CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on May 11th, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, May 11th, 2015 at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:
Jocelyn Howard, Chair
Edna Karpinski
John Kupiec, Vice Chair
Jason McClanahan, Secretary
Charles J. Pryor
Syed Rob
Warren Smith, Assistant Secretary
Nathan Vinson
Scott Stevens, Ex-Officio

Also present:
Ronald Wuerth - Planning Director
Judy Hanna - Administrative Clerical Technician
Michelle Katopodes – Planner I
Elizabeth Saavedra – Planning Aide
Caitlin Murphy - Assistant City Attorney
Christine Laabs, Communications Department

1. CALL TO ORDER
Chair Howard called the meeting to order at 7:06 p.m.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL
All Commissioners present.

4. APPROVAL OF THE AGENDA

MOTION:
A motion was made by Commissioner Vinson to approve agenda, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

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5. APPROVAL OF THE MINUTES – April 27th, 2015

MOTION:
A motion was made by Commissioner Vinson to approve, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

6. PUBLIC HEARING ITEMS:

A. A PROPOSED ORDINANCE ESTABLISHING AN ADMINISTRATIVE HEARINGS BUREAU; Proposed amendment to Section 23.02 of Appendix A, Zoning, Article XXIII, Penalties, designating any zoning ordinance violation as a blight violation. **TABLED**

MOTION:
A motion was made by Assistant Secretary Smith to remove from table, supported by Commissioner Pryor. A voice vote was taken and the motion carried unanimously.

PETITIONERS PORTION:
Mr. Greg Paliczuk – Good evening Commissioners I am the Director of Building and Property Maintenance Division. I'm here to give you an update on the proposed ordinance amendment. The State Legislators passed several house bills, signed by the Governor allow the Cities to establish an Administrative Hearing Bureau's into their cities and make the laws a little more stringent for the cities. So what we have here basically is, we are going to adopt an Administrative Hearing Bureau. I had an opportunity to meet with the Mayor and his staff, the City Attorney's Staff, to implement this program and rewrite it for our city ordinance. I also met with the 37th District Court Judge Chmura, Court Administrator and Magistrate Roger Trim. We had a committee of the whole with Council and all parties involved liked the program and would like to see it go forward.

Secretary McClanahan – There are no correspondence.

Mr. Wuerth reads the recommendation of the Staff:

MOTION:
A motion was made by Assistant Secretary Smith to approve, supported by Commissioner Vinson.

COMMISSIONERS PORTION:

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Assistant Secretary Smith – The reason we tabled this last time was because we had some comments and concerns they had tried to put this in place one other time before there were a lot of issues and it didn't really work. So we tabled it to get in touch with the Court to see if this was going to be an overload on them or if it was going to be effective as far as helping them. According to your report tonight you said the courts and Zoning had no problem with it?

Mr. Greg Paliczuk – Correct.

Assistant Secretary Smith – I don't know what caused it to fail in the past but have those problems been ironed out?

Mr. Greg Paliczuk – Yes they have been ironed out. The previous Administrative Hearing Bureau was held at a different location the 37th District Court had nothing to do with that it was run through the State. The tickets just sat there filed and there was no follow up on it. We talked to Chief Judge Chmura he thinks it's a great program instead of all the tickets sitting in his file once they've been adjudicated these people don't show up this ordinance puts more stringent requirements on the violators. We have habitual violators that don't show up that we've wrote 10 to 20 tickets to that are just sitting in the drawer. Now this gives us an opportunity to go after these habitual offenders and track them down.

Vice Chair Kupiec – In your opening statement you indicated that the Governor has approved the assembly of a bureau of personnel?

Mr. Greg Paliczuk – Yes what they did was update it. It was already set up, a lot of cities in it. This was just a couple House Bills updating the procedure and the program so these other cities can also run these people down.

Vice Chair Kupiec – Is he going to provide funds to employ these employees?

Mr. Greg Paliczuk – No basically it's funded the way it is. Everything is status quo it's funded through the court cost and fees.

Vice Chair Kupiec – So the people will be reimbursed for their time by the tickets that they enforce?

Mr. Greg Paliczuk - Correct, before there was no reimbursement now we can put liens on the properties and also garnishee their wages, once we track them down.

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Vice Chair Kupiec – Is there a bureau of people in place yet?

Mr. Greg Paliczuk – Yes, it's going to be the Chief Judge and the Magistrate. Everything is going to be status quo it's just going to be a name change. All violations will be going in front of the Magistrate, which is going to be the hearing Judge.

Vice Chair Kupiec – Now will this be part of his daily routine or is this going to be a special hearing, there seems like there's plenty of violations in the City.

Mr. Greg Paliczuk – It's probably going to be three or four days a week.

Vice Chair Kupiec – And the Court said as much business as they've got currently they can take on this and still handle it?

Mr. Greg Paliczuk – Yes.

Vice Chair Kupiec – So basically tonight we are being asked to approve two things. One is the approval of the Administrative Bureau and also the change to the ordinance?

Mr. Greg Paliczuk – Correct.

Chair Howard – Can you give us a sketch of what this entire process will look like from top to bottom?

Mr. Greg Paliczuk – Basically everything is going to be status quo. Just like the Inspectors and Code Enforcement Officers are going out now, that's going to stay the same, it's going to go into the court system once they write a violation. First we write warning notices and we give them 5 days to comply if not they go to the 37th District Court to get adjudicated there. Everything stays status quo, there's a fee or a compliance in which the ticket would be dismissed.

So what happens next when this ordinance takes over these people that don't show up 5, 10, 15 times and the tickets just sit there there's no avenue to track these people down. So when this starts and these people get time to pay their fines and they fail to pay then the City Attorney's Office will go out and start issuing new violations, which the first violation is going to be a civil infraction $500.00. Second violation will be a misdemeanor, and the third violation will be a misdemeanor with jail time.

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Chair Howard – In terms of the tickets that you currently have already that are sitting in this large draw what is your process for handling those?

Mr. Greg Paliczuk – We are going to discuss that with the City Attorney.

Chair Howard – And how far back are you looking at these tickets, are any of these tickets grandfathered in after two year period do you waive these fines. Because it could be a situation where that's not the original owner, various things may take place.

Mr. Greg Paliczuk – We will find out what we can do and what we can't do then we'll start fresh and go from there. What this new ordinance also does is lets us put a lien on the property for the administrative fees and the work that the Blight Crew goes out there and does. Now we can put a lien on the property which before we couldn't.

Chair Howard – I think we want to have some caution there if property has been transferred and they don't know that there is an injunction or fine against them that the new property owner is not held liable.

Mr. Greg Paliczuk – They always call and check to see if there's any liens on the property before it's sold or transferred, a real estate company or mortgage company is going to check. A lot of these guys are trying to circumvent the system they flip it to each other and we waste a lot of administrative time trying to chase these people down. They have the system down, they are habitual offenders they switch it to their buddy or another company and then we have to track these people down.

Chair Howard – Attorney Murphy can you speak to the issue of the old tickets?

Ms. Caitlin Murphy – Basically those would still be civil infractions they are already adjudicated as civil infractions. What the court now does with the civil infractions is they send them to the Treasury Department if there's a driver's license associated with it, I think I got an estimated 30% to 40% collection rate on that, although the court was entirely sure just on the zoning ticket. So those tickets won't be the blight violations because they were adjudicated as civil infractions, but going forward they will be blight violations rather than the civil infractions. So they will go through this administrative hearings bureau that will be connected to the court, however it will

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be funded by the Administration although the City also funds the District Court.

That's a big difference with the way they handled it last time is that it wasn't through the court so this time it will be going through the court. We will be borrowing their employees, we will be borrowing the Magistrate to adjudicate these things and we will be borrowing their notice system. So there won't be any due process issues and I think that's what Joe Hunt brought up last time. Like Greg was saying establishing an administrative hearing bureau and making them blight violations just gives it a lot more teeth. We have a lot more things, under State Law, that we can do to enforce them. Especially having to do with the liens, we can restrict eligibility for rezoning, site plan approval, and a lot of other administrative remedies especially for these habitual offenders that we are concerned about.

Chair Howard – About how many habitual offenders do you think are in the system currently, a rough estimate?

Mr. Greg Paliczuk – Forty or fifty.

Chair Howard – With how many properties associated with that?

Mr. Greg Paliczuk – Some of these guys own 30 or 40 properties some own 100 to 200 properties. So right now we are looking at basically 5000 vacant properties and we only have six inspectors to go through the city. I put two people on trying to track these other people down, basically I call it my SID Squad. It's hard to track these people down we have to go through the computer, we go through the State, we go through Westlaw but we track them down, it takes time and energy.

Chair Howard – Now will you need additional staff for this?

