

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on August 7<sup>th</sup>, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 7<sup>th</sup>, 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  
Warren Smith, Secretary  
Merle Boniecki, Vice Chair  
Jonathan Lafferty, Ex-Officio

Also present:

Ron Wuerth – Planning Director  
Michelle Katopodes – Planner III  
David Crabtree – Assistant Planner  
Susan Heydel – Administrative Clerk  
Mary Michaels - Assistant City Attorney  
Patrick Conlin - 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:  
All members here.
4. APPROVAL OF THE AGENDA:

MOTION:

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

- 4A Voting on the action of suspending the petitioners right to be heard by a full nine (9) member board per Article 3b, 3 of the rules of

procedure the Planning Commission may suspend the affect of part of the Article 3-4 which gives the petitioners a right to be heard by a full board of nine members.

MOTION:

A motion was made by Secretary Smith to suspend the rule, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

5. APPROVAL OF MINUTES JULY 24<sup>TH</sup>, 2023:

MOTION:

A motion was made by Secretary Smith 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: Two properties located on the north and south side of Ten Mile Road, approximately 326.85 ft. east of Mound Road; from the present zoning classification of "C2", General Business District, "M-2", Medium Light Industrial District, "P", Parking District (north property, Section 21 and "R-1-P", One-Family Residential and Parking District (south property, Section 28) to "M-1", Light Industrial District; Sections 21 & 28; 6014-6015 Ten Mile Road (formerly DeCarlo's Banquet and Convention Center); SEH Warren, LLC/Frank Jarbou (Will Grapentine); PR230002. **Postponed from July 10<sup>th</sup>, 2023.**

PETITIONERS PORTION:

Mr. Frank Jarbou – I'm with Symmetry Management we are the developers on the site of the former DeCarlo's. We acquired this probably late last year wanting to look at possibly redeveloping it. We looked at a couple of uses, it's zoned currently as an industrial use a very intensive use next to some residential. So we decided to go a different route and try to come up with a conditional rezoning and allow for self storage. We've developed self storage in the past we normally brand it with a national brand, we are not somebody that's going to be a mom and pop type of location. We are going to put a significant amount of upkeep and transform the property into something that's more viable use. I'm here to answer any questions or concerns. The last time we were here when it got tabled there was a question from the audience whether we were going to store any type of hazardous material. That is against our rules and regulations to do any of that, that's not what we do, this is just regular self storage.

Secretary Smith – We have a letter from the residence that I'm going to read into correspondence.

Rezoning of Hall Property:

From the present zoning classification of "C2", General Business District, to "M-2", to Medium Light Industrial District, "P", north property, section 21, Ten Mile Road formerly DeCarlo's Banquet and Convention enter.

Why were we given such short notice?

Since we received the letter a day before a holiday weekend with most people gone with no chance to talk to our neighbors. Because of the existing businesses that have recently been given the ok to exist in our neighborhood within that last year and half or so. The street which is our residential neighborhood has become a thorough fair of traffic. There are at least 16 vans from Prime and Amazon that use our street and neighborhood as their chain of command as their routes run through our neighborhood with no accounting for people and children living in the area. We need signs saying no through traffic, especially since we have no truck sign that are already being ignored.

The rezoning to any type of industry will lower all the property values in our neighborhood. Rezoning to Medium Light Industry is just

letting industry of all kinds put their foot in the door and make it more attractive to bigger industry and chock out the people that exists in this neighborhood. If this Medium Light industry fails in a year or two then what is next? There has been no consideration given to the people who live here. This neighborhood consists of young children, families, individuals of all ages young and old. Everyone is saying we are only going to do this or that with no idea of how it would affect the people living there.

Why rezone from General Business District when what is proposed is not industry but a business? So, we are told to live with a situation of a junk yard on one end of our neighborhood and light industry (factory) on the other with the traffic of a highway run up and down our streets.

The name of the business that is seeking the rezoning has not been given to any of us. We called the Planning Office and was given no real information other than what was in the letter.

Sincerely,

Mr. Daniel R. Atkinson

Secretary Smith – Mr. Atkinson circulated a petition and certain residents signed it. Andrea Krunkle (sic), Daniel Atkinson, Janet Atkinson, Anthony Hoover, Robin Hoover, Chris Poole, Miranda Poole, Sara (inaudible), Max (inaudible), Lisa Griffin and John Griffin those are the signatures we have on this say no to the rezoning.

Mr. Ron Wuerth reads the recommendation of the Staff:

Vice Chair Boniecki – At this time I would like to recognize Councilman Kabacinski.

PUBLIC HEARING:

Ms. Tina Hall – I'm a resident on Peter Kaltz and unfortunately, I got here a few minutes late but it sounded like you were reading a letter that people had signed from the neighborhood that they didn't want this to happen. The other thing was when he was just describing that I heard six foot walls in different areas around there, did anyone hear that? And apparently the proposed buildings are 9' feet tall where several of us neighbors are right there backed up to this it's going to be a six foot wall and another three feet of storage unit.

When they are rolling up the doors and they are moving things around on that top area the sound is going to bounce back off on us.

I can't explain everything that I had just researched, ever since this last meeting I've looked into everything good, bad, right, wrong, different that this could do for our neighborhood, and I found reasons that are really good for it and some that are bad especially if the walls aren't high enough. There's one right down the street in Center Line on Ten Mile abutted up to a neighborhood just like ours and they have a fantastic wall that, I don't know how tall it is. I went around the entire neighborhood and asked them how this is affecting you, people are saying it's not affecting us because we can't hear anything. They have the wall high enough so there's no echo or bounce and everybody around there is fine with that because of that.

If you come further down Ten Mile it's the exact same except it's bigger than what they are proposing in our neighborhood but the wall is shorter and it's still 9' foot tall buildings. I myself and some other people in the neighborhood are having a mix up to what the zoning actually is. Whether it's M1 to M2, M2 to M1, there's been a mix up, so it would be really nice if that could be straightened out for anybody that has questions about it, unfortunately all the neighbors aren't here. A lot of people were like they are doing it this zoning to this zoning and they thought the zoning was going from light to medium not backwards, so that's a big issue that not everybody in the neighborhood understands.

My big thing for the neighborhood and from everything I found and neighbors I talked to and all the research that I did the city is getting revenue from a new business, the business owner are getting new business and money in his pocket and the neighbors are getting another business next door. So I'm speaking for us and saying the only thing that I'm requesting, on other people's behalf also is that those walls are tall enough that we don't see them and they don't see us. Thank you.

Ms. Debbie Cronin – I'm a resident of the area. The DeCarlo's property goes from Ten Mile all the way to our street and my home the whole property runs adjacent to DeCarlo's parking lot right now. Our property is a couple of feet higher so I can see over the wall right now, I think it's almost 6' but not quite and I can see all the way to Ten Mile the Domino's on the corner and the parking lot. I'm not opposed to the rezoning for the storage facility, but I would like a taller wall so that we don't have to see the whole property I would be

able to see everybody pulling up in their car and going into their storage unit as it is now.

