

CITY OF WARREN  
PLANNING COMMISSION  
PUBLIC HEARING

Regular Meeting held on August 19<sup>th</sup>, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 19<sup>th</sup>, 2024, at 7:00 p.m., in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Delwar Ansar  
Andrey Duzyj  
Michael Holowaty  
Syed Hoque  
Claudette Robinson  
Merle Boniecki, Vice Chair  
Warren Smith, Chair

Also present:

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

1. CALL TO ORDER:  
Chair Smith - Calls the meeting to order at 7:02 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

Chair Smith – We need a motion to excuse Secretary Mouri and Assistant Secretary Chowdhury. Ms. Chowdhury had issues at work and had to work late and Ms. Mouri is not feeling well tonight.

MOTION:

A motion was made by Commissioner Ansar to excuse Secretary Mouri and Assistant Secretary Chowdhury, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar..... Yes

Commissioner Duzyj..... Yes  
 Commissioner Holowaty..... Yes  
 Commissioner Hoque..... Yes  
 Commissioner Robinson..... 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 Duzyj. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF MINUTES AUGUST 5<sup>TH</sup>, 2024:

MOTION:

A motion was made by Commissioner Robinson to approve, supported by Commissioner Holowaty. 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. SPECIAL LAND USE FOR AL SHAHI PALACE RESTAURANT WITH BANQUET FACILITIES; located on Twelve Mile Road; approximately 140 ft. east of Ryan Road; 4235 Twelve Mile Road; Section 8; Tom Hanawa, Affinity 4 Investments LLC (Caren M. Burdi/Earl, Earl & Rose, PLLC); PSLU240001. **Postponed from June 10, 2024 and July 8, 2024.**

PETITIONERS PORTION:

Ms. Caren Burdi – Caren Burdi on behalf of the petitioner Al Shahi Palace Restaurant, my address is 31851 Mound Road, Warren, Michigan, 48092. The reason we are here is we are asking for a special land use to be able to have private party rooms in part of their restaurant.

The restaurant is located at Twelve Mile and Ryan, it's the old Chinese Buffet, they've been in business since June of 2022. They

do provide private rooms for parties or for special occasions where people don't want to be out in the main dining room.

This usually has been okay in the City. There are many restaurants who are able to provide some private dining opportunities but in this case someone from the City came from the Building Department and indicated that he needed special land use. His floor plan is here, this is the main dining area, this is the buffet dining area, this is a private room that's 1,251 square feet and a second private room that's 2,927 square feet.

What's important to note is this restaurant does not have an alcohol license, all of the restaurant and any private parties are alcohol free. If you take the square footage of both rooms, they are only 28% of the total square footage of the restaurant so they are a smaller portion of the restaurant and their income from these private rooms is 10% or less right now. So this accessory use is truly an accessory use it is not the main use right now of this restaurant, given that it's such a small square footage and also a small percentage of their income.

I have had an opportunity to review the recommendation from the Planning Commission--

Chair Smith – Ms. Burdi, could we go over the correspondence first and then go over the recommendations.

Ms. Caren Burdi – Absolutely.

Vice Chair Boniecki reads the following correspondence:

**TAXES:** Current

**Comments from updated traffic letter for 8/19/24 meeting:**

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

**COMCAST:** In response to the City of Warren's request for comments in regard to the attached site plan, Comcast has overhead facilities along the property line of the parcel in question. However, based on my assessment of our facilities and the provided plans, there are no anticipated conflicts. Please see attached and feel free to reach out with any questions.

**DTE:** DTE Electric Company has reviewed the site plan for special land use for Al Shahi Palace restaurant with banquet facilities. DTE has no objection to this request impacting 4235 12 Mile Road; Section 8; per the site plan provided. If you have any questions, please do not hesitate to contact me at 586-783-1978.

**MCDR:** Macomb County Department of Roads (MCDR) has received and reviewed the enclosed preliminary plan for the above-referenced site. MCDR has no objections to proposed development at above-mentioned site. If you have any questions, please contact me at the number above [(586) 463-8671].

**MCPW:** Please be advised that this letter is for comment in relation to right of way and county drain easements only. This office would have no objection of the above project, there is not a county drain or easement on subject property. However, prior to a 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.

**Comments from original traffic letter for 6/10/24 meeting:**

**ENGINEERING:** Preliminary review of this site yielded no comment from the Engineering Division.

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

**COMCAST:** No conflicts with the proposal.

**MCDR:** No objections.

Mr. Ron Wuerth reads the recommendation of the Staff:  
Eliminate condition 2 – The donation boxes have been addressed.

Chair Smith – Thank you Mr. Wuerth. Ms. Burdi, do you want to come back up and make your comments on the recommendations?

Ms. Caren Burdi – Yes. With regard to the recommendations, I've had an opportunity to review them, and we are in agreement with them except I must point out a couple things. Item 1F, the striping of the parking lot, it was done, and I have photographs for you on your

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table that show that it has been completed. I even believe the parking spots requested to be moved have already been moved but if not we will make sure we move them. I believe item 1F should be deleted because the owner has already done the striping.

I want to point out in this case my client leases from the owner, he doesn't have any control over the owner he just has a lease with him. However, the owner is very conscious and does speak to me about issues. Like the donation boxes, he wanted them gone, he never approved them to be there. It's a new thing where they just drop them off and they think you won't move them because they are a charity. This is happening all over our city so hopefully we can make a plan to help these property owners get rid of them. In this case we were able to get rid of them.

On item number 3, we are asking for the owner to give up parking spaces and to do landscaping. I did have a small conversation with the owner today, he called me back he didn't have a lot of time, he's not committed to getting rid of the parking spaces yet, but he is committed to doing landscaping. He's very willing to deal with Twelve Mile and the landscaping along Twelve Mile. I have a meeting with him on Wednesday when we are meeting to sign the cross access easement and the shared parking easement and I asked if we could discuss that issue again with the plans in front of us. It's hard to tell someone over the phone what spaces are going to be gone or would be moved etc. and he did agree to discuss those items with me, but I have no way to assure that he will get rid of parking spots. He did commit today to the landscaping, so I thought that was good, I think it's important that we try to update our sites as we make improvements.

I do have a meeting with both owners, this site right here is my client's site, this is Twelve Mile where he'd put the landscaping. This site over here is owned by another gentleman so we are doing a cross access for people to be able to drive through each lot and shared parking and I expect that to be taken care of on Wednesday.

With those comments everything else seems to be in order and we will follow them.

**MOTION:**

A motion was made by Commissioner Duzyj to approve, supported by Commissioner Ansar.

**COMMISSIONERS PORTION:**

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Commissioner Duzyj – I have a couple of questions. I don't know if it's proper to leave the CVS logo on the prints since CVS is now gone.

Ms. Caren Burdi – That happened during the process, we will get it taken off.

Commissioner Duzyj – Do you have any idea or does the landowner have any idea if anybody is interested in the CVS property there?

Ms. Caren Burdi – I was starting to ask him that but he had another meeting, I'll ask him that on Wednesday.

Commissioner Duzyj – The reason I'm asking is the parking situation, we are getting rid of some, we are lengthening others and there's enough parking for this particular endeavor, but depending on what goes into CVS is it possible that we are going to need more parking?

