

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on August 5th, 2024, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 5th, 2024, at 7:00 p.m., in the Warren Community Center Cafeteria, 5460 Arden, Warren, Michigan 48092.

Commissioners Present:

Andrey Duzyj
Michael Holowaty
Syed Hoque
Claudette Robinson
Mahmuda Mouri, Secretary
Merle Boniecki, Vice Chair
Warren Smith, Chair

Also present:

Michelle Katopodes – Planner III
David Crabtree – Assistant Planner
Amanda Mika – Assistant Planner
Melissa Maisano – Administrative Secretary
Mary Michaels – Assistant City Attorney
Patrick Conlin - Communications Department
Henry Newnan – Ex-Officio

1. CALL TO ORDER:
Chair Smith - Calls the meeting to order at 7:00 p.m.
2. PLEDGE OF ALLEGIANCE:
3. ROLL CALL:

MOTION:

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

5. APPROVAL OF MINUTES JULY 22nd, 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.

Chair Smith – I'd like to recognize our Ex-Officio this evening Councilman Newnan.

6. PUBLIC HEARING ITEMS:

None at this time.

7. CORRESPONDENCE:

None at this time.

8. OLD BUSINESS:

None at this time.

9. BOND RELEASE:

- A. SITE PLAN FOR NEW PARKING DECK/STRUCTURE; located on the south side of Chicago Road, approximately 881 ft. west of Van Dyke Avenue; Section 9; 7000 Chicago; Jason Harris. **Approved on September 14, 2015. Surety bond posted in the amount of \$480,000. Project complete. Release the bond.**

MOTION:

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

- B. MINOR AMENDMENT TO GM TECH CENTER CAMPUS FOR ROAD EXTENSIONS, TEST TRACK AND SOLAR ARRAY RELOCATION; located on the northwest corner of Twelve Mile Road and Van Dyke Avenue; 6283 William Knudsen Road; Section 9; Dominic Galia & Jason Harris (Jennifer Sieracki & Jerry Vogt); PMA180013. **Approved on September 24, 2018. Surety bond posted in the amount of \$4,500. Project complete. Release the bond.**

MOTION:

A motion was made by Commissioner Robinson to release the bond, supported by Secretary Mouri. A voice vote was taken and the motion carried unanimously.

- C. SITE PLAN FOR AIC (ADDITIVE INDUSTRIALIZATION CENTER) BUILDING ADDITION, EMPLOYEE ENTRY RENOVATION, PARKING LOT, PEDESTRIAN AND LANDSCAPE IMPROVEMENT; located on the northeast corner of Twelve Mile and Mound Roads; 6400 Zora Arkus-Duntov; Section 9; Jason Harris (Patrick Doher); PSP180067. **Approved on November 19, 2018. Surety bond posted in the amount of \$240,000. Project complete. Release the bond.**

MOTION:

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

- D. SITE PLAN FOR NEW PARKING DECK WITHIN THE SOUTHWEST QUADRANT OF THE GM TECHNICAL CENTER; located on the northeast corner of Twelve Mile and Mound Roads; approximately 207 ft. north of Twelve Mile Road; 30100 Mound Road; Section 9; Jason Harris (Smithgroup Jjr); PSP160034. **Approved on July 25, 2016. Surety bond posted in the amount of \$55,800. Project complete. Release the bond.**

MOTION:

A motion was made by Commissioner Duzyj to release the bond, supported by Commissioner Robinson. A voice vote was taken and the motion carried unanimously.

- E. SITE PLAN FOR NEW DESIGN CENTER WEST STUDIO BUILDING AND VISITOR LOT; located on the northeast corner of 12 Mile and Mound Roads; 29575 Harley Earl Boulevard; Section 9; Jason A. Harris (Emily S. McKinnon); PSP170059. **Approved on October 4, 2019. Surety bond posted in the amount of \$500,000. Project complete. Release the bond.**

MOTION:

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

- F. SITE PLAN FOR NEW BUILDING AND DRIVEWAY; LOCATED ON THE EAST SIDE OF GROESBECK HIGHWAY; approximately 508 ft. north of Nine Mile Road; Section 26; 23184, 23200 and 23218 Groesbeck Highway; Salvatore Dimercurio (Freeman Greer); PSP190067. **Approved on January 27, 2020. Surety bond posted in the amount of \$21,810. Project complete. Release the bond.**

MOTION:

A motion was made by Commissioner Robinson to release the bond, supported by Commissioner Holowaty. A voice vote was taken and the motion carried unanimously.