Mr. Greg Paliczuk – No because they are already writing tickets it's going to be handle status quo until it get to the City Attorney's Office.

Chair Howard – If it passes this Committee tonight you will go to City Council then how soon will you be ready to get started?

Mr. Greg Paliczuk – We are ready to get started right now.

Chair Howard – Thank you.

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Commissioner Pryor – The description that we have right now says section 23.02 could be as much as a $1000.00 dollars penalty and then it says exceeding days could be another penalty it seems to me that this is doubled indemnity that every day you get another $1000.00 dollars add on. Then it says if there's any taxes or anything that hasn't been paid they don't even get a voice in going to court. I'm concerned about this the way it's written right now. Do we really need another hearing bureau to review this?

Mr. Greg Paliczuk – Well basically it's just what you stated in that ordinance. It's there already, all we are doing is adopting it and bringing it forward to the Administrative Hearing Bureau. It's in the ordinance right now fines are from $100.00 dollars to $1000.00.

Commissioner Pryor – Well who makes that decision is it the court?

Mr. Greg Paliczuk – It's the court, to tell you the truth I haven't seen nothing at a $1000.00 dollars yet. It's usually anywhere from $50.00 dollars $100.00 and the court will charging $250.00 for an original charge.

Commissioner Pryor – It really bothered me that it could be a $1000.00 dollars every day and some of these violations can't be resolved in a day it takes time.

Mr. Greg Paliczuk – We don't write tickets every day we wait for the court date which is within 2 weeks. We give the homeowner or the property owner an opportunity to correct the problem. If they correct the problem before the court date we will dismiss the violation. We just want compliance, we want people to clean up their property, 85% of people are in compliance it's that 10%, 15%, that we have problems with and that's the ones we are trying to go after.

Commissioner Pryor – Blight to me means something citywide not just an individual thing and I thought that was strong language.

Mr. Greg Paliczuk – They call it the Blight Ordinance it's an Administrative Hearing Bureau, property maintenance, zoning, building they all come under Blight.

Commissioner Pryor – I was concerned do we really need it, it seems like there's been some Administrative activity already that says it does. To me it was just something new. I know what you are saying that there are companies with 100 or more pieces of property and there's one right next to me a rental that has been vacant for years and it's some place in Delaware that owns it. I believe that the

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code should not have been passed but that's up to us I guess to make the decision I would vote no on it.

Chair Howard – That was a motion Assistant Secretary Smith, supported by Commissioner Vinson we are making a recommendation that these amendments be approved and that it would be forwarded on to City Council for approval this would be the purpose of establishing an Administrative Hearing as well as the amendments to the ordinance.

ROLL CALL:
The motion carried unanimously as follows:

Assistant Secretary Smith……	Yes
Commissioner Vinson……	Yes
Chair Howard……	Yes
Commissioner Karpinski……	Yes
Vice Chair Kupiec……	Yes
Secretary McClanahan……..	Yes
Commissioner Pryor……	No
Commissioner Rob……..	Yes

B. SITE PLAN FOR NEW OUTDOOR STORAGE; Located on the east side of Dequindre approximately 29 feet north of Bart Avenue; 23402 Dequindre; Section 30; Allan Saroki (Anthony Sycko). **TABLED**

MOTION:
A motion was made by Commissioner Rob to remove from table, supported by Commissioner Pryor. A voice vote was taken and the vote carried unanimously.

PETITIONERS PORTION:
Mr. Allan Saroki – I received a list of recommendation which requires Board of Appeals approval and also requires a new site plan to be redone. I see I have no choice but to do these things and get this outdoor storage permit.

Chair Howard – Tell me about your item, tell me what you are doing on your property?

Mr. Allan Saroki – What we've already done is put slats in the fence around the building that totally encompasses the storage yard. We also have placed the dumpster inside of the fenced in area so it's not exposed to anyone in the public that could see it by looking through the alley. They've removed a number of cars in the driveway; I had

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them clean up the back lot to remove anything that's not being used or being worked on currently. I also had them tear down a shed that was built by one of the tenants without my knowledge or approval. Now we have this list of items of things to do, I've already had the site plan revised three times but there are three different site plan revisions.

Then I need a variance for the property so that the storage areas can be within the fenced in area, which means that somehow the variances must have changed from the time the person whoever built this building built and the current time because otherwise the variances would be in effect, I wouldn't need to get additional variances. So I need to get a Board of Appeals or a Zoning approval for these variances. The taxes are paid current, the fire is approved, engineering is approved, so that's basically it.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
FIRE: Approved.
ENGINEERING: Approved.
DTE: DTE Electric Company has no objection to the outdoor storage; however no building or other permanent construction shall be placed under DTE Energy's existing overhead power lines.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:
Mr. Joseph Hunt – This area is located in political district one of the city along the border of Madison Heights. I go by it frequently and I think this is a wonderful idea presented by the petitioner and it will rejuvenate the area. So therefore I would recommend the recommendations.

MOTION:
A motion was made by Commissioner Rob to approve, supported by Vice Chair Kupiec.

COMMISSIONERS PORTION:
Assistant Secretary Smith – I was by the property today and I noticed that you did put the green slats and the cyclone fence up the only place I saw that they were missing was along Cathleen where you have a lot of vegetation that's growing up through the fence and I know because of that you can't get any slats in that fence. Are you going to be removing that vegetation so you can get slats in that back portion of the fence also?

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Mr. Allan Saroki – We are working on it, I was going to leave that I didn't think the vegetation growing through the fence was a major issue. I wasn't going to cut that vegetation down is that a requirement?

Assistant Secretary Smith – If they are saying it's required to put slats in the entire fence, then it would seem like it would be in the entire fence. And if the vegetation is in the way where you can't get the slats in there then it seems like you'd have to cut it out so you'll be able to do it. That way it closes off the whole yard like you're intending to do with the slats in the first place.

Mr. Allan Saroki – There is no visibility right there, this is just one piece of a tree branch that's about 6 inches in circumference that's growing through that fence the rest of the fence is filled with the slats.

Assistant Secretary Smith – It was a little bit wider than just the 6 inch piece that I was looking at. Michelle is that going to be an issue with him not putting slats in the area because of the vegetation?

Ms. Michelle Katapodes – I believe they were actually approved by ZBA to put in the slats along the other sides, I don't believe he needs to put it along Cathleen Avenue.

Commissioner Rob – Did you already make an appointment for the zoning variances?

Mr. Allan Saroki – I have to apply for it I haven't applied for it yet I was instructed by the woman that came out and wrote the violations to wait until I go in front of the Planning Commission and I have this final recommendation before I apply for the zoning variances. Mr. Wuerth had told me to apply right away but I talked to the other lady and she told me to wait.

It's a process, I've already had the site plan revised two to three times now I have to apply for zoning variances I had to do all this different work on the building. So it takes time and cost a lot of money for applications and permits on a building that I pay $15,000.00 dollars a year in taxes on that building. The Kinkos or Fedex Building at 12 Northwestern that's worth about 1.2 million dollars verses this building that's worth about $350,000.00 that building we only pay $15,000.00 dollars in taxes so I don't understand how the City of Warren taxing it's property owners so much, but that's not an issue that you guys deal with.

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Commissioner Rob – There are a lot of variances there. Let's say we approve that one then if it goes to the Board of Appeals and they do not approve all of them do they come back to us again right?

Ms. Michelle Katopodes – That is correct.

Commissioner Rob – Did he schedule an appointment with the Board of Appeal?

Ms. Michelle Katopodes – I'm not certain if he scheduled the Board of Appeals yet.

Vice Chair Kupiec – I'd like to recommend to the maker of the motion to make the bond $750.00 cash.

Chair Howard – That was a motion by Commissioner Rob, do you agree with the $750.00 cash bond?

Commissioner Rob – Yes.

Chair Howard – Vice Chair Kupiec and you would support that?

Vice Chair Kupiec – Yes, and while I have the floor I'd like to talk to the petitioner. Obviously there's some housekeeping that's required in your area to get the place where it looks good and you were sitting here during a previous discussions that talked about blight in the city so you want to make sure you're protecting yourself against future violations that might be forthcoming. We appreciate your investment in the city and we appreciate your beautification of your investment. But likewise we are looking out for the best interest of the residents of the city.

So with that being said the housekeeping needs to be done there are a lot of bricks and stuff laying around and you mentioned having a problem with the fence. I don't think its big issue but the tree will continue to grow so if you don't nip it in the bud now six inches will become eight inches and the next thing you know you have a catastrophic condition so I suggest you take a look at some way of improving it.