The greenspace is a great idea but my concern is if it's rezoned for M1 and this storage facility deal falls through are we stuck with that zoning or does it have to be rezoned with a new facility or business because M1 they can put manufacturing next door and like I said my bedroom window would be 4' from whatever gets put next to us. So if it's rezoned and this deal falls through there could be manufacturing, there could be cannabis facility, there could be a sex facility, they could split the property and if they split the property then can you enter from our residential street because then you have an entrance on Ten Mile and then you'd have to have an entrance on our side street if they split the property. So those are my main concerns, I have no problem with the storage facility but if it's rezoned can another business build there if the deal falls through.

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – Good evening, it seems like the neighbors are having concerns about being able to see over the wall, if I remember correctly looking at your landscape drawing I believe you have trees that are going to perimeter the storage facilities?

Mr. Frank Jarbou – Yes absolutely, when they were discussing that I was going to come up here and offer if the residents would like we could put that landscaping buffer if Ron would work with us on our side or their side, we are happy to plant the trees where they want. If they would like the wall to be raised to 9' feet that's up to them to as well, I know there's a few residents on that side and we are happy to work with them.

Another thing is there's an outlet that's going to that side street, we are actually closing that outlet not allowing trucks or cars to go through it. So the only way you'll be access this site is on Ten Mile or Mound, we are happy to work with the residents.

Secretary Smith – And the access to Mound is one way going from the storage facility to Mound, so the actual egress into the facility is off of Ten Mile?

Mr. Frank Jarbou – You would enter in and exit out from Mound, right in and right out.

Commissioner Chowdhury – What would be the hours of operation?

Mr. Frank Jarbou – Normal standard hours are probably from 8:00 to 5:00, we do allow some people to come in afterwards. Some people do come in a little bit early, maybe at 6 or 7 in the morning, but an average storage facility sees one to two patrons a day. When you talk about less intensive use you can't get more less intensive than a storage facility.

Commissioner Chowdhury – So it would be Monday through Friday?

Mr. Frank Jarbou – They will have access on Saturday too.

Commissioner Chowdhury – Will you have somebody on site all the time, a security person?

Mr. Frank Jarbou – Yes, and then even after. If somebody were to come in after hours they'd need a key card or key code in order to get in, but we would restrict those hours it's part of the conditional rezoning we wouldn't allow anybody from 11 at night to 5 in the morning.

Commissioner Chowdhury – How many employees are you going to have?

Mr. Frank Jarbou – Normally one to two.

Commissioner Chowdhury – At all times?

Mr. Frank Jarbou – Yes.

Commissioner Chowdhury – Thank you.

Commissioner Kupiec – Did you receive a copy of the recommendations?

Mr. Frank Jarbou – Yes sir.

Commissioner Kupiec – And you agree with them?

Mr. Frank Jarbou – Yes, we agree with them.

Commissioner Kupiec – Regarding hours of operation I see you have an agreement here where you say there will be no business activity between 11:00 and 5:30 a.m., how do you intend to control that?

Mr. Frank Jarbou – To access the site you need a key card, everything is electronic. The gates wouldn't open you wouldn't be able to get into this facility between those hours.

Commissioner Kupiec – So after 11:00 o'clock cars cannot get in there?

Mr. Frank Jarbou – Cannot get in there, if they have a keycard, if they are a patron, or if they are paying rent it does not matter, they are not allowed in there.

Secretary Smith – In regard to the petitioners who are concerned about changing it to M1 and possibly going over to other types of businesses like marijuana or heavier industrial applications that won't happen with the M1 that's why we have the rezoning with conditions because they only allow certain conditions in there. If those conditions aren't met, then the whole thing get returned to the original conditions.

Mr. Frank Jarbou – Our bylaws do not allow any storage of marijuana or any of that stuff, we are not allowed to be doing any of that.

Secretary Smith – Thank you.

Vice Chair Boniecki – Mr. Wuerth, I have a question for you. I just want to clarify the concerns of the citizens are the wall, and the petitioner said he wasn't opposed to that. Is that something that would come up on the site plan after this was approved?

Mr. Ron Wuerth – Actually I think it has to be part of the conditions. So depending on the height. First of all, 6' foot is the regulated height in this city, that's why it's 6' foot. Not that it matters much but those buildings are going to be 22 and 23 feet from the wall, so there's a little angle there between the height of the 9 ½' foot building and a 6' foot wall. Now, regarding making the wall higher that's got to be a discussion between the petitioner and the city. So that could be worked out now or it could be worked out with City

Council and again it could remain the height of 6' feet and potentially be worked out at site plan approval. But no matter what anything higher than 6' feet would require a variance from the Zoning Board of Appeals. I'll call it a 50/50 chance that would happen, but the petitioner is willing to go higher.

Vice Chair Boniecki – Asking the question and what we just heard I think we should go ahead and put a vote on the rezoning with conditions that are currently on and let the Council discuss it when the members of the city come up and have questions on it.

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

B. SITE PLAN FOR OPEN STORAGE AND PARKING LOT

ADDITIONS: Located on the northwest corner of Nine Mile Road and MacArthur Blvd; 8519-8531 Nine Mile Road; Section 27; Birnie's Auto Service/James Birnie; PSP230007. **Postponed from July 10<sup>th</sup>, 2023.**

PETITIONERS PORTION:

Mr. Jeff Graham – I'm the Project Architect, representing Jim Birnie. This building has been in existence for decades as a auto repair shop. What we want to do now is keep it that way so what we wanted to do is move some of the cars that were being stored in the front of the building and move them to the back of the building and put a screen a wall around it.

We've been talking to Mr. Wuerth, the Planning Director, and he's had some suggestions more than suggestions actually, and basically he wanted to see more landscaping, he wanted to see some setbacks and that sort of thing. We've been going back and forth for several months now, we've drawn this thing up about a ½ dozen times but I think this last version we believe is what Mr. Wuerth thinks would be a good solution. It's a solution that we could live

with. Based on that information I hope that you vote for this. There are quite a few variances that would have to be also approved and we are ready to go ahead with that process as soon as we get some approvals from you. Thank you very much.

Secretary Smith reads the following correspondence:

**TAXES:** Current.

**ENGINEERING:** Preliminary review of this site indicates that Planning Commission approval should be contingent upon the petitioner's compliance with the following conditions:

1. Provide a complete and accurate legal description including the parcel's identifications on the site plan.
2. Site plan shall show size and identify the location of all existing and proposed underground utilities including their sizes, connections and discharge point in the vicinity of the project.
3. All parking/proposed open storage shall be on hard surface (concrete or HMA), otherwise variance is required. Variance shall be required for the proposed open storage.
4. The outside perimeter of all paved parking spaces shall be a minimum 6 in. Concrete curb and gutter.

**FIRE:** Approves.

**AT&T:** No objection. We do have facilities in the area, but do not expect any conflicts.

**DTE:** No objection.

Mr. Ron Wuerth reads the recommendation of the Staff:

Item 3 – It's not typical that we recommend this many variances but as Mr. Graham said in the beginning of his speech, they wanted to keep it that way. So the plan is a modification we work at it as they said for quite a while and even working it over we still have the following variances that they'll need to make this plan work.

