

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on April 8th, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, April 8th, 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
Mahmuda Mouri, Secretary
Merle Boniecki, Vice Chair
Warren Smith, Chair
Henry Newnan, Ex-Officio

Also present:

Ron Wuerth – Planning Director
Michelle Katopodes – Planner III
David Crabtree – Assistant Planner
Amanda Mika – Assistant Planner
Melissa Maisano – Administrative Secretary
Mary Michaels – Acting City Attorney
Christie Laabs - Communications Department

1. CALL TO ORDER:
Chair Smith - Calls the meeting to order at 7:11 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:
Secretary Mouri – Do I have a motion to excuse Commissioner Ansar, he’s out sick today.

MOTION:

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

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

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 MARCH 25TH, 2024:

MOTION:

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

6. PUBLIC HEARING ITEMS:

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

A. SITE PLAN FOR GAS STATION AND CONVENIENCE STORE:

Located on the southwest corner of Ten Mile and Mound Road; Section 29; 5830 Ten Mile Road, 5804 Ten Mile Road, and 24925 Mound Road; Sean Koza/10 and Mound LLC (Hatem Hannawa/B D and E Group): PSP240007.

PETITIONERS PORTION:

Mr. Hatem Hannawa – Good evening, our project consists of a complete redevelopment of the property and the building. Our goal is to demolish everything and construct a new building as you see on the site plan.

Secretary Mouri reads the following correspondence:

TAXES: Current.

ENGINEERING: Preliminary review of this site has yielded the following comments from the Engineering Division.

1. Ensure drive aisle widths meet City of Warren Standards. It appears that the drive aisle to the proposed trash enclosure is too narrow and would be difficult for maneuvering the trash truck access.

2. All work within the Mound Road right of way will require a permit from Macomb County.
3. All work within the Ten Mile Road right of way will require a permit from MDOT.
4. Indicate whether underground gas tanks will be removed or reused. This work and surrounding soil is typically considered hazardous.
5. Indicate whether underground building footings and limits of utilities to be removed.
6. Show appropriate ADA sidewalk ramps on the plan.

FIRE: The Warren Fire Department approves this site plan. If you have any questions, please contact me at 586-756-2800 ext. 3300.

DTE: No Objections.

MCDR: No Objections.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Chair Smith – Good evening, sir, did you get a chance to go over all the recommendations?

Mr. Hatem Hannawa – Yes, I did.

Chair Smith – Did you have any questions?

Mr. Hatem Hannawa – No, good recommendations and we've already started working on the revisions and will be submitting some over to the Planning Department Wednesday or Thursday to look them over and move forward.

Chair Smith – What are your hours of operation?

Mr. Hatem Hannawa – Five am until midnight, or perhaps 24 hours.

Chair Smith – Seven days a week?

Mr. Hatem Hannawa – Yes.

Chair Smith – You’re going to sell gas and have a convenient store where people can come in and buy merchandise, is that right?

Mr. Hatem Hannawa – That is correct, we also have a food component in there, no sit down or outdoor seating just a hot food area for customers to purchase pizza, chicken and things like that within the store itself.

Chair Smith – Thank you sir.

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR BUILDING ADDITION, NEW ACCESSORY BUILDING, AND OPEN STORAGE OF VEHICLES: Located on the west side of Groesbeck Highway in the area of Prospect Avenue and Toepfer Road; 21311 Groesbeck Highway and parcels north of Prospect Avenue (13-35-326-001 through 13-35-326-009, 13-35-327-001 through 13-35-327-018, 13-35-327-020 through 13-35-327-026, and the north 523.67 feet of parcel 13-35-352-015) along with parcels south of Prospect Avenue (13-35-331-001, 13-35-331-002, and 13-35-331-006); Section 35; Kalven (Hermiz/Brays Investments LLC & Edom Properties LLC (Caren Burdi/Earl, Earl & Rose, PLLC): PSP240006.

PETITIONERS PORTION:

Ms. Caren Burdi – Good evening. The areas outlined in yellow are the property lines of what my client owns down at basically Groesbeck and Eight Mile.

He is a true salvage yard. What that means is cars that are disabled, on their last legs, etc., comes into his lot. He drains out all the fluids and properly disposes of them, break down the vehicle into parts, tag them properly through the state organization systems and then sell those parts out of this business right here. This is the yard, and this is his business. Most all of my client’s business is done on the internet and by shipping. Very little is done with people coming in to actually purchase parts.

