

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on September 9th, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, September 9th, 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
Sultana Chowdhury, Assistant Secretary
Merle Boniecki, Vice Chair
Warren Smith, Chair
Henry Newnan, Ex-Officio

Also present:

Ron Wuerth – Planning Director
David Crabtree – Assistant Planner
Amanda Mika – Assistant Planner
Susan Heydel – Administrative Clerk
Mary Michaels – Assistant City Attorney
Christy Laabs - Communications Department

1. CALL TO ORDER:
Chair Smith - Calls the meeting to order at 7:01 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

MOTION:

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

4. APPROVAL OF THE AGENDA:

MOTION:

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

5. APPROVAL OF MINUTES AUGUST 19TH, 2024:

MOTION:

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

SPECIAL LAND USE WITH SITE PLAN FOR USED CAR SALES AND PARKING LOT EXPANSION; located on the southwest corner of Groesbeck Highway and Nine Mile Road; 22755 Groesbeck Highway; Section 35; Joseph Tringale/JNT Investments (Marianna Fuga); PSPSL240001.

PETITIONERS PORTION:

Mr. Bob Kirk – Bob Kirk, 19500 Hall Road, Clinton Twp., working with Joe.

Mr. Joseph Tringale – Joseph Tringale, JNT Investments. I own a couple of car lots one of them being on Van Dyke and the other one being on Nine Mile in Eastpointe and I purchased Doug's Transmission which is on the corner of Nine Mile and Groesbeck. I take all my cars to my workshop where we do work on the cars and a lot of them have writing on the cars. So, I figured why not just turn it into both a car sale and repair, because while the cars are there people ask can I purchase this vehicle and I have to send them to the Van Dyke or Eastpointe location, which is on Nine Mile between Hayes and Schoenherr. So I figured this is a no-brainer, let's try and do both.

Mr. Bob Kirk – So we are asking for special land use for that and to come in and clean up that site, that's what the plan is.

Assistant Secretary Chowdhury 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.

ZONING:

1. Parking requirements auto repair and auto sales - using 50% each, the required parking would be 2 for auto repair and 8 for auto sales (4.32 k 23 & 15.01 e 12). 10 spaces required, only 7 spaces shown.
2. Auto repair business - outdoor storage of inoperable, wrecked, or stripped vehicles shall be prohibited from the site (15.01 e 11 e). What will be stored in outdoor storage area?
3. The setback areas along street frontages shall be landscaped (15.01 e 13 d). Setback 50 feet along Groesbeck and 9 Mile.
4. The setback areas along street frontages shall not be used for the parking or for the storage/display of used cars (15.01 e 11 f). Setback 50 feet along Groesbeck and 9 Mile.
5. Concrete has recently been added in the outdoor storage area without permits or approvals.
6. Sign not in compliance with variance. Extends past ROW.

COMCAST: In response to your utility request for the above project, please refer to the attached map for the location of Comcast CATV/FIBER facilities. **Comcast has aerial fiber running within the public right of way on both Groesbeck Hwy. and E. 9 Mile Rd.** 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. If we can be of further assistance, please feel free to contact us by email at cccutilityrequests@teamsigma.com.

MDOT: The applicant will need to apply for a permit as they are proposing to close one of the two driveways that are on MDOT's ROW.

Mr. Ron Wuerth reads the recommendation of the Staff:

Chair Smith – I'd like to recognize Councilman Newnan.

Councilman Newnan – Thank you so much, I don't see Melody here tonight, but thank you so much for recognizing me, I appreciate it.

Chair Smith – Glad you're here sir, thank you.

PUBLIC HEARING:

Ms. Lori Harris – My name is Lori Harris, 4047 Hillcrest. I listened to all of that and I want to remind you that you are not a rubber stamp. There are an awful lot of exceptions that need to be corrected. While I was listening to the correspondence, I was struck by cement that was poured without a permit. I want to remind you that on BS&A that this property has not had an certificate of compliance it's been disapproved in November of 23, disapproved in February of 24. There were court dates, I don't know what happened with those, and then there was supposed to be something tomorrow that's cancelled. I seem to recall that one of the things about moving our city forward is not to be allowing people with debits to the city, just like you have to have everything in line to sit on a commission a business coming in asking for all these exceptions to the ordinances should also have to have their ducks in a row, so to speak.

Without a certificate of compliance my understanding is that he shouldn't be operating, but if, after 180 days, if it's not complied then it's done and he's still operating a business without a certificate of compliance. Do you really want to approve this now with someone who's not showing that they are willing to meet the obligation that the city requires? I realize it's more than just Planning. There's probably a building issue, but we need to do better at following through and making sure these are decent plans not full of exceptions where everybody's got to approve all the changes. We want good businesses to continue, we want to grow in Warren. Thank you.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Duzyj – You've got a lot of work and things to take care of on this corner. Question 1, do you have a certificate of occupancy on this building?