Item 4 – Leave it at trash enclosure eliminate the last part we worked that out.

**MOTION:**

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

**COMMISSIONERS PORTION:**

Secretary Smith – You've been working on this project for awhile and it's finally coming to a conclusion. Were there any questions about the recommendations that you have?

Mr. Jeff Graham – No, I think it was all pretty clear. We sat in the conference room at the Planning Department probably five or six times we talked out what we have to do.

Secretary Smith – Hopefully it's going to get done and it will look good. Thank you.

Commissioner Kupiec – Did you get a copy of the recommendations?

Mr. Jeff Graham – Yes, sir I did.

Commissioner Kupiec – Did you have any problems with them?

Mr. Jeff Graham – No, none whatsoever.

Commissioner Kupiec – You do agree with all of them?

Mr. Jeff Graham – Yes sir.

Commissioner Kupiec – That large red Class A diesel tractor that parks there does that belong to the business?

Mr. Jeff Graham – I don't know sir, I'm the Architect.

Commissioner Kupiec – I was by there and I noticed it parked there I was just wondering does it belong to the business?

Mr. Jeff Graham – I don't know, the whole point is to move everything that's not moving to the back of the building so it's going to be behind the fence and behind landscaping. We have arborvitaes and all kinds of plants; the business has been there like 30 years we are just trying to beautify it and get it organized.

Commissioner Kupiec – Do you agree with the bond from the Planning Department.

Mr. Jeff Graham – Yes, the only thing that I can't do is combine the properties, but I know the owner is looking into getting an attorney to do that for him. He wants this all buttoned up to.

Commissioner Kupiec – The reason why the bond was imposed is the estimated cost to repair was 0, I was wondering where you get people to work for nothing.

Mr. Jeff Graham – The owner planned on doing most of the work himself.

Commissioner Kupiec – 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
- Secretary Smith..... 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; McDonalds Corporation/Joseph Minorik (Jeff Brinks). PSP230016. **Automatically postponed from July 24<sup>th</sup>, 2023 as a result of not receiving the requisite five (5) concurring votes either in favor of or against the item by the seated Planning Commissioners.**

PETITIONERS PORTION:

Mr. Pat Drueke – Good evening everybody my name is Pat Drueke I'm here on behalf of McDonalds and also with me is Joe Minorik the area Construction Manager for McDonalds. Jeff Brinks is the Engineer and he's the one that prepared the plans.

We were here last week, we've made numerous improvements to our proposed site plan since we've been working with the city and with the Planning Department.

We are attempting with our site plan and seeking site plan approval to make a number of significant improvements to the site. We are proposing to eliminate 10 parking spaces at the rear parking line, there's been some concerns as the Commission might be aware regarding cars idling in the parking lot and some noise coming from cars. The removal of those ten parking spots at the rear property line will entirely eliminate cars, parking, sitting, idling with music on and potentially creating a disturbance.

The site plan as the Commission knows is for an additional drive thru lane, the addition of the drive thru lane will drastically increase efficiencies on site. McDonald's, in its experience, has found that an additional drive thru lane will prevent the stacking of cars and allow them to move through quicker and off site in a more efficient manner they are not going to be sitting there idling. As the Commission may well know when we were here previously there was a question about the noise from the speaker systems. We are proposing with the additional drive thru lane install two new speaker ordering systems. One they are going to be oriented more south away from the adjacent residential area. The new speaker ordering system is going to be a little over 40 feet away from the rear property line.

The Zoning Inspector for the city went out there on two occasions he measured decibel reading and determined that the decibel readings were in compliance with the city's zoning ordinance and in fact determined that the noise from Van Dyke was louder than the speaker ordering systems. The new speaker ordering system adds a length of 40 feet away, the decibel level is 60 decibels, I've attached the correspondence I provided to the Planner on August 1. Sixty decibels at 40 feet is a normal conversation between two people at three feet. So at the rear property line you will not be able to determine the difference between the noise from the much louder street then the two ordering systems that are now going to be oriented more south.

In addition to the speaker ordering system and removal of the 10 parking spaces the Commission will see the last page of our site plan is the proposed landscaping plan. We are including among other things 27 five foot tall Juniper Trees. Those Juniper Trees within a year or so will be even taller than the existing wall at the rear of the property line. Together with the rest of our landscaping plan we really believe that this will improve the aesthetics of the site. The Juniper Trees at the rear of the site together with the removal of the 10 parking spaces, the reorientation of the ordering systems, will drastically reduce the noise not only from people that are coming on site to order but will eliminate any other disturbances that people may experience currently.

So as the Commission knows the site plan review is an objective determination, do we satisfy the requirements of the ordinance and particularly those set forth in article 14, section 14.01 of the ordinance relating to restaurants with a drive thru, which we are and

Mary Clark CER-6819  
August 7<sup>th</sup>, 2023

are permitted in this zoning district. I believe that the objective evidence, when we look at the Zoning Inspector's inspection in his determination, is that there are no decibel levels that exceed the ordinance. The rest of our site plan does comply with and satisfy the requirements of the ordinance.

Without approval we can't make these important changes. We firmly believe that these changes will improve the look of the site, will improve the experience for the customers, will improve the experience and interaction with the neighbors without that we certainly can't do much with the site. We think that the removal of those parking spaces are important for the overall noise that some people have identified because there's not going to be cars there. And I think that the addition of the lane will make this a more efficient site.

I'm happy to answer any questions that the Commission. I'll note that the Planner has recommended approval of the site plan, I believe we worked with the Planning Department and listened to the concerns of everyone and feel that we've included all of that in our site plan. Thank you.

Secretary Smith reads the recommendation of the Staff:

**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.

Secretary Smith – We have a letter from the Chief Zoning Inspector, Mr. Steven Watriont.

Subject: Decibel meter readings at McDonald's Restaurant at 27480 Van Dyke Avenue.

Mary Clark CER-6819  
August 7<sup>th</sup>, 2023

On July 7<sup>th</sup>, 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<sup>th</sup>, 2023, I went to the subject property and at 2:15 pm I 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 his engine on Van Dyke.

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

Secretary Smith – I also received a letter from the residents.

Residents of Lexington Townhouses did not receive a letter of the notice of public hearing for July 24<sup>th</sup>, 2023 or August 7, 2023 regarding McDonald's Restaurant additional drive thru.

Chapter 21: Section 21-24 excessive noise ordinance. It shall be unlawful for any person with 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 and 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 residents 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 pertaining to these zoning laws.

With an additional drive thru more lights will be needed and will shine into the resident's homes. LED lights must have a shield at the property line. Lighted menu boards are facing the residents throughout the night with too much light. LED lighting must be shielded at the property line.

Not enough space for 2 drive thru lanes, especially in the winter when turning the corner at the drive thru, also on a slant when at drive thru turning the corner. It will be too congestive and too narrow of an area for an additional drive thru.

Emerald green arborvitae trees take 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 diseases. Pest problems include bagworms, scales, leaf miners and spider mites.