Ms. Caren Burdi – So in the past there was a cross access shared parking agreement and with that there's enough parking, for sure there's enough parking for everybody there. That expired some time ago and that's what I'm getting renewed. But here's what is more important, the Ross School that's there, for example, I was there today at 1:50 in the afternoon and if you look at those pictures there were 4 cars in that parking lot, that was it. And the reason is Ross isn't open every day. Ross does all their schooling online, I represented Ross when they went in here, and what they do is they have what's called clinicals there, you learn the hands on things. They only do that a few afternoons a week and besides that, they are closed. So Ross isn't taking up many parking spaces at all and when they are taking up spaces it seems to be the opposite of when CVS and the restaurant were using spaces.

With regard to what goes into CVS, I don't know what's going in there yet, but we are calculating the parking for each use that's in there. So we are not just saying to you our use this is the parking and that was one of the things that Mr. Wuerth was having us correct, it's based on each use. That plan tells you each uses parking and we make it's sufficient.

Commissioner Duzyj – Fair enough. That would be one of my concerns on this. The other one is there any intent of getting a liquor license for this restaurant?

Ms. Caren Burdi – I'm assured no, it's an Indian restaurant.

Commissioner Duzyj – I don't know what they drink.

Ms. Caren Burdi – Many do not because many are Muslim, but not all Indian people are Muslim, please don't take as that.

Commissioner Duzyj – And I don't, but if somebody was planning on getting a liquor license it would probably do some good for the business, depending on what kind of business they are looking for.

Ms. Caren Burdi – I don't think they are interested in a liquor license.

Commissioner Duzyj – Fair enough, not a problem then. Thank you, Mr. Chairman.

Commissioner Robinson – What are the hours that the banquet facility will be operational?

Ms. Caren Burdi – Mostly they are open for late lunch and dinner, 11:00 am to 10:00 pm.

Commissioner Robinson – And that would hold true for the banquet as well?

Ms. Caren Burdi – Yes.

Commissioner Robinson – Thank you.

Chair Smith – I was by there this morning and there are quite a few cars in the parking lot, it wasn't full, it was probably the people going to Ross, but I noticed in the back there was like a 20-yard yellow roll off dumpster and there was another dumpster in the back of the building. I know we have our dumpsters put in a dumpster area but because it's at the back of the building it's shielded from the street. There is a wall shielding it from the residents on that side and you do have ways to drive past it, so I don't know if it's going to be that big of an issue.

Ms. Caren Burdi – So what we can do is for all the places that are in our building we will make sure that those dumpsters are behind the building. The other dumpsters that, I believe, I'm not positive about this but I'm pretty sure, that Mr. Wuerth is talking about on the north

property line, I believe those belong to the other center. I'm meeting with that gentleman who owns that center on Wednesday and not only am I dealing with the cross access easement but I can ask him about putting those dumpsters behind his building. And I'm going to also ask if he can get rid of those donation boxes, I'll ask him to talk to the other owner and see how that was accomplished.

Chair Smith – Alright, thank you. The dumpsters are behind the building now, you don't see them from the street, Twelve Mile, or from Ryan, but when I drove behind the building that's when I saw them. I was speaking to Mr. Wuerth about it and he was commenting that as long as it's not seen by the public it may be okay and as long as it's not blocking access through there in case a fire truck has to get through there. So they can't be the middle back there.

Ms. Caren Burdi – Okay understood, up against the building or up against the wall.

Chair Smith – I tried to go in this morning, but they weren't open yet, but it looked nice on the inside.

Ms. Caren Burdi – It is actually very pretty with wood and carvings, it's very pretty.

Chair Smith – If there's no further discussion we are ready for a vote.

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Commissioner Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- B. REQUEST TO VACATE PUBLIC ALLEY AND UTILITY EASEMENT; vacate the existing north/south fourteen (14) ft. wide public alley and utility easement abutting Lots 72 through 96 and Lots 206 through 232 of Frank C. Nall's Sunset Hills Subdivision located between Prospect Avenue and Toepfer Road; 21311 Groesbeck; Section 35; Brays Investments, LLC & Edom Properties, LLC (Kalven Hermiz); Selman Transportation, Inc (Gerald Selman); PAV240002.

PETITIONERS PORTION:

Ms. Caren Burdi – Caren Burdi on behalf of iDrive, Kalven Hermiz, and Selman Transportation, my address is 31851 Mound Road, Warren, Michigan, 48092. We are here tonight to vacate public utility easements and alleys, two of them are one in the same. This is a very old subdivision plat and the plat was actually filed before Groesbeck went in, Groesbeck came in after this plat was filed. Because this area is largely industrial you can imagine there are a lot of alleys and easements that were put in place when they thought it was going to be residential that now are interfering with a lot of the business that takes place at Eight Mile and Groesbeck.

I do have to take a minute to explain just briefly how it works to vacate an alley, a street, an easement, it's a two step process. The first step process is the local, the municipality must vacate saying they are in agreement with that alley or easement being vacated. Then there are two ways to get it approved after that, you either have to provide 2/3 of the consents of all those around or you have to file an action in the Macomb County Circuit Court. In filing that action everybody within 300 feet is notified they are able to come to court if they have a problem with it being closed. That includes all the utilities, it includes Lansing, it includes Macomb County Public Works, all of the entities that could possibly have any interest in these alleys or easements that are being vacated get named in the lawsuit or have to sign a consent for the Court.

So, at that time, if there are any utilities that are using that alley or easement they make an agreement with the owner to move routes. There's always another route that can be done, electric wires don't have to go a certain way, and they are always able to reroute them. It's the owner's responsibility to make that deal with the utilities and pay them to reroute them. So in this case I have a piece of property for iDrive that has many vacated streets. For example, Edom is vacated, but here's what's interesting, Edom was vacated either by the City or by Macomb County before we were a city when we were a township, but it hasn't gone through Circuit Court yet so when I go to Circuit Court I'm going to finish that. I don't need to ask the Planning Commission or the City right now to vacate Edom because it's already been done. We have those vacation documents filed at the Register of Deeds, we have them, and we've verified that.

So today I'm only here on the portion of the easements or alleys that need to be vacated by the City before I go to Circuit Court. When I go to Circuit Court, I'm going to add the other ones that need to be finished to that court case. This item is in green, and this is the

vacation of an alley and a public utility easement, it's both, and we are asking for the City to vacate that. According to everything that I've reviewed that's been presented by the Planning Department nobody has an issue with vacating that.

This is step one, I get a recommendation from Planning Commission then it goes to the City Council, if they vacate it, then I can go to Circuit Court and finish the process, so that's the first one.

Vice Chair Boniecki reads the following correspondence:

**TAXES:** Current.

**ASSESSING:** In reviewing the request to vacate public alley and utility easement of Lots 72 through 96 and Lots 206 through 232 of Frank's C. Nall's Sunset Hills Sub in Section 35, you do not list 21547 Helle Inc in your list of owners. This entity owns Lots 220 through 225. No other issues were noted in the Assessing Department for the vacation of this public alley and utility easement.

**DPW:** Based on our foreman's investigation this will not affect DPW operations.

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

1. 25' ROW dedication shall be required for Lots 72 through 90 on Edom Street.
2. 25' ROW dedication shall be required for Lots 209 through 217 on Helle Avenue.