Mr. Joseph Tringale – No I do not, the reason why I don't is because I changed from being just a mechanic shop to wanting to go into this used car. We had a moratorium at the time with the Mayor that had the moratorium on used cars, now that the Mayor is gone the moratorium is lifted supposedly. Did any of you see that property before I purchased it? It was a garbage pit. The area where I

cleaned up and put the cement down was all dirt, weeds, dead trees, and broken-down cars.

I've really cleaned up that lot, it cost me probably \$30,000.00 to clean that all up and put cement in that area and really, I didn't know I had to get a permit to do that, I just did it to clean it up. It's all fresh cement up to grade, I made it look good; I do have pictures on my phone of what it looked like prior to me going in there. I planted roses in the front under the signs, I cleaned all of the weeds out of the beds. There were broken down cars everywhere. Anybody that lives in that area knows what that location looked like prior to me.

Commissioner Duzyj – That's fair enough sir, but one way or another you still need a certificate of occupancy to operate a business, that's one. Two, there were cars parked on the lawn and is that boat ever going to be used or moved?

Mr. Joseph Tringale – Yes, it's one of my employees that has that boat there and he asked me if he could put it there, he has a mechanic that's going to be fixing that engine and he's going to take it to the shop. There are no cars on the grass, you mean on the side?

Commissioner Duzyj – Yes.

Mr. Joseph Tringale – Yes, I can remove that.

Commissioner Duzyj – I stopped by there yesterday and took a good look at it, I couldn't get on the property because he had cars parked at all the driveways and that's fine, it's probably a safety issue.

Mr. Joseph Tringale – Exactly right, some of my employees have had problems with people jetting through the area to cut the light, they also do it at the gas station across from us. They try to beat the light they come flying through our lot, it's pretty scary.

Commissioner Duzyj – I'll grant you that between the paint on the building and there's probably quite a number of things that you've done to fix this property up. Do you have any problems with any of the recommendations?

Mr. Joseph Tringale – No, the foundation of the building?

Commissioner Duzyj – No, with the recommendations as they came from the Staff. There's a whole ton of stuff that you've got to take care of.

Mr. Joseph Tringale – It looks pretty steep to be honest with you.

Commissioner Duzyj – Yes, you're going to be in front of us and then you'll go in front of Zoning Board of Appeals, then you'll go in front of City Council and if you don't have a certificate of occupancy, you're going to get knocked down sooner or later. I would start chasing down the certificate of occupancy just to make sure you have it. You're going to have a number of things to do here, but like I said I was concerned about the boat, and I'm concerned about the parking on the lawn. When did you put the fence up?

Mr. Joseph Tringale – I did not, the fence was there when I purchased it, did you get a chance to see inside the fenced area?

Commissioner Duzyj – No.

Mr. Joseph Tringale – That's where I put the cement.

Commissioner Duzyj – I'm not happy about the certificate of occupancy and you've got a whole lot of work to do and you've got two years to do it. I wish you the very best with this, I don't know if you can pull it off, I wish you luck. Thank you, Mr. Chairman.

Assistant Secretary Chowdhury – Is this your first time seeing the recommendations?

Mr. Joseph Tringale – I got it on Friday, I think.

Assistant Secretary Chowdhury – Did you get a chance to review it?

Mr. Joseph Tringale – I have so much to do with my other locations that I left it in my daughter's hands. I did receive it Friday and I had quite of few questions.

Mr. Bob Kirk – We sent it to our engineer, we haven't heard back from him yet.

Assistant Secretary Chowdhury – I feel there's a lot of recommendations as Commission Duzyj and I feel like maybe you need to work with Ron and the Planning Department if you have questions and things like that. Did you get a chance to contact your daughter?

Mr. Joseph Tringale – Yes, I spoke with her, again it was late Friday that I received the paperwork, and I really didn't get a chance to go through it all, it's so long. I'm going to do my best to try and take care of all this.

Assistant Secretary Chowdhury – Thank you.

Commissioner Hoque – Do you need time to take a look at it?

Mr. Joseph Tringale – Yes, I need to really sit back and think about do I want to go forward with this, we are spending a lot of money on this project here and frankly I don't know that I can afford it.

Commissioner Hoque – It seems there's a lot of work to do. Are you currently running the mechanical shop there?

