

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on January 12th, 2015 at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, January 12th, 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
Patricia Sullivan
Kelly Colegio, Ex-Officio

Also present:

Ronald Wuerth - Planning Director
Judy Hanna - Administrative Clerical Technician
Michelle Katopodes - Planner I
Dewan Hassan - Planning Aide
Caitlin Murphy - Assistant City Attorney
Christine Laabs, Communications Department

1. CALL TO ORDER
Secretary McClanahan called the meeting to order at 7:07 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL

MOTION

A motion was made by Secretary McClanahan to excuse Assistant Secretary Smith and Commissioner Vinson, supported by Commissioner Rob. A voice vote was taken and the motion carried unanimously.

4. APPROVAL OF THE AGENDA

MOTION:

A motion was made by Commissioner Rob to approve, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

5. APPROVAL OF THE MINUTES – December 8th, 2014
Chair Howard - We have a correction here that these are the minutes of December 8th, 2014.

MOTION:

A motion was made by Secretary McClanahan to approve with correction, supported by Commissioner Pryor. A voice vote was taken and the motion carried unanimously.

6. PLANNING DIRECTOR'S REPORT

Mr. Ron Wuerth - The Planning Director's report is basically from the last meeting in December until now. First off I did want to address the letter that the Planning Commission did send to City Council in regards to Scott Stevens and unfortunately there has not been a response to that letter.

Secondly at it may have been the same City Council Meeting I was there for the Prestige Cadillac approval and that certainly was a pleasure to be part of. I did attend what they call a Map Transportation Bonanza Seminar where I get to learn about the transportation in the City of Warren and how to solve some of our traffic problems. I did attend a meeting with Guy Rizzo and Tom Petsoid both having to do with Tech Plaza and the possibility of making a roadway connection that will go somewhere around City Hall into Tech Plaza from it's rear so we are working pretty hard to get something done there.

I've mentioned our new Planner I at the last meeting. This is Michelle Katopodes so she's on staff and doing well. I attended another meeting regarding Majestic Plaza, that's with Lark Samouelian and Gina Ludwig they are both Director's in the City and this one has to do with the DDA. The City owns Majestic Plaza so we are looking to maybe sell half of it if we can, so it had to do with lot splits and things of that nature that we discussed.

I did attend one Block Grant meeting. Michelle and I went to a Semcog meeting it was a bike and pedestrian connector, this is the Governor's showcase trail. This is where we are going to have a bike path constructed or designated along Van Dyke Avenue and that's going to start at Eight Mile Road and go to Stephens and MDOT will do the work on that and that will be coming up this spring and summer. I did attend a DDA Meeting also a TIFA Meeting. I did

provide the Mayor a copy of goals and objectives for the year of 2015. We are currently working on the budget so I will get a draft copy of that budget, this is what the Controllers have requested, a draft copy to them first something that they can work with but I also informed them that the Planning Commission will have to approve this. If there are any changes to that budget of course we will give them the changes. So in regards to that we'll need a special meeting maybe the week of the 19th of January or the 26th and that's probably a good two hour session that's what it was last time.

And then finally if the Planning Commission isn't aware of it in December the City Council approved a motion by Mr. Stevens to provide \$10,000.00 dollars for a consultant to go forth and begin the Master Plan procedure and RFP as I understand it. I tried to find the communication I couldn't get all of it exactly what was said. However, now that we have a new Planner I that's going to take some of the pressure off of me I can begin the RFP process as soon as possible. We need to get our master plan grouped together and start. That we can start it as soon as everyone is ready and get the process ready. With that we will communicate with Zoning Board of Appeals, City Council and those members that are also on this RFP Committee. So with that this Director's Report is submitted.

Chair Howard - Thank you so much Mr. Wuerth and we will look at that Master Plan issue at the end under Calendar of Pending Matters. Happy New Year to everyone, as you are aware we have two Commissioners missing on this evening it is your right to have a vote by the full body. If you want to have your item tabled you can have that otherwise you can take the opinion of the commission this evening.

7. PUBLIC HEARING ITEMS:

- A. REZONING REQUEST: R-1-C, One Family Residential District to C-2, General Business District; located on the southwest corner of Thirteen Mile Road and Cousino Drive; 4860 Thirteen Mile Road; Sections 8; The White House Chapel by Lavdas, LLC (Nicholas Lavdas). **TABLED.** Regarding withdrawal of rezoning plan.

Secretary McClanahan - I have a letter that says, Dear Mr. Wuerth at this time I would like to withdraw the rezoning request for the above mentioned property. If you should have any questions please contact me directly. Thank you for your consideration Nicholas Lavdas.

MOTION

A motion was made by Commissioner Rob to remove from table, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

MOTION

A motion was made by Secretary McClanahan to receive and file, supported by Commissioner Rob.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Sullivan.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

- B. REQUEST TO REZONE PROPERTY: Located on the east side of Ryan Road; approximately 521.96 feet south of Chicago Road; 31830 Ryan Road; from the present zoning classification R-1-C; One Family Residential District to O, Office District in Section 5; Brian Jilbert (Mohammad Qazi).

PETITIONERS PORTION:

Mr. Brian Jilbert – I’m with NSA Architects my client is Ciena Health Care, Mohammad Qazi is the CEO. Ciena is currently working on plans to expand the addition by adding a 40 bed facility to it. In doing that the parking would also require an expansion therefore we’ve purchased the approximate 39 ½ foot parcel to expand parking onto that piece of property and also expand our facility as a final outcome.

Secretary McClanahan reads the correspondence as follows:

TAXES: No Delinquent Taxes.

Mr. Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Russ Rice – Good evening Madame Chair, Board Members, Members of the Audience and City Planner. I live 46299 Winston Drive in Shelby Township I’m here with my brother Rick and his wife Linda they live at 33731 Norrid Circle directly east of this property.