Mr. Allan Saroki – Actually there's been a lot of clean up there. This is a rental property, I don't run a business out of it so it's out of my control about keeping it clean. I tell them and I go by there once a week to see how it looks and tell them to clean it up that's the best I can do. This isn't even my type of investment my partner runs the

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transmission shop there and if he wasn't my partner I would have sold it. I don't own anymore industrial buildings it's just not my type of property I don't want to deal with it.

Vice Chair Kupiec – My suggestion would be to talk to the person that is leasing your building and running the business and tell them that there is a blight ordinance in the city and if he doesn't start cleaning it up they will pursue it and he will be responsible for the court fines and the ticket. Make sure he is aware of that.

Mr. Allan Saroki – Exactly, I'm coming in here to get everything approved to have the site plan approval so we can have outdoor storage and bring everything up to code. I have told my tenants to keep it clean that's the best I can do. This is turning into a job for it's been three months this was tabled before and ever since it's been tabled we have made a lot of progress with getting different things done. Putting those slats in was not a minor job that took a lot of work. I'm taking care of item by item, this isn't something I could have done in a week or two weeks.

Chair Howard - Thank you so much sir for your diligence in this matter I can hear your frustration in your voice and I know that you are adamant about moving forward in this process so I don't want you to think that this Commission is not sensitive to what you have been sharing with us this evening. With that being said there are some conditions here and regarding the bond. As it was stated regarding the $750.00 dollar bond that's inclusive of the cleanup process. It is a cash bond that we have voted on but you are going to go and make an appointment in front of the Board of Appeals am I correct?

Mr. Allan Saroki – That's correct, first of all I have to file the application. Once I file the application then I assume they call me in front of the Zoning Board of Appeals for a hearing.

Chair Howard – Yes, sir that's going to be your next process in going forward. In terms of the slats as Vice Chair Kupiec and also Assistant Secretary Smith have indicated when that vegetation begins to grow sir and with all the rain it will get out of control so you definitely want to trim that back. I know that wasn't in your original plan but you do want to go ahead and make sure your tenants are aware that they need to trim that back.

Mr. Allan Saroki – To my knowledge it's a six inch branch that's going through the fence I don't recall seeing any other vegetation there.

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Chair Howard – Yes, it's just that area alone, if you can make sure that part is maintained we should be in a good place. You did indicate in the beginning of your statement that the trash dumpster has already been moved and is enclosed.

Mr. Allan Saroki – Yes, both trash dumpsters are both inside of the enclosed area.

Chair Howard – Alright I can see now by your initial conversation and your initial statement that you are making progress and that you're taking these recommendations seriously and we want to assist you in that and make sure everything is up to code. Thank you again for all your hard work I know this is not the business that you want to be in, but some things are out of our control so I want to thank you for your diligence in it.

Mr. Allan Saroki – Also addressing the $750.00 dollar bond, not that it's that big of an issue, but when that amount was determined that was based upon me installing two dumpster enclosures. That's about $30,000.00 to $40,000.00 dollars worth of work I don't have that work anymore all I have now to do is to get the Zoning Approval, the variance and get the plans revised I really don't have any major clean up or major expenditures.

Chair Howard – So you're indicating that since the trash enclosure is in the inside that should not be an additional expense, is that what you are share with us?

Mr. Allan Saroki – Yes the expense that I do not have to put up the dumpster enclosures.

Chair Howard – Ms. Katopodes can you and Mr. Wuerth come forward and speak to that cost, we may need to revisit the bond. Based on the fact that the petitioner has now removed the trash enclosure into the inside of his property would you like to do a new assessment of the $25,000.00 dollars?

Mr. Wuerth – Part of it was for the trash enclosure but we reviewed that, had a meeting with the petitioner, we did lower it from what we had before. A trash enclosure is running about $20,000.00 dollars and he doesn't have to do that, but there are other things that need to be done on that site. They were mentioned, we've talked about cleaning up the weeds, the brush and all that along the east property line. There are non-running vehicles on that site that need to be removed. I don't want the Inspector from the Building Division go

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over there to talk about it again. The lot in the back has to be cleaned up it's going to take money even though it's not something tangible that you can see it's going to take time for someone to do the work.

Chair Howard – So the $25,000.00 dollars is well in line with what work he has to do outside of the trash enclosure?

Mr. Wuerth – Well we think it is and we also think $750.00 dollars is not a large amount for a cash bond.

Chair Howard – With that being said I'll turn it over to the Commission. That was a motion by Commissioner Rob supported by Vice Chair Kupiec with a $750.00 dollar cash bond associated with the work that needs to be done.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Rob…….. Yes
Assistant Secretary Smith…….. Yes
Commissioner Vinson……... Yes
Chair Howard……. Yes
Commissioner Karpinski……. Yes
Vice Chair Kupiec……. Yes
Secretary McClanahan……. Yes
Commissioner Pryor……. Yes

C. SITE PLAN AND SPECIAL LAND USE APPROVAL FOR AIR-SOFT GAMING FACILITY AND SEMI-TRUCK STORAGE PARKING; To be located on the west side of Mound Road, approximately 846 feet south of Ten Mile Road; 24649-B Mound Road; Section 29; Wojtuniecki Real Estate Holdings, LLC (Tim Storey) **TABLED**

MOTION:
A motion was made by Commissioner Rob to remove from table, supported by Commissioner Vinson. A voice vote was taken and the motion carried unanimously.

PETITIONERS PORTION:
Mr. Tim Storey – I'm with Storey Engineering Group and I'm representing my client Wojtuniecki Real Estate Holdings who owns the building on the west side of Mound Road 24649 Mound. As you are aware Mr. Wojtuniecki Company owns the building it's approximately 19,000 square foot building. Not only does he own the building but Mr. Wojtuniecki has one of the business located

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within the building which is GE Fleet, they occupy a little more than 50% of the building. There's another tenant in the building Sunset Travel they are approximately 300 square feet. There's also another tenant in the building Air-Soft Gaming Use and that's the one we are requesting a special land use for because of the nature of the business.

The property is zoned M2 it's either M1 or M2 all in the area immediately adjacent on each side so GE Fleet is allowed within that use. One of the issues has been that we need to provide adequate parking they actually have adequate parking at the facility for what they use they don't need more, but the ordinance indicates that we need more so we are showing more parking. We understand that maybe a different business may need it but his business doesn't really need it.

The trucking use is the primary use of the building and they store trailers on site, they haul materials for various different business and make deliveries across a lot of the Midwest and even beyond that area. The way that the business operates is that their clients require that the trucking business store trailers on their site somewhere. So he has these trailers he can't store them at the companies where he's hauling materials for so he has to store those trailers here. He proposing to store the trailers in the back and there's now gravel back there. We have discussed it with the Engineering Department and we are also asking for a variance to allow the trailer parking on the gravel, which hopefully we will be successful with.

We are also in for a variance for the front parking because the front parking area, although there was a variance approved previously to allow parking within 22 feet of the front property line, it's my belief that they didn't consider the maneuvering drive isle between those parking spaces and the Mound Road right-away. So when they eventually put it in they had to put it in closer to Mound Road then what their variance had allowed them to and so now the parking has been there for some time and it's not conforming because was only granted for 22 feet but yet we are within 3.25 feet of the front property line so we are asking for that variance at a separate meeting.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of this site has yielded the following comments from the Engineering Division.

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1. The previously approved site plan required a detention facility on the west side of the site. The detention pond was filled in without acquiring the necessary permits and approvals. Detention will be required for this site and all drainage shall be maintained within this development.
2. The perimeter of the pavement area requires concrete curb and gutter.
3. Sidewalks or access paths adjacent to parking spaces should be 7' wide to allow for 2' of vehicle overhang.
4. It is recommended that the trash enclosure be adjacent to hard surface pavement and not the proposed gravel surface as currently shown.
5. Maneuvering lanes on both the north and south side of the building do not meet ordinance requirements for two-way traffic and the southern access drive is further restricted by the location of existing utility pole. The northern drive will not have access to the rear parking area under the current proposal restricting site traffic circulation.
6. The southerly drive approach appears to have been altered since the original construction. The revised approach shall be approved by the Macomb County Department of Roads and the sidewalk across the drive approach shall be constructed to City of Warren standards.
7. Any improvements within the Mound Road right-of-way shall be subject to the approval of the Macomb County Department of Roads (MCDR).
8. The plans shall bear an original signature and seal from the licensed professional responsible for the work.

FIRE: This department has determined the following provisions will be required:

1. Must meet the requirements of the 2012 Edition of the Michigan Building Code, specifically section 411, "Special Amusement Buildings".
2. Special Amusement Buildings must be equipped throughout with an automatic sprinkler system in accordance with NFPA 13. Fire Department Connection threads shall be National Standard type and a fire hydrant shall be provided within 150 feet of the Fire Department Connection.
3. Provide fire alarm system as required by code.
4. Maintain existing Fire Department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
5. Provide Fire Department lock box (Knox Box) as required by local ordinances.

