

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on November 6th, 2023, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, November 6th, 2023, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Sultana Chowdhury, Assistant Secretary
Claudette Robinson
Michelle Tutt
Mahmuda Mouri, Secretary
Merle Boniecki, Vice Chair
Warren Smith, Chair
Garry Watts, 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:
Chair Smith - Calls the meeting to order at 7:01 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

MOTION:

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

Secretary Mouri – Do I have a motion to excuse Commissioner Ansar he's out today with a family emergency.

MOTION:

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

4. APPROVAL OF THE AGENDA:

MOTION:

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

5. APPROVAL OF MINUTES OCTOBER 16TH, 2023:

MOTION:

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

Chair Smith – I'd like to recognize our Ex-Officio Councilman Watts this evening. Before we get into the public hearing items I'd like to make a few comments this evening.

When a petitioner brings a site plan to the Planning Department they sit down and they go through the plan and they tell the Planning Department what he wants to do they sit down and work out all, the discrepancies, all the things that need to be done, everything that is required by the ordinance to make sure everything is where it's supposed to be. The Planning Department then writes up a finding on it he goes out and looks at the different sites then makes his comments on what should be done what needs to be done and things like that. Then they come up with a final finding which after they get that the findings and the drawings are sent to each of us Commissioners to go through the drawings and findings so we can make our comments. We get three days to do that to go through everything, so we have our comments for the meeting.

The purpose of a public hearing is to contact the residents within 350 feet to address their concerns about the site plan. Once the petition or the site plan goes through us and we make our comments it is up to us if it meets the ordinance of the Michigan Zoning Enabling Act and if it meets the Master Plan for the City of Warren, we have an obligation to approve the site plan. The reason we have the public hearing is to allow the residents to voice their concerns. Once they voice their concerns then we can take their suggestions and bring it to the petitioner's attention, and he can try and address their concerns and maybe alter his plan so some of the resident's concerns could be acknowledged. With that we will move to the first item.

6. PUBLIC HEARING ITEMS:

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

A. SITE PLAN FOR 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 LC (Kalajian Architecture); PSP230021. **Postponed from October 16th, 2023.**

PETITIONERS PORTION:

Mr. Marvin Marooki – I'm the President of Christian Investment Properties. I'm here to discuss the new proposed development at 14601 Barber Avenue. At the last meeting there was some concerns and confusion about the zoning so I'd like to take the opportunity to clear a couple things.

I have a map of the zoning of the area if you'd like to look at it, it has some pictures of the street which will give you a better idea of the road. Can I pass it to David please?

Chair Smith – You'll have to give it to Michelle.

Mr. Marvin Marooki – That shows the M2 zoning and give you an idea of the road where we are putting the development in. All the properties on Barber Avenue on zoned M2, heavy industrial. In order to get into Barber Avenue you would go from Eleven Mile to Bunert to Barber Avenue and the same way out, there are no houses on Barber Avenue. Before purchasing this property I contacted the zoning department and I told them about my plan and they told me since it's zoned M2 heavy industrial this plan meets the zoning requirements.

Also, Ron mentioned approximately 70% of the businesses in that area are trucking and pretty much everything you (inaudible) in one way is delivered in a commercial truck.

The majority of the buildings on Barber Avenue have trucks going in and out on a daily basis, as you can see on the pictures that was like

10 minutes of taking pictures out there. We are not asking for a rezoning or any special land use, simply my plan meets the zoning. There was some concern about the environment like the health and safety, so there's approximately like 300 commercial trucks going in and out of Barber Avenue on a daily basis. All my trucks meet the DOT and the EPA requirements, they are subject for inspection at anytime that they are on the road. They get inspected four times a year by a certified facility. For example, they have the same system effect as Warren Woods Tower High School buses that park on the north side of Hoerning Avenue. Thank you, please let me know if you have any questions.

Secretary Mouri reads the following correspondence:

TAXES: Current.

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

1. Site plan shall comply with the current City of Warren storm standards. Detention and pretreatment shall be required.
2. Provide the detailed storm water narrative on the site plan.
3. Variance shall be required for the proposed outdoor storage.
4. Soil erosion and sedimentation control permit/waiver shall be required from the Macomb County Department of Public Works.
5. The outside perimeter of all paved/parking spaces shall be minimum 6' concrete curb and gutter.
6. Site plan shall identify and show the location of all existing and proposed underground utilities, sizes, connections and discharge point in the vicinity of the project.

RESIDENT CORRESPONDENCE:

Two petitions were submitted to the Planning Department on November 3, 2023, regarding the site plan for 16401 Barber Street. The Planning Staff reviewed both petitions.

The first petition is signed by those individuals requesting that no variances be granted to this site plan for 16401 Barber Street. 12 signatures were counted, and the listed addresses were cross referenced with the address list that public notices were sent to within 350 ft. of the subject property, with all 12 addresses falling within the noticed radius.

The second petition is signed by individuals who are opposed to approval for the site plan for 16401 Barber St. 192 signatures were counted, and the listed addresses were cross referenced with the

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address list that public notices were sent to within 350 ft. of the subject property. Of the 192 signatures, 45 signatures were listed at addresses that fell within the 350 ft. noticed radius (23% of the total signatures). The remaining 147 signatures had addresses listed that fell beyond the noticed 350 ft. radius, and up to 3 miles from 16401 Barber St. within the City of Warren, as well as 4 signatures from Roseville and 1 signature from Chesterfield Township. I also have an additional nine signatures that were submitted prior to the meeting tonight.

Secretary Mouri – With this I am going to read four more letters that were submitted to the Planning Commission.

First one is from 27256 Bunert Road, Warren, MI 48088, I can't read the signature.

I have a hard time breathing as it is so with added trucks going by the house with dust flying in the air would make it hard on use. I like being outside in my yard.

Second letter: Dear Planning Commission,

Regarding site plan for new warehouse building and open storage located on the north side of Barber Avenue approximately 364.64 west of Gloede Drive, 14601 Barber Avenue, Section 13, Marvin Marooki/Christian Investment Properties.

As a longtime property owner at 27150 Gloede, Warren, Michigan, 48088. I am concerned with the proposed site being an unwanted hazard to our community. Trucks running at all hours of the day and night endangering our neighborhood directly north of proposed site with pollution, noise and heavy traffic.

Larry May
President Tri-State Flame

Third letter: My name is Barbara Biondo I live at 27351 Bunert. My family has lived on Bunert for 4 generations. My dad bought in this residential community never expecting it to become a semi-truck highway. Which it has become.

Currently there are six no truck signs on Bunert, which are not enforced. If this business is allowed to movin in, the semi truck

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traffic on Bunert will only become worse creating a noise issue in our quiet residential neighborhood.

This will only add an unnecessary burden on us and create an unhealthy environment for all of us. There is no reason to have this influx of semi-trucking in our community. This is not progress, this is abuse.

Barbara Biondo

Fourth letter: Hello, I am writing to express my concern over and disapproval of a new warehouse building and open storage on Barber Avenue.

There are horses (and their human riders) who may be in danger as a result of the trucks in a residential area.

Thank you for your consideration and time.

Best,

Amanada M. Rattray

Mr. Ron Wuerth reads the recommendation of the Staff:

Chair Smith – This is a public hearing and at previous public hearings we had a lot of concerns that were addressed. So what I'd like to do tonight is if you have any new concerns that we need to hear come up state your name and address and allow your comments to be three minutes long.

PUBLIC HEARING:

Mr. Dennis Callow – I live at 14610 Hoerning Avenue, thank you for allowing me this time to comment on this site plan. My entire property line is within the footprint of this proposed site plan, it's very important to me. The applicant has stated before and promised that he is working with the affected residents on this site plan, this is not a true statement. I ask you to look at the photograph that I have provided it is the site plan before he destroyed the 20 to 30 mature trees that were there. The majority of these trees fell within the 150 foot R-1-P zone. I show you this to show that the applicant does not care about us homeowners, in fact it's a confrontational stance.

With these trees gone decibel readings at my back fence are in the mid 60's now that the remaining tree canopy has fallen and the air is

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colder the readings have risen to mid 70's. I want to point out that the City of Warren has an 80 decibel limit, I would like to know if the commission will be enforcing that or is there a variance for that? The stated hours of operation by the applicant were 6:00 am to 6:00 pm roughly, Article II Section 21-24 says no excessive noise between 10:00 pm and 8:00 am, will the commission be enforcing this ordinance or does he get a variance for that as well. Ordinance 17.02 Section S, states open storage other than junk the area shall be enclosed on three sides by chain link fence with metal plastic slates, will the commission be enforcing this ordinance.

It also states in the designated area that it may not exceed 50% of the gross floor area of the primary structure. This ordinance has been in the City of Warren ordinance for 36 years, you guys thought it was a great idea then think of it as a great idea now.

Just a reminder the adverse health affects of warehouse diesel exhaust produces irritation to eyes and nose, headaches and nausea, respiratory disease and lung cancer, excessive truck traffic on neighborhood streets. Children suffer from asthma, bronchitis, emphysema, and decreased lung functions and there are schools nearby.

The last point I'd like to make is the City of Warren ordinance is written to protect our general safety, our rights as residents, against abuses by others, deep pocketed businesses, big organizations, and the government itself. I ask this Commission to deny the site plan the voice of 200 residents has made it clear our health and quality of life matter. Thank you.

Mr. Gary Oram – Gary Oram 27330 Gloede Drive, with Christian Properties.

Chair Smith – Are you the petitioner sir?

Mr. Gary Oram – Yes.

Chair Smith – Okay, this is for the public hearing for the residents, you're the petitioner, right?

Mr. Gary Oram – Yes, I'm just amazed about what the guy said, he's reading all the rules and laws--

Commissioner Tutt – Sir, this time is for the public.

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Chair Smith – This is just for the residents.

Commissioner Tutt – For the public not the petitioner.

Chair Smith – When we call the petitioner back up you can bring your remarks up, thank you sir.

Mr. Gary Oram – Okay.