My brother and sister in law are deaf so I'm here to help present their concerns over this particular rezoning request. Earlier today my brother Rick submitted a letter to the Secretary of your Board listing some concerns. What we'd like to do is walk you through a pictorial of what the property looked like seven years ago before the greenbelt was put, in the trees are now mature it's a nice setting. The view from their home towards the nursing home, what it looks like in the summer and winter and then an idea for you to consider as ponder the rezoning request by the petitioner as to how to best move forward with this property. It is not known at this time as to what the final drawings look like, my brother Rick has reviewed those drawing at City Hall. The Planning Department was helpful in showing those drawings, but not knowing what the final site plan review might be for the city with regards to this property we'd like to bring forward some suggestions what you might want to consider requesting from the petitioner to minimize the impact to the neighbors both to the north and to the east.

First off we'd like to show you prior to the greenbelt what it looked like. Their home is 33731 and the nursing home itself is approximately 200 to 225 feet away. Prior to the greenbelt being installed looking at the front of their house you can see the roof of the existing building and that's at 220 feet away. From looking at the drawings as they have been presented thus far I don't know what is or isn't final, it looks like the new building addition will be within 55 to 60 feet of their property line. I'd like to point out that the back of their home is only 20 feet from the property line so the new proposed building would be within 80 feet of their back bedroom window. If you look at the pictures you can see before the greenbelt, which I believe was agreed upon by the petitioner at the time, in lieu of putting up a wall you can see the top of the building. So if you take the width of their property which is approximately 80 feet that's 300 feet from where that picture was taken to where the existing building is today. I think the intention of the petitioner is to bring the new building within 55 to 60 feet.

The next is a picture of since the greenbelt was installed and the pleasantness if you will of that greenbelt being in there masking the look of the nursing home as it is in the summer time. The next set of pictures is as it looks today and as you can see from the selection of the trees, the shrubbery and other vegetation that was selected for the greenbelt even in the winter time. The mask is still there from the back of the their home to the property line and from the property line to the existing building.

Chair Howard – Now sir typically there's a three minute limit on public comments, but we are going to let you continue.

Mr. Russ Rice – I know it's a little bit different to present documents like this but without you actually seeing what the actual situation is we thought this would be helpful, so thank you for that extension.

The next poster that is before you here is my brother Rick went to City Hall and through his observations of the drawing shows his home 20 feet from the property line and the fact that the greenbelt is now missing and I presume will be a six foot masonry wall and then you have the parking moving on to where the eastern most part of the extent of the new building would be 55 to 60 feet. If you took the plan view looking west from their home and eliminated the greenbelt you would see this wall and this is what you would envision as what they would be looking at from their back window of their home. I don't know the height of the proposed building I'm not certain as to any other variances or any variances that would be required for this but you can see without that mask or greenbelt they will be looking right into the back of the building.

If you take a six foot wall and you look at the proposed traffic pattern of the drawings that were reviewed by my brother you can certainly see that during the day it is very tight, the distance between the back of the building and its present parking. If you took a UPS Truck which goes there almost daily or ambulances or other service vehicles they certainly would be seeing the traffic that will exist. So what they are proposing is an option for you to consider is part of the recommendation or the approval of a rezoning for this particular property to maintain the greenbelt that is there, in fact expand the greenbelt to be the entire eastern end of that property and the northern end of the property for the benefit of all the neighbors that are here this evening. If you take the drawing he has put together from his review and you put that greenbelt in it wouldn't be so intrusive to the neighbors and it would be a much more pleasant situation. There's nothing they have against the development they just want to make sure it's done with the harmony of the existing neighbors.

In conclusion if you look at it 20 feet from their bedroom is where the masonry wall is proposed. There are going to be a lot of disruption, it's not going to be a safe situation. They would like to have not an eyesore behind them but to maintain the pleasantness of the greenbelt behind them. So the request of Rick and Linda Rice to this Board is if you were to approve the rezoning that the greenbelt be a part of the final plan that is approved.

Mary Clark CER-6819
January 12th, 2015

Ms. Helen Larson - I'm really not sure how the first proposal got forward to the rezoning with the approvals because there was never any knock on anyone of our doors about how we would have felt about having this type of request put forward we are the ones that are going to be impacted with any change that is to that existing structure.

That existing structure today already has complications with a wall that's on our neighbor's house that separates the parking lot from her property. She has to put up with garbage that gets thrown over that wall constantly from the people that are in that parking lot. So we have to already put up with existing conditions with the current state from the structures that are in place today. We all accepted the change in the way that the development went forward with the existing structure today. We all agreed if you could keep the berm and some of that property there it would still give us the clean fresh look there without the stuff that comes in from the day to day activities that happen in the nursing home.

The other thing is there is constant activity at that nursing home from ambulances. From day shift, night shift and constant shifts in the work we hear all of that. When we had the flood they had generators running for months and I understand that for all the problems that happened within Warren and the other communities, but those generators were running for months. We had to put up with that noise and it was only reduced because of the current existing berm that we have there today. Removal of that and adding just a wall for us to now look at that traffic influx of the already convoluted noisy parking that takes place now is really not fair to all of us that have invested our time and energy in creating a wonderful environment for where we live. So we should have more say in how that's going to be proposed with a less impact to us who still plan to live there and hopefully retain the cost of our homes when we want to resell them. Because right now if that goes into place the resale of our homes goes drastically down because who's going to want to buy that when they come to our backyard.

The other thing is the current parking lot is never fully enabled it's all the ones in the back. They have this full structure on the side that's very rarely full so now they are asking to expand another building when the parking that they have today is not even being leveraged and they want to expand more parking that then impacts on the corridor that faces our backyards. This isn't something we take lightly and we've supported where they are today but going forward this is now starting to impact us and our ability to keep beautiful homes that have a great resale for the future.

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Ms. Theodora Kalfa - We live at 31723 Norrid Circle I'm one of the neighbors that are going to be impacted by this parking lot structure. We live about 20 feet away from the nursing home, of course we knew when we bought the house that those beautiful trees are not going to stay there forever and we are going to lose this extended backyard, but very soon we are going to have to look at this brick wall. There will be nothing to hold the rain from flooding our basement so that's another problem that we are going to have to deal with on top of the loss of our property value by at least \$10,000.00 to \$15,000.00 dollars. So what we are asking for you to consider is the extension of this greenbelt.