- G. SITE PLAN FOR BUILDING ADDITION TO INDUSTRIAL BUILDING; Northeast corner of Nine Mile Road and Pinewood Street; 5663 East Nine Mile Road and 23451 Pinewood Street; Section 29; Earl Waterstraat; regarding minor amendment for vertical tank installation. **Approved on July 12, 2010. Cash bond posted in the amount of \$2,400. Project complete. Release the bond.**

MOTION:

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

- H. SITE PLAN FOR ADDITIONAL DRIVE THRU; located on the east side of Van Dyke Avenue; approximately 1,013.6 ft. south of Martin Road; 27480 Van Dyke Avenue; Section 15; McDonald's Corporation/Joseph Minorik (Jeff Brinks). PSP230016. **Approved on August 7, 2023. Cash bond posted in the amount of \$3,000. Project complete. Release the bond.**

MOTION:

A motion was made by Commissioner Hoque to release the bond, supported by Commissioner Robinson. A voice vote was taken and the motion carried unanimously.

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 – Since the last Planning Commission Meeting on July 22nd, the Planning Staff has met with various representatives to discuss potential new projects as well as some previously approved projects with some potential changes.

On July 25th, I attended a Michigan Association of Planning Event in Oak Park, Michigan. The event consisted of a walking tour of a Nine Mile redesign project. The redesign consists of a new Linear Park that runs from Scotia Road to Rosewood Street, pocket parks along Linear Park that connect the residential areas to a commercial corridor, reduced traffic lanes, have enhanced pedestrian crossings, backed in angle parking and native landscaped buffers. In addition, there are art pieces and play equipment provided along the path. I just bring this up because I'd recommend if anyone is in that area to check it out because it is a local community that has done a redesign of a corridor that is pretty interesting to see.

Last week we received an email from John DeLisle the Principal Ecologist at Natural Community Services and contains a draft of the Greenspace Conservation Plan. The staff has not yet had an opportunity to review it. I do anticipate meetings in the near future with the consultant and the Steering Committee to go over the draft and then discuss next steps for the project.

Additionally, at the last Planning Commission Meeting the Planning Director mentioned the 2024 Michigan Association of Planning Conference that will be taking place in Grand Rapids September 25th through the 27th. As we talked about, the four spots are first offered

to the officers on the Planning Commission. The early bird rate for registration does end August 28th and it's my understanding, as of right now, 2 of the officers have indicated they will not be attending.

So this ends my report. I can answer any questions now or, if you prefer, I can move on to the next item, which is 12B, the overview of the Active Mobility Plan.

B) Active Mobility Plan - Update:

Ms. Michelle Katopodes – In your packet you received the PowerPoint that the consultant, the Greenway Collaborative, provided. What I can do is give a brief overview of what we've been doing so far, which is we've had some internal meetings with the consultant and some key staff from Planning, Engineering, Parks, primarily that I've been working on this. Basically, what this is showing is the project looking at various data and taking surveys. There are some upcoming events, and we will be collecting information. They have a website that has information like crowd sourcing information, you can put information on a map and then there's also going to be some local events coming up soon. In more detail it just has the survey, the website, walk, bike, it has all the information where the survey is located and also soon, we'll have some paper copies available at the office and at the Community Center, but right now it's just available online.

As an overview the City of Warren is launching the Active Mobility Plan to improve accessibility and connectivity for everyone who walks, bikes, and rolls. The plan focuses on enhancing daily transportation and recreation through better non-motorized and micromobility options, so public engagement is key. There are four events coming up. On August 8th, the consultants will be doing an event at Fitzgerald Center and that information is available on the screen and in your packet. On the 16th, they have an event scheduled through parks at Butcher Park and that's called "It's Not Just a Park, it's an Adventure" and they will be there at a booth. They will also be at the Warren Birthday Bash at a booth and provide information and hopefully getting surveys and provide information to anyone who is there. On the 29th, we are having a workshop at City Hall in the first-floor conference room to gather information from anyone who attends from the public. You can find more information on the website walkbike.info-warren and the survey is on the same website as well.

There is a Steering Committee coming up this coming Wednesday, for anyone who is on the Steering Committee. So as you go through the nominations for subcommittees you may want to think about who may be available this coming Wednesday at 9:30 in the morning for a virtual meeting. Thank you.

Commissioner Holowaty – Will the surveys be open to the public?

Ms. Michelle Katopodes – Yes, the survey is live right now, you can go online and take it.

Commissioner Holowaty – Will this be publicized on Warren TV so the public is aware of it?

Ms. Michelle Katopodes – All the media package was given to Communication, it's online right now on the City's website under city events all the events are listed by the date, and we have information on our website. And we put an ad in the paper for the workshop on the 29th and it will be going in the water bill insert for that workshop.

