors as I do have a garage in the back neither one of them have garage in the back they have attached garages. So their backyards when you look out all you see is all the trucks. I always thought when you had a firm like this that had all these semis and tractors, and by the way the tractors in the wintertime they sit there and idle half the night and I understand why because you have to keep a semi warm in order for it to run the next day. When you look out their backdoors and all you see are trucks and trailers, even mine. When they first moved in there they cleaned up all behind the fence really nice there's nothing but a four foot chain link there, that's all that protects them from us.

For the last few years since they've been there nothing's been taken care of back there it's just all overgrown, I'm constantly having to go out there and cut because it grows over to my yard. I think it's bad for the neighborhood unless they put up some kind of big block all so people can sleep at night. Sometimes they'll back in there and slam a truck against a trailer and it will shake your house. I don't know if it's the best place for a trucking firm. I understand that they've got a lot invested there already but they need to invest a lot more or they need to look for another site. Thank you.

Ms. Lori Harris – I just want to encourage the residents to fight, you're not the only place that this is happening in our city. It's really sad that you have to come to a meeting about these businesses that aren't held responsible. I hope that you're reporting things to the Blight Department and Property Management. I find it really sad that the City Councilperson for that area isn't fighting for you. Thanks.

Mr. Lee Schneeborgor – Good evening, Council. My mom fought for a long time about people putting up all kinds of things across the street from her home. Well theoretically along time ago, about 82 and 83 to alleviate peoples problems you guys went along with it and they just put that green sheet metal in the fence, there should be a wall right there also but nobody ever put that up, can you explain why?

Vice Chair Boniecki – This is a public hearing you can speak to us and then we will discuss your issues.

Mr. Lee Schneeborgor – I'm just wondering how come they never put a wall up there they let them get away with just putting a fence. If you look it up it's supposed to have a wall.

Secretary Smith – Thank you sir, we'll take your comments into consideration.

Mr. Lee Schneeborgor – That's very nice of you.

Secretary Smith – I have a letter from Mr. Gary White being he was here and came up and spoke I'm not going to read the letter into the record.

Unidentified person from audience – That's his son Gary White II, he lives two doors down.

Secretary Smith – Do you want me to read this into the record?

Unidentified person from audience – Yes.

Secretary Smith – Alright, very good no problem.
Good afternoon, ladies and gentlemen.

I wish I could have been there but I had a prior arrangements which prevented me from attending this meeting. However, I wanted to make sure my voice was heard. I live right beside Great Lakes Trucking to the east. I'm not totally opposed to this change, however as they have been occupying this location illegally I believe for about the past two years already. However, I believe that a brick wall to cut down noise should be erected to separate this M2 district from the residential occupants to the east. This is because they make a lot of noise hooking up and disconnecting trailers and sliding their axles at all times of night and day.

When they hook up the trucks the bang is so loud at times it shakes the house. Trucks area also idled for hours on end, which is very annoying when you're trying to enjoy your backyard. My family and I have been woken up many times during the night when a truck enters the lot due to the noise and lights. Right now the only separation is a four foot tall chain link fence that is in bad shape. So

when the trucks pull in at night their headlights shine right into the back of my house. I understand that the wall will not cut down all the noise, but it will be a significant improvement. I hope you take the concerns of the residential occupants that have lived here long before this trucking company came along.

Regards, Gary White II

Vice Chair Boniecki – Is there any other members of the audience that wish to speak?

Mr. Paul Reschke – Paul Reschke again, I would like to address if you can see on the plan right where the building is outlined in red we do have a proposed wall so we are prepared to put an eight foot wall whether it's block or poured concrete whatever is required.

Commissioner Kupiec – I think he's out of line, this is a request for rezoning not a site plan approval, he's talking about site plan approval.

Mr. Paul Reschke – Yea, that will come down the road.

Commissioner Kupiec – Secretary Smith do you agree?

Secretary Smith – I do agree.

Mr. Paul Reschke – We just want to address that a wall will be put up. On the backside of those properties there are a couple of what I would call landmark trees, some of these things are three, four feet in diameter. We can take them out or we can work around them.

Commissioner Tutt – This hearing is about rezoning.

