

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on March 11, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, March 11, 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
Merle Boniecki – Vice Chair
Warren Smith – Chair
Henry Newnan – Ex-Officio

Also present:

Michelle Katopodes – Planner III
David Crabtree – Assistant Planner
Amanda Mika – Assistant Planner
Melissa Maisano – Administrative Secretary
Laura Sullivan – City Attorney
Christie Laabs – Communications Department

1. CALL TO ORDER:
Chair Smith calls the meeting to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE:

3. ROLL CALL:

MOTION:

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

4. APPROVAL OF THE AGENDA:

MOTION:

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

5. APPROVAL OF MINUTES: February 26th, 2024

MOTION:

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

6. PUBLIC HEARING ITEMS:

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

- A. AMENDMENT TO APPENDIX A; ARTICLES II AND IV; Proposed ordinance amending Appendix A; Article II, Sections 2.81 and 2.82; entitled Definitions; and Appendix A; Article IV, Section 4.59 through 4.68; relating to Personal Wireless Service Facilities; and Section 14.02; relating to approval of special land use permits; the proposed ordinance will update the setback requirement for cell towers consistent with other communities and applicable legal standards. The proposed ordinance also addresses minor amendments, and administrative approval for collocation of antennas that satisfy the thresholds of Section 125.3514 of the Michigan Zoning Enabling Act. The proposed ordinance also eliminates antennas and antenna towers from special land use (SLU) permits.

Chair Smith – Attorney Michaels, would you like to speak on this item?

Attorney Mary Michaels – If I may, Mr. Chair. Commissioners, this ordinance is just intended to update our telecommunications regulations in the zoning ordinance. Right now, mainly we have to correct the setback. Right now, we require a setback of 450 feet from residential areas and that is way out of line with what other communities do and with current technology. Current technology of cell towers is they don't fall. If there is a failure there's a collapse mainly within the perimeter of the platform, the site, the compound, I should say. And then the measures are included in this ordinance to make sure if there is not, if there is a fall zone that exceeds the compound, that cell tower has to be within a distance to make sure that it doesn't fall on neighborhood property.

So what we are recommending is 200 feet from any residential district or a residential structure. And that would include a multi-family unit. The reason it's worded that way is because sometimes

we have non-conforming uses where a house is within an industrial district, it still happens. Or a commercial district. So we just want to make sure that the distance for 200 feet is within any residential structure. And if it's a nonresidential area, commercial and industrial, it would be 150 feet. And that's in line with other communities, well, some communities just have whatever it takes, whatever collapse would impact the adjacent property that's the setback but I think that's maybe too lenient of the standard and it wouldn't give the public much reassurance.

The other thing this ordinance tries to achieve is to make sure that when co-locations are requested that they're in line with current law. State law was amended in 2019. So if the height exceeds 10% of the height right now or it expands the compound, like, 2,500 feet, you cannot have an approval or special land use. What this ordinance does is it at least puts some measures in place so that a co-location would go past the Planning Department. It would be a minor amendment that would be reviewed by the Planning director. And that would provide for the expedient process then. It would be consistent with law. I don't think we'd be violating the law. We're also asking, because the timeline to approve new towers is pretty onerous according to the state and federal government, we are asking the city to consider waiving special land use permit and no longer requiring a new cell tower to be subject to a special land use permit.

And those are really the main features other than updating the definitions and trying to put some type of logistics in to the ordinance. Those are the main features of the ordinance. I'd like to point out one thing, though. We have to consider telecommunications issues going forward. And overall, we have to start updating the regulatory and zoning ordinance to address all the legal changes that have happened through the years. It's been years since this zoning telecommunications ordinance was written. Probably decades. The 1990's. It's time for an update, not just for the setback and the siting issues in this ordinance but overall. To deal with small cells and cable and the metro act. That's it.

Chair Smith – Thank you, attorney Michaels.

PUBLIC HEARING:

CORRESPONDENCE:

Zoning Board of Appeals – Under Section 4.61 Setbacks line 1: Would like to see (churches or any building being used for religious purposes) added on after educational institution.