Ms. Julie Fathbruckner – 19001 Skyline Street, Roseville, Michigan. I have a couple of horses that I board directly across the street from this development. We've heard the health concerns, we've heard the traffic concerns, what I'd like to bring to your attention is the activities that happen to the south side directly across from this property. It is a facility that invites Warren Woods School who actively reaches out and says can we bring our Building Bridges Program to come visit the farm. They walk from the high school down Bunert, down Barber and the truck traffic that we currently see can be a little bit of a detriment to the students that do come and visit. So we do a lot of outreach with the community for the welfare of the horses, the pedestrians on that street and it's not enforced. The traffic, the violations that happen with the trucks coming up and down that street are not enforced, maybe that's not your issue it's our issue and we have to figure it out.

I trailer horses on a regular basis to visit children with cancer and to do other promo events, it's a benefit to Warren Community residents and I enjoy doing it. At this point it's getting to where in the Master Plan does recognizing existing business come into play. It's a question that people have been asking and what about the activities that are currently happening in my community. Whether this is an issue or does it fall within the guidelines of the zoning there's also the humanitarian aspect of it as well. We are not against progress we would love it if a brick and mortar was established but I see seven bays on this diagram that butts right up to residence, it's just not a great choice. I would hope that it might be considered to resell that property, make a profit on it to one of the neighbors. It is a desired property and that's where I'm going to leave it. Thank you.

Chair Smith – To the gentleman that came up before you can come up. He is not a petitioner that's represented on the application. Excuse me if we can't have order this evening I will close the public hearing right now and no one will speak and we will make our

decision. I'm not going to tolerate any outburst this evening. Being he's not on the application as the petitioner he's allowed to speak, go ahead sir.

Mr. Gary Oram – My name is Gary Oram 27330 Gloede Drive. I've been there since 2010 and I also have a trucking business there's trucks that go in and out of that area all the time, there's 100's of, 1000's of trucks that go on 696. There's trucks that go on the service drive, there's trucks 100 feet away from the horse farm. She's zoned M2 the same zoning that we have on our property. So one day down the line she's going to sell and it's going to be either another trucking facility or a warehouse because what else goes on M2 heavy industrial. Those businesses that look for property will look for M2 heavy industrial.

That was the only reason we bought this property, we bought it from the family of the horse farm, the sister, and we made sure, before we purchased it we called the city to make sure that the zoning was there. The zoning is zoned M2 and the Planning Commission when we contacted them we went by all the requirements that they wanted any changes that they made so there is no rules about what type of building or what you want to put up there the zoning is there for M2 heavy industrial. So we are requesting for warehouse and storage space that's all we are requesting 8000 square feet which is probably 20 feet from the road, the property is 600 feet deep, 150 of that is zoned R-P-1, which Ron will tell you, and you can't do nothing with it. You can park a car or something there if you want to but that's about it, that's going to be mostly landscaped a berm and trees.

We held a town hall meeting and we tried to bring up all the concerns about putting up a privacy fence there, putting a plastic cover there so people don't go in and out of there, so it's more private and it would cutdown on the headlights of the trucks. Besides that, there will be a berm there that will probably be 6 or 7 feet high plus trees on top of it.

There are trucks that go in and out of there, I understand, I'm concerned about the horses, the farm was back in 1930 we are in 2023 going on 2024, things change you know that. There's warehouses that go up and down and the zoning is there, otherwise we would not make a lifetime investment to invest in a property that you can't do anything with because there's a horse farm across the street. That horse farm has been there, the trucks have been going

in and out of there 365 days a year. The trucks run down that freeway, and nobody knows how many trucks go up and down that freeway it could be 100's of 1000's of trucks. The horses are still there and the people still bring their horses there, I see them when they are riding them or petting them.

So, I don't really see any different changes in another building that goes up there and the same trucks are going up and down anyway. It could be 20 trucks a day going down that street. So that's about it.

Mr. Steven Edgecomb – Hello my name is Steven Edgecomb, I live at 14632 Hoerning Avenue. This new warehouse/trucking company kind of said they can't decide what it is, just saying. This company is a concern for me personally because I have autism. I am affected greatly by loud noises and strong odors. The building will affect me negatively everyday of my life, I'm sorry I cannot say my words right. Don't you think it's kind of sad that they can't even choose what type of building this is going to be. Wouldn't you think it's a better idea if they chose one option more than the other, just saying.

Ms. Michelle Hentkowski – I live at 14618 Hoerning, my entire property line lines up against this business. I just want to make a comment about one of the previous speakers, you said he wasn't on as the petitioner, but he admitted he purchased the property they wanted this, they asked for this, so he admitted that he is part of the petitioner, he purchased the property. They did have a townhall meeting on a Friday with us neighbors and there were issues that were brought up that we suggested. Then that following meeting on Monday not one issue we addressed, or we asked about was added to the plans. So he says he listened to us but he did not listen to us.

I felt a little intimidated when he approached me and knew my daughter's name, my children's name, made me a little nervous knowing that. Also I work with some of the Special Ed kids over at Tower High School that go and visit the horses they do outreach programs with them. Some of these kids have severe handicap disabilities, mental disabilities, they light up when they see these horses. Some of them are in wheelchairs, some of them are in walkers, some are on canes, if they are up at the property visiting these horses while directly across the street are trucks coming in and out it will not be safe for them anymore. Telling these kids sorry it's not safe for you guys to go visit these horses anymore would break these kids heart. We can't always bring the horses to them so we bring them to the horses and knowing that they can't do that

because it won't be safe that breaks my heart. I just wanted to bring that up and bring up the point that there are certain concerns that us the neighbors did bring up at that meeting and then on that following Monday none of the concerns that we brought were put on the site plan. You say you're here for the neighbors you're here for the city for the people, please show that you are here for us people and the neighborhood.

My kids are here too, I worry about their safety. Our kid's safety and health. Our family's health and safety is our big concern, so yes we will keep bringing that up again and again. If this plan gets approved, then obviously the neighbors' health and safety concerns are not your concerns. Thank you.

Ms. Sophia Hentkowski – Hello, my name is Sophia Hentkowski, I live at 14618 Hoerning Avenue. I may only be 11 years old, but I hope you listen to what I have to say. I'm scared to have these trucks move into my backyard. I love playing in my backyard, it is my safe place, I won't feel safe if you let these trucks move in. I want to be able to have my friends over to hang out and play but their parents won't let them come over if these trucks are right there. Why can't I have my friends over, why can't I be safe in my own home.

My brother and I are in the risk of heart disease because my dad died of a young age. The emissions and stuff from these trucks are not good for our health. I want to be able to be healthy and not get sick from playing in my backyard. Again I ask you why can't I be safe and healthy in my own backyard, thank you.

Mr. Todd Fathbruckner – Good evening, I live at 19001 Skyline, Roseville, Michigan. I go to this property twice a day, I'm there as early as 4:30 in the morning to care for, feed, and train my horses and I can be there as late as 9 or 10 pm. I've seen trucks go down this street as early as 4:30 in the morning, I've seen trucks go down the street as late as 10 pm. If we are already having trouble with the trucks that are there not adhering to the time ordinances more trucks are not going to solve that problem.

Just a few weeks ago there was a truck that went down Hoerning and if you've been there then you know that the end of the street is torn up because of the construction he had to back the entire way back down Hoerning to go to Gloede to get out. There's a big road closed sign I'm not sure how clearer you can make it but they are not

listening, there's no enforcement. There's no enforcement from the owners, there's no enforcement from law enforcement to make sure that these trucks are adhering to what the trucks are supposed to be doing and where they are supposed to be driving. I have dash cam footage on my vehicle of trucks taking Sutherland instead of going down to Schoenherr and taking Twelve Mile like they should. They take Sutherland they go to Martin, I understand that there's construction but there are proper streets for them to take.

All the other 200 signatures or the 100 something that you probably aren't considering are from people who frequently visit us and have concerns from the trucks. More trucks is not going to solve the problem. There's an empty trucking warehouse that's on Eleven Mile it has four loading docks that one has more access to 696 than the current location, easier to get to, it's already set up save all the overhead. I don't understand why that's not considered a valued property, why we want to focus this so much on the Barber Avenue property.

So we have all these subjective terms well they could do this, they could do that, we've been told that if he gets an offer in a few years that's too good to be true he will sell the property. Now tonight we are hearing that it's a lifetime investment, I don't know what lifetime is three years. I'm asking you to consider what everything is happening now the concerns of the pollution, the concerns of the noise, the concerns of the trucks that are already there causing issues more trucks are not going to solve the problem. I've had trouble training my horses, I've had trouble loading my horses in trailers before because of trucks coming down the street it's just a disregard for anybody who's utilizing that space as well. And as it was brought up what is the lifestyle of the current businesses and why are we looking to affect that rather than letting them thrive.
Thank you.

Ms. Diane Apfel – I live at 14633 Hoerning. I'm a resident on that street for 55 years. I've seen this street change from a dirt road to a cement road. I've seen many large semis come down my street in the middle of the night, that hasn't changed. They are rude and they don't care. My street is beginning to become just like their streets cracked up. We have a big sewer that runs down the middle of the street. I'll read you my letter that I have.

We the people of Hoerning, Bunert, Barber, and Gloede Drive respectfully wish to address the issue the issues of the proposed

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warehouse and storage facility planned for the north side of Barber Avenue approximately 360 feet west of Gloede Drive 14601 Barber Avenue, Section 13, Marvin Marooki, owner.

We've been asking for more specific information about this proposed facility since last July and as of this time we still do not have answers to those questions. Specially we would like to know the true nature of the business at that facility as well as his proposed hours of operation. The proposed location is right in the middle of a residential neighborhood. We are seriously concerned about the potential for pollution, lights, the noise from those semi-trucks rolling down our streets all of which would potentially disturb the peace of our neighborhood at all hours of the day and night.

The residents of Hoerning, Bunert, Barber and Gloede have lived here for decades. It's a peaceful family oriented area with entire families riding their bikes around the neighborhood. It's also common to see residents walking and jogging down the streets, as well as Tower High School boys and girls track team training on our streets. We even have parents towing their children around in wagons so they can stop and pet the horses which is across from where the proposed site is located. We are very concerned that building a warehouse in our neighborhood will cause our house values to plummet at a time when rapid inflation is already impacting our quality of life. The building and the warehouse will force our neighborhoods to move away and escape the disruptive activity that the new business will cause.

We have worked hard all our lives and paid property taxes to enjoy the quality of the American dream, so we ask that you please vote no on this warehouse proposal.