What we are doing here is a couple things, one is expanding his yard and that's the pink area here. He purchased that property, it was broken off of this piece of property and added to this one. So he's expanding the salvage yard to continue his work at this location. In addition to that, this little square behind the building is a fenced in area and he'd like to use that for storage, usually it's the pallets. He stores them up as things come in on pallets then he disposes of them and starts again. So we are seeking permission to have storage in that fenced in area.

In addition to that, currently his building goes straight across here and this is basically the best way to present it like a (inaudible) area and in that area behind a fence is one of the places where they pull the cars in to disassemble them. At this point he'd like to make it a little more weather friendly because right now through the winter it's pretty cold. So he'd like to propose building this building here for the disassembly of vehicles that way everything is inside, it makes for a much cleaner presentation when you go by his building because everything is inside the building.

In addition to that he proposes building right here also for the dismantling of vehicles, again to have them inside. Dismantle the vehicles outside of the elements whether it be the sun, the wind, the snow, and then tag the parts etc. The vehicles once they are stripped then every so often a crusher truck comes crushes the carcass those are then taken away. So this is truly a recycling yard and this is where vehicles go to basically get a second life.

I've had an opportunity to review the recommendation. There are only a couple of things that I wanted to comment on. First of all the easy one is, up here is Toepfer, it basically dead ends, it's a street, it is not vacated and this is our property line we have nothing in the street there. The City of Warren did some water mains or some utilities. I'm not positive it might be sewer, but they did some work there, that pile of dirt was left by the city not by us. So on item 5b we have nothing on Toepfer Avenue at all and we are not using Toepfer Avenue except for when they don't have that pile of dirt there we have a gate that lets us go in and out--

Chair Smith – Ms. Burdi, let us get to correspondence and the planning department's report and then we can touch on the items you're talking about. Thank you.

Secretary Mouri reads the following correspondence:

TAXES: Current.

Mary Clark CER-6819
April 8th, 2024

FIRE: The Warren Fire Department approves this site plan. If you have any questions, please contact me at 586-756-2800 ext. 3300.

AT&T: AT&T does not object to this petition. We have facilities in the Groesbeck, Prospect and Helle Road right of way but our facilities should not be affected by this petition. Should conflicts arise, please contact Joe Sikorski, JS3649@att.com, 586-764-8261 to discuss options.

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

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:

Commissioner Robinson – Have you had a discussion with your neighbors to the west and north with the shared driveway and are they in agreement?

Ms. Caren Burdi – They are, yes.

Commissioner Robinson – So it wouldn't be any problem having this recorded then since you had dialogue?

Ms. Caren Burdi – Right.

Commissioner Robinson – Thank you.

Ms. Caren Burdi – Item 5b on our plan we did not include any of Toepfer Avenue as our property. Currently we have a gate there we do not have anything on Toepfer Avenue everything that's on Toepfer Avenue is from the city doing either sewer or water infrastructure, so anything there is not ours. I just wanted to make that clear.

With regard to the trash enclosure, we don't make a lot of trash we don't have a trash enclosure on our site right now, all trash is contained within the building and is disposed of two and three times

a week by just taking the garbage bags out with them in their vehicles. So we don't propose a garbage dumpster at all. We understand that if we need a garbage dumpster and have to put one on, we have to comply with what the Planning Department has as the standards for the enclosure.

Lastly, the biggest issue on this right here is a vacated alley. That alley was vacated by the Road Commission some time ago and thank you to the Planning Department for sending me the documents that they had on that. So what they did is they vacated it as an alley and it was 14 feet and then they reserved 10 feet for any of the utility companies if they wanted to have utilities there. Right now there are no utilities there and my client owns both sides of that utility easement. When an easement is vacated any city where it's normally located is the first process where they vacate their use of that alley or easement. Then the second step is you go to the Circuit Court and you notify all the utility companies and people within 300 feet, people that abut it for them to have an opportunity to contest whether or not that alley is vacated or that easement is vacated.

At this point what we've got is a document that says that basically the county has done that and now the second step from what we can tell has not been done, and that's just to take it to the Circuit Court and get that done. Likewise, this used to be Edom Avenue, it was actually a street, this was also vacated as far as it being a street or people being able to, other than the owner, traverse on it. In this case again my client has both parts of that easement, and it is now reduced down to a utility easement. What has to be done is I have to go to Circuit Court, and I have to vacate that as far as the easement go. Right now there are not utilities in there, but if there were you have to pay and they move them. On every one of these that I've done the utilities are great, they work with you, they find a different way to get their utilities where they need to be and you reimburse them their expense.