Mr. Joseph Tringale – Yes, right now, yes, the mechanic shop. What happens when my car's come in from, I have a location on 21000 Van Dyke in Warren, and like I said I have the location on Nine Mile, so we are doing mechanical work and we are leaving the numbers on the cars we are not taking the numbers off the cars so the people are coming in and they want to buy the car, well we are not a used car lot. So I've been telling them to make sure you go back to Van Dyke and that's why I want to do this. I want to try to get it all done at one area.

Commissioner Hogue – That's okay it's not a problem. You are running the mechanical shop without getting the occupancy for how long?

Mr. Joseph Tringale – I don't know the exact dates, but it's been a while. The reason why is because I didn't want to go ahead with the mechanic shop and then go back and do it again with all the plans and everything because it's costly to go for a used car. So I held off and they gave me time to do that. I have met with different inspectors and the other people that I needed to get extra time; it wasn't that I'm trying to duck getting occupancy.

Commissioner Hogue – You can review the recommendations with the Planning Department and come back. If you say yes, you'll have to finish all the work within the time frame.

Mr. Bob Kirk – Yes, we should probably wait to hear back from our Civil Engineer on some of these items.

Commissioner Duzyj – Ron, have you gotten together with the petitioner to go over all of this? I'm kind of inclined to put it on the table for two weeks and let them go over it to make sure everybody is comfortable with everything going on here. This is a lot of recommendations and a lot of work to be done, this is the first step in what's going to be a rather long process by the looks of it.

Mr. Ron Wuerth – I have not spoken with the petitioners regarding these recommendations. What I did was go over it in a meeting prior to all of this, a pre-meeting discussion, on different things nothing in as detail as what I have here, I knew that going in with a site like this. From some discussions I've had with our staff and some of the Planning Commission we were thinking this should be postponed for a month, October 21st. We felt that was time enough for probably a meeting between us and them. They can maybe alter the plan, reduce some of the requirements of what we want on the site plan and some other things here too. Like the property description, that's something that probably could be fixed quickly, the floor plan that's an easy thing I think that somebody could do, the landscaping isn't that great. So it's getting things like that, getting those things done. Zoning Board of Appeals that's just going to be there but get the other things done. It's less things to discuss with others in the future. So that would be my suggestion.

Commissioner Duzyj – In all honesty, I feel a lot more comfortable and the petitioner, I think, would have a chance to go over this and make sure that everybody's on the same page. I think a month's postponement isn't going to hurt you, and it might help you a whole bunch. I'm actually surprised at the amount of recommendations on a little parcel of land like this. I understand, yea, it probably does look better than it used to, but there's still a long way to go.

Chair Smith – I went by there today and looked at the site. I wasn't impressed as far as the cleanliness of it and the cars all over the place. The Good Year truck that's back behind in the alley there, the backdoor was open looked like a bunch of trash just falling out of the

back of it onto the property. It looks like a used oil tank sitting in front of the building. I don't know if that's where you pour your used oil once you take it out of the vehicles, you can't have that there.

You have a lot of issues that have to be worked over there, and I agree with the Planning Director, Ron, and Commissioner Duzyj, you probably want to postpone this until 21st to give you a chance to go through it and clear up everything before you bring it back to us again. Maybe revise your drawing with the proper dimensions and kind of look at the whole thing again, like I said on the diagonal spaces it's supposed to be 8 feet between them but when you measure it actually it's only like 5½ feet. You need to have dimensions that are more pertinent to what you're doing there. As far as the landscaping all that's important also. How long have you owned this business there?

Mr. Joseph Tringale – About a year, or a little over a year.

Chair Smith – You still have a lot to do and I think it's a good idea to postpone it until October 21st.

Mr. Joseph Tringale – I agree.

Chair Smith – That was a motion by Assistant Secretary Chowdhury, supported by Vice Chair Boniecki, do you want to make a motion to postpone it?

Assistant Secretary Chowdhury – Yes.

Vice Chair Boniecki – I support that.

Chair Smith – So the motion has been changed from a motion to approve to a motion to postpone until October 21st, 2024.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Holowaty.....	Yes
Commissioner Hoque.....	Yes
Assistant Secretary Chowdhury.....	Yes
Vice Chair Boniecki.....	Yes
Chair Smith.....	Yes

7. CORRESPONDENCE:

SITE PLAN FOR COLLISION SHOP RENOVATION AND BUILDING ADDITION; located on the south side of Ten Mile Road; approximately 359.17 ft. west of Mound Road; 5650 Ten Mile Road; Section 29; Ayad Elias/MMTS (Kamal Nona); PSP220020. **Approved on August 22, 2022. Never finished, expired.**

MOTION:

A motion was made by Assistant Secretary Chowdhury to recognize as an expired site, supported by Commissioner Duzyj.

COMMISSIONER PORTION:

Commissioner Duzyj – Is there anybody here about this, because they are eligible to have a 1-year extension, if I’m not mistaken.