Commissioner Holowaty – Okay, thank you.

Ms. Michelle Katopodes – Also, signs will be posted around the city. The Parks Department received yard signs that they will be putting in parks as well.

Chair Smith – The different events that are happening, we can attend those, but those are mainly for the public to come and give their input?

Ms. Michelle Katopodes – Yes, anybody can attend them, but the one that's on August 8th is the senior citizen meeting they are going there during that time, but anyone can go. It's at the Fitzgerald Senior Recreation Center during that time where they have scheduled events going on, but anyone is able to attend any of these meetings. They are open to the public.

Chair Smith – So the one on the 29th is the workshop where we are going to take all the information that was compiled and put it together.

Ms. Michelle Katopodes – It's a public workshop, they are going to present data and get input at that meeting as well.

Chair Smith – Like we did on the Master Plan, we get everybody together and all the information from all of the different events are compiled together to work toward a good plan.

Ms. Michelle Katopodes – Yes, a public workshop. I don't know if they will have everything compiled at that point, but yes it will be a public meeting.

Chair Smith – I understand that, but it would be one of the workshops that would be included in the series of workshops to gain information to put the plan together.

Ms. Michelle Katopodes – Yes absolutely, all these different events they will be compiling and using in the report that they are putting together.

C) Discussion of amending the Planning Commission Bylaws:

Ms. Mary Michaels – For the benefit of the members who maybe don't know the background in this. Back in 2018 there was some controversial items before the Commission and at that time the Ex-Officio members were taking a very active interest and maybe taking on a very active role with members of the audience and addressing the Commission. As a result the Commission adopted bylaws that placed restrictions on the conduct of Ex-Officio members that included not speaking on an item that ultimately would be decided by the City Council and also not speaking to audience members or leaving the auditorium.

There has been some dialogue with Mr. Wuerth and some Councilmembers about the bylaws and City Council addressed at its meeting a request that the Commission amend its bylaws so that the Ex-Officio's can exercise what Council considers to be their right and speak at Planning Commission meetings. I reviewed the law and have recommended some changes to the bylaws so that the Ex-Officio members can speak even on items that go to City Council. What I found is that it's not considered duress as a matter of law if a Councilmember speaks to the Commission even on the items that they will ultimately be deciding at the City Council venue.

So as a matter of law it's okay to allow the Councilmembers to speak, however it still can be considered duress as a matter of fact. So to try and mitigate the possibility of a court deciding that the Planning Commission was affected or influenced by the Councilmember I only ask that the Councilmember not identify him

or herself as a Councilmember or by district. I think it's fair game to say I'm an Ex-Officio member before addressing the Commission, but to speak as a Councilmember and identify him or herself as a Councilmember potentially that could lead to interpretation of duress. I'm recommending that the bylaws be amended to allow Councilmembers to speak but that they not identify themselves as a Councilmember.

Also notice under item 6, it's highlighted that the Councilmember does not have direct contact with a petitioner or an audience member. I'm only highlighting that because this is an issue that even this Commission has to address itself to. We know that Commissioners are not supposed to have ex-parte communications with the public or developer, however it's for all practical purposes it does happen. And when that happens, we have to be able to address it on the record to say on the record what conversation you had. So at this point I'm recommending that under item 6 we not adopt this rule just yet until we develop a rule that would apply equally to Councilmembers and the Commissioners, because our rules have to have something in it about ex-parte communications, right now we don't. A proposed new rule 6 is included, I'm not recommending that we adopt this tonight or at the next meeting but eventually this is something we will have to address and adopt a rule regarding ex-parte communications specific to this Commission and ex-officio members.

What I'm finding is that even if Council makes a zoning decision they are held to the same standard as this Commission, the petitioner has to have a fair and impartial hearing. If there's a ex-parte communication that could affect the integrity of the Council's decision.

Commissioner Robinson – Item number five indicates that the Councilmember cannot identify him or herself as a Councilmember, but everyone is knowledgeable if they state their name. Everyone knows or should know that he is a Councilmember, whether he says he's a Councilmember or not, his name is out there. Just like Melody's name is out there, so I don't understand this part, they can't state their name and make opinions, everyone knows.

Chair Smith – I think what they are trying to say is we know they are Council people, but we don't want them to say they are Council people because we want them to represent themselves as one of the public. So as one of the public they are going to come up and

represent what they are going to say as part of the public and not say I'm Councilman Newnan or Councilperson Magee, they would just say they are Mr. Newnan or Ms. Magee and I'm here to speak on the item as a public person.

