

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on March 7th, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, March 7th, 2016, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair
Edna Karpinski
Jason McClanahan, Secretary
Syed Rob
Claudette Robinson
Warren Smith, Assistant Secretary
Nathan Vinson
Kelly Colegio, Ex-Officio

Also present:

Ronald Wuerth - Planning Director
Judy Hanna – Senior Administrative Secretary
Michelle Katopodes – Planner I
Nicole Ciurla – Planner Aide
Caitlin Murphy - Assistant City Attorney
Christine Laabs - Communications Department

1. CALL TO ORDER
Chair Howard called the meeting to order at 7:11 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
Chair Howard – I'd like to have a motion to excuse Vice Chair Kupiec, he did call and indicate that he was ill this evening.

MOTION:

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

4. APPROVAL OF THE AGENDAMOTION:

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

5. APPROVAL OF THE MINUTES – February 22nd, 2016MOTION

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

6. PUBLIC HEARING ITEMS:

- A. REQUEST TO REZONE PROPERTY: Located on the east side of Schoenherr Road; approximately 180 ft. north of Ten Mile Road; 25058 Schoenherr; Section 24; from the present zoning classification C-1, Local Business District to C-3, Wholesale and Intensive Business District; Christopher Morisette. The request would be amended from the zoning classification C-1; Local Business District to M-1, Light Industrial District. **Tabled.**

MOTION:

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

PETITIONERS PORTION:

Mr. Dennis DeWulf – This is Morisette Automotive Property at the corner of 10 Mile and Schoenherr. They purchased the adjacent vacant Burger King property and they wish to rezone so the entire parcel is M1 from what it presently is. I don't understand the agenda, the way it's written, but it's supposedly all supposed to end up M1.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

MCDR: Preliminary review of the site plan yielded the following comments:

1. Curb and Gutter required across 10 Mile frontage.
2. Per Michigan Access Management standards, proposed approach is too close to Schoenherr. This presents danger to motorist, pedestrians, and patrons. This approach must be removed in its entirety and the curb and gutter shall be extended.

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Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

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

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

- B. SITE PLAN FOR OUTDOOR STORAGE AND PARKING OF TRUCKS: Located on the west side of Sherwood Avenue, approximately 970 ft. south of Mackersie Avenue; 25585 Sherwood; Section 21; Jan Neuman (Kerm Billette). **Tabled. (2nd)**

MOTION:

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

PETITIONERS PORTION:

Mr. Kerm Billette – I’m here tonight with the sister’s that own the property on Sherwood. The request is for the site plan approval there were a number of recommendations made, that Mr. Wuerth made, and I’ve changed the drawing to include quite a few of them. We did get a letter from the Department of Public Works saying that they put a waiver on the sidewalk.

We talked to the City Engineer about the problem here of putting the concrete around the catch basins, which is sometimes usual practice but the City Engineer agreed that the amount of trucks that would be maneuvering over this would destroy the concrete around it. We had a request here to put a masonry wall on the west property line but this item is the only item left of the number of recommendations that we would take to the Board of Appeals to appeal. There’s no concrete wall for almost a half mile of the same property zoned industrial, it backs up to the same residential as we do and there is not one foot of concrete wall along this whole property line. Our fences some have barbed wire, ours does it was approved by the

Board of Appeals. Our building location was approved by the Board of Appeals to be five foot from the north property line and five foot from the one eastern property line.

We agree on the rollover at the curb on the entrance of the property. On the north side of the entrance is a three foot concrete rollover to prevent the truck wheels from going over the curb and we would install that. There was a request to move the parking along the south property line to allow trucks to get in and out and we did. I reduced a number of parking and I put the trash bin inside the building. It's just a small trash bin, they have very little trash from this operation repairing trucks, and it's moved inside the building. I believe that's all we have both of the sister's are here to answer any questions concerning the occupancy of the building which is a truck repair place. They do have their own trucks, there's probably 15 or 18 that I know of. So far it's been a successful business they've put a lot of money in the property and they are here to answer any questions for you.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

ENGINEERING: Preliminary review yielded the following comments:

1. The parking spaces along the south property line do not appear to meet minimum ordinance requirements.
2. All catch basins within approved gravel parking/storage area shall have a concrete collar installed around the cover.
3. Show all existing and proposed utilities. A system of internal drainage will be required. Any site proposing to disturb more than one acre of land will be required to comply with the City of Warren Storm Water Management Plan.
4. Handicap parking spaces typically have striped areas on either side to allow for accessibility. There are no such areas currently shown adjacent to the space near the maintenance garage.

FIRE: Preliminary review yielded the following comments:

1. Maintain Fire Department apparatus access roads. Access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
2. Fire apparatus access roads must extend to within 150 feet of all portions of the storage areas.

DTE: Approved.

ZONING: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:
Engineering's recommendations, eliminate condition number one, two, and condition number four.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – You said that the trash enclosure is going to be in the building now?

Mr. Kerm Billette – Yes one of the bays is exceptionally deep that they use. I believe bay number five, over to the west side and there's plenty of room in there to put a trash bin and wheel rail to the front. The doors are big enough for the truck to drive right in the building.

Assistant Secretary Smith – I was there today and I saw that they had a dumpster next to the fence along the driveway there. I did see on the drawing about a trash enclosure and I saw the dumpster next to the fence.

Mr. Kerm Billette – The amount of trash that they generate is very little. They do maintenance on trucks, oil changes and filters. They do no repair work, no bodywork, no painting or anything and we feel as though the space inside the building is plenty big enough to put a trash bin.

Assistant Secretary Smith – To the petitioners, so the dumpster that I saw outside will that be removed or is that going to be moved to the inside of the building?

Ms. Jane Neuman – It will be put inside the building.

Assistant Secretary Smith – Is this strictly storage for the trailers and the trucks or are there other items that are going to be stored outside?

Ms. Jane Neuman – No, it's definitely just for trucking and their trailers, that's it.

Assistant Secretary Smith – When I was there today I looked in the northwest corner and there was a boat there is that temporary?

Mr. Kerm Billette – It's temporary, yes.

Commissioner Rob – Did you say oil changes and filters there?

Mr. Kerm Billette – I don't know all of the maintenance that they do on the trucks but it's very light. They don't do any heavy maintenance like transmission work, no engine work, no bumping and painting.

Commissioner Rob – Last time when you came here I believe we talked about you have truck drivers that throw out their trash so if you have everything inside will they have access to it?

Ms. Jan Neuman – Yes sir they would, the doors on the building are big enough for a garbage truck to pull in and pick it up right inside the building.

Ms. Irene Schnurr – Five 18 wheelers can fit inside the building.

Commissioner Rob – Thank you for the clarification.

Chair Howard – We did have a conversation in the very beginning regarding the poured concrete wall, are you in agreement with that, what are your feelings with that because that is in our recommendations.

Ms. Jane Neuman – I think it's over costly to be honest and would take up some of the trailer space to back them up against the wall. You have to put the wall farther out because where that fence is right now if you take that out you're going to destroy a few of my neighbor's trees. Our property is higher than there's so it would lean into their property we'd have to do a lot of work to maintain that. Then the wall would have to have a footing put in there then the trucks and trailers would set even further back from it. My thing is if one of the trailers would back into it it would cost me a whole lot more to replace that wall and worry about the wall going onto my residential neighbors then it would to just leave it the way it is.

Chair Howard – It's a very clean site it's very well maintained. Just in response to her concerns what are your thoughts Mr. Wuerth about the wall versus the greenbelt?

Mr. Wuerth – The recommendation indicates one or the other.

Chair Howard – Are you objecting to the greenbelt would you prefer that versus the wall?

Ms. Jane Neuman – I had a landscaper come out and give me an estimate and what would actually happen there. Because there's a very vigorous vine that grows through that ground and a lot of it is maintained right now by us. We go out there and make sure it doesn't grow. By putting a greenbelt in there they'd have to dig all that out, put new soil in and one row of shrubs all the way across that would be six foot high would be over \$10,000.00 dollars. And they said within two to three years there is no stopping that vine it will choke them out. Because of that good soil you're putting in there that vine will attract right to it and it would destroy all those shrubs. That was Ritz and Sons Nursery and Landscaping that gave me that information.

Chair Howard – Mr. Wuerth it seems as if we are in an impasse here what are our options?

Mr. Ron Wuerth – Well the option is just as condition number two states and that is they may have to go to the Board of Appeals to get a variance not to be required to have either one. So they can go to the Board of Appeals if they are successful they won't have to do either one. If they are not successful then they are going to be forced to do one or the other. So my recommendation was they go to the Board of Appeals and try and get a variance.

Chair Howard – Thank you so much for the information. I was trying to see if there was a way around that based on the information that you shared. You definitely have some concerns there so we are going to leave that there with the Board of Appeals. We do have a pending bond in the amount of \$500.00 dollars I will keep that within the recommendation. If the Board of Appeals grants your variance that's something you can take care of at that point. So with that being said that was a motion by Secretary McClanahan supported by Assistant Smith, roll call please.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

Chair Howard – I should have cautioned the audience prior to this so please forgive me. We are missing two commissioners on this evening it is your right to have your item head before a full board. If you would like to table your item until we have a full Board that is your option this evening. I do apologize for not stating that in the beginning of my comments.

- C. SITE PLAN FOR DRIVEWAY ADDITION TO EXISTING ENTERPRISE RENT-A-CAR: Located on the west side of Van Dyke Avenue; approximately 140 ft. north of Eleven Mile Road; 27101 Van Dyke; Section 16; Melissa Degan (Livingston Engineering). **Tabled. (3rd)**

MOTION:

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

PETITIONERS PORTION:

Ms. Melissa Degan – I'm here with Enterprise Rental Car and we are here this regarding the previous discussion. We've mailed 37 letters to the residents along Seyburn Avenue of those eight did come back as undeliverable or vacant property. Then we are in correspondence with one individual who did reach out to us. It is a property management firm through their attorney and we are currently discussing with them the driveway that we are proposing.