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

**POLICE:** The Traffic Division is in receipt of your letter dated June 26, 2024. The noted petition does not affect our operations, and the Traffic Division is neutral on the use of the property.

**AT&T:** No objections to this proposal.

**COMCAST:** We have aerial conflicts with this proposal.

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**MCPW:** Please be advised that this letter is for comment in relation to right of way and County drain easements only. This office would have no objection to the vacating of the public alley of the above project. There is not a County drain or easement on subject property. Prior to a 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 Vice Chair Boniecki.

COMMISSIONERS PORTION:

Commissioner Duzyj – Are you going to submit for a new plat in this area?

Ms. Caren Burdi – Once you get a consent judgement put together at the court through all the parties, some parties will be defaulted, they won't answer at all, but all utilities in the State and everything like that we enter into a consent judgment. When we enter into the consent judgment the State requires, remember this is a platted subdivision so the State is involved, the State requires us to do an amended partial plat. So the area that we are changing we have to submit a revision for that that gets approved in Lansing and then entered by the court.

Commissioner Duzyj – There's a lot of hoops to go jumping through.

Ms. Caren Burdi – It will take over a year, this is not a small process. In any event I do want you to know that because there are probably so many of these that I'm getting vacated in that they'll probably have for this whole area that I showed you have us submit a partial plat for that entire area. There is a lot of the subdivision that is south of us that really isn't affected by this.

Commissioner Duzyj – Last question, what was this zoned originally?

Ms. Caren Burdi – This is totally a guess on my part. At one point because it’s a subdivision plat back when this was a township whatever they called their residential is probably what it was back then.

Commissioner Duzyj – They are very narrow lots, you couldn’t find a particular lot if your life depended on it back there, with that being said I’m glad we are doing something with that entire area because it really needs it badly. Thank you.

Chair Smith – Thank you, Ms. Burdi, for your due diligence in trying to work on all these items, I know it’s been a lot of work for you and I’m glad it’s coming to fruition.

Ms. Caren Burdi – There’s two things I wanted to point out in the recommendation, one is that on item number 2, I just want to be clear that there may be no utilities in that easement, so there may not be a relocation plan that has to be submitted. If we do have one, I will of course submit it to the Planning Department.

Then the last one is item number 5, in the recommendation it’s being called in the first sentence public utility, I think it should say public alley and utility easement because I think it’s both right now. Those are my only corrections.

Chair Smith – Thank you.

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Commissioner Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- C. REQUEST TO VACATE PUBLIC ALLEY AND UTILITY EASEMENT; vacate the existing north/south seven (7) ft. wide public alley and utility easement abutting Lots 55 through 67 of Frank C. Nall’s Sunset Hills Subdivision located on the north side of Prospect Avenue and west of Groesbeck Highway; 21311 Groesbeck; Section 35; Brays Investments, LLC & Edom Properties, LLC (Kalven

Hermiz); Selman Transportation, Inc (Gerald Selman); R & S Grant Investment Company, LLC (Robert Grant); PAV240003.

**PETITIONERS PORTION:**

Ms. Caren Burdi – Caren Burdi again, 31851 Mound Road, Warren, Michigan, 48092. This item reflects this easement right here, whereas this part of the easement was already vacated and went through Circuit Court, this portion was not. So that's the portion we are discussing here tonight. It's pretty much the same reasons trying to clean up the property, make it so it's useable and efficient.

Vice Chair Boniecki reads the following correspondence:

**TAXES:** Current.

**ASSESSING:** In response to your letter dated June 27, 2024 regarding the request to vacate public alley and utility easement for Lots 55 through 69 of Frank C. Nall's Sunset Hills Sub in Section 35, this appears to create no issues in the Assessing Department.

**DPW:** Based on our foreman's investigation this will not affect DPW operations.

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

**POLICE:** The noted petition does not affect our operations, and the Traffic Division is neutral on the use of the property.

**AT&T:** AT&T does not object to this proposal.

**COMCAST:** We have no facilities or conflicts with this proposal.

Mr. Ron Wuerth reads the recommendation of the Staff:

**MOTION:**

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

Ms. Caren Burdi – May I?

Chair Smith – Yes, go ahead.

Ms. Caren Burdi – Again for item number 2, there may be no utilities that are in this easement, but if there are, I'll submit a relocation plan

to the Planning Department. And number 5, this one too is an alley and a public utility, so if we could just change that.

Chair Smith – Thank you, we will note those.

**ROLL CALL:**

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Commissioner Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- D. **REQUEST TO VACATE PUBLIC UTILITY EASEMENT;** vacate the existing north/south Ten (10) ft. wide public utility easement abutting Lots 97 through 101 and Lots 202 through 205 of Frank C. Nall’s Sunset Hills Subdivision located between Prospect Avenue and Groesbeck Highway; 21311 Groesbeck; Section 35; Brays Investments, LLC (Kalven Hermiz); Victor Pirrami (Pirrami Land Holding LLC); PEV240004.

**PETITIONERS PORTION:**

Ms. Caren Burdi – Caren Burdi on behalf of iDrive Auto and Kalven Hermiz. My address is 31851 Mound Road, Warren, Michigan 48092. On this easement, I’ve depicted it in orange, now you might ask why this wasn’t part of the petition for this easement because it looks like it’s a continuation and it was. However, this portion in orange, the alley was already vacated and went through all the proper procedures, but they reserved a 10 foot utility easement in this location. So that’s why we are here on this item, only for the utility easement on this portion that is right in front of his building. So we are asking to vacate that.

Vice Chair Boniecki reads the following correspondence:

**TAXES:** Current.

**DPW:** Based on our foreman's investigations this will not affect DPW operations.

**ENGINEERING:** Preliminary review of this site has yielded no comments from the Engineering Division.

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

**POLICE:** The Traffic Division is in receipt of your letter dated June 26, 2024. The noted petition does not affect our operations, and the Traffic Division is neutral on the use of the property. Thank you for notifying our department.

**COMCAST:** We have conflicts with the proposed vacation of public easement. Aerial cables are highlighted in orange for fiber and yellow for coax cable. Underground is highlighted in blue for fiber and green for coax cable.

**DTE:** DTE has an objection to this request to vacate public utility easement abutting Lots 97 through 101 and Lots 202 through 205 of Frank C. Nall's Sunset Hills Subdivision impacting 21311 Groesbeck Hwy., Warren MI 48089, Section 35; per the site plan provided. DTE has equipment in the easement. If you have any questions, please do not hesitate to contact me at 586-783-1978.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Commissioner Robinson..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- E. SITE PLAN FOR SHEETZ GAS STATION AND CONVENIENCE STORE; located on the southeast corner of Twelve Mile and Mound Roads; 5920 Twelve Mile Road and 28950 Mound Road; Section 16;

Beverly Suida/Smokehouse Holdings LLC (Kareem Amr/Skilken Gold); PSP240016.

PETITIONERS PORTION:

Mr. David Brucklemeyer – Good evening, my name is David Brucklemeyer with Sheetz, 39300 W. Twelve Mile Road, Farmington Hills, Michigan. Thank you for having me here tonight, it's a pleasure to be here. We've been working with your City Staff for several months on this project and we are excited to present it to you. Knowing that Sheetz is pretty new to the area we'd like to take just a few minutes of your time and give you an idea of our brand and who we are.