DTE: Approved.

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Mr. Wuerth reads the recommendation of the Staff:
I'd like the following recommendations removed from Engineering Recommendations, number two, three, four, five, six and eight.

PUBLIC HEARING:
Mr. Joseph Hunt – This happens to be on Mound Road a County Road in political district 5 and as I'm looking at this it says Air-Soft Gaming Facility and my interpretation is this is paint ball and paint ball is fun. I think this is a great idea. I guess my question is on this wonderful facility along a County Road is there going to be a sign out front so people going by can find it real easy instead of doing the turn around. And more so I'm just assuming this is paint ball because Air-Soft is another code word for paintball on whether or not there are going to be guns and ammo sold as a retail or is it bring your own supplies, what are the hours of operation and more so will food and beverages sold. I think this is a great idea in the City of Warren because it's fun.

Mr. Tom Wells – I live at 24634 Blackmar immediately behind the property. I noted that the Secretary mentioned the retention pond that was there, I think that was 15 or possibly 20 years ago, by the previous occupier when they did an expansion the retention pond was required, but the present occupier of the building filled that in. They are asking for approval on the backside of the building for storing the trailers. The trailers are there they've been there from day one that the parking lot had been expanded back behind his property line. The gentleman that's in the building apparently does what he wants first and then stops by the City to get approval for possible violations that he's been written.

The expansion of his parking lot was like from August 1st of 2012 and that took place without a permit, started on a weekend when there were no Inspectors available and again this is pretty much the mode of operation of the contractor that he's been using. Our main concern and speak for the residents on Blackmar is the further encroachment of commercial vehicles into that field area. I hate to admit that what he's doing so far is not objectionable, the semi-trailers being back there are fairly benign. We are trying to protect the quiet nature of the neighborhood.

MOTION:
A motion was made by Assistant Secretary Smith to approve, supported by Commissioner Pryor.

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COMMISSIONERS PORTION:
Assistant Secretary Smith – The gaming part of this project came before us on March 25th, 2013 at that point and time we recommended approval of Special Land Use Permit for the plastic gun facility. I did visit it at that time and I saw the pellets that they use and it was pretty interesting. A couple of concerns that I have is the site plan for this particular item had been closed out due to the site plans being expired. I'm just concerned to why they've been expired two different time so I'm wondering why it's taking so long to get this together.

The other thing I was talking about was you going before the Board of Appeals to get a variance for the 3 ½ foot for the parking in front along the Mound Road property. And on June 12th, 2013 the Board of Appeals denied the petitioner to retain the hard surfacing no less than 3 1/2 feet from the Mound Road property. So it was denied in 2013 and yet you want to try and go again before the Board to request the same thing. The other thing is I saw what looked like a trash enclosure area in the back that looked like it was mostly used for storage I didn't really notice a dumpster it had some stuff piled up behind there. There was also a dumpster at the back of the building and there were some tires stacked up by the back of the building is that dumpster permanent or do we need a trash enclosure for that dumpster that's behind the building?

Mr. Tim Storey – There is an existing trash enclosure at the property that meets requirements it's been there for 13 years, it's a concrete stamped brick pattern with wooden gates. The new enclosure we are showing on the plan is not for trash it's only for outdoor storage.

Assistant Secretary Smith – I understand that but the dumpster that I'm speaking of at the back of the building isn't in that proposed trash enclosure in the back.

Mr. Tim Storey – I'm not aware of that dumpster when I was at the property I don't recall seeing that.

Assistant Secretary Smith – I was just there today and it was at the back of the building.

Mr. Tim Storey – What I would say is any dumpster at the property will be put into the trash enclosure where they belong and not be left out behind the building.

Chair Howard – There's a man standing, are you the property owner sir?

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Mr. Philip Wojtuniecki – Yes I'm the owner of the property. Regarding the container it's stored inside of the building it's only removed Sunday for Monday pick up. So it's sitting outside because we never know when the pickup time is. We don't have that much trash or waste materials.

Assistant Secretary Smith – I can understand if it's in the building most of the time and it was just out for pick up then I can understand that thank you. To the petitioner again, I was just a little concerned why the site plan got closed out so many times before any action was taken?

Mr. Tim Storey – There's been a lot of things that happened over the years and I'm actually recently involved in the project. I think I've been involved about a year now I was first hired to do a survey and then it turned into a site plan and so on. He had plans to do a bunch of additional stuff back in the rear of the property, he does own the piece of property immediately behind this property but he's decided not to do anything back there.

One of the issues, I believe if, I recall correctly, is that there was a meeting. I don't remember which board it was with, he was ill and he was not able to attend the meeting, he tried to call and leave a message and apparently the message didn't get through. He wasn't able to show up and I think one of the reasons that there was a denial at some point was because there was no one present at the meeting he was sick and couldn't be there, if he were there he would have asked for it to be tabled. He's new to these types of things he's not used to development and construction activities and he was relying on his former architect to convey some of that stuff and there was some confusion there.

I do know that with the gaming use, my understanding is that it was initially approved for only training because I think they inadvertently indicated that it was only for training. I think they intended for it not to only just be for training purposes but also for recreational, I think it was another misunderstanding. The owner and operator of that business is here tonight as well Hassan Berro. I believe it was his understanding that he had the approval to operate as he is operating, again it was just a misunderstanding.

Assistant Secretary Smith – One other thing I noticed also is that when I was there before you had access through the north driveway all the way through and I noticed today they had a chain link fence at the front which was locked, but then they also had a PVC Fence on

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the backside. Now as people are going to this facility are they going to try and park in that driveway where are they going to park for that particular facility?

Mr. Tim Storey – After reviewing the comments and I concur with them, I discussed it with my client and we're going to open those drives up and put them back to the way the traffic circulation was originally. It will be two one way drives one on each side of the building. During business hours for sure they will be left open. The one at the back corner with the PVC Fencing that's going to simply be removed. Vehicles need to be able to travel around the building and use both drives. We understand that and that's going to be reflected on the revised site plan that we need to submit to the Planning Department.

Commissioner Rob – I'd like to propose to the maker of the motion to have it as a cash bond.

Assistant Secretary Smith – I agree with that.

Commissioner Pryor – I also agree.

Chair Howard – Alright that will be a $450.00 cash bond.

Vice Chair Kupiec – It looks like we have two issues here, one is for parking of the property owner's personal trucks the other is the gaming operation or paintball as it was called. In your opening statement you seem to take the gaming operation kind of lightly as far as parking. You are here for two approvals is that correct?

Mr. Tim Storey – Yes we are asking for that as well.

Vice Chair Kupiec – Who will be your clients in this gaming operation?

Mr. Tim Storey – Hassan is the owner of that business so he can better speak to that. From my calculations there's plenty of parking on the entire site and the hours of operation do not overlap because the Air-Soft business only operates in the evenings and on the weekends, where the other two businesses are closed. So by our calculations we actually have a couple extra spaces per what the calculation shows required. When you speak with the owners of the businesses they indicate that they don't need anywhere near the amount of parking that we've calculated that they need, although we are providing it.

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Mr. Hassan Berro – We are opened from five to nine and they usually close at four-thirty so we have plenty of parking, there's a lot of spaces for any cars. It's not like we have 50 or 60 people they come as a group and they all come together so we have plenty of parking. I bought the business, it used to be the same thing and the guy I bought it from said he had permits from the City. I went to the City to pull a permit thinking everything was good and I found out that he had the building as a storage not as Air-Soft.

I went to the meeting and they told me everything was fine and was approved that's why I didn't have any idea until the other day when they called me from the City and told me my business doesn't exist. I showed them my paperwork and they told me I didn't finish it I paid $4500.00 dollars so I thought everything was good. I've been paying water, taxes so I thought everything was fine with no problem. I've been there almost three years we've never had any problems or noise no one was allowed to go outside unless it was to leave. So I don't know what he's saying about his parking lot we have plenty of parking.

Vice Chair Kupiec – My original question is your business open to the public?

Mr. Hassan Berro – Yes sir.

Vice Chair Kupiec – What type of cliental do you expect young adults, teenagers, or old people?

Mr. Hassan Berro – It's mixed for example the other day I got a call from the Detroit Police they want to come and train and teach people in there but they don't use any ammunition they just act like they are pulling the guns for training. We do private parties for kids and adults they come they have fun it doesn't hurt its plastic

Vice Chair Kupiec – If someone is driving down Mound Road can they stop in and use your facility, is it open to the public?

Mr. Hassan Berro – Yes.