In addition we were looking to see if there was a signed letter of easement between the property owner as it stands and the gas station to the south of us. Our property owner Doyle Austin's attorney Charles Earl could not find a specific agreement letter. There are copies of site plans on file that show it is a mutually agreed upon easement. We are in the process of working with Mr. Earl to draft a letter to present to the City Attorney to have a signed agreement between both parties.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

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

1. All existing and proposed utilities must be displayed on the site plan.
2. All sidewalk and the commercial drive approach construction must comply with the City of Warren standard specifications for concrete sidewalks and drive approaches.

3. This development must comply with the City of Warren Storm Water Management Plan if there is one acre or more of disturbance.
4. The site plan shall include a written legal description of the parcel.
5. The plan shall indicate the joint ingress/egress easement with the adjacent parcel to the south.
6. The existing parking lot configuration, as shown, does not meet minimum requirements.
7. The existing parking lot does not have concrete curb and gutter around the perimeter.
8. Seyburn Avenue between Eleven Mile Road and Hartsig Avenue is in poor condition.

It is the recommendation of the Engineering Division to not approve a commercial driveway onto Seyburn Avenue, a primarily residential roadway.

FIRE: Approved.

ZONING: Approved.

DTE: Approved.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – I'm in strong favor of the petitioners request for this site plan to be granted. I don't see any downside on this unless any of the residents in the neighborhood that have been appropriately notified are against it, I would say business friendly, smiles everybody.

Mr. Sepehr Faridian – I'm the owner of K & S Management located at 27107 Seyburn. My house is located on the other side of Seyburn Street facing the proposed entrance and there are three main reasons that I'm against the secondary driveway.

First it will create more traffic that we don't need, second there will be more noise. It is firmly believed that with time the proposed entrance will become another main entrance for Enterprise Rental Car. As such it will become harder to have families with children living in that home.

Third, talking to two different appraisers to get the fair market value of the home after the entrance is put in I was told that it will reduce the value of the property at least by \$10,000.00 dollars for my

property and others in the same neighborhood. These are the reasons I'm against them putting in a second driveway.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Rob – I think you have made some significant improvements because we had a lot of citizens last time. Just a couple questions, on your new gate what will the hours be?

Ms. Melissa Degan – The hours that the gate would be open would be 7:30 a.m., to 6:00 p.m., Monday through Friday, that's our regular business hours. In addition no deliveries would be allowed through the rear entrance it would still be directed to the main driveway off of Van Dyke. Then thirdly we actually don't have any deliveries with regards to tractor trailers for new vehicles. Our vehicles are driven individually to the site, we have a team of drivers that specifically handles that and those would also be directed to the main driveway off of Van Dyke.

Commissioner Rob – You are fully aware that there are no commercial vehicles on that driveway?

Ms. Melissa Degan – Correct there would be no commercial traffic from the rear driveway that would all be directed to the Van Dyke main driveway, it would only be the passenger vehicles that would come through that rear entrance.

Commissioner Rob – Do you have weekend hours?

Ms. Melissa Degan – We do have weekend hours the site is opened on Saturday from 9 a.m., to 1 p.m., and Sunday from 10 a.m., to 2 p.m., but we should not have the need for the gate and it would remain shut and locked.

Commissioner Rob – So the gate will only be used on the weekdays from 7:30 a.m. to 6:30 p.m.?

Ms. Melissa Degan – Yes, that's correct.

Commissioner Rob – I would recommend to the maker of the motion if we can have a sign no commercial vehicles and of course the gate should have a sign on it so residents also know the time.

Chair Howard – Secretary McClanahan do you agree with the changes?

Secretary McClanahan – I agree with the changes.

Chair Howard – So that's no commercial vehicles and signage on the gate on Seyburn.

Assistant Secretary Smith – This question is for the petitioner and also Mr. Wuerth in the concern of the neighbors and the traffic on the street of Seyburn. I had a suggestion to possibly curve the driveway to where people coming off the center drive can only make a right hand turn into the driveway and people coming out of the driveway can only make a left turn going back towards the center drive to where you don't have traffic going down Seyburn the other way. Is that a possibly or maybe a consideration?

Ms. Melissa Degan – That is something that we can certainly take into consideration. Most of the access would probably be beneficial for the center drive. We do have some accounts that we do go to that are north on Van Dyke so in that instance it would be best if we could turn right onto Seyburn so that we can access Van Dyke verses having to do the center drive, but that is something that we can definitely take a look at.

Assistant Secretary Smith – I was just a little concerned about having through traffic going all the way down Seyburn.

Ms. Melissa Degan – That is something we can certainly do yes.

Mr. Wuerth – Well I think two things work for it prior to any curbing change, First is putting up that sign, I think it's a no right turn type of a sign, that's going to work well. The gate is going to control everything that goes in and out and I would assume that the people that utilize the vehicles will be simply told which way to go. To angel it and have a directional way in which people can go out and go towards the expressway is costly. So I wouldn't recommend it.

Commissioner Rob – Regarding the bond, do we want to recommend \$750.00?

Chair Howard – We can add that. Thank you so much for your improvements, more importantly thank you for your conversation with the neighbors. It's good for the neighbors because they have been there for long periods of time and we want to be considerate of them and also the safety of that neighborhood. You indicated that

your gates would be there from 7:30 a.m., to 6:30 p.m., on average how many cars are going in and out on a average day?

Ms. Melissa Degan – On an average day from that location you're going to have your peak times which are first thing in the morning probably 7:30 to 9:00 on average it's anywhere from 10 to 15. Then throughout the day there's not as much activity or traffic. It probably drops down to five vehicles and then you would again see an increase in traffic at the end of the day when there's more activity, like people returning cars. This drive is also intended as more of an employee use, secondary, so we would still be funneling all customer traffic through the main driveway off of Van Dyke.

Chair Howard – So we're looking at roughly about 30 vehicles per day?

Ms. Melissa Degan – That's just a rough estimate.

Chair Howard – Is there going to be a directional flow in terms of striping on the pavement as far as entrance and exit, I'm just trying to condense the amount of traffic. A lot of times when individuals are coming they will fly right by the driveway and go into the residential neighborhood.

Ms. Melissa Degan – I understand, again, we are going to direct all traffic still to the main driveway on Van Dyke so we're really going to work on restricting our customer access through that rear gate. This is mainly to be used for our employees to have access to the site so that we have better means of getting in and out of the property especially because we do have our free pickup and drop off center. So we are shuttling customers to their homes, businesses, to a lot of the dealerships in the area. So we are going to designate that rear driveway as an additional access point for our employees and still direct all the main traffic to the driveway off Van Dyke. We don't have any plans as far as striping but that is certainly something that we could direct and do if need be.

Chair Howard – I think whatever preventive measures you can put in place would be great. I love the fact of the signage there I think it's going to help with congestion and also for a safety measure. With Commissioner Rob's recommendation as far as the signage I did ask Secretary McClanahan and he approved the addition to the recommendation, Commissioner Rob do you approve?

Commissioner Rob – Yes.

Chair Howard – I think we are in a good place, the dual sliding gate will be great. I do appreciate the fact that you have reached out to the residents to get some consensus. I would also suggest the gentleman who’s in the audience, who is also a business owner, to please have a discussion with him so his concerns are addressed as well. With that I have a motion by Secretary McClanahan supported by Commissioner Rob, roll call.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

- D. SITE PLAN FOR RELIGIOUS FACILITY: Located on the southeast corner of Twelve Mile Road and Universal Drive; 2446 Twelve Mile; Section 18; Anton Yousef Kosho (Ronald Kachman). **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.

PETITIONERS PORTION:

Mr. Ronald Kachman – I’m with Design and Construction Group I represent the Muslim Community Center. We are here before you requesting to add the use of religious centers to the existing facility. We agree with everything from the Planning Department and trying to comply with. I don’t find it to be a problem taking care of everything that has to be done on this site. The religious centers I think the people at the temple could help us out a little bit better.

Mr. Mohammad Salman – The basic scenario is that it’s a Muslim Community Center and a lot of people our moving to our city. It’s just a community center where we are teaching our small kids, sometimes family counseling, youth counseling, and seminars. When the question was asked about the prayer it was our ignorance we did not know that there is a specific requirement. So when the city called us we wrote them a letter right away stating our ignorance and we are sorry for that. We have complied with all the recommendations that the Commission and the City has asked.

Secretary McClanahan reads the following correspondence:

FIRE: Preliminary review of the site plan yielded the following comments:

1. Must meet the requirements of the 2012 edition of the Michigan Building Code for an a 3 use group.
2. If required by the building code, the building must be equipped throughout with an automatic sprinkler system in accordance with nfpa 13. Fire Department connection threads shall be national standard type and a fire hydrant shall be provided within 150 feet of the fire department connection.
3. Maintain existing fire department access roads. Fire apparatus access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
4. Provide fire alarm system if required by code.
5. Provide Fire Department lock box (knox box) as required by local ordinance.

TAXES: No Delinquent Taxes.

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

1. All existing and proposed utilities shall be indicated on the site plan.
2. If there is over an acre of earth disturbance, the site shall be in compliance with the City of Warren storm water management plan.
3. Any improvements made in the Twelve Mile Road right-of-way are subject to approval of the Macomb County Department of Roads.

DTE: Approved.

ZONING: Preliminary review of the site plan yielded the following comments:

Variance required: 266 ft., 6 ft. high wall along east property line behind existing building abutting the R-1 –C district and church property.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – This is great because the location has been vacant for years and now it has productive use and I believe I was before this Planning Commissioner previously talking about use in the facility. So I think that this is perfect.