Chair Smith – They have to come before us and request it.

Commissioner Duzyj – Usually the Planning Department will submit a letter to that effect.

Mr. Ron Wuerth – Once the site plan has expired the Planning Commission can’t overturn what the Zoning Ordinance dictates. So it’s expired, if they want to start over again they most certainly can come forward and do that again.

Commissioner Duzyj – So that would be what they need to do if they wanted to do all this?

Mr. Ron Wuerth – Exactly.

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Chair Smith..... Yes
- Vice Chair Boniecki..... Yes
- Assistant Secretary Chowdhury..... Yes
- Commissioner Hoque..... Yes
- Commissioner Holowaty..... Yes

8. OLD BUSINESS:
- A. MINOR AMENDMENT TO SITE PLAN FOR REDEVELOPMENT OF CURRENT BUILDING TO NEW TROPICAL SMOOTHIE DRIVE-THRU RESTAURANT; located on the west side of Hoover Road; approximately 320 ft. north of Ten Mile Road; Section 22; 25141 Hoover Road; Ian Findlay/Protégé Properties, LLC; Minor amendment is for the addition of a 6 ft. high wall along the south property line; PMA240004.

PETITIONERS PORTION:

Mr. Ian Findlay – It's just a 6 foot concrete wall along the alleyway there along the south side of the property. I don't know if you guys drove by the property, but as we were constructing it, it was one of those things whereas we go pick up trash and pull weeds and stuff we just kind of wanted to take the alleyway out of our visual site so our employees stay on our property when they do that.

Assistant Secretary Chowdhury 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.

COMCAST: In response to your utility request for the above project, please refer to the attached map for the location of Comcast CATV/FIBER facilities. 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. If we can be of further assistance, please feel free to contact us by email at cccutilityrequests@teamsigma.com.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Holowaty – I drove by it the other day, when do you expect to be finished with this project, if it's approved?

Mr. Ian Findlay – We are supposed to be opened in mid-October.

Commissioner Holowaty – I did drive by, and it looks like the whole parking lot, and everything needs to be totally repaved.

Mr. Ian Findlay – We need the wall to go in, for the curb to be finished on that side, and then the parking lot is going in a week later. The parking lot is basically just being held up by this wall, which is my fault, I kind of added it after the fact, but it's all getting redone.

Commissioner Holowaty – Like I said, I drove by and it looks like there's quite a few ruts in the parking lot itself and it was difficult to drive through it.

Mr. Ian Findlay – The light poles in the back didn't have power so we had to rerun a lot of the underground so it's just getting everything working, it's all getting redone.

Commissioner Holowaty – I commend you on taking what was once a vacant building and redoing all the work that's being done to it. If I remember it was a credit union or a bank at one time.

Mr. Ian Findlay – Yep, and then it was a drugstore, it's been a lot of work, a lot more than we were anticipating but it's coming out pretty nice.

Commissioner Holowaty – Thank you.

Chair Smith – To the petitioner, you had a few comments that you wanted to make?

Mr. Ian Findlay – Yes, just on the recommendation, so we are on the north side of the building going to use about 817 square feet to lease out. I know it said state the proposed use, so we haven't leased it or anything yet it for something down the road. That was the only thing I won't be able to say what would be going in there yet on my new site plan.

Chair Smith – Are you just planning on having one other tenant in there?

Mr. Ian Findlay – Yes.

Chair Smith – At this point you don't know who or what it's going to be?

Mr. Ian Findlay – No, it was one of those things where it was just storage and I kind of mentioned one day on the job site and they were if you're going to do something you've got to do it before the parking lot gets done so we can run the new electrical meter. So that's where all this started, we don't have anything setup to go in there right now.

Chair Smith – Thank you sir.

ROLL CALL:

The motion carried as follows:

Chair Smith.....	Yes
Vice Chair Boniecki.....	Yes
Assistant Secretary Chowdhury.....	Yes
Commissioner Hoque.....	Yes
Commissioner Holowaty.....	Yes
Commissioner Duzyj.....	Yes
Commissioner Ansar.....	Yes

- B. SITE PLAN FOR CHANGES TO SOUTH BUILDING AND SPLIT INTO TWO BUILDINGS; located on the northeast corner of Mound Road and Nine Mile Road; 23500 Mound Road; Section 28; NP Mound Road Industrial LLC (Danny Holstein); PSP220031. **Approved on September 12, 2022. Petitioner is requesting a one-year extension to September 12, 2025.**

PETITIONERS PORTION:

Mr. Mark Koenigsknecht – Good evening, I'm with Northpointe Development. This property is at Nine Mile and Mound Road we had prior approval two years ago for a two-building industrial park. We currently have two active and leased buildings in the park on the north side. On the south side we had planned on two additional buildings two years ago. Due to some economic circumstances and just general overall interest in industrial development the last couple of years, that was put on pause. We have since had a lot more activity, so we are excited to continue with this park now, so we are requesting an extension for the previous approval while we lock in some final designs for the expansion of that park.