Secretary Smith - And it's showing a picture of a semi-truck parked in the back 16 spaces along the wall, which if this happens, they won't be able to park there because those spaces will be eliminated. There are a few signatures, I'm going to try reading them they are very hard to read.

Ema McCoy, Siripon Inthisane, Gretchen Briggs, Nel France, Shar Clarin, and Theresa Shandoe. I don't know if I mispronounced the names, they are very hard to read. They are in cursive so I can't read all the names, but we did have a few signatures.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Eddie Kabacinski – Good evening, Planning Commission, Eddie Kabacinski. I live in the 5<sup>th</sup> District I'm a concerned resident and citizen, 30 years in the city. So a couple of facts, number one, the reading that was taken by Code Enforcement Inspector Steven Watriont the first reading was done on Friday, July 7<sup>th</sup> at 10:00 am that's a fact. The second reading was done on a Monday afternoon at 2:15 pm on July 10<sup>th</sup>, that is also a fact. What is not recorded here is what occurs on Friday night, what is not written here is what

occurs on Saturday night which is exactly what the residents are concerned about.

I spoke to these residents at the Lexington Townhouses, and they have to go through a living hell every weekend. Why because of the traffic, because of the environment that this McDonald's attracts on the weekend. We have individuals that are not complying with the ordinances and the Warren Police Department handles this as a low priority. It's a noise complaint, it's a light complaint, it's a quality of life complaint, it's not somebody being robbed or somebody dealing with a domestic violence it's a lower level complaint. So the residents have to deal with this and the residents don't want to deal with it, that is a fact.

The other fact is Lexington Townhouses have been here a lot longer than McDonald's, that is also a fact. The McDonald's was put there after the Lexington Townhouses were built, that means that McDonald's needs to go along with what the community wants. The community wants a quiet self sustaining McDonald's. This drive-thru at this location where they want to have it is not in the resident's best interest. I've spoken to these residents they have no problem with McDonald's, they have a problem where the drive-thru is located. The solution is for McDonald's to indeed hire more individuals so they can have the indoor open late like White Castle is open late they have people that go inside. McDonald's is trying to eliminate employee positions because they want to go to a more automated system. This facilitates that automated system having a double drive thru, you have less employees having to work inside. Then they don't have to deal with pesty customers that come inside to have to service them, that's the problem here.

So, if we have McDonald's hire more employees to actually work there at the facility and maybe maintain order on their property this would not be an issue. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – Good evening sir, I've noticed in your report that you submitted to us that you're replacing the speaker with two new speakers which the decibel rating the sound is a lot lower and therefore they can be adjusted. I'll just read a little bit of what it

says. It says the existing drive thru speaker will be removed and replaced with two new drive thru speakers. These speakers will not increase the decibel level at the property line, rather the decibel levels produced by the new speakers are substantially lower as shown on the attached memo from the manufacturer HME. More importantly, the speakers will be oriented more toward the south rather than directly east to the adjacent residential area. The reorientation of the ordering system will reduce any sound by directing it away from the residents. And on the one sheet that we have here which shows the comparison of the decibel ratings.

Let's do a distance of 16 feet or even 8 feet from the speaker you're looking at 66 decibels. The decibel level of a standard system is 45 decibels outside without the AVC which is automatic volume control and 8 feet would be 66 decibels without it and with it active you're at 42 decibels. So it really decreases the decibels of the sound coming out and I like the idea where you're changing the orientation of it towards the south so it's not bouncing off the walls.

The other thing I would like to recommend if it's possible because Councilman Kabacinski was talking about the sound from basically the people coming through the drive thru. Seeing we have a noise ordinance in the City of Warren would it be possible to maybe put up a sign right by the drive thru where people at the drive thru can see it and you can be ticketed if you are violating the noise ordinance.

The other thing is, I've been to a couple of McDonald's with the double drive thru and even with cars backed up it moves very smoothly. They still do one car at a time people merge in properly, it does move them through pretty good. So I think the double drive thru will work. One of the issues we are having now which you probably didn't have before is when Covid came around and restaurants couldn't keep their doors opened because people couldn't come in and the only way they could keep their business going is through a drive thru. So people would have to go through a drive thru to get their orders or have somebody deliver it to their house and stuff like that. That got more people using drive thru and a lot of businesses haven't bounced back from that because they can't get employees now and by not being able to bounce back this would eliminate some of the issue of people trying to get their food. I think that's all I have, thank you sir.

Commissioner Robinson – If this project is approved tonight how early would you start groundbreaking?

Mary Clark CER-6819  
August 7<sup>th</sup>, 2023

Mr. Pat Drueke – Subject to obtaining permits, right away. We have to work and obtain building permits and that sort of thing; we would commence right away.

Commissioner Robinson – So when would you project that the new sound system would be operational?

Mr. Pat Drueke – If you don't mind I'm going to have Joe Minorik answer that, he would be better suited.

Mr. Joe Minorik – Good evening, Construction Manager for McDonald's. These projects typically take anywhere from two to three weeks depending on the weather and at the end of that duration that's when the speakers would be changed out, that's one of the last things that's done. We would anticipate most definitely by the end of the let's call it Michigan construction season.

Commissioner Robinson – That's great. Now in terms of the planting because we are going into the fall season and you know what comes after fall. So I don't believe you will start any planting until the spring of next year?

Mr. Joe Minorik – I wouldn't claim to be an Arborist, but I do believe one of the best times to plant things such as this would be late fall, because you get the moisture that's retained in the ground during those cooler nights. So I think that we've got plenty of opportunity to get this in with an approval this evening and then we can go through the permit process and get this started sometime in September is my guess.

Commissioner Robinson – That's great, thank you.

Commissioner Chowdhury – Do you guys have access to the control of the volume throughout the day with the new speakers going in and out to raise it if you need to or lower it?

Mr. Joe Minorik – I don't know if I can speak to the type of controls on the inside of the building, but I believe that there is some sort of control piece that has a high/low range to it.

Commissioner Chowdhury – Okay, I was just wondering so maybe during certain times of the day lowering it, like at nighttime that's when the residents have their concerns. I've been through

McDonald's drive thru before where you can hear it but you can also see your order on the screen where you verify it. So maybe that would be an option.

Mr. Joe Minorik – I guess one of the individuals on the panel asked about a sign to be put next to the speaker about the noise ordinance, we don't have any issue with that.

Secretary Smith – In accordance to Commissioner Chowdhury's question, the HMA incorporates automatic volume control into many of our systems. The automatic volume control will adjust outbound volume based on the outdoor ambient noise level. When the ambient noise level's naturally decreases at night the AVC will reduce the outbound volume on the system. So it will do it automatically based on the outdoor volume. Thank you.

Commissioner Kupiec – I would like to recommend that we request a cash bond.

Secretary Smith – I don't know if we really need to have a cash bond  
Commissioner Kupiec.

Commissioner Kupiec – It's over \$1000.00 dollars.

Mr. Joe Minorik – This would be the third side by side drive thru project in the last year and a half that we've brought to this panel at two other locations. And I believe that we posted this bond, I thought there was actually two bonds that were in place, we don't have any issue with hat.

