

CITY OF WARREN
PLANNING COMMISSION
PUBLIC HEARING

Regular Meeting held on March 21st, 2016, at 7:00 p.m.,

A Regular Meeting of the Warren Planning Commission was called for Monday, March 21st, 2016, at 7:00 p.m. in the Warren Community Center Auditorium, 5460 Arden, Warren, Michigan 48092.

Commissioners present:

Jocelyn Howard, Chair
Edna Karpinski
John Kupiec, Vice Chair
Jason McClanahan, Secretary
Charles J. Pryor
Syed Rob
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 7:06 p.m.
2. PLEDGE OF ALLEGIANCE
3. ROLL CALL
All Commissioners present.
4. APPROVAL OF THE AGENDA

MOTION:

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

5. APPROVAL OF THE MINUTES – March 7th, 2016

MOTION

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

6. PUBLIC HEARING ITEMS:

- A. SITE PLAN FOR PARKING LOT ADDITION: Located on the northeast corner of Dodge Avenue and Sherwood Avenue; 22930 Sherwood Avenue; Section 33; Jeffrey Brodsky. **TABLED (5th).**
Request to Table to a date uncertain.

MOTION:

A motion was made by Assistant Secretary Smith to keep tabled indefinitely, supported by Commissioner Pryor.

ROLL CALL:

The motion carried as follows:

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

- B. SITE PLAN FOR RELIGIOUS FACILITY: Located on the south side of Nine Mile Road; approximately 280 ft. west of Masch Avenue; 4616 & 4620 Nine Mile Road; Section 32; Barbara A. Williams (Ministry of the Watchman). **Petitioner Withdrawal of Site Plan.**

MOTION:

A motion was made by Commissioner Rob to receive and file as a withdrawal, supported by Assistant Secretary Smith. A voice vote was taken and the motion carried unanimously.

- C. SITE PLAN FOR OPEN STORAGE FOR BROKEN CONCRETE AND GRAVEL STOCKPILES: Located on the west side of Sherwood Avenue, approximately 525 ft. north of Braun St; 25501 Sherwood; Section 21; Robert J. Tobin. **TABLED. Request to table to 5-2-16.**

MOTION:

A motion was made by Assistant Secretary Smith to table May 2nd, 2016, supported by Commissioner Robinson.

ROLL CALL:

The motion carried as follows:

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

- D. SITE PLAN FOR BUDDHIST TEMPLE: Located on the southwest corner of Twelve Mile Road and Grobbel Avenue; 5356 Twelve Mile; Section 17; John Marusich. **TABLED. (3rd). Petitioner Withdrawal of Site Plan.**

MOTION:

A motion was made by Commissioner Rob to receive and file as a withdrawal, 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
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

- E. SITE PLAN FOR OPEN STORAGE: Located on the north side of Eight Mile Road, approximately 156 ft. east of Reynolds Avenue; 2667 Eight Mile; Section 31; Wally Hanna (Luay Esho). **TABLED. Request to table to 5-2-16.**

MOTION:

A motion was made by Commissioner Rob to table until May 2nd, 2016, 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
Vice Chair Kupiec.....	Yes
Secretary McClanahan.....	Yes
Commissioner Pryor.....	Yes

- F. REQUEST FOR PUD REZONING AND SITE PLAN FOR NEW CONDOMINIUMS: Located on the southwest corner of Hoover and Irene Roads; from the present zoning classification of C-1, Local Business District to PUD, Planned Unit Development; Section 10; 29465 Hoover; William Kyle Jenney. **TABLED. Request to 4-4-16.**

MOTION:

A motion was made by Commissioner Rob to table until April 4th, 2016, supported Commissioner Pryor.

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

- G. REQUEST FOR ALLEY VACATION: Located between Albany and Syracuse Avenues; approximately 100 ft. north of Eight Mile Road; Section 32; 5785 Eight Mile; Majed Marogi.

PETITIONERS PORTION:

Mr. Kerm Billette – I'm here tonight to agree upon the conditions set forth for the petitioner to vacate an alley. We have some requirements here from Mr. Wuerth that I've read and agree with.

Secretary McClanahan reads the following correspondence:

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

1. The existing 20' wide east-west alley located approximately 100' north of Eight Mile Road, between Albany and Syracuse Avenues appear to be actively used by the traveling public.
2. Existing overhead electrical utilities are present in the subject alley. A full-width utility easement shall be retained over the subject alley for the existing public utilities.
3. Legal descriptions and other corresponding documentation for parcel combinations and easement dedication shall be provided for review if this alley vacation is approved.
4. If the alley vacation is approved, the area should be split equally among the northern and southern parcels. Parcels 13-32-482-016 and 13-32-482-031 shall be combined with the north ten feet of the alley and parcels 13-32-482-032, 13-32-482-033, 13-32-482-034, 13-32-482-035, 13-32-482-036 and 13-32-482-037 shall be combined with the south ten feet of the alley.

FIRE: Approved.

DTE: Approved.

TAXES: No Delinquent Taxes.

Mr. Ron Wuerth reads the recommendations by the Staff:

Add number 4 and number 4 happens to be number 2 of the Engineering findings. Existing overhead electrical utilities are present in the subject alley. A full-width utility easement shall be retained over the subject alley for the existing public utilities.

MOTION:

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

COMMISSIONERS PORTION:

Vice Chair Kupiec – You do have a copy of all the recommendations and will fully comply with everything?

Mr. Kerm Billette – I have spoken with the owners and they will comply with all the recommendations.

Chair Howard – In terms of the current location I was by there earlier today those cars from the adjoining business, they are somewhat related, they are packed extremely tight there and with the vacation of the alley are there plans to combine both business?

Mr. Kerm Billette – Yes.

Chair Howard – The ways the cars are stacked I think it's going to be definitely problematic for the neighbors. I think that the property is actually overbuilt and as a result I think it's going to be problematic. It looks as if there is also some type of mechanical or work being performed on the vehicles there so it's not just a used car facility it also looks as if they are doing some type of maintenance there.

Mr. Kerm Billette – Just in the building, yes. The properties after they are all combined according to site plan will stretch from street to street the full length of the alley and on both sides of the alley. There's 58 cars proposed north of the alley and a remainder of 119 are proposed south of the alley along with the five or six spaces for customers.

Chair Howard – So based on what the proposed plan is futuristically how many vehicles will there be for both businesses?

Mr. Kerm Billette – It would be 119 total for the entire property. All the way from Eight Mile Road up to the fence the concrete wall is proposed at the north end of the properties

Chair Howard – And then on the Albany side I saw also vehicles I believe on the lots that you're attempting to purchase or combine but that's also right there in a residential neighborhood. I did see some work but the work that was being done wasn't on the inside it was being done on the outside.

Mr. Kerm Billette – I haven't been by there to see if there's any work being done but I believe the plan is to fence the entire property and to prevent any intrusion to the residential on the north side will be a 6 foot masonry wall.

Chair Howard – I'm having some concerns with the health, safety and the welfare of the neighbor's right there on Albany and also on Syracuse. I understand the expansion of the building but they are in there like sardines. Giving more space, vacating of the alley, I think

that property is going to be taken advantage of. The neighborhood is going to be compromised just by the expansion itself

I'll leave it up to the Commissioners but I think it's entirely too small for what you are attempting to do and they are not really adequately using that space that's going to be conducive for the neighbors. When you look at even the work that's being done outside, some of those vehicles weren't new vehicles, some looked as though they were being repaired and they had some collision work that needed to be done. I think this is going to be problematic in the future. I had some feeling that those two properties were going to be combined going forward.