MOTION:

A motion was made by Commissioner Holowaty to approve a 1-year extension until September 12, 2025, supported by Commissioner Ansar.

COMMISSIONERS PORTION:

Commissioner Duzyj – How many extensions are allowed after the two years?

Mr. Ron Wuerth – It simply amounts to how many extensions would the Planning Commission give, and this is just their first extension. We recommend it first off, if they start with more extensions then we are asking more questions about why and what for.

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Assistant Secretary Chowdhury..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- C. SITE PLAN FOR NEW ATTACHED CONDOMINIUMS; located on the north side of Chicago Road; approximately 544 ft. west of Mound Road; Section 5; 5615 Chicago Road; Adeeb Zayto (Jeffrey Graham); PSP190078. **Approved on February 24, 2020. First extension request approved to August 8, 2023. Second extension request approved to August 8, 2024. Petitioner is requesting a third extension to August 8, 2025.**

PETITIONERS PORTION:

Mr. Adeeb Zayton – Good evening, I own a couple of properties in the City of Warren, which I love, I’ve been working in the City for over 20 years. The last two years we’ve been trying to start the project but with this economy and all the stuff going on, like the market, we really couldn’t find a good margin to do this project. Finally, we got the general contractor, who is here with me, we discussed the project and would love to start it. Hopefully, we’ll get the approval from you guys.

Chair Smith – This is going to be a third extension and the reason I'm questioning it is because when you have more than one extension we need to try and find out what the situation is.

Mr. Adeeb Zayton – It was very tough with the cost and the labor, you know, after Covid, everything is going up like crazy. We are trying very hard; we have a different builder. I've been contacting many builders in the last two years, and finally with the new contractor that we've been talking to, we found that if we sell it after we build it, it makes sense to us at this moment. So that's what I'm looking to have done. The City of Warren means a lot to me, it's my dream to see the project being done in a nice way to add to the Village Historical area. Hopefully with the extension we will do a very nice job that everyone will be proud of.

Chair Smith – Being this is a third extension; we are going to make this the final extension so hopefully everything will work out and you'll be able to get everything done like you want to get done.

Mr. Adeeb Zayton – I promise this will be the final one, I appreciate that, thank you so much.

Chair Smith – The final extension would take you to August 8th, 2025.

MOTION:

A motion was made by Assistant Secretary Chowdhury to approve a one-year extension until August 8th, 2025, supported by Vice Chair Boniecki.

COMMISSIONERS PORTION:

Commissioner Duzyj – That entire area is old style have you talked to anybody else from the City about the condos and how they feel about building them?

Mr. Adeeb Zayton – Yes sir, we went through this over the last two years, with Ron and with the Historical Department we went to a lot of meetings, and we got it approved. It matched all the requirements from the Historical Department, and we have the approval.

Commissioner Duzyj – Thank you very much.

Commissioner Hoque – How much work is done?

Mr. Adeeb Zayton – Regarding the building?

Commissioner Hoque – Yes, because you requested one more extension so where are you at right now, are you able to finish the work?

Mr. Adeeb Zayton – We didn't start the project, we've been just doing all the due diligence that if it makes sense to us or not (inaudible) and now we finally figured it out.

Mr. Zy Attisha – Good evening, my name is Zy Attisha, the General Contractor, Construction Manager. I can't attest to what happened in the past but I can tell you moving forward I've been retained as the CM on the job and owners rep, we have retained the architect and the civil engineers to move forward on the project as well as precuring our funding for the job. So we are hoping that if we can get our documents submitted before the end of this year we can definitely have shovels in the ground in spring. We are in the engineering and architectural phase.

Commissioner Hoque – Okay.

ROLL CALL:

The motion carried as follows:

- Commissioner Ansar..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Holowaty..... Yes
- Commissioner Hoque..... Yes
- Assistant Secretary Chowdhury..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes

- D. SITE PLAN FOR OPEN STORAGE OF EQUIPMENT, TRUCK/TRAILER PARKING AND SCRAPPING; located on the north side of Eight Mile Road; approximately 387.57 ft. west of Mullin Avenue; Section 34; 11177 Eight Mile Road; Dominic Atisha (A-L-I 8 Mile LLC); PSP220023. **Approved on September 12, 2022. First extension request approved to September 12, 2024. Petitioner is requesting a one-year extension to September 12, 2025.**

PETITIONERS PORTION:

Mr. Najib Atisha – Good evening, we applied MDOT curb modifications back in June of 2022, I believe some of the information was submitted to the Planning Department and we just now, on August 27th, received an okay for curb cut modifications because that was one of the requirements by the Planning Commission, then we ran into some difficulties with contractors. The majority of the work is done.