Sheetz is a family owned, family operated business. It started in 1952 in central Pennsylvania, we are still family owned and operated to this day. None of our stores are franchised and we are all corporately owned through the family so that's something that really sets us apart. Back in 1952, Bob Sheetz bought what was essentially a dairy store, a dairy market in Altoona, Pennsylvania and it quickly grew. It grew into a deli, it grew into a carry out, people could stop in and grab convenience items and groceries and that was really Sheetz's beginning, and we are still that way today. We still operate a 24/7/365 kitchen, every menu option is open all day all year, it's an incredible offering, so we are heavily food focused. We also offer a very large amount of premium convenience items, we'll go through the inside of our stores in just a few minutes, but we have an incredible offering that if you can't find what you want, I would be really shocked.

We feature inside seating; we feature all kinds of great architectural features and things like that. So something that set us apart is Sheetz has an incredible culture and that's spoken to by Sheetz being named to Fortunes 100's best company to work for for nine years running, we've cultivated an incredible culture. And along with that we've grown to offer 30 to 35 positions per location. Those include preferably full time positions that include benefits, paid time off, 401K, the entire package, so it's really a premium offer even to our employees.

We have 30 indoor seating spaces and between 14 and 19 outdoor seating spaces for customers to come and enjoy a meal or grab a cup of coffee. So that's really a few of the things that set us apart from other operators that run drive throughs and field stations we really are heavily restaurant focused.

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In addition, we are really focused on the community. Some of the things we've done locally, we've donated to food banks, we donate to Special Olympics in every state that we operate. Every store that we open we sponsor 16 families at Christmas time through our organization called Sheetz for the Kids. Really what happens is, store employees and people from the corporate employee side, we all go out and shop together and provide for 16 families at Christmas time per location. So when you consider we have over 700 locations it's an incredible number of people that we impact. So those are just a few of the ways that we give back.

A couple things I want to focus on, Sheetz takes a really big emphasis on security. Because we are open 24/7/365 we do want to provide that sense of security to our customers and employees, so we properly light our sites, it's something that's really critical, lighting does detour any kind of issues going on. In addition to that, on an average site Sheetz provides roughly 60 high definition monitored cameras that are monitored 24/7/365 by Sheetz employees back in Altoona, Pennsylvania, something that's really incredible.

Moving on to environmental, Sheetz installs the most expensive underground storage tank system and field dispensing system that is on the market. Why do we do that? Because we really do care about the environment. We have an incredible environmental record. Our environmental team goes above and beyond, if you call the EPA in any state that we operate in they are going to tell you that we have a fantastic record, and we really do care. One of the ways that we show that is we do the annual required inspection 4 times a year, we exceed the minimum by 4 times, which is something that just doesn't happen and our system is monitor 24/7/365.

We are really excited to make huge investments, especially in the City of Warren. This particular site that we are going to review, we are going to invest over 8½ million dollars into the City of Warren, we are very excited to make these improvements. With that said, I'm going to let you glance through the site plan. As you can see, we are at the intersection of Mound and Twelve Mile with the convenient store restaurant located on the southeast corner of the site and the fueling island up along Twelve Mile. I'm just giving you a rough idea of where the site is, I'm sure your Staff is going to go through a pretty good report here. We've gone through quite a few of the details and just have a few things to sort out.

That's just a landscaping plan to show you how we are going to meet the requirements of landscaping. A couple of things I did want to note per Staff's report, there is a concern about the number of parking on this site, I do want to address that directly. We do understand that we want to reduce impervious areas as much as possible. One of the things that we do have to accommodate is a larger shift of eight employees, so that's something that takes up a pretty good amount of parking on site. In addition, we are pre-planning EV parking. We can't guarantee it at this time unfortunately because Tesla and some of these other owners of the EV charging platforms are independent and we can't force them to come to a site, but we are pre-planning with ADA pathways and things like that. We would like to be able to provide that quickly if we are able to get a partner involved with it. Sheetz is investing in its own research and development for EV charging so we'd like to be able to even offer our own in the future if possible. So I would ask that we be able to keep those additional parking along Mound for that purpose for both employees and future EV parking.

There was also a question of the cross access easement on the northeast corner of the site. You can see it heads to the east. We are actively working with that property owner to secure an agreement for cross access. He's a third party, we can't guarantee that he will sign that agreement, however, at this time it looks like we are going to come to an agreement. If we are not able to do that we would close off that cut to the east into the other owners driveway, we have a way to mitigate that and we are actively trying to get that cross access easement.

Just to reiterate some of the premium offerings here these are all purposed elevations of the site. We feature a four sided brick architecture, so all four sides have brick and stone and you can see the frontages have really nice metal façades, good architectural features and a good amount of glazing to just improve and look like a premium building. It really is a very nice looking offer.

In addition, our fueling canopy is something that really is a modern good-looking canopy. It's got an architectural truss system, we've got stone veneer on the bottom, it really looks good. Here is the picture. This is an existing site that we have, this is the offer, more or minus a few details, a couple things tweaked here or there like some signage changed but this is really what we are offering if you're trying to get a picture of what it really looks like in real life. As I stated a really (inaudible) looking fueling awning and recess lightning, a great looking canopy. Again, 30 inside seating spaces,

we are truly a restaurant, that's how we view ourselves. With that, if you have any questions, I'd be happy to answer them.

Vice Chair Boniecki reads the following correspondence:

**TAXES:** Current

**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 have any objections to the proposed site plan. Please note that we do have existing facilities within the Mound Rd. and 12 Mile Rd. ROWs and also along the south side of the property. I do not expect there to be any conflicts, but please advise the petitioner that should any conflicts be discovered, they need to call Engineer Joe Sikorski, js3649@att.com, 586-764-8261 to discuss options.

**COMCAST:** We have no conflicts with this proposal, but we have aerial facilities in the area.

**DTE:** DTE Electric Company has reviewed the site plan for Sheetz gas station and convenience store. DTE has no objection to this request impacting 5920 Twelve Mile Road and 28950 Mound Road; Section 16; per the site plan provided. If you have any questions, please do not hesitate to contact me at 586-783-1978.

**MCDR:** Macomb County Department of Roads (MCDR) has received and reviewed the enclosed preliminary plan for the above-referenced site. MCDR has no objections to proposed development at above-mentioned site. If you have any questions, please contact me at the number above [(586) 463-8671].

**MCPW:** Please be advised that this letter is for comment in relation to right of way and County drain easements only. This office would have no objection of the above project, there is not a county drain or easement on subject property. However, prior to a 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:

Mary Clark CER-6819  
August 19<sup>th</sup>, 2024

PUBLIC HEARING:

Mr. Sharkey Haddad – Good evening, Sharkey Haddad with the Chaldean American Chamber of Commerce. Thank you for your public service, I want to begin with that. I know that your responsibility is to recommend plans to the Warren City Council that comply with the City's zoning, strategic plan and for the benefit of its citizens.

I'm here today to ask you to do your due diligence and check with other states and their police departments about their experiences with Sheetz years after their approval so you are not misguided by their sugarcoated presentations and public relations campaigns. Ask your police Chief about their public safety concerns with the Sheetz 24-hour restaurant, gas station, and liquor store near a highway. Or ask your Chief of police to google crimes at Sheetz. Ask Sheetz how much their employees must pay per month per person for their competitive prices for health care.