Mr. William Murto - I live at 31687 Norrid Circle and behind me I do happen to have the berm right now and I want to keep it so I support my neighbors who all would like to have that berm.

Ms. Kelly Colegio - My question to you regarding the flooding I did not see correspondence from Engineering. I would like to see what Engineering has to say regarding the affect that a brick wall would have on the neighboring properties. And it would be nice to see if the petitioner could work with these residences to come up with someway as they seem willing to work with the petitioner, green space isn't too much to ask for.

Ms. Nancy Roberts - I am Ms. Sunmins daughter and her property sits just east of the nursing home so we already got one full side of retaining wall and if we get another side of retaining wall we are going to sink it's going to be a swamp. The green space is fine but another retaining wall would just drown everybody out.

Ms. Joann Hutchens - I live at 31699 Norrid Circle we are directly behind the property that they just bought. They have already torn down the house, they've torn out trees, they've done whatever they've wanted to do nobody has said word one to us, the only reason we knew it is because we heard the machinery. What actually is going to go there everybody is talking about parking lots and structures and what is going to go there and who is going to police what goes there, because no one seems to follow up with what we are told will happen. We were told when the church next door to this place was going to put in they were going to put a berm and then they were going to put trees on top of the berm to cut down the noise, they put in the berm but they put the trees some place else. That's not our problem, find some money put up some more

trees what's going to happen with this new section and who is going to check on it, I'd like to know that tonight, anyone.

Mr. Arnold Simkus - I'm at 4248 Chicago Road I happened to be in the corner between Kay and Rick and Helen's property. I understand that we need to have progress I went to St. Anthony's to see if they could care for my mom years ago when she needed nursing care so I know the value nursing homes have in our society and our community so I'm not against progress and the expansion that the owners want to do. What I am against is the idea of the wall, we have seen the berm go up the green and the trees I think the pictures that Rick showed you was ideal. The parking facility as it was pointed out by Helen is very much under utilized there's many spots that are not being used. So I think the idea of putting a 20 foot greenbelt with a berm that allows drainage that will allow visibility where people can't hide and throw garbage over the fence, the flooding, all those negative things that hit us as homeowners and as residents are very seriously damaging to us in so many subtle ways.

What's interesting is my wife and I, I don't know how many years ago, were invited by Mayor Jim Fouts to join him with 20 other homeowners and I'm not bragging, I was very humbled by being recognized as one of the 20 homeowners in our area to be given the beautification award, we are proud to have that little plaque in our yard. We even have a butterfly garden because Mayor Fouts was encouraging us to nurture butterflies so we have them growing and thriving very much in our backyard. So all of those things that we bring to the table as homeowners wanting to beautify, keep our property values up, and have the City of Warren be a place that's attractive. When you take a look at how it looks now and the idea of a brick wall whether it's decorative or cement or cinder block it takes away. Let's just put up a fence or nice greenery and we'll all be very happy.

Vice Chair Kupiec – I hear and understand everything that was said by the neighbors tonight and I can appreciate where they are coming from. The only request in front of us tonight as I read it is for rezoning not for a site plan approval so I think we are a little premature in some of the presentations we are hearing tonight. I think our goal tonight is to make a decision on whether or not we are going to rezone it and after it's rezoned then the site plan approval will be next, is that not true?

Chair Howard – That is what is before Mr. Vice Chair. What we can do is if you would like to make a motion then we can have a discussion regarding what we have currently before us.

Vice Chair Kupiec – So you're suggesting go ahead and vote on the zoning request only and not on the things that were offered to us by the residence tonight?

Chair Howard – Well sir we can definitely address those but what we do have before us today is just, primarily, the rezoning request we don't have the site plan in front of us currently.

Vice Chair Kupiec – With that being said I'd make a motion to approve the rezoning.

MOTION:

A motion was made by Vice Chair Kupiec to approve, supported by Commissioner Pryor.

COMMISSIONERS PORTION:

Vice Chair Kupiec – Again tonight is the night for making a decision on the rezoning I heard from the audience that some of the people weren't notified. Mr. Wuerth it was mentioned that the neighbors weren't notified about the rezoning process is that true?

Mr. Wuerth – It would depend on where they are located because we put out two notices one in the Warren Weekly that goes out to everyone in the City of Warren and the other is within 300 feet of the property and we notify everyone within that distance. So I couldn't say where they are located but everyone within 300 feet were notified.

Secretary McClanahan – This is to the City Attorney, with our recommendation we cannot put on this that we would like a greenbelt on any approved rezoning that would be something that would come back before us correct?

Ms. Caitlin Murpy – Ron can they do a conditional rezoning?

Secretary McClanahan – Because it seems pretty obvious that everybody is pretty much in agreement that they want a greenbelt and to keep the neighborhood nice. You know we do want progress in the city but we want everybody to keep their home beautiful and keep the value up it seems like everybody pretty much echoed the greenbelt issue so can we put this on with our recommendation?

Mr. Wuerth – Well as Ms. Murphy said a conditional rezoning would be required. This is a standard rezoning that's being asked for at this time. The petitioner would have to agree to certain conditions in

order to achieve this rezoning and one of those conditions could be the issue of the greenbelt and addressing the water, the wall concerns, the trees, and all that sort of thing if this were a conditional rezoning, it is not. A conditional rezoning has to be offered by the petitioner only, so that's up to the petitioner what they want to continue to do after this hearing. But right now those types of issues aren't what we are here to discuss. The one thing I will say is when we get to site plan approval you'll have much more power to address them there too. The site plan approval is going to come back to you and you can certainly change things the way you want to or do what you want to sort of speak, within reason.

Vice Chair Kupiec – You heard the comments from the neighbors and I was wonder what your feelings are on their feelings towards the greenbelt versus the wall?