Earlier this year, I went to the Building Department, the Building Director, Jim Cummins, and Steve, I can't pronounce his name correctly. We own the adjacent property; we needed some room to move some of the trailers into the north part of the property. During our conversation, I asked for 90 days and Mr. Cummins and Steve felt that maybe I should ask for 6 months to make sure I can move all the trailers and configure the property the way it was approved by the Planning Commission. I didn't do it right away, by the time I sent an email to Mr. Cummins and Steven, I guess Mr. Cummins was no longer there, so I got some feedback from Everett Murphy asking me what I was planning to do with the back building, which is adjacent to our existing property. I said eventually we are looking to do multi-tenant use in that building.

After that I've sent him about a half dozen emails asking for permission to use just the parking lot on that property so we can reconfigure our parking and till this date I have not got a response from him. He sent me a verbal message with Steve two weeks ago because the inspector was there taking pictures telling me not to build the wall on Eight Mile that was required by the Planning Commission. Why he's not responding to my email but sending me personal messages I do not know, but our biggest thing was the MDOT. With what's going on with Mr. Everett, with MDOT, and the contractors we don't have the project completed so we would ask for extension so we can get it completed.

Chair Smith – This will be your second extension on this, you've had other issues over the past few years where you had extensions because you couldn't get things done. We've been out there quite a few times so is this the final thing you have to get done at this time?

Mr. Najib Atisha – I'm hoping that this is the final thing, and we can get it done, the biggest thing is, and I'm going to say it in front of the Board, I don't know why Mr. Everett Murphy is not returning my emails or corresponding with me. It's to the point I submitted for a

permit to build the wall on Eight Mile Road, it was in front of Plan Review, the gentleman was reviewing the plans, and I think he put a stop to it and sent me a message not to build the wall. Why this is happening, I don't know.

Chair Smith – I'm going to urge you to stay on top of it maybe go in and see Mr. Murphy.

Mr. Najib Atisha – I stopped there about a week ago and Mr. Murphy wasn't there, and I was asked to send an email to his supervisor, but I held back, I sent him another email directly to him. He still hasn't responded to me. I guess my next step is going to be to go to his superiors to see why he's not responding.

Chair Smith – Hopefully you can get in touch with him and get some answers and get your project going.

Mr. Najib Atisha – I hope so.

MOTION:

A motion was made by Commissioner Duzyj to approve a 1-year extension until September 12, 2025, supported by Commissioner Hoque.

ROLL CALL:

The motion carried as follows:

- Commissioner Holowaty..... Yes
- Commissioner Duzyj..... Yes
- Commissioner Ansar..... Yes
- Commissioner Hoque..... Yes
- Vice Chair Boniecki..... Yes
- Chair Smith..... Yes
- Assistant Secretary Chowdhury..... Yes

Chair Smith – Hopefully you can get everything done. Try to stay on top of it, I know Mr. Murphy is busy sometimes and he's hard to get a hold of, you'll have to stay on top of it.

Mr. Najib Atisha – I will, thank you.

- 9. BOND RELEASE:
None at this time.

10. NEW BUSINESS:

Approval of the 2025 Planning Commission Meeting Schedule.

MOTION:

A motion was made by Commissioner Holowaty to receive and file, supported by Assistant Secretary Chowdhury.

ROLL CALL:

The motion carried as follows:

Commissioner Ansar.....	Yes
Commissioner Duzyj.....	Yes
Chair Smith.....	Yes
Vice Chair Boniecki.....	Yes
Assistant Secretary Chowdhury.....	Yes
Commissioner Hoque.....	Yes
Commissioner Holowaty.....	Yes

11. CITIZEN PARTICIPATION:

Ms. Lori Harris – I wish that you would consider having audience participation at the beginning because now that you’re deciding minor amendments for site plans there’s no opportunity for anybody to give you feedback before you vote. I think that it would be important for people to have the opportunity.

My concern about the condos is that it’s been a long time coming and while the drawings looked very nice initially he owns a little building next to the property that sits crooked and he was going to use that messed up parking lot for parking for these condos. When I talked to him, probably a year ago, he said he was going to have parking there. I would like to ask questions like will you have two spots for every condo because there won’t be garages or basements. Those are good questions to ask. So, I would encourage you to move citizen participation to the beginning to comment on these things.

