CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on August 24th, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, August 24th, 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

Also present:
Ronald Wuerth - Planning Director
Judy Hanna – Senior Administrative Secretary
Annette Gattari-Ross - Assistant City Attorney
Dewan Hassan – Planning Technician
Rebecca Friedman - 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

MOTION:
A motion was made by Assistant Secretary Smith to excuse Commissioner Robinson, supported by Secretary McClanahan.

4. APPROVAL OF THE AGENDA

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

5. APPROVAL OF THE MINUTES – August 10th, 2015

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

Assistant Secretary Smith – One correction on the call to order it said that Chair Howard called the meeting to order and then there was a motion made to excuse Chair Howard because she wasn't here.

Chair Howard – My ghost was here, we will note that correction in the minutes. Do I have an approval of the agenda with the noted corrections, Commissioner Rob and Commissioner Vinson?

Commissioner Rob – Yes, please.

Commissioner Vinson – Yes.

Chair Howard – A voice vote was taken and the motion carried unanimously.

6. PUBLIC HEARING ITEMS:

A. SPECIAL LAND USE PERMIT APPROVAL FOR NEW BATTING CAGES: Located north of Chicago Road, approximately 341 ft. east of Denton Drive; 7001-7007 Chicago Road; Section 4; George Champane (Simon Maero). **TABLED.** Letter from petitioner to withdraw site plan and special land use applications.

Chair Howard – We did receive a correspondence that the petitioner would like to withdraw the plan and his application so I would need a motion to withdraw the site plan.

MOTION:
A motion was made by Assistant Secretary Smith to withdraw the site plan, supported by Commissioner Vinson.

ROLL CALL:
The motion carried 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

B. SITE PLAN APPROVAL FOR BUILDING ADDITION TO CONVENIENCE STORE AND EXISTING BP GAS STATION: Located on the south east corner of Fourteen Mile and Ryan Roads, Section 5; 4040 Fourteen Mile; Dave Jajjoka (Scope Data). **TABLED.**

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

PETITIONER PORTION:
Mr. Avis Choulagh – Good evening again. We are here today after the matter being tabled a couple of times. We have been able to meet with Mr. Wuerth on a couple different occasions and I believe we've come to a resolution, sort of speak, in this matter. Today we are seeking site plan approval and adoption of the recommendation.

Chair Howard – Just for your information sir we are short one member of our Commission so if you would like a full body you do have that option and that's to all petitioners that are here this evening. It is your option to have all of the members of this body here to vote on the item otherwise the vote of the Commission will stand.

Mr. Avis Choulagh – Thank you Commissioner we are aware of that and at this time we are asking to move forward.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ENGINEERING: Preliminary review of this site yielded the following comments:
1. A system of internal drainage is required.
2. Any improvements within the Fourteen Mile Road right-of-way will require approval of the Macomb County Department of Roads.
3. The Storm sewer outlet for this property is a County Drain. Approval from the Macomb County Public Works Office will be required.

FIRE: Approved.
DTE: Approved.

ZONING: Preliminary review yielded the following comments:
A review of the proposed site plan and field inspection has been performed. Several property maintenance issues were observed during the site visit and enforcement actions will be imitated for those items. In addition, outdoor storage/outdoor items for sale were observed (2 ice chests, propane tanks for residential use, firewood and windshield washer fluid).

MCRC: Per voice message, Engineer George Melistas, indicated that the two (2) driveways nearest the intersection of 14 Mile and Ryan Roads shall be removed according to the State of Michigan Access Management Guidelines.

MCRC UPDATE: I spoke with the attorney representing this gas station owner. In speaking with the gentleman, they are not removing and/or replacing any of the existing approaches nor are they doing any work within the Fourteen Mile Road Right-of-Way. With that being said, I cannot force them to make the improvements denoted below. Therefore a permit would not be required if work was being proposed within the Fourteen Mile Road Right-of-Way. As far as the Ryan Right-of-Way is concerned, that would be under the City of Warren jurisdiction and they would be dealing solely with the City.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:
Mr. Joseph Hunt – Good evening Planning Commission. I buy gas at this station all the time I think the expansion plan is fantastic and I fully approve it

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

COMMISSIONERS PORTION:
Assistant Secretary Smith – Good evening sir, I know on the original drawing it showed eliminating both the driveways close to the corner on 14 and Ryan and there is a BP at 14 and Dequindre that has both of those eliminated where it only has the two driveways coming in and out, which is only a mile away. I know you've worked things out with Mr. Wuerth, but I just wanted to make a note that there is a BP a mile away that has the drawing and has the setup of the two driveways like we originally had planned so thank you.

Commissioner Rob – What is your plan with the parking, are you going to go to the variance what is your plan about it?