Mr. Brian Jilbert – Well we'll certainly go back and take a look at the way the plan is laid out. We do have a plan review in process, at least submitted drawings at this point but we will certainly take a look at what we can do to better address those issues. At this point we were under the impression that we were working within the city guidelines as to rezoning ordinances based on what we see but we want to consider the public as well.

Vice Chair Kupiec – Now do you have to take this back to a Board at St. Anthony's Nursing Home?

Mr. Brian Jilbert – Correct I am the Architect on the project I'll have to go back and talk to them on how they want to address the issues there's also other issues related to how the parking lots laid out with parking and access. It's not just an easy yes you'll get a berm right off the bat, but we'll certainly work with what we can do make something happen if we can.

Commissioner Rob – You said you would work with the residence and come up with something if it goes to rezoning?

Mr. Brian Jilbert – Well right now we're asking for rezoning on the piece of parcel that's what we are asking for tonight. We still have to go through the full site plan approval process we work with the City and the community to see what we can come up with to make something work for everybody.

Commissioner Rob – I'll encourage Vice Chair Kupiec to table so that petitioner can work with the residence. I see that the residence are very cooperative, a lot of times they are against but I see they

are workable, so I would request Vice Chair Kupiec to table so that you can come up with something in the rezoning condition so that we can do it all at once. Rather than sending you to the Zoning then come back, a lot of people work and they'd have to come again for the site approval. I'll leave it to the Commission but I'll propose it to Vice Chair Kupiec to table it and give you time to work with the residence so you can come up with a site and rezoning request so that we can send all of it together for the rezoning to the Board of Appeals.

Chair Howard – What we are considering here sir is that we have an audience of people and homeowners who seemingly are not adverse to your expansion, they just have something particular they want. They definitely want to keep the tranquility of their neighborhoods and one of the things that have been brought up is a conditional rezoning. And I understand as you being the Architect you cannot speak to that at the moment and I respect you for that you need to go back to your Board. What this Body would propose is to table this to a date certain our next date would be February 2nd. It would give us a change to both look at the Engineering as far as flooding and water. Definitely when you add concrete versus a greenbelt that absorption is going to be an issue there. And then going forward and getting a consent here in what your proposing to provide here both to the city and to the residence, is that amenable to you sir?

Mr. Brian Jilbert – I think if that's our best avenue, then I would say tabling is fine.

Vice Chair Kupiec – I will then make a motion to table this item with the understanding that the petitioner will go back to his people and talk about the request of the neighbors and if need be get a neighborhood meeting together and talk to them and get their input. We can set this for February 2nd our next meeting.

Chair Howard – Commissioner Pryor do you support that?

Commissioner Pryor – I support it.

MOTION:

A motion was made by Vice Chair Kupiec to table to February 2nd, 2015, supported by Commissioner Pryor.

ROLL CALL:

The motion carried unanimously as follows:

Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Sullivan.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

Chair Howard – We do have a letter that was from Mr. and Ms. Price that we will receive and file as part of our record concerning item 7B.

- C. SITE PLAN FOR EXISTING OPEN STORAGE: Located on the west side of Mound Road, approximately 153.73 feet south of Ten Mile Road; 24895 Mound Road; Section 29; Ronald Lomasney (Kerm Billette).

PETITIONERS PORTION:

Mr. Kerm Billette – I’m here with Ron to bring up the item requesting approval by the Planning Commission and eventually the Board of Appeals. It started out with a monopole tower on the property your site plan has it located. This is a request by AT&T for them to locate a monopole on the property hidden behind the building it is not visible from the street.

Mr. Ronald Lomasney – That’s already passed.

Mr. Kerm Billette – That’s already passed and part of the contingent approval of the item was that a site plan be submitted for the rest of the property. I don’t really see the need for it but nevertheless it was submitted, it was paid for the Board of Appeals, and the Planning Commission for a site plan approval and Board of Appeals approval. A four foot request for a four foot parking from Mound Road right-away rather than 20 feet as required by the ordinance this was the request. Since then Mr. Wuerth has expanded the request to the Board of Appeals by two more items by one being the gravel for the rest of the site the 274 feet to the west that’s open storage it’s been used for that for many years. It’s been leased to these people the lease agreement is on the drawing up in the upper right hand corner. Ron has had the lease the agreement with these people for 30 years they put their construction equipment on there. There is concern that the request for paving in the backyard of the property to the south side into the monopole platform, it’s all gravel back there anyway it’s stabilized there’s really no need to pave any parking

back there. The fence had barbed wire on it it's been removed and I think they are in the process of removing the stands where the arms are that hold the barb wire. The only place that there's barb wire is on the west end of the property and it will be removed as the west end abuts a private driveway.

We have interested parties here also and Ron has a few things to say about the status of the property, the length of the lease, and the condition of the property has been improved over the years. The backyard is completely cleared there's no junk back there anymore. I think one of the pictures on the phone show the backyard it's all snow right now. It is proposed to have a north and south fence be constructed at the division of the two properties with one gate a 20 foot gate to get to the back of the property from Ron's property and from the south there's already an opening that they can get in from the south.

Mr. Ronald Lomasney – I've owned the property for awhile and I've never had a problem with the City at all. When it was brought to my attention that I needed a site plan I asked Mr. Wuerth to show me the existing site plan because I've changed nothing. Why do I need a site plan, I'm not putting a building up, I'm not doing anything and he couldn't show me a site plan he said that they must of lost it. So this site plan has cost me \$4000.00 dollars so far and I don't have a tenant coming in there yet, AT&T has not started to pay rent on the property until this gets through. Now they are recommending that I put a paved driveway around the backside of my property going back towards the front in my backyard so that AT&T when they pull in there they are on a piece of asphalt not gravel. AT&T never requested that, that's a recommendation by Mr. Wuerth. I don't know why he wants that I don't think he's ever driven back there. It's solid gravel it's been there for 20 some years and it's in very good condition.

