

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on July 24th, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, July 24th, 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
Mahmuda Mouri, Assistant Secretary
Merle Boniecki, Vice Chair
Garry Watts, Ex-Officio

Also present:

Michelle Katopodes – Planner III
David Crabtree – Assistant Planner
Susan Heydel – Administrative Clerk
Mary Michaels - Assistant City Attorney
Christie Laabs - Communications Department

1. CALL TO ORDER:

Vice Chair Boniecki - Calls the meeting to order at 7:02 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

Assistant Secretary Mouri – I need a motion to excuse Secretary Smith he's out of town.

MOTION:

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

Assistant Secretary Mouri – I need a motion to excuse Commissioner Kupiec until he gets here.

MOTION:

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

4. APPROVAL OF THE AGENDA:

Vice Chair Boniecki – I'd like to take this opportunity to recognize Councilman Garry Watts, Ex-Officio and we also have Mr. Eddie Kabacinski, Councilmember.

Ms. Mary Michaels – Will there be an amendment to the agenda, if there's going to be a suspension of the rule, article 3b4, the agenda would have to be amended to address that.

MOTION:

A motion was made by Assistant Secretary Mouri to amend the agenda to suspend the rule of 9 members being present and add as item 4a, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

Assistant Secretary Mouri – The order would be voting the action of suspending the petitioners right to be heard by a full nine member board per article 3(b)(3) of the rules of procedure. The Planning Commission may suspend a part of article 3(4) which gives the petitioners the right to be heard by a full nine member board.

MOTION:

A motion was made by Commissioner Tutt to suspend the rule, supported by Commissioner Robinson. A voice vote was taken and the motion carried unanimously.

MOTION:

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

5. APPROVAL OF MINUTES JULY 10TH, 2023:

MOTION:

A motion was made by Commissioner Tutt to approve, supported by Assistant Secretary Mouri. 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. REQUEST FOR REZONING WITH CONDITIONS: (Parcel 1) 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); (Parcel 2) located on the south side of Nine Mile Road, approximately 340 ft. west of Warner Avenue; from the present zoning classification of "P", Parking District, the east 140 ft. and the east 200.21 ft., to "M-2" Medium Light Industrial District; Section 31; 2500 Nine Mile Road; UAW – Chrysler National (Paul Reschke); (Parcel 3) located on the west side of Warner Avenue, approximately 639 ft. south of Nine Mile Road; from the present zoning classification of "P", Parking District, the west 40 ft. and west 60.21 ft. of the property, to "M-2" Medium Light Industrial District; Section 31; parcel number 13-31-126-007 (Warner Avenue); DTC Michigan Corporation/Cheryl A. Chase (Paul Reschke) PR230001. **Postponed from July 10, 2023.**

PETITIONERS PORTION:

Mr. Paul Reschke – Good evening, thanks for the opportunity to talk about our project here. I'm Paul Reschke on behalf of Great Lakes Trucking, Michigan.

What we have is three separate parcels, the parent parcel is 2700 E. Nine Mile Road, which consists of about a 25,000 square foot building on about 2 acres of property. It's a single parcel but it has split zoning, the backend of it in the yellow is zoned parking, the front end is M2. So we are looking to rezone that yellow portion to M2 also to be consistent with the parent parcel.

We had appeared here a couple of months ago for a simple rezoning of that piece, but we didn't have a site plan or the whole concept put together so we got a little pushback from the neighbors. There are three properties on Warner that backup to that yellow piece as you can see. So we postponed that and came back with a proposal to do a conditional rezoning but to include our whole plan in the concept. Since then, we have met with the neighbors who own those three houses and we have addressed their concerns. Right now, there's just a fence line with trees and we are going to put up a eight foot wall, which is two feet above the requirement but it will create a better sound barrier and a visual block. We had met with all three neighbors, and they are all onboard with that concept so that starts, as you can see, there's a callout right around the beginning of the parking is and then wraps all the way across the back of the properties and around the fence line of the third house and extends a little around that green area.

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There's a lot of trucks parked on that right now and we are reconfiguring the plan so that we backup trucks to the wall, once again this was something that was discussed with the neighbors, and they are in agreement to that. That's the reason why we need the other parcels. Parcel two in blue is part of the UAW Stellantis property which is like 49 acres, that piece we are going to break off we have an agreement in place with him conditionally to do so. To do a lot split and get it rezoned from P parking to M 2 also.

Then the third piece is the green and white piece there that has frontage on Warner, that is a vacant lot. The front piece of that is zoned R1P or R1C, R1C and that back green sliver is zoned P parking, so we are going to look to rezone that to M2. Then we are going to use that lot to create a buffer zone. So how we intend to use those two pieces is the blue piece will be a parking field and then the green and white piece will be our buffer zone. We will create a four foot landscape berm along Warner Avenue to create a screen. Behind that will be a six foot black vinyl coated fence and on the other side of the fence will be our retention pond then you'll have the parking field.

You'll see a driveway that goes to Warner but that is only in anticipation that the Fire Marshals going to want an access from Warner, so that will have a Knox box and gated there will be no truck traffic on Warner because it's not allowed and that is part of the condition of the rezoning. So we are taking a lot of steps with the understanding that we have to create a buffer there, which the berm, landscaping, the fence, and the retention pond we believe will do. To the west of the parking field is the huge Chrysler property and that's 47 acres so we have no impact on the properties to the west of that that are on the other side of the Chrysler Training Center.

This is all to support the existing use. The petitioner is here, she owns a trucking company and she's been successful, a self-made woman started with nothing and created this company and she needs the additional parking with the conditions attached to it so that we address the concerns of any of the neighbors and give them a sound and visual barrier and they are all on board with what we propose to do so. I'm open to any questions.

Assistant Secretary Mouri there are none.

Ms. Michelle Katopodes reads the recommendation of the Staff:

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Mr. Steven Olszewski – I live at 3310 Roan, and I live on the east side of Warner. My question is how is that going to affect our park, they are going to be building on this back property is there any kind of retention wall between this property and the park or is it just going to remain the same with just the fence is that going to affect the noise and everything in the park. I was wondering are they going to do anything there besides just the wall along Warner end.

Ms. Lori Harris – I don't live there, but I remember being at the last meeting that these people were at and I want to remind you how awful that meeting was and how disrespectful this gentleman was to the residents that came here with their concerns for this development of the property. I don't know if there are other residents here, but I would encourage them to ask more questions. I'm really surprised that the residents with the concerns that they had with the dirt coming into their yards, all the exhaust from the semi-trucks, and the trucks getting backed up to the fence and they are going to smell all that exhaust. I'm actually not convinced that this is a suitable solution for these families. I also don't believe that being told that trucks can't go on Warner that they don't or they won't. Based on other experiences I've had in the city with other companies that don't abide by that. I just want to remind you that it was a pretty ugly meeting when it got denied before. They are presenting themselves as very congenial and I wonder which is the true presentation. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Mouri – I know with the conditions that it is addressing a lot of the citizens concerns, is there anything that you'd like to say that would satisfy them a little bit. I don't think that they have seen all the conditions yet. I do have another question about the idling tractors on the site from 11:00 pm until 7:00 am and also about the trucks. Do the trucks have the company logo so if it was to go through the street they would know it was the companies truck or a random truck?

Mr. Paul Reschke – I'll address all those questions. Yes, they are Great Lakes Trucking, the logo is on the trailer. To the last person that spoke, behind the houses in the yellow we've changed the parking field those will be 53 foot trailers that will be backed up to the wall. There will be no trucks backed up to the wall, the truck is in

front of the trailer so that's more of a buffer and a barrier these are just the enclosed trailers that are backed up to that wall.

As far as traffic on Warner, we are only putting that drive there in anticipation that the Fire Marshal will request that so that they can have a circular flow around the property. If required to remove that we'd be more than happy to and there would be no way we could go out onto Warner, but I'm pretty sure the Fire Marshal is going to want that. It will be gated with a Knox box, and the Fire Marshal will have the key to it.

Once again, none of the neighbors have spoke up, they did in the past because we didn't have the opportunity to show them our plan. They are satisfied with our plan and they understand what we are doing to protect their peace and quiet.

Assistant Secretary Mouri – What action is being done to avoid or prohibit truck running on Warner Avenue from your side to prohibit that?

Mr. Paul Reschke – We can't access the property, it's a gated Knox box control just for the Fire Marshal. If the Fire Marshal says eliminate that driveway we will do so, the driveway which is shown right there at the bottom of the retention pond. We've been doing this so we anticipate that's going to be a requirement.

Commissioner Chowdhury – Have you got a chance to review all the recommendations, and do you agree with all the recommendations?

Mr. Paul Reschke – Yes, we've presented the recommendations in a group meeting with Council and they've been modified somewhat and we've agreed to all the requirements that Council wants as a condition to develop this.

Commissioner Chowdhury – Maybe I missed this at the last meeting, what are your business hours when the trucks are going in and out?

Mr. Paul Reschke – The business hours are usually seven until eight at night, now there's an occasional driver that will bring a trailer on site but they new lot will allow them to pull it all the way back there drop a trailer and leave the property.

Commissioner Chowdhury – Occasionally meaning how many times a month or week?

Mr. Paul Reschke – Maybe two or three times a week that could happen.

Commissioner Chowdhury – And that's after business hours?

Mr. Paul Reschke – Yes.

Commissioner Chowdhury – And what time is that?

Mr. Harold Simmons – Technically it could be anytime, we have maybe, and this is maybe, two to three times a week. We get an early start sometimes about 5:30 or 6:00, one of the nice things about what we are doing is down by the park we'll be able to stage any equipment down there. So the trucks will have to go all the way to the end where there is no sound, it's going to be in the corner by the park.

The other thing I would like to tell you, we buy all Volvo equipment, and I would be happy to bring one down. You walk 15 feet away from that truck and you can't even hear it idle. To answer your question there would be some noise but not enough to disturb anybody. It takes about two minutes to drop a trailer and it takes about two minutes to hook up to a trailer. So it wouldn't be but 15 minutes that a guy would be in and out of there anyhow.

Commissioner Chowdhury – So you're telling me you operate from seven in the morning until probably ten at night?

Mr. Harold Simmons – Yes, I'm there every morning at seven.

Commissioner Chowdhury – Is someone there at all times because you said five-thirty in the morning.

Mr. Harold Simmons – I said occasionally we may drop one or pick one up at five-thirty and only because we have to meet our customers' needs at making deliveries. Like Costco and all the different grocery chains they require us to be there at seven so obviously a driver would have to come in and hook that up and leave with it.

Commissioner Chowdhury – So I'm assuming you guys are notified ahead of time that you need to be there early?

Mr. Harold Simmons – Yes.

Assistant Secretary Mouri – With that I have a questions, I know in here it mentions to prohibit idling trucks on site between times of 11:00 pm through 7 am, so if someone is coming out there at 5:00 o'clock that is not following the conditions.

Mr. Paul Reschke – No, idling is for a long period of time, and what it's meant to do is eliminate people who sleep in a sleeper cab so we've agreed not to do that and actually I believe we've extended those hours from nine-thirty until seven in what we agreed to.

Commissioner Kupiec – Good evening, obviously you've received a copy of your recommendations because you've been talking about them right along.

Mr. Paul Reschke – Yes.

Commissioner Kupiec – It sounds like this is more of a trucking operation for inbound and outbound freight, where you won't be repairing any trucks there or storing any trucks?

Mr. Paul Reschke – There is repair work that goes on during business hours inside the building.

Commissioner Kupiec – On your own trucks?

Mr. Paul Reschke – Yes, this isn't for hire, this is just for the company's fleet and the parking is only for the company's fleet. The good majority of that is just trailers.

Commissioner Kupiec – What area would you be working on trucks on?

Mr. Paul Reschke – Inside the building that's already zoned M2, which allows for that, the existing 25,000 square foot building.

Commissioner Kupiec – So that's where you do your truck maintenance?

Mr. Paul Reschke – Yes.

Commissioner Kupiec – And when you run them after maintenance you run them inside the building?

Mr. Paul Reschke – Absolutely, right there you can see the building along the back with a couple of overhead doors and they pull the

trailers inside the building completely and all the work is done inside the building. This is just for the parking of trailers.

Commissioner Kupiec – Yea it looks like that's what it's all about where you spot trailers until you're ready to load them and then you spot them after you load them and wait for somebody to pick them up and deliver them.

Mr. Paul Reschke – Correct, trucking companies if their trucks and trailers aren't on the road they're not making money. So this is just to handle those occasions where they need it, sometimes on a weekend, an overnight of Saturday to Sunday, but most of the time these trucks and trailers are on the road.

Commissioner Kupiec – As far as truck traffic, if you had the appropriate signage in place it's the responsibility of the driver to follow signs and for the neighbors to call the police if they see somebody that is disobeying these signs. Hopefully they can read and if they're not supposed to go they won't be going there. That's a big problem you have with the trucking operation the drivers will go where they think is the best place for them to go not necessarily what's best for the neighborhood.

Mr. Paul Reschke – Well their only access is from the front of the property and they've been doing that for five years now so nothing has changed there.

Commissioner Kupiec – What street was that on, Nine Mile right, that's a well-used trucking route. It sounds like you've done a whole lot and it looks very professional looks like you're doing everything in the best interest of the neighborhood and the environment hopefully it will continue that way once you get in operation, you'll maintain those standards. Thank you very much sir.