Mr. Avis Choulagh – It's actually a simple solution that we were hoping to have resolved. No variance will be required, it's literally a matter of drawing the spaces in a better way on the plan. It's actually a matter of just the architect drawing it in where it will show the parking spaces. There will not be a zoning variance necessary, there will be no parking spaces eliminated, it will actually stay the same, we will be just fine.

Commissioner Rob – So how many parking spaces will you be able to provide?

Mr. Avis Choulagh – I believe there will be 12.

Vice Chair Kupiec – A couple of things, one there is a trash enclosure that's going to be required to be put into place and also there will be some additional cement work for the driveway on Ryan Road. So I think that the original estimate is on the low side so I'm recommending that we increase that estimate to $100,000.00 and the bond will become $3000.00 cash bond.

Chair Howard – Secretary McClanahan would you support an increase of a $3000.00 dollar cash bond and moving the bond from $2670 an additional $230.00 dollars?

Secretary McClanahan – Yes, that's fine.

Assistant Secretary Smith – Vice Chair Kupiec it didn't look like they had to provide another trash enclosure because they got one there that's made of the concrete block they just had to do the slats in the fence, Mr. Wuerth could you speak to that. They are not changing or putting a new trash enclosure they're just making sure they have slats in the fence, I want to make sure we understand that?

Mr. Ron Wuerth – Yes, it's exactly as indicated in the recommendation regarding the trash enclosure. It just simply says it needs to be identified, showed some dimensions, show the content. They want to know that it's an existing concrete block wall trash enclosure. It's been that way its fair condition so we just want it noted and the gates need some new screening slats so we want that noted.

Chair Howard – So you're indicating that there's not really going to be an increase in cost where that aspect is concerned?

Mr. Ron Wuerth – The only increase would have been the screening slats, other than that no we don't require a replacement.

Chair Howard – Commissioners are you comfortable with that?

Vice Chair Kupiec – Yes I understand what he said now, but I still think $100,000.00 is closer to what the estimate should be because it was low to start with.

Chair Howard – Secretary McClanahan are you comfortable with the $3000.00 or would you prefer the $2670.00?

Secretary McClanahan – I would prefer the $2670.00 but if Vice Chair wants $3000.00 I'm not going to squabble over that.

Assistant Secretary Smith – I'll go with that, it's only a few dollars.

Chair Howard – So would you support a cash bond?

Assistant Secretary Smith – Yes.

Secretary McClanahan – Yes.

Chair Howard – Alright we will make the adjustment for $3000.00 dollar cash bond. Thank you to the petitioner for working so hard and so diligently with our department.

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

C. REQUEST TO REZONE PROPERTY: Located on the east side of Schoenherr Road; approximately 180 ft. north of Ten Mile Road; 25058 Schoenherr; from the present zoning classification C-1, Local Business District to C-3, Wholesale and Intensive Business District in Section 24; Christopher Morisette.

PETITIONERS PORTION:
Mr. Dennis DeWolf – We are here with Mr. Morisette the owner of the existing automotive repair shop at the corner of 10 Mile and Schoneherr and he's also the owner under another entity name of the property to the north, the former Burger King property, which we are seeking to have rezoned this evening to C3 for C1. There is a site plan under consideration at this present time, it's in the works. This is step two towards that eventual process of seeking site plan approval.

Secretary McClanahan reads the following correspondence:

TAXES: $5763.85 in delinquent taxes for parcel ID 13-24-352-037 (address 25028 Schoenherr).
MCDR:
1. Curb and gutter required across Ten Mile frontage.
2. Per Michigan Access Management standards, proposed approach is too close to Schoenherr. This presents danger to motorists, pedestrians and patrons. This approach must be removed in its entirety, and the curb and gutter shall be extended.

Mr. Ron Wuerth reads the recommendations of the Staff:

PUBLIC HEARING:
Mr. Joseph Hunt – I think this is a great idea that the owner of the property wants to expand it. I see nothing wrong with the rezoning request whatsoever based upon my familiarity with the area. I applaud the petitioner with his continued investment into the community.

MOTION:
A motion was made by Assistant Secretary Smith to approve, supported by Vice Chair Kupiec.

COMMISSIONERS PORTION:
Assistant Secretary Smith – I see on their concept plan that you're showing storage of vehicles in the small area where the restaurant is at now, how long are these vehicles going to be stored there?

Mr. Dennis DeWolf – I think that perhaps that was an error on my part to call it storage, that's created a negative image of what's actually happening there. As in any automotive repair service facility there are points of time when there are vehicles waiting for parts or waiting for particular processes to occur and that would be a

situation where someone drops their car off and they can't get to it for a day or so. It sits somewhere like a parking lot which this should of probably been called a parking lot then storage and I will make sure we change that on the plan I think it was a problem with terminology to be honest with you.