Vice Chair Kupiec – And are you prepared to meet all the fire requirements that are required from the Fire Department?

Mr. Hassan Berro – Yes sir, Fire Department came and checked it out and it's good.

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Vice Chair Kupiec – Well the Fire Department couldn't have checked it out because it says here the following provisions are required and they are talking about having an automatic sprinkler system and things like that in the building.

Mr. Tim Storey – There is an automatic sprinkler system in the building I've seen it. I tried to get ahold of the fire department today to go over those comments and I couldn't get ahold of anyone. We will get ahold of them and confirm, but whatever their requirements are we will meet.

Vice Chair Kupiec – Do you actually have an operating permit now, a Certificate of Operation to be in business?

Mr. Hassan Berro – For that particular business I don't know I have the paperwork that he gave me.

Vice Chair Kupiec – Who is this he that you're talking about?

Mr. Philip Wojtuniecki – He had the occupancy permit that was done three years ago and since then the place was inspected and the permit was issued three years ago.

Vice Chair Kupiec – Is that permit required to be issued every year is that an annual permit?

Mr. Philip Wojtuniecki – No, it does not require every year as long as he's going to be in this business and it doesn't change to another business he can stay as long as he wants.

Vice Chair Kupiec – Any you're willing to meet all these requirements of the Fire Department and make sure everything is in the building, operational for people's safety. Again if this is open to the public and people are bringing their children there we want to make sure that the public is protected.

Mr. Philip Wojtuniecki – Absolutely, it's already been inspected 3 times by the Fire Marshall and everything is up to code.

Chair Howard – Before we go any further we do want to recognize our Ex-Officio Councilman Scott Stevens who is in the audience. Thank you so much for joining us this evening sir.

Chair Howard – To the petitioner, this item had come to us a couple of years ago we did vote on it. We thought it was a great idea we understood that it would be a paintball type business. I was there on

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Saturday and I did notice that the gate was closed off I could not drive to the back of the building. I did see the trucks in the back but they were not idling, they were there parked, so that was refreshing to me. The Air-Soft business is only operating five to nine and on the weekends, correct?

Mr. Tim Storey – Correct.

Chair Howard – And so the trucks are there from when?

Mr. Tim Storey – Seven-thirty to five.

Chair Howard – So once those trucks are parked that is the extent of that, those trucks are not being moved at all?

Mr. Tim Storey – Correct.

Chair Howard – And on the weekend are those trucks coming in and out?

Mr. Tim Storey – Not to my knowledge.

Chair Howard – I'm going to get an opinion from Mr. Wuerth on the Certificate of Occupancy. I do recall voting on this particular item a couple of years ago, the petitioner is saying that the business was transferred to him. So is that Certificate of Occupancy still good and is it renewal or does it have to be renewed annually?

Mr. Wuerth – I don't believe they have one for the Air-Soft gaming facility. I know that they don't have approval for it, otherwise we wouldn't be here.

Chair Howard – I'm going to make a suggestion that this item be tabled until we have a Certificate of Occupancy, a valid one in place before we vote on it. Those items need to be in place prior to us going forward with this site plan and that's going to be critical before you operate a business, to have that in place. That was a motion by Assistant Secretary Smith and supported by Commissioner Pryor would you concur with tabling this to a date certain?

Commissioner Pryor – Yes

Assistant Secretary Smith – Yes.

Chair Howard – Sir we do need a certificate of occupancy provided to the Planning Department then bring your petition and your item

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back to us and we can proceed further. We will table until June 1st, 2015.

ROLL CALL:
The motion carried unanimously as follows:

Assistant Secretary Smith…….. Yes
Commissioner Vinson……. Yes
Chair Howard……. Yes
Commissioner Karpinski……. Yes
Vice Chair Kupiec……. Yes
Secretary McClanahan……. Yes
Commissioner Pryor..…….. Yes
Commissioner Rob……. Yes

D. ALLEY VACATION; Located west of Mound Road; approximately 165 ft. north of Hayden Street; 21083 Mound; Section 32; Lukas Koja. **TO BE TABLED TO 6-1-15**

Mr. Wuerth – This particular item, for an alley vacation, upon reviewing the application in particular and these applications have to be just so there was several things wrong with it. So I did have a meeting with the owner of that property just today so he clearly understood what it is that we need.

First of all we need to know ownership and Mr. Wojtuniecki is the owner on both sides of this alley but it's not in and part of the application so we are going to have him provide an affidavit. He didn't sign the petition which is attached to the application, he was confused about that and that verifies ownership.

Then there were two people that signed the petition but not for the area that he wanted to vacate. So like I said there was a lot of confusion. We worked that out but it does need to be tabled and I suggest to June 1st,

MOTION:
A motion was made by Commissioner Rob to table until June 1st, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

E. SITE PLAN FOR ADDITIONAL PARKING AREA AND OUTSIDE STORAGE; Located on the east side of Ryan Road; approximately 850 ft. south of Thirteen Mile Road; 30660 Ryan Road; Section 8; Charles Bowers.

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PEITIONERS PORTION:
Mr. Chuck Bowers – I own Rocket Enterprise we install flag and flagpoles throughout Michigan, Indiana, and Ohio. I bought the building in 1993 I added on in 1997 to the back of it and I put another building in early 2000. We have been storing our ground sleeves outside next to the south building for the last 15 years.

We get truck loads of flag poles that come in once every month or so my neighbor Don Hunt who owns the building to the north of me, who I'm friends with because we've been neighbors for 20 years, on those occasions when the trucks would come in I asked him do you mind if my employees just park in your parking lot because it's just him working in his shop and he had no problem with it. I asked him if I could rent the back parking lot and pay him something that way it kept our parking lot clear and empty it was convenient when the trucks would pull in to unload the flagpoles. We didn't have to do it but it made it easier for my employees so they didn't have to move their cars.

There was a strip of grass between our properties we cut out about 20 feet of it and we laid down some aggregates so we could drive our vehicles across so we could park in the next lot which was right next to ours. We have been doing that for the last couple of years and then I got this notice from the City that we were in violation which I did not know. I did not know we needed permission to park on his parking lot, I did not know we needed to provide a lease agreement with the City or I would have done that if I knew that. To me it was very informal because we were friends and what not. Sometimes my guys come back from the road where they have broken up some concrete on some jobs where we've fixed some flagpoles and we would pile it up. They said I had to get the concrete out of there so I did with no problem and that's when they pointed out you can't have outside storage you need permission to use the parking lot so here I am.

Secretary McClanahan reads the correspondence as follows:

TAXES: No Delinquent Taxes.
FIRE: We have reviewed the above-captioned request and have determined the following provision will be required.

1. Maintain existing fire apparatus access roads. Fire apparatus access roads must extend to within 150 feet of all portions of the exterior walls, as measured around the exterior of the facility. Fire Apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.

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ENGINEERING: Preliminary review yielded the following comments:

1. This development must comply with the City of Warren Storm Water Management Plan.
2. The site plan shall indicate all utilities and any easements across those utilities that are shared between the parcels.
3. Parcel 13-08-101-009 is owned by a different owner than parcels 13-08-101-010 and 13-08-101-011.
4. All of the parcels shall be clearly shown as separate parcels as they have not been combined at this time.
5. The entire parcel shall be shown for 13-08-101-009.
6. All parking lot areas shall have a hard surface pavement and the perimeter shall have concrete curb and gutter.
7. There shall be no permanent structure over an existing or proposed easement.
8. The site plan shall bear an original seal and signature from the licensed profession responsible for the work.
9. The existing buildings and proposed storage areas do not appear to have fire hydrant coverage.
10. Parking space and maneuvering lane dimensions do not appear to meet City of Warren ordinance requirements.
11. Clearly identify the proposed parking area and pavement section.

Ms. Michelle Katopodes reads the recommendations of the Staff:

Mr. Wuerth – I'd like to eliminate three items from Engineering, that's number 6, 8, and 10.

Chair Howard – This item is recommended for us to table prior to the public hearing because, apparently, there's more information regarding the lease agreement between the two properties. We do have an opinion here from the City Attorney, Ms. Murphy would you like to read the opinion?

Ms. Murphy – I'll refer to Secretary McClanahan.

Secretary McClanahan – Dear Mr. Wuerth, you requested that the City Attorney's Office review the provided lease agreement between the owners of 30660 Ryan Road and 30700 Ryan Road relating to the above referenced site plan. You stated that it is your intention to have the lease agreement recorded with the Macomb County Register of Deeds.

Attached please find the above-referenced lease agreement, which I reviewed. Please be advised that the lease agreement is not in satisfactory form for recording purposes. The lease agreement fails

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to properly identify the subject leased property. Furthermore, the lease agreement does not state which party is responsible for the subject properties upkeep or maintenance, liability insurance, monthly lease fee(s), or who is allowed to use the subject leased property.