The fence that shown on the print that we are submitted or have submitted is not erected yet because we are waiting to get site plan approval. I was very thankful to this department that helped me to get the previous tenant on that property. The property that my brother and I own is 154 feet wide x 560 feet and my neighbor has leased for some 30 years, half of that back lot. I had chango paving on there for 20 some years and every year it got worse back there. Deborah, I don't know her last name she had come out several times and ticketed them and asked them to clean it up and finally with all this going on I was able to evict them off the property and clean it up. The neighbor then offered to rent the whole back section so he cleaned it up tremendously, it's cleaned and it all graveled.

Mary Clark CER-6819
January 12th, 2015

Secretary McClanahan reads the correspondences as follows:

TAXES: No Delinquent Taxes.

DTE: DTE has no objection to the open storage, however with a restriction that the storage unit should be no closer than 15 feet in width from the existing overhead primary cables located on the property.

ENGINEERING: Preliminary review of this site yielded the following:

1. The plan shall indicate all existing and proposed utilities.
2. A system of drainage shall be provided. Detention may be required.
3. The plan shall indicate where the open storage area will be located.
4. Any improvements in the Mound Road right-of-way are subject to the approval of the Macomb County Department of Roads.

FIRE: Approved.

ZONING: The following violations were observed on December 16, 2014:

1. Unlawful storage of junk/trash/debris.
2. Off-street parking on a non-hard surface without a variance.
3. Barbwire on fence without a variance.
4. Storage of unlicensed/inoperable vehicles.

Mr. Wuerth – I'd like to address a few items here before the recommendation is read. The petitioner has indicated that there was an issue about former site plans and at the time when I was asked about that I didn't have the answer, but I do now. And what the petitioner has had is a history of getting site plan approval and then having expired site plans never going through with the approvals so I'd like the Planning Commission to know that.

Now regarding the issue of whether I have ever been on that property I have been all over that property every square foot of that property so I know it well.

Mr. Ronald Lomasney – Were you trespassing because I didn't know.

Mr. Wuerth – I'm not going to engage right here sir. Now as far as he has an issue with a four foot variance for hard surfacing, he received two variances if you'll look at the information in the finding one at 21 feet and then he got another variance at 17. But for some reason the petitioner decided to violate the law and pave to within four feet.

Mr. Ronald Lomasney – That’s a lie, that’s an outright lie I’ve never paved anything.

Mr. Wuerth – No you hired someone to pave it.

Mr. Ronald Lomasney – No sir, it’s that been that way.

Mr. Wuerth – No it hasn’t.

Chair Howard – Sir we are going to let the Planning Director speak and then we’ll give you a chance to speak at the end, go right ahead Mr. Wuerth.

Mr. Wuerth – One thing I wanted to mention with the person to the south who is picking up this extra property, now I know for a fact that our Zoning Inspectors have been out there, you’ve heard the report of being on Mr. Lomasney’s property. And yes there’s been a lot of work done clean up that type of thing, but the people to the south it’s questionable whether they have approval for their outdoor storage. So we are going to have to look into the fact that they may need site plan approval for theirs. The petitioner I don’t think was sure why they were coming for site plan approval, but it’s always been for the existing open storage area. They never had approval for it and that’s what I asked them to come forward here it was not the communications facility persons responsibility to bring them forward to be here.

Mr. Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Keith Ulrich – I reside on Mr. Lomasney’s property I am actually the lease holder of the open parking space. I don’t know if it makes any difference or not but I actually pulled the license for open parking space not open storage I don’t know if that makes a difference I just wanted to clarify that. We are not storing any vehicles on there what comes in and goes out pretty much on a daily basis, maybe every other day, is semi trucks and cars that park there that we charge a fee for. According to section 37.591 it’s defined in the section that we pull the license for. Since I took possession of the property we spent hours cleaning up that property there’s actually nothing in that area. This is a copy of the license that we obtained for that open parking station so we are not storing any old cars or junk vehicles, there’s no trash or debris or anything in that said spot there.

Mr. Matthew Dahl – I represent the people of the property to the south that Mr. Wuerth mentioned. A lot of money and time has been spent on that corner by Mr. Lomasney and me since 09 when I took over the property, as the manager there. I've known that property I've worked on N & B Demolition which is the property that I now manage and I've been there 27 years, I was there before these ordinances even passed. Mr. Norman and Mr. Lomasney have been using that space as a parking lot and a transfer station for Mr. Norman's properties.

In regards to Mr. Wuerth I don't know him I have no problem with him, but he's making a factual statement here that needs to be corrected. Mr. Lomasney in my 27 years of working there has not paved the front of that building, that pavement has been there, he did not do nothing to alter his easement there. He's requested over and over that it be changed but he has not altered it as Mr. Wuerth says he has. We have come a long way on that corner, Mr. Lomasney and myself get accolades on the work that we have put in there. I have a picture of an aerial view from 2009 as the manager of that property, of his property and mine, it is blight. We have come a long way we have done everything asked of us there's a lot of things that could be changed yes and we'll seek a variance on certain things, I agree. My point is all of the grief that we get from the city pushes people like Mr. Ulrich out of our city. This man does not live in our city he comes to our city to work, make money and pay taxes here. He will leave and I'm here saying that's not what we are here for we are here to create business AT&T is coming here to spend money obviously tax dollars. Let's not run them off let's work together.

MOTION:

A motion was made by Commissioner Pryor to approve, supported by Secretary McClanahan.

COMMISSIONERS PORTION:

Commissioner Rob – How long have you owned this location?

Mr. Ronald Lomasney – Since 1990.

Commissioner Rob – The records shows that it came to the Planning several times and the site plan got expired.

Mr. Ronald Lomasney – We had a builder that wanted to build a building on the property and he had someone that was going to occupy it. Before it ever got finalized to start that building the person who was going to rent the property backed out of the deal and

moved to another city so we never built the building. Part of that going forward and adding that 4000 foot building to the property was that we would tear the asphalt out and put the 20 foot greenbelt in. Because that happened nothing ever happened, the builder left and the project never happened and I think that's what Mr. Wuerth is referring to. But that site plan was set forth and approved, I showed him copies of that site plan but what I had asked him for was the previous site plan he couldn't seem to find it.