Assistant Secretary Smith – Being that's just a small area versus a total parcel what are your intensions for the rest of that parcel?

Mr. Dennis DeWolf – It's open for debate, the owner wants to make it as wide ranging in potential as possible, the C3 opens up more possibility for development of that property. There are no thoughts right now as to what that will be, its being done to make it more in keeping with the surrounding and adjacent properties.

Assistant Secretary Smith – Now being he's going to change the terminology and that's not going to be vehicle storage anymore is that still going to require him to go for a variance for M1?

Mr. Ron Wuerth – Well I understand Mr. DeWolf's thought process regarding the terminology here. In the City of Warren when we look at outdoor storage we look at a wide range of outdoor storage, that includes someone with a business such as the owner. And if he has an area that's used by several cars and they are always there and they don't move everyday then we consider it outdoor storage. And outdoor storage is permitted in M Districts and that's why that comment was made at the end so that the petitioner understands that if they entertain any kind of thought like that for that property if it becomes rezoned to C3 now they are looking at a use variance and that's not always easy to come by as opposite to the possibility of a M1 District. I'm not sure what the petitioner is requesting as you described he wants his options open and certainly what he should have. M1 District has an eight foot front setback and no side yard setbacks and it's open to commercial businesses, minor industrial shops, and open storage.

Assistant Secretary Smith – So would it be more beneficial for him to maybe go for an M1 versus a C3 and not have to go for the variance?

Mr. Ron Wuerth – Well as I said maybe the petitioner may want to consider it, that's only if they want to entertain getting into that area. It's a knowledge thing and I'm glad that we opened this up so that the petitioner will know what the end result will be. So if they don't want outdoor storage there with vehicles then all the commercial

uses that can go in C3 certainly can go there, but you can't have outdoor storage.

Vice Chair Kupiec – Assistant Secretary Smith brought up one of the questions I was going to bring up and obviously it was a little controversial so we've eliminated the fact that we are not going to store vehicles. You're here tonight to get a rezoning approval to move on to Council for approval so I would suggest strongly that before you go to Council you pay up your delinquent taxes because when you get before Council you're going to have a difficult time getting past them. I don't want to hold you up for that tonight but I think when you get to Council it will be an issue that could hold you up.

Chair Howard – And again that echo's my comment as well that $5763.00 should be taken care of prior to going to Council.

Mr. Dennis DeWolf – Madame Chair could you please site the property address?

Chair Howard – That address would be 25028 Schoenherr where those taxes are delinquent. With that being said we will move this forward for a vote. That was a motion by Assistant Secretary Smith supported by Vice Chair Kupiec.

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. SITE PLAN FOR ADDITION OF CENTRAL CHILLER WATER PLANT SUBSTATION: In the south east corner of Thirteen Mile Chicago and Mound Roads; Section 9; 6250 Chicago; GM (Shirley Ghannam.

PETITIONERS PORTION:
Mr. Patrick Doher – My name is Patrick Doher, I'm with Smith Group JJR. On behalf of General Motors thank you very much for considering this site plan approval for a Chiller Plant expansion at

the Warren Tech Center between Twelve and Thirteen Mile. We are in receipt of the comment letter, I did bring some boards because I do know that there are a couple of things that we are looking for for clarifications and I thought maybe I could just take a couple of minutes to go over those for the Commission.

First off I did want to apologize to Staff and clear up a little bit of confusion I know that there was a couple of site plans that had been submitted on behalf of General Motors for this project. I want to make sure that it's clear that Smith Group JJR, which is the Architecture and Engineering partner firm with Walbridge Aldinger on behalf of General Motors that will be pursuing the site plan approval on behalf of General Motors.

I just wanted to point out so we are clear where the project is. We are right in the middle we are just east of Mound Road kind of in the central portion of the Tech Center. There were a couple of questions that were asked regarding some of the dimensions of the building. I do now that we have settled in on the dimensions of the building it's about 129 ½ feet long and about 26 feet wide it's actually an addition to the existing Chiller Building. There will be no additional employees, this is really to accommodate some new equipment for some of the things that are going to be going on in the campus. It does lie about 120 feet south of the existing manufacturing C building, which is the one to your left. The expansion will be about 52 feet west of the existing manufacturing B building which is the one towards the top of the page. And then it is about 127 feet from the existing boiler building so there's ample distance around the building to be able to accommodate circulation access and control for the Fire Marshall.

There was a question about parking, we eliminating 14 parking spaces to accommodate this. This building currently has a maximum shift size of 10 people per shift. It has approximately 21 employees and they currently park near the boiler building and that's where the parking for this facility will be accommodated. So there will be no additional parking that would be added for this building expansion.