Should you have any questions, please feel free to contact me.
David Griem

Chair Howard – What I would suggest sir is that I do see the initial agreement that you have, but apparently there are some more details are needed in this agreement. I would suggest that we table this item to our next meeting of June 1st, that will give you time to get the necessary language that way we don't have to endure going through a public hearing and having all the Commissioners speak just to say come back again.

Mr. Chuck Bowers – Are they going to provide me with the details of what they want. Who do I go to and who do I talk to about getting a lease drawn up to rent a parking lot to park vehicles there.

Chair Howard - I'm going to refer you to Mr. Wuerth and he's going to guide through this process.

Mr. Chuck Bowers – Thank you.

Mr. Wuerth – Yes that's exactly what we can do between now and June 1st that includes someone from the Attorney's Office and ourselves so that it can be defined exactly. I do have a question, was the document from the Zoning Bureau included there, because they had their concern's and some of their concerns also had to do with the lease, how to calculate parking on the property to the north that they wanted to make a lease with. So there are issues like this that have to be worked out so most certainly we can have a meeting and do that.

Mr. Chuck Bowers – I would love to have a meeting. My other concern's is they are saying I need to add curbs around everything, that's really expensive. There's also an issue in here about the bond I have $12,500.00 dollars with the City from this building. I'm so busy running the business I actually forgot about it until today. If this means I'm going to have to spend a lot of money on my parking that that was okay before I won't even use that parking lot. However, if I get a truck load of flagpoles and I need to move my cars over there for several hours am I going to get in trouble for that and who gets to make that decision.

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Mr. Wuerth – First of all it started with a letter coming from your office requesting a bond release.

Mr. Chuck Bowers – I don't know where that came from I never requested it.

Mr. Wuerth – Well someone in your office did that, I'm the one that came out to take a look and I found these issues then sent the letter back to you that also went to building where the inspectors came out. The inspectors know we are in process here you can continue your work we are not going to bother you at all.

Regarding the parking area and all that the items that I took out here have to do with that. We'll have a meeting and get all these issues straightened out we will have Zoning part of that meeting also.

Chair Howard – What we are going to do sir is take a motion to table this item. So I will need a motion to table this to a date certain of June 1st, 2015.

MOTION
A motion was made by Commissioner Rob to table, supported by Commissioner Vinson.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Rob…….	Yes
Assistant Secretary Smith……	Yes
Commissioner Vinson……...	Yes
Chair Howard……..	Yes
Commissioner Karpinski……...	Yes
Vice Chair Kupiec……...	Yes
Secretary McClanahan……..	Yes
Commissioner Pryor…….	Yes

F. SITE PLAN FOR PERMANENT OUTDOOR SALES AT KROGER'S GASOLINE STATION; Located on the south side of Fourteen Mile Road; approximately 55 ft. east of Schoenherr Road; 13700 Fourteen Mile Road; Section 1; Matthew Pisko.

Mr. Wuerth – That petitioner is Matthew Pisko and he is very diligent so I don't understand why he's not here. You can either table it or I can read the recommendations and you can decide whether it needs to be tabled.

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Chair Howard – Why don't we table it until June 22nd as you said he's pretty consistent?

MOTION:
A motion was made by Commissioner Rob to table, supported by Commissioner Vinson.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Rob……	Yes
Assistant Secretary Smith……	Yes
Commissioner Vinson……	Yes
Chair Howard……	Yes
Commissioner Karpinski……	Yes
Vice Chair Kupiec……	Yes
Secretary McClanahan……	Yes
Commissioner Pryor……	Yes

G. SPECIAL LAND USE PERMIT AND SITE PLAN APPROVAL FOR TWO HOTELS; Located on the northwest corner of Van Dyke and Murthum Avenues; 32035 Van Dyke; Section 4; Sahiz Malki.

PETITIONERS PORTION:
Mr. Akram Namou – I own and operate several hotels. I have been committed to the City of Warren for a long time, as a matter fact I bought my first hotel in 1992 so I've been there over 20 years and still own and operate that hotel.

We are trying to renew and bring new high end products to the City of Warren. We have a hotel that used to be a Quality Inn it's all fenced and closed down we are pulling the demolition permit I think this week to demolition that hotel and bring to the City of Warren two new hotels of Hilton background. It's the Hampton Inn Suites and the Homewood Suites, which is an extended stay. They blend very nicely together the Hampton is a high end product of Hilton as a matter of fact I used to own a Hampton on the Civil Center Drive but I changed the name. The Hilton Corporation wants me to build a new Hampton to replace that which I am doing so.

So I've decided to close that Quality Inn which was built way back in 1963 I believe it's a thing of the past we were losing money, the occupancy was very low. So we are taking the chance and demolition this and build two new beautiful hotels, which are both Hilton products.

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Mr. Andy Andre – My name is Andy Andre from Bud Design and Engineering we are the Architect and Engineer that the applicant has retained for the project. As Mr. Namou has mentioned the existing property is dilapidated, it's probably seen its best years behind it. So the proposal is to remove the building and then come back with those two properties that he mentioned. The extended stay is three to five days so you really target the business traveler. What we are proposing is two independent hotels on the same property but when you look at the plan that we've developed and we came in early and met with Ron and Michelle and shared that and also took some feedback as well from some early meetings.

We are looking at integrating as much as possible these properties together even though they are separate entities through sidewalks also through the sidewalks that we are proposing along Murthum and Van Dyke as well. We have spoken to MDOT they have seen the preliminary plan they like the location of where our driveways are shown on Van Dyke. We knew to engage them very early before we came to you. These are very attractive buildings very timeless type designs.

One of the other things that we've incorporated is part of the overall plan that you see in front of you is we do have the site lighting we are using LED lighting as part of the project. With the proximity of the property to Van Dyke we will be able to keep our light levels lower we don't get the light spill that traditional developments may through our LED use.

Also I think we have probably far exceeded the landscaping as part of the overall plan. This is a very high end upper scale development that will suit this area very well we are very happy to be here.

Secretary McClanahan reads the correspondence as follows:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of this site has yielded the following comments:

1. All existing and proposed utilities shall be shown on the plan. All existing utilities within the influence of the proposed building envelopes shall be removed and/or relocated.
2. All existing and proposed easements shall be shown on the site plan. No permanent structure shall be proposed within an easement.
3. All drainage shall be maintained on the site. Detention may be required.

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4. Sidewalk shall be extended across the entire frontage of Murthum Avenue.
5. The drive approaches do not meet City of Warren requirements for two-way traffic.
6. In the areas where the existing drive approaches are proposed to be removed, the existing curb and gutter section across the opening shall be replaced with a full height curb and gutter in addition to the greenbelt area being restored with topsoil and sod.
7. Any improvements within the Van Dyke Avenue (M53) right-of-way shall be subject to the approval of the Michigan Department of Transportation (MDOT).
8. The plans shall bear an original signature and seal from the licensed professional responsible for the work.

FIRE: This department has reviewed the above-captioned request and has determined the following provisions will be required:

1. Build to the requirements of the 2012 Edition of the Michigan Building Code.
2. If required by the Michigan Building Code, the building must be equipped throughout with an automatic sprinkler system in accordance with NFPA 13. Fire Department Connection threads shall be National Standard type.
3. Fire hydrants shall not be closer than 40 feet or further than 400 feet from any point on the exterior of the building. Distances shall be measured along the shortest feasible exterior route around the building. Distances shall be measured along the shortest feasible exterior route around the building.
4. A fire hydrant shall be provided within 150 feet of the Fire Department Connection.
5. Fire apparatus access roads must extend to within 150 feet of all portions of the exterior walls, as measured around the exterior of the facility. Fire apparatus access roads shall have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
6. Required fire apparatus access roads shall not be obstructed by the parking of vehicles. Fire lanes shall be posted as needed.
7. Provide fire alarm system as required.
8. Provide Fire Department lock box (Knox box) as required by local ordinance.

DTE: Approved.

ZONING: The property referenced above is zoned M-1 and M-2 Industrial Districts. Several variances have been granted for parcel listed. The following items do not comply with the Zoning Ordinance:

Section 17.02 (a) – Industrial Standards

M-2 Districts require a front setback of twenty five (25) ft:

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1. Hard surface for maneuvering lane located in the required front setback.
2. Structure/Canopy located in the required front setback.

Section 19.04 – Height of Hotels

The height of hotels may be increased to ten (10) stories or one hundred fifty (150) feet provided such building shall set back from all lot lines not less than one (1) foot in addition to the required yard dimensions for each foot such buildings exceeded the height allowed in the district concerned.