And I also find it distressing that the gentleman in 8D hasn’t had a response from Mr. Murphy, should have had a response from maybe from Mr. Wuerth who might have some idea of what’s going on. If conditions that he needed to meet are now being stopped. There are citizens that are concerned about Planning, not a lot, they don’t realize how important you guys are. I was talking to a citizen named

Mark Sharland (sic), who was interested in Planning, so I'm just reminding you that people do care.

I thought I could hear everybody good except for Commissioner Duzyj whose microphone might be too far away from him. That's just a comment from the audience. Thank you for your time.

12. PLANNING COMMISSION BUSINESS:

A) Planning Director's Report:

Mr. Ron Wuerth – This is just a few of the meetings I've attended over the past couple weeks, not all of them, there's just some highlights here. I'll start off with a meeting with Mr. Kanakary he runs the flowers, vegetables, and pumpkins, all that type of outdoor retail sales, at the corner of Thirteen Mile and Mound. He ask questions about what to do with his site.

Next, I had a meeting with a developer who is interested in finishing Heritage Village. There's a wide-open area of the PUD if you drive through there, you'll see it, it was for fourplexes, that's four dwellings in a pod configuration and they want to reduce the amount of dwellings to three and call it a threeplex so we are in discussions with those people.

I attended the Active Mobility Plan that was just a normal meeting we have about every two weeks, so we are moving forward with that. I attended a Brownfield Meeting. An important Brownfield Development on Fourteen Mile and Hayes, one that we approved a while back, the gentleman is trying to work his way through that one. The Master Plan Committee, that was me, Commissioner Ansar and Secretary Mouri and we talked about the things that we are trying to implement using the Master Plan through that implement process. As a matter of fact, in your packet here, you've got a listing, it's a long and extensive listing, and as a citizen said, Planning is pretty important, take a look at that list. Every one of those items are things that are important to the citizens. This is the citizens Master Plan and we are trying to implement it. So take a look at that, you may have some questions when you get to it, it's coming up.

I also had a meeting with AT&T they want to put up a new antenna tower, it looks like they are going to come in for site plan approval and it will go in the north part of the Hoover Eleven Shopping Center, when the site plan comes it will give you a more exact location.

I spoke with the Attorney's Office, Mary Michaels, about the Bylaws, had another Active Mobility Meeting. I spoke to the owner of the old Produce Palace, and they've got some unique uses for that site. I'm not going to talk about exactly what they are right now, it still has to be worked out. When they come forward, you'll see what I'm talking about.

On the 4th, I attended the DDA Meeting. On the 5th, I attended a meeting in the Mayor's Office with a number of other representatives and MCREST, and the importance of that meeting was looking at the possibility of finding a place for a shelter here in Warren. I won't go into detail but that's the basic part of what that meeting was about. I'll let you know more in the future.

Then I had a call from ITC. The ITC corridor, that long pretty wide-open corridor with all the electrical poles and things like that that run through there, this particular part of the ITC corridor runs along the west property line. It's along the west property line of a business development, a business park, located on the corner in the north and west corner of Frazho and Bunert that business park has been there for a long time and so has this ITC corridor, and it happens to be the same place where they were required to construct a tall berm about 6 to 8 feet tall and landscape it according to the Zoning Ordinance requirements. Unfortunately, ITC has indicated that the trees that those people went to the trouble to plant and grow over the years will all be cut. That really bothers me, needless to say. I've tried to fight this before at a different location and lost, but they have options for a different of vegetation, that was a meeting I didn't like attending.

Today there was a department heads meeting with the Mayor.

So basically, that's what I've been doing aside from the findings and everything you see in the packet and working hard with the staff. If you have any questions, I'll try and answer them.

Commissioner Duzyj – ITC has been clear cutting stuff throughout the city and throughout the county for a long time. What can we do to stop them from chopping the daylight out of every single tree that they've run into, is there anything that we can do to stop it?

Mr. Ron Wuerth – I don't believe so. The last one, a little piece of the ITC corridor runs along the south property line of the Romanian Catholic Church over on Ryan, right next to the school, that strip through there was a greenbelt and they went through, and they cut

that all down. The only good thing that happened there is that the root systems of the trees, the trees were resilient, this was about five years ago, if you take a look there's a lot of brush there that has now recreated itself into a greenbelt. So if they just leave those trees alone they might regenerate themselves, but I don't know what they are going to do there.

Commissioner Duzyj – We went through this ITC business on Eight Mile Road a long time ago, that was when I was introduced to ITC, and the fact that they've never met a tree they didn't want to chop up. Would a letter from the Planning Commission or from City Council or whoever, do you think it would do any good? Their excuses are always the same if a tree hits a power line, then it's our fault and on and on, I don't like how they clear cut every single thing as soon they get near it, they are cutting everything.