The last thing that I wanted to say is there will be a revised plan, per the request of staff that will show all of the legal descriptions, the dimensions, and everything in the letter, the 8 or so comments that were asked for in the letter of recommendation.

Secretary McClanahan reads the following correspondence:

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

1. Any utilities located within the proposed building footprint or within the influence of the footings/foundation shall be removed and relocated.
2. The proposed fire line to the steam plan shall have a shut off valve on the exterior of the building. Additionally, the location of the PIV relative to existing fire hydrant location shall meet City of Warren Fire Department requirements.

Mr. Ron Wuerth reads the recommendations of the Staff:

PUBLIC HEARING:
Mr. Joseph Hunt – I look out my window I see General Motors, I walk around General Motors for exercise and I'm always behind anything that General Motors does so I'm behind this 100%. The only thing I guess I would question is that General Motors happens to be the largest taxpayer in the City and they happen to also have a significant amount of industrial facility exemption certificates regarding their properties. So I'm very curious on whether or not this is one of the properties that falls under the industrial facilities exemption certificate.

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

COMMISSIONERS PORTION:
Commissioner Pryor – I'm a dumbbell when it comes to Chiller Water could you give me an idea of what the Chiller Water is for?

Mr. Dennis DeWolf – I have to admit I am not a Mechanical Engineer but I will tell you that the chilled water is what supplies the heating and cooling facilities for many of the facilities on the campus.

Commissioner Pryor – So it is used in air conditioning too, I was wondering if it's used for drinking water and things like that.

Mr. Dennis DeWolf – It's non potable, it's part of the process for the operation of the campus.

Chair Howard – Now sir you will be the Architect of record for this particular project?

Mr. Dennis DeWolf – Yes.

Chair Howard – So Mr. Wuerth will be able to receive all of the items that you mentioned before in his office?

Mr. Dennis DeWolf – For the site plan approval, yes ma'am.

Chair Howard – Thank you sir, with that being said Mr. Secretary.

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

E. SITE PLAN FOR NEW DRIVEWAY ENTRANCE WITH GUARD HOUSE TO THE GM TECH CENTER: Located on the east side of Mound Road approximately 540 ft. south of Thirteen Mile Road; Section 9; 30800 Mound; GM (Jason Harris)

PETITIONER PORTION:
Mr. Patrick Doher – I apologize on behalf of Jason Harris, I really don't because he's on vacation, so I'm going to represent again General Motors on this particular project. I do want to state for the Commission and Madame Chair if I may. General Motors and those of us that are part of the team that are moving General Motors forward are really appreciative of the staff time that's been afforded to us. It's been a pleasure to work with Ron and the Engineering Group and all the folks within the City. It's really help us and it's also been an educational process for us as well as we move forward so we do appreciate that.

Chair Howard – That's refreshing to hear thank you sir.

Mr. Patrick Doher – Again it's important that you understood exactly where we are building this new entry and the new gate, why it's here, and why we need it. Its south about 540 feet of Chicago Road

or 13 Mile, on the east side of Mound, and it enters right into the campus. This gate is actually required for us as we move forward into the construction process for the campus improvements. It's required because we have a gate that is existing off of Chicago Road that serves the campus for all the contractor truck access and egress. And because of the increased truck traffic that's going to be required to accommodate the campus improvements over the next five or so years we really need to make sure we are managing the traffic appropriately. So we did work with the Macomb County Department of Roads and the Engineer in helping us to understand what the traffic requirements were. We did receive correspondence from them late last week that our geometry location and details have been approved by the Department of Roads and it has gone through their drainage division as well and we are expecting to get the hardcopy correspondence to that.

A couple of things that I did want to point out because of the comments that had come through. First off I did want to make sure that it was clear that the disturbed area for this particular project is about 3 ½ acres so it does fall below the 5 acre notice of coverage requirements however we do need a soil erosion control plan and we have applied for that at the County Department of Engineering DPW and we expect to hear from the County very shortly positively in that regard.

A couple of questions that I believe have come out of the Engineering Department that are related to curb cuts and drainage. I am a Civil Engineer so I'm really going to try and not get too much into detail here. One of the things I did want to point out is although the access location of this new drive and it's geometry within the right-of-way of Mound Road a permanent configuration and has been designed to the Department of Roads standards.

When we get into the campus a portion of this will only be in place for about five or six years to accommodate the increased truck traffic. When we do see the truck traffic to a point where gate 6 will be able to accommodate it then this new drive will actually be incorporated into a new campus plan. Therefore, there are a couple of things that we have done that your Engineering Department has correctly pointed out that maybe outside of the ordinary. One is using curb cuts for drainage, which we feel comfortable with because of this temporary condition although we do understand the need to be able to manage, maintain, and provide environmental provisions for the management of the storm water and we believe we have accommodated that. We also want to make sure that the storm pond or the drainage area that's to the south of this new drive

is going to be able to accommodate this on the temporary basis but more than likely will be incorporated into a longer term storm water management plan that General Motors will undertake in the future.