Mr. Paul Reschke – Okay, I'm just saying we are willing to do that in answer to the complaints.

Secretary Smith – I'd make a motion to approve the rezoning with conditions and some of the conditions would be the wall, I was there today and the fence was in very bad shape I can see how the neighbors dog could probably even get through the fence to get to the other side so that was definitely an issue. There's a lot of things that need to be addressed so I think the rezoning needs to be based on certain conditions and we need to have a list of the conditions in

the rezoning for the approval to have it go forward. Ms. Katopodes can you come up and speak on that for a moment?

Ms. Michelle Katopodes – So at this time this application was for a straight rezoning, it was not a conditional rezoning request. If that is something that you're looking to potentially ask for that's something I believe the applicant would have to offer those conditions to have it be a conditional rezoning. Some of these conditions could most likely addressed during the site plan approval time, but it's going to be up to you and maybe the City Attorney can address that further but this request was not a conditional rezoning, it was a straight rezoning that was the initial request.

Ms. Mary Michaels – That is true, we'd have to explore with the petitioner the likelihood of their agreeing to conditions for conditional rezoning. We could possibly postpone this manner or table this matter until there's a chance to discuss a rezoning with conditions with the petitioner.

Ms. Michelle Katopodes – I just want to add the petitioner did come up here it was during the public comment but he was trying to make mention that there is a proposed wall on the plan, that's what he was trying to convey that was an issue that was brought up. He is proposing a wall along the south 297 feet along the east side so that is part of it, that would be part of the site plan approval request.

Ms. Mary Michaels – If I may, without the offer of conditions or conditional rezoning there cannot be conditions added to this rezoning. There can be to the site plan but to this rezoning you can make the recommendation and forward it to City Council. Without the voluntary offer of conditions, it's either a straight rezoning or not to rezone recommendation.

Vice Chair Boniecki – Do we want to make a motion with the conditions, or do we want to go ahead with the motion for the zoning?

Secretary Smith – We can't make a motion with conditions it has to be the straight rezoning.

Vice Chair Boniecki – Do you want to remove the motion with conditions?

Secretary Smith – Yes I have to remove the motion with conditions because we can't have that at this particular time.

Commissioner Tutt – Ms. Michaels, what we are voting for right now would be for a straight rezoning?

Ms. Mary Michaels – Correct.

Commissioner Tutt – The conditions we are looking for would be when they come back for site plan?

Ms. Mary Michaels – For the site plan or if this were tabled and we would discuss a rezoning with conditions with the petitioner.

Commissioner Tutt – Understood.

Secretary Smith – So then I'll change my motion to approve the rezoning.

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes

Commissioner Kupiec..... No

I don't feel this is a very conducive environment for a trucking company to move into a neighborhood and expect the neighbors to tolerate the type of nuisance that goes along with the operation of a trucking company. A lot of things will come during the site plan approval but right now I'm not in favor from what I've seen there and from what I'm hearing from the neighbors.

Commissioner Robinson..... No

Because of the close proximity to the neighbor's backyard. I'm more concerned about the quality of life and also the fumes, the toxic diesel fumes that will emanate into the neighbor's backyards and further. Those fumes can travel a distance, I just think it's too close to the residential neighbors.

Commissioner Tutt..... Yes

Commissioner Ansar..... No

I think the residents had some valid complaints and also I had visited the site today and I think what they said is true.

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

Secretary Smith – The vote is four to three and we have to have five. So what happens now it gets moved to the next meeting, because you have to have five votes for it to pass.

Ms. Mary Michaels – Correct, and if it fails at the next meeting the no vote becomes final.

Secretary Smith – It will be moved to April 24th, 2023 meeting.

- C. REQUEST FOR REZONING FROM “P” TO “M-2”: Located on the south side of Ten Mile Road, approximately 292.35 ft. east of Warner Avenue; from the present zoning classification of “P”, Parking District, the south 165 ft. of the property, to “M-2” Medium Light Industrial District; Section 30; 3000 Ten Mile Road; MMC Management LLC/Michael Campbell (Brad Brickel). PR230003.