Zoning variances will be required for the items mentioned above**:**

MDOT: Approved.

Ms. Katopodes reads the recommendation of the Staff:

MOTION:

A motion was made by Secretary McClanahan to approve special land use, supported by Commissioner Vinson.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan…….. Yes
Commissioner Pryor…….. Yes
Commissioner Rob……. Yes
Assistant Secretary Smith……. Yes
Commissioner Vinson……. Yes
Chair Howard…….. Yes
Commissioner Karpinski……... Yes
Vice Chair Kupiec…….. Yes

MOTION:

A motion was made by Secretary McClanahan to approve site plan, supported by Commissioner Vinson.

COMMISSIONERS PORTION:

Chair Howard – This is wonderful, this is a welcome addition to that corridor there especially since we are going to have the new Cadillac Dealership that's only going to be about a mile down the street. In terms of the height of the proposed building how many stories are we looking at?

Mr. Andy Andre – It is a four story building and typically what we'll see is when you see the height that's listed in the staff review the majority of that is because of the architectural elements that go along with it. So the building itself height wise doesn't really extend up to that but we parapet's and we also have architectural elements

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that are incorporated as part of the building so it adds some additional height. In both case they will be four stories.

Chair Howard – And how many rooms sir?

Mr. Andy Andre – There's a 101 in the Hampton and 105 in the Homewood.

Chair Howard – I love the comment you made in terms of the type of clients that you have for the two to three day stay that does limit the type of cliental that you. It's mostly catered to the business working class community. In regards to your demolition you did indicate that you've acquired a permit to start the leveling of the prior building?

Mr. Andy Andre – I think it's the applicant's intent to submit soon on that.

Mr. Akram Namou – We have all the utilities cut off now in fact the water was shut off today and the meter was removed. This week we are going to go to the City to get a permit for demolition.

Chair Howard – And how soon do you plan to do that sir once you receive your demolition?

Mr. Akram Namou – Within a month or two max we should be able to start.

Chair Howard – So by the end of June we should see that building coming down?

Mr. Akram Namou – Yes I'm hoping by August or September to start construction.

Chair Howard – Now in terms of the building itself there are some canopies there.

Mr. Akram Namou – The whole property is fenced and secured so we have no issues there.

Chair Howard – That is good that's going to be necessary going forward. In terms of the public sidewalk on the setback on that area how many feet back is the property going to extend back?

Mr. Andy Andre – There are a number of different driveways into the property we are actually looking at reducing the number of

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driveways both from Murthum and also from Van Dyke. So we have a lot of gaps as a result of taking these driveways out. We want to be able to have the continuous sidewalk along that property. So what we have proposed is one foot within the right-of-way that's where the existing sidewalk is and we want to be able to continue that sidewalk wherever there may be gaps as a result of removing a driveway or maybe some utility construction or whatever occurs. So the sidewalk would actually be one foot inside the right-of-way it would be a public sidewalk.

Chair Howard – There is a lot of traffic on the Murthum on the weekends so when you extend that sidewalk back are you looking to actually have an entrance from the Murthum street as well?

Mr. Andy Andre – That's correct, so what we've done especially on the Homewood side is to have connectivity of the hotel with the surrounding area. As you've mentioned three to five days is the typical stay and as you can imagine a lot of people would feel cooped up, they like to get out and explore. So we'd like to connect the Hotel sidewalk to the public sidewalk so we are proposing to extend sidewalks from the Hotels to the public sidewalks both along Murthum and Van Dyke.

Chair Howard – We have a bond here in the amount of $25,500.00 dollars is that for both constructions or is that just for each construction?

Ms. Michelle Katopodes – That was based on the overall cost of the project.

Chair Howard – So the $850,000.00 dollars is for both properties?

Ms. Michelle Katopodes – For both properties yes.

Commissioner Vinson – I have a question skipping to agenda F, what relationship is that to the other part of the agenda?

Chair Howard – In terms of the Special Land use sir?

Commissioner Howard – No, it says here that the cite plan approval expired on 2-12-01 and I need somebody to explain that because in my opinion they all should have been together.

Mr. Wuerth – Commissioner Vinson are you speaking of a former approval?

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Commissioner Vinson – Yes I need to know what that is, I'm not sure. It says a site plan approval had expired in 01.

Mr. Wuerth – That is correct the site plan expired. So because it expired it is meaningless it has no hold or play on anything here.

Commissioner Vinson – It's not rolling over into the new site plan?

Mr. Wuerth – No it is not.

Commissioner Vinson – Was there a bond on this?

Mr. Wuerth – No, because they never acted on it therefore there's no bond.

ROLL CALL:
The motion carried unanimously as follows:

Secretary McClanahan…….	Yes
Commissioner Pryor…….	Yes
Commissioner Rob…….	Yes
Assistant Secretary Smith…….	Yes
Commissioner Vinson……..	Yes
Chair Howard……..	Yes
Commissioner Karpinski…….	Yes
Vice Chair Kupiec	

7. CORRESPONDENCE
A. Discussion of Rules & Procedures.

Chair Howard – We did receive this on our last meeting now we have a chance to review this and to vote on it if this is going to be something we are going to adopt as part of our Rules and Procedure. This was in terms of our Planners and Registered Professional waiver that Mr. Wuerth and the Planning Department have the privilege of actually assigning or providing a waiver to the Planning Professionals because of the licensing that's no longer being required by the State of Michigan. So therefore he has that provision to be able to give a waiver to those Planning Professionals. Mr. Wuerth would you like to speak or refresh us once again. I know you've given us the document before.

Mr. Wuerth – This change in the Rules and Procedures had to do with being able to permit someone to continue to do plans who no longer had their license. And in this particular case it had to do with the Professional Community Planner. All Professional Community

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Planner in the State of Michigan no longer have that licensing. It's not that they are not capable they just didn't seem to think that it was necessary to have them licensed, their primary job being Master Plans. They also were and are capable of doing site plan. So the request was to change to Preparation of Plans by a Registered Professional. There's a signature and seal that's usually required for Professional Architect, Engineer, Land Surveyor, Landscape Architect or Community Planner. Then there's a waiver in which the Planning Director at his discretion can waive that requirement. After some review on your part and some changes here through the Attorney's Office.

I believe you have the document in front of you but I can read it. Preparation of Plans by Registered Professional.

1. SEAL AND SIGNATURE
   All plans submitted as part of this Section, except floor plans and outside elevations, and outside elevations of Professional Architect, Engineer, Land Surveyor, or Landscape Architect shall prepare all site plans and affix their seal and signature to the plans, obviously that leaves out Community Planner.
2. WAIVER
   The Planning Direct may waive the registered Professional Preparation requirements described in section 15E(1) if the Director determines through experience, past professional affiliations or submission of site of plans that the preparer is capable of providing accurate site plans that comply with the requirements of this section.

This was submitted to the Planning Commission for their review and hopefully for their approval.

Chair Howard – Thank you Mr. Wuerth, is there any discussion regarding this documents?

Vice Chair Kupiec – Will this apply to all Architects that come here before the City?

Mr. Wuerth – This applies to everyone, we still look for those who have their seal, the sign and they seal their documents the waiver is a little stronger for me to evaluate. Through experience whether a person who, as in the case of Mr. Billette, ends up losing their license, not because of anything that he did it just simply had to do with the State removing that license, he's very capable. If there are others like him who can prove that to me then I'll make it known to this board that's exactly what we are doing with plans that are submitted.

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Vice Chair Kupiec – Okay, you are more then qualified and I really respect your opinion on this but other people whose license will expire will then come to you for the same action, is that how this will work?

Mr. Wuerth – Not necessarily, there could be AICP Planners just like myself I know several hundred well who are capable of making plans as well as licensed persons like this. If I think they can prepare these things correctly and in line. I will let you know, it's not like that happens very often.

Vice Chair Kupiec – It's the first time I've seen it in seven years so I was wondering. So in the future if someone's license was to expire it won't be renewed by the State it will be renewed by this process by you?

Mr. Wuerth – All this is based on a Land Surveyors document that he provides so it does make it a little easier for these people to do plans. If they are asking then I'm going to evaluate.

Assistant Secretary Smith – Mr. Wuerth just some clarification I don't know if my hearing was off or what. I thought you were saying it was section 5E(1) wouldn't that be 15E(1)?

Mr. Wuerth – I said 15E(1).

Chair Howard – We are going to adopt the Rules and Procedures they will be part of our By-Laws.

MOTION:
A motion was made by Secretary McClanahan to approve, supported by Assistant Secretary Smith.