Ms. Lori Harris – Number one, I remember when Mr. Wuerth said people should have known this was zoned this way when they bought this property, 55 years ago nobody knew that this was going to happen. The profess to this discussion only people in the 350 foot radius matter that's a bunch of bologna. And to say that people can't come up here and repeat what they might have said in July that's really not fair to these residents. Every single person here should be able to get up and speak and not about something new.

So why do we have a Planning Commission I would like to know? If you're just going to agree with everything the Planning Department says, why are you here, why do you matter. There has to be a

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reason and I've talked to you about this before you're responsible. Our Master Plan calls for more tree canopy what did this gentleman do, cut down how many mature trees, what's it getting replaced with 6 evergreens and 50 shrubs that's not a tree canopy. We have to pay attention to what's going on in our city and you have the ability to listen to what these people are saying. I've been sitting here and come to these meetings and it's very evident that the plan is not clear. How many people will be working there, well I'm not really sure, what time they will come, well they are going to come at this time, what if a truck comes late, well then, we'll have to call somebody to come in, it's a lot of unknowns.

I also want to know about the parking spaces, but according to the last meeting only a few people are going to be working in the warehouse. Now if it's an 8000 square foot warehouse that isn't really that large and these are car parts that are going to get stored there and then shipped out. It doesn't make sense.

They want 27,000 square feet for the storage of their trucks, and only 4700 is allowed. So are we going to let them do 7 times what's allowed, are they going to go get a variance for that? Why are we going to let that happen? I think the great thing for this gentleman to do is to donate the land and improve the area and expand the horse farm. What a beautiful thing in our city that we have that we don't even get to appreciate. Thank you, those are my comments.

Mr. Ken Crysler – Good evening Honorable Members of the Planning Commission and everyone else in attendance tonight. I live at 14632 Hoerning Avenue, very close to the proposed Barber property. I don't know much about the City of Warren ordinances, if it meets the zoning that's pretty much all that matters, I know that you are taking into account a lot of what we say about our properties. I have come across a few of these ordinances in the City of Warren. Section 21-24, Excessive Noise. It shall be unlawful for any person within any residential area of the city or on any public street to make any excessive noise between the hours of 10 pm and 8 am, which disturbs the quiet or peace of the persons located in the vicinity, he said he's likely to start at 6 or 7 am.

Section 21-8, Engines and Motor Vehicles. It shall be unlawful for any person within any residential area of the city to repair, rebuild, or test any motor vehicle between the hours of 10 and 8, again he's likely to start between 6 and 7. Section 21-92, Definitions of Offensive Odors, an offensive odor is a strong or foal odor which

includes but is not limited to odors caused by chemicals or industrial activities. Section 21-93, a person is prohibited from causing or allowing the transmission or emission of these odors from his or her property that a reasonable person would consider an offensive odor, endangers the public health or welfare, or unreasonably interferes with another person's health, safety, peace, comfort or enjoyment of property.

It appears that we have the right to enjoy our property per this ordinance. An odor violates this section if it potentially causes distress, discomfort, or injury to a person with ordinary sensibilities or substantially interferes with comfortable enjoyment of residential dwellings by a person of ordinary sensibilities. We believe that whatever he plans on doing or whatever this truck service company evolves into, I still don't know what it's about, it will as Section 21-93 states, it will interfere with the enjoyment of our property. Thank you.

Mr. Christopher Gravlin – Good evening, I live at 14624 Hoerning Avenue. I would like to apologize for my outburst earlier. This whole thing should have been dealt with the first night that we were here. On that first night this gentleman was the petitioner for this project, tonight he's not the petitioner, I'm sorry something is wrong there. You Mr. Smith I respect you for your opinions, you told us a few weeks ago get used to change, well you know what I'm used to change I bought this property knowing that it could be commercial behind us. You guys have heard that there are 70% trucking companies, wrong there are companies back there that have trucks deliver and pick up. There are two trucking companies and because of those two trucking companies, according to the petitioner tonight you see 300 trucks a week and now you're talking about putting in another trucking company. All these other companies that just have trucks that deliver and pick up they may have 20 or 30 trucks come in a week that's an average of six or seven a day, where are all those other trucks going to and coming from.

I was almost hit the other day turning onto Barber from Gloede by a semi-truck who did not stop at the stop sign. He proceeded straight through without even attempting to stop, I had to slam on my brakes to keep from ending up under his trailer and you know what he did he kept going to the non-petitioner's company. It is not his fault, but it is not my fault. There are trucks all over this country. We need them but these truck drivers do not obey laws.

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We were told at the last meeting that the Planning Department was going to jump right on getting these signs put up he wasn't going to wait for this to get done. There are no new signs, these trucks do not obey the laws. I know that I see them all the time. There have been a lot of questions asked of this petitioner and there really are no answers yet, none. So this guy is free to do what he wants after he gets approved. I would like to thank a couple of the members here who do seem to actually have the concern of the citizens in mind. I would like to thank the rest of you for caring about the city, care about the people too please. Thank you.

Mr. Alex Hentkowski – I live at 14618 Hoerning Avenue. I just have concern about what Mr. Marvin said the last time they were here and they talked. He was saying that we have police officers at the Warren Woods Tower High School, that is false. We do have one officer that stays inside the school at all times including like two or three hours after school for any sort of clubs that are going on.

Another thing I would like to say the buses that he also mentioned, today those buses are for the Special Ed kids and they have to leave about five or ten minutes early. The rest of the buses that carry the kids that go to school every day, they are all the way in the back of the front school parking lot near the football field.

I also wanted to talk about my family's safety of course, we've all talked about this a couple times, so I'm not going to go over it. I just want to have my family safe from all the trucks. Thank you.

Mr. Frank Schreiner – I live at 27295 Gloede, Warren. I live right across from Marvin's trucking company, he's on the east side of the street I'm on the west side I'm about 20 feet away from his trucking company. I noticed that since he moved there's been more and more trucks coming through the area than there used to be, I don't know why but there is. The trucks that come down through his trucking company are adding up to probably five times as many as there used to be. He only used to have two or three trucks coming out of there a day now they are coming from 4 am until almost midnight and they don't come down quiet when they pass my house. My house actually rattles and moves from all its heavy trucks coming through. I don't know how many pounds or tons that he's hauling but sometimes when they come through, I can hear them putting the gear shift down into low gear out of his yard onto Gloede Street and out to Bunert.

With all this pollution that they are talking about now in the United States and all over I don't think we need more trucks in one area that we don't have to have. Our government is talking about carbon coming out of these trucks why do you want to put a convey of trucks coming down the street more than usual down Barber and Gloede. Everybody on this board here knows that the government is trying to limit the amount of carbon coming off these diesel engines. Now is the time for you people on the board to say now is the time to change, this is not right in this area for what he's trying to put in here. It's right against the residential area and before these trucks have to come down this area they have to come down Bunert and pass homes and a church, down Gloede where there's homes, I'm one of the owners. I think this is wrong to rezone this, do something else with this property or have them change something, it's not right. Thank you.

Ms. Sherri Callow – I live at 14610 Hoerning Avenue. I just came before you again to tell you that my house does backup to it, I'm smack dap in the middle. I know you've heard us many times talking about the headlights and trucking, my big thing is every time he comes here he has not directly answered any questions. The town hall meeting he had it was never directly answered as to what kind of hours he would have or what are they going to do with the trucks that come in after hours. Are they going to be sitting there in my backyard running, are they going to have headlights facing my backyard.

He took down mature trees, every other business on that street except for one that was let in by the city not that long ago they did they same thing, but most of those others and there's 6 other buildings down there, they all have original trees. This guy came in and took everything out because he wanted to park all the way to the fence. Is he going to park to the fence, I see that you guys say he can, he can put a car all the way up to the fence is what I just heard. So what is going to keep me safe, do I have to now keep my windows and all my blinds closed all year long 24/7. I don't want to look at that a berm that's not going to hold that. I have a building that's kiddy corner to me that their lights are in my house all the time because somebody took all the trees down, the other building only had to put a berm up. I don't mind a business, but every other business down there is 9 to 5 they have quiet cars and that's it. If he would have left the trees up it may not have been as big of a deal, but he wanted to put a parking lot there.

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What I want to know, what are his hours. What's going to happen when they come in on Saturday or Sunday and there's nobody to there to let them in are they going to be sitting. Right now they sit on the end of our street running, sleeping in their truck, there's pee bottles on the side streets. Whose letting them in to use the bathrooms it's going to be winter soon.

It just doesn't make sense, we are a subdivision, the only reason that street is there is because the farmlands were run out with the heavy high taxes. Those farmers would have kept their land there's no way they would have let that go; they were run out with high taxes. So now the city comes in and puts a street everything else that was back there faces Eleven Mile or Groesbeck this one little bit of businesses that face us are all quiet. So you can't tell me that we knew, no, when we came there there was not trucking community there were no trucks there. Then you guys let them in and he brought more and more trucks, they are multiplying. When are you guys going to take us into consideration. Please look out for the citizens and get him to answer to this, what is happening. If you do approve this we want to know what are his hours he shouldn't be able to run trucks 24/7. Thank you.

Mr. Garry Watts – Garry Watts, City Councilman, this is my district. I've been over there numerous times, I've attended all the meetings that has to do with this. I found it odd that the votes were changed, that they reconsidered the vote and I have concerns about that I hope it's not political pressure from City Hall. I've been to every meeting and the story has changed every time. I don't have a problem with development in this community, but I have a problem that the story continually changes, that's huge.

I also have a problem, and this is probably before our time or before Mr. Wuertth's time, how do we end up with a commercial property backing up to a residential neighborhood because a lot of those homes were there before hand. Those people have lived there a long time, they have rights too and they shouldn't have to put up with this in their backyard, especially when we can't get a straight story, that is huge, that is huge. We had to have him clean up his other property in the beginning because his other property on Gloede was a mess.

Tonight, I was a little bit concerned about the speech about how the Planning Commission works it almost makes me wonder what's going on here. And lastly, on the way in I talked to the developer

that claimed he wasn't the developer he told me that the City Attorney's Office told him that he may just have to sue the city to get this done. I have a problem with that, I work for the citizens and the people of this city work for the citizens that are paying taxes here that live here. We shouldn't be guiding people in this direction we need to do the right things in this community and we need to make sure that neighbors have good neighbors. Thank you.