PETITIONERS PORTION:

Mr. Michael Campbell – Good evening, I’m Michael Campbell with 3000 E. Ten Mile. Approximately 15 years ago we moved into this facility where we had zoning to have some aggregate bends, our business has changed so we are asking for 40% of the P1 to be converted to M2 leaving the parking and the berm that was granted on their site plan approval to remain. During that process 15 years ago we were required to put a berm in of some trees we want that to remain, we want the parking to remain that’s closest to the residents behind me and converting that 40% that is directly behind the M2 so basically extend the M2 another I believe it’s about 40 feet maybe 50 feet. We are willing to work with the residents on the site plan approval to add more trees, fences or other amenities that may be needed to be more comfortable with the continuation of the M2.

During the process of rezoning the property 15 years ago we were required to put the berm with the large trees, which we want that to remain, we want the parking to remain P1 that’s adjacent to all the residents behind us or that’s closest to the berm. Basically, just extending the M2 another 40 to 50 feet to the south and eliminating the berms. And as I said if there’s anything that the residents would like more screening, trees, a screen wall or whatever they would like we will need to do that during the site plan approval.

Ms. Michelle Katopodes reads the recommendations of the Staff:

PUBLIC HEARING:

Ms. Athleyne Bachorski – I live directly behind them, and I've lived there for 34 years. I know I bought my property knowing that was all industrial, I know that. My concerns are that we keep our berm, we have our parking, I have no complaints about employee parking in the back but we have the issue of the yard being screened. I have called many times on violations that things were open storage in the parking area, that's my concern.

I've had to look at orange barrels being dumped back there in the parking area and I don't want to see that spilling into the parking. I don't want to see orange barrels popping up in the back 15 feet tall, but otherwise I understand the parking I have no complaints about that it's just the open storage. When you look through the trees you can see rolled up hoses and everything that's in the yard, the company has said we will work with you. If we can get that in writing that it's going to stay that way instead of the yard being changed around a couple months later. So that is my concern. I like the berm, the company was nice enough to give us the berm when they moved, in they worked with the neighbors. Our main concern is the open storage, thank you.

Mr. Matthew Fontana – Good evening, I live at 3147 Esch directly in back of the property but also my property butts up to Finkl and Son. I'm speaking on behalf of some of the neighbors that couldn't make it tonight, so we offer a statement in agreement with the residents that could not be here.

Some of us are original homeowners dating back to 1972, others 30 years plus. At the time of our purchases we were all aware the south side of Ten Mile Road would eventually be zoned commercial property. Since that time numerous commercial businesses have developed and became our neighbors. We've been contacted on more than a few occasions by the Planning Commission and or the Rezoning Commission asking for our input. The businesses would address any current concerns or possible future issues that would directly impact our home value and enjoyment of our property, we also seem to come to a verbal agreement. Unfortunately, Hutch Paving did not live up to their agreement. If the Commission were to approve the request for rezoning we ask for any agreements made between Hutch Paving and the residents be documented and enforced by the City of Warren.

In the packet you've all received there are some photographs in there. I know they have a photograph of a berm of trees that's back there on an angle if you could please eventually look at those photographs, and I have documentation in there on what each photograph is taken from.

Number one is my swimming pool area, I've had two swimming pools put in the last 26 years, above ground. There's an opening there, no trees were ever planted there. The others have grown and I've getting all that excess dirt from all the trucks and now with the cars going back there on top of this it's probably going to be a bigger issue.

Photograph number two taken directly in back from my garage, that's what I look at when I go out there. Photograph number 5 was taken from the neighbor right next door to me. There's also a photograph of a light with no shields, so if there's an agreement made we would like it in writing and enforced. Also trees replaced when and if they die because there has been one or two that have died or came down and they weren't replaced. Thank you.

Ms. Lori Harris – I'm going to speak again. It's really disappointing to hear that it takes coming to a Planning Meeting that the businesses aren't meeting with the neighbors and complying with what they said they were going to do. I would like to remind the Planning Commission that it wasn't that long ago that Nine Mile and Hoover came I believe in front of you or in front of Zoning, I don't remember. I just want to remind people that area actually bought some houses and people were relocated for storing of trucking, semis and things like that. Despite the promises that were made by this large company people are still sitting there with semi-trucks idling all night, radios playing, and trash in their yard so I would encourage this Planning Commission not to approve something where the conditions are not understood. Promises are only as good as when they are kept. So I would encourage the neighbors to not accept what's given, I would encourage the neighbors to expect it to be done first and then ask them to come back for more changes to their plan. Thank you.