Mr. Ron Wuerth – The interesting thing now is that they are going beyond their easement in clear cutting. How they decided that, I have no idea, but there's three different zones and now they go out farther beyond the easement and they are looking to cut more.

Commissioner Duzyj – As far as the City is concerned, there's got to be something we can do, say, or whatever to have them temper this business of clear cutting. If they are not doing it on the easement, then that's even worse.

Mr. Ron Wuerth – They are doing more.

Commissioner Duzyj – I don't know what we can do off-hand, if the City Attorney can throw something in on this I would appreciate, thank you Ron.

Ms. Mary Michaels – We could make contact with the State, The Public Service Commission. I know this issue has been resolved in the courts and easement rights are absolute, but if we can reach out to the State and have some type of control issued. They seem to be expanding their exercise of authority. The State level may be the place to start.

Commissioner Duzyj – Do we have the Mayor possibly begin this, or are we in a position to start this with the State?

Ms. Mary Michaels – We could do it; I know the Mayor has contacts, obviously, she was the State Representative, she seems to have a lot of knowledge about their workings. If you would like, I can reach out to her tomorrow.

Commissioner Duzyj – I think that would be a good idea unless somebody has some other view on this. Like I said ITC comes in and they've clear cut things for years and it takes years for the trees to grow and about an hour for them to chop it down and then chip it. So if this Board has no problem I'd like to direct the City Attorney to talk to the Mayor and see what we can do with the State as far as this is concerned.

Chair Smith – A lot of people cutting down trees don't understand the importance of the trees, they provide our oxygen. So when you start eliminating that process you start to cause other problems in the environment. So that's a good idea, Ms. Michaels, if you can take a look at that and see what you can come up with. Thank you.

B) Discussion of Master Plan Committee Meeting from August 23, 2024; Master Plan progress update sheet.

MOTION:

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

C) Voting on amending the Planning Commission Bylaws.

Ms. Mary Michaels – This is an ongoing evaluation of our Bylaws regarding Ex-Officio's. At City Council's request we examined the language, I spoke with Mr. Wuerth, and I think we have a fairly final format to propose.

We formatted the Bylaws, Section 4.4, regarding Ex-Officio's to be more positive, to put in light what Ex-Officio's will do instead of what they shall not do. What we have is Ex-Officio's do not vote, and they don't make motions. Mr. Wuerth had the idea of the Ex-Officio being invited to speak on all items. I proposed it to be items that are scheduled for hearings, but the Planning Commission would like the Ex-Officio to be invited to speak on all agenda items. My only recommendation would be that they speak on agenda items referred to the Commission for a vote or discussion. Because certainly the

Commission would not discuss the Pledge of Allegiance which is on the agenda. If that's okay, make that change, agenda items referred to the Commission for vote or discussion.

Also, we have, as discussed last time, Ex-Officio's are asked to speak on matters pertaining to the public's interest or matters that pertain to application of the Zoning Ordinance. That would mean such things as drainage, runoff, how traffic would be affected. We just have to make sure that the Council Members, Ex-Officio's, confine comments to matters within the realm of the Commission, they don't go off on a different tangent, not that they would but that has happened years in the past. The rest of the items are pretty much self-explanatory they've already been there.

The Ex-Officio's will go through the Chair they obviously will not speak on a matter in which he or she has a personal interest, for purposes of the integrity of the Commission, that's very important. If the Ex-Officio is representing a neighborhood, or a district we kindly ask that they refrain from doing that and just speak on matters that pertain to the City as a whole. Representing a neighborhood association could be representing a personal interest. The concern there is that the Ex-Officio does not inject any duress, bias, or in any way influence the Commission. So that's the point of that item. If anybody has any comments. Oh and under paragraph 7, Chairman will be changed to Chair a minor oversight.

Commissioner Holowaty – Is it possible to get the Ex-Officio's opinion and does it meet his approval?

Chair Smith – Councilman Newnan would you like to come up and make any comments on this?

Commissioner Newnan – I would like to say that I am very pleased with this, I'm not a lawyer, but it looks good to me. I would enjoy having the opportunity to be able to speak up more readily. Thank you so much.

MOTION:

A motion was made by Vice Chair Boniecki to approve the Bylaws, supported by Commissioner Holowaty.

Ms. Mary Michaels – A point of order, because it's presented in substantial final form tonight at the next meeting have the final vote and it would become effective at the next meeting.

D) Planning Commission Discussion and Concerns:
None at this time.

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

14. ADJOURNMENT:

MOTION:

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

The meeting was adjourned at 8:30 p.m.

Warren Smith, Chair

Sultana Chowdhury, Vice Secretary

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