Mr. Kerm Billette – We might offer a suggestion to table this until the next meeting we can iron out some of these problems. Like the storage in the back part being cleared out, the barbed wire is mostly gone there's only one piece.

Chair Howard – I thank you for being proactive Mr. Billette. Since the petitioner is asking for a tabling we will do it for a date certain that would be February the 2nd.

Vice Chair Kupiec – Are we still open for discussion?

Chair Howard – Well the petitioner is asking for it to be tabled so what we can do is just vote on tabling it and then we'll go forward on our discussions.

Vice Chair Kupiec – I just had a question for the petitioner I'm just a little confused. Initially when you started out you were talking about this AT&T pad for some kind of a tower?

Mr. Ronald Lomasney – Yes a communication tower.

Vice Chair Kupiec – Is that your main concern?

Mr. Ronald Lomasney – That's what brought all this to start happening was the fact that AT&T wants to come into the property. They wanted them to submit site plan, which AT&T did, they got approval and were here before the board already. And so then Mr. Wuerth wanted me to have my own site plan for the rest of the property.

Vice Chair Kupiec – To bring the property up to current standards by the ordinances.

Mr. Ronald Lomasney – It's all existing, he didn't ask that we have to bring it up to current standards. I guess we have to get variances on variances that were already permitted 60 years ago, this hasn't property hasn't been touched.

Vice Chair Kupiec – So your main concern was initially to get this pad put in so you can have a pole put in?

Mr. Richard Lomasney – Yes.

Vice Chair Kupiec – The previous site plans that you found were there any bonds attached to them?

Mr. Wuerth – No once they expired, no bonds were submitted. If the item is not going to go forward, like he mentioned about, one of the people that were going to do some work, we would have gotten a bond and they would have moved forward, but it never happened so there's no bonds.

Vice Chair Kupiec – I understand that but was there any bonds even recommended with them site plans to the best of your knowledge?

Mr. Wuerth – I'd have to look at those old files again. For every building addition proposed we would have asked for something.

Vice Chair Kupiec – And you say you found two site plans?

Mr. Wuerth – I think I had two listed here that ended up being expired. So I've got a 1997 one that expired. The other was the Team Mobile One, so there two that ended up being expired for whatever reason.

Vice Chair Kupiec – And what was the most recent that you could find?

Mr. Wuerth – The most recent had to do with the monopole but they came back that was back in 2009. So they came back but it took 5 years. They had obtained previous variances to be where they are at that was no easy thing to achieve and so other companies came forth and got the approval.

Mr. Ron Lomasney – There is no dumpster, the tenant had the container removed. He used to have a lot of chips that he would recycle and he had a container on the outside of his building and that's what they want the walls around. Last week he asked the dumpster company because they've been dumping it empty every week or a month so he asked them to take it away. So there is no dumpster that we have to put walls around anymore.

Chair Howard – Alright then this is what we’ll do. Mr. Billette is going to get with Mr. Wuerth and you are going to clear up all of those old items. So if this is an area by which you feel the recommendation needs to be taken off or Mr. Wuerth can speak to us why it should remain on Mr. Lomasney we can do that. Bring it back to us on February the 2nd and then we will approach it very openly on that day. That was a motion by Commissioner Pryor and supported by Secretary McClanahan this is going to be a tabled item.

ROLL CALL:

The motion carried as follows:

Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Sullivan.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes

- D. SITE PLAN FOR NEW WIRELESS COMMUNICATIONS MONOPOLE; Located approximately 495 feet north of Eight Mile Road and approximately 911 feet west of Sherwood Avenue; 6383 Eight Mile Road; Section 33; Haley Law Firm (Christopher Wzacny).

PETITIONERS PORTION:

Mr. Wallace Haley – Walley Haley on behalf of the Haley Law Firm and the applicants DTE and AT&T. This is literally a replacement of a lattice tower in a DTE substation. It is a permitted use it’s actually a beneficial thing in the fact that it is going from a lattice tower to a monopole, which under the zoning scheme is obviously a preferred type of tower. The site plans speak for themselves and Mr. Wuerth report spoke for itself.

Secretary McClanahan reads the correspondence as follows:

TAXES: No Delinquent Taxes.

DTE: DTE Electric Company has contacted ITC Holdings Corporation to review the request, both companies have no objection to the wireless communication monopole.

ENGINEERING: Preliminary review of this site yielded the following comments:

1. The plan shall indicate all existing and proposed utilities. If utilities exist within the influence of the proposed monopole, they shall be removed and replaced outside the influence limits of any permanent structure.

2. A system of internal drainage shall be provided. Detention may be required.

FIRE: Approved.

ZONING: Approved.

Chair Howard – We did receive a correspondence from DTE we are going to read that into the record as well.

Secretary McClanahan – To Whom It May Concern: DTE Electric Company has reviewed the request for approval for a new wireless communication monopole at 6383 Eight Mile Road; Section 33. DTE Electric Company has contacted ITC Holdings Corporation to review the request; both companies have no objection to the wireless communication monopole. If you have any questions please do not hesitate to contact Joyce Dudek, Right of Way Facilitator.

Mr. Wuerth reads the recommendation of the Staff:

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Rob.....	Yes
Commissioner Sullivan.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

8. CORRESPONDENCE

None at this time.

9. BOND RELEASE

None at this time.

10. OLD BUSINESS

A. SITE PLAN FOR COLLISION SHOP WITH OUTDOOR STORAGE

AREA: Northwest corner of Eight Mile Road and Mullin Avenue; 11255 Eight Mile Road; Section 34; 8 Mile Mullin Investment (Robert J. Tobin); regarding expiration of site plan approval, originally approved on June 28, 2010. Site Plan expired on June 28, 2013.

MOTION:

A motion was made by Commissioner Rob to allow site plan to expire, supported by Commissioner Pryor. A voice vote was taken and the motion carried unanimously.