Ms. Jackie Palco-Cattera – I own the horse facility and I also live on the property directly across the street from the property that we are here for tonight. I had the pleasure to walk Bunert, Barber, Gloede, Hoerning, Martin, Eleven Mile Road, Sutherland, Joyce, and Melvina with Todd Fathbruckner who owns a horse at the facility. I talked to 202 people which everyone of those 202 people had a voice and all of which when we told them exactly what was going on told us that they did not want another truck in the area. All of Gloede and all of Barber every factory has signed our petition, everybody put comments next to it. These are factory owners that are sick and tired of two truck companies in the area stating that there is way too many trucks. One of the factory owners actually signed Marvin's petition and when I came to his office, he had cameras behind him and as we were talking three trucks went by, he actually said give me give me I'm changing my signature to you I can't stand that company. On one side of Marvin's building or his father in laws they told me they backed up their trucks into the fence that they ruined the whole fence line and that they have a new fence line. The other neighbor said look at my driveway he's ruined that.

One factory owner asked me can I see the plans, they said he's absolutely lying to you straight up lying to you. That is not a warehouse, a warehouse consists of docks where you back up your semi-trucks and a high low comes drives into your truck and takes these parts off. Marvin has five garage doors facing the subdivision that's where these semi-trucks back into there to fix the transmission, fix the brakes, they'll do body part repairs they are not unloading auto parts. He has one dock in the front that may be unloading auto parts that's for the trucks that he's fixing. As of right now he has a semi junk yard. The people come in they park their trucks they sleep there overnight, and they pee in bottles and throw them out. I know this for a fact because there's somebody that actually showed me pictures, but they say they don't want to come forward because of Marvin's father-in-law, he is very nice but he's also a bully.

I'm concerned about my horse farm, I'm concerned about myself and I'm asking you to please not allow another trucking company in the area we have two his and another one that brings all the trucks in, not the small factories. That's my concern for tonight, thank you.

Ms. Darlene Hale – I live at 24837 Dale, I live in Eastpointe and I have a horse at the Hobby Horse Farm. This morning when pulled up at the farm at 7:20 at 7:21 here comes a semi I made a list of all the trucks that came down I sat there for four hours and there were 39 trucks that came down. That doesn't mention all the cars and pickups and everything else. That's all I wanted to point out, I sat there this morning and did this and wanted to let you know that they are there. Thank you.

MOTION

A motion was made by Secretary Mouri to approve, supported by Vice Chair Boniecki.

COMMISSIONERS PORTION:

Secretary Mouri – Can you confirm your times of operation?

Mr. Marvin Marooki – Seven to six Monday thru Friday, nine to three on Saturdays.

Secretary Mouri – I also have a question to the attorney real quick, I know we mentioned this a couple of times we had some questions about the ordinance that came up to. This site plan is currently complying with all the ordinances that we have in the City of Warren?

Ms. Mary Michaels – If there's not a variance correct it does meet the ordinances.

Secretary Mouri – And I don't think I heard anything about variances, correct me if I'm wrong. So right now according to you and according to the ordinance that we have?

Ms. Mary Michaels – That's for the finding of the Planning Director but that's the standard, if it meets the ordinances then site plan would be approved, it's an administrative function but there would also be standards in the review that would also have to be satisfied.

Secretary Mouri – That's one of the things that I wanted to confirm. Mr. Wuerth, according to our planning process we have this plan that

we have in front of us is currently meeting with all the City Ordinances that we have?

Mr. Ron Wuerth – It meets with the City Ordinances and the State Ordinances.

Secretary Mouri – We have looked through all this, the Planning and it is compliant?

Mr. Ron Wuerth – It complies, yes.

Secretary Mouri – Thank you.

Assistant Secretary Chowdhury – I know you had mentioned the times, what were the times again?

Mr. Marvin Marooki – 7 am to 6 pm.

Assistant Secretary Chowdhury – What if they don't make it in that timeframe?

Mr. Marvin Marooki – Unless there's weather conditions or something that prevents them then they'll have to.

Assistant Secretary Chowdhury – So what do they do, is there a backup plan for that?

Mr. Marvin Marooki – They will have to wait somewhere like a truck stop.

Assistant Secretary Chowdhury – What do you mean wait somewhere?

Mr. Marvin Marooki – Reschedule their delivery to the next day or we have to wait if it's like 30 minutes.

Assistant Secretary Chowdhury – So there not parking on the side of the street waiting or things like that?

Mr. Marvin Marooki – They're not allowed to park on the side of the street.

Assistant Secretary Chowdhury – Thank you.

Commissioner Tutt – You said the hours start at 7 am until 6 pm and if someone comes during the hours that you guys aren't in operation they wait somewhere, is that on the property, where is somewhere?

Mr. Marvin Marooki – There's a Communication Logistics so there's scheduling they are not going to just show up there's timing everything is planned. If there's a delay because of an accident or weather that's the only time we make an exception. We decide to either come back in the morning or wait for them if it's a matter of a few minutes.

Commissioner Tutt – Do you live in Warren?

Mr. Marvin Marooki – No, I don't.

Commissioner Tutt – So do you have someone that does live in Warren that would be available in case that was an issue?

Mr. Marvin Marooki – Most of my employees are Warren residents, my business is based out of Center Line.

Commissioner Tutt – Another question that came up often, the residents asked what is the business, so for the record what is the business?

Mr. Marvin Marooki – It's an auto part warehouse.

Commissioner Tutt – Auto parts warehouse and open storage?

Mr. Marvin Marooki – Yea.

Commissioner Tutt – Your father in law spoke as not a petitioner.

Mr. Marvin Marooki – No but he was trying to make a point because he saw that I was nervous, he was trying to make a point that I wasn't able to get clear to you guys.

Commissioner Tutt – Which one of you addressed the neighbor with her children's names and how did you get the children's names?

Mr. Marvin Marooki – That would be me. So 150 feet is going to be grass so that area nobody is getting in there. There's some confusion, they are changing the stories and getting you guys confused. I never changed the plan since the neighborhood

meeting. They had enough time to review it and go through it and they came and said I was changing the plans, I never changed it. The first hearing when I was here I wrote down all the notes and me and my Architect worked to fix all those problems. The only thing that we added from the meeting was the fence everything else was addressed before the neighborhood meeting was held.

Commissioner Tutt – So your site plan is meeting the criteria for zoning and ordinance I want to encourage you and your team to, if this is approved, to be good neighbors and not be bullies. I'm not saying that you are I just want to encourage that okay.

Mr. Marvin Marooki – I would like them to work with me, I tried to approach them multiple times and I'm not getting a good response from them.

Assistant Secretary Chowdhury – Do you have a 24 hour dispatch center?

Mr. Marvin Marooki – No.

Assistant Secretary Chowdhury – Is that something you would think about in the future?

Mr. Marvin Marooki – No.

Assistant Secretary Chowdhury – So how many trucks, within the timeframe with the normal operating business hours, how many trucks are you expecting just an estimate?

Mr. Marvin Marooki – It depends on the schedule it's not something I can tell you.

Assistant Secretary Chowdhury – Just a rough estimate.

Mr. Marvin Marooki – Like 8 or 10.

Assistant Secretary Chowdhury – And they are large loads coming in and out?

Mr. Marvin Marooki – It's going to be semi-trucks, box trucks and cargo vans.

Assistant Secretary Chowdhury – And your vendors are delivering to the warehouse?

Mr. Marvin Marooki – They are mostly locals like Warren, Sterling Heights and Detroit.

Assistant Secretary Chowdhury – Okay thank you.

Chair Smith – Good evening, sir, you said your hours are 7 to 6 Monday through Friday and 9 to 3 on Saturdays?

Mr. Marvin Marooki – Correct.

Chair Smith – Because what I'm hearing is the hours of the trucks coming by. One of the things that's bothering me about this whole situation is most of the issues that people are talking about are from the existing businesses already there. I went to the meeting when you met with the residents, and you said you'd try and work with them. When your plan came before because it meets the requirements, we have to approve it, but we had the public hearing so you could hear what the residents had to say. You said you would work with the residents to try to address the concerns. You're not going to be able to address all the concerns because you're not making all the issues that's going on in the neighborhood, you've got other trucks coming down there with the noise that's existing now. You've got no control over the existing noise and what's going on with the other trucking companies. The only thing you can be concerned about is what you can do to not add to it with your business. You can't deal with all the other stuff that's going on because that's not your responsibility.

Another thing about the children, I have children too and we all as parents try to make sure our children are safe, which I agree with. But on the other hand, a lot of times we are not with our children 24/7 so we have the responsibility to teach our children to be safe also. You've done some changes on the site plan from the original one you put the fence around it, you took the retention pond out and put it underground, so you have done some things to address some of the concerns of the neighbors. That's the purpose of a public hearing to try and make suggestions to where you can try to address their concerns.

Mr. Marvin Marooki – I'm willing to work with the neighbors even without the city I can work with them as a good neighbor. If making small changes makes them happier, I'm willing to do that.

Chair Smith – And as a Planning Commission if it meets the requirements and we have to approve it the only thing we can do is make suggestions to you of what you can do to address their concerns and continue to do it. One thing I want to add to the approval is the hours of operation from 7 am to 6 pm, Monday through Friday and from 9 am to 3 pm on Saturday, I want to make that a condition of the approval that it stays within those hours.

Mr. Marvin Marooki – Okay.

Chair Smith – Do you have a problem with that?

Mr. Marvin Marooki – No, does that apply to all the businesses there because there's businesses that run 24/7.

Chair Smith – I know, in an M2 businesses can operate at a 24 hour period and by you keeping yours where you stated we want to make that a condition of the approval that you maintain those hours if you can. I understand things come up but try to maintain those hours as you can. You're not going to solve all the problems in the neighborhood these are problems that have been going on for years and I appreciate the horses, I appreciate what the horses do for people, I appreciate everything but you're situated between two commercial buildings already. All the things that have been happening in the neighborhood are not from you because you're not even there yet, but now that you know what's going on in the neighborhood you can do things to correct your part of this problem. You can only correct your part of the problem you can't correct the whole neighborhood.

Ms. Mary Michaels – One concern sir, would you be able to agree to the limitation on the hours?

Mr. Marvin Marooki – Yes, I will work with the planning department.

Ms. Mary Michaels – So we can get a commitment to that as part of the approval, if it is approved?

Mr. Marvin Marooki – Yes.