I brought with me the Constitution of the State of Michigan. I've been reading it lately and right up here at the very front it says

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freedom of religion. And it says the civil and political rights, privileges, and capacity of no persons shall be diminished on account of his or her religious belief. I think this is great, I like diversity in the city and I think that this is a great use especially for the area. The only thing I'm looking at there is when you are talking about the 266 feet of where a variance is required if you go down 12 Mile over by Macomb Community College there are three churches or religious worship centers all in a row and I noticed that they are not separated by any wall. I'm not certain if they requested variances way back then but it seems like it's an issue between the church and this new center. I'm not certain if variances were granted but of course because our zoning laws are so outdated and we do need a new Master Plan. I am in strong favor of this.

Mr. Fadi Attisha – I'm here on behalf of M53 Auto Sales. Lately a lot of customers are complaining about people going coming in. Especially if you go down to 12 Mile Road the street entrance is very narrow, like, you can barely fit a car to make a right. As you know their parking lot is behind the center, behind the building and lately we've been seeing a bunch of cars like 100's of cars in that parking lot and it's creating a lot of traffic on 12 Mile. We are losing a lot of customers because of that.

Mr. Fady Tawfiq – I represent ALDHILAL 2452 E. 12 Mile Road. I have the same difficulty, the parking and the street is very narrow. I get shipments my building is just a storage and sometimes there's a lot of traffic in that area. There are other businesses over there, I'm not speaking for them but they are having the same difficulty with the traffic.

Mr. Boby Atto – Good evening I represent Tech 2 Auto at 2448 E. 12 Mile we are located directly behind the Muslim Community Center. I have a few issues with that becoming a Mass or a religious center.

One issue is traffic, it's going to cause a lot of traffic issues. Mostly Friday's, we've noticed its overcapacity and it affects my parking for my business. I cannot pull cars in and out, the parking lot is completely full and I'm afraid that's going to happen every single day if this gets approved. Also, I have issues with it's a religious facility and the whole structure is based on auto repair. We have an auto repair place there, there's a collision place down the same structure, and initially that whole complex was a Nissan Dealership so it was zoned for auto repair. I don't see what the benefit is of having a religious center in the same complex.

MOTION:

A motion was made by Commissioner Rob to approve with no support.

MOTION:

A motion was made by Assistant Secretary Smith to deny with discussion, supported by Commissioner Robinson.

COMMISSIONERS PORTION:

Commissioner Robinson – I was looking at the site plan submitted by the petitioner that indicates that the number of spaces allotted here is 130 passenger vehicles. The community center building would be provided 53 spaces, the auto body shop provided 77 spaces but when you look at 5A and then 1, it indicates that the Community Center can accommodate 90 worshipers so to me it's kind of puzzling. If it can accommodate 90 worshipers but you only have so many spaces there I can see that there can be overlapping of parking. So I see a very serious parking situation based on the maximum amount of worshipers that would be attending the community center.

Mr. Ronald Kachman – The parking requirements by ordinance only requires us to have 42 parking spaces for the pray and we have 53. It's not one person for one car, it's based upon three. We meet the requirements of the ordinance otherwise Mr. Wuerth would not allow us to do what we are doing. We need 30 cars for the amount of people which is three people per car, then we have the staff there's two people, we have 10 individual people seeking assistance we have 12 spaces for that and we have 30 spaces for the people who do the worshiping.

We actually have a surplus of parking and on the site plan there's actually a physical line coming across everything north of that line is the Mass parking. And anything behind that is the three other users in the other building. If anybody goes out there and takes a look at the site these three gentlemen that came up and said 100's of cars, first of all there's not 200 parking spaces all the way around the whole building and all the way down the street. They never fill up the parking lot, the most they had was 60 people there and that was on a Friday at noon after that they don't have anybody else. When they pray there's always like two or three people it's not like you're having 100's all the time. They have one day that's heavier than the rest of the week so it's not true what they actually said about how many cars are actually there. We meet the requirements otherwise he wouldn't make the recommendation.

The community center is still going to be there no matter what happens. They are going to be in that building they just want to pray in that building also. That's why we are here just to change that use the community center use is still going to be there we just want to add the religious centers to that use. St. Louise has no problem with them being in that building I talked with Mike Ashby who is the Director of St. Louise and he said he has no problem because they allow St. Louise to park in their parking lot when they have their festivals. It's not like what these gentlemen are saying if anything they are all in violation because they are storing cars outside. There is not car storage or no storage outside, the last variance they got it said no storage and keep the site clean. If you drove over there today or tomorrow you'll see nothing but stuff all over the place and you can't tell me it's just vehicles being worked on because there's no license plates on them. He buys and sells cars and he leaves them parked outside which is not allowed by the ordinance. So these gentlemen just want to pry they don't bother anybody they do their thing and they leave. Their center is only 20 to 25 minutes. They did fill up the parking lot on the weekend because they invited the neighbors to come to their open house to see what they do. That's the only time they've had people in the parking lot.

Assistant Secretary Smith – The problem that I have is that in our meeting minutes of February 23rd, 2015 when you first came before us for this community center. We asked certain questions about what was going to happen in this particular center and our approval of the center was based on the questions that we asked and the answers that you gave. One of the questions that we asked was about the capacity and the number of people that would be there at any one time and you stated there would be no more than 25 people because it was basically a training school to teach English, to help with their passports, driver's licenses, and to help them aculeate themselves to society. That seemed like a well deserved center.

Since that time you've started worshipping there which we hadn't approved that and that's the reason you've come back today for that particular application. You're saying it's not affecting the other business they are saying it is. I don't know for a fact because I haven't been there the weekend to see the cars. Why the sudden change from just a limited number of people for training, we asked specifically if it was going to be a worship place and you said no, training only. Now this has changed so I'd like to know why it's changed.

Mr. Ronald Kachman – It was more of a misunderstanding with these people they thought that's part of their community center to

pray that's what they thought they could do. As a matter of fact there isn't any more people in that building at any given time than those 20 people other than one day a week. On Friday they have a larger amount of people, which is never more than 60. They are small they don't have a lot of people to help keep this facility going. It was a misunderstanding on my part and then they thought they could do that because it's part of their community center that was also part of their brochure and everything that they handed out.

Secretary Smith – Don't get me wrong, I don't have anything against anybody praying, I feel prayer is a necessity in this society. It's just that in the beginning it wasn't proposed to be that way and then all of a sudden it's changed.

Chair Howard – I'm sorry sir we've closed out the public hearing portion, I may be able to amend the rules but right now the Commission is speaking. If they decide to amend the rules and allow you to come back we can defiantly address you I did see you I didn't want you to think I wasn't seeing you there.

Mr. Mohammad Salman – Initially when the approval issued of course there was a miscommunication because there was a language barrier between us and the way it was explained. As soon as that issue came up and the city called us that there was a complaint and there was issue with the prayer we wrote a letter to the city. It was our ignorance that we didn't know that there was a specific requirement for prayer and if there is anything we were willing to change it. We want to comply that's why we are here.

Commissioner Rob – Mr. Wuerth, last time I think we had issues with sending out the letter with the date am I right? Did we send it out to the residents this time?

Mr. Wuerth – Yes.

Commissioner Rob – Did you have an opportunity to meet your neighbors or discuss the issues?

Mr. Mohammad Salman – Yes sir, this past Saturday we had an open house for our community center. These gentlemen that came and asked the questions, I personally went to them and invited them to our open house to share their concerns. We also went to the streets next to our community center and we personally went to them, house to house, asking people to come some people did come we spoke to them. But regarding those business, even though we personally went to them, no one showed up to ask any

questions. Those who came to us we spoke with, and as far as the community people there was no concern.

Commissioner Rob – Do you accept all the recommendations by the Planning Commission?

Mr. Mohammad Salman – Yes we accept everything that the Planning Commission recommended.

Commissioner Rob – I will leave it up to the Planning Commission and the maker of the motion. We had more residents last time, I think there was significant improvement.

Chair Howard – What I'm going to do is I see some individual's in the audience who would like to speak. We have closed public hearing but I am going to suspend the rules. I'm going to allow you only two minutes to make your comments.

PUBLIC HEARING:

Mr. Salam Jebbo – Good evening. I heard him say he asked all the neighbors about any problems and I've been living on James Drive for 20 years and nobody has asked me anything or have I received anything.

Fadi Attisha – Just adding to my statement a friend recorded a video of Friday around 10:30 and there was a lot of cars in the parking lot was full. So imagine they are going to add more services, imagine how many people will be going. I think he just lied about it, this video shows that the parking lot is full and there's a lot of people coming in and out. If you want to see it I have the video here.

Mr. Andon Kosho – I'm the landlord for that facility. My renter the guy that said the parking was full, he has almost 15 cars I've been telling him to move the car because they are not supposed to be parking over there, overnight. So far he's not listening, I'm telling him for the last time if he leaves cars over there I'm going to city hall. The ordinance says you're not supposed to park cars overnight and he's parking around 20 cars in there all night, every day, for the past 20 days. He's the one saying the parking lot is full he's not supposed to park his cars over there. I'm going to send him a letter from my lawyer if he doesn't move them, he has to move out of the place.

Chair Howard – So sir relative to this particular situation?

Mr. Andon Kosho – He's saying that the parking lot is full.

Chair Howard – Are you saying it is a result of his cars?

Mr. Andon Kosho – Yes there's 20 cars he's parking in there and he's not supposed to and some of them with no license plate.

COMMISSIONERS PORTION:

Commissioner Vinson – Can you tell me what the capacity of the hall is?

Mr. Mohammad Salman – 150 was approved to us.

Commissioner Vinson – Have you exceeded that at any time?

Mr. Mohammad Salman – We have never exceeded that.

Secretary McClanahan – My concern is, we want as neighbors, to get along with our neighbors we have a right to our religious rights but we also have a right to make a living and have our businesses. So I just wish there was a way that you guys, as neighbors, could come together a little bit more on this instead of having this open animosity and unwillingness to look at each other's point of view.