Mr. Paul Reschke – A real quick comment to that. That's why we came back with a conditional request, a request for conditional rezoning because the last time we were just looking at rezoning that portion in yellow, which is part of the bigger parcel that they are already operating out of but we weren't able to present our plan and show the neighbors what we were going to do. So we've addressed their concerns and we are absolutely conscious of being in a neighborhood. We bought an extra lot really just to create a buffer on Warner and that's going to be a berm and landscape once the trees mature most people won't even see what's going on back there.

Commissioner Kupiec – Have you attempted to have meetings with the neighborhood to tell them what's going on and bring them up to date?

Mr. Paul Reschke – Yes prior to this meeting we did, we invited neighbors over to the business to show them around to talk further about it and to address their concerns, to hear what was important to them. There are three houses adjacent to the property and our biggest concern was that they are happy with what we are doing. We are trying to create peace and work together and coexist and they are happy with that.

Commissioner Kupiec – Was the response pretty receptive?

Mr. Paul Reschke – We only had four neighbors but that's really the area that's impacted. There's vacant land there and everything else is across the street on the east side of Warner and no one has shown up or voiced any objection. So that was important to us to address the issue so that we could coexist and function together.

Commissioner Kupiec – Okay sir, thank you very much.

Commissioner Tutt – I have a question about the times, you say you operate from 7:00 am until 8:00 pm, sometimes 5:30 in the morning, sometimes 10:00 at night and when the commission asked you how often you said not that often or whatever your explanation was. For the neighbor's sake how often would they have to deal with the noise from 5:00 am until 10:00 pm, is there a schedule?

Mr. Paul Reschke – No it's random and it's rare. One of the other conditions we've agreed to is to have a manager on call 24/7 to address any issues anyone might have. These are rare occasions where things happen outside the normal business hours, this is going to be one driver showing up who's had a long haul and he's just dropping his trailer off.

Commissioner Tutt – When you met with the neighbors did this topic come up, did you discuss this with them?

Mr. Paul Reschke – Yes, absolutely.

Commissioner Tutt – Was it well received?

Mr. Paul Reschke – Yes, they were here on July 10th.

Commissioner Tutt – We are talking about yesterday's meeting and today's meeting; we are not talking about July 10th. I'm talking about the meeting where you met with the neighbors prior to this meeting.

Mr. Paul Reschke – That was probably at least a month ago.

Commissioner Tutt – Thank you, I'm all set.

Mr. Paul Reschke – They were at the original meeting, they even spoke up but they are not here today because they don't have any opposition to what we are doing and those were the four people that we really need to address.

Assistant Secretary Mouri – I have a quick clarification that I would like from Michelle if possible. With all the conditions being in the rezoning and let's say it gets approved and then the petitioner is not following one of the conditions, what happens and what can the citizens do about it.

Ms. Michelle Katopodes – This might be a better question for Mary.

Ms. Mary Michaels – There's a default section in the agreement, if it's a material violation, any violation could be addressed, if it becomes material or recurring then the ultimate remedy would be to revert the zoning to its original classification, it will affect this use and the property cannot be used in the way it's intended right now.

Assistant Secretary Mouri – Okay, so that is something that all the neighbors definitely need to understand, the petitioner is bound to follow all the conditions.

Ms. Mary Michaels – Correct, absolutely, because ultimately that is the final remedy.

Assistant Secretary Mouri – Okay, thank you, I just wanted to bring it up just so everyone understands, and they are clear that this option is available.

Ms. Mary Michaels – If I may add to that, it's in this agreement the developer agreed if the property is being used or operated in a way that's creating a nuisance, they'll work with the city to take any measures that are reasonable to mitigate that nuisance, so it's an ongoing commitment.

Assistant Secretary Mouri – Okay, thank you.

ROLL CALL:

The motion carried as follows:

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

- B. REQUEST FOR STANDARD REZONING: Located on the east side of Ryan Road, approximately 176.3 ft. south of Eleven Mile Road; from the present zoning classification of C-2, General Business District, C-1, Local Business District, and “P” Parking District, to C-2 General Business District, Section 20; 26688 Ryan Road; Village Fair Shopping Center (Iden Kalabat/Kalabat Engineering).
Automatically postponed from July 10th, 2023 as a result of not receiving the requisite five concurring votes either in favor of or against the item by the seated Planning Commissioners.

PETITIONERS PORTION:

Mr. Iden Kalabat – Good evening, Iden Kalabat with Kalabat Engineering on behalf of the Village Fair Shopping Center, it's a pleasure to be here again this evening.

We are looking to a straight rezone without conditions, the parcel in question, from three different zoning districts to one congruent zoning district. So the core of the property is a C2 General Business Zoning District the areas abutting the two roads, the street frontage, have a parking district along the frontage of them and then the areas abutting the two residential neighbors have a strip of B1 zoning in those areas.

A couple of things to note, this is not in connection with an active site plan. The developer is considering some potential site plans for developing an out lot along the Ryan Road frontage, which would be in between the two existing drive isles. As that site plan is currently proposed that is occupying both the C2 Commercial General Business District and the Parking District along the frontage.

So the main intent of this request is really to provide one homogenous zoning for the property that way this potential site plan approval or any other site plan approvals that might come before the city for this property have a more defined and concise zoning district and set of zoning regulations. They do not have multiple different

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district regulations imposed on one single property or site plan, which kind of puts it at a disadvantage.

We've met with the Planning Department, and this was the general consensus step the Planning Department outlined for us towards any potential site plan or redevelopment on that property. The properties current uses, it used to be the Oakwood Supermarket that went vacant for quite a while, there's the Dollar Tree and the Dollar Store that is on the south side of the shopping center, but the vast majority of that shopping center sat pretty vacant for a while. Even the boutique retailers that were on the north end of that shopping center were vacant for a little while as well. So the current owners actually came in and we had a use approval for a light industrial warehouse wholesaler there. That wholesaler is now occupying the entirety of the shopping center with the exception of the Dollar Store there. As I mentioned that wholesaler is a direct to Retail Wholesaler, so they don't have any active customers coming in and out of there. They sell wholesale supplies, packaging supplies mainly, to smaller retailers and supermarkets, also to different local businesses that package their own products.

Their parking uses there are greatly (sic) by the sea of asphalt that is front of the shopping center, so the developer is looking to bring additional value and trying to revitalize the frontage of the property. There is no retail frontage on that building, if you recall the existing angled sloped entrance there it's no longer the main entrance for the wholesaler, their entrance is from the northside where the retailers were.

The building has lost a bit of curb appeal, they've actually just started painting and trying to refresh the building to revitalize it to make it look fresh and new. They are taking a lot of steps to bring the property and keep it thriving and alive as opposed to allowing it to go to a dilapidated or distressed state. One of the key important things for a property owner whether this property owner or any property owner that wants to utilize their land use rights is to have one zoning classification on their property. Multiple zoning classifications on a single property become challenging, they are cumbersome, they cause hardships that don't otherwise need to be there. It really makes trying to come up with solutions or new modifications to the property very challenging when you're having to cut through all the red tape.

So we are here before you humbly requesting that we rezone this property to one congruent C2 Zoning District. Again, we would not be intensifying the types of uses as the bulk of the building is already

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zoned C2 and enjoys the C2 land use rights, we would just be kind of removing the red tape to allow any potential out lot development to have a better chance and comply with the C2 Zoning Districts as they are imposed. I'm here to take any questions you may have.

Assistant Secretary Mouri there is no correspondence.

Ms. Michelle Katopodes reads the recommendation of the Staff:

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Ms. Lori Harris – I'm really glad that there are a lot of people here because I want to give you a little lesson on what happens when people don't know what's going on in the city. So this is a grocery store and we have a food desert in our city, especially in the south end, and I during Covid ended up watching the Zoning Meeting for this and was horrified to discover that the gentleman that bought the building or owned the building was not honest about the purpose of the building. So this is primarily a marijuana supply business he moved from a building around Nine Mile and Ryan to this building. We gave away a prime piece of property that we could have had an economic development person for someone that could use that right off the freeway, but no we gave it away to marijuana. So I would hope that this is not going to become an outlet for a dispensary in the front. When he was asked what kind of business it was it was a little container business, it wasn't true. When I tried to talk to Zoning because it had already happened it didn't matter, I wasn't allowed to speak. I just want people to know stay involved don't trust everything. Look what happened, we lost a place where people got groceries, they shouldn't have to shop at Dollar Stores to get their groceries in our neighborhoods. That's my personal comment, thank you.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Mouri – This is just for my acknowledge, do you know why it was two different classifications or did you buy the property this way?

Mr. Iden Kalabat – It's kind of an old school planning thought process that they would have these pocketed zoning districts along frontages and different areas to serve different downtown corridor intense perhaps. Whatever intent was behind it was many years ago and it's not really being served activity today. When I sat down

with the Planning Department, we've seen this before in cities and the way cities have been set up, in today's planning methodology we wouldn't do that. We don't find any benefit to it, we really don't see any benefit to preserving that, it's hard for me to tell why it was done that way to be honest with you.

Assistant Secretary Mouri – One thing I do want to mention it's been in the zoning ordinance since July 21, 1960 and I know that Michelle just read that it does support the future map, thank you I was just wondering.

Commissioner Robinson – I live maybe $\frac{3}{4}$ of a mile from this location and I often wondered, I wanted to go in there because on the side of the building all you see is the wholesale it doesn't say anything about anything else. It doesn't look inviting like someone would want to go in there, because you don't know what the wholesale is. Since he bought the frontage on Ryan is he going to have some kind signage on Ryan as to exactly what the building contains or what kind of products are in there. Are you going to change the signage on the service drive side as well because like I said it doesn't look very inviting, you don't know what the wholesale is, there's no specifics.

Mr. Iden Kalabat – I definitely understand, let me provide a little clarity. So the wholesaler is a packaging supply wholesaler, they don't have customers that come in and out all of their wholesaling is from online ordering through their existing customer base. They provide a lot of wholesale packing products this includes, mylar bags, tubs, bins, tubes, things that you hang on grocery shelves, so a lot of their customers are supermarkets, they have pharmacies, medical offices, they do sell packaging products to marijuana businesses, they sell to all sorts of retailing businesses. They've been in the packaging supply business for a while, they upgraded to this facility as they've expanded their inventory.

So to answer your question about signage, really the only thing that the developer and by the way that's the tenant who is leasing that space, it's not the owner of the property. The property owner has the frontage side from Ryan Road this was all one property when purchased they didn't purchase anything additional. They really just have the Dollar Store that they are trying to bring traffic in and then given that that wholesaler as you said they're not trying to market anything there, they don't want a big sign there, they are not promoting traffic into it for the wholesaler because as I said their orders are all online and shipped direct to their customers.

So the concept of putting an out lot in front of that area where there's a wide expanse of parking that's not being utilized.

Commissioner Robinson – No it really isn't.

Mr. Iden Kalabat – It's just continuing to deteriorate, so instead they would like to put an out lot development and they are leaning most heavily towards a small drive thru coffee shop. That would have very little if any at all inside seating, it would be drive thru only traffic and that traffic would come in from the southern most drive approach loop in around the drive thru lane come back around the building and come back out that same drive approach.

Commissioner Robinson – Onto Ryan?

Mr. Iden Kalabat – Yes, and the further drive approach off of Ryan, all these we would flush out during the site plan process I'm just giving you the thought process. The idea of that out lot development is to bring that curb appeal, along with the refacing and repainting of the building there's no signage that they are going to add to that wide expansive area where the old grocery store canopy used to be. The current user is not going to utilize that as an entrance so to not have this plain building eyesore there you're going to have something in front of it that's a lot more visually appealing that will have its own signage, its own branding colors, and things like that. So it will be a different activity at the front of that property.

Commissioner Robinson – It's whoever leases that area there?

Mr. Iden Kalabat – Correct, and to touch on a concern that public comment had brought up the developer would love nothing more to have kept the grocery store in that space. The reality was there were no grocery stores that were even interested in that area and it was very difficult they tried several different people and nothing materialized out of it. So rather than have 40,000 square or however many square feet of empty building that's not collecting rent it makes it difficult for property owners to make their property taxes, to maintain their property it causes distressed and dilapidated property, so you've got to fill your space. He found a user that could take a lot of space that wanted to be in that location, that wanted to take on some of the challenges that property has from a retail grocery perspective due to its proximity and say yea I would love to be off the service drive of 696 and have my entrance there because that suits my needs. And having the loading dock configurations that the grocery store had suits my needs, so we found a unique user and

filled the building, and that user came in occupying some square footage and expanded to fill his use.

So sometimes I can understand and respect some of the concerns that the community and the public have but we often forget if we don't take care of our commercial properties that's where our cities fall into more disrepair and dilapidated states. Taking care of our commercial assets and commercial properties helps revitalize all of the properties around it and bring value to all your residential properties and build them up. Again, the request is really to give this property the best chance that it has for continued growth, occupancy and use.

Commissioner Robinson – I thank you for that explanation do you perceive that the owner will maybe do more plant growing products and supplies and be the more predominant sale out of the wholesale building?

Mr. Iden Kalabat – No I don't, they're not in that industry, they are in the packaging industry. If you've ever heard of United Wholesalers that's another one of their competitors, they are very similar to that type of competitor, but they focus more on packaging products. They have a market and a business that is doing well for them, I don't foresee them changing their business to something to more illicitly use.

Commissioner Robinson – That's all I wanted to hear, thank you so much for that.

Commissioner Kupiec – I think I'm going to direct my question towards the attorney, in this agreement what provisions are there for future use of this facility once it's homogenous zoning area and consolidated into a big marijuana producing center, are there any provisions?

Ms. Mary Michaels – No it's not a rezoning with conditions but a marijuana provisioning would only be allowed in M2, I believe this is for C2.