At this point my client is in agreement obviously because of the water main that this building has to be 10 feet off of Prospect so that's not an issue, we are in agreement with that. Asking to cut off the six feet off of this end does change the feasibility of the building. In addition taking off this portion of the building changes its feasibility. In keeping his business looking organized, clean, etc., he's looking to build right away.

In the past, in the city through the Attorney's Department, and I'm going to ask to talk to Mary Michaels about this obviously off the record, in cases where it's just the utility easement and where they

own the whole are around that easement I've been able to post a bond, a performance bond, that the Circuit Court case will be filed and completed through to fruition. The last one that I did was for a gas station on Van Dyke we posted a \$10,000.00 dollar bond the owner was able to build right away because it takes a year at least to complete these in Circuit Court because you have so many people you have to serve and notify and that's what slows this way down.

So instead of waiting a year I'd like to ask to meet with the City Attorney to see if we can post a performance bond in addition to the building bond. We know that there will be two bonds so that he can proceed to build, and we can file the action and keep business moving. With that I am asking if I can table this to give me an opportunity to talk to Ms. Michaels about doing that.

Chair Smith – Mr. Wuerth do you have any comments on this?

Mr. Ron Wuerth – I really don't have any comments other than they'll be discussions with the City Attorney and we'll see what comes from the discussion.

Chair Smith – Ms. Burdi, you'd like this tabled, right?

Ms. Caren Burdi – If I can please. I understand there's no meeting on May 6th, right?

Chair Smith – No.

Ms. Caren Burdi – So the following meeting would be May 20th, could we table it to May 20th?

Chair Smith – Okay, I don't really see a problem with it, there are a couple things that you had questions with on the recommendation as far as the trash enclosure. We can probably strike that as long as the trash is contained in the building and taken out. The other thing about the Toepfer, if you're not doing anything on Toepfer right away we can probably eliminate that also. But if you need time to meet with Circuit Court to straighten it out, we can table it to May 20th. We are not going to table it we are going to postpone it, how is that?

Ms. Caren Burdi – Okay we will postpone it to May 20th.

Chair Smith – We had a motion by Commissioner Robinson to Assistant Secretary Chowdhury, do you agree with postponing it?

Commissioner Robinson – Yes.

Assistant Secretary Chowdhury – Yes.

ROLL CALL:

The motion carried as follows:

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

Chair Smith – I’d like to recognize our Ex-Officio Councilman Newnan.

7. CORRESPONDENCE:

- A. SITE PLAN FOR OPEN STORAGE: Located on the northwest corner of Ryan Road and Wasmund Avenue; 21147 Ryan; Section 31 Kemp Properties LLC (Jeffrey Graham). **Approved on October 18, 2021. Never Finished Expired.**

MOTION:

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

- B. MINOR AMENDMENT TO SITE PLAN FOR NEW MENARDS HOME IMPROVEMENT STORE: Located on the west side of Van Dyke Avenue; approximately 1,058 ft. south of Fourteen Mile Road; 32501 Van Dyke Avenue; Section 4; Tyler Edwards (Andrew Walters, MCA): minor amendment is for a yard gate expansion and relocation of the existing generator/transformer. **Approved on May 3, 2021. Never Finished Expired.**

MOTION:

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

- C. SITE PLAN FOR EXISTING CAFETERIA BUILDING INTERIOR IMPROVEMENT, NEW PARKING, AND LANDSCAPE IMPROVEMENTS: Located approximately 1,965 ft. east of Mound Road, and 2,060 ft. north of Twelve Mile Road; 6579 Zora Arkus-Duntov; Section 9; General Motors (Cassandra Bellow). **Approved on February 7, 2022. Never Finished Expired.**

MOTION:

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

- D. SITE PLAN FOR EXISTING GLASS HOUSE BUILDING INTERIOR IMPROVEMENTS, REPOSITION OF EXISTING GUARD SHACK, AND FENCE ALIGNMENT: Located approximately 165 ft. east of Mound Road and 1,900 ft. north of Twelve Mile Road; 30100 Mound; Section 9; General Motors (Cassandra Bellow). **Approved on January 24, 2022. Never Finished Expired.**

MOTION:

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

- 8. OLD BUSINESS:

- A. SITE PLAN FOR NEW MULTI-FAMILY DEVELOPMENT AS PART OF APPROVED PUD: Located on the north side of Ten Mile Road, approximately 759.1 ft. west of Schoenherr Road; Section 23; 13041 Ten Mile Road; Lorenzo Cavaliere (Warren 10 Mile Residential LLC): PSP220018. **Approved on June 13, 2022. Petitioner is requesting a one-year extension to June 13, 2025.**

MOTION:

A motion was made by Commissioner Robinson for a one-year extension to June 13, 2025, supported by Assistant Secretary Chowdhury.