Mr. Mohammad Salman – We have no problem. As Mr. Ron mentioned right across there's St. Louise Church. When they have their festival and their church day they are parking their cars there. We have a very good friendship with them. We do respect these gentlemen's opinion we have no problem working with them. We are not exceeding the parking spaces allotted. Mr. Andon Kosho, he's not part of us he just leased us the place as he has leased to them. He's not from our community or our religion but we do have a very good friendship with him.

Mr. Andon Kosho – So far I have had no problem with them they've been nice, they treat me nice, respect me, they respect everybody, and they are teaching kids. They're really not bad people, they pray everywhere, when it comes time to pray, they pray.

Chair Howard – I think we are in a very unique situation here. As Commissioner Smith has mentioned and I was part of that discussion when the original site plan had come forth it was for a training institution. It was to be training, doing some ESL, and some additional literacy at the same time. The question was posed in multiple fashions of whether or not this would be a religious institution or a place of worship, it was declared here that it would not be.

I don't believe that there is anyone on this commission who would oppose that, it was just not a part of the original plan. At that point we could have probably made provisions adequately at that time for it to be a house of worship to be both a community center and a religious center.

I'm a little concerned that culturally there are certain things that are inbred within our culture. And what they do and what makes up the fabric of your religious tenants are very pure and very true to you and you should not work outside of those things. So when the time comes to present your item if it was a religious facility that's just an open comment and we are perfectly fine with that. You don't have to hide who you are as an individual. So I believe that's what is giving us some pause here because the questions were posed at that time.

In terms of the parking Mr. Wuerth, are there any agreements ingress, egress agreements, is that a mutual shared parking area what is the background on there?

Mr. Wuerth – The property on the east side of Universal Drive, which is the property shared also with the automotive uses, it's shared, its part of the overall property. It's shared, it's on the plan, it's appropriate otherwise as Mr. Kachman has indicated we wouldn't have recommended approval in that regard and in the regard of how parking can be handled so we felt that it was appropriate. The occupancy load that was brought up by Commissioner Vinson that's appropriate also.

These people started with a community center and just assumed that prayer was part of it even though it was indicated to them during that particular public hearing that it wasn't they still believed it was. We made sure from the city that if any prayer services occurred within a short length of time after that approval we would have our zoning specialist go out and indicate to them that was inappropriate and if they wanted to continue then they had the right to come here and ask for a religious facility and that's what they've done. So I hope that helps explain some of what Planning looks for and looks at.

Chair Howard – And with this being shared parking they are well within their usage?

Mr. Ron Wuerth – They are within their usage, yes.

Chair Howard – And the surrounding businesses are they being encumbered at all based on what you seen?

Mr. Ron Wuerth – I haven't been out there on Friday's, to observe that, so I can't answer that question exactly. I can answer the question in regards to other days of the week when I've been by and noticed, there's absolutely no concern whatsoever. But on Friday's when they have religious events, I can't say. There are other facilities throughout this city that the same thing happens but it's limited.

Chair Howard – And how far distance wise, I've been to the site several times, but just far as distance, is this religious community center from the closest business approximately?

Mr. Ron Wuerth – Which business are you speaking of Madame Chair because you have the used car lot that is to the west, you have the entire Universal Mall that's to the west, you have this automotive group that's to the south.

Chair Howard – So the automotive group, who has the largest concern is to the south, I believe St. Louise is comfortable from what I've been hearing this evening.

Mr. Ron Wuerth – From building to building, there is a dimension on the site plan, it measures 277 feet, just a little less than a football field.

Chair Howard – And to the north Mr. Wuerth?

Mr. Ron Wuerth – To the north you have residential dwellings and there are offices across the street.

Chair Howard – This is what I am proposing we have a motion here to deny, we did not have a support for a motion to approve. There are a couple of things that I would like to propose definitely we have no object to religious facilities. If they fall within the guidelines this Board has no objection to those.

As I afore stated in my comments, some of those questions were asked immediately at the time that the original site plan was brought forth therefore we could have dealt with those here. We don't want to be tenuous in our comments neither do I believe that the neighbors or even the businesses have that intention as well. I believe that there is something that is very valid about being a good neighbor and since you have shared space there's no document that

could be on board as far as ingress/egress because it is shared property space and shared parking.

I'm going to suggest tabling this until April and giving you an opportunity to meet with your neighbors otherwise we can take a vote now. We are missing two Commissioners if you would like me to take a vote currently the vote of this Commission will stand. If you would like to hold off for our April meeting then we can have a full quorum and it will give you an opportunity to have a conversation with your neighbor to the south and work out something amenable or we can take a vote currently.

Mr. Ronald Kachman – I think we would want to table it until the next meeting. There's three people here that are causing this problem nobody else. There's an automotive repair right across the street from those people and there's a used car lot they look at every day and the Church has no problem. If that's what it's going to take to get this approved I'd rather have this table and have a fresh start.

Assistant Secretary Smith – In light of the criteria as far as capacity, parking and meeting all the things that are required for the facility the only problem is we are having an issue between the businesses. Whichever way it goes it's something, it's going to have to be worked out between them. As a Planning Commission, as long as they meet all the criteria, we almost have to approve it.

Chair Howard – Would you like to rescind your original motion?

Assistant Secretary Smith – I'll rescind my denial based on they try and work together to solve this problem between themselves. It's a shared parking, if they are going to be there they need to work together, with each other and coordinate to where they are not parking where they're not supposed to be parking. They are staying in their lot not infringing on the other businesses and work out something with the businesses to be amenable to both parties. Tabling is something we can do but if it's meeting all the criteria's of the ordinances then by rights we need to approve it. It's something you need to work out with your neighbors.

Mr. Mohammad Salman – Yes I understand.

Commissioner Robinson – I have something that could resolve the parking situation. Since it is a shared parking I have seen instances where if you have designated parking spaces couldn't there be signage for community center parking so when your members come they'll know exactly where they're supposed to park.

Mr. Ronald Kachman – It’s basically from the second light pole from the driveway is where their parking starts so we can put it there and put it all the way across that’s the easiest thing.

Commissioner Robinson – When your members come they don’t know where to park, so if there was signage there then that would resolve the issue with your neighbor there and everybody knows where they are supposed to park.

Mr. Ronald Kachman – And they’ve never had any problem with the neighbors next door with their parking or whatever they were doing. Nobody has ever complained to them at all so I think putting signs up and make sure the Mass’s parking. We just don’t want to fence it off because it does access through from everybody and the snowplowing and so forth.

Commissioner Robinson – I will rescind my denial based on having adequate signage there and then that could resolve the parking problem.

Chair Howard – I currently have two rescinding motions here so I would just need a motion to approve.

Assistant Secretary Smith – I’ll supported it based on what I said you have to work it out. We are a community here and you have to together as a community, not fight each other.

Chair Howard – And lets the signs up as soon as possible we don’t want to have any conflict.

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes

- E. SITE PLAN FOR OPEN STORAGE OF AUTO PARTS YARD AND EXISTING USED CAR FACILITY: Located on the east side of Groesbeck Highway approximately 409.25 ft. north of Frazho Road; 26130 & 26144 Groesbeck Highway; Section 24; Mid City Truck Parts (Robert J. Tobin). **Tabled.**

MOTION:

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

PETITIONERS PORTION:

Mr. Robert Tobin – This project is located on Groesbeck Highway just north of Frazho Road. The site is zoned P for the first 25 feet of the property and the balance of the site is C3. This site has been operating for 40 years as a used car lot and a nonconforming auto parts yard. The Zoning Department did an investigation and confirmed the legality of the used car lot and the nonconforming auto parts that was done by Zoning to make sure we were legitimate and we were because it's been in operation for 40 years plus the owner has been there since 2002 so he's been there a long time too.

The present owner Mr. Middleton has been operating this facility since 2002 and decided to reconfigure the used car lot and auto parts yard. He's taken down the 25 x 25 garage which is here and is going to take down the existing 1130 square foot house to open up the whole area. In other words the owner is clearing the entire site so we can reconfigure this whole site into two petitions. The used car lot has an existing office at the entrance and sits back 30 feet from the property line along Groesbeck.

The new layout will have three used car spaces facing Groesbeck and 12 more on the interior a total of 15 spaces for used cars. This meets the ordinance requirements. The entire site will be asphalt paved and storm drainage system will be provided. A 6 foot chain link fence will surround the entire used car facility.

Behind the used car lot is the existing auto parts yard that's shown in yellow, it too has been reconfigured to provide spaces for the junk cars, remember this is an auto parts yard so those are junk cars back there that never move once they are in place. We have provided 57 separate spaces with a trash enclosure at the entrance. A six foot high 100 foot long concrete wall will be built along the east property line, that's back here. Six foot of chain link fencing each 230 feet long will be installed along the north and south property lines. The surface of this lot is gravel which is proper surface

material in area for junk cars. This is the fabric that we are going to use to secure the visibility of the lot it goes on top of a 6 foot high fence it's got a 10 year warranty it won't deteriorate or blow away so that's what we are going to use to screen the yard. The owner is committed financially and with resources that will be a substantial improvement to the site and we need this board to improve the open storage for the auto parts yard of 100 x 236 feet. We will go along with all the recommendations from the Planning Commission and we hope you can approve our project this evening.

Secretary McClanahan reads the following correspondence:

DTE: Approved.

ENGINEERING: Review of the site plan yielded the following comments:

1. Any improvements within the Groesbeck Highway right-of-way is subject to the approval of the Michigan Department of Transportation.
2. A system of internal drainage is required. The jurisdiction residing over the outlet shall determine the allowable rate of discharge. Detention may be required.

MDOT: Approved.