Mr. Iden Kalabat – Correct, to clarify there is no aspect of this building, use, or property, or anything proposed for any marijuana use. It was brought up by public comment and marijuana uses within Warren or anywhere else happen to make up the customer demographic of one of the tenants. That customer demographic is made up of a broad spectrum of users, nothing we are trying to do

here is tied to marijuana use, I just want to make that clear for the record.

Commissioner Kupiec – My questions wasn't directed towards what we are doing now as to what we are doing in the future, once you put this into homogenous zoning what's to prevent it from now becoming one of the three marijuana distribution areas?

Ms. Mary Michaels – It's not in M2 it couldn't be a provisioning center, I believe they are selling some retail of institutional supplies for hardware and stuff, is that correct?

Mr. Iden Kalabat – The tenant is a packaging supply company, to answer the Commissioners direct question those uses are not permitted in this zoning district which we are requesting here today. Marijuana uses are not by right permitted uses in the C2 zoning district. So by rezoning this property all to C2 that does not get you anywhere closer to being able to use this property for any type of marijuana use, that would require M2 zoning district.

Commissioner Kupiec – My question has nothing to do with what he's here to do today, it's what happens a year from now once it's been rezoned and the property becomes available for that kind of use, what provisions are there to prevent that from happening?

Ms. Mary Michaels – Then it would have to be rezoned to M2, it would have to be rezoned from C2 to an industrial classification.

Commissioner Kupiec – For years it was a successful retail outlet for the homeowners in the are for groceries and various things and then the Dollar Store moved in there and it looks like they are successful. I just don't understand wholesale in that general area because it's primarily a residential area and I'm concerned about the future of the site.

Mr. Iden Kalabat – Can I clarify something, the existing tenant is there existing, the wholesale tenant is not a part of our request for application today. They're an existing use that were approved under a special land use that was granted at a previous meeting, so we are not looking to expand upon that.

Ms. Michelle Katopodes – So in the finding it says on June 24th, 2020, the Board of Appeals granted the petitioner permission to operate that wholesale. So that was already approved by the Zoning Board of Appeals back in 2020, so the item before you tonight is the rezoning not for that wholesale use that was already given approval

by the Zoning Board of Appeals. They are looking to rezone it all to C2, to eliminate the P District and go to a C2 General Business District. So any use that falls under general business district would be permitted not industrial uses.

Commissioner Kupiec – Okay, thank you.

Commissioner Chowdhury – I have a quick question, so if you were to get the rezoning for a C2 do you have any potential clients that are looking into coming into that area, you were talking about a drive thru coffee shop and things like that?

Mr. Iden Kalabat – Yes, so it's kind of a build it and they will come, where we are looking to rezone it and the developer has identified that particular use as a good fit for the property. So the next step would be to put together a site plan approval, submit for site plan approval and essentially once they have an approved site plan or once they feel that they are on their way or getting closer to an approved site plan then they are going to start marketing that to potential tenants for land leases.

Commissioner Chowdhury – Okay thank you.

ROLL CALL:

The motion carried as follows:

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

- C. SITE PLAN FOR ADDITIONAL DRIVE THRU: Located on the east side of Van Dyke Avenue; approximately 1,013.6 ft. south of Martin Road; 27480 Van Dyke Avenue; Section 15; McDonald's Corporation/Joseph Minorik (Jeff Brinks). PSP230016. **Postponed from June 12, 2023.**

PETITIONERS PORTION:

Mr. Jeff Brinks – Good evening, I'm with Venture Engineering, here representing McDonalds. Also here with me tonight is Joe Minorik from McDonalds as the area Construction Manager. So as you know we were here in June to discuss the addition of a drive thru order point for the McDonalds and the Commission asked for time to

allow for the Zoning Department to send someone out to check noise levels to make sure that they are within the city standards on the site. So that was done but in the interim we did take the opportunity to address the comments some of which were raised at the last meeting and also were brought by staff in the first review for the meeting that we were at previously, which included landscaping and some updates to ADA parking. We've made those modifications and resubmitted new plans to the Planning Department.

We returned and provided a landscape plan that returned some of the landscaping that had disappeared since the last site plan approval along Van Dyke, so that has been replaced. We've added a significant amount of landscaping around the drive thru area and along the property line as requested by staff for both noise and visual buffering, which is reflected on the plan. The additional comments that we just received said that a couple of species of trees needed to be replaced which we are happy to do with different species.

Also there was a discussion about ADA parking, we did right size the ADA to provide the appropriate amount for the number of parking spaces that are on the site. We are reconstructing and reconfiguring the spaces that are near the building. There will be a new barrier free ramp, an appropriately sized van space with access to the sidewalk and then we are also adding a sidewalk to the public way that will be ADA compliant from the sidewalk along Van Dyke to the entry to the building.

With regard to the decibel readings, I'm guessing staff will talk about that more but it appears that none of the readings were of any concern and are below the regulated levels that the city has for noise. I will also point out just along the same lines on the noise this is a restaurant that does close at 11:00 pm so it's not a 24 hour operation, I think that question came up last time we were here.

One thing I would point out and I'm not sure we discussed this the last time, currently the drive thru order point the way it's oriented now is pretty much aimed to the east and with the new configuration in the additional they are actually going to be turned more to the southeast, so they are going to be aiming a little bit more to the south and not directly at the nearest property line. So with that and the additional landscaping and the existing concrete wall that's there and the fact that it's already below city regulated levels that the sound issues will be adequately addressed. I'll be happy to answer any questions that you have.

Assistant Secretary Mouri reads the following correspondence:

TAXES: Current.

FIRE: Approved.

AT&T: AT&T does not object. We do have facilities in the area, but as long as proper MISS Dig procedures have been followed there should not be any issues.

COMCAST: We have no facilities and no conflicts with this project.

DTE: No objections.

MDOT: Site plan doesn't appear to have work in MDOT right-of-way, any work (water main tap, sanitary sewer tap, drainage or driveway modifications) in MDOT right of way or changes to the drainage system that may impact MDOT's storm water system, will require a permit.

Assistant Secretary Mouri – I do have something from Steven Watripont, the decibel meter reading at McDonald's that took place at 27480 Van Dyke Avenue.

On July 7, 2023, I went to the subject property and at 10:00 am and observed 6 vehicles going through the drive thru. While standing near the wall abutting the Lexington Townhouses, I took decibel readings averaging 67.2 with a peak of 72.3, these readings were consistent whether there was a vehicle at the point of order or not. Traffic on Van Dyke seemed to be moderate, I was able to attribute the peak to a heavy duty truck with the driver ordering with his window down at a more than average volume. I could not hear anything other than the prerecorded message while conducting my observation, but this did not increase the decibel level.

On July 10, 2023, I went to the subject property and at 2:15 pm and observed no vehicles going through the drive thru. While standing near the wall abutting the Lexington Townhouses, I took decibel readings averaging 67.8 with a peak of 74.2. Traffic on Van Dyke appeared to have a consistent flow to it. I was able to attribute the peak to a motorcycle revving its engine on Van Dyke.

In conclusion, I find the volume from the current speaker does not increase the decibel readings at or rear the property line.

Assistant Secretary Mouri – I have another letter.

Residents of Lexington Townhouses did not receive a letter Notice of Public Hearing for July 24, 2023, regarding McDonalds Restaurants additional drive thru.

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Chapter 21: Section 21-24. Excessive noise ordinance. It shall be unlawful for any person within any residential area of the city or any public street to make any excessive noise between the hours of 10:00 pm and 8:00 am, which disturbs the quiet or peace of the persons located in the vicinity.

When the noise ordinance goes into effect from 10:00 pm to 8:00 am the customers should go to the drive thru windows and place their order. Speakers are currently facing residents' property. Speakers must be turned away from residents. Speakers must not be directed at residents' property space.

The drive thru could be open for 24 hours, 7 days a week with excessive noise for the residents. There will be no relief for the resident because of the speaker noise. Speaker volume is too loud. A decibel meter will be needed to test volume strengths on speakers. No zoning laws only industrial companies not restaurants pertain to these zoning laws.

With additional drive thru more lights will be needed, will shine into residents homes. LED lights must have a shield at property line. Lighted menu boards are facing the residents throughout the night. Too much lighting. LED lighting must be shielded at property line.

Not enough space for 2 drive thru lanes, especially in the winter when turning corner at drive thru also a slant when at drive thru turning corner.

Emerald Green Arborvitae Trees: 10 -15 years to reach their mature height of 10-15 feet. Not advisable for the following reasons. Arborvitae face a variety of challenges with pests and disease. Pest problems include bagworms, scale, leaf miners, and spider mites.

I also have some names in here and I'll try my best at reading them, I have some addresses too.

Emily 8090 Farnum, Wanida, Sadaf, Moazam, and Theresa there is a couple other names in here, but it is difficult to read their names. But these are all the residents' concerns. Thank you.

Ms. Michelle Katopodes reads the recommendation of the Staff: As was already discussed the study that Mr. Watriont, the Zoning Inspector conducted, so I don't need to reread it into the recommendations the entire letter was already read into the record.

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Ms. Lisa Harris – Sorry to keep doing this, I am speaking by messaging with Tony Baker who you should know as the person fighting for ADA accessibility and compliance. There was an issue before because the accessible spot was across the parking lot and I'm grateful to see that they moved that. Unfortunately, the accessibility to the internet is a little bit questionable here so his responses are not coming all the way through. I tried to explain what was happening but if the door is the little rectangle, it sticks out of the building. What he said is the van spot is okay as long as the accessibility is in the middle between the two spots.

I'm wondering if the sidewalk to the door is wide enough and maybe if someone in Planning can talk to Mr. Baker he'd probably be happy to share all the current information. I'm not implying that you don't know but just in case we're missing anything. Good job on McDonalds for at least making a change to the accessible spot being across the parking lot. Thank you.

Mr. Eddie Kabacinski – Good evening, Commissioners. As far as the sounds that he is concerned with I find it interesting Mr. Watrion did a noise study at two different times, that is done during city business working hours. One being at 10:30 am and also at 2:00 pm. The main concern of the residents in the Lexington Townhouses is after hours, overnight hours you know when the boom boom is going on at night everybody is going to get their drive thru and acting like a fool at the drive thru. That's what the Lexington Townhouse residents were telling me, this is what they have to put up with. And of course on a Friday, Saturday, or Sunday night when the police are busy with other calls they are not going to be able to handle the noise, trespassing, lewd and lascivious, they aren't going to be able to handle that stuff they are handling more serious stuff drug overdoses, shootings things like that, that's what they are handling on weekend nights. So this here is going to be a lower priority which means it's not going to be handled right away and the residents are going to have to deal with this.

I do agree with the residents that the correspondence says the trees are going to take forever to grow, that's true, these are going to be plantings they are not going to rise above the wall so this isn't going to have any immediate relief for the light or the noise. The noise goes up and they are able to adjust the volume and also the light because the light is not as bright during the day. Again this was done at 10:30 in the morning and 2:00 pm in the afternoon it's nice and bright and sunny outside we are talking about at night time, over night when the residents are trying to get some sleep and go to church the next morning.

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I heard from many mothers that are on Hettenberger which is the street right behind the wall that said to me their kids are crying and can't get to sleep at night from the noise. McDonalds is not hiring enough employees so that people can go inside and order their food, this is a very bad idea. Why not have a double drive thru where you have two windows that a lot of McDonalds have where you pay and you get your food at the second window. No, they're not going to do that because it takes more people that they need to hire. So this is an easy cheap way to infringe on the resident's rights to have a peaceful quiet night at home and they don't care.

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... No
I'm going to deny because of the close proximity to the neighbors homes.

Commissioner Kupiec..... No
I'm going to deny based on all the complaints we heard from the neighbors and that leads me to believe there's a lot of things going on there that are not acceptable, and it will just get worse.

Commissioner Chowdhury..... No
I'm going to deny to because of the noise it's affecting the neighbors.

Commissioner Ansar..... No
I'll deny because of the noise affecting the neighbors.

Commissioner Tutt..... Yes

Vice Chair Boniecki..... Yes

Assistant Secretary Mouri..... Yes

I'll vote yes because the sound decibel does meet the requirements.

Assistant Secretary Mouri – This is denied because it's four to three.

Vice Chair Boniecki – It will automatically go on the next meeting because it needed five concurrent votes to pass or deny.

- D. SITE PLAN FOR NEW WAREHOUSE BUILDING AND OPEN STORAGE: Located on the north side of Barber Avenue; approximately 364.64 ft. west of Gloede Drive; 14601 Barber Avenue; Section 13; Marvin Marooki/Christian Investment Properties LLC (Kalajian Architecture). PSP230021.

PETITIONERS PORTION:

Mr. Imad Potres – Imad Potres, with CK Construction, 37525 Hacker Drive, Sterling Heights, Michigan. I am part of the team that prepared the site plan with Collision Architecture, and my client the owner is here to answer any questions regarding the business or the truck company. You have the site plan with what we are proposing with all of the landscape and new construction for a new building, 10,000 square feet approximately.

Assistant Secretary Mouri reads the following correspondence:

TAXES: Current.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:

Ms. Michelle Hentkowski – This proposed property lines up directly with my backyard. I have two young children who I am now afraid of their health and safety playing in the backyard. With the sounds, the noises, the chemicals, the diesel trucks, are we guaranteed that these trucks aren't going to be running on non-working hours. The proposed berms or trees that's going to take forever to bloom. My kids will be playing in the backyard with these trucks and truck drivers who knows what they are bringing or what they are storing.