Commissioner Robinson – I understand that part but everyone knows that this is a Councilmember, if they don't know then they are in the dark.

Ms. Mary Michaels – At one point it was recommended that if a Councilmember spoke the Councilmember would say I'm addressing the Commission as a citizen not as a Councilmember. Keep silent all together maybe takes one tier out of it, so we are not injecting politics.

Commissioner Robinson – That's kind of ambiguous, because they can make their statement or his comment, but it could sway how Commissioners vote on certain items too.

Ms. Mary Michaels – The rule also recommends that when a Councilmember speaks, they speak on a matter pertaining to the Zoning Ordinance that they are requesting compliance or urging compliance with the Zoning Ordinance. We are just trying to confine the record so that duress can never be alleged and the integrity of the Planning Commissions decisions will not be impaired.

Secretary Mouri – So looking at item number four and what you just mentioned speaking on a matter outside the scope of the Zoning Ordinance, if a Councilmember is coming up and, let's say, I'm just putting a scenario out there, I believe this shouldn't be approved, that's not the type of statement they should come up and make?

Ms. Mary Michaels – That's correct.

Secretary Mouri – I had a lot of the public mention even though we comply 100% with the Zoning Ordinance we might not have the public agree with it, we see that happen a lot and Councilmembers are with the public and they don't want that item to get passed either, even though it is compliant with the Zoning Ordinance, what should they do? Should they comment or not speak on that item?

Ms. Mary Michaels – Of course they may speak on the item but speak on it in terms of the Zoning Ordinance. Even if they want to site what an audience member said, I'm concerned about run off on

a property because that would pertain to the Zoning Ordinance if there's a soil erosion issue. Something of that nature, just to make sure that there's some connection with a Zoning Ordinance and not just because these neighbors are opposed to it and the Commission should listen, that's putting duress on the Commission. That pretty much sums it up.

Number 8, is a new rule. That is a bylaw that legally a Councilmember, and even a Commissioner, would be bound by. Participants in a public hearing on any matter in which the ex-officio has personal or pecuniary interest. That is something no member could do, Ex-Officio or Planning Commissioner.

Commissioner Duzyj – I might be old fashioned, but this is a whole lot of rules that I had never imagined had become a problem on this Board. Ex-Officio, when do they speak, do they speak when they are addressing an item, or do they speak at the end? There is nothing that says when they are supposed to address whatever problem they have.

Secondly, as far as discussion with an audience member or a petitioner, we can't help but talk with somebody if we go to the site and take a look at it and say walk me through your process. Do we need to take a lawyer with us when we are going to do this, because it says here cannot discuss with an audience member or the petitioner an item that will be voted on by the City Council. Let's get really silly about this, if a DDA Member comes in and says I want to build this on this land and they have a signed petition and a plan does that mean we can't talk to them?

Ms. Mary Michaels – No, but if you do have that discussion it has to be made a part of the public record. So that the information that a Commissioner has, the entire Commission would have. That's part of conducting a fair and impartial hearing and City Council is bound to the same standard.

Commissioner Duzyj – I understand that it just seems this is going to evolve into a 100-page book.

Ms. Mary Micheals – I'm not recommending that the Commission adopt number 6 tonight, but ex-parte communications is a subject that the Commission will have to address at some point and time.

Commissioner Duzyj – And I understand that, if we are just having an off-the-cuff discussion on it tonight, it doesn't make sense to me to vote on the whole thing if we are taking parts of it out. If there's a point to be made that's the point I'd like to make. Thank you.

Secretary Mouri – Quick question and this is for my knowledge, as you were looking into it and as we were looking into the bylaws and changing it did you have an opportunity to look at what some of the surrounding cities are doing. I'm pretty sure city by city is different and based on what we deal with, is there a similarity or a pattern that exists between all the cities and we are inserting something new?

Ms. Mary Michaels – Our bylaws have been pretty unique. I haven't found any community that restricted an Ex-Officio from speaking on an item. I believe only one community; I can't remember what it is did restrict an Ex-Officio from voting twice, and that's in a community where an Ex-Officio would vote, I don't know how that happened but it did, so Warren was unique.

Chair Smith – Thank you Attorney Michaels, we will go over this and then look at what you considered changing and vote on it at the next meeting.

Ms. Mary Michaels – If there can be some direction tonight and agree to remove number 6 in the final proposal presented?

Chair Smith – I need a motion to revoke item 6.

Secretary Mouri – When do we plan on bringing it back up?

Ms. Mary Michaels – At the next meeting, but when I represent this I'm not going to include number 6. I just wanted the Commission to be aware that ex-parte communications at some point should be addressed.