Chair Smith – That was a motion by Secretary Mouri supported Vice Chair Boniecki, roll call.

ROLL CALL:

The motion carried as follows:

Commissioner Tutt..... Yes

Commissioner Robinson..... No

I'm going to vote no because this area does not need another trucking firm. I took the time prior to coming here this evening to kind of dissect the procedures for special land use approval, and I came up with something very interesting here, there was common phrases that kept permeating through the special land use approval. One of those that kept coming up was the compatibility with the natural environment. Also the natural resources and then what was consistently stated is the proposed use is consistent with the public health, safety and welfare of the city. The city is made up of residents. This was mentioned twice throughout the special land use approval. I don't want to elaborate but I have the section where this was stated because it was stated twice. When you say public health well this will add significantly to the quality of life issues for those residents not only abutting this area but the whole neighborhood.

There's no law enforcement that is going to ticket these truckers for driving up and down the resident's neighborhoods day and night. The noise, the fumes there's no control over that no police officer is going to stand out and park there to prohibit this activity. The only way you stop truckers from doing it is to ticket them. When it hits their pocketbook, they will adhere. They are not adhering to any signage where it says no trucks in the neighborhood, so this is only going to add to their quality of life. This is why I'm totally against it. Once he gets started with this business and starts making money everything can be tossed to the waste side. So I've said my peace.

Assistant Secretary Chowdhury..... Yes

Vice Chair Boniecki..... Yes

Secretary Mouri..... Yes

Chair Smith..... Yes

At 8:35 pm the Planning Meeting is in recess.

At 8:40 pm the Planning Meeting resumes.

- B. REQUEST FOR REZONING WITH CONDITIONS: Located on the east side of Schoenherr Road; approximately 841.58 ft. north of Ten Mile Road; from the present zoning classification R-1-C, One Family Residential District to R-3, Multifamily Dwelling District; 25480, 25468, 25440 Schoenherr Road; Section 24; Rafi Ahmad.

PETITIONERS PORTION:

Mr. Jeffrey Graham – I’m the Project Architect I’m speaking for Mr. Rafi Ahmad. What we would like to do is table it, we have good reasons for that, we actually just got our comments within the last couple days from the Planning Department. We had a meeting at 1:30 at City Hall and went over these items. They did, actually, in their recommendations agree to an approval based on some conditions and we’d like to work out their conditions. I can go into lengthy reasoning as to why we’d like to get the tabling. Basically we want to accommodate the Planning Departments comments into our design and move forward from there. We feel that there are a number of comments that came up that we need to change the drawing so that the drawings match their comments 100% with the exception of the vacated plan. So that’s basically our goal tonight.

Chair Smith – The petitioner wants to table it, would it be better to table it or postpone it?

Mr. Ron Wuerth – It would be better to postpone to the next meeting. We had a meeting with them this afternoon at 1:30 and spent a good hour and half talking about it and the concerns that the Planning Staff raised. They are not serious concerns but it still has a lot to do with he regular design of this property, the density and the parking. They didn’t know about the changes but it’s part of what our job is, so that’s what it’s about. We talked about the postponement, and we agree, and we agree with their suggestions.

MOTION:

A motion was made by Vice Chair Boniecki to postpone until November 20, 2023, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Chowdhury.....	Yes
Commissioner Robinson.....	Yes
Commissioner Tutt.....	Yes
Secretary Mouri.....	Yes

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

C. SITE PLAN FOR LANDSCAPING FACILITY WITH OPEN STORAGE: Located on the east side of Groesbeck Highway, approximately 756.81 ft. north of Frazho Road; 26190 Groesbeck Highway; Section 24; Robert Kluck (Zachary Matouka/The Yard Men); PSP230036.

PETITIONERS PORTION:
Mr. Zachary Matouka – I’ve been in business in Warren for 14 years landscaping. I currently rent property at Toepfer and Hoover and I’m looking to buy this property at 26190 Groesbeck to make it our home base.

Secretary Mouri reads the following correspondence:

TAXES: Current.
FIRE: Approved.
MCDR: No objection.
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 the Schoenherr branch’s drain easement, which is a county drain that is in the Groesbeck Road right of way, therefore this office would have no objection to this request. No work is allowed in a county drain easement without review and approval. Prior to site plan approval, any proposed project that is under the jurisdiction of this office shall apply 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. Please contact this office, should you have any questions, 586-469-5910.
MDOT: The applicant’s site plan may require a permit to work in MDOT right of way, I can’t tell if they are changing the driveway. Any proposed 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 be reviewed. The permit may require detailed plans, bond and insurance.

Mr. Ron Wuerth reads the recommendation of the Staff:
Eliminate 1-H completely.

MOTION:

A motion was made by Vice Chair Boniecki to approve, supported by Secretary Mouri.

COMMISSIONERS PORTION:

Secretary Mouri – I know this is a site plan for a landscaping facility, what type of landscaping are you planning on doing?

Mr. Zachary Matouka – Grounds maintenance and enhancements.

Secretary Mouri – And with open storage what are you planning?

Mr. Zachary Matouka – We will have topsoil, mulches, rocks and those materials.

Secretary Mouri – Is that a house northwest?

Mr. Zachary Matouka – That is the current dilapidated house that was on the property that will be demolished.

Secretary Mouri – That is your property?

Mr. Zachary Matouka – Correct.

Secretary Mouri – Okay that's it, thank you.

Chair Smith – I don't know who did the drawings, but I think they left off a lot of dimensions. Usually I try and look for dimensions especially for elevations and landscaping and things like that I saw a lot of lines but I didn't see many dimensions so that might be something you want to correct on your drawings.

Mr. Zachary Matouka – Okay.

Chair Smith – I guess that's the only thing I have to say at this particular time. The bays in the back where you're doing the topsoil are those going to be covered or anything like a canopy or something over them?

Mr. Zachary Matouka – They will not, they will be open. The only thing that will be covered will be a salt bay.

Chair Smith – Okay, thank you sir.

ROLL CALL:

The motion carried as follows:

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

D. SITE PLAN FOR SITE REDEVELOPMENT FOR EXPRESS CAR WASH (AUTOMATIC CONVEYOR TYPE) AND PARKING LOT:

Located on the east side of Mound Road, approximately 587.47 ft. south of Twelve Mile Road; 28740 Mound Road; Section 16; R Andrew Martin, Jr./Ash Ventures LLC (Craig Van Bremen/Express Wash Concepts); PSP230035.

PETITIONERS PORTION:

Mr. Jacob Rilett – I’m with Mannik and Smith Group, the Engineering Company that did the design for this. Express is a pretty large car wash corporation going across the whole Midwest. We have 91 locations; it’s not franchised, it’s all one organization. It’s a subscription model but you can also do single washes. It’s intended to be a more of a express convenience, quick, more technologically advanced version than your traditional car wash. There’s an advanced water reclamation system, there’s free vacuums that are both indoor and outdoor. We will actually be reusing the existing, I believe it’s an insurance building on this site, we will be renovating it and reusing it which will allow for indoor vacuums, which is a nice touch especially in Michigan winters.

The parcel also includes a pretty good chunk of land to the east that backs up against the county drain, we are not going to develop that back half we are just going to develop up to the property line of the neighboring property which is about 690 feet back and the large wetland area in the back will be left undeveloped for now, possibly for future use. We will be maintaining the 26 foot drive isle which is the fire lane width for access to that property in case anything does happen in the future.

We intend to do a underground detention system for storm water so cars will be entering from Mound Road cycling through the site. There will be double wide stacking lane across the south side of the site there for cars to stack up where there’s a self service station so

they can pay and access the building. There are usually three employees on site with one dedicated to being outside just in case people do have issues with that pay station or for any reason aren't able to pay and there's a bail lane before they actually enter the building on that southeast corner. Generally our clients use the vacuums after using the wash, the vast majority of them do that so it's oriented where you go through the single conveyor bay on the south side of the building and then you have the option of either exiting the site. If you don't want to use the vacuums indoors you can swing and use the vacuums inside of the building or continue out the east side and use the outdoor vacuums before leaving the site.

Some of the main concerns we generally get are the effects on the neighboring water pressure. Because of the advanced water reclamation system that this car wash has it is able to recycle over 80% of the water used. It only takes about 20 gallons per wash and the dryers are significantly more efficient than what you'd see in a normal car wash, which means you don't have to have outdoor employees hand drying any cars, which speeds up our process. We are able to get a car through every 30 seconds or so, we conservatively put out 100 cars an hour, it really helps us speed things through and avoid a lot of the heavy backup stacking issues that you might see at a slower old fashion car wash.

Another issue we come across is a noise issue but the vacuums themselves in our model does not make any noise all the noise comes from the correlator motor boxes. We've had a sound study done for those at a distance of 30 to 60 feet and the noise has decreased to the same level that you would see on a standard city street about 60 decibels. The same goes for the dryers at the end of the car wash bay. If you have any questions, I'll be happy to answer them.

Secretary Mouri reads the following correspondence:

TAXES: Current.

ENGINEERING:

1. The area of disturbance for this site is greater than one acre and shall comply with the storm water ordinance of the City of Warren. All storm water runoff shall be maintained on the site. Follow the City of Warren Storm Water Standards specified under Ordinance 80-796. This includes detention, pre-treatment,

bio-retention cells, rate control, and infiltration. Infiltration testing is required on site.

2. The plan shall show all existing utilities and easements, as well as proposed utility connections.
3. Any proposed work with the Mound Road right of way will require a permit from the Macomb County Department of Roads. Also show the existing right of way line on the plans.
4. If the existing water and sanitary services are to be reused for the proposed building, their condition must be verified using a camera.

FIRE: Approves this plan.

MCDR: No Objections.

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, however, the site plan is not complete with storm water details. The site is adjacent to the Bear Creek drain and easement, no work is allowed in the easement without review and approval.

Prior to site plan approval, any proposed project that is under the jurisdiction of this office shall apply 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. Please contact this office, should you have any questions, 586-469-5910.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

A motion was made by Secretary Mouri to approve, supported by Vice Chair Boniecki.

COMMISSIONERS PORTIONS:

Secretary Mouri – So this is a new type of car wash that we are going to have, you mentioned something about it being new and this was not introduced before, what is new about it?