Ms. Michelle Katopodes – Madame Chair, I just wanted to point out again this is a straight rezoning, not a conditional rezoning so some of those items that were brought up whether it's trees or lightening, those are all standard conditions of the site plan approval and those

are things we can look at during that time, but this is not a conditional rezoning.

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – When I was going over the information in the packet one thing I noticed is it said the open storage is 31,219 square feet, the maximum request is 3101 square feet which leaves a difference of 28,117.5 square feet. The variance that they are showing is only for 25,000 square feet, so there’s a difference of 6203 square feet. I know that this is just a rezoning but there’s some discrepancies there as far as the variance goes for this rezoning.

Ms. Michelle Katopodes – You’re saying there’s a discrepancy with that calculation?

Secretary Smith – There was another thing I noticed which wasn’t mentioned in our findings they’ve got two fuel tanks there and they don’t have the curb for the spill that should be addressed too but that could be in the site plan approval.

Ms. Michelle Katopodes – Yes, both of those would be a part of site plan approval and it is possible based on looking what’s in the recommendation that mostly there would be variances involved as well, that is a possibility based on the request for the open storage. Variances would be something that during that site plan approval process we’d be looking at any potential variances as well.

Secretary Smith – Thank you.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes
Commissioner Kupiec..... No

Secretary Smith – Commissioner Smith voted to second it, so now he’s voting no?

Commissioner Kupiec – After reviewing and listening to what Michelle said I’m wondering why this was even brought before us

knowing the situation on the site and bring it before us for approval from a P to a M2 once we give it to them for a M2 sounds to me it will open the door for anything they want to do. If they aren't doing what they are supposed to be now under a P and we open it to a M2 I don't know how we will ever get this under control, so I'm going to say no unless the City Attorney can advise me different.

Secretary Smith – Now we don't have a second for the approval so how do we work that?

Ms. Mary Michaels – Actually we do have a second, a second is a concurrence to bring it to the assembly. You do not have to vote yes if you second an approval, only the maker of the motion must vote yes.

Secretary Smith – Okay.

CONTINUE ROLL CALL:

- Commissioner Robinson..... Yes
- Commissioner Tutt..... Yes
- Commissioner Ansar..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

- D. REQUEST FOR REZONING FROM "C-2" TO "M-2": Located on the north side of I-696 Service Drive, approximately 679.83 ft. east of Dequindre Road; from the present zoning classification of "C-2", General Business District, the east 299.32 ft. of the property, to "M-2" Medium Light Industrial District; Section 19;2111 Walter P Reuther Drive; 2111 Walter Reuther LLC/Michael Stefani (Corey J. Bambrough). PR230004.

PETITIONERS PORTION:

Mr. Jeffrey Graham – Good evening my name is Jeffrey Graham, I'm the project Architect. My address is 589 Pemberton, Grosse Pointe Park, Michigan. I'm here representing Expert Landscaping who is in the process of purchasing this site and what we are trying to achieve is to get the rezoning for a portion of the site. The east portion to change over from general business to M2, which is medium light industrial. The main reason for the change in the zoning is they wish to have an open storage area to park their trucks, equipment and their company cars. This area will be shielded on the rear side there will be a masonry or brick embossed wall, and the rest of the sides would be a six foot chain link with peg strips.

I'd like to mention also that the building is not going to be changed at all it is perfect for their use. It's also a very attractive building and in great condition. We do intend to enhance the site by adding, along the Walter Reuther Drive, brick columns with wrought iron fencing. We would like to point out that there are no residents anywhere along the perimeter of this site and we are completely surrounded by general business use. I'm asking you to please rezone this property as per our request. Thank you very much.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:

Ms. Lori Harris – Listen, this Planning Commission, do you know what you just did tonight, do any of you vote as if you have a semitruck in the back of your yard emitting diesel fumes. And what was the difference between supporting the neighbors from the one issue and not approving that strict rezoning and not doing it for these people. This doesn't make sense, it doesn't make sense, why are you giving away our neighborhoods to storage of semitrucks. Just because we live in a city where there's industry doesn't mean we need this in our backyards. And if the number of people that come to these meetings in other parts of the city that are dealing with the same problems, let's see Body by Bruce area, Nine and Hoover any of these big companies that get this, why are you giving away neighborhoods.