Secretary Smith – That's fine I'll accept the cash bond from  
Commissioner Kupiec.

Vice Chair Boniecki – I'd like to say that I do appreciate that you took the residents' concerns and changed the speakers and considering higher landscaping so they wouldn't be hearing the sounds and also removing the parking, I thank you for that. I also like the noise thing but I'm not sure if our ordinance is 10:00 pm or 11:00 pm somebody needs to check that out.

Ms. Mary Micheals – Commissioner Tutt do you second the motion with the amendment to the bond?

Commissioner Tutt – Yes, I second it.

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

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

- A. MINOR AMENDMENT TO SITE PLAN FOR BUILDING ADDITION AND COURTYARD INFILL: Located on the northwest corner of Mound Road and Enterprise Court; 28635 Mound Road; Section 17; Enterprise Mound LLC/Clay Thomas (JB Donaldson Company/Sahil Navani). The minor amendment is to replace an overhead door with a truck well.

MOTION:

A motion was made by Commissioner Chowdhury to recognize it as a minor amendment, supported by Secretary Smith.

PETITIONERS PORTION:

Mr. Clay Thomas – Good evening, my name is Clay Thomas on behalf of the applicant. We are here before you again on a project that was previously approved by this Commission for a minor amendment to our plans. We've elected to change an overhead door to a truck well, as well, we'd like to take one area of the building that was set to have a 14 foot high roof and raise that by 6 feet. We are not looking for a variance we are looking for these minor amendments. We have worked with the Planning Director and understand all of the recommendations and are more than happy to continue working with them and comply with all the recommendations. With that I'm happy to take any questions, and we seek your approval this evening, thank you.

Vice Chair Boniecki – We need to vote on the recognized minor amendment.

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

Secretary Smith reads the following correspondence:

**TAXES:** Current.

**MCPW:** It appears 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 for 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.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Secretary Smith – I drove by the site and I saw where you had the wall where you’re going to put the new truck dock. There was not an addition there, you just changed the size of the site addition that was going to go there by making the building a smaller footprint.

Mr. Clay Thomas – So we took an overhead door and turned it into a truck well which brought it back into the building slightly which took away some of the square footage within the building.

Secretary Smith – Thank you sir, it looks like it’s going pretty good.

Mr. Clay Thomas – Yes, it’s going pretty good, thank you.

Vice Chair Boniecki – Are you planning on putting those 13 trees back in that were supposed to remain there?

Mr. Clay Thomas – So that was a miscommunication on our part we are planning on submitting a new landscape plan with the Planning Director replacing all the trees that were cut down in accordance with the new landscape plan that's approved. So I don't know exactly where and what the trees are going to be but that's something we will agree with the Planning Director on.

Vice Chair Boniecki – So there are going to be 16 along Mound Road when you decide what they are going to be, you only left 3 out of 16 so there will be a total of 16 trees planted around Mound Road?

Mr. Clay Thomas – We are going to replace all the trees that were removed, we don't have a new landscape plan yet so we will work with the Planning Director if he wants them all in that location that's where we will put them, if he wants them in other places, we'll put them in other places.

Vice Chair Boniecki – Mr. Wuerth is that something he can add on here, he's indicating that the trees that were taken out in error are going to be replaced on Mound Road.

Mr. Ron Wuerth – They made different decisions; I think different people did frankly and they weren't talking to each other. What they did do was on the original landscape plan they indicated the two tallest trees would be removed and the others would remain, and the reverse happened. Then the cluster of trees that are farther south those went and on that drawing there were two other decorative trees planted. I can work with them on what we can do about that.

Vice Chair Boniecki – Okay, I'd like to see the trees back, we need the oxygen and the sound barrier.

Commissioner Kupiec – Did you get a copy of the recommendations?

Mr. Clay Thomas – I did.

Commissioner Kupiec – As you notice you have two and half pages of recommendations that need to be worked on before the site plan

can be approved so you have a lot of work ahead of you. Do you agree with everything on this recommendation?

Mr. Clay Thomas – We do, a lot of them are minor changes that we’ve already begun, if not completed, so we’ll have them finished in no time. No problem complying with all of them.

Commissioner Kupiec – Okay, thank you very much sir.

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

- B. 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. **Denied by the Planning Commission on July 24<sup>th</sup>, 2023. On July 27<sup>th</sup>, 2023, Commission Mouri contacted the Planning Department to change her vote of denial for this item. Therefore, per Section 8.9 of the Planning Commission Bylaws, this item has been brought back before the Planning Commission for a vote of reconsideration. If reconsideration is approved, the original motion and vote is nullified, and this item will be scheduled on a future agenda for a public hearing with new notices sent.**

Vice Chair Boniecki – Would you please discuss your decision.

Assistant Secretary Mouri – I want to mention one other thing, I think this was shared with everyone. The Michigan Zoning and Enabling Act, Article V, #5. A site plan shall be approved if it contains the information required by the zoning ordinance and is in compliance with the conditions imposed under the zoning ordinance, other statutorily authorized and properly adopted local unit of government

planning documents, other applicable ordinances, and state and federal statutes.

So afterwards when I was going through everything the site plan did meet all the requirements, it does comply with what we look for and that is actually one of the main reasons why I decided to change my vote, so I emailed the Planning Commission. I know we did consider the citizens' opinion. Can I read my email?

Vice Chair Boniecki – Sure.

Assistant Secretary Mouri – This is the email that I sent to the Planning Director. I am emailing you to let you know that I would like to change my vote for item 6D, new warehouse building and open storage from the agenda. After reviewing the item again and going through the recommendations, also I know that the petitioner meets all the requirements. With the big space and the retention pond along with the greenbelt the citizens shouldn't have to worry about any noise. The site is zoned appropriately according to the site plan and meets all the requirements, so therefore I am voting to change my vote on this item.

Vice Chair Boniecki – Thank you, is there any other discussion from any other Commissioners on this issue?

Ms. Mary Michaels – At this point there should be a motion and a second and then it is debatable.

MOTION:

A motion was made by Secretary Smith to approve the reconsideration, supported by Assistant Secretary Mouri.

Ms. Mary Michaels – There could now be discussion, and it is debatable, it would be approved by a simple majority.

COMMISSIONERS PORTION:

Commissioner Robinson – I have a comment to make, I voted to deny based on the neighbor's sentiments about this project and this warehouse abutting their backyards. With the toxic fumes from the additional trucks coming into their area and what I feel at this point is that my belief is that they need to have the petitioners have a meeting with the residents, so they know exactly what this project entails. I don't think that they have all the details so I'm requesting

that they have a meeting with the residents there to go over all the details and ramifications involved with this project.

Secretary Smith – I wasn't at the last meeting, I reviewed the video tape and I did go down the street twice, two different times, I saw the problems that the residents were complaining about I even saw two residents walking their horses down Barber. I looked at the parcel and there's an industrial building on one side and there's an industrial building on the other side. I checked the zoning map it's all zoned M2. Our world is changing. I'm noticing more trucks on the road than I've ever noticed before. People are building these big warehouses like Amazon because since Covid people couldn't go out and buy things they were ordering things online. So people are ordering things on line and you have to have trucks that deliver them.