Assistant Secretary Smith – Mr. Billette said that they are possibly in the process, if this goes through, to fence the alley off so it's part of the property. The owners of the adjoining property have access to that alley if they wanted to purchase that property then he wouldn't be able to do that. Plus you have to have an easement in there for DTE to get through there, to do what they have to do with the lines. Would he really be able to close that off like that how would that work?

Mr. Ron Wuerth – He will be able to close it off because all of the properties are owned by one person that abut that alley.

Assistant Secretary Smith – So is he going to have a gate so if Edison needed to get through there to service the utilities?

Mr. Ron Wuerth – There would be gates at both ends off of Syracuse and off of Albany.

ROLL CALL:

The motion carried as follows:

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

- H. SITE PLAN FOR OPEN STORAGE OF EQUIPMENT, TRUCK PARKING AND SCRAPPING: Located on the north side of Eight Mile Road; approximately 300 ft. west of Mullin Avenue; Section 34; 11177 Eight Mile; Najib Atisha.

PETITIONERS PORTION:

Mr. Ron Papandrea – I'm representing the petitioner, who stands to my right.

Mr. Najib Atisha – I have a piece of property on Eight Mile between Van Dyke and Hoover it's approximately 24 acres. I've had difficulties with the property but I think we found something for that property. A lot of the truckers in the City of Warren would like to have a parking place for their trucks so we put a site plan together to provide truck parking for independent truckers and companies that would like to park there. Also behind the building we would like to have an area where we would have some outside storage and some scrapping. I'm affiliated with about 20 supermarkets and we renovate stores so from time to time we bring equipment in there and we want to be able to take it apart. I think that's it mostly outside storage, scrapping, and mostly truck parking.

Secretary McClanahan reads the following correspondence:

TAXES: \$36,326.04 owed in delinquent taxes.

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

1. Any improvements within the Eight Mile Road right-of-way is subject to the approval of the Michigan Department of Transportation.
2. All existing and proposed utilities shall be shown on the site plan.
3. The proposed acreage of disturbance shall be shown on the plan. If the area of disturbance exceeds one acre then this site shall comply with the storm water ordinance.
4. A system of internal drainage is required. The jurisdiction residing over the outlet shall determine the allowable rate of discharge. Detention may be required.
5. The legal description of the parcel shall be provided on the plan.
6. The proposed parking spaces appear to limit the useable width of the drive approached, especially on the west side. Details of all drive approached shall be provided to determine if they meet current requirements.
7. Proposed pavement section(s) shall be provided on the plan.

FIRE: Preliminary review of the site plan 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 building.

DTE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

PUBLIC HEARING:

Ms. Rita Holt – I live at 11251 Rivard it's a dead end street where the facility is. Our family has been there since 1936 it's five generations in the home and we've obviously seen a lot of changes in the neighborhood. The facility that he's talking about there's a lot of noise during the day and a lot of smell coming from, it we noticed last year. With what he's proposing with the trucks you're looking at trucks coming thru there on an hourly basis, the noise is going to be phenomenal. We already have so many issues on that block because there's Federal Industries right there in front of us and we have all kinds of problems with them already because of the noise and the air, I've called the police, I've called the city about it.

In that area there there's four little streets there's no trucking allowed but we have so many trucks coming thru all the time this is going to cause more trucks. They have destroyed the roads in that neighborhood the roads are completely destroyed. I talked to the Mayor 2 weeks ago on Sunday and they had actually bring somebody out so that we could drive on the road, we could not drive on the road it was that bad. I know there's a lot of industry going in there I understand that but there's a lot of smell and a lot of noise. There's probably 30% of the original people that have lived there for 80 years still live there. Its driving people out it's becoming a chemical nightmare for us and the noise. And I think this is really going to make a big difference, all of our neighbors believe the same thing. We cannot open our windows in the summer, it's that loud in the neighborhood this is way too much.

Mr. Tony Levin – I run SLC Recycling at 8701 E. Eight Mile Road in Warren. We are the property just to the west of the property and I'm here to support the proposal. We run an industrial facility and we're not offended at all with what's going on there. I think he keeps his property well organized and the truck traffic is mostly in the morning I think when the trucks are leaving and later in the evening when they are coming back to park for the night. So we have no problem with the proposal.

Mr. Sean Schotthoefer – I'm located at 21221 Mullin we're in the northeast corner of the property. We've been located there since 1993 and we are also in support of this project. Currently our company is considerably growing, we have purchased the two buildings across the street from us and we've actually ran out of room. The ability to park immediately west of our property is very beneficial to us and it's actually keeping us in the area because of the extra room that we will have there. We think since it's been taken over its better it's getting turned back into a normal area and not being overrun. For us it's very important that this goes through because it's a vital part of our business.

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I stopped by the yard today and drove around I noticed that the storage that you're showing is directly behind the building. I also noticed that you had pallets stacked up there and a few things like that. There was a dumpster in the open which Ron said needed to have a trash enclosure which is not shown on the drawing. One of the concerns that I have is what you're storing is scrap or what you're calling scrap because they say you're prohibited to have junk there but I think there should be a definition of what's classified as junk and scrap. You say you deal with a lot of supermarkets and dismantling equipment is this refrigeration equipment?

Mr. Najib Atisha – Yes.

Assistant Secretary Smith – Are you recovering the Freon?

Mr. Najib Atisha – No.

Assistant Secretary Smith – You know it's against the law to leave the Freon into the air you need to have a company come in and recover the Freon that could be the smell the people are getting in the neighborhood.

Mr. Najib Atisha – The equipment that we pull is already disconnected by a licensed refrigeration contractor and then when we bring it in it doesn't have a compressor, the majority of the equipment does not have a compressor in it.

Assistant Secretary Smith – Well that's a concern that could be part of the smell that the neighbors are smelling. I did notice that there were some other things like boats, signs, and other equipment that was stored there, are you going to continue to store that type of stuff there?

Mr. Najib Atisha – Currently part of the building is occupied by a sign company, those are their signs, and they're going to be leaving shortly so those things are not going to be stored outside. If a different sign company comes there and they want to store the signs outside they are going to have to come to the city and get an okay from the city to store signs, currently he does not have an okay to store signs. He's been given notice to find him another and leave.

Assistant Secretary Smith – I also noticed in the back there was a big pile I don't know if it was asphalt or dirt or what it was is that on your property also?

Mr. Najib Atisha – That's asphalt millings after everything is approved we are looking to use those millings to create that additional parking lot.

Assistant Secretary Smith – What are your hours of operation?

Mr. Najib Atisha – Well I'm there from 9 a.m., sometimes until 6 or 7 p.m., but our hours of operation are 24 hours. Sometimes the truckers come in at midnight and sometimes they leave at five in the morning. So currently the gate is opened 24 hours. A remote control motor will be installed to where only the drivers can get in and out of the property with the trucks.

Assistant Secretary Smith – Now are they idling as they are coming thru that area or are they going to be just passing thru. I'm concerned about the noise, if you have idling, noise from trucks at all hours of the night when people are trying to sleep. It becomes a concern of the residents.

Mr. Najib Atisha – Well the truckers use Eight Mile. Most of the truckers that pull into the property they have to flip around and come on Eight Mile and then head north onto the property, they don't use any of the side streets or anything.