I'm not sure what you're worried about Ms. Michaels? We have to remember that your job is to think for the citizens not to just go along with it. It's okay to postpone it because when you approve it that's it.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Kupiec – You understand that we are referring you to City Council, you have recommendations here, do you agree with them?

Mr. Jeffrey Graham – I'm looking at the recommendations and I don't see any problem with any of them. We understand that there will need to be a variance for the size of the open storage and things like that and we have no problem with, so we are fine with everything.

Secretary Smith – I’m looking at your letter of intent and you said in the five year plan you may add a retail store, you know that’s not included in this rezoning right?

Mr. Jeffrey Graham – Yes, we do, that won’t be for many, many, years.

Secretary Smith – Okay.

Mr. Jeffrey Graham – It would be a related landscape company, but they’re basically landscape equipment. So they would be selling to the general public, landscape equipment like lawnmowers and riding mowers and things like that. That will not happen for years.

Secretary Smith – Right, so that’s not part of this rezoning?

Mr. Jeffrey Graham – No, fortunately we can keep the C2 for that zoning anyway.

Secretary Smith – Thank you sir.

ROLL CALL:

The motion carried as follows:

- Commissioner Chowdhury..... Yes
- Commissioner Kupiec..... Yes
- Commissioner Robinson..... Yes
- Commissioner Tutt..... Yes
- Commissioner Ansar..... Yes
- Secretary Smith..... Yes
- Vice Chair Boniecki..... Yes

- E. SITE PLAN FOR PARKING LOT AND OPEN STORAGE FOR TRUCKS AND TRAILER ADDITIONS: Located on the west side of Mound Road, approximately 307.75 ft. south of Ten Mile Road; 24815-24705 Mound Road; Section 29; Mound Road Express LLC/Joel Ruhlman (Spartan Real State/Paul Reschke). PSP230006.

PETITIONERS PORTION:

Mr. Paul Reschke – I’m here on behalf of North America Specialized Transport, the owners of the property. You have before you a site plan, the owners of the property recently purchased the property that you see as a long strip on the north side of their main property there

were a couple of houses there. That property has been sited for blight numerous times, as a matter of fact, the day before we closed on it there was a blight issue that had to be taken care of by the seller. The owners intend to demolish those houses and that shed that are a total eyesore. If you could see the property right now it is zoned M2 which allows the use and right now it is a pool of mud. This is a Veteran owned company, and they intend to improve this property by paving all that dirt and mud with asphalt. They will put a berm up along the front of the property with landscaping, there will be a six-foot black vinyl decorative fence along the front end. The property will be totally secured, there will be gated entrances with key codes. It's going to make a tremendous improvement to a site that kind of looks a little blighted right now. So it's going to take about six acres there and improve the property tremendously.

Secretary Smith reads the following correspondence:

TAXES: Current.

FIRE: Approved.

AT&T: AT&T does not object to this request as long as proper miss dig procedures are followed. We do have existing facilities on the property, but we do not expect them to be affected.

COMCAST: No conflicts.

MCDR: No Objections.

Ms. Michelle Katopodes reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – Good evening, sir, I was there and I looked at everything and I noticed there was a lot of water stains on the south side of the property. I know this is the underground draining system that you're putting on the west side of the project.

Mr. Paul Reschke – Yes.

Secretary Smith – And that's behind the mounds of dirt behind the existing parking, right?

Mr. Paul Reschke – What's currently there, yes. All this will be graded and leveled according to engineering plans. Right now we

just have a basic conceptual site plan but it will be fully engineered. The petitioner is in agreement with all the open items that were brought to his attention by the Planning Commission, and we are in agreement with all those items. I guess we have a question relating to the easement for the ingress egress, I'm not sure I fully understand that one. The petitioner does also own the property, they recently purchased the two buildings to the south and right now we do not have a drive on the main property on the south end, so I'm not sure what that easement is. Is that for those two buildings to the south, how does that apply?