The letter from the city said building and storage, the plans that we looked at and received does not look like building and storage. It looks like there's going to be trucks parking outside running at all times of the night, the sound, the dust being kicked up by the construction and when this construction is going on there's literally no barrier from my backyard to the construction. I do not feel safe having my children playing in the backyard of their own home or being outside when this construction is going on.

What are they going to do for this, they say they will only run during certain hours well we work; children go to school, and they need to sleep. Literally my backyard and my children's back window backs up to this. We have young kids we want them to be outside playing we want our family to feel safe with these trucks running, the noise, the construction, the dust being kicked up, and the smell and sound of diesel trucks coming in with this going on I don't feel safe having my children outside. It's a safety concern and we've gotten no information from the planner, they've not approached the citizens. We have no explanation on what they are planning to do, what they are planning to use the property for.

I'll say it again, my biggest concern is my children's safety and health. They plan on building a berm or retention pond but it's going to take a while for those trees and berm to mature so we are going to be stuck seeing these things and hearing these things at all hours. So I hope you guys take into consideration the families whose lives are now going to be disrupted because of the plans for this. Thank you.

Mr. Dennis Callow – I live on Hoerning my entire yard is adjacent to proposed site. My wife Sherri and I have lived in this house for 25 years we both were born and raised in Warren, graduated from Warren schools we have raised our family in this yard, our grandchildren visit us and play in our yard. This yard has been our vocal point for 20 years we have entertained 100's of people in our yard. Our children have hosted numerous sports events in our yard, we continue to this day entertaining and having dinners in our backyard. We live in our backyard.

This site plan severely impacts the quality of life for my family. Is this site plan a truthful representation of the intended use, I noticed large sections of concrete with no dimensions, is this going to be truck parking. General Motors uses 120 feet to turn a truck, how much is that space. The gravel area is that for truck parking, does it say anything, I believe it does not. This site plan has deliberately altered to show minimal impact possible to get you to vote yes, it is not reflective of what their true intentions are. How many months later will the amended site plan show up in front of you while we are all gone.

I'd like to point out a few health impacts from trucks. People living nearby trucks will experience increased levels of asthma and diabetes. Diesel fuel and emissions are likely to be carcinogens, likely to cause cancer. Trucks also release dust from brakes and pulverized tire rubber into the air. Brake dust contains asbestos, lead, and other heavy metals. Air pollution from refrigeration and air conditioning of the trucks, noise pollution from idling trucks, from trucks as they slam into each other to load the truck onto the carrier. Exhaust fumes, you've all seen the smoke coming out of a truck driving down the freeway. What's to stop that from coming into my yard an eight foot barrier, how does the smoke know to stop at the barrier, how does the sound know to stop at that barrier.

Having lived in Warren my wife and I have been impressed with the new dog parks, walking trails, rollerblade parks, etc., lately I've watched the kids play cricket at Tower High School who would have thought. I love using Veterans Park, the walking trail these are all

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signs the city makes to me that the quality of life is important and that's the vision they want for the residents. Thank you for listening to my concerns on these numerous negative impacts to my health and environment. I believe this proposal does not belong at this site the harmful risk to our quality of life outweigh the sites intended use. Thank you.

Mr. William Fuller – Good evening, I'm actually a homeowner and we have a piece of property over on 14545 Hoerning it's zoned residential over there on the opposite side it's commercial. All the businesses over there I can honestly say are very respectful. We actually have a horse farm over there, there's a trucking company over there, there's several other businesses over there. I know Marvin as well and as far as real estate goes, he is outstanding with what he does with his properties, but on the opposite side it is zoned for commercial.

Everybody over there is very respectful, they actually have a trucking route that is designed for all the trucks to go the opposite way. And us being homeowners on this side it doesn't affect us because they have to go the adjacent way. So I just wanted to address that for everyone, thank you for your time.

Ms. Sherri Callow – As my husband stated my backyard abuts to the middle of the site on the north. We've spent 25 years making this backyard our family home and peaceful retreat. As he said we've raised our kids and we've hosted many functions in this yard. My children have gone off to college now, one serving his country presently. We planned this home to raise them and to empty nest in this home. We've been through health issues. I've had strokes and thyroid cancer I'm afraid of what this site plan will do to my ability to use my yard going forward.

There are so many unanswered questions a site plan doesn't show how lights will glow into my window at night, the car and truck lights, the lights on the building, the noise, the fumes, everything that's going to happen. We have a building that's kiddy corner that has a light and they try everything they can to keep it down but it's in my window. Lipari is only ½ mile down the road we still hear all those trucks. So what's going to happen when a trucking facility is in my backyard. It doesn't show when their business hours are so we have no idea what's going to happen as they have cars coming in and out, the employees, the trucks that have to be started and warmed up. All that is going to impact my backyard and my life. I sleep in this house, but I live in my yard. I'm afraid if this site proposal is approved I'll be forced to hide out in my house with

windows closed or worse be forced to move from a home that I planned to retire at.

I know that my cup of coffee every morning, my dinner and wine out on the back deck is going to be affected if this goes through. It's going to take many years for things to block the noise, the lights and things that are going to happen even with whatever you're going to ask them to put up. Please take into consideration it is affecting the neighbors in the area. We see the trucks that come down our street even though they say they don't come down or they're not going to but because of Bunert construction and the Bunert stop sign they come down our street all the time. So it's affecting the streets, it's affecting everything. Thank you for your consideration. Hearing about the trucking comments earlier it really does bother me because after hearing the hours of the one trucking community talking about the hours they are going to do. So please take into consideration that there are residents of City of Warren that you have to still appease, and we'd like to stay residents of Warren. Thank you.

Mr. Chris Gravlin – I live at 14624 Hoerning Avenue; my property butts up to the questionable property. I have health issues respiratory, and I have COPD, I have a backyard I like to play in, I like to go sit in it. I have a large sunroom with all the windows open, I hate being in the house. Right now with the Canadian wildfires I'm stuck in my house, that will end. I've been around my entire life with semi-trucks that idle. I could not breath during that I have my inhalers I carry these all day long. These guys coming in tell us nothing about idling trucks, there should be no idling trucks around neighborhoods at all.

Do these people care about us, I don't believe so, we haven't heard anything from them. On the paperwork it says they will maintain their property. In the back I have a tree that has fallen from their tree, a huge branch. It laid on my fence, it's laying on the wire as we speak it's been there about 8 months, they have not once come on that property to see what is out there. Could I call the Blight Department, yes I can, can I go and talk to him, yes I can, should I have to no. This is his property he plans on doing this he's tell us in these papers he's going to make sure this is done. I have to cut parts of this tree out the other day so I could maintain the grass behind the fence. I shouldn't have to do that it's not my tree it's on his property. With the previous owners we had permission if something came down we could take care of it and they honored that all the time. These people I've never heard of, I've never seen them, and I don't want unmaintained property. I don't want rats in

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our neighborhood we dealt with that and it took 2 years to get rid of them.

I don't want anybody who doesn't care about the residents to be in my neighborhood. I am all for business but not a trucking company. As my neighbors have stated we have families, we have yards, we've paid for those yards, we love the City of Warren but if we can't use our yards and stay in the house then why do we have them. Thank you.

Mr. Ken Crysler – Good evening ladies and gentlemen of the Planning Commission. Many of us if not all of us have the same concerns some of what I'll say will reiterate what the other neighbor's comments are.

My name is Ken Crysler I live at 14632 Hoerning Avenue. The site is 15 feet from my property. The notice that was sent said it is a warehouse and open storage site. This that I got from the city a couple of days ago says that it's a truck service company. What is it, we don't know what it is, that does not look anything like this, we don't have a clue, I don't know what that is. I don't know how far back the trucks will be, this says there's a retention pond is there one up there I don't see it, maybe there is, oh there it is there. What is going on between the retention pond and the concrete, will trucks be all over the area passed the concrete on gravel kicking up dust continuously in our neighborhood.

The pond would need to be maintained and not breed mosquitos. A pond fountain would need to be employed to irrigate the water, dead debris from the other edges should be cleaned every couple of weeks, and safe pesticides should be placed in the water to keep it from breeding mosquitoes, that's a mosquito breeding area.

Regarding the site plan, what is the business activity that's going on here, we don't have a clue. I don't know how to comment on something that I don't even know what they're doing with the property. Is there a City Inspector that oversees the construction and verifies compliance before business begins operation. If compliance is not met before or after business operation commences who enforces compliance, who has authority to do it, is it the police, if not who in the city enforces compliance. Is the business allowed to operate during noncompliance, is the business shut down for noncompliance, who do we contact when we sense or see a noncompliance.

Finally, we have rights to use and enjoy our property and if these rights are infringed upon in a substantial and continuous manner this business should not be allowed to happen. Those are my comments.

Mr. Todd Fathbruckner – Good evening, ladies and gentlemen of the Planning Committee. I am a horse owner I frequent the property that's directly across the street, I have a 25 year old Quarter Horse he's retired mounted division. He is a light to a lot of the families and children in the area, we often walk through the streets around Gloede and the surrounding neighborhoods where kids light up as soon as they see him. They know his name, they come and visit him, he bords directly on the other side of this property. In the last year he's developed a cough, there's already trucks driving down the street.

Not to mention the excessive speed limits, the amount exhaust that pollutes the air because of them idling in the morning to warm up to get ready for work. As soon as you hit the street all you smell is the industrial diesel of these trucking companies that are already present. As neighbors have said polluting the air and toxicity to the children, toxicity to the neighbors. My direct cause is our horses are across the street. My wife and I have two who we use not only for our own recreation but also volunteer organizations that help and bring light to kids with cancer. We take these horses and we go and visit these kids to give them a camp day that is outside their natural spectrum because they are sick and if our horse is sick we can't do that. We'd have to tell the programs we can't help you today our horse is unavailable because they are sick from the pollution.

I spend my well earned money to take care of them to give them the best food and best care that I can, but if it's a constant battle. I live where I live, this is my hobby and dream, this is what I do on the weekends. My wife and I go out there for hours with the horses. Are there going to be hours the trucks work on the weekend to get ready for Monday morning. I ask you to greatly consider all this, it's detrimental to our health. Thank you.

Ms. Julie Fathbruckner – Good evening, thank you for your time. I also board a horse over at Hobby Horse Farm right across the street from this proposed plan. This is the first time I'm seeing this plan, however it's not my first time on the rodeo with new businesses coming in stating promises showing plans and not following through. Some of these safety concerns includes increased traffic down Barber Street which is already pretty busted up. Trucks fly through there they turn from Bunert onto Barber, you can hear airbrakes from

the trucks you can hear them ramping up all the way from down the street.

I believe this proposed property is in conjunction with a trucking company that is also around the corner from this property. I'm wondering when it says truck shop what that means, does that mean wrenching, does it mean oils and other fluids seeping into the ground. A safety concern is that there are residents with homes that still are on a well, not everybody is on municipal water. Another thing with the runoff the berm, if that water is running off and Barber's already got a bit of a water situation with runoff what is being retained in that retaining pond how many oils. I do have a background in Environmental Toxicology with Michigan State University, so that's one of my primary concerns. What is in that retention pond, how is the water maintained, how is it retained is it cement. The lighting is an issue, the noise is an issue, the hours of operation are a potential issue.

We have trucking companies that start and fire up at 5:30 in the morning and it's summertime so it doesn't get dark until 10:00 and they are running until 10:00. Is this a commercial property where trucks from out of state are going to be coming and being wrenched on and parked there for days or weeks. There's just not very much information. It's not conformant to this side of the street so this would be the only business, the only trucking company on this side, on the north side of Barber butted up against other residents. The rest of the owners of the properties are straight forward buildings the painter's union, the storage, and other facilities that are there are relatively quiet. The trucking companies are on the south side of Barber and then around the corner. Thank you for hearing my concerns.

Ms. Jackie Palco – My name is Jackie Palco, I was the owner of the property and unfortunately, I had no say in who was to purchase the property, I was not the trustee. I had talked to Marvin Marooki on several different occasions he told me it was an investment. I guess it's not an investment from what he explained he was going to build or turn around and resell it, I've seen it listed for way more than what he purchased it for. That property was 12 acres, I own the five acres with the horse farm on Eleven Mile Road, which goes to Bunert. I ride daily along with the boarders. I use my backyard constantly we are always in the backyard. Their business that they have already on Barber Street I deal with every single day. Trucks fly down Barber Street with no consideration for anybody. When I'm on my horse I sometimes yell slow down where are you going.

The other construction company snuck in on the corner of Gloede and Barber they've ruined our streets there's holes all over the place. The poor man on the corner, which should be here tonight but he's not, he's a roofer, he has to deal with constant trucks going around the front of his house. I have it bad, it's in my backyard, I do live on Eleven Mile Road, I hear everything I hear the trucks, I hear the beeping, I smell the diesel. I have well water in my house and my business which is the flower shop. There is something that's called (inaudible) if this company comes in and they do not have proper drainage or cement all the way through the back that seepage can go through into my water that I drink and the horse's drink.

I do not want another trucking company. They started small now they have 20 trucks back there, if you go back there it's like a junkyard. They wrench on the vehicles all the time; it smells like the dirty grease that you can't get out of your clothes that only my husband can tell you what it is. I don't want that; I don't want to hear it. The subdivision right now is a industrial subdivision but it's quiet, everybody there is nice and clean and the yards are clean, I don't want to see trucks pulling in every day. It would be constant pulling in, turning around, backing up, beeping, the air compressors I don't want to hear it. I'm a horse gal Palco's has been there since the late 30's early 40's. I would like you to consider having them find someplace else to put it. Thank you.