TAXES: No Delinquent Taxes:

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – For years I've been talking about the revitalization of the industrial district, basically Groesbeck Highway is one of those industrial highways. Specifically, I look at all approvals on any existing property owner's improvements to their properties and I am in favor of the request. Looking at my Constitution of the State of Michigan which you have taken oath under article 4 section 51 public health and general welfare. The public, health and general welfare of the state are hereby declared to be matters of primary public concern. The Legislator should pass suitable laws for the protection and the promotion of the public health. As this is an industrial section I don't see where there is any infringement upon the neighbors because we know in the city that neighbors sometimes do not get along. I have to applaud you on your handling of the last issue but on this one I think Mr. Tobin's plan is impeccable and I am fully behind the approval.

MOTION:

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

Mary Clark CER-6819
March 7th, 2016

COMMISSIONERS PORTION:

Assistant Secretary Smith – Why doesn't the owner show up so we can ask the owner questions?

Mr. Robert Tobin – The owner is here tonight, would you like to meet him?

Assistant Secretary Smith – Yes please.

Mr. Todd Middleton – I'm Todd Middleton from Mid City Truck Parts.

Assistant Secretary Smith – I visited the site when it came before us the last time there was a lot of housekeeping things. I noticed that you have a lot of junk cars in the back I believe that's for parts. Does the location of those cars ever change or are they just there permanently and you take parts off as you need them? And by taking out this house and opening up in the front is that going to help clean up that area in the back.

Mr. Todd Middleton – Tearing down the house is going to make a big difference because that's right in the middle of everything, it affects the flow. So with what we are doing here we hope to make the business more appealing to our customers and keep a better flow for the vehicles that get recycled. To give you a quick idea of what we do, we take the vehicles that are sitting in people's driveways as an eyesore, we take them and recycle them and they get shipped off to a scrap metal facility. So they are not just sitting there permanently the vehicles come in and get processed and get shipped off.

Chair Howard – Mr. Tobin you indicated that there was going to be screening around the fence area?

Mr. Robert Tobin – Yes.

Chair Howard – And the life span of that particular screening is what?

Mr. Robert Tobin – Guaranteed 10 years.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes

Mary Clark CER-6819
March 7th, 2016

Assistant Secretary Smith..... Yes
 Commissioner Vinson..... Yes
 Chair Howard..... Yes
 Commissioner Karpinski..... Yes

- F. SITE PLAN FOR OUTDOOR STORAGE OF EQUIPMENT AND SUPPLIES: Located on the east side of Groesbeck Highway; approximately 1,355 ft. north of Schoenherr Road; Section 25; 24416 Groesbeck; Douglas Wolfbauer. **Tabled. (3rd)**

MOTION:

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

Commissioner Vinson – Madame Chair we’ve got a letter to table again.

Chair Howard – Yes sir I did receive that in our package and I want to have some discussion because this I believe has been about six months it’s our third tabling. I believe in my instructions to the petitioner the last time that we needed him here and he’s not here. I saw the correspondence which was sent at 3:47 p.m., concerning tonight’s meeting and we didn’t have ample notice. Mr. Wuerth if I’m not mistaken this has been six months?

Mr. Ron Wueth – It has been six months from the first time the he came before the Planning Commission.

Chair Howard – I’m going to open this up for a vote, is there any correspondence?

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

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

1. A system of internal drainage is required.
2. Any proposed improvements within the Groesbeck Highway right-of-way shall be subject to the approval of the Michigan Department of Transportation.
3. Provide the thickness of the crushed masonry base.
4. Provide information as to what types of storage materials are proposed.
5. If the proposed temporary trailer office is to be serviced with water and sewer, show the proposed services.

6. A cross-access agreement with parcel 13-25-153-038 shall be required for the parking lot encroachment.

DTE: Approved.

ZONING: Upon inspection of this property there are many violations regarding junk and debris, unsanitary conditions, possible rodent harborage, and very high weeds and vegetation. The property looks like a dump site opposed to Equipment and Supplies.

Chair Howard – Mr. Secretary, can you read his correspondence into the record as well.

Secretary McClanahan – I will not be able to attend tonight's 3-7-16 meeting, I was called out of town. I would like to table the meeting until April 4th, 2016. The parcel address is 24416 Groesbeck, section 25. I'm sorry for any inconvenience this may have caused. Thank you.

Mr. Ron Wuerth reads the recommendations of the Staff:

**I have a document received from the Zoning Bureau this is a second ticket, I received that last Friday. There are pictures attached that look very similar to the ones that you can view up on the screen. I was told by the Zoning Bureau that this is the second ticket and judging from the five properties that are combined for this parcel that could have been multiplied by three being over 15 tickets had they chosen to do so. **

PUBLIC HEARING:

Mr. Joseph Hunt – I'm using my opportunity to speak at a public hearing because according to your rules I won't be able to speak again on this item. Primarily as Mr. Wuerth had indicated if the property owner doesn't want to appear and wants to delay obviously there's not an interest in improving the property for its intended purpose. And as this is in political district four on the south side of the city because there are so many violations it should be basically ignored, tabled, or whatever you feel is necessary. I found nothing in the Constitution of the State of Michigan that would defend the rights of the individual who wants to come before you and ask for favoritism under the planning and enabling act of 2009. Mr. Wuerth did read off this list and I do know when there are tickets outstanding and stuff you sort of put a hold on things until it's ironed out. And you've always done this negotiation thing when people come in here and they don't like each other you work out a compromise, but if an individual is not coming in here and explaining himself I don't know how many times you can table it.

MOTION:

Mary Clark CER-6819
March 7th, 2016

A motion was made by Assistant Secretary Smith to deny, supported by Commissioner Robinson.

COMMISSIONERS PORTION:

Assistant Secretary Smith – Looking at the situation if we table it again it would be the fourth table. The last two or three tables it was re-tabled because he needed more time to clean up the lot. I visited the lot today and it didn't look like it had been touched. What I suggest is that we deny it and when he gets it together he can come back and redo the process all over again and bring it back before us.

Chair Howard – I concur with Assistant Secretary Smith this gentleman obviously is not taking this process to heart. Again the correspondence that he sent to us today was at 3:47 p.m., for a 7:00 p.m., meeting stating he was called out of town. There's no representation from anyone from his company. The place is in disarray, we do have a health concern as far as the natural welfare and public safety of the city. He's not complying with what we have set forth and he's also been ticketed and according to Mr. Wuerth could have up to 15 tickets. So therefore I don't feel as though this gentleman is serious about that.

My position is that we deny this then he would have to come back. It's been six months almost to the day and we've had continuous tabling we've given him more than enough time to come before this Board and express himself and none of which he has done. Even in his correspondence he hasn't given us any narrative of where he is so with that being said I'm going to turn it over to the Commission.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes

The motion has been denied.

- G. REQUEST TO REZONE PROPERTY: Located on the east side of Bunert Road; approximately 440 ft. south of Eleven Mile Road; 26700, 26600, 26440, 26420 and 26200 Bunert Road; Section 24; from the present zoning classification M-3 Medium Heavy Industrial

District to M-2, Medium Light Industrial District; Kenneth Bowen (Joseph N. Webb).

PETITIONERS PORTION:

Mr. Kenneth Bowen – I manage all construction for Ashley Capital, we are the new owners of some land in Warren east of Bunert, south of Eleven Mile. Approximately 18 acres, you might be familiar with as being the Automotive Junk Yard that has been in there for approximately 40 years. It's across the street from our Warren business center that we have there and Tom Lipari Headquarters Building. We'd like to rezone from M3 to M2. The parcel is triangular in shape we'd like to build a warehouse there. Building warehouses on triangles is a bit of a challenge. M3 setback requirements of 150 feet make building only a triangular building an option and that doesn't lay out very well. So we are looking to rezone to M2, our use would be M2 use. We are looking to build a freezer building for Tom Lipari right across the street from his building. He's outgrowing his existing operation and has come to us to build a 250,000 square foot freezer building for him. The first step is the rezoning to M2 which will allow me 25 foot setbacks and allow us to fit the building on this oddly shaped parcel.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – I think that the plan to put in a 250,000 square foot facility is awesome. Of course there's the issue of whether or not there's going to have to be remediation on the soil on this site. But that would qualify the petitioner to declare for a Brownfield. I think that this would also add to the industrial section that I've been talking about for five or six years. I think it's a great idea.

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Rob – I'm real excited to see this development in that area. What is the time plan of putting the warehouse up?

Mr. Kenneth Bowen – Just as quickly as I can get going, I would break ground next week if I had all my ducks in a row. I'm guessing it will take me until June 15th to break ground.

Commissioner Rob – I think this will be a good addition to our new Master Plan and welcome you.

Assistant Secretary Smith – I went by the area today I'm really pleased to see what you're planning to put there. Mr. Wuerth I know this is a rezoning to a M2 which gives them the setbacks needed to put their building in place. Does he have to come back before us for site plan approval or is this part of the site plan approval also?

Mr. Ron Wuerth – No this is what's considered a straight rezoning, so therefore, a site plan approval would be required after approval of the rezoning.

Commissioner Robinson – What exactly will be housed in the freezer warehouse?

Mr. Kenneth Bowen – Frozen food, Tom Lipari's operation is dry food, cold food as well as frozen food.

Commissioner Robinson – For distribution?

Mr. Kenneth Bowen – Yes for distribution, they are outgrowing their freezer in their existing building and this is basically to supplement. The building is being built to accommodate both freezer and cooler depending on where they want to move the line between the two so it will accommodate whatever happens to be important to them at that particular time.

Chair Howard – Again I think you are very innovative in creating a triangular building on that, I think it's great. Welcome to the area and thank you for what you are doing.

ROLL CALL:

The motion carried as follows:

Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes

- H. SITE PLAN FOR OPEN STORAGE OF TRAILERS: Located on the south side of Maxwell Avenue, approximately 146 ft. east of Sherwood Avenue; 6732, 6746, 6752, 6756, 6764 and 6772 Maxwell; Section 33; Ron Gerst (Robert J. Tobin).