Ms. Michelle Katopodes – That's because in that plan you have a driveway that's going to that property to the south. I believe when we spoke about that previously you were going to have access to it and we would need that document. In the future you may also develop that site to the south, so maybe in the future you'll combine them but right now it wasn't part of the project from what I understood.

Mr. Paul Reschke – I understand now, you're talking about the access on the west end by the back building, I thought it was up on Mound Road. I understand if we are moving seven feet back from Mound and we've got to move the seven parking back the same amount of distance we may lose two or three spots there. I understand what you're looking for there, we are in concurrence. The question I have is if the petitioners combined the parcel that they recently bought the two buildings that total 16,200 square feet can those be used in the calculations for the amount of variance required based on the M2, and it's based on the total building square footage?

If we did combine that parcel and they wanted to sell at a point and time could they reverse that combination and go back to the previous existing lot?

Ms. Michelle Katopodes – Right now the southern most property is not part of this application. When we received the application we did discuss that, if you wanted to include it or not we would have had to be notified based on that parcel too but at the time we discussed it wasn't part of this application. If you wanted to do that we would have to postpone it and re-notice if you're looking to add the additional property, but that wasn't part of the application.

Mr. Paul Reschke – At this time no then.

Commissioner Kupiec – I take it then you have received a copy of the recommendations?

Mr. Paul Reschke – Yes.

Commissioner Kupiec – And you have some objections which you voiced.

Mr. Paul Reschke – No we don't, we're in agreement with all the items stated and in compliance with all the items.

Commissioner Kupiec – You are in compliance with everything?

Mr. Paul Reschke – Yes.

Commissioner Kupiec – And you understand what Michelle said about the merger of the properties?

Mr. Paul Reschke – Yes.

Commissioner Kupiec – What type of trucking business are you putting in there?

Mr. Paul Reschke – They already exist there. They have flatbed trailers with rollover tarps. They haul different size stuff that wouldn't normally fit into an enclosed trailer, they operate throughout the US.

Commissioner Kupiec – So they are flatbeds with vertical canvas sides?

Mr. Paul Reschke – Yes, sometimes they're customized to fit the load required to be carried.

Commissioner Kupiec – Like hauling cars?

Mr. Paul Reschke – Possibly at times.

Commissioner Kupiec – Thank you sir.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes

Commissioner Kupiec..... Yes
 Commissioner Robinson..... Yes
 Commissioner Tutt..... Yes
 Commissioner Ansar..... Yes
 Secretary Smith..... Yes
 Vice Chair Boniecki..... Yes

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

None at this time.

9. BOND RELEASE:

None at this time.

10. NEW BUSINESS:

None at this time.

11. CITIZEN PARTICIPATION:

Ms. Holly Fabian – Good evening again, I'd like to point out a few things about Hydro Depot that have not been discussed yet. Are you people aware of the fact that they actually own the building on the other side of Cunningham, they are on both sides of the street on my side, not on Le Fever on Cunningham. That building used to be Burda Tires, I've been there that long, I've been there for 37 years. And like some of these neighbors when they moved in and said well we knew that this was there, this was not there when I moved in and all these problems with Hydro Depot. When I moved in there was a beautiful house across the street from me it was almost 100 years old, I fought tooth and nail to keep that house.

This is a residential area and these people moved in and now they are trying to buy things up and push the people out so we can have this business. I'm not against them having a business, just not here. You don't go buy a 12 foot x 12 foot cubical and now I'm going to put in a 500 square foot desk, they are just too big for this area. All day long from this side of the street to this side of the street we have Hi-Lows going back and forth with product. They own all of that building why isn't any of this inside and if it is aren't you going to wonder why do we have all this product.