Mr. Frank Schreiner – Hello ladies and gentlemen, I would like to know why they are putting that trucking company where they are, I live at 27295 Gloede and there trucking company is right across from my house. I have trucks going in and out like this morning at 4:30 in the morning all the way until 11:30 at night they pull in. They don't drive slow they drive fast and when they slam their brakes on those airbrakes lock up and you can hear them turning in. My house shakes like it's next to a volcano. When I have my front door open you can't believe the amount of diesel smell that comes off those trucks. They come through there tearing the road to pieces, the roads are already bad enough now since they moved in. I think it's going to get worse because they are going to have trucks coming in from other states, other cities and wherever they are hauling this stuff I don't know.

With all that happening the roads are shifting, I've got parts in my yard on the road that I paid a lot of money for, my percentage for that road. They have dropped a 1 ¼" to a 1 ½" down already and not just in one spot in quite a few spots, the trucks are just tearing it up. On Barber, where they plan to put that new one in that is a no no that's like a greenbelt almost now people enjoy it when they drive

by, we don't need to be looking at semi-trucks parked out there. Right in front of my house where they take and change the length of the semi-trucks by locking the back brakes up and moving the axels back and forth trying to lock them in so they can get a longer stretch with their semi-trucks and lengthen the load.

They are parking kiddy corner to my house there must be 14 trucks, trailers, other trucks parking in front of the shops. I thought that was illegal that they couldn't park vehicles in there without proper years of license plate and registrations. They've been there for three years or more just sitting. I think this is a bad place for a trucking company because now it's a greenbelt, almost all were trees, they came in and cut every tree down in that area. We have trucks that do need to come down but that many trucks is a no for me. That's about all I have to say, thank you.

Mr. Garry Watts – This is my Council District I hope that every one of you drove over there and took a look at this situation. I met with these people last week and you know I normally don't speak at these meetings, but this is a serious situation. It's a heavy residential area on two streets and there's more trucking going on back there than I would care to see.

One of the operations, I believe that is this gentleman's here, I'll be turning in tomorrow night for multiple violations that I found when I was there over the weekend. You're already running an operation that's not up to standards and then they want to do another one and back it up to these residential homes. I feel bad for those people over there. I'm not going to tell you how to vote or anything, you should really check out what's going on over there before making a decision on this because this is not a good situation. Thank you.

Mr. Eddie Kabacinski – Councilman Kabacinski, this is not my District, but I have Mr. Watts back on this, I agree completely.

There are many municipalities right now that are dealing with the same subject the separation between agricultural and city and manufacturing. In particular I can tell you when I've gone north of 23 Mile Road it's now being overly developed to 26 Mile Road. A lot of a farmland, a lot of agricultural is now being overrun by development both manufacturing and condo communities and townhouses. When I've gone to those meetings out in Shelby to find out how they are dealing with this, how they deal with their Master Plan of keeping agricultural, keeping the farming, of keeping horse farms and people that have trail riding and horses and chickens and such, how are they negotiating this. It seems to be that this might be the last small

portion of farming and agricultural area that we have here in the City of Warren.

If we look at that seal back there one of the items is a person holding a stalk of wheat, that has to do with the agricultural area of Warren when Warren was farmland when people rode horses and had stables. If the kids are learning a little bit of the history of this city from what it used to be from what little left we have of agricultural and farming we have left don't we have a responsibility to save this if we can. I agree that this portion of land here has been there for a very long time and it should probably stay that way. Let's leave well enough alone, thank you.

Commissioner Kupiec – I'm going to make a motion to table, I think there's enough public comment that this warrants meeting with the petitioner and the people to understand what's going on because to me it doesn't sound like it's going to fit the area.

Commissioner Robinson – I don't see the reason for tabling when we can vote on it now.

Assistant Secretary Mouri – There's a lot of unanswered questions from the residents and from the business owners.

Commissioner Kupiec – My comment should have been in the form of a motion. I'm making a motion to table this.

MOTION:

A motion was made by Commissioner Kupiec to table, supported by Commissioner Ansar.

Commissioner Tutt – I'm a little confused what is the motion to table, what are we table for?

Commissioner Robinson – I don't understand.

Ms. Mary Michaels – When there's a motion to table there can't be discussion, it's not debatable.

Commissioner Tutt – So we have to vote on this motion, but I don't know what it's for.

Commissioner Kupiec – You have the option to vote against it.

Commissioner Robinson – I'd like to deny the motion to table.

Commissioner Tutt – If he's making a motion to table it, even if we vote no or whatever the case is shouldn't there be follow up for that motion?

Ms. Mary Michaels – A motion to table isn't debatable I believe Commissioner Kupiec gave his reason's it would be a vote.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury.....	No
Commissioner Kupiec.....	Yes
Commissioner Robinson.....	No
Commissioner Tutt.....	No
Commissioner Ansar.....	Yes
Assistant Secretary Mouri.....	No
Vice Chair Boniecki.....	No

Assistant Secretary Mouri – The motion to table did not pass so we need another motion and bring it to discussion.

MOTION

A motion was made by Assistant Secretary Mouri to approve with discussion.

MOTION:

A motion was made by Commissioner Robinson to deny because of the impact that it would have on the neighbors in that area and I think they deserve better.

Commissioner Tutt – Neither motion has been supported so neither stands yet, correct?

Ms. Mary Michaels – The first motion was to approve, is that seconded?

Commissioner Tutt – No.

Ms. Mary Michaels – Okay, so that dies. Then there's no action tonight, there was a motion to deny was that seconded?

Vice Chair Boniecki – No.

Ms. Mary Michaels – So this automatically gets moved to next meeting?

Ms. Michelle Katopodes – Madame Chair, would you consider postponing it to allow them to discuss anything with the neighbors?

Commissioner Robinson – There's no need to move it to another meeting.

Ms. Michelle Katopodes – Commissioner Robinson I can't hear you.

Commissioner Robinson – I made a motion to deny.

Ms. Michelle Katopodes – And there was no support.

Commissioner Robinson – No one is in agreement?

Commissioner Tutt – Well that's because I was confused, I support denying it but she made a motion to approve it and then she made a motion to deny, so I didn't understand how that works. I support Commissioner Robinson's motion to deny.

Ms. Mary Michaels – So there is a second for the motion to deny then it's before this board.

Vice Chair Boniecki – So is there any discussion before we take a roll call on this.

Commissioner Robinson – I'm totally confused, I just don't understand.

Ms. Mary Michaels – Madame Chair would you just restate the motion who made the motion and who seconded it.

Vice Chair Boniecki – Commissioner Robinson made a motion to deny, Commissioner Tutt supported it.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Mouri – I know there was some questions about the hours, could you tell us about the hours of your operation?

Mr. Gary Oram – Actually most of the residents that came here is fine there's no problem with me, the place is going to be a warehouse it's not a trucking company. I'm an investor in Warren I invest a lot of money in the properties in Warren, Madison Heights,

and Roseville, I'm a developer. It's going to be built for warehousing. Now there's trucks going in and out all day out of that street it's zoned M2, I'm not asking for any zoning changes. 150 feet where the residents live is P1 you can only park cars there you can't do anything else. There is going to be trees in the back, retention pond in the front the property itself is 200 x 550 deep.

The horse farm, Palco, her sister sold us the property which is zoned M2 that's the reason we bought it. I didn't buy it to leave it as farmland, if they wanted it they could have just kept it, it was owned by them.

There is trucking companies that go in and out through Barber, a lot of trucking companies, they are all in there if they had issues I don't know why they didn't complain before to the city. The streets are zoned M2, the zoning is there, the building is going to be built as a warehouse. The hours are going to be nine to three or whatever. It's a new construction, this isn't something that we are building to run a trucking company in and out of there we are not doing that, we are building it for an investment for warehousing.

Assistant Secretary Mouri – For the warehouse I see a total number of parking spaces 13 to 15?

Mr. Gary Oram – Well the city requires that; whatever they require we are abiding by it.

Assistant Secretary Mouri – On a daily basis how many trucks do you think will come to the Warehouse?

Mr. Gary Oram – Maybe two or three, one a day.

Assistant Secretary Mouri – Around what time?

Mr. Gary Oram – We can't determine the time we deal with Ford and General Motors; it could be anywhere from nine to five, nine to seven, I'm not really sure it depends on when the deliveries are picked up. There's truck company's going in and out of there 24 hours, it's zone for that, this street is zone M2. The horse farm is there and I don't have a problem with it.

Mr. Imad Potres – Also, we approached the Planning Staff to do this design and we know it's a permitted use. The way we designed it you can see the building, it is by Barber Street and there is only this short parking for the trucks and there is vehicle parking. The reason we stopped the concrete and gravel we don't want to go further we

are more than 300 feet away from the residential area. So basically everything is way far from the residential the trucking will be sitting there or just come and leave. They know when they need the truck to come, and it depends on their business on what they are bringing.

The reason we designed it this way and we submitted the preliminary plans to the Planning and they gave us recommendations and we complied with them. The number of parking spaces required, the number of truck spaces required, the dumpster, the buffer zone that's all landscaping, the detention pond. We want to make it in compliance with the zoning ordinance and comply with this zoning district.

We appreciate all the concerns of the neighbors, I understand them, we are assuring them that this site is way far from what they are thinking the trucks won't be next to their door. They are only using one entrance from Barber Street, the trucks will come in and out no residents in the back will even notice it.

Mr. Gary Oram – There is not trucks allowed on the street they live on, now there's construction going on and there's trucks and cars everywhere there's only one lane going north.

Mr. Imad Potres – On both sides of Barber are both zoned.

Mr. Gary Oram – Excuse me for a second, when you leave Barber you cannot turn right normally toward the residents' house you have to turn left and go to the freeway, there's no trucks allowed. It's enforced by the City of Warren Police very well there.

Commissioner Tutt – To the audience please let the petitioner speak.

Mr. Gary Oram – There's a UAW Painters Hall right next door, there's another warehouse next to us that's been there for years, there's a dump truck company that's got dirt all over the road everyday in and out of there, they are only like 60 or 70 feet from the horse farm. There are trucks that go in and out of there, they deliver these buildings, we're zoned and approved for the usage, they've been there for years on that street I'm talking Barber, some of the residents were talking about Gloede. This is strictly a warehouse nothing else, I don't know what the neighbors are talking about, maybe they misunderstood it.

Assistant Secretary Mouri – It also mentions to park and store trucks on the gravel. Is that one of the intentions are you planning on receiving variances to park the trucks on the gravel?

Mr. Gary Oram – We are not asking for any variance, this is going to be paved parking there is no dirt or dust or whatever they were talking about.

Vice Chair Boniecki – Please, the speaker is talking.

Mr. Gary Oram – So it's going to be paved parking, we are still working with the city on that.

Commissioner Tutt – So you said there would be no trucks, but the recommendation clearly says that--

Mr. Gary Oram – The trucks will go in and out for deliveries.

Commissioner Tutt – Can I finish, let me finish. The recommendation clearly says it's for a new warehouse and open storage and truck parking, will there be truck parking?

Mr. Gary Oram – Some of them might have to drop the trailer, you have to have outside storage with the City of Warren ordinance or they don't let you park a truck overnight.

Commissioner Tutt – The site plan that the neighbors received is it different from the site plan that was shown tonight?

Mr. Gary Oram – I don't know what neighbors received, if you look at your agenda it says warehousing and outside storage, I'm not sure what the neighbors received.

Commissioner Chowdhury – So will there be trucks being parked overnight there?

Mr. Gary Oram – Sometimes there will be because of the delivery or they are waiting to be loaded.

Commissioner Chowdhury – When is the delivery time?

Mr. Gary Oram – The hours could be from nine to five, but the trucks are parked there if they come in some of them have to wait until the morning to get loaded.

Commissioner Chowdhury – It seems like there's a lot of inconsistency of times of hours for operations, so will there be somebody there 24/7?

Mr. Gary Oram – No.

Commissioner Chowdhury – If a truck comes in late overnight who will be taking care of the deliveries?

Mr. Gary Oram – You have to arrange that, I don't know if you're familiar with warehousing. You have to arrange the times they are not just going to come in if nobody is there, they'll have to wait somewhere else at a truck stop. They are not going to come in there and park and wait to get unloaded, no.

Commissioner Chowdhury – And what type of storage are you going to be having?

Mr. Gary Oram – Warehousing.

Commissioner Chowdhury – What type of warehousing?

Mr. Gary Oram – Automotive parts.

Commissioner Chowdhury – Can you be more specific?

Mr. Gary Oram – Car parts, bumpers, transmissions, and parts on pallets.

Commissioner Chowdhury – What is that?

Mr. Gary Oram – Parts on pallets, they put them on pallets and then you just load it with a high low, they are not pieces they are on pallets. A pallet, about my height, the high low picks it up and stores it in the warehouse.

Ms. Michelle Katopodes – Would it be okay if I ask a quick chair, we have the plan up there and the reason we mentioned variances is because there is a note on the plan that discusses 20,000 something square footage of truck parking and it's just pointing to that concrete area. Then it says additional overflow gravel parking area so that's where that variance is, I just wanted to explain that's where that variance note came from, if you could look to that plan. That was the comment regarding the variance for the additional truck parking.

Commissioner Tutt – Are you familiar with the recommendations that were given to you?

Mr. Gary Oram – By the city?

Commissioner Tutt – Yes, because we brought up the variance and you don't seem to be aware of it.

Mr. Gary Oram – The Architect is more familiar with it, honestly; I do a lot of development stuff I don't get involved in that stuff.

Mr. Imad Potres – The gravel area we kept it because we don't want to expand to much pavement, this was from the owner that we might need it in the future, we don't know. So we stopped the concrete only for the trucks to maneuver and go out, it's not going to go beyond this point.