Commissioner Rob – I see they owe taxes how does that work. If it gets approved and it's not paid by the end of this year will it be revoked at that because it's not paid?

Mr. Ron Wuerth – That's correct.

Commissioner Rob – What's delinquent of the \$36,326.04 regarding the taxes one or two years, do you have any idea?

Mr. Ron Wuerth – There's a detailed plan but we didn't put that in the findings here so I can't answer you definitively.

Commissioner Rob – Does that amount include prior taxes?

Mr. Najib Atisha – I think it's the delinquent amount that went to the County. Currently I have a payment plan where I pay them \$3000.00 per month and the goal was to pay it off by the end of the year.

Commissioner Rob – Do you have a written agreement with them?

Mr. Najib Atisha – I do but I don't have it with me at this point. I can provide Mr. Wuerth with a copy.

Commissioner Rob – I have a hard time understanding a 24 hour operation when you have a residential area next to you. Would you consider putting time restrictions on it rather than 24 hours? No matter which way the trucks come in when they are coming at 2 o'clock in the morning there is going to be noise.

Mr. Najib Atisha – Some of the truckers work for Ford and GM so depending on their schedule when they need to pick up so I don't know if I can regulate the truckers of when they can come in and out. It's very rare that they're there in the late hours of the night. If you go there today after the meetings over with you'll see most of the trailers are parked there. It's very rarely that they come and go at night but it is open 24 hours.

Commissioner Rob – Are you working with a logistic company that gives you the times that the trucks will come and go. You should have some kind of idea of how many trucks may come at night?

Mr. Najib Atisha – No, I don't work with a logistic company. I provide the space to the company and then they go in and out at their convenience.

Commissioner Rob – I would really feel comfortable if you had a time restriction on it and not 24 hours. Do you have a security there right now or plan to have security, physical security?

Mr. Najib Atisha – Yes once we get this all done we plan to have physical security at the entrance 24 hours a day. We have guard shacks at the location one on the east and one on the west we plan on occupying one of the guard shacks with somebody to monitor the property.

Commissioner Robinson – The question that I have here in your recommendation you indicate G item number 2. The two driveways to the parking area would be removed and the main driveway along the eastside of the building. Where would the housing areas be would that be to the east of it?

Mr. Ron Wuerth – The building is that gray rectangular and then everything going to your right that's residential. (Reviewing site on computer). I recommended removing the two driveways to the right and the area restored with the front setback area of landscaping.

Commissioner Robinson – So the housing would be just north of that then?

Mr. Ron Wuerth – Yes you can see the homes.

Commissioner Robinson – Is there any signage because I have seen on a lot of streets where you have a sign there indicating no trucks allowed. The neighbor just indicated that there are trucks coming up and down her street are there any signs there to indicate that those truckers cannot be traveling along residential streets because that's a big concern.

Ms. Rita Holt – Yes there's signs indicated and like I said it's a small four street neighborhood. On Mullin and on the side street it says that there's no thru trucking. They're dead end streets ends back there. There's a street accessed by Hitching Post it's a bar that's been there for probably 80 years they have an access in and out which they shouldn't have that either and the trucks come through there also.

Commissioner Robinson – That's at the end of your street?

Ms. Rita Holt – That's like two houses down from my home.

Commissioner Robinson – Then they whip around onto Eight Mile?

Ms. Rita Holt – Yes and that's the problem they come thru there and they sit on the side street and run their trucks. Your question about refrigeration, we own a family heating and cooling company so I can

address that. When they take any freezers or anything out they are supposed to have a reclaim they are supposed to reclaim that Freon. There should be a sticker on that equipment saying that they have reclaimed that Freon that is a Federal Law.

Ms. Kelly Colegio – Good evening. Ironically I was just in this neighborhood the day before yesterday for a resident concern and I actually walked the streets of Rivard and Jackson and the street to the north. The noise in that neighborhood is ungodly. It sounded like an expressway until the business shut down, I believe it was the recycling that was going on. I did send correspondence to the Mayor and suggest that he should go down there and listen to what these residents hear as well. But my concern mostly is as far as default to the city I know as a Councilwoman according to our charter and my question will be to the City Attorney tonight. If a person is at default to the city can we do any city business with them and I understand these businessmen are trying their best to utilize their property down there and I understand that. But according to our charter if someone is in default to the city, even if they are at the County level paying their taxes can we do any type of even a conditional site plan. Usually, if we are in default, my understanding was that we always made somebody pay up first.

A 24 hour trucking coming in I stood that street I can only see that as being a nightmare for these residents. They need to have some type of controlled hours. If there's refrigeration trucks parking out there are they going to be running their refrigeration overnight if they are parked out there? While we want to be friendly to business, and I think these guys are probably great businessmen, we also want to maintain this neighborhood there's a lot of really long time homeowners here that are trying their best to hold on and maintain a good neighborhood and they are fighting some pretty hard odds at this time with the vacant homes and things that I saw down there. Noise, she wasn't kidding I saw trucks go by so the resident was correct. And the smell I kept asking what that smell was and the resident that was with me didn't even smell it anymore and sadly he told me, Ms. Colegio we've listened to this for so long we don't really notice it until it shuts off in the evening. We just need to be careful as a Commission. As far as an outside recycling really, if you're going to have trucks it's one thing, outside recycling is a whole other thing. In my humble opinion you need to just look at it.

My question tonight was to the City Attorney if someone is in default to the city should we even be looking at it tonight? Thank you.

Ms. Caitlin Murphy – There is a charter provision talking about any sort of default to the city that the city shall not contract with them. I guess the issue is whether the site plan is a contract. I would say that they are not in default at this time because they do have an agreement with the County that is my understanding so they are paying off the taxes. This is something we did discuss before and determined that it would be acceptable to continue.

Vice Chair Kupiec – How long have you been operating that site and how long have you owned it?

Mr. Najib Atisha – I've owned that site a little over five years.

Vice Chair Kupiec – When you took over the site were the taxes at zero?

Mr. Najib Atisha – When I bought the property the taxes were at zero.

Vice Chair Kupiec – And you currently owe over \$36,000.00 dollars in taxes?

Mr. Najib Atisha – Yes.

Vice Chair Kupiec – You say you have an agreement to pay this off at a rate of \$3000.00 per month?

Mr. Najib Atisha – Yes.

Vice Chair Kupiec – One of my concerns is, along with some of the concerns of the neighborhood is, you've been there five years. In five years you've accumulated arrears in taxes, which to me sounds like you have difficulty with your business. Hopefully your business is picking up now where you can afford to pay your taxes because that is a concern of mine when approving a site plan, with this kind of money outstanding.

Mr. Najib Atisha – If I may explain the reason that I'm that far behind in taxes. I purchased the property, before I purchased the property I went to City Hall spoke to the City Assessor, told him I was interested in purchasing the property and I was going to be purchasing it substantially lower than the assessment value. They said chances are that if you purchase the property your assessment will be lowered. So I purchased the property, instead of my assessment being lowered it almost got tripled. At the same time there was water assessment on that property that property had

maybe 15 different meters and I was being assessed meter charges. I think I accumulated \$60,000.00 or \$70,000.00 dollars in water charges before I even realized that. I was almost ready to walk into City Hall and hand them the keys to the property. That is the main reason I fell so far behind on the property taxes. I've been doing my best to try and pay that off with the County, at one point I think the taxes I think were over \$100,000.00 dollars.