Ms. Michelle Katopodes reads the recommendation of the Staff:

1. Section 4.59. Definitions. Under site. Simply un-bold the “f” in “fixed location”.
2. Section 4.61. Under standards and conditions. 1. Setback A, the words “legal nonconforming” shall be added in front of residential structure.
3. Section 4.61. Standards and conditions. 1. Setback A, the phrase “residential structure”, shall be clarified. Include the residential zoning districts and whether this includes legal nonconforming residential structures, that attorney Michaels just clarified this, and indicated it also includes multi family housing.
4. Section 4.61. Standards and conditions. 1. Setback B. The word “school” shall be replaced with “educational institution”.
5. 4.61 Standards and conditions. 3. Co-location. So this is a question; should there be a maximum number of platforms?
6. 4.61 Standards and conditions. 7. Signs. And it’s under 10. Add the word “Planning” before “Director”.
7. 4.61 Under Standards and conditions. 7. Signs. 12. The word “hall” shall be replaced with “shall”. And the words “or planning director” shall be added after “Planning Commission”.
8. 4.62. Site Plan Approval. 9. The question is, should the words “licensed engineer or architect” be changed to match the language listed in the fall zone section “State of Michigan licensed and registered professional engineer”.
9. 4.62 Site Plan Approval. 12. The words “live contact” shall be replaced with “live person”.
10. 4.62. Site Plan Approval. This is, it says 12 but it shall be replaced with 14. And the word “het” shall be replaced with the word “the”.
11. Through 14. 4.62. Site Plan Approval. From 11-14 this is just numbering that the number just changed to 15, 16, 17, 18. So that’s just numbering.
15. 4.62. Site Plan Approval. 18 shall be replaced with 19. And the “C” in certified shall be bolded and italicized. Remove the word “the” before “satisfy the threshold” and add the word “performance” between “site” and “bond”.

16. 4.63 Under administrative review. Add the words “if any” after “Identification of the new provider”. And add the word “person” after “emergency contact”. Add the word “performance” between the word “site” and “bond”. The words “city building department” shall be replaced with “city building division” and the words “engineering department” shall be replaced with “engineering division”.
17. 4.65. Monitoring of antennae radio frequency Emissions. Add the words “or annual” between “semiannual” and “report”. Replace the word “require” with the word “perform”. And add the word “semi” before “annual inspection”.
18. 4.66. Antennae and Antennae Removal. Section 4. Add the words “performance bond in the form of a” before “cash deposit or an approved surety bond”. And add the words “or approved surety bond” before “shall be refunded”.
19. General question. Throughout the draft ordinances there’s some places that have “section” capital letters and others with it in lower case. And then there’s some different usage of the hyphen or period. So overall statement of uniformity.

MOTION:

A motion was made by Commissioner Robinson to approve, with an increased bond, supported by Vice Chair Boniecki.

COMMISSIONERS PORTION:

Chair Smith – to Attorney Michaels – Section. 4.59 on definitions. It says about the antenna. It mentions unintentional radiator, I wasn’t sure what that was. “The purpose of this definition the term antennae does not include an unintentional radiator, mobile station or device authorized under 47CFR.”

Attorney Michaels – I’m going to say that that relates to the cell tower technology which are the little nodes that you see in neighborhoods. So the specific definition, I don’t have now but I know that’s in relation to the small cells. And that’s regulated separate from this ordinance.

Chair Smith – Okay. And then the next item, Antennae Equipment. The last sentence, “install at the ‘same time’ is STME instead of SAME.” And then there was one other. “Co-location” to “install or mount add mount or add new” it is in there twice.

Attorney Michaels – Okay. Thank you.

Chair Smith – One last one. Then go down to Personal Wireless Service Facility of the Tower. The last sentence, “substructure do not include” because before that it talks about “antennas and associated equipment may be in the form of monopoles, lattice towers, silo steeples or utility poles or in such alternate form such deemed harmonious to the surrounding neighborhood”. Then it says “Such structures do not include poles, utility poles solely supporting the small wireless facilities”. I don’t know if I understood that quite right.

Attorney Michaels – That’s a good question. This ordinance were not pertained to the DTE poles that house those little nodes, the small cells.

Chair Smith – Okay.

Attorney Michaels – That could be made more clear. Thank you. That could be made more clear if moved to city council.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson.....	Yes
Vice Chair Boniecki.....	Yes
Assistant Secretary Chowdhury.....	Yes
Commissioner Tutt.....	Yes
Commissioner Ansar.....	Yes
Chair Smith.....	Yes to approve and send to city council.