Secretary Mouri – When would be addressing number 6 again?

Ms. Mary Michaels – We can do it within the month, I'd like to talk to Mr. Wuerth about it.

Secretary Mouri – Okay thanks.

Chair Smith – So do we need a motion for us to revoke it tonight or wait until you talk to Mr. Wuerth?

Ms. Mary Michaels – (Inaudible not by the microphone.)

Chair Smith – So we are going to resubmit item 6 for discussion.

MOTION:

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

D) Nominations for 2024-2025 Planning Commission Officers:

Chair Smith – Since we are missing a couple Commissioners, one which is an Officer, what we are going to do tonight on the nominations is kind of circle who is on there and who would like to be on there and when we have everybody together then we will see who will actually be on it before we make the final nomination.

Chair Smith – Commissioner Robinson is going to be stepping down on the 19th so she's not going to participate as any of the Officers.

Chair Smith – Do we have a nomination for Chair:

Vice Chair Boniecki – Nominates Chair Smith

Secretary Mouri – Support

Chair Smith – Nomination for Vice Chair:

Ms. Boniecki is the Acting Secretary at this time. Is there anybody else who would like to be Vice Chair? Seeing none, Ms. Boniecki is nominated for Vice Chair.

Chair Smith – Nomination for Secretary:

Ms. Mouri is the acting Secretary at this time. Is there anybody else who would like to be Secretary? Seeing none, Ms. Mouri is nominated for Secretary.

Chair Smith – Nomination for Assistant Secretary:

Ms. Chowdhury is the acting Assistant Secretary at this time. Is there anybody else who would like to be Assistant Secretary?

Commissioner Duzyj – If Ms. Chowdhury is not interested in continuing as Assistant Secretary, I would be interested if she doesn't want it.

Chair Smith – We will circle your name on the paper and circle her name, and, when we have the nominations, if she doesn't want to continue as Assistant Secretary then you could be it.

MOTION:

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

E) Selections for Planning Commission Committee Memberships:

Chair Smith – In the past we've only had a few Commissioners, so we were lacking volunteers for the different committees.

Chair Smith – Master Plan Committee as of June 24, 2024, we have: Commissioner Ansar, Chair Smith, Secretary Mouri and there is a vacant alternate. Would someone want to be an alternate for the Master Plan Committee? Hearing none so that position is still vacate and we still have three members on that committee.

Bylaws and Rules of Procedure Committee we have:

Chair Smith, Secretary Mouri, Vice Chair Boniecki. The alternate is Commissioner Robinson but she's stepping down so does anyone want to be an alternate?

Commissioner Holowaty – What are the duties of that committee?

Chair Smith – When they have the bylaws and rules of procedure meeting, if they want to make additions to the bylaws, they would be on the committee that would help make the decisions for that committee.

Commissioner Holowaty – I would be an alternate.

Chair Smith – So the alternate would be Commissioner Holowaty. Thank you.

Commissioner Holowaty – You're welcome.

Chair Smith – Planning Commission Representatives – as of February 26, 2024. PUD Review Representatives we have Commissioner Robinson and Secretary Mouri as the alternate. Do we have anybody who would like to be on the PUD?

Commissioner Duzyj – I'd be interested in joining the PUD Review Representative from this Board.

Chair Smith – Commissioner Duzyj would like to be the PUD Review Representative, the alternate is Secretary Mouri, do you still want to be the alternate?

Commissioner Mouri – Yes.

Chair Smith – Council of Commissions Representative as of June 24th, 2024, we have Vice Chair Boniecki, and the alternate is vacant. Commissioner Hoque – I'd be interested in the alternate position.

Chair Smith – Okay so Vice Chair Boniecki is the representative and Commissioner Hoque is the alternate.

Chair Smith – RFP Review Panel and Greenspace Conservation Plan, right now is Secretary Mouri, do we have anyone else that would be interested?

Secretary Mouri – I'll continue.

Chair Smith – RFP Review Panel and Active Mobility Plan (formerly Non-Motorized Transportation Plan) we have Commissioner Robinson, we need a person to represent this. That would be the one that's going to be coming up soon, so we need a representative there. That deals with the walking plans and the biking, is anyone interested in this committee?

Commissioner Hoque – I will accept that position.

MOTION:

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

F) Planning Commission Discussion and Concerns:

None.

13. **CALENDAR OF PENDING MATTERS:**

None at this time.

14. ADJOURNMENT:MOTION:

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

The meeting was adjourned at 7:50 p.m.

Warren Smith, Chair

Mahmuda Mouri, Secretary

Meeting recorded and transcribed by
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