So I thought it was important for you to understand that although we are considering this from a site plan prospective and it is a permanent location there maybe modifications that we will come to you in the future, in 5 or 7 years, to accommodate some of the other longer terms initiative. And since I made a poor landscape Architect render this for me I thought I would show it to you. This really shows what the condition of the new drive will be where the location is off of Mound Road where it is located south of Thirteen Mile Road.

Secretary McClanahan reads the following correspondence:

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

1. Any proposed improvements within the Mound Road right-of-way will require approval of the Macomb County Department of Roads.
2. A permit for the fire hydrant relocation shall be required.
3. Additional right-of-way or sidewalk easement will be required due to the proposed sidewalk relocation.
4. The 13 Mile sign shall be removed and relocated.
5. It appears the amount of earth disturbance for this proposed improvement will be over five acres. Therefore, a NPDES Notice of Coverage will be required for this site.
6. A system of internal drainage will be required. Due to size of the disturbed area pretreatment of the storm water discharge will be required.
7. Detention pond side slopes shall not be steeper than a slope of 1V:4H. Additionally, curb cuts are not a preferred method of transporting storm water especially when it goes directly into a pond. This will increase the chance for pollutants, sediment and other debris to enter the pond area which can lead to significant problems later.

DTE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:
Mr. Joseph Hunt – Like I said I walk around General Motors frequently I think the additional entrance is good. As you know Twelve Mile right is full of potholes and specially having those heavy trucks off Mound is great.

One thing I wasn't able to decipher from the site plan on whether or not that there's going to be any additional deceleration or acceleration lane being created in the Mound right-of-way. From what I see the sidewalk is not going to be disturbed and I guess my question would be is whether or not that the Department of Roads requires a deceleration lane. I know in the past on Mound Road whenever there were talks of heavy trucks or large trucks on a county road that there had to be a deceleration lane and an acceleration lane. I don't see that from the map there and I'm curious on whether or not that there's going to be any additional deceleration and acceleration lane created in Mound Road so that we do not have people that are blazing down Mound going 80 miles per hour. And my other question because there's going to be a guard post that will be inclusive I didn't really see where it was delineated on the site plan, how far up is the guard house going to be. Is this just going to be one of those easy pass systems or is it going to be like the 3rd degree like they do at the border with some trucks.

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

COMMISSIONERS PORTION:
Assistant Secretary Smith – To the comment that Mr. Hunt made it does show on the drawing there is a deceleration lane.

Chair Howard – In terms of your comment sir regarding the number of acres I guess that will take care of the comments from Engineering. So you're indicating that it's only going to be three acres that's will be disturbed not the five, is that correct sir?

Mr. Patrick Doher – Three and half acres of disturbed area.

Chair Howard – And then in terms of your reuse in the next four to five or six years you'll just come back to us when you're going to reset the plan as far as the use of the road in that time?

Mr. Patrick Doher – Absolutely.

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
Commissioner Pryor……. Yes
Secretary McClanahan……. Yes
Commissioner Rob……. Yes

7. CORRESPONDENCE
None at this time.

8. BOND RELEASE
None at this time.

9. OLD BUSINESS

A. AMENDMENT TO ORDINANCE NO 30; APPENDIX A, ZONING: Article 11, Definitions for Medical Marijuana Growing Facility and/or dispensary and other related definitions; Article IV, Section 4.01 minor changes for readability and a revision regarding a misdemeanor to operate a business that violates an applicable law; Article V, Section 5.01 restricting patients to legally use, cultivate and/or process marijuana for their personal use in residential or commercial zones; Article XVII, Section 17.02 restricting Medical Marijuana Growing Facility and/or dispensary to locational criteria from certain uses, limitations by all applicable laws, patient hours and indoor operation. Further the facilities are subject to inspections, maintenance of records, caregiver cards and transfers. **TABLED.** Letter to table until the October 26th Planning Commission Meeting

Chair Howard – We did receive a correspondence for a tabling of this item until October 26th and if you could just read the letter into the record from our Assistant City Attorney Caitlin Murphy.

Secretary McClanahan – The City Attorney's Office respectfully request that Warren Planning Commission continue to table the item on proposed amendments to the Zoning Ordinance relating to medical marijuana until the October 26th, 2015 meeting. We are continuing to work with various City Departments to finalize the proposed ordinance amendments. Thank you for your patients and consideration of this request should you have any questions feel free to contact me.

MOTION:
A motion was made by Commissioner Rob to table until October 26, 2015, supported by Commissioner Vinson.