The only thing I can suggest in situations like this is, the building is closer to Barber it's 300 and something feet from the neighbors on the other street. There's a retention pond that will take care of any drainage problems, but what happens I think is when change comes too fast people get a little scared. They are used to that stable being there, it's a good looking stable. I've been there before but I checked it out again and I can sympathize with the residents on that. It is within the requirements of the zoning; it is within our planning requirements and like I say the world is changing and it's changing at a fast pace. When Covid came it changed at a fast pace and we had to make a lot of changes that we are afraid of making but we had to do it for survival.

I'm asking the petitioner just to be aware of the residents' concerns, I know they have a lot of trees around maybe just listen to the concerns and if we can implement anything in there that would make a difference to appease the resident's that would be a good idea. But like I say with the world changing the way it is, we've got a lot of changing to do. I know it's hard, especially for us trying to make decisions because we have to sympathize with the residents, but we also have to go with the rules. It's the same thing with the drive thru there's more people going the drive thru now they can't go inside. So change is inevitable, a lot of people don't like change, especially fast change because they get scared about what's going to happen now. We adjusted during Covid and came out ahead so this is something we may have to look at more as we start to approve plans. That's all I have to say.

Mary Clark CER-6819  
August 7<sup>th</sup>, 2023

Ms. Mary Michaels – I just wanted to clarify reconsideration is merely a reset sort of speak, it would just nullify the decision that was made at the last meeting. If the reconsideration is approved it will be reset for another meeting, the public would be noticed, and the merits of the project would be discussed.

Vice Chair Boniecki – So we are voting tonight and if the reconsideration passes then we will have it on our next agenda.

Commissioner Robinson – And not vote for maybe making a motion to have the petitioner meet with the residents to go over the project, that couldn't be done now?

Ms. Mary Michaels – That request could be part of the approval.

Commissioner Robinson – I would like it to move along because that's only further delaying it. If the petitioner agrees to that then he can send out notices to those residents and have a meeting with them so they'll know exactly what this project entails. That's my thought, that can be done tonight instead of pushing it back another 2 weeks. I'm sure they are anxious to get this resolved, so can that be done tonight?

Ms. Mary Michaels – No, it would have to be reset for another meeting. If there's a neighborhood meeting that would give the petitioner a chance to hold it. All this will do is nullify the past decision and move it forward to a new hearing date.

Commissioner Tutt – So tonight we would vote to undo basically what we voted for before. And when the petitioner comes back it's at that time we can suggest that they would meet with he neighbors?

Ms. Mary Michaels – If there is a reconsideration this evening, I'm sure Mr. Wuerth will make sure that the petitioner received a transcript the minutes from this proceeding, and he will understand the will of the Commission and the expectation that there be a neighborhood meeting before the next meeting. If that's the will of the Commission then obviously he'll get that memo and act on it if he wants a different decision from the Board.

Vice Chair Boniecki – We can suggest that but the vote right now is just to reconsider to reset it and put on another date.

Commissioner Tutt – That’s what I’m trying to understand, we can make this a suggestion but when can we make it a suggestion. The petitioners came up here with great arguments. I got the documents in front of me with all this highlighted and that’s great, but when the petitioner was here he wasn’t very friendly to the neighbors. It seemed as if their concerns weren’t a priority and the two that were there weren’t in sync and I remember saying that. So my concern is the neighbors, if we are going to try and reset this and have it redone when can we say to the petitioner meet with the neighbors so that you’re on the same page and both sides are heard?

Vice Chair Boniecki – That’s why at the end of the vote I voted against denying it because I wanted him to have a chance to meet with the neighborhood and discuss it.

Commissioner Chowdhury – Can we suggest it before, if we are going to reconsider it but before coming back to the Commissioner’s can you talk it over with the residents, so we are not just going back and forth. It makes it easier and they will be prepared with every and he knows ahead of time this is what the Commissioners are looking for and this is what the residents are looking for, let’s make this a priority instead of making the discussion go back and forth and resetting it. I think that’s a better plan for them as well as for us Commissioners. The residents were not satisfied at all and we weren’t satisfied, he didn’t have a plan for anything.

Vice Chair Boniecki – Mr. Wuerth do you have something where you can put this in if this voted on and approved to go to the next agenda is that something that can be given to him ahead of time?

Mr. Ron Wuerth – I would not go to the next agenda; I would go to the September 25<sup>th</sup> agenda that gives plenty of time for the petitioner to arrange a meeting to get together to discuss their plan with the people. We think September 25<sup>th</sup> is when the issue should come back for discussion and finalization.

Commissioner Robinson – There’s nothing on the agenda to accommodate this by the next meeting?

Mr. Ron Wuerth – Our agendas are full at this time so the 25<sup>th</sup> is the earliest time. Again, it gives everyone some time to step back a little bit and look at things. When the petitioner, and I’ll make sure that happens, meets with everyone they can discuss it. I think what I also want them to do is at least notify the Planning Department when

that meeting is. Once we find out we will pass on the time of that meeting so that Planning Commissioners can attend.

Commissioner Chowdhury – So do they draft up the letter and send it out to the residents or does the Planning Commissioner Team do it?

Mr. Ron Wuerth – They would do it. I'd talk to the petitioner we would come to an agreement hopefully on a day within a couple weeks. Something that's going to be away from holidays of course and make sure everyone is available. We have the mail list, we will give the mail list to them and it will go out to everyone who's on that mail list to attend wherever he chooses to have this meeting.

Commissioner Chowdhury – Thank you.

Commissioner Kupiec – First off, I'd like to commend you for your decision, I think it was a very strong decision. I'm glad to see you did your homework and came back and made a change, thank you very much. I think like Mr. Wuerth was saying there are some issues that need to be brought to light that we weren't maybe made aware of the first time around, they need to be further investigated on both sides so we can get a better understanding of what's going on. 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
Secretary Smith.....	Yes
Vice Chair Boniecki.....	Yes

9. BOND RELEASE:

None at this time.

10. NEW BUSINESS:

A. Voting for 2023-2024 Planning Commission Officers.

Assistant Secretary Mouri – I know we don't currently have a nomination for Assistant Secretary, do we want to have any discussion about it, or how do we proceed in this situation?

Vice Chair Boniecki – I'd like to reopen the nomination for Vice Secretary, do we have anybody nominated?

Ms. Mary Michaels – If there's a vacancy the new Chair can appoint.

Secretary Smith – For Chair they have Secretary Smith, let's take a roll call.

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

Secretary Smith – Vice Chair is Commissioner Mouri.

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

Secretary Smith – For Secretary we have Commissioner Robinson.

Commissioner Robinson – Before you take a vote on it, I consider not accepting the nomination at this time because of caregiving duties to two of my family members, so I will decline.

Secretary Smith – So now we have an open position for Secretary and an open position for Assistant Secretary.

Ms. Mary Micheals – We open nominations for Secretary.

Vice Chair Boniecki – Do we have any nominations for Secretary?

Assistant Secretary Mouri – I would like to withdraw myself from Vice Chair and nominate myself for Secretary.