- B. SITE PLAN OPEN STORAGE OF STACKED STEEL PLATES:
 Located on the northwest corner of Audrey and East Nine Mile Road; 4965 East Nine Mile Road; Section 29; Derrick Kemppainen/DJP Leasing, LLC (Caren M. Burdi/Earl, Earl, & Rose, PLLC); PSP240005.

Chair Smith – We received a correspondence from Caren Burdi that they want to postpone this until the next meeting.

MOTION:

A motion was made by Vice Chair Boniecki to postpone until March 25, 2024, 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
- Chair Smith.....Yes to postpone to March 25, 2024.

7. CORRESPONDENCE:

a) SITE PLAN FOR OPEN STORAGE; located on the east side of Warner Avenue; approximately 159.5 ft. south of Ten Mile Road; 24800 Warner Avenue; Section 30; Jason Symborski (Kerm Billette) **Approved on May 3, 2021. Never Finished, Expired.**

MOTION:

A motion was made by Commissioner Tutt to recognize as an expired site plan, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

- Commissioner Tutt..... Yes
- Assistant Secretary Chowdhury..... Yes
- Commissioner Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Commissioner Ansar..... Yes
- Chair Smith..... Yes to recognize as an expired site plan.

b) MINOR AMENDMENT TO SITE PLAN FOR PARKING LOT located on the Northwest corner of Eleven Mile Road and George Merrelli Drive; Section 16; 7133 Eleven Mile Road; Jason Longhurst (Eric Larson). Minor amendment is for adding two (2) gasoline fuel cubes to existing parking area. **Approved on December 7, 2020. Never Finished, expired.**

MOTION:

A motion was made by Commissioner Robinson to recognize as an expired site plan, supported by Vice Chair Boniecki.

ROLL CALL:

The motion carried as follows:

- Commissioner Tutt..... Yes
- Commissioner Robinson..... Yes
- Assistant Secretary Chowdhury..... Yes
- Vice Chair Boniecki..... Yes
- Commissioner Ansar..... Yes
- Chair Smith.....Yes to recognize as an expired site plan.

c) SITE PLAN FOR OPEN STORAGE OF VEHICLES FOR AUTO REPAIR FACILITY; located on the northwest corner of Eight Mile Road and Fairfield Avenue; 12813 Eight Mile; Section 35; Dawod David & Delvi (Caren Burdi) **Approved on November 8, 2021. Never finished, expired.**

MOTION:

A motion was made by Commissioner Tutt to recognize as an expired site plan, supported by Vice Chair Boniecki.

ROLL CALL:

The motion carried as follows:

- Commissioner Tutt..... Yes
- Commissioner Robinson..... Yes
- Assistant Secretary Chowdhury..... Yes
- Vice Chair Boniecki.....Yes
- Commissioner Ansar..... Yes
- Chair Smith.....Yes to recognize as an expired site plan.

d) SITE PLAN FOR OPEN STORAGE OF LANDSCAPING MATERIALS; located on the southeast corner of Sherwood Avenue and Dodge Avenue; 22840 Sherwood; Section 33; Laurence Holman (Holman Construction Management Services), Preston Steven. **Approved on August 21, 2017. Never finished, expired.**

MOTION:

A motion was made by Commissioner Robinson to recognize as an expired site plan, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson..... Yes
 Commissioner Tutt..... Yes
 Assistant Secretary Chowdhury..... Yes
 Vice Chair Boniecki.....Yes
 Commissioner Ansar..... Yes
 Chair Smith.....Yes to recognize as an expired site plan.

e) Public notice from the City of Madison Heights that the City Council and the Planning Commission will hold a joint public hearing on Tuesday, March 19, 2024 at 5:30 p.m. to propose an ordinance to repeal in its entirety Appendix A (Zoning Ordinance) of the Code of Ordinances of the City of Madison Heights, including all related Zoning Maps, and adopt a new comprehensive Zoning Ordinance, including related Zoning Maps.

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.

8. OLD BUSINESS:

9. BOND RELEASE:

SITE PLAN FOR BUILDING ADDITION AND COURTYARD INFILL;
 located on the northwest corner of Mound Road and Enterprise Court; 28635 Mound Road; Section 17; Bosch Automotive Service Solutions, Inc./Chris Folger (JB Donaldson Company/Bennett Donaldson). **Approved on August 7, 2023. Project complete. Release the bond.**

MOTION: A motion was made by Commissioner Robinson to release the bond, supported by Commissioner Tutt.