ROLL CALL:
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. MINOR AMENDMENT TO SITE PLAN FOR A SECOND STORY ADDITION TO EXISTING BUILDING: To be located on the northwest corner of Groesbeck Highway and Nine Mile Road; 23055 Groesbeck Hwy; Section 26; Warren Eastside Concrete (Michael Solar) Minor Amendment is for portable cement plant and pads

PETITIONERS PORTION:
Mr. Michael Solar – Good evening I'm the Plant Manager for Warren Eastside Concrete and I'd like to answer any questions you have tonight. We currently own a portable concrete plant and we'd like to move it up to our facility, we have about 12 acres there. We'd like to center it in the property next to our existing concrete plant to better serve our customer's needs during the peak production time. Our business is starting to grow a little bit there and we'd like to give them better service and it would be a seasonal use.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
FIRE: Approved.
DTE: Approved.
ENGINEERING: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:
A motion was made by Assistant Secretary Smith for a minor amendment, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

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

COMMISSIONERS PORTION:
Vice Chair Kupiec – You said this is a portable cement plant that you current own at another location?

Mr. Michael Solar – That's correct.

Vice Chair Kupiec – And you're moving onto this site?

Mr. Michael Solar – Yes sir.

Vice Chair Kupiec – And what do you mix the concrete in the trucks and take on to the job sites?

Mr. Michael Solar – Yes, it's real similar to the Ajax Plant that's up on Van Dyke and 16 Mile it looks a lot like that just not as involved as that one.

Vice Chair Kupiec – What is the height of that portable unit do you know?

Mr. Michael Solar – That one is I believe 61 feet and our current height on our plant is 71 feet, so its finished height will be approximately 8 to 10 feet shorter.

Vice Chair Kupiec – Ten feet shorter then what's currently on the site?

Mr. Michael Solar – That's correct.

Vice Chair Kupiec – It's still over the 40 feet so you're going to need to get a Board of Appeals for this.

Mr. Michael Solar – Yes I'm going to speak to Lynne Martin. I was advised to bring this issue to her and get her feedback on it.

Chair Howard – That was a motion by Assistant Secretary Smith, supported by Commissioner Rob. We do have it being recognized as a minor amendment, roll call Mr. Secretary.

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

C. MINOR AMENDMENT TO APPROVED SITE PLAN FOR NEW BUILDING ADDITIONS AND PARKING LOT EXPANSION: Located on Van Dyke Avenue; approximately 1,500 ft. south of Thirteen Mile Chicago Road; 30007 Van Dyke; Section 9; Charles Zablocki (GM). The minor amendment is for parking lot reconfiguration.

PETITIONERS PORTION:
Mr. Patrick Doher – I've been joined by one of our Project Partners Antonino Scavo. Antonino is actually running this project on behalf of General Motors during its construction operations. And I do want to appreciate the time staff provided us and allotted us in considering this a minor site plan approval. I did want to run through the things that have changed, just to refresh our memory this project is called the PPO expansion project it stands for Preproduction Operations on behalf of General Motors.

The project is off of Van Dyke, its south of 13 mile within the campus and the changes that have occurred to the site plan from the last time the Commission has considered this project are as follows. We did eliminate parking on the eastside of this project, there's about 147 spaces that have been eliminated. We did add a loop road which is on the east side of the project. This was really to help the circulation of the campus but also in response to the Fire Marshall to have an access closer to the building and the building expansion so that the loop road was added. There's a considerable amount of green space that has been added to the project. We've added parking islands within the existing parking lots and the proposed parking lots these islands will be landscaped and they will be part of the storm water management system.

The floor plan has changed slightly to accommodate a lobby and some other minor changes to the interior of the building. The façade architecture has changed to be more consistent with the historic architecture of the Warren Tech Center Campus character. The entry points to the south have been reduced because it helped us to eliminate some of the traffic congestion issues that we thought that we were going to have once we had our Traffic Engineering folks look at it. We did add the note to the 60 foot Bear Creek easement. We added 18 parking spaces near the truck dock so there are some net add parking spaces. We've also shown sidewalks that were omitted on the initial site plan. In all there's about 19 acres of

disturbed area, this project will require a soil erosion sedimentation control plan and also a notice of coverage because of the large acreage that is occurring in the disturbed area.

Chair Howard – So all and all we're just really just adjusting is the parking, the maneuvering lanes and the Bear Creek drain.