Commissioner Tutt – You two don't seem to be in sync.

Mr. Gary Oram – I said the trucks will be parking on the paved lot, the gravel is just for drainage or whatever is there. I mean are we going to be able to pave all of it, we are still working on quotes it's possible it can all be paved, it's going to depend on the cost. We have spoken to the Planning Commission and they said they didn't see an issue with that.

Commissioner Chowdhury – Did you both get a chance to review the recommendations that the Planning Commission sent out?

Mr. Gary Oram – Yes.

Mr. Imad Potres – Yes.

Commissioner Chowdhury – Are you both on the same page on that?

Mr. Imad Potres – Yes, we received the recommendations, and we are going to work on it and we will respond to all of the concerns of the Planning Commission.

Commissioner Tutt – Before we vote I have two other comments. One, I'm a little disappointed that you guys didn't take time to work with the neighbors and see what they want, they do have to live there. It doesn't matter that you're a developer and you put a lot of money into it, they sleep there.

Mr. Gary Oram – Yea I understand, I heard it today, believe me I wish I would have talked to them.

Commissioner Tutt – And the other comment is about the tree that fell over the gate and was hanging on the wires eight months.

Mr. Gary Oram – I hired a company to clear the trees out there that was last year, nobody's mentioned a tree or a branch.

Commissioner Tutt – Did you not see it?

Mr. Gary Oram – No, because I don't know what branch the guys talking about, the lot is empty now.

Commissioner Chowdhury – Do you visit your location?

Mr. Gary Oram – It's an empty lot there's nothing there to see, I'm not going to go look in the neighbor's yard. There's no branches there's no trees, nothing on that property, just an empty lot. I did hire a company to take down the trees and they even removed the grindings.

Commissioner Chowdhury – Maybe you should visit your location periodically.

Mr. Gary Oram – We do visit the location the neighbor that said the branch I have no idea, I'll check.

Commissioner Chowdhury – They said it's been sitting there eight months; I haven't visited the location.

Mr. Gary Oram – We visit it quite a bit, the branch he's talking about is in his yard I cannot go in a person's yard. How am I supposed to know there's neighbors three houses behind there and that there's branches in their yard, I didn't even think there were trees that far back when they cut them.

The person that sold me the property is the one that brought most of the people here, this has gone on before. If she wanted it she could have just kept it, I can go find property somewhere else. The trucks go in and out of there all the time. It's zoned M2, next to her property there's trucking companies and they back up right next door to her property where the horses are. Then there's a dump truck company, there's all kinds of other trucking companies when you go inside. It's the business they run, the city allows it, it's zoned for it,

we are not asking for zoning or any variance here we are just asking for the usage of the property, that's all we are asking for.

We made a mistake not speaking to the neighbors, I think we should have it probably would have worked for us or maybe against us. Jackie that owns the horse farm has been fighting this before we even bought it, she's literally went against it from day one. I'm not here to say she said, he said, that's not my business. I like her--

Commissioner Tutt – Alright, we don't want to make this personal we are going to vote.

Mr. Gary Oram – It's not personal, I like her, I don't have nothing against her.

Commissioner Tutt – Thank you, we are going to vote.

Vice Chair Boniecki – With all that's been said tonight, and all the disruption and confusion, Commissioner Robinson you voted to table,

Commissioner Robinson – No deny.

Vice Chair Boniecki – Okay so, Commissioner Kupiec you voted to table, Commissioner Robinson do you wish to change your vote to table so he can get with the neighbors and bring this back.

Commissioner Robinson – My initial was to deny, we've seen it happen when these companies come to the neighboring areas you give them an inch and then it turns into something out of the ordinary that's unbelievable. It's obvious that the neighbors do not want this in their areas, so I'll hold onto that.

Vice Chair Boniecki – Mary, we don't have the table again do we just vote on this.

Ms. Mary Michaels – You denied the motion to table, there's a motion to postpone if that's what the Commission wants to do, that's a motion to a date certain, or proceed with the main motion.

Commissioner Tutt – Sir, please let us hear Ms. Michaels so we can do this the right way, thank you. Ms. Michaels, I'm sorry I didn't hear your last comment.

Ms. Mary Michaels – There's a motion to table that was denied, that was just a general table to any date. A motion to postpone is

separate that would be to a date certain, it would be a separate motion. Then there's a motion to deny on the table.

Vice Chair Boniecki – Do we want to postpone this tonight?

Commissioner Robinson – No.

Vice Chair Boniecki – Do you want to continue with the denial or do you want to postpone this?

Commissioner Robinson – I'll continue with the denial.

Vice Chair Boniecki – We have a motion to not table by Commissioner Robinson, supported by Commissioner Tutt, I'm confused now. Commissioner Robinson you wanted to table?

Commissioner Tutt – The motion is to deny by Commissioner Robinson and I supported it.

ROLL CALL:

The motion carried as follows:

Commissioner Kupiec..... Yes

For the safety of the community and the safety of the people I think it's in our best interest not to increase, obviously there is truck traffic in there now and by giving them an opportunity to put a warehouse in there you're asking for more trucks to come in, so I don't think it's in the best interest of the community for the people. I think there's a safety factor involved and I think it should be denied.

Commissioner Chowdhury..... Yes

I back Commissioner Kupiec for the safety of the community and the health hazards.

Commissioner Robinson..... Yes

It's because of the negative impact it's going to have on the neighbors by added truck traffic and deny them of their peace, quiet and enjoyment of home ownership.

Commissioner Tutt..... Yes

For the same reason Commissioner Robinson stated and not being good neighbors and a nuisance to the community.

Commissioner Ansar..... Yes

I agree with the residents' concerns I believe it's going to have a bad impact on the community and the quality of life.

Vice Chair Boniecki..... No

The only reason I'm voting no is because I think we should have postponed it and give them a chance to be a good neighbor to get

with the community and discuss it and work together as a community.

Assistant Secretary Mouri..... Yes

I feel the petitioner should have done his research about the area before coming into the meeting.

Vice Chair Boniecki – It is denied.

Commissioner Ansar – Madame Chair can I make a motion to recess the meeting for five minutes.

Vice Chair Boniecki – We are going to take a five-minute recess.

At 9:36 pm proceedings in recess.

At 9:45 pm proceedings continued.

- E. SITE PLAN FOR NEW FIRE STATION: Located on the west side of Schoenherr Road, approximately 840.4 ft. south of Thirteen Mile Road; Section 11; 30601-30619-30637 Schoenherr Road; Wilburt McAdams c/o City of Warren (Michael Malone). PSP230022.

PETITIONERS PORTION:

Mr. Skip McAdams – Good evening, I'm Skip McAdams, Fire Commissioner of City of Warren. What's before you tonight is a proposal site plan for a new Fire Station 5 to replace the current Station 5 located at Common and Hoover that is functionally obsolete and has reached the end of life. We are proposing to build an approximately 13,000 square foot state 3 bay station with capacity for 10 fire fighters. The building is expected to serve the community for approximately 20-50 years, it is designed for a 50 year lifespan and it is identical to Station 1 that the Planning Commission approved earlier this year. Partners in Architecture is here to answer any technical questions.

Assistant Secretary Mouri reads the following correspondence:

TAXES: Current.

MCPW: Please be advised that this letter is for comment in relation to right of way and county drain easements only. It appears from the submitted plans that there will be no work within or near a county drain or easement, therefore this office would have no objection to this request.

Prior to site plan approval, any proposed project that is under the jurisdiction of this office shall apply to the Macomb County Public

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Works Office Design Standards. It is advisable to schedule an engineering meeting with this office to discuss how our standards may apply. To schedule a meeting with this office please contact: heather.morin@macombgov.org.

Ms. Michelle Katopodes reads the recommendations of the Staff:

PUBLIC HEARING:

Mr. Ernest Newman – I live on Alger five houses away from the proposed site of this new fire station. I'm half deaf along with being a heart patient and having sever neck and arthritis, I require a service dog 24/7. This is Sir Duke, he's my service dog he's a certified, registered, US service dog. One of the issues I have with Duke is every time a fire truck goes by he has extremely sensitive ears and I'm afraid if we put up a fire station five homes from my house it's really going to impact the quality of my life and the quality of my dogs life.

My biggest concern is the noise it's going to bring on five houses away from the fire station. If this does continue and the fire station is built I will be forced to sell my house and forced to move, which I just bought six years ago. I like living here in Warren, I haven't had any problems in Warren since I've been here but I see this as a major setback for me personally and I wanted to voice my opinion that I'm adamantly opposed to the new fire station that is being proposed here, thank you very much.

Ms. Carol Peterson – I live directly behind that property, that wasn't listed on that paper that you sent out to our house by the way. I lived there for 34 years behind my house has been a wetland for the last 35 years. Every single year it floods, there are ducks and geese you go and put pavement over that there goes the neighborhood as far as I'm concerned. The noise from the sirens are constantly going off will just wake me up from nap every day, I can't handle that. The property values, what are you going to do with the property values is it going to affect my property, I can't see how it wouldn't.

You mentioned that you would put an eight foot fence up, that's great and some landscape to buffer some of that noise. What about the traffic on Schoenherr, you're going to have to put another light up there and that's really going to affect. Right now Schoenherr is a mess with all of the traffic from 2:00 o'clock until 7:00 o'clock you've got wall to wall traffic and you're going to put another light up that's really going to mess us up. I don't know why the fire department decided to use the two houses that are there for fire practice, they didn't ask me. All of a sudden they start taking the roof off the

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house, that's just unacceptable you could have sold those houses, I would have bought it for \$1.00 dollar. You've offered everyone else property for \$1.00 that abuts that property all that property abuts my property completely. You've already destroyed both of those houses and now you're talking about destroying the property by building there. I'm not totally opposed to this, I am just concerned that this is going to ruin my property values and my ducks. Thank you.

Mr. David Miller – My property abuts the property for the proposed fire department. I've been there since 88 and there's always been a drainage problem back there. The property was grandfathered in there's just a cyclone fence by my property now, there's no wall, there's no drainage back there and I did go round and round with the city several times when I bought the house about the drainage back there and it's still the same problem. I'm also concerned about my property value and as far as the noise I hear ambulances and fire trucks all day long going up and down Thirteen Mile and Schoenherr. If they build a fire department there I need the drainage taken care of. In the spring when I have to cut my grass I'm about 12 feet from my fence I can't cut and it takes weeks to dry out. That's it.

Ms. Debra Pickett-Johnson – Good evening ladies and gentlemen, I live right behind the proposed site of the fire station and I've been there for 8 years. Since I've been there I've been fighting the Engineering Department about the flooding me as well as my neighbors also have that problem with the water just coming in our yard where you can't have no type of entertainment from the mosquitos, bugs and the water just sitting there and it sits there for days.

I know that they probably already made their decision to put the fire station there, but my problem is the decrease in my property value along with the constant noise from the fire engine making runs. I understand they are going to put up an eight-foot wall that will reduce the noise a little bit, but at all times of the night you'll hear them running for fires back and forth. I don't object to the fire station being there but how are they going to compensate the residents that live behind where they are proposing the fire station, that are they going to do for us. The value of my property already has went down because of the drainage, now I have the fire station coming there. They have to consider us also, thank you.

Mr. Kevin Meyer – I live on Alger; my house is east of the property. I don't know if I heard correctly, I did hear 8 foot wall, is that 8 foot wall on the north and south end of the property because I thought I heard a six foot wall. Now if the six foot wall is to the west you have

to take into consideration, I'm a licensed builder so I know a few of these things, you have to take into consideration where your finished floor of the fire station is in regards to say the sidewalk or the residents in the back. I'm 6'3 so if the fence is here and the property ramps up say towards the stage we could be talking two or three feet plus the height of the fire engines lights, and now they are all LED they could shine into the neighbors backyards.

Those windows and doors on those houses are usually set at 6'8 and then there's a drop off of usually 8 inches so the window headers are about 7'4 so they could be getting light into their bedrooms if there's a six foot wall there. Now I would hope they would put something like a Northpoint Arborvitae that grows about 15 feet tall that can give a buffer for them. That's my only concern, I know it's going to pass, and it does look like a nice elevation drawing. The only concern I have is for those poor neighbors that can get light in their backyards at two or three in the morning it's going to happen we just need a little bit of a buffer zone for those neighbors, so they don't have to spend money down the road and put up some vegetation on their own.

The only reason I bring this up is because I was sitting at the corner of Thirteen and Hoover and next to me was Rescue 5 and I thought damn those lights are tall, and I have a Grand Cherokee so they were higher than mine, that could be a problem. Being a builder I know these kinds of things so I just hope you put that into consideration and if that back fence was six foot hopefully we can bump it up to eight foot so it doesn't inconvenience those neighbors. Thank you.

Mr. Eddie Kabacinski – Good evening Planning Commission. Again, I'm the 5th District Councilman there were meetings about the new fire stations both this fire station and fire station 1. Part of the selection of this property had to do with the one area and where we had property available where there could be a fire station. I think Commissioner McAdams can probably touch on this a little bit, but there's a requirement I guess there's some Insurance Institute that says we have to have a fire station within so much of an area to cover so much of an area and if we don't have them spread out evening that's a real problem. That is why this property is so necessary it will sufficiently cover for the very northeast end of Warren. Right now the property that is at Common and Hoover won't be able to accomplish that because it's too far of a distance and for the amount of time it was indicated that the fire department has to respond to an area at the very northeast of Warren. We have to comply evidentially with this Insurance Institutes regulations on

being able to get to a fire or medical emergency within a certain period of time.