Do you know that Home Depot doesn't have as much outside stuff as Hydro Depot does? Why is this. And they don't even have as

much property as Home Depot or Lowes this is just too big of a company and again Ella's house is right behind them. I'm across the street, if they do what they want, as I've heard a lot of people talking about semitrucks, we are talking about big heavy duty Peterbilt, General Five Star, I know I'm old school I know the GM trucks, and Astro's. These are semi's with great big 18 wheel trailers on the end. Ella is right there, the only thing between her and them was that other house and now it isn't there. The Tabernacle has children that come in and they sing and do things and have classes now you're going to have semi's right there with the children. Isn't that a good thing to inhale day diesel fuel, have a BBQ diesel fuel, I'm sitting on my porch here comes a diesel.

They have no respect for anybody, they are doing what they want to do and they don't care whose in their way. They are thumbing their noses at everybody and laughing. They actually came and threatened me in the beginning and told me they were going to get me out of my house, they were going to make me leave and I told them take your best shot I've been there this long I love my house. I'm in the process of remodeling the garage and the driveway and I want it to look beautiful, Warren is a beautiful city, could we please keep it that way.

Ms. Amy Fontana – You guys all past variances except for one gentleman, and I want to thank you, you're exactly right. You give them an inch and they will take a mile. Nobody has thought about the rodents that are hanging out in the pictures of those tires. Speaking of the pictures in the packets that I gave you I would like you to pack them up and give them back to me, I guess I have to take my fight somewhere bigger than you. When I bought my property I had a farmers field behind me with a beautiful 100 year old house that they conveniently tore down for Finkl and Son I had to fight for now this. When we met with these guys 15 years ago at the other location they were promising that it's going to be a quiet business. At 4:30 in the morning their trucks are idling, and guys are yelling at each other saying where you going dude, and I have to get up and flash my light on and off, then we get called Karen because loose lips sinks ships and they are not here to know all that I know.

Years ago I had a problem and Mayor Fouts came directly to my house because I had some creeps in a building looking at my 14 year old daughter in our swimming pool with binoculars. Now they are going to move back further to my property. That dirt that you see

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that's the dirt from their property that is on the top of my pool. Every day I have to go and wipe off my patio furniture vacuum my pool, we have to power wash our homes because of their filth. Nobody has thought about the rat problems here, Warren is notoriously known to have rat problems. They just cut my mic. So this gentleman maybe can go pick up my packet it cost me \$170.00 dollars to print those pictures for you, thanks.

Commissioner Tutt – Ma'am we don't have the ability to cut your microphone, if you want to continue please do you still have time. You will definitely get your packet back.

Mr. David Crabtree – Testing, testing.

Mr. Ray Yuddin – Good evening, Commission, we also have this problem in my neighborhood and rodents are becoming a big issue. The meeting of the diesel fuel and these trucks are idling all day long especially at midnight hours, their business in Hydro Depot is pretty much corresponding with both buildings. The employees have full trucks causing traffic all morning can't even get out. If I had known this I would have never moved into the neighborhood. Now since you are approving this to go forward all I see are issues with them from the employees to the owner. They drive up and down the street, there's kids in the neighborhood and I see them flying down every single morning. They have a private entrance to the second lot building they just go in and you can't see their plates or nothing.

We had an issue with one of their employees working at Hydro Depot just last year who was also called by the police officer's for running the school guard almost over. So I had given them that information and they were able track this person down, that was one incident it could have been tragic.

Let's go back to the subject of how they are maintaining their lots, it's awful. The quality of the neighborhood with the residents is just not okay by any means. I stand here and speak with everybody else because this is not okay, would you like to live next to this, their doors are always open it's a seven day operation going on, this is too much. I didn't even get a notification and I'm only a second block from and I'm the one watching all of this. This has been going on too long. They had one business now it's magnitude, the traffic that they hold up is just not adequate with this residential area. If you see what I've seen and what I have documented, I don't want to see this continually going on. We definitely don't want a trailer park

over here either. The quality of life over here is deplorable, and we need this addressed. Do your job and we can assist and be supportive as well, thank you.

Ms. Lori Harris – In case anyone is interested there is a City Council Meeting tomorrow night at 7:00 o'clock in this auditorium and I know the City Council would be very glad to hear any input from any citizens regarding issues in the city and how they are being handled. I also want to remind the Planning Commission, I understand your expression probably when I spoke before that it was more like an audience participation and not about that issue, but it really was about that issue. It's about how these issues come and how they are getting voted on, but I do understand, it probably won't stop me the next time, but I do understand.