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR OUTDOOR STORAGE: Located on the east side of Groesbeck Hwy; approximately 907.89 ft. north of Frazho Road; 26220 Groesbeck Highway; Section 24; PGL Building (Imad Potres).

Approved on June 13, 2022. Petitioner is requesting a one-year extension to June 13, 2025.

MOTION:

A motion was made by Vice Chair Boniecki for a one-year extension to June 13, 2025, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

- C. SITE PLAN FOR NEW MEDICAL MARIHUANA PROVISIONING CENTER: Located on the southwest corner of Ten Mile and Mound Roads; Section 29; 5830 Ten Mile Road; Marlin Kajy (Ali & Mahmoud Dakroub): PSP200002. **Petitioner requesting withdrawal of site plan that was never heard by the Planning Commission.**

MOTION:

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

- 9. BOND RELEASE:
None at this time

- 10. NEW BUSINESS:
Cancelation of the May 6, 2024 Planning Commission Meeting due to the Council of Commissions Appreciation Dinner.

MOTION:

A motion was made by Commissioner Tutt to approve the cancelation of May 6, 2024 Planning Commission Meeting, supported by Assistant Secretary Chowdhury. A voice vote was taken and the motion carried unanimously.

- 11. CITIZEN PARTICIPATION:
None at this time.

- 12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Mr. Ron Wuerth – It's kind of an unusual last two weeks with Easter Holiday taking up a couple of the days. We are still working on some of the fire department plans and things of that nature.

We did have a meeting with someone named Schultes talking about the Continental Trailer Park that exists off of Eight Mile and Warner. It's in disrepair they'd like to perhaps redevelop it, it's a pretty large site, we'll find out where that takes us. If they want to do that it will have to be rezoned and then site plan approved, it takes time to do things of that nature.

I attended a tree ordinance meeting last Friday and we are moving ahead with that, we have meetings every couple of weeks. We also received from Beckett and Raider a draft of the zoning ordinance that we've been waiting for, for about 2½ to 3 years now. We are going to be looking that over pretty closely and eventually move it forward to the Planning Commission and then onto City Council for final approval. There's quite a bit to the document so we are looking at having a committee of the whole meeting with City Council and others to discuss everything there is to discuss about that, so that will be coming up. With that that's all I have.

Commissioner Robinson – How soon will we know whether we can have our training is any progress being made on that so I can plan ahead?

Mr. Ron Wuerth – It's going to be on June 1st, 2024. You can see it listed on the agenda as item 12c, you're just ahead of things. I guess we can talk about it now. It will be Saturday, June 1st, at 9:00 am at City Hall first floor conference room. We will have more information on it. That will be all the Commissioners and the Ex-Officios and Staff.

Assistant Secretary Chowdhury – How many hours are we anticipating the training to be?

Mr. Ron Wuerth – I think it's four hours.

Assistant Secretary Chowdhury – Okay thank you.

B) Planning Commission Discussion and Concerns:

None at this time

**C) Planning Commission Training: Doug Lewan/Carlisle/Wortman; Saturday, June 1, 2024, 9:00 a.m.
All Commissioners and Ex-Officios.**

D) Planning Department and Commission 2024/2025 Budget Discussion; Meeting of the Committee of the Whole of the City of Warren Council; Saturday, April 13, 2024, at 9:00 a.m. (Planning Department and Commission meeting time is estimated to be at 1:45 p.m.,) all Commissioners and Ex-Officios.

Mr. Ron Wuerth – So that will be this coming Saturday, and our part of the budget will be heard somewhere around 1:45 p.m. So I would suggest you be there a little earlier than that because they don't exactly adhere to timing, so just be there a little earlier.

Assistant Secretary Chowdhury – Where's the location?

Mr. Ron Wuerth – Right around the corner in conference room A, here in this building. I would suggest at least four of you attend so that you can answer questions with me and if you have any questions for them express yourself.

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

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 8:06 p.m.

Warren Smith, Chair

Mahmuda Mouri, Secretary

Meeting recorded and transcribed by
Mary Clark - CER-6819

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APPROVED