Also the backup units that are in the immediate area if they have to respond, if that fire station right now is at a call then the other fire station that's responding has to be able to meet to that location within a certain period of time. So this location is absolutely vital for the fire department and it would be within the requirements of the Insurance Institute that requires us to do this as a city.

Again this information was put out during the committee of the whole there were council meetings about this provided to the public, they were able to attend. A public notice was put out to the public about the committee of the whole having to do with the fire stations and the new construction. All of the Council members were informed of this here and why it was necessary to have them placed where they had to be placed. That concludes my comments, thank you.

Mr. David Miller – David Miller again, the gentleman said that there was information sent out here is the letter I got and it was mailed July 7th, so we had no information ahead of time, there was no other letter saying there was meetings or anything else about this. I'm not objecting to it I just need the drainage issue taken care of and something with the property value. I have the letter here if you need to see it, it was mailed out July 7th so I don't know what that gentleman was talking about meetings.

Ms. Shirley Fileccia – I live directly across the street from where this fire department is going, my house is on the corner of Schoenherr and Alger. I've lived there since 1990, the traffic has always been bad but now it gets busy at two o'clock you can't even get out of my driveway and go onto Alger you have to go back out and go the long way and come up on Common because the cars are bumper to bumper. When the fire department now comes down Schoenherr they are going down the turn lane blasting to get people out of their way. So with this fire department going in how are they going to get out, they are going to have to blare to get out to get the traffic out of the way.

I've lived in Warren over 30 years and before that to, the only thing this fire department is doing for me is depreciate my house, you're putting me out of Warren. I have two dogs and when they go now my dogs howl can I stop that apparently somehow I could. I have a two-story for the last ten years. I haven't been able to open my windows at night because of all the trucks, traffic, and the dirt from Schoenherr now you can't open it because of the sirens and all the

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noise. The gym on the corner that comes racing through all night, I don't know how the fire department will ever get out of the fire department to come to your house if you have a fire because of all the traffic that we have. I hope you really think about it. Where I'm standing now the fire department will be where you are sitting from my home the only thing between us will be the four lanes. Thank you.

Ms. Lisa Harris – I think it's very interesting the very unique and rare situation that the gentlemen with the service dog will have and wondering if anyone is aware of any accommodation or how the city could work with this gentleman. In terms of a dog alerting for someone who is hearing impaired this would really be a crisis. I'm glad he brought it up because it helps us to think outside of just the other very valid concerns of noise and traffic. This is really a lifestyle for this gentleman. Nobody can know that when you're planning on where to put a fire station, but how unique I think it's good that we heard this, it's good that he came, thank you.

Mr. Ernest Newman – If you've noticed my dog has been here since the Pledge of Allegiance, he's had more patience than you people on the City Council have had, and I'm embarrassed to say my dog has had more patience than you. I wish you people would consider what you're going to put me through if you put that fire department there. I'm a human being and I have rights as she said, what do I rights do I have under the Americans with Disabilities Act besides bringing my dog in here with me because I could have a heart attack and he may have to alert. What are you guys going to do for me. I'm going to lose property value just like these people because I'm not going to be able to stay there and I'm going to have a hell of a time trying to sell my house when there's a fire department going five houses away.

So again what are you going to do for me, what rights do I have as an American citizen, have you considered what you can do for me because that's something you need to consider. I might only be one person but damn I'm a human being and I have the same rights as you and you. Thank you.

Mr. Rick Webb – I don't actually live in Warren, but I have three questions about this. One, some of the old maps show there's an underground stream going through the property which probably caused the drainage stuff. Does the site map take that into account, did anyone look at it. Second, on Hoover there's a light, a flashing light most of the time, in front of the fire station, are you going to put one of those on Schoenherr. Are the site plans online somewhere

so people can look at them in advance because we are seeing those for the first time today. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Mouri – We all heard the public comments and one of the main things I want to ask first is the mention of the citizen's meeting where everyone was called and told about this agenda, did that take place or when did that take place?

Mr. Skip McAdams – The meetings that they are talking about are committee of the whole meetings and they are scheduled at the City Council chambers and they are subject to the open meetings act. No they are not direct mailings to individuals but they committee of the whole meetings are posted with the agenda that included discussion of the fire station. Additionally at two council meetings the plan for the fire stations were discussed in detail and council meetings are also subject to open meeting act and the agendas are posted, but there are no direct mailings to nearby residents.

Assistant Secretary Mouri – When was the first time the citizens were notified, two weeks ago?

Mr. Skip McAdams – No, we've been working on this plan for at least nine months to a year. Once we got close to the actual design of the station then at that point we brought the entire City Council up to date as to what we were planning. We only had one council member on the committee, so we wanted to ensure that all of council was aware of the plan and therefore there were meetings to discuss it in greater detail.

Assistant Secretary Mouri – Can you elaborate maybe a little bit more on what Councilman Kabacinski mentioned with the insurance?

Mr. Skip McAdams – Yes, Insurance Service Organization, it's a rating that provides insurers with a rating for fire response. In the design of this city the population was estimated to go to 200,000 and as such there was plans to build nine fire stations. However, the population never reached that and the plans to build the three additional stations never materialized. One of which was supposed to be in the northeast quadrant of the city. Insurance Service Organization represents that the perfect response area is a mile and

a half as the crow flies. So by positioning this station on Schoenherr we are better able to serve the northeast quadrant of the city. Additionally, the northeast quadrant of the city has the highest run volume.

One of the residents talked about squads traveling up Schoenherr that's from station 2, because the current location of station 5 and the run volume in that area is too great. So squad 2 from Nine and a half and Schoenherr responds into station 5 territory. In the current fiscal year budget Council added additional personal and an additional squad. The plan is to put a second squad into service because of the run volume in station 5 territory. Therefore, there will be less travel from squads from other districts responding to the northeast quadrant of the city.

A resident voiced a concern about the lights from the fire trucks shining into their bedroom window, the back bay doors will have small windows about 8' x 12'. The front windows will be more glass, but the rear will be more solid you won't be able to see through them. So we will not be lights and sirens going into the neighbors. When we return we come in as normal traffic with just headlights no lights no sirens. Normally traffic dies down at dark and we pull out of the station at sleeping hours we use our lights however, we normally only turn our sirens on at intersections or when there's traffic ahead of us or coming up. So the goal is, yes, we use lights and sirens during the day and during all intersections but we try to minimize the use because we do have concerns for our neighbors.

That property was picked because the city already owned part of this north piece of property and those two homes were already for sale prior to us finding out about it. The city made an offer to that owner who owned both properties. We picked it additionally because there's commercial on either side of that property and the condition of those homes was bad prior to us. So it was twofold it was a chance to clean up that portion by bringing in a new fire station and getting rid of two homes in the middle of commercial properties so it would unify the look.

The drainage problem will be solved. Fire trucks and water and driving through water don't go well and that will be solved or Partners will be in trouble. In terms of the height of the fence or the wall that's needed I'm open to whatever this body wants, if you want it 6 feet or if you want it 8 feet if you want it 12 feet I don't care in terms of that we will try and help.

Mr. Mike Malone – We could also add some arborvitae along the wall that was also brought up, that's not an objection.

Mr. Skip McAdams – Home value, historically there's no guarantee, but historically properties near a fire station increase in value because of the proximity of a fire station to your home. So in that sense I don't see how we would negatively impact property values, if anything they will stay the same stabilize or increase because we are there.

Commissioner Robinson – Is there going to be a traffic light there?

Mr. Skip McAdams – We are in the process of studying that, there was one for station 1 and with the traffic study if it looks like we will not be able to gain entry onto Schoenherr without a traffic light we will install one that we will have control of. There will be a flashing yellow for traffic on Schoenherr and then we would take control of it for the two minute period, from the time we hit the button when we enter our vehicles until the time that we get out on Schoneherr and into traffic. So, if the traffic study indicates we need one we will be spending approximately \$250,000.00 to get a traffic signal.

Commissioner Robinson – It's my understanding that there wasn't a traffic study done in the initial planning of this station?

Mr. Skip McAdams – No, because we did not anticipate needing one for this location, we did one for Van Dyke but we need to do one for Schoenherr the traffic flow on Van Dyke was much heavier given that it is a highway. I'm not opposed to the light it's an additional cost, most people stop when they see a fire truck entering Schoenherr. Station 2 is currently located on Schoenherr at Nine and a half mile we don't have a traffic signal there. We have no trouble entering Schoenherr at any time of day there. I did not anticipate having anymore difficulty further up on Schoenherr.

Commissioner Robinson – I think that is something that should be considered. I know sometimes during the day it can be heavy over there so even getting out is going to be a problem.

Mr. Skip McAdams – At Station 5 it takes about 15 to 20 calls per day per 24 hour period so that's at most 20 opportunities to enter Schoenherr. The business time in the city is from 6:00 am to 7:00 pm, things settle down run volume decreases after 7:00 pm and it continues to decline through the hours right up until 6:00 am when people start moving around.

Commissioner Robinson – Okay thank you.

Commissioner Kupiec – You mentioned two homes in the proximity of this property are you saying they are for sale?

Mr. Skip McAdams – No they were for sale prior to us purchasing it for this project they had been for sale for approximately nine months it was a single owner that owned all three properties. It was a single family home that he was renting and then the two properties to the north that's actually two properties and both of them were rental. All three were rental properties and the owner of all three had been trying to sell them for the past year.

Commissioner Kupiec – So you ended up buying those homes?

Mr. Skip McAdams – Yes, we bought them, the city owns them now.

Commissioner Kupiec – So that will be part of the property?

Mr. Skip McAdams – Yes, they are under the control of the city.

Commissioner Kupiec – Will that be part of the grounds that the fire station will be built on?

Mr. Skip McAdams – Yes.

Commissioner Kupiec – So they will be demolished?

Mr. Skip McAdams – Yes, we are training there right now we will be done training there the end of this week and as soon as we award the contract to a contractor the first order of business is to demolish all three homes and get that site cleared. The goal is to break ground to stagger construction of Station 1 and 5 starting in September.

Commissioner Kupiec – You are not opposed to a light if we decide we'd like to have a light in that area?

Mr. Skip McAdams – I'm not opposed to it, we would control the light it would only be for the purposes of us being able to enter Schoenherr. It would not be a traffic light to control traffic 24/7, it would only be in use as needed.

Commissioner Kupiec – And when you're not using it would it be a blinking light?

Mr. Skip McAdams – It would just be a blinking light and that's what is in place for new Station 1. Several of our stations have control of lights the current Hoover and Common has control of that light, a couple more stations have control of the traffic signals, but not all six stations do.

Commissioner Kupiec – It sounds like there's definitely a need for a fire station and it sounds like this area is ideal to service the northeast quadrant. I sympathize with the neighbors and the environment that they are going to be exposed to but it is for their best interest. As you say, in some cases it would even offer a reduction in their insurance and different things that are beneficial to them. I just think the need is there and the location will support the need, I will be voting in favor of it. Thank you, sir.

ROLL CALL:

The motion carried as follows:

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

Unidentified speaker – They snuck that through they never told the residents, I don't care what you're saying, but they never told the residents they were doing this until July 7th.

Commissioner Tutt – The motion has already passed ma'am.

7. CORRESPONDENCE:

- A. 12 Mound Development LLC, Symmetry Property Management LLC, and Symmetry Property Management & Realty Inc., V. City of Warren; Plaintiff's Challenge the Warren City Council's decision to reject the Warren City Planning Commission's recommendation that it enter an amended Conditional Rezoning Agreement with the Plaintiffs; (5580 Twelve Mile Road; Mister Car Wash).

MOTION:

A motion was made by Commissioner Robinson to receive and file, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

- B. 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 Ihrie). **Petitioner denial letter. Per Section 8.4 of the Planning Commission Bylaws, the above captioned item was automatically denied on July 10th, 2023 as a result of failing to receive the requisite five concurring votes for a second time.**

MOTION:

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

8. OLD BUSINESS:

MINOR AMENDMENT TO APPROVED SITE PLAN FOR RETAIL STRIP CENTER: Located on the southeast corner of Schoenherr Road and Zagaiski Avenue; 25397 Schoenherr Road; Section 23; Eric Williams/Stonefield Engineering (Breakpoint Warren LLC/Ryan Shina). Minor amendment is for the addition of a proposed drive-thru ATM/VTM.

MOTION:

A motion was made by Commissioner Robinson to recognize as a minor amendment, supported by Commissioner Kupiec. A voice vote was taken and the motion carried unanimously.

PETITIONERS PORTION:

Mr. Eric Williams – Good evening Commission Members, Eric Williams with Stonefield Engineering and Design, 607 Shelby Street, Detroit, we are here on behalf of the applicant BreakPoint Warren LLC to present the proposed drive thru ATM located at 25397 Schoenherr, apologizes for the incorrect email on the original application. Obviously this site plan was approved. I believe it was three years ago now, and I believe it's fully leased. The owner and

developer had an opportunity to add an additional use on site via the drive thru ATM. They were over parked as a part of the original application, so this seemed to be a good location to include the permitted use.

We did have an opportunity to review the recommendations provided by Planning Staff. I think the only item we would like to discuss is the recommendation to curb the entire west side of the drive thru. I think that is already how it exists today there's parking spaces there and in addition to that there was a recommendation to add additional concrete curbing around the drive thru island. This site was constructed two years ago, it has a certain drainage pattern that exist today as opposed to adding an additional six inch curb that would restrict the drainage that goes west to east across the site we would request that the striping be permitted as it's shown on the plan. To reconstruct the parking and simply add concrete curb seems somewhat cumbersome or burdensome however you want to say it. So we would request that the plan be approved as presented.