- B. SITE PLAN FOR ADDITIONAL ANTENNA ARRAY ON EXISTING TOWER; Southwest corner of Eleven Mile Road and Sherwood Avenue; 6240 Eleven Mile Road; Section 21; Jonathan R. Crane; regarding expiration of site plan approval, originally approved on September 11, 2006. Site plan expired on September 11, 2008.

MOTION:

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

- C. SITE PLAN FOR NEW DOUBLE ORDER STATIONS FOR DRIVE THRU FOR MCDONALD'S RESTAURANT; East side of Van Dyke Avenue; Section 15; McDonald's USA LLC (Michael Kazarian/Kenneth R. Van Tine AIA); regarding expiration of site plan approval, originally approved on October 26, 2012. Site plan expired on October 26, 2014.

MOTION:

A motion was made by Secretary McClanahan to receive and file, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

- D. SITE PLAN FOR NEW RETAIL STRIP CENTER; Northwest corner of Ryan Road and Garrick Avenue; 22005 Ryan Road; Section 31; Najah Gasso; regarding expiration of site plan approval, originally approved on January 11, 2010. Site plan expired on January 11, 2015.

MOTION:

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

- E. SITE PLAN FOR THE EXPANSION OF AN EXISTING LEGAL NON-CONFORMING JUNK YARD AND A CARPORT ADDITION; West side of Groesbeck Hwy., approximately 757 ft. south of Eleven Mile Road Service Drive; 26301 and 26395 Groesbeck Hwy., Section 24; Frank Yousif (Robert J. Tobin and Associates); regarding expiration of site plan approval, originally approved on October 22, 2012. Site plan expired on October 22, 2014.

MOTION:

A motion was made by Commissioner Rob receive and file, supported by Vice Chair Kupiec. A voice vote was taken and the motion carried unanimously.

- F. MINOR AMENDMENT TO SITE PLAN FOR COMMERCIAL BUILDING ADDITION FOR NEW TRASH ENCLOSURE LOCATION; Northeast corner of Ten Mile Road and Lorraine Avenue; 11015 Ten Mile Road; Section 22; Assaad Sobh (Sobh Property Management); regarding expiration of site plan approval, minor amendment originally approved on January 11, 2010. Site plan expired on January 11, 2014.

MOTION:

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

- G. SITE PLAN FOR PARKING LOT EXPANSION FOR INDUSTRIAL BUILDING; West side of Mound Road, approximately 846 ft. south of Ten Mile Road; 24649 Mound Road; Section 29; Wojtuniechi Real Estate Holdings, LLC (Robert J. Tobin); regarding expiration of site plan approval, originally approved on December 10, 2012. Site plan expired December 10, 2014.

MOTION:

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

- H. SITE PLAN FOR PARKING LOT EXPANSION AT EXISTING MEDICAL OFFICE; West side of Schoenherr Road, approximately 124 ft. north of Irvington Drive; 28209 Schoenherr Road; Section 14; Dr. Dominic Cusumano; regarding expiration of site plan approval, originally approved on December 16, 2002.

MOTION:

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

- I. SITE PLAN APPROVAL FOR A BEAUTY SHOP AND OPEN STORAGE FOR TOWED VEHICLES; Located on the east side of Groesbeck Highway approximately 509.25 ft. north of Frazho Road; 26160 Groesbeck Highway; Section 24; TCM Properties LLC

(Robert J. Tobin and Associates); regarding extension of site plan approval, originally approved on February 11, 2013.

PETITIONER PORTION:

Mr. Robert Tobin - We have a situation here where I have to get an extension because over the last year the owner has had business setbacks and business problems that are rather extenuating. One of the problems during the August flood is his office was flooded so that set him back also his parking was flooded so he lost a lot of his vehicles. So the property wasn't draining properly and he got dropped with his vehicles and it goes on and on. This gentleman is a very reliable gentleman but he's had some problems, he's had a few health problems too. We need the permission from the Planning Commission to give us another year extension so we can finish up and settle some of the problems we have.

Secretary McClanahan – This is a letter from Mr. Robert Tobin. We are requesting a one year extension of the site plan that was approved February 11th, 2013 and will expire on February 11th, 2015. The owner has had business difficulties during the last year. We will be providing all necessary documents in the next two weeks to apply for the necessary bond. Please allow us to attend the Planning Commission Meeting to grant us this necessary one year extension.

Mr. Wuerth reads the recommendations of the Staff:

MOTION:

A motion was made by Secretary McClanahan to extend site plan, supported by Vice Chair Kupiec.

ROLL CALL:

The motion carried unanimously as follows:

Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes
Commissioner Rob.....	Yes
Commissioner Sullivan.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Vice Chair Kupiec.....	Yes

11. NEW BUSINESS

Vice Chair Kupiec – Under New Business could I bring something up?

Chair Howard – Yes sir we can amend it.

Vice Chair Kupiec – Mr. Wuerth, sometime ago the Director's Report was removed from the back end of the meeting to the front end which is how it is now. I'm just wondering if some of the business that we talk about kind of bores some of the audience and detains them from going where they are going. So I'm just wondering if we shouldn't reserve that back to the tail end of the commission meeting just for our own personal use?

Mr. Wuerth – Well I have suggested that in the past. I do agree with you some of the sensitive items that we have and if there's to be some kind of give and take during the Director's Report then maybe at the end of it when there's less of a crowd it's more appropriate, but that's up to you of course.

Vice Chair Kupiec – Madame Chair I would like to leave that open for a motion, I don't know if we can do that at this time or not.

Ms. Caitlin Murphy – Your bylaws actually set out an agenda so you would have to amend the bylaws in order to move it from number five under section 5.2 to somewhere down here. There is a way to amend the bylaws, it's a little more complicated than just a motion however.

Vice Chair Kupiec – Well currently our bylaws are under review for upgrading anyways so that might be an appropriate time for this Commission to recommend that we do move the Director's Report to the end. So I'd like to make that motion to the Commission that we consider moving the Director's Report to the end of the meeting and have that changed in our bylaws.