Vice Chair Boniecki – Do we have any nominations for Vice Chair? I guess I'll nominate myself for Vice Chair.

Secretary Smith – Vice Chair Boniecki for Vice Chair.

ROLL CALL:

The motion carried as follows:

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

Secretary Smith – Voting for Vice Chair Mouri for Secretary.

ROLL CALL:

The motion carried as follows:

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

Vice Chair Boniecki – Commissioner Robinson you didn't want to be a fill in for Secretary would you be a fill in for Vice Secretary, it would only be on her absence that you would need to take it over.

Commissioner Robinson – To be honest with you at this point I’m weighing whether I can finish my term on the Commission right now with all the added responsibilities I have right now. It’s a very difficult time right now for me, so I can’t really say right now.

Vice Chair Boniecki – If we don’t have any nominations for Vice Chair now that Secretary Smith is the new Chair does he just appoint somebody tonight?

Ms. Mary Michaels – No, next meeting.

Vice Chair Boneicki – So at this point we don’t have an Assistant Secretary since nobody is stepping forward, our Chair Smith will appoint somebody.

B. Approval of the 2024 Planning Commission Meeting Schedule.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

11. CITIZEN PARTICIPATION:

Mr. Dennis Callow – I was here about the Barber site. I just want to say I’m very disappointed that when there was 20-30 of us sitting here you all voted no as soon as they left two days later they found somebodies ear and you used a backdoor policy and you all voted yes to put it back on the site plan. What are we doing, why are we here. We all took time out of our day to tell you our feelings, not one of you stood up. Change, what is change, business wins. I have a simple question for legal, what is our rights as citizens when you vote this through, do we have a backdoor do we have a recourse, do

we get to take you to court. Can you talk to the citizens or are you not allowed to?

Ms. Mary Michaels – We can respond to you after the meeting, not during audience.

Mr. Dennis Callow – They've offered us nothing, not hours of operating he gave you nothing, he's not even here to defend his position and you all voted for it. It's sad, I'm very disappointed. I'm trying not to be upset with you because I have to come back here in 3 or 4 weeks to defeat this again. Thank you for your time.

Ms. Jackie Palco – First of all, I want to apologize to all of you for my outburst, I'm hurt. My family has owned the property since late 30's. I already said this before, I'm proud to continue owning it, I own the horse stables and live there. We have numerous people coming constantly. The change, it's changed all around me my front lawn used to be on Eleven Mile Road two lanes, I waited for the school bus out there, then 696 came and that was change. Now I have a back street Barber, that property that Mr. Marvin Marooki bought was my family's, it was 12 acres, I have no say in that property being sold I was not the trustee a family member was. He doesn't care that property that he runs right now is terrible the grease, the oil, the smell, the truck drivers. I just had a run in this morning with a truck driver while I'm riding my horse, his brake line must not have been hooked up right the sound actually spooked my horse. I turned towards him so my horse could look he gets out of his truck and says what the fuck are you looking at you dumb bitch.

Vice Chair Boniecki – Please don't use foul language in the meeting.

Ms. Jackie Palco – I'm sorry that was word for word.

Vice Chair Boniecki – You can paraphrase.

Ms. Jackie Palco – I just couldn't believe it, and he was from their company. The roads are terrible, they have no consideration for anybody. They race up and down from five in the morning until twelve at night. I live there. I see this, this is my backyard. I board horses, this is how I pay my taxes; this is how I pay for my food; this is how I live. These people that board horses with me do you think they are going to stay there with a trucking company.

It's not a trucking company you guys are fooled those people are not truck drivers they rent spaces for truck drivers and then they work on them. The pallets that they say they unload and stock in their place they are not unloading and stocking in these buildings they are unloading to fix these big trucks that come in constantly that are broken down.

They cleaned their front yard, yea they did but they've been there for 15 years, and we looked at this place for 15 years and they didn't care. Because they want to build this new facility now they've cleaned it up and making things look great, what about before when I rode my bike around there.

What about the people on the corner that live on Barber and Bunert they have to deal with these big trucks turning constantly and going over the lawn. You guys don't know you don't live there. If this was going to happen in your neighborhood you would care, you would absolutely care and you would say no. This can be used for anything else like a tool and die, a quiet building, it doesn't have to be used for trucks. My father and mother are probably rolling in their graves right now. This is terrible I'm sad, I'm really sad. Thank you.

Mr. Chris Gravlin – I live on Hoerning by backyard but up to this property. My big issue last week was the tree that this gentleman had on his property for 8 months it had fell over on my fence on the wires, he finally came and cleaned it up, I was happy to see that, the petitioner himself was there. Yet when I came to the side of my garage, he made absolutely no attempt to discuss anything with me he just stared at me, in my opinion like he wanted to get rid of me, that's my opinion. He got rid of the tree he cut it; you know where he put it right in the middle of his field. There's a huge pile of what's left of this tree in the middle of this field.

His property over on Gloede they just cut the weeds for the first time all year. Now you say we have to accept change I do accept change I'm about to be 60 years old the world has changed in my lifetime. Do I have to accept rats no not at all. This guy has made no attempt to speak to us since the last meeting. If this were my business and I was trying to get this approved, I would have already contacted every single resident. I personally as a resident knew all of my neighbors, I talk to them, I help them, there's not one neighbor in my area that has not been helped by me, and we've been helped by other neighbors. This guy at the last meeting started off his conversation with this is an investment to me, that was it. All he

cares about is that it's an investment. You guys can approve this, I can't do anything to stop that. The problem is in a year or two years this change you talk about come back to my property in a year and take a look at what he did to what you just approved. Please, it's very important come over to this property right now you'll say oh it's nice and pretty, come back next year at this time and you tell me if you're impressed with what he's doing to our city. He doesn't give a damn about us, he doesn't give a damn about Warren, but I do. I've been in the city along time. Thank you for your time, we do care.

Mr. Ken Crysler – My name is Ken Crysler I live at 14632 Hoerning my backyard is virtually next to the property that they are proposing. You mentioned zoning laws, those zoning laws were in existence two weeks ago and you all voted two weeks ago based on what you heard two weeks ago. I wonder if there's anything other than the zoning laws as they are written that determine how you vote, it felt like there was two weeks ago. Noise, dust, truck pollution, truck smell, mosquitoes that spread disease and keep you from even being in your own backyard is that part of the zoning law. I don't know why I'm getting so upset about this, I can't even talk.

There's got to be something in this business that's not zoned. I just imagine this business evolving into something that wasn't intended with the zoning law. I ask that you remember why you voted to deny it two weeks ago and deny it again. Thank you.

Mr. Frank Schreiner – 27295 Gloede. I've been living in that house on Gloede Street for about 70 years now, maybe a little longer, I see these trucks that come down the road. I don't think they have any respect for the homeowners because they drive too fast, and they don't care where they park or move their trucks to. I noticed since the road has been put in since I've been there it was brand new; the road has shifted at least 1 ½ to 1 ¼ with all these heavy trucks coming in. The noise is outrageous when they come down the road at night my house actually rumbles and shakes from all the noise.