Chair Howard – We did receive correspondence from Mr. Tobin’s office requesting a tabling to April 18th, 2016.

Assistant Secretary Smith – On the letter from Mr. Tobin there needs to be a correction on the address on Maxwell. The address of the property is 6732 Maxwell and he has 6721 Maxwell in his letter, so just a note to Mr. Tobin to check the address.

MOTION:

A motion was made by Secretary McClanahan to table, supported by Commissioner Vinson.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

- I. SITE PLAN FOR CO-LOCATION OF ANTENNAS TO EXISTING MONOPOLE TOWER: Located on the east side of Dequindre Road; approximately 1,530 ft. north of Chicago Road; 32100 Dequindre; Section 6; Aaron Adelman (AT&T).

PETITIONERS PORTION:

Mr. Aaron Adelman – I represent AT&T it’s pretty straight forward. They already have an antenna installation at the 32100 Dequindre tower, they are proposing to add three more antenna’s to their installation. No change to the height, no change to the structure. The new equipment would go inside their existing building at the base. The purpose of the upgrade is to meet demands for AT&T customers for the 4G network.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

FIRE: Approved.
ENGINEERING: Approved.

Ms. Michelle Katopodes reads the recommendations of the staff:

MOTION:

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

ROLL CALL:

The motion carried as follows:

Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes

J. SITE PLAN FOR OPEN STORAGE OF TRUCKS AND TRAILERS:

Located on the southwest corner of Toepfer and Hoover Roads; 21601 Hoover Road; Section 34; Adrian L. Lecia (Robert J. Tobin).

PETITIONERS PORTION:

Mr. Robert Tobin – This is a vacant site of 5.16 acres at Hoover and Toepfer located in a heavy industrial and zoned M3. The zoning around this site is all M3 north, south, east, and west. The site was formally a large industrial building that was demolished down to the floor line and the footings and occupies about 60% of the property size. It was purchased by Logistics One a Warren Trucking Firm that needed additional property to store their equipment. The equipment will consist of 50 empty trailers and a few tractors on the existing paving. The site is currently eight to twelve inches of reinforced concrete that provides an excellent base to store these trailers. In order to conform to the existing setbacks and grass area we have eliminated two exiting entrances on Hoover and provided 35 feet of grass with seven new trees.

We have also removed a 50 x 270 foot area of existing asphalt paving inside the property and will plant grass in this area so we are fixing up the front of this building. To enhance the property along Toepfer a 20 foot wide grass area that is 800 feet long closing two existing entrances but retaining and improving the existing one in the midpoint of the site, so there’s only one entrance to the site. We have added 11 new trees on Toepfer and they are an additional

enhancement to the property. The entire site will be surrounded with a 6 foot high chain link and we will remove the existing barb wire from a portion of that fence. We will shield the trucking operation with a plastic fabric on the 6 foot fence, that's the same plastic fabric that we were providing on the other site. This fence is 770 feet long along Toepfer 273 feet along Hoover and another 170 feet along the neighbor's property. So we've got almost a 1000 feet of fencing that will be covered with this fabric so you will not be able to see the trucking in this area at all.

The owner has a need for this storage facility since his existing business is located 2 ½ miles away in Warren and it is expanding. The new storage site for the trailers are not just sitting there they move back and forth, it's something that the automobile people called just in time. Where the trailer comes in moves, goes back again these are empty trailers nothing is in them at all, they are just standing there waiting to be used by the tractors. We believe we have improved this unsightly parcel into a viable asset for the owner and the neighbors. We will also comply with the recommendations of the Planning and Engineering Departments.

Secretary McClanahan reads the following correspondence:

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

1. The existing pavement appears to be in poor condition. It is recommended that the property owner be required to remove and replace any portion of the existing pavement that is in poor condition.
2. For all existing drive approaches proposed to be removed along Hoover and Toepfer Roads, the existing concrete curb and gutter shall be removed and replaced with full height concrete curb gutter.
3. All existing and proposed utilities shall be shown.
4. All parking areas shall have concrete curb and gutter around the perimeter.
5. It is recommended that the proposed light pole near the west Toepfer Road entrance be moved onto private property.
6. The proposed acreage of earth disturbance shall be shown on the plan. If there is over an acre of disturbance the site will be required to comply with the recently adopted storm water ordinance.

FIRE: Preliminary review of the site plan yielded the following comments:

1. Maintain fire department access roads. Access roads must have a minimum width of 20 feet and a minimum vertical clearance of 13 feet 6 inches.
2. Fire apparatus access roads must extend to within 150 feet of all portions of the storage areas.

DTE: Approved.

TAXES: No Delinquent Taxes.

Ms. Michelle Katopodes reads the recommendations of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – Basically this property is one of the most talked about properties in the city in the last five years we used to call it asbestos hill. There was a lawsuit involved with it, it just went through many gyrations and now it's nice to see actually the current status as vacant land. I feel that Logistic One has a great idea as far as putting the trucks there for their just in time adventure.

However, I did hear Mr. Tobin indicate that the barbwire would be taken down. The last time I was down there it was asepsis hill and there was a lot of lawsuit activity there was junk everywhere and I don't think anybody in the neighborhood would complain because there was no house around it. I'd like to see in writing that they will take down the barbwire because I don't like barbwire.

MOTION:

A motion was made by Assistant Secretary Smith to approve, supported by Commissioner Robinson.

COMMISSIONERS PORTION:

Assistant Secretary Smith – I was by the lot today and it's nice to see that building was finally torn down and it's cleaned up. I did see the area's that needed to be filled in as it showed on the drawing, and I did notice some barbwire on some of the older fencing. The newer fencing didn't have any barbwire on it but there was some on the older fencing on the gates but those are going to be removed.

Chair Howard – I concur with Assistant Secretary Smith I drive by that area frequently and I remember when it was being torn down. There was a lot of residue there for a long time before they cleaned the site and then site was just vacant. I do appreciate the covering of the entire site with the windscreen that you have provided so that portion will be enclosed in and I think that's an asset to what you are going to be doing there. I think you mentioned there will be 50 trucks Mr. Tobin?

Mr. Robert Tobin – Yes 50 trucks back and forth. I think I should also tell you that I worked very closely with Mr. Wuerth on this thing. We took an awful bad piece of property that was laying there for years and now we’ve put grass and trees in front and along the side. It’s hiding the trucking from the public so it will be a very nice facility.

Chair Howard – Great because I believe Cold Heading is right there and they have great landscaping so if you can match that it would be great for that corner. There will be no idling of trucks am I correct?

Mr. Robert Tobin – No, no, they are an empty trailer just sitting there, they don’t run. They’ll be picked up by tractors early in the morning.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes

K. SITE PLAN FOR OUTDOOR RETAIL SALES OF FIREWORKS:

Located on the northwest corner of Thirteen Mile and Mound Roads; 5823 Thirteen Mile; Section 5; Michael Kanakry.

PETITIONERS PORTION:

Ms. Caren Burdi – Caren Burdi on behalf of Z&Z Fireworks. My client, Mr. Mike Kanakry, from Z&Z Fireworks is here tonight in case we have any questions for him. This is a site plan application for temporary outdoor fireworks sale from a 30 x 60 tent from June 18th, 2016 through July 8th, 2016.

It is important that the Board know that we have obtained our license from the State of Michigan. There are certainly other requirements that will have to be met. I believe I have to go before the Zoning Board of Appeals and I will also have to have my client have the proper inspections through the Warren Fire Department at the time when the site is set up. They have the option of coming back anytime that they wish during the period while it’s open. We have an excellent record at that site we have not had any problems. Tickets with regard to the State with the fireworks I’ve had an opportunity to read the recommendations by the Planning Department and we accept all of them and those also by the Fire Department. As a

matter of fact my client has already made the changes to the site plan and we should be able to file those five copies tomorrow unless there are other changes that are needed.

Secretary McClanahan reads the following correspondence.

TAXES: No Delinquent Taxes.

FIRE: Preliminary review of the site plan yielded the following comments:

1. No smoking signs must be displayed as required by NFPA 1124.
2. Fire extinguishers must be provided as required by NFPA 1124. (at least two, and one must be a water can type extinguisher.)
3. Temporary fireworks stands or tents must maintain the following separation distances:
 - A. 50 feet from motor vehicle fuel-dispensing operations.
 - B. 50 feet from above ground storage tanks for flammable/combustible liquids.
 - C. 50 feet from above ground storage tanks for flammable liquefied gas.
 - D. 20 feet from buildings.
 - E. 20 feet from accumulations of combustible materials.
 - F. 20 feet from storage of fireworks.
 - G. 20 feet from portable generators.
 - H. 10 feet from vehicle parking areas.

DTE: Approved.

ENGINEERING: Approved.

Mr. Ron Wuerth reads the recommendations of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Commissioner Robinson – Is there an ordinance with the City of Warren as to the operational hours of these outdoor firework sales?

Mr. Ron Wuerth – I believe the hours are according to the zoning district unless there is a state law that talks about hours for fireworks, but to my knowledge it has to do with the zone, which is 24 hours.

Commissioner Robinson – So they can stay open for 24 hours?

Mr. Ron Wuerth – They could be.

Ms. Caren Burdi – Of course we would not do that. Pretty much the opening would be like 10 a.m. in the morning until 10 p.m. The site is lit internally, lit exit signs, and that is all governed by the inspecting body. Often it's the State of Michigan, the Warren Fire Department has however, has acquired those duties from the State and they will be able to inspect that we have proper lighting and lit exit signs.

Commissioner Rob – What was the date again?

Ms. Caren Burdi – June 18th, through July 8th.

Commissioner Rob – It's only sales there's not a fireworks performance there am I right?

Ms. Caren Burdi – No absolutely not, that would not be acceptable.