And I believe the second request was to increase the landscape area on the northwest corner. As you can see there is a wall that exists there today, so our site sits three to four feet below Zagaiski Avenue. So I guess we do have some concerns about increasing that landscaping area and planting additional trees. As you can imagine installing trees directly adjacent to walls, house, etc., presents concerns with the roots as it relates to the actual foundation of the wall. Otherwise we are amenable to all the recommendations and appreciate your time this evening.

Assistant Secretary Mouri reads the recommendation of the Staff:

TAXES: Current.

MCPW: Please be advised that this letter is for comment in relation to right of way and county drain easements only. It appears there will be no work within or near a county drain or easement, therefore this office would have no objection to this request.

Prior to site plan approval, any proposed project that is under the jurisdiction of this office shall apply to the Macomb County Public Works Office Design Standards. It is advisable to schedule an engineering meeting with this office to discuss how our standards may apply. To schedule a meeting with this office please contact: heather.morin@macombgov.org.

Ms. Michelle Katopodes reads the recommendations of the Staff:

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MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Mouri – I know you mentioned you had a question about one of the recommendations, so before we go ahead and approve I wanted to make sure we are all on the same page.

Mr. Eric Williams – I believe Mr. Crabtree has the marked up drawing on the screen. Obviously, the site is in operation today it was approved in the manner that you see it minus the ATM, the stripped islands were there, on the right side of the screen is how it exists today we are not making any changes there. We are installing the ATM in lieu of parking spaces. So the recommendation is to remove the striping, tear out the asphalt, install a concrete curb which is going to lift that grade and then landscape, grass, woodchips, whatever it might be. The main concern is that in the island to the right of the ATM kind of in the center area of the parking field there's a catch basin so a drainage structure there today where about 50% of that rear parking lot flows to if we were to install a curb there today where is the water going to go at that point.

Again it was approved in this manner it seems burdensome to tear out new asphalt to just install landscaping that wasn't required previously. That's the crux of our concern.

Ms. Michelle Katopodes – I think it's the circulation the idea was guiding the vehicles into that area. In discussing some of the initial concerns with the Planning Director, I did let him know and he provided this recommendation with the curbing as such.

Mr. Eric Williams – It's a brand new site so to go through the trouble of adjusting all of this for the scope of the project again it just seems burdensome. What we could do is maybe the island on the south end where the drive thru exists, we could add some grass in that area, which is highlighted in blue.

Assistant Secretary Mouri – Would you like to postpone this so you have time to discuss it and come to a conclusion?

Mr. Eric Williams – We'd rather not postpone. no.

Assistant Secretary Mouri – I do want to make sure when we approve this that you are completely compliant with all the

recommendations. So that one of the reasons that postponing would be a good idea.

Mr. Eric Williams – We are looking for your opinion on this.

Ms. Michelle Katopodes – The Planning Commission can make a decision to change the recommendation, but I guess the question is whether or not we should discuss some of those drainage issues further.

Commissioner Kupiec – I can't hear a word you're saying, I don't know what's going on. are they negotiating.

Vice Chair Boniecki – Well the petitioner came up and asked a question and Michelle came up to clarify the question. At this point we are at a standstill because the recommendation says and he's disagreeing with the recommendations. I think we should postpone it until we have a chance to talk to Mr. Wuerth.

Ms. Michelle Katopodes – I would suggest that would be the best option to discuss it with the Planning Director. The next meeting is August 7th, we could put it on the next meeting, if you would like to postpone it to the next meeting.

Mr. Eric Williams – We are willing to accept the conditions.

Assistant Secretary Mouri – So you're compliant with all the recommendations?

Mr. Eric Williams – Yes, we will.

ROLL CALL:

The motion carried as follows:

Commissioner Chowdhury..... Yes

Commissioner Kupiec – What are we voting on?

Assistant Secretary Mouri – We are voting on 8A and the petitioner is complying with all the recommendations.

Vice Chair Boniecki – On a minor amendment.

Commissioner Kupiec..... Yes

Commissioner Robinson..... Yes

Commissioner Tutt..... Yes

Commissioner Ansar..... Yes

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Assistant Secretary Mouri..... Yes
 Vice Chair Boniecki..... Yes

9. BOND RELEASE:
 None at this time.

10. NEW BUSINESS:
 Nominations for 2023-2024 Planning Commission Officers.

Vice Chair Boniecki – I would like to nominate Warren Smith for Chair.

Commissioner Robinson – I support that.

Assistant Secretary Mouri – I'll go through the offices, and we can put our nominations. So we have a nomination for Secretary Smith for Chair.

Nominations for Vice Chair – Commissioner Tutt nominates Assistant Secretary Mouri for Vice Chair. Commissioner Chowdhury nominates Assistant Secretary Mouri for Vice Chair, Commissioner Kupiec nominates Vice Chair Boniecki for Vice Chair.

Nominations for Secretary – Commissioner Tutt nominates Commissioner Robinson for Secretary; Commissioner Chowdhury also nominates Commissioner Robinson.

Nominations Assistant Secretary – Commissioner Tutt nominates Vice Chair Boniecki for Assistant Secretary. Commissioner Chowdhury nominates Vice Chair Boniecki as well.

Vice Chair Boniecki – Mary, do I have the right to decline the nomination?

Ms. Mary Michaels – Everyone who is nominated should accept or reject the nomination, but the election is not tonight, it's in August.

Vice Chair Boniecki – So we can do that next meeting?

Ms. Mary Michaels – Correct, because Secretary Smith will have to accept his nomination.

Vice Chair Boniecki – I'm declining for Assistant Secretary.

Commissioner Robinson – Nominates Commissioner Tutt for Assistant Secretary.

Commissioner Tutt – Absolutely not, no.

Commissioner Ansar – I nominate Commissioner Chowdhury.

Commissioner Chowdhury – I decline, I cannot.

Commissioner Robinson – What do we do in this situation, Commissioner Kupiec would you like to be the Assistant?

Commissioner Kupiec – No, I'm going to respectfully decline, as you see I've been having trouble making it to the meetings as it is. I don't want to commit to something I can't live up to.

Ms. Mary Michaels – This means the position will remain vacant unless there's a nomination at the next meeting. The current members will serve until its successor is elected.

Assistant Secretary Mouri – So if we have someone that is nominated at the next meeting can we vote on the same day?

Ms. Mary Michaels – Yes.

Assistant Secretary Mouri – So we have Secretary Smith for Chair, for Vice Chair we have Assistant Secretary Mouri and Vice Chair Boniecki, and for Secretary we have Commissioner Robinson, and no nominations for Assistant Secretary at this time.

11. CITIZEN PARTICIPATION:

Ms. Mary Mataczynski – I've talked to you all before about the barricade at Gerald, I just want to give you a little quick update. First I want to thank Councilman Eddie Kabacinski and Councilman Garry Watts for all their support last week it was a nightmare. They came out to Imperial two or three days last week and helped keep people alive. As of Saturday, the traffic study on Imperial has been put on hold by the Engineering Department. Ms. Gapshes called me Sunday or Saturday, the Mayor called Saturday or Sunday, they put it on hold until the kids go back to school, so it's just more stalling, more procrastinating, more nightmares.

I want to prefix this first by saying none of you were on the Planning Commission when this disaster occurred. Mary Michaels has probably heard about it for the last 20 years, but none of you guys were involved. I just want you to hear this so that you know when you make decisions for the future what can happen. In the 80's when this area grew by two condominium complexes and a senior apartment building, which is about 500 residents it appears that

Planning and Building didn't communicate with each other. The left hand didn't know what the right hand was doing and they added these buildings and all these residents with no way out.

About 10 years ago when Michigan Islamic Institute bought 28111 Imperial to be an education center and so far I cannot confirm that there's ever been a certificate of occupancy. This Islamic Education Center started out to be classes just an education center and today the Islamic Education Center has expanded to add Frontier Charter Academy in the front it's a small Charter School, a boarding school for middle school boys, a Mosque, classrooms and now we have a summer camp. So you can imagine the traffic that we've added with 500 residents in the 80's and now all this traffic that is going to this Islamic Center five times a day and on Friday's it's mass amounts of traffic. So what's my point, there's no egress, the residents are continually trapped and unable to get to our homes or out of our homes. Last week they did asphalt for three days and we were trapped. A senior elderly man called the Mayor he needed to get out and couldn't get out it was awful. I don't know why Planning has taken a year to even start to give it to Engineering to do a traffic study. Somethings got to give, I appreciate your time, thanks.

12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Ms. Michelle Katopodes – Good evening, I'll try and keep it brief. On July 11th I attended the City Council Meeting where the rezoning for 21111 Walter Reuther Drive was approved. If you recall this was the approval for the rezoning of the east 299.32 feet of the property from C2 to M2. On July 12th, I attended the Macomb County Regional Housing Partnership kickoff meeting. The purpose of the meeting was to discuss the development of a Macomb County Regional Housing Partnership Strategic Plan. They are modeling the Macomb County plan on the Michigan Statewide Housing Plan and that plan was released in June of 2022. That's available online and I believe we gave everybody a copy of that. Macomb County Health and Community Services is the lead agency for the project they will have meetings coming up for the next several months until they complete this plan.

On July 13th I attended the TIFA Meeting and also the TIFA Informational Meeting that immediately followed. So one note at the TIFA Meeting was that the Board approve the execution of the Battery Warehouse and that's for a mural on the north wall of that building. That's located at Van Dyke and Stephens. Some minor

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changes will be required to the zoning ordinance pertaining to signage and murals, Assistant Sullivan is aware of the changes and she's already working on this. The zoning ordinance text amendment will come first before Planning Commission for recommendation and then it will be forwarded to City Council for a final decision. I anticipate we will see that in the next few meetings.

And finally Beckett and Raider provided the preliminary draft of the Van Dyke corridor plan for staff review and we are in the process of reviewing that now. This ends my report. If you have any questions, please let me know.

Assistant Secretary Mouri – The Mayor recommended a person to be approved by the City Council am I correct in that statement?

Ms. Michelle Katopodes – When you say a person are you meaning a Planning Commissioner?

Assistant Secretary Mouri – Yes.

Ms. Michelle Katopodes – I don't know, to the best of my knowledge I don't believe it has been on the Council Meeting, but I believe you're correct for the Planning Commissioners to be reappointed that have expired.

Assistant Secretary Mouri – There's two different things, I want to make sure I'm speaking on it correctly. The Mayor did recommend a new Planning Commissioner?

Ms. Michelle Katopodes – I'm sorry I don't know for sure about that.

Assistant Secretary Mouri – And also for all of our reappointments for the Planning Commissioners?

Ms. Michelle Katopodes – Yes, to the best of my knowledge.

Assistant Secretary Mouri – Do you know why it's not coming on the agenda, so right now are we all expired?

Ms. Michelle Katopodes – That is the case right now basically everyone has to be reappointed, but I cannot speak to why it has not been scheduled on the agenda.

Assistant Secretary Mouri – So if we are all expired how can we still continue?

Ms. Michelle Katopodes – Maybe Attorney Michaels is probably the best to answer that.

Ms. Mary Michaels – That is correct under State Law you continue until a successor is appointed.

Commissioner Robinson – So the incoming Mayor it's at his or her discretion to reappoint?

Ms. Michelle Michaels – To provide that recommendation to Council.

Commissioner Robinson – Okay, so we just continue until the reappointment is in place.

Ms. Mary Michaels – I believe you all were reappointed by City Council, that's my understanding.

Commissioner Robinson – So the incoming Mayor doesn't have to appoint, the don't reserve the right to reappoint?

Ms. Mary Michaels – No, if the Council confirms you serve for a certain period of time, you have terms, so you would complete that term.

Assistant Secretary Mouri – So let's say it doesn't get on the agenda until the election comes up and we have a new Mayor so would the new Mayor be reappointing everyone on the Planning Commission again?

Ms. Mary Michaels – I can't answer that, but yes the new Mayor would have the discretion.

Assistant Secretary Mouri – I'm sorry let me rephrase that, is it required for him to find new Commissioners or reappoint, how does that work. Let's say Mayor Fouts put the reappoint in and it didn't get on the agenda now we have a new Mayor so does that letter have to come out again or does Council go with the agenda that has been sent.

Ms. Mary Michaels – I'm going to say that's between the new Mayor and the Council whether they will honor the old appoints. Once it's in the Council's hands the Council can choose to act or not act.

Assistant Secretary Mouri – I just wanted to clarify, thank you.

B) Planning Commission Discussion and Concerns:

Mary Clark CER-6819
July 24th, 2023

Commissioner Tutt – It's not a question I really want to be transparent I don't feel that we get treated how we should for doing what we do. For example, my father died earlier this year and when we had a Planning Commission Meeting, I was here. Today I was in Detroit, Eight Mile and Woodward there's construction and the streets flooded, and I made it here, in the nick of time but I made it here. I say that because for months we sat without a full board and I'm not okay with that. We have a duty to the public and we can't do that properly when we are not given the tools to do that. I'm not pointing fingers at anyone, but I just want that to be known. I know there's been talk about filling the vacant chair etc., let's put some speed to that because it's difficult to do what we are appointed to do when we are not given the right tools to do that.

Vice Chair Boniecki – I think we do an injustice to our city when we are not fully staffed on any of our commissions.

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

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 11:03 p.m.

Merle Boniecki, Vice Chair

Warren Smith, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

Mary Clark CER-6819
July 24th, 2023

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Approved

Mary Clark CER-6819
July 24th, 2023