Sheetz claims they are a family owned business with 800 stores. Walmart is also a family owned business, unfortunately most of their employees are on government assistance programs. Ask why Sheetz chose not to have a location in Detroit. Out of 80 locations they want to build in southeast Michigan none are in Detroit. Or you can google Sheetz alleged discrimination lawsuit. Ask why did Sheetz choose to settle their environmental lawsuit by the EPA outside of court instead of fighting it in court and they paid 1 million dollars in fines. Ask your residents how many gas stations with liquor stores are needed on the same road. I googled gas stations in the City of Warren I came up with 53 gas stations plus at least 7 on the border of the City of Warren, that's almost 60 for 34 square miles for the City of Warren, two per square mile.

Ask why using Sheetz famous 88 octane fuel in vehicles could void the manufactures warranty despite the Federal Government approval of it's use. Ask why Sheetz was rejected in 5 different Michigan municipalities in southeast Michigan. I'm asking you to keep it in Michigan by supporting your small business who reside in Michigan, buy homes and cars in Michigan, and support your local police, churches, schools, and community projects.

Finally, competition is good for any local and state economy, but which small business or mom and pop operation can compete fairly against a giant wealthy corporation such as Sheetz. Thank you for your time.

Ms. Sylvia Sammoe – Good evening, 30990 Dequindre Road, Warren. I want to address the matter of significance and importance regarding Sheetz. While Sheetz is often perceived as a convenient option, it's crucial to recognize the impact it will have on our community. Sheetz is not a family owned business, it is a large corporate chain with extensive resources and a business model focused on expanding its locations across the country.

This contrasts with our local businesses, which are often family owned and deeply rooted in the community, like the one my family has. These local establishments contribute not only to our economy but also to the unique character and charm of Warren. Introducing Sheetz could have detrimental effects on our small businesses. Local gas stations, convenient stores, family run restaurants, all of these will be highly impacted by Sheetz. Moreover, the presence of a corporate chain like Sheetz could divert spending away from local businesses, which are crucial for our community's economic health.

Every dollar spent on a local business sends a (inaudible) within the economy supporting businesses, jobs, local services, etc. In contrast, money spent at a corporate chain often leaves the area reducing the economic benefit to our community. I also want to add that many of the business owners here are Chaldean and according to a DBusiness article done 2018 the Chaldean population contributed \$18 billion dollars to the Michigan economy. So much so that Governor Whitmer literally named a whole month after us, the month of April is the Chaldean Assyrian month. With that, I'd like to thank you all for your time.

Mr. Michael Brzoska – I live at 27542 Audrey Avenue, that's at Eleven and Mound, I also own the rental next door. I've lived there since 2007 and own a business at 18 Mile and Mound. We have liquor, gas, food at Thirteen and Mound already, so we don't need another one. This company, it's all in the news, it's not just me up here yacking, we know they have this problem with discrimination, we know they have a record of bad gas, they had to shut down the Romeo place from selling gas in January because they had water in the gas. We know we don't support local businesses, it's a national chain, so the chips, the pop, whatever other stuff that's not coming local they are going to kill local business. We know they have late night problems. I did a late-night trip and ended up in Raleigh, a very nice area, and it didn't look like that at midnight. It's a hangout spot for people that have no place to go or nothing to do.

We don't have a shortage of gas, booze, cheap food, or late-night problems, we don't need this here. I can tell you during Covid, like I said I live on Mound Road, now it's 5 days a week after Covid but I

Mary Clark CER-6819  
August 19<sup>th</sup>, 2024

was working 7 days a week during Covid and the riots and there were a ½ of dozen incidents in party stores, gas stations, people creating a ruckus knocking things over and every single time the folks behind the counter they handled it properly. It was calm, the problem went away, they are from here they know this area, they know the tensions that might be happening or might not be happening. If you take away the few jobs that they have at the restaurant, they are going to add a few more, but you're going to kill a lot more. I know it's 8½ million dollars' worth of investments, that might be great for construction, but this is how communities go downhill. We are a community here, there's a lot of people here clapping saying we don't want this. So my vote is no, we don't need this. I live in a nice quiet neighborhood, 696 and Mound where I live is very quiet. It's peaceful, there's no crime, and I want to keep it that way. We don't need more of this, we have enough.

Mr. James Fiscelli – I work at the gas station at Fourteen and Mound in Warren. We are a small business, we work in the community, we support the community, we have for over 30 years. We need businesses that make decisions that live in the State of Michigan. I really hope you take into consideration the negative fact that this could have on all the local businesses that have supported Mound Road through the bad times and the good times. If you look behind us, we have support of all the local small businesses in the City of Warren and this could negatively effect all the small businesses on Mound Road.

Ms. Jenna Bandar – I'm also speaking on behalf of the gas station on Fourteen and Mound. It is necessary to support our small businesses in Warren. These small businesses create many jobs, preserve local culture, and allow entrepreneurs to achieve their dreams. These business owners are the same individuals that reside here and support our community. We have been here since 1997, we survived through Covid, we survived three years of construction on Mound blocking our business, and now we are fighting for our business against a large corporation hiding behind saying it's a family owned business. I urge you to support your residents and business owners and vote no. Thank you.

Mr. Ketan Shah – Good evening, I'm coming here regarding the Sunoco Station located at 32900 Mound, Fourteen and Mound. The City of Warren is the third biggest city in Michigan and our city has lots of auto industries, auto manufacturers, all diverse ethnic communities working together and living together. Racial discrimination lawsuit has been filed against Sheetz (inaudible) we can all make equal opportunities commission. They filed that lawsuit

against Sheetz because they are using racial discrimination in hiding that process. Do we need this in the City of Warren? We are all living together, all different cultures. Like myself, I live here, and I work in the City of Detroit for the last 27 years. Here is my son.

Mr. Ruhin Shah – Also representing the gas station on Fourteen and Mound. I just want to address something that was already addressed. There are many public safety concerns that can come with a 24/7 gas station that also serves liquor. Not only do they create an increased risk of crime during the late night, like I said after midnight, but it also raises a question of just how many liquor stores and places do we need that sell booze on Mound Road, we already have enough.

Mr. Sam Hanna – Good evening, my address is 28069 Mound Road, I'm one of the partners of our liquor store south of Twelve Mile. Like everybody mentioned there is a lot of liquor stores, there is a lot of gas stations, there's enough food businesses around and this is a national big chain company that's going to do nothing but hurt the small businesses. We've been there for years so if anything, this is going to hurt our business, and we have to feed our families. Thank you.

MOTION:

A motion was made by Commissioner Duzyj to approve, supported by Commissioner Ansar.

COMMISSIONERS PORTION:

Commissioner Duzyj – You've heard some of the comments as far as the nature of your business, are you selling liquor here?

Mr. David Brucklemeyer – We do intend to seek a Class C carryout only license if one is available. We would have a limited liquor selection, nothing like you would see in a party store. It might be like an 8-foot long shelf about that high, very limited. We would also have beer and wine for carryout only so no on-site, no on-premise consumption.