Vice Chair Kupiec – I'm sorry to hear about your misfortune but part of that is called due diligence before you buy a business you normally look into things like that and make sure you don't walk into a hornets' nest and put you into a hole like it did yourself. The other concern I have is you mentioned scrapping, are you scrapping vehicles?

Mr. Najib Atisha – No vehicles, just supermarket equipment, the markets that I'm affiliated with and it was the City that recommended that be added to the plan. They said because I bring in shelving or coolers and take them apart, recover the copper, aluminum, and the stainless steel that I would have to get it approved for scrapping, that's why it was added to the application.

Vice Chair Kupiec – Do you do that inside the building or outside?

Mr. Najib Atisha – Outside of the building right behind the building.

Vice Chair Kupiec – What do you use that big building for?

Mr. Najib Atisha – That building right now is currently for storage.

Vice Chair Kupiec – What kind of storage?

Mr. Najib Atisha – I have some supermarket equipment store there, plus I have some customers that I store some product for. There's some cell phone accessories. I have one vehicle stored inside, just miscellaneous store equipment basically.

Vice Chair Kupiec – It's not possible to move your scrapping operation inside the building and cut down on some of the noise?

Mr. Najib Atisha – The most that I use is a drill for the scrapping I don't have any machines, any shredders, or anything that really causes any noise. What I use is basically a drill to take the screws and the equipment apart, I don't have any hard equipment.

Vice Chair Kupiec – How do you handle the equipment once you get it dismantled, do you handle it with a dozer or loader, how do you pick your equipment up?

Mr. Najib Atisha – I have a hi-low and a dumpster there so I put it in the dumpster and I have it hauled away.

Vice Chair Kupiec – But in the handling process obviously that's where you're generating noise that the neighbors are talking about.

Mr. Najib Atisha – I don't know if I generate that noise.

Mr. Ron Papandrea – Do you have neighbors that make noise?

Mr. Najib Atisha – The whole areas north of me is industrial, that neighborhood is surrounded by industrial.

Vice Chair Kupiec – Well it would be nice if you could consider doing some scrapping inside that building and hopefully cut down on some of the noise and the things the lady was talking about. Again, as pointed out by other people, it's very important that you're controlling the handling of Freon so hopefully you are in compliance with that. To the maker of the motion I would like to increase the amount of estimate on his project to about \$75,000.00 dollars and increase it to a 3% cash bond. I think there's a lot more work involved here than what we are capable of performing with the initial estimate.

Chair Howard – I agree with you Mr. Vice Chair that was one of my comments as well. The maker of the motion was Assistant Secretary Smith.

Assistant Secretary Smith – I will go along with that because there are quite a few things that need to be done.

Chair Howard – That was \$75,000.00 dollars so the cash bond would be in the amount of \$3000.00 cash bond.

Assistant Secretary Smith – On the driveway which is on the east side of the building which you are going to use as the main driveway to go in and out, is it a possibility, during off hours like in the evening or early in the morning, they could redirect that traffic to the west to help buffer some of the noise that's going to the residence?

Mr. Najib Atisha – Currently we are not even using the east drive we are just using the west drive.

Assistant Secretary Smith – I understand that but is it possible that you can use more of the west drive to buffer the noise that's going right by the residents houses. You've got the building there that will buffer the noise of the semi's going thru there.

Mr. Najib Atisha – We can set some parameters on hours during the day.

Assistant Secretary Smith – That way I think it would help with some of the noise for the residents because I said you have that big building which is going to buffer the noise of those trucks going down the west side. All you have on the other side is the recycling business so they are not going to be disturbed by the noise of the trucks. So if you can look into changing the hours to where most of that truck traffic would be affecting the neighbors could use the other driveway.

Mr. Ron Wuerth – Assistant Secretary Smith I want to get this straight now. You want the truck traffic going down the west side of the building, am I, right and not the east side of the building?

Assistant Secretary Smith – Right.

Mr. Ron Wuerth – Didn't you say you already have them going down the west side?

Mr. Najib Atisha – Currently that's the drive that they use, the east drive is an option to use because we have a really nice guard shack at the east end. That particular property has four drives from Eight Mile onto the property. The two that are way to the east we've never used since I've had that property and I don't have a problem closing those up permanently. But we still want an option to be able to use those two drives one to the east of the building and one to the west of the building but not the two to the far east.

Assistant Secretary Smith – Now I also noticed on the drawing it is showing truck parking in the front on the east driveway where you come in and you have those spaces right along the east side of the building, are there going to be trailers all along there also?

Mr. Najib Atisha – Those are car parking for the building and to the left is where there would be trailer parking but those would not come in from the east drive they would come in from the west drive. Then as you enter you pass the building there's a drive created from there to go to the back, then they pull up and back in.

Assistant Secretary Smith – So the spaces that I'm looking at in the front towards Eight Mile are basically for employee parking and stuff like that?

Mr. Najib Atisha – Yea, the city required those, those would be parking, employee parking, or storage parking to provide for the storage building, there will be no trucks on that portion. You can, north of the building where there's some car parking, you'll see a drive there, that's the drive that's intended to go from the west of the property to the east pull in and just back up over there.

Assistant Secretary Smith – I'd still like to see the possibility of during certain hours of using the west driveway to give the residents at least some relief as far as the noise from the semi's.

Commissioner Rob – Did you say you're paying \$3000.00 dollars a month on your settlement?

Mr. Najib Atisha – Yes.

Commissioner Rob – So how are you going to end up paying \$36,000.00 by the end of this year is there a balloon payment?

Mr. Najib Atisha – I guess I'll have a balloon at the end of December. Currently I'm paying \$3000.00 it will be just under \$30,000.00 so I'll have a balance where I'll have to pay the County.

Commissioner Rob – Are you willing to accommodate the hours of operation?

Mr. Najib Atisha – Well this property is zoned M3 it's zoned for 24 hours. At this point I can't tell the truckers they can't leave there after midnight.

Mr. Ron Papandrea – The reason he's behind in taxes is because it hasn't produced enough income and he's trying to turn it into something that will be productive. He understands if he doesn't pay all his taxes by the end of the year the site plan is revoked. So no matter what happens here tonight it's going to be revoked if he doesn't pay his taxes and he understands that. He has assured me and he's assuring you he will pay his taxes.

Secretary McClanahan – Mr. Wuerth I just look at that west entrance and see that it's more of a solution then just an overnight entrance. I think if you can make that your primary entrance like you said it is now it keeps the traffic away from the residential area. So I think

that should be the primary entrance unless you had a reason that you're recommending the east?

Mr. Ron Wuerth – No I had thought about this but I wasn't too sure how this was all going to work out. But doing it to the west side you're going to be putting it between that recycler and this building so it might help to some degree, especially with trucks, as obviously and naturally make noise, so it might help shield it a little bit.

Secretary McClanahan – And you'll have the wall on the east side between the neighbors helping to shield some of that sound too.

Mr. Ron Wuerth – Well the wall or a greenbelt would certainly help. It's been identified that's indeed what they are required to do. They do always have that option to go for a variance so I'm not sure where that's going to go, we'll see.

Secretary McClanahan – So you think going through the west entrance as the primary entrance seems better for the neighbors?

Mr. Ron Wuerth – I suppose the Planning Commission could designate that be the primary entrance, the east side secondary, maybe the east side that's where passenger vehicles would enter.

Secretary McClanahan – I'd like to ask the maker of the motion to make that addition.

Chair Howard – Assistant Secretary Smith you were the maker of the motion will you support that the primary entrance for trucks would be the west driveway, the east drive way would be solely for passenger vehicles are you in agreement with that?

Assistant Secretary Smith – I'm in agreement with that.

Vice Chair Kupiec – I agree with that positively.

Chair Howard – We will add that the primary entrance will be for trucks to the west and passenger vehicles will enter only on the east.

Vice Chair Kupiec – This will be part of the site plan as it will be approved?

Chair Howard – Yes sir that would be part of our recommendation. To the petitioner the Commission has done its due diligence this evening with this, we are sensitive to both the business development as well as that of the neighbors. A couple of things that I will add

and thank you Commission for suggesting the primary entrance be to the west in addition to the passenger vehicles that would enter there on the east end.

In terms of the milling for the asphalt and in terms of the hours in which you can operate you are correct you are in an M3. You have every permission to operate 24 hours uniquely I do want you to be a good neighbor. I would add in terms of the 6 foot barrier wall I'm looking for a 6 foot high emboss concrete wall and I may even add there a greenbelt something a little more decorative and also to shield the neighbors from some of the noise that goes along with cost of doing business. You just happen to be near a residential neighborhood individuals have been there for long periods of time so want to respect them as well. So I will be making a recommendation that 6 foot high wall in place along with a greenbelt.

Mr. Najib Atisha – When you say greenbelt can you define to me what you mean?

Chair Howard – I'm going to leave that to Mr. Wuerth as far as the but it is going to be either tree buffers, some raising of the grass area something that's going to allow the neighbors to buffer some of that and get some oxygen back in the air. Also in terms of your time of service we know we can't control that but I believe that if we reroute those trucks closer to your commercial neighbors that's going to alleviate some of the confusion there with your neighbors and also some of their anxiety, being there for 30, 40, 50 and 60 and beyond. In terms of the taxes we understand that you're attempting to pay those off we respect you for that and if you have not paid off the taxes by the end of the year that this site plan would be in default. We are hoping that the business will go well and that you will not be in default and we will not have to revoke this site plan. However I would add that you be a good neighbor sir that you're sensitive to the needs of the community.

I know that this particular location has been vacant and somewhat of a disarray, we applaud you for trying to make this a viable business in the city but you also want to be a good neighbor and esthetically it should look good as well. In terms of your refrigeration business please make sure that refrigeration equipment is being disposed of properly if that Freon is admitting in the air that could cause some environmental concerns as well. So make sure that those containers are properly disposed of before they bring them to your property.

I applaud your neighbors, the commercial business to the west of you, for coming and supporting you. You do have support from your adjoining neighbors but again you have to be also concerned with the neighbors and the neighborhood. Your time of service is 24 hours what is the primary time when trucks are coming to your establishment?

Mr. Najib Atisha – The primary time is maybe seven in the morning until seven at night, but some, like I say, trickle in afterwards or real early hours of the morning.

Chair Howard – With the repaving of that back road, with the greenbelt and also with the poured concrete wall we should be able to eliminate some of that noise to the neighbors. We are going to put in the recommendation and I need to also get a support from the maker of the motion which is Assistant Secretary Smith and Vice Chair Kupiec in regards to having both a poured concrete wall and a greenbelt.

Mr. Najib Atisha – There are some items on this that I'm going to have to go and ask for a variance.

Chair Howard – Well hopefully sir, I hope the wall is not one. That would be either a 8 foot or a 20 foot greenbelt.

Assistant Secretary Smith – I can see the wall but the greenbelt I don't know if he's going to have enough room for the trailers in the back to be able to pull the tractor in, to pull those trailers in the back side. With the wall you just have the width of the wall but if you try and put an 8 foot greenbelt out there you're really going to be cutting into space where he has to maneuver to get those trailers into the spaces.

Chair Howard – So you prefer just the 8 foot wall?

Assistant Secretary Smith – I would prefer just the wall verses the greenbelt because I think it's going to cut down on his maneuverability.

Chair Howard – Do we have a landscaping plan in place?

Mr. Ron Wuerth – No there isn't.

Chair Howard – I'm going to add a landscaping provision. To the maker of the motion would you support that?

Assistant Secretary Smith – It depends on where you're going to propose to put it.

Chair Howard – If we have the wall on that east end and then just landscaping just across this end.

Mr. Ron Papendrea – I believe the north end is another industrial facility.

Mr. Ron Wuerth – You can see where there's the parking of vehicles at the north end there so it can't be to the north end. And as Mr. Smith did discuss trying to put in both a wall and a greenbelt along that east property line is going to take away considerable maneuvering for trucks trying to park. And as you go farther south you're going to take out parking spaces with a greenbelt. Having both that's one thing, having one or the other is another and I think. I'm not positive, the M3 abutting residential I think it's a 20 foot wide greenbelt. So that's a maneuvering lane in itself if you do a 20 foot wide greenbelt.

Chair Howard – So what is your recommendation as far as the landscaping? If we go to the north that's back in industrial am I correct?

Assistant Secretary Smith – Correct, I don't really think that the greenbelt is going to work on this project. If you wanted to put some trees out front along Eight Mile that might be something. I think the wall is going to be the most effective because like I said you are going to be cutting out parking spaces in the front and you're going to be cutting out the maneuvering area in the back. Plus you have other industrial behind us so there's no reason to landscape the backside. What you're trying to do is buffer the sound going to the neighbors but the problem is you don't have room to do that so I think the wall would help. By rerouting the truck traffic to the other side of the building I think that's going to help tremendously also. So I don't know if the greenbelt at this particular moment would really be necessary on that site.

Vice Chair Kupiec – I'm positively in favor of the wall, I've got mixed emotions on the greenbelt. Like Commissioner Smith was saying we've got to be careful that we don't encroach in a maneuvering area for these trucks otherwise they will destroy the greenbelt driving over it anyways, so it's a waste of money.

Chair Howard – So we will just go with the poured concrete 6 foot wall in the back of the building and the primary entrance will be to

the west. Commercial vehicles would be to the west, passenger vehicles would be to the east, the bond amount will be increased to \$75,000.00 dollars with a cash bond of 3%, the cash bond would be \$2250.00.

Commissioner Pryor – The talk about Freon has nothing to do with the smell, its diesel fumes from trucks that are running. I understand the concern about the smell and the noise but some of the trucks are idling all the time so they are creating a smell because of the diesel fumes there. I thought the residents said they were entering on their streets destroying their streets.

Mr. Najib Atisha – Yes I heard the residents. Mullins is not a street our truckers use to pull into our property they use Eight Mile Road. We don't have trucks sitting there idling they pull in park and they leave. I think if you come to the property now we may have one truck with a refrigerated unit and it's not sitting there idling to keep the refrigeration going it just happens to have a unit. 99% of the trailers that are there currently are dry trailers.

Chair Howard – We will definitely add to the recommendations no idling since you're saying they are not idling.

Mr. Najib Atisha – You can add that there be no idling on the property within a certain distance from residential maybe they can idle closer to the industrial part. I may have a trucker that comes in there that has a refrigerated unit that's full of shrimp or something and they need to keep that idling for two or three hours until they make the delivery. I can't force them to turn it off because then the product's not good anymore. Along the residential area I don't have a problem where Commissioner Smith was talking if we put the greenbelt it will hinder the parking there, I don't have a problem putting a restriction there that there be no idling trucks in that area or no refrigeration unit in that area. Let's say no refrigerated units on the eastside of the property, any refrigerated units we will make sure they are on the west side of the property next to the other industrial property.

Chair Howard – That is fair.

Commissioner Pryor – The refrigerated motors are they diesel?

Mr. Najib Atisha – I believe most of them run on diesel because they pull off the tank of the truck. And I said if you go to the property now I believe there's one refrigerated unit but it's not running currently it's sitting in the middle of the property.

Chair Howard – To the makers of the motion, our petitioner has indicated that one of the conditions would be that no refrigeration trucks would be on the neighborhood side are you in agreement with that as a condition of the approval?

Assistant Secretary Smith – That’s fine yes.

Vice Chair Kupiec – Yes I agree.

Chair Howard – Mr. Secretary I think we are ready for the vote. Thank you gentlemen for working with us this evening and also with our neighborhoods.

ROLL CALL:

The motion carried as follows:

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

Commissioner Vinson – Votes no for the following reasons. There are a lot of things that we discussed here that I really don’t feel that the petitioner is going to be able to do. Number one he’s \$36,000.00 dollars delinquent in taxes with a balloon note at the end that’s, \$12,000.00 dollars he’ll have to come up with in December. And all the recommendations recommended is doing nothing but making his expenses higher.

Commissioner Rob – Votes no for the following reasons. I think it should be tabled there are a lot of items and delinquent taxes, I see a different future so I don’t feel comfortable with this.

- I. SITE PLAN FOR RELIGIOUS FACILITY: Located on the northeast corner of Ryan Road and Marlow Drive; Section 8; 29500 and 29550 Ryan Road; Robert J. Tobin (Akrim Saddawi, Mandaean Association of Michigan).

Chair Howard – Was the petitioner notified?

Mr. Ron Wuerth – The petitioner was notified to be here this evening.

Chair Howard – Did they indicate that they were not going to be here this evening?

Mr. Ron Wuerth – No.

MOTION:

A motion was made by Commissioner Rob to table until May 2nd, 2016, supported by Commissioner Pryor.

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

- J. SITE PLAN FOR CANOPY ADDITION: Located on the southwest corner of Ten Mile and Ryan Roads; 3950 Ten Mile; Section 30; Nassar Chouchair (Adnan Satti).

PETITIONER PORTION:

Mr. Nassar Chouchair – We are looking at the Shell Gas Station at the corner of Ryan and Ten Mile. We are proposing a canopy, removing two canopies and putting a new one. The reason is for safety and a newer canopy and we’ve followed the recommendations given by Mr. Wuerth.

Secretary McClanahan reads the following correspondence:

FIRE: Preliminary review of the site plan 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 extent to within 150 feet of all portions of the building.

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

1. A system of internal drainage may be required.
2. Any proposed improvements within the Ten mile Road right-of-way will require approval from the Macomb County Department of Roads.

DTE: Approved.

TAXES: No Delinquent Taxes.

Ms. Michelle Katopodes reads the recommendation of the Staff:

PUBLIC HEARING:

Mr. Joseph Hunt – I'm strongly in favor for the site plan for the petitioner. As you may or may not be aware of I've adopted Ten Mile between Ryan and Dequindre as adopt a road signs and primarily every time I go over there and admire it I also go and frequent the Shell Gas Station. They are wonderful people and have great coffee. I think that this is basically one of those corners that basically is a shining corner in the City of Warren regardless of the presence of my sign. I strongly advise unanimous approval for the canopy addition it's a top notch operation.

MOTION:

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

COMMISSIONER PORTION:

Assistant Secretary Smith – I was by the site today looking at things I had a couple of concerns. One on the southwest corner the back of the building there's a used oil storage unit there is that still being used?

Mr. Nassar Chouchair – No sir it's just an old tank sitting there.

Assistant Secretary Smith – Is it going to be removed?

Mr. Nassar Chouchair – Yes, we can remove that.

Assistant Secretary Smith – I also noticed that the pavement, in the driveway where you pull into the gas station is in need of repair, is that going to be replaced?

Mr. Nassar Chouchair – Any area's that need to be repaired we are going to repaired.

Assistant Secretary Smith – Are you replacing the tanks in the ground.

Mr. Kassem Beydoun – Yes, in regard to the tanks. I believe they are from 1970 and we are proposing to replace the underground storage tanks, yes.

Assistant Secretary Smith – It says in your recommendations that open storage of material should not be permitted on the site. They have stacks of wood in the front, they have windshield washer fluid, there's also a newspaper stand, a round container for trash and some propane tanks. Those cannot be stored in front unless they get approval for that right?

Mr. Ron Wuerth – That would have to be indicated on their site plan as an outdoor sale, like the propane tanks that's an outdoor sale. Otherwise they cannot have those displayed there.

Assistant Secretary Smith – So does that need to be added to the recommendation?

Mr. Ron Wuerth – No I think that 1e that addresses it and 1f that addresses it. 1e says a note shall be provided all outdoor retail sales of items shall be prohibited on the site. So that means none of that will be allowed. The other is open storage of materials anything that's out and around there that's materials will have to be removed from the site and cleaned up. So those two statements I think take care of what you're speaking of.

Assistant Secretary Smith – Yes it does, I didn't know if the petitioner understood, do you understand what Mr. Wuerth is talking about in that statement?

Mr. Kassem Beydoun – Yes we do, we'd like to at least maintain the propane tanks and I think they have a permit to sell the propane there. It's safe, they are in a cage, I believe a lot of our service stations in the area has them.

Assistant Secretary Smith – I understand that's something you've probably have to work out with the planning department. According to the recommendation they are saying you're not going to be allowed to do it. I wanted to make you were aware because you do have the things out there.

Vice Chair Kupiec – Obviously one of the big concerns is the contaminated ground and the underground tanks; you say you're planning to replace the tanks?

Mr. Kassem Beydoun – Yes Shell Oil Company is responsible for all the contamination underground. We purchased the property in 2005, I believe March 28, 2005, so the release and the contamination issue is prior to us acquiring the property so Shell Oil is responsible for all that contamination and clean up.

Vice Chair Kupiec – Has Shell Oil agreed to pick up the cost of replacing the tanks?

Mr. Kassem Beydoun – No, we are replacing the tanks at our expense but Shell is responsible to remove all the contaminated soil.

Vice Chair Kupiec – Because obviously the estimate that you've provided is nowhere enough money to replace the tanks.

Mr. Kassem Beydoun – The replacing of the tanks is not included in this estimate.

Vice Chair Kupiec – So obviously we have to increase the estimate and increase the bond. In replacing of the fueling stations are you going with a one pumping station or with multiple stations?

Mr. Kassem Beydoun – Correct.

Vice Chair Kupiec – How many dispensers per station?

Mr. Kassem Beydoun – Four the same that we have now.

Vice Chair Kupiec – So it will be one station with four dispensers instead of having two pumps with four dispensers, so you are eliminating one set of pumps?

Mr. Kassem Beydoun – It will be four dispensers and each dispenser can be served on both sides. So the same count that we have now. It will just be new equipment just smaller in size.

Vice Chair Kupiec – Right now driving and maneuvering in there is very difficult. It is a model facility for the corner and we like to see it that way but it is a hard getting in and out of there off Ten Mile which is very busy. Also as Commissioner Smith pointed out the driveway is broken up badly. It's in need of replacement from one driveway to the next the whole surface of your station is broken up badly. So in

the process of pulling up the tanks you'll have most of your driveway broken up anyway. So you might as well incur the expense of continuing on and replacing the pavement, it is in definite need of having it done.

I'm going to make a recommendation to the maker of the motion with the amount of paving that needs to be done that we increase the estimate closer to \$100,000.00 dollars with a 3% bond. I think there's a lot of improvement work that has to be done with the surfacing and the facility along with the other things that he committed to doing.

Chair Howard – So that would be a \$100,000.00 for the estimate with a 3% bond which would be \$3000.00 dollars.

Secretary McClanahan – That's fine.

Commissioner Rob – I support that.

ROLL CALL:

The motion carried as follows:

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

- K. SITE PLAN FOR CELL TOWER ANTENNAE ADDITION: Located on the southeast corner of Dequindre Road and Universal Drive; 27980 Dequindre; Section 18; Jennifer Garret (Fullerton Engineering).

PETITIONERS PORTION:

Ms. Jennifer Garret – I am with Black and Veatch, Fullerton Engineering is our Engineering Company that does our drawings. AT&T is looking to add three antenna's to their existing configuration on the existing tower located at 27980 Dequindre Road. There will be no additional height to this existing tower, they are going on the same platform that the original antenna's on. They are adding three remote radio heads those are behind the antenna's they are just part of the configuration and then a demarcation box. Structurally

speaking this existing tower can hold these additional antenna's and the final configuration on this tower for AT&T will go from 9 antenna's currently to 12, so that is the proposal for AT&T.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

Ms. Michelle Katopodes reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – I noticed when I stopped by the tower today that the concrete curb around the tower has deterioration, some big chunks have broken off and laying there. Can we put it in the recommendation that the curb be replaced around that unit?

Ms. Michelle Katopodes – Yes we can put that in the recommendation.

Chair Howard – Commissioner Vinson support adding to the recommendation the replacement of the curb?

Commissioner Vinson – I have no problem with that.

Commissioner Robinson – For my own knowledge why is barb wire not permitted, I don't know why the barb wire needs to be removed that's the question.

Mr. Ron Wuerth – The barbed wire is simply not permitted on the site what they need to do is remove it. If they want to retain it then they would have to go to the Board of Appeals to leave it.

Commissioner Robinson – What is the reason, that's what I'm asking. Is it to protect against removing some of the wiring or something, what is the reason?

Mr. Ron Wuerth – Barred wire is a deterrent obviously to keep people from jumping over the fence and getting in there. However we live in a town that we don't believe that barbed wire is necessary and we trust in our citizens.

Ms. Jennifer Garret – I don't know if I take this up with the Planning Commission but regarding the conditions on 1A the name of the site. That's AT&T's name of the site, they have a AT&T identifier as far as number and name. Why it's named Madison Heights I don't know. That's their name it will forever be their name as long this site is in existence. So when it says Madison Heights on the drawings that's AT&T site identifier. So we request that stay as is, AT&T won't change it. The barb wire we can take it up with the Planning Commission I'm wondering where it's at in the Zoning ordinance and why it was originally approved. I just wanted to make sure Madison Heights does not get removed because that it's the way they identify this site. Every single site that AT&T has a number so Michigan 3371 is this one and every site has a name.

Chair Howard – What is your thought on the identifier?

Mr. Ron Wuerth – Well I totally believe her. It's common that they will use a place name for the area and that's what they did here. We will eliminate 1A. As far as the barbed wire is concerned the original site plan never included barbed wire that was put up by the petitioner at that time, years ago, and we still hold a bond on that site. We indicated to them a while back that if they removed their barbed wire they'd get their bond back. On number 1 it says five copies of revised site plans must be submitted to the Planning Commission that's how that should read, not to City Council.

Vice Chair Kupiec – What cell company are you representing?

Ms. Jennifer Garret – I'm with Black and Veatch, AT&T hires us to do all their site acquisitions so zoning, permitting, leasing, whenever AT&T touches a site there's a series of things that needs to take place to get the equipment on, and zoning, and permitting is one of them.

Vice Chair Kupiec – So the equipment that you're putting on is for cell phone usage?

Ms. Jennifer Garret – Yes.

Vice Chair Kupiec – In looking at that site you have a cluster there at the base of that tower it's really jammed up with boxes, power lines it's wall to wall full of apparatus in there I don't think there's much room to add onto that tower. The other question is the deterioration of the concrete in the base of the tower, it needs to be addressed, that cement work does need to be repaired.

Ms. Jennifer Garret – The cement on the curb or inside the compound?

Vice Chair Kupiec – I didn't get inside the compound because the gate is shut but like I say you have pieces coming out of the gate so obviously they might be coming inside or they might just be coming from the curb deterioration, but whatever concrete work needs to be done, it needs to be done.

Ms. Jennifer Garret – I want to address the curb, the leased area is 35 x 31 that is all we are responsible for maintaining. That curbed area would be outside of our leased area therefore that is the responsibility of the land owner themselves not AT&T.

Vice Chair Kupiec – You're saying the curbing around there is not your responsibility?

Ms. Jennifer Garret – Correct that is not in our leased area we do not maintain that.

Vice Chair Kupiec – But the concrete surface inside that area where the site and all the apparatus is stationed is?

Ms. Jennifer Garret – Anything inside of that fence is the responsibility of the carrier so AT&T is on this tower as well as another carrier but my drawings don't say who. So those cabinets belong to each respective carrier and the ground equipment and that's each carrier's responsibility. So AT&T equipment on those specific footings is their responsibility the other carrier is responsible for theirs.

Vice Chair Kupiec – Well I assume since you're attaching onto a primary that someone has to be responsible for the base of the tower?

Ms. Jennifer Garret – Yes and structurally we are passing with this new equipment and the structural reports are all ran including the concrete at the base, everything to make sure the tower can hold what we are proposing.

Vice Chair Kupiec – Okay if it's not your responsibility maybe contact somebody whose responsibility it is and have them pick up the tab because it is breaking up pretty bad.

Ms. Jennifer Garret – We can absolutely reach out to the ground landlord, we are in contact with them because we pay rent to them every month.

Assistant Secretary Smith – Mr. Wuerth I noticed on our notes that you gave us earlier the barb wire issue has been a issue since June 7th, 1999. They were supposed to remove it since 1999 and they still haven't removed it and that's why we are continuing to hold the bond on it. What seems to be the problem of getting it removed?

Mr. Ron Wuerth – That's a good question but I don't have an answer.

Assistant Secretary Smith – So if the first lease who put down the bond and had the stipulation that the barb wire had to be removed, they didn't get their bond back because we are still holding it. So AT&T takes the barb wire off who will get the bond money back?

Mr. Ron Wuerth – We'll have to determine that, it goes back to the person or the company that put the bond up. From our point of view it doesn't matter who takes it down as long as it's taken down and then we'll return the bond to the bond holder.

Assistant Secretary Smith – It just seems like a long time it's been 17 years and it still hasn't been done.

Mr. Ron Wuerth – Well there are other ways to encourage them to take that down.

Chair Howard – That was a motion by Commissioner Vinson, supported by Assistant Secretary Smith. Also we are removing 1a and in terms of the curbing we are going to remove that because according to the petitioner they are the lessee, they are not responsible for the curbing, so we will remove that from our recommendation.

ROLL CALL:

The motion carried as follows:

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

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March 21st, 2016

Commissioner Robinson..... Yes
 Assistant Secretary Smith..... Yes

CORRESPONDENCE

None at this time.

8. BOND RELEASE

None at this time.

9. OLD BUSINESS

- A. MINOR AMENDMENT TO SITE PLAN FOR TRUCKWELL ADDITION AND PARKING LOT EXPANSION: Located on the north side of Frazho Road, approximately 270 ft. west of Bunert Road; 14235 Frazho; Section 24; Ashley Warren, LLC. The minor amendment is to change trailer staging to car parking for expanded use for internal mezzanine area.

PETITIONERS PORTION:

Mr. Dennis Schultz – We have a current tenant that wants to expand offices on the 2nd floor it's an area above the current offices. When it was built probably 15 years ago it was concrete and steel so it can handle it.

Secretary McClanahan reads the following correspondence:

TAXES: No Delinquent Taxes.

FIRE: Approved.

ENGINEERING: Approved.

DTE: Approved.

Mr. Ron Wuerth reads the recommendation of the Staff:

Vice Chair Kupiec – I have a question for Mr. Wuerth before we vote. In the recommendation first paragraph it talks about a truck well addition. I guess I missed the point on the truck well addition, what is that?

Mr. Ron Wuerth – We are amending another plan and at the time that this came through it was a truck well addition and a parking lot expansion, so we are amending that plan with this mezzanine addition.

Vice Chair Kupiec – Okay, so the initial plan had the truck well addition on it this plan just makes the relocation of the trailer parking so they can have more car parking?

Mr. Ron Wuerth – Right.

MOTION:

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

MOTION:

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

ROLL CALL

The motion carried as follows:

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

- B. SITE PLAN FOR RELIGIOUS CENTER BUILDING ADDITION AND PARKING LOT EXPANSION: Located on the north side of Twelve Mile Road approximately 1100 feet west of Mound Road; 5491 Twelve Mile; Section 8; Ruhuz Mumen (Stevens Architects). First Extension. Originally approved on 4-28-14. They requested an extension to 4-28-17.

PETITIONERS PORTION:

Mr. Mohammad Akhlaq – We have a small piece of property located on 5491 Twelve Mile Road an extension of site plan for building addition and parking lot expansion was already approved on 4-28-14. Now we are requesting another extension until 4-28-17 that’s it.

Secretary McClanahan – There is no correspondence on this plan.

Mr. Ron Wuerth reads the recommendation of the Staff:

MOTION:

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

COMMISSIONERS PORTION:

Assistant Secretary Smith – Are you the owner of this property?

Mr. Mohammad Akhlaq – No, my brother is the owner of the property.

Assistant Secretary Smith – I noticed on the affidavit of ownership for the site plan approval you recommend Leroy J. Stevens to the Commission but the owner never filed out the information for the affidavit at the top.

Mr. Mohammad Akhlaq – I will let him know that.

Assistant Secretary Smith – The owner needs to fill out the affidavit allowing this guy to represent him that part of the information should be taken care of.

ROLL CALL:

The motion carried as follows:

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

10. NEW BUSINESS

Chair Howard – We want to congratulate Commissioner Rob in his completion of the Citizen Planner the Fundamentals of Planning of Zoning. It does say, Michigan State University certificate of completion to Syed Rob successfully completed the Citizen Planner Fundamentals of Planning and Zoning 2016. We want to congratulate him for taking that wonderful class and completing it with flying colors.

Commissioner Rob – I think this was a great class I would really encourage people to join in. Thank you so much.

11. CITIZEN PARTICIPATION

None at this time.

12. PLANNING DIRECTOR'S REPORT

On the 8th of March there was a first reading for the electric vehicle ordinance and there will be a second reading, I believe tomorrow night. Hopefully that will get approved and that will be part of our new ordinance. Under the Staff Meeting the stand out issue that came up was that Jon Jon's, there's been a long standing lawsuit case, the City won that one. There's a few minor issues still remaining but overall it's a win for the city.

Did attend about three DDA Meetings, a lot of negotiations going on with those people that are interested in developing a hotel and some lofts on the site, and that's going to be ongoing for a while. I did attend a TIFA Meeting and we discussed, as usual, the area along Van Dyke from Eight Mile to Nine and half. Jordan Twardey made a presentation from the Eight Mile Road Boulevard Association so he informed us of some of their activities. I attended a CDBG Meeting there was some discussion from Assistant City Attorney Murphy regarding the by-laws we have some changes we are looking at there for tabling items.

And I guess the other final stand out type thing has to do with an item that was tabled tonight, that was State Crushing, they've had some concerns out there. They've had violations, they've paid on their violations they are supposed to provide us with a fugitive dust control plan. If you were out there, you would have seen dirt that's tracked out onto the roadway and when it gets dry that creates a lot of dust. There was also a few days ago when we had a lot of rain and apparently some rain knocked a wall down along the west property line not their property line, but it caught some more attention. So that whole site has created some problems just because of the adverse kind of use it is. So we'll look at that a little closer before the next meeting.

Ms. Judy Hanna – On April 18th, 2016 we are not going to have our meeting in here. We are going to be in conference room A that's around the corner, at the same time.

Secretary McClanahan – What does the decision for Jon Jon's mean for that location now, it's been an eyesore for a long time.

Mr. Ron Wuerth – Well there's been some discussion, itself, what's left, and how bad it looks. I think once they finalize everything with Jon Jon's in court they may turn their eye to the fact that it looks like

a nuisance and do something with it. Or the owner may choose to do something with it it's a C2 zone so there's many things you can do in a C2 zone.

Chair Howard – Ms. Michelle we did speak about having a meeting with the Commission prior to meeting with City Council. We will put something in an email regarding discussing the budget prior to going to City Council. We don't want to forget April 7th, 2016 which is the State of the City for the Mayor. And we do want to announce that Commissioner Pryor, myself, and Commissioner Smith, and our wonderful secretaries Elizabeth and Racheal, we are attending the City Planner. So we are very grateful for their participation. We did speak to Ms. Michelle about having that Budget Meeting prior to going in with City Council and with our Director as well.

Mr. Ron Wuerth – The State of the City Address is at Andiamo's, so if anyone is interested I'll have tickets for that. It's for the general public to listen to the Mayor give us the future news.

Vice Chair Kupiec – Are we going to have a table for the City Address?

Mr. Ron Wuerth – The quicker I can get together those who are going the easier it will be to get that table.

Vice Chair Kupiec – When I bought my ticket I bought the low cost one, then I read the brochure later, so if I owe you any more money let me know. And secondly, regarding these nuisance sites there are a few gas stations around the area that are a nuisance they've been sitting idle for a long period of time and there don't seem to be any activity. What does a citizen do to complain about these and get some activity on part of the city as far as condemning them?

Mr. Ron Wuerth – Call the Building Division and make a complaint, there they'll go out and take a look and inspect the site and if they come up with issues then they'll notify the owner.

Vice Chair Kupiec – So basically we are talking about maintenance items, more so then just the deteriorations of the facility?

Mr. Ron Wuerth – No, it can be anything, if the building is deteriorating and in terrible condition then it should be reported.

13. CALENDAR OF PENDING MATTERS
None at this time.

14. ADJOURNMENT

MOTION:

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

The meeting adjourned at 9:29 p.m.

Jocelyn Howard, Chair

Jason McClanahan, Secretary

Meeting recorded and transcribed by
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