Mr. Jacob Rilett – I was more referring to the technological sort of advancements this has over your traditional car wash or one that doesn't have the free access vacuums. A lot of the older styles are self-wash or the dryers are able to fully drive off a car completely so in the cold weather like you get in Michigan you've got to have

employees outside drying things off. They are not able to recover as much of the water that they use so it puts a significantly more taxing on the pressure of the waterlines in the area. I'm referring to basically the advancements in the technology of car washes in general.

Secretary Mouri – How long would it take for a car to go through the whole process?

Mr. Jacob Rilett – We can cycle a car through every 30 seconds to get a new car in, as far as passing through the washer I don't know if I have that number, I'm guess within 2 minutes or so.

Secretary Mouri – Like within 2 minutes it can go through the washing and the drying?

Mr. Jacob Rilett – Yes, the drying doesn't take any extra time, it's part of the conveyor process.

Secretary Mouri – How many employees are you going to have, I know you said there really doesn't need to be any employees to be outside?

Mr. Jacob Rilett – On an average day it would be two to three, there's going to be two inside because there is a small retail area for buying engine oil or whatever cleaner supplies they might want to buy. Then there's always going to be one dedicated to being outdoors to either assist with pay stations, or help traffic flow, or pick up trash that people don't get into the vacuum trash cans or whatever issues come up. In a higher traffic peek hour like on a weekend or after the cold weather when people are more likely to be doing a car wash, we might have up to six, max.

Secretary Mouri – I know Mr. Wuerth just read off all the recommendations. Are you aware of all of them and do you agree with all of them?

Mr. Jacob Rilett – Yes, we did submit another site plan this afternoon that complied with most of the basic ones, a lot of these were already listed on the tables as well. The few that we were having some questions about item number 9, the request for the variance for the visibility wall.

So essentially the south property line behind the building to our south their property ends and then it joins and the property that two south of us wraps around the business next to us so it borders on the back half of our property a little bit. It's zoned M2 so we weren't thinking we'd be required to put in any sort of screening wall which is required when you're abutting a residential property. However, there is a residence on this property that is supposedly vacant, and it's not supposed to be residential anyway and has about 500 feet of forest in between us and them. So, I want to verify the need for the wall or a variance to avoid the wall in that situation.

Secretary Mouri – That's actually one question I was going to ask too. Mr. Wuerth, so it's a vacant residential dwelling in the area?

Mr. Ron Wuerth – I assume it is, I didn't go back there to see if anyone was living in the dwelling, I've heard that it's vacant.

Secretary Mouri – I know the petitioner just had a question; they would still need to get a variance from the Board of Appeals before this is continued?

Mr. Ron Wuerth – They need to have one yes, according to the ordinance. It states it clearly in the industrial district, it's a little unusual but it's still there.

Secretary Mouri – The property is a residential dwelling, so it is a residential building, maybe vacant, maybe not?

Mr. Ron Wuerth – It is, that's a fact. So that's what makes this whether it's inhabited or not the issue.

Secretary Mouri – I know with all the site plans we always notify everyone that is around the area the 300 feet so I'm assuming that this owner was also notified about this change?

Mr. Ron Wuerth – Of course they're abutting the property.

Secretary Mouri – Yes definitely, so with the fact that no greenbelts or the walls at this point are not necessary with that being residential?

Mr. Ron Wuerth – We don't think it's necessary, as the petitioner said there's about 500 feet of woods between the residential dwelling and the property line, that's quite a distance. That's where

sometimes the ordinance doesn't seem quite right, but the ordinance states it and that's what we have to respect. We didn't catch it the first time we caught it this time.

Secretary Mouri – Okay thank you.

Chair Smith – Good evening sir, I was looking at your drawing and I had the same kind of issue, lack of dimensions.

Mr. Jacob Rilett – On the site plan that we submitted this afternoon I added the dimensions that you had requested for the ADA parking spaces, a couple more tie ins to property lines and things like that.

Chair Smith – I also have another question, in the middle where you have the vacuums that are outside, I have concern there because it seems like where the arrows are coming in and to get in the area to vacuum, you're going to have a lot of congestion in there. You're coming off the conveyor possibly, you've got the escape lane that's going to come through there. If you stay on the conveyor and you go through the building, and you've got the vacuums and the dry off areas in there and you come out of there you're going to interfere as you turn left with the traffic coming in to go to those dry offs on the outside. It seems like those should probably maybe be moved to where they are closer to where the mainline is coming in of traffic. Take that curb out and bring them closer to that direction because I know they have to back out, but still they can pull in and back out into that lane and then go into the car wash. Where here it seems like you're going to have congestion between that curb and where you're vacuuming out the cars on the outside.

Mr. Jacob Rilett – We drove to quite a few of these sites and traffic circulation tends to be the main point of focus for us. So when they come out of this car wash if they are going to turn up into the building to use those vacuums there, almost everyone that uses the vacuum (inaudible). So we don't anticipate a lot of customers when they come in from that drive turning into use that vacuum area before circulating all the way around to the outside, we would assume for the vast majority they are going to be doing that after coming through the building. The only reason they will be using those outdoor vacuums before going through the wash would be if they were just choosing to vacuum outside instead of using the indoor stalls for some reason. Maybe the weather is nice or maybe all the indoor spots are being used.

That escape lane after the pay stations is almost never used, that a rear occurrence where a car is too big to fit through it doesn't have enough clearance to get through the wash for some reason or they aren't able to pay and need an employee to let them out. There's going to be essentially zero traffic volume using that escape lane. We would anticipate most traffic entering the site for the first time coming around using the full exterior to get into the stacking lanes, whereas traffic using the vacuums is going to be coming through the building into the west and avoiding crossing in that way.

One thing we could do to potentially fix this issue would be to move that vacuum area north to south and have the vacuums abutting on that curb island on the north side that would leave the exit lane out of the building to go straight, but that would take away some of your stacking lane spaces. Based on the ordinance there's a 20 minimum stacking spaces, we do provide that, but it also has the added stipulation of half of the maximum vehicles per hour as stacking space requirement if that's possible. Because essentially that quantity is intended for a much slower type of wash that would have required us to have 50 stacking spaces which is essentially unfeasible for any site. So we were trying to show that we were trying to maximize the amount of stacking spaces that we could do while still meeting the bare minimum of 20.

Chair Smith – I don't really have a problem with the stacking spaces, the problem I have is the location of them, I feel that they need to be moved closer to the main road that's going in. People can come in the main road pull in they can back out and come around and go through there it seems like there's a lot of congestion right in through there. It seems like if you could move the whole row of the outside vacuums up a little bit then you would cut down on the congestion between the curb and the other traffic coming in.

Mr. Jacob Rilett – Because we have 91 sites we know that almost all the people using the vacuums do so after using the wash, so they are going to be coming from the building exit. So the people going into the vacuum area are going to be coming from the bottom left building there and the people coming into the stacking lane are going to be going on the north drive all the way around the outside. It is sort of currently configured into a way to try and avoid traffic crossing in different directions as much as possible. If we were to flip those vacuums up to say have the curb lane move south and have the vacuums on the northside that would create and increase in traffic because the people using the vacuums leaving the building

would cross over with the people trying to get to the stacking lane. If that makes sense, I'm not sure I'm explaining it very well.

Mr. Ron Wuerth – This has been discussed and the conclusion that we actually came to is that long line of vacuum spaces that are there south of that separator between the two maneuvering lanes should be pulled north. That whole line of vacuums up to where that 6 foot wide separator is and remove that and then have them simply be used right off the main drive coming in. There's a lot of congestion coming out of the building for vehicles taking the escape route to go north from where the stacking is.

There's a lot of decision making going on here, I'm not so sure you want to have a lot of decision making. I think the idea here would be to eliminate decision making and have a general flow through it all, literally you could go in a circle the way those two maneuvering lanes behave. Potentially we wouldn't be opposed to postponing this maybe one meeting and have a meeting with the petitioner and see if they can try and modify that and see what we can come up with.

Chair Smith – Would you be willing to postpone it to go over things with Mr. Wuerth to see about making that a little less congestive?

Mr. Jacob Rilett – We would, because of the extension of the property to the west, the 26 foot wide drive isle to the north has to stay there. We need to have access to that property, it's not an option to get rid of that or alter that drive in anyway. So that really leaves us with everything south of that curb island that we could really edit. The current layout is really intended for cars, we could potentially put do not enter drive on the left side of those two access points that go south and that would really force the cars out around into the building and then flows out that access there on the west side in front of the dumpster so that cars leaving the building wouldn't be able to reenter the circle. The way that it's currently configured it avoids traffic crossing each other and has one linear route in the best possible configuration at the moment as far as we can tell. We are not opposed to tabling it and having a more in depth discussion about this issue.

Chair Smith – You have other locations right?

Mr. Jacob Rilett – Yes.

Chair Smith – Does this design work for the other locations?

Mr. Jacob Rilett – Each site is slightly different because this building has indoor vacuums, which is unusual for us because this is a remodel instead of a full tear down and rebuild. Obviously, we can't compare each site exactly to this one, but as a general traffic flow pattern we usually try and have cars come in take one route sort of around the outside of the site and then have the parking lot vac station separate for that as much as possible, which is sort of what we are going for here.

Chair Smith – I'd like to see it postponed so we can get a little clearer picture of the traffic and what you're talking about doing. I just keep seeing congestion in that corner. I know you said it should be fine where you can pull in and go around the outside circle but I'd like to get a clearer picture in my head of how it's going to work. And maybe look at another option of refiguring it a little bit. The main line is 20 to 26 feet driveway that's not going to change that's going to stay the same.

Mr. Jacob Rilett – We have no choice but to maintain that.

Chair Smith – Basically you're just removing the spaces up to the bottom of that curb area and the curb area wouldn't be there.

Mr. Jacob Rilett – Are you asking for them to be accessed from the north instead of the south, like would you pull in from the north side of them?

Chair Smith – Yes.

Mr. Jacob Rilett – See that's where I think you're going to end up with more congestion because the vehicles are going to be using those spaces after leaving the building and then backing up and blocking cars trying to get into the stacking lanes whereas the current layout generally all the cars using the vacuums are doing so out of the way of any sort of cars entering the site. The only time they cross the entrance route is when they leave as opposed to trying to pull into a site blocking cars trying to get in pull into a vacuum stall, which would be blocking cars.