Commissioner Duzyj – There were a number of comments made about safety and police, how does Sheetz address these situations?

Mr. David Brucklemeyer – As previously stated, we do make the investment to. A lot of monitoring that's actively monitored by Sheetz employees, good lighting, we have employee procedures when they are walking the lot they have a safety button and if anything is going on it alerts security that there's a problem. It's also

active policing, we actively work with law enforcement in our local communities. They have our phone numbers, and they know our store managers. Sheetz also does something that's a little unique in the industry, if a police officer that has the authority of arrest needs footage, we actually actively give that to them. So if they are seeking someone out or looking for a license plate we actively help the police. So we routinely help police catch people that are creating an issue.

Another thing to note, crime is something that does not just exist in the store industry. Things happen at Little Caesars, things happen on the interstate, it's not something that is necessarily unique. We can't control everybody that comes in our lot, but we do actively police that.

Commissioner Duzyj – The one thing that hurts is I really like the smokehouse ribs there and that's going to be gone. The auto place was a terrific place to get your car fixed and that might be gone. If there's anything I can tell you is Sheetz has to change some of the opinions that are here and become a very good neighbor. My suggestion to you is to get together with some of the people, some of the representatives in this room, and address their concerns. You're making a substantial investment in the City, and I'll leave it at that. Thank you, Mr. Chair.

Commissioner Robinson – How far along are you with the opening of a location at 31925 Van Dyke, which is near this proposed site. Have you broken ground, have you purchased property at this location?

Mr. David Brucklemeyer – We are under contract for that property we are doing a lot of due diligence. There is an application into the City now that is being reviewed. We have not broken ground, we have not purchased the property as of yet, we are pursuing that site.

Commissioner Robinson – Can you tell me what is the other cross street there?

Mr. David Brucklemeyer – It would be Murthum and Van Dyke.

Commissioner Robinson – So this is in close proximity to this proposed development, is that correct?

Mr. David Brucklemeyer – Yes that is correct. We have done a lot of research on both locations, and we feel that the existing traffic

patterns are so different that it is appropriate to have those two locations.

Commissioner Robinson – May I ask, do you plan on opening any more locations in the Warren area or is this going to be it? I see here you have 2 locations in Taylor, and 1 on Garfield Road, so do you plan on any more in the City?

Mr. David Brucklemeyer – I know we are always looking for new real estate, we are looking to build several locations, many locations, around southeast Michigan. At this time, I don't believe we have any other contracts for any other properties. I will not tell you that we won't seek out another site in Warren, but at this time these are the only two properties we have interest in.

Commissioner Robinson – So thus far we are talking about 2 in the City of Warren?

Mr. David Brucklemeyer – Correct.

Commissioner Robinson – Mr. Wuerth, is there any provision in the City because if this corporation plans on expanding more locations in the City it is going to hurt small businesses, definitely. So is there any ordinance that the City can put a limit on how many of these out of state franchises can operate in the City?

Mr. Ron Wuerth – No there's not that kind of limit. If the zoning is correct, as the zoning is correct in this particular situation, if the zoning was correct in some other location, by right, they can build these gas stations and convenient stores.

Commissioner Robinson – They can open as many as they want as long as they meet the zoning?

Mr. Ron Wuerth – They have to meet the zoning, that's the controlling part here in the City is that. And you've got to think that a lot of those locations are already being used by other gasoline stations and convenient stores. There's not a lot of room for many more of these that I know of.

Commissioner Robinson – Thank you.

Commissioner Holowaty – If you do build these in Warren and we give the approval will Warren residents be given first priority for employment?

Mr. David Brucklemeyer – Yes, we always try to hire from as close of a proximity to our store as we can, it makes sense, those people are close by they know the community well. We always try to hire within the community. We put up hiring banners, often times we hold onsite interviews, so we really do try to hire local.

Commissioner Holowaty – Thank you.

Mr. David Brucklemeyer – Commissioner Robinson, if I may answer a little bit of your question, we didn't really get to talk about the family run business and potentially hurting other competitors. As was stated previously in the meeting, there are 53 other fuel stations in the City of Warren, I don't think adding one here is going to tip any kind of scale. At this point, we are on one corner; we are not going to be blanketing the entire City. And certainly, if you drive around the country when you see competition from a fuel standpoint it's not uncommon to see three fuel users on any given corner. They are already in a convenient spot for their customers. With three competitors on one corner, they are all surviving and able to thrive in that manner. We do not really see small businesses close down when we move into any kind of community.

We are a little bit of a different offering, we are more of restaurant, people are maybe coming in to grab lunch or breakfast, things like that. We very rarely see competition close. Competition certainly doesn't usually want us to come into town because we do set the bar high, but we very rarely do see competition close.

Commissioner Robinson – I'm sure it's going to have some impact because of the amenities that you offer some of the other businesses don't offer.

Mr. David Brucklemeyer – I would say that is certainly true. We very rarely see any kind of other competition shut down. They usually at this point they have good corners; they've established a customer basis, so we very rarely see any kind of competition shutdown.

Commissioner Ansar – Did you get a chance to review all the recommendations?

Mr. David Brucklemeyer – Yes, we did review those recommendations.

Commissioner Ansar – Do you agree with them?

Mr. David Brucklemeyer – There are the two I would like to discuss, the cross access to the east. I would like to note we cannot force another property owner to give us cross access, so we are in good faith seeking out that cross access. I would ask for that item to be amended, that in good faith we seek it out, and we are doing that. If not we would need to close off that eastern cross access portion on the northeast corner of the site. Just because we can't force another property owner to give us rights to access, even though it exists today it's something that was never documented.

Commissioner Ansar – Are the hours of operation 24 hours?

Mr. David Brucklemeyer – 24/7/365, yes.

Commissioner Ansar – So do you have hot food?

Mr. David Brucklemeyer – We do, yes, we have fresh, made to order food. Sandwiches, everything from salads, rice and bean bowls, we also have burgers, chicken and things like that, so we do have hot food.

Commissioner Ansar – As Commissioner Duzyj mentioned all the people that came here today they have concerns so are you taking into consideration all their concerns?

Mr. David Brucklemeyer – We do understand their concerns. At this point the concerns that have been expressed today are really in a competitive nature and we've sought out a site that has appropriate zoning, so we feel that we fit very well within this location. This is a site that has been determined by the zoning code to fit our use. The only other thing I would like to note is the parking limitation I would like to ask to remove that. We are requesting that we are allowed to put in the additional parking because of 8 employees per shift as well as the EV parking.

In addition, we have provided enhanced landscaping around the entire site. So we have provided a good amount of landscaping that I believe very well satisfies the code.

Commissioner Ansar – Thank you.

Commissioner Hoque – The concern of the gentlemen that are here is you said 24/7 liquor store, are you providing any private security for the public safety?

Mr. David Brucklemeyer – No, we will not have any private security. I would like to note that we will not be able to sell liquor 24 hours. We do sell liquor, we do not consider ourselves a liquor store. We are not going to have a large selection; it will be very limited and carryout beer and wine as well. So we do not feel we need private security, occasionally we have locations like in our older platform where occasionally need a little bit help we don't anticipate that here. We have done a safety study on this site before we selected it and went under contract. We are comfortable with the safety score that this site received. So we have gone that far into doing safety research for the location.