Commissioner Rob – From my experience I have seen when the fireworks sales are done at the end they do the fireworks in that place.

Ms. Caren Burdi – It will not be done by our employees because there is a law against that.

Commissioner Rob – I just wanted to confirm with you that it's only sales, there's no type of firework performance even after the actual date?

Ms. Caren Burdi – It's only sales and it would be dangerous for them to be lighting off fireworks there, it's against the law, and it's not good business to light off your inventory.

Chair Howard – I think it's very clear what the ordinances are, as well as what the State Law provides. And as long as the petitioner is in compliance with that I think that we will be fine. You are going to Zoning for the following variances, is this something that you are planning on an annual basis?

Ms. Caren Burdi – Yes, except it's my understanding that pretty soon that corner is going to be developed so obviously it will stop at that point. This has been at this location for years so I'm going to go Zoning Board I'm going to check and see if those spaces have been waived. If Mr. Everett needs me to amend my petition that I have at the Zoning Board I will to waive those 128 spaces, but I am going to check to see if they haven't already been waived.

Chair Howard – That would be great. There is going to be some development there on that site I wanted to make sure we weren't infringing on another development, Mr. Wuerth can you speak to that?

Mr. Ron Wuerth – Ms. Burdi is exactly right that there is going to be some development there. I'll be having a meeting with the owner of the property this Friday to discuss it.

Chair Howard – Do you have your date to go before Zoning?

Ms. Caren Burdi – Yes it is the 2nd Wednesday in April I want to say the 13th but I'm not positive.

Chair Howard – Mr. Wuerth will have that information by the time you get to Zoning.

ROLL CALL:

The motion carried as follows:

Secretary McClanahan.....	Yes
Commissioner Rob.....	Yes
Commissioner Robinson.....	Yes
Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	Yes
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes

7. CORRESPONDENCE

- A. New par d/b/a Verizon Wireless vs. City of Warren U.S. District Court – Eastern District Case No. 2:15-cv-12934 Court Judgment for 26601 Ryan Road.

MOTION:

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

- B. Letter received from the City of Troy for review of their draft Master Plan.

MOTION:

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

8. BOND RELEASE
None at this time.
9. OLD BUSINESS
None at this time.
10. NEW BUSINESS
 - A. Letter for discussion by the Planning Commission regarding to waive the Land Survey for 22660 Van Dyke Avenue (Good N' Plenty Shop).

Chair Howard – Mr. Secretary, can you read the letter please.

Secretary McClanahan – Dear Commission Members. I am the owner of the Good N' Plenty Shop at 22660 Van Dyke. The building was constructed in early 1940 and is 75 years old. We have three employees full time. Our outdoor sales area on the public sidewalk requires Planning Commission approval.

We have submitted the application, 20 copies of a site plan and a check for \$500.00 on January 13th, 2016. All was rejected by the Planning Director as he requires a mortgage survey for this property. This parcel is lot #144 of Pipers First Van Dyke Farms Subdivision and measures 38 feet x 100 feet. The building covers approximately 95% of the lot. The lot south of our property is vacant and the land to the east is the City of Warren Municipal Parking Lot.

I have searched my records for a requested mortgage survey with no success. There are no records of a survey at the Macomb County Clerk or Register of Deeds. The previous owner is deceased and no records can be found. My land contract was drawn up by Blue Water Title Company, they are no longer in business and no records are available.

I am requesting the Planning Commission waive the required survey and allow me to process my site plan application for sidewalk sales at Good N' Plenty Resale Shop at 22660 Van Dyke Avenue, Warren 48089. Respectfully Submitted, Melodee Wieski.

Chair Howard – Should Mr. Billette speak as well?

Mr. Ron Wuerth – I would assume so but what I want to do is respond to this and Mr. Billette can speak if he wants to. The only thing I want to do is read the requirements for a property survey, it's

something that we require for all site plan approvals. It comes in with the site plan approval application.

So on the page that says plan requirements. It says property survey plan specifications a property survey signed and sealed by a professional surveyor licensed in the State of Michigan and presented on a 24 x 36 inch sheet of paper must be provided. An accurate property survey insures the Planning Commission that the development presented is as it exists. A survey will also enable your professional to provide you, and this is talking to the person who is reading this, with a higher quality product. The survey shall be separate from the site plan and needs to be clearly and correctly show the follow.

1. A correct depiction of the property lines, barring, and distances of the subject property.
2. The legal owners, the address, the parcel number, the legal description, and petitioner, and representative.
3. Any platted cross access, joint driveway access, utility, and drainage easements.
4. Joint parking and radii encroachment agreements.
5. Features structures and improvements under, on or above the surface of the property.

So that's our requirement for a survey. It might be a mortgage or other types that surveyors put forth but these are the Planning Commissions requirements.

PETITIONERS PORTION:

Mr. Kerm Billette – My site plan for the property is for the outdoor sales on the sidewalk for the Good N' Plenty Shop at the southeast corner of Cadillac and Van Dyke. The building was built in 1940 or 41, it goes from lot line to lot line and the building is 36 feet wide and is 94 feet long. The parcel of property is 38 x 100 with a 6 foot easement for sidewalk at the east end of the property. I tried to get the owner to obtain a copy of the survey that was done when she bought the property from the mortgage company. The mortgage company, Bluewater Title, is out of business. The previous owner and the heirs cannot be found, the property was purchased, I believe, 18 years ago and it was done on a land contract.

In my opinion a survey does nothing for this. The building is sitting there it occupies most of the lot it's vacant at one side and it's got two streets to the west and to the north, and it's got a parking lot constructed by this city, so I assume it's correctly on the property line. The owners have been beside themselves trying to find records of a survey that's already done and it would be costly to complete a new one. I had two estimates made by the survey companies and it

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March 7th, 2016

was expensive. The property owner isn't requesting any use of the property it's outside the property on the sidewalk. The sidewalk is considered public property it's correctly installed and she wants to use 4 feet of this on the north side of the property nothing on the Van Dyke side.

We just ask the Planning Commission to waive the requirement of the property survey because it's unnecessary in my belief. The owner wishes to proceed with submitting site plans that were completed along with a check for \$500.00 dollars was written sometime in the beginning of February. The applications have been submitted to the Planning Department for the site plan approval.

MOTION:

A motion was made by Assistant Secretary Smith to waive the survey requirement, supported by Commissioner Robinson.

COMMISSIONERS PORTION:

Assistant Secretary Smith – I don't understand why it's so hard to find a survey. We have records we have things on fiche, they used to do the old fiche style where they store surveys on the fiche in the County Building. So I don't understand why a survey is not able to be attained. Even if the property next to it from that survey it should sometimes show the adjacent property so there should be some way to tie it all in together. I understand the necessity of a survey as far as the Planning Commission is concerned. I understand there's difficulty in trying to obtain a survey and the cost of the new survey. I'm having a hard time putting together why they are not able to find a survey.

Mr. Ron Wuerth – Well some surveys are not record and if they are not recorded then they're not public knowledge and that might be the case here. As far as when she obtained the survey 18 years ago that was for the sale of the property but the building has been there for a number of years before that. I don't know if there was ever a survey. We should be able to get that information a lot quicker once we start scanning our records.

It was mentioned that there's a sidewalk sale here that was requested. The problem with that is that the sidewalk is in the right-of-way and we don't have jurisdiction in the right-of-way. Therefore there can't be an approval of a sidewalk sale like that. When I looked at this site a month or two ago along the rear of their property there seemed to be an area that was as wide as the sidewalk and could probably be on their property and I thought that's where the sale was. If they want a sidewalk sale along Cadillac that's in the

right-of-way and we don't address that. The Zoning Board of Appeals does not address anything that is in the right-of-way. If there's a change on where the sales going to be and it's in the rear like I'd seen before and you guys approve the plan without the survey then we'll move forward.

Assistant Secretary Smith – Mr. Billette I can understand Mr. Wuerth's comment about it being in the right-of-way and that can be a problem. Is there a way you can move it to a different spot and is this the first sidewalk sale they've ever had or have they had sidewalk sales there before?

Mr. Kerm Billette – The sidewalk sales have been there for about six years.

Assistant Secretary Smith – So they've had sidewalk sales in that spot for six years?

Mr. Kerm Billette – That's the response I got from the manager who moves the stuff from the store outside. From his memory he said about six years just off and on now it's a regular thing depending on the weather. They certainly can't put certain things outside in the snow or in the rain. It becomes a question of if you wanted a permanent outdoor sales for a whole year depending on the weather that's one question.

The other question would be if you want to have a sidewalk sale out there for a limited time let's say from March to June or July, that's another question about the time limit. If the Planning Commission and the Board of Appeals won't come forward to approve it who is going to approve it the County, the State, I don't know. It was submitted strictly that it was a site plan that was to be approved.

Assistant Secretary Smith – So my understanding is they've had sidewalk sales there before and they haven't been approved to have sidewalk sales there?

Mr. Kerm Billette – Well they've had sidewalk sales on Van Dyke but that was a question of the public right-of-way that Van Dyke was not to be used for sidewalk sales. I don't know who made the decision, but the main sale is on Cadillac Street. It's about 4 feet wide it's probably 120 feet into the property to the east. What they would do, if it was approved, they would mark in paint a four foot line marking where they can put their goods.

Assistant Secretary Smith – I have a problem with it being in the right-of-way so my thought is if Mr. Wuerth can dig up the records the survey and possibly show where the property line is. Then decided what we can do as far as making sure it's within the property and not in the right-of-way.

Mr. Ron Wuerth – We've already searched our records and found nothing, if we would have found something we wouldn't be here.

Commissioner Rob – So our original intention is to get the sidewalk sale approval, in order to do that you're trying to get this waiver?

Mr. Kerm Billette – Yes.