Mr. Patrick Doher – And that was just a note so that we could identify the easement for that Creek.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.
ZONING: The Zoning Department has inspected this site and found it under construction. After all construction has been completed the entire site needs to be cleaned up.
FIRE: Approved.
ENGINEERING: Preliminary review of this site yielded the following comments:

1. Any utilities located within the proposed building footprint or within the influence of the footings/foundation shall be removed and relocated.
2. Any proposed improvements within the Bear Creek easement will require approval of the Macomb County Department of Public Works Drain Office.
3. Any work within the 100 year floodplain will require a permit or waiver from the MDEQ/USACE.
4 An NPDES Notice of Coverage will be required for this site.
5 A system of internal drainage will be required. Due to size of the disturbed area pretreatment of the storm water discharge will be required. Additionally, if the storm water collection systems outlets to a City of Warren storm sewer, detention will be required.

DTE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:
A motion was made by Assistant Secretary Smith to recognize as a minor amendment, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

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

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. NOMINATIONS AND ELECTIONS:
Chair Howard – At our last commission meeting there nominations for offices for the Planning Commission and the nominations are as follows: Chair – myself, Vice Chair – Mr. Kupiec, Secretary – Mr. McClanahan, Assistant Secretary – Mr. Warren Smith.

Secretary McClanahan – I have a letter from Commissioner Robinson she'd like read. I Claudette Robinson nominate the following officers for the Planning Commission for the City of Warren. Jocelyn Howard, Chair, John Kupiec, Vice Chair, Jason McClanahan, Secretary, Warren Smith, Assistant Secretary. Thank you.

Commissioner Vinson – Madame Chair at this time I'd like to make a motion that all offices be filled by acclamation. That simply means that there's no competition for any of the positions.

Ms. Annette Gattari-Ross – I wasn't here last meeting but I believe everybody accepted the nominations. To make it formal you can vote on it.

Chair Howard – Commissioner Vinson is making a motion that we accept all the Officers by acclamation.

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

ROLL CALL:
The motion carried unanimously as follows:

Commissioner Karpinski…….……. Yes
Vice Chair Kupiec……... Yes
Secretary McClanahan…….. Yes
Commissioner Pryor……... Yes

Commissioner Rob……. Yes
Assistant Secretary Smith……. Yes
Commissioner Vinson……. Yes
Chair Howard…….. Yes

Commissioner Vinson – I'd like to make a comment that all Officers are doing an outstanding job and I'm proud to be associated with them.

E. UPDATING BYLAWS ON VOTING PROCEDURES. REVIEW AND VOTE:

Mr. Ron Wuerth – There is a letter provided by myself it's been modified to add to what I was proposing. But the proposal was Planning Commission bylaws amendment to Article 7 the rules of order, section 7.4, concerning the result of a vote that requires five seated Commissioners to take action of a recommendation to the Mayor or City Council. That section, you can see it down in the bulk of the letter, it discusses how it presently reads, then how it is thought to have it read. There's a proposed edit from Caitlin Murphy, it's not too different from what I did have to say, I'll read it.

Should an item requiring five concurring votes from seated Planning Commissioners not receive the requisite five votes either in favor or against the item the item is automatically tabled to the next regularly scheduled Planning Commission meeting. Should the item fail to receive the requisite five votes a second time the item is considered denied. We had a problem with this when we had a former item here with votes of this nature, so we need to have it clarified. At the moment that it happened we weren't exactly sure of which way we were going to go with this and it had to be researched a little bit after we were finished. So with that this is what the proposal is it's to change the bylaws if you have any questions you can ask me or the Assistant City Attorney.

Assistant Secretary Smith – I talked to the Assistant City Attorney about tabling the second time after the second time we deny it, it would be almost like a lack of action type of thing. Even if a petitioner may want to table a second time we could actually deny the table of the petitioner asking for the tabling.

Ms. Annette Gattari-Ross – The bylaws just clears that ambiguity that existed previously. With respect to a tabling, a tabling is a tabling so if a matter gets tabled because a petitioner makes the request it's up to the Commission to make the decision to table, it has to be decided by the body. The request may be from the petitioner but it's ultimately the Planning Commission that makes that decision to table.

If they choose not to table they are not required to table a matter they can hear the matter. So therefore, the final decision is of the Planning Commission to table the item.

Chair Howard – And again Mr. Wuerth, this particular item is subject to only those items that require a five vote requirement to go to City Council, but if we don't have a quorum and the petitioner decides to take the vote of this particular body that stands am I correct?

Mr. Ron Wuerth – Yes. You need five votes and there is a listing here one through five that describes what can be done. That also includes voting for a site plan, it's not just City Council. I'll go through it here, it says to adopt or amend the City Master Plan, to make a recommendation to the Mayor or City Council, to approve a financial transaction, to approve a site plan, to approve a resolution of the Planning Commission. So there's a lot of work that needs to be approved by five seated Commissioners. It does say at the end all of their actions may be passed by a simple majority vote of the commissioners in attendance.