I want to remind you, you're not a rubber stamp for the Planning Department just because they approve something doesn't mean you have to approve it. You can listen to the citizens, you can drive around the neighborhoods, you can see what's going on, you can put yourself in that position you don't have to approve it. The sooner that you realize that you're not a rubber stamp the more work you'll be doing for the citizens of the city because we are the ones that matter. If it was your neighborhood it would matter, so let's do better.

Mr. Matthew Fontana – I would love for anyone of you to come over to our neighborhood and take a look at what we are looking at and what we are dealing with.

Mr. Paul Reschke – I would like to speak not as a petitioner but as a citizen and I'd like to go back to 2700 Nine Mile. I would like to make it duly noted that the petitioner had a survey done on the property as part of their future plans there. I would just like to make it noted, I believe there's a gentleman in the audience here that lives in the third house on Warner from Nine Mile that has a garage. I would just like to note that he also has a shed and fence on the south property that is impeding on the property next door by about 10 feet. It's not an issue right now but it could be.

Mr. Eddie Kabacinski – Good evening, Planning Commission, Councilman Kabacinski in District 5. I wanted to sit back and let the residents have their say because it seems when I come before this body and try to speak on their behalf it goes in one ear and right out the other ear. So, I wanted the anger, I wanted the animosity, I

wanted the direct talk to come from the residents first. So, it was a deliberate attempt to wait until the audience put in my two cents after everybody put in their five cents.

I have been fighting against Hydro Depot probably since the second week of me being on Council, that's how long Hydro Depot has been a nemesis to our society in the south end. People like Holly, people like Ella and her neighbors have been dealing with this for longer than I have been on City Council. The Council was united on some items and now there's been some deviation on others, why because the marijuana industry and the suppliers to the marijuana industry bring in taxes, brings them money, brings them jobs and that seems to be all that matters in the city. All that seems to matter in the city is taxes, money, and jobs and not quality of life issues.

What was life like before we had suppliers to the marijuana industry and before we had marijuana, does anybody remember what that was like? I remember what life was like before then. We had a thriving downtown in the south end of Warren from Stephens to Eight Mile Road. Then what happened, the big bad Covid happened and then we thought marijuana is going to be a saving grace. The tool and die industry dried up Covid responsible for that too. We couldn't have people work in a work place we had to have everybody shelter in place at home, but marijuana and those that supply to the marijuana industry that's going to be the saving grace for Warren. That seal that we have up on the back there where it says City of Warren Council we should probably replace it with a marijuana leaf because that's what the city is going to. Thank you.

12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Ms. Michelle Katopodes – Good evening, Commission, this will be a brief report as I had time off last week. On March 28th, the Planning, Engineering and Economic Development Staff met with the consultants Beckett and Raider, we discussed the next steps for the Van Dyke Corridor Plan. The next step will be to provide us a draft plan as well as some comprehensive presentation in findings and recommendations for the corridor. So this is a project that is looking at the Van Dyke Corridor between Eight Mile and Stephens. I know that Commissioner Robinson has attended some of these meetings and they hold them sometimes during the TIFA Meeting.

Also on April 4th, Mark attended on my behalf a meeting at SEMCO and SEMCO is a Southeast Michigan Council of Government they are located in Detroit. I was chosen to be part of the transportation safety task force and so he attended that final meeting. The purpose of this task force is to update the Southeast Michigan Traffic Safety Plan and the last one is released in December 2015. So this new one will be released probably within the next few months. The idea is to guide the development of the newest Southeast Michigan Transportation Safety Plan and to identify the vision for the region, really to reduce fatalities and serious injuries on southeast Michigan roadways for all users, so that's what this project is about. It's on the website if you're interested in looking it up, it has a lot of different information and data and different surveys they took as part of the project. Those are just two key meetings that I attended, there's others that Ron attended last week and that Mark attended when he's back he can discuss some of those meetings.

B) Planning Commission Discussion and Concerns:

None.

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 8:35 p.m.

Vice Chair Boniecki, Chair

Warren Smith, Secretary

Meeting recorded and transcribed by
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