We are trying to keep all of the backing and pulling out of spaces constrained to the center, which is out of the way of all the cars going around the outside. I do understand what you're saying. I

think signage would be a better way to improve it rather than moving spaces with potentially do not enter or clearer stripping signage to get the flow better. From a traffic design standpoint adding vac stalls back out into your main drive lane is going to be more of a congestion issue in my opinion.

Chair Smith – Mr. Wuerth can you come up again please. Do you think that the signage that he’s talking about will help remedy the situation?

Mr. Ron Wuerth – We opened up pandoras box here, I think we need to postpone this.

Chair Smith – Sir, we’d like to postpone this until the next meeting which will be November 20, 2023, are you okay with that?

Mr. Jacob Rilett – Yes.

MOTION:

A motion was made by Secretary Mouri to postpone until November 20, 2023, supported by Vice Chair Boniecki.

ROLL CALL:

The motion carried as follows:]

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

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

- A. SITE PLAN APPROVAL FOR NEW APARTMENT BUILDING ADDITION TO REGENCY CLUB APARTMENTS: Located on the northwest corner of Hayes and Frahzo Roads; 26160 Regency Club Drive; Section 24; Michael Tobin; TG Warren, Inc. **Approved on November 28th, 2016.**

AND

MINOR AMENDMENT TO THE APPROVED SITE PLAN FOR NEW APARTMENT BUILDING ADDITION TO REGENCY CLUB

APARTMENTS: Located on the northwest corner of Hayes and Frazho Roads; 26160 Regency Club Drive; Section 24; Michael Tobin (James Barnwell). The Minor Amendment is to expand building #20 from 10 units to 16 units and provide access to individual garages for each unit in buildings #20 and #21. **Approved on November 19th, 2018.**

The petitioner is requesting to modify the Planning Commission's standard condition for the trash enclosures for both site plans. The request is to allow the placement of vinyl fencing and wood railroad ties around the trash enclosures in place of the required six (6) ft. high brick embossed poured concrete walls with a 45 degree angled cap and screening gates. Postponed from October 16, 2023.

PETITIONERS PORTION:

Mr. Michael Tobin – Good evening, I'm Michael Tobin with TG Warren, 31151 West Ten Mile Road, Farmington Hills, Michigan. I'm here because earlier this year we met with the Planning Commission on what we needed to complete our bond and they brought it to our attention that I messed up. I didn't get a variance on the trash enclosures for this phase of Regency Club, which is our final phase, and I didn't realize that and that's why we are here tonight.

The rest of the community does have that variance and we are in the process. I met with Planning today and we had met earlier, and we discussed how the enclosure should be and that the smartest way to do it is to put in 4 inch bollards. After our meeting we have a bid for the entire project, not just the three that we are talking about but for the entire project to install 4 inch bollards and to replace all of the vinyl fencing in our whole community. Believe it or not we signed a contract for the fence last year and they are just starting to post today, it took that long for them to get the fencing. As soon as we are done here today and hopefully I'm approved then we're going to be signing the contract for all of the vinyl fencing around the dumpsters and for the bollards. Copies for both contracts the Planning has.

In our discussions with Planning the wood timbers would stay there but we would go around and make sure that nothing is over 6 feet. The ones with the wood timbers wouldn't need the bollards because

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the wood timbers are in the ground, so they are not going to move. The third one, which we agreed to pour concrete and move it back 12 feet so that when we put up the sides around it it will not be creating a site problem for people to turn. The only thing I would request on his recommendation is the screen gates, as none of them are required for the rest of our development, he felt it was easy to follow around the garbage truck but it's not the garbage truck that leaves those screens open it's the residents. When they open it up to put their trash in there they don't always close it and that created some issues. So we are respectfully requesting to not have to put in the screen wall on the three. Like I said on the whole community we are changing out all of the screening and we are putting in the bollards.

Mr. Ron Wuerth – We did meet and discuss this at length and what Mr. Tobin said to you about how they are going to be changed is exactly what we agreed to. As in number 1, when you look at A what will happen is they will be constructed not necessarily with timber but with vinyl fencing no more than to the height of 6 feet, that's the requirement of any fence in this city. As far as bollards are concerned not necessary when you've got the size of those wooden timbers, and number two and that they have soil behind them that helps keep them a lot sturdier, you can take a whack sort of speak when that dumpster is put down and hits a timber, so the bollards would not be required in number one. Screen gates they haven't had them there's not going to be a requirement for those this time either. So that was number one.

Number two, basically exactly the same as number one. And number three they'll change the location on the pad, just think of adding about 12 more feet of another huge square a 12 foot square of concrete behind it back in that area, that's where it will sit and that's where the fencing will be. So as vehicles approach that corner they'll be able to see around the box and make sure they don't come into contact with another vehicle or person. So that's the safety aspect to number three.

In number 4 it was an inspection, I made the statement that the following issues that shall be considered and that's basically what it is and he already said he's going around replacing all of the vinyl and he's going to put bollards in. That will help these types of containers to not hit the vinyl fencing anymore, so that will be a good change and modifications. So we pretty much worked this out.

MOTION:

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

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR CANNABIS FACILITY. FORMERLY SITE PLAN FOR NEW RETAIL AND RESTARUANT BUILDING: Located on the side of Dequindre Road; approximately 977.37 ft. south of Eleven Mile Road; Section 19; 26620 Dequindre Road; Geoffrey Sargent (Michael Malone); PSP200036. **Approved on December 7th, 2020. First extension request approved to December 7th, 2023. Petitioner requesting a second extension request to December 7th, 2024.**

PETITIONERS PORTION:

Mr. Kevin Barbieri – Good evening, Kevin Barbieri, 1100 W. Maple Road, Troy, Michigan, 48084. Essentially, we have a site plan approved for a cannabis facility the ordinance that would allow the operation of this facility has been challenged in court and it’s still pending and obviously it wouldn’t make sense to start spending money on this before we know whether or not this type of facility can be operated. So we would respectfully request another extension here.

Chair Smith – What the petitioner is asking for is an extension to December 7th, 2024.

Secretary Mouri – Does that mean by December 7th, 2024, the site plan is going to be done and completed? Just looking at the letter, and correct me if I’m wrong, you have not started any type of construction?

Mr. Kevin Barbieri – No, again we are waiting to see how the court case shakes out.

Secretary Mouri – But this extension that you’re requesting is for one more year?

Mr. Kevin Barbieri – Yes.

Secretary Mouri – So most likely they’ll need another extension if this gets approved and goes forward, right?

Chair Smith – The court case is what’s holding things up right now. The extension is to give them time to work it out through the court to see if they are even going to be able to go forward or not, am I correct on that?

Mr. Kevin Barbieri – Yes, nicely put, thank you.

Secretary Mouri – Thank you.

MOTION:

A motion was made by Commissioner Tutt to extend until December 7th, 2024, supported by Assistant Secretary Chowdhury.

ROLL CALL:

The motion carried as follows:

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

9. BOND RELEASE:

SITE PLAN FOR THIRTEEN ATTACHED CONDOMINIUMS:

Located on the north side of westbound I-696 Service Drive; approximately 150 ft. east of Dowland Avenue; 3161-2191 Eleven Mile Road; Section 18; Windmill Developer, LLC (James Cummins). **Approved on January 12, 2004. Project completed, release the bond.**

MOTION:

A motion was made by Vice Chair Boniecki to release the bond, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS:

None at this time.

11. CITIZEN PARTICIPATION:

None at this time.

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

Mr. Ron Wuerth – The Kum & Go Gas Station that was approved by the Planning Commission recently and that's located at Fourteen and Hayes and they want to withdraw that. But the owner Tom Tamou he wants to take it through, so we are in a transitional period a different owner as it will turn out. I'm glad to see that he'll find someone else who wants to represent as far as a gasoline type of thing that was important.

I had a meeting on October 19th, on Continental and they call it MHP, Mobile Home Park. There is a park down there a lot of the mobile homes have removed because they are not worthy of being lived in, very few left. These people saw it and they came to us, and we bounced around a whole lot of ideas not necessarily to continue the mobile home park but to do other things with it, other buildings. Perhaps a lot of multiple housing, apartments, that sort of thing, maybe a PUD with other commercial buildings mixed in there. That's a location identified by our future land use map in the Master Plan someone saw it and maybe we'll be doing that.

I attended the bi-weekly Warren Fire Station Meetings, two fire stations, the first one on Van Dyke by the semi new library site and then the second one on Schoenherr Road I think it's north of Common Road, so lots of discussion there. We've got some work to do, but they have them every two weeks so we keep on top of it.

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We talked to some people with a building on the corner of Lorna and George Merrelli Drive that's in the Arsenal Industrial District. It's called Android right on the corner they are changing things from being a trucking to less than trucking but still there's work there that they need to do, and I'm going to get them for some landscaping.

On the 26th I went to the SEMCOG Fall General Assembly and they have these twice a year I'm the alternate, when the Mayor doesn't go I go. It was all about placemaking what better thing to do a nice planning type of day where all the communities, there are over 80 communities who are members of SEMCOG they highlighted about 10 or 12 of them and what they have done throughout the southeast Michigan with placemaking.

Next there was communication with the Green Macomb Urban Forestry Road Map which was created in 2016 included 11 communities, Warren was one of them talking about tree canopy in Macomb County. So now here they are back now 7 years later and they want to do all the communities and then take a look at what happened with the communities that were involved the first time around.

Warren was one of the 11 communities, and they went backward as far as maintaining any kind of canopy, greenspace or anything like that. We went backward and street trees there's no respect they just get cut down at simple request. That's why we have an RFP out and we see that, we noticed it, it's in our Master Plan for greenspace conservation plan of this city so we can help try to regulate and save these trees from just anybody saying I don't want to rake the leaves anymore so would you please cut my tree, that's the most feeble reason I've ever heard and it's used all the time. I'm certainly not happy about that. So we will be working on this plan very soon as soon as we get the committee done and we hire someone to do this, every aspect of conservation and green space in this town for once.

One other thing I did is ask the Human Resources Department to hire an Office Assistant as opposed to having a Planner Aide. I chose the Office Assistant position because it's a full time position and the Planner Aide is not. We've always had too much flux employment and employees so we want to be stable, so I requested that, and they accepted it so they will be advertising for it. So if we can just get three people who do all the administrative work in our

office we'd be doing great. I'd say in the next here weeks I might be interviewing some people or either another Assistant Planner or the Administrative Secretary that we need up front. Basically, that's what I've been up to aside from working on these findings which always takes up a lot of time.

B) Planning Commission Discussion and Concerns:

Commissioner Tutt – I have three. One, tonight the petitioner's father in law had came up and spoke during the public hearing portion of the meeting. I told him that he couldn't speak because it was for public hearing, I didn't catch it but someone came to you saying that he could speak because he wasn't on the application, correct?

Chair Smith – Correct.

Commissioner Tutt – But then he got up and spoke as the petitioner during the public hearing portion of the meeting, I'm a little bit confused by that, Mr. Wuerth or Ms. Michaels could maybe for our next meeting just like we got this handy little article for this meeting can we have that for the next meeting in case something like that happens again?

Ms. Mary Micheals – Yes.

Commissioner Tutt – The other one was for areas that are zoned M2 and or industrial and how they meet requirements, and it shall be approved. I have a concern, is there any consideration for residents that do live in these areas. I do understand legally how these are acceptable, but people do live there. One of the neighbors who lived in the area for 55 years before any of these businesses existed is there any consideration for residents in those instances. I'm not expecting an answer tonight I'm just voicing my opinions.

Lastly, when you got up and spoke and you talked about canopies and trees and things like that I was a little confused because we got a form that says things shall be approved if it's compliant and our very first item he cut down all the mature trees. So I guess I'm looking for a little bit of consistency because that's a little confusing to me. That's it.

Mr. Ron Wuerth – I think it's a difficult decision when Mr. Oram came up and that was at the very first part of all this and represented

himself as the petitioner and I'm not talking about tonight it was in the very beginning that he did that, then his son and law got up and spoke. It should have been made clear. First of all he shouldn't have spoken the first time, he could have spoken in support as a citizen at that time, but he should not have spoken for Mr. Marooki in that way unless his name was on the application. So this time he kind of got up there and did that he spoke for about a minute until it turned into him speaking in favor of and I did this and I did that. He is not by the way the petitioner that's for sure. He doesn't own it Marooki owns it that's where the responsibility is. I don't think I would have ever said that my son in law wasn't looking like he could handle himself up there, but he said it. Marooki can handle himself it's his business, he'll be just fine. It was a difficult decision, and I'm not throwing it in your lap Mr. Chair, you made a decision that's what you had to do as the Chair. You can't control what the man's going to say you expected him to talk as a citizen and he went right into talking in a different way.

Commissioner Tutt – Mr. Wuerth, I don't think you can say, well you can say whatever you want excuse me, but you said to Warren you have to make a decision he made a decision.

Mr. Ron Wuerth – He made his decision and I respect the decision that Warren made.

Commissioner Tutt- And the decision was telling that man that he couldn't speak, he may not have been on the application, but he clearly said he paid for it. He was with the petitioner and then spoke as the petitioner.

Mr. Ron Wuerth – He paid for what?

Commissioner Tutt – Warren made a decision that he couldn't speak during the public portion of the meeting and then I repeated Warren's decision and now you're saying you respect his decision after you swayed it, well not you specifically, excuse me.

Mr. Ron Wuerth – I'm not going to argue because I'm confused.

Commissioner Tutt – I'm not looking to argue.

Mr. Ron Wuerth – I thought I heard it just the way I just said it, so that's what I'm trying to say. People shouldn't speak for someone

unless their name is on the application or they come forward and they have supplied a letter.

Commissioner Tutt – We'll just agree to disagree on this topic.

Mr. Ron Wuerth – A letter that they can represent the petitioner, he didn't get that he didn't have it, so he couldn't represent the petitioner and he shouldn't have. He should have just been a citizen who came up and spoke in a positive way of it and not talked about his relationships or any of that type of thing.

Commissioner Tutt – I already said that we can agree to disagree and that is fine.

Mr. Ron Wuerth – I couldn't hear you.

Commissioner Tutt – You said you couldn't hear me?

Mr. Ron Wuerth – I said I couldn't hear you, that's right.

Commissioner Tutt – I don't agree with it, but we can agree to disagree that's fine.

Mr. Ron Wuerth – Alright well I'd rather do more than that, why don't you come into the office if you've got some time and I'd be glad to make time by the way, and let's talk about this so we have it straight between us I don't want to have anything that's not quite right. If you don't want to that's your choice, but I'm inviting you to come into the office and talk about it.

Commissioner Tutt – I appreciate the invitation.

Commissioner Robinson – Before you leave, I have a question.

Mr. Ron Wuerth – There were two other questions, let me finish with Commissioner Tutt. What was the second question?

Commissioner Tutt – I also spoke about areas being zoned M2 and or industrial, is there any consideration for residents in those situations. And the example I gave was a resident that had lived in her home for 55 years and back then of course the businesses did not exist in that area. Understanding it is zoned M2 what's the consideration or the residents when things like this come up.

Mr. Ron Wuerth – There isn't much and the reason is when you have an area that's been zoned as long as that's been zoned that way then it's, and I know people disagree with me, but it's common knowledge that it was zoned that way. It's the law, we have the documentation that it's been M2 since at least 1960 that's when the city became a city. Before that I'm sure, I think I've got the documents to show that it was zoned M2 in Warren Township even before that.

Now the people on Hoerning that's an old plat and it goes back about that length of time. That woman I'm not sure exactly where she lives there are homes still on Gloede that might be older than all those homes on Hoerning and she said 55 years and that could be. The fact of the matter is that length of time I'd have to research exactly into Warren Township to see how much time there was but from 1960 up until now that's 63 years that that's been zoned that way by the City of Warren.

The horse farm people chose over time to sell pieces of property and make money off it, they used to own it all I've seen the documents. They chose to make money off the sale of property there and they went about doing it.

And meanwhile the people that have their homes on Hoerning you can't tell me they didn't look over their shoulder that it was gradually being built industrially. People may criticize me, but I'll tell you something if you're going to buy property and you see a vacant piece of land and you're in a village or township or a city like ours you better ask what is that property zoned. If you don't know what that means you go to the city and say what can they build on that property and they will tell you what the zone is and if it's industrial. They can build an industrial building 20 feet from your property line; they'd be surprised to hear that.

That building that you approved today that R-1-P zone is 150 feet deep so there was some wise people that put that gap between the residential and you'd have to look at the map and see how it kind of finds its way up through it's a protective barrier between them and industrial. If you saw it you'd clearly understand what I'm talking about and why that's there.

If you live there that long you don't see that industrial is going up around you, the only way to stop it is to rezone the property to a

lesser more restrictive zone, that means going to apartments, multiple house which we've been trying to do in this town.

Commissioner Tutt – I did see it when you said if you would have saw it you'd know what I'm talking about, I did see it when you were referring to the R-F-1-P. So my question was is there any consideration for the residents, so in this case the residents would have to petition for an area to be rezoned to create a barrier?

Mr. Ron Wuerth – The consideration would be to rezone the property or have a special use to be used on properties there. Instead of an M2 your special use might be a residential type of use, that would be the only way you can change the zone. Otherwise, the zone is going to stay there until an entrepreneur comes along and says well I'm going to build that building there.

Commissioner Tutt – So the residents petitioning I guess to rezone that area answers my questions.

Mr. Ron Wuerth – There's different ways to rezone the best way is to own the property. The group gets together, they buy the property and then rezone it.

Commissioner Tutt – And lastly it was about the trees, when you were talking about the Master Plan and trees, and canopies, etc. The very first item we addressed tonight that petitioner had cut down some very mature trees and it seemed like a little bit of a conundrum to me, so did you want to elaborate on that?

Mr. Ron Wuerth – We don't have any ordinance to protect trees like that. He didn't cut them all down, but they cut them down in the back where they intended to build until they found out it's an R-1-P zone and all you can put back there is residential uses or parking. I think they made a mistake. If we had had a greenspace conservation plan in effect that's law, we would have stopped them from cutting the trees down. We don't have any law like that to stop anybody from cutting all the trees down. It's a big problem here.

Commissioner Tutt – Okay thank you.

Commissioner Robinson – On the Barber issue it was introduced that the timing of the operation, can you tell me what you proposed for their hours of operation?

Chair Smith – It was 7 am to 6 pm Monday through Friday, and 9 am to 3 pm on Saturday.

Commissioner Robinson – I guess the question is who is going to enforce that because it looked like Mr. Marooki was unhappy with those hours.

Mr. Ron Wuerth – Zoning in the Building Division.

Commissioner Robinson – They'll come around to make sure?

Mr. Ron Wuerth – Enforcement begins with the people who live around there. They can watch this guy after he builds and if he has people coming in and out at odd hours or during hours that he's not supposed to they will call zoning and they'll go out and ticket them. He said yes I agree it's legally binding because of what he said right here tonight.

Commissioner Robinson – Have the police been in that area because I'm sure that they have called and asked the police to ticket some of those truckers that are riding up and down their streets all day and night. Has anybody been out there on a regular basis maybe the truckers would get it that they will get ticked if we don't adhere to the signage that there's no truck traffic in those neighborhoods there.

Mr. Ron Wuerth – They've all complained about the same things the violations with the trucks all have to do with the police department and maybe if they got together as a group and brought it to the administration and ask that there be a hearing with the police on why there isn't enforcement there. Or maybe there can be and they were unaware of this, I don't know.

Commissioner Robinson – They just run amuck over there and that's a big problem over there. They just do whatever they want to do with no recourse, no ticketing and that's why they are doing it because no enforcement is being made.

Vice Chair Boniecki – Councilman Watts got up and spoke, he would have been their main contact to be calling he's for the people. He would have been able to do studies and stuff for them, he got up and spoke for them, but he never had anything about if the police were called. That would be their first source as their Councilman.

Mr. Ron Wuerth – Speaking to the administration if the best way to go and if they get the people that were on the petitions together to ask law enforcement to come in and take care of things then I think they will listen to that, that would be my next step if I lived over there and felt as strongly as these people do.

13. CALENDAR OF PENDING MATTERS:

None at this time.

14. ADJOURNMENT:

MOTION:

A motion was made by Vice Chair Boneicki to adjourn, supported by Commissioner Tutt. A voice vote was taken and the motion carried unanimously.

The meeting was adjourned at 10:18 p.m.

Warren Smith, Chair

Mahmuda Mouri, Secretary

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