Assistant Secretary Smith – On your statement all other actions may be passed by simple majority vote or Commissions in attendance what other actions might be an example of that instance?

Mr. Ron Wuerth – Frankly I can't come up with any because everything that we do here seems to require five votes I didn't put that in there that's part of what has been there.

Ms. Annette Gattari-Ross – Maybe like scheduling your meeting dates, procedural matters like scheduling your yearling meetings.

MOTION:
A motion was made by Commissioner Vinson to adopt resolution, supported by Secretary McClanahan.

ROLL CALL:
The motion carried 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

10. NEW BUSINESS
Per Diem Increase for Planning Commission.

Chair Howard – I believe there was a letter in our package that was sent forth to the Budget Director, would you like us to read this into the record sir or would you like to speak on that please?

Mr. Ron Wuerth – It's a letter that is required of the Controller's Office so that everyone will be paid the $50.00 per diem per meeting it's there requirement. It's simply a matter of you approving this letter so it can be sent it's from the Commission and myself.

Vice Chair Kupiec – Madame Chair what letter are we talking about?

Chair Howard – In the back of our package there was a letter in regards to our increase in our per diem that was not received by the Commission this is a letter from Ron's office to the Budget Director.

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

ROLL CALL:
The motion carried as follows:

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

11. CITIZEN PARTICIPATION
None at this time.

12. PLANNING DIRECTOR'S REPORT
Mr. Ron Wuerth – This Director's Report includes from July 21st until August 24th, I didn't provide one at the last meeting and I apologize again for that.

So with that said on July 21st we had a Council Meeting in which Special Land Use for the hotels at Van Dyke and Murthum were approved. Also at St. Anthony's Nursing Home that rezoning was

approved and the amendment to the zoning ordinance regarding blight violations and other issues related also approved on that meeting. There was a meeting on July 24th, a DDA Special Meeting, and that was to talk about the Downtown area and it's development they are getting close to approving some developments in that area and those will be discussed at a later date in detail. July 30th there was a CDBG Meeting that I attended of course the Planning Commission on August 10th. I always attend the Staff Meetings before the City Council Meetings so I had one of those on August 11th, other CDBG or block grant meeting on August 13th. On that same day there was a PUD Meeting in which there was an approval of signs for a place called Our Credit Union and that's going to be in Heritage Village and we've approved the site plan. Vice Chair Kupiec was part of that meeting, he is the Planning Commission's representative at that meeting. So those signs were approved along with signs that were approved for a new eatery called Potbelly's, it's highly rated so when it's up and running I would suggest that everybody go there.

On August 14th there was what's called a discovery packet planning get together between the Attorney's Office, Zoning and the Planning Department with concerns regarding Ionia. On August 19th I attended the Civil Service Meeting in which Judy Hanna finally got her promotion. I had 21 various meetings with professionals and developers who want to do business in this town.

13. CALENDAR OF PENDING MATTERS

Chair Howard – We haven't had a meeting for our Master Plan in about a month I've been trying to get in contact with Mr. Jacobs he has been in and out of town I spoke with his Secretary he was at a President's Meeting but she was going to have us over at Wayne State for our next meeting. She was going to schedule that but that hasn't occurred so what I'm proposing is that we meet next Wednesday the 2nd just to move forward even if Doctor Jacobs cannot be there so we can move forward and then we can get started in our RFQ and to put something on paper and start moving forward. So if the Master Plan Committee can meet next Wednesday the 2nd we can put out a correspondence via email to see who is available to be there on that day I believe we have the Van Dyke Room.

Mr. Ron Wuerth – Yes Van Dyke Room.

Chair Howard – Alright sir, so we can send that out from your office to see what everyone's availability is and I'll also reach out to him as well.

Vice Chair Kupiec – Mr. Wuerth when you and I talked earlier you mentioned something about the tower at the Ukrainian Center are we supposed to talk about it?

Mr. Ron Wuerth – Well we can talk about it you have a hand out in front of you.

Vice Chair Kupiec – For some reason I don't have one.

Mr. Ron Wuerth – Well it's my understanding that none of you have this document, we forgot to bring it. But what this has to do with is Verizon Wireless they are bringing a lawsuit against the City for the site plan approval that was denied by this body. We will provide you with that document.

Commissioner Rob – Which meeting was it that it was denied?

Chair Howard – I think that you weren't here that day.

Mr. Ron Wuerth – About a month and a half ago maybe the July meeting.

Commissioner Rob – Maybe I'll read the minutes later, thank you.

14. ADJOURNMENT

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

The meeting adjourned at 8:31 p.m.

_____
Jocelyn Howard, Chair

_____
Jason McClanahan, Secretary

Mary Clark CER-6819
August 24th, 2015

Meeting recorded and transcribed by
Mary Clark - CER-6819

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