Commissioner Rob – I think there should be a plan ahead. If you have already made a plan that we are going to do the sidewalk sale where you're not even allowed to do that how are we to waive something that we are not going to approve anyway. I agree with Mr. Wuerth I don't see how this waiving will help to move forward to something that is not even on our control to get it approved.

Mr. Kerm Billette – I think probably the only solution that would be viable that she keep her goods inside the store and reduce her income by 20% or 30%.

Assistant Secretary Smith – Or she can keep the goods inside and put a sign outside that says sidewalk sale inside.

Chair Howard – Is there any way to move the sale to the rear of the building versus in the front?

Mr. Kerm Billette – The rear of the building is 6 feet x 38 feet total from the sidewalk to the rear of the building to the next lot is 38 feet.

Chair Howard – So you're saying that there's not enough space?

Mr. Kerm Billette – Yes there's very little area.

Chair Howard – What Commissioner Rob was indicating, if we were to entertain the position of waving the survey for your application then it would be the placement of what we can approve. We cannot approve the sidewalk sale on Van Dyke as it stands. Now if it were to move somewhere else then possibly this Commission could look at seeing if they wanted to waive the requirement for the survey. But if you're saying it's still going to be in the front on Van Dyke then that's going to put us in a quandary once again.

Mr. Kerm Billette – The question of having a sale on Van Dyke is that the State gets involved in it. She is not going to approach the State for a sidewalk sale there are none on Van Dyke and I don't think there will be any on Van Dyke because of the complications of applying for a permit from the State and going through all the regulations. But the sidewalk sale on Cadillac becomes a city question.

Chair Howard – The first thing is it could have been a situation where it was done and possibly never recorded. If you can't find it anywhere this is going on 75 years the building was constructed in 1940 I'm making the assumption that something was done in terms of property lines. Where that is and because of the length of time the title company and the mortgage company these companies possibly would be defaulting. I think your bigger question sir is going to be the placement of the sale. We do have a motion before us to omit the request or the recommendation of the survey. Mr. Wuerth, the requirement for the survey in our department is it part of the city ordinance or is that something that we have done administratively?

Mr. Ron Wuerth – It's administrative.

Chair Howard – So we have the ability to waive that if we see or if we deem that the explanation is reasonable?

Mr. Ron Wuerth – That's why we are here. Regarding sidewalk sales or any other activities outside of business in the road right-of-way what is unfortunate in this particular case is that this type of activity goes on all over Michigan. There's lots of activity when it comes to sales. I come from a city that happens to have outdoor sales in the right-of-way on a wide type of sidewalk, they eat food out there, you name, it it's done out in the right-of-way. The problem is I'm not sure how that works it would have to be investigated. I'd have to say if there were a way to improve the economic viability of Van Dyke and the side streets between Eight Mile and Center Line that would be great. I've talked to the DDA Director regarding this and she agrees but there are laws here that we have to look into on how to do that. I suppose I could check with my community and see how they do it, it happens all over, but it's not available to us here.

Mr. Kerm Billette – One thing I think Ron's sure of is the sidewalk sales in a lot of communities are on private sidewalks they are in front of the shopping center just set back 50 feet from the right of way. This happens to be a newer problem that has come up, it's not on private property anymore. It's not part of a shopping center that

has tables and chairs to eat out in front and selling all kinds of things. It's in the public right-of-way which requires public approval. I would be content if the Planning Commissioner would waive the requirement for the survey and then try to continue with it beyond that because this is a stumbling block, this stops everything right now. We can't submit the application, we can't pay the fee, and we can't submit the site plans, which have been completed, for over a month.

Chair Howard – Yes sir, I think that's where we are at an impasse because we have one particular issue before us which is, again the survey and according to Ms. Wieske you have presented the case but then you have part B, which I don't think we can resolve this evening. I think in your original statement or Mr. Wuerth's statement whether or not zoning would have that but that's something you have to deal with internally within the Administration of the city.

Since it's an administrative requirement we do have some authority there that we could possibly make an exception if this Commission sees or believes that you have exhausted all of the options before you had before you. The part B you're definitely going to have to take up with Ron and the Administration to see how that could work. I don't think we have the authority to give that type of an approval on this evening. With that being said we did have a motion by Assistant Secretary Smith supported by Commissioner Robinson to waive the requirement for a survey in this particular case due to the hardship and the difficulty in obtaining that survey.

Assistant Secretary Smith – So what you're saying is we made a motion to waive this so if we take the vote now, we are voting to waive it?

Chair Howard – Yes sir, we are voting the survey but in terms of his sidewalk sale he has an application that would still have to be presented.

Assistant Secretary Smith – So the sidewalk sale, if it's within the right-of-way, then waiving the survey would allow them to put it on the sidewalk?

Chair Howard – I don't believe, I think the issue is that his application has not even gone forward because it's being held up. Part of the application process is the survey, currently the application is still held in limbo. So the application has not even been approved.

Assistant Secretary Smith – So we want to waive the survey so he can submit the application and then they have to come back and figure out if they can do the sidewalk sale or not?

Chair Howard – That’s correct.

ROLL CALL:

The motion carried as follows:

Assistant Secretary Smith.....	Yes
Commissioner Vinson.....	No
Chair Howard.....	Yes
Commissioner Karpinski.....	Yes
Secretary McClanahan.....	Yes
Commissioner Rob.....	No
Commissioner Robinson.....	Yes

11. CITIZEN PARTICIPATION

Kyle Adkins – This is the first time I’ve been to the Planning Commission Meeting this year, I’ve been sitting at the house watching. As you can see I have some health issues that’s why I have not been here. Getting to the discussion about the Good N’ Plenty on Van Dyke, that’s in my neighborhood, I live two blocks from that place of business and I’ve lived there since 1978. Why hasn’t somebody had a land survey and just don’t think it’s fair to the taxpayers if these people had just moved in and wanted a survey I could understand that. I think that’s the way the law is supposed to work, but those people have been there since 1978. There’s something wrong with this picture I don’t know who voted yes or no but I know this there is something wrong with this picture. I’ve known Brother Wuerth for a long time and he already said there’s something wrong with it. I’d like to know since they don’t have a number how are they paying taxes on it. My advice to you that voted yes to dig into this and get to the bottom of it.

Going back to that site plan on Toepfer and Hoover that’s one of the best decisions that’s ever been made. I think that Mr. Wuerth can tell you today it’s has been a long time coming. The guy that owned he got into with the city and it was drug out but I was there the other day and it was all cleaned up it looked like all of the City of Warren should look. Ms. Howard I want to tell you I think you are doing a fantastic job. A lot of times I sit at home and watch the Planning Commission and I notice the biggest majority I’d say 99% of this body when someone is talking everybody else is quiet. That’s how we learn and we hear. I can’t say that about all of our officers in the City of Warren but I want to say this, I thank you.

Back to Good N' Plenty they have their sale right on the sidewalk. Good N' Plenty is a city parking lot. Back a few years ago we had a yard sale at a church on the other side of Groesbeck south of Toepfer and the Zoning Inspector came through and told us it has to go. It can't be between the curb and the sidewalk so we went and drug it back into the yard and we haven't done it since. I'd like for you to think about this and if you can see it in your heart you people that voted yes turn it around. We have to pay our taxes why shouldn't they. They are good neighbors I have nothing against them the only problem I have is they are violating the law by putting their stuff out between the house and the street of Cadillac.

12. PLANNING DIRECTOR'S REPORT

Just a few things in the last couple of weeks here, we did have the budget hearing. Two issues came up and it had to do with no new positions and no new promotions, these two issues. The rest of the budget seems to be worthy of approval. I did attend a CDBG Meeting also a DDA Meeting. I attended a meeting having to do with Ionia we are still working on that particular issue and getting closer all the time to finalizing the issues with Ionia over on Ryan Road south of 12 Mile. Then just today had a meeting with the representative from Kroger's they still have not let go of the idea of putting a new Kroger's on the corner of Mound Road and 13 Mile Road. With that Madame Chair the Director's Report is submitted.

Commissioner Vinson – Let me ask you this for my own clarification. The Commission just voted to waive the survey what that means is they have a right to proceed without a survey and without coming back, am I correct?

Mr. Ron Wuerth – They can proceed without the survey, proceed with site plan approval. Now the question is what we are going to receive and where they want the sale to be located in the vicinity of this property. So if it's on their property then we can accept the site plan and it can be processed before the Planning Commission for approval. If it's off the site then it won't matter we won't accept it.

Commissioner Vinson – Thank you, just want that

13. CALENDAR OF PENDING MATTERS

Assistant Secretary Smith – I spoke to you earlier about the classes for the Citizen Planner and you said you had a few people that were lined up to go for that, do you know what the situation is on that right now?

Mr. Ron Wuerth – No I don't have an update since we spoke. That's part of the list that I wrote out from this evenings meeting of things that I will discuss with people tomorrow and get back with you.

Chair Howard – One last think Mr. Wuerth, I do know that Judy had said that the agenda for the 21st is full so is there any possible way we can either get a drop box email of the agenda and the findings on that Thursday even if we don't get a hardcopy?

Mr. Ron Wuerth – We will do the best we can. This last meeting I had been sick so it held back a lot of working on the findings to get them done last Thursday, the way we normally do.

Chair Howard – I understand you definitely want to get rid of that bug I know you did indicate we are going to have some pretty heavy meetings. So even if we can get the agenda Thursday, even if it's not the hardcopy, just an email version so we can hit some of the site's in advance.

Chair Howard – The next event in April is going to be the Mayor's State of the City Address.

Mr. Ron Wuerth – Yes you have the State of City, the Mayor's Budget Presentation, and then that same week on Saturday that's when we have our budget hearing before City Council.

Chair Howard – Michelle did send out those dates we will do a refresher on those dates and give it to everyone as well.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 10:27 p.m.

Jocelyn Howard, Chair

Jason McClanahan, Secretary

Meeting recorded and transcribed by
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APPROVED