Commissioner Rob – Vice Chair Kupiec can you clarify what you said, I do not understand. So the Director's Report will be at the end of the meeting?

Chair Howard – Yes it would be under New Business like right now. And I believe Commissioner Vinson was on the bylaw committee so I believe that's something that we can bring forth.

Commissioner Rob – I think we have to upgrade the whole Committee if I'm right Mr. Wuerth, because we have a lot of changes happening. Even the Master Plan Committee, did we update that?

Chair Howard – Yes on our bylaws and rules of procedure committee, it's Vice Chair Kupiec, Assistant Secretary Smith and also Commissioner Vinson. I know that we can call that meeting and

I know that we are in the process of updating some items as you indicated Vice Chair Kupiec so that is perfectly fine.

Commissioner Rob – I agree with Vice Chair Kupiec it's a great idea and I also support that.

Vice Chair Kupiec – The Attorney is going to add it to the list of things that need to be changed under consideration. Also Mr. Wuerth while you are up there you made mention in your Director's Report to a letter that was sent to Councilman Scott Stevens. I'm just wondering at this point and time it sounds like there's no action from him coming towards you or the Commission, has there been any communications?

Mr. Wuerth – No communication whatsoever, and I'll just speak for any communication with me on a personal basis, I don't know about the Commission if there's been any communication between himself and others.

Chair Howard – I haven't received anything, has the Secretary?

Secretary McClanahan – No.

Chair Howard – I don't believe that the Secretary or myself has received any communication from our Ex-Officio regarding the letter that was sent forth. What we can possibly do is look at doing a follow up to that initial correspondence and go from there I think that would be appropriate.

Vice Chair Kupiec – Well also one of my recommendations is going to be that since Mr. Stevens is an Ex-Officio and obviously he hasn't been attending our meetings, Ms. Colegio has. With the attitude towards the Commission that seems to be displayed I'm concerned if he's a good representative in the Ex-Officio capacity. I'm concerned about whether or not he's doing us any justice or not, that's my own opinion.

Chair Howard – Ms. Caitlin what is our position where that's concerned?

Ms. Caitlin Murphy – The City Council elects their own Ex-Officio's to various commissions so the only thing that you could do is write a letter to City Council if that is something that you are interested in doing.

Vice Chair Kupiec – This is my opinion I don't know if anybody else has any thoughts on this or not if I'm out of line I'll just rescind my opinion, but that's how I feel about it right now.

Commissioner Rob – What is the procedure in this case if he doesn't respond do we do a follow up. There should be some sort of process because I agree with Vice Chair Kupiec also. At least we can let them know that we are looking for a change.

Chair Howard – Well I think it would be appropriate for us to send a second correspondence to give him an opportunity to respond to our initial correspondence that was sent regarding our employee Mr. Wuerth. From that point we will look for a response from him, whether that be a verbal or written response, he's not obligated to respond but I believe that it would be in a matter of good form that we have some type of item on record on behalf of our employee.

Commissioner Rob – Can we send a follow up letter that we are requesting a new person so at least Council knows what we are looking for.

Chair Howard – Yes sir, I think what is important is giving him an opportunity to respond, Mr. Wuerth has indicated that he has not. After the second correspondence with a second follow up then we will confer with the City Attorney as to what our options are at that point and proceed from there.

Commissioner Rob – Can we put it in the calendar of pending matters than?

Chair Howard – And we can also have it as an agenda item for the next meeting February 2nd, 2015.

Ms. Caitlin Murphy – You can communicate whatever you want to them it's just that they decide their own Ex-Officio members. So you can communicate to them that you would like a new Ex-Officio, you can't influence them other than through a communication.

Commissioner Rob – Of course the decision will be made by them but at least with the letter they will know what we are looking for.

Chair Howard – We have two issues at hand, we have the letter that was presented at our last meeting December 8th, which has not been addressed so we'll do a follow up on that one and then there's a secondary item concerning him being our Ex-Officio. As our Attorney has indicated we don't make that decision but that's

definitely something we can put in writing as to what our concern's are.

Vice Chair Kupiec – I agree with all of that.

12. CITIZEN PARTICIPATION
No one came forward at this time.

13. CALENDAR OF PENDING MATTERS
Chair Howard – One of the issues that was brought forth at the last City Council Meeting and you did elude to that in your comments which was in regards to the Master Plan and the Master Plan Committee going forward. We do thank God for Michelle being here to assist you with all of those daily activities that you have, but I believe that we need to definitely call forth the Master Plan Committee and to get moving on that expeditiously sir. So if we could schedule a date certain with the members of the Master Plan Committee as well as City Council I believe that the DDA was a part of that meeting as well.

Mr. Wuerth – Alright I'll take a look into who the members were, that was a awhile back unfortunately, and I'll contact Craig Treppa, he usually guides everyone through the RFP process when it comes to these sort of things. I'll work on that and report back on the next meeting.

Chair Howard – That would be great, if we could possibly look at having a date within the next 30 days that would be great.

Mr. Wuerth – We do have a committee so our committee could meet anytime we want, so I'll get something going on that.

Vice Chair Kupiec – Since it was mention that there's been a RFP approved by City Council for an outside advisor maybe at that time we could be brought up to date on what's going on with this outside advisor.

Chair Howard – Yes sir, I think the issue was from a RFP to RFQ and Mr. Wuerth has indicated that with his additional help that there may be something that he could lead forth from his office.

Mr. Wuerth – I can certainly communicate and determine which way we are actually going to go, but I can hardly see how we go our way and City Council goes their own. It has to work together, that's what we do here and that's how we've always worked, and we will continue to do that.

Chair Howard – I think that’s the best plan sir.

14. ADJOURNMENT

MOTION

A motion was made by Commissioner Pryor, supported by Secretary McClanahan. A voice vote was taken and the motion carried unanimously.

The meeting adjourned at 8:58 p.m.

Jocelyn Howard, Chair

Jason McClanahan, Secretary

Meeting recorded and transcribed by
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