Commissioner Hoque – Thank you.

Commissioner Duzyj – I'd like to suspend the rules if I may, we have the owner of Victory Inn that was not aware that she could come up and speak, I'd like to hear what she has to say.

MOTION:

A motion was made by Commissioner Duzyj to suspend the rules, supported by Commissioner Holowaty. A voice vote was taken and the motion carried unanimously.

Ms. Beverly Suida – I'm Beverly Suida, 28817 Palm Beach, Warren, Michigan 48092. I just want the record to reflect that an actual completed and closed sale of the Victory Inn property cannot happen any sooner than August 1, 2027. The Victory Inn is not closing and will continue to be open and operating as usual. I just wanted to make all the people in here aware that this cannot happen until 2027, that's when the agreement is for. Thank you for letting me come up.

Commissioner Duzyj – This may all be academic at that point and time because a site plan is only good for 2 years and 8-1-2027 kind of puts it out of the 2 year term, unless they come back and get another years' extension. I'd like to hear what anybody has to say about the time frame now.

Mr. David Brucklemeyer – Yes, we are working with the property owner who is then, in turn, working with the tenants, we are going to lease the property. We do intend on moving forward. We hope we don't have to seek an extension of the site plan approval; we are actively working with the property owner to work with the tenants. The property owner at this point is interested in redeveloping the

property which is why it came to market and we were able to get under contract.

Chair Smith – Mr. Wuerth, in light of the agreement with the Victory Inn as far as they can't do anything until 2027, how is that going to affect that operation? If it's a legal agreement they are not going to be able to move forward at this time, are they?

Mr. Ron Wuerth – I don't think it affects anything, they can get a two year approval here and if they haven't changed anything in the lease, or whatever their intentions are with the owner, they can get an extension. Getting a year extension is not something that is uncommon, it's more common than uncommon as you well know.

Chair Smith – Thank you, Mr. Wuerth. You heard a lot of concerns from the residents and the businesses we have to take that into consideration. I would like you to rethink your project to possibly address some of their concerns because we all have to support each other in our community. The first time I saw Sheetz was down in Columbus, Ohio, it looked like a very nice operation, I didn't go inside. I was excited to see it come here, but then I'm hearing all the complaints of the businesses and the other operations having problems, and it's a little bit of a concern. You've heard the suggestions of the residents and business owners about their concerns and if there's anything you can do to alleviate some of the issues that they are concerned about we would really appreciate it.

Mr. David Brucklemeyer – Thank you very much for that. We are working on engaging with the Chaldean Chamber, some of those conversations are being worked on. As far as the concerns of some of the people here tonight, there's definitely a lot of concern, but we have picked a property that really fits the appropriate zoning. Another fuel station operator could come in here and build another site by right, and they would also therefore be competition.

This site is really appropriate for our use, it fits our restaurant, it fits convenience store and fuel, which is why we are here today. Certainly, some of our competition is concerned and we do understand that, and again we are working on having discussions with the chamber.

Chair Smith – Are you going to try to have a meeting with the business owners in the area to address some of their concerns also?

Mr. David Brucklemeyer – We are trying to take this to the chamber and work with the chamber directly.

Chair Smith – What we have to base our discussion on is the zoning and if it meets the ordinance and everything like that. As long as it meets the ordinance, and as long as it meets all the requirements, we have an obligation to approve it. That’s the reason we asked if there are things that you could do to address the business owners and the residents in the area. We would appreciate it.

Mr. David Brucklemeyer – Absolutely, we will work with local residents and business owners, and if there’s a concern we need to address, we will certainly do that. When we open up a location, we get to really know our community, we hire from the community, we invest in the community, so we will be very active here.

Chair Smith – Any more discussion? Seeing none, that was a motion by Commissioner Duzyj, supported by Commissioner Ansar.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Holowaty.....	Yes
Commissioner Hoque.....	Yes
Commissioner Robinson.....	Yes
Vice Chair Boniecki.....	Yes
Chair Smith.....	Yes

Chair Smith – I hope with this approval that you do take it seriously as far as dealing with the residents and the businesses. Thank you.

7. CORRESPONDENCE:

- A. SITE PLAN FOR BUILDING ADDITION FOR AUTO REPAIR FACILITY; located on the north side of Nine Mile Road, approximately 334.85 ft. east of Warner Avenue; 3229 Nine Mile Road; Section 30; Mediroutes LLC (Amel Softic). **Approved on May 23, 2022. Never finished, expired.**

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Holowaty.....	Yes
Commissioner Hoque.....	Yes
Vice Chair Boniecki.....	Yes
Chair Smith.....	Yes

B. Updated Planning Commission Committee Membership list.

MOTION:

A motion was made by Commissioner Duzyj to receive and file, supported by Chair Smith.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Holowaty.....	Yes
Commissioner Hoque.....	Yes
Vice Chair Boniecki.....	Yes
Chair Smith.....	Yes

8. OLD BUSINESS:

MINOR AMENDMENT TO SITE PLAN FOR A MINI BATCH PLANT; located on the north side of Ten Mile Road, approximately 246 ft. east of Easy Street; 14617 Ten Mile Road; Section 24; Filomena Vitale/JMJ Building Company (Benjamin Vitale/JMJ Building Company LLC); PMA240003.

PETITIONERS PORTION:

Mr. Joe Vitale – Good evening, I’m Joe Vitale, with JMJ Building Company, we are here today for the minor amendment. We own a concrete business. The reason we put together this mini batch plant was that getting service from the bigger corporations like Hercules

and SRM, they came in town they bought up all the small mixer suppliers and we couldn't get our service the way we needed, so we started batching our own concrete for our flat work crew. So I'm here to ask for a minor amendment, it's a mini batch plant that makes concrete.

Vice Chair Boniecki reads the recommendation of the Staff:

**TAXES:** Current.

**ENGINEERING:** NOTE: The installation of a batch plant requires approval from the City Engineer. Since this is an amendment to an existing site plan, with the batch plant already installed, these comments are only for the open storage and truck parking area. Preliminary review of this site has yielded the following comments from the Engineering Division: 1. Parking areas must be hard surfaced with concrete curb and gutter. 2. It appears that the adjacent property to the east is also being used as truck and trailer storage/parking for the batch plant.

*NOTE: Items 1 and 2 are addressed in the findings.*

**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 plan. It appears we have a service wire serving the existing building, but it should not be affected.

**DTE:** DTE has no objection.

**MCDR:** MCDR has no objections to proposed development.

Mr. Ron Wuerth reads the recommendation of the Staff  
Add B to item 6 – For the existing fuel tank.

**MOTION:**

A motion was made by Commissioner Duzyj to recognize it as a minor amendment, supported by Commissioner Hoque. A voice vote was taken and the motion carried unanimously.

Commissioner Duzyj – Mr. Wuerth, can the Planning Staff make sure the petitioner gets all the information and any help he can get going forward? Would be good for a small business in Warren.  
Thank you, sir.

MOTION:

A motion was made by Commissioner Duzyj to approve, supported by Commissioner Hoque.

COMMISSIONERS PORTION:

Chair Smith – Good evening sir, I went by and looked at the site today and I was expecting to see where you're going to build a batch plant, but it looks like you've already built the batch plant, but it never came before us. That was 2016 and we never got this drawing, why didn't you bring it to us before hand?