ROLL CALL:
The motion carried unanimously as follows:

Secretary McClanahan……. Yes
Commissioner Pryor……. Yes
Commissioner Rob……. Yes
Assistant Secretary Smith……. Yes
Commissioner Vinson…….. Yes
Chair Howard……. Yes
Commissioner Karpinski…….. Yes
Vice Chair Kupiec…….. Yes

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8. BOND RELEASE

A. SITE PLAN FOR NEW ANTENNAE AND TOWER; Located on the west side of Mound Road approximately 706 ft. north of Eleven Mile Road; 27253 Mound; Section 17; Nextel; Jerry McAnally Jr. Release of Surety Bond for $5000.00 paid on February 26, 2000.

MOTION:
A motion was made by Commissioner Rob to release bond, supported by Assistant Secretary Smith.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Rob……. Yes
Assistant Secretary Smith……. Yes
Commissioner Vinson……. Yes
Chair Howard…….. Yes
Commissioner Karpinski……. Yes
Vice Chair Kupiec……... Yes
Secretary McClanahan…….. Yes
Commissioner Pryor…….. Yes

B. SITE PLAN FOR BUILDING ADDITION AND PARKING LOT EXPANION TO INDUSTRIAL BUILDING; Located on the east side of Ryan Road approximately 850 ft. south of Thirteen Mile Road; 30660 Ryan Road; Section 8; City of Warren. Release of a cash bond for $7500.00 paid on July 11, 1997.

Vice Chair Kupiec – Before we proceed with this, this was the same gentlemen that we had up here from the Flagpole Company and it was discussed during his time at the podium that it was $12,500.00 so I'm wondering what the difference is in the bond?

Mr. Wuerth – Yes, there were two bonds and that's the oldest bond.

MOTION:
A motion was made by Commissioner Pryor to release bond, supported by Assistant Secretary Smith.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Pryor…….. Yes
Commissioner……. Yes
Assistant Secretary Smith……. Yes

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Commissioner Vinson……. Yes
Chair Howard…….. Yes
Commissioner Karpinski……. Yes
Vice Chair Kupiec……. Yes
Secretary McClanahan……. Yes

9. OLD BUSINESS

A. MINOR AMENDMENT TO EXISTING SITE PLAN FOR PARKING EXPANSION; Located to the northeast of the end of Concept Drive; 1990 Concept Drive; Section 19; Ground Effects (Larry Nichols). Minor amendment is for additional parking area. **TABLED**

Mr. Wuerth – The representative is not here.

Chair Howard – Would we like to table this sir?

Mr. Wuerth – Yes I would.

MOTION:
A motion was made by Commissioner Vinson to table to June 22nd, 2015, supported by Assistant Secretary Smith.

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Vinson…….. Yes
Chair Howard……. Yes
Commissioner Karpinski…….. Yes
Vice Chair Kupiec……. Yes
Secretary McClanahan……. Yes
Commissioner Pryor……. Yes
Commissioner Rob……. Yes
Assistant Secretary Smith……. Yes

B. SITE PLAN FOR NEW DOUBLE ORDER STATIONS FOR DRIVE THRU FOR MCDONALD'S RESTAURANT; East side of Van Dyke Avenue, approximately 100 ft. south of Farnum Avenue; 27480 Van Dyke Avenue; Section 15; McDonald's USA LLC Michael Kazarian (Kenneth R. Van Tine AIA). Expired Site Plan – Approved October 22, 2012.

MOTION:
A motion was made by Commissioner Vinson to receive and file, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

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C. SITE PLAN FOR EXPANSION OF EXISTING USED CAR LOT; Northeast corner of Dequindre Road and Michael Avenue; 21704 Dequindre Road; Section 31; The Auto Palace (Robert J. Tobin). Expired Site Plan – Approved November 14th, 2011.

MOTION:
A motion was made by Assistant Secretary Smith to receive and file, supported by Commissioner Vinson. A voice vote was taken and the motion carried unanimously.

D. SITE PLAN APPROVAL FOR MINOR AMENDMENT TO THE SITE PLAN FOR EXPANSION OF EXISTING USED CAR LOT; Northeast corner of Dequindre Road and Michael Avenue; 21704 Dequindre Road, Section 31; Auto Palace Inc. (Robert J. Tobin). The amendment is to change the existing storage building use to a used car office and detail shop adjoining the north property lines of the site other minor site adjustment are included. Expired Site Plan – Approved March 25, 2013.

MOTION:
A motion was made by Assistant Secretary Smith to receive and file, supported by Commissioner Pryor. A voice vote was taken and the motion carried unanimously.

E. SPECIAL LAND USE APPROVAL FOR RECREATIONAL PLASTIC PELLET GUN GAMING FACILITY; To be located on the west side of Mound Road approximately 846 ft. south of Ten Mile Road; 24649-B Mound Road; Section 29; Wojtuniecki Real Estate Holdings, LLC (Robert J. Tobin). Expired Site Plan – approved March 4, 2013.

Vice Chair Kupiec – Madame Chair is this not the same one we had discussion on earlier?

Chair Howard – Yes it is.

Vice Chair Kupiec – So was this his original site plan that he filed?

Chair Howard – I believe it is the original site plan from two years ago am I right Mr. Wuerth?

Mr. Wuerth – This particular site plan was just for the recreational use not anything else.

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Vice Chair Kupiec – Then it's the one that we discussed where he still does not have the certificate of occupancy?

Mr. Wuerth – Yes, it has expired and apparently that gentleman thought he had an approval since 2013 and he did not it was never approved by City Council.

Vice Chair Kupiec – So he's operating without proper approval then?

Mr. Wuerth – That's correct.

Vice Chair Kupiec – Should we send a letter advising him of that?

Mr. Wuerth – No, he knows it, he's well aware of it.

MOTION:
A motion was made by Commissioner Pryor to receive and file, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

F. SITE PLAN FOR NEW THREE STORY MOTEL; Northwest corner of Van Dyke and Murthum Avenue; 32035 Van Dyke Avenue; Section 4; City of Warren. Expired Site Plan – approved February 12, 2001.

MOTION:
A motion was made by Assistant Secretary Smith to receive and file, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

10. NEW BUSINESS
Chair Howard – The only item I currently have is for the Master Plan Committee if we can look at meeting next Wednesday, May 20th, at 4:30 pm.

Vice Chair Kupiec – I will not be here, I'll be up north.

Chair Howard – Mr. Smith would you be available on the 20th?

Assistant Secretary Smith – I would be available.

Commissioner Rob – The 20th would be fine.

Vice Chair Kupiec – If I can make it I will.

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Chair Howard – Alright so let's look at 4:30 Michelle if you could secure the room for us on the 20th for one hour.

Commissioner Vinson – The Appreciation Dinner is May 18th, at the Ukrainian Hall on Ryan at 6 pm.

Chair Howard – It is our time to be recognized by the City they do a great job, so if you can make it please make sure to come.

11. CITIZEN PARTICIPATION
None at this time.

12. PLANNING DIRECTOR'S REPORT
Mr. Wuerth – Michelle has been attending more meetings on the outside than me. On April 28th there was a City Council Meeting and she was there for the liquor signs and that got tabled. Then there was the discussion about a sidewalk easement along Dequindre Road for a site plan that the City Council approved and accepted.

I attended Metro Sanitation, they had a fire and they are located off of Hoover Road south of Nine Mile, the west side. They've been there forever, they are going to rebuild and redo the whole site it was an important meeting that Michelle and I looked into. Michelle has reported to me that we received plans from De La Salle and they are going to redo their entire athletic fields brand new so we're going to see the site plans on those I believe June 22nd. Michelle attended a DDA Meeting there were two presenters there for possible developments in the Downtown area around City Hall.

And finally we are going to try and set up a couple more seminars with the Community Planner, Dave Scurto. We are going to look at separate seminars that probably can be attended by both Planning Commission and Zoning Board of Appeals Members so we will get those moving along.

Chair Howard – How is Dewan and extending his hours?

Mr. Wuerth – He's going to finish up this semester and then he's going to be promoted from a Planner Aide to a Planning Technician. He'll have a greater responsibility in some of the work. He'll still be part time, it truly depends on his schedule. I want to get as many hours out of him as possible. He'll start that next week this week there are exams.

13. CALENDAR OF PENDING MATTERS

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Chair Howard – I think we discussed the Master Plan going forward and we also discussed Rules and Procedures, which we have the amendment there. I will be in conversation with the Council President regarding the funding for this current Master Plan going forward and I will bring the report back after we speak.

14. ADJOURNMENT

MOTION:
A motion was made by Assistant Secretary Smith to adjourn, supported by Commissioner Vinson. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 9:40 p.m.

_____
Jocelyn Howard, Chair

_____
Jason McClanahan, Secretary

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Meeting recorded and transcribed by
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