ROLL CALL:

The motion carried as follows:

Commissioner Robinson.....Yes
 Assistant Secretary Chowdhury.....Yes
 Commissioner TuttYes
 Commissioner Ansar..... Yes
 Vice Chair Boniecki.....Yes
 Chair Smith.....Yes to release the bond.

10. NEW BUSINESS:
None at this time.

11. CITIZEN PARTICIPATION:

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.

12. PLANNING DIRECTOR'S REPORT:

Ms. Michelle Katopodes – So, since the last Planning Commission meeting on February 26th, the Planning Staff has met with a number of different representatives pertaining to potential new projects. On March 6th, the Planning Director and I attended the budget meeting with the Mayor and Controller Staff. We went through the budget at the Planning Commission's request. We're still waiting on the results of that.

On February 27th, 2024, the City Council approved the awards for the consultants that the RFP review panels chose to work on those two upcoming projects. The greenspace and conservation plan was awarded to Natural Community Services, LLC, and the non-motorized plan was awarded to the Greenway Collaborative. The Purchasing Department is working with the consultants to finalize the agreements, and once that's completed, the next step would be to begin having meetings.

And also, since the last Planning Commission meeting, Melissa Maisano, Administrative Secretary, completed the Citizen Planner Program. That's the online version of that. Additionally, in response to the past request by the Planning Commission for training, I contacted the Michigan Association of Planning to obtain a quote and would like to share the potential in-person training opportunity and what it could consist of. So it would include the following. So the training would cover all the Planning commission duties from the master plan to the site plan review and everything in between.

It'll explain how to conduct a meeting, handling difficult cases and conflicts of interest. Additionally, the training would include site plan review. We'll explain the approval process and provide practical tools and techniques on how to read site plans. You'll be able to discuss site design principles such as pedestrian and traffic considerations, lighting, utilities, ADA compliance, inspections, and landscaping. So if you have any questions, please feel free to ask.

It's an overview and as described so, if it reflects the training that the Commission would like just let me know and I can work with them to get some dates and times you have time blocks available. So it'd be approximately a half a day, at four hours, and they just ask that I provide them three different dates and then they would select a trainer that's well-versed in these topics.

So maybe the Commission would like to discuss like maybe a day of the week that's best for everyone or even like if morning, afternoon, or evening would be better. So just wanted to provide that information for you. And this ends the report. Please let me know if you have any questions

Commissioner Robinson – I have a question. Is there a deadline as to when the budget is approved and finalized is there a time or a date designated?

Ms. Katopodes – I don't know the exact date but I know the next step would be that would go to council. I mean we've had our meeting with the Mayor's Office and I know there might be changes based on our request. So we don't know that yet. We don't know what's going to be forward on to the Mayor's Office from what we gave to them.

Commissioner Robinson – So there's no set deadline as to when they have the –

Ms. Katopodes – I don't know the schedule yet. I know at some point they'll put a schedule out of when the hearings will be but I don't know of anything yet.

Commissioner Robinson – Okay. Thank you.

Chair Smith – One thing you mentioned that you'd like us to consider dates and times that would correspond to our schedules when everybody schedules all over the place. So I guess what I'm asking is, we need between now and the next meeting kind of think of what kind of time you might have available. Whether it's afternoons or mornings or evenings or because you've got to do like a four-hour slot where we can all get together to this training. It's not something we have to have an answer by the next meeting but maybe consider it, maybe get some ideas at the next meeting.

I mean, we can set up the training in May or June or whatever it doesn't have to be like right away. But it's something she's put together for us to help us do our job a little bit better. Okay, so just give it some thought and then maybe in the next meeting we get

some ideas, then we can go from there to expand on it, okay? Because I know everybody's schedule is different. So not everybody's going to probably be able to make it all at one time, but the closest time and date that we can get to where we can all try to be there would work, okay? Any questions on that?

12. B) Planning Commission Discussion and Concerns

Chair Smith – I have one thing I'd like to say. We received a letter from Mrs. Kupiec, thanking us for the flowers and the cards for John, who passed away in December. So I just want to say thank you for the response and we still miss him. He's still a part of us. You know he's here. There's no other discussion?

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

14. ADJOURNMENT:

MOTION:

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

The meeting adjourned at 7:32 p.m.

Warren Smith, Chair

Sultana Chowdhury - Assistant Secretary

Meeting recorded and transcribed by
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