Mr. Joe Vitale – I didn't realize that I needed to, to be honest with you. It was a necessity, we did it, I didn't know I needed to have a site plan reappraised. We were made aware of it from Planning and that's why we are here today.

Chair Smith – Any time you're doing any type of improvement on a site you have to come to Planning for a site plan approval. Another thing I noticed on the site when I was there is you have a diesel fuel tank in the back, I think that's for fueling your trucks?

Mr. Joe Vitale – Yes, sir.

Chair Smith – But it doesn't show any fuel tank on the drawing.

Mr. Joe Vitale – I don't know why the architect didn't put it on there, but when we go through the list from Mr. Wuerth and the Planning Department I'll make that it is on there.

Chair Smith – Because you may have to have a variance for that fuel tank to be there. I noticed it is in a steel container so if there is any spillage it would be contained in that steel container and it looks like it's got bars underneath where a lift can get underneath it to lift it up if necessary. You still have to notify us of the fuel tank being on the site. Fire may have to come out and certify it and things like that.

Mr. Joe Vitale – Okay.

Chair Smith – Do you understand the recommendations?

Mr. Joe Vitale – Yes, I do.

Chair Smith – You understand about the three months that we need you to get with EGLE?

Mr. Joe Vitale – Yes, I do.

Chair Smith – On the fuel tank storage you’re also going to need to have it dimensioned to where it’s at on the site because there are requirements as to where it can be located.

Mr. Joe Vitale – We’ll make sure it’s on there.

Chair Smith – Are there any other questions?

Mr. Ron Wuerth – I just want to go back to item number 2, at the end of it we were talking about the petitioner coming back to us with three months in response to EGLE’s requirements and provide a status on a Planning Commission date and we’ve got that on November 18<sup>th</sup>.

Chair Smith – You understand that sir?

Mr. Joe Vitale – Yes, I do.

Chair Smith – So you need to get with EGLE and get what you have to get for the necessary permits and things and get back with us by our November 18<sup>th</sup> meeting.

Mr. Joe Vitale – Yes.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Hotowaty.....	Yes
Commissioner Hoque.....	Yes
Commissioner Robinson.....	Yes
Vice Chair Boniecki.....	Yes
Chair Smith.....	Yes

9. BOND RELEASE:

None at this time.

10. NEW BUSINESS:

None at this time.

11. CITIZEN PARTICIPATION:

None at this time.

12. PLANNING COMMISSION BUSINESS:

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

Ms. Michelle Katopodes – Good evening, Commission. Since the last Planning Commission Meeting on August 5<sup>th</sup>, the Planning Staff has met with various representatives to discuss potential new projects as well as some previously approved projects with some potential changes that you'll probably see in the near future.

On August 7<sup>th</sup>, there was a virtual Steering Committee Meeting for the Act Mobility Plan, Planning Commissioner Hoque also attended the meeting. At the meeting, the consultants The Greenway Collaborative provided an overview of the plan, the public workshop schedule, and the public survey and website. Additionally, they provided posters and yard signs which have been placed throughout the City at parks, community centers and libraries.

On August 13, 2024, the City Council approved the text amendment removing the requirement for basements and multiple family buildings and revised the basement definition to be consistent with the international code book. What this means is that variances will no longer be required if a developer wants to construct a multiple family building without a basement. It will not be the developer's choice to add a basement or not.

This Friday, August 23<sup>rd</sup>, the Master Plan Steering Committee will be holding a meeting, and the Commissioners on this Committee include Chair Smith, Secretary Mouri, and Commissioner Ansar, so please check your email because you received an invitation to that meeting going back to the end of May and contact the office if you have any questions, please.

Also on Friday, August 23<sup>rd</sup>, the Greenway Collaborative, which are the Consultants for the Act and Mobility Plan, will have a table at the Warren Birthday Bash. So if anyone is interested in taking the survey or finding out more information please visit their booth.

And finally, as I mentioned at the last meeting there will be an Active Mobility Plan public workshop at City Hall in the first floor conference room on Thursday, August 29<sup>th</sup>, from 6 to 8 p.m. This ends the report, please let me know if you have any questions.

**B) Voting for 2024-2025 Planning Commission Officers:**

Chair Smith – We had nominations last time for Chair, Warren Smith was nominated, do we have a motion to accept that?

Mary Clark CER-6819  
August 19<sup>th</sup>, 2024

Commissioner Holowaty – Are we voting for the new Commission Officers for the new year?

Chair Smith – Yes.

Commissioner Holowaty – Should we table this due to the two members not being present?

Chair Smith – I talked to Assistant Secretary Chowdhury today and she would have been here but she had problems at work and I asked her if she was still interested in being Assistant Secretary, I told her that Commissioner Duzyj would take it if she didn't want it, she said she was still interested.

Commissioner Holowaty – Okay, just wanted to make sure that the commissioners were informed.

Chair Smith – They were informed today, I felt it was right to at least find out what she wanted to do. She texted back and said she'd still like to continue doing that.

Commissioner Duzyj – I'd like to make a motion to approve Chair Smith as Chair, Vice Chair Boniecki as Vice Chair, Secretary Mouri, as Secretary, and Assistant Secretary Chowdhury as Assistant Secretary. As opposed to making all these motions, let's make one and be done with it.

Chair Smith – Sounds good.

MOTION:

A motion was made by Commissioner Duzyj to approve Commission Officers as indicated, supported by Commissioner Hoque. A voice vote was taken and the motion carried unanimously.

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

Chair Smith – I want to thank Vice Chair Boniecki for stepping in as Secretary tonight.

**D) Resolution Presented for Planning Commissioner Claudette Robinson:**

Chair Smith – WHEREAS, Claudette Robinson served the Planning Commission in an exemplary manner as a Planning Commissioner

from June 22, 2010 to March 21, 2011 and May 12, 2015 to August 19, 2024; and

WHEREAS, Claudette Robinson provided leadership, knowledge, scholarship, wisdom, common sense and considerable experience to help the Planning Commission improve its decisions, studies and plans over her tenure; and

WHEREAS, it is with sincere appreciation for her ten (10) years of service that the members of the Warren Planning Commission and the Planning Department commend Claudette Robinson for her exceptional commitment to the Planning Commission.

NOW THEREFORE BE IT RESOLVED, that we, the City of Warren Planning Commission and Planning Department, do hereby express to Claudette Robinson our sincere appreciation for her unselfish, dedicated, and outstanding efforts, which have greatly assisted the work of the Planning Commission and promoted the health, safety and welfare of the City of Warren.

Resolution declared and adopted on the 19<sup>th</sup> day of August 2024, and is signed by all the Commissioners.

Commissioner Robinson – Thank you so much. I'm going to miss all you guys. I love this City, I have invested monies in this City, I might be back in some other form later on, but right now the girl has to sit down for a minute.

13. CALENDAR OF PENDING MATTERS:

None at this time.

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 9:27 p.m.

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Mary Clark CER-6819  
August 19<sup>th</sup>, 2024

Warren Smith, Chair

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Merle Boniecki, Vice Chair

Meeting recorded and transcribed by  
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APPROVED

Mary Clark CER-6819  
August 19<sup>th</sup>, 2024