On Barber Street this is going to happen the same way eventually it's going to tear everything apart on that street. We know we need trucks for supplies and everything else, but not in that area. That area is not for a trucking storage place or moving trucks. You go down Bunert and when they come in they have to come in off of Eleven Mile and when they come down there they are not wasting anytime to get down that street. They go past the church; homeowners and the homeowners say that it's so noisy that they

would have never moved in that area if they knew what it was like now.

I've been there for many years, and this is not the way to run the city just to let somebody in, if it's not right vote it down. That is not the place for a trucking company or a storage area. That's all I can say right now, thank you.

Ms. Darlene Hale - Good evening I'm Darlene Hale, my home (inaudible) 1970's was where the neurological center is now 14461 Eleven Mile Road. I had horses then and a horse again now at Palco's we do not need anymore truck traffic. On September 10<sup>th</sup>, 2021 you can hear how upset still about this, around 7:00 pm I was walking my horse Buff on Barber and a truck was coming right towards us as it got closer I could see he was looking down not at the street he didn't even see us. I hurried Buff up on the curb as he passed I heard something hit Buff luckily that time we were not physically hurt. A police report was made, please no more truck traffic. Thank you.

Vice Chair Boniecki – Seeing no further speaks I'll close the audience participation.

12. PLANNING COMMISSION BUSINESS:

**A) Planning Director's Report:**

Mr. Ron Wuerth – Good evening, Commission, I'm going to apologize I don't have a report, actually I was too busy too many meetings so I didn't have time to write up some of the activities I've done that last month or so. What I do know is from observing the Planning Commission in the last few months I think it's time that the Planning Department puts together a training session special meeting that we can conduct and just go over a few things on how Planning Commissions operate. How Planning Commissioners are to perform their duty that they came here to perform. Be sure as to some reminders about things to talk about, Planning State Law, Warren's law and how they apply to site plan approval, how they apply for rezonings and what the zoning ordinance talks about. Everyone of you should have read the zoning ordinance by now, I probably read it 400 times and I still read it. It's information that's valuable and meaningful those laws weren't written because somebody just thought about them.

The citizens hired the politicians and along with the Planning Commission at that time to make laws so those laws would stick. When it comes to site plan approval it talks about place and environment and many other things of that sort. One thing we have to remember is we have a zoning ordinance; we know that we've been improving it all along, but a major improvement is coming that was what the 2021 Master Plan called for so can't tell you exactly when, but I can tell you soon a new zoning ordinance. It's going to apply some more modern things that are being done these days, right now we have what we have and it works rather well it controls things like it should.

As far as the training session it's important to get some reminders about what we are all about and what our duty is and how we work with the citizens, and how we work with other Commissions and how we work with City Council. That's all I have to say at this time if you have any questions about other things planning things, I certainly will make an effort to answer them.

Commissioner Robinson – I had a conversation with Michelle this afternoon as to how archaic the zoning law is which was enacted in 1960 so we are talking 23 years or so later and it doesn't address a hot topic right now across the United States and that's environmental fumes and toxicity in the air it doesn't address that at all. Michelle and I went back and forth because I'm sure this item here is going to be repeated over and over again until we look at how these companies that come into the city and what kind of affect it's going to have on the residents who live there, which can affect their lives for years and years.

I know you indicated that change doesn't come that fast or readily (sic) but what do we do in the meantime, that's the problem that I have. That certainly is something that we all need to consider. I know the zoning law is what it is, but I guess change couldn't come soon enough that is what I'm saying.

Mr. Ron Wuerth – We'll see about what type of change as it's addressed by our consultant. In response to the environmental issues that you spoke of I think Ms. Katopodes talked to you about that and indicated to you that in the industrial standards part of the zoning ordinance they are very strict. You need to review it again and if you have questions about it when we have this training, we can discuss it because they are used all the time and they are used not only for industrial fumes and things, but they are directly applied

to all our marijuana establishments that are in town these days. We use that strictly on those establishments when the smell gets too bad. So read it and if it's not clear then save the questions and we can talk about it and maybe we can come up with some thoughts about how that can be stricter or easier applied, I'm not sure which. We have Zoning Inspectors who go out and they inspect these sites and they have to apply the law when it comes to how much noise, what smell, and the environmental issues. I'm very concerned about environmental issues especially contamination into the soils and into the air that we breath, you better believe I'm very concerned about that.

So anyway to improve, which means regulate I'm all for that. Those are good thoughts we just need to update our zoning ordinance. I will tell you this I can't begin to tell you how many times our zoning ordinance has been amended and we come through with those amendments every year and make improvements it's in the 100's or 1000's of changes we've made to that ordinance since it was started in 1960. It still needs work and that's why we are going to have a completely updated ordinance in the future.

Commissioner Robinson – In the near future.

Mr. Ron Wuerth – I said soon, I wish I could define soon, I'll go so far as to say hopefully next year.

Commissioner Robinson – Thank you.

Commissioner Tutt – Any status on getting us a ninth member?

Mr. Ron Wuerth – I can't answer that question, I would suggest you contact the Secretary of the City Council, that's Mindy Moore she's in control of that can be answered by bringing forth a new person for the Commission. They are in control of that we are not, we've already made a suggestion so it's out of our hands.

Commissioner Tutt – Ron I think I'm frustrated that over a year ago I asked about training for the Planning Commissioners, and it didn't happen it was referred to the course that most of us took. Tonight it felt like we were being reprimanded for the job we have done when training was asked for more than a 1 year ago. That may not have been the intention but that's how it feels to me and I wanted to voice that.

Mr. Ron Wuerth – Well training is going to take place as soon as we can get it together. I'm still trying to put my staff together; I can report on that. I've sent through the order to have someone finally take over not the position of the coordinator but a position that's a couple levels down and David has been working in that position all this time and helping us out greatly. So that position is out there, it first goes through the internal system any people who are interested in that and the best qualified person ends up with that. So that's one position.

A second position, Mark Gorbett left that was a Planner I position we've decided to go get a lesser position we'll go back to another Assistant Planner, we are looking to have two Assistant Planners.

I've sent the request to advertise for a new Assistant Planner. And finally, a Planner Aide, and usually that's a student or someone else actually Jasmine Early was a Planner Aide, we need one ever since she left there's been a big gap in our product. These are three positions that we are working on to get so that we have more time to put together a good agenda and a good program for that training that you're talking about. I want to do that this year, so we'll work on it. So that's what we are doing with our Planning Staff we are just low again we'd like to get up to six or seven people. That's all I have regarding that, any other questions.

Vice Chair Boniecki – Thank you.

**B) Planning Commission Discussion and Concerns:**

None at this time.

13. CALENDAR OF PENDING MATTERS:

None at this time.

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 9:22 p.m.

---

Merle Boniecki, Vice Chair

---

Warren Smith, Secretary

Meeting recorded and transcribed by  
Mary Clark - CER-6819

**E-mail:** [maryclark130@gmail.com](mailto:maryclark130@gmail.com)

DRAFT

Mary Clark CER-6819  
August 7<sup>th</sup>, 2023