

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on January 22nd, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, January 22nd, 2024, 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
Delwar Ansar
Mahmuda Mouri, Secretary
Merle Boniecki, Vice Chair
Warren Smith, Chair
Melody Magee, Ex-Officio
Henry Neuman, Ex-Officio

Also present:

Ron Wuerth – Planning Director
Michelle Katopodes – Planner III
David Crabtree – Assistant Planner
Amanda Mika – 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 7:03 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:
All Commissioners present.
4. APPROVAL OF THE AGENDA:

MOTION:

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

Unidentified resident yelling from the audience asking to move item 8B to the open agenda?

Chair Smith – No. No interruptions this evening please, thank you.

5. APPROVAL OF MINUTES JANUARY 8TH, 2023:

MOTION:

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

Chair Smith – I'd like to acknowledge our Ex-Officio's Councilman Magee and Councilman Newnan welcome to the meeting, also Councilman Gary Boike, good evening.

Secretary Mouri – Before we continue, I have a quick question I'd like to ask our Attorney. So for the old business if we want to allow any type of public comment does it have to be moved or can we still allow public comments?

Ms. Mary Michaels – You would have to suspend the rules to allow public comments because it's not a public hearing item.

Secretary Mouri – I would like to ask all the Commissioners their opinion to see what they think about allowing some public comments for an old business item.

Ms. Mary Michaels – Just make a motion to suspend the rules to allow public comments.

Secretary Mouri – Alright we will do that when 8B comes up, thank you.

6. PUBLIC HEARING ITEMS:

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

- A. REQUEST FOR CONDITIONAL REZONING: Located on the southeast corner of Common and Lorraine Roads; from the present Zoning Classification R-1-B, One Family Residential, to "O" Office

District; Section 10; 29900 Lorraine; Asaad Yousif/29900 Lorraine, LLC; PR230008. **Petitioner request that this item be postponed indefinitely as they will be applying for a use variance. Should this item come back before the Planning Commission, new public notices shall be sent.**

MOTION:

A motion was made by Vice Chair Boniecki to postpone indefinitely, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

B. SITE PLAN FOR NEW AUTOMATIC CONVEYOR-TYPE CAR WASH, AND AMENDING THE HERITAGE VILLAGE PUD AGREEMENT FOR USE AND PARKING REQUIREMENTS:

Located on the west side of Mound Road; approximately 850 ft. north of Twelve Mile Road; Commercial Component “C” of Heritage Village Planned Unit Development (PUD); Section 8; 29505 Mound Road; Matt Levitt/Meijer, Inc. (Samantha Burgner/Alrig USA; PSP230043.

PETITIONERS PORTION:

Mr. Bob Kirk – 19500 Hall Road, Clinton Township, Michigan. We are here with regard to the Meijer property, it’s a PUD, approximately 20 acres in size it’s been there since 2005 and it’s an excellent project. We are looking to create an out lot for our conveyor car wash. There’s a large sea of parking in the project, we meet the ordinance with regard to our request and I think through the years we’ve proven that there’s plenty of parking for Meijers. There will be no access off of Mound it will all be internal.

Since this is a PUD once we get approval from the Planning Commission we would have to go to City Council to amend that PUD. We’ve read the recommendation of Mr. Wuerth and we are in concurrence with almost all of it except the stacking issue. We hate

to lose some of those stacking spaces so we make sure our operations run. With me tonight is Alejandra Fernandez our Civil Engineer who can talk to you about the stacking issue.

Mr. Alejandro Fernandez – Good evening members of the Commission, my name is Alejandro Fernandez, I am with Stonefield Engineering and Design. We are located at 607 Shelby Street, Detroit, Michigan, we are the Civil Engineers on this site. We are seeking site plan approval and the amendments to the PUD.

As you can see on the screens, we have laid out our site to provide adequate stacking around the perimeter of the site to optimize the stacking volume in our site. This is a pretty typical layout industry-wise as lately the car wash industry is moving more towards a membership-oriented service. In this layout there's three pay stations, one of which will be used for member only use and the other two will be for non-member only uses. We do believe that the stacking proposed is adequate to avoid any spillover from peak hours or peak volumes of the stacking and during peak days, such as sunny winter days when everyone wants to get their car washed. To avoid any spillover into the access driveway that is abutting our site to the east, which is the main access point and main circulation of the overall Meijer parking lot that is why we've shown those three stacking lanes that we provide on our plans.

In addition to the stacking shown on our plans the site also improves the area by providing a great amount of landscaping on the site which is currently a parking lot as we all know that sits vacant most of the time we can see that from historical area views and google earth. So we are increasing the landscaped area in this area of the parking lot by around 1000 square feet.

In addition we are providing upwards of 30 trees and upwards of 50 bushes throughout the site of various species to liven up this site and provide life to this development. In regard to utilities, we have identified that there's all utility services needed for this development. In addition we are providing a lighting plan with full high efficiency LED lights to provide adequate lighting throughout the site for both the pedestrian and the vehicular circulation on our site.

With that said we do believe that this is a good development, it will bring life to this area and it's a great addition to the City of Warre. I will be more than happy to answer any questions the Commission has at this moment.

Mary Clark CER-6819
January 22nd, 2024

Mr. Bob Kirk – With regard to those three lanes which you usually see now in the modern carwashes the one closest to the building will take nonmembers and cash, the second one will be credit card and the third one will be for members so that's the reason we will need the three pay stations.

Mr. Richard Sable – Good evening, my address is 38600 Van Dyke, Suite 220, Sterling Heights, 48312. I just wanted to address a couple things to let the Planning Commission know that we had worked with the City Planners together with the City Attorney with regards to this plan and part of the matter that's up for your recommendation for approval to the City Council includes two items. Number one is to conform the parking standards to the current standards of the city ordinances where parking spaces of 1 per 300 feet, where the PUD ordinance provided 1 for 200 feet.

And the second one is to clarify and amend the PUD to provide for automatic car washes as a permitted use, so those are the two matters that are included with this application that we have before you as part of our site plan. I just want to emphasize that we spent a considerable amount of time and we are open to discussion about the stacking. We understand the City Planner's comments and we are able to address that with the three stacking lanes and what the purpose is behind it.

Typically, everybody wants to turn around and make sure that there's no cars that are stacking up and that you have plenty of room for the cars and they are not spilling over into other areas of the parking lot, that's the point behind these three stacking lanes that typically these automated car washes have. If you look at a number of them which seem to be the trend, that's what you'll see, three stacking lanes for it. We believe that it would be appropriate to provide the site plan together with the amendment to the PUD on those two items. We can address any questions that you have, thank you.

Secretary Chowdhury reads the following correspondence:

TAXES: Current.

ENGINEERING:

1. The area of disturbance for this site is greater than 1 acre and shall comply with the current Storm Water Ordinance of the City of Warren. All storm water runoff shall be maintained on the site.

Mary Clark CER-6819
January 22nd, 2024

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. Show and identify the location of the proposed water stop box.
3. Soil erosion and sedimentation control permit or waiver shall be required for this site from the Macomb County Department of Public Works prior to construction.
4. Sanitary lead shall be SDR 23.5 or SCH 40 PVC in lieu of SCH 80 PVC.
5. The proposed storm pipe HDPE shall be identified as HDPE Sanitate HP.
6. Dumpster pad shall be minimum 8" concrete.

FIRE: Approved.

DTE: No Objection.

MCPW: No objection, 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:

PUBLIC HEARING:

Ms. Lori Harris – Lori Harris, and I'm not giving my address. I want to say that it is hard to tell where this is going to be sitting in that parking lot. But I also am concerned that there was supposed to be a car wash on the south side of Twelve Mile just west of Mound and there was a lot of concern about the neighborhood and the hours of operation and there was some inappropriate concessions given to that person where if they needed to leave cars parked there they could get permission from the building department, I don't know if anybody remembers that.

There's also supposed to have been a car wash going on Twelve Mile on the northside of Twelve Mile to the west of Mound. And I thought there was going to be another car wash going on Mound south of Twelve Mile on the east side. So I'm wondering number one we have a car wash at Thirteen and Mound already and I still can't visualize where this is in the parking lot, which part of the parking lot are you giving up for a car wash. You're essentially taking part of the Meijer parking lot. Even though you say there's

enough parking you're taking part of the parking lot where people go into the grocery side. I really appreciate him giving me this because it really helps to understand. In terms of traffic if it's not accessible for Mound Road and it's only going to be internal traffic does anybody drive through that parking lot and go around the curves, that's a lot of traffic to put in there. I would be against this until there were more questions answered about what other car washes are actually going up in the area. Thank you.

Mr. Dennis Callow – I have a very simple question for the petitioner, I see multiple vacuum cleaners. An industrial vacuum cleaner runs up to 90 decibels and there's multiple ones in there would this petitioner be willing to limit the hours of the noise produced by those vacuums to perhaps 10:00 o'clock at night until 10:00 in the morning where they can't be used. Thank you.

MOTION:

A motion was made by Vice Chair Boniecki to approve, supported by Commissioner Ansar.

COMMISSIONERS PORTION:

Chair Smith – Good evening, sir, I was a little concerned when I looked at the drawing and saw you wanted to put a car wash into Meijer's parking lot being we just approved one on the south side of Twelve Mile on the west side of Mound. And Mr. Mister (sic) which is on the south side of Twelve Mile across from the credit union was denied by City Council. There's another car wash on this side of Thirteen Mile, just south of Thirteen and there's another car wash on the north side of Thirteen Mile. To me to put another car wash in there I just can't understand within a mile why you'd have four car washes. I understand that this is a project you've been working on for quite a few years before the other ones even came to fruition.

I have a few questions, I noticed on the stacking area that you had heated driveways there, heated pavement, is that to cut down on the snow and ice on the pavement?

Mr. Alejandro Fernandez – Yes, so the whole stacking lane up to actually the egress of the tunnel up to where that stop bar is will all be heated concrete to avoid any ice buildup and also minimize the amount of plowing for snow required for this site.

Chair Smith – So you have a heated pavement and so the ice and water is going to melt, do you have the proper sewer system in there to accommodate all that?

Mr. Alejandro Fernandez – Yes, all storm water will be handled by an adequate system that will be approved by the engineering department before we start construction.

Chair Smith – I saw that you also have license plate readers that's something I've never seen before at a car wash.

Mr. Alejandro Fernandez – Yes that is a system for the membership that I previously mentioned, they will read your license plate that way they'll know if you're actually a member and let you through and all the charges will be on your monthly membership, it's a newer system.

Chair Smith – Now what if you want to pay cash, are you allowed to pay cash?

Mr. Alejandro Fernandez – Yes, that is also another option, that's why we have the three different pay stations. One would be for members only and the other two would have multiple options.

Chair Smith – That will conclude my questions. Did you understand the recommendations that Mr. Wuerth talked about in reducing the stacking?

Mr. Alejandro Fernandez – Yes, I did. We believe that it would not be adequate to reduce the stacking. We have designed this site to avoid any spillover during peak volume times and seasons, such as a sunny day during the winter where everyone wants to get their car washed. We do see a high increase in the volume and this layout will suffice to contain that volume within our site and avoid any spillover into Meijer parking lot.

Chair Smith – So the water is generated by the car wash by people going through the tunnel, how is that water handled and disposed of or recycled of what happens with the water. It seems like a lot of water when you're washing cars, the water has to go somewhere.

Mr. Alejandro Fernandez – Yes, if you look at the utility plan there's actually a reclaim system that is three tanks shown along the parking spaces or vacuum spaces closest to the building. I don't have the specific numbers, but they do recycle most of the water and repump

it back into the car wash after it's been clean for reuse for additional cars. So not all the water that's used goes out and straight into the sewer system it gets recycled within the building and reused multiple times.

Chair Smith – Very good sir, thank you.

Commissioner Ansar – Is this a franchise or independently owned?

Mr. Alejandro Fernandez – It is a franchise.

Commissioner Ansar – (inaudible)

Mr. Alejandro Fernandez – What?

Commissioner Ansar – Jaxx's is it similar like a Jaxx's Car?

Mr. Alejandro Fernandez – It's a different brand a corporate owned store.

Commissioner Ansar – Do you have any other branch around Michigan?

Mr. Alejandro Fernandez – We are actually building one over in Brighton and one over in Madison Heights. I think that Gabe Schuchman will be able to answer some of your questions.

Commissioner Ansar – So you have a plate number scanning system?

Mr. Gabe Schuchman – Yes, an LPR System that we use. The company is El Car Wash, all the stores are corporate owned. We have 40 locations that are currently opened we are under construction in Brighton and Madison Heights. We are working on other locations here throughout Metro Detroit our intension is to have five locations open by the end of this year with an additional five locations opened by 2025. All the stores are corporate owned, they are not franchise based or anything of that nature.

Commissioner Ansar – Thank you.

Secretary Mouri – I just want to confirm, you did have that one question regarding the parking and the stacking, the recommendation that was provided by the Planning Commission

once this gets approved that is the recommendation that we are sticking with, so I just want to make sure that you are okay with it.

Mr. Richard Sable – We'd like to be able to work with the Planning Department to see if we can make some adjustments to that. We know that we have 55 cars and we can reduce that to 40 cars and make some revisions to the plan. We'd like to be in a position to do that and accommodate what the concerns are with the Planner.

I also want to mention the gentleman who made a comment worried about the noise from the vacuums, those shut down at 9:00 p.m. Plus, I wanted to mention there's a lot of distance between where this car wash is and the Meijer's is before any of the residential components that are part of the Heritage Village Development. I was involved in putting together this development back in 2005 and that's something that we are pretty proud of how we put this together.

I think it's a big boost to the city and to the residents there and we've always been willing to work and accommodate the city and work with them and we feel this is something we can work through with the planning commission. But we think that the stacking having three lanes for the kind of standards that are used in these kinds of carwashes are very important to maintain but we are willing to make some adjustment to the plan. We'd like to work with the Planning Department to do that before it goes to City Council.

So if we could table this and work with the Planner and come back at the next planning commission meeting with a revised plan that would accommodate something related to the stacking provision. Everything else we agree with what the Planners recommendation were.

Chair Smith – One last question, what are your hours of operation for the car wash?

Mr. Gabe Schuchman – We will open around 8:00 o'clock in the morning and shut down by 9:00 o'clock in the evening.

Chair Smith – Is that seven days a week?

Mr. Gabe Schuchman – Seven days a week, correct.

Mr. Ron Wuerth – The petitioner spoke about lowering the stacking down to 40. I would like to work with them so I would suggest postponing this until the next meeting. By then I think we can have a plan that we will all agree upon.

Chair Smith – So you want to postpone it so you can go over the stacking issues?

Mr. Ron Wuerth – Yes.

MOTION:

A motion was made by Vice Chair Boniecki to postpone until February 5th, 2024, supported by Commissioner Ansar.

ROLL CALL:

The motion carried as follows:

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

C. SITE PLAN FOR REDEVELOPMENT OF CURRENT BUILDING TO NEW TROPICAL SMOOTHIE DRIVE-THRU RESTAURANT:

Located on the west side of Hoover Road approximately 320 ft. north of Ten Mile Road; Section 22; 25141 Hoover Road; Ian Findlay/Protégé Properties, LLC; PSP230042.

PETITIONERS PORTION:

Mr. Ian Findlay – Good evening, Ian Findlay, 25141 Hoover Road. The site is already designed for a Tropical Smoothie as it was once a McDonalds, so we are basically just removing the overhang from the bank and basically just bringing all the façade up to 2024. It should look like a brand new building when we are done with it. That's really all we are not changing a ton to the site.

Secretary Mouri reads the following correspondence:

TAXES: Current.

ENGINEERING:

1. The outside perimeter of all paved/parking spaces shall be minimum 6 inch concrete curb and gutter. Provide elevations.
2. Dumpster pad shall be minimum 8 inch concrete.

FIRE: Approved.

DTE: 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. 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 Commissioner Robinson to approve, supported by Assistant Secretary Chowdhury.

COMMISSIONERS PORTION:

Chair Smith – Good evening, sir, did you understand what Mr. Wuerth was talking about with the bollards to separate that driveway so people access it from the existing road that's running through there?

Mr. Ian Findlay – Yes, that's fine whatever you guys think.

Chair Smith – I went by there and looked at it today, you probably saw my tire tracks in the snow, I noticed that was a double driveway because when it used to be Motor City Credit Union it had the two different drive throughs both of those are coming out and you're just going to have the one right next to the building.

Mr. Ian Findlay – Yes and that overhang will come down.

Chair Smith – And you have a new overhang that's going up?

Mr. Ian Findlay – No, because it goes over three spots for the bank, there's three spots so we won't even have the overhang.

Chair Smith – Very good sir, it will be interesting to get another food facility in there, I've seen a few of them around in our area.

Mr. Ian Findlay – I own the one at Twelve and Mound, we do really well and this one should do good too.

Chair Smith – What are your hours of operation?

Mr. Ian Findlay – Seven a.m., to nine p.m.

Chair Smith – Thank you.

ROLL CALL:

The motion carried as follows:

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

7. CORRESPONDENCE:

Notice from the City of Sterling Heights of their intent to update the City's Master Plan and create a Climate Action Plan.

MOTION:

A motion was made by Vice Chair Boniecki to receive and file, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

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

Chair Smith – Item number 8A is an Old Business item, one thing I'd like to say before we begin the Old Business. When we go into our

Old Business we don't take any comments verbal or written from the residence or public it's something we handle with the commission. From what I heard before our meeting a few of the residents would like to respond to this so we need a motion to suspend the rule.

Ms. Mary Michaels – If I may, the proper motion would be to vary the rules so that citizens who want to comment on this item would be able to provide their comments now instead of waiting for citizen participation. There's no rule for or against the public speaking on any item other than public hearings, so we'd actually be varying the rules just so citizens can make comments under this item. Under article 12 of the By Laws it states that the Commission by vote of six members can vary the rules to a particular partition, case, problem or perceiving before the commission. I would take a vote of six members to vary the rules to allow the public to speak.

Chair Smith – I'll leave it up to the Commission it will be their decision. I already know how I was going to vote so I'll leave it up to all of you and see what you have to say.

MOTION:

A motion was made by Secretary Mouri to vary the rules to allow the public to speak on item 8B, supported by Commissioner Ansar.

ROLL CALL:

The motion carried as follows:

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

Secretary Mouri – The motion did not pass.

8. OLD BUSINESS:

- A. 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. **Site plan approved November 6, 2023. The**

Planning Commission approved performance bond of \$19,500.00 based on the estimated cost of \$650,000 provided by the petitioner at the time of application. Following site plan approval, the petitioner has submitted that the correct estimated cost is \$300,000.00 and is requesting a lower bond amount. Postponed from December 18, 2023

PETITIONER PORTION:

Mr. Zachary Matouka – Same thing as last month I have some hard quotes that I gave Dave we are looking for a lower bond amount.

Chair Smith – We received your new estimate and it was like \$278,000.00, the other one was \$300,000.00. Do you want the bond based on \$278,000.00 or \$300,000.00?

Mr. Zachary Matouka – The \$300,000.00 is fine.

Chair Smith – Okay so that will give you a bond of \$9000.00 dollars, do you agree with that?

Mr. Zachary Matouka – I agree.

MOTION:

A motion was made by Vice Chair Boniecki to decrease the bond to \$9000.00 dollars, supported by Assistant Secretary Chowdhury.

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR NEW WAREHOUSE BUILDING OPEN STORAGE: Located on the north side of Barber Avenue; approximately 364.64 ft. west of Gloede Drive 14601 Barber Avenue; Section 13; Marvin Marooki/Christian Investment Properties LLC (Kalajian Architecture). PSP230021. **Site plan was approved on November 6, 2023, with operational hours of Monday through Friday, 7:00 am to 6:00 p.m., and Saturday 9:00 am to**

3:00 p.m., being added by the Planning Commission as a condition of approval. Petitioner is requesting to rescind the Planning Commission's condition for restricted hours, as M-2, Medium Light Industrial District allows for 24 hours.

PETITIONERS PORTION:

Mr. Marvin Marooki – Good evening, I'm here to rescind the incorrect hours of operations that are listed on the site plan should be removed. The correct hours of operation which have been approved by the city ordinance should reflect to state that it is a 24 hour M2 Zoning. The business will be operating according to the agreed upon hours of operations. By restricting these hours on the site plan will impact the sales of the property if I choose to sell especially when it's zoned 24 hours M2 zoning.

Generally speaking it's not a requirement to list any and all hours of operation on the site plan, as a matter of fact the site plan shall be listed 24 hours the property is listed M2 and allowed to operate 24 hours. Therefore, the site plan should state 24 hours M2, not business hours of operation.

Secretary Mouri – What time is your business currently operating right now?

Mr. Marvin Marooki – Seven to five p.m.

Secretary Mouri – What about Saturday?

Mr. Marvin Marooki – Nine to three.

Chair Smith – When you first came to us on this project we asked you what hours you wanted for this operation and you told us those were the hours it was going to be. And in the approval you stated that those would be the hours. Granted in a M2 you can have a 24 hour operation, but you wanted certain hours so therefore that goes over that as far as I'm concerned. In other words you have to abide by the hours that you agreed upon on the approval of the project.

There are a lot of businesses in the M2 areas around our city who when they come before us and we ask them what their hours are and they abide by their hours even though they know they can do 24 hours they still abide by the hours that they were approved for. So that's what I'm suggesting, you abide by the hours you were approved for and not change it to 24 hours.

Mr. Marvin Marooki – I'm just asking for my rights, I asked all the building on that street and nobody mandated anything on their hours. My concern is for it not to be listed on the site plan.

Chair Smith – You agreed to those hours.

Mr. Marvin Marooki – Those are my operational hours they shouldn't be on the site plan.

Chair Smith – If those are the operational hours why does it matter if it's on the site plan or not.

Mr. Marvin Marooki – What if my business demands different hours in the future or I decide to sell the property it's going to devalue my property.

Chair Smith – If you decide to sell the property then whoever decides to buy the property we would have to go by what their hours are and adjust it accordingly.

Mr. Marvin Marooki – I agree, my concern is not to have it listed on the site plan.

Chair Smith – If it's not listed what's to keep you from doing the 24 hours?

Mr. Marvin Marooki – When I apply for occupancy for it not to be on my property forever.

Mr. Ron Wuerth – His concern is that it would be listed on the site plan, he doesn't want it listed on the site plan. The fact of the matter is from a regulatory type of basis and we are talking zoning inspectors let's just say it's operating longer a complaint comes into zoning they go out there take a look to see if he's operating beyond. The first thing they do is look at the site plan to see where the regulation is and that's what they work with. They could look into the petitioner's letter and check further there for evidence that it's less than 24 hours but the primary location that they would look is in the note section on the site plan. Once that they saw that it was 7 to 6 and it was over those hours he would get a violation.

So the point is we have that information always placed on the site plan and that's just normal procedure.

Secretary Mouri – I was just looking through our previous comments where we have asked almost a dozen times what your hours are going to be and this is what we agreed upon. This is a conditional zoning, right?

Ms. Mary Michaels – No it was a condition of the site plan approval.

Secretary Mouri – Exactly, and we made sure. I can read some of the comments that you and some of your teammates that were here with you agreed upon those hours even though you knew it was an M2.

Mr. Marvin Marooki – Correct, but I did not understand it was going to be listed on the site plan. If I had the chance I would have never agreed. I followed everything from the city ordinance, the city approved everything. I'm within 24 hours why do I have that restriction on the site plan, it just doesn't make sense. This is like 36% of the total hours am I going to pay only 36% of my taxes, no I'm going to pay 100% of my taxes. I'm requesting that it be removed from the site plan.

MOTION:

A motion was made by Vice Chair Boniecki to deny request, supported by Commissioner Ansar.

ROLL CALL:

The motion carried as follows:

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

Secretary Mouri – It has been denied.

Mr. Marvin Marooki – Thank you. Can I appeal it?

Chair Smith – You can do what you can try to do, as far as we are concerned it's been denied. Thank you, have a good evening.

9. BOND RELEASE:
None at this time.

10. NEW BUSINESS:
Discussion and selection of a Planning Commission representative for the following committees: Master Plan Committee, By-Laws and Rules of Procedure Committee, PUD Review Representative.

Chair Smith – Those are the list of our commissioners for the different committees, is there any comments or discussion we have some vacancies that need to be filled.

Secretary Mouri – I can take a position in the Master Plan Committee.

Chair Smith – This is something we can go over again at another meeting. Just look it over and we will receive and file it.

MOTION:

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

Chair Smith – For those of you that didn't get a chance to speak on the above items if you'd like to come up you can speak at citizen participation, we will welcome your comments. We know you came here to speak and I didn't want to totally eliminate your speaking. State your name and address you'll have three minutes to speak.

11. CITIZEN PARTICIPATION:

Mr. Dennis Callow – I just want to thank the Commission tonight and apologize for my behavior. I just want to explain to you and the police officers that mine and my wife's bedroom to the building is from you to the police officers so it's very personal to us, I just wanted to express that. Thank you.

Mr. Todd Fathbruckner – I live on Skyline Street in Roseville. I frequent the horse farm I have two horses there and am there twice a day for a minimum of at least an hour a visit to train and deal with my horses. Thank you for sticking with your decision to keep those hours that was the only common ground that we could come to with him wanting to work with us and us getting nowhere except for those working hours. Thank you for standing by your decision.

Ms. Lori Harris – I'm ashamed of you because that gentleman was sitting here and these residents could have gotten up before that vote and said what they needed to say about this issue. It's important that their voice gets heard, Ms. Michaels said you could do that, there's nothing that says you can't do that. Why did you vote no, it doesn't make any sense. Why would you not let them speak about this issue. This guy isn't going to stop he's going to try whatever he can. They had a right to stand here and tell in front of that man what they are thinking about this issue. They're fighting for their neighborhood and you owed them that opportunity. So don't apologize for upsetting them and don't just thank them because you guys didn't do your job tonight, that was not right.

I also want to ask that because of this audience participation should get moved to the beginning of the meeting before the items come up because if someone wants to comment on Old Business they can. Having it at the end is useless. Even the car wash at Meijer's did you see how much of that parking lot is going to be gone to that nobody even asked questions except Mr. Smith, you guys can do better. Thank you.

Ms. Sherri Callow – 14610 Hoerning. I want to thank Lori for speaking up for us and also you guys for denying it tonight. I know it's a big fight and you've been hearing from us for months. I appreciate it and want to thank you guys for at least hearing what our concerns are. We are not afraid of the business it was the hours, so thank you again.

Ms. Jackie Palco – I'd also like to thank you for sticking with what you agree to with the hours, I'd like to thank you for that. We tried to walk you through our world on so many times that we came up here. I'm still scared of what's going to happen, I feel that Mr. Marooki is not true on what he's been saying. I guess we'll have to cross those bridges when we get to them. Thank you.

12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Mr. Ron Wuerth – My report is typically from the last two weeks the last meeting we had. I did speak to a gentleman named Joe Paluzzi he's working with a company called Sheetz and Sheetz is just like the Circle K on Van Dyke they have gasoline pumps and they have quite a bit on the inside. What makes Sheetz different is their brand

is on everything. Everything that you see inside that building when it comes before you, and there will be a site plan coming before you, is their brand and I've heard some good things about them. So we'll see if that actually plays out.

I did have a meeting with the gentleman that you saw here earlier tonight regarding the Twelve and Mound, my staff was also with me for that. Next my staff and I interviewed four people for the Administrative Secretary. We chose one, so thank God we are going to have one here in the beginning of February. So our staff will finally be a full staff of 7.

There was also a meeting with a group who wanted to use this old school building on the corner of Lorraine and Common to the east of City Hall. It's been used for a number of different things over the years, they have their reason for wanting to use it they were thinking about rezoning it. You received a letter stating that they want to go for a use variance first and see how that turns out. I actually had two meetings with them. I had a good meeting last Friday with our two Ex-Officio's Melody Magee and Henry Newnan. They've received the packet, that I given each and every one of you, of 500 pages. We tabbed some of it so that makes it a little easier to go to the more important things other than informational things. So with that if there are any questions you may have.

Commissioner Robinson – What date is the city mandated to initiate a new Master Plan, is there a set date or year that it's mandated to update it?

Mr. Ron Wuerth – Five years from the date that it was approved.

Commissioner Robinson – What date was it initiated?

Mr. Ron Wuerth – I think it's like January 21st, 2021. So from there you count five years and then we get into revision that's what the State requires.

Commissioner Robinson – Is there some type of monitoring that can be done in the Barber area maybe more signage or to monitor as to an effort to slow down the trucks running up and down and driving up and down the neighborhoods. Is there something that could be submitted maybe to enforcement to kind of check on that area periodically maybe that would detour some of the speeding and the trucks running up and down over there?

Mr. Ron Wuerth – I don't have an exact answer to that because that's not a planning question, that's a police question.

Commissioner Robinson – But I thought you might have a little nudge or mention it, what department would initiate something like that?

Mr. Ron Wuerth – The police would, and when it comes to signage and talking about trucks, we put up signs with the no truck symbol and sometimes some language with it. They go in places that have been studied by the police to have a lot of truck traffic, so they put the signs up and then the police should monitor it. Remember the police have a lot more things to do. Actually it depends upon the people in the area to call the police and say the trucks are going way too fast signs are up and would you please come out and watch. Truly that's about it. Other than putting up new signs in different locations and that I know about I've talked about that the past. This year I'm going to make sure I do good on what I said I'd do and that's have some additional ones put up and one location happens to be the Barber Street area.

Commissioner Robinson – Okay, thank you.

B) Planning Commission Discussion and Concerns:

None.

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

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 8:21 p.m.

Warren Smith, Chair

Mahmuda Mouri, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

E-mail: maryclark130@gmail.com

Mary Clark CER